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Title 3—THE PRESIDENT

Proclamation 3450

NATIONAL DEFENSE TRANSPORTATION DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS the transportation industry is one of our Nation's most important industries and affects our economic, political, and social development; and

WHEREAS an effective transportation system is an essential element of our national defense; and

WHEREAS it is appropriate that recognition be given to the American transportation system, the development and maintenance of which has contributed so extensively to the growth, culture, and prosperity of our people in peaceful trade and world commerce and in effective logistic support of our armed forces; and

WHEREAS the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30), has requested the President annually to issue a proclamation designating the third Friday of May of each year as National Defense Transportation Day and urging the people of the United States—including labor, management, users, and investors in all communities served by any of the various forms of transportation by land, by water, and by air—to observe this occasion by appropriate ceremonies:

NOW, THEREFORE, I JOHN F. KENNEDY, President of the United States of America, do hereby designate Friday, May 18, 1962, as National Defense Transportation Day, and I urge our people to join in the observance of this day, in cooperation with the transportation industry and representatives of the armed forces and other governmental agencies, and to participate in the observance of this occasion by appropriate ceremonies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day in such manner as will afford an opportunity for the citizens of each community to recognize and appreciate fully the vital role of a great modern transportation system in their daily lives and in our national defense.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of February in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-2094; Filed, Feb. 27, 1962; 4:30 p.m.]

Rules and Regulations

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 101—REAL PROPERTY UTILIZATION AND DISPOSAL

PART 110—REAL PROPERTY DISPOSAL

Redesignation and Revision

The heading of Part 101 is changed and the part is redesignated Part 110, and revised and renumbered in its entirety to read as follows:

Subpart A—Scope and Policy

Sec.
110.1 Scope.
110.2 Policy.

Subpart B—Definitions

110.10 Definitions.
110.11 Terms defined in the Act.
110.12 Other terms.

Subpart C—Disposal of Real Property

110.18 Antitrust laws (applicability of).
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110.20 Credit disposal and leases.
110.21 Designation of disposal agencies.
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110.40 Property for education and public health purposes.
110.41 Property for use as shrines, memorials, or for religious purposes.
110.42 Disposal of leases, permits, licenses, and similar instruments.
110.43 Non-Federal interim use of property.
110.44 Easements.

AUTHORITY: §§ 110.1 to 110.44 issued under secs. 203, 205, 63 Stat. 385, as amended, 389, as amended; 40 U.S.C. 484, 486.

Subpart A—Scope and Policy

§ 110.1 Scope.

This part prescribes the policies and methods governing the disposal of surplus real property and related personal property within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

§ 110.2 Policy.

It is the policy of the Administrator that surplus real property shall be disposed of in the most economical manner consistent with the best interests of the Government and that credit be extended when justified.

Subpart B—Definitions

§ 110.10 Definitions.

As used throughout this part, the following terms shall have the meanings set forth in this subpart:

Act.

The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, 40 U.S.C. 471 et seq.

Administration.

The General Services Administration, acting by or through the Administrator of General Services, or a designated official to whom functions under this part have been delegated by the Administrator.

Administrator.

Administrator of General Services.

Airport.

Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Chapel.

Any Government-owned building and improvements, including surplus fixtures or furnishings therein, related or essential to the religious activities and services for which the building is to be used and maintained, was designed for and used, or was intended to be used.

Decontamination.

The complete removal or destruction by flashing of explosive powders; the neutralizing and cleaning-out of acid and corrosive materials; the removal, destruction, or neutralizing of toxic or infectious substances and the complete removal and destruction by burning or detonation of live ammunition from contaminated areas and buildings.

Disposal agency.

The executive agency designated by the Administrator to dispose of surplus real property.

Holding agency.

The Federal agency which has accountability for the property involved.

Industrial property.

Any real property and related personal property which has been used or which is suitable to be used for manufacturing, fabricating, or processing of products; mining operations; construction or repair of ships, and other waterborne carriers; power transmission facilities; railroad facilities; and pipeline facilities for transporting petroleum or gas.

Landing area.

Any land or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-off, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

Real property.

(a) Any interest in land (including improvements of any kind, structures, and fixtures located on the premises), and appurtenances thereto, under the control of any Federal agency, except:

(1) The public domain;

(2) Lands reserved or dedicated for national forest or national park purposes;

(3) Minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws;

(4) Lands withdrawn or reserved from the public domain but not including lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public laws because such lands are substantially changed in character by improvements or otherwise; and

(5) Crops, gravel, sand, stone and timber when designated by such agency for removal from the land.

(b) Improvements of any kind, structures, and fixtures, under the control of any Federal agency when designated by such agency for disposition without the underlying land (including such as may be located on the public domain, or lands withdrawn or reserved from the public domain, or lands reserved or dedicated for national forest or national park purposes, or on lands that are not owned by the United States) excluding, however, prefabricated movable structures, such as Butler-type storage warehouses and quonset huts, and house trailers (with or without under-carriages).

Related personal property.

Any personal property:

(a) Which is located on, and is an integral part of real property, or important to the productive capacity thereof; or

(b) Determined by the Administrator to be otherwise related to the real property.

Small business.

Any firm which meets the criteria prescribed in Title 13, Chapter I, Part 121, of the Code of Federal Regulations.

§ 110.11 Terms defined in the Act.

Other terms which are defined in the Federal Property and Administrative Services Act of 1949, as amended, shall have the meaning given them by such Act.

§ 110.12 Other terms.

Other terms not applicable throughout this part are defined in the section to which they apply.

Subpart C—Disposal of Real Property

§ 110.18 Antitrust laws (applicability of).

(a) Notice shall be transmitted promptly to the Attorney General in any case in which there is contemplated a disposal to any private interest of real and related personal property which cost $1,000,000 or more (aggregate amount of the original acquisition cost to the Government and all capital expenditures made by the Government with respect thereto), or of patents, processes, techniques, or inventions, irrespective of cost. This notice shall submit the probable terms and conditions of the proposed disposal for his advice as to whether the proposed disposal would tend to create or maintain a situation inconsistent with the antitrust laws as required by section 207 of the Act. No such disposal shall be made until such advice has been received from the Attorney General.

(b) The Attorney General will advise the Administration and the disposal agency if the disposal agency is an executive agency other than the Administration, within a reasonable time, in no event to exceed 60 days after receipt of the notice, whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

§ 110.19 Disposals under other laws.

Pursuant to section 602(c) of the Act, disposals of real property shall not be made under other laws, but shall be made only in strict accordance with the provisions of this Part unless the Administrator, upon written application by the disposal agency, shall determine in each case that the provisions of any such other law, pursuant to which disposal is proposed to be made, are not inconsistent with the authority conferred by this Act. The provisions of this subsection shall not apply to disposals of real property authorized to be made by section 602(d) of the Act or by any special statute which directs or requires an executive agency named therein to transfer or convey specifically described real property in accordance with the provisions of such statute.

§ 110.20 Credit disposal and leases.

Where credit is extended in connection with any disposal of surplus property by a disposal agency designated under this part, the head of that agency, or his designee, shall administer and manage such credit, lease, or permit and any security therefor and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as that agency deems to be in the best interest of the Government.

§ 110.21 Designation of disposal agencies.

(a) *General.* Surplus real property and related personal property shall be disposed of (or assigned to the Secretary of Health, Education, and Welfare for disposal for educational and public health purposes) by the disposal agencies designated in this section in accordance with applicable provisions of this part.

(b) *Holding agency.* The holding agency is hereby designated as disposal agency for:

(1) Leases, permits, licenses, easements or similar rights of the Government under instruments with respect to the use, occupancy, or control of non-Government-owned property (including Government-owned improvements located on the premises) except where the continued use, occupancy, or control by the Government is needed for the operation, production, or maintenance of property owned or controlled by the Government;

(2) Fixtures, structures, and improvements of any kind to be disposed of without the underlying land; and

(3) Property owned by the Government which is subject to: (i) A lease containing an option to purchase; (ii) a lease containing a right of first refusal to purchase or to lease for an additional period; (iii) a right in the Government's grantor to the reversion of title; or (iv) a right reserved by the Government's grantor to repurchase the property, when the option, right of first refusal, right of reversion, or right to repurchase has not been waived in writing.

However, the Administration may act as the disposal agency for the type of property described in paragraphs (1), (2), and (3) of this section, whenever requested by the holding agency to perform the disposal functions.

(c) *General Services Administration.* The Administration is the disposal agency for all real property and related personal property not covered by the above designations or by disposal authority delegated by the Administrator in specific instances.

§ 110.22 Responsibility of disposal agency.

(a) *Classification.* Each surplus property or, if the property is subdivided, each unit of property shall be classified by the disposal agency to determine the methods and conditions applicable to the disposal of the property. Classification shall be according to the estimated highest and best use for the property. The property may be reclassified from time to time by the disposal agency or by the Administration whenever such action is deemed appropriate.

(b) *Disposals to public agencies.* The disposal agency shall allow a reasonable period of time for public agencies (non-Federal) to perfect a comprehensive and coordinated plan of use and procurement for surplus property in which they may be interested.

(1) Whenever property is determined to be surplus, the disposal agency shall list the public agencies eligible under the provisions of the applicable statutes to procure the property or portions thereof, except that such listing need not be made with respect to:

(i) Any such property when the determination of the property as surplus is conditioned upon disposal limitations which would be inconsistent with disposal under the statutes authorizing disposal to eligible public agencies; or

(ii) Any such property having an estimated fair market value of less than $1,000 except where the disposal agency has any reason to believe that an eligible public agency may be interested in the property.

(2) Prior to any public advertising, negotiation, or other disposal action with regard to the property, the disposal agency shall give notice by registered mail to each eligible public agency, listed as prescribed in subparagraph (1) of this paragraph, that the property has been determined surplus.

(i) Where the property is located in a State, the notice shall be given to the Governor of the State, to the county clerk or other appropriate official of the county in which the property is located, and to the mayor or other appropriate official of the city or town in which property is located.

(ii) Where the property is located in the District of Columbia, the notice shall be given to the President of the Board of Commissioners.

(iii) Where the property is located in the Virgin Islands, the notice shall be given to the Governor of the Virgin Islands.

(iv) Where the property is located in the Commonwealth of Puerto Rico, the notice shall be given to the Governor of the Commonwealth of Puerto Rico.

(3) A notice shall be posted in the post office which serves the area in which the property is located and in other prominent places such as the state capitol building, county building, court house, town hall, or city hall. The notice to be posted in the post office shall be mailed to the postmaster. The notice to be posted in other prominent places shall be enclosed with each notice given pursuant to subparagraph (2) of this paragraph.

(4) A copy of each such notice given pursuant to subparagraph (2) of this paragraph shall be sent to the proper regional office of the Department of Health, Education, and Welfare; Federal Aviation Agency; Bureau of Public Roads, Department of Commerce; National Park Service, Department of the Interior; or Fish and Wildlife Service, Department of the Interior, concerned with disposals of property to public agences under the statutes stated in the notice.

(5) If within the 15-day period stated in the notice the disposal agency is not informed of the desire of a public agency to perfect and submit a comprehensive and coordinated plan of use and procurement for the property, it shall be assumed that no public agency desires to procure the property.

(6) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to subparagraph (2) of this paragraph, and based upon the various facts and circumstances involved, including the potential suitability of the property for the use proposed, shall determine what constitutes a reasonable period of time to allow the public agency to perfect and submit a plan. Such review and determination shall be coordinated with the proper regional office of the interested Federal agency listed below:

(i) National Park Service, Department of the Interior.

(ii) Department of Health, Education, and Welfare.

(iii) Federal Aviation Agency.

(iv) Fish and Wildlife Service, Department of the Interior.

(v) Bureau of Public Roads, Department of Commerce.

(7) When a determination has been made as to what constitutes a reasonable period of time to perfect and submit the plan, the public agency shall be so notified. The agency shall be advised of the information required in connection with an application to procure the property and shall be requested to provide such information with its plan.

§ 110.23 Publicity.

(a) The disposal agency shall widely publicize all surplus real property and related personal property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well as any reservations, restrictions, and conditions imposed upon its disposal.

(b) A condensed statement of proposed sales of surplus real property by advertising for competitive bids, except where the estimated fair market value of the property is less than $2,500, shall be prepared and submitted, for inclusion in the U.S. Department of Commerce publication "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards," to:

U.S. Department of Commerce (S-Synopsis),
Room 1300,
433 West Van Buren Street,
Chicago 7, Ill.

§ 110.24 Information to interested persons.

The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information, and, with the cooperation of the holding agency where necessary, shall render such assistance to such persons as may enable them, insofar as feasible, to obtain adequate information regarding the property. The disposal agency shall establish procedures so that all persons showing due diligence are given full and complete opportunity to make an offer.

§ 110.25 Invitation for offers.

The disposal agency shall prepare and furnish to all prospective purchasers or lessees written invitations to make an offer, which shall contain or incorporate by reference all the terms and conditions under which the property is offered for disposal, including all provisions required by statute to be inserted in contracts for disposal of Government property. All terms and conditions of the invitation shall be made a part of the offer.

(a) Whenever the disposal agency has determined that the sale of a specific property on credit terms is justified, the invitation shall—

(1) State the down payment required, and the terms of payment, including annual rate of interest payable on the unpaid balances;

(2) Specify the form of the disposal instrument required to secure payment of unpaid balances;

(3) Provide that the purchaser agrees by appropriate provisions to be incorporated in the disposal instrument that he will not lease (unless the property shall have been offered without leasing restrictions by the Government) or sell the property, or any part thereof or interest therein, without prior written authorization of the Government; and

(4) Provide in the case of timber or mineral lands, or lands containing other saleable products, that the disposal instrument may specifically provide for granting future partial releases to permit the resale of timber, minerals and other saleable products, or authorize the leasing of mineral rights, upon payment to the Government of such amounts as may be required by the Government but not less than the proceeds of any sale or lease less such amounts as may be determined by the Government to represent the cost of the sale or lease. All payments for such authorizations and/or releases shall, at the option of the Government, be applied against the unpaid balance of the indebtedness in inverse order of its maturity, or upon any delinquent installments of principal and interest, or used for payments of any delinquent taxes or insurance premiums.

(b) Whenever property is offered for disposal under a land contract or lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee will be required to pay to the proper taxing authorities or to the disposal agency, as may be directed, all taxes, payments in lieu of taxes (in the event of the existence or subsequent enactment of legislation authorizing such payments), assessments or similar charges which may be assessed or imposed on the property, or upon the occupier thereof, or upon the use or operation of the property and to assume all costs of operating obligations.

(c) Whenever property is offered for sale on credit terms or for lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee shall procure and maintain at his expense during the term credit is extended, or the period of the lease, such insurance in such amounts as may be required by the Government; required insurance shall be in companies acceptable to the Government and shall include such terms and provisions as may be required to provide coverage satisfactory to the Government.

§ 110.26 Inspection.

All persons interested in the acquisition of surplus property available for disposal under this part shall, with the cooperation of the holding agency, where necessary, and with due regard to its program activities, be permitted to make a complete inspection of such property, including any available inventory records, plans, specifications, and engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules as may be prescribed by the disposal agency.

§ 110.27 Submission of offers.

All offers to purchase or lease shall be in writing, accompanied by any required earnest money deposit, using the form prescribed by the disposal agency and, in addition to the financial terms upon which the offer is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request.

§ 110.28 Advertised disposals.

All disposals or contracts for disposal of surplus property, except as provided for in §§ 110.30 and 110.31 shall be made after publicly advertising for bids.

(a) The advertising for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved. The advertisement shall designate the place to which the bids are to be delivered or mailed, and shall state the place, date, and time of public opening.

(b) All bids shall be publicly disclosed at the time and place stated in the advertisement.

(c) Award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

§ 110.29 Disposals through contract auctioneers.

Disposals and contracts for disposal of surplus property may be made through contract auctioneers when authorized by the Administration. The auctioneer retained under contract shall be required to publicly advertise for bids in accordance with the applicable provisions of § 110.28.

§ 110.30 Negotiated disposals.

Disposal agencies shall obtain such competition as is feasible under the circumstances in all negotiations of disposals and contracts for disposal of surplus property. They may dispose of surplus property by negotiation only in the following situations:

(a) When the estimated fair market value of the property involved does not exceed $1,000;

(b) When bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

(c) When the character or conditions of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(d) When the disposals will be to States, Commonwealth of Puerto Rico, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(e) When negotiation is otherwise authorized by the Act or other law, such as:

(1) Disposals of power transmission lines for public or cooperative power projects (see § 110.37);

(2) Disposals for public airport utilization (see § 110.38); and

(3) Disposals for public parks, public recreational areas, or historic monument sites (see § 110.39).

In advance of each disposal by negotiation, the disposal agency shall prepare and transmit to the Committees on Government Operations and any other appropriate Committees of the Senate and of the House of Representatives an explanatory statement of the circumstances of each such negotiated disposal except (1) a disposal of property having a fair market value of $1,000 or less and (2) a disposal of property authorized to be disposed of without advertising by any provision of law other than section 203(e) of the Act.

§ 110.31 Disposals by brokers.

Disposals and contracts for disposal of surplus property through contract realty brokers, where authorized by the Administration, shall be made in the manner followed in similar commercial transactions. Realty brokers retained under contracts shall be required to give wide public notice of availability of the property for disposal. In advance of any such disposal, the disposal agency shall prepare and transmit to the Committees on Government Operations and any other appropriate Committees of the Senate and of the House of Representatives an explanatory statement of the circumstances involved, except a disposal of property having a fair market value of $1,000 or less.

§ 110.32 Acceptance of offers.

(a) *General.* When the head of the disposal agency or his designee determines that bid prices (either as to all or part of the property) received after advertising therefor or received in response to the action authorized in subparagraph (1) of this paragraph are reasonable, i.e., commensurate with the fair market value of the property, and were independently arrived at in open competition, award shall be made with reasonable promptness by notice to the bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. Any or all offers may be rejected when the head of the disposal agency or his designee determines it is in the public interest to do so.

(1) Whenever the advertising does not result in the receipt of a bid at a price commensurate with the fair market value of the property, the highest bidder may, at the discretion of the head of the disposal agency or his designee, and upon determination of responsiveness and bidder responsibility, be afforded an opportunity to increase his offered price. The bidder shall be given a reasonable period of time, not to exceed five (5) working days, to respond. At the time the bidder is afforded an opportunity to increase his bid, all other bids shall be rejected and bid deposits returned. Any sale at a price so increased may be concluded without regard to the provisions of § 110.30.

(2) The disposal agency shall allow a reasonable period of time within which the sucessful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed.

(3) It is within the discretion of the head of the disposal agency or his designee to determine whether the procedure authorized by subparagraph (1) of this paragraph is followed or whether the bids shall be rejected and the property reoffered for sale on a publicly advertised competitive bid basis in accordance with the provisions of § 110.28, or disposed of by negotiation pursuant to § 110.34, or offered for disposal under other applicable provisions of this part.

(b) *Equal offers.* "Equal offers" means two or more offers that are equal in all respects, taking into consideration the best interests of the Government. If equal acceptable offers are received for the same property, award shall be made by a drawing by lot limited to the equal acceptable offers received.

§ 110.33 Notice to unsuccessful bidders.

When an offer for surplus real property has been accepted, the disposal agency shall notify all other bidders of such acceptance and return their earnest money deposits, if any.

§ 110.34 Absence of acceptable offers.

When the head of the disposal agency or his designee determines that bid prices after advertising therefor (including the action authorized by the provisions of § 110.32(a)(1)) are not reasonable either as to all or some part of the property or were not independently arrived at in open competition and that a negotiated sale rather than a disposal by readvertising or under other applicable provisions of this part would better protect the public interest, the property or such part thereof may be disposed of by negotiated sale after rejection of all bids received. However, no negotiated disposal may be made under this section unless:

(a) Notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the agency head or his designee to each responsible bidder who submitted a bid pursuant to the advertising;

(b) The negotiated price is higher than the highest rejected bid price offered by any responsible bidder, as determined by the head of the agency or his designee; and

(c) The negotiated price is the highest negotiated price offered by any responsible prospective purchaser.

Any such negotiated disposal shall be subject to the applicable provisions of § 110.30.

§ 110.35 Disposition of title papers.

The holding agency shall, upon request, deliver to the disposal agency all title papers in its possession relating to the property reported excess. The disposal agency may, as a part of the disposal transaction, transfer to the purchaser of the property pertinent records authorized by the General Services Administration to be so transferred. If the purchaser of the property wishes to obtain additional records, copies thereof may be furnished to the purchaser with or without charge, as determined by the agency having custody of the records.

§ 110.36 Title transfer from Government corporations.

In order to facilitate the administration and disposition of real property when record title to such property is not in the name of the United States of America, the holding agency, upon request of the Administrator, shall deliver to the disposal agency a quitclaim deed, or other instrument of conveyance without warranty, expressed or implied, transferring all of the right, title, and interest of the holding agency in and to such property to the United States of America.

§ 110.37 Disposition of power transmission lines.

Pursuant and subject to the provisions of section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d)), which is continued in effect by section 602(a) of the Act, any State or political subdivision thereof, or any State or Government agency or instrumentality may certify to the disposal agency that a surplus power transmission line and the right-of-way acquired for its construction is needful for or adaptable to the requirements of a public or cooperative power project. Disposal agencies shall notify such State entities and Government agencies of the availability of such property in accordance with § 110.22.

(a) Notwithstanding any other provision of this part, whenever a State or political subdivision thereof, or a State or Government agency or instrumentality, certifies that such property is needful for or adaptable to the requirements of a public or cooperative power project, the property may be sold for such utilization at the fair market value thereof.

§ 110.38 Disposition of property for public airports.

Pursuant and subject to the provisions of section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), which is continued in effect by section 602(a) of the Act, as amended by the Act of October 1, 1949, 63 Stat. 700, and section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 73 (50 U.S.C. App. 1622a–1622c), airport property may be conveyed or disposed of to a State, political subdivision, municipality, or tax-supported institution for a public airport. Airport property is any surplus real property including improvements and personal property located thereon as a part of the operating unit (exclusive of property the highest and best use of which is determined by the Administrator of General Services to be industrial and which shall be so classified for disposal without regard to the provisions of this section) which, in the determination of the Administrator of the Federal Aviation Agency, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, as defined in the Federal Airport Act, as amended (49 U.S.C. 1101), or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation businesses at a public airport.

(a) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 110.22, that property which may be disposed of for use as a public airport under the Surplus Property Act of 1944, as amended, has been determined to be surplus.

(b) When an eligible public agency has submitted a comprehensive and coordinated plan of use and procurement for the property, in accordance with the provisions of § 110.22, the disposal agency shall transmit a copy of the plan to the proper regional office of the Federal Aviation Agency. The regional office of the Federal Aviation Agency shall promptly inform the disposal agency as to the date the determination of the Administrator of the Federal Aviation Agency required by the provisions of the Act of 1944, as amended, and recommendation with respect to disposal of the property for a public airport, will be available.

(c) Upon receipt of such determination and recommendation, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property recommended by the Federal Aviation Agency for disposal for a public airport to the eligible public agency, subject to the provisions of the Act of 1944, as amended.

(d) The Administrator of the Federal Aviation Agency has the sole responsibility for enforcing compliance with the terms and conditions of disposals and for the reformation, correction, or amendment of any disposal instrument and the granting of releases and for taking any necessary action for recapturing such property in accordance with the provisions of the Act of October 1, 1949, 63 Stat. 700, and Section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 73 (50 U.S.C. App. 1622a–1622c).

§ 110.39 Property for use as public parks, public recreational areas, or historic monument sites.

Pursuant and subject to the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), which is continued in effect by section 602(a) of the Act, land, including improvements and equipment thereon, which is determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, may be conveyed or disposed of to a State, political subdivision, instrumentalities thereof, or municipality.

(a) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 110.22, that property which may be disposed of for use as a public park, public recreational area, or historic monument under the Surplus Property Act of 1944 has been determined to be surplus.

(b) When an eligible public agency has submitted a comprehensive and coordinated plan of use and procurement for the property, in accordance with the provisions of § 110.22, the disposal agency shall transmit two copies of the plan to the Director, National Park Service, Department of the Interior, Washington 25, D.C., and shall send a copy of the plan to the regional office of the National Park Service. The Director, National Park Service, shall promptly inform the disposal agency as to the date the determination of the Secretary of the Interior, required by the provisions of the Surplus Property Act of 1944, will be available.

(c) Upon receipt of such determination, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, to an eligible public agency, subject to the provisions of the Surplus Property Act of 1944.

(d) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of disposals and for the reformation, correction, or amendment of any disposal instrument, and the granting of releases, and for taking any necessary action for recapturing such property in accordance with the provisions of section 203(k)(2) of the Federal Property and Administrative Services Act of 1949. Any such action shall be subject to the disapproval of the head of the disposal agency.

(e) Notice to the head of the disposal agency by the Secretary of the Interior of any action proposed to be taken under paragraph (d) of this section shall identify the property affected, setting forth in detail the proposed action and reasons therefor.

§ 110.40 Property for education and public health purposes.

The head of the disposal agency, or his designee, is authorized in his discretion to assign to the Secretary of Health, Education, and Welfare for disposal, under section 203(k)(1) of the Act, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for school, classroom, or other educational use or for use in the protection of public health, including research.

(a) The disposal agency shall notify eligible public agencies (non-Federal) in accordance with the provisions of § 110.22, that property which may be disposed of under the provisions of the Act for educational or public health purposes has been determined to be surplus.

(b) Whenever an eligible public agency submits a comprehensive and coordinated plan of use and procurement for the property for educational or public health purposes in accordance with the provisions of § 110.22, the disposal agency shall transmit 2 copies of the plan of use to the regional office of the Department of Health, Education, and Welfare.

(c) The Department of Health, Education, and Welfare may submit to the disposal agency a recommendation for assignment of the property to the Secretary of Health, Education, and Welfare—

(1) For transfer for educational or public health purposes to the eligible public agency that submitted the plan of use; or

(2) For transfer for educational or public health purposes to an institution which has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(d) Any recommendation for assignment submitted by the Department of Health, Education, and Welfare, shall set forth complete information concerning the proposed transfer of the property for the intended educational or public health use. If the recommendation is approved, the disposal agency shall assign the property to the Secretary of Health, Education, and Welfare for disposal and shall inform the Secretary that there will be no objection to the proposed transfer.

The Secretary of Health, Education, and Welfare has the responsibility for enforcing compliance with the terms and conditions of transfer and for the reformation, correction, or amendment of any transfer instrument and the granting of releases and for the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(2) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

§ 110.41 Property for use as shrines, memorials, or for religious purposes.

(a) Surplus chapels shall be segregated from other buildings, and shall be disposed of intact, separate and apart from the land, for use as shrines, memorials, or for religious purposes, except in cases in which the chapel is located on surplus Government-owned land and the disposal agency determines that it may properly be used in place, in which cases a suitable area of land may be set aside for such purposes and sold with the chapel.

(1) *Application.* Applications for the purchase of surplus chapels shall be solicited by public advertising. Such applications shall be submitted to the Chief of Chaplains of the service which had jurisdiction over the property during the period of Government use and shall be disposed of in accordance with his recommendation. If no recommendation is received from the Chief of Chaplains within thirty (30) days from the date of such submission, the disposal agency may select the purchaser on the basis of the needs of the applicants and the best interests of the community to be served. If no application is received for transfer of the property for shrine, memorial, or religious uses, the Chief of Chaplains shall be notified accordingly, and disposal of the property shall be held in abeyance for a period not to exceed sixty (60) days thereafter to afford additional time for the filing of applications. If no such application is received during the extended period, the property may be disposed of for uses other than shrine, memorial, or religious purposes pursuant to other applicable provisions of this part.

(2) *Sale price.* The sale price of the chapel shall be a price equal to its appraised fair market value in the light of conditions imposed relating to its future use and the estimated cost of removal, where required. The sale price of the land shall be a price equal to the appraised fair market value of the land based upon the highest and best use of the land at the time of the disposal.

(3) *Conditions of transfer.* (i) All chapels disposed of pursuant to the authority of this section shall be transferred subject to the condition that during the useful life thereof they be maintained and used as shrines or memorials, or for religious purposes and not for commercial, industrial, or other secular use; and that in the event a transferee fails to maintain and use the chapel for such purposes there shall become due and payable to the Government the difference between the appraised fair market value of the chapel, as of the date of the transfer, without restrictions on its use, and the price actually paid.

(ii) Whenever the land on which the chapel is located is sold with the chapel, no conditions or restrictions on the use of the land shall be included in the deed.

(4) *Release of restrictions.* The disposal agency may release the conditions of transfer without payment of a monetary consideration upon a determination that the property no longer serves the purpose for which it is transferred or that such release will not prevent accomplishment of the purpose for which the property was transferred. Such determination shall be in writing, shall state the facts and circumstances involved and shall be preserved in the files of the disposal agency.

(b) Notwithstanding the foregoing provisions of this section, a chapel and underlying land that is a component unit of surplus real property recommended by the Secretary of Health, Education, and Welfare as being needed for educational or public health purposes, may be included in an assignment of such property when so recommended by the Secretary for disposal subject to the condition that the instrument of conveyance shall require that during the useful life of the chapel it shall be maintained and used by the grantee as a shrine or memorial or for religious purposes.

§ 110.42 Disposal of leases, permits, licenses, and similar instrument.

The disposal agency may, subject to such reservations, restrictions, and conditions, if any, as the disposal agency deems necessary properly to protect the interests of the United States against liability under a lease, permit, license, or similar instrument:

(a) Dispose of the lease or other instrument subject to assumption by the transferee of the obligations in the lease or other instrument unless a transfer is prohibited by the terms of the lease or other instrument; or

(b) Terminate the lease or other instrument by notice or negotiated agreement; and

(c) Dispose of any surplus Government-owned improvements located on the premises in the following order by any one or more of the following methods:

(1) By disposition of all or a portion thereof to the transferee of the lease or other instrument (not applicable when the lease or other instrument is terminated);

(2) By disposition to the owner of the premises or grantor of a sublease, as the case may be, (i) in full satisfaction of a contractual obligation of the Government to restore the premises, or (ii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment of a money consideration to the Government by the owner or grantor, as the case may be, that is fair and reasonable under the circumstances, or (iii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment by the Government to the owner or grantor, as the case may be, of a money consideration that is fair and reasonable under the circumstances; or

(3) By disposition for removal from the premises: *Provided*, That any negotiated disposals shall be subject to the applicable provisions of § 110.30, except where the disposition under subparagraph (2) of this paragraph is negotiated pursuant to any provision of law other than the Act.

§ 110.43 Non-Federal interim use of property.

(a) The holding agency may, with the approval of the Administration, grant rights for non-Federal interim use of excess property reported to the Administration, or portions thereof, when it is determined that such interim use is not required for the needs of any Federal agency. The granting of such non-Federal interim use shall be consistent with the provisions of paragraph (b) of this section.

(b) With the approval of the disposal agency, a lease or permit may be granted by the holding agency for non-Federal interim use of surplus property. Such lease or permit shall be for a period not exceeding one year and shall be made revocable on not to exceed 30 days' notice by the disposal agency. The use of the property and its occupancy shall not be such as to interfere with, delay, or retard the disposal of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. The lease or permit shall be for a money consideration and shall be on such other terms and conditions as are deemed appropriate properly to protect the interests of the United States. Any negotiated lease or permit shall be subject to the applicable provisions of § 110.30.

Any lease of farm lands shall be governed by the policy described in the memorandum of the President, dated May 21, 1956, as set forth below:

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

In order that the leasing of farm lands owned by the Federal Government shall be consistent with the Administration's determined effort to reduce price-depressing surpluses and to bring agricultural production into line with markets, I request that the following-described policies governing the leasing of farm lands by the Federal Government, to the extent that such policies are not inconsistent with law, be placed in effect by all departments and agencies concerned on the effective date of this memorandum:

1. Except as provided in paragraphs 2 and 4 hereof, leases of farm lands made by the Federal Government on or after the effective date of this memorandum shall prohibit the cultivation of price-supported crops in surplus supply.

2. In the case of acquisition of farm lands by the Federal Government on or after the effective date of this memorandum, if price-supported crops in surplus supply are growing on such lands at the time of acquisition, the harvesting of such crops may be permitted.

3. No lease of farm lands by the Federal Government which is in effect on the effective date hereof shall be terminated under authority of this memorandum, but this memorandum shall not be construed to affect any authority which may otherwise exist for the termination of any such lease.

4. Upon the expiration of leases of farm lands by the Federal Government which do not prohibit the cultivation of price-supported crops in surplus supply (including those in effect on the effective date of this memorandum, and including those made as provided for in this paragraph, but not including any agreement made with respect to harvesting pursuant to paragraph 2 of this memorandum), whether such lands may thereafter be leased for the cultivation of

price-supported crops in surplus supply shall be determined equitably. The controlling department or agency, according to its particular circumstances, may make such determinations on an individual lease basis or on an area basis. In arriving at such determinations, consideration shall be given to the interests of individual farmers and the local community, the supply situation of crops that might be grown on the lands, the effect on price-support programs, the objectives of the programs under which such lands were acquired or reserved, and maintenance savings and income to the Federal Government. If it is at any time determined, pursuant to this paragraph, that a lease of farm lands by the Federal Government shall prohibit the cultivation of price-supported crops in surplus supply, any lease of such lands made at any time thereafter by the Federal Government shall prohibit the cultivation of such crops.

5. In determining the acreage in each unit of farm land to be offered for lease by the Federal Government, consideration shall be given to the leasing of such land for family-size farm operations.

6. As used in this memorandum:

(a) The term "lease" shall include permits and licenses.

(b) The term "price-supported crops in surplus supply" shall mean those cultivated crops supported pursuant to the Agricultural Act of 1949, as amended and supplemented, and determined from time to time by the Secretary of Agriculture to be in surplus supply.

7. To insure that the leasing of farm lands by the Federal Government shall be consistent with the Administration's farm program, the Department of Agriculture, until such time as some appropriate interagency group or committee may be designated, shall be available as a focal agency for consultation in such matters.

8. All departments and agencies concerned shall submit to the Bureau of the Budget within sixty days from the date of this memorandum copies of implementing instructions to their operating organizations. This memorandum shall become effective sixty days after the date hereof.

(Signed) DWIGHT D. EISENHOWER

§ 110.44 Easements.

(a) *Disposal of easements to owner of servient estate.* Subject to the provisions of § 110.30, the disposal agency may dispose of an easement to the owner of the land that is subject to the easement when the continued use, occupancy, or control of the easement is not needed for the operation, production, or maintenance of property owned or controlled by the Government. A determination of whether the disposal shall be with or without reimbursement to the Government shall be made by the disposal agency on the basis of all the circumstances and factors involved and with due regard to the acquisition cost of the easement to the Government. The extent of such reimbursement shall be regarded as the appraised fair value of the easement. The disposal agency shall document the circumstances and factors leading to such determination and retain such documentation in its files.

(b) *Grants of easements in or over Government property.* The disposal agency may grant easements in or over real property. Where the disposal agency determines that the granting of such easement decreases the value of the property, the grant of the easement shall be for a consideration not less than the amount by which the fair market value of the property is thereby decreased. Any grant of easement by negotiation shall be subject to the applicable provisions of § 110.30.

Dated: February 23, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 62-2063; Filed, Feb. 28, 1962; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 6, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157, 27 F.R. 96, 558, 1407 and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583(c) is amended by increasing the following basic county support rates:

SOUTH DAKOTA

County	Rate per bushel	
	From—	To—
Brookings	$2.79	$2.80
Brown	2.76	2.79
Campbell	2.70	2.73
Clark	2.78	2.79
Codington	2.78	2.81
Day	2.77	2.82
Deuel	2.79	2.82
Edmunds	2.74	2.76
Grant	2.79	2.85
Hamlin	2.78	2.79
McPherson	2.73	2.75
Marshall	2.76	2.83
Moody	2.78	2.79
Roberts	2.78	2.85
Spink	2.77	2.78

WISCONSIN

Ashland	2.82	2.84
Bayfield	2.82	2.84
Burnett	2.86	2.94
Douglas	2.87	2.89

(Sec. 4, 62 Stat. 1070 as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 26, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-2060; Filed, Feb. 28, 1962; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybeans Loan and Purchase Agreement Program

AVAILABILITY OF PRICE SUPPORT

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5743, 7317 and containing the specific requirements of the 1961-crop soybean price support program are hereby amended to extend the availability date in those States and counties so approved by the ASC State committee.

Section 421.527(d) is amended to read as follows:

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1962, or through March 31, 1962, in those States and counties where the ASC State committee determines that producers were unable to harvest soybeans during the normal harvest period due to adverse weather conditions or other factors. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(Sec. 4, 62 Stat. 1070 as amended; sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1446d, 1447, 1421)

Effective date: Upon issuance in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 26, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-2051; Filed, Feb. 28, 1962; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 9, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157, 27 F.R. 96, 557, 1408 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

SOUTH DAKOTA

County	Rate per bushel	
	From—	To—
Brown	$1.88	$1.91
Campbell	1.82	1.85
Clark	1.89	1.90
Codington	1.90	1.92
Day	1.88	1.93
Edmunds	1.90	1.92
Grant	1.85	1.86
McPherson	1.90	1.96
Marshall	1.85	1.86
Roberts	1.88	1.94
Spink	1.90	1.96

UTAH

Carbon	1.88	1.89
Daggett	1.52	1.56
Duchesne	1.52	1.56
Emery	1.52	1.56
Grand	1.52	1.56
Rich	1.52	1.55
Uintah	1.52	1.54
Wasatch	1.52	1.56

WISCONSIN

Ashland	1.93	1.95
Bayfield	1.94	1.95
Burnett	1.97	2.05
Douglas	1.98	2.00

WYOMING

Lincoln	1.52	1.53
Sheridan	1.59	1.60
Sublette	1.52	1.55
Sweetwater	1.52	1.56
Uinta	1.52	1.56

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 26, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-2052; Filed, Feb. 28, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Mileage Charges for Grading Services

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(c) prescribing mileage charges in connection with the performance of Federal meat grading services are hereby amended by changing the phrase "8 cents per mile" to "9 cents per mile."

The Agricultural Marketing Act of 1946 provided for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. What such cost is and the fees necessary to cover it are matters wholly within the knowledge of the Department of Agriculture. It has been determined that the mileage charges in connection with the performance of the Federal meat grading services must be increased as soon as practicable as provided for herein to cover this phase of the cost of the services. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notice and other public procedure with respect to the changes in mileage charges provided by this amendment are impracticable and unnecessary and good cause is found for making such amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1962, with respect to all Federal meat grading services thereafter rendered including service under weekly grading contracts whether theretofore or thereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 26th day of February 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-2072; Filed, Feb. 28, 1962; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, Reissued]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREA

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions are hereby issued as follows, listing premises in which infestation of the khapra beetle has been determined to exist and designating such premises as a regulated area within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated area under the khapra beetle quarantine and regulations.

Infestation of the khapra beetle has been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as a regulated area within the meaning of the provisions in this subpart:

CALIFORNIA

Angiola Elevator and Warehouse, Angiola.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

These administrative instructions shall become effective March 1, 1962.

In the interim between revocation of administrative instructions, effective October 27, 1961, and the issuance of the foregoing instructions, an infestation of the khapra beetle was discovered on the premises of Mrs. Clara Busby Storage Shed, 703 West 33d Street, Tucson, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra bettle infestation. Accordingly, this property is not being included as a regulated area in the present instructions.

These administrative instructions designate certain premises in California, in which khapra bettle infestation has been determined to exist, as a regulated area under the khapra beetle quarantine and regulations.

These instructions impose restrictions supplementing khapra beetle quarantine regulations already effective. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1962.

[SEAL] D. R. SHEPHERD,
Acting Director, Plant Pest Control Division.

[F.R. Doc. 62-2046; Filed, Feb. 28, 1962; 8:49 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF ORANGES, GRAPEFRUIT, AND TANGERINES FROM MEXICO AND CENTRAL AMERICA

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions designated as 7 CFR 319.56-2e are hereby revised to read as follows:

§ 319.56-2e Administrative instructions prescribing method of fumigation of oranges, grapefruit, and tangerines from Mexico and Central America.

(a) *Fumigation upon arrival.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit, through ports specified in the permit, for all shipments of oranges, grapefruit, and tangerines from Mexico and Central America.

(1) *Central America.* As used in this section, the term "Central America" means the southern portion of North America from the southern boundary of Mexico to South America, including British Honduras, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(2) *Ports of entry.* Oranges, grapefruit, and tangerines will be limited to entry at New York or such other North Atlantic ports as may be named in the permit. Shipments moving by air should be so routed as to avoid landing at ports south of Baltimore.

(3) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure in a fumigation chamber which has been approved by the Plant Quarantine Division. The chamber must be equipped with a gastight window which will permit viewing the electrically heated vaporizing pan inside the chamber, or be provided with an outside signal light to indicate when the vaporizing current is on or off. The Plant Quarantine Division will approve only those chambers which are properly constructed, satisfactorily maintained, adequately equipped, and at locations where required treatment supervision can be furnished. The treatment period shall be for 2 hours and the dosage adjusted to the chamber load, which shall not exceed 80 percent of the volume, and temperature as follows:

Load in percent of chamber volume	Dosage in ounces per 1,000 cu. ft.	
	50°–70° F.	Above 70° F.
Below 25	9	7
25–49	11	9
50–80	13	11

The ethylene dibromide, a liquid at ordinary temperatures, must be volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan controlled by an outside switch. The gas shall be circulated within the chamber continuously for the 2-hour exposure period by an electric fan or blower, the 2-hour period to begin when volatilization is complete. The fan or blower must be of a capacity to circulate the entire air mass within the chamber in one minute.

(ii) Oranges, grapefruit, and tangerines may be waxed and packed for shipment before fumigation and fruits may be individually wrapped with conventional citrus tissue. When loaded in the fumigation chamber the boxes or containers must be stacked evenly over the total floor surface and stacks separated by at least two inches. Spacing between boxes in a stack may be required if the inspector believes such spacing is necessary to insure adequate gas circulation. Oranges, grapefruit, and tangerines contained in mesh bags or perforated polyethylene bags (twenty ¼ inch perforations for 5-pound bags, equally spaced on the two sides; proportionately more openings for larger bags) must be placed in field boxes or similar containers for fumigation.

(4) *Supervision of fumigation.* The unloading of fruit from the means of conveyance, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and delivery and any other handling prior to fumigation shall be conducted in accordance with such safeguards as the inspector may require to prevent the dissemination of injurious insects. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(5) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit, or his representative.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with oranges, grapefruit, and tangerines, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or because of any safeguards prescribed.

(b) *Alternate procedure.* Oranges, grapefruit, and tangerines produced in Mexico if satisfactorily treated in Mexico and otherwise handled and certified as provided in this paragraph will be eligible for entry under permit under § 319.56–2.

(1) *Approved fumigation.* The oranges, grapefruit, and tangerines shall be fumigated at approved plants in Mexico in accordance with paragraph (a) (3) of this section.

(2) *Supervision of fumigation.* Inspectors of the Plant Quarantine Division will supervise the fumigation of oranges, grapefruit, and tangerines in Mexico and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry, and such safeguards shall include freedom from leaves and other debris. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(3) *Costs.* All costs of constructing, maintaining, and operating fumigation plants and facilities, and carrying out precautions prescribed for posttreatment safeguards shall be borne by the owner of the fruit or his representative.

(4) *Approval of fumigation plants.* Approval of fumigation plants in Mexico will be contingent upon compliance with the provisions of paragraph (a) (3) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and posttreatment handling of oranges, grapefruit, and tangerines. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division[1] with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other administrative and incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with oranges, grapefruit, and tangerines, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or because of posttreatment safeguards.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 19 F.R. 74, as amended; 7 CFR 319.56–2. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

These administrative instructions shall become effective March 1, 1962.

The purpose of these revised instructions is to provide uniform fumigation and other requirements for the treatment upon arrival in the United States of oranges, grapefruit, and tangerines from Mexico and Central America. They relieve restrictions by providing an alternate method of treatment for oranges, grapefruit, and tangerines from Central America. Heretofore the instructions were applicable only to such fruits from Mexico. The instructions continue the previously existing alternate provisions for supervision of such fumigation in Mexico, and make only minor changes of a nonsubstantial or less restrictive nature with respect to these fruits from Mexico. In order to be of maximum benefit to importers they should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62–2045; Filed, Feb. 28, 1962; 8:48 a.m.]

[1] Preliminary inquiries should be directed to the Regional Supervisor, Plant Quarantine Division, P.O. Box 909, 407 Federal Building, Brownsville, Tex.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to conform Chapter VII of Title 7 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture in accordance with memorandum No. 1458 of the Secretary of Agriculture, dated June 14, 1961, the following changes are made:

A. Subchapter A of Chapter VII is amended as follows:

1. The definition of the term "Administrator, ACPS" appearing in Parts 701, 702, 703, 704, and 705 is deleted and the following definition is substituted therefor:

"Deputy Administrator, Conservation, ASCS," means the Deputy Administrator, Conservation, Agricultural Stabilization and Conservation Service.

2. Whenever in Parts 701, 702, 703, 704, and 705 the designation "Administrator, ACPS" appears it is deleted and the designation "Deputy Administrator, Conservation, ASCS" is substituted therefor.

3. The definition of the term "ASC State Office" appearing in Parts 702 and 703 is amended to read "'ASCS State Office' means the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico."

4. Wherever in Parts 702 and 703 the designation "ASC State Office" appears it is deleted and the designation "ASCS State Office" is substituted therefor.

5. The definition of the term "State Office" appearing in Part 705 is amended to read "'State Office' means the Hawaii Agricultural Stabilization and Conservation Service Office in Honolulu, Hawaii."

6. Wherever in Part 709 the designation "Agricultural Stabilization and Conservation county office" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service county office" is substituted therefor.

B. Subchapter B of Chapter VII is amended as follows:

1. Wherever in Parts 714 and 723 the designation "Director, Tobacco Division" or "Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture" appears it is deleted and the designation "Director, Tobacco Division, Agricultural Stabilization and Conservation Service" is substituted therefor.

2. Wherever in Part 714 the designation "Director of the Cotton Division, Commodity Stabilization Service" appears it is deleted and the designation "Director, Cotton Division, Agricultural Stabilization and Conservation Service" is substituted therefor.

3. The definition of the term "State office" appearing in Part 714 is amended to read "'State office' means the office of the State Agricultural Stabilization and Conservation Committee."

4. The definition of the term "Deputy Administrator" appearing in Parts 717, 719, and 722 is amended to read "'Deputy Administrator' means the Deputy Administrator, or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

5. The definition of the term "Director" appearing in Part 718 is amended to read "'Director' means the Director, or Acting Director, Compliance and Aerial Photography Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

6. The definition of the term "Director" appearing in Part 722 is amended to read "'Director' means the Director, or Acting Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

7. The definition of the term "Director" appearing in Parts 723, 725, and 727 is amended to read "'Director' means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

8. The definition of the term "Director" appearing in Parts 728 and 730 is amended to read "'Director' means the Director, or Acting Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

9. The definition of the term "Director" appearing in Part 729 is amended to read "'Director' means the Director or Acting Director, Oils and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture."

10. Wherever in Parts 723, 725, 727, 728, and 730 the designation "Deputy Administrator for Production Adjustment, Commodity Stabilization Service" or "Deputy Administrator for Production Adjustment of the Commodity Stabilization Service" appears it is deleted and the designation "Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service" is substituted therefor.

11. Wherever in Parts 722, 723, 725, 727, 728, and 730 the designation "Commodity Stabilization Service" or "Commodity Stabilization Service, USDA" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

12. Wherever in Parts 722, 728, and 730 the designation "Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture" appears it is deleted and the designation "Director, Investigations Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture" is substituted therefor.

13. Wherever in Parts 728 and 730 the designation "Director of the Grain Division, Commodity Stabilization Service" appears it is deleted and the designation "Director" is substituted therefor.

14. The definition of the term "State Administrative Officer" appearing in Parts 719, 722, 723, 725, 727, 728, and 730 is amended to read "'State executive director' means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity."

15. Wherever in Parts 718, 722, 723, 725, 727, 728, 729, and 730 the designation "State Administrative Officer" appears it is deleted and the designation "State executive director" is substituted therefor.

16. The definition of the term "ASC State Office" appearing in Part 729 is amended to read "'ASCS State Office' means the office of the Agricultural Stabilization and Conservation Service State committee."

17. Wherever in Parts 718, 723, 725, 727, 728, 729, and 730 the designation "Agricultural Stabilization and Conservation State office" or "State Agricultural Stabilization and Conservation office" or "ASC State Office" appears it is deleted and the designation "ASCS State Office" is substituted therefor.

18. The definition of the term "ASC County Office" appearing in Part 729 is amended to read "'ASCS County Office' means the office of the Agricultural Stabilization and Conservation Service county committee."

19. Wherever in Parts 718, 719, 723, 725, 727, 728, 729, and 730 the designation "County Agricultural Stabilization and Conservation Office" or "ASC county office" appears it is deleted and the designation "ASCS County Office" is substituted therefor.

20. Wherever in Part 722 the designation "Administrator of Commodity Stabilization Service" appears it is deleted and the designation "Administrator of Agricultural Stabilization and Conservation Service" is substituted therefor.

21. Wherever in Part 723 the designation "Compliance and Investigation Division of the Commodity Stabilization Service" appears it is deleted and the designation "Investigations Division of the Agricultural Stabilization and Conservation Service" is substituted therefor.

22. The definition of the term "Administrator" appearing in Part 730 is amended to read "'Administrator' means the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, who is responsible to the Assistant Secretary in charge of agricultural stabilization for the general direction and supervision of programs assigned to the Agricultural Stabilization and Conservation Service."

C. Subchapter C of Chapter VII is amended as follows:

1. Wherever in Part 750 the designation "CSS" appears (except where it is used in connection with a form number, as in Form CSS–861), it is deleted and the designation "ASCS" is substituted therefor.

2. Wherever in Part 750 the designation "Commodity Stabilization Service" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

3. The definition of the term "Deputy Administrator" appearing in Part 750 is deleted and the following definition is substituted therefor:

"Deputy Administrator" means the Deputy Administrator, State and County Operations, or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

4. The definition of the term "Administrator, ACPS" appearing in Part 750 is deleted and the following definition is substituted therefor:

"Deputy Administrator, Conservation, ASCS," means the Deputy Administrator, Conservation, Agricultural Stabilization

and Conservation Service, United States Department of Agriculture.

5. Wherever in Part 750 the designation "Administrator, ACPS" or "Administrator, Agricultural Conservation Program Service" appears, it is deleted and the designation "Deputy Administrator, Conservation, ASCS" is substituted therefor.

6. Wherever in Part 750 the designation "county ASC office" appears, it is deleted and the designation "county ASCS office" is substituted therefor.

D. Subchapter D of Chapter VII is amended as follows:

1. Wherever in Part 775 the designation "CSS" appears (except where it is used in connection with a form number, as in Form CSS–477), it is deleted and the designation "ASCS" is substituted therefor.

2. Wherever in Part 775 the designation "Commodity Stabilization Service" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

3. The term "ASC personnel" appearing in § 775.37(d) of Part 775 is deleted and the term "ASCS personnel" is substituted therefor.

Effective date: Upon publication in the FEDERAL REGISTER.

The foregoing amendments relate solely to matters of agency management and personnel and therefore are exempted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Done at Washington, D.C., this 26th day of February 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–2048; Filed, Feb. 28, 1962; 8:49 a.m.]

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP–1958, Supp. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1958

APPEALS

Paragraph (b) of § 701.934 is amended to read as follows:

§ 701.934 Appeals.

* * * * *

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Deputy Administrator, Conservation, ASCS, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer or rancher, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer or rancher would have been entitled if the performance rendered had met all requirements of the practice.

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on February 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2025; Filed, Feb. 28, 1962; 8:46 a.m.]

[ACP–1959, Supp. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1959

APPEALS

The first sentence of paragraph (b) of § 701.1034 is amended to read as follows: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Deputy Administrator, Conservation, ASCS, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on February 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2026; Filed, Feb. 28, 1962; 8:46 a.m.]

[ACP–1962, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1962

MISCELLANEOUS AMENDMENTS

1. Section 701.24 is amended to read as follows:

§ 701.24 Failure to meet minimum requirements.

Notwithstanding other provisions of the 1962 program, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the county representative of any other agency having responsibility for technical phases of the practice (a) that he made a reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

2. Section 701.26 is amended to read as follows:

§ 701.26 Practices carried out with aid from ineligible persons.

The entire Federal cost-share for a practice carried out with aid from an ineligible person, including a State or Federal agency, shall be credited to the eligible persons who contributed to the cost of carrying out the practice: *Provided*, That the cost-share credited to an eligible person shall not exceed his contribution to the cost of carrying out the practice.

3. The center heading "Authority, Availability of Funds, and Applicability" is changed to "Authority, Availability of Funds, Applicability, and Delegation of Authority," and a § 701.44a is added thereunder as follows:

§ 701.44a Delegation of authority.

No delegation contained in this subpart to a State or county committee shall preclude the Deputy Administrator, Conservation, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on February 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2027; Filed, Feb. 28, 1962; 8:46 a.m.]

[ACP–1962, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1962

APPEALS

The first sentence of paragraph (b) of § 701.32 is amended to read as follows: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Deputy Administrator, Conservation, ASCS, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Signed at Washington, D.C., on February 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2028; Filed, Feb. 28, 1962; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to conform Chapter VIII of Title 7 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture in accordance with Memorandum No. 1458 of the Secretary of Agriculture, dated June 14, 1961, the following changes are made:

A. Subchapter A of Chapter VIII is amended as follows:

1. The definition of the term "Administrator" appearing in Part 801 is amended to read " 'Administrator' means the Administrator of the Agricultural Stabilization and Conservation Service of the Department."

2. Wherever in Part 801 the designation "Director of the Sugar Division, Commodity Stabilization Service" appears it is deleted and the designation "Director of the Sugar Division, Agricultural Stabilization and Conservation Service" is substituted therefor.

B. Subchapter B of Chapter VIII is amended as follows:

1. Wherever in Parts 810, 815, 816, 817, 818, and 819 the designation "Director or Deputy Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture" or "Director or Deputy Director of the Sugar Division, Commodity Stabilization Service of the Department" appears it is deleted and the designation "Director Sugar Division Agricultural Stabilization and Conservation Service, United States Department of Agriculture" is substituted therefor; and wherever in Part 810 the address "Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., appears it is deleted and the address, "Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C.", is substituted therefor.

2. The definition of the term "Sugar Division" appearing in Parts 816, 817, 818, and 819 is amended to read " 'Sugar Division' means the Sugar Division of the Agricultural Stabilization and Conservation Service of the Department, Washington 25, D.C., or any other organizational unit within the Department to which administration of the Sugar Act may hereafter be delegated."

C. Subchapter F of Chapter VIII is amended as follows:

1. Wherever in Part 842 the designation "Agricultural Stabilization and Conservation county office" or "ASC county office" appears the designation "ASCS county office" is substituted therefor.

2. Wherever in Part 846 the designation "State Administrative Officer" appears it is deleted and the designation "State Executive Director" is substituted therefor; and the definition of "State Administrative Officer" in Part 846 is deleted and there is substituted therefor the following definition: " 'State Executive Director' means the person employed to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service Hawaiian State office."

3. Wherever in Parts 847 and 848 the designation "Director of the Caribbean Area Agricultural Stabilization and Conservation Office" appears it is deleted and the designation "Director of the Caribbean Area Agricultural Stabilization and Conservation Service Office" is substituted therefor.

D. Subchapter G of Chapter VIII is amended as follows:

1. Wherever in Parts 849 and 856 the designation "Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture" appears it is deleted and the designation "Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture" is substituted therefor.

2. The definition of "Deputy Administrator" appearing in Part 850 is amended to read " 'Deputy Administrator' means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture."

3. The definition of "Director" appearing in Part 850 is amended to read " 'Director' means the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture."

4. Wherever in Part 849 the designation "Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U.S. Department of Agriculture" appears it is deleted and the designation "Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture" is substituted therefor.

5. Wherever in Part 850 the designation "Agricultural Stabilization and Conservation county office" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service county office" is substituted therefor.

6. Wherever in Parts 850 and 855 the designation "Agricultural Stabilization and Conservation State Office" or "ASC State Office" appears it is deleted and the designation "ASCS State Office" is substituted therefor.

7. Wherever in Part 855 the designation "Commodity Stabilization Service" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

8. The definition of the term "Area Director" appearing in Part 856 is deleted and there is substituted therefor the following definition: " 'State Executive Director' means the Director of the Agricultural Stabilization and Conservation Service Hawaiian State Office."

9. Wherever in Parts 857 and 858 the designation "Director of the Agricultural Stabilization and Conservation Caribbean Area Office" or "Director of the Caribbean Area Agricultural Stabilization and Conservation Office" appears it is deleted and the designation "Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office" is substituted therefor.

10. Wherever in Part 857 the designation "Agricultural Stabilization and Conservation Caribbean Area Office" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service Caribbean Area Office" is substituted therefor.

11. Wherever in Part 857 the designation "District ASC Office" appears it is deleted and the designation "District ASCS Office" is substituted therefor.

12. Wherever in Part 857 the designation "Agricultural Stabilization and Conservation Caribbean Area Office" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service Caribbean Area Office" is substituted therefor.

13. Wherever in Part 850 designation "State Administrative Officer" appears it is deleted and the designation "State Executive Director" is substituted therefor.

E. Subchapter H of Chapter VIII is amended as follows:

1. Wherever in Parts 862, 863, and 864 the designation "County Office" or "County ASC office" or "County Agricultural Stabilization and Conservation Office" or "Agricultural Stabilization and Conservation County Office" appears it is deleted and the designation "County ASCS Office" is substituted therefor.

2. Wherever in Parts 862, 863, 864, 866, 867, and 868 the designation "Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture" appears it is deleted and the designation "Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture" is substituted therefor.

3. Wherever in Parts 862 and 864 the designation "State Agricultural Stabilization and Conservation Office" appears it is deleted and the designation "State Agricultural and Conservation Service Office" is substituted therefor.

4. Wherever in Part 866 the designations "Director of the Hawaiian Agricultural Stabilization and Conservation Office" and "Area Office" appear they are deleted and the designation "Director of the Agricultural Stabilization and Conservation Service Hawaiian State Office" and ASCS State Office", respectively, are substituted therefor.

5. Wherever in Parts 867 and 868 the designation "Caribbean Area Agricultural Stabilization and Conservation Office" appears it is deleted and the designation "Caribbean Area Agricultural Stabilization and Conservation Service Office" is substituted therefor.

G. Subchapter I of Chapter VIII is amended as follows:

1. Wherever in Part 871 the designation "Director, Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture" appears it is deleted and the designation "Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture" is substituted therefor.

2. Wherever in Part 876 the designation "State Administrative Office" appears it is deleted and the designation

"State Executive Director" is substituted therefor.

3. Wherever in Part 876 the designation "Hawaii State Agricultural Stabilization and Conservation Office" appears it is deleted and the designation "Agricultural Stabilization and Conservation Service Hawaiian State Office" is substituted therefor.

4. The definiton of the term "Area Office" appearing in Part 877 is amended to read "'Area Office' means Caribbean Area Agricultural Stabilization and Conservation Service, Santurce, Puerto Rico."

Effective date: Upon publication in the FEDERAL REGISTER.

The foregoing amendments relate solely to matters of agency management and personnel and therefore are exempted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Done at Washington, D.C., this 26th day of February 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2049; Filed, Feb. 28, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Amending Order

Sec.
1133.0 Findings and determinations.

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AUTHORITY: §§ 1133.0 to 1133.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provimilk in the Inland Empire marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to: (i) Receipts at a pool plant of (*a*) producer milk, including such handler's own farm production and that classified pursuant to § 1133.44(b), and (*b*) other source milk, except other order milk, allocated to Class I; (ii) producer milk for which a cooperative association is the handler pursuant to § 1133.15 (c) and (d) in excess of that delivered to the pool plants of other handlers; and (iii) the quantities of milk at handler's nonpool plants as specified in § 1133.62.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture was issued December 22, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued February 2, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1133.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1133.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1133.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1133.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1133.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1133.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1133.6 Inland Empire marketing area.

"Inland Empire marketing area" hereinafter called the "marketing area" means all of Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho; Spokane and Whitman Counties, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1133.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products.

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products on routes within the marketing area equals or exceeds the lesser of 250,000 pounds or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of October through December, or 20 percent or more during the current month during the period January through September. Any such plant which has forwarded more than 50 percent of such receipts for the entire period October through December shall be a pool plant for the months of January through September immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

(c) For the purposes of computing the percentages specified in this section the following shall apply:

(1) Receipt of milk from dairy farmers shall not include, at either plant involved, milk diverted pursuant to § 1133.15(c)(2);

(2) If a plant operated by a cooperative association meets the requirements of paragraph (a)(1) of this section, bulk milk delivered to distributing pool plants of other handlers shall be added to disposition on routes for purposes of computing the percentage specified in paragraph (a)(2) of this section; and

(3) If a handler operates more than one distributing plant meeting the requirements of paragraph (a)(1) of this section, the aggregate route disposition and receipts of all such plants shall be used to compute the percentage specified in paragraph (a)(2) of this section for each of such plants.

§ 1133.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1133.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1133.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for distribution as Grade A milk whose milk is received at a pool plant or diverted as producer milk pursuant to § 1133.12.

§ 1133.12 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 1133.44(b);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1133.15(c)(1), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1133.15 (c)(2) and (d); and

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through June if milk from the same producer was received at a pool plant during some portion of the period July through November immediately preceding; and

(2) For the purpose of location adjustments pursuant to §§ 1133.53 and

1133.81, milk so diverted shall be priced at the location of the plant from which diverted.

§ 1133.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; or (2) receipts from other pool plants; and

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1133.14 Other order milk.

"Other order milk" means all skim milk and butterfat received at a pool plant in the form of a fluid milk product which is subject to the pricing and payment provisions of any other order issued pursuant to the Act.

§ 1133.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products labeled Grade A are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers caused to be diverted for its account:

(1) From a pool plant to a nonpool plant during any of the months of December through June; and

(2) From a pool plant to another pool plant to which such cooperative association delivers no milk pursuant to paragraph (d) of this section during the month, and not exceeding a period of 90 consecutive days for any producer; and

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day on which the milk is delivered, that it elects to be the handler for all such milk. Milk so delivered shall be considered to have been received by the cooperative association at the location of the plant to which delivered.

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

§ 1133.18 Route.

"Route" means any delivery, including delivery by a vendor or disposition from a plant, plant store or distribution point, of fluid milk products to retail or wholesale outlets other than delivery to a milk plant or distribution point, or pursuant to § 1133.41(c)(3).

MARKET ADMINISTRATOR

§ 1133.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1133.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1133.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1133.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1133.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1133.30 to 1133.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1133.80 to 1133.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk delivered by such cooperative association pursuant to § 1133.15(c)(2) and (d) or from its member producers to each handler. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1133.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1133.70(e);

(iii) The uniform price;

(iv) The totals of the amounts computed in the manner provided by § 1133.80;

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1133.87 and 1133.88.

(2) Each handler whose total value of milk is computed pursuant to § 1133.62 of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1133.51(a) and the Class I butterfat differential pursuant to § 1133.52(a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to § 1133.51 (b) and (c) and the Class II and III butterfat differential pursuant to § 1133.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1133.71 and the butterfat differential computed pursuant to § 1133.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1133.30 Reports of receipts and utilization.

On or before the 7th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1133.62(b), shall report to the market administrator in the detail and on the forms prescribed by the market administrator the following information for the preceding month:

(a) Each handler operating pool plants shall report the quantities of skim milk and butterfat in:

(1) Receipts of each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 1133.44(b);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, including other order milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, and (ii) in route disposition outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request.

(b) Each handler specified in § 1133.15(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1133.15(c) and (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1133.15(c)(1);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1133.15(c)(2) and (d); and

(4) Such other information as the market administrator may require.

§ 1133.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1133.61 or one making payments pursuant to § 1133.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1133.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made the preceding month which shall show for each producer:

(a) The name and address of the producer or dairy farmer;

(b) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer; and

(c) The price, amount and date of payment with the nature and amount of any deductions.

§ 1133.32 Other reports.

(a) Each producer-handler, each handler required to report pursuant to § 1133.61 and each handler making payments pursuant to § 1133.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1133.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31 and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk and milk products handled; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

§ 1133.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1133.35 Handler reports to producers and cooperative associations.

(a) In making payments to producers pursuant to § 1133.80(b), each handler on or before the 17th day after the end of each month, for milk received during such month, shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate at which payment to such producer is required pursuant to § 1133.80;

(4) The rate which is used in making payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(b) In making payments to a cooperative association pursuant to § 1133.80(c) each handler upon request shall furnish to the cooperative association on or before the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

CLASSIFICATION

§ 1133.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to § 1133.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1133.41 through 1133.45. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1133.41 Classes of utilization.

Subject to the conditions set forth in §§ 1133.42, 1133.43 and 1133.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraphs (c) (2) and (3) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1133.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b) (1) but not to exceed the following:

(i) Two percent of receipts directly from producers (including in the case of a cooperative association, such receipts for which it is the handler pursuant to § 1133.15 (c) or (d)), plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1133.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants (when the exception specified in (ii) hereof applies, the applicable percentage shall be two percent); and

(6) In shrinkage allocated to receipts of other source milk.

§ 1133.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in pool milk in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1133.41 (c) (5); and (2) skim milk and butterfat in other source milk.

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise:

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1133.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfer or diversion, shall be classified as follows:

(a) As Class I milk if transferred in bulk in the form of fluid milk products from a pool plant to another pool plant unless:

(1) Utilization in another class is claimed by the operators of both pool plants in their reports pursuant to § 1133.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation pursuant to § 1133.46(a) (1) through (6) and the corresponding steps of § 1133.46(b); and

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both plants;

(b) Milk for which a cooperative association is the handler pursuant to § 1133.15 (c) (2) or (d) shall be deducted from the producer milk to be classified as that of the cooperative association and shall be included in producer milk classified at the plant of the transferee handler;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted except as provided in paragraph (e) of this section as a fluid milk product in bulk form to a nonpool plant, unless the following conditions are met:

(1) The operator of the pool plant claims utilization in another class in his report for the month submitted pursuant to § 1133.30;

(2) The operator of the nonpool plant maintains books and records showing the utilization of the skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the condtions set forth in subparagraphs (1) and (2) of this paragraph are met the market administrator shall determine the classification of all skim milk and butterfat at such nonpool plant and the transfer from the pool plant shall be allocated in sequence to the highest class uses remaining after allocating, in series beginning with Class I, such nonpool plant's regular dairy farm receipts of Grade A milk and receipts of milk classified as Class I milk under another Federal order;

(e) Transfers to nonpool plants fully regulated under the terms of another Federal order issued pursuant to the Act, shall be classified as Class III milk if in bulk form and allocated in the transferee-plant, pursuant to the terms of the order to which such plant is subject, as other than Class I milk, otherwise such transfers shall be classified as Class I milk.

§ 1133.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler at all of his pool plants.

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classified as Class III milk pursuant to § 1133.41(c) (5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk received in a form other than a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk in the form of fluid milk products exclusive of other order milk;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other order milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1133.44; and

(8) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Allocate butterfat in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1133.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used on computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1133.51 Class prices.

Subject to the differentials provided in §§ 1133.52 and 1133.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II milk, and Class III milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage"; and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	78	79
March	December–January	73	76
April	January–February	73	76
May	February–March	72	75
June	March–April	70	73
July	April–May	68	71
August	May–June	63	66
September	June–July	65	68
October	July–August	69	72
November	August–September	73	76
December	September–October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1133.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1133.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1133.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round

to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class III milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1133.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 90 miles by the shortest highway distance as determined by the market administrator, from the City Hall, Spokane, Washington, and disposed of as Class I milk or assigned to Class I pursuant to paragraph (b) of this section, the price computed pursuant to § 1133.51(a) shall be reduced two cents for each 10 miles or fraction thereof, up to 200 miles and one cent for each 10 miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington; and

(b) For purposes of calculating this adjustment, transfers between pool plants shall be assigned to Class I in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts at such plant from producers and cooperative associations pursuant to § 1133.15 (c)(2) and (d), such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 1133.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1133.60 Producer-handlers.

Sections 1133.40 through 1133.45, 1133.50 through 1133.53, 1133.70, 1133.71, and 1133.80 through 1133.88 shall not apply to a producer-handler.

§ 1133.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order, except that the operators of such plants shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1133.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1133.80 through 1133.87, each handler, other than a producer-handler or one exempt pursuant to § 1133.61, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 1133.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1133.70, if such handler had operated a pool plant, the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant or at a plant which serves as a supply plant, and (ii) any payments with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being partially regulated under such other orders; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1133.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value at the Class I price applicable at the location of such handler's plant, of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area, in excess of the skim milk and butterfat received at such nonpool plant from a pool plant during the month which was classified as Class I milk under this part less the value of such skim milk and butterfat at the Class III price; and

(2) As his share of the expense of administration the rate specified in § 1133.88 with respect to the net Class I milk so disposed of in the marketing area.

§ 1133.63 State institutions.

A state owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other state institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at pool plants shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 1133.70 Computation of the value of producer milk.

The value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1133.46(c), by the applicable class prices, adjusted pursuant to §§ 1133.52 and 1133.53;

(b) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(c) Add the amount obtained in multiplying the pounds of overage deducted from each class pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b) by the applicable class prices;

(d) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(2) and the corresponding step of § 1133.46(b) by the difference between the Class III price and the Class I price, each adjusted by the respective butterfat differentials;

(e) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b) by the difference between the Class III price and the Class I price adjusted for butterfat content and location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(f) Add the amount obtained in multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b); or

(2) The hundredweight of skim milk and butterfat remaining in Class III after the calculation pursuant to § 1133.46(a)(6) and the corresponding step of § 1133.46(b) in the preceding month; and

(g) Subtract the value of payments applicable under any other Federal order issued pursuant to the Act, if confirmed by the market administrator of such other order, on transfers of skim milk or butterfat in bulk form pursuant to § 1133.44(e) which are other source milk under such other order.

§ 1133.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1133.70 for all handlers who made reports prescribed in § 1133.30 and who made the payments pursuant to § 1133.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1133.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1133.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

PAYMENTS

§ 1133.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at not less than the Class III price for the preceding month;

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1133.71 subject to the butterfat differential computed pursuant to § 1133.82 and location adjustment computed pursuant to § 1133.81, and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1133.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1133.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers the foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1133.15(c)(2) and (d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provisions of the Act.

§ 1133.81 Location adjustments to producers.

In making payment to producers pursuant to § 1133.80 for milk received at a pool plant to which the provisions of § 1133.53 apply, the uniform price per hundredweight shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1133.53.

§ 1133.82 Producer butterfat differential.

In making payments pursuant to § 1133.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1133.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.62 (a)(1) and (b)(1), 1133.84 and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

§ 1133.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 1133.70 (plus, in the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1133.80(e)) is greater than the value of such handler's producer milk at the applicable uniform price specified in § 1133.80.

§ 1133.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 1133.70 (plus, in the case of a cooperative association that is a handler, the minimum amount due from other handlers pursuant to § 1133.80(e)) is less than the value of such handler's producer milk at the applicable uniform price specified in § 1133.80, except that the market administrator shall offset any payments due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1133.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the

next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1133.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1133.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative assocation from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1133.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1133.88 Expense of administration.

As his pro rata share of the expense of administration of the order each handler, including any cooperative association which is a handler, shall pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may prescribe:

(a) On or before the 14th day after the end of the month with respect to receipts at a pool plant of (1) producer milk, including such handler's own farm production and that classified pursuant to § 1133.44(b), and (2) other source milk, except other order milk, allocated to Class I; or

(b) On or before the 14th day after the end of the month with respect to producer milk for which a cooperative association is the handler pursuant to § 1133.15 (c) and (d) in excess of that delivered to the pool plants of other handlers; and

(c) The quantities of milk at handler's nonpool plants and at the time as specified in § 1133.62.

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1133.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1133.91.

§ 1133.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1133.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1133.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1133.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1133.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Effective date: March 1, 1962.

Signed at Washington, D.C., on February 26, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-2047; Filed, Feb. 28, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 582]

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Presently effective Part 41 which was adopted on June 7, 1945, contains safety certification and operation rules which apply to air carriers holding economic certificate authority to engage in unlimited scheduled service to or between points outside of the continental limits of the United States, including Alaska.

A complete revision of Part 41 has been under consideration for several years. The initial draft release, for the revision of Part 41 was issued by the Civil Aeronautics Board. This draft release dated October 2, 1950, proposed to consolidate Parts 40 and 41 into a single part but as a result of the comments to that notice from both the CAA and the industry no further attempt was made to consolidate the rules pertaining to domestic and international air carrier operations. The Board concluded that the scheduled domestic air carrier operations should continue to be governed by Part 40 and the scheduled air carrier operations outside the continental limits of the United States should continue to be governed by Part 41. However, the Board determined that a corresponding revision of Part 41 should be accomplished following the promulgation of a revised Part 40. Consequently in 1956, and again in 1958, the Board circulated notices of proposed rule making regarding Part 41 and conducted many discussions and conferences regarding all aspects of the proposed rules. Draft Release 58-24, dated December 24, 1958, was the last in the series of proposed revisions of Part 41 published by the Board as a notice of rule making. Subsequently, the safety rule making authority was transferred to the Federal Aviation Agency by the Federal Aviation Act of 1958.

The Federal Aviation Agency concurred with suggestions offered by certain segments of the air carrier industry that the new Agency should review the Board's proposal and publish an FAA notice of proposed rule making rather than adopt the proposal as offered by the Board in Draft Release 58-24. Consequently, such a notice, incorporating FAA proposals with regard to Part 41, was circulated as Civil Air Regulations Draft Release No. 60-19, dated December 1, 1960, (26 F.R. 12299).

In general, comments received concurred with the FAA proposal as published. The scheduled air carriers, however, pointed out various differences between Parts 40 and 41, which they stated should be recognized more fully. While the proposal did purport to recognize the main differences between domestic and international air carrier operations, additional emphasis has been placed on this point in this revision. It is now considered that the part as adopted herein takes cognizance of those areas wherein scheduled international air carrier operations differ from those of scheduled domestic air carriers, and that it also recognizes the many areas in which such operations are similar.

Many of the proposals appearing in Draft Release 60-19 have been changed in this revision as a result of comments received and in view of various amendments to the Civil Air Regulations which have been adopted since the circulation of the draft release. In addition, many paragraphs formerly included in the air carrier operations specifications as rules applicable to all air carriers have been incorporated into this part as adopted herein.

The following is a discussion of the major issues raised in comments received in response to Draft Release 60-19 and changes made in proposed rules:

1. Section 41.1, *Applicability of this part.* The applicability provisions of paragraphs (a) and (b) have been revised for the purpose of making clear our intent to include therein only certificated route air carriers, i.e., those holding a certificate of public convenience and necessity from the Civil Aeronautics Board authorizing unlimited scheduled service over designated routes. Excluded from the applicability of Part 41 are supplemental air carriers, since they are not authorized unlimited scheduling authority over designated routes, and also air taxi operators, since they have not been issued any certificate authority by the Board. The title of Part 41 has also been changed to more accurately describe the type of air carrier to which it applies.

In paragraph (c) the term "air agency" has been deleted in consideration of the requirements of §§ 41.240 and 41.351 which place primary responsibility on the air carrier for airworthiness and operational control.

2. Section 41.2, *Additional rules applicable to operations subject to this part.* Part 43 of the Civil Air Regulations is applicable by its own terms to Part 41 operations conducted within the United States. Upon further consideration, it has been determined that Part 43 should not be made applicable to Part 41 operations outside the United States since it could lead to unintended regulatory conflicts. Accordingly, compliance with the provisions of Part 43 over the high seas and within a foreign country has been deleted from § 41.2.

3. Section 41.5, *Definitions.* The air carriers objected to the use of the word "show" as being too burdensome. It was suggested that the rule should place the burden on the Administrator "to find" rather than place the burden upon the air carrier "to show." The words, "shall show" have been used in Part 40 for the past several years with no evidence that they placed an undue burden on the air carriers governed by the provisions of that part. As defined in that part, and as used herein, "Show" means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of the air carrier operating certificate and at any time thereafter upon request. This term is used mainly in connection with the issuance of the Administrator's approval for airports, routes and facilities which the air carrier proposes to use. Thus, before the Administrator can "find" or "approve," the air carrier must "show" that that which he desires approval of, is satisfactory. For these reasons, the term is adopted as proposed.

Many other suggested changes to definitions as proposed in Draft Release 60-19 were received. While these in general had merit, it was determined if they were adopted that nonstandardization with the other air carrier parts (i.e., Parts 40 and 42) would result. Although the air carriers' assertions with regard to the differences which exist between domestic and international operations are appreciated, the Federal Aviation Agency still believes that the basic rules applicable to all air carrier operations can and should be standardized wherever possible. The definitions adopted herein are considered satisfactory and are in agreement with those contained in Part 40. Should it be considered necessary in the future to amend these definitions, it is anticipated that similar amendments will also be made to the other air carrier parts.

4. Sections 41.11 through 41.14, *Air carrier operating certificate provisions.* The air carriers objected to the proposal to separate all provisions in currently effective operations specifications from the air carrier operating certificate. They expressed the view that those provisions in the operations specifications which pertain to airport and route authorizations should be retained as a part of the air carrier operating certificate, thus preserving for the air carriers their statutory right of appeal to the Civil Aeronautics Board from an order of the Administrator which amends or modifies such provisions.

In response to these views, the Agency has included in § 41.11 a rule which expressly provides that airports to or from which and the routes over which the carrier is authorized to operate shall be a part of the air carrier's operating certificate. However, for administrative convenience and to avoid repetitive listings, the airports and routes will continue to be listed in the operations specifications, but incorporated into the air carrier operating certificate by reference. Other airport and en route authorizations and limitations, such as weather minimums, will not be a part of the air carrier operating certificate.

In addition, a new § 41.14 has been added to specify the procedures to be

followed for processing an amendment to an air carrier operating certificate. When such an amendment is initiated by the Administrator, he will follow the procedures published in Part 408 of the Regulations of the Administrator, which are in accord with the statutory requirements of § 609 of the Federal Aviation Act of 1958. That Part recognizes an air carrier's right of appeal to the Board from an order of the Administrator which amends its air carrier operating certificate.

However, under the provisions of § 41.14, when an air carrier makes application for an amendment to provisions which are part of its air carrier certificate, an authorized representative of the Administrator may issue the amendment if he determines that safety in air transportation and the public interest permits. Should such representative deny approval of a certificate amendment requested, this rule permits the air carrier to petition the Administrator to review such denial, since there is no right of appeal to the Board in such cases under the Federal Aviation Act of 1958.

With respect to § 41.13, consideration was given to those comments which recommended that the special deviation authorization in paragraph (b), which has been applied to operations in Alaska in the past and which is continued in this part, be expanded and made applicable to all air carriers subject to Part 41. There is no need to extend the deviation authority as recommended, since procedures have been established in Part 405 of the Regulations of the Administrator for granting exemptions when it is found to be in the public interest. Consideration has been given to eliminating the special deviation authorization for air carrier operations in Alaska. However, in view of the deviations which are still in effect and have been authorized in operations specifications of the air carriers operating in Alaska because of the peculiarities of operations within that state, it has been determined to continue the deviation authorization provisions of paragraph (b) for the present.

It will be noted that paragraph (c) of § 41.13 incorporates into Part 41 the provisions of Special Civil Air Regulation No. 52–368B, so that air carriers holding economic authority to engage in scheduled cargo-only operations may, upon application, be authorized by the Administrator to conduct such operations under the certification and operation rules of Part 42 of the Civil Air Regulations.

5. Section 41.18, *Operations specifications required.* The general rule in paragraph (a) of this section removes the provisions of all operations specifications from air carrier operating certificates, with the exception of those provisions of operations specifications which pertain to airport and route authorizations. This will become effective on the effective date of the revision. As stated in the Draft Release many of the provisions of general applicability contained in the operations specifications have been included in this revision as provisions of the Part.

6. Section 41.31, *Amendment of operations specifications.* This section sets forth the procedure to be followed when amending provisions of operations specifications which are not part of the air carrier operating certificate. In response to comments received, the proposed procedures have been revised to expressly provide that, except in emergencies, the filing of a petition to the Administrator for reconsideration shall stay the effectiveness of an amendment pending a decision by the Administrator.

7. Section 41.32, *Width of routes.* This particular proposal engendered considerable discussion as to its necessity and desirability. The air carriers maintained that it is impractical for various reasons to designate route widths in international operations. Some of these were said to be their lack of control over ground facilities owned and operated by foreign governments, the need for flexibility of operations, and consideration of the areas involved in over-ocean navigation, etc. These arguments all have considerable merit; however, the Agency must be assured that operations over routes outside the U.S. are being conducted substantially as originally approved on the proving flights or as a result of the original surveys and studies conducted by the FAA. When routes are approved, the width of the routes, the minimum enroute altitudes, the communications, and the adequacy of the navigational aids upon which the route was premised were all taken into consideration. Therefore, in particular instances, certain of these considerations have been inserted in the operations specifications as requirements. It may be necessary in the interest of safety to establish a width for certain routes approved for operation over other than Federal or foreign airways, or advisory routes. Accordingly, in the case of such approved routes, the rule adopted herein provides for the establishment of a route width when an authorized representative of the Administrator determines it to be necessary. When such a determination is made, the route width will be specified in the appropriate operations specifications.

8. Section 41.36, *En route navigational facilities.* With regard to the listing of required navigational facilities in the operations specifications for routes approved outside of controlled airspace, the Agency has determined that only through this means can adequate control be maintained over the approval of such routes, especially, for example, those predicated on cockpit navigation where the air carrier through proving flights has shown that navigators are not required. Where for technical or other reasons certain facilities become inoperative § 41.385 has been revised to permit the air carrier to utilize communication and navigational facilities equivalent to those required by §§ 41.34 and 41.36. In such case it is anticipated that the pilot in command and dispatcher will determine whether "other" facilities are equivalent to those specified as required facilities in the operations specifications, and if they can be used safely. This will provide the air carriers with the flexibility essential to international operations.

9. Section 41.53, *Airplane Flight Manual.* Some comments received stated that there was no substantial justification for the proposal that when required sections of the approved Airplane Flight Manual are incorporated into the Air Carrier Manual they must not lose their identity. The section is being adopted as proposed inasmuch as the Agency believes it important that users know and appreciate which material is FAA approved in accordance with § 4b.740(b) and § 4b.740–1, and which is company policy. This section clarifies FAA policy specified in Part 4b regarding this matter.

10. Section 41.60, *General.* Comments received recommended that the specific reference to charter flights and special services be deleted since charter flights and special services off route are governed by Part 42. This section was amended accordingly.

11. Section 41.61, *Airplane certification requirements.* Comments received regarding paragraph (b) suggested that the certification requirements should logically be made applicable to all cargo-carrying airplanes in addition to passenger-carrying airplanes in view of the desired objectives stated by the Agency in Draft Release 60–19. The Agency concurred with the comments offered and has deleted the words "and used in passenger-carrying operations," so as to require all airplanes certificated as a basic type after June 30, 1942, to be certificated as transport category airplanes and meet the requirements of § 41.70.

12. Section 41.62, *Airplane limitation for type of route.*

In view of the changes made in paragraph (b) of § 41.61, and for the same reasons, the words "in passenger carrying operations" have been deleted from § 41.62 so as to make the requirements thereof applicable to all airplanes used in operations governed by Part 41.

Paragraph (a). Comments received with regard to the general grouping of 2- and 3-engine airplane requirements in this paragraph indicated that the 3-engine requirement was unduly restrictive and that it should be treated in the same manner as 4-engine aircraft. Another comment received suggested that the one-hour limit on 2- and 3-turbine airplanes is unnecessary and recommended supplementing the en route requirements of Special Civil Air Regulations No. SR–422 in a particular manner. These comments all had considerable merit. However, changes as suggested, if adopted at this time, would result in substantially different requirements between Parts 40 and 41. The Agency will consider the changes recommended in connection with revisions of all the air carrier parts and in light of other similar amendments presently under study at this time. In the interim period, any case which may arise will be considered individually on its own merits in accordance with the proviso in the paragraph which states that an authorized representative of the Administrator may specify distances greater or less than those set forth when the terrain, type of operation, or airplane performance so permits or requires.

Paragraph (b). With regard to this paragraph, it is the firm opinion of the Agency that transport airplanes operated beyond 50 miles from shore should be certificated or approved as adequate for ditching. Some earlier type airplanes, notably the DC–3 and C–46, have proven through actual ditchings their ability to comply. The later transport type airplanes, with the exception of the Convair 340 and 440 series, all meet these requirements. With respect to the Convair 340/440 airplanes, these have been included with the DC–3 and C–46 airplanes in the proviso as not needing to be certificated as approved in accordance with the ditching provisions of Part 4b in consideration of the successful tests conducted by NACA. (Reference NACA Research Memorandum for the CAA, "Ditching Investigation of a 1/15 scale Model"—RMSL50K02. Also NACA Research Memorandum for Air Material Command, USAF and BUAIR "Compilation and Review of Effects of Design Parameters on Ditching Characteristics"—RMSL51F21.)

13. Section 41.63, *Proving tests.* No change is made to this section as proposed. One comment received stated that a literal interpretation of paragraph (b) (1) would make it unduly restrictive. However, the material incorporated into paragraph (b) and the note following have been utilized as Civil Aeronautics Manual material for years in Part 40 and no significant problems have arisen. There is no reason to believe that this section as adopted will not be satisfactory.

14. Sections 41.70 through 41.94, *Airplane performance operating limitations.* Comments indicated that no allowance has been made for precipitation on the runway. This matter is under active consideration with regard to turbine-powered airplanes and will be considered in the amendment of Special Civil Air Regulation No. SR–422B. With regard to piston-powered airplanes, the 60-percent landing distance factor has generally provided an adequate margin for wet runways. Consequently, § 41.77 is adopted as proposed and, if changes to the air carrier rules are deemed necessary, such changes will be made simultaneously to Parts 40, 41, and 42.

Similar comments were also noted with regard to various of the airplane performance operating limitations for transport and nontransport category airplanes. In this respect, while the comments offered all were meritorius they were not sufficiently significant to require separate consideration in this part. The Agency will, however, consider them in connection with other amendments to SR–422B, and Parts 40 and 42 which may be necessary in the future to insure standardized treatment of all air carrier parts.

15. Sections 41.110 through 41.152, *Special airworthiness requirements.* These sections have been adopted substantially as proposed. The comments received with regard to these sections stated that the material should be included in Part 4b, that its continued inclusion in Part 41 was not justified and that it would require modification of older aircraft. The Agency did not concur with these comments since the requirements contained in these sections are already to Part 4b. The purpose of Section 41.110, as specified therein is to also make these requirements applicable to airplanes not certificated under Part 4b effective on and after November 1, 1946.

Section 41.110 has also been revised to include cargo airplanes used in air carrier service by deletion of the term "used in passenger service." This permitted the deletion of the proposed § 41.111 which specifically applied to fire prevention for cargo airplanes. Ample flexibility has been incorporated in the proviso of § 41.110 to permit the Administrator's representative sufficient latitude in accepting equivalent measures of compliance for a particular model of an airplane or one used in cargo service where he finds they will effectively accomplish the basic objectives of the regulations.

Some objections were made to proposed § 41.134 and it was suggested that this section be reworded for clarification purposes to read the same as § 40.134 of Part 40 of the Civil Air Regulations. This has been done as it is agreed the proposed wording was not as clear or explicit as that contained in Part 40.

16. Section 41.154, *Carriage of cargo in cargo compartments.* With respect to the proposal and to comments received, it has been concluded that if a cargo compartment is so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, such opening to the compartment should be accessible for the purpose designed. Comments received indicated that a literal interpretation of the proposal would cause an impossible situation regarding the positioning of cargo. This is not concurred in; however, to clarify the intent of the original wording, "ready access in flight," the section has been rewritten to read "* * * the cargo shall be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher." Thus, it is clear that it is the contents of the fire extinguisher which must reach all parts of the compartment.

17. Sections 41.170, 41.171, and 41.172, *Airplane and engine instruments and flight and navigational equipment for all operations.* Considerable comment was received with regard to these sections ranging from suggestions that they be completely rewritten for clarification purposes to suggestions that minimum equipment lists for all airplanes be incorporated in the sections. However, the sections have been adopted as proposed and it is not agreed at this time they need to be rewritten. Section 41.170(c) is very explicit in requiring compliance with the airworthiness requirements under which the airplane was type certificated and with other sections in this part except as provided for by § 41.391 (b).

With regard to the statement in § 41.172 whereby an authorized representative of the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety, the basic required instruments as specified in § 41.170(c) (1) are those required to comply with the airworthiness requirements under which the airplane was type certificated. Section 41.172 authorizes the representative of the Administrator to permit or require different instrumentation if he finds it will, or is necessary to, provide equivalent safety. In this connection, should it be determined in the future to amend this particular section, it will be published as a notice of proposed rule making applicable to Parts 40, 41, and 42.

18. Section 41.173, *Emergency equipment for all operations.*

Paragraph (a), *General.* This paragraph has been rewritten as it was considered to be too detailed as proposed. The new wording incorporates the substance of § 40.18–4(f) (4) of the domestic air carrier rules by requiring the air carrier to inspect the required emergency equipment at inspection periods established for the individual air carrier in the operations specifications rather than at a specified period of 90 days.

Paragraph (b), *Hand fire extinguishers.* Subparagraph (3) of this paragraph has been revised to delete the proposed requirement to add a third fire extinguisher in the cabin of airplanes accommodating more than 60 passengers. A minimum of two are already required in this instance, and an additional extinguisher is available on the flight deck for emergencies. This is identical with the requirement for domestic scheduled air carriers.

Paragraph (c), *First-aid equipment.* In view of comments received, Appendix A has been revised to eliminate the proposed requirement for two No. 3 kits in certain large airplanes. Also, as noted in Item 23, sections 41.206 and 41.208 permit the air carriers more latitude in determining the quantity and type of emergency equipment required to be carried. Accordingly, the required equipments proposed in Draft Release 60–19 have been deleted from the appendix.

Paragraph (e), *Means for emergency evacuation.* The intent of this rule always has been and still is that the emergency evacuation means shall be in a position for immediate installation and ready use. This does not necessarily mean that it must be installed at all times. In some instances this could cause more of a hazard than a safeguard. Accordingly, this paragraph has been amended to make this intent clear.

Paragraph (f), *Interior emergency exit markings.* This paragraph has been rewritten to conform to the recent amendments to Parts 40, 41, and 42 to require that, when emergency lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

19. Section 41.174, *Seats and safety belts for all occupants.* With respect to the proposal, comments received took issue with the phrase which would prohibit the present practice of attaching seat belts to aircraft structure. Upon review, such prohibition is unnecessary

since the seat belt wherever attached must meet the appropriate inertia forces prescribed in Part 4b. The wording has been revised accordingly.

20. Section 41.175, *Miscellaneous equipment for all operations.*

Paragraph (g). This paragraph has been deleted as it applies to the carriage of anchor lights, warning bells, and anchors for use when the seaplane is not underway. The weight penalty of carrying an anchor is not justified since operators may prefer to use buoys or other devices for the purpose of securing the seaplane when not underway. The provision in regard to anchor lights when an anchor is used is unnecessary in view of the existing lighting requirements in the Air Traffic Rules of Part 60, and in Annex 2 of ICAO for operations on the high seas.

21. Section 41.179, *Shoulder harness.* While most comments received concurred with the proposal, the air carriers indicated that it posed severe problems in installing this equipment on older airplanes. Since the benefits to be derived from the shoulder harness are most apparent in connection with the newer and faster types of transport airplanes recently introduced, the proposed section has been revised to require this equipment only on the newer types of air carrier airplanes.

22. Section 41.200, *Instruments and equipment for operating at night.* Several comments pro and con were received regarding the number and types of lights required for conspicuity purposes and for cockpit illumination. Inasmuch as these requirements involve certification rules in Part 4b, and also, considering that the airplanes used by some air carriers are used in Parts 40, 41, and 42 operations, any rule changes in this connection as suggested would of necessity have to be preceded by new notices of proposed rule making and would have to apply to all air carrier parts. Consequently, paragraphs (a), (b), (c), and (d) are adopted as proposed. This section had also contained a requirement with regard to the carriage of flares on extended overwater operations. The requirement for flares has been deleted in light of decisions reached in regard to recent amendments to Parts 40, 41, and 42.

23. Sections 41.206 and 41.208, *Equipment for extended overwater operations and over uninhabited terrain.* These sections have been rewritten to permit the air carriers more latitude in locating and packing their emergency equipment, and in determining the quantity and type of equipment necessary for operations over those uninhabited or other areas in which an authorized representative of the Administrator determines that the equipment is necessary for search and rescue in the event of an emergency. A note has been added for informational purposes stating that the areas over which an authorized representative of the Administrator finds such equipment necessary will be specified in the operations specifications of the air carrier.

24. Section 41.231, *Radio equipment for operations under VFR over routes navigated by pilotage.* Paragraph (a) (1) has been revised to delete the requirement that an airplane have the ability to communicate with other company airplanes on the route. It is recognized that airplanes on a segment of a route may not have common frequencies with airplanes on other segments. However, the main requirement is retained that the airplane must be equipped for communication with at least one ground station on the route.

25. Section 41.232, *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* This section is being adopted as proposed. However, additional changes in the subject radio equipment requirements may be made as a result of proposals circulated in DR 61–21, issued September 29, 1961.

26. Section 41.241, *Maintenance and inspection requirements.* As proposed this section was intended to include the rules now contained in Part 40, including the pertinent interpretive manual material. Comments received, pointed out the omission of certain words. Omission of these words was inadvertent and the section has been corrected to include the omissions.

Comments received also recommended further changes with respect to inspection organizations. These changes are not within the scope of Draft Release 60–19, but are under consideration by the Agency as a separate rule making proceeding.

27. Section 41.243, *Maintenance and inspection personnel duty time limitations.* This section is being adopted as proposed notwithstanding opposition received from the air carriers. As adopted, the rule is limited to the United States and is consistent with the rules applicable for many years to mechanics employed by domestic air carriers under Part 40. However, this matter will be reconsidered together with the project on flight crew duty and flight time limitations which are being handled as a separate rule making proceeding.

28. Section 41.260, *Utilization of airman.* This section has been reworded to clearly specify that an airman must have in his personal possession both an appropriate airman and medical certificate while engaging in operations under this part.

29. Section 41.261, *Composition of flight crew.*

Paragraph (a). This paragraph has been rewritten to indicate that the minimum flight crew is specified in the Airplane Flight Manual rather than in the airworthiness certificate.

Paragraph (d). Upon further consideration the current rule in Part 41 concerning emergency coverage of the flight engineer's functions by another flight crewmember has been determined to be adequate. Accordingly, paragraph (d) of this revised part retains the current rule in Part 41 without change.

30. Sections 41.265 and 41.267, *Flight attendant and assignment of emergency and evacuation functions for each crewmember.* The comments received in response to this proposal varied as to the proper ratio of flight attendants to passengers required for airplanes used in passenger service. Some comments indicated that the establishment of such a ratio based upon the number of passengers carried on a particular flight was arbitrary and would create a scheduling problem since the air carrier would not know the number of flight attendants to assign to a flight until the number of passengers had been determined at departure time.

As stated in the draft release, section 41.265 specified the minimum number of flight attendants which appeared necessary for the proper performance of the safety functions related to the normal and emergency operation of the aircraft, including emergency evacuation and decompression. The performance of this safety function properly, especially under emergency circumstances, is extremely important. It can mean the difference between life and death for the passengers as well as the crewmembers aboard the airplane.

The comments received were given serious consideration and study. There appears to be no formula of general applicability which can be established which will not under certain circumstances be considered unnecessary or arbitrary. We agree that a minimum fixed ratio of flight attendants to passengers may, as stated in some comments, be unnecessary over certain routes or on certain types of airplanes now used, or to be used in the future. However, it has been determined that the number of flight attendants in ratio to the number of passengers contained in the proposal should be prescribed as a basic minimum standard for the guidance of all operators. Moreover, this ratio should be based on the passenger seating capacity of the particular airplane, in lieu of the number of passengers carried as proposed in the Draft Release. In the event that the prescription of the fixed ratio imposes an unnecessary burden upon an air carrier for a particular airplane or operation, the regulation as adopted further provides that, upon proper showing by the air carrier, an authorized representative of the Administrator may approve a lesser number of flight attendants. Such approval will be based upon a showing by the air carrier that the number of passenger seats, compartments, emergency exits and equipment, type of operation, or other trained members of the flight crew not on flight deck duty and whose services may be used in emergencies, permit the functions to be performed properly with the lesser number. When such approval has been obtained it will be placed in the air carrier's operations specifications.

31. Section 41.266, *Aircraft dispatcher.* The word "show" has been substituted for "provide" in this section. Thus, the air carrier must show a sufficient number of dispatch centers as required by section 41.38 as well as an adequate number of qualified dispatchers at such centers.

32. Section 41.284, *Flight engineer training.* Paragraph (c) has been liberalized to permit the recurrent 12-month flight checks, with the exception of emergency procedures, to be accomplished in scheduled flight in air transportation as is presently permitted under domestic and international air carrier operations.

33. Section 41.303, *Pilot route and airport qualification requirements.*

Paragraph (b). Comments received from both the air carriers and the pilots indicated that oral as well as written means should be permitted in demonstrating knowledge of the various subjects a pilot is required to be familiar with when qualifying on a route. The objective of this regulation will be accomplished if the pilot demonstrates his knowledge of the subject matter by either oral or written examination to the appropriate instructor or check pilot and such instructor or check pilot certifies in the air carrier's airman records that the pilot is qualified. This section has been changed accordingly.

Subparagraph (8) of paragraph (b) has been revised to eliminate the term "instrument approach procedures" which is also specified in subparagraph (7).

34. Section 41.306, *Flight navigator qualification for duty.* In light of comments received, the provisions of this section have been revised to also permit a navigator who has not been previously qualified to take the qualification check either in flight or in a synthetic (celestial) trainer. In addition, the rule permits the flight check to be accomplished in scheduled air transportation, but makes clear our intent that the airman being checked shall not be assigned to the aircraft as a required member of the flight crew while being checked in air transportation.

35. Section 41.307, *Flight engineer qualification for duty.* This section has been revised to make clear our intent that this particular flight check not be accomplished in scheduled air transportation.

36. Section 41.310, *Aircraft dispatcher qualification for duty.* Comments regarding this proposal varied as to whether a dispatcher should make a one-way trip or a round trip over a route for qualification purposes. To permit greater flexibility paragraph (b) has been revised to require at least "a one way qualification trip over the particular area" in which the dispatcher serves within the preceding 12-month period. This change permits a one way trip or in the event a round trip is made the return trip may be made either over the same or a different route.

37. Sections 41.320 through 41.327, *Flight time limitations.* As stated in Draft Release 60–19, the subject of flight time limitations for flight crewmembers will be presented in a separate rule making proceeding. Accordingly, the currently effective flight time limitations for flight crewmembers are retained in this revision.

38. Section 41.340, *Aircraft dispatcher daily duty time limitations.* The section as proposed has been included in the air carrier operations specifications for some time and is incorporated without substantive change into the provisions of this Part.

39. Section 41.355, *Manipulation of controls.* In consideration of comments received, this section now authorizes qualified pilot personnel of another air carrier and authorized pilot safety representatives of the Administrator and the Civil Aeronautics Board to operate the flight controls during flight. In this connection, § 41.356 has also been changed to provide that representatives of the Civil Aeronautics Board engaged in observing flight operations of air carriers do not require seats available for their use in the cabin.

40. Section 41.360, *Emergency decisions; pilot in command and aircraft dispatcher.* In response to comments received paragraph (c) has been changed to provide that written reports of deviations should be submitted by the pilot to the FAA through the air carrier's operations manager.

41. Section 41.372, *Minimum altitudes for use of automatic pilot.* This section incorporates without substantive change regulatory material of general applicability which was previously included in the air carrier operations specifications.

42. Section 41.381, *Necessity for dispatching authority.* The provision contained in the proposal regarding the necessity for redispatching an airplane under certain weather conditions at intermediate airports was a part of the original Draft Release 58–24 issued by the Board. The purpose of this provision, as stated in that draft release, was "to insure adequate flight following" service, and "to permit latitude and flexibility in redispatching from intermediate airports." However, it appears that the adoption of the proposed provision would be restrictive and unnecessary in view of the dispatching and other operating rules of this part. Accordingly, the proposed redispatching provision has been deleted.

43. Section 41.385, *Communications and navigational facilities required for dispatch.* As previously explained in the comments regarding § 41.36, this section has been reworded to provide flexibility essential to international operations.

44. Section 41.387, *Dispatching under IFR, over-the-top, or over water.* Comments received from industry indicated that the original proposal was too stringent, and exceeded the current rules permitting consideration of weather reports or forecasts. The rule adopted herein and in § 41.390 provides for the use of weather reports or forecasts in dispatching flights. It is also worded to provide the flexibility of dispatch needed in international operations.

45. Section 41.388, *Alternate airport for departure.* With regard to the proposal, comments received indicated that the proviso which was appended to paragraph (a) negated the entire purpose of the rule. As stated the proviso permits an air carrier to dispatch an airplane from an airport without the specified alternate when the weather is 300–1 even though higher take-off minimums are specified at a particular airport due to obstructions. Therefore, the proviso has been deleted. Comments on this proposal also emphasized that the regulation should be relaxed to permit a 3-engine jet airplane to be placed in the same category as a 4-engine airplane for dispatch purposes. This has not been done in this revision, but consideration will be given to such an amendment as a separate rule making proposal to Parts 40, 41, and 42 simultaneously.

46. Section 41.391, *Continuance of flight; flight hazards.* Comments received in regard to this section indicate the need for a clarification of its provisions. As proposed, this section was identical to that used for domestic air carrier operations under which the approved minimum equipment list (go-no-go) is incorporated in the Air Carrier's Manual. This list is used in the event a required item of equipment becomes inoperative enroute. As defined in Part 40 and in this Part, "enroute" means the entire flight from the point of origination to the point of termination including intermediate stops. Thus, if an item of equipment becomes inoperative the provisions of paragraph (b) apply both while the aircraft is in flight or at the intermediate stops.

However, it is to be noted that paragraph (a) places a responsibility upon the pilot in command and the dispatcher to discontinue flight toward any airport to which the airplane is dispatched under any circumstances involving a flight hazard (including inoperative instruments and equipment) when the flight cannot be completed with safety.

In regard to the procedures required under paragraph (b), it appears that the proposed rule did not clearly indicate the Agency's established practice of approving the minimum equipment list proposed by the air carriers. Therefore, as revised in this final regulation paragraph (b) of section 41.391 has been clarified by expressly requiring approval of the minimum equipment list for operations en route, as well as those procedures for continuance of flight beyond a terminal point.

Since the procedures required by paragraph (b) apply to the aircraft while in flight as well as on the ground at intermediate stops, section 41.51 requires them to be specified in that portion of the air carrier manual which is available to the pilot and appropriate ground personnel.

47. Section 41.395, *Takeoffs from airports not listed in the operations specifications.* This section incorporates without substantive change material formerly contained in the air carrier operations specifications with respect to takeoffs from unauthorized airports. The section as revised is limited to takeoffs at unauthorized airports. Takeoff and landing at alternate airports which are specified in the air carrier's operations specifications are governed by the provisions of §§ 41.390, 41.405, 41.406, and other applicable provisions. Therefore, it is unnecessary to prescribe additional requirements in this section for such airports.

48. Section 41.396, *Fuel supply for all operations.* Comments pointed out several omissions in the proposal which when applied to VFR operations or to IFR operations where an alternate air-

port is not required would have been too restrictive. These comments all had considerable merit and were adopted. The section as now written provides for IFR or VFR operations and also incorporates the turbojet fuel requirements presently contained in Special Civil Air Regulation No. SR–427C.

49. Section 41.406, *Takeoff and landing weather minimum—IFR.* Pilots of U.S. air carriers oprating under Part 41 outside of the United States, where U.S. Weather Bureau reporting services are not available, have been authorized in the past to initiate and execute instrument approach procedures even though local weather reports indicated that ceiling and visibility minimums were less than those authorized for a particular airport, i.e., "Look See" privileges. Draft Release 60–19 proposed to preclude such operations except as in Part 40, where certain types of instrument approach procedures are authorized to be conducted under specified conditions. The air carriers objected to the proposed deletion of the pilots "Look See" privileges on the grounds that such operations had not been unsafe in the past. However, other comments received urged deletion of all "Look See" privileges, even those now permitted by Part 40.

The main point at issue involved herein is the validity of weather reporting in particular areas of the world outside of the United States where U.S. Weather Bureau weather reports do not exist. It is noted that § 41.35 requires that all weather reports used to control flight movements shall be those prepared and released by the U.S. Weather Bureau or by a source approved by the Weather Bureau, or, in foreign countries by a source found by a representative of the Administrator to be satisfactory. In this connection, where it is determined by such representative that weather reporting and forecasting services proposed to be used by an air carrier outside the United States are satisfactory for the dispatch and control of flight movements over a route, they should be considered to be equally satisfactory to determine ceiling and visibility for initiation and execution of an instrument approach procedure. Accordingly, as proposed in the draft release the section as adopted herein prohibits "Look See" privileges except in particular instances where both ILS and PAR are available and used and, in other instances, where the airplane has commenced final approach from the outer marker or other facility.

50. Section 41.502, *List of airplanes.* Under § 41.19 of Draft Release 60–19 it was proposed to require aircraft used by an air carrier in scheduled air transportation to be listed in its operations specifications. However, upon further consideration this requirement has been deleted. In lieu thereof a new § 41.502 has been added which will require the air carrier to maintain a current list of its airplanes as now required for domestic scheduled air carriers. However, a provision has also been added to § 41.502 which requires each air carrier to submit to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations a copy of the current list of airplanes maintained by the air carrier and any changes thereto.

51. Section 41.507, *Maintenance log.* With respect to the proposal to require the maintenance log to contain the time since last overhaul of airframe and engines, it is considered that this phrase has little meaning for the crew under the progressive maintenance and overhaul systems now in use. Inasmuch as overhaul time limits are generally based on reliability which can reasonably be expected throughout the period between overhauls, the proposal has, therefore, been deleted. The phrase "critical to the safety of flight" has been added to the first sentence of this section to insure that the log will contain at least those items which are essential to safety.

The format of this revised part will be subject to such changes as may be necessary for its recodification under the Agency's Recodification Program, recently announced in Draft Release No. 61–25 (26 F.R. 10698). This recodification will not result in any substantive change in the rules adopted herein.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby revised as set forth below effective March 1, 1963:

(Secs. 313(a), 601–610, 1102; 72 Stat. 752, 775–780, 797; 49 U.S.C. 1354, 1421–1430, 1502)

Issued in Washington, D.C., on February 23, 1962.

N. E. HALABY,
Administrator.

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APPENDIX A—First-aid kits.

APPLICABILITY AND DEFINITIONS

§ 41.1 Applicability of this part.

The provisions of this part are applicable to the following persons:

(a) An air carrier holding a certificate of public convenience and necessity issued by the Board which authorizes unlimited scheduled service over designated routes, when it engages in scheduled air transportation over such routes between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; or between places in a Territory or possession of the United States; or between any place in the United States and any place outside thereof; or between any two places outside the United States; or between a place in the State of Alaska and any other State of the United States; or between the State of Hawaii and any other State of the United States;

(b) An air carrier holding a certificate of public convenience and necessity issued by the Board which authorizes unlimited scheduled service over designated routes, when it engages in scheduled air transportation over such routes between points in the State of Alaska or the State of Hawaii; and

(c) Any airman or other person employed or used by an air carrier in the conduct of operations subject to this part

(including the operation, inspection, maintenance, and overhaul of aircraft), and any person while on board an airplane operated by an air carrier under the provisions of this part.

NOTE: Under the provisions of Part 45, commercial operators within Hawaii and Alaska may also be required to comply with this Part 41 when it conducts common carrier operations, intrastate.

§ 41.2 Additional rules applicable to operations subject to this part.

Unless otherwise specified in this part or the operations specifications of the air carrier, operations subject to the provisions of this part shall be conducted in compliance with the following additional rules:

(a) *Within the United States.* Parts 43 and 60 of this chapter (Civil Air Regulations).

(b) *Over the high seas.* Annex 2 (Rules of the Air) to the Convention on International Civil Aviation, except where any rule of this part is more restrictive and may be followed without violating the rules of Annex 2.

(c) *Within a foreign country.* The air traffic rules of the foreign government and local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of such foreign country.

§ 41.5 Definitions.

As used in this part, the terms found herein are defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

Administrator. The Administrator is the Administrator of the Federal Aviation Agency, or any person to whom he has delegated his authority in the matter concerned.

Air carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, to engage in air transportation as defined in the Federal Aviation Act of 1958.

Aircraft dispatcher. An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and takeoff of airplanes.

Alternate airport. An alternate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of airplanes in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to airplanes during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator, or his authorized representative.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Crewmember. A crewmember is any individual assigned by an air carrier for the performance of duty on an airplane in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the takeoff distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Dispatch release. A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Effective length of runway—(1) *Takeoff.* The effective length of runway for takeoff as used in the takeoff operating limitations for nontransport category airplanes is the distance from the end of the runway at which the takeoff is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the centerline of the runway.

(2) *Landing.* The effective length of runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

FAA. FAA means the Federal Aviation Agency.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crewmember. A flight crewmember is a crewmember assigned to duty on an airplane as a pilot, flight navigator, or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilot in the mechanical operation of an airplane.

Flight navigator. A flight navigator is an individual holding a valid flight navigator certificate issued by the Administrator and who is responsible to the pilot in command for the safe and efficient navigation of the airplane.

Flight time. Flight time is the time from the moment the airplane first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

ILS. ILS is the symbol used to designate instrument landing system.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight prescribed by the terms of the airplane airworthiness certificate or the Airplane Flight Manual.

Minimum control speed. The minimum control speed is the minimum speed at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Information is also available concerning such tables in the Offices of the Federal Aviation Agency or the United States Weather Bureau.

Obstruction clearance area—(1) *Takeoff.* A takeoff obstruction clearance area as used in the takeoff operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the takeoff procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

(2) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator to an air carrier pursuant to the provisions of this part.

Over-the-top. Over-the-top means the operation of an airplane above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

PAR. PAR is the symbol used to designate precision approach radar.

Passenger-carrying airplane. A passenger-carrying airplane is an airplane carrying any individual other than a flight crew or crewmember, company employee, or an authorized government representative, or individuals accompanying shipments.

Pilot in command. The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the airplane during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Point-of-no-return. Point-of-no-return means that point at which the airplane no longer has sufficient fuel under existing conditions to return to the point of departure or any alternate for that point.

Propeller. A propeller is an external device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Provisional airport. A provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

Rating. A rating is an authorization issued with an airman certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling airport. A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

Regular airport. A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

Route. A route is the airspace on either side of a course or courses joining those points on the surface of the earth between which an air carrier is authorized to conduct scheduled operations.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or takeoff of airplanes.

Second in command. Second in command means a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an airplane.

Show. Show (or shows) means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of the air carrier operating certificate and at any time thereafter upon request.

Synthetic trainer. A synthetic trainer is a device, the use of which is approved to simulate certain operating conditions.

Takeoff safety speed, V_2. The takeoff safety speed is the airplane speed used in the determination of the takeoff flight path at which the climbout following takeoff can be safely executed with one engine inoperative and with the airplane in the takeoff configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an airplane leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this chapter (Civil Air Regulations) or the transport category requirements of Part 4a of this chapter (Civil Air Regulations).

Type. With regard to airman qualifications, type means all airplanes of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{s_0}. V_{s_0} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 41.10 Certificate required.

No person subject to this part shall conduct operations without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator. Certificates currently in force on the ef-

fective date of this part shall be deemed to be certificates issued under this part.

NOTE: Applications, and instructions for the preparation thereof, for the issuance or amendment of air carrier operating certificates may be obtained from any FAA Air Carrier District Office.

§ 41.11 Contents of certificate.

The air carrier operating certificate shall contain the name of the air carrier, and the airports to or from which, and the routes over which, the air carrier is authorized to operate: *Provided*, That such airports and routes shall be listed in the operations specifications of the air carrier and incorporated into the contents of the air carrier operating certificate by reference thereto in the certificate.

NOTE: The airports, and locations thereof, are listed under the "airport authorizations and limitations" part of the operations specifications. The routes including the airways where applicable are listed in the "Enroute Flight Procedures"—Form ACA-514A of the operations specifications.

§ 41.13 Issuance of certificate.

(a) An air carrier operating certificate is issued to an applicant having a certificate of public convenience and necessity or other appropriate economic authority issued by the Board if the Administrator after investigation finds that such applicant is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications provided for in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations conducted between points in Alaska, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the Federal Aviation Act of 1958 as amended, require or permit a deviation from any specific requirement of this part for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part.

(c) An air carrier holding economic authority to engage in scheduled cargo-only operations between any of the places specified in § 41.1 (a) or (b) may, upon application, be authorized by the Administrator to conduct such operations in accordance with the air carrier certification and operation rules prescribed in Part 42 of this chapter (Civil Air Regulations).

§ 41.14 Amendment of certificate.

(a) An air carrier operating certificate may be amended by the Administrator in accordance with section 609 of the Federal Aviation Act of 1958, and the applicable procedures in Part 408 of the regulations of the Administrator whenever he determines that safety in air transportation and the public interest so require.

(b) Upon application by an air carrier, an authorized representative of the Administrator may amend an air carrier operating certificate if he determines that safety in air transportation and the public interest permits such an amendment. Within 30 days after the refusal of an authorized representative of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Administrator for a review of such refusal.

(c) Applications by the air carrier for amendments of air carrier operating certificates shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

§ 41.15 Display of certificate and operations specifications.

The air carrier operating certificate and operations specifications shall be available at the principal operations office of an air carrier for inspection by an authorized representative of the Administrator.

§ 41.16 Duration of certificate.

An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board to the air carrier, or until such operating certificate is surrendered, suspended, revoked, or otherwise terminated by the Administrator. After suspension or revocation it shall be returned to the Administrator.

§ 41.18 Operations specifications required.

(a) On and after the effective date of this revision, all air carrier operations specifications issued pursuant to the provisions of Part 41 prior to such date of revision, except those operations specifications specifying the airports and route or route segment authorizations, shall cease to be a part of an air carrier operating certificate.

(b) No person shall engage in or conduct any operations to which this part is applicable without, or in violation of, currently effective operations specifications issued under this part. Operations specifications in force on the effective date of this revision shall be deemed to be currently effective operations specifications issued under this part.

NOTE: Forms for initial applications for operations specifications are furnished upon request to an FAA Air Carrier District Office.

§ 41.19 Contents of operations specifications.

The operations specifications contain the following:

(a) Types of operations authorized;

(b) Types of airplanes authorized for use;

(c) En route authorizations and limitations;

(d) Airport authorizations and limitations;

(e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of airplanes;

(g) Interline equipment interchange requirements, if pertinent; and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 41.20 Utilization of operations specifications.

The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier in such a manner that they do not lose their identity in any respect.

§ 41.21 Amendment of operations specifications.

The following procedures apply to the amendment of operations specifications (except those which are a part of the air carrier operating certificate under § 41.13) issued to an air carrier under the provisions of this part:

(a) Upon application by the air carrier an authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest permits such an amendment;

(b) An authorized representative of the Administrator may amend an operations specification if he determines that safety in air transportation and the public interest requires such an amendment;

(c) Except in the case of an emergency requiring immediate action with respect to safety in air transportation, or upon consent of the air carrier concerned, an amendment shall not become effective prior to 30 days from the date that the air carrier has been notified of such amendment;

(d) Within 30 days after a notice of amendment or refusal to approve an air carrier's application for amendment, the air carrier may petition the Administrator to reconsider the amendment or refusal to amend. Except in the case of an emergency amendment, the filing of a petition for reconsideration shall stay the effectiveness of an amendment pending a decision by the Administrator.

(e) Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

NOTE: See § 41.14 for procedures governing the amendment of an air carrier operating certificate, including an amendment to provisions in operations specifications pertaining to airport and route authorizations.

§ 41.22 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Federal Aviation Act of 1958, as amended, the Civil Air Regulations, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 41.23 Operations and maintenance base and office.

Each air carrier shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier District Office charged with overall inspection of the air carrier's operations.

REQUIREMENTS FOR APPROVAL OF ROUTES

§ 41.30 General route requirements.

The air carrier shall show for route approvals that it is competent to conduct scheduled operations over any route or route segment to be used between any regular, provisional, or refueling airport, that the facilities and services required by §§ 41.33 through 41.38 are available and adequate for the type of operation proposed, and, for routes outside of controlled airspace, that traffic density does not constitute a hazard. Actual flight over a route or route segment will be required, unless the air carrier shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling, ground and aircraft radio facilities, and the competence of personnel to be used in the proposed operation.

§ 41.32 Width of routes.

Routes approved for operations over U.S. Federal airways, foreign airways, or advisory routes (ADE's) shall have a width equal to the designated width of such airways or advisory routes. In the case of other approved routes, when an authorized representative of the Administrator determines it to be necessary, he shall establish route widths taking into consideration terrain clearance and minimum en route altitudes, available ground and airborne navigational aids, air traffic density, and air traffic control procedures. In such instances the route widths shall be specified in the air carrier's operations specifications.

§ 41.33 Airports.

The air carrier shall show that each regular, provisional, refueling, and alternate airport on each route is properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

§ 41.34 Communications facilities.

The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions over the entire route, either direct or via approved point-to-point circuits, between airplanes and the appropriate dispatch office, and between airplanes and the appropriate air traffic control unit: *Provided*, That for operations within the continental limits of the United States (excluding Alaska) such communication systems between airplanes and the appropriate dispatch office shall be independent of systems operated by the Federal Government.

§ 41.35 Weather reporting facilities.

The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Weather reports used to control flight movements shall be those prepared and released by the U.S. Weather Bureau, or by a source approved by the Weather Bureau. For those operations outside the U.S. for which such reports are not available, the weather reports may be those prepared by a source found by the Administrator to be satisfactory. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 41.36 En route navigational facilities.

The air carrier shall show that nonvisual ground aids to air navigation are available along each route, that they are so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the operation involved, and that they are available for the navigation of airplanes within the degree of accuracy required for air traffic control: *Provided*, That nonvisual ground aids to navigation are not required for (a) day VFR operations which the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain, (b) night VFR operations on routes which the air carrier shows have reliably lighted landmarks which are adequate for safe operations or (c) segments of routes where the use of celestial or other specialized means of navigation is approved.

NOTE: Nonvisual ground navigational aids required for approval of routes outside of controlled airspace will be specified in the air carrier operations specifications.

§ 41.37 Servicing and maintenance facilities.

The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of airplanes and auxiliary equipment.

§ 41.38 Location of dispatch centers.

The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

MANUAL REQUIREMENTS

§ 41.50 Preparation of Air Carrier Manual.

The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 41.51 Contents of Air Carrier Manual.

(a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, foreign regulations where applicable, operations specifications, or the operating certificate. The manual may be in two or more separate parts, encompassing together all of the information listed below (e.g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain that portion of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization;

(3) Reference to appropriate regulations prescribed by the Federal Aviation Agency;

(4) Flight dispatching and control, including procedures for coordinated dispatch;

(5) En route flight, navigational, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, their crew complement, the type of operation (i.e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i.e., regular, alternate, provisional, etc.), types of airplanes authorized, instrument approach procedures, landing and takeoff minimums, and other pertinent information;

(8) Takeoff, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crewmembers;

(12) Procedures for determining the usability of landing and takeoff areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks, of airframes, engines, propellers and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling airplanes, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the airplane weight and center of gravity within approved limits;

(20) Pilot and dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 41.52 Distribution of Air Carrier Manual.

(a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto, shall be furnished by the Air Carrier to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Crewmembers; and

(3) Authorized representatives of the Administrator assigned to the air carrier.

(b) All copies of the manual shall be kept up to date.

§ 41.53 Airplane Flight Manual.

(a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 41.50 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane. When sections of the required information from the Airplane Flight Manual are incorporated in the Air Carrier Manual, they shall be clearly identified as Airplane Flight Manual requirement.

AIRPLANE REQUIREMENTS

§ 41.60 General.

Airplanes shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of this chapter (Civil Air Regulations). No air carrier shall operate any airplane in operations governed by this part unless such airplane meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States, and carries an appropriate and currently effective certificate of airworthiness issued by the Administrator. In determining compliance with the applicable airworthiness requirements and operating limitations, an approved weight and balance control system based upon average, assumed, or estimated weights may be utilized.

§ 41.61 Airplane certification requirements.

(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 41.90, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of Part 4a of this chapter (Civil Air Regulations) or the performance requirements of §§ 4b.110 through 4b.125 of Part 4b of this chapter (Civil Air Regulations) and in addition shall meet the requirements of § 41.70: *Provided*, That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 41.70.

§ 41.62 Airplane limitation for type of route.

All airplanes used shall be multiengine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided*, That an authorized representative of the Administrator may specify distances greater or less than those set forth herein when the character of the terrain, the type of operation, or the performance of the airplanes to be used so permits or requires.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided*, That the DC–3, C–46, CV–340, and CV–440 type airplanes need not be so certificated or approved.

§ 41.63 Proving tests.

(a) A type of airplane not previously proved for use in air carrier operation shall have at least 100 hours of proving tests, in addition to the airplane certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of airplane which has been previously proved for use in air carrier operation shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the airplane:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

NOTE: A type of airplane is considered to be materially altered in design when the alterations include: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated, or (b) a major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the tests and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; TRANSPORT CATEGORY

§ 41.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to paragraph (b) of this section, the provisions of this paragraph and §§ 41.71 through 41.78 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the takeoff runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a–T or 4b.117 of this chapter (Civil Air Regulations), and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations Nos. SR–422, SR–422A, or SR–422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 41.71 through 41.78.

§ 41.71 Weight limitations.

(a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range from which maximum takeoff weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at takeoff shall not exceed the authorized maximum takeoff weight for the elevation of the airport from which the takeoff is to be made.

(c) The weight at takeoff shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 41.72 Takeoff limitations to provide for engine failure.

No takeoff shall be made except under conditions which will permit compliance with the requirements of paragraphs (a) through (c) of this section.

(a) It shall be possible, from any point in the takeoff up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the takeoff and attain a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the takeoff path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the takeoff surface. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of takeoff.

§ 41.73 En route limitations; all engines operating.

No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations) are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 41.74 En route limitations; one engine inoperative.

(a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations), the rate of climb shall be $0.02V_{s_0}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engines-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 41.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this chapter (Civil Air Regulations) and by $0.02\ V_{s_0}^2$ for airplanes certificated under Part 4a of this chapter (Civil Air Regulations).

(2) The all-engines-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the takeoff weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided*, That a procedure established on a different basis will be approved if the air carrier shows that adequate operational safeguards exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning will be approved if the air carrier shows that it has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 41.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 41.75 En route limitations: two engines inoperative.

The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this chapter (Civil Air Regulations). No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.78, assuming all engines to be operating at cruising power.

(b) The takeoff weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to $0.01\ V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the takeoff weight. In showing compliance with this prescribed rate of climb, the subparagraphs (1) through (3) of this paragraph shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight

and altitude shall be assumed to be 0.01 $V_{s_0}^2$ greater than indicated by the performance information approved by the Director.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 41.76 Special en route limitations.

The 10-mile lateral distance specified in §§ 41.73 through 41.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 41.77 Landing distance limitations; airport of destination.

No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flights to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the runway with the greatest effective length in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e.g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 41.78.

§ 41.78 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.77: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 41.90 Nontransport category airplane operating limitations.

In operating any large, nontransport category airplane, the provisions of §§ 41.91 through 41.94 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Approved performance data only shall be used in determining compliance with the provisions of §§ 41.91 through 41.94.

NOTE: Deviations authorized will be specified in operations specifications of the air carrier.

§ 41.91 Takeoff limitations.

No takeoff shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the takeoff up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the takeoff configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that takeoff power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the takeoff;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length; and

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.92 En route limitations; one engine inoperative.

(a) No takeoff shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier shows that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the approved performance data. Before approving such a procedure, there will be taken into account, for the particular route, route segment or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.93 Landing distance limitations; airport of intended destination.

No takeoff shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 41.94 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.93: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 41.110 Special airworthiness requirements.

All airplanes powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this chapter (Civil Air Regulations) in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 41.112 through 41.152: *Provided*, That if an authorized representative of the Administrator finds that in particular models of existing airplanes of those used in cargo service literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of the regulations in this part.

§ 41.112 Cabin interiors.

All compartments occupied or used by the crew or passengers shall comply with paragraphs (a) through (d) of this section.

(a) Materials shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 41.113 Internal doors.

Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 41.114 Ventilation.

All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 41.115 Fire precautions.

Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classifications:

(a) *Class A.* Cargo and baggage compartments shall be classified in the "A" category if presence of a possible fire therein can be readily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) *Class B.* Cargo and baggage compartments shall be classified in the "B" category if sufficient access is provided while in flight to enable a member of the crew to reach effectively all parts of the compartment and its contents with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) *Class C.* Cargo and baggage compartments shall be classified in the "C" category if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) A separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with subparagraphs (1) through (4) of this paragraph.

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire-resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with subparagraphs (1) through (5) of this paragraph.

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

§ 41.116 Proof of compliance.

Compliance with those provisions of § 41.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 41.117 Propeller deicing fluid.

If combustible fluid is used for propeller deicing, the provisions of § 41.131 shall be complied with.

§ 41.118 Pressure cross-feed arrangements.

Pressure cross-feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight

personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel- and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 41.119 Location of fuel tanks.

Location of fuel tanks shall comply with the provisions of § 41.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 41.120 Fuel system lines and fittings.

Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 41.121 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in all designated fire zones (see § 41.131) shall comply with the provisions of § 41.134.

§ 41.122 Fuel valves.

In addition to the requirements contained in § 41.133 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 41.123 Oil lines and fittings in designated fire zones.

Oil lines and fittings in all designated fire zones (see § 41.131) shall comply with the provisions of § 41.134.

§ 41.124 Oil valves.

Requirements of § 41.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 41.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 41.135.)

§ 41.126 Engine breather line.

Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 41.135.)

§ 41.127 Fire walls.

All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls or shrouds, or other equivalent means.

§ 41.128 Fire-wall construction.

Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings. Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 41.129 Cowling.

Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 41.130 Engine accessory section diaphragm.

Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 41.128.

§ 41.131 Powerplant fire protection.

Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 41.132 through 41.135.

§ 41.132 Flammable fluids.

No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than ½ inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 41.133 Shutoff means.

Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 41.132), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 41.134 Lines and fittings.

All lines, and fittings for same, located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 41.135 Vent and drain lines.

All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 41.134, if the Director finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 41.136 Fire-extinguishing systems.

(a) Unless the air carrier shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 41.137 Fire-extinguishing agents.

Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguishing system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing saisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 41.138 Extinguishing agent container pressure relief.

Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 41.139 Extinguishing agent container compartment temperature.

Precautions shall be taken to insure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system

§ 41.140 Fire-extinguishing system materials.

All components of fire-extinguishing systems located in designated fire zones shall be constructed of fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 41.141 Fire-detector systems.

Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to insure the detection of fire which may occur in such zones.

§ 41.142 Fire detectors.

Fire detectors shall be constructed and installed in such a manner as to insure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 41.143 Protection of other airplane components against fire.

All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle centerline shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 41.150 Control of engine rotation.

All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if the Director finds that rotation could jeopardize the safety of the airplane.

§ 41.151 Fuel system independence.

Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the carrier shows that the fuel system incorporates features which provide equivalent safety.

§ 41.152 Induction system ice prevention.

Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 41.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats on the floor structure which exceeds the structural load limitation for those components;

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

§ 41.154 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall

be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 41.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 41.171 through 41.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 41.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 41.110 and §§ 41.150 through 41.154; and

(2) Instruments and equipment specified in §§ 41.171 through 41.179 for all operations, and the instruments and equipment specified in §§ 41.200 through 41.233 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

NOTE: Instruments and equipment specified in §§ 41.171, 41.172, and 41.230 through 41.233 are approved in accordance with one or more of the following:

(A) As a part of the original aircraft type design;

(B) Under applicable Technical Standard Orders and installed under original aircraft type certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)); or

(C) Under an FAA type certificate and installed under original aircraft certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

§ 41.171 Flight and navigational equipment for all operations.

The following flight and navigational instruments and equipment are required for all operations:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank and pitch indicator (artificial horizon);

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn-and-bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent);

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 41.172 Engine instruments for all operations.

The following engine instruments are required for all operations, except that an authorized representative of the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine;

(e) Means for indicating fuel quantity in each fuel tank to be used;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) A means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 41.173 Emergency equipment for all operations.

(a) *General.* The emergency equipment specified in this section is required for all operations and shall be inspected regularly in accordance with inspection periods established in the operations specifications to insure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in accordance with the requirements of subparagraphs (1) through (3) of this paragraph.

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than 6 but less than 31 passengers. On airplanes accommodating more than 30 at least 2 fire extinguishers shall be provided. None need be provided in passenger compartments of airplanes accommodating 6 or less persons.

NOTE: An approved type fire extinguisher is an extinguisher approved by the Underwriters' Laboratories, Inc., Factory Mutual Laboratories, Underwriters' Laboratories of Canada, or any other person whose approval is acceptable to the FAA, or an extinguisher which is otherwise approved in accordance with the provisions of § 4b.18 of Part 4b of this chapter (Civil Air Regulations).

(c) *First-aid equipment.* Approved first-aid kits as specified in Appendix A to this part for treatment of injuries likely to occur in flight or in minor accidents shall be provided.

NOTE: See Appendix A for type and contents of first-aid kits.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for immediate installation and ready use: *Provided,* That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit markings.* (1) In all passenger-carrying airplanes, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) In all passenger-carrying airplanes, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

§ 41.174 Seats and safety belts for all occupants.

(a) The air carrier shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) An approved seat or berth for each person over 2 years of age aboard the airplane, and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one approved safety belt to be shared by both such persons during en route flight only.

(b) During the takeoff and landing of an air carrier airplane, each person on board shall occupy an approved seat or berth and secure themselves with the approved safety belt provided for the occupant of such seat or berth, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt provided for the occupant of a seat shall not be used by more than one adult during takeoff and landing.

§ 41.175 Miscellaneous equipment for all operations.

If protected fuses are installed on an airplane, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual shall be carried aboard the airplane, in addition, the following equipment shall be installed in the airplane:

(a) Windshield wiper or equivalent for each pilot station.

(b) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided,* That the use of common elements in the power distribution system will be approved if the air carrier shows that such elements are so designed as to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, shall be on separate engines.

NOTE: Any aircraft power and distribution systems which meet the requirements of §§ 4b.606 (a), (b), and (c); 4b.612(c); 4b.622 (a) and (b); 4b.623(c); 4b.625; and 4b.650 (b) of this chapter (Civil Air Regulations) complies with the requirements of paragraph (c) of this section.

(c) Means for indicating the adequacy of the power being supplied to required flight instruments.

(d) Two independent static pressure systems, so vented to the outside atmospheric pressure that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(e) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crewmembers. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during takeoff and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

§ 41.176 Cockpit check procedure.

The air carrier shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and systems emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedures shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

§ 41.177 Passenger information for all operations.

All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "on position" for all takeoffs and landings and when otherwise deemed necessary by the pilot in command.

§ 41.178 Exterior exit and evacuation markings for all operations.

Exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

§ 41.179 Shoulder harness.

All transport type airplanes certificated after January 1, 1958, shall be equipped with shoulder harnesses at the pilot in command, the second in command, and flight engineer stations.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 41.200 Instruments and equipment for operations at night.

Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 41.171 through 41.179:

(a) Position lights;

(b) An anti-collision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(e) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(f) A sensitive altimeter.

§ 41.201 Instruments and equipment for operations under IFR or over-the-top.

Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 41.171 through 41.179:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory.

§ 41.202 Supplemental oxygen; reciprocating-engine-powered airplanes.

(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 41.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for,

and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight time at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen approved for passenger safety in accordance with the following standards:

(1) For flights of over 30 minutes duration at cabin pressure altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at cabin pressure altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 41.202–T Supplemental oxygen for sustenance; turbine-powered airplanes.

(a) *General.* When operating turbine-powered airplanes sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crewmembers.* A supply of oxygen for crewmembers shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crewmembers during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crewmembers during the entire flight at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried;

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried; and

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

§ 41.203 Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.

When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the requirements of paragraphs (a) through (c) of this section in the event of cabin pressurization failure:

(a) *For crewmembers.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crewmembers for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crewmembers on flight deck duty. The oxygen supply required by § 41.205 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide amounts of oxygen as required by subparagraph (1) through (3) of this paragraph.

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 41.202(c)(3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 41.202(c)(2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 41.202(c)(2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 41.203–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(a) *General.* When operating turbine-powered airplanes with pressurized cabins, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in paragraph (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 41.202–T except that not less than a 2-hour supply shall be provided for the flight crewmembers on flight deck duty. The oxygen required by § 41.205 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above 25,000 feet, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used as flight altitudes above 25,000 feet, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided,* That the one pilot need not wear and use an oxygen mask while at or below 35,000 feet if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the air carrier has demonstrated to the satisfaction of a representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The air carrier shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph, when operating at flight altitudes above 25,000 feet, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 41.202–T(c) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651(b)(4) of Part 4b of this chapter (Civil Air Regulations) (see § 41.204) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

§ 41.204 Equipment standards.

(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 41.202 shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective July 20, 1950: *Provided,* That if the air carrier shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 41.202–T and 41.203–T shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective September 1, 1958: *Provided,* That if the air carrier shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 41.205 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes if the Director finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either normal or emergency procedures.

§ 41.206 Equipment for extended overwater operations.

(a) The following equipment shall be carried on an airplane used in extended overwater operations: *Provided,* That an authorized representative of the Administrator may by amending the operations specifications of an air carrier, require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operations:

(1) A life preserver for each occupant of the airplane;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and

which is self-buoyant and water-resistant.

(b) All required life rafts, life preservers and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment shall be installed in conspicuously marked approved locations.

(c) Survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

§ 41.207 Equipment for operations in icing conditions.

(a) For all operations in icing conditions each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crewmembers in the performance of their normal functions.

§ 41.208 Equipment for operations over uninhabited terrain areas.

The following equipment shall be carried on an airplane used in operations over uninhabited areas and other areas in which an authorized representative of the Adminstrator finds that such equipment is necessary for search and rescue in the event of an emergency:

(a) Suitable pyrotechnic signaling devices;

(b) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant; and

(c) Sufficient survival kits, adequately equipped for the route to be flown, for the number of occupants of the airplane.

NOTE: When required, the areas are specified in the Operations Specifications of the Air Carrier.

§ 41.209 Equipment for operations on which specialized means of navigation are required.

The air carrier shall show that sufficient and adequate airborne equipment is provided to permit navigation to be accomplished by the specialized method authorized for the particular route to be operated.

§ 41.210 Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an approved flight recorder is installed, it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

RADIO EQUIPMENT

§ 41.230 Radio equipment.

Each airplane used in operations subject to this part shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent (separate and complete) radio systems are required by §§ 41.231 and 41.232, each system shall have an independent antenna installation: *Provided*, That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 41.231 Radio equipment for operations under VFR over routes navigated by pilotage.

(a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 41.34) from any point on the route;

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems. One of the means provided for compliance with this subparagraph may be employed for compliance with subparagraphs (1) and (2) of this paragraph.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

§ 41.232 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

(a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 41.231(a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation en routes using procedures based on automatic direction finding, only one automatic direction finding system need be installed: *Provided*, That ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) In those areas where transition from low frequency to very high frequency radio navigational systems is in progress, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facility signals: *Provided*, That ground facilities are so located and the airplane is so fueled that, in case of failure of either system, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

§ 41.233 Radio equipment for extended overwater operations and for certain other operations.

For the following operations each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 41.232 and in addition, by an independent system, the functions specified in § 41.231(a)(1):

(a) Extended overwater operations; and

(b) Operations for which an authorized representative of the Administrator finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 41.240 Responsibility for maintenance.

Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

§ 41.241 Maintenance and inspection requirements.

(a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this chapter (Civil Air Regulations), with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy. All maintenance, repairs, and alterations shall be accomplished in accordance with the provisions of Part 18 of this chapter (Civil Air Regulations), and the Manual and operations specifications of the air carrier.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate airman certificate.

§ 41.242 Maintenance and inspection training program.

The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 41.243 Maintenance and inspection personnel duty time limitations.

Within the United States, its Territories and possessions, all maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month:

AIRMAN AND CREWMEMBER REQUIREMENTS

§ 41.260 Utilization of airman.

(a) No air carrier shall utilize an individual as an airman unless he holds an appropriate and currently effective airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. He shall have appropriate airman and medical certificates in his personal possession while engaged in operations under this part, and shall present the same for examination to any authorized representative of the Administrator upon request.

(b) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any airplane while engaged in air carrier operations.

§ 41.261 Composition of flight crew.

(a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the Airplane Flight Manual approved for such type of airplane and required by this part for the type of operation being conducted.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions or operates airplanes of more than 12,500 pounds maximum certificated takeoff weight, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

§ 41.262 Flight navigator.

An airman holding a valid flight navigator certificate shall be required for flight over any area, route, or route segment outside the continental limits of the United States (including Alaska) when an authorized representative of the Administrator determines that:

(a) Celestial navigation is necessary, or

(b) Other specialized means of navigation necessary to obtain a reliable fix for the safe conduct of the flight cannot be accomplished adequately from the pilot station for a period in excess of one hour: *Provided*, That upon consideration of the following factors a navigator may also be required when such specialized means of navigation are necessary for one hour or less: The speed of the aircraft used by the air carrier, the normal weather conditions to be encountered, the extent of air traffic control, the amount of traffic congestion, the area of the land at destination, fuel requirements, whether sufficient fuel is carried for return to the point of departure or alternates, and whether flight is predicated upon operation beyond the point-of-no-return.

NOTE: The routes or route segments over which a navigator is required are specified in the operations specifications of the air carrier.

§ 41.263 Flight engineer.

An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated takeoff weight. Such airman shall also be required on all 4-engine airplanes certificated for more than 30,000 pounds maximum certificated takeoff weight where an authorized representative of the Administrator determines that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 41.265 Flight attendant.

(a) Except when authorized under the provisions of paragraph (b), the air carrier shall provide at least the following number of flight attendants on airplanes used in scheduled air carrier passenger operations:

(1) One flight attendant on airplanes having a seating capacity of 10 or more passengers;

(2) Two flight attendants on airplanes having a seating capacity of 45 or more passengers; and

(3) Three flight attendants on airplanes having a seating capacity of more than 100 passengers.

(b) Upon application by the air carrier, an authorized representative of the Administrator may approve the use of an airplane in a particular operation with a number of flight attendants less than that specified in paragraph (a). Such approval may be granted if the air carrier shows that due to the type of operation involved, number of passenger seats, compartments, emergency exist and equipment, or other trained flight crewmembers not on flight deck duty whose services may be used in emergencies, all safety and emergency functions and procedures established in accordance with § 41.267 for the particular type of airplane and operation are capable of being performed adequately with less flight attendants.

NOTE: When an authorized representative of the Administrator approves the use of an airplane with a number of flight attendants less than that specified in paragraph (a) of this section, the number and the particular operation for which such number is approved, are specified in the operations specifications of the air carrier.

§ 41.266 Aircraft dispatcher.

Each air carrier shall show that an adequate number of qualified dispatchers are located at each dispatch center to insure the proper operational control of each flight.

§ 41.267 Assignment of emergency and evacuation functions for each crewmember.

Each air carrier shall assign to each crewmember all necessary functions each such crewmember is to perform in emergencies and in circumstances requiring emergency evacuation. Emergency functions shall be assigned for each type of airplane used by the air carrier and the air carrier shall show that functions so assigned are realistic and capable of accomplishment. These functions shall be described in the air carrier manual and the air carrier shall insure that all required crewmembers are given adequate training in the assigned functions in the course of their participation in the approved emergency training program prescribed in § 41.285.

TRAINING PROGRAM

§ 41.280 Establishment of approved program.

(a) Each air carrier shall establish a training program sufficient to insure that each crewmember and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations. The training program shall meet with the approval of an authorized representative of the Administrator.

(b) Each air carrier shall provide adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as

are required for the airman being checked.

(c) The training program for each flight crewmember shall consist of appropriate ground and flight training including proper flight crew coordination and training in emergency procedures. Procedures for each flight crew function shall be standardized to the extent that each flight crewmember will know the functions for which he is responsible and the relation of those functions to those of other flight crewmembers. The initial program shall include at least the appropriate requirements specified in §§ 41.281 through 41.285.

(d) The crewmember emergency procedures training program shall include at least the requirements specified in § 41.285.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training check or flight check shall certify to the proficiency of each crewmember and dispatcher upon completion of his initial and recurrent training, and such certification shall become a part of the individual's record.

§ 41.281 Pilot ground training.

(a) Ground training for each pilot prior to serving as a flight crewmember shall include instruction in at least the following:

(1) The appropriate provisions of the air carrier operations specifications and appropriate provisions of this chapter (Civil Air Regulations) with particular emphasis on the operation and dispatching rules and airplane operating limitations;

(2) Dispatch procedures and appropriate contents of the manuals;

(3) The duties and responsibilities of crewmembers;

(4) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(5) The principles and methods of determining weight and balance limitations for takeoff and landing;

(6) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(7) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(8) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems;

(9) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions; and

(10) Communications procedures including procedures to be used in the event any of the communications equipment required by this part becomes inoperative.

(b) The air carrier shall give each pilot such additional ground training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

§ 41.282 Pilot flight training.

(a) Flight training for each pilot prior to serving as a flight crewmember shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions. A pilot qualifying to serve as other than pilot in command or second in command shall demonstrate to an authorized representative of the Administrator or to a check pilot his ability to take off and land each type of airplane in which he is to serve.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command in a crew requiring 3 or more pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in scheduled operations:

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climb-out shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a 4-engine airplane, where appropriate, with the most critical combinations of 2 engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command in a crew requiring 2 pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in scheduled operation:

(i) Assigned flight duties as second in command including flight emergencies;

(ii) Taxiing;

(iii) Takeoffs and landings;

(iv) Climbs and climbing turns;

(v) Slow flight;

(vi) Approach to stall;

(vii) Engine shutdown and restart;

(viii) Takeoff and landing with simulated engine failure;

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(d) The air carrier shall give each pilot such additional flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent flight training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, satisfactory completion of the applicable proficiency checks required by § 41.302 or 41.305 will meet the requirements of this section.

§ 41.283 Flight navigator training.

(a) The training for flight navigators shall include the applicable portions of at least subparagraphs (1) through (4) and (6) through (8) of § 41.281(a).

(b) Prior to serving as a flight crewmember, each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the air carrier. The flight training may be accomplished during scheduled flight in air transportation under the supervision of a qualified flight navigator.

(c) The air carrier shall give each flight navigator such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight navigator with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Such flight check may be accomplished during scheduled flight in air transportation or in a synthetic trainer in lieu of a check in flight.

§ 41.284 Flight engineer training.

(a) The training for flight engineers shall include at least the instruction specified in § 41.281(a)(1) through (5).

(b) Prior to serving as a flight crewmember, each flight engineer shall be given sufficient training in flight to become proficient in those duties assigned him by the air carrier. Except for emergency procedures, the flight training may be accomplished during scheduled flight in air transportation under the supervision of a qualified flight engineer.

(c) The air carrier shall give each flight engineer such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight engineer with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Except for emergency procedures such flight check may be accomplished during scheduled flight in air transportation or the entire check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 41.285 Crewmember emergency training.

(a) The training in emergency procedures shall be designed to give each crewmember appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crewmembers. At least the following subjects as appropriate to the individual crewmember shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Recurrent training in the emergency procedures required in paragraph (a) of this section shall be accomplished at intervals not to exceed 12 months. Accomplishment of such training shall be made a part of the individual's record.

(c) Synthetic trainers may be used for training of crewmembers in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

(d) All crewmembers performing duties on pressurized airplanes operated above 25,000 feet shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the air carrier may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of an authorized representative of the Administrator.

§ 41.286 Aircraft dispatcher training.

(a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the airplanes used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an airplane in distress.

(b) Each aircraft dispatcher, prior to initially performing the duty of an aircraft dispatecher, shall satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate;

(2) Appropriate provisions of the air carrier operations specifications, manual, and Civil Air Regulations;

(3) Characteristics of the airplanes operated by the air carrier;

(4) Cruise control data and cruising speeds for such airplanes;

(5) Maximum authorized loads for the airplanes for the routes and airports to be used;

(6) Air carrier radio facilities;

(7) Characteristics and limitations of each type of radio and navigational facility to be used;

(8) Effect of weather conditions on airplane radio reception;

(9) Airports to be used and the general terrain over which the airplanes are to be flown;

(10) Prevailing weather phenomena;

(11) Sources of weather information available;

(12) Pertinent air traffic control procedures; and

(13) Emergency procedures.

(c) The training program shall provide such additional training as is necessary to insure that each dispatcher is qualified with respect to new equipment procedures or techniques. At least once each 12 months, as a part of the training program, recurrent training and checks shall be provided to insure the continued competence of each dispatcher with respect to the procedures, techniques, and information essential to his duties.

FLIGHT CREWMEMBER AND DISPATCHER QUALIFICATION

§ 41.300 Qualification requirements.

(a) An air carrier shall not utilize any flight crewmember or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of §§ 41.280 through 41.286 and 41.301. Each pilot serving as pilot in command and each pilot serving as second in command in operations requiring 3 or more pilots shall hold appropriate airline transport pilot certificates and appropriate type ratings for the aircraft in which they serve. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of each pilot being examined, as required by §§ 41.302, 41.303, and 41.305 and such certification shall become a part of the individual's record.

§ 41.301 Pilot recent experience.

An air carrier shall not utilize a pilot as pilot in command or second in command in scheduled air transportation unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the airplane of the particular type on which he is to serve.

§ 41.302 Pilot checks.

(a) *Line check.* An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily passed a line check in one of the types of airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 12 months he successfully completes a similar line check. The line check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. This check shall be given by a check pilot who is both qualified on the aircraft and on the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it becomes due. Where such pilots serve in more than one airplane type, at least every other sucessive proficiency check shall be given in flight in the larger airplane type.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, and approach procedures;

(ii) The flight maneuvers specified in § 41.282(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_L, nor at actual or simulated maximum authorized weight; and

(iii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loading of the applicable airplane are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

(i) The simulator shall represent a full-scale mockup of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crewmember, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in airplane configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, takeoff, landing, normal flight, unusual attitudes, navigational problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunctions of airplane engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigational aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other airplane systems and components shall be simulated to the extent found necessary by the Administrator.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 41.303 Pilot route and airport qualification requirements.

(a) An air carrier shall not utilize a pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall by oral or written means demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown and each regular provisional and refueling airport to be used:

(1) Weather characteristics, all seasons;

(2) Navigational facilities;

(3) Communication procedures;

(4) Type of en route terrain and obstruction hazards;

(5) Minimum safe flight levels;

(6) Position reporting points;

(7) Pertinent air traffic control procedures, including terminal area, arrival, departure, and holding and all types of instrument approach procedures; and

(8) Congested areas, obstructions, and physical layout of each regular, provisional, and refueling airport approved for the routes.

(c) A pilot in command who has not made an entry as a member of a flight crew within the preceding 12-month period at each regular, provisional, and refueling airport into which he is scheduled to fly may approach and land at such airports only if the reported weather indicates at least a ceiling 200 feet higher and a visibility ½ mile greater than the prescribed landing minimums at those airports. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. Sliding scales included in the air carrier operations specifications may not be applied to landing minimums by pilots not currently qualified at such airports.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this section when:

(1) The air carrier shows that the pilot airport qualification can be accomplished by an approved pictorial means; or

(2) The air carrier notifies an authorized representative of the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilot involved is presently qualified by entry, and the representative finds that such pilot is adequately qualified at the new airport. The representative in making such finding, shall take into consideration at least the familiarity of the pilot with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes or route segments on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the centerline of the route to be flown, the pilot shall be familiarized with such route or route segments by not less than 2 one-way trips on the flight deck over the route or route segments under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

§ 41.304 Maintenance and reestablishment of pilot route and airport qualifications for particular trips.

(a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip on the flight deck into each airport into which he is scheduled to fly and shall have complied with the provisions of § 41.303(e), if applicable: *Provided*, That such entry shall not be required if the air carrier shows that maintenance of pilot airport qualification can be accomplished in accordance with § 41.303(d).

(b) In order to reestablish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 41.303.

§ 41.305 Proficiency checks; second in command.

(a) An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 41.282(c). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) The proficiency check for second in command of a crew requiring 3 or more pilots shall be the same as required under § 41.302(b).

(c) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of § 41.302(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency checks required by paragraphs (a) and (b) of this section.

(d) Satisfactory completion of the proficiency check in accordance with § 41.302(b) will also meet the requirements of this section.

§ 41.306 Flight navigator qualification for duty.

An air carrier shall not utilize a flight navigator unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight navigator, or until the air carrier or an authorized representative of the Administrator has checked such flight navigator and determined that he is familiar with all essential current navigational information pertaining to the routes to be flown and is competent with respect to the operating procedures and navigational equipment to be used. This check shall include a check in flight or in a synthetic trainer which has been found satisfactory for such checks by an authorized representative of the Administrator. Such flight check may be accomplished in scheduled air transportation, but the airman being checked shall not be assigned to the aircraft as a required member of the flight crew.

§ 41.307 Flight engineer qualification for duty.

An air carrier shall not utilize a flight engineer unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type of airplane on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight, but such flight check shall not be accomplished in scheduled air transportation: *Provided*, That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 41.310 Aircraft dispatcher qualification for duty.

(a) Prior to dispatching airplanes over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all essential operating procedures for the entire route and with the airplanes to be used: *Provided*, That where he is qualified only on a portion of such route, he may dispatch airplanes, but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served.

(b) An aircraft dispatcher shall not dispatch airplanes in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least a one-way qualification trip over the particular area on the flight deck of an airplane. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable but it shall not be necessary for the dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS

§ 41.320 Flight time limitations for aircraft having a crew of one or two pilots.

(a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours. If a pilot is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period must equal at least twice the number of hours flown since the last preceding rest period and in no case will such rest period be less than 8 hours. During such rest period the pilot must be relieved of all duty with the air carrier.

(b) When a pilot has flown in excess of 8 hours during any 24 consecutive hours he must receive at least 18 hours of rest before being assigned any duty with the air carrier.

(c) A pilot shall not fly in excess of 32 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours must be provided for and given to a pilot at least once during any 7 consecutive days.

(d) A pilot shall not fly as a member of the crew more than 100 hours during any one month.

(e) A pilot shall not fly as a member of the crew more than 1,000 hours in any 12-month period.

§ 41.321 Flight time limitations for aircraft having two pilots and one additional flight crewmember.

(a) A pilot may not be scheduled to fly a total of more than 12 hours during any 24 consecutive hours.

(b) When a pilot has flown 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the air carrier. In any case each pilot shall be relieved from all duty for not less than 24 consecutive hours during any 7 consecutive days.

(c) A pilot shall not fly as a member of the flight crew more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.322 Flight time limitations for aircraft having three or more pilots and an additional flight crewmember.

(a) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the pilot is away from his base. Adequate sleeping quarters on the aircraft must be provided in all cases where a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) A pilot, upon return to his base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours flown since the last rest period at his base and during such period will not be required to perform any duty for the company. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) A pilot shall not fly as a member of the flight crew more than 350 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.323 Flight time limitations for pilots not regularly assigned.

A pilot not regularly assigned as a flight crewmember for an entire month under the provisions of § 41.321 or § 41.322 must not fly in excess of 100 hours in any 30 consecutive days.

§ 41.324 Deadhead transportation.

The time spent in deadhead transportation to or from duty assignment will not be considered a part of any rest period.

§ 41.325 Other commercial flying.

A pilot shall not do other commercial flying while employed by an air carrier when such flying, in addition to that in scheduled air transportation service will exceed any flight time limitations specified herein.

§ 41.326 Flight time limitations; flight engineer.

When one flight engineer is required, the flight time limitations prescribed in § 41.321 apply. When two or more flight engineers are required, the flight time limitations prescribed in § 41.322 apply.

§ 41.327 Flight time limitations; flight navigator.

When one flight navigator is required, the flight time limitations prescribed in § 41.321 apply. When two or more flight navigators are required, the flight time limitations prescribed in § 41.322 apply.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 41.340 Aircraft dispatcher daily duty time limitations.

(a) The daily duty period for an aircraft dispatcher shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any airplane. He shall remain on duty until all airplanes dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The rules in subparagraphs (1) through (3) of this paragraph will govern the hours of duty for an aircraft dispatcher, except where circumstances or emergency conditions beyond the control of the air carrier require otherwise.

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

(c) At duty stations outside the continental limits of the United States (including Alaska) when authorized by an authorized representative of the Administrator, a dispatcher may be scheduled for duty for a period of more than 10 consecutive hours in a 24-hour period: *Provided,* That a dispatcher so scheduled shall be relieved from all duty with the air carrier for a period of at least 8 hours during each 24-hour period.

FLIGHT OPERATIONS

§ 41.351 Operational control.

The air carrier shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of information necessary for the continued safety of the flight; and

(2) For the cancellation or redispatch of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(c) *Responsibility of pilot in command.* (1) The pilot in command shall during flight time be in command of the airplane and crew and shall be responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(2) No pilot shall operate an airplane in a careless and reckless manner so as to endanger life or property.

NOTE: Paragraph (c) of this section confers on the pilot in command, with respect to matters concerning the operation of the airplane, full control and authority without limitation over all other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties and functions of such crewmembers.

§ 41.352 Operations notices.

Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 41.353 Operations schedules.

In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of airplanes at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of airplane to be flown which shall not exceed the specified cruising output of the airplane engines.

§ 41.354 Flight crewmembers at controls.

All required flight crewmembers when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the airplane. All flight crewmembers shall keep their seat belts fastened when at their respective stations.

§ 41.355 Manipulation of controls.

No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the airplane and are engaged in checking flight operations: or

(b) Pilot personnel of another air carrier properly qualified on the airplane and authorized by the operating carrier.

§ 41.356 Admission to flight deck.

No person, other than a crewmember, may be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. (For the purpose of this section, the term "flight deck" means all of the area forward of the door or window required by Parts 4a and 4b of this chapter to be located between the pilot compartment and the passenger compartment.)

(a) FAA air carrier inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations; or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and an authorized representative of the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) FAA air carrier inspectors or other authorized representatives of the Administrator or the Board engaged in checking or observing flight operations;

(2) Air traffic controllers who have been authorized by an authorized representative of the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by an authorized representative of the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

§ 41.357 Flying equipment.

(a) *Charts.* The pilot in command shall insure that appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures are aboard the airplane for each flight.

(b) *Flashlights.* Each crewmember shall have in his possession on each flight a flashlight in good working order.

§ 41.358 Restriction or suspension of operation.

When conditions known to the air carrier exist which constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 41.359 Operations over approved routes required.

Except when a deviation is necessary in accordance with § 41.360, a pilot shall not operate an air carrier airplane in scheduled air transportation over any route or route segment other than as specified in the operations specifications of the air carrier, nor operate other than in accordance with the limitations prescribed therein.

§ 41.360 Emergency decisions; pilot in command and aircraft dispatcher.

(a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instance the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate air traffic control and dispatch centers shall be kept fully informed regarding the progress of the flight. A written report of any deviation shall be submitted by the individual declaring the emergency through the air carrier operations manager to an authorized representative of the Administrator. Such report shall be submitted by a dispatcher within 10 days from the date of the emergency and by a pilot in command within 10 days after his return to his home base.

§ 41.361 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Any such information pertaining to irregularities of ground and navigational facilities received by an air carrier shall be reported to the authority directly responsible for the operation of the particular facility involved.

§ 41.362 Reporting mechanical irregularities.

The pilot in command shall enter or cause to be entered in the maintenance log of the airplane all mechanical irregularities encountered during flight time. He shall, prior to each flight, ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 41.363 Engine failure or precautionary stoppage.

(a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The altitude, airplane weight, and usable fuel at the time of engine stoppage;

(3) The weather conditions en route and at possible landing points;

(4) The air traffic congestion;

(5) The type of terrain; and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall notify the proper ground radio station as soon as practicable and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 10 days after the pilot's return to his home base, furnish a copy of this report with his own comments thereon to an authorized representative of the Administrator.

§ 41.364 Instrument approach and IFR landing procedures.

No instrument approach or IFR landing shall be conducted at an airport except in accordance with the IFR weather minimums and instrument approach procedures specified in the air carrier's operations specifications.

§ 41.365 Requirements for air carrier equipment interchange.

(a) Prior to conducting any operations pursuant to an interchange agreement, the air carrier shall show that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of this chapter (Civil Air Regulations), and with safe operating practices;

(2) All operations personnel involved meet the approved training requirements for the airplanes and equipment utilized in the interchange and with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved meet the approved training requirements for the airplanes and equipment, and the maintenance procedures applicable to the interchange;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications; and

(5) All airplanes operated are essentially similar to those airplanes of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement and with respect to the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

§ 41.370 Briefing of passengers.

Each air carrier engaged in extended overwater operations shall insure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of liferafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after takeoff, the briefing on location of the life vests and emergency exits shall be accomplished prior to takeoff, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after takeoff, no part of the briefing need be accomplished prior to takeoff but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight. (See § 41.203–T for passenger briefing requirements regarding oxygen equipment.)

§ 41.371 Drinking and serving of alcoholic beverages.

(a) No person shall drink any alcoholic beverage aboard an air carrier airplane unless such beverage has been served to him by the air carrier operating the airplane.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier airplane if such person appears to be intoxicated.

(c) No air carrier shall permit any person to board an air carrier aircraft if such person appears to be intoxicated.

(d) An air carrier shall report to the Administrator within 5 days any incident in which a person aboard its aircraft refuses to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated while aboard its aircraft.

§ 41.372 Minimum altitudes for use of automatic pilot.

(a) *En route operations.* Except as provided in paragraph (b) of this section an automatic pilot may only be used

during en route flight operations, including climb or descent, at an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot malfunction in the particular airplane under cruise conditions as specified in the Airplane Flight Manual for the airplane involved, or 500 feet, whichever is higher.

(b) *Approaches.* Except as provided in subparagraph (1) of this section, when using an instrument approach facility, an automatic pilot may remain engaged down to an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or not less than 50 feet below the minimum ceiling approved for the facility being used, whichever is higher.

(1) *ILS approaches utilizing an approach coupler*—(i) *Under instrument flight rule weather conditions.* When the reported weather conditions are less than the basic weather conditions specified in § 60.30 of this chapter (Civil Air Regulations, an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than 50 feet higher than the maximum altitude loss established for the automatic pilot and approach couplet in the particular airplane under approach conditions, as specified in the Airplane Flight Manual for the airplane involved.

(ii) *Under visual flight rule weather conditions.* When reported weather conditions are equal to or better than the basic VFR minimums specified in § 60.30 of this chapter (Civil Air Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or 50 feet, whichever is higher.

DISPATCHING RULES

§ 41.381 Necessity for dispatching authority.

No flight shall be started without specific authority from an aircraft dispatcher. No flight may be continued from an intermediate airport without redispatch if it has remained on the ground in excess of 6 hours.

§ 41.382 Familiarity with weather conditions.

No dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 41.383 Facilities and services.

The dispatcher shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also furnish such pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 41.384 Airplane equipment required for dispatch.

No airplane shall be dispatched unless it is airworthy and equipped in accordance with the provisions of § 41.170.

§ 41.385 Communications and navigational facilities required for dispatch.

No airplane shall be dispatched over any approved route or route segment unless communications and navigational facilities equivalent to those required by §§ 41.34 and 41.36 for approval of such route or route segment are in satisfactory operating condition.

§ 41.386 Dispatching under VFR.

No airplane shall be dispatched for operation under VFR unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch release.

§ 41.387 Dispatching under IFR, over-the-top, or over water.

(a) No airplane shall be dispatched for operation under IFR or over-the-top unless the appropriate weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat: *Provided*, That, for flights involving extended overwater operations, airplanes may be dispatched if the appropriate weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched, or to any required alternate therefor, indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat.

(b) Extended overwater operations shall be conducted at all times in accordance with the IFR requirements of this part except where the air carrier shows that such requirements are not necessary from a safety standpoint. Other overwater operations shall also be conducted at all times in compliance with the IFR requirements of this part whenever the Administrator determines such compliance to be necessary in the interest of safety.

NOTE: Whenever extended overwater operations are authorized under VFR, or other overwater operations are required to be conducted under IFR, such authorization or requirement will be specified in the operations specifications of the air carrier.

§ 41.388 Alternate airport for departure.

(a) If the weather conditions at the airport of takeoff are below the landing minimums specified in the air carrier's operations specifications for that airport, no airplane shall be dispatched from that airport unless an alternate airport located within the following distances from the airport of takeoff is specified in the dispatch release:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour of flying time in still air at normal cruising speed with one engine inoperative; and

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather conditions shall meet the requirements specified in the air carrier's operations specifications.

(c) All required alternate airports shall be listed in the dispatch release.

§ 41.389 Alternate airport for destination; IFR or over-the-top.

(a) For all IFR or over-the-top operations there shall be at least one alternate airport designated in the dispatch release for each airport of destination except as provided in subparagraphs (1) and (2) of the paragraph.

(1) For flights scheduled for no more than 6 hours no alternate need be designated when, for the period 2 hours before to 2 hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least 3 miles.

(2) For flights over routes approved without an available alternate airport for a particular airport of destination, an alternate airport need not be designated, but the airplane shall carry sufficient fuel to meet the requirements of § 41.396 (a) (2) or (b) (2), as appropriate.

(b) The alternate airport weather conditions shall meet the requirements specified in the air carrier's operations specifications.

(c) All required alternate airports shall be listed in the dispatch release.

§ 41.390 Alternate airport weather minimums.

An airport shall not be specified in the dispatch release as an alternate airport unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat.

§ 41.391 Continuance of flight; flight hazards.

(a) No airplane shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command or the aircraft dispatcher, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 41.360.

(b) If any instrument or item of equipment required pursuant to the regulations in this chapter (Civil Air Regulations) for the particular operation being conducted becomes inoperative en route, the pilot in command shall comply with the approved procedures specified in the air carrier manual for such occurrences. An authorized representative of the Administrator may approve, for incorporation in the air carrier manual, procedures for continuance of flight beyond a terminal point with equipment required by § 40.170(c) inoperative, if he finds that, in the particular circumstances of the case, literal compliance with that requirement is not necessary in the interest of safety.

§ 41.392 Operation in icing conditions.

(a) No airplane shall be dispatched, en route operations continued, nor landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 41.393 Original dispatch, redispatch, and amendment of dispatch release.

(a) Any regular, provisional, or refueling airport, the use of which is authorized for the type of airplane to be operated, may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination or alternate therefor, for the purpose of original dispatch may be changed en route to another airport which is authorized for the type of airplane to be operated if the appropriate requirements of §§ 41.381 through 41.409 and § 41.70 or § 41.90 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the dispatch release are forecast to be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat: *Provided*, That the dispatch release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 41.396 and 41.397.

(d) When the dispatch release is amended while the airplane is en route, such amendments shall be made a matter of record.

§ 41.394 Dispatch to and from refueling and provisional airport.

No airplane shall be dispatched to or from a refueling or provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

§ 41.395 Takeoffs from alternate airports and airports not listed in the operations specifications.

(a) A pilot shall not takeoff an airplane from an airport not listed in the air carrier's operations specifications unless:

(1) Such airport and related facilities are adequate for the operation of the airplane;

(2) In taking off, it is possible to comply with the applicable airplane operation limitations;

(3) The airplane is dispatched in accordance with all dispatching rules applicable to operation from an approved airport; and

(4) The ceiling and visibility at the airport are equal to or better than the following:

(i) *Airports within the United States.* The ceiling and visibility minimums for takeoff prescribed in Part 609 of the Regulations of the Administrator, but in no case less than 300–1. Where such minimums are not prescribed for the airport, the ceiling and visibility shall be 800–2, 900–1½, or 1000–1.

(ii) *Airports outside the United States.* The ceiling and visibility minimums for takeoff prescribed or approved by the government of the country in which the airport is located, but in no case less than 300–1. Where such minimums are not prescribed or approved for the airport, the ceiling and visibility shall be 800–2, 900–1½, or 1000–1.

(b) A pilot shall not takeoff an airplane from an alternate airport unless the ceiling and visibility at the airport are equal to or better than the minimums prescribed in the air carrier's operations specifications for alternate airports.

§ 41.396 Fuel supply for all operations.

(a) *Reciprocating-engine- and turbo-propeller-powered airplanes.* (1) No airplane shall be dispatched or takeoff unless it carries sufficient fuel, considering the wind and other weather conditions expected:

(i) To fly to and land at the airport to which it is dispatched, and thereafter;

(ii) To fly to and land at the most distant alternate airport designated in the dispatch release, and thereafter;

(iii) To fly for a period of at least 30 minutes plus 15 percent of the total time required to fly at normal cruising consumption to the airports specified in subdivisions (i) and (ii) of this subparagraph or to fly for 90 minutes at normal cruising consumption, whichever is lesser.

(2) No airplane shall be dispatched to an airport for which an alternate is not designated under § 41.389(a) (2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 3 hours at normal cruising consumption.

(b) *Turbine-powered airplanes.* (1) A turbine-powered airplane (exclusive of turbo-propeller-powered airplanes) may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected:

(i) To fly to and land at the airport to which it is dispatched, and thereafter;

(ii) To fly for a period equal to 10 percent of the total time required to fly from the airport of departure to the airport to which dispatched, and land at such airport; and thereafter;

(iii) To fly to and land at the most distant alternate airport designated in the dispatch release, where such alternate is required, and thereafter;

(iv) To fly for a period of 30 minutes at holding speed at 1,500 feet above the alternate airport elevation under standard temperature conditions.

(2) No airplane shall be dispatched to an airport for which an alternate is not designated under § 41.389(a) (2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 2 hours at normal cruising consumption.

(3) An authorized representative of the Administrator may amend the operations specifications of an air carrier to require fuel in excess of any of the minimums specified in this paragraph if he finds that additional fuel is necessary on a particular route in the interest of safety.

§ 41.397 Factors involved in computing fuel required.

In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, an instrument approach and possible missed approach at destination, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 41.405 Takeoff and landing weather minimums; VFR.

Irrespective of any clearance which may be obtained from air traffic control, no pilot shall take off or land an airplane under VFR when the reported ceiling or ground visibility is less than specified in paragraphs (a) and (b) of this section: *Provided*, That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for night operations may be reduced to one mile, if all turns after takeoff and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside the area so restricted.

(a) For day operations: 1,000-foot ceiling and one-mile visibility;

(b) For night operations: 1,000-foot ceiling and two-mile visibility.

§ 41.406 Takeoff and landing weather minimums; IFR.

(a) Irrespective of any clearance which may be obtained from air traffic control, no pilot shall:

(1) Take off an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for the particular airport, or

(2) Except as provided in paragraphs (c) and (d) of this section, land an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for the particular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest reported ceiling

or visibility is less than the landing minimum specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for the particular airport.

(c) An instrument approach procedure may be executed when the latest reported ceiling or visibility, or both, is less than that specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for landing at the particular airport, if the airport is served by ILS and GCA (PAR) in operative condition and the pilot uses one facility as the primary aid, and the other as a monitoring aid; and thereafter a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the specified minimums for the primary aid.

(1) The instrument approach shall be conducted in accordance with the information provided the pilot in command from the primary aid and the applicable landing minimums shall be those prescribed in the operations specifications based on the operative components of the primary aid. When GCA (PAR) is used as a secondary aid, the procedures specified in the Radar Procedures for Air Traffic Control Towers for monitored approaches shall apply.

(2) The ILS and PAR must be aligned with the same runway and both the elevation and azimuth (or localizer and glide slope) elements of the secondary aid must be operating.

(3) The use of operational military radar (other than training units) as a secondary aid is permissible without individual authorizations.

(d) If an instrument approach procedure is initiated when the latest weather report indicates that the specified ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on PAR final approach and has been turned over to the final approach controller, such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the minimums specified for the particular airport in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications.

(e) The ceiling and visibility landing minimums prescribed in the air carrier's operations specifications for regular, provisional, or refueling airports shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command has not served 100 hours as pilot in command in air carrier or commercial operations in the particular type of airplane being operated by him. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale, when authorized in the air carrier's operations specifications, shall not be applied until the pilot in command has served 100 hours as pilot in command in air carrier or commercial operations in the particular type of airplane being operated by him.

§ 41.407 Applicability of reported weather minimums.

In the conduct of operations subject to §§ 41.405 and 41.406, the ceiling and visibility values contained in the main body of the latest weather report shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport; except that when the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches for such runway.

§ 41.408 Flight altitude rules.

Notwithstanding the provisions of § 60.17 of Part 60 of this chapter (Civil Air Regulations) or other rules applicable outside of the United States, no airplane, except when necessary for takeoff and landing, shall be operated anywhere below the minimums prescribed in paragraphs (a) and (b) of this section: *Provided*, That the Administrator may prescribe other minimum en route altitudes for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight requires such other altitudes.

NOTE: Minimum en route altitudes (MEA's) prescribed by the Administrator for particular routes within the United States are set forth in Part 610 of the Regulations of the Administrator. That part also contains the mountainous terrain designated by the Administrator. Outside of the United States the minimums prescribed in paragraphs (a) and (b) of this section will govern unless higher minimums are prescribed in the air carrier's operations specifications or by the foreign country over which the airplane is being operated.

(a) *Day VFR passenger operations.* No airplane shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas airplanes may be flown over an approved lighted airway at a minimum altitude of 1,000 feet above such obstacles.

§ 41.409 Altitude maintenance on initial approach.

When making an initial approach to a radio navigational facility under IFR, descent below the pertinent minimum altitude for initial approach specified in the instrument approach procedure for such facility shall not be made until arrival over the radio facility has been definitely established.

§ 41.410 Preparation of dispatch release.

A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 41.411 Preparation of load manifest.

The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each takeoff. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 41.501 Crewmember and dispatcher records.

Each air carrier shall maintain current records of every crewmember and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this chapter, e.g., proficiency and route checks, airplane and route qualifications, training, physical examinations, and flight time records. The termination or other action taken in regard to any flight crewmember or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least 6 months.

§ 41.502 List of airplanes.

Each air carrier shall maintain a current list of all airplanes being operated by it in scheduled air transportation: *Provided*, That airplanes of another air carrier being operated in accordance with an interchange agreement may be incorporated by reference. A copy of the current list and all changes thereto shall be submitted to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations.

§ 41.503 Dispatch release form.

(a) The dispatch release may be in any form but shall maintain at least the following information with respect to each flight:

(1) Identification number of the airplane to be used, and the trip number;

(2) Airport of departure, intermediate stops, destination, and alternates therefor;

(3) Minimum fuel supply; and

(4) Type of operation; e.g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command or aircraft dispatcher.

§ 41.504 Load manifest.

(a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of takeoff:

(1) The weight of the—

(i) Airplane,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures; and

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the airplane and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 41.505 Disposition of load manifest, dispatch release form, and flight plans.

Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination. Copies also shall be kept for at least 3 months.

§ 41.506 Maintenance records.

(a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. An authorized representative of the Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts, and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 41.507 Maintenance log.

A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances critical to the safety of flight. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the Air Carrier Manual.

§ 41.508 Mechanical reliability reports.

(a) Each air carrier shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including airplane systems, appliances, powerplants, and propellers) used by the air carrier, when, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time of the next day and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be included.

(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An airplane component which results during flight in the accumulation of circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the airplane structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an airplane;

(11) Propeller feathering system or ability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing gear doors during flight;

(14) Brake system components which result in loss of brake actuating force while the airplane is in motion on the ground;

(15) Airplane structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Airplane components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

NOTE: Under the provisions of this paragraph an airplane is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) of this section shall not be withheld pending accumulation of all information

specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

§ 41.509 Mechanical interruption summary report.

Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route, which result from known or suspected mechanical difficulties or malfunctions, that are not required to be included in mechanical reliability reports.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 41.510 Alteration and repair reports.

Reports of major alterations or repairs of airframes, engines, propellers, and appliances shall be submitted to the authorized representative of the Administrator assigned to the air carrier promptly upon completion of such alterations or repairs.

§ 41.511 Maintenance release.

When an airplane is released by the maintenance organization to flight operations, a maintenance release or appropriate entry into the maintenance log certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such airplane. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept for at least 2 months.

§ 41.512 Communication records.

Each air carrier shall maintain, and retain for a period of 30 days, records of radio contacts between the air carrier and its pilots en route.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX A—FIRST-AID KITS

Approved first-aid kits required by § 41.173 shall meet the following specifications and requirements.

(1) Each first-aid kit shall be dust and moisture proof, and contain only materials which meet Federal Specifications GG-K-391A, as revised.

(2) The type of first-aid kit and the contents thereof based upon the capacity of the airplane, is as follows:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	1
Antiseptic swabs, 10 mm. (10 per unit)	1
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	1
4-inch bandage compresses (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	2
Burn compound, ⅛ oz. (5 per unit) or equivalent amount of other burn remedy	1
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.[1]

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm (10 per unit)	1
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inch (1 per unit)	3
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(c) No. 3 kit for airplanes of over 25 persons capacity.

Contents	*No.*
Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10 mm. (10 per unit)	4
Ammonia inhalants, 6 mm. (10 per unit)	2
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	3
Triangular bandage compressed, 40-inch (1 per unit)	5
Burn compound, ⅛ oz. (6 per unit) or an equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

[F.R. Doc. 62-2006; Filed, Feb. 28, 1962; 8:45 a.m.]

[1] Kit No. 2 in canvas may also be used on liferafts.

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-103]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

The purpose of these amendments to § 602.100 of the regulations of the Administrator is to alter the segments of Jet Routes Nos. 32, 84, and 94 from the Reno, Nev., VOR to the Elko, Nev., VORTAC.

Jet Routes Nos. 32, 84, and 94 are presently designated in part from the Reno VOR via the intersection of the Reno VOR 060° and the Elko VORTAC 255° True radials to the Elko VORTAC. These routes were originally doglegged between Reno and Elko to provide lateral separation from Restricted Area R-4802, formerly R-267. R-4802 now has a ceiling of 8,000 feet MSL. Therefore, the Federal Aviation Agency is altering J-32, J-84, and J-94 on a direct station-to-station alignment between Reno and Elko.

Since these amendments are minor in nature and impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 602.100 Jet routes (26 F.R. 7080) is amended as follows:

1. In Jet Route No. 32 "INT of the Reno 060° and the Elko, Nev., 255° radials; Elko;" is deleted and "Elko, Nev.;" is substituted therefor.

2. In Jet Route No. 84 "INT of the Reno 060° and the Elko, Nev., 255° radials; Elko;" is deleted and "Elko, Nev.;" is substituted therefor.

3. In Jet Route No. 94 "INT of the Reno 060° and the Elko, Nev., 255° radials; Elko;" is deleted and "Elko, Nev.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

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Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6593]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Interest Deduction in General

On September 1, 1961, notice of proposed rule making with respect to the amendment of paragraph (b) of § 1.163-1 of the Income Tax Regulations (26 CFR Part 1) under section 163 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (26 F.R. 8256). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the proposed amendment of the regulations as revised and hereinafter set forth is hereby adopted. Except as otherwise specifically provided therein, such paragraph is effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954. Such amended provision reads as follows:

§ 1.163-1 Interest deduction in general.

* * * * * * *

(b) Interest paid by the taxpayer on a mortgage upon real estate of which he is the legal or equitable owner, even though the taxpayer is not directly liable upon the bond or note secured by such mortgage, may be deducted as interest on his indebtedness. Payment of Pennsylvania ground rent is deductible as interest if the ground rent is redeemable, but is treated as rent if the ground rent is irredeemable and in such case is deductible only to the extent such rent constitutes a proper business expense. Maryland ground rent paid or accrued prior to January 1, 1962, is deductible as interest if the ground rent is redeemable, but is treated as rent if the ground rent is irredeemable and in such case is deductible only to the extent such rent constitutes a proper business expense. Maryland ground rent paid or accrued on or after January 1, 1962, is deductible as interest only if such ground rent must be redeemed by a fixed date, but otherwise is treated as rent and deductible only to the extent such rent constitutes a proper business expense.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 26, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2034; Filed, Feb. 28, 1962; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 92]

PART 375—EXCHANGE OF WAR-BUILT VESSELS

The following new part is hereby added to this Chapter under Subchapter J—Miscellaneous:

Sec.
375.1 Purpose.
375.2 Definitions.
375.3 General provisions.
375.4 Application for exchange.

AUTHORITY: §§ 375.1 to 375.4 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114); Public Law 86-575, approved July 5, 1960 (74 Stat. 312). Interpret or apply section 510(1) (53 Stat. 1183).

§ 375.1 Purpose.

This part prescribes the procedures for the exchange of war-built vessels pursuant to Public Law 86-575 (section 510 of the Merchant Marine Act, 1936, as amended).

§ 375.2 Definitions.

(a) "War-Built Vessel" means an oceangoing vessel of 1500 gross tons or over which was constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945.

(b) "Exchange Vessel" means a trade-in vessel as referred to in Public Law 86-575, and is a war-built vessel owned and operated without subsidy under Title VI of the Merchant Marine Act, 1936, as amended, by a citizen or citizens of the United States and documented under the laws of the United States for at least three years immediately prior to the date of exchange and offered in exchange for a transfer vessel.

(c) "Transfer Vessel" means a trade-out vessel as referred to in Public Law 86-575, and is a war-built vessel owned by the United States, excluding tankers.

(d) "In class with respect to hull and machinery" and "in class," as referred to in Public Law 86-575, shall, for the purpose of this program encompass all work necessary to place a vessel in such condition as will entitle it to:

(1) The highest classification of the American Bureau of Shipping for the specific type of vessel, and

(2) Valid Certificates of Inspection for compliance with the regulations of the United States Coast Guard, the United States Public Health Service, and the Federal Communications Commission.

(e) "Fair and Reasonable Value" of a vessel as referred to in Public Law 86-575, and for the purposes of this order is defined as follows:

(1) The "unadjusted fair and reasonable value" of a vessel means the value of the vessel "as is, where is" as determined by the Maritime Administrator as of the date of exchange pursuant to section 510(d) of the Act, and considering the cost of placing the vessel in class with respect to hull and machinery as provided in section 510(1)(3) of the Act except for the cost of unknown bottom class repairs for which an allowance will be made in determinating the fair and reasonable value of the vessel and, in the case of a military type vessel, taking into account the estimated cost of reconverting and restoring such vessel for normal operation in commercial service.

(2) The "fair and reasonable value" of a vessel means the value of the vessel after final determinations have been made by the contracting officer regarding any adjustments allowed under an exchange contract.

(f) "Unknown bottom class repairs" means required class repairs which are not specified in conditon surveys available to the Maritime Administration and which are visible or apparent only while a vessel is in drydock but not including drydocking and routine underwater work.

(g) "Administration" means the Department of Commerce as represented by the Maritime Administration.

(h) "Act" means Public Law 86-575, amending section 510 of the Merchant Marine Act, 1936, as amended.

§ 375.3 General provisions.

(a) Authority to exchange vessels pursuant to the Act expires as of July 5, 1965.

(b) At the time of execution of the contract the applicant shall pay, in cash, any excess of the unadjusted fair and reasonable value of the transfer vessel over the unadjusted fair and reasonable value of the exchange vessel or vessels. Adjustments in such payments shall be based upon determinations by the Maritime Administrator of the fair and reasonable values of the vessels.

(c) In no event, will the exchange of vessels under the Act require any payment of United States funds to the applicant.

(d) No tankers shall be traded-out under the Act.

(e) The applicant acquiring a transfer vessel shall enter into a contract which shall provide, among other things, that he will be bound by the requirements of the Act with respect to reacquisition, documentation and continuation of contract provisions.

(f) Neither section 510(e) of the Merchant Marine Act, 1936, as amended, nor the nontaxable exchange provisions of the Internal Revenue Code, shall apply to the exchange of vessels under the Act.

(g) Repairs or reconversion necessary at the time of the exchange to place the transfer vessel in class and prepare it for commercial operation shall be performed in a shipyard within the continental United States.

(h) Any allowance for cost of reconverting and restoring a military type transfer vessel for normal operation in commercial service shall not exceed the estimated cost of reconverting and restoring the vessel to its original standard type.

(i) The applicant, at his own expense and in a manner satisfactory to the Administration, shall:

(1) Deactivate and prepare the exchange vessel and its equipment for storage or lay up, and perform class repairs to the extent required by the Maritime Administration.

(2) Deliver such vessel to a reserve fleet and designated equipment to a warehouse as directed by the Maritime Administration.

(3) Execute a bond, satisfactory in form and amount to the Administration, with one or more approved sureties, conditioned upon indemnifying the United States from all loss resulting from any lien against the exchange vessel, together with any other bonds or insurance deemed necessary by the Administration to protect the interests of the United States.

(j) The deactivation of the exchange vessel, as set forth in paragraph (i)(1) of this section, shall, unless otherwise directed by the Administration, be performed in accordance with the provisions of 32A CFR OPR-4 or OPR-6, both revised, (NSA Orders 64 or 66), and all materials required to be removed from the exchange vessel pursuant thereto, other than equipment as designated in paragraph (i)(2) of this section, shall remain the property of the applicant. The transfer vessel shall be delivered to the applicant at a reserve fleet in its "as is" condition. Unless otherwise determined by the Administration both the exchange and transfer vessels, shall, for the purpose of valuation, be considered as being equally equipped and no allowance shall be made for consumable stores and expendable equipment removed from either of the vessels pur-

suant to the above stated OPR–4 and OPR–6 (NSA Orders 64 or 66).

(k) In determining the unadjusted fair and reasonable value of a vessel, the following principles shall apply:

(1) No allowance shall be included in the unadjusted fair and reasonable value for class work on a transfer vessel being delivered in class from either a trade-in or use agreement and delivered to an applicant prior to layup in a Reserve Fleet.

(2) The unadjusted fair and reasonable value of a transfer vessel which has been drydocked, placed in class and not since operated within the last six months will include no allowance for class work, but will include an allowance based on the estimate of the cost of drydocking and bottom painting, class work for which certificates have expired during the interim period and for such topside class work required as a result of deactivation of the ship at time of layup.

(3) The unadjusted fair and reasonable value of an exchange vessel which is not available for a full survey or is being operated under a use agreement during the period of reactivation of the transfer vessel shall include an estimate of the cost of all unperformed class work which will be subject to adjustment based on surveys at the time of delivery of the exchange vessel.

(l) The actual costs necessarily and properly incurred in the deactivation and layup of the exchange vessel shall be allowed in determining the fair and reasonable value of the exchange vessel.

(m) All restoration and reconversion work performed on military type vessels, regardless of whether the vessel is restored to its original standard type, shall be done through competitive bids in the manner prescribed by the Administration unless specifically exempted by the Administration.

(n) Title to the transfer and exchange vessels shall pass simultaneously on the date specified in the contract.

(o) The applicant may with the consent of the Maritime Administrator use the exchange vessel, until completion of preparation of the transfer vessel for normal operation, in commercial service under the terms and conditions of a Use Agreement prescribed by the Maritime Administrator.

(p) The Department of Defense approval is required before any military type vessel is transferred out under the provisions of the Act. Such approval shall be requested by the Administration.

§ 375.4 Application for exchange.

(a) All applications for exchange of vessels shall be submitted to the Chief, Office of Property and Supply, Maritime Administration, Department of Commerce, Washington 25, D.C., on Form MA–182, Application for Exchange of War-Built Ships Pursuant to Public Law 86–575. Copies of this form and related instructions may be obtained from the above official.

(b) Applications are considered as officially filed when a qualified applicant submits a completed Form MA–182, along with the required supplementary information, in accordance with the instructions applicable thereto.

(c) When alternate transfer vessels are included in one application, consideration will be given to the first listed transfer vessel which is available. To the extent feasible, as determined by the Administration, priority will be established based upon the date of filing of the application and maintained as long as the applicant proceeds promptly to effect the vessel exchange. Applications for transfer vessels previously applied for by another applicant will not be processed until such transfer vessel is rejected by the first applicant or otherwise becomes available for reassignment.

(d) Each applicant will be notified of the action taken on his application.

(e) The Chief, Office of Property and Supply will coordinate vessel exchange activities of the Maritime Administration and administer the provisions of vessel exchange contracts.

By order of the Maritime Administrator.

Dated: February 26, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–2032; Filed, Feb. 26, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations; Editorial Changes

The Commission having under consideration certain editorial changes in § 2.106 of its rules; and

It appearing that the Commission, by Second Memorandum Opinion and Order in Docket Nos. 13928 and 12404 (FCC62–1235), published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10655), adopted certain amendments to Subparts A and B of Part 2 of the Commission's rules and regulations; and

It further appearing that the Table of Frequency Allocations in Part 2 of the rules indicates the Remote Pickup Broadcast Service may operate in the band 1715–1750 kc/s, and the availability of this band to remote pickup should have been deleted pursuant to the Extraordinary Administrative Radio Conference (EARC) Geneva (1951) Agreement; and

It further appearing that there have been no assignments in this service in the 1715–1750 kc/s band, nor has the availability of this band ever been delineated in Part 4, the Experimental, Auxiliary and Special Broadcast Services; and the Remote Pickup Broadcast Service has been in operation, and will continue to operate, in the band 1605–1715 kc/s; and

It further appearing that the remote pickup designator in Column 11 of the Table of Frequency Allocations in Part 2 for this band has been retained inadvertently and should now be deleted; and the amendment merely corrects the Table of Frequency Allocations to reflect present allocations; and

It further appearing that the public interest would be served by amending Part 2 of the Commission's rules to conform with the change as herein ordered; and

It further appearing that the deletion herein ordered makes no substantive change, that the amendment is editorial in nature, thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information:

It is ordered, This 26th day of February 1962, that effective March 5, 1962, § 2.106 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 2.106 of the Commission's rules and regulations is amended to read, in part, as follows:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

Band (kc/s)	Service	Class of Station	Frequency (kc/s)	Nature of stations. OF SERVICES
7	8	9	10	11
•	•	•	•	•
1715–1750	FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.	Base. Mobile. Fixed. Land mobile. Ship.		AERONAUTICAL FIXED. FIXED (in Alaska). INDUSTRIAL. INTERNATIONAL FIXED PUBLIC. MARITIME MOBILE. PUBLIC SAFETY. RADIOLOCATION.

[F.R. Doc. 62–2044; Filed, Feb. 26, 1962; 8:48 a.m.]

[Docket No. 13852 (RM–102 and RM–183); FCC 62–227]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, (Augusta, Bangor, Calais and Presque Isle, Maine); Order of Stay

1. On April 24, 1961, in this rule making proceeding, the Commission released a Report and Order (FCC 61–522, Mimeo 2665) amending § 3.606 of the rules by reserving for educational use Channel 10 in Augusta and Channel 10 in Presque Isle, and by reassigning Channel 7 from Calais to Bangor. Petitions for reconsideration of that part of the order pertaining to Channel 7 were filed as a result of which the Commission reconsidered its action and, in a Memorandum Opinion and Order (FCC 62–66, Mimeo 14525) released on January 12, 1962, assigned Channel 7 to Calais instead of Bangor, effective February 26, 1962. This assignment to Calais was made without an educational reservation although such a reservation had been requested by some parties to the proceeding.

2. On January 23, 1962, Dirigo Broadcasting, Inc., filed with the Commission a petition requesting that the last-mentioned order be stayed, that the record herein be reopened and that the Commission reconsider the order and assign Channel 7 to Bangor and Channel 3 to Calais. Dirigo is one of two commercial applicants for Channel 7 in Bangor, the applications having been filed in the interim between the release of the Report and Order and the Memorandum Opinion and Order herein.

3. The engineering statement which accompanied the petition indicates that by locating the transmitter somewhere within a specified area northwest of Calais it is possible to assign Channel 3 to that community and meet all necessary spacing and other requirements of the FCC rules and of the "Working Arrangement for Allocation of VHF Television Broadcast Stations Under the Canada-U. S. A. Television Agreement of 1952" while at the same time allowing maximum use of the channel.[1] To demonstrate the feasibility of the suggestion calculations were submitted based upon an assumed transmitter site at a point approximately 20 miles northwest of Calais which is said to be a practical site which is readily accessible.

4. Dirigo suggests that utilization of Channel 3 at Calais would make it possible to assign Channel 7 to Bangor for commercial use thereby satisfying the needs of both communities. A study of the supporting and opposing arguments addressed to the proposal convinces us that it should be explored further in the interest of attempting to supply a fuller service to the region. We agree, however, with the contention of Community that the proposal should not be given consideration for adoption without affording parties adequate time to respond thereto. Accordingly, comments and reply comments are invited on the following proposal:

City	Channel No.
Bangor, Maine	2–, 5+, 7–, *16–
Calais, Maine	3+, 20–

As we stated in our Memorandum Opinion and Order released herein on January 12, 1962, there appears to be a need for both a first commercial and an educational service in the Calais area, hence the proposal set forth above contains no reservation for educational use of Channel 3 at Calais.

5. Inasmuch as Bangor and Calais are within 250 miles of the U.S.-Canadian border, the proposal requires the concurrence of Canadian authorities in accordance with the provisions of the U.S.-Canadian Agreement of 1952. No final action on the proposal would be taken without formal Canadian concurrence.

6. Both Community Telecasting Service, Bangor, Maine, and the University of Maine filed pleadings requesting that the Dirigo request for stay be denied since it was not filed as a separate pleading as required by the Commission rules. Other arguments are also made. The University and Community pleadings were untimely filed, but we are inclined to accept them at this posture of the proceeding since no party is prejudiced thereby.[2] The technical objection of filing as a separate pleading is cured by a later filing of Dirigo.[2] In addition, Downeast Television, Inc., has filed a separate "Motion for Stay" which contains essentially the same grounds for stay presented by Dirigo.

7. The proposal suggested by Dirigo offers a possible method of satisfying the needs of both Calais and Bangor which was not previously considered by the Commission and which, if adopted, would assign Channel 7 to Bangor. Comments are invited so that all interested parties may express their views and fully inform us on the matter. We are of the opinion that it is within our discretion, in the interest of orderly administrative procedure, to stay the effectiveness of the Memorandum Opinion and Order released herein on January 12, 1962.

8. The University has also filed a "Request for Extension of Time" in which it asks that the period of time in which to file a response to the Dirigo petition (prior to Commission action on that petition) be extended. It is stated that counsel for Dirigo has consented to the granting of such an extension. However, because the the Dirigo proposal appears to have merit and we are herein inviting comments upon it by issuing a Further Notice of Proposed Rule Making, the University request is dismissed as moot.[4] Any detailed comments which the University desires to make may be filed in response to the Further Notice of Proposed Rule Making.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before March 26, 1962, and reply comments on or before April 13, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

12. In view of the foregoing: *It is ordered*, That the "Petition For Stay and Other Relief" and the "Petition for Stay" filed by Dirigo Broadcasting, Inc., the "Motion for Stay" and the "Motion in Support of Dirigo Petition" filed by Downeast Television, Inc., the request that the Dirigo petition be granted made by the American Broadcasting Company in its "Statement of American Broadcasting Company in Support of Petition for Stay and Other Relief," and the request for denial of the Dirigo petition for reconsideration made by Community Television Service in its "Opposition of Community Telecasting Service to Petition for Reconsideration" are granted insofar as they are consistent with the action taken herein and in other respects are denied; that the "Motion to Dismiss, Petition for Stay" filed by Community Telecasting Service, the request that the Dirigo petition for stay and other relief be denied made by the University of Maine in its "Opposition to Petition for Stay" and its "Opposition to Request to Reopen the Record, etc." are denied; that the "Request For An Extension Of Time" filed by the University of Maine is dismissed as moot; and that the action taken in the Memorandum Opinion and Order released herein on January 12, 1962, is stayed.

Adopted: February 21, 1962.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2043; Filed, Feb. 28, 1962; 8:48 a.m.]

[1] Petitioner points out that the possibility of a domestic co-channel problem was eliminated when the Commission adopted a Memorandum Opinion and Order in Docket No. 13340 on December 6, 1961 (FCC 61–1445, Mimeo 12993), which, among other things, denied a request for a short-spaced allocation of Channel 3 to Portland, Maine.

[2] "Petition for Stay" filed by Dirigo on February 9, 1962.

[3] We also accept the "Statement of American Broadcasting Company in Support of Petition for Stay and Other Relief" filed on February 5, 1962, the "Motion in Support of Dirigo Petition," filed on February 6, 1962, by Downeast Television, Inc., the "Opposition of Community Telecasting Service to Petition for Reconsideration," filed on February 5, 1962, and the "Opposition to Request to Reopen the Record, etc." filed by the University of Maine on February 9, 1962. The "Opposition of Community Telecasting Service" filed late on February 20, 1962, is not accepted since it is based on the same arguments used in its filing of February 5, 1962.

[4] In addition, the University later filed an "Opposition to Request to Reopen the Record, etc." as indicated in footnote 2, which also appears to make moot the request for extension of time.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 2)]

RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Proclamation 3279, as amended (24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507), it is proposed to amend as indicated below sections 4, 5, 12, 13, and 22 of Oil Import Regulation 1 (Revision 2) as amended (25 F.R. 4957, 13768 and 26 F.R. 2121, 5396, 11973).

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Administrator, Oil Import Administration, Washington 25, D.C., on or before March 9, 1962.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 27, 1962.

Sec. 4 [Amendment]

1. Paragraph (d)(2) of section 4 "Eligibility for allocations" to be amended to change the dates for the allocation period to April 1, 1962 through March 31, 1963, and to provide that the period for computing terminal inputs shall be the year ending December 31, 1961.

Sec. 5 [Amendment]

2. Section 5 "Applications for allocations" to be amended to delete subparagraph (1) of paragraph (b), which has been executed and for which therefore there is no longer any need. Correspondingly, subparagraph (2) would be redesignated as paragraph (b).

3. Section 12 "Allocations of residual fuel oil to be used as fuel in District I" to be amended to read as follows:

Sec. 12 Allocations of residual fuel oil to be used as fuel in District I.

(a) If during the calendar year 1957 an applicant imported into District I residual fuel oil used as fuel, he shall be entitled, for the allocation period April 1, 1962 through March 31, 1963 to an allocation of imports into District I of residual fuel oil to be used as fuel equal to 85 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by the total amount of imports into District I of residual fuel oil to be used as fuel available for allocation during the allocation period minus the quantities of imports of such oil granted to petitioners by the Oil Import Appeals Board.

(b) Except as provided in paragraph (a) of this section and unless an allocation under paragraph (a) would be larger, each person who is an eligible applicant under clause (2), paragraph (d), section 4 of this regulation shall receive for the allocation period April 1, 1962 through March 31, 1963 from the quantity of imports of residual fuel oil to be used as fuel which is available for allocation on the basis of terminal inputs (after allocations have been made pursuant to decisions of the Oil Import Appeals Board and on the historical basis as provided in paragraph (a) of this section) an allocation of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending December 31, 1961 and computed according to the following schedule:

Average B/D input	*Percent of input*
0–1,000	100
1–5,000	45.1
5–10,000	31.8
10–30,000	17.6
30,000 plus	11

(c)(1) Terminal inputs shall be computed only as provided in this paragraph (c).

(2) In order to constitute a terminal input a delivery into a deep-water terminal (or a withdrawal as provided in subparagraph (6) of this paragraph) must have occurred during the year ending three months prior to the beginning of the allocation period for which an allocation is requested.

(3) Except as provided in subparagraph (6) of this paragraph, an eligible applicant may count as a terminal input residual fuel oil to be used as fuel which was delivered into a deep-water terminal in District I under his management and operational control if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep-water terminal in District I. However, an eligible applicant must reduce his terminal inputs by the quantity of residual fuel oil to be used as fuel which he transfers from his deep-water terminal in District I:

(i) if that oil is delivered to a deep-water terminal in District I under the management and operational control of a person who is an eligible applicant under clause (2), paragraph (d), section 4 of this regulation, and

(ii) if title to the oil passes to the transferee (buyer) when it is delivered to the transferee's deep-water terminal. In such an instance, the transferee (buyer) may claim as a terminal input the quantity of oil so transferred.

(4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) sold to a person who was not in the business of selling residual fuel oil to be used as fuel and (iii) delivered to a deep-water terminal in District I under the management and operational control of such person, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(5) In addition, an eligible applicant who has under his management and operational control a deep-water terminal in District I, may count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) sold to a Federal agency, or to an agency of a State or a political subdivision of a State, and (iii) delivered to a deep-water terminal in District I for the account of such agency, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(6) No residual fuel oil to be used as fuel may be counted as a terminal input when it is placed, or so long as it remains, in bonded storage at a deep-water terminal in District I. An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which he owned when it was placed in bonded storage in a deep-water terminal under his management and operational control in District I when such oil is withdrawn from bonded storage for use in District I or for bunkering ships in the coastwise trade, except as provided in subparagraph (7) of this paragraph. However, if such oil is withdrawn from bonded warehouse for consumption and is transferred to another deep-water terminal in District I, then the provisions in subparagraph (3) of this paragraph relating to transfers shall apply.

(7) Residual fuel oil consumed by an applicant in refinery or terminal operations, as bunkers for his ships, or for any other purpose, may not be counted as a terminal input.

(d) The allocations under paragraphs (a) and (b) of this section shall be made for periods of twelve months. The Administrator shall, however, issue licenses in an amount not to exceed 20 percent of each allocation for the period of three months beginning April 1, 16 percent for the period of three months beginning July 1, 27 percent for the period of three months beginning October 1, and 37 percent for the period of three months beginning January 1. All licenses will be valid until March 31, 1962. Upon a showing that compliance with the requirements of this paragraph will prevent a person from importing in full tanker cargoes or for other good cause shown, the Administrator may upon written petition adjust the percentages for a particular licensing period in licenses issued to the petitioner to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief.

(e) If any part of a deep-water terminal is removed from the management and operational control of an eligible applicant by sale, transfer, lease, or any other means, the part so removed shall not constitute a separate deep-water terminal for the purpose of computing allocations based on terminal inputs. An allocation will be computed as if the transaction had not taken place. After the allocation between the eligible applicant for the period has been so computed, the Administrator may, in his discretion, divide the allocation between the eligible applicant from whose management and operational control the part of the terminal was removed and the person who assumed management and operational control, if these persons agree upon, and request, a division.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships' bunkers.

Paragraph (a) of section 12 contemplated the possibility that a reduction of three percentage points in the percentage of the ratio constituting the basis for "historical" allocations might be required to enable both "historics" and "terminal inputers" to participate in projected market demand in such a manner as to maintain a reasonable and equitable balance between the two categories. Preliminary estimates of demand and supply for the allocation period April 1, 1962 through March 31, 1963 indicate a probable level of 507,000 barrels per day. With this level a more reasonable and equitable balance would be maintained by the retention of the 85 percent.

Subparagraph (3), paragraph (c) would be amended to describe more clearly the specific situation in which an applicant must reduce his terminal inputs because of a transfer of oil from his deep-water terminal. The situation described in the proposed amendment is one in which all elements—i.e., destination, passage of title—are within the seller's knowledge. Subparagraph (6) would be amended to make it clear that the rules mentioned respecting transfers would be applicable to oil which is withdrawn from bonded warehouse for consumption and transferred to another deep-water terminal.

Subparagraph (6) would also be amended to indicate that a terminal input may be claimed when oil is first withdrawn from warehouse for consumption or for bunkering ships in the coastwise trade, even though the oil may have been transferred in bond from a bonded tank in a deep-water terminal to a bonded tank in another deep-water terminal before the oil is withdrawn for consumption.

As against Federal agencies and other public bodies which are required to solicit competitive bids and which must contract for limited periods of time, suppliers tend to prefer customers which are not subject to such restrictions. Public agencies are additionally handicapped in obtaining bids if deliveries to them do not permit suppliers to claim terminal inputs. To improve this situation a new subparagraph (5) would be added to permit a supplier to claim terminal inputs for oil delivered to a deep-water terminal for the account of a Federal or other public agency.

Sec. 12A [Deletion]

4. Section 12A to be deleted from the regulation. This section provided a special procedure which has served its purpose.

5. Paragraph (a) of section 13, "Allocations of finished products—Districts I–IV, Districts II–IV, District V", to be amended to read as follows:

Sec. 13 Allocations of finished products—Districts I–IV, Districts II–IV, District V.

(a) The quantity of imports of finished products other than residual fuel oil to be used as fuel determined to be available for allocation for any particular allocation period in Districts I–IV, and in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of such products in the respective districts during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

This section has been amended to add the words "in the respective districts" for the purpose of clarification.

Sec. 14 [Amendment]

6. Section 14. "Determination of maximum level of imports—Puerto Rico" is the only section now operable in Amendment 3 (25 F.R. 13768). Accordingly, section 14 would be incorporated in the proposed amendments without any changes, in order to supersede Amendment 3 in its entirety.

7. Paragraph (m) of section 22 "Definitions" to be amended to read as follows:

Sec. 22 Definitions.

* * * * *

(m) "deep-water terminal" means a permanent land installation which (1) consists of bulk storage tanks, pumps, and pipelines used for the storage, transfer, and handling of residual fuel oil, (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated at 15,000 cargo deadweight tons, and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

This section has been amended to add the words "permanent land" for the purpose of clarification.

[F.R. Doc. 62–2123; Filed, Feb. 28, 1962; 11.07 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 684) has been filed by Commercial Solvents Corporation, Terre Haute, Indiana, proposing the issuance of a regulation to provide for the safe use of zinc bacitracin in cattle feed for growth promotion and feed efficiency, fed at the rate of 35–70 milligrams of zinc bacitracin per day, per head of cattle.

Dated: February 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–2029; Filed, Feb. 28, 1962; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 666) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of zoalene with or without penicillin or bacitracin in medicated turkey feed as follows:

Zoalene, not less than 125 parts per million (0.0125 percent) nor more than 187.5 parts per million (0.01875 percent) for prevention and control of coccidiosis, to which may be added for growth promotion and feed efficiency the following: Penicillin, not less than 2.4 grams nor more than 50 grams of master standard equivalent per ton of feed.

Feed grade bacitracin, bacitracin methylene disalicylate, feed grade zinc bacitracin, or feed grade manganese bacitracin, not less than 4 grams nor more than 50 grams of bacitracin activity per ton of feed.

Dated: February 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–2030; Filed, Feb. 28, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 704) has been filed by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the issuance of a regulation to provide for the safe use of 165 parts per million (0.0165 percent) disodium ethylenediamine tetraacetate in canned kidney beans, as a color stabilizer.

Dated: February 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2031; Filed, Feb. 28, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 20, 1962.

Notice of an application Serial No. Sacramento 067461, for withdrawal and reservation of lands, was published as Federal Register Document No. 61-8382 on page 8264 of the issue for September 1, 1961. Correction Notice was published as Federal Register Document No. 61-8810 on page 8650 of the issue for September 15, 1961. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on March 23, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FORESTS

Crazy Jim Campground and Picnic Area

T. 34 N., R. 11 W.,
Sec. 13: N½SE¼NW¼, W½SW¼SE¼NW¼, E½NW¼SW¼, W½NW¼NE¼SE¼, S½NE¼SW¼, SE¼SW¼.

The area described aggregates 110 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-2013; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 27]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 49-3816 of the issue for May 12, 1949, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,
Sec. 10, Lots 33, 34, 35, 40, 44, and 45.

The area described aggregates 15 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2019; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 31]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 49-3820 of the issue for May 12, 1949, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
Sec. 14, Lot 3.

The area described aggregates 5.56 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2008; Filed, Feb. 28, 1962; 8:45 a.m.]

[Classification Order No. 49]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 50-1530 of the issue for February 24, 1950, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,
Sec. 5, Lots 133 and 134.

The area described aggregates 5 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2009; Filed, Feb. 28, 1962; 8:45 a.m.]

[Classification Order No. 51]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 50-1698 appearing on page 1167 of the issue for March 2, 1950, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
Sec. 24, Lot 11.

The area described aggregates 5.39 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2010; Filed, Feb. 28, 1962; 8:45 a.m.]

[Classification Order No. 76]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 51-15087 of the issue of December 21, 1951, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 60 E.,
Sec. 33, Lots 60 and 61.

The area described aggregates 10 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2020; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 77]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 52-948 appearing on page 778 of the issue for January 25, 1952, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,
Sec. 28, Lots 18, 20, 21, 31, 32, and 115.

The area described aggregates 15 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2021; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 79]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 52-1888 appearing in the issue for Friday, February 15, 1952, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 11, Lot 18.
T. 22 S., R. 61 E.,
Sec. 20, Lots 33, 34, and 60.

The area described aggregates 20 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2011; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective February 21, 1962, Federal Register Document 53-8583 appearing on pages 6413-14 of the issue of October 8, 1953, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 60 E.,
Sec. 9, W½NE¼SE¼NE¼, NW¼SE¼NE¼, E½NE¼SW¼NE¼;
Sec. 10, W½NE¼SW¼, S½SE¼NE¼SW¼, NW¼SE¼NE¼SW¼.
T. 21 S., R. 60 E.,
Sec. 28, SE¼SE¼;
Sec. 36, NW¼NW¼NW¼SE¼, NW¼NE¼SE¼, W½NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, E½SW¼NW¼SE¼, W½SW¼NE¼SE¼, N½SE¼NE¼SE¼, NW¼NE¼SE¼SE¼, SE¼NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SW¼SW¼SE¼, NW¼SE¼SW¼SE¼, SE¼SW¼SE¼SE¼, SW¼SE¼SE¼SE¼, NE¼SE¼SE¼SE¼.
T. 21 S., R. 61 E.,
Sec. 31, Lots 56, 57, 62, 69, 71, 73, 75, 76, 78, 79, 81 and 82, SE¼SW¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½NW¼SE¼SW¼, N½SW¼SE¼SW¼.
T. 22 S., R. 61 E.,
Sec. 15, E½NW¼SE¼NE¼, E½SW¼NW¼SE¼NE¼, SW¼SE¼NE¼, E½SE¼NE¼.

The area described aggregates 222.38 acres.

2. The land included in this amendment is located in greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 27, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

FEBRUARY 21, 1962.

[F.R. Doc. 62-2012; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 106]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 55-2285 appearing on pages 1704-1706 of the issue for March 22, 1955, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 17, E½NW¼SE¼NW¼, NE¼SE¼NW¼, E½SE¼NE¼NW¼.

The area described aggregates 20 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Land and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2022; Filed, Feb. 28, 1962; 8:46 a.m.]

[Classification Order No. 132]

NEVADA

Small Tract Classification; Amendment

1. Effective February 23, 1962, Federal Register Document 58-10685 appearing on pages 10489-90 in the issue for Tuesday, December 30, 1958, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 35, W½NE¼NW¼, NW¼NW¼.

The area described aggregates 60 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m., on March 29, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2023; Filed, Feb. 28, 1962; 8:46 a.m.]

[I-41]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 21, 1962.

The Corps of Engineers, United States Army, has filed an application, Serial No. Utah 084960, for the withdrawal of the lands described below, in Uintah County, Utah, from all forms of appropriation including the mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the land for the construction and operation of seismic facilities which, because of the nature of the work, will prohibit any concurrent use of the land except use permitted under the Taylor Grazing Act.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 6 S., R. 21 E.,
Sec. 4: Lots 1, 2, 3, 4, S½ (all);
Sec. 5: Lots 1, 2, 3, 4, S½ (all);
Sec. 8: All;
Sec. 9: All.

The above area aggregates 2,312.21 acres.

W. H. KOCH,
Acting State Director.

[F.R. Doc. 62-2014; Filed, Feb. 28, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14085 etc.; FCC 62M-275]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Procedural Dates

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; et al., GROUP II, Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14295, 14296, 14298, 14299, 14300, 14303, 14304, 14305, 14306; for construction permits.

The Acting Chief Hearing Examiner having under consideration a motion, filed by Storer Broadcasting Company on February 21, 1962, requesting extension of time of various procedural dates in Group II;

It appearing that counsel for each of the applicants and respondents in Group II, and counsel for the Chief of the Commission's Broadcast Bureau have consented to a grant of this motion and to waiver of the four-day rule;

It is ordered, This 21st day of February 1962, that the above motion for extension of time is granted; and presently scheduled dates for Group II are continued as follows:

	From—	To—
Exchange of preliminary engineering exhibits	Feb. 26, 1962	Mar. 5, 1962
Informal engineering conference	Mar. 8, 1962	Mar. 15, 1962

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2035; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket No. 14085 etc.; FCC 62-221]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Inc., Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; et al., for construction permits.

1. The Commission has before it for consideration (a) a motion to enlarge and change issues filed November 8, 1961, by Post-Newsweek Stations (WTOP), Washington, D.C.; (b) an opposition filed November 30, 1961, by Storer Broadcasting Company (WJBK), Detroit, Michigan; (c) an opposition of Broadcast Bureau filed November 30, 1961; (d) a reply to opposition filed December 11, 1961, by Post-Newsweek Stations; (e) comments of Broadcast Bureau filed December 28, 1961; (f) a reply to Broadcast Bureau's comments filed January 15, 1962, by Post-Newsweek Stations; (g) a response to Broadcast Bureau's comments filed January 15, 1962, by Storer Broadcasting Company; (h) a petition for reconsideration or enlargement of issues filed November 3, 1961, by KSTP, Inc. (KSTP), St. Paul, Minnesota; (i) a response of Storer Broadcasting Company to petition of KSTP, Inc., filed November 30, 1961; and (j) a supplement to response of Storer Broadcasting Company filed December 26, 1961.

2. The petitioners, KSTP, Inc., and Post-Newsweek Stations, seek enlargement of issues or reconsideration of Issue 19 which affects the proposal of Storer Broadcasting Company. The petition of KSTP, Inc., is directed to the omission of radiation restrictions in the direction of Station KSTP in the clause setting forth the conditions in the event of a grant of Storer's application. KSTP and Storer have subsequently reached an agreement on the limits of radiation in certain directions, and these restrictions will be added to others already specified. As to the petition of Post-Newsweek Stations, it asserts that by using a "quadrature component" method of estimating the maximum expected operating values in the critical vertical angles, there are two instances where the values of radiation exceed that proposed by the applicant; that in those instances, there will be interference to the secondary service area of Station WTOP; that a full protection of Station WTOP requires that Station WJBK limit radiation throughout a sector from true bearing 57.5° to true bearing 179°; and that the operation of Station WJBK within the proposed maximum expected operating values would result in the derogation from the conditions imposed on the present WJBK operation and would work a modification of WTOP's license.

3. Petitoner's allegation of interference to the WTOP secondary service area is based upon its method of determining the maximum expected operating values in the critical vertical angles. It states that it used the "quadrature component" method of estimating the maximum expected operating values "in appropriate situations." However, the petitioner fails to delineate the reasons and the manner in which the relationship between the horizontal and the vertical components were obtained. It does not show that the ratio method (an accepted method) used by the applicant was unreasonable; it only shows that the values were low in comparison to certain instances. Section 1.141(c) of the rules requires that a motion to enlarge the issues shall contain specific allegations of fact sufficient to support the action requested. The affidavit supporting the motion should contain factual engineering showings rather than bare opinions as to the "unreasonableness" of the proposal. (Alkima Broadcasting Company, Docket No. 12414, FCC 61-1462.) Moreover, we question the merit of a method which is utilized only "in appropriate situations."

4. As to limiting the radiation to protect WTOP's secondary service area within the continental United States, WJBK offered to restrict radiations on additional bearings. However, WTOP's position is that any increase in radiation above that now authorized to WJBK would result in a modification of WTOP's license, and it has not acknowledged the WJBK's offer. Although certain restrictions on radiation were placed on the construction permit when the present WJBK operation was authorized, which gave WTOP greater protection than recognized by the Commission's Rules, such restrictions were added following an agreement between the parties involved. The Commission is not required to recognize the protection of service area beyond the normally protected contour, and the restrictions placed upon WJBK did not serve to extend the scope of WTOP's license. Thus we will deny the WTOP motion to enlarge the issues.

5. The Broadcast Bureau's proposal in its comments to amend Issue 19 and add an issue should have been filed on November 8, 1961, when a motion to enlarge issues was due. The Bureau assigns no valid reason for its unawareness of the problems at an earlier date, and its proposal will be denied. However, on Commission's own motion, the hearing issues would be amended and enlarged as suggested by the Broadcast Bureau as these are matters as to which additional information, raised by the pleadings, would be desirable. We will also add to the conditional clause the radiation restrictions proposed by WJBK to protect the secondary service area of Station WTOP.

It is ordered, This 21st day of February 1962, that the motion to enlarge and change issues filed by Post-Newsweek Stations and the proposal to amend and add an issue filed by the Broadcast Bureau in its comments are denied;

It is further ordered, That the petition for reconsideration or enlargement of issues filed by KSTP, Inc., is granted;

It is further ordered, On the Commission's own motion, that the designation order released October 17, 1961 (FCC 61–1204) is amended by adding to existing Issue 19, the following: and whether such MEOV's are reasonable. And by renumbering the present Issues 20 through 31 as 21 through 32 and the following Issue 20 is added: To determine in light of the evidence adduced pursuant to Issue 19 whether the proposal of Storer Broadcasting Company will cause interference to the existing nighttime operations of Stations KSTP, St. Paul, Minnesota, and WTOP, Washington, D.C., or any other existing stations.

It is further ordered, That the following limitations affecting the proposal of Station WJBK are added to the present conditions set forth on page 19 of the order:

Condition 2:

Mv/m	*Mv/m*
62°–20.0	287°–22.5
242°–28.5	312°–18.5
252°–23.0	332°–20.2
272°–20.3	

Condition 3:

Mv/m	*Mv/m*
57.5°–37.5	287°–22.5
179°–30.0	292°–21.0
242°–28.5	302°–17.5
252°–23.0	312°–18.5
262°–21.5	322°–18.5
272°–20.3	332°–20.2
282°–20.9	

It is further ordered, That the word "seven" in Condition 6 affecting the proposal of Station WJBK is deleted.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2036; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket Nos. 14357, 14358; FCC 62M–270]

HIGSON-FRANK RADIO ENTERPRISES AND S B B CORP.

Order Following Prehearing Conference

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Texas, Docket No. 14357, File No. BP–13809; S B B Corporation, Houston, Texas, Docket No. 14358, File No. BP–14632; for construction permits.

A prehearing conference in the above-entitled matter having been held on February 21, 1962, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

Accordingly, it is ordered, This 21st day of February 1962, as follows:

(1) The direct case of applicant Higson-Frank Radio Enterprises with respect to Issue 3 shall be presented in the form of written exhibits under oath;

(2) Copies of the proposed exhibits of Higson-Frank Radio Enterprises relative to Issue 3 shall be furnished to counsel for other parties herein (and also to the Hearing Examiner) by March 19, 1962;

(3) Notification as to those witnesses for applicant Higson-Frank required to be present at the hearing on March 27, 1962 for cross-examination shall be given by March 23, 1962; and

(4) The hearing originally scheduled for January 17, 1962, and heretofore continued without date by order of the Examiner (FCC 61M–1940) released December 11, 1961, is hereby rescheduled for March 27, 1962, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2037; Filed, Feb. 28, 1962; 8:48 a.m.]

[1] The applicants have filed a joint motion for approval of an agreement looking toward dismissal of the application of S B B Corporation, with the resultant mooting of issues other than 3 and 7 upon the dismissal of this application.

[Docket Nos. 14360–14363; FCC 62–220]

M & M TELECASTERS, ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of L. E. Manseau and Daniel E. Molina, d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT–2891; Mill Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT–2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT–2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT–2919; for construction permits for new Television Broadcast Stations.

1. The Commission has before it for consideration (a) a petition for clarification of issue or, in the alternative, request for modification thereof filed December 14, 1961, by Central Coast Television, Santa Maria, California (Docket No. 14361); (b) a statement of the Commission's Broadcast Bureau filed December 27, 1961; and (c) comments of Santa Maria Telecasting Corporation, Santa Maria, California (Docket No. 14363), filed December 29, 1961.

2. Central Coast Television seeks clarification or, in the alternative, modification of Issue 7 which would inquire into the profile graphs of Santa Maria Telecasting Corporation. Petitioner contends that an analysis of a map submitted by Santa Maria Telecasting shows that it would not have line-of-sight between its proposed transmitter site and the entire city of Santa Maria and, as a result, Santa Maria Telecasting would not place a city grade signal over all of Santa Maria; that the questions thus raised are whether there will be compliance with § 3.685 (a) and (b) of the rules; and that Issue 7 does not make any reference to § 3.685 of the rules.

3. We will grant the petition of Central Coast Television by enlarging the issues. Santa Maria Telecasting Corporation has some reservations with respect to the issue suggested by the Broadcast Bureau dealing with the line-of-sight path from the transmitting antenna. However, the added issue is not limited to the line-of-sight aspect of the section but encompasses the entire provisions of § 3.685(b) of the rule.

Accordingly, it is ordered, This 21st day of February 1962, that the petition of Central Coast Television filed December 14, 1961, is granted, and

It is further ordered, That the designation order released November 6, 1961, (FCC 61–1311) is amended by renumbering the present Issues 8 and 9 as 10 and 11 and the following issues are added:

8. To determine whether the proposed operation of Santa Maria Telecasting Corporation would place a principal city signal over the entire community of Santa Maria, California, in accordance with § 3.685(a) of the Commission's rules.

9. To determine whether the transmitter site proposed by Santa Maria Telecasting Corporation would be consistent with the requirements of § 3.685 (b) of the Commission's rules.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2038; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket No. 14529; FCC 62M–273]

PALMS BROADCASTING CORP.

Order Scheduling Hearing

In the matter of revocation of license of Palms Broadcasting Corporation for AM Station WGRC, Green Cove Springs, Florida, Docket No. 14529.

It is ordered, This 21st day of February 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 8, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 2, 1962.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2039; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket Nos. 14527, 14528; FCC 62M–272]

PEOPLE'S BROADCASTING CO. (WPBC) AND GABRIEL BROADCASTING CO.

Order Scheduling Hearing

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minnesota, Docket No. 14527, File No. BP–13692; Nicholas Tedesco and Victor J. Tedesco d/b as Gabriel Broadcasting Company, Chisholm, Minnesota, Docket No. 14528, File No. BP–14416; for construction permits.

It is ordered, This 21st day of February 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 25, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, March 23, 1962.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2040; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket No. 14526; FCC 62M–271]

ROCKLAND BROADCASTERS

Order Scheduling Hearing

In re application of Keith Connes and Albert Spiro d/b as Rockland Broadcasters, New City, New York, Docket No. 14526, File No. BP–13953; for construction permit.

It is ordered, This 21st day of February 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, March 23, 1962.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2041; Filed, Feb. 28, 1962; 8:48 a.m.]

[Docket Nos. 13796, 13803; FCC 62–219]

WESTERN BROADCASTING CO. AND R. L. McALISTER

Memorandum Opinion and Order

In re applications of David P. Pinkston and Leroy Elmore, d/d as Western Broadcasting Company, Odessa, Texas, Docket No. 13796, File No. BP–12329; R. L. McAlister, Odessa, Texas, Docket No. 13803, File No. BP–13058; for construction permits.

1. The Commission has before it for consideration a "Petition for reconsideration and grant without hearing", filed November 29, 1960, by R. L. McAlister; an Initial Decision, FCC 61D–169, December 6, 1961; a petition to enlarge issues and reopen the record; filed December 14, 1961, by the Chief, Broadcast Bureau; an Order FCC 61–1502, December 27, 1961; and pleadings properly filed in response to Bureau's petition.

2. By Order, 25 F.R. 11044, November 19, 1960, the Commission designated for hearing the applications for construction permits for new standard broadcast stations, daytime only, 1550 kc, of (a) David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, 50 kw, Odessa, Texas, (b) W. J. Harpole, 1 kw, Canyon, Texas, and (c) R. L. McAlister, 5 kw, Odessa, Texas.

3. On November 29, 1960, McAlister filed a "Petition for reconsideration and grant without hearing", which inter alia requested the dismissal of the Western application and grant of the Harpole and McAlister applications without hearing. Attached to the petition was a letter from Western partner Pinkston requesting dismissal of the Western application on the basis of an alleged agreement between it and McAlister for the reimbursement of $2,520 for incurred expenses itemized in an attached affidavit. Only an original and two copies of the petition and its attachments were filed and as a consequence it was never acted upon by the Commission. Accordingly, it will be denied hereinafter for failure to comply with 47 CFR 1.54, i.e., insufficient copies were filed.

4. Western failed to appear at the hearing on February 1, 1961, and was held in default by the Examiner. The record herein was closed the same day and thereafter, on April 13, 1961, Western filed a petition to reopen the record which the Examiner denied by Memorandum Opinion and Order, FCC 61M–1153, and which Order also severed the Harpole application from the instant proceeding. By Initial Decision, FCC 61D–107, July 14, 1961, which became effective September 15, 1961, without Commission action, the Examiner granted the Harpole application.

5. By Initial Decision, FCC 61D–169, December 6, 1961, the Examiner granted the McAlister application and denied the Western application as being in default. On December 14, 1961, Bureau filed its instant petition to reopen the record and enlarge the issues. By Commission Order, FCC 61–1502, December 27, 1961, the Initial Decision was stayed pending receipt and review of pleadings responsive to Bureau's petition. Those responsive pleadings having now been filed, the Commission will consider the substance of the matters presented.

6: Bureau requests reopening of the record and remand of the proceeding to the Examiner on the following issues:

1. To determine all of the facts relative to the failure of Western Broadcasting Company to prosecute its application.

2. To determine the reasons why a petition to dismiss the application of Western Broadcasting Company was never properly filed.

3. To determine, in the light of the foregoing, whether any abuse of the Commission's processes has occurred or been attempted.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether R. L. McAlister has the requisite character qualifications to be a broadcast licensee.

7. The Bureau argues that there is a conflict between the sworn statements and testimony of the Western partners and McAlister concerning (a) the alleged agreement between them calling for the reimbursement of Western's out-of-pocket expenses in return for the dismissal of its application, and (b) whether or not McAlister agreed to represent Western in securing the dismissal of its application.

8. It is obvious from a review of the record herein that such conflicts do exist. At the hearing McAlister testified that there then existed no agreement between him and Western for him to reimburse the partnership for out-of-pocket expenses. By his opposition, under oath, to the instant petition, McAlister states he refused to represent Western as to the withdrawal of its application. Contrary to these assertions, the partners in

a sworn statement attached to an April 13, 1961, petition to reopen the record, state that McAlister by mutual agreement is obligated to pay their out-of-pocket expenses and that he requested and received permission to represent Western in the withdrawal of that application.

9. In view of these direct conflicts of sworn statements we think there is sufficient justification to inquire further into the matter as suggested by the Bureau.

Accordingly, it is ordered, This 21st day of February 1962, that the "Petition for reconsideration and grant without hearing", filed November 29, 1960, by R. L. McAlister, is denied; Commission Order FCC 61–1502, December 27, 1961, staying the Initial Decision herein is lifted; Initial Decision, FCC 61D–169, December 6, 1961, is vacated; the petition to enlarge issues and reopen the record, filed December 14, 1961, by the Chief, Broadcast Bureau is granted; the record in this proceeding is reopened and the case is remanded to the Examiner for the issuance of a supplemental initial decision and hearing on the following issues:

1. To determine all of the facts relative to the failure of Western Broadcasting Company to prosecute its application.

2. To determine the reasons why a petition to dismiss the application of Western Broadcasting Company was never properly filed.

3. To determine, in the light of the foregoing, whether any abuse of the Commission's processes has occurred or been attempted.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether R. L. McAlister has the requisite character qualifications to be a broadcast licensee.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2042; Filed, Feb. 28, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37570: *Substituted service—Central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 73), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in central territory, and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF–I.C.C. 258.

FSA No. 37571: *Natural asphalt to western trunk line territory.* Filed by Western Trunk-Line Committee, Agent (No. A–2226), for interested rail carriers. Rates on asphalt, natural (gilsonite), in carloads, from specified points in Colorado, Utah and Wyoming, to points in western trunk-line territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 72 to Trans-Continental Freight Bureau tariff I.C.C. 1578.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–2024; Filed, Feb. 28, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

FEBRUARY 23, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1–3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts of practices, this order to be effective for a period of ten (10) days, February 25, 1962, to March 6, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62–2015; Filed, Feb. 28, 1962; 8:46 a.m.]

[File No. 70–4015]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Filing Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and to Parent Company

FEBRUARY 21, 1962.

Notice is hereby given that a joint application-declaration and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart St., Boston 16, Mass., a registered holding company, and its public-utility subsidiary companies ("the borrowing companies"), namely, Central Massachusetts Gas Company ("Central Mass."), Granite State Electric Company ("Granite"), Lawrence Gas Company ("Lawrence"), Lynn Electric Company ("Lynn Electric"), Lynn Gas Company ("Lynn Gas"), Massachusetts Electric Company ("Massachusetts"), Merrimack-Essex Electric Company ("Merrimack"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), The Narragansett Electric Company ("Narragansett"), New England Power Company ("NEPCO"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Norwood Gas Company ("Norwood"), Suburban Electric Company ("Suburban"), and Wachusett Gas Company ("Wachusett"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 42(b)(2), 43, 45(b)(1), 50(a)(2), and 50(a)(3) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue, from time to time through December 31, 1962, unsecured promissory notes to banks and/or NEES in the maximum aggregate amount of $71,175,000 to be outstanding at any one time. The proceeds of the proposed borrowings are to be used to pay then outstanding notes due to banks and/or to NEES (outstanding in the principal amount of $36,477,000 at January 1, 1962), and to provide new money for construction expenditures or to reimburse the treasury therefor. Each proposed note will bear interest at not in excess of the prime rate in effect at the time of issuance, will mature in less than one year from the date of issuance and in any event on or prior to March 29, 1963, and will be prepayable at any time, in whole or in part, without premium.

The subsidiary companies may prepay their notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any notes issued to NEES for such prepayment of notes to banks will bear interest at the prime rate, but not in excess of the interest rate on the notes being prepaid, to the date of their maturity. In the case of notes issued to banks for such prepayment of notes to NEES, if the interest rate exceeds that of the notes to be prepaid, NEES will credit the borrowing company with the difference between the interest rate on the new note to be issued to the bank and the interest rate on the note to be prepaid for the period from the date of the issuance of such new note to the normal maturity date of the note payable to NEES which is to be prepaid.

The following table shows for each borrowing company the estimated maximum amount of notes to be outstanding with banks and/or with NEES at any one time.

Borrowing Company	Estimated maximum amount of notes to be outstanding (in thousands)		
	Banks	NEES	Banks or NEES
Central Mass.	$1,275	----	----
Granite	400	----	$1,950
Lawrence	2,250	----	----
Lynn Electric	1,000	----	1,750
Lynn Gas	1,150	----	----
Massachusetts	----	----	9,800
Merrimack	2,500	----	5,200
Mystic	1,125	----	----
Mystic Valley	5,050	----	----
Narragansett	6,100	----	3,000
NEPCO	2,000	----	17,500
North Shore	2,000	----	----
Northampton Gas	----	$870	----
Norwood	----	1,355	----
Suburban	1,250	----	2,600
Wachusett	1,050	----	----
Totals	27,150	2,225	[1] 41,800

[1] The total borrowings from NEES at any one time will not exceed $30,000,000.

The proposed bank borrowings will be made from the following banks in the aggregate maximum amounts indicated:

The First National City Bank of New York	$9,375,000
The First National Bank of Boston	*51,380,000
Industrial National Bank of Rhode Island	3,550,000
Rhode Island Hospital Trust Company	1,900,000
First National Bank of Malden	150,000
Malden Trust Company	100,000
Middlesex County National Bank, Everett, Mass.	250,000
Worcester County National Bank, Worcester, Mass.	750,000
The Mechanics National Bank of Worcester	300,000
Guaranty Bank & Trust Company, Worcester, Mass.	400,000
South Shore National Bank, Quincy, Mass.	400,000
Norfolk County Trust Company, Quincy, Mass.	$200,000
Quincy Trust Company, Quincy, Mass.	75,000
Attleboro Trust Company, Attleboro, Mass.	40,000
First National Bank, Attleboro, Mass.	80,000
Total	$68,950,000

* Includes $39,555,000 which may be borrowed from the bank or from NEES, subject to the above-stated limitation on borrowings from NEES.

Incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $400 for each applicant-declarant.

Appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Granite. No further action by any regulatory commission, other than this Commission, is necessary to carry out the proposed transactions.

Notice is further given that any interested person may, not later than March 8, 1962, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2016; Filed, Feb. 28, 1962; 8:46 a.m.]

[File No. 811–826]

PORTSMOUTH CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 20, 1962.

Notice is hereby given that Portsmouth Corporation ("Portsmouth"), 2310 Terminal Tower, Cleveland, Ohio, a corporation organized under Ohio law and a closed-end non-diversified company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company.

Portsmouth makes the following representations in its application: On November 30, 1960, Portsmouth was formally dissolved pursuant to the provisions of the Ohio General Corporation Law. As of December 15, 1961, final distribution of assets was made to its shareholders and all of the acts and duties of the directors and officers incident and necessary to the winding up of its affairs have been completed.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 8, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after such date, as provided by Rules O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon such application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2017; Filed, Feb. 28, 1962; 8:46 a.m.]

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Washington, Friday, March 2, 1962

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3451

NATIONAL FARM SAFETY WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS accidents result in disabling injuries and often death to a million farm residents each year; and

WHEREAS those farm accidents are responsible for needless suffering and incapacity, and cause wasteful economic losses to both the farm community and the Nation; and

WHEREAS all Americans are concerned about the safety and well-being of farm families from whom we receive our abundance of food and other essential agricultural commodities; and

WHEREAS nearly one hundred thousand voluntary leaders, two million farm families and one million 4-H Club boys and girls actively participated in the farm, home, and highway safety training program last year; and

WHEREAS the annual records show a notable and steady decline in the number and rate of accidents among farm people as a direct result of this national program of self-training under sound guidance; and

WHEREAS that decline in farm accidents demonstrates the value of community and national farm safety activities:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call on the people of the Nation to observe the week beginning July 22, 1962, as National Farm Safety Week, and I urge all citizens in our great farm community to actively heed the theme "Family Safety—At Work and Play."

I also urge all persons and organizations allied with agriculture to join in a strong, concerted effort to reduce the number of farm, home, and highway accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of February in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-2147; Filed, Feb. 28, 1962; 4:34 p.m.]

Proclamation 3452

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS April 14, 1962, will be the seventy-second anniversary of the establishment by the American Republics of our inter-American system, now known as the Organization of American States; and

WHEREAS the people and the Government of the United States are allied with their good neighbors, the other free Republics of this Hemisphere, in their resolution to remain free and their obligation to defend the foundations of freedom; and

WHEREAS the free peoples of this Hemisphere have likewise joined in an Alliance for Progress with the objective of homes, work and land, health and schools for all citizens, so that freedom may be assured an environment in which it can develop and stay strong; and

WHEREAS the United States of America throughout these seventy-two years has supported staunchly those ideals of cooperation for the common good and solidarity for the common safeguard, both basic to our inter-American system, through which, in the words of the late President Franklin D. Roosevelt, the peoples of the Americas have developed a faith in freedom and its fulfillment arising "from a common hope and a common design given us by our fathers in differing form but with a simple aim: freedom and security of the individual, which has become the foundation of our peace":

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim Saturday, April 14, 1962, as Pan American Day, and the period from April 8 through April 14, 1962, as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and the Governors of all other areas under the United States flag to issue similar proclamations.

I also urge all United States citizens and interested organizations to participate in commemorating Pan American Day and Pan American Week in view of the importance of inter-American friendship to our own national welfare and that of the neighbor Republics, and in testimony to the circumstances of culture, geography, and history which have allied our destinies as defenders of liberty within law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of February in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-2148; Filed, Feb. 28, 1962; 4:34 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (26) of paragraph (a) of § 6.302 is amended and subparagraph (30) is added to paragraph (a) as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(26) One Personal Assistant, Office of the President's Representative.

• • • • • •

(30) Two Special Assistants and one Staff Assistant of the President's Representative.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2076; Filed, Mar. 1, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Subpart—National Marketing Quota for Flue-Cured Tobacco for 1962–63 Marketing Year

INCREASE AND APPORTIONMENT

Basis and purpose. (a) This proclamation is issued to announce an increase in the national marketing quota for flue-cured tobacco for the 1962–63 marketing year.

(b) On November 20, 1961 (26 F.R. 10927), the Secretary proclaimed a national marketing quota for flue-cured tobacco for each of the three marketing years beginning July 1, 1962, and announced the amount of the national marketing quota for flue-cured tobacco for the 1962–63 marketing year and the apportionment thereof, in terms of acreage, to the several States.

(c) In a referendum held on December 12, 1961, 190,515 of the 194,121 farmers voting, or 98.1 percent of the voting farmers, approved quotas for flue-cured tobacco for the three marketing years beginning July 1, 1962 (27 F.R. 649).

(d) The Secretary determined and announced a national marketing quota of 1,014.7 million pounds for flue-cured tobacco for the 1962–63 marketing year and, under the authority contained in section 312(b) of the Act, increased the quota of 1,014.7 million pounds by 15 percent in order to prevent undue restriction of marketings, thereby making a national marketing quota for flue-cured tobacco for the 1962–63 marketing year in the amount of 1,166.9 million pounds (26 F.R. 10927).

(e) Under section 312(b) of the Act, the Secretary is authorized to increase the national marketing quota not later than the following March 1 by not more than 20 percent if he determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

(f) Under § 725.1302 (e) and (f), as herein amended, the quota of 1,014.7 million pounds is increased by 20 percent to 1,217.6 million pounds, in order to prevent undue restriction of marketings.

(g) The amendments by the Secretary to § 725.1302 (e) and (f) contained herein have been made on the basis of the latest statistics of the Federal Government.

(h) Since flue-cured farmers are now actively making plans and preparations for 1962 production of flue-cured tobacco, it is imperative that they be advised at the earliest practicable date of the 1962 flue-cured tobacco allotments for their farms. Hence, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act (5 U.S.C.. 1003), is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1962–63 marketing year herein contained shall become effective upon the date of filing with the Director, Office of the Federal Register.

Section 725.1302 (e) and (f) (26 F.R. 10927) is hereby amended to read as follows:

(e) *National marketing quota.* The national marketing quota of 1,014.7 million pounds of flue-cured tobacco for the 1962–63 marketing year was announced and increased by 15 percent to 1,166.9 million pounds (26 F.R. 10927). The 15 percent increase was to avoid undue restriction of marketings. It is hereby determined that the quota of 1,014.7 million pounds should be increased by 20 percent, rather than 15 percent, to avoid undue restriction of marketings. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1962 is 1,217.6 million pounds.

(f) *Apportionment of the quota.* The national marketing quota of 1,217.6 million pounds is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment
Alabama	531.66
Florida	15,858.91
Georgia	75,736.94
North Carolina	491,898.64
South Carolina	86,570.79
Virginia	74,794.55
Reserve [1]	1,868.63

[1] Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, 46, 47, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C. on February 27, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2095; Filed, Mar. 1, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

MILK IN CERTAIN MARKETING AREAS

Orders Amending Orders

[Milk Order 8]

PART 1008—MILK IN GREATER WHEELING MARKETING AREA

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Wheeling marketing

area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby demined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1008.50 and substitute therefor the following:

§ 1008.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1008.51 [Amendment]

2. Delete § 1008.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

[Milk Order 9]

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

§ 1009.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, W. Va., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, W. Va., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.50 and substitute therefor the following:

§ 1009.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1009.51 [Amendment]

2. Delete § 1009.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange, for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5; and

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

[Milk Order 31]

PART 1031—MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

§ 1031.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1031.51 and substitute therefor the following:

§ 1031.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1031.53 [Amendment]

2. In § 1031.53 immediately after the words "basic formula price" insert "for the preceding month".

§ 1031.54 [Amendment]

3. Delete § 1031.54(a) and substitute therefor the following:

(a) The average of the basic or field prices reported to have been paid, or to be paid, per hundredweight for milk of 3.5 percent butterfat content received, from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1031.55 [Amendment]

4. In § 1031.55 change "§ 1031.51(a)" to "§ 1031.54(a)."

[Milk Order 33]

PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1033.50 and substitute therefor the following:

§ 1033.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1033.51 [Amendment]

2. In § 1033.51(a) change "$1.30" to "$1.34".

3. Delete § 1033.51(b)(2) and substitute therefor the following:

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 1033.52 [Amendment]

4. Delete § 1033.52(c) and substitute therefor the following:

(c) *Class III milk.* (1) Multiply the Chicago butter price less 5.0 cents by 120;

(2) Subtract the amount computed by deducting 6.4 cents from the average price for nonfat dry milk, spray process, described in § 1033.51(b)(2) and multiply the result by 8.2; and

(3) Divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

[Milk Order 34]

PART 1034—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1034.50 and substitute therefor the following:

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1034.51 [Amendment]

2. In § 1034.51(a) change "$1.20" to "$1.24".

[Milk Order 35]

PART 1035—MILK IN COLUMBUS, OHIO, MARKETING AREA

§ 1035.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in

compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1035.50 and substitute therefor the following:

§ 1035.50 Basic formula prices.

(a) The basic formula price for Class I milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

(b) The basic formula price for Class II and Class III milk shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3.5 cents, and multiply the difference by 4.2; and

(ii) From the nonfat dry milk price, subtract 4 cents and multiply the difference by 8.2.

§ 1035.51 [Amendment]

2. In § 1035.51(a) change the phrase "basic formula price for the preceding month, plus $1.10" to "basic formula price computed pursuant to § 1035.50(a) for the preceding month, plus $1.11".

3. In § 1035.51 (b) and (c) change the phrase "basic formula price" to "basic formula price determined pursuant to § 1035.50(b)".

4. In § 1035.51(d) change the reference "§ 1035.50(b) (1) and (2)" to "§ 1035.50 (b)(2) (i) and (ii)".

[Milk Order 36]

PART 1036—MILK IN NORTHEASTERN OHIO MARKETING AREA

§ 1036.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1036.50 and substitute therefor the following:

§ 1036.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1036.52 and § 1036.53 and substitute therefor the following:

§ 1036.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section, plus 30 cents.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1036.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 1036.50, but in no event shall the Class III price exceed the price computed pursuant to § 1036.52(b) plus 10 cents.

[Milk Order 39]

PART 1039—MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

§ 1039.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1039.50 and substitute therefor the following:

§ 1039.50 Basic formula price.

The basic formula price shall be the average price for hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1039.81 and rounded to the nearest full cent.

§ 1039.51 [Amendment]

2. In § 1039.51 (a) and (b) change the phrase "basic formula price" to "basic formula price for the preceding month".

3. Delete § 1039.51(c) and substitute therefor the following:

(c) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U.S.D.A. or to the market administrator.

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Co., Manitowoc, Wis.
White House Co., West Bend, Wis.

Provided, That when the price for Class IV milk for the month is higher than the price computed pursuant to this paragraph, the price for Class III(a) milk shall be the latter price and the price for all other Class III milk shall be the price for Class IV milk.

4. Delete § 1039.51(d) and substitute therefor the following:

(d) *Class IV milk.* The price for Class IV milk shall be the price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) for Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U.S.D.A. during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

[Milk Order 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

§ 1040.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decison containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1040.50 and substitute therefor the following:

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1040.52 and substitute therefor the following:

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of:

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualification of § 1040.16, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.;

or

(2) The price per hundredweight computed by subtracting 18.3 cents from the sum of the plus amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2; and

(b) In the months of October, November, December and January, add 20 cents per hundredweight to the price determined pursuant to paragraph (a) of this section.

[Milk Order 41]

PART 1041—MILK IN TOLEDO, OHIO, MARKETING AREA

§ 1041.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1041.50 [Amendment]

1. Delete § 1041.50(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to subparagraphs (1) and (2) of this section.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f.o.b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered to Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

2. Delete § 1041.51 and substitute therefor the following:

§ 1041.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

[Milk Order 42]

PART 1042—MILK IN MUSKEGON, MICHIGAN; MARKETING AREA

§ 1042.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement,

tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1042.50 and substitute therefor the following:

§ 1042.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

[Milk Order 43]

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

§ 1043.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1043.50 and substitute therefor the following:

§ 1043.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1043.51 [Amendment]

2. Delete § 1043.51 (b) and (c), and substitute therefor the following:

(b) *Class II milk.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this section.

(1) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the USDA during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents and then multiply by 8.2.

(3) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Kraft Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Foods Co., Clare, Mich.

(c) *Class III milk.* The Class III milk price shall be the Class II milk price less 20 cents.

§ 1043.62 [Amendment]

3. In § 1043.62 change "§ 1043.50(b)(1)" to "§ 1043.51(b)(2)(i)".

[Milk Order 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1044.50 and substitute therefor the following:

§ 1044.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1044.52 and substitute the following:

§ 1044.52 Class II milk price.

Subject to the provisons of § 1044.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or from the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1044.53 [Amendment]

3. In § 1044.53 delete "§ 1044.50(b)" and substitute therefor "§ 1044.52(b)".

[Milk Order 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held

upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1045.50 and substitute therefor the following:

§ 1045.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1045.52 and substitute therefor the following:

§ 1045.52 Class II milk price.

Subject to the provisions of § 1045.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class II milk shall be the higher of the prices computed as follows:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest cent.

§ 1045.53 [Amendment]

3. In § 1045.53 delete "§ 1045.50(b)" and substitute therefor "§ 1045.52(b)".

[Milk Order 47]

PART 1047—MILK IN FORT WAYNE, INDIANA, MARKETING AREA

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1047.50 and substitute therefor the following:

§ 1047.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1047.51 [Amendment]

2. Replace § 1047.51(b) with the following:

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph rounded to the nearest cent:

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department or by the companies indicated as follows:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract three cents, and then multiply by 4.2; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

[Milk Order 49]

PART 1049—MILK IN INDIANAPOLIS, INDIANA, MARKETING AREA

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1049.50 and substitute therefor the following:

§ 1049.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent

computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1049.51 [Amendment]

2. Delete § 1049.51(a) and substitute therefor the following:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.29.

3. Delete § 1049.51(b) and substitute therefor the following:

(b) *Class II milk price.* The price for Class II milk shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts computed pursuant to subdivision (i) and (ii) of this subparagraph.

(i) Multiply the butter price by 4.2.

(ii) From the arithmetical averages of the weighted average of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1064.50 and substitute therefor the following:

§ 1064.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1064.52 [Amendment]

2. In § 1064.52 (a) and (b), and in § 1064.82, delete "§ 1064.50(b)(1)" and substitute therefor "§ 1064.50".

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1068.51 and substitute therefor the following:

§ 1068.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1068.53 [Amendment]

2. In § 1068.53 change the phrase "basic formula price" to "basic formula price for the preceding month".

3. Delete § 1068.54 and substitute therefor the following:

§ 1068.54 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

[Milk Order 69]

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

§ 1069.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1069.50 and substitute therefor the following:

§ 1069.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The

basic formula price shall be rounded to the nearest full cent.

§ 1069.51 [Amendment]

2. Replace § 1069.51(b) with the following:

(b) *Class II milk.* The Class II price per hundredweight of milk of 3.5 percent butterfat content shall be determined each month as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

[Milk Order 99]

PART 1099—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in this marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the final decision containing all amendment provisions of this order, has been issued. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1099.50 and substitute therefor the following:

§ 1099.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1099.51 [Amendment]

2. Delete § 1099.51(b) and substitute therefor the following:

(b) *Class II milk price.* The highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph shall be the Class II price during the months of August through March, and such price shall be reduced ten cents during the months of April through July: *Provided*, That in no case shall such price be less than the price determined in subparagraph (3) of this paragraph.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts determined pursuant to subdivision (i) and (ii) of this subparagraph less 75 cents.

(i) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month: *Provided*, That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(3) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, less 5 times the butterfat differential calculated pursuant to § 1099.52(b).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1962.

Signed at Washington, D.C., on February 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–2100; Filed, Mar. 1, 1962; 8:49 a.m.]

[Milk Order 97]

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Amending Order

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decisions of the Assistant Secretary of Agriculture were issued October 17, 1961, and February 7, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued February 21, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act. 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1097.50 and substitute therefor the following:

§ 1097.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1097.51 [Amendment]

2. Delete § 1097.51(a) (1) and (2) and substitute therefor the following:

(1) Add $1.60 in each of the months of March through July and $1.84 in all other months.

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by three cents: *Provided*, That the amount added or subtracted shall not vary more than six cents from the amount added or subtracted during the immediately preceding month.

3. In § 1097.51(b) delete the period at the end of the paragraph and add: "and from which shall be subtracted five times the butterfat differential for the respective month computed pursuant to § 1097.52(b)".

§§ 1097.52, 1097.71, 1097.92 [Amendment]

4. In §§ 1097.52, 1097.71 and 1097.92, delete "4.0" wherever it appears and substitute therefor "3.5".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1962.

Signed at Washington, D.C., on February 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–2101; Filed, Mar. 1, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 1087; Amdt. 10]

PART 570—WASHINGTON NATIONAL AIRPORT

Miscellaneous Amendments

In the interest of safety and in order to maintain proper control over the operation of the Washington National Airport, three amendments to Part 570 of the regulations are issued. Two of the changes relate to the parking of motor vehicles. They prohibit the parking or standing of motor vehicles in any area on the airport in violation of signs posted by the Director of the airport and prohibit the parking or standing of motor vehicles within ten feet of a fire hydrant. The third change prohibits any person from placing any obstruction within ten feet of a fire hydrant.

Any person who knowingly and willfully violates the regulations is subject to a fine of not more than $500 or imprisonment of not more than six months, or both.

Inasmuch as this amendment relates to the management of public property, compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Acting pursuant to authority vested in the Administrator of the Federal Aviation Agency by the Act of June 29, 1940 (54 Stat. 686), as amended by the Act of August 23, 1958 (72 Stat. 731), and pursuant to authority delegated to me by

the Administrator (24 F.R. 5511), Part 570 of the regulations is amended as follows:

1. By adding new paragraphs (j) and (k) to § 570.27 to read as follows:

§ 570.27 Parking.

* * * * *

(j) No person shall park or stand a motor vehicle in any area or location on the airport in violation of any sign posted by the Airport Director.

(k) No person shall park or stand a motor vehicle within ten (10) feet of a fire hydrant on the airport.

2. By adding a new § 570.111 to read as follows:

§ 570.111 Obstruction of fire hydrants.

No person shall place any obstruction within ten (10) feet of a fire hydrant on the airport.

This amendment shall become effective March 2, 1962.

(Sec. 2, 54 Stat. 688, as amended 72 Stat. 807)

Issued in Washington, D.C., on February 27, 1962.

G. WARD HOBBS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 62-2077; Filed, Mar. 1, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-95]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On November 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10934) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 35 west alternate between Asheville, N.C., and Tri-City, Tenn. It was further stated that the control areas associated with this segment of Victor 35 west alternate are so designated that they would automatically conform to the altered airway. It also was stated that the vertical extent of these control areas would remain as designated pending review of the adjacent airspace and that separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

The Department of the Army offered no objections to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposal having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 600.6035 (14 CFR 600.6035, 27 F.R. 562) "Tri-City, Tenn., VOR, including an east alternate via the INT of the Asheville VOR 022° and the Tri-City VOR 146° radials and also a west alternate via the Asheville VOR 329° and the Tri-City, VOR 204° radials;" is deleted and "Tri-City, Tenn., VOR, including an east alternate via the INT of the Asheville VORTAC 022° and the Tri-City VOR 146°radials and also a west alternate via the INT of the Asheville VORTAC 300° and the Tri-City VOR 203° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C. on February 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2058; Filed, Mar. 1, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-123]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Continental Control Area

The purpose of this amendment to § 601.7101 of the regulations of the Administrator is to alter the continental control area by including the Fort Carson, Colo., Restricted Area R-2601.

On August 24, 1961, there was published in the FEDERAL REGISTER (26 F.R. 7875) an amendment to § 608.26 of the regulations of the Administrator designating R-2601 as joint use with the Denver, Colo., ARTC Center as controlling agency. Subsequent to the publication of the amendment to § 608.26 it was determined that, by the use of radar vectors through R-2601 during the periods it is released to the Denver Center, some 35 miles of routing could be eliminated for aircraft transitioning from intermediate altitude airway No. 1516 to the Colorado Springs ILS final approach course. Therefore, in order to provide controlled airspace within R-2601 to accomplish this radar vectoring, action is being taken herein to include R-2601 as part of the continental control area.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-2601 Fort Carson, Colo.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2057; Filed, Mar. 1, 1962; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842) and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby promulgates the following interpretive rule, effective on publication.

§ 530.1 Interpretation of Shipping Act, 1916.

Section 14(b) of the Shipping Act, 1916, as amended by Public Law 87-346 provides, inter alia:

> The carrier or conference of carriers may on ninety days' notice terminate without penalty the contract rate system herein authorized, in whole or with respect to any commodity: *Provided, however,* That after such termination the carrier or conference of carriers may not reinstitute such contract rate system or part thereof so terminated without prior permission by the Commission in accordance with the provisions of this section.

The Federal Maritime Commission interprets this proviso as follows: Any termination of the contract rate system with respect to any commodity or group of commodities, may only be accomplished after giving 90 days' notice to all contract signatories. Any opening of rates on a commodity or commodities subject to a contract system will be considered a termination of the contract system as to such commodity or commodities within the meaning of the above quoted portion of section 14(b), and there can be no temporary suspension or limited termination of the contract system for any period of time, be it called temporary open rates, suspension of contract rates, or otherwise, which would not be a termination of the contract system within the meaning of the quoted provision.

Furthermore, under any circumstances where a contract system has been terminated as to any commodity or group of commodities, by opening of rates or otherwise, regardless of whether considered by the carrier or conference as temporarily suspended or terminated, and regardless of whether such termination was before or after October 3, 1961, the carrier or conference may not reinstitute or reinstate the contract system as to such commodity or commodities without prior permission by the Federal Maritime Commission in accordance with section 14(b).

By the Commission.

THOMAS LISI,
Secretary.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2097; Filed, Mar. 1, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1108]

[Docket Nos. AO-243-A5-A6-A7]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Memphis, Tennessee and Little Rock, Arkansas, on July 18-20, 1961, pursuant to notice thereof issued on June 23, 1961 (26 F.R. 5803); at Little Rock, Arkansas on November 15, 1961, and December 5 and 6, 1961, pursuant to notice thereof, which was issued October 25, 1961 (26 F.R. 10135) and a supplemental notice which was issued October 31, 1961 (26 F.R. 10485); and at Chicago, Illinois, on January 17-19, 1962, pursuant to notice thereof which was issued January 8, 1962 (27 F.R. 314).

Upon the basis of the evidence introduced at the July hearing and the record thereof, the Assistant Secretary of Agriculture, on October 17, 1961 (26 F.R. 9860; F.R. Doc. 61-10032) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. On February 7, 1962 the Assistant Secretary filed with the Hearing Clerk his respective recommended decisions containing notices of opportunity to file written exceptions thereto with respect to the issues heard and the evidence introduced at the Little Rock hearings, November 15 and December 5 and 6, 1961 (27 F.R. 1287; F.R. Doc. 62-1408) and the Chicago, Illinois hearing, January 17-19, 1962 (27 F.R. 1272; F.R. Doc. 62-1407).

The material issues on the records of the hearings relate to:

1. Marketing area;
2. Class I price;
3. Basic butterfat test;
4. Location price differentials;
5. Class II price;
6. Equivalent price determination;
7. Pool plant definition;
8. Cooperative association as a handler;
9. Allowable shrinkage in Class II;
10. Reporting dates; and
11. Classification of fluid milk products fortified with nonfat milk solids.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include Phillips, Lee, St. Francis, Cross, Woodruff, and Prairie Counties, Arkansas, and the city of Gurdon and the town of Okolona in Clark County, Arkansas. In each of these counties and in the two communities in Clark County, handlers presently regulated by the Central Arkansas milk order dispose of more than half the fluid milk products sold in the respective county or community.

The Central Arkansas Milk Producers Association proposed the extension of the marketing area to add 13 counties east and northeast of the marketing area as presently defined. This additional area was requested to encompass a territory within which sales made from a plant located at Paragould, Arkansas are about half of that plant's total sales. No sales were made in the present marketing area from the Paragould plant at the time of the hearing. That plant was reported to be the successful bidder for a contract to supply a military installation in the area beginning January 1, 1962.

Fluid milk products from the Paragould plant are distributed in an area of northeast Arkansas and southern Missouri where handlers regulated under the St. Louis, Paducah, Memphis, and Central Arkansas markets sell milk. The plant is nearer to Memphis, Tennessee (about 90 miles), and to Little Rock, Arkansas (about 143 miles), than to the principal cities in the other areas. In the territory served by the Paragould plant that plant has about 40 percent of all sales; Paducah and Memphis handlers (other than the Paragould plant) each have about one-fourth of the sales and St. Louis and Central Arkansas handlers each have about 11-12 percent of all sales.

In the 13-county area proposed for inclusion in the Central Arkansas marketing area, the Paragould plant has 43 percent of all sales; Central Arkansas handlers, 11 percent; Memphis handlers, 21 percent; Paducah handlers, 9 percent; and St. Louis handlers, 3 percent.

The proposed 13-county area is composed of six southern counties in each of which handlers regulated under the Central Arkansas order make more than half the total fluid milk products sales and seven northern counties where Central Arkansas handlers do not have a majority of the sales. Therefore, only the six counties which are primarily served by Central Arkansas handlers should be included in the Central Arkansas marketing area.

Sales from the Paragould plant in the six-county area represented just under 5 percent of the total fluid sales made from the plant at the time of the hearing. The military contract sales reported to be awarded to this plant amount to about 500 gallons per day and approximately 5 percent of the total fluid sales from the plant. Thus, with any further increase in sales in the present Central Arkansas marketing area plus the six counties proposed herein to be included, the Paragould plant would be regulated under the Central Arkansas order. The sales in the Memphis area represent less than 3 percent of the disposition from the Paragould plant. However, regulation under the Central Arkansas order would occur in the month following that in which the sales in the Central Arkansas area exceeded those in the Memphis area for a six-month period.

Since the Paragould plant is regulated under the Memphis order at the present time the minimum class prices required to be paid producers are generally in line with those required under the Central Arkansas order. The Memphis order which operates on the basis of an individual handler pool requires that any plant from which 1,000 pounds of Class I milk per day, or 5 percent of the Class I milk at the plant during the month, is disposed of on routes in the marketing area shall be regulated as to minimum prices paid producers. The Central Arkansas order requires that 10 percent of a plant's receipts from producers and other pool plants be disposed of on routes in the marketing area as a basis for full regulation of minimum prices. There was no proposal to reduce this requirement in order to regulate a plant under the order where it made the greater sales. Therefore, when the sales by the Paragould plant in the counties primarily supplied by Central Arkansas handlers exceed 10 percent, the plant should be regulated under the Central Arkansas order.

There are three other plants which sell milk in the seven counties not recommended for inclusion in the Central Arkansas milk marketing area which would remain unregulated by reason of the failure to include said counties in the area. There was no showing of disorderly marketing conditions in the area which might be attributable to the practices of these handlers in buying milk from producers.

The proposed inclusion of Okolona and Gurdon in the marketing area was requested by two handlers now regulated under the Central Arkansas order who make 70 percent of the sales in the two communities. The marketing area now includes all of Clark County (total population, 20,950) except the city of Gurdon (2,166) and the town of Okolona (344). (Official notice has been taken of 1960 United States Census.) The proponents of the change pointed out that the impact of prices and sales practices actually extends beyond the corporate limits of the communities since they are entirely surrounded by area which is presently included in the regulated market.

One handler selling in these communities has recently offered customers a free quart carton of milk with each half-gallon purchase. The handlers proposing the regulation of these communities attribute this sales practice to the subject handler's being able to purchase milk without regard to minimum order prices. This handler purchases milk from the Central Arkansas milk producers on a classified price plan but since his books are not audited by the producers' association or an impartial agency there is no assurance that he pays the Class I price for all fluid products sold. Another handler who purchases milk on the same basis testified that he sold Class II milk for whatever price he could get. He cited prices of $2.95 to $3.50 per hundredweight. He then pays producers for Class II milk at such prices. Since Class II milk is available at these prices substantially below the Class I price and can be sold in an unregulated market at competitively destructive prices it promotes disorderly marketing. To prevent this disorder Gurdon and Okolona should be included in the marketing area.

Two handlers who have small sales in these communities objected to their inclusion in the regulated marketing area. Each of these handlers has a plant regulated under the Central Arkansas order as well as a plant which is not regulated and from which distribution is made in Gurdon and Okolona. Each of these handlers maintained that it was more economical because of route arrangements to serve the Okolona and Gurdon area from the unregulated plant rather than from the regulated plant. These handlers also alleged that they were paying Class I prices in excess of those charged regulated handlers. These prices are negotiated with the producers cooperative which supplies milk to these handlers. The negotiated price is a price paid for milk supposedly used in fluid sales. The quantity of milk used in fluid sales is reported by the handler but is not subject to verification. Some of the milk may actually move to other fluid milk plants or be disposed of on routes. The lack of a system for verifying the use of milk according to established class prices has already brought about disorderly marketing in these communities. Since these handlers have the opportunity to adjust their business so that sales are made from a regulated plant in the regulated area no hardship should result from the inclusion of these towns in the marketing area. Furthermore, there is no indication that the negotiated prices which they pay are so inflexible that the charges they would be required to pay into the Central Arkansas producer settlement fund would not be recoverable in the prices they otherwise pay producers.

2. *Class I price.* The issue with respect to Class I price is composed of three segments: the basic formula price, the fluid differential added to the basic formula and the need for a compensatory payment on Class I milk priced under the Memphis order.

a. *Basic formula.* The type of basic formula appropriate for use in the Central Arkansas market was considered at the hearing held at Memphis, Tennessee, and Little Rock, Arkansas, on July 18–20, 1961. A recommended decision (26 F.R. 9860) resulting from that hearing recited the necessity for adopting a basic formula in the Central Arkansas order which would maintain general alignment with prices in the Memphis market. The decision also described the necessity for alignment of Memphis Class I prices through the basic formula with Class I prices in the Paducah, Ozarks, St. Louis and Suburban St. Louis markets.

The issue of an appropriate basic formula for determining Class I prices in Central Arkansas and 35 other central United States markets was the subject of a hearing held at Chicago, Illinois, January 17–19, 1962. On the basis of that hearing record a recommended decision, that the basic formula to be used in these markets should be the monthly average price (adjusted to 3.5 percent butterfat) received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month, was issued February 7, 1962 (27 F.R. 1272; F.R. Doc. 62–1406). The material issues, findings and conclusions, rulings, and general findings of the final decision in that proceeding issued February 21, 1962 insofar as they pertain to the basic formula to be used in the Central Arkansas Federal milk order, are hereby approved and adopted as if set forth in full herein.

b. *Fluid differential.* A fluid differential of $1.74 should be added to the basic formula to determine the Class I price each month.

The $1.74 fluid differential has been effective in establishing the Class I price under a provision which made the Central Arkansas Class I price the same as the Class I price set by the Memphis, Tennessee, Federal milk order.

In the recommended decision issued February 7, 1962, it was proposed that the fluid differential be adjusted whenever it is exceeded by specified amounts the Class I price under the Memphis, Tennessee, or the Ozarks Federal milk orders or whenever it fell below the Memphis, Tennessee, price by more than 25 cents.

Exceptions filed to that decision indicate that the mechanics proposed for aligning prices among these markets should be reexamined on the basis of a more complete hearing record.

Accordingly, the fluid differential should be continued at the level which has prevailed in the market pending a further hearing to consider the level of price suitable to the market. This differential should be made effective only until March 1, 1963. The period of time until March 1, 1963, will allow all interested parties to consider the issue and develop a proposal which will maintain the Central Arkansas price in appropriate alignment with Class I prices in nearby markets and will reflect supply and demand conditions within the market.

c. *Compensatory payment on Class I milk priced under the Memphis order.* The compensatory payment into the Central Arkansas producer settlement fund on Class I milk priced under the Memphis order, whenever the Central Arkansas Class I price at any location exceeds the Memphis Class I price, should be discontinued.

This provision was adopted to deal with an unusual situation in which a plant located in the Central Arkansas marketing area disposed of almost equal quantities of Class I milk in the Central Arkansas and the Memphis marketing areas. Whenever sales in Memphis exceeded those in Central Arkansas the plant became subject to the Memphis order and was eligible for a price deduction based on the location of the plant in relation to Memphis. When sales were greater in the Central Arkansas area the deduction did not apply. This handler is no longer operating in this manner. Memphis sales of the handler are procured at and distributed from a Memphis plant. Sales in the Central Arkansas area are made from a plant located in the area.

Since Federal order Class I prices in neighboring markets are established to maintain general alignment subject to transportation cost differentials and relative levels of supply and demand in each market, compensatory payments are not needed in most cases to maintain appropriate market price relationships.

The deletion of this provision is necessary at this time to avoid the imposition of unwarranted charges which might result from differences in the Memphis and Central Arkansas Class I prices as the result of this decision and a pending decision relative to the Memphis Class I price. It has been proposed to change the seasonality of the Memphis Class I differential. Such a change would require substantial payments by a Memphis handler disposing of Class I products in the Central Arkansas area during months when the Memphis price was lower than the Central Arkansas price.

3. *Basic butterfat test.* Prices should be computed and announced for milk of 3.5 percent basic butterfat content.

Class prices and uniform prices to producers are presently stated on a four percent butterfat basis. In order to accomplish the uniformity of basic formulas found to be necessary and desirable, prices for all markets within a region should be stated at the same butterfat content. In order that all prices are announced on a comparable basis, Class II prices and uniform prices to producers, as well as Class I prices should be computed and reported for milk of 3.5 percent butterfat content.

4. *Location price differentials.* No change should be made in the rate or application of location price differentials except that such differentials should be measured from Little Rock as well as Benton, Arkansas.

The cooperative association representing a majority of the producers supplying the market sponsored a proposal in the hearing notice to disallow location price differentials at plants located in the marketing area. At the hearing the proponents offered no testimony relative to their proposal.

Several handlers whose plants are located within 60 miles of Benton, Arkansas (the present basing point for location differentials) supported the cooperative association proposal. These plants are not allowed a location price differential under present terms of the order. Other handlers whose plants were located in the area proposed to be added to the marketing area opposed the proposal.

The evidence shows Little Rock is the population center of the marketing area and the primary sales point in the area. Therefore, the prices at other locations should be based on the distance from Little Rock or Benton, whichever is nearer.

It was suggested that several location points be established north and west of Little Rock. The effect of establishing such basing points would deny certain handlers located beyond those points the differentials based on transportation costs to Little Rock. Therefore, such basing points are not appropriate to a pattern of uniform prices for milk disposed of primarily in Little Rock.

There was no testimony on which to establish a rate other than that now provided by the order, 1.5 cents per 10 miles distance.

5. *Class II price.* The Class II price should be the price reported by the United States Department of Agriculture as paid, f.o.b. plant, for milk used in manufacturing dairy products in the United States. The price should be adjusted to 4 percent by using the Class II butterfat differential.

The producers' cooperative association which represents most of the producers in the market has assumed responsibility for marketing milk in excess of that required by handlers for fluid products and for the ice cream and cottage cheese which some handlers manufacture. For such milk moved to manufacturing plants this cooperative has been receiving prices in excess of the Class II prices established by the order. The prices received have usually been higher than the United States average manufacturing milk price and have been 45 cents higher than the order Class II price. Since this cooperative can market all the excess milk in the area at this price or higher prices, there is no need to establish prices at a level lower than that reflected by the United States average prices.

The United States average price is reported per hundredweight of milk at test received. In order to announce a price at the basic test of 4 percent butterfat the price should be adjusted to 4 percent by using the Class II butterfat differential.

6. *Equivalent price determination.* The order should specify that in the absence of a quoted price or index needed to determine a class price or other order provision, an equivalent price should be determined by the Secretary. This provision is necessary to assure continuity of order operation in the event a price series referred to in the order is discontinued or revised.

7. *Pool plant definition.* The pool plant definition should include a plant operated by a cooperative association which delivers half or more of its members' milk to other handler's plants and from which at least 25 percent of the plant's receipts of Grade A milk is shipped to regulated plants during the months October through January.

The Central Arkansas Milk Producers Association operates a reload station at Springdale, Arkansas where milk is transferred to large transport trucks from trucks which pick up milk at the farms. The cooperative has purchased stationary holding tanks to be installed during January 1962. With the installation of these tanks the station will operate as a milk plant—receiving, cooling, and holding milk for transfer to other plants as it is needed.

This supply plant is to be used to handle reserve milk for the Fort Smith and Southern Arkansas markets as well as the Central Arkansas market. Some milk from the plant also moves regularly to a handler regulated under the Ozarks order.

Although the Central Arkansas market has received more milk from this station than any other fluid milk market, the quantities of milk moved from the station to Little Rock have, at times, been very small. This is partly because trucks are rerouted from the farms in some instances to reduce hauling instead of sending such milk through the station.

Since the supply of milk is maintained primarily for the Central Arkansas market it should be possible for the plant to qualify for pooling in this market. To assure that the plant is maintained primarily to handle reserve milk for the Central Arkansas market, two conditions should be met. First, the cooperative association should deliver at least half its members milk to the plants of other handlers regulated under the Central Arkansas order. Second, the plant should demonstrate its connection with the market by shipping at least 25 percent of its milk receipts to regulated distributing plants during the months October through January. It is during these months that the largest quantities of the Springdale milk supply have been delivered to Little Rock handlers.

The provisions under which a supply plant not operated by such a cooperative may qualify should be revised to permit qualification on the basis of shipments during the October–January period. If such a plant were supplying the market its milk would be needed in the same months as the supply plant operated by the cooperative association.

8. *Cooperative association as a handler.* A cooperative association should be permitted to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Transportation of milk in insulated tank trucks from the farm to handlers as directed by cooperative associations creates a problem with respect to the determination of the responsibility to the individual producers in the market under certain circumstances. The handlers have only indirect knowledge of the identity of the individual producers from whom they receive milk and of the weights and tests of the milk of such individual shippers. The cooperative association maintains such information for its member producers, and the handlers accept the measurements as recorded by the agent of the cooperative association.

There are circumstances when it would be more appropriate to permit the cooperative association in control of the transportation to qualify as the handler under the order and report the milk so handled. This is particularly true when milk of several producers is commingled in the tank truck and delivered to two or more plants and in the case of producers whose milk is delivered on alternate days to different plants. The cooperative association should be provided the option of being the handler for all bulk tank milk to each pool plant for which it can qualify as the handler if a written request is provided the market administrator and the operator of the pool plant.

The functions of a cooperative association as a handler in this capacity differ from those of other handlers in that the cooperative does not use milk in a plant. Hence, the order should provide for these differences in the provisions relating to definitions, reporting, transfers, allocation of milk to be classified, payments and assessment charges. These conforming changes will maintain obligations as now established by the order except that the cooperative association will be required to report and account for the disposition of the individual deliveries of milk from producer members.

9. *Allowable shrinkage.* The maximum shrinkage of producer milk which is classified in Class II should be assigned to specific handling functions in the case of milk handled in more than one plant and in the case of milk received at the farm in a bulk tank truck.

The maximum shrinkage allowance in Class II at each pool plant should be 0.5 percent of the skim milk and butterfat in producer milk (excluding milk diverted to a nonpool plant) plus 1.5 percent of the skim milk and butterfat in all milk or milk products processed at such plant. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk.

To avoid duplicate shrinkage allowance on interplant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on producer milk diverted to nonpool plants. On milk received at the pool plant and transferred in bulk to another plant, the transferor plant would be limited to the 0.5-percent maximum receiving shrinkage allowance on such milk.

In the assembly operation of bulk farm tank milk, there may be some physical loss of milk. Receipts at pool plants may not agree with the aggregate of the weights determined at the farm from the bulk tank "dip stick" reading. Provision should be made so that the cooperative association in its capacity as a handler on bulk tank milk will retain one-half of 1 percent of the 2-percent allowable shinkage with the remainder

passed on to the operator of the pool plant. If, however, the handler files a notice with the market administrator that he is purchasing farm bulk tank milk from the cooperative association on the basis of the aggregate farm weights and tests, the entire shrinkage should be available to the pool plant to which the milk is delivered.

The changes in maximum shrinkage allowed in Class II requires changes in the method of prorating shrinkage to preserve the intended application of the proposed allowances.

10. *Reporting dates.* No change should be made in the date on which handlers' reports of receipts and utilization of milk must be mailed to the market administrator. Such reports must now be mailed on the 7th day of the month. The cooperative association proposed that reports be mailed on the 6th or delivered on the 7th day. The earlier reporting was requested to permit an earlier announcement of the uniform price.

The requirement that reports be filed on the 6th day after the end of each month could be burdensome in a month when a holiday and a weekend occurred in that period.

The class prices should be reported not later than the 6th day of the month. The prices are reported now on the 5th but since the Class I price would be based in part on Class I prices in other markets the later announcement date is necessary.

11. *Classification of fluid milk products fortified with nonfat milk solids.* "Dietary foods" and other fluid milk products fortified with nonfat milk solids should be classified as Class I up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

The Central Arkansas order provides that the skim milk equivalent of nonfat milk solids used in the fortification of fluid milk products be classified as Class I. Several handlers proposed that the skim milk equivalent of added solids be classified as Class II. The producer association opposed the proposed change in classification but offered no testimony on the issue.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demands of consumers and thereby to maintain or even increase Class I sales. Until recently, fortified fluid milk products represented a very small proportion of total fluid milk sales.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II. Accordingly, the order should be amended to classify fortified products as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arkansas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central Arkansas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arkansas Marketing Area

§ 1108.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the quantities of butterfat and skim milk specified in § 1108.86.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1108.4 and substitute the following:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area," hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark, Conway, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

§ 1108.8 [Amendment]

2. In § 1108.8 after the words "producer milk" insert a comma and "milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c),".

3. Delete § 1108.9 and substitute the following:

§ 1108.9 Supply plant.

"Supply plant" means:

(a) An approved plant from which fluid milk products in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided,* That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

(b) An approved plant which is operated by a cooperative association having member producers which delivers 50 percent or more of its member milk to the pool plants of other handlers and from which fluid milk products in an amount not less than 25 percent of its receipts of producer milk during the month at such plant are shipped during such month to distributing plants: *Provided,* That any such plant which qualifies as a supply plant for each of the months October through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September.

§ 1108.12 [Amendment]

4. In § 1108.12 add paragraph (c) as follows:

(c) Any cooperative association with respect to the milk of its producer members which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing, that it will be the handler for such milk for the month, such cooperative handler status to be effective the first day of the month following receipt by the market administrator of such notice and to continue until the first day of the month following receipt of a request to discontinue such cooperative handler status. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating the plant.

5. Delete § 1108.14 and substitute the following:

§ 1108.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk, producer milk or milk received from a cooperative association as a handler pursuant to § 1108.12(c).

6. Delete § 1108.15 and substitute the following:

§ 1108.15 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk (in an amount determined by weights and measurements for individual producer's deliveries, as taken at the farm in the case of milk moved from the farm in a bulk tank truck) which is received pursuant to paragraphs (a) and (b) of this section and diverted pursuant to § 1108.6 as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 1108.12(c)) or diverted by the pool plant operator pursuant to § 1108.6.

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) or diverted for its account pursuant to § 1108.6.

§ 1108.17 [Amendment]

7. In § 1108.17 insert after the words "producer milk" the words "and milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c).

§ 1108.30 [Amendment]

8. In § 1108.30(a) delete subparagraph (2) and substitute the following:

(2) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c).

§ 1108.31 [Amendment]

9. In § 1108.31(b)(2) delete "for each of his pool plants" and substitute "for each pool plant".

10. Delete § 1108.41 and substitute the following:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products; except

(i) Fluid milk products classified pursuant to subparagraph (b)(3) of this section, and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) Disposed of as skim milk and used for livestock feed;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section; and

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph.

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b)(2).

§ 1108.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1108.41(b)(5) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

11. Renumber § 1108.42 as § 1108.43.

12. Delete § 1108.43 which precedes § 1108.43(d) and substitute the following:

§ 1108.44 Transfers.

Skim milk or butterfat transferred (including milk diverted to nonpool plants) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) shall be classified:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 1108.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the computation pursuant to § 1108.46(a)(5) and the corresponding step of (b); *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1108.12(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1108.46(a)(6) and the corresponding step of § 1108.46(b).

(b) As Class I milk if transferred to the plant of a producer-handler; and

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant unless:

(1) No fluid milk products are distributed on routes from the plant;

(2) It is located less than 250 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from the plant from which transferred or diverted;

(3) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1108.30 for the month within which such transaction occurred;

(4) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(5) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk.

13. Redesignate § 1108.43(d) as § 1108.44(d).

14. Renumber § 1108.44 as § 1108.45 and § 1108.45 as § 1108.46.

§ 1108.46 [Amendment]

15. Delete subparagraphs (4), (5), (6), and (7) of renumbered § 1108.46 and substitute the following:

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a)(1) and (2);

(7) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a)(3); and

(8) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

16. Delete §§ 1108.50 and 1108.51 and substitute the following:

§ 1108.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1108.51 Class prices.

Subject to the provisions of §§ 1108.52 and 1108.53, the class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* During the period from the effective date of this order until March 1, 1963, the Class I milk price shall be the basic formula price for the preceding month plus $1.74.

(b) *Class II milk price.* The Class II milk price shall be the average preliminary price reported by the Department of Agriculture for the current month for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 3.5 percent butterfat basis by using the differential established pursuant to § 1108.52(b).

§§ 1108.53, 1108.74 [Amendment]

17. In § 1108.53 and § 1108.74 delete the words "city limits of Benton, Arkansas" and substitute therefor "City Hall at Benton, Arkansas, or the State Capitol at Little Rock, Arkansas, whichever is nearer", and change "such city limits" to "the respective City Hall or State Capitol".

§ 1108.61 [Amendment]

18. Delete § 1108.61(c).

19. Add § 1108.55 as follows:

§ 1108.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner prescribed, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1108.27 [Amendment]

20. In § 1108.27(k)(1) change "5th" to "6th".

§ 1108.80 [Amendment]

21. In § 1108.80 add paragraph (d) as follows:

(d) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c), not less than the value of such milk at applicable class prices.

22. Delete § 1108.86 and substitute the following:

§ 1108.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe on the quantities designated as follows:

(a) A cooperative association as a handler pursuant to § 1108.12(c), on producer milk except that transferred to another handler operating a pool plant.

(b) A handler operating a pool plant, on producer milk plus milk recieved from a cooperative association as a handler pursuant to § 1108.12(c) and on other source milk allocated to Class I pursuant to § 1108.46(a)(2) and (b).

(c) A handler operating a nonpool plant at which milk is not classified and priced under provisions of another Federal milk order, on Class I milk disposed of in the marketing area except milk disposed of to a pool plant.

23. Make the following conforming changes in order language:

§ 1108.40 [Amendment]

In § 1108.40 delete the words "§§ 1108.41 through 1108.45" and substitute therefor "§§ 1108.41 through 1108.46".

§ 1108.60 [Amendment]

In § 1108.60 delete the words "§§ 1108.40 through 1108.45" and substitute therefor "§§1108.40 through 1108.46".

§§ 1108.53, 1108.70 [Amendment]

In § 1108.53, § 1108.70(a) and § 1108.70(b) delete the reference "§ 1108.45" and substitute therefor "§ 1108.46".

In § 1108.70(c) delete the reference "§ 1108.45(a)(7)" and substitute therefor "§ 1108.46(a)(8)".

In § 1108.70(d) delete the references "§ 1108.45(a)(5)" and "§ 1108.45(a)(4)" and substitute therefor "§ 1108.46(a)(4)".

§§ 1108.52, 1108.71, 1108.72, 1108.73 [Amendment]

24. In §§ 1108.52, 1108.71, 1108.72 and 1108.73 change "4.0 percent" to "3.5 percent".

[F.R. Doc. 62-2099; Filed, Mar. 1, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 683) has been filed by Ciba Pharmaceutical Company, 556 Morris Avenue, Summit, New Jersey, proposing the amendment of § 121.205 of the food additive regulations to provide for the addition of 2.4 grams to 50 grams of penicillin master standard equivalent per ton of reserpine-medicated turkey feed. The penicillin is to be added for growth promotion and feed efficiency in reserpine-medicated feeds fed to poults above 4 weeks of age.

Dated: February 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2068; Filed, Mar. 1, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1085]

BELL MODEL 47J HELICOPTERS

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and modification of the elevator on Bell Model 47J helicopters.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 3, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BELL. Applies to all Model 47J helicopters Serial Numbers 1420 through 1802 with Rollpins P/N 49-040-187-1750 or clevis pins P/N MS 20392-2-49 installed in elevator spar, and with end rib P/N 47-267-453-1 (0.025-inch thick) installed; except those helicopters that have Bell Kit No. 47-3746-1 or 47-3746-2 installed. Compliance required as indicated.

Numerous reports have been received of fatigue cracking of the tubular spar of both the right and left elevator at the Rollpin hole at B.L. 7.0, and fatigue cracking of the inboard rib of the elevators. To preclude failure of the elevator, the following shall be accomplished:

(a) Within 25 hours' time in service after the effective date of this AD:

(1) Remove the elevators from the tail boom in accordance with the Bell Maintenance Manual.

(2) Clean the area around the Rollpin hole and remove any zinc chromate putty from any plugged hole in the tubular spar at B.L. 7.0 for both right and left elevators.

(3) Inspect for cracks in the tubular spar of both elevators at the Rollpin hole at B.L. 7.0 using a 5-power or higher magnifying glass.

(4) Inspect the inboard rib for cracks using a 5-power or higher magnifying glass.

(b) If cracks are found in the tubular spar modify the elevator with Bell Helicopter Kit No. 47-3746-1 or 47-3746-2, "Improved Design Synchronized Elevator", or FAA engineering approved equivalent prior to further flight.

(c) If no cracks are found in the tubular spar:

(1) Position coupling assembly P/N 47-267-483-1 on elevators and line drill through Rollpin holes with a "D" (0.2460-inch diameter) drill. Remove sharp edges from holes. Install MS 20392-3-49 clevis pins, AN 960-4162 washers, and AN 381-3-6 cotter pins. A finger tight slip fit of the clevis pins is desired, approximately 0.0005 inch loose. Bell Service Letter No. 56 covers an alternative method for installing MS 2039-2-49 clevis pins, which is acceptable to the Administrator for compliance with (c)(1) through (c)(4) of this AD.

(2) Reinstall the elevator on the helicopter, shim as required to prevent preload or end play at bearings.

(3) Check clearance between skin and end of clevis pins. Trim skin, if necessary, to obtain clearance.

(4) Rerig elevator in accordance with the Bell Maintenance Manual.

(5) Reinspect in accordance with (a)(1) through (a)(3) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47-3746-1 or 47-3746-2, "Improved Design Synchronized Elevator", or FAA approved equivalent is installed.

(d) If cracks are found in the inboard rib, repair the elevator as specified below, or modify with Bell Helicopter Kit No. 47-3746-1 or 47-3746-2, or FAA engineering approved equivalent prior to further flight.

(1) Remove the inboard rib by drilling out the rivets and remove the Bell P/N 47-267-404-7 shoulder from the rib by drilling out the rivets.

(2) Add a doubler of 0.032 thickness, or a new rib of 0.032 thickness, material aluminum alloy 2024-0, or a Bell rib P/N 47-267-458-7 (one required per elevator).

(3) Rivet Bell P/N 47-267-404-1 shoulder to the old rib and new doubler or the new

rib. Use the rivet pattern in the shoulder with AN 470–AD3 or –4 rivets.

(4) Install the rib assembly, using the rivet pattern in the elevator skin with MS 20600 AD4 or –5 rivets.

(e) If no cracks are found in the inboard rib:

(1) Reinstall the elevator on the helicopter in accordance with Bell Maintenance Manual.

(2) Reinspect rib for cracks in accordance with (a)(4) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator", or FAA engineering approved equivalent is installed.

(f) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Bell Service Bulletin No. 135 SB dated July 27, 1961, covers this same subject. Bell's Service Letter No. 56 covers an acceptable fix for paragraphs (c)(1) through (c)(4) of this AD.)

Issued in Washington, D.C., on February 23, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–2055; Filed, Mar. 1, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–LA–78]

FEDERAL AIRWAYS

Proposed Alteration and Designation

Pursuant to the authority delegated me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and § 600.1605 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1605 is designated in part as a 10-mile wide airway from the Williams, Calif., VOR via the intersection of the Williams VOR 329° and the Red Bluff, Calif., VOR 179° True radials to the Red Bluff VOR. The Federal Aviation Agency (FAA) proposes to realign Victor 1605 as a 10-mile wide airway from the Williams VOR via the intersection of the Williams VOR 002° and the Red Bluff VOR 158° True radials to the Red Bluff VOR.

Additionally, the FAA proposes to designate intermediate altitude VOR Federal airway No. 1767 from the intersection of the Napa, Calif., VOR 182° and the Sacramento, Calif., VOR 232° True radials as an 8-mile wide airway to the Napa VOR; thence as a 10-mile wide airway to the intersection of the Napa VOR 004° and the Williams, Calif., VOR 251° True radials; thence as a 14-mile wide airway to the Red Bluff, Calif., VOR.

The designation of Victor 1767 would provide a transition route between the low altitude airway system and Jet Route No. 1 for aircraft arriving and departing the San Francisco terminal area. The realignment of Victor 1605 in conjunction with Victor 1767 would provide dual intermediate altitude routes between San Francisco Terminal area and Red Bluff. The reduced airway widths would provide lateral separation between the airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on February 23, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2056; Filed, Mar. 1, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.713 and to add a new § 107.717 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232–8242. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendments now under consideration restrict the physical location of a Licensee and provide that each Licensee shall establish and maintain dual control over disbursement of funds and withdrawals of securities from safekeeping.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By striking § 107.713 in its entirety and by inserting in lieu thereof a new § 107.713 which reads as follows:

§ 107.713 Common tenancy.

A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee, or any other entity which is in the business of providing funds to borrowers, as for example, but not limited to, factors, loan companies, or finance companies. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee, or any other entity which is in the business of providing funds to borrowers, as for example, but not limited to, factors, loan companies, or finance companies.

2. By adding a new § 107.717 following § 107.716 which reads as follows:

§ 107.717 Internal control.

(a) Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) Each Licensee shall establish and maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements of funds from bank accounts of a Licensee shall be made only by means of checks requiring the signatures of two or more officers of the Licensee as drawers of such checks. Two or more officers of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe-deposit boxes a certified copy of the resolution adopted by its board of directors placing these dual control procedures in effect.

Dated: February 27, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–2093; Filed, Mar. 1, 1962; 8:48 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 6428]

NORTHWEST AIRLINES, INC.; MAIL RATE (1954)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 13, 1962, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 26, 1962.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 62–2098; Filed, Mar. 1, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

USE OF PUBLIC DOMAIN

Notice of Grazing Fees

FEBRUARY 23, 1962.

Notice is hereby given that in accordance with Departmental regulations (43 CFR 161.6), the grazing fee to be charged for the use of public domain will continue at 19 cents per animal unit month of forage until March 1, 1963. In computing the charge to be made, the following rates shall apply:

	Cents
1. One cow grazing for one month	19
2. One horse grazing for one month	38
3. One sheep or goat grazing for one month	03.8

No fees will be charged for livestock under six months of age.

This fee is based upon the livestock marketing data furnished by the Agricultural Marketing Service, United States Department of Agriculture, and applies to all grazing use on public domain lands authorized pursuant to section 3 of the Taylor Grazing Act. Twenty-five percent of the total fee collected shall be credited to the range improvement fund.

A minimum annual charge of $5 will be made on all regular licenses, permits and nonrenewable licenses.

All billings shall be issued in accordance with the rates prescribed in this notice.

The Notice of Grazing Fees published in the FEDERAL REGISTER, January 27, 1962 (19 F.R. 841), is hereby revoked.

H. R. HOCHMUTH,
Acting Director.

[F.R. Doc. 62–2065; Filed, Mar. 1, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

COURTLANDT F. DENNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1962.

COURTLANDT F. DENNEY.

FEBRUARY 19, 1962.

[F.R. Doc. 62–2078; Filed, Mar. 1, 1962; 8:47 a.m.]

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions:
Freuhauf Trailer.
Detrex Chemical.
Great Lakes Bowling.
Clark Equipment.
Consolidated Paper.
Reynolds Metals.
Babcock & Wilcox.

B. Additions:
Chrysler Corporation.
Great Lakes Bowling.
Pacific Northwest Bell Telephone.
Babcock & Wilcox.

This statement is made as of January 30, 1962.

ROBERT JOSEPH WILLIAMS.

FEBRUARY 20, 1962.

[F.R. Doc 62–2074; Filed, Mar. 1, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–10]

NUCLEAR ENGINEERING CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed amendment of License No. 4–3766–1 held by Nuclear Engineering Company, Inc. with the Office of the Federal Register on January 31, 1962, the Atomic Energy Commission has this date issued Amendment No. 14 to License No. 4–3766–1. The provisions of this amendment are as specified in the notice of proposed amendment.

Notice of proposed amendment was published in the FEDERAD REGISTER on February 1, 1962, 27 F.R. 956.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, February 23, 1962.

R. LOWENSTEIN,
Director,
Licensing and Regulation.

[F.R. Doc. 62–2053; Filed, Mar. 1, 1962; 8:45 a.m.]

[Docket No. 50–153]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to Facility License No. CX–16. The license authorizes Westinghouse Electric Corporation to operate its LRX critical experiment facility located at the Westinghouse Reactor Evaluation Center near Waltz Mill, in Westmoreland County, Pennsylvania.

The amendment extends the term of the license for an additional year to April 30, 1963.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any increase in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Sec-

retary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the licensee's application for extension of the license term dated January 26, 1962.

Dated at Germantown, Md., this 23d day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-16; Amdt. 1]

License No. CX-16 which authorizes Westinghouse Electric Corporation to possess and operate its LRX critical experiments facility located at the Westinghouse Reactor Evaluation Center near Waltz Mill in Westmoreland County, Pennsylvania, is hereby amended by changing the license expiration date to midnight April 30, 1963.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 23d day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch Division of Licensing and Regulation.

[F.R. Doc. 62-2054; Filed, Mar. 1, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14336-14340; FCC 62M-292]

ANTENNAVISION SERVICE CO., INC.

Order Continuing Hearing

In re applications of Antennavision Service Company, Inc.: for renewal of the license for Station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona, Docket No. 14336, File No. 657-C1-R-61; for renewal of the license for station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona, Docket No. 14337, File No. 658-C1-R-61; for renewal of the license for station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14338, File No. 2326-C1-R-61; for a modification of license to cover a construction permit for additional facilities for station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14339, File No. 2525-C1-ML-61; for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14340, File No. 3699-C1-P-61.

The Hearing Examiner having under consideration a Petition for Continuance filed by Antennavision Service Company, Inc. (Antennavision), on February 16, 1962, wherein it is requested that further proceedings herein be postponed for a period of 90 days or until such date as would afford Antennavision's principal sufficient time to consummate a proposed sale of CATV systems and allegedly obviate the necessity for a hearing herein;

It appearing, that both Antennavision and the CATV systems it serves are under common ownership; that the individual who owns both has for the past four months been actively engaged in negotiations contemplating the sale of all the CATV systems receiving service from Antennavision; that negotiations have recently been concluded; and that it is anticipated the sale will be consummated prior to April 1, 1962;

It further appearing, that it is alleged that the proposed purchaser is an independent corporation which is neither directly nor indirectly related to or affiliated in any way with Antennavision so that, subsequent to the sale, Antennavision will have no interest whatever in any of the customers receiving service from its facilities;

It further appearing, that when the aforementioned sale is consummated it is alleged that the basic purpose of the designated hearings, i.e., to determine the need for the continued holding out of the communication service in question in view of the absence of public subscribers, will be mooted and the necessity for a hearing will be obviated;

It further appearing, that it is alleged that the Commission's Common Carrier Bureau, the only other party to the proceeding, has no objection to a grant of the requested continuance; and

It further appearing, that good cause has been shown for a postponement of the procedural dates heretofore specified, as well as the hearing herein for a reasonable period after April 1, 1962, by which time it is alleged that the above-described sale will have been consummated;

It is ordered, This 26th day of February, 1962, that the procedural dates specified in the Order of the Examiner, released February 1, 1962 (FCC 62M-146), are modified as follows:

(1) All matters heretofore required to be accomplished no later than March 12 shall be accomplished no later than April 9, 1962; and

(2) All matters required to be accomplished no later than March 26 shall be accomplished no later than April 23, 1962; and

It is further ordered, That the hearing heretofore scheduled to commence on April 2, 1962, is hereby rescheduled to commence on April 30, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: February 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2079; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket No. 14380; FCC 62-215]

KSAY BROADCASTING CO. (KSAY)

Memorandum Opinion and Order Amending Issues

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company (KSAY), San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license.

1. The Commission has before it for consideration a "Motion for Modification of Issues" filed by the Secretary of the Army on December 14, 1961; KSAY's "Opposition to Motion for Modification of Issues" filed on December 26, 1961; "Comments on Motion for Modification of Issues" filed by the Broadcast Bureau on January 2, 1962; and a "Reply to Opposition to Motion for Modification of Issues" filed by the Secretary of the Army on January 2, 1962.

2. By order released November 22, 1961 (FCC 61-1360), the Commission designated for hearing the application of the above-captioned applicant for renewal of license for standard broadcast Station KSAY, 1010 kc, 10 kw-D, DA-D at San Francisco, California. This Order specified five issues to be heard, all of which arise out of allegations by the Secretary of the Army that Station KSAY, when operating as licensed, induces electrical voltages into material handling equipment in use at the Oakland (California) Army Terminal, thereby causing a hazard to life and property and impairing the over-all defense mission of the Army and the national defense.

3. The Secretary requests that the language "induces electrical voltages in the equipment located on the Oakland Army Terminal" be modified to read "induces or will induce electrical voltages in the equipment now or which may be in the future located on the Oakland Army Terminal". We agree with the Broadcast Bureau that a showing as to future requirements for similar items of equipment and the expected utilization of the Terminal in the event of emergency may be made under the issue in its present form, and we so interpret the issue. There is no need to grant the Secretary's motion in this respect, and it will be denied.

4. The Secretary urges the deletion of the phrase "and the public interest" from subsection (c) of Issue 1 on the ground that this issue of the Hearing Order assigns the burden of proof to him, and that under Issue 5, the ultimate public interest issue encompassing all of the issues, it is on KSAY. The Broadcast Bureau supports the Secretary's motion in this regard, and KSAY, while urging further modification of this issue, supports the Secretary's motion on this point. The public interest phraseology of Issue 1 will be deleted.

5. The Secretary asks the deletion of subsections (b) and (c) from Issue 2, which reads as follows:

To determine (a) what alternative means or methods of operation, if any, consistent with the Communications Act and the Commission's Rules, can be employed by KSAY, including a reduction of power, or a change in transmitter location, to prevent interference to the operation of the equipment at the Oakland Army Terminal; (b) the cost of such modified method or methods of operation; and (c) the extent, if any, the Army has offered in the past, and now proposes, to reimburse the applicant for the costs of a modified manner of operation.

With respect to subsection (b), the Secretary asserts that any costs which might devolve upon KSAY, if required by us to modify its operation, are solely a matter of its private concern and not to be considered in a renewal proceeding. KSAY and the Bureau oppose the motion in this regard. We will not delete (b) of this issue, as the Secretary requests, for we believe that the facts called for by it may have significance in the ultimate determination of this matter.

6. Both KSAY and the Broadcast Bureau oppose the motion with regard to deletion of (c), the latter for the reason that it believes that past negotiations of the parties concerning a change of KSAY's transmitter site should be clarified on the record. Inclusion of a similar consideration in Issue 3, with reference to possible offers of reimbursement by KSAY, is opposed by the Bureau on the ground that the Secretary does not allege that any such offers have ever been made. While it is true that no specific allegations are made in the Secretary's pleadings, an examination of the docket reveals that such an offer was, in fact, made on February 10, 1961. On that date, there was filed an "Affidavit of Grant R. Wrathall on behalf of KSAY Broadcasting Company", paragraph 7 of which reads, in part, as follows: "Station KSAY would be willing to contribute its share * * * of financial and technical assistance toward detuning of the three cranes and fabrication of the hatch coaming structure * * *". In view of this statement by KSAY, and in the belief that offers of reimbursement should be considered equally with reference to both parties, we will add the issue requested by the Secretary to Issue 3.

7. In its "Opposition" to the Secretary's motion, KSAY seeks two modifications of the issues in its own behalf.

8. First, KSAY urges that subsection (c) of Issue 1 should be deleted in its entirety. It alleges that this subsection calls for "catch-all conclusions, which raise emotional factors and invite generalizations instead of facts". KSAY also expresses fear that there might be "security problems" should this subsection not be deleted. These arguments are without foundation. The mission of the Oakland Army Terminal and of the Army, as a part of the national defense, are clearly matters of fact, and as such, are within the scope of this hearing and the Commission's concern. Moveover, the Secretary has stated that classified information is not thought to be necessary for the presentation of his case, but that, if it becomes necessary, proper arrangements for its disclosure can and will be made by the Army.

9. Second, KSAY urges deletion of Issue 5, the ultimate issue as to whether a grant of its application for renewal of license would serve the public interest, convenience and necessity. Its position is not well taken. Section 309(a) of the Communications Act provides a license may be renewed only if such renewal will be in the public interest.

Accordingly, it is ordered, This 21st day of February, 1962, that the Secretary of the Army's Motion for Modification of Issues is granted to the extent indicated herein, and is denied in all other respects; and

It is further ordered, That Issues 1 and 3 in the above-captioned proceeding are amended to read as follows:

1. To determine (a) to what extent, if any, Radio Station KSAY, San Francisco, when operating in accordance with the specifications of its license, induces electrical voltages in the equipment located on the Oakland Army Terminal; (b) if so, whether such phenomenon impairs substantially the operation of such equipment and/or creates a hazard to the safety of life and property at the Oakland Army Terminal; and (c) whether such phenomenon adversely affects the over-all defense mission of the Army at the Oakland Army Terminal and the national defense;

3. To determine (a) what means or methods, if any, can be employed by the Army to prevent interference to the operation of the equipment at the Oakland Army Terminal, including insulation of the hooks, grounding of the hooks, and detuning or changing the resonance of the cranes; (b) the costs thereof; (c) whether the methods available to the Army constitute a feasible and practical or, alternatively, an unfeasible and impractical, solution to the problem; and (d) the extent, if any, the applicant has offered in the past, and new proposes, to contribute its share of financial and technical assistance to the Army in solving the problem.

Released: February 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2080; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket Nos. 14341-14344; FCC 62M-293]

COLLIER ELECTRIC CO.

Memorandum Opinion and Order Scheduling Prehearing Conference

In re applications of Collier Electric Company: for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710-C1-R-61.

Preliminary statement. 1. The Hearing Examiner is here concerned with applications, filed on January 4, 1961, by Collier Electric Company (Collier) for renewal of certain authorizations in the public domestic point-to-point microwave radio service. Upon consideration of these applications, a petition to deny them, filed by Frontier Broadcasting Company (Frontier) on February 6, 1961, and other related pleadings, the Commission by Memorandum Opinion and Order, released on October 30, 1961 (26 F.R. 10317), set these applications for hearing on specified issues. Thereafter on November 17, 1961, Frontier filed a Petition for Enlargement of Issues and Clarification or Reconsideration of Hearing Order. Upon consideration of this petition and pleadings filed in response thereto, the Commission by Memorandum Opinion and Order, released on February 19, 1962 (27 F.R. 1737), granted the petition, enlarged the issues and placed the burden of proof with respect to such enlarged issues upon Frontier.

2. It appears to the Examiner upon review of the Commission's orders herein, particularly when read in the light of the Commission's decision In Re Application of Carter Mountain Transmission Corporation (Carter Mountain), Docket No. 12931, released February 16, 1962 (32 FCC), it would be useful as well as conducive to a prompt dispatch of the matters in issue herein to hold a further prehearing conference. At such conference, the parties will be expected to address themselves to certain questions which the Examiner proposes to raise with respect to the evidence which the parties may be expected to adduce in response to the issues specified by the Commission, as well as to all other relevant matters.

Background. 3. As has been set forth above, this matter was originally set for hearing by Memorandum Opinion and Order of the Commission, released October 30, 1961.[1] In view of the long period which has elapsed since the release of the Order of designation herein, it appears appropriate to review what has transpired in the intervening months. By Order released November 22, 1961, the Examiner, noting that several other proceedings involving similar issues had been designated for hearing and assigned to him, set a preliminary conference on all such proceedings for November 27, 1961, to discuss appropriate procedural steps to bring about the disposition of all such proceedings in a prompt and orderly fashion. In the

[1] Statements of Commissioners Cross and Hyde filed as part of original document.

[1] Thereafter, by Order of the Acting Chief Hearing Examiner released November 7, 1961, the Examiner was designated to preside at the hearings in this matter which were then scheduled to commence on January 19, 1962. In addition, a prehearing conference was scheduled by the Acting Chief Hearing Examiner to be convened on December 13, 1961.

course of this preliminary conference it was noted that Frontier had filed the aforementioned Petition for Enlargement of the Issues and for Clarification or Reconsideration of Hearing Order on November 17, 1961. Since the time to file oppositions and replies to such pleading had then not yet expired, and since the Examiner's calendar rendered it unlikely that, in the absence of Commission decision on the petition, he would be in a position to act on any motions with respect to clarification of the issues prior to the early part of January, 1962, it was agreed among the parties that the Examiner should postpone the then scheduled prehearing conference and the hearing dates in this matter (see footnote 1 below) without date pending action by the Commission on the aforementioned petition of Frontier.[2] It was further agreed that, if the Commission had not acted on the then pending petition, the Examiner would, on his own motion or on motion of any of the parties, set a date for a further prehearing conference early in January.

4. Thereafter on December 14, 1961, the Commission announced instructions it had given regarding a final decision in the Carter Mountain proceeding in Docket No. 12931.[3] The tenor of those instructions indicated that the Commission would probably act affirmatively upon the pending Frontier petition for enlargement of the issues. The Examiner felt it would be useful to him and to all the parties to have available the text of the Commission decision so that all concerned could be guided by the rulings of the Commission in the preparation for the hearing and in the trying of the issues herein. Accordingly, the Examiner delayed the setting of a further prehearing conference in this matter pending issuance of the Commission's decision.[4] As soon as the Commission's decision in the Carter Mountain matter was released, the Examiner conferred informally with counsel for the parties regarding an appropriate prehearing conference date. He has now received a consensus from the parties, and is setting the date hereinbelow specified for such further prehearing conference.

The prehearing conference. 5. As has been noted above, the Commission in its Memorandum Opinion and Order released February 19, 1962, added an issue as requested by Frontier. This issue (impact issue) provides as follows:

(e) To determine what impact a grant of the application for KAS41 will have upon the operation of Station KSTF, Scottsbluff, Nebraska, and the resulting injury, if any, to the public now served thereby; and

In so doing the Commission stated that its determination to enlarge the issues in this respect was consistent with its action in the Carter Mountain matter and referred to its Memorandum Opinion and Order therein, 25 F.R. 4606, May 25, 1960. Accordingly, the attention of the parties is specifically directed to this action of the Commission as well as to the pleadings of the parties in that proceeding which are discussed in such Memorandum Opinion and Order. The attention of the parties is also specifically directed to the decision of the Commission in the Carter Mountain proceeding, cited above, and the manner in which it disposed of the impact issue therein. (This issue is phrased in language substantially the same as the impact issue added herein). The parties are particularly urged to study the Commission's disposition in its Memorandum Opinion (25 F.R. 4606) of various issues proposed by the protestant and their inclusion in the relatively fewer issues specified by the Commission. In addition, the parties are urged to review the findings and conclusions made in the final decision with respect to the impact issue as well as the matters considered relevant to such findings and conclusions. Finally, the parties should bear in mind that, insofar as relevant hereto, they as well as the Examiner are bound by the Commission's decision in that proceeding.

6. On the basis of the foregoing, it appears to the Examiner that he should, at the prehearing conference, be advised of the evidence proposed to be introduced in response to new issue (e) with respect to each of the following matters:

(a) The areas and populations presently served by Station KSTF and the nature and type of service provided by such station.

(b) The persons now served by Station KSTF and the persons now served by the CATV system which will receive signals from Station KAS41.

(c) The quality of the signals received from Station KSTF and from the CATV entity.

(d) Whether the CATV entity in the areas served by Station KSTF intends to add subscribers to its system or to extend its systems, and the number of additional subscribers thus contemplated within the next two years.

(e) Financial data with respect to original and total investment in Station KSTF and its operating expenses and revenues for the past several years.

(f) The nature and extent of the impact of the CATV service upon Station KSTF and particularly:

(i) Whether KSTF will be able to continue to operate; and

(ii) Whether, if it is able to continue to operate, its programming service will be affected and, if so, in what manner.

(g) The nature of the programming now provided by Station KSTF, the manner in which it meets the needs of the persons residing within its service area, and the extent to which such programming serves the overall public interest.

(h) The number of persons within Station KSTF's service area that would lose the only service they presently receive in the event that station were to cease to operate.

(i) What other means are now available or used to bring television signals to the homes of the persons now served by Station KSTF and/or the CATV systems.

7. The attention of the parties is further called to paragraph 17 of the February 16, 1962 decision in Carter Mountain wherein the Commission indicates that Carter Mountain may refile its application "when it is able to show that the CATV operation will avoid the duplication of KWRB–TV programming which now exists and that the CATV systems will carry the local KWRB–TV signal". The Examiner expects counsel for Collier and Frontier to confer prior to the prehearing conference in order to explore the possibility of meeting the criteria above quoted and thus possibly obviate the need for hearing with respect to new issue (e). At the prehearing conference counsel should report the results of their conferences and the extent of the agreement reached, if any, as well as whether there is reasonable prospect that some agreement may be reached as a result of further discussions.

8. The Examiner also notes that in the basic order of designation various matters were placed in issue, with the burden of proof upon Collier. It is expected that at the prehearing conference the parties will address themselves to the manner in which they propose to meet these issues and to the scope thereof. In this connection it is expected that the parties will address themselves to the following:

(a) The nature and extent of the exhibits and testimony which are to be produced with respect to the past business activities of Collier and with respect to the efforts made to make the service at issue available to the public; and

(b) The nature of each representation (if any) made to each prospective customer of the Collier stations whose applications are at issue herein with respect to charges for and each other condition of service to be rendered by each such Collier station, insofar as each such representation may relate to possible discriminatory or unlawful practices in the operation of these stations.

9. Finally, counsel for Collier should be prepared to advise the Examiner and the parties of the progress made by his client in respect to possible changes in his applications which might obviate the need for a hearing on certain issues and when appropriate pleadings have been or will be filed in connection therewith.

10. To the extent that any of the parties are of the opinion that any of the matters hereinabove listed by the Examiner are beyond the scope of the issues specified by the Commission, the Examiner would appreciate receiving at the conference appropriate memoranda designed to show this. Any of the parties who wish to present memoranda designed to indicate that the above listed matters are within the scope of the issues should do so at the same time.

11. The parties' attention is invited to the fact that the matters hereinabove specified are not designed to be exclusive, and any party is free to suggest at the prehearing conference that other matters may be encompassed within the hearing issues. In making any such suggestion, the moving party should, of course, specify with particularity what such matters are and how, in the opinion of the party, they should be satisfied.

1. *Accordingly, it is ordered*, This 26th day of February 1962, that a further prehearing conference herein shall be held at the Offices of the Commission in Washington, D.C. on March 9, 1962, beginning at 9:30 a.m.; and

2. *It is further ordered*, That in addition to all other matters normally the subject of consideration at a prehearing conference, the parties shall specifically address themselves to each of the matters specified hereinabove.

Released: February 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2081; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket Nos. 14488–14492; FCC 62M–279]

DOVER BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Dover Broadcasting Company, Richmond, Virginia, Docket No. 14488; File No. BP–13831; 1540 Radio, Inc., Richmond, Virginia, Docket No. 14489, File No. BP–14813; Oram C. Hutton, Milton Beyer and James T. Doukas, d/b as BCD Broadcasting Company, Richmond, Virginia, Docket No. 14490, File No. BP–14814; Homer C. Eliades and Plato G. Eliades, d/b as Eliades Broadcast Company, Hopewell, Virginia, Docket No. 14491, File No. BP–14820; WDYL Radio, Inc. (WYDL), Ashland, Virginia, Docket No. 14492, File No. BMP–9493; for construction permits.

Pursuant to the agreemnts reached at the prehearing conference held on February 21, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled for March 21, 1962, is continued to April 23, 1962.

It is so ordered, This the 21st day of February 1962.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2082; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket Nos. 14519–14521; FCC 62M–294]

K & H TELEVISION STATION (KFUR–TV) ET AL.

Order Continuing Hearing Conference

In re applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR–TV), Sante Fe, New Mexico, for modification of construction permit (Channel 2 in lieu of Channel 11), Docket No. 14519, File No. BMPCT–5601; Thunderbird Entertainment Enterprises, Incorporated, Sante Fe, New Mexico, Docket No. 14520, File No. BPCT–2898; New Mexico Broadcasting Company, Inc., Sante Fe, New Mexico, for construction permits for new television broadcast stations (Channel 2), Docket No. 14521, File No. BPCT–2927.

The Hearing Examiner having under consideration a verbal request from the Broadcast Bureau for a change of date of the prehearing conference now scheduled for March 19, 1962, at 9:00 a.m.;

It appearing that there is a conflict in the schedule of the Broadcast Bureau's counsel so that a change of date would be in order;

It is ordered, This 26th day of February 1962, that the prehearing conference scheduled for March 19 at 9:00 a.m. is changed to March 20, 1962, at 10:00 a.m.

Released: February 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2083; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket No. 14547; FCC 62–225]

BILL S. LAHM

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 14547, File No. BMP–9407; for additional time to construct Radio Station WRNE.

1. The Commission has before it for consideration, a "Petition to Deny Application for Additional Time and/or to Revoke Construction Permit" of Bill S. Lahm (WRNE) filed on July 28, 1961, by William F. Huffman Radio, Inc., licensee of Radio Station WFHR (herein "WFHR" or "Huffman"); an "Opposition to Petition to Deny Application for Additional Time and/or to Revoke Construction Permit" filed on August 17, 1961 by Lahm, and "Reply to Opposition" filed by Huffman on August 28, 1961.

2. The Huffman petition in effect alleges that (1) Lahm and others conspired to obstruct a grant of Tomah-Mauston Broadcasting Company's application for a construction permit to build its station at Tomah, Wisconsin and (2) Lahm has shown by misrepresentation and failure to disclose certain information to the Commission that he lacks the requisite character qualifications to be a broadcast licensee.

3. Specifically, Huffman alleges that Lahm and various members of the Rice family (holding ownership interests in Radio Stations WCOW, Sparta, Wisconsin, and WRJC, Mauston, Wisconsin) conspired to cause "strike" applications to be filed for new stations in Tomah and Wisconsin Rapids, Wisconsin. Twice before the Commission found that the facts alleged were insufficient to show the existence of such conspiracy.[1] With the exception of the allegations relating to Lahm's desire to dispose of the construction permit and his failure to construct the station, no new material is offered.

4. The conspiracy theory, in essence, rests upon the admitted friendship of Lahm with various members of the Rice family. From the existence of this friendship and the anticipated benefit to the Rices from such filing we are asked to conclude that Lahm and the Rices conspired to restrain trade and abuse our procedures. Although it is possible to infer the existence of a conspiracy from known facts, in order to do so the facts must unambiguously support the existence of conspiracy. Here the facts could support opposing conclusions and, therefore, the inference of conspiracy appears unwarranted.[2]

5. On March 15, 1961, Lahm filed an application for extension of time to complete construction while negotiating assignment of the permit. On June 15, 1961, an application to assign the permit to Tedesco, Inc. was filed. Although this application has since been dismissed at Lahm's request,[3] certain statements made therein are relevant to the extension application now before us. Lahm stated that the assignment was requested because he wished to avoid the financial responsibility of establishing a station since he had committed himself to purchase a house in Sparta, Wisconsin, some 60 miles distant from Wisconsin Rapids. This purchase, it now develops, was made only a short time after he applied for the original construction permit, long before he received a grant. Until the filing of the assignment application the Commission had been unaware of this financial commitment. It was not reflected in his initial application by amendment, nor was it included in a revised financial statement offered at the hearing on said application.

6. As stated in American Southern Broadcasters, 13 RR 927 at p. 945, the Commission has a right to rely and in fact does rely on the representations made in an application. The necessary implication is that the application not only must be accurate when filed, but also must be amended to reflect changed circumstances which might affect Commis-

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[2] Counsel for Collier also indicated that his client was taking certain steps which might make it possible to eliminate some of the designated issues.

[3] Public Notice, Mimeo No. 14138 dated December 14, 1961.

[4] It is also to be noted that none of the parties filed a motion asking that a date be set for a further prehearing conference herein.

[1] In re Jack H. Goodsitt (WTOJ) 18 RR 272 (1960): facts alleged found insufficient to support allegations of conspiracy in the filing of Tomah application by Goodsitt, a friend of the Rice family. In re John D. Rice (WRJC), Memorandum Opinion and Order, 22 RR 104 (1961): disposal of permit by Goodsitt without constructing when considered in connection with the previous allegations did not establish existence of a conspiracy.

[2] This accords with the decisions cited in footnote 1 supra, in which the Commission reached the same result when considering the existence of a conspiracy involving the Rices in relation to Tomah-Mauston Broadcasting Co.

[3] By amendment filed December 8, 1961, Lahm now offers to proceed with construction himself.

sion action on the application.[4] There is a point beyond which failure to amend to reflect substantial changes becomes affirmative misrepresentation—Walter T. Gaines, WGHV, 17 RR 163 at p. 182. As Gaines makes clear, this cannot be an absolute rule; otherwise even the most insignificant change would require an amendment.

7. Whether failure to amend assumes importance depends on both the nature of the material and the context in which the omission occurs.[5] Some changes are significant in themselves but others, insignificant in themselves, can assume importance from surrounding circumstances. Here, Lahm failed to amend the financial portion of the initial application to list the house (either as an asset or as a mortgage liability) for which he had committed himself. When a more detailed financial statement was filed during the hearing on that application, no mention was made of this purchase. While such a purchase might otherwise be of little importance, when, as here, the applicant proposed to finance the station from loans, the making of another long term financial commitment becomes significant. Any doubts about the importance of this matter would seem to be resolved by the fact that Lahm himself later cited this purchase and its financial burden on him as the reason why he desired to assign the permit. Under these circumstances, Lahm's failure to amend the initial application to reflect his purchase of a house poses a question of misrepresentation. The same must be said of his failure to mention the house purchase in the revised financial statement submitted during the hearing. The fact that Lahm's finances were put in issue at the hearing put him on notice that such matters were to be reported. Lahm's contention that he thought the issue went to his finances at the time of filing must be rejected. Obviously, the Commission's concern[6] is not only with the finances at the time of filing, but is with the applicant's financial ability to construct and operate the station in the event of a grant.

8. In support of the allegation of misrepresentation in filing the instant extension application, Huffman relies primarily on Lahm's response to paragraph 5 of the extension application, viz., that (1) the ground was cleared at the site just before the ground froze in late October; (2) an entryway was constructed; and (3) no further work was done because of weather conditions. Comparison of photographs in Lahm's initial application with those submitted by Huffman show no perceptible change in the underbrush. Likewise, the Huffman photographs do not show the entryway to the property which Lahm says he constructed. Huffman makes much of Lahm's statement that the ground froze in late October and that as a result no further work was done. To challenge this statement, it offers the affidavit of Leo A. White, president of White Bros. & Norman, Wisconsin Rapids contractors. Mr. White states weather condition did not interfere with his company's construction until late December. In fact the temperature records taken by Thomas L. Nobles of the Water and Light Department of Wisconsin Rapids indicate that the latter part of 1960 was unseasonably warm with a 60° reading being made as late as November 28 and a 40° reading as late as December 30.

9. Lahm responds by insisting that his experience indicated that winter construction in Wisconsin is outrageously expensive and therefore impractical. He argues that the decision not to go ahead with construction was made in anticipation of bad weather, not because such weather actually prevented it. Whatever might be said of the intention to delay construction because of anticipated bad weather, this was not the reason which he stated in the application and, consequently, a question of misrepresentation obtains. From Huffman's photographs it does not appear that either construction of the entryway or clearing of the land has been accomplished, and therefore a further question of misrepresentation is raised.

10. Huffman raises the matter of Lahm's diligence, although not specifically in those terms. Even assuming that the assertions in the application truly represented the facts, nevertheless they cast doubt on Lahm's diligence in proceeding with the construction of authorized facilities. Huffman's contention that construction could have been continued well into December remains uncontroverted. In addition, Lahm had not applied for electric or telephone line service and was totally unaware that a zoning clearance was required.[7] Lahm's response that telephone and electric service can be obtained on short notice does not seem to be based on any consultation with those responsible for installation. Moreover it does not appear that he exercised his option to buy the transmitter site. None of this seems consistent with the standard of diligence against which the performance of our permittees is judged. It would appear that one desiring to place a station on the air would have settled these matters and assured himself that there were no obstacles to a swift completion of the station. Lahm's failure to assure himself on these matters when viewed in the light of the mild weather, his failure to take advantage of this, and his desire to assign the permit because of a commitment known to him long before receiving the initial grant raise a question of diligence and ultimately of good faith in his dealings with the Commission.

In view of the foregoing: *It is ordered*, This 21st day of February 1962, that, pursuant to section 319(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant's failure to amend the financial portion of his initial application for construction permit (File No. BP–12315) to reflect the financial commitment to buy a house in Sparta, Wisconsin, constituted willful concealment.

2. To determine whether applicant's failure to disclose said transaction in the revised financial statement submitted during the hearing on his initial application for construction permit (Docket No. 13218) constituted willful misrepresentation.

3. To determine whether the applicant has, in the instant application, misrepresented the status of construction and the reasons for his failure to complete construction.

4. To determine, in light of the evidence adduced under the foregoing issues, whether the applicant possesses the requisite qualifications to be a licensee or permittee of the Commission.

5. To determine whether the reasons advanced by the applicant constitute a showing that failure to complete construction was due to causes not under his control, or constitute a showing of other matters sufficient to warrant an extension within the meaning of Section 319(b) of the Communications Act of 1934 as amended, and § 1.323(a) of the Commission's rules.

6. To determine, in the event that the foregoing issues are resolved in the applicant's favor, whether he is still financially qualified to construct and operate Radio Station WRNE.

7. To determine, in light of the evidence adduced under the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, the instant petition by William F. Huffman Radio, Inc., is granted to the extent indicated above and in all other respects is denied.

It is further ordered, That, William F. Huffman Radio, Inc. is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified herein.

Released: February 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2084; Filed, Mar. 1, 1962; 8:47 a.m.]

[4] Failure to so amend (here to show changes in directors of corporation) because of oversight with no intent to deceive, still shows a lack of responsibility and thus affects applicant's qualification to be a licensee, Palm Springs Translator Station, Inc. 17 RR 1263 at p. 1291 (1959).

[5] The fact of non-disclosure, if intended to deceive, can be of substantial importance even though it concerns matters which in themselves would otherwise be of small decisional importance.

[6] The need for the Commission to be able to rely on representations in applications is discussed in WORZ, Inc. 12 RR 1157 (1957).

[7] Undisputed affidavits to this effect submitted by Huffman.

[Docket Nos. 14493, 14494; FCC 62M–280]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Hayward F. Spinks, Hartford, Kentucky, Docket No. 14493, File No. BP–14291; C. P. Stovall, Sr. and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company, Greenville, Kentucky, Docket No. 14494, File No. BP–15005; for construction permits.

At the prehearing conference today, the following timetable was set:

1. Preliminary exchange of engineering exhibits—by April 3, 1962.
2. Exchange of affirmative written direct cases of applicants—by April 17, 1962.
3. Receipt of notification of witnesses desired for cross-examination (on present issues)—by April 24, 1962.
4. Hearing rescheduled from March 21 to Tuesday, May 1, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 23d day of February 1962.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2085; Filed, Mar. 1, 1962; 8:47 a.m.]

[Docket No. 14536; FCC 62–213]

COLORADO

Request for Waiver of Permissible Communications Limitations in Police Radio Service; Order Designating Request for Oral Argument

In the matter of request by the State of Colorado for waiver of § 10.252 of the Commission's rules; Docket No. 14536.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of February 1962;

The Commission having under consideration a request by the State of Colorado seeking a waiver of the permissible communications limitations of § 10.252 of the Commission's rules concerning the Police Radio Service; and

It appearing that by such waiver request the State of Colorado seeks authorization to use its present Police Radio system, operating on 42.30 Mc/s and 42.46 Mc/s, for the transmission of messages concerning official state activities other than and in addition to official police activities; and

It further appearing, that the Commission is unable to determine that it would be in the public interest to grant such waiver request; and

It further appearing that at this time no facts appear to be in issue concerning such request which would warrant an evidentiary hearing; and

It further appearing that the public interest would be served by affording the petitioner an opportunity to present its reasons in support of such waiver request by oral argument before the Commission;

It is ordered, That the above-described request by the State of Colorado is designated for Oral Argument at a place, date and time to be designated by subsequent order of the Commission, on the following issues:

(1) Would the public interest be served by waiving § 10.252 of the Commission's rules, which prescribes that stations in the Police Radio Service shall transmit communications essential to official police activities of the licensee, so as to permit the State of Colorado to use its present Police Radio system operating on 42.30 Mc/s and 42.46 Mc/s, for the transmission of communications pertaining to official governmental activities other than, and in addition to, official police activities.

(2) If the foregoing determination is in the affirmative, should such waiver of § 10.252 be for a specified and limited duration, or for an indefinite duration.

It is further ordered, That the Safety and Special Radio Services Bureau is made a party in such Oral Argument.

It is further ordered, That the Petitioner shall file a written notice within twenty days of the release of this order of its intention to appear and participate in such Oral Argument, and that failure to file such written notice will constitute a waiver of its opportunity to participate in such Oral Argument.

Released: February 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2086; Filed, Mar. 1, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket Nos. 954, 954 (Sub-1)]

ATLANTIC/PUERTO RICO TRADE

Investigation of Rates and Practices; Certificate of Correction to Notice of Supplemental Orders

In the "Notice of Supplemental Orders", i.e. "Eleventh Supplemental Order * * *" and "Fourth Supplemental Order * * *" (combined) appearing in the FEDERAL REGISTER, Vol. 27, page 1665 on February 21, 1962, the introductory paragraph should be amended to read as follows:

"On February 7, 1962, the Federal Maritime Commission entered the following Eleventh Supplemental Order to the original order in Docket No. 954 dated July 17, 1961 and following Third Supplemental Order to original order in Docket No. 954 (Sub-1) dated November 13, 1961."

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2096; Filed, Mar. 1, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61–263 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Applications and Date of Hearing; Correction

FEBRUARY 19, 1962.

Cities Service Gas Company, et al., Docket No. CP61–263, etc.; Oklahoma Natural Gas Gathering Corporation, Docket No. CI61–1408.

In the Notice of Applications and Date of Hearing, issued February 15, 1962, and published in the FEDERAL REGISTER on February 22, 1962 (F.R. Doc. 62–1820; 27 F.R. 1743): Change the last sentence of the paragraph, ending at the top of the page in the second column, to read as follows: "The subject sale will be made pursuant to a gas sales contract between Gathering and Cities Service dated March 23, 1961, as amended by letter filed January 16, 1962, at an initial price of 17.5 cents per Mcf at 14.65 psia, the volume limited to a maximum of 40,000 Mcf per day."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2060; Filed, Mar. 1, 1962; 8:45 a.m.]

[Docket Nos. CP62–155, CP62–159]

HOPE NATURAL GAS CO. AND MISSISSIPPI RIVER FUEL CORP.

Notice of Applications and Date of Hearing

FEBRUARY 26, 1962.

Take notice that on December 29, 1961, Hope Natural Gas Company (Hope), 445 West Main Street, Clarksburg, West Virginia, filed in Docket No. CP62–155 and on January 5, 1962, Mississippi River Fuel Corporation (Mississippi), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP62–159, respectively, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas to American Louisiana Pipe Line Company (American Louisiana), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

The proposed sales would be made from the Creole Field, Cameron Parish, Louisiana, at an initial rate of 18 cents per Mcf plus 1.5 cents tax reimbursement, pursuant to a contract dated December 11, 1961, executed by and between Hope and Mississippi as sellers and American Louisiana as buyer. Five leases in the Creole Field have been committed under the contract with American Louisiana. Hope has a 75 percent working interest in the leases and Mississippi has a 25 percent working interest.

Applicants propose to construct and operate field facilities in order to make the proposed sales. The cost is estimated to be $68,931, of which Hope will

share 75 percent and Mississippi 25 percent.

The applications state that deliveries will be made at American Louisiana's meter station near its existing 16-inch transmission line extending between Cameron and Lowry, Louisiana. The contract provides for a take-or-pay-for daily quantity of 500 Mcf.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2061; Filed, Mar. 1, 1962; 8:45 a.m.]

[Docket No. CP62-25]

NEW YORK STATE NATURAL GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 26, 1962.

Take notice that on January 15, 1962, an amended application, which was further amended on January 18, 1962, was filed by New York State Natural Gas Corporation (New York Natural) superseding its original application filed July 28, 1961, as amended and supplemented October 19, 1961, requesting authorization to construct and operate a 12-inch diameter pipeline extending approximately 23.2 miles from a terminus of its pipeline system near Auburn in Cayuga County, New York, to its existing regulator at the Phelps Connection in Ontario County, New York, and a measuring station near Phelps, in order to meet increased requirements in the western portion of the Auburn-Geneva market area served by New York State Electric and Gas Corporation (New York Electric), all as more fully set forth in the application, as amended and supplemented, on file with the Commission and open to public inspection.

The estimated cost of such facilities is $1,038,447, to be financed from funds on hand. Applicant states that it will not include the proposed investment in its rate base for any period prior to November, 1964.

Deliveries are to be made in accordance with a new service agreement which will supersede all existing service agreements between New York Natural and New York Electric and will provide conjunctive billing for all of New York Natural's deliveries in its Rate Zone 3 to New York Electric.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 22, 1962 at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2062; Filed, Mar. 1, 1962; 8:45 a.m.]

[Docket No. CI62-320]

SOUTHERN COAST CORP. ET AL.

Notice of Application and Date of Hearing

FEBRUARY 26, 1962.

Take notice that on September 21, 1961, Southern Coast Corporation, et al. (Applicant), P.O. Box 4179, Corpus Christi, Texas, filed in Docket No. CI62-320 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Tennessee Gas Transmission Company (Tennessee) from gas production in Webb, LaSalle, and Duval Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized to render the subject service by the Commission in its order issued on April 24, 1957, in Docket No. G-10402.

The application states that since 1958 Tennessee has not taken any gas under its contract with Applicant and that the contract expired on June 1, 1961.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2063; Filed, Mar. 1, 1962; 8:45 a.m.]

[Project No. 1711]

WASHINGTON

Vacation of Withdrawal

FEBRUARY 26, 1962.

Pursuant to the filing on April 24, 1940 of an application for license by Oscar E. Kosar for minor Project No. 1711, the Commission gave notice by letter dated June 4, 1940 to the Commissioner of the General Land Office of the withdrawal from all forms of disposal of 0.42 acre of land within the SW¼NE¼, section 24, T. 30 N., R. 8 W., Wm. H. Washington, within the Olympic National Forest.

The original license for Project No. 1711 was issued to Oscar E. Kosar on January 11, 1941, for a period of 10 years. The license was transferred to Everett Kosar, effective as of November 4, 1947. License No. 2 for the project was issued to Everett Kosar for a period of 10 years, effective as of January 11, 1951. That license expired on January 10, 1961, with no application for its renewal being filed.

By letter dated September 11, 1961, the Forest Service has advised that the power project has been inoperative for some time and the facilities previously served by it are now provided with commercial power, and that the land of the United States occupied by such power facilities has been restored to a condition satisfactory to the Service. The Service requested that the Commission take such action as is necessary to close the matter and restore the land now under power withdrawal.

Project No. 1711 was located on a small unnamed stream, tributary to Indian Creek, a tributary to the Elwha River, State of Washington. The project had an installed capacity of about 12 horsepower and the energy developed thereby was used for domestic purposes. No annual charges were imposed under the two licenses for the project.

The Commission finds: In the circumstances recited above, the existing power withdrawal under section 24 of the Federal Power Act in connection with Project No. 1711 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal under section 24 of the Federal Power Act in connection with Project No. 1711 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2064; Filed, Mar. 1, 1962; 8:45 a.m.]

[Docket No. RP61-20]

EASTERN SHORE NATURAL GAS CO.

Notice of Hearing

FEBRUARY 23, 1962.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 27, 1962, 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-entitled application.

Due notice, fixing April 12, 1961, as the last date for filing protests or petitions to intervene in this proceeding, was given by Commission order issued February 24, 1961, and published in the FEDERAL REGISTER on March 3, 1961 (26 F.R. 1885).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2087; Filed, Mar. 1, 1962; 8:48 a.m.]

[Docket No. RP60-1]

LAKE SHORE NATURAL GAS CO.

Notice of Hearing

FEBRUARY 23, 1962.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 21, 1962, at 10:00 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-entitled application.

Due notice, fixing April 18, 1960, as the last date for filing protests or petitions to intervene in this proceeding, was given by Commission order issued March 3, 1960, and published in the FEDERAL REGISTER on March 10, 1960 (25 F.R. 2065).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2088; Filed, Mar. 1, 1962; 8:48 a.m.]

[Docket No. G-12499 etc.]

NORTH PENN GAS CO.

Notice of Consolidation of Proceedings and Date of Hearing

FEBRUARY 23, 1962.

North Penn Gas Company Docket Nos. G-12499, G-17814, G-20513.

The above proceedings relate to proposed increased rates and charges which have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be held on March 27, 1962 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2089; Filed, Mar. 1, 1962; 8:48 a.m.]

[Docket No. G-19040 etc.]

NORTHERN NATURAL GAS CO.

Notice Reconvening Hearing

FEBRUARY 23, 1962.

Northern Natural Gas Company, Docket Nos. G-19040, RP61-23, RP62-6; Northern Natural Gas Company (Formerly Permian Basin Pipeline Company), Docket No. G-19041.

On December 13, 1961, the Presiding Examiner recessed the hearing in the consolidated proceedings involving Docket Nos. G-19040, RP61-23, and G-19041 subject to further order of the Commission or notice of the Secretary of the Commission, and certified to the Commission for its consideration and disposition a proposed settlement agreement and the transcript of proceedings of the hearing for that day.

On December 21, 1961, the Commission issued its order approving said rate settlement agreement, prescribing refunds, and terminating the proceedings in part. Said order also provided that the issue of rate design as it applies to the relative levels of the commodity charges and demand charges of the rates provided for in the settlement agreement, and those required to produce the annual revenues to Northern Natural Gas Company on the basis of said agreement, was expressly reserved for further hearing and said hearing was to be convened upon further order of the Commission or notice of the Secretary.

By order issued February 2, 1962, the Commission further consolidated these matters to include Docket No. RP62-6.

Take notice that the hearing in these consolidated matters will be reconvened at 10:00 a.m., March 27, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2090; Filed, Mar. 1, 1962; 8:48 a.m.]

[Docket No. G-12884 etc.]

TRUNKLINE GAS CO.

Notice of Consolidation of Proceedings and Date of Hearing

FEBRUARY 23, 1962.

Trunkline Gas Company Docket Nos. G-12884, G-19479, RP60-6.

The above proceedings relate to proposed increased rates and charges and tariff changes which have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be commenced on April 24, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2091; Filed, Mar. 1, 1962; 8:48 a.m.]

[Docket No. G-12493 etc.]

UNITED NATURAL GAS CO. AND SYLVANIA CORP.

Notice of Consolidation of Proceedings and Date of Hearing

FEBRUARY 23, 1962.

United Natural Gas Company, Docket Nos. G-12493, G-17763; The Sylvania Corporation, Docket No. G-12565.

The above proceedings in United Natural Gas Company (United Natural), Docket Nos. G-12493 and G-17763, relate to proposed increased rates and charges which have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

The above proceeding in The Sylvania Corporation (Sylvania), Docket No. G-12565, relates to an investigation of rates and charges for sales of gas to United Natural and for transportation and storage services to United Natural, an affiliated company. The investigation was heretofore instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be held on April 4, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2092; Filed, Mar. 1, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III (ATLANTA)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of Loans for Housing for the Elderly, authorized under Section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such Region:

1. To execute loan agreements;
2. To amend or modify such loan agreements.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Dec. 22, 1961 (26 F.R. 12787, Dec. 30, 1961))

Effective as of the 31st day of January 1962.

[SEAL] WALTER E. KEYES,
Regional Administrator, Region III.

[F.R. Doc. 62-2075; Filed, Mar. 1, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-385]

BONDS INCORPORATED

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 23, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that Bonds Incorporated ("Applicant"), 917 Minnesota Ave., Kansas City, Kansas, a management open-end nondiversified investment company, has ceased to be an investment company.

Applicant makes the following representations in its application:

On July 27, 1961, the holders of more than two-thirds of the outstanding stock approved an Agreement and Reorganization ("Plan") which provided for the transfer of the Applicant's net assets to Quarterly Distribution Shares Incorporated ("Quarterly"), a Kansas corporation and a registered open-end diversified management investment company, in exchange for the shares of Quarterly. The Plan provided that the number of shares of Quarterly to be delivered to Applicant would be determined by dividing the net asset value per share of Quarterly calculated at the close of business on the business day next preceding the closing date into the value of Applicant's assets to be exchanged with certain adjustments designed to equalize the tax effects of the difference in unrealized appreciation which exists between the two companies. The Plan further provided for the dissolution of the Applicant and a pro rata distribution by Applicant to its stockholders of the shares of Quarterly.

In accordance with said Plan on July 28, 1961, Applicant transferred to Quarterly assets having a value of $363,060.90 in exchange for 47,799,335 shares of Quarterly. All of the shares of Quarterly acquired by Applicant have been distributed to Applicant's stockholders.

Applicant was dissolved on September 1, 1961, upon the issuance of a Certificate of Dissolution by the Secretary of State of Kansas.

Section 8(f) of the Act, provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 14, 1962 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2066; Filed, Mar. 1, 1962; 8:46 a.m.]

[File No. 24FW-1239]

LP GAS SAVINGS STAMP CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 26, 1962.

I. LP Gas Savings Stamp Company, Inc. (issuer), a Delaware corporation, 300 West 61st Street, Shreveport, Louisiana, its last known address, filed with the Commission on September 27, 1960, a notification on Form 1-A and an offering circular relating to an offering of 30,000 shares of its $10 par value common stock at par for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification fails to name Mr. Welborn C. Murphrey, president, director, promoter and owner of 75 percent of the outstanding stock of the issuer, as an affiliate of the issuer, pursuant to the requirements of Item 2 thereof.

2. The notification fails to set forth the information required by Item 9(a) with respect to outstanding subscriptions for 2500 shares of common stock of the issuer.

3. The notification fails to set forth in response to Item 9(c) information with respect to the exemption claimed for the sale of unregistered common stock of the issuer and outstanding subscriptions for common stock.

4. The notification fails to provide information in response to Item 10 regarding the outstanding subscriptions to purchase shares of common stock and the contemplated issuance of shares upon payment of such subscriptions.

5. Exhibits and information furnished in response to Item 11(a) do not fully define the rights of holders of the equity securities proposed to be offered.

6. The consent of the underwriter designated as Exhibit C fails to comply with the requirements of Item 11(c) of Form 1-A.

7. The issuer has failed to comply with Rule 253 (a) and (c) in that satisfactory escrow arrangements have not been made with respect to shares specified in Rule 253(c), and copies of such effective escrow agreements have not been supplied as an exhibit to the notification on Form 1-A as required by Item 11(h).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the amount of expenses of the issuer and the amount of expenses of the underwriter to be borne by the issuer as specified in Item 4(a) of Schedule I.

2. The failure to disclose clearly that the underwriting agreement is on a "best efforts" only basis and that there is no assurance that all or any of the shares being offered will be sold, and to disclose adequately that the issuer is wholly dependent upon the actual receipt of proceeds from this offering for any effective working capital.

3. The failure to state clearly the exact stage of development which the issuer's business operations have reached and the failure to differentiate clearly between information relating to future plans and information relating to the present status of the issuer's operations, particularly in regard to the number of retailers who have been licensed to use issuer's services.

4. The failure to state the percentage of outstanding securities of the issuer which will be held by directors, officers and promoters as a group and the percentage of such securities which will be held by the public if all of the securities to be offered under the regulation are sold and the respective amounts of cash paid therefor by such group and by the public as required by Item 9(d) of Schedule I.

5. The failure to furnish accurate and adequate information regarding the issuer's capital structure, particularly with respect to the amount of shares issued and outstanding as of a specified current date and the amount to be outstanding if all of the shares being offered are sold.

6. The failure to include information concerning the transactions giving rise to the outstanding subscriptions to shares of the company's stock held by directors, officers and promoters as required by Item 9(c) of Schedule I.

7. The failure to describe the rights attaching to the shares proposed to be offered as required by Item 7(a) of Schedule I.

8. The failure to include a statement of "Cash Receipts and Disbursements" identifying the amounts and nature of the cash received and the amounts and classifications of the organizational expenses for which such cash was disbursed.

C. The issuer and its president, Mr. Welborn C. Murphrey, have failed to cooperate in connection with the processing of the notification in that they have failed to respond to repeated requests for amendments and have failed to inform the Commission of their change in address.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2067; Filed, Mar. 1, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37572: *Asphalt from Marshall, Ill., to IFA territory.* Filed by Illinois Freight Association, Agent, (No. 156), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Marshall, Ill., to points in Illinois Freight Association territory.

Grounds for relief: Market competition.

Tariff: Supplement 59 to Illinois Freight Association tariff I.C.C. 905.

FSA No. 37573: *Substituted service—PRR for George B. Holman & Co., Inc.* Filed by Household Goods Carriers' Bureau, Agent, (No. 52), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and Kearny, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37574: *Substituted service—PRR, et al., for George B. Holman & Co., Inc.* Filed by Household Goods Carriers' Bureau, Agent, (No. 53), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Jacksonville, Miami, Orlando and Tampa, Fla., Atlanta and Savannah, Ga., Charlotte, N.C., and Charleston, S.C., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37575: *Substituted service—PRR, et al., for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent, (No. 54), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Jacksonville, Fla., Atlanta and Savannah, Ga., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37576: *Potatoes between points in Western Trunk Line territory.* Filed by Western Trunk Line Committee, Agent, (No. A-2227), for interested rail carriers. Rates on potatoes, other than sweet, in carloads, from points in western trunk line territory, also Union Pacific Railroad stations in Idaho and West Yellowstone, Mont., to points in Western trunk line territory.

Grounds for relief: Exempt motor Carrier competition.

Tariff: Supplement 3 to Western Trunk Line Committee tariff I.C.C. A-4420.

FSA No. 37577: *Substituted service—NYC&STL for motor carrier service.*

Filed by Central States Motor Freight Bureau, Inc., Agent, (No. 72), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central states, middlewest, southwestern, Rocky Mountain and Pacific territories, on the one hand, and points in central states, middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Central States Motor Freight Bureau, Inc., tariff MF–I.C.C. 1018.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2069; Filed, Mar. 1, 1962; 8:46 a.m.]

[No. 33922]

FRESH MEATS; ST. LOUIS, MO., TO CLEVELAND, OHIO

Reduced Rates Investigation

FEBRUARY 27, 1962.

On October 26, 1961, the Commission entered upon an investigation into the lawfulness of a reduced rate of 98 cents on fresh meats, NOI., other than hung or suspended, minimum 30,000 pounds, from St. Louis, Mo., to Cleveland, Ohio, proposed by certain motor carriers parties to a tariff of the Central States Motor Freight Bureau, Inc., for the avowed purpose of meeting the competition of a similar rate on the traffic as maintained by Safeway Truck Lines, Inc. The latter rate was included in the investigation.

Evidence was submitted in the form of verified statements, and the matter was referred to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor. In his recommended report and order, served February 27, 1962, the examiner found that the respondents sponsoring the proposed reduced rate had not sustained their burden of proof; that the burden of proof was not on Safeway regarding its existing rate, and that the latter had not been shown to be unlawful. He recommended that the proposed reduced rate be ordered cancelled and that the proceeding be discontinued. Exceptions to his report may be filed by interested parties within 30 days from the date of service.

Copies of the recommended report and order may be obtained by any interested person upon request to the Secretary, Interstate Commerce Commission, Washington 25, D.C.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2071; Filed, Mar. 1, 1962; 8:46 a.m.]

[Notice 602]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64644. By order of February 21, 1962, the Transfer Board approved the transfer to Frank's Southern Express, Inc., Oneonta,, N.Y., of Certificate No. MC 117452, issued October 9, 1958, to Frank's Highway Express, Inc., Oneonta, N.Y., authorizing the transportation of general commodities, excluding household goods and other specified commodities, over regular routes, between points in New York and those within one mile of 8 specified routes, all in the State of New York. Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N.Y., attorney for applicants.

No. MC–FC 64667. By order of February 21, 1962, the Transfer Board approved the transfer to Paramount Movers, Inc., Killeen, Tex., of Certificate No. MC 31462, issued July 31, 1958, to Acme Van Lines, Inc., Kansas City, Mo., authorizing the transportation, over irregular routes, of household goods, between Kansas City, Mo., and points within 30 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, and Oklahoma, between Omaha, Nebr., and points in Nebraska within 100 miles thereof, on the one hand, and, on the other, points in Georgia, Illinois, Iowa, Missouri, and Ohio, between Hoosick Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, and Vermont, between points in Kansas, on the one hand, and, on the other, points in Missouri, and between Fort Wayne, Ind., and points in Indiana within 40 miles thereof, on the one hand, and, on the other, points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and paper mill machinery repair parts, between Hoosick Falls, N.Y., and points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, and Vermont. Allen Melton, 316 Rio Grande National Life Building, Dallas, Tex., attorney for applicants.

No. MC–FC 64830. By order of February 20, 1962, the Transfer Board approved the transfer to Benjamin Coppola, Sr. and Benjamin Coppola, Jr., a partnership doing business as Red Arrow Trucking Company, Belleville, N.J., of Certificate No. MC 44523 issued May 27, 1941, to Russell V. Transue, doing business as Red Arrow Trucking Company, Ringwood, N.J., authorizing the transportation of machinery, from Paterson and Belleville, N.J. to Philadelphia, Pa., and Baltimore, Md.; window-display material from Belleville, N.J., to Bridgeport, Conn. and Philadelphia, Pa., and from Paterson, N.J., to Philadelphia, Pa.; brushes from Paterson and Belleville, N.J., to Philadelphia, Pa.; magnesium and insulating material, from Valley Forge, Pa., to Newark, N.H.; paper and paper products from New Hope, Pa., to Belleville, N.J.; textiles, from Wilmington, Del., to Belleville, N.J.; general commodities, excluding household goods and commodities in bulk, between points in Essex, Hudson and Passaic Counties, N.J.; and between points in the above-specified New Jersey Counties, on the one hand, and, on the other, New York, N.Y. and points in Nassau County, N.Y.; and wooden cases and leather, between Newark, N.J., Chester, Pa. and Wilmington, Del. Edward F. Bowes, 1060 Broad Street, Newark 2, N.J., attorney for Applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2070; Filed, Mar. 1, 1962; 8:46 a.m.]

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Washington, Saturday, March 3, 1962

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Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(5) of § 6.114 is amended as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeth's Hospital.* • • •

(5) Until June 30, 1963, not to exceed a total of 15 positions including first-, second-, and third-year Psychodrama Interns and first- and second-year Psychodrama Residents who possess B.A., M.A., or Ph. D. degrees. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of Section 3 of Public Law 330, Eightieth Congress. Appointments under this authority may not extend beyond June 30, 1963.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2138; Filed, Mar. 2, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

President's Advisory Committee on Labor-Management Policy

Effective upon publication in the FEDERAL REGISTER, a new § 6.173, paragraph (a) is added to Part 6 as set out below.

§ 6.173 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2153; Filed, Mar. 2, 1962; 8:55 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.368 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2154; Filed, Mar. 2, 1962; 8:55 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.315 Orange Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 27, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., March 5, 1962, and ending at 12:01 a.m., e.s.t., March 19, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the

aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2183; Filed, Mar. 2, 1962; 8:56 a.m.]

[Grapefruit Reg. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.316 Grapefruit Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 27, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 5, 1962, and ending at 12:01 a.m., e.s.t., March 19, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2184; Filed, Mar. 2, 1962; 8:56 a.m.]

[Navel Orange Reg. 9]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.309 Navel Orange Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 1, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 4, 1962, and ending at 12:01 a.m., P.s.t., March 11, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2232; Filed, Mar. 2, 1962; 11:25 a.m.]

[Valencia Orange Reg. 2]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.302 Valencia Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 1, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 4, 1962, and ending at 12:01 a.m., P.s.t., March 11, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 75,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2233; Filed, Mar. 2, 1962; 11:26 a.m.]

[Lemon Reg. 10]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.310 Lemon Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 4, 1962, and ending at 12:01 a.m., P.s.t., March 11, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2185; Filed, Mar. 2, 1962; 8:56 a.m.]

[Grapefruit Reg. 4]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.304 Grapefruit Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, es-

tablished under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 1, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 5, 1962, and ending at 12:01 a.m., e.s.t., March 12, 1962, is hereby fixed at 170,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2210; Filed, Mar. 2, 1962; 9:19 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959) regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER February 7, 1962 (27 F.R. 1119). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all matters presented, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 959.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and this part, for its maintenance and functioning during the fiscal period February 1, 1962, through January 31, 1963, will amount to $50,000.

(b) The rate of assessment to be paid by each handler shall be one cent ($0.01) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on February 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2150; Filed, Mar. 2, 1962; 8:55 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Orders Nos. 46, 95]

PART 1046—MILK IN OHIO VALLEY MARKETING AREA

PART 1095—MILK IN LOUISVILLE-LEXINGTON, KY., MARKETING AREA

Order Amending Orders

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AUTHORITY: §§ 1046.0 through 1046.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1046.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Louisville-Lexington, Kentucky, and Ohio Valley orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Louisville-Lexington-Evansville order, which is a consolidation of and an amendment to the Louisville-Lexington, Kentucky, and Ohio Valley orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Louisville-Lexington-Evansville marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Louisville-Lexington-Evansville order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the Louisville-Lexington-Evansville order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(c), as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight, as the Secretary may prescribe, with respect to (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), (iii) other source milk allocated to Class I at a pool plant, and (iv) milk at a city plant which is a nonpool plant in accordance with § 1046.61.

(b) *Additional findings.* It is necessary in the public interest to make this order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, concerning the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas, was issued January 31, 1962 (27 F.R. 1013), and the recommended decision of the Assistant Secretary, United States Department of Agriculture, concerning the handling of milk in 36 Midwest marketing areas, including the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas, was issued February 7, 1962 (27 F.R. 1272). The respective decisions of the Under Secretary containing all provisions of this order were issued February 15 and February 21, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order is approved or favored by at least two-thirds of the producers who during the deter-

mined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas (Parts 1095 and 1046, respectively) shall be amended and consolidated into one order which shall be designated as Order No. 46 and which shall regulate the handling of milk in the Louisville-Lexington-Evansville marketing area, and the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1046.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1046.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 1046.3 Department.

"Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1046.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1046.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1046.6 Louisville-Lexington-Evansville marketing area.

"Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all territory geographically located within the perimeter boundaries of Anderson, Bourbon, Boyle, Breckinridge, Bullit, Clark, Daviess, Fayette, Franklin, Garrard, Grayson, Hancock, Hardin, Henderson, Henry, Hopkins, Jefferson, Jessamine, Larue, Madison, McLean, Meade, Mercer, Montgomery, Muhlenberg, Nelson, Ohio, Oldham, Scott, Shelby, Spencer, Union, Webster, and Woodford Counties in the State of Kentucky, and Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Harrison, Knox, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, and Washington Counties in the State of Indiana, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such territory.

§ 1046.7 Producer.

"Producer" means any person, except a producer-handler:

(a) Who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases); and

(b) Whose milk so produced pursuant to paragraph (a) of this section is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) or diverted in accordance with the conditions set forth in § 1046.14.

§ 1046.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1046.14; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1046.10 City plant.

"City plant" means a plant where milk is processed or packaged and from which fluid milk products permitted to be labeled as "Grade A" by a duly constituted health authority are disposed of on a route(s) in the marketing area.

§ 1046.11 Country plant.

"Country plant" means a milk plant, other than a city plant, which is approved by a duly constituted health authority to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk and at which milk is received during the month from persons described in § 1046.7(a) or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.12 Pool plant.

"Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products received during the two months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk from such plant during such two-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the two preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

(b) A country plant during any of the months of October through March from which not less than 50 percent, and during other months not less than 40 percent, of the receipts of milk at such plant from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) are moved to and received at a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which not less than 50 percent of the combined receipts of milk from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) during the preceding period of October through March were moved to and received at a city plant(s) in the form of milk, skim milk, or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association if (1) two-thirds or more of the milk from persons described in § 1046.7(a) who are members of such association is delivered during the month from farms to the pool plant(s) of other handlers or transferred by such association from its plant to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1046.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received from producers at a pool plant for the account of the person operating such plant: *Provided*, That, in the case of milk other than that delivered by a cooperative association pursuant to § 1046.8(c), when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pickup truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or for the account of a cooperative association: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted if diverted for the account of the handler operating such plant or at the location of the pool plant from which diverted if diverted for the account of a cooperative association: *And provided further*, That producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; or

(c) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

§ 1046.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), or (3) opening inventory; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

(a) Milk plant(s);

(b) Distribution point(s); or

(c) Food processing plant(s) for use other than for fluid consumption.

§ 1046.18 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1046.19 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pounds of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1046.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1046.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1046.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1046.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1046.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1046.30 through 1046.32, or payments pursuant to §§ 1046.61, 1046.62, 1046.80, 1046.84, and 1046.86 through 1046.88;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by

such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 8th day of each month, the Class I price and butterfat differential for the month and the Class II price and butterfat differential for the preceding month computed pursuant to §§ 1046.51 and 1046.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1046.71, and the butterfat differential computed pursuant to § 1046.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 1046.70; and

(2) The amounts to be paid by such handler pursuant to §§ 1046.61, 1046.62, 1046.84, 1046.87, and 1046.88.

REPORTS, RECORDS AND FACILITIES

§ 1046.30 Reports of receipts and utilization.

(a) Each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator, such reports to be due at the office of the market administrator not later than the 8th day after the end of such month:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants and in milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe;

(b) Each handler operating a city plant which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1046.40 as prescribed by the market administrator.

§ 1046.31 Payroll reports.

On or before the 20th day after the end of each month, each handler who received milk from producers or from a cooperative association of producers, and each handler operating a nonpool plant subject to § 1046.62(c) shall submit to the market administrator for each of his pool plants, or nonpool plants subject to § 1046.62(c), his producer or dairy farmer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer, producer cooperative association or dairy farmer, and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, producer cooperative association, or dairy farmer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 1046.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 1046.34 Retention of records.

All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1046.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 1046.30 and 1046.62 shall be classified by the market administrator pursuant to the provisions of §§ 1046.41 through 1046.46.

§ 1046.41 Classes of utilization.

Subject to the conditions set forth in §§ 1046.42 through 1046.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except skim milk and butterfat disposed of in fluid form pursuant to paragraph (b) (4) and (5) of this section: *Provided*, That fluid milk products which have been fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of unfortified milk, skim milk, and cream of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Used to produce frozen cream;

(3) In fluid milk products which have been fortified with nonfat milk solids which is not accounted for as Class I milk pursuant to the proviso in paragraph (a)(1) of this section;

(4) Disposed of for livestock feed or, in the case of skim milk only, dumped, upon prior notice as prescribed by the market administrator;

(5) Disposed of in bulk to bakeries, candy or soup manufacturers and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

(6) In inventories of fluid milk products;

(7) In shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage of other source milk.

§ 1046.42 Shrinkage.

In computing shrinkage for the purposes of § 1046.41(b) (7) and (8) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1046.41(a)(1) and as Class II milk pursuant to § 1046.41 (b) (1) through (6) (subject to the provisions of §§ 1046.43 through 1046.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1046.30; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between:

(1) The maximum pounds of skim milk and butterfat shrinkage allowable pursuant to § 1046.41(b)(7) divided by 0.02, and

(2) The total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1046.43 Responsibility for classification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1046.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8 (b) or (c) shall be classified as follows:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler (or handlers) in their reports submitted pursuant to § 1046.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1046.46(a) (1) through (8) and the corresponding steps of § 1046.46 (b), and any additional amount of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That if the transferor plant has other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and utilization by the transferee plant in Class II;

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46 (b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in either Louisville, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1046.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in the nonpool plant in products included in Class II milk or was disposed of by the nonpool plant in the form of cream in bulk if the handler meets the requirements specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Claims classification of such cream as Class II;

(ii) Establishes that such cream was transferred without Grade A certification, each shipping container was tagged or labeled to show that the contents were for manufacturing use only, and the shipment of such cream was invoiced accordingly; and

(iii) Affords the market administrator at least 24 hours notice prior to shipment of such cream so that he may verify such shipment;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat, respectively, received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(5) If the skim milk and butterfat, respectively, transferred or diverted by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers; and

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in either Louisville, Kentucky, or Evansville, Indiana.

§ 1046.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1046.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1046.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1046.45 the market administrator shall determine for each pool plant the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1046.41(b)(7) (i) through (iv);

(2) Subtract from the total pounds of skim milk in Class I milk (i) the pounds of skim milk received in the form of sour cream in consumer packages and disposed of in the same packages as Class I milk if such sour cream is classified and priced as Class II milk under the Chicago Federal milk order (Order No. 30) and (ii) the pounds of skim milk received in the form of liquid dietary products in consumer packages and disposed of in the same packages as Class I milk to the extent of the amount allowable pursuant to § 1046.41(a)(1) if such products are classified and priced as Class I milk under the Cincinnati Federal milk order (Order No. 33);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) according to its classification determined pursuant to § 1046.44 (a) or (b); and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 1046.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1046.51 Class prices.

Subject to the provisions of §§ 1046.52 and 1046.53 the minimum class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.29, plus or minus a supply-demand adjustment of not more than 50 cents computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price during the period beginning with the effective date of this amendment through May 1962 shall not be less than $4.43:

(1) Calculate the percentage that total receipts of producer milk were of the total Class I milk at all pool plants for each of the following periods (using for those months included in this computation which are prior to the effective date of this order the quantities of receipts and utilization which have been established for such months under the Louisville-Lexington order and the Ohio Valley order):

(i) The 24-month period ending with the third preceding month, and

(ii) The two-month period ending with the second preceding month and the corresponding two-month period of each of the two preceding years:

(2) Determine the simple average of the percentages for the three two-month periods computed pursuant to subparagraph (1)(ii) of this paragraph and divide by the percentage for the 24-month period determined pursuant to subparagraph (1)(i) of this paragraph;

(3) Add to the quotient obtained pursuant to subparagraph (2) of this paragraph the corresponding ratios for each of the 11 months immediately preceeding and divide by 12;

(4) Multiply 144 percent by the result obtained by dividing the ratio computed pursuant to subparagraph (2) of this paragraph by the ratio computed pursuant to subparagraph (3) of this paragraph;

(5) Determine the net deviation percentage by subtracting the percentage determined pursuant to subparagraph (4) of this paragraph from the percentage determined pursuant to subparagraph (1)(ii) of this paragraph for the second and third preceding months; and

(6) If the net deviation percentage computed pursuant to subparagraph (5) of this paragraph is a minus value, add to the Class I price, or if such net deviation percentage is a plus value, subtract from the Class I price an amount which is two-thirds of the total number of cents (rounding any fraction to the nearest tenth of a cent) computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That any such supply-demand adjustment shall not result in a change from the adjustment effective for the preceding month of more than 4 cents:

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the second preceding month.

(b) *Class II milk.* The price for Class II milk for the months of September through March shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the delivery period, and for the months of April through August such price less 10 cents: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential computed pursuant to § 1046.52(b) and rounded to the nearest one-tenth of a cent.

§ 1046.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of milk which is classified as Class I or Class II is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential (computed to the nearest one-tenth of a cent) determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.120.

§ 1046.53 Location differentials to handlers.

For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) at a pool plant located at any point which is 85 miles or more from the City Hall in Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown, or Madisonville, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1046.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:

	Rate per hundredweight (cents)
Distance from City Hall:	
85 miles but less than 95 miles	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1046.46(a)(8) and the comparable steps in § 1046.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1046.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1046.60 Producer-handlers.

Sections 1046.50 through 1046.53, 1046.61, 1046.62, 1046.70, 1046.71, and 1046.80 through 1046.89 shall not apply to a producer-handler.

§ 1046.61 Payments on other source milk by handlers operating pool plants.

(a) Each handler operating a pool plant who received other source milk during the month shall pay to the market administrator on or before the 15th day after the end of the month an amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of this paragraph multiplied by the hundredweight of skim milk and butterfat allocated to Class I pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b):

(1) For the months of January through September, subtract from the Class I price adjusted by the Class I butterfat and location differentials at the nearest plant(s) from which an equivalent amount of other source milk was received the Class II price adjusted by the Class II butterfat differential; and

(2) For the months of October through December, subtract from the Class I price adjusted by the Class I butterfat differential the uniform price computed pursuant to § 1046.71 adjusted by the producer butterfat differential.

(b) Each handler operating a pool plant shall pay to the market administrator on or before the 15th day after the end of the month an amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of paragraph (a) of this section multiplied by the hundredweight of skim milk and butterfat allocated to Class I pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of § 1046.70 and the skim milk and butterfat allocated to Class II pursuant to § 1046.46(a)(5) and the corresponding step of § 1046.46(b) in the preceding month.

§ 1046.62 Obligation of handlers operating a nonpool plant which is a city plant.

Each handler, except a producer-handler, in his capacity as the operator of a nonpool plant which is a city plant shall:

(a) On or before the 8th day after the end of the month make reports to the market administrator with respect to the disposition of Class I milk in the marketing area and such other information on the total receipts and utilization of skim milk and butterfat at each of such plants as the market administrator may require, except that a handler selecting the option provided in paragraph (c) of this section at the time his report is filed shall report in accordance with §§ 1046.30 and 1046.31 as though such plant(s) were a pool plant; and

(b) On or before the 15th day after the end of the month pay to the market administrator, unless such handler elects at the time of reporting pursuant to paragraph (a) of this section the option provided pursuant to paragraph (c) of this section, the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of § 1046.61(a) multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; and

(2) An amount for administrative assessment equal to the rate specified in § 1046.88 with respect to skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; or

(c) On or before the 18th day after the end of the month pay to the market administrator the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1046.70 for such nonpool plant, and for any country plant (meeting the requirements equivalent to § 1046.12 (b) or (c)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), the amounts specified in subdivisions (i) and (ii) of this subparagraph: *Provided*, That in the application of § 1046.44 for the purpose of this subparagraph, milk transferred or diverted from such nonpool plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b): *And provided further*, That in the application of § 1046.46(a)(9) and the corresponding step of § 1046.46(b), receipts of fluid milk products at such nonpool plant from a pool plant(s) shall be allocated to the class in which such products are classified at the pool plant(s) pursuant to § 1046.44 (d) or (e):

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1046.7(a); and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders; and

(2) An amount for administrative assessment equal to the amount which would have been computed pursuant to § 1046.88 if such nonpool plant had been a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid for the month as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms under such other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such plant on routes in the Louisville-Lexington-Evansville marketing area than is disposed of during the month on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under such order pursuant to the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no administrative expense assessment shall be applied under this order.

§ 1046.63 Plants subject to other Federal orders.

Unless determined otherwise by the Secretary, the provisions of this part shall not apply to a milk plant during any month in which the milk at such

plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Louisville-Lexington-Evansville marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 1046.70 Net obligation of each handler.

The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 1046.40 through 1046.46 by the applicable class prices and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1046.46 by the applicable class prices; and

(c) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b), whichever is less.

§ 1046.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed pursuant to § 1046.70 for all handlers who made the reports prescribed in § 1046.30 for the month and who are not in default of payments pursuant to § 1046.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1046.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1046.82;

(d) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year (using prices computed according to the basic formula provisions of this order for any periods prior to the effective date of this order);

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 1046.85(a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 1046.85(b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price.

PAYMENTS

§ 1046.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, an amount computed at not less than the Class II price for 3.5 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 1046.85(b) for the month, subject to the butterfat differential computed pursuant to § 1046.81, and plus or minus adjustments for errors made in previous payments to such producer and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 1046.82, (3) marketing service deductions pursuant to § 1046.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk

received from a cooperative association for which it is a handler pursuant to § 1046.8(c) an amount computed at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 1046.81 Butterfat differentials to producers.

In making payment to producers pursuant to § 1046.80(b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the butterfat content of the milk received from the producer is above or below 3.5 percent, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to §§ 1046.40 through 1046.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth of a cent.

§ 1046.82 Location differentials to producers.

In making payments to producers pursuant to § 1046.80(b) a handler shall deduct from the uniform price, with respect to all milk received from producers, not more than the appropriate zone differential provided in § 1046.53.

§ 1046.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.62, 1046.84 and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 1046.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 1046.85 Payments out of the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each handler for all milk for which payment is to be made to producers pursuant to § 1046.80(b) for such month and to each cooperative association for all producer milk for which such association is receiving payments pursuant to § 1046.80(c) for such month at the following rate per hundredweight: For the months of September through November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 1046.71(d) during the immediately preceding period of April through July, and for the month of December, divide the balance remaining in such fund by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 1046.86 Adjustment of accounts.

(a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 1046.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 1046.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1046.61, 1046.62, 1046.80, 1046.84, 1046.85, 1046.86 (a), 1046.87, or 1046.88 shall be increased one-half of one percent on the first of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1046.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1046.80(b), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 1046.88 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(c), shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and (c) other source milk allocated to Class I milk pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b). A handler operating a city plant which is a nonpool plant shall pay administrative assessments in accordance with § 1046.62.

§ 1046.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1046.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1046.101 Separability of provisions.

If any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1962.

Signed at Washington, D.C., on February 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-2124; Filed, Mar. 2, 1962; 8:49 a.m.]

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1046.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1046.91.

§ 1046.91 Suspension or termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1046.92 Continuing power and duty.

(a) If upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1046.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, except §§ 1046.34, 1046.89, and 1046.91 through 1046.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control.

[Milk Order No. 108]

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing records.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the quantities of butterfat and skim milk specified in § 1108.86.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decisions of the Assistant Secretary were issued October 17, 1961, and February 7, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 27, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1108.4 and substitute the following:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area," hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark, Conway, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

§ 1108.8 [Amendment]

2. In § 1108.8 after the words "producer milk" insert a comma and "milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c),".

3. Delete § 1108.9 and substitute the following:

§ 1108.9 Supply plant.

"Supply plant" means:

(a) An approved plant from which fluid milk products in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

(b) An approved plant which is operated by a cooperative association having member producers which delivers 50 percent or more of its member milk to the pool plants of other handlers and from which fluid milk products in an amount not less than 25 percent of its receipts of producer milk during the month at such plant are shipped during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months October through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September.

§ 1108.12 [Amendment]

4. In § 1108.12 add paragraph (c) as follows:

(c) Any cooperative association with respect to the milk of its producer members which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing, that it will be the handler for such milk for the month, such cooperative handler status to be effective the first day of the month following receipt by the market administrator of such notice and to continue until the first day of the month following receipt of a request to discontinue such cooperative handler status. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating the plant.

5. Delete § 1108.14 and substitute the following:

§ 1108.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk, producer milk or milk received from a cooperative association as a handler pursuant to § 1108.12(c).

6. Delete § 1108.15 and substitute the following:

§ 1108.15 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's

account in milk (in an amount determined by weights and measurements for individual producer's deliveries, as taken at the farm in the case of milk moved from the farm in a bulk tank truck) which is received pursuant to paragraphs (a) and (b) of this section and diverted pursuant to § 1108.6 as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 1108.12(c)) or diverted by the pool plant operator pursuant to § 1108.6.

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) or diverted for its account pursuant to § 1108.6.

§ 1108.17 [Amendment]

7. In § 1108.17 insert after the words "producer milk" the words "and milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c)."

§ 1108.30 [Amendment]

8. In § 1108.30(a) delete subparagraph (2) and substitute the following:

(2) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c).

§ 1108.31 [Amendment]

9. In § 1108.31(b)(2) delete "for each of his pool plants" and substitute "for each pool plant".

10. Delete § 1108.41 and substitute the following:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products; except

(i) Fluid milk products classified pursuant to subparagraph (b)(3) of this section, and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk and used for livestock feed;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section; and

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph.

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b)(2).

§ 1108.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1108.41(b)(5) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

11. Renumber § 1108.42 as § 1108.43.

12. Delete § 1108.43 which precedes § 1108.43(d) and substitute the following:

§ 1108.44 Transfers.

Skim milk or butterfat transferred (including milk diverted to nonpool plants) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) shall be classified:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 1108.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the computation pursuant to § 1108.46(a)(5) and the corresponding step of § 1108.46(b): *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1108.12(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1108.46(a)(6) and the corresponding step of § 1108.46(b).

(b) As Class I milk if transferred to the plant of a producer-handler; and

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant unless:

(1) No fluid milk products are distributed on routes from the plant;

(2) It is located less than 250 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from the plant from which transferred or diverted;

(3) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1108.30 for the month within which such transaction occurred;

(4) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(5) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk.

13. Redesignate § 1108.43(d) as § 1108.44(d).

14. Renumber § 1108.44 as § 1108.45 and § 1108.45 as § 1108.46.

§ 1108.46 [Amendment]

15. Delete subparagraphs (4), (5), (6), and (7) of renumbered § 1108.46 and substitute the following:

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a)(1) and (2);

(7) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a)(3); and

(8) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

16. Delete §§ 1108.50 and 1108.51 and substitute the following:

§ 1108.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1108.51 Class prices.

Subject to the provisions of §§ 1108.52 and 1108.53, the class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* During the period from the effective date of this order until March 1, 1963, the Class I milk price shall be the basic formula price for the preceding month plus $1.74.

(b) *Class II milk price.* The Class II milk price shall be the average preliminary price reported by the Department of Agriculture for the current month for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 3.5 percent butterfat basis by using the differential established pursuant to § 1108.52(b).

§§ 1108.53, 1108.74 [Amendment]

17. In § 1108.53 and § 1108.74 delete the words "city limits of Benton, Arkansas" and substitute therefor "City Hall at Benton, Arkansas, or the State Capitol at Little Rock, Arkansas, whichever is nearer", and change "such city limits" to "the respective City Hall or State Capitol".

§ 1108.61 [Amendment]

18. Delete § 1108.61(c).

19. Add § 1108.55 as follows:

§ 1108.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner prescribed, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1108.27 [Amendment]

20. In § 1108.27(k)(1) change "5th" to "6th".

§ 1108.80 [Amendment]

21. In § 1108.80 add paragraph (d) as follows:

(d) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c), not less than the value of such milk at applicable class prices.

22. Delete § 1108.86 and substitute the following:

§ 1108.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe on the quantities designated as follows:

(a) A cooperative association as a handler pursuant to § 1108.12(c), on producer milk except that transferred to another handler operating a pool plant.

(b) A handler operating a pool plant, on producer milk plus milk received from a cooperative association as a handler pursuant to § 1108.12(c) and on other source milk allocated to Class I pursuant to § 1108.46(a)(2) and (b).

(c) A handler operating a nonpool plant at which milk is not classified and priced under provisions of another Federal milk order, on Class I milk disposed of in the marketing area except milk disposed of to a pool plant.

23. Make the following conforming changes in order language:

§ 1108.40 [Amendment]

In § 1108.40 delete the words "§§ 1108.41 through 1108.45" and substitute therefor "§§ 1108.41 through 1108.46".

§ 1108.60 [Amendment]

In § 1108.60 delete the words "§§ 1108.40 through 1108.45" and substitute therefor "§§ 1108.40 through 1108.46".

§§ 1108.53, 1108.70 [Amendment]

In § 1108.53, § 1108.70(a) and § 1108.70(b) delete the reference "§ 1108.45" and substitute therefor "§ 1108.46".

In § 1108.70(c) delete the reference "§ 1108.45(a)(7)" and substitute therefor "§ 1108.46(a)(8)".

In § 1108.70(d) delete the references "§ 1108.45(a)(5)" and "§ 1108.45(a)(4)" and substitute therefor "§ 1108.46(a)(4)".

§§ 1108.52, 1108.71, 1108.72, 1108.73 [Amendment]

24. In §§ 1108.52, 1108.71, 1108.72 and 1108.73 change "4.0 percent" to "3.5 percent".

Effective date: March 1, 1962.

Signed at Washington, D.C., on March 1, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2181; Filed, Mar. 2, 1962; 8:56 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all counties in the State of South Dakota lying west thereof;

(3) The following counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Kansas: Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Commanche, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Tennessee and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) The following counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservior directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add specified counties in the State of South Dakota to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these specified counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will not apply to these counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of February 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-2151; Filed, Mar. 2, 1962; 8:55 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8377 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Comptone Co., Ltd., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation;* § 13.1295 *Quality or grade.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1527; 15 U.S.C. 45, 13) [Cease and desist order, Comptone Co., Ltd., et al., New York, N.Y., Docket 8377, Oct. 24, 1961]

In the Matter of Comptone Company, Ltd., a Corporation, and Manuel R. Nadel and George Jacques, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers and distributors of sunglasses to cease violating section 5 of the Federal Trade Commission Act by advertising falsely in sales brochures, counter display cards, and other promotional material supplied to jobbers and retailers, that their lenses were "formed to 6 base convex shape", "Precision made to high optical standards", and "Guaranteed Safe Lenses"; and by failing to disclose clearly when lenses manufactured in Japan were contained in their sunglasses; and to cease violating section 2(d) of the Clayton Act by paying certain of their customers, but not the latter's competitors, for services or facilities, such as an allowance of $5,000 for advertising furnished by United Whelan Corp.

The order to cease and desist is as follows:

It is ordered, That respondents Comptone Company, Ltd., a corporation, and its officers, and Manuel R. Nadel and George Jacques, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their lenses have a given diopter curve unless such is the fact, provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus one-sixteenth diopter in any meridian and a difference in power between any two meridians not to exceed one-sixteenth diopter and a prismatic effect not to exceed one-eighth diopter shall be allowed;

2. Representing, directly or by implication, that any product sold by respondents is precision made or made to meet high optical standards or is otherwise manufactured in such a way as to have particular qualities which would be recognized or considered desirable in optical instruments by opticians or optometrists, except when such is a fact;

3. Representing, directly or by implication, that any product sold by respondents is guaranteed unless the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly and conspicuously set forth;

4. Offering for sale or selling any product the whole or any substantial part of which was made in Japan, or any other foreign country, without clearly and conspicuously disclosing on such product or on sales or display cards in immediate connection therewith and if such product is enclosed in a package or container, on the package or container in such a manner that it will not be hidden or readily obliterated, the country of origin of the product or part thereof.

5. Placing in the hands of others the means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning the merchandise in the respects set out in paragraph 4 above.

It is further ordered, That respondent Comptone Company, Ltd., a corporation, and its officers, and Manuel R. Nadel and George Jacques, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses or any other product, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from paying, or contracting to pay to or for the benefit of any customer, an advertising allowance, display allowance or anything of value as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of respondents' products unless such payment or consideration is offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2108; Filed, Mar. 2, 1962; 8:45 a.m.]

[Docket 8371 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

T. W. Holt & Company, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, T. W. Holt Co., Inc., Jacksonville, Fla., Docket 8371, Oct. 24, 1961]

Consent order requiring the distributor of "Flaga" dried peas and beans, and rice, in Jacksonville, Fla., to cease violating section 2(d) of the Clayton Act by paying promotional allowances to some customers but not to all their competitors on proportionally equal terms, such as a preferential payment of $250 made to Winn-Dixie Stores, Inc., a retail grocery chain with headquarters in Jacksonville.

The order to cease and desist is as follows:

It is ordered, That Respondent T. W. Holt & Company, Inc., its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of grocery products, including dried peas and beans, and rice, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale, or distribution of any Respondent's products sold or offered for sale by such Respondent unless such payment or consideration is available on proportionally equal terms to all of its other customers competing in the distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondent T. W. Holt & Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2109; Filed, Mar. 2, 1962; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-6737]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Transmission or Maintenance of Payments Received in Connection With Underwritings

On December 20, 1961 in Release 34-6689, and in the FEDERAL REGISTER of December 29, 1961 (26 F.R. 12714), the Commission published its proposal to adopt Rule 15c2-4 (§ 240.15c2-4) under the Securities Exchange Act of 1934. The Commission has carefully considered the comments and suggestions made on the proposal and has adopted the rule in the form stated below. The rule, which becomes effective March 30, 1962, makes it "a fraudulent, deceptive or manipulative act or practice", as used in section 15(c)(2) of the Act, for any broker or dealer participating in any distribution, other than a firm commitment underwriting, to accept any part of the sale price of any security being distributed unless (1) it is promptly transmitted to the persons entitled thereto, or (2) if the distribution is being made on an "all or none" basis, or on any other contingent basis, the money is put into a trust or agency account, or delivered to an escrow bank, until the event or contingency has occurred, and it is then promptly transmitted or returned to the persons entitled thereto.

There have been instances where underwriters and other broker-dealers participating in distributions have sold securities, collected the amount due, and then failed to remit it to the issuer or other person entitled thereto. In some of these situations insolvency of the broker-dealer made it possible for the issuer to receive the proceeds of the sale. Sometimes the issuer on whose behalf a distribution is being made is a comparatively new company, is making the public offering to raise the capital necessary to begin or expand its activities, and the failure to receive it will substantially impair its ability to continue in business or to conduct necessary operations. In some cases the "sale" becomes final only if all the securities are sold within a specified period of time; and the arrangement contemplates that the payments made by customers will be returned to them if the distribution is not completed in the required time. The failure of the underwriter or a participating broker-dealer to transmit the funds, or to maintain them so that they will be insulated from and not be jeopardized by his unlawful activities or financial reverses, could involve a fraud either upon the person on whose behalf the distribution is being made or upon the customer to whom the payment is to be returned if the distribution is not completed.

Section 15(c)(2) of the Act makes it unlawful for a broker or dealer to effect or induce a transaction in a nonexempt security otherwise than on a national securities exchange in connection with which he engages in any fraudulent, deceptive or manipulative act or practice; and it provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent such acts and practices. Section 240.15c2-4 is designed to prevent this by requiring that the payment received by the underwriter and any other broker-dealer participating in a distribution other than a firm-commitment underwriting be promptly transmitted or, in the event that it is not to be transmitted until some further event occurs (e.g. all the securities have been sold), that the funds be properly segregated in a separate trust or agency account, or be deposited with an escrow, until the contingency occurs, so that thereafter it can be properly transmitted or returned to the persons entitled to it.

Statutory basis. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, particularly sections 23(a) and 15(c)(2) thereof, and deeming such action necessary and reasonably designed to prevent fraudulent, deceptive or manipulative acts or practices, and necessary for the execution of its functions under the Act, hereby adopts § 240.15c2-4, as stated below, effective March 30, 1962:

§ 240.15c2-4 Transmission or maintenance of payments received in connection with underwritings.

It shall constitute a "fraudulent, deceptive or manipulative act or practice" as used in section 15(c)(2) of the Act, for any broker or dealer participating in any distribution of securities, other than a firm-commitment underwriting, to accept any part of the sale price of any security being distributed unless:

(a) The money or other consideration received is promptly transmitted to the persons entitled thereto; or

(b) If the distribution is being made on an "all-or-none" basis, or on any other basis which contemplates that pay-

ment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs, (1) the money or other consideration received is promptly deposited in a separate bank account, as agent or trustee for the persons who have the beneficial interests therein, until the appropriate event or contingency has occurred, and then the funds are promptly transmitted or returned to the persons entitled thereto, or (2) all such funds are promptly transmitted to a bank which has agreed in writing to hold all such funds in escrow for the persons who have the beneficial interests therein and to transmit or return such funds directly to the persons entitled thereto when the appropriate event or contingency has occurred.

(Secs. 15(c)(2) and 23(a), 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 21, 1962.

[F.R. Doc. 62-2120; Filed, Mar. 2, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terpene Polychlorinates; Tolerance for Residues

Comment received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of January 6, 1962 (27 F.R. 182), with reference to increasing the tolerance for terpene polychlorinates on cottonseed from 3 parts per million to 5 parts per million having been considered, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That § 120.164 (21 CFR 120.164; 26 F.R. 8172) be amended to read as follows:

§ 120.164 Tolerance for terpene polychlorinates.

A tolerance of 5 parts per million is established for residues of terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine in or on cottonseed.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a (c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408 (c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a (c), (e))

Dated: February 27, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2143; Filed, Mar. 2, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE; SODIUM NITRITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Morton Salt Company, 110 North Wacker Drive, Chicago 6, Illinois, and other relevant material, has concluded that the following amendments of the regulations should issue with respect to the food additives sodium nitrate and sodium nitrite to be used in meat-curing preparations as preservatives and color fixatives in home-cured meat and meat products, including poultry and wild game.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered:

1. Section 121.1063 (26 F.R. 8973, 9132) is amended to read as follows:

§ 121.1063 Sodium nitrate.

The food additive sodium nitrate may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

(1) As a preservative and color fixative, with or without sodium nitrite, in smoked cured salmon so that the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) and the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) in the finished product.

(2) As a preservative and color fixative, with or without sodium nitrite, in smoked cured tuna fish products so that the level of sodium nitrite does not exceed 10 parts per million (0.001 percent) in the finished product.

(2) As a preservative and color fixative, with or without sodium nitrate, in smoked cured salmon, so that the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) and the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) in the finished product.

(3) As a preservative and color fixative, with sodium nitrate, in meat-curing preparations for the home curing of meat and meat products (including poultry and wild game), with directions for use which limit the amount of sodium nitrite to not more than 200 parts per million (0.02 percent) in the finished meat product, and the amount of sodium nitrate to not more than 500 parts per million (0.05 percent) in the finished meat product.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive or of a mixture containing the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) The label or labeling of the additive or of a mixture containing the additive shall bear adequate directions for the intended use to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

(3) The label of the meat-curing preparations of the additive for household use shall bear the statement, "Keep out of the reach of children."

2. Section 121.1064 (26 F.R. 8973) is amended to read as follows:

§ 121.1064 Sodium nitrite.

The food additive sodium nitrite may be safely used in or on specified foods in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

(1) As a preservative and color fixative, with or without sodium nitrite, in meat-curing preparations for the home curing of meat and meat products (including poultry and wild game), with directions for use which limit the amount of sodium nitrate to not more than 500 parts per million (0.05 percent) in the finished meat product and the amount of sodium nitrite to not more than 200 parts per million (0.02 percent) in the finished meat product.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive or of a mixture containing the additive shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any mixture.

(2) The label or labeling of the additive or of a mixture containing the additive shall bear adequate directions for the intended use to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

(3) The label of the meat-curing preparations of the additive for household use shall bear the statement, "Keep out of the reach of children."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 27, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2141; Filed, Mar. 2, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

STYRENE COPOLYMER COATINGS

Correction

In F.R. Doc. 62-1972, appearing at page 1887 of the issue for Wednesday, February 28, 1962, the following corrections are made in § 121.2532:

1. In paragraph (b), the word "polymarized" should read "polymerized".

2. In the tabular material under paragraph (c), the entry for "Sodium * * *" in the list of substances should read as follows: "Sodium, potassium, calcium, and magnesium soaps of fat-forming fatty acids.".

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Viscous Nitrocellulose-Base Adhesive; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt, in part, from the labeling requirements of the act a viscous nitrocellulose-base adhesive. Among other ingredients this product contains more than 4 percent methyl alcohol by weight. Under § 191.7(b)(2) of the regulations, special labeling is required, based on the special hazards of methyl alcohol. One such required statement "Cannot be made nonpoisonous," is based on a history of use of methyl alcohol products as a beverage.

From a study of data supplied by the petitioner and developed by independent investigations, the Commissioner has concluded that no reasonably foreseeable use of this viscous nitrocellulose-base adhesive product as a beverage exists, and that full compliance with § 191.7(b)(2) of the regulations is not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare, delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (j) reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(j) Viscous nitrocellulose-base adhesives containing more than 4 percent methyl alcohol by weight are exempted from the label statement "Cannot be made nonpoisonous" required by § 191.7(b)(2): *Provided*, That:

(1) The total amount of methyl alcohol, by weight, in the product does not exceed 15 percent; and

(2) The contents of any container does not exceed 2 fluid ounces.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: February 28, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2142; Filed, Mar. 2, 1962; 8:53 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Payment

There was published in the FEDERAL REGISTER on January 5, 1962 (27 F.R. 107), a notice to amend § 221.8 of the Code of Federal Regulations, Title 25, Indians. The purpose of the amendment is to permit the payment of 50 percent of the annual irrigation operation and maintenance assessment on February 1 and the remaining 50 percent on or before July 1 of each year.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The introductory paragraph of § 221.8 is amended to read as follows:

§ 221.8 Payment.

One-half the basic water charge fixed in § 221.6 shall become due and payable on February 1 of each year, which entitles the water user to not more than one-half of the total basic water allotment prior to July 1, on which date the second half of the basic water charge shall be paid. Water delivery will not be continued for any tract after July 1 of any year unless and until the remaining half of the basic water charge shall have been paid. To all charges assessed against Indian lands under lease which are not paid on or before July 1 of each year there shall be added a penalty of one-half of one percent per month or fraction thereof from February 1 until paid. Water will not be delivered to any tract of land in succeeding years until full payment of the previous years' operation and maintenance assessments, inclusive of penalties, has been made, or unless arrangements have been made under paragraph (a), (b), or (c) of this section.

STEWART L. UDALL, *Secretary of the Interior.*

FEBRUARY 26, 1962.

[F.R. Doc. 62-2110; Filed, Mar. 2, 1962; 8:46 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its statements of procedure and to its rules and regulations, series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective March 5, 1962.

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

National Labor Relations Board statements of procedure and rules and regulations, series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

The amendments below shall be effective March 5, 1962.

Dated, Washington, D.C., February 28, 1962.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases

Section 101.16 is amended to read as follows:

§ 101.16 Back-pay proceedings.

(a) After a Board order directing the payment of back pay has been issued or after enforcement of such order by a court decree, if informal efforts to dispose of the matter prove unsuccessful, the regional director is then authorized at his discretion to issue a "back-pay specification" in the name of the Board and a notice of hearing before a trial examiner, both of which are served on the parties involved. The specification sets forth computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within 15 days of the receipt of the specification, setting forth a particularized statement of its defense.

(b) In the alternative and at his discretion, the regional director, under the circumstances specified above, may issue and serve upon the parties a notice of hearing only, without a specification. Such notice contains, in addition to the time and place of hearing before a trial examiner, a brief statement of the matters in controversy.

(c) The procedure before the trial examiner or the Board, whether initiated by the "back-pay specification" or by notice of hearing without a back-pay specification, is substantially the same as that described in §§ 101.10 to 101.14.

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices

Sections 102.52 through 102.59 are amended to read as follows:

§ 102.52 Initiation of proceedings; issuance of back-pay specification; issuance of notice of hearing without back-pay specification.

After the entry of a Board order directing the payment of back pay or the entry of a court decree enforcing such a Board order, if it appears to the regional director that a controversy exists between the Board and a respondent concerning the amount of back pay due which cannot be resolved without a formal proceeding, the regional director may issue and serve upon all parties a back-pay specification in the name of the Board. The specification shall contain or be accompanied by a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 15 days after the service of the specification. In the alternative and at his discretion, the regional director, may under the circumstances specified above, issue and serve upon the parties a notice of hearing only, without the back-pay specification, the hearing to be held before a trial examiner, at a place therein fixed and at a time not less than 15 days after the service of the notice of hearing.

§ 102.53 Contents of back-pay specification and of notice of hearing without specification.

(a) *Contents of back-pay specification.* Where the specification procedure is used, the specification shall specifically and in detail show, for each employee, the back-pay periods broken down by calendar quarters, and specific figures and basis of computation as to gross back pay and interim earnings, the expenses for each quarter, the net back pay due, and any other pertinent information.

(b) *Contents of notice of hearing without specification.* The notice of hearing without specification shall contain, in addition to the time and place of hearing before a trial examiner, a brief statement of the matters in controversy.

§ 102.54 Answer to specification; no requirement for answer to notice of hearing issued without back-pay specification.

(a) *Filing and service of answer to specification.* The respondent shall, within 15 days from the service of the specification, if any, file an answer thereto; an original and four copies shall be filed with the regional director issuing the specification, and a copy thereof shall immediately be served on any other respondent jointly liable.

(b) *Contents of the answer to specification.* The answer to the specification shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post office address of the respondent. The respondent shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations of the specification denied. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of gross back pay, a general denial shall not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, he shall specifically state the basis for his disagreement, setting forth in detail his position as to the applicable premises and furnishing the appropriate supporting figures.

(c) *Effect of failure to answer or to plead specifically and in detail to the specification.* If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without notice to the respondent, find the specification to be true and enter such order as may be appropriate. If the respondent files an answer to the specification but fails to deny any allegation of the specification in the manner required by paragraph (b) of this section, and the failure so to deny is not adequately explained, such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence controverting said allegation.

(d) *Answer to the notice of hearing issued without back-pay specification.* No answer need be filed by respondent to notice of hearing issued without a specification.

§ 102.55 Extension of time for filing answer to specification.

Upon his motion or upon proper cause shown by any respondent, the regional director issuing the specification may by written order extend the time within which the answer to the specification shall be filed.

§ 102.56 Extension of date of hearing.

Upon his own motion or upon proper cause shown, the regional director issuing the specification or notice of hearing without specification may extend the date of hearing.

§ 102.57 Amendment to back-pay specification.

After the issuance of the notice of hearing, but prior to the opening thereof, the regional director may amend the back-pay specification and the respondent affected thereby may amend his answer thereto. After the opening of the hearing, the specification and the answer thereto may be amended upon leave of the trial examiner or of the Board, as the case may be, good cause therefor appearing.

§ 102.58 Withdrawal.

Any such specification or notice of hearing without specification may be withdrawn before the hearing by the regional director on his own motion.

§ 102.59 Hearing; posthearing procedure.

After the issuance of a notice of hearing with or without back-pay specification, the procedures provided in §§ 102.24 to 102.51, shall be followed insofar as applicable.

(Sec. 6, 49 Stat. 457, as amended; 29 U.S.C. 156)

[F.R. Doc. 62-2155; Filed, Mar. 2, 1962; 8:56 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Lumber and Building Materials Trade

Notice of a proposal to amend 29 CFR Part 779 in order to add new provisions relating to the interpretation of the retail or service establishment and related exemptions of the Fair Labor Standards Act of 1938 to the lumber and building materials trade was published in the FEDERAL REGISTER on July 25, 1961 (26 F.R. 6626).

Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposal. After considering carefully all relevant matter that was submitted and making some changes upon the basis of such matter, Part 779 of Title 29, Code of Federal Regulations, as recently revised (26 F.R. 8333–8370), is hereby amended by the addition of a new undesignated centerhead following § 779.354 and new sections designated §§ 779.354a, 779.354b, and 779.354c which are set forth below.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

As added, the new undesignated centerhead and §§ 779.354a, 779.354b, and 779.354c read as follows:

LUMBER AND BUILDING MATERIALS DEALERS

§ 779.354a Who may qualify as exempt 13(a)(2) or 13(a)(4) establishment.

(a) *Section 13(a)(2).* An establishment engaged in selling lumber and building materials may qualify as an exempt retail or service establishment under section 13(a)(2) of the Act if it meets all the requirements of that exemption. It must appear that:

(1) The establishment is not in an enterprise described in section 3(s) of the Act or, if it is, its annual dollar volume of sales (exclusive of excise taxes at the retail level which are separately stated) is less than $250,000; and

(2) More than 50 percent of the establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located; and

(3) 75 percent or more of the establishment's annual dollar volume of sales of goods or services (or of both) is made from sales which are not for resale and are recognized as retail sales of goods or services in the industry.

These requirements are further explained in §§ 779.301–779.345.

(b) *Section 13(a)(4).* An establishment which makes or processes lumber and building materials which it sells may qualify as an exempt establishment under section 13(a)(4) of the Act if it meets all the requirements (see Arnold v. Kanowsky, 361 U.S. 388) of that exemption. It must appear that:

(1) The establishment qualifies as an exempt retail establishment under section 13(a)(2) (see paragraph (a) of this section and § 779.351); and

(2) The establishment is recognized as a retail establishment in the industry (see § 779.348 and paragraph (c) of this section); and

(3) The goods which such establishment makes or processes for sale are made or processed at the retail establishment which sells them (see § 779.349); and

(4) More than 85 percent of the annual dollar volume derived by the retail establishment from sales of goods so made or processed therein is made within the State in which the establishment is located (see §§ 779.350, 779.338–779.340).

(c) *Establishments recognized as retail in the industry.* An establishment which meets the requirements for exemption under section 13(a)(4) which are stated in subparagraphs (1), (3), and (4) of paragraph (b) of this section is recognized as a retail establishment in the industry within the meaning of subparagraph (2) of paragraph (b) of this section if its annual dollar volume of sales of goods made or processed at the establishment does not exceed 50 percent of the annual dollar volume which it derives from sales that are recognized as retail and are not made for resale.

(d) *Establishments lacking a "retail concept."* The exemptions provided by sections 13(a)(2) and 13(a)(4) of the Act do not apply to establishments in an industry in which there is no traditional concept of retail selling or servicing (see § 779.316), such as the establishment of a building contractor (see § 779.317; Goldberg v. Dakota Flooring Co., 15 WH Cases 305), or a factory (see § 779.348).

§ 779.354b Classification of lumber and building materials sales.

In determining, for purposes of the section 13(a)(2) and 13(a)(4) exemptions, whether 75 percent of the annual dollar volume of the establishment's sales are sales which are not for resale and are recognized as retail in the industry, such sales will be considered to include all sales of lumber and building materials by the establishment except the transactions noted in paragraph (a) of this section, which do not meet the statutory tests:

(a) *Transactions not recognized as retail sales.* (See §§ 779.314–779.328.) Dollar volume derived from the following is not made from sales or services which are recognized as retail in the industry:

(1) Contracts to build, maintain, or repair buildings or other structures, or sales of services involving performance of typical construction activity or any other work recognized as an activity of a contracting business rather than a function of a retail merchant;

(2) Sales of lumber and building materials in which the seller agrees to install them for the purchaser, where the installation is not limited to services that are merely incidental to the sale and delivery of such materials but includes a substantial amount of activity such as construction work which is not recognized as retail (for example, sale and installation of roofing, siding, or insulation). A sale of such materials which would otherwise be recognized as retail may be so recognized notwithstanding the installation agreement, however, to the extent that the sales value of the materials is segregated and separately identified in the transaction;

(3) Sales in direct carload shipments; that is, where the materials are shipped direct in carload lots from the dealer's supplier to the dealer's customer;

(4) Sales of specialized goods (some examples are logs, ties, pulpwood, telephone poles, and pilings). Such specialized items are of the type which the general consuming public does not ordinarily have occasion to use (cf. § 779.318 and Mitchell v. Raines, 238 F. 2d 186), and the sales of such items are not recognized as retail in the industry;

(5) Sales made pursuant to formal bid procedures, such as those utilized by the Federal, State, and local governments and their agencies, involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications.

(b) *Sales for resale.* See §§ 779.329–779.335.) Examples of sales which cannot be counted toward the required 75 percent because they are for resale include:

(1) Sales of lumber and building materials sold to other dealers for resale in the same form;

(2) Sales to industrial concerns for resale in an altered form or as a part or ingredient of other goods;

(3) Sales to contractors or builders for use in the construction, repair, or maintenance of commercial or industrial structures or any other structures not specifically included in section 3(n) of the Act (Sucrs. de Mayal v. Mitchell, 280 F. 2d 477, certiorari denied 364 U.S. 902; and see Arnold v. Kanowsky, 361 U.S. 388, 394, footnote 10, and §§ 779.334–779.335);

(4) Transfers of goods by an employer, who is a dealer in lumber and building materials and who also acts in the capacity of a building contractor or speculative builder, from or through his building materials establishment to his building business for the construction, maintenance, or repair of commercial property or any other property not excepted in section 3(n) of the Act. (See § 779.335.)

§ 779.354c Application of exemptions to employees.

(a) *Employees who may be exempt under sections 13(a)(2) and 13(a)(4).* These exemptions apply on an establishment basis (see §§ 779.302–779.306). Accordingly, where an establishment of a dealer in lumber and building materials qualifies as an exempt retail or service establishment under section 13(a)(2) or as an exempt establishment under section 13(a)(4), as explained in § 779.354a, the exemption from the minimum wage and overtime pay requirements of the Act provided by such section will apply,

subject to the limitations hereafter noted in this section, to all employees who are employed "by" such establishment (see §§ 779.307–779.311) in activities within the scope of its business (§ 779.308) and who are not employed by the employer in performing central office or warehouse work of an organization operating several such establishments (§ 779.310; McComb v. W. E. Wright Co., 168 F. 2d 40, cert. denied 335 U.S. 854). Neither exemption extends to employees employed in performing the work of a nonexempt establishment (§ 779.311) or such activities as construction work. Employees employed in making and processing of lumber and building materials for sale do not come within the section 13(a)(2) exemption; they are exempt only if employed by an establishment which qualifies as an exempt establishment under section 13(a)(4) as explained in § 779.354a and if their work in the making or processing of such materials is done at such establishment. How duties relating to the processing or manufacturing of such materials affect the application of these exemptions is discussed in further detail in paragraphs (b) and (c) of this section.

(b) *Processing and manufacturing activities.* The performance, in an establishment which sells lumber and building materials at retail, of activities such as cutting lumber to a smaller size or dressing lumber in accordance with a customer's request or assembling window and door frames received in "knocked-down" condition, constitutes processing incidental to the sales of such materials. Such activities are not considered manufacturing and will not affect the applicability of the section 13(a)(2) exemption to the establishment or to the employees who perform them. However, whenever lumber is cut or dressed for sale, or fabricated products are manufactured for sale (for example, windows, door frames, benches, pig troughs, pallets, molding, sashes, cabinets, boxes), there is no exemption under section 13(a)(2). Employees performing such manufacturing activities at the establishment are exempt only if all the tests set forth in section 13(a)(4) are met (see paragraphs (b), (c), and (d) of § 779.354a). Employees engaged in such activities at a manufacturing plant, central yard, or other place not qualifying as an exempt establishment under sections 13(a)(2) and 13(a)(4) are not exempt.

(c) *Employees serving exempt and nonexempt operations.* In lumber and building materials establishments which qualify for exemption under section 13(a)(2) but engage in some activities in which their employees are not exempt, such as construction or the making or processing of materials for sale where no exemption under section 13(a)(4) is applicable, there may be auxiliary employees of the establishment whose duties relate to both the exempt sales portion of the business and the nonexempt operations. For example, office workers may keep records of both the retail sales and construction or manufacturing activities; custodial workers may clean the entire premises, including portions devoted to nonexempt manufacturing; and warehousemen, messengers, and stock clerks may handle material for all departments, including material used in the nonexempt operations. These employees do not qualify for the exemption except when they are primarily engaged in the sales portion of the business and only incidentally perform clerical, custodial, or messenger service for the other operations. As an enforcement policy, such an employee will not be considered to be engaged in nonexempt activities which render him ineligible for exemption under section 13(a)(2) if, in the particular workweek, an insubstantial amount of his time (20 percent or less) is allocable to the clerical, custodial, or messenger services performed by him which relate to such nonexempt operations of the employer.

(Secs. 1–19, 52 Stat. 1060, as amended; 29 U.S.C. 201–219)

Signed at Washington, D.C., this 23d day of February 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62–2113; Filed, Mar. 2, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1001—GENERAL PROVISIONS

Subpart J—Publicizing Procurement Actions

Subpart J is revised to read as follows:

Sec.
1001.1001 General policy.
1001.1002 Availability of invitations for bids and requests for proposals.
1001.1002–50 Active reference files.
1001.1002–51 Distribution of invitations for bid and requests for proposals.
1001.1003 Synopses of proposed procurements.
1001.1003–1 General.
1001.1003–2 Research and development.
1001.1003–3 Synopses of subcontract opportunities.
1001.1003–4 Responsibility of small business specialists.
1001.1003–5 Publication of procurements of less than $10,000.
1001.1003–6 Pre-invitation notices.
1001.1003–7 Availability of specifications, plans, and drawings.
1001.1003–8 Time of publicizing.
1001.1003–9 Preparation and transmittal.
1001.1004 Synopsis of contract awards.
1001.1004–1 Preparation and transmittal.
1001.1005 Paid advertisements in newspapers and trade journals.
1001.1005–1 Scope.
1001.1005–2 Definition.
1001.1005–3 General.
1001.1005–4 Limitation.
1001.1005–5 Authority and delegation.
1001.1005–6 Requests for authority to place advertisement.
1001.1005–7 Preparation of advertisement.
1001.1005–8 Insertions.
1001.1005–9 Rates.
1001.1005–10 Proof of publication.
1001.1005–11 Forms.
1001.1005–12 Payment.
1001.1006 Publicizing award information.
1001.1006–1 Awards after formal advertising.
1001.1006–2 Awards after procurement by negotiation.
1001.1006–50 General information.

AUTHORITY: §§ 1001.1001 to 1001.1006–50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1001 General policy.

See § 1.1001 of this title.

§ 1001.1002 Availability of invitations for bids and requests for proposals.

The number of copies of each IFB and RFP to be maintained by the purchasing office will be consistent with the scope of the procurement involved. Once this supply has been exhausted, requesters will be advised of the nearest location where a copy of such IFB or RFP is available for examination. In addition, in the case of IFBs, requesters will be advised that letter bids are acceptable according to § 2.301 of this title.

§ 1001.1002–50 Active reference files.

(a) All AF activities which maintain bid rooms, including Contractor Relations Office (LMMA–1), AMCASC, will maintain files of IFBs and RFPs including data and specifications, for 60 days, for examination only by prospective bidders. APDs will retain IFB and RFP files for 60 days after the opening date for use by FCR team members.

(b) If the prospective bidder indicates a desire to bid, the AF procurement activity will immediately advise him to contact the issuing office for a complete set of RFP or IFB and any amendments or additions thereto. This procedure will be followed whether or not the prospective bidder contemplates submitting a letter bid as provided in § 2.301 of this title.

§ 1001.1002–51 Distribution of invitations for bid and requests for proposals.

(a) AMC central procurement activities and base procurement activities will effect distribution of unclassified IFBs and RFPs as follows, in addition to persons or firms on the appropriate bidders' mailing list (selected according to § 1002.205 of this chapter). Copies of IFBs will be supplied to additional sources upon submission of AFPI Form 2B, "Request for Bid Set."

(1) Each APD:

(i) Copies: Two copies of the IFB or RFP and two sets of data, or one copy of letter proposal and one set of data except when "pre-invitation notices" are used (see § 2.205–4(c) of this title and § 1002.205–4(c) of this chapter) and then only one copy of the IFB or RFP and one set of data will be furnished. Preinvitation notices will be mailed to APDs simultaneously with those sent to firms listed on the "bidders' mailing list.

(ii) Applicability: All AMC central procurement IFBs and RFPs which have been synopsized.

(iii) Base procurement activties will furnish one complete set of IFBs and RFPs, which have been synopsized, together with data or specifications to the APD or air procurement office located in the local trading area of the activity.

(2) Industrial Assistance and Procurement Information Office, Office of the Deputy Chief of Staff for Logistics, Department of Army, Room 732, Old Post Office Building, Washington 25, D.C.

(i) Copies: One copy of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AF IFBs; AMC central procurement RFPs which have been synopsized.

(3) Contractor relations office of the respective procurement activity and LMMA–1, AMCASC.

(i) Copies: Two copies of the IFB or RFP and one set of data, or one copy of letter proposal and one set of data.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(4) Small Business Administration region and branch offices as designated by the SBA representative.

(i) Copies: One copy of IFB or RFP.

(ii) Applicability: All AMC IFBs and RFPs which have been synopsized.

(5) Additional copies of unclassified AF invitation for bids will be distributed to the following as applicable to the particular procurement:

(i) Bid sets will be furnished to Government-owned manufacturing establishments as applicable.

(ii) Copies of unclassified IFBs for construction projects may be furnished to trade journals for the construction field.

(iii) Copies of IFBs for both housing and off-site utility construction projects will be sent on the date issued to Hq USAF, Family Housing Division (AFCIE), Washington 25, D.C.

(b) *Classified IFBs.* See AFR 205–1 (Safeguarding Military Information) for instructions on distributing classified documents. In such cases, instead of sending a copy of the IFB to the Industrial Assistance and Procurement Information Office, as set forth in paragraph (a)(2) of this section for unclassified invitations, a letter will be sent to that office, in substance as follows:

This office has issued Invitation for Bids No. ------ dated ----------, bids to be opened on ----------, under classified project No. ---------.

(c) *Retention of extra sets of data mailed with IFBs.* Whenever data is required for inclusion with an IFB, three extra sets will be requested for the purpose of later mailing one set to the successful bidder and two sets to the administrative contracting officer. It will be the responsibility of the office requesting the data to periodically ascertain (not less than once a week) the contracts mailed covering the respective IFBs and then to send the pertinent data, by forwarding letters, to the successful bidder and the ACO, citing therein the applicable IFB and contract number.

(d) *Synopsized letter proposals.* Buyers will be responsible for furnishing to the unit making distribution of RFPs a sufficient number of each synopsized letter proposal to make the distribution set forth in paragraph (a) of this section. Each set will be comprised of one copy of the letter proposal and all accompanying data.

(e) AFPI Form 2C, "Bid Set Register," will be used by AFSC contractor relations activities to record receipt of IFBs and RFPs from purchasing offices.

(f) AFPI Form 2A, "IFB/RFP Control Record," will be used by AFLC/AFSC activities to record the progress of central procurement IFBs and RFPs to the date of opening.

(g) IFBs and RFPs will not be furnished air procurement offices on automatic distribution unless requested by the appropriate contract management region (CMR). The CMRs will furnish the procuring activity a list of the air procurement offices under their jurisdiction which should receive IFBs and RFPs. When such a list has been furnished, IFBs, RFPs, and pre-invitation notices will be distributed on the same basis as to APDs (see § 1001.1002–51(a)(1) of this section).

§ 1001.1003 Synopses of proposed procurements.

§ 1001.1003–1 General.

See § 1.1003–1 of this title.

§ 1001.1003–2 Research and development.

See § 1.1003–2 of this title.

§ 1001.1003–3 Synopses of subcontract opportunities.

See § 1.1003–3 of this title.

§ 1001.1003–4 Responsibility of small business specialists.

See § 1.1003–4 of this title.

§ 1001.1003–5 Publication of procurements of less than $10,000.

See § 1.1003–5 of this title.

§ 1001.1003–6 Pre-invitation notices.

See § 1.1003–6 of this title.

§ 1001.1003–7 Availability of specifications, plans, and drawings.

See § 1.1003–7 of this title.

§ 1001.1003–8 Time of publicizing.

(a) Proposed procurements for supplies or services will be synopsized prior to issuing IFBs or RFPs when (1) It has been determined that there is no small business source known to the contracting officer, (2) none of the exceptions listed in § 1.1003–1 of this title apply, and (3) no system or equipment code (see ASPR 16–901.4(k)) has been assigned to the item or service being procured. In synposizing such a proposed procurement the notice in the synopsis will include the statement that "no small business source is known to the contracting officer."

When a proposed procurement is synopsized prior to issuing IFBs or RFPs, the cover sheet of the IFB or RFP will carry the following statement: "Advance notification of this procurement was published in the Department of Commerce Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

(c) When it is determined not feasible to synopsize proposed procurements prior to issuing IFBs or RFPs, the cover sheet of the IFB or RFP will carry the above statement except that the word "Advance" will be omitted.

§ 1001.1003–9 Preparation and transmittal.

(a) RCS: AF–XDC–N1 is assigned to this report.

(b) to (g) See § 1.1003–9 (b) to (g) of this title.

§ 1001.1004 Synopsis of contract awards.

RCS: AF–XDC–N2 is assigned to this report.

§ 1001.1004–1 Preparation and transmittal.

(a) In addition to transmitting the report to the U.S. Department of Commerce, copies will be furnished to the following offices:

(1) Industrial Assistance and Procurement Information Office, Office of Deputy Chief of Staff for Logistics, Department of the Army, Room 732, Old Post Office Building, Washington 25, D.C.

(2) Information office at the activities preparing the synopsis.

(b) The synopsis of contract awards will contain the following information: (1) to (6) See § 1.1004–1(b) (1) to (6) of this title.

§ 1001.1005 Paid advertisements in newspapers and trade journals.

§ 1001.1005–1 Scope.

See § 1.1005–1 of this title.

§ 1001.1005–2 Definition.

See § 1.1005–2 of this title.

§ 1001.1005–3 General.

Paid advertisements in newspapers will be used in connection with the disposition of disposable property by sale, according to paragraph 21, chapter 11, volume VI, AFM 67–1. If time will permit, the publication of essential details of IFBs in newspapers and trade journals (paid advertisements) may be authorized as shown below. Paid advertisements in newspapers, magazines, and other publications for the purpose of recruiting civilian employees will be used according to paragraph 7, section 6, chapter X–1, AFM 40–1, and as authorized below.

§ 1001.1005–4 Limitation.

See § 1.1005–4 of this title.

§ 1001.1005–5 Authority and delegation.

(a) Authority to authorize the publication of advertisements, notices, or proposals in newspapers and trade journals in connection with the dissemination of procurement and sales information has been delegated by the Secretary to the:

(1) Commander, Headquarters Air Force Logistics Command.

(2) Director and Deputy Directors of Procurement and Production, Hq AFLC.
(3) Commander, Headquarters Air Force Systems Command.
(4) Deputy Chief of Staff, Procurement and Materiel, Hq AFSC.
(5) Director and Deputy Director of Procurement, Hq AFSC.
(6) Commander and Deputy Commander, AFSC Systems Divisions.
(7) Director and Deputy Director of Procurement and Production, AFSC Systems Divisions.
(8) Commander and Deputy Commander, AFSC Centers.
(9) Director and Deputy Director of Procurement, AFSC Centers.
(10) Director of procurement and production, air materiel areas and AF depots.
(11) Director of procurement and production, air materiel forces.
(12) Commander and vice commander, major air commands (other than AFLC and AFSC).
(13) Commander, Wright-Patterson Air Force Base.
(14) Commander, 2704th AF Aircraft Storage and Disposition Group.
(15) Commander, 2709th AF Vehicle Control Group.

and, while he is so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(b) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to:

(1) Commanders of major air commands.
(2) Secretary of the Air Staff, Hq USAF.
(3) Each base commander of an activity maintaining a central civilian personnel office.

The above authority will not be redelegated.

(c) All authority to advertise is granted to the office concerned, not to the officer.

(d) No advertisement, notice, or proposal will be published except in pursuance of written authority for such publication from the Secretary or the appropriate official named above; and no bill for any such advertising, or publication, will be paid unless there is presented, with such bill, a copy of such written authority.

§ 1001.1005–6 Requests for authority to place advertisement.

(a) Requests for authority to place advertisements in connection with dissemination of procurement and sales information will be made on AFPI Form 25, "Request for Authority to Advertise," according to § 1001.1005–11(c) except in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested direct by telegraph to the proper official who will obtain the necessary coordination with others concerned.

(b) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in § 1001.1005–5(b) for approval. The official will grant such authority to the contracting officer in writing, setting forth the extent of the duties involved and authorized to be performed by the contracting officer.

(c) In all cases, authority to advertise must be obtained in advance. Authority will not be granted retroactively.

§ 1001.1005–7 Preparation of advertisement.

Any unnecessary expense to the Government, resulting from failure to observe the requirements stated in § 1.1005–7 of this title, may be made a charge against the pay of the officer responsible therefor.

§ 1001.1005–8 Insertions.

(a) *Number of insertions.* See § 1.1005–8(a) of this title.

(b) *Limitations on time of publications.* See § 1.1005–8(b) of this title.

(c) Insertions, and limitations thereon, in connection with advertising for the purpose of recruiting civilian employees, will be according to paragraph 7, section 6, chapter X–1, AFM 40–1.

§ 1001.1005–9 Rates.

All advertising will be audited and paid at rates not higher than those charged the general public; however, lower rates may be obtained when the public interest requires it.

§ 1001.1005–10 Proof of publication.

See § 1.1005–10 of this title.

§ 1001.1005–11 Forms.

(a) *Advertising order.* See § 1.1005–11(a) of this title.

(b) *Public voucher.* See § 1.1005–11(b) of this title.

(c) *Applications for authority to advertise.* AFPI Form 25, "Request for Authority to Advertise," will be used in applying for authority to advertise invitations for bids. Applications for authority to advertise for the purpose of recruiting civilian employees will be effected by letter. These instruments will be prepared in triplicate and sent through channels to the appropriate official to whom authority has been delegated to authorize such advertising (see § 1001.1005–5).

(1) The original of the instrument (AFPI Form 25 or letter) must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(2) Reference to the instrument will be made in the space provided on all subsequent advertising orders placed during the period covered in the authorization.

§ 1001.1005–12 Payment.

See § 1.1005–12 of this title.

§ 1001.1006 Publicizing award information.

The words "press releases or public announcements" as used in § 1.1006 of this title means releases or announcements made through the AF Office of Information Services and does not change procedures respecting synopses of contract awards covered by § 1.1004 of this title.

§ 1001.1006–1 Awards after formal advertising.

See § 1.1006–1 of this title.

§ 1001.1006–2 Awards after procurement by negotiation.

(a) See § 1.1006–2 of this title.

(b) A copy of each unclassified written notice required by § 3.106(a)(1) of this title will be furnished by the concerned contracting officer to the office responsible for displaying IFBs (§ 2.203–2 of this title) for public posting by that office for at least 7 days.

§ 1001.1006–50 General information.

The procedures of § 1.1006 of this title and § 1001.1006 are not intended to apply to requests from suppliers for general information concerning purchases made over extended periods of time, such as a request for information on the number of parachutes purchased during a year and the prices paid. Such requests will be returned and the inquirer informed that it is not AF policy to compile and disseminate such information.

Subpart M—Transportation

Subpart M is revised to read as follows:

Sec.
1001.1301 General.
1001.1302 Place of delivery.
1001.1302–1 Shipments within the United States.
1001.1302–2 Shipments from the United States for overseas delivery.
1001.1302–3 Shipments originating outside the United States.
1001.1303 Quantity analysis.
1001.1304 Commodity description.
1001.1305 Delivery terms.
1001.1305–1 General.
1001.1305–2 F.o.b. origin or destination.
1001.1305–3 F.o.b. destination.
1001.1305–4 F.o.b. origin.
1001.1305–5 Destination unknown.
1001.1306 Consignment and marketing instructions.
1001.1307 Scheduling of deliveries to permit consolidation of shipments.
1001.1308 Transit arrangements.
1001.1309 Volume shipments within the United States.
1001.1310 Crosshauling and backhauling.
1001.1311 Unusually large or heavy shipments.
1001.1312 Mode of transportation.
1001.1313 Transportation rates and related costs.

AUTHORITY: §§ 1001.1301 to 1001.1313 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1301 General.

In considering transportation factors, contracting officers should call upon transportation officers for advice and assistance as required.

§ 1001.1302 Place of delivery.

§ 1001.1302–1 Shipments within the United States.

See § 1.1302–1 of this title.

§ 1001.1302–2 Shipments from the United States for overseas delivery.

See § 1.1302–2 of this title.

§ 1001.1302–3 Shipments originating outside the United States.

Instructions concerning place of delivery to be specified for materials procured in Europe or Japan, when water shipment is to be made, are contained in § 1006.651 of this chapter. In the absence of specific instructions, the contracting officer will request the advice of the local transportation officer in determining the most appropriate place of delivery to be specified in procurement involving shipments originating outside the United States.

§ 1001.1303 Quantity analysis.

See § 1.1303 of this title.

§ 1001.1304 Commodity description.

See § 1.1304 of this title.

§ 1001.1305 Delivery terms.

§ 1001.1305–1 General.

See § 1.1305–1 of this title.

§ 1001.1305–2 F.o.b. origin or destination.

(This section is only mandatory in connection with central procurement requirements at AMC field procurement activities.) Each purchase request will have an AMC Form 354, "Transportation Data (PR or MIPR)," attached which sets forth transportation data to be considered by procurement personnel prior to issuing an IFB or RFP. The data on the form will be carefully analyzed and the determination made as to which of the following will be included in the schedule of the IFB or RFP.

§ 1001.1305–3 F.o.b. destination.

Whenever the supplies are to be delivered f.o.b. specified destinations, the following will appear in the schedule:

F.o.b. point: Supplies shall be shipped direct by the Contractor to the specified destinations on commercial bill of lading at the expense of the Contractor.

§ 1001.1305–4 F.o.b. origin.

Whenever the supplies are to be delivered f.o.b. the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the contractor's plant, f.o.b. the point or points that carrier service is available the following will appear in the schedule:

F.o.b. point: Supplies shall be delivered to the Government f.o.b. carrier's equipment at the plant or plants at which such supplies are to be finally inspected and accepted, or if the facilities for shipment by carrier's equipment are not available at the Contractor's plant, f.o.b. the point or points nearest thereto that carrier service is available. Bidder to specify which of the following is applicable and designate the city and state of the f.o.b. point:

(1) F.o.b. carrier's equipment at the plant or plants at_____, _____,
(City) (State)
at which such supplies are to be finally inspected and accepted.

(2) F.o.b. _____, _____,
(City) (State)
which is the nearest point or points that carrier service is available to the plant or plants at which final inspection and acceptance are to be accomplished.

§ 1001.1305–5 Destination unknown.

See § 1.1305–5 of this title.

§ 1001.1306 Consignment and marketing instructions.

(a) All information on shipping addresses (except on GFAE and GFAE-type items) that is supplied with a purchase request (PR), a military interdepartmental purchase request (MIPR), or other document serving as an authorization for procurement, will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

(b) Shipping instructions for GFAE and GFAE-type items will not be incorporated in the contract, but all information on shipping addresses will be incorporated in the shipping instruction verbatim from the AFPI Form 44, "Request for Issuance of Shipping Instructions," that is processed according to §§ 1054.1503 and 1054.1505 of this chapter.

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the example below. This will expedite identification of shipments received by a consignee: Transportation Officer, MOAMA, Brookley AFB, Ala., Marked for: AFD 2010, FSC 6740, Contract AF33 (600)–40919.

(d) Transportation appropriation data that is supplied with a MIPR or other document serving as an authorization for procurement will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

§ 1001.1307 Scheduling of deliveries to permit consolidation of shipments.

(a) AFPI Form 28A, "Transportation Data (IFB or RFP)." To enable the evaluation of competitive bids and to assist in routing shipments, each IFB or RFP which provides for delivery other than f.o.b. specified destinations will include AFPI Form 28A and the following clause, which may be reproduced locally.

WEIGHT OF SHIPMENTS

(1) Freight rates used in evaluating bids or quotations will be based on the shipping weight specified by the bidder. If a shipping weight is not specified by the bidder, the Government will evaluate the bid on the basis of carload or truckload transportation rates (unless total quantity or delivery schedule does not permit). If an f.o.b. carrier's equipment contract results, the Contractor will be required to ship in quantities at least as large as those upon which evaluation was made. If excess cost to the Government results from Contractor's failure to do so, the Contracting Officer will issue a supplemental agreement evidencing a corresponding reduction in the contract price (unless specific delivery schedules called for lesser quantities than the minimum shipping weight, or final shipment on a specific order is for a lesser quantity than the minimum shipping weight, or noncompliance with the minimum shipping weight is due to an act or order of the Contracting Officer).

(2) In cases where the weight specified by the bidder is less than the minimum carload or truckload quantity, the Contractor will exert every reasonable effort to ship in carload or truckload quantities, subject to the provisions of delivery schedules.

(3) The Contractor, in any event, will consolidate all less-than-carload or -truckload shipments on the same day to a single consignee. The Contractor may be held responsible for any excess costs incurred if he fails to consolidate such shipments unless due to an act or order of the Contracting Officer.

(b) Where the contracting officer has received competitive bids on other than f.o.b. specified destinations and the procurement is in quantities which involve shipment(s) equal to or exceeding carload or truckload shipments, the contracting officer will complete items 1 through 7 of AFPI Form 28, "Freight Rate and/or Routing Request," attach AFPI Form 28A, "Transportation Data (IFB or RFP)," as submitted by the bidders and forward to the nearest transportation office for completion of the remainder of AFPI Form 28, to obtain transportation rates and routing information for use in bid or proposal analysis where transportation information may be a factor in making the award. Thereafter the contracting officer will insert completed copies of AFPI Form 28B (offset master) or AFPI Form 28C (cut sheet), "Transportation Data (Contract)," as appropriate, in the resultant contract.

(c) Where the contracting officer has requested transportation data (IFB or RFP) on AFPI Form 28A and it is not necessary to forward to the transportation office for evaluation of the freight rates, the contracting officer will complete AFPI Form 28B or AFPI Form 28C except for paragraphs 3 and 4, which will be furnished at the time routing information is furnished, and thereafter insert time, as appropriate, in the resultant contract.

§ 1001.1308 Transit arrangements.

See § 1.1308 of this title.

§ 1001.1309 Volume shipments within the United States.

See paragraph 201004b, AFM 75–2, for definition of volume shipments (movements).

§ 1001.1310 Crosshauling and backhauling.

See § 1.1310 of this title.

§ 1001.1311 Unusually large or heavy shipments.

See § 1.1311 of this title.

§ 1001.1312 Mode of transportation.

See § 1.1312 of this title.

§ 1001.1313 Transportation rates and related costs.

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

Subpart N is revised to read as follows:

Sec.
1001.1401 Definitions.
1001.1402 General.
1001.1403 Applicability.
1001.1404 Procedures.
1001.1405 Responsibilities.
1001.1405–1 Military departments

AUTHORITY: §§ 1001.1401 to 1001.1405–1 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1401 Definitions.

See § 1.1401 of this title.

§ 1001.1402 General.

See § 1.1402 of this title.

§ 1001.1403 Applicability.

See § 1.1403 of this title.

§ 1001.1404 Procedures.

See § 1.1404 of this title.

§ 1001.1405 Responsibilities.

§ 1001.1405–1 Military departments.

Pending issuance of further instructions, no report is required to be submitted. Transportation officers will maintain records of shipments and other data according to § 1.1405–1(a) of this title, in the event reporting is required at a later date.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

Subpart D is revised to read as follows:

Sec.

1002.401 Receipt and safeguarding of bids.
1002.402 Opening of bids.
1002.402–1 Unclassified bids.
1002.402–2 Classified bids.
1002.403 Recording of bids (Abstract of bids).
1002.404 Rejection of bids.
1002.404–1 Cancellation of invitation after opening.
1002.404–2 Rejection of individual bids.
1002.404–3 Notice to bidders of rejection of all bids.
1002.404–4 Restrictions on disclosure of descriptive literature.
1002.404–5 All or none qualifications.
1002.405 Minor informalities or irregularities in bids.
1002.406 Mistakes in bids.
1002.406–1 General.
1002.406–2 Apparent clerical mistakes.
1002.406–3 Other mistakes.
1002.406–4 Disclosure of mistake after award.
1002.407 Award.
1002.407–1 General.
1002.407–2 Responsible bidder.
1002.407–3 Discounts.
1002.407–4 Price escalation.
1002.407–5 Other factors to be considered.
1002.407–6 Equal low bids.
1002.407–7 Statement and certificate of award.
1002.407–8 Purchases of patented items when a patent indemnity clause is to be included in the contract.
1002.407–9 Protests against award.
1002.408 Information to bidders.
1002.408–1 Unclassified awards.
1002.408–2 Classified awards.
1002.409 Synopsis of contract awards.

AUTHORITY: §§ 1002.401 to 1002.409 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1002.401 Receipt and safeguarding of bids.

(a) to (b) See § 2.401 (a) to (b) of this title.

§ 1002.402 Opening of bids.

The contracting officer whose duty it is to open bids will also personally serially number one copy of each bid received in the order in which the bids were read and will retain these numbered copies in his possession or under the immediate supervision of an official of the Government, as set forth in § 2.402–1 (c) of this title, until the accuracy of the abstract of bids (see § 1002.403) has been verified.

§ 1002.402–1 Unclassified bids.

See § 2.402–1 of this title.

§ 1002.402–2 Classified bids.

See § 2.402–2 of this title.

§ 1002.403 Recording of bids (Abstract of bids).

(a) *Procedure.* An abstract of bids will be prepared on AFPI Form 37, "Abstract of Bids (Procurement)," and AFPI Form 37A, "Abstract of Bids Insert Sheet (Procurement)," for each IFB as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening of bids. The abstract will set forth all qualifications to the IFB made by bidders and included in their bid. As soon as practicable after bid opening a preliminary abstract of bids will be made available for public examination in the procurement office or other appropriate location. The preliminary abstract will be replaced by the abstract prepared when award has been made or bids have been rejected.

(b) *Entries to be made.* (1) If the descriptions of the items are so long as to make preparations of the abstract burdensome, the descriptions may be omitted and a general category used, provided a copy of the IFB is securely attached to the abstract.

(2) If the invitation for bids is cancelled before the time set for the opening of bids, the Date Opened entry will not be made; all bids received will be returned unopened to the respective bidders with an explanation of the action taken, and the date of the cancellation will be entered and initialed in a space on the abstract as indicated below and the abstract will be distributed:

Invitation for bids cancelled on _____
(Date)

_____
(Initials)

(3) If no bids were received, the person whose duty it is to open the bids will initial the following in a space on the abstract and distribute the abstract:

No bids were received on this invitation

_____
(Initials)

(4) Additional instructions that should be followed in making entries on the abstract are as follows:

(i) *Additional information.* If the quoted price is not firm, or it is qualified in any manner, or is for an article not strictly according to the specifications or conditions of the invitation, an asterisk (*) will be made above the price and a brief explanatory note will be entered under "Notes" showing the qualification in the price or the deviation from the specifications or conditions. If a price is submitted for a unit or a quantity other than that specified a suitable entry to that effect will be made alongside the price.

(ii) *Alternate bid.* If the bidder indicates that his bid is to be considered an alternate bid, two asterisks will be placed in the unit price column and the information will be inserted on the abstract under the heading of "Notes," and identified by two asterisks (**).

(iii) *Multiple or lengthy f.o.b. points.* If the bidder indicates in his bid that there are several f.o.b. points, or the f.o.b. point is lengthy, three asterisks will be placed in the f.o.b. column, and the information will be inserted on the abstract under the heading of "Explanatory Comments," and identified by three asterisks (***).

(iv) *Lengthy delivery schedules.* If the bidder includes in his bid a lengthy delivery schedule, four asterisks will be placed in the "Delivery" column, and the information will be inserted on the abstract under the heading of "Explanatory Comments," and identified by four asterisks (****).

(v) *Multiple or lengthy cash discount.* If the bidder inserts in his bid a lengthy or multiple cash discount provision, a plus will be placed in the "Cash Discount" column and the information will be inserted on the abstract under the heading of "Explanatory Comments," and will be identified by a plus (+).

(vi) *No bid.* If the IFB has been returned and no item bid upon, the no bid will not be entered on the abstract. If the bidder has submitted a bid on one or more items, but states no bid on the other item(s) or has inserted a statement indicating that "no bid" is the response to certain items of the IFB, then a dash will be inserted in the item column to which the no bid response pertains.

(vii) *Late acceptable bid.* If late bids received after the opening are acceptable, they will be entered on the abstract in the same manner as a bid received at the bid opening except an identifying mark (#) will be placed in front of the bid number assigned indicating that the bid was late and acceptable. Late acceptable bids will always be the last entries on the abstract.

(viii) *No charge or no cost.* If the bidder has indicated "No Charge" or made a statement indicative of a "No Charge" response, the letters N/C will be inserted in the item block to which the "No Charge" is applicable.

(ix) *Acceptable letter bid.* If a bidder has submitted a letter bid in lieu of a bid on the regular bid form and it is acceptable according to § 2.301 of this title, two pluses (++) will be inserted preceding the number of the bid indicating that the bid was in the form of a letter and was acceptable.

(5) If bids were opened and the awards are not to be made by the person who opened the bids, he will verify the accuracy of the abstract by comparing it with the numbered copies of the bids retained by him, and enter and sign the follow certificate on the abstract:

I certify that I have personally opened and read all bids received, verified all entries on this abstract extracted from those bids and find it correct.

_____
(Signature and title)

(6) After bids have been considered and awards have been made or bids have been rejected, the following entries will be made:

(i) If award has been made on an item in the quantity called for on the invitation, the accepted price will be encircled or checked in Red (pencil or ink). If the quantity accepted as different from that called for on the invitation, the accepted quantity will be shown in Red (pencil or ink) alongside the encircled or checked price.

(ii) If an entire bid or the bid on any item is rejected and one at a higher price is accepted, the award will be indicated as in subdivision (i) of this subparagraph and the rejected bid or part thereof will be similarly indicated in Blue (pencil or ink), and the reason for rejection, in sufficient detail to permit intelligent action by higher authority, will be written on the abstract or furnished in the form of a certificate attached thereto. Care should be exercised in making the entries on the abstract. Information such as debarment, irresponsibility, or apparent collusion of bidders, which it is not desirable to publicize, will always be entered on a separate paper which may be detached from the abstract as appropriate.

(iii) If equal bids have been received, the award will be indicated as in subdivision (i) of this subparagraph and the entry "Award made as directed in ASPR 2–407.6" will be made in a suitable place if the directions of that regulation were followed in fact. If not followed, an explanation of the departure therefrom will be included.

(iv) If all bids received on all items or all bids received on any item are rejected, the entry "All bids received on this (invitation) (item) have been rejected—(purchase will not be made), (purchase will be readvertised)", or other suitable entry will be made on the abstract.

(v) If the award is being made to a bidder on which there is "Additional Information" inserted on the abstract (identified by an asterick (*)), the buyer will insert opposite such comments a statement or statements sufficient to offset the comments and/or by showing that it is considered a clarification, that it is not a deviation, that it is acceptable, that it is in the best interest of the Government to make such an award, etc.

(7) When the abstract has been completed as indicated in subparagraph (6) of this paragraph, and except when the invitation was canceled or when no bids were received, the person whose duty it is to make the awards will enter and sign the following certificate on the abstract deleting (A) if the certificate in subparagraph (5) of this paragraph has been signed, and distribute the abstract.

I certify that:

(A) I have personally opened and read all bids received, verified all entries on this abstract extracted from those bids and find it correct.

(B) I have made the awards or rejected the bids as indicated on this abstract.

_____
(Signature and title)

(8) Beneath the certification, all awards will be indicated by furnishing the information indicated below:

(i) Full name of the successful bidder.

(ii) All items and/or subitems including partial quantities awarded and including the choice made between optional items bid upon.

(iii) Total amount of award: In the event the total is computed in any manner other than totaling all of the items awarded, sufficient explanation will be shown on the abstract to indicate how the final total was ascertained, for example:

Brown and Green Company:	
Items 1, 10, 15, 18, through 40	$7,500.00
Less 10 percent reduction for award of all items bid upon	750.00
Total	6,750.00

(9) *Distribution of bids and abstracts*—(i) *Contracting officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the contracting officer. All rejected bids will be kept available for inspection by the duly authorized representative of the General Accounting Office, and will be sent to that office upon request when required in individual cases.

(ii) *General Accounting Office*—(a) *Accepted bid.* The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the General Accounting Office.

(b) *When bid accepted is bid lowest as to price.* When the lowest bid as to price is accepted, that is, where the selected bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, "Public Voucher for Purchase and Services Other Than Personal," or Standard Form 1036, "Statement and Certificate of Award," as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is furnished to that office.

(c) *Acceptance of other than lowest bid as to price.* Where other than the lowest bid as to price is accepted, the General Accounting Office will be furnished, on Standard Form 1036, a detailed statement giving in full the reasons for the acceptance together with an abstract of all bids lower than the one accepted.

(iii) *Industrial Assistance and Procurement Information Office.* Within 3 working days after bids have been opened and final action taken, or after it is decided to cancel the invitation before opening bids, a copy of the abstract will be mailed to the Industrial Assistance and Procurement Information Office (see § 1001.1004–1(a)(1) for address).

(iv) Upon a determination by the base procurement activities to reject all bids and cancel an IFB according to § 2.404–1 of this title or cancel an IFB before opening of bids pursuant to § 2.208 of this title, a complete detailed justification for action taken together with copy of the abstract of bids, if applicable, will be forwarded promptly to AMC (MCPPL). In the case of rejection of all bids, a mere statement that "Bids are rejected for the convenience of the Government" will not be acceptable.

(v) *Extra copies of bids.*

(a) Signed copies of bids not needed to comply with the foregoing requirements may be destroyed.

(b) If all bids are rejected, all but the original number of each bid may be destroyed.

§ 1002.404 Rejection of bids.

§ 1002.404–1 Cancellation of invitation after opening.

See § 2.404–1 of this title.

(a) See § 2.404–1(a) of this title.

(b)(1) Prior to cancellation of an IFB, review and approval will be obtained by the contracting officer from the director or deputy director of procurement and production at an AMC AMA, depot, or center (Director or Deputy Director of Contract Support, AMCASC) or in the case of other major commands and W–P AFB the chief or deputy chief of the purchasing activity. This review and approval will be accomplished for:

(i) Determining whether the proposed cancellation is in fact required.

(ii) Attempting to preclude cancellation.

(2) Prior to readvertising supplies or services previously detailed on canceled IFBs, review and approval will be secured as set forth in subparagraph (1) of this paragraph. This review and approval will be accomplished for insuring that readvertising actions are firm and complete.

(c) Failure to resolve the administrative difficulties and effect award of the contract(s) to the lowest responsible bidder prior to the expiration of the bid acceptance period (or any unqualified extensions thereto) will not be cause for rejection of all bids and readvertisement unless the delay in making award or the difference in price between the lowest responsive bid and the next lowest responsive bid is unreasonable.

§ 1002.404–2 Rejection of individual bids.

(a) to (f) See § 2.404–2 (a) to (f) of this title.

(g)(1) If a performance bond has been required and the bidder is able to furnish a satisfactory bond, the contracting officer will not reject the bid without the prior approval of the Director of Procurement and Production, Hq AMC, or in his absence the Deputy for Production, Hq AMC, or the Assistant to the Director, Hq AMC. Requests for approval will be forwarded to AMC (MCPM).

(2) When the lowest bid is from a firm which is not a manufacturer or regular dealer and it is considered desirable to reject such bid, request will be made to AMC (MCPP) for authority to reject this bid and to authorize the award to the next lowest bidder. In forwarding such requests, contracting officers will be careful to verify all statements contained therein which are given as the basis for rejection, so there may be no just cause for complaint.

(h) and (i) See § 2.404–2 (h) and (i) of this title.

§ 1002.404–3 Notice to bidders of rejection of all bids.

See § 2.404–3 of this title.

§ 1002.404–4 Restrictions on disclosure of descriptive literature.

See § 2.404–4 of this title.

§ 1002.404–5 All or none qualifications.

See § 2.404–5 of this title.

§ 1002.405 Minor informalities or irregularities in bids.

See § 2.405 of this title.

§ 1002.406 Mistakes in bids.

See § 2.406 of this title.

§ 1002.406–1 General.

See § 2.406–1 of this title.

§ 1002.406–2 Apparent clerical mistakes.

See § 2.406–2 of this title.

§ 1002.406–3 Other mistakes.

(a) to (d) See § 2.406–3 (a) to (d) of this title.

(e) The data required by § 2.406–3(e) of this title will be submitted in the most expeditious manner to the AMC (MCJCR), marked "Immediate Attention—Mistake in Bid." Review Branch (MCJCR), Hq AMC, will evaluate the facts presented and prepare an administrative determination according to § 2.406–3(a) of this title.

(f) Doubtful mistakes in bids will not be submitted by contracting officers directly to the Comptroller General for advance decisions.

(g) If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the accounting and finance officer to support payment. MCJCR, Hq AMC, will maintain the record required by § 2.406–3(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Procurement Division (MCPP), Hq AMC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

§ 1002.406–4 Disclosure of mistake after award.

(a) If correcting the mistake would make the contract less favorable to the Government, the Contracting Officer will refer the case to AMC (MCPKA), after taking the appropriate action according to Part 17 of this title and Part 1017 of this chapter concerning correction of mistakes in contracts.

(b) Correction of mistakes under paragraph (a) of this section, involving the sale of Government-owned surplus property, will be processed according to Part Two, Chapter 7, Section C, AFM 177–101 (Basic Systems at Base Level).

§ 1002.407 Award.

§ 1002.407–1 General.

See § 2.407–1 of this title.

§ 1002.407–2 Responsible bidder.

See § 2.407–2 of this title.

§ 1002.407–3 Discounts.

See § 2.407–3 of this title.

§ 1002.407–4 Price escalation.

See § 2.407–4 of this title.

§ 1002.407–5 Other factors to be considered.

(a) to (b) See § 2.407–5 (a) to (b) of this title.

(c) *Multiple awards.* Advantages or disadvantages to the Government that might result from making multiple awards will be considered if the "Notice to Bidders" specified in § 1002.201(a)(17)(xii) was included in the IFB. This factor will not be considered in bid evaluation if the reference notice was not included in the IFB. In evaluating bids where multiple award is appropriate the cost of issuing and administering an advertised contract will be considered to be $50. (The above procedures are in applicable to disposal sales.) The following examples will serve as a guide:

(1) An award will be made to the lowest responsible bidder on each item except where a bidder is low by a total of $50 or less; in the excepted case, award will be made to the next low bidder receiving award on some other item.

Illustration No. 1—One award:

	A	B	C
Item 1	$500	$515	$510
2	705	700	710
3	300	290	280
	1,505	1,505	1,500

In this illustration no bidder was low on any item by more than $50. Accordingly award would be made on the total number rather than by individual items.

Illustration No. 2—Two awards:

	A	B	C
Item 1	$450	$615	$510
2	700	640	710
3	300	290	285
	1,450	1,545	1,505

In this illustration Bidder A was $60 low on Item 1 and Bidder B was $60 low on Item 2, so award will be as indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on Item 3 in an amount of only $5 no award can be contemplated to be made to that low bidder because no bid was low by an amount less than the $50 contract cost differential. Accordingly award on this item should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B. When award is made in this manner, the reason for rejection of the low bid on item 3 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bid on Item 3 rejected as an additional award is not considered to be in the interest of the Government as contemplated by ASPR 2–407.5(c)."

Illustration No. 3—Two awards:

	A	B	C
Item 1	$450	$650	$510
2	700	640	710
3	300	290	285
4	-------	120	100
	1,450	1,700	1,605

In this illustration Bidder A was $60 low on item 1 and Bidder B was $60 low on item 2, so award will be indicated on these items because the bids mentioned were lower for these items than the $50 contract cost differential to be considered. Since Bidder C was low on item 3 by $5, low on item 4 by $20, and low on the total of items 3 and 4 by $25, no award can be contemplated to be made to that low bidder because his low bids were low by a total amount of less than $50 contract cost differential. Accordingly, award on these items should be made to that successful bidder on items 1 or 2 at the lowest cost to the Government, in this case Bidder B on both items. When the award is made in this manner, reason for rejection of the low bids on items 3 and 4 will be stated on the abstract of bids and Standard Form 1036 as follows: "Low bids on Item 3 and 4 rejected as additional awards are not considered in the interest of the Government as contemplated by ASPR 2–407.5(c)."

(d) to (f) See § 2.407–5 (d) to (f) of this title.

(g) *Government property in bidder's possession.* The contracting officer will verify the evidence furnished by the bidder pursuant to the clause set forth in § 1002.201(a)(14) when the FCR is requested.

§ 1002.407–6 Equal low bids.

See § 2.407–6 of this title.

§ 1002.407–7 Statement and certificate of award.

See § 2.407–7 of this title.

§ 1002.407–8 Purchases of patented items when a patent indemnity clause is to be included in the contract.

See § 2.407–8 of this title.

§ 1002.407–9 Protests against award.

(a) *General.* See § 2.407–9(a) of this title.

(b) *Protests before award.* See § 2.407–9(b) of this title.

(1) See § 2.407–9(b)(1) of this title.

(2) See § 2.407–9(b)(2) of this title.

(i) If the written protest is received within the required time, the contracting officer will investigate the matter and decide whether the protest is, in his opinion, valid. It is the responsibility of the contracting officer in the first instance to decide, whenever possible, with the concurrence or advice of the local staff judge advocate, if necessary, whether the protest has any valid basis and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of higher authority, the contracting officer will make a written statement of his opinion in the matter supported by copies of all pertinent papers. Contracting officers at activities other than AFSC activities will submit the protest and statement through AFLC (MCPP) to Hq USAF (AFSPM–PR–3) for decision. Contracting officers at AFSC activities will submit their protests through AFSC (SCMK) to Hq USAF (AFSPM–PR–3) for decision. The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Action — Protest Before Award." The letter of transmittal will include the following:

(a) Copy of the IFB.

(b) Copy of abstract of bids received.

(c) Copy of the low bid or copy of the bid of the successful bidder to whom award has been made or is proposed to be made.

(d) Copy of bid submitted by protestant, if any.

(e) Current status of award or contract, if award has been made, showing whether award action has been suspended or stop work order issued.

(f) Contracting officer's statement of facts and circumstances. The contracting officer will discuss the merits of the protest and support evaluation thereof by citations from appropriate ASPR or AFPI provisions or other authority.

(g) Contracting officer's conclusion and recommendations will be included and will be based upon the material discussed in the report. All facts brought out in the report will be supported by documentary evidence and will be included with the file and referenced in the report.

(h) The file will be assembled in an orderly fashion including an index of inclosures. Inclosures will be tabbed in alphabetical sequence. Submission of protests to Hq USAF under this section may be dispensed with by the contracting officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the contracting officer or otherwise successful bidder. In such case except as modified in subdivisions (ii) and (iii) of this subparagraph, the contracting officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest. In such case, the contracting officer should reply to the protester in writing making a timely and complete answer to the allegations of the protesting bidder. A copy of the correspondence and explanatory remarks will be forwarded to AFLC (MCPP) or AFSC (SCMK), as appropriate, for information.

(ii) Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination by the contracting officer to make award under § 2.407–9(b)(3) of this title must be approved by Hq USAF before the award is made.

(iii) Notices of intent to make awards with appropriate justification will be furnished to Hq USAF (AFSPM–PR–3) for submittal to the Comptroller General. A copy of the notice of intent will be sent to AFLC (MCPP) or AFSC (SCMK), as appropriate. Hq USAF will advise the contracting officer forwarding the notice of intent whether the determination to make award prior to decision by the Comptroller General is approved or disapproved. This notice will be made through AFLC (MCPP) or AFSC (SCMK), as appropriate.

(3) See § 2.407–9(b)(3) of this title.

(c) *Protests after award.* All protests after award will be processed to Hq USAF (AFSPM–PR–3) through AFLC (MCPP) or AFSC (SCMK), as appropriate. The letter of transmittal will include the material listed in paragraph (b)(2)(i) of this section.

§ 1002.408 Information to bidders.

§ 1002.408–1 Unclassified awards.

(a) Generally, unsuccessful bidders should be notified in writing that their bid was not accepted. The letter should be similar to the following:

GENTLEMEN: Receipt is acknowledged of your bid in response to our Invitation for Bid No. ------. This is to inform you that award was made to:

Contractor ----------
City ---------- State ----------
Item No. ------ Price ------

Your interest in submitting a bid is appreciated by this activity; however, we are unable to award you a contract in this instance.

Very truly yours,

(Contracting Officer)

(b) In case the letter is addressed to an unsuccessful bidder who is lower in price than the successful bidder due to rejection of the lower bid on the basis of a negative pre-award survey (facility capability report), the last paragraph will read as follows:

Your interest in submitting a bid is appreciated by this activity; however, we are unable to award you a contract in this instance due to a negative pre-award survey (facility capability report) on your firm with respect to this procurement. Basis for the negative survey report cannot be divulged to you by the undersigned but may be obtained from the chief of the activity that performed the survey, located ---------- (here insert name and address of APD or AFPRO).

(c) When unsuccessful bidders are notified orally that their bid was not accepted, a memorandum to this effect setting forth date, place, and individual notified will be placed in the contract file.

§ 1002.408–2 Classified awards.

See § 2.408–2 of this title.

§ 1002.409 Synopsis of contract awards.

See § 1.1004 of this title and § 1001.1004 of this chapter.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–2102; Filed, Mar. 2, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 44—CONDITIONS OF DELIVERY

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 13—Addresses, as published in 26 F.R. 11520–11524, and as amended by 26 F.R. 11864–11865, make the following changes:

§ 13.1 [Amendment]

A. In § 13.1 *General information* make the following changes:

1. Paragraph (a) is amended to show that the name and address should appear on only one side of mail, except for shipments of baby poultry. As so amended, paragraph (a) reads as follows:

(a) Write the name and the address clearly and legibly on one side only. See § 15.3(c)(13) of this chapter for exception on baby poultry.

NOTE: The corresponding Postal Manual section is 123.11.

2. Amend paragraphs (b), (c), and (h) for the purpose of clarification to read as follows:

(b) Mail for delivery through a city delivery post office must include in the address the name and the street and number, or post office box number, or general delivery, or rural or star route designation (except simplified address mail as prescribed in § 13.4 of this part). Mail for patrons on rural route may be addressed to street names and numbers provided this type of address has been approved by the Regional Director. The rural route number or the words "Rural Delivery" should be used in such addresses.

(c) All mail should bear the name and address of the sender. See §§ 16.2(f), 25.5(a)(1), 26.6(a), 48.3, 51.5(a), 52.1(b) and 53.1(b) of this chapter for mail that must show a return address.

* * * * *

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1(b) and 121.2(d)(1) of this chapter for addressing international mail.

NOTE: The corresponding Postal Manual sections are 123.12, 123.13, and 123.18.

§ 13.2 [Amendment]

B. In § 13.2 *Arrangement of address,* make the following changes:

1. In paragraph (a) strike out the word "side", and insert in lieu thereof "area".

2. Amend paragraph (b) for the purposes of clarification to read as follows:

(b) Leave at least 3½ inches of clear space, from top to bottom, at the right end of the address side of envelopes, folders, or labels. This spece will be used for address, postage, postmark, and other prescribed endorsements such as airmail or special delivery. On large envelopes

or mailing pieces leave on the right end of the address side a clear rectangular space of not less than 2¾ x 4 inches for the address, stamps, postmarks, etc. See § 21.2(b)(2) of this chapter regarding the arrangement of the address on post cards.

NOTE: The corresponding Postal Manual sections are 123.21 and 123.22.

C. Section 13.4 is amended to prescribe the use of a simplified address for congressional franked mail and to revise and redesignate the regulations thereunder for the purpose of clarification. As so amended, § 13.4 reads as follows:

§ 13.4 Simplified address.

(a) *Style*—(1) *General mailings.* When general distribution of mail is desired for each boxholder on a rural or star route, or for each family on a rural route, at any post office or for all post office boxholders at a post office which does not have city or village carrier service, mailers may use the simplified address:

Postal Patron, Local

A more specific address such as "Rural Route Boxholder" followed by "Local" or by the name of the post office and State may be used.

(2) *Congressional franked mailings.* When general distribution of mail under congressional frank is desired for each post office box or for each stop on a city or village letter carrier route, the name, box number or street address, post office and State may be omitted provided each piece is addressed to:

Postal Patron, Local

(The name of the post office and State may be used instead of the word "Local".)

See paragraph (b) of this section for the requirements involving the preparation of this type of mail. See subparagraph (1) of this paragraph for rural or star route mailings.

(b) *Preparation requirements.* (1) All pieces for the same post office must be tied so far as practicable, in packages of 50 and a facing slip must be attached showing the distribution desired, such as: Rural route, post office boxholder, and the like. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

(2) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(3) For other than official mailings under frank, penalty or "Postage and Fees Paid" imprint, (see Part 27 of this chapter), postage at the proper rate must be fully prepaid by a method that does not require cancellation: By permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(4) Designations such as "Farmer," "Food Buyer," "Voter," and the like, are not permitted.

(c) *Number of patrons.* On request, postmasters will furnish without charge information as follows. (See also § 13.5 (c) of this chapter):

(1) Number of post office boxholder patrons (only at post offices that do not have city or village carrier service).

(2) Route numbers, and number of boxholders on each rural and star route.

(3) Route numbers, and number of families on each rural route.

(d) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and number, including apartment number, if any or Post Office box number)

(Post Office and State, or local, and zone number when applicable)

NOTE: The corresponding Postal Manual Sections are 123.41 through 123.44.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4161, 4162, 4163, 75 Stat. 747 (Public Law 87-332))

§ 44.1 [Amendment]

II. In § 44.1 *Delivery to persons,* as published in 26 F.R. 11578, make the following changes:

A. Amend paragraph (a) to provide that the addressee may request his postmaster to withhold from delivery specifically described items of foreign printed matter. As so amended, paragraph (a) reads as follows:

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. Also, he may request his postmaster to withhold from delivery specifically described items of foreign printed matter. After delivery he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

B. In paragraph (g), strike out the reference to "§ 51.7(g)" and insert in lieu thereof "§ 51.9(g) of this chapter."

NOTE: The corresponding Postal Manual sections are 154.11 and 154.17.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 4004, 4101, 4103.)

§ 61.1 [Amendment]

III. In § 61.1 *Issuance of domestic money orders* as published in 26 F.R. 11596–11597, and as amended by 27 F.R. 224, paragraph (f)(2) is amended by revising subdivision (i)(b) to show that Form 1510 should be processed immediately when a money order is believed to have been lost in the mail. As so amended, subdivision (i)(b) reads as follows:

(f) *Spoiled or lost money orders.* • • •

(2) *Lost or damaged money orders*—(i) *Application for duplicate order.* • • •

(b) Patrons must wait 60 days after date of issue of original money order before filing Form 6401, "Inquiry as to Payment of Money Order", except for mutilated orders or for orders void by too many endorsements. Form 1510, "Inquiry for Loss or Rifling", should, however, be initiated and processed immediately if loss is believed to have occurred in the mail.

NOTE: The corresponding Postal Manual section is 171.162(a)(2).

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 5101, 5103)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2139; Filed, Mar. 2, 1962; 8:52 a.m.]

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

§ 112.7 [Amendment]

I. In § 112.7 *Small packets,* as published in 26 F.R. 8701–8702, amend paragraph (h) by deleting "Viet-Nam" from the alphabetical list of countries therein not accepting small packets.

NOTE: The corresponding Postal Manual section is 222.78.

§ 168.5 [Amendment]

II. In § 168.5 *Individual country regulations,* as published in 26 F.R. 8725–8805, make the following changes:

A. In country "Germany" as amended by 26 F.R. 8944–8945, and 26 F.R. 9551, under Parcel Post, amend the sixth and seventh paragraphs of the item "Observations" to show the changes in the gift package regulations of Eastern Germany. As so amended, the sixth and seventh paragraphs read as follows:

Observations.

• • • • •

No gift parcel may contain any articles in tin cans or other hermetically sealed containers. They may not contain medicants of any kind, phonograph records, tape recordings, photographic films, plates or paper, geographic maps, postage stamps, or children's toys of military nature. No such parcel may contain more than 8¾ ounces of coffee, 8¾ ounces of cocoa, 10½ ounces of chocolate (including chocolate-covered candy) and/or 1¾ ounces of tobacco products. Each gift parcel must be marked on the outside "Geschenksendung, keine Handelsware" (Gift shipment—no commercial goods).

Used textiles and footwear must be accompanied by a legalized certificate of disinfection. It is believed that a notarized statement on the letterhead of a dry cleaner, laundry or disinfecting establishment, listing the articles and indicating the process used, should meet the requirements of the East German authorities.

B. In the country "Vietnam", under Postal Union Mail, the item *Small packets* is amended by striking out "Not accepted.", and inserting in lieu thereof "Accepted."

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2140; Filed, Mar. 2, 1962; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2616]

[BLM 059695]

MICHIGAN

Power Site Cancellation No. 165, Partly Cancelling Power Site Classification No. 318, Opening Lands Under Section 24 of the Federal Power Act (Project No. 1759)

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, and pursuant to the determination of the Federal Power Commission in DA-4-Michigan, it is ordered as follows:

1. The Departmental order of June 10, 1940, creating Power Site Classification No. 318, is hereby cancelled so far as it affects the following-described lands:

MICHIGAN MERIDIAN

T. 44 N., R. 31 W.,
Sec. 23, lots 8 and 11.

Containing 112 acres.

2. In DA-4-Michigan, the Federal Power Commission determined that the value of that portion of the lands described in Paragraph 1, above, reserved in connection with Project No. 1759—being that portion lying below the 1374-foot elevation—will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and to the prior rights of the licensee for Project No. 1759 and its successors to use said lands for project purposes as contemplated in the license issued therefor; and subject to the condition that the United States, its permittees or licensees will not be held liable for any damage to structures or improvements placed on said lands resulting from the operation or maintenance of the facilities in Project No. 1759.

3. Until 10:00 a.m. on May 23, 1962, the State of Michigan shall have a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands described in Paragraphs 1 and 2 of this order which are required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, the allowance of such application for any lands described in Paragraph 2 of this order to be subject to provisions of section 24 of the Federal Power Act and to the conditions specified in Paragraph 2 hereof.

4. Beginning at 10:00 a.m. on May 23, 1962, the lands described in Paragraphs 1 and 2 of this order shall be open generally to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals, and as to any of the lands described in Paragraph 2 hereof, this opening being further subject to the provisions of section 24 of the Federal Power Act and to the rights and conditions specified in Paragraph 2 hereof.

5. The State of Michigan has waived its preference right of application under the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

6. The lands have been open to applications and offers under the mineral leasing laws. The United States mining laws do not apply in the State of Michigan.

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 21, 1962.

[F.R. Doc. 62-2125; Filed, Mar. 2, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS AND RETAILERS EXCISE TAXES

Refunds or Credit of Amounts Paid as Tax

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be described by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The following regulations, relating to refund or credit of amounts paid as tax under chapter 31 or 32 of the Internal Revenue Code of 1954, are prescribed under section 6416 of such Code. Except where otherwise specifically provided, such regulations are applicable on and after January 1, 1959. The Regulations on Determination of Price and Price Readjustments (26 CFR 330.1–2) are superseded to the extent of the subject matter within the scope of § 48.6416 (b)–1 of the Manufacturers and Retailers Excise Tax Regulations set forth below.

Subpart O—Refunds and Other Administrative Provisions of Special Application to Retailers and Manufacturers Taxes

Sec.

48.6416(a) Statutory provisions; certain taxes on sales and services; condition to allowance.
48.6416(a)–1 Refund or credit of tax under chapter 31 or 32.
48.6416(b) Statutory provisions; special cases in which tax payments considered overpayments.
48.6416(b)–1 Readjustments of price on which manufacturers or retailers excise tax is based.
48.6416(b)–2 Tax payments deemed to be overpayments by reason of certain uses, sales, or resales.
48.6416(b)–3 Articles sold tax-paid by manufacturer thereof to another manufacturer for specified use.
48.6416(b)–4 Tires, inner tubes, or certain receiving sets sold by the manufacturer thereof with or as a part of another article manufactured by him.
48.6416(b)–5 Return of installment accounts.
48.6416(c) Statutory provisions; credit for tax paid on tires, inner tubes, or radio or television receiving sets.
48.6416(c)–1 Credit for tax paid on tires, inner tubes, or automobile radio or television receiving sets.
48.6416(d) Statutory provisions; mechanical pencils taxable as jewelry.
48.6416(d)–1 Articles taxable as jewelry.
48.6416(e) Statutory provisions; refund to exporter or shipper.
48.6416(e)–1 Refund to exporter or shipper.
48.6416(f) Statutory provisions; credit on returns.
48.6416(f)–1 Credit on returns.
48.6416(g) Statutory provisions; automobiles, etc.
48.6416(g)–1 Intent to export motor vehicles, refrigerators, electrical appliances, radios, etc.
48.6416(h) Statutory provisions; accounting procedures for like articles.
48.6416(h)–1 Accounting procedures for like articles.
48.6416(i) Statutory provisions; meaning of terms.

§ 48.6416(a) Statutory provisions; certain taxes on sales and services; condition to allowance.

SEC. 6416. *Certain taxes on sales and services*—(a) *Condition to allowance*—(1) *General rule.* No credit or refund of any overpayment of tax imposed by • • • chapter 31 (retailers taxes), or chapter 32 (manufacturers taxes) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary or his delegate, that he—

(A) Has not included the tax in the price of the article • • • with respect to which it was imposed and has not collected the amount of the tax from the person who purchased such article, • • •;

(B) Has repaid the amount of the tax—

(i) In the case of any tax imposed by chapter 31 (other than the tax imposed by section 4041 (a)(1) or (b)(1)), to the purchaser of the article..

(ii) In the case of any tax imposed by chapter 32 and the tax imposed by section 4041 (a)(1) or (b)(1) (diesel and special motor fuels), to the ultimate purchaser of the article, or

• • • • •

(C) In the case of an overpayment under subsection (b)(2), (b)(3) (C) or (D), or (b)(4) of this section—

(i) Has repaid or agreed to repay the amount of the tax to the ultimate vendor of the article, or

(ii) Has obtained the written consent of such ultimate vendor to the allowance of the credit or the making of the refund; or

(D) Has filed with the Secretary or his delegate the written consent of the person referred to in subparagraph (B) (i), (ii), • • • as the case may be, to the allowance of the credit or the making of the refund.

(2) *Exceptions.* This subsection shall not apply to—

(A) The tax imposed by section 4041 (a)(2) or (b)(2) (use of diesel and special motor fuels), and

(B) An overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section.

(3) *Special rules.* For purposes of this subsection—

• • • • •

(B) If tax under chapter 31 was paid by a supplier pursuant to an agreement under section 6011(c), either the person who (without regard to section 6011(c)) was required to return and pay the tax or the supplier may be treated as the person who paid the tax;

(C) In any case in which the Secretary or his delegate determines that an article is not taxable, the term "ultimate purchaser" (when used in paragraph (1)(B)(ii) of this subsection) includes a wholesaler, jobber, distributor, or retailer who, on the 15th day after the date of such determination, holds such article for sale; but only if claim for credit or refund by reason of this subparagraph is filed on or before the day for filing the return with respect to the taxes imposed under chapter 32 for the first period which begins more than 60 days after the date of such determination; and

(D) In applying paragraph (1)(C) to any overpayment under paragraphs (2)(F), (3)(C) or (D), or (4) of subsection (b), the term "ultimate vendor" means the ultimate vendor of the other article.

[Sec. 6416(a) as amended and in effect Jan. 1, 1959]

§ 48.6416(a)–1 Refund or credit of tax under chapter 31 or 32.

(a) *In general.* Any claim for refund or credit of an overpayment of tax under chapter 31 (retailers excise taxes) or chapter 32 (manufacturers excise taxes) shall be made in accordance with the applicable provisions of this subpart and the applicable provisions of § 301.6402–2 of this chapter (Regulations on Procedure and Administration). A claim on Form 843 is not required in the case of a claim for credit, but the amount of the credit shall be claimed by entering such amount as a credit on a return of tax under chapter 31 or 32, whichever is appropriate, filed by the person making the claim. See § 48.6416(f)–1.

(b) *Retailers tax under chapter 31 (other than section 4041*—(1) *In general*—(i) *Supporting evidence required.* No refund or credit of any overpayment of tax under chapter 31 (not including section 4041, relating to the tax on the sale or use of diesel or special motor fuel) shall be allowed unless the person who paid the tax to the United States submits in support of his claim—

(a) A statement establishing that he has not included the tax in the price of the article with respect to which it was imposed and has not collected the amount of the tax from his vendee, or

(b) A statement establishing that he has repaid the amount of the tax to the purchaser of the article, or

(c) The written consent of such purchaser to the allowance of the refund or credit.

(ii) *Purchaser.* The term "purchaser", as used in subdivision (i) of this subparagraph, means the person to whom the article was sold tax-paid by the person claiming refund or credit.

(2) *Special rule in respect of tax paid by supplier.* In any case in which the tax was paid by a supplier, pursuant to an agreement under section 6011(c), either the supplier or the person who, except for the agreement, would have been required to return and pay the tax (hereinafter in this subparagraph referred to as retailer) may be treated as the person who paid the tax for purposes of claiming refund or credit of any overpayment of such tax. However, any such claim is subject to the requirements of subparagraph (1) of this paragraph. If the claim is filed by the supplier, any supporting evidence required under subdivision (i)(b) or (i)(c) of such subparagraph (1) must be in respect of the person to whom the article was sold tax-paid by the retailer, rather than in respect of the retailer. If the claim is filed by the retailer, the claim shall include (i) a statement that the retailer has obtained from the supplier a written statement that the supplier has not claimed refund or credit of the overpayment, or if so, such claim has been rejected, and that the supplier will not claim refund or credit of such amount, or (ii) a statement explaining the retailer's inability to obtain from the supplier the statement referred to in subdivision (i) of this subparagraph.

(3) *Overpayments in respect of which this paragraph is inapplicable.* This paragraph has no application in respect of any overpayment determined under section 6416(b)(1) (relating to price readjustments), or section 6416(b)(5) (relating to the return to the seller of certain installment accounts which he had previously sold).

(c) *Retailers tax under section 4041*—(1) *In general*—(i) *Supporting evidence required.* No refund or credit of any overpayment of tax under section 4041 (a)(1) (relating to the tax on the sale of diesel fuel), or section 4041(b)(1) (relating to the tax on the sale of special motor fuel) shall be allowed unless the person who paid the tax to the United States submits in support of his claim—

(a) A statement establishing that he has not included the tax in the price of the fuel with respect to which it was imposed and has not collected the amount of the tax from the vendee, or

(b) A statement establishing that he has repaid the amount of the tax to the ultimate purchaser of the fuel, or

(c) The written consent of such ultimate purchaser to the allowance of the refund or credit.

(ii) *Ultimate purchaser.* The term "ultimate purchaser", as used in subdivision (i) of this subparagraph, means the person to whom the fuel was sold tax-paid by the person claiming refund or credit.

(iii) *Overpayments in respect of which this subparagraph is inapplicable.* This subparagraph has no application in respect of any overpayment determined under section 6416(b)(2) (relating to tax payments which are considered to be overpayments in the case of certain uses, sales, or resales of a taxable article).

(2) *Overpayments determined under section 6416(b)(2)*—(i) *Supporting evidence required.* In the case of amounts paid as tax under section 4041(a)(1) (relating to the tax on the sale of diesel fuel) or section 4041(b)(1) (relating to the tax on the sale of special motor fuel) which are determined to be overpayments by reason of section 6416(b)(2) (relating to tax payments which are considered to be overpayments in the case of certain uses, sales, or resales of a taxable article), no refund or credit shall be allowed unless the person who paid the tax to the United States submits in support of his claim a statement establishing that—

(a) He has not included the tax in the price of the fuel with respect to which it was imposed and has not collected the amount of the tax from his vendee, or

(b) He has repaid or agreed to repay the amount of the tax to the ultimate vendor of the fuel, or

(c) He has obtained the written consent of such ultimate vendor to the allowance of the refund or credit.

(ii) *Ultimate vendor.* The term "ultimate vendor", as used in subdivision (i) of this subparagraph, means the person making the sale which gives rise to the overpayment or which last precedes the exportation or use which gives rise to the overpayment.

(iii) This subparagraph has no application in any case where the claim is for refund or credit of an overpayment determined under section 6416(b)(2)(G) and paragraph (b)(7)(ii)(b) of § 48.6416 (b)–2 in respect of fuel used on a farm for farming purposes by a person other than the owner, tenant, or operator of such farm.

(3) *Amounts paid as tax under section 4041(a)(2) or section 4041(b)(2).* This paragraph has no application in respect of any overpayment of tax under section 4041(a)(2) (relating to the tax on the use of diesel fuel), or section 4041(b)(2) (relating to the tax on the use of special motor fuel). Refund or credit of any such overpayment is subject to the provisions of section 6402 and § 301.6402–2 of this chapter (Regulations on Procedure and Administration).

(d) *Manufacturers tax under chapter 32*—(1) *In general*—(i) *Supporting evidence required.* No refund or credit of any overpayment of tax under chapter 32 shall be allowed unless the person who paid the tax to the United States submits in support of his claim—

(a) A statement establishing that he has not included the tax in the price of the article with respect to which it was imposed and has not collected the amount of the tax from his vendee, or

(b) A statement establishing that he has repaid the amount of the tax to the ultimate purchaser of the article, or

(c) The written consent of such ultimate purchaser to the allowance of the refund or credit.

(ii) *Ultimate purchaser*—(a) *General rule.* Except as provided in (b) of this subdivision (ii), the term "ultimate purchaser", as used in subdivision (i) of this subparagraph, means the person who purchased the article for consumption, or for use in the manufacture of other articles and not for resale in the form in which purchased.

(b) *Special rule under section 6416(a)(3)(C).* If tax under chapter 32 is paid in respect of an article and the Commissioner determines that such article is not subject to tax under such chapter, the term "ultimate purchaser", as used in subdivision (i) of this subparagraph, includes any wholesaler, jobber, distributor, or retailer who, on the 15th day after the date of such determination, holds for sale any such article with respect to which tax has been paid. However, the rule set forth in the preceding sentence shall have application only if the claim for refund or credit of the overpayment in respect of the articles held for sale by a wholesaler, jobber, distributor, or retailer is filed on or before the last day of the first month following the first calendar quarter which begins more than 60 days after the date of such determination by the Commissioner. A claim for refund or credit of an overpayment of tax in respect of an article as to which a wholesaler, jobber, distributor, or retailer is the ultimate purchaser, as provided in this subdivision, must be supported by a statement that the person filing the claim has in his possession a statement, by each wholesaler, jobber, distributor, or retailer whose articles are covered by the claim, showing his total inventory, by model number and quantity, of all such articles purchased tax-paid and held for sale as of 12:01 a.m. of the 15th day after the date of the determination by the Commissioner that the article is not subject to tax under chapter 32. Such inventory shall not include any such article title to which, or possession of which, has previously been transferred to any person for purposes of consumption (unless the entire purchase price was repaid to such person or credited to his account and the sale rescinded), nor shall there be included any such article purchased by the wholesaler, jobber, distributor, or retailer as a component part of, or on or in connection with, another article. An article in transit at the first moment of such 15th day shall be regarded as being held by the person to whom shipped, except that where title to such article does not pass until delivered to such person, such article shall be deemed to be held by the shipper.

(iii) *Overpayments in respect of which this subparagraph is inapplicable.* This subparagraph has no application in respect of any overpayment determined under section 6416(b)(2) (relat-

ing to tax payments which are considered to be overpayments in the case of certain uses, sales, or resales of a taxable article), or under section 6416(b)(3) (C) or (D) or section 6416(b)(4) (relating to certain cases where tax payments in respect of tires, inner tubes, or certain radio or television receiving sets are considered to be overpayments). For other limitations, see subparagraph (3) of this paragraph.

(2) *Overpayments determined under section 6416(b)(2), section 6416(b)(3)(C) or (D), or section 6416(b)(4)*—(i) *In general.* In the case of amounts paid as tax under chapter 32 which are determined to be overpayments by reason of section 6416(b)(2) (relating to tax payments which are considered to be overpayments in the case of certain uses, sales, or resales of a taxable article), or under section 6416(b)(3) (C) or (D) or section 6416(b)(4) (relating to certain cases where tax payments in respect of tires, inner tubes, or certain radio or television receiving sets are considered to be overpayments), no refund or credit shall be allowed unless the person who made the overpayment to the United States submits in support of his claim a statement establishing that—

(*a*) He has not included the tax in the price of the article with respect to which it was imposed, and has not collected the amount of the tax from his vendee, or

(*b*) He has repaid or agreed to repay the amount of the tax to the ultimate vendor of the article, or

(*c*) He has obtained the written consent of such ultimate vendor to the allowance of the refund or credit.

(ii) *Ultimate vendor*—(a) *General rule.* The term "ultimate vendor", as used in subdivision (i) of this subparagraph, means the person making the sale which gives rise to the overpayment or which last precedes the exportation or use which gives rise to the overpayment.

(*b*) *Special rule.* In the case of an overpayment determined under section 6416(b)(2)(F) (see paragraph (b)(6) of § 48.6416(b)–2), section 6416(b)(3)(C) or (D) (see paragraph (b)(2) of § 48.6416(b)–3), or section 6416(b)(4) (see paragraph (b) of § 48.6416(b)–4), where the taxable article is used as a component part of, or sold on or in connection with or with the sale of, a second article which is exported, sold to a nonprofit educational organization for its exclusive use, sold to a State or local government for the exclusive use of a State or local government, or used or sold for use as supplies for vessels or aircraft, the term "ultimate vendor", as used in subdivision (i) of this subparagraph, means the ultimate vendor of the second article.

(3) *Overpayments in respect of which this paragraph is inapplicable.* This paragraph has no application in the case of an overpayment determined under section 6416(b)(1) (relating to price readjustments), section 6416(b)(3)(A) or (B) (relating to certain cases in which refund or credit is allowable to the manufacturer who uses, in the further manufacture of a second article, a taxable article purchased by him tax-paid from the manufacturer thereof), or section 6416(b)(5) (relating to the return to the seller of certain installment accounts which he had previously sold).

§ 48.6416(b) Statutory provisions; special cases in which tax payments considered overpayments.

SEC. 6416. *Certain taxes on sales and services* • • •

(b) *Special cases in which tax payments considered overpayments.* Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made in respect of the overpayments determined under the following paragraphs:

(1) *Price readjustments.* If the price of any article in respect of which a tax, based on such price, is imposed by chapter 31 or 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, including (in the case of a tax imposed by chapter 32) a readjustment for local advertising (but only to the extent provided in section 4216(f)(2) and (3)), the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. The preceding sentence shall not apply in the case of an article in respect of which tax was computed under section 4223(b)(2); but if the price for which such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment.

(2) *Specified uses and resales.* The tax paid under chapter 32 (or under section 4041(a)(1) or (b)(1)) in respect of any article shall be deemed to be an overpayment if such article was, by any person—

(A) Exported (except in any case to which subsection (g) applies);

(B) Used or sold for use as supplies for vessels or aircraft;

(C) Sold to a State or local government for the exclusive use of a State or local government;

(D) Sold to a nonprofit educational organization for its exclusive use;

(E) Resold to a manufacturer or producer for use by him as provided in subparagraph (A), (B), (E), or (F) of paragraph (3);

(F) In the case of a tire, inner tube, or receiving set, resold for use as provided in subparagraph (C) or (D) of paragraph (3) and the other article referred to in such subparagraph is by any person exported or sold as provided in such subparagraph;

(G) In the case of a liquid taxable under section 4041, sold for use as fuel in a diesel-powered highway vehicle or as fuel for the propulsion of a motor vehicle, motorboat, or airplane, if (i) the vendee used such liquid otherwise than as fuel in such a vehicle, motorboat, or airplane or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c)) used on a farm for farming purposes;

(H) In the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents or 4 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue test set forth in section 6421(b)(2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent (where tax was paid at the 3-cent rate) or 2 cents (where tax was paid at the 4-cent rate) for each gallon of liquid so used by the percentage which such person's tax-exempt passenger fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during such quarter was of his total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived from such scheduled service during such quarter;

(I) In the case of a liquid in respect of which tax was paid under section 4041(a)(1) at the rate of 3 cents or 4 cents a gallon, used or resold for use as a fuel in a diesel-powered highway vehicle (i) which (at the time of such use or resale) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon where tax was paid at the 3-cent rate or at the rate of 2 cents a gallon where tax was paid at the 4-cent rate;

(J) In the case of a liquid in respect of which tax was paid under section 4041(b)(1) at the rate of 3 cents or 4 cents a gallon, used or resold for use otherwise than as a fuel for the propulsion of a highway vehicle (i) which (at the time of such use or resale) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon where tax was paid at the 3-cent rate or at the rate of 2 cents a gallon where tax was paid at the 4-cent rate;

(K) In the case of any article taxable under section 4061(b) (other than spark plugs and storage batteries), used or sold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under section 4061(a));

(L) In the case of tread rubber in respect of which tax was paid under section 4071(a)(4), used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)), unless credit or refund of such tax is allowable under subsection (b)(3);

(M) In the case of gasoline, used or sold for use in production of special motor fuels referred to in section 4041(b);

(N) In the case of lubricating oil, used or sold for nonlubricating purposes;

(O) In the case of lubricating oil in respect of which tax was paid at the rate of 6 cents a gallon, used or sold for use as cutting oils (within the meaning of section 4002(b)); except that the amount of such overpayment shall not exceed an amount computed at the rate of 3 cents a gallon;

(P) In the case of any musical instrument taxable under section 4151, sold to a religious institution for exclusively religious purposes;

(Q) In the case of unexposed motion picture film, used or sold for use in the making of newsreel motion picture film.

(3) *Tax-paid articles used for further manufacture, etc.* If the tax imposed by chapter 32 has been paid with respect to the sale of any article by the manufacturer, producer, or importer thereof to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if—

(A) In the case of any article other than an article to which subparagraph (B), (C), (D), or (E) applies, such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, another article taxable under chapter 32 manufactured or produced by him;

(B) In the case of—

(i) A part or accessory taxable under section 4061(b),

(ii) A radio or television component taxable under section 4141, or

(iii) A camera lens taxable under section 4171,

such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, any other article manufactured or produced by him;

(C) In the case of—

(i) A tire or inner tube taxable under section 4071, or

(ii) An automobile radio or television receiving set taxable under section 4141,

such article is sold by the second manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;

(D) In the case of a radio receiving set or an automobile radio receiving set—

(i) Such set is used by the second manufacturer or producer as a component part of any other article manufactured or produced by him, and

(ii) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;

(E) In the case of—

(i) A bicycle tire (as defined in section 4221(e)(4)(B)), or

(ii) An inner tube for such a tire,

such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, a bicycle (other than a rebuilt or reconditioned bicycle); or

(F) In the case of gasoline taxable under section 4081, such gasoline is used by the second manufacturer or producer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him.

For purposes of subparagraphs (A) and (B), an article shall be treated as having been used as a component part of another article if, had it not been broken or rendered useless in the manufacture or production of such other article, it would have been so used.

(4) *Tires, inner tubes, and automobile radio and television receiving sets.* If—

(A)(i) A tire or inner tube taxable under section 4071, or automobile radio or television receiving set taxable under section 4141, is sold by the manufacturer, producer, or importer thereof on or in connection with, or with the sale of, any other article manufactured or produced by him, or

(ii) A radio receiving set or an automobile radio receiving set is used by the manufacturer thereof as a component part of any other article manufactured or produced by him; and

(B) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft,

any tax imposed by chapter 32 in respect of such tire, inner tube, or receiving set which has been paid by the manufacturer, producer, or importer thereof shall be deemed to be an overpayment by him.

(5) *Return of certain installment accounts.* If—

(A) Tax was paid under section 4053(b)(1) or 4216(e)(1) in respect of any installment account,

(B) Such account is, under the agreement under which the account was sold, returned to the person who sold such account, and

(C) The consideration is readjusted as provided in such agreement,

the part of the tax paid under section 4053(b)(1) or 4216(e)(1) proportionate to the part of the consideration repaid or credited to the purchaser of such account shall be deemed to be an overpayment.

This subsection shall apply in respect of an article only if the exportation or use referred to in the applicable provision of this subsection occurs before any other use, or, in the case of a sale or resale, the use referred to in the applicable provision of this subsection is to occur before any other use.

[Sec. 6416(b) as amended and in effect with respect to articles exported, sold, or resold, as the case may be, on or after Jan. 1, 1959, and as further amended by sec. 201(d), Federal-Aid Highway Act 1959 (73 Stat. 613); sec. 3, Act of Apr. 8, 1960 (Pub. Law 86–418, 74 Stat. 38); sec. 2, Act of Sept. 14, 1960 (Pub. Law 86–781, 74 Stat. 1018); sec. 205 (c) and (d), Federal-Aid Highway Act 1961 (75 Stat. 126)]

§ 48.6416(b)–1 Readjustments of price on which manufacturers or retailers excise tax is based.

(a) *In general.* In the case of any payment of tax under chapter 31 or chapter 32 which is determined to be an overpayment by reason of a price readjustment, within the meaning of this section, the person who paid the tax to the United States may file a claim for refund of such overpayment or may claim credit for the overpayment on any return of tax under chapter 31 or chapter 32, whichever is appropriate, which he subsequently files. Price readjustments may not be anticipated. However, if the readjustment has actually been made before the return is filed for the period in which the sale was made, the tax due in respect of such sale is based on the price as so readjusted. No interest shall be paid on any refund or credit allowed under this section. For provisions relating to the evidence required in support of a claim for any such refund or credit, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration) and paragraph (d) of this section. For provisions authorizing the taking of a credit in lieu of filing a claim for refund, see section 6416(f) and § 48.6416(f)–1.

(b) *Determination of price readjustment*—(1) *In general*—(i) *Rules of usual application.* In any case in which a person has paid to the United States the tax under chapter 31 or chapter 32 based on the price of any article, and such price is readjusted, that part of the tax which is proportionate to the part of such price which is repaid or credited to such person's vendee is considered to be an overpayment. A readjustment of price to the vendee may occur by reason of—

(*a*) The return of the article,

(*b*) The repossession of the article,

(*c*) The return or repossession of the covering or container of the article, or

(*d*) A bona fide discount, rebate, or allowance against the price at which the article was sold. A price readjustment will not be deemed to have been made, in any case, unless the person who paid such tax repays all or a part of the purchase price in cash to his vendee, or credits the vendee's account. Commissions to agents, or allowances, payments, or adjustments made to persons other than such vendee are not considered as effectuating price readjustments under any circumstances. In any case in which a price readjustment is deemed to have been made in respect of an article, the credit or refund allowable in respect of such price readjustment may not exceed that part of the tax in respect of such article which bears the same ratio to the total of such tax as the amount repaid or credited to the vendee bears to the original price charged such vendee (including, for purposes of this computation, any tax passed on to the vendee).

(ii) *Rules of special application*—(*a*) *Constructive sale price.* In any case where the tax is based on a constructive sale price determined by the Commissioner under section 4216(b)(1) (relating to certain sales at retail, sales on consignment, and sales not at arm's length for less than the fair market price), or under section 4216(b)(2) (relating to certain sales at retail, to retailers, or to special dealers), any factor which was taken into account, directly or indirectly, in the determination of such price may not again be taken into account so as to give to a price readjustment within the meaning of this section. This section has no application in any case where the tax is based on a constructive sale price determined under section 4218 (relating to use by the manufacturer).

(*b*) *Price determined under section 4223(b)(2).* If a manufacturer (within the meaning of section 4223(a)) to whom an article is sold or resold free of tax in accordance with the provisions of section 4221(a)(1) for use by him in further manufacture (*1*) diverts the article to a taxable use or sells it in a taxable sale, and (*2*) pursuant to the provisions of section 4223(b)(2), computes his tax liability in respect of such use or sale on the price for which the article was sold to him or on the price at which the article was sold by the actual manufacturer, a reduction of the price on which the tax was based does not result in an overpayment within the meaning of section 6416(b)(1) or this section. Moreover, in any case where a manufacturer purchases an article tax-free and computes the tax in respect of his sale of such article pursuant to the provisions of section 4223(b)(2), an overpayment does not arise by reason of a readjustment of the price for which the article was sold by him except where the readjustment results from the article's being returned to, or repossessed by, such manufacturer. See, however, subparagraph (2) of this paragraph as to repurchased articles.

(2) *Return of an article.* If a taxable article is returned to the person who paid the tax to the United States on the sale of such article, a price readjustment giving rise to an overpayment results—

(i) *Before use.* If the article is returned before use, and all of the purchase price is repaid to the vendee or credited to his account, or

(ii) *Under warranty.* If the article is returned under a warranty as to quality or service, and all or a part of the purchase price is repaid to the vendee or credited to his account, or

(iii) *Before passage of title.* If title is still in the seller, as, for example, in the case of certain installment sales contracts, and all or a part of the purchase price is repaid to the vendee or credited to his account.

Except as provided in subdivision (i), (ii), or (iii) of this subparagraph, a price readjustment does not result when a taxable article is returned to the person who paid the tax to the United States on the sale of such article, even though all or a part of the purchase price is repaid to the vendee or credited to his account, since such a transaction is considered to be a repurchase of the article by such person.

(3) *Repossession of an article.* If a taxable article is repossessed by the person who paid the tax to the United States on the sale of such article, and all or a part of the purchase price is repaid to the vendee or credited to his account, a price readjustment giving rise to an overpayment results.

(4) *Return or repossession of covering or container.* If the covering or container of a taxable article is returned to or repossessed by the person who paid the tax to the United States on the sale of such article, and all or a portion of the purchase price is repaid to the vendee or credited to his account by reason of the return or repossession of such covering or container, a price readjustment giving rise to an overpayment results. If a taxable article is considered to have been repurchased, as provided in subparagraph (2), and the covering or container accompanies the taxable article as part of the transaction, it will be considered that the covering or container was also repurchased.

(5) *Bona fide discounts, rebates, or allowances*—(i) *In general.* Except as provided in paragraph (c) of this section (relating to reimbursements in respect of local advertising), the basic consideration in determining, for purposes of this section, whether a bona fide discount, rebate, or allowance has been made is whether the price actually paid by, or charged against, the purchaser has in fact been reduced by subsequent transactions between the parties. In general, the price will be considered as having been readjusted by reason of a bona fide discount, rebate, or allowance only if the person who made the taxable sale repays a part of the purchase price in cash to his vendee, or credits the vendee's account, in consideration of factors which, if taken into account at the time of the original transaction, would have resulted at that time in a lower sale price. For example, a price readjustment is considered to have been made when a bona fide discount, rebate, or allowance is given in consideration of such factors as prompt payment, quantity buying over a specified period, or, in the case of tax under chapter 32, the vendee's inventory of an article when new models are introduced or a general price reduction affecting articles held in stock by the vendee. On the other hand, repayments made to the vendee do not effectuate price readjustments if given in consideration of circumstances under which he has been or is required to incur an expense which, if treated as a separate item in the original transaction and not included in the price billed for the taxable article, would nevertheless have been includible in the price of the article for purposes of computing the tax. For example, in the case of tax under chapter 32, repayments made by a manufacturer to his vendee in consideration of an expenditure made or to be made by the vendee for advertising, other than advertising to which paragraph (c) of this section applies, or for demonstration or display of the manufacturer's product by the vendee, do not effectuate price readjustments. This subdivision has application only in respect of taxable sales made on or after January 1, 1961. The application of this subdivision in respect of the tax under chapter 32 may be illustrated by the following examples:

Example 1. B, a manufacturer of electric dishwashers, bills his distributors in a specified amount per dishwasher purchased by them. Thereafter, B issues to each distributor a credit memorandum in the amount of x dollars for each home demonstration by the distributor of the manufacturer's product. The credit which B allows the distributor for demonstration of B's product does not effect a readjustment of price.

Example 2. C, a manufacturer of automobiles, bills his dealers in a specified amount per automobile purchased by them. Thereafter, C remits to the dealer x dollars of the original sale price for each automobile sold by the dealer in the last month of the model year. An additional amount of y dollars is paid to the dealer upon a showing by the dealer that he has paid y dollars to the salesman who made the sale. In this case, the x dollars paid to the dealer by C constitutes a bona fide discount, rebate, or allowance since payment of such amount is in the nature of a price reduction by reason of the dealer's inventory when new models are introduced. However, the y dollars paid to the dealer in reimbursement for the amount paid by him to the salesman who made the sale, does not constitute a bona fide discount, rebate, or allowance. Moreover, such payment of y dollars is essentially an allowance by the manufacturer to a person other than the manufacturer's vendee and, as such, would not, in any event, be recognized as a price readjustment (see paragraph (b)(1)(i) of this section).

(ii) *Inability to collect price.* A charge-off of an amount outstanding in an open account, due to inability to collect, is not a bona fide discount, rebate, or allowance and does not, in and of itself, give rise to a price readjustment within the meaning of this section.

(iii) *Loss or damage in transit.* If title to an article has passed to the vendee, the subsequent loss, damage, or destruction of the article while in the possession of a carrier for delivery to the vendee, does not, in and of itself, affect the price at which the article was sold.

(c) *Reimbursements in respect of local advertising* * * * [Reserved]

(d) *Supporting evidence required.* A claim for refund or credit by reason of a price readjustment within the meaning of this section may not be allowed, in any case, unless the claim is supported by a statement, signed by the person who paid to the tax to the United States—

(1) Describing the circumstances which gave rise to the price readjustment, and

(2) Showing that he has in his possession evidence—

(i) Identifying the article in respect of which the price readjustment was allowed;

(ii) Showing the price at which the article was sold, the amount of tax paid to the United States in respect of such article and the date of payment of the tax;

(iii) Giving the name and address of the person to whom the article was sold; and

(iv) Showing the amount repaid to such person or credited to his account.

§ 48.6416(b)–2 Tax payments deemed to be overpayments by reason of certain uses, sales, or resales.

(a) *In general.* Section 6416(b)(2) and paragraph (b) of this section provide that under certain circumstances tax under chapter 32 (manufacturers excise taxes) or under section 4041 (a)(1) or (b)(1) (diesel fuel and special motor fuel) paid to the United States shall be deemed to be an overpayment. Except as otherwise provided in section 6416(e) and § 48.6416(e)–1, refund or credit of any overpayment of tax within the meaning of section 6416(b)(2) and paragraph (b) of this section may be claimed only by the person who paid the tax to the United States. No interest shall be allowed on any refund or credit of such overpayment. For provisions relating to the evidence required in support of a claim for refund or credit of such overpayment, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration) and paragraph (c) of this section. For provisions authorizing the taking of a credit in lieu of filing a claim for refund, see section 6416(f) and § 48.6416(f)–1.

(b) *Uses, sales, and resales giving rise to right of refund or credit.* Tax under chapter 32, or under section 4041, as the case may be, which is paid to the United States in respect of the sale of any article is considered to be an overpayment under the circumstances and to the extent set forth in subparagraphs (1) to (17), inclusive, of this paragraph. This paragraph has application only in those cases where the exportation, use, sale, or resale (or any combination thereof) referred to in any such subparagraph occurs before any other use. In the case of any article which is sold or resold for a use described in any subparagraph and is not so used, such subparagraph shall become inapplicable *ab initio.*

(1) *Articles exported.* Subject to the limitation in section 6416(g) (see § 48.6416(g)–1), tax under chapter 32 paid to the United States on the sale of any article, or tax under section 4041 (a)(1) or (b)(1) paid to the United States on the sale of diesel fuel or special motor fuel, is considered to be an overpayment if such article or such fuel is by any person exported to a foreign country or shipped to a possession of the United States. Except in the case of articles specified in section 6416(g), it is immaterial for purposes of this subparagraph whether the persons who made the taxable sale had knowledge at the time of such sale that such article or such fuel was being purchased for export to a foreign country or shipment to a possession of the United States. See § 48.6416(e)–1 for the circumstances under which a claim for refund or credit by reason of the exportation of an article may be claimed by the exporter or shipper rather than by the person who paid the tax.

(2) *Supplies for vessels or aircraft.* Tax under chapter 32 paid to the United States on the sale of any article, or tax under section 4041(b)(1) paid to the United States on the sale of special motor fuel, is considered to be an overpayment if such article or such fuel is used by any person, or is sold by any person for use by the purchaser, as supplies for vessels or aircraft. Pursuant to the provisions of section 6416(i), the term "supplies for vessels or aircraft" has the same meaning as when used in chapter 31 and chapter 32 of the Code. See sections 4041(e), 4221(a)(3), 4221(d)(3), and 4221(e), and the regulations thereunder.

(3) *State or local governments.* Tax under chapter 32 paid to the United States on the sale of any article, or tax under section 4041 (a)(1) or (b)(1) paid to the United States on the sale of diesel fuel or special motor fuel, is considered to be an overpayment if such article or fuel is by any person sold to a State, any political subdivision thereof, or the District of Columbia for the exclusive use of a State, any political subdivision thereof, or the District of Columbia. For provisions relating to tax-free sales to a State, any political subdivision thereof, or the District of Columbia, see the regulations under section 4055 or 4221(a)(4), whichever is applicable.

(4) *Nonprofit educational organizations.* Tax under chapter 32 paid to the United States on the sale of any article, or tax under section 4041 (a)(1) or (b)(1) paid to the United States on the sale of diesel fuel or special motor fuel, is considered to be an overpayment if such article or fuel is by any person sold to a nonprofit educational organization for its exclusive use. The term "nonprofit educational organization", as used in this subparagraph, has the same meaning as when used in section 4057, in the case of tax under section 4041 (a)(1) or (b)(1), and section 4221 (a)(5) and (d)(5), in the case of tax under chapter 32.

(5) *Articles resold for use in further manufacture*—(i) *General rule.* Except as otherwise provided in subdivision (ii) of this subparagraph, tax under chapter 32 paid to the United States on the sale of an article is considered to be an overpayment if—

(a) Such article is, after the original sale of such article by the manufacturer thereof, resold by any person to another manufacturer as material in the manufacture or production of, or as a component part of, a second article manufactured or produced by him, and

(b) The second article is an article which is taxable under chapter 32.

It is immaterial for purposes of this subdivision whether the second article is sold or otherwise disposed of, or, if sold, whether the sale is a taxable sale.

(ii) *Exceptions to general rule*—(a) *Articles referred to in section 6416(b)(3)(B) and (E).* Subdivision (i)(b) of this subparagraph has no application in respect of any article specified in section 6416(b)(3)(B) (a part or accessory taxable under section 4061(b), a radio or television component taxable under section 4141, or a camera lens taxable under section 4171), or section 6416(b)(3)(E) (a bicycle tire, as defined in section 4221(e)(4)(B), or an inner tube for such a tire). Accordingly, in the case of any article specified in section 6416(b)(3)(B), if the condition prescribed in subdivision (i)(a) of this subparagraph is met, it is immaterial whether the second article is or is not an article taxable under chapter 32. In the case of an article specified in section 6416(b)(3)(E), tax paid on the sale by the manufacturer thereof will be considered to be an overpayment, if the condition prescribed in subdivision (i)(a) of this subparagraph is met and the article is used by the second manufacturer as material in the manufacture or production of, or as a component part of, a bicycle other than a rebuilt or reconditioned bicycle, but only if the sale of the article by the manufacturer thereof occurred on or after May 1, 1960.

(b) *Gasoline.* Subdivision (i)(b) of this subparagraph has no application in the case of gasoline taxable under section 4081 which is sold by the manufacturer on or after October 1, 1961, and which is used by a second manufacturer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him. For provisions relating to use for nonfuel purposes, see section 4221 and the regulations thereunder contained in Subpart M.

(c) *Articles to which this subparagraph is inapplicable.* This subparagraph has no application in respect of a tire or inner tube taxable under section 4071 (other than a bicycle tire or tube used as provided in section 6416(b)(3)(E)) or an automobile radio or television receiving set taxable under section 4141.

(iii) *Article broken or rendered useless.* Any article to which this subparagraph has application (other than a bicycle tire or tube used as provided in section 6416(b)(3)(E)) which would have been used in the manufacture or production of a second article, except for the fact that it was broken or rendered useless in the process of the manufacture or production of such second article, shall be considered to have been used as a component part of such second article.

(iv) *Cross reference.* For provisions relating to who is deemed to have made the overpayment in respect of articles sold tax-paid by the manufacturer thereof direct to another manufacturer who uses them for further manufacture, see section 6416(b)(3) and § 48.6416(b)–3.

(6) *Specified use of tires, inner tubes and certain receiving sets*—(i) *In general.* This subparagraph has application only in respect of an article specified in section 6416(b)(3)(C) (a tire or inner tube taxable under section 4071, or an automobile radio or television receiving set taxable under section 4141) or in section 6416(b)(3)(D) (a radio receiving set or an automobile radio receiving set). Subject to the provisions of subdivision (ii) of this subparagraph, tax under chapter 32 paid to the United States on the sale of an article specified in section 6416(b)(3) (C) or (D) is considered to be an overpayment if such article is, after the original sale of such article by the manufacturer thereof, resold by any person to another manufacturer and such other manufacturer—

(a) In the case of an article specified in section 6416(b)(3)(C), sells such article on or in connection with, or with the sale of, a second article manufactured or produced by him, or

(b) In the case of an article specified in section 6416(b)(3)(D), uses such article as a component part of a second article manufactured or produced by him.

It is immaterial, for purposes of this subparagraph, whether such second article is or is not a taxable article under chapter 32.

(ii) *Additional requirement.* If the requirements of subdivision (i) of this subparagraph are met, this subparagraph, nevertheless, shall have application only if the second article is by any person—

(a) Exported to a foreign country or shipped to a possession of the United States (whether or not such second article was sold by the manufacturer thereof in the knowledge that such article would be so exported or shipped),

(b) Sold to a State or local government for the exclusive use of a State or local government,

(c) Sold to a nonprofit educational organization for its exclusive use, or

(d) Used or sold for use as supplies for vessels or aircraft.

The various terms used in (a), (b), (c), and (d) of this subdivision have the same meaning as when used in chapter 32 (see section 4221 (a), (d), and (e), and the regulations thereunder).

(iii) *General provisions.* An overpayment arises pursuant to this subparagraph only if the article specified in section 6416(b)(3) (C) or (D) constitutes a part of or is associated with the second article at the time the second article is exported, used, or sold, as provided in subdivision (ii) of this subparagraph.

(iv) *Cross references.* For provisions relating to who is deemed to have made the overpayment in respect of tires, inner tubes, and receiving sets sold tax-paid by the manufacturer thereof direct to another manufacturer who uses them as provided in this subparagraph, see section 6416(b)(3) and § 48.6416(b)–3. For provisions relating to overpayments in respect of certain uses of tires, inner tubes, and automobile radio and television receiving sets by the manufacturer

thereof, see section 6416(b)(4) and § 48.6416(b)–4. For provisions relating to the credit allowable in respect of tax-paid tires, inner tubes, or automobile radio or television receiving sets sold on or in connection with, or with the sale of, another article taxable under chapter 32, see section 6416(c) and § 48.6416(c)–1.

(7) *Diesel or special motor fuel resold, used otherwise than for certain prescribed purposes, or used on a farm*—(i) *Diesel fuel and special motor fuel resold or used otherwise than in a diesel-powered highway vehicle, motor vehicle, motorboat, or airplane.* Tax under section 4041 (a)(1) or (b)(1) paid to the United States on the sale of diesel fuel or special motor fuel is considered to be an overpayment if such fuel—

(*a*) In the case of diesel fuel, is resold or is used otherwise than as fuel in a diesel-powered highway vehicle, or

(*b*) In the case of special motor fuel, is resold or is used otherwise than as fuel for the propulsion of a motor vehicle, motorboat, or airplane.

The principles set forth in § 48.4041–6, relating to dual use of diesel or special motor fuel, for determining whether liability is incurred under section 4041 at the time of sale of the fuel are equally applicable in determining whether an overpayment arises pursuant to the provisions of this subparagraph. Thus, if diesel fuel or special motor fuel used in a separate motor is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of such fuel used in such separate motor will be acceptable for purposes of computing the overpayment under this subparagraph. Such determination must be based, however, on the operating experience of the person using such fuel, and a statement, signed by such person, evidencing such operating experience must be maintained as a part of the records of the person claiming the refund or credit.

(ii) *Diesel fuel or special motor fuel used on a farm for farming purposes*—(*a*) *In general.* Tax under section 4041 paid to the United States in respect of diesel fuel used as a fuel in a diesel-powered highway vehicle, or in respect of special motor fuel used as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, is considered to be an overpayment, if such fuel is so used on a farm for farming purposes. The provisions of section 6420(c) (1), (2), and (3), and the regulations thereunder, are applicable in determining whether such fuel is used on a farm for farming purposes.

(*b*) *Used by person other than owner, tenant, or operator.* Pursuant to the provisions of section 6420(c)(3)(A), relating to the meaning of the term "farming purposes", diesel fuel or special motor fuel used on a farm situated in the United States, for the purposes specified in such provisions, by a person other than the owner, tenant, or operator of such farm shall be considered to be used by the owner, tenant, or operator of the farm for "farming purposes." In such case, the owner, tenant, or operator of the farm on which such diesel fuel or special motor fuel is used by such other person shall be considered, pursuant to the provisions of section 6420(c)(3)(A), to be the person who paid the tax under section 4041, if any, in respect of such fuel. Inasmuch as the owner, tenant, or operator is considered to be the person who paid the tax, if any, in respect of such diesel fuel or special motor fuel, such owner, tenant, or operator is authorized to claim refund of any overpayment, within the meaning of this subparagraph, of tax under section 4041 in respect of such fuel. Any claim for refund filed by such owner, tenant, or operator for refund of such tax shall be filed with the district director for the district in which he files his income tax returns.

(iii) *Fuel lost or destroyed.* Diesel fuel or special motor fuel lost or destroyed through spillage, fire, or other casualty is not considered to have been "used" within the meaning of this subparagraph, and, accordingly, no refund or credit of tax paid on the sale of such fuel may be made.

(8) *Diesel or special motor fuel used in transit service.* If diesel fuel or special motor fuel in respect of which tax under section 4041 has been paid to the United States at the rate of 3 cents or 4 cents a gallon is used by any person during any calendar quarter—

(i) In vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, and

(ii) The 60-percent passenger fare revenue test set forth in section 6421(b)(2) (see paragraph (b) of § 48.6421(b)–1) is met by such person for such quarter,

a portion of the tax paid in respect of such fuel is considered to be an overpayment. The amount of an overpayment, within the meaning of this subparagraph, in respect of such fuel used in a particular calendar quarter is computed—

(iii) By multiplying the number of gallons of such fuel so used in the calendar quarter on which tax was paid at the rate of 3 cents a gallon by 1 cent and by multiplying the number of gallons of such fuel so used in the calendar quarter on which tax was paid at the rate of 4 cents a gallon by 2 cents, and by multiplying the sum of these two products by

(iv) The percentage which the tax-exempt passenger fare revenue derived from such scheduled service during such calendar quarter was of the total passenger fare revenue (not including the tax imposed by section 4261 on the amount paid for the transportation of persons) derived from such scheduled service during such quarter.

Where the fuel on hand consists of fuel on which tax was paid under section 4041 at the rate of 3 cents a gallon and fuel on which tax was paid under section 4041 at the rate of 4 cents a gallon, such fuel shall be considered used in the order in which purchased. For the definition of the term "tax-exempt passenger fare revenue", as used in section 6416(b)(2)(H) and this subparagraph, see section 6421(d)(2) and paragraph (b) of § 48.6421(d)–1. Whether the 60-percent passenger fare revenue test is met for purposes of this subparagraph is determined in the same manner as that provided in paragraph (b) of § 48.6421(b)–1. For other provisions relating to diesel fuel and special motor fuel, see subparagraphs (7), (9), and (10) of this paragraph.

(9) *Diesel fuel used in highway vehicle not registered for highway use or in highway vehicle owned by United States.* If diesel fuel in respect of which tax under section 4041(a)(1) has been paid to the United States at the rate of 3 cents or 4 cents a gallon is used as a fuel in a diesel-powered highway vehicle which—

(i) Is not registered, and is not required to be registered, at the time of such use, for highway use under the laws of any State or foreign country, or

(ii) Is owned by the United States and is not used on the highway,

a portion of the tax paid in respect of such fuel is considered to be an overpayment. The amount of an overpayment, within the meaning of this subparagraph, in respect of diesel fuel which meets the applicable conditions prescribed in the preceding sentence is the sum of the two products obtained by multiplying the number of gallons of such fuel on which tax was paid at the rate of 3 cents a gallon by 1 cent and by multiplying the number of gallons of such fuel on which tax was paid at the rate of 4 cents a gallon by 2 cents. Where the fuel on hand consists of fuel on which tax was paid under section 4041(a)(1) at the rate of 3 cents a gallon and fuel on which tax was paid under section 4041(a)(1) at the rate of 4 cents a gallon, such fuel shall be considered used in the order in which purchased. The terms "highway vehicle," "highway," and "registered," as used in this subparagraph, have the same meaning as when used in § 48.4041–7, relating to definitions applicable in respect of tax imposed under section 4041. This subparagraph has no application in respect of diesel fuel resold by the purchaser or used on a farm for farming purposes. For provisions relating to refund or credit in respect of diesel fuel resold or used on a farm for farming purposes, see subparagraph (7) of this paragraph.

(10) *Special motor fuel used for taxable purposes otherwise than in highway vehicle registered for highway use, or used in highway vehicle owned by United States.* If special motor fuel in respect of which tax under section 4041(b)(1) has been paid to the United States at the rate of 3 cents or 4 cents a gallon is used as a fuel for the propulsion of a—

(i) Motorboat,

(ii) Airplane,

(iii) A motor vehicle which is not a highway vehicle,

(iv) A motor vehicle which is a highway vehicle (other than a highway vehicle owned by the United States) and which, at the time of such use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or

(v) A highway vehicle owned by the United States which is not used on the highway,

a portion of the tax paid in respect of such fuel is considered to be an overpayment. The amount of an overpayment, within the meaning of this subparagraph, in respect of special motor fuel which meets the applicable conditions prescribed in the preceding sentence is the sum of the two products obtained by multiplying the number of gallons of such fuel on which tax was paid at the rate of 3 cents a gallon by 1 cent and by multiplying the number of gallons of such fuel on which tax was paid at the rate of 4 cents a gallon by 2 cents. Where the fuel on hand consists of fuel on which tax was paid under section 4041(b)(1) at the rate of 3 cents a gallon and fuel on which tax was paid under section 4041(b)(1) at the rate of 4 cents a gallon, such fuel shall be considered used in the order in which purchased. The terms "highway vehicle", "highway", and "registered", as used in this subparagraph, have the same meaning as when used in § 48.4041–7, relating to definitions applicable in respect of tax imposed under section 4041. This subparagraph has no application in respect of special motor fuel resold by the purchaser or used on a farm for farming purposes. For provisions relating to refund or credit in respect of special motor fuel resold or used on a farm for farming purposes, see subparagraph (7) of this paragraph.

(11) *Farm equipment.* Tax under section 4061(b) paid to the United States on the sale of parts or accessories (other than spark plugs and storage batteries) for any article taxable under section 4061(a) (relating to automobiles, trucks, etc.), is considered to be an overpayment, if such parts or accessories are used, or are sold by any person for use by the purchaser, as repair or replacement parts, or as accessories, for farm equipment. The term "farm equipment", as used in this subparagraph, does not include any article taxable under section 4061(a). The term "parts or accessories", as used in this subparagraph, has the same meaning as when used in the regulations under section 4061(b). This subparagraph has no application in any case where refund or credit of tax paid on the sale of parts or accessories is allowable under section 6416(b)(3) (see § 48.6416(b)–3), relating, in part, to parts and accessories purchased tax-paid from the manufacturer thereof by a second manufacturer and used by the second manufacturer in further manufacture of a taxable or nontaxable article.

(12) *Tread rubber.* Tax under section 4071(a)(4) paid to the United States on the sale of tread rubber which is used, or which is sold by any person for use by the purchaser, otherwise than in the recapping or retreading of tires of the type used on highway vehicles is considered to be an overpayment. In the case of tread rubber which is used in the recapping or retreading of tires, the type of vehicle on which the recapped or retreaded tire is to be used or the actual or intended use of the recapped or retreaded tire is immaterial in determining whether an overpayment arises pursuant to this subparagraph. The controlling factor is whether the tire resulting from the recapping or retreading is of a type which is not used on a highway vehicle. The terms "tread rubber", "tires of the type used on highway vehicles", and "tires", as used in this subparagraph, have the same meaning as when used in section 4072 and § 48.4072–1. This subparagraph has no application as to tread rubber in respect of which an overpayment arises pursuant to the provisions of section 6416(b)(3) (see § 48.6416(b)–3), relating in part, to articles purchased tax-paid from the manufacturer thereof by a second manufacturer and used in further manufacture of a taxable article.

(13) *Gasoline used in production of special motor fuels.* Tax under section 4081 paid to the United States on the sale of gasoline is considered to be an overpayment, if such gasoline is used or sold for use in the production of a special motor fuel. The term "special motor fuel", as used in this subparagraph, has the same meaning as when used in paragraph (f) of § 48.4041–7.

(14) *Oil used for nonlubricating purposes*—(i) *In general.* Tax under section 4091 paid to the United States on the sale of lubricating oil is considered to be an overpayment if such oil is by any person used or sold for nonlubricating purposes. For provisions relating to overpayment of tax in respect of lubricating oil used or sold for use as cutting oil, see subparagraph (15) of this paragraph.

(ii) *Containers of 1 gallon or less.* An overpayment within the meaning of subdivision (i) of this subparagraph is considered to exist in respect of lubricating oil, sold tax-paid by the manufacturer thereof in bulk or in containers of more than 1 gallon, which is, by any purchaser thereof, packaged in containers of 1 gallon or less furnished by him and labeled by him to indicate use of the oil for nonlubricating purposes only, provided—

(*a*) Any advertising of such oil so packaged and labeled indicates that the oil is for nonlubricating use only, and

(*b*) The oil so packaged and labeled is sold to a purchaser for nonlubricating use by him or for resale by him for such use.

(15) *Cutting oils*—(i) *In general.* In the case of tax under section 4091 paid at the rate of 6 cents a gallon on the sale of lubricating oil, such portion of the tax paid as does not exceed 3 cents a gallon of such oil is considered to be an overpayment, if such oil is by any person used or sold for use as cutting oil. For purposes of this subdivision, lubricating oil is considered to have been used or sold for use as cutting oil, if such oil is used or sold for use in cutting and machining operations (including, but not limited to, forging, drawing, rolling, shearing, punching, and stamping) on metals. See section 4092(b) and paragraph (b) of § 48.4092–1 for definition of the term "cutting oils".

(ii) *Containers of 1 gallon or less.* An overpayment within the meaning of subdivision (i) of this subparagraph is considered to exist in respect of lubricating oil, sold tax-paid by the manufacturer thereof in bulk or in containers of more than 1 gallon, which is, by any purchaser thereof, packaged in containers of 1 gallon or less furnished by him and labeled by him to indicate use of the oil only in cutting and machining operations on metals, provided—

(*a*) Any advertising of such oil so packaged and labeled indicates that the oil is for use in such cutting and machining operations only, and

(*b*) The oil so packaged and labeled is sold to a purchaser for such use by him or for resale by him for such use.

(16) *Musical instruments sold to religious institutions.* Tax under section 4151 paid to the United States on the sale of any musical instrument is considered to be an overpayment, if the musical instrument is by any person sold to a religious institution for exclusively religious purposes. Those provisions of the regulations applicable under section 4221(e)(3) which relate to the qualification of an organization as a religious institution for purposes of such section have application also for purposes of this subparagraph.

(17) *Unexposed motion picture film.* Tax under section 4171 paid to the United States on the sale of unexposed motion picture film is considered to be an overpayment, if such film is by any person used or sold for use by the purchaser in the making of newsreel motion picture films. The term "making of newsreel motion picture films", as used in this subparagraph, means the production of newsreel motion pictures covering current news events for immediate release for public exhibition.

(c) *Refund or credit of overpayments within the meaning of section 6416(b)(2)*—(1) *Manufacturers taxes under chapter 32*–(i) *Evidence to be submitted by claimant.* Refund or credit of an overpayment, within the meaning of section 6416(b)(2) and paragraph (b) of this section, of tax under chapter 32 may not be allowed unless there is submitted, in support of the claim for refund or credit—

(*a*) A statement identifying the article, both as to nature and quantity, in respect of which refund or credit is claimed,

(*b*) A statement showing the amount of tax paid to the United States in respect of such article or articles and the date of payment,

(*c*) In the case of an overpayment determined under section 6416(b)(2)(A) and paragraph (b)(1) of this section in respect of an article taxable under section 4061(a), an article taxable under section 4111, an article taxable under section 4121, or an article taxable under section 4141, a statement showing that, pursuant to section 6416(g), the person who paid the tax had in his possession at the time of his shipment of the article or at the time title to the article passed to his vendee, whichever is earlier, evidence that the article was to be exported to a foreign country or shipped to a possession of the United States,

(*d*) In the case of any overpayment other than an overpayment determined under section 6416(b)(2)(F) and paragraph (b)(6) of this section, a statement showing that the person who paid the tax has in his possession evidence that the article has been exported, or has been used, sold, or resold in a manner or for a purpose which gives rise to an overpayment within the meaning of section 6416(b)(2) and paragraph (b) of this section,

(*e*) In the case of an overpayment determined under section 6416(b)(2)(F) and paragraph (b)(6) of this section, relating to a tire, inner tube, or receiving set sold on or in connection with, or as a component part of, a second article which has been exported, or which has been used or sold in a manner or for a purpose specified in such section 6416(b)(2)(F) and such paragraph (b)(6), a statement showing that the person who paid the tax has in his possession (*1*) evidence that the second article has been exported, or has been so used or sold, and (*2*) a statement, executed and signed by the ultimate purchaser of the tire, inner tube, or receiving set, showing that he purchased such tire, inner tube, or receiving set from a person other than the person who paid the tax on the sale of such tire, inner tube, or receiving set, and

(*f*) The evidence required under paragraph (d)(2) of § 48.6416(a)–1.

(ii) *Evidence required to be in possession of claimant—(a) Evidence required under subdivision (i)(d) of this subparagraph—(1) In general.* The evidence required to be in the possession of the person who paid the tax, as provided in subdivision (i)(*d*) of this subparagraph, shall, in the case of an article exported, consist of proof of exportation in the form prescribed in the regulations applicable under section 4221, and, in the case of other articles sold taxpaid by such person, shall consist of a certificate, executed and signed by the ultimate purchaser of the article, in the form prescribed in (*3*) of this subdivision (ii)(*a*). However, in any case where the article to which the claim relates passed through a chain of sales from the person who paid the tax to the ultimate purchaser, such evidence may consist of a certificate, executed and signed by the ultimate vendor of the article, in the form provided in (*4*) of this subdivision (ii)(*a*), rather than the proof of exportation itself or the certificate of the ultimate purchaser. This subdivision (*1*) has no application in any case where the claim is for refund or credit of an overpayment determined under section 6416(b)(2)(N) and paragraph (b)(14) of this section, or under section 6416(b)(2)(O) and paragraph (b)(15) of this section, in respect of oil packaged in containers of 1 gallon or less and sold or resold for use for nonlubricating purposes or for use as cutting oil, as the case may be.

(*2*) *Oil packaged in containers of 1 gallon or less.* In the case of lubricating oil sold tax-paid by the manufacturer thereof in bulk or in containers of more than 1 gallon, which is, by any purchaser thereof, packaged in containers of 1 gallon or less furnished by him and labeled by him to indicate use of the oil for nonlubricating purposes or as cutting oil, as the case may be, the evidence required to be in the possession of the person who paid the tax, as provided in subdivision (i)(*d*) of this subparagraph, shall consist of a statement, executed and signed by the person who packaged the oil, showing that the oil was so packaged and labeled, that any advertising of such oil so packaged and labeled indicated that the oil was for such use only, and that the oil so packaged and labeled was sold to a purchaser for such use by him or for resale by him for such use.

(*3*) *Certificate of ultimate purchaser.* The certificate executed and signed by the ultimate purchaser of the article to which the claim relates shall identify the article, both as to nature and quantity; show the address of the ultimate purchaser of the article, the name and address of the ultimate vendor of the article; and describe the use actually made of the article in sufficient detail to establish that refund or credit is due, except that the use to be made of the article shall be described in lieu of actual use in any case where refund or credit is claimed by reason of the sale or resale of an article for a specified use which gives rise to an overpayment under paragraph (b) of this section. In any case where the certificate sets forth the use to be made of any article, in lieu of describing the actual use thereof, the certificate shall show that the ultimate purchaser has agreed to notify the person claiming refund or credit in the event that such article is not used as specified in such certificate. Such certificate shall also contain a statement that the ultimate purchaser has not previously executed such a certificate in respect of such article, and that he understands that he and all guilty parties may, for fraudulent use of such certificate, be subject to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

(*4*) *Certificate of ultimate vendor.* Any certificate executed and signed by an ultimate vendor as evidence to be retained in the possession of the person who paid the tax, as provided in subdivision (i)(*d*) of this subparagraph, may be executed with respect to any one or more overpayments by such person which arose under section 6416(b)(2) and paragraph (b) of this section by reason of exportations, uses, or resales occurring within any period of not more than 4 calendar quarters, beginning and ending dates of such period to be specified in the certificate. The certificate shall be in substantially the following form:

STATEMENT OF ULTIMATE VENDOR

(For use in claiming refund or credit of overpayment determined under section 6416(b)(2)(F)), Internal Revenue Code.)

The undersigned or the

_____
(Name of ultimate vendor if other than undersigned)

of which he is _____, is the ultimate
(Title)

vendor of the article specified below or on the reverse side hereof.

Such article was purchased by the ultimate vendor taxpaid and was thereafter exported, used, or sold as indicated below or on the reverse side hereof.

The ultimate vendor has in his possession

_____
(Proof of exportation in respect of the article or a certificate as to use executed by the ultimate purchaser of the article)

The _____
(Proof of exportation or certificate)

(1) is retained by the ultimate vendor, (2) will, upon request, be forwarded to

_____
(Name of person who paid tax to United States)

at any time within 3 years from the date of this statement for use by such person in establishing that refund or credit is due in respect of such article, and (3) will otherwise be held by the ultimate vendor for such 3-year period.

The undersigned has not previously executed a statement in respect of such

_____
(Proof of exportation or certificate)

and he understands that the fraudulent use of this statement may subject him and all guilty parties to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

_____
(Signature)

_____
(Address)

_____
(Date)

Vendor's invoice	Articles	Date of resale	Quantity	Exported or use made or to be made (specify)

(*b*) *Evidence required under subdivision (i)(e) of this subparagraph—(1) In general.* The evidence required to be in the possession of the person who paid the tax, as provided in subdivision (i)(*e*)(*1*) of this subparagraph, shall, in the case of an exportation of the second article (as referred to in such subdivision (i)(*e*)), consist of proof of exportation of the second article in the form prescribed in the regulations applicable under section 4221, and, in other cases, shall consist of a certificate, executed and signed by the ultimate purchaser of the second article, in the form prescribed in (*2*) of this subdivision (ii)(*b*). However, such evidence may consist of a certificate, to be executed and signed by the ultimate vendor of the second article in the form provided in (*3*) of this subdivision (ii)(*b*), rather than the proof of exportation of the second article or the certificate of the ultimate purchaser of the second article.

(*2*) *Certificate of ultimate purchaser of second article.* The certificate of the ultimate purchaser of the second article shall contain the same information as that required in subdivision (ii)(*a*)(*3*) of this subparagraph, except that such information shall be furnished in respect of such second article, rather than the article to which the claim relates.

(*3*) *Certificate of ultimate vendor of second article.* Any certificate executed and signed by an ultimate vendor, as evidence to be retained in the possession of the person who paid the tax, as provided in subdivision (i)(*e*)(*1*) of this subparagraph, may be executed with respect to any one or more overpayments by such person which arose under section 6416(b)(2)(F) and paragraph (b)(6) of this section by reason of exportations, uses, or resales of a second article occurring within any period of not more than 4 calendar quarters, beginning and ending dates of such period to be specified in the certificate. The certificate shall be in substantially the following form:

STATEMENT OF ULTIMATE VENDOR

(For use in claiming refund or credit of overpayment determined under section 6416(b)(2)(F), Internal Revenue Code, involving tires, inner tubes, or receiving sets sold on or with another article.)

The undersigned, or the

_____
(Name of ultimate vendor of second article if other than undersigned)

of which he is _____, is the ultimate
(Title)

vendor of an article, specified below or on the reverse side hereof, on which or with which a tax-paid tire, inner tube, or receiving set was sold.

The ultimate vendor has in his possession

_____
(Proof of exportation in respect of the article on which or with which the tire, inner tube, or receiving set was sold, or a certificate as to use of such article executed by the ultimate purchaser of such article)

The _____
(Proof of exportation or certificate)

(1) is retained by the ultimate vendor, (2) will, upon request, be forwarded to

_____
(Name of person who paid tax to United States on the tire, inner tube, or receiving set)

at any time within 3 years from the date of this statement for use by such person in establishing that refund or credit is due in respect of such tire, inner tube, or receiving set, and (3) will otherwise be held by the ultimate vendor for such 3-year period.

The undersigned has not previously executed a statement in respect of such

_____
(Proof of exportation or certificate)

and he understands that the fraudulent use of this statement may subject him and all guilty parties to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

_____
(Signature)

_____
(Address)

_____
(Date)

Tires, inner tubes, or receiving sets (specify and state quantity)	Vendor's invoice on second article	Second article (specify and state quantity)	Date of sale of second article	Exported or use made or to be made (specify in respect of second article)

(*c*) *Repayment or consent of ultimate vendor.* If the person claiming refund or credit of an overpayment has repaid or agreed to repay the amount of the overpayment to the ultimate vendor or if the ultimate vendor consents to the allowance of the refund or credit (see paragraph (d)(2) of § 48.6416(a)–1, a statement to that effect, signed by the ultimate vendor, may be shown on, or made a part of, the evidence required to be retained in the possession of the person claiming the refund or credit, as provided in subdivision (i)(*d*) or (i)(*e*)(*1*) of this subparagraph.

(*2*) *Diesel and special motor fuel taxes under section 4041—(i) Evidence to be submitted by claimant—(a) In general.* Refund or credit of an overpayment, within the meaning of section 6416(b)(2) and paragraph (b) of this section, of tax under section 4041 may not be allowed unless there is submitted, in support of the claim for refund or credit, a statement—

(*1*) Identifying the fuel, both as to nature and quantity, in respect of which refund or credit is claimed,

(*2*) Showing the amount of tax paid to the United States in respect of such fuel and the date of payment,

(*3*) Showing that the person who paid such tax has in his possession evidence that such fuel has been exported, or has been used, sold, or resold, as provided in section 6416(b)(2) and paragraph (b) of this section, except that, in the case of fuel used in transit service (see section 6416(b)(2)(H) and paragraph (b)(8) of this section), such person shall submit a statement, executed and signed by the person who used the fuel, showing the computation (by calendar quarters) of the amount of the refund or credit, the computation to be made in the same form and manner as that prescribed in paragraph (b)(2)(ii) of § 48.6421(c)–1, relating to gasoline used in transit service, and

(*4*) Furnishing the evidence required under paragraph (c)(2) of § 48.6416(a)–1.

This subdivision (i)(*a*) has no application in any case where the claim is for refund or credit of an overpayment determined under section 6416(b)(2)(G) and paragraph (b)(7)(ii) of this section in respect of fuel used on a farm for farming purposes by a person other than the owner, tenant, or operator of such farm.

(*b*) *Fuel used on a farm for farming purposes by a person other than the owner, tenant, or operator of the farm.* Any claim filed by an owner, tenant, or operator of a farm for refund or credit of an overpayment determined under section 6416(b)(2)(G) and paragraph (b)(7)(ii) of this section, in respect of diesel fuel or special motor fuel used on a farm for farming purposes by a person other than the owner, tenant, or operator of the farm, may not be allowed unless such owner, tenant, or operator submits in support of such claim a statement showing the name and address of the person who so used the fuel; the date or dates on which such fuel was so used; the place where the fuel was so used; a description of the services in connection with which such fuel was so used (for example, filling a silo, harvesting wheat, dusting crops, etc.); the number of gallons of such fuel used by such person as fuel in a diesel-powered highway vehicle, or as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, while performing such services; and the rate at which tax was paid in respect of such fuel.

(ii) *Evidence required to be in possession of claimant.* The evidence required to be in the possession of the person who paid the tax, as provided in subdivision (i)(*a*)(*3*) of this subparagraph, shall, in the case of fuel exported, consist of proof of exportation, and, in the case of other fuel sold tax-paid, shall consist of a certificate executed and signed by the person who purchased the fuel in a resale or for the use which gave rise to the overpayment. The certificate shall identity the fuel, both as to nature and quantity, in respect of which refund or credit is claimed; shall show the address of such purchaser; shall show the name and address of the person from whom the fuel was purchased and the date or dates on which the fuel was purchased; and shall show that the fuel was resold and the date of the resale, or, if the claim is not based on resale of the fuel, shall describe the use actually made of the fuel in sufficient detail to establish that refund or credit is due, except that the use to be made of the fuel shall be described in lieu of actual use in any case where refund or credit is claimed by reason of the sale of the fuel for a specified use which gives rise to an overpayment under paragraph (b) of this section. However, in any case where the use to be made of the fuel is described in lieu of actual use, the certificate shall show that the purchaser has agreed to notify the person claiming refund or credit in the event that such fuel is not used as specified in such certificate. Such certificate shall also contain a statement that the purchaser has not previously executed such a certificate in respect of such fuel, and that he understands that he and all guilty

parties may, for fraudulent use of such certificate, be subject to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

§ 48.6416(b)–3 Articles sold tax-paid by manufacturer thereof to another manufacturer for specified use.

(a) *In general.* Section 6416(b)(3) and paragraph (b) of this section provide that under certain circumstances tax under chapter 32 (manufacturers excise tax) paid to the United States on the sale of an article by the manufacturer thereof direct to a second manufacturer who uses the article in further manufacture of a second article or sells the article with or as a part of a second article manufactured or produced by him shall be deemed to be an overpayment. Any overpayment of tax within the meaning of section 6416(b)(3) and paragraph (b) of this section is deemed to have been made by the second manufacturer, and such second manufacturer may file claim for refund of any such overpayment or may claim credit for the overpayment on any return of tax under chapter 32 which he subsequently files. Any such claim for refund shall be filed with the district director for the distict in which such second manufacturer files his returns of tax under chapter 32, or would file such returns if required. No interest shall be allowed on any refund or credit of an overpayment determined under section 6416(b)(3) and paragraph (b) of this section. For provisions relating to the evidence required in support of a claim for refund or credit of such an overpayment, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration) and paragraph (c) of this section. For provisions authorizing the taking of a credit in lieu of filing a claim for refund, see section 6416(f) and § 48.6416(f)–1.

(b) *Conditions relating to use of article*—(1) *Used in further manufacture*—(i) *General rule.* Except as otherwise provided in subdivision (ii) of this subparagraph, tax under chapter 32 paid to the United States on the sale of an article by the manufacturer thereof to a second manufacturer is considered to be an overpayment if—

(*a*) The tax-paid article is used by the second manufacturer as material in the manufacture or production of, or as a component part of, a second article manufactured or produced by him, and

(*b*) The second article is an article which is taxable under chapter 32.

It is immaterial for purposes of this subdivision whether the second article is sold or otherwise disposed of, or if sold, whether the sale is a taxable sale.

(ii) *Exceptions to general rule—(a) Articles referred to in section 6416(b)(3)(B) and (E).* Subdivision (i)(*b*) of this subparagraph has no application in respect of any article specified in section 6416(b)(3)(B) (a part or accessory taxable under section 4061(b), a radio or television component taxable under section 4141, or a camera lens taxable under section 4171), or section 6416(b)(3)(E) (a bicycle tire, as defined in section 4221 (e)(4)(B), or an inner tube for such a tire). Accordingly, in the case of any article specified in section 6416(b)(3)(B), if the condition prescribed in subdivision (i)(*a*) of this subparagraph is met, it is immaterial whether the second article is or is not an article taxable under chapter 32. In the case of an article specified in section 6416(b)(3)(E), tax paid on the sale by the manufacturer thereof will be considered to be an overpayment, if the condition prescribed in subdivision (i)(*a*) of this subparagraph is met and the article is used by the second manufacturer as material in the manufacture or production of, or as a component part of, a bicycle other than a rebuilt or reconditioned bicycle, but only if the sale of the article by the manufacturer thereof occurred on or after May 1, 1960.

(*b*) *Gasoline.* Subdivision (i)(*b*) of this subparagraph has no application in the case of gasoline taxable under section 4081 which is sold by the manufacturer on or after October 1, 1961, and which is used by a second manufacturer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him. For provisions relating to use for nonfuel purposes, see section 4221 and the regulations thereunder contained in Subpart N.

(*c*) *Articles to which this subparagraph is inapplicable.* This subparagraph has no application in respect of a tire or inner tube taxable under section 4071 (other than a bicycle tire or tube used as provided in section 6416(b)(3)(E)) or an automobile radio or television receiving set taxable under section 4141.

(iii) *Article broken or rendered useless.* Any article to which this subparagraph has application (other than a bicycle tire or tube used as provided in section 6416(b)(3)(E)) which would have been used in the manufacture or production of a second article, except for the fact that it was broken or rendered useless in the process of the manufacture or production of such second article, shall be considered to have been used as a component part of such second article.

(iv) *Cross reference.* For provisions relating to refund or credit in respect of articles sold tax-paid by the manufacturer thereof and resold by any person to another manufacturer who uses them as provided in this subparagraph, see section 6416(b)(2)(E) and paragraph (b)(5) of § 48.6416(b)–2.

(2) *Specified use of tires, inner tubes, and certain receiving sets*—(i) *In general.* This subparagraph has application only in respect of an article specified in section 6416(b)(3)(C) (a tire or inner tube taxable under section 4071, or an automobile radio or television receiving set taxable under section 4141) or in section 6416(b)(3)(D) (a radio receiving set or an automobile radio receiving set). Subject to the provisions of subdivision (ii) of this subparagraph, tax under chapter 32 paid to the United States on the sale of an article specified in section 6416(b)(3)(C) or (D) by the manufacturer thereof to a second manufacturer is considered to be an overpayment if—

(*a*) In the case of an article specified in section 6416(b)(3)(C), the article is sold by the second manufacturer on or in connection with, or with the sale of, a second article manufactured or produced by him, or

(*b*) In the case of an article specified in section 6416(b)(3)(D), the article is used by the second manufacturer as a component part of a second article manufactured or produced by him.

It is immaterial for purposes of this subparagraph whether such second article is or is not a taxable article under chapter 32.

(ii) *Additional requirement.* If the requirements of subdivision (i) of this subparagraph are met, this subparagraph, nevertheless, shall have application only if the second article is by any person—

(*a*) Exported to a foreign country or shipped to a possession of the United States (whether or not such second article was sold by the manufacturer thereof in the knowledge that such article would be so exported or shipped);

(*b*) Sold to a State or local government for the exclusive use of a State or local government;

(*c*) Sold to a nonprofit educational organization for its exclusive use; or

(*d*) Used or sold for use as supplies for vessels or aircraft.

The various terms used in (*a*), (*b*), (*c*), and (*d*) of this subdivision have the same meaning as when used in chapter 32 (see section 4221 (a), (d), and (e), and the regulations thereunder).

(iii) *General provisions.* An overpayment arises pursuant to this subparagraph only if the article specified in section 6416(b)(3)(C) or (D) constitutes a part of or is associated with the second article at the time the second article is exported, used, or sold, as provided in subdivision (ii) of this subparagraph.

(iv) *Cross-references.* For provisions relating to refund or credit in respect of tires, inner tubes, or receiving sets sold tax-paid by the manufacturer thereof and resold by any person to another manufacturer who uses them as provided in this subparagraph, see section 6416(b)(2)(F) and paragraph (b)(6) of § 48.6416(b)–2. For provisions relating to refund or credit in respect of tires, inner tubes, or receiving sets used by the manufacturer thereof as provided in this subparagraph, see section 6416(b)(4) and § 48.6416(b)–4. For provisions relating to the credit allowable in respect of tax-paid tires, inner tubes, or automobile radio or television receiving sets sold on or in connection with, or with the sale of, another article taxable under chapter 32, see section 6416(c) and § 48.6416(c)–1.

(3) *Specified use must occur prior to any other use.* This paragraph has application only in those cases where the exportation, use, or sale (or any combination thereof) referred to in subparagraph (1) or (2) of this paragraph occurs before any other use. In the case of any article which is sold for a use described in subparagraph (2) of this paragraph and is not so used, such subparagraph shall become inapplicable *ab initio*.

(c) *Refund or credit of overpayments within the meaning of section 6416(b)(3)—(1) Evidence to be submitted by claimant.* Refund or credit of an overpayment, within the meaning of section 6416(b)(3) and paragraph (b) of this section, may not be allowed unless there is submitted, in support of the claim for refund or credit—

(i) A statement identifying the article, both as to nature and quantity, in respect of which refund or credit is claimed,

(ii) A statement showing the name and address of the manufacturer of such article, and that the article was purchased from such manufacturer by the person claiming refund or credit,

(iii) A statement showing the amount of tax paid in respect of such article by the manufacturer thereof and the date of payment,

(iv) A statement showing that such article was used by the person claiming the refund or credit as material in the manufacture or production of, or as a component part of, a second article manufactured or produced by him, or was sold on or in connection with, or with the sale of, a second article manufactured or produced by him,

(v) A statement identifying the second article, both as to nature and quantity,

(vi) In the case of an overpayment determined under section 6416(b)(3)(C) or (D) and paragraph (b)(2) of this section, a statement (*a*) showing that the person claiming refund or credit has in his possession evidence that such second article has been exported, or has been used or sold as provided in such section 6416(b)(3)(C) or (D) and such paragraph (b)(2), and (*b*) furnishing the evidence required under paragraph (d)(2) of § 48.6416(a)–1.

(2) *Evidence required under subparagraph (1)(vi)(a) of this paragraph to be in possession of claimant*—(i) *In general.* The evidence required under subparagraph (1)(vi)(*a*) of this paragraph to be in the possession of the person claiming refund or credit shall, in the case of an exportation of the second article (as referred to in such subparagraph (1)(vi)(*a*)), consist of proof of exportation of the second article in the form prescribed in the regulations applicable under section 4221, and, in other cases, shall consist of a certificate, executed and signed by the ultimate purchaser of the second article, in the form prescribed in subdivision (ii) of this subparagraph. However, in cases where the second article passed through a chain of sales from the manufacturer of the second article to the ultimate purchaser of the second article, such evidence may consist of a certificate, executed and signed by the ultimate vendor of the second article, in the form prescribed in subdivision (iii) of this subparagraph, rather than the proof of exportation of the second article or the certificate of the ultimate purchaser of the second article.

(ii) *Certificate of ultimate purchaser of second article.* The certificate of the ultimate purchaser of the second article shall contain the same information as that required in paragraph (c)(1)(ii)(*a*)(3) of § 48.6416(b)–2, except that such information shall be furnished in respect of such second article, rather than the article to which the claim relates.

(iii) *Certificate of ultimate vendor of second article.* Any certificate executed and signed by an ultimate vendor as evidence required under subparagraph (1)(vi)(*a*) of this paragraph to be retained in the possession of the person claiming refund or credit shall be executed in the same form and manner as that provided in paragraph (c)(1)(ii)(*b*)(3) of § 48.6416(b)–2.

(iv) *Repayment or consent of ultimate vendor.* If the person claiming refund or credit of an overpayment has repaid or agreed to repay the amount of the overpayment to the ultimate vendor or if the ultimate vendor consents to the allowance of the refund or credit (see paragraph (d)(2) of § 48.6416(a)–1), a statement to that effect, signed by the ultimate vendor, may be shown on, or made a part of, the evidence required to be retained in the possession of the person claiming the refund or credit, as provided in subparagraph (1)(vi)(*a*) of this paragraph.

§ 48.6416(b)–4 Tires, inner tubes, or certain receiving sets sold by the manufacturer thereof with or as a part of another article manufactured by him.

(a) *In general.* Section 6416(b)(4) and paragraph (b) of this section provide that under certain circumstances tax under chapter 32 (manufacturers excise tax) paid to the United States in respect of tires, inner tubes, or certain receiving sets used by the manufacturer thereof shall be deemed to be an overpayment by such manufacturer. Refund or credit of any overpayment of tax within the meaning of section 6416(b)(4) and this section may be claimed only by the person who paid the tax to the United States. No interest shall be allowed on any refund or credit of such overpayment. For provisions relating to the evidence required in support of a claim for refund or credit of such overpayment, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration) and paragraph (c) of this section. For provisions authorizing the taking of a credit in lieu of filing a claim for refund, see section 6416(f) and § 48.6416(f)–1.

(b) *Conditions relating to use of article*—(1) *General rule.* Subject to the provisions of subparagraph (2) of this paragraph, tax under chapter 32 paid to the United States by a manufacturer in respect of—

(i) A tire or inner tube taxable under section 4071, or an automobile radio or television receiving set taxable under section 4141, manufactured by him and sold by him on or in connection with, or with the sale of, any other article manufactured or produced by him, or

(ii) A radio receiving set or an automobile radio receiving set manufactured by him and used by him as a component part of any other article manufactured or produced by him,

is considered to be an overpayment by the manufacturer of such tire, inner tube, or receiving set. For purposes of this subparagraph, it is immaterial whether the second article is or is not a taxable article under chapter 32.

(2) *Additional requirement.* If the requirements of subparagraph (1) of this paragraph are met, this paragraph nevertheless, shall have application only if the second article is by any person—

(i) Exported to a foreign country or shipped to a possession of the United States (whether or not such second article was sold by the manufacturer thereof in the knowledge that such article would be so exported or shipped),

(ii) Sold to a State or local government for the exclusive use of a State or local government,

(iii) Sold to a nonprofit educational organization for its exclusive use, or

(iv) Used or sold for use as supplies for vessels or aircraft.

The various terms used in subdivisions (i), (ii), (iii), and (iv) of this subparagraph have the same meaning as when used in chapter 32 (see section 4221 (a), (d), and (e) and the regulations thereunder).

(3) *General provisions.* An overpayment arises pursuant to this section only if the tire, inner tube, or receiving set constitutes a part of or is associated with the second article at the time the second article is exported, used, or sold as provided in subparagraph (2) of this paragraph.

(4) *Specified use must occur before any other use.* This section has application only in those cases where the exportation, use, or sale (or any combination thereof) referred to in this section occurs before any other use. In the case of any article which is sold for a use described in subparagraph (2) of this paragraph and is not so used, this section shall become inapplicable *ab initio*.

(5) *Cross-references.* For provisions relating to refund or credit in respect of tires, inner tubes, or receiving sets sold tax-paid by the manufacturer thereof and resold by any person to another manufacturer who uses them as provided in this section, see section 6416(b)(2)(F) and paragraph (b)(6) of § 48.6416(b)–2. For provisions relating to refund or credit in respect of tires, inner tubes, or receiving sets sold tax-paid by the manufacturer thereof direct to another manufacturer who uses them as provided in this section, see section 6416(b)(3) and § 48.6416(b)–3. For provisions relating to the credit allowable in respect of tax-paid tires, inner tubes, or automobile radio or television receiving sets sold on or in connection with, or with the sale of, another article taxable under chapter 32, see section 6416(c) and § 48.6416(c)–1.

(c) *Refund or credit of overpayments within the meaning of section 6416(b)(4)—(1) Evidence to be submitted by claimant.* Refund or credit of an overpayment, within the meaning of section 6416(b)(4) and paragraph (b) of this

section, may not be allowed unless there is submitted, in support of the claim for refund or credit, a statement—

(i) Identifying the article, both as to nature and quantity, in respect of which refund or credit is claimed,

(ii) Showing that the person claiming the refund or credit is the manufacturer of such article, the amount of tax paid in respect of such article, and the date of payment of such tax,

(iii) Showing that the person claiming refund or credit sold such article on or in connection with, or with the sale of, or used the article as a component part of, a second article manufactured or produced by him, as provided in paragraph (b) (1) of this section,

(iv) Identifying the second article both as to nature and quantity,

(v) (*a*) Showing that the person claiming refund or credit has in his possession evidence that such second article has been exported, or has been used or sold as provided in paragraph (b) (2) of this section, and (*b*) furnishing the evidence required under paragraph (d) (2) of § 48.6416(a)–1.

(2) *Evidence required under subparagraph (1) (v) (a) of this paragraph to be in possession of claimant*—(i) *In general.* The evidence required under subparagraph (1) (v) (*a*) of this paragraph to be in the possession of the person claiming refund or credit shall, in the case of an exportation of second article (as referred to in such subparagraph (1) (v) (*a*)), consist of proof of exportation of the second article in the form prescribed in the regulations applicable under section 4221, and, in other cases, shall consist of a certificate, executed and signed by the ultimate purchaser of the second article, in the form prescribed in subdivision (ii) of this paragraph. However, in cases where the second article passed through a chain of sales from the manufacturer of the second article to the ultimate purchaser of the second article, such evidence may consist of a certificate, executed and signed by the ultimate vendor of the second article, in the form prescribed in subdivision (iii) of this subparagraph, rather than the proof of exportation of the second article or the certificate of the ultimate purchaser of the second article.

(ii) *Certificate of ultimate purchaser of second article.* The certificate of the ultimate purchaser of the second article shall contain the same information as that required in paragraph (c) (1) (ii) (*a*) (3) of § 48.6416(b)–2, except that such information shall be furnished in respect of such second article, rather than the article to which the claim relates.

(iii) *Certificate of ultimate vendor of second article.* Any certificate executed and signed by an ultimate vendor as evidence required under subparagraph (1) (v) (*a*) of this paragraph to be retained in the possession of the person claiming refund or credit shall be executed in the same form and manner as that provided in paragraph (c) (1) (ii) (*b*) (3) of § 48.6416(b)–2.

(iv) *Repayment or consent of ultimate vendor.* If the person claiming refund or credit of an overpayment has repaid or agreed to repay the amount of the overpayment to the ultimate vendor or if the ultimate vendor consents to the allowance of the refund or credit (see paragraph (d) (2) of § 48.6416(a)–1), a statement to that effect, signed by the ultimate vendor, may be shown on or made a part of, the evidence required to be retained in the possession of the person claiming refund or credit, as provided in subparagraph (1) (v) (*a*) of this paragraph.

§ 48.6416(b)–5 Return of installment accounts.

(a) *In general.* Section 6416(b) (5) and paragraph (b) of this section provide that under certain circumstances tax paid under section 4053(b) (1) or section 4216(e) (1) (relating to sales of installment accounts by a retailer or a manufacturer) shall be deemed to be an overpayment. Refund or credit of any overpayment of tax within the meaning of section 6416(b) (5) and paragraph (b) of this section may be claimed only by the person who paid the tax to the United States. No interest shall be allowed on any refund or credit of such overpayment. For provisions relating to the evidence required in support of a claim for refund or credit of such overpayment, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration) and paragraph (c) of this section. For provisions authorizing the taking of a credit in lieu of filing a claim for refund, see section 6416(f) and § 48.6416(f)–1.

(b) *Return of installment account and readjustment of consideration.* In any case in which the tax has been paid to the United States under section 4053 (b) (1) or 4216(e) (1) in respect of an installment account which has been sold by the retailer or manufacturer, as the case may be, and such account is—

(1) Returned to such retailer or manufacturer, pursuant to the agreement under which the account was sold, and

(2) All or some part of the consideration for which the account was sold is repaid or credited to the purchaser of such account as provided in the agreement,

that part of the tax which is proportionate to the part of such consideration so repaid or credited shall be deemed to be an overpayment. The credit or refund allowable may not exceed that part of the tax which bears the same ratio to the total of such tax as the amount repaid or credited to the purchaser of the account bears to the total amount for which the account was sold to the purchaser. This paragraph has no application in any case where an installment account is sold pursuant to the order of, or subject to the approval of, a court of competent jurisdiction in a bankruptcy or insolvency proceeding.

(c) *Evidence required in support of claim for refund or credit.* Refund or credit of an overpayment resulting from the return of an installment account and the readjustment of the consideration for which the account was sold, as provided in this section, may not be allowed unless the person who paid the tax to the United States submits, in support of the claim for refund or credit, a statement—

(1) Showing the name and address of the person to whom the installment account was sold,

(2) Showing the amount of tax under section 4053(b) (1) or 4216(e) (1) due the United States by reason of such sale, the amount of such tax paid to the United States, and the date of payment,

(3) Stating the amount for which the installment account was sold,

(4) Stating the amount which was repaid or credited to the purchaser of the account by reason of the return of the account to the person claiming the refund or credit, and

(5) Stating that the amount repaid or credited to the purchaser of the account was so repaid or credited pursuant to the agreement under which the account was sold.

§ 48.6416(c) Statutory provisions; credit for tax paid on tires, inner tubes, or radio or television receiving sets.

SEC. 6416. *Certain taxes on sales and services* • • •

(c) *Credit for tax paid on tires, inner tubes, or radio or television receiving sets.* If tires, inner tubes, or automobile radio or television receiving sets on which tax has been paid under chapter 32 are sold on or in connection with, or with the sale of, another article taxable under chapter 32, there shall (under regulations prescribed by the Secretary or his delegate) be credited (without interest) against the tax imposed on the sale of such other article, an amount determined by multiplying the applicable percentage rate of tax for such other article by—

(1) The purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 4071 (relating to tax on tires and inner tubes) or, in the case of automobile radio or television receiving sets, if such sets were taxable under section 4141; or

(2) If such tires, inner tubes, or automobile radio or television receiving sets were taxable under section 4218 (relating to tax by manufacturer, producer, or importer), the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or sets are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Secretary or his delegate.

The credit provided by this subsection shall be allowable only in respect of the first sale on or in connection with, or with the sale of, another article on the sale of which tax is imposed under chapter 32.

[Sec. 6416(c) as amended and in effect Jan. 1, 1959]

§ 48.6416(c)–1 Credit for tax paid on tires, inner tubes, or automobile radio or television receiving sets.

(a) *Determination of credit.* In any case in which tax under section 4071 or 4141, as the case may be, has been paid to the United States on the use or sale of a tire, inner tube, or automobile radio or television receiving set, and the manufacturer of another article taxable under chapter 32 sells such tire, inner tube, or automobile radio or television receiving set on or in connection with, or with the sale of, such other article, a credit in respect of such tire, inner tube, or receiving set, to be computed as follows, is allowable against the tax imposed on the sale of such other article:

(1) *Purchased by manufacturer of other article.* If the manufacturer of the other article purchased the tire, inner tube, or automobile radio or television receiving set tax-paid, the amount of the credit shall be determined by applying to the purchase price of such tire, inner tube, or receiving set (computed by including tax passed on to such manufacturer and, in the case of a tire, excluding any part of such price attributable to the metal rim or rim base), the percentage rate of tax applicable to the sale of the other article. For example, if the sale price of an automobile is $2,000, tax equivalent to 10 percent of such price (i.e., $200) is imposed under section 4061(a) on the sale of the automobile. If the tires, inner tubes, or automobile radio or television receiving set sold on or in connection with such automobile was purchased by the manufacturer of the automobile for $80 (computed as provided in this subparagraph), a credit of $8 (10 percent of $80) is allowable against the tax imposed on the sale of the automobile.

(2) *Of own manufacture.* If the manufacturer of the other article is also the manufacturer of the tire, inner tube, or automobile radio or television receiving set and incurs tax liability on his use (see section 4218) of such tire, inner tube, or receiving set, the amount of the credit shall be determined by applying to the fair market price of such tire, inner tube, or receiving set the percentage rate of tax applicable to the sale of the other article. For purposes of this section, the fair market price of such tire, inner tube, or receiving set shall be the price at which such or similar tires, inner tubes, or automobile radio or television receiving sets are sold by manufacturers thereof in the ordinary course of trade, as determined by the Commissioner (excluding, in the case of a tire, any part of such price attributable to the metal rim or rim base). Such determination by the Commissioner shall be made in the same manner as determinations made under section 4218.

Such credit shall be allowable only in respect of the first sale taxable under chapter 32 in which the tire, inner tube, or automobile radio or television receiving set is sold on or in connection with, or with the sale of, another article. No interest shall be paid on any such credit allowed under this section. If such credit is not claimed against the tax applicable to the sale of such other article, the manufacturer of such other article may claim refund of an amount equivalent to such credit or may claim credit on any return of tax under chapter 32 which he subsequently files.

§ 48.6416(d) Statutory provisions; mechanical pencils taxable as jewelry.

SEC. 6416. *Certain taxes on sales and services* • • •

(d) *Mechanical pencils taxable as jewelry.* If any article, on the sale of which tax has been paid under section 4201, is further manufactured or processed resulting in an article taxable under section 4001, the person who sells such article at retail shall, in the computation of the retailers' excise tax due on such sale, to be entitled to a credit or refund, without interest, in an amount equal to the tax paid under section 4201.

[Sec. 6416(d) as originally enacted and in effect Jan. 1, 1959]

§ 48.6416(d)–1 Articles taxable as jewelry.

(a) *Refund or credit in respect of manufacturers tax.* In any case in which tax under section 4201 has been paid to the United States on the sale by the manufacturer of a mechanical pencil, fountain pen, ball point pen, or mechanical lighter for cigarettes, cigars, and pipes, and subsequent to such sale the article is further manufactured or processed by any person so as to produce an article taxable under section 4001 (relating to the retailers tax on jewelry and related items), a credit equal to the tax under section 4201 paid to the United States on the manufacturer's sale of such article is allowable against the tax under section 4001 applicable to the first retail sale of such article. If such credit is not claimed against the tax under section 4001 applicable to the first retail sale of such article, the person who made such sale may claim refund of an amount equivalent to such credit or may claim credit on any return of tax under chapter 31 which he subsequently files. No interest shall be paid on any such credit or refund.

(b) *Supporting evidence required.* Refund or credit of an amount claimed under section 6416(d) and this section may not be allowed, in any case, unless there is submitted, in support of the claim for refund or credit, a statement—

(1) Showing the name and address of the person who paid to the United States the manufacturers excise tax on his sale of the article,

(2) Identifying such article, both as to nature and quantity,

(3) Showing the amount of such tax paid to the United States and the date of payment,

(4) Showing that the article was further manufactured or processed, subsequent to its sale by the original manufacturer, so as to produce an article taxable under section 4001,

(5) Showing that the article has been sold at retail,

(6) Showing that tax under section 4001 has been reported on such retail sale without adjustment for the tax under section 4201 previously paid in respect of such article, and

(7) Showing the return period for which such tax under section 4001 was so reported.

§ 48.6416(e) Statutory provisions; refund to exporter or shipper.

SEC. 6416. *Certain taxes on sales and services* • • •

(e) *Refund to exporter or shipper.* Under regulations prescribed by the Secretary or his delegate the amount of any tax imposed by subchapter E of chapter 31, or chapter 32 erroneously or illegally collected in respect of any article exported to a foreign country or shipped to a possession of the United States may be refunded to the exporter or shipper thereof, if the person who paid such tax waives his claim to such amount.

[Sec. 6416(e) as originally enacted and in effect Jan. 1, 1959]

§ 48.6416(e)–1 Refund to exporter or shipper.

(a) *In general.* In the case of tax under subchapter E of chapter 31 (relating to diesel and special motor fuel) or under chapter 32 (relating to the manufacturers excise taxes) which is determined to be an overpayment within the meaning of section 6416(b) (2) (A) or (F), section 6416(b) (3) (C) or (D), or section 6416(b) (4), by reason of the exportation of any article, refund of such overpayment may be claimed by the exporter or shipper of such article, rather than by the person who paid the tax to the United States, but only if the person who paid the tax waives his right to claim refund or credit of such tax.

(b) *Supporting evidence required.* Any claim for refund of tax paid to the United States which is filed by an exporter or shipper pursuant to this section must be accompanied by a statement, signed by the person who paid the tax to the United States, showing—

(1) That such person waives his right to claim refund or credit of such tax;

(2) In the case of an overpayment determined under section 6416(b) (2) (A) and paragraph (b) (1) of § 48.6416(b)–2 in respect of an article taxable under section 4061(a), an article taxable under section 4111, an article taxable under section 4121, or an article taxable under section 4141, that, pursuant to section 6416(g), such person had in his possession at the time of his shipment of the article, or at the time title to the article passed to his vendee, whichever is earlier, evidence that the article was to be exported to a foreign country or shipped to a possession of the United States;

(3) The amount of tax paid on the sale of the article and the date of payment; and

(4) The district director's office to which such tax was paid.

In addition, such claim must be accompanied by proof of exportation, in the form prescribed by the regulations applicable under section 4221.

§ 48.6416(f) Statutory provisions; credit on returns.

SEC. 6416. *Certain taxes on sales and services* • • •

(f) *Credit on returns.* Any person entitled to a refund of tax imposed by chapter 31 or 32, paid to the Secretary or his delegate may, instead of filing a claim for refund, take credit therefor against taxes imposed by such chapter due on any subsequent return.

[Sec. 6416(f) as originally enacted and in effect Jan. 1, 1959]

§ 48.6416(f)–1 Credit on returns.

Any person entitled to claim refund of tax under chapter 31 or chapter 32 may, in lieu of claiming refund of such tax, claim credit for such tax on any return of tax under chapter 31 or chapter 32, whichever is appropriate, which he subsequently files. Any such credit claimed on a return must be supported by the evidence prescribed in the applicable regulations in this subpart and § 301.6402–2 of this chapter (Regulations on Procedure and Administration).

§ 48.6416(g) Statutory provisions; automobiles, etc.

SEC. 6416. *Certain taxes on sales and services* • • •

(g) *Automobiles, etc.* Under regulations prescribed by the Secretary or his delegate, subsection (b)(2)(A) shall apply, in the case of any article subject to the tax imposed by sections 4061(a), 4111, 4121, and 4141, only if the article with respect to which the tax was paid was sold by the manufacturer, producer, or importer for export after receipt by him of notice of intent to export or to resell for export.

[Sec. 6416(g) as added and in effect Jan. 1, 1959]

§ 48.6416(g)–1 Intent to export motor vehicles, refrigerators, electrical appliances, radios, etc.

In the case of an article taxable under section 4061(a) (relating to automobiles, etc.), an article taxable under section 4111 (relating to refrigeration equipment), an article taxable under section 4121 (relating to electric, gas, and oil appliances), or an article taxable under section 4141 (relating to radio receiving sets, etc.), section 6416(b)(2)(A) and paragraph (b)(1) of § 48.6416(b)–2 (relating to refund or credit in respect of articles exported to a foreign country or shipped to a possession of the United States) have application only if the manufacturer of the article had in his possession at the time of his shipment of the article or at the time title to the article passed to his vendee, whichever is earlier, evidence that the article was to be exported to a foreign country or shipped to a possession of the United States.

§ 48.6416(h) Statutory provisions; accounting procedures for like articles.

SEC. 6416. *Certain taxes on sales and services* • • •

(h) *Accounting procedures for like articles.* Under regulations prescribed by the Secretary or his delegate, if any person uses or resells like articles, then for purposes of this section the manufacturer, producer, or importer of any such article may be identified, and the amount of tax paid under chapter 32 in respect of such article may be determined—

(1) On a first-in-first-out basis,

(2) On a last-in-first-out basis, or

(3) In accordance with any other consistent method approved by the Secretary or his delegate.

[Sec. 6416(h) as added and in effect Jan. 1, 1959]

§ 48.6416(h)–1 Accounting procedures for like articles.

(a) *Identification of manufacturer.* In any case where a person purchases like articles from various manufacturers, the particular one of such manufacturers from whom any such article was purchased may be determined by such person, for purposes of refund or credit of tax under chapter 32—

(1) On a first-in-first-out basis,

(2) On a last-in-first-out basis, or

(3) In accordance with any other consistent method approved by the district director.

Any person making his first determination under this section may adopt the method prescribed in subparagraph (1) or (2) of this paragraph without securing prior approval by the district director. However, any other method of determining the manufacturer of a particular article must be approved by the district director prior to adoption, unless under such method the actual manufacturer of the article is identified. Moreover, any person who has adopted the method prescribed in subparagraph (1) or (2) of this paragraph for making such determinations, or who has adopted some other method under subparagraph (3) of this paragraph after approval by the district director, may not change such method of making such determinations without first securing the consent of the district director.

(b) *Tax paid to the United States.* In any case where a person has determined the manufacturer of an article in accordance with the method prescribed in subparagraph (1) or (2) of paragraph (a) of this section, or in accordance with some other method under subparagraph (3) of such paragraph (a) after approval by the district director, the determination by such manufacturer of the amount of tax paid to the United States in respect of such article shall be consistent with such method.

§ 48.6416(i) Statutory provisions; meaning of terms.

SEC. 6416. *Certain taxes on sales and services* • • •

(i) *Meaning of terms.* For purposes of this section, any term used in this section has the same meaning as when used in chapter 31, 32, • • • as the case may be.

[Sec. 6416(i) as added and in effect Jan. 1, 1959]

[F.R. Doc. 62–2136; Filed, Mar. 2, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 221]

APPEALS AND CONTESTS

Proposed Prohibition on Raising Issues Which Could Have Been Raised in Earlier Contest

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by R.S. 2478 (43 U.S.C. 1201) it is proposed to amend 43 CFR Part 221 as set forth below. The purpose of these amendments is to bar forever a contestant from later raising issues that could have been raised in an earlier contest.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Secretary of the Interior, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 221.55 is amended by changing the heading, redesignating the present text as (a) and by adding a new paragraph (b) as follows:

§ 221.55 Amendment of complaint; waiver of issues.

• • • • • •

(b) Any issue not raised by a private contestant in accordance with the provisions of paragraph (a) of this section, which was known to him, or could have been known to him, shall be deemed waived by him, and he shall be forever barred from again raising such issue.

2. Section 221.68 is amended by adding a new paragraph (f) as follows:

§ 221.68 Proceedings in Government contests.

• • • • • •

(f) The provisions of paragraph (b) of § 221.55 shall be inapplicable.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 22, 1962.

[F.R. Doc. 62–2126; Filed, Mar. 2, 1962; 8:50 a.m.]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 2)]

RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Notice of Proposed Rule Making

Correction

In F.R. Doc. 62–2123, appearing at page 2014 of the issue for Thursday, March 1, 1962, the opening words of the third sentence of sec. 12(e) should read as follows: "After the allocation for a particular allocation period has been so computed, the Administrator may, at his discretion, divide the allocation • • •".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AO–341]

[7 CFR Ch. IX]

HANDLING OF CRANBERRIES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND, NEW YORK

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Wareham Town Hall, Wareham, Massachusetts, beginning at 9 a.m., e.s.t., March 26, 1962, the County Municipal Building, Water Street, Mt. Holly, New Jersey, beginning at 9 a.m., e.s.t., March 30, 1962, the Court House Auditorium, Court House, Wisconsin Rapids, Wisconsin, beginning at 9 a.m., c.s.t., April 2, 1962, and the Grayland Community Hall, Grayland, Washington, beginning at 9 a.m., P.s.t., April 5, 1962, with respect to a proposed marketing agreement and order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The Cranberry Institute, South Duxbury, Massachusetts, submitted, and requested the hearing on, the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed marketing order):

DEFINITIONS

§ ——.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ ——.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ——.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ——.4 Production area.

"Production area" means the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

§ ——.5 Cranberries.

"Cranberries" means all varieties of the commonly cultivated fruit Vaccinium Macrocarpon known as cranberries grown in the production area.

§ ——.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on September 1 of one year and ending on the last day of August of the following year, or such other period as may be approved by the Secretary pursuant to recommendation by the committee.

§ ——.7 Committee.

"Committee" means the Cranberry Marketing Committee established pursuant to § 20.

§ ——.8 Growers.

"Grower" is synonymous with producer and means any person who produces cranberries for market and who has a proprietary interest therein.

§ ——.9 Handler.

"Handler" means any person who handles cranberries.

§ ——.10 Handle.

"Handle" means (a) to can or freeze cranberries, and (b) to sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries, or in any other way to place fresh cranberries, in the current of commerce between the production area and any point outside thereof in the United States or Canada or within the production area: *Provided*, That the term handle shall not include (1) the sale of unharvested cranberries, (2) a contract to sell cranberries meeting the requirements of this part, (3) the sale, consignment, or delivery of unscreened cranberries by the grower thereof to a handler having packing or processing facilities located within the production area, nor (4) the transportation of cranberries from the bog where grown to a packing or processing facility, located within the production area, for preparation for handling.

§ ——.11 To can or freeze.

"To can or freeze" means to process cranberries by the application of heat or cold into any commercial canned, frozen, or dehydrated cranberry product.

§ ——.12 Acquire.

"Acquire" means to obtain physical possession of cranberries by any means whatsoever: *Provided*, That the term acquire shall include the possession of cranberries by the grower who produced such cranberries only if such grower is, or proposes to be, the handler of such cranberries.

ADMINISTRATIVE BODY

§ ——.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. All members and their alternates shall be growers or employees of growers. Four of the members and their alternates shall be growers, or employees of growers, who are affiliated with a cooperative marketing organization, and one such member and his alternate shall be a grower in the State of Oregon or the State of Washington. Each of the following subdivisions of the production area shall be represented by at least one member and one alternate member, both of whom shall be growers in the designated portion of the production area:

(a) District 1: The States of Massachusetts, Rhode Island, and Connecticut;

(b) District 2: The State of New Jersey and Long Island in the State of New York;

(c) District 3: The States of Wisconsin, Michigan, and Minnesota; and

(d) District 4: The States of Oregon and Washington.

§ ——.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning September 1 and ending on the last day of August. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ ——.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted, not later than 10 days after the effective date of this part, to the Secretary by individual growers or groups of growers.

(b) *Successor members.* (1) If any cooperative marketing organization is the handler of more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, such cooperative marketing organization, or the growers affiliated therewith, shall nominate eight growers for four members and eight growers for four alternate members of the committee. At least two such nominees for a member and two such nominees for an alternate member shall be growers in the State of Oregon or the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than August 15 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than August 1 of each even-numbered year, meetings of the growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in this paragraph (b), to elect nominees for member and for alternate member positions on the committee. Such growers in each such district shall nominate two growers for a member and two growers for an alternate member of the committee. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(3) In the event no cooperative marketing organization is qualified to make nominations pursuant to this paragraph (b), the requisite nominations shall be made by all growers.

(4) Growers shall only participate in the nomination of members and alternate members to represent the district in which they produce cranberries.

(5) When voting for nominees, each grower shall be entitled to cast one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for each position to be filled.

§ ——.23 Selection.

From the nominations made pursuant to § ——.22, the Secretary shall select the members of the committee and an alternate for each such member.

§ ——.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § ——.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee.

§ ——.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ ——.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ ——.22 and ——.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ ——.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member to serve in such member's place and stead.

§ ——.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ——.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request.

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cranberries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request; and

(k) To investigate compliance with the provisions of this part.

§ ——.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ ——.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ ——.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the committee by handlers in the manner prescribed in § ——.41.

§ ——.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all cranberries he handles as the first handler thereof, during such period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ ——.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ ——.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries. The expense of such projects shall be paid from funds collected pursuant to § ——.41.

REGULATIONS

§ ——.50 Marketing policy.

Each season prior to making any recommendations pursuant to §——.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The expected carryover, as of September 1, of frozen cranberries and cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of cranberries; and

(8) The type of regulations expected to be recommended during the marketing season.

§ ——.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § ——.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ ——.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the handling of cranberries of any particular grade, size, quality, or maturity.

(2) Limit the handling of particular grades, sizes, qualities, or maturities of cranberries differently for fresh and processing outlets.

(3) Limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages to be applied to cranberries acquired during such fiscal period.

(4) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of cranberries.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ ——.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § ——.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation: *Provided,* That no such modification shall increase the restricted percentage previously established for the then current year. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. In like manner the Secretary may terminate any such modification or suspension.

§ ——.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § ——.52(a)(3), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided,* That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler. Except as provided in this section and in § ——.55, such portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries acquired during such period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of cranberries which are not screened.

(b) The time during each crop year when handlers shall have met the withholding requirements specified in paragraph (a) of this section shall be fixed by the Secretary.

(c) Cranberries withheld from marketing shall meet such standards of quality and condition as the committee, with the approval of the Secretary, may prescribe. All such cranberries shall be inspected by the Federal or Federal-State Inspection Service and certified by such agency as meeting such standards; and the storage and disposition of such cranberries shall be subject to the supervision and accounting control of the committee.

§ ——.55 Interhandler transfers.

Transfers of cranberries from one handler to another may be made upon prior notice to the committee. If such transfer is between handlers whose packing or processing facilities are located within the production area, the assessment and withholding obligations provided under this part may be assumed by the handler agreeing to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligation shall be met by the handler within the production area.

§ ——.56 Release from withholding requirements.

(a) Any handler who has disposed of his unrestricted (free percentage) cranberries may make a written request to the committee to purchase all or part of the cranberries he has withheld from handling pursuant to § ——.54. Such request shall state the quantity of cranberries covered by the offer, the price offered, a certification that the cranberries so purchased will be disposed of only in the market outlet specified in the request, and such other information as the committee may prescribe. If the committee determines that the price offered is not lower than the current market price for unrestricted cranberries for use in such market outlet, it shall sell to such handler the quantity of cranberries specified in his request.

(b) Any funds collected by the committee from sales pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers a quantity of cranberries as nearly equal to, but not in excess of, the total quantity of cranberries covered by such sales as it is possible to purchase. Such purchases shall be made from the unrestricted cranberries of handlers and all handlers shall be given an opportunity to participate in such purchase. If a larger quanity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quanity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § ——.57.

(c) Any unexpended funds, collected by the committee from sales pursuant to paragraph (a) of this section, remaining at the end of the fiscal year shall be used by the committee to reimburse it for any expense incurred in the purchase and disposition of cranberries pursuant to paragraph (b) of this section.

§ ——.57 Outlets for restricted cranberries.

(a) Except as provided in this section and in § ——.56 cranberries withheld from handling may be disposed of only through diversion to such outlets as the committee, with the approval of the Secretary, finds are non-competitive to outlets for unrestricted (free percentage) cranberries.

(b) Upon the basis of the recommendation and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § ——.41 and §§ ——.52 through ——.58, the handling of cranberries in such minimum quantities or for such purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § ——.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to prevent cranberries handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle cranberries pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the cranberries will not be used for any purpose not authorized by this section.

§ ——.58 Inspection and certification.

(a) Whenever the handling of cranberries is regulated pursuant to § ——.52 (a) (1), (2), or (4), each handler who handles cranberries shall, prior thereto, cause such cranberries to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall not be required for cranberries which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such cranberries.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

REPORTS AND RECORDS

§ ——.60 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any cranberries and cranberry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report as to each quantity of cranberries acquired during such period as may be specified, and the place of production.

(c) *Withholding.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, for such period as the committee may specify, the total quantity of cranberries withheld from handling, in accordance with § ——.54, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries disposed of.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ ——.61 Records.

Each handler shall maintain such records of all cranberries acquired, withheld from handling, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than three years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ ——.62 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries are received, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ ——.63 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ ——.65 Compliance.

Except as provided in this part, no person shall handle cranberries, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall acquire or handle cranberries except in conformity with the provisions of this part and the regulations issued hereunder.

§ ——.66 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereof or in accordance therewith prior to such disapproval by the Secretary.

§ ——.67 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § ——.68.

§ ——.68 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cranberries which were produced within the production area. Such termination shall become effective on the last day of August subsequent to the announcement thereof by the Secretary.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ——.69 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ ——.70 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waiver any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ——.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ ——.72 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ ——.73 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ——.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ ——.75 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ ——.76 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

§ ——.77 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

§ ——.78 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of cranberries in the same manner as is provided for in this agreement.***

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Dated: February 28, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-2156; Filed, Mar. 2, 1962; 8:56 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Hawthorn Road, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of demeton in or on barley (green fodder and straw), oats (green fodder and straw), and wheat (green fodder and straw) at 5 parts per million; and in or on barley grain, oat grain, and wheat grain at 0.75 part per million.

The analytical method proposed in the petition for determining residues of demeton is a phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pesticide chemical is proposed.

Dated: February 26, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-2122; Filed, Mar. 2, 1962; 8:48 a.m.]

Public Health Service

[42 CFR Part 3]

NATIONAL CENTER FOR HEALTH STATISTICS; SPECIAL STATISTICAL SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subchapter A by adding a new Part 3 providing for the performance of special statistical services by the National Center for Health Statistics of the Public Health Service.

The proposed regulations will authorize the Director of the Center to provide special statistical services for non-Government parties under certain conditions and charges.

Interested persons may submit written data, views or arguments in duplicate in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than

30 days after the publication of this notice will be considered.

Subchapter A would be amended by adding a new Part 3 to read as follows:

§ 3.1 Authorization for special statistical services.

Upon the receipt of a written request by any person, firm or corporation the Director of the National Center for Health Statistics may furnish special statistical services if he determines that: (a) the services requested are within the scope of authorized activities of the Center, (b) facilities necessary for the performance of the services are available, (c) the performance of such services will not interfere with the performance of the regular duties of the Center, and (d) the data or statistics requested are not confidential.

§ 3.2 Charges for special statistical services.

The Director of the National Center for Health Statistics will establish a charge for each authorized special statistical service which shall be based on the estimated cost of the service. No services will be undertaken prior to the prepayment of the estimated cost or of such portion of the estimated cost as the Director may require. Adjustments in the prepaid charge resulting in a refund to the requesting party or a further billing by the Center may be made at any time during the progress of the services or upon their completion if necessary to reflect the actual cost of the services.

(49 Stat. 292; 15 U.S.C. 192a. 60 Stat 1095; 5 U.S.C. 133y note. 67 Stat. 631; 5 U.S.C. 133z–15 note)

Dated: February 14, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: February 27, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62–2144; Filed, Mar. 2, 1962; 8:53 a.m.]

[42 CFR Part 55]

GRANTS FOR WATER POLLUTION CONTROL; CONSTRUCTION OF TREATMENT WORKS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Department of Health, Education, and Welfare by Section 10 of the Federal Water Pollution Control Act, as amended by Public Law 87–88 (33 U.S.C. 466i, as amended) it is proposed to revise this Subpart to read as set forth below.

Interested persons may submit written data, views, and arguments (in duplicate) in regard to the proposed Regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered.

It is proposed to make these amendments effective immediately upon adoption.

Subpart B of Part 55 would be revised to read as follows:

Subpart B—Grants for Construction of Treatment Works

Sec.
55.21 Definitions.
55.22 Allotments to States.
55.23 Availability of allotments.
55.24 Applications for grants.
55.25 Grant limitations.
55.26 Assurances from applicant.
55.27 Determining the desirability of projects.
55.28 Criteria for considering propriety of Federal aid.
55.29 Payments.
55.30 Expenditure of funds.
55.31 Labor Standards—Administration.
55.32 Labor Standards—Contract Provisions.
55.33 Labor Standards—Suspension of Payments.

AUTHORITY: Secs. 55.21–55.33 issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 6, 70 Stat. 502, as amended; 33 U.S.C. 466e.

NOTE: Functions vested in the Secretary of Health, Education, and Welfare by Public Law 87–88 relating to grants for construction of treatment works were included in authorities delegated to the Surgeon General of the Public Health Service on February 7, 1962, 27 F.R. 1427.

§ 55.21 Definitions.

All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such Act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal Act" means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 466 et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State water pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that, in the absence of such satisfactory data, the per capita incomes of (1) Puerto Rico, (2) the Virgin Islands, and (3) Guam shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal or interstate agency which files an application for a grant of Federal funds under Section 6 of the Federal Act.

§ 55.22 Allotments to States.

(a) The funds appropriated for any fiscal year for expenditures for grants for construction of treatment works shall be allotted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sums of such quotients for all the States.

(b) Except as provided in § 55.25(a)(8), sums allotted to a State under paragraph (a) of this section which are not obligated within six months following the end of the fiscal year for which allotted because of a lack of projects which have been approved as provided in § 55.25(a)(3) and certified as entitled to priority as provided in § 55.25(a)(6) shall be reallotted in accordance with paragraph (c) of this section to States having projects approved by the State agency which have not been certified for priority only because of lack of funds.

(c) Reallotment of unobligated funds under paragraph (b) of this section will be made on the basis of the ratio which the current year's allotment of each State which is to receive funds bears to the current year's allotments of all such States: *Provided*, That no such reallotment for any State shall be in excess of amounts necessary to satisfy requests for grants contained in applications on hand in the State agency which, except for lack of funds, are eligible for immediate certification as provided in § 55.25(a)(6).

§ 55.23 Availability of allotments.

The allotment of a State, including reallotments, shall be available, in accordance with the provisions of this Subpart, for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Surgeon General.

§ 55.24 Applications for grants.

Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

§ 55.25 Grant limitations.

(a) Grants under this Subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must result in an operable treatment works, or part thereof, which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control or prevent water pollution. In addition, where a project or a portion thereof provides for the treatment or stabilization of sewage or industrial wastes of a liquid nature, such treatment or stabilization shall consist of at least primary treatment, or its equivalent, resulting in the substantially complete removal of settleable solids.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to the Federal Act.

(4) Except as provided in subparagraph (8) of this paragraph, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost of the project as determined by the Surgeon General, or in an amount exceeding $600,000, whichever is smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That in the case of a project which will serve more than one municipality, the Surgeon General shall allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project on the basis of its estimated relative utilization of the facilities to be constructed, and shall then apply the foregoing limitations to each such share as if it were a separate project to determine the maximum amount of grant entitlement for each such share, and the total of all amounts so determined or $2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made on account of such project.

(5) No grant shall be made until the Applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 of the Federal Act and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs: Except that in the case of an additional grant as provided in subparagraph (8) of this paragraph, no additional State certification of priority shall be required for the project receiving such additional grant.

(7) No grant shall be made for any project in any State in an amount exceeding $250,000 until a grant has been made for each project in such State for which an application was filed with the appropriate State water pollution control agency prior to July 20, 1962, and which the Surgeon General determines met the requirements of the Act and Regulations in effect prior to July 20, 1961, except that they had not been certified by the State agency as entitled to priority for a grant solely because of lack of funds: *Provided*, That in the case of a project serving more than one municipality, the limitation of this section shall apply only to the individual share of each participating municipality as determined under subparagraph (4) of this paragraph.

(8) Whenever a State has funds subject to reallotment under § 55.22(b), prior to such reallotment additional grants may be made for any projects in that State where the Surgeon General finds that the need for the projects is due in part to any Federal institutions or Federal construction activity which have added to the Applicants' requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institutions or Federal construction activity. No additional grant may be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost.

(b) At least 50 per centum of the funds appropriated for such grants for each fiscal year shall be used for grants for the construction of treatment works serving municipalities of 125,000 population or under. In the case of projects serving more than one municipality, the share of each municipality so served shall be considered as a separate grant for the purpose of this paragraph.

§ 55.26 Assurances from applicant.

No grant shall be made until the Surgeon General has received assurances from the Applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty per centum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance;

(d) That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General will be submitted to the Surgeon General for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;

(f) That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the Contractor will provide proper facilities for such access and inspection;

(g) That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That adequate accounting and fiscal records shall be maintained to reflect the receipt and expediture of funds for the purpose of this project, and all funds, however provided for the payment of the cost of the project, shall be credited promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;

(i) That the declarations, assurances, representations, and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;

(j) That the Applicant will submit to the Surgeon General such documents and information as he may require;

(k) That construction contracts in excess of $2,000 will prescribe the minimum rates of pay for laborers and mechanics engaged in the construction of the project as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act, (40 U.S.C. 276a through 276a-5); that construction contracts in excess of $2,000 shall contain the stipulations and provisions contained in section 55.32 hereof; and that all construction contracts, regardless of amount, will require the Contractor to comply with the Regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, (40 U.S.C. 276c), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of statements required of subcontractors

thereunder, except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions from the requirements thereof;

(l) That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;

(m) That the Applicant will demonstrate to the satisfaction of the Surgeon General that he has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure undisturbed use and possession for the purposes of construction and operation for the estimated life of the project; and in the case of projects serving more than one municipality, that the participating communities have such interests or rights as the Surgeon General finds sufficient to assure their undisturbed utilization of the project for the estimated life of the project.

(n) The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General: *Provided*, That none of these Assurances except paragraphs (a) through (d) required under this section may be waived by the Surgeon General. Paragraphs (a) through (d) of this section may be waived in whole or in part (and subject to such conditions as he deems necessary) if the Surgeon General finds that the purpose of such Assurance is fulfilled.

§ 55.27 Determining the desirability of projects.

In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Surgeon General shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is reasonably assured;

(e) The feasibility of utilizing available facilities; and

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 55.28 Criteria for considering propriety of Federal aid.

The propriety of Federal aid pursuant to section 6(c) of the Act will be determined by the Surgeon General on the basis of one or more of the following criteria:

(a) *Interstate, navigable, coastal, and Great Lakes waters.* Whether the project is required to control pollution of interstate or navigable waters, coastal waters or waters of the Great Lakes (including tributaries of such waters contributing materially to the pollution of such waters), and such pollution is inimical to public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, or agricultural, industrial, or other legitimate water uses.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem substantially and adversely affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national defense; (3) a Federal water resource development; or (4) an influx of population to carry out Federal activities.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a serious public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of needed sewage treatment works involves an extraordinary and excessive financial burden in relation to its economic resources.

§ 55.29 Payments.

(a) Installment payments of the grant shall be made at the request of the Applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and may be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and

(4) A fourth installment when the project is completed and final inspection by a representative of the Department is made.

(b) Upon written request and a showing of necessity by the Applicant, the Surgeon General may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the approved grant or 30 per centum of the actual reasonable cost thereof as determined by the Surgeon General at completion of construction of the treatment works, whichever is the smaller, except that this limitation shall not apply to additional grants made for projects, as provided in § 55.25(a)(8).

(d) Where the Applicant fails to comply substantially with the requirements of the Federal Act or the Regulations in this Subpart or with the assurances contained in § 55.26, the Surgeon General may, upon giving reasonable notice and opportunity for hearing to the Applicant, withhold, in whole or in part, further payments to the Applicant pending action based on such hearing or until there is no longer any failure to comply.

§ 55.30 Expenditure of funds.

Amounts paid to an Applicant shall be expended solely for the carrying out of the purposes for which the grant was approved.

§ 55.31 Labor standards—Administration.

(a) In accordance with § 55.26(k), the Applicant shall include or cause to be included in contracts for the construction of the project for which a grant has been made under the Act the stipulations required by § 55.32. No payment of funds shall be approved by the Surgeon General after the beginning of construction unless there is on file with the Applicant a certification by the Contractor that he and his subcontractors have complied or that there is an honest dispute with respect to the required provisions.

(b)(1) Whenever any Contractor or subcontractor is found by the Surgeon General to be in aggravated or willful violation of the prevailing wage provisions of the Federal Act, such Contractor or subcontractor or any firm, corporation, partnership, or association in which such Contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed three years (from the date of publication by the Comptroller General of the United States of the name or names of said Contractor or subcontractor on the Consolidated List of Debarred Bidders he issues) to receive any contracts subject to any of the statutes administered by the Department of Health, Education, and Welfare.

(2) The Surgeon General shall furnish to the Comptroller General of the United States, for distribution to all Departments of the Government, the names of the persons or firms who have been found to have disregarded their obligations to employees in a willful or aggravated manner.

(c) The Surgeon General shall make or cause to be made such examination of the certified payrolls and statements as may be necessary to assure compliance with the labor standards stipulations required by the Regulations contained in this part. In connection with such examination particular attention will be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and statements shall be preserved by the Applicant for a period of three years from the date of completion of the contract and shall be produced at the request of the Surgeon General at any time during the three-year period.

(d) An addition to the examination of payrolls and statements required by paragraph (c) of this section, the Surgeon General shall cause investigations to be made as may be necessary to assure compliance with the labor standards stipulations required by the Regulations contained in this part. Projects where the contract is of short duration (six months or less) shall be investigated before the work is accepted if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations may include interviews with employees and examinations of employment records to determine the correctness of classifications and disproportionate employment of laborers, helpers, or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

§ 55.32 Labor standards—Contract provisions.

The following stipulations are prescribed for inclusion in construction contracts in accordance with §§ 55.31 and 55.26(k):

(a) The schedule contained in the Wage Determination Decision of the Secretary of Labor which is made part of these specifications furnishes the minimum hourly rates of wages required to be paid to the various laborers and mechanics employed directly upon the site of the work embraced by this specification, these rates having been determined by the Secretary of Labor to be the prevailing local wage rates for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended. The wage rates contained in this Decision are straight hourly wage rates. In some areas management and labor organizations in the construction industry have collectively bargained for health and welfare fund contributions. Such contributions are not included in wage rates determined by the Secretary of Labor for construction projects unless so specified in the determination.

(b) No classifications of laborers or mechanics may be employed except those designated in the schedule above mentioned. In the event that wage rates are desired for classifications not requested, or classifications requested but not furnished, application or reapplication for such classifications and rates shall be made to the Surgeon General for transmission to the Secretary of Labor.

(c) While the wage rates shown are the minimum rates required by these specifications to be paid during the life of the contract, this is not a representation that labor can be obtained at these rates. It is the responsibility of bidders to inform themselves as to local labor conditions and prospective changes or adjustments of wage rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

(d) All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Anti-Kickback Regulations (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the Wage Determination Decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics; and the Wage Determination Decision shall be posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(e) The Owner, or his representative, may withheld or cause to be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by the contract, the Owner or his representative, may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(f)(1) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Surgeon General, and will permit such representatives to interview employees during working hours on the job.

(2) The Contractor will in addition submit weekly a certified copy of all payrolls to the Owner, or his representative. Such copies shall be retained, in accordance with instructions, by the Owner for a period of three years from the date of completion of the contract, and shall be available for inspection by authorized representatives of the Surgeon General. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and the classifications set forth for each laborer or mechanic conform with the work he performed.

(g) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(h) The Contractor will comply with the Regulations (a copy of which is attached) of the the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof. In lieu of mailing statements required by 29 CFR 3.3 and 3.4 (Kickback Regulations) to the Federal Agency furnishing financial aid on this project, the Contractor shall submit all such statements promptly, as specified, to the Owner or to a representative designated by the Owner. The Owner, or his representative, shall check the completeness of such statements and their compliance with forms prescribed in the Kickback Regulations. Such statements shall be preserved for a period of three years from the date of completion of the contract and shall be available for inspection by authorized representatives of the Surgeon General of the Public Health Service and the Secretary of Labor.

(i) The Contractor will insert in each of his subcontracts the provisions set forth in paragraphs (b), (d), (e), (f), (g), (h), and (j) of this section, and such other stipulations as the Surgeon General of the Public Health Service may by appropriate instructions require.

(j) A breach of paragraphs (b) and (d) through (i) of this section may be grounds for termination of the contract. If the Contractor fails to correct any such breach to the satisfaction of the Surgeon General of the Public Health Service within ten days after the Owner's demand for such correction, then the Owner may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been a breach of the aforesaid stipulations and prosecute the work to completion by contract or otherwise, and the Contractor and his Sureties shall be liable to the Owner for any excess cost occasioned the Owner thereby.

§ 55.33 Labor standards—Suspension of payments.

In the event the Surgeon General has reason to believe there is a failure or refusal of the Contractor or any subcontractor to comply with the labor standards stipulations required by the regulations in this subpart the Surgeon General may, after reasonable notice and opportunity for hearing to the Applicant, withhold payments to the Applicant pending action based on such hearing, until such time as the violations are discontinued or until sufficient funds are withheld to compensate the employees for the wages to which they were entitled.

Dated: February 27, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-2145; Filed, Mar. 2, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 601, 608]

[Airspace Docket No. 61-AN-52]

CONTROLLED AIRSPACE AND RESTRICTED AREAS

Proposed Alteration of Control Area Extension and Proposed Designation of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1275 and 608.22 of the Regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for the designation of a restricted area near Big Delta, Alaska, as follows:

Boundaries. Beginning at latitude 64°08'-51" N., longitude 146°37'53" W., to latitude 63°56'25" N., longitude 146°02'46" W., latitude 63°51'02" N., longitude 146°12'16" W., to latitude 64°03'28" N., longitude 146°47'47" W., thence to point of beginning.

Designated altitude. Surface to 20,000 feet MSL.

Time of designation. April 1 to September 30, as advertised by NOTAM.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. Commander, Alaskan Air Command.

As indicated by the boundaries stated above, this proposed restricted area would be entirely within the Big Delta, Alaska, Restricted Area R-2202. The Air Force has advised that a shared use agreement has been consummated with the Department of the Army for the use of this area during the time of designation of R-2202, October 1 through March 31 annually. Therefore, this new area would be designated for the period April 1 through September 30, when R-2202 does not exist.

The Air Force has stated that this restricted area is required in connection with a Low Altitude Bombing System (LABS) target located at latitude 64°-00'00" N., longitude 146°25'04" W. They further state that the maneuvers associated with the LABS technique are such that the "see and be seen" principle of VFR operations cannot be applied.

Further, to promote more efficient utilization of airspace, the Air Force has agreed to joint use of this area with the Federal Aviation Agency, Fairbanks ARTC Center designated as controlling agency.

In addition, it is proposed to alter the description of the Fairbanks, Alaska, control area extension (§ 601.1275) to permit use of this area only after obtaining prior approval from appropriate authority.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2103; Filed, Mar. 2, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-WA-121]

RESTRICTED AREAS

Withdrawal of Proposal To Revoke Restricted Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-121 on June 11, 1960 (25 F.R. 5245), it was stated that the Federal Aviation Agency (FAA) proposed the revocation of Sheboygan, Wis., Restricted Area R-83-A, since renumbered R-6902.

Subsequent to publication of the notice, the Federal Aviation Agency determined that a further review of this area was desirable prior to taking any action to revoke R-6902. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60-WA-121 is withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2104; Filed, Mar. 2, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

SECURITY NATIONAL BANK OF KANSAS CITY AND RIVERVIEW STATE BANK

Notice of Hearing

A public hearing will be held on the application of the Security National Bank of Kansas City, Kansas City, Kansas, and The Riverview State Bank, Kansas City, Kansas, to consolidate.

The hearing will be held Wednesday, March 21, 1962, at 9:30 a.m., in Room 4119, Main Treasury Building, Washington, D.C.

All persons desiring to testify should notify the Comptroller of the Currency by March 14, 1962.

Dated: February 28, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-2135; Filed, Mar. 2, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 21, 1962.

The Department of Defense has filed an application, Serial Number Los Angeles 0102641, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for use by the United States Department of the Navy to provide essential aerial gunnery range facilities for the training of Fleet Aircraft units.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, California. All submittals should be in triplicate.

The proposed withdrawal and reservation are subject to the terms and conditions of the Act of February 28, 1958 (72 Stat. 27). This law prohibits withdrawals and reservations of this type except by Act of Congress. Any comments, suggestions, or objections submitted as a result of this notice will be made part of the record and will be forwarded to the Department of Defense for information and to the Congress for its use during consideration of any legislation which may be introduced to effect the proposed withdrawal of reservation.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 16 E.,
Sec. 14, SW¼NE¼, S½, NW¼;
Secs. 22, 24, and 26, All;
Sec. 28, E½W½, E½;
Sec. 34, All.
T. 9 S., R. 17 E.,
Sec. 20, S½SE¼SW¼, NW¼SE¼SW¼, SW¼SW¼, S½NW¼SW¼;
Sec. 26, All;
Sec. 28, NE¼NE¼, S½NE¼, S½;
Secs. 30, 32, and 34, All.
T. 10 S., R. 15 E.,
Sec. 22, SE¼;
Secs. 24 and 26, All;
Sec. 28, E½, SW¼;
Sec. 34, All.
T. 10 S., R. 16 E.,
Secs. 2 and 4, All;
Sec. 8, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 18 E.,
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 19 E.,
Sec. 32, All.
T. 11 S., R. 15 E.,
Secs. 2 and 12, All.
T. 11 S., R. 16 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, and 34, All.
T. 11 S., R. 17 E.,
Secs. 2, 4, 6, and 8, All;
Sec. 10, All (PWR No. 65, 8/12/19—SE¼SW¼, SW¼SE¼);
Secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 11 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 11 S., R. 19 E.,
Secs. 4, 6, 8, 10, 14, 18, 20, 22, 26, 28, 30, 32, and 34, All.
T. 12 S., R. 16 E.,
Secs. 2 and 12, All.
T. 12 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, and 14, All;
Sec. 15, S½;
Sec. 17, S½;
Secs. 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 35, All.
T. 12 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, All.
T. 12 S., R. 19 E.,
Secs. 2, 4, 6, 8, and 10, All;
Sec. 15, N½SW¼, SE¼SW¼, SE¼;
Sec. 17, S½;
Secs. 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, All.
T. 13 S., R. 18 E.,
Secs. 1, 2, 3, 4, 5, and 6, All;
Sec. 8, E½;
Secs. 9, 10, and 11, All.
T. 13 S., R. 19 E.,
Sec. 5, N½;
Sec. 6, N½.

The above described area contains approximately 132,544.62 acres of public domain land. The lands are located in the Chocolate Mountains, Imperial County, California.

OLIVER W. JOHNSON,
Acting Manager.

[F.R. Doc. 62-2111; Filed, Mar. 2, 1962; 8:46 a.m.]

National Park Service

[Order No. 14, Amdt. 17]

REGIONAL DIRECTORS

Redelegation and Appeals

Section 2 and section 3 of Delegation Order No. 14, issued December 1, 1952 (19 F.R. 8824), are amended by deletion of references to the Superintendent, National Capital Parks, to read respectively as follows:

SEC. 2. *Redelegation.* The regional directors may, in writing, redelegate to any officer or employee the authority delegated in section 1, and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Appeal.* Except in matters relating to contracts for construction, supplies, or services, any party aggrieved by any action or decision of a regional director shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the regional director.

(Secretary's Order No. 2640, as amended; 5 U.S.C. sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 27, 1962.

HILLORY A. TOLSON,
Acting Director.

[F.R. Doc. 62-2112; Filed, Mar. 2, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SPRINGFIELD LIVESTOCK COMMISSION CO., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Springfield Livestock Commission Company, Springfield, Colorado.
Schnapp Auction, Petersburg, Illinois.
Dominique's Cow Palace, Marksville, Louisiana.
Hanchett Livestock Yards, Inc., Leslie, Michigan.
Roosevelt Sales Stables, Edison, New Jersey.
Heart of Dixie Auction, Greenwood, South Carolina.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of February 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2149; Filed, Mar. 2, 1962; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879; Order No. E-18054]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1962.

In the matter of an agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates, Docket 11879, Agreement C.A.B. 16015, R-1 and R-2.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional specific commodity rates as follows:

C.A.B. 16015	IATA memorandum	Commodity item No.	Rate
R-1	SFO Board/6/JT31-Rates 211	4701	298 cents per kilogram, minimum weight 200 kilograms; 275 cents per kilogram, minimum weight 500 kilograms from West Coast to Sydney.
R-2	SFO Board/6/JT31-Rates 212	0001	56 cents per kilogram, minimum weight 200 kilograms, from Auckland to Honolulu.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 16015, R-1 and R-2, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2152; Filed, Mar. 2, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-136]

OCEANIC STEAMSHIP CO.

Notice of Application and of Hearing

Notice is hereby given of the application of The Oceanic Steamship Company for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its parent, the Matson Navigation Company, to operate the "SS Matsonia" on one voyage commencing at Los Angeles on or about April 14, 1962, carrying passengers, their baggage, their automobiles, and a small volume of express type cargo on the following itinerary: Los Angeles to Honolulu to Seattle to Honolulu to San Francisco. This application may be inspected by interested parties in Room 3095, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

A hearing on the application has been set for March 16, 1962, at 10:00 a.m., e.s.t. in Room 4519, of the General Accounting Office Building. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 14, 1962, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on March 14, 1962, will not be granted in this proceeding.

Dated: February 28, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-2133; Filed, Mar. 2, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2306]

CITIZENS UTILITIES CO.

Notice of Application for License

FEBRUARY 26, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Citizens Utilities Company at Stamford, Connecticut, for license for hydroelectric project works, Project No. 2306, located on the Clyde River and a tributary thereof in Orleans County, Vermont.

The project consists principally of: Seymour Dam, a rock and concrete structure at the outlet of Seymour Lake; Echo Dam, a concrete ogee structure with spillway at about elevation 1,249 feet U.S.G.S., at the outlet of Echo Pond; West Charleston Dam, a rock fill and masonry dam with concrete facing, spillway crest elevation at about 1,059 feet at the outlet of West Charleston Pond; a penstock to a powerhouse containing a 1000 horsepower horizontal turbine connected to an 800 kilowatt generator and appurtenant facilities; Newport Dam (Units 1, 2 and 3), a masonry dam with concrete buttress and concrete facing at the spillway crest, with elevation of about 878 feet, at the outlet of Clyde Pond; two penstocks, a surge tank, and powerhouse containing two 2400 horsepower Francis turbines each connected to a 1500 kilowatt generator and one 1000 horsepower Francis turbine connected to a 600 kilowatt generator, and appurtenant facilities; Newport Hydro Unit 11 Dam, approximately 1000 feet downstream from Newport Dam on the Clyde River, a concrete gravity dam, an

open flume to an intake structure and penstock; a powerhouse containing a 2400 horsepower Francis turbine connected to a 1600 kilowatt generator and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 6, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2105; Filed, Mar. 2, 1962; 8:45 a.m.]

[Docket No. G-15317 etc.]

W. H. SHARP ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 26, 1962.

W. H. Sharp (Operator), et al., Docket No. G-15317; Paul L. Read, Docket No. G-17552; Krennerman Oil & Gas Company, Docket No. G-19379; Roger Milliken, et al., Docket No. G-19596; Vernon W. Frost, et al., Docket No. G-19700; E. W. Mudge, Jr., et al., Docket No. G-19793; E. W. Mudge, Jr., et. al., Docket No. G-19794; E. W. Mudge, Jr., et al., Docket No. G-19795; E. W. Mudge, Jr., et al., Docket No. G-19796; E. W. Mudge, Jr., et al., Docket No. 19797; Nafco Oil and Gas Inc., et al., Docket No. G-19841; Anadarko Production Company, Docket No. G-20176; Anadarko Production Company, Docket No. G-20177; Anadarko Production Company, Docket No. G-20178; Anadarko Production Company, Docket No. G-20179; Anadarko Production Company, Docket No. G-20180; Anadarko Production Company, Docket No. G-20181; Jake L. Hamon, Docket No. G-20594; Socony Mobil Oil Company, Inc., Docket No. CI60-587; M. A. Hall, Docket No. CI60-651; Socony Mobil Oil Company, Inc., Docket No. CI60-657; Kay Kimbell (Operator), et al., Docket No. CI60-715; Camp Oil Company, et al., Docket No. CI60-742; Anchor Production Company, Docket No. CI61-761; Thomas K. Hendrick, et al., Docket No. CI61-782; Thomas K. Hendrick, et al., Docket No. CI61-863; R. G. Anderson, Docket No. CI61-1104; Thomas K. Hendrick (Operator), et al., Docket No. CI61-1161; T. L. Mullen Company, Docket No. CI61-1389; John P. Booth, Docket No. CI62-136; Victor Brannan d.b.a. C. W. Ayers, et al., 21 Acres, Docket No. CI62-157; Sun Oil Company, Docket No. CI62-165; J. Gregory Merrion (Operator), et al., Docket No. CI62-186; Socony Mobil Oil Company, Inc., Docket No. CI62-230; Consolidated Oil & Gas, Inc. (Operator), et al., Docket No. CI62-350; James M. Forgotson, Docket No. CI62-352; Shell Oil Company, Docket No. CI62-353; The Gilmer Oil Company, Docket No. CI62-354; William M. Aber (Operator), et al., Docket No. CI62-357; Socony Mobil Oil Company, Inc.,[1] Docket No. CI62-362; The Atlantic Refining Company, Docket No. CI62-363; Mid-America Minerals, Inc., Docket No. CI62-366; The Shamrock Oil & Gas Corporation, Docket No. CI62-367; Continental Oil Company, Docket No. CI62-371; C. E. Long, et al., Docket No. CI62-374;

The Frontier Refining Company, Docket No. CI62-414; Smith Development Company (Operator) et al., Docket No. CI62-417; Rex Monahan, Docket No. CI62-423; Thomas J. Blaho, Jr., Docket No. CI62-424; R. J. Sipoha, Agent d.b.a. Eastern Interior Oil Company, Docket No. CI62-427; R. J. Sipoha, Agent, d.b.a. Eastern Interior Oil Company, Docket No. CI62-428; James A. Elkins, Jr., et al., Docket No. CI62-436; T. H. McElvain (Operator), et al., Docket No. CI62-446; H. O. Pool, et al., Docket No. CI62-447; Gas, Inc., Docket No. CI62-454; Shell Oil Company (Operator), et al., Docket No. CI62-468; Gulf Oil Corporation, Docket No. CI62-469; Sun Oil Company, Docket No. CI62-470; Imperial Oil Company, et al., Docket No. CI62-473; John R. Robinson, et al., d.b.a. Russell H. McQuain No. 1, Docket No. CI62-474; United Producing Company, Inc., Docket No. CI62-477; Southern Triangle Oil Company, Docket No. CI62-480; Thomas K. Hendrick (Operator), et al., Docket No. CI62-481; J. F. Deem, et al., Docket No. CI62-484; W. H. Mosser d.b.a. Devils Tea Table Oil and Gas Company, Docket No. CI62-492; C. L. Kingsbury, et al., Docket No. CI62-493; Columbian Carbon Company, Docket No. CI62-498; Donald G. Michels, Docket No. CI62-502; DeKalb Oil and Gas Company, Docket No. CI62-504; Metals Service Company, Docket No. CI62-505; Charles E. Baker, et al., d.b.a. Ernestine Ford Leggett Wells 1 and 2, Docket No. CI62-514; Lario Oil & Gas Company, Docket No. CI62-520; J. C. Trahan, Drilling Contractor, Inc., Docket No. CI62-521; Cabot Corporation, Docket No. CI62-524; Sands Industries, Inc. (Operator), et al., Docket No. CI62-526; Malcolm R. Macurdy (Operator) et al., d.b.a. G-M-K Oil Company, Docket No. CI62-527; Sinclair Oil & Gas Company (Operator), et al., Docket No. CI62-530; Sinclair Oil & Gas Company, Docket No. CI62-531; McCall Drilling Company, Inc., Docket No. CI62-534; Jake L. Hamon, Operator, et al., Docket No. CI62-536; The Texstar Corporation (Operator), et al., Docket No. CI62-537; McCormick and Short (Operator), et al., Docket No. CI62-541; Delbert Goff, Docket No. CI62-543; John J. August, et al., Docket No. CI62-545; J. M. Huber Corporation, Docket No. CI62-552; Shaff Minerals Associates, Inc., Docket No. CI62-553; Musgrove Drilling Company (Operator), et al., Docket No. CI62-554; Graham-Michaelis Drilling Company, Docket No. CI62-555; Ferrell L. Prior d.b.a. Prior Oil Company, Docket No. CI62-565; Humble Oil & Refining Company, Docket No. CI62-566; Appell Petroleum Corporation (Operator), et al., Docket No. CI62-573; A. A. Cameron d.b.a. Cameron Oil Company, Docket No. CI62-574; Donald Sharp (Operator) et al., Docket No. CI62-577; E. G. Rodman (Operator), et al., Docket No. CI62-578; Sun Oil Company, Docket No. CI62-580; Amerada Petroleum Corporation, Docket No. CI62-593; Caulkins Oil Company, Docket No. CI62-595; Sohio Petroleum Company, Docket No. CI62-596; Santana Petroleum Corporation, et al., Docket No. CI62-601; W. C. McBride, Inc., Docket No. CI62-602.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments, and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, and Price per Mcf

G-15317; North Mountain, Hope Field, Logan County, Colo.; Shell Oil Co.; 7.0 cents at 16.4 psia.
G-17552; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.37 cents at 15.025 psia.
G-19379; Acreage in Ravenswood and Grant Districts, Jackson County, W. Va.; Gas Transport, Inc.; 25.0 cents at 15.325 psia.
G-19596; North Louise Field, Wharton County, Tex.; Natural Gas Pipeline Company of America; 15.0 cents at 14.65 psia.
G-19700; Cherokee Lake Area, Rusk County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.
G-19793; Acreage in San Juan County, N. Mex.; Southern Union Gathering Co.; 12.0 cents at 15.025 psia.
G-19794 (as Supp.); acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
G-19795; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
G-19796; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
G-19797; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
G-19841; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
G-20176 (as Supp.); Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
G-20177. (as Supp.); Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.
G-20178 (as Supp.); Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.
G-20179 (as Supp.); Keyes Field, Cimarron and Texas Counties, Okla.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.
G-20180 (as Supp.); Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
G-20181 (as Supp.); Southwest Camp Creek Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
G-20594; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI60-587; Hugoton Field, Haskell County, Kans.; Colorado Interstate Gas Co.; 11.0 cents at 14.65 psia.

[1] Filed by predecessor, Republic Natural Gas Company.

CI60–651; Acreage in Meigs County, Ohio; The Ohio Fuel Gas Co.; 20.0 cents at 15.025 psia.
CI60–657 (as Supp.); Calhoun Field, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI60–715; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI60–742; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 12.23837 cents at 14.65 psia.
CI61–761 (as Supp.); Hoover Sand Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–782 (as Supp.); Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–863 (as Supp.); Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1104; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–1161 (as Supp.); Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI61–1389; Meade and Banks Districts, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–136; Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–157; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
CI62–165 (as Supp.); Southeast Boyd Field Southwest Portion of Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.0 cents at 14.65 psia.
CI62–186; Ballard Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI62–230; W. Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.
CI62–350 (as Supp.); Blanco-Mesaverde & Basin Dakota Fields, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI62–352; Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.5 cents at 15.025 psia.
CI62–353; Manziel (Deep) Field, Wood County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 psia.
CI62–354; Sholem Alechem Field, Carter County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–357; Sheridan Field, Colorado County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.
CI62–362 (as Supp.); Kismet Area, Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–363; San Miguel Creek Field, McMullen County, Tex.; Transcontinental Gas Pipe Line Corp.; 14.189 cents at 14.65 psia.
CI62–366; Six Mile Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–367; Acreage in Ochiltree County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62–371; Angell Field, Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–374; South Eunice Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 15.0533 cents at 14.65 psia.
CI62–414; Angels Peak Gallup Pool, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI62–417; Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–423; Columbine Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.
CI62–424; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–427; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–428; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–436; Kansas-Hugoton Field, Haskell County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–446; Blanco Field, La Plata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI62–447; Canyon Largo Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; Pictured Cliffs 11.0 cents at 15.025 psia, Mesa Verde 12.0 cents at 15.025 psia.
CI62–454; Kansas Hugoton Gas Field, Seward, Morton and Stevens Counties, Kans.; Panhandle Eastern Pipe Line Co.; 11.0 cents at 14.65 psia. Council Grove Gas Field, Seward, Morton and Stevens Counties, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia. Acreage in Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia.
CI62–466; Stage Stand Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–469; South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 psia.
CI62–470; Manziel Field, Wood County, Tex.; Arkansas Louisiana Gas Co.; 12.10965 cents at 14.65 psia.
CI62–473; McElroy District, Tyler County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
CI62–474; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–477; Acreage in Stevens and Seward Counties, Kans.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.
CI62–480; Welch and Cox Leases, New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–481; Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–484; S. H. Westfall, et ux. Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company; 25.0 cents at 15.325 psia.
CI62–492; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–493; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–498 (as Supp.); Sandy River District, McDowell County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–502; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–504; Dekalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–505; Lubeck District, Wood County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–514; Central District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–520; Luther-Schmidt Unit, Hugoton Field, Seward County, Kans.; Colorado Interstate Gas Co.; 12.5 cents at 14.65 psia.
CI62–521; Monroe Field, Union and Ouachita Parishes, La.; Texas Gas Transmission Corp.; 16.75 cents at 15.025 psia.
CI62–524; Whippoorwill Hollow Field, Cameron & Elk Counties, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI62–526; South Newkirk Field, Kay County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.
CI62–527; Acreage in Finney County, Kans.; Cities Service Gas. Co.; 12.0 cents at 14.65 psia.
CI62–530; Northeast Alden Field, Caddo County, Okla.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 psia.
CI62–531; Harper Ranch, North Harper Ranch and Sitka Fields, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–534; William A. Talbott, et al., Farm, Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–536; Choate Creek Area, Karnes County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.
CI62–537; East Antelope Field, Marion County, Kans.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.
CI62–541; Urbana Yegua Field, San Jacinto County, Tex.; Natural Gas Pipe Line Co. of America; 12.5 cents at 14.65 psia.
CI62–543; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–545; Certain Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI62–552; Northwest Carthage Area, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–553; Freemans Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Co.; 25.0 cents at 15.325 psia.
CI62–554; Certain Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–555; Sitka Northeast and Harper Ranch North Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–565; Ernest G. Bandy Lease, Hackers Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–566; Camrick Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–573; Labaj Unit No. 1 Englehart Field, Colorado County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.
CI62–574; South Sterling Area, Comanche County, Okla.; Cities Service Gas Co., 15.0 cents at 14.65 psia.
CI62–577; Odem Field, San Patricio County, Tex.; Banquete Gas Co., a Division of Crestmont Consolidated Corp.; 9.0 cents at 14.65 psia.
CI62–578; Hansford (Morrow) Field, Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–580; South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.
CI62–593; Stage Stand Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–595; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–596; McGee-Barry Unit, Mocane Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–601; South Stiles Fusselman Field, Reagan County, Tex.; Phillips Petroleum Co.; 13.5 cents at 14.65 psia.
CI62–602; South Marlow Field, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2106; Filed, Mar. 2, 1962; 8:45 a.m.]

[Docket No. G–16842]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Order Granting Interventions, Motions for a Prompt Hearing, Consolidations and Severances

FEBRUARY 26, 1962.

Tennessee Gas Transmission Company, Docket No. G–16842; Tennessee Gas Transmission Company, Docket No. CP60–94; Lowell Gas Company, Docket No. CP61–9; Tennessee Natural Gas Lines, Inc., Docket No. CP61–27; Central Illinois Electric and Gas Company, Docket No. CP61–122; Texaco, Inc., Docket No. CI61–60; Texaco, Inc., Docket No. CI61–1713; Midwestern Gas Transmission Company, Docket No. CP62–116; Allied Gas Company, Docket No. CP62–132; Alabama Tennessee Natural Gas Company, Docket No. CP62–133; Village of Provencal, Louisiana, Docket No. CP62–152; Cities Service Production Company, Docket No. CI62–135; Tidewater Oil Company, Docket No. CI62–137; Atlantic Refining Company, Docket No. CI62–146; Continental Oil Company, Docket No. CI62–147; Arnold H. Brunner and Company, Docket No. CI62–305; Samedan Oil Corporation, Docket No. CI62–378; City of Marshall, Illinois, Docket No. CP62–187; City of Casey, Illinois, Docket No. CP62–188; City of Martinsville, Illinois, Docket No. CP62–189.

Petitions seeking leave to intervene in these proceedings were timely filed as follows:

Petitioner, Date of Filing and Request for Intervention in Docket No.
Brooklyn Union Gas Company; 2–12–62; G–16842, et al.
Pennsylvania Gas Company; 2–12–62; G–16842, et al.
City of Marshall, Illinois; 2–12–62; G–16842, et al.
City of Casey, Illinois; 2–12–62; G–16842, et al.
City of Martinsdale, Illinois; 2–12–62; G–16842, et al.
Alabama-Tennessee Natural Gas Co.; 2–12–62; G–16842, et al.
United Gas Improvement Co.; 2–12–62; G–16842, et al.
East Ohio Gas Co.; 2–12–62; G–16842, et al.
Hope Natural Gas Co.; 2–12–62; G–16842, et al.
Lake Shore Pipe Line Co.; 2–12–62; G–16842, et al.
New York State Natural Gas Corp.; 2–12–62; G–16842, et al.
The Peoples Natural Gas Co.; 2–12–62; G–16842, et al.
The Berkshire Gas Co.; 2–12–62; G–16842, et al.
The Bridgeport Gas Co.; 2–12–62; G–16842, et al.
Concord Natural Gas Corp.; 2–12–62; G–16842, et al.
The Connecticut Gas Co.; 2–12–62; G–16842, et al.
Fitchburg Gas and Electric Light Co.; 2–12–62; G–16842, et al.
Gas Service, Inc.; 2–12–62; G–16842, et al.
The Greenwich Gas Co.; 2–12–62; G–16842, et al.
The Hartford Electric Light Co.; 2–12–62; G–16842, et al.
Haverhill Gas Co.; 2–12–62; G–16842, et al.
City of Holyoke, Massachusetts Gas and Electric Department; 2–12–62; G–16842, et al.
Lowell Gas Co.; 2–12–62; G–16842, et al.
Manchester Gas Co.; 2–12–62; G–16842, et al.
The New Britain Gas Light Co.; 2–12–62; G–16842, et al.
Springfield Gas Light Co.; 2–12–62; G–16842, et al.
Valley Gas Co.; 2–12–62; G–16842, et al.
City of Westfield Gas and Electric Light Department; 2–12–62; G–16842, et al.
Worcester Gas Light Co.; 2–12–62; G–16842,
Fuels Research Council, Inc.; 2–12–62; G–16842, et al.
National Coal Association; 2–12–62; G–16842, et al.
United Mine Workers of America; 2–12–62; G–16842, et al.
Mid-West Coal Producers Institute, Inc.; 2–12–62; G–16842, et al.
Anthracite Institute; 2–12–62; G–16842, et al.
Ben Williamson, Jr., Trustee of Inland Gas Corporation; 2–12–62; CP60–94, et al.
Pennsylvania Gas and Water Co.; 2–12–62; CP60–94.
Morgantown, Kentucky; 2–9–62; CP62–116.
Delta Natural Gas Co.; 2–9–62; G–16842, et al.
Lincoln Natural Gas Co., Inc.; 2–9–62; G–16842, et al.
Iroquois Gas Corp.; 2–9–62; G–16842, et al.
New York State Electric & Gas Corp.; 2–9–62; CP60–94.
Northern Illinois Gas Co.; 2–9–62; G–16842, et al.
The City of Clarksville, Operating the Clarksville Gas Department, Clarksville, Tenn.; 2–9–62; G–16842, et al.
Portland Gas Light Co.; 2–8–62; G–16842, et al.
Central Hudson Gas & Electric Corp., Grandview, Ind.; 2–6–62; CP62–116.
Long Island Lighting Co.; 2–2–62; G–16842, et al.
Central Illinois Electric and Gas Co.; 1–31–62; CP60–94.
United Gas Pipe Line Co.; 1–31–62; G–16842, et al.
Western Kentucky Gas Co.; 1–31–62; G–16842, et al.
Public Service Electric and Gas Co.; 1–29–62; G–16842, et al.
Allied Gas Co.; 1–22–62; CP60–94.
The Peoples Gas Light and Coke Co.; 7–13–60; CP60–94.
Orange and Rockland Utilities, Inc.; 6–10–60; CP60–94.
New York State Electric and Gas Corp.; 6–6–60; CP60–94.
Granite State Gas Transmission, Inc.; 6–6–60; CP60–94.
The Manufacturers Light and Heat Co.; 5–12–60; CP60–94.
The Ohio Fuel Gas Co.; 5–12–60; CP60–94.
United Fuel Gas Co.; 5–12–60; CP60–94.

Notices of intervention were filed in Docket Nos. G–16842, et al., by the Department of Public Utilities of the Commonwealth of Massachusetts, the Pennsylvania Public Utility Commission, the Tennessee Public Service Commission, the Public Utilities Commission of the State of New Hampshire, the Public Service Commission of the State of West Virginia, the Public Utilities Commission of the State of Connecticut, the Public Utility Administrator of the State of Rhode Island and the Public Service Commission of Kentucky.

On January 11, 1962, Tennessee Gas Transmission Company (Tennessee) filed a motion for a prompt hearing in Docket Nos. G–16842, et al., and further requested that all the parties be required to go forward immediately with cross-examination at the commencement of the hearing. Various parties, interveners and State Commissions have filed sundry motions and petitions herein supporting the motion of Tennessee and urging this Commission to reach an early conclusion in the above-captioned proceedings in order that their respective areas could be assured of an adequate gas supply for the 1962–1963 winter heating season.

Tennessee has been authorized to provide its customers with their gas requirements on an interim basis (annual) since November 30, 1960. Tennessee is presently providing its customers with the gas they require for the 1961–1962 heating season pursuant to the authorization it received in Docket Nos. CP61–295, et al. This authorization terminates on November 30, 1962, and Tennessee is seeking authorization in these proceedings that will enable it to meet the peak day requirements of its existing customers on a long term basis commencing with the 1962–1963 winter heating season. Tennessee further contends that it does not have sufficient pipeline capacity to provide its customers with their gas requirements and will not be able to render the service that its customers require for the 1962–1963 heating season unless it is authorized to construct the additional facilities it requests in these proceedings. Tennessee also contends that it may require a considerable length of time to install these fa-

cilities needed to meet the 1962–1963 heating season requirements of its customers.

Tennessee in its aforementioned motion points out that it has filed sworn prepared testimony and hearing exhibits covering its proposal in these proceedings with this Commission on December 18, 1961, and that it has also served this data upon many of the parties to the proceedings.

The Commission is disposed to grant the above request made by Tennessee; however, it should be made incumbent upon Tennessee to see to it that all parties to the aforementioned proceedings have been properly served copies of the prepared testimony and hearing exhibits it has filed with the Commission in connection with these proceedings.

The Commission by its notice issued on January 15, 1962, consolidated for purposes of hearing several independent producer dockets with the certificate proceedings of Tennessee in Docket Nos. G–16842 and CP60–94. Since the issuance of that notice, this Commission has received numerous motions and petitions from independent producers requesting severance of the proceedings upon their several applications from the other consolidated proceedings. These independent producers contend that they are not directly concerned with the issues presented by the proceedings relating to Tennessee's proposed expansion of facilities and to the requests made by other parties for new or increased gas service from Tennessee.

We have already indicated the desirability of bringing these proceedings to a sound conclusion as promptly as possible. The independent producer issue raised herein relates mainly to the issue of price; hence, the independent producer dockets consolidated herein could readily be severed from these proceedings and scheduled for hearing at a subsequent date without affecting the disposition of the primary issues presented with respect to the proposed Tennessee Expansion Program.

On February 12, 1962, the City of Marshall, Illinois, the City of Casey, Illinois, and the City of Martinsville, Illinois, filed applications at Docket Nos. CP62–187, CP62–188, and CP62–189, respectively, pursuant to section 7(a) of the Natural Gas Act, for an order directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicants and to sell and deliver Applicants their respective natural gas requirements, all as more fully set forth in the applications, which are on file with the Commission and open for public inspection.

The City of Marshall, Illinois, intends to construct a complete distribution system within the City of Marshall and to lease or install a six (6) inch transmission lateral extending eastward approximately 8 miles to a point of interconnection with the facilities of Midwestern.

The estimated annual and peak day requirements for the City of Marshall are as follows:

Year:	*Annual requirements (Mcf)*	*Peak day (Mcf)*
First	225,420	1,502
Second	250,600	1,690
Third	285,600	1,958

The City of Casey, Illinois, proposes to construct a complete distribution system within the City of Casey and to lease or construct a six (6) inch transmission line extending eastward a distance of approximately 15 miles to a point of connection with a transmission line lateral to be leased or installed by the City of Marshall.

The estimated annual and peak day requirements for the City of Casey are as follows.

Year:	*Annual requirements (Mcf)*	*Peak day (Mcf)*
First	245,600	1,703
Second	269,500	1,890
Third	299,900	2,104

The City of Martinsville, Illinois, proposes to construct a complete distribution system within the City of Martinsville. The distribution system is to be connected to a six (6) inch transmission lateral to be leased or installed by the City of Casey, which is to extend eastward a distance of approximately eleven miles to a point of connection with a transmission lateral to be leased or installed by the City of Marshall. The transmission lateral to be constructed by the City of Marshall will extend to a point of interconnection with the facilities of Midwestern.

The estimated annual and peak day requirements of the City of Martinsville are as follows:

Year:	*Annual requirements (Mcf)*	*Peak day (Mcf)*
First	46,400	398
Second	53,700	466
Third	62,700	546

The Commission finds:

(1) The participation in these proceedings by each of the petitioners hereinbefore named requesting permission to intervene herein may be in the public interest.

(2) The public interest requires that the issues involved with respect to the Tennessee expansion program in Docket Nos. G–16842, et al., be promptly resolved and that the requiring of the parties to immediately go forward with the cross-examination at the commencement of the hearing will expedite the conclusion of the proceedings.

(3) The severance of the independent producer applications consolidated with other proceedings by the Commission's notice of January 15, 1962, will not affect the determination of the issues presented in the proceedings with respect to the Tennessee Expansion Program.

(4) The issues raised by the abovementioned 7(a) applicants relate directly to the issues with respect to Tennessee's Expansion Program and should be consolidated with these proceedings for purposes of hearing.

The Commission orders:

(A) Each of the petitioners hereinbefore named seeking to intervene is hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And, provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) That cross-examination of the prepared testimony and hearing exhibits filed by Tennessee with this Commission on December 18, 1961, commence as soon as feasible after the convening of this hearing. Tennessee is further ordered to serve copies of its prepared testimony and hearing exhibits upon all the parties to these proceedings on or before March 1, 1962.

(C) That all the independent producer dockets previously consolidated in these proceedings, for purposes of hearing, in Docket Nos. CI61–60, CI61–1713, CI62–135, CI62–137, CI62–146, CI62–147, CI62–305, and CI62–378, be severed from the proceedings in Docket Nos. G–16842, et al., heretofore consolidated by notice issued on January 15, 1962.

(D) The proceedings upon the applications filed in Docket Nos. CP62–187, CP62–188, and CP62–189 be consolidated with the proceedings in Docket Nos. G–16842, et al., for purposes of hearing.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–2107; Filed, Mar. 2, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 603]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 28, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64572. By order of February 23, 1962, the Transfer Board approved the transfer to Jack Womick, doing business as Jack Womick Trucking Co., Carbondale, Ill., of a portion of Certificate No. MC110479 Sub 13, issued in the name of Dudley Harper, doing business as Harper Truck Service, Paducah, Ky., and acquired by transferor pursuant to MC–FC 64393, authorizing the transportation of: Emigrant movables, between Bardwell, Ky., and points within 25 miles of Bardwell, on the one hand, and, on the other, points in Illinois, Missouri, and Tennessee. Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., attorney for applicants.

No. MC–FC 64606. By order of February 23, 1962, the Transfer Board approved the transfer to Fry's Horse Transportation, Inc., Grove City, Ohio, of the operating rights in Certificate No. MC 14903, issued April 5, 1944, to Lawrence Fry, Columbus, Ohio, authorizing the transportation, over irregular routes, of livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, supplies, and equipment, including mascots, used in the care and/or exhibition of such animals, between points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia, and horses, other than ordinary livestock, between points in Rhode Island, Florida, and Nebraska and between points in Rhode Island, Florida, and Nebraska, on the one hand, and, on the other, points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Pennsylvania, New Hampshire, New Jersey, New York, Oklahoma, Tennessee, Texas, and West Virginia. John D. Herbert, 44 East Broad Street, Columbus 15, Ohio, applicants' attorney.

No. MC–FC 64780. By order of February 23, 1962, the Transfer Board approved the transfer to Cecil C. Wright, doing business as Wright Truck Line, 511 North Olive, Peabody, Kans., of Certificates Nos. MC 104012 and MC 104012 Sub 3, issued October 27, 1949, and December 1, 1949, respectively, to Walter A. Rowland, Peabody, Kans., authorizing the transportation over regular routes of: Feed and twine, from Kansas City, Mo., to Wichita, Kans.; steel tanks, from Kansas City, Mo., to Newton, Kans.; feed from St. Joseph, Mo., to Florence, Kans.; feeds, grain, seeds, agricultural implements, tractors, binder twine, and building material, from Kansas City, Mo., to Peabody, Kans., livestock, between Peabody, Kans., and Kansas City, Mo., between Florence, Kans., and Kansas City and St. Joseph, Mo., general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Kansas City, Mo., and Peabody, Kans., livestock, over irregular routes, from Wichita and Eldorado, Kans., to Kansas City and St. Joseph, Mo., agricultural implements, fencing material, tanks, pipes, pipe fittings and feed, from Kansas City, Mo., and Kansas City, Kans., to Eldorado, Hillsboro, Whitewater, and Benton, Kans., implements and hardware, agricultural feed, building material, and twine, between Florence, Kans., and points within 20 miles of Florence, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; over regular routes, livestock between Saffordville, Kans., and Kansas City, Mo.; agricultural machinery, twine, steel tanks, hardware, coal, roofing, stoves, automobile parts, oil, grease, feed, and blacksmith's supplies, from Kansas City, Mo., to Saffordville; livestock over irregular routes, from Kansas City, Mo., to points in Kansas, and return.

No. MC–FC 64787. By order of February 23, 1962, the Transfer Board approved the transfer to Columbia Van Lines, Inc., of California, Torrance, Calif., of Certificate No. MC 43508 and MC 43508 Sub 1, issued May 9, 1949 and June 5, 1953, to Columbia Van Lines, Inc., Torrance, Calif., authorizing the transportation of: Household goods, between Long Beach Harbor, Los Angeles, and Los Angeles Harbor, Calif., on the one hand, and, on the other, points within 25 miles of the city hall, Los Angeles, Calif.; and between points within 25 miles of the intersection of First and Main Streets, Los Angeles, Calif., on the one hand, and, on the other, points within 150 miles of the intersection of First and Main Streets, Los Angeles, Calif. Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif., representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2134; Filed, Mar. 2, 1962; 8:51 a.m.]

[Notice 603–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64849. By order of March 1, 1962, the Transfer Board approved the transfer to Russell Beverley Trucking Company, Incorporated, Richmond, Va., of Certificate in No. MC 119935, issued October 6, 1960, to Barricks Motor Lines, Incorporated, Petersburg, Va., authorizing the transportation of: Luggage, beach chairs, card tables, book racks, novelties, and excelsior, from Petersburg, Va., to Baltimore, Md., Philadelphia, Pa., Newark, N.J., and New York, N.Y.; luggage, beach chairs, card tables, book racks, and novelties, from Petersburg, Va., to Washington, D.C., Norfolk, Va., and Annapolis, Md., excelsior, from Hallsboro, Va., to New York, N.Y., Baltimore, Md., Philadelphia, Pa., and Newark, N.J.; canned goods, sulphur, borax, caster oil, extracts, tapioca, flour, nuts, such commodities used in the manufacture of luggage, sugar and roofing, from New York, N.Y., to Petersburg, Va., and from Philadelphia, Pa., to Petersburg, Va., sulphur, borax, castor oil and extracts, from Jersey City, Camden, and Bayonne, N.J., to Petersburg, Va.; sugar, canned goods, and such commodities as are used in the manufacture of luggage, from Baltimore, Md., to Petersburg, Va.; such commodities used in the manufacture of luggage, from 5 points in New Jersey, Wilmington and Yorklyn, Del., and Washington, D.C., to Petersburg, Va.; canned goods and bananas, from Norfolk, Va., to Petersburg, Va.; canned goods, from 3 points in Delaware, 13 points in Maryland, 4 points in New Jersey, and Hanover, Pa., to Petersburg, Va.; petroleum products, in drums, cases, barrels and kits, from Newark, N.J., to Washington, D.C., and 6 points in Virginia; bananas, brooms, and roofing materials, from Baltimore, Md., to Petersburg, Va.; feed, produce, canned foods, dried beans, dried fruits, and groceries, from Petersburg, Va., to Henderson and Warrenton, N.C.; and rejected shipments of the commodities specified immediately above, from Henderson and Warrenton, N.C., to Petersburg, Va., paper chip board, from Roanoke Rapids, N.C., to Petersburg, Va., and paper scrap board, from Petersburg, Va., to Roanoke Rapids, N.C. John D. Clark, P.O. Box 608, Washington 4, D.C., representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2188; Filed, Mar. 2, 1962; 8:58 a.m.]

OFFICE OF EMERGENCY PLANNING

IDAHO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated February 14, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of Idaho adversely affected by floods beginning on or about February 8, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Idaho to have been adversely affected by the catastrophe

declared a major disaster by the President in his declaration of February 14, 1962:

The counties of: Bannock, Bingham, Bonneville, Caribou, Fremont, Gooding, Jefferson, Madison, Oneida, and Teton.

Dated: February 19, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-2146; Filed, Mar. 2, 1962; 8:54 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1460]

AMERICAN RESEARCH AND DEVELOPMENT CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

FEBRUARY 23, 1962.

Notice is hereby given that American Research and Development Corporation ("Applicant"), The John Hancock Building, Boston 16, Massachusetts, a Massachusetts corporation and a registered closed-end, non-diversified management investment company, has filed an amended application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by it of 75,000 shares (approximately 17 percent of the outstanding capital stock) of Intercontinental Electronics Corporation ("Intercontinental"), for a total consideration of $137,500, to Compagnie Generale de Telegraphie Sans Fil ("Telegraphie"), a French corporation owning approximately 71 percent of the outstanding capital stock of Intercontinental. All interested persons are referred to the application on file with the Commission for a complete statement thereof which is summarized below.

Intercontinental was incorporated in the State of Delaware in March 1956, by, among others, Telegraphie and Applicant, to provide a business enterprise in the United States for the development, engineering, designing, redesigning, adopting, manufacture, sale and servicing, and maintenance of electronic equipment, systems and components.

Applicant has determined that it would be in its best interests to dispose of its entire stock investment in Intercontinental. This investment consists of 75,000 shares of $1 par value capital stock acquired by three separate purchases between May 1956 and March 1960 at a total cost of $137,500.

The book value of the Intercontinental capital stock at October 29, 1961, was approximately $0.30 per share, and the aggregate accumulated earnings deficit at that date was $537,632 ($1.27 per share).

After initial losses in 1956 and 1957 attributable to the expenses of starting a new business, it appeared in 1958 and 1959 that Intercontinental would develop into a profitable organization. In 1960 and 1961 sales fell off and losses resulted. Part of these losses resulted from the failure by it to obtain government contracts, profits on such contracts having contributed largely to the success of the operation in 1958 and 1959, and part of the losses of 1960 and 1961 resulted from the subsequent unprofitability of new businesses that were acquired in late 1959 and thereafter.

Telegraphie, which has at all times since the incorporation of Intercontinental owned a majority of Intercontinental's outstanding voting securities, has determined that the operations of Intercontinental must continue to be unprofitable unless drastic economy measures are undertaken and additional large investments are made in Intercontinental to provide it with adequate working capital since the losses incurred have reduced the working capital to a minimum level. Telegraphie is unwilling to make additional investments unless Applicant is willing to contribute its proportionate share. Applicant recognizes that Intercontinental will probably, in the long run, be a profitable organization if properly managed, since its products are marketable ones. Applicant is unwilling to commit investment funds for the length of time necessary, since it believes the funds already committed, combined with the additional funds needed, may be placed in investments which have more immediate prospects of a profitable return.

Recognizing that it would be unwise to underwrite the operations of Intercontinental without the support of Applicant, Telegraphie has determined that it would be in its best interests to purchase from Applicant its investment in Intercontinental in order that it may more completely direct the operations of Intercontinental and more fully benefit from the additional investment it expects to make in Intercontinental. Realizing that Applicant would be unwilling to dispose of its share interest at a loss when there is a future possibility of recouping its investment, Telegraphie has offered to purchase the capital stock of Intercontinental owned by Applicant for $137,500, the aggregate price Applicant paid for its 75,000 shares. There is no market for shares of Intercontinental. In October 1961, Telegraphie purchased the 17 percent interest of Morgan Guaranty Trust Company of New York on the same basis, i.e., the aggregate price paid by that bank for its 75,000 shares.

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person directly or indirectly owning, controlling, or holding with power to vote five percent or more of the outstanding voting securities of such other person. Section 17(a) of the Act prohibits an affiliated person of an registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission, upon application pursuant to section 17(b), shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 16, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2114; Filed, Mar. 2, 1962; 8:47 a.m.]

BLACK BEAR INDUSTRIES, INC.

[File No. 1-3842]

Order Summarily Suspending Trading

FEBRUARY 27, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 28, 1962, to March 9, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2115; Filed, Mar. 2, 1962; 8:47 a.m.]

[File No. 70-4018]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Filing Regarding Issuance and Sale of Short-Term Notes by Subsidiary Companies to Holding Company

FEBRUARY 23, 1962.

In the matter of Central and South West Corporation, 20 North Wacker Drive, Chicago, Illinois; Central Power and Light Company, West Texas Utilities Company, File No. 70-4018.

Notice is hereby given that Central and South West Corporation ("Central and South West"), a registered holding company, and its subsidiary companies, Central Power and Light Company ("Central Power"), 120 North Chaparral Street, Corpus Christi, Tex., and West Texas Utilities Company ("West Texas"), 1062 North Third Street, Abilene, Tex., have filed with this Commission a joint application-declaration designating sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 23, 43, and 45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Power and West Texas propose to issue their promissory notes from time to time during 1962, and to sell such notes to Central and South West. The maximum amount of notes to be outstanding at any time for each company will be $3,500,000. The notes are to be dated as of the dates of each borrowing, to bear interest at a rate not greater than three percent (3 percent) per annum, and to mature December 31, 1962. The notes may be prepaid at any time without premium or penalty. It is contemplated that the notes issued by West Texas will be paid from funds generated internally. Central Power expects to pay part of its notes from funds generated internally and to extend the maturity of the balance, now estimated at $2,000,000, until 1963. Any such extension will be the subject of a further filing with this Commission.

Central and South West proposes to purchase the notes from time to time during 1962, beginning in March.

The proceeds from the issuance of the notes will be used by the subsidiary companies to finance temporarily a portion of their construction programs.

The fees and expenses of Central and South West and its subsidiary companies in connection with the proposed transactions are estimated at $1,300.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 13, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as filed, or as it may be amended, may be granted and permitted to become effective, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2116; Filed, Mar. 2, 1962; 8:47 a.m.]

[File No. 70-4019]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Subsidiary Company

FEBRUARY 26, 1962.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York 5, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $19,000,000 to Jersey Central Power & Light Company ("JCP&L"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, par value $10 per share, is owned by GPU. Each such cash capital contribution is to be credited by JCP&L to its capital surplus account. JCP&L will utilize such contributions to pay in full its short-term notes to banks outstanding at November 30, 1961, in the aggregate face amount of $14,995,000, and for other corporate purposes.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $500.

Notice is further given that any interested person may, not later than March 12, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2117; Filed, Mar. 2, 1962; 8:47 a.m.]

[File No. 70-4020]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Subsidiary Company

FEBRUARY 26, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York 5, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $1,000,000 to New Jersey Power

& Light Company ("NJP&L"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, without par value, is owned by GPU. Each such cash capital contribution is to be credited initially by NJP&L to its capital surplus account and promptly thereafter transferred to the stated value applicable to its outstanding 103,000 shares of no par common stock. NJP&L will utilize such contributions partially to reimburse its treasury for expenditures therefrom made for construction prior to December 1, 1961.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $500.

Notice is further given that any interested person may, not later than March 12, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2116; Filed, Mar. 2, 1962; 8:48 a.m.]

[File No. 70-3996]

UNION ELECTRIC CO.

Notice of Filing of Amendment Regarding Proposal To Solicit Proxies in Connection With Proposed Acquisition of Common Stock and Income Debentures of Redevelopment Corporation

FEBRUARY 23, 1962.

Notice is hereby given that Union Electric Company ("Union"), 315 North Twelfth Boulevard, St. Louis 66, Missouri, a registered holding company and a public-utility company, has filed with this Commission a further amendment to its application in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Union has designated sections 9(a), 10, 12(e), and 12(f) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. Notice of the filing of the application, as previously amended, was issued by this Commission on December 19, 1961 (Holding Company Act Release No. 14549). All interested persons are referred to the amended application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Union's original proposal involved the acquisition of 12,000 shares of common stock, at the par value of $1 per share, and of $1,188,000 principal amount of income debentures due June 30, 1995, of Civic Center Redevelopment Corporation ("Redevelopment Corporation"), for a total consideration of $1,200,000. Union now proposes, in addition to the above, to solicit proxies (for use at the regular annual meeting of stockholders of Union to be held on April 20, 1962, or at any adjournment thereof) from its stockholders for approval of the acquisition of such common stock and income debentures of Redevelopment Corporation.

The Illinois Commerce Commission has issued an order authorizing Union to subscribe for and purchase such common stock and income debentures, subject to the condition that stockholder approval thereof be obtained. The State commission's order also provides, among other things, that the securities acquired shall not be claimed as part of Union's rate base in proceedings before that State commission and that the income and expense in connection with the securities shall be accounted for in detail through accounts which shall in no wise be considered as part of Union's operating income or expense.

Notice is further given that any interested person may, not later than March 13, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2119; Filed, Mar. 2, 1962; 8:48 a.m.]

TARIFF COMMISSION

STRAIGHT (DRESSMAKERS' OR COMMON) PINS

"Escape Clause" Report

FEBRUARY 28, 1962.

The Commission today made public its report to the President on "escape clause" investigation No. 7-109, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered straight (dressmakers' or common) pins, which are dutiable under paragraph 350 of the Tariff Act of 1930, as modified, at 20 percent ad valorem. This rate is in effect pursuant to a concession granted in the General Agreement on Tariffs and Trade (GATT).

The Commission found (Commissioners Dorfman and Dowling dissenting) that straight pins are being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like products. The Commission also found that in order to remedy the serious injury to the domestic industry it is necessary to increase the duty on such pins to 35 percent ad valorem.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-2137; Filed, Mar. 2, 1962; 8:52 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

RUTH MARIA OSTEN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ruth Maria Osten, nee Bieber, 25 Broadway, Manchester 20, England; Claim No. 59222; $4,309.00 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of The Chocolate Soldier in the United States, to the extent owned by Ruth Maria Osten, nee Bieber, immediately prior to vesting thereof by Vesting Order No. 1758 (9 F.R. 13773, November 17, 1944).

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2127; Filed, Mar. 2, 1962; 8:50 a.m.]

LYDIA SARAH BIEBER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Lydia Sarah Bieber, 9 Belgrave Mansions, Belgrave Gardens, London NW 8, England; Claim No. 59223 $4,309.00 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of The Chocolate Soldier in the United States to the extent owned by Fritz Felix Moritz Bieber, known as Francis Bieber, predecessor in interest of Lydia Sarah Bieber, immediately prior to vesting thereof by Vesting Order No. 1758 (9 F.R. 13773, November 17, 1944).

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2128; Filed, Mar. 2, 1962; 8:50 a.m.]

DR. FRITZ KUTTER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Dr. Fritz Kutter Mythenquai 22, Zurich, Switzerland; Claim No. 36940; $68.73 in the Treasury of the United States. Twenty-five per cent (25 percent) of all royalties payable or to become payable to the Attorney General of the United States from the publication of the book entitled Schmelzpunktstabellen Zur Organischen Molekularanalyse by Dr. Richard Kemf and Dr. Fritz Kutter, vested by the Alien Property Custodian under Vesting Order No. 500A-76 (9 F.R. 7788, July 12, 1944).

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2129; Filed, Mar. 2, 1962; 8:50 a.m.]

IRENE JOHANNA HOHNE FORSTER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Irene Johanna Hohne Forster, An der Eisbreche 14, Koblenz-Luetzel, Germany; Claim No. 42447, Vesting Order No. 1950; $19,783.00 in the Treasury of the United States.

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2130; Filed, Mar. 2, 1962; 8:50 a.m.]

CORNELIA PAULINE HOHNE DETTE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cornelia Pauline Hohne Dette, Reichensteiner Weg 17a, Berlin-Dahlem, Germany; Claim No. 42446, Vesting Order Nos. 1950 and 18155; $104,865.00 in the Treasury of the United States. Claim against New York Title & Mortgage Co., New York City, re Certificate No. 12403 on premises, 313-15 West 99th Street, New York City (share therein 28.05/19163-31).

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2131; Filed, Mar. 2, 1962; 8:50 a.m.]

CHARLOTTE APT AND WALTER PEISER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charlotte Apt, 232-11—143d Avenue, Rosedale, Jamaica 13, New York; $193.78 in the Treasury of the United States; Walter Peiser, 451 Rua Petropolis Sumare, Sao Paulo, Brazil; Claim No. 33891; $193.77 in the Treasury of the United States.

Executed at Washington, D.C., on February 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2132; Filed, Mar. 2, 1962; 8:50 a.m.]

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Washington, Tuesday, March 6, 1962

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6 2156

21 CFR
PROPOSED RULES:
121 2158

36 CFR
7 (2 documents) 2150, 2151

42 CFR
72 2152

50 CFR
PROPOSED RULES:
260 2156

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11008

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTE BETWEEN THE AKRON & BARBERTON BELT RAILROAD COMPANY AND OTHER CARRIERS AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the Akron & Barberton Belt Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Eleven Cooperating Railway Labor Organizations, labor organizations, designated in List B attached hereto and made a part hereof; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Akron & Barberton Belt Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committee, or by their employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 3, 1962.

LIST A

EASTERN RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Company
Ann Arbor Railroad Company
Baltimore & Ohio Railroad Company
Baltimore & Ohio Chicago Terminal Railroad Company
Staten Island Rapid Transit Railway Company
Bessemer and Lake Erie Railroad Company
Boston & Maine Railroad
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Bush Terminal Railroad Company
Canadian National Railways
Canadian Pacific Railway Company
The Central Railroad Company of New Jersey
New York & Long Branch R.R. Company
Central Vermont Railway, Inc.
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad Company
Detroit Terminal Railroad Company
Detroit, Toledo and Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
The Indianapolis Union Railway Company

The Lehigh and Hudson River Railway Company
Lehigh Valley Railroad Company
Long Island Railroad Company
Maine Central Railroad Company
  Portland Terminal Company
Monon Railroad Company
Monongahela Railway Company
Montour Railroad Company
NEW YORK CENTRAL SYSTEM
  New York Central Railroad Company
    New York District (Including Grand Central Terminal)
    Eastern District (Including Boston & Albany Division)
    Western District
    Northern District
    Southern District
  Indiana Harbor Belt Railroad Company
  Chicago River & Indiana Railroad Company
  Pittsburgh & Lake Erie Railroad Company
    Lake Erie and Eastern Railroad Company
  Cleveland Union Terminals Company
  Troy Union Railroad Company
New York, Chicago and St. Louis Railroad Company
New York Dock Railway
New York, Susquehanna and Western Railroad Company
The Pennsylvania Railroad Company
  Baltimore and Eastern Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Pittsburgh, Chartiers & Youghiogheny Railway Company
Railroad Perishable Inspection Agency
Reading Company
  Philadelphia, Reading and Pottsville Telegraph Company
The River Terminal Railway Company
Toledo Terminal Railroad Company
Union Depot Company (Columbus, Ohio)
Upper Merion & Plymouth Railroad Company
Washington Terminal Company
Western Maryland Railway Company
Youngstown & Southern Railway Company

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
  Gulf, Colorado and Santa Fe
  Panhandle and Santa Fe
Bauxite and Northern
Belt Railway Company of Chicago
Camas Prairie Railroad Company
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railroad
Chicago and Illinois Western Railroad
Chicago and North Western Railway
  (Including Former Chicago, St. Paul, Minneapolis & Omaha, Former L&M and Former M&StL.)
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago Produce Terminal Company
Chicago, Rock Island and Pacific Railway
Colorado and Southern Railway
Colorado and Wyoming Railway
Davenport, Rock Island and North Western Railroad
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
Duluth, Missabe and Iron Range Railway
Duluth Union Depot and Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet and Eastern Railway
El Paso Union Passenger Depot
Forth Worth and Denver Railway Company
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
  Kewaunee, Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of CRI&P and Ft.W&D
Joliet Union Depot Company
Joplin Union Depot Company
Kansas City Southern Railway
  Arkansas Western Railway
  Kansas City Shreveport and Gulf Terminal

Kansas City Terminal Railway
King Street Passenger Station (Seattle)
Lake Superior & Ishpeming
Lake Superior Terminal and Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway Company
Manufacturers Railway
Midland Valley Railroad
  Kansas, Oklahoma & Gulf Railway
  Oklahoma City-ADA-Atoka Railway
Minneapolis, Northfield & Southern Railway
Minnesota and Manitoba
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad Company
  Beaver, Meade and Englewood Railroad
Missouri Pacific Railroad (Western, Southern and Gulf District)
  Missouri-Illinois Railroad
Northern Pacific Railroad
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
Oregon, California & Eastern Railway
Pacific Coast Railroad Company
Paducah and Illinois Railroad Company
Peabody Short Lines
Peoria and Pekin Union Railway
Peoria Terminal Company
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad Company
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
St. Paul Union Depot Company
San Diego & Arizona Eastern
Sioux City Terminal Railway
Soo Line Railroad Company
Southern Pacific Company (Pacific Lines)
Southern Pacific Company—Texas and Louisiana Lines
Spokane International Railway
Spokane, Portland and Seattle Railway
  Oregon Trunk Railway
  Oregon Electric Railway
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Texas Short Line
  Weatherford, Mineral Wells and Northwestern
Texas Mexican Railway Company
Texas Pacific-Missouri Pacific
  Terminal R.R. of New Orleans
Toledo, Peoria & Western Railroad
Tremont & Gulf Railway
Union Pacific Railroad
Union Railway Company (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad Company
Walla Walla Valley Railway Company
Warren & Ouachita Valley Railway
Western Pacific Railroad
Western Weighing and Inspection Bureau

SOUTHEASTERN RAILROADS

Atlanta & West Point Rail Road Company
  The Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad Company
Augusta Union Station Company
Birmingham Southern Railroad Company
Central of Georgia Railway Company
  Albany Passenger Terminal Company
  Macon Terminal Company
The Chesapeake & Ohio Railway Company
Clinchfield Railroad Company
Georgia Railroad
Gulf, Mobile & Ohio Railroad Company
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad Company
Louisville & Nashville Railroad Company
Norfolk & Portsmouth Belt Line Railroad Company
Norfolk & Western Railway Company

Norfolk Southern Railway Company
Richmond, Fredericksburg & Potomac Railroad Company
Seaboard Air Line Railroad Company
Southern Railway Company
The Alabama Great Southern Railroad Company
The Cincinnati, New Orleans & Texas Pacific Railway Company
Georgia Southern & Florida Railway Company
New Orleans & Northeastern Railroad Company
The New Orleans Terminal Company
Harriman & Northeastern Railroad Company
St. Johns River Terminal Company
Tennessee Central Railway Company

LIST B

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood of Railway Carmen of America
International Brotherhood of Firemen and Oilers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen
Hotel and Restaurant Employes & Bartenders' International Union

[F.R. Doc. 62-2286; Filed, Mar. 5, 1962; 10:49 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

President's Committee on Youth Employment

Effective upon publication in the FEDERAL REGISTER, a new § 6.171 is added as set out below.

§ 6.171 President's Committee on Youth Employment.

(a) All positions on the staff of the President's Committee on Youth Employment, established by the President on November 16, 1961.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2205; Filed, Mar. 5, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in five counties in Kansas. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Paragraph (b) of § 728.1145 is amended to change the date of May 20 to June 1 for five counties in Kansas as follows: Cheyenne, Decatur, Rawlins, Sherman, and Thomas.

(Secs. 374, 375, 52 Stat. 65, 66, as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 28, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2211; Filed, Mar. 5, 1962; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program CMD 3a

EXTENSION OF DATE FOR SPREADING

The provisions of the Fresh Irish Potatoes—Livestock Feed Diversion Program CMD—3a (26 F.R. 8589) are hereby revised to extend the date for spreading potatoes to be used for livestock feed after dehydration through a process of alternate freezing and thawing. Section 519.213(c)(4) is revised to read as follows:

(4) Spreading must take place on or before March 17, 1962.

Dated: March 1, 1962.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 62-2209; Filed, Mar. 5, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1088; Amdt. 403]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Model 680F Aircraft

As a result of several failures of the alternate induction air valve and shaft on Aero Commander Model 680F aircraft which caused loss of engine power, an airworthiness directive is considered necessary requiring replacement of the original parts with improved parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to all Model 680F aircraft, including pressurized versions, with Serial Numbers 871 through 1170.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

In order to preclude failure of the alternate induction air valve and shaft assembly resulting in loss of engine power, replace the original air valve and shaft and rig in accordance with instructions outlined in Aero Commander Service Bulletin No. 76A dated February 5, 1962, or FAA approved equivalent.

This amendment shall become effective March 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2157; Filed, Mar. 5, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-19]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1479 of the regulations of the Administrator is to alter the Peotone, Ill., control area extension.

The Peotone control area extension is currently described as that airspace southeast of Poetone bounded on the east by VOR Federal airway No. 7, on the southwest by VOR Federal airway No. 227, on the west by VOR Federal airway No. 53 and on the north by VOR Federal airway No. 38. Victor 227 has been redesignated as VOR Federal airway No. 491 (14 CFR 600.6491). Therefore, in order to correctly describe the Peotone control area extension, action is taken herein to substitute Victor 491 for Victor

227 in the description of the Peotone control area extension. This action will not change the dimensions of controlled airspace presently designated in this area.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.1479 (14 CFR 601.1479) "VOR Federal airway No. 227," is deleted and "VOR Federal airway No. 491," is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-2161; Filed, Mar. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-69]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone; Modification

On December 21, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12215) an amendment to § 601.1983 of the regulations of the Administrator which designated a full-time control zone at the Hale County Airport, Plainview, Tex., effective February 8, 1962.

Subsequent to the publication of the amendment it has been determined that the time of designation of the Plainview control zone should be from 0600 to 2200 hours local standard time, daily. This change in the time of designation of the central zone is necessary to coincide with the hours of operation of the control tower. Accordingly, action is taken herein to reflect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1983 (14 CFR 601.1983, 26 F.R. 12215) is amended as follows: In the description of the Plainview, Tex., control zone, "(latitude 34°10'10" N., longitude 101°43'00" W.)" is deleted and "(latitude 34°10'10" N., longitude 101°43'00" W.), from 0600 to 2200 hours central standard time, daily." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-2158; Filed, Mar. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 62-KC-16]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2112 of the regulations of the Administrator is to alter the Madison, Wis., control zone.

The Madison, Wis., control zone is designated within a 5-mile radius of the Truax Field, within 2 miles either side of the east course of the Madison radio range station extending from the radio range to 10 miles east and within 2 miles of lines bearing 183° and 003° True from the outer marker extending from the Truax Field control zone to 10 miles south of the outer marker.

The control zone extension based on the east course of the Madison radio range station is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2112 (14 CFR 601.2112) is amended to read:

§ 601.2112 Madison, Wis., control zone.

Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'15" N., longitude 89°20'10" W.) and within 2 miles either side of lines bearing 183° and 003° from the OM extending from the 5-mile radius zone to 10 miles S of the OM.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-2159; Filed, Mar. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 61-SW-124]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Redesignation of Control Zone; Modification

On January 18, 1962, there was published in the FEDERAL REGISTER (27 F.R. 508, effective March 8, 1962) an amendment to Part 601 (§ 601.2352) of the regulations of the Administrator which redesignated the Dalhart, Tex., control zone within a 3-mile radius of the Dalhart Municipal Airport and within 2 miles either side of the 002° radial of the Dalhart VORTAC extending from the 3-mile radius zone to 10 miles north of the VORTAC. Since the VORTAC is located outside the 3-mile radius zone, two radials are required to properly describe the control zone extension to the north. Therefore, action is taken herein to describe this extension within 2 miles either side of the Dalhart VORTAC 182° and 002° True radials in lieu of the 002° True radial.

Since this amendment is editorial in nature, and imposes no additional burden on any person, the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-SW-124 (27 F.R. 508) is hereby modified as follows: In § 601.2352 in the description of the Dalhart, Tex., control zone "the 002° radial" is deleted and "the 182° and 002° radials" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-2160; Filed, Mar. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 62-LA-4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

The purpose of this amendment to § 601.10925 of the regulations of the Administrator is to alter the Twentynine Palms, Calif., transition area.

The Department of the Navy has requested that the portion of the Twentynine Palms transition area which presently coincides with the Bullion Mountains, Calif., Restricted Area (R-2501) be excluded from the restricted area. The Federal Aviation Agency has evaluated this request and it has been determined that this portion is in excess of that required as controlled airspace for air traffic service purposes in this area.

Accordingly, action is taken herein to revoke that portion of the Twentynine Palms transition area within R-2501.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.10925 (26 F.R. 12516) "excluding the portion which coincides with R-2507. The portion of this transition area which coincides with R-2501 shall be used only after obtaining prior approval from appropriate authority." is deleted and "excluding the portions which coincide with R-2501 and R-2507." is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-2180; Filed, Mar. 5, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8420 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Arctic Light Blanket Co., Inc., and Philip F. Goldberg

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Arctic Light Blanket Co., Inc., et al., Worcester, Mass., Docket 8420, Oct. 24, 1961]

In the Matter of Arctic Light Blanket Co., Inc., a Corporation, and Philip F. Goldberg, Individually and as an Officer of Said Corporation

Consent order requiring Worcester, Mass., manufacturers to cease violating the Wool Products Labeling Act by such practices as labeling as 100 percent wool, blankets which contained a substantial quantity of reprocessed wool and other fibers, and by failing to disclose on blanket labels the presence of reprocessed wool and non-woolen fibers and the percentage thereof.

The order to cease and desist is as follows:

It is ordered, That respondents Arctic Light Blanket Co., Inc., a corporation, and its officers, and Philip F. Goldberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of wool blankets or other wool products, as such products are defined in and subject to the said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constitutent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents, Arctic Light Blanket Co., Inc., a corporation, and its officers, and Philip F. Goldberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool blankets or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly misrepresenting on sales invoices, shipping memoranda, or in any other manner the fiber content of said products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2162; Filed, Mar. 5, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40IA-123]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Custody or Possession of Funds or Securities of Clients

On November 6, 1961, in Release 40IA-122 and on November 10, 1961, in the FEDERAL REGISTER (26 F.R. 10607), the Commission published its proposal to adopt § 275.206(4)-2 (Rule 206(4)-2 under the Investment Advisers Act of 1940) to require investment advisers who have custody or possession of funds or securities of clients to segregate the securities and hold them in safekeeping and to set up a separate trust account in a bank for funds belonging to each client. The Commission has considered the comments and suggestions made on the proposal and has adopted the rule in the form stated below, to be effective April 2, 1962.

Section 206(4) of the Act prohibits any investment adviser from engaging in any act, practice or course of business which is fraudulent, deceptive or manipulative and gives the Commission the power, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices and courses of business. The new rule is designed to implement these provisions by requiring an investment adviser who has custody of funds or securities of any client to maintain them in such a way that they will be insulated from and not be jeopardized by financial reverses, including insolvency, of the investment adviser.

The rule makes it a fraudulent, deceptive or manipulative act, practice or course of business for any investment adviser who has custody or possession of funds or securities of clients to do any act or to take any action with respect to any such funds or securities unless (1) all such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in a reasonably safe place; (2) all funds of such clients are deposited in one or more bank accounts which contain only clients' funds; such accounts are maintained in the name of the investment adviser as agent or trustee for such clients; and the investment adviser maintains a separate record for each such account showing where it is, the deposits and withdrawals, and the amount of each client's interest in the account; (3) the adviser, immediately after accepting custody or possession, notifies the client in writing of the place and manner in which the funds and securities will be maintained; (4) the adviser sends

each client, at least once every three months, an itemized statement of the funds and securities in his custody or possession at the end of such period and all debits, credits and transactions in the client's account during the period; and (5) at least once each calendar year the funds and securities are verified by actual examination by an independent public accountant in a surprise examination and a certificate of the accountant, stating that he has made the examination and describing the nature and extent of it, is sent to the Commission promptly thereafter. In order to make an appropriate examination it would be necessary for the accountant not only to make a physical examination of the securities, and in certain cases to obtain confirmation, but also to reconcile the physical account or confirmation with the records of the investment adviser. Similar verification of and confirmation of the funds being held and the records with respect thereto would also have to be made.

Since certain members of national securities exchanges and registered broker-dealers must maintain specified standards of financial responsibility under the Commission's Rule 15c3–1 (§ 240.15c3–1) or applicable rules of the exchanges of which they are members, the rule exempts from these requirements registered broker-dealers subject to and in compliance with § 240.15c3–1 and members of exchanges whose members are exempt from § 240.15c3–1 by paragraph (b) (2) thereof.

Statutory basis. The Commission acting pursuant to the provisions of the Investment Advisers Act of 1940 as amended, and particularly section 204, 206(4), and 211(a), thereof, and deeming such action necessary and appropriate to the exercise of its functions and powers under the Act and necessary and reasonably designed to prevent fraudulent, deceptive and manipulative acts and practices by investment advisers, hereby adopts § 275.206(4)–2 as stated below, effective April 2, 1962:

§ 275.206(4)–2 Custody or possession of funds or securities of clients.

(a) It shall constitute a fraudulent, deceptive or manipulative act, practice or course of business within the meaning of section 206(4) of the Act for any investment adviser who has custody or possession of any funds or securities in which any client has any beneficial interest, to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(1) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(2) (i) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds, (ii) such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients; and (iii) the investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(3) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(4) Such investment adviser sends to each client, not less frequently than once every 3 months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period, and all debits, credits and transactions in such client's account during such period; and

(5) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent public accountant at a time which shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that he has made an examination of such funds and securities, and describing the nature and extent of such examination, shall be filed with the Commission promptly after each such examination.

(b) This section shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (1) such broker-dealer is subject to and in compliance with § 240.15c3–1 under the Securities Exchange Act of 1934, or (2) such broker-dealer is a member of an exchange whose members are exempt from § 240.15c3–1 under the provisions of paragraph (b) (2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

(Sec. 204, 54 Stat. 852, as amended, 15 U.S.C. 80b–4; sec. 206(4), 54 Stat. 852, as amended, 15 U.S.C. 80b–6; sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b–11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 27, 1962.

[F.R. Doc. 62–2163; Filed, Mar. 5, 1962; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Dinosaur National Monument, Utah-Colorado; Stock Grazing

On pages 747 and 748 of the FEDERAL REGISTER of January 25, 1962, there was published a notice and text of a proposed amendment to § 7.63 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish suitable and reasonable stock grazing regulations in accordance with the Act of September 8, 1960 (74 Stat. 857, Public Law 86–729), to administer the grazing activities within the boundaries of Dinosaur National Monument.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments, suggestions, or objections have been received, and they are hereby adopted without change.

Since the grazing season in the Monument commences March 1, it is in the public interest that stock grazing regulations be in effect immediately.

Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

EARL M. SEMINGSEN, *Superintendent, Dinosaur National Monument.*

Paragraph (b) is added to the new § 7.63 of Part 7 to read as follows:

§ 7.63 Dinosaur National Monument.

* * * * *

(b) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized used of certain areas at the time of approval of the act of September 8, 1960 (74 Stat. 857, Public Law 86–729), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the Monument shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the Monument shall not be withdrawn for a period of twenty-five years after September 8, 1960, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 8, 1960, which the National Park Service recognized as base lands appurtenant to grazing privileges in the monument. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the monument is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 8, 1960, the grazing preference shall be recognized only for a period of twenty-five years from September 8, 1960.

(v) If title to a portion or part of the base land either outside or inside the monument is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased after September 8, 1960, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the monument as of September 8, 1960, shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross monument lands to reach grazing allotments or non-Federal lands within the exterior boundary of the monument or adjacent thereto, the Superintendent will grant, upon request, a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive.

(3) After September 8, 1960, no increase in the number of animal unit months will be allowed on Federal lands in the monument.

(4) (i) A permittee whose privileges are appurtenant to base lands either inside or outside the monument may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(ii) Whenever partial or total non-use is desired an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Bureau of Land Management and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the monument at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per cow or horse and ten cents per day per sheep as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits: Terms and conditions: The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the Monument.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing use thereunder until all fees and other amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for the Bureau of Land Management, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at 6 months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director, and from the Regional Director to the Director shall be made in accordance with National Park Service Order No. 14, as amended (19 F.R. 8824) and Regional Director, Region Two Order No. 3, as amended (21 F.R. 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the General Rules and Regulations and the Special Rules and Regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

[F.R. Doc. 62–2200; Filed, Mar. 5, 1962; 8:50 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia; Night Parking, Travel on Lee Drive, and Fires for Cooking Purposes

On page 237 of the FEDERAL REGISTER of January 9, 1962, there was published a notice and text of a proposed amendment to Part 7 of Title 36, Code of Federal Regulations. The purpose of the amendment is to add to Part 7 a new section that will control night parking,

travel on Lee Drive, and fires for cooking purposes.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Section 7.64 is added and reads as follows:

§ 7.64 Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

(a) *Night parking.* Vehicular parking along any park roadway is restricted to daylight hours except to effect emergency repairs.

(b) *Travel on Lee Drive.* Travel on that portion of Lee Drive between the Lansdowne Valley Road and Hamilton's Crossing is permitted only during daylight hours.

(c) *Fires for cooking purposes.* Fires shall be built for cooking purposes only and shall be confined to the established picnic areas. Such fires shall be confined to existing fireplaces therein or to portable charcoal grills. All remaining fuel and embers in portable charcoal grills must be extinguished immediately after use.

OSCAR F. NORTHINGTON, Jr.,
Superintendent, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

[F.R. Doc. 62-2164; Filed, Mar. 5, 1962; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

Drinking Water Standards

On July 27, 1961, notice of proposed rule making relating to the revision of the regulations in this Subpart J—Drinking Water Standards, and a related section was published in the FEDERAL REGISTER (26 F.R. 6737). After consideration of all relevant matter presented regarding the proposed revision, the regulations as so published are adopted, to become effective 30 days after the publication of this notice in the FEDERAL REGISTER, subject to the changes set out below.

1. Section 72.203: The words "Figure I" are added immediately below the graph in this section.

2. Section 72.205(b)(1): The word "fluoride" is substituted for the word "flouride" appearing in the table in paragraph 1.

3. Section 72.205(b)(2): The concentration in mg/l for chromium (Hexavalent) shown in the table is amended to read "0.05".

4. Paragraph (b) of § 72.206 is amended.

Dated: February 21, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: February 28, 1962.

ABRAHAM RIBICOFF,
Secretary.

§ 72.1 [Amendment]

1. Section 72.1(1) is amended to read:

(1) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (see Subpart J of this part).

2. Subpart J is amended to read as follows:

Subpart J—Drinking Water Standards

Sec.
72.201 Definition of terms.
72.202 Source and protection.
72.203 Bacteriological quality.
72.204 Physical characteristics.
72.205 Chemical characteristics.
72.206 Radioactivity.
72.207 Recommended analytical methods.

AUTHORITY: §§ 72.201 to 72.207 issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interprets or applies sec. 361, 58 Stat. 703; 42 U.S.C. 264.

§ 72.201 Definitions of terms.

As used in this subpart, the following terms shall have the meanings set out below:

(a) "Adequate protection by natural means" involves one or more of the following processes of nature that produces water consistently meeting the requirements of these Standards: dilution, storage, sedimentation, sunlight, aeration, and the associated physical and biological processes which tend to accomplish natural purification in surface waters and, in the case of ground waters, the natural purification of water by infiltration through soil and percolation through underlying material and storage below the ground water table.

(b) "Adequate protection by treatment" means any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or other processes which produce a water consistently meeting the requirements of these Standards. This protection also includes processes which are appropriate to the source of supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed, and constructed to eliminate or prevent pollution; and conscientious operation by well-trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the reporting agency and the certifying authority.

(c) "Certifying Authority" means the Surgeon General of the United States Public Health Service or his duly authorized representatives. Reference to the certifying authority is applicable only for those water supplies to be certified for use on carriers subject to this part.

(d) "The coliform group" includes all organisms considered in the coliform group as set forth in Standard Methods for the Examination of Water and Wastewater, current edition, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation.

(e) "Health hazards" mean any conditions, devices, or practices in the water supply system and its operation which create, or may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

(f) "Pollution", as used in these Standards, means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefullness of the water.

(g) "Reporting agencies" means the respective official State health agencies or their designated representatives.

(h) "The standard sample" for the bacteriological test shall consist of:

(1) For the bacteriological fermentation tube test, five (5) standard portions of either:

(i) Ten milliliters (10 ml)

(ii) One hundred milliliters (100 ml)

(2) For the membrane filter technique, not less than fifty milliliters (50 ml).

(i) "Water supply system" includes the works and auxiliaries for collection, treatment, storage, and distribution of the water from the sources of suply to the free-flowing outlet of the ultimate consumer.

§ 72.202 Source and protection.

(a) The water supply should be obtained from the most desirable source which is feasible, and effort should be made to prevent or control pollution of the source. If the source is not adequately protected by natural means, the supply shall be adequately protected by treatment.

(b) Frequent sanitary surveys shall be made of the water supply system to locate and identify health hazards which might exist in the system. The manner and frequency of making these surveys, and the rate at which discovered health hazards are to be removed shall be in accordance with a program approved by the reporting agency and the certifying authority.

(c) Approval of water supplies shall be dependent in part upon:

(1) Enforcement of rules and regulations to prevent development of health hazards;

(2) Adequate protection of the water quality throughout all parts of the system, as demonstrated by frequent surveys;

(3) Proper operation of the water supply system under the responsible charge of personnel whose qualifications are acceptable to the reporting agency and the certifying authority;

(4) Adequate capacity to meet peak demands without development of low pressures or other health hazards; and

(5) Record of laboratory examinations showing consistent compliance with the water quality requirements of these Standards.

(d) For the purpose of application of these Standards, responsibility for the conditions in the water supply system shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping; and

(2) The owner of the property served and the municipal, county, or other authority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

§ 72.203 Bacteriological quality.

(a) *Sampling.* (1) Compliance with the bacteriological requirements of these Standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

(2) The minimum number of samples to be collected from the distribution system and examined each month should be in accordance with the number on the graph in Figure I, for the population served by the system. For the purpose of uniformity and simplicity in application, the number determined from the graph should be in accordance with the following: For a population of 25,000 and under—to the nearest 1; 25,001 to 100,000—to the nearest 5; and over 100,000—to the nearest 10.

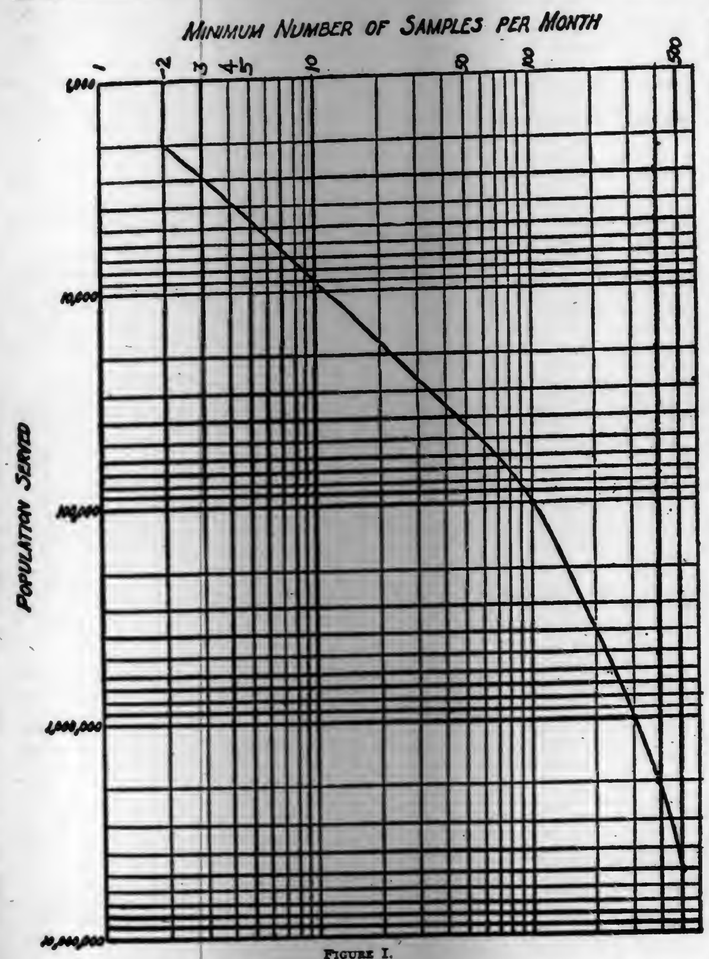


FIGURE I.

(3) In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the laboratory personnel are approved by the reporting agency and the certifying authority:

(i) Samples examined by the reporting agency.

(ii) Samples examined by local government laboratories.

(iii) Samples examined by the water works authority.

(iv) Samples examined by commercial laboratories.

(4) The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and the reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification of the supply.

(5) Daily samples collected following a bacteriological unsatisfactory sample as provided in paragraph (b)(1), (2), and (3) of this section shall be considered as special samples and shall not be included in the total number of samples examined. Neither shall such special samples be used as a basis for prohibiting the supply: *Provided,* That (i) when waters of unknown quality are being examined, simultaneous tests are made on multiple portions of a geometric series to determine a definitive coliform content, (ii) immediate and active efforts are made to locate the cause of pollution, (iii) immediate action is taken to eliminate the cause, and (iv) samples taken following such remedial action are satisfactory.

(b) *Limits.* The presence of organisms of the coliform group as indicated by samples examined shall not exceed the following limits:

(1) When 10 ml standard portions are examined, not more than 10 percent in any month shall show the presence of the coliform group. The presence of the coliform group in three or more 10 ml portions of a standard sample shall not be allowable if this occurs:

(i) In two consecutive samples;

(ii) In more than one sample per month when less than 20 are examined per month; or

(iii) In more than five percent of the samples when 20 or more are examined per month.

When organisms of the coliform group occur in three or more of the 10 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(2) When 100 ml standard portions are examined, not more than 60 percent

in any month shall show the presence of the coliform group. The presence of the coliform group in all five of the 100 ml portions of a standard sample shall not be allowable if this occurs:

(i) In two consecutive samples;

(ii) In more than one sample per month when less than five are examined per month; or

(iii) In more than 20 percent of the samples when five or more are examined per month.

When organisms of the coliform group occur in all five of the 100 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(3) When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml, 4/100 ml, 7/200 ml, or 13/500 ml in:

(i) Two consecutive samples;

(ii) More than one standard sample when less than 20 are examined per month; or

(iii) More than five percent of the standard samples when 20 or more are examined per month.

When coliform colonies in a single standard sample exceed the above values, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

§ 72.204 Physical characteristics.

(a) *Sampling.* The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances samples should be collected one or more times per week from representative points in the distribution system and examined for turbidity, color, threshold odor, and taste.

(b) *Limits.* Drinking water should contain no impurity which would cause offense to the sense of sight, taste, or smell. Under general use, the following limits should not be exceeded:

Turbidity—5 units.
Color—15 units.
Threshold odor number—3.

§ 72.205 Chemical characteristics.

(a) *Sampling.* (1) The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances, analyses for substances listed below need be made only semi-annually. If, however, there is some presumption of unfitness because of the presence of undesirable elements, compounds, or materials, periodic determinations for the suspected toxicant or material should be made more frequently and an exhaustive sanitary survey should be made to determine the source of the pollution. Where the concentration of a substance is not expected to increase in processing and distribution, available and acceptable source water analyses performed in accordance with standard methods may be used as evidence of compliance with these Standards.

(2) Where experience, examination, and available evidence indicate that particular substances are consistently absent from a water supply or below levels of concern, semi-annual examinations for those substances may be omitted when approved by the reporting agency and the certifying authority.

(3) The burden of analysis may be reduced in many cases by using data from acceptable sources. Judgment concerning the quality of water supply and the need for performing specific local analyses may depend in part on information produced by such agencies as (i) the U.S. Geological Survey, which determines chemical quality of surface and ground waters of the United States and publishes these data in "Water Supply Papers" and other reports, and (ii) the U.S. Public Health Service which determines water quality related to pollution (or the absence of pollution) in the principal rivers of the Nation and publishes these data annually in "National Water Quality Network." Data on pollution of waters as measured by carbon chloroform extracts (CCE) may be found in the latter publication.

(b) *Limits.* Drinking water shall not contain impurities in concentrations which may be hazardous to the health of the consumers. It should not be excessively corrosive to the water supply system. Substances used in its treatment shall not remain in the water in concentrations greater than required by good practice. Substances which may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the system in a manner which would permit them to reach the consumer.

(1) The following chemical substances should not be present in a water supply in excess of the listed concentrations where, in the judgment of the reporting agency and the certifying authority, other more suitable supplies are or can be made available.

Substance	*Concentration in mg/l*
Arsenic (As)	0.05
Barium (Ba)	1.0
Cadmium (Cd)	0.01
Chromium (Hexavalent) (Cr+6)	0.05
Cyanide (CN)	0.2
Fluoride (F)	(*)
Lead (Pb)	0.05
Selenium (Se)	0.01
Silver (Ag)	0.05

*See 72.205(b)(3).

(3) (i) When fluoride is naturally present in drinking water, the concentration should not average more than the appropriate upper limit in Table I. Presence of fluoride in average concentrations greater than two times the optimum values in Table I shall constitute grounds for rejection of the supply.

(ii) Where fluoridation (supplementation of fluoride in drinking water) is practiced, the average fluoride concentration shall be kept within the upper and lower control limits in Table I.

TABLE I

Annual average of maximum daily air temperatures *	Recommended Control Limits (Fluoride concentrations in mg/l)		
	Lower	Optimum	Upper
50.0–53.7	0.9	1.2	1.7
53.8–58.3	0.8	1.1	1.5
58.4–63.8	0.8	1.0	1.3
63.9–70.6	0.7	0.9	1.2
70.7–79.2	0.7	0.8	1.0
79.3–90.5	0.6	0.7	0.8

* Based on temperature data obtained for a minimum of five years.

(iii) In addition to the sampling required by paragraph (a) of this section, fluoridated and defluoridated supplies shall be sampled with sufficient frequency to determine that the desired fluoride concentration is maintained.

(2) The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of the supply:

Substance	*Concentration in mg/l*
Alkyl Benzene Sulfonate (ABS)	0.5
Arsenic (As)	0.01
Chloride (Cl)	250
Copper (Cu)	1.0
Carbon Chloroform Extract (CCE)	0.2
Cyanide (CN)	0.01
Fluoride (F)	(*)
Iron (Fe)	0.3
Manganese (Mn)	0.05
Nitrate [1] (NO_3)	45
Phenols	0.001
Sulfate (SO_4)	250
Total Dissolved Solids	500
Zinc (Zn)	5

*See 72.205(b)(3).

[1] In areas in which the nitrate content of water is known to be in excess of the listed concentration, the public should be warned of the potential dangers of using the water for infant feeding.

recommended by the Federal Radiation Council and approved by the President. Water supplies shall be approved without further consideration of other sources of radioactivity intake of Radium-226 and Strontium-90 when the water contains these substances in amounts not exceeding 3 and 10 $\mu\mu$c/liter, respectively. When these concentrations are exceeded, a water supply shall be approved by the certifying authority if surveillance of total intakes of radioactivity from all sources indicates that such intakes are within the limits recommended by the Federal Radiation Council for control action.

(2) In the known absence [2] of Strontium-90 and alpha emitters, the water supply is acceptable when the gross beta concentrations do not exceed 1,000 $\mu\mu$c/liter. Gross beta concentrations in excess of 1,000 $\mu\mu$c/liter shall be grounds for rejection of supply except when more complete analyses indicate that concentrations of nuclides are not likely to cause exposures greater than the Radiation Protection Guides as approved by the President on recommendation of the Federal Radiation Council.

average exposures of suitable samples of an exposed population group will not exceed the upper value of Range II (20 $\mu\mu$c/day of Radium-226 and 200 $\mu\mu$c/day of Strontium-90)."

[2] Absence is taken here to mean a negligibly small fraction of the above specific limits, where the limit for unidentified alpha emitters is taken as the listed limit for Radium-226.

§ 72.206 Radioactivity.

(a) *Sampling.* (1) The frequency of sampling and analysis for radioactivity shall be determined by the reporting agency and the certifying authority after consideration of the likelihood of significant amounts being present. Where concentrations of Ra-226 or Sr-90 may vary considerably, quarterly samples composited over a period of three months are recommended. Samples for determination of gross activity should be taken and analyzed more frequently.

(2) As indicated in § 72.205(a), data from acceptable sources may be used to indicate compliance with these requirements.

(b) *Limits.* (1) The effects of human radiation exposure are viewed as harmful and any unnecessary exposure to ionizing radiation should be avoided. Approval of water supplies containing radioactive materials shall be based upon the judgment that the radioactivity intake from such water supplies when added to that from all other sources is not likely to result in an intake greater than the radiation protection guidance [1]

[1] The Federal Radiation Council, in its Memorandum for the President, September 13, 1961, recommended that "Routine control of useful applications of radiation and atomic energy should be such that expected

§ 72.207 Recommended analytical methods.

(a) Analytical methods to determine compliance with the requirements of these Standards shall be those specified in Standard Methods for the Examination of Water and Wastewater, Am. Pub. Health Assoc., current edition and those specified as follows:

(1) Barium: Methods for the Collection and Analyses of Water Samples, Water Supply Paper No. 1454, Rainwater, F. H. & Thatcher, L. L., U.S. Geological Survey, Washington, D.C.

(2) Carbon Chloroform Extract (CCE): Manual for Recovery and Identification of Organic Chemicals in Water, Middleton, F. M., Rosen, A. A., and Burttschell, R. H., Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio.

(3) Radioactivity: Laboratory Manual of Methodology, Radionuclide Analyses of Environmental Samples, Technical Report R59–6. Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio, and Methods of Radiochemical Analysis, Technical Report No. 173, Report of the Joint WHO–FAO Committee, 1959, World Health Organization.

(4) Selenium: Suggested Modified Method for Colorimetric Determination of Selenium in Natural Water, Magin, G. B., Thatcher, L. L., Rettig, S., and Levine, H., J. Am. Water Works Assoc. 52, 1199 (1960).

(b) *Organisms of the coliform group.* All of the details of techniques in the determination of bacteria of this group, including the selection and preparation of apparatus and media, the collection and handling of samples and the intervals and conditions of storage allowable between collection and examination of the water sample, shall be in accordance with Standard Methods for the Examination of Water and Wastewater, current edition, and the procedures shall be those specified therein for:

(1) The Membrane Filter Technique, Standard Test, or

(2) The Completed Test, or

(3) The Confirmed Test, procedure with brilliant green lactose bile broth,[3] or

(4) The Confirmed Test, procedure with Endo or eosin methylene blue agar plates.[3]

[F.R. Doc. 62–2191; Filed, Mar. 5, 1962; 8:49 a.m.]

[3] The Confirmed Test is allowed, provided the value of this test to determine the sanitary quality of the specific water supply being examined is established beyond reasonable doubt by comparisons with Completed Tests performed on the same water supply.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Proposed Designation of International Seaplane Base, Ranier, Minnesota, as an International Airport

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), it is proposed to designate the International Seaplane Base, Ranier, Minnesota, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301(33)), and it is further proposed to amend § 6.13 of the Customs Regulations by adding thereto the location and name of this airport at the appropriate place.

Data, views, or arguments with respect to the proposed designation of the abovementioned seaplane base as an international airport may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. (192–36.31)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: February 28, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–2204; Filed, Mar. 5, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 260]

INSPECTION SERVICES

Proposed Fees and Charges

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)), it is proposed to amend title 50, Code of Federal Regulations by amendment, addition, and deletion of sections that specifically apply to fees and charges for inspection services.

The purpose of these proposed changes is to achieve a higher degree of uniformity in the assessment of fees and the method of charging for services rendered. The amounts are deemed to be necessary to offset the normal costs to the Bureau of Commercial Fisheries for rendering such inspection service.

This is the first official proposed change in the rate of inspection fees since the Bureau assumed responsibility for the conduct of the inspection service from the U.S. Department of Agriculture in July 1958. The proposed changes in the rates are a reflection of the increased operating costs to the Bureau in maintaining the program on a sound and self-supporting basis as required under the authority by which this program is conducted. All future proposed changes in rates necessitated by Federal pay acts and increased operating costs will be announced in the FEDERAL REGISTER.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments, addition, and deletions of sections that specifically apply to fees and charges are as follows:

Section 260.69 is amended to read as follows:

§ 260.69 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service, performed pursuant to the regulations in this part, shall be paid by check, draft, or money order made payable to the Bureau of Commercial Fisheries. Such check, draft, or money order shall be remitted to the appropriate Regional or Area office serving the geographical area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

Section 260.70 is amended to read as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be in accordance with the applicable provisions of §§ 260.70 to 260.79.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Continuous inspection.*

	Per hour
Regular time	$4.20
Overtime	5.00

Applicants shall be charged at an hourly rate of $4.20 per hour for regular time and $5 per hour for overtime in excess of 40 hours per week for services performed by inspectors assigned to plants operating under continuous inspection. Applicants shall be billed monthly at a minimum charge of 8 hours per working day plus overtime, when appropriate, for each inspector. A minimum yearly charge of 260 days will be made for each inspector permanently assigned to each plant.

(2) *Lot inspection—officially and unofficially drawn samples.*

For lot inspection services performed between the hours of 7:00 a.m. and 5 p.m. of any regular workday—$6 per hour.

For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$9 per hour.

For lot inspection services performed on Saturday, Sunday, and National legal holidays—$9 per hour.

The minimum fee to be charged and collected for inspection of any lot of product shall be $3.

(c) Fees to be charged and collected for lot inspection services furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector, or inspectors, in connection therewith, at the rate of $6 per hour for each inspector, except as provided in paragraph (b) (2) of this section.

Section 260.71 is amended to read as follows:

§ 260.71 Inspection services performed on a resident basis.

Fees to be charged and collected for any inspection service, other than appeal inspection, on a resident basis shall be those provided in § 260.70 and shall include such items as listed in this section as are applicable. The fees to be charged for appeal inspections shall be as provided in § 260.74.

(a) A charge for per diem and travel costs incurred by any inspector whose services are required for relief purposes when the regular inspector is on annual, sick, or military leave: *Provided*, That, with regard to military leave, charges for per diem and travel costs incurred by a relief inspector shall not exceed 15 days per calendar year.

(b) A charge to cover the actual cost to the Bureau of Commercial Fisheries of the travel (including the cost of movement of household goods and dependents), and per diem with respect to each inspector who is transferred (other than for the convenience of the Bureau of Commercial Fisheries), from an official station to the designated plant.

(c) A charge of $6 per hour plus actual costs to the Bureau of Commercial Fisheries for per diem and travel costs incurred in rendering services not specifically covered in this section; such as, but not limited to, initial plant surveys.

Section 260.72 is amended to read as follows:

§ 260.72 Fees for inspection service performed under cooperative agreement.

The fees to be charged and collected for any inspection or similar service performed under cooperative agreement shall be those provided for by such agreement.

Section 260.73 is amended to read as follows:

§ 260.73 Disposition of fees for inspections made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted in accordance with § 260.69.

§ 260.75 [Deletion]

Section 260.75 is deleted.

Section 260.76 is amended to read as follows:

§ 260.76 Charges based on hourly rate not otherwise provided for in this part.

When the appropriate Regional or Area Director determines that any inspection or related service rendered is such that charges based upon the foregoing sections are clearly inapplicable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $6 per hour.

A new § 260.81 is added:

§ 260.81 Readjustment and increase in hourly rates of fees.

The hourly rates of fees to be charged for inspection services will be subject to review and reevaluation for possible readjustment not less than every 3 years: *Provided*, That, the hourly rates of fees to be charged for inspection services will be immediately reevaluated as to need for readjustment with each Federal pay act increase.

Dated: March 1, 1962.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

[F.R. Doc. 62–2196; Filed, Mar. 5, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61–NY–105]

CONTROL ZONE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2205 of the regulations of the Administrator, the substance of which is stated below.

The Chincoteague, Va., control zone is presently designated within a 5-mile radius of the NASA Wallops Station extending two miles either side of the west course of the Chincoteague radio range to a point eight miles west of the radio range station, excluding that portion which lies within restricted areas.

The Federal Aviation Agency has under consideration the following alterations to the Chincoteague control zone:

1. Revoke the control zone extension based on the west course of the Chincoteague radio range. The Snow Hill, Md., VOR, a more modern and reliable navigational facility, is available for navigational guidance to aircraft executing instrument approach procedures to the NASA Wallops Station Airport.

2. Designate an extension two miles either side of the 181° True radial of the Snow Hill, Md., VOR extending from the 5-mile radius zone to the VOR.

3. Designate the control zone to be effective during the period 0800–1700 hours, local standard time, Monday through Friday, excluding Federal legal holidays.

The proposed control zone would provide protection for aircraft conducting instrument approach and departure procedures at NASA Wallops Station Airport. The time of designation would coincide with the hours of airport operation. The official weather reports for the NASA Wallops Station Airport would be disseminated through the Federal Aviation Agency, Salisbury, Md., Flight Service Station. Communications with aircraft operating within the proposed control zone would be accomplished by the Federal Aviation Agency, Salisbury, Md., Flight Service Station via the Snow Hill, Md., VOR and its remoted communications outlet.

If this action is taken, the Chincoteague, Va., control zone would be redesignated within a 5-mile radius of NASA Wallops Station Airport, Va. (latitude 37°56′15″ N., longitude 75°28′15″ W.); and within 2 miles either side of the Snow Hill, Md., VOR 181° True radial extending from the 5-mile radius zone to the VOR, excluding the portion which would coincide with the Chincoteague Inlet, Va., Restricted Area, R–6604. This control zone would be effective from 0800 through 1700 hours local standard time Monday through Friday, excluding Federal legal holidays.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2165; Filed, Mar. 5, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–SW–1]

CONTROL ZONE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2037 of the regulations of the Administrator, the substance of which is stated below.

The San Angelo, Tex., control zone is designated within a 5-mile radius of Mathis Field, San Angelo, Tex., and within 2 miles either side of the 072° radial of the San Angelo VOR extending from the 5-mile radius zone to 10 miles northeast of the VOR.

The Federal Aviation Agency is considering the designation of a control zone extension within 2 miles either side of the San Angelo ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker. This extension would provide protection for aircraft executing instrument approach procedures on the ILS.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Avia-

tion Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2166; Filed, Mar. 5, 1962; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-LA-20]

RESTRICTED AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.57 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army to designate a restricted area at the Umatilla Ordnance Depot at Hermiston, Oreg., as follows:

Boundaries: Beginning at latitude 45°52'00" N., longitude 119°31'30" W.; to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning. Designated altitudes: Surface to 5,000 feet MSL. Time of designation: 0800 to 2000 P.s.t., Monday through Friday. Using agency: Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

This proposed restricted area would provide special use airspace to contain hazardous activities connected with the detonation and burning of ammunition. During this neutralization process, explosions may cast debris to 4,500 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2167; Filed, Mar. 5, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 698) has been filed by Fine Organics, Inc., 205 Main Street, Lodi, N.J., proposing the amendment of § 121.2520(c)(5) of the food additive regulations to provide for the safe use in adhesives of erucamide.

Dated: February 28, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2187; Filed, Mar. 5, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Survey Order 221]

CERTAIN OFFICIALS

Redelegation of Authority To Enter Into Leases; Cancellation

Survey Order 221, dated January 13, 1953 (18 F.R. 395) redelegating authority to certain officials to enter into leases for space in buildings to be used for special purposes of the Geological Survey is hereby cancelled.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 62-2199; Filed, Mar. 5, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILLINOIS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on February 8, 1962, authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Illinois, to assess the current temporary schedule of rates and charges to and including February 28, 1963, unless modified or extended by further order before the latter date.

On February 14, 1962, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below:

1. Item No. C-11 in Section C would be amended to read: "The rates for buying sheep or goats shall be the same as the rates shown in Section B for selling such livestock."

2. Item No. D-3 in Section D would be amended to read: "When slaughter live stock bought by the purchaser himself, who has posted a bond with, and satisfactory to, the Secretary of The Chicago Live Stock Exchange, to guarantee payment for his purchases, is paid for, or any other service is rendered in connection therewith, a service charge equal to 50 percent of the regular buying charge shall be assessed."

The modifications, if authorized, will produce additional revenue for the respondents, increase the cost of marketing livestock, and clarify the provisions of Item D-3 in Section D of the current temporary schedule of rates and charges. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 1st day of March 1962.

CLARENCE H. GIRARD,
Director, Packers, and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2206; Filed, Mar. 5, 1962; 8:50 a.m.]

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS, DENVER, COLORADO

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 23, 1961 (20 A.D. 595), continuing in effect to and including July 31, 1963, an order issued on July 28, 1959 (18 A.D. 804), authorizing the respondents, Market Agencies at Union Stock Yards, Denver, Colorado, to assess the current temporary schedule of rates and charges.

On February 14, 1962, a petition was filed on behalf of the respondents requesting authority to modify the current temporary schedule of rates and charges by adding the following provision therein:

Article 3, Section E

On all livestock passing through the ring of the Denver Union Stock Yards at the Special Stocker Feeder Sales, there shall be collected in addition to the regular selling commission the following auctioneer's fee:

Cattle or calves----	$0.25 for each head
Cattle or calves----	5.00 for each load

For the purpose of establishing these charges, 35 yearlings or 50 calves will constitute a load. The per head charge or the load rate, whichever is less, will apply. The definition of cattle or calves as set forth under Article 1 shall be applicable at these sales.

This rate is to be applied for the Special Feeder Sales only and does not alter existing tariffs on cattle sold during National Western Stock Show Week.

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 1st day of March 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2207; Filed, Mar. 5, 1962; 8:50 a.m.]

Office of the Secretary

IDAHO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Idaho, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Fremont Madison

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2186; Filed, Mar. 5, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13419; Order E-18056]

AMERICAN AIRLINES, INC., ET AL.

Reduced Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1962.

In the matter of reduced freight rates in effect for American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Docket 13419.

By tariff revisions effective February 9, 1962, American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) have published a rate of $12 per 100 pounds at a minimum weight of 1,500 pounds on Group 569, office machines, from San Francisco to New York. This rate became effective on one day's notice under authority of the Board's Special

Tariff Permission CAB No. 15471, dated February 8, 1962.

By Order E–17993, adopted February 8, 1962, the Board had vacated the suspension of the identical rate proposed by The Flying Tiger Line Inc. (Tiger), thereby enabling that carrier to put it in effect on less than statutory notice. The Board, however, decided to maintain the investigation of this rate that had previously been instituted (Order E–17806, dated December 5, 1961), in view of its low level. For the same reason, the Board finds that the same rate put into effect by American, TWA, and United may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the specific commodity rate, subject to the minimum weight of 1,500 pounds, applying on Commodity Group No. 569 from San Francisco, Cal., to New York, N.Y., via routing "AA, TW, UA" on 58th Revised Page 107 of Agent B. H. Smith's C.A.B. No. 12, including subsequent revisions and reissues thereof, is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. Copies of this order shall be filed with the tariff and shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–2197; Filed, Mar. 5, 1962; 8:49 a.m.]

[Docket No. 13422; Order E–18060]

TRANS INTERNATIONAL AIRLINES, INC.

Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1962.

Trans International Airlines, Inc., has filed tariff revisions to become effective March 4, 1962, proposing a cargo charter rate for L–1049H aircraft of $2.25 per aircraft mile. This rate is for service between points within the United States, and between points within the United States, on the one hand, and points outside the United States, on the other hand. The ferry rate of $2.25 per mile is also included in the tariff. Riddle Airlines, Inc., has filed a complaint against the rate, and has requested that Trans International's tariff be suspended and investigated.[1]

The newly proposed rate of $2.25 per mile for L–1049H aircraft appears to be below the general pattern established for such aircraft for cargo charters within the United States, and raises significant questions as to its lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal, insofar as it involves interstate and overseas air transportation,[2] may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,[3] the Board has concluded to suspend the operation of such L–1049H tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is hereby instituted to determine whether the rates per charter mile and per ferry mile for L–1049H aircraft applicable for use in interstate air transportation and overseas air transportation on 5th Revised Page 15 to Agent John J. Klak Air Cargo Rates Tariff No. C–1, C.A.B. No. 6, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates.

2. Pending investigation, hearing, and decision by the Board, the rates per charter mile and per ferry mile for L–1049H aircraft applicable for use in interstate air transportation and overseas air transportation on 5th Revised Page 15 to Agent John J. Klak Air Cargo Rates Tariff No. C–1, C.A.B. No. 6, are suspended and their use deferred to and including June 1, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon Trans International Airlines, Inc.

5. The complaint filed by Riddle Airlines, Inc., in Docket 13414 is dismissed.

[1] Riddle's complaint was not timely filed in accordance with Rule 302.505, nor was good cause shown therefor. Accordingly, Riddle's complaint will be dismissed.

[2] Section 101(21) Federal Aviation Act of 1958.

[3] Overseas National Airways, Order E–16462 dated March 2, 1961. Flying Tiger, Order E–17789, December 1, 1961, and Order E–18037, February 19, 1962.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–2198; Filed, Mar. 5, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14537–14545; FCC 62–223]

W.W.I.Z., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issue

In re applications of I. W.W.I.Z., Inc., Lorain, Ohio, (a) for renewal of license of Station WWIZ, Lorain, Ohio, Docket No. 14537, File No. BR–3707, (b) for voluntary transfer of control of Station WWIZ, Lorain, Ohio, from Sanford A. Schafitz, transferor, to The Lorain Journal Company, transferee, Docket No. 14538, File No. BTC–3765; II. Sanford A. Schafitz, Farrell, Pennsylvania, (a) for renewal of license of Station WFAR, Farrell, Pennsylvania, Docket No. 14539, File No. BR–3014, (b) for license to cover construction permit for Station WFAR, Farrell, Pennsylvania, Docket No. 14540, File No. BL–7798, (c) for modification of license of Station WFAR, Farrell, Pennsylvania, Docket No. 14541, File No. BML–1881, (d) for license to cover construction permit for Station WFAR, Farrell, Pennsylvania, Docket No. 14542, File No. BL–8024; III. Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, Youngstown, Ohio, (a) for modification of construction permit for Station WXTV, Youngstown, Ohio, Docket No. 14543, File No. BMPCT–5451, (b) for assignment of construction permit from Community Telecasting Company, assignor, to WXTV, Inc., assignee, Docket No. 14544, File No. BAPCT–276, (c) for license to cover construction permit for Station WXTV, Youngstown, Ohio, Docket No. 14545, File No. BLCT–1063.

1. The Commission has before it for consideration (1) the above-captioned applications; (2) the Commission's letter of January 12, 1961 to Sanford A. Schafitz in connection with the application for renewal of license of Station WFAR, Farrell, Pennsylvania; (3) the replies to the Commission's letter filed on February 23, 24, and 28, 1961; (4) a "Petition to Deny" the application for transfer of control of WWIZ, Inc., filed on July 13, 1961, by the Elyria-Lorain Broadcasting Company, licensee of Stations WEOL and WEOL–FM, Elyria, Ohio; (5) a "Supplement to Petition to Deny", filed on July 25, 1961; and (6) an "Opposition to Petition to Deny", filed on August 3, 1961, by the Lorain Journal Company.[1]

[1] On July 25, 1961, the Lorain Journal Company filed a "Petition for Extension of Time" in which to file an opposition to the petition to deny.

2. Before discussing the matters set forth in the above-captioned applications and the pleadings before us, we feel it necessary to a complete understanding of the issues involved to discuss the background of the Lorain Journal Company (hereinafter sometimes referred to as the Journal) in connection with the various antitrust proceedings and prior applications filed with this Commission. In 1948, in connection with applications of the Lorain Journal Company for a construction permit for a new radio station in Lorain, Ohio and of the Mansfield Journal Company (both companies commonly owned) for a construction permit for a new FM station in Mansfield, Ohio, the Commission found the two companies not to be qualified to hold broadcast licenses because of certain activities directed toward suppressing competition in the dissemination of news and information.[2] The activities referred to subsequently provided the basis for the successful prosecution of a civil action for violation of the Sherman Act.[3] Again, in 1958, and in connection with the application of the Mansfield Journal Company for the assignment of license of Station WCLW, Mansfield, Ohio, the Commission designated the application for hearing on issues similar, in part, to those discussed by the Commission in its decision in 1948.[4] The 1958 application was subsequently dismissed at the request of the assignor, the stated reason being that the termination date of the purchase contract had expired.

3. On February 6, 1959, WWIZ, Inc., filed an amended Ownership Report (Form 323) which stated that pursuant to a contract dated November 12, 1958, Sanford A. Schafitz had transferred 45 percent of the common voting stock and 100 percent of the authorized non-voting preferred stock of WWIZ, Inc., to the Lorain Journal Company. Because of the past background of the Journal, the unusual circumstances surrounding the stock transfer of WWIZ, Inc. (two of the three directors of WWIZ, Inc., appeared to be connected with the Journal), and the possibility that, under the circumstances, there may have been an unauthorized transfer of control of WWIZ, Inc., to the Journal a field investigation was conducted into the corporate structure and records of WWIZ, Inc., and the operation of Station WWIZ. As a result of the investigation, it was found that two of three corporate officers and two of the three directors[5] of WWIZ, Inc., are also associated with the Journal; that the corporate records of WWIZ, Inc., are maintained by an attorney for the Journal; that the auditor of the Journal, who is also the treasurer of WWIZ, Inc., cosigns all checks issued by WWIZ, Inc.; and that under the bylaws of WWIZ, Inc., Schafitz could not effect a change in the directors of the licensee corporation until the end of their terms.

4. Due to the questions raised by the above matters, a letter was directed to Sanford A. Schafitz on January 12, 1961 in connection with the application for renewal of license of Station WFAR in which Schafitz was advised, among other things, that information in the possession of the Commission indicated that he may have transferred positive control of the licensee of Station WWIZ to the Journal without prior Commission approval. In addition, we also raised questions (a) with respect to the failure of Schafitz, in filing several applications on behalf of Station WXTV, Youngstown, Ohio, to disclose facts of which he had knowledge surrounding the indictment for mail fraud of Guy W. Gully, an equal partner in the permittee of Station WXTV and (b) with respect to the intention of Schafitz to employ Leonard J. Schafitz, his brother, in some capacity at WXTV, contrary to representations made by him (Sanford A. Schafitz) in connection with the application for construction permit for Station WXTV. In reply, Schafitz submitted statements and affidavits which have been given due and careful consideration.

5. A review of the application for renewal of license of Station WFAR in light of the proposals made in the prior permit application reveals that substantially less time was devoted to religious, educational, discussion and talks programs than had been proposed; that no substantial changes in the proposed operation of the station are contemplated; and that an unexplained discrepancy exists between prior proposals with respect to live programs and commercial operations and actual performance in these areas.

6. A review of the technical portion of the application for renewal of license of Station WWIZ discloses that the applicant has failed to complete the application or furnish necessary information. Further, the composite week transmitter logs indicate that there was no variation between the last stage plate voltage, plate current and antenna current readings. Such readings, we feel, are improbable, and indicate, at the least, that the transmitter logs may have been prepared in advance, contrary to the provisions of §§ 3.111 and 3.113 of the rules. There is also outstanding a violation notice against the station, issued on June 13, 1961, for violation of § 3.93(c) of the rules.

7. On July 13, 1961, the Elyria-Lorain Broadcasting Company, licensee of Stations WEOL and WEOL–FM, Elyria, Ohio, filed a "Petition to Deny" the application for transfer of control of WWIZ, Inc. In the petition and the supplement thereto, filed on July 25, 1961, the petitioner stated that it would suffer economic injury by a grant of the application and that it was, therefore, a party in interest; that the issues specified in the hearing order adopted by the Commission (Docket No. 12740, BAL–3126) in connection with the application for assignment of license of Station WCLW, Mansfield, Ohio, to the Mansfield Journal Company (commonly owned with the Lorain Journal Company) have never been resolved by the Commission since the parties thereto subsequently dismissed the application prior to hearing; that the officers, directors and shareholders of the Mansfield Journal are the same persons as are involved in the Lorain Journal Company; that the instant application does not attempt to resolve the issues raised in the WCLW application; that the Commission was not satisfied at that time that the Journal's officers, directors and shareholders had the necessary qualifications to be a licensee of the Commission and nothing has occurred subsequently to resolve the doubt.

8. The petitioner states further that the 45 percent stock transfer of WWIZ, Inc. to the Lorain Journal and the surrounding circumstances of the transfer constituted an unauthorized transfer of control; that this action disqualifies both Schafitz and the Journal; that the By-Laws, Articles of Incorporation and Appointment of Agent submitted with the application for assignment of construction permit (BAP–403) for Station WWIZ to WWIZ, Inc., designated one William Wickens as the corporate agent and designated his offices as the principal office of WWIZ, Inc.; that Wickens is, in fact, legal counsel for the Journal; that as of November 12, 1958, according to the Ownership Reports filed by Schafitz, he owned all of the voting stock of WWIZ, Inc.; that despite this fact, on the same day, at the first election of officers and directors of WWIZ, Inc., two of the three directors elected were closely associated with the Journal and two of the three qualified officers also were officers of the Journal; and that recent amendments to the By-Laws and Code of Regulations of WWIZ, Inc., guarantee control of WWIZ, Inc., by the Journal.

9. Petitioner states, in conclusion, that the instant application is an attempt to legitimize the illegal control of WWIZ, Inc. by the Journal and to secure Commission approval of a blatant atempt to traffic in a license; that the reasons stated by Schafitz for selling the balance of his stock in WWIZ, Inc. (to provide additional financing and time to the operations of Station WXTV, Youngstown, Ohio) are spurious; and that the above facts constitute the "'in-and-out' story of a promoter of a construction permit." Petitioner requests that the instant application for transfer of control of WWIZ, Inc., be designated for hearing and that petitioner be made a party to the proceeding.

10. In an opposition to the petition to deny, filed by the Lorain Journal, it is counter-alleged, in essence, that the instant petition is merely the latest in a

[2] In re Fostoria Broadcasting Company, 3 R.R. 2014(a) (1948); aff'd, Mansfield Journal Company v. F.C.C.; Lorain Journal Company v. F.C.C., 180 F. (2d) 28, 86 U.S. App. D.C. 102, 5 R.R. 2074(e) (1950).

[3] U.S. v. Lorain Journal Company, 92 F. Supp. 794, 6 R.R. 2037; aff'd, 72 S. Ct. 181 (1951).

[4] In the Matter of Frederick Eckhardt, tr/as Mansfield Broadcasting Company (Assignor) and Mansfield Journal Company (Assignee) For Consent to the Assignment of License of Station WCLW, Mansfield, Ohio, Docket No. 12740, File No. BAL–3126, FCC 59–56 (January 28, 1959).

[5] The directors are Sanford A. Schafitz, Harry R. Horvitz, president of the Lorain Journal Company, and William C. Wickens. In a statement filed by Mr. Wickens, he indicated that his selection as a third director had been agreed upon by Horvitz as well as Schafitz.

long series of harassment by the petitioner; that nothing sinister can be inferred from the dismissal of the application of the Mansfield Journal to purchase Station WCLW since the agreement was terminated by the assignor when the termination date of the contract expired; that at the time of the antitrust matters referred to, no present officer, director or shareholder of either corporation or newspaper was either an officer, director or shareholder of either company or had anything to do with the establishment of policies of either company or newspaper during such period; that it was not until the death of S. A. Horvitz in 1956 that any present officer, director or shareholder of either company took part in the policy determinations for either company or newspaper; that the petition does not charge any present officer, director or shareholder with anything unlawful in connection with the operations of either company or newspaper; and that since the decrees were entered in the past antitrust cases, no complaints have been made as to the violation of any of the terms of the said decrees. The Journal stated further that the president, treasurer and controlling shareholder under a trust of the owner of the only other newspaper in Lorain County is also the president and director of the licensee of Station WEOL, the petitioner herein; that if the Journal's acquisition of a minority interest in WWIZ, Inc., disqualifies WWIZ, Inc., then the petitioner is similarly disqualified since its largest shareholder has never been approved by the Commission; that the affidavit of William C. Wickens (attached to the pleading as an exhibit) is proof that Wickens is not under the control of the Journal. In conclusion, the Journal stated that it and WWIZ, Inc., have complied with all of the Commission's rules in filing ownership reports and stock transfer agreements; that since all of the information in the petition appears to have been taken from Commission files, the Commission could not have been deceived or misled; that Schafitz at the present time and in the past have never owned less than control of the voting stock of WWIZ, Inc.; that the charges that Schafitz is an "in-and-out" promoter of a construction permit are "patently absurd;" and that the petition should be denied. WWIZ, Inc., did not submit any opposing pleading.[*]

11. In light of petitioner's allegations that Stations WWIZ and WEOL are in direct competition for news and advertising revenues; that, at present, approximately one-half of the non-national advertising revenues of WEOL come from advertisers who have their principal places of business in Lorain; that petitioner competes with the Lorain Journal as well as WWIZ for news and advertising revenues from the City of Lorain; and that if the Commission grants the application for transfer of control of Station WWIZ to the Lorain Journal, Station WEOL will sustain a direct and substantial economic injury from the resultant consolidation of power and resources, we find that petitioner is a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.359(i) of the Commission's rules. Sanders Bros. Radio Station v. F.C.C., 309 U.S. 470 (1940); Camden Radio, Inc. v. F.C.C., 94 U.S. App. D.C. 312; 220 F. 2d 191; 10 R.R. 2072 (1954); petition for rehearing denied at 10 R.R. 2075a (1955); In re General-Times Television Corp., 13 R.R. 1049 (1956).

12. The above matters raise serious questions which remain unresolved, questions involving, among others, a possible unauthorized transfer of control, misrepresentations to the Commission, character qualifications, etc. Since we are unable to make the requisite finding that a grant of the applications would serve the public interest, convenience or necessity, we are, on our own motion, designating the applications for hearing on the issues raised. Elyria-Lorain Broadcasting Company is being made a party to said hearing.

13. With respect to petitioner's request that we include as issues those which were framed in the hearing order on the 1958 application of Mansfield Journal to acquire Station WCLW, Mansfield, Ohio, we have concluded that no basis exists for compliance with said request. The petition contains no allegations, statements of fact or affidavits in support of such issues. They were originally framed on the basis of facts within the knowledge of the party who petitioned for a hearing at that time. They were alleged to have occurred more than three years ago and the Commission has no independent information with respect thereto. They have not been realleged by the instant petitioner nor has it asserted and shown that the alleged objectionable activities have continued or that they are presently being carried on.

In the light of the above: *It is ordered*, This 21st day of February 1962, that, to the extent indicated herein, the petition to deny, filed by the Elyria-Lorain Broadcasting Company, on July 13, 1961, is granted; and that it is, in all other respects, denied:

It is further ordered, That, pursuant section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine (a) whether, prior to November 12, 1958, there existed between the parties to the application for transfer of control of WWIZ, Inc., and their principals any agreement or understanding to effectuate a transfer of control of WWIZ, Inc., to the Lorain Journal Company, without the prior consent of the Commission; (b) whether there existed between the parties to said application, and their principals, at the time of the execution of the November 12, 1958 stock transfer contract, any agreement or understanding to effectuate a transfer of control of WWIZ, Inc., to the Lorain Journal, without the prior consent of the Commission; (c) whether there existed between the parties to said application, and their principals, at the time of the transfer of 45 percent of the authorized common stock of WWIZ, Inc., on January 28, 1959, any agreement or understanding to effectuate a transfer of control of WWIZ, Inc., to the Lorain Journal Company without the prior consent of the Commission; (d) whether the execution and/or consummation of the November 12, 1958 stock transfer contract and/or the simultaneous purchase of 100 percent of the authorized preferred stock of WWIZ, Inc., by the Lorain Journal Company and/or the maintenance of certain corporate records of WWIZ, Inc., by the Lorain Journal Company and/or the election of certain directors and officers of WWIZ, Inc., on November 12, 1958 and/or certain amendments to the by-laws and code of regulations of WWIZ, Inc., and/or the exercise by the Lorain Journal Company of certain authority over the expenditures of WWIZ, Inc., were designed to effectuate a transfer of control of WWIZ, Inc., to the Lorain Journal Company without the prior consent of the Commission; (e) whether, as a result of the above actions, control of WWIZ, Inc., was transferred to the Lorain Journal Company without the prior consent of the Commission; and (f) whether the Lorain Journal Company has exercised control over WWIZ, Inc., without the prior consent of the Commission.

2. To determine whether WWIZ, Inc., has failed to furnish the information required by the application form and/or has failed to prosecute its application (BR-3707) for renewal of license of Station WWIZ; and if so, whether said application should be dismissed pursuant to §§ 1.304 and 1.312 of the Commission's rules.

3. To determine whether, during the past license period of Station WWIZ, WWIZ, Inc., violated the provisions of §§ 3.93(c), 3.111, and 3.113 of the Commission's rules.

4. To determine whether a substantial variance existed between the programming representations set forth in the application for a construction permit (BP-11286) for Station WFAR and its programming operations during the past license period, and if so, whether the Commission can rely upon the present programming representations of Sanford A. Schafitz; and whether his proposals are designed to meet the needs and interests of Farrell, Pennsylvania.

5. To determine whether, in various applications filed before the Commission, Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company engaged in misrepresentations to the Commission and/or were lacking in candor, and/or omitted to set forth material facts with respect to the indictment of Guy W. Gully for violation of the provisions of Title 15, Section 77 of the United States Code.

6. To determine whether the employment of Leonard J. Schafitz at Television Station WXTV, Youngstown, Ohio was contrary to the representations made by the permittee in the application (BPCT-2015) for a construction permit for said station.

7. To determine whether, in light of the evidence adduced with respect to the foregoing issues, the above-captioned applicants possess the requisite qualifications to be licensees of the Commission.

8. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of any of the above-captioned applications would serve the public interest, convenience or necessity.

It is further ordered, That, the Elyria-Lorain Broadcasting Company is hereby made a party to the proceedings herein.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant herein, and the Elyria-Lorain Broadcasting Company, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 3.162(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2201; Filed, Mar. 5, 1962; 8:50 a.m.]

[Docket No. 14085 etc.; FCC 62-221]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Inc., Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; et al., for construction permits.

1. The Commission has before it for consideration (a) a motion to enlarge and change issues filed November 8, 1961, by Post-Newsweek Stations (WTOP), Washington, D.C.; (b) an opposition filed November 30, 1961, by Storer Broadcasting Company (WJBK), Detroit, Michigan; (c) an opposition of Broadcast Bureau filed November 30, 1961; (d) a reply to opposition filed December 11, 1961, by Post-Newsweek Stations; (e) comments of Broadcast Bureau filed December 28, 1961; (f) a reply to Broadcast Bureau's comments filed January 15, 1962, by Post-Newsweek Stations; (g) a response to Broadcast Bureau's comments filed January 15, 1962, by Storer Broadcasting Company; (h) a petition for reconsideration or enlargement of issues filed November 3, 1961, by KSTP, Inc. (KSTP), St. Paul, Minnesota; (i) a response of Storer Broadcasting Company to petition of KSTP, Inc., filed November 30, 1961; and (j) a supplement to response of Storer Broadcasting Company filed December 26, 1961.

2. The petitioners, KSTP, Inc., and Post-Newsweek Stations, seek enlargement of issues or reconsideration of Issue 19 which affects the proposal of Storer Broadcasting Company. The petition of KSTP, Inc., is directed to the omission of radiation restrictions in the direction of Station KSTP in the clause setting forth the conditions in the event of a grant of Storer's application. KSTP and Storer have subsequently reached an agreement on the limits of radiation in certain directions, and these restrictions will be added to others already specified. As to the petition of Post-Newsweek Stations, it asserts that by using a "quadrature component" method of estimating the maximum expected operating values in the critical vertical angles, there are two instances where the values of radiation exceed that proposed by the applicant; that in those instances, there will be interference to the secondary service area of Station WTOP; that a full protection of Station WTOP requires that Station WJBK limit radiation throughout a sector from true bearing 57.5° to true bearing 179°; and that the operation of Station WJBK within the proposed maximum expected operating values would result in the derogation from the conditions imposed on the present WJBK operation and would work a modification of WTOP's license.

3. Petitioner's allegation of interference to the WTOP secondary service area is based upon its method of determining the maximum expected operating values in the critical vertical angles. It states that it used the "quadrature component" method of estimating the maximum expected operating values "in appropriate situations." However, the petitioner fails to delineate the reasons and the manner in which the relationship between the horizontal and the vertical components were obtained. It does not show that the ratio method (an accepted method) used by the applicant was unreasonable; it only shows that the values were low in comparison to certain instances. Section 1.141(c) of the rules requires that a motion to enlarge the issues shall contain specific allegations of fact sufficient to support the action requested. The affidavit supporting the motion should contain factual engineering showings rather than bare opinions as to the "unreasonableness" of the proposal. (Alkima Broadcasting Company, Docket No. 12414, FCC 61-1462). Moreover, we question the merit of a method which is utilized only "in appropriate situations."

4. As to limiting the radiation to protect WTOP's secondary service area within the continental United States, WJBK offered to restrict radiations on additional bearings. However, WTOP's position is that any increase in radiation above that now authorized to WJBK would result in a modification of WTOP's license, and it has not acknowledged the WJBK's offer. Although certain restrictions on radiation were placed on the construction permit when the present WJBK operation was authorized, which gave WTOP greater protection than recognized by the Commission's Rules, such restrictions were added following an agreement between the parties involved. The Commission is not required to recognize the protection of service area beyond the normally protected contour, and the restrictions placed upon WJBK did not serve to extend the scope of WTOP's license. Thus we will deny the WTOP motion to enlarge the issues.

5. The Broadcast Bureau's proposal in its comments to amend Issue 19 and add an issue should have been filed on November 8, 1961, when a motion to enlarge issues was due. The Bureau assigns no valid reason for its unawareness of the problems at an earlier date, and its proposal will be denied. However, on Commission's own motion, the hearing issues would be amended and enlarged as suggested by the Broadcast Bureau as these are matters as to which additional information, raised by the pleadings, would be desirable. We will also add to the conditional clause the radiation restrictions proposed by WJBK to protect the secondary service area of Station WTOP.

It is ordered, This 21st day of February 1962, that the motion to enlarge and change issues filed by Post-Newsweek Stations and the proposal to amend and add an issue filed by the Broadcast Bureau in its comments are denied:

It is further ordered, That the petition for reconsideration or enlargement of issues filed by KSTP, Inc., is granted;

It is further ordered, On the Commission's own motion, that the issues in the designation order, released October 17, 1961 (FCC 61-1204) and as amended by order released January 19, 1962, (FCC 62-84) are amended by adding to Issue 19 the following: "and whether such MEOV's are reasonable" and by renumbering Issue 20 through 32 as Issue 21 through 33 and the following Issue 20 is added:

20. To determine in light of the evidence adduced pursuant to Issue 19 whether the proposal of Storer Broadcasting Company will cause interference to the existing nighttime operations of Stations KSTP, St. Paul, Minnesota, and WTOP, Washington, D.C., or any other existing stations.

It is further ordered, That the following limitations affecting the proposal of

[*] On December 19, 1961, petitioner filed a "Reply" to the opposition to which was attached a copy of an Opinion issued by the United States Court of Appeals for the Sixth Circuit in case no. 14469, The Elyria-Lorain Broadcasting Company v. The Lorain Journal Company, et al. In said Opinion, the Court held that the finding of the lower Court that the plaintiff-appellant had failed to prove the fact of damage, the proximate cause and the amount of damage is clearly erroneous and should be set aside and that the judgment dismissing the complaint should be reversed.

Station WJBK are added to the present conditions set forth on page 19 of the order:

Condition 2:

Mv/m	*Mv/m*
62°–20.0	287°–22.5
242°–28.5	312°–18.5
252°–23.0	332°–20.2
272°–20.3	

Condition 3:

Mv/m	*Mv/m*
57.5°–37.5	267°–22.5
179°–30.0	292°–21.0
242°–28.5	302°–17.5
252°–23.0	312°–18.5
262°–21.5	322°–18.5
272°–20.3	332°–20.2
282°–20.9	

It is further ordered, That the word "seven" in Condition 6 affecting the proposal of Station WJBK is deleted.

Released: February 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2202; Filed, Mar. 5, 1962; 8:50 a.m.]

[Docket No. 14548]

ANDRES CALANDRIA

Order Designating Matter for Hearing on Stated Issues

In the matter of Andres Calandria, New Orleans, Louisiana, Docket No. 14548; suspension of Amateur Radio Operator License—K5MVP.

The Commission having under consideration the request of Andres Calandria of 1405 Jefferson Avenue, New Orleans, 15, Louisiana, for a hearing in the above-entitled matter;

It appearing that the said Andres Calandria, acting in accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, filed with the Commission within the time specified therefor, an application requesting a hearing on the Commission's Order of January 18, 1962, which suspended his General Class Amateur Radio Operator License for a period of one year;

It further appearing that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter and that, upon his filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the hearing;

It is ordered, This 27th day of February 1962, under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and section 0.292(f) of the Commission's Statement of Delegations of Authority that the matter of the suspension of the General Class Amateur Radio Operator License of Andres Calandria be designated for hearing before a Commission Examiner (at a time and place later to be specified), upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail—Return Receipt Requested to Andres Calandria at 1405 Jefferson Avenue, New Orleans 15, Louisiana.

Released: February 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2203; Filed, Mar. 5, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

BLUE FUNNEL LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8767, between the carriers comprising the Blue Funnel Line and the Barber-Fern-Ville Lines joint services (operating under approved joint service Agreements 7568 and 8512, respectively), covers a through billing arrangement in the trade from ports in Western Australia to U.S. Atlantic ports, with transhipment at Singapore.

Agreement 8776, between Lykes Bros. Steamship Co., Inc., and Gulf and South American Steamship Co., Inc., covers a through billing arrangement in the trade from Puerto Rico to West Coast of South American ports in Colombia, Ecuador, Peru, and Chile, with transhipment at Houston or Galveston, Texas.

Agreement 8809, between A/S Ivarans Rederi and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Uruguay, Brazil, and Argentina to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2189; Filed, Mar. 5, 1962; 8:48 a.m.]

[Docket No. 965]

PACIFIC COAST TERMINALS

Investigation of and Proposed Rules Relating to Practices in Granting Free Time and Collecting Wharf Demurrage and Storage Charges; Notice of Extension of Time

Whereas, Northwest Marine Terminal Association has requested that the time by which it may file a written statement of its views in the within proceeding be extended to March 26, 1962; and

Whereas, good cause appearing;

Now, therefore, it is ordered, That the time by which interested persons may file written statements with the Commission is extended to March 26, 1962.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2190; Filed, Mar. 5, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-180 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 27, 1962.

El Paso Natural Gas Company, Docket No. CP61-180; Western Natural Gas Company, Docket No. CI61-971; Aztec Oil & Gas Company, Docket No. CI61-978; Gulf Oil Corporation, Docket No. CI61-1021; Cooley & Holcomb, Docket No. CI61-1025; Alamo Corporation, Docket No. CI61-1026; M. C. Kramer and Wife, Molly M. Kramer, Docket No. CI61-1027; Southwestern Hydrocarbon Company, Docket No. CI61-1028; Southwestern Hydrocarbon Company, et al., Docket No. CI61-1029; Southwestern Hydrocarbon Company, et al, Docket No. CI61-1030; Western Drilling Company of Longview, Texas, Docket No. CI61-1045; Minnie Belle Heep, et al., Docket No. CI61-1046; J. Ray McDermott & Co., Inc., Docket No. CI61-1061; Sinclair Oil & Gas Company, Docket No. CI61-1138; Aikman Brothers, Docket No. CI61-1373.

Take notice that on December 30, 1960, as supplemented on May 3, June 22, and August 15, 1961, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP61-180 an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities hereinafter described, to receive natural gas from the applicant producers thereof, all as more fully described in the application, as supplemented, in said Docket No. CP61-180, which is on file with the Commission and open to public inspection.

The proposed facilities for which authorization is sought consist of approximately 14.2 miles of 6⅝-inch supply lateral pipeline extending from Sinclair Oil & Gas Company's existing processing and compressing Plant No. 29 to El Paso's proposed Sawyer Dehydration Plant, all in Lea County, New Mexico; an orifice type meter station at Sinclair's Plant No. 29; approximately 15 miles of 4½ to 6⅝-inch field pipelines extending from the aforesaid supply lateral to each producer's wells in the Sawyer Field; a field dehydration plant of 10,000 Mcf daily capacity (Sawyer Dehydration Plant); and 27 high pressure well ties and appurtenant facilities.

The estimated total cost of the facilities proposed by El Paso is approximately $727,000, which will be financed from funds on hand or by short term bank loans.

No additional markets are proposed by El Paso, the purpose of the subject facilities being to enlarge El Paso's general system supply.

In the fourteen other dockets listed in the caption hereof, the respective applicant producers have filed applications pursuant to section 7(c) of the Act for authorization to sell natural gas produced in the Sawyer Field to El Paso at an initial price of 15.5 cents per Mcf at 14.65 psia under separate gas sales contracts with El Paso which have been or will be filed with the Commission.

These related matters, with the exception of Sinclair Oil & Gas Company's application in Docket No. CI61-1138 which will require further consideration, should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end;

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2168; Filed, Mar. 5, 1962; 8:46 a.m.]

[Docket No. RI62-19 etc.]

W. L. HARTMAN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 27, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, issued August 23, 1961, and published in the FEDERAL REGISTER on August 30, 1961 (F.R. Doc. 61-8273; 26 F.R. 8121): In the first line of the chart, under the column headed "Proposed increased rate" change "0.8933" to read "11.1662."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2171; Filed, Mar. 5, 1962; 8:46 a.m.]

[Docket No. CP61-172 etc.]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Applications, Consolidation of Proceedings and Fixing Date of Hearing

FEBRUARY 27, 1962.

Southern California Edison Company, Docket No. CP61-172; Tennessee California Gas Transmission Company, Docket No. CP61-173; California Gas Transmission Company, Docket No. CP61-174; Tennessee California Gas Transmission Company, Docket No. CP61-212.

Take notice that on February 17, 1961, Tennessee California Gas Transmission Company (TennCal), a Texas corporation having its principal place of business in the Tennessee Building, Houston, Texas, filed in Docket No. CP61-212 an aplication, as supplemented on May 2, 1961, for a certificate of public convenience and necessity for authorization, pursuant to section 7(c) of the Natural Gas Act (Act), to construct and operate certain facilities for the transportation of natural gas, all as more fully represented in the application which is on file with the Commission and open for public inspection.

TennCal seeks authorization to construct and operate aproximately 105 miles of 26-inch O.D. pipeline extending from a point in Kleberg County, Texas, to the United States-Republic of Mexico International Boundary near Reynosa, Mexico, for the purpose of receiving and transporting to the International Boundary natural gas which Southern California Edison Company (Edison) has agreed to purchase from producers in Texas. In the fifth year of operation, the average daily volumes will be approximately 380,000 Mcf (at 14.73 psia). The estimated cost of the facilities, including miscellaneous gathering lines, is approximately $11,947,000 which will be obtained through financing arrangements which contemplate the issuance of 5¾ percent interest first mortgage pipeline bonds, unsecured bank loans at 6 percent interest and the issuance of common stock. The proposed equity capital is to be 23 percent of the outstanding and proposed securities.

The natural gas which TennCal proposes to transport to the International Boundary near Reynosa for Edison would be delivered into new pipeline facilities estimated to cost $165,000,000. These facilities, consisting of approximately 1,185 miles of 34-inch O.D. pipeline and 49,500 compressor horsepower, are to be constructed, financed (by the issuance of 7 percent interest primary and secondary bonds), owned and operated by Petroleos Mexicanos (Pemex), the national oil and gas institution of the Republic of Mexico. Pemex will transport the gas across the Republic of Mexico to a point on the International Boundary near Mexicali, Mexico.

At that point, a new pipeline system comprised of 219 miles of 34-inch O.D. main line and 67 miles of 24-inch and 20-inch O.D. delivery laterals, 10,000 horsepower compression and related facilities are to be constructed, owned and operated in the State of California by California Gas Transmission Company (CalGas).[1] The total estimated cost of construction is $48,664,000 which will be financed by first mortgage pipeline bonds, unsecured bank loans and the issuance of common stock. This pipeline system will connect with the pipeline facilities of Pemex and transport the natural gas to the metropolitan area of Los Angeles, California for consumption in electric generating stations owned and operated by Edison in that area.

On December 23, 1960, TennCal and CalGas filed applications for Presidential Permits in Docket Nos. CP61-173 and CP61-174, which respectively request authorization to construct, operate and maintain pipeline facilities on the United States—Republic of Mexico International Boundary near Reynosa and Mexicali, Mexico.

On that same date, Edison filed an application with the Commission in Docket No. CP61-172, as supplemented on March 8, 1961, May 11, 1961, and September 25, 1961, requesting authorization under section 3 of the Act to (1) export an average daily volume of 380,000 Mcf (at 14.73 psia) of natural gas which it will purchase in the State of Texas to the Republic of Mexico for transmission across the northern part of the Republic of Mexico to a point on the United States-Republic of Mexico International Boundary near Mexicali, Mexico, and (2) import into the United States at a point on the International Boundary near Mexicali, Mexico, the aforesaid natural gas which will be produced in Texas and exported to Mexico plus 75,000 Mcf (at

[1] CalGas states that it has filed an application with the Public Utilities Commission of the State of California for authorization to construct, operate and maintain its proposed pipeline facilities which will be located within the State of California.

14.73 psia) a day of natural gas produced in the Republic of Mexico, which Edison will purchase at a point on the International Boundary near Mexicali, Mexico.

The natural gas originating in Texas will be produced in Texas Railroad Commission District Number Four. It is to be purchased by Edison from the Humble Oil and Refining Company, Pan American Petroleum Corporation, Sun Oil Company and the Shell Oil Company under gas purchase contracts fixing the initial price of the gas at 20.0 cents to 21.5 cents per Mcf.

These related applications should be heard on a consolidated record and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the maters in and the issues presented by such applications.

Protests, petitions to intervene, and notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2169; Filed, Mar. 5, 1962; 8:46 a.m.]

[Docket No. CP62-59]

PACIFIC GAS TRANSMISSION CO.

Notice of Postponement of Hearing

FEBRUARY 27, 1962.

Take notice that the hearing in the above-docketed proceedings heretofore scheduled to commence on March 5, 1962, by notice issued on January 31, 1962, and published in the FEDERAL REGISTER on February 7, 1962 (27 F.R. 1127), be and the same is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2170; Filed, Mar. 5, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2263]

EMPLOYEES BENEFIT COMPANY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 28, 1962.

I. Employees Benefit Company, Inc. (issuer), 6223 Blair Road NW., Washington, D.C., a Maryland corporation, incorporated on December 27, 1957, filed with the Commission on May 25, 1959, a notification on Form 1-A and an offering circular relating to an offering of 9,969 shares of 6 percent, $10 par noncumulative preferred stock for an aggregate amount of $99,690 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to file a revised offering circular as required by Rule 256(e) under Regulation A.

2. The issuer failed to file a Form 2-A report as required by Rule 260 under Regulation A.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commisison and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2172; Filed, Mar. 5, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 364]

NEVADA

Declaration of Disaster Area

Whereas it has been reported that during the month of February 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Lander County in the State of Nevada;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 12, 1962.

Office: Small Business Administration Regional Office, 525 Market Street, San Francisco 5, Calif.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1962.

Dated: February 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2173; Filed, Mar. 5, 1962; 8:46 a.m.]

[Delegation of Authority 30-VIII-21]

BRANCH COUNSEL, SIOUX FALLS, S. DAK.

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-VIII-15, as amended (25 F.R. 10302, 27 F.R. 69) there is hereby redelegated to the Branch Counsel, Sioux Falls, South Dakota Branch Office, the authority:

A. *Financial assistance.* To disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: December 1, 1961.

EDWIN JENISON,
Branch Manager.

[F.R. Doc. 62-2174; Filed, Mar. 5, 1962; 8:47 a.m.]

[Delegation of Authority 30-I-15 (Rev. 1)]

BRANCH MANAGER, AUGUSTA, MAINE

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456, 27 F.R. 372), there is hereby redelegated to the Branch Manager, Augusta, Maine, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct loans in an amount not exceeding $20,000.

b. Participation loans in an amount not exceeding $100,000.

c. Disaster loans in an amount not exceeding $50,000.

d. Limited loan participation loans.

2. To disburse approved loans.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.
By ----------,
Branch Manager.

4. To enter into Disaster Loan Participation Agreements with banks.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To take all necessary actions in connection with the administration, servicing, and collection of current loans.

B. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or services rendered.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

6. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and procure emergency supplies and materials.

7. To procure from the General Services Administration standard forms and supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To authorize or approve official travel.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 22, 1961.

EDWARD J. STEWART,
Regional Director.

[F.R. Doc. 62-2175; Filed, Mar. 5, 1962; 8:47 a.m.]

[Declaration of Disaster Area 365]

LOUISIANA

Declaration of Disaster Area

Whereas it has been reported that on or about February 12, 1962, due to a freeze, damage resulted to business firms located in the Parishes of Calcasieu, Jefferson-Davis, Lafayette, East Baton Rouge, Jefferson, St. Tammany, Rapides, Caddo, Bossier, Lincoln, Ouachita, Morehouse, Acadia, and Natchitoches in the State of Louisiana;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from nursery firms which produce or grow less than fifty percent of the flora they sell, situated in the aforesaid parishes (including any areas adjacent to said parishes) which suffered damage or destruction of flora as a result of the aforesaid freeze.

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.; and Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 31, 1962.

Dated: February 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2176; Filed, Mar. 5, 1962; 8:47 a.m.]

MANUFACTURERS' ASSOCIATION FOR NATIONAL DEFENSE (MANDCO)

Pool Operation; Approval and Requests

APPROVAL FOR THE MANUFACTURERS' ASSOCIATION FOR NATIONAL DEFENSE (MANDCO), CHICAGO, ILLINOIS, TO OPERATE AS A SMALL BUSINESS RESEARCH AND DEVELOPMENT POOL AND REQUEST TO OPERATE AS A DEFENSE PRODUCTION POOL, AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to sections 9(d) and 11 of the Small Business Act (Public Law 85-536, as amended), and section 1 of Executive Order 10493, dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commisison and the Attorney General of the United States, has found that the voluntary agreement and proposed joint programs of the Manufacturers' Association for National Defense (MANDCO) to operate as a small business research and development pool and as a defense production pool, is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of the Manufacturers' Association for National Defense (MANDCO) as a research and development pool and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of section 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the aforesaid request.

REQUEST TO MANUFACTURERS' ASSOCIATION FOR NATIONAL DEFENSE (MANDCO)

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Manufacturers' Association for National Defense (MANDCO) to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agree-

ment and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Acts, as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request.

With kind regards, I am

Sincerely,

JOHN E. HORNE,
Administrator.

REQUEST TO MEMBERS OF MANUFACTURERS' ASSOCIATION FOR NATIONAL DEFENSE (MANDCO)

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Manufacturers' Association for National Defense (MANDCO) to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Acts, as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kind regards, I am

Sincerely,

JOHN E. HORNE,
Administrator.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or request.

The above letter was sent to the following:

1. A. and A. Machine Co., 3512 North Southport Avenue, Chicago 13, Ill.
2. All American Metal Spinning Co., 2132 West Grand Avenue, Chicago 12, Ill.
3. T. L. Arzt Foundry Co., 4020 West Schubert Avenue, Chicago 39, Ill.
4. H. P. Heinze Machine Co., 6300 Northwest Highway, Chicago 31, Ill.
5. Industrial Metal Fabrication, 5810 North Western Avenue, Chicago 45, Ill.
6. Charles E. Larson and Sons, Inc., 2665 North Keeler Avenue, Chicago 39, Ill.

The pool and the above six members accepted the request to participate.

Dated February 23, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2177; Filed, Mar. 5, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN A. CLAUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: Bullard Co.
B. Additions: None.

This statement is made as of February 23, 1962.

JOHN A. CLAUSSEN.

FEBRUARY 23, 1962.

[F.R. Doc. 62-2192; Filed, Mar. 5, 1962; 8:48 a.m.]

DONALD B. FITZPATRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 16, 1962.

DONALD B. FITZPATRICK.

FEBRUARY 16, 1962.

[F.R. Doc. 62-2193; Filed, Mar. 5, 1962; 8:48 a.m.]

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 24, 1962.

RICHARD V. FORD.

FEBRUARY 24, 1962.

[F.R. Doc. 62-2194; Filed, Mar. 5, 1962; 8:49 a.m.]

HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 7, 1962.

HOWARD C. HOLMES.

FEBRUARY 27, 1962.

[F.R. Doc. 62-2195; Filed, Mar. 5, 1962; 8:49 a.m.]

[Dept. Order 117 (Revised), Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on February 21, 1962.

The material appearing at 26 F.R. 7713–7716 of August 17, 1961, and 27 F.R. 701 of January 24, 1962 is further amended as follows:

Department Order No. 117 (Revised) of August 12, 1961 is amended by deleting the last sentence of section 6.01 14 and substituting the following: "The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, Division of Trade Routes, and Division of Subsidy Operations Examining;"

Effective date: February 21, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-2182; Filed, Mar. 5, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33440]

PREVENTION OF RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS INVOLVING RAILWAY TRAINS AND MOTOR VEHICLES

Notice of Hearing

It appearing that at the oral hearing in the above-entitled proceeding it was tentatively agreed among the parties that the hearing in this proceeding be continued to a date in April 1962, but the parties have since then requested that the hearing be advanced to an earlier date, and good cause therefor appearing;

It is ordered, That hearing in the above-entitled proceeding be, and it is hereby, continued on March 27, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, California, at 9:30 a.m., United States standard time, before Examiner Henry J. Vinskey, and before such representatives of the State Commissions as shall be designated under the Cooperative Agreement between the Interstate Commerce Commission and State Commissioners of May 3, 1922, as revised October 14, 1925, and as further supplemented and adopted as of August 31, 1937;

And it is further ordered, That notice of this order shall be given to respondents and to the general public by posting a copy thereof in the Office of the Secretary of the Commission in Washington, D.C., for public inspection and by filing a copy with the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 23d day of February A.D. 1962.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-2178; Filed, Mar. 5, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 1, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37578: *Bituminous coal to West Memphis, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-8162), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from producing mines in Illinois and western Kentucky, to West Memphis, Ark.

Grounds for relief: Private truck competition.

Tariff: Supplement 126 to Southern Freight Association tariff I.C.C. 1603 (Spaniger series), and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-2179; Filed, Mar. 5, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (10) is added to paragraph (c) of § 6.302 as set out below.

§ 6.302 Department of State.

* * * * * * *

(c) *Office of the Assistant Secretary for Congressional Relations.* * * *

(10) One Legislative Officer.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2245; Filed, Mar. 6, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (38) and (39) are added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(38) One Deputy Assistant Administrator (Program Policy).

(39) One Deputy Assistant Administrator (Urban Transportation).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2231; Filed, Mar. 6, 1962; 8:46 a.m.]

PART 40—REINSTATEMENT RIGHTS AFTER SERVICE UNDER SECTION 625(b) OF THE FOREIGN ASSISTANCE ACT OF 1961

Effective upon publication in the FEDERAL REGISTER, a new Part 40 is added as set out below.

Sec.
40.101 Purpose.
40.102 Coverage.
40.103 Definitions.
40.104 Basic entitlement.
40.105 Proposed termination.
40.106 Application for reinstatement.
40.107 Reinstatement.
40.108 Appeals to the Commission.

AUTHORITY: §§ 40.101 to 40.108, issued under sec. 625(b), 75 Stat. 449, and E.O. 10973, 26 F.R. 10469.

§ 40.101 Purpose.

The regulations in this part govern reinstatements authorized by section 625 (b) of Public Law 87–195 (75 Stat. 424).

§ 40.102 Coverage.

The regulations in this part apply to any of the following serving in a position in the Federal Government:

(a) A person serving in the competitive service under a career or career-conditional appointment.

(b) A person serving in the excepted service under an appointment without a specific time limitation.

(c) A person appointed or assigned under authority contained in the Foreign Service Act of 1946, as amended.

§ 40.103 Definitions.

(a) "Act" means Public Law 87–195 (75 Stat. 424).

(b) "Former position" means the position that an employee was occupying at the time of his appointment to a position under authority of section 625(b) of the Act.

§ 40.104 Basic entitlement.

Subject to the conditions specified in the regulations in this part, an employee who is appointed to a position under authority of section 625(b) of the Act is entitled, upon termination of that appointment for any reason other than his own misconduct or delinquency, to be reinstated in his former position or in one of like seniority, status, and pay in the same agency. If the functions with which the employee's former position was identified have been transferred to another agency, the employee's right to reinstatement shall be in the gaining agency.

§ 40.105 Proposed termination.

At least forty-five days before termination of the appointment of an employee entitled to reinstatement, he and his former agency shall be notified, in writing, of the proposed termination. Notification is not required under this section, however, when:

(a) The termination is at the employee's own request, or

(b) The employee is reinstated without a break in service under an arrangement made between the agencies concerned.

§ 40.106 Application for reinstatement.

Unless arrangement has been made for his reinstatement without a break in service under § 40.105(b), an employee who desires reinstatement must apply for reinstatement, in writing, no later than thirty days after his appointment under authority of section 625(b) of the Act is terminated.

§ 40.107 Reinstatement.

An employee eligible for reinstatement shall be reinstated as soon as possible after his application for reinstatement, filed in accordance with § 40.106, is received. In any event, he shall be restored (a) within thirty days after his application for reinstatement is received, or (b) upon termination of the appointment made under authority of section 625(b) of the Act, whichever is later.

§ 40.108 Appeals to the Commission.

(a) *Right to appeal.* (1) If an agency determines that an employee who has applied for reinstatement is not eligible for reinstatement, it shall notify the employee as promptly as possible of its decision, of the basis therefor, and of the employee's appeal rights under the regulations in this part. The employee may appeal the decision to the Commission within ten days after he receives notice of the decision.

(2) If an agency fails to reinstate an employee within the time limits specified in § 40.106, the employee may appeal to the Commission within ten days after the applicable time limit expires.

(3) If an employee considers that his reinstatement is not in accordance with the Act and the regulations in this part, he may appeal to the Commission within ten days after his reinstatement becomes effective.

(b) *Where initial appeals are filed.* Initial appeals under this part are to be filed with the Chief, Appeals Examining Office, U.S. Civil Service Commission, Washington 25, D.C.

(c) *Finality of initial appeal decisions.* Unless further appealed under the provisions of paragraph (d) of this section, an appeal decision rendered by the Chief, Appeals Examining Office, is final.

(d) *Right to further appeal.* An initial appeal decision rendered by the Chief, Appeals Examining Office, may be further appealed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C., within seven days after receipt of the decision. Such further appeal must be in writing and must contain the reasons for disagreement with the initial decision.

(e) *Finality of decisions by Board of Appeals and Review.* A decision by the Board of Appeals and Review is final. There is no further right of appeal.

(f) *General provisions governing appeals*—(1) *Delayed appeals.* In the discretion of the Commission, an appeal may be accepted after the time limits specified in paragraphs (a) and (d) of this section when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(2) *Appeal decisions.* The Commission will submit its decisions on appeals in writing to each appellant and to each agency concerned. An appeal decision may order that the reinstatement of an appellant be made retroactive to the date on which the applicable time limit specified in § 40.106 expired.

(3) *Cancellation of appeals.* The Commission will cancel an appeal, and the appellant and his agency will be so notified, upon receipt of the appellant's written request for cancellation or upon failure of the appellant to furnish information requested by the Commission.

(4) *Death of appellant.* A proper appeal filed prior to the death of an appellant will be processed to completion and adjudicated. As necessary, the Commission may direct corrective action and amendment of agency records to date of death.

(g) *The Commissioners.* The Commissioners may, in their discretion, reopen and reconsider any appeal decision made under this part.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2244; Filed, Mar. 6, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 8, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 907.308 (Navel Orange Regulation 8, 27 F.R. 1754) are hereby amended to read as follows:

(i) District 1: 500,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2248; Filed, Mar. 6, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-80]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

On November 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11087) stating that the Federal Aviation Agency (FAA) proposed to alter Jet Routes Nos. 75, 85, and 89 between Miami, Fla., and Gainesville, Fla.

The Air Transport Association of America (ATA) offered no objection to the alteration of J–85 and J–89 but objected to the realignment of J–75 over the site of the Fort Myers, Fla. VOR because of the added mileage, and suggested that J–75 be aligned via the Lakeland VOR 167° and the Miami 294° True radials.

On March 1, 1961, a survey of civil jet operations indicated a total of 96 daily operations in the Miami area. Approximately sixty percent of these operations operated via Jet Routes Nos. 75, 85, and 89, to midwestern terminals. Jet traffic to and from Miami is normally climbing or descending in the area south of Lakeland, and while radar is used in the handling of these flights, the volume is such that, particularly during peak periods, an alternate routing for southbound flights is required for efficient handling of the many climb/descent problems involved.

Realignment of J–75 as proposed by the FAA will cause it to overlie an intermediate and low altitude airway from Lakeland via Fort Myers to Miami, thus facilitating the transition of jet aircraft between the high, intermediate, and low altitude structures. However, subsequent to issuance of the notice it has been determined that the radial of the Lakeland VOR which would overlie the low and intermediate altitude airways is 175° True rather than 174° True. This change is reflected in the description of J–75. No other comments were received.

Additionally, the Fort Myers VOR is scheduled to be relocated to a new site on the Page airport on or about March 8, 1962. (Airspace Docket No. 61–FW–93; 27 F.R. 562.) Relocation of the Fort Myers VOR will require slight changes in the terminal jet advisory areas based on this VOR. Since these changes are minor in nature and impose no additional burden on the public, such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7080, 7576, 11729) the following changes are made:

(a) In Jet Route No. 75 "INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville;" is deleted and "INT of the Miami 296° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.;" is substituted therefor.

(b) In Jet Route No. 85 "INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville;" is deleted and "INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.;" is substituted therefor.

(c) In Jet Route No. 89 "INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville;" is deleted and "INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.;" is substituted therefor.

2. In § 602.300 *Terminal jet advisory areas* (26 F.R. 7083) the Miami, Fla., radar jet advisory areas (a) and (b) are amended to read:

a. Lakeland, Fla., via Fort Myers, Fla.; INT of Ft. Myers 137° and Biscayne Bay, Fla., 269° radials; to Biscayne Bay.

b. Copeland, Fla., INT (INT of Fort Myers, Fla., 137° and Miami, Fla., 269° radials) to Miami.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 28, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2224; Filed, Mar. 6, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8378 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Central Construction Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.155 *Prices:* § 13.155–33 *Demonstration reductions;* § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1535 *Qualifications;* [Misrepresenting oneself and goods]—goods: § 13.1747 *Special or limited offers;* [Misrepresenting oneself and goods]—prices: § 13.1800 *Demonstration reductions.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Central Construction Company et al., Omaha, Nebr., Docket 8378, Oct. 24, 1961]

In the Matter of Central Construction Company, a Corporation, and Irving Herzog and Jack J. Schrager, Individually and as Officers of Said Corporation

Consent order requiring an Omaha seller and installer of building siding to cease representing falsely in advertising and through its salesmen that it offered reduced prices to home and building owners who permitted their property to be used for demonstrations and advertising, and that it would pay them commissions on resulting sales to others; that said offers must be accepted at once; and that the soliciting salesman was an officer, co-owner, or engineer of the corporation.

The order to cease and desist is as follows:

It is ordered, That respondents Central Construction Company, a corporation, and its officers, and Irving Herzog and Jack J. Schrager, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of building siding, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Any product is offered for sale at a reduced price from respondents' usual price, unless the price at which it is offered constitutes a reduction from the price at which the product has been usually and customarily sold by respondents in the recent regular course of business.

2. The homes or buildings of the purchasers of their products will be used for demonstration or advertising purposes or that respondents will pay commissions to such purchasers when sales are made as a result of such demonstrations or advertising, or for any other reason, unless such is the fact.

3. Any offer must be accepted at any specific time or within any limited time, unless such is the fact.

4. Any person represents or is connected with the Central Construction Company or with any other company or person, in any manner or capacity, that is not in accordance with the facts.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2227; Filed, Mar. 6, 1962; 8:46 a.m.]

[1] New.

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

APPROVAL OF OTHER INSTITUTIONS

In § 203.4 paragraph (b) is amended to read as follows:

§ 203.4 Approval of other institutions.

* * * * * *

(b) *Special requirements applicable to supervised institutions.* (1) A mortgagee whose application for approval is filed after March 1, 1962 shall meet the following requirements:

(i) The mortgagee shall be subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of the mortgagee's books and accounts; and

(ii) The mortgagee shall submit satisfactory evidence that it has sound capital funds of a value not less than $100,000 or, if a mutual company or association without capital funds, that it has a net worth of not less than $100,000.

(2) A mortgagee whose application for approval is filed on or before March 1, 1962 shall be required, within a period of time to be prescribed by the Commissioner, to increase its capital funds or net worth to not less than $100,000.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., March 1, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-2247; Filed, Mar. 6, 1962; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Penalty for Failure To Pay Assessment After Notice and Demand

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 345.17 of Part 345 (20 CFR 345.17) of the regulations under such act is deleted by Board Order 62–17, dated February 1, 1962.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: February 28, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62-2206; Filed, Mar. 6, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 502—RELIEF ASSISTANCE

Miscellaneous Amendments

1. Revise § 502.1 to read as follows:

§ 502.1 Purpose and applicability.

(a) Sections 502.1 to 502.6 prescribe policy guidance and responsibilities for Department of the Army agencies with respect to operations involving participation in natural disaster relief activities. Although §§ 502.1 to 502.6 pertain primarily to military assistance rendered in the event of a major disaster as defined in § 502.3(b), they also provide guidance in situations wherein military assistance is rendered in an imminent emergency or other threatened disaster prior to a declaration of a major disaster.

(b) The provisions of §§ 502.1 to 502.6 are applicable to the 48 contiguous States, the District of Columbia, Alaska, Hawaii, United States territories, and areas of associated sovereignty.

(c) The provisions of §§ 502.1 to 502.6 apply generally except as otherwise set forth in directives of the Chief of Engineers and pertinent to Civil Works Programs.

2. Add paragraph (d) to § 502.2, and in § 502.3, revise paragraphs (h), (i), and (j), as follows:

§ 502.2 Statutory and policy provisions.

• • • • •

(d) Executive Order 10773, July 1, 1958 (23 F.R. 5061), as amended.

§ 502.3 Definitions.

• • • • •

(h) *Office of Emergency Planning (OEP).* Federal agency coordinating disaster relief under delegated authority of the President.

(i) *Director (OEP).* Director of the Office of Emergency Planning.

(j) *Area Director.* Director of a geographical Area Office of the Office of Emergency Planning.

3. In § 502.4, revise the last sentence of paragraph (a); revise the introductory portion of paragraph (b) and revise subparagraphs (2) and (3) of paragraph (b); and in paragraph (d), revise subparagraphs (1) (ii) and (2), to read as follows:

§ 502.4 Responsibilities.

(a) *General.* • • •

The Director of the Office of Emergency Planning is delegated the authority conferred upon the President by sections 3 and 5(a) of the Act.

(b) *Office of Emergency Planning.* The Director, Office of Emergency Planning (OEP) has been designated by the President to coordinate the activities of Federal agencies to provide disaster relief assistance in major disasters, and will call upon any Federal agency to utilize its available personnel, equipment, supplies, and facilities in accordance with the authority contained in the Act.

• • • • •

(2) When the facilities of another Federal agency are deemed necessary, directives will be issued and arrangements made at the seat of Government with the head of the agency concerned. When such action is approved, agreement will be made between the local administrative head of the Federal agency concerned and the Area Director (OEP) outlining the limitations within which such agency will act, and prescribing that in those cases where reimbursement for supplies, equipment, or services are required, the monetary limitation must be within the funds allotted for that purpose. It is contemplated that any Federal agency called upon will furnish adequate supervision of its own effort and the only (OEP) inspection required will be of a coordinating nature.

(3) The Director (OEP) may delegate any authority or function delegated or assigned him by the provisions of Executive Order 10773, July 1, 1958, to any other officer or officers of OEP, or with the consent of the head, to any other Federal agency.

• • • • •

(d) *Armed Forces of the United States.* • • •

(1) • • •

(ii) Upon commitment of Army resources or the receipt of information that a disaster or imminent emergency exists which will probably require Army assistance, the Commanding General, United States Continental Army Command, will notify immediately the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C. It is essential that the maximum degree of coordinating effort, exchange of information, and a clear understanding of functional responsibilities be maintained between major commanders concerned and Area Directors of both OEP and the American Red Cross.

• • • • •

(2) *Corps of Engineers.* (i) Under Public Law 99, 84th Congress, the Corps of Engineers has statutory authority as a civil function for Federal efforts incident to flood fighting, flood rescue work, and the repair or restoration of flood control works. Assistance in flood fighting and rescue work is supplementary to State and local government or private agency efforts, and not in substitution therefor. In accordance with appropriate instructions issued by the Chief of Engineers, the ZI army commanders concerned will be furnished pertinent information on dangerous floods or other natural disasters foreseen or occurring, including activities by the Corps of Engineers. The closest cooperation, including timely exchange of useful information between District and Division Engineers, appropriate ZI army commanders, Commanding General, United States Continental Army Command, Area Directors of the Office of Emergency Planning, American Red Cross, State and local governments, is necessary to mitigate the results of natural disasters. The emergency employment of Army resources in the relief of human suffering is the responsibility of the Commanding General, United States Continental Army Command. Preplanned procedures for domestic emergencies, coordinated between Division and District Engineers of the Corps of Engineers and ZI army commanders, will include provisions covering flood emergencies. Field officers of the Corps of Engineers are authorized to request ZI Army Commanders to provide such resources as are required and available for use in flood fighting under direction of the Corps' Division and District Engineers.

(ii) Area Directors of the Office of Emergency Planning may request a Division Engineer of the Corps of Engineers to aid State and local government agencies by furnishing disaster assistance which is beyond statutory authority of the Corps of Engineers. In such event, the Division Engineer contacted will notify the ZI army commander concerned and obtain his concurrence before such assistance is furnished. The above concurrence is not required when there has been a determination that actual emergency conditions no longer exist, and when the responsible ZI army commander has withdrawn military support in accordance with § 502.5(e), or when responsibility has been yielded to the Army Chief of Engineers.

4. In § 502.5, revise paragraphs (a)(1) and (d), to read as follows:

§ 502.5 Department of the Army policies.

(a) • • •

(1) The overruling demands of humanity compel immediate action to prevent starvation, extreme suffering, and/or loss of life, in which event the Commanding General, United States Continental Army Command, with delegated authority and responsibilities in accordance with § 502.4(b)(3), will use personnel, supplies, and equipment under his control within his own discretion and will notify the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., and the Director, OEP (giving the names of the OEP Area Director concerned), by the most expeditious communication means available; and

• • • • •

(d) The Commanding General, United States Continental Army Command, and the ZI army commanders will effect the closest cooperation with the appropriate agencies concerned with disaster relief activities. The Commanding General, United States Continental Army Command, will establish liaison with Operational Headquarters, OEP, Executive Offices Building, 17th and Pennsylvania Avenue NW., Washington 25, D.C. The ZI army commanders; Commanding General, United States Army, Alaska; Commanding General, United States Army, Pacific; and the Commanding General, United States Army, Caribbean, will establish liaison with Area Directors of OEP whose region encompasses areas within the Army command concerned, in order to facilitate exchange of information and to provide for immediate operating arrangements, should the need arise at a later time. Personnel, equipment and supplies, located in ZI army areas, other than the affected ZI army area, will be utilized to assist in disaster relief activities when the need is great and where a deficiency exists after consideration of all resources, including local resources in the disaster area and where movement of these resources will not compromise an assigned tactical or defense mission. This assistance will be coordinated by the Commanding General, United States Continental Army Command, without reference to Headquarters, Department of the Army.

5. In § 502.6, revise paragraph (b), to read as follows:

§ 502.6 Actions required.

• • • • •

(b) *Major disasters.* The Act of September 30, 1950 (Public Law 875, 81st Cong.), as amended, in no way precludes Department of the Army action, when required, in emergencies, pending determination by the President that a disaster is a major disaster under the terms of law. Department of the Army action to afford assistance subsequent to such finding will be in accordance with §§ 502.1 to 502.6. Upon Presidential Proclamation of a major disaster, Department of the Army assistance will be subject to coordination by OEP, acting on behalf of the President. In the event that requests from OEP would involve commitment of Army controlled resources required to perform assigned tactical or defense missions, or other resources which are not under the jurisdiction of the Commanding General, United States Continental Army Command, such requests will be sent by the Commanding General, United States Continental Army Command to the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., stating the need thereof and whether the necessary resources should be made available.

[C 2, AR 500–60, January 16, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–2212; Filed, Mar. 6, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Twitchell Dam and Reservoir, Santa Maria River Basin, California

Pursuant to the provisions of section 7 of the Act of Congress approved 22 December 1944 (58 Stat. 890; 33 U.S.C. 709), § 208.79 is hereby prescribed to govern the use and operation of Twitchell Dam and Reservoir on the Cuyama River, Santa Maria River Basin, California, for flood-control purposes.

§ 208.79 Twitchell Dam and Reservoir, Santa Maria River basin, California.

The Bureau of Reclamation shall supervise the operation of Twitchell Dam and Reservoir in the interest of flood control as follows:

(a) A storage space in Twitchell Reservoir of 89,000 acre-feet below elevation 651.5 shall be reserved for flood control at all times.

(b) Releases from the flood-control storage space shall be made in accordance with the "Outlet Gate Operation Schedule for Flood-Control Storage" currently in force. The schedule currently in force as of the promulgation of this section is dated January 31, 1962, File No. 373/123, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington 25, D.C., and in the Office of the Commissioner of Reclamation, Washington, D.C. Revisions of the "Outlet Gate Operation Shedule for Flood-Control Storage" may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the "Outlet Gate Operation Schedule for Flood-Control Storage" currently in force for the purposes of this section. Copies of the "Outlet Gate Operation Schedule for Flood-Control Storage" currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers and the Regional Director, Bureau of Reclamation, in charge of the locality.

(c) Nothing in this section shall be construed to require dangerously rapid changes in magnitudes of releases. The regulations of this section shall not be construed to require that releases be made in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(d) The Bureau of Reclamation shall see that the District Engineer, Corps of Engineers, Department of the Army in charge of the locality, is currently advised of reservoir release, reservoir storage and such other operating data as the district engineer may request, and also of those basic operating criteria which affect the schedule of operation.

(e) The flood-control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Request for and action on such modification may be made by any available means of communication and the action taken by the district engineer shall be confirmed in writing under date of same day to the Office of the Regional Director, Bureau of Reclamation in charge of the operations.

[Regs., January 31, 1962, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–2213; Filed, Mar. 6, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO 342]

NATIONAL POTATO MARKETING AGREEMENT AND ORDER

Rescheduling of Public Hearing Sessions and Correction

Notice of public hearing with respect to a proposed National Potato Marketing Agreement and Order was published in the FEDERAL REGISTER February 20, 1962 (27 F.R. 1556). Such notice set forth the times and places for the hearing sessions and the terms and provisions of the proposal.

Notice is hereby given of the rescheduling of the public hearing sessions to be held at the times and places hereinafter specified.

As previously announced, the public hearing sessions will be held at the New Commodore Hotel, 42d Street and Lexington Avenue, New York, New York, beginning March 12, 1962; Secor Hotel, Jefferson and Superior Streets, Toledo, Ohio, beginning March 19, 1962; and Radisson Hotel, 45 South Seventh Street, Minneapolis, Minnesota, beginning March 22, 1962.

The following rescheduled hearing sessions will be held at Latter Day Saints Hall, 140 North Garfield Street, Pocatello, Idaho, beginning March 27, 1962; American Legion Hall, 1301 17th Street, Bakersfield, California, beginning April 5, 1962; Auditorium, Public School Administration Building, 910 West Eighth Street, Amarillo, Texas, beginning April 12, 1962; and Henry Grady Hotel, 210 Peachtree Street, Atlanta, Georgia, beginning April 17, 1962.

The first day of the New York session of the hearing will commence at 10 a.m., local time, and the first day of the sessions in the other cities will commence at 9 a.m., local time. Each session shall continue as long as necessary and, instead of specific termination dates as previously scheduled, shall be terminated as determined by the presiding officer.

Correction. In § ——.84 *Termination or suspension*, paragraph (c) is corrected to read as follows:

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-2234; Filed, Mar. 6, 1962; 8:47 a.m.]

Agricultural Research Service

[9 CFR Part 56]

SWINE DESTROYED BECAUSE OF HOG CHOLERA

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that, pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), it is proposed to add a new Part 56 to Chapter I, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for swine destroyed because of hog cholera, to read:

Sec.
56.1 Definitions.
56.2 Cooperation with States.
56.3 Appraisal of swine.
56.4 Care and feeding of swine under quarantine; disposal after slaughter.
56.5 Mortgages against swine.
56.6 Destruction of swine.
56.7 Payments to owners for swine destroyed.
56.8 Claims not allowed.

§ 56.1 Definitions.

For the purpose of this part, the following words, names, and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means condemned under State authority and destroyed by slaughter or by death otherwise.

(d) "Hog Cholera" means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) "Mortgage" means any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity.

(f) "State" means any State, Territory, the District of Columbia, or Puerto Rico.

§ 56.2 Cooperation with States.

Upon determination by the Director of the Division of the existence of hog cholera, and upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of hog cholera, he is authorized to cooperate with the proper State authorities in the eradication of such disease.

§ 56.3 Appraisal of swine.

(a) Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value at the place and time of appraisal by a representative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve, such swine may be appraised by a representative of the Division alone. Swine may be appraised in groups providing they are the same type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

(b) The Division may decline to accept any such appraisal that appears to it to be unreasonable or out of proportion to the value of similar swine of a like quality. Appraisals shall not exceed any limit set by the State or other agency which is cooperating with the Division in the payment of indemnity because of hog cholera.

§ 56.4 Care and feeding of swine under quarantine; disposal after slaughter.

Expenses for the care and feeding of swine held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Director of Division.

§ 56.5 Mortgages against swine.

Any indemnity claim for swine destroyed pursuant to the requirements contained in this part shall be presented on forms furnished by the Division on which the owner of the swine shall certify that the swine covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the swine, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 56.6 Destruction of swine.

(a) Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be destroyed only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, an amount not to exceed 50 percent of the difference between the appraisal value and the salvage value, except that in the case of purebred swine the compensation from the United States shall not exceed $50 per head.

(b) Such swine shall be destroyed promptly after appraisal and disposal of by burial or burning unless otherwise provided by the Director of Division.

(c) The destruction of swine and the burial, burning, or other disposal of carcasses of swine pursuant to the regulations in this part shall be supervised by a Department employee who shall prepare and transmit to the Director of Division a report identifying the swine and showing the disposition thereof.

§ 56.7 Payments to owners for swine destroyed.

(a) Owners of swine destroyed in accordance with this part may be paid an indemnity not to exceed 50 percent of the difference between the appraised value of each swine so destroyed and the net salvage received by the owner thereof: *Provided, however*, That no such payment shall exceed any limit set by the State or other agency which is cooperating with the Division in the eradication of hog cholera.

(b) Federal indemnity shall not exceed $50 per head for purebred swine.

(c) Swine presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however*, That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 56.8 Claims not allowed.

(a) The Department will not allow claims arising out of the destruction of swine unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to hog cholera, and the cleaning and disinfection of his premises or conveyances as deemed necessary by Director of Division to destroy hog cholera virus.

(c) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such swine.

The proposed new part would provide for indemnities which might be paid for swine destroyed under cooperative State-Federal programs for the eradication of hog cholera. It is considered necessary as existing regulations do not provide for such indemnity payments.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of March 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-2251; Filed, Mar. 6, 1962; 8:48 a.m.]

[9 CFR Part 76]

HOG CHOLERA, AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of September 6, 1961 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 75 Stat. 481), it is proposed to amend Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

GENERAL PROVISIONS

Sec.
76.1 Definitions.
76.2 Notice relating to existence of hog cholera, quarantine and regulations.
76.3 General restrictions.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.
76.5 Interstate movement of swine treated with virulent virus prohibited, except as provided.

MOVEMENT OF DISEASED AND EXPOSED SWINE

76.6 Interstate movement of diseased and exposed swine prohibited, except as provided.

INTERSTATE MOVEMENTS OF SWINE AND SWINE PRODUCTS

76.7 Movements to recognized slaughtering centers, public stockyards, or approved stockyards or livestock markets.
76.8 Interstate movement of swine for feeding, breeding, or stocking purposes prohibited, except as provided.
76.9 Movements from public stockyards, or approved stockyards or livestock markets.
76.10 Other movements for feeding, breeding, or stocking purposes.
76.11 Movement of swine and swine products from a quarantined area.
76.12 Movement of swine and swine products through a quarantined area.
76.13 Movement of swine and swine products for special processing.
76.14 Special processing of swine products.
76.15 Movement of specially processed swine products.
76.16 Approved stockyards and livestock markets.
76.17 Notice relating to spread of disease through raw garbage.
76.18 Movement of swine fed raw garbage and products from swine fed raw garbage.
76.19 Other movements.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

Sec.
76.30 Disinfection of vehicles which have contained interstate movements of diseased swine.
76.31 Cleaning and disinfecting vehicles and facilities.
76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.
76.33 Disinfectants to be used.

GENERAL PROVISIONS

§ 76.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division.* The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premises.

(e) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(f) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(g) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(h) *Interstate.* From one State into or through any other State.

(i) *Quarantined area.* A State or area quarantined under this part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(j) *Non-quarantined area.* Any State or area not quarantined under this part because of hog cholera or other contagious infectious, or communicable disease of swine.

(k) *Person.* Any person, company, or corporation.

(l) *Moved or movement.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(m) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering

facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable disease. Such stockyards are listed in § 78.14(a) of this chapter.

(n) *Approved stockyard or livestock market.* Any place where swine are assembled for public auction or private sale which is under State or Federal supervision, with an accredited veterinarian performing inspection and treatment of swine as prescribed in the regulations in this part, and which has been approved by the Director of the Division under § 76.16.

(o) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(p) *Swine product.* Any carcass, part or offal of swine.

(q) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(r) *Hog cholera.* The contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(s) *Clean stockyard.* A public stockyard in a quarantined area which is found by the Director of Division to be free from hog cholera and other contagious, infectious, and communicable diseases of swine.

(t) *Official vaccinates.* Swine vaccinated against hog cholera by one of the methods prescribed in § 76.10(a) under the supervision of a Federal or State veterinary official, permanently identified as such a vaccinate as specified in this part, and reported at the time of vaccination to the appropriate State or Federal agency.

§ 76.2 Notice relating to existence of hog cholera, quarantines, and regulations.

(a) Notice is hereby given that hog cholera exists in swine in each State.

(b) There are no areas presently quarantined because of hog cholera or other contagious, infectious, or communicable disease of swine.

(c) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of virulent hog cholera virus, with the exceptions as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine.

§ 76.3 General restrictions.

Swine or swine products referred to in this part may not be moved interstate except in accordance with the regulations in this part.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

§ 76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.

On and after January 1, 1963, virulent hog cholera virus shall not be moved interstate except that:

(a) In specific cases and under such conditions as he may impose, the Director of the Animal Disease Eradication Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for particular purposes, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Disease Eradication Division.

(b) In specific cases and under such conditions as he may impose, the Director of the Animal Inspection and Quarantine Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for export, research, or biologics production, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Inspection and Quarantine Division.

§ 76.5 Interstate movement of swine treated with virulent virus prohibited, except as provided.

On and after July 1, 1963, swine treated with virulent hog cholera virus, shall not be moved interstate, except as provided in this section.

(a) Swine treated with virulent virus, and not known to be affected with hog cholera, may be moved interstate if:

(1) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate and are consigned for immediate slaughter; or

(2) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate; are accompanied by a permit from the appropriate official of the State of destination; are moved interstate under such conditions as may be imposed by the Director of Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Division specifying any such conditions imposed regarding the specific movement.

(b) Swine treated with virulent hog cholera virus for research and biologics production, and not known to be affected with hog cholera, may be moved interstate under such conditions as may be imposed by the Director of the Animal Inspection and Quarantine Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program.

MOVEMENT OF DISEASED AND EXPOSED SWINE

§ 76.6 Interstate movement of diseased and exposed swine prohibited, except as provided.

(a) No swine which are affected with hog cholera shall be moved interstate for any purpose.

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in §§ 76.11 and 76.13.

INTERSTATE MOVEMENTS OF SWINE AND SWINE PRODUCTS

§ 76.7 Movements to recognized slaughtering centers, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate to a recognized slaughtering center for immediate slaughter, or to a public stockyard, or to an approved stockyard or livestock market, and shall not be diverted en route for any other purpose.

§ 76.8 Interstate movement of swine for feeding, breeding, or stocking purposes prohibited except as provided.

No swine shall be moved interstate for feeding, breeding, or stocking purposes, except as provided in §§ 76.9 and 76.10.[1]

§ 76.9 Movements from public stockyards, or approved stockyards or livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes from public stockyards or approved stockyards or livestock markets, to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than three weeks, if:

(1) The swine are inspected by a Division inspector or accredited veterinarian at such yard or market; and

(2) The swine, upon such inspection, are found free from symptoms of hog cholera, in a thrifty condition, and are treated by a competent veterinarian under Division supervision, or by an accredited veterinarian in an approved stockyard or livestock market, in a portion of the yard or market set aside for that purpose, in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That swine officially vaccinated at least 21 days prior to inspection are not required to be so treated but are subject to other provisions of this paragraph. The temperature of each animal shall be taken before treatment, and only those which exhibit a temperature of less than 104° F. shall be permitted to be moved interstate under this section; and

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

(3) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(4) After receiving such treatment, the swine are disinfected in a 2 percent solution of a permitted cresylic disinfectant and held in noninfectious pens for at least three hours before being loaded for interstate movement; and

(5) The swine are accompanied by a certificate issued by a Division inspector at the public stockyard, or the accredited veterinarian at the approved stockyard or livestock market, showing place and date of issue, destination of shipment, record of official vaccination, and the permanent identification of the swine; and

(6) The swine are transported in cleaned and disinfected cars or other vehicles.

(b) *Simultaneous inoculation method.* Swine required under this section to be treated shall be given simultaneous inoculation with anti-hog cholera serum or antibody concentrate and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate used with modified live virus vaccine shall be as follows:

(1) The dosage of serum or antibody concentrate for the treatment of swine shall in no instance be less than the respective dosage specified in subparagraph (2) of this paragraph. The dosage of modified live virus vaccine for the treatment of swine should be the respective dosage suggested in subparagraph (3) of this paragraph.

(2) Dosage of anti-hog cholera serum or antibody concentrate: Except for swine under 30 pounds in weight, the dosage of serum should not exceed one cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose antibody concentrate (cubic centimeters)
Suckling pigs	20	10
20-40	30	15
40-90	35	17.5
90-120	45	22.5
120-150	55	27.5
150-180	65	32.5
180 and over	75	37.5

(3) Dosage of modified live virus vaccine: The dosage of modified live virus vaccine should be that recommended on the product label by the licensed manufacturer for use with the amounts of anti-hog cholera serum or antibody concentrate given in subparagraph (2) of this paragraph (b).

§ 76.10 Other movements for feeding, breeding, or stocking purposes.

Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes to any destination if:

(a) The swine are vaccinated not less than 21 days nor more than 1 year prior to movement interstate either as prescribed in § 76.9(b) or are vaccinated with killed or inactivated hog cholera virus vaccine prepared under license from the Secretary of Agriculture with the dosage recommended on the product label by the licensed manufacturer; and

(b) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(c) The swine are accompanied by a certificate issued by an accredited veterinarian specifying the permanent individual identification of the swine and showing consignee, consignor, and record of vaccination as prescribed in paragraph (a) of this section.

§ 76.11 Movement of swine and swine products from a quarantined area.

(a) Movement of swine: Swine may be moved interstate under this part from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of hog cholera or other contagious, infectious, or communicable disease.

(b) Movement of swine products:

(1) Swine products may be moved interstate under this part from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this part from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases; (ii) swine products derived from swine, permitted interstate movement under this part which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases, and, if required by said Director, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this part, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.12 Movement of swine and swine products through a quarantined area.

Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.13 Movement of swine and swine products for special processing.

Swine which have been exposed to hog cholera, or other contagious, infectious, or communicable disease, and swine products derived from such swine, moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, shall be moved under Division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.14 Special processing of swine products.

All Swine products required under the regulations in this part to be specially processed shall be heated throughout according to the following schedules:

(a) Boneless swine products shall be heated to an internal temperature of at least 156° F. momentarily, or to an internal temperature of at least 145° F. for 15 minutes.

(b) Swine products containing bone shall be heated to an internal temperature of at least 156° F. for 15 minutes.

§ 76.15 Movement of specially processed swine products.

Except as provided in §§ 76.11 and 76.18, swine products which have been specially processed may be moved interstate without restriction under this part.

§ 76.16 Approved stockyards and livestock markets.

(a) Notices containing lists of stockyards and livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to these stockyards and livestock markets may also be obtained from the Division.

(b) The Director of Division is hereby authorized to approve stockyards and livestock markets for the purposes of the regulations in this part when he determines that the inspection and handling of swine are adequate to effectuate the purposes of the regulations in this part; and to remove any stockyard or

market from the approved list when he finds that the inspection or handling of swine at such stockyard or market is no longer adequate to effectuate the purposes of such regulations.

§ 76.17 Notice relating to spread of disease through raw garbage.

Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, and communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

§ 76.18 Movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part to a slaughtering establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U.S.C. 71 et seq.), which handles products of swine fed any raw garbage, but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of Division as adequate to prevent the spread of disease, may be moved interstate without other restriction under this section.

(2) Swine products produced at an establisment operating under the Meat Inspection Act of March 4, 1907, as amended, which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate under this section if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.19 Other movements.

The Director of Division may authorize the interstate movement of swine or swine products, not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases. The appropriate livestock sanitary officials of the States involved shall be promptly notified of any such action.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

§ 76.30 Disinfection of vehicles which have contained interstate movements of diseased swine.

Any railroad car, boat, truck, or other vehicle which has contained an interstate movement of swine affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected as soon as possible after the swine are unloaded and before further use to move swine. Any vehicle that has contained an interstate movement of swine destined to a place where Division inspection is maintained shall not be moved from such place until a Division inspector has ascertained the condition of the animals and the vehicle has been released or has been cleaned and disinfected, and directed by the inspector, in accordance with §§ 71.4 to 71.11 of this subchapter.

§ 76.31 Cleaning and disinfecting vehicles and facilities.

(a) Any railroad car, boat, truck, or other vehicle, and its equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine, shall be kept clean.

(b) The Director of Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(d) The cleaning and disinfecting required by this section shall be done without expense to the Division.

(e) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with disinfectants as prescribed in § 76.33. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with disinfectants as prescribed in § 76.33.

§ 76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any approved stockyard or livestock market, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard or market, or any portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencings, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.33.

§ 76.33 Disinfectants to be used.

The disinfections required under the regulations in this part shall be performed with one of the following; except that in disinfections required because of hog cholera such disinfections shall be performed with the disinfectant as specified under paragraph (d) of this section:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(d) Permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under §§ 71.10 and 71.11 of this subchapter.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of March 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-2249; Filed, Mar. 6, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 707) has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing the amendment of § 121.2510 of the food additive regulations to provide for the safe use of ethylene-vinyl acetate copolymers, containing no more than 10 percent vinyl acetate, in the production of packaging materials, containers, and equipment intended for use in contact with food.

Dated: February 28, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-2228; Filed, Mar. 6, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 1000; Draft Release 62-8]

CONTROLLED AIRSPACE

Proposed Definition

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend the Civil Air Regulations, Part 60, § 60.60, *Controlled Airspace*, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communciations received prior to March 22, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

Civil Air Regulations Amendment No. 60-21 (26 F.R. 570) was adopted on January 16, 1961. In the course of its development, both the written comments received in response to Draft Release 60-8, published in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4083), and the oral comments received at the public hearing of August 10, 1960 (25 F.R. 6706), were carefully analyzed and given consideration. The intent of that Amendment, as stated in its preamble, was to provide additional uncontrolled airspace wherein Visual Flight Rules (VFR) operations may be conducted in conditions of flight visibility of more than one and less than three miles.

Among other things, Amendment 60-21 created a new type of controlled airspace called "transition area." This term refers to the controlled airspace designated for the use of Instrument Flight Rules (IFR) operations during transition between the en route and terminal phases of flight. Although the transition area may be designated for other purposes, those purposes are not pertinent to the proposal contained herein and will not be discussed further.

A "transition area" is defined, in part, as extending "• • • upward from 1,200 feet or higher above the surface when designated to complement control zones • • •" The definition of "control zone" states, in part, that a control zone is "• • • normally a circular area of five statute miles in radius with extensions where necessary • • •."

The prefatory material to Amendment 60-21, in discussing the size of control zones, indicated an intent of the Agency to develop criteria designed specifically for use in the establishment of controlled airspace in determining the lateral dimensions of control zones and control zone extensions. It also stated that the amount of controlled airspace designated would be dictated entirely by the requirements of IFR operations. Criteria were subsequently developed and have been adopted for Agency use in determining size of control zones and transition areas as well.

The implementation of CAR Amendment 60-21 in actual terminal area cases has resulted in an increase in the size of control zones, a requirement for substantial modification of instrument approach procedures and, in general, an adverse effect on IFR operations without a commensurate benefit to VFR users. The increase in the size of control zones would also, in some cases, incorporate satellite uncontrolled airports into the control zone.

Expansion of the control zones is the result of the requirement to provide controlled airspace to contain IFR operations between the surface and 1,200 feet above the surface. Were the base of transition areas adjacent to control zones lowered to 700 feet above the surface, application of the present criteria indicates that a control zone of five statute miles in radius with extensions where necessary to include instrument approach and departure paths will be adequate in most cases.

On December 1, 1961, the Air Transport Association (ATA) formally petitioned the Agency to amend the definition of transition area contained in CAR 60.60 to provide for transition areas extending upward from 700 feet or higher above the surface when designated to complement control zones. The ATA stated that such a change would, in many cases, result in a control zone of lesser size and would reduce the requirement to modify instrument approach procedures. The Aircraft Owners and Pilots Association (AOPA), on December 19, 1961, submitted a petition which was similar to that of the ATA. The AOPA, however, tempered its recommendation by stating that the lateral dimensions of transition areas should normally be 10 miles in radius.

Current implementation of CAR Amendment 60-21 dictated prompt action to consider the petitions submitted by ATA and AOPA. Therefore, the Agency invited Washington representatives of the aviation community to participate in an informal meeting on February 7, 1962, to discuss the two proposals and to determine the positions of other users. In attendance at this meeting were representatives of the following airspace user organizations:

Air Transport Association.
Aircraft Owners & Pilots Association.
Air Line Pilots Association.
Air Traffic Control Association.
Department of the Air Force.
Department of the Army.
Department of the Navy.
General Aviation Council.

National Association of State Aviation Officials.
National Aviation Trades Association.
National Business Aircraft Association.
National Pilots Association.

In the course of the meeting, it was found that the AOPA is agreeable to the designation of transition areas with lateral dimensions exceeding ten miles from the center of the airport when the requirements of IFR operations clearly dictate. The AOPA recommended, however, that ten or fifteen mile transition areas with a base of 700 feet above the surface and a circular configuration be established as the general standard and that deviation from these two sizes should occur only when required in specific cases. This recommendation was based primarily upon the requirement for standardization and simpler charting. In all other aspects, the petitions of the AOPA and the ATA appeared to be identical. All other user representatives present either endorsed the ATA proposal or offered no objections. Industry representatives unanimously urged that the Agency make the proposal the subject of a notice of proposed rule making as quickly as possible and further recommended that the usual 60-day period for comment in response to the proposal be reduced. The group was also unanimous in recommending that the Agency stop processing terminal airspace cases implementing Amendment 60–21 pending a final decision regarding the proposal.

In view of the unanimity of user representatives at the informal meeting, it has been determined that sufficient justification exists to propose the amendment of the definition of transition area. Accordingly, it is proposed that the base of the transition areas shall be designated to extend upward from 700 feet or higher above the surface when designated to complement control zones. It is emphasized that while the floor of transition areas may be designated at a level 700 feet above the surface, such designation would be made only to the extent required by IFR operations. The retention of the smaller control zones will, in many cases, avoid the incorporation of uncontrolled satellite airports within the zone. Also, it would obviate in many, but not all cases, the changing of instrument approach procedures. This policy would provide considerable benefit both to the VFR and IFR airspace users. No specific lateral limit or circular configuration is proposed. The size and configuration of the transition area would be based solely upon the operational considerations pertinent to the case under review. A standard circular configuration would, in many cases, result in more controlled airspace than is required for IFR operations. Activities at satellite airports could thus be restricted by unnecessarily establishing the floor of transition areas at 700 feet. It is the Agency's intent to designate transition areas with the minimum lateral dimensions consistent with the requirements for such airspace. To specify lateral dimensions by regulation would reduce the flexibility required for the efficient designation of controlled airspace.

Pending the resolution of this proposal, processing of terminal airspace cases under CAR Amendment 60–21 has been halted. While both the aviation industry and the Agency wish to release for VFR use such controlled airspace as is not necessary for IFR operations, it is not considered practical to proceed with cases under Amendment 60–21 when reprocessing of such cases might later be required. To expedite the decision regarding the proposal contained herein, the comment period in response to the notice of proposed rule making is reduced to fifteen days as recommended by the industry representatives at the informal meeting. It is emphasized that this reduction in the comment period is exceptional and is established only in view of the unanimous nature of the recommendation received and the urgency of the matter at hand.

In consideration of the foregoing, it is proposed that Part 60 of the Civil Air Regulations (14 CFR Part 60) be amended as follows:

1. By amending § 60.60 to revise the definition of controlled airspace to read in part as follows:

Controlled airspace. • • •

(4) Transition areas extend upward from 700 feet or higher above the surface when designated to complement control zones;

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on February 28, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2221; Filed, Mar. 6, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–115]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6026, 600.6232, 600.6297, 600.6427, 600.6839, 601.6026, 601.6297, and 601.6427 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following actions:

1. Low altitude VOR Federal airway No. 26 is designated in part from Salem, Mich., to Cleveland, Ohio. It is proposed to extend Victor 26 and its associated control areas from the Cleveland VORTAC via the intersection of the Cleveland VORTAC 214° and the Tiverton, Ohio, VOR 343° True radials; to the Tiverton VOR.

2. Low altitude VOR Federal airway No. 232 is designated in part from Sandusky, Ohio, to Chardon, Ohio. It is proposed to realign this segment of Victor 232 from the Sandusky VORTAC via the intersection of the Sandusky VORTAC 063° and the Chardon VORTAC 294° True radials to the Chardon VORTAC.

3. Low altitude VOR Federal airway No. 297 is designated from Mansfield, Ohio, to Carleton, Mich. It is proposed to realign Victor 297 and its associated control areas from the Akron, Ohio, VORTAC, via the Strongsville, Ohio, VOR; the intersection of the Strongsville VOR 306° and the Carleton VORTAC 117° True radials; to the Carleton VORTAC, excluding the portion within Canada.

4. Low altitude VOR Federal airway No. 427 is designated in part from Navarre, Ohio, to Berea, Ohio. It is proposed to redesignate this segment of Victor 427 and its associated control areas from the Navarre VORTAC to the intersection of the Navarre VORTAC 352° and the Akron, Ohio, VOR 289° True radials (Kent Intersection). This would revoke the segment between Kent and Berea.

5. Low altitude VOR Federal airway No. 839 is designated in part from Navarre, Ohio, to Cleveland, Ohio. It is proposed to redesignate this segment of Victor 839 from the Navarre VORTAC via the intersection of the Navarre VORTAC 352° and the Cleveland VORTAC 109° True radials; to the Cleveland VORTAC.

The proposed alteration of the airway structure in the Cleveland Metropolitan Area would provide the designated routes required by the revised Cleveland terminal area traffic control procedures. It is realized that there would be less than 15° separation between Victor 297 and Victor 42 emanating from the Akron VORTAC. However, aircraft operating along these airway segments would be provided separation on a procedural basis. The control areas associated with Victor 232 are so designated that they would automatically conform to the altered airway. The vertical extent of the control areas associated with those segments of airways considered herein would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 28, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2222; Filed, Mar. 6, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62–WA–12]

JET ROUTE

Proposed Alteration

Pursuant to the authority delegated to me by the Adminstrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 78 is presently designated in part from the Amarillo, Tex., VORTAC via the intersection of the Amarillo VORTAC 082° and the Tulsa, Okla., VORTAC 257° True radials to the Tulsa VORTAC. This segment of J–78 closely parallels a segment of Jet Route No. 6 from Amarillo to Oklahoma City, Okla., and a segment of J–8 from Oklahoma City to Tulsa.

The Federal Aviation Agency has under consideration the realignment of J–78 between Amarillo and Tulsa to overlie the segments of J–6 and J–8 described above. Such action would improve the efficiency of the air traffic control service provided on these routes. The jet advisory area associated with J–78 is so designated that it would automatically conform with the altered jet route. Accordingly, no amendment relating to such jet advisory area would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 28, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2223; Filed, Mar. 6, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 973]

LICENSED INDEPENDENT FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEANGOING COMMON CARRIERS

Proposed Substantive Rules Affecting Practices; Amendment

On February 24, 1962, the Commission, pursuant to provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766), published in the FEDERAL REGISTER (27 F.R. 1775) "notice of proposed rule making" along with proposed Part 510, Subpart B to Chapter IV, Subchapter B of Title 46. Now, pursuant to the foregoing authority, the Commission hereby amends said proposed rules by adding to Subpart B, § 510.21 thereof the following new paragraph:

(m) The term "Beneficial interest" for the purpose of this part includes, but is not limited to, any lien interest in; right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from; the whole or any part of a shipment or cargo, arising by operation of law or by agreement, expressed or implied.

In all other respects the notice of February 24, 1962, remains as initially published.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

FEBRUARY 26, 1962.

[F.R. Doc. 62–2253; Filed, Mar. 8, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 692]

APPEALS TO THE DIRECTOR

Delegation of Authority

MARCH 1, 1962.

SECTION 1. Pursuant to the authority and subject to the limitations contained in Order No. 2583 of the Secretary of the Interior, the Chief, Division of Appeals of the Bureau of Land Management, and the Branch Chiefs of this Division, are authorized to sign all decisions and all correspondence involving appeals to the Director, Bureau of Land Management, filed pursuant to 43 CFR Parts 161 and 221.

SEC. 2. Bureau Order No. 683 of August 21, 1961, and any redelegations pursuant thereto, are hereby revoked.

H. R. HOCHMUTH,
Acting Director.

[F.R. Doc. 62-2229; Filed, Mar. 6, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9523 etc.]

REOPENED PUERTO RICO PASSENGER FARE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on March 21, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 1, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2246; Filed, Mar. 6, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended), Amdt. 1]

ORGANIZATION AND FUNCTIONS

The basic order is hereby amended by a restatement of section 5.03 and the addition of a new section 8.03.

5.03 The Office of the Secretary is responsible for preparing agenda and dockets of matters subject to action by the Federal Maritime Commission and the preparation of minutes with respect to such actions; receiving and processing formal complaints and staff recommendations for investigation and hearing involving violations of the Shipping Act, 1916, as amended, and other applicable law, including the (a) reviewing of complaints for sufficiency and compliance with the Commission's rules of practice and procedure; (b) assigning official docket numbers to such complaints and orders of investigation and hearing; (c) serving copies of such complaints and orders upon the respondent(s); and (d) subsequent to Hearing Examiners' decisions or other disposition of cases by Hearing Examiners, ruling upon requests for enlargements of time for the filing of exceptions to decisions and replies thereto, including ruling upon late filings of exceptions or replies thereto, and processing all other motions and petitions to the Commission for action; issuing orders and notices of actions of the Commission; receiving formal communications, petitions, notices, documents and other instruments directed to the Chairman and/or the Commission and maintaining official files and records with respect thereto; authenticating instruments or documents of the Commission; administering oaths; and issuing subpoenas at the direction of the Commission.

* * * * *

8.03 The Executive Director is designated as the Chairman of the Special Permission Committee with authority to prescribe rules for the conduct of Committee activities, including the recording of actions and recommendations.

Dated: March 1, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-2252; Filed, Mar. 6, 1962; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

LIBERTY BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Liberty Bank and Trust Company for approval of merger with Bank of Orchard Park.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Liberty Bank and Trust Company, Buffalo, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Bank of Orchard Park, Orchard Park, New York, with and into Liberty Bank and Trust Company, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said merger be, and hereby is, approved, provided that said merger shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 28th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2226; Filed, Mar. 6, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-924]

DIRECTIONAL FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 27, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that the Directional Fund, Inc. ("Applicant"), 107 East 38th Street, New York 16, New York, a registered management open-end non-diversified company has ceased to be an investment company. The application represents that Applicant has not engaged in any business of any kind or nature since its incorporation, no money or securities or assets of any kind or nature has ever been paid into or owned by the Applicant; that Applicant does not have and never has had any shareholders; and that it has been determined by Applicant that it will not engage in business as an investment company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 20, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2230; Filed, Mar. 6, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governor Mitchell also filed as part of the original document and available upon request.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on February 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after February 1, as using humane methods on February 1 or a later date in February, will be listed in a supplemental list. Previously published lists represented establishments reported in January or February 1962 as humanely slaughtering and handling the designated species of livestock on January 1 or some later date in January 1962 (27 F.R. 991 and 1325). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	○	○				
Do.	2AT	○				○	
Do.	2AU	○					
Do.	2C	○		○			
Do.	2E	○		○		○	
Do.	2F	○	○		○		
Do.	2H	○		○		○	
Do.	2HT	○					
Do.	2LT	○					
Do.	2SD	○	○	○	○	○	
Do.	2WN	○					
Swift and Co.	3AC	○				○	
Do.	3AE	○	○				
Do.	3AF	○					
Do.	3AN	○	○				
Do.	3AW	○				○	
Do.	3B	○	○	○			
Do.	3C	○		○		○	
Do.	3CC	○					
Do.	3D	○	○	○		○	
Do.	3E	○		○			
Do.	3F	○			○		
Do.	3FF	○					
Do.	3K	○		○		○	
Do.	3L	○					
Do.	3N	○	○	○			
Do.	3NN	○					
Do.	3R	○		○		○	
Do.	3S	○					
Do.	3UU	○	○	○		○	
Do.	3W	○	○				
Do.	6C	○		○		○	
Lykes Bros., Inc.	8	○					
Do.	8B	○					
Pauly Packing Co., Inc.	10	○	○				
Hygrade Food Products Corp.	12	○		○		○	
Do.	12A	○					
Do.	12C	○	○	○		○	
Do.	12D	○					
Do.	12G	○	○			○	
Do.	12P	○					
Mickelberrys Food Products Co.	16	○					
John Morrell and Co.	17	○				○	
Do.	17A	○	○				
Do.	17D	○		○			
C. Finkbeiner, Inc.	18	○					
The Cudahy Packing Co.	19	○					
The Cudahy Packing Co. of Nebraska	19E	○	○	○		○	
Wilson and Co., Inc.	20N	○		○			
Do.	20Q	○	○			○	
Do.	20Y	○		○			
Swift and Co.	23	○				○	
Brander Meat Co.	25	○	○	○	○		
The Sperry and Barnes Co.	27C	○				○	
Patrick Cudahy, Inc.	28	○	○				
Kreinberg and Krasny, Inc.	30	○					
Roegelein Provision Co.	32	○				○	
Valleydale Packers, Inc.	34	○	○	○			
Montana Packing Co., Inc.	37	○					
Pocomoke Provision Co.	39	○	○	○			
Armour and Co.	40	○				○	
Sunnyland Packing Co.	43	○					
Stark Wetzel and Co., Inc.	44	○				○	
Do.	44A	○					
Idaho Meat Packers	46	○	○	○		○	
Consolidated Dressed Beef Co., Inc.	47	○					
Lackawanna Beef and Provision Co.	49	○					
Nevada Meat Packing Co.	52	○	○	○		○	
Midwestern Beef, Inc.	53	○					
Sunnyland Packing Co. of Alabama	56	○				○	
Glover Packing Co. of Amarillo	60	○					
Glover Packing Co.	60A	○	○	○	○	○	
Selkirk Realty Co.	65						
Somerville Packing Co.	66					○	
The Quaker Oats Co.	67E						○
Minchs Wholesale Meats, Inc.	72	○	○	○		○	
Brown Thompson & Son.	73	○					
Armour and Co.	75	○	○	○	○		
The Braun Brothers Packing Co.	79	○				○	
City Packing Co.	80	○	○				
The Cudahy Packing Co.	81	○				○	
Edgar Packing Co.	84		○				
Excel Packing Co., Inc.	86	○					
The E. Kahns Sons Co.	89	○	○	○		○	
Hygrade Food Products Corp.	90	○					
Sugardale Provision Co.	92	○				○	
The Val Decker Packing Co.	95	○	○	○			
John Engelhorn and Sons.	97	○				○	
A. Kochs Sons.	98	○	○				
Armour and Co.	100	○	○	○			
Liberty Packing Co.	101	○	○				
Swift and Co.	104	○		○		○	
J. Lynn Cornwell, Inc.	107	○					
Wilson and Co., Inc.	111	○	○	○		○	
Hoffman Packing Co., Inc.	112	○					
Morris Packing Co.	113	○					
West Coast Meat Co., Inc.	117	○	○	○			
Wilson and Co., Inc.	119	○					
Marhoefer Packing Co., Inc.	121	○				○	
E. J. Archie and Sons, Inc.	122	○					
City Dressed Beef.	125	○					
Peyton Packing Co., Inc.	126	○	○	○	○	○	
John Roth and Sons, Inc.	130	○					
Tobin Packing Co., Inc.	133	○				○	
Armour and Co.	139	○	○	○	○		
Edward J. Kluener, Inc.	142	○	○				
Cornland Dressed Beef, Inc.	157	○					
Armour and Co.	156	○					
Joel E. Harrell and Sons, Inc.	162	○					
Swift and Co.	166A	○	○	○	○	○	
Southwest Meat Packing Co.	171	○	○				

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
K. Shapiro, Inc.	139						
Armour and Co.	140						
Peerless Packing Co.	141		(*)	(*)		(*)	
Mercer Beef Co.	144						
The Rath Packing Co.	145		(*)	(*)		(*)	
Do.	145						
Do.	145C						
Do.	145F						
Key Packing Co.	152		(*)	(*)		(*)	
John Morrell and Co.	154						
Hynes Packing Co.	155		(*)				
United Fryer and Stillman, Inc.	157						
George A. Hormel and Co.	158		(*)	(*)		(*)	
Do.	158D						
Do.	158N						
Mid Valley Beef Co., Inc.	161						
Cudahy Packing Co.	162		(*)	(*)		(*)	
Eagle Packing Co., Inc.	163						
Ernst Packing Co., Inc.	164		(*)				
Smithfield Packing Co., Inc.	165						
American Stores Co.	166						
Liebmann Packing Co.	168						
Rob Roy Scholl Packing Co.	169		(*)			(*)	
Dubuque Packing Co.	170						
Logan Packing Co.	171						
Watsonville Dressed Beef, Inc.	172						
Superior Packing Co.	173		(*)	(*)		(*)	
Los Banos Abattoir	174						
Endlich Packing Co., Inc.	175		(*)				
Alpine Packing Co.	176						
Frosty Morn Meats	177		(*)	(*)		(*)	
Philadelphia Boneless Beef Co.	178						
Murray Packing Co., Inc.	179						
E. W. Kneip, Inc. of Iowa	180						
The Collins Packing Co.	181						
Hebron Packing Co., Inc.	182		(*)				
Lone Star Meat Co.	183						
Mid-West Packing Co.	184						
Queen Packing Corp.	185						
Schneider Packing Co.	186						
Omaha Dressed Beef Co., Inc.	187						
Prime Packing Co., Inc.	188		(*)	(*)		(*)	
Del Curto Meat Co.	189						
Peerless Packing Co., Inc.	190						
Sioux City Dressed Beef, Inc.	191						
Morris Rifkin and Sons, Inc.	192						
Pioneer Boneless Beef, Inc.	193						
Lancaster Packing Co.	194						
Litvak Packing Co.	195		(*)			(*)	
Beaver Packing Co.	196						
Corn Husker Packing Co.	197		(*)	(*)		(*)	
Eckert Packing Co.	198						
Armour and Co.	199		(*)	(*)		(*)	
Middletown Beef Co., Inc.	200						
St. Cloud Meat Packing Co.	201						
East Tennessee Packing Co.	202						
Memphis Butchers Association, Inc.	203						
Nebraska Beef Co., Inc.	204		(*)	(*)		(*)	
Goldring Packing Co., Inc.	205						
Mid-South Packers, Inc.	206						
Heinz Brothers Packing Co.	207						
Grealbe Pack Co.	208						
Swift and Co.	209						
B. Rothschild and Co.	210						
Frosty Morn Meats	211						
Gruetzfeldt Packing Co.	212						
Armour and Co.	213						
Sioux City Dressed Beef, Inc.	214						
Capitol Packing Co.	215						
Rudys Farm Co.	216		(*)			(*)	
Webb Packing Co.	217						
Greater New York Packing Co., Inc.	217A						
Rudolf Packing Co., Inc.	220						
Prisco Packing Co.	225						
C. and M. Meat Packing Corp.	226						
Royal Packing Co.	227						
Sokolik Packing Co., Inc.	231						
Great Western Packing Co., Inc.	231A						
Noblesville Independent Meat Co.	232		(*)				
Chino Valley Meat Packing Co., Inc.	235						
United Dressed Meats, Inc.	244						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Godwell Martin Meat Co.	772						
Modern Meat Packing Co.	774						
Aida Packing Co., Inc.	775						
Dale Packing Plant, Inc.	777						
Bryan Brothers Packing Co.	780						
Diamond Meat Co., Inc.	783						
Granite State Packing Co.	785						
Aurora Packing Co., Inc.	788						
Wimp Packing Co.	791						
Bauma Meat Packing	792						
Mrs. O'Rourke's Sons, Inc.	802						
William N. H. Peters	810						
McFarland, Inc.	811						
Rochester Independent Packers, Inc.	813						
Henry Meyers Sons, Inc.	817						
Home Packing Co.	822						
Hibbs Packing Co.	825						
Bristol Packing Co.	827						
Berghems Meat Co.	828						
Norman Peters Packing Co.	830						
Nat Buring Packing Co. of Arkansas, Inc.	834						
Frederick County Products, Inc.	837B						
Herman Kempers Sons.	838						
Quality Meat Packing Co.	840						
Sioux City Dressed Beef, Inc.	843						
Jordan Meat & Livestock Co.	857						
Siouxland Dressed Beef Co, Division of.	857F						
Sam McDaniel and Sons, Inc.	858						
Wells and Davies, Inc.	859						
Sierra Meat Co.	860						
Genesee Packing Co.	867						
Samuels & Co., Inc.	868						
Walden Packing Co., Inc.	875						
William Davies Co., Inc.	886						
O. Neill Packing Co.	888A						
Meats, Inc.	889						
Sigman Meat Co. Inc.	900						
Sigman Meat Co. of Montana.	901						
Hoosier Veterinary Laboratories, Inc.	901A						
Chiapetti Packing Co.	912						
National Meat Packers, Inc.	916						
Valleydale Packers, Inc. of Bristol	917						
South Philadelphia Willowbrook, Inc.	922						
Peoples Packing Co.	923						
Kerber Packing Co.	924						
Turpoff Packing Co.	929						
E. B. Manning and Son	931						
Volz Packing Co.	934						
Wilson and Co.	938						
Gaines Packing Co., Inc.	940						
Whitehall Packing Co.	941						
M. Brizer & Co.	944						
Joe Doctorman and Son Packing Co., Inc.	945						
Armour and Co.	946						
Bellside Packing Co., Inc.	948						
Virginia Packing Co., Inc.	960						
Earl Flick Wholesale Meats, Inc.	963						
T. L. Lay Packing Co.	967						
Greeley Capitol Packing Co.	969						
Hawaii Meat Co., Ltd.	970						
Perlin Packing Co., Inc.	971						
National Packing Co.	981						
Hagle Packing Co.	997						
Everett O. Richelin and Son, Inc.	998						
The Klaser Co.	998A						
Do.	998C						
Do.	1000						
Valley Meat Co.	1065						
Armour and Co.	1171						
The Harris Packing Co.	1175						
Nebraska Meat Packers, Inc.	1307						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.	545						
Packing Co., Inc.	549						
Pfaelzer Packing Co.	550						
Salter Packing Co.	551						
Black Hills Packing Co.	554						
Springfield Rendering Co.	553D						
Mid South Packers, Inc.	557						
The Cudahy Packing Co.	559						
D. and W. Packing Co.	560						
Do.	561						
Packerland Packing Co., Inc.	562						
John Morrell and Co.	564						
Texas Meat Packers, Inc.	565						
Elmer Binder & Son, Inc.	569						
Frosty Morn Meats, Inc.	575						
Armour and Co.	579						
Kingsford Packing Co., Inc.	581						
Hygrade Packing Co.	586						
Swift and Co.	590						
Do.	592						
Harman Packing Co.	594						
Central Packing Co.	595						
Swift and Co.	596						
Eastern Oregon Meat Co., Inc.	611						
Bellows Packing Co.	613						
Dorman Packing Co.	614						
Kummer Packing Co.	617						
Acme Meat Co., Inc.	618						
Hill Packing Co.	622B						
Big Foot Packing Co., Inc.	627						
E. A. Miller and Sons Packing Co., Inc.	630						
H. H. Keim Co.	632						
Geo. Moore & Co.	634						
Zigron Bros., Inc.	635						
Auburn Packing Co., Inc.	636						
R. and C. Packing Co.	645						
Bird Provision Co.	647						
Spencer Packing Co.	646						
Wm. Schluderberg-T. J. Kurdis Co.	646A						
Young Packing Co.	650						
Meat Packing Co.	653						
Wilson and Co., Inc.	655						
Baums Bologna, Inc.	657						
St. Louis Dressed Beef Co.	659						
Quality Meat Packing Co.	662						
Globe Packing Co.	663						
Cudahy Packing Co.	666						
Scottsbluff Packing Co.	667						
Union Packing Co.	673						
Jacob Bauers Sons, Inc.	678						
Colville Meats, Inc.	679						
Armour and Co.	680						
Nations Brothers Packing Co.	684						
Tri-State Meat Packing Co.	685						
The Stother Packing Co.	689						
Pierce Packing Co., Inc.	691						
Marco Packing Co.	692						
Bryan Meat Co.	693						
Kramer Beef Co.	696						
Carter Packing Co.	713E						
Central Nebraska Packing Co.	716						
Crawford County Packing Co., Inc.	717						
The Joseph N. Rice Co.	719						
Coast Packing Co.	724						
Swift and Co.	726						
Decker and Son	734E						
The Quaker Oats Co.	730						
Jacob Bauers Sons Co.	741						
Mid South Meat Co.	741						
Pioneer Provision Co.	742						
Howard Pancero and Co.	747						
Ruchti Bros.	749						
Lack Brothers Cooperative Packing Co.	753						
Monroe Packing Co., Inc.	754A						
Seitz Packing Co.	758						
Schnake Packing Co., Inc.	761						
Karler Packing Co.	767						
Sheridan Meat Co., Inc.	768						
Earl C. Gibbs, Inc.	770						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)	-------	-------	-------
McCabe Packing Plant	1312	(*)	(*)	(*)	-------	-------	-------
P. & H. Packing Co., Inc.	1313	(*)	(*)	-------	-------	-------	-------
H. and H. Packing Co.	1315	(*)	(*)	-------	-------	(*)	-------
443 establishments reported.							

Done at Washington, D.C., this 28th day of February 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-2250; Filed, Mar. 6, 1962; 8:46 a.m.]

Office of the Secretary

ALABAMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Mobile County, Alabama, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2235; Filed, Mar. 6, 1962; 8:47 a.m.]

LOUISIANA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named parishes in the State of Louisiana, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Caldwell Ouachita

Pursuant to the authority set forth above, emergency loans will not be made in the above-named parishes after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2236; Filed, Mar. 6, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14550, 14551; FCC 62-245]

THOMPSON K. CASSEL ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Thompson K. Cassel, Boca Raton, Florida, Docket No. 14550, File No. BP-13544, Requests: 740 kc, 500 w, DA, Day, Class II; Fred S. Grunwald tr/as Boca B/Casters, Boca Raton, Florida, Docket No. 14551, File No. BP-14568. Requests 740 kc, 1 kw, DA, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; but that the instant proposals for Boca Raton are mutually exclusive; and

It further appearing, that, according to data supplied by Thompson K. Cassel, interference from existing stations to his proposed operation will result in a population loss of 16.5 percent of those residing within the proposed 0.5 mv/m normally protected contour; and that such loss is excessive pursuant to § 3.28(d) of the Commission rules; but that a waiver of said Rule has been requested by Mr. Cassel; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine whether interference received from Stations WKIS, Orlando, Florida; CMKJ, Holguin, Cuba; and CMCA, Havana, Cuba, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Thompson K. Cassel, in contravention of § 3.28 (d) (3) of the Commission's rules, and, if so, whether circumstances exist which would warrant waiver of said section.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience, and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That in the event of a grant of either of the instant proposals, pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is prohibited.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegation of fact in support thereof, by the addition of the foregoing issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2254; Filed, Mar. 6, 1962; 8:48 a.m.]

[Docket Nos. 14269, 14270; FCC 62-232]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322, for construction permits (FM).

1. The Commission has before it for consideration a motion to enlarge issues, filed by Reading Radio, Inc., on October 9, 1961, together with pleadings properly filed in response thereto.

2. We are asked to add the following issue: "To determine whether and to what extent the corporate stockholder and the individual principals of applicant Hershey Broadcasting Company, Inc., occupy a position of influence over the population of Hershey, Pennsylvania, and whether a grant of the subject application would tend unduly to further or to concentrate such influence."

This issue is requested by Reading Radio, Inc., whose application for an FM station at Reading, Pennsylvania, was consolidated for hearing with the mutually exclusive FM application of Hershey Broadcasting Company, Inc., at Hershey, Pennsylvania, by Order released September 13, 1961 (FCC 61-1112). In addition to the standard engineering areas and populations issues, the designation order includes a 307(b) issue.

3. In support of its request, Reading alleges that the sole stockholder in the Hershey Broadcasting Company is the Hershey Estate which owns or operates in the community of Hershey, Pennsylvania, an unincorporated place in Derry Township with a population of 6,815 the Hershey Department Store, Hotel Hershey Inn, Hershey Community Club, Hershey Hospital, Hershey Lumber Products, a number of Hershey farms, the extraction plant, garage, gasoline filling station, fertilizing plant, abattoir, laundry, creamery, bakery, and experimental candy kitchen, as well as Hershey Park, Sports Arena, the golf courses, and the electric, telephone, water and sewage utility systems. Reading further alleges that the sole stockholder of the Hershey Estate is the Hershey Trust Company which controls 70 percent of the issued shares of the Hershey Chocolate Corporation which employs 3,605 persons. The Trust Company, in turn, exists as trustee for the benefit of the Milton Hershey School, an industrial school for orphans, founded about 1903 by Mr. and Mrs. Hershey. Reading contends that this integration of Hershey Broadcasting Company and the controlling economic interests in Hershey, Pennsylvania, warrants addition of the issue. It quotes the following language from our decision in Midland Broadcasting Company, 3 RR 1961 (1948): "Just as we believe that the public interest is served by diversifying the media of communications, so do we feel that the public interest of a community is served by likewise diversifying the influences which are exercised over its members."

4. Hershey in its opposition distinguishes Midland on the ground that in that case economic domination was considered only as a comparative factor, and was not in issue as a disqualifying factor. Hershey further contends that the addition of such a disqualifying issue is not warranted. It asserts that many other independent businesses exist in its community; that the founder of Hershey, and his successors have and are engaged in philanthropic, educational, and charitable activities.

5. The Broadcast Bureau disagrees with Hershey, and contends that Reading's factual allegations raise a substantial question as to the economic influence exercised by the interests controlling Hershey Broadcasting. The Bureau further argues, in effect, that whether economic concentration should be considered as a comparative factor or as a disqualifying issue is one which turns upon the degree of concentration presented.

6. It is clear from Reading's allegations that the interests related to Hershey Broadcasting represent a substantial force in the economic life of Hershey, Pennsylvania. Under these circumstances, we think that the effect which such economic interests may have on the ultimate issue of whether a grant of Hershey's application would be in the public interest, should be made on the basis of an evidentiary record concerning these interests. The issue requested will be added, subject to changes in phraseology.

Accordingly, it is ordered, This 28th day of February 1962, that the Motion for enlargement of issues filed October 9, 1961, by Reading Radio, Inc., is granted; and

It is further ordered, That the designation order released September 13, 1961 (FCC 61-1112), is amended by renumbering Issue 4 as Issue 5 and by the addition of the following issue:

4. To determine whether and to what extent the corporate stockholder and the individual principals of applicant Hershey Broadcasting Company, Inc., occupy a position of economic dominance over the population of Hershey, Pennsylvania, and whether a grant of the subject application would tend unduly to further or to concentrate such economic dominance.

Released: March 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2255; Filed, Mar. 6, 1962; 8:48 a.m.]

[Docket Nos. 14360-14363; FCC 62M-312]

M & M TELECASTERS ET AL.

Order Continuing Hearing

In re applications of L. E. Manseau and Daniel E. Molina, d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television Santa Maria, California, Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT-2919; for construction permits for new television broadcast stations.

On February 28, 1962, counsel for Thomas B. Friedman, tr/as Elson Electronics Company, filed a motion for additional time to comply with the requirements of the timetable previously established. Counsel for the other parties have no objection to the proposed extension.

Accordingly, it is ordered, This 1st day of March 1962, that Friedman's motion for additional time is granted, and the dates are extended as follows:

1. Exchange of applicants' affirmative direct written cases from March 12 to April 12, 1962, 5 p.m.

2. Receipt of notification of witnesses desired for cross-examination from March 26 to April 26, 1962.

3. Hearing from April 16 to Tuesday, May 15, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2256; Filed, Mar. 6, 1962; 8:48 a.m.]

[Docket Nos. 13796, 13803; FCC 62M-301]

WESTERN BROADCASTING CO. AND R. L. McALISTER

Order for Prehearing Conference Following Remand

In re applications of David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, Odessa, Texas,

[1] Commissioners Hyde, Craven and Cross dissenting.

Docket No. 13796, File No. BP-12329; R. L. McAlister, Odessa, Texas, Docket No. 13803, File No. BP-13058; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 27th day of February 1962, that a prehearing conference in the above-captioned proceeding will be held on March 13, 1962, at 10:00 a.m., in the offices of the Commission at Washington, D.C., to make appropriate procedural arrangements for the hearing to be held, at a date yet to be determined, pursuant to the Commission's Memorandum Opinion and Order (FCC 62-219) released February 26, 1962.

Released: March 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2257; Filed, Mar. 6, 1962; 8:49 a.m.]

[Docket Nos. 13736, 14282; FCC 62-236]

WINDBER COMMUNITY BROADCASTING SYSTEM AND RIDGE RADIO CORP.

Memorandum Opinion and Order Amending Issues

In re applications of Dr. E. Z. Eperjessy, Louis Popp and William H. Myers, d/b as Windber Community Broadcasting System, Windber, Pennsylvania, Docket No. 13736, File No. BP-13475; Ridge Radio Corporation, Windber, Pennsylvania, Docket No. 14282, File No. BP-13682; for construction permits.

1. The Commission has for consideration (1) a Petition to Clarify and/or Enlarge the Issues, filed November 30, 1961, by Associated Broadcasters, Inc. (WORK), York, Pennsylvania (WORK); (2) an Opposition, filed December 12, 1961, by Ridge Radio Corporation, Windber, Pennsylvania (Ridge); (3) a Reply to Opposition, filed December 14, 1961, by WORK; (4) Comments of the Broadcast Bureau, filed December 22, 1961; (5) Reply to Bureau's Comments, filed December 28, 1961, by WORK; (6) Reply to Bureau's Comments, filed December 28, 1961, by Ridge.

2. This proceeding presently involves the applications of Dr. E. Z. Eperjessy, Louis Popp, and William H. Myers, d/b as Windber Community Broadcasting System, Windber, Pennsylvania (Community), and of Ridge Radio Corporation, Windber, Pennsylvania, for construction permits for AM stations to operate on 1350 kc at 1 kw power, day. Prior to the designation of the instant proceeding for hearing, Community had participated in a prior hearing on its application; potential interference to Station WORK was in issue and WORK was a party to that proceeding. The Initial Decision in that proceeding (released February 20, 1961; FCC 61D-17; Mimeo No. 661) found that Community's proposal would cause minimal interference to Station WORK, and that such interference was outweighed by the new services proposed by Community; such Decision looked toward a grant of Community's proposal.

3. Following the U.S. Court of Appeals decision in Ridge Radio Corporation v. F.C.C., 110 U.S. App. D.C. 277, 292 F. 2d 770, 21 RR 2060 (1961), the Commission severed Community's application from the prior proceeding, and remanded it to the Hearing Examiner pending further Commission Order. By Order released October 10, 1961 (FCC 61-1185; Mimeo No. 9746), the applications of Ridge and Community were designated for hearing on the standard comparative issue, and the choice between the two applications was directed to be made on the basis of the standard comparative issue and "• • • the record heretofore made in the hearing on the application of the Windber Community Broadcasting System • • •". By Order released December 14, 1961 (FCC 61M-1958; Mimeo No. 14142), the Acting Chief Hearing Examiner made WORK a party to the instant proceeding in response to WORK's petition to intervene filed simultaneously with the instant petition.

4. Petitioner requests clarification of whether the interference issue in the prior proceeding in which Community and WORK were parties is in issue in the instant proceeding; if not in issue in the present proceeding, petitioner requests that the issues be enlarged to add an interference issue. Petitioner submits engineering affidavits showing that each proposal will cause interference to Station WORK.

5. The Bureau favors addition of standard areas and populations and interference issues, and revision of one of the present issues so as to exclude reference to the Community record made at the hearing in the prior proceeding.

6. Petitioner filed its petition to enlarge well after the time specified in 47 CFR 1.141(b). Not until six weeks following the release of the designation Order did petitioner (a) seek to become a party to the proceeding and (b) file its instant petition. Although the petitioner could not file its petition to enlarge until it became a party, it has not shown good cause for the six week delay in seeking to become a party, and the petition will therefore be denied as untimely.

7. In view of the engineering showing made by petitioner that interference will be received by it from Community and Ridge, the Commission will on its own motion add an interference issue and an areas and populations issue.[1] While the interference shown by petitioner is small, as Ridge contends in its opposition, this interference might be of significance insofar as the comparative aspects of this proceeding are concerned. In view of the issues added herein, reliance on any portion of the record of the prior proceeding becomes unnecessary, and the reference to such record will accordingly be deleted from the issues in this proceeding.

Accordingly, it is ordered, This 28th day of February 1962, That the Petition to Clarify and/or Enlarge the Issues, filed November 30, 1961, by Associated Broadcasters, Inc. (WORK), is denied, for untimely filing: *And it is further ordered*, That present Issues 1 and 2 are renumbered as Issues 3 and 4, respectively; that Issue 4 is amended to read as stated below; that the issues in this proceeding, on the Commission's own motion, are enlarged by the addition of Issues 1 and 2 below; and that the additional and amended issues in the above-captioned proceeding shall read as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether each of the subject proposals would cause objectionable interference to Station WORK, York, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

Released: March 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2258; Filed, Mar. 6, 1962; 8:49 a.m.]

[List 32; FCC 62-249]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MARCH 2, 1962.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on April 10, 1962, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the list set forth below or with any other application on file by the close of business on April 9, 1962 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 9, 1962 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

[1] In the original proceeding on Community's application, 1950 Census data was used. In the further proceeding herein ordered, 1960 Census data is to be used.

[2] Dissenting statement of Commissioner Bartley filed as part of the original document.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications From the Top of the Processing Line

BP-8548 WVOK, Birmingham, Ala.
Voice of Dixie, Inc.
Has: 690 kc, 50 kw, DA, Day.
Req: 690 kc, 50 kw, Day.

BP-11397 WKEE, Huntington, W. Va.
Geyer Broadcasting Co.
Has: 800 kc, 1 kw, Day.
Req: 800 kc, 5 kw, Day.

BP-11574 New, Indianapolis, Ind.
Ralph Luke Walton.
Req: 810 kc, 250 w, Day.

BP-11668 WRWJ, Selma, Ala.
Central Alabama Broadcasting Co.
Has: 1570 kc, 1 kw, Day.
Req: 1570 kc, 5 kw, Day.

BP-13519 KLPR, Oklahoma City, Okla.
Big Chief Broadcasting Co., Inc.
Has: 1140 kc, 1 kw, Day.
Req: 1140 kc, 500 w, 1 kw-LS, DA-N, U.

BP-14061 New, North Atlanta, Ga.
J. Lee Friedman.
Req: 680 kc, 5 kw, DA-1, U.

BP-14199 WEEP, Mount Oliver, Pa.
Golden Triangle Broadcasting, Inc.
Has: 1080 kc, 1 kw, Day (Pittsburgh, Pa.).
Req: 1070 kc, 500 w, DA-1, U (Mount Oliver, Pa.).

BP-14294 KHOT, Madera, Calif.
Glomor Music Broadcasters, Inc.
Has: 1250 kc, 500 w, DA, Day.
Req: 1250 kc, 500 w, Day.

BP-14380 New, Houma, La.
Gulf South Broadcasters, Inc.
Req: 1010 kc, 500 w, DA, Day.

BP-14386 New, Maplewood, Minn.
Ramsey Broadcasting Co.
Req: 1010 kc, 250 w, DA, Day.

BP-14387 New, Pinellas Park, Fla.
Pinellas Radio Co.
Req: 570 kc, 500 w, DA, Day.

BP-14413 New, Oakland, Md.
Oakland Radio Station Corp.
Req: 1050 kc, 500 w, Day.

BP-14450 KCSR, Chadron, Nebr.
Community Service Radio Co.
Has: 1450 kc, 250 w, U.
Req: 610 kc, 1 kw, Day.

BP-14468 WFMW, Madisonville, Ky.
Messinger Broadcasting Co., Inc.
Has: 730 kc, 250 w, Day.
Req: 730 kc, 500 w, Day.

BP-14515 WISN, Milwaukee, Wis.
The Hearst Corp.
Has: 1150 kc, 5 kw, DA-1, U.
Req: 1130 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-14525 WODY, Bassett, Va.
WYTI, Inc.
Has: 900 kc, 250 w, DA, Day.
Req: 900 kc, 500 w, DA, Day.

BP-14539 New, Owensville, Mo.
Franklin County Broadcasting Co., Inc.
Req: 1220 kc, 250 w, Day.

BP-14580 New, Everett, Pa.
Dennis A. Sleighter and Willard D. Sleighter.
Req: 1050 kc, 250 w, Day.

BP-14591 WGBS, Miami, Fla.
Storer Broadcasting Co.
Has: 710 kc, 10 kw, 50 kw-LS, DA-2, U.
Req: 710 kc, 50 kw, DA-2, U.

BP-14639 New, Sauk Rapids, Minn.
Tri-County Broadcasting Co.
Req: 800 kc, 250 w, Day.

BP-14758 KMIS, Portageville, Mo.
New Madrid County Broadcasting Co.
Has: 1050 kc, 250 w, Day.
Req: 1050 kc, 1 kw, Day.

BP-14773 New, Kaukauna, Wis.
Fox River Communications, Inc.
Req: 1050 kc, 1 kw, DA, Day.

BP-14780 WPRW, Manassas, Va.
Prince William Broadcasting Corp.
Has: 1460 kc, 500 w, Day.
Req: 1460 kc, 5 kw, DA-2, U.

BP-14781 WAGN, Menominee, Mich.
Men-Mar Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14784 New, Burgaw, N.C.
Pender Broadcasting Co.
Req: 1470 kc, 1 kw, Day.

BP-14786 New, Kenosha, Wis.
Service Broadcasting Corp.
Req: 1500 kc, 250 w, DA, Day.

BP-14787 WBYS, Canton, Ill.
Fulton County Broadcasting Co.
Has: 1560 kc, 250 w, Day.
Req: 1560 kc, 10 kw, DA, Day.

BP-14789 WIFM, Elkin, N.C.
Tri-County Broadcasting Co., Inc.
Has: 1540 kc, 250 w, Day.
Req: 1540 kc, 1 kw, Day.

BP-14790 KLMX, Clayton, N. Mex.
Ari-Ne-Mex Broadcasting Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14791 New, Blue Earth, Minn.
Faribault County Broadcasting Co.
Req: 1560 kc, 250 w, Day.

BP-14792 KCVR, Lodi, Calif.
KCVR Radio.
Has: 1570 kc, 1 kw, Day.
Req: 1570 kc, 5 kw, DA, Day.

BP-14794 KWIP, Merced, Calif.
Yosemite Broadcasters, Inc.
Has: 1580 kc, 500 w, Day.
Req: 1580 kc, 1 kw, Day.

BP-14795 WONN, Lakeland, Fla.
WONN, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14796 WWPA, Williamsport, Pa.
Summit Enterprises, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14797 New, Fort Wayne, Ind.
Fort Wayne Broadcasting Co.
Req: 1090 kc, 5 kw, DA, Day.

BP-14798 KANE, New Iberia, La.
New Iberia Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14799 KWOR, Worland, Wyo.
Joseph P. Ernst.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14801 KDZA, Pueblo, Colo.
Pueblo Radio Co., Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14803 KRKC, King City, Calif.
KRKC, Inc.
Has: 1570 kc, 250 w, Day.
Req: 1490 kc, 250 w, 1 kw-LS, S.H.

BP-14807 New, Baraboo, Wis.
Baraboo Broadcasting Corp.
Req: 740 kc, 250 w, Day.

BMP-9486 WKBA, Vinton, Va.
Roanoke-Vinton Radio, Inc.
Has: 1550 kc, 1 kw, Day.
Req: 1550 kc, 10 kw, DA, Day.

BP-14811 New, Hamden, Conn.
Continental Broadcasting Co.
Req: 1530 kc, 1 kw, DA, Day.

BP-14812 New, Elizabeth, N.J.
Radio Elizabeth, Inc.
Req: 1530 kc, 500 w, Day.

BP-14822 WTTF, Tiffin, Ohio.
WTTF, Inc.
Has: 1600 kc, 500 w, DA, Day.
Req: 1600 kc, 1 kw, DA, Day.

BP-14823 New, Hastings, Minn.
Hastings Broadcasting Co.
Req: 1460 kc, 1 kw, Day.

BP-14824 WKIP, Poughkeepsie, N.Y.
Dutchess County Broadcasting Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14827 KWLC, Decorah, Iowa.
Luther College.
Has: 1240 kc, 250 w, U (Shares KDEC).
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14828 KDEC, Decorah, Iowa.
Scenic Broadcasting Co., Inc.
Has: 1240 kc, 250 w, U (Shares KWLC).
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14834 WLAN, Lancaster, Pa.
Peoples Broadcasting Co.
Has: 1390 kc, 1 kw, DA-N, U.
Req: 1390 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14835 New, Ellsworth, Wis.
Ellsworth Broadcasting Co.
Req: 1430 kc, 500 w, Day.

Application Deleted From Public Notice of August 2, 1960 (FCC 60-836) (25 F.R. 7410)

BP-13309 New, Alexander City, Ala.
Radio Alexander City.
Req: 910 kc, 500 w, Day.
(Assigned new file number: BP-15236.)

Application Deleted From Public Notice of December 9, 1960 (FCC 60-1471) (25 F.R. 12849)

BP-13665 New, New Port Richey, Fla.
Jasmin Properties, Inc.
Req: 1400 kc, 250 w, Day.
(Assigned new file number: BP-15233.)

Applications Deleted From Public Notice of January 27, 1961 (FCC 61-111) (26 F.R. 992)

BP-13694 New, Williams, Ariz.
Frank S. Barc, Jr.
Req: 730 kc, 250 w, Day.
(Assigned new file number: BP-15228.)

BP-13735 New, Camden, Ark.
Ouachita Valley Radio Corp.
Req: 610 kc, 500 w, Day.
(Assigned new file number: BP-15213.)

Application Deleted From Public Notice of December 4, 1961 (FCC 61-1425) (26 F.R. 11749)

BP-14708 New, Kingsport, Tenn.
Model City Broadcasting Corp.
Req: 1400 kc, 250 w, U.
(Assigned new file number: BP-15241.)

[F.R. Doc. 62-2259; Filed, Mar. 6, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 200]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 2, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1

(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59583 (Deviation No. 5), THE MASON & DIXON LINES, INC., Eastman Road, Kingsport, Tenn., filed February 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Greensboro and Asheville, N.C., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From High Point, N.C., over U.S. Highway 70 to Asheville; from High Point, N.C., over U.S. Highway 70 to Salisbury, N.C., thence over U.S. Highway 29 to Kings Mountain, N.C., thence over U.S. Highway 74 to Asheville; and from Greensboro over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Rock Hill, N.C., and return over the same routes.

No. MC 69512 (Deviation No. 1), THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz., filed February 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 60 and Riverside Freeway (also known as U.S. Highway 91 and California Highway 18), over Riverside Freeway to junction Santa Ana Freeway (also known as U.S. Highway 101 and Interstate Highway 5), thence over Santa Ana Freeway to Los Angeles, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles over U.S. Highway 60 to Indio, Calif.; also from Los Angeles over U.S. Highway 60 to junction U.S. Highway 99, thence over U.S. Highway 99 to Indio, Calif., and return over the same routes.

No. MC 76266 (Deviation No. 7), MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed February 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo. over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 149, thence over Iowa Highway 149 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, and return over the same route.

No. MC 94137 (Deviation No. 1), B. & R. TRUCK LINES, INC., 310 North Main Street, Williamstown, Ky., filed February 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over interstate Highway 75 to junction Kentucky Highway 330, at Corinth, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, over Kentucky Highway 17 to junction Kentucky Highway 14, thence over Kentucky Highway 14, to junction U.S. Highway 25, thence over U.S. Highway 25 to Corinth, and return over the same route.

No. MC 105957 (Deviation No. 6), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed February 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn. over U.S. Highway 51 to junction Interstate Highway 57, near Dongola, Ill., thence over Interstate Highway 57 to junction Illinois Highway 37, near Marion, Ill., thence over Illinois Highway 37 to Salem, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 61 to junction U.S. Highway 63 (formerly U.S. Highway 61), thence over U.S. Highway 63, via West Memphis, Ark., to junction unnumbered highway (formerly U.S. Highway 61), thence over unnumbered highway, via Marion, Jericho, Clarksdale, and Turrell, Ark., to junction U.S. Highway 61, thence over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to Illinois Highway 146, thence over Illinois Highway 146 to McClure, Ill., thence over Illinois Highway 3 to Murphysboro, Ill., thence over Illinois Highway 13 to Pyatts, Ill., thence over Illinois Highway 152 to Du Quoin, Ill., thence over U.S. Highway 51 to Sandoval, Ill., thence over U.S. Highway 50 to Salem, and return over the same route.

No. MC 104004 (Deviation No. 23), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed February 19, 1962. Carrier's representative John P. Tynan, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md. over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Interstate Highway 64, thence over Interstate Highway 64 to Norfolk, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Norfolk, and from Baltimore over U.S. Highway 1, via Washington, D.C., Richmond and Petersburg, Va., to junction U.S. Highway 460, thence over U.S. Highway 460 to Norfolk, and return over the same routes.

No. MC 116523 (Deviation No. 1), KEYSTONE TRUCK LINES, INC., 321 Heavy Traffic Way, Tulsa, Okla., filed February 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo. over U.S. Highway 69 to Savanna, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to Tulsa, Okla., thence over U.S. Highway 64 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to U.S. Highway 69, thence over U.S. Highway 69 to Savanna, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2238; Filed, Mar. 6, 1962; 8:47 a.m.]

[Notice 426]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 2, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 222 (Sub-No. 26), filed November 27, 1961. Applicant: NEW YORK CONSOLIDATED FREIGHTWAYS CORP., 1540 West Market Street, Akron 13, Ohio. Applicant's representative: E. R. Kershner, 715 South 25th Avenue, Bellwood, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving points in Mentor Township (Lake County), Ohio as off-route points in connection with carrier's regular-route operations to and from Cleveland, Ohio.

NOTE: Applicant states it is under the complete control of Consolidated Freightways Corporation of Delaware, which, along with Knaus Truck Lines, Inc., is a wholly owned subsidiary of Consolidated Freightways, Inc. Consolidated Freightways Corporation of Delaware also controls Foster Freight Lines, Inc. (an Indiana intrastate carrier), Wheeler Transfer and Storage Company (a Wisconsin intrastate carrier), and Canadian Freightways, Ltd., a motor common carrier operating in Canada.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 1936 (Sub-No. 16), filed October 19, 1961. Applicant: B. & P. MOTOR EXPRESS, INC., 51st Street and A.V. R.R., Pittsburgh 1, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 29910 (Sub-No. 55), filed October 2, 1961. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site of the W. S. Tyler Co., located in Mentor Township, Lake County, Ohio, as an off-route point in connection with applicant's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 30311 (Sub-No. 20), filed October 25, 1961. Applicant: A.C.E.-FREIGHT, INC., 395 Baird Street, P.O. Box 1290, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Mentor Township (Lake County), Ohio, as an off-route point in connection with carrier's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 32474 (Sub-No. 27), filed September 21, 1961. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Mentor Township, Lake County, Ohio, as an off-route point in connection with applicant's authorized regular-route operations from and to Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 40302 (Sub-No. 32), filed January 8, 1962. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's present regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 43654 (Sub-No. 52), filed October 30, 1961. Applicant: DIXIE OHIO EXPRESS, INC., P.O. Box 750, 237 Fountain Street, Akron 9, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), serving points in Mentor Township (Lake County) Ohio, as off-route points in connection with applicant's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 67646 (Sub-No. 54), filed December 6, 1961. Applicant: HALL'S MOTOR TRANSIT CO., a corporation, Fifth and Vine Streets, Box 738, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Mentor (Lake County), Ohio, as an intermediate point, and points in Mentor Township (Lake County), Ohio, as intermediate and off-route points in connection with applicant's authorized regular-route operations between Johnsonburg, Pa., and Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 74120 (Sub-No. 10), filed October 9, 1961. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., P.O. Box 5689, Dallas 2, Tex. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular-route operations.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 109095 (Sub-No. 12), filed November 29, 1961. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, and those requiring special equipment), serving Mentor, Ohio, as an off-route point in connection with applicant's presently authorized regular route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2239; Filed, Mar. 6, 1962; 8:47 a.m.]

[Notice 427]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 2, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 249 (Sub-No. 1), filed October 19, 1961. Applicant: ANDY KINDSVATER, Box No. 1037, Dodge City, Kans. Applicant's attorney: Arthur L. Claussen, 303 New England Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients* (except liquids in bulk), (1) from Kansas City and St. Joseph, Mo., to points in Kansas on and south of Kansas Highway 96 and on and west of U.S. Highway 281; (2) between Salina, Kans., on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 81; (3) from Lubbock, Tex., to points in Kansas on and south of Kansas Highway 96 and on and west of U.S. Highway 281, and also the point of Salina, Kans.; and (4) from points in Oklahoma on and west of U.S. Highway 81 to points in Kansas on and south of Kansas Highway 96 and on and west of U.S. Highway 281.

HEARING: April 24, 1962, at the Hotel Pick Kansan, Topeka, Kans., before Examiner Joseph A. Reilly.

No. MC 730 (Sub-No. 201), filed October 26, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Anaconda, Mont., to points in Latah and Nez Perce Counties, Idaho.

NOTE: Applicant states it "controls through stock ownership the freight forwarder operations of Pacific and Atlantic Shippers, Inc., and its affiliated companies, Permit No. FF-52".

HEARING: April 12, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 83, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 730 (Sub-No. 204), filed February 12, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Chico, Calif., and points within 5 miles thereof, to points in Curry, Josephine, Jackson, Klamath, and Lake Counties, Oreg., and (2) *rejected and contaminated shipments* of the same products from the specified destination territory to the described origin area and to points in Alameda and Contra Costa Counties, Calif.

HEARING: April 26, 1962, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 903 (Sub-No. 33), filed January 5, 1962. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 937, Lynchburg, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Greensboro, N.C., on the one hand, and on the other, points in West Virginia on and south of U.S. Highway 60.

HEARING: April 13, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 292.

No. MC 2202 (Sub-No. 224), filed December 18, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Junction of U.S. Highway 601 and North Carolina Highway 268 South of Mount Airy, N.C. and Junction of U.S. Highway 601 and U.S. Highway Alternate 21 North of Charlotte, N.C.; from the Junction of U.S. Highway 601 and North Carolina Highway 268 over U.S. Highway 601, to the Junction of U.S. Highway 601 and U.S. Highway Alternate 29 as an alternate route for operating convenience only, and return over the same route, serving no intermediate points.

HEARING: April 20, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 11207 (Sub-No. 205), filed January 16, 1962. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Good Hope, La., to points in Alabama, Georgia, and Florida, and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified, and *damaged or rejected shipments*, on return.

HEARING: April 30, 1962, at the Federal Office Building, 600 South Street, New Orleans, La. before Examiner Allen W. Hagerty.

No. MC 22182 (Sub-No. 15), filed January 3, 1962. Applicant: NU-CAR CARRIERS, INC., Front and Pennell Streets, Chester, Pa. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, from Norfolk, Va., to points in North Carolina and South Carolina.

NOTE: Applicant states said movements are to be restricted or limited to the transportation of traffic originating at plants of the Ford Motor Company, including its Divisions, and having a prior movement to Norfolk by rail.

HEARING: April 12, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 196.

No. MC 25798 (Sub-No. 65) (Amendment), filed January 22, 1962, published FEDERAL REGISTER issue February 28, 1962, republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, and Georgia, points in Florida on and west of U.S. Highway 319. Restriction: Applicant states the proposed service at the Georgia points will be restricted to unloading of shipments at points in Alabama, Mississippi, and Louisiana, and at the Florida points restricted to shipments which have been partially unloaded at points in Alabama and Georgia.

NOTE: The purpose of this republication is to add Florida as a destination point.

HEARING: Remains as assigned, April 18, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 30844 (Sub-No. 60), filed January 29, 1962. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorneys: Stockton, Linville, Lewis, and Mitchell, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Tex., to points in Minnesota, Wisconsin, Illinois, Nebraska, Kansas, Colorado, and Missouri.

HEARING: March 26, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 31600 (Sub-No. 520), filed January 10, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Boston, Mass., to points in California.

HEARING: April 11, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 36473 (Sub-No. 70), filed February 5, 1962. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Bainbridge, Ga., and the junction of Florida Highway 269-A and U.S. Highway 90 (approximately three (3) miles east of Chattahoochee, Fla.); from Bainbridge over Georgia Highway 97 to the Georgia-Florida State line, thence over Florida Highway 269-A to the junction of Florida Highway 269-A and U.S. Highway 90 (approximately three (3) miles east of Chattahoochee, Fla.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations. Restriction: Said alternate route shall not be used for transporting traffic to or from points in Georgia other than those points that applicant is presently authorized to serve located on and south of a line extending from the Alabama-Georgia State line over U.S. Highway 80 to Savannah, Ga., (2) Between Jacksonville, Fla. and the junction of U.S. Highway 10 and U.S. Highway 90, approximately three (3) miles west of Sanderson, Fla.; from Jacksonville over U.S. Highway 10 to its junction with U.S. Highway 90 approximately three (3) miles west of Sanderson, and return over the same route, serving all intermediate points, and (3) Between Valdosta, Ga. and Ashburn, Ga.; from Valdosta over U.S. Highway 75 to Ashburn, and return over the same route, serving all intermediate points.

HEARING: April 9, 1962, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 42487 (Sub-No. 524), filed October 30, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, those requiring special equipment, and those of unusual value) between Preston over U.S. Highway 91 to Downey and return over the same route with service at Downey for joinder only, serving no intermediate points as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Common control may be involved.

HEARING: April 12, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board 49, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 52458 (Sub-No. 164), filed January 26, 1962. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* in bulk, in tank vehicles, from Boston, Mass., to points in California and *rejected shipments*, on return.

HEARING: April 11, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 52709 (Sub-No. 148), filed November 22, 1961. Applicant: RINGSBY TRUCK LINES, INC., a Nebraska corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Boston, Mass. to points in California.

NOTE: Applicant states that it "controls United Freight, Inc. (Docket FF 155) and Inter State Express, Inc. (Docket FF 102), both of which are wholly owned by applicant; Arizona Pacific Tank Lines (MC-109584); Fortier Transportation Co. under temporary management (MC-106398); and Colonial and Pacific Frigidways, Inc. (MC-111138), temporary."

HEARING: April 11, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 61403 (Sub-No. 75) (Amendment), filed January 22, 1962, published FEDERAL REGISTER issue February 14, 1962, amended February 20, 1962, republished as amended this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to North Tonawanda, N.Y., and to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin; and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Indiana, Illinois, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof.

NOTE: The purpose of this republication is to change Tonawanda, N.Y., to North

Tonawanda, N.Y., as a destination point in the transportation of Phenol, in bulk, in tank vehicles.

HEARING: Remains as assigned, March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 64658 (Sub-No. 3), filed November 22, 1961. Applicant: BOTTOMS-FISKE TRUCK LINES, INC., P.O. Box 1189, High Point Road, High Point, N.C. Applicant's attorney: Francis W. McInery, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Siler City, N.C., and Fayetteville, N.C., (1) from Siler City over U.S. Highway 421 to Sanford, N.C., thence over North Carolina Highway 87 to Fayetteville and return over the same route, serving all intermediate points, and the off-route point of Fort Bragg, N.C.: and (2) from Siler City over U.S. Highway 64 to Pittsboro, N.C., thence over U.S. Highway 15 to Sanford, N.C., thence over North Carolina Highway 87 to Fayetteville, and return over the same route, serving all intermediate points, and the off-route point of Fort Bragg, N.C.

NOTE: Applicant states it is controlled by Old Dominion Freight Line, Inc., through the latter's ownership of all of the capital stock of the former.

HEARING: April 17, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 70662 (Sub-No. 93), filed January 29, 1962. Applicant: CANTLAY & TANZOLA, INC., 2550 East 28th Street, Los Angeles, Calif. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; from Chico, Calif., and points within ten miles thereof, to points in Josephine, Jackson, Klamath, Lake, and Harney Counties, Oreg., and (2) *rejected and contaminated shipments of the above-described commodities*, on return, from the specified destination territory to points in Contra Costa and Alameda Counties, Calif.

NOTE: (1) Applicant states that Chico, Calif., as the point of origin named herein is a pipeline terminal area. The above described petroleum products move from manufacturing points in Contra Costa and Alameda Counties, Calif., through the pipeline to Chico, for distribution beyond as herein applied for. In the circumstances applicant on return of rejected and contaminated shipments of the products named herein seeks authority to return these products to their origin manufacturing points in Contra Costa and Alameda Counties, since it is not practical for them to return to Chico, point of origin in the application and return by pipeline to origin manufacturing and distribution points in Contra Costa and Alameda Counties. (2) Applicant states it is the sole owner of the stock of Western Truck Lines, Ltd., MC 8948.

HEARING: April 26, 1962, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 73688 (Sub-No. 5), filed February 6, 1962. Applicant: SOUTHERN TRUCKING CORP., 546 Weakley Street, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition building materials*, made from wood fibers with adhesive binder, including *materials and accessories for the installation thereof*, not to exceed 2 perrent by weight of the shipment, from Arkadelphia, Ark., to points in Tennessee on and west of U.S. Highways 31 and 31W, and points in Mississippi on and north of U.S. Highway 82; and (2) *Building and roofing tile*, wood and cement combined, including *materials and accessories for the installation thereof*, not to exceed 2 percent by weight of the shipment, from Arkadelphia, Ark., to points in Tennessee on and west of U.S. Highways 31 and 31W, and points in Mississippi on and north of U.S. Highway 82.

NOTE: Applicant states that all of the above transportation is restricted to the use of flat bed or side board trailers only.

HEARING: March 27, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229, or if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 79695 (Sub-No. 21), filed July 25, 1961. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45; from Chicago, Ill., points in the Chicago, Ill., Commercial Zone, 1 M.C.C. 673, and Chicago Heights, Ill., to Henderson, Louisville, Owensboro, and Paducah, Ky., St. Louis, Mo., points in Iowa on and east of U.S. Highway 218 from Keokuk to Cedar Rapids and on and east of Iowa Highway 13 from Cedar Rapids to Marquette, points in Ohio on and west of U.S. Highway 23 from Toledo to Columbus, on and west of U.S. Highway 62 from Columbus to Washington Court House, and on and west of U.S. Highway 22 from Washington Court House to Cincinnati, Ohio, including points in the Commercial Zone of Cincinnati as defined in Cincinnati Commercial Zone, 26 M.C.C. 49, and points in Wisconsin in the counties of Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Greene, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha (except points in Kenosha and Racine Counties on and east of U.S. Highway 41), and *returned or rejected shipments*, on return; and (2) *Nonferrous metals*, when moving in the same vehicle at the same time with Iron and Steel Articles, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45; from Chicago, Ill. to Cincinnati, Ohio.

HEARING: April 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Henry C. Darmstadter.

No. MC 83539 (Sub-No. 82), filed January 8, 1962. Applicant: C. & H. TRANSPORTATION CO., INC., 1936 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts (except the stringing and picking up of pipe in connection with main or trunk pipe lines), and *commodities*, the transportation of which because of size or weight requires the use of special equipment, from points in Ohio to points in Kansas and Mississippi; (B) *machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products (except the stringing and picking up of pipe in connection with main or trunk pipe lines), from points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas to points in Ohio; and (C) *road and bridge building machinery and equipment* between points in Ohio, on the one hand, and on the other, points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma.

NOTE: Applicant states that this application seeks removal of Ohio Gateway limitations.

HEARING: April 17, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Allen W. Hagerty.

No. MC 88161 (Sub-No. 63), filed January 2, 1962. Applicant: INLAND TRANSPORTATION CO., INC., 6777 Corson Avenue, South, Seattle, Wash. Applicant's representative: S. A. Cole, 5047 Colorado Avenue, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the Port of Entry on the International Boundary Line between the United States and Canada, at or near Blaine, Wash., to points in Whatcom, Skagit, Snohomish, King, and Island Counties, Wash., and *rejected and contaminated shipments* on return.

HEARING: April 17, 1962, in the Washington Public Service Commission Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 89617 (Sub-No. 14), filed February 13, 1962. Applicant: LEWIS TRUCK LINES, INC., 1501 Second Avenue, Conway, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) from points in Horry County, S.C., to points in Georgia and Florida.

HEARING: April 27, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 354.

No. MC 92983 (Sub-No. 401), filed January 7, 1062. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from points in Alabama, California, and Kentucky to Turner, Kans.

HEARING: April 17, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Joseph A. Reilly.

No. MC 95540 (Sub-No. 371) (Amendment), filed June 12, 1961, published issue of January 17, 1962, amended February 21, 1962, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Vinegar, wine, juices, foodstuffs and edible oils*, in bulk, from Baltimore, Md., Kansas City, Mo., New Orleans, La., Savannah, Ga., Wilmington, N.C., and points in California, Illinois, Iowa, New York, and Virginia to points in Alabama, Florida, and Georgia.

NOTE: The purpose of this amendment is to clarify the commodity description.

HEARING: March 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 103880 (Sub-No. 244) (Amendment), filed January 19, 1962, published FEDERAL REGISTER issue February 14, 1962, amended February 19, 1962, republished as amended this issue. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum products*, in bulk, in tank vehicles, from the plant site of the Panhandle Eastern Pipeline Co., new New Baltimore, Mich., to points in Indiana and Ohio.

NOTE: The purpose of this republication is to show the proposed movement to be from the plant site as shown above, rather than one as previously published.

HEARING: Remains as assigned April 18, 1962, at the Midland Hotel, Chicago, Ill. before Joint Board No. 9.

No. MC 103993 (Sub-No. 159), filed January 29, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building., Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Ohio (except from Trotwood, Ohio) to points in the United States, including Alaska, but excluding Hawaii. (2) *Campers and camper coaches*, designed for installation on pickup trucks, in intial movements, in truckaway service, from points in Ohio to points in the United States, including Alaska, but excluding Hawaii. (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: April 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Henry C. Darmstadter.

No. MC 106373 (Sub-No. 27), filed January 17, 1962. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plaster, plasterboard, wallboard, lime products* and *gypsum products* and (2) *mineral wool, mineral wool products, asbestos shingles, asbestos siding, asbestos wallboard, accessories used in the installation of asbestos products, lathing, ribbing, plaster grounds, and nails, when any of such commodities are shipped in mixed shipments with plaster, plasterboard, wallboard, lime products or gypsum products*, from the site of National Gypsum Co. plant at or near Clarence Center, N.Y. to points in Ohio and that part of Pennsylvania on and west of U.S. Highway 219, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: April 18, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Henry C. Darmstadter.

No. MC 106965 (Sub-No. 186), filed February 23, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dilion (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and feldspar byproducts, including pulverized sand*, from points in Mitchell and Yancey Counties, N.C., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, South Carolina, West Virginia, and Tennessee.

HEARING: March 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 107028 (Sub-No. 28), filed January 19, 1962. Applicant: ACME TRANSPORTATION, INC., 2832 Giant Road, San Pablo, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from Chico, Calif., and points within five (5) miles thereof, to points in Josephine, Jackson, Klamath, Lake, and Curry Counties, Oreg.

HEARING: April 26, 1962, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 107403 (Sub-No. 366) (Amended), filed November 2, 1961, published in FEDERAL REGISTER issue of November 15, 1961, republished as amended February 26, 1962, this issue. Applicant: E. BROOK MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes & Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and Ohio.

NOTE: This republication is for the purpose of adding the State of Ohio as a destination State.

HEARING: Remains as assigned March 26, 1962, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 107541 (Sub-No. 8), filed February 7, 1962. Applicant: MAGEE TRUCK SERVICE, INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in King, Pierce, and Snohomish Counties, Wash., to points in Oregon, and *rejected shipments of lumber*, on return.

HEARING: April 25, 1962, in the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 107544 (Sub-No. 45), filed January 12, 1962. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite rock*, in bulk, in hopper-type trailers, from Piney River, Va., and points within ten (10) miles thereof to Charleston, W. Va.

NOTE: Applicant holds contract carrier authority under MC 113959, therefore dual operations may be involved.

HEARING: April 16, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 245.

No. MC 107654 (Sub-No. 3) (Correction and Amendment), filed January 22, 1962, published FEDERAL REGISTER, issue of February 14, 1962, amended February 20, 1962, and republished as amended and corrected this issue. Applicant: GLENN E. TRIPP, doing business as SPECIAL SERVICE, 502 North Court Street, Medina, Ohio. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus 15, Ohio. As originally published, notice of filing of the subject application indicated that the commodities proposed to be transported *"not in bags,"* in error. Correctly set forth, the commodities proposed to be transported in item (3) are: *Cooking and salad oils, vegetable oil shortening, shortening in packages.* The application has also been amended to add West Virginia as a destination point to the authority sought in item (2) covering the transportation of *Matches*, from Wadsworth, Ohio.

HEARING: Remains as assigned March 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 107871 (Sub-No. 13), filed February 19, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, Ohio, New York, Pennsylvania, and West Virginia; and *contaminated, refused and rejected shipments of the same commodities* in the reverse direction.

HEARING: March 26, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 108053 (Sub-No. 35), filed February 26, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 310, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Colorado, New Mexico, California, Arkansas, Georgia, Utah, Idaho, and Wyoming.

NOTE: Common control may be involved.

HEARING: March 20, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 108121 (Sub-No. 9), filed January 31, 1961. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 74 Jackson Street, Seattle, Wash. Applicant's representatives: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, freight and passenger (except trailers), in secondary movement by driveaway and truckaway service; (1) from Kennewick, Wash., to points in Yakima, Kittitas, Benton, Franklin, Grant, Adams, Whitman, Garfield, Columbia, Walla Walla, Asotin, and Klickitat Counties, Wash., Morrow, Umatilla, Gilliam, and Wheeler Counties, Oreg., and Nez Perce, Latah, Lewis, Clearwater, and Idaho Counties, Idaho; and (2) from Spokane, Wash., to points in Spokane, Whitman, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Okanogan, Douglas, Grant, and Chelan Counties, Wash., and points in that part of Idaho in and north of Latah and Shoshone Counties.

NOTE: Applicant states the proposed operations are restricted to traffic having a prior movement by rail from plant sites of the General Motors Corp.

HEARING: April 19, 1962, in the Washington Public Service Commission Insurance Building, Olympia, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner William N. Culbertson.

No. MC 108207 (Sub-No. 88), filed February 16, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Kansas, Missouri, Illinois, Oklahoma, Arkansas, Iowa, Nebraska, Wisconsin, Minnesota, Michigan, Indiana, Texas, Ohio, and Tennessee.

HEARING: April 23, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Allen W. Hagerty.

No. MC 109497 (Sub-No. 6), filed December 26, 1961. Applicant: A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, 401 North Church Street, P.O. Box 711, Rocky Mount, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank trucks, from all originating terminals of liquefied petroleum gas in North Carolina, to points in North Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: April 18, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 109637 (Sub-No. 199), filed February 23, 1962. Applicant: SOUTHERN TANK LINES, INC, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to North Tonawanda, N.Y., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin; and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Illinois, Indiana, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 110563 (Sub-No. 16), filed February 12, 1962. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 259, Sidney, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than canned or preserved), from Hightstown, N.J., and points in New Jersey on and south of U.S. Highway 30, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: April 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 110698 (Sub-No 196), filed January 12, 1962. Applicant: RYDER TANK LINE, INC., 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 26030, Houston 32, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and hopper vehicles, between points in Texas.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc., is held by Ryder Tank System, Inc.

HEARING: April 25, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 110698 (Sub-No. 198), filed January 25, 1962. Applicant: RYDER TANK LINES, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank and hopper vehicles, from all originating terminals of liquefied petroleum gas in North Carolina, to points in North Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc., is held by Ryder Tank System, Inc.

HEARING: April 20, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 110698 (Sub-No. 202), filed February 12, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, except liquefied petroleum gas, in bulk, in tank vehicles, from Geismar, Ascension Parish, La., to points in Alabama, Arkansas, Arizona, Florida, Georgia, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee (except Kingsport, Tenn.), and Texas.

NOTE: Applicant advises that resins, paints, paint materials, and products and blends thereof, will not be transported to Garland, Tex. Applicant further advises that the capital stock of Ryder Tank Line, Inc., is owned by the Ryder System, which also controls Ryder Truck Line and other motor carriers.

HEARING: April 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 111045 (Sub-No. 22), filed November 16, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa 1, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric fertilizer solutions* and *acids*, in bulk, in tank vehicles, from points in Polk County, Fla., to points in Florida, Alabama, Georgia, Louisiana, South Carolina, and Illinois.

HEARING: April 12, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 111045 (Sub-No. 25), filed February 9, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa 1, Fla. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Charleston, Tenn., to points in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, and Alabama.

NOTE: Common control may be involved.

HEARING: April 13, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 111401 (Sub-No. 128), filed January 12, 1962. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in specialized tank vehicles, from Kings Mill, Tex., to points in Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: April 19, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Allen W. Hagerty.

No. MC 112020 (Sub-No. 148), filed January 11, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in specialized equipment, between points in Jefferson, Harris, Montgomery, Travis, Galveston, Nueces, Brazoria, and Orange Counties, Tex.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport, of Oklahoma, Inc., an Oklahoma corporation.

HEARING: April 24, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 112020 (Sub-No. 154), filed February 26, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky.

HEARING: March 13, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113267 (Sub-No. 57), filed December 18, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative Frederick H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from Mount Summit and Shirley, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and New Orleans, La., (2) from Collinsville, Ill., to points to Alabama, Arkansas, Kentucky, Mississippi, Tennessee, West Virginia, and New Orleans, La.

NOTE: Applicant states its officers are "officers and stockholders in the following motor carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., Vandalia Bus Lines, Inc. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc."

HEARING: April 13, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 113267 (Sub-No. 58), filed December 14, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Tampa, Fla.

NOTE: Applicant has pending contract authority MC 50137 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: April 9, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 113514 (Sub-No. 82), filed January 12, 1962. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Harris, Galveston, Jefferson, Montgomery, Nueces, Travis, Orange, and Brazoria Counties, Tex.

NOTE: Common control may be involved.

HEARING: April 24, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 113678 (Sub-No. 19), filed February 20, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff*, from Peach Glen, Bigerville, and Orrtana, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: March 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 113855 (Sub-No. 60), filed January 12, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel silos, galvanized and glass enameled, and, when transported in connection with the transportation of such commodities, component parts thereof, including loading and unloading devices, and equipment and materials incidental to the erection and completion of such commodities*, (a) from Kankakee, Ill., to points in Montana, and (b) from Kankakee, Ill., (confined to foreign commerce only), to ports of entry on the International Boundary line between the United States and Canada in North Dakota and Minnesota.

HEARING: April 9, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Joseph A. Reilly.

No. MC 113855 (Sub-No. 62), filed February 13, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides, green salted sheepskins, pickled skins* and *blue chrome splits*, from points in Arizona, California, Nevada, and Utah, to Sheboygan, Fond du Lac, and Milwaukee, Wis., Waukegan and Chicago, Ill., and Whitehall, Mich.

NOTE: "Applicant states it seeks no additional origin or destination territory to what it presently has. In its Sub 26 Certificate it is authorized to transport 'Green Salted

Hides' to and from the identical points here applied for. It contends that under such authority it has the right to haul all of the commodity description set forth herein and asks the Interstate Commerce Commission to formally so find, with a resultant dismissal of this application. If the Interstate Commerce Commission disagrees with the applicant's interpretation just recited, but still finds in this docket that Public Convenience and Necessity has been shown for the additional commodity description over and above what appears in its Sub 26, then applicant will concurrently with the issuance of such an authority embracing all the commodity descriptive language herein set forth, request cancellation of its Sub 26 Certificate as it does not ask to have conferred upon it more than one operating right."

HEARING: May 1, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner William N. Culbertson.

No. MC 114106 (Sub-No. 35), filed November 22, 1961. Applicant: MAYBELLE TRANSPORT CO., a corporation, Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to Greenville, S.C., and Norfolk, Va.

HEARING: April 19, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 114290 (Sub-No. 5), filed January 4, 1962. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits berries, and vegetables*, from points in California, to points in Washington and Oregon east of the Cascade Mountains, points in Nez Perce and Latah Counties, Idaho, and Kalispell, Butte, and Missoula, Mont.

HEARING: April 17, 1962, in the Washington Public Service Commission Insurance Building, Olympia, Wash., before Examiner William N. Culbertson.

No. MC 114533 (Sub-No. 38), filed February 8, 1962. Applicant: BANKERS DISPATCH CORP., 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney; David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports*, and *documents* and *office records*, between Evanston and Chicago, Ill., on the one hand, and, on the other, Green Bay, Fond du Lac, and Milwaukee, Wis.

HEARING: April 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 115322 (Sub-No. 29), filed December 12, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from points in Florida to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, and Delaware.

NOTE: Applicant states that it has leased the operating rights of Seaboard Food Express under MC–F–7462.

HEARING: April 10, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Richard H. Roberts.

No. MC 115499 (Sub-No. 9), filed December 4, 1961. Applicant: LOWER LAKES CARRIER, INC., P.O. Box 712, Ashtabula, Ohio. Applicant's attorney: James H. Nacey, 502 Park Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, dry or liquid, in bulk or in packages, from Powhatan Point, Ohio, to points in Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

NOTE: Applicant indicates that any duplication in authority will be eliminated.

HEARING: April 30, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Examiner Henry C. Darmstadter.

No. MC 115523 (Sub-No. 95), filed February 18, 1962. Applicant: CLARK TANK LINES, CO., a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in bags and containers and in mixed shipments of bulk and bags and containers, from points in Sweetwater County, Wyo., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington, and points in El Paso County, Tex.

NOTE: Since this publication is effected after the hearing has been held on this application, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing may file a protest within 20 days from the date of this publication in the FEDERAL REGISTER.

HEARING: Held March 5, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Charles B. Heinemann.

No. MC 115601 (Sub-No. 14), filed February 12, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., 1401 Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash, coin*, and *currency*, in armored vehicles, under a continuing contract or contracts with banks, banking institutions and other business and commercial institutions, between points in New Castle County, Del., on the one hand, and, on the other, points in Salem, Cumberland, Gloucester, and Camden Counties, N.J.

HEARING: April 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 116063 (Sub-No. 21), filed January 2, 1962. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 7346, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potash*, in bulk, from points in Lea and Eddy Counties, N. Mex., to points in Jackson, Madison, Union, Forest, Lauderdale, Simpson, Washington, and Yazoo Counties, Miss., and (2) *fertilizer and urea feed*, dry, in bulk, from points in Jackson, Madison, Union, Forest, Lauderdale, Simpson, Washington, and Yazoo Counties, Miss., to points in Arkansas, Louisiana, Texas, and Oklahoma.

HEARING: April 16, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Allen W. Hagerty.

No. MC 116077 (Sub-No. 119), filed January 19, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 2318, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, between points in Texas.

HEARING: April 25, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 116077 (Sub-No. 120), filed January 29, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 2318, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Mellie Esperson Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from points in Jefferson County, Tex., to points in Arizona.

HEARING: April 27, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 116702 (Sub-No. 17) (Correction), filed October 12, 1961, published FEDERAL REGISTER, issue of February 1, 1962, and republished as corrected, this issue. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. The purpose of this publication is to correct the initial notice of filing of the subject application and include service to the destination point

of Indiana, inadvertently omitted from previous publication.

HEARING: Remains as assigned March 26, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 117119 (Sub-No. 36) (Amendment), filed November 22, 1961, published issue of February 7, 1962, amended February 23, 1962, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* from Seabrook, N.J., to points in Colorado, New Mexico, California, Arkansas, Georgia, Utah, Idaho, Wyoming, and Kansas, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states it has temporary control of the motor carrier properties and operating authorities of Pelham Transportation Co., Inc., MC 117904, under MC–F–7816. The purpose of this amendment is to include the State of Kansas as a destination point.

HEARING: Remains as assigned March 20, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 117344 (Sub-No. 86), filed February 26, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to Tonawanda and North Tonawanda, N.Y., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin, and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Indiana, Illinois, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof, and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

NOTE: Applicant has contract carrier under MC 50404 and Sub 87 thereunder, therefore, dual operations may be involved.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 117427 (Sub-No. 27), filed January 8, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer) and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Virginia, West Virginia, Pennsylvania, New York, Ohio, Michigan, Indiana, and Illinois.

NOTE: Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 116145 and subs thereunder therefore dual operations may be involved.

HEARING: April 17, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Henry C. Darmstadter.

No. MC 117509 (Sub-No. 7), filed October 20, 1961. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 8944 Granbury Circle, St. Louis 23, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds including ammonium nitrate and urea*, from Ordill, Ill., and points within five miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE: Applicant states the proposed operation will be performed under a continuing contract or contracts with American Cyanamid Company, New York, New York, Commercial Solvents Corporation, Sterlington, La., R and Phillips Chemical Company, Bartlesville, Okla.

HEARING: April 10, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 119436 (Sub-No. 4), filed January 25, 1962. Applicant: HIGHWAY TRANSPORTATION CORPORATION, Box 187, Woodville, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High temperature bonding mortar*, from points in Sandusky County, Ohio, to points in Illinois, Indiana, the Southern Peninsula of Michigan, New York on and west of New York Highway 19, Pennsylvania on and west of U.S. Highway 219, and Port Allegany, Pa., points in West Virginia on and west of U.S. Highway 219, and points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky.

HEARING: April 20, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Henry C. Darmstadter.

No. MC 119934 (Sub-No. 42), filed February 19, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to North Tonawanda, N.Y., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin, and (2) *benzine*, in bulk, in tank vehicles, from points in Alabama, Illinois, Indiana, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 123116 (Sub-No. 1), filed December 14, 1961. Applicant: CAL CAN PRODUCE EXPRESS, LTD., 1690 West Broadway, Vancouver, B.C., Canada. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood dinners; breaded, cooked and uncooked, frozen and unfrozen fish (including shell fish); codfish cakes, cooked and uncooked, frozen and fresh; Clam juice and broth, cooked and uncooked, frozen and fresh, cooked and partially cooked fish and shell fish, frozen and fresh; croquettes, salmon, cooked and uncooked, frozen and fresh; deviled crabs, clams, and lobsters, cooked and uncooked, frozen and fresh; dinners, cooked and uncooked, frozen and fresh; fried fish fillets, oysters and scallops, frozen and fresh; and fish sticks, cooked and uncooked, frozen and fresh fish; frozen poultry viscera; frozen fish fillets; frozen and fresh poultry, whole, cut up, eviscerated and New York dressed; fresh fruits and vegetables; frozen fish eggs; peat moss; grains; dried fruits; hay dates; figs; raisins; dressed rabbits; cottonseed; Christmas trees; and any other exempt commodities*, between points in Arizona, California, Nevada, Idaho, Oregon, Washington, and Montana.

NOTE: Applicant requests a Certificate to transport exempt commodities in full loads only, which normally would not require any authority, simply so it could have the railroad transport its trailers piggy back on their trains under joint rate arrangements with the railroad.

HEARING: April 16, 1962, in the Washington Public Service Commission Insurance Building, Olympia, Wash., before Examiner Wm. N. Culbertsbn.

No. MC 123242 (Sub-No. 5), filed January 11, 1962. Applicant: MISSOURI LUMBER TRANSPORTS, INC., P.O. Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe and steel tubing*, from Hazelwood, Mo., and points within the Chicago, Ill., Commercial Zone, to points in Illinois, Indiana, Kentucky, Tennessee, Arkansas and Missouri, and *exempt commodities*, on return.

HEARING: April 12, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 123304 (Sub-No. 3) (amendment), filed October 31, 1961, published FEDERAL REGISTER, issue of January 24, 1962, corrected January 30, 1962, amended February 16, 1962, and republished as amended this issue. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Val Sanford 811 Third National Bank Building, Nash-

ville 3, Tenn. Notice of filing of the subject application as originally published in the FEDERAL REGISTER, issue of January 24, 1962. By letter dated February 16, 1962, applicants attorney amended Item (C) of the authority sought to include service to Alexandria, La., so that the pertinent portion of the territory proposed to be served in that section reads: (a) Between Houston, Tex., on the one hand, and, on the other, Baton Rouge, Lafayette, Bogalusa, Hammond, Houma, Metairie, New Orleans, and Alexandria, La.

HEARING: Remains as assigned March 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 123467 (Sub-No. 1), filed December 8, 1961. Applicant: H. L. MANESS, doing business as MANESS TRUCK LINE, 233 Wisconsin Street, Neodesha, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured and processed animal, poultry and fish feed*, in bags and containers, and in bulk, from the plant site of the Consumers Cooperative Association at or near Muncie, Kans., to points in Missouri (except the St. Louis Commercial Zone), Oklahoma and Kansas; and (2) *dry fertilizer*, in bulk, from the plant site of the Consumers Cooperative Association at or near Horn, Mo., to points in Kansas, Nebraska, and Colorado; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

HEARING: April 23, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Joseph A. Reilly.

No. MC 123870 (amendment), filed August 14, 1961, published FEDERAL REGISTER, issue of February 7, 1962, amended February 20, 1962, republished as amended, this issue. Applicant: LEONARD F. MC CALLUM, doing business as MC CALLUM MOTORS, 114 Derry Road, Hudson, N.H. Applicant's attorney: S. Robert Winer, 142 Main Street, Nashua, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by wrecker-type equipment, between points in Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and New York.

NOTE: The purpose of this republication is to indicate that the proposed transportation will be by wrecker-type equipment, and also adds the name of applicant's attorney.

HEARING: Remains as assigned, March 22, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Alvin H. Schutrumpf.

No. MC 123883 (Sub-No. 1), filed August 18, 1961. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, Pa. Applicants attorney: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions (excluding coins, currency, negotiable securities, stationery and supplies), between points in Mississippi on and south of U.S. Highway 80, points in Baldwin and Mobile Counties, Ala., and Pensacola, Fla., on the one hand, and on the other Alexandria, Baton Rouge, and New Orleans, La.

HEARING: May 2, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Allen W. Hagerty.

No. MC 123927 (Sub-No. 1), (Republication), filed December 29, 1961, published FEDERAL REGISTER, issue of January 24, 1962, and republished this issue. Applicant: JOHN F. KIRKSEY, doing business as KIRKSEY TRUCKING, Route 4—9932 Jefferson Davis Highway, Richmond 34, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building 13th and E Streets NW., Washington 4, D.C. The subject application was heard February 26, 1962, at Richmond, Va., Hearing Examiner A. Lane Cricher, presiding. At the hearing it was developed that the notice of the filing of the application as originally published in the FEDERAL REGISTER failed to include Baltimore, Md., as a destination point, in error. The purpose of this republication is to correctly reflect the authority sought as follows: Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and headings*, in bundles, from points in Powhatan County, Va., to Chicago, Danville, and Joliet, Ill., *Baltimore, Md.*, Birmingham, Mich., St. Paul, Minn., St. Louis, Mo., Jersey City, Phillipsburg, Rahway, and Trenton, N.J., New York and Port Chester, N.Y., Beaver Falls, Conshohocken, Lebanon, Philadelphia, and Pittsburgh, Pa., Cudahy and Milwaukee, Wis. Any person or persons who might have been prejudiced by the failure of the initial publication to designate Baltimore, Md., as a point of service, may, within 20 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 124016, filed December 30, 1961. Applicant: CHARLES JANSSON, doing business as JANSSON WRECKER SERVICE, Rural Route No. 3, Twin Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and trailers*, by use of wrecker or tow-type equipment, (1) between points in Idaho, Utah, and Nevada, and (2) between points in Utah and Nevada.

HEARING: April 13, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 275, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 124114, filed December 20, 1961. Applicant: KYLE ROSS CARTER, Route No. 1, Sugar City, Idaho. Applicant's attorney: L. H. Merrill, Earl Building, Idaho Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Utility poles* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Idaho Falls, Idaho, and Durango, Colo., from Idaho Falls south on U.S. Highways 91 and 191 to Provo, Utah, thence eastwardly over Soldier's Summit on U.S. Highway 50 to Green River, thence over U.S. Highway 160 to Durango, serving no intermediate points.

HEARING: April 13, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 416, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 124116, filed December 26, 1961. Applicant: THREE-WAY TRUCKING CO., a corporation, R.F.D. 1, Nevada, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, between points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Louisiana, Missouri, Mississippi, Tennessee, that portion of Colorado lying on and east of U.S. Highway 85, that portion of Wyoming lying on and east of U.S. Highway 87; (2) *Dicalcium phosphate*, from Texas City, Tex., St. Louis, Mo., and Tupelo, Miss., to points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Louisiana, Missouri, Mississippi, Tennessee, that portion of Colorado lying on and east of U.S. Highway 85, that portion of Wyoming lying on and east of U.S. Highway 87; (3) *Oyster shell*, from Houston, Tex., to points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Louisiana, Missouri, Mississippi, Tennessee; that portion of Colorado, on and east of U.S. Highway 85, that portion of Wyoming, on and east of U.S. Highway 87; (4) *Fertilizer*, dry in bags, and in bulk, from points in the St. Louis, Mo., and East St. Louis, Ill., Commercial Zone, as defined by the Commission, to Nevada, Mo.; (5) *Potash*, from a forty (40) miles radius of Carlsbad, N. Mex., to points in Oklahoma, Kansas, Missouri, Iowa, Illinois, Nebraska, Arkansas, and Tennessee; (6) *Barbed wire, steel posts, mesh wire, baler twine, and binder twine*, from Houston, and Beaumont, Tex., to points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Louisiana, Missouri, Mississippi, Tennessee, that portion of Colorado on and east of U.S. Highway 85, and that portion of Wyoming on and east of U.S. Highway 87, and (7) *Cottonseed meal*, between Phoenix, Ariz., and points in Texas, Arkansas, Kansas, Oklahoma, Nebraska, Iowa, South Dakota, Minnesota, Illinois, Wisconsin, Louisiana, Missouri, Mississippi, Tennessee, that portion of Colorado, on and east of U.S. Highway 85, that portion of Wyoming on and east of U.S. Highway 87.

NOTE: Applicant states, all of the transportation in the proposed service as shown above is to be "under a continuing contract with the J. K. W. Wholesale Grain and Feed of Nevada, Mo."

HEARING: April 18, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Joseph A. Reilly.

No. MC 124172, filed January 25, 1962. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in paragraphs (a) and (c) of the Appendix I to the report in *Description in Motor Carrier Certificates* (61 M.C.C. 209 and 766), from Arkansas City, Kans., to points in Arizona and California, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has common carrier authority under MC 118142 and Sub 3 thereunder, therefore, dual operations may be involved.

HEARING: April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 124179, filed February 1, 1962. Applicant: CIL, INC., 7101 Memphis Street, New Orleans 24, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Porcelain enameled building panels*, from New Orleans, La., and Bay St. Louis, Miss., to points in Louisiana, Texas, New Mexico, Colorado, Wyoming, Kansas, Nebraska, Oklahoma, Arkansas, Missouri, Iowa, Illinois Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, and Delaware, and *damaged and rejected shipments* of the above-specified commodities, on return, and (2) *raw materials which would be used by company with which contract is made—principally enamel glass frits* from points in the above-named destination States and Philadelphia, Pa., to New Orleans, La., and Bay St. Louis, Miss.

HEARING: May 1, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 256), filed December 18, 1961. Applicant: THE GREYHOUND CORP., 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between junction U.S. Highways 25 and 176 south of Hendersonville, N.C. and junction Interstate Highway 85 and U.S. Highways 176 and 29 near Spartanburg, S.C.; from junction of U.S. Highways 25 and 176 over U.S. Highway 176 to its junction with Interstate Highway 85 and U.S. Highway 29 and return over the same route, serving no intermediate points.

HEARING: April 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 109598 (Sub-No. 27), filed January 11, 1962. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, and newspapers* in the same vehicle with passengers, between Greenville, S.C., and junction U.S. Highway 25 and U.S. Highway 176 near Hendersonville N.C.; from Greenville over U.S. Highway 25 to junction U.S. Highway 25 and U.S. Highway 176 near Hendersonville, and return over the same route, serving no intermediate points.

NOTE: Applicant states it is under common control with Coastal States Corp., MC 110595 and The Gray Line of Charleston, MC 77780.

HEARING: April 26, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 109598 (Sub-No. 28), filed January 26, 1962. Applicant: CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, mail, newspapers, express, and baggage of passengers in the same vehicle with passengers*, between junction U.S. Highway 521 and U.S. Highway 76 (near Sumter, S.C.) and Columbia, S.C.: from junction U.S. Highway 521 and U.S. Highway 76 (near Sumter, S.C.) over U.S. Highway 76 to Columbia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant states it is under common control with Coastal Stages Corp. and the Gray Line of Charleston for the reason that Hamish Turner owns the controlling stock of applicant and also Coastal Stages Corp. which in turn, owns the Gray Line of Charleston.

HEARING: April 25, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 124156, filed January 18, 1962. Applicant: LEROY ONLEY, 1200 Highland Avenue, Elizabeth City, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, limited to eight (8) persons, not including the driver, from Elizabeth City, N.C., to Norfolk Navy Yard, Portsmouth, Va., and return over the same route, serving no intermediate points, as follows: from Elizabeth City, N.C., over U.S. Highway 17 to the Virginia-North Carolina State line, thence continue over U.S. Highway 17 to Portsmouth, Va., thence over city streets to the Norfolk Navy Yard, Portsmouth, Va., and return.

HEARING: April 19, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12790, filed January 8, 1962. Applicant: CONTINENTAL TRAILWAYS TOURS, INC., 315 Continental Avenue, Dallas 7, Tex. Applicant's attorney: Warren A. Goff (same address as applicant). For a license (BMC 5) to engage in operations as a *broker* at Dallas, Tex., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, between points in the United States, including Alaska and Hawaii and Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 18, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 47), filed February 25, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Ashburn, Ga., and Fitzgerald, Ga., serving all intermediate points, as follows: From Ashburn over Georgia Highway 112 to Rochelle, Ga., thence over Georgia Highways 215 and 90 to Fitzgerald, Ga., and return over the same route.

No. MC 42487 (Sub-No. 538), filed January 24, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, other than rock salt, commodities requiring special equipment, and those injurious or contaminating to other lading), between Medicine Bow, Wyo., and the junction of Wyoming Highway 487 and Wyoming Highway 220, approximately 18 miles southwest of Casper, from Medicine Bow, over Wyoming Highway 487 to the junction of Wyoming Highway 487 and Wyoming Highway 220, approximately 18 miles southwest of Casper, and return over the same route serving no intermediate points, as an alternate route for operating convenience only.

No. MC 59957 (Sub-No. 30), filed February 19, 1962. Applicant: MOTOR FREIGHT EXPRESS, a Corporation, 540–550 East King Street, York, Pa.

Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in the Township of Peach Bottom, York County, Pa., as an off-route point in connection with carrier's authorized service at York, Pa., served as an intermediate point as described in Certificate MC 59957.

NOTE: Common control may be involved.

No. MC 107496 (Sub-No. 236), filed February 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to Chicago, Ill., and points within its commercial zone.

NOTE: Applicant states that it is wholly owned by John Ruan, and it owns and controls all the outstanding stock of Illinois-Ruan Transport Corporation. Since applicant holds contract authority under MC-119136 and subs thereunder, dual operations may be involved.

No. MC 110252 (Sub-No. 54), filed February 21, 1962. Applicant: JAMES J. WILLIAMS, INC., 1108 North Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft fuel*, in bulk, in tank vehicles, from Spokane, Wash., and points within 10 miles thereof, to Malmstrom Airforce Base, located near Great Falls, Mont.

No. MC 111103 (Sub-No. 7), filed February 16, 1962. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, Land Title Building, Philadelphia 10, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Philadelphia, Pa., on the one hand, and, on the other, points in Adams, Bedford, Blair, Cambria, Carbon, Centre, Clearfield, Clinton, Cumberland, Franklin, Huntingdon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Northampton, Northumberland, Schuylkill, Snyder, Union, and York Counties, Pa., and points in Atlantic and Cape May Counties, N.J., on traffic having a prior or subsequent movement by air, rail or motor carrier.

NOTE: Applicant states the proposed service will be performed for the account of Eastman Kodak Company of Rochester, N.Y.

No. MC 113325 (Sub-No. 15), filed February 23, 1962. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene*, in shipper-owned tank vehicles, from the plant site of Monsanto Chemical Company at Texas City, Tex., to the plant site of Monsanto Chemical Company at Creve Coeur, Mo., and *empty shipper-owned tank vehicles*, on return.

No. MC 123124 (Sub-No. 1), filed December 11, 1961. Applicant: W. A. BOOTH, doing business as BOOTH DELIVERY SERVICE, 401 South Fifth Street, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except such commodities in bulk, in tank and hopper-type vehicles), from Fargo, N. Dak., to points in Walsh, Pembina, Cavalier, Ramsey, Nelson, Towner, Benson, Eddy, Foster, Griggs, and Steele Counties, N. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 123322 (Sub-No. 9) (Correction), filed February 6, 1962, published FEDERAL REGISTER issue of February 14, 1962. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baby supplies*, from the plant site of Gerber Products Company, at Rochester, N.Y., to Pittsburgh, Pa., as follows: From Rochester over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Depew, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., thence over U.S. Highway 20 via Erie, Pa., to Fairview, Pa. (also from Silver Creek, N.Y., over New York Highway 5 to the Pennsylvania-New York State line, over Pennsylvania Highway 5 to Erie, Pa.) thence over Pennsylvania Highway 98 to Kerrtown, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., serving no intermediate points.

NOTE: The purpose of this republication is to reflect the proposed operations correctly as a "from and to" movement, in lieu of a "between" movement shown in error in original notice of filing.

No. MC 124226, filed February 20, 1962. Applicant: GORDON L. RYAN, 2500 Elmore Avenue, Rossland, British Columbia, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Rough lumber*, from the Port of Entry, on the International Boundary Line between the United States and Canada near Northport, Wash., to Northport and Kettle Falls, Wash.

No. MC 124236, filed February 26, 1962. Applicant: CHEMICAL EXPRESS, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Maryneal, Tex., to points in New Mexico, (2) *cement*, in bulk, from Dallas, Fort Worth, and Houston, Tex., to points in Oklahoma, Arkansas, and Louisiana, (3) *cement*, in bulk and in bags, from Echo, Tex., to points in Louisiana, (4) *cement*, in bulk, from Maryneal, Tex., to points in Oklahoma and (5) *cement*, in bulk and in packages, from Midlothian (Ward Spur), Tex., to points in Oklahoma.

NOTE: Carrier presently conducts the above-described operations as a contract carrier, and states it is the purpose of this application to secure common carrier authority in lieu thereof, and convert the Permit to a Certificate.

No. MC 124238, filed February 26, 1962. Applicant: CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in containers, from Maryneal, Tex., to points in New Mexico; (2) *Cement*, in packages, from Dallas, Fort Worth, and Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma; and (3) *Cement*, in containers, from Maryneal, Tex., to points in Oklahoma.

NOTE: Carrier presently conducts the above-described operations as a contract carrier, and states it is the purpose of this application to secure common carrier authority in lieu thereof, and convert the Permit to a Certificate. Applicant further states that it is under common control with Texas corporations, Chemical Express (MC 115135) and Smith Transit, Inc. (MC 113514).

No. MC 124243, filed February 26, 1962. Applicant: GEORGE BLACK, doing business as GEORGE BLACK CASKET TRANSPORT, 218 North Indiana Street, Griffith, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, semifinished casket shells* and *unfinished casket shells*, from points in Indiana to points in Kentucky, Illinois, Michigan, Missouri, Ohio, and Wisconsin; and *materials and supplies used in the manufacture of caskets* on return trips.

MOTOR CARRIERS OF PASSENGERS

No. MC 115216 (Sub-No. 2), filed February 16, 1962. Applicant: JOEL N. AKERS, doing business as ARKOMO COACH LINES, 124 North Cheyenne Avenue, Tulsa 3, Okla. Applicant's attorney: Chauncey Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage of passengers, express* and *newspapers* in the same vehicle with passengers, between Pryor, Okla., and Chouteau, Okla.: From Pryor over U.S. Highway 69 to Chouteau, and return over the same route, serving no intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-8066. (TREDWAY'S EXPRESS, INC.—PURCHASE (PORTION)—DUSOR MOTOR LINE, INC.), published in the February 14, 1962, issue of the FEDERAL REGISTER on page 1396. Application filed February 23, 1962, for temporary authority under section 210a(b).

No. MC-F-8089. Authority sought for continuance in control by GEORGE W. ADAMS, 303 South 12th Street, Waco, Tex., T. H. CALLAN, 2308 Inwood Road, Dallas, Tex., W. W. CALLAN, Jr., 303 South 12th Street, Waco, Tex., B. G. KING, 4101 Fulton, Houston, Tex., and W. C. SHAW, 345 Willow Springs, San Antonio, Tex. (joint Trustees of the CENTRAL FREIGHT LINES, INC., Employees Profit Sharing and Retirement Plan), of SPECIALIZED CARRIERS, INC., 310 South 12th Street, Waco, Tex. Applicants' attorneys: Phillip Robinson, 401 Perry-Brooks Building, Austin 1, Tex., and Roland Rice, 618 Perpetual Building, Washington 4, D.C. Operations sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, as more specifically described in SPECIALIZED CARRIERS, INC., Second Proviso filing in Texas Certificate No. 5415 dated February 10, 1961 which supports Form BMC-75 Statement pending in this Commission for which No. MC-120633 Sub No. 1 has been reserved. GEORGE W. ADAMS, T. H. CALLAN, Jr., B. G. KING and W. C. SHAW, hold no authority from this Commission, however, GEORGE W. ADAMS, T. H. CALLAN, W. W. CALLAN, Jr., and W. C. SHAW, are affiliated with CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex., which is authorized to operate as a *common carrier* in the State of Texas and under the Second Proviso of section 206(a)(1) of the Act, in the State of Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8091. Authority sought for purchase by BUILDERS TRUCKING, INC., 3200 Gibson Transfer Road, Hammond, Ind., of a portion of the operating rights of MACHINERY & MATERIALS CORPORATION, 201 Merchants Savings Building, Terre Haute, Ind., and for acquisition by JOHN S. GARY, Jr., 3200 Gibson Transfer Road, Hammond, Ind., and PAUL B. PROEHL, 4000 Cline Avenue, East Chicago, Ind., of control of such rights through the purchase. Applicants' attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Such commodities* as are usually transported in dump trucks as a *common carrier* over irregular routes between points in Indiana and Illinois. Vendee holds no authority from this Commission. However, PAUL B. PROEHL controls STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind., through stock ownership, which is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, Ohio, Missouri, Kentucky, Iowa, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8092. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Vandemark Road, Sidney, Ohio, of the operating rights of CHARLES H. MORROW, an individual, doing business as MORROW TRANSFER CO., 414 South Main Street, Piqua, Ohio, and for acquisition by PAUL LONG, P.O. Box 179, Sidney, Ohio, of control of such rights through the purchase. Applicants' attorney: Paul F. Beery, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the transportation of general property over irregular routes between Piqua, Ohio, on the one hand, and, on the other, points in Ohio. Vendee is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8093. Authority sought for purchase by FOX-SMYTHE TRANSPORTATION CO., P.O. Box 2307 Stockyards Station, Oklahoma City, Okla., of a portion of the operating rights of APPLE LINES, INC., Madison, S. Dak., and for acquisition by CARL P. SMYTHE and GUY FOX, both of Box 2307, Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Petroleum products* in containers, as a *common carrier* over irregular routes from Tulsa, Okla., to points in Nebraska and South Dakota, and *empty containers*, for petroleum products, from points in Nebraska and South Dakota to Tulsa, Okla. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, New Mexico, Colorado, Utah, Kansas, Nevada, Arkansas, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8094. Authority sought for control by KNOX MOTOR SERVICE, INC., Box 359, Rockford, Ill., of ECONOMY EXPRESS AND CARTAGE COMPANY, 1640 West Bruce Street, Milwaukee, Wis., and for acquisition by WENDELL W. KNOX, VINCENT T. KNOX and JOAN KNOX RONK, all of 602 South Ninth Street, Milwaukee, Wis., of control of ECONOMY EXPRESS AND CARTAGE COMPANY through the acquisition of KNOX MOTOR SERVICE, INC. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between all points in Milwaukee County, Wis., all points in the Towns of Brookfield, New Berlin, and Menomonee, Waukesha County, Wis., and all points in the Town of Mequon, Ozaukee County, Wis. KNOX MOTOR SERVICE, INC., is authorized to operate as a *common carrier* in Iowa, Wisconsin, and Illinois. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8090. Authority sought for purchase by STANDBY CORPORATION, 615 North Ninth Street, St. Louis 1, Mo., of the operating rights and property of KENTUCKY BUS LINES, INC., Beneficial Bldg., 1300 Market Street, Wilmington, Del., and for acquisiton by AMERICAN TRANSIT CORP., and in turn by D. J. GIACOMA, P. J. GIACOMA and A. J. De MAYO, all of 615 North Ninth Street, St. Louis 1, Mo., of control of such rights and property through the purchase. Applicants' attorney and representative respectively: G. M. Rebman, 314 North Broadway, St. Louis 2, Mo., and R. C. Johnson, American Transit Corp., Room 400, 615 North Ninth Street, St. Louis 1, Mo. Operating rights sought to be purchased: *Passengers* and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier* over regular routes between Louisville, Ky., and Carrollton, Ky., between New Castle, Ky., and Junction Kentucky Highway 146 and U.S. Highway 60, near St. Matthews, Ky., between Louisville, Ky., and Paducah, Ky., between junction U.S. Highway 62 and Kentucky Highway 282, near Gilbertsville, Ky., and junction Kentucky Highway 95 and U.S. Highway 62, between Nortonville, Ky., and Madisonville, Ky., and between junction U.S. Highway 41 and Kentucky Highway 112 near Earlington, Ky., and junction Kentucky Highway 112 and U.S. Highway 62, near Dawson Springs, Ky., serving all intermediate points on the above-described routes. Vendee holds no authority from this Commission. However, AMERICAN TRANSIT CORP., is affiliated with (1) CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4923 Columbia Avenue, Hammond, Ind., and TEXAS MOTOR COACHES, INC., 615 North Ninth Street, St. Louis 1, Mo., which are authorized to operate as *common carriers* in (1) Illinois and Indiana, and (2) Texas respectively. Application has not been filed for temporary authority under section 210a(b).

By the Commission

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2240; Filed, Mar. 6, 1962; 8:47 a.m.]

[Notice 604]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64087. By order of February 26, 1962, the Transfer Board approved the transfer to L. & R. Trucking Co., Inc., 95 Elizabeth Street., New York, N.Y., of Permit No. MC 67245, issued May 21, 1956, to Joseph Lamagna and Sam Rinaldi, doing business as L. & R. Trucking Co., 95 Elizabeth Street, New York, N.Y., authorizing the transportation of: Mustard, mustard seed, and empty bottles, between New York, N.Y., on the one hand, and, on the other, Garden City, N.Y., and Elizabeth, Hoboken, Newark, New Brunswick, Passaic, Paterson, Perth Amboy and Weehawken, N.J.

No. MC–FC 64711. By order of February 26, 1962, the Transfer Board approved the transfer to Cecil B. McCabe, doing business as McCabe Truck Line, Kahoka, Mo., of Permit No. MC 109804, issued May 18, 1954, to E. J. Hauersperger, doing business as Hauersperger Truck Line, Kellogg, Iowa; authorizing the transportation of: malt beverages, in containers from St. Louis, Mo., to Grinnell, Iowa, and empty malt beverage containers, from Grinnell, Iowa., to St. Louis, Mo. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, Applicants' Representative.

No. MC–FC 64730. By order of February 26, 1962, the Transfer Board approved the transfer to Albert V. Meilstrup, doing business as Ace Refrigerated Trucking Service, South Bend, Ind., of a portion of Certificate No. MC 2043, issued February 7, 1961, to Ace Van Lines, Inc., South Bend, Ind., authorizing the transportation of: Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses, from Hammond and South Bend, Ind., to Porter, St. Joseph, Elkhart, Lagrange, Noble, Kosciusko, Fulton, Pulaski, Starke, Marshall, and La Porte Counties, Ind., and Berrien, Case, St. Joseph, Branch, Calhoun, Kalamazoo, and Van Buren Counties, Mich.; from South Bend and Hammond, Ind., to points in Allen, Whitley, Steuben, and DeKalb Counties, Ind.; and from South Bend, Ind., to Allegan, Delton, Eaton, Rapids, Hastings, Hillsdale, Jackson, Jonesville, Litchfield, Otsego, Parma, Plainwell, and Wayland, Mich. Wm. L. Carney, 105 East Jennings Avenue, South Bend 14, Ind., Representative for applicants.

No. MC–FC 64782. By order of February 28, 1962, the Transfer Board approved the transfer to A. F. Comer Transport Service, Inc., Rocky Mount, N.C., of Certificate No. MC 109497 issued July 7, 1950, to A. F. Comer, doing business as A. F. Comer Transport Service, Rocky Mount, N.C., authorizing the transportation of petroleum and petroleum products, in bulk, in tanks vehicles, over irregular routes, from Norfolk, Va., to points in North Carolina. Frank P. Meadows, Jr., P.O. Box 1413, Rocky Mount, N.C. Attorney for applicants.

No. MC–FC 64783. By order of February 26, 1962, the Transfer Board approved the transfer to Transportes Chihuahuenses, S.A. de C.V., a corporation, Cuidad Juarez, Chihuahua, Republic of Mexico, of Certificate No. MC 110060, issued November 26, 1956, to Transportes Chihuahuenses S. de R.L., an association, El Paso, Texas, authorizing the transportation of: Passengers and their baggage, and newspapers, express and mail in the same vehicle with passengers, between the United States-Mexico Boundary line and El Paso, Tex., serving no intermediate points. Abner S. Lipscomb, 316 El Paso National Bank Building, El Paso, Tex., Attorney for applicants.

No. MC–FC 64789. By order of February 26, 1962, the Transfer Board approved the transfer to George Lukens, Bloomfield, Nebr., of Certificate No. MC 61564, issued December 26, 1956, to William L. Tucker, Crofton, Nebr., authorizing the transportation of: Livestock, feed, agricultural commodities, coal, farm machinery and parts, binder twine, and household goods, between Crofton, Nebr., and points in Nebraska, within 20 miles of Crofton, on the one hand, and, on the other, Sioux City, Iowa, and Yankton, S. Dak., grain, from points in Iowa to Crofton, Nebr., and points in Nebraska within 20 miles of Crofton and general commodities excluding household goods, and other specified commodities, from Sioux City, Iowa, to Crofton, Nebr. D. E. Rissler, Crofton, Nebr., Attorney for applicants.

No. MC–FC 64798. By order of February 28, 1962, the Transfer Board approved the transfer to William Begenwald, Donald Hohman, Dan DeFalle and Joseph Graner, a partnership, doing business as Craft Express Co., Pittsburgh, Pa., of Certificate No. MC 110719, issued April 17, 1959, to Kenny Motor Express, Inc., Pittsburgh, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Pittsburgh, Pa., on the one hand, and, on the other, points within 15 miles of Pittsburgh, Pa., except points on that part of U.S. Highway 19 extending southwesterly from Pittsburgh; and packing-house products and meat, from Pittsburgh, Pa., to points in that part of Pennsylvania south of U.S. Highway 422 and west of U.S. Highway 219, including points on the indicated portions of the highways specified. Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2241; Filed, Mar. 6, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37579: *Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* Filed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (No. 4099), for interested rail carriers. Rates on all commodities, carload, less-than-carload, also commodities loaded in trailers and transported on railroad flat cars, between Prairie du Chien, Wis., and Marquette, Iowa, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Abandonment of a portion of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Prairie du Chien, Wis., and Marquette, Iowa.

By the Commission.

[SEAL] HAROLD McCOY, *Secretary.*

[F.R. Doc. 62–2237; Filed, Mar. 6, 1962; 8:47 a.m.]

[Docket No. M–13783; No. 33569]

LUMBER FROM CIMARRON AND ALBUQUERQUE, N. MEX., TO CHICAGO, ILL.

Report and Order

MARCH 2, 1962.

Investigation and suspension Docket No. M–13783; lumber from Cimarron, N. Mex., to Chicago; No. 33569, lumber—Albuquerque, N. Mex., to Chicago, Ill.

By orders dated August 17, 1960 and September 23, 1960, the Commission entered upon investigations, under modified procedure, into the lawfulness of motor-carrier rates on lumber from Cimarron and Albuquerque, N. Mex., to Chicago, Ill., and points grouped therewith. Before decision, the proposed rate from Cimarron of 101 cents per 100 pounds was replaced by a rate of 106 cents which rendered moot the investigation in I. & S. No. M–13783.

The embraced proceeding, No. 33569, concerned a commodity rate of 101 cents, minimum 30,000 pounds, from Albuquerque. This rate also was increased, on January 14, 1961, to 106 cents. The order of investigation encompassed the rate then placed under investigation or as it might be changed during the pendency of the proceeding. Thus, this rate as increased was within the issues as raised by the order of investigation.

Evidence of record indicated that the out-of-pocket cost of transporting a minimum truckload under the rate of 106 cents is substantially in excess of that rate. In a report, decided February 21, 1962, and served on March , 1962, Division 2 found in No. 33569 that the 106-cent rate, published by the Middlewest Motor Freight Bureau, is unjust and unreasonable, and entered an order requiring its cancellation, effective April 12, 1962.

Copies of this report and order of Division 2 may be obtained by any interested person upon request to the Secretary, Interstate Commerce Commission, Washington 25, D.C.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2243; Filed, Mar. 6, 1962; 8:47 a.m.]

[Section 5a Application No. 22]

PACIFIC INLAND TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreement

MARCH 2, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed February 27, 1962, by Donald E. Gross and Bryce Rea, Jr., Watkins & Rea, 1329 E Street NW., Washington 4, D.C.

Amendments involved: Change the agreement so as to (1) establish procedures, in addition to those included in existing emergency procedures, for handling proposals to meet published competitive rates, (2) provide that emergency procedures shall apply to proposals involving "traffic for the United States, States or Municipal Governments," rather than to "traffic moving or to be moved in the national defense," (3) permit member carriers to vote on proposals by proxy, and (4) set forth current bases and schedules of charges applicable to members.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2242; Filed, Mar. 6, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62–342—RI62–348]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject To Refund

FEBRUARY 28, 1962.

Sun Oil Company, Docket No. RI62–342; Stewart & Gouger Drilling Company, et al., Docket No. RI62–343; Socony Mobil Oil Company, Inc., Docket No. RI62–344; Sinclair Oil & Gas Company, Docket No. RI62–345; Texaco Inc. (Operator), et al., Docket No. RI62–346; Texaco Inc., Docket No. RI62–347; Midhurst Oil Corporation, Docket No. RI62–348.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules, for sales of natural gas subject to the jurisdiction of the Commission. With the exception of the sales by Midhurst Oil Corporation under Rate Schedule No. 10, and Supplement No. 5 thereto, at a pressure base of 15.025 psia, all of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-342	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	32	15	Texas Eastern Transmission Corp. (Helen Gohlke Field, Victoria County, Texas) (R.R. District No. 2).	$94	2-1-62	3- 4-62	8- 4-62	[2] 16.1111	[2] 16.6111	RI61-454
RI62-343	Stewart & Gouger Drilling Company, et al., 1915 NBC Building, San Antonio 5, Tex.	1	2	Orange Grove Gas Gathering Co. (N.W. Orange Grove Field, Jim Wells County, Texas) (R.R. District No. 4).	1,900	2-1-62	[3] 3- 4-62	3- 5-62	[4] 11.0	[5] 12.0	----------
		2	2	....do....	1,150	2-1-62	[3] 3- 4-62	3- 5-62	[4] 11.0	[5] 12.0	----------
RI62-344	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	88	11	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.).	44	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	RI61-357
		63	12	....do....	152	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	RI61-357
RI62-345	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	178	3	Panhandle Eastern Pipe Line Co. (Hugoton Field, Texas County, Okla.).	202	2-2-62	3-22-62	8-22-62	16.5	[5] 17.0	RI61-353
		218	1	....do....	198	2-2-62	3-22-62	8-22-62	16.5	[5] 17.0	----------
RI62-346	Texaco Inc. (Operator), et al., P.O. Box 2332, Houston, Tex.	133	31	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas and Beaver Counties, Okla.).	527	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	RI61-305
RI62-347	Texaco Inc.	229	1	Natural Gas Pipeline Company of America (N.W. Dower Field, Beaver County, Okla.).	175	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	----------
RI62-347	Texaco Inc., P.O. Box 2332 Houston, Tex.	195	2	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas County, Okla.).	265	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	RI61-304
		198	2	Natural Gas Pipeline Co. of America (Camrick SE. Field, Beaver County, Okla.).	458	2-2-62	3-21-62	8-21-62	17.0	[5] 17.2	RI61-304
		225	1	Natural Gas Pipeline Co. of America (Twin Morrow Field, Hansford County, Tex.) (R.R. District No. 10).	461	2-5-62	3- 8-62	8- 8-62	16.0	[5] 17.0	----------
RI62-348	Midhurst Oil Corp., 1030 Bank of the Southwest Building, Houston, Tex.	10	5	Trunkline Gas Company (E. Bearhead Creek Field, Beauregard Parish, La.) (S. Louisiana).	1,351	2-5-62	[3] 3- 8-62	8- 8-62	17.7	[10] 18.7	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] Includes 0.5 cents per Mcf for dehydration charged by seller.
[3] Redetermined increase, which purchaser protests as not being permitted under any of the provisions of the sales contract.
[4] Includes 0.35 cents per Mcf for dehydration deducted by buyer.
[5] Subject to downward BTU adjustment.
[6] Revenue-sharing increase based on purchaser's rate to Natural Gas Pipeline Co. of America.
[7] Requests waiver of notice and not more than a 1-day suspension period if the rate increase is suspended.
[8] Periodic increase.
[9] Requests waiver of notice.
[10] Five-step periodic increase.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

With the exception of the proposed increase of Stewart & Gouger Drilling Company, et al. (Stewart & Gouger), resulting from a revenue-sharing rate increase for gas sold to Orange Grove Gas Gathering Company (Orange Grove) in the Orange Grove Field, Jim Wells County, Texas (District No. 4), the proposed increases exceed the applicable area price levels established by the Commission's General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56). The subject rate of Orange Grove was suspended by the Commission and is now in effect subject to refund (Docket No. G–19936).

The suspension period applicable to Stewart & Gouger in Docket No. RI62–343 may be shortened to one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I) public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Stewart & Gouger, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Stewart & Gouger shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Stewart & Gouger is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before April 13, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2225; Filed, Mar. 6, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

GEOFFREY BAKER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, September 26, 1961 (26 F.R. 9060).

GEOFFREY BAKER.

FEBRUARY 1, 1962.

[F.R. Doc. 62–2214; Filed, Mar. 6, 1962; 8:45 a.m.]

HAROLD S. BLACKMAN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Addition: J. C. Penney Company stock.

This amends statement published August 15, 1961 (26 F.R. 7554).

HAROLD S. BLACKMAN.

FEBRUARY 1, 1962.

[F.R. Doc. 62–2215; Filed, Mar. 6, 1962; 8:45 a.m.]

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report, August 4, 1961 (26 F.R. 7026).

SAM M. EWING.

JANUARY 9, 1962.

[F.R. Doc. 62–2216; Filed, Mar. 6, 1962; 8:45 a.m.]

H. BURKE HORTON

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement published July 27, 1961 (26 F.R. 6752).

H. BURKE HORTON.

JANUARY 5, 1962.

[F.R. Doc. 62–2217; Filed, Mar. 6, 1962; 8:45 a.m.]

LeROY LUTES

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Securities I hold at this time are:
Transcontinental Pipe Line (common).
Bell & Howell (common).
Anaconda Copper Co. (common).
Atlantic Coast Line R.R. (common).
Provident Security Life Ins. Co. (common).

This amends statement published September 30, 1961 (26 F.R. 9249).

LEROY LUTES.

FEBRUARY 5, 1962.

[F.R. Doc. 62–2218; Filed, Mar. 6, 1962; 8:45 a.m.]

JOHN E. WARREN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Addition: Sterling Drug.
Deletions: Crown Zellerbach, Plymouth Oil, Bethlehem Steel.

This amends statement published September 30, 1961 (26 F.R. 9250).

JOHN E. WARREN.

FEBRUARY 1, 1962.

[F.R. Doc. 62–2220; Filed, Mar. 6, 1962; 8:45 a.m.]

W. VICTOR WOMACK

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement published November 22, 1961 (26 F.R. 12051).

W. VICTOR WOMACK.

FEBRUARY 14, 1962.

[F.R. Doc. 62–2219; Filed, Mar. 6, 1962; 8:45 a.m.]

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Washington, Thursday, March 8, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3453

NATIONAL SAFE BOATING WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS many millions of our fellow countrymen are engaged in recreational boating; and

WHEREAS increasing public participation in this healthy, outdoor sport has emphasized the need for greater attention to courtesy and safety to minimize boating incidents of the type which often lead to boating mishaps; and

WHEREAS concerted community action is required to attain the goal of making boating one of the safest family sports; and

WHEREAS, in recognition of the value of maintaining high safety standards on our waterways, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week that includes the Fourth of July as National Safe Boating Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby designate the week beginning July 1, 1962, as National Safe Boating Week.

In pursuance of the objectives of this Proclamation, I urge all persons, organizations, and Governmental agencies interested in recreational boating and safety afloat to publicize and observe National Safe Boating Week.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of March in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-2333; Filed, Mar. 6, 1962; 1:25 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 10, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 6697, 7247, 7824, 8963, 10093, 11281, 12157, 27 F.R. 96, 557, 1408, 1962, and containing the specifice requirements of the 1961-crop wheat price support program are hereby amended as follows:

ILLINOIS

County:	Rate per bushel From—	To—
Calhoun	$1.88	$1.91
Christian	1.91	1.92
Clinton	1.90	1.92
Coles	1.88	1.89
Cumberland	1.87	1.89
Effingham	1.89	1.90
Greene	1.90	1.92
Jersey	1.90	1.92
Logan	1.88	1.89
Macoupin	1.91	1.92
Morgan	1.87	1.89
Sangamon	1.89	1.90
White	1.86	1.87

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 5, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-2299; Filed, Mar. 7, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-43]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Sherbrooke, Quebec, to Fredericton, New Brunswick

On September 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8568) stating that the Federal Aviation Agency proposed to designate within the United States a segment of an intermediate altitude VOR Federal airway from Sherbrooke, Quebec, via Millinocket, Maine, to Fredericton, New Brunswick.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1500 VOR Federal airway No. 1500 (Sherbrooke, Quebec, to Fredericton, New Brunswick).

From the Sherbrooke, Quebec, VOR; 10-mile wide airway via the Millinocket, Maine, VOR; to the Fredericton, New Brunswick, VOR, excluding the portion which lies over Canada.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2268; Filed, Mar. 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-22]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2167 of the regulations of the Administrator is to alter the Tallahassee, Fla., control zone.

The presently designated Tallahassee control zone is based, in part, on the Tallahassee radio range. The Federal Aviation Agency proposes to convert the Tallahassee radio range to a nondirectional radio beacon. Accordingly, action is taken herein to substitute the 299° bearing from the Tallahassee radio beacon for the northwest course of the Tallahassee radio range in the description of the control zone.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12583), § 601.2167 (14 CFR 601.2167) is amended to read:

§ 601.2167 Tallahassee, Fla., control zone.

Within a 5-mile radius of the Tallahassee Municipal Airport (latitude 30°23'33" N., longitude 84°21'06" W.) and within 12 miles either side of the 299° bearing from the Tallahassee RBN extending from the 5-mile radius zone to 12 miles NW of the RBN.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2267; Filed, Mar. 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-2]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2489 of the regulations of the Administrator is to alter the time of designation of the Sarasota, Fla., control zone.

The Sarasota control zone is designated from 0700 to 2300 hours Eastern Standard Time daily. The hours of operation of the Federal Aviation Agency control tower are being changed to 0600 to 2200 hours eastern standard time. Therefore, action is taken herein to change the time of designation of the control zone from 0700 to 2300 hours eastern standard time daily to 0600 to 2200 hours eastern standard time daily.

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2489 (26 F.R. 12290) "0700 to 2300 e.s.t. daily." is deleted and "0600 to 2200 e.s.t. daily." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2266; Filed, Mar. 7, 1962; 8:45 a.m.]

[Reg. Docket No. 1058; Amdt. 257]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.							
City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639'; Fac. Class., SBRAZ; Ident., DTW; Procedure No. 1, Amdt. 10; Eff. Date, 10 June 61; Sup. Amdt. No. 9; Dated, 31 May 86							
Ephrata VOR	EH-LFR	Direct	3000	T-dn	300-1	300-1	300-1½
				C-dn	600-2	600-2	600-2
				S-dn-34	500-1	500-1	500-1
				A-dn	1000-3	1000-3	1000-3
Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 3000' within 10 mi. NA beyond 10 mi. (Nonstandard to avoid Larson AFB.) Minimum altitude over facility on final approach crs, 2200'. Crs and distance, facility to airport, 337°—3.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi., turn right, climb to 4000' on E crs Ephrata LFR within 20 mi or, when directed by ATC, turn right, return to EH-LFR, hold at 3000' on W crs, right turns, 1-minute holding pattern. CAUTION: 2455' msl radio tower 3.0 mi W of airport. Other changes: Deletes transition from Marlin Int. Deletes takeoff restriction for Runway 29.							
City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272'; Fac. Class., BMRLZ; Ident., EH; Procedure No. 1, Amdt. 6; Eff. Date, 3 Mar. 62; Sup. Amdt. No. 5; Dated, 26 July 58							
Chena Int	FI-LFR	Direct	2500	T-dn*	300-1	300-1	300-1
Wolf Int	FI-LFR	Direct	3000	C-dn*	600-1	600-1	600-1½
Alder RBn	FI-LFR	Direct	4000	S-dn	NA	NA	NA
Fox RBn	FI-LFR	Direct	4000	A-dn*	800-2	800-2	800-2
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 2400' within 10 mi. Nonstandard to avoid high terrain N of final approach course. Minimum altitude over facility on final approach crs, 1500'. Crs and distance, facility to airport, 240°—2.3 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi from LFR, turn left, climb to 2400' on E crs 60° to Chena Int. NOTE: Prior arrangement for landing required for civil aircraft not on official business. *CAUTION: All maneuvering to be S and E of airport.							
City, Fairbanks; State, Alaska; Airport Name, Wainwright AAF; Elev., 448'; Fac. Class., SBRAZ; Ident., FI; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Mar. 62							
				T-dn	300-1	300-1	300-1½
				C-dn	400-1	400-1	400-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2
Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 2400' within 10 mi. (Nonstandard.) Minimum altitude over facility on final approach crs, 1200'. Crs and distance, facility to airport, 272°—1.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 mi after passing MCG LFR, climb straight ahead to 1300' on NW crs (272° Outbnd), make right climbing turn proceeding direct to MCG LFR. Continue climb to 4000' on SE crs (096° Outbnd) within 20 mi. NOTE: Do not descend below procedure turn altitude until well established on course inbound (see caution note 1). CAUTION: 1. Terrain rising to 927' 8.6 mi E of McGrath LFR and 3.1 mi N of final approach course. 2. Terrain rising to 1266' 3.1 mi S of airport. 3. Mountainous terrain all quadrants.							
City, McGrath; State, Alaska; Airport Name, McGrath; Elev., 347'; Fac. Class., SBRAZ; Ident., MCG; Procedure No. 1, Amdt. 8; Eff. Date, 3 Mar. 62; Sup. Amdt. No. 7; Dated, 13 Aug. 66							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LCH VOR	Maplewood RBn	Direct	1800	T–dn	300–1	300–1	300–1
LCH RBn	Maplewood RBn	Direct	1800	C–dn	*400–1	500–1	500–1¼
				S–dn–15°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar terminal transition altitude 1500′ within 25 mi. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 148°—6.6 mi; at OM*, 148°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 mi after passing Maplewood RBn, make an immediate right turn, climbing to 1800′ and return to Maplewood RBn.
*If outer marker is not received, minimums are 500–1.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., H; Ident., LS; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Mar. 62; or completion of facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ephrata LFR	EPH–VOR	Direct	3500	T–dn	300–1	300–1	300–1
				C–dn	800–2	800–2	800–2
				S–dn–20	500–1	500–1	500–1
				A–dn	1000–3	1000–3	1000–3

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 3500′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 201°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 4000′ on R–060 within 20 mi or, when directed by ATC, turn left, return to VOR, hold at 3500′ on R–021 in a 1-minute right turn holding pattern.
CAUTION: 2455′ msl radio tower 3 mi W of airport.
Other change: Deletes takeoff restriction for Runway 29.

City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272′; Fac. Class., H–BVOR; Ident., EPH; Procedure No. 1, Amdt. 5; Eff. Date, 3 Mar. 62; Sup. Amdt. No. 4; Dated, 16 Aug. 58

				T–d	300–1	300–1	NA
				C–d	700–1	700–1	NA
				A–d	NA	NA	NA

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 148°—8.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 mi, climb to 2000′ on R–148 within 10 mi of airport, make left turn and return to VOR.
CAUTION: No weather service available. Obtain EVV weather.

City, Henderson; State, Ky.; Airport Name, Henderson City-County; Elev., 385′; Fac. Class., BVORTAC; Ident., EVV; Procedure No. 1, Amdt. 1; Eff. Date, 3 Mar. 62; Sup. Amdt. No. Orig.; Dated, 27 May 61

				T–dn	300–1	300–1	300–1
				C–d	1000–1	1000–1	1000–1¼
				C–n	1000–2	1000–2	1000–2
				A–dn	1000–2 BCOB	1000–2 BCOB	1000–2 BCOB

Procedure turn S side of crs, 252° Outbnd, 072° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 072°—11.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mi of AOE–VOR, climb to 1600′ on AOE–VOR R–072 within 20 mi.
NOTES: 1. Proceed from missed approach point to Victoria County Airport under visual flight rules. 2. Night operations authorized Runway 12–L/30–R only.

City, Victoria; State, Tex.; Airport Name, Victoria-County-Foster; Elev., 115′; Fac. Class., L–BVOR; Ident., AOE; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Mar. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Astoria Int	AST VOR	Direct	2300	T–dn	300–1	300–1	300–1½
				C–dn	1200–1	1200–1	1200–1½
				A–dn	1200–2	1200–2	1200–2

Procedure turn W side crs, 306° Outbnd, 126° Inbnd, 2300′ within 10 mi. NA beyond 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 13, 132°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, turn right, climb to 2300′ on R–306 within 10 mi.

City, Astoria; State, Oreg.; Airport Name, Clatsop County; Elev., 11′; Fac. Class., M–BVOR; Ident., AST; Procedure No. TerVOR–13, Amdt. 1; Eff. Date, 3 Mar. 62; Sup. Amdt. No. Orig.; Dated, 23 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE MARCH 3 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–9R, Amdt. 1; Eff. Date, 31 May 56; Sup. Amdt. No. Orig.; Dated, 23 July 55

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–9L, Amdt. 2; Eff. Date, 31 May 56; Sup. Amdt. No. 1; Dated, 11 Feb. 56

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–14, Amdt. 2; Eff. Date, 31 May 56; Sup. Amdt. No. 1; Dated, 18 Feb. 56

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–18, Amdt. 1; Eff. Date, 31 May 56; Sup. Amdt. No. Orig.; Dated, 23 July 55

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–27R, Amdt. 1; Eff. Date, 31 May 56; Sup. Amdt. No. Orig.; Dated, 23 July 55

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–32, Amdt. 2; Eff. Date, 31 May 56; Sup. Amdt. No. 1; Dated, 11 Feb. 56

PROCEDURE CANCELLED, EFFECTIVE MARCH 3, 1962.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR–36, Amdt. 1; Eff. Date, 31 May 56; Sup. Amdt. No. Orig.; Dated, 23 July 55

Sugar Loaf Int	FDK–VOR	Direct	2300	T–dn	300–1	300–1
				C–dn	600–1	600–1
				S–d–22°	500–1	500–1
				A–dn	NA	NA

Procedure turn E side of crs, 039° Outbnd, 219° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 219°—0.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make a left climbing turn to 2300′, return to FDK–VOR, hold NE 1-minute left turns.
CAUTION: 710′ antenna 3.8 mi W of airport boundary.
*400′ minimums apply if Mount Pleasant fix not received.
Mount Pleasant fix: R–039 Frederick, Md., VOR and R–275 Westminster VOR.

City, Frederick; State, Md.; Airport Name, Frederick Municipal; Elev., 304′; Fac. Class., BVOR; Ident., FDK; Procedure No. TerVOR–22, Amdt. Orig.; Eff. Date, 3 Mar. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HUT VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
HT–LFR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Sterling Int	LOM	Direct	3000	S-dn–13°	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn W side NW crs., 308° Outbnd, 128° Inbnd, 3000′ within 10 mi of LOM.
Minimum altitude at glide slope interception, Inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at OM, 2781′—3.8 mi; at MM, 1765′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to HUT VOR climbing to 3000′ via the SE crs of HUT ILS and 082° radial of HUT VOR.
CAUTION: 240 MSL TV tower located 3.5 mi E of airport. Aircraft taking off to N, S, NE, SE, climb to 3000′ prior to proceeding toward TV tower.
*With glide slope inoperative 500–1 minimums apply.

City, Hutchinson; State, Kans.; Airport Name, Municipal; Elev., 1542′; Fac. Class., ILS; Ident., IHUT; Procedure No. ILS–13, Amdt. 1; Eff. Date, 3 Mar. 62; Sup. Amdt. No. Orig.; Dated, 14 Oct. 61

Lake Charles RBn	OM	Direct	1500	T-dn	300–1	300–1	200–½
LCH VOR	OM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn–18	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar transition altitude 1500′ within 25 mi. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 mi. of OM.
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1170′—4.2 mi; at MM, 199°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ on the SE crs of ILS within 20 mi or, when directed by ATC, make immediate right turn, climbing to 1500′ and return to ILS localizer, holding NW of OM.
NOTE: Descent from holding pattern NA. Procedure turn required, except in accordance with radar vectoring authorization.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., I-LLS; Procedure No. ILS–15, Amdt. Orig.; Eff. Date, 3 Mar. 62, or upon completion of facility

Lake Charles VOR	Brown Int*	Direct	1500	T-dn	300–1	300–1	200–½
Lake Charles RBn	Brown Int*	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn–33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition altitude 1500′ within 25 mi. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 1500′ within 10 mi.
Minimum altitude over Brown Int* on final approach crs, 1500′.
Crs and distance, Brown Int* to airport, 328°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 mi after passing Brown Int,* climb to 1500′ on the NW crs of the ILS within 20 mi.
*Brown Int: Int LCH–VOR R–200 and SE crs LLS ILS.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., I-LLS; Procedure No. ILS–33, Amdt. Orig.; Eff. Date, 3 Mar. 62, or upon completion of facility

Youngstown VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
Youngstown LFR	LOM	Direct	2600	C-dn	400–1	500–1	500–1½
Hubbard RBn	LOM (Final)	Direct	2600	S-dn–32	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn N side of crs, 139° Outbnd, 319° Inbnd, 2600′ within 10 mi.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM 2630—4.7 mi; at MM 1385—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ straight ahead, make right turn and proceed to Youngstown VOR. Hold North on R–008 YNG–VOR, 1-minute right turns, 185° Inbnd at 2600′.

City, Youngstown; State, Ohio: Airport Name, Youngstown; Elev., 1196′; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS–32, Amdt. 7; Eff. Date, 3 Mar. 62; Sup. Amdt. No. 6; Dated, 27 Jan. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 1, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–1209; Filed, Mar. 7, 1962; 8:45 a.m.]

[Reg. Docket No. 1061; Amdt. 258]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE MARCH 10, 1962, OR UPON DECOMMISSIONING OF LONG BEACH LFR.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class., SBMRLZ; Ident., LGB; Procedure No. 1, Amdt. 16; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 15; Dated, 4 Jan. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Charleston RBn	LOM	Direct	1300	T-dn	300–1	300–1	200–½
CHS–VOR	LOM	Direct	1300	C-dn	400–1	500–1	500–1½
Tucker Int	LOM (Final)	Direct	1300	S-dn–15	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side NW crs, 329° Outbnd, 149° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 149°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished, climb to 2000′ on crs 149° within 15 mi or, when directed by ATC, turn right, climb to 1300′ and proceed direct to LOM.
CAUTION: Tower 1049′ MSL 10 mi SE.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Munc.; Elev., 45′; Fac. Class., LOM; Ident., CH; Procedure No. 1, Amdt. 6; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 5; Dated, 1 July 61

GTF VOR	GF RBn	Direct	5500	T-dn	300–1	300–1	*200–½
Belt FM	GF RBn	Direct	5500	C-dn	500–1	500–1	500–1½
Cascade FM	GF RBn	Direct	5500	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 203° Outbnd, 023° Inbnd, 5500′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 009°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mi, climb to 5500′ on 018° crs within 20 mi of GF–RBn or, when directed by ATC, left turn, climb to 5500′ on 311° crs within 20 mi of GF–RBn.
*300–1 required on Runways 11–20.

City, Great Falls; State, Mont.; Airport Name, International; Elev., 3671′; Fac. Class., HW; Ident., GF; Procedure No. 2, Amdt. Orig.; Eff. Date, 10 Mar. 62, or upon completion of RBn

Salem Int	GON RBn	Direct	1600	T-dn	300–1	300–1	200–½
Saybrook Int	GON RBn	Direct	1500	C-dn	500–1	500–1	500–1
Watch Hill Int	GON RBn	Direct	1500	A-dn*	NA	NA	NA

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 049°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1 mi, climb straight ahead to 1000′, then make a climbing right turn and return to GON RBn. Hold GON RBn 1-minute left turns, 050° Inbnd.
NOTE: Facility must be monitored aurally during this approach.
AIR CARRIER NOTE: No night operations on Runways 10–28 except to the E.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Mar. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Jackson VOR	LOM	Direct	1700	T–dn	300–1	300–1	200–½
Florence Int	LOM	Direct	2100	C–dn	500–1	500–1	500–1½
Redwood Int	LOM	Direct	1600	S–dn–11	400–1	400–1	400–1
Edwards Int	LOM	Direct	1600	A–dn	800–2	800–2	800–2
Raymond Int	LOM	Direct	2900				

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 108°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 2100′, turn left and proceed to JAN-VOR via R-178 or, when directed by ATC, climb to 2100′, turn right and proceed to Florence Int via JAN-VOR R-178.
CAUTION: Tower 1051′ MSL located 3.5 mi SW of airport.

City, Jackson; State, Miss.; Airport Name, Hawkins; Elev., 343′; Fac. Class. LOM; Ident., JA; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Mar. 62

Carl's Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
JAX LFR	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
JAX VOR	LOM	Direct	2000	S–dn–8	400–1	400–1	400–1
Blue Jacket Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Bryceville Int	LOM	Direct	1500				
Sunbeam Int	LOM	Direct	1500				
Callahan Int	LOM	Direct	1500				

Radar terminal area transition altitude 1500′ within 25 mi except 2000′ required when within 3.0 mi of towers, 900′ 4.3 mi and 1003′ 3.8 mi SE of LOM. Radar control must provide separation from restricted area R-161A.
Procedure turn NA due to restricted area. Radar vector to final approach required. If radar contact not established during transition, proceed to the LOM, hold NE, 1-minute pattern, right turns. If radar contact not established or radar inoperative, execution of this procedure not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 046°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 1500′ on crs of 045° within 20 mi or, when directed by ATC, climb to 1500′ on R-089 JAX-VOR within 20 mi.
Other changes: Deletes transitions from Sunbeam Int (LF) and Bryceville Int (LF).

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 32′; Fac. Class., LOM; Ident., JA; Procedure No. 1, amdt. 14; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 13 (ADF portion Comb. ILS–ADF); Dated, 28 June 56

Huntington Beach FM	LOM (Final)	Direct	1500	T–dn°	300–1	300–1	200–½
San Pedro Int	LOM	Direct	1500	C–dn	500–1	600–1	600–1
LGB VOR	LOM	Direct	1500	S–dn–30	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn S side of SE crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi of LOM. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 300°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 800′ on 300° brng from LOM, turn left, climb on 190° heading to interception of 160° brng from LAX Rbn and proceed to San Pedro Int at 2500′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks 1 mi S of airport. All circling and maneuvering shall be accomplished N of field.
Other change: Deletes all reference to Long Beach LFR.
°300–1 required for takeoff Runways 16L, 25L, 34R; 600–1½ required for takeoff Runway 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 17; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 16; Dated, 20 Aug. 60

LAX RBn	LOM	Direct	3000	T–dn	300–1	300–1	200–½
Downy FM/RBn	LOM (Final)	Direct	1800	C–dn	500–1	600–1	600–1½
LGB VOR	Downy FM/RBn	Direct	3000	S–dn–25L/R	500–1	500–1	500–1
LGB VOR	LOM	Direct	3000	A–dn	800–2	800–2	800–2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
La Habra Int	Downy FM/RBn	Direct	3000				

Radar transition and vectoring using Los Angeles Radar authorized in accordance with approved radar patterns.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 3000′ within 10 mi of OM.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 248°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM, climb to 2000′ on crs of 248° within 20 mi.
Other change: Deletes all reference to Long Beach LFR.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 22; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 21; Dated, 27 May 61

SFO–VOR	LOM	Direct	2000	T–dn°	300–1	300–1	200–½
OAK VOR	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
OSI VOR	LOM	Direct	4000	S–dn–28L/R	400–1	400–1	400–1
FRX FM/HW	LOM (Final)	Direct	1700	A–dn	800–2	800–2	800–2
SJC VOR	LOM (Final)	Direct	1700				

Radar transitions and vectoring using San Francisco Radar authorized in accordance with approved radar patterns.
No procedure turn authorized. All necessary maneuvering and descent shall be accomplished in accordance with and in the confines of the SFO–LOM holding pattern. (Left turns, 1 minute, 2000′. Final approach crs. 101° Outbnd, 281° Inbnd.)
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility on final approach crs, 281°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing LOM climb to 3000′ on 287° crs from LMM or SFO VOR R-287 within 15 mi.
CAUTION: Circling minima do not provide standard clearance over high terrain W and SW of airport.
Other change: Deletes transition from OK–LFR.
°300–1 required for takeoff on Runway 19L–R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11′; Fac. Class., LOM; Ident., SF; Procedure No. 1, Amdt. 15; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 14; Dated, 15 Oct. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SCK–VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
Woodward Int	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
Tracy Int	LOM	Direct	2000	S–dn–29R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 1600′ within 10 mi of LOM. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 291°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM, make left climbing turn and climb to 2000′ on 233° crs from the LOM within 15 mi or, when directed by ATC, make left climbing turn and climb to 2000′ on R-229 of the SCK–VOR within 15 mi.

City, Stockton; State, Calif.; Airport Name, Stockton County; Elev., 27′; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. 1; Eff. Date, 10 Mar. 62; Sup. Amdt. No. Orig.; Dated 5 Aug. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TS–LFR	TYS–VOR	Direct	3100	T–dn	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				C–n	600–1½	600–1½	600–1½
				S–dn–22R#	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes: 0°–360° within 5 mi, 2500′; 091°—179° within 10 mi, 4000′; 180°—090° within 10 mi, 2500′; 158°—205° within 17 mi, 5000′; 355°—070° within 17 mi, 3000′; 205°—270° within 24 mi, 2500′; 355°—070° within 25 mi, 3100′; 270°—355° within 10–20 mi, 3000′; 070°—085° within 10–25 mi, 4000′. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control will provide 1000′ vertical clearance within a 3-mile radius of terrain 3100′ MSL located at 35–49/83–40 or maintain 4300′.
Procedure turn E side of crs, 042° Outbnd, 222° Inbnd, 3100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′; over Rockford Int.° 1700′.
Crs and distance, facility to airport, 222°—6.6 mi; Rockford Int° to airport, 222°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 mi of TYS–VOR, turn right, climb to 3000′ on R-348 TYS–VOR within 15 mi.
#If Rockford Int° not identified on final, descent below 1700′ MSL not authorized; minima become 800–1.
°Rockford Int: Int R-222 TYS–VOR and 281° brng to TS–LFR.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., H-BVORTAC; Ident., TYS; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Mar. 62

Huntington Beach FM	LGB VOR	Direct	1500	T–dn°	300–1	300–1	200–½
				C–dn	500–1	600–1	600–2
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach, 1500′.
Crs and distance, facility to airport, 274°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi, make immediate right climbing turn and return to LGB VOR at 1500′.
NOTE: Use of this procedure under VFR flight conditions must be approved by the NAS Los Alamitos Tower.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks 1 mile S of airport. All circling and maneuvering shall be accomplished N of field.
Other change: Deletes transition from LGB–LFR.
°300–1 required on Runways 16L, 25L, and 34R; 600–1½ required for takeoff on Runway 16R.

City, Long Beach; State, Calif.; Airport Name, Long Beach; Elev., 56′; Fac. Class., BVOR; Ident., LGB; Procedure No. 1, Amdt. 2; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 1; Dated, 15 Aug. 59

				T–dn	300–1	NA	NA
				C–dn	1400–1	NA	NA
				A–dn	1800–2	NA	NA

Procedure turn E side of final approach crs, 157° Outbnd, 337° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 337°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi, climb to 4500′ on R-337 MGW–VOR within 10 mi. Reverse course and proceed to MGW–VOR. Hold SE on R-157 MGW–VOR, standard pattern, 1-minute right turns.
CAUTION: Antenna 1419′ 1.7 mi SW of airport. Antenna 1384′ 1 mi SE of airport.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1256′; Fac. Class., BVORTAC; Ident., MGW; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Mar. 62

				T–dn	300–1	300–1	NA
				C–dn	700–1	700–1	NA
				A–dn	NA	NA	NA

Procedure turn N side of course, 123° Outbnd, 303° Inbnd, 1700′ within 10 mi.
Crs and distance, facility to airport, 303°—5.6 mi.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi. make an immediate left (S) climbing turn returning to PTW VOR at 1700′. Hold E 1-minute, right turns. Inbound course 303°.

City, Pottstown; State, Pa.; Airport Name, Pottstown Municipal; Elev., 255′; Fac. Class., BVOR; Ident., PTW; Procedure No. 1, Amdt. 1; Eff. Date, 10 Mar. 62; Sup. Amdt. No. Orig.; Dated, 24 Feb. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lindon VOR	Stockton VOR	Direct	2000	T-dn	300-1	300-1	200-½
Orange Int	Stockton VOR	Direct	2000	C-dn	500-1	600-1	600-1½
Woodward Int	Stockton VOR	Direct	2000	S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 123° Outbnd, 303° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 304°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, make a left climbing turn and climb to 2000′ on R-229 of the SCK-VOR within 15 mi or, when directed by ATC, make left climbing turn and climb to 2000′ on 233° crs from the SCK LOM within 15 mi.

City, Stockton; State, Calif.; Airport Name, Stockton Municipal; Elev., 27′; Fac. Class., BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 4; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 3; Dated, 5 Aug. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int	ADS TVOR	Direct	1800	T-dn	300-1	200-1	200-½
DAL VOR	ADS TVOR	Direct	1900	C-dn	400-1	500-1	500-1½
Trinity Fork Int	ADS TVOR	Direct	2000	S-dn-18	400-1	400-1	400-1
DeSoto Int	ADS TVOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transition altitude 2000′ within 20 mi. Radar control must provide 1000′ clearance within 3 mi or 500′ clearance between 3–5 mi of radio towers 1106′ m.s.l. 20 mi N; 1221′ m.s.l. 10 mi WSW; and 2349′ m.s.l. 17 mi SSW of airport.
Procedure turn E side crs, 358° Outbnd, 178° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs 2000′.°
Minimum altitude over Highline Int # on final approach crs, 1100′.
Crs and distance, Highline Int # to airport, 178°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 mi after passing ADS VOR, turn left, proceed direct to DAL VOR, climbing to 2000′.
°Descent to 1100′ authorized after passing ADS TVOR.
#Int ADS VOR R-178 AND DAL VOR R-227.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class., BVORW; Ident., ADS; Procedure No. Ter VOR-18, Amdt. 6; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 5; Dated, 5 Sept. 59

GRI-LFR	GRI-VOR	Direct	3200	T-dn	300-1	300-1	200-½
OBH-VOR	GRI-VOR	Direct	3200	C-dn	500-1½	500-1½	500-1½
				S-dn-12#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 295° Outbnd, 115° Inbnd, 3200′ within 10 mi.
Minimum altitude over facility on final approach course, 2300′; over Evers Int,° 2300′.
Crs and distance, breakoff point to Runway 12, 120°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing VOR or within 5.4 mi after passing Evers Int,° climb to 3300′ on R-115 and return to GRI-VOR.
Other change: Deletes caution note.
°Evers Int: Int R-176 Wolbach VOR and R-295 Grand Island VOR.
#400-1 minimums authorized for aircraft having dual operating VOR receivers and the Evers Int is identified in passing.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1646′; Fac. Class., BVOR; Ident., GRI; Procedure No. Ter VOR-12, Amdt. 2; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 1; Dated, 20 Jan. 62

SFO Gap RBn	Fremont FM HW	Direct	4000	T-dn#	300-1	300-1	200-½
Bay Point Int	Fremont FM HW	Direct	6000	C-dn	500-1	600-1	600-1½
Richmond Int	Fremont FM HW	Direct	4000	A-dn	800-2	800-2	800-2
OK LFR/"H"	Fremont FM HW	Direct	4000				
Fremont FM HW	Mount Eden Int (Final)	Direct	1900				
Mount Eden Int°	OAK VOR (Final)	Direct	7500				
OAK VOR	Fremont FM HW	Direct	4000				

Standard procedure turn NA. All maneuvering and descent shall be accomplished in the Fremont FM-HW** LF holding pattern. Minimum altitude 4000′. Descent to 3500′ authorized to cross Fremont FM-HW on final approach crs inbnd.
Minimum altitude over VOR on final approach crs, 500′.%
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 2000′ in a 1-minute right turn holding pattern on R-300 (120° Inbnd, 300° Outbnd).
All turns W side of crs.
NOTES: Missed or discontinued approach must not cross OAK VOR above 1500′. ADF and VOR, or dual VOR equipment required for this procedure.
#300-1 required for takeoff on Runway 33.
°Int OAK VOR R-120 and 047° brng to Hayward RBn, or Int of OAK VOR R-120 and SFO VOR R-066.
**Fremont FM/HW or Int OAK VOR R-120 and SFO VOR R-083.
%600′ required for aircraft with stall speed more than 65 knots.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., H-BVORTAC; Ident., OAK; Procedure No. Ter VOR (R-120), Amdt. 4; Eff. Date, 4 Mar. 62; Sup. Amdt. No. 3; Dated, 8 Oct. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OAK-VOR	Int R-224 OAK and R-014 SFO-VOR	Direct	1000	T-dn°	300-1	300-1	200-½
Int R-224 OAK and R-014 SFO-VOR	SFO-VOR (Final)	Direct	400	C-dn	500-1	600-1	600-1½
				S-dn-19L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using SFO radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Except as authorized above, radar vectoring to final approach required. If radar contact not established during transition, proceed to the SFO LOM, hold SE, 1-minute pattern, 281° Inbnd, left turns, minimum altitude, 2000′. Final approach crs, 194° Inbnd.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance from breakoff point to approach end of Runway 19L, 190°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left climbing turn to 2000′ on R-161 within 10 mi.
NOTE: Circling minimums do not provide standard clearance W and SW of airport.
°300-1 required for takeoff Runway 19L-R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11′; Fac. Class., VOR; Ident., SFO; Procedure No. TerVOR-19L, Amdt. 7; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 6; Dated, 4 Mar. 61

SFO-VOR	SFO LOM	Direct	2000	T-dn °	300-1	200-1	200-½
OSI-VOR	SFO LOM	Direct	4000	C-dn	500-1	600-1	600-1½
OAK-VOR	SFO LOM	Direct	2000	S-dn-28L/R	400-1	400-1	400-1
Fremont FM-HW	SFO LOM (Final)	Direct	1700	A-dn	800-2	800-2	800-2
SJC-VOR	SFO LOM (Final)	Direct	1700				

Radar transitions and vectoring using San Francisco Radar authorized in accordance with approved radar patterns.
No procedure turn authorized. All necessary maneuvering and descent shall be accomplished in the SFO LOM holding pattern (1-minute left turns, 2000′ minimum altitude); final approach crs, 101° Outbnd, 281° Inbnd.
Minimum altitude over facility on final approach crs, 400′; over LOM, 1700′.
Crs breakoff point to approach end of Runway 28, 281°. Final approach crs parallel to and between Runways 28L-R. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, climb to 3000′ on R-287 within 20 mi.
NOTES: 1. Circling minimums do not provide standard clearance W and SW of airport. 2. VOR and ADF equipment required for this procedure.
Other change: Deletes transition from Stinson Beach Int and Richmond VHF Int.
° 300-1 required for takeoff Runway 19L-R.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11′; Fac Class., VOR; Ident., SFO; Procedure No. TerVOR-28L-R, Amdt. 5; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 4; Dated, 15 Oct. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany LFR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
Schenectady FM	LOM	Direct	1800	C-dn	500-1	600-1	600-1½
Saratoga Springs FM	LOM	Direct	1800	S-dn-19°	300-¾	300-¾	300-¾
Round Lake FM	LOM (Final)	Direct	1600	A-dn	600-2	600-2	600-2
Albany VOR	LOM	Direct	1800				

Procedure turn W side N crs, 011° Outbnd, 191° Inbnd, 1800′ within 10 mi.
Minimum altitude at glide slope int. inbnd: 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1536′—3.8 mi; at MM, 492′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on S crs ILS and proceed to the Greenbush Int or, when directed by ATC, climb to 1000′ on S crs ILS, make a right climbing turn and proceed out W crs Albany LFR at 3000′.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runways 10, 28, 15, and 33.
°600-¾ required when glide slope is inoperative.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., ILS; Ident., I-ALB; Procedure No. ILS-19, Amdt 4; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 3; Dated, 22 Oct. 60

Charleston RBn	LOM	Direct	1300	T-dn°°	300-1	300-1	200-½
Charleston VOR	LOM	Direct	1300	C-dn	400-1	500-1	500-1½
Tucker Int	LOM (Final)	Direct	1300	S-dn-15#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope interception inbnd final, 1100′.
Altitude of glide slope and distance to approach end of Runway at OM, 1055′—3.7 mi; at MM, 233′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on R-149 CHS-VOR within 15 mi or, when directed by ATC, turn right, climb to 1300′ and proceed direct to CHS LOM.
CAUTION: Tower 1049′ msl 10 mi SE.
°400-¾ required when glide slope not utilized.
#Runway Visual Range 2600′ also authorized for landing on Runway 15, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 245′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 15 in lieu of 200-½ when 200-½ is authorized, provided high intensity runway lights are operational.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., ILS; Ident., I-CHS; Procedure No. ILS-15, Amdt. 7; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 6; Dated, 1 July 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus CM-LOM	University Int*	Direct	2500	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-9R	500-1	500-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach course within 10 mi of University Int* is required.
Procedure turn S side of Runway 9R localizer crs, 276° Outbnd, 096° Inbnd, 2500' within 10 mi of University Int. No glide slope. Back crs approach.
Minimum altitude over University Int* on final approach crs, 2000'.
Crs and distance, University Int* to airport, 096°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing University Int,* climb straight ahead to 2500' on E crs ILS to CM-LOM and hold E 1-minute right turns.
Other change: Transitions to BXL RBn deleted. BXL RBn to be decommissioned.
*University Int: Int back crs CMH localizer for Runway 27L and 096° brng to the CB-LOM.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-9R, Amdt. 6; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 5; Dated 22 Apr. 61

Carl's Int	LOM	Direct	2000	T-dn	300-1	300-1	300-1
JAX LFR	LOM	Direct	2000	C-dn	400-1	500-1	400-1½
JAX VOR	LOM	Direct	2000	S-dn-5*	200-1½	200-1½	200-1½
Blue Jacket Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Brycesville Int	LOM	Direct	1500				
Sunbeam Int	LOM	Direct	1500				
Callahan Int	LOM	Direct	1500				

Radar terminal area transition altitude 1500' within 25 mi except 2000' required when within 3.0 mi of towers, 095° 4.3 mi and 100° 3.8 mi SE of LOM. Radar control must provide separation from restricted area R-161A.
Procedure turn NA due to restricted area. Radar vector to final approach required. If radar contact not established during transition, proceed to the LOM, hold NE, 1-minute pattern, right turns. If radar contact not established or radar inoperative, execution of this procedure not authorized.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1170'—4.0 mi, at MM, 220'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on crs of 045° within 20 mi or, when directed by ATC, climb to 1500' on R-089 JAX-VOR within 20 mi.
*400-½ required when glide slope not used.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 32'; Fac. Class. and Ident., ILS-IJAX; Procedure No. ILS-5, Amdt. 14; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 13 (ILS portion Comb ILS-ADF); Dated, 28 June 56

Huntington Beach FM	LOM (Final)	Direct	1500	T-dn*	300-1	300-1	300-1
San Pedro Int	LOM	Direct	1500	C-dn	500-1	600-1	600-1
LGB VOR	LOM	Direct	1500	S-dn-30#	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar vectoring to final approach course authorized
Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 1500' within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope Int inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1344'—4.2 mi; at MM, 220'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 800' on NW crs LGB ILS, turn left, climb on 196° heading to intercept 160° brng from LAX RBn and proceed to San Pedro Int at 2500'.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks 1 mi S of airport. All circling and maneuvering shall be accomplished N of field.
Other change: Deletes all reference to Long Beach LFR.
*800-1 required for takeoff Runways 16L, 22L, 34R; 600-1¼ required for takeoff Runway 16R.
#Straight-in landing minimums are 400-1 with glide slope inoperative.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 60'; Fac. Class., ILS; Ident., I-LGB; Procedure No. ILS-30, Amdt. 18; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 17; Dated, 2 July 60

Keansburg VHF Int	Prospect VHF Int	Direct	2500	T-dn*	300-1	300-1	300-1
LGA-VOR	Prospect VHF Int	Direct	2500	C-dn*	700-1	700-2	700-1
Liberty VHF Int	Int SW crs LAG ILS and IDL R-271	Via radar vectors to IDL R-271.	2500	S-dn4*#	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2
Int SW crs LAG ILS and IDL R-271	Prospect Int (Final)	Direct	2500				

Radar vectors may be substituted for the above transitions.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2500' S of Prospect Int but within 10 mi of LOM.
Minimum altitude at glide slope intercept inbnd, 2500' at Prospect Int.
Altitude of glide slope and distance to approach end of runway at OM 1310'—3.0 mi, at MM 295'—.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000' on LGA-VOR R-046 to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE Stamford Int 1-minute left turns, inbnd crs 226°.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightplane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 418' msl 3.5 mi SW, tower 260' msl 3.5 mi SW, building 968' msl 6.7 mi SW.
*800-1 required with any component of the ILS inoperative.
#Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel.
§AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS-4, Amdt. 18; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 17; Dated, 20 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fremont FM-HW	Hayward HW (Final)	Direct	2600	T-dn* ##	300-1	300-1	200-½
OK-LFR/"H"	Hayward HW	Direct	4000	C-dn	500-1	600-1	600-1½
OAK VOR	Hayward HW	Direct	4000	S-dn-27R§	200-½	200-½	200-½
Bay Point Int	Hayward HW	Direct	6000	S-dn-27L#	400-1	400-1	400-1
Altamont Int	Hayward HW (Final)**	Direct	5000	A-dn	600-2	600-2	600-2
Camel Int	Hayward HW (Final)**	Direct	4000				
Decoto Int	Hayward HW (Final)	Direct	2600				

Radar transitions and vectoring authorized using Oakland Radar in accordance with approved radar patterns.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 4000' within 10 mi of HWD HW. Beyond 10 mi NA. (Nonstandard due to high terrain N.)
Minimum altitude at glide slope Int inbnd 2600'.
Altitude of glide slope and distance to approach end of runway at HWD HW, 2590'—8.2 mi at OM, 1320'—4.1; at MM, 230'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' in a 1-minute right turn holding pattern on R-200 OAK-VOR (120° inbnd, 300° Outbnd, all turns W side of crs).
Missed approaches must cross OAK-VOR not above 1500'.
*200-1 required for takeoff on Runway 33.
**Descend on glide slope to cross Hayward HW at 2590'.
§Crs and distance, OM to Runway 27L, 274°—4.1 mi.
#Runway Visual Range 2600' also authorized for landing on Runway 27R; provided that all components of the ILS, hi-intensity runway lights, approach lights, condenser-discharge flasher, middle compass locator, outer compass locator, outer marker, Hayward HW and all related airborne equipment are operating satisfactorily. Descent below 200' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway Visual Range 2600' also authorized for takeoff on Runway 27R in lieu of 200-½ when 200-½ is authorized, providing high intensity runway lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5'; Fac. Class., ILS; Ident., I-OAK; Procedure No. ILS-27R/L, Amdt. 16; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 15; Dated, 18 Feb. 61

San Jose VOR	LOM (Final)	Direct	1700	T-dn§*	300-1	300-1	200-½
SFO VOR	LOM	Direct	2000	C-dn	500-1	600-1	600-1½
Fremont FM/HW	LOM (Final)	Direct	1700	S-dn 28R§	200-½	200-½	200-½
OAK VOR	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Westside VOR	LOM	Direct	4000	S-dn 28L	400-1	400-1	400-1

Radar transitions and vectoring using San Francisco Radar authorized in accordance with approved radar patterns.
No procedure turn authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern, (1-minute left turns, 2000' minimum altitude. Final approach crs, 101° Outbnd, 281° Inbnd.)
Minimum altitude at glide slope Int inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM 1720'—5.7 mi; at MM, 240'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on SFO VOR R-287 or on 287° crs from LMM within 15 mi.
CAUTION: Circling minimums do not provide standard clearance over high terrain W and SW of airport.
*800-1 required for takeoff Runway 19R-L.
§Runway Visual Range 2600' also authorized for landing on Runway 28R; provided that all components of the ILS, hi-intensity runway lights, approach lights, condenser-discharge flashers, middle compass locater, outer compass locater and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 311' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway Visual Range 2600', also authorized for takeoff on Runway 28R in lieu of 200-½, when 200-½ authorized. Providing high intensity runway lights are operational.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11'; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS-28R-L, Amdt. 16; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 15; Dated, 30 Sept. 61

Linden VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
SCK-VOR	LOM	Direct	1600	C-dn	500-1	600-1	600-1½
Westward Int	LOM	Direct	2000	S-dn-29-R*	400-¾	400-¾	400-¾
Stamps Int	LOM	Direct	1600	A-dn	600-2	600-2	600-2

Procedure turn S side SE crs, 111° Outbnd, 291° Inbnd, 1600' within 10 mi of LOM. NA beyond 10 mi.
Minimum altitude at glide slope intercept inbnd, 1600'. Descent on glide slope is required.
Altitude of glide slope and distance to approach end of runway at OM, 1528'—5.4 mi; at MM, 248'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn and climb to 3000' on R-229 of the SCK-VOR within 15 mi or when directed by ATC, make left climbing turn and climb to 2000' on 233° crs from the SCK LOM within 15 mi.
*800-1 required when only localizer and LOM used.

City, Stockton; State, Calif.; Airport Name, Stockton Municipal; Elev., 27'; Fac. Class., ILS; Ident., I-SCK; Procedure No. ILS-29R, Amdt. 2; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 1; Dated, 9 Sept. 61

Int MIP R-008 and IPT R-088	Picture Rocks RBn (Final)	Direct	3600	T-dn	800-1	800-1	800-1
MIP-VOR	Picture Rocks RBn	Direct	3700	C-dn	900-2	900-2	900-2
IP-LFR	Picture Rocks RBn	Direct	3700	S-dn-27*	800-2	800-2	800-2
IPT-VOR	Picture Rocks RBn	Direct	3700	A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 3700' within 10 mi of Picture Rock RBn. Nonstandard due to higher terrain N of ILS course.
Minimum altitude over facility on final approach crs, 3600'.
Altitude at glide slope and distance to approach end of runway at OM, 1795'—3.8 mi; at MM, 765'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing outer marker or 9.4 mi after passing Picture Rocks RBn, make immediate right (N) climbing turn, proceed to Picture Rocks RBn. Maintain 3700'. Hold E 1-minute right turns, inbound course 266° or, when directed by ATC, make a right (NW) climbing turn to 4000' to intercept the MIP-VOR R-325, proceed to Trout Run Int. Hold W Trout Run Int 1-minute right turns inbound course 110°.
CAUTION: 2000' ridge approx. 2.0 mi S of airport. All circling approaches are prohibited in the area S of Runways 9-27.
AIR CARRIER NOTE: Sliding scale not authorized for takeoffs and landings. Runways 15-33 closed to air carrier operations.
*800-2 required with glide slope inoperative.

City, Williamsport; State, Pa.; Airport Name, Lycoming County; Elev., 528'; Fac. Class., ILS; Ident., I-IPT; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 10 Mar. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
All directions	Radar site	Within 25 miles	1500	T–dn	300–1	300–1	300–1¼
				C–dn–9, 23, 27, and 30.	400–1	500–1	500–1½
				C–dn–5, 12	500–1	500–1	500–1½
				S–dn–9, 23, 27, and 30.	400–1	400–1	400–1
				S–dn–5, 12	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio antenna towers 990′ MSL 7.1 mi, 1003′ 6.3 mi, and 615′ MSL 10.3 mi S of radar antenna, and also must provide separation from restricted area R-161A.
Procedure turn NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ straight ahead, then proceed to JX-LFR or VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 82′; Fac. Class. and Ident., Imeson Radar; Procedure No. 1, Amdt. 3; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 2; Dated, 6 Jan. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 1, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-1269; Filed, Mar. 7, 1962; 8:45 a.m.]

[Reg. Docket No. 1073; Amdt. 259]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE MARCH 17, 1962.							

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach; Elev., 34′; Fac. Class., SBMLZ-DTV; Ident., DAB; Procedure No. 1, Amdt. 9; Eff. Date, 16 Aug. 58; Sup. Amdt. No. 8; Dated, 14 June 58

Fargo VOR	FG-LFR	Direct	2600	T–dn	300–1	300–1	300–1¼
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of E crs, 080° Outbnd, 260° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 274°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mile, climb to 2600′ on W crs FG-LFR within 10 miles.
CAUTION: Radio Tower 1075′ MSL 1.0 mile SSE of airport.
Other change: Deletes straight-in minimums.

City, Fargo; State, N. Dak.; Airport Name, Hector Field; Elev., 900′; Fac. Class., SBRAZ; Ident., FG; Procedure No. 1, Amdt. 11; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 10; Dated, 17 Sept. 60

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Anson Int	Gustavus LFR	Direct	2500	T–dn*	300–1	300–1	300–1¼
				C–dn	500–1	500–1	500–1½
				S–dn	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn West side of NW crs, 286° Outbnd, 106° Inbnd, 2900′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 106°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST-LFR, turn right climbing to 3000′ on NW crs within 10 miles; continue climb to 4900′ within 15 miles. (NA beyond 15 miles due to high terrain.)
CAUTION: 1. Maneuvering North through East of airport not authorized due to terrain rising to 3000′ within 4.8 mi. 2. Terrain rising to 4000′ within 5.4 miles of procedure turn and missed approach course.
NOTE: Final approach from holding pattern at Gustavus LFR not authorized. Procedure turn required.
*Takeoff on Runway 1, North, 700–2 day and night.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 36′; Fac. Class., SBRAZ; Ident., GST; Procedure No. 1, Amdt. 6; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 5; Dated, 1 Oct. 55

Waterville VOR	TOL-LFR	Direct	2000	T–dn	300–1	300–1	300–1¼
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–d–32	500–1	500–1	500–1
				S–n–32	500–2	500–2	500–2
				A–dn	NA	NA	NA

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 204° Outbnd, 024° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 344°—7.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 mi, climb to 2100′ on N crs within 10 mi. return to LFR, hold on S crs right turns 1-minute.

City, Toledo; State, Ohio; Airport Name, Municipal; Elev., 622′; Fac. Class., SBMRAZ; Ident., TOL; Procedure No. 1, Amdt. 2; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 1; Dated, 7 May 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dayton VOR	LOM	Direct	2700	T–dn	300–1	300–1	300–1¼
Tipp City RBn	LOM	Direct	2700	C–dn	400–1	500–1	500–1½
Lewisburg Int*	LOM	Direct	2700	S–dn–6	400–1	400–1	400–1
Camden Int	LOM	Direct	2700	A–dn	800–2	800–2	800–2

Radar transition and vectoring authorized in accordance with approved radar patterns.
Procedure turn West side SW crs, 236° Outbnd, 056° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 056°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on 056° crs, make left climbing turn and proceed to Dayton VOR and hold at 3000′.
*Lewisburg Int: Int DAY VOR R-208 and RID VOR R-000.

City, Dayton; State, Ohio; Airport Name, Dayton Municipal; Elev., 1008′; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 17; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 16; Dated, 16 Dec. 61

Dayton VOR	TPC RBn	Direct	2700	T–dn	300–1	300–1	300–1¼
Springfield RBn	TPC RBn	Direct	2700	C–dn	400–1	500–1	500–1½
Alcony Int*	TPC RBn (Final)	Direct	2200	S–dn–24	400–1	400–1	400–1
LOM (DA)	TPC RBn	Direct	2700	A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side NE crs, 056° Outbnd, 236° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, Tipp City RBn to Rwy 24, 236°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TPC RBn, climb to 2000′ on 236° crs, make right climbing turn and proceed to DAY VOR and hold at 3000′.
*Alcony Int: Int RSD-VOR R-180 and the DAY ILS NE crs.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev., 1008′; Fac. Class., MHW; Ident., TPC; Procedure No. 2, Amdt. 5; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 4; Dated, 21 Jan. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions: Shuttle East crs, 052° Outbnd, 232° Inbnd, 4000′		Within 25 mi		T-dn* C-dn** S-dn-25 A-dn	300–1 500–2 500–2 800–2	300–1 500–2 500–2 800–2	300–1 500–2 500–2 800–2

Procedure turn North side of crs, 052° Outbnd, 232° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 232°—5.3 mi.
If visual contact not established upon descent to 600′ MSL within a maximum distance of 3.0 miles after passing Kodiak LFR, turn left, climbing direct range, continue climb to 4000′ on a course of 052° outbnd within 20 mi.
CAUTION: 1. High terrain all quadrants around airport except to the East, rising to 2506′ 1.2 mi West of airport. 2. Terrain rising to 1200′ 2.1 miles North of final approach course.
AIR CARRIER NOTE: Sliding scale NA.
NOTE: Airport closed to all civil air traffic except in emergency or when given special authorization by U.S. Navy.
*200–½ authorized Runways 7 and 10, over 2 engs, 65 knots. Proceed directly to range after takeoff. Takeoff Runways 25 and 28 NA.
**All maneuvering for approach to Runways 18, 25, 28, and 36 to be accomplished East of airport, circling approach to Runways 7 and 10 NA.

City, Kodiak; State, Alaska; Airport Name, Kodiak NAS; Elev., 77′ Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. Orig.; Eff Date, 17 Mar. 62

Savannah VOR Marlow Int	LOM LOM	Direct Direct	1500 1500	T-dn C-dn S-dn-9 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2

Radar transition altitude 1500′ within 25 miles.
Procedure turn North* side of crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 092°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, climb to 1600′ on crs of 092° within 15 miles or, when directed by ATC, turn left, climbing to 1500′ direct to SAV VOR.
Other changes: Deletes transitions from Savannah LFR and NE crs SV-LFR and E crs ILS.
*Nonstandard due to danger area.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 5; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 4; Dated, 11 Oct. 58

Mechanicsburg Int South Solon Int Gladstone Int DAY VOR	SGH MHW SGH MHW SGH MHW SGH MHW	Direct Direct Direct Via R-106 DAY VOR.	2800 2800 2800 2800	T-dn C-dn S-dn-23 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 053° Outbnd, 233° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 235°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, make climbing left turn to 2800′, return to SGH MHW.

City, Springfield; State, Ohio; Airport Name, Springfield Municipal; Elev., 1049′; Fac. Class., MHW; Ident., SGH; Procedure No. 1, Amdt. 4; Eff. Date, 17 Mar 62; Sup. Amdt. No. 3; Dated, 16 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Datona Beach LOM	DAB–VOR	Direct	1500	T-dn C-dn A-dn	300–1 700–1 800–2	300–1 700–1 800–2	300–1 700–1½ 800–2

Procedure turn West side of crs, 336° Outbnd, 156° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 156°—7.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 mi, climb to 1500′ on R-156 within 10 mi.

City, Datona Beach; State, Fla.; Airport Name, Datona Beach Municipal; Elev., 34′; Fac. Class., BVOR; Ident., DAB; Procedure No. 1, Amdt. 2; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 1; Dated, 20 May 61

Tyrone VOR	PSB–VOR	Direct	4000	T-dn C-d C-n A-dn	500–1 800–1 800–2 1000–2	500–1 800–1 800–2 1000–2	NA NA NA NA

Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 246°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, make a right climbing turn returning to the PSB–VOR at 4000′. Hold NE 1-minute right turns inbound course 246°.
NOTE: Temporary van site. To be used from 4 to 6 months.

City, Philipsburg; State, Pa.; Airport Name, Black Moshannon State; Elev., 1933′; Fac. Class., BVORTAC; Ident., PSB; Procedure No. 1, Amdt. 5; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 4; Dated, 22 Oct. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn C-d C-n	200–1 700–1 700–2	200–1 700–1 700–2	

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn West side of crs, 203° Outbnd, 023° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 023°—9.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.8 mi after passing DAY-VOR, climb to 3000′ and proceed to the RSD–VOR and hold.

City, Piqua; State, Ohio; Airport Name, Piqua; Elev., 1000′; Fac. Class., BVORTAC; Ident., DAY; Procedure No. 1, Amdt. 3; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 2; Dated, 26 Aug. 61

				T-dn C-dn S-dn-23–27 A-dn	200–1 500–1 500–1 800–2	200–1 500–1 500–1 800–2	200–½ 500–1½ 500–1 800–2

Radar terminal transition altitude within 25 miles, 1500′.
Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to Runwy 27, 246°—4.3 mi; facility to Runwy 23, 249°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make immediate right turn,* climb to 1500′ on R-306 within 20 miles.
CAUTION: Stack 265′ MSL 2 miles NE of airport.
Other change: Deletes transition from Savannah LFR.
*Danger Area 10 miles SW of airport.

City, Savannah; State, Ga.; Airport Name, Travis (Chatham); Elev., 50′; Fac. Class., BVOR; Ident., SAV; Procedure No. 1, Amdt. 2; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 1; Dated, 11 Oct. 58

Lee VHF Int	VLD–VOR	Direct	1700	T-dn C-dn S-dn-35 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	300–½ 500–1½ 400–1 800–2

Radar transitions: From R-270 to R-100, 1500′ within 30 miles of VLD–VOR. From R-100 to R-270, 1500′ within 15 mi of VLD–VOR.
Procedure turn West side of crs, 184° Outbnd, 004° Inbnd, 1700′ within 10 mi. Procedure turn nonstandard to provide separation from Moody AFB traffic.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 004°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, make left turn, climbing to 1700′ intercepting R-346 of VLD–VOR within 20 mi.

City, Valdosta; State, Ga.; Airport Name, Valdosta; Elev., 203′; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 7; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 6; Dated, 12 Dec. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Milford FM	Bridgeport VOR (Final)	Direct	*400	T-dn C-dn* S-d-24* S-n-24* A-dn*	300–1 700–1 400–1 400–1 800–2	300–1 700–1 400–1 400–1 800–2	200–½ 700–1½ 400–1 400–1½ 800–2

Procedure turn East side of crs, 049° Outbnd, 229° Inbnd, 1700′ within 10 miles of BDR VOR. Nonstandard to avoid obstructions.
Minimum altitude until over Milford FM on final approach crs, *1000′.
Crs and distance, Milford FM to airport, 229°—3.2 mi.
Crs and distance, breakoff point to approach end of runwy, 237°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing left turn and climb to 1700′ on R-049 within 10 miles of BDR–VOR. Reverse course and return to BDR–VOR at 1700′. Hold BDR–VOR R-049 left turns, one-minute 229° inbnd.
NOTE: Contact Westchester Approach Control for ATC clearance.
*If Milford FM not received, maintain 1000′ over BDR–VOR (minimums of 1000–2 will apply).

City, Bridgeport; State, Conn.; Airport Name, Bridgeport Municipal; Elev., 9′; Fac. Class., VOR; Ident., BDR; Procedure No. Ter VOR-24, Amdt. 1; Eff. Date, 17 Mar. 62; Sup. Amdt. No. Orig.; Dated, 4 July 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Dayton VOR	MGY VOR	Via DAY-VOR R-163	3000	T-dn	300–1	300–1	200–1
				C-dn*	700–1	700–1	700–1½
Gladstone Int	MGY VOR	Direct	2600				
Camden Int	MGY VOR	Direct	2600				
Mount Holly Int*	MGY VOR (Final)	Direct	2500				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 146° Outbnd, 326° Inbnd, 2500′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1800′.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing MGY-VOR, make climbing right turn to 2500′, hold SE on R-146 MGY-VOR, 1-minute, right turns.
NOTE: No weather service available.
*Descent to 1700′ authorized after passing 5-mile radar fix.

City, Dayton; State, Ohio; Airport Name, Montgomery County; Elev., 900′; Fac. Class., VOR; Ident., MGY; Procedure No. 1, Amdt. 2; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 1; Dated, 19 Aug. 61

				T-dn*	300–1	300–1	300–1
				C-dn	800–1	800–1	800–1½
				S-dn-8	800–1	800–1	800–1
				A-dn	1000–2	1000–2	1000–2

Following minimums authorized for aircraft equipped with dual omni receivers operating normally and the Negaunee Int** received:

C-dn	700–1	700–1	700–1¼
S-dn-8	600–1	600–1	600–1

Procedure turn South side of crs, 251° Outbnd, 071° Inbnd, 3200′ within 10 mi.
Facility on airport. Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, breakoff point to approach end of Runway, 077°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile climb to 2800′ on R-083 MQT-VOR within 20 miles.
CAUTION: 2241′ tower 5 miles SW of airport. 2110′ tower 4 miles SW of airport.
NOTE: Sliding scale not applicable.
*Runway 8-26: Climb to 2400′ prior to making right or left turn. 700–1 required for Runway 1-19.
**Negaunee Int: Int MQT-VOR R-261 and SAW-VOR R-315.

City, Marquette; State, Mich.; Airport Name, Marquette County; Elev., 1419′; Fac. Class., VOR; Ident., MQT; Procedure No. TerVOR-8, Amdt. 1; Eff. Date, 17 Mar. 62; Sup Amdt. No. Orig.; Dated, 15 July 61

				T-dn	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-26-dn	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Following minimums authorized for aircraft equipped with dual omni receivers operating normally and the Forestville Int* received:

S-dn-26	500–1	500–1	500–1

Procedure turn N side of final approach crs, 085° Outbnd, 265° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance breakoff point to approach end of runway, 257°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile make right climbing turn to 2800′ on the 30° R of MQT VOR within 20 miles.
CAUTION: 2241′ tower 5 miles SW of airport. 2110′ tower 4 miles SW of airport. 1784′ tower 2 miles N of airport. Rough unlighted terrain all quadrants, highest N mi E within 2 miles at 1700′.
NOTE: Take-offs runway 8-26 climb to 2400′ prior to making right or left turn.
AIR CARRIER NOTE: Sliding scales not applicable. 700–1 required for take-offs runway 1-19.
*Forestville Int: Int MQT-VOR R-085 and SAW-VOR R-344.

City, Marquette; State, Mich.; Airport Name, Marquette County; Elev., 1419′; Fac. Class., L-BVOR; Ident., MQT; Procedure No. TerVOR-26, Amdt. 1; Eff. Date, 17 Mar. 62; Sup. Amdt. No. Orig.; Dated, 21 Oct. 61

Chino Int**	Olive Int***	Direct	3500	T-dn	300–1	300–1	NA
Olive Int***	Tustin Int# (Final)	Direct	2000	C-dn	500–1	500–1	NA
				S-dn-21	400–1	400–1	NA
				A-dn*	800–2	800–2	NA

Radar vector to final approach crs authorized via approved patterns.
Procedure turn NA.
Minimum altitude over Tustin Int# on final approach crs, 2000′; over Plant Int##, 600′; over SNA-VOR, 500′.
Crs and distance, Tustin Int# to SNA-VOR, 158°—5.7 mi; Plant Int## to SNA-VOR, 188°—2.0 mi; SNA-VOR to airport, 192°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 2000′ on R-190 to Newport Int.
NOTE: Dual VOR or VOR/ADF necessary for execution of this approach.
*Weather service 0600 to 2000.
**Chino Int: Int SNA R-008 and ONT-VOR R-255.
***Olive Int: Int SNA-VOR R-008 and LGB-VOR R-063, or 238° brng to LGB ILS LOM.
#Tustin Int: Int SNA-VOR R-008 and LGB-VOR R-080, or 252° brng to LGB ILS LOM.
##Plant Int: Int SNA-VOR R-008 and LGB-VOR R-096, or 260° brng to LGB ILS LOM.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54′; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR-21, Amdt. 4; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 3; Dated, 20 Jan. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BTL VOR	Mendon Int*	Direct	2600	T-dn	300–1	300–1	200–½
Levy Int	Mendon Int*	Via LFD VOR R-294.	2600	C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
Vicksburg Int**	Menton Int (Final)*	Direct	2600	A-dn	800–2	800–2	800–2
AZO VOR	Mendon Int (Final)*	Via AZO R-130 and SW ILS crs.	2600				

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2600′ within 10 miles of Mendon Int*.
No glide slope.
Minimum altitude over Mendon Int* on final approach crs, 2600′.
Crs and distance, Mendon Int* to airport, 044°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles of Mendon Int,* make climbing left turn to 2600′ and proceed to Hickory Int via BTL-VOR R-331 or, when directed by ATC, climb to 2600′ on NE crs ILS to BT LOM.
*Mendon Int: Int SW crs. BTL ILS and AZO VOR R-091, or DME FIX 5.8 mi. from BTL VOR.
**Vicksburg Int: Int AZO VOR R-180 and SW crs. BTL ILS or BTL VOR R-223.

City, Battle Creek; State, Mich.; Airport Name, Kellogg; Elev., 941′; Fac. Class., ILS; Ident., I-BTL; Procedure No. ILS-4, Amdt. 1; Eff. Date, 17 Mar. 62; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

Dayton VOR	LOM	Direct	2700	T-dn	300–1	300–1	200–½
Tipp City RBn	LOM	Direct	2700	C-dn	400–1	500–1	500–1½
Lewisburg Int%*	Trotwood Int** (Final)	(#)	2700	S-dn-6*	200–½	200–½	200–½
Camden Int	Trotwood Int** (Final)	Direct	2700	A-dn	600–2	600–2	600–2
Trotwood Int**	LOM (Final)	Direct	200				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn West side SW crs, 236° Outbnd, 056° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2121′—3.8 mi; at MM, 1220′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on NE crs ILS, make left climbing turn, proceed to Dayton VOR and hold at 3000′.
#This transition via the RID-VOR R-090 and the DAY ILS SW crs.
%Lewisburg Int: Int DAY VOR R-208 and RID VOR R-090.
**Trotwood Int: Int DAY VOR R-175 and DAY ILS SW crs.
*400–¾ required with glide slope inoperative.

City, Dayton; State, Ohio; Airport Name, Dayton Municipal; Elev., 1008′; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-6, Amdt. 16; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 15; Dated, 5 Nov. 60

Dayton VOR	TPC RBn	Direct	2700	T-dn	300–1	300–1	300–1
Springfield RBn	TPC RBn	Direct	2700	C-dn	400–1	500–1	500–1½
LOM (DA)	TPC RBn	Direct	2700	S-dn-24	400–1	400–1	400–1
R8D VOR	Alcony Int# (Final)	(*)	2700	A-dn	800–2	800–2	800–2
Alcony Int#	TPC RBn (Final)	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side NE crs, 056° Outbnd, 236° Inbnd, 2700′ within 10 mi of Tipp City RBn.
No glide slope or markers.
Altitude over Tipp City RBn, 2200′. Distance, Tipp City to Rny 24, 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TPC RBn, climb to 2000′ on SW crs ILS, make right climbing turn, proceed to DAY VOR and hold at 3000′.
*This transition via the R8D-VOR R-180 and the DAY ILS NE crs.
#Alcony Int: Int R8D-VOR R-180 and the DAY ILS NE crs.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev., 1008′; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-24, Amdt. 6; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 5; Dated, 21 Jan. 61

Marlow Int	LOM	Direct	1500	T-dn	300–1	300–1	200–½
SAV VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-9*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar transition altitude 1500′ within 25 miles.
Procedure turn North side of crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to restricted area.
Minimum altitude at glide slope int. inbnd, 1500′.
Altitude of glide slope and distance to appr end of rny at OM 1450—4.8, at MM 237—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on crs of 092° from LOM within 16 miles or, when directed by ATC, turn left, climbing to 1500′ direct to SAV VOR.
Other changes: Deletes transition from Savannah LFR.
*400–¾ required when glide slope not utilized.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class., ILS; Ident., I-SAV; Procedure No. ILS-9, Amdt. 6; Eff. Date, 17 Mar. 62; Sup. Amdt. No. 5; Dated, 8 Aug. 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 9, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–1591; Filed, Mar. 7, 1962; 8:45 a.m.]

[Reg. Docket No. 1079; Amdt. 260]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE MARCH 24, 1962.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13'; Fac. Class., BMRLZ; Ident., PS; Procedure No. 1, Amdt. 5; Eff. Date, 27 May 61; Sup. Amdt. No.4; Dated, 18 June 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta VOR	LOM	Direct	1800	T–dn	300–1	300–1	*200–½
Augusta LFR	LOM	Direct	1700	C–dn	600–1	600–1	600–1½
Sardis Int	LOM	Direct	1600	S–dn–35	500–1	500–1	500–1
Mallard Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Trenton Int	LOM	Direct	2000				
Clarice Int	LOM	Direct	2000				

Procedure turn West side of crs, 168° Outbnd, 348° Inbnd, 1600' within 10 mi. (Nonstandard due to prohibited area.)
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 348°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2000' on crs of 348° within 15 miles or, when directed by ATC, turn left and climb to 1800' on W crs AS–LFR within 20 miles of LFR.
Other change: Deletes transition from City Int.
*300–1 required on Runway 26.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142'; Fac. Class., LOM; Ident., AG; Procedure No. 1, Amdt. 9; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 8; Dated, 8 Oct. 60

Int HAR–VOR R–132 and 058° brng to Lancaster RBn.	Lancaster RBn (Final)	Direct	1500	T–dn	300–1	300–1	
				C–dn	500–1	500–1	
				S–dn–8	400–1	400–1	
				A–dn	800–2	800–2	

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 058—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, make a climbing left turn and return to Lancaster RBn at 3000'. Hold SW LRF RBn, 1 minute right turns, 058° inbound.

City, Lancaster; State, Pa.; Airport Name, Lancaster; Elev., 401'; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. 6; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 5; Dated, 21 May 55

Meridian VOR	MDA RBn	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				S–dn–01	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 184° Outbnd, 004° Inbnd, 2000' within 15 mi.
Minimum altitude over MDA RBn Inbnd on final approach, 1500'.
Crs and distance, facility to airport, 004°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing MDA RBn, turn left and return to MDA RBn at 2000'.
NOTE: Takeoffs with less than 200-½ NA on runways 4 and 22. No approach lights. Over-run lights and high intensity runway lights only on runway 18–36. Runway 9–27 closed.
CAUTION: Trees 600 MSL 2 mi. E of airport. 1000' tower 2.5 mi E of airport. 880' tower 4.2 mi SE of airport.
Other change: Deletes transition from Meridian LFR.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297'; Fac. Class., HW; Ident., MDA; Procedure No. 1, Amdt. 4; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 3; Dated, 17 Oct. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAT–VOR	LOM	Direct	2200	T–dn	300–1	300–1	*200–½
SAT–RBn	LOM	Direct	2200	C–dn	400–1	500–1	*500–1½
Wetmore Int	LOM	Direct	2200	S–dn–3	400–1	400–1	400–1
Losoya Int	LOM	Direct	2200	A–dn	800–2	800–2	*800–2
Collins Int	LOM (Final)	Direct	2000				

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500' vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000' vertical clearance will be provided within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 19 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, and 1107' MSL 3.5 mi SE of airport.
Procedure turn East side of crs, 211° Outbnd, 031° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 031°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of LOM, turn left, proceed direct to SAT RBn, climb to 3000' on 354° crs within 20 miles of SAT RBn or, when directed by ATC, climb to 3000' on crs of 031° within 20 miles of SAT LOM.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 20; Eff. date, 24 Mar. 62; Sup. Amdt. No. 19; Dated, 9 Dec. 61

SAT–VOR	SAT RBn	Direct	3000	T–dn	300–1	300–1	200–½
SAT–VOR	SAT RBn (Final)	Direct	#%1700	C–dn	400–1	500–1	*500–1½
				A–dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of crs, 355° Outbnd, 175° Inbnd, 3000' within 10 mi.
Minimum altitude over facility on final approach crs, 1700'.#
Crs and distance, SAT RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 3000' on 175° brng from SAT RBn within 20 miles.
Other change: Deletes straight-in minimums.
#If passage of SAT–VOR on final approach course is not determined, minimum altitude over SAT RBn is 1900'.
^Maintain 3000' MSL until South of SAT–VOR on final approach.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., ABHZ; Ident., SAT; Procedure No. 2, Amdt. 4; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 3; Dated, 9 Dec. 61

SAT–VOR	LOM	Direct	2500	T–dn	300–1	300–1	*200–½
SAT–RBn	LOM	Direct	2500	C–dn	600–1	600–1	*600–1½
				S–dn–12	600–1	600–1	600–1
				A–dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500' vertical terrain clearance within a 25-mile-nautical mile radius excluding that area within the control zone (SAT, RND, SKF, and STN) where 1000' vertical clearance will be provided within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 19 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, and 1107' MSL 3.5 mi SE of airport.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3500' within 10 mi.
Minimum altitude over LOM on final approach crs, 2600'.#
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, turn right, intercept and climb to 3000' on 174° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000' on SAT VOR R–158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#Descent below 3500' MSL not authorized until inbound on final approach from procedure turn.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., LOM; Ident., AN; Procedure No. 3, Amdt. 6; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 5 Dated, 13 Jan. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TS–LFR	TYS–VOR	Direct	3100	T–dn	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				C–n	600–1½	600–1½	600–1½
				S–dn–22R#	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes: 0–360° within 5 miles, 2500'; 091°–179° within 10 miles, 4000'; 180–090° within 10 miles, 2500'; 158°–205° within 17 miles, 3000'; 355°–070° within 17 miles, 3000'; 205°–270° within 24 miles, 2500'; 355°–070° within 25 miles, 3100'; 270–355° within 10–20 miles, 3000'; 070–085° within 10–25 miles, 4000'. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control will provide 1000' vertical clearance within a 3-mile radius of terrain 2000' MSL located at 35–49/83–40 or maintain 4300'.
Procedure turn East side of crs, 042° Outbnd, 222° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'; over Rockford Int,* 1700'.
Crs and distance, facility to airport, 222°—6.6 mi; Rockford Int* to airport, 222°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles of TYS–VOR, turn right, climb to 3000' on R–248 TYS–VOR within 15 miles.
#If Rockford Int* not identified on final, descent below 1800' MSL not authorized; minima become 800–1.
*Rockford Int: Int R–222 TYS–VOR and 281° brng to TS–LFR.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., H–BVORTAC; Ident., TYS; Procedure No. 1, Amdt. 1; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 309° Outbnd, 129° Inbnd, 2000′ within 15 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 129°—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi turn right, climb to 2000′ on R-170 within 20 mi.
AIR CARRIER NOTE: Takeoffs with less than 200–½ NA runways 4–22.
CAUTION: Trees 600′ MSL 2 miles East of airport. 1000′ tower 2.5 mi E of airport. 880′ tower 4.2 mi SE of airport.
Other Change: Deletes transition from Meridian LFR.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., BVORTAC; Ident., MEI; Procedure No. 1, Amdt. 3; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 2; Dated, 7 Nov. 59

Nantucket HHW	ACK-VOR	Direct	1300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	800–1½
				S-dn-24	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 246°—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 1700′ on R-240 within 10 miles of Nantucket VOR. Reverse course and return to ACK-VOR at 1700′. Hold on R-060, right turns, 246° Inbnd.

City, Nantucket; State, Mass.; Airport Name, Nantucket-Memorial; Elev., 48′; Fac. Class., BVOR; Ident., ACK; Procedure No. 1, Amdt. 1; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated, 20 May 54

SAT RBn	SAT-VOR	Direct	3000	T-dn	300–1	300–1	200–½
Bergheim Int	SAT-VOR (Final)	Direct	3000	C-dn	400–1	500–1	*500–1½
				S-dn-17*	400–1	400–1	NA
				A-dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500′ vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000′ vertical clearance will be provided within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn West side of crs, 355° Outbnd, 175° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′; over SAT RBn, 1500′. (Descent below 1500′ NA if position over SAT RBn not determined.)
Crs and distance, SAT-VOR to airport, 175°—6.3 mi; SAT-RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, turn left, climb to 3000′ on R-155 within 30 miles or, when directed by ATC, turn left and climb, via SAT ILS NE crs, to 3000′ within 20 miles, or climb via R-174 to 3000′ within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 1, Amdt. 11; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 10; Dated, 9 Dec. 61

Losoya Int	Bellaire Int	Direct	2000	T-dn	300–1	300–1	*200–½
Bellaire Int #	Olmos Int. (Final)	Direct	**1400	C-dn**	500–1	500–1½	*500–1½
				C-n**	500–1½		
				S-dn-35**	500–1	500–1	NA
				A-dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500′ vertical terrain clearance within 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND and STN) where 1000′ vertical clearance will be provided within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn NA.
Minimum altitude over Olmos Int. on final approach crs., 1400′.
Crs. and distance, Olmos Int. to airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi of Olmos Int, proceed direct to SAT-VOR, climb to 3300′ on R-353 within 20 miles of VOR or, when directed by ATC, climb to 3300′ on brng 353° from SAT RBn within 20 miles.
#Maintain 2000′ until north of LVR R–270.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
**Descent below 1400′ MSL, and ceiling less than 600′ Not authorized unless position over Olmos Int is identified on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 2, Amdt. 1; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated, 25 Nov. 61

SAT-VOR	STN-VOR	Direct	2300	T-dn	300–1	300–1	NA
McCoy Int	STN-VOR	Direct	2300	C-dn	500–1	500–1	NA
Losoya Int	STN-VOR	Direct	2300	S-dn-32#	400–1	400–1	NA
				A-dn	800–2	800–2	NA

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, turn left, climb to 2300′ on R-174 SAT-VOR to Losoya Int. Hold South on R-174 SAT-VOR, left turns 1 minute, 2300′.
NOTES: Night operation authorized Runway 14–32 only. Control zone effective between 0700–2300 CST.
CAUTION: 2049′ TV tower 11 mi ESE of Stinson Field.
#Straight-in minimums NA unless position is established over the (1) LVR R-240, or (2) SOT R-057 on final approach.

City, San Antonio; State, Tex.; Airport Name, Stinson Field; Elev., 567′; Fac. Class., VORW; Ident., STN; Procedure No. 1, Amdt. 2; Eff. Date, 24 Mar 62; Sup. Amdt. No. 1; Dated, 30 Dec. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DAY-VOR	R8D-VOR	Direct	3000	T-dn	300–1	300–1	
TBC-RBn	R8D-VOR	Direct	3000	C-dn	700–1	700–1	
				A-dn	NA	NA	

Procedure turn North side of crs, 063° Outbnd, 243° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 243°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, make climbing left turn to 3000′ and return to R8D-VOR. Hold North side of R-063 R8D-VOR 243° Inbnd 1-minute right turns.
CAUTION: No weather service available.

City, Sidney; State, Ohio; Airport Name, Sidney; Elev. 1020′; Fac. Class., BVORTAC; Ident., R8D; Procedure No. 1, Amdt. 2; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 1; Dated, 2 Dec. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lancaster RBn	Lancaster VOR	Direct	2000	T-dn	300–1	300–1	
Landisville Int*	Lancaster VOR (Final)	Direct	800	C-dn	500–1	500–1	
				S-dn-8	400–1	400–1	
				A-dn	800–2	800–2	

Procedure turn South side of crs, 268° Outbnd, 088° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′#.
Crs and distance, breakoff point to app end of Rny-8, 076°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R-088 within 10 miles and return to VOR at 2000′. Hold West LRP VOR, 1 minute right turns, 088° Inbound.
CAUTION: 1490′ tower 16 miles SW of airport.
*Int Lancaster VOR R-268 and 180° ADF brng to LRP RBn.
#Maintain 1200′ until after passing Landisville Int*. If aircraft not equipped to identify Landisville Int*, ceiling minimum of 800′ is applicable for landing.

City, Lancaster; State, Pa.; Airport Name, Lancaster; Elev., 401′; Fac. Class., BVOR; Ident., LRP; Procedure No. TerVOR-8, Amdt. 2; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 1; Dated, 8 July 61

Lancaster Rbn	LRP-VOR	Direct	2100	T-dn	300–1	300–1	
				C-dn	500–1	500–1	
				S-dn-31	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn N side of crs, 136° Outbnd, 316° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 900.
Crs and distance, breakoff point to app end of Rny-31, 307°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on Lancaster VOR R-290 within 10 miles, then make left turn and return to Lancaster VOR at 2000′. Hold West LRP VOR 1 minute right turns, 088° Inbound.

City, Lancaster; State, Pa.; Airport Name, Lancaster; Elev., 401′; Fac. Class., BVOR; Ident., LRP; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 1; Dated, 9 Sept. 61

ODI-VOR	Pickwick Int*	Direct	2000	T-d	500–1½	500–1½	
Pickwick Int*	Home Int (Final)**	Direct	2000	T-n	800–2	800–2	
Winona Int	Winona VOR	Direct	2800	C-dn	800–2	800–2	
Dodge Int	Winona VOR	Direct	2800				

Procedure turn North side of crs, 103° Outbnd, 283° Inbnd, 2800′ within 10 mi of VOR.
Minimum altitude over Home Int** on final approach crs, 2000′.
Crs and distance Home Int** to airport, 283°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2800′ on R-315 ONA-VOR within 15 miles.
NOTE: Procedure authorized only for aircraft equipped with operating dual omni receivers.
CAUTION: 1834′ MSL tower 3.1 miles SE of airport. 1200′ MSL bluffs 0.8 mi West of airport.
* Pickwick Int: Int R-350 ODI-VOR and R-103 ONA-VOR.
** Home Int: Int R-317 ODI-VOR and R-103 ONA-VOR.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656′; Fac. Class., BVOR (State-owned facility); Ident., ONA; Procedure No. Ter VOR-103, Amdt. 1; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated, 27 Jan. 62

Winona Int	Winona VOR	Direct	2800	T-d	500–1½	500–1½	
Dodge Int	Winona VOR	Direct	2800	T-n	800–2	800–2	
				C-dn	900–2	900–2	

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2800′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2800′ on R-103 ONA-VOR within 10 miles.
CAUTION: 1834′ MSL tower 3.1 miles SE of airport; 1200′ MSL bluffs 0.8 mi West of airport.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656′; Fac. Class., BVOR (State-owned facility); Ident., ONA; Procedure No. TerVOR-315, Amdt. 1; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated, 27 Jan. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Albuquerque LFR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
Albuquerque VOR	LOM	Direct	7000	C-dn	400–1	500–1	500–1½
Aden Int	LOM	Direct	8000	S-dn-35°	200–½	200–½	200–½
Bacaville VOR	8 crs ILS	Via R-020 BCV VOR 19.4 mi.	7000	A-dn	600–2	600–2	600–2
Coyote Int	LOM	Direct	9000				
North Int	LOM	Direct	7000				
Dulles Int	LOM	Direct	7000				
Bean Int	LOM	Direct	10,500				
South Int	8 crs ILS	061°—5.8 mi.	7000				

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 176° Outbnd, 356° Inbnd, 7000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 7000′.
Altitude of glide slope and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.
Other changes: Deletes transitions from Luna, Becker, Mooney, and Sandia Intersections.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left climbing turn, climb to 8000′ direct to ABQ-VOR or, when directed by ATC, turn left and climb to 8000′ on W crs AQ-LFR within 20 miles.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
*Runway 17–35 currently limited to aircraft of 33,000 pounds or less gross weight.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-35, Amdt. 22; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 21; Dated, 21 Oct. 61

Augusta VOR	LOM	Direct	1800	T-dn	300–1	300–1	#200–½
Augusta LFR	LOM	Direct	1700	C-dn	600–1	600–1	600–1½
Sardis Int	LOM	Direct	1600	S-dn-35°	200–½	200–½	200–½
Mallard Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Trenton Int	LOM	Direct	2000				
Clarice Int	LOM	Direct	2000				

Procedure turn West side of crs, 168° Outbnd, 348° Inbnd, 1600′ within 10 mi. (Nonstandard due to prohibited area.)
Minimum altitude at glide slope interception inbnd, 1600′.
Altitude of glide slope and distance to approach end of Runway at OM, 1470′—4.5 mi; at MM, 332′—0.5 mi.
If visual contact not established upon descent to authorized landing minumims or if landing not accomplished, climb to 2000′ MSL on 348° crs from LOM within 10 miles or, when directed by ATC, turn left and climb to 1800′ on West crs Augusta LFR within 20 miles or, turn left, climb to 2000′ and proceed direct to AGS VOR.
#300–1 required on Runway 26.
*400–¾ required with glide slope inoperative.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142′; Fac. Class., ILS; Ident., I-AGS; Procedure No. ILS-35, Amdt. 8; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 7; Dated, 12 Mar. 60

Meridian VOR	MDA RBn	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-01#	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn E side S crs, 184° Outbnd, 004° Inbnd, 2000′ within 15 mi.
Minimum altitude at glide slope interception inbnd 1700′.
Altitude of glide slope and distance to appr end of rny at OM 1700—4.5, at MM 506—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′, proceed direct to MEI VOR. Hold NW on R-306, 1-minute right turns or, when directed by ATC, turn left and return to MDA RBn at 2000′.
NOTE: Take-offs with less than 200–½ N.A. on runways 4 and 22.
No approach lights. Over-run lights and high intensity runway lights only on runway 18–36. Runway 9–27 closed.
CAUTION: Trees 600 MSL 2 mi. East of airport. 1000′ tower 2.5 mi E of airport. 880′ tower 4.2 mi SE of airport.
#500–1 required when glide slope not used.
Other change: Deletes transition from Meridian LFR.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., ILS; Ident., I-MEI; Procedure No. ILS-01, Amdt. 5; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 4; Dated, 14 Nov. 59

PROCEDURE CANCELLED, EFFECTIVE MARCH 24, 1962.

City, Nashville; State, Tenn.; Airport Name, Berry Field; Elev., 605′; Fac. Class., ILS; Ident., IBNA; Procedure No. ILS-20R, Amdt. 4; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 3; Dated, 10 Nov. 56

San Antonio VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
San Antonio RBn	ILS SW crs	174—3.3	2200	C-dn	400–1	500–1	#500–1½
Wetmore Int	LOM	Direct	2200	S-dn-30	200–½	200–½	200–½
San Antonio RBn	LOM	Direct	2200	A-dn	600–2	600–2	#600–2
Losoya Int	LOM	Direct	2300				
Collins Int	LOM (Final)	Direct	2100				

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500′ vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000′ vertical clearance will be provided within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn East side of SW crs, 211° Outbnd, 031° Inbnd, 2200′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2100′.
Altitude of glide slope and distance to approach end of rny at OM 2050—3.8, at MM 1000—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, proceed direct to SAT-VOR climbing to 3300′ on R-353 within 20 miles of SAT-VOR or, when directed by ATC, turn right and climb to 3000′ on R-158 within 20 miles of SAT-VOR, or climb to 3000′ on NE crs of SAT ILS within 20 miles of SA LOM.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#400–¾ required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-3, Amdt. 20; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 19; Dated, 9 Dec. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SAT-VOR	LOM	Direct	3100	T-dn	300–1	300–1	200–½
SAT-RBn	LOM	Direct	3100	C-dn	400–1	500–1	*500–1
				S-dn-12	200–½	200–½	200–½
				A-dn	600–2	600–2	*600–2

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500′ vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000′ vertical clearance will be provided within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3500′# within 10 mi.
Minimum altitude at glide slope interception inbnd, 2600′.
Altitude of glide slope and distance to approach end of Rnwy at LOM, 2600′—5.9 mi; at LMM, 1028′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′ on SAT-VOR R-158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#Descent below 3500′ MSL on final approach to be accomplished utilizing glide slope, or maintain 3500′ until inbound from procedure turn.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 5; Eff. Date, 24 Mar 62; Sup. Amdt. No. 4; Dated 9 Dec. 61

SAT-VOR	Wetmore Int	Via R-143	2500	T-dn	300–1	300–1	200–½
SAT-RBn	Wetmore Int	Via Crs 084°	2500	C-dn	400–1	500–1	*500–1½
Bracken Int#	Wetmore Int (Final)#	direct	1800	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures. Radar control will provide 1500′ vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000′ vertical clearance will be provided within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, and 1107′ MSL 3.5 mi SE of airport.
Procedure turn West side of NE crs, 031° Outbnd, 211° Inbnd, 3000′ within 10 mi.
No glide slope. No outer marker.
Minimum altitude over Wetmore Int 1800.
Distance, Wetmore Int to Runwy 21, 3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing Wetmore Int, turn left, climb to 3000′ via R-158 within 20 mi or, when directed by ATC, turn right and climb to 3300′ via R-353 within 20 mi.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#Maintain 2500′ msl until Southwest of Bracken Int on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev. 808′; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-21, Amdt. 13; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 12; Dated, 9 Dec. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
All directions		15 mi	3000				
All directions		25 mi	5000	T-dn	300–1	300–1	200–½
180°	210°	10 mi	3000	C-dn	600–1	600–1	600–1½
210°	160°	10 mi	2500	S-dn-14	500–1	500–1	500–1
				S-dn-5 and 23	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 5: Climb straight ahead to 2500′, proceed to LOM, hold NE 1 minute right turn inbound crs 230°.
Runways 14 and 23: Climb straight ahead to 3000′, then proceed direct to CRW VOR, maintain 3000′, hold CRW VOR R-192 one minute right turn.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., and; Ident., Charleston Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Mar. 62; Sup. Amdt. No. Orig.; Dated,

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
035	105					15	2000			25	2500				Surveillance approach		
105	165	7.0	2200							25	2500			T-dn	300-1	300-1	*200-½
165	210					15	2200	20	2500					C-dn	400-1	500-1	*400-1¼
210	265			10	2200			20	2500					S-dn	400-1	400-1	*400-1
265	330	7.0	2200			15	2700	20	3500					A-dn	800-2	800-2	*800-2
330	035	7.0	2200			15	3100	20	3300								

Bearings are from radar antenna site with sector azimuths progressing clockwise. Radar control will provide 1500' vertical terrain clearance within a 25-nautical-mile radius excluding that area within the control zone (SAT, SKF, RND, and STN) where 1000' vertical clearance will be provided within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049' MSL 19 mi SE, 1241' MSL 5 mi SSE, 1190' MSL 10 mi SE, and 1107' MSL 3.5 mi SE of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runways 12, 17, and 21: Climb to 3000' via SAT R-158 within 20 miles or, when directed by ATC, climb to 3000' on brng 174° from SAT RBn within 20 miles.

Runways 3, 30, and 35: Climb to 3300' on R-353 SAT-VOR within 20 miles or, when directed by ATC, climb to 3300' on brng 355° from SAT RBn within 20 miles.

*Runway 17-35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., and; Ident., San Antonio Radar; Procedure No. 1, Amdt. 4; Eff. Date, 24 Mar. 62; Sup. Amdt. No. 3; Dated, 9 Dec. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 16, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-1779; Filed, Mar. 7, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

REVISION OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF MANGOES FROM CENTRAL AMERICA AND WEST INDIES

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions appearing as 7 CFR 319.56-2i are hereby amended to read as follows:

§ 319.56-2i Administrative instructions prescribing method of treatment of mangoes from Central America and the West Indies.

Fumigation with ethylene dibromide upon arrival, in accordance with the procedures described in this section, is hereby authorized as a condition-of-entry treatment for mangoes from Central America and the West Indies offered for entry under permit under § 319.56-2.

(a) *Central America.* As used in this section, the term "Central America" means the southern portion of North America from the southern boundary of Mexico to South America, including Guatemala, British Honduras, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama.

(b) *West Indies.* As used in this section, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Hispaniola, and the Bahama, Leeward, and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(c) *Ports of entry.* Mangoes to be offered for entry must be shipped from the country of origin directly to New York or such other North Atlantic ports as may be named in the permit. Furthermore, shipments moving by air must be so routed as to avoid landing at ports south of Baltimore.

(d) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide for 2 hours at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.):	Dosage in ounces per 1,000 cubic feet
80–89	12
70–79	16
55–69	20

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber. The ethylene dibromide must be applied as a liquid and volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside the chamber and shall be equipped with a signal light to indicate when the current is on or off. Fifteen minutes after all liquid ethylene dibromide has been injected into the vaporizing pan inside the fumigation chamber, the electric current for the vaporizing pan must be turned off, and the 2-hour period of exposure shall begin. The gas shall be circulated within the chamber continuously for the 2-hour period by electric fans or blowers. The fans or blowers must be of a capacity to circulate the entire air mass within the chamber in 3 minutes.

(2) Mangoes to be fumigated may be packed in slatted crates or well perforated unwaxed cardboard cartons with wood excelsior packing material. Individually wrapped mangoes are not authorized unless wrappers are approved in advance by the Director of the Plant Quarantine Division. When loaded in the fumigation chamber the crates or containers must be stacked evenly over the floor surface and the crates or containers in a stack shall be separated at least 2 inches on all sides by wooden strips or other means, to insure adequate gas circulation. The chamber shall not be loaded to more than 50 percent of capacity.

(e) *Other conditions.* The unloading of mangoes from the means of conveyance, their delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and delivery and any other handling prior to fumigation shall be conducted in accordance with such safeguard requirements as the inspector may require to prevent the dissemination of injurious insects. Final release of the mangoes for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(f) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit, or his representative.

(g) *Department not responsible for damage.* The treatment prescribed in paragraph (d) of this section is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or compliance with requirements imposed under paragraph (e) of this section.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

These administrative instructions shall become effective March 8, 1962.

The major change made by this revision is the provision for ethylene dibromide fumigation of mangoes from Central America in the same manner provided for mangoes from the West Indies. The requirement for precooling of mangoes to 50° F. prior to unloading has been discontinued.

Heretofore the regulations permitted alternate fumigation of mangoes in Cuba as a condition of importation, when supervision could be provided. Importation of all fruit from Cuba is now embargoed under a Presidential proclamation. Accordingly, there is no longer a need for this alternate provision and it has been deleted. Notice and other public procedure, and a 30-day delay with respect to this deletion would be useless. All changes other than that relating to Cuba relieve restrictions heretofore imposed. Therefore, the administrative instructions should be made effective as quickly as possible in order to make these procedures available to affected persons. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of March 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-2298; Filed, Mar. 7, 1962; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Loan Maturity

The Loans to State and Local Development Companies Regulation (Rev. 1, 26 F.R. 1822) as amended is hereby further amended by:

1. Deleting the word "twenty-five" as it appears in the last sentence of § 108.502-1(l) and inserting in lieu thereof the word "ten". As amended § 108.502-1(l) reads as follows:

§ 108.502-1 Section 502 loans.

* * * * *

(l) *Loan maturity.* The maturity of any loan under this section may not exceed twenty-five years plus such additional period as is estimated may be required to complete construction, conversion or expansion. It shall be the policy of SBA generally, in the case of a lease agreement between a local development company and an identifiable small-business concern, to require that the term of the lease shall not be less than the term of the loan. It shall also be the policy of SBA generally to require repayment of the loan in equal periodic installments. Extensions or renewals of loans for an additional period not to exceed ten years beyond the stated maturity may be granted by SBA only if such extensions or renewals will aid in the orderly liquidation of such loans.

The foregoing amendment is effective upon publication in the FEDERAL REGISTER.

Dated: February 26, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2285; Filed, Mar. 7, 1962; 8:47 a.m.]

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 302—DESIGNATION OF REDEVELOPMENT AREAS

Lists of Areas

The regulations of the Area Redevelopment Administration, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933-9943), are amended as follows:

1. Section 302.10 *List of areas* of Subpart B—Areas Designated Under Section 5(a) of the Act is amended by adding to the list in that section those areas designated since October 24, 1961, as follows:

State and labor market area	*Area definition*
Kentucky:	
Elizabethtown	Grayson, Hardin, Larue, and Meade Counties.
Louisiana:	
Hammond	Tangipahoa Parish.
Michigan:	
Traverse City	Grand Traverse, Kalkaska, and Leelanau Counties.
Minnesota:	
Brainerd-Grand Rapids	Aitkin, Cass, Crow Wing, and Itasca Counties.
Missouri:	
Flat River	Iron, Madison, St. Francois, Ste. Genevieve, and Washington Counties.
New Jersey:	
Paterson-Passaic	Passaic County.
New York:	
Schenectady	Schenectady County.
North Carolina:	
Henderson-Oxford	Franklin, Granville, and Vance Counties.
Pennsylvania:	
Pottsville-Lehighton	Carbon and Schuylkill Counties.
Sharon-Farrell	Mercer County.
Puerto Rico:	
Aguadilla	Aguada and Aguadilla Municipios.
Arecibo	Arecibo, Camuy, and Hatillo Municipios.
Caguas	Caguas, Aguas Buenas, Cidra, Gurabo, Juncos, and San Lorenzo Municipios.
Guayama	Arroyo, Guayama, and Patillas Municipios.
Tennessee:	
Greeneville	Greene County.
Harriman-Rockwood	Roane and Morgan Counties.
West Virginia:	
Logan	Boone (Washington District) (redefined area includes all of Boone County), Logan and Lincoln (Harts Creek District) Counties.
Wisconsin:	
LaCrosse	LaCrosse County.

2. Section 302.40 *List of areas* of Subpart D—Areas Designated Under Section 5(b) of the Act is amended by adding to the list in that section those areas designated since October 24, 1961, as follows:

State and County Name	
ALASKA	
Aleutian Islands	(Election District No. 14)
Barrow	(Election District No. 21)
Bethel	(Election District No. 16)
Bristol Bay	(Election District No. 15)
Cardova-McCarthy	(Election District No. 7)
Fairbanks	(Election District No. 19)
Ketchikan	(Election District No. 2)
Kobuk	(Election District No. 22)
Kodiak	(Election District No. 13)
Kuskokwim	(Election District No. 17)
Lynn Canal-Icy Straits	(Election District No. 6)
Nome	(Election District No. 23)
Palmer-Wasilla-Talkeetna	(Election District No. 9)
Prince of Wales	(Election District No. 1)
Seward	(Election District No. 11)
Upper Yukon	(Election District No. 20)
Valdez-Chitina-Whittier	(Election District No. 8)
Wade Hampton	(Election District No. 24)
Wrangell-Petersburg	(Election District No. 3)
Yukon-Koyukuk	(Election District No. 18)
ALABAMA	
Blount.	Marshall.
Cullman.	Saint Clair.
ARKANSAS	
Calhoun.	Johnson.
Cleburne.	Little River.
Conway.	Perry.
Drew.	Scott.
CALIFORNIA	
Lassen.	Sierra.
Plumas.	Trinity.
San Benito.	
COLORADO	
Alamosa.	Costilla.
Conejos.	
FLORIDA	
Calhoun.	Pasco.
Franklin.	Walton.
Liberty.	
GEORGIA	
Brantley.	Wheeler.
Bryan.	
IDAHO	
Benewah.	Idaho.
Bonner.	Shoshone (Avery-Clarkia CCD).
Clearwater.	
ILLINOIS	
Carroll.	Moultrie.
Edwards.	Randolph.
Mercer.	Richland.
Monroe.	
INDIANA	
Clay.	Pulaski.
Dearborn.	Scott.
Greene.	Spencer.
Jasper.	Starke.
Jennings.	Sullivan.
Lawrence.	Vermillion.
Morgan.	Washington.
Pike.	
KENTUCKY	
Bath.	Nelson.
Calloway.	Oldham.
Carlisle.	Pendleton.
Crittenden.	Pulaski.
Fulton.	Scott.
Hickman.	Shelby.
Lyon.	Wayne.
Menifee.	
LOUISIANA	
Allen.	Vermillion.
Acadia.	Webster.
Ascension.	West Carroll.
Evangeline.	
MAINE	
Towns of Crystal, Dyer Brook, Hersey Town, Island Falls, Merrill, Moro Plantation, Oakfield, Sherman, and Smyrna in Aroostook County.	
Towns of Camden, Cushing, Friendship, Hope, Owls Head, Rockport, St. George, South Thomaston, Union, Warren, and Rockland City in Knox County.	
Towns of Boothbay, Boothbay Harbor, and Southport and Waldoboro in Lincoln County.	
Towns of Mount Chase Plantation, Patten, Stacyville, and Town 2, R6, W.E.L.S. (Herseytown) in Penobscot County.	
Piscataquis County.	
MARYLAND	
Cecil.	Somerset.
MASSACHUSETTS	
Towns of Kingston, Plymouth, and Plympton in Plymouth County.	
MICHIGAN	
Antrim.	Mecosta.
Arenac.	Missaukee.
Charlevoix.	Oceana.
Cheboygan.	Osceola.
Emmet.	Otsego.
Huron.	Roscommon.
Lake.	Tuscola.
Lapeer.	Van Buren.
Livingston.	Wexford.
Manistee.	
MINNESOTA	
Roseau.	
MISSISSIPPI	
Franklin.	Marion.
Lincoln.	Pontotoc.
MISSOURI	
Carter.	Oregon.
Grundy.	Pemiscot.
Lafayette.	Texas.
Mercer.	Wayne.
MONTANA	
Carbon.	Sanders.
Deer Lodge.	
NORTH CAROLINA	
Bladen.	Lincoln.
Carteret.	Macon.
Cherokee.	Person.
Clay.	Warren.
Columbus.	
OKLAHOMA	
Atoka.	Mayes.
Coal.	McCurtain.
Delaware.	Murray.
Grady.	Okfuskee.
Haskell.	Ottawa.
Johnson.	Pontotoc.
Marshall.	Sequoyah.
OREGON	
Columbia.	Sherman.
Hood River.	Wasco.
Josephine.	Yamhill.
TENNESSEE	
Benton.	Hickman.
Bledsoe.	McNairy.
Cocke.	Putnam.
Cumberland.	Sequatchie.
Dickson.	Sevier.
Fentress.	Wayne.
Grundy.	White.
TEXAS	
Limestone.	McCulloch.
UTAH	
Beaver.	Sanpete.
Garfield.	Summit.
Juab.	Wasatch.
VIRGINIA	
Russell.	
WASHINGTON	
Kittitas.	San Juan.
Okanogan.	
WEST VIRGINIA	
Grant.	Pendleton.
Hampshire.	Pocahontas.
Hardy.	Preston.
Lincoln (Except Harts Creek District).	Randolph.
Morgan.	Roane.
	Tucker.
WISCONSIN	
Juneau.	Portage.
Menominee.	
WYOMING	
Big Horn.	Lincoln.
PUERTO RICO	
Celba.	Quebradillas.
Fajardo.	Salinas.
Humacao.	Trujillo Alto.
Las Piedras.	Vega Alto.
Luquillo.	Vega Baja.
Maunabo.	Yabucoa.
Naguabo.	
INDIAN RESERVATION AREAS	
State, Reservation, and County	
New Mexico; Isleta Pueblo; principally in Bernalillo and Valencia Counties.	
New Mexico; Laguna Pueblo; largely Valencia County, plus parts of Bernalillo and Sandoval Counties.	

3. Note 1, following the list of areas designated under section 5(b) of the Act, § 302.40, is deleted. It should be further noted that Carbon County, Pennsylvania, to which Note 1 referred, Grayson County, Kentucky, St. Francois and Washington Counties, Missouri, have been designated under Section 5(a) of the Act and have been shifted to § 302.10 of the regulations.

(Secs. 5, 12, Public Law 87-27)

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the foregoing §§ 302.10 and 302.40 of Chapter III of Title 13 of the Code of Federal Regulations is unnecessary for the reason that all matters herein relate to agency management and benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this chapter are effective upon publication in the FEDERAL REGISTER.

Dated: February 23, 1962.

WILLIAM L. BATT, JR.,
Area Redevelopment Administrator.

[F.R. Doc. 62-2260; Filed, Mar. 7, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (o) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

* * * * * * *

(o) *Policy Planning Council.* * * *
(6) Twelve members.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2290; Filed, Mar. 7, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8405 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

L. T. Baldwin and Baldwin Gas Products Co.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, L. T. Baldwin doing business as Baldwin Gas Products Co., St. Louis, Mo., Docket 8405, Oct. 24, 1961]

In the Matter of L. T. Baldwin, an Individual Doing Business as Baldwin Gas Products Company

Consent order requiring a St. Louis, Mo., distributor of water heaters to cease representing falsely in brochures, circulars, and other media, which he also furnished to retailers of his products, that his water heaters were unconditionally guaranteed for 5 years or 1 year without disclosing that there were various limitations imposed; and to cease using fictitious list prices for proration after the unconditional guarantee period.

The order to cease and desist is as follows:

It is ordered, That respondent L. T. Baldwin, individually and doing business as Baldwin Gas Products Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of water heaters, or any other product, do forthwith cease and desist from:

1. Representing, directly or by implication, that a product is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly disclosed.

2. Representing, directly or by implication, that a product is sold under a guarantee unless the terms of the guarantee are strictly complied with.

3. Using fictitious list prices or any other fictitious prices in pro rata adjustment of guarantees.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2275; Filed, Mar. 7, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

Seaway Regulations and Rules were issued jointly by the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada in 1959 (24 F.R. 2983–2991). Revisions were published in respect to the Regulations and Rules in 1960 (25 F.R. 2206–2217), and in the Rules in 1961 (26 F.R. 2972–2981).

Interested parties have submitted their views and comments since the last revisions. Based on this data, the experience of each agency relating to its operations during the year 1961, and the joint conferences between the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada, Subpart A is hereby amended as set forth below. This subpart contains no major amendments. The amendments consist of minor deletions and additions, and a restatement and renumbering of a few sections. Sections 401.16 to 401.18 relate to that portion of the seaway under the administration of The St. Lawrence Seaway Authority of Canada. They are included herein for information purposes.

The agreement entered into between the United States and Canada provides that the establishment and maintenance of a method of billing and the collection of tolls shall be the responsibility of The St. Lawrence Seaway Authority of Canada, which shall account to the Saint Lawrence Seaway Development Corporation for its share of the total revenue, subject to such collaboration and cooperation on the part of the Corporation as may jointly be determined.

These regulations as revised will govern seaway operations and vessel transits beginning with the 1962 season.

All interested parties who may desire to do so may submit further written comments for consideration by the Corporation in connection with this subpart by filing the same with the General Counsel, Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York.

Subpart A—Regulations

Sec.
401.1 Short title.
401.2 Definitions.
401.3 Transit of the Seaway.
401.4 Pre-clearance of vessels.
401.5 Condition of vessels.
401.6 Navigation on the Seaway.
401.7 Notice of arrival.
401.8 Passing through.
401.9 Dangerous cargo.
401.10 Documentary evidence.
401.11 Accidents.
401.12 Detention of vessel.
401.13 Removal of obstructions.
401.14 Wintering and laying-up.
401.15 Access to Seaway.
401.16 Summary conviction.
401.17 Violations; detention.
401.18 Seizure and sale.
401.19 Copy of regulations to be kept on board.
401.20 Boarding vessel.
401.21 Discharge of refuse.

NOTE: The numbering of the regulations contained in Subpart A, §§ 401.1 to 401.21 correspond to the Canadian Regulations Nos. 1 to 21.

AUTHORITY: §§ 401.1 to 401.21 issued under 68 Stat. 92–96, 33 U.S.C. 981–990; agreement between the Governments of the United States and of Canada, dated March 9, 1959.

§ 401.1 Short title.

The regulations in this part may be cited as the "Seaway Regulations".

§ 401.2 Definitions.

In these regulations:

(a) "Authority" means the Saint Lawrence Seaway Development Corporation and, where applicable, shall be deemed to include The St. Lawrence Seaway Authority of Canada.

(b) "Navigation season" means the period designated by the Authority for navigation on the Seaway or any portion thereof;

(c) "Officer" means a person employed by the Authority to direct some phase of the operation or use of the Seaway;

(d) "Passing through" means in transit through a lock or through the waters enclosed by the Approach Walls at either end of a lock chamber;

(e) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(f) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for pre-clearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(g) "Seaway" means that portion of the deep waterway between the Port of Montreal and Lake Erie that is under the jurisdiction of the Authority and includes all canals and works, whether inside or outside that area, the management, administration and control of which have been entrusted to the Authority;

(h) "Station" means a radio station operated by the Authority;

(i) "Towed" means pushed or pulled through the water;

(j) "Transit" means to use the Seaway or a part of it, either upbound or downbound; and

(k) "Vessel" means any type of craft used as a means of transportation on water.

§ 401.3 Transit of the Seaway.

(a) Except as provided in these regulations, no vessel shall transit.

(b) Subject to these regulations, every vessel that does not exceed seven hundred and fifteen feet in overall length and seventy-two feet in beam may transit during the navigation season.

(c) Subject to these regulations, vessels exceeding seven hundred and fifteen feet in overall length and seventy-two feet in beam, but not exceeding seven hundred and thirty feet in overall length and seventy-five feet in beam or seventy-five feet six inches in extreme breadth including fenders may, with special instructions from the Authority, transit during the navigation season.

(d) No vessel shall transit unless the maximum draft of the vessel does not exceed the draft currently prescribed by the Authority for the part of the Seaway in which the vessel is travelling.

(e) No vessel shall be towed through any part of the Seaway by another vessel or vessels, except in compliance with all conditions prescribed by the Authority in respect of towing and in compliance with any special instructions of an officer.

(f) No pleasure craft of less than twenty feet in overall length, or one ton in weight, shall transit the South Shore, Beauharnois, or Welland Canals.

§ 401.4 Pre-clearance of vessels.

(a) No vessel shall transit:

(1) Until an application for pre-clearance has been made to the Authority by its representative and the application has been approved by the Authority; or

(2) While its pre-clearance is suspended.

(b) The representative of a vessel may apply to the Authority in the form prescribed by the Authority for pre-clearance of the vessel and shall in each application:

(1) Provide particulars of the ownership and physical characteristics of the vessel; and

(2) Guarantee payment of all tolls and charges that may be incurred by the vessel.

(c) The representative of a vessel shall provide security for the payment of the tolls and charges to be incurred by the vessel.

(d) Where, in the opinion of the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Authority may suspend the pre-clearance of the vessel.

(e) No vessel shall transit after:

(1) The expiration of the guarantee endorsed on the application for its pre-clearance; or

(2) The physical characteristics of the vessel described in the application for pre-clearance of the vessel are materially altered by reason of construction or repair, unless an application for a new pre-clearance has been made and approved by the Authority.

(f) Paragraphs (a) to (f) of this section do not apply to pleasure craft of less than three hundred and fifty tons in weight.

§ 401.5 Condition of vessels.

(a) No vessel shall transit unless:

(1) It is properly trimmed and in a condition determined by the Authority or an officer to be safe and satisfactory to it or him; and

(2) It is equipped with such apparatus, equipment or machinery as the Authority deems necessary for safe transit.

(b) An officer may refuse to allow a vessel to transit when, in his opinion:

(1) The vessel, its cargo, equipment or machinery are in such a condition as to prevent safe or expeditious transit by that vessel; or

(2) The vessel is manned with a crew that is incompetent or insufficient in numbers.

(c) Where an officer refuses to allow a vessel to transit, that vessel shall not transit until an officer grants it specific permission to do so.

§ 401.6 Navigation on the Seaway.

(a) Subject to these regulations, the related marine, navigation and shipping laws and regulations of the United States of America, as well as the Canada Shipping Act and the regulations made thereunder, shall apply mutatis mutandis to every vessel in transit.

(b) No vessel shall transit unless it:

(1) Proceeds at a speed that is not in excess of that prescribed by the Authority for that part of the Seaway in which the vessel is travelling;

(2) Complies with all orders given to it by an officer or a station; and

(3) Complies with these regulations and all directions given by the Authority in respect to navigation and passing through.

(c) The Authority assumes no liability in providing aids or things to assist navigation.

(d) Nothing in these regulations shall be construed as derogating from the responsibility of a Master for his vessel and its crew.

§ 401.7 Notice of arrival.

(a) All self-propelled vessels in transit or approaching the Seaway, except pleasure craft of less than sixty-five feet in overall length, shall:

(1) Be on radio-listening watch; and

(2) Give notice of arrival in the manner prescribed by the Authority upon reaching any calling-in point designated by the Authority.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a station.

§ 401.8 Passing through.

(a) The crew of a vessel shall assist in the handling and passing through of the vessel in such manner as may be prescribed by the Authority.

(b) Except as authorized by an officer, no person shall go aboard or leave any vessel while the vessel is passing through.

§ 401.9 Dangerous cargo.

(a) No vessel, carrying cargo to which the Dangerous Cargo Act or the regulations issued thereunder or the Dangerous Goods Shipping Regulations made under the Canadian Shipping Act apply, shall transit except with the written permission of the Authority.

(b) No vessel carrying fuel oil, gasoline, other flammable goods or other goods deemed by the Authority to be dangerous shall transit except in accordance with all directions given by the Authority in respect of vessels carrying such goods.

§ 401.10 Documentary evidence.

(a) The representative of a vessel shall, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage, furnish to the Authority in the form prescribed by the Authority, a detailed report stating the destination of the vessel and the nature and quantity of its cargo.

(b) All documentary evidence, including inspection certificates, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.11 Accidents.

(a) Where a vessel on the Seaway or approaching the Seaway with intent to transit is involved in an accident resulting in damage to a vessel or its cargo or to property of the Authority or to property on the premises of the Authority, the Master of the vessel shall:

(1) Report the accident immediately to the nearest station; and

(2) If required by an officer, file a written report on the accident.

(b) The representative of a vessel involved in an accident described in paragraph (a) of this section shall, if required to do so by an officer, furnish such reports or give such assistance for the purpose of investigation as may be required by that officer.

§ 401.12 Detention of vessel.

Where an accident results:

(a) In damage to property of the Authority;

(b) In damage to goods or cargo stored on property of the Authority; or

(c) In injury to employees of the Authority,

the vessel causing such damage or injuries may be detained until security satisfactory to the Authority has been provided.

§ 401.13 Removal of obstructions.

The Authority may take such action as it deems necessary to relocate any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.14 Wintering and laying-up.

No vessel shall winter or lay-up within the Seaway except with the written permission of the Authority and subject to the conditions and charges that may be imposed by the Authority.

§ 401.15 Access to Seaway land.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Authority.

(b) Except as authorized by an officer or by the Shore Traffic Regulations, no person shall enter upon any land or structures of the Authority or swim in any canal or lock area.

§ 401.16[1] Summary conviction.

(a) A person who violates a regulation is guilty of an offense and is liable on summary conviction to a fine not exceeding one thousand dollars.

(b) Every person who:

(1) Handles any vessel contrary to the provisions of these regulations or any directions of the Authority or of an officer given under these regulations;

(2) Is a party to any act described in subparagraph (1) of this paragraph; or

(3) Is the owner, charterer or master of any vessel by means of which any act described in subparagraph (1) of this paragraph is committed;

shall be deemed to have violated those provisions or directions unless, in any prosecution for such violation, he establishes that the act in respect of which the prosecution has been commenced, took place without his consent, and that he exercised all due diligence to prevent its commission.

§ 401.17[1] Violations; detention.

(a) An officer may detain a vessel where:

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to subparagraph (1) of paragraph (a) shall be released where the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to subparagraph (2) of paragraph (a) of this section may be released where a sum of money in an amount, determined by the Authority to be the maximum fine that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Authority as security for the payment of any fine that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Authority may:

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Authority of the sum deposited.

(e) Although the master or the representative may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, an action may be brought for the recovery of the amount deposited on the ground that there has been no violation of the regulations.

§ 401.18 Seizure and sale.

(a) Where a vessel has been detained pursuant to § 401.17 and payment of the tolls and charges or the fine imposed on conviction has not been made within forty-eight hours after:

(1) The time of detention, in the case of arrears of tolls and charges; or

(2) The imposition of the fine, in the case of conviction, the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Authority may, after giving such notice as it deems reasonable to a representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) Any amount remaining from the proceeds of a sale held pursuant to paragraph (b) of this section shall, after deduction of the amount due for tolls and charges or the amount of the fine imposed on conviction together with the cost of the detention, seizure and sale, be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

§ 401.19 Copy of regulations to be kept on board.

A copy of these regulations and rules shall be kept on board every vessel in transit on the Seaway.

§ 401.20 Boarding vessel.

For the purpose of enforcing these regulations, an officer may board any vessel and:

(a) Examine the vessel or its cargo; and

(b) Inspect its crew.

§ 401.21 Discharge of refuse.

No vessel in transit shall discharge oil, oil sludge, or other flammable or dangerous substance, or garbage, ashes, ordure, litter, or other materials, and no person shall deposit any such substance or material in waters or on land or structures under the jurisdiction of the Authority.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 62-2282; Filed, Mar. 7, 1962; 8:47 a.m.]

[1] Sections 401.16 to 401.18 relate to that portion of the Seaway under the jurisdiction of the St. Lawrence Seaway Authority of Canada and its obligations. These sections are included herein primarily for the purpose of information.

The agreement entered into between the United States and Canada dated March 9, 1959, provides that the establishment and maintenance of a method of billing and the collection of tolls shall be the responsibility of the St. Lawrence Seaway Authority of Canada, which shall account to the Saint Lawrence Seaway Development Corporation for its share of the total revenue, subject to such collaboration and cooperation on the part of the Corporation as may be jointly determined.

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Part 9–51 is added to read as follows:

Sec.
9–51.000 Scope of part.
9–51.001 Definition.

Subpart 9–51.1—Headquarters Review and Approval of Field Office Contract Actions

9–51.100 Scope of subpart.
9–51.101 General instructions regarding submissions to Headquarters.
9–51.102 Contract actions requiring headquarters review and approval.
9–51.103 Supporting data for contract actions requiring Headquarters advance approval.
9–51.103–1 Negotiation.
9–51.103–2 Formal advertising.
9–51.103–3 Request for renewals and extensions.
9–51.103–4 Questions of contract policy and procedure.
9–51.103–5 Time of submission.

Subpart 9–51.2—Subcontracts Requiring Prior Authorization by AEC

9–51.200 Scope of subpart.
9–51.201 Types of actions.

Subpart 9–51.3—Other Approval Requirements

9–51.301 Other approval requirements.

Subpart 9–51.4—Contract and Subcontract Review Requirements

9–51.400 Scope of subpart.
9–51.401 Applicability.
9–51.402 Responsibilities.
9–51.403 Assignment of review functions.
9–51.403–1 Contract Review Boards.
9–51.403–2 Alternate review procedures.

Subpart 9–51.5—Contracts or Subcontracts Requiring Advance Notice to Headquarters

9–51.500 Scope of part.
9–51.501 Contracts for electric power.
9–51.502 Contracts for gas.
9–51.503 Contracts let under long term contract authority.

AUTHORITY: §§ 9–51.000 to 9–51.503 issued under sec. 161; 68 Stat. 948; 42 U.S.C. 2201; sec. 205; 63 Stat. 390; 40 U.S.C. 486.

(c) "Officer" means a person employed by the Authority to direct some phase of the operation or use of the Seaway;

(d) "Passing through" means in transit through a lock or through the waters enclosed by the Approach Walls at either end of a lock chamber;

(e) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(f) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for pre-clearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(g) "Seaway" means that portion of the deep waterway between the Port of Montreal and Lake Erie that is under the jurisdiction of the Authority and includes all canals and works, whether inside or outside that area, the management, administration and control of which have been entrusted to the Authority;

(h) "Station" means a radio station operated by the Authority;

(i) "Towed" means pushed or pulled through the water;

(j) "Transit" means to use the Seaway or a part of it, either upbound or downbound; and

(k) "Vessel" means any type of craft used as a means of transportation on water.

§ 401.3 Transit of the Seaway.

(a) Except as provided in these regulations, no vessel shall transit.

(b) Subject to these regulations, every vessel that does not exceed seven hundred and fifteen feet in overall length and seventy-two feet in beam may transit during the navigation season.

(c) Subject to these regulations, vessels exceeding seven hundred and fifteen feet in overall length and seventy-two feet in beam, but not exceeding seven hundred and thirty feet in overall length and seventy-five feet in beam or seventy-five feet six inches in extreme breadth including fenders may, with special instructions from the Authority, transit during the navigation season.

(d) No vessel shall transit unless the maximum draft of the vessel does not exceed the draft currently prescribed by the Authority for the part of the Seaway in which the vessel is travelling.

(e) No vessel shall be towed through any part of the Seaway by another vessel or vessels, except in compliance with all conditions prescribed by the Authority in respect of towing and in compliance with any special instructions of an officer.

(f) No pleasure craft of less than twenty feet in overall length, or one ton in weight, shall transit the South Shore, Beauharnois, or Welland Canals.

§ 401.4 Pre-clearance of vessels.

(a) No vessel shall transit:

(1) Until an application for pre-clearance has been made to the Authority by its representative and the application has been approved by the Authority; or

(2) While its pre-clearance is suspended.

(b) The representative of a vessel may apply to the Authority in the form prescribed by the Authority for pre-clearance of the vessel and shall in each application:

(1) Provide particulars of the ownership and physical characteristics of the vessel; and

(2) Guarantee payment of all tolls and charges that may be incurred by the vessel.

(c) The representative of a vessel shall provide security for the payment of the tolls and charges to be incurred by the vessel.

(d) Where, in the opinion of the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Authority may suspend the pre-clearance of the vessel.

(e) No vessel shall transit after:

(1) The expiration of the guarantee endorsed on the application for its pre-clearance; or

(2) The physical characteristics of the vessel described in the application for pre-clearance of the vessel are materially altered by reason of construction or repair, unless an application for a new pre-clearance has been made and approved by the Authority.

(f) Paragraphs (a) to (f) of this section do not apply to pleasure craft of less than three hundred and fifty tons in weight.

§ 401.5 Condition of vessels.

(a) No vessel shall transit unless:

(1) It is properly trimmed and in a condition determined by the Authority or an officer to be safe and satisfactory to it or him; and

(2) It is equipped with such apparatus, equipment or machinery as the Authority deems necessary for safe transit.

(b) An officer may refuse to allow a vessel to transit when, in his opinion:

(1) The vessel, its cargo, equipment or machinery are in such a condition as to prevent safe or expeditious transit by that vessel; or

(2) The vessel is manned with a crew that is incompetent or insufficient in numbers.

(c) Where an officer refuses to allow a vessel to transit, that vessel shall not transit until an officer grants it specific permission to do so.

§ 401.6 Navigation on the Seaway.

(a) Subject to these regulations, the related marine, navigation and shipping laws and regulations of the United States of America, as well as the Canada Shipping Act and the regulations made thereunder, shall apply mutatis mutandis to every vessel in transit.

(b) No vessel shall transit unless it:

(1) Proceeds at a speed that is not in excess of that prescribed by the Authority for that part of the Seaway in which the vessel is travelling;

(2) Complies with all orders given to it by an officer or a station; and

(3) Complies with these regulations and all directions given by the Authority in respect to navigation and passing through.

(c) The Authority assumes no liability in providing aids or things to assist navigation.

(d) Nothing in these regulations shall be construed as derogating from the responsibility of a Master for his vessel and its crew.

§ 401.7 Notice of arrival.

(a) All self-propelled vessels in transit or approaching the Seaway, except pleasure craft of less than sixty-five feet in overall length, shall:

(1) Be on radio-listening watch; and

(2) Give notice of arrival in the manner prescribed by the Authority upon reaching any calling-in point designated by the Authority.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a station.

§ 401.8 Passing through.

(a) The crew of a vessel shall assist in the handling and passing through of the vessel in such manner as may be prescribed by the Authority.

(b) Except as authorized by an officer, no person shall go aboard or leave any vessel while the vessel is passing through.

§ 401.9 Dangerous cargo.

(a) No vessel, carrying cargo to which the Dangerous Cargo Act or the regulations issued thereunder or the Dangerous Goods Shipping Regulations made under the Canadian Shipping Act apply, shall transit except with the written permission of the Authority.

(b) No vessel carrying fuel oil, gasoline, other flammable goods or other goods deemed by the Authority to be dangerous shall transit except in accordance with all directions given by the Authority in respect of vessels carrying such goods.

§ 401.10 Documentary evidence.

(a) The representative of a vessel shall, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage, furnish to the Authority in the form prescribed by the Authority, a detailed report stating the destination of the vessel and the nature and quantity of its cargo.

(b) All documentary evidence, including inspection certificates, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.11 Accidents.

(a) Where a vessel on the Seaway or approaching the Seaway with intent to transit is involved in an accident resulting in damage to a vessel or its cargo or to property of the Authority or to property on the premises of the Authority, the Master of the vessel shall:

(1) Report the accident immediately to the nearest station; and

(2) If required by an officer, file a written report on the accident.

(b) The representative of a vessel involved in an accident described in paragraph (a) of this section shall, if required to do so by an officer, furnish such reports or give such assistance for the purpose of investigation as may be required by that officer.

§ 401.12 Detention of vessel.

Where an accident results:

(a) In damage to property of the Authority;

(b) In damage to goods or cargo stored on property of the Authority; or

(c) In injury to employees of the Authority,

the vessel causing such damage or injuries may be detained until security satisfactory to the Authority has been provided.

§ 401.13 Removal of obstructions.

The Authority may take such action as it deems necessary to relocate any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.14 Wintering and laying-up.

No vessel shall winter or lay-up within the Seaway except with the written permission of the Authority and subject to the conditions and charges that may be imposed by the Authority.

§ 401.15 Access to Seaway land.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Authority.

(b) Except as authorized by an officer or by the Shore Traffic Regulations, no person shall enter upon any land or structures of the Authority or swim in any canal or lock area.

§ 401.16[1] Summary conviction.

(a) A person who violates a regulation is guilty of an offense and is liable on summary conviction to a fine not exceeding one thousand dollars.

(b) Every person who:

(1) Handles any vessel contrary to the provisions of these regulations or any directions of the Authority or of an officer given under these regulations;

(2) Is a party to any act described in subparagraph (1) of this paragraph; or

(3) Is the owner, charterer or master of any vessel by means of which any act described in subparagraph (1) of this paragraph is committed;

shall be deemed to have violated those provisions or directions unless, in any prosecution for such violation, he establishes that the act in respect of which the prosecution has been commenced, took place without his consent, and that he exercised all due diligence to prevent its commission.

§ 401.17[1] Violations; detention.

(a) An officer may detain a vessel where:

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to subparagraph (1) of paragraph (a) shall be released where the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to subparagraph (2) of paragraph (a) of this section may be released where a sum of money in an amount, determined by the Authority to be the maximum fine that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Authority as security for the payment of any fine that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Authority may:

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Authority of the sum deposited.

(e) Although the master or the representative may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, an action may be brought for the recovery of the amount deposited on the ground that there has been no violation of the regulations.

§ 401.18 Seizure and sale.

(a) Where a vessel has been detained pursuant to § 401.17 and payment of the tolls and charges or the fine imposed on conviction has not been made within forty-eight hours after:

(1) The time of detention, in the case of arrears of tolls and charges; or

(2) The imposition of the fine, in the case of conviction, the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Authority may, after giving such notice as it deems reasonable to a representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) Any amount remaining from the proceeds of a sale held pursuant to paragraph (b) of this section shall, after deduction of the amount due for tolls and charges or the amount of the fine imposed on conviction together with the cost of the detention, seizure and sale, be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

§ 401.19 Copy of regulations to be kept on board.

A copy of these regulations and rules shall be kept on board every vessel in transit on the Seaway.

§ 401.20 Boarding vessel.

For the purpose of enforcing these regulations, an officer may board any vessel and:

(a) Examine the vessel or its cargo; and

(b) Inspect its crew.

§ 401.21 Discharge of refuse.

No vessel in transit shall discharge oil, oil sludge, or other flammable or dangerous substance, or garbage, ashes, ordure, litter, or other materials, and no person shall deposit any such substance or material in waters or on land or structures under the jurisdiction of the Authority.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 62-2282; Filed, Mar. 7, 1962; 8:47 a.m.]

[1] Sections 401.16 to 401.18 relate to that portion of the Seaway under the jurisdiction of the St. Lawrence Seaway Authority of Canada and its obligations. These sections are included herein primarily for the purpose of information.

The agreement entered into between the United States and Canada dated March 9, 1959, provides that the establishment and maintenance of a method of billing and the collection of tolls shall be the responsibility of the St. Lawrence Seaway Authority of Canada, which shall account to the Saint Lawrence Seaway Development Corporation for its share of the total revenue, subject to such collaboration and cooperation on the part of the Corporation as may be jointly determined.

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Part 9–51 is added to read as follows:

Sec.
9–51.000 Scope of part.
9–51.001 Definition.

Subpart 9–51.1—Headquarters Review and Approval of Field Office Contract Actions

9–51.100 Scope of subpart.
9–51.101 General instructions regarding submissions to Headquarters.
9–51.102 Contract actions requiring headquarters review and approval.
9–51.103 Supporting data for contract actions requiring Headquarters advance approval.
9–51.103–1 Negotiation.
9–51.103–2 Formal advertising.
9–51.103–3 Request for renewals and extensions.
9–51.103–4 Questions of contract policy and procedure.
9–51.103–5 Time of submission.

Subpart 9–51.2—Subcontracts Requiring Prior Authorization by AEC

9–51.200 Scope of subpart.
9–51.201 Types of actions.

Subpart 9–51.3—Other Approval Requirements

9–51.301 Other approval requirements.

Subpart, 9–51.4—Contract and Subcontract Review Requirements

9–51.400 Scope of subpart.
9–51.401 Applicability.
9–51.402 Responsibilities.
9–51.403 Assignment of review functions.
9–51.403–1 Contract Review Boards.
9–51.403–2 Alternate review procedures.

Subpart 9–51.5—Contracts or Subcontracts Requiring Advance Notice to Headquarters

9–51.500 Scope of part.
9–51.501 Contracts for electric power.
9–51.502 Contracts for gas.
9–51.503 Contracts let under long term contract authority.

AUTHORITY: §§ 9–51.000 to 9–51.503 issued under sec. 161; 68 Stat. 948; 42 U.S.C. 2201; sec. 205; 63 Stat. 390; 40 U.S.C. 486.

§ 9–51.000 Scope of part.

This part sets forth administrative requirements for the review and approval of certain contract actions, exclusive of Contractor Selection (AECM 9131).

§ 9–51.001 Definition.

(a) For the purpose of this part, the term "Contract Actions" includes:

(1) Actions relating to the letting of contracts, subcontracts, agreements with other governmental agencies, and subsequent modifications, extensions, and terminations thereof.

(2) Questions of contract policy or procedure which arise in the course of contract negotiation and administration.

(b) For the purpose of this part, the term "Contract Actions" does not include administrative functions associated with contract administration, such as the development, interpretation and modification of contract cost principles, financial plan and budget operations, labor relations, safety, security, audit, salary and wage administration, foreign travel, programmatic matters (program scope, technical requirements or specifications, project schedules, etc.), and the administration of construction activities. Such matters are handled directly between Field Offices and the Headquarters Division or Office having cognizance over the matter involved.

Subpart 9–51.1—Headquarters Review and Approval of Field Office Contract Actions

§ 9–51.100 Scope of subpart.

This subpart sets forth the administrative requirements for Headquarters review and approval of Field Office contract actions.

§ 9–51.101 General instructions regarding submissions to Headquarters.

(a) The Field Offices at Chicago, Hanford, Idaho, New York, Oak Ridge, Savannah River, San Francisco, Albuquerque, and the Brookhaven Office will communicate directly with the Director, Division of Contracts, on all contract actions requiring Headquarters' consideration.

(b) The Field Offices at Schenectady and Pittsburgh will communicate directly with the Manager, Naval Reactors, Division of Reactor Development, concerning contract actions requiring Headquarters' consideration.

(c) The Grand Junction Office will communicate directly with the Division of Raw Materials on contract actions requiring Headquarters' consideration.

(d) Contract actions requiring Headquarters' review and approval shall be submitted to Headquarters sufficiently in advance of the proposed date for final action by the Field Office to permit an orderly study and analysis of the proposed contract action. Requests for approval of contracts and subcontracts shall be accompanied by six copies of the proposed contract document together with the required supporting data, also in sextuplicate.

§ 9–51.102 Contract actions requiring Headquarters' review and approval.

(a) Contract actions requiring the advance attention of the General Manager and Commission. Managers of Field Offices will submit the following contract actions for advance Headquarters' approval:

(1) Contract actions involving estimated costs for the contract period in excess of $10,000,000 shall be subject to Commission approval. A modification to an existing contract which has the effect of bringing the total amount of the contract in excess of $10,000,000 will be brought to the attention of the Commission for its information.

(2) All contractual matters of a new or unusual nature, or matters likely to provoke unusual public interest, and all prime contracts with foreign parties in excess of $300,000 are brought to the Commission's attention prior to approval.

(b) Contract actions in excess of authority delegated to Managers of Field Offices, requiring advance Headquarters' review and approval. Managers of Field Offices will submit contract actions in excess of authority delegated to them for advance Headquarters' approval, including:

(1) Preliminary contractual agreements when there is reason to believe that the resulting contract or subcontract may exceed delegated authority.

(2) Any proposed contract or subcontract which by the exercise of any option or options therein would exceed delegated authority.

(3) Any proposed contract or subcontract, regardless of amount, which in the opinion of the Manager of the Field Office will, as a result of extension, follow-on work, or otherwise increase the contract or subcontract, or lead to a contract or subcontract with the same contractor, in an amount in excess of his delegated authority.

(4) Extension or modification which within itself includes increases in excess of delegated authority.

(5) Extension or modification which has the effect of increasing the total amount of the basic contract or subcontract and all prior modifications, if any, to an amount in excess of $10,000,000.

(c) Other contract actions requiring advance Headquarters' approval. Managers of Field Offices will submit requests for the extension of operating and on-site service-type contracts and for deviation from prescribed contract policy for advance Headquarters' approval.

(d) Managers of Field Offices will submit to Headquarters for information after execution any contract action for which advance Headquarters approval is not required, but which has the effect of increasing the total amount of the basic contract or subcontract and all prior modifications, if any, to an amount in excess of the authority delegated to Managers of Field Offices.

(e) Modifications to contracts or subcontracts previously approved by Headquarters need not be submitted for Headquarters consideration when they involve only periodic modifications (1) to establish scope and/or estimated costs within the approved general scope and fixed fees, provided the fee negotiated is within the allowable fee limits of AEC fee policy or (2) to increase (or decrease) the funds obligated or the contractual limitations on expenditures, when funds for such purposes have ben allotted and set forth in approved financial plans.

§ 9–51.103 Supporting data for contract actions requiring Headquarters advance approval.

§ 9–51.103–1 Negotiation.

Requests for approval of contracts and subcontracts to be entered into as a result of negotiation shall be accompanied by the information required by § 9–55.102.

§ 9–51.103–2 Formal advertising.

Requests for approval of contracts and subcontracts to be entered into as a result of formal advertising shall be accompanied by:

(a) Copy of the invitation to bid and any supplements;

(b) A list of persons or firms invited to bid;

(c) Information relating to posting or publishing notices of the invitation and copies of all paid advertisements, if any were used;

(d) Copy of abstract of bids;

(e) An evaluation of the reasonableness of the low bid accepted including a comparison with the independent government cost estimate, if applicable;

(f) Copy of bid received from contractor to whom award is proposed; and

(g) If award is proposed to be made to other than the lowest bidder, a complete statement of the reasons therefor.

§ 9–51.103.3 Requests for renewals and extensions.

Requests for the renewal or extension of contracts or subcontracts which require Headquarters approval shall be accompanied by:

(a) Summary description of scope of work, and brief listing of some of the important projects which have been handled under this contract. A list of any important projects planned for assignment in the future should be included.

(b) A short statement concerning adequacy of contractor performance. The last annual management appraisal should be summarized and incorporated in the submission.

(c) A summary of the major contract provisions of the existing contract should be attached as an appendix with particular attention to indemnity, patents, conduct of work (control over work) and termination, as well as those which deviate from current AEC policies.

(d) Indicate cost level and fee (or management allowance) over past term and expected cost level in the future.

(e) Include an outline of the principal issues to be negotiated with arguments pro and con, as well as the AEC recommended position.

(f) A brief discussion of the possibilities of obtaining a suitable replacement contractor, where appropriate.

(g) Reference to the specific standard contract clauses (FPR, AECPR or AECM, as appropriate) to be used in the proposed contractual document, together with a draft of suggested deviations, if any, from other applicable standard clauses, with full justification for such any proposed deviations and the text of proposed contract provisions not covered by standard clauses.

(h) Other appropriate recommendations, if any, supported by adequate justification.

§ 9–51.103.4 Questions of contract policy and procedure.

Questions of contract policy and procedure which arise in the course of contract negotiation and administration on which Headquarters' consideration is required or desired by the field office shall be accompanied by sufficient information to permit adequate review and analysis of the problem involved.

§ 9–51.103.5 Time of submission.

Requests for approval of contractual documents shall be submitted and approval shall be obtained prior to execution by either party.

Subpart 9–51.2—Subcontracts Requiring Prior Authorization by AEC

§ 9–51.200 Scope of subpart.

This subpart sets forth the requirement for AEC approval of cost-type contractors' procurement actions.

§ 9–51.201 Types of actions.

Managers of Field Offices shall require cost-type contractors to obtain the approval of AEC prior to entering into any subcontracts or purchase orders within the following categories:

(a) *Operation of production facilities.* Approval shall be required prior to entering into any subcontract for the operation of production facilities as described in Section 41 of the Atomic Energy Act of 1954.

(b) *Specified materials, equipment, or services.* Managers of Field Offices shall take such action as may be required to insure compliance with the procedure for purchases from contractor-controlled sources or the procurement of specific items, or classes of items which by the terms of the contract may require AEC approval.

(c) *Specified types of procurements.* Approval shall be required prior to entering into subcontracts in excess of $500 on a cost, cost-plus-a-fixed-fee or time and material basis.

(d) *Specified dollar amounts.* Approval shall be required prior to entering into subcontracts or purchase orders above specified dollar amounts. Dollar limits will be established at the discretion of Managers of Field Offices, taking into consideration such factors as the nature of work under each contract, the estimated cost of work under the contract, the contractor's procurement organization, other controls exercised over the contractor's procurement operations, and policies with respect to approvals established by Headquarters or Field Offices. Except as provided in paragraph (e) of this section, limits in excess of the following dollar amounts shall not be established under:

(1) Construction and architect-engineer contracts	$10,000
(2) Off-site research and development contracts	5,000
(3) All other contracts	25,000

(e) *Exceptions.* In the event a Manager of a Field Office determines (1) that application of any limitations established in this section would impair the AEC program of the Field Office concerned or would be impracticable of application under the circumstances or (2) that it would be in the best interests of the Government to establish less stringent limitations, the determination with supporting data shall be submitted to Headquarters for approval.

(f) *Emergency approvals.* Managers of Field Offices may, in their discretion, give oral approval (or approval by telephone or teletype) to any subcontract or purchase order requiring AEC approval under this § 9–51.201 in instances of compelling or unusual urgency, such as circumstances under which an AEC program would be seriously hampered or delayed if supplies or services are not obtained by a certain date and time does not permit the obtaining of formal approval. Such emergency approvals shall be confirmed in writing.

Subpart 9–51.3—Other Approval Requirements

§ 9–51.301 Other approval requirements.

Nothing in this Part 9–51 shall be construed as precluding the establishment of additional approval requirements by Headquarters or Managers of Field Offices with respect to contracts or subcontracts under their jurisdiction.

Subpart 9–51.4—Contract and Subcontract Review Requirements

§ 9–51.400 Scope of subpart.

This subpart sets forth the administrative requirement for independent review of proposed contracts and subcontracts.

§ 9–51.401 Applicability.

All contracts and subcontracts under cost-type contractors, in excess of $100,000 shall be reviewed in conformance with this subpart. Such reviews shall be made prior to award in all cases.

§ 9–51.402 Responsibilities.

Each Manager of a Field Office shall establish procedures in accordance with this subpart providing for an independent review of proposed contract and subcontract actions and to review termination settlements.

§ 9–51.403 Assignment of review functions.

Responsibility for independent review of contract and subcontract actions shall be assigned to a Contract Review Board established under § 9–51.403–1, or such independent review shall be accomplished under the alternate review procedures set forth in § 9–51.403–2.

§ 9–51.403–1 Contract Review Boards.

(a) *Organization.* Each Contract Review Board shall consist of not less than three members with broad business and contracting experience. A majority of representatives on each Board shall be permanent board members. Other members may be drawn from panels of designated persons as may be appropriate for cases under consideration. To the extent practicable, no person shall serve as a member of a Contract Review Board in reviewing a contract action in which he has participated, or a contractor selection (AECM 9131), unless such action is subject to approval under § 9–51.102, or the Manager of the Field Office shall determine that his participation in the review of the particular contract provides continuity of experience or is otherwise in the best interest of the Government. The Chairman of each Board in a Field Office shall be designated by the Manager of the Field Office concerned and each Board shall be furnished with such staff assistance as may be requested by the Board and approved by the Manager of the Field Office. Contract Review Boards may be assigned additional functions at the discretion of Managers of Field Offices provided such functions are related to procurement and are not inconsistent with the Board's responsibility as set forth in this chapter.

(b) *Purpose of review.* In negotiated procurements, the primary function of contract review is to provide an independent review and analysis of contract and subcontract actions for the purpose of determining whether the negotiations (1) were competently conducted, (2) were based on adequate information, (3) were in conformance with established policies and procedures, and (4) resulted in a contract or subcontract (i) with a responsible contractor (AECPR 9–1.310) and (ii) that adequately protects the interest of the Government, including the reasonableness of the fixed fee or profit (if any) in cost-type procurements, the reasonableness of price in fixed price-type contracts or subcontracts including the reasonableness of intermediate or final repricing due to price redetermination, escalation, etc., with comparison of the proposed price with the independent government cost estimate, if applicable. With respect to awards resulting from formal advertising, review will include such matters as determining the responsibility of the contractor (AECPR 9–1.310), the reasonableness of the price of the proposed award, including comparision with the independent government cost estimate, if applicable, the adequacy of competition, the advisability of rejecting all bids and readvertising or negotiating, and in the case of a proposed award to other than the low bidder, whether such action is in the best interest of the Government.

(c) *Method and extent of review.* When review is required by this Part 9–51 or for termination settlements, the negotiator or purchasing officer (or contract administrator in the case of sub-

contracts) shall submit a statement justifying the proposed action with such detailed information as may be required for an adequate review. Procedures for the submission of such statements shall be issued by each Field Office. Contract Review Boards shall determine the overall reasonableness of proposed actions from the standpoint of protecting the interests of the Government. Such Boards may vary the scope and extent of reviews according to the size and complexity of individual cases and other relevant factors.

(d) *Results of review.* Contract Review Boards shall document the scope and extent of the review and submit written recommendations to Managers of Field Offices (or to such other approving officials as may be appropriate) on each proposed contract or subcontract action reviewed. In the event the approving official departs from the recommendation of the review board, the basis for such action shall be appropriately documented in the files.

§ 9–51.403–2 Alternate review procedures.

Where it is impracticable to establish a Contract Review Board, or where additional procedures are appropriate to supplement a Contract Review Board, the following procedures shall be followed:

(a) *For procurement effected through competition.* Contracts and subcontracts to be entered into as a result of formal advertising and subcontracts which meet the criteria established in § 9–55.102–3 may be reviewed by such alternate procedures as may be prescribed by Managers of Field Offices.

(b) *For procurement effected by negotiation.* Contracts and subcontracts other than those covered in paragraph (a) of this section may be reviewed by such alternate procedures as may be prescribed by Managers of Field Offices provided:

(1) In the judgment of the Manager of the Field Office concerned, supplemental procedures are necessary, or it is impracticable to establish a Contract Review Board as set forth in § 9–51.403–1;

(2) The alternate procedures assure an adequate independent review of contract and subcontract actions; and

(3) The following principles are observed in establishing the alternate procedures:

(i) Contract or subcontract actions requiring review under a Field Office (or Area Office with respect to contract or subcontract actions within the approval authority of an Area Manager in those instances where Area Managers have been delegated contracting or approving authority in excess of $100,000) to the fullest extent practicable shall be reviewed by the same reviewers regardless of the nature of the work under the individual contracts in order to assure continuity of experience and uniformity of treatment.

(ii) Reviewers shall have a broad background of business and contracting experience in private industry or government.

(iii) Advice in specialized fields such as engineering, law, and accounting shall be readily available to the reviewers.

(iv) Reviewers shall not negotiate or assist in the negotiation of any contract or subcontract, including contractor selection (AECM 9131), except when the contract or subcontract shall be subject to approval under § 9–51.102, or where the approving authority shall determine that the reviewer's participation provides continuity of experience or is otherwise in the best interest of the Government.

(c) The requirement of § 9–51.403–1 (b), (c), and (d), with respect to Contract Review Boards shall be met.

Subpart 9–51.5—Contracts or Subcontracts Requiring Advance Notice

§ 9–51.500 Scope of subpart.

Notice of intent to enter into contracts or subcontracts within the categories set forth below shall be required as indicated therein. These requirements are not established for approval purposes but are for information only.

§ 9–51.501 Contracts for electric power.

Proposed contracts or subcontracts for the supplying of electric power shall be reported by Managers of Operations to the Division Director concerned unless all the following conditions exist:

(a) The requirement is for a maximum demand of less than 5,000 kilowatts for which service is available or can be made available;

(b) The power is to be furnished at rates, terms, and conditions of an established rate schedule approved by the State public service commission having jurisdiction;

(c) Power is to be furnished without a contribution to the service, or an advance or special payment of any kind (including provisions covering payments in the event of cancellation prior to expiration date) by or on behalf of AEC, other than a contribution or payment required by an approved rate schedule under (b), above; and

(d) The estimated cost of the power does not exceed $500,000 per year during the life of the proposed contract or subcontract.

§ 9–51.502 Contracts for gas.

Proposed contracts or subcontracts for the supplying of natural or manufactured gas shall be reported by Managers of Operations to the Division Director concerned unless all of the following conditions exist:

(a) The gas is to be furnished at rates, terms, and conditions of an established rate schedule approved by the State public service commission having jurisdiction;

(b) The gas is to be furnished without a contribution to the service or an advance or special payment of any kind (including provisions covering payments in the event of cancellation prior to expiration date) by or on behalf of AEC;

(c) The gas is to be furnished without an investment by AEC in facilities to be installed off the property, other than a contribution or payment required by an approved rate schedule under (a) above; and

(d) The estimated annual cost of the gas does not exceed $120,000 per year during the life of the proposed contract or subcontract.

§ 9–51.503 Contracts let under long term contract authority.

Managers of Field Offices shall advise the Controller, with a copy to the Director, Division of Contracts, of any intent to utilize the long term contract authority provided by subsection U, section 161 of the Atomic Energy Act of 1954 as amended by Public Law 85–681 (72 Stat. 633). Such advance notice should be provided at an early stage of planning on any such proposed contract action.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 27th day of February 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62–2261; Filed, Mar. 7, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,600 acres or 80 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, channel cat, black bass, buffalo, shad and other minor species as permitted by State regulations.

(b) Open season: April 1, 1962, through September 10, 1962; daylight hours only.

(c) Daily creel limits: Crappies, 30; channel cat, 10; black bass, 10; buffalo and shad, no limit except 25 pounds plus one fish; creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limbline, bankline, jig or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limblines, banklines, and liveboxes shall be plainly labeled with the owner's name and address.

(2) No person shall use any electrical device, explosive, poison or chemical to kill, or stupefy fish, or take or attempt to take fish by rock or hand fishing, with or without hook.

(3) The use of boats, canoes, and similar floating devices, without motors, is permitted.

(4) See applicable State regulations for additional details on methods of fishing.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 11, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 1, 1962.

[F.R. Doc. 62–2276; Filed, Mar. 7, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

MEN'S HAT AND CAP INDUSTRY IN PUERTO RICO

Proposed Minimum Wages

Effective September 25, 1961, I determined that, except in particular or similar industries for which a higher prevailing minimum wage has been determined, $1.15 per hour is the prevailing minimum wage in all those groups of industries currently operating in each locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under any contract subject to the Walsh-Healey Public Contracts Act (41 CFR 50–202.2; 26 F.R. 9042).

This determination is applicable to that industry which manufactures or furnishes men's cloth hats and caps and cap covers. Though it has been my policy heretofore not to enforce this determination in Puerto Rico and the Virgin Islands, I have been advised that, with respect to this particular industry, the nonenforcement policy has operated unfairly to the disadvantage of mainland industry and labor. I propose, therefore, henceforth to enforce this determination in Puerto Rico and the Virgin Islands with respect to future contracts for products of this industry.

Any person adversely affected or aggrieved by this proposal (who shall be deemed to include any manufacturer of, or regular dealer in men's cloth hats and caps and cap covers purchased or to be purchased by the Government of the United States from any source in Puerto Rico or the Virgin Islands, and any employee or representative of employees of any such person) may request an opportunity for a hearing upon timely application as hereinafter provided.

Any such hearing will be limited to whether any reason should preclude enforcement of the $1.15 minimum wage determination applicable to this industry.

Any application for such a hearing shall be in writing, filed in quadruplicate (original and three copies) with the Administrator of the Wage and Hour and Public Contracts Divisions at the United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D.C., within 30 days after this notice is filed for publication with the Officer of the Federal Register. It shall state each of the applicant's contentions regarding the issues set out in the preceding paragraph. The application, and each copy thereof, shall be accompanied by a copy of each document intended to be introduced in evidence, an identification of each witness intended to be called, a summary of the expected testimony of such witness, the name and address of the counsel or other representative selected to present such evidence, and an estimate of the time the presentation may require.

The time and place of any hearing will be published in the FEDERAL REGISTER if, and after, applications are received. The procedure will be governed by sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1006 and 1007), and 41 CFR Part 50–203, Subpart C, as recently amended (26 F.R. 8945), and the applicable provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

Signed at Washington, D.C., this 5th day of March 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–2297; Filed, Mar. 7, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62–KC–2]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2319 of the regulations of the Administrator, the substance of which is stated below.

The Kalamazoo, Mich., control zone is presently designated within a 5-mile radius of the Kalamazoo Airport, within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles northeast of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR, during the period from 0700 to 2300 hours local standard time, daily.

The Federal Aviation Agency has under consideration alteration of the Kalamazoo control zone by realigning the two control zone extensions to coincide with the final approach courses specified in the revised prescribed instrument approach procedures. These procedures were revised as a result of changes in the runway configuration at Kalamazoo Airport. The northeast control zone extension would be redesignated within 2 miles either side of the Kalamazoo VOR 001° True radial extending from the 5-mile radius zone to 8 miles north of the VOR, and the southeast control zone extension would be redesignated within 2 miles either side of the Kalamazoo VOR 167° True radial extending from the 5-mile radius zone to 8 miles south of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2264; Filed, Mar. 7, 1962; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 61–LA–51]

CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Designation of Restricted Area and Proposed Alteration of Continental Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.7101 and 608.51 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of Army to establish a restricted area in the vicinity of McGregor, N. Mex., and to assign the Federal Aviation Agency, El Paso, ARTC Center, as controlling agency.

This is the first of a series of airspace proposals to be considered as the result of a recent airspace review by the Federal Aviation Agency conducted for the purpose of promoting safety of flight and more efficient utilization of the airspace in the White Sands, N. Mex., and the McGregor, N. Mex., restricted area complex.

The restricted area would extend from 31,000 feet MSL to unlimited and would contain a maneuvering area for supersonic drones of mach 2.2 speeds which are utilized in training conducted by the U.S. Army Air Defense Center, Fort Bliss, Tex.

Since the proposed restricted area would be utilized on an irregular schedule, more efficient airspace use would be achieved by establishing joint use of this area with the Federal Aviation Agency, El Paso Center as controlling agency. The inclusion of this restricted area within the continental control area would also provide additional air traffic control flexibility.

Therefore, it is proposed to designate the R–5110, McGregor, N. Mex., restricted area as follows:

McGregor, N. Mex., Restricted Area R–5110:

Boundaries. Beginning at latitude 33°13'-00" N., longitude 105°17'35" W.; thence clockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex. (latitude 33°18'00" N., longitude 104°31'20" W.) to latitude 32°52'30" N., longitude 105°06'55" W.; to latitude 32°26'-20" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 33°13'00" N., longitude 105°27'00" W.; to point of beginning.

Designated altitude. 31,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commanding General, Fort Bliss, Tex.

Concurrently with this action, Part 601 (§ 601.7101) would be amended to include all the airspace of R–5110 within the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2265; Filed, Mar. 7, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 327, Arizona]

ARIZONA

Notice of Filing of Plat of Survey; Amendment

FEBRUARY 28, 1962.

Effective February 28, 1962, the Notice of Filing of Plat of Survey, Group 327, published in 27 F.R. 1580, February 20, 1962, is hereby amended by eliminating paragraphs 4 and 5, and substituting therefor the following: The public lands affected by this Order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-2277; Filed, Mar. 7, 1962; 8:46 a.m.]

[Group 330, Arizona]

ARIZONA

Notice of Filing of Plat of Survey; Amendment

FEBRUARY 28, 1962.

Effective February 28, 1962, the Notice of Filing of Plat of Survey, Group 330, published in 27 F.R. 1661, February 21, 1962, is hereby amended by eliminating paragraphs 3 and 4, and substituting therefor the following: The public lands affected by this Order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-2278; Filed, Mar. 7, 1962; 8:46 a.m.]

UTAH

Notice of Filing of Utah Protraction Diagrams

FEBRUARY 27, 1962.

Notice is hereby given that effective April 12, 1962, the following protraction diagrams, approved December 14, 1961, are officially filed of record in the Utah Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

UTAH PROTRACTION DIAGRAMS NOS. 1 THROUGH 13 AND NO. 52

SALT LAKE MERIDIAN

Unsurveyed sections in:

Nos. 1 and 1A

Ts. 15 N., Rs. 2, 3, and 4 E.,
T. 14 N., R. 2 E.,
Ts. 13 N., Rs. 2 and 3 E.,
Ts. 3 S., Rs. 7 and 8 W.,
T. 4 S., R. 7 W.

No. 2

Ts. 4 and 5 N., Rs. 8, 9, 10, 11, 12, and 13 W.,
Ts. 6 N., Rs. 9, 10, 11, and 12 W.,
Ts. 7 N., Rs. 10 and 11 W.,
T. 8 N., R. 10 W.

No. 3

Ts. 2 N., Rs. 17, 18, and 19 W.,
Ts. 3 N., Rs. 15, 16, 17, and 18 W.,
Ts. 4 N., Rs. 15 and 16 W.

No. 4

Ts. 1 S., Rs. 12, 13, and 14 W.,
Ts. 1, 2, and 3 N., Rs. 12, 13, 14, and 14½ W.,
T. 4 N., Rs. 14 and 14½ W.

No. 5

T. 2 N., R. 14 E.,
Ts. 1 N., Rs. 11, 12, 13, and 14 E.,
Ts. 1 S., Rs. 10, 11, 12, and 13 E.

Nos. 6 and 6A

Ts. 2 N., Rs. 15, 16, 17, and 18 E.,
Ts. 1 N., Rs. 15, 16, 17, 18, and 19 E.,
Ts. 1 S., Rs. 18 and 19 E.,
Ts. 2 S., Rs. 18 and 19 E.,
T. 3 S., R. 18 E.

Nos. 7 and 7A

T. 2 N., R. 21 E.,
Ts. 1 N., Rs. 20 and 21 E.,
Ts. 1 and 2 S., R. 20 E.,
Ts. 3 S. Rs. 24 and 25 E.,
Ts. 4 S., Rs. 23, 24, and 25 E.

No. 8

Ts. 3 S., Rs. 16 and 17 W.,
Ts. 4 S., Rs. 16, 17, and 18 W.,
Ts. 5 S., Rs. 16, 17, and 19 W.,
Ts. 6 and 7 S., Rs. 16, 17, 18, and 19 W.

No. 9

Ts. 2 S., Rs. 12 and 13 W.,
Ts. 3 S., Rs. 11, 12, 13, and 14 W.,
Ts. 4 and 5 S., Rs. 11, 12, 13, 14, and 15 W.

No. 10

Ts. 6 and 7 S., Rs. 14 and 15 W.,
Ts. 8 S., Rs. 14, 15, 16, and 17 W.,
Ts. 9 and 10 S., Rs. 14, 15, 16, and 18 W.

No. 11

T. 5 S., R. 10 W.,
Ts. 6 S., Rs. 9, 10, 11, 12, and 13 W.,
Ts. 7 S., Rs. 9, 10, 11, and 12 W.,
Ts. 8 S., Rs. 12 and 13 W.

No. 12

Ts. 11 S., Rs. 14 and 15 W.,
Ts. 12 and 13 S., Rs. 14, 15, and 16 W.,
Ts. 14 and 15 S., Rs. 15, 16, and 17 W.

No. 13

Ts. 9, 10, and 11 S., Rs. 11, 12, and 13 W.
Ts. 12 S., Rs. 12 and 13 W.,
Ts. 13 S., R. 13 W.

No. 52

T. 2 S., R. 2 E.,
Ts. 3 S., Rs. 2 and 3 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Utah Land Office, Bureau of Land Management, Darling Building, Salt Lake City, Utah.

F. S. KIRK,
Operations Manager,
Utah Land Office.

[F.R. Doc. 62-2279; Filed, Mar. 7, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1962.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 066554 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as recreation areas, campgrounds, roadside zones, overlooks, organization camps, back area camps, picnic grounds and roadside rest areas located in the Roosevelt and San Isabel National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Indian Peaks Recreation Area, Including Long, Mitchell, Isabelle, and Other Lake Areas

T. 1 N., R. 73 W.,
Sec. 4, N½S½NW¼, Lots 3 and 4;
Sec. 5, NE¼SE¼NE¼, W½SE¼NE¼, S½SW¼SW¼, SE¼SW¼, S½NE¼SW¼, W½NE¼SE¼, W½SE¼, N½SE¼SE¼, Lots 1, 2, and 3;
Sec. 7, S½N½NE¼, NE¼NW¼, Lot 1;
Sec. 8, N½NW¼, NW¼NW¼NE¼.
T. 1 N., R. 74 W.,
Sec. 12, NE¼NE¼.
T. 2 N., R. 73 W.,
Sec. 32, S½SW¼, S½SW¼SE¼.
Total area 835.17 acres.

Ironclad Mountain Campground

T. 2 N., R. 72 W.,
Sec. 5, NW¼SE¼, S½SW¼NE¼, E½NE¼SW¼.
Total area 80 acres.

Mount Meeker Campground Extension No. 2

T. 3 N., R. 73 W.,
Sec. 11, N½SW¼SW¼.
Total area 20 acres.

Fish Creek Campground

T. 7 N., R. 73 W.,
Sec. 1, W½SW¼NW¼, W½NW¼SW¼.
Total area 40 acres.

Limber Pines Campground

T. 7 N., R. 73 W.,
Sec. 18, NE¼NE¼.
Total area 40 acres.

Aspen Vail Campground

T. 8 N., R. 75 W.,
Sec. 33, NW¼SW¼.
Total area 40 acres.

Extension of Buckhorn Road Number 1631, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Buckhorn Road through National Forest land in the following legal subdivisions:

T. 7 N., R. 71 W.,
Sec. 16, SW¼NE¼, S½NW¼, N½SE¼;
Sec. 17, W½NE¼, SE¼NE¼, NW¼;
Sec. 18, N½NE¼, SE¼NW¼.
T. 7 N., R. 72 W.,
Sec. 7, SE¼SE¼;
Sec. 13, NW¼NE¼, NE¼NW¼, NW¼SW¼;
Sec. 14, SE¼NE¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 15, SW¼NE¼, SE¼NW¼;
Sec. 17, N½N½;
Sec. 18, N½N½.
T. 7 N., R. 73 W.,
Sec. 1, NE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NE¼SW¼, S½S½, NW¼SE¼;
Sec. 13, N½NE¼, NW¼NW¼;
Sec. 14, NE¼NE¼.
T. 8 N., R. 73 W.,
Sec. 24, NW¼NE¼, E½W½, SE¼;
Sec. 25, N½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 36, W½NE¼, NE¼NW¼, S½SW¼, SE¼.

Area within the roadside zone, 378 acres more or less.

Waconda Meadows Campground

T. 10 N., R. 73 W.,
Sec. 35, N½S½SE¼.
Total area 40 acres.

Red Feather Lakes Overlook

T. 10 N., R. 73 W.,
Sec. 27, NE¼NE¼NE¼.
Total area 10 acres.

SAN ISABEL NATIONAL FOREST

Four Mile Campground

T. 13 S., R. 78 W.,
Sec. 8, W½NE¼NW¼, E½NW¼NW¼.
Total area 40 acres.

Trout Creek Pass Campground

T. 13 S., R. 77 W.,
Sec. 23, E½NE¼NW¼.
Total area 20 acres.

Cottonwood Pass Roadside Rest Area

T. 14 S., R. 81 W.,
Sec. 14, W½SW¼SE¼, E½SE¼SW¼.
Total area 40 acres.

Hortenstein Lake Back Area Camp

T. 14 S., R. 80 W.,
Sec. 17, W½NW¼SW¼, NW¼SW¼SW¼;
Sec. 18, E½NE¼SE¼, NE¼SE¼SE¼.
Total area 60 acres.

Ptarmigan Lake Campground

T. 15 S., R. 80 W.,
Sec. 6, Lots 4 and 5.
T. 15 S., R. 81 W.,
Sec. 1, Lot 1.
Total area 120.89 acres.

Kroenke Lake Back Area Camp

T. 14 S., R. 80 W.,
Sec. 4, Lots 1 and 2, NE¼SW¼NE¼, N½SE¼NE¼.
Total area 110.44 acres.

Apishipa Creek Picnic Ground

T. 31 S., R. 68 W.,
Sec. 15, W½SW¼SW¼;
Sec. 16, E½SE¼SE¼.
Total area 40 acres.

Apishipa Pass Picnic Ground

T. 31 S., R. 68 W.,
Sec. 17, SW¼SE¼NW¼, SE¼SW¼NW¼, NE¼NW¼SW¼.
Total area 30 acres.

Medano Creek Campground

T. 25 S., R. 72 W.,
Sec. 27, W½W½, W½SE¼NW¼.
Total area 180 acres.

Indian Creek Campground

T. 30 S., R. 69 W.,
Sec. 5, S½SW¼SE¼, SE¼SW¼, NE¼SW¼SW¼;
Sec. 8, N½NW¼NE¼, NW¼NE¼NE¼, NE¼NE¼NW¼.
Total area 110 acres.

Bear Lake Campground

T. 31 S., R. 69 W.,
Sec. 30, N½SE¼NE¼, N½NE¼.
Total area 100 acres.

Dodgeton Campground

T. 31 S., R. 69 W.,
Sec. 5, Lots 11 and 12, N½NE¼SW¼, N½NW¼SW¼.
Total area 120 acres.

Spring Creek Organization Camp

T. 31 S., R. 69 W.,
Sec. 5, S½SE¼;
Sec. 8, N½NE¼.
Total area 160 acres.

Blue Lake Campground

T. 31 S., R. 69 W.,
Sec. 30, S½NE¼SE¼.
Total area 20 acres.

Lazy Acres Organization Camp

T. 24 S., R. 68 W.,
Sec. 16, S½SE¼.
Total area 80 acres.

NEW MEXICO PRINCIPAL MERIDIAN

SAN ISABEL NATIONAL FOREST

Hayden Creek Campground

T. 47 N., R. 10 E.,
Sec. 12, SE¼SE¼SW¼;
Sec. 13, NW¼NW¼NE¼;
Sec. 14, S½NE¼NE¼, NW¼NE¼.
Total area 80 acres.

Shavano Campground

T. 50 N., R. 60 E.,
Sec. 12, S½SE¼SW¼;
Sec. 13, N½NE¼NW¼.
Total area 40 acres.

Lower Pomroy Lake Back Area Camp

T. 51 N., R. 6 E.,
Sec. 30, N½, Lots 9, 10, 13, 15.
Total area 127.03 acres.

Hancock Lake Back Area Camp

T. 50 N., R. 5 E.,
Sec. 1, S½SE¼NE¼, NE¼SE¼.
Total area 60 acres.

Hunt's Lake Back Area Camp

T. 50 N., R. 6 E.,
Sec. 30, S½NE¼SE¼, N½SE¼SE¼.
Total area 40 acres.

Monarch Winter Sports Area

T. 49 N., R. 6 E.,
Sec. 7, NE¼SW¼, N½SE¼;
Sec. 8, N½SW¼;
Sec. 18, NE¼SW¼.
Total area 240 acres.

Monarch Park Campground

T. 49 N., R. 6 E.,
Sec. 8, S½NW¼SE¼, N½SW¼SE¼.
Total area 40 acres.

Garfield Campground

T. 50 N., R. 6 E.,
Sec. 33, NW¼SE¼NE¼.
Total area 10 acres.

Grizzly Lake Back Area Camp

T. 51 N., R. 6 E.,
Sec. 17, Lot 14;
Sec. 20, NW¼NW¼, W½NE¼NW¼, E½SW¼NW¼, W½SE¼NW¼.
Total area 134.03 acres.

Fooses Creek Campground

T. 49 N., R. 6 E.,
Sec. 2, S½NW¼SE¼, N½SW¼SE¼.
Total area 40 acres.

Boss Lake Back Area Camp

T. 50 N., R. 6 E.,
Sec. 29, Lots 7, 8, 9, 10.
Total area 149.03 acres.

Lower North Fork Campground

T. 50 N., R. 7 E.,
Sec. 17, S½NE¼SW¼, SE¼SW¼.
Total area 60 acres.

Marshall Pass Campground

T. 48 N., R. 6 E.,
Sec. 24, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
Total area 40 acres.

The above described areas in the Roosevelt Forest aggregate 1,483.17 acres, and those in the San Isabel Forest aggregate 3,351.51 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-2280; Filed, Mar. 7, 1962; 8:46 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 28, 1962.

The Department of Agriculture has filed an application, Serial Number Montana 049429 for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present

their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

KOOTENAI NATIONAL FOREST

T. 34 N., R. 25 W.,
Sec. 6, E½NE¼SE¼.

MERLIN J. CHADSEY,
Acting Manager, Land Office.

[F.R. Doc. 62-2281; Filed, Mar. 7, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order No. E-18075]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March 1962.

In the matter of an agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to group fares; Docket 11879, Agreement C.A.B. 16205.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement provides for reduced round or circle trip fares to groups of 25 or more persons traveling in economy class service on the North Atlantic. The fares reflect a reduction of 38 percent from normal round-trip economy class fares, provided that the reduction shall not exceed $285. The fares are to be available on a year-round basis to groups having a demonstrated "prior affinity" or to any "spontaneous" group. The "affinity" groups may not be publicly solicited; "spontaneous" groups are further restricted with respect to solicitation. Travel on the North Atlantic sector may not commence on weekends during the months of May, June, and July in the eastbound direction, and during the months of August, September, and October in the westbound direction. The group is to be handled as a unit for ticketing and rerouting purposes and, except within North America, is required to travel on the same aircraft unless operation conditions so prevent, in which event some members of the group may be transported on the next succeeding or preceding flight. With respect to transportation to points east of European gateways, when unavailability of space makes it impossible to travel as one group, the group may be carried on the first two or three flights on which space is available, depending upon the size of the group.

The agreement requires that written application be made before 30 days prior to departure of the flight and permits replacement up to 5 days before departure of not more than ten passengers within the "affinity" group.[1] Except in the case of replaced "affinity" group members, refunds are prohibited to members of both the "affinity" and "spontaneous" groups during the 30-day period preceding departure of the flight. However, in the event of cancellation within the 30-day period, members of either group may apply the amount of the group fare as a non-refundable credit to passenger fare transportation at regular rates. The agreement additionally prohibits payment of an override commission to agents on the sale of inclusive tours, and proscribes free or reduced rate transportation for tour conductors.

Comments have been received from Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), The Flying Tiger Line Inc. (Flying Tiger), and several supplemental carriers,[2] and the American Society of Travel Agents (ASTA), as well as from several individual travel agents. Pan American and TWA state that the agreement is justified by the need to improve their load factors and support the many restrictive provisions and limitations as necessary to preserve the economic soundness of the fares by minimizing diversion from regular fare services. Flying Tiger takes the position that these group fares are in essence split charters and that the Board should approve the resolution only if charter regulations are modified so as to permit split charters. The other supplemental carriers recommend disapproval, or alternately, that the matter be set down for a full evidentiary hearing before it is approved, stating that the magnitude of the discount is so great that it clearly discriminates against normal fare passengers and that the availability of the group fares will substantially curtail and may supersede charter services. ASTA does not recommend disapproval of the agreement, but opposes the restrictions against solicitation and elimination of the payment of an override commission to agents on the sale of inclusive tours. Both the supplemental carriers and ASTA contend that the many restrictive provisions of the agreement will create serious compliance problems. The Department of Justice cites the petition of the supplemental carriers and states that, in its opinion, the agreement raises significant questions of public interest and urges that the Board order a full evidentiary hearing. The Department further comments on the extensive advertising campaign undertaken by the carriers which may be presumptous and, in this connection, urges that the Board not be pressured into acting on the agreement within the limited period before the fares are intended to be available.[3]

The Board believes that there are obvious benefits to be derived from the agreement. During the past decade since the initial establishment of tourist class services across the North Atlantic, the Board has consistently urged the carriers to adopt the lowest feasible economically sound passenger fares on a non-discriminatory basis. The instant agreement will provide lower fares to a large segment of the public than have heretofore been available in scheduled services and it should contribute to an improvement in the scheduled carriers' load factors and revenues. On the other hand some of the comments submitted raise substantial contentions to the effect that the group fares, which reflect a discount of about 3 percent from regular economy fares, are unreasonably low, that they are unjustly discriminatory, that the operations of carriers now performing transatlantic charter services will be seriously affected, that the agreement is incompatible with the anti-trust laws and with the public interest generally, and that an evidentiary hearing is required to resolve these matters. In the circumstances, the Board has concluded that further proceedings will be required and that it is appropriate to hear oral argument by interested persons in this matter.

Tariffs have already been filed by various air carriers and foreign air carriers pursuant to the resolution, with effective dates commencing March 10, 1962. Failure of the Board to approve the resolution will necessitate withdrawal of these tariffs by the carriers. The question is presented as to whether the Board should grant interim approval pending our determination of the broad questions at issue. It is probable that these fares will not come into widespread use until the summer months. Accordingly, there is little likelihood of injury to the opponents of the resolution if we were to approve the fares for a brief period. In addition, in the view of the IATA carriers, the fares will be beneficial to them, and from the standpoint of the public they will make available transportation over the North Atlantic at reduced rates. In this regard, we note that the Board on November 28, 1960 (Order E-16075) approved a resolution providing for group fares for transpacific travel which is substantially similar to the instant resolution in numerous respects. Under all of these circumstances we are not persuaded that the resolution is adverse to the public interest for application during an interim period. Therefore, we shall approve the resolution for the period ending May 31, 1962. We anticipate announcing our decision with respect to subsequent periods not later than the middle of April 1962.

[1] No such substitution would be permitted with respect to "spontaneous" groups.

[2] Opposition of Modern Air Transport, Inc., Overseas National Airways, Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc., filed February 16, 1962.

[3] Tariffs now on file reflect an intended effectiveness March 10, 1962, and subsequent dates. The availability of these fares on any individual carrier would also be affected by the provision in the agreement that applications must be filed at least 30 days prior to intended departure.

The Board is fully aware of the substantial interest in these proposed fares on the part of the traveling public as well as the participating and competing carriers. We are equally aware that our action herein leaves for the moment undetermined the status of these fares after May 31, 1962, and that the carriers are entirely cognizant of the fact that disapproval of the resolutions after that date would effectively preclude its continuance. In order to protect the traveling public against such potential eventuality and to forestall the development of a situation in which plans and reservations are made for group travel after May 31, 1962, while the matter is under consideration by the Board, our instant approval of the resolution will be conditioned to preclude the acceptance of deposits, the making of reservations, whether tentative or not, and the issuance of tickets by the air carriers, foreign air carriers and their agents for travel to commence on or after June 1, 1962.

Oral argument in this matter has been scheduled for March 27, 1962. Persons desiring to participate therein should so notify the Board by March 15, 1962. The Board expects that those persons participating in the oral argument will address themselves to the issues enumerated below in addition to such other matters as each person may desire to present. The facts upon which each participant intends to rely shall be submitted in writing to the Board's Docket Section, in affidavit form, by March 15, 1962. In addition, such persons may submit on the same date a memorandum in support of the position advanced. Such materials shall be furnished in an original and 19 copies and shall also be served upon the persons named in the appendix to this order. Responses to such statements shall be similarly filed and served by March 22, 1962. The issues to be included are as follows:

1. To what extent, if any, can the proposed group fares be expected to generate traffic which would not otherwise be moved? To what extent, if any, will the proposed group fares result in higher passenger load factors than would otherwise have been experienced? To what extent, if any, will schedules be added in connection with the group fare services? What proportion of the traffic carried at the group fares can be expected to be in "affinity" groups and what proportion in "spontaneous" groups?

2. Are the proposed group fares reasonable in relation to the costs and value of the service? Are the group fares reasonable in relation to existing regular fares for economy class travel and existing charter rates? [4]

3. Are there any antitrust considerations which require disapproval of the resolution?

4. What will be the probable effect of the group fare services on the transatlantic charter services? To what extent, if any, will the group fares divert traffic from the charter services? What will be the effect on charter rates?

5. What justification or need exists for the restrictive provisions attaching to the group fares? Do the restrictions with respect to the formation of groups result in an unjust discrimination against these persons to whom the fares may not be available? Does the discount embodied in the group fare result in an unjust discrimination or undue preference as regards regular fare passengers? What considerations or factors are deemed to justify these discriminations or preferences?

6. What restrictions, if any, should be placed upon the resolution's provisions with respect to dividing the group for transportation?

7. To what extent would the provisions and restrictions attaching to the resolution be difficult to enforce? What enforcement procedures does IATA propose to adopt? To what extent does difficulty of enforcement bear upon the lawfulness or public interest aspects of the proposed group fares?

8. What justification exists for the prohibition in the agreement against the payment of the additional commission usually paid in connection with sales of inclusive tours?

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-designated agreement, which incorporates Resolution JT12(Mail 262)015 and Resolution JT12(Mail 262)088n, to be adverse to the public interest or in violation of the Act, provided that such approval shall be conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 16205 is approved for the period ending May 31, 1962, provided that such approval is conditioned as follows:

a. That no air carrier or foreign air carrier or agent thereof shall make any reservation or tentative reservation, or accept deposits for, or sell or issue any ticket for travel commencing on or after June 1, 1962, pursuant to the group fares set forth in this agreement.

2. On March 27, 1962 at 10:00 a.m. the Board will receive oral argument on the question of approval of this agreement for subsequent periods.

3. That interested persons who desire to participate in such oral argument shall advise the Board in writing and submit together therewith an affidavit setting forth the facts upon which such person intends to rely. Memoranda in support of position may be filed, and all such memoranda, affidavits, and requests to argue shall be filed with the Board's Docket Section in an original and 19 copies on or before March 15, 1962 and shall be served upon the persons named in the Appendix to this order. Counter affidavits and reply memoranda shall be similarly filed and served on or before March 22, 1962.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[4] The data submitted should show the charter rates used in the comparison for purposes of this issue.

APPENDIX

Department of Justice, Washington 25, D.C.
International Air Transport Association, 500 Fifth Avenue, New York 36, N.Y.
Pan American World Airways, 135 East 42d Street, New York 17, N.Y.
Trans World Airlines, Inc., 380 Madison Avenue, New York 17, N.Y.
The Flying Tiger Line, Inc., Suite 1201 Shoreham Building, Washington 5, D.C.
Wilkinson, Cragun & Barker, Attorneys for the American Society of Travel Agents, Inc., 1616 H Street NW., Washington 6, D.C.
Albert F. Beitel, Esquire, Counsel for Modern Air Transport, Inc., 905 American Security Building, Washington 5, D.C.
Ramsay D. Potts, Esquire, Counsel for Overseas National Airways, 910 17th Street NW., Washington 6, D.C.
Robert M. Lichtman, Esquire, Counsel for Saturn Airways, Inc., Pennsylvania Building, Washington 4, D.C.
Clayton L. Burwell, Esquire, Counsel for Trans International Airlines, Inc., Federal Bar Building, Washington 6, D.C.
Jerrold Scoutt, Jr., Esquire, Counsel for World Airways, Inc., 412 Cafritz Building, Washington 6, D.C.
Mr. Robert M. Bloch, Riverside Travel Service, 2095 Broadway, Corner 73d Street, New York 23, N.Y.
Mr. F. W. Ruoff, Gramercy Tours, Inc., 444 Madison Avenue, New York, N.Y.
Mr. John G. Hodgson, Hodgson Travel Service, Inc., 1346 Connecticut Avenue, Washington, D.C.
Mr. Paul Adler, President, Equitable Travel Service, Inc., 667 Madison Avenue, (Corner 61st Street), New York 21, N.Y.
Mr. W. T. Akers, Jr., Second National Building, Akron 8, Ohio.
Mr. H. E. M. Percival, President, Percival Tours, Inc., 183 Madison Avenue, New York 16, N.Y.
Mr. Joseph Wojciechowski, Pola Travel Bureau, 5058 North New England Avenue, Chicago 31, Ill.
Miss Hallie Williams, Woodside Worldwide Travel Service, Greenville, S.C.
Mr. Harry Orrick, Orrick Travel Bureau, 222 Sir Francis Drake Boulevard, San Anselmo, Calif.
Mr. Jerome J. Pastene, President, Travel Trust Tours, Inc., 26 East Central Street, Natick, Mass.
Miss Mary Ebben, Mary Ebben Travel Service, 215 East College Avenue, Appleton, Wis.
Mr. Tom Maupin, Partner, Maupintour Associates, 1236 Massachusetts Street, Lawrence, Kans.
Ascot Travel Service, Holyoke, Mass.
Mr. Carl F. Donovan, President, New England Chapter, American Society of Travel Agents, Inc., Boston, Mass.
Mr. Cyril J. Johns, Vice President, American Society of Travel Agents, Inc., Cambridge, Mass.
Travel Bureau of Westfield, Westfield, Mass.
Harvey Travel Bureau, Lobby of Houston Building, 811 Rusk Street, Houston, Tex.
Stoddard Tours and Travel Service, Lobby of Medical Towers Building, Maine and Fannin at Dryden Street, Houston, Tex.
Lamar Travel Service, Lamar Hotel, Houston, Tex.
Houston International Travel, 4089 West Heimer Road, Houston, Tex.
Mr. C. E. Blaney, Director, Area 10, American Society of Travel Agents, Victoria, British Columbia, Canada.
Mr. Walter Jorg, President, Pacific Northwest Chapter, American Society of Travel Agents, 17036 2d Street NW., Seattle, Wash.
Miss Elizabeth M. Weidner, Weidner Travel Bureau, Springfield, Mass.
Mr. Bob Burbank, Travel Agent, Los Angeles, 4, Calif.

Riddle Airlines, Inc., Room 1242 Bender Building, 1120 Connecticut Avenue NW., Washington 6, D.C.

[F.R. Doc. 62-2300; Filed, Mar. 7, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14154; FCC 62M-322]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 14154; regulations and charges for developmental line switched service.

The Hearing Examiner having under consideration a Motion for Continuance filed on behalf of the Bell System respondents on March 1, 1962, wherein it is requested that further hearings herein, now scheduled to begin on March 15, 1962, be continued until March 19, 1962;

It appearing, that at the last session of the hearings held on February 8, 1962, it was agreed and stiuplated between the parties that they would give sympathetic consideration to a request on the part of the Bell System respondents for a short continuance of the hearing should they find it necessary to make much a request;

It further appearing, that the Bell System respondents now allege that, upon consideration of the matters to be analyzed, a few additional days will be necessary in order that they may prepare adequately;

It further appearing, that it is alleged that counsel for the other parties have advised counsel for the Bell System respondents they have no objection to such continuance or to a waiver of the provisions of the Commission's rules (47 CFR 1.43) relating to a deferral of action on motions for a four-day period; and

It further appearing, that good cause has been shown for a prompt grant of the Motion;

It is ordered, This 2d day of March 1962, that the Motion for Continuance is granted, and that the hearings herein, now scheduled to resume on March 15, 1962, are rescheduled to resume at 1:30 p.m., on March 19, 1962, at the Offices of the Commission in Washington, D.C.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2291; Filed, Mar. 7, 1962; 8:48 a.m.]

[Docket Nos. 14552-14556; FCC 62-250]

LARAMIE COMMUNITY TV CO. AND ALBANY ELECTRONICS, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming; Req: Input Ch. 2, Denver (Independent); Output, Ch. 11, Docket No. 14552, File No. BPTTV-78; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Tie Siding, Wyoming; Req: Input Ch. 6, Denver (Educ.); Output, Ch. 8, Docket No. 14553, File No. BPTTV-79; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming; Req: Input Ch. 8, Tie Siding, (Educ.); Output, Ch. 13, Docket No. 14554, File No. BPTTV-80; Albany Electronics, Inc., Laramie, Wyoming; Req: Input Ch. 4, Denver (NBC); Output Ch. 10, Docket No. 14555, File No. BPTTV-539; Albany Electronics, Inc., Laramie, Wyoming; Req: Input Ch. 7, Denver (CBS); Output Ch. 12, Docket No. 14556, File No. BPTTV-540; for construction permits for VHF translator stations.

1. The Commission has before it for consideration a "Petition for Reconsideration" filed on December 4, 1961, by Laramie Community TV Company, operator of a community antenna system serving Laramie, Wyoming, pursuant to section 405 of the Communications Act of 1934, as amended, directed against the delegated staff action taken by the Commission on October 24, 1961, granting the above-captioned applications of Albany Electronics, Inc., for authority to construct two VHF television translator stations to serve Laramie, Wyoming. No opposition to the subject petition for reconsideration was filed by Albany Electronics, Inc.

2. Laramie Community TV Company (hereinafter sometimes "Community") is the applicant for construction permits for two VHF television translator stations to serve Laramie and for one VHF television translator station to serve the nearby community of Tie Siding, Wyoming. The output channels specified by Community (Channels 11 and 13) are adjacent to the output channels (Channels 10 and 12) specified by and authorized to Albany Electronics, Inc. (hereinafter sometimes "Albany"). In support of its petition for reconsideration, petitioner argues that § 4.702(f) of the Commission's rules provides that adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or part of the same area, and that, accordingly, the applications of Community and Albany are mutually exclusive. In the light of the foregoing, petitioner requests that the Commission set aside its action of October 24, 1961, granting the above-captioned applications by Albany Electronics, Inc.

3. By separate letters dated September 20, 1961, both Albany and Community were advised of the adjacent channel problems presented by their respective applications for authority to construct VHF translator stations to serve Laramie.[1] In response thereto Albany advised the Commission that it was "* * * on the air with Channels 10 and 12 long before Community TV came on with 11 and 13, so if any frequency changes are necessary it should be their responsibility." Albany further stated that "* * * due to the number of channels in use in this area it is impossible to go to other channels without severe interference problems." Community, in its reply to the September 20 letter, states that Laramie is currently served directly by KFBC-TV, Channel 5, Cheyenne, Wyoming, and in addition, Channels 2, 4, 6, 7, and 9 from Denver are received by "* * * some viewers on a spotty basis". Community states that its community antenna television system serves the corporate limits of Laramie with all six of these channels and that, accordingly, "* * * any VHF translator would have to use Channels 11 and 13 so as to avoid on-channel or adjacent-channel interference."

4. The Albany applications, having been fully processed, were granted by the Commission on October 24, 1961. It was anticipated that upon receipt of additional information needed to process fully the Community applications, Community would be able to select other output channels for its proposed VHF translators compatible both with the operation of its existing community antenna television system and the Albany translators. However, in view of Community's adherence to its original proposals with respect to output channels and in view of its petition for reconsideration of the Albany grants, the Commission is constrained to recognize that grant of both the Albany and Community proposals would result in mutually destructive interference and, accordingly, believes that our actions of October 24, 1961, should be set aside and that the above-captioned applications should be designated for hearing on this and other issues stemming from allegations as set forth hereinafter. Further, since the issues specified relate to matters of local interest and concern, the Commission believes the hearing should be held in Laramie.

5. By letter dated February 24, 1961, Albany raised informal objections to grants of the above-captioned applications by Community alleging, in essence, that Community established three preexisting VHF repeater stations subsequent to the installation of VHF repeater stations by Albany; that Community established and operated such repeater facilities solely for the purpose of causing interference to the Albany repeaters and to protect Community's CATV system "* * * by producing pictures of poorer quality on antenna reception, rather than for the good of the general public"; that the two community repeater stations for which applications for construction permits are now pending are being operated in violation of the Commission's rules governing translators in that the input signals to each of the translators is supplied via cable from Community's CATV master antenna; that the preexisting repeater operated by Community to serve Tie Siding, for which an application for a VHF translator construction permit is pending, is being operated solely as a relay station, in that transmissions by the repeater station are vertically polarized by antennas designed for a narrow beam directed to the CATV system in Laramie, from whence it is fed by cable to one of Community's repeater facilities serving Laramie; that there is no community between the Tie Siding repeater facility and Laramie which could be served by said repeater, and the general public could not receive the signal in any case because of the vertically polarized transmissions.

6. By amendment dated January 19, 1962, Community, in response to Commission inquiry, conceded that its two VHF repeater facilities serving Laramie are receiving input signals by transmission via cable to the translators from Community's CATV. It states that, with respect to the Tie Siding repeater facility, the "angle of spread of the output antenna" is wide enough "* * * to cover the inhabitants of Tie Siding, Wyoming, and that the signal strength in Tie Siding from this translator is sufficient to properly operate the home receiver with horizontally polarized antennas"; and that the reason for vertical polarization was to minimize any possible interference to the Channel 9 signals from Denver being received in the area.

7. In setting aside our actions of October 24, 1961, granting construction permits to Albany, we note that such action does not preclude Albany from continued operation of its VHF repeater-translator facility under its original temporary authorizations (BTR-949, 950) until April 30, 1962, the date upon which such temporary authorizations expire as provided by § 4.790(f) of the Commission's rules. In the event the Commission does not further extend the deadline for temporary authorization of preexisting VHF television repeater stations, the Commission will entertain a request by Albany for waiver of § 4.790(f) of its rules with respect to temporary authorization for continued operation of its present VHF repeater facilities.

8. In view of the foregoing, the Commission's actions of October 24, 1961, granting the above-captioned applications of Albany Electronics, Inc. are hereby set aside, and, in accordance with the provisions of section 309 of the Communications Act of 1934, as amended, the above-captioned applications of Albany Electronics, Inc., and Laramie Community TV Company, are designated for hearing in a consolidated proceeding on the following issues:

(1) To determine the good faith of Laramie Community TV Company in proposing television translator service to Laramie, Wyoming, which only duplicates part of the programming offered over its existing CATV system.

(2) To determine whether the translators proposed by Laramie Community TV Company will be operated in accordance with the provisions of the Commission's rules governing television translators.

(3) To determine the primary purpose for which the television translator (BPTTV-79) proposed by Laramie Community TV Company to serve Tie Siding will be operated.

(4) To determine whether the television translator (BPTTV-79) proposed by Laramie Community TV Company to serve Tie Siding, Wyoming, will serve the general public and the extent to which such translator service will be available to the general public.

(5) To determine the extent to which the signals of Television Station KBTV, Channel 9, Denver, Colorado, are received directly in the Laramie-Tie Siding area.

(6) To determine the extent to which the signals of Television Stations KTVR, Channel 2, KOA-TV, Channel 4, KRMA-TV, Channel 6, and KLZ-TV, Channel 7, are received directly in the Laramie, Wyoming, area.

(7) To determine in light of the evidence adduced pursuant to Issues 5 and 6 above, whether one or more VHF television translator stations could be operated to serve Laramie, Wyoming, on output channels other than 10, 11, 12, and 13.

(8) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Laramie Community TV Company has made willful misrepresentations to the Commission, and, if so, whether it possesses the requisite character qualifications to be a licensee of the Commission.

(9) To determine which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity.

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That both the burden of proceeding with the introduction of evidence upon Issues 1 through 7 specified above, as well as the burden of proof upon all such issues, shall be upon Laramie Community TV Company.

It is further ordered, That the hearing on the above issues shall be held in Laramie, Wyoming, at a time and before a Hearing Officer to be specified in a subsequent order.

It is further ordered, That to avail themselves of the opportunity to be heard, Albany Electronics, Inc., and Laramie Community TV Company, pursuant to § 1.140(c) of the rules in person or by attorney shall within twenty (20) days of the mailing of this Order file with the Commission in triplicate a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule and so advise the Commission of publication of such notice as required by § 1.362(g) of the rules.

Adopted: February 28, 1962.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2292; Filed, Mar. 7, 1962; 8:48 a.m.]

[Docket Nos. 14321-14329; FCC 62M-315]

BLACK HILLS VIDEO CORP.

Order Continuing Hearing

In re applications of Black Hills Video Corporation, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14321, File No. 223-C1-R-61; for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14322, File No. 361-C1-ML-61; for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas, Docket No. 14323, File No. 338-C1-R-61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado, Docket No. 14324, File No. 752-C1-R-61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska, Docket No. 14325, File No. 753-C1-R-61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska, Docket No. 14326, File No. 754-C1-R-61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming, Docket No. 14327, File No. 755-C1-R-61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota, Docket No. 14328, File No. 756-C1-R-61; for renewal of the license for Station KKX74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Muleshoe, Texas, Docket No. 14329, File No. 2697-C1-R-61.

The Hearing Examiner having under consideration a Motion for Continuance of Hearing for approximately one month, filed on February 28, 1962, on behalf of Black Hills Video Corporation (Black Hills), and a Response and Additional Statement relating thereto, filed on behalf of the Chief, Common Carrier Bureau (Bureau) on the same date;

It appearing, that Black Hills alleges it has been negotiating with several unaffiliated potential customers for service on its Denver-Rapid City system; that it is on the verge of effecting a firm contract with one or more of these parties;

[1] Both Albany and Community are currently operating VHF repeater facilities under temporary authorizations provided by § 4.790 of the Commission's rules. The above-captioned applications are for construction permits to modify these facilities so as to bring them into conformity with the technical requirements of the Commission's rules for continued operation as VHF television translators.

and that successful conclusion of such a contract would tend either to simplify and shorten the hearing, or resolve the issues and avoid the need for a hearing;

It further appearing, that applicant alleges it deferred filing the Motion because of several factors, principally its continued expectation that it would have a signed contract for service before the date of this filing;

It further appearing, that the Bureau has no objection to a grant of the continuance requested by Black Hills;

It further appearing, that the Bureau alleges it is now conducting a survey as to the present availability of certain equipment which the Commission at the time it designated the instant proceeding for hearing advised the applicant might consider procuring to provide service other than as a common carrier as an alternative to pursuing the present hearing;

It further appearing, that the Bureau alleges the results of this survey which it expects to complete by the middle of May may well have a bearing on the future conduct of the hearing and, therefore, requests that the hearing herein be postponed to a convenient date late in May or early in June 1962; and

It further appearing, that good cause has been shown for the postponement suggested by the Bureau and for a waiver of the Commission's rules (47 CFR 1.43) relating to a deferral of action on motions for a four-day period;

It is ordered, This 1st day of March 1962, that the request for a continuance is granted, and that the hearing heretofore scheduled to commence on March 5, 1962, is rescheduled to begin on June 4, 1962, 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: March 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2293; Filed, Mar. 7, 1962; 8:48 a.m.]

[Docket Nos. 14537-14545; FCC 62M-323]

W.W.I.Z., INC., ET AL.

Order Scheduling Hearing

In re applications of:

1. W.W.I.Z., Inc., Lorain, Ohio, (a) for renewal of license of Station WWIZ, Lorain, Ohio, Docket No. 14537, File No. BR-3707; (b) for voluntary transfer of control of Station WWIZ, Lorain, Ohio, from Sanford A. Schafitz, transferor, to The Lorain Journal Company, Transferee, Docket No. 14538, File No. BTC-3765.

II. Sanford A. Schafitz, Farrell, Pennsylvania, (a) for renewal of license of Station WFAR, Farrell, Pennsylvania, Docket No. 14539, File No. BR-3014; (b) for license to cover construction permit for Station WFAR, Farrell, Pennsylvania, Docket No. 14540, File No. BL-7798; (c) for modification of license of Station WFAR, Farrell, Pennsylvania, Docket No. 14541, File No. BML-1881; (d) for license to cover construction permit for Station WFAR, Farrell, Pennsylvania, Docket No. 14542, File No. BL-8024.

III. Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, Youngstown, Ohio, (a) for modification of construction permit for Station WXTV, Youngstown, Ohio, Docket No. 14543, File No. BMPCT-5451; (b) for assignment of construction permit from Community Telecasting Company, Assignor, to WXTV, Inc., Assignee, Docket No. 14544, File No. BAPCT-276; (c) for license to cover construction permit for Station WXTV, Youngstown, Ohio, Docket No. 14545, File No. BLCT-1063.

It is ordered, This 2d day of March 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 8, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, April 5, 1962.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2294; Filed, Mar. 7, 1962; 8:48 a.m.]

[Docket Nos. 14404, 14405; FCC 62M-328]

KWTX BROADCASTING CO. (KWTX) AND KERRVILLE BROADCASTING CO.

Order for Rescheduling of Hearing

In re applications of KWTX Broadcasting Company (KWTX), Waco, Texas, Docket No. 14404, File No. BP-13806; Kerrville Broadcasting Company (KERV), Kerrville, Texas, Docket No. 14405, File No. BP-14050; for construction permits.

On the oral request of counsel for Kerrville Broadcasting Company (KERV), and without objection by counsel for the other parties: *It is ordered*, This 2d day of March 1962, that the hearing is rescheduled for March 5 to Monday, March 12, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2295; Filed, Mar. 7, 1962; 8:48 a.m.]

[Docket No. 14547; FCC 62M-324]

BILL S. LAHM

Order Scheduling Hearing

In re application of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 14547, File No. BMP-9407; for additional time to construct Radio Station WRNE.

It is ordered, This 2d day of March 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 2, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, April 3, 1962.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2296; Filed, Mar. 7, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-104, G-18313]

AMERICAN GAS COMPANY OF WISCONSIN, INC., AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Application and Notice of Motion To Amend

MARCH 1, 1962.

Take notice that on October 23, 1961, as supplemented on November 1, 1961, and December 12, 1961, American Gas Company of Wisconsin, Inc. (American), 110 East Main Street, Madison, Wisconsin, filed in Docket No. CP62-104 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its facilities with those which American proposes to construct and operate, and to sell and deliver to American natural gas for resale and distribution in the communities of Cadott, Boyd, Stanley, Thorp, Withee, Owen, Curtiss, Abbotsford, Dorchester, Stetsonville, Medford, Colby, Unity, Jim Falls, and Cornell, Wisconsin, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

American proposes to construct and operate approximately 5.9 miles of 6-inch lateral pipeline extending from Midwestern's existing transmission line (northern system) to the community of Cadott and approximately 81.5 miles of sales laterals extending from Cadott to the other 14 communities. Midwestern would install the necessary tap and measuring facilities at the proposed point of interconnection. American proposes to construct and operate the necessary distribution facilities in the communities including peak shaving plants in the communities of Medford and Cornell.

The estimated total investment in American's facilities under the subject application at the end of the third year of operations is $3,499,160, which American proposes to finance through the sale of first mortgage bonds ($2,200,000), through the sale of common stock ($1,150,000) to its parent, American Gas Company, and from retained earnings. Midwestern estimates that the tap and measuring facilities will cost $20,000.

American has requested an allocation of 3,500 Mcf of natural gas per day from Midwestern, and proposes to install propane-air peak shaving facilities in order to meet its second and third year peak day requirements. The estimated natural gas requirements of the communities involved herein are:

	Mcf at 14.73 psia and 1,000 Btu	
Year:	*Peak day*	*Annual*
1	2,474	915,152
2	3,711	1,210,605
3	4,574	1,520,782

Midwestern filed its answer to the subject application on November 24, 1961, as supplemented on January 8, 1962, and January 22, 1962, stating that it does not oppose said application and is willing to render service to American. In order to provide the subject service to American, Midwestern states that it is necessary to amend the Commission's order (Opinion No. 331) of October 31, 1959, as amended, in Docket No. G-18313, in order to revise certain of its authorized sales.

Accordingly, take further notice that on January 22, 1962, Midwestern Gas Transmission Company, P.O. Box 2511, Houston 1, Texas, filed in Docket No. G-18313, a motion to further amend the order in said dockets issued October 31, 1959, accompanying Opinion No. 331, to revise the authorized sales to the Village of Perham, Minnesota, and to United Petroleum Gas Company for service to Detroit Lakes, Minnesota. These customers of Midwestern have requested reductions in their contract demands as follows:

	Presently authorized Mcf per day	*Proposed authorization Mcf per day*
Perham, Minn.	962	600
United Petroleum Gas Co., Detroit Lakes, Minn.	1,443	900

Protests, requests for hearing or petitions to intervene in these proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2271; Filed, Mar. 7, 1962; 8:46 a.m.]

[Docket No. RI61-220]

J. P. OWEN ET AL.

Order Amending Order Substituting Respondent, Accepting Successor's Corporate Surety Bond and Redesignating Proceedings

MARCH 1, 1962.

J. P. Owen (Operator), et al., Owen Production Company, Docket No. RI61-220,[1]

Owen Production Company by order of the Commission issued February 7, 1962, was substituted as Respondent for J. P. Owen (Operator), et al. (Owen) in Docket No. RI61-220 as requested in a motion filed by Owen Production Company on June 26, 1961. Further in connection therewith the corporate surety bond of Owen Production Company was accepted for filing and the proceeding redesignated in the name of Owen Production Company.

The records of the Commission indicate that Supplement No. 1 to Owen's Rate Schedule No. 3 relates to sales of natural gas to United Fuel Gas Company from the Duson Field, in LaFayette Parish, Louisiana, and that Supplement No. 2 to Owen's Rate Schedule No. 6 relates to sales to United Fuel Gas Company from the West Duson Field in Acadia and LaFayette Parishes, Louisiana, both of which were suspended by the Commission on November 2, 1960, in J. P. Owen (Operator), et al., Docket No. RI61-220. The proposed increased rates became effective as of April 3, 1961, subject to refund.

It appears that the assignment by Owen dated May 22, 1961, effective May 1, 1961, of certain interests to Owen Production Company, related only to the interests of Owen, covered by Owen's Rate Schedule No. 3[2] as supplemented, but did not relate to interests covered by Owen's Rate Schedule No. 6, as supplemented. Accordingly, the Commission's order issued February 7, 1962, should be amended to join Owen Production Company and J. P. Owen (Operator), et al., as co-respondents, and the proceeding should be so designated.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that the Commission's order issued February 7, 1962, in Docket No. RI61-220 be amended to join Owen Production Company and J. P. Owen (Operator), et al., as co-respondents in said proceeding and the said proceeding be so redesignated.

The Commission orders: The Commission's order issued February 7, 1962, in Docket No. RI61-220 is amended to join Owen Production Company and J. P. Owen (Operator), et al., as co-respondents in said proceeding and the proceeding is so redesignated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2272; Filed, Mar. 7, 1962; 8:46 a.m.]

[1] The proceeding in Docket No. RI61-220 was consolidated with the area rate proceeding in Docket No. AR61-2 by order of the Commission issued May 10, 1961.

[2] The rate schedule is redesignated as Owen Production Company's FPC Gas Rate Schedule No. 1.

[Docket No. E-7024]

PACIFIC POWER & LIGHT CO.

Notice of Application

MARCH 1, 1962.

Take notice that on February 19, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of not to exceed 696,695 shares of its Common Stock with a par value of $3.25 per share. Applicant proposes to offer the aforesaid common stock initially on a pro rata basis to holders of record of Applicant's presently outstanding common stock on the rights offering record date, in the ratio of one share of additional common stock for

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[Docket No. E-7025]

PACIFIC POWER & LIGHT CO.

Notice of Application

MARCH 1, 1962.

Take notice that on February 19, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $35,000,000, in principal amount of First Mortgage Bonds, Series due 1992. Applicant proposes to issue the aforesaid Bonds under its presently existing Mortgage and Deed of Trust, dated July 1, 1947, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Oliver R. Brooks (Wesley L. Baker, successor), as Trustees, as heretofore supplemented by twelve supplemental indentures and as to be further supplemented by a Thirteenth Supplemental Indenture to be dated as of April 1, 1962. The Bonds, to be dated April 1, 1962, will be sold at competitive bidding and will bear interest at the rate per annum to be fixed by competitive bidding. Applicant states that the net proceeds of the issuance and sale of the Bonds and of not to exceed 696,695 additional shares of its Common Stock of the par value of $3.25 per share (proposed to be sold separately—Docket No. E-7025) will be applied to the payment of notes then outstanding (not expected to exceed $42,000,000 in principal amount) under a Credit Agreement dated as of August 15, 1961 and to the carrying forward of Applicant's construction program—estimated at $44,000,000 for 1962 and $56,000,000 for 1963.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 21st day of March 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2273; Filed, Mar. 7, 1962; 8:46 a.m.]

each twenty shares then held. The price of the additional shares will be determined by Applicant's Board of Directors shortly before the proposed offering date, at an appropriate discount. Each common stockholder of record will receive a transferable subscription warrant expressed in terms of rights which will have a life of not less than twenty days. Where the number of rights evidenced by a warrant is not evenly divisible by 20 or is less than 20, then the holder will be entitled to subcribe for one full share with the number of rights which exceeds a multiple of 20 or is less than 20. Applicant will not accept subscriptions for fractional shares. Any shares of the additional Common Stock not subscribed for by warrant holders pursuant to the aforesaid subscription offer will be sold by Applicant to underwriters at the same price at which the shares are to be sold to Applicant's stockholders. The underwriters' compensation for commitments to purchase any unsubscribed shares is to be fixed by competitive bidding. Applicant states that the net proceeds of the additional shares of common stock and of $35,000,000 in principal amount of First Mortgage Bonds, Series due 1992 (proposed to be sold separately—Docket No. E–7024) will be applied to the payment of notes then outstanding (not expected to exceed $42,000,000 in principal amount) under a Credit Agreement dated as of August 15, 1961 and to the carrying forward of Applicant's construction program—estimated at $44,000,000 for 1962 and $56,000,000 for 1963.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 21st day of March 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2274; Filed, Mar. 7, 1962; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

NICKEL AND COBALT IN NICKEL OXIDE POWDER HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 10,000,000 pounds of contained nickel plus cobalt in nickel oxide powder.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that there is no longer any need for stockpiling said nickel oxide powder. The revised determination was based, in part, on a change in the mobilization planning period from five to three years, and, in part, on a calculation of the increased supplies of nickel that would be available in a mobilization emergency.

Since the revised determination is not by reason of obsolescence of the nickel oxide powder for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said nickel oxide powder to other Government agencies, to offer the material for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government. The disposition will commence upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later, and extend over a period of about five years.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: March 1, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62–2280; Filed, Mar. 7, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

IDAHO

Amendment to Notice of Major Disaster

Notice of Major Disaster, published March 3, 1962, for the State of Idaho (27 F.R. 2135) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 14, 1962:

Franklin.	Minidoka.
Lincoln.	

Dated: March 2, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62–2262; Filed, Mar. 7, 1962; 8:45 a.m.]

NEVADA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated February 22, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of Nevada, adversely affected by floods beginning on or about February 10, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nevada to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 22, 1962:

The Counties of:

Churchill.	Eureka.
Elko.	Lander.

Dated: March 1, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62–2263; Filed, Mar. 7, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 811–1076, 811–1077]

DAGGETT CHOCOLATE CO. AND DAGGETT TRUST

Notice of Filing of Application for Order Declaring That Companies Have Ceased To Be Investment Companies

MARCH 1, 1962.

Notice is hereby given that Daggett Chocolate Company ("Daggett") and The Daggett Trust ("Trust"), 254 Massachusetts Avenue, Boston, Mass., closed-end, non-diversified investment companies registered under the Investment Company Act of 1940 ("Act"), have filed applications pursuant to section 8(f) of the Act for an order declaring that Daggett and Trust have ceased to be investment companies.

Daggett, incorporated under the laws of Massachusetts on April 17, 1919, represents that all of its 7 percent cumulative preferred stock, which was beneficially owned by approximately forty persons, was called for retirement pursuant to its by-laws on August 31, 1961. Daggett represents that as a result of such call it has only common stock outstanding, which is beneficially owned by not more than seventy persons. Daggett further represents that it is not making and does not propose to make a public offering of its securities.

Trust, a trust created under the laws of Massachusetts on December 30, 1931, is a wholly-owned subsidiary of Daggett. Under section 3(c)(1) of the Act, Trust's outstanding securities are now, as a result of Daggett's retirement of its preferred stock, deemed to be beneficially owned by not more than seventy persons. Trust represents that it is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than March 21, 1962 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the applications herein may be issued by the Commission upon the basis of the showing contained in said applications, unless an order for hearing upon said applications shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2283; Filed, Mar. 7, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–X–35]

BRANCH MANAGER, MARSHALL, TEXAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30–X–19, Revision 1, dated October 13, 1961 (26 F.R. 10717), there is hereby redelegated to the Branch Manager, Marshall Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in an amount not exceeding $20,000.

2. To approve or decline participation business loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans in an amount not exceeding $50,000.

4. To approve or decline limited loan participation loans.

5. To approve or decline Simplified Bank Loan Participation loans in an amount not exceeding $150,000.

6. To approve or decline Small Loans in an amount not exceeding $12,000.

7. To disburse approved loans.

8. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

9. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ————————————
(Name)
Branch manager.

10. To cancel, reinstate, modify and amend authorizations for business or disaster loans (within the above amount standards).

11. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

12. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

13. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

14. To take all necessary actions to effect the servicing, administration and collection of all current loans having an outstanding balance not in excess of $100,000.

B. *Procurement and technical assistance.* (1) To: (a) Determine joint setasides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

(4) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The specific authority delegated in I.A. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: March 3, 1962.

JAMES R. WOODALL,
Deputy Regional Director, Small Business Administration, Region X.

[F.R. Doc. 62–2284; Filed, Mar. 7, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37580: *Newsprint paper from Mobile, Ala.* Filed by O. W. South, Jr., Agent (No. A4155), for interested rail carriers. Rates on newsprint paper, in carloads, from Mobile, Ala., to Norfolk, Newport News, and Richmond, Va.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southern Freight Association tariff I.C.C. S–230.

By the Commission

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2287; Filed, Mar. 7, 1962; 8:47 a.m.]

[Notice 605]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 5, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64596. By order of February 28, 1962, the Transfer Board approved the transfer to La Moine A. Mountin, Elmwood, Wis., of the operating rights in Certificates Nos. MC 90208 and MC 90208 Sub-3, issued February 7, 1950, and October 18, 1950, to Harold Mountin, Elmwood, Wis., authorizing

the transportation, over regular and irregular routes, between Wisconsin points and South St. Paul, Minn., of livestock, and feed and farm machinery, and over irregular routes, of livestock and farm products, feed and salt, agricultural commodities, general commodities, excluding household goods, commodities in bulk, and other specified commodities, and general commodities, without exception, from, to, and between specified points in Wisconsin and Minnesota, varying as to the commodities indicated, and over irregular routes, wagon bodies, and accessories therefor when moving in connection with shipments of wagon bodies, from Rock Elm, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, and South Dakota. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC–FC 64707. By order of February 27, 1962, the Transfer Board approved the transfer to Otis V. Root and Vernon H. Root, a partnership, doing business as Root's Van Lines, 5 West Leonard Street, Grand Rapids 5, Mich., of Certificate No. MC 54147, issued October 11, 1949, to Stanley Click and Viola Click, a partnership, doing business as Daily Transfer, 5 West Leonard Street, Grand Rapids 5, Mich., authorizing the transportation of: Household goods, between Grand Rapids, Mich., and points in Michigan within 30 miles of Grand Rapids, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Pennsylvania, New York, and Wisconsin.

No. MC–FC 64716. By order of February 28, 1962, the Transfer Board approved the transfer to Archie's Transportation, Inc., 349 South Second Street, New Bedford, Mass., of Certificates in Nos. MC 85093 and MC 85093 Sub-3, issued June 2, 1941, and July 31, 1959, respectively, to Aaron Israel, doing business as Archie's Motor Transportation Co., 349 South Second Street, New Bedford, Mass., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, glass bottles, metal junk, old rubber tires, rags, paper, and frozen foods, in mechanically refrigerated vehicles, from, to, or between specified points in Massachusetts and Rhode Island.

No. MC–FC 64747. By order of February 26, 1962, the Transfer Board approved the transfer to Havrylkoff, Inc., New Orleans, La., of Certificate No. MC 118132, issued October 3, 1961, to H. Havrylkoff, New Orleans, La., authorizing the transportation of: Bananas, from New Orleans, La., to points in Iowa, Minnesota, and South Dakota. Thomas N. Lennox, 219 Carondelet Street, New Orleans 12, La., attorney for applicants.

No. MC–FC 64833. By order of February 26, 1962, the Transfer Board approved the transfer to C & A Motor Express Co., a corporation, Steubenville, Ohio, of the operating rights in Certificate No. MC 33698, issued December 30, 1958, to The Z. L. Travis Co., a corporation, doing business as The Z. L. Travis Transfer and Storage Co., Steubenville, Ohio, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and other specified commodities, between Steubenville, Ohio, on the one hand, and, on the other, points within 50 miles of Steubenville, and construction materials, machinery, mine supplies, glassware, paper products, and hardware, between points in Brooke County, W. Va., on the one hand, and, on the other, points in West Virginia, Ohio, and Pennsylvania, which are located within 125 miles of Wellsburg, W. Va. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2288; Filed, Mar. 7, 1962; 8:47 a.m.]

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Washington, Friday, March 9, 1962

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1961–62 Edition

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[Revised as of June 1, 1961]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 6.104 is revoked.

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (42) is added to paragraph (a) of § 6.304 and a new paragraph (e)(1) is added as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(42) The Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

* * * * *

(e) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

3. Effective upon publication in the FEDERAL REGISTER, subparagraph (16) is added to paragraph (a) of § 6.305 as set out below.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* * * *

(16) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics).

4. Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 6.306 as set out below.

§ 6.306 Department of the Navy.

(a) *Office of the Secretary.* * * *

(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

5. Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (a) of § 6.307 as set out below.

§ 6.307 Department of the Air Force.

(a) *Office of the Secretary.* * * *

(4) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Air Force (Materiel).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–2322; Filed, Mar. 8, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961 and February 2, 1962 (26 F.R. 3671, 6833, 27 F.R. 964), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Vancouver, B.C. (served from Blaine, Wash.)" to the "Two Hour" list therein.

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective March 9, 1962.

Done at Washington, D.C., this 6th day of March 1962.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 62–2343; Filed, Mar. 8, 1962; 8:50 a.m.]

[Interpretation 18; Rev. II]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Warning, Caution and Antidote Statements Required To Appear on Labels of Economic Poisons

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k), Interpretation No. 18, Revision I, with respect to warning, caution, and antidote statements required to appear on labels of economic poisons (7 CFR 362.116) is hereby amended and supplemented by the issuance of Interpretation 18, Revision II, to read as follows:

§ 362.116 Interpretation with respect to warning, caution, and antidote statements required to appear on labels of economic poisons.

(a) *Requirements of the act.* Section 2. z. (2)(d) of the act provides that an economic poison is misbranded if its label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals. Section 3. a. (3) of the act requires that any economic poison which contains any substance or substances in quantities highly toxic to man must bear on the label the skull and crossbones, the word "Poison" (in red) on a contrasting background, and an antidote statement.

(b) *Categories of toxicity and general provisions as to statements required for economic poisons therein.* (1) Four general categories of toxicity of economic poisons are recognized. The first is the highly toxic class as defined in § 362.8. The second is the class immediately below the highly toxic, and in general includes formulations having toxicities down to one-tenth those of the highly toxic class. The third group embraces products having hazards below the class two but to a degree which still requires some cautions and usually includes toxicities down to about one-tenth of those in class two. The fourth class is comparatively free from danger.

(2) Products in the categories specified in subparagraph (1) of this paragraph are to be distinguished from each other by the following general scheme:

(i) Highly toxic products are required by the act to be labeled with the skull and crossbones, the word "Poison" (in red) on a contrasting background, and an antidote statement. The antidote statement should include the sentence "Call A Physician Immediately." In addition, the label should carry the word "Warning" and instructions for handling to reduce chances of injury in use.

(ii) Labels of products which fall in the second category should carry warning statements equivalent to those required for highly toxic materials, but they do not need to bear the skull and crossbones, the word "Poison," or an antidote statement.

(iii) Labels of products in the third category should carry the word "Caution" and statements indicating the means of avoiding the principal hazards

of use. Use of the skull and crossbones, the word "Poison," and antidote statements are not necessary for these products.

(iv) No warning, caution, or antidote statements are required for the few formulations in the fourth category, although unqualified claims for safety are usually not justified.

(c) *Miscellaneous provisions.* (1) Warning or caution statements on the labels of economic poisons must give concise and easily understood warnings as to the hazards associated with the use of the products, together with instructions to be followed to insure adequate protection. Precautionary labeling should warn against the hazards associated with the formulation both as it is sold and as used by the customer, whether it is suitable for use directly or must be diluted or mixed prior to application.

(2) The precautionary labeling detailed in this interpretation for specific economic poisons is directed primarily toward the avoidance of hazard to the persons handling or applying the economic poison and to persons or animals exposed to the economic poison incident to its handling or use. The manufacturer should recognize the possibility of injury of other types associated with the use of his product and the label should bear suitable directions for the avoidance of such injury. When an economic poison is intended for use on or around feed or food products and contamination with harmful residues may occur, the label should bear specific statements adequate to avoid danger of contaminating such feed or foodstuffs. For some formulations, the residues of which may be readily removed by washing or mechanical means without damage to the product, a statement such as "remove residues at harvest by—(stating an effective method of removal)—" will be acceptable. For formulations whose residues cannot be readily removed or where the product would be damaged in the process of removal, but where the residues disappear progressively, directions such as "Do not apply within—(stating a period adequate to reduce residues to a safe level)—days of harvest" will be acceptable. For still other formulations whose residues cannot readily be removed without damage to the product and do not disappear within a reasonable time, a statement such as "Do not apply after edible parts begin to form" may be required. When directions for use of sprays in food handling establishments are otherwise acceptable, a statement such as "Cover or remove all exposed food, utensils, and containers before spraying" may be required. In order to avoid contamination of milk or meat, certain economic poisons must bear directions against application in dairy barns, to dairy animals, or animals being finished for slaughter, or to forage crops to be used as feed for dairy animals or animals being finished for slaughter. Products which would be used in a manner likely to destroy beneficial insects should bear appropriate directions, such as proper timing of application to avoid destruction of pollinating insects. Products which might be injurious to fish and wildlife after extensive use or indiscriminate disposal of excess material or spray-tank washings, and which bear directions for widespread use in areas where contamination of waterways would be possible, should bear directions such as "To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material." Herbicides which might be used in a manner likely to cause injury to beneficial vegetation should carry directions warning against the danger of drifting of dusts, spray mist, or vapors from volatile ingredients.

(3) In general, the presence on the label of either the skull and crossbones and the word "Poison" or the warning "May Be Fatal If Swallowed" will substitute for such precautionary statements as "Avoid contamination of food" and "Keep away from children and domestic animals."

(4) Fire hazard cautions shall be based on the flash point of the particular products. The manufacturer of a formulation should determine the flash point of his product and label it accordingly. For formulations having flash points at or below 20° F. by the Tagliabue Open-Cup Method, a statement such as "Danger—Extremely flammable! Keep away from fire, sparks, and heated surfaces" should be used. For flash points above 20° F. but not over 80° F., "Warning—Flammable! Keep away from heat and open flame" would be appropriate. For flash points above 80° F. but not over 150° F., the caution "Do not use or store near heat or open flame" would be acceptable.

(5) Antidote statements must contain emergency first aid instructions suitable for use by a layman. In most cases they should require only materials which are readily available.

(6) It is permissible and usually advisable for a manufacturer of an economic poison to submit facsimiles of proposed labeling to the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., for review and tentative acceptance before he invests in new printed labels.

(d) *Acceptable warning, caution and antidote statements for economic poisons containing specified ingredients.* The following subparagraphs set forth or indicate acceptable warning, caution and antitdote statements for economic poisons containing the ingredients specified therein. The exact wording used in the suggested statements is not obligatory, although the substance of all such statements will be required, unless under special conditions of handling or use it is unnecessary. The manufacturer is obligated to use any added warning, caution or antidote statements which any special characteristics or uses of his formulation indicate to be necessary. Where the notation (H.P.) for "household package" appears following a precautionary statement, it indicates that the warning will be required only on packages commonly stored or used in the household where there is greater danger of accidents involving children or pets. The insignia

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always refers to the skull and crossbones and the word "Poison" (in red) on a contrasting background. The fire hazard caution prescribed in this paragraph in each case is based on the flash point of the chemical named.

Acetone—50% and above.

Caution: Extremely Flammable! Keep away from fire, sparks, and heated surfaces. Avoid prolonged breathing of vapor. Avoid prolonged or repeated contact with skin.

NOTE: For formulations containing low percentages the signal word and flammability warning may be reduced on the basis of actual flash point determinations.

3 (2-Acetonylfurfuryl)-4-hydroxycoumarin (Fumarin) and salts—(i) *Above 3%.* Treat as *Warfarin* (i).

(ii) *Concentrations from 0.1% to 3% inclusive.* Treat as *Warfarin* (ii).

(iii) *Finished baits.* Treat as *Warfarin* (iii).

Acrylonitrile (Technical).

☼ Poison ☼

Antidotes: Carry victim to fresh air. Have him lie down. Remove contaminated clothing, but keep victim warm. Start treatment immediately. Call a Physician Immediately!

If inhaled. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds; repeat five times at about 15 second intervals. Give artificial respiration if breathing has stopped.

If swallowed. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. If victim is conscious, or when consciousness returns, give one tablespoonful of salt in a glass of warm water, and repeat until vomit fluid is clear. Repeat amyl nitrite five times at about 15 second intervals. Give artificial respiration if breathing has stopped.

Never Give Anything by Mouth to an Unconscious Person!

Warning: Poisonous Liquid and Vapor! Flammable! Do not breathe vapor. Do not get in eyes, on skin, or on clothing. Keep away from heat and open flame. Keep container closed.

NOTE: Directions for use should include instructions for appropriate respiratory protection.

Aldrin (95% hexachloro hexahydro-endo, exo-dimethano naphthalene)—(i) *60% and above.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash immediately with soap and water.

Warning: Poisonous If Swallowed, Inhaled or Absorbed Through Skin! Do not breath dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact immediately remove contaminated clothing and flush skin or eye with plenty of water; for eyes, get medical attention. Wash thoroughly with soap and water after handling and before eating or smoking; wear clean clothing. During commercial or prolonged exposure in spray-mixing and loading operations, wear clean synthetic rubber gloves and a mask or respirator of a type passed by the U.S. Department of Agriculture for aldrin protection. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. To protect fish and wildlife, do not contaminate streams, lakes or ponds with this material.

(ii) *10% to 60%.*

Warning: Hazardous If Swallowed, Inhaled, or Absorbed Through Skin! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact, immediately remove contaminated clothing and flush skin or eyes with plenty of water; for eyes, get medical attention. Wash thoroughly with soap and water after handling and before eating or smoking; wear clean clothing. During commercial or prolonged exposure in spray-mixing and loading operations, wear clean synthetic rubber gloves and a mask or respirator of a type passed by the U.S. Department of Agriculture for aldrin protection. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. To protect fish and wildlife, do not contaminate streams, lakes or ponds with this material.

(iii) *Below 10%.*

Caution: Harmful if swallowed, inhaled or absorbed through skin. Avoid breathing of dust or spray mist. Avoid contact with skin, eyes or clothing. In case of contact with skin or eyes, flush with plenty of water; for eyes, get medical attention. Wash with soap and water after handling and before eating or smoking; wear clean clothing. Avoid contamination of feed and foodstuffs. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. To protect fish and wildlife, do not contaminate streams, lakes or ponds with this material.

(iv) *Fertilizer formulations.*

Caution: Avoid prolonged or repeated inhalation of dust or contact with skin. Wash thoroughly after handling. To protect fish and wildlife, do not use where runoff will contaminate streams, lakes or ponds.

Allethrin. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Allyl alcohol—(i) *Technical.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact, remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes, on skin or on clothing. Do not breathe vapor. Use with adequate ventilation. Wear rubber gloves and goggles. In case of contact, immediately remove contaminated clothing including shoes and flush skin or eyes with plenty of water; for eyes, get medical attention. Wash thoroughly with soap and water after handling and before eating or smoking. During commercial or prolonged exposure in spray-mixing and loading operations, wear a mask or respirator of a type adequate against organic vapors and gases. Do not store near feed and food products. Do not reuse shoes or clothing until free of all contamination. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals.

(ii) *Aerosols-greenhouse use.*

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Antidotes: Internal. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash thoroughly with soap and water.

Warning: Poisonous If Inhaled or Absorbed Through Skin! Do not get on skin. Use only while wearing a mask or respirator of a type adequate against organic vapors and gases. Wear protective clothing and natural rubber gloves. Wash hands, arms and face with soap and water after using the bomb. Wash contaminated clothing with soap and hot water before reuse. Do not store near food and feed products.

Alpha naphthyl thiourea—(i) *30% and above.*

☼ Poison ☼

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

Warning: Keep dogs, cats, hogs and chickens away from baited areas.

(ii) *Below 30%.*

Warning: Keep away from children and domestic animals. Avoid contamination of feed and foodstuffs.

Ammonium sulfamate. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Antimony potassium tartrate (tartar emetic)—(i) *10% and above.*

Warning: May be fatal if swallowed. Do not breathe dust. Wash thoroughly after handling.

(ii) *Below 10%.*

Caution: Harmful if swallowed. Avoid breathing dust. Wash thoroughly after handling. Keep away from children and domestic animals. Avoid contamination of feed and foodstuffs.

Arsenic compounds. Inorganic insoluble including calcium arsenate, lead arsenate, magnesium arsenate, paris green, london purple. Inorganic soluble including arsenous oxide, sodium arsenate, sodium arsenite.

(i) *Inorganic insoluble 50% and above; inorganic soluble 5% and above.*

☼ Poison ☼

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then give 2 tablespoonfuls of Epsom Salt or Milk of Magnesia in water, and plenty of milk and water. Have victim lie down and keep quiet. Call a Physician Immediately!

Warning: Poisonous if swallowed. Avoid contact with skin, eyes, or clothing. Wash thoroughly after using. Avoid breathing dust or spray mist.

(ii) *Inorganic insoluble 10% to 50%; inorganic soluble 1% to 5%.*

Warning: May be Fatal if Swallowed! Avoid contact with skin, eyes, or clothing. Wash thoroughly after using. Avoid breathing dust or spray mist.

(iii) *Inorganic insoluble below 10 percent; inorganic soluble below 1 percent.*

Caution: Harmful if swallowed. Avoid prolonged breathing of dust or spray mist. Avoid contamination of feed and foodstuffs. Keep away from children and domestic animals.

(iv) *Formulations for use as herebicides require an additional statement:*

Caution: Keep children and animals off treated areas.

Arsonates (except calcium propyl arsonate)—(i) *all effective concentrations.*

Caution: Harmful if swallowed. Avoid contact with skin. Avoid breathing dust or spray mist. Wash hands after using. Avoid storage near food and feed products. Keep away from children and domestic animals.

(ii) *Calcium propylarsonate, all effective concentrations.* Treat as *arsenic compounds* (ii). (See subparagraph (9)(ii) of this paragraph.)

Azobenzene.

Caution: Harmful if swallowed or inhaled! Avoid breathing fumes or dust. Avoid contamination of feed and foodstuffs. Keep away from children and domestic animals.

Benzene—15 percent and above.

Caution: Extremely Flammable! Keep away from fire, sparks, and heated surfaces. Avoid prolonged breathing of vapor. Avoid prolonged contact with skin.

NOTE: For formulations containing low percentages the signal word and flammability warning may be reduced on the basis of actual flash point determinations.

Benzene hexachloride (hexachlorocyclohexane, BHC)—(i) *BHC and dry formulations 25% and above.*

Caution: Harmful If Swallowed! May be Absorbed Through Skin! May produce irritation of skin and eyes. Do not breathe dust or spray mist. Avoid contact with skin and eyes. Wash thoroughly after handling. Avoid contamination of feed and foodstuffs.

(ii) *Dry formulations below 25%.*

Caution: May be absorbed through the skin. Avoid prolonged breathing of dust or spray mist. Avoid contact with skin and eyes. Wash thoroughly after handling. Avoid contamination of feed and foodstuffs.

(iii) *Solutions and emulsions 25% and above.*

Caution: Harmful If Swallowed! May be Absorbed Through Skin! May produce irritation of skin or eyes. Do not breathe spray mist. Avoid contact with skin and eyes. In case of contact, wash immediately with soap and water; for eyes, flush with water and get medical attention. Avoid contamination of feed and foodstuffs. Do not use on household pets or humans.

(iv) *Solutions and emulsions below 25%.*

Caution: May be absorbed through skin. Avoid inhalation of spray mist. Avoid skin contact. In case of contact, wash immediately with soap and water. Avoid contamination of feed and foodstuffs. Do not use on household pets or humans.

Bis (chlorophenyl)-2,2,2-trichloroethanol (Kelthane)—(i) *technical emulsions and wettable powders above 25%.*

Caution: Harmful if swallowed. Avoid skin contact with solutions. In case of skin contact, wash with soap and water. Avoid breathing dust and spray mist. Avoid storage near feed and food products.

(ii) *Emulsifiable or petroleum oil solutions for agricultural and industrial use, 25% and below.*

Caution: Avoid contact with skin. In case of skin contact, wash with soap and water. Avoid breathing spray mist. Avoid storage near feed and food products.

(iii) *Dust and wettable powder formulations 25% and below.*

Caution: Avoid breathing dust. Avoid storage near feed and food products.

Bis (tri-n-butyltin) oxide and salts—(i) *Above 30%.*

Warning: May Be Fatal If Swallowed! May be absorbed through skin. Causes skin irritation. Do not breathe spray mist. Do not get in eyes, on skin or on clothing. In case of skin contact, remove contaminated clothing and immediately wash skin with soap and water; for eyes, immediately flush with plenty of water. If irritation persists, get medical attention. Wash contaminated clothing before reuse. Avoid storage near food and feed products.

(ii) *5% to 30%.*

Caution: Harmful if swallowed. May be absorbed through skin. Causes skin irritation. Avoid breathing spray mist. Do not get in eyes, on skin or on clothing. In case of skin contact, remove contaminated clothing and immediately wash skin with soap and water; for eyes, immediately flush with plenty of water. If irritation persists, get medical attention. Wash contaminated clothing before reuse. Avoid storage near food and feed products.

(iii) *Below 5%.*

Caution: Harmful if swallowed. May be absorbed through skin. Causes skin irritation. Avoid breathing spray mist. Avoid contact with skin, eyes or clothing. In case of contact; immediately remove contaminated clothing and wash skin with soap and water; for eyes, flush with plenty of water and get medical attention. Wash clothing before reuse. Avoid storage near feed and food products.

Boric acid—20% and above.

Caution: Avoid contamination of feed and foodstuffs. Keep away from children and domestic animals.

Cadmium formulations, each to be considered on own merits—(i) *If found "highly toxic" under the Act.*

☼ Poison ☼

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then give 2 tablespoonfuls of Epsom Salt or Milk of Magnesia in water and plenty of milk or water. Have victim lie down and keep warm. Call a Physician Immediately!

Warning: May Be Fatal If Swallowed! Do not get in eyes or on skin. Do not breathe dust or spray mist. Wash thoroughly after handling.

(ii) *If formulation is not "highly toxic" under the Act, appropriate warnings must be used.*

Calcium cyanamide.

Caution: Harmful if swallowed. May cause skin and eye irritation. Avoid contact with skin and eyes. Avoid breathing dust. In case of eye contact, flush with plenty of water and get medical attention. After skin contact, cleanse with a bland oil such as corn or mineral oil, followed by soap and water. Avoid storage near food or feed products.

Captan (n-trichloromethylmercapto-2-cyclohexenedicarboximide).

Caution: Avoid inhalation of dust or spray mist. Avoid prolonged or repeated contact with skin. Avoid contamination of feed and foodstuffs.

2-carbomethoxy-1-methylvinyl dimenthyl phosphate (a-isomer) (Phosdrin)—(i) *Above 2% (except aerosols, see below).*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and wash skin immediately with soap and water. Call a Physician Immediately!

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin or Eyes! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phosdrin protection. Keep all unprotected persons and animals out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered on the day of treatment. Do not store near feed and food products. Wash hands, arms and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(ii) *Dusts, 2% and below.*

Warning: May Be Fatal If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes, on skin, or on clothing. Wear natural rubber gloves, protective clothing and goggles. In case of contact wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phosdrin protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticide and volatile residues have dissipated. Do not contaminate feed and foodstuffs. Wash hands, arms and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(iii) *Aerosols—greenhouse use.*

☼ Poison ☼

Antidotes: Internal. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash thoroughly with soap and water.

Warning: Poisonous If Inhaled or Absorbed Through Skin! Do not get on skin. Use only while wearing a full-face mask of a type passed by the U.S. Department of Agriculture for phosdrin protection. Replace canister as directed. Wear protective clothing and natural rubber gloves. Wash hands, arms, and face with soap and water after using the bomb. Wash contaminated clothing with soap and hot water before reuse. Do not contaminate feed and foodstuffs.

Carbon disulfide—(i) *90% and above.*

☼ Poison ☼

Antidotes: If inhaled. Get victim into fresh air immediately and give artificial respiration if breathing has stopped. Call a Physician Immediately!

If swallowed. Give ½ cupful medicinal mineral oil. Give large quantities of warm water, and hot tea or coffee. Call a Physician Immediately!

Warning: Poisonous if swallowed or inhaled. Extremely Flammable! Keep away from fire, sparks or heated surfaces. Store in a cool place. Keep container closed. Do not breathe vapor. Do not get in eyes, on skin, or on clothing.

(ii) *10% to 90%.*

Warning: Extremely Flammable! May Be Fatal If Inhaled or Swallowed! Keep away from fire, sparks or heated surfaces. Store in a cool place. Keep container closed. Do not breathe vapor or mist. Avoid contact with eyes, skin or clothing.

(iii) *Below 10%.*

Caution: Extremely Flammable! Harmful by swallowing or inhalation. Avoid contact with eyes, skin or clothing. Keep away from fire, sparks or heated surfaces. Store in a cool place. Keep container closed.

(iv) *Fumigants.*

Warning: Do not reenter treated areas without an airline respirator or a full-face gas mask with a canister for protection against organic vapors.

Carbon tetrachloride—(i) *10% and above.*

Caution: Harmful Vapor! Harmful if swallowed. Do not breathe vapor. Avoid prolonged or repeated contact with skin.

(ii) *Fumigants.*

Warning: Do not reenter treated areas without an airline respirator or a full-face gas mask with a canister for protection against organic vapors.

Chlorates (including magnesium or sodium salts)—(i) *With fire retardants.*

Caution: Harmful if swallowed. Avoid storage near feed and food products.

(ii) *With no fire retardants.*

Caution: Harmful if swallowed. Strong oxidant. Contact with combustible material may cause fire. Clothing and vegetation contaminated with chlorate or its solution are dangerously flammable. Remove clothing and wash thoroughly with water. Store separately from flammable material. Keep away from fire. Avoid storage near feed and food products. Keep animals off treated areas.

Chlordane (octachloro-4,7-methano tetrahydroindane)—(i) *Technical chlordane and wettable powders above 25%.*

Caution: Harmful if swallowed. Contact with skin causes toxic symptoms. Avoid breathing dust or spray mist. In case of contact with skin, wash with soap and water. Avoid contamination of feed and foodstuffs.

(ii) *Emulsifiable and petroleum oil solutions for agricultural and industrial use.*

Caution: Harmful if swallowed. Contact with skin can cause toxic symptoms. Avoid breathing spray mist. In case of contact with skin, wash with soap and water. Avoid contamination of feed and foodstuffs.

(iii) *Emulsifiable and petroleum oil solutions and self-propelled wetting sprays for household use.*

Caution: Harmful if swallowed. Repeated or prolonged contact with skin can cause toxic symptoms. In case of contact with skin, wash with soap and water. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs. Keep out of reach of children.

NOTE: See also Interpretation 19 (362.117).

(iv) *Self-propelled sprays for use on animals.*

Caution: Wash hands thoroughly with soap and warm water after handling. Avoid contamination of feed and foodstuffs. Keep out of reach of children. (H.P.)

NOTE: See also paragraph (ii) *Kerosene sprays.*

(v) *Dust and wettable powder formulations 25% and below.*

Caution: Avoid breathing dust or spray mist. Avoid contamination of feed and foodstuffs.

NOTE: See also Interpretation 19 (362.117).

2-Chloro-4-ethylamino-6-isopropylamino-s-triazine (Atrazine).

Caution: Harmful if swallowed. Avoid inhalation of dust. Avoid storage near feed and food products.

Chloroform—10% and above.

Caution: Harmful Vapor! Harmful if swallowed. Avoid prolonged breathing of vapor. Avoid prolonged or repeated contact with skin.

p-Chlorophenyl phenyl sulfone—Wettable powder containing 23% named compound and 12% related compounds.

Caution: Avoid prolonged or repeated inhalation of dust. Avoid contamination of feed and foodstuffs.

Chloropicrin.

☼ Poison ☼

Antidote: If inhaled. Get victim into fresh air. Have him lie down and keep warm and quiet. Give artificial respiration if breathing has stopped. Call a Physician Immediately!

Warning: Poisonous Vapor! Do not breathe vapor. Do not get in eyes, on skin, or on clothing. In case of contact, immediately flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention. Remove and wash clothing before reuse.

NOTE: Directions for use should include directions for appropriate respiratory protection.

Coal tar creosote—containing less than 5% phenols.

Caution: May cause skin irritation. Avoid prolonged or repeated contact with skin. Avoid prolonged breathing of vapor.

Coal tar disinfectants. Treat on the basis of percentage of phenols.

Copper compounds—10% and above (based on the percentage of elemental copper present).

Caution: Harmful if swallowed!

Cresols and cresylic acids. Refer to phenols.

Citronella, oil of.

Caution: Harmful if swallowed. Keep out of reach of children.

Cryolite (sodium fluoaluminate). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Cyanide—(i) *Calcium cyanide, 8% and above.*

☼ Poison ☼

Antidotes: Carry victim to fresh air. Have him lie down. Remove contaminated clothing but keep victim warm. Start treatment immediately. Call a Physician Immediately!

If inhaled. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. Repeat five times at about fifteen second intervals. Give artificial respiration if breathing has stopped.

If swallowed. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. If victim is conscious or when consciousness returns, give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat inhalation of amyl nitrite five times at 15 second intervals. Give artificial respiration if breathing has stopped.

Never give anything by mouth to an unconscious person!

Warning: Liberates Poison Gas! Do not breathe vapor or dust. Do not get in eyes or on skin. Keep away from acids. Wash thoroughly after handling.

NOTE: Directions for indoor use should include appropriate mask protection.

(ii) *Inorganic cyanides (except Ca (CN), and liquid HCN) 5% and above.*

☼ Poison ☼

Antidotes: Carry victim to fresh air. Have him lie down. Remove contaminated clothing but keep victim warm. Start treatment immediately. Call a Physician Immediately!

If inhaled. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. Repeat five times at about 15 second intervals. Give artificial respiration if breathing has stopped.

If swallowed. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. If victim is conscious or when consciousness returns, give a tablespoon of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat inhalation of amyl nitrite five times at 15 second intervals. Give artificial respiration if breathing has stopped.

Never give anything by mouth to an unconscious person!

Warning: Contact with Acid Liberates Poison Gas! Do not breathe vapor or dust. Do not get in eyes or on skin. Wash thoroughly after handling.

NOTE: Directions for indoor use should include appropriate mask protection.

(iii) *Inorganic cyanides below 5%.*

Warning: Contact with Acid Liberates Poison Gas! May be fatal if inhaled or swallowed. Do not breathe vapor or dust. Do not allow to come in contact with skin or eyes. Wash thoroughly after using.

(iv) *Liquid HCN (hydrocyanic acid).*

☼ Poison ☼

Antidotes: Carry victim to fresh air. Have him lie down. Remove contaminated clothing but keep victim warm. Start treatment immediately. Call a Physician Immediately!

If inhaled. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. Repeat five times at about 15 second intervals. Give artificial respiration if breathing has stopped.

If swallowed. Break an amyl nitrite pearl in a cloth and hold lightly under nose for 15 seconds. If victim is conscious or when consciousness returns, give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat inhalation of amyl nitrite five times at 15 second intervals. Give artificial respiration if breathing has stopped.

Never give anything by mouth to an unconscious person!

Warning: Poison Gas! Flammable! Do not breathe gas. Do not get in eyes, on skin, or on clothing. In case of contact remove contaminated clothing and wash thoroughly. Keep away from heat and open flame.

NOTE: Directions for use should include appropriate gas mask protection.

Dalapon (2,2-dichloropropionic acid) and salts—20% and above.

Caution: Causes eye irritation. May cause skin irritation. Avoid contact with eyes, skin, or clothing. In case of contact, flush with plenty of water for at least 15 minutes; for eyes, get medical attention. Wash clothing before reuse.

Demeton 0,0-diethyl 0 (and S)-2-(ethylthio) ethyl phosphorothioates—(i) *2% and above.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and wash skin immediately with soap and water.

Warning: Poisonous If Swallowed, Inhaled, Or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear protective clothing, natural rubber gloves, and goggles. In case of contact, remove contaminated clothing and wash skin immediately with soap and water. Do not breathe fumes, dust, or spray mist. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for protection against this material. Do not contaminate feed or foodstuffs. Keep all unprotected persons out of the operating area or vicinity where there may be danger of drift. Vacated areas should not be reentered until the drifting insecticide and volatile residues have dissipated. Wash hands, arms, and face thoroughly with soap and warm water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(ii) *Below 2%.*

Warning: May Be Fatal If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear protective clothing, natural rubber gloves, and goggles. In case of contact, remove contaminated clothing and wash skin immediately with soap and water. Do not breathe fumes, dust, or spray mist. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for protection against this material. Do not contaminate feed or foodstuffs. Keep all unprotected persons out of the operating area or vicinity where there may be danger of drift. Vacated areas should not be reentered until the drifting insecticides and volatile residues have dissipated. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and water before reuse.

1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate (Dibron)—(i) *Liquid concentrates.*

Caution: Harmful if swallowed. Concentrate may cause skin damage. Do not get in eyes, on skin, or on clothing. Avoid breathing spray mist. Use waterproof gloves and face shield or goggles when handling concentrate. In case of contact, immediately remove contaminated clothing and flush skin or eyes with plenty of water; for eyes, get medical attention. Avoid storage near feed and food products.

(ii) *All dust formulations.*

Caution: Harmful if swallowed. May cause irritation of eyes, nose, and throat. Avoid breathing dust. Avoid contact with skin and eyes. Wash thoroughly after handling. Avoid storage near feed and food products.

Dibutyl succinate. No precautionary labeling is required on the basis of this ingredient alone.

Dichlone; Dichloro-naphthoquinone.

Caution: May cause skin irritation. Avoid prolonged and repeated contact with skin. Avoid inhalation of dust. Wear protective clothing. Wash with soap and water after using. Avoid storage near feed and food products.

Dichloro diphenyl dichloroethane. Treat on same basis as DDT.

Dichloro diphenyl trichloroethane (DDT)—(i) *Technical, emulsions, and wettable powders above 25%.*

Caution: Harmful if swallowed. Avoid skin contact with solutions. In case of skin contact, wash with soap and water. Avoid breathing dust and spray mist. Avoid contamination of feed and foodstuffs.

(ii) *Emulsifiable or petroleum oil solutions for agricultural and industrial use 25% and below.*

Caution: Avoid contact with skin. In case of skin contact, wash with soap and water. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs.

(iii) *Emulsifiable or petroleum oil solutions for household use.*

Caution: Harmful if swallowed. Avoid contact with skin. Avoid prolonged breathing of spray mist. Wash with soap and water after using. Avoid contamination of feed and foodstuffs. Remove birds, pets, and fish bowls from rooms being sprayed. Keep out of reach of children.

NOTE: See also Interpretation 15 (362.113).

(iv) *Self-propelled sprays.*

Caution: Do not spray on skin or animals. Wash with soap and water after using. Avoid inhalation of mist. Avoid contamination of feed and foodstuffs. Remove birds, pets, and fish bowls from rooms being sprayed. Keep out of reach of children.

NOTE: See also Interpretation 15 (362.113).

(v) *Dust and wettable powder formulations 25% and below.*

Caution: Avoid breathing dust. Avoid contamination of feed and foodstuffs.

Dichloroethyl ether—(i) *10% and above.*

Warning: May Be Fatal If Inhaled, Swallowed, or Absorbed Through Skin! Do not breathe vapor or spray mist. In case of contact remove contaminated clothing and wash immediately with soap and water.

(ii) *Below 10%.*

Caution: Harmful if inhaled, swallowed, or absorbed through skin! Avoid inhalation of vapor or spray mist. Avoid contact with skin or clothing and wash thoroughly after using. Keep away from children and domestic animals (H. P.).

2,4-Dichlorophenoxyacetic acid (2,4-D)—(i) *2,4-D acid and inorganic salts—20% and above.*

Caution: Avoid inhaling dust. Avoid contact with skin, eyes, or clothing.

(ii) *Organic esters and amine salts.*

Caution: Avoid contact with skin, eyes, or clothing.

NOTE: Added warning statements regarding danger to crops through drifting dusts, sprays, or vapors should be used on all labels of 2,4-D formulations.

2,4-Dichlorophenyl ester of benzene sulfonic acid—50% emulsifiable concentrate.

Caution: Avoid inhalation of spray mist. Avoid contact with skin.

Di-(p-chlorophenyl) methyl carbinol—(i) *25% and above.*

Caution: Harmful if swallowed! Avoid prolonged breathing of vapor or spray mist. Do not get in eyes or on skin. Wash thoroughly after using. Do not contaminate feed

and foodstuffs. Keep away from children and domestic animals.

(ii) *Below 25%.*

Caution: Harmful if swallowed! Avoid contact with skin or eyes. Wash thoroughly after using. Avoid contamination of feed and foodstuffs.

Dichloropropene-dichloropropane and related C_3 hydrocarbons (D-D mixture).

Warning: Hazardous Vapor and Liquid! May be Fatal if Swallowed, Inhaled or Absorbed through Skin. Causes burns of skin and eyes. Do not get in eyes, or skin, or on clothing. Wear polyethylene gloves and goggles when handling material. Do not breathe vapor. In case of accidental spillage indoors, have available a self-contained breathing apparatus or a mask or respirator of a type passed by the U.S. Department of Agriculture for chlorinated C_3 hydrocarbon protection. In case of contact immediately remove contaminated clothing, including shoes, and wash with soap and water; for eyes, flush with plenty of water and get medical attention. Wash thoroughly after handling and before eating or smoking. Wash clothing and air shoes thoroughly before reuse. Do not store near feed or food products. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

Dieldrin (85% hexachloro epoxy octahydro-endo, exo-dimethano naphthalene)—(i) *60% and above.* Treat as *aldrin.*

(ii) *10% to 60%.* Treat as *aldrin.*

(iii) *Below 10% for agricultural use.* Treat as *aldrin.*

(iv) *Fertilizer formulations.* Treat as *aldrin.*

(v) *0.5% self-propelled sprays or solutions and 1.0% dusts for household use.*

Caution: Avoid prolonged or repeated inhalation of dust or spray mist or contact with skin. Do not contaminate foods, utensils, dishes or drinking water. Do not apply to humans, pets, or birds, or near fish bowls. Keep out of reach of children.

NOTE: See also *kerosene sprays.*

O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) Phosphorothioate (Diazinon)—(i) *15% and above.*

Warning: May be fatal if swallowed. May be absorbed through skin. Do not breathe dust or spray mist. Avoid contact with skin, eyes, and clothing. Wash thoroughly after handling. Avoid storage near food and feed products.

(ii) *Below 15%.*

Caution: Harmful if swallowed. May be absorbed through skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing. Wash thoroughly after handling. Avoid storage near food and feed products. Keep out of reach of children. (H.P.)

(iii) *0.5% self-propelled sprays or solutions and 1.0% dust for household use.*

Caution: Harmful if swallowed. Avoid prolonged breathing of dust or spray mist. Avoid prolonged and repeated contact with skin; wash thoroughly after using. Avoid contamination of food and feed products. Keep out of reach of children.

Diethyl diphenyl dichloroethane (Perthane)—(i) *Technical, emulsions and wettable powders above 25%.*

Caution: Harmful if swallowed. Avoid skin contact with solutions. In case of skin contact, wash with soap and water. Avoid breathing dust and spray mist. Avoid storage near feed and food products.

(ii) *Emulsifiable or petroleum oil solutions for agricultural and industrial use, 25% and below.*

Caution: Avoid contact with skin. In case of skin contact, wash with soap and water. Avoid breathing spray mist. Avoid storage near feed and food products.

(iii) *Emulsifiable or petroleum oil solutions for household use.*

Caution: Harmful if swallowed. Avoid contact with skin. Avoid prolonged breathing of spray mist. Wash with soap and water after using. Avoid contamination of feed and foodstuffs. Remove birds, pets, and fish bowls from rooms being sprayed. Keep out of reach of children.

NOTE: See also Interpretation 15 (362.113).

(iv) *Self-propelled sprays.*

Caution: Do not spray on skin or animals. Wash with soap and water after using. Avoid inhalation of mist. Avoid contamination of feed and foodstuffs. Remove birds, pets and fish bowls from rooms being sprayed. Keep out of reach of children.

NOTE: See also Interpretation 15 (362.113).

(v) *Dust and wettable powder formulations, 25% and below.*

Caution: Avoid breathing dust. Avoid storage near feed and food products.

N,N-Diethyl toluamide—(i) *40% and above.*

Caution: Harmful if swallowed. Avoid contact with eyes and lips. Keep out of reach of children.

(ii) *Below 40%.*

Caution: Avoid contact with eyes and lips.

1,2-Dihydropyridiazine-3,6-dione (maleic hydrazide). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

O,O-Dimethyl-S-p-chlorophenylthiomethyl phosphorodithioate (methyl trithion).

Warning: May be fatal if swallowed, inhaled, or absorbed through skin. Do not get in eyes, on skin, or on clothing. Do not breathe dust or spray mist. In case of contact, wash immediately with soap and water. Wear clean clothing. Wash all contaminated clothing with soap and hot water before reuse. Do not store near feed and food products. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

O,O-Dimethyl-O, p-nitrophenyl thiophosphate. Treat on same basis as parathion.

O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3 (4H) ylmethyl] phosphorodithioate (Guthion)—(i) *Above 2%.*

☠ Poison ☠

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for guthion protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered for at least two days. Do not store near feed and food products. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(ii) *Dusts, 2% and below.*

Warning: May Be Fatal If Swallowed, Inhaled, or Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for guthion protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered for at least two days. Do not store near feed and food products. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

Dinitro ortho cresol—(i) *10% and above.*

☠ Poison ☠

Antidote: Give a teaspoonful of baking soda in a glass of warm water and repeat until vomiting occurs. Call a Physician Immediately.

Warning: Poisonous If Swallowed Or Absorbed Through Skin! Do not breathe vapor, dust, or spray mist. Do not get in eyes, on skin, or on clothing. In case of contact, remove clothing and wash thoroughly with soap and water; for eyes, flush with water and get medical attention.

(ii) *From 2% to 10%.*

Warning: May Be Fatal If Swallowed Or Absorbed Through Skin! Do not breathe vapor or spray mist. Do not get in eyes, on skin, or on clothing. In case of contact, remove clothing and wash thoroughly with soap and water; for eyes, flush with water and get medical attention.

(iii) *Below 2%.*

Caution: Harmful if swallowed. Avoid breathing vapor or spray mist. Avoid contact with skin, eyes, or clothing. Wash thoroughly after using.

Diphacinone (2-diphenylacetyl-1,3-indendione) and salts—(i) *Above 3%.* Treat as *warfarin* (i).

(ii) *Concentrations from 0.1% to 3%, inclusive.* Treat as *warfarin* (ii).

(iii) *Finished baits.* Treat as *warfarin* (iii).

Di-n-propyl maleate isosafrole condensate (n-propyl isome). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Disodium ethylene bisdithiocarbamate (Nabam)—*3% and above.*

Caution: May be harmful if swallowed. May cause skin irritation. Avoid contact with skin and eyes. In case of contact, flush with plenty of water; for eyes, get medical attention.

Diuron (dichlorophenyl dimethylurea).

Caution: May cause irritation of eyes, nose, throat and skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing.

Endrin (hexachloro-epoxy-octahydro-endo, endo-dimethano naphthalene—(i) *2.5% and above.*

☠ Poison ☠

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash immediately with soap and water.

Warning: Poisonous by Swallowing, Inhalation, or Skin Contact! Do not get in eyes, on skin, or on clothing. Do not breathe dust or spray mist. In case of contact, immediately remove all contaminated clothing and flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention. Wear clean synthetic rubber gloves and a mask or respirator of a type passed by the U.S. Department of Agriculture for endrin protection. Wash thoroughly with soap and water after handling and before eating or smoking; wear clean clothing. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. Do not contaminate feed and foodstuffs. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

(ii) *Below 2.5%.*

Warning: Hazardous by Swallowing, Inhalation, or Skin Contact! Rapidly Absorbed Through Skin! Do not get in eyes, on skin, or on clothing. Do not breathe dust or spray mist. In case of contact with skin or eyes, flush with plenty of water; for eyes, get medical attention. Wash thoroughly with soap and water after handling and before eating or smoking; wear clean clothing and a mask or respirator of a type passed by the U.S. Department of Agriculture for endrin protection. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. Do not contaminate feed and foodstuffs. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

Ethion (O,O,O',O'-tetraethyl S,S'-methylene bis phosphorodithioate)—(i) *50% and above.*

Warning: May be fatal if swallowed, inhaled or absorbed through skin. Do not breathe vapor, dust or spray mist. Do not get in eyes, on skin, or on clothing. In case of skin contact, wash with soap and water; for eyes, flush with plenty of water and get medical attention. Wash clothing with soap and hot water before reuse. Do not store near food and feed products.

(ii) *15% to 50%.*

Warning: May be fatal if swallowed. Absorbed through skin. Do not breathe vapor, dust or spray mist. Avoid contact with skin, eyes, and clothing. Wash thoroughly after handling. Avoid storage near food and feed products.

Ferbam: ferric dimethyl dithiocarbamate—3% and above.

Caution: May cause irritation of eyes, nose, throat and skin! Avoid breathing dust or spray mist. Avoid contact with eyes, skin, or clothing. In case of contact, flush with plenty of water; for eyes, get medical attention.

NOTE: For dust mixture 50% and above, add: Keep away from fire and sparks.

Fluorides—(i) *Inorganic, water soluble fluorides 10% and above.*

Warning: May Be Fatal If Swallowed! Do not breathe dust. Do not contaminate feed and foodstuffs. Keep out of reach of children and domestic animals.

(ii) *Inorganic, water soluble fluorides, below 10%.*

Caution: Harmful if Swallowed! Avoid prolonged breathing of dust. Avoid contamination of feed and foodstuffs. Keep away from children and domestic animals.

(iii) *Fluosilicates, 5% and above.*

Caution: Harmful if Swallowed! Avoid prolonged breathing of dust or spray mist. Avoid contamination of feed and foodstuffs. Keep away from children and domestic animals.

Formaldehyde solutions—(i) *4% and above.*

☠ Poison ☠

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Give milk, or white of egg beaten with water. Call a Physician Immediately!

(ii) *Below 15%.*

Caution: Harmful if swallowed. May be absorbed through skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing. Wash thoroughly after handling. Avoid storage near food and feed products. Keep out of reach of children (H.P.).

Ethyl bromide—10% and above.

Caution: Harmful Vapor! Avoid prolonged breathing of vapor. Do not use or store near heat or open flame.

Ethylene dibromide—10% and above.

Caution: Harmful by inhalation, swallowing or skin contact. Avoid breathing vapor. Do not get in eyes, on skin, or on clothing. In case of contact immediately remove clothing, incuding shoes, and flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention. Wash clothing and air shoes thoroughly before reuse.

Ethylene dichloride—10% and above.

Warning: Flammable! Harmful if inhaled or swallowed! Keep away from heat and open flame. Avoid breathing vapor. Avoid contact with skin, eyes, and clothing.

Fenuron (phenyl dimethylurea).

Caution: May cause irritation of eyes, nose, throat, and skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing.

Warning: Causes Irritation of Skin, Eyes, Nose and Throat! Do not breathe vapor. Avoid contact with skin, eyes, or clothing. In case of contact, flush with plenty of water; for eyes, get medical attention.

(ii) *Below 4%.*

Caution: Avoid prolonged breathing of vapor.

Heptachlor—(i) 10% and above.

Warning: May Be Fatal If Swallowed! Do not breathe vapor, dust, or spray mist. Do not get on skin. In case of contact wash immediately with soap and water. Do not contaminate feed and foodstuffs.

(ii) *Below 10% for agricultural use.*

Caution: Harmful if swallowed. Avoid inhalation of dust or spray mist. Avoid skin contact, and wash hands, arms, and face with soap and water after using. Avoid contamination of feed and foodstuffs.

(iii) *Fertilizer formulations.*

Caution: Avoid prolonged or repeated inhalation of dust or contact with skin. Wash thoroughly after handling.

Hexachloro-hexahydromethano-2,4,3 - benzodiozothiepin oxide (thiodan)—(i) *60% and above.* Treat as *aldrin* (i).

(ii) *10% to 60%.* Treat as *aldrin* (ii).

(iii) *Below 10%.* Treat as *aldrin* (iii).

Hexaethyl tetraphosphate. Treat on basis of content of tetraethyl pyrophate.

Hydrochloric acid—10% and above (as hydrogen chloride).

Caution: Harmful if swallowed! Do not breathe vapor or fumes. Do not get in eyes, on skin, or on clothing.

NOTE: The word "Poison" together with an internal and external antidote statement as previously required under the Federal Caustic Poisons Act may be used.

Hypochlorites (sodium and potassium hypochlorite solutions)—10% and above.

Caution: Harmful if Swallowed!

NOTE: The word "Poison" together with an internal and external antidote statement as previously required under the Federal Caustic Poisons Act may be used.

Isopropyl N-(3-chlorophenyl) carbamate (CIPC)—50% and above.

Caution: Harmful if Swallowed!

Isopropyl N-phenyl carbamate (IPC)—50% and above.

Caution: Harmful if Swallowed!

2-Isovaleryl-1,3-indandione (PMP) and salts—(i) *Above 6%. Treat as Warfarin* (i).

(ii) *Concentrations from 0.1% to 6%, inclusive.* Treat as *Warfarin* (ii).

(iii) *Finished baits.* Treat as *Warfarin* (iii).

Kerosene sprays (or similar formulations containing other petroleum distillates)—(i) *When sold for household use.*

Caution: Harmful if Swallowed! Keep out of reach of children. Do not use or store near heat or open flame.

(ii) *When recommended for use on animals.*

Caution: Avoid wetting the hides of animals. Do not use or store near heat or open flame.

Lime-sulfur solutions.

To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Lindane (gamma isomer of benzene hexachloride 99% and above)—(i) *Dry formulations for agricultural use, 25% and above.*

Warning: May be Fatal If Swallowed! May Be Absorbed Through Skin! Do not breathe dust or spray mist. Avoid contact with skin and eyes. Wash thoroughly after handling. Avoid contamination of feed and foodstuffs.

(ii) *Dry formulations below 25%.*

Caution: May Be Absorbed Through Skin! Avoid prolonged breathing of dust or spray mist. Avoid contact with skin and eyes. Wash thoroughly after handling. Avoid contamination of feed and foodstuffs. Harmful if swallowed (H.P.). Keep out of reach of children (H.P.).

(iii) *Solutions and emulsions 25% and above.*

Warning: May Be Fatal If Swallowed! May Be Absorbed Through Skin! Do not breathe spray mist. Avoid contact with skin or eyes. In case of contact, wash immediately with soap and water; for eyes, flush with water and get medical attention. Avoid contamination of feed and foodstuffs. Do not use on household pets or humans.

(iv) *Self-propelled sprays, solutions and emulsions below 25%.*

Caution: May be absorbed through skin. Avoid breathing spray mist. Avoid contact with skin. In case of contact, wash immediately with soap and water. Avoid contamination of feed and foodstuffs. Do not use on household pets or humans. Harmful if swallowed (H.P.). Keep out of reach of children (H.P.).

(v) *Dusts suitable for use on animals.*

Caution: May Cause Irritation Of Nose Wash thoroughly after handling. Avoid contamination of feed and foodstuffs.

Malathion (O,O-Dimethyl dithiophosphate of diethylmercaptosuccinate).

Caution: Harmful if swallowed. Avoid prolonged breathing of dust or spray mist. Avoid prolonged or repeated contact with skin; wash thoroughly after using. Avoid contamination of feed and foodstuffs. Keep out of reach of children (H.P.).

NOTE: For dusts and wettable powders below 20% the caution "Harmful if swallowed" may be omitted.

Maneb (manganese ethylenebisdithiocarbamate)—10% and above.

Caution: May be absorbed through skin. And Throat! Do not breathe dust or spray mist.

NOTE: For dust mixtures 50% and above, add: Keep away from fire and sparks.

Mercury compounds—(i) *Inorganic salts (except calomel)—20% and above (based on the percentage of elemental mercury present).*

☠ Poison ☠

Antidote: Give milk or white of egg beaten with water, then a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat milk or white of egg beaten with water. Call A Physician Immediately!

Warning: Do not breathe dust. Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling.

(ii) *Inorganic salts—below 20% (based on the percentage of elemental mercury present).*

Warning: May Be Fatal If Swallowed! Do not breathe dust. Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling.

(iii) *Organic salts.* Due to wide variation in characteristics each product must be considered individually. See also phenyl mercuric acetate.

Mercury, metallic (in ointments)—(i) *20% and above.*

☠ Poison ☠

Antidote: Give milk, or white of egg beaten with water, then a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Repeat milk or white of egg

beaten with water. Call A Physician Immediately!

Warning: May produce irritation of skin and eyes. Application to large areas of skin may cause serious mercury poisoning.

(ii) *Below 20%.*

Warning: May cause irritation of skin and eyes. Application to large areas of skin may cause serious mercury poisoning.

Metaldehyde (technical).

Warning: May be fatal if swallowed. Harmful dust. Avoid breathing dust and vapor. Avoid contact with skin, eyes, and clothing.

Methoxychlor (2,2-bis[p-methoxyphenyl]-1,1,1-trichloroethane). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Methyl bromide (Technical).

☼ Poison ☼

Antidote: Remove victim to fresh air immediately. Keep victim lying down and warm. Give artificial respiration if breathing has stopped. Call A Physician Immediately!

Warning: Poisonous Liquid and Vapor! Contact with liquid may produce burns. Do not breathe vapor. Wear a full-face gas mask with black canister meeting specifications of the U.S. Bureau of Mines for organic vapors. Do not get in eyes, on skin, or on clothing. In case of contact, immediately remove all contaminated clothing including shoes. Wash skin thoroughly with soap and water and flush eyes with water for at least 15 minutes. Get medical attention. Do not reuse shoes or clothing until free of all contamination.

Methyl chloride. (Technical).

Warning: Flammable! May Be Fatal If Inhaled. Contact with liquid may produce burns. Do not breathe vapor. Do not get in eyes or on skin. Do not use or store near heat or open flame.

2-Methyl 4-chlorophenoxyacetic acid—(1) *Acid and salts—20% and above.*

Caution: Avoid inhaling dust. Avoid contact with skin, eyes, or clothing.

(ii) *Organic esters and amine salts.*

Caution: Avoid contact with skin, eyes, or clothing.

NOTE: Added warning statements regarding danger to crops through drifting dusts, sprays, or vapors should be used on all labels of 2-Methyl 4-chlorophenoxyacetic acid formulations.

Methylene chloride—(1) *Technical.*

Caution: Harmful if swallowed! Avoid prolonged or repeated breathing of vapor. Avoid prolonged or repeated contact with skin.

(ii) *Self-propelled sprays.*

Caution: Avoid prolonged or repeated breathing of vapor. Avoid prolonged or repeated contact with skin. Keep out of reach of children.

Monuron 3-(p-chlorophenyl)-1,1-dimethylurea.

Caution: May cause irritation of eyes, nose, throat, and skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing.

1-Naphthyl N-methylcarbamate (Sevin)—(1) *Above 50%.*

Caution: Harmful if swallowed or inhaled. Avoid breathing of dust or spray mist. Avoid prolonged or repeated contact with skin; wash thoroughly after handling. Wear clean clothing. Avoid storage near feed and food products.

(ii) *50% and below.*

Caution: Harmful if swallowed. Avoid prolonged breathing of dust or spray mist. Avoid prolonged or repeated contact with skin; wash thoroughly after using. Avoid storage near feed and food products. Keep out of reach of children (H.P.).

N-1 Naphthyl phthalamic acid. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Neburon 1-Butyl-3-(3,4-dichlorophenyl)-1-methylurea.

Caution: May cause irritation of eyes, nose, throat, and skin. Avoid breathing dust or spray mist. Avoid contact with skin, eyes, and clothing.

Nicotine and its salts—(1) *5% and above.*

☼ Poison ☼

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm. Give strong tea or coffee. Give artificial respiration if breathing has stopped. Call a Physician Immediately!

Warning: Poisonous by Swallowing, Inhalation or Skin Contact! Do not breathe vapor, dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact, immediately flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention. Remove and wash clothing before reuse.

NOTE: Directions for use should include instructions for appropriate respiratory protection.

(ii) *1% to 5% solutions, and 2% to 5% dusts.*

Warning: May Be Fatal If Swallowed, Inhaled or Absorbed Through Skin! Do not breathe vapor, dust or spray mist. Avoid contact with eyes, skin or clothing. In case of contact, flush with plenty of water; for eyes, get medical attention.

NOTE: Directions for use should include instructions for appropriate respiratory protection.

(iii) *Solutions below 1%.*

Caution: Harmful If Swallowed! Avoid breathing vapor, or spray mist. Avoid contact with eyes, skin, or clothing. Avoid contamination of feed and foodstuffs. Keep away from children.

(iv) *Dusts below 2%.*

Caution: Irritating Dust!

Nitrobenzene (oil of Mirbane)—(1) *25% and above.*

☼ Poison ☼

Antidote: If swallowed. Give a tablespoonful of salt in a glass of warm water and and repeat until vomit fluid is clear.

External. Wash thoroughly with soap and warm water. Call A Physician Immediately!

Warning: Poisonous If Swallowed Or Absorbed Through Skin! Do not breathe vapor, fumes or spray mist. Do not get in eyes, on skin or on clothing.

(ii) *Below 25%.*

Warning: May be Fatal If Swallowed Or Absorbed Through Skin! Do not breathe vapor, fumes or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling.

2-Nitro-1,1-bis (p-chlorophenyl) butane or 2-Nitro-1,1-bis (p-chlorophenyl propane (Dilan), or mixtures of these—(1) *25% and above.*

Caution: May Cause Irritation Of Skin and Eyes! May Be Absorbed Through Skin! In case of contact, wash skin thoroughly with warm water and soap; for eyes, wash with running water for 15 minutes and get medical attention. Avoid contamination of feed and foodstuffs.

(ii) *Below 25%.*

Caution: May cause irritation of skin and eyes! May be absorbed through skin! Avoid prolonged breathing of dust or spray mist. Avoid contamination of feed and foodstuffs. Wash thoroughly after using.

Octyl-bicyclo-heptene-dicarboximide. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

N-Octylsulfoxide of isosafrole. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Orthodichlorobenzene—10% and above.

Caution: Avoid prolonged breathing of vapor. Avoid contact with eyes, skin, or clothing. Wash thoroughly after using.

Ovex (p-chlorophenyl-p-chlorobenzene sulfonate)—(1) *Wettable powder, 80% and above.*

Caution: May cause skin irritation. Avoid prolonged or repeated contact with skin. Avoid inhaling dust or spray mist.

(ii) *Aerosols, 10%, and above, with methyl chloride as propellent.*

Warning: Flammable! May Be Fatal If Inhaled! Do not use or store near heat or open flame. Use only while using a full-face mask with canister approved by the U.S. Bureau of Mines for organic vapors. Wash hands, arms, and face immediately after using.

Paints, containing insecticides, fungicides, etc. Treat as oil solutions, emulsions or on basis of formulation toxicity.

Paradichlorobenzene—Use in vacuum cleaner attachments.

Caution: Avoid prolonged breathing of vapor and spray. Avoid contact with eyes. Rooms with treated furniture should be well ventilated before occupancy.

Parathion (O,O-Diethyl O,p-nitrophenyl thiophosphate)—(1) *Above 2% (except aerosols; see below).*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact remove contaminated clothing and immediately wash skin with soap and water.

Warning Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes, on skin, or on clothing. Wear natural rubber gloves, protective clothing and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for parathion protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticide and volatile residues have dissipated. Do not contaminate feed and foodstuffs. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(ii) *Dusts, 2% and below.*

Warning: May Be Fatal If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes, on skin, or on clothing. Wear natural rubber gloves, protective clothing and goggles. In case of contact wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for parathion protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticide and volatile residues have dissipated. Do not contaminate feed and foodstuffs. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(iii) *Aerosols—greenhouse use.*

☼ Poison ☼

Antidotes: Internal. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash thoroughly with soap and water.

Warning: Poisonous If Inhaled or Absorbed Through Skin! Do not get on skin. Use only while wearing a full-face mask of a type passed by the U.S. Department of Agriculture for parathion protection. Replace canister as directed. Wear protective clothing and natural rubber gloves. Wash hands, arms and face with soap and water after using the bomb. Wash contaminated clothing with soap and hot water before reuse. Do not contaminate feed and foodstuffs.

Pentachlorophenol—(1) *5% and above (except oil solutions or emulsions).*

Caution: Harmful if inhaled or swallowed! Do not breathe dust. Avoid contact with eyes, skin or clothing. Wash thoroughly after handling.

(ii) *Oil solutions or emulsions 3% and above.*

Caution: Harmful if swallowed or absorbed through skin! Causes skin irritation! Do not breathe vapor or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling.

(iii) *Sodium pentachlorophenate—3% and above.*

Caution: Causes skin irritation. Harmful if swallowed. Do not breathe dust or spray mist. Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling.

Peroxyacetic acid—For a 40% aqueous solution.

Warning: Oxidizing Agent! May Be Fatal If Swallowed! May produce severe burns. Store in a cool place away from combustible material. Avoid inhalation of vapor or contact of the undiluted material with the skin. Wear rubber gloves when handling the concentrate. In case of contact, wash thoroughly with plenty of water.

Phenols (including phenol, cresol, cresylic acid). The following will be considered as minimum precautionary labeling except that, where there is adequate evidence of presence of alkyl substitutions greater than one methyl group, lower requirements may be permitted on the basis of evidence submitted as to reduce toxicity.

(i) *10% and above.*

Warning: May Be Fatal If Swallowed or Absorbed Through Skin! May Produce Severe Burns! Do not get in eyes, on skin, or on clothing. Avoid breathing spray mist. Wash thoroughly after handling.

(ii) *2% to 10%.*

Caution: Harmful if Swallowed! Avoid contact with skin, eyes and clothing. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs (H.P.). Keep away from children and domestic animals.

(iii) *Chlorophenyl phenol and sodium o-phenyl phenate 5% and above.*

Caution: Harmful if Swallowed!

NOTE: The word "Poison" together with an internal and external antidote statement as previously required under the Federal Caustic Poisons Act may be used.

Phenylmercuric acetate—(1) *5% and above.*

☼ Poison ☼

Antidotes: If swallowed. Give milk or white of egg beaten with water, then a tablespoonful of salt in a glass of warm water, and repeat until vomit fluid is clear. Repeat milk or white of egg beaten with water. Call a Physician Immediately!

If on skin. Wash immediately with soap and warm water.

If in eyes. Flush with water for at least 15 minutes, and get medical attention.

Warning: May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling.

(ii) *Below 5%.*

Warning: May Be Fatal If Swallowed! May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact, wash skin with soap and water; for eyes, flush with water for at least 15 minutes, and get medical attention. Wash thoroughly after handling.

NOTE: See also Mercury compounds, Organic salts (iii).

Phorate (O,O-diethyl-S-(ethylthiomethyl) phosphorodithioate.

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact, remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phorate protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticide and volatile residues have dissipated. Do not store near feed and food products. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

Phosphamidon (chloro diethylcarbamoyl methylvinyl dimethyl phosphate)—(1) *Above 2%.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Do not get on skin or on clothing. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs (H.P.). Keep away from children and domestic animals.

(ii) *Below 2%.*

Caution: Harmful if Swallowed! Avoid contact with skin, eyes and clothing. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs (H.P.). Keep away from children and domestic animals.

(iii) *Chlorophenyl phenol and sodium o-phenyl phenate 5% and above.*

Caution: Harmful if Swallowed!

NOTE: The word "Poison" together with an internal and external antidote statement as previously required under the Federal Caustic Poisons Act may be used.

Phenylmercuric acetate—(1) *5% and above.*

☼ Poison ☼

Antidotes: If swallowed. Give milk or white of egg beaten with water, then a tablespoonful of salt in a glass of warm water, and repeat until vomit fluid is clear. Repeat milk or white of egg beaten with water. Call a Physician Immediately!

If on skin. Wash immediately with soap and warm water.

If in eyes. Flush with water for at least 15 minutes, and get medical attention.

Warning: May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling.

(ii) *Below 5%.*

Warning: May Be Fatal If Swallowed! May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact, wash skin with soap and water; for eyes, flush with water for at least 15 minutes, and get medical attention. Wash thoroughly after handling.

NOTE: See also Mercury compounds, Organic salts (iii).

Phorate (O,O-diethyl-S-(ethylthiomethyl) phosphorodithioate.

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact, remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phorate protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticides and volatile residues have dissipated. Do not store near feed and food products. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

Phosphamidon (chloro diethylcarbamoyl methylvinyl dimethyl phosphate)—(1) *Above 2%.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get on skin or on clothing. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs (H.P.). Keep away from children and domestic animals.

(ii) *Below 2%.*

Caution: Harmful if Swallowed! Avoid contact with skin, eyes and clothing. Avoid breathing spray mist. Avoid contamination of feed and foodstuffs (H.P.). Keep away from children and domestic animals.

(iii) *Chlorophenyl phenol and sodium o-phenyl phenate 5% and above.*

Caution: Harmful if Swallowed!

NOTE: The word "Poison" together with an internal and external antidote statement as previously required under the Federal Caustic Poisons Act may be used.

Phenylmercuric acetate—(1) *5% and above.*

☼ Poison ☼

Antidotes: If swallowed. Give milk or white of egg beaten with water, then a tablespoonful of salt in a glass of warm water, and repeat until vomit fluid is clear. Repeat milk or white of egg beaten with water. Call a Physician Immediately!

If on skin. Wash immediately with soap and warm water.

If in eyes. Flush with water for at least 15 minutes, and get medical attention.

Warning: May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling.

(ii) *Below 5%.*

Warning: May Be Fatal If Swallowed! May Produce Delayed Chemical Burns! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. In case of contact, wash skin with soap and water; for eyes, flush with water for at least 15 minutes, and get medical attention. Wash thoroughly after handling.

NOTE: See also Mercury compounds, Organic salts (iii).

Phorate (O,O-diethyl-S-(ethylthiomethyl) phosphorodithioate.

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact, remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phorate protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticides and volatile residues have dissipated. Do not store near feed and food products. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

Phosphamidon (chloro diethylcarbamoyl methylvinyl dimethyl phosphate)—(1) *Above 2%.*

☼ Poison ☼

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and immediately wash skin with soap and water.

Warning: Poisonous If Swallowed, Inhaled, or

(iii) *Feed supplements.*

Caution: Avoid prolonged or repeated contact with skin. Wash thoroughly after using. Avoid storage near feed and food products.

Rotenone. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Sabadilla powder.

Caution: Avoid breathing dust.

Selenites and selenates—(1) *3% and above.*

☠ Poison ☠

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm. Call a Physician Immediately!

Warning: Do not breathe dust or spray mist. Do not use on or around plants to be used for food. Keep away from children and domestic animals.

(ii) *Below 3%.*

Warning: May Be Fatal If Swallowed! Do not breathe dust or spray mist. Keep away from children and domestic animals. Do not use on or around plants to be used for food.

Sesamin. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Simazine (2-chloro-4,6-bis [ethylamino]-s-triazine). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Sodium fluoroacetate (1080); any concentration.

☠ Poison ☠

Antidote: If swallowed. Speed is essential. Immediately give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Then give two tablespoonfuls of Epsom Salt in water. Have victim lie down and keep warm and quiet. Call a Physician Immediately!

Warning: For Use By Trained Operators Only! Poisonous If Swallowed! May cause secondary poisoning in other animals, so pick up and burn or bury deeply all carcasses of pests killed by 1080. Burn all surplus bait or bait containers. Keep pets and domestic animals confined away from baited areas. Do not contaminate feed and foodstuffs. Keep out of reach of children.

Sodium isopropyl xanthate—50% and above.

Caution: Irritating dust. Avoid breathing dust. Avoid contact with skin and eyes.

Sodium o-phenyl phenate. See under *phenols.*

Sodium trichloroacetate.

Caution: May cause burns. Avoid breathing spray mist. Avoid contact with skin, eyes, and clothing. In case of contact, immediately wash skin with plenty of water; for eyes, wash with water for at least 15 minutes and get medical attention.

Sorbic acid. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Strychnine and its salts.

☠ Poison ☠

Antidote: If less than ten minutes has passed since the poison was taken, give a tablespoonful of salt in a glass of warm water. Have victim lie down in a quiet, darkened room and keep him warm. Call a Physician Immediately!

Warning: Convulsive Poison! Do not contaminate feed and foodstuffs. Keep away from children and domestic animals.

Sulfur. To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Terpene polychlorinates (chlorinated mixture of camphene, pinene and related terpenes, containing 65 to 66% chlorine) (Strobane).

(i) *Dry formulations 25% and above.* Treat as *toxaphene.*

(ii) *Dry formulations below 25%.* Treat as *toxaphene.*

(iii) *Solutions and emulsions.* Treat as *toxaphene.*

(iv) *Self-propelled sprays.* Treat as *toxaphene.*

2-(p-Tertiary-butyl phenoxy) isopropyl-2-chlorethyl sulfite (Aramite)—(1) *Solutions.*

Caution: Harmful if swallowed. Avoid inhalation of spray mist. Do not get on skin, in eyes, or on clothing. Avoid storage near feed and food products.

(ii) *Wettable powders and dusts.*

Caution: Avoid inhalation of dust or spray mist. Do not get on skin, in eyes, or on clothing. Avoid storage near feed and food products.

2,4,5,4-tetrachlorodiphenyl sulfone (Tedion). To be acceptable for registration for the usual uses, no precautionary labeling is required on the basis of this ingredient alone.

Tetraethyl dithionopyrophosphate. Treat on same basis as tetraethyl pyrophosphate.

Tetraethyl pyrophosphate (TEPP)—(1) *1% and above.*

☠ Poison ☠

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm and quiet. Call a Physician Immediately!

If on skin. Wash with large amounts of soap and water.

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin or Eyes! Rapidly Absorbed Through Skin or Eyes. Do not breathe spray mist or dust. Avoid skin or eye contact with concentrated spray, or prolonged contact with diluted spray. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for tetraethyl pyrophosphate protection. Wear natural rubber gloves, protective clothing and goggles. Keep all unprotected persons out of operational area or vicinity where there may be danger of drift until one hour after spraying or dusting is completed.

(ii) *Below 1%.*

Warning: May Be Fatal If Swallowed, Inhaled, or Absorbed Through Skin or Eyes! Rapidly Absorbed Through Skin! Avoid skin or eye contact with concentrated spray, inhalation of spray mist, or prolonged contact with diluted spray. Wear protective clothing, goggles, and a mask or respirator of a type passed by the U.S. Department of Agriculture for tetraethyl pyrophosphate protection. Remove outer garments and wash face, hands, and arms with soap and water before eating or smoking. Keep all unprotected persons out of operational area or vicinity where there may be danger of drift, until one hour after spraying or dusting is completed.

Thallium compounds—(1) *1% and above.*

☠ Poison ☠

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm. Call a Physician Immediately!

Warning: Cumulative Poison! Absorbed through the skin. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling. Keep children and domestic animals away from baited areas and burn all pests killed.

(ii) *Below 1%.*

Warning: May Be Fatal If Swallowed or Absorbed Through Skin! Do not get in eyes, on skin or on clothing. Wash thoroughly after handling. Do not contaminate feed and foodstuffs. Keep children and domestic animals away from baited areas and burn all pests killed.

NOTE: See also Interpretation 22 (§ 362.120).

Thiram (Tetramethylthiuramdisulfide)—20% and above.

Caution: May cause skin irritation. Do not inhale dust. Do not get in eyes or on skin. Wash thoroughly after handling.

Thiocyanates—(1) *B-butoxy,B'-thiocyano diethyl ether—25% concentrate.*

Warning: Harmful if swallowed or absorbed through skin. Do not get in eyes, on skin or on clothing. Wash thoroughly after handling. Do not breathe spray mist.

(ii) *B-butoxy,B'-thiocyano diethyl ether—3% to 25% concentrate.*

Caution: Avoid prolonged contact with skin. Avoid prolonged inhalation of spray mist. Avoid contamination of feed and foodstuffs. (H. P.)

(iii) *B-thiocyano ethyl esters of mixed fatty acids averaging 10 to 18 carbon atoms, 13.2% of B-butoxy B'-thiocyano diethyl ether—25% concentrate.*

Caution: Avoid prolonged contact with skin. Avoid prolonged inhalation of spray mist. Avoid contamination of feed and foodstuffs. (H.P.)

Toxaphene (chlorinated camphene containing 67 to 69% chlorine)—(1) *Dry formulations 25% and above.*

Warning: May Be Fatal If Swallowed! Do not breathe dust or spray mist. Do not get in eyes, on skin or on clothing. Wash thoroughly after using. Do not store near feed and food products. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

(ii) *Dry formulations below 25%.*

Caution: Harmful If Swallowed! Avoid prolonged breathing of dust or spray mist. Avoid contact with eyes, skin and clothing. Wash thoroughly after using. Avoid storage near feed and food products. To protect fish and wildlife, do not contaminate streams, lakes, or ponds with this material.

(iii) *Solutions and emulsions.* Labels should bear precautionary statements covering the combined hazards of toxaphene and solvent.

(iv) *Self-propelled sprays.*

Caution: Do not spray on skin, or animals. Wash with soap and water after using. Avoid inhalation of mist. Avoid contamination of feed and foodstuffs. Remove birds, pets, and fish bowls from rooms being sprayed. Keep out of reach of children.

Trichloroacetic acid.

Caution: Causes Burns! Harmful if swallowed. Avoid breathing spray mist. Avoid contact with eyes, skin, and clothing. In case of contact, immediately wash skin with plenty of soap and water; for eyes, wash with water for at least 15 minutes and get medical attention.

N-trichloromethyl thiophthalimide (phaltan).

Caution: Avoid inhalation of dust or spray mist. Avoid prolonged or repeated contact with skin. Avoid storage near feed and food products.

2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)—(1) *2,4,5-T acid and inorganic salts—20% and above.*

Caution: Avoid inhaling dust. Avoid contact with skin, eyes, or clothing.

(ii) *Organic esters and amine salts.*

Caution: Avoid contact with skin, eyes, or clothing.

NOTE: Added warning statements regarding danger to crops through drifting dusts, spray, or vapors should be used on all labels of 2,4,5–T formulations.

Warfarin (3-[alpha-acetonylbenzyl]-4-hydroxycoumarin) and salts—(1) *Above 3%.*

☠ Poison ☠

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Call a Physician Immediately!

Warning: Keep away from humans, domestic animals and pets. If swallowed by humans, domestic animals, or pets, this material may reduce the clotting ability of the blood and cause bleeding. In such case, intravenous and oral administration of Vitamin K combined with blood transfusions are indicated as in the case of hemorrhage caused by overdoses of bishydroxycoumarin.

(ii) *Concentrations from 0.1% to 3%, inclusive.*

Caution: Keep away from humans, domestic animals, and pets. If swallowed by humans, domestic animals, or pets, this material may reduce the clotting ability of the blood and cause bleeding. In such case, intravenous and oral administration of Vitamin K combined with blood transfusions are indicated as in the case of hemorrhage caused by overdoses of bishydroxycoumarin. Directions for use should include a statement directing placement of baits so as to protect humans, pets, and domestic animals.

(iii) *Finished baits.*—The only requirement is the statement directing placement of baits so as to protect humans, pets, and domestic animals; however, voluntary use of precautionary labeling similar to that required under subdivision (ii) of this subparagraph would not be objectionable.

Zinc phosphide—(1) *10% and above.*

☠ Poison ☠

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm. Call a Physician Immediately!

Warning: Do not breathe dust or fumes. Avoid contact with skin. Wash hands after using. Do not contaminate feed and foodstuffs. Keep away from children and domestic animals.

(ii) *2% to 10%.*

Warning: May Be Fatal If Swallowed! Do not breathe dust or fumes. Avoid contact with skin. Wash hands after using. Do not contaminate feed and foodstuffs. Keep away from children and domestic animals.

(iii) *Below 2%.*

Caution: Harmful If Swallowed! Avoid breathing dust or fumes. Avoid contact with skin. Wash hands after using. Avoid contamination of feed and foodstuffs. (H.P.) Keep away from children and domestic animals.

NOTE: *Rodenticide use, hand broadcast, wear rubber gloves.*

Zinc salts—not elsewhere included—(considered as zinc, not as anions)—5% and above.

Caution: Harmful if swallowed.

Zineb (zinc ethylene bisdithiocarbamate)—10% and above.

Caution: May Cause Irritation of Nose and Throat! Do not breathe dust or spray mist.

NOTE: For dust mixtures 50% and above, add: Keep away from fire and sparks.

Ziram (zinc dimethyl dithiocarbamate)—3% and above.

Caution: May Be Harmful If Swallowed or Inhaled! May cause irritation of eyes, nose, throat, and skin. Avoid contact with eyes, skin, or clothing. Avoid breathing dust or spray mist. In case of contact, flush with plenty of water; for eyes, get medical attention.

NOTE: For dust mixtures 50% and above, add: Keep away from fire and sparks.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d; 19 F.R. 74, as amended, 7 CFR 362.3)

Effective date. This revision of Interpretation 18 shall become effective upon its publication in the FEDERAL REGISTER, when it shall supersede Interpretation 18, Revision I, effective December 21, 1954.

Issued this 5th day of March 1962.

JUSTUS C. WARD,
Director,
Pesticides Regulation Division,
Agricultural Research Service.

[F.R. Doc. 62-2344; Filed, Mar. 8, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 959—ONIONS GROWN IN SOUTH TEXAS

Order Amending Order

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on November 28, 1961, upon proposed amendments to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959; formerly Order No. 133, Part 1033) regulating the handling of onions grown in South Texas. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of this order amending the order beyond the date hereinafter specified in that (1) shipments of production area onions have already begun and the amendments should be made effective as soon as possible so that producers may obtain the benefits of the amendments for their 1962 crop; (2) the provisions of the amendments are well known to handlers in the production area by reason of the public hearing, the recommended decision and the final decision thereon, and the referendum held during the period February 12–17, 1962, when copies of the amendments were mailed to all known parties who may be subject thereto; and (3) the changes effected by this order will not require advance preparation by handlers which cannot be completed prior to the effective date of any regulation issued pursuant thereto. Therefore, it would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter specified (5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping onions covered by the order) who during the representative period (calendar year 1961) handled more than 50 percent of the volume of onions covered by the order have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order amending the order is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period February 12–17, 1962, and who, during the determined representative period (calendar year 1961) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of onions grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, as hereby amended, and such terms and conditions are as follows:

1. Amend § 959.7 *Handle* to read as follows:

§ 959.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run onions to a person in the

production area who is a registered handler.

2. Amend § 959.12 *Pack* to read as follows:

§ 959.12 Pack.

"Pack" means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or any combination of these recommended by the committee and approved by the Secretary.

3. Amend § 959.31 *Alternate members* to read as follows:

§ 959.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

4. Add new subparagraph (5) to § 959.52(b) to read as follows:

§ 959.52 Issuance of regulations.

* * * * *

(b) Such regulations may:

* * * * *

(5) Establish holidays by prohibiting throughout the entire production area the packaging and loading of onions on Sundays.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Issued at Washington, D.C., March 6, 1962, to become effective March 12, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-2342; Filed, Mar. 8, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETATIONS

National Banks; Service Charges

Part 7, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding a new § 7.2 as follows:

§ 7.2 National banks; service charges.

The Comptroller of the Currency has issued formal instructions concerning the service charges of banks as indicated in the following letter addressed to the presidents of all national banks:

To the presidents of all national banks:

So that there may be no misunderstanding with respect to the policy of this Office concerning the service charges of banks, I am issuing these formal instructions to all national banks.

Agreements, arrangements, undertakings, understandings, etc., among banks, through clearing houses or otherwise, concerning service charges are not permissible in any form. It is the responsibility of the Board of Directors of each national bank to terminate promptly any of these practices which it may now be following.

Wherever a national bank has been involved in any of the practices cited, it should now review its scale of service charges independently of any other bank, and take appropriate corporate action to re-establish a scale of service charges independent of any relationships with any other bank. In taking this action, it is appropriate to make such changes in the scale of service charges as are deemed necessary or desirable in the light of the individual bank's costs and competitive position. This review and re-establishment of the scale of service charges should be undertaken, even though there may have been no overt or implicit agreement, wherever there have been discussions of such charges among banks or their officers, either independently or in group meetings, or where the scale of service charges was adopted with knowledge of prospective adoption of similar charges by competitor banks.

It is recognized that identical charges for identical services may occur where there are no agreements or understandings among banks. Nevertheless, wherever this occurs, each national bank must be prepared to demonstrate conclusively that its scale of service charges was decided unilaterally, and not on the basis of any agreement or understanding, or even of discussion, among banks or their officers.

Our examiners have been instructed to explore, regularly and in detail, the methods by which the existing scale of service charges was determined by each national bank. At the time of the next examination of your bank, inquiry shall be made to determine whether appropriate action has been taken, where necessary, to conform to these instructions.

(R.S. 5240; 12 U.S.C. 1, 481)

Dated: March 5, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-2336; Filed, Mar. 8, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1095; Amdt. 404]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 049, 149, 649, 749, 1049, and 1649 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Lockheed 049, 149, 649, 749, 1049, and 1649 Series aircraft in complying with Amendment 138, 25 F.R. 3836 (AD 60-10-4), as amended by Amendment 304, 26 F.R. 6196. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 138, 25 F.R. 3836 (AD 60-10-4) as amended by Amendment 304, 26 F.R. 6196, Lockheed 049, 149, 649, 749, 1049, and 1649 Series aircraft, is further amended by adding the following paragraph (d):

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective March 9, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-2305; Filed, Mar. 8, 1962; 8:45 a.m.]

[Reg. Docket No. 1096; Amdt. 405]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Lockheed 188 Series aircraft in complying with Amendment 175, 25 F.R. 5827, (AD 60-13-2), as amended by Amendment 285, 26 F.R. 4147. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 175, 25 F.R. 5827, (AD 60-13-2), is amended by Amendment 285, 26 F.R. 4147, Lockheed 188 Series aircraft, is further amended by adding the following paragraph before the parenthetical reference statment:

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Central Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective March 9, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-2306; Filed, Mar. 8, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-3]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation of Federal Airway

The purpose of this amendment to Part 600 of the Regulations of the Administrator is to designate low altitude VOR Federal airway No. 819 between Miami, Fla., and Chicago, Ill., as a northbound preferred route.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of simplifying flight planning and segregating opposite direction traffic, thereby providing an increased traffic flow capability. These airways generally coincide with existing low altitude VOR Federal airways and, therefore, do not normally require the designation of additional controlled airspace. It has been determined that an additional 800 series airway would improve air traffic service and simplify flight planning between the Miami and Chicago terminal areas. Therefore, action is taken herein to designate Victor 819 from Miami to Chicago.

This amendment does not involve the designation of additional airspace and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 600 (14 CFR 600) is amended by adding the following section:

§ 600.6819 VOR Federal airway No. 819 (Miami, Fla., Metropolitan Area to the Chicago, Ill., Metropolitan Area); normal traffic flow northbound.

From the Miami, Fla., VORTAC via the LaBelle, Fla., VOR; Lakeland, Fla., VOR; Ocala, Fla., VORTAC; Gainesville, Fla., VOR; Taylor, Fla., VOR; Alma, Ga., VORTAC; INT of the Alma VORTAC 335° and the Dublin, Ga., VOR 137° radials; Dublin VOR; INT of the Dublin VOR 330° and the McDonough, Ga., VORTAC 119° radials; McDonough VORTAC; Chattanooga, Tenn., VORTAC; Crossville, Tenn., VORTAC; New Hope, Ky., VOR; Louisville, Ky., VORTAC; Nabb, Ind., VOR; Shelbyville, Ind., VOR; Lafayette, Ind., VOR; to the Chicago Heights, Ill., VORTAC.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington D.C., on March 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2308; Filed, Mar. 8, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-6]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2354 of the Regulations of the Administrator is to alter the Texarkana, Ark., control zone.

The Texarkana control zone is designated with a 5-mile radius of the Texarkana Municipal Airport, within 2 miles either side of the 129° and 309° True radials of the Texarkana omnirange extending from the 5-mile radius zone to a point 10 miles northwest of the omnirange station; and within 2 miles either side of the north course of the Texarkana radio range extending from the radio range station to a point 10 miles north.

The control zone extension based on the north course of the Texarkana radio range station is no longer required for air traffic control procedures. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2354 (14 CFR 601.2354) is amended to read:

§ 601.2354 Texarkana, Ark., control zone.

Within a 5-mile radius of the Texarkana Municipal Airport (latitude 33°27'-11" N., longitude 93°59'21" W.), and within 2 miles either side of the 129° and 309° radials of the Texarkana VORTAC extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

D. D. THOMAS,
Director, Air Traffic Service.

Issued in Washington, D.C., on March 2, 1962.

[F.R. Doc. 62-2307; Filed, Mar. 8, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-172]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

On September 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9138) stating that the Federal Aviation Agency proposed to extend radar jet advisory service for several jet routes in the vicinity of Denver, Colo.

The Department of the Air Force interposed no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, in § 602.200 Enroute jet advisory areas (26 F.R. 7082, 27 F.R. 338) the text of jet advisory areas is changed as follows:

1. In Jet Route No. 10 Radar and Non-Radar where "150 nmi" appears, substitute "129 nmi".

2. In Jet Route No. 20 Radar and Non-Radar where "120 nmi" appears substitute "150 nmi".

3. In Jet Route No. 30 Radar and Non-Radar where "160 nmi" appears, substitute "177 nmi".

4. Jet Route No. 60 is changed to read:

Jet Route No. 60 jet advisory area. Radar—Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to 174 nmi ENE of Denver; from 50 nmi WSW of Wolbach, Nebr., to Idlewild, N.Y. Nonradar—From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.; from 174 nmi ENE of Denver to 50 nmi WSW of Wolbach, Nebr.

5. In Jet Route No. 80 Radar and Non-Radar where "120 nmi" appears, substitute "168 nmi", and where "70 nmi" appears, substitute "94 nmi".

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2300; Filed, Mar. 8, 1962; 8:45 a.m.]

[Reg. Docket No. 1091; Amdt. 85]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.309 *Red Federal airway 109* is deleted.

Section 610.614 *Blue Federal airway 14* is deleted.

Section 610.656 *Blue Federal airway 56* is deleted.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From *Honolulu, T.H., VOR; to Molokai, T.H., VOR; MEA 5,000. *3,000—MCA Honolulu VOR, eastbound.

From Banana INT, T.H.; to Makapun Pt., T.H. LF/RBN; northbound, MEA 2,000; southbound, MEA 4,500.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Johnson City INT, Tex.; to Capitol INT, Tex.; MEA *3,000. *2,700—MOCA.

Route 1

From Ramey, P.R., VOR; to Utah INT, P.R.; MEA *2,500. *1,900—MOCA.

Route 2

From Texas INT, P.R.; to Ramey, P.R., VOR; MEA 2,400.

From Ramey, P.R., VOR; to San Juan, P.R., VOR; MEA 2,400.

From San Juan, P.R., VOR; to *Isle Verde INT, P.R.; MEA 2,100. *3,600—MCA Isle Verde INT, eastbound.

From Isle Verde INT, P.R.; to *Fajardo INT, P.R.; MEA 3,600. *2,400—MCA Fajardo INT, westbound.

From Culebra INT, P.R.; to St. Thomas, V.I., VOR; MEA 2,600.

From St. Thomas, V.I., VOR; to St. Croix, V.I., VOR; MEA, 2,600.

Route 3

From San Juan, P.R., VOR; to *Mangrove INT, P.R.; MEA 1,700. *2,500—MRA.

From Mangrove INT, P.R.; to *Marlin INT, P.R.; MEA 1,000. *2,500—MRA.

From Marlin INT, P.R.; to *Steelhead INT, P.R.; MEA **3,800. *3,800—MRA. **1,000—MOCA.

Route 4

From *Idaho INT, P.R.; to Ramey, P.R., VOR; MEA 1,900. *8,000—MRA.

From Ramey, P.R., VOR; to Midway INT, P.R.; MEA 5,600.

From Midway INT, P.R.; to *Point Tuna INT, P.R.; MEA **8,700. *8,700—MCA Point Tuna INT, Northwestbound. **4,400—MOCA.

From Point Tuna INT, P.R.; to Vieques INT, P.R.; MEA 3,300.

Route 5

From Ramey, P.R., VOR; to Brownson INT, P.R.; MEA 1,900.

Route 6

From San Juan, P.R., VOR; to Coral INT, P.R.; MEA 1,700.

Route 7

From Georgia INT, P.R.; to Point Tuna INT, P.R.; MEA *6,000. *2,400—MOCA.

From Point Tuna INT, P.R.; to San Lorenzo INT, P.R.; MEA 3,300.

From San Lorenzo INT, P.R.; to San Juan, P.R., VOR; MEA 3,800.

From San Juan, P.R., VOR; to Greenwater INT, P.R.; MEA 1,500.

From Greenwater INT, P.R.; to *Lobster INT, P.R.; MEA 1,000. *2,500—MRA.

From Lobster INT, P.R.; to Dolphin INT, P.R.; MEA *2,500. *1,000—MOCA.

Route 9

From *Iowa INT, P.R.; to **Isabel INT, P.R.; MEA ***6,600. *6,600—MRA. **5,600—MRA. ***1,700—MOCA.

From Isabel INT, P.R.; to Midway INT, P.R.; MEA *5,000. *3,500—MOCA.

From Midway INT, P.R.; to *Guaynabo INT, P.R.; MEA 4,500. *4,500—MRA.

From Guaynabo INT, P.R.; to San Juan, P.R., VOR; MEA 3,400.

From San Juan, P.R., VOR; to *Caribbean INT, P.R.; MEA 1,500. *2,500—MRA.

From Caribbean INT, P.R.; to *Pacific INT, P.R.; MEA 1,000. *2,500—MRA.

From Pacific INT, P.R.; to *Atlantic INT, P.R.; MEA **2,500. *2,500—MRA. **1,000—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Snapper INT, Fla.; to *Squid INT, Fla., via Control 1150; MEA 14,000. *14,000—MRA.

From *Titusville INT, Fla.; to Squid INT, Fla., via Control 1150; MEA 11,000. *4,000—MRA.

From Flounder INT, Fla.; to *Snapper INT, Fla., via Control 1150; MEA 3,500. *8,000—MRA.

From Guppy INT, Fla.; to *Fisher INT, Fla., via Control 1150; MEA 2,000. *2,500—MRA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *2,000—MRA.

From Jacksonville, Fla., VOR, via W alter.; to Waverly INT, Ga., via W alter.; MEA 1,300.

From Waverly INT, Ga., via W alter.; to Brunswick, Ga., VOR, via W alter.; MEA 1,200.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Lotail INT, Wash.; to *Seattle, Wash., VOR; southeastbound, MEA 3,000; northwestbound, MEA 5,000. *4,000—MCA Seattle VOR, southeastbound.

From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 3,600.

From Salina, Kans., VOR; to Fort Riley, INT, Kans.; MEA 3,100.

From Fort Riley INT, Kans.; to Topeka, Kans., VOR; MEA 3,000.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Dade City INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,500—MOCA.

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Lobster INT, Fla., via W alter.; to Teresa INT, Fla., via W alter.; MEA *5,000. *1,100—MOCA.

From Teresa INT, Fla., via W alter.; to Creek INT, Fla., via W alter.; MEA *5,000. *1,300—MOCA.

From Creek INT, Fla., via W alter.; to Marianna, Fla., VOR, via W alter.; MEA *2,000. *1,200—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Naperville, Ill., VOR; to *Elgin INT, Ill.; MEA 2,300. *2,500—MRA.

From Elgin INT, Ill.; to Marengo INT, Ill.; MEA 2,300.

From Harvard INT, Ill.; to *Elkhorn INT, Wis.; MEA 2,500. *3,000—MRA.

From Elkhorn INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

From Memphis, Tenn., VOR; to *Driver INT, Ark.; MEA **3,000. *3,000—MRA. **2,300—MOCA.

From Driver INT, Ark.; to Blytheville, Ark., VOR; MEA *3,000. *2,300—MOCA.

From Blytheville, Ark., VOR; to *Holland INT, Ark.; MEA *3,000. *3,000—MRA. **1,700—MOCA.

From Holland INT, Ark.; to Malden, Mo., VOR; MEA *3,000. *1,700—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to delete:

From Memphis, Tenn., VOR; to Gilmore INT, Ark.; MEA *2,000. *1,700—MOCA.

Section 610.6013 *VOR Civil airway 13* is amended to read in part:

From Lufkin, Tex., VOR; to Carthage INT, Tex.; MEA *3,000. **1,700—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Hobart, Okla., VOR; to *Washita INT, Okla.; MEA 3,100. *4,000—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Cochise, Ariz., VOR; to Animas INT, N. Mex.; MEA 11,000.

From Animas INT, N. Mex.; to *Cedar INT, N. Mex.; eastbound, MEA 9,000; westbound, MEA 11,000. *11,000—MCA Cedar INT, westbound.

From Cedar INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From San Antonio, Tex., VOR; to *Mission INT, Tex.; MEA 3,000. *3,200—MRA.

From Mission INT, Tex.; to Austin, Tex., VOR; MEA 3,000.

From Cotulla, Tex., VOR; to *Millett INT, Tex.; MEA **2,500. *4,500—MRA. **1,600—MOCA.

From Millett INT, Tex.; to *Leming INT, Tex.; MEA **2,500. *2,500—MRA. **1,600—MOCA.

From Leming INT, Tex.; to Losoya INT, Tex.; MEA *2,300. *2,100—MOCA.

From Losoya INT, Tex.; to San Antonio, Tex., VOR; MEA *2,300. *2,200—MOCA.

From San Antonio, Tex., VOR; to *Mission INT, Tex.; MEA **3,000. *3,200—MRA. **2,600—MOCA.

From Mission INT, Tex.; to *Buda INT, Tex.; MEA **3,000. *3,200—MRA. **2,600—MOCA.

From Buda INT, Tex.; to Austin, Tex., VOR; MEA 3,000.

From San Antonio, Tex., VOR, via W alter.; to Bergheim INT, Tex., via W alter.; MEA *3,100. *2,600—MOCA.

From Bergheim INT, Tex., via W alter.; to Blanco INT, Tex., via W alter.; MEA *3,300. *2,800—MOCA.

From Blanco INT, Tex., via W alter.; to Cedar Valley INT, Tex., via W alter.; MEA *3,200. *2,700—MOCA.

From Cedar Valley INT, Tex., via W alter.; to Austin, Tex., VOR, via W alter.; MEA 3,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Shreveport, La., VOR, via S alter.; to Int. 216 M rad Monroe VOR and 109 M rad Shreveport VOR, via S alter.; MEA *2,000. *1,900—MOCA.

From Int. 261 M rad Monroe VOR and 109 M rad Shreveport VOR, via S alter.; to Monroe, La., VOR, via S alter.; MEA *2,000. *1,500—MOCA.

From Monroe, La., VOR; to *Redwood INT, Miss.; MEA **2,000. *3,600—MRA. **1,700—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to Rainier INT, Wash.; MEA 5,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Pacific INT, Calif.; to Wilmington INT, Calif.; MEA 4,000.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 3,000. *2,500—MCA Pine Grove INT, northwestbound.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From Colts Neck, N.J., VOR; to Int. 089 M rad Colts Neck, VOR and 224 M rad Idlewild VOR; MEA 2,000.

From Poe INT, Mass.; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6033 *VOR Federal airway 33* is amended by adding:

From Deep Creek INT, Va.; to Harcum, Va., VOR; MEA 2,100.

From Harcum, Va., VOR; to Coles Point INT, Va.; MEA 1,400.

From Coles Point INT, Va.; to Nottingham, Md., VOR; MEA 1,300.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Richey INT, Fla.; MEA 1,300. *2,500—MRA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Erie, Pa., VOR; to U.S.-Canadian Border; MEA 2,000.

From Savannah, Ga., VOR; to Allendale, S.C., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6038 *VOR Federal airway 38* is amended to read in part:

From Parkersburg, W. Va., VOR; to St. Marys INT, W. Va.; MEA *3,500. *2,500—MOCA.

From St. Marys INT, W. Va.; to *Benson INT, W. Va.; MEA 3,500. *5,000—MCA Benson INT, eastbound.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Greensboro, N.C., VOR; to Pine Hall INT, N.C.; MEA *3,000. *2,300—MOCA.

From Pine Hall INT, N.C.; to Pulaski, Va., VOR; MEA 6,000.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Key West, Fla., VOR; to Hondo INT, Fla.; MEA *2,000. *1,200—MOCA.

From Crabapple INT, Ga., via E alter.; to *Nelson INT, Ga., via E alter.; MEA **4,000. *5,000—MCA Nelson INT, northbound. **3,500—MOCA.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Indianapolis, Ind., VOR; to Linden INT, Ind.; MEA 2,200.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR, via S alter.; to *Miller INT, Miss., via S alter.; MEA 1,500. *2,000—MRA.

From Miller INT, Miss., via S alter.; to Holly Springs, Miss., VOR, via S alter.; MEA *2,000. *1,500—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Nero INT, Wis., to *Pine Grove INT, Wis.; MEA 2,000. *2,500—MCA Pine Grove INT, northwestbound.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *Heath INT, Ariz.; to Animas INT, N. Mex.; MEA 11,000. *10,000—MCA Heath INT, northeastbound.

From Animas INT, N. Mex.; to *Cedar INT, N. Mex.; eastbound, MEA 9,000; westbound, MEA 11,000. *11,000—MCA Cedar INT, westbound.

From Cedar INT, N. Mex., to Columbus, N. Mex., VOR; MEA 9,000.

From By Pass INT, Tex., to *Jack INT, Tex.; MEA **4,500. *4,500—MRA. **3,800—MOCA.

From Jack INT, Tex.; to *Lazy X INT, Tex.; MEA **7,000. *4,400—MRA. **3,800—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Junction, Tex., VOR; to Doss INT, Tex.; MEA *3,600. *3,400—MOCA.

From Doss INT, Tex.; to *Comfort INT, Tex.; MEA **3,900. *5,700—MRA. **3,400—MOCA.

From Comfort INT, Tex.; to Boerne INT, Tex.; MEA 3,000.

From Boerne INT, Tex.; to Van Raub INT, Tex.; MEA *3,000. *2,800—MOCA.

From Van Raub INT, Tex.; to San Antonio, Tex., VOR; MEA *3,000. *2,500—MOCA.

From San Antonio, Tex., VOR; to Eastwood INT, Tex.; MEA *2,700. *2,200—MOCA.

From Eastwood INT, Tex.; to *McCoy INT, Tex.; MEA 3,000. *3,000—MRA.

From McCoy INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **1,600—MOCA.

Section 610.6073 *VOR Federal airway 73* is amended to read in part:

From Hutchinson, Kans., VOR; to Groveland INT, Kans.; MEA 2,800.

From Groveland INT, Kans.; to Salina, Kans., VOR; MEA 3,400.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Austin, Tex., VOR; to *Paige INT, Tex.; MEA 2,000. *2,500—MRA.

From Llano, Tex., VOR, via S alter.; to Granite Shoals INT, Tex., via S alter.; MEA *3,000. *2,500—MOCA.

From Granite Shoals INT, Tex., via S alter.; to Capitol INT, Tex., via S alter.; MEA *3,000. *2,700—MOCA.

From Capitol INT, Tex., via S alter.; to Austin, Tex., VOR, via S alter.; MEA 3,000.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Cottula, Tex., VOR; to Dilley INT, Tex.; MEA *3,000. *2,000—MOCA.

From Dilley INT, Tex.; to *Sabinal INT, Tex.; MEA **3,000. *5,500—MRA. **1,800—MOCA.

From Sabinal INT, Tex.; to Haby INT, Tex.; MEA *4,700. *2,500—MOCA.

Section 610.6091 *VOR Federal airway 91* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

From Glens Falls, N.Y., VOR; to Benson INT, Vt.; MEA 4,500.

From Benson INT, Vt.; to *Ferrisburg INT, Vt.; MEA 4,000. *6,000—MRA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Jamestown INT, La.; to Monroe, La., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From La Belle, Fla., VOR; to St. Petersburg, Fla., VOR; MEA *2,000. *1,500—MOCA.

From Crabapple INT, Ga.; to *Nelson INT, Ga.; MEA **4,000. *5,000—MCA Nelson INT, northbound. **3,500—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended by adding:

From Lakewood INT, Ill.; to Woodstock INT, Ill.; MEA 2,200.

From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA 2,300.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From *Los Angeles, Calif., VOR; to Bay INT, Calif.; westbound, MEA 5,000; eastbound, MEA 4,000. *2,400—MCA Los Angeles VOR, westbound.

From Bay INT, Calif.; to *Fillmore, Calif., VOR; MEA 5,000. *8,800—MCA Fillmore VOR, northwestbound.

From *Los Angeles, Calif., VOR, via W alter.; to Bay INT, Calif., via W alter.; westbound, MEA 5,000; eastbound, MEA 4,000. *2,400—MCA Los Angeles VOR, westbound.

From Bay INT, Calif., via W alter.; to Oxnard, Calif., VOR, via W alter.; MEA 5,000.

From Oxnard, Calif., VOR, via W alter.; to Fillmore, Calif., VOR, via W alter.; MEA 5,000.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From The Dalles, Oreg., VOR; to *Ione INT, Oreg.; MEA 4,000. *7,000—MRA.

From Ione INT, Oreg.; to *Echo INT, Oreg.; MEA, 4,000. *5,000—MRA.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Gregg County, Tex., VOR; to Carthage INT, La.; MEA 2,300.

Section 610.6120 *VOR Federal airway 120* is amended by adding:

From Great Falls, Mont., VOR, via N alter.; to *Shonkin INT, Mont., via N alter.; MEA 8,000. *10,000—MCA Shonkin INT, southeastbound.

From Shonkin INT, Mont., via N alter.; to Lewistown, Mont., VOR, via N alter.; MEA 10,000.

Section 610.6128 *VOR Federal airway 128* is amended to read in part:

From Linden INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,200.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Saginaw, Mich., VOR; to *Lake City INT, Mich.; MEA **3,100. *4,000—MRA. **2,300—MOCA.
From Lake City INT, Mich.; to Traverse City, Mich., VOR; MEA *3,100. *2,300—MOCA.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Sea Isle, N.J., VOR; to Bluefish INT, N.J.; MEA 5,000.
From Bluefish INT, N.J.; to Nassau INT, N.Y.; MEA 6,000.
From Nassau INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From *Pampa INT, Okla., via N alter.; to Sayre, Okla., VOR, via N alter.; MEA **4,900. *6,000—MRA. **4,500—MOCA.
From Sayre, Okla., VOR; to Weatherford INT, Okla.; MEA 3,500.
From Coyle, N.J., VOR; to Int. 107 M rad Robbinsville, N.J., VOR and 224 M rad Idlewild VOR; MEA 1,500.
From Int. 107 M rad Robbinsville, N.J., VOR and 224 M rad Idlewild VOR; to Idlewild, N.Y., VOR; MEA 1,500.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Nantucket, Mass., VOR; to Brewster INT, Mass.; MEA 1,700.
From Brewster INT, Mass.; to Hyannis, Mass., VOR; MEA 1,500.

Section 610.6146 *VOR Federal airway 146* is amended to read in part:

From Martha's Vineyard, Mass., VOR; to Nantucket, Mass., VOR; MEA 1,700.

Section 610.6153 *VOR Federal airway 153* is amended to read in part:

From Int. 124 M rad Stillwater VOR and 061 M rad Solberg, N.J., VOR; to Stillwater, N.J., VOR; MEA 2,500.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Montgomery, Ala., VOR, via S alter.; to Midway INT, Ala., via S alter.; MEA *2,000. *1,700—MOCA.
From Midway INT, Ala., via S alter.; to Columbus, Ga., VOR, via S alter.; MEA 2,000.
From Statesboro INT, Ga., via N alter.; to Savannah, Ga., VOR, via N alter.; MEA 1,500.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Key West, Fla., VOR; to Hondo INT, Fla.; MEA *2,000. *1,200—MOCA.
From Hondo INT, Fla.; to Harvey INT, Fla.; MEA *2,500. *1,100—MOCA.
From Harvey INT, Fla.; to Miami, Fla., VOR; MEA *2,000. *1,100—MOCA.
From La Belle, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,600—MOCA.
From Webster INT, Fla.; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.
From Robbinsville, N.J., VOR; to Int. 107 M rad Robbinsville VOR and 224 M rad Idlewild, N.Y., VOR; MEA 1,500.
From Int 107 M rad Robbinsville VOR and 224 M rad Idlewild, N.Y., VOR; to Idlewild, N.Y., VOR; MEA 1,600.
From Richmond, Va., VOR; to Epworth INT, Va.; MEA *1,500. *1,300—MOCA.
From Epworth INT, Va.; to Bagby INT, Va.; MEA 1,500.
From Bagby INT, Va.; to *Grubbs INT, Va.; MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Grubbs INT, Va.; to *Ironsides INT, Md., MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Ironsides INT, Md.; to Doncaster INT, Md.; MEA *2,000. *1,400—MOCA.
From Doncaster INT, Md.; to Washington, D.C., VOR; MEA *1,500. *1,400—MOCA.

Section 610.6156 *VOR Federal airway 156* is amended to read in part:

From Richmond, Va., VOR; to *New Kent INT, Va.; MEA **2,000. *2,000—MRA. **1,400—MOCA.
From New Kent INT, Va.; to Harcum, Va., VOR; MEA *2,000. *1,300—MOCA.
From Harcum, Va., VOR; to *Mathews INT, Va.; MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Mathews INT, Va.; to Cape Charles, Va., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Albany, Ga., VOR; to *Shellman INT, Ga.; MEA **2,200. *2,800—MRA. **1,700—MOCA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From *Johnson City INT, Tex.; to **Willow City INT, Tex.; MEA ***4,000. *3,000—MRA. **4,000—MRA. ***2,900—MOCA.
From San Antonio, Tex., VOR via W alter.; to Guadalupe INT, Tex., via W alter.; MEA 2,600.
From Alice, Tex., VOR; to Three Rivers INT, Tex.; MEA 2,200.
From Three Rivers INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **1,600—MOCA.
From Essen INT, Tex.; to *McCoy INT, Tex.; MEA 3,000. *3,000—MRA.
From McCoy INT, Tex.; to Eastwood INT, Tex.; MEA *2,700. *2,200—MOCA.
From Eastwood INT, Tex.; to San Antonio, Tex., VOR; MEA *3,000. *2,500—MOCA.
From San Antonio, Tex., VOR; to Berheim INT, Tex.; MEA *3,100. *2,600—MOCA.
From Berheim INT, Tex.; to Johnson City INT, Tex.; MEA *3,300. *2,800—MOCA.
From Johnson City INT, Tex.; to Willow City INT, Tex.; MEA *4,000. *2,900—MOCA.
From Willow City INT, Tex.; to Kingsland INT, Tex.; MEA *4,000. *2,000—MOCA.
From Tilden INT, Tex., via W alter.; to Christine INT, Tex., via W alter.; MEA *3,000. *1,500—MOCA.
From Christine INT, Tex., via W alter.; to *Leming INT, Tex., via W alter.; MEA **2,200. *2,500—MRA. **1,500—MOCA.
From Leming INT, Tex., via W alter.; to Losoya INT, Tex., via W alter.; MEA *2,300. *2,100—MOCA.
From Losoya INT, Tex., via W alter.; to San Antonio, Tex., VOR, via W alter.; MEA *2,300. *2,200—MOCA.
From San Antonio, Tex., VOR via W alter.; to Guadalupe INT, Tex., via W alter.; MEA *3,100. *2,600—MOCA.
From Guadalupe INT, Tex., via W alter.; to Llano, Tex., VOR via W alter.; MEA *4,000. *3,000—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Charlotte INT, Ill.; to *Thomson INT, Ill.; MEA 2,200. *2,700—MRA.
From Thomson INT, Ill.; to Polo, Ill., VOR; MEA 2,200.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR, via S alter.; to *Miller INT, Miss., via S alter.; MEA 1,500. *2,000—MRA.
From Miller INT, Miss., via S alter.; to Holly Springs, Miss., VOR via S alter.; MEA 1,500.

Section 610.6177 *VOR Federal airway 177* is amended to read in part:

From Naperville, Ill., VOR; to *Elgin INT, Ill.; MEA 2,300. *2,500—MRA.
From Elgin INT, Ill.; to Marengo INT, Ill.; MEA 2,300.

Section 610.6179 *VOR Federal airway 179* is amended to read in part:

From Paducah, Ky., VOR; to Marion INT, Ill.; MEA 2,500.
From Marion INT, Ill.; to Centralia, Ill., VOR; MEA 2,000.

Section 610.6180 *VOR Federal airway 180* is amended to read in part:

From *Smithville INT, Tex.; to La Grange INT, Tex.; MEA **3,000. *2,600—MRA. **2,000—MOCA.
From La Grange INT, Tex.; to Eagle Lake, Tex., VOR; MEA *3,100. *1,600—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Savannah, Ga., VOR, via W alter.; to Statesboro INT, Ga., via W alter.; MEA 1,500.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Norfolk, Va., VOR; to *Mathews INT, Va.; MEA 1,500. *2,000—MRA.
From Mathews INT, Va.; to Gwynn INT, Va.; MEA 1,500.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From San Simon, Ariz., VOR; to Animas INT, N. Mex.; northwestbound, MEA 9,000; southeastbound, MEA 11,000.
From Animas INT, N. Mex.; to *Cedar INT, N. Mex.; eastbound, MEA 9,000; westbound, MEA 11,000. *11,000—MCA Cedar INT, westbound.
From Cedar INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.
From Rocksprings, Tex., VOR; to Haby INT, Tex.; MEA *4,000. *3,800—MOCA.
From Haby INT, Tex.; to Hunt INT, Tex.; MEA *4,000. *3,400—MOCA.
From Hunt INT, Tex.; to *Comfort INT, Tex.; MEA **5,700. *5,700—MRA. **3,300—MOCA.
From Comfort INT, Tex.; to Boerne INT, Tex.; MEA 3,000.
From Boerne INT, Tex.; to Van Raub INT, Tex.; MEA *3,000. *2,800—MOCA.
From Van Raub INT, Tex.; to San Antonio, Tex., VOR; MEA *3,000. *2,500—MOCA.
From San Antonio, Tex., VOR; to Clear Springs INT, Tex.; MEA *2,700. *2,200—MOCA.
From Clear Springs INT, Tex.; to *Weimar INT, Tex.; MEA **2,500. *3,000—MRA. **1,800—MOCA.
From Weimar INT, Tex.; to Eagle Lake, Tex., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Horse Lake INT, N. Mex.; to *Alamosa, Colo., VOR; MEA 14,000. *14,000—MCA Alamosa VOR, northeastbound.

Section 610.6211 *VOR Federal airway 211* is amended to read in part:

From Ozona INT, Tex.; to Rocksprings, Tex., VOR; MEA *6,000. *3,500—MOCA.
From *Sabinal INT, Tex.; to Dilley INT, Tex.; MEA **3,000. *5,500—MRA. **1,800—MOCA.
From Dilley INT, Tex.; to Cotulla, Tex., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Hopewell, Va., VOR; to *New Kent INT, Va.; MEA 1,500. *2,000—MRA.
From New Kent INT, Va.; to Tappahanock INT, Va.; MEA 1,500.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From San Antonio, Tex., VOR; to Selma INT, Tex.; MEA 2,500.
From Selma INT, Tex.; to Hunter INT, Tex.; MEA 2,600.
From Hunter INT, Tex.; to Lockhart INT, Tex.; MEA 2,500.
From Junction, Tex., VOR; to Harper INT, Tex.; MEA *4,000. *3,400—MOCA.
From Harper INT, Tex.; to Fredericksburg INT, Tex.; MEA *4,000. *3,100—MOCA.
From Fredericksburg INT, Tex.; to Guadalupe INT, Tex.; MEA *4,000. *3,000—MOCA.
From Guadalupe INT, Tex.; to San Antonio, Tex., VOR; MEA *3,100. *2,600—MOCA.
From San Antonio, Tex., VOR; to Selma INT, Tex.; MEA *3,000. *2,500—MOCA.
From Selma INT, Tex.; to Hunter INT, Tex.; MEA 2,600.
From Hunter INT, Tex.; to Redwood INT, Tex.; MEA 2,700.
From Redwood INT, Tex.; to Lockhart INT, Tex.; MEA *2,500. *1,600—MOCA.
From Lockhart INT, Tex.; to *Smithville INT, Tex.; MEA **2,600. *2,600—MRA. **1,500—MOCA.

Section 610.6227 *VOR Federal airway 227* is amended to delete:

From Rosewood, Ohio, VOR; to *Rockford INT, Ohio; MEA 2,300. *3,000—MRA.

Section 610.6227 *VOR Federal airway 227* is amended to read in part:

From Indianapolis, Ind., VOR; to Linden INT, Ind.; MEA 2,200.
From Linden INT, Ind.; to Lafayette, Ind., VOR; MEA 2,100.

Section 610.6234 *VOR Federal airway 234* is amended to read in part:

From Meade INT, Kans.; to *Greensburg INT, Kans.; MEA **7,100. *5,200—MRA. **3,800—MOCA.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Woodward INT, Calif.; to *Duckwall INT, Calif.; MEA 8,000. *13,500—MCA for eastbound transition to V–1516–28.

Section 610.6255 *VOR Federal airway 255* is amended to read in part:

From Cordova, Ill., VOR; to *Thomson INT, Ill.; MEA **2,700. *2,700—MRA. **2,300—MOCA.
From Thomson INT, Ill.; to Rockford, Ill., VOR; MEA *2,700. *2,300—MOCA.

Section 610.6264 *VOR Federal airway 264* is amended to delete:

From *Cornville INT, Ariz.; to **Winslow, Ariz., VOR; MEA ***13,000. *13,000—MCA Cornville, eastbound. **8,500—MCA Winslow VOR, westbound. ***11,000—MOCA.
From Winslow, Ariz., VOR; to Crownpoint, N. Mex., VOR; MEA 10,500.
From Crownpoint, N. Mex., VOR; to *Lybrook INT, N. Mex.; MEA **12,000. *12,000—MRA. **10,000—MOCA.
From Lybrook INT, N. Mex., to Taos, N. Mex., VOR; MEA 13,000.

Section 610.6272 *VOR Federal airway 272* is amended to read in part:

From Sayre, Okla., VOR via N alter.; to Weatherford INT, Okla., via N alter.; MEA 3,500.
From Sayre, Okla., VOR; to Bessie INT, Okla.; MEA 3,500.
From Bessie INT, Okla.; to Union INT, Okla.; 3,200.
From Sayre, Okla., VOR via S alter.; to *Washita INT, Okla., via S alter.; MEA **4,000. *4,000—MRA. **3,500—MOCA.

Section 610.6286 *VOR Federal airway 286* is amended to read in part:

From Brooke, Va., VOR; to *Grubbs INT, Va.; MEA 1,500. *2,000—MRA.
From Grubbs INT, Va.; to Cape Charles, Va., VOR; MEA 1,500.

Section 610.6287 *VOR Federal airway 287* is amended to read in part:

From Lofall INT, Wash.; to Jamestown INT, Wash.; MEA 7,000.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From La Belle, Fla., VOR; to St. Petersburg, Fla., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From *Homo INT, Fla.; to Cross City, Fla., VOR; MEA **2,000. *2,500—MRA. *2,800—MCA Homo INT, eastbound. **1,300—MOCA.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From Los Angeles, Calif., VOR; to Canoga, Calif., VOR; MEA 6,000.
From Canoga, Calif., VOR; to Los Angeles, Calif., VOR; northbound, MEA 5,000; southbound, MEA 4,000.

Section 610.6314 *VOR Federal airway 314* is amended by adding:

From Millinocket, Maine, VOR; to Priceton, Maine, VOR; MEA 3,000.

Section 610.6410 *Hawaii VOR Federal airway 1* is amended to read in part:

From Mango INT, Hawaii; to Harpoon INT, Hawaii; MEA 6,000.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From Mango INT, Hawaii; to Harpoon INT, Hawaii; MEA 6,000.
From *Harpoon INT, Hawaii; to Upolu Point, Hawaii, VOR; MEA 9,000. *9,000—MCA Harpoon INT, eastbound.
From Seaweed INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 4,000.

Section 610.6404 *Hawaii VOR Federal airway 4* is amended to read in part:

From *South Port Allen INT, T.H.; to Hula Girl INT, T.H.; eastbound, MEA 4,000; westbound, MEA 6,000. *5,000—MRA.

Section 610.6411 *Hawaii VOR Federal airway 11* is amended to read:

From Int. 138 M rad Lanai VOR and 200 M rad Upolu Point VOR; to Upolu Point, Hawaii, VOR; MEA 5,000.
From Upolu Point, Hawaii, VOR; to Sweet Pea INT, Hawaii; MEA 7,000.

Section 610.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

From Orchard INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 4,000.

Section 610.6413 *Hawaii VOR Federal airway 13* is amended to read in part:

From Lihue, Hawaii VOR; to Orchid INT, Hawaii; MEA 4,000.
From Orchid INT, Hawaii; to Hula Girl INT, Hawaii; MEA 9,000.

Section 610.6414 *Hawaii VOR Federal airway 14* is amended to read in part:

From Dogwood INT, Hawaii; to South Kauai, Hawaii, VOR; MEA 17,000.
From South Kauai, Hawaii, VOR; to Orchid INT, Hawaii; MEA 4,000.
From Orchid INT, Hawaii; to Hula Girl INT, Hawaii; MEA 9,000.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From Int. 097 M rad South Kauai VOR and 119 M rad Lihue VOR; to Seaweed INT, Hawaii; southeastbound, MEA 3,000; northwestbound; MEA 4,000.
From Seaweed INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 4,000.

Section 610.6429 *VOR Federal airway 429* is amended to delete:

From Joliet, Ill., VOR; to Spring Lake INT, Ill.; MEA 2,000.
From Spring Lake INT, Ill.; to Dacy INT, Ill.; MEA 2,500.
From Dacy INT, Ill.; to Harvard INT, Ill.; MEA 2,100.
From Harvard INT, Ill.; to Janesville, Wis., VOR; MEA 2,300.

Section 610.6429 *VOR Federal airway 429* is amended by adding:

From Joliet, Ill., VOR; to Bartlett INT, Ill.; MEA 2,000.
From Bartlett INT, Ill.; to Woodstock INT, Ill.; MEA 2,200.
From Woodstock INT, Ill.; to *Elkhorn INT, Wis.; MEA 3,000. *3,000—MRA.
From Elkhorn INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6435 *VOR Federal airway 435* is amended by adding:

From Attica, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,600.

Section 610.6439 *VOR Federal airway 439* is added to read:

From Dickinson, N. Dak., VOR; to Williston, N. Dak., VOR; MEA 4,100.

Section 610.6438 *VOR Federal airway 438* is amended to delete:

From Anchorage, Alaska, VOR; to Willow INT, Alaska; MEA 2,000.
From Willow INT, Alaska; to *Talkeetna, Alaska, LF/RBN; MEA 3,500. *6,400—MCA Talkeetna LF/RBN, northbound.

Section 610.6438 *VOR Federal airway 438* is amended by adding:

From Anchorage, Alaska, VOR; to Int 342 M rad Anchorage VOR and 265 M brg to Skwentna LFR; MEA 2,500.
From Int 342 M rad Anchorage VOR and 265 M brg to Skwentna LFR; to *Fielding INT, Alaska; MEA 6,000. *10,000—MCA Fielding INT, northbound.
From Fielding INT, Alaska; to Glacier INT, Alaska; MEA *15,000. *10,000—MOCA.
From Glacier INT, Alaska; to Ferry INT, Alaska; MEA **15,000. *12,000—MCA Ferry INT, southbound. **10,000—MOCA.
From Ferry INT, Alaska; to Butte, INT, Alaska; MEA 6,500.
From Butte INT, Alaska; to *Edwin INT, Alaska; MEA 3,000. *1,500—MOCA.
From Edwin INT, Alaska; to Fairbanks, Alaska, ILS loc.; MEA 3,000.

Section 610.6440 *VOR Federal airway 440* is amended to read in part:

From Middleton Island, Alaska, VOR; to *Anchorage, Alaska, VOR; MEA 9,000. *5,400—MCA Anchorage VOR, southeastbound.

From Anchorage, Alaska, VOR via N alter.; to *Alexander INT, Alaska, via N alter.; MEA 2,000. *5,000—MCA Alexander INT, northwestbound.

Section 610.6451 *VOR Federal airway 451* is amended to read in part:

From Whitman, Mass., VOR; to Boston, Mass., VOR; MEA 1,600.

Section 610.487 *VOR Federal airway 487* is amended to read in part:

From Cambridge, N.Y., VOR; to Benson INT, Vt.; MEA 4,000.

Section 610.6503 *VOR Federal airway 503* is added to read:

From *Goffs, Calif., VOR; to Clark INT, Calif.; MEA 12,000. *8,000—MCA Goffs VOR, northwestbound.
From Clark INT, Calif.; to *Hidden Hills INT, Nev.; MEA 11,000. *12,500—MRA.
From Hidden Hills INT, Nev.; to Beatty, Nev., VOR; MEA 11,000.

Section 610.6514 *VOR Federal airway 514* is amended by adding:

From Winslow, Ariz., VOR; to Crownpoint, N. Mex., VOR; MEA 10,500.
From Crownpoint, N. Mex., VOR; to *Lybrook INT, N. Mex.; MEA **12,000. *12,000—MRA. **10,000—MOCA.
From Lybrook INT, N. Mex.; to Taos, N. Mex., VOR; MEA 13,000.

Section 610.6518 *VOR Federal airway 518* is amended to read in part:

From Fillmore, Calif., VOR; to *Twin Lakes INT, Calif.; MEA 6,000. *7,000—MCA Twin Lakes INT, northeastbound.

Section 610.6524 *VOR Federal airway 524* is added to read:

From Laramie, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 10,700.

Section 610.6538 *VOR Federal airway 538* is added to read:

From *Twentynine Palms, Calif., VOR; to Goffs, Calif., VOR; MEA **10,000. *8,800—MCA Twentynine Palms VOR, northeastbound. **7,300—MOCA.
From *Goffs, Calif., VOR; to **Las Vegas, Nev., VOR; MEA 9,000. *7,300—MCA Goffs VOR, northbound. *7,000—MCA Goffs VOR, southbound. **7,100—MCA Las Vegas VOR, southbound.

Section 610.6809 *VOR Federal airway 809* is amended to read in part:

From Mayfield INT, Wash.; to Portland, Oreg., VOR; MEA 5,000.

Section 610.6810 *VOR Federal airway 810* is amended by adding:

From Northbrook, Ill., VOR; to *Papi INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Papi INT, Ill.; to Pullman, Mich., VOR; MEA 2,000.
From Pullman, Mich., VOR; to Orangeville INT, Mich.; MEA 2,900.
From *Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *2,800—MCA Orangeville INT, westbound.
From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.
From Salem, Mich., VOR; to U.S.-Canadian Border; MEA 2,300.
From U.S.-Canadian Border; to Blue Pike INT, Pa.; MEA *2,500. *2,000—MOCA.
From Blue Pike INT, Pa.; to Erie, Pa., VOR; MEA 2,300.
From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Slate Run, Pa., VOR; MEA 4,000.
From Slate Run, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 4,000.
From Tower City, Pa., VOR; to Fleetwood INT, Pa.; MEA 4,000.
From Fleetwood INT, Pa.; to Yardley, Pa., VOR; MEA *4,000. *2,500—MOCA.
From Yardley, Pa., VOR; to Robbinsville, N.J., VOR; MEA 1,500.

Section 610.6813 *VOR Federal airway 813* is amended to read in part:

From Portland, Oreg., VOR; to Rainier INT, Wash.; MEA 5,000.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From *Locust Grove INT, Va.; to **Ironsides INT, Va.; MEA 1,500. *2,000—MRA. **2,000—MRA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Locust Grove INT, Va.; to **Ironsides INT, Va.; MEA 1,500. *2,000—MRA. **2,000—MRA.
From Ironsides INT, Va.; to Nottingham, Md., VOR; MEA 1,500.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From La Belle, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,600—MOCA.
From Webster INT, Fla.; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Cross City, Fla., VOR; to Dade City INT, Fla.; MEA *2,000. *1,500—MOCA.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Polo, Ill., VOR; to *Thomson INT, Ill.; MEA 2,200. *2,700—MRA.
From Thomson INT, Ill.; to Charlotte INT, Ill.; MEA 2,200.

Section 610.6853 *VOR Federal airway 853* is amended to read in part:

From Marengo INT, Ill.; to *Elgin INT, Ill.; MEA 2,300. *2,500—MRA.
From Elgin INT, Ill.; to Naperville, Ill., VOR; MEA 2,300.

Section 610.6856 *VOR Federal airway 856* is added to read:

From Northbrook, Ill., VOR; to *Papi INT., Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Papi INT, Ill.; to Pullman, Mich., VOR; MEA 2,000.
From Pullman, Mich., VOR; to Orangeville INT, Mich.; MEA 2,900.
From *Orangeville INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *2,800—MCA Orangeville INT, westbound.
From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.
From Salem, Mich., VOR; to U.S.-Canadian Border; MEA 2,300.
From U.S.-Canadian Border; to Blue Pike INT, Pa.; MEA *2,500. *2,000—MOCA.
From Blue Pike INT, Pa.; to Erie, Pa., VOR; MEA 2,300.
From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Slate Run, Pa., VOR; MEA 4,000.
From Slate Run, Pa., VOR; to Milton, Pa., VOR; MEA 4,000.
From Milton, Pa., VOR; to Allentown, Pa., VOR; MEA 4,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 2,500.

Section 610.6861 *VOR Federal airway 861* is amended to delete:

From Branchville INT, Pa.; to Poughkeepsie, N.Y., VOR; MEA 3,000.

Section 610.6880 *VOR Federal airway 880* is amended by adding:

From Branchville INT, N.J.; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Wilkes-Barre, Pa., VOR; to Stonyfork, Pa., VOR; MEA 4,500.
From Stonyfork, Pa., VOR; to Bradford, Pa., VOR; MEA 4,500.
From Bradford, Pa., VOR; to Erie, Pa., VOR; MEA 4,000.
From Erie, Pa., VOR; to Blue Pike INT, Pa.; MEA 2,300.
From Blue Pike INT, Pa.; to U.S.-Canadian Border; MEA *2,500. *2,000—MOCA.
From U.S.-Canadian Border; to Salem, Mich., VOR; MEA 2,300.
From Salem, Mich., VOR; to *Leslie INT, Mich.; MEA 2,500. *3,000—MCA Leslie INT, westbound.
From Leslie INT, Mich.; to Hickory INT, Mich.; MEA *3,500. *3,000—MOCA.
From *Hickory INT, Mich.; to **Cooper INT, Mich.; MEA 3,000. *2,500—MCA Hickory INT southwestbound. **2,500—MCA Cooper INT, northeastbound.
From Cooper INT, Mich.; to Keeler, Mich., VOR; MEA 2,200.
From Keeler, Mich., VOR; to *Beacon INT, Ill.; MEA 2,000. *2,500—MCA Beacon INT, southwestbound.
From Beacon INT, Ill.; to Naperville, Ill., VOR; MEA 2,500.
From Naperville, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Taylor, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,700—MOCA.
From Gainesville, Fla., VOR; to Ocala, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Ocala, Fla., VOR; to *Bushnell INT, Fla.; MEA **2,000. *2,000—MRA. **1,200—MOCA.
From Cleveland, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,400.

Section 610.1613 *VOR Federal airway 1613* is amended to read in part:

From San Diego, Calif., VOR; to Julian, Calif., VOR; MEA 14,500; MAA 23,500.
From Julian, Calif., VOR; to Twentynine Palms, Calif., VOR.; MEA 14,500; MAA 23,500.

Section 610.1655 *VOR Federal airway 1655* is added to read:

From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 15,000; MAA 23,000.

Section 610.1695 *VOR Federal airway 1695* is amended to read in part:

From Poughkeepsie, N.Y., VOR; to Keene, N.H., VOR; MEA 14,500; MAA 24,000.
From Keene, N.H., VOR; to Concord, N.H., VOR; MEA 14,500; MAA 24,000.

Section 610.1741 *VOR Federal airway 1741* is amended by adding:

From McDonough, Ga., VOR; to Chattanooga, Tenn., VOR; MEA 14,500; MAA 24,000.

Section 610.1763 *VOR Federal airway 1763* is added to read:

From Dickinson, N. Dak., VOR; to Williston, N. Dak., VOR; MEA 14,500; MAA 23,500.

Section 610.1766 *VOR Federal airway 1766* is added to read:

From Williston, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 14,500; MAA 23,500.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective April 5, 1962.

Issued in Washington, D.C., on March 1, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-2269; Filed, Mar. 8, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55579]

PART 6—AIR COMMERCE REGULATIONS

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Exemptions From Duty on Bona Fide Gifts Accompanying Nonresidents

Public Law 87-261, 87th Congress, effective October 21, 1961, amended paragraph 1798 (b) and (g) and section 321 (a) of the Tariff Act of 1930, as amended (19 U.S.C. 1201, paragraph 1798 (b) and (g), 1321(a)). To conform with the amendments of those provisions of law dealing with persons arriving in the United States who are not returning residents thereof and to clarify provisions of the regulations dealing with oral and written baggage declarations, the Customs Regulations are amended as follows:

In Part 6—Air Commerce Regulations:

§ 6.7 [Amendment]

Section 6.7(g) is amended by substituting "paragraph 1798(b)(4)" for "paragraph 1798(b)(3)" in the present last sentence, and by adding the following new sentence thereto: "When such a nonresident crewmember has any articles which he will claim as bona fide gifts under paragraph 1798(b)(2) of such act, he must follow the procedure for declaring such gifts set forth in § 10.22(e) of the regulations of this chapter."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

In Part 10—Articles Conditionally Free, Subject to a Reduced Rate, Etc.:

§ 10.17a [Amendment]

To make clear that all residents returning to the United States by air from Canada may be permitted to make oral declarations and, when a written declaration is necessary, may use customs Form 6059, paragraph (b) of § 10.17a, recently added by T.D. 55456 (26 F.R. 8070), is amended by substituting "from" for "who is precleared in" before "Canada." The paragraph as amended reads:

(b) *Arrivals at seaports or by air.* A resident of the United States returning at a seaport or by air from any foreign country shall itemize on customs Form 6063, or on customs Form 6063-B where such form is used, all articles acquired abroad, except that a resident returning by air from Canada shall be subject to the procedure prescribed for residents returning at border ports otherwise than by air.

That part of § 10.18 following paragraph (a) is amended to read as follows:

§ 10.18 Exemptions for nonresidents.

* * * * * *

(b) *Gifts.* A nonresident who intends to remain in the United States for not less than 72 hours is entitled, under paragraph 1798(b)(2), Tariff Act of 1930, as amended,[28] to claim as free of duty and internal revenue tax not over $100 in value of articles (for limitations on alcoholic beverages and cigars, see paragraph (f) of this section) which accompany him and are to be disposed of by him as bona fide gifts. This exemption for gifts may be allowed only if such person has not claimed the exemption within the immediately preceding six months.

(c) *Vehicles.* Nonresidents are entitled under paragraph 1798(b)(3), Tariff Act of 1930, as amended,[28a] to entry free of duty and internal revenue tax for automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horsedrawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing, if imported in connection with the arrival of the nonresident and to be used in the United States only for the transportation of such nonresident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.

(d) *Articles carried through the United States.* An arriving nonresident who is in transit to a place outside United States customs territory may take with him through the United States customs territory for carriage to such place, without the payment of duty or internal revenue tax, as provided in paragraph 1798(b)(4), Tariff Act of 1930, as amended,[28b] articles not exceeding $200 in aggregate value.

(e) *Sale.* If any jewelry or similar articles of personal adornment having a value of $300 or more which have been exempted from duty under paragraph 1798(b)(1), Tariff Act of 1930, as amended, are sold within 3 years after the date of importation, or if any article which has been exempted from duty under paragraph 1798(b)(3) of such act is sold within 1 year after the date of importation, without prior payment to a collector of customs of the duty which would have been payable at the time of entry if the article had been entered without the benefit of said paragraph 1798(b) (1) or (3), such article, or its value (to be recovered from the importer), shall be subject to forfeiture in accordance with the provisions of paragraph 1798(g) of such act.[28] A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not a basis for any liability for duty or forfeiture under such provisions.

(f) *Tobacco products and alcoholic beverages.* (1) Fifty cigars, or 300 cigarettes, or 3 pounds of manufactured tobacco, and not exceeding 1 quart of alcoholic beverages, when brought in by an adult nonresident and not to be given to another person nor for sale or other commercial use, may be passed free of duty and internal revenue tax. This exemption for tobacco products may be applied proportionately; for example, to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes and 1 pound of manufactured tobacco. This exemption for alcoholic beverages may be applied to more than one kind but not to an aggregate volume of more than 1 quart for one adult nonresident.

(2) A nonresident who is allowed the $100 gift exemption (see paragraph (b) of this section) may include not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars under such exemption from duty and internal revenue tax, provided such articles are accompanying him and are to be disposed of by him only as bona fide gifts. (Sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U.S.C. 1201 (par. 1798).)

Footnotes 28, 28a, and 28b are deleted and the following new footnotes are substituted therefor:

[28] "(b) In the case of any person arriving in the United States who is not a returning resident thereof—

* * * * * *

"(2) Not exceeding $100 in value of articles (including not more than one wine gallon of alcoholic beverages and not more than one hundred cigars) accompanying such person to be disposed of by him as bona fide gifts, if such person has not claimed an exemption under this subdivision (2) within the six months immediately preceding his arrival and he intends to remain in the United States for not less than seventy-two hours;" (Tariff Act of 1930, par. 1798(b)(2), as amended (free list); 19 U.S.C. 1201 (par. 1798(b)(2)).)

[28a] "(b) In the case of any person arriving in the United States who is not a returning resident thereof—

* * * * * *

"(3) automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horsedrawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing; any of the foregoing imported in connection with the arrival of such person and to be used in the United States only for the transportation of such person, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance; and" (Tariff Act of 1930, par. 1798(b)(3), as amended (free list); 19 U.S.C. 1201 (par. 1798(b)(3)).)

[28b] (b) In the case of any person arriving in the United States who is not a returning resident thereof—

* * * * * *

"(4) Not exceeding $200 in value of articles accompanying such a person who is in transit to a place outside United States customs territory and who will take the articles with him to such place." (Tariff Act of 1930,

par. 1798(b)(4), as amended (free list); 19 U.S.C. 1201 (par. 1798(b)(4)).)

A new footnote designated 29 is added to read as follows:

[29] "(g) If any jewelry or similar articles of personal adornment having a value of $300 or more which have been exempted from duty under subdivision (1) of subparagraph (b) of this paragraph or any article which has been exempted from duty under subdivision (2)(B) of subparagraph (c) of this paragraph is sold within three years after the date of importation, or if any article which has been exempted from duty under subdivision (3) of subparagraph (b) of this paragraph is sold within one year after the date of importation, without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of this paragraph, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this subparagraph." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U.S.C. 1201 (par. 1798).)

§ 10.21 [Amendment]

Section 10.21(i) is amended to read:

(i) The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended,[29] may be applied to articles accompanying, and for the personal or household use (not including any business or commercial use of any kind) of, a person arriving in the United States who is not entitled to any exemption under paragraph 1798(b)(2) or (c)(2), of such act. However, any exemption allowed under section 321(a)(2)(B) shall not be applied to articles subject to internal revenue tax other than cigarettes not in excess of 50, cigars not in excess of 10, manufactured tobacco not in excess of ½ pound, alcoholic beverages not in excess of 4 ounces, or alcoholic perfumery not in excess of 4 ounces, and shall not be applied to any article subject to internal revenue tax when an exemption is allowed such articles under § 23.4 of the regulations of this chapter. Family grouping of this $10 exemption is not allowed. If any article accompanying a person is subject to duty or tax by reason of these limitations, no articles accompanying such person shall be exempted from duty or tax under this paragraph.

Footnote 31 appended to § 10.21(i) is amended by inserting "(b)(2) or" between "paragraph 1798" and "(c)(2) of this Act," at the end of the quoted material.

§ 10.22 [Amendment]

Paragraph (d) of § 10.22 is amended by substituting "paragraph 1798(b)(4)" for "paragraph 1798(b)(3)" wherever the latter reference appears in that paragraph.

A new paragraph (e) is added to § 10.22 reading as follows:

(e) A nonresident crewmember shall itemize on his baggage declaration and entry all articles in his possession for which he seeks free entry under paragraph 1798(b)(2), Tariff Act of 1930, as amended, as bona fide gifts. Free entry of bona fide gifts under such provision of law is allowable only when the nonresident officer or crewmember is arriving for the purpose of such law; that is, when he is leaving his employment with one international carrier for a stay in the United States of at least 72 hours before traveling as a passenger or becoming an officer or crewmember again of an international carrier and departing in such status to a place outside the United States. An officer or crewmember who is a nonresident and departs a vessel or other conveyance at a port in this country but who retains his employment with the carrier so that he will be going foreign again in due course of his continuing employment is not treated as arriving when he departs a vessel or other conveyance for shore leave in the United States. (Secs. 201 (par. 1798), 498, 584, 46 Stat. 683, as amended, 728, as amended, 748, as amended; 19 U.S.C. 1201 (par. 1798), 1498, 1584.)

§ 10.26 [Amendment]

Section 10.26(b) is amended by substituting at the end of the next to the last sentence "paragraph 1798 (a), (b)(1), (b)(2), or (b)(3), as amended, for "paragraph 1798 (a), (b)(1), or (b)(2), as amended." The sentence as amended will read: "Citizens of the United States who are employed in a civilian capacity by the Panama Canal and who are not returning residents may include in the corded and sealed packages articles classifiable under paragraph 1798 (a), (b)(1), (b)(2), or (b)(3), as amended."

(R.S. 161, as amended, 251, secs. 201 (par. 1798), 624, 46 Stat. 683, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1201 (par. 1798), 1624)

In Part 23—Enforcement of Customs and Navigation Laws:

§ 23.4 [Amendment]

Section 23.4(a) is amended by substituting "§ 10.22 of the regulations of this chapter, or a Crewmember's Declaration on customs Form 5129," for "§ 10.22(a) of this chapter." at the end of the second sentence. The sentence as amended will read: "When practicable, the clearance of articles through customs shall be made and permission to unladeobtained before they are taken from the vessel but, if at any port or landing place the situation is such that no danger to the revenue will result therefrom, they may be submitted for examination and clearance at the customs office on the pier under a Declaration and Entry of Crewmember for Imported Articles, customs Form 5123, prepared by the crewmember in accordance with § 10.22 of the regulations of this chapter, or a Crewmember's Declaration on customs Form 5129.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 2, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2338; Filed, Mar. 8, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Dimethyl S-4-oxo-1,2,3-Benzotriazin-3(4H)-ylmethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on artichokes, beans (green), blueberries, cranberries, currants, filberts, spinach, and tomatoes at 2 parts per million. Currants and filberts were later withdrawn from the petition.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.154 (21 CFR 120.154) tolerances for this pesticide chemical in or on artichokes, blueberries, cranberries, snap beans, spinach, and tomatoes. Paragraph designations are deleted to facilitate insertion of new tolerances. as amended, § 120.154 reads as follows:

§ 120.154 Tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate.

Tolerances for residues of *O,O-dimethyl S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on raw agricultural commodities are established as follows:

5 parts per million in or on grapes.

2 parts per million in or on apples, apricots, artichokes, blueberries, broccoli, cabbage, cauliflower, cherries, crabapples, cranberries, nectarines, onions, peaches, pears, plums (fresh prunes), quinces, snap beans, spinach, strawberries, tomatoes.

0.5 part per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2330; Filed, Mar. 8, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Benefits

In § 7.27, the introductory paragraph is amended to read as follows:

§ 7.27 Benefits.

Any policy found to be entitled to protection under the provisions of the act will not lapse or otherwise terminate or be forfeited for the nonpayment of a premium or the nonpayment of any indebtedness or interest during the period of military service of the insured and two years after the expiration of such service, but this guarantee will not extend for more than two years after the date when the act ceases to be in force. If the insured reenters military service during the two-year period following separation from such service and the policy is under the protection of the act on the date of reentry, such reentrance shall be deemed to be a continuation of the previous military service. In such case, in the absence of written instruction from the insured to the contrary, the protection under the act will continue during the period of military service of the insured and two years after the expiration of such service, but the guarantee will not extend for more than two years after the date when the act ceases to be in force.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 9, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-2337; Filed, Mar. 8, 1962; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

In Subpart 5-2.3—Submission of Bids, §§ 5-2.301 and 5-2.302 are added to read as follows:

§ 5-2.301 Responsiveness of bids.

Except as provided in § 1-2.405 and this § 5-2.301, all bids which are not signed by the bidder or his authorized representative shall be disregarded. When an unsigned bid is accompanied by other material or evidence which, in the contracting officer's opinion, demonstrates the bidder's intention to be bound by the unsigned bid document, the contracting officer shall document the file so as to indicate that the omission is considered a minor informality or irregularity in accordance with the provisions of § 1-2.405.

§ 5-2.302 Time of bid submission.

Where telegraphic bids are authorized, a telegraphic bid received by telephone from the receiving telegraph office before the time fixed for opening bids shall be considered if such bid is confirmed by the telegraph company with a written telegram. In such cases the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bid file.

Under § 5-2.303 *Late bids*, §§ 5-2.303-1 (a) and 5-2.304 are revised to read as follows:

§ 5-2.303-1 General.

(a) Upon receipt of a bid delivered by mail (or telegraph, when authorized) after the bid opening time, the bid custodian shall record it on the duplicate copy of the list of bidders prescribed in § 5-2.401 and show in addition the date, hour, and place of mailing. In the case of late telegraphic bids, the time and place of filing will be recorded, if shown. After recording, such bids shall be delivered immediately to the responsible contracting officer who shall acknowledge receipt thereof on the duplicate copy of the list of bidders and record the bidder's name and address on the original list of bidders. Delivery of late bids which bear insufficient postage shall be accepted if received prior to award.

§ 5-2.304 Modification or withdrawal of bids.

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to assure opening at the same time. A telegraphic modification or withdrawal of a bid received by telephone from the receiving telegraph office prior to the time fixed for opening of bids shall be considered if such message is confirmed by the telegraph company with a written telegram. In such cases, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bid file. When such a modification results in a bid most advantageous to the Government, the contract award shall be withheld until receipt of a written telegraphic modification of the bid.

(b) The receipt required by § 1-2.304 for withdrawal of a bid in person by a bidder or his authorized representative before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized (agent for, official of, employee of, representative of*)

_____
(Bidder's name and address)

whose bid on IFB No. ____ is scheduled for opening on _____ I hereby withdraw that bid from consideration.

_____
(Name)

_____
(Date)

Receipt is hereby acknowledged of the return of the above mentioned IFB.

_____
(Name)

_____
(Date)

*Delete inapplicable categories.

In Subpart 5-2.4—Opening of Bids and Award of Contract:

§ 5-2.401 [Amendment]

Section 5-2.401(d)(4) is amended to read as follows:

(4) Insufficient postage on bid envelopes or samples shall not be a reason for failure to accept delivery of such bids or samples.

§ 5-2.402 [Amendment]

Section 5-2.402(b) is amended to read as follows:

(b) All bids shall be opened by the contracting officer, or his designee, responsible for the procurement. The designee shall be a fully qualified employee of the contracting officer. However, upon authorization of the Head of the Service or Staff Office involved, and the Assistant Administrator for Congressional and Public Affairs, bids may be opened by selected Business Service Center personnel. Normally such authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or his designee to be present to open bids.

The heading for § 5-2.407-6 is amended to read as follows:

§ 5-2.407-6 Equal low bid.

Sections 5-2.407-50, 5-2.407-51, 5-2.407-52, and 5-2.407-54 are added to read as follows:

§ 5-2.407-50 All or none bids.

(a) In the evaluation of bids for definite quantities, the lowest acceptable bid, exclusive of "all or none" bids, shall be selected with respect to each item and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" bid. Award then shall be made so as to result in the lowest total cost to the Government.

(b) In the evaluation of bids for indefinite quantities when the invitation for bids does not provide for aggregate awards only (see § 5–2.201–54), bids submitted on an "all or none" basis shall not be considered unless the bid is low on each item to which the "all or none" offer applies.

§ 5–2.407–51 Progressive awards.

When the invitation for bids provides for progressive awards in accordance with § 5–2.201–55, award shall be made first to the lowest acceptable bidder in the quantities he has offered, and then progressively to the next higher acceptable bidders until the needs of the Government have been met.

§ 5–2.407–52 Evaluation of f.o.b. prices.

(a) When an invitation for bids provides for bid prices based on delivery at destination, all bids based on f.o.b. shipping point shall be rejected. Where no acceptable bids based on f.o.b. destination are received, or where comparison of prices f.o.b. shipping point and f.o.b. destination indicates that readvertisement would otherwise be in the best interests of the Government, the requirement should be readvertised and provision made for bidders to bid both f.o.b. shipping point and f.o.b. destination.

(b) When the invitation for bids permits bid prices on an f.o.b. destination basis or an f.o.b. shipping point basis, or both, bids shall be considered and award made on whichever basis will result in the lowest overall cost to the Government. In such cases, all pertinent factors, including transportation costs and bill of lading preparation and processing costs, shall be considered.

§ 5–2.407–54 Identical bids.

When identical bids are received, reports shall be prepared and transmitted to the Department of Justice.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 5, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62–2346; Filed, Mar. 8, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 27]

CAPE COD NATIONAL SEASHORE; ZONING STANDARDS

Proposed Regulations Specifying Standards for Approval by Secretary of the Interior of Zoning Bylaws

Notice is hereby given that, pursuant to section 5 of the Act of August 7, 1961 (75 Stat. 284, 290), providing for the establishment of the Cape Cod National Seashore, it is proposed to amend Title 36, Code of Federal Regulations, by the addition of a new part, specifying standards for approval by the Secretary of the Interior of zoning bylaws, as set forth below. The said Act of August 7, 1961, exempts from condemnation improved residential properties upon which construction was begun before September 1, 1959, if duly adopted valid zoning bylaws approved by the Secretary are in force and applicable to such properties. The purpose of the proposed regulations is to establish general criteria or standards that will facilitate adoption of zoning bylaws by the towns in which the seashore is located, which bylaws will meet the approval of the Secretary of the Interior. Pursuant to section 5 of the Act of August 7, 1961 (75 Stat. 284, 290), these proposed regulations are required to be submitted to the Congress and to the towns in which the Cape Cod National Seashore is situated at least 90 calendar days before they become effective. The 90-day period may not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain. It is the purpose of such advance notice to give members of Congress, the affected towns, and all interested persons an opportunity to submit written data, views, or suggestions in connection with this matter so that they may be carefully considered and evaluated before the proposed standards are promulgated and become effective. Copies of these proposed regulations specifying standards for the approval of zoning bylaws at the Cape Cod National Seashore are being submitted to the Congress and the towns in which the seashore is situated.

In addition all others who wish to submit written comments, suggestions or recommendations with respect to the proposed regulations may present a written statement to the Director, National Park Service, Department of the Interior, Washington 25, D.C., within 30 days after this notice is published in the FEDERAL REGISTER.

Part 27, reading as follows, is added to Title 36 CFR:

PART 27—CAPE COD NATIONAL SEASHORE; ZONING STANDARDS

Sec.
27.1 General objectives.
27.2 Commercial and industrial activities.
27.3 Seashore scenic zone.
27.4 Seashore historical zone.
27.5 Variances and exceptions.

AUTHORITY: §§ 27.1 to 27.5 issued under sec. 5, 75 Stat. 290, sec. 3, 39 Stat. 535, 16 U.S.C. 3.

§ 27.1 General objectives.

(a) Subject to the standards prescribed in section 7 of the Act of August 7, 1961 (75 Stat. 791), development and management of the Cape Cod National Seashore will be conducted in a manner which will assure the widest possible public use, understanding and enjoyment of its natural, historic and scientific features. In compliance with section 5(a) of that Act, these regulations are designed and promulgated to establish minimum standards which local zoning bylaws must meet in furtherance of that objective.

(b) These regulations are intended (1) to promote preservation and development, in accordance with the purposes of the Act of August 7, 1961 (75 Stat. 284, 290), of the area comprising the seashore, consistent with the laws of the Commonwealth of Massachusetts: and (2) to contribute to the effect of prohibiting the commercial and industrial use, other than any commercial or industrial use existing on or before the effective date of these standards and which is determined by the Secretary as not inconsistent with the purposes and objectives of the said Act, of all property within the boundaries of the seashore and situated within the towns adopting zoning bylaws. Zoning bylaws or amendments of zoning bylaws applicable to the area within Cape Cod National Seashore, in order that they may be approved, shall conform to the standards hereinafter set forth relating to the preservation and development of the seashore in accordance with the purposes of the said Act, and they shall provide that the Secretary be given notice of any amendment to approved bylaws. Nothing in these standards or in the zoning bylaws adopted pursuant thereto for the area within Cape Cod National Seashore shall preclude the Secretary of the Interior from fulfilling the responsibilities vested in him by the said Act, or by the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

§ 27.2 Commercial and industrial activities.

Zoning bylaws shall preclude the establishment of any commercial or industrial zones within the Cape Cod National Seashore.

§ 27.3 Seashore scenic zone.

(a) Definition: The seashore scenic zone shall include all those portions of the towns lying within the exterior boundaries of the Cape Cod National Seashore, except those areas which comprise the seashore historical zone described in § 27.4 of this part.

(b) Zoning bylaws shall provide that properties within the seashore scenic zone be maintained in accordance with the objectives of the Act of August 7, 1961, to the end that the scenic and scientific values of the area will be protected, that undeveloped areas be preserved in an unspoiled natural condition, and that the residential character of existing residential structures be maintained.

(c) No moving, alteration, or enlargement of the one-family residential dwellings or structures appurtenant thereto situated within this zone shall be permitted if such would afford less than a 50-foot setback from all streets measured at a right angle with the street line, and a 25-foot distance from the abutters' property lines, or less than such setbacks or distances as already exist for the dwellings or appurtenant structures. Changes in lot sizes shall not result in reduction of lot frontage to less than 150 feet.

(d) (1) Such bylaws shall contain regulations designed to preserve the seashore character of the area by appropriate restrictions upon the filling or clearing of land and cutting of timber, or the removal of topsoil, sand, gravel, boulders larger than 18 inches in diameter, or stone walls.

(2) Such bylaws shall prohibit the burning of cover, dumping, storage or stock piling of refuse and unsightly objects or other uses which would detract from the natural seashore scene.

(e) Zoning bylaws for the seashore scenic zone may permit: Partial use of dwellings by residents as a professional office (for such purposes as, but not limited to, the practice or purpose of theology, law or medicine); the existence of structures such as a garage, barn or boathouse appurtenant to any dwelling; display of a sign, which may be indirectly but not directly illuminated and not to exceed two square feet in area, referring to the occupancy, sale, or rental of the premises; and the traditional agricultural uses of cleared land, but not including such objectionable uses as a piggery or the raising of livestock or poultry for commercial purposes.

(f) Zoning bylaws for the seashore scenic zone may authorize continuation of such uses in private homes as are traditional to the communities, as for example, artists' studios, the opening of shellfish, storage of fishing equipment, such small scale home occupations as the making and selling of traditional Cape Cod products produced on the premises, and private rental of the premises and serving of meals by residents of the premises to overnight guests, as long as these activities do not

alter the essential character of the dwelling as a private residence. Zoning bylaws for the seashore scenic zone shall preclude the establishment of commercial or industrial ventures, other than those of the types described above.

§ 27.4 Seashore historical zone.

(a) The following three districts shall comprise the Seashore Historical Zone:

Little Pamet Historical District

Beginning at a point on the Cape Cod National Seashore Boundary .5 of a mile east from the easterly right-of-way of U.S. Highway 6 and 700 feet northwesterly of Longnook Road, thence in a northeasterly direction generally paralleling Longnook Road a distance of 2,500 feet to a point, thence turning at 90° and running in a southeasterly direction a distance of 2,300 feet to a point, thence turning 90° in a southwesterly direction a distance of 750 feet to the intersection of the Seashore boundary line, thence continuing along said boundary line to the point of beginning.

Pamet Valley Historical District

Beginning at a point on the Cape Cod National Seashore boundary .5 of a mile east of U.S. Highway 6 and 300 feet north of North Pamet Road and continuing in a northeasterly direction paralleling North Pamet Road at a distance of 300 feet therefrom to the east side of secondary sand road, thence following in a generally northeasterly direction following the east and south side of said road to a "T" intersection with north-south road, thence turning south and following along the west side of north-south road to the intersection of North Pamet Road, thence turning southwest and following north right-of-way of North Pamet Road a distance of 200 feet to a point, thence turning in a generally southerly direction crossing North Pamet Road, bisecting bench mark elevation 29 feet and continuing in a straight line bisecting U.S. Government Survey marker and continuing on the same course to a point 500 feet south of said Government Survey marker, thence meandering in a generally westerly direction and paralleling South Pamet Road a distance of 500 feet therefrom to a point on the Cape Cod National Seashore boundary, thence turning in a northerly direction and following the Cape Cod National Seashore boundary to the point of beginning.

Bound Brook Island Historical District

Beginning at a point on the Cape Cod Bay at low water mark 2,600 feet south from monument marking a point on the Truro-Wellfleet town line and running east a distance of 1,400 feet to a point at the intersection of a sand road with the Bound Brook Island Road, thence turning 90° south 500 feet to a point, thence turning 90° east 2,500 feet to a point, thence turning in a north-easterly direction 2,000 feet to a point on the westerly right-of-way of Bound Brook Island Road and continuing and meandering along the westerly right-of-way of said Bound Brook Island Road and Old County Road to the intersection of the Cape Cod National Seashore boundary, thence turning in a south-westerly direction and following said Seashore boundary 3,400 feet to the point of low water on the Cape Cod Bay, thence turning south and continuing along low water mark 4,400 feet to the point of beginning.

(b) The provisions of § 27.3 shall be applicable to the seashore historical zone insofar as they are not inconsistent with the provisions of paragraph (c) of this section.

(c) Zoning bylaws for the seashore historical zone shall require that the exterior of buildings within such zone shall not be altered in any manner, removed, or changed in color, except to the extent that such alterations may be authorized under the bylaws in accordance with § 27.5.

§ 27.5 Variances and exceptions.

(a) Zoning bylaws may provide for variances and exceptions.

(b) Any such bylaws shall contain provisions which would constitute notice to applicants for variances and exceptions that, under section 5(d) of the Act, the Secretary of the Interior is authorized to withdraw the suspension of his authority to condemn with regard to improved property made the subject of a variance or exception which fails to conform or is in any manner opposed to or inconsistent with the objectives of the Act to preserve the scenic or historic character of the seashore. The Secretary may be consulted at any time by zoning authorities or by the landowner regarding the effect of the proposed variance or exception upon the status of the affected land with regard to the suspension of the Secretary's authority to condemn.

(c) The Secretary shall be notified of the granting of any variance or exception.

Done at Washington, D.C., this 3d day of March 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-2313; Filed, Mar. 8, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Ch. X]

[Docket Nos. AO-324 and AO-338]

MILK IN WESTERN NORTH DAKOTA AND MINNESOTA-NORTH DAKOTA MARKETING AREAS

Findings and Determinations of Referendum and Termination of Proceedings on Proposed Marketing Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fargo and Minot, North Dakota, on July 12-20, 1960 pursuant to notice thereof issued on June 20, 1960 (25 F.R. 5778) on a proposed marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area.

The recommended decision of the Under Secretary, United States Department of Agriculture, was issued on August 22, 1961 (26 F.R. 8012) and the final decision of the Assistant Secretary was issued on November 27, 1961 (26 F.R. 11317) setting forth proposed marketing agreements and orders as the appropriate means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The final decision of the Assistant Secretary directed that a referendum be conducted among producers in each market to determine whether the required percentage of producers favored issuance of the proposed order.

It is hereby found and determined from the referendum in each area conducted pursuant to the aforesaid referendum order that the issuance of the proposed orders regulating the handling of milk in the Western North Dakota and Minnesota-North Dakota marketing areas as set forth in the aforesaid decision is not favored by the required percentage of producers who voted in the aforesaid referendum in each market.

It is hereby found and determined that the proposed orders set forth in the decision of the Assistant Secretary of November 27, 1961 (26 F.R. 11317) shall not be made effective because the required percentage of producers voting in each referendum failed to approve or favor their issuance. Accordingly, the proceedings with respect thereto are hereby terminated.

Signed at Washington, D.C., on March 5, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-2345; Filed, Mar. 8, 1962; 8:50 a.m.]

[7 CFR Part 1073]

[Docket No. AO-173-A13]

MILK IN WICHITA, KANSAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lassen Hotel, 155 North Market Street, Wichita, Kansas, beginning at 10:00 a.m., local time, on March 13, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Southwest Milk Producers Association of Wichita, Kansas:

Proposal No. 1. Delete the following words in the first sentence of § 1073.51 (a): "for each of the 12 months immediately following the effective date of this amendment".

Proposed by the Beatrice Foods Company of Chicago, Illinois:

Proposal No. 2. Classify nonfat solids used to fortify fluid milk products in Class III.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Kenneth M. Fell, 2700 East Central, Wichita, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on March 5, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2321; Filed, Mar. 8, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 577) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing the issuance of a regulation to provide for the safe use of chlortetracycline in drinking water at not less than 100 milligrams nor more than 400 milligrams per gallon for the prevention or treatment of diseases of turkeys and chickens, except laying hens. This medication may be supplemented by feeds containing 200 grams per ton of chlortetracycline.

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2324; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 534, 556 and 706) have been filed by The Burtonite Company, P.O. Box 7, Nutley 10, New Jersey; Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, Virginia, and Puget Sound Pulp and Timber Co., Bellingham, Washington, proposing the issuance of a regulation to provide for the safe use of calcium or sodium salts of lignin extract as a pelleting aid in animal feeds.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2326; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 604) has been filed by Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis 8, Tennessee, proposing the issuance of a regulation to provide for the safe use of a combination of disodium cyanodithioimidocarbonate, ethylenediamine, and potassium *N*-methyldithiocarbamate in the production of raw canesugar and blackstrap molasses for microorganism control.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2325; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 534, 556 and 706) have been filed by The Burtonite Company, P.O. Box 7, Nutley 10, New Jersey; Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, Virginia, and Puget Sound Pulp and Timber Co., Bellingham, Washington, proposing the issuance of a regulation to provide for the safe use of calcium or sodium salts of lignin extract as a pelleting aid in animal feeds.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2326; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 697) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, N.J., proposing the issuance of a regulation to provide for the safe use in turkey feed of amprolium, not less than 0.0125 percent and not more than 0.025 percent as an aid in preventing outbreaks of coccidiosis; in combination with 75 grams of streptomycin per ton and 15 grams of penicillin per ton of finished feed, for the prevention of early mortality of poults due to organisms that are sensitive to these antibiotics, and for treating chronic respiratory disease, infectious sinusitis, and blue comb.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2327; Filed, Mar. 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 575) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, N.J., proposing the issuance of a regulation to provide for the safe use of amprolium with bacitracin methylene disalicylate in chicken feed, as follows:

Amprolium not less than 0.0125 percent and not more than 0.025 percent as an aid in preventing outbreaks of coccidiosis, with:

1. Bacitracin methylene disalicylate not less than 50 grams nor more than 100 grams per ton of complete feed for the prevention of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever);

2. Bacitracin methylene disalicylate not less than 100 grams nor more than 200 grams per ton of complete feed for treatment of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2328; Filed, Mar. 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 699) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin or a combination of bacitracin and procaine penicillin (in 3:1 ratio) in chicken and turkey feed, as follows:

1. Feed grade bacitracin, or feed grade bacitracin plus procaine penicillin (3:1 ratio) at 50 grams to 100 grams of antibiotics per ton of complete ration for the prevention of:

(a) Chronic respiratory disease of chickens and turkeys;

(b) Infectious sinusitis of turkeys;

(c) Blue comb (nonspecific infectious enteritis, mud fever) of chickens and turkeys;

(d) Early mortality in chicks.

2. Feed grade bacitracin, or feed grade bacitracin plus procaine penicillin (3:1 ratio) at 100 grams to 500 grams of antibiotic per ton of complete ration for treatment of the conditions specified under 1.

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2329; Filed, Mar. 8, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1094]

GRAVINER MARK 2 FIRE EXTINGUISHER CARTRIDGES

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive superseding Amendment 241, 26 F.R. 161 (AD 61-2-1), which requires inspection of the Graviner Mark 2 fire extinguisher cartridges every 550 hours' time in service. It has been found that many operators of aircraft equipped with the Graviner fire extinguishers have not operated as much as 550 hours since the issuance of the AD. Since corrosion of the igniter wire in the extinguisher cartridge is a function of calendar time as well as operating time, it is proposed to specify compliance in terms of calendar time as well as time in service. Also, since there has been some confusion in identification of Graviner units provided by Fenwal, Incorporated, the United States associate of the Graviner Manufacturing Company, the AD will be revised in this regard.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 10, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GRAVINER. Applies to aircraft equipped with automatic fire extinguisher cartridge Mark 2, A-716, A-717, A-718, A-719, and Fenwal P/N 690202-3, A-716, A-717, A-718, A-719. (The Fenwal installations noted are Graviner systems. Some Mark 2 cartridges modified to Mark 3 have "-3" added to the number on the flat plate, i.e., A-716-3 etc. This AD does not apply to Mark 3 cartridges.)

Compliance required as indicated.

As a result of instances of the igniter wire in extinguisher cartridges becoming corroded in service, the following shall be accomplished:

(a) Within the next 275 hours' time in service or the next 60 days, whichever occurs first after effective date of this AD, unless already accomplished within the past 275 hours' time in service or the past 60 days, conduct a continuity inspection of the cartridge circuits using a safety ohmmeter which restricts the current used to 13 milliampers. A resistance reading of between 5 and 6 ohms indicates a serviceable fuse wire. A resistance reading not between 5 and 6 ohms indicates a defective fuse wire. Repetitive inspection of all cartridge circuits shall be accomplished within each succeeding 550 hours' time in service or 120 days, whichever occurs first after the last inspection.

(b) Replace defective Mark 2 cartridges with either serviceable Mark 2 cartridges or with Mark 3 cartridges which have an improved fuse wire. If Mark 2 cartridges are installed the repetitive inspection specified in (a) shall be continued. If Mark 3 cartridges are installed the repetitive inspections specified in (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Graviner Technical Notice No. 2 covers this subject.)

This supersedes Amendment 241, 26 F.R. 161 (AD 61-2-1).

Issued in Washington, D.C., on March 2, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2302; Filed, Mar. 8, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-LA-10]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the Federal Aviation Agency within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation.

Prior to the implementation of these procedures, the Federal Aviation Agency processed a number of airspace dockets containing amendments to the Regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for further adjustments in the amount of controlled airspace necessary to accommodate the procedures.

To effect such necessary adjustments in the Fillmore-Oxnard, Calif., area, the Federal Aviation Agency is considering the designation of a transition area at Fillmore to extend upward from 1,200 feet above the surface within the area west and southwest of Fillmore bounded on the north and northeast by VOR Federal airway No. 12, on the east by VOR Federal airway No. 107, on the south by VOR Federal airway No. 25, and on the west by Victor 25 and VOR Federal airway No. 485. This would provide protection for aircraft in holding patterns northwest of the Fillmore VORTAC on Victor 12, north of the Camarillo, Calif., radio range, and north and west of the Saddle Intersection (intersection of the Fillmore VORTAC 163° and the Oxnard VOR 107° True radials).

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1962.

CLIFFORD P. BURTON,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-2303; Filed, Mar. 8, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-NY-123]

CONTROLLED AIRSPACE

Proposed Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 of the regulations of the administrator, the substance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the FAA within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation.

Prior to the implementation of these procedures, the Federal Aviation Agency processed a number of airspace dockets containing amendments to the regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for further adjustments in the amount of controlled airspace necessary to accommodate these procedures.

To effect such necessary adjustments in the Watkins Glen, N.Y., and the Elkland, Pa., areas, the Federal Aviation Agency is considering the following airspace actions:

1. The Watkins Glen, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northeast and 10 miles southwest of the Watkins Glen VOR 120° and 300° True radials extending from 9 miles southeast to 20 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Watkins Glen VOR.

2. The Elkland, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 11 miles southeast of the Elmira, N.Y., VOR 252° True radial extending from 9 miles southwest to 40 miles southwest of the VOR, excluding the portion which would coincide with the Slate Run, Pa., transition area (§ 601.10836) and the Stonyfork, Pa., transition area (§ 601.10914). This would provide protection for aricraft in holding patterns at the Elkland Intersection (intersection of the Elmira VOR 252° and the Stonyfork VORTAC 007° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1962.

CLIFFORD P. BURTON,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-2304; Filed, Mar. 8, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

ASSESSMENT RATES, DAILY RATES, AND SERVICE CHARGES

Notice of Change

On December 8, 1961, the Comptroller of the Currency sent the following letter to all national banks and district banks:

The Office of the Comptroller of the Currency does not operate on federally appropriated funds, its income being derived from assessments paid by national and District of Columbia banks. This income maintains the Office. The capacity and efficiency with which the Office can discharge its many statutory and other responsibilities is dependent upon the adequacy of this income. Similarly, it has an important impact upon the quality, character and extent of the essential legal, administrative, and legislative services of the Office.

Beginning with this letter, I shall undertake to keep you informed in detail, at least once annually, of our financial status. To this end I am enclosing for your information a detailed statement showing our comparative income and expense for the years 1957 through 1961. This statement discloses the excess of total costs over total income and our resulting unexpended funds at each year end. These costs have materially exceeded total income for each of these years. The total excess of expense over income for the 5-year period ending December 31, 1961, will be $2,802,873, including $586,652 estimated excess of expense over income for the year 1961.

As shown by the enclosed statement, during the period beginning with the year 1957 and ending with the year 1961, the semiannual assessment rates have ranged from 3 cents to 3½ cents per $1,000 of assets in excess of $25,000 as shown in each bank's Reports of Condition on the assessment collection dates. During this period the minimum semiannual charge of $75 for the first $25,000 of assets has not changed. These assessment rates have not been adequate in relation to the increasing volume of work occasioned by the substantial growth of banks and the increased number of banking units. The result has been that our unexpended funds have during this five year period decreased from $5,304,083, the balance on hand at the beginning of the period, to $2,501,210, the estimated balance on December 31, 1961. In effect, expenses of about $2,803,000 incurred during this five year period have been met from the income of prior years.

The unexpended funds of $2,501,210 are actually encumbered to the extent of approximately $1,500,000, representing accrued liabilities on account of accumulated annual leave for which our employees must be compensated upon separation from this Office, and other accrued expenses. However, I believe it would be in accordance with sound accounting principles to make a reasonable annual appropriation out of current income in order thereby to provide, over a period of years an adequate segregated reserve for these liabilities. If full provision for such a reserve were now to be made, our unencumbered funds at the current year end would amount to approximately $1,000,000, or the equivalent of operating expenses for about 1 month.

In my opinion, our unencumbered funds should be gradually increased as conditions permit from income to an amount sufficient to provide a general reserve fund which will at all times be sufficient to cover the cost of operating the Office. That fund, to the extent feasible, will be invested in United States Treasury obligations so that we may receive the maximum safe income possible in accordance with past practice.

This Office must fully meet its express and specific obligations prescribed by law. Specifically, I must by law insure that the statutory minimum number of examinations are made each year. This has not been possible in recent years, largely because of limitations and restrictions imposed on the number of personnel the Office has been permitted to employ. It is presently estimated that as of December 31, 1961, there will be 561 banks located in 10 of the 12 Federal Reserve Districts, having aggregate resources of $27,196,000,000, which will not have been examined 3 times during the 2-year period 1960–61, the minimum statutory requirement.

A statement is enclosed showing more detailed information concerning national banks located in each of the 12 Federal Reserve Districts, the aggregate resources, the number of such banks by Federal Reserve District, and the aggregate resources which will not have been examined three times during the 2-year period ending December 31, 1961. Although a reduction in the present statutory minimum examination requirement has been suggested as a possible remedy, I do not believe that under existing circumstances it would be in the interest of the national banking system to recommend or support such a proposal.

In view of the foregoing facts and circumstances, I find it necessary to increase the present semiannual assessment rate of 3½ cents per $1,000 of assets exceeding $25,000 to a semiannual rate of 4 cents per $1,000 of total assets. The existing minimum assessment of $75 for the first $25,000 of assets will be increased to a semiannual minimum assessment of $100. The existing deduction of $25,000 will be eliminated. Such increases will apply for at least the calendar year 1962. These assessment changes will be effective on and after the next assessment date.

In order to provide for the assessment of fees which will more nearly cover the costs incurred in performing special services for banks effective with such services undertaken on and after the date of this letter, the following changes in the rates presently charged are hereby prescribed for the services indicated:

	Present per day rate		New per day rate	
	Examiner	Assistant examiner	Examiner	Assistant examiner
Type of investigation:				
New branch and change of branch location	$82.00	$44.00	$100.00	$60.00
New bank	64.00	34.00	100.00	60.00
Miscellaneous	64.00	34.00	100.00	60.00
Type of examination:				
Affiliate	64.00	34.00	100.00	60.00
Extra	64.00	34.00	100.00	60.00
Trust	64.00	34.00	100.00	60.00

Effective November 28, 1961, a filing fee of $500 is being assessed with respect to each application for approval of a merger, consolidation, or purchase of assets and assumption of liabilities. No such fee has been imposed in the past.

I am hopeful that the revised semiannual assessment rate, the above-mentioned increased rates of charges for special services and the new filing fee, will produce sufficient additional income to offset the deficit for 1961 and the additional expense anticipated during 1962. I am unable to furnish you with a reliable estimate of expenses because of the contemplated changes in the policies and procedures of the Office, particularly with respect to the sorely needed expansion of our examining force pointed out in this letter.

This Office historically has set a high national standard with respect to the quality and effectiveness of bank examinations. This is the most serious responsibility with which it is charged by law. I intend to make sure that the quality and effectiveness of national bank examinations shall be of the highest order. However, if the Office is to be able to discharge its duties and maintain and improve existing standards, it is apparent that our examining force must be expanded. This expansion must be accomplished during a period of rising salary costs and while some states are admirably striving for higher examination standards and enhancing their competitive capacity to attract available, competent and interested individuals by offering increasingly attractive compensation and other benefits.

I believe that the time has come for exploration of a means of allocating an equitable portion of the examination expense of this Office to the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System. You know that the national banks of the country carry disproportionate costs for examinations in relation to cost to state banks which enjoy the benefit of joint Federal and State examinations. Furthermore, this Office makes available to the aforementioned Federal agencies, copies of examination reports, and other materials relating thereto, at a cost to the Federal Reserve Banks of $10.00 per examination report and at no cost to the Federal Deposit Insurance Corporation. This disproportionate burden carried by the national banking system should be mitigated.

All of us are conscious of the rising cost of bank operations. I know that each national and District of Columbia bank will, in the light of its own current experience, make a realistic appraisal and judgment of the facts and circumstances set forth in this letter.

Sincerely,

JAMES J. SAXON,
Comptroller of the Currency.

COMPTROLLER OF THE CURRENCY EXAMING DIVISION

Comparative assessment and other income by calendar years 1957 through December 31, 1961, inclusive

Assessment source	*1957*	*1958*	*1959*	*1960*	*[1] 1961*	*Total 1957–61*
Commercial examinations	$7,934,256	$8,010,667	$8,018,037	$9,964,447	$10,403,785	$45,331,192
Branch examinations	196,225	215,400	234,280	254,675	282,350	1,182,930
Subtotal	8,130,481	8,226,067	8,252,317	10,219,122	10,686,135	46,514,122
Trust examinations	413,531	435,896	470,215	508,007	525,503	2,353,452
Affiliate examinations	2,194	2,038	3,606	2,354	2,200	12,432
Extra examinations	4,997	8,124	9,416	2,375	3,402	28,314
Branch and/or removal investigations	60,765	63,162	86,153	98,183	96,822	405,085
Miscellaneous	30,663	32,038	25,469	31,800	37,592	157,562
Subtotal	8,642,931	8,767,325	8,847,176	10,861,841	11,351,744	49,471,017
Copies reports sold	92,554	90,642	91,410	83,865	89,570	448,041
Investment income and miscellaneous	99,771	130,228	72,077	133,774	93,745	529,595
Closed receivership—Trust funds	33,545	98,365	61,450	122,997	110,866	427,223
Subtotal	8,868,801	9,086,560	10,072,113	11,202,477	11,646,925	50,875,876
Less—Refunds of assessments	740	1,835	597	5,628	510	9,310
Total	8,868,061	9,084,725	10,071,516	11,196,849	11,645,415	50,866,566

Comparative costs of operation by calendar years 1957 through December 31, 1961, inclusive

Cost classifications	*1957*	*1958*	*1959*	*1960*	*[1] 1961*	*Total 1957–61*
Salaries (gross)	$6,524,143	$7,459,909	$7,526,584	$8,104,046	$8,643,027	$38,257,709
Per diem allowances	1,406,691	1,544,781	1,618,450	1,651,370	1,857,191	8,078,483
Travel expenses	532,248	549,037	582,444	579,933	636,726	2,880,388
Rent	141,408	146,757	152,633	160,958	166,189	767,945
Employer's retirement, insurance and F.I.C.A. contributions	214,233	503,160	507,407	575,635	648,670	2,449,105
Other expenses	227,768	195,376	234,542	297,859	280,264	1,235,809
Total	9,046,491	10,399,020	10,622,060	11,369,801	12,232,067	53,669,430
Semiannual assessment rates per $1,000 of assets	[2] 3¼ [2] 3	[2] 3 [2] 3	[2] 3 [2] 3½	[2] 3¼ [2] 3½	[2] 3¼ [2] 3½	
Net excess of total costs over total income	$178,430	$1,314,295	$550,544	$172,952	$586,652	$2,802,873
Total unexpended funds as of Dec. 31st (exclusive of nonrecurring acquisition in 1957 of $309,452 of non-income operating funds)	5,125,653	3,811,358	3,260,814	3,087,862	2,501,210	

NOTE.—Total unexpended funds as of Dec. 31, 1956, $5,304,083—Semiannual assessment rates for 1956, 3½ cents and 3¼ cents.

[1] Including estimated figures, November thru December 1961.
[2] Cents.

EXAMINATION—NATIONAL BANKS

Federal Reserve District	Number of banks, 4–12–61	Aggregate resources 4–12–61 (millions)	Number of banks (commercial departments) which will not be examined three times in 1960–61	Aggregate resources (millions)
1	231	6,495	52	3,278
2[1]	331	16,844	37	1,033
3	425	6,178	19	908
4[1]	381	11,357	115	4,189
5[1]	312	6,714	20	712
6[1]	349	10,504	71	5,425
7[1]	397	22,313	88	7,243
8	319	4,982	37	989
9[1]	247	4,680	9	187
10	620	8,101	[3] 0	0
11[1]	513	10,711	133	3,172
12	108	27,217	[4] 0	0
	4,533	136,100	[5] 581	27,196

[1] These districts received help from other districts in 1960.
[2] These districts gave help to other districts in 1960.
[3] Will complete statutory examinations and have 52-man weeks available for other work.
[4] Will complete statutory examinations and have 24-man weeks available for other work.
[5] Includes:

Number of banks	Size groups	Aggregate resources
2	Over $1,000,000,000	$3,955,000,000
2	$500,000,000–$1,000,000,000	1,378,000,000
15	$250,000,000–$500,000,000	5,661,000,000
28	$100,000,000–$250,000,000	5,098,000,000
324	Under $100,000,000	10,909,000,000
581		27,196,000,000

Dated: March 5, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–2330; Filed, Mar. 8, 1962; 8:49 a.m.]

WEEKLY BULLETIN

Notice of Issuance

The Comptroller of the Currency has commenced to issue a continuous weekly announcement of the receipt of, and action taken upon, all applications for new charters, branches, mergers, consolidations, purchase of assets, and assumption of liabilities, change of name or location of head offices or branches, and conversions from State to National banks.

Dated: March 5, 1962.

JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–2335; Filed, Mar. 8, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

ARIZONA, CALIFORNIA, COLORADO, MISSISSIPPI, MONTANA, NEW MEXICO, NORTH DAKOTA, UTAH, WYOMING

Definition of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of sec. 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(3) Arizona

Pinta Dome, August 30, 1961, 7,677.

(5) California

Belgian Anticline Southeast (Revision), May 17, 1961, 2,596.
Little Sespe Creek, May 6, 1961, 345.

(6) Colorado

Buck Peak, August 28, 1960, 2,951.
Divide Creek (Revision), October 13, 1960, 20,658.
Pinnacle, November 20, 1960, 1,765.

(24) Mississippi

North Freewoods, March 18, 1960, 355.

(26) Montana

Cedar Creek (Revision and Consolidation), August 24, 1961, 183,656.

(31) New Mexico

Paduca, November 7, 1961, 4,440.
Pearl (Revision), December 15, 1961, 10,964.
Puerto Chiquito, April 21, 1961, 2,114.

(34) North Dakota

Blue Buttes (Revision), July 3, 1961, 23,573.
Sherwood (Revision), June 7, 1961, 1,593.

(44) Utah

Fence Canyon, September 25, 1961, 4,612.
Northwest Lisbon, July 10, 1961, 7,799.

(50) Wyoming

Barber Creek-Dead Horse Creek (Revision and Consolidation), October 23, 1961, 13,841.
Cow Gulch, June 21, 1961, 160.
Fish Creek, January 12, 1962, 80.
Flat Top-Shawnee, North, January 8, 1962, 12,701.
Kummerfeld, October 25, 1961, 1,239.
North Tisdale (Revision), July 26, 1961, 1,760.
Oil Mountain (Revision), October 24, 1961, 240.
Osage (Revision), November 1, 1961, 19,115.
Patrick Draw-Desert Springs (Revision and Consolidation), October 23, 1961, 64,518.
Poison Spring Creek-Ritter, January 12, 1962, 1,439.
Prong Creek, August 2, 1961, 748.
Raven Creek (Revision), October 25, 1961, 4,828.
Sage Creek (Revision), July 9, 1961, 2,900.
Salt Creek (Revision), January 2, 1962, 26,742.
Smoky Gap (Revision), August 6, 1961, 1,685.
West Moorcraft, October 25, 1961, 669.

THOMAS B. NOLAN,
Director.

MARCH 5, 1962.

[F.R. Doc. 62–2311; Filed, Mar. 8, 1962; 8:46 a.m.]

Bureau of Land Management

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

Plats of survey of lands described below will be officially filed at the Land Office, Reno, Nev., effective at 10:00 a.m. on the 31st day following the publication of this notice.

MOUNT DIABLO MERIDIAN, NEVADA

1. T. 13 N., R. 58 E. (Group 261),
Sec. 3, lots 3 through 14, secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.

The area described aggregates 11,787.15 acres. The plat was accepted December 5, 1956.

a. Available data indicates the lands included in this plat, rough rugged mountains with light fine sandy loam of medium texture.

b. The above described lands are withdrawn by order of 12–7–1907 for the national forest now known as the Humboldt National Forest. In view of this, the lands described will not be subject to disposition under the general public land laws by reason of official filing of this plat.

2. T. 18 S., R. 66½ E. (Group 373),
Secs. 6, 7, 18, 19, 30, 31, lots 1 through 9, N½NW¼.

The area described aggregates 2,315.99 acres. The plat was accepted September 27, 1961.

a. Available data indicates the lands included in this plat varies from nearly level to mountainous with mostly clay and sandy silt soils.

3. The lands described above in paragraphs 1 and 2 have been subject to operation of the U.S. mining laws and mineral leasing laws at all times, except as noted above.

4. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on the 31st day following publication, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nev.

H. CURT HAMMIT,
Manager, Nevada Land Office.

[F.R. Doc. 62–2312; Filed, Mar. 8, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FEDERAL HIGHWAY ADMINISTRATION

Revised Delegation of Authority To Use Title III of the Federal Property and Administrative Services Act of 1949

The material appearing at 24 F.R. 5394–5395 of July 2, 1959 is superseded by the following:

1. Pursuant to the authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Federal Highway Administrator is hereby authorized to utilize and exercise all of the delegable authority of the Secretary of Commerce under Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393–97), as amended, 41 U.S.C. 251–60 (hereinafter referred to as the Act), when procuring property and services, except for the authority under section 305 to make advance payments and except that the authority herein delegated to negotiate contracts without advertising, in section 302(c) of the Act, is limited to subsections 302(c) (2), (3), (4), (5), (6), (10), (14), and (15).

2. This authority shall be exercised only with respect to procurement of property and services which are required in connection with authorized activities conducted by the Bureau of Public Roads.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the Act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Bureau of Public Roads.

5. Except for transactions initiated before the effective date of this revised delegation; the delegation of authority of June 30, 1959, and all other prior delegations of authority to the Bureau of Public Roads or the Federal Highway Administrator to utilize any authority contained in Title III of the Act are hereby revoked and superseded on the effective date hereof.

6. This delegation is effective as of this date.

Dated: March 5, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62–2347; Filed, Mar. 8, 1962; 8:50 a.m.]

MARGUERITE M. SAUERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: None.

B. Additions: American Heritage Life Insurance Co., and National Old Line Life Insurance Co.

This statement is made as of February 28, 1962.

MARGUERITE M. SAUERS.

FEBRUARY 28, 1962.

[F.R. Doc. 62–2323; Filed, Mar. 8, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–139]

UNIVERSITY OF WASHINGTON

Notice of Amendment to Facility License No. R–73

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R–73, as amended, pursuant to an application amendment dated December 15, 1961, submitted by the University of Washington. Facility License No. R–73 authorizes the University of Washington to possess and operate an Argonant-type nuclear reactor located on the university's campus in Seattle, Wash.

This amendment authorizes the possession and use of an additional 3.5 kilograms of uranium 235. This additional material will be fabricated into fuel plates for a second set of fuel elements for use in the university's reactor.

The Commission has found that possession and use of this additional material in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the activities in accordance with the terms of the license as amended does not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated December 15, 1961, submitted by University of Washington, and (2) a hazards analysis of the proposed activities prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 5th day of March 1962.

For the Atomic Energy Commission.

E. G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–73; Amdt. 2]

License No. R–73, as amended, which authorizes the University of Washington to possess and operate the nuclear reactor located on the university's campus at Seattle, Wash., is hereby further amended pursuant to an application amendment dated December 15, 1961, as follows:

1. B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor 32 grams of plutonium contained in plutonium-beryllium neutron sources and up to 7.5 kilograms of contained uranium 235;

3. Pursuant to § 50.60 of the regulations, Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR–40, to University of Washington for use in connection with operation of the reactor, 7.5 kilograms of uranium 235 contained in highly enriched uranium and 32 grams of plutonium contained in plutonium-beryllium neutron sources.

This amendment is effective as of the date of issuance.

Date of issuance: March 5, 1962.

For the Atomic Energy Commission.

E. G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–2301; Filed, Mar. 8, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 13432, 13386; Order No. E–18083]

UNITED AIR LINES, INC.

Order of Investigation and Suspension; Order Denying Motion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of March 1962: In the matter of passenger fares proposed by United Air Lines, Inc.; in the matter of the motion of United Air Lines, Inc.

By tariff filed February 8, 1962, and marked to become effective March 10, 1962, United has proposed certain increases in its domestic passenger fares. It is estimated that this proposal would increase its passenger revenues by an average of 6.5 percent over the fare level prevailing prior to February 1, 1962. United's presently proposed fares are similar to those previously proposed by United for January 1, 1962, effectiveness,[1] which, except for the proposal to cancel the night coach fares, were suspended by the Board by Order E–17885, adopted December 28, 1961.[2] In support of its original proposal, United asserted that the industry's earnings are inadequate, that passenger fares should be increased by approximately 6.5 percent, and that the spread between first-class and coach fares should be reduced.

In considering United's fare increases, proposed for January 1, 1962, effectiveness, the Board found that in the light of recent trends of traffic, capacity, and load factor, no fare program alone can restore the industry's earnings to a reasonable level and that the United proposal should be suspended and investigated. The considerations relied upon by the Board in Order E–17885 in instituting an investigation and suspending the similar fare increases are applicable to the instant proposal. Accordingly, the proposed tariff will be suspended and investigated.

By motion filed February 9, 1962, in Docket 13386, before the institution of this investigation, United requested that all trunkline carriers be made parties to any investigation which may be had concerning United's proposed fare increases. As reasons therefor, the carrier states that the issues presented by its tariff are of basic concern to the entire industry, that differences of opinion on these issues as to fare level and structure exist among the carriers, and that a meaningful result from the investigation can be achieved only if all the trunkline carriers are made parties to the proceeding.

Eastern Air Lines, Inc., is the only carrier which has filed an answer to United's motion. Eastern requests that the Board not grant United's motion at this time, particularly insofar as requiring Eastern to be made a party, for the following reasons: Eastern intends to file its own tariff adjustments, and grant of United's motion may impair or impede Board consideration of Eastern's proposal; the tariffs of other carriers should be put in issue in the contemplated proceedings only to the extent as may be necessary to enable the Board to carry out the requirements of the law; if all trunkline carriers were compelled to become parties in the United investigation, that case would assume the proportions of the General Passenger Fare Investigation, Docket 8008, and might culminate in the same manner with no findings on the lawfulness of specific present or proposed fares; and in any event, United's motion is premature and should be considered after the prehearing conference in this case.

United's motion will be denied. It is desirable to keep the present investigation within reasonable bounds so that it may proceed to a rapid conclusion. Whether or not the interest of other trunkline carriers in implementing their desired rate policies makes it appropriate for them to participate in this proceeding cannot be ascertained from matters now before the Board. United has not demonstrated that it is necessary to the development of a full record and decision on the lawfulness of its proposed fare increases that all trunkline carriers be compelled to become parties in this proceeding. Eastern's answer, the only answer to United's motion filed, specifically requests that it not be made a party to the proceeding at the present time. The action herein is without prejudice to the rights of other carriers to file a timely petition to participate in this proceeding or to the filing of a subsequent motion by United.

United also requests in its motion that the investigation of its tariff be conducted with all reasonable expedition and dispatch. The Board is impressed by the desirability, from the carrier's standpoint, of a prompt determination of its claim for increased fares. From the standpoint of the public, it is equally important that this investigation be completed promptly, and within the 180-day maximum period of suspension permitted by the Act, so as to avoid any possibility of the public being charged higher fares which might prove to be unwarranted, and also to give the public immediate advantage of lower fares if the Board should find in this proceeding that the level of United's existing fares is unreasonably high. For these reasons, the Board believes that the proceedings herein should be expedited and it expects that the matter be set down promptly for prehearing conference, that an early date be set for commencement of the hearing, and that the Hearing Examiner take appropriate steps, consistent with the requirements of due process, to expedite the proceeding to the end that the Board may be in a position to render its final decision prior to the expiration of the period during which the proposed fares are subject to suspension.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

[1] The carrier then proposed to increase its first-class jet fares by $1.00 per one-way ticket and its first-class propeller fares by approximately 6 percent plus $1.00; to increase its day coach fares (jet and piston) by 5 percent plus $1.00; and to cancel its night coach fares.

[2] In this order instituting an investigation of and suspending the United earlier tariff proposal, the Board indicated it would permit the domestic trunkline carriers to place into effect a general fare increase of not more than 3 percent for a period not to exceed six months. Subsequently, United (as well as other domestic carriers) increased its general level of fares by 3 percent by tariff filing effective February 1, 1962. United canceled its tariff marked to become effective January 1, 1962. The order of investigation and suspension initiated by Order E–17885 was thereupon dismissed, Order E–17988, adopted February 6, 1962.

It is ordered, That:

1. An investigation is instituted to determine whether the fares, charges and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, charges and provisions.

2. Pending hearing and decision by the Board, the fares, charges and provisions described in Appendix A below, so far as applicable to interstate air transportation, are suspended and their use deferred to and including June 7, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. Except to the extent granted herein, the motion of United Air Lines, Inc. in Docket 13386 is denied without prejudice.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon United Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

AGENT C. C. SQUIRE'S LOCAL AND JOINT PASSENGER FARES TARIFF NO. PF-5, C.A.B. No. 44

All fares, charges and provisions on:
21st Revised Page 277.
22d Revised Page 278.
7th Revised Page 278-A.
7th Revised Page 278-B.
22d Revised Page 279.
23d Revised Page 280.
19th Revised Page 281.
20th Revised Page 282.
22d Revised Page 283.
25th Revised Page 284.
24th Revised Page 285.
21st Revised Page 286.
32d Revised Page 287.
33d Revised Page 288.
5th Revised Page 288-A.
3d Revised Page 288-B.
36th Revised Page 289.
39th Revised Page 290.
20th Revised Page 290-A.
23d Revised Page 290-C.
22d Revised Page 290-D.
16th Revised Page 290-E.
15th Revised Page 290-F.
33d Revised Page 291.
29th Revised Page 292.
3d Revised Page 292-A.
3d Revised Page 292-C.
3d Revised Page 292-E.
3d Revised Page 292-F.
2d Revised Page 292-G.
2d Revised Page 292-H.
2d Revised Page 292-I.
2d Revised Page 292-J.
2d Revised Page 292-K.
2d Revised Page 292-L.
2d Revised Page 292-M.

[F.R. Doc. 62-2339; Filed, Mar. 8, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

SOUTHERN CALIFORNIA CARLOADING TARIFF BUREAU

Notice of Agreement Filed for Approval; Modification of Terminal Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7576-3, modifies the basic agreement of the parties which established the Southern California Carloading Tariff Bureau. The agreement provides for the performance of carloading and car unloading and accessorial services at docks and marine terminals in Southern California including Port San Luis and ports south in the State of California in connection with common carriers by water. The purpose of the modification is to make an exception to the Port of San Diego.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 5, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2340; Filed, Mar. 8, 1962; 8:50 a.m.]

[Docket No. 976]

T. F. KOLLMAR, INC., ET AL.

Notice of Investigation and of Hearing

In the matter of Agreement 8492 between T. F. Kollmar, Inc. d/b/a Northland Freight Lines, and Wagner Tug Boat Company in the Alaskan trade:

On February 26, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, as amended, an agreement between T. F. Kollmar, Inc., d/b/a Northland Freight Lines, and Wagner Tug Boat Company, covering a cooperative working arrangement in the trade between Seattle, Washington, and Anchorage, Alaska, has been filed for approval under that section and has been assigned Federal Maritime Commission agreement number 8492; and

Whereas, pursuant to notice of the filing of Agreement 8492 in the FEDERAL REGISTER of July 16, 1960, Puget Sound-Alaska Van Lines, Inc., has filed a protest and requested that Agreement 8492 be disapproved or modified in significant respects and, to the extent appropriate for said purpose, a formal hearing should be instituted;

It is ordered, That pursuant to section 15 and 22 of the Shipping Act, 1916, as amended, the Commission, upon its own motion enter upon an investigation and hearing for the taking of evidence to determine (1) Agreement 8492, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or would operate to the detriment of the commerce of the United States, or would be contrary to the public interest, within the meaning of section 15 of the 1916 Act; (2) whether said agreement, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (3) whether said agreement will be in violation of any other provision of said Act; and (4) whether said agreement should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That Wagner Tug Boat Company, Foss Launce & Tug Co., and T. F. Kollmar, Inc., d/b/a Northland Freight Lines be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to Agreement 8492 be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents, protestant, and other interested parties.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: March 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2341; Filed, Mar. 8, 1962; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Extending Time for Acquisition of Voting Shares of Richmond Bank and Trust Company

In the matter of the application of The First Virginia Corporation for prior approval of acquisition of voting shares of Richmond Bank and Trust Company, Richmond, Virginia.

Whereas, by Order dated September 5, 1961, the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), approved the acquisition by The First Virginia Corporation, Arlington, Virginia, of 80 percent or more of the voting shares of Richmond Bank and Trust Company, Richmond, Virginia; and, pursuant to request of The First Virginia Corporation, by Order dated December 4, 1961, extended to March 5 1962, the time within which the approved acquisition was to be completed; and

Whereas, The First Virginia Corporation has applied to the Board for an additional extension of time of 30 days from March 5, 1962, within which to complete its acquisition of the shares of Richmond Bank and Trust Company, and it appearing to the board that good cause has been shown for the additional time requested and that such extension would not be inconsistent with the public interest;

It is hereby ordered,[1] That the time within which said acquisition shall be completed is extended to April 5, 1962.

Dated at Washington, D.C., this 2nd day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2310; Filed, Mar. 8, 1962; 8:46 a.m.]

[1] Copies of this Order are available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4022]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Notice of Filing of Application-Declaration Regarding Issuance and Acquisition of Short-Term Notes

MARCH 2, 1962.

In the matter of Allegheny Power System, Inc., The Potomac Edison Company, Cumberland Valley Electric Company; File No. 70-4022.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), New York, N.Y., a registered holding company, and its public utility subsidiary companies, The Potomac Edison Company ("Potomac") and Cumberland Valley Electric Company ("Cumberland"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding proposed borrowings by Potomac and Cumberland from Allegheny; and have designated sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Allegheny proposes to lend to Potomac and Potomac proposes to borrow, from time to time prior to June 1, 1963, not to exceed $5,000,000. To evidence each borrowing, Potomac will issue to Allegheny a note, bearing interest on the unpaid principal amount thereof at the New York prime commercial loan rate (presently 4½ percent) in effect on the date of the note. The notes will be prepayable, in whole or in part with accrued interest on the prepayment, at any time without penalty or premium.

Allegheny also proposes to lend to Cumberland and Cumberland proposes to borrow on March 21, 1962, the sum of $500,000. To evidence the borrowing, Cumberland will issue to Allegheny a promissory note, maturing March 20, 1963, bearing interest on the unpaid principal amount thereof at the New York prime commercial loan rate in effect on March 21, 1962. The note will be prepayable, in whole or in part with accrued interest on the prepayment, at any time without penalty or premium.

The proceeds from the notes will be used by Potomac and Cumberland to pay outstanding bank loans in the amount of $1,500,000 and $350,000, respectively, and for the temporary financing of their respective construction programs, estimated to cost $20,700,000 and $480,000, respectively, during 1962 and 1963.

The joint application-declaration states that no regulatory approval other than that of this Commission is required; and that no fees, commissions or expenses are to be incurred other than ordinary expenses in connection with the preparation and filing of the application-declaration.

Notice is further given that any interested person may, not later than March 19, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2317; Filed, Mar. 8, 1962; 8:46 a.m.]

[File No. 70-4021]

GULF POWER CO.

Notice of Proposed Issuance of up to $4,100,000 Face Amount of Notes to Banks and $490,000 Principal Amount of First Mortgage Bonds for Sinking Fund Purposes

MARCH 2, 1962.

Notice is hereby given that Gulf Power Company ("Gulf"), 75 North Pace Boulevard, Pensacola, Florida, a Maine Corporation and a public-utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and subparagraphs (a)(2) and (a)(5) of Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Gulf proposes to issue and sell to a group of banks, from time to time prior to April 1, 1963, up to an aggregate of $4,100,000 face amount of unsecured promissory notes, to be dated in each case as of the date of issuance and to mature not more than eighteen months after the date of the initial note or notes. The notes will bear interest at the prime rate (currently 4½ percent per annum) in effect at The Chase Manhattan Bank in New York City on the date of the borrowing represented thereby and are prepayable at any time, in whole or in part, without penalty or premium.

The lending banks and the maximum amounts of notes to be issued to each bank are as follows:

Name and addresses of banks:	*Maximum amounts to be borrowed (in thousands)*
The Chase Manhattan Bank, New York, N.Y.	$1,620
Irving Trust Co., New York, N.Y.	1,620
The Florida National Bank at Pensacola, Pensacola, Fla.	280
The Bay National Bank & Trust Co., Panama City, Fla.	100
The Citizens & Peoples National Bank of Pensacola, Pensacola, Fla.	90
The First Bank & Trust Co. of Pensacola, Pensacola, Fla.	80

Names and addresses of banks—Continued	Maximum amounts to be borrowed (in thousands)
Commercial Bank in Panama City, Panama City, Fla.	$70
The West Pensacola Bank, Pensacola, Fla.	50
Bank of Fort Walton, Fort Walton Beach, Fla.	30
Southern National Bank of Fort Walton Beach, Fort Walton Beach, Fla.	30
Escambia County Bank, Flomaton, Ala.	30
Florida Bank at Chipley, Chipley, Fla.	25
First National Bank of Crestview, Crestview, Fla.	20
The First National Bank, DeFuniak Springs, Fla.	20
The Bank of Bonifay, Bonifay, Fla.	20
Cawton State Bank, DeFuniak Springs, Fla.	15
Total	4,100

The proceeds from the issuance and sale of notes are to be applied toward the construction or acquisition of permanent improvements, extensions and additions to Gulf's utility plant which improvements are estimated to aggregate $6,977,000 for 1962. The notes will be paid in full, at or before maturity, from the proceeds of the issuance and sale of securities of Gulf in 1963.

Gulf further proposes to issue, on or prior to June 1, 1962, $490,000 principal amount of its First Mortgage Bonds, 3¼ percent Series due 1984, and to surrender such bonds to the Trustee under the Indenture, dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank and The Citizens & Peoples National Bank of Pensacola, as Trustees, as amended and supplemented, in accordance with the sinking fund provisions thereof. The bonds are to be identical with those authorized by the Commission on June 14, 1954 (File No. 70–3252) and are to be issued on the basis of unfunded net property additions, thus making available for construction purposes cash which would otherwise be required to satisfy the sinking fund requirements.

The fees and expenses to be incurred in connection with the issuance and sale of notes and the first mortgage bonds are estimated to aggregate $800 and $750, respectively, or a total of $1,550.

According to the declaration, the proposed transactions are subject to the jurisdiction of The Florida Railroad and Public Utilities Commission, the State commission of the State in which Gulf operates, and a copy of the order entered in respect thereof is to be supplied by amendment. Declarant states that no other State commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 19, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2315; Filed, Mar. 8, 1962; 8:46 a.m.]

[File No. 2–12520]

MAINE BONDING AND CASUALTY CO.

Notice of Application for Exemption

MARCH 2, 1962.

Notice is hereby given that Maine Bonding and Casualty Company, a Maine corporation (applicant) has filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 (act) (17 CFR 240.15d–20) for an order exempting it from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d–20 permits the Commission upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the applicant's outstanding securities are held of record, as therein defined, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows: Maine Bonding and Casualty Company is a wholly owned subsidiary of Northern Insurance Company of New York.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 22, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may not later than March 19, 1962, submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such a request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2316; Filed, Mar. 8, 1962; 8:46 a.m.]

[File No. 812–1486]

NATIONAL INVESTORS CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Private Investment Company

MARCH 2, 1962.

Notice is hereby given that National Investors Corporation ("National"), 65 Broadway, New York 6, N.Y., a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Munasca, Inc. ("Munasca").

Shares of National, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of January 16, 1962, the net assets of National amounted to $284,032,376.

Munasca, a Maine corporation, is a personal holding company with fifteen stockholders which engages in the business of investing and reinvesting its funds since 1927. Munasca is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between National and Munasca, substantially all of the cash and securities of Munasca with a total value of $1,344,131 as of January 16, 1962, will be transferred to National in exchange for shares of stock of National. The shares acquired by Munasca are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of National to be delivered to Munasca will be determined by dividing the net asset value per share of National in effect at the closing time into the value of the Munasca assets to be exchanged (with certain adjustments as set forth below).

Since the exchange will be tax free for Munasca and its shareholders, National's cost basis for tax purposes on the assets acquired from Munasca will be the same as for Munasca, rather than the price actually paid by National for the assets. Of the assets to be acquired from Munasca, National intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of January 16, 1962, of $701,409, including unrealized appreciation of $582,932. Other securities to be acquired from Munasca will be sold by National after acquisition. As of January 16, 1962, the market value of these securities was $632,722 and the unrealized capital gain thereon was $430,603. As of January 16, 1962, National had unrealized appreciation of $97,903,350 and undistributed realized gains of $680,557, of which approximately $461,125 and $3,205, respectively, would have become applicable to the shares of National issued to Munasca if the proposed acquisition of Munasca's assets had occurred on this date.

Because National will acquire securities from Munasca at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of National and with respect to the assets of Munasca that National will retain there will result a potential tax liability to the present shareholders of National by reason of an increase in the net unrealized appreciation applicable to their shares. An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Munasca assets in accordance with the following formula:

(1) In respect of the securities of Munasca that National presently intends to sell and the resulting artificial capital gain thereon, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of National allocable to the aggregate shares of National to be issued to Munasca.

(2) In respect of the securities of Munasca that National presently intends to hold following acquisition, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of National's unrealized appreciation applicable to the aggregate shares of National to be issued to Munasca determined on a pro forma basis giving effect to the acquisition of the assets of Munasca.

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2), and 12½ percent of the resulting amount ($565,304 as of January 16, 1962), which is the adjustment for excess unrealized appreciation of Munasca shall be applied to reduce the value of the assets of Munasca to be acquired. If the valuation under the agreement had taken place on January 16, 1962, the adjustment to the market value of the assets of Munasca to be acquired would have amounted to $70,663.

The rate of 12½ percent applied to the excess unrealized appreciation of Munasca is used as an estimated measure of the average tax rate payable on capital gains by National shareholders.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's length bargaining between National and Munasca. The application further states that there is no affiliation or relationship of any kind between the officers and directors of National and the officers, directors, and stockholders of Munasca.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of National are to be issued to Munasca at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1.8 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 19, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2317; Filed, Mar. 8, 1962; 8:46 a.m.]

[File No. 812–1485]

SHARES IN AMERICAN INDUSTRY, INC.

Notice of Filing of Application Exempting Transaction Between Affiliates and Purchase of Securities During an Underwriting

MARCH 2, 1962.

Notice is hereby given that Shares in American Industry, Inc. ("Applicant"), 1033 30th Street NW., Washington, D.C., a registered, open-end, diversified investment company has filed an application pursuant to sections 10(f) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 10(f) and 17(a) of the Act the proposed purchase by the Applicant of up to 5,000 shares of common stock of District Photo, Inc., which is a portion of a 100,000 share offering of capital stock expected to be offered to the public as soon as the registration statement on Form S–1 filed November 15, 1961, by District Photo, Inc. shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission and summarized below for a complete statement thereof.

The price to be paid by Applicant will be equal to the public offering price in effect on the first full day of the offering. It is proposed that said public offering price will be five dollars per share. The commissions payable to the underwriter will be (a) a maximum of 10 percent of the public offering price, and (b) the right to acquire 5,000 five-year transferable warrants to purchase District Photo, Inc. common stock. The consideration paid by the underwriter for said warrants and the price at which said warrants are exercisable will be disclosed by amendment to the registration statement of District Photo, Inc. under the Securities Act of 1933, before it is made effective. Auchincloss, Parker, & Redpath is the principal underwriter of the issue on a firm commitment basis. A partner of such firm is Mark Sullivan, Jr., who is also a director of the Applicant.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of the underwriter offering the stock, the purchase thereof by Applicant is subject to provisions of section 10(f) of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of

such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since the Applicant proposes to purchase stock from an affiliated person of Mark Sullivan, Jr., a director of the Applicant, the proposed transaction is subject to the provisions of section 17(a) of the Act.

In support of the requested exemption, Applicant states that it is advised that the public offering price of District Photo, Inc. common stock which it will pay for the shares to be acquired was arrived at as a result of arm's length bargaining between the issuer and the underwriter; that Applicant is to participate at the public offering price; that Applicant has concluded that the securities of this issuer are a desirable and suitable investment for its shareholders; and that the underwriting commission to be paid is not excessive in view of the relatively small size of the offering and the fact that the securities of the issuer are not presently held by the public.

Notice is further given that any interested person may, not later than March 16, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2318; Filed, Mar. 8, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37581: *Pulpwood from ACL Stations in Alabama and Georgia.* Filed by Atlantic Coast Line Railroad Company (No. 208), for itself. Rates on pulpwood, in carloads from stations on the Atlantic Coast Line Railroad Company in Alabama and Georgia, to Foley, Fla., also to Dothan, Ala., on traffic destined to Panama City, Fla., and to Chattahoochee, Fla., on traffic destined to Port St. Joe, Fla.

Grounds for relief: Abandonment of a portion of the line of the ACL RR between Fitzgerald and Kingwood, Ga., under authority of Finance Docket 20097.

Tariff: Supplement 30 to Atlantic Coast Line Railroad tariff I.C.C. B–3561.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2331; Filed, Mar. 8, 1962; 8:48 a.m.]

[Notice 606]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64799. By order of February 28, 1962, the Transfer Board approved the transfer to Columbia Trucking Co., Inc., Roby, Ind., of Certificates Nos. MC 118612 Sub-2 and MC 118612 Sub-4, issued June 20, 1960, and July 11, 1960, respectively, to Terra Cotta Truck Service, Inc., Crystal Lake, Ill., authorizing the transportation of: Slag, in bulk, in dump trucks, from Gary, Ind., to specified counties in Illinois and Wisconsin; gravel, crushed limestone, and sand, in bulk, in dump trucks, from points in Waukesha County, Wis., to points in five counties in Ill., and from points in Racine County, Wis., to points in DuPage County, Ill., gravel and sand, in bulk, in dump trucks, from South Beloit, Ill., to points in Rock County, Wis.; and materialite, in bulk, in dump trucks, from points in La Salle County, Ill., to points in five counties in Wisconsin. Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill., attorney for applicants.

No. MC–FC 64841. By order of February 28, 1962, the Transfer Board approved the transfer to Vernon Anderson and Earl Newton, a partnership, doing business as Baldwin Egg & Potato Co., Baldwin, Wis., of the operating rights in Certificate No. MC 14431, issued June 22, 1959, to Kenneth E. Baardson, Baldwin, Wis., authorizing the transportation, over irregular routes, of livestock, and agricultural commodities, from points in the towns of Baldwin, Hammond, Eua Galle, Springfield, Pleasant Valley, Glenwood, Emerald, Erin, Cylon, Richmond, Warren, and Rush River, St. Croix County, Wis., to St. Paul, South St. Paul, Newport, and Minneapolis, Minn., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from the above-specified points in Minnesota to points in the above-specified towns in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 64843. By order of February 28, 1962, the Transfer Board approved the transfer to Donald Majeske, doing business as Majeske Trucking Service, Balsam Lake, Wis., of the operating rights in Certificate No. MC 63116, issued March 20, 1959, to Albert James Bibeau, Balsam Lake, Wis., authorizing the transportation of general commodities, excluding household goods, and other specified commodities, between St. Paul, Minneapolis, South St. Paul, and Newport, Minn., on the one hand, and, on the other, points in the towns of Milltown, Georgetown, Balsam Lake, and Apple River, Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 64847. By order of February 28, 1962, the Transfer Board approved the transfer to Victor S. Schneider, doing business as Northway Motors, Albany, N.Y., of the operating rights in Certificate No. MC 114618, issued April 6, 1960, to Robert W. Morris, doing business as Morris Towing Systems, Latham, N.Y., authorizing the transportation, over irregular routes, of wrecked and disabled motor vehicles, from points in Massachusetts, Connecticut, and Vermont, to Albany, N.Y. John J. Brady, Jr., 75 State Street, Albany, N.Y., attorney for applicant.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2332; Filed, Mar. 8, 1962; 8:49 a.m.]

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Washington, Saturday, March 10, 1962

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MAR 16 1962
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Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

TOBACCO EXPORT PROGRAM CMX 40a

Terms and Conditions for Making Payments

CROSS REFERENCE: For notice of terms and conditions for making payments under Section 32 Tobacco Export Program, CMX 40a, see F.R. Doc. 62–2433 in the Notices section, *infra*.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Cantaloupes

EDITORIAL NOTE: Sections 51.495, 51.496, and 51.497, contained in F.R. Doc. 61–2272, 26 F.R. 2219, March 16, 1961, are hereby redesignated §§ 51.494a, 51.494b, and 51.494c, respectively. The purpose of this redesignation is to correct a duplication of section numbers in the Code of Federal Regulations.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

[1962 Feed Grain Program, Supp. 1, Amdt. 1]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

Section 775.152, of the 1962 Feed Grain Program Regulations, Supplement 1 (27 F.R. 160, 164), is amended by correcting the 50-percent payment rate per acre for barley for Dunn County, North Dakota, from $9.13 to $9.10 and Teton County, Wyoming, from $14.60 to $14.80 and by adding county average yields and payment rates for barley for Ringgold, Wayne, and Van Buren Counties, Iowa, and all counties in Vermont.

1. Section 775.152 is amended by changing the county average yields, county minimum acre payment rates (50-percent payment rate per acre), and additional acre payment rates (60-percent payment rate per acre) for barley for Dunn County, North Dakota, and Van Buren County, Iowa, to read as follows:

NORTH DAKOTA

District	County	1959–60 average yield (bushels)	50 percent payment rate per acre (dollars)	60 percent payment rate per acre (dollars)
4	Dunn	22.0	9.10	11.00

WYOMING

3	Teton	35.6	14.80	17.80

2. Section 775.152 is amended by adding county average yields, county minimum payment rates (50-percent payment rate per acre), and additional acre payment rates (60-percent payment rate per acre) for barley as follows:

IOWA

District	County	1959–60 average yield (bushels)	50 percent payment rate per acre (dollars)	60 percent payment rate per acre (dollars)
8	Ringgold	25.0	11.90	14.20
9	Wayne	28.0	10.80	13.00
	Van Buren	25.0	11.90	14.20

VERMONT

	All counties	32.0	16.60	20.00

(Sec. 16(d), 49 Stat. 1151, as amended; 16 U.S.C. 590p)

Effective date of publication.

Issued at Washington, D.C., this 6th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2381; Filed, Mar. 9, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 10]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.310 Navel Orange Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 8, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 11, 1962, and ending at 12:01 a.m., P.s.t.,

March 18, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2454; Filed, Mar. 9, 1962; 11:19 a.m.]

[Valencia Orange Reg. 3]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.303 Valencia Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 8, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 11, 1962, and ending at 12:01 a.m., P.s.t., March 18, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2455; Filed, Mar. 9, 1962; 11:19 a.m.]

[Grapefruit Reg. 4]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.304 Grapefruit Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on March 1, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based was received by the Fruit Branch on March 6, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 11, 1962, and ending at 12:01 a.m., P.s.t., April 15, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided*, That, in lieu of the 10-percent tolerance provided for such grade, not more than a total of 20 percent, by count, shall be allowed for fruit which fail to meet the requirements of such grade but, included in such total tolerance (*a*) not more than 15 percent, by count, shall be allowed for serious damage caused by dryness, and (*b*) not more than 10 percent, by count, shall be allowed for defects other than serious damage caused by dryness of which not more than one-half or 5 percent, by count, shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) Terms used in the amended marketing agreement and order shall, when used herein have the same meaning as given to the respective term in said amended marketing agreement and order; the terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2367; Filed, Mar. 9, 1962; 8:47 a.m.]

[Lemon Reg. 11]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.311 Lemon Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 11, 1962, and ending at 12:01 a.m., P.s.t., March 18, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2376; Filed, Mar. 9, 1962; 8:47 a.m.]

[Grapefruit Reg. 5]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.305 Grapefruit Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 8, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 12, 1962, and ending at 12:01 a.m., e.s.t., March 19, 1962, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2432; Filed, Mar. 9, 1962; 9:16 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Determination Relative to Establishment of an Operating Reserve

Notice was published in the February 7, 1962, issue of the FEDERAL REGISTER (27

F.R. 1118), that consideration was being given to proposals regarding the establishment of an operating reserve to provide for the maintenance and functioning of the Industry Committee, the agency established to administer the terms and provisions of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the above mentioned Industry Committee, it is hereby determined that:

§ 926.201 Reserve fund.

(a) The establishment of an operating reserve in the maximum amount of $20,000, which approximates one-half the average expenses of the Industry Committee for one season, is appropriate and necessary to the maintenance and functioning of the Industry Committee.

(b) The Industry Committee, at the end of each season, is hereby authorized to carry over into the operating reserve any excess assessment funds collected during such season up to, but not exceeding 10 percent of the season's annual budget: *Provided*, That the total funds in such operating reserve shall not at any time exceed $20,000.

(c) The funds in said operating reserve may be used by the Industry Committee to cover (1) any authorized expenses incurred by the committee during any season when assessment income is less than committee expenses, and (2) necessary expenses of liquidation in the event of termination, in whole or in part, of the said amended marketing agreement and order.

(d) Upon such termination, any funds not required to defray the necessary expenses of such liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the shippers from whom such funds were collected.

Terms used herein shall have the same meaning as given to the respective term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2377; Filed, Mar. 9, 1962; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. O]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Executive Officer Status Arising From Authority To Sign Documents

§ 215.102 Executive officer status arising from authority to sign documents.

(a) The Board has received an inquiry as to whether the term "executive officer," as defined in this part, embraces the Vice Chairman of the Board of Directors of a member bank, who in the absence of the Chairman, serves as a member of the Loan and Discount Committee and who also, in the absence of the Chairman, is authorized to execute any and all documents or instruments on behalf of the bank. It is further understood that the member bank has adopted a resolution to the effect that the Chairman of the Board is not authorized to participate in the operating management of the bank and does not actually so participate otherwise than in his capacity as director.

(b) Under § 215.1(b), the chairman of the board of directors of a member bank is assumed to be an executive officer unless it is provided by resolution of the board of directors or the bank's bylaws that he is not authorized to participate in the operating management of the bank and he does not actually participate therein. In view of this provision, although a bank may have adopted such a resolution with respect to the chairman, he must be considered an executive officer if in fact his duties involve participation in the operating management of the bank. Likewise, the Vice Chairman would be an executive officer if, in the absence of the Chairman, he has authority to perform such duties.

(c) It appears from the information supplied that the Loan and Discount Committee, which consists only of members of the Board of Directors, does not actually make loans but rather reviews loans made by loan officers of the bank and acts in a supervisory and advisory capacity. The Board is of the view that these duties are such as are normally performed by directors, as contrasted with the duties of management, and accordingly would not make either the Chairman or the Vice Chairman an executive officer for the purpose of this part.

(d) However, it is also the view of the Board that the Chairman and Vice Chairman of the member bank do participate in the operating management of the bank because of their authority to execute any and all documents or instruments on behalf of the bank. The Board believes that the broad authority to execute such documents brings both the Chairman and the Vice Chairman within a 1940 unpublished interpretation of the Board to the effect that an inactive vice president of a member bank who was authorized to sign deeds, checks, drafts, and other documents in the absence of the president, but who was expressly denied authority to make loans or to perform any of the other duties of an executive officer, should be considered an executive officer.

(Sec. 11, 38 Stat. 262; 12 U.S.C. 248. Interprets or applies section 12, 48 Stat. 162; 12 U.S.C. 375a)

Dated at Washington, D.C., this 28th day of February 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2362; Filed, Mar. 9, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1025; Amdt. 406]

PART 507—AIRWORTHINESS DIRECTIVES

Edo Models 345 and 345A Airborne Loran A Receivers

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of Edo Models 345 and 345A airborne loran A receivers to reduce the radiation to an acceptable level was published in 27 F.R. 536.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

Edo. Applies to all aircraft equipped with Model 345 and 345A airborne loran A receivers.

Compliance required within 1,200 hours' time in service after the effective date of this AD.

In order to reduce the spurious radiation which can adversely effect other navigational and communication equipment, modify Models 345 and 345A receivers in accordance with Edo Field Change Bulletin No. 27, dated August 28, 1961, so that the maximum radiation is 400 micromicrowatts.

This amendment shall become effective April 10, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 6, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2353; Filed, Mar. 9, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-131]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On November 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10777) stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airways Nos. 1607, 1609, and 1648.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

1. In the text of § 600.1607 (26 F.R. 1067, 9130) "thence 12-mile wide airway via the INT of the Big Sur VOR 330° and the Point Reyes, Calif., VOR 153° radials; to the Point Reyes VOR." is deleted and "INT of the Big Sur VOR 325° and the Point Reyes, Calif., VOR 161° radials; to the Point Reyes VOR." is substituted therefor.

2. In the text of § 600.1609 (26 F.R. 1067, 9130, 10635) "thence 10-mile wide airway via the INT of the Paso Robles VOR 314° and the Salinas, Calif., VOR 150° radials; Salinas VOR; Oakland, Calif., VOR; Point Reyes, Calif., VOR;" is deleted and "thence 10-mile wide airway via the INT of the Paso Robles VOR 317° and the Salinas, Calif., VOR 147° radials; Salinas VOR; INT of the Salinas VOR 310° and the San Francisco, Calif., VOR 160° radials; San Francisco VOR; INT of the San Francisco VOR 304° and the Point Reyes, Calif., VOR 161° radials; Point Reyes VOR;" is substituted therefor.

3. In the text of § 600.1648 (26 F.R. 1069) "From the INT of the Big Sur, Calif., VOR 330° and the Salinas, Calif., VOR 281° radials;" is deleted and "From the INT of the Big Sur, Calif., VOR 325° and the Salinas, Calif., VOR 281° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2355; Filed, Mar. 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-7]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1362 of the regulations of the Administrator is to alter the Dalhart, Tex., control area extension.

The Dalhart control area extension is presently designated as the airspace within 10 miles southwest and 7 miles northeast of the Dalhart VORTAC 324° True radial extending from the VORTAC to 20 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Dalhart VORTAC 002° True radial extending from the VORTAC to 20 miles north of the VORTAC; and within 10 miles northeast and 7 miles southwest of the 132° and 312° True bearings from the Dalhart radio beacon extending from 20 miles southeast to 9 miles northwest of the radio beacon. The portion of this control area extension designated on the Dalhart radio beacon is no longer required for air traffic service purposes. However, it is necessary to extend the existing control area extensions based on the Dalhart VORTAC 324° and 002° True radials to 9 miles south and southeast of the VORTAC respectively. This will provide the necessary controlled airspace for the protection of aircraft in holding patterns at the Dalhart VORTAC. Therefore, action is taken herein to alter the Dalhart control area extension by deleting the segment based on the Dalhart radio beacon and designate the remainder of the Dalhart control area extension as the airspace within 10 miles southwest and 7 miles northeast of the Dalhart VORTAC 324° and 144° True radials extending from 20 miles northwest to 9 miles southeast of the VORTAC and within 10 miles west and 7 miles east of the Dalhart VORTAC 002° and 182° True radials extending from 20 miles north to 9 miles south of the VORTAC. Such actions will reduce the overall dimensions of the Dalhart control area extension.

Since the change effected by this amendment is less restrictive in nature than the present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1362 (26 F.R. 12287) is amended to read:

§ 601.1362 Control area extension (Dalhart, Tex.).

Within 10 miles SW and 7 miles NE of the Dalhart, Tex., VORTAC 324° and 144° radials extending from 20 miles NW to 9 miles SE of the VORTAC; and within 10 miles W and 7 miles E of the Dalhart VORTAC 002° and 182° radials extending from 20 miles N to 9 miles S of the VORTAC.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2354; Filed, Mar. 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-81]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

The purpose of this amendment to § 602.100 of the regulations of the Administrator is to alter the segment of Jet Route No. 1 between Los Angeles, Calif., and Oakland, Calif., by including the Avenal, Calif., VOR in its description.

At present a gap of approximately 22 miles in signal coverage exists on this segment from flight level 240 through flight level 270 in the vicinity of Avenal. Alignment of this jet route segment via the Avenal VOR will provide for continuous and also more precise air navigation in the area where signal coverage is now inadequate.

Accordingly, action is taken herein to alter the description of Jet Route No. 1 by including the Avenal VOR between Los Angeles and Oakland.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 602.100 *Jet routes* (26 F.R. 7080, 27 F.R. 1454) the following change is made:

In Jet Route No. 1 "Los Angeles, Calif.; Oakland, Calif.;" is deleted and "Los Angeles, Calif.; Avenal, Calif.; Oakland, Calif.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2356; Filed, Mar. 9, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-154]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration and Revocation of Jet Routes and Jet Advisory Areas

On November 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11254) stating that the Federal Aviation Agency (FAA) proposed to alter a segment of Jet Route No. 101 and its associated radar advisory area from the Shreveport, La., VORTAC to the St. Louis, Mo., VORTAC via the Flippin, Ark., VOR by redesignating it via the Little Rock, Ark., VORTAC; to revoke Jet Route No. 31 and its associated radar advisory area from

the Dallas, Tex., VORTAC to the Northbrook, Ill., VORTAC; and to revoke the segment of Jet Route No. 27 from the Lufkin, Tex., VOR to the St. Louis, Mo., VORTAC.

The Department of the Army interposed no objection. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7080) the following changes are made:

a. In the text of Jet Route No. 101, "Flippin, Ark.;" is deleted and "Little Rock, Ark.;" is substituted therefor.

b. Jet Route No. 31 (Dallas, Tex., to Northbrook, Ill.) is revoked.

c. Jet Route No. 27 is amended to read:

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.). From San Antonio, Tex., to Lufkin, Tex.

2. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7082), Jet Route No. 31 jet advisory area is revoked.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2357; Filed, Mar. 9, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8431 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Richard L. Schroeder et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–167 *Inventor or originator;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.195 *Safety;* § 13.195–30 *Investment;* § 13.205 *Scientific or other relevant facts;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richard L. Schroeder et al. trading as Interstate Merchandisers, Rochester, Minn., Docket 8431, Oct. 24, 1961]

In the Matter of Richard L. Schroeder and Lois I. Schroeder, Individually and as Copartners, Trading and Doing Business as Interstate Merchandisers

Consent order requiring a Rochester, Minn., distributor of vending machines and nuts and candy dispensed thereby, to cease using deceptive offers of employment, false earnings claims, and other misrepresentations, in newspaper advertisements the real purpose of which was to sell its products.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Richard L. Schroeder and Lois I. Schroeder, individually and as copartners, trading and doing business as Interstate Merchandisers, or under any other name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, of vending machines, vending machine supplies, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication, that:

1. Employment is offered by respondents or others when in fact the real purpose of the offer is to obtain purchasers for respondents' merchandise;

2. Persons must own an automobile or furnish references in order to qualify for purchase of respondents' products;

3. The amount invested in respondents' products is secured or that there is no risk of losing the money so invested;

4. Selling or soliciting is not required to establish, operate or maintain a route of said products, or otherwise misrepresenting the amount of selling or soliciting required to establish, operate or maintain such route;

5. The sale of merchandise by, through, or in connection with respondents' products or devices is a permanent business or is unaffected by economic depression;

6. The respondents' vending machines or other merchandise have been designed by, or originated by, any person or organization other than the person or organization which actually designed or originated such vending machines or other merchandise;

7. Respondents or their sales representatives obtain, or assist in obtaining, profitable locations for the vending machines purchased from respondents;

8. The earnings or profits derived from the operation of respondents' vending machines will be any amount greater than that usually and customarily earned by operators of respondents' said machines.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2363; Filed, Mar. 9, 1962; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4458]

[Release AS-90]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Certification of Income Statements

It has come to the attention of the Commission that wide variations have developed in certificates of independent accountants contained in registration statements filed under the Securities Act of 1933 with respect to representations concerning the verification of inventories of prior years in first audits. This development has been noted particularly in situations involving the offering of securities of closely held corporations which have failed to maintain and preserve accounting records and data necessary to permit verification of financial statements. In some cases a question arises whether the certifying accountant intended to limit his opinion as to the fairness of presentation of the income statements.

The following is the pertinent part of an example of this type of certificate:

• • • Except as noted in the succeeding paragraph, our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances.

Since this was our initial examination of the Financial Statements of the Company, September 30, 1961, was the only date at which we observed the taking of physical inventories. However, based on other tests we applied, including tests of gross profits and review of physical inventory records, we have no reason to believe that inventories at September 30, 1958, 1959, and 1960, were not also fairly stated.

In our opinion, with the foregoing comment regarding inventories • • •.

In view of the large number of companies which are now offering securities to the public for the first time and which have this problem, the Commission deems it advisable to remind the financial community that the Securities Act requires that registration statements contain a certificate of an independent accountant based on an audit conducted in accordance with generally accepted auditing standards and meeting the reporting requirements of the Commission.

After testimony was taken from twelve expert witnesses called by the Commission in the investigation of McKesson & Robbins, Inc.,[1] the membership of the American Institute of Accountants at the 1939 annual meeting approved the extension of auditing procedures to require observation of inventory taking.

[1] See Report on Investigation and Testimony of Expert Witnesses, G.P.O. 1940 and 1939.

In January 1942 the Commission, to avoid any possible interruption in the production and delivery of war material, announced a liberalized policy with respect to physical inventory verification by independent public accountants. (Accounting Series Release No. 30.) After specifying information to be furnished in the certificate the release said:

In many cases, it is probable that by means of their alternative and extended procedures the independent public accountants will have satisfied themselves as to the substantial fairness of the amounts at which inventories are stated, and in such case a positive statement to that effect should be made. In some cases it may be that, while the scope of procedures followed will not be such as to have so satisfied the accountants, they will be able to take the position that on the basis of the work done they have no reason to believe that the inventories reflected in the statements are unfairly stated.

Of course, if the scope of the work done or the results obtained from the procedures followed or the data on which to base an opinion are so unsatisfactory to the accountants as to preclude any expression of opinion, or to require an adverse opinion, that situation must be disclosed not only by an exception running to the scope of the audit, but also by means of an exception in the opinion paragraph as to the fairness of the presentation made by the financial statements. • • •

In the Drayer-Hanson matter (Accounting Series Release No. 64, March 15, 1948) the accountants' opinion included a now-familiar sentence: "On the basis of the examinations and tests made by us, we have no reason to believe that the inventories as set forth in the accompanying statements are unfairly stated." The Commission found in this case that in addition to the work done on the inventories, other effective procedures could have been applied and hence that the representation cited was entirely without justification.

The first-time audit situation was considered in Accounting Series Release No. 82 which dealt with the circumstances under which independent public accountants may properly express an opinion with respect to summaries of earnings. Concluding that the accountant can express an opinion on completion of a first audit, the release said "It is recognized that some auditing procedures commonly applicable in the examination of financial statements for the latest year for which a certified profit and loss statement is filed, such as the independent confirmation of accounts receivable or the observation of inventory taking, are either impracticable or impossible to perform with respect to the financial statements of the earlier years and, hence, would not be considered applicable in the circumstances."

The statement in the Commission's release is consistent with interpretations of "extensions of auditing procedure" approved by the membership of the Institute at the 1939 annual meeting. Such extension of auditing procedures to require observation of inventories and confirmation of receivables applies where either of these assets represents a significant proportion of the current assets or of the total assets of a concern. As to inventories, Codification of Statements on Auditing Procedure says "The procedures, it will be noted, must be both practicable and reasonable. In the province of auditing, 'practicable' means 'capable of being done with the available means' or '• • • with reason or prudence'; 'reasonable' means 'sensible in the light of the surrounding circumstances.' For example, the observation of physical inventories at the beginning of the period or year under examination would seldom, if ever, be practicable or reasonable in initial or 'first' audits. However, the independent accountant must satisfy himself as to such inventories by appropriate methods."

It seems clear from the discussion above that if an accountant reports that his examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as he considered necessary in the circumstances, an exception as to failure to observe beginning inventories is contradictory and should be omitted. A middle paragraph explaining that the certificate covers a first audit is informative and in some cases essential to describe the alternative procedures applied. A negative type conclusion to this paragraph appears to be a carryover from wartime usage and is not acceptable. Lost and inadequate records may give rise to questions as to the reliability of the results shown in the financial statements and may make it impracticable to apply alternative audit procedures. Alternative procedures must be adequate to support an unqualified opinion as to the fairness of presentation of the income statements by years.

If, as a result of the examination and the conclusions reached, the accountant is not in a position to express an affirmative opinion as to the fairness of the presentation of earnings year by year, the registration statement is defective because the certificate does not meet the requirements of Rule 2–02 of Regulation S–X (17 CFR 210.2–02). If the accountant is not satisfied with the results of his examination he should not issue an affirmative opinion. If he is satisfied, any reference from the opinion paragraph to an explanatory paragraph devoted solely to the scope of the audit is inconsistent and unnecessary. Accordingly, phrases such as "with the foregoing explanation as to inventories" raise questions as to whether the certifying accountant intended to limit his opinion as to the fairness of the presentation of the results shown and should be omitted.

A "subject to" or "except for" opinion paragraph in which these phrases refer to the scope of the audit, indicating that the accountant has not been able to satisfy himself on some significant element in the financial statements, is not acceptable in certificates filed with the Commission in connection with the public offering of securities. The "subject to" qualification is appropriate when the reference is to a middle paragraph or to footnotes explaining the status of matters which cannot be resolved at statement date.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 1, 1962.

[F.R. Doc. 62-2366; Filed, Mar. 9, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Chlortetracycline; Chlortetracycline With Zoalene

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by American Cyanamid Company, Post Office Box 400, Princeton, N.J., and The Dow Chemical Company, Midland, Mich., and other relevant material, has concluded that the following amended regulations should issue with respect to the food additives chlortetracycline in swine feeds, for prevention and treatment of specified conditions of swine, and chlortetracycline alone or with zoalene for prevention and treatment of specified conditions of chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.207 and 121.208 (21 CFR 121.207 (26 F.R. 5369, 6710); 121.208) of the food additive regulations are amended in the following respects:

1. Section 121.207(a) is amended by adding thereto the following new subparagraph (2):

§ 121.207 Zoalene (3,5-dinitro-*o*-toluamide).

• • • • • •

(a) • • •

(2) With chlortetracycline in accordance with the conditions prescribed in § 121.208(a)(1) (i), (ii), (iii), or (vii).

2. Section 121.208 is changed to read as follows:

§ 121.208 Chlortetracycline.

The food additive chlortetracycline may be safely used in animal feed in accordance with the following prescribed conditions:

(a) It is used or intended for use alone or in combination with other additives permitted by regulations in this subpart C, as follows:

(1) In chicken feeds:

Grams per ton	Limitations	Indications for use
(i) 50–100	Continuous use	Prevention of chronic respiratory disease (air-sac infection); maintaining or increasing egg production or hatchability of eggs.
(ii) 50–100	Continuous use for chicks	Prevention of early chick mortality due to susceptible organisms.
(iii) 100–200	Continuous use; not to be fed to laying hens.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); treatment of infectious sinusitis; prevention o synovitis.
(iv) 100–200	In low-calcium feed containing 0.8 percent dietary calcium; not to be fed continuously for more than 8 weeks, or in low-calcium feed containing 0.40 percent to 0.55 percent dietary calcium not to be fed continuously for more than 5 days; not to be fed to laying hens.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); prevention of synovitis.
(v) 200	In low-calcium feed containing 0.8 percent dietary calcium; not to be fed continuously for more than 8 weeks; not to be fed to laying hens.	Prevention or control of coccidiosis caused by *E. necatrix* and *E. tenella*.
(vi) 200	In low-calcium feed containing 0.40 percent to 0.55 percent dietary calcium; not to be fed continuously for more than 5 days; not to be fed to laying hens.	Treatment of coccidiosis caused by *E. necatrix* and *E. tenella*.
(vii) 200	Continuous use; not to be fed to laying hens.	Control of synovitis.

(2) In swine feed:

Grams per ton	Limitations	Indications for use
(i) 50	Continuous use	Maintenance of weight gain in the presence of atrophic rhinitis; reduction of the incidence of cervical abscesses; prevention of bacterial swine enteritis.
(ii) 100	do	Treatment of bacterial swine enteritis.
(iii) 200	Continuous use, as sole medication	As an aid in reducing spread of leptospirosis.
(iv) 400	For 14 days, as sole medication	As an aid in reducing shedding of leptospirae; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospirosis is present.

(b) The quantities of the antibiotics referred to in this section refer to an activity equivalent to that of the antibiotic master standard.

(c) To assure safe use of the additive, the label and labeling of the additive and that of any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained in any mixture.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed" or "premix" is used.

(4) Adequate mixing directions to provide a finished feed with the proper concentration of the additive, whether or not intermediate premixes are also used.

(5) Adequate use directions to provide a finished feed labeled as provided in paragraph (d) of this section.

(d) To assure safe use of the additive, the label and labeling of the finished medicated feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed" is used.

(4) A statement of the conditions for which the feed is to be used.

(5) If the additive is to be used as prescribed in paragraph (a)(1) (iv), (v), or (vi) of this section, the label and labeling shall also include the statement, "Contains 0.40 percent to 0.55 percent of dietary calcium. Not to be fed continuously for more than 5 days," or the statement, "Contains 0.8 percent of dietary calcium. Not to be fed continuously for more than 8 weeks," whichever is appropriate.

(6) If the additive is to be used as prescribed in paragraph (a)(1) (iii), (iv), (v), (vi), or (vii) of this section, the label and labeling shall also include a statement that the medicated feed should not be fed to laying hens.

(7) If the additive is to be used as prescribed in paragraph (a)(2) of this section, the label and labeling shall also include a statement that the medicated feed is to be fed to swine only.

(Secs. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d))

II. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and swine have been treated with chlortetracycline in accordance with § 121.208, tolerance limitations are required in order to assure that eggs from chickens and edible tissues of swine are safe for human food. Therefore, § 121.1014 (21 CFR 121.1014) is revised to include a zero tolerance for chlortetracycline in eggs and to provide tolerances for this additive in edible tissues of swine. As amended, § 121.1014 reads as follows:

§ 121.1014 Tolerances for residues of chlortetracycline.

Tolerances are established for residues of chlortetracycline in food as follows:

(a) In edible tissues of chickens, which may be in addition to residues provided for in § 120.117(a) of this chapter, and in eggs as follows:

(1) 4 parts per million (0.0004 percent) in uncooked kidneys.

(2) 1 part per million (0.0001 percent) in uncooked muscle, liver, fat, and skin.

(3) Zero in eggs.

(b) In edible tissues of swine as follows:

(1) 4 parts per million (0.0004 percent) in uncooked kidneys.

(2) 2 parts per million (0.0002 percent) in uncooked liver.

(3) 1 part per million (0.0001 percent) in uncooked muscle.

(4) 0.2 part per million (0.00002 percent) in uncooked fat.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

III. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 (b) (21 CFR 146.26(b); 26 F.R. 5371, 8974) is amended as follows:

§ 146.26 [Amendment]

1. Paragraph (b)(41) is changed to read:

(41)(i) It is intended for use as an aid in reducing the spread of leptospirosis in swine; it contains 200 grams of chlortetracycline per ton of feed; and its labeling bears information that it is to be administered continuously.

(ii) It is intended for use solely as an aid in reducing the shedding of leptospirae in swine and as an aid in reducing abortion rate and mortality of newborn pigs in the presence of leptospirosis; it contains 400 grams of chlortetracycline per ton of feed; and its labeling bears information that it is to be administered to the animals for 14 days.

2. Paragraph (b)(45) is amended by adding thereto the following new subdivisions (iii) and (iv):

(iii) It is also intended for use in the prevention of chronic respiratory disease; it contains zoalene in the amounts and under the conditions specified in subdivision (ii) of this subparagraph; and it contains, per ton of feed, not less than 50 grams and not more than 100 grams of chlortetracycline. If it contains 100 grams of chlortetracycline per ton of feed, it may also be represented for use as an aid in the prevention of synovitis in chickens.

(iv) It is also intended for use in the treatment of chronic respiratory disease and blue comb (nonspecific infectious enteritis, mud fever); it contains zoalene in the amounts and under the conditions specified in subdivision (ii) of this subparagraph; and it contains, per ton of feed, not less than 100 grams and not more than 200 grams of chlortetracycline. If it contains 200 grams of chlortetracycline per ton of feed, it may also be represented for use as an aid in the control of synovitis in chickens.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time prior to the 30th day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409 (c) (1) and (4), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c) (1) and (4), (d); sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2374; Filed, Mar. 9, 1962; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6594]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1961 and Estimated Tax for Taxable Year 1962

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1961 income tax by foreign life insurance companies a percentage of 13.4 shall be used in determining the "minimum figure" under section 819(b).

It is presently anticipated that the data with respect to domestic life insurance companies for 1961 required for the computation of the percentage to be used by foreign life insurance companies in computing their estimated tax for the taxable year 1962 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1962 and payments of installments thereof by foreign life insurance companies, a percentage of 13.4 (the percentage applicable for 1961) shall be used in determining the minimum figure under section 819(b). No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1962 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1960, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

[SEAL] STANLEY S. SURREY,
Assistant Secretary of the Treasury.

MARCH 9, 1962.

[F.R. Doc. 62-2437; Filed, Mar. 9, 1962; 10:24 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

[Department of Defense Directive 6040.34]

PART 138—BIRTH REGISTRATION OVERSEAS

The Secretary of Defense approved the following:

Sec.
138.1 Purpose.
138.2 Policy.
138.3 Procedures.
138.4 Background information: Interdepartmental relationships concerning foreign births and citizenship.

AUTHORITY: §§138.1 to 138.4 issued under 5 U.S.C., section 1002.

§ 138.1 Purpose.

This part prescribes Department of Defense policy and procedures on birth registration of infants born to United States citizens in Armed Forces medical facilities overseas.

§ 138.2 Policy.

(a) Armed Forces activities overseas will cooperate with United States Consular Officers in accomplishing birth registration of infants born to United States citizens in military medical facilities in overseas areas.

(b) Where birth registration is required by local law in overseas areas, military medical facilities will continue to report births to local authorities on the forms provided for such registration in addition to the reports required by United States Consular Offices.

§ 138.3 Procedures.

(a) Within twenty-four (24) hours and in no event later than ten (10) days after the birth in a military medical facility of an infant whose parent or parents are citizens of the United States, the designated military officer shall report the birth to the United States Consular Office in whose district the medical facility is located.

(b) The designated military officer shall obtain the data required, prepare Department of State Form FS-240,[1] "Report of Birth Abroad of a Citizen of the United States of America" (also referred to as "Consular Report of Birth"), (down to the solid black line immediately preceding the heading "American Consulate") in triplicate, secure the signatures required on the form, and forward the report to the United States Consular Office.

(1) A citizen parent will be requested to sign each of the three Foreign Service Forms 240 (FS-240) in the box reading "Signature of Parent, Physician, Nurse, or Other Person Having Knowledge of Birth". The citizen parent shall sign under oath before a military officer qualified to administer oaths. After administering the oath, the officer will complete the appropriate section of the Form headed, "When Reported By Mail, Use This Form".

(2) If the mother is not a United States citizen, the citizen father shall be requested to sign the FS-240, if he is available. If the father is not available or if there is any question about his citizenship status, the parent(s) will be requested to contact the United States Consular Office.

(3) In the event the mother dies or is in a very serious condition and the father, who is a United States citizen, is not available, the form shall be forwarded to the United States Consular Office as soon as the Medical Corps Officer who delivered the infant signs it in attest of the delivery. The father then will be advised by his Command that the Consular Office will contact him if it is necessary for him to appear before a Consular Officer.

(4) The section of Form FS-240 entitled "When Reported in Person, Use

[1] Filed as part of the original document.

This Form" is not to be completed by the military officer. This section is completed only when the person concerned signs the form in the presence of the Consular Officer.

(c) In every case, the designated officer will prepare and send an original and two copies of Form FS–240 to the United States Consular Office, and the parents will be advised relative to the following alternative procedures:

(1) If the citizen parent(s) have the proper documentation entered on Form FS–240, as will be prescribed in the implementing regulations, they will be advised that it is not necessary to go personally to the United States Consular Office.

(2) In cases where the necessary documentation is questionable or not available in the manner prescribed in the implementing regulations, the FS–240 shall be forwarded to the United States Consular Office and the parent(s) shall be advised to visit the United States Consular Office and take with them documents that establish marriage and citizenship.

(d) The United States Consular Office will issue to the parent a copy of the Form FS–240, Consular Report of Birth, only upon the parent's request at the time the birth is reported to the Consular Office and upon payment of the fee of $1.50; however, the Certification of Birth will be issued free of charge to the parent in every case where a Consular Report of Birth is executed by the Consular Officer, whether or not the parent requests the copy of the Form FS–240. Additional copies of the Consular Report of Birth or the Certification of Birth may be obtained at any time from the Authentication Officer, Department of State, Washington 25, D.C. The fees for additional copies of either form are: $2.50 for a single copy and $1.60 for each additional copy.

§ 138.4 Background information: Interdepartmental relationships concerning foreign births and citizenship.

(a) Births abroad of children who acquire United States citizenship at birth have been recorded by U.S. Consular Offices for almost 100 years. For the past 40 years, these births have been reported on Department of State Form FS–240, now entitled "Report of Birth Abroad of a Citizen of the United States of America". Form FS–240 is also known as or referred to as the "Consular Report of Birth".

(b) In addition to its use as proof of the birth facts, Consular Reports of Birth have always been considered as a basic citizenship document by the U.S. Department of State and by many agencies of the Federal and State Governments. For this reason, its form and substance differ from the usual live birth certificate filed in the United States, and necessitate an affidavit statement from the person reporting the birth facts.

(c) Upon submission of the necessary evidence of the child's birth and citizenship and completion of the Consular Report of Birth by the U.S. Consular Officer, the parent or other person in interest will receive a copy of the Form FS–240 if he had requested one at the time the birth was reported and had paid the fee of $1.50. The Certification of Birth, however, will be issued free of charge to the parent in every case where action on the Consular Report of Birth has been completed by the Consular Officer, whether or not the parent requested the copy of the Consular Report of Birth. Additional copies of either form may be obtained at any time from the Authentication Officer, Department of State, Washington 25, D.C. The fees for additional copies of either form are: $2.50 for a single copy and $1.60 for each additional copy. The Certification of Birth is a short form record of birth, and information therein is taken from the Consular Report of Birth. The Certification of Birth does not replace the Consular Report of Birth in any way. The Department of State has placed the Certification of Birth form into use to provide persons born overseas with a birth certification form similar to those issued by State vital registration offices of the United States. This form will prove especially useful for children seeking to establish birth facts for school entry, work permits, and such other requirements. Its issuance avoids the need of certifying any embarrassing information which may appear on the Consular Report of Birth.

(d) The distinction between Department of State Form FS–240 and the Certificate of Citizenship issued by the United States Department of Justice Immigration and Naturalization Service is important in considering the necessity for obtaining either document. The Certificate of Citizenship is issued under the authority contained in section 341, Immigration and Nationality Act. It is not mandatory that the parent apply for such a certificate, the decision in that respect being entirely within the discretion of the parent. When issued, the certificate has the same effect in all courts, tribunals, and public offices of the United States, here and abroad, of the District of Columbia, and of each State, Territory, and outlying possession of the United States, as a certificate of naturalization issued by a court. The certificate includes a specific finding that the person to whom it is issued has proved to the satisfaction of the Commissioner that (s)he is now a citizen of the United States.

(e) A child born abroad of a United States citizen parent, or parents, whether or not the birth of the child has been reported to a Consular Office on Department of State Form FS–240, who claims United States citizenship through a parent, may be issued a Certificate of Citizenship by the Immigration and Naturalization Service, in the United States only, upon application by the parent to that Service on its Form N–600, Application for Certificate of Citizenship. Upon satisfactory proof that the child acquired citizenship as claimed, and after examination of the parent or parents in the United States by an officer of that Service, a Certificate will be issued in the name of the child evidencing the child's citizenship. By law, this Certificate has the same effect in all courts, tribunals, and public offices of the United States and of each State, Territory, or outlying possession of the United States, as a certificate of naturalization issued by a court. The possession of such a Certificate is not mandatory and the decision as to whether application for a Certificate should be made is entirely optional with the parents.

(f) In contrast, Department of State Form FS–240 is not issued pursuant to specific statutory authority similar to section 341, nor does the law provide that the form must be given the same effect as a certificate of naturalization. In practice the form is not executed and issued by the American Consul unless the child in question is considered to be a United States citizen. The form itself is actually a Report of Birth of a United States citizen based upon an affidavit by the parent(s) or other interested person furnishing data upon which the Department of State, through its Consular Officer, determines that the child acquired U.S. citizenship at birth. The execution and issuance of the Form FS–240 is a determination by the Department of State that the child acquired U.S. citizenship at birth.

(g) Part 138 exceptions: Inapplicable geographic areas at present are: American Samoa; Canal Zone; Guam; Puerto Rico; Trust Territories; and Virgin Islands. Birth registrations occurring in these areas are registered now through special offices of the Vital Statistics Division, Public Health Service, Department of Health, Education, and Welfare, or local accepted Government offices.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62–2349; Filed, Mar. 9, 1962; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 263—NATURAL RESOURCES; MANAGEMENT AND HARVESTING OF FISH AND WILDLIFE

The Deputy Secretary of Defense approved the following on February 16, 1962.

Sec.
263.1 Purpose and applicability.
263.2 General policies.
263.3 Access to military lands and waters.
263.4 Implementation of section 2671, chapter 159, title 10, United States Code.
263.5 Implementation of Public Law 797, 86th Congress.
263.6 Establishment of installation conservation committees.
263.7 The Secretary of Defense Conservation Award.
263.8 Community relations.
263.9 Inspection.
263.10 Delegation of authority.

AUTHORITY: §§ 263.1 to 263.10 issued under sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a.

§ 263.1 Purpose and applicability.

(a) *Purpose.* This part:

(1) Implements 10 U.S.C. 2671 and Public Law 797, 86th Congress, both of which confer certain responsibilities on the Secretary of Defense for the management, conservation, and harvesting of fish and game resources on military reservations and facilities; and

(2) Prescribes Department of Defense policy for the establishment and continuance of meaningful conservation programs which comply with the natural resources policy of the President as contained in his message to the Congress (message of the President to the Congress, February 23, 1961 (H.R. Doc. 94, 87th Cong., 1st sess.)).

(b) *Application.* This part applies to members of the DoD military installations and facilities which contain land and water areas suitable for the conservation and management of fish and wildlife and other natural resources (see § 263.3(b)). Nothing contained herein or in implementing Service regulations and cooperative agreements shall modify any rights granted by treaty or otherwise to any Indian tribe or to members thereof.

§ 263.2 General policies.

(a) *Necessity for stewardship.* The DoD, as an important occupier of Federal lands, has an obligation to the American people to act responsibly and effectively in natural resources management. This includes the obligation of the Armed Forces to restore, improve, and preserve, through wise-use management, the renewable natural resources of the lands and waters they control. The conservation programs required by this directive and the military mission need not, and shall not, be mutually exclusive.

(b) *Command responsibility.* DoD personnel at all echelons of command must support national conservation policies and programs in accordance with this directive. Intelligent and sympathetic understanding of natural resources and recreation problems, and the relationship and responsibility at all DoD echelons to such problems, must be an important and identifiable function of command management.

(c) *Cooperation with Federal, State, and local officials.* Military departments must assure that appropriate commanders take the initiative to seek out help and to work effectively and in harmony with Federal, State, and local conservation officials and with conservation agencies officially chartered, equipped, and manned by personnel trained to render professional advice and technical assistance. Frequent conferences should be employed as a source of fresh inspiration, ideas and competent decisions.

(d) *Natural resources conservation management.* All military reservations shall be managed so as to:

(1) Protect and preserve the watersheds, the soil, the beneficial forest and timber growth, and the beneficial vegetative cover as vital elements of an optimum fish and wildlife program.

(2) Utilize and care for natural resources in the combination best serving the present and future needs of the United States and its people.

(3) Provide maximum multiple use for the optimum ecological development of land and water areas and access thereto for the enjoyment of and use by the public in compliance with the natural resources policies and goals of the United States, except where a specific finding has been made that the overriding military mission requires a temporary or permanent suspension of such use. Multiple use, by no means an assemblage of single uses, is defined, within the meaning of this part, as a conscious, coordinated management of the resources, each with the other, without impairment of the productivity of the land or water.

§ 263.3 Access to military lands and waters.

(a) *By the public.* (1) Modern natural resources conservation has featured profound changes in public policy in recent years which reflect the demands of a rapidly expanding population for increased access and multiple use of public lands. Due to these intensified pressures on all natural resources, and because the nation's health, morale, and culture have long benefited by public access to outdoor recreation, including fishing and hunting opportunities, the DoD must do its share in accommodating a part of the people hoping for the pleasures of field and stream.

(2) Provision shall be made, within manageable quotas, for controlled public access to installations when such can be granted without bona fide impairment of the military mission. In granting access privileges to persons other than those assigned to or living on military installations, manageable quotas will vary, depending upon the amount of suitable land and water areas available. Opportunities for recreational purposes must be equitably distributed by impartial selection devices, such as a system based on drawings or lots, or a system based on the principle of first come, first served.

(3) In those rare instances where all public access must be withheld, the reasons must be logical and substantial and, by a candid statement, incorporated in the cooperative agreement to be negotiated between representatives of the military departments, the State fish and wildlife authorities, and the U.S. Fish and Wildlife Service.

(b) *By Federal and State conservation officials.* (1) Military departments will insure that appropriate commanders, in cooperation with the Governors, or their designees, of the states in which the installations are located, provide installation access for designated State, fish and wildlife, or conservation officials at such times and under such conditions as may be agreed upon.

(2) Accredited conservation representatives of Federal agencies furnishing professional advice and technical assistance under this directive will also be admitted to installations.

(3) Federal and State conservation officials provided installation access will be issued an Identification Card and Pass Permit, DD Form 1221,[1] by the appropriate commander for use under the terms specified.

(c) *Signs and outleasing agreements.* (1) Signs identifying posted military reservations should also contain information to make it possible for Federal and State authorities, as well as private parties, to identify the proper headquarters responsible for the area.

(2) Where possible, out-leases of military lands shall provide for public recreational uses such as hunting and fishing.

[1] Filed with original document.

§ 263.4 Implementation of section 2671, chapter 159, title 10, United States Code.

(a) Hunting, fishing, and trapping at each military installation or facility under the jurisdiction of any military department in a State will be in accordance with the fish and game laws of the State in which it is located.

(b) At each installation or facility appropriate State licenses for hunting, fishing, or trapping on that installation or facility will be obtained, except that with respect to members of the Armed Forces such a license may be required only if the State authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State. (The clause "for a period of more than thirty days" indicates eligibility for an individual when first physically present for duty on such orders.)

(c) Whoever is guilty of an act or omission which violates a requirement prescribed under paragraphs (a) and (b) of this section, which act or omission would be punishable if committed or omitted within the jurisdiction of the State in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to like punishment.

§ 263.5 Implementation of Public Law 797, 86th Congress.

(a) *Cooperative plans.* In compliance with Public Law 797, 86th Congress, the Departments of Defense and Interior have developed a model cooperative plan,[1] coordinated and approved by the International Association of Fish and Game Commissioners (the national organization representing the several State Fish and Game Commissioners), which is designed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation in the military reservations. Under the terms of the cited statute, appropriate commanders:

(1) May, if agreeable to the signators to the cooperative plans, issue special State permits to individuals for hunting, fishing, or trapping on that installation or facility, and require the payment of a nominal fee therefor. Such fees are to be utilized on the installation from which collected for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities, as may be stipulated in the cooperative plan, but for no other purpose. Such fees as may be collected under the above cited Act will be ac-

counted for and reported in accordance with instructions of the Office of the Assistant Secretary of Defense (Comptroller) under a special indefinite fund established by the Department of the Treasury for each military department, and entitled "Wildlife Conservation, etc., Military Reservations," symbol—X5095.

(2) Will ascertain that the cooperative plan provides that the possession of a special permit for hunting migratory game birds shall not relieve the permittees of the requirements of the Migratory Bird Hunting Stamp Act, as amended (Migratory Bird Hunting Stamp Act, 16 U.S.C. 718, et. seq.), nor of the requirements pertaining to State law, as described in § 263.4.

(b) *Execution of cooperative plans.* Cooperative plans will be executed for all military installations which contain land and water areas suitable for the conservation and management of fish and wildlife and other natural resources. Suitability should be determined after consultation with the Regional Director of the U.S. Fish and Wildlife Service, and the Director of the Fish and Game Department of the State in which the installation is located, or other official as designated by the Governor of the State concerned. Military departments will maintain current copies of all negotiated cooperative plan for installations under their control.

§ 263.6 Establishment of installation conservation committees.

Military departments will insure that commanders of installations having a potential for the program within the concept of this directive shall appoint a conservation committee to assure balanced action and continuity of application on the part of a number of installation activities. Suggested composition of such a committee, in addition to the commanding officer, includes the law enforcement officer, installations operations and safety personnel, land management and engineer personnel, the legal officer, special services, public information services, and elected officers of installation rod and gun club-type activities. Local civilian sportsmen groups should be invited to sit in meetings of such committees as guests.

§ 263.7 The Secretary of Defense Conservation Award.

To encourage and give added incentive for improvement of DoD fish and wildlife activities the Secretary of Defense will annually present an award to the installation that conducted the most outstanding program during the preceding calendar year. The first award will cover the calendar year 1962. An ad hoc committee will be selected to judge the nominations and recommend the winning installation to the Secretary of Defense. The committee, appointed by the Secretary of Defense, will be composed of the Assistant Secretary of Defense (Manpower) and four civilian conservation leaders.

§ 263.8 Community relations.

In developing agreements and procedures with State and local authorities, representatives of the Armed Forces will bear in mind at all times the importance of establishing, maintaining, and improving Armed Forces' community relations, in keeping with the provisions of DoD Directive 5410.7, "Community Relations."

§ 263.9 Inspection.

(a) The Secretaries of the Military Departments will require periodic inspections to insure compliance with this program.

(b) Reporting requirements, subject to appropriate reports control action will be contained in a DoD Instruction issued by the Assistant Secretary of Defense (Manpower).

§ 263.10 Delegation of authority.

Under the direction, authority, and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) shall be responsible for administration of the provisions of this part.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-2350; Filed, Mar. 9, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2077]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES

Limitation on Time To Institute Suit To Contest Secretary's Decision

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act (30 U.S.C. 189), 43 CFR 191.16 is amended as set forth below. The purpose of this amendment is to include in the regulations, in part, the actual language of section 5 of the Mineral Leasing Act Revision of 1960 thereby removing any question of a limitation on the finality of a Secretary's decision.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. However, since this amendment is clarifying in nature and incorporates the actual language of an Act, which is not subject to comment, it is deemed unnecessary to provide notice and public procedure thereon. Accordingly this amendment shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

Section 191.16 is amended to read as follows:

§ 191.16 Limitation on time to institute suit to contest a Secretary's decision.

No action contesting a decision of the Secretary involving any oil and gas lease shall be maintained unless such action is commenced or taken within 90 days after the final decision of the Secretary relating to such matter.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 3, 1962.

[F.R. Doc. 62-2364; Filed, Mar. 9, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2; Ex Parte No. MC-97]

PART 170—COMMERCIAL ZONES

New York, N.Y.; Extension of Effective Date

Upon consideration of the record in the above-entitled proceedings; and good cause appearing therefor:

It is ordered, That the effective date of the order hereinbefore extended to March 5, 1962, by order of the Commission, Chairman Murphy, entered in said proceedings on January 4, 1962, be, and it is hereby, extended to May 5, 1962.

Dated at Washington, D.C., this 5th day of March A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-2369; Filed, Mar. 9, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Notice of Additional Time for Receipt of Written Data, Views, or Arguments

Notice is hereby given that additional time is granted for receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., of written data, views, or arguments with respect to the proposed amendments of Subpart—Administrative Rules and Regulations, pertaining to operations under the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California. Written data, views, or arguments will be accepted through April 2, 1962. Notice of the proposed amendments was published in the FEDERAL REGISTER February 16, 1962 (27 F.R. 1460).

This action affords interested persons necessary additional time to consider the proposal.

Dated: March 7, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-2378; Filed, Mar. 9, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1074]

MILK IN SOUTHWEST KANSAS MARKETING AREA

Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Southwest Kansas marketing area is being considered.

The provisions proposed to be terminated are §§ 1074.71(b) and 1074.85.

The Southwest Milk Producers Association which represents approximately 85 percent of the producers supplying the market has requested that the "take-out and pay-back" plan of the order be terminated. The plan has no effect on minimum prices required to be paid by handlers. It establishes a method of withholding funds from producers during months of normally flush production and distributing such funds during months of normally short production. Timely action on the request can be accomplished through termination of the provisions cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed termination.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on March 8, 1962.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2392; Filed, Mar. 9, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 1093; Draft Release No. 62-9]

APPROVAL OF AIR CARRIER TRAINING PROGRAMS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 10, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

By amendments 40-21, 41-28, and 42-23, effective January 1, 1961 (24 F.R. 9765, 9768, 9773), Parts 40, 41, and 42 were amended to require approval of the training program established by an air carrier. However, these amendments did not specify the procedures and minimum standards that were to be used for such approval. Also, the regulations do not clearly specify that an air carrier must administer the training program as approved, that he must revise it as necessary to insure appropriate training, or that he must keep his training material and procedures current with respect to each airplane type he uses.

The amendments to the regulations proposed herein would require that training programs be established and maintained not only in accordance with the requirements of pertinent sections of the Civil Air Regulations, but also in accordance with minimum standards prescribed by the Director, Flight Standards Service. In addition, the air carrier would be required to revise his program as necessary to insure appropriate training, to obtain approval of any revision, and to administer the program for the training of each crewmember and dispatcher. The proposal would also require an air carrier to provide and keep current, for each airplane type he uses, appropriate course material, written and oral examinations, training forms, and instructions and procedures for use in conducting crewmember and dispatcher proficiency checks.

For better arrangement of the regulations, it is proposed to set forth the requirement that air carrier training programs be approved in the same section that now requires an air carrier to establish such programs. The separate section requiring approval would be deleted.

The amendments requiring approval of air carrier training programs were issued December 1, 1959. That same month the Bureau of Flight Standards prescribed and circulated by memorandum the policies and standards that were to be used for the approval of training programs, so that the air carriers could have ample time to prepare or revise their programs and get approval. After several conferences with industry representatives, during which these standards were thoroughly reviewed, certain changes were made and issued in a revised memorandum dated September 7, 1960. This memorandum has been identified as the "Training Standards Criteria."

Since the memorandum establishing standards for the approval of training programs was an expediency to assist the air carriers in meeting the January 1, 1961, effective date of the amendments, interested persons were advised that proposed Civil Aeronautics Manual material on the subject would be circulated for comment at the earliest practicable time. The industry was also advised that in developing this proposed CAM material, Flight Standards would consider the comments and recommendations they had made during discussions of the "Training Standards Criteria." Insofar as possible, the CAM appendix proposed herein reflects these comments and recommendations.

During the original discussions of the criteria to be used in the approval of training programs and in subsequent informal meetings on this subject with

various segments of industry, both support of and opposition to specifying a minimum number of hours of instruction in the standards was evidenced. While the crewmembers and dispatchers strongly concur with the training standards presently in effect, the air carriers are opposed to specifying a minimum required number of hours of ground and flight training. This opposition is based primarily on the premise that the flexibility needed to develop new training techniques and methods would be reduced, and that an unwarranted emphasis on hours would tend to limit the overall improvement of training programs. Therefore, in view of the expressed differences of opinion with respect to specifying a minimum required number of training hours in the training program standards, it is requested that particular consideration be given this matter in preparing comments on this proposal.

The underlying interest of the Agency in air carrier training programs is with the end product; i.e., competent crewmembers and dispatchers. However, in order to assure with a reasonable degree of certainty that such satisfactory end products will result, it is necessary to evaluate the training programs in advance. While a sampling of the end products may indicate the need for a re-evaluation of the programs, the application of adequate standards in the formulation of the training programs will increase the probability of adequately trained crewmembers and dispatchers.

To provide flexibility for the training of those crewmembers or dispatchers who may not require a complete training course, the standards proposed herein would allow the use of modified courses in appropriate cases. For example, a crewmember hired from another air carrier might be permitted to qualify with less training, if he had already been through the training program of a carrier conducting a comparable operation with the same type of equipment on which he is qualifying. Also, we recognize that the minimum programmed hours for ground school training on certain subjects may vary among different air carriers because of differences in training techniques, procedures, and facilities. For example, an air carrier using mock-ups, films, or other training aids might reasonably program less classroom lecture time than another carrier not using such equipment. The standards proposed herein would provide for variations in the ground school curriculum when training aids are used, if the air carrier presents appropriate justification.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By amending § 40.280 (a) and (b) of Part 40 to read as follows:

§ 40.280 Training requirements.

(a) Each air carrier shall establish and maintain a training program sufficient to insure that each crewmember and dispatcher is adequately trained to perform the duties to which he is assigned. The training program shall be established and maintained in accordance with the requirements prescribed in paragraphs (b) through (e) of this section and §§ 40.281 through 40.289, and the minimum standards prescribed by the Director, Flight Standards Service; and shall be revised as necessary to insure appropriate training. The training program and any revision thereto shall meet with the approval of the Administrator or his authorized representative, and shall be administered by the air carrier for the training of each crewmember and dispatcher. Prior to serving in air transportation, each crewmember and dispatcher shall satisfactorily complete the initial phase of the program.

(b) Each air carrier shall provide adequate ground and flight training facilities, and properly qualified instructors; and shall provide and keep current, with respect to each airplane type used in air carrier operations, appropriate course material, written and oral examinations, training forms, and instructions and procedures for use in conducting crewmember and dispatcher proficiency checks required by this part. Each air carrier shall also provide a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

§ 40.290 [Deletion]

2. By deleting § 40.290.

3. By adding an appendix to Part 40 to read as follows:

APPENDIX—STANDARDS FOR THE PREPARATION AND APPROVAL OF AIR CARRIER TRAINING PROGRAMS

GENERAL

1. *Purpose.* These standards prescribe the procedures for approval of air carrier crewmember and dispatcher training programs and the minimum curriculum requirements for such programs.

2. *Application for approval.* (a) The air carrier shall submit an application for initial approval of its training program to the FAA Principal Operations Inspector. The application shall be accompanied by three copies of the air carrier's training program curriculum. The air carrier shall also submit for examination such training forms, records, and other material pertaining to the training program as may be requested by the Principal Operations Inspector.

(b) If the curriculum complies with the requirements prescribed in this appendix, and the other pertinent material submitted for examination is adequate, the air carrier will be notified that its training program has been approved and an approved copy of the curriculum will be returned to the air carrier.

3. *Revision of approved training program.* Requests for approval of revisions to a previously approved training program shall be submitted to the FAA Principal Operations Inspector. If the request pertains to revision of a training program curriculum approved in accordance with the requirements prescribed in this appendix, three copies of the revision for which approval is requested shall be submitted in a form that will permit it to be readily substituted, if approved, for that portion being replaced in the approved training program curriculum on file with the FAA.

4. *Curriculum; general form and content.* The training program curriculum shall include a table of contents setting forth in appropriately numbered sections the following:

(a) The policy and procedures to be employed by the air carrier in complying with the training requirements for all crewmembers and dispatchers;

(b) The initial, upgrading, transitional, recurrent, and emergency courses of training administered to dispatchers and to each type of crewmember including the ground school, synthetic trainer, aircraft familiarization, and flight training subjects and maneuvers, as appropriate (separate sections should be used for the dispatchers and for each type of crewmember);

(c) Appropriate detailed descriptions or pictorial displays of all normal and emergency flight maneuvers and procedures to be administered in the flight phase of the training program;

(d) The minimum hours of training and instruction programed for each phase of the ground, synthetic, and flight training required for approval; and

(e) Provisions for giving practical tests or closed-book written examinations, as appropriate, in all required subjects.

DETAILED CURRICULUM REQUIREMENTS

11. *Ground school training.* The curriculum shall provide for ground school instruction and training for crewmembers and dispatchers in accordance with the requirements prescribed by Part 40 of the Civil Air Regulations. It shall also include the subjects listed in paragraphs (a) through (j) of this section, designated by appropriate symbols, for the type of operation conducted by the air carrier. In establishing the ground school training curriculum for individual air carriers, subject matter which is not necessary for the training requirements of the air carrier's particular type of operation is not required for approval. In all cases, the curriculum shall include ground school training and instruction for crewmembers and dispatchers in those subjects considered necessary to insure that they will perform their duties with a high level of proficiency in the particular type of operation conducted by the air carrier. The following subjects are applicable to the pilot in command, second in command and third pilot; and to dispatchers, flight engineers, navigators, and flight attendants as indicated:

NOTE: The following symbols are used to designate those segments of each subject in which a particular crewmember and a dispatcher must be given training and instruction:

PC—Pilot in command,
2C—Second in command,
3P—Third pilot,
FE—Flight engineer,
DS—Dispatcher,
NA—Navigator, and
FA—Flight attendant.

(a) *Crew duties and responsibilities.* (1) Orientation—DS, FA, NA, FE;
(2) Organizational structure—DS, FA, NA, FE;
(3) Company policies—DS, FA, NA, FE;
(4) Verification of qualifications—DS, NA, FE;
(5) Use of intoxicants—DS, FA, NA, FE;
(6) Duties and responsibilities—DS, FA, NA, FE;
(7) Issuance of manuals and equipment—DS, FA, NA, FE;
(8) Conduct of flight—DS, NA, FE;
(9) Flight simulator or procedural trainer—FE;
(10) Preflight duties—NA, FE;
(11) Inflight duties—FA, NA, FE;
(12) Postflight duties—FA, NA, FE;
(13) Authority, command and second in command—DS, FA, NA, FE;
(14) Emergency authority and responsibility—DS, FE;

(15) Passenger handling—FA, FE;
(16) Alternate, provisional, and unscheduled landings—DS, FE;
(17) Illness, crew and/or passengers—FA, NA, FE.

(b) *Civil Air Regulations and Civil Aeronautics Manual relative to each part, where applicable.* (1) CAR/CAM 4a—Airplane Airworthiness (non-T Category)—DS, FE;
(2) CAR/CAM 4b—Airplane Airworthiness (T Category)—DS, FE;
(3) SR-422, SR-422A, SR-422B, Turbine-Powered Transport Category Airplanes of Current Design—DS, FE;
(4) CAR/CAM 29—Physical Standards for Airmen; Medical Certificates—DS, NA, FE;
(5) CAR/CAM 40—Scheduled Interstate Air Carrier Certification and Operation Rules—DS, NA, FE;
(6) CAR/CAM 41—Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States—DS, NA, FE;
(7) CAR/CAM 42—Irregular Air Carrier and Off-Route Rules—DS, NA, FE;
(8) CAR/CAM 43—General Operation Rules—DS, FE;
(9) CAR/CAM 45—Commercial Operator Certification and Operation Rules—DS;
(10) CAR/CAM 49—Transportation of Explosives and Other Dangerous Articles—DS, FE;
(11) CAR/CAM 60—Air Traffic Rules—DS, NA;
(12) Part 320 of the Civil Aeronautics Board's Safety Investigation Regulations—Notification and Reporting of Aircraft Accidents and Overdue Aircraft—DS.

(c) *Navigation.* (1) The globe; size, shape, movement, and time—DS, NA;
(2) Projections; maps, charts, and limitations—DS, NA;
(3) Navigational computer and its use—DS, NA;
(4) Basic principles of dead reckoning navigation—DS, NA;
(5) Celestial navigation—NA;
(6) Radio navigation; loran and radar—NA;
(7) Single heading navigation—NA;
(8) Pressure pattern flight planning—Dsq, NA;
(9) Emergency aids to navigation; VHF-DF and HF-DF—DS, NA;
(10) Navigational publications; Flight Information Manual, Airman's Guide, NOTAMS, etc.—DS, NA;
(11) Flight plans and procedures—DS, NA;
(12) En route requirements and procedures—DS, NA;
(13) Continental and oceanic control—DS, NA;
(14) High density traffic control ADIZ, restricted and prohibited areas—DS, NA;
(15) Fuel requirements and cruise control—DS, NA, FE;
(16) Airports; provisional and alternate airport requirements—DS;
(17) Approach procedures and plates, ASR-PAR-ILS-GCA-LF/MF-VOR-ADF—DS;
(18) Approach and landing minimums—DS.

(d) *Meteorology.* (1) Physics and properties of the atmosphere—DS, FE;
(2) Air mass analysis—DS, FE;
(3) Adiabatic processes—DS, FE;
(4) Temperature, dewpoint, and humidity—DS, FE;
(5) Frontal weather systems—DS, FE;
(6) Pressure systems—DS, FE;
(7) Precipitation; rain, freezing rain, snow, sleet, hail, and ice—DS, FE;
(8) Clouds and fog—DS, FE;
(9) Winds including jet stream—DS, FE;
(10) Turbulence and adverse weather; thunderstorms, tornadoes, and hurricanes—DS, FE;
(11) Upper air soundings—DS, FE;
(12) USWS reports and forecasts—DS, NA, FE;
(13) Interpretation of weather data—DS, NA, FE;
(14) Flight principles of pressure patterns—DS, NA;
(15) Pilot inflight weather reports—DS, FE;
(16) High altitude weather—DS, FE.

(e) *Communications.* (1) Communications procedures—DS, FE;
(2) Emergency procedures—DS, FE;
(3) Visual signal—FE;
(4) Ramp and hand signals—FE;
(5) FAA emergency code of distress—FE, NA;
(6) NOTAMS—DS, FE, NA;
(7) Clearance symbols and terminology—DS, FE, NA;
(8) ATC clearance copying—NA;
(9) Continental Morse Code copying practice—NA.

(f) *Airway traffic control.* (1) Types of clearances and flight plans—DS;
(2) ADIZ DVFR clearances and reports—DS;
(3) Types of approaches and holding procedures;
(4) Jet flight planning—DS, NA, FE;
(5) Protection afforded;
(6) Acceptable tolerances—NA;
(7) Pilot and company responsibility—NA;
(8) Government responsibility—DS;
(9) Flight plan cancellations—DS;
(10) Search and rescue protection—DS, FE, NA;
(11) Manuals and publications—DS, NA, FE:
(i) Definitions and symbols—DS, NA,
(ii) Flight Information Manual—DS, NA, FE,
(iii) Airman's Guide—DS, NA, FE,
(iv) ANC Manual—DS, NA.

(g) *Emergencies.* (1) Authority and responsibilities—DS, FA, NA, FE;
(2) Determination and declaration for the following types—DS, FA, NA, FE:
(i) Potential,
(ii) Actual,
(iii) Crash,
(iv) Inflight,
(v) Landing,
(vi) Ground.
(3) Termination of emergency—FE, NA;
(4) Codes and signals—FA, FE, NA;
(5) Available aids and assistance—DS, FA, NA, FE;
(6) Drills and procedures for:
(i) Ditchings—FA, NA, FE,
(ii) Aircraft evacuation—FA, NA, FE,
(iii) Fire fighting—FA, NA, FE,
(iv) Smoke evacuation—FA, NA, FE,
(v) Fuel dumping—FE,
(vi) Propeller feathering—FE,
(vii) Overspeed propeller—FE,
(viii) Hydraulic failures—FE,
(ix) Gear extension failure—FE,
(x) Gear Collapse—FA, NA, FE,
(xi) Utilization of emergency exits—FA, NA, FE,
(xii) Communications failure—FE, NA,
(xiii) Inflight death—FA, FE, NA,
(xiv) Bomb hoax—FE, DS, NA, FA,
(xv) Unreported flight—DS, FE,
(xvi) Decompression—DS, FA, NA, FE,
(xvii) Descents—FA, NA, FE.

(h) *Operations.* (1) Dispatching procedures—DS, FE, NA;
(2) Weight and balance—FE;
(3) Flight planning—DS, NA, FE;
(4) Jet flight planning—DS, NA, FE;
(5) Ground handling and public protection—FE;
(6) Flight schedules—FE, DS, NA;
(7) Cruise control—NA, FE;
(8) Operating specifications—DS, FE, NA;
(9) Flight training simulator and aircraft proficiency checks—FE;
(10) Maintenance and logbooks including equipment "go-no-go" lists—DS, FE;
(11) Ferry flights—DS, FE;
(12) High altitude indoctrination—NA, FE, FA.

(i) *Equipment.* (1) General description—DS, FA, NA, FE;
(2) Performance and limitations—DS, FE;
(3) Powerplants and propellers—DS, FE;
(4) Systems:
(i) Fuel—FE,
(ii) Oil—FE,
(iii) Hydraulic—FE,
(iv) Pneumatic—FE,
(v) Water injection—FE,
(vi) Heating—FE,
(vii) Cooling—FE,
(viii) Pressurization—FE,
(ix) Autopilot—FE,
(x) Radio and radar—NA, FE,
(xi) Electrical—NA, FE,
(xii) Vacuum—FE,
(xiii) Ignition—FE,
(xiv) Induction—FE,
(xv) Ice elimination—FE,
(xvi) Instruments and navigational—NA, FE,
(xvii) Control—FE.
(5) Oxygen equipment—FA, NA, FE;
(6) Emergency equipment—FA, NA, FE;
(7) Emergency systems and procedures—NA, FE.

(j) *Familiarization assignments.* (1) Air route traffic control center—DS, NA;
(2) Airport traffic control tower;
(3) Flight dispatch center—NA, FE, DS;
(4) Pilot schedule office—FE, NA;
(5) Station operations—DS, FA, NA, FE;
(6) Meteorological office—DS, NA, FE;
(7) Aircraft on ground—DS, FA, NA, FE;
(8) Maintenance facility—FE;
(9) Student flight training—FE;
(10) Synthetic flight trainer—FE;
(11) En route line flights—FA, DS, NA, FE.

12. *Flight training.* The curriculum shall provide for flight training which will insure adequate initial, transitional, upgrading, recurrent, and emergency training for all crewmembers on the aircraft type(s) to which they are assigned in air carrier operations. The recurrent training shall be adequate to insure the continued maintenance by all air carrier crewmembers of a high level of proficiency. The curriculum shall provide for the flight training required by Part 40 of the Civil Air Regulations and include the flight training/simulator subjects for initial, transitional, upgrading, and recurrent training listed in paragraphs (a) through (y) of this section.

NOTE: Subjects listed in this section represent a combined list which may be used for simulator and flight phases of training. Subjects in which pilots serving as second in command must be trained are identified with an asterisk (*). The subjects listed for the development of air carrier simulator/synthetic trainer courses should not be confused with the standards for the approval of simulator courses prescribed under § 40.302(b)(3).

(a) *Briefing session.**
(b) *Preflight inspection of the aircraft.**
(c) *Engine starting.**
(d) *Taxiing.*
(e) *Prior to takeoff checks.**
(f) *Takeoffs.* (1) Normal takeoffs;*
(2) Crosswind takeoffs;
(3) Night takeoffs;*
(4) Takeoffs with simulated engine failure.*
(g) *Climb and climbing turns.**
(h) *Maneuver—minimum speed.**
(i) *Approach to stalls.**
(j) *Rapid descent and pullup.*
(k) *Engine-out procedures and familiarization.**
(l) *Roll rates—spoilers on, off, and up.**
(m) *Dutch roll.**
(n) *Spoilers.**
(o) *Stabilizer trim.** (1) Procedures to be used for runway stabilizer;
(2) Procedures to be used for jammed stabilizer;
(3) Procedures to be used for landing and "go-around" with horizontal stabilizer out of trim.
(p) *Tuck and mach warning.**
(q) *Recovery from unusual attitudes.*
(r) *Emergency descent.*

(s) *Traffic control procedures.**
(t) *Instrument approach, missed approach, and orientation procedures for ILS, VOR, ADF, LFR, GCA, PAR, ASR.**
(u) *Landings.* (1) Normal landings;*
(2) Night landings;*
(3) Crosswind landings;*
(4) Zero flap landings;
(5) Maneuvering to landings with simulated failure of 50 percent of power units concentrated on one side of the aircraft;
(6) Maneuvering to a landing under circling minimum conditions.
(v) *Operation of flight engineer panel.* Sufficient training shall be given to qualify a crewmember, other than the flight engineer, to perform satisfactorily in this capacity, should the flight engineer become incapacitated.
(w) *Systems use.** (1) Anti-icing system;
(2) Pressurization and air conditioning;
(3) Fuel systems;
(4) Cockpit and aircraft lighting system;
(5) Navigational and communication systems;
(6) Flight instrumentation.
(x) *Inflight emergency procedures.** (1) Engine fire;
(2) Heater and cargo compartment—fire-smoke removal;
(3) Empennage fire;
(4) Wing fire;
(5) Cabin fire-smoke removal;
(6) Electrical fires and failures;
(7) Flight instrument power failure;
(8) Pneumatic failure;
(9) Hydraulic system failures;
(10) Flight control boost off procedures;
(11) Emergency decompression;
(12) Fuel dumping.
(y) *Ground emergencies.** (1) Emergency evacuation;
(2) Ditching drill;
(3) Brake fire;
(4) Use of emergency brake;
(5) Engine and fuselage fires.

13. *Minimum hours of training.* (a) The curriculum shall program for each crewmember and dispatcher the minimum number of hours of training in the various phases of training, as specified in the following Charts 1 and 2:

NOTE: The symbols used in Charts 1 and 2 have the following meaning:
PC—Pilot in command;
2C—Second in command (copilot) and third pilot in a required three-pilot crew;
3P—Third pilot not required by regulation;
FE—Flight engineer;
NA—Navigator;
FA—Flight attendant;
DS—Dispatcher;
I/T—Initial training;
U—Upgrading training;
R—Recurrent training;
X—One round trip (total time not less than 5 hours).

CHART 1—MINIMUM PROGRAMMED HOURS OF TRAINING

		I Ground school						II Flight training		III Procedural trainer approved simulator			IV Synthetic instrument trainer		V Initial equipment line check					
		PC FE	2C	3P	NA	FA	DS	PC	2C FE	3P	PC	2C	3P	PC	2C	PC	2C	3P	FE	NA	DS FA
Basic (Indoctrination of New Hires)		40	40	40	40	40	40														
DC-3, C-46	I/T	40	40			8	16	8	4					4	4	10	10				X
	U		16						4						4		10				
	R	12	12			3	8	2.5	1.0												
M202/404, CV-240/440	I/T	64	64			8	30	8	5		10	10		4	4	15	15				X
	U		32						5			10			4		10				
	R	16	16			4	8	3	1.5		10	10		4	4						
DC-4, L-049, 749, L-1049	I/T	64	64			24	40	8	5		10	10		4	4	15	15		7.5	12	X
	U		32						5			10			4		15				
	R	16	16			12	4	10	1.5		10	10		4	4						
B-377	I/T	80	80			24	10	40	10	6		15	15		4	4	20	20		10	12	X
L-1649	U		40						5				15		4	4		20			
DC-6/7	R	20	20			12	5	10	1.5		10	10		4	4						
F-27	I/T	80	80			8	40	10	6					4	4	20	20				X
CV-540	U		40						6						4	4		20			
	R	20	20			4	10	3	1.5					4	4						
Viscount	I/T	80	80			10	40	10	6		10	10		4	4	25	25				X
	U		40						6						4	4		25			
	R	20	20			5	20	3	1.5					4	4						
L-188, CL-44	I/T	120	120			10	40	10	7		15	15		4	4	25	25		12.5		X
Argosy	U		60						7			15			4	4		25			
Caravelle	R	20	20			5	20	3	1.5		10	10		4	4						
B-707	I/T	120	120	120	32	16	40	20	10	(1)	20	20	(1)	4	4	25	25		12.5	12	X
DC-8	U		60						10	[2] 10		15	[2] 15		4	4		25	15		
CV-880	R	25	25	25	16	12	20	5	3	(1)	10	10	(1)	4	4						

[1] Amount of training will be predicated on actual duties assigned.
[2] Lesser time may be acceptable based on previous training.

CHART 2—MINIMUM PROGRAMMED HOURS OF TRAINING—SMALL AIRCRAFT

(12,500 Pounds or Less MGTOW)

		I Ground			II Flight training			III Synthetic instrument trainer [1]		IV Initial equipment line check			
		PC	2C	FA	PC	2C	FA	PC	2C	PC	2C	FA	DS
Basic (indoctrination of New Hires)		40	40	20									
Single engine	I/T	8			2			1		5			
	U												
	R	5			2			1					
Multiengine	I/T	20	20	4	4	1		2		5	3		
	U		8			3			1		2		
	R	8	8	2	2	1		2	1				
Instrument	I/T	20	10		6	1		4	2	10	5		
	U		6			5			3		5		
	R	4	4		2	1		2	1				

[1] Link time not required when equivalent training is given in an aircraft under hood.
NOTE: This standard does not apply to turbine-powered airplanes.

(b) The minimum hours of training required by paragraph (a) of this section shall be programmed for the following defined training phases:

(1) *Basic training.* Basic training or indoctrination is that phase of training required to qualify all newly employed crewmember and dispatcher personnel for service in air transportation.

(2) *Initial training (I/T).* Initial training is that phase of training required to qualify crewmembers and dispatchers for service in connection with an airplane type for which they are not currently qualified.

(3) *Upgrading training (U).* Upgrading training is that phase of training required to qualify second in command (copilot) personnel to serve in a pilot-in-command capacity on an airplane type on which they are currently qualified to serve as second in command. If a second in command is to be upgraded to serve in a pilot-in-command capacity on an aircraft type on which he is not currently qualified to serve as second in command, he must be trained in accordance with the requirements for initial training. Upgrading training is also the training required to qualify personnel to serve in a second-in-command capacity on an airplane type on which they are currently qualified to serve in the capacity of a third pilot (3P) not required by the Civil Air Regulations.

(4) *Recurrent training (R).* Recurrent training is that phase of training required within each 12-month period to insure the continued competence of crewmembers and dispatchers. Recurrent flight training for the pilot in command shall be programmed as two training periods, each period consisting of not less than half of the recurrent flight training required by paragraph (a) of this section.

(c) The initial equipment line check requirements of paragraph (a) of this section represent the following:

(1) For a pilot in command, the minimum time this crewmember must be observed by a qualified check airman while performing the duties of pilot in command;

(2) For a pilot qualifying to serve as second in command, the minimum time the trainee must spend in observing an actual operation prior to assignment as a second in command in air carrier operations; and

(3) For a flight engineer, the minimum time this crewmember must be observed by a qualified flight engineer while performing the duties of flight engineer in air carrier operation.

14. *Provisions for adjustment of minimum hours of training.* The minimum programed hours of training required by section 13 for all curriculums are predicated on complete training for each crewmember and dispatcher on one type of airplane. To account for individual training combinations, circumstances, and procedures, an air carrier, in its curriculum, may provide for adjustments in these minimum programed hours of training, in accordance with the provisions of paragraphs (a) through (e) of this section.

(a) *Ground school training.* (1) When training crewmembers or dispatchers on more than one type of airplane, the subject matter that is repetitious for each type may be given once, and need not be repeated for each airplane. For example, where dispatchers are given initial training on several airplane types, the subjects applicable to all types need be given only once.

(2) Recurrent ground school training includes instruction in such general subjects as regulations, weather, and company policy, as well as training on a specific type of airplane. In programing recurrent ground school training for crewmembers or dispatchers who hold qualifications on more than one type of airplane, the general subjects applicable to all types need not be repeated, and training may consist of that necessary to cover such general subjects and to insure adequate training on each type of airplane involved.

(3) The minimum programed hours of recurrent ground school training may be reduced up to 25 percent when the air carrier provides a directed study course, including properly supervised closed-book examinations.

(b) *Flight training.* (1) The minimum programed hours of flight training required by section 13 for all curriculums is that time required in the airplane when training in aircraft simulators or procedural trainers is not provided. When approved simulator training is provided, and the programed time is equivalent to that contained in the procedural trainer/approved simulator column, the minimum programed flight time for initial training may be reduced by 25 percent.

(2) When training is provided in procedural trainers or aircraft simulators that have not been approved, a representative of the Administrator may authorize appropriate reductions up to 25 percent in the airplane flight time programed for initial training. Prior to such authorization, the training device will be evaluated to determine the degree of simulation provided.

(3) Any programed period of recurrent flight training in a particular type of airplane may also be accomplished by means of a proficiency check or an approved course of training in an aircraft simulator. When a proficiency check is used, the flight time must be sufficient to satisfactorily accomplish the check, but need not be equivalent to that programed for the training period. A course of training in an aircraft simulator may be approved for the recurrent flight training of flight engineers as well as pilots.

(4) Flight crewmembers who retain qualifications on two or more types of airplanes need not be given more than one period of recurrent flight training in each type within a 12-month period. For a second in command, third pilot, or flight engineer, the crew concept must be used in at least one period of recurrent flight training within each 12-month period.

(5) When a proficiency check or period of recurrent flight training for a second in command, third pilot, or flight engineer is given separately and does not involve the crew concept, the flight training time programed for that period may be reduced to that necessary for covering the required training or proficiency check maneuvers. If this procedure is used, the crewmember involved shall be required to satisfactorily accomplish each training or proficiency check maneuver prior to completion of the check or training period.

(6) Crewmembers who progress successfully through any phase of the air carrier's flight training program in less than the minimum flight time programed for that phase, and are recommended by the air carrier, may be flight checked by a representative of the Administrator or a check airman of the air carrier. The privilege of flight examining crewmembers recommended for checks with less than the minimum programed hours of flight training will be discontinued if the failure rate of such crewmembers indicates that the training given is not sufficient to insure competence.

(c) *Ground school and flight training.* (1) An air carrier may obtain approval of a modified version of the complete training course, for use in training crewmembers or dispatchers hired from another air carrier using the same type of equipment in a comparable operation. The modified version shall provide for sufficient training to bring the individual or group to the proficiency level normally achieved by a complete course of training, and shall include at least the following:

(i) A written examination on company policies and procedures, the airplane type(s) involved, and other subjects peculiar to the particular air carrier;

(ii) Appropriate flight checks on all normal and emergency procedures; and

(iii) A requirement that the training record for the crewmember or dispatcher must include a complete history of the individual's background, previous training, qualifications, and the examinations conducted by the present employer to determine his proficiency status.

(2) An air carrier may obtain approval of modified versions of the complete training course, for use in training crewmembers or dispatchers transitioning from one variation of an airplane type to another variation of the same type, or from one airplane type to a similar type, as in the case of transition from a Boeing 707 to a Douglas DC-8. For simplicity of reference, the term "differences training" may be used to identify this training. "Differences training" courses must provide for sufficient training to insure proficiency in the airplane(s) involved, and will be evaluated on an individual basis.

(d) *Initial equipment line checks.* The minimum programed hours of initial equipment line checks for a pilot in command, second in command, or flight engineer may be reduced by not more than 50 percent by substituting one takeoff and landing for each programed hour. For example, the 20 hours of line checks programed for a pilot in command in L-1649 airplanes may be reduced to 10 hours when this crewmember makes 10 takeoffs and landings during the 10-hour period.

(e) *Prohibition against deviations.* An air carrier shall not deviate from the minimum programed hours specified in its training program curriculum, except in accordance with adjustments specified in and approved as a part of the approved training program.

4. By promulgating similar amendments to Part 41 and to Part 42 for the carriers and commercial operators operating large aircraft under the provisions of that part.

These amendments are proposed under the authority of sections 313(a), 601, and 604(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

Issued in Washington, D.C., on March 2, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-2319; Filed, Mar. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-8]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2169 of the regulations of the Administrator, the substance of which is stated below.

The Tri-City, Tenn., control zone is presently designated within a 5-mile radius of the Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.), and within 2 miles either side of the Tri-City ILS localizer northeast course extending from the 5-mile radius zone to the outer marker.

The Federal Aviation Agency has under consideration the alteration of the Tri-City control zone by lengthening the extension based on the Tri-City ILS localizer northeast course to 8 miles northeast of the outer marker, and by designating an extension based on the 043° and 223° True bearings from the newly established Boone radio beacon (latitude 36°25'13" N., longitude 82°28'09" W.), extending from the 5-mile radius zone to 8 miles southwest of the radio beacon.

Subsequent to alignment of the present control zone extension serving the Tri-City ILS localizer northeast course, the location of the outer marker was changed because of adverse flight check data. This resulted in a slightly lower final approach fix crossing altitude at the outer marker which, because of terrain considerations, produced a condition wherein aircraft approaching the outer marker conduct a portion of their flight with less than the required controlled airspace protection. The action pro-

posed herein to lengthen the control zone extension based on the ILS would provide this required protection.

The control zone extension based on the Boone radio beacon would provide protection for aircraft executing the ADF instrument approach procedure prescribed for this facility.

If this action is taken, the Tri-City, Tenn., control zone would be redesignated within a 5-mile radius of the Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.), within 2 miles either side of the Tri-City ILS localizer northeast course extending from the 5-mile radius zone to 8 miles northeast of the outer marker, and within 2 miles either side of the 043° and 223° True bearings from the Boone radio beacon extending from the 5-mile radius zone to 8 miles southwest of the radio beacon.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 5, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2351; Filed, Mar. 9, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-228]

POSITIVE CONTROL ROUTE SEGMENTS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.8001 of the regulations of the Administrator, the substance of which is stated below.

Section 601.8001 of Part 601 of the Regulations of the Administrator designates segments of intermediate altitude VOR Federal airways between 17,000 and 22,000 feet MSL inclusive as positive control route segments. In addition, the portions of positive control route segments which underlie positive control areas contained in Subpart J of Part 601 are designated to include the altitudes from 17,000 to, but not including 24,000 feet MSL. These positive control route segments provide the protection of a complete Instrument Flight Rules environment to aircraft conducting long distance flight operations within the intermediate altitude airway system between selected terminal areas.

Subsequent to the designation of these positive control route segments, numerous alterations and some additions have been made to the preferential route system utilized for the expeditious movement of IFR air traffic between major terminal areas.

The Federal Aviation Agency has completed a review of the current effectiveness of the positive control route segments. The results of the review indicate that the expansion of the preferential route system has routed some air traffic away from intermediate altitude airways presently designated as positive control route segments to other intermediate altitude airways not so designated.

Accordingly, in order to provide the IFR environment for aircraft operating via the preferential route system within the intermediate altitude stratum between the selected terminal areas served by the present designations, the Federal Aviation Agency proposes to revoke the positive control route segments designated in § 601.8001 and designate the following new segments which would be consistent and aligned with the current published preferential routes between these terminal areas. All of the proposed route segments would be confined within the continental control area.

1. VOR Federal airway No. 1504 (Seattle, Wash., to Nantucket, Mass.). (See § 600.1504.) The portion of VOR Federal airway No. 1504 from Salem, Mich., VOR to the Wilkes-Barre, Pa., VOR, excluding that portion overlying Canada.

2. VOR Federal airway No. 1506 (Seattle, Wash., to New York, N.Y.). (See § 600.1506.) The portion of VOR Federal airway No. 1506 from Chadron, Nebr., VOR to the intersection of the Keeler, Mich., VOR 094° and the Carleton, Mich., VOR 271° True radials.

3. VOR Federal airway No. 1508 (Portland, Oreg., to New York, N.Y.). (See § 600.1508.) The portion of VOR Federal airway No. 1508 from Rock Springs, Wyo., VOR to the Medicine Bow, Wyo., VOR; also the portion of VOR Federal airway No. 1508 from the Wolbach, Nebr., VOR to the Waterville, Ohio, VOR.

4. VOR Federal airway No. 1510 (San Francisco, Calif., to Nantucket, Mass.). (See § 600.1510.) The portion of VOR Federal airway No. 1510 from the intersection of the Sacramento, Calif., VOR 233° and the Linden, Calif., VOR 209° True radials to the Rock Springs, Wyo., VOR; also the portion of VOR Federal airway No. 1510 from the Waterville, Ohio, VOR to the intersection of the Yardley, Pa., VOR 098° and the Coyle, N.J., VOR 032° True radials.

5. VOR Federal airway No. 1511 (Key West, Fla., to Detroit, Mich.). (See § 600.1511.) The portion of VOR Federal airway No. 1511 from the intersection of the Charleston, W. Va., VOR 357° and the Tiverton, Ohio, VOR 161° True radials to the Tiverton VOR.

6. VOR Federal airway No. 1512 (San Francisco, Calif., to Chicago, Ill.). (See § 600.1512.) The portion of VOR Federal airway No. 1512 from the Akron, Colo., VOR to the Naperville, Ill., VOR.

7. VOR Federal airway No. 1514 (Salt Lake City, Utah, to New York, N.Y.). (See § 600.1514.) The portion of VOR Federal airway No. 1514 from the Selinsgrove, Pa., VOR to the Solberg, N.J., VOR.

8. VOR Federal airway No. 1518 (Minneapolis, Minn., to Washington, D.C.). (See § 600.1518.) The portion of VOR Federal airway No. 1518 from the Naperville, Ill., VOR to the Herndon, Va., VOR.

9. VOR Federal airway No. 1520 (Minneapolis, Minn., to Washington, D.C.). (See § 600.1520.) The portion of VOR Federal airway No. 1520 from the Peotone, Ill., VOR to the Herndon, Va., VOR.

10. VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.). (See § 600.1522.) The portion of VOR Federal airway No. 1522 from the intersection of the Los Angeles, Calif., VOR 061° and the Long Beach, Calif., VOR 024° True radials to the Denver, Colo., VOR; also the portion of VOR Federal airway No. 1522 from the Hill City, Kans., VOR to the Moline, Ill., VOR.

11. VOR Federal airway No. 1524 (Los Angeles, Calif., to New York, N.Y.). (See § 600.1524.) The portion of VOR Federal airway No. 1524 from the Ontario, Calif., VOR to the Lamar, Colo., VOR.

12. VOR Federal airway No. 1533 (San Antonio, Tex., to Milwaukee, Wis.). (See § 600.1533.) The portion of VOR Federal airway No. 1533 from the Moline, Ill., VOR to the intersection of the Moline VOR 042° and the Cordova, Ill., VOR 088° True radials.

13. VOR Federal airway No. 1543 (El Paso, Tex., to Minneapolis, Minn.). (See § 600.1534.) The portion of VOR Federal airway No. 1543 from the Denver, Colo., VOR to the Akron, Colo., VOR.

14. VOR Federal airway No. 1547 (Los Angeles, Calif., to Pembina, N. Dak.). (See § 600.1547.) The portion of VOR Federal airway No. 1547 from the Myton, Utah, VOR to the Cherokee, Wyo., VOR.

15. VOR Federal airway No. 1652 (Thurman, Colo., to Wolbach, Nebr.). (See § 600.1652.) The portion of VOR Federal airway No. 1652 from the Hayes Center, Nebr., VOR to the Wolbach, Nebr., VOR.

16. VOR Federal airway No. 1657 (Tiverton, Ohio, to Traverse City, Mich.). (See § 600.1657.) The portion of VOR Federal airway No. 1657 from the Tiverton, Ohio, VOR to the Pullman, Mich., VOR.

17. VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.). (See § 600.1668.) The portion of VOR Federal airway No. 1668 from the Medicine Bow, Wyo., VOR to the Chadron, Nebr., VOR.

18. VOR Federal airway No. 1676 (Chicago, Ill., to Windsor, Oontario), (See § 600.1676 and Airspace Docket No. 61-KC-32, effective March 8, 1962; 27 F.R. 616.) The portion of VOR Federal airway No. 1676 from the intersection of the South Bend, Ind., VOR 075° and the Windsor, Ontario, VOR 261° True radials to the Windsor VOR, excluding that portion overlying Canada.

19. VOR Federal airway No. 1678 (Chicago, Ill., to Peck, Mich.). (See § 600.1678.) The portion of VOR Federal airway No. 1678 from the Northbrook, Ill., VOR to the Pullman, Mich., VOR.

20. VOR Federal airway No. 1686 (Bradford, Pa., to West Chester, Pa.). (See § 600.1686.) The portion of VOR Federal airway No. 1686 from the Bradford, Pa., VOR to the Selinsgrove, Pa., VOR.

21. VOR Federal airway No. 1690 (Milwaukee, Wis., to Salem, Mich.). (See § 600.1690.) The portion of VOR Federal airway No. 1690 from the Pullman, Mich., VOR to the Salem, Mich., VOR.

22. VOR Federal airway No. 1702 (Lakehead, Ontario, to Paterson, N.J.). (See § 600.1702.) The portion of VOR Federal airway No. 1702 from the Wilkes-Barre, Pa., VOR to the Sparta, N.J., VOR.

23. VOR Federal airway No. 1732 (Linden, Calif., to Scottsbluff, Nebr.). (See § 600.1732.) The portion of VOR Federal airway No. 1732 from the Linden, Calif., VOR to the Myton, Utah, VOR.

24. VOR Federal airway No. 1745 (Lamar, Colo., to Hill City, Kans.). (See § 600.1745.) The portion of VOR Federal airway No. 1745 from the Lamar, Colo., VOR to the Hill City, Kans., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 5, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2352; Filed, Mar. 9, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 45]

[Docket No. R-208]

INTERLOCKING DIRECTORATE APPLICATIONS

Notice of Proposed Rule Making

MARCH 5, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 45 of the Commission's regulations under the Federal Power Act, by revising § 45.8 *Contents of application* to read as set forth below. The section prescribes the basic information which is to be submitted in support of applications for authorization, pursuant to section 305(b) of the Federal Power Act, to hold the positions of officer or director of more than one public utility, or of a public utility and a firm authorized to underwrite or participate in the marketing of public utility securities, or of a public utility and a firm engaged in supplying electrical equipment to such public utility.

3. The revisions proposed are designed to delete provisions requiring the submission of information already on file with or readily available to the Commission and to simplify the format in which the required information must be submitted, encouraging the use of tables and eliminating the necessity for repetition of information applicable to more than one corporation or firm. The adoption of the proposed amendments will result in a substantial reduction in the time and effort required to prepare applications and in reduction in the size of most applications by approximately 50 percent, particularly when a holding company system is involved. The only proposed revisions necessitating the submission of additional information are § 45.8(d) (5) and (6), which require the same information in respect to positions with each bank, trust company, banking association, or firm mentioned in § 45.8 (b) as that now required by § 45.8(e) (7) and (8) in respect to positions with companies supplying electrical equipment to a public utility in which the applicant holds a position.

4. It is proposed to issue the accompanying amendments to the Commission's regulations under the Federal Power Act under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly by sections 305 and 309 thereof (16 U.S.C. 825d, 825h).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 5, 1962, data, views, comments, and suggestions in writing concerning the proposed accompanying amendments to the Regulations under the Federal Power Act. An original and nine copies should be filed of any submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

JOSEPH H. GUTRIDE,
Secretary.

§ 45.8 Contents of application.

Each application shall state the following:

(a) *Identification of applicant.* (1) Full name, business address, and place of residence.

(2) Major business or professional activity.

(3) Any other application or applications under section 305(b) of the act made by the applicant, together with date and docket number thereof, and Commission action thereon, if any.

(4) If application is not filed with the Commission within 30 days after election or appointment, state reasons in full for the delay.

(b) *List of positions within the purview of section 305(b) of the act for which authorization is sought.* (Indicate by asterisk positions which were the subjects of previous authorizations.)

Position	Name of corporation	Classification: (1) Public utility, (2) authorized by law to underwrite, (3) supplying electrical equipment

(c) *Data as to positions with each public utility mentioned in paragraph (b) of this section.* (The format should be adapted to the information submitted, in keeping with completeness and conciseness. In the case of public utilities of the same holding company system, brevity will generally be promoted by submitting the information for all of the utilities involved under each subsection progressively in the order of the subsections, utilizing tables when feasible.)

(1) Name, principal place of business, and a brief description of operations.

(2) Date elected or appointed, or anticipated date of election or appointment, to each position not previously authorized.

(3) Names of officers and directors; number of vacancies, if any, on Board of Directors.

(4) Description of applicant's duties: Approximate amount of time devoted thereto; and, if applicant seeks authorization as a director, when and where directors meetings have been held during the past 12 months and number of such meetings attended by applicant.

(5) All other professional, contractual, or business relationships of applicant with the public utility, either directly or through other corporations or firms.

(6) Extent of applicant's direct or indirect ownership, control of, or beneficial interest in the public utility or the securities thereof. If ownership or interest is held in a name other than that

of applicant, state name and address of the holder.

(7) Extent of applicant's indebtedness to the public utility, how and when incurred, and consideration therefor.

(8) All money or property received by applicant from the public utility or any affiliate during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and the basis therefor. If applicant's compensation for services to the public utility is not paid directly by the public utility, give name of the corporation which does pay same, the amount allocated or allocable to the public utility or any affiliate, and the basis or reason for such allocation.

(9) Name and address of principal place of business of any corporation which renders management, construction or other service to the public utility pursuant to contract or other continuing arrangement.

(10) Whether during the past 5 years the public utility or any affiliate thereof or any security holders of either have commenced any suit against the officers or directors thereof for alleged waste, mismanagement or violation of duty, to which suit applicant was a party defendant. If so, give date of commencement of suit, court in which commenced, and present status.

(11) Whether the public utility or any affiliate thereof, during the past 5 years and while applicant held a position therein, has either voluntarily or involuntarily been the subject of any proceeding in bankruptcy (including 77(b), 48 Stat. 912; 11 U.S.C. 207), insolvency or equity receivership, either Federal or State. If so, give date of commencement of proceeding, court in which commenced, and present status.

(d) *Data as to positions with each bank, trust company, banking association or firm, mentioned in paragraph (b) of this section, that is authorized by law to underwrite or participate in the marketing of securities of a public utility.* (The applicant shall use a separate sheet for each corporation.)

(1) Name of corporation, State, and date of incorporation (if any) and address of principal place of business.

(2) States in which corporation is doing business or has qualified to do business.

(3) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(4) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, where directors meetings are held.

(5) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(6) All money or property received by applicant from the company during the past 12 months, and expected during the ensuing 12 months whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(7) Names, titles, and residence addresses of directors, officers, or partners.

(8) Whether the corporation is now engaged in underwriting or participating in the marketing of the securities of a public utility; if so, to what extent.

(9) Whether the corporation, during applicant's connection therewith, has underwritten or participated in the marketing of the security issue of any public utility with which applicant was also connected; if so, the details with respect to every such transaction.

(10) If the answer to subparagraph (8) of this paragraph is in the negative, give excerpts from the charter, declaration of trust, or articles of partnership which authorize the underwriting or participating in the marketing of securities of a public utility.

(11) If the answer to subparagraph (8) of this paragraph is in the negative, give general requirements of and appropriate reference to, the laws of the State of organization and of States in which corporation is doing business or has qualified to do business, with which it must comply in order to engage in the business of underwriting or participating in the marketing of the securities of a public utility.

(12) What steps, if any, have been taken to comply with laws mentioned in subparagraph (11) of this paragraph.

(13) In lieu of subparagraphs (10), (11), and (12) of this paragraph, an opinion by counsel to the same effect and including the information in respect thereto may be filed with the application.

(14) Whether the corporation has registered with the Securities and Exchange Commission; if so, when and under what section of what act.

(e) *Data as to positions with each company, mentioned in paragraph (b) of this section, supplying electrical equipment to a public utility in which applicant holds a position.* (Applicant shall use a separate sheet for each company.)

(1) Name of company, State, and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(3) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, when and where directors meeting have been held during the past 12 months and number of said meetings attended by applicant.

(4) Names, titles, and residence addresses of directors or partners.

(5) Name of each public utility, with which applicant holds or seeks authorization to hold a position, to which the company supplies electrical equipment; the frequency of such transactions; the approximate annual dollar volume of such business; and the type of equipment supplied.

(6) Nature of relationship between the company supplying electrical equipment and the public utility:

(i) Whether company manufacturers such electrical equipment or is a dealer therein.

(ii) Whether company supplies electrical equipment to the public utility pursuant to construction, service, agency, or other contract with the public utility or an affiliate thereof, and, if so, furnish brief summary of the terms of such contract.

(7) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the company or in the securities thereof, including common stock, prefered stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(8) All money or property received by applicant from the company during the past 12 months, and expected during the ensuing 12 months whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(f) *Data as to positions with public utility holding companies.* (Do not include here data as to corporations listed in paragraph (b) of this section which are also holding companies. A "holding company" as herein used means any corporation which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more, of the outstanding voting securities of a public utility.)

(1) Name of holding company, State, and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds therein, when and by whom elected or appointed to each position.

(3) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the holding company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other that of applicant, state name and address of such holder.

(4) All money or property received by applicant from the holding company during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(g) *Positions with all other corporations.* (Do not include here data as to any corporations listed in paragraph (b) or (f) of this section.)

(1) All other corporations and positions therein, including briefly the information required in parallel columns as below:

Name of corporation	Address: Kind of business	Position held therein

(2) Any corporate, contractual, financial, or business relationships between any of the corporations listed in subparagraph (1) of this paragraph and any of the public utilities listed in paragraph (b) of this section.

(h) *Data as to the public utility holding company system.* The names of the public utility holding company systems of which each public utility listed in paragraph (b) of this section is a part, with a chart showing the corporate relationships existing between and among the corporations within the holding company systems.

[F.R. Doc. 62-2361; Filed, Mar. 9, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 14424]

PUBLIC SAFETY RADIO SERVICES

Signalling Alarm; Order Extending Time for Filing Comments and Reply Comments

The Commission has before it for consideration a petition filed by Associated Public-Safety Communications Officers, Inc. (APCO) requesting an extension of time for filing comments in the above-entitled matter from March 1 until May 1, 1962;

It appearing that the matter of regulating the use of signalling alarms requires APCO to accumulate evidence and opinions from its various members; and

It further appearing that in order to gather and assess such data which will form the substance of APCO's comments, additional time is needed; and

It further appearing that since the notice of proposed rule making bears directly on the Police Radio Service, the comments of APCO will be helpful to the Commission in resolving the issues in this proceeding; and

It further appearing that while the granting of additional time for the filing of comments will not adversely affect any users and will be in the public interest, an extension of 45 days is ample to enable APCO to prepare its comments:

It is ordered, This 2d day of March 1962, pursuant to section 0.291(b) of the Commission's Statement of Organization, Delegations of Authority, and other information, that the time for filing comments in the proceeding is extended to April 15, 1962, and that the time for filing comments in reply thereto is extended to April 27, 1962.

Released: March 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2389; Filed, Mar. 9, 1962; 8:48 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. G–17953 etc.]

CARTER FOUNDATION PRODUCTION CO. ET AL.

Notice of Severance

MARCH 5, 1962.

Carter Foundation Production Company, et al., Docket No. G–17953 etc.; Kerr-McGee Oil Industries, Inc., Docket No. CI62–74.

Notice is hereby given that the matter of Kerr-McGee Oil Industries, Inc., Docket No. CI62–74, heretofore scheduled for a hearing to be held in Washington, D.C., on March 6, 1962, at 9:30 a.m., e.s.t., in the consolidated proceeding entitled Carter Foundation Production Company, et al., Docket Nos. G–17953, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2360; Filed, Mar. 9, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2508, Amdt. 51]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 30 of Order No. 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892; 26 F.R. 6944), is further amended by addition of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.*
(a) • • •

(20) The act of September 22, 1961 (Public Law 87–279; 75 Stat. 577).

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 28, 1962.

[F.R. Doc. 62–2365; Filed, Mar. 9, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DELTA LIVESTOCK COMMISSION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Delta Livestock Commission Co., Pine Bluff, Nov. 20, 1958.	Donaldson Livestock Commission Co., Apr. 5, 1961.
Hiram Wall Sale, Booneville, Dec. 16, 1958	Logan County Livestock Auction, Nov. 15, 1961.
CALIFORNIA	
Zinn Bros. Livestock Commission Co., El Centro, Sept. 27, 1959.	Valley Stockyards, Inc., Dec. 1, 1961.
COLORADO	
Arkansas Valley Sales Co., Lamar, May 4, 1937	McCanless Jones Livestock Co., Sept. 15, 1961.
IDAHO	
Boise Valley Livestock Commission Co., Caldwell, Dec. 30, 1937.	OK Livestock Market, Oct. 25, 1961.
Boise Valley Livestock Commission Co., Nampa, Mar. 14, 1938.	OK Livestock Market, Oct. 25, 1961.
ILLINOIS	
Kankakee County Livestock Sales, Bourbonnais, Nov. 17, 1957.	Kankakee County Livestock Sales, Inc., Nov. 30, 1961.
INDIANA	
Morton Sale Barn, Inc., Greencastle, Apr. 27, 1959	Morton Sale Barn, Jan. 16, 1962.
IOWA	
Bradley's Auction, Red Oak, June 11, 1959	Bradley Livestock Auction, Jan. 2, 1962.
V. H. Wehrheim Commission Firm, Webster City, May 19, 1959.	Wehrheim and Peterson Sales Pavilion, Nov. 28, 1961.
KANSAS	
Dighton Livestock Market, Dighton, Apr. 15, 1950	The Dighton Livestock Auction Market, Inc., Aug. 22, 1961.
Koenig Sales Barn, Manhattan, Oct. 25, 1957	Koenig Sale Barn, Inc., Aug. 7, 1961.
Oakley Livestock Sales Co., Oakley, Apr. 21, 1950	Oakley Livestock Commission Co., Oct. 2, 1961.
Topeka Livestock Commission Co., Topeka, May 22, 1959.	Topeka Livestock Auction Co., Oct. 23, 1961.
KENTUCKY	
T. E. Vasseur & Son, Ledbetter, Dec. 9, 1959	Paducah Livestock Auction, Aug. 30, 1961.
MICHIGAN	
Cass Livestock Sale, Cassopolis, Apr. 21, 1959	Michigan Livestock Exchange, Dec. 22, 1961.
MINNESOTA	
McCargar-Sook Auction Co., Inc., Marshall, Sept. 16, 1959.	Marshall Sale Barn, Sept. 20, 1961.
MISSOURI	
Taney County Livestock Auction, Forsyth, Sept. 15, 1959.	Forsyth Auction Barn, Sept. 11, 1961.
Wheaton Community Sale, Wheaton, Sept. 18, 1959.	Wheaton Livestock Auction, Sept. 15, 1961.
MONTANA	
Havre Livestock Commission Co., Havre, Feb. 20, 1950.	Havre Livestock Market Center, July 1, 1961.
Yellowstone Livestock Commission Co., Sidney, Feb. 24, 1950.	Sidney Livestock Market Center, Oct. 1, 1961.
NEBRASKA	
Ainsworth Sale Yards, Ainsworth, Sept. 6, 1956	Ainsworth Livestock Market, Aug. 18, 1961.
Imperial Sales Co., Imperial, Feb. 1, 1956	Imperial Auction Market, Inc., Jan. 1, 1962.
Red Cloud Sales Co., Red Cloud, Apr. 24, 1959	Red Cloud Sales Barn, Jan. 8, 1962.
OREGON	
Coos Curry Livestock Auction, Bandon, Oct. 14, 1959.	Coos Curry Livestock Auction, Inc., Nov. 27, 1961.
Gillaspie's Auction Market, Salem, May 14, 1960	Salem Auction Yard, Oct. 23, 1961.
PENNSYLVANIA	
Farmers Market Auction, Ephrata, Dec. 10, 1959	Farmers Market and Auction, Inc., Jan. 1, 1962.
TENNESSEE	
Southwestern Sales Co., Huntingdon, May 7, 1959	Southwestern Sales Co., Inc., Aug. 25, 1961.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
TEXAS	
Tate Bros. Live Stock Co., Midland, Nov. 4, 1960	Farmers & Ranchers Auction Co., Aug. 10, 1961.
WASHINGTON	
Grange Commission & Livestock Co., Auburn, Oct. 16, 1959.	Auburn Livestock, Inc., Jan. 1, 1962.
Grange Interstate Livestock Association, Moses Lake, Sept. 24, 1959.	Moses Lake Livestock Auction, Jan. 2, 1962.
WEST VIRGINIA	
Alderson Livestock Market, Inc., Alderson, Nov. 3, 1959.	Alderson Livestock Market, Sept. 7, 1961.
Greenbrier Valley Stockyards, Inc., Ronceverte, Nov. 3, 1959.	Bluegrass Market, Inc., Oct. 1, 1961.
WISCONSIN	
Central Wisconsin Livestock Auction, Tomah, June 1, 1959.	Central Wisconsin Livestock, Inc., Aug. 30, 1961.

Done at Washington, D.C., this 7th day of March 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–2375; Filed, Mar. 9, 1962; 8:47 a.m.]

NOTICE OF TERMS AND CONDITIONS FOR MAKING PAYMENTS UNDER SECTION 32 TOBACCO EXPORT PAYMENT PROGRAM, CMX 40a

Par.
1. General statement.
2. Eligible tobacco.
3. Payment.
4. Rate of payment.
5. Barter and foreign currency exports.
6. Application for participation.
7. Fair pricing.
8. Verification of tobacco to be exported.
9. Export shipment.
10. Claims for payment.
11. Records and accounts.
12. Persons not eligible.
13. Joint payment or assignment.
14. Definitions.

AUTHORITY: Pars. 1 to 14 issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

TERMS AND CONDITIONS

1. *General statement.* (a) In order to encourage the exportation of tobacco the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to persons located in the United States who export or cause to be exported eligible tobacco subject to the terms and conditions set forth in this offer.

(b) Information pertaining to this offer and forms prescribed for use hereunder may be obtained from the following Representative of the Secretary:

Stephen E. Wrather,
Director, Tobacco Division,
Agricultural Marketing Service,
U.S. Department of Agriculture,
Washington 25, D.C.
(Phone DUdley 8–2567)

Forms and information pertaining to this offer may also be obtained from the following cooperative associations:

Flue-cured tobacco:
Flue-Cured Tobacco Cooperative Stabilization Corp.,
P.O. Box 2718,
Raleigh, N.C.

Burley tobacco:
Burley Tobacco Growers Cooperative Association,
P.O. Box 960,
Lexington, Ky.

Virginia Burley Tobacco Growers Association, Inc.,
P.O. Box 549,
Abingdon, Va.
Burley Stabilization Corp.,
3919 Holston Drive NE.,
Knoxville 14, Tenn.

Dark-fired and dark air-cured tobacco:
Eastern Dark-Fired Tobacco Growers Association,
1109–11 South Main Street,
Springfield, Tenn.
Stemming District Tobacco Association,
125 First Street,
Henderson, Ky.
Western Dark-Fired Tobacco Growers Association,
202–206 East Maple Street,
Murray, Ky.
Dark Tobacco Sales Cooperative,
P.O. Box 248,
Farmville, Va.

Cigar binder tobacco:
Conn-Mass Tobacco Cooperative, Inc.,
P.O. Box 550,
Holyoke, Mass.
Northern Wisconsin Cooperative Tobacco Pool, Inc.,
Viroqua, Wis.

2. *Eligible tobacco.* Eligible tobacco shall be unmanufactured tobacco of the 1956 and preceding crops (a) which has heretofore been or is hereafter acquired by the exporter, directly or indirectly, from stocks of tobacco which had been pledged by one of the above-listed producer cooperative associations (hereinafter referred to as the "association") to Commodity Credit Corporation as collateral for a price support loan, (b) which can be identified with respect to grade, type, kind, and crop year, and as having been acquired from such association, and (c) which has not been mixed or commingled with tobacco that was not acquired from Commodity Credit Corporation's price support loan collateral of the 1956 and preceding crops.

3. *Payment.* Payment will be made by the Secretary with respect to eligible tobacco covered by an export sales contract with a foreign buyer having a date of sale after the effective date hereof and on or before November 30, 1962, and exported to eligible countries in accordance with the provisions of this offer.

4. *Rate of payment.* The rate of payment will be 20 percent of the purchase price which would have been computed from the approved selling lists of the association from which the tobacco was acquired on the basis of base grade sales prices plus monthly carrying charges, for the year, grade, type and kind of tobacco exported, had such tobacco been acquired from the association on February 16, 1962: *Provided, however,* That if the tobacco exported was purchased at a special discount from the association's sales prices, which discount was not in effect on February 16, 1962, the payment under this offer will be reduced by the same percentage as the discount. An official list of prices as of February 16, 1962, will be made available to associations, dealers, and exporters, and additional copies may be obtained from the Representative of the Secretary named in paragraph 1 above.

5. *Barter and foreign currency exports.* Tobacco which is exported pursuant to barter arrangements with Commodity Credit Corporation or exported under Titles I and IV of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480, 83d Congress, as amended), shall be eligible for the export payment provided hereunder, if by such exportation all of the terms and conditions of this offer are fully met.

6. *Application for participation.* Persons desiring to participate in this program shall file an Application for Participation in the Tobacco Export Program (Form TB–92) on or before November 30, 1962, with the Representative of the Secretary named in paragraph 1 above. A separate application shall be filed for each export sale.

The applicant shall indicate on the Application for Participation the type of export sale, namely, (a) barter export, or (b) Title I or Title IV, P.L. 480, export, or (c) other (including cash export). The export sales price for each sale shall be reported on the Application. The Application shall be accompanied by either (a) a copy of the invoice from the association showing evidence of purchase, or of the invoice to Commodity Credit Corporation for the account of the barter contractor, or (b) a copy of an agreement to purchase the tobacco represented in the Application. The invoice or agreement to purchase shall show the purchase price, kind of tobacco, crop year, number of hogsheads or units in U.S. grade, and identification numbers, gross weight, tare, and net weight for each hogshead or unit. If the invoice or agreement to purchase does not contain these data with respect to the tobacco represented in the Application, certified supplemental documentation shall be attached showing this information. Cigar leaf in bales may be identified by lots. Applicants shall submit any additional information requested by the Secretary incident to identification of tobacco represented in the Application.

The Secretary will approve applications meeting the requirements of this offer so long as funds which have been allocated therefor are available, in the order in which the applications are re-

ceived and in which the eligibility of tobacco represented thereby is substantiated, and will give written notice of approval or disapproval to the applicants. No payment will be made in excess of the sum indicated in the approved Application for Participation.

7. *Fair pricing.* Applications will not be approved where, in the determination of the Secretary, the export sales price exceeds a fair and reasonable value, taking into account the payment which may be received for such sale under this offer.

8. *Verification of tobacco to be exported.* Payment will not be made under this offer unless the identification of the tobacco exported is verified to the satisfaction of the Secretary, or his designee. The exporter shall request verification by inspection or observation by representatives of the Tobacco Division, Agricultural Marketing Service. Any change in the markings placed by the association on each hogshead or unit of tobacco, or any change made in the form of the tobacco necessitating repacking, also must be made under the observation of a representative of the Tobacco Division, Agricultural Marketing Service. The exporter shall reimburse the Agricultural Marketing Service for any inspection or observation hereunder in accordance with regulations issued pursuant to the Tobacco Inspection Act. The Secretary may, at his discretion, accept other proof of the identification of the tobacco exported. If markings are changed, the exporter will be required to submit to the Secretary, or his designee, a certified listing of each hogshead or unit of tobacco showing kind of tobacco, crop year, and original grade, together with a certified listing showing for each hogshead or unit of tobacco the corresponding new or dealer grade marking. If the markings were changed on any tobacco before the effective date of this offer, or if any tobacco exported under this offer was converted from bundles to strips or the form changed in some other manner before the effective date of this offer, such tobacco must be identified to the satisfaction of the Secretary, or his designee, before any payment will be made on such tobacco under this offer.

If the form in which the tobacco was originally packed is changed (an example would be conversion of bundles to strips), the exporter must provide the Secretary, or his designee, with a certified listing of each hogshead or unit of tobacco, showing, on the basis of original packing, kind of tobacco, crop year, and grade, along with a certified listing showing the corresponding grades for each hogshead or unit of tobacco resulting from the conversion and/or repacking.

The Secretary may at his discretion have any lot of tobacco covered by an approved application inspected at any storage location or port of export for identification and check-listing. The Secretary, or his designee, may also require the exporter to submit any other certification or documentation necessary for full and complete identification of the tobacco exported.

9. *Export shipment.* Export shipment of tobacco for which payment will be made under this offer shall be made to eligible countries from U.S. East Coast or Gulf ports, unless prior approval is secured for the use of ports located elsewhere. Export shipment shall be made after date of approval of the related Application for Participation and on or before December 31, 1962, unless such date is extended by the Secretary in writing. The tobacco shall be deemed to have been exported when loaded on board the exporting carrier, provided such tobacco is not thereafter unloaded from such carrier in the United States, its territories, or possessions, and is not diverted to an ineligible country. The date on the on-board bill of lading shall be considered to be the date the tobacco was loaded on board, unless an "on-board" date is shown.

10. *Claims for payment.* Claims for payment shall be filed on or before June 31, 1963, with the:

Eastern Area Administrative Division, AMS,
U.S. Department of Agriculture
Washington 25, D.C.

Each claim for payment shall be filed in an original and one copy and shall show the exporter's serial number of the related approved Application for Participation and the amount of the claim. The exporter's regular billing forms shall be used and shall contain the following certification:

I certify that the export shipment covered by this claim was made in accordance with the terms and conditions of the Tobacco Export Payment Program.

Payee _____
Per _____
Title _____

Each claim shall be supported by:

(a) A copy of storage outbillings.

(b) A copy of all transportation invoices.

(c) A copy of the on-board export bill of lading signed by an agent of the exporting carrier. Where exportation or transshipment of tobacco has been made or caused by the exporter to one or more of the countries or areas to which a validated license is required by the Bureau of International Programs, U.S. Department of Commerce, the license issued for such movement by such agency shall be identified in the on-board commercial bill of lading.

(d) A copy of invoice to the foreign buyer.

If the shipper or consignor named in the on-board export bill of lading is other than the exporter named in the Application to Participate, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this offer. If such bill of lading shows the name of a consignee differing from that appearing as the foreign buyer on the export sales contract under which such bill of lading is made, the exporter shall accompany his claim for payment with a certification that the shipment under such bill of lading is to the foreign buyer named in the contract and is made pursuant to that contract. If the Secretary has reason to believe that exportation of all or any quantity of the tobacco was not actually accomplished, or that there has not been compliance with other requirements of this offer, the Secretary may require such additional evidence as to purchase, sale, and exportation as he deems reasonable.

11. *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of tobacco exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least three years after the effective date of this program.

12. *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any payment made under this offer or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

13. *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign payment to a recognized financing institution, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form AMS–66, "Notice of Assignment," which form must be used in giving notice of assignment to the Representative of the Secretary named in paragraph 1 of this offer. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from said Representative of the Secretary.

14. *Definitions.* As used in paragraphs 1 to 13, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Eligible countries" means any destination outside of the United States, excluding Puerto Rico, and excluding any country or area for which an export license is required under regulations of the Department of Commerce, Bureau of International Programs, under the Export Control Act of 1949, unless a license for exportation or transshipment thereto has been obtained from such Bureau.

(c) "United States" means the fifty states and the District of Columbia.

(d) "Unmanufactured tobacco" means unstemmed leaf tobacco, stemmed leaf tobacco (strips), and coarsely chopped leaf tobacco.

(e) "Sales contract" means a firm offer to purchase and acceptance thereof.

(f) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which the buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale.

(g) "F.a.s." means free alongside ship or other export carrier.

(h) "On-board export bill of lading" means any bill of lading covering the exportation of unmanufactured tobacco from the United States.

(i) "Certified" means signed declaration of correctness or validity.

(j) "Filed." Applications, claims, and related documents are deemed filed when they are postmarked, if mailed, or when received by the designated AMS office, if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective upon date of publication.

STEPHEN E. WRATHER,
Director, Tobacco Division,
Agricultural Marketing Service.

MARCH 8, 1962.

[F.R. Doc. 62–2433; Filed, Mar. 9, 1962; 9:16 a.m.]

Agricultural Stabilization and Conservation Service

DIRECTOR, INFORMATION DIVISION

Delegation of Authority

Pursuant to the authority delegated to the undersigned by the Acting Administrator, Agricultural Stabilization and Conservation Service (26 F.R. 7812), and under the General Regulations issued under the Agricultural Marketing Agreement Act of 1937, as amended, there is hereby delegated to the Director, Information Division, with power to redelegate, authority to perform the duties and to exercise the functions and powers vested in the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, pursuant to § 900.4(b)(1)(iii) and that part of (c) relating thereto, of the General Regulations above referred to (7 CFR 900.4 (b)(1)(iii) and (c), 25 F.R. 5907, as amended at 26 F.R. 7796).

Signed at Washington, D.C., this 7th day of March 1962.

W. E. UNDERHILL,
Acting Deputy Administrator,
Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–2379; Filed, Mar. 9, 1962; 8:48 a.m.]

INFORMATION SPECIALISTS, INFORMATION DIVISION

Delegation of Authority

Pursuant to the authority delegated to the undersigned by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service,[1] authority is hereby delegated to information specialists of the Information Division, Agricultural Stabilization and Conservation Service, to make available copies of press releases issued by the Department containing notices of hearings on marketing orders and agreements, to such newspapers, radio and television stations in the area subject to regulation, or proposed to be subjected to regulation, as will tend to bring the notice of hearing to the attention of interested persons, and to file with the hearing clerk or presiding officer at the hearing the prescribed affidavit or certificate with respect thereto, as required by § 900.4 (b)(1)(iii) and (c) of the General Regulations issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 CFR 900.4 (b)(1)(iii) and (c), 25 F.R. 5907, as amended at 26 F.R. 7796).

If for any reason, any officer or employee of the Department assigned functions hereunder finds it impracticable or unnecessary, or contrary to the public interest, to give the notice involved herein with respect to any hearing, he shall immediately notify the Director, Information Division, of such fact with the reasons for his finding in order that a determination be made by the Director as prescribed in § 900.4(c) of said regulations (7 CFR 900.4(c)).

Signed at Washington, D.C., this 7th day of March 1962.

M. L. DUMARS,
Director, Information Division,
Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–2380; Filed, Mar. 9, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14550, 14551; FCC 62M–341]

THOMPSON K. CASSEL ET AL.

Order Scheduling Hearing

In re applications of Thompson K. Cassel, Boca Raton, Florida, Docket No. 14550, File No. BP–13544; Fred S. Grunwald, tr/as Boca B/Casters, Boca Raton, Florida, Docket No. 14551, File No. BP–14568; for construction permits.

It is ordered, This 6th day of March 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 3, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, April 6, 1962.

Released: March 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2383; Filed, Mar. 9, 1962; 8:48 a.m.]

[1] See F.R. Doc. 62–2379, *supra*.

[Docket No. 14549]

ROTHA L. CHEERS

Order To Show Cause

In the matter of Rotha L. Cheers, % Champion Seafoods Company, Box 53, Key West, Florida, Docket No. 14549; order to show cause why there should not be revoked the license for ship radio station WH–2778 aboard the vessel "Betty Ann."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of ship radio station WH–2778 aboard the vessel "Betty Ann";

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee, as follows:

Official notice of violation mailed on September 18, 1961, alleging that on August 19, 1961, Ship radio station WH–2778 aboard the "Betty Ann" was observed in violation of the Commission's rules, viz: § 8.366(e)—failure, after establishing communication on the calling frequency 2182 kc., to change to an authorized working frequency for transmission of communications other than distress messages; § 8.364(a)—failure to transmit the station's authorized call sign at the beginning and end of each complete exchange of communications.

It further appearing that the above-named licensee did not make reply to the official notice of violation whereupon the Commission by letter dated October 26, 1961, and sent by certified mail—return receipt requested (Certified No. 1–21465) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within 15 days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing that, although more than 15 days have elapsed since the mailing of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 1st day of March 1962, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to

the said licensee, % Champion Seafoods Company, Box 53, Key West, Florida.

Released: March 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2384; Filed, Mar. 9, 1962; 8:48 a.m.]

[Docket No. 14085 etc.; FCC 62M-333]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Storer Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 14294, File No. BP-14275; et al., Group II, Docket Nos., 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14295, 14296, 14298, 14299, 14300, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration motion to schedule prehearing conference, filed on March 2, 1962, by Storer Broadcasting Company;

It appearing that counsel for the Commission's Broadcast Bureau, WTOP and KSTP have been advised of the motion and agree to the date and time suggested for the conference and that they are the parties directly concerned with the matters to be discussed at the conference:

It is ordered, This 5th day of March 1962, that the motion is granted, and a prehearing conference limited to the matters set forth in the motion is scheduled herein for March 16, 1962, at 9:00 a.m.

Released: March 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2385; Filed, Mar. 9, 1962; 8:48 a.m.]

[Docket Nos. 14411, 14412; FCC 62M-333]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116, Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permit.

The Hearing Examiner having under consideration a joint petition, filed by J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, and Mid-Cities Broadcasting Corporation on February 27, 1962, requesting extension of time of various procedural dates;

It appearing that counsel for all parties have consented to the extension requested:

It is ordered, This 5th day of March 1962, that the petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

Exchange of applicants' direct written affirmative cases plus engineering exhibits in final form:

(1) Request for witnesses with respect to applicants' affirmative cases; from March 8, 1962, to March 22, 1962.

(2) Exchange of any rebuttal engineering material; from March 15, 1962, to March 29, 1962.

Request for witnesses in connection with rebuttal engineering material; from March 22, 1962, to April 5, 1962.

Commencement of hearing; from April 2, 1962, to April 10, 1962.

Released: March 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2386; Filed, Mar. 9, 1962; 8:48 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-330]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Continuing Hearing

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

The Hearing Examiner having under consideration a joint motion filed March 1, 1962, on behalf of the applicants herein requesting postponement of certain procedural dates as follows: Exchange of direct exhibits and written testimony from March 14, 1962, to April 17, 1962; exchange of rebuttal exhibits, designation of witnesses for cross-examination, and requests for further exhibits from March 26, 1962, to May 7, 1962; and hearing from April 16, 1962, to May 23, 1962;

It appearing that counsel for the Common Carrier Bureau does not object to the extensions of time herein requested and agrees to a waiver of 47 CFR 1.43(a) to permit immediate consideration of the subject joint motion and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 2d day of March 1962, that the subject joint motion is granted; that the time for exchanging the parties written direct cases and for identification and notification of their witnesses and subject matter concerning which these witnesses will testify is extended from March 14, 1962, to April 17, 1962; that the time for notification of witnesses desired for cross-examination and the submission of any motion resulting from the exchange of the written direct cases is extended from March 26, 1962, to May 7, 1962; and that the hearing now scheduled to commence on April 16, 1962 is continued to 10:00 a.m., May 23, 1962.

Released: March 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2387; Filed, Mar. 9, 1962; 8:48 a.m.]

[Docket No. 14546]

LOCAL TELEVISION PROGRAMMING, CHICAGO, ILL.

Notice of Time and Place of Hearing, etc.

In the matter of inquiry into local television programming in Chicago, Illinois, Docket No. 14546.

All persons interested in this proceeding are hereby advised that the hearing herein will commence at 10 a.m. e.s.t. on March 19, 1962, in Room 677 of the Federal Building, 219 South Clark Street, Chicago, Illinois.

Public witnesses, who have advised the Commission in writing, prior to March 12, as prescribed in our order of February 21, 1962, herein, of their desire to appear and be heard will be expected to proceed on March 19 and will be heard on that day and such succeeding days as may be required. Following completion of testimony by such public witnesses, the hearing will adjourn until April 9, 1962. At that time the Chicago television station licensees will commence presentation of their evidence and such testimony will be taken in the following order: WNBQ, WBBM-TV, WBKB, WGN-TV, and WTTW.

It is highly desirable that all witnesses prepare and, have available for distribution at the time of testifying, a written statement. Such statement may, in appropriate circumstances, be made an exhibit in the hearing record provided no less than 12 copies are provided at the time of presentation. Since it will probably be necessary to limit the time available for each witness's testimony, it will be practicable for witnesses to give a short oral summary of their prepared statements and to rely upon the full presentation set out in the written exhibit. When feasible, advance copies of such written presentations should be supplied to the Federal Communications Commission, Attention: Mr. Arthur A. Gladstone, Washington 25, D.C., no later than March 15, 1962. Such procedure will greatly facilitate the presentation of each witness and afford the Commission an opportunity to develop fully the salient points in each witness's testimony.

Dated: March 6, 1962.

Released: March 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2388; Filed, Mar. 9, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KUWANO HOSOKAWA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Kuwano Hosokawa, Hiroshima, Japan; Claim No. 35985; Vesting Order No. 10300; $2,497.00 in the Treasury of the United States.

Executed at Washington, D.C., on March 2, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-2348; Filed, Mar. 9, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12127 etc.]

NORTH CENTRAL AIRLINES, INC.; "USE IT OR LOSE IT" INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be heard on March 29, 1962, at 10 a.m. e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2372; Filed, Mar. 9, 1962; 8:47 a.m.]

[Docket No. 13040]

OFF-PEAK COACH RATES

Notice of Prehearing Conference

In the matter of off-peak fares from San Francisco to Dallas proposed by Delta Air Lines, Inc.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on March 22, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Exmainer Milton H. Shapiro.

Dated at Washington, D.C., March 6, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2373; Filed, Mar. 9, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

COMMONWEALTH STEAMSHIP, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8745-1, between Commonwealth Steamship, Inc., A. H. Bull Steamship Co., Bull Lines, Inc., A. H. Bull & Co., Waterman Steamship Corporation of Puerto Rico, and Sea-Land Equipment, Inc., modifies the basic agreement (8745) of the parties, which covers an arrangement for the contract of the sale of ships. The purpose of the modification is to include a new paragraph to section 9 of Agreement 8745, as follows:

Bull agrees that, on and after the closing of the transactions provided for herein, Bull will not, for a period one year from the date of such closing, compete with Puerto Rico in common carrier steamship service between U.S. Gulf ports and ports in Puerto Rico.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit on or before March 19, 1962, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 7, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2358; Filed, Mar. 9, 1962; 8:46 a.m.]

SEAWAY STEVEDORING CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the agreement described below has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement numbered 8755, between Seaway Stevedoring Company, Inc.; International Marine Terminals, Inc.; and Calumet Harbor Terminals, Inc.; is a cooperative working arrangement providing for the pooling of resources and facilities of the parties for the purpose of carrying on stevedoring and marine terminal operations at Transit Sheds Nos. 2 and 3 and at other marine terminal facilities located within the boundaries of the Customs Fort of Entry of Chicago, Illinois, which the parties may from time to time operate. All such operations shall be for the joint account of the parties and all capital, net profits, losses and expenses will be shared equally. Operations by each party shall be conducted under its own separate name.

International's operation at 3434 East 95th Street and Calumet's facility known as "Ship Yard Site", are excluded from the agreement. The parties may use the "Ship Yard Site" if use thereof does not interfere with Calumet's operation. The parties will compensate Calumet for any such use.

All parties shall have equal rights and responsibilities for the management of the joint affairs which shall be administered by an Executive Committee, consisting of one representative of each party. The actual operating management shall be supervised and controlled by International, who shall at all times be subject to the authority, control and direction of the Executive Committee. The Executive Committee shall approve all marine terminal and stevedore rates to be assessed by the parties.

The agreement stipulates that it shall be subject to the terms and conditions of the following:

(1) Berthing Agreement, dated December 5, 1957, between Oranje Lijn, Calumet and Chicago Calumet Stevedoring Co., Inc.

(2) Berthing Agreement, dated December 9, 1957, between Fjell Line, joint service, Calumet and Chicago Calumet Stevedoring Co., Inc.

(3) All regulations, rules, tariffs, or ordinances of the Chicago Regional Port District whether now in effect or hereafter adopted or enacted.

The Commission will consider whether this agreement or any part thereof is subject to section 15, Shipping Act, 1916, as amended, and if so whether it should be approved under the standards of that section.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should a hearing be desired.

Dated: March 7, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2359; Filed, Mar. 9, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 27, 1962.

RICHMOND LEWIS.

FEBRUARY 28, 1962.

[F.R. Doc. 62-2368; Filed, Mar. 9, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MARCH 6, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 7, 1962, to March 16, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2370; Filed, Mar. 9, 1962; 8:47 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MARCH 6, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common assessable stock, $1.00 par value of Industrial Enterprises, Inc.; File No. 1-4597.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 6, 1962, to March 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2371; Filed, Mar. 9, 1962; 8:47 a.m.]

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Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

Comprehensive Plan A of the Postmaster General for the Transportation of United States Mail by Certain Railroads

RAILROAD SPACE-USED SYSTEM

The regulations of the Post Office Department in §§ 92.4 through 92.12 under Comprehensive Plan A of Part 92 are amended to include the current procedure for the transportation of mail by rail. Accordingly, strike out §§ 92.4 through 92.12 and insert in lieu thereof the following:

§ 92.4 Definitions.

(a) *Space rules.* Instructions and regulations of the Post Office Department implement service requirements applicable to the transportation of mail by railroad as prescribed by statute and by the Comprehensive Plan of the Postmaster General, and implementing rates and methods of compensation prescribed by the Interstate Commerce Commission by orders of December 30, 1957, June 23, 1958 (as amended August 4, 1958), and November 17, 1960.

(b) *Space-used system.* A transportation method under which storage mail is handled, transported and claims submitted on the basis of the volume of mail moved.

(c) *Brief.* Official notice by the Department to a railroad company of a service failure. Such a notice may become the basis of a fine.

(d) *Closed pouch trains.* The term "closed pouch" or the symbol "CP" referred to in this part is used to identify trains designated to carry mail, but which do not have any RPO or apartment RPO authorization.

(e) *Department.* This refers to the Post Office Department.

(f) *Destination cars.* A destination storage car is used exclusively for mail, and moves intact over the entire run of the car from origin (point of loading) to destination (point of complete unloading). This is an excerpt from an applicable order of the Interstate Commerce Commission. For the purpose of brevity, these excerpts are identified elsewhere in this part as "(ICC)".

(g) *Destination relay cars and relay points*—(1) *Destination relay car.* (i) A destination relay storage car is used exclusively for mail and moves from origin (point of loading) to destination (point of complete unloading), subject to mail being loaded or unloaded between origin and destination only at relay points. (ICC)

(ii) A destination relay car is a car which is loaded at the point of origin to at least 50 percent of its inside length with mail for the point of final destination of the car. (ICC)

(2) *Relay points.* (i) Any point where a destination relay storage car is relayed from one railroad to another railroad, or from one train to another train.

(ii) The final destination and relay points of these cars shall be determined at the point of origin. (ICC)

(h) *Working cars.* Cars used for storage mail service other than that provided by destination and destination relay cars, and primarily for local service in which mail is loaded and unloaded at intermediate points.

(i) *Railroad or railway.* Railway common carriers; does not refer to urban and interurban electric railway common carriers.

(j) *RPO.* RPO is the abbreviation for a railway post office. It is the only type of service to be regularly authorized by formal orders issued by the Post Office Department.

(k) *Train date.* The date a train is due to leave the initial point of the RPO of CP designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into East, Middle and West, or North and South Divisions.

§ 92.5 General conditions of service.

(a) *Conditions and class of service*—(1) *Transportation of mail.* All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916, as amended. This is an excerpt from the Comprehensive Plan of the Postmaster General for the transportation of United States Mail by certain railroads. For the purpose of brevity, these excerpts will be identified as "(Comprehensive Plan)".

(2) *Transportation of postal personnel.* Railroad companies are required to transport without extra charge the persons in charge of the mails and the agents and officers of the Post Office Department * * * under the conditions prescribed by law and regulations pursuant thereto. (Comprehensive Plan.)

(3) *Class of service.* The class, frequency, and distance of service to be authorized or requested shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General. (Comprehensive Plan.)

(b) *Service to be performed in accordance with space rules with certain exceptions*—(1) *Responsibility.* Officials of the Postal Service are responsible for the transportation of mail by railroad in accordance with the space rules and regulations.

(2) *Deviations.* Deviations from the space rules and regulations must be in writing and must be approved by the Bureau of Transportation.

(3) *Competitive agreements.* The Department may conclude agreements with a railroad company effecting economies such as mileage equalization, competitive rates, or waiver of terminal charges.

(4) *Equalization agreements.* When competing railroad lines are available for the dispatch of mail to the same destination, the Department may, for service reasons, allow the mail to remain on the longer route if the railroad company agrees to claim only the mileage of the shorter route over which the mail could be carried. In these cases, an equalization agreement must be executed between the railroad company operating the longer route and the Department.

(5) *Highway service in lieu of rail.* Agreements may be made whereby railroad companies will provide mail service over highways in lieu of service by train. Such railroad-operated highway service may be authorized to provide service to post offices on or adjacent to the rail line on which the railroad mail service has been superseded. Compensation will not be in excess of linehaul rates and terminal charges on the basis of the railroad track mileage of record. All such cases must be reported to the Bureau of Transportation, so that a proper record may be made and approval given. Where a company has completely abandoned all service, both freight and passenger, over all or a segment of its trackage, the Bureau of Transportation will not approve continued performance of mail service over such segment in motor vehicles at railroad space rates. Service must be converted to contract highway service. Distribution and traffic managers shall continually review all bus and truck service operated "in lieu of rail service." They shall report promptly any cases where all train service has been discontinued and tracks abandoned, with appropriate recommendations.

NOTE: For pooling purposes, the footage furnished in trucks shall be determined in accordance with the established formula whereby 61.25 cubic feet of truck space will be considered equal to one linear foot of rail mail storage space.

(6) *Approval.* All agreements shall be in writing and shall be submitted through the distribution and traffic manager to the Bureau of Transportation for approval.

(c) *Service to be provided*—(1) *Passenger train.* Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mail shall be that of the passenger train operating between passenger or mail

handling facilities. When required by the interest of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains. (Comprehensive Plan.)

(2) *Freight service.* Railroad companies may be permitted to transport mail in freight trains and use supplemental mail facilities if of advantage to the Postal Service, provided prior approval of the Bureau of Transportation has been obtained. This section applies to prearranged handlings. It does not apply to emergency conditions such as wrecks, washouts, etc., which require immediate local action.

(3) *Application for relief from carrying mail*—(i) *Authority.* Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit. (Comprehensive Plan.)

(ii) *Procedure.* If any field official of the Postal Service receives a direct application from any railroad company for relief from handling mail, the application shall be forwarded through channels to the Bureau of Transportation and to the Bureau of Operations, with proper recommendations. The distribution and traffic manager concerned will be informed of the departmental decision, and will be specifically advised of any further action he may have to take.

(d) *Operation according to published schedules*—(1) *Schedules.* The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules. (Comprehensive Plan.)

(2) *Irregularities.* If any train used for the transportation of mail consistently fails to maintain its published schedule on its own line, the distribution and traffic manager concerned shall bring this matter to the attention of the operating railroad. If the unsatisfactory condition is not corrected, action shall be taken in accordance with paragraph (i) of this section.

(e) *Mail to be carried only on designated trains.* A railroad must not carry mail on a train that has not been designated for the transportation of mail. In emergencies, local representatives of the Postal Service, or postmasters who have been authorized to do so by the distribution and traffic manager, may request a railroad company to provide necessary space on any train. The railroad must be informed of the issuance of such authority, by the distribution and traffic manager concerned. Distribution and traffic managers shall report to the Bureau of Transportation any violation by any railroad company of the preceding rule that mail shall not be carried until requested by the Department. The distribution and traffic manager will be advised if any further action is necessary.

(f) *Changes in service*—(1) *Notification of changes.* Postmasters shall promptly notify the distribution and traffic manager and the proper official of a railroad of any changes in service or routing of mail, including pouch changes, which affect the handling of mail. Changes affecting consist or operation of trains will be referred to the distribution and traffic manager for approval and prompt notification of the proper official of the railroad.

(2) *Establishment, extension or discontinuance of service*—(i) *Recommendations for changes.* Distribution and traffic managers shall make recommendations for establishment, discontinuance, or extension of railroad mail service to the Bureau of Transportation. The report must show the need for the service, the schedule of trains involved, the amount of mail to be carried, the estimated costs (present and proposed), and must list all post offices directly involved, showing their class and their present and proposed mail supplies.

(ii) *Discontinuance procedures.* If a proposed discontinuance of mail service (entire or partial diversion to highway or to another railroad) will reduce a railroad's revenues, a statement shall be secured from the railroad company as to the effect the loss of mail revenues will have on train operation.

(iii) *Service changes by railroad.* When a railroad plans withdrawal or curtailment of service it operates, which will in turn require the Post Office Department to consider substitute service, the railroad company will give reasonable advance notice of the changes to the distribution and traffic manager. At that time, the railroad company will state whether or not it is interested in continuing to perform the mail transportation service.

(g) *Empty equipment shipments.* Distribution and traffic managers shall control intraregional shipments of empty mail bags so that shipments shall be made in the most economical manner. Special arrangements for movement of empty equipment must be approved by the regional postal official charged with supervision over empty equipment and by the Bureau of Transportation.

(h) *Withholding mail from train.* Distribution and traffic managers may withhold the dispatch of catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economy in transportation. Such mail must be forwarded in other available trains in the most advantageous manner and with the least possible delay.

(i) *Irregularities*—(1) *RPO car maintenance.* The Post Office Department may fine a railroad in an amount not in excess of the compensation due for the service authorized, for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light, or for failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the condition. To provide such opportunity, Form 5367, Notice of Insanitary or Other Unsatisfactory Condition of Postal Car, shall be prepared in quadruplicate and immediately presented to an available railroad representative.

(2) *Service failures.* The Department may impose fines on railroad companies for each of the following delinquencies:

(i) *Inadequate protection of mail.* Allowing the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping the mail in a place or manner that exposes it to depredation, loss, or injury.

(ii) *Refusal to transport mail.* Refusing, after demand, to transport mail by any suitable car, boat, or other conveyance the railroad operates or is concerned in operating on a mail route, when space is available.

(iii) *Ignoring priority of mail.* Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter, except human remains.

(iv) *Failure to observe schedules.* Habitual failure to observe schedules on its own line.

(v) *Leaving mail.* Leaving mail that arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) *Holding delayed mail.* Failure to use the first practicable means of forwarding mail delayed en route.

(vii) *Failure to sound signal.* Failure to sound proper signal when approaching a mail crane.

(viii) *Failure to furnish proper accommodations.* Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of transit mail in a railroad station.

(ix) *Failure to place RPO cars in advance.* Habitual failure to place RPO equipment in a station at the time specified by the Department for the advance distribution of mail.

(x) *Delaying storage cars.* Permitting storage cars to accumulate at any point for operation in mail, or mail-express sections of non-designated trains when designated scheduled prior trains are available for dispatch to destinations.

(xi) *Failure to provide sufficient storage cars.* Failure to provide a sufficient number of storage cars to accommodate the normal volume of mail in designated trains and to operate these cars expeditiously.

(xii) *Failure to unload in time specified.* Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(xiii) *Failure to connect mail.* Failure to handle mail between train connections, resulting in delay in the final delivery of the mail.

(xiv) *Failure to handle for exchange.* Failure to handle mail between trains and designated points for the exchange of mail with postal installations, star, mail messenger, and highway post office routes, resulting in delay in the final delivery of the mail.

(xv) *Failure to dispatch.* Habitual failure to dispatch mail at the proper station.

(xvi) *Improper switching of RPO cars.* Failure to switch an RPO car with due regard for the safety of the crew on duty.

NOTE: In case of accidental injury to mobile clerks while on duty in RPO cars, the distribution and traffic manager shall make a prompt written report to the stationmaster, trainmaster, train conductor, or other responsible railroad official. The report must include the following information:

(1) The name and address of each clerk injured;

(2) The cause, nature, and extent of injury;

(3) The train number and RPO route;

(4) The place, date, and hour of the accident.

Copies of the report shall be furnished to the mail traffic manager of the railroad involved and to the Railway Transportation Branch.

(3) *Assessment of fine.* The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

(4) *Carriers appeal.* If the carrier should appeal the amount of the fine imposed or reasons therefor, all papers should be forwarded by the distribution and traffic manager to the Railway Transportation Branch, Bureau of Transportation, for review.

(5) *Continued failures.* Distribution and traffic managers shall make a special report on serious or continued failures to the Bureau of Transportation.

§ 92.6 Services required of railroads.

(a) *Cars*—(1) *Furnishing cars.* Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized or requested by the Post Office Department. (Comprehensive Plan.) Action will be taken as follows:

(i) *RPO cars.* When a railroad company fails to furnish a sufficient number of full RPO or apartment RPO cars to meet the requirements of the Postal Service, distribution and traffic managers shall advise the Bureau of Transportation of the number of additional cars required. The report shall state specifically the trains on which, and the points between which, additional RPO car space is needed. Full justification, based on distribution service needs, must be furnished for any additional RPO car space.

(ii) *Storage cars.* Distribution and traffic managers shall report to the Bureau of Transportation when appropriate cars, equipped and designed for passenger train operation, are not furnished to meet the normal storage mail service requirements of the Postal Service. Christmas service shall be considered exceptional and reported on with due regard for seasonal conditions.

(2) *Switching and placing cars*—(i) *General requirements.* Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized or requested, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks. (Comprehensive Plan.)

(ii) *Switching.* Necessary switching mentioned in subdivision (i) of this subparagraph means the normal and usual movement of cars to and from trains for the loading and unloading of cars at railroad mail handling facilities at or adjacent to railroad terminals; the pickup and setout of cars at en route points; and the normal and usual delivery of cars to or receipt of cars from connecting lines. Where switching service is required and there is no related line haul, such service shall be made the subject of a special agreement in accordance with established procedures.

(iii) *Prompt placement.* The railroad company shall provide for switching and placing cars at designated mail handling facilities so as to permit prompt loading, separating and unloading of mail. If the railroad company fails to perform this service, the distribution and traffic manager shall initiate immediate corrective action.

(iv) *Advance placement of RPO cars.* When required, railroad companies must suitably spot RPO cars and make them available for distribution in advance of the scheduled departure of the train at the time specified by the postmaster having jurisdiction. In most cases, this should be approximately 30 minutes before the first clerk is due to start work. If advance distribution time is lost because of the railroad's failure to spot the car, the supervisor must report the failure to the postmaster having jurisdiction.

(b) *Loading and unloading of mail*—(1) *Railroad to furnish employees.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars, and to load mail into and receive from doorways of RPO cars. Mail intended for direct delivery to a mobile clerk must not be placed in an RPO car unless a mobile clerk or an authorized postal representative is on duty.

(2) *Loading instructions.* Necessary instructions for loading cars must be furnished railroads by Postal Service officials so that railroad employees will have full information as to the requirements of the Post Office Department.

(3) *Time limits.* Reasonable time limits for unloading storage mail must be established at important railroad stations or terminals so that outgoing connections may be assured and delivery into local post offices, postal stations, or postal terminals may not be delayed. In collaboration with local railroad officials, distribution and traffic managers will take necessary action to establish such time limits. Railroads shall be briefed when failure to observe the time limits causes delay to mail. In all cases of continued delays, the distribution and traffic manager shall make a special report to the Railway Transportation Branch, and the Distribution and Routing Division, Bureau of Transportation.

(4) *Loading delays.* Delays in loading, resulting in delayed dispatch of mail, shall be treated as provided in subparagraph (3) of this paragraph.

(c) *Train services*—(1) *Designation of trains for local service.* A railroad carrying mail must designate at least one scheduled train in each direction in each 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to the conductor by a mobile clerk or baggageman. The Department may permit a railroad to transport mail by motor vehicle instead of by local rail service to satisfy this requirement.

(2) *Nonstop station service*—(i) *Cranes and facilities.* (*a*) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mails at points or stations on the run where the train does not stop and exchange of mails is necessary. (Comprehensive Plan.)

(*b*) Until proper facilities for safe exchange are provided, the train speed must be reduced or a train stop made to permit safe exchange of mail.

(ii) *Lights.* When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed and lighted. When a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by a representative of the Postal Service.

(iii) *Approach signal.* The engineer of an RPO train shall give timely notice, by whistle or other signal, when approaching a nonstop exchange point.

(iv) *Reduced speed or stop.* Where the Department deems it necessary for the safe exchange of the mail, the railroad may be required to reduce the speed or stop the train.

(d) *Station services*—(1) *Transfer Offices*—(i) *Furnished by railroads.* They (railroad companies) shall also furnish suitable and adequate office space for transfer clerks of the postal transportation service when required by the Post Office Department. (Comprehensive Plan.)

(ii) *Facilities.* The facilities shall consist of suitable office space for transfer clerks to perform their duties at points designated by the Bureau of Transportation. Offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(2) *Letterboxes.* Where the public convenience is better served, the distribution and traffic manager may authorize a railroad to place letterboxes in its stations for the receipt of first-class mail other than that for local delivery.

(3) *Side, terminal, or transfer service and side mail messenger service*—(i) *General requirements.* Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and postal terminals; take the mails from post offices, postal stations, and postal terminals, and deliver them into their railroad terminals and stations; and take the mail from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post

Office Department. (Comprehensive Plan.)

(ii) *Relief from requirements.* The Department may relieve a railroad of the performance of such service, when advisable.

(iii) *Detailed requirements.* Detailed requirements for side, terminal, or transfer service are in § 92.7.

(iv) *Side mail messenger service.* Where local conditions warrant, the distribution and traffic manager may recommend establishment of side mail messenger service with the railroad company to perform mail movement between the station and postal unit.

(e) *Timetables and mileages*—(1) *Timetables.* Railroads must forward timetables, not less than 72 hours before taking effect, to the distribution and traffic managers and postmasters having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars*—(i) *Railroad notice of mileages and changes.* A railroad shall keep the Post Office Department informed at all times of correct mileage between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage between such points. Notification shall be made by submission to the Department, in quadruplicate, Form 2504–B, Distance Circular-Railroad Route, covering that segment of the route affected. The report shall state the correct mileages and furnish the effective date of the change. Claims for pay shall properly reflect revised mileage distances, based on the effective dates set by the Department. Normally, these changes will be effective on the first day of the postal accounting period following the accounting period in which the change was made.

(ii) *Annual certificates.* In addition to the notification prescribed in subdivision (i) of this subparagraph, a railroad, on or before January 1 of each year, shall submit to the Department, in quadruplicate, Form 2504–C, Certificate of Authorized Railroad Mail Trackage, prepared by the Chief Engineer stating that the mileages previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) *Mileage measurement.* For purposes of reporting mileages to the Department, a railroad shall measure the mileage between stations, junctions, or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the mileages between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the mileage between the origin and destination of the train on which mail is authorized.

(3) *Detour service*—(i) *Payment.* When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) *Special trains.* When a detour occurs and a special train is operated over part of the regular run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation. The mail in such a special train will be charged to the regular train and space used will be determined accordingly.

(f) *Mail exchanges.* Railroads and other carriers or postal representatives must exchange mail as follows:

(1) *Between railroads*—(i) *Joint station.* (*a*) Railroad companies are required * * * to transfer mail between trains operating into and out of the same railroad station, as required by the Post Office Department. (Comprehensive Plan.)

(*b*) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail is held to be in the custody of the outbound railroad which is responsible for the transfer.

(ii) *Contiguous stations.* Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to the railroad operating the connecting train where the railroad stations are directly contiguous when both railroads employ representatives or when passengers or baggage are transferred. When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(2) *Between railroads and highway carriers*—(i) *Exchange.* Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations. (Comprehensive Plan.)

(ii) *Separation.* (*a*) A railroad is responsible for making separations of mail that has received an immediately prior or is due an immediately subsequent rail haul.

(*b*) Mail having received an immediately prior rail haul and due for dispatch to Government-operated vehicles, star, mail messenger and highway post office routes at a railroad station shall be separated to each of the four categories listed herein. Separations to individual routes will be made only when mutually agreed to by railroad and local postal officials.

(*c*) Mail received at a railroad station from all sources, which is due an immediately subsequent rail haul, shall be properly separated, routed, and loaded into cars for transportation.

(iii) *Tailboard space.* A railroad must provide necessary tailboard space to deliver mail that received an immediately prior rail haul and is due for dispatch to Government-operated vehicles, star, mail messenger and highway post office routes at a railroad station; and to receive mail, from such vehicles, due to receive an immediately subsequent rail haul, at a point accessible to such vehicles, except where other arrangements have been made by mutual agreement between the Department and the railroad. A railroad must arrange for mail to be handled promptly between trains and between railroads and electric lines and designated points at railroad stations accessible to the vehicles of Government-operated, star, mail messenger and highway post office routes.

(3) *Between railroads and electric lines.* Railroads and electric lines must transfer mail between connecting trains when they employ representatives, and the railroad station is directly contiguous to the electric car tracks, and connection is immediate.

(4) *Between postal representative and railroad at night*—(i) *Where railroad employee is on duty.* Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroads must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a vehicle service driver, highway post office clerk, mail messenger or star route operator.

(*c*) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

(ii) *Where railroad employee is not on duty.* The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty. At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the distribution and traffic manager, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(5) *Between trains in emergencies*—(i) *Wreck or washout.* If it becomes necessary for a railroad to make a transfer at the place of a wreck or washout, officials and employees of the railroad must see that:

(*a*) The mail and any mobile clerks are promptly transferred.

(*b*) Every possible convenience is furnished the clerks for working the mail.

(ii) *Storage car set out.* When operating conditions require that a storage car containing mail be set out of a train, the railroad shall promptly advise the proper distribution and traffic manager or his representative of this fact and furnish an estimate as to the approximate time required to repair the car. Mail need not be transferred if the car can be repaired in time to permit making the same connection as would be made by transferring the mail. Should the estimated time for repair exceed that required to make the next dispatch of value, the railroad shall be advised to transfer the mail immediately. However, where an important passenger train is involved and the transfer of all mail would result in serious delay, the railroad may be permitted to limit the

transfer to first-class, air, and registered mail, daily newspapers, and special delivery and special handling mail, with other classes being transferred if time permits. When necessary to set out a storage car at an isolated point, the railroad involved shall make the proper notification and arrange to move the mail as promptly as possible.

(iii) *Holding mail.* Mail may be held for a following train, if it makes substantially the same connections and delivery as the first train.

(iv) *RPO set out.* Where an RPO car is set out, the clerks and mail must be transferred to other suitable cars or space in the train. Mobile clerks will give all possible assistance in transferring mail.

(6) *Between railroads and mail messengers*—(i) *When railroad is not required to exchange.* If a mail messenger is employed by the Department, a railroad may not be required to receive or dispatch mail at cars or to place it on a crane when:

(*a*) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand in one trip;

(*b*) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(ii) *Access to vehicles.* Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to those vehicles, except as provided in subdivision (i) of this subparagraph.

(iii) *Incoming mail.* A mail messenger shall call at the railroad station for incoming mail and deliver it to the post office as soon as practicable. If the arrival of the train is at night and the post office is closed, the mail may be handled as provided in subparagraph (4) of this paragraph.

(iv) *Waiting for late trains.* A mail messenger will wait for the arrival of a train when a representative of the railroad is not on duty. At the end of 2 hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch. A mail messenger need not wait for a delayed train when:

(*a*) Other mail would be delayed.

(*b*) The railroad representative cannot give advance information as to the time of arrival of the train.

(*c*) The train is reported as more than 2 hours late. In such cases, the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Postal Service.

(7) *Between trains or on trains: holding for mail*—(i) *Leaving mail.* A train shall not depart from a station and leave mail that is:

(*a*) Being loaded.

(*b*) Being trucked from vehicles or some part of the station to the train.

(*c*) Aboard a connecting train that has come to a stop in the same station.

(ii) *Time limit for important trains.* (*a*) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection. In each such instance, the distribution and traffic manager shall advise postal installations involved and each railroad having a connection with the train.

(*b*) A railroad must request authorization for a time limit, if desired, from the distribution and traffic manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train. Where requests are approved by the distribution and traffic manager, any delayed mail involved must be carried without compensation on a later train of the same company to the extent of any unused space in the RPO or apartment RPO car authorized on the first train. Any delayed mail in excess of the unused space in the RPO car will be charged to the train in which it is carried.

(iii) *Requirements for transferring all mail.* When necessary to transfer passengers, baggage, or express from one train to another, all mail also must be transferred, unless the transfer is a regular connection coming within the provisions of subparagraphs (1) and (7) (ii) of this paragraph.

(iv) *Holding for local origin mail.* A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The distribution and traffic manager must fix and enforce an ample time limit in which mail must be delivered, by local postal units or a publisher, to a railroad for dispatch.

(8) *Between cars on train.* Railroad companies are required to transfer all mail between cars in the same train where such transfers are necessary and required by the Post Office Department. (Comprehensive Plan.)

(9) *Advance deliveries to trains.* Where a railroad is responsible for the transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(g) *Handling and protection of mail*—(1) *Facilities.* Railroad companies are required to furnish all necessary facilities for caring for and handling mail, including suitable and adequate space and rooms in their stations for storing and transfer of mail in transit. (Comprehensive Plan.)

(2) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(3) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. Adequate light must be provided above the door, when practicable. Unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present, or in a suitable locked box.

(4) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may be used for protection from weather in unusual cases or to cover mail being held on station platform trucks.

(5) *While exchanging nonstop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at nonstop stations. At nonstop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition, except where other arrangements have been made, as in paragraph (f) (6) of this section.

(6) *No smoking in storage cars.* Railroad and postal employees shall not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. Distribution and traffic managers shall take appropriate action with railroad officials in all cases when violations are reported, in order to enforce this regulation.

(7) *Reports of failure to comply.* Postal employees must report through channels to the distribution and traffic manager any failure on the part of a railroad to comply with the instructions in this paragraph.

(h) *Railroad employees handling mail regarded as agents of railroads.* At places where railroad companies are required to take the mail from and deliver it into post offices or postal stations or to transfer it to connecting railroads, the persons employed to perform this service shall be regarded as agents of the companies and not employees of the Postal Service, and need not be sworn; but such persons shall be more than 16 years of age and of suitable intelligence and character. Postal officials shall promptly report any violation of this requirement to the Department.

(i) *Pay claims.* Claims for service performed must be prepared in the form and manner prescribed by the Post Office Department. See § 92.12.

§ 92.7 RPO service.

(a) *Authorizations*—(1) *Formal orders.* This is the only class of service authorized by the issuance of formal orders.

(2) *Basis.* The anticipated space needs of the Department for railway post office car and railway post office apartment car service shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations for railway post

office car and railway post office apartment car service shall be determined in accordance with such instructions as may be issued by the Postmaster General, and shall remain in effect unless and until modified as herein provided. (Comprehensive Plan.)

(3) *Specifications*—(i) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by postal transportation clerks. The requirements for service in such cars shall include the sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure. (Comprehensive Plan.)

(ii) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of cars for advance distribution. (Comprehensive Plan.)

(iii) *Class of service.* The class, frequency and distance of service to be authorized or requested shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General. (Comprehensive Plan.)

(iv) *Provision of service.* Railroad companies are required to furnish railway post office service only to the extent of the regular authorizations. (Comprehensive Plan.)

(v) *Length of full railway post office and railway post office apartment cars.* Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 30 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities furnished. Any deficiency may be provided in another car in the train when necessary and in such case full pay will be made for the standard car authorized. (Comprehensive Plan.)

(vi) *Modification of authorizations.* Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service. (Comprehensive Plan.)

(vii) *Establishment or extension of service.* Distribution and traffic managers shall make recommendations and furnish supporting facts to the Distribution and Routing Division and the Railway Transportation Branch, Bureau of Transportation, concerning the necessity of establishing service on a new railroad, extending service on an existing route, or increasing or decreasing RPO space on a route to conform properly to the distribution needs of the Postal Service.

(viii) *Authorized in round trips.* Full railway post office cars and apartment railway post office cars shall be authorized in both directions of the round trip car run between established passenger or freight division points or junctions at which the trains are scheduled to stop. (ICC)

(ix) *Determination of RPO size and run.* In computing the car-miles of full and apartment railway post office cars, the maximum space authorized in either direction of the round trip car run shall be regarded as the space to be computed in both directions. The car run of such cars and apartments shall be the movement of a particular unit between established passenger or freight division points or junctions covered by the authorization. (ICC)

(x) *Determination of frequency and size.* Railway post office service will be authorized on an annual basis. The same unit of railway post office space will be authorized on all days of the week on which any railway post office space is needed. Where there are two or more distributing units in the same train, the frequencies authorized may be different. Regular authorizations of railway post office service shall be omitted on holidays and days after holidays when service is not needed on those days. When a holiday falls on a Sunday and is observed on the following Monday, the holiday will be considered as applying to the Monday date.

(xi) *Junctions.* For the purpose of stating authorizations of such cars and apartments, points upon a carrier's own line where its tracks, upon which mail carrying trains are operated, cross or diverge shall be considered junctions. Where two or more railroads participate in joint operation, the junction shall be considered as common to all railroads so participating. (ICC)

(xii) *RPO mileages.* RPO mileages will be stated and paid for in accordance with the distance circulars furnished by the railroads to the Post Office Department and will reflect the regularly scheduled operation of each train. This may result in different mileages between the same points.

(xiii) *Standard pay basis.* Full railway post office service shall be paid for in space units of railway post office cars 60 feet in length, inside measurement. Railway post office apartment car service shall be paid for in space units of apartments 30 and 15 feet in length, inside measurement. (ICC)

(xiv) *Cars longer than 60 feet.* Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet. (Comprehensive Plan.)

(xv) *Inside measurement.* In determining the inside lengths of full railway post office cars, apartment railway post office cars, and storage cars and baggage cars used for transportation of mail as the basis of payment, fractions of a foot shall be disregarded if 6 inches or under and credit given for a full foot if over 6 inches. (ICC)

(xvi) *Holiday season RPO authorizations.* Additional full RPO or apartment RPO car space needed during the Christmas holiday period each year will be authorized by the distribution and traffic manager, without issuance of formal orders by the Bureau of Transportation. Full information will be furnished the regional controller.

(4) *Restriction on railroad employees.* Train crews are not permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(5) *Changes in RPO authorizations.* In changing or terminating authorizations of railway post office cars at established junction points, the following principles shall be observed:

(i) *Facilities for change.* The company's facilities at points designated for changes in RPO authorizations shall be such that an actual change in equipment may be made, should the company so elect. Ordinarily this shall mean that there is a terminal or yard organization that can properly care for passenger equipment, that is, a switch engine and crew, and facilities for heating and cleaning cars.

(ii) *Crew change requirements.* Should the railroad company elect to change the equipment, it must be possible for the mobile clerks to prepare for the change and keep their distribution current.

(iii) *Termination of authorization.* Where a train run terminates 30 miles or less beyond the last point where RPO service is needed, the RPO or apartment car authorization will be stated through to the end of the train run.

(b) *Storage space requirements*—(1) *Linear feet of storage space; current plans.* Storage space requirements in full and apartment RPO cars based on standard plans dated August 1, 1956, are as follows:

Car size:	Linear feet of storage space
60-foot	11' 10"
30-foot apartment	4' 9"
15-foot apartment	3' 2"

(2) *Prior plan cars.* Apartment cars or full RPO cars that are 15, 30, or 60 feet in length, and that were built according to prior standard plans of the Department, are considered standard cars and not deficient in storage space.

(c) *Nonstandard cars*—(1) *Undersize*—(i) *Basis of payment.* Where authorizations are made for full or apartment railway post office cars of the standard lengths of 60, 30, or 15 feet, and the railroad company is unable to furnish standard cars or apartments but furnishes cars or apartments of lesser length which are accepted and used by the Department, the compensation shall be only for the actual length, inside measurement, of the car or apartment furnished and used at the rate applicable to the length authorized applied pro rata to the actual length, inside measurement. (ICC)

(ii) *Making up deficiencies.* Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved but not to exceed the requirements of existing specifications. Where storage space is deficient, the entire deficiency may be made up in another part of the train and full payment for the RPO car or apartment allowed. In such case, any deficiency in storage space in the nonstandard full or apartment RPO car must be taken into account in computing the total volume of storage mail in the train.

(iii) *New or remodeled RPOs.* New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(iv) *Advising of deficiencies.* Distribution and traffic managers shall compute storage space deficiency in railway post office and apartment railway post office cars and advise railroad companies and postal personnel concerned accordingly.

(v) *Storage deficiency make-up report.* The railway post office car supervisor shall show, on his trip report, the amount of mail carried in a baggage or storage car to make up a deficiency in storage space in the postal car.

(2) *Oversize*—(i) *Basis of payment*—(a) *General requirement.* The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will, at carriers' request, accept the excess space beyond the standard lengths authorized for the accommodation of storage service when needed. (Comprehensive Plan.)

(b) *Acceptance procedures.* Where authorizations are made for full or apartment railway post office cars of the standard lengths and the railroad company furnishes cars or apartments of greater length which are accepted and used by the Department, no compensation shall be paid for the excess space unless the space is used by the Department for the accommodation of storage mail. If the excess space is so used, the appropriate line-haul rate applicable to storage service shall be paid, based on the total volume of mail transported in the train in storage service, but in no event shall compensation be paid for more than the length of the car or apartment, inside measurement. (ICC)

(ii) *Computation of storage space.* Where an RPO car of greater length than the unit authorized is operated, and the available storage space in the car in addition to that provided under the authorization is used to capacity, the additional space provided shall be considered as follows:

Size of RPO car operated	In lieu of authorization for	Additional space provided (measurement basis)
	Feet	*Feet*
70-foot	60	10
60-foot	30	18
30-foot	15	8½

To obtain the additional space listed in the third column above for a 30- or 15-foot authorization, all racks not due under such authorizations must be placed in non-use position to provide storage space.

(iii) *Handling of excess mail within RPO car.* When excess storage mail is carried in an oversize full or apartment RPO car, the mail shall be handled by mobile clerks to and from the doorways of the car.

(iv) *Count of storage mail.* The volume of storage mail carried in an oversize RPO car shall be determined by count, provided the storage mail allowance so determined does not exceed the maximum storage space available on a measurement basis.

(v) *Door and aisle space.* In addition to the clear storage space due under the RPO authorization, the space in front of the doors and in the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(vi) *Distributing and storage facilities.* Where an oversize RPO car is operated, no more distributing and storage facilities should be used than would be available if a standard car of the size authorized were operated.

(vii) *Racks in non-use position.* If part of the rack space due under the regular RPO authorization is not needed for distribution, and racks are placed in non-use position so that the resulting space may be utilized for storage purposes, the mail carried in such space shall not be included in the count of pieces due the clear storage space referred to in subdivision (ii) of this subparagraph.

(d) *Intermediate points*—(1) *Emergency withdrawal of car.* When an RPO car is withdrawn at an intermediate point of its run because of an emergency, and mail and clerks are transferred to other cars in the train, payment will be allowed as follows:

(i) *To point of withdrawal.* Payment of the full rate will be allowed to the point of withdrawal.

(ii) *Beyond point of withdrawal.* From the point of withdrawal to destination, payment will be allowed for the other car space used in the train:

(*a*) At a prorate of the authorized RPO car rate based on the amount of space occupied when the mail is in the custody of the mobile clerks.

(*b*) At appropriate storage rates based on the volume of mail carried in the train, when the mail is in the custody of railroad representatives.

Additional pay will not be allowed for the later deadhead operation of the RPO car over the remainder of the run.

(2) *Advance distribution*—(i) *RPO apartment cars.* A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(ii) *Full RPO cars.* Railroad companies may be required to cut out or cut in full RPO cars at important intermediate points of the train run when it is necessary to place a car for advance distribution. In requiring railroad companies to cut out or cut in full RPO cars, distribution and traffic managers must take care to avoid delaying important mail trains.

(e) *Defaults.* No deduction in RPO pay to the railroad shall be made if the mobile clerk defaults his run or, on account of train delay, leaves the RPO car at an intermediate point to protect the return trip, provided the authorized trip of the RPO car is completed.

(f) *Mail carried in RPO cars*—(1) *Mail carried in baggage cars in lieu of RPO car.* Where a mobile clerk is not on duty in an authorized RPO car until an intermediate point of the car run is reached, and mail is carried in a baggage car for the railroad's convenience from the point of RPO authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car, to the extent of the volume that could be accommodated in the RPO authorization.

(2) *Loading storage mail in RPO cars*—(i) *At point of origin.* At point of origin, RPO cars shall be fully loaded, consistent with storage space which will be needed at other points en route. Space used for necessary separations shall be regarded as fully occupied.

(ii) *At intermediate points.* At intermediate points upon arrival at the station, the RPO supervisor shall promptly advise the railroad representative whether mail can be taken into the RPO car, and the amount thereof. The railroad company shall offer such mail to the RPO car before loading it in storage units. When mail is so offered and is refused by the mobile clerk, and, the railroad subsequently loads the mail into baggage car space, no adjustment can be made if the Postal Service ultimately discovers, just before or after the departure of the train from that particular station, that there is some vacant or unoccupied space in the RPO car. Space held in an RPO car until train departure time, for receiving connections that are finally missed, is not valid for subsequently charging mail from storage space to RPO space at that station.

(3) *Form 5061, statement of mails loaded in storage in lieu of RPO space*—(i) *Initial terminal of RPO run.* When, at the initial terminal of an RPO run, mail that could be accommodated in the authorized distributing unit is loaded into the baggage car for the convenience of the company, such mail shall be charged to the RPO car. The supervisor of the RPO car shall use his judgment as to the number of pieces that could be accommodated in the RPO car and furnish the railroad company with this information. Form 5061 will be used for this purpose. This form shall not be issued against mail loaded in destination or

destination relay storage cars, nor against mail already on the train.

(ii) *Stops on RPO run.* At designated stops, mail, which could be accommodated in the RPO car and which is loaded into baggage or working storage cars for company operating reasons, shall be charged to the RPO car. This includes mail the railroad preloads for its own convenience. On such preloaded mail, the RPO supervisor must exercise the option of requesting transfer with due regard to the nature of the operations at each station, such as scheduled station time, avoidance of delay to train resulting in overtime payments to postal employees, missed connections, etc. The same procedure outlined in subdivision (i) of this subparagraph shall be followed in charging mail to the RPO.

(iii) *Space available after issuance.* After the issuance of Form 5061, any space in the RPO car is theoretically filled to the extent of the mail requested. Space is not available for the accommodation of mail that may be offered the RPO car at any subsequent station unless additional vacant authorized space is developed, or a turnover of mail makes space available in the RPO car.

(g) *Mail in storage cars handled by mobile clerks.* When a storage car or baggage car containing mail is operated next to an RPO car and mobile clerks have access to such a car through end doors, they may transfer mail between the cars or handle mail at intermediate points when considered advisable by the Department and the total volume does not exceed the piece equivalent of 3 feet over the run of an RPO division.

(h) *Construction and maintenance of RPO cars*—(1) *Construction, Standards*—(i) *New or rebuilt cars.* New or rebuilt full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to Post Office Department Publication No. 19. Specifications for the Construction of Full and Apartment Railway Post Office Cars, approved August 1, 1956, and any subsequent modification thereof. A rebuilt full or apartment RPO car is a car which has been stripped to the under frame and then reconstructed.

(ii) *Bringing old cars up to standards.* Full and apartment railway post office cars previously accepted for service shall not be required to be brought up to standards of current specifications in all material respects, except when operating conditions render standardization or improvements necessary. Approval must be obtained from the Bureau of Transportation before any changes are made in construction or fixtures.

(iii) *Conversion of cars built for other traffic.* Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to meet departmental specifications fully. All conversions of this type must be approved by the Bureau of Transportation, before work is started.

(iv) *Form 5292, certificate of construction.* Post Office Department Form 5292, "Certificate of Construction" shall be furnished to the Bureau of Transportation, for each new or rebuilt mail car, by the principal mechanical officer of the railroad. Form 5292 shall be furnished for cars originally built for other traffic, prior to approval of their conversion to postal cars, when requested by the Bureau of Transportation.

(2) *Inspection by departmental representatives*—(i) *New, rebuilt or repaired cars.* New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with Bureau of Transportation instructions.

(ii) *Dates for inspection, new or rebuilt cars.* Railroad and car-building companies shall advise the Bureau of Transportation concerning proposed new construction or rebuilding of railway post office cars and the dates when such cars will be ready for inspection.

(iii) *Dates for inspection, repaired cars.* Railroad companies shall notify the proper distribution and traffic manager when cars are received at any of their shops for repairs, so that a representative from the distribution and traffic manager's office may inspect such cars and call attention to needed repairs and improvements. Notice shall also be given as to the date cars are to be outshopped, so that an inspection may be made by the distribution and traffic manager's representative if the distribution and traffic manager considers it necessary.

(iv) *Acceptance of repaired cars.* Railroad companies shall not out-shop or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner acceptable to the Postal Service.

(3) *Maintenance; water and sanitation*—(i) *Standards.* Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(ii) *Fresh water and ice.* Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iii) *Toilet paper.* Toilet paper shall be provided in all cars.

(iv) *Cleaning.* The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route as often as may be necessary when cars are in continuous service for more than 24 hours.

(4) *Operational standards.* All facilities and equipment in full and apartment railway post office cars shall be provided, operated and maintained within the minimum standards of Post Office Department Publication 19 and any subsequent modification thereof.

(5) *Light failures.* When the primary lighting system fails to provide sufficient illumination to allow distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(6) *First aid kits.* (i) Each railway post office car shall be provided with a standard AAR kit which shall be maintained in good condition. The container shall be of cardboard, metal or plastic, with hinged top and side and with inside measurements of approximately 4½" by 1". The minimum contents of the container shall be:

4—aseptic gauze pads 2 by 2 inches for small wounds;
3—aseptic gauze pads 3 by 3 inches for large wounds;
1—2 inches by 5 yards compressed gauze bandage; and
6—¾ by 3 inches, small, sterile, ready-to-use adhesive gauze strips.

(ii) The first-aid kit may be placed in each car or supplied to each supervisor. Method of furnishing kits and replacement of contents shall be optional with the railroad.

(7) *Fire extinguishers.* The furnishing of fire extinguishers in postal cars shall be optional with the railroad. When furnished, they shall be provided in accordance with existing laws and regulations of local and state regulatory bodies and shall be located in the cars as prescribed by the Post Office Department. All fire extinguishers must be approved by the Underwriters' Laboratories, Inc.

(i) *Operation of RPO cars in trains*—(1) *Car strength.* Full and apartment railway post office cars shall be equal or superior in constructon strength to other cars operated in a train.

(2) *Operation in mixed trains.* In mixed trains the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose.

(3) *Operation in consist.* When practicable, one or more cars shall be operated between the locomotive and the railway post office car.

(4) *Use restrictions.* Cars, or parts of cars, bearing the legend "United States Mail," or "U.S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic, unless the legend is obliterated.

§ 92.8 Storage service, line haul.

(a) *General*—(1) *Classes.* Storage service is composed of storage car service and lesser storage unit service.

(2) *Requests for service.* The space needs of the Department for storage service shall be reflected by requests for storage space adequate to accommodate the mail available for dispatch on each train designated by the Post Office Department. Requests for storage service shall be restricted to the needs of the Postal Service between established railway passenger or freight division points or junctions, and shall be made in accordance with the instructions issued by the Postmaster General. (Comprehensive Plan.)

(3) *Types of service.* The class, frequency, and distance of service to be authorized or requested shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General. (Comprehensive Plan.)

(4) *Determination of service needs.* Local postal transportation and railroad officials shall collaborate in establishing storage service needs as required to insure the expeditious transportation, movement, and terminal handling of mail. Railroad companies shall provide for the transportation of storage mail as thus determined.

(b) *Provision by railroads*—(1) *Normal loads.* They (railroad companies) are required to furnish adequate cars and space in cars for storage service to the extent necessary to accommodate the normal mail load. The normal mail load shall be the volume available on the same day of the week in similar past traffic periods excluding that dispatched under unusual or emergency conditions, and taking into consideration reasonably predictable seasonal and other changes. (Comprehensive Plan.)

(2) *Excess loads*—(i) *Space not available for all traffic.* Where there is storage mail in excess of the normal load and baggage or express or both to be loaded, and the available space is not sufficient to accommodate all, such mail is required to be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for mail in excess of the normal load. Mail in excess of the normal load which is not accommodated in the designated train shall be transported in the next train having available space therefor. (Comprehensive Plan.)

(ii) *Time of Requests.* Requests for storage service in excess of the normal load may be made as needed. (Comprehensive Plan.)

(3) *Modification of requests.* Requests for storage car service and lesser storage unit service shall be discontinued or reduced if necessitated by service changes, and shall be subject to modification at any time to provide for new and additional service. (Comprehensive Plan.)

(c) *Measurement of cars*—(1) *Determination of length.* In determining the inside lengths of full railway post office cars, apartment railway post office cars and storage cars and baggage cars used for transportation of mail as the basis of payment, fractions of a foot shall be disregarded if 6 inches or under and credit given for a full foot if over 6 inches. No deduction shall be made in such storage cars and baggage cars for the space occupied by interior fittings provided they do not occupy, in the aggregate, more than 1 linear foot of space. Where they occupy, in the aggregate, more than 1 linear foot of space, the entire space occupied thereby shall be deducted. In ascertaining the amount of space occupied by the interior fittings, obstructions which do not materially affect the clear storage space may be disregarded. (ICC)

(2) *Standard length.* A standard storage car shall have an inside length of 60 feet without obstructions, and shall provide at least 8 feet 6 inches in width and 7 feet in height of clear storage space.

(3) *Non-standard length.* When a railroad company is unable to furnish cars of the standard unit length requested for storage car service, the Department may accept cars which are more or less than 60 feet in length, inside measurement. (Comprehensive Plan.)

(4) *Official car register*—(i) *Publishing.* The Bureau of Transportation will publish an Official Car Register and corrections thereto listing all cars normally used in the transportation of storage mail, showing the inside length, the mail pay length and all pertinent data affecting the mail pay length. This Register shall be the recognized basis for determining the clear storage space allowable for compensation purposes. The railroads shall furnish this information promptly to the Post Office Department.

(ii) *Deductions.* If there are interior fittings or obstructions which reduce available loading space, deductions for same shall be stated against the inside length of the car, thereby affecting the clear storage space. Deductions to compensate for such interior fittings or obstructions in storage cars shall be computed on the basis of 61.25 cubic feet being equal to 1 linear foot of floor space. This basis shall be used whether the car is loaded with an aisle 18 inches wide or is loaded solid. Such deductions will be reflected in the listing of clear storage space in the Official Car Register.

(iii) *New or rebuilt cars.* Railroads will also promptly furnish the Department with the information mentioned in subdivisions (i) and (ii) of this subparagraph on new or rebuilt cars usable for storage mail service, and on any changes in the mail pay length of storage cars resulting from the installation or removal of interior fittings.

(iv) *Checking for accuracy.* When there is any question in regard to the accuracy of the mail pay length of any car, or series of cars, shown in the Official Car Register, distribution and traffic manager may spot check these cars in accordance with the procedure outlined in this paragraph (c). If errors are found, he will immediately advise the Bureau of Transportation, furnishing all of the details.

(5) *RPO cars used for storage.* Under the specifications for the construction of RPO cars dated August 1, 1956, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings that are not moved when RPO cars are used as storage cars.

Car size	Car plan	Deduction in linear feet
60-foot	R	12
	T	16
	T-1	17
	T-2	17
30-foot apartment	S	7
	W	9
15-foot apartment	X	4

(d) *Loading and spacing of storage cars*—(1) *Loading*—(i) *Solid.* Storage cars shall be loaded solidly at initial points of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail. In storage cars provided with safety rods, the mail shall be piled to the safety rods as long as mail is available for loading. In loading mail into baggage cars, safety devices shall not be obstructed. In cars not provided with safety rods, mail shall be piled to an average height of 8 feet provided mail is available for loading. Cars providing 7 feet or less in height shall be loaded to the ceiling, or to safety devices.

(ii) *With aisle and doorway.* When it is desired to maintain an aisle and free doorways in storage cars to permit unobstructed passage of clerks or trainmen in the performance of their duties, the aisle should not exceed 18 inches in width, and shall extend only through as much of the car as is necessary. A 3-foot allowance will be made for each such doorway as is necessary, when the volume of mail in the car exceeds 30 feet. In such open or working cars, one end of the car, or that part of the car between the doorways, should be loaded solid without aisle, if practicable. With due regard for necessary separations, mail shall be piled to the same height as in solidly loaded storage cars. In computing the percentage of load in such open or working cars, a 60-foot storage car will be considered as loaded 60 feet when it is filled to capacity except for essential aisle and doorways and any separations (stalls) not completely filled because of the need for maintaining designated separations.

NOTE: Line haul space shall be determined on the basis of the linear feet of floor space occupied by the mail and such computations shall include aisle space necessary to provide access to each officially required separation. Space credits for necessary doorways shall be determined by the distribution and traffic manager.

(iii) *Intermediate separations.* Where mail for dispatch at intermediate points is carried in through storage cars, it shall be piled to permit prompt dispatch at such points without unnecessarily delaying the train. However, separations that do not require the use of more than one-half of a stall shall be combined with other separations, if it is feasible to make further separation of the mail en route between points of dispatch. The number of separations maintained or required shall be reviewed frequently to meet changed conditions. Any unnecessary separations shall be discontinued in order to utilize the space as efficiently as possible.

(2) *Responsibility*—(i) *Examining storage cars.* The distribution and traffic manager or a designated representative shall examine storage cars frequently. This check will determine that cars are properly loaded, placarded and spaced by postal or railway personnel supervising the loading; that proper footage credit is given for mail loaded, particularly mail in working cars; and that official car loading diagrams reflect current mail flows and needs.

(ii) *Loading diagram.* Postal transfer clerks are primarily responsible for preparing an official loading diagram indicating the location in each car of the separations made and for determining when the piling and loading instructions are satisfied.

(iii) *Spacing.* Originating postal regions are responsible for proper spacing of destination and destination-relay cars

for compensation purposes. Such cars shall not be opened en route except at the relay point, or under conditions outlined in paragraph (i)(4)(iv) of this section, and in cases of emergency. Spacing at point of origin shall prevail over the entire run of a car. Exception to the origin spacing for the purpose of administrative corrective action may be raised only at point of relay or destination by the region having jurisdiction of such point. The postal representative taking such exception shall immediately advise the local railroad representative of the loading condition of the car and the action taken. A comprehensive report of an exception shall be made promptly to the region at point of origin for corrective action.

(3) *Weight limitations*—(i) *Requirements.* A 60-foot storage car with a weight-carrying capacity of not less than 60,000 pounds or 1,000 pounds per linear foot is required. Storage cars provided by railroad companies for regular movements of mixed mail shall be capable of loading to 1,000 pounds per foot or to their full cubical capacity whenever mail is available.

(ii) *Observing limitations.* Car weight capacity limitations must be observed in all loadings. When a railroad company stops loading a car because of weight limitations before the cubical capacity is reached, pro rata footage shall be allowed for the mail in the car. The footage shall be based either on the space occupied by the mail as compared to a fully loaded 60-foot storage car, or the approximate weight of the mail as compared to the weight-carrying capacity of 60,000 pounds, whichever is greater.

(iii) *Loading stopped for weight limitations.* When the loading of a car is stopped because of weight limitations, the car placard and Form 5118, Daily Report of Line Haul Mail Storage Service and Related Terminal Services shall be endorsed WT. LMT. Notation should appear also as to the approximate weight of the mail involved, with special report of further details as warranted.

(e) *Failure to move mail in regularly designated train*—(1) *Service by other than regularly designated train.* When for operating reasons or because of delayed connections a railroad transports mail on a different train than that on which the same railroad has been designated to carry it, the mail will be charged to the train on which actually carried. When a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(2) *Overtaken train.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail-carrying train beyond the merger point.

(3) *Missed connections.* Where mail misses connection and there is no representative of the Postal Service to authorize movement of such mail, the railroad company may carry the mail on an undesignated train that can be used to advantage.

(4) *Fast and local train.* When, for postal service reasons, mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, payment will be allowed in both trains between appropriate points. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, payment will be allowed in the local train between appropriate points and in the fast train from point of receipt.

(f) *Classes of service*—(1) *Storage car service*—(i) *Scope of service.* Service of this class shall be requested in units of 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mail. This service is the transportation and handling of made-up mail in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mail. (Comprehensive Plan.)

(ii) *Operation and payment.* (*a*) Storage car service shall be requested and paid for in one direction only between established railway passenger or freight division points or junctions at which the train is scheduled to stop; except that a destination storage car or a destination relay storage car originating or terminating at a point between established division of junction points shall be considered as originating or terminating at the intermediate point for the purpose of compensation. (ICC)

NOTE: This provision does not involve ascending or descending loads which are governed by the proviso for maximum volume between junctions as stated in paragraph (h)(6) of this section.

(*b*) Storage car service shall be paid for in units of 60 feet in length, inside measurement. (ICC)

(iii) *Junctions.* For the purpose of compensation for storage car service, points upon a carrier's own line where its tracks, upon which mail carrying trains are operated, cross or diverge, shall be considered as junctions. Where two or more railroads participate in joint operation, the junction shall be considered common to all railroads so participating. (ICC)

(iv) *Advance notice when car not needed.* (*a*) Whenever there is insufficient mail on any day to warrant the operation of an exclusive storage car which would otherwise be required to accommodate the normal load, the request for such car may be canceled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train. (Comprehensive Plan.)

(*b*) If the car is removed and the mail is transferred to other space in the train at the direction of the local postal representative, an additional terminal charge will become due.

(2) *Lesser storage unit service*—(i) *Size.* Lesser units of storage space service shall be paid for in units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 linear feet without duplication or grouping. (ICC)

(ii) *Scope of service.* Service of this class shall be requested in the established less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mail of the same type as that handled in storage car service. The requirements for lesser storage unit service are the same as for storage car service. (Comprehensive Plan.)

(iii) *Operation.* Lesser units of storage space shall be requested and paid for in one direction only. For the purpose of compensation under the rates prescribed, lesser units of storage space may begin at the point where storage space becomes necessary and may be terminated at the point where the last mail is dispatched, but they shall not be changed en route at other than established railway passenger or freight division points or junctions. (ICC)

(iv) *Junctions.* For the purpose of making changes en route in lesser units of storage space, points where two mail carrying lines of the same or of different railroads cross or diverge and at which mail is regularly received or dispatched by any train shall be considered junctions, whether or not there is a physical connection between the lines of railroad at such points by switch or otherwise. Points on parallel lines shall not be considered junctions except where the lines converge or diverge. (ICC)

(v) *Railroad and electric car lines.* Points of intersection between railroad lines and electric car lines are not considered as junction points.

(vi) *Performance.* Lesser storage unit service may be performed independently or in conjunction with storage car service.

(3) *Basis for determining linear feet of lesser storage units*—(i) *Biennial bin test.* The Postmaster General, upon notification to the railroads and with their presence and assistance, shall conduct tests at least once in 2 years to determine the number of sacks and outside parcels that will fill 3 linear feet of space, both sides of a car, and the results thereof shall be reflected in changes, when necessary, in the count of sacks and outside parcels as the basis for measurement of lesser units of storage space, except that in exceptional cases lesser units of storage space of 15 feet or over may be determined by measurement when mutually agreed upon by the Department and the railroad. In no case shall payment be made for more space than the inside length of the car or compartment. (ICC)

(ii) *Conduct of test and application of test results.* The Department selects the test period, and will issue specific instructions in regard to the manner of conducting the tests, when each period is announced. The results of the test shall be stated in terms of a national average to be applied uniformly. Effective April 2, 1960, 51 pieces equal a 3-foot unit. The regional schedule of mail routes contain current space equivalent tables.

(iii) *Basis for determining lesser unit.* The number of linear feet needed on both sides of baggage, storage or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece.

(g) *Method of determining mail load*—(1) *Several cars.* Where mail is carried in several cars in a train the total volume of storage mail in the train shall be determined by adding the volume transported in storage service in all cars operating in the train, including destination and destination relay cars.

(2) *Determination of volume in car.* The volume of mail in a car must be determined by:

(i) *Count.* Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) *Measurement, over 30 feet.* Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) *Measurement, 15 feet or more.* Measurement, in those cases where the linear feet of space occupied by the mail is 15 feet or more, and mutually agreed to by the Department and the railroad.

(iv) *Measurement, fully loaded.* Measurement reflecting the inside length of a car or compartment of a car when the car or compartment is fully loaded.

(3) *Count versus footage computations.* Where the mail in a car exceeds 30 feet by count, but actually occupies 30 linear feet or less of space, the volume of mail is considered as 30 feet. Once the unit of space has been determined as 30 feet, such unit must be considered to be theoretically filled. Any additional mail added to that carried in the car shall be added to the 30-foot arbitrary unit. If there is a net increase in mail loaded at intermediate points between division or junction points, it will be added to the 30 feet, making it necessary to respace the car and allow credit for the maximum footage carried between the division or junction points.

(4) *Measurement and count cars.* Where mail is carried in two or more cars operated in the same train, some cars on the measurement basis and others on the count basis, total all pieces in the count cars, convert to feet and combine with footage in other cars to determine volume carried in the train. Cars computed in accordance with subparagraph (3) of this paragraph will be considered as measurement cars.

(5) *Computation of working storage car space.* (i) Piece count shall be used to determine the space credits until the space occupied by the mail exceeds 30 feet after which spacing shall be determined on an estimated measurement basis with proper consideration being given to the allowance due in accordance with paragraph (d)(1)(ii) of this section.

(ii) To determine the volume of mail in a storage car leaving intermediate points after departure from a junction point where the volume was determined by estimated measurement, the count equivalent of the estimated measured load shall be the basis for adding the mail loaded and substracting the mail unloaded by pieces as indicated on the train baggageman's report. If it regularly develops that the mail runs out before the count or converted footage equivalent, or vice versa, the car must be respaced at mutually agreed points on the run. This shall be done either by a transfer clerk or RPO supervisor, and if the railroad so desires, in conjunction with a company employee. This re-estimate of space occupied by the mail shall be used to correct the count or footage equivalent at that point and shall stand as the base count to the next designated re-estimate point or to the end of the line.

(iii) At points where transfer clerks are located, the count of mail on and off at that point shall be shown on Form 5118 and the adjusted count on the TBM's report will be the accepted volume of mail in the car leaving such point unless same qualifies as a respacing point described in subdivision (ii) of this subparagraph.

(h) *Method of computing storage line-haul payment*—(1) *Source documents.* The data to be used in determining line-haul pay will be obtained from Forms 5012, Mobile Unit Trip Report; 5061, Statement of Mail Loaded in Storage in lieu of RPO Space; 5118, Daily Report of Line Haul Mail Storage Service and Related Terminal Services; 5366, Report of Mail Leaving—Arriving; copies of train baggagemen's reports, and other pertinent service records.

(2) *Total volume on train.* For the purpose of compensation, the total volume of mail transported in a train in storage service between established railway passenger or freight division points or junctions shall be determined by adding the volume of such mail transported in all cars operating in the train, including destination storage cars and destination relay storage cars. (ICC)

NOTE: The footage of mail in destination and destination relay cars is used for line haul purposes—not the inside length of the cars.

(3) *30 feet or less.* Where the total volume of mail transported in a train in storage service between established railway passenger or freight division points or junctions does not exceed 30 feet, payment shall be made for the appropriate lesser unit of storage space needed to accommodate the mail. (ICC)

(4) *30 to 60 feet.* Where the total volume of mail transported in a train in storage service between established railway passenger or freight division points or junctions exceeds 30 feet and does not exceed 60 feet, a footage prorate of the 60-foot storage car line-haul rate shall be paid for the footage transported. (ICC)

(5) *More than 60 feet*—(i) *Standard.* Where the total volume of mail transported in a train in storage service between established railway passenger or freight division points or junctions exceeds 60 feet, the total footage of such mail shall be divided by 60 to determine the number of storage car service units of 60 feet for which payment shall be made. Whenever the residual footage does not exceed 30 feet, payment shall be made for the residual footage at the rate applicable to the appropriate lesser unit of storage space service. Whenever the residual footage exceeds 30 feet, a footage prorate of the 60-foot storage car line-haul rate shall be paid for the residual footage. (ICC)

(ii) *Exceptional.* In those exceptional circumstances where the volume of mail transported in a train is carried solely in solidly loaded destination and/or destination relay storage cars, no other mail space is available and the volume of mail exceeds 60 feet or even multiples thereof, payment shall be allowed for no more than the maximum mail footage furnished and used as follows:

(*a*) When the residual footage exceeds 30 feet, it will be stated as the appropriate prorate of a 60-foot car.

(*b*) When the residual footage is 30 feet or less, the appropriate lesser storage unit will be allowed, provided the inside length of the solidly loaded car or cars is equal to a 60-foot unit or units plus an exact lesser unit of storage space.

(*c*) When the residual footage is 30 feet or less, and the inside length of the solidly loaded car or cars is not equal to a 60-foot unit or units plus an exact lesser unit of storage space, the 60-foot unit or units plus the prorate of the appropriate lesser unit of storage space will be allowed.

Examples: (1) A fully loaded 70-foot destination car is the only mail space available in the train—allow a 60-foot car and 1½ths of a 12-foot lesser unit;

(2) Two 40-foot fully loaded destination cars are the only mail space available in the train—allow a 60-foot car and 29/21sts of a 21-foot lesser unit.

(6) *Maximum volume.* Payment for a lesser unit of storage space and a footage prorate of the 60-foot storage car line-haul rate shall be made on the basis of the maximum volume of mail transported between any points between established railway passenger or freight division points or junctions, as defined herein for lesser units of storage space service and storage car service, respectively. (ICC)

(7) *Mail carried by in error.* Mail carried by a station in error by a railroad and returned on another train shall not be counted for line-haul compensation.

(i) *Placards*—(1) *Destination storage cars.* Destination storage cars shall be placarded with Form 5111–A, blue placard.

(2) *Destination relay storage cars.* Destination relay storage cars shall be placarded with Form 5111–B, salmon placard.

(3) *All other cars.* All other cars carrying storage mail shall be placarded with Form 5111, white placard, when the mail is in an exclusive mail car. Mixed traffic cars may be placarded with Form 5111 for identification purposes by mutual agreement between the distribution

and traffic managers and the railroads involved.

(4) *Placarding of cars*—(i) *Transfer clerks.* (a) Transfer clerks are responsible for the correct preparation of the proper placard in accordance with the classification of the car to be dispatched. Each placard form has specific instructions which shall be followed carefully. The transfer clerk shall plainly record on the placard the correct and final footage being dispatched at the time the car is sealed. All entries on a placard shall be limited to the items for which space has been provided and shall be filled in plainly. Unnecessary and unrelated information should not be entered on the face of the placard.

(b) It is the responsibility of the transfer clerks to placard properly all exclusive mail cars originating at their stations. Such cars shall be placarded on both sides with the proper placard in accordance with the classification of the cars as determined by subparagraphs (1) through (3) of this paragraph.

(c) Transfer clerks shall properly record information on the placards of cars relayed through their stations. Placards shall not be replaced at relay points except in accordance with subdivision (iv) of this subparagraph.

(d) Transfer clerks shall place placard Form 5111 on "set out" cars operating as working cars and originating at their stations.

(e) Transfer clerks are responsible for removing all mail placards from all cars that are completely unloaded at their stations.

(ii) *Plant loaded.* In most cases, destination, destination relay and working storage cars loaded at publishing plants will be placarded at the plants. The distribution and traffic manager will furnish these plants with instructions and Forms 5111, 5111–A, and 5111–B for properly placarding such cars. The distribution and traffic manager will check these loadings periodically to insure that cars are properly loaded and placarded.

(iii) *Railroad employees.* Railroad employees shall placard cars loaded at points where transfer clerks are not located. Form 5111 shall be used to placard this type of car.

(iv) *Placards lost or destroyed en route.* When an exclusive mail car, without a placard, arrives at a station, transfer clerks shall open the car and determine the type and destination of the car and relay points if any. This can be determined from the loading diagram inside the car. They shall then placard the car on both sides, according to classification, noting on the back of each placard full information regarding the replacarding.

§ 92.9 Terminal and piece handling services.

(a) *Storage service—per car charges*—(1) *Basis.* The terminal charge per car is stated in an amount per 60-foot storage car. This amount is prorated when so provided in this section.

(2) *Destination and destination relay cars—origin and destination.* The terminal charge per car for a destination storage car or a destination relay storage car shall be stated in an amount per 60-foot car for each one-way trip and shall be applied at point of origin for the loading and at point of destination for the unloading. Payment of the per car charge shall be made to the origin railroad and to the destination railroad. Where the car originates at a joint terminal, the per car charge shall be paid to the railroad performing the immediately subsequent line-haul service. Where the car terminates at a joint terminal, the per car charge shall be paid to the railroad performing the immediately prior line-haul service. Where the car furnished and used is of lesser or greater length than 60 feet, the 60-foot per car charge shall be applied pro rata to the actual length of the car, inside measurement. (ICC)

(3) *Destination relay cars—relay points.* In addition to the per car charges at origin and destination, a footage prorate of the 60-foot per car charge shall be paid for mail unloaded and for mail loaded at any point between origin and destination where a destination relay storage car on which per car charges are applicable is relayed from one railroad to another railroad or from one train to another train. For this purpose, the mail unloaded and the mail loaded at such point shall be expressed in feet and payment of the footage prorate shall be made to the railroad performing the unloading and to the railroad performing the loading. Where the car is relayed at a joint terminal, payment for the unloading shall be made to the railroad performing the immediately prior line-haul service and payment for the loading shall be made to the railroad performing the immediately subsequent line-haul service. (ICC)

(4) *Other storage car service*—(i) *Volume.* At each point where the volume of mail loaded in a train for transportation in storage service, excluding that loaded in destination storage cars and destination relay storage cars, exceeds 30 feet, a footage prorate of the 60-foot per car terminal charge shall be paid based on the volume of such mail loaded in the train. The footage prorate shall be applied at the point of loading for both loading and unloading, and payment shall be made to the loading railroad only. Where the mail is loaded at a joint terminal, the footage prorate shall be paid to the railroad performing the immediately subsequent line-haul service. (ICC)

NOTE: See paragraph (c)(2) of this section for movements involving carriers with different rates.

(ii) *Determining volume.* Where more than 30 feet of mail is loaded at a point into two or more cars operated in the same train, the loading into some cars being recorded on a count basis and into some cars on a measurement basis, total all pieces recorded as being loaded by count, convert to feet and combine with footage loaded into other cars to determine the footage allowable for terminal charge purposes.

NOTE: In working storage cars providing local exchange service, terminal charges shall be based on the actual count of pieces loaded in the car. When the count of pieces loaded exceeds the equivalent of 30-feet (510) the total number of pieces loaded shall be converted into the correct equated footage but such footage shall not exceed the inside length of car being spaced.

(5) *Mail left in car at destination.* When a storage car is received at the final destination point of its placarded run, and mail for a particular point beyond the destination is contained in the car and the car is not fully unloaded, but by mutual agreement between the railroad and distribution and traffic manager, the mail is left in the car, the car is filled out and transferred to another train, the railroad company is entitled to a prorate of the car terminal charge on the basis of mail actually unloaded at the point. For destination and destination relay cars this prorate will be computed as the allowable inside length of the car minus the footage of mail left in the car. The loading railroad is entitled to a loading charge only on the basis of mail actually loaded at that point.

(b) *Storage service—per piece charges*—(1) *Definition.* The terminal charge per piece shall be applied to all sacks and parcels carried outside of sacks, referred to as outside parcels, loaded in a train for transportation in storage service at points where the volume of mail so loaded does not exceed 30 feet, excluding that loaded in destination storage cars and in destination relay storage cars. (ICC)

(2) *Services covered.* The charge shall include compensation for both loading and unloading of the sacks and outside parcels to which it is applied. In applying the charge each sack or outside parcel shall be counted as one piece of mail. (ICC)

(3) *Payment.* The terminal charge per piece shall be paid to the railroad performing the loading or, in cases where the loading is performed at a joint terminal, to the railroad performing the immediately subsequent line-haul service. (ICC)

NOTE: See paragraph (c) of this section for inter-regional movements.

(4) *Ascending load.* Terminal charge volume shall be determined on a count basis for all mail loaded into an ascending load, where the volume loaded is 30 feet or less. At any point where the count of mail loaded exceeds an equivalent of 30 feet, payment for the terminal service at that point shall be made on the basis of the prorate of a 60-foot per car terminal charge.

(c) *Interline movements of working storage cars and lesser units*—(1) *At same rate level.* In the case of storage service, other than destination storage car and destination relay storage car service, involving movement between two or more carriers with the same rate level, the combined loading and unloading charges shall be applied at the point of loading for mail interchanged with another railroad, and payment shall be made to the loading railroad only. Where the mail is loaded at a joint terminal, payment shall be made to the railroad performing the immediately subsequent line-haul service. The unloading railroad shall look to the loading railroad for any payment adjustments due.

(2) *At different rate levels.* Where mail transported in storage service, other than in destination storage and destination relay storage car service, moves in a car or cars originating on a railroad which receives different terminal charges from those applicable to a railroad over which the car or cars subsequently move, the per car and per piece terminal charges shall be applied at point of loading for the loading and at point of unloading for the unloading, and payment shall be made to the loading and to the unloading railroad for the service each performs on the basis of one-half the terminal charges prescribed for each railroad. Payment of terminal charges to the loading railroad shall be made on the basis of a prorate of the per car charge at any point where more than 30 feet of storage mail is loaded in such car or cars and on the basis of the piece rate at any point where the volume of storage mail loaded in such car or cars does not exceed 30 feet. Payment of terminal charges to the unloading railroad shall be made on the basis of a prorate of the per car charge at any point where more than 30 feet of storage mail is unloaded from such car or cars, and on the basis of the piece rate where the volume of storage mail unloaded at any point from such car or cars does not exceed 30 feet. (ICC)

(d) *Exceptions to application of terminal and piece handling charges*—(1) *Storage cars and lesser units.* Terminal charges are not allowed for rehandling of mail when:

(i) *Car out of service.* A railroad orders a car out of service after mail has been loaded for onward dispatch to destination.

(ii) *Interchange refused.* The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

(iii) *Mails carried by in error.* Mail is carried by a station in error and returned in another train.

(2) *RPO cars*—(i) *Postal employees on duty.* The per piece charge will not apply to mail loaded into a standard or oversize RPO car or apartment while mobile clerks are on duty, except that:

(ii) *Half per piece rate.* One-half of the per piece charge will apply to the number of pieces loaded into an RPO car when:

(a) Loaded by railroad employees prior to the origin of clerks' run.

(b) Unloaded by railroad employees at points beyond the end of clerks' run.

(c) *30-foot apartment in lieu of 60-foot RPO.* When a 30-foot apartment car is operated in lieu of a 60-foot RPO car and the railroad company accepts pro rata pay based on the length of the apartment car, terminal charges shall be allowed on any mail in storage cars or units without regard for the deficiency in RPO authorization.

(3) *Loading stopped by railroad.* Where for any reason a railroad fails to load a storage car to its space capacity, and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load and the placard and Form 5118 shall be endorsed "MA—643." However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(4) *Loading or unloading by other than employees of the railroad or its agents*—(i) *Definition of terms.* Loading or unloading services as used in this section are defined respectively as: (a) The loading, separating, and piling of mail in the car; and (b) the unloading, separating, and delivering of mail to postal installations and transportation media in accordance with § 92.6(b).

(ii) *At mailers' plants or postal facilities*—(a) *Terminal charges applicable at origin and destination.* When loading or unloading is performed by other than employees of a railroad or its agent, per car or per piece origin (loading) and destination (unloading) charges shall not be paid for mail so loaded or unloaded, respectively. The symbol "PL" (plant loaded) or "POL" (post office loaded) whichever is applicable, shall be properly entered on Form 5118 and the placard of cars in the categories of destination and destination relay storage cars. (See paragraph (c)(2) of this section for cars moving at different rates.)

(b) *Terminal charges applicable at origin to both loading and unloading.* When loading is performed by other than employees of a railroad or its agent, a charge shall be withheld from the compensation due the originating railroad on the basis of one-half the per piece or per car terminal charge, depending on the volume of mail loaded. The originating railroad shall make proper interline settlement for the unloading portion of the charge. When unloading is performed by other than employees of a railroad or its agent, a charge shall be deducted from the account of the delivering railroad on the basis of one-half of the per piece or per car terminal charge depending on the volume of mail unloaded.

(iii) *By star route and mail messenger contractors.* (a) When all mail at a point is loaded by a contractor, terminal charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(b) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the full terminal charge will be credited to the railroad company for all mail loaded.

(iv) *By mobile clerks in storage cars at intermediate points.* When storage mail is transferred between storage cars and RPO cars, or loaded in or unloaded from storage cars at intermediate points by mobile clerks, the full terminal charge will be allowable on mail so transferred or handled in accordance with § 92.7(g).

§ 92.10 Side and mail messenger service.

(a) *Cross reference.* This section amplifies the regulations in § 92.6(d)(3).

(b) *Route measurement.* In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(c) *Railroad employees.* Persons employed to handle mail where a railroad is required to receive and deliver mail from the post office or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the postal service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(d) *Discontinuance notice.* A railroad must give 30 days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 440-yard limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(e) *Department service.* The Department will provide for the transportation of mail to and from postal units located (1) more than 440 yards from the nearest railroad station or terminal and (2) 440 yards or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(f) *Time of service.* The Department reserves the right to require the performance of such service by a railroad representative at any time during the 24-hour period.

(g) *Railroad compensation.* Where railroads are required by the Post Office Department to perform side, terminal or transfer service, they shall be separately compensated for such service, unless the service is performed in or directly contiguous to railway terminals or depots. The amount to be paid therefor shall be measured by the amount paid by the railroad to contractors, plus 3 percent; and where the service is performed by agents or employees of the railroad the payment shall be for the value of the pro rata time of such railway agents or employees while engaged in rendering the service, including cost of vehicular service that may be necessary, with the addition of 3 percent. In computing the value of the pro rata time of such agents or employees there shall be included base pay; 3 percent of base pay representing vacation allowance; and the applicable railroad retirement and unemployment insurance taxes at the rates in effect when the service is rendered. Railroad retirement and unemployment insurance taxes shall be excluded in computing the additional 3 percent. (ICC)

(h) *Railroad contracts.* Where railroads contract for such service, contracts shall be let to the lowest responsible bidder upon advertisement. Readjustment for such service shall be made annually. Railroads shall submit certified copies

of each contract to the Department on or before July 1 of each year showing the rate of payment for the ensuing year, and the amounts specified in such contracts, plus 3 percent, shall be accepted as the basis of payment by the Department heretofore described. Railroads shall also furnish the Department each year, on or before July 1, a detailed statement of the daily time consumed in handling the mail by their agents or employees at each point where side, terminal, or transfer service is performed, which statement shall be verified by a responsible official of each railroad conversant with the facts, and such verified statement shall compute the pro rata payment of the agent or employee performing the service, based on the time actually consumed, and the amounts named in the statement plus 3 percent shall constitute the basis of payment for the next ensuing year, unless in special cases, for good cause, the Department may require further statements and verifications from any particular railroad at other periods of the year. (ICC)

§ 92.11 Rates and charges.

	Eastern	Western and Southern
	Rate—cents	
a. *For each mile of service by railway post office cars and apartments:*		
60-foot car	92.15	79.01
30-foot apartment	74.13	67.72
15-foot apartment	47.88	43.73
60-foot storage car	101.93	93.11
Lesser units of storage space:		
30-feet	74.13	67.72
27-feet	67.95	62.07
24-feet	61.78	56.43
21-feet	55.60	50.79
18-feet	47.88	43.73
15-feet	41.70	38.09
12-feet	37.07	33.85
9-feet	29.34	26.80
6-feet	20.06	18.34
3-feet	10.81	9.88
	Rate—dollars	
b. *Terminal charges; per car charge:*		
Destination storage cars and destination-relay storage cars—60-foot storage car	$88.74	$70.26
All other storage cars—60-foot storage car	177.48	140.52
	Rate—cents	
Per piece charge	21.38	16.93

§ 92.12 Preparation and processing of forms for payment.

(a) *General*—(1) *Scope.* This section describes the forms used by postal and railroad personnel to record services performed and to claim payment for railway post office and railroad mail transportation services. The following instructions complement existing procedures on forms issued by the Bureau of Finance.

(2) *Application of interstate commerce commission orders and operating space rules.* Regional controllers will be responsible for the proper application of the prevailing rates and charges. When a disagreement arises between railroads and regional controllers as to rules and regulations applicable to railroad mail transportation, controllers shall present the facts to the distribution and traffic manager for determination. If agreement cannot be reached at that level, the case shall be referred to the Regional Director for decision as to whether it should be referred to the Railway Transportation Branch, Bureau of Transportation, for a ruling.

(b) *Preparation of forms for railway post office services*—(1) *Processing authorizations.* Each distribution and traffic manager shall be responsible for the preparation of authorizations for RPO services applicable to railroad routes under his jurisdiction. Such authorizations remain in effect until modified by official change orders. (This does not apply to RPO services performed under contract arrangements with railroad companies.)

(2) *Forms used.* (i) Form 5020—Railway Post Office Service Authorizations.

(ii) Form 5020–A—Railway Post Office Service Authorizations (Cont. sheet).

(iii) Form 5020–B—Railway Mail Service Authorization.

(iv) Form 5021—Certification of Railway Post Office Services Rendered.

(3) *Frequency conversion table.* On June 1, prior to the beginning of each postal fiscal year, the Post Office Department, Bureau of Finance, will issue a "Frequency Conversion Table", listing the number of trips due to be performed during each postal accounting period for each frequency of RPO service to be authorized. Sufficient copies of this table will be supplied to each distribution and traffic manager, regional controller and mail carrying railroad.

(4) *Distribution of Forms 5020 and 5020–A*—(i) Original to railroad.

(ii) Second signed copy to the regional controller.

(iii) Third copy to the transportation requirements and procurement officer.

(iv) Fourth copy retained by distribution and traffic manager.

(5) *Modification of basic authorizations*—(i) *Service changes not requiring headquarter's approval.* Forms 5020 and 5020–A shall be prepared to effect current changes in RPO authorizations. A concise statement shall be entered in the memorandum section of the order as to the type of action being taken. Distribution of these forms shall be the same as that prescribed in subparagraph (4) of this paragraph.

(ii) *Service changes requiring headquarter's approval.* Forms 5020, 5020–A, or 5020–B, Railway Mail Service Authorization, shall be issued for preparation of orders requiring prior approval by headquarters. These forms shall be prepared in quintuplicate to provide a copy for the Director, Railway Transportation Branch, Bureau of Transportation.

(6) *Certifying service performed*— (i) *Forms used.* Form 5021, Certification of Railway Post Office Services Rendered, shall be prepared by the distribution and traffic manager, on or before the third working day following the close of each postal accounting period. This is an exception type statement of services rendered showing the monetary effect of all additions or exceptions in service, for use by the regional controller in determining the net amount payable to carriers in each accounting period. The basic data for completion of this form shall be obtained from RPO Supervisor's daily trip reports submitted on Forms 5012–B. Mobile Unit Trip Report—Space Section. Any deduction to be made because of the operation of an undersize car shall be listed on Form 5021. Any extra RPO service such as special Christmas authorizations shall also be listed on Form 5021. When an oversize car is operated the authorized length only shall be paid for, unless more than the authorized length is used for RPO purposes instead of for storage mail service.

(ii) *Distribution.* Form 5021 shall be distributed as follows:

(*a*) Original to regional controller;

(*b*) Second copy to distribution and traffic manager;

(*c*) Third copy retained at originating unit;

(*d*) Fourth copy to regional controller for transmittal to the carrier when there is an exception.

(7) *Processing payment.* Regional controllers shall effect payments for Railway Post Office Service based on the record of service performed as certified to by the distribution and traffic manager on Form 5021. Carriers are not required to present bills for this type of service. Form 797, Statement of Account, shall accompany the check when mailed to the carrier.

(c) *Preparation of forms for line haul mail storage services*—(1) *Form 5118, Daily Report of Line Haul Mail Storage and Related Terminal Services—Preparation.* Transfer clerks shall prepare this form in quintuplicate at each station on a daily basis, by routes, for all trains listing each car in mail service entering or leaving the line, working or being respaced. At points where transfer clerks are not assigned, the distribution and traffic manager may, when he deems circumstances warrant, require a railroad representative to prepare any necesssary Form 5118. The form shall be completed as follows:

(*a*) *Heading.* Fill in all spaces.

(*b*) *Column 1.* Show train number.

(*c*) *Column 2.* Show point where car is originally loaded.

(*d*) *Column 3.* Show destination point where car is to be completely unloaded.

(*e*) *Column 4.* Show car initials.

(*f*) *Column 5.* Show car number.

(*g*) *Column 6.* Show inside length minus obstructions.

(*h*) *Column 7.* Show type of car by appropriate symbol (D, D–R, ID, or W).

(*i*) *Column 8.* Show footage in car on arrival.

(*j*) *Column 9.* Show in feet the mail unloaded from destination and destination relay cars as indicated on the placards. For interline differential cars show feet and/or pieces unloaded from each "I.D." car.

(*k*) *Column 10.* Show pieces and/or feet of mail unloaded from each working storage car.

(*l*) *Column 11.* Show actual feet loaded in each D. and D–R car in one-foot graduations. For "I.D." cars record in pieces if loaded by count (30' or less). Where the footage equivalent allowable exceeds 30 feet, record in feet.

(*m*) *Column 12.* Show pieces and/or feet of working storage mail actually loaded in each car. Record in pieces if loaded by count (30' or less). Where the footage equivalent allowable exceeds 30' record in feet. (Credit shall be given for mail loaded in storage in lieu of RPO space as reported on Form 5061, with proper explanation noted in the remarks column.)

(*n*) *Column 13.* Show pieces and/or feet of mail in car leaving station. If the car is respaced at the station, it shall be so identified in the comments column with proper explanation of action taken.

(ii) *Authenticating forms 5118.* Form 5118 shall be signed jointly by the assigned transfer clerk and railroad representative at the close of each tour. If the railroad representative does not concur in the record of space recorded on Form 5118, the railroad's protest and the transfer clerk's comments shall be recorded in the "comments" column or by attachment of an explanatory report.

NOTE: The above described format shall also be followed by railroad representatives in preparing "station reports" at designated points where transfer clerks are not assigned. Railroads provide their own supply of this form.

(iii) *Reconciliation of form 5118 with train baggageman report.* (*a*) Where there is a difference in the count of pieces recorded on a baggageman's report and the count as shown on Form 5118, the baggageman's report shall be accepted unless it consistently differs. Under such circumstances an investigation shall be made by the proper postal service official, and corrective action taken.

(*b*) Unloading of working storage mail as recorded on Form 5118 shall not be used to correct TBM reports. Form 5118 recording, as taken from car placard, shall be accepted as the unloading record at final destination for destination and destination-relay mail.

(*c*) The count for equated footage shown on Form 5118, Column 12, Working Mail Loaded, will be the accepted volume leaving origin or designated "respacing" points. The baggageman's report shall reflect the correct count.

(iv) *Distribution.* The following distribution of Form 5118 shall be made promptly at the end of each 24-hour period:

(*a*) Original and third copy to the distribution and traffic manager.

(*b*) Second and fourth copies to the railroad company involved.

(*c*) Fifth copy retained at the originating point unless otherwise instructed.

(2) *Form 5366, Report of Mail Leaving—Arriving*—(i) *Preparation.* This form is prepared at the train level by transfer clerks for each train date showing the number of pieces and/or feet of mail loaded into each car worked at the railroad station involved and also the record of cars in mail service when leaving the station.

(ii) *Distribution.* Instructions shall be issued by the distribution and traffic manager as to the number of copies required and their distribution.

(3) *Form 5048, Record of Mail Storage Car Unloadings.* Transfer clerks shall prepare this form at all points where the distribution and traffic manager deems the indicated information is necessary. Instructions shall be issued by the distribution and traffic manager as to the places at which this form will be prepared, the number of copies, required and their distribution.

(4) *Form 5061, Statement of Mails Loaded in Storage in lieu of RPO Space*—(i) *Preparation.* RPO supervisors shall prepare this form in triplicate in accordance with instructions issued by the distribution and traffic manager as to the manner and places where this form will be issued. The following information shall be recorded on this form:

(*a*) Railroad Company involved.

(*b*) Date of issuance.

(*c*) RPO line and train involved.

(*d*) Train date.

(*e*) Pieces loaded in storage in lieu of RPO car.

(*f*) Point of loading (RR station).

(*g*) Signature.

(ii) *Where issued.* Form 5061 is designated to be used as a single action form or as a multiple entry form. In any case where the railroad desires notice at each station involved, the RPO supervisor shall deliver the original copy of the form to the railroad representative on arrival at the station. If the railroad does not desire notice at each station, the form shall be completed to cover the entire trip, a separate entry being made for each station involved in "in lieu" loadings. (See § 92.7(f)(3)(i).)

(iii) *Agreement to waive issuance.* Agreements may be made with individual railroad companies to waive the issuance of Form 5061 by RPO supervisors. In such cases the distribution and traffic manager shall promptly advise the railroad company of the amount of vacant space in RPO and apartment RPO cars each trip, based on trip reports. This may be done by preparing Form 5061 in the office of the distribution and traffic manager or by issuing a letter or memorandum covering several days' operation.

(iv) *Distribution.* The original copy shall be delivered to the designated railroad representative upon completion of the RPO run. The duplicate and triplicate copies shall be forwarded to the distribution and traffic manager with the related trip reports (Form 5012–B).

(5) *Form 2558, Statement of Space Used*—(i) *Use.* This form is printed in tri-colored sets of white, pink and yellow copies and is designed for use by the Post Office Department in recording and compiling both line-haul and terminal handling data for each train date covering train operations where mail is transported in several cars or where the payload fluctuates over the train run.

(ii) *Source documents.* The following source documents submitted daily to the distribution and traffic manager's office shall be used in the preparation of Form 2558:

(*a*) Form 5118 prepared by transfer clerks.

(*b*) Form 5118, Station Report, prepared by railroad station representatives at designated points where transfer clerks are not assigned. (Railroads provide their own supply of this form.)

(*c*) Form 5061 prepared by RPO supervisors.

(*d*) Copy of local RPO/Storage car transfers.

(*e*) Train Baggageman Reports.

(*f*) For "space pooled" trains (unpriced).

(*g*) For "space non-pooled" trains (priced by railroad company).

(iii) *Classification of trains.* (*a*) It is essential that standard procedures be established and that each train be classified according to the number of cars in mail service. Classifications shall be mutually determined by the distribution and traffic manager and the railroad.

(*b*) Trains which normally carry more than one car in mail service on one or more days of the week shall be classified as "space pooled" trains. The distribution and traffic manager shall prepare Form 2558 for those trains even on those days when only one car is in mail service.

(*c*) Trains which normally carry one car in mail service shall be classified as "space non-pooled" trains. The railroad will price out the TBM on these trains. In those unusual and occasional instances when a "space non-pooled" classified train carries additional cars in mail storage service, the railroad will determine the net mail load transported in accordance with space-used-regulations and price out both the line-haul and the terminal services on either the TBM or a summary sheet attached to the related TBM(s) report.

(*d*) The classification of a train shall remain consistent throughout the billing period. However, a train's classification may be changed at the beginning of any billing period to properly reflect changing trends in mail volume. Such changes must be mutually agreed to by the railroad and the distribution and traffic manager. The regional controller must be promptly notified of all such changes.

(*e*) TBM's listing more than one car in mail service. Trains carrying this type of TBM shall not be classified. The number of cars in mail service each day will determine whether Form 2558 shall be prepared by the distribution and traffic manager for the day's service or whether the railroad will price out the TBM.

NOTE: The price-out of the TBM or the preparation of Form 2558 may change from day to day within the billing period.

(iv) *Preparation*—(*a*) *Prepared by.* Form 2558 shall be prepared in triplicate by the railroad space unit under the supervision of the distribution and traffic manager. This form shall be executed within 7 working days following date of service.

(*b*) *Train date.* The date a train is scheduled to leave the initial point on a route shall be used for recording mail service performed in the train.

(c) *Recording services performed.* The following information shall be recorded on each Form 2558 issued:

(1) Heading: Complete all spaces provided.

(2) Indicate points at which car enters and/or leaves service on the route, car initials and numbers, classification or type of car placard; enter volume in each car at point car is set in train and (X) at point car is relayed or terminated from the route. Working cars into which mail is loaded or from which mail is unloaded enroute shall be recorded at the initial point of their run in pieces (actual or equivalent), and the mail loaded shall be carried forward on a piece basis adjusted by loadings, unloadings or necessary intermediate respacing on an actual or equivalent piece basis. Multiple destination and unworked destination-relay cars operated in one train between the same terminals on the route may be grouped by volume totals on one line indicating (in columns normally showing initials and number) the number of cars involved—list car numbers, by groups, in the "Remarks" column. Space credits for doorways shall be recorded in feet in the footage column under station entries. Each credit shall be shown in feet under "REMARKS" opposite the car entry.

(3) Items to be entered in Line 13 shall be obtained from Train Baggageman's Report or local record of mail transferred between RPO and storage cars. The entry will reflect the maximum plus balance, if any, of mail put off or taken on at local points between junctions. The recording of this total shall be backed up to the previous applicable junction (full car or lesser unit).

(4) Line 14 will indicate net pieces and feet at each station.

(5) Line 15: Enter under title "Pieces" the items applicable as taken from Form 5061 prepared by the RPO supervisor. Deduct pieces on Line 15 from those on Line 14 and convert to feet for entry in the "Feet" column, in computing pay for line-haul service, railroad space unit offices shall give full effect to the number of pieces shown on Form 5061. The distribution and traffic manager's office shall make allowance for only the minimum number of pieces that could be accommodated in the RPO car at any point over its run, with the following exception. In the case of constantly ascending available vacant space in the RPO car over its entire run, the actual piece loading covered by each Form 5061 shall be taken into consideration.

(6) Compute Line 16 by adding footage shown in Lines 14 and 15 at each station.

(7) Line 17 will be completed when adjustment is necessary to compute pay footage allowable. Figures in Line 16 shall be used for pay purposes where adjustment is not necessary.

(8) Line 18 of the second copy only shall be computed from rate charts using entries on Line 16 or 17 when applicable. Total the line-haul charges for entry in monetary value column at right.

(9) Lines 19, 20, 21, and 22 shall be completed from data on Forms 5118 (by train totals in Columns 9, 11, and 12) or the Train Baggageman's Report (at junction points where Forms 5118 or Station Reports are not prepared).

(10) Line 23 entries shall be totals computed from Train Baggageman's Reports for mail loaded at intermediate points and from local records of mail transferred between RPO cars and storage car for handling charge purposes (entries shall be made under the previous junction point column).

(11) Lines 19, 20, 21, 22, and 23 shall be totaled and rated and the No. 2 copy computed for pay purposes.

(12) Line 24 shall be computed according to instructions on the form (only No. 2 copy will be priced out).

(13) Line 25 will be the total of all terminal charges.

(v) *Recording of destination and destination-relay cars at non-junction points.* (a) Destination and destination-relay cars originating or terminating at a point between established division or junction points are considered as originating or terminating at the intermediate point for the purpose of line-haul compensation. (See § 92.8(f)(2)(i).)

(b) Such cars shall be recorded on Form 2558, under a separate column headed by the name of the intermediate station, identified as a non-junction point (N.J.P.), and priced independently at the appropriate prorate of a 60-foot car:

(1) *Originating cars.* From the originating intermediate point to the first full car junction point.

(2) *Terminating cars.* From the last full car junction point to the intermediate point.

The footage in such cars shall not be merged with other mail in the train between the intermediate point and the first/last full car junction point.

(vi) *Recording working storage mail that is plant-loaded, mail messenger-loaded, or POD-loaded.* The terminal rates applied to normal postings on Line 19 or 20, as applicable, shall be the same as the loading service rate applied in these instances. Therefore, in these instances, post feet/pieces to the appropriate "On" column in Line 19 or 20, as applicable, and include in the total for the line. Where the ½ terminal charge to be paid is for unloading service (such as an RPO that is CP'd to end of run), post feet or pieces in the "OFF" column of either Line 19 or 20, as applicable, under the column allotted to the point at which the unloading occurred.

(vii) *Empty mail equipment moving in mail service at special agreement rates.* A separate Form 2558 shall be used in computing charges for this service, and railroads shall be required to submit billing on a separate Standard Form 1034, identified as "Movement of Empty Mail Equipment."

(viii) *Using Form 2558 for exceptional service.* (a) The Railroad Space Unit, office of distribution and traffic manager, shall prepare a Form 2558 for mail transported in one-car trains which operate without a baggageman, and in which mail is not worked enroute between the terminal points and no conductor's report of mail transported is issued.

(b) The Form 2558 shall be prepared from data reported on Form 5118, prepared by either the railroad or the postal representative in the same manner as outlined in paragraph (c)(5) of this section, except each day's recording of mail handled in each train shall be posted to a separate column of Form 2558 and priced each day for line-haul and weekly for terminal service, with a total for line-haul and terminal earnings for each week.

(c) The railroad space unit's daily processing and "package" submission of Forms 2558 and priced-out TBM's to the regional controller for the remaining trains on the route shall not be held up awaiting completion of the weekly summarization for this exceptional type of service.

(6) *Distribution of Forms 2558 and associated documents.* (i) To the railroad: The unpriced original and No. 3 copy of Form 2558 shall be forwarded daily, as completed.

(ii) To the regional controller:

(a) Submission shall be a daily "package" consisting of all forms pertinent to all trains on a route for a single day. A "package" will consist of the following forms:

(1) Original of the Form(s) 5118;

(2) Second copy of Form(s) 2558;

(3) Original of the TBM Report(s) (priced out on "space non-pooled" trains and unpriced on "space pooled" trains);

(4) Copy of Form(s) 5061, when applicable;

(5) Copy of the local RPO/Storage Car Transfers, when applicable.

(b) "Packages" shall be submitted as soon as practicable after reconciliation of Form 2558 variations with the railroad, but in no instance later than 10 working days after date of service.

(d) *Form 994, Certification of Contract Railroad Mail Transportation Service Performed.* This is a negative type certification prepared by the distribution and traffic manager in duplicate, showing the railroad route number, contract number, period of service (28-day or monthly) and all departures from services required under the contract terms. The original of Form 994 is sent to the regional controller.

(e) *Form 2524, Bill for Temporary Service In-Lieu of Railroad Service.* This form is used when there is a temporary interruption of railroad service. Temporary service in-lieu is arranged for locally by the distribution and traffic manager or postmaster who is responsible for the movement of mail under emergency conditions due to disruption of train service. The distribution and traffic manager shall prepare the forms showing all essential data relative to the contract terms and the amount due the temporary carrier. The carrier must sign the form. The form shall then be certified by the distribution and traffic manager and original copy only forwarded to the regional controller.

(f) *Use of Form 5020–B, Railway Mail Service Authorization Performed by Headquarters.* Form 5020–B is a blanket or flat order used by headquarters in effecting major changes in railroad mail transportation services.

(g) *Forms prepared by railroads.* The railroad will be responsible for the preparation of the following basic operating records of service performed:

(1) *Train baggageman's report.* (i) Prepared daily by train baggageman (or conductor) reporting all working storage cars operating in U.S. mail service.

(ii) "Space pooled" train baggageman's reports will be separated and copy forwarded to distribution and traffic manager on the day of receipt in the mail billing office.

(iii) "Space non-pooled" train baggageman reports will be calculated and priced out by the railroad and the original forwarded to POD distribution and traffic manager within 7 working days following service date.

(iv) Report will be prepared in sufficient copies to furnish railroad mail billing department with the original and second copy. (The third and fourth copies, if required, will be distributed in accordance with local railroad instructions.)

(2) *Form 5118 Station Report.* Prepared by railroads upon request of the distribution and traffic manager at designated stations where transfer clerks are not assigned. (For format see instructions applicable to transfer clerks, in paragraph (c)(1)(i) of this section.)

(h) *Claim submission—Standard Forms 1034 and 1034–A* (Public Voucher for Purchase and Services other than Personal). (1) These forms shall be used to claim the total line-haul and terminal charge amount due for service performed on each railroad route.

(2) Separate line-haul and terminal charge adding machine tapes (for each payment period) shall be prepared from the daily train totals shown on Forms 2558 and the priced-out Train Baggageman's Reports.

(3) A Summary Listing itemizing the total pay claimed for each train shall be prepared, in duplicate, showing train number, line-haul pay due, and terminal charge pay due. Original to accompany Standard Form 1034. Second copy retained by railroad.

(4) Where contracts and agreements provide for annual-rate deductions from line-haul or terminal charges, 7/365 (Leap Year 366 days), or 28/365 of the per-annum amount shall be entered as a deduction from each claim, as applicable.

(5) The railroad will forward Standard Forms 1034 and 1034–A and supporting documents direct to the proper regional controller within 10 working days following the close of the 7- or 28-day period.

(6) Additional amounts due for services rendered in any one 28-day postal accounting period will be claimed in a single supplemental billing.

§ 92.13 Applicability of Comprehensive Plan A; railroads covered.

Sections 92.1 to 92.12 shall apply to the following railroads:

Alabama Great Southern Railroad Co. (The).
Albany & Northern Railway Co.
Atchison, Topeka & Santa Fe Railway Co. (The).
Atlantic Coast Line Railroad Co.
Baltimore & Ohio Railroad Company (The).
Bangor and Aroostook Railroad Company.
Canadian National Railway Company.
Canadian National Railway Co.—Lines in Minnesota.
Canadian Pacific Railway Company.
Carolina, Clinchfield & Ohio Railway, Lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.
Central of Georgia Railway Co.
Central Railroad Company of New Jersey (The).
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway Co. (The).
Chicago & North Western Railway Co.
Chicago, Burlington & Quincy Railroad Co.
Chicago Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
Chicago, Rock Island & Pacific Railroad Co.
Cincinnati, New Orleans & Texas Pacific Railway Co. (The).
Colorado & Southern Railway Co. (The).
Delaware and Hudson R. R. Corp. (The).
Delaware, Lackawanna and Western Railroad Company (The).
Denver & Rio Grande Western Railroad Co. (The).
Duluth, Missabe & Iron Range Railway Co.
Duluth, South Shore & Atlantic Railroad Co.
Duluth, Winnipeg & Pacific Railway Co.
Erie Railroad Company.
Florida East Coast Railway Co.
Fort Worth and Denver Railway Co.
Georgia Northern Railway Co. (The).
Georgia Railroad.
Georgia Southern & Florida Railway Co.
Grand Trunk Western Railroad Company.
Great Northern Railway Co.
Gulf, Colorado & Santa Fe Railway Co.
Gulf, Mobile & Ohio Railroad Co.
Illinois Central Railroad Co.
Kansas City Southern Railway Co. (The).
Lehigh Valley Railroad Company.
Long Island Rail Road Company (The).
Louisiana & Arkansas Railroad Co.
Louisville & Nashville Railroad Co.
Minneapolis & St. Louis Railway Co. (The).
Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri-Kansas-Texas Railroad Co. of Texas.
Missouri-Pacific Railroad Co.
New Orleans and Northeastern Railroad Co.
New York Central Railroad Company (The).
New York, Chicago and St. Louis Railroad Company (The).
New York, New Haven & Hartford Railroad Company (The).
Norfolk and Western Railway Company.
Northern Pacific Railway Co.
Northwestern Pacific Railroad Co.
Oregon Trunk Railway.
Panhandle & Santa Fe Railway Co.
Pennsylvania Railroad Company (The).
Pennsylvania-Reading Seashore Lines.
Pittsburgh and Lake Erie Railroad Company (The).
Reading Company.
Richmond, Fredericksburg & Potomac Railway Company.
St. Louis-San Francisco Railway Co.
St. Louis, San Francisco & Texas Railway Co.
St. Louis Southwestern Railway Co.
Seaboard Air Line Railroad Co.
Southern Pacific Co.
Southern Railway Co.
Spokane, Portland & Seattle Railway Co.
Tennessee Central Railway Co.
Texas & New Orleans Railroad Co.
Texas & Pacific Railway Co. (The).
Texas-New Mexico Railway Co.
Union Pacific Railroad Co.
Vermont and Province Line Railroad Company.
Wabash Railroad Co.
Western Maryland Railway Company.
Western Pacific Railroad Co. (The).
Western Railway of Alabama (The).
White Sulphur Springs & Yellowstone Park Railway Co.
Wisconsin Central Railroad Co.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–2420; Filed, Mar. 12, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Greenhouse Tomatoes[1]

On October 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10057) regarding a proposed revision of United States Standards for Greenhouse Tomatoes.

Statement of considerations. The revision as set forth herein embodies two changes to the proposal as published in the FEDERAL REGISTER under notice of proposed rule making.

1. Growers, shippers, and chainstore representatives were quite consistent in their objection of the addition of the word "internal" to the definition of "mature" in § 51.3354. They believe this would result in fruit being packed and shipped showing 100 percent external green color. They point out that this would nullify the important feature of greenhouse tomato quality, namely the reputation of being a vine-ripened fruit. The change in the definition of "mature" provides that external color must show at least a definite break from green to tannish-yellow, pink or red color on not less than 10 percent of the surface.

2. The greenhouse industry is presently packing U.S. No. 1—3 to 10 ounces without using the size designation "Medium". They would like to use the word "Medium" in connection with the grade and still pack within the 3 to 10 ounces range. Inasmuch as this has been the practice for many years and the pack has had general acceptance on all markets, the change in the size classification provides for Small (under 3½ ounces); Medium (from 3½ to 9 ounces); and Large (over 9 ounces).

All comments received concerning other proposed changes were favorable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Greenhouse Tomatoes are

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3345 U.S. Fancy.
51.3346 U.S. No. 1.
51.3347 U.S. No. 2.

UNCLASSIFIED

51.3348 Unclassified.

TOLERANCES

51.3349 Tolerances.

APPLICATION OF TOLERANCES

51.3350 Application of tolerances.

SIZE CLASSIFICATION

51.3351 Size classification.

STANDARD PACK

51.3352 Standard Pack.

DEFINITIONS

51.3353 Similar varietal characteristics.
51.3354 Mature.
51.3355 Soft.
51.3356 Fairly well formed.
51.3357 Fairly smooth.
51.3358 Injury.
51.3359 Badly misshapen.
51.3360 Damage.
51.3361 Serious damage.

AUTHORITY: §§ 51.3345 to 51.3361 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3345 U.S. Fancy.

"U.S. Fancy" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, fairly well formed, fairly smooth and free from decay, freezing injury, cuts, shriveling, injury caused by bruises, sunscald, scars and catfaces, and damage caused by puffiness, growth cracks, disease, insects, mechanical or other means. (See § 51.3349 *Tolerances*.)

§ 51.3346 U.S. No. 1.

"U.S. No. 1" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, not badly misshapen, free from decay, freezing injury, and damage caused by bruises, cuts, shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects, mechanical or other means. (See § 51.3349 *Tolerances*.)

§ 51.3347 U.S. No. 2.

"U.S. No. 2" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, free from decay, unhealed cuts, freezing injury, and serious damage caused by shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects, mechanical or other means. (See § 51.3349 *Tolerances*.)

UNCLASSIFIED

§ 51.3348 Unclassified.

"Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3349 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) *U.S. Fancy and U.S. No. 1 grades.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay.

(b) *U.S. No. 2.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-tenth of this amount or 1 percent shall be allowed for tomatoes which are soft or affected by decay.

(c) *For off-size.* 15 percent of the tomatoes in any lot may vary from the specified size, including therein not more than 5 percent for tomatoes which fail to meet any specified minimum size.

APPLICATION OF TOLERANCES

§ 51.3350 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For a tolerance of 10 percent or more, individual packages in any lot shall have not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, any individual package shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

SIZE CLASSIFICATION

§ 51.3351 Size classification.

The size of tomatoes may be specified in accordance with one of the following classifications:

(a) "Small" under 3½ ounces;
(b) "Medium" from 3½ to 9 ounces; and,
(c) "Large" over 9 ounces.

STANDARD PACK

§ 51.3352 Standard Pack.

Tomatoes shall be fairly uniform in size when packed in containers.

(a) "Fairly uniform in size" means that not more than 10 percent, by weight, of the tomatoes in any container may vary more than the following from the applicable size classification:

(b) 4 ounces for "Medium", "Small to Medium" or "Medium to Large" and,

(c) 6 ounces for "Large" size.

DEFINITIONS

§ 51.3353 Similar varietal characteristics.

"Similar varietal characteristics" means that the tomatoes are alike as to character of color (bright red varieties shall not be mixed with varieties having a purplish tinge).

§ 51.3354 Mature.

"Mature" means that the contents of two or more seed cavities have developed a jellylike consistency and the seeds are well developed. External color shows at least a definite break from green to tannish-yellow, pink or red color on not less than 10 percent of the surface.

§ 51.3355 Soft.

"Soft" means that the tomato yields readily to slight pressure.

§ 51.3356 Fairly well formed.

"Fairly well formed" means that the tomato is not decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed.

§ 51.3357 Fairly smooth.

"Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.3358 Badly misshapen.

"Badly misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed, but the shape is not affected to an extent that the appearance or the edible quality of the tomato is seriously affected.

§ 51.3359 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the tomato. The following specific defects shall be considered as injury.

(a) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle three-eighths inch in diameter.

§ 51.3360 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the tomato. The following specific defects shall be considered as damage:

(a) Puffiness when the open space in one or more locules materially detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a small size tomato with a fairly smooth catface on an area equivalent to that of a circle three-eighths inch in diameter; a medium size tomato with one-half inch area; or a large size tomato with three-fourths inch area;

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having any individual radial crack one-half inch in length, or having more than a 1 inch aggregate length of all radial cracks measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one-half inch in length.

§ 51.3361 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or shipping quality of the tomato. The following specific defects shall be considered as serious damage:

(a) Puffiness when the open space in one or more locules seriously detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having individual radial cracks 1 inch in length, or having more than a 2½ inch aggregate length of all radial cracks, measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one-half inch in length.

The United States Standards for Grades of Greenhouse Tomatoes contained in this subpart shall become effective April 15, 1962, and will thereupon supersede the United States Standards for Greenhouse Tomatoes which have been in effect since October 1, 1934.

Dated: March 8, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–2434; Filed, Mar. 12, 1962; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.2]

PART 862—WAGE RATES; SUGAR BEETS

1962 Crop

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at public hearings held in several cities in the sugar beet area during December 1961 and January 1962, the following determination is hereby issued.

§ 862.2 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1962 crop of sugar beets.

(a) *Requirements.* A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of the 1962 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after the date of publication of this section in the FEDERAL REGISTER, at rates not less than those established below.

(i) *All regions, when employed on a time basis.* For the hand labor operations of hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: 95 cents per hour: *Provided*, That for workers 14 to 16 years of age the hourly rate specified herein may be reduced by not more than one-third. The act does not permit the employment of workers 14 to 16 years of age for more than 8 hours per day without deductions from Sugar Act payments.

(ii) *California and western Nevada, when employed on a piecework basis for the following hand labor operations.* For hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning the piecework rate shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings paid to each worker for each operation shall be not less than 95 cents per hour when computed on the basis of the total time such worker is employed on the farm for such operation.

(iii) *Regions other than California and western Nevada, when employed on a piecework basis for the hand labor operations in the following table:*

OPERATIONS AND RATES PER ACRE BY WAGE DISTRICT

Hand labor operations	I Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota (eastern), Ohio, Wisconsin	II Colorado, Idaho (southern and eastern), Kansas, Montana (except western), Nebraska, Nevada (northern), New Mexico, North Dakota (western), South Dakota, Texas, Utah, Wyoming	III Idaho (western), Montana (western), Oregon, Washington
(A) Hoeing—removing weeds and excess beets with a hoe only	$9.00	$9.50	$9.00
(B) Hoe trimming—removing weeds with a hoe and by hand and removing excess beets with a hoe only	11.00	11.50	11.00
(C) Blocking and thinning—removing weeds and excess beets with a hoe and by hand	15.00	15.50	15.00
(D) Weedings—removing weeds with a hoe and by hand following either (A), (B), or (C) above	5.50	6.00	7.50

Wide row planting. The above rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 26 percent; 34 inches or more, 30 percent.

(iv) ***Regions other than California and western Nevada, when employed on a piecework basis for hand labor operations not specified or defined or for harvesting.*** The piecework rate for any hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings paid to each worker for each operation shall be not less than 95 cents per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(v) *All regions, when employed on a time or piecework basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to, mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County ASCS Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County ASCS Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local County ASCS Office. Upon receipt of the appeal the State ASC Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

Statement of bases and considerations—(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1962 crop of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts income from sugar beets and cost of production), and the differences in conditions among various sugar producing areas.

(c) *1962 wage determination.* This determination continues the wage rate and other provisions of the 1961 determination, except that (1) the minimum hourly rate for the specified hand labor operations is increased 10 cents, from 85 cents to 95 cents per hour, and (2) the provision relating to the use of a combined rate for "summer work" is discontinued.

Public hearings were held in Pocatello, Idaho; Fargo, North Dakota; Detroit, Michigan; and San Francisco, California, during the period December 8, 1961, through January 15, 1962. At these hearings interested persons were afforded an opportunity to testify with respect to fair and reasonable wage rates for work performed by fieldworkers on the 1962 crop of sugar beets.

Representatives of producers recommended that the wage rate and other provisions of the 1961 determination, with certain exceptions, be continued in the 1962 determination. A representative of producers recommended that the 1962 determination include a statement that workers have a responsibility to perform an acceptable quality of work in the hand labor operations they perform in the beet field.

Several producer representatives recommended that a quality of work scale related to wage payments be included, while other producer witnesses stated that quality of work in the beet field was the responsibility of individual producers and their workers. Other recommendations by producer representatives included the establishment of a lower piecework rate for second and subsequent weedings; the discontinuance of the "Hoeing" operation specified in the 1961 determination; the redefinition of "Weeding" to permit its use as an initial hand labor operation on fields having the desired stand of beets and practically free of weeds; the piecework rate for "Hoe Trimming" in Wage District 2 be reduced from $11.50 per acre to $9.50 per acre; and that the piecework rate for "Blocking and Thinning" in Wage District 3 be reduced by $1.00 per acre. Most producer representatives testified that a combined rate for "Summer Work" was not being used in the regions they represented and that this provision could be discontinued.

Several witnesses testifying on behalf of workers in California recommended a minimum rate for hand labor operations of not less than $1.25 per hour.

Consideration has been given to the recommendations submitted at the hearings, to the returns, costs, and profits of producing sugar beets under conditions likely to prevail for the 1962 crop, and to other pertinent factors. Analysis of these data indicates that the wage rate and other requirements of this determination are within producers' ability to pay.

The recommendations of producer representatives for changes in the definitions of certain hand labor operations, reductions in piecework rates, and for quality of work standards have not been adopted. The 1961 wage determination was designed to provide a basic piecework wage rate structure which was responsive to technological improvements generally adopted and being developed in the sugar beet area. Testimony presented at public hearings and information obtained through investigation indicate that the designated operations and work tasks involved met this objective during the 1961 crop and should be adequate under conditions which may be expected to prevail during the 1962 crop. While it is recognized that some of the designated operations have not been utilized in all regions, it is deemed desirable that the operations be defined uniformly for each wage district.

In instances where producers fully utilize labor saving production practices, including space planting of monogerm seed and use of chemical weedicides, the initial hand labor operation may be only that of removing excess weeds. In such cases labor costs may be reduced by employing workers on an hourly basis or, if the initial hand labor operation is one not defined in the determination, the producer and worker may agree upon a piecework rate subject to a minimum hourly guarantee of earnings to the worker.

The man-hour requirements for weeding sugar beets probably are more variable than for any of the hand labor operations. Reports show that where field conditions are very weedy the producer pays higher rates than those provided in wage determinations and where field conditions are quite favorable many producers pay workers on the hourly basis. Testimony at the hearings and other information indicates that the second weeding operations is not being performed in many instances and improved cultural practices tend to lessen the need for the second weeding.

In prior determinations it has been pointed out that control over the quality of work performed by fieldworkers is a function of the producer-worker relationship; that the minimum piecework rates are related to average field conditions and average worker performance; and that the producer may discharge a worker who fails to meet desired work standards. The act requires that the worker be paid in full for work performed, even though the quality of work may not meet the desires of the producer or the customary standards in the region.

The 1961 determination provided that producers and workers could enter into written agreements under which the worker would receive the sum of the piecework rates for the first three hand labor operations and would perform the "summer work", i.e., thinning, hoeing, and as many weedings as required. At the recent public hearing most producer representatives who testified stated that this wage rate arrangement is no longer used. Accordingly, the provision for a combined rate for "summer work" is not included in this determination.

The recommendation by representatives of workers for a minimum wage of $1.25 per hour has not been adopted since it would result in increases in labor costs to producers, which are not supported by an examination of the several factors customarily considered in determining wage rates pursuant to the act.

The minimum hourly rate for the operations of hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading or gleaning is increased 10 cents, from 85 cents to 95 cents per hour. In instances where piecework rates are not specifically provided in the determination but the operations are performed at rates as agreed upon between the producer and the worker, the hourly earnings of the worker must not be less than the minimum rate of 95 cents per hour for purposes of compliance. Analysis of data relating to actual wage rates paid indicates that in most regions where workers are employed on an hourly rate basis, the rate of pay is 90 cents to $1.00 per hour, the average being in the upper part of the range. The increased rate will result in an increase in labor costs to some producers but, on average, the increase in such costs will be small.

Information obtained through surveys and other sources indicates that the hourly earnings of workers employed on a piecework basis have improved during recent years. Although piecework rates have not been increased in this determination it is expected that the upward trend in workers earnings on a piecework basis will continue as a result of the greater use by producers of improved cultural practices.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1131)

Signed at Washington, D.C., on March 7, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2436; Filed, Mar. 12, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 10, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.310 (Lemon Regulation 10; 27 F.R. 2073) are hereby amended to read as follows:

(ii) District 2: 241,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2415; Filed, Mar. 12, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (h) is added to § 6.364 as set out below.

§ 6.364 Federal Aviation Agency.

* * * * * *

(h) One Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2418; Filed, Mar. 12, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

United States Information Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.324 is amended as set out below.

§ 6.324 United States Information Agency.

* * * * * *

(b) One Executive Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2419; Filed, Mar. 12, 1962; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraphs (a) and (d) of § 212.1 are amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda.* A visa is not required of a Canadian national, and a passport is not required of such a national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his residence in Canada or Bermuda, and a passport is not required of such an alien except after a visit outside of the Western Hemisphere. A visa and a passport are required of a British subject who has his residence in the Bahamas except that a visa is not required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas, that he is clearly and beyond a doubt entitled to admission in all other respects. A visa is not required of a British subject who has his residence in, and arrives directly from the Cayman Islands, and who presents a certificate from the clerk of court of the Cayman Islands stating what, if anything, the court's criminal records show concerning him, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to his political associations or affiliations.

* * * * *

(d) *Cuban nationals.* A visa is not required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 212.1(a) relieves restrictions and is clearly advantageous to persons affected thereby and the amendment to § 212.1(d) deletes an inoperable provision of the regulations.

Dated: March 6, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-2410; Filed, Mar. 12, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8434 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Egon Seiden and Seiden's Furs

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–260 *Retailer as wholesaler, jobber, or factory distributor;* § 13.155 *Prices:* § 13.155–45 *Fictitious marking;* § 13.155–50 *Forced or sacrifice sales.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Egon Seiden trading as Seiden's Furs, Kansas City, Mo., Docket 8434, Oct. 24, 1961]

In the Matter of Egon Seiden, an Individual Trading as Seiden's Furs

Consent order requiring a Kansas City, Mo., furrier to cease violating the Fur Products Labeling Act by failing, in invoicing, labeling, and advertising, to show the true animal name of the fur used in the fur product, and to disclose that fur was dyed; failing to set forth the term "Dyed Broadtail Processed Lamb" on labels as required; by newspaper advertising which stated falsely "All prices drastically reduced 25 percent to 50 percent" and represented falsely that he operated a factory storeroom; by setting forth fictitious prices on labels represented thereby as regular retail prices; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Egon Seiden individually and trading as Seiden's Furs or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

B. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondent has usually and customarily sold such products in the recent regular course of business.

C. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

D. Failing to set forth the term "Dyed Broadtail Processed Lamb" in the manner required.

E. Setting forth on labels affixed to fur products, information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

2. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

B. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

C. Represents directly or by implication that respondent owns and operates a factory storeroom, or similar establishment, and savings can be effected from the purchase of fur products at such factory storeroom or similar establishment, when such is not the fact.

D. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2395; Filed, Mar. 12, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations be amended as set forth below:

1. Section 121.90 (21 CFR 121.90) is amended as follows:

a. By changing the item "Polyoxypropylene glycol" to read as follows:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyoxypropylene glycol (26 F.R. 5502)	Component of defoamer used in production of beet sugar and yeast.	[1] Jan. 1, 1963

[1] Progress report required by July 1, 1962.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Disodium cyanodithioimidocarbonate	Component of bacteriostat used in microorganism control in cane sugar mills; limit of use: 3 p.p.m. in sugarcane being processed.	Sept. 1, 1962	
Ethylenediamine	Component of bacteriostat used in microorganism control in cane sugar mills; limit of use: 1 p.p.m. in sugarcane being processed.	do	
Potassium *N*-methyldithiocarbamate	Component of bacteriostat used in microorganism control in cane sugar mills; limit of use: 4 p.p.m. in sugarcane being processed.	do	
Soybean fatty acids, hydroxylated	Component of defoamer used in production of beet sugar.	Jan. 1, 1963	July 1, 1962

2. Section 121.91 (21 CFR 121.91) is amended as follows:

a. By changing the item "Chromium oxide" to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Chromium oxide (26 F.R. 7963)	Component of plastic and paper packaging materials and of coatings on food-processing and handling equipment; limit 0.1 p.p.m.	July 1, 1962

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Coconut oil fatty acid (C_{12}–C_{14}) diethanolamide.	Component of an emulsion coating for paper and paperboard.	Sept. 1, 1962	
Ethyl acrylate, methyl methacrylate, and acrylic acid, copolymerized.	do	do	
Ethyleneimine, polymerized	Anchoring agent for the coating of cellophane.	Jan. 1, 1963	July 1, 1962
Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present. Percent boiling below 700° F. (50 percent minimum). Percent boiling below 775° F. (95 percent minimum).	Lubricant in food-processing machinery; limit 10 p.p.m. in food.	do	do

COMPONENTS OF RUBBER AND RUBBER PRODUCTS USED IN FOOD-HANDLING EQUIPMENT

* * *	* * *	* * *	* * *
Polyethylene oxide (5 mols) condensed with soybean protein.		Jan. 1, 1963	July 1, 1962

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: March 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2407; Filed, Mar. 12, 1962; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TAMARIND SEED KERNEL POWDER

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by American Key Products, Inc., 12 East Forty-second Street, New York 17, New York, and other relevant material, has concluded that the following regulation should issue with respect to the use of tamarind seed kernel powder in the manufacture of paper and paperboard to be used in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to subpart F the following new section:

§ 121.2539 Tamarind seed kernel powder.

Tamarind seed kernel powder may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Tamarind seed kernel powder is the ground kernel of tamarind seed (Tamarindus indica L.) after removal of the seed coat.

(b) It is used in the manufacture of paper and paperboard.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1962.

GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F.R. Doc. 62-2408; Filed, Mar. 12, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Miscellaneous Amendments; Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of January 20, 1962 (27 F.R. 618), with regard to miscellaneous amendments of antibiotic and antibiotic-containing drugs. Accordingly, the amendments promulgated by that order will become effective March 10, 1962.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 7, 1962.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2409; Filed, Mar. 12, 1962; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.479]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended (1) to revise the heading and the second sentence of § 41.6(a) to refer to aliens having a common nationality with Canadian nationals or with British subjects in Bermuda, (2) to revoke the first sentence of § 41.6(d) which waived visa and passport requirements for officials of the Cuban immigration service or crewmen serving on board Cuban military or naval aircraft, and (3) to exclude from the waiver for aliens in bonded transit provided by § 41.6(e)(1) citizens and residents of Outer Mongolia.

Paragraphs (a), (d), and (e)(1) of § 41.6 are amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda.* A visa shall not in any case be required of a Canadian national, and a passport shall not be required of such a national except after a visit outside of the Western Hemisphere. A visa shall not be required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his residence in Canada or Bermuda, and a passport shall not be required of such an alien except after a visit outside of the Western Hemisphere. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in, and arrives directly from, the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

* * * * *

(d) *Cuban nationals.* A visa shall not be required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(e) *Aliens in immediate transit—(1) Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian People's Republic"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country. The acceptance of the privilege of transit without visa and passport provided by this subparagraph shall constitute an agreement by the alien and the transportation line that the alien will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in the regulations of the Immigration and Naturalization Service and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director of that Service: *Provided,* That if admissibility is established only after exercise of the discretionary authority contained in section 212(d)(3)(B) of the Act, the alien shall be in the custody of the Immigration and Naturalization Service at the expense of the transportation line and shall depart on the earliest and most direct foreign-destined vessel or aircraft.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

MARCH 1, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

MARCH 6, 1962.

[F.R. Doc. 62-2414; Filed, Mar. 12, 1962; 8:47 a.m.]

Chapter II—Agency for International Development, Department of State

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Miscellaneous Amendments

Pursuant to sections 621 and 643(a) of the Foreign Assistance Act of 1961 and Executive Order 10973, Chapter II, Title 22, Code of Federal Regulations is redesignated as provided above. In addition, Part 201, ICA Regulation 1, as amended, is as of November 4, 1961, redesignated AID Regulation 1 and will continue in effect, with the following revisions and amendments:

1. Section 201.1 (a), (b), (c), and (e) are amended to read as follows:

§ 201.1 Definition of terms.

For the purposes of this part:

(a) "The Act" means the Foreign Assistance Act of 1961 (Public Law 195, 87th Cong.), as amended from time to time.

(b) "AID" means the Agency for International Development (Department of State), including, when applicable, each USAID (paragraph (e) of this section).

(c) "The Administrator" means the Administrator of the Agency for International Development or any Deputy Administrator or any person authorized to perform the functions of the Administrator or Deputy Administrator in respect of this part.

* * * * *

(d) "USAID" or "USOM" as the case may be shall mean the AID mission to any cooperating country.

2. Wherever the designation "ICA" appears in this part it shall read "AID".

3. Wherever the words "the Director" appear in this part they shall read "the Administrator".

4. Wherever the words "International Cooperation Administration" appear in this part they shall read "Agency for International Development".

5. Wherever the words "Office of Transportation" appear, they shall read "Office of Material Resources".

6. Wherever the designation "USOM appears, it shall read "USOM" or "USAID", as the case may be.

7. Section 201.9 is amended to read as follows:

§ 201.9 Procurement by U.S. Government Agencies.

When a determination has been made that any commodity or service authorized on a PA or PIO is to be procured by a U.S. Government agency (including AID), such procurement shall be in accordance with the rules and procedures of the U.S. Government agency undertaking the procurement and without regard to any of the provisions of this Part. In the event that such a determination is made prior to the issuance of a PA, AID may issue a "Procurement Authorization and U.S. Government Agency Purchase Requisition."

§ 201.18 [Amendment]

8. Section 201.18 is amended by deleting from the first paragraph thereof the words "or a Director USGN;".

§ 201.20 [Amendment]

9. Section 201.20 is amended by deleting all references to "section 510" and substituting therefor "section 604(b)" and by adding to paragraph (c) thereof the following new sentence: "In addition, in the case of any commodity purchased in bulk from a source outside the United States, if the price thereof is not less than the adjusted market price, the cooperating country shall pay promptly to the Administrator upon demand the entire amount of the purchase price."

§ 201.21 [Amendment]

10. Section 201.21(A)(1)(i) is amended by deleting the reference to "section 510" and substituting therefor "section 604(b)".

11. Section 201.25 is amended to read as follows:

§ 201.25 Transitory provision.

This Part 201, as in effect on November 3, 1961, shall thereafter continue in full force and effect until modified or repealed. The redesignation of ICA Regulation 1 as AID Regulation 1, however, and amendments thereto set forth in paragraphs 1 through 6 above will take effect as of November 4, 1961; amendments set forth in paragraphs 7 through 10 above will take effect March 15, 1962, but will not be applicable to claims for reimbursement from or payments made to, a supplier pursuant to letters of credit issued, confirmed or advised or payment instructions received, prior to March 15, 1962.

(Part 201 and the amendments thereto issued under authority of the Foreign Assistance Act of 1961, § 621, 75 Stat. 445 and § 643(a), 755 Stat. 460. Amendments to § 201.20 apply § 604(a), 75 Stat. 439 of said Act)

FOWLER HAMILTON,
Administrator, Agency for International Development.

[F.R. Doc. 62-2411; Filed, Mar. 12, 1962; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

Nonapplicability of Military Claims Act To Claims Within Cognizance of Federal Tort Claims Act

Scope and purpose. Section 750.19 (b)(6) indicates the nonapplicability of the Military Claims Act (10 U.S.C. 2733) to claims within the cognizance of the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680) and is rephrased to delineate its scope in accordance with current practice. A corresponding change to section 2019b(6) of the Man-

ual of the Judge Advocate General will be distributed to holders of the Manual in due course.

1. Section 750.19(b)(6) is revised to read as follows:

§ 750.19 Scope of 10 U.S.C. 2733.

* * * * *

(b) *Nonapplicability.* * * *

(6) Any claim for damage, injury or death caused by a member or employee of the Department of the Navy while acting within the scope of his office or employment, and which is in all other respects within the cognizance of the Federal Tort Claims Act and §§ 750.1 to 750.16, unless the damage, injury or death occurred "incident to the noncombat activities" of the Navy as defined in § 750.21.

(R.S. 161, secs. 2733, 5031, 70A Stat. 153, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 2733, 5031.)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

MARCH 5, 1962.

[F.R. Doc. 62-2412; Filed, Mar. 12, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

Subpart 9-1.1 *Procurement regulations* is revised as follows:

§ 9-1.101 Scope of subpart.

This subpart describes the Atomic Energy Commission Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation and supplementation of FPR, exclusions, deviations, and other AEC Procurement Instructions.

§ 9-1.102 Establishment of AEC Procurement Regulations.

(a) The AEC Procurement Regulations (AECPR) are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations (FPR) and are a part of the Federal Procurement Regulations System.

(c) The effective date of FPR issuances throughout AEC will be the date indicated in the respective issuances, unless otherwise provided in the AEC Procurement Regulations.

(d) The effective date of AECPR issuances throughout AEC will be the date indicated in the respective issuances.

§ 9-1.103 Authority.

The AEC Procurement Regulations are prescribed by the General Manager, Assistant General Manager for Operations or the Director, Division of Contracts of the AEC, pursuant to the authority of the Atomic Energy Act of 1954, and the Federal Property and Administrative Services Act of 1949.

§ 9-1.104 Applicability.

(a) The AEC Procurement Regulations and the Federal Procurement Regulations, which together form that part of the Federal Procurement Regulations System which governs AEC procurement, apply to all procurement of personal property and nonpersonal services (including construction).

(b) The FPR and AECPR shall be made available to the cost-type contractors that construct and operate AEC plants and laboratories as illustrative of the policies, practices and procedures used by the AEC, for their consideration in the development or revision of their own written procurement practices and procedures. Cost-type contractors are governed by (1) applicable contract provisions and (2) procurement policies, practices and procedures established by the contractor and approved by AEC. The FPR and AECPR will be employed by AEC in its review and approval of cost-type contractor procurement policies, practices and procedures.

§ 9-1.105 Issuances.

§ 9-1.105-1 Publication.

The AEC Procurement Regulations appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 9-1.105-2 Copies.

Copies of the AEC Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal Agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 9-1.106 Arrangement.

§ 9-1.106-1 General plan.

The AEC Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 9-1.106-2 Numbering.

(a) The numbering system permits identification of every unit. The first digit, followed by a dash, represents the chapter number (AEC has been assigned Chapter 9). The dash is followed by the part number which may be one or more digits followed by a decimal point. The numbers after the decimal point represent, respectively, the subpart, section (in two digits) and, after a second dash, subsection, paragraph, subparagraph, and additional subdivisions. For example, this division is called "§ 9-1.106-2," in which the first digit denotes the chapter, the second the part, the third the subpart, the fourth and fifth the section, and the sixth the subsection.

(b) Where the AECPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of the AECPR will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where the AECPR supplements the FPR, the numbers 50 and up will be assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of the FPR requires no implementation, the AECPR will contain no corresponding part, subpart, section, or subsection number.

§ 9-1.106-3 Citation.

AEC Procurement Regulations will be cited in accordance with Federal Register standards approved for the FPR. Thus, this section, when referred to in divisions of the AEC Procurement Regulations, should be cited as "§ 9-1.106-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 9-1.106-3." Any section of the AEC Procurement Regulations may be informally identified, for purposes of brevity, as AECPR followed by the section number, i.e., "AECPR 9-1.106-3."

§ 9-1.107 Implementation and supplementation of FPR.

§ 9-1.107-1 Description.

The AEC Procurement Regulations "implement" and "supplement" the FPR. The meaning of these terms includes the following:

(a) Implementation may have either of the following meanings:

(1) A part, subpart, section, etc., which treats a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations.

(2) The absence of a corresponding part, subpart, section, etc., in the AECPR indicates that the FPR is applicable as written. Policies and procedures in the FPR are not repeated in the AECPR.

(b) Supplementation means AECPR coverage of matters which have no counterpart in the FPR.

§ 9-1.108 Exclusions.

Certain policies and procedures which come within the scope of this chapter nevertheless may be excluded from AECPR. These exclusions include the following categories:

(a) Subject matter which bears a security classification.

(b) Policy or procedure which is expected to be effective for a period of less than six months.

(c) Policy or procedure which is being instituted on an experimental basis for a reasonable period.

§ 9-1.109 Deviation.

§ 9-1.109-1 Description.

The term "deviation" includes any of the following actions:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized in the regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed upon the use of a contract clause, form, procedure, type of contract, or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 9-1.109-2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the Federal Procurement Regulations System shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR and AECPR may be authorized by Division Directors, Headquarters (having contracting authority) and Managers of Field Offices, unless otherwise provided. This authority may not be redelegated.

(1) A supporting statement for each individual deviation, which indicates briefly the nature of the deviation and the reasons for such special action shall be included in the contract file.

(2) A copy of the supporting statement for each individual deviation shall be forwarded to the Director, Division of Contracts.

(b) In classes of cases, requests for deviations from the FPR and the AECPR shall be forwarded in triplicate through the appropriate Division Director, Headquarters, to the Director, Division of Contracts, and shall be accompanied by an appropriate supporting statement. Requests will be considered on an expedited basis and appropriate coordination with Headquarters staff and program divisions will be obtained by the Director, Division of Contracts. Requests involving the FPR will be considered jointly by AEC and the General Services Administration, unless, in the judgment of the Director, Division of Contracts, after due consideration of the objective of uniformity and the program responsibilities of AEC, circumstances preclude such joint effort. In such case, the Director, Division of Contracts will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

§ 9-1.110 Other AEC Procurement Instructions.

(a) AEC Manual, Volume 9,000, Contracting, will continue to contain classified matters or matters of a purely internal nature.

(b) Procurement memoranda also will be employed for informational purposes.

(Sec. 161, 60 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date: These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 2d day of March 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-2391; Filed, Mar. 12, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2617]

[Sacramento 080741]

CALIFORNIA

Reservoir Site Restoration No. 29; Revoking Certain Reservoir Site Reserves

By virtue of the authority contained in the Act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), as amended, it is ordered as follows:

1. The Departmental orders of April 7, 1892, and August 18, 1894, and any other order or orders which withdrew lands in California for reservoir site purposes under the provisions of the Act of October 2, 1888, *supra*, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

Red Lake Reservoir Site. No. 14

T. 10 N., R. 16 E.,
Sec. 22, SE¼;
Sec. 23, S½NW¼, N½SW¼, and SW¼ SW¼.

Bear Valley Reservoir Site No. 13

T. 7 N., R. 17 E.,
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼.
T. 7 N., R. 18 E.,
Sec. 18, lot 1, NE¼ and NE¼NW¼;
Sec. 19, lot 1, NW¼NE¼ and NE¼NW¼.

Twin Lakes Reservoir Site No. 44

T. 10 N., R. 17 E.,
Sec. 22, SE¼NE¼;
Sec. 23, lot 2 NE¼, lot 7 SE¼, lots 3, 4, 5, and 6.
T. 10 N., R. 18 E.,
Sec. 18, SE¼SW¼;
Sec. 19, lot 1, SW¼SE¼, E½SE¼, and NE¼NE¼;
Sec. 30, NE¼NE¼.

Kirkwood Reservoir Site No. 43

T. 10 N., R. 17 E.,
Sec. 22, SW¼NW¼, NW¼SW¼, and W½ SE¼;
Sec. 27, W½NE¼ and NE¼NW¼.

Bells Meadow Reservoir Site No. 25

T. 3 N., R. 18 E.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 3, E½SE¼;
Sec. 11, N½N½;
Sec. 12, N½NW¼.

Coffin Hollow Reservoir Site No. 26

T. 3 N., R. 18 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SW¼ and S½SE¼;
Sec. 29, SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼.

Grass Lake Reservoir Site No. 40

T. 11 N., R. 18 E.,
Sec. 14, SE¼SE¼;
Sec. 23, N½SE¼;
Sec. 24, W½NW¼.

Cherry Valley Reservoir Site No. 29

T. 2 N., R. 19 E.,
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, E½NW¼;
Sec. 29, SE¼NE¼ and SE¼;
Sec. 32, NE¼ and NW¼SE¼.

Hermit Valley Reservoir Site No. 22

T. 8 N., R. 19 E.,
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, NW¼NE¼.

Upper Mokelumne Reservoir Site No. 23

T. 8 N., R. 19 E.,
Sec. 13, E½SW¼ and S½SE¼;
Sec. 24, NW¼NE¼.

Pacific Valley Reservoir Site No. 24

T. 8 N., R. 19 E.,
Sec. 28, SW¼NW¼ and W½SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼.

Kennedys Lake Reservoir Site No. 12

T. 5 N., R. 20 E.,
Sec. 21, E½SE¼;
Sec. 22, SW¼ and SW¼SE¼;
Sec. 27, W½NE¼ and N½NW¼.

Pleasant Valley Reservoir Site No. 15

T. 9 N., R. 20 E.,
Sec. 5, SE¼NW¼;
Sec. 6, lot 1.

Mount Bullion Reservoir Site No. 16

T. 10 N., R. 20 E.,
Sec. 1, lot 4, W½ lot 5, W½ lot 6, and E½ lot 11.

Harvey's Meadow Reservoir Site No. 42

T. 10 N., R. 20 E.,
Sec. 4, lot 3, E½ lot 4, lot 5, and E½ lot 6.

Dumonts Meadow Reservoir Site No. 21

T. 8 N., R. 21 E.,
Sec. 22, SE¼NE¼, N½NE¼, SE¼NW¼, and E½SW¼;
Sec. 27, NE¼NW¼ and NW¼SE¼.

Wolf Creek Reservoir Site No. 20

T. 9 N., R. 21 E.,
Sec. 29, lot 9, SE¼SE¼;
Sec. 32, lots 1, 2, SE¼NW¼, and E½NE¼.

Silver King Reservoir Site No. 19

T. 9 N., R. 21 E.,
Sec. 35, SE¼NE¼, SE¼NW¼, and NE¼ SE¼.

The areas described, aggregate approximately 5,737 acres.

Some of the lands have been patented. Most of them are national forest lands, except those in Sites 42 and 19, which are withdrawn for reclamation purposes.

At 10:00 a.m. on April 10, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands, sub-

ject to any existing withdrawals other than for national forest purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 5, 1962.

[F.R. Doc. 62-2400; Filed, Mar. 12, 1962; 8:45 a.m.]

[Public Land Order 2618]

CALIFORNIA

Withdrawing Public Lands for the Protection of Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and to the provisions of existing withdrawals, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, excepting the mining laws, the mineral leasing laws, lease or sale under the Act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869), to the State of California or to a political subdivision thereof, and sales of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601), as amended, and reserved under jurisdiction of the Bureau of Land Management, Department of the Interior, for the preservation of recreational values and access to the water areas described:

(Sacramento 051076)

MOUNT DIABLO MERIDIAN

KLAMATH RIVER

T. 46 N., R. 6 W.,
Sec. 5, NW¼SE¼.
The area described contains 40 acres.

(Sacramento 051740)

MOUNT DIABLO MERIDIAN

COPCO LAKE

T. 48 N., R. 4 W.,
Sec. 34, SW¼NE¼, SE¼NW¼, SE¼SE¼, and W½SE¼.
The areas described contain 200 acres.

(Sacramento 051741)

MOUNT DIABLO MERIDIAN

MADELINE RESERVOIR

T. 36 N., R. 13 E.,
Sec. 25, SW¼SE¼ and N½SE¼.
T. 37 N., R. 14 E.,
Sec. 15, SW¼NE¼ and SE¼NW¼.
T. 38 N., R. 14 E.,
Sec. 29, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 30, lots 1, 2, and E½NW¼;
Sec. 31, lots 3, 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 32, S½SW¼ and S½SE¼;
Sec. 33, NW¼ and NW¼SW¼.

The areas described contain 1,361.32 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 5, 1962.

[F.R. Doc. 62-2401; Filed, Mar. 12, 1962; 8:45 a.m.]

[Public Land Order 2619]

[Fairbanks 010065]

[52799]

ALASKA

Partly Revoking Public Land Order No. 883 of February 3, 1953

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 883 of February 3, 1953, reserving public lands near Kotzebue Sound for use of the Department of the Air Force is hereby revoked so far as it affects the following-described lands:

KOTZEBUE AIR FORCE STATION

Commencing at the northeast corner of Tract No. 1 of Public Land Order No. 883; thence S. 36° 30' E., along the northeast boundary of said public land order for a distance of 5,500 feet to the True Point of Beginning; thence continuing S. 36° 30' E., along the northeast boundary for a distance of 6,000 feet to the southeast corner of Public Land Order 883; thence S. 53° 30' W., along the southeast boundary for a distance of 4,000 feet, more or less, to the southwest corner of Public Land Order 883, said corner being located on the main high tide line on the easterly shore of Kotzebue Sound; thence following said tide line in a northwesterly direction for a distance of 6,350 feet, more or less, to a point that is S. 53° 30' W., 4,640 feet more or less, from the point of beginning; thence N. 53° 30' E., 4,640 feet, more or less, to the Point of Beginning.

The tract described contains approximately 550 acres.

2. Until 10:00 a.m. on June 6, 1962, the State of Alaska shall have a preferred right to apply to select the lands in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46.3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m. on June 6, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to existing valid rights and equitable claims, and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 7, 1962.

[F.R. Doc. 62-2402; Filed, Mar. 12, 1962; 8:46 a.m.]

[Public Land Order 2620]

[Montana 044220 (SD)]

SOUTH DAKOTA

Partly Revoking Reclamation Withdrawals (Belle Fourche Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of July 18, 1903, October 17, 1903, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

BLACK HILLS MERIDIAN

T. 9 N., R. 6 E.,
Sec. 32, E½NE¼SE¼ and S½SE¼.

Containing 100 acres.

The lands are included in an allowed entry under ordinary provisions of the Homestead laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 7, 1962.

[F.R. Doc. 62-2403; Filed, Mar. 12, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14397 (RM-283); FCC 62-269]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations (Oneonta, Rochester, and Gloversville, New York); Report and Order

1. The Commission has before it for consideration its notice of proposed rule making, adopted November 15, 1961 (FCC 61-1369), looking toward amendment of the Table of Assignments, Television Broadcast Stations (§ 3.606 of the Commission's rules). This concerns a proposal to substitute Channel 15— for Channel 62— at Oneonta, New York, and correlative changes of other channels at Rochester and Gloversville, New York.

2. William J. Calsam, who filed the original petition, has filed supporting comments contending that Oneonta is presently without local television service; use of a lower channel would substantially enhance potential service; petitioner intends to apply for authority to construct and operate a television broadcast facility should the reallocation be made.

3. In the notice of proposed rule making, it was noted that the proposed change was within the purview of the Canadian-USA Television Agreement. It was also pointed out that, under prevailing Commission policy, reassignments for Rochester and Gloversville are not being proposed.

4. No opposition has been expressed as to the proposed changes. The petitioner, in support of such action, has reaffirmed an intention to apply for a construction permit, alleging that necessary preliminary steps already have been taken such as negotiations to form a corporation, engaging engineering consultants looking toward preparation of an application, surveying the program needs of the community, and ascertaining the availability of program sources.

5. The proposal would comport with the public interest in that a first local television service would be provided for Oneonta and its environs. In recognition of the fact that in the present state of the art a UHF channel in the lower range affords some technical advantage, we have permitted reallocation such as proposed here especially when there is a likelihood of the channel being put to use.

6. Authority for the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective April 16, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, (1) by amending the entries for Oneonta and Rochester, New York, to read as follows:

City:	Channel No.
Oneonta, N.Y.	15—
Rochester, N.Y.	8, 10+, 13—, *21, 27+

and (2) by deleting the entry for Gloversville, New York.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1062, 1083; 47 U.S.C. 301, 303, 307)

Adopted: March 7, 1962.

Released: March 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2431; Filed, Mar. 12, 1962; 8:49 a.m.]

[Docket No. 14448 (RM-284); FCC 62-270]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations (Fort Lauderdale and Miami, Fla.); Report and Order

1. The Commission has considered the proposal of The Board of Public Instruction of Dade County, Florida, to assign and reserve television channel 17 for noncommercial educational use at Miami, Florida, by deleting the channel from Fort Lauderdale, Florida. The proposal was the subject of our notice of proposed rule making (FCC 61-1480), released December 15, 1961, in this proceeding.

2. The Board filed comments supporting its proposal. No oppositions to it were received.

3. The Board now operates Station WTHS-TV, an educational station, on Channel 2 at Miami. It also holds a construction permit for Station WSEC-TV on Channel 17 at Fort Lauderdale. The Board seeks to have Channel 17 reassigned and reserved for educational use at Miami to enable it to establish a second educational station in the Miami area which can be more effectively and economically used to supplement the in-school educational programming furnished by Station WTHS-TV and to meet the educational television needs of the area. It plans to use the main studio facilities of Station WTHS-TV at Miami for the main studio of a Miami Channel 17 station and to maintain an auxiliary studio at the transmitter site of a Miami Channel 17 station. This planned site is in the Miami antenna farm at the transmitter site of its Miami Channel 2 station. It is also the transmitter site of its presently authorized facilities for a Fort Lauderdale Channel 17 station. The Board urges that companion use of VHF and UHF educational television facilities in the same community has been made successfully and efficiently at both Pittsburgh, Pennsylvania, and Oklahoma City, Oklahoma, and that the needs and desires of Miami require comparable treatment.

4. The proposal to assign Channel 17 to Miami for a noncommercial educational station conforms with all minimum spacing and other technical requirements of the rules and requires only a change in The Board's outstanding authorization for Channel 17 at Fort Lauderdale. We are of the view that adoption of the proposal would enhance opportunities for needed, additional educational television service in the Miami and Fort Lauderdale areas on a more effective and economical basis and serve the public interest.

5. In the interest of expediting the establishment of a second educational television service to the public in the Miami area, we also believe that The Board's authorization for Station WSEC-TV on Channel 17 at Fort Lauderdale should be changed to authorize noncommercial educational operation on Channel 17 at Miami. Since this comports with The Board's expressed wish, it appears unnecessary to issue a show cause order to secure its formal consent to the modification.

6. The actions herein are taken pursuant to authority found in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, Effective April 16, 1962, that the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned to read as follows:

City:	Channel No.
Fort Lauderdale, Fla.	39
Miami, Fla.	*2, 4, 6, 7—, 10+, *17—, 23—, 33

8. *It is further ordered*, That the construction permit of The Board of Public Instruction of Dade County, Florida, for Station WSEC-TV on Channel 17 at Fort Lauderdale, Florida, is modified to specify noncommercial educational operation on Channel 17 at Miami, subject to the condition that The Board shall submit to the Commission by April 2, 1962, all necessary information for the preparation of a modified permit for Channel 17 at Miami.

9. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: March 7, 1962.

Released: March 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2430; Filed, Mar. 12, 1962; 8:49 a.m.]

[Docket No. 11513; FCC 62-254]

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Use of Single Sideband Transmissions in Fixed Radiotelephone Service Below 25,000 kc, Except Alaskan and Maritime Fixed; Report and Order

1. On November 21, 1961, the Commission adopted a further notice of proposed rule making in the above-entitled matter insofar as Part 6 of the rules is concerned. This notice was published in the FEDERAL REGISTER on November 30, 1961 (26 F.R. 11298). Comments were to be filed by January 2, 1962, and replies thereto within ten days thereafter. No comments with respect to the subject notice have been received.

2. Accordingly, this Report and Order completes rule making with regard to the Commission's proposal in Docket No. 11513 and in particular to amend it's rules governing the International Fixed Public Radiocommunication Services (Part 6) to provide for the discontinuance of the use of double sideband radiotelephone and the substitution of single or independent sideband therefor except in certain cases where foreign correspondents are not able to receive single sideband transmissions. The appropriate amendments to Part 6 of the rules are set forth below. These amendments are identical to those proposed by the further notice of proposed rule making referred to in paragraph 1 above.

3. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, that effective April 15, 1962, Part 6 of the Commission's rules is amended as set forth below.

4. *It is further ordered*, That the proceeding in Docket No. 11513 is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 7, 1962.

Released: March 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 6.10 is amended to read as follows:

§ 6.10 Radiotelephone.

The term "radiotelephone" as used in this part, with respect to operation on frequencies below 30 Mc/s, means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double sideband (A3), single sideband (A3A, A3H, or A3J) or independent sideband (A3B) transmission.

2. Section 6.11 is amended to read as follows:

§ 6.11 Use of radiotelephone by radiotelegraph stations.

The licensee of a radiotelegraph station, using frequencies below 30 Mc/s, may be authorized to use radiotelephone emissions as defined in § 6.10 for the following purposes:

(a) Transmission of addressed program material as set forth in § 6.51.

(b) Controlling the transmission or reception of addressed program material.

(c) Controlling the transmission or reception of facsimile material.

3. Section 6.54 is added as a new section to read:

§ 6.54 Use of double sideband radiotelephone.

Use of double sideband radiotelephone transmissions, on frequencies below 30 Mc/s, shall be held to a minimum with a view towards discontinuance of such operations as soon as possible. Except in cases where the foreign correspondent is unable to receive single sideband transmissions, double sideband radiotelephone shall not be transmitted after January 1, 1965.

[F.R. Doc. 62-2429; Filed, Mar. 12, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

UNITED STATES STANDARDS FOR DRY PEAS, SPLIT PEAS, AND LENTILS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that the United States Department of Agriculture has under consideration proposed revisions of the United States Standards for Dry Peas (7 CFR 68.401 et seq.), for Split Peas (7 CFR 68.501 et seq.), and for Lentils (7 CFR 68.601 et seq.) pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C., 1621 et seq.).

A survey made by the Department, and correspondence received from European importers, indicate that the importers are not satisfied with the quality of U.S. dry peas. The results of the survey, and the views of the importers, have been discussed with interested growers and processors. Following the discussions it was concluded that a revision of the standards for dry peas was apparently warranted. The standards for split peas and lentils should also be revised in order to have them comparable with the standards for dry peas. Accordingly, it is proposed to amend the standards for dry peas, split peas, and lentils as set forth below.

A. The revision of the dry pea standards would:

(1) Define garden peas and field peas for clarification purposes.

(2) Reduce the maximum limits of contrasting peas, shriveled peas, and split peas in each of the numerical grades.

(3) Reduce the maximum limits of weevil-damaged peas in grades U.S. No. 1 and U.S. No. 2.

(4) Reduce the maximum limits of peas with cracked seedcoats in grades U.S. No. 2 and U.S. No. 3.

(5) Provide a total maximum limit for bleached peas, contrasting peas, shriveled peas, damaged peas, weevil-damaged peas, and foreign material combined in each of the numerical grades.

(6) Reduce the maximum limit of moisture in the definition for Sample grade.

B. The revision of the split pea standards would:

(1) Define garden peas and field peas for clarification purposes.

(2) Provide a separate table of grades and grade requirements for field or winter split peas.

(3) Reduce the maximum limit of contrasting split peas in each numerical grade.

(4) Reduce the maximum limits of weevil-damaged split peas in grades U.S. No. 1 and U.S. No. 2.

(5) Reduce the maximum limit of moisture in the definition for Sample grade.

C. The revision of the lentil standards would:

(1) Reduce the maximum limit of weevil-damaged lentils in each numerical grade.

(2) Reduce the maximum limit of moisture in the definition for Sample grade.

Minor editorial changes also have been made in each of the above standards which are not listed.

It is proposed to revise the United States Standards for Dry Peas to read as follows:

§ 68.401 Terms defined.

For the purposes of the United States Standards for Dry Peas (Pisum sativum):

(a) *Dry peas.* Dry peas shall be the seeds of threshed garden and field peas which after the removal of the dockage contain not more than 10.0 percent of foreign material.

(1) *Garden peas.* Garden peas shall be dry peas of all varieties of peas other than field peas (Pisum sativum var. arvense).

(2) *Field peas.* Field peas shall be dry peas of all varieties of winter peas (Pisum sativum var. arvense).

(b) *Dockage-free dry peas.* Dockage-free dry peas shall be dry peas from which the dockage has been removed.

(c) *Thresher-run dry peas.* Thresher-run dry peas shall be dry peas from which the dockage has not been removed.

(d) *Classes.* (1) Dry peas shall be divided into the following classes:

Alaska Dry Peas;
First and Best Dry Peas;
White Canada Dry Peas;
Colorado White Dry Peas;
Perfection Dry Peas;
Surprise Dry Peas;
Austrian Winter Dry Peas;
Romack Dry Peas;
Mixed Dry Peas.

Except with respect to the class Mixed Dry Peas, each class may contain not more than 1.5 percent of contrasting peas or not more than 15.0 percent of peas that blend, other than the predominating class of peas.

(2) Mixed Dry Peas shall be dry peas which contain more than 1.5 percent of contrasting peas or more than 15.0 percent of peas that blend, other than the predominating class of peas.

(3) Dry peas that are not specifically classified under subparagraphs (1) and (2) of this paragraph shall be classified according to the commonly accepted name of such dry peas.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.403.

(f) *Defective peas.* Defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(g) *Weevil-damaged peas.* Weevil-damaged peas shall be whole and broken peas which are distinctly damaged by pea weevils or other insects.

(h) *Damaged peas.* Damaged peas shall be whole and broken peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged peas.

(i) *Heat-damaged peas.* Heat-damaged peas shall be whole and broken peas which are materially discolored and damaged by heat.

(j) *Split peas.* Split peas shall be peas which have been split into halves or smaller pieces and peas the halves of which are loosely held together.

(k) *Contrasting peas.* Contrasting peas shall be peas which are of a contrasting color, or which differ materially in size or shape from the predominating class of peas.

(l) *Peas that blend.* Peas that blend shall be peas which are similar in color, size, and shape to the predominating class of peas.

(m) *Bleached peas.* Bleached peas shall be peas which are distinctly bleached in contrast to the natural green color in green peas or which are distinctly green in contrast to the natural yellow color in yellow peas, but shall not be applicable to wrinkled peas and field peas.

(n) *Shriveled peas.* Shriveled peas shall be peas which are distinctly shriveled in contrast to the natural shape and appearance of the predominating peas.

(o) *Peas with cracked seedcoats.* Peas with cracked seedcoats shall be peas with visibly cracked seedcoats or with all or a part of the seedcoat removed and pieces of peas which are more than one-half but less than a whole pea.

(p) *Wrinkled peas.* Wrinkled peas shall be peas of the wrinkled varieties.

(q) *Good color.* Good color shall mean that the peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating peas.

(r) *Poor color.* Poor color shall mean that the peas in mass are distinctly off color due to age or any other cause.

(s) *Dockage.* Dockage shall be small underdeveloped peas and pieces of peas and all matter other than peas which can be removed readily by the use of appropriate sieves and cleaning devices.

(t) *Foreign material in dockage-free peas.* Foreign material in dockage-free peas shall be matter other than peas, including detached seedcoats.

(u) *Foreign material in thresher-run peas.* Foreign material in thresher-run peas shall be all matter other than peas, including detached seedcoats, which cannot be removed readily from the peas in the proper determination of dockage.

(v) *16/64 round hole sieve.* A 16/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.250 (15/64) inch in diameter which are 3/8 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(w) *15/64 round hole sieve.* A 15/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.2344 (15/64) inch in diameter which are (5/16) inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(x) *11/64 by 3/4 slotted hole sieve.* A 11/64 by 3/4 slotted hole sieve shall be a metal sieve 0.0319 inch thick with slotted perforations 0.1719 (11/64) inch wide by 0.75 (3/4) inch long which are 5/16 inch from center to center and with 5/32 inch end bridges. The perforations shall be staggered in relation to the adjacent rows.

(y) *10/64 by 3/4 slotted hole sieve.* A 10/64 by 3/4 slotted hole sieve shall be a metal sieve 0.0319 inch thick with slotted perforations 0.1562 (10/64) inch wide by 0.75 (3/4) inch long which are 9/32 inch from center to center and with 5/32 inch end bridges. The perforations shall be staggered in relation to adjacent rows.

§ 68.402 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade of dockage-free dry peas and the class and factor designation of thresher-run dry peas:

(a) *Basis of determinations*—(1) *Dockage-free dry peas.* All determinations shall be made upon the basis of the dockage-free dry peas as a whole, except that color shall be determined after the removal of the defective peas and foreign material.

(2) *Thresher-run dry peas.* The determination of dockage shall be made upon the basis of the thresher-run dry peas as a whole. All other determinations shall be made upon the basis of the peas after the removal of dockage, except that color shall be determined after the removal of defective peas and foreign material.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for peas prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision) of the Agricultural Marketing Service or ascertained by any method which gives equivalent results.

§ 68.403 Grades, grade requirements and grade designations, and factor determinations and designations.

The following grades, grade requirements and grade designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for dockage-free dry peas.* (See also paragraph (c) of this section.)

Grade	Maximum limits of—										
	Bleached peas, contrasting peas, shriveled peas, damaged peas, heat-damaged peas, weevil-damaged peas, and foreign material								Split peas	Peas with cracked seedcoats	Peas that blend[4]
	Total	Bleached peas	Contrasting peas[4]	Shriveled peas	Damaged peas	Weevil-damaged peas	Heat-damaged peas	Foreign material			
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1][2]	3.0	1.5	0.3	1.0	1.0	0.3	0.1	0.1	0.5	3.0	5.0
U.S. No. 2[1]	5.0	3.0	0.8	2.0	1.5	0.8	0.3	0.2	1.0	5.0	10.0
U.S. No. 3[1][2]	9.0	5.0	1.5	3.0	2.0	1.5	0.5	0.5	1.5	7.0	15.0
U.S. Sample grade	U.S. Sample grade shall be dry peas which do not meet the requirements of any of the grades from U.S. No. 1 to U.S. No. 3, inclusive; or which contain more than 15.0 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live weevils or other insects; or which are otherwise of distinctly low quality.										

[1] Size requirements: Peas of any of the numerical grades shall be of such size that not more than 3.0 percent of the peas will pass readily through a slotted hole sieve with perforations of the dimensions generally used in the determination of dockage on thresher-run peas of the respective classes.
[2] Peas in grade U.S. No. 1 shall be of good color.
[3] Peas which are of poor color shall not be graded higher than U.S. No. 3.
[4] These limits do not apply to the class Mixed Dry Peas.

(b) *Grade designation for all classes of dry peas.* The grade designation for all classes of dry peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of each applicable special grade; and the name of the class. In the case of the class Mixed Dry Peas the name and approximate percentage of each class of peas contained in the mixture shall be shown in the order of predominance following the words "Mixed Dry Peas".

(c) *Special grades, special grade requirements, and special grade designations for dockage-free dry peas*—(1) *Large dry peas*—(i) *Requirements.* Large dry peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will pass readily through the following sieves for the respective classes:

	Round hole sieve
Alaska	16/64
First and Best	16/64
White Canada	15/64

(ii) *Grade designation.* Large dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large".

(2) *Small dry peas*—(i) Requirements. Small dry peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will remain on the sieve prescribed for determining the minimum size for large dry peas and not more than 3 percent will pass readily through the following sieves for the respective classes:

	Slotted hole sieve
Alaska	11/64 x 3/4
First and Best	11/64 x 3/4
White Canada	10/64 x 3/4

(ii) *Grade designation.* Small dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small".

(d) *Factor determinations and designations for thresher-run dry peas*—(1) *Factor determinations.* Thresher-run dry peas shall be inspected without reference to grade. The factors to be determined shall be the class, dockage, defective peas, foreign material, and color description. Defective peas which are defective for more than one reason shall be included within only one specific type of defective peas and shall be determined in the following order: Weevil-damaged peas, heat-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(2) *Factor designation.* The factor designation for all classes of thresher-run dry peas shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged peas, heat-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, peas with cracked seedcoats, and foreign material, and the total thereof; and the color description, when not of good color. In thresher-run dry peas of the classes Alaska, First and Best, and other smooth seed varieties the percentage of cracked seedcoats in excess of 3.0 percent only shall be included in the total defective peas.

It is proposed to revise the United States Standards for Split Peas to read as follows:

§ 68.501 Terms defined.

For the purposes of the United States Standards for Split Peas:

(a) *Split peas.* Split peas shall be dry, threshed, garden and field peas (Pisum sativum) which have been split into halves or smaller pieces and which do not contain more than 10.0 percent of foreign material.

(1) *Garden peas.* Garden peas shall be dry peas of all varieties of peas other than field peas (Pisum sativum var. arvense).

(2) *Field peas.* Field peas shall be dry peas of all varieties of winter peas (Pisum sativum var. arvense).

(b) *Classes.* Split peas shall be divided into the following three classes:

(1) *Green Split Peas.* Green Split Peas shall be split peas from the garden varieties of dry peas which have cotyledons that are green in color.

(2) *Yellow Split Peas.* Yellow Split Peas shall be split peas from the garden varieties of dry peas which have cotyledons that are yellow in color.

(3) *Winter Split Peas.* Winter Split Peas shall be split peas from field peas of the Austrian Winter or Romack variety, or of other varieties of field peas with seed characteristics, appearance, and color, similar to Austrian Winter or Romack.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.503.

(d) *Weevil-damaged split peas.* Weevil-damaged split peas shall be split peas and whole peas which are distinctly damaged by pea weevils or other insects.

(e) *Damaged split peas.* Damaged split peas shall be split peas and whole peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged split peas.

(f) *White caps.* White caps shall be split peas from which the seedcoats have not been removed.

(g) *Whole peas.* Whole peas shall be dry garden and field peas which are not split.

(h) *Bleached split peas.* Bleached split peas shall be split peas which are distinctly bleached in contrast to the natural green color in green peas or which are distinctly green in contrast to the natural yellow color in yellow peas.

(i) *Contrasting split peas.* Contrasting split peas shall be split peas which are of a contrasting color to the predominating class of split peas except that bleached peas shall not be considered as contrasting split peas.

(j) *Foreign material.* Foreign material shall be all matter which will pass readily through a 2½/64 round hole sieve and all matter other than split peas and whole peas which remains on the sieve after sieving. Foreign material shall include detached seedcoats and pieces of detached seedcoats.

(k) *Good color.* Good color shall mean that the split peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating split peas.

(l) *Poor color.* Poor color shall mean that the split peas in mass are distinctly off color due to age or any other cause.

(m) *12/64 round hole sieve.* A 12/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1875 (12/64) inch in diameter which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(n) *10/64 round hole sieve.* A 10/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1562 (10/64) inch in diameter which are 7/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *8/64 round hole sieve.* An 8/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1250 (8/64) inch in diameter which are 3/16 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(p) *6/64 round hole sieve.* A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(q) *2½/64 round hole sieve.* A 2½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.502 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade of split peas.

(a) *Basis of determinations.* All determinations shall be made on the basis of the split peas as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for peas prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

§ 68.503 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards.

(a) *Grades and grade requirements for the classes Green Split Peas and Yellow Split Peas.* (See also paragraph (d) of this section.)

Grade	Maximum quantity passing through			Maximum limits of—						
	10/64 round hole sieve	8/64 round hole sieve	6/64 round hole sieve	Bleached split peas	Contrasting split peas	White caps	Whole peas	Damaged split peas	Weevil-damaged split peas	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	3.0	0.5	0.1	1.5	0.3	1.0	0.5	1.0	0.3	0.1
U.S. No. 2	15.0	3.0	.2	3.0	.8	2.0	1.0	1.5	.8	.2
U.S. No. 3[1]	25.0	5.0	.3	5.0	1.5	3.0	2.0	2.0	1.5	.5
U.S. Sample grade	U.S. Sample grade shall be split peas which do not meet the requirements of any of the numerical grades; or which contain more than 15.0 percent moisture; or which have any commercially objectionable odor; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.									

[1] Split peas in grade U.S. No. 1 shall be of good color.
[2] Split peas which are of poor color shall not be graded higher than U.S. No. 3.

(b) *Grades and grade requirements for the class Winter Split Peas.* (See also paragraph (d) of this section.)

Grade	Maximum quantity passing through			Maximum limits of—					
	10/64 round hole sieve	8/64 round hole sieve	6/64 round hole sieve	Contrasting split peas	White caps	Whole peas	Damaged split peas	Weevil-damaged split peas	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	3.0	0.5	0.1	0.5	1.5	0.5	1.0	0.5	0.1
U.S. No. 2	15.0	3.0	.2	1.0	3.0	1.0	1.5	1.0	.2
U.S. No. 3[1]	25.0	5.0	.3	2.0	5.0	2.0	2.0	1.5	.5
U.S. Sample grade	U.S. Sample grade shall be winter split peas which do not meet the requirements of any of the numerical grades; or which contain more than 15.0 percent moisture; or which have any commercially objectionable odor; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.								

[1] Winter split peas in grade U.S. No. 1 shall be of good color.
[2] Winter split peas which are of poor color shall not be graded higher than U.S. No. 3.

(c) *Grade designations for all classes of split peas.* The grade designation of split peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; and the name of each applicable special grade.

(d) *Special grades, special grade requirements, and special grade designations for split peas*—(1) *Split pea chips*—(i) *Requirements.* Split pea chips shall be split peas all of which will pass readily through a 12/64 round hole sieve. The size requirements for the respective numerical grades shall be as follows:

U.S. No. 1—not more than 3.0 percent shall pass readily through a 6/64 round hole sieve;
U.S. No. 2—not more than 6.0 percent shall pass readily through a 6/64 round hole sieve.
U.S. No. 3—not more than 10.0 percent shall pass readily through a 6/64 round hole sieve.

(ii) *Grade designation.* Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, except for size, and there shall be added to and made a part of the grade designation the word "Chips".

It is proposed to revise the United States Standards for Lentils to read as follows:

§ 68.601 Terms defined.

The following definitions shall apply for the purposes of the United States Standards for Lentils:

(a) *Lentils.* Lentils shall be dry, threshed seeds of the lentil plant (Lens culinaris) which after removal of the dockage contain not more than 10.0 percent of foreign material.

(1) *Dockage-free lentils.* Dockage-free lentils shall be lentils from which the dockage has been removed.

(2) *Thresher-run lentils.* Thresher-run lentils shall be lentils from which the dockage has not been removed.

(b) *Classes.* Lentils shall be divided into the following classes, each of which except Mixed Lentils, may contain not more than 2.0 percent of lentils other than those of the predominating class:

(1) *Lentils.* Lentils shall be all lentils of the Chilean type.

(2) *Persian Lentils.* Persian lentils shall be all lentils of the Persian type.

(3) *Mixed Lentils.* Mixed lentils shall be any mixture of lentils which contains more than 2.0 percent of lentils other than those of the predominating class.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.603.

(d) *Defective lentils (total).* Defective lentils shall be weevil-damaged lentils, damaged lentils, and split lentils.

(e) *Weevil-damaged lentils.* Weevil-damaged lentils shall be lentils and pieces of lentils which are damaged by weevils or other insects.

(f) *Damaged lentils.* Damaged lentils shall be lentils and pieces of lentils which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged lentils.

(g) *Split lentils.* Split lentils shall be pieces of lentils which are less than three-fourths of a whole lentil, and lentils the halves of which are loosely held together, but shall not include weevil-damaged lentils and damaged lentils.

(h) *Dockage.* Dockage shall apply only to thresher-run lentils and shall be small underdeveloped lentils and pieces of lentils and all matter other than lentils which can be removed readily by the use of appropriate sieves and cleaning devices.

(i) *Foreign material in dockage-free lentils.* Foreign material in dockage-free lentils shall be all matter other than lentils including detached seedcoats.

(j) *Foreign material in thresher-run lentils.* Foreign material in thresher-run lentils shall be all matter other than lentils, including detached seedcoats, which cannot be removed readily from the lentils in the proper determination of dockage.

(k) *Stones.* Stones shall be foreign material which consists of rocks, stones, pebbles, shale, other concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

(l) *15/64 round hole sieve.* A 15/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.2344 ($^{15}/_{64}$) inch in diameter which are $^{5}/_{16}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(m) *12/64 round hole sieve.* A 12/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1875 ($^{12}/_{64}$) inch in diameter which are $^{1}/_{4}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(n) *9/64 round hole sieve.* A 9/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1406 ($^{9}/_{64}$) inch in diameter which are $^{3}/_{16}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *Good color.* Good color shall mean that the lentils in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating lentils.

§ 68.602 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade for dockage-free lentils and of the class and factor designation for thresher-run lentils.

(a) *Basis of determinations.*—(1) *Dockage-free lentils.* All determinations shall be made upon the basis of the lentils as a whole.

(2) *Thresher-run lentils.* The determination of dockage, defective lentils, and foreign material shall be made upon the basis of the lentils as a whole. All other determinations shall be made upon the basis of the lentils after the removal of dockage, except that color shall be determined after the removal of dockage, defective lentils, and foreign material.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for lentils prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147, Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

§ 68.603 Grades, grade requirements and grade designations, and factor determinations and designations.

The following grades, grade requirements and grade designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for dockage-free lentils.* (See also paragraph (c) of this section.)

Grade	Maximum limits of—			
	Defective lentils		Foreign material	
	Total	Weevil-damaged lentils	Total	Stones
	Percent	*Percent*	*Percent*	*Percent*
U.S. No. 1 [1]	2.0	0.3	0.2	0.1
U.S. No. 2	3.5	.8	.5	.2
U.S. Sample grade	U.S. Sample grade shall be lentils which do not meet the requirements of either of the numerical grades; or which contain more than 14.0 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live weevils or other insects; or which are materially weathered; or which are otherwise of distinctly low quality.			

[1] The lentils in U.S. Grade No. 1 shall be of good color.

(b) *Grade designations for all classes of dockage-free lentils.* The grade designation for all classes of dockage-free lentils shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of any applicable special grade; and the name of the class. In the case of the class Mixed Lentils, the name and approximate percentage of each class of lentils contained in the mixture shall be shown in the order of predominance following the words "Mixed Lentils".

(c) *Special grades, special grade requirements, and special grade designations for dockage-free lentils.*—(1) *Large lentils.*—(i) *Requirements.* Large lentils shall be lentils, except Persian Lentils and Mixed Lentils, of which not more than 3 percent will pass readily through a 15/64 round hole sieve.

(ii) *Grade designation.* Large lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large".

(2) *Small lentils.*—(i) *Requirements.* Small lentils shall be lentils, except Persian Lentils and Mixed Lentils, 95 percent or more of which will pass readily through a 15/64 round hole sieve, not less than 80 percent of which will pass readily through a 12/64 round hole sieve, and not more than 3 percent of which will pass readily through a 9/64 round hole sieve.

(ii) *Grade designation.* Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small".

(d) *Factor determinations and designations for thresher-run lentils.*—(1) *Factor determinations.* Thresher-run lentils shall be inspected without reference to grade, and the following factors shall be determined: the class, dockage, weevil-damaged lentils, damaged lentils, split lentils, foreign material, and color description.

(2) *Factor designation.* The factor designation for all classes of thresher-run lentils shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged lentils, damaged lentils, split lentils, and foreign material, and the total thereof; and the color description, when not of good color.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), an informal hearing will be held on these proposed standards at Moscow, Idaho, beginning at 9:30 a.m. on March 28, 1962, in the Latah County Grain Growers Auditorium.

Written data, views, or arguments may be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., to be received by him not later than April 15, 1962. Consideration will be given to all information obtained at the hearing, to written data, views, and arguments received by the Director not later than April 15, 1962, and to other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, shall be promulgated.

W. H. Hosterman, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing. In case the designee is unable to conduct the hearing, any other officer of the Department designated by the Director of the Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearing.

Done at Washington, D.C., this 5th day of March 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-2320; Filed, Mar. 12, 1962; 8:45 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 855]

MAINLAND CANE SUGAR AREA

Farm Proportionate Shares, 1963 Crop

Notice is hereby given that pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), the Secretary of Agriculture is preparing to issue regulations which will establish proportionate shares for farms in the Mainland Cane Sugar Area with respect to the 1963 crop of sugarcane. For purposes of determining farm proportionate shares under such regulations, it appears that the consideration to be given to past production and ability to produce on such farms with respect to the 1962 crop of sugarcane should be limited to acreages of sugarcane planted on or before April 15, 1962, and marketed or processed for the extraction of sugar, or harvested for seed.

As planting of a crop of sugarcane is normally completed before April 15, in the Mainland Cane Sugar Area, any planting after such date would appear to be primarily for purposes other than the production of sugar therefrom in the 1962 crop year, and any consideration for acreages of the 1962 crop of sugarcane planted after April 15, 1962, for historical purposes, would be inequitable for the vast majority of sugarcane producers.

All persons who desire to submit comments and views regarding the limitation set forth above with respect to sugarcane planted after April 15, 1962, may submit the same in writing and in duplicate to the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., no later than July 1, 1962.

Signed at Washington, D.C., on March 7, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2435; Filed, Mar. 12, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the establishment of a tolerance of 0.75 part per million for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on the fat, meat, and meat byproducts of sheep.

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are a cholinesterase inhibition method and a sulfide method. The cholinesterase inhibition method is based on the procedure described by H. O. Fallscheer and J. W. Cook, Journal of Association of Official Agricultural Chemists, Volume 39, page 691 (1956). In the sulfide method the residue is extracted with petroleum ether and after suitable cleanup is transferred to hydrobromic acid. This solution is then boiled, converting the sulfur to hydrogen sulfide. The hydrogen sulfide is trapped in zinc acetate solution and determined spectrophotometrically at 670 millimicrons as methylene blue.

Dated: March 6, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-2406; Filed, Mar. 12, 1962; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 711) has been filed by The Diversey Corporation, 212 West Monroe Street, Chicago 6, Illinois, proposing the issuance of a regulation to provide for the safe use of not to exceed 100 parts per million total available halogen in sanitizing mixtures for use on food-processing equipment and utensils, without a final potable water rinse.

Dated: March 7, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2405; Filed, Mar. 12, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 62-WA-2]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is con-

sidering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of additional terminal radar jet advisory areas at New Orleans, La., Houston, Tex., and San Antonio, Tex., from flight level 240 to 390, inclusive, and within 16 miles either side of the following arrival and departure routes:

a. Picayune, Miss., VOR direct to the Evergreen, Ala., VOR.

b. Houston, Tex., VORTAC via the intersection of the Houston VORTAC 290° and the Eagle Lake, Tex., VOR 056° True radials to the Eagle Lake VOR.

c. Fort Stockton, Tex., VORTAC via the Rocksprings, Tex., VOR; intersection of the Rocksprings VOR 090° and the San Antonio, Tex., VORTAC 309° True radials to the San Antonio VORTAC.

The designation of these proposed terminal radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2393; Filed, Mar. 12, 1962; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 105]

[File No. 220]

WHOLESALE TOBACCO INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by the proposed trade practice rules for the Wholesale Tobacco Industry (which constitute a proposed revision and extension of the rules for the Wholesale Tobacco Trade as promulgated by the Commission September 28, 1935), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than April 2, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a.m., e.s.t., on Monday, April 2, 1962, in the Voltaire Room, Fontainebleau Hotel, 4441 Collins Avenue, Miami Beach, Florida, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations, and organizations engaged in the distribution of tobacco products, primarily at wholesale. Such products would include cigarettes, cigars, pipe tobacco, chewing tobacco and snuff.

These proceedings are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: March 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2422; Filed, Mar. 12, 1962; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Regional Director

The statement of the Department's Organization and Administration as published in the FEDERAL REGISTER of July 12, 1960, at pages 6526 through 6545, and amended by 26 F.R. 626-627, 26 F.R. 3726, 26 F.R. 6863-6864, and 26 F.R. 9957-9958 is further amended as follows to incorporate the new revised organization for regional offices.

I. Amend Part 825 to read as follows:

PART 825—REGIONAL DIRECTOR

a. Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transportation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, capital equipment warehouses, cartography section, examiners of equipment and supplies, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

b. Is responsible for the efficient management, utilization and control of manpower, allotted funds, facilities and equipment within the authority delegated to the region.

c. Directs the conduct of management and operating surveys in post offices.

d. Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

e. Exercises direct supervision over all officers and employees within the regions, except as provided in Part 825a.

f. Is responsible for the annual appraisal of performance and final rating of postmasters at first-class offices.

825.1—DEPUTY DIRECTOR

a. Assists the Regional Director in the over-all management of the region.

b. Acts for the Regional Director in his absence and at his direction.

.11 *Coordinated Field Staff.*

.111 *Principal Postal Service Officer.* Directs and coordinates the activities of the postal service officers. Initiates and conducts field studies and serves as liaison with postmasters and division directors on major programs.

.112 *Postal Service Officer.* a. Provides liaison, on a continuing basis, between regional officers and all postmasters within an assigned geographical area.

b. Provides guidance and counsel to postmasters on postal service matters.

c. Analyzes mail distribution, dispatch schedules, and mail movement, and recommends improvements.

d. Makes the annual appraisal of performance of postmasters at first-class offices and recommends ratings.

e. Carries out special assignments for the Regional Director.

825.2—ASSISTANT TO DIRECTOR

a. Assists the Regional Director in liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities, and others.

b. Directs regional information activities and promulgation of postal instructions to the public.

825.3—SPECIAL ASSISTANT TO REGIONAL DIRECTOR FOR EMPLOYEE RELATIONS

a. Develops and maintains sound employee-management relations throughout the region, in conformance with policy directives of the President and the Postmaster General.

b. Serves as deputy employment policy officer under Executive Order 10925 (26 F.R. 1977).

825.4—FINANCE DIVISION

Advises and assists the Regional Director on all financial matters within the region; provides technical financial guidance to post offices; prepares the regional budget and maintains accounting records on the control of funds; develops regional targets, makes cost studies and related recommendations responsive to management needs; provides data processing services; maintains general ledger accounts; processes transportation claims and employee accounts and settles various other claims; compiles, analyzes, and interprets financial, statistical, and economic data in order to advise the regional director and other regional officials on regional operations.

.41 *Postal Funds* (Office of Controller). a. Interprets and amplifies Bureau of Finance instructions and regulations on depository policies and procedures.

b. Performs regional disbursing functions.

c. Authorizes post office reserves and bank accounts up to $50,000; authorizes the increase or release of collateral pledged to secure postmasters' deposits.

d. Reviews postmasters' remittance procedures to insure compliance with regulations.

e. Makes continuing review of accounts receivable and processes difficult cases.

.42 *Financial Control Branch.* (In some regions the budget and cost activities are not combined but are established as two separate branches—the Budget Branch and the Cost Control and Analysis Branch.)

.421 *Budget.* a. Develops and directs the regional budget and planning control program in accordance with established policies; advises the Regional Director and his staff on all regional budget matters.

b. Coordinates budget activities with related activities of other regional divisions.

c. Establishes budgetary controls to prevent overobligation of funds; develops effective budgetary reporting to promptly inform management on progress under approved financial plans, targets, and allotments; analyzes budgetary trends and statistics for management.

d. Provides technical supervision for budget activities in large operating installations to improve forecast of revenues, workload, and man-hours to permit operating budgets and targets to be more closely related to actual operations.

.422 *Cost Control and Analysis.* a. Directs the application of approved policies and procedures for accumulating, analyzing, and reporting cost data, postal program progress, and cost ascertainment data; including work and volume measurement, man-hours, and production; and for controlling the release of data to other agencies and the public.

b. Collaborates with other regional offices in developing cost control programs to produce comparative statistics as management tools in measuring and regulating operating costs; evaluates operating and financial reports prepared in the Finance Division and at post offices; prepares highlights of significant changes, interpretations, and recommendations for use by management.

c. Provides technical guidance to post offices on financial control and statistical functions, including accumulation of data, preparation of reports, and interpretative analysis of work measurement systems, all responsive to management needs, and implementation of mail count procedures; monitors and validates mail volume and man-hour usage reports.

d. Conducts before and after cost studies for measuring the effectiveness of new machinery, procedures, and facilities, and such other cost studies as required by management.

.43 *Accounting Branch.* a. Maintains the general ledger for regional financial transactions.

b. Provides management with current statements of financial, operating, and statistical data.

c. Process payrolls, maintains leave records, and prepares reports of all postal employees in the region (except inspectors); establishes controls and processes records relating to the various payroll deductions and receivables.

d. Examines postmasters' statements of accounts to assure conformity with postal laws, policies, and regulations, and Comptroller General decisions.

e. Preaudits claims and certifies for payment regional expenditures for highway, powerboat, rail, and air transportation, customs collections, indemnity claims, contract stations and clothing

allowance, rents and leases, tort claims under $100, and miscellaneous disbursements including claims for utilities, fuel, supplies and services, travel, outside training, etc.

f. Establishes and maintains accounting records for control of property; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

g. Provides regional data processing services.

h. Provides technical assistance and guidance to post offices on related Accounting Branch functions, and internal control procedures.

i. Designates and revokes post offices as postal savings depositories, U.S. savings bond issuing agents, and U.S. savings stamp offices; establishes and discontinues international money order business at post offices, after coordinating with the Local Services Division.

825.5—PERSONNEL DIVISION

a. Assists the Regional Director in administering the personnel management program in the region in accordance with departmental policies and procedures.

b. Renders personnel service to the regional office.

c. Maintains liaison with the Civil Service Commission.

d. Gives technical advice and assistance to postmasters, operating officials, and employees in the region on all matters involving recruitment, selection, and employment of personnel, training and development of employees, classification of positions, examinations (except proficiency examinations), disciplinary actions and grievances, health and safety, suggestions and incentive awards, pay administration, and employee benefits.

e. Cooperates with Special Assistant for Employee Relations in providing guidance to regional and installation officials and supervisors on equal employment, civil rights, and ethical conduct policies and procedures affecting postal field service personnel.

f. Provides organizational guides and service standards to postmasters; appraises effectiveness of postmasters in maintaining alignment of complements.

.51 *Safety (Office of Director).* Assists installation heads in organizing and implementing safety activities and furnishing necessary technical guidance on safety and health matters.

.52 *Employment and Placement Branch.* a. Plans, directs, and coordinates the employment and placement program throughout the region.

b. Gives technical advice and assistance to regional officials, postmasters, and other employees throughout the region on personnel matters relating to recruitment, selection, assignment, promotion, separations, leave, conduct, performance evaluation, discipline, veterans preference, personnel records, transactions, seniority, suggestions, awards, and fringe benefits.

c. Maintains liaison with Civil Service Commission on personnel management problems, examinations, and appeals.

.53 *Compensation Branch.* a. Plans, directs, and coordinates the compensation program throughout the region.

b. Gives technical advice and assistance on the classification of positions and on all phases of pay and salary administration.

.54 *Training Branch.* a. Plans, directs, and coordinates the training and employee development program throughout the region.

b. Gives technical advice and assistance to postmasters, supervisors, and other employees in the region in implementing training policies and improving the quality of training services throughout the region.

c. Assists local officials in developing internal civil defense and radiological monitor training; and in developing and conducting scheme training programs.

d. Develops training plans for appropriate orientation of newly appointed postmasters and regional officials; arranges for participation by postal personnel in Federal or non-Federal training programs outside the Postal Establishment.

825.6—POSTAL SYSTEMS DIVISION

a. Assists the Regional Director in development, installation, and analysis of postal, administrative, and supporting procedures (including distribution procedures), methods, and work standards, utilizing industrial engineering and other analytical techniques.

b. Studies mail handling systems, production requirements, and procedures to improve equipment, work place, and process of performing any postal service in the region.

c. Installs, operates, and refines systems of work measurement and various performance standards; analyzes labor performance and causes for major variances.

d. Performs service analyses through selected test programs.

e. Directs the paperwork management program.

f. Assists regional director in organization and space matters concerning administration of regional office.

g. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.61 *Methods Branch.* a. Develops, installs, and analyzes post office operational methods and procedures (including distribution procedures).

b. Evaluates effectiveness of mail handling systems as related to service requirements.

c. Studies mail handling systems and mechanization requirements; identifies areas where improvement in physical environment, space layout, and equipment will increase productive mail handling capacity.

d. Participates in the development of methods and techniques to insure, where applicable, orderly transition from manual to mechanized mail processing.

e. Implements and conducts records management, forms management, reports management, and office methods programs throughout the region; arranges for correspondence training and conducts the correspondence management program for the region; maintains a control on issuances received and issued in the region; promotes work simplification techniques.

f. Conducts regional selected mail test and service analysis program.

.62 *Work Standards Branch.* a. Installs and reviews prescribed work measurement systems and appraises system effectiveness.

b. Determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

c. Establishes performance goals and monitors system effectiveness as a basis for improvement.

d. Develops controls for effective manhour utilization.

e. Identifies areas in operations where excessive manpower is evident and recommends corrective action.

825.7—LOCAL SERVICES DIVISION

a. Assists the Regional Director in determining organization and manpower needs; and reviews local postal service and organization proposals.

b. Determines establishment (except airport mail facilities, transfer offices, and mobile units) needs of the Postal Service within the region; makes recommendations on opening, closing, and merging of facilities.

c. Determines collection and delivery, patron, vehicle, and other program service requirements of post offices; furnishes guidance to postmasters on operation of these services; and appraises performance.

d. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.71 *Organization Services Branch.* a. Determines staffing requirements and authorizes complements and man-hours based upon a continuous analysis of manpower usage related to work volume in all postal installations.

b. Provides organizational guides and service standards to postmasters; appraises effectiveness of postmasters in maintaining alignment of complements.

c. Participates in the development of timely reporting systems designed to provide data essential to evaluation and review of organization and staffing in post offices.

d. Recommends establishment, discontinuance, consolidation or merging of postal installations; regulates hours and adequacy of service to the public.

.72 *Delivery Services Branch.* a. Develops standards, and establishes and adjusts patterns of delivery services.

b. Conducts studies to promote efficiency and economy in collection, delivery (including general delivery, lockbox, and carrier window service), and related patron services.

c. Authorizes the establishment, transfer, and discontinuance of routes. Approves extensions and consolidation of routes and issues criteria therefor.

d. Maintains man-hour and complement control for delivery service.

e. Promotes programs designed to elicit patron cooperation in undertaking

mail separation and processing at the patron's premises and improved scheduling of mailings.

f. Directs studies to determine effects of population shifts, and changes in city and business district boundaries, for use in evaluating demands for delivery services.

g. Determines city scheme requirements and delivery zone changes; directs the examination program for city schemes.

h. Determines feasibility of mechanizing carrier routes.

.73 *Vehicle Services Branch.* a. Responsible for the assignment, utilization, and operation of Government-owned vehicles within the region; reviews and approves contracts for vehicle hire.

b. Establishes priorities for replacement.

c. Directs a program designed to instruct post office personnel in the scheduling, assignment, and utilization of vehicles.

d. Conducts studies to determine proper size and type of vehicle for most efficient operation.

e. Makes cost comparisons of contract and Government-owned vehicles, recommends most economical vehicle service to Chief, Delivery Services Branch, for local service, and to the Chief, Highway Transportation Branch, involving star route and mail messenger service.

825.8—TRANSPORTATION DIVISION

a. Assists the Regional Director in the general direction of all mail transportation activities within the region.

b. Develops and maintains an integrated regional pattern for transportation of all classes of mail, coordinating the regional pattern with national plans.

c. Prepares schemes and schedules governing the distribution and dispatch of mail.

d. Maintains liaison with carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient utilization, citing irregularities and imposing penalties when warranted.

e. Provides policy guidance to postmasters in planning and operation of mobile units, transfer offices, airport facilities, and truck terminals; and determines the need for their establishment or discontinuance.

f. Insures efficient utilization of air transportation for mail movements.

g. Represents transportation requirements in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.81 *Air Transportation Officer* (Office of Director). a. Provides functional and technical direction to airport mail facilities and post offices on the dispatch, receipt, and exchange of mail by air with and between air carriers.

b. Coordinates with other regions in the air transportation of mail to secure maximum performance, effective utilization of space and weight, and improved connections, and to assist in resolving problem areas.

c. Investigates irregularities, delinquencies, and other deficiencies in air service; appraises results of investigations and recommends penalties against air carriers when warranted.

d. Interprets Civil Aeronautics Board regulations.

.82 *Transportation Planning Branch.* a. Directs and conducts studies to evaluate modes of transportation from standpoint of cost and effective service; recommends improvements within and between regions consistent with cost and service.

b. Makes surveys of changes in modes of transportation such as rail to highway, rail to air, etc., and develops plans for implementation.

c. Develops emergency transportation plans.

d. Provides plans and participates in necessary studies to keep regional transportation patterns integrated with national plans.

e. Studies changing mail volume and flows, and closely cordinates with other branches to assure best mode of transportation.

f. Directs mail equipment transportation program within region.

g. Recommends improvements based on service analysis.

.83 *Schemes and Routing Branch.* a. Establishes general pattern and, except for local mail, determines what mail shall be distributed by all installations.

b. Directs manner of routing mail within region and coordinates with other regions.

c. Directs preparation of schemes (except city) and study maps; issues corrections.

d. Except for city schemes, establishes scheme knowledge requirements and directs examination program; prepares Schedule of Mail Routes and corrections thereto.

e. Issues pouch orders and dispatch instructions with special instructions for registered mail.

f. Provides guidelines for distribution training, coordinates with Local Services Division on distribution manpower.

g. Issues instructions for the proper labeling of mail and provides technical direction to insure the quality and timeliness of production of label printing units.

h. Develops routing plans for large mailers.

i. Provides technical and functional direction to the postmaster for proper and efficient distribution in mobile units and airport mail facilities, and determines need for establishment or discontinuance of these units.

.84 *Railway Transportation Branch.* a. Supervises railroad performance and prepares railroad agreements.

b. Coordinates with other regions in effecting efficient transportation of mail by rail.

c. Provides technical, functional, and policy direction to postmasters on the operation of transfer offices, and determines need for establishment or discontinuance.

d. Investigates irregularities in rail service and recommends penalties on carriers where warranted.

e. Interprets Interstate Commerce Commission regulations.

f. Maintains liaison with rail carriers concerning scheduling, railroad personnel, facilities, and protection of mail.

g. Inspects RPO cars for adequacy and conformity with standards.

h. Administers rail space-basis system, exclusive of processing of claims.

i. Observes the handling of mail by railway personnel in terminals and stations, and the operation of the transfer service, for evaluation of carrier performance and adequacy of supervision.

.85 *Highway Transportation Branch.* a. Recommends the procurement of highway transportation service, route establishments, consolidations, discontinuances, changes, and review of schedules to provide the best service at least cost.

b. Reviews and acts on requests for compensation adjustments under sections 6422, 6423, and 6424 of Title 39, United States Code.

c. Examines agreements and contracts for conformity with laws and regulations; enforces adequate protection of the mail by contractors.

d. Inspects HPO vehicles for adequacy and conformity with standards.

e. Observes operation of highway routes, the handling of mail by highway carriers, and the operation of truck terminals, to evaluate carrier performance and adequacy of service. Recommends penalties against highway carriers when warranted.

f. Provides guidance to postmasters on planning and operation of truck terminals, and determines the need for their establishment or discontinuance.

825.9—ENGINEERING AND FACILITIES DIVISION

a. Assists the Regional Director in administering construction, leasing, and maintenance programs; provides supply and equipment services; and maintains program controls within delegated authority.

b. Forecasts, plans, and determines plant requirements.

c. Within delegated authority, designs Federal building extensions and improvements, and leased facilities.

d. Manages real estate program, renewing leases, obtaining site options, and negotiating lease contracts; inspects and accepts construction.

e. Provides building and equipment preventive maintenance programs for Federal and leased facilities.

f. Provides Government vehicle maintenance guidance and technical direction to post offices; assists the Training Branch in implementing and improving vehicle maintenance training programs; analyses cost control reports; and determines replacement requirements.

.91 *Engineering Branch.* a. Makes engineering studies concerning space and equipment requirements, sites, locations, facilities, mechanization, plant layout, and work flow and processing methods, in connection with new and modernized facility proposals.

b. Prepares, reviews, and approves bid and construction plans, specifications, cost estimates, and evaluation involving remodeling of existing and new postal facilities.

c. Inspects and recommends acceptance or rejection of new and remodeled leased buildings. Also, conducts with GSA engineers the inspection of construction and modernization of Federal postal buildings. As delegated by Headquarters, performs resident engineer technical and administrative services in connection with construction and mechanization projects initiated by Headquarters.

d. Conducts research and development tests and evaluations of mail processing machines and systems, including design and testing of vehicles when required by Office of Research and Engineering.

e. Directs and evaluates surveys, programs, designs, installation and tests on the need, adequacy, and operation of all building equipment. Provides technical assistance and guidance to other staff members and postal officials on the operation and maintenance of utilities equipment and services.

f. Makes studies and prepares reports and recommendations on the utilization and efficiency of newly developed postal equipment systems and materials.

g. Makes studies on economics of engineering programs.

h. Plans and coordinates with the responsible officials of regional staff immediate and long range engineering and capital improvement programs and priorities.

i. Evaluates technical suggestions under the Incentive Awards Program.

.92 *Space Requirements Branch.* a. Acts as regional coordinator in all matters relating to space and equipment requirements in postal installations throughout the region.

b. Analyzes requests for improved space, or for new or enlarged facilities, received from installation heads or other sources, and recommends action to be taken.

c. Develops regional priority lists after considering (1) budgetary limitations and (2) the urgency for correcting space deficiencies and permit efficient and economical mail-handling operations.

d. Conducts or requests space surveys after coordination with interested regional divisions and the Engineering and Real Estate Branches. Issues instructions to assure compliance with approved standards in developing space and equipment requirements.

e. Furnishes analyses of space survey reports and related data to the Engineering Branch for developing refined space needs and optimum plot and building arrangements as guides in site selections.

f. For leased facilities, requests the Real Estate Branch to obtain information on (1) available existing buildings which might be modified for postal use, or (2) suitable sites. For Federal buildings, requests the Engineering Branch to initiate action with General Services Administration to accomplish the improvement or modernization.

g. Participates with the Engineering and Real Estate Branches in site evaluations. From a service point of view, (1) approves site locations and (2) obtains concurrence of the Local Services and Transportation Divisions, and the postmaster's views as necessary, on plot plans and space and equipment arrangements.

h. Responsible for initiation of requisitions and delivery schedule and placement of furniture and equipment required for new and improved facilities, within authority delegated to the regions.

i. Directs and assists with special regional studies and surveys initiated by Headquarters.

.93 *Real Estate Branch.* a. Formulates and develops long-range plans for coordinating regional realty programs with changing postal requirements.

b. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Department under leases, rental agreements, or agreements with other Government agencies for space in Government-owned buildings.

c. Acquires control of real property through assignable options; recommends control through purchase, leases, contracts, condemnation, donation, or other means; approves options for advertising purposes, and assigns such options to the successful bidder.

d. Prepares bidding documents; assembles bid packages including plot plan, floor plan, elevations and building requirements; and submits to interested bidders for leased postal facilities.

e. Takes final action on deferred maintenance in all leased or rented postal space and negotiates with lessors for corrective measures.

f. Conducts surveys and analyses of regional land and building acquisition or rental costs, and recommends procedures whereby economy can be effected in the regional realty program.

.94 *Plant Maintenance Branch.* a. Directs the operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, maintenance inspection, and inventory management.

c. Reviews and approves estimates for annual and incidental allowances covering operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

d. Recommends to Local Services Division organizational structures and complements for maintenance of postal installations.

e. Conducts periodic surveys of maintenance of buildings and equipment to determine the effectiveness of, and to improve, the maintenance program.

f. Initiates action to provide for maintenance needs at new or modernized facilities, including supplies, spare parts, and equipment.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes review of performance under approved contracts.

h. Directs regional field representatives engaged in region-wide sanitation and postal equipment maintenance.

.95 *Vehicle Maintenance Branch.* a. Directs the maintenance and repair of Government-owned vehicles program.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, vehicle inspection, and vehicle parts inventory management.

c. Reviews and approves estimates for annual and incidental allowances covering supplies, automotive parts, and equipment used in maintenance of vehicles.

d. Recommends to Local Services Division organizational structures and complements for vehicle maintenance facilities.

e. Conducts periodic surveys of vehicle maintenance facilities in the region to determine effectiveness of, and to improve, the maintenance program.

f. Reviews requests for and recommends additional, new, or modernized vehicle facilities, including garage layout and equipment requirements, based on service needs.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes continuous review of performance under approved contracts.

h. Administers the vehicle disposal program; in conjunction with Local Services Division, develops annual vehicle procurement needs.

II. Delete Part 826. Material formerly relating to postal service employees is now incorporated in § 825.11 "Coordinated Field Staff".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2413; Filed, Mar. 12, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File No. 23-739]

DE SWAAN BONNIST

Order Denying Export Privileges for an Indefinite Period

In the matter of De Swaan Bonnist, E. & L. De Swaan tot Voortzetting van de Holland Jute voorheen Gebroeders Bonnist N. V., Wittenburgergracht 1-3, Amsterdam, Holland, Respondent; File 23-739.

The Investigations Staff of the Bureau of International Programs, United States Department of Commerce, is conducting an investigation into the facts surrounding the exportation from the United States of substantial quantities of U.S. origin new cotton bags, the persons who participated therein, the ultimate receiver thereof, and their ultimate destination. It has applied for an order denying to the respondent, De Swaan Bonnist, all export privileges for an indefinite period because of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of International Programs who, after considering evidence in support thereof, has recommended that it be granted.

Now, on receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, from which evidence it appears (1) that an investigation is being conducted as noted above and that it is impracticable to issue a subpoena to the respondent, and (2) that relevant and material interrogatories were duly served on the respondent to which it has failed, omitted, and refused to respond without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving commodities exported from the United States so long as it is effective, it is hereby ordered:

I. All outstanding validated export licenses in which the respondent, De Swaan Bonnist, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. The respondent, its representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' participation (a) as party or as representative of a party to any validated export license application; (b) in the preparation or filing of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. Such denials of export privileges, to the extent that the respondent or any related party may be affected hereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. This order shall remain in effect until the respondent satisfactorily answers, or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations.

V. Without prior disclosure of the facts to and specific authorization from the Bureau of International Programs, no person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States), shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, deliver, use, store, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, on behalf of or in any association with the respondent or any person acting on his behalf; nor shall any person do any of the foregoing acts with respect to any exportation as to which the respondent may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11(c) of the Export Regulations (15 CFR 382.11(c)), the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 8, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2423; Filed, Mar. 12, 1962; 8:49 a.m.]

[Case No. 298]

INTER S.A., ET AL.

Order Denying Export Privileges

In the matter of Inter S.A., Gigi Martinoni, Via Gottardo 14, Locarno 2, Switzerland, and Simon Abram Silberstein, 61/B Avenue du Chailly, Lausanne, Switzerland, Respondents; Case No. 298.

The Director, Investigation Staff, Bureau of Foreign Commerce, (now the Bureau of International Programs), of the United States Department of Commerce, by letter of June 23, 1961, charged the respondents, Inter S.A., its manager Gigi Martinoni, and one Simon A. Silberstein, with violations of the United States Export Control Act of 1949 as amended, and the regulations issued thereunder.

The charging letter contained detailed allegations with respect to a transaction in which respondents participated in 1960 involving the export from the United States of 10 metric tons of titanium scrap, and charged respondents with specific violations of the Export Control Law in connection therewith. Service of the charging letter of June 23, 1961 was duly effected upon respondents in accordance with procedures authorized by § 382.3(b) of the Export Regulations (15 CFR 382.3(b)). No response having been received from any of the respondents, they were considered to be in default. Therefore, in accordance with the practice, the case was assigned to the Compliance Commissioner for default proceedings under § 382.4 of the Export Regulations.

The Compliance Commissioner received the evidence in the case and reported his findings that the evidence sustained the charges, and made his recommendation that Inter S.A., Gigi Martinoni, and Simon A. Silberstein be denied all U.S. export privileges so long as United States export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Inter S.A., was engaged in the import and export business in Locarno, Switzerland, and Gigi Martinoni was the manager thereof. Simon A. Silberstein was a resident of Lausanne, Switzerland, acted as a sales agent for several firms, and was registered to do business in Milan, Italy.

2. In July, 1960, Inter S.A., by its manager Martinoni (hereinafter collectively referred to as Inter), agreed to purchase from an American supplier 22,178 lbs. of commercially pure titanium scrap, valued at over $17,800. Inter represented that the commodity was for resale to a customer in Italy. Inter clearly understood that shipment from the United States of this strategic material would be made only after the supplier received an Italian import certificate, which Inter as buyer agreed to furnish, to support an application for a validated export license to be submitted by the supplier to the Department of Commerce, and the issuance of such export license by the Department.

3. In August 1960, Inter forwarded to the U.S. supplier an Italian import certificate which had been issued by the Italian Government to respondent Silberstein, at the address Via Durini 28, Milan, who, it was therein certified, "has undertaken to import to Italy the goods described below, or, if the goods are not imported into this country, not to divert them to another destination, except with the approval of the (Italian) Ministry of Foreign Trade." The certificate then described the goods as being the 10,060 Kilos (22,178 lbs.), of titanium scrap to be exported from the United States by the U.S. supplier.

4. The U.S. exporter thereupon submitted to the Department of Commerce

its application for a validated license to export the proposed shipment of titanium scrap, and attached thereto the aforesaid Italian import certificate.

5. In September 1960, the Department of Commerce, relying on the representations made to it by respondents Inter and Silberstein through the applicant and the Italian Government, approved the application and issued a validated export license.

6. The shipment went forward from Baltimore, on September 13, 1960, for delivery to Silberstein in Italy via Rotterdam under a bill of lading showing Inter as the notify party, Silberstein as the licensed ultimate consignee, and bearing a destination control notice restricting disposition of the titanium scrap to Italy and advising that diversion contrary to U.S. law was prohibited. The same destination control notice was included also on the commercial invoice transmitted to Inter by the U.S. supplier.

7. The shipment arrived in Rotterdam on September 28, 1960, and from there was diverted by Inter from Italy without the knowledge or consent of the United States and Italian Government, and transshipped to an unauthorized destination contrary to the terms and conditions of the U.S. export license, the Italian import certificate, and the destination control notice appearing on the ocean bill of lading and the commercial invoice.

8. Inter and Silberstein from the inception of the transaction knew that Silberstein was not to be the consignee or importer of the shipment in Italy and that Silberstein obtained the Italian import certificate merely as an accommodation for Inter, in order to obtain the U.S. export license.

From these facts I have reached the following conclusions:

That by the foregoing actions, Inter S.A., Gigi Martinoni, and Simon A. Silberstein:

(a) Knowingly acted in concert to bring about violations of the Export Control Law and regulations referred to in paragraphs (b), (c), and (d) below, contrary to § 381.3 of the Export Regulations.

(b) Knowingly made false statements to and concealed material facts from the Department of Commerce, through the medium of the U.S. exporter and the Government of Italy, for the purpose of inducing the issuance of a U.S. export license and effecting an exportation from the United States, in violation of §§ 381.2 and 381.5 of the Export Regulations.

(c) Bought, sold, disposed of, transported, and otherwise serviced an exportation from the United States with knowledge that violations of the Export Control Law, regulations and license had occurred, were about to occur, and were intended to occur with respect to said exportation, in violation of §§ 381.2 and 381.4 of the Export Regulations.

(d) Without authorization of the Department of Commerce, knowingly diverted, disposed of, transshipped, and re-exported a U.S. commodity to a destination and person not authorized by the U.S. export license, the Italian import certificate, and contrary to the destination control notice appearing on the ocean bill of lading and commercial invoice, in violation of §§ 381.2, 379.10(d) (2) and 381.6 of the Export Regulations.

Having concluded that the recommended action is fair, just and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. So long as United States export controls shall be in effect, said respondents Gigi Martinoni, Simon A. Silberstein, and Inter, S.A., its successors, officers, directors, agents and employees, hereby are and shall be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data in whole or in part which have been exported or are to be exported from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in any such transaction is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, storing, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents and each of them, but also to CELTICO, a firm owned by Silberstein last addressed in Milan, Italy, and to any other person, firm, corporation, or business organization with which each of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of International Programs, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, store, deliver, dispose of, finance, transport, forward, or otherwise service any commodity or technical data heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or technical data in which any respondent may have any interest or from which he may receive any benefit of any kind of nature.

IV. Should any of the respondents named herein desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof, to set aside the default and vacate the order against him entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations, and will be disposed of in accordance with the practice set forth therein.

Dated: March 7, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2424; Filed, Mar. 12, 1962; 8:49 a.m.]

[Case No. 299]

GUSTAV THIMET ET AL.

Default Order Denying Export Privileges

In the matter of Gustav Thimet, Gustav Thimet & Co., Weserstrasse 31, Frankfurt am Main, West Germany; Africanus Bartels, Africanus Bartels Internationale Spedition, Weserstrasse 31, Frankfurt am Main, West Germany; and Reinhard Von Den Velden, 66 Avenue Mohamed V, Tangier, Morocco; Case No. 299.

The Director of the Investigations Staff, Bureau of Foreign Commerce, (hereinafter referred to as the BFC and now called the Bureau of International Programs or BIP) by charging letter dated June 15, 1961 alleged a number of violations of the U.S. Export Control Law by the above named respondents and two others, a corporation in Tangier, Morocco and its present owner, whereby they secured U.S. origin goods through U.S. suppliers for use in Germany and, without BFC authority, re-exported and diverted these goods to Soviet bloc countries in violation of the Export Control Act of 1949, as amended and the regulations issued thereunder (Title 15, Chapter III, Subchapter B, Code of Federal Regulations, 23 F.R. 4177 et seq., June 12, 1958) as amended.

Service of the charging letter was made on all the respondents in accordance with section 382 of the U.S. Export Regulations, the present owner of the Moroccan corporation alone among the respondents answered the charging letter and demanded a hearing before the U.S. Consul General at Tangier, Morocco, but denied liability because he alleged he had acquired the stock ownership of the corporation at a date much later than the dates of the alleged violations and thus could not be held along with the corporation as responsible for the previous acts of the company.

The entire matter was referred to the Compliance Commissioner who after examination of the record and the evidence therein determined that the Moroccan corporation and its present owner should be separated from the Default Order proceedings, which he held because of the failure of the other respondents herein to answer the charging letter or request a hearing. The Commissioner has recommended that the said Moroccan corporation and its present owner should have an opportunity at a later date to support by evidence and sworn statements the present owner's allegations as to the date of his ownership in the Moroccan corporation without prejudice to the charges contained in the charging letter of June 15, 1961. I have accepted this recommendation of the Compliance Commissioner and separated the said Moroccan corporation and its present owner from this proceeding without prejudice to the right of the Director of the Investigations Staff to carry on further proceedings against them separately.

The charging letter alleged that Gustav Thimet (hereafter referred to as Thimet) and Africanus Bartels (hereafter referred to as Bartels) engaged in several transactions to obtain from U.S. suppliers, U.S. origin manufactured items of strategic value for exportation to West Germany by making false representations that these items were intended to be sent to ultimate consumers in the ultimate destinations of West Germany and Tangier, Morocco. In each instance, it was alleged the respondents knew and intended that these items were for export and ultimate use by customers in a Soviet bloc country. There were separate allegations in the second charge that despite their representations to their U.S. suppliers to the contrary, to the West German Government and indirectly through their suppliers to the BFC, the said respondents intended shipment of that strategic item in violation of the U.S. Export Regulations.

It was charged that the misrepresentations and diversions were carried out by giving fictitious names and addresses to their U.S. suppliers as to the alleged ultimate consumers in West Germany and Tangier, Morocco, together with the use of false documents to obtain an export license.

The Compliance Commissioner to whom the matter had been assigned held the default hearing as to the three above named respondents after separation of the present owner of said Moroccan corporation and the corporation, and he received evidence and argument presented on behalf of the Director of the Investigations Staff.

The Compliance Commissioner has transmitted to the undersigned, Acting Director, Office of Export Control, Bureau of International Programs, United States Department of Commerce, his written report including findings of fact and his determination that violations have occurred as charged which led to his recommendation that the several respondents be denied export privileges for the duration of export controls, and with his report has transmitted the record herein.

After reviewing and considering the entire record, consisting of the charging letter, the evidence in support thereof, the report and recommendation of the Compliance Commissioner, I hereby make the following

Findings of fact. (1) Gustav Thimet was at all times hereafter mentioned the owner and operator of Gustav Thimet & Co., registered and doing a many sided business in Frankfurt, West Germany.

(2) Africanus Bartels at the time of the transactions involved in the charges set forth herein was the business manager of Gustav Thimet & Co., and was also a partner with Thimet in Thimet & Bartels Internationale Spedition, freight forwarders used by Thimet in one of the said transactions. He is the owner and operator of Africanus Bartels Spedition, Frankfurt, the successor to Thimet & Bartels Internationale Spedition, now a bankrupt.

(3) Thimet placed an order on or about October 31, 1958, with a U.S. supplier for one Type V-4012-A twelve inch electromagnet with pole caps valued at $9,410. Exportation and shipment to Europe of this magnet for Gustav Thimet & Co., Frankfurt, West Germany, was made pursuant to General License, GRO, on a U.S. ship with bill of lading showing a discharge at Hamburg, consigned to order, and the original copy of which transmitted to and received by Thimet had on its face a destination control clause reading "These commodities licensed by the U.S. for ultimate destination Germany. Diversion contrary to U.S. law prohibited." The same statement appeared on the U.S. supplier's commercial invoice transmitted to Gustav Thimet & Co., who had informed the U.S. supplier before shipment that the ultimate consumer was to be the firm Europhon, Offenbach am Main, West Germany. From the evidence submitted it is found that this firm had at that time gone out of business.

(4) When the electromagnet was discharged at Hamburg under instructions from Gustav Thimet & Co., an agent for Transnautilus Internationale Transportgesellschaft m.b.H., Frankfurt (hereafter referred to as Transnautilus) took possession of the shipment and forwarded it to Transnautilus, Frankfurt under customs bond. Thimet was at that time a part owner of Transnautilus.

(5) Thereafter Gustav Thimet & Co., acting through Transnautilus without having applied for or obtained authorizations so to do from the BFC, on or about December 23, 1958, caused the electromagnet to be transshipped to a Soviet bloc destination.

(6) On or about May 6, 1959, Thimet ordered from a second U.S. supplier one highly strategic Type NF 105 noise and field intensity meter with accessories, valued at $7,403.50 to be shipped to Gustav Thimet & Co., Frankfurt, for re-export to a third country. Thimet and Bartels had cause to know and did know that this strategic instrument was prohibited for export to the Soviet bloc and had in fact been ordered by KOVO, Prague, for use in Czechoslovakia.

(7) Thimet and Bartels also knew at this time that to enable the U.S. supplier to obtain a validated export license from the BFC authorizing this shipment to Gustav Thimet & Co. in West Germany, for re-export to a third country, a West German triangular import certificate had to be furnished for which the West German authorities required the name and address of the ultimate consignee in the third country and assurances that the commodities would remain in that country.

(8) Thimet and Bartels to satisfy the West German requirements with respect to the issuance of the triangular import certificate, and at the same time conceal the real ultimate destination of the meter, acting in concert, entered into a scheme whereby it was made to appear the meter intended for KOVO had been ordered by a corporation in Tangier, Morocco, from GERMA, a fictitious firm allegedly located in Liechtenstein, and obtained from the Moroccan corporation a letter to Thimet advising that the meter ordered from GERMA was destined for permanent use in Tangier, Morocco.

(9) Thimet then used the Moroccan corporation's letter to obtain a West German triangular import certificate and he transmitted this certificate to the second U.S. supplier, which filed it with the BFC, attached to its application for a validated export license to export the Type NF 105 noise and intensity meter to Gustav Thimet & Co., Frankfurt. The BFC issued the requested export license in reliance on the representations indirectly made to it by Thimet through the U.S. supplier and the West German Government.

(10) The said noise and intensity meter was exported from the United States on or about July 8, 1959, by air, and upon arrival in Frankfurt, Thimet and Bartels ordered it shipped by rail via Hamburg, where a forwarder under their instructions transshipped it by rail to KOVO, Prague, on or about August 1, 1959. KOVO acknowledged its receipt from Thimet on August 15, 1959.

(11) During all times mentioned while negotiations were being carried on for the export from the United States of the noise and intensity meter, for which the West German import license and the U.S. export license were being secured, Reinhard Von Den Velden was the administrator of, and acted in the name of the aforesaid Moroccan corporation in placing the fictitious order with GERMA at the request of Thimet, and received from and wrote to GERMA, Thimet and Bartels, various letters necessary to enable them to create documents to obtain the West German import certificate and the U.S. export license with knowledge that he was thereby participating in the planned undertaking to accomplish the diversion and transshipment of the aforesaid noise and intensity meter, and that no facilities were available to the said Moroccan corporation in Tangier or elsewhere, to use or sell the meter in Morocco.

After consideration of the entire record and from the above findings of fact, I have reached the following conclusions:

I. Gustav Thimet, Gustav Thimet & Co., Africanus Bartels, and Africanus Bartels Internationale Spedition have with respect to the first transaction knowingly:

A. Caused, aided, abetted, counseled, induced, procured and permitted the doing of acts referred to in paragraphs B, C, and D hereinbelow prohibited by the U.S. Export Control Law and license and

regulations issued thereunder, in violation of § 381.2 of the Export Regluations (15 CFR 381.2).

B. Made false statements to and concealed material facts from the BFC concerning the true parties in interest and the ultimate destination intended of the Type V–4012–A electromagnet, in violation of § 381.5 of the Export Regulations.

C. Without authorization of the BFC, diverted, disposed of, transshipped, and re-exported said commodity to a destination not authorized by the U.S. export license and contrary to the destination control notice appearing on the ocean bill of lading and the commercial invoice, in violation of §§ 379.10(d) (2) and 381.6 of the Export Regulations.

D. Bought, sold, disposed of, and transported an exportation from the United States, with knowledge that violations of the Export Control Law, regulations and license had occurred, were about to occur, and were intended to occur with respect to said exportation, in violation of § 381.4 of the Export Regulations.

II. Gustav Thimet, Gustav Thimet & Co., Africanus Bartels, Africanus Bartels Internationale Spedition, and Reinhard Von Den Velden with respect to the second transaction have knowingly:

A. Conspired and acted in concert to bring about violations of the Export Control Law referred to in the following paragraph B, contrary to § 381.3 of the Export Regulations.

B. Made and caused to be made false statements to and concealed material facts from the BFC concerning the true parties in interest and the ultimate destination intended for the frequency meter for the purpose of inducing the issuance of a U.S. export license, in violation of §§ 381.2 and 381.5 of the Export Regulations.

III. Gustav Thimet, Gustav Thimet & Co., Africanus Bartels, and Africanus Bartels Internationale Spedition with respect to the second transaction have knowingly:

A. Conspired and acted in concert to bring about violations of the Export Control Law referred to in paragraphs B and C below, contrary to § 381.3 of the Export Regulations.

B. Without further authorization of the BFC, diverted, disposed of, transshipped, and re-exported commodities to a destination not authorized by the U.S. export license in violation of § 381.6 of the Export Regulations.

C. Bought, sold, disposed of, transported, and otherwise serviced an exportation from the United States, with knowledge that violations of the Export Control Law, regulations and license had occurred, were about to occur, and were intended to occur with respect to said exportation, in violation of § 381.4 of the Export Regulations.

Now after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect, all of the named respondents, and each of them, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. Should any respondent against whom this order has been issued in default desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof to set aside his default and vacate the order against him entered herein. The application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations and will be disposed of in accordance with the procedure set forth herein.

Dated: March 7, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62–2425; Filed, Mar. 12, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10662]

FLYING CARGO, INC., ET AL.

Notice of Hearing

In the matter of the joint application of Rosalind Henwood, Irving W. Goodson and Flying Cargo, Inc., for approval of certain control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 15, 1962, at 10 a.m. e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., March 8, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–2428; Filed, Mar. 12, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62–EA–1]

[Study No. 1–OE–512]

PROPOSED TRANSMISSION LINE

Notice of Hearing

The owners of the Lakewood Airport, Dr. Salvatore C. Coniglio and Marie Coniglio, have jointly petitioned the Administrator for a hearing with respect to the determination issued by the Eastern Region of the Federal Aviation Agency that the transmission line proposed by the Jersey Central Power and Light Company between Toms River and Larrabee, New Jersey, would not be a hazard to air navigation.

The Administrator has determined that the petition has an adequate foundation and has granted the requested hearing in order to determine the effect of the proposed construction on the safety of aircraft and the efficient utilization of the navigable airspace.

Notice is hereby given that a prehearing conference will be held at 10:00 a.m., March 20, 1962, and a public hearing will be held at 10:00 a.m., March 21, 1962, in the Assembly Lounge of the Main Building, State House, West State Street, Trenton, New Jersey.

The following are designated as Parties to the hearing:

Jersey Central Power and Light Co.
Aircraft Owners and Pilots Association.
Bureau of Aeronautics, State of New Jersey.
Brick Township Composite Squadron, Civil Air Patrol, Auxiliary, USAF.
National Aviation Trades Association.
Lakewood Airport Management.

Designation as a Party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a Party to the hearing.

Issued: February 28, 1962.

CHARLES W. CARMODY,
Presiding Officer.

[F.R. Doc. 62–2394; Filed, Mar. 12, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/HAWAII CONFERENCE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 170–1, between member lines of the Atlantic and Gulf/Hawaii Conference, modifies approved basic agreement (170, 170–A) which covers the trade from United States Atlantic ports and/or Gulf ports and/or Atlantic Canadian ports to ports in Hawaii, by providing for the establishment of rates by individual members under certain conditions.

Agreement 7707–6 between Isthmian Lines, Inc., and Matson Navigation Company modifies their approved basic agreement (No. 7707), which provides for a joint service in the trade between Hawaiian Islands and U.S. Atlantic and Gulf ports. The modification provides that during such time as an established rate of the Atlantic and Gulf/Hawaii Conference is declared "open" the parties to Agreement 7707 may file, either in a conference or individual tariff, a rate mutually agreed upon.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: March 7, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2421; Filed, Mar. 12, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March 1962 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during March 1962, were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, and gum turpentine.

Rice has been withdrawn from the list of commodities currently eligible for barter.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for March 1962 are 3¾ percent for periods up to 6 months, 4¼ percent for periods from over 6 and up to 18 months, and 4¾ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or, for specified commodities, with the designated ASCS Commodity Office.

March 1962 Monthly Sales List. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of expor-

tation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 64.5 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis)	Domestic, unrestricted use: Announced prices under LD-29, as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other states bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired under price support program will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price of such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than the applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	25	21	Chicago	No. 1 RW	$2.20
			Minneapolis	No. 1 DNS	2.27
			Kansas City	No. 1 HW	2.20
			Portland	No. 1 SW	2.20
Wheat (commercial area)[2]					

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, January 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-212 (revision 2, Jan. 9, 1961) or as flour under Announcement GR-212 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permit exportation of wheat as flour and approved credit sales only at prices determined daily.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable corn for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from bin sites, contact ASCS State or county offices. Other export sales: [1] Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available: At bin sites, Kansas City, Minneapolis and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Oats, bulk	Domestic: Storable—A. General sales: Market price basis in store,[1] but not less than 105 percent of the support price for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	12	10	Minneapolis	No. 2 or better	$1.21

Available: At bin sites through ASCS county offices, except for county offices in the Npls. ASCS Commodity Office area. At other bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices.
B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption. CCC also reserves the right to restrict the availability of barley for such redemption, at any locations whenever such action is deemed necessary.
Available: At other than bin site locations through the Portland and Minneapolis ASCS Commodity Offices. From bin sites through ASCS county offices in the Minneapolis area for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only to eligible livestock Feed Program producers feeding their livestock and poultry. If such barley is stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASC State committee in States in which Livestock Feed Program emergency counties have been designated.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated on preceding page.
Export: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales.
Available: Stocks at seaboard, Minneapolis and Duluth from Evanston, Dallas, Minneapolis, and Portland ASCS Commodity Offices.

Commodity	Sales price or method of sale
Barley, bulk	Domestic: Storable—A. General sales: Market price basis in store,[1] but not less than 105 percent of the support price for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	13	10	Minneapolis	No. 2 or better (or No. 3 on TW only)	$1.41

Available: At bin sites through ASCS county offices, except for county offices in the Npls. ASCS Commodity Office area. At other bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices.
B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption. CCC also reserves the right to restrict the availability of barley for such redemption, at any locations whenever such action is deemed necessary.
Available: At other than bin site locations through the Portland and Minneapolis ASCS Commodity Offices. From bin sites through ASCS county offices in the Minneapolis area for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only to eligible livestock Feed Program producers feeding their livestock and poultry. If such barley is stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASC State committee in States in which Livestock Feed Program emergency counties have been designated.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated on preceding page.
Export: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales.
Available: Stocks at seaboard, Minneapolis and Duluth from Evanston, Dallas, Minneapolis, and Portland ASCS Commodity Offices.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable rye for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of rye that will be made available for redemption. CCC also reserves the right to restrict the availability of rye at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from bin sites, contact ASCS State or county offices. Other export sales: [1] Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available: At bin sites, Kansas City, Minneapolis and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Oats, bulk	Domestic: Storable—A. General sales: Market price basis in store,[1] but not less than 105 percent of the support price for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of Production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	11	13	Chicago	No. 2	$0.88½

Available: At other than bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. From bin sites through ASCS county offices for unrestricted use, except that sales of storable oats at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock and poultry. If such oats are stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASCS State committee in States in which Livestock Feed Program emergency counties have been designated.
B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary.
Available: Portland ASCS Commodity Office.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk (continued)	Domestic, unrestricted use: Available: At bin sites through ASCS county Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS Commodity Offices indicated above. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.
Grain sorghums, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable grain sorghums for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC stocks of grain sorghums held in California will not be available for such redemptions and CCC reserves the right to restrict the availability of grain sorghums at any other location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export Sales: [7] Under Announcement GR-368 (revised Aug. 31 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under those announcements. CCC stocks of grain sorghums held in California will not be available for such sales. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Rice, rough	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price plus 35 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369 (revision 1, Feb. 1, 1961), as amended, Rice Export Program Payment-in-Kind, and under GR-379 (revision 1, May 1, 1961), for approved credit sales. Price, quantities, and varieties of rough rice available from Dallas ASCS Commodity Office.
Peanuts, shelled and unshelled (farmers' stock) (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Jan. 4, 1962), as amended.
Gum Turpentine (bulk in tanks)	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.
[3] The statutory minimum price for corn referred to in the price adjustment provisions of these export announcements is as follows for corn in-store: (a) For corn delivered at point of production such price is 105 percent of the applicable 1961 support price plus 9 cents per bushel. (b) For corn delivered at other than the point of production such price is 105 percent of the applicable 1961 support price at point of production plus 12 cents per bushel and the rail freight from the point of production to the delivery point. Approximate origin loan rates and approximate freight rates will be used by CCC if determined necessary.
[4] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored at other than the point of production.
[5] Includes paid in freight from Woodford County, Ill.
[6] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored outside the area of production.
[7] The statutory minimum price for grain sorghums referred to in the price adjustment provisions of these export announcements is as follows for grain sorghums in-store: (a) For grain sorghums received by truck such price is 105 percent of the applicable 1961 support price plus 25 cents per hundredweight. (b) For grain sorghums received by rail or barge such price is 105 percent of the applicable 1961 support price plus 19 cents per hundredweight. If delivery is outside the area of production applicable freight will be added to the price for rail or barge received grain sorghums. Approximate freight rates will be used by CCC if determined necessary.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on March 7, 1962.

EMERY E. JACOBS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-2382; Filed, Mar. 12, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Section 4 AM 4.5 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is further amended by the addition of new paragraph H, which reads as follows:

H. *Reciprocal agreements and emergency assistance.* Regional directors may severally exercise the authority of the Director to enter into reciprocal agreements with fire organizations and to render emergency assistance in extinguishing fires or preserving life and property from fire pursuant to the act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856, 1856a), and subject to the provisions of 6 AM 2.3. Project leaders also may exercise the authority set forth above to render emergency assistance in extinguishing fires or preserving life and property from fire.

DANIEL H. JANZEN,
Director.

MARCH 6, 1962.

[F.R. Doc. 62-2396; Filed, Mar. 12, 1962; 8:45 a.m.]

Bureau of Land Management

[State Order No. 39]

OREGON

Redelegation of Authority Certain Lands and Minerals Matters

FEBRUARY 26, 1962.

This cancels and supersedes State Order No. 39, dated November 22, 1961.

In accordance with section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 8216, August 28, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to me:

1. The Chief, Branch of Lands Management, Portland, Oregon, may perform the functions listed in section 1.5(a), Classification of lands;

2. The Chief, Branch of Minerals Management, Portland, Oregon, may perform the functions listed in section 1.2(e), Government contests, and section 1.6(k), Mining claims, as may be necessary to conduct a comprehensive mineral examination of mineral applications, unpatented mining claims, and mineral classifications, and sign mineral reports in lieu of the State Director.

Notwithstanding these delegations, the Chief, Division of Lands and Minerals Management, Portland, Oregon, is hereby authorized to perform the functions listed above.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-2397; Filed, Mar. 12, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 5, 1962.

The Forest Service, United States Department of Agriculture has filed an application, Serial No. Riverside 0330, for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for the establishment of a Forest Service fire control and administrative station, including, but not limited to, dwellings, an office, warehouse, garage, corrals and horse pasture. Such station is necessary at this location in order to give public service and information and to efficiently provide for forest fire prevention and suppression.

For a period of 30 days from date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 36 E.,
Sec. 8, NW¼SW¼.

The above described area contains 40 acres of Federal land. The land is located in Inyo County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2398; Filed, Mar. 12, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 2, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 068417, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws only, subject to existing valid claims. The applicant desires the land to protect a roadside zone.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Court House and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

State Highway 49, Roadside Zone

A strip of land 200 feet on each side of the centerline of California Highway No. 49 through the following legal subdivisions:

T. 18 N., R. 8 E.,
Sec. 2: SE¼NW¼;
Sec. 11: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15: E½NW¼;
Sec. 22: E½NE¼NW¼, W½SW¼;
Sec. 28: NE¼NE¼, SW¼NE¼, N½SE¼NE¼, N½SW¼SE¼NE¼, SE¼SW¼SE¼NE¼; SE¼SE¼NE¼, W½NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼;
Sec. 33: SE¼SW¼.
T. 19 N., R. 8 E.,
Sec. 24: SE¼SW¼SW¼, NE¼SE¼;
Sec. 25: NW¼NW¼, SW¼SW¼;
Sec. 26: NE¼NE¼;
Sec. 35: SE¼NE¼, E½SE¼.
T. 19 N., R. 9 E.,
Sec. 1: NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 10: E½SW¼, N½SE¼, SE¼SE¼;
Sec. 11: NE¼NE¼, S½NE¼, N½SW¼, NW¼SE¼;
Sec. 12: NW¼NW¼;
Sec. 15: NW¼;
Sec. 16: S½NE¼, SE¼NW¼, E½W½ NW¼NW¼SW¼, E½NW¼NW¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, NE¼ SW¼, N½SE¼;
Sec. 17: NW¼NE¼;
Sec. 18: S½ Lot 7, N½ Lot 8, N½NE¼, SW¼NE¼;
Sec. 19: Lots 1, 2, 6, S½ Lot 7, SW¼NE¼, N½SE¼.
T. 19 N., R. 10 E.,
Sec. 4: Lot 3, S½NW¼;
Sec. 5: S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½E½NW¼SW¼, NW¼SE¼NW¼SW¼, N½SW¼SE¼ NW¼SW¼;
Sec. 6: Lots 5 and 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 20 N., R. 10 E.,
Sec. 33: Lots 1, 8, 15, 16, and 17;
Sec. 34: Lots 4, 5, 6, 7, 8, 9, W½ Lot 10, Lot 14;
Sec. 35: SE¼NE¼;
Sec. 36: S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 20 N., R. 11 E.,
Sec. 25: SE¼SW¼, S½SE¼;
Sec. 26: S½SW¼;
Sec. 28: NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 31: Lot 3, S½N½ Lot 5, S½ Lot 5, S½ Lot 8, Lot 12, E½SE¼;
Sec. 32: S½NE¼, W½SW¼, NW¼SE¼;
Sec. 34: NE¼NE¼;
Sec. 35: NE¼NE¼, N½NW¼.
T. 20 N., R. 12 E.,
Sec. 1: Lot 1, SW¼SW¼, E½SW¼, N½ SE¼;
Sec. 10: SE¼SE¼;
Sec. 12: NW¼NW¼;
Sec. 22: Lots 2 and 7, NW¼NE¼, S½NE¼, E½SE¼;
Sec. 27: Lot 6; NW¼NE¼ (except Pat. Min. Lot 78 and Pat. M.S. 5792A); NE¼ NW¼ (except Pat. M.S. 5792A, M.S. 5792B, and Pat. Min. Lots 71 and 78); SW¼NW¼ (except Pat. Min. Lot. 78); SE¼NW¼ (except Pat. Min. Lots 39, 71, and 78); NW¼SW¼ (except Pat. Min. Lots 77 and 78);
Sec. 29: SW¼SW¼;
Sec. 30: Lot 4, N½NE¼SW¼, SW¼NE¼ SW¼, N½SE¼NE¼SW¼, SE¼SE¼;
Sec. 32: NW¼NE¼, N½NW¼.
T. 20 N., R. 13 E.,
Sec. 1: NW¼SW¼;
Sec. 2: SE¼SE¼;
Sec. 4: S½SW¼;
Sec. 5: Lot 4, N½SW¼, SE¼SW¼, S½ SE¼;
Sec. 6: Lots 3 and 4;
Sec. 8: N½NE¼;
Sec. 9: N½NE¼;
Sec. 10: E½NE¼;
Sec. 11: N½NE¼, SW¼NE¼, S½SW¼ NW¼, SE¼NW¼.
T. 21 N., R. 13 E.,
Sec. 31: N½SE¼SW¼, SW¼SE¼SW¼, N½SW¼SE¼, SE¼SE¼.

The areas within the Roadside Zone aggregate 2,800 acres, more or less.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-2399; Filed, Mar. 12, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI62-461]

N. G. BUSCH

Notice of Application and Date of Hearing

MARCH 6, 1962.

Take notice that on October 30, 1961, N. G. Busch (Applicant), Brohard, West Virginia, filed in Docket No. CI62-461 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to South Penn Oil Company from production in Wirt and Ritchie Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the volume of gas available for delivery under the gas sales contract has declined to the point where it is no longer economically feasible to continue the operation.

Applicant was authorized on September 24, 1956, in Docket No. G-7231 to render the service herein proposed to be abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the

intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2426; Filed, Mar. 12, 1962; 8:49 a.m.]

[Docket No. CP62-162]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

MARCH 6, 1962.

Take notice that on January 8, 1962, as supplemented on January 26, 1962, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-162 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain unspecified "budget-type" facilities during the calendar year 1962 at a total cost not to exceed $132,000, with no single project to exceed a cost of $20,000, and the operation thereof for the delivery of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that no increase over presently authorized volumes is proposed for delivery to Applicant's customers. Applicant proposes the establishment of additional delivery points to enable said customers to provide gas service in areas heretofore without such service. The proposed service would be subject to the following conditions:

(1) Applicant's customer proposing service in the new area would not require an increase in the contract volume presently available from Applicant.

(2) The service would be in an area not heretofore served with natural gas.

(3) Applicant's customer proposing the service will have obtained such authorization therefor as may be required.

(4) The estimated peak day delivery requirement in the first and third year of operations for the new area or areas would be less than two and five percent, respectively, of the total peak day supply of natural gas available from Applicant and its affiliate, Natural Gas Storage Company of Illinois, to the customers proposing such service, or 5,000 Mcf, whichever is less.

Applicant states that it does not propose any change in the design or operation of its pipeline system or in the rates now charged by it by reason of the construction and operation of the facilities proposed in the subject application.

The proposed facilities would be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2427; Filed, Mar. 12, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Taylor's I.C.C. Order No. 142; Under Rev. S.O. No. 562]

ANN ARBOR RAILROAD CO.

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, The Ann Arbor Railroad Company, account of heavy ice conditions affecting ferry service is unable to transport traffic offered it for movement via ferry to and from Menominee, Michigan.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad Company, and its connections, being unable to transport traffic offered for movement by ferry to and from Menominee, Michigan, account heavy ice conditions affecting ferry service is hereby authorized to disregard shippers routing and to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., March 6, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., March 16, 1962, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 6, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-2416; Filed, Mar. 12, 1962; 8:48 a.m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (h) of § 6.311 as set out below.

§ 6.311 Department of Agriculture.

* * * * *

(h) *Federal Crop Insurance Corporation.* * * *

(5) One Deputy Manager.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2458; Filed, Mar. 13, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 9, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 907.309 (Navel Orange Regulation 9, 27 F.R. 2072) are hereby amended to read as follows:

(ii) District 2: 600,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2456; Filed, Mar. 13, 1962; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Self Luminous Aircraft Safety Devices Containing Tritium (Hydrogen 3)

On September 12, 1961, the Commission published for public comment proposed amendments to 10 CFR Part 30, "Licensing of Byproduct Material," to establish (1) a general license for possession and use of certain luminous safety devices containing tritium (Hydrogen 3) for use in aircraft, (2) criteria for the issuance of specific licenses to manufacture or import such devices as generally licensed items, and (3) a general license for export of such devices when installed in aircraft (26 F.R. 8522).

The amendments grant a general license for the possession and use of luminous safety devices, each containing not more than 4 curies of tritium (Hydrogen 3), for use in aircraft. When installed in aircraft these generally licensed devices may be exported under general license, as provided in 10 CFR 30.33(b), to any country other than Cuba or any Subgroup "A" country listed in § 371.3 of the Comprehensive Export Schedule of the U.S. Department of Commerce (15 CFR 371.3). The Commission will continue to exercise regulatory control, through its specific licensing procedures, over the manufacture and import of luminous safety devices containing tritium for use in aircraft and over export of such devices as provided in 10 CFR 30.33. A specific license for the manufacture or import of the devices as generally licensed items will not be issued unless the applicant furnishes sufficient information to assure that the product will meet the specifications set forth in 10 CFR 30.24(j).

Among the devices included under the general license are self-luminous devices used in emergency exit signs, aircraft switch knobs or plungers and control locators. The self-luminous devices which are the subject of the amendments operate continuously as a result of the bombardment of phosphors by beta particles emitted by tritium contained in either gaseous or solid form. These devices do not depend on any external source of electricity for illumination. They would substantially increase safety of passengers in the event of an emergency by clearly indicating emergency exits and emergency controls even though the electrical system of the aircraft may have failed.

A detailed radiation safety analysis was included in the notice of proposed rule making which was published in the FEDERAL REGISTER on September 12, 1961. Interested persons were given 60 days in which to submit written comments in connection with the proposed amendments. No objections to the proposed amendments have been received by the Commission.

On the basis of comments received and further study by the Commission, several changes have been made in the proposed amendments as published for public comment. The changes constitute clarification of the text. Significant changes are as follows:

(1) Section 30.24(j)(1)(ii)(*e*) has been revised to require an applicant for a license to submit a description of quality control procedures only if the applicant desires to use procedures different from those specified in § 30.24(j)(2)(ii).

(2) The last sentence of § 30.24(j)(1)(v)(*e*), which describes a hermetic seal and waterproof test and what constitutes failure to meet that test, has in the interest of clarification been revised.

(3) Section 30.24(j)(1)(v)(*f*), which prescribes the method of checking for failure of a device, has been modified to clarify the text.

(4) Section 30.24(j)(1)(vi) has been amended to require that the label on the luminous device include the standard radiation symbol described in 10 CFR 20.203. The radiation symbol is not intended to imply that the device constitutes a radiation hazard under normal conditions of use, but rather to call attention to the fact that it contains radioactive material.

(5) The inspection criteria specified in § 30.74(d) of the proposed rule have been transferred to § 30.24(j)(2), which has also been modified to specify quality control procedures for production lots and to provide for alternative quality control procedures.

(6) The quality control sampling procedures specified in § 30.74 of the proposed rule have been modified to clarify the text and have been transferred to a new § 30.25.

Because this amendment establishes additional procedures for authorizing the distribution of devices containing byproduct material, and immediate effectiveness will not adversely affect any person, the Commission has found that good cause exists why this amendment should be made effective without the customary period of prior notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments are adopted to be effective upon publication in the FEDERAL REGISTER.

§ 30.21 [Amendment]

1. Add a new paragraph (d) to § 30.21 to read as follows:

(d)(1) A general license is hereby issued to own, receive, acquire, possess and use tritium contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 30.24(j).

(2) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in subparagraph (1) of this paragraph are exempt from the requirements of Part 20 of this chapter, except that they shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(3) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium.

(4) This general license does not authorize the export of luminous safety devices containing tritium except in accordance with the provisions of § 30.33.

§ 30.24 [Amendment]

2. Add a new paragraph (j) to § 30.24 to read as follows:

(j) *Luminous safety devices for use in aircraft.* (1) An application for a specific license to manufacture, assemble, repair or import luminous safety devices, for distribution to persons generally licensed under § 30.21(d), will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23;

(ii) The applicant submits sufficient information regarding each device pertinent to evaluation of the potential radiation exposure, including:

(a) Chemical and physical form and maximum quantity of tritium in each device;

(b) Details of construction and design;

(c) Details of the method of binding or containing the tritium;

(d) Procedures for and results of prototype testing to demonstrate that the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use;

(e) Any quality control procedures proposed as alternatives to those prescribed by subparagraph (2)(ii) of this paragraph;

(f) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the device.

(iii) Each device will contain no more than four curies of tritium.

(iv) The Commission determines that:

(a) The method of incorporation and binding of the tritium in the device is such that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(b) The tritium is incorporated or enclosed so as to preclude direct physical contact by any person with it;

(c) The device is so designed that it cannot easily be disassembled; and

(d) The device has been subjected to and has satisfactorily passed the prototype tests prescribed by subdivision (v) of this subparagraph (1).

(v) The applicant has conducted prototype tests on each of five prototype devices as follows:

(a) *Temperature-altitude test.* The tritium device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

Step 1. The internal temperature of the test chamber shall be reduced to −62° C. (−80° F.) and the device shall be maintained for at least 1 hour at this temperature at atmospheric pressure.

Step 2. The internal temperature of the test chamber shall be raised to −54° C. (−65° F.) and maintained until the temperature of the device has stabilized at −54° C. at atmospheric pressure.

Step 3. The atmospheric pressure of the chamber shall be reduced to 83 millimeters of mercury absolute pressure while the chamber temperature is maintained at −54° C.

Step 4. The internal temperature of the chamber shall be raised to −10° C. (+14° F.) and maintained until the temperature of the device has stabilized at −10° C., and the internal pressure of the chamber shall then be adjusted to atmospheric pressure. The test chamber door shall then be opened in order that frost will form on the device, and shall remain open until the frost has melted but not long enough to allow the moisture to evaporate. The door shall then be closed.

Step 5. The internal temperature of chamber shall be raised to +85° C. (185° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +85° C. and maintained for 2 hours. The device shall then be visually inspected to determine the extent of any deterioration.

Step 6. The chamber temperature shall be reduced to +71° C. (160° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +71° C. for a period of 30 minutes.

Step 7. The chamber temperature shall be reduced to +55° C. (130° F.) at atmospheric pressure. The temperature of the device shall be stabilized at this temperature for a period of 4 hours.

Step 8. The internal temperature of the chamber shall be reduced to +30° C. (86° F.) and the pressure to 138 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

Step 9. The temperature of the test chamber shall be raised to +35° C. (95° F.) and the pressure reduced to 83 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 30 minutes.

Step 10. The internal pressure of the chamber shall be maintained at 83 millimeters of mercury absolute pressure and the temperature reduced to +20° C. (68° F.) and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

(b) *Vibration tests.* This procedure applies to items of equipment (including vibration isolating assemblies) intended to be mounted directly on the structure of aircraft powered by reciprocating, turbojet, or turbo-propeller engines or to be mounted directly on gas-turbine engines. The device shall be mounted on an apparatus dynamically similar to the most severe conditions likely to be encountered in normal use. At the end of the test period, the device shall be inspected thoroughly for possible damage. Vibration tests shall be conducted under both resonant and cycling conditions according to the following Vibration Test Schedule (Table I):

VIBRATION TEST SCHEDULE

TABLE I

[Times shown refer to one axis of vibration]

Type	Vibration at room temperature	Vibration at 160° F. (71° C.)	Vibration at −65° F. (−54° C.)
	Minutes	*Minutes*	*Minutes*
Resonance	60	15	15
Cycling	60	15	15

(1) *Determination of resonance frequency.* Individual resonance frequency surveys shall be conducted by applying vibration to each device along each of any set of three mutually perpendicular axes and varying the frequency of applied vibration slowly through a range of frequencies from 5 cycles per second to 500 cyles per second with the double amplitude of the vibration not exceeding that shown in Figure 1 for the related frequency.

(2) *Resonance tests.* The device shall be vibrated at the determined resonance frequency for each axis of vibration for the periods and temperature conditions shown in Table I and with the applied double amplitude specified in Figure 1 for that resonance frequency. When more than one resonant frequency is encountered with vibration applied along any one axis, the test period may be accomplished at the most severe resonance or the period may be divided among the resonant frequencies, whichever is considered most likely to produce failure. When resonant frequencies are not apparent within the specified frequency range, the specimen shall be vibrated for periods twice as long as those shown for resonance in Table I at a frequency of 55 cycles per second and an applied double amplitude of 0.060 inch.

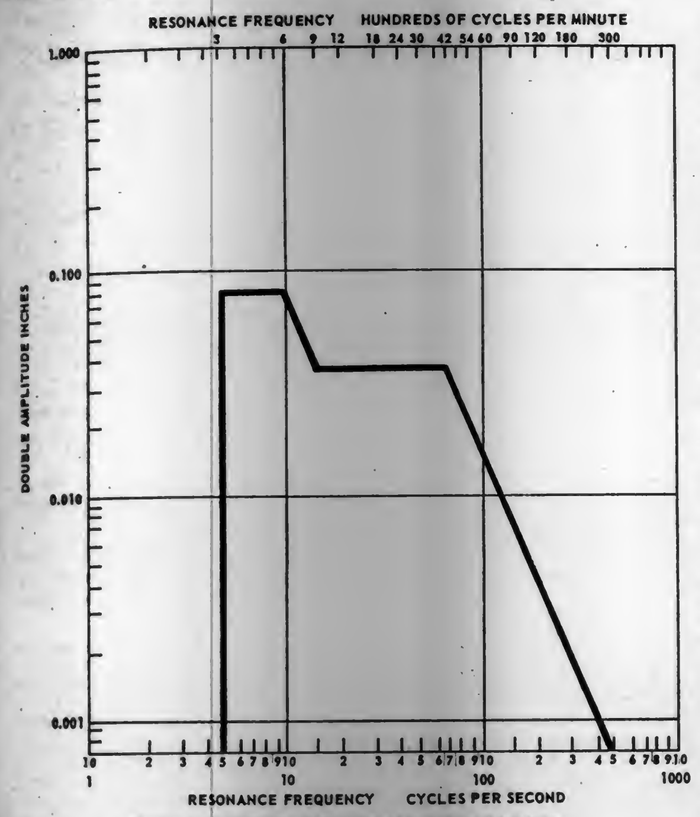


FIGURE 1—Amplitude of vibration at resonance frequency.

(3) *Cycling.* Devices to be mounted only on vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.060 inch and the frequency cycling between 10 and 55 cycles per second in 1-minute cycles for the periods and temperature conditions shown in Table I. Devices to be installed in aircraft without vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.036 inch or an applied acceleration of 10g, whichever is the limiting value, and the frequency cycling between 10 and 500 cycles per second in 15-minute cycles for the periods and temperature conditions shown in Table I.

(c) *Accelerated weathering tests.* The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine. Panels of Corex D glass shall surround the arc to cut off the ultraviolet radiation below a wavelength of 2700 angstroms. The light of the carbon arcs shall fall directly on the face of the device. The temperature at the sample shall be maintained at 50° C. plus or minus 3° C. Temperature measurements shall be made with a black panel thermometer.

(d) *Shock test.* The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to equivalent treatment in a test device simulating such a free fall. The drop test shall be repeated 100 times from random orientations.

(e) *Hermetic seal and waterproof test.* On completion of all other tests prescribed by this subdivision (v), the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the device, or water entering the device, shall be considered leakage.

(f) *Observations.* After each of the tests prescribed by this subdivision (v), each device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to or failure of any device which could affect containment of the tritium shall be cause for rejection of the design if the damage or failure is attributable to a design defect. Loss of tritium from each tested device shall be measured by wiping with filter paper an area of at least 100 square centimeters on the outside surface of the device, or by wiping the entire surface area if it is less than 100 square centimeters. The amount of tritium in the water used in the hermetic seal and waterproof test prescribed by test (e) of this subdivision shall also be measured. Measurements shall be made in an apparatus calibrated to measure tritium. The detection on the filter paper of more than 2,200 disintegrations per minute of tritium per 100 square centimeters of surface wiped or in the water of more than 0.1 percent of the original amount of tritium in any device shall be cause for rejection of the tested device.

(vi) A person licensed under this section to manufacture, assemble or import devices containing tritium for distribution to persons generally licensed under § 30.21(d) shall affix to each device a label which shall include the manufacturer's or importer's license number, the radiation symbol prescribed by § 20.203(a) of this chapter, a statement that the device contains tritium and is generally licensed by the USAEC pursuant to § 30.21(d), and such other information as may be required by the Commission, including disposal instructions when appropriate. If the Commission determines that labeling on the device is not feasible and that an unreasonable risk to the health and safety of the public will not be created, it may dispense with the labeling of the device on condition that a leaflet bearing the prescribed information is enclosed in the container in which the device is shipped.

(2)(i) Each person licensed under this paragraph shall visually inspect each device and shall reject any which has an observable physical defect that could affect containment of the tritium.

(ii) Each person licensed under this paragraph shall subject a number of devices from each production lot, sampled in accordance with § 30.25, to the following quality control procedures:

(a) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be rejected.

(b) The immersion test water from the preceding test (a) of this subdivision shall be measured for tritium content by an apparatus that has been calibrated to measure tritium. If more than 0.1 percent of the original amount of tritium in any device is found to have leaked into the immersion test water, the leaking device shall be rejected.

(iii) An application for a license or for amendment of a license may include a description of quality control procedures proposed as alternatives to those prescribed by subdivision (ii) of this subparagraph, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that they will assure the rejection of any device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium in any 24-hour period.

(iv) No person licensed under this paragraph shall transfer to persons generally licensed under § 30.21(d) any luminous safety device which has been tested and rejected under the criteria and procedures specified in this subparagraph (2).

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Licensing and Regulation which shall state the total quantity of tritium transferred to persons generally licensed under § 30.21 (d). The report shall identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

3. Add a new § 30.25 to read as follows:

§ 30.25 Quality control sampling procedures under certain specific licenses.

(a) Each production lot of devices licensed under § 30.24(j) shall be sampled in accordance with Sampling Table A. If the permissible number of rejects specified in Sampling Table A for a lot of that size is exceeded, all devices in that lot shall be sampled or the entire lot rejected. If ten (10) or more successive lots have been tested and none of them includes a larger number of rejects than specified in Sampling Table A, the succeeding lots may be sampled in accordance with Sampling Table B.

(b) If any lot sampled in accordance with Sampling Table B includes a larger number of rejects than specified in Sampling Table B for a lot of that size, all devices in that lot shall be sampled or the entire lot rejected. Succeeding lots shall be sampled in accordance with the provisions of paragraph (a) of this section.

SAMPLING TABLE A

Lot size	Sample size	Permissible number of rejects
Less than 15	All	0
15–110	15	0
111–180	25	0
181–300	35	0
301–500	50	1
501–800	75	2
801–1,300	110	3
1,301–3,200	150	4
3,201–8,000	225	5
8,001–22,000	300	7

SAMPLING TABLE B

Lot size	Sample size	Permissible number of rejects
Less than 5	All	0
5–110	5	0
111–180	7	1
181–300	10	1
301–500	15	1
501–800	22	2
801–1,300	30	2
1,301–3,200	45	3
3,201–8,000	60	4
8,001–22,000		

§ 30.33 [Amendment]

4. Revise the proviso of paragraph (b) of § 30.33 to read as follows: "*Provided*, That the authority conferred by this paragraph shall apply only to byproduct material having an atomic number from 3 to 83, inclusive, and to tritium when contained in luminous safety devices installed in aircraft and distributed as generally licensed items pursuant to § 30.24(j)."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 81, 68 Stat. 935; 42 U.S.C. 2111)

Dated at Germantown, Md., this 2d day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-2390; Filed, Mar. 13, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS, DISTRICT BANKS

Chapter I, Title 12 of the Code of Regulations is hereby amended by adding a new Part 8 to read as follows:

Sec.
8.1 Scope and application.
8.2 Semi-annual assessment rate.
8.3 Daily rate for examinations and investigations.
8.4 Filing fee for applications for approval.

AUTHORITY: §§ 8.1 to 8.4 issued under R.S. 5240, as amended; sec. 3, 47 Stat. 1566; 12 U.S.C. 482; 26 DC Code 102.

SOURCE: Letter of Comptroller of the Currency to Presidents of all National and District banks, December 8, 1961.

§ 8.1 Scope and application.

Pursuant to the authority contained in R.S. 5240, as amended, 12 U.S.C. 482, and in section 3, 47 Stat. 1566, 26 D.C. Code 102, the Comptroller of the Currency has made the following assessment of fees upon National and District of Columbia banks.

§ 8.2 Semi-annual assessment rating.

The semi-annual assessment rate is four cents per $1,000 of total assets with a minimum assessment of $100.

§ 8.3 Daily rate for examinations and investigations.

The assessment rate for examinations and investigations is $100 per day for each Examiner and $50 per day for each Assistant Examiner.

§ 8.4 Filing fee for applications for approval.

A filing fee of $500 is assessed for each application for approval of a merger, consolidation or purchase of assets and assumption of liabilities.

Dated: March 8, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-2464; Filed, Mar. 13, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 89—STATEMENT OF POLICY UNDER THE TWENTY-EIGHT HOUR LAW

Recommendations Concerning Feeding, Watering and Resting of Livestock in Transit Interstate Deemed To Meet Requirements

On January 3, 1962, there was published in the FEDERAL REGISTER (27 F.R. 10), a notice with respect to a proposal to amend Part 89, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the authority delegated under the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71–74. 19 F.R. 74, amended), the statement of policy with respect to said Act as set forth in Part 89, Title 9, Code of Federal Regulations, is hereby amended to read as follows.

It is the view of the Department of Agriculture that the feeding, watering, and resting of livestock in the course of transportation by railroad, from one State, Territory, or the District of Columbia, into or through another State, Territory, or the District of Columbia, in accordance with the recommendations set out herein will meet the requirements of the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71–74).

Sec.
89.1 Amount of feed.
89.2 Two or more feedings at same station.
89.3 Feeding, watering, and resting livestock in the car.
89.4 Watering.
89.5 Feeding pens.

AUTHORITY: §§ 89.1 to 89.5 issued under 34 Stat. 607; 45 U.S.C. 71–74. 19 F.R. 74, as amended.

§ 89.1 Amount of feed.

(a) Under normal conditions, the amounts of feed designated in the following schedule will be considered as sustaining rations for livestock in transit when fed at the intervals required by the Twenty-Eight Hour Law:

Species and quantity of livestock	At first feeding station	At second and subsequent feeding stations
Cattle and beef type or range calves (for each car [1])	200 lbs. of hay [1 2]	300 lbs. of hay. [1 2]
Dairy calves (for each car deck [1])	100 lbs. of hay [1 2]	150 lbs. of hay. [1 2]
Horses and mules (for each car [1])	400 lbs. of hay [1 2]	400 lbs. of hay. [1 2]
Sheep and goats (for each car deck [1])	200 lbs. of hay [1 2]	300 lbs. of hay. [1 2]
Lambs and kids (for each car deck [1])	100 lbs. of hay [1 2]	150 lbs. of hay. [1 2]
Swine (for each carload lot, in single or double deck car, the amount of shelled corn [3] indicated):		
Lots of not more than 16,000 lbs.	2 bushels	2 bushels.
More than 16,000 lbs. but not more than 21,000 lbs	2½ bushels	2½ bushels.
More than 21,000 lbs. but not more than 24,000 lbs	3 bushels	3 bushels.
More than 24,000 lbs. but not more than 27,000 lbs	3½ bushels	3½ bushels.
More than 27,000 lbs. but not more than 30,000 lbs	4 bushels	4 bushels.
More than 30,000 lbs.—proportionately larger amounts		

[1] The requirements set forth the sustaining rations for a full load of livestock in a railroad car 40 feet in length. The requirements for a full load of livestock in railroad cars of different sizes should be modified proportionately, i.e., a load of livestock transported in a car 50 feet in length would require an additional 25 percent of feed or 2.5 percent for each additional foot of car over 40 feet.

[2] Or the equivalent in other suitable feed. Dairy calves too young to eat hay or grain, or shipped without their dams, should be given a sufficient amount of prepared calf feed, milk, raw eggs, or other suitable feed. All feed should be of good quality.

(b) When the owner of a consignment of livestock desires that they be fed larger amounts of feed than those designated in paragraph (a) of this section for the particular kind and quantity of livestock, or the carrier believes that they should be fed larger amounts, the amounts to be fed should be agreed upon, if practicable, by the owner and the carrier at the time the animals are offered for shipment.

(c) When emergency conditions arise, such as severe changes in the weather, which increase the rigors of transportation, the livestock should receive amounts of feed, additional to those designated in paragraph (a) of this section, sufficient to sustain them until they arrive at the next feeding station or destination.

(d) When the movement of livestock is delayed en route so that the period of their confinement in the cars materially exceeds that specified by the Twenty-Eight Hour Law, the livestock should receive additional feed in proportion to such excess time.

§ 89.2 Two or more feedings at same station.

When livestock are held at a feeding station 12 hours after the last previous feed has been substantially consumed, they should again be fed the ration prescribed by § 89.1(a) for that station: *Provided, however*, That they may be held without such feeding for a period longer than 12 hours if the time they are so held, added to the time required to reach the next feeding station or destination, whichever is closer, would not ordinarily exceed 40 hours.

§ 89.3 Feeding, watering, and resting livestock in the car.

(a) Livestock should be unloaded into pens of the character described in § 89.5 (a) for feeding, watering, and resting, unless there is ample room in the car for all of the animals to lie down at the same time.

(b) If livestock are watered in the car, adequate facilities should be provided and ample water furnished to insure all the animals an opportunity to drink their fill. In the case of hogs, water should be available for not less than 1 hour.

(c) Livestock unloaded for feed and water and returned to the car for rest should be allowed to remain in the pens not less than 2 hours.

(d) Livestock unloaded for water and returned to the car for feed and rest should be allowed to remain in the pens not less than 1 hour.

(e) When livestock are fed in the car, the feed should be evenly distributed throughout the car.

§ 89.4 Watering.

Livestock should be furnished an ample supply of potable water. Water treated with chemicals for industrial or boiler use, or taken from streams or ponds containing sewage, mud, or other objectionable matter should not be used. Troughs and other receptacles should be clean. In cold weather, the water should be free from ice.

§ 89.5 Feeding pens.

(a) Stock pens and other enclosures for feeding, watering, and resting livestock in transit should have (1) sufficient space for all of the livestock to lie down at the same time, (2) properly designed facilities for feeding and watering the livestock, (3) reasonably well-drained, clean, and safe floors of concrete, cinders, gravel, hard-packed earth, or other suitable material, and (4) suitable protection from weather reasonably to be expected in the region in which the pens are located.

(b) Care should be taken to protect livestock unloaded en route at a point having marked difference in temperature from that at the point from which they were shipped.

Effective date. The foregoing statement of policy shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of March 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-2475; Filed, Mar. 13, 1962; 8:48 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Miscellaneous Amendments

On January 30, 1962, there was published in the FEDERAL REGISTER (27 F.R. 865) a notice of proposed amendments to Part 95 of Title 9, Code of Federal Regulations, governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), said Part 95 is hereby amended in the following respects:

§ 95.1 [Amendment]

1. Paragraph (e) of § 95.1 is deleted.

§ 95.2 [Amendment]

2. Section 95.2 is amended by substituting the word "commercial" for the word "consular."

§ 95.7 [Amendment]

3. Section 95.7 is amended by substituting the letter designation "(d)" for the letter designation "(e)" in the introductory paragraph thereof.

4. Paragraph (e) of § 95.7 is deleted.

5. Section 95.14 is amended to read:

§ 95.14 Blood meal, tankage, meat meal, and similar products, for use as fertilizer or animal feed; requirements for entry.

Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products, for use as fertilizer or as feed for domestic animals, shall not be imported except subject to handling and treatment in accordance with paragraphs (a), (b), and (c) of § 95.16, unless:

(a) Such products originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) The inspector at the port of entry finds that such products have been fully processed by tanking under live steam or by dry rendering.

6. Section 95.15 is amended to read:

§ 95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts shall not be imported except subject to handling and treatment in accordance with § 95.16, unless such products originated in and were shipped directly from a country not declared by the Secretary of

Agriculture to be infected with foot-and-mouth disease or rinderpest.

7. Section 95.17 is amended to read:

§ 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products shall not be imported except subject to handling and treatment in accordance with § 95.18, unless such glands, organs, or materials originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

8. Section 95.21 is amended to read:

§ 95.21 Hay and straw; requirements for unrestricted entry.

Except as provided in § 95.28, hay or straw shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry, unless such hay or straw originated in and was shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111)

Done at Washington, D.C., this 9th day of March 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-2474; Filed, Mar. 13, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1084; Amdt. 407]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an amendment to AD 61-24-2, Amendment 370, 26 F.R. 10963, was adopted on February 21, 1962, and made effective immediately as to all known United States operators of Douglas DC-8 Series aircraft. As a result of investigations of several auxiliary hydraulic pump failures, it has been determined necessary to bypass the auxiliary pump surge damper previously considered acceptable, until an improved fix is accomplished.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making this amendment effective immediately as to all known U.S. operators of Douglas DC-8 Series aircraft by individual telegrams dated February 21, 1962. Since these conditions still exist, the amendment is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make effective as to all persons.

Amendment 370, 26 F.R. 10963, Douglas DC-8 aircraft, Serial Numbers 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45616-45628, 45636, is amended by:

1. Changing the compliance statement to read:

Compliance required within 1,000 hours' time in service after November 23, 1961, but in no event later than February 28, 1962, except as provided in paragraph (e).

2. Changing paragraph (e) to read:

(e) To reduce to acceptable levels the hydraulic system pressure fluctuations induced by the auxiliary hydraulic pump:

(1) By no later than February 28, 1962, bypass the surge damper which may have been installed in accordance with Douglas DC-8 Service Bulletin 29-35. The bypass method shall be in accordance with steps 1 through 6 of Addendum Number 1 to Service Bulletin 29-35 dated February 16, 1962.

(2) As soon as necessary parts are available but in no event later than April 30, 1962, install surge damper in accordance with Douglas Service Bulletin 29-35, Reissue Number 1 dated November 8, 1961, as amended by Addendum Number 1 of Service Bulletin 29-35 dated February 16, 1962.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 21, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 8, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-2441; Filed, Mar. 13, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-67]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Reporting Point

On August 15, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7551) stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airway No. 1519 north of Albany, Ga., and extend intermediate altitude VOR Federal airway No. 1701 southeast of Chattanooga, Tenn.

No adverse comments were received regarding the proposed alterations.

The Federal Aviation Agency has restudied the proposal and, in view of action being taken in Airspace Docket No. 61-FW-89 (27 F.R. 1009, effective April 5, 1962) involving the extension of intermediate altitude VOR Federal airway No. 1741 from Chattanooga, Tenn., to McDonough, Ga., has determined that the extension of Victor 1701 southeast of the Chattanooga VOR is no longer necessary. It has also been determined that the extension of Victor 1519 beyond its intersection with the extension of Victor 1741 is not needed. In addition, the redesignation of Victor 1519 between Albany, Ga., and Atlanta, Ga., requires the relocation of the Junction City, Ga., Intersection consistent with the airway designation. Therefore, action is taken herein to alter the description of Junction City Intersection in § 601.7003.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.1519 (26 F.R. 1083) "thence to the INT of the Atlanta, Ga., VOR 174° and the McDonough, Ga., VOR 234° radials; thence 10 mile wide airway to the Atlanta VOR." is deleted and "thence via the INT of the Albany VOR 350° and the Atlanta, Ga., VOR 179° radials to the Atlanta VOR; thence 10 mile wide airway to the INT of the Atlanta VOR 007° and the McDonough, Ga., VOR 333° radials." is substituted therefor.

2. In the text of § 601.7003 (26 F.R. 1093, 4194) "Junction City, Ga., INT: INT of the Macon, Ga., VOR 271° and the Atlanta, Ga., VOR 179° radials." is deleted and "Junction City, Ga., INT: INT of the Macon, Ga., VOR 267° and the Atlanta, Ga., VOR 179° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2442; Filed, Mar. 13, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4459]

PART 201—RULES OF PRACTICE

Filing of Motions and Applications

The Securities and Exchange Commission has amended Rule 12(c) of its rules of practice (§ 201.12(c)) to set forth the procedure whereby petitions may be made to the Commission for a stay of the effectiveness of any of its orders. The amendment provides that such an application may be made before a petition for review is filed, or, in cases involving a disqualification from membership in the National Association of Securities Dealers, at any time when a petition for review is not pending.

The purpose of this amendment is to make it clear that such petitions ought to be made, in the first instance, to the Commission, although courts of appeals have jurisdiction of such applications while a petition for review is pending. The text of the Commission's action follows:

Paragraph (c) of § 201.12 is amended to read as follows:

(c) *Filing of motions to Commission; briefs.* Motions or applications calling for determination by the Commission shall be filed with the Secretary or other duly authorized officer of the Commission in writing, provided that motions or applications calling for determination by the Commission but made in the course of a hearing may be filed, in writing, with the hearing officer, who shall refer such motion or application to the Commission. Any such motion or application shall be accompanied by a written brief of the points and authorities relied upon in support of the same. Any party may file an answering brief within five days after service upon him of such motion or other application as provided in § 201.23 unless otherwise directed by the Commission. Motions and applications will be considered on the briefs filed following the time for filing the answering brief, unless otherwise directed by the Commission. No oral argument will be heard on such matters unless the Commission so directs. Unless otherwise ordered by the Commission or the hearing officer, the hearing shall continue pending the determination of the motion or application by the Commission. Where a stay of effectiveness of an order of the Commission is sought, application therefor shall be made prior to the filing of a petition to review or, in connection with a petition pursuant to section 15A(b)(4) of the Securities Exchange Act of 1934, at any time when a petition for review of the disqualifying order of the Commission is not pending.

(Secs. 19(a), 23(a), 48 Stat. 85, 901 as amended; sec. 15A(b)(4), 52 Stat. 1070; sec. 20(a), 49 Stat. 833; sec. 319(a), 53 Stat. 1173; secs. 38(a), 211(a), 54 Stat. 841, 855, as amended, 15 U.S.C. 77s, 78w, 78o-3, 79t, 77sss, 80a-37, 80b-11)

The Commission finds that the foregoing amendment involves a matter of practice or procedure and that notice and subsequent procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action which is taken pursuant to the Securities Act of 1933, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, particularly sections 15A (b)(4) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20(a) thereof; the Trust Indenture Act of 1939, particularly section 319(a) thereof; the Investment Company Act of 1940, particularly section 38(a) thereof; and the Investment Advisers Act of 1940, particularly section 211(a) thereof, shall become effective March 1, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 1, 1962.

[F.R. Doc. 62-2451; Filed, Mar. 13, 1962; 8:46 a.m.]

[Release 34-6743]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Miscellaneous Amendments

The Securities and Exchange Commission has amended Rules 15ab-1(e) and 15b-9(b) under the Securities Exchange Act of 1934 (17 CFR 240.15ab-1(e) and 240.15b-9(b)) to reflect certain changes in its rules of practice, which were amended on July 15, 1960. The only effect of the present amendments is to delete references to obsolete rules of practice and to substitute references to the comparable provisions of the rules of practice now in effect.

I. Section 240.15ab-1(e) is amended to read as follows:

(e) The rules of practice shall apply to proceedings under this rule to the extent that they are not inconsistent with this rule. Attention is directed particularly to § 201.22, Rule 22 of the rules of practice, relating to the form of papers and number of copies to be filed.

II. The last sentence of § 240.15b-9(b) is amended so that paragraph (b) reads as follows:

(b) In proceedings under sections 15 (b), 15A (1) (2) or 19(a)(3) of the act, the Commission will give appropriate notice and opportunity for hearing to the member, broker or dealer concerned and to any person associated with him whose interests may be affected by the proceedings. The member, broker or dealer will be named in the caption of the proceeding and shall be deemed a party of record. An associated person who may be aggrieved will not ordinarily be named in the caption of the proceeding but shall be entitled to participate as a party. If he participates generally in the proceeding or files a notice of appearance, he shall be deemed a party of record and will be given notices of intermediate developments in the proceeding. In any event he may inform himself of such developments by attendance at the hearings or examination of the record (whether the proceedings be public or private) or by arrangement with a party of record, so that he can determine whether he desires to be heard at any time. Section 201.9 of this chapter, other than paragraph (a) and (b) thereof, shall not apply to proceedings under this rule.

(Secs. 15(b), 19(a), and 23(a), 48 Stat. 895, 898, and 901, as amended, 15 U.S.C. 78o, 78s, and 78w; sec. 15A, 52 Stat. 1070, 15 U.S.C. 78o-3)

The Commission finds that the foregoing amendments involve matters of practice or procedure and that notice and subsequent procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action, which was taken pursuant to the Securities Exchange Act of 1934, particularly sections 15(b), 15A(l)(2), 19(a)(3), 15A (b)(4), and 23(a) thereof, becomes effective March 1, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 1, 1962.

[F.R. Doc. 62-2452; Filed, Mar. 13, 1962; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 888—GENERAL STANDARDS OF CONDUCT RELATING TO CONFLICT BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES

Part 888 is revised to read as follows:

Sec.
888.1 Purpose and scope.
888.2 Statutory provisions.
888.3 Definitions.
888.4 Conflict of interest.
888.5 Policy on dealing with present and former military and civilian personnel.
888.6 Acceptance of gratuities and use of Government facilities, property, and manpower.
888.7 Prohibition of contributions or presents to superiors.
888.8 Use of civilian and military titles in connection with commercial enterprises.
888.9 Outside employment.
888.10 Problems relating to conflict of interest.
888.11 Information to personnel.
888.12 Reporting suspected violations.
888.13 Provisions applying especially to retired regular officers and Reserve personnel.

AUTHORITY: §§ 888.1 to 888.13 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 30-30, Feb. 6, 1962.

§ 888.1 Purpose and scope.

This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all military and civilian Air

Force personnel, regardless of assignment. Close adherence to these principles, it is believed, will insure compliance with the high ethical standards demanded of all public servants. This part also is intended to insure that Air Force personnel do not knowingly transact business with persons who are within statutory prohibitions or under circumstances where there may be a possible conflict of interest between Government duties and private affairs. It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which is applicable to all Air Force personnel:

House Concurrent Resolution 175

85th Congress, 2d Session

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

§ 888.2 Statutory provisions.

(a) *Criminal statutes relating to Department of Defense personnel.* The following activities may subject Department of Defense personnel to criminal penalty under the statutes cited:

(1) Asking, accepting, or agreeing to receive as a bribe or graft, directly or indirectly, any money, contract, or other thing of value, either:

(i) With the intent to have any of their official decisions or actions influenced thereby, or

(ii) For giving to, or procuring or aiding to procure for, any person a Government contract (18 U.S.C. 202 and 216).

(2) Receiving or agreeing to receive, directly or indirectly, compensation for services rendered by themselves or another in relation to any proceeding, contract, claim, or other matter before any department or agency where the United States is directly or indirectly interested (18 U.S.C. 281).

(3) Acting as agent or attorney in prosecuting any claim against the Government or assisting in the prosecution of any such claim otherwise than in the proper discharge of official duties (18 U.S.C. 283).

(4) Transacting business as officers or agents of the United States with any corportation, firm, or partnership in the profits of which they are directly or indirectly interested (18 U.S.C. 434).

(5) Receiving from any source other than the Federal or any local Government any compensation in connection with their Government services (18 U.S.C. 1914). However, any Reserve officer ordered to active duty, and any person who is inducted into the Armed Forces under the Universal Military Training and Service Act, who, before being ordered to active duty or inducted, was receiving compensation from any person, may, while serving on active duty, receive compensation from that person (10 U.S.C. 1033), and section 4(f) Universal Military Training and Service Act, as amended (50 U.S.C. App. 454(f)).

(b) *Statutes relating specifically to former personnel.* (1) It is unlawful for former personnel, within two years after their incumbency, to prosecute or act as counsel, attorney, or agent for prosecuting any claim against the United States which involves any subject matter directly connected with which such personnel were employed or performed duty (18 U.S.C. 284). The Attorney General has construed 18 U.S.C. 284 to mean that every person who has been employed in any Government agency including commissioned officers assigned to duty in such agencies, is prohibited for a period of two years after such employment or service has ceased from representing in any manner or capacity any interest opposed to the United States in any matter with which such person was directly connected during the time he was in Government service. "Claim against the U.S." in section 284 has been judicially "limited to demands against the government for money or for property." However, the Department of Justice has also advised that the statute was not designed to go beyond specific matters or cases upon which a person worked or concerning which he gained information while employed by the Government. Where a person acquires or expands his professional knowledge in some particular field while in Government service, he is entitled to use that professional knowledge in pursuing his livelihood after he leaves Government service, so long as he does not employ that knowledge in connection with a specific matter with which he became directly connected while in Government service.

(2) Section 113 of the Renegotiation Act, as amended, prohibits any person who has been employed in the Department from prosecuting at any time any claim against the United States involving any subject matter directly connected with which such person was so employed (section 113, Act of March 23, 1951, as amended, 50 U.S.C. App. 1223). Although this statute does not prescribe any criminal penalty for violation of this provision, it constitutes a Congressional policy that former personnel should not prosecute any such claims at any time.

(c) *Statutory provisions applying specifically to regular retired officers.* (1) Except as set forth in subdivisions (i) and (ii) of this subparagraph, Regular retired officers are "officers of the United States" for the purpose of bringing them within the statutes cited in paragraph (a) of this section. However, 18 U.S.C. 434 relates to representing the Government in transacting business with a private concern, and 18 U.S.C. 1914 relates to receiving compensation from a private source in connection with services performed for the Government. Therefore, neither 18 U.S.C. 434 nor 18 U.S.C. 1914 applies to a Regular retired officer who is not representing or performing services for the United States. In addition, 18 U.S.C. 202 and the first paragraph of 18 U.S.C. 216 (see paragraph (a)(1)(ii) of this section) do not apply to Regular retired officers who are not representing or performing services for the United States.

(i) 18 U.S.C. 281 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from representing any person in the sale of anything to the Government through the Department in whose service he holds a retired status.

(ii) 18 U.S.C. 283 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, within two years after his retirement, involving the department in which he holds a retired status. It also prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, at any time, involving any subject matter with which he was directly connected while on active duty.

(2) No payment from appropriated funds may be made to any officer on the retired list of the Regular Army, Navy, Marine Corps, or Air Force for a period of two years after his retirement, who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of any supplies or war materials to any agency (including nonappropriated fund activities) of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (section 1309, Act of August 7, 1953, 5 U.S.C. 59c).

(d) *Statutory provisions applying to Reserve and National Guard officers.* A Reserve who is not on active duty or a Reserve who is on active duty for training is not considered to be an "officer of the United States" for the purposes of the foregoing statutes solely because of his Reserve status or because of his being on active duty for training. Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before, or in connection with, any department (5 U.S.C. 30r (c) and (d)).

(e) *Other related criminal statutes applying to conflict of interest.* The following activities may subject present and former Department of Defense personnel to criminal penalties:

(1) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under the criminal statutes cited above (18 U.S.C. 2).

(2) Concealing or failing to report to proper authorities the commission of a felony under any of the criminal statutes cited above if such personnel know of the actual commission of the crime (18 U.S.C. 4).

(3) Conspiring with one or more other persons to commit a crime under any of the criminal statutes cited above or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (18 U.S.C. 371).

§ 888.3 Definitions.

As used in this part, unless the context indicates otherwise:

(a) "Air Force personnel" means all civilian officers and employees of the Department of the Air Force (including its non-appropriated fund activities) and all military officers, warrant officers, and enlisted members of the Air Force.

(b) "Department of Defense personnel" means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense, and all officers, warrant officers, and enlisted members of the Army, Navy, Air Force, and Marine Corps.

§ 888.4 Conflict of interest.

(a) *General.* All Air Force personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interest of the United States. Air Force personnel will not engage in any private activity which involves the improper use of information gained through an Air Force position. Air Force personnel must not use the prerogatives of their official positions for their personal benefit, or on behalf of relatives or friends who have business dealings with the Department of Defense. Although a technical conflict of interest, as set forth in the statutes cited in § 888.2, may not exist, it is desirable to avoid the appearance of such a conflict from a public confidence point of view.

(b) *Disqualifying financial interest.* In any case where Air Force personnel have any financial interest in any business entity, or have arranged or are negotiating for their subsequent employment by such entity, they are disqualified from representing the Department of Defense, or any agency or instrumentality thereof, in dealings of any kind with such entity.

(c) *Disqualification procedure.* In any matter where, under paragraph (b) of this section, Air Force personnel believe that they should be disqualified from taking action in a particular matter, they will so inform an appropriate superior and will thereupon be relieved of their duty and responsibility in that particular matter. In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person, and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter. In cases of disqualification under this section, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

§ 888.5 Policy on dealing with present and former military and civilian personnel.

Air Force personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel of the Government, if such action will result in a violation of a statute or policy set forth in this part.

§ 888.6 Acceptance of gratuities and use of Government facilities, property, and manpower.

(a) Air Force personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, the impartiality of such personnel.

(b) Gifts from foreign governments will be handled under section C, AFR 11-27, November 7, 1956, and §§ 878.1 to 878.16 of this chapter.

(c) Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services, and chauffeur services, shall be used only for official Government business. This section is not intended to preclude the use of Government facilities for activities which would further military-community relations, provided that they do not interfere with the military missions.

§ 888.7 Prohibition of contributions or presents to superiors.

No officer, clerk or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ (R.S. 1784; 5 U.S.C. 113).

§ 888.8 Use of civilian and military titles in connection with commercial enterprises.

(a) All civilian personnel and all military personnel on extended active duty are prohibited from using their civilian and military title or position in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code.

(b) The limitation in paragraph (a) of this section will not be deemed to preclude publication by such personnel of books, articles, etc., which identify them as author by reference to their military title or position, provided that publication of such material by such personnel has been authorized by and the material itself has been cleared by the Office of the Secretary of Defense through the Office of the Secretary of the Air Force under existing procedures.

(c) All retired personnel and all members of Reserve components not on active duty are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the military services or the Department of Defense. Such use is prohibited in connection with commercial enterprises when their use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the military services or the Department of Defense. When a Reserve or retired member or former member uses his military title, it must show that he is a Reserve or is in a retired status, or both, as applicable.

§ 888.9 Outside employment.

(a) No civilian person and no military person on active duty will engage in private outside employment, with or without compensation, which:

(1) Interfers with the performance of his Government duties; or

(2) May reasonably be expected to bring discredit upon the Government or the agency concerned.

(b) No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession (10 U.S.C. 8635).

§ 888.10 Problems relating to conflict of interest.

The General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force, is responsible for proper coordination and final disposition of all problems relating to conflict of interest.

§ 888.11 Information to personnel.

All Air Force personnel will be informed of the standards of conduct specified in this part upon entry on duty. Further, the standards of conduct will be brought to the attention of all personnel at least semi-annually.

§ 888.12 Reporting suspected violations.

Any person who has information which causes him to suspect that there has been a violation of a policy or statute set forth in this part will promptly report it to the appropriate commander in accordance with the procedures prescribed in AFR 124-8 (Violations of Public Trust in Contract, Procurement, and Disposal Matters).

§ 888.13 Provisions applying especially to retired regular officers and Reserve personnel.

(a) *Retired regular officers—(1) Prosecution of claims.* A regular retired Air Force officer may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such claim, if such claim involves the Department of the Air Force. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty.

(2) *Selling or contracting for sale.* No regular retired Air Force officer will sell, contract for the sale of, or negotiate for the sale of anything to the Air Force at any time. Retired pay of a regular retired officer is subject to forfeiture during any period within two years of his retirement if he sells for himself or another any supplies or war materials to the Department of Defense, Coast Guard, Coast and Geodetic Survey, or the Public Health Service. For the purpose of this subparagraph, "selling" means:

(i) Signing a bid, proposal, or contract,

(ii) Negotiating a contract, or

(iii) Contacting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(a) Obtaining or negotiating contracts,

(b) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or

(c) Settling disputes concerning performance of a contract.

(iv) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

However, it is not the intent of this part to preclude a retired regular officer from accepting employment with private industry solely because his employer is a contractor with the Government.

(b) *Statements of employment by Regular retired officers.* (1) Each Regular retired Air Force officer will file with the Retired Pay Division, Directorate of Allotments and Retired Pay, Air Force Accounting and Finance Center, a DD Form 1357, "Statement of Employment." Each Regular officer retiring hereafter will file this statement within 30 days after retirement. Whenever the information in the statement is no longer accurate, the officer will file a new DD Form 1357.

(2) The officer will send the original copy of DD Form 1357 directly to the Air Force Accounting and Finance Center (AR), 3800 York Street, Denver 5, Colorado, for review to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of the policy or statutes as set forth in this part may be involved, the retired member may be requested to furnish clarifying information.

(3) The retired member will request additional copies of DD Form 1357 from the Air Force Accounting and Finance Center (AR), 3800 York Street, Denver 5, Colorado.

(c) *Reserve personnel.* (1) Members of the Reserve components of the Armed Forces who are on active duty other than for training are "officers" or "employees" of the United States for the purpose of bringing them within the statutes cited in § 888.2. When members are released from active duty, they become former personnel for the purpose of bringing them within § 888.2(b).

(2) Members of the Reserve Components, whether in the Ready, Standby, or Retired Reserve, who are not on active duty are not, solely because of their status as Reserves, considered to be officers of the United States for the purpose of bringing them within the statutes cited in § 888.2 (a) and (b).

(3) Receipt of retired pay by Reserves or former Reserves does not, in itself, make such personnel officers or employees, or former officers or employees, of the United States for the purpose of bringing them within the statutes cited in § 888.2 (a) and (b). Section 888.2(c) does not apply to retired Reserves.

(4) Reserves who are on active duty for training do not become officers or employees of the United States for the purpose of bringing them within the statutes cited in § 888.2 (a) and (b) solely because they are on active duty for training. While they are on active duty for training, however, Reserves are subject to the policies prescribed in this part.

(5) Air Force personnel who are responsible for assigning Reserves for training should make an effort to assign them when they are on active duty for training to duties in which they will not obtain information that could be used by them or their employers so as to give them an unfair advantage over their civilian competitors.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-2438; Filed, Mar. 13, 1962; 8:45 a.m.]

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

PART 1003—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

Section 1003.000 is added as follows:

§ 1003.000 Scope of part.

See § 3.000 of this title.

Subpart A is revised to read as follows:

Subpart A—Use of Negotiation

Sec.

1003.100 Scope of subpart.
1003.101 Negotiation as distinguished from formal advertising.
1003.101-50 Requests for proposals (RFPs).
1003.101-51 Verification of the requirement.
1003.102 General requirements for negotiation.
1003.103 Records and reports of negotiated contracts.
1003.104 Aids to small business in negotiated procurement.
1003.105 Aids to labor surplus area concerns in negotiated procurement.
1003.106 Award information to unsuccessful offerors.
1003.107 Selection of research and development contractors.
1003.107-1 General.
1003.107-2 Small business sources.
1003.107-3 Selection of sources for solicitation.
1003.107-4 Solicitation.
1003.107-5 Conduct of negotiations.
1003.107-6 Evaluation for award.
1003.107-7 Cost and price estimates.
1003.107-8 Documentation.
1003.108 Negotiation of initial production contracts for technical or specialized military supplies.
1003.109 Restrictions on disclosure of data in proposals.
1003.110 Solicitations for informational or planning purposes.

AUTHORITY: §§ 1003.100 to 1003.110 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1003.100 Scope of subpart.

See § 3.100 of this title.

§ 1003.101 Negotiation as distinguished from formal advertising.

See § 3.101 of this title.

§ 1003.101-50 Requests for proposals (RFPs).

Requests for proposals will contain language, terms, and conditions necessary to obtain from prospective contractors the information needed to consider the appropriate factors set forth in § 3.101 of this title. Further, RFPs will:

(a) Contain the special provision in § 9.110(a)(2)(i) of this title on "Royalty Information" when conditions set forth therein are applicable.

(b) Contain the following clause when a pre-award survey is contemplated as prescribed in Subpart I, Part 1 of this title: "Offeror represents that the estimated percentage of subcontracting contemplated on this procurement is ------ percent."

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractors' selling price.

(c) Where the value of the competitive procurement is estimated to exceed $2,500, allow a minimum time of 30 days for submission of proposals or quotations. When less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AMC field procurement activities (Director or Deputy Director of Contract Support at AMCASC) or the chief or deputy chief of base procurement offices. The contract file will be documented accordingly.

§ 1003.101-51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation.

§ 1003.102 General requirements for negotiation.

See § 3.102 of this title.

§ 1003.103 Records and reports of negotiated contracts.

(a) *Records for reporting purposes.* See Part 1057 of this chapter.

(b) *Records of individual negotiated contracts.* A record of each negotiated procurement will be maintained in the contracting office. The record will indicate the extent of competition, including the names and addresses of the sources requested to submit quotations, and the results thereof; and whether contact was made in writing, in person, by telephone, or other means; or will explain the absence of competition. See § 1003.811 of this chapter for instructions on the price negotiation memorandum.

(c) AFPI Form 71, "Abstract of Proposals/Quotations (Negotiated Procurement)," or AFPI Form 37, "Abstract of Bids (Procurement)," will be used when a need exists for an abstract form to: (1) Assist in evaluating proposals/quotations received and (2) to maintain the record of individual negotiated contracts. AFPI Form 71 is a simplified abstract form designed primarily for use in soliciting oral or written proposals/quotations for standard commercial type requirements. For more complex type negotiated procurements, AFPI Form 37 (marked to indicate a negotiated procurement) may be used.

§ 1003.104 Aids to small business in negotiated procurement.

See Subpart G, Part 1 of this title and Subpart G, Part 1001 of this chapter.

§ 1003.105 Aids to labor surplus area concerns in negotiated procurement.

See Subpart H, Part 1 of this title and Subpart H, Part 1001 of this chapter.

§ 1003.106 Award information to unsuccessful offerors.

(a) *Notice to unsuccessful offerors.* See § 3.106(a) of this title.

(b) *Additional information.* Replies pursuant to § 3.106(b) of this title will be signed by the chief or deputy chief of the concerned buying division or office.

(c) *Classified information.* See § 3.106(c) of this title.

§ 1003.107 Selection of research and development contractors.

§ 1003.107-1 General.

See § 3.107-1 of this title.

§ 1003.107-2 Small business sources.

See § 3.107-2 of this title.

§ 1003.107-3 Selection of sources for solicitation.

See § 3.107-3 of this title.

§ 1003.107-4 Solicitation.

See § 3.107-4 of this title.

§ 1003.107-5 Conduct of negotiations.

See § 3.107-5 of this title.

§ 1003.107-6 Evaluation for award.

See § 3.107-6 of this title.

§ 1003.107-7 Cost and price estimates.

See § 3.107-7 of this title.

§ 1003.107-8 Documentation.

See § 3.107-8 of this title.

§ 1003.108 Negotiation of initial production contracts for technical or specialized military supplies.

See § 3.108 of this title.

§ 1003.109 Restrictions on disclosure of data in proposals.

See § 3.109 of this title.

§ 1003.110 Solicitations for informational or planning purposes.

See § 1.309 of this title and § 1001.309 of this chapter.

Subpart B is revised to read as follows:

Subpart B—Circumstances Permitting Negotiation

Sec.

1003.200 Scope of subpart.
1003.201 National emergency.
1003.201-1 Authority.
1003.201-2 Application.
1003.201-3 Limitation.
1003.202 Public exigency.
1003.202-1 Authority.
1003.202-2 Application.
1003.202-3 Limitation.
1003.203 Purchases not more than $2,500.
1003.203-1 Authority.
1003.203-2 Application.
1003.203-3 Limitation.
1003.204 Personal or professional services.
1003.204-1 Authorization.
1003.204-2 Application.
1003.204-3 Limitation.
1003.205 Services of educational institutions.
1003.205-1 Authority.
1003.205-2 Application.
1003.205-3 Limitation.
1003.206 Purchases outside the United States.
1003.206-1 Authority.
1003.206-2 Application.
1003.207 Medicines or medical supplies.
1003.207-1 Authority.
1003.207-2 Application.
1003.207-3 Limitation.
1003.208 Supplies purchased for authorized resale.
1003.208-1 Authority.
1003.208-2 Application.
1003.208-3 Limitation.
1003.209 Perishable or nonperishable subsistence supplies.
1003.209-1 Authority.
1003.209-2 Application.
1003.209-3 Limitation.
1003.210 Supplies or services for which it is impracticable to secure competition by formal advertising.
1003.210-1 Authority.
1003.210-2 Application.
1003.210-3 Limitation.
1003.211 Experimental, developmental, or research work.
1003.211-1 Authority.
1003.211-2 Application.
1003.211-3 Limitation.
1003.213 Technical equipment requiring standardization and interchangeability of parts.
1003.213-1 Authority.
1003.213-2 Application.
1003.213-3 Limitation.
1003.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
1003.214-1 Authority.
1003.214-2 Application.
1003.214-3 Limitation.
1003.215 Negotiation after advertising.
1003.215-1 Authority.
1003.215-2 Limitation.
1003.215-50 Application.
1003.216 Purchases in the interest of national defense or industrial mobilization.
1003.216-1 Authority.
1003.216-2 Application.
1003.216-3 Limitation.
1003.217 Otherwise authorized by law.
1003.217-1 Authority.
1003.217-2 Application.
1003.218 Construction work.
1003.218-1 Application.
1003.218-2 Limitation on authority to negotiate contracts.
1003.218-3 Citation of authority to negotiate.
1003.250 Citation of law.

AUTHORITY: §§ 1003.200 to 1003.250 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1003.200 Scope of subpart.

See § 3.200 of this title.

§ 1003.201 National emergency.

§ 1003.201-1 Authority.

See § 3.201-1 of this title.

§ 1003.201-2 Application.

See § 3.201-2 of this title.

§ 1003.201-3 Limitation.

(a) Except in connection with contracts of the categories listed in § 3.201-2 (b) of this title, the authority of 10 U.S.C. 2304(a)(1) will not be used for:

(1) Increase or decrease of funds obligated on contracts through supplemental agreements or contract amendments issued pursuant to provisioning

procedures incorporated in the contract for concurrent spare parts or other accessorial equipment specified to be delivered under the contract.

(2) Supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to increase—decrease quantity options or extras.

(3) Supplemental agreements or contract amendments for concurrent spare parts or other accessorial equipment not originally provided for in the contract.

(4) Orders (which obligate funds) against contracts or agreements upon which funds were not obligated.

(b) The authority of the basic contract will be used for:

(1) Increase or decrease of funds obligated on letter contracts and cost-reimbursement type contracts; provided, such increase or decrease is not the result of a change in the scope of work or quantities to be delivered.

(2) Change orders, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, termination for convenience, default, taxes, and variation in quantity caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes.

§ 1003.202 Public exigency.

§ 1003.202–1 Authority.

See § 3.202–1 of this title.

§ 1003.202–2 Application.

See § 3.202–2 of this title.

§ 1003.202–3 Limitation.

The contracting officer will require the initiating activity to furnish him such written justification of the circumstances of the exigency as he may feel essential in case he has not sufficient personal knowledge of the facts constituting the exigency. This justification will specifically include a statement of the injury that would be suffered by the Government, financially or otherwise, if the supplies or services were not furnished by a certain date.

§ 1003.203 Purchases not more than $2,500.

§ 1003.203–1 Authority.

See § 3.203–1 of this title.

§ 1003.203–2 Application.

See § 3.203–2 of this title.

§ 1003.203–3 Limitation.

See § 3.203–3 of this title.

§ 1003.204 Personal or professional services.

§ 1003.204–1 Authorization.

(a) Section 15 of the act approved August 2, 1946 as amended (60 Stat. 810; 5 U.S.C. 55a), provides:

> The head of any department, when authorized in an appropriation or other act, may procure the temporary (not in excess of 1 year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases each service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

(b) Department of Defense Appropriations Act, 1961 (Public Law 86–601), states:

> SEC. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

§ 1003.204–2 Application.

The general authority contained in § 3.204–1 of this title will be used only with respect to contracts for personal or professional services which are otherwise specifically authorized by law, as in § 1003.204–1. A determination by the Secretary is required by acts of Congress other than that set forth in Chapter 137, Title 10, U.S. Code and if such determination is obtained, no separate determinations and findings are required.

(a) *Services authorized.* The provisions of the Appropriation Act quoted in § 1003.204–1(b) affect each contract for expert or consultant services (such as architectural, engineering, technical, or professional services) made with any individual or made with a firm or corporation which is engaged primarily in the business of furnishing such services, and each contract for the employment of services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Air Force. Except as stated above, the provisions do not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair or maintenance of supplies, material, or facilities, or to any other type of contract.

(b) *Citation of statutory authorities.* Each contract or supplemental agreement described in paragraph (a) of this section will cite as authority section 10 U.S.C. 2304(a)(4), section 15 of the act approved August 2, 1946 (Public Law 600, 79th Cong.) (60 Stat. 810; 5 U.S.C. 55a), and the applicable section of the current appropriation act. If § 3.206–2 of this title applies to the services being procured, 10 U.S.C. 2304(a)(6) will be used instead of 10 U.S.C. 2304(a)(4).

§ 1003.204–3 Limitation.

See § 3.204–3 of this title.

§ 1003.205 Services of educational institutions.

§ 1003.205–1 Authority.

See § 3.205–1 of this title.

§ 1003.205–2 Application.

See § 3.205–2 of this title.

§ 1003.205–3 Limitation.

See § 3.205–3 of this title.

§ 1003.206 Purchases outside the United States.

See § 3.206 of this title.

§ 1003.206–1 Authority.

See § 3.206–1 of this title.

§ 1003.206–2 Application.

See § 3.206–2 of this title.

§ 1003.207 Medicines or medical supplies.

§ 1003.207–1 Authority.

See § 3.207–1 of this title.

§ 1003.207–2 Application.

(a) In addition to meeting the two requirements set forth in § 3.207–2 of this title, the proposed procurement must concern supplies which are authorized for local purchase or central procurement type items for which specific local purchase authority has been obtained.

(b) For procurements estimated to exceed $10,000, the requirement for "suitable advance publicity" will be deemed to be complied with if written requests for proposals are circulated to business concerns engaged in manufacture or sale of the supplies involved, including qualified dealers known to have current interest in selling such supplies to the Government.

§ 1003.207–3 Limitation.

See § 3.207–3 of this title.

§ 1003.208 Supplies purchased for authorized resale.

§ 1003.208–1 Authority.

See § 3.208–1 of this title.

§ 1003.208–2 Application.

(a) In addition to meeting the requirements set forth in § 3.208–2 of this title, the proposed procurement must concern supplies which are authorized for base procurement by AFR 145–14 (List of Subsistence Supplies Authorized for Issue and Sale in Commissaries and Commissary Stores), AFR 145–11 (Acquisition, Sale, and Stockage of Subsistence Articles), or brand-name items selected by the Superintendent of the USAF Academy for resale in the Cadet Store.

(b) For procurements estimated to exceed $10,000, the requirement for "suitable advance publicity" will be deemed to be complied with if written requests for proposals are circulated to business concerns engaged in manufacture or sale of the supplies involved including qualified dealers known to have current interest in selling such supplies to the Government.

§ 1003.208–3 Limitation.

This authority will not be used in connection with purchases made pursuant to

Purchase Notice Agreements published in Department of the Army Supply Bulletins.

§ 1003.209 Perishable or nonperishable subsistence supplies.

§ 1003.209–1 Authority.

See § 3.209–1 of this title.

§ 1003.209–2 Application.

See § 3.209–3 of this title.

§ 1003.209–3 Limitation.

See § 3.209–3 of this title.

§ 1003.210 Supplies or services for which it is impracticable to secure competition by formal advertising.

§ 1003.210–1 Authority.

See § 3.210–1 of this title.

§ 1003.210–2 Application.

The title of § 3.210 of this title, in its implementation of 10 U.S.C. 2304(a)(10), adds the words "by formal advertising". Where more than one source exists, competitive negotiation will be accomplished wherever possible. Application of the circumstances with respect to which the authority may be used is identified by the corresponding paragraph in § 3.210–2 of this title:

(a) "When the supplies or services can be obtained from only one person or firm"—When considering determinations and findings, contracting officers and approving officials will exercise due care before a determination is made that a particular item can be obtained from only one person or firm. Complete sole source substantiation must be included in the determination and finding. Merely citing this authority will not suffice.

(b) See § 3.210–2(b) of this title.

(c) "When bids have been solicited pursuant to the requirements of Section II, and no responsive bid (a responsive bid is any bid which conforms to the essential requirements of the solicitation of bids) has been received from a responsible bidder."—This authority may be used only if the negotiation is for identical requirements of the Invitation for Bids. If specification deviations are authorized or the delivery requirements or quantities are changed, consideration must be given to advertising the revised requirements or negotiating under some other exception.

> NOTE: Contracting officer may continue use of advertised forms (Standard Forms 19, 30 or 33) to consummate procurement by negotiation. If Standard Form 30 is used, a Standard Form 26 will be placed with it. The negotiation authority will be cited across the face of Standard Form 19, 26 or 33 as follows: "This negotiated contract is entered into pursuant to the provisions of 10 U.S.C. 2304(a)(10) and any required determination and findings have been made."

(d) to (l) See § 3.210–2 (d) to (l) of this title.

(m) "When it is impossible to draft, for a solicitation of bids, adequate specifications or any other adequately detailed description of the required supplies or services"—This authority will not be used for procurement of any item covered by an approved specification listed in § 1001.1202(a) of this chapter. When full and free competition can be obtained with the specifications, exhibits, or purchase description and award is contemplated to be made to the lowest responsible bidder, the procurement will be formally advertised. Cases of doubt will be resolved in favor of formal advertising. See § 1003.306(b)(5).

(n) to (p) [Reserved]

§ 1003.210–3 Limitation.

Determinations and findings will set forth the particular reasons why competition by formal advertising is impracticable, and will be approved as provided in § 1003.306(b). With respect to procurements exceeding $50,000 to be negotiated under the provision of § 3.210–2(m) of this title and § 1003.210–2(m), determinations and findings will be approved as provided in § 1003.306(b)(5).

§ 1003.211 Experimental, developmental, or research work.

§ 1003.211–1 Authority.

See § 3.211–1 of this title.

§ 1003.211–2 Application.

(a) In procurements with more than one phase, where it is anticipated that more than one phase will be performed under the contract, the total estimated cost of all phases will determine the need for a determinations and findings regardless of the fact that the estimated cost of the first phase is $100,000 or less.

(b) In the case of procurements in which the total estimated cost is over $100,000 but which are partially financed by amount of $100,000, or less, the total estimated cost will determine the need for a determinations and findings.

§ 1003.211–3 Limitation.

See § 3.211–3 of this title.

§ 1003.213 Technical equipment requiring standardization and interchangeability of parts.

§ 1003.213–1 Authority.

See § 3.213–1 of this title.

§ 1003.213–2 Application.

See § 3.213–2 of this title.

§ 1003.213–3 Limitation.

Where the Secretary has not previously authorized standardization upon items to be procured, a request for determinations and findings to negotiate pursuant to this authority will contain the information required by AFR 67–104 (Standardization and Procurement of Technical Commercial-Type Equipment) and will be processed according to that regulation. Such a request will generally be a request for a blanket determinations and findings covering all purchases of the item within the area for which the item is to be standardized, and subject to the time limitations for standardization expressed in AFR 67–104.

§ 1003.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.

§ 1003.214–1 Authority.

See § 3.214–1 of this title.

§ 1003.214–2 Application.

See § 3.214–2 of this title.

§ 1003.214–3 Limitation.

See § 3.214–3 of this title.

§ 1003.215 Negotiation after advertising.

§ 1003.215–1 Authority.

See § 3.215–1 of this title.

§ 1003.215–2 Limitation.

See § 3.215–2 of this title.

§ 1003.215–50 Application.

The authority of 10 U.S.C. 2304(a)(15) can be invoked for all or only a portion of a specific procurement. Requests for determinations and findings to negotiate under this authority should state: (a) The range of bid prices received and reasons why these prices (or some of them) are deemed unreasonable, or (b) evidence that the bid prices have not been independently arrived at in open competition. The letter of transmittal will set forth the estimated cost of the proposed procurement.

§ 1003.216 Purchases in the interest of national defense or industrial mobilization.

§ 1003.216–1 Authority.

See § 3.216–1 of this title.

§ 1003.216–2 Application.

See § 3.216–2 of this title.

§ 1003.216–3 Limitation.

See § 3.216–3 of this title.

§ 1003.217 Otherwise authorized by law.

§ 1003.217–1 Authority.

See § 3.217–1 of this title.

§ 1003.217–2 Application.

(a) Except as indicated in paragraphs (b) to (e) of this section, contracts will be negotiated under authorities other than those set forth in this part, only upon the approval of the Secretary.

(b) Transportation services by common carriers will be negotiated under authority of section 321, Part III, Interstate Commerce Act, September 18, 1940, 49 U.S.C. 65.

(c) Procurements negotiated pursuant to section 406 of Title IV of Public Law 345 (84th Congress).

(d) Blind-made supplies purchased through National Industries for the Blind as prescribed in § 5.504–2 of this title, will be negotiated under authority of the Act of June 25, 1938, c. 697, section 3, 52 Stat. 1196 (41 U.S.C. 48).

(e) Contracts for partial or total set-asides for small business made pursuant to a joint determination by the Air Force and the Small Business Administration (including contracts entered into pursuant to "Small Business Restricted Advertising") will cite as authority 10 U.S.C. 2304(a)(17) and section 15, Small Business Act (Public Law 85–536). See § 1.706–8 of this title.

§ 1003.218 Construction work.

§ 1003.218–1 Application.

See § 3.218–1 of this title.

§ 1003.218–2 Limitation on authority to negotiate contracts.

See § 3.218–2 of this title.

§ 1003.218–3 Citation of authority to negotiate.

See § 3.218–3 of this title.

§ 1003.250 Citation of law.

All contracts made according to Part 3 of this title, and this part will refer specifically to the subsection in 10 U.S.C. 2304(a), under which the award or contract was negotiated.

Subpart C is revised to read as follows:

Subpart C—Determinations and Findings

Sec.
1003.300 Scope of subpart.
1003.301 Nature of determinations and findings.
1003.302 Determinations and findings by the Secretary of a Department.
1003.303 Determinations and findings by the head of a procuring activity signing as "a Chief Officer responsible for procurement."
1003.304 Determinations and findings by a contracting officer.
1003.306 Procedure with respect to determinations and findings.

AUTHORITY: §§ 1003.300 to 1003.306 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.300 Scope of subpart.

See § 3.300 of this title.

§ 1003.301 Nature of determinations and findings.

Determinations and findings, referred to throughout Part 3 of this title, may be made with respect to classes of purchases or contracts only by the Secretary. The policy of the Department of the Air Force is to make class determinations only under very exceptional circumstances and for a period normally not to exceed one year. In requesting class determinations and findings, the supporting information with respect to each item of the class will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved.

§ 1003.302 Determinations and findings by the Secretary of a Department.

See § 3.302 of this title.

§ 1003.303 Determinations and findings by the head of a procuring activity signing as "a Chief Officer responsible for procurement."

(a) By § 3.303 of this title the Commander, AMC, is authorized to make determinations and findings required by 10 U.S.C. 2307, in support of incentive type and cost-reimbursement type contracts.

(b) The Director of Procurement and Production, Hq AMC, has been redelegated this authority, with power of redelegation, provided such determinations and findings will not, in any event, be made by the contracting officer for the procurement involved.

(c) The authority vested in the Director of Procurement and Production, Hq AMC, to make determinations and findings supporting the use of cost, cost-plus-a-fixed-fee, or cost-plus-incentive-fee contract, or a fixed-price incentive contract, has been redelegated to the following, subject to the provisions of paragraph (d) of this section.

(1) Deputy Directors of the Directorate of Procurement and Production, Hq AMC.

(2) Commander, AMC centers, with power of redelegation.

(3) Commanders of air materiel areas, Dayton AF Depot, and 2709th Vehicle Control Group with power of redelegation not below the level of a deputy director of procurement and production or comparable level.

(4) Commander, ARDC, with respect to research and development procurement (excludes base procurement) with power of redelegation.

(5) Commander, Military Air Transport Service, with respect to cost and CPFF type contracts for services involving CRAF Senior Lodger and Working Group contracts only. Redelegation may not be made below the level of the Chief, Procurement Division, Hq MATS.

(d) The delegations set forth in paragraph (c) of this section are subject to the following limitations:

(1) No person will exercise the authority redelegated if he is himself the contracting officer in the procurement involved.

(2) The officials to whom authority is redelegated will exercise such authority only within the jurisdictional limits of their respective duty assignments.

(e) The Director of Procurement and Production, Hq AMC, has delegated to the Director, Air Force Academy Construction Agency, the authority to make determinations and findings supporting the use of cost and cost-plus-a-fixed-fee type contracts (except those for procurement of items in production quantities), and fixed-price incentive contracts, provided the delegee is not the contracting officer in the procurement involved.

(f) Delegation to the Air Training Command with respect to making determinations and findings supporting the use of a cost or cost-plus-a-fixed-fee type contract is set forth in Subpart D, Part 1001 of this chapter.

(g) The Director of Procurement and Production, Hq AMC, has delegated authority to make findings and determinations supporting the use of cost-plus-a-fixed-fee type contracts for procurement of maintenance and overhaul services only to the Commander and Deputy Commander, AMFPA and AMFEA.

§ 1003.304 Determinations and findings by a contracting officer.

See § 1003.303(b).

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of § 3.202 of this title but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings under §§ 3.202 and 3.210 of this title and §§ 1003.202 and 1003.210; negotiated contracts.* Determinations and findings under §§ 3.202 and 3.210 (except § 3.210–2(m) for procurements exceeding $50,000) requires contracting officer's signature and will be subject to the following written approvals.

(1) AMC centers.

(i) Branch chiefs or their deputies—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Division chiefs (WSPOs, ESPOs, or comparable level) or their deputies—procurements initially estimated to be in excess of $50,000.

(2) AMC field procurement activities (other than centers).

(i) Chiefs or deputy chiefs of divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Directors or deputy directors of procurement and production—procurements initially estimated to be in excess of $50,000.

(3) Hq ARDC and ARDC centers and divisions.

(i) Chief or deputy chief of buying divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Director or deputy director of procurement—procurements initially estimated to be in excess of $50,000.

(4) Purchasing activities other than those stated in subparagraphs (1), (2), and (3) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(c) *Limitation.* No person will exercise the authority redelegated in paragraph (b) of this section if he is the contracting officer in the procurement involved. This limitation does not apply to WSPOs at ASC (or comparable organizations) where the chief of the WSPO is the only contracting officer appointed for such WSPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the WSPO and no further approval of such determination and finding will be required.

(d) *AMC procedure for Secretarial determinations and findings.* (1) Determinations and findings authorizing negotiation which require signature by the Assistant Secretary of the Air Force will be prepared on plain bond paper, undated, and without signature block. An original and nine carbon copies will be submitted with the letter of transmittal.

(2) Letters of transmittal will be prepared and submitted (an original and four copies) to AMC (MCPC), for review and forwarding to Hq USAF (AFMPP–PR). When considered necessary, these letters will include additional information to show compliance with the applicable part of Subchapter A, Chapter 1 of this title.

(e) *ARDC procedures for Secretarial determination and findings.* ARDC activities will process requests for approval of determinations and findings authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to Hq USAF (AFMPP–PR).

(f) *Procedure for major commands other than ARDC for Secretarial determinations and findings.* Such activities will process requests for approval of findings and determinations authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to AMC (MCPC) using procedure in paragraph (d) of this section.

(g) *Quantitative change in requirements.* Whenever a quantitative increase in requirements occurs with respect to a Secretarial determination and finding prior to execution of the contract, the following policies will govern:

(1) Secretarial Determinations and Findings authorizing negotiation for research and development will be considered to authorize negotiation for increased requirements provided the dollar value of the increase in requirements, in the aggregate, does not exceed 20 percent of the dollar value of the quantity upon which the original D&F was based, or $500,000, whichever is less.

(2) Secretarial Determinations and Findings authorizing negotiation for other than research and development will be considered to authorize negotiation for increased requirements provided the increase in requirements, in the aggregate, does not exceed 10 percent of the quantity upon which the original D&F was based, or $350,000, whichever is less.

(3) If a change in requirements exceeds the limitations authorized above, the procurement will not be consummated until a new determination and finding covering the increase has been obtained according to the prescribed procedures.

(h) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFMPP–PR) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart F—Small Purchases

1. In § 1003.606–2, paragraph (b) is amended to read as follows:

§ 1003.606–2 Establishment of blanket purchase agreement.

* * * * *

(b) When individual requests are to be funded against existing obligation authorities or from funds cited on the purchase request, the BPA will contain the statement: "Individual requests under this agreement will be charged to an existing obligation authority administered by the contracting officer or to funds certified on each purchase request."

2. Sections 1003.606–3, 1003.652, 1003.652–2, and 1003.652–3 are amended to read as follows:

§ 1003.606–3 Conditions for use.

(a) See § 3.606–3(a) of this title.

(b) The maximum period of time covered by a funded BPA, will not exceed 3 months or extend beyond the end of the fiscal quarter in which issued. The maximum aggregate amount of requests to be issued against such BPAs will not exceed $15,000. When consolidated receiving reports are used, no requests will be placed against BPAs unless delivery can be accomplished within the effective period of the agreement.

(c) to (d) See § 3.606–3 (c) to (d) of this title.

§ 1003.652 Procurement of small contractual maintenance or construction services.

This section provides a procedure for obtaining small contractual services when the development of a definite work statement and specification is not considered economically feasible.

§ 1003.652–2 Conditions for use.

This procedure will be used when the following conditions prevail:

(a) Contractual maintenance services:

(1) The aggregate amount of the procurement does not exceed $2,500.

(2) When it is necessary to tear down and inspect equipment to determine extent and cost of repairs.

(3) Where a realistic monetary limitation cannot be established without tear down and inspection of the equipment.

(b) Construction services:

(1) The aggregate amount of the procurement does not exceed $2,000.

(2) When it is necessary to excavate, uncover, or tear down real property to determine extent of construction or repair services required.

(c) Requirements are not split for the purpose of avoiding the monetary limitations.

(d) When the development of a definite work statement and specification is not considered economically feasible.

(e) A one-time or "sporadic" requirement is involved. For recurring or repetitious requirements estimated to exceed the monetary limitations, the procurement will be affected by use of one of the other approved types of contracts in Subchapter A, Chapter 1 of this title and this subchapter, as determined in the best interest of the Government.

§ 1003.652–3 Purchasing procedures.

(a) *Contractual maintenance services.* (1) The maintenance activity will furnish, with the purchase request, a general statement of work to be performed and, to the extent possible, a statement relative to the performance and peculiar operating characteristics encountered immediately prior to the equipment becoming inoperative.

(2) The purchase request will indicate the maximum expenditure authorized to repair the specific item.

(3) The contracting officer will select only one competent and reputable firm for the performance of the required service. To the extent possible, this firm will be selected in the following order:

(i) Manufacturer of the equipment.

(ii) Service points controlled and operated by the manufacturer.

(iii) Authorized dealers of the manufacturer.

(iv) Other sources established in the immediate area with known performance capabilities and established reputation for good workmanhip at fair and reasonable prices.

(v) Where more than one firm of equal qualifications (price and other factors considered) is readily available, such purchases of services will be distributed equitably over a period of time among all qualified sources.

(4) After selection of a source as outlined above, contracting officers will proceed with the procurement action in the following manner:

(i) To determine that the repair cost does not exceed the allowable cost authorized for repair, and to insure that reasonable prices will be charged for the repair needed, fixed prices will be obtained from the vendor for the cost of: (*a*) Tear down, inspection, and itemized labor and material needed for repair; and (*b*) tear down, inspection, itemized labor and parts needed for repair, and reassembly. The purpose of the two prices is to provide a firm price for the return of the nonreparable item in an assembled or disassembled condition as determined appropriate.

(ii) Instruct vendor to proceed with the tear down, inspection and quote. Vendor will be instructed that the resultant price quoted should include the cost to: (*a*) Tear down, (*b*) itemize labor and parts needed for repair, and (*c*) repair and place in serviceable operating condition, including all replacement parts and labor.

(iii) Upon receipt of the quotation for the service outlined in subdivision (ii) of this subparagraph:

(*a*) Obtain from the maintenance activity a statement as to the reparability of the item in light of the prices quoted and the reasonableness of the price quoted for repairs contemplated.

(*b*) If the item is not reparable, notify vendor accordingly and accomplish the purchase action for services performed in either subdivision (i) (*a*) or (*b*) of this subparagraph, as appropriate, by petty cash if under $100 or by confirmation DD Form 1155 or Standard Form 44 if over $100.

(*c*) If item is reparable notify vendor to proceed with repair. This notification may be verbal for accomplishment under the Cash Purchasing or Blanket Purchase Agreement procedures, or by issuing a purchase order (DD Form 1155). Regardless of the method used in effecting the procurement, the vendor will be required to furnish an itemized list (Invoice on DD Form 1155 purchases) reflecting labor and parts required in the actual performance of the work.

(*d*) If the vendor's quotation exceeds the $2,500 limitation imposed for the use of this procedure, and it is determined that the services are still required, the breakdown submitted by the vendor may be used as a basis in soliciting competition for the requirement.

(b) *Construction services.* (1) The civil engineering activity will furnish, with the purchase request, a general

statement of the work to be performed and why it is necessary to tear down or excavate to determine extent of work. An estimate of the cost, itemizing labor, material, and equipment to perform the initial tear down or excavation will be indicated on the purchase request.

(2) The contracting officer will select only one competent and reputable firm with known performance capabilities and established reputation for good workmanship at fair and reasonable prices. Where more than one firm of equal qualifications (price and other factors considered) is readily available, such purchases of services will be distributed equitably over a period of time among all qualified sources.

(3) After selection of a source, contracting officers will proceed with the procurement action in the following manner:

(i) Obtain a fixed price for the tear down or excavation, inspection, and itemization of materials, equipment and labor necessary to place the equipment or facility in operable condition, including final cleanup. If the price received for this portion of the job is considered fair and reasonable and in line with the Government estimate, the contractor will be instructed to proceed with the tear down or excavation, inspection, and quote.

(ii) Upon receipt of the quotation for the restoration services, obtain from the civil engineering activity:

(*a*) A verification of the requirement for construction services as reflected in the vendor's quotation.

(*b*) Any methods for performing the construction services other than those contemplated in the quotation.

(*c*) A statement on the reasonableness of the price quoted for the services contemplated together with estimated costs itemizing labor, material, and equipment for any alternate methods proposed for accomplishing the services required.

(iii) When determination is made that services are to be performed and restoration costs will not exceed $2,000:

(*a*) If the final negotiated price for the restoration is considered fair and reasonable and, when added to the cost for the initial tear down or excavation, does not exceed $2,000, the contractor who performed the tear down or excavation will be instructed to proceed with the construction services. The procurement action will be completed by the issuance of an AFPI Form 79 which will reflect separate line items for the tear down or excavation and for the restoration work.

(*b*) If the final negotiated price for the restoration service is not considered fair and reasonable and/or the restoration costs when added to the tear down or excavation costs exceed $2,000, the contractor will be advised accordingly and the purchase action for services performed will be accomplished by confirmation AFPI Form 79. The restoration services will be considered a separate requirement. The breakdown of material, equipment and labor obtained according to subdivision (ii) of this subparagraph may be used as a basis for soliciting competition for the restoration requirement.

(iv) If for any reason it is determined that the restoration services should not be accomplished as outlined in subdivision (iii) of this subparagraph:

(*a*) Purchase action for services performed will be accomplished by confirmation AFPI Form 79.

(*b*) The civil engineer will be notified that contractual work for the restoration will require a separate purchase request with conventional plans and/or specifications.

Subpart G is revised to read as follows:

Subpart G—Negotiated Overhead Rates

Sec.

1003.700 Scope of subpart.
1003.701 Definitions.
1003.701–1 Negotiated final overhead rates.
1003.701–2 Provisional overhead rates.
1003.701–3 Overhead (indirect costs).
1003.702 Purpose.
1003.703 Applicability.
1003.704 Contract clauses.
1003.704–1 Contracts with commercial concerns.
1003.704–2 Contracts with nonprofit and educational institutions.
1003.704–3 Instructions for completing contract clauses.
1003.705 Procedure.
1003.706 Coordination.
1003.707 Cost sharing rates.

AUTHORITY: §§ 1003.700 to 1003.707 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.700 Scope of subpart.

This subpart sets forth policy and procedure governing the negotiation of overhead rates for use in cost-reimbursement type contracts containing the Negotiated Overhead Rates clause in either § 3.704–1 or § 3.704–2 of this title.

§ 1003.701 Definitions.

§ 1003.701–1 Negotiated final overhead rates.

See § 3.701–1 of this title.

§ 1003.701–2 Provisional overhead rates.

See § 3.701–2 of this title.

§ 1003.701–3 Overhead (indirect costs).

§ 1003.702 Purpose.

See § 3.702 of this title.

§ 1003.703 Applicability.

This subpart applies to all AF procurement activities. AFSC procuring activities will request approval from Pricing Division (ASXKF), Deputy for Procurement, AFSC, Wright-Patterson AFB, Ohio. AFLC procuring activities and all other commands, will request approval from Pricing Branch, Contract Operations Division (MCPKP), Hq AFLC, who will coordinate with AFSC (ASXKF) before granting approval. It is not practical for a contractor to have a mixture of cost-reimbursement type contracts, some requiring negotiated final overhead rates, as provided in this subpart and others which omit the clauses in § 3.704–1 or § 3.704–2 of this title and therefore requiring settlement of final overhead by audit determination.

§ 1003.704 Contract clauses.

§ 1003.704–1 Contracts with commercial concerns.

It is AF policy, not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704–2 Contracts with nonprofit and educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for succeeding periods will be negotiated by the Office of Aerospace Research (OAR) (RRK) as part of final overhead rate negotiations.

§ 1003.704–3 Instructions for completing contract clauses.

See § 3.704–3 of this title.

§ 1003.705 Procedure.

(a) AFSC (ASXKF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) ASXKF will conduct the negotiation of all final overhead rates established pursuant to § 3.704–1 when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations (§ 3.706 of this title) except with colleges, universities and research institutes as shown in subparagraph (2) of this paragraph. The contractor's proposal will be forwarded through the administrative contracting officer for distribution to ASXKF or OAR (RRK) and to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to ASXKF or OAR (RRK) through the Auditor General, USAF, liaison activity nearest the office responsible for the negotiation, with copies provided to the ACO. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs question, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) ASXKF will monitor the negotiation of all final overhead rates established pursuant to § 3.704–2 of this title when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations (§ 3.706 of this title) with colleges, universities, and research institutes. The authority to conduct such negotiation has been delegated to OAR (RRK) without redelegation authority.

(3) ASXKF will monitor the negotiations of all final overhead rates established for fractional periods of time. ACOs are authorized to negotiate final overhead rates for any fractional periods less than 6 months necessary to close out a contract. ACOs may utilize either the rates negotiated for the immediate preceding period, the recommendation of the cognizant auditor based on limited review, or any other reasonable approach.

(b) Advisory audit reports will be used in all final overhead negotiations except where ASXKF or OAR (RRK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) and (d) See § 3.705 (c) and (d) of this title.

(e) ASXKF or OAR (RRK) as appropriate will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and the audit activity.

(f) See § 3.705(f) of this title.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, ASXKF will coordinate with the other military departments in determining the cognizant negotiating activity. Should the determination be made that the Air Force will be the cognizant negotiating activity, ASXKF will (a) for negotiations pursuant to § 3.704–1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title notify OAR (RRK) who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conduct the negotiation.

§ 1003.707 Cost sharing rates.

See § 3.707 of this title.

Subpart H—Price Negotiation Policies and Techniques

1. Section 1003.804–2 is amended to read as follows:

§ 1003.804–2 Late proposals.

(a) See § 3.804–2(a) of this title.

(b)(1) Research and development procurements are exempt from the procedure in this section and in § 3.804–2(b)(2) of this title. On other procurements, the contracting officer will send recommendation to the appropriate officer for written decision: (i) Director or deputy director of procurement and production at AFLC air materiel areas, AF depots or 2709th AF Vehicle Control Group; (ii) Chief, Support Procurement Division, Hq AFLC, WPAFB, Ohio; (iii) commander, or a duly authorized representative not below the staff officer responsible for procurement, of AFSC divisions or centers; (iv) commander of the major air command (including Office of Aerospace Research) concerned or a duly authorized representative not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command.

2. In § 1003.807–5, paragraph (d) is amended. Section 1003.807–5 now reads as follows:

§ 1003.807–5 Subcontracting.

(a) Major subcontracts pose three interrelated problems: (1) Need to give prime contractor a positive incentive to make first award a sound one in terms of product and price; (2) need to encourage close pricing in sole source or limited competitive situations in follow-on buys; and (3) need to price prime contract at a level consistent with sound subcontract prices. Successful resolution of the third problem is vital to solution of the first two. One way this may be achieved is to negotiate initial prices with prime contractor before he has established firm prices with his major suppliers. To do this properly, ACO will need to give PCO the information contemplated by Subchapter A, Chapter I of this title. ACO will use pricing and technical specialists to review prices proposed for major subcontracts. Where appropriate, he also will use audit services provided by either the prime contractor's own auditors or by military audit agencies, depending upon circumstances. To protect the interests of a subcontractor, the contracting officer will use judgment in releasing to prime contractors information received from Department of Defense sources.

(b) See § 3.807–5(b) of this title.

(c) Subchapter A, Chapter I of this title anticipates situations when major redeterminable subcontracts will not have been repriced at time revision of prime contract price must be completed. Where it is possible to forecast ultimate prices of those subcontracts with reasonable assurance due to the availability of fairly definite cost data, AF procurement personnel may negotiate firm final prime contract prices. Alternate procedures in Subchapter A, Chapter I of this title will be used in those few instances when cost data on major subcontracts will be so indefinite as to preclude reasonable projection of revised subcontract prices. Occasion to use this procedure may come when establishing final prices on FPR–E, FPIF, and FPIS contracts and, conceivably, when establishing firm revised prices under FPR–C and FPR–D contracts.

(d) Requests for subcontract fees in excess of those stated in Subchapter A, Chapter I of this title will be sent to the Secretary through the Office of the Procurement Committee (MCPC), Hq AFLC, for all procurement activities except AFSC and OAR; or to the Procurement Committee (SCMK–3), Hq AFSC, for AFSC procurement activities and OAR.

3. Sections 1003.809 and 1003.810 are amended to read as follows:

§ 1003.809 Audit as a pricing aid.

(a) *General.* See § 3.809(a) of this title.

(b) *Application.* (1) For procedures to be followed when requesting audit assistance, see § 1003.850–3.

(2) Contract management activity (APD/AFPRO) will support auditor's requests to contractor for access to contractor records and data and will be responsible for furnishing auditor's comments or report to procuring activity, except for audit reports covering price revisions. Procuring activity will be responsible for inviting auditor attendance at principal negotiation conferences.

(c) *Conditions for use.* (1) Audit assistance will be requested (i) Prior to the award of a contract to a sole source, or definitization of a letter contract awarded to a sole source, where definitive price negotiations in excess of $350,000 are contemplated, or (ii) whenever a cost-reimbursement, incentive, or redeterminable type contract is contemplated and compatibility of contractor's accounting system with the particular contract type is in doubt. In all other negotiations, the contracting officer (or price analyst reviewing the proposal at the contracting officer's request) will determine the need for requesting audit assistance after evaluation of the entire procurement situation including, but not limited to, the conditions discussed in Subchapter A, Chapter I of this title.

§ 1003.810 Exchange of information.

Contract Operations Division, Pricing Branch (MCPKP), Hq AFLC, will be the clearing house within the Air Force, except for AFSC and OAR, for information of a contract pricing nature. For AFSC and OAR, Pricing and Negotiation Division (ASXKF), Directorate of Procurement, Hq AFSC, WPAFB, will act as clearing house.

4. Sections 1003.812 to 1003.812–4 are added as follows:

§ 1003.812 Special use allowances for Research facilities acquired by educational facilities.

§ 1003.812–1 Definitions.

See § 3.812–1 of this title.

§ 1003.812–2 Policy.

See § 3.812–2 of this title.

§ 1003.812–3 Authorization of special use allowances.

See § 3.812–3 of this title.

§ 1003.812–4 Negotiation and administration of contracts providing for special use allowances.

5. Section 1003.850–1 is amended to read as follows:

§ 1003.850–1 Pricing of support items.

(a) General: (1) By definition, "support items" includes spare parts, modification kits, technical data, aerospace ground equipment, special tools, and test equipment. Where instructions obviously apply only to one of these categories, only that particular group will be cited.

(2) Support items should be bought using firm fixed-price contracts whenever feasible. Considering administrative time and cost of pricing and repricing exhibits, this policy is feasible whenever reasonably close prices can be established and contractor's accounting system will permit separate identification of support item cost.

(b) Techniques: (1) In general, pricing policies and methods of analyzing contractor's proposals outlined in preceding sections also apply to negotiation of support item prices.

(2) One of the techniques of pricing spare parts and other support item exhibits is the formula technique. These formulas represent a systematic approach to pricing based upon projections of indirect expense and profit rates which are applied to projected material

and labor costs to develop unit prices. Contractor relies upon averaging effect of formula application to give it reasonable profit for total production effort and does not attempt to secure a reasonable profit from sale of each separate item. For this reason, price of any given item may be higher or lower than if a detailed estimate for item had been made.

(c) Support items, particularly spare parts, can be a volume workload both from the number of exhibits, production lists, work requests, etc. that must be reviewed and from the number of line items on each document. Besides analysis, each document requires a written record of analysis and negotiation. To expedite the preparation of such written records, ACOs will: (1) Write description of method(s) used by the contractor to price spare parts and other support items, and by AF price analysts and auditors to analyze priced exhibits, (2) clear such estimating and analysis methods with local AF management and then with cognizant CMR for understanding, adequacy, and acceptability, and (3) give principal PCOs and cognizant CMR copies of the written descriptions and notify them promptly of any subsequent changes. In addition, if the formula technique of pricing is used, the written reports covering the negotiation of formula factors should be cleared with the local review board, and information copies furnished to principal PCOs. Thereafter, whenever standard analysis methods establish the reasonableness of the contractor's proposed prices, the written record of analysis need only cite the previously distributed descriptions and, if applicable, formula negotiation reports, and state that the standard analysis methods and negotiated formula factors as detailed therein were used. If the PCO has pricing responsibility, the ACO will, when submitting priced documents to the PCO for final action, include the original of this written record of analysis and recommend acceptance. However, if standard analysis methods fail to establish the reasonableness of the contractor's proposed prices, or if circumstances made it necessary to depart from standard analysis methods or to use other formula factors, the supporting record should include additional detail and support.

§ 1003.850–3 [Amendment]

6. In § 1003.850–3 "Planning and coordination", in paragraph (a), line 15, the words: "audit field offices is required" is amended to read "audit field officers are required."

7. In § 1003.850–5, paragraph (b) is amended to read as follows:

§ 1003.850–5 Prenegotiation conferences and briefings.

* * * * *

(b) Those to whom the authority to manually approve contracts has been delegated (§ 1001.457(a) of this chapter) by the Director of Procurement and Production, Hq AFLC or Director of Procurement, Hq AFSC, will establish a system for briefings by AF negotiating team after negotiation objectives have been firmed but before conclusion of negotiation conference. Procedures and requirements for prenegotiation reviews will be determined locally. However, briefings will be appropriate in following situations:

(1) A new contract follows contract(s) where contractor's performance has been unsatisfactory.

(2) A new procurement substantially increases a contractor's annual sales and production volume.

(3) Costs have increased substantially beyond those originally estimated.

(4) Items procured have performed poorly and required modification and retrofit.

(5) Performance indicates justification for additional or reduced profit.

(6) The procurement obligates a significant portion of the AF budget.

8. Section 1003.850–9 is amended to read as follows:

§ 1003.850–9 Contractors' estimating systems.

Contractor's estimators perform a major role in developing projections and estimates of all elements of cost. To evaluate these elements, it is necessary to understand contractor's estimating system, including sources from which information is obtained by estimators, manner in which this information is used in developing estimates, extent of management review and revision, and controls exercised to insure realism of estimates. Where a continuing relationship exists with an AF supplier, estimating system surveys will be conducted by AF contract management activity. Because an understanding of a contractor's accounting system is necessary to determine its tie-in to cost estimating system, assistance of audit agency representatives usually will be obtained. Final reports of completed surveys will be sent to all interested AF procurement activities. Two copies of each report will be sent to AFSC, Directorate of Procurement (ASXKF), WPAFB, Ohio. It is important to remember, however, that estimating is largely a judgment process and that it is the judgments, as much as the system, that must be evaluated to determine the realism of a contractor's proposed price.

Subpart I is revised to read as follows:

Subpart I—Subcontracting Policies and Procedures

Sec.

1003.900 Scope of subpart.
1003.901 General.
1003.902 Review of "Make or Buy" Program.
1003.903 Review of subcontracting and contractors' purchasing systems.
1003.903–1 Contract clauses.
1003.903–2 Consent to subcontracts.
1003.903–3 Approval of purchasing system.
1003.903–4 Review of individual subcontracts.
1003.903–50 Consent to subcontracts.
1003.903–51 Secondary administration.
1003.903–52 Employment agency or engineering service subcontracts.
1003.903–53 Disputes provisions in subcontracts.
1003.903–54 Inclusion of statutory provisions.
1003.903–55 Use of audit personnel.
1003.903–56 Utilization of price analyst personnel.
1003.903–57 Subcontract file documentation.
1003.904 Additional contract clauses.

AUTHORITY: §§ 1003.900 to 1003.904 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.900 Scope of subpart.

See § 3.900 of this title.

§ 1003.901 General.

See § 3.901 of this title.

§ 1003.902 Review of "Make or Buy" Program.

See § 3.902 of this title.

§ 1003.903 Review of subcontracting and contractors' purchasing systems.

See § 3.903 of this title.

§ 1003.903–1 Contract clauses.

See § 3.903–1 of this title.

(a) and (b) See § 3.903–1 (a) and (b) of this title.

(c) In determining the figure to be inserted in paragraph (b) (ii) and (iii) of the clause in § 3.903–1(a) of this title the contracting officer will apply the factors in § 3.903–1(c) of this title. Insert the $100,000 only where it has been determined that no one of the factors requires a lower dollar figure. When a lower dollar figure is determined to be necessary, insert $25,000.

(d) See § 3.903–1(d) of this title.

§ 1003.903–2 Consent to subcontracts.

The contracting officer must check all approval requirements established by the prime contract. Source approvals normally will be limited to first-tier subcontracts. Clauses containing indemnity or "hold harmless" provisions which do not conform with standard provisions set forth in Subchapter A, Chapter I of this title or this subchapter will not be approved for use in subcontracts unless approval is accomplished according to procedures in § 1015.205–16(b) of this chapter.

§ 1003.903–3 Approval of purchasing system.

(a) While the approval of the system is the responsibility of the ACO, the purchase methods analyst (PMA) is responsible for conducting the initial and followup surveys.

(1) to (3) See § 3.903–3(a) (1) to (3) of this title.

(4) See Subparts G and H, Part I of this title and Subparts G and H, Part 1001 of this chapter regarding DOD and AF policy with respect to subcontracting with small business and labor surplus area concerns. The ACO in his continuous surveillance of the contractor's purchasing system will secure technical guidance and information from the cognizant AF small business specialist when making appraisal as to the effectiveness of the contractor's practices as required by AFPI Form 88, "Summary of Subcontracting Followup," check point 47, "consideration given to small business" (see paragraph (d)(2) of this section). The purchase methods analyst will advise the cognizant AF small business specialist when a survey is to be made and request the AF small business specialist, during the time of the survey to review in the contractor's plant the practices of the contractor in the Small Business Program (see paragraph (d) of this section). The findings and conclusions of the AF small business specialist will be incorporated in the survey report. A contractor's purchasing system will not be approved that does not meet objectives of the Small Business Program. The Contract Management Region Evaluation Panel during their re-evaluation of purchasing systems according to paragraph (d) of this section will determine whether small business concerns have been afforded an equitable opportunity to compete for subcontracts within their capabilities (see § 1.707 of this title and § 1001.707 of this chapter).

(5) Where the relationship or working arrangements between the contractor and subcontractor, or subcontractor and his supplier, are such as may deter arm's-length bargaining, the contracting officer shall insure that the Government's interest is protected before approving the subcontract or purchase order. (See also § 15.205–22(e) of this title.)

(b) Reliance upon the contractor's purchasing system where it has been determined to be efficient is preferable to checking and approving individual subcontracts.

(c) Approval of a contractor's purchasing system must be based upon its conforming to sound industrial procurement standards and its incorporation of pertinent AF purchasing principles.

(d) After approval of a contractor's purchasing system, there will be a re-evaluation (Followup Survey) of each purchasing system at least once each year by the purchase methods analyst. The "Followup Survey" comments and recommendations will be submitted to the Contract Management Region Evaluation Panel, to be used for their review and assistance in determining the continued adequacy of the contractor's purchasing system. All pertinent information and accepted recommendations will be forwarded to the ACO for necessary action. In addition, the ACO has the responsibility, between surveys made by the PMA, to make or cause to have made continual reviews to assure conformance with the contractor's approved purchasing system as follows:

(1) Specific surveillance techniques evaluation of purchasing system.

(i) Continuing review, with recorded comments, will be made on the policies, procedures, methods, and controls that are used in the various procurement areas.

(ii) Detailed individual case study will be made to certify that the systematic procedures and methods are followed. This should be accomplished: (a) By inspection of records, (b) by tactful discussions with personnel of the contractor's organization including the contractor's purchasing department, and (c) through careful and constant observations.

(iii) Reviews will be conducted and statistical analyses made as to effectiveness of the bidding process, use of cost analyses, size of order placed, type of contract used, reasons for making the award, and such other items as are pertinent.

(iv) See § 3.903–3(e) of this title and paragraph (e) of this section.

(v) Detailed selective investigation and special surveillance will be made on the bases specified by the ACO. Where subcontracts involve considerable sums and are for items for which there is no previous cost experience, they will be included in the review.

(2) The AFPR and chief of the APD have administrative responsibility to assure there is continual followup and sufficient data is maintained to determine whether the contractor is following the procurement procedures that were approved. AFPI Form 88, "Summary of Subcontracting Followup" will be used to reflect continual surveillance as set forth in subparagraph (1) of this paragraph. Guidelines for the checkpoints in the form are in this subpart and Subpart H, Part 3 of this title and Subpart H of this part. After appraisal of each checkpoint has been made, record the dates of such appraisals on the form, and keep supporting work papers until they have been superseded by new and current information. Any checkpoint not applicable to a particular contractor will be so annotated. When a review reveals the existence of a deviation from good procurement practices, the contractor will be requested, in writing, to effect necessary corrective action. Progressive documental followup must be made to ensure that the plan of action has, in fact, been implemented. The contractor will not be required to establish any new reports to satisfy the requirements of AFPI Form 88.

(e) Where other Government personnel have performed checks, maximum use will be made of such reports thus avoiding duplication of effort. Also where the contractor's internal administrative controls assure reasonable system compliance, such controls will be used.

§ 1003.903–4 Review of individual subcontracts.

(a) (1) See § 3.903–4(a)(1) of this title.

(2) Whenever any subcontract which would require the acquisition of facilities at additional cost to the Government is submitted for approval, the ACO will follow the procedure in § 1013.2402(j) of this chapter.

(3) See § 3.903–4(a)(3) of this title.

(4) A proven procedure for contractor selection of CPFF subcontractors is the utilization of a formal Subcontract Selection Board in procurements of major assemblies, subassemblies, systems, subsystems, or for work of comparable complexity. The primary advantage of using a selection board is to insure that all pertinent factors pertaining to the procurement are considered by a qualified group of individuals. The board's decision, adequately documented, will have greater status than an individual's decision. When a contractor selection board is utilized, it is important that:

(i) The specific data to be analyzed in the proposal be established prior to issuing the Request for Proposal (RFP).

(ii) RFPs must ask for the specific data to be evaluated.

(iii) The completed RFPs be submitted to the board.

(iv) The selection criteria be established before the board reviews any proposals.

(v) An evaluation be made of the respective subcontractor's performance by also considering the effectiveness of the purchasing system, and the accounting system. The cognizant ACO, upon request by the prime contractor, will advise whether the subcontractor's systems have been approved by the Air Force.

(vi) The selection board be composed of individuals who have prestige and respect.

(vii) The minutes of the selection board be complete and document the decision of the board.

(5) to (9) See § 3.903–4(a) (5) to (9) of this title.

(b) (1) to (4) See § 3.903–4(b) (1) to (4) of this title.

(5) The criteria set forth in §§ 3.405–1 (b) and 3.405–2(b) of this title should be applied by the ACO in reviewing time and material and labor-hour subcontracts respectively. Such subcontracts will not be approved unless the prime contractor provides adequate controls to insure proper pricing and prevent wasteful operations.

§ 1003.903–50 Consent to subcontracts.

(a) Source approval for subcontracts will conform with § 1.603(c) of this title and § 1001.603(c) of this chapter.

(b) The provisions of Subpart F, Part 1001 of this chapter, "Debarred, Ineligible, and Suspended Bidders" will be complied with in source approvals.

(c) Situations involving the transfer of an active subcontract to another contract for performance will be handled according to instructions from higher authority, on a case-by-case basis.

(d) Where subcontracts for research and development are proposed to be placed with contractors located in the European area, the assistance and recommendations of the European Office, OAR, Brussels, Belgium, will be obtained regarding the subcontractor's capability of performance.

(e) With respect to prime contracts under the terms of which "data" (as defined in § 9.201(a) of this title) is to be furnished by the prime contractor to the Government, no clause of any subcontract thereunder will be approved which by its terms has the effect of restricting whatever use the Government may make of such data under the terms of the prime contract.

(f) Contracting officers in processing their consent to subcontracts should withhold such approval or consent if unnecessary clauses are contained therein which would cause additional cost to the Government without commensurate return. For example, the approval of subcontracts by contracting officers has often involved their approval of a warranty clause. Except as numerated below, subcontracts requiring Air Force approval will not normally contain a warranty clause. There is no objection to inclusion of a warranty clause in subcontracts involving:

(1) Standard commercial items.
(2) Facility type items.
(3) Items of a capital nature.

In event any exception to this policy is processed, the contract file will be fully documented to reflect that the exception is in the best interest of the Government. Cost proposals should be carefully reviewed to identify costs included to cover warranty provisions. This is not to be considered in any way to preclude any implied warranty established as a matter of law in connection with the procurement of articles and materials of any nature.

(g) With respect to security requirements under classified subcontracts see AFR 205–4 (Armed Forces Industrial Security Regulations) and AFR 205–1 (Safeguarding Military Information).

§ 1003.903–51 Secondary administration.

The prime contractor has the overall responsibility for performance according to the terms of his contract. This includes responsibility for managing all phases of the program, such as purchasing, production, and subcontract administration. The ACO at the prime contractor's plant is responsible for insuring that the contractor is not only performing the required functions, but also that he is performing efficiently and effectively. The ACO assigned to the prime contractor's plant will assign, as the particular circumstances dictate, the responsibility for secondary administration of subcontracts. Contracting officers assigned such secondary administration will execute their assignments with the same degree of care and comprehensiveness as required in the case of prime contractor administration.

§ 1003.903–52 Employment agency or engineering service subcontracts.

Certain "engineering service companies" are in reality no more than employment agencies whose services may not be responsible or necessary in the performance of AF contracts. In reviewing proposed subcontracts with such companies, ACOs will determine the need for, and reasonableness of, the services involved.

§ 1003.903–53 Disputes provisions in subcontracts.

The ACO will not approve subcontracts containing any clause which would give the subcontractor the right of appeal to the Armed Service Board of Contract Appeals. The Air Force buys the contractor's management services, and this includes the adjustment of any disputes between the parties to the subcontract. Since there is no privity of contract between the Air Force and a subcontractor, the ACO will not participate in, or exert any influence with respect to, any dispute that may arise between the prime contractor and his subcontractors. The prime and his subcontractor may agree to arbitration to settle disputes; however, the results of such arbitration and the cost resulting therefrom are not binding on the ACO, but are subject to his independent review and approval. Arbitration provisions which would make the decision of the arbitrator binding on the ACO will not be approved. Since arbitration proceedings may be cumbersome and costly, such provisions should not be encouraged and should be consented to only in the more complicated subcontracts, such as those which would logically contain arbitration provisions if they were independent contracts between the parties, not involving Government work.

§ 1003.903–54 Inclusion of statutory provisions.

Subcontracts will contain all clauses required by law and the prime contract. They should also contain any clauses needed to carry out the requirements of the prime contract, even though there is no specific "flow-down" provision in the prime. For example, the ACO should require that subcontracts provide that title to special tooling and capital items fully paid for under the subcontract and remaining in the possession of the subcontractor will pass to the Government whenever the prime contract provides for the vesting of such title in the Government. On the other hand, care should be taken to avoid inclusion in the subcontract of restrictive prime contract provisions which are not applicable or material to the subcontract.

§ 1003.903–55 Use of audit personnel.

(a) Air Force or other Government audit personnel will be consulted as to the adequacy of the subcontractor's accounting system whenever such an appraisal has previously been accomplished. Furthermore, where a subcontract contains a price redetermination clause, and where the Auditor General (or any other Department of Defense audit agency) has performed a previous audit of a subcontractor, the prime contractor's auditors may, where appropriate, consult with such Government audit personnel for information to preclude unnecessary duplication. Where the prime contractor is performing the audit of subcontracts, the audit program and cost principles used and the working papers and audit report prepared by his personnel should be made available to the Government auditor having audit responsibility for the prime contractor. If the Government auditor considers the contractor's audit program or audit report lacking in any respect, he will immediately notify the contracting officer of the deficiencies, so that the questionable areas may be resolved before final approval of revised prices.

(b) In particular situations, as exemplified below, it is normally advantageous to request Government audit personnel to perform necessary subcontract audits. This will insure consistent treatment of subcontractors' costs, reduce duplicate auditing, and reduce the costs incurred by the prime contractor in the performance of subcontract audits.

(1) Where a subcontractor objects to the audit of its cost records by a prime contractor, for competitive reasons.

(2) Where a military department has audit cognizance or is currently auditing other subcontracts or prime contracts at the subcontractor's plant.

(3) Where the subcontractor holds prime or subcontracts from two or more military departments or prime contractors, and it would be more economical and provide consistent audit treatment and orderly audit administration.

(4) Where the contractor has a substantial or controlling financial interest in the subcontractor.

(5) Where the contractor has subcontracted a substantial portion of his contract to one subcontractor, or the major portion of a contract is subcontracted to a very limited number of subcontractors.

§ 1003.903–56 Utilization of price analyst personnel.

ACOs will make full use of price analysts in reviewing subcontracts. In addition, where the contractor's purchasing system has been approved, price analysts should be used to make detailed investigations of selected individual subcontracts on the basis specified by the ACO.

§ 1003.903–57 Subcontract file documentation.

(a) *Introduction.* This instruction establishes general guide lines to be used by management in establishing and by Air Force personnel in reviewing documentation procedures and practices of military prime contractors' purchasing and subcontracting systems.

(b) *General.* Since it must be recognized that there is limited uniformity in industry as to purchasing systems, these systems must be appraised on an individual company by company basis and divisions within a corporation. However, good business practices require some documentation of every purchase and the appropriate scope of documentation varies widely with such factors as money value, type of contract, complexity of items, and method of selecting source. Determination as to how much documentation is actually to be achieved in each case should be left to the contractor. In evaluating the purchasing system, the essential AF review is of contractor's statement of policies, procedures, and practices and of compliance with them. AF personnel should discuss with the contractor's personnel situations which, in their opinion, appear to be in conflict with the established policies and practices of the contractor before making any negative reports.

(c) *Application.* The scope and depth of file documentation should be greater when subcontracting for major (as defined by contractor policies) systems, subsystems, assemblies, subassemblies, or for work of a comparable complexity, where (1) selection of the subcontractor was determined on a sole or single source basis due to patents, follow-on advantages due to existing tooling, urgency of delivery, etc., (2) selection of the subcontractor was a result of a design or technical competition, or (3) award was made to other than the low bidder. Documentation of lesser scope and depth, as determined by contractor policies, should be considered for all other procurement.

(d) *Documentation elements.* Recognizing that there is a wide variation in procurement practices due to differences in the cost of the item procured or the total value of the procurement, adequate documentation will vary, even under the conditions spelled out in paragraph (c) of this section. Exhibits or displays of such investigative procedural results as have been completed and are deemed to be pertinent by the contractor, source selection procedures, vendor surveys, evaluation process including cost and price analysis, performance data, and approval requirements are examples of documentation which may, but not necessarily, be required to support the procurement.

§ 1003.904 Additional contract clauses.

See § 3.904 of this title.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–2439; Filed, Mar. 13, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Proctor and Waco Reservoir Areas, Texas

The Secretary of the Army having determined that the use of Proctor Reservoir Area, Leon River, Texas, and Waco Reservoir Area, Bosque River, Texas, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266), adding the reservoir areas to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

TEXAS

* * * * *

Proctor Reservoir Area, Leon River.
Waco Reservoir Area, Bosque River.

[Regs., Feb. 16, 1962, ENGCW–OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 62–2440; Filed, Mar. 13, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1004, 1010]

[Docket Nos. AO–160–A24, AO–276–A4]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders were formulated, was conducted at Philadelphia, Pennsylvania, on February 9, 1962, pursuant to notice thereof which was issued January 25, 1962 (27 F.R. 898).

The material issues on the record of the hearing relate to:

1. The accounting for added nonfat milk solids used in the production of dietary products and other fortified fluid milk products under each of the orders.

2. Modification of the conditions for pooling, under each of the orders, of multiple plants operated by the same handler.

3. Clarification of the classification rule under the Philadelphia order concerning interplant transfers of milk or skim milk disposed of for Class II uses.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

(1) Accounting relative to dietary products and other fortified fluid milk products: Fortified fluid milk products, including dietary products, should be classified, under the respective orders, as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk "equivalent" of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

Under the existing classification provisions of both the Philadelphia and Wilmington orders the products included in Class I are those fluid milk products, including fortified products, which are disposed of for fluid consumption. Because of the perishability of the finished products, only inspected milk is used. Local producers furnish essentially the full Class I milk requirements. When nonfat milk solids in the form of nonfat dry milk, dry whole milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content of the finished product, the skim milk equivalent of the total nonfat milk solids in the product is included currently in the computed volume of Class I milk.

Both orders provide for individual-handler pooling and there is no provision for a compensatory payment on other source milk utilized in Class I. However, producer milk is given priority of assignment in Class I, and, hence, to the extent that skim milk in producer receipts is available, producer milk is assigned to Class I utilization to the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used for both product fortification or reconstitution.

Proprietary handlers proposed that skim milk equivalent accounting for nonfat milk solids used in fortification (including dietary products) be discontinued. They contended that Class I pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and results in an undue cost to handlers. It was their position that the product cost resulting from the "skim milk equivalent" basis of classification of dietary fluid milk products greatly aggravated a cost situation which previously existed as to fortified skim milk. They are disadvantaged in competing with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products which are distributed through grocery stores, drug stores, food establishments and similar outlets. Removal of the requirement of skim milk equivalent accounting on all types of fortified fluid milk products would permit more competitive resale pricing of such items and hence create a greater demand for them.

Producers did not oppose the suggested change in accounting procedure.

Fortified fluid milk products customarily result from the addition of some form of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by removal of water.

Nonfat dry milk and condensed skim milk used in fortification ordinarily are derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing. It, therefore, should be continued in the orders.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only moderately increases the volume of the product and it may not be concluded from the evidence that the added solids displace producer milk in Class I beyond the minor increase in volume which results, if at all.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practicable and administratively necessary to maintain, in principle, full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure when flavoring and other nonmilk additives are used for processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

The amendatory language of the respective orders hereinafter set forth will implement these conclusions.

Producer representatives raised the point that the proposed change in accounting procedure has a mathematical effect on the computation of the index of Class I milk disposition in the Class I price formula and on the "supply-demand adjuster" which also is a part of the price formula. They contended that any change in accounting procedure should not be permitted to affect the Class I price level as currently computed.

The 1957–1958 base period data used in computing the current index of Class I milk disposition includes the skim equivalent of the relatively small amounts of nonfat solids used to fortify fluid milk products at that time. Although the amounts of fortified Class I products were much smaller in 1957–1958 than now, the inclusion of their skim milk equivalent in the base period data for index purposes resulted in a slight overstatement of total Class I volume in relationship to available producer milk supplies. This is so because in the base period, as at present, there was no necessity for handlers to obtain their additional solids for fortification from producer milk. Outside, ungraded, sources were eligible for this use of solids.

Although tending to benefit producers, the effect of such inclusion in the base period data has been minute. To adjust the formula precisely for the change in accounting procedure would require certain base period data which are not available in the record. On the other hand, sufficient information is contained in the evidence to demonstrate that the adjustment of the base period data would have a de minimis effect on the price formula computation which combines five indices relating to wholesale commodity prices, paid by Pennsylvania farmers, prices received by Pennsylvania farmers for products other than dairy, Midwestern condensery prices and Class I sales. Each index itself is a sample or estimate of the data it represents. Yet a relatively minor change in any of these estimated data could have as significant an effect on the price as the minute change in the Class I sales index suggested by producers for the purpose of achieving mathematical accuracy for this one index.

It is necessary, in accordance with the price standards of the statute, to consider the total effect of the formula as a stimulus to adequate supply. Since the base period, producer milk supplies have increased slightly in relation to the total fluid needs for such milk and are adequate even though there has been a gradual but steady growth in the sale of fortified fluid milk products. In view of this tendency toward increasing supplies, it may be reasonably concluded that the present Class I formula does not require the proposed revision as to the Class I sales index or any modification of the supply-demand adjuster and that it will continue to result in a general level of prices meeting the criteria of the statute.

(2) Producer milk plant definition: The definitions of "producer milk plant" (Philadelphia order) and "fluid milk plant" (Wilmington order), which describe the plants at which milk received from dairy farmers will be included in the individual handler's "pool" and priced in accordance with the minimum price provisions of the respective orders, should be modified.

The Philadelphia order definition provides that country receiving plants operated by the same handler may be considered, under certain conditions, a unit for the purpose of meeting the performance requirements of such definition. More specifically, a handler operating a pasteurizing and bottling plant and two or more qualified country receiving plants may consider as a unit any of such receiving plants as he may designate for the purpose of maintaining pool eligibility for the milk in such plants.

Recent changes in methods of farm-to-plant milk delivery have tended to make the present provision inadequate. With the rapid growth of bulk tank handling of milk in the Philadelphia market, some multiple-plant handlers soon will be in the position of operating only one receiving station. One large company which in the past has operated several plants under the order has closed all but two of its receiving stations. One of the remaining stations is receiving only small quantities of milk and is continuing in operation only to meet the order stipulation that it have two receiving stations to form a unit. This type of operation is uneconomical for the handler but is necessary to maintain pooling eligibility for a supply vital to its fluid milk needs on an annual basis. Another large company has stated its intention to close two of its three country receiving plants later this year. Without a revision in the basis of unit pooling, the third plant, a necessary facility, cannot retain eligibility as part of the handler's system. Difficult marketing situations for producers are expected as the result of plant closings unless the provision is modified.

Under the present wording of the producer milk plant definition, a single country receiving station cannot qualify for the unit pooling privilege of such definition (§ 1004.7(b)) (formerly § 961.7 (b)) and the milk at such a plant is not eligible for pooling and pricing under the order unless the plant individually meets, in full the shipping requirements described in the definition.

To meet such standard some milk from the single receiving plant must be allocated to Class I during eight months of the year, and in four months of the year an additional requirement is the shipment from such plant to a pasteurizing or bottling plant on 11 or more days. Pooling on the latter basis would inject needless uncertainties into the marketing of the milk of some producers. In certain instances, at least, producers and handlers would find it difficult to determine until the month following the month of shipment whether or not a particular plant (and supply of milk) would be eligible for pooling. This would tend to foster disorderly marketing conditions for producers.

The Wilmington order, as originally written as it has continued to the present time, contains no provision for system reporting and pooling by the handler other than when some milk from a receiving station actually is allocated to Class I during the month.

For the past few months a large plant at Camden, New Jersey, formerly regulated under the Philadelphia order, has been regulated by Order No. 10 because of Class I milk distributed from this plant in the Wilmington marketing area. This plant does not receive a sufficient supply of milk directly from producers and therefore the handler has been reporting as a system the Camden plant and a country receiving station located at Worton, Maryland. This system reporting has been possible only because of the allocation to Class I of some of the milk shipped from the Worton plant. During certain months of the year, particularly the flush production months, such an allocation might not be possible for this handler and in such event producers shipping to the Worton plant would not, for the particular month, be associated with the Wilmington market. Out of concern for its ability to qualify this plant under Order No. 10, the company expects to include the Worton plant in its Order No. 4 system for the month of February.

It is concluded that in the interest of orderly marketing the producer milk plant definition of the Philadelphia order should be revised to provide unit pooling when a handler operates a pasteurizing or bottling plant and one or more receiving plants; also that similar, complementary language providing for unit pooling should be included in the fluid milk plant definition of the Wilmington order.

(3) The classification rule of the Philadelphia order affecting certain interplant transfers of milk and skim milk should be clarified.

A question has arisen as to whether the classification rules on interplant shipments of milk and skim milk should be clarified in their application to milk or skim milk disposed of by a handler to a "nonproducer milk plant" where it is assembled together with milk or skim milk received from other handlers (and sometimes from nonregulated sources), and prepared for shipment to other nonproducer milk plants or commercial establishments for Class II use.

At present several small handlers dispose of their surplus milk to a small unregulated creamery where the aggregate quantities accumulated are disposed of to a baking company. The creamery performs no manufacturing operations but sometimes separates whole milk into cream and skim milk prior to shipment to the baking company. Such creamery is a convenient, economical outlet for the surplus milk of several small handlers. The current application of the interplant classification rule provides that milk and skim milk so disposed of from the creamery shall be Class II milk.

In another instance, a non-processing milk handler accepts, as a broker, surplus quantities of milk and cream from small handlers at a cold storage facility. Such purchases, generally in small lots, are assembled and held under refrigeration until sold to cheese manufacturers or commercial establishments processing soups, candies, or other non-dairy foods. The handler, in his capacity as a broker, provides a second convenient outlet for the surplus milk of several small handlers. By current interpretation of the provision the milk so handled is classified as Class II milk.

The operator of the refrigeration facility indicated his view that the language of the provision might be interpreted to consider the milk he handles as a sale directly from the originating handler to a consumer (the establishment where ultimately converted into another product such as soup or candy). In such event the interplant classification provisions would not be applicable and a Class I classification automatically would apply to any such milk or skim milk.

It is concluded that the language of the classification rules on interplant shipments should be clarified as they apply to the above types of transactions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Philadelphia, Pennsylvania and Wilmington, Delaware, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended.

Recommended amendments to the Philadelphia Order:

1. Delete the second proviso of § 1004.7 (b) (formerly § 961.7(b)) and substitute therefor the following proviso: *"And provided further,* That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within such system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefor: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)".

3. Delete § 1004.44(c) (formerly § 961.44(c)) and substitute therefor the following:

(c) As Class I milk if transferred in bulk to a nonproducer milk plant, or refrigerated holding facility, unless: (1) The handler claims a Class II utilization; (2) the receiver maintains books and records showing the utilization and disposition of all milk and skim milk at his plant, or refrigerated holding facility, which are made available if requested by the market administrator for the purpose of verification; and (3) not less than an equivalent amount of milk or skim milk was:

(i) Actually utilized in the nonproducer milk plant or disposed of from such plant as Class II milk; or

(ii) In the case of a refrigerated holding facility, actually disposed of therefrom as Class II milk or transferred to a nonproducer milk plant: *Provided,* That the market administrator is permitted, on request, to verify from the books and records of milk utilization and disposition at such nonproducer milk plant that not less than an equivalent quantity of milk or skim milk was utilized in, or disposed of from, such plant as Class II milk.

4. Change the period at the end of § 1004.46 (formerly § 961.46) to a colon and add the following proviso: "*Provided,* That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

5. Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk: (i) In the form of cream containing 16 percent or more butterfat; (ii) utilized in reconstituted and fortified products; and (iii) in other Class II products which are reprocessed or converted to another product during the month.

Recommended amendments to the Wilmington Order:

1. Replace the period at the end of § 1010.7 with a colon and add the following proviso: "*Provided,* That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within his system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1010.41(a) and substitute therefor the following: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)."

3. Change the period at the end of § 1010.45 to a colon and add the following proviso: "*Provided,* That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

Signed at Washington, D.C., on March 9, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-2476; Filed, Mar. 13, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[455.44]

CERTAIN FOOTWEAR

Tariff Classification

MARCH 12, 1962.

In an announcement dated November 3, 1961, published in the FEDERAL REGISTER of November 8, 1961, 26 F.R., No. 216, page 10521, the Bureau stated that it had under consideration the deletion of the qualification in the Bureau's letter of April 7, 1961, to the collector of customs, New York, N.Y., abstracts of which were published in T.D. 55364(2) and T.D. 55364(7), represented by the words "unless it is established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber", so that the rule as restated would read:

> In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158 and paragraph 1530(e), as modified and amended. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value.

Such action has been taken in a decision addressed to the collector of customs, New York, N.Y., dated March 12, 1962. An abstract of this decision reading as follows will be published in the weekly Treasury Decisions:

The ruling of April 7, 1961, abstracts of which were published as T.D. 55364 (2) and (7), pertaining to the classification under paragraph 1530(e), as modified and amended, of footwear with the required uppers and with soles having the characteristics of the soles commonly found on tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is modified and amended to eliminate the language "unless it is established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber." Note Bureau announcement of November 3, 1961, published in the FEDERAL REGISTER of November 8, 1961 (26 F.R., No. 216, page 10521).

The rule as modified and amended reads:

> In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158 and paragraph 1530(e), as modified and amended. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value.

The modified and amended rule applies to footwear entered, or withdrawn from warehouse, for consumption after 90 days after the publication of this abstract in this issue of the weekly Treasury Decisions.

As to footwear entered, or withdrawn from warehouse, for consumption after the expiration of the 90-day period, whether or not the soles are in chief value of substitutes for rubber will be determined in accordance with the modified and amended rule. The controlling consideration will be whether the soles have the general characteristics described in that rule and no consideration will be given to the question of whether or not the component material in chief value of the sole was used in its own right and for its own characteristics and not in place of india (natural) rubber.

Footwear having the required uppers and soles in chief value of polyvinyl chloride or styrene entered, or withdrawn from warehouse, for consumption, prior to the expiration of such 90-day period will not be classified as footwear having soles in chief value of a substitute for rubber within the meaning of paragraph 1530(e), Tariff Act of 1930, as modified and amended. The tariff classification of footwear with soles in chief value of plastics other than polyvinyl chloride or styrene entered, or withdrawn from warehouse, for consumption prior to the expiration of such 90-day period will be determined in the light of the particular facts involved.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-2540; Filed, Mar. 13, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 26, 1962.

Notice of an application by the Department of the Army, Fairbanks Serial Number 022929, for withdrawal and reservation of lands was published as Federal Register Document No. 59-4405 on page 4218 of the issue for May 26, 1959. In lieu of withdrawal of these lands by the Secretary of the Interior, Public Law 87-320, 87th Congress, H.R. 2280 (75 Stat. 682) was enacted on September 26, 1961, providing for paramount and exclusive use of the lands involved by the Department of the Army for a Nike range and other incidental military purposes during the period December 15 to March 15, annually for a maximum period of 15 years.

During this period the lands will be available for public use, appropriation, and disposition, but only in such a manner that will not interfere with use by the Department of the Army. At the end of the period, or sooner, if the lands are no longer needed by the Department of the Army for military purposes, the lands will be made safe for nonmilitary uses and the withdrawal will terminate. Nothing in this paragraph, however, shall be construed to prevent the Secretary of the Army, at the end of 15 years, from making application for further withdrawal and reservation of all or part of said lands under laws and regulations then existing.

Since the lands are now withdrawn and reserved by virtue of the aforementioned legislation, the Department of the Army has cancelled its application for the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on April 2, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice are described as follows:

FAIRBANKS AREA

A tract of land located approximately 40 miles east of Fairbanks, State of Alaska, more specifically as follows:

Beginning at a point identical with the approximate intersection of latitude 64°47'10" N., and longitude 146°10'24" W.; thence west 9 miles, more or less, to approximate latitude 64°47'00" N., longitude 146°28'17" W.; thence northeasterly 63 miles, more or less, to approximately latitude 65°11'34" N., longitude 144°29'12" W.; thence southeasterly 20 miles, more or less, to approximately latitude 64°50'10" N., longitude 144°14'00" W.; thence southwesterly 58 miles, more or less, to approximately latitude 64°39'45" N., longitude 146°10'24" W.; thence north 9 miles, more or less, to the point of beginning.

Containing approximately 607,800 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-2445; Filed, Mar. 13, 1962; 8:45 a.m.]

[Bureau Order 684, Amdt. 1]

LANDS AND RESOURCES

Redelegation of Authority

MARCH 7, 1962.

PART I—REDELEGATION OF AUTHORITY IN STATE DIRECTORS

1. Subparagraph (b) (4) of section 1.0 is amended to read as follows:

SEC. 1.0 *Functions of the State Director.* * * *

(b) *Limitations.* * * *

(4) Approval of exchanges of land or of timber for land if the selected lands

exceed $50,000 in value unless prior clearance is obtained from the Director's Office.

2. Paragraphs (b) and (c) of section 1.5 are amended to read as follows:

SEC. 1.5 *Classifications and withdrawals.* • • •

(b) ***Withdrawals and reservations.*** (1) Act on matters pertaining to the withdrawals or reservation of Federal lands and the elimination of such lands from withdrawal or reservation pursuant to 43 CFR Part 295, including determinations pursuant to section 3(d) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 472d) except the authority to issue orders of withdrawal or reservation and orders eliminating lands from withdrawal or reservation.

(2) Determine pursuant to 43 CFR Part 295 with the concurrences of the Administrator of General Services or his delegate when required that specific lands withdrawn or reserved from the public domain and subsequently declared excess to the needs of the agency for which withdrawn or reserved are suitable or not suitable for return to the public domain for disposition under the general public land laws.

(3) Determine that minerals in lands or portions of lands withdrawn or reserved from the public domain and subsequently declared excess to the needs of the agency for which withdrawn or reserved are suitable or not suitable for disposition under the public land mining and mineral leasing laws.

(c) *Restoration orders.* Issue orders of restoration where revocation or modification of a withdrawal or reservation is not involved and where an order of revocation provides for opening of the lands by an authorized officer of the Bureau. All such orders shall be published in the FEDERAL REGISTER.

3. A new paragraph (1) is added to section 1.6:

SEC. 1.6 ***Minerals.*** • • •

(1) ***Native asphalt, solid and semisolid bitumen and bituminous rock leases.*** Take all action on matters related to the leasing of native asphalt, solid and semisolid bitumen and bituminous rock, including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, pursuant to the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. sections 181–263).

4. A new paragraph (w) is added to section 1.9 as follows:

SEC. 1.9 ***Land use.*** • • •

(w) ***Small holding claims.*** Take all actions on claims under the act of March 3, 1891 (26 Stat. 854), as amended by the act of February 21, 1893 (27 Stat. 470); and the act of June 15, 1922 (42 Stat. 650).

5. Part IA–Redelegation of authority to Alaska Operations Supervisors is revoked.

PART II—REDELEGATION TO LAND OFFICE MANAGERS

6. Paragraphs (b) and (c) of section 2.5 are amended to read as follows:

SEC. 2.5 *Classifications and withdrawals.* • • •

(b) Withdrawals and reservations.

(c) Restoration orders.

7. A new paragraph (1) is added to section 2.6:

SEC. 2.6 *Minerals.* • • •

(1) Native asphalt, solid and semisolid bitumen and bituminous rock leases.

8. A new paragraph (w) is added to section 2.9 as follows:

SEC. 2.9 *Land use.* • • •

(w) *Small holding claims.*

PART III—REDELEGATION TO DISTRICT MANAGERS

9. Paragraph (a) of section 3.3 is amended to read as follows:

SEC. 3.3 *Fiscal affairs.* • • •

(a) *Bonds and forfeitures.*

H. R. HOCHMUTH,
Acting Director.

[F.R. Doc., 62–2444; Filed, Mar. 13, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 21, 1962.

RICHARD P. STEINER,

FEBRUARY 26, 1962.

[F.R. Doc. 62–2457; Filed, Mar. 13, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11645 etc., FCC 62–252]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Order Scheduling Oral Argument

In the matter of American Telephone & Telegraph Co., Docket No. 11645, charges, classifications, regulations and practices for and in connection with Private Line Services and Channels; The Western Union Telegraph Co., Docket No. 11646, charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service; American Telephone and Telegraph Co., et al., Docket No. 12194, charges, classifications, regulations and practices for and in connection with channels for Data Transmission.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

The Commission having under consideration the exceptions and briefs in support of exceptions, the reply briefs, and the requests for oral argument, filed with respect to the Initial Decision herein;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Monday, April 16, 1962, commencing at 10 a.m., and that parties herein who within five days after release of this Order file written notice of intention to appear and participate in oral argument [1] shall be allowed time for argument as follows: American Telephone and Telegraph Company, one hour; The Western Union Telegraph Company, one hour; all other parties, a total of two hours to be distributed among such other participants in such manner as they may agree and of which they shall give notice by statement filed with the Commission on or before April 2, 1962.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2465; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14316; FCC 62M–351]

ARIZONA MICRO-WAVE SYSTEM CO.

Order Following Further Prehearing Conference and Continuing Hearing

In re application of Arizona Micro-Wave System Company, Mule Mountain, Arizona, Docket No. 14316, File No. 1502-CI–R–61; for renewal of the license for Station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference held on March 7, 1962, as well as his Order, released March 3, 1962, in re applications of Black Hills Video Corporation, Docket Nos. 14321–14329;

It appearing that counsel for the applicant has requested a postponement herein;

It further appearing, that the Common Carrier Bureau is now conducting a survey as to the present availability of certain equipment which the Commission at the time it designated the instant proceeding for hearing advised the applicant it might consider procuring to provide service other than as a common carrier as an alternative to pursuing the present hearing;

It further appearing, that the Common Carrier Bureau expects to complete the aforementioned survey by the middle of May and that the results of such survey may well have a bearing on the future conduct of the hearing herein;

It further appearing, that good cause has been shown for the postponement of the hearing herein and the modification of procedural dates until after completion of the aforementioned survey;

It is ordered, This 8th day of March 1962, that the procedural dates heretofore specified by the Examiner are modified as follows:

(1) All matters heretofore required to be accomplished by March 12, 1962, shall be accomplished no later than May 18, 1962; and

(2) All matters heretofore required to be accomplished by March 26, 1962, shall be accomplished no later than May 31, 1962; and

It is further ordered, That the hearing herein, presently scheduled to commence on April 11, 1962, is rescheduled to commence on June 14, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2466; Filed, Mar. 13, 1962; 8:47 a.m.]

[1] 47 CFR 1.154(c).

[Docket No. 14320; FCC 62M–352]

CERACCHE & CO., INC.

Order Following Further Prehearing Conference

In re application of Ceracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676-C1–R–61; for renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference held on March 7, 1962, as well as his Order, released March 3, 1962, in re applications of Black Hills Video Corporation, Docket Nos. 14321–14329;

It appearing that counsel for the applicant has requested a postponement herein;

It further appearing that the Common Carrier Bureau is now conducting a survey as to the present availability of certain equipment which the Commission at the time it designated the instant proceeding for hearing advised the applicant it might consider procuring to provide service other than as a common carrier as an alternative to pursuing the present hearing;

It further appearing that the Common Carrier Bureau expects to complete the aforementioned survey by the middle of May and that the results of such survey may well have a bearing on the future conduct of the hearing herein;

It further appearing that good cause has been shown for the postponement of the hearing herein and the modification of procedural dates until after completion of the aforementioned survey;

It is ordered, This 8th day of March 1962, that the procedural dates heretofore specified by the Examiner are modified as follows:

(1) All matters heretofore required to be accomplished by March 12, 1962, shall be accomplished no later than May 18, 1962; and

(2) All matters heretofore required to be accomplished by March 26, 1962, shall be accomplished no later than May 31, 1962; and

It is further ordered, That the hearing herein presently scheduled to commence on April 5, 1962, is rescheduled to commence on June 7, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2467; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14425 etc.; FCC 62–257]

SAUL M. MILLER ET AL.

Memorandum Opinion and Order

In re applications of Saul M. Miller, Kutztown, Pennsylvania, et al., Docket No. 14425, File No. BP–13844, et al.

1. The Commission has before it for consideration a petition for enlargement of issues filed by Saul M. Miller, on January 8, 1962, together with pleadings properly filed in response thereto.

2. Petitioner, an applicant in the above-captioned proceeding, requests that the following issue be added to our designation Order released December 20, 1961 (FCC 61–1473): "To determine whether the instant proposal of Chandler W. Drummond and E. Theodore Mallyck d/b as Bi-States Broadcasters is consistent with the requirements § 3.30(b) of the Commission rules, to warrant an authorization for dual city operation."

In essence, § 3.30(b) of the Commission's rules permits multiple city designation, where a "satisfactory showing" is made that "an unreasonable burden" would be placed on the station if it were licensed to serve only one city, town, political subdivision, or community.

3. Petitioner contends that Bi-State's original showing is defective in several respects and that it has been the past practice of the Commission to resolve the § 3.30(b) question following an evidentiary hearing. Bi-State in its opposition attempts to buttress its original showing by submitting a detailed affidavit, and also notes that petitioner did not support its request for addition of the issue with an affidavit. The Bureau supports Bi-State's opposition.

4. 47 CFR 1.141(c) states that motions to enlarge issues, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested, and that such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person, or persons, having personal knowledge thereof. Recently, we refused to enlarge the issues where the requirements of this section had not been satisfied. See Community Service Broadcasting, Inc., FCC 62–143, released February 9, 1962. But in the present case, petitioner's failure to submit an affidavit is not a fatal defect since its request is based primarily upon the alleged deficiency of Bi-State's showing and not upon any new evidence.

5. As we noted above § 3.30(b) of the rules requires a "satisfactory showing" before multiple city designation will be permitted. Petitioner challenges the sufficiency of the original showing made by Bi-State in its application, and Bi-State has responded with a detailed affidavit to buttress its showing. Neither the original showing, nor its showing as supplemented by the affidavit, is concerned with the question of whether an unreasonable burden would be placed on Bi-State if it is not permitted to specify a dual city designation. We will therefore add the requested issue, so that the decision can be made after all the facts are adduced at the hearing.

Accordingly, it is ordered, This 7th day of March 1962, that the request made in the petition filed by Saul M. Miller, January 8, 1962, that the issues be enlarged to include a § 3.30(b) issue, is granted; and

It is further ordered, That the designation Order released December 20, 1961 (FCC 61–1473), is hereby amended by renumbering issue 13 as issue 14, and by the addition of the following issue:

13. To determine whether the instant proposal of Chandler W. Drummond and E. Theodore Mallyck d/b as Bi-States Broadcasters (BP–14890), Annville-Cleona, Pennsylvania, is consistent with the requirements of § 3.30(b) of the Commission rules, to warrant an authorization for dual city operation.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2468; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14330; FCC 62M–353]

NEW YORK PENN MICROWAVE CORP.

Order Following Further Prehearing Conference

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590–C1–R–61; for renewal of the license for Station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference held on March 7, 1962, as well as his Order, released March 3, 1962, in re applications

of Black Hills Video Corporation, Docket Nos. 14321–14329;

It appearing, that counsel for the applicant has requested a postponement herein;

It further appearing that the Common Carrier Bureau is now conducting a survey as to the present availability of certain equipment which the Commission at the time it designated the instant proceeding for hearing advised the applicant it might consider procuring to provide service other than as a common carrier as an alternative to pursuing the present hearing;

It further appearing that the Common Carrier Bureau expects to complete the aforementioned survey by the middle of May and that the results of such survey may well have a bearing on the future conduct of the hearing herein;

It further appearing, that good cause has been shown for the postponement of the hearing herein and the modification of procedural dates until after completion of the aforementioned survey;

It is ordered, This 8th day of March 1962, that the procedural dates heretofore specified by the Examiner are modified as follows:

(1) All matters heretofore required to be accomplished by March 12, 1962, shall be accomplished no later than May 18, 1962; and

(2) All matters heretofore required to be accomplished by March 26, 1962, shall be accomplished no later than May 31, 1962; and

It is further ordered, That the hearing herein presently scheduled to commence on April 9, 1962, is rescheduled to commence on June 11, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2469; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14531]

NORWOOD TAXI, INC.

Order To Show Cause

In the matter of Norwood Taxi, Inc., 512 Washington Street, Norwood, Massachusetts, Docket No. 14531; order to show cause why there should not be revoked the License for Taxicab Radio Station KCA–536.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on November 13, 1961, alleging that on November 9, 1961, Taxicab radio station KCA–536 was observed in violation of § 16.104(a)(2) of the Commission's rules, in that the frequency deviation of the transmitters operated in mobile units 4 and 7 exceeded plus or minus 5 kc/s.

It further appearing that the above-named licensee received the Official Notice of Violation, but did not make reply thereto; whereupon the Commission by letter dated December 13, 1961, and sent by Certified Mail—return receipt requested (Certified No. 092769) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days of its receipt stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, C. P. Everett, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 5th day of March 1962, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—return receipt requested, to the said licensee.

Released: March 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2470; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14359; FCC 62M-355]

ROUNSAVILLE OF MIAMI BEACH, INC. (WFUN)

Order Continuing Hearing

In re application of Rounsaville of Miami Beach, Inc. (WFUN), South Miami, Florida, Docket No. 14359, File No. BML–1941; for modification of license.

The Hearing Examiner having under consideration a "Petition for Continuance" filed by Rounsaville of Miami Beach, Inc., on March 8, 1962, requesting that the hearing in this proceeding presently scheduled for March 12, 1962 be continued without date;

It appearing that the Broadcast Bureau, the only other party, has agreed to the requested continuance and to a waiver of the four-day rule; and

It further appearing that good cause has been shown for a grant thereof;

It is ordered, This 8th day of March 1962, that the "Petition for Continuance" filed on March 8, 1962 by Rounsaville of Miami Beach, Inc., be, and the same is, hereby granted, and that the hearing in this proceeding presently scheduled for March 12, 1962, be, and the same is, continued without date.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2471; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14313; FCC 62M-347]

WFYC, INC. (WFYC)

Order Continuing Hearing

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP–13807; for construction permit.

The Hearing Examiner having under consideration the petition for continuance of hearing date filed herein on March 7, 1962, by WFYC, Inc.;

It appearing that all parties have consented to immediate consideration of said petition and good cause for a grant thereof is shown in that additional time is required for the submission of further engineering data requested by the Commission's Broadcast Bureau;

It is ordered, This 7th day of March 1962 that the said petition is granted and the hearing herein presently scheduled for March 14, 1962 is continued to April 10, 1962, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: March 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2472; Filed, Mar. 13, 1962; 8:47 a.m.]

[Docket No. 14351–14353; FCC 62M-354]

WOLVERINE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of John C. Lane, Elizabeth B. Barrett and Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP–13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP–14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP–14487; for construction permits.

The Hearing Examiner having under consideration a joint petition to reschedule the hearing and other matters in the above-entitled proceeding, which petition was filed the 7th day of March 1962 by all applicants, and

It appearing that the Broadcast Bureau has no objection to the grant of the petition, and that good cause for granting the petition has been shown,

It is ordered, This 8th day of March 1962, that the aforesaid petition be and it hereby is granted and that, accordingly, the exchange of all exhibits will take place March 27, 1962, instead of March 13, 1962; notification for cross-examination shall occur April 20, 1962 instead of April 6, 1962; and the hearing now scheduled for April 23, 1962 is continued to 10:00 a.m., May 8, 1962, in the Commission's offices in Washington, D.C.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2473; Filed, Mar. 13, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–13169 etc.]

TEXACO-SEABOARD, INC., ET AL.

Order Denying Rehearing Severing and Consolidating Proceedings and Providing Further Procedures

MARCH 7, 1962.

Texaco-Seaboard, Inc. et al., Docket No. G–13169 et al.;[1] Texas Gas Exploration Company, et al., Docket No. G–17336 et al.;[2] Republic Natural Gas Company, et al., Docket No. G–16540 et al.;[3] The California Company, Docket No. G–16106; The Superior Oil Company, Docket No. G–16388; Sunray Mid-Continent Oil Company, Docket No. G–14753; Sun Oil Company, Docket No. G–15122; The Superior Oil Company, Docket, No. G–16380; Area Rate Proceeding, Docket No. AR61–2.

Our order of January 10, 1962, in three groups of proceedings (Docket Nos. G–13169 et al., G–17336 et al., G–16540 et al.; see Appendices I, II, and III below) declared, inter alia, an obligation to make refunds on the part of the producer-applicants in those proceedings. Numerous parties have filed applications for rehearing.[4] Our order of February 14, 1962, granted rehearing upon the applications filed by Pan American and the New York Public Service Commission so that we might consider all objections to our order of January 10 at one time. The various applications for rehearing persuade us to prescribe further procedures designed to abbreviate the duration of applicants' refund uncertainties. Otherwise, the applications contain no facts or arguments which call for modification of our January 10 order and should be denied. See Socony Mobil Oil Company, Inc., order issued September 25, 1961, in Docket No. G–13780.

Applicants misapprehend the powers asserted by us in our January 10 order. Thus Austral Oil Company complains of our so-called "entrapment" here:

> • • • If such a procedure were valid, the Commission could simply issue unconditional certificates, as it has done in this case, and then after the producer has commenced deliveries, summarily issue him a new temporary or permanent certificate subject to the condition that he refund all amounts in excess of the initial rate ultimately determined to be proper in some later proceeding. Thus, the producer would be effectively denied a free choice to accept or reject such conditioned certificate and would be given no opportunity to present evidence to support his initial contract price prior to the imposition of the refund condition. • • •

Our January 10 order asserts no such general power to modify final orders, properly issued after hearing pursuant to section 7(c) of the Natural Gas Act. The special history of these three groups of proceedings defines the limited power of modification involved here. In every case the statutory hearing has already been held and the producers afforded an opportunity to adduce evidence supporting their price proposals. Our unconditional certificate orders under section 7 were erroneously issued in the first place and as a result of the invocation of section 19 have never assumed finality. (The provisions of section 19 sharply distinguish this Act from the statute construed in C.A.B. v. Delta Air Lines, 367 U.S. 316.) Obviously the substantive errors were ours in accepting the arguments propounded by the producer-applicants; equally obvious, the New York Public Service Commission and the Eastern Seaboard Companies[5] have consistently, publicly, and in the final analysis successfully urged the error of these arguments. The courts having lain bare the errors, it remains our task equitably to correct them. See Ford Motor Company v. N.L.R.B., 305 U.S. 364. Where we grant rehearing under section 19(a) we may modify our order without further hearing; a judicial remand after we deny rehearing puts the case in the same posture as if we had initially granted rehearing, subject to any special instructions in the mandate. The remedial action to be taken by us in either event will turn on the equities presented.

Taking such remedial action differs from the ordinary processing of certificate applications. The typical section 7(c) case involves ultimately the broad question whether the applicant should be permitted to enter the field; review of proposed initial rates is but one facet of our certificate powers. When an applicant first proposes interstate service (and prior to dedication under section 7(b) of the Act) he is not only entitled to the statutory processes, fairly administered; but he is also privileged to reject, for whatever reasons he wishes, any tendered certificate, no matter how reasonable the terms offered. In these remedial proceedings, we are called upon to exercise only our rate review powers under section 7; no question arises as to the propriety of allowing the producers to introduce their gas into jurisdictional commerce. Thus nothing imperils the producers' "security of certificate". By the same token, there can be no private option here to accept or reject the results of our initial rate review at the regulated company's whim, any more than a company is free to accept or reject the results of a rate review proceeding under section 4 or 5 of the Act. Consideration of the three groups of proceedings at issue brings these matters into focus.

Docket Nos. G–13169 et al. were heard and originally decided by us in 1958, prior to the Supreme Court's 1959 decision in Catco (360 U.S. 378). The producers accepted the unconditional certificates prior to the expiration of the 30-day period prescribed by section 19(a) of the Act for seeking rehearing, and commenced deliveries. No producer sought an extension of time in which to accept the certificates. But the record and the briefs show that the producers' price proposals were opposed throughout the 1958 proceedings. Thus the producers have not been "entrapped"; rather, in presenting their cases and commencing deliveries, they took a calculated risk as to the outcome of any review proceedings which might be brought. Such proceeding in fact resulted in the remand, P.S.C. of New York v. F.P.C., 361 U.S. 195.

Upon reconsidering the record as a whole (including the record in G–13143 et al., which originally accompanied that in G–13169 et al.), we have concluded that our 1958 order was erroneous, that the record does not show the price proposals of the producers to be in the public interest, and that the record shows, rather, that the proposed prices are out of line. Indeed even the lowest prices here proposed (21.4 cents per Mcf) exceed all of the effective rates shown in Exhibit 13 in the original record, save only some of the Duck Lake and Erath Field sales to United Gas Pipe Line Company and United Fuel Gas Company.[6] The examiner believed that our precedents as of that time barred the use of existing prices to test new price proposals. It is notable, however, that he

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[1] See Appendices I, II, and III for a complete listing of applicants and docket numbers.

[2] Pan American Petroleum Corporation (3 applications); Public Service Commission of the State of New York; Phillips Petroleum Company (2 applications); Kerr-McGee Oil Industries, Inc; Cities Service Production Company; Long Island Lighting Company, Philadelphia Electric Company, and The United Gas Improvement Company ("The Eastern Seaboard Companies", jointly); Humble Oil & Refining Company; Austral Oil Company; Hassie Hunt Trust, Operator, et al.; Placid Oil Company; Continental Oil Company and Newmont Oil Company (jointly); J. R. Frankel et al., now Berkshire Oil Company; Socony Mobil Oil Company, Inc.; Shell Oil Company; Amerada Petroleum Corporation; Tidewater Oil Company; Sohio Petroleum Company; Phillips Petroleum Company and Southern Natural Gas Company (joint venture); Sun Oil Company; and Union Oil Company of California.

[3] See note 2, above.

[4] Even those high rates are shown, with but one exception, as being effective subject to refund under section 4 of the Act.

found only four instances in which the Commission "has heretofore issued or had recommended to it the issuance of unconditioned certificates for sales in the southern Louisiana area at prices as high or higher than those involved herein." 20 F.P.C. at 336, note 14. One of these was the proposed Catco price which may not, of course, be relied upon. Another involved proposed contractual sales to Texas Eastern Transmission Corporation, which were abrogated before deliveries had commenced (see 21 F.P.C. 860). Thus only two of the instances cited by the examiner may be considered: Three contracts at 21.5 cents per Mcf (including tax; see 19 F.P.C. 618), and eleven contracts at 22.8 cents per Mcf (including tax; see 19 F.P.C. 558). Moreover, the examiner found it beyond dispute that Transco's purchase of gas at the proposed levels would "trigger" favored nations clauses in many existing contracts, and that this "triggering" could result in a $5,000,000 annual increase in cost to the consumer. Our power eventually to test such increases under section 4 of the Act is not enough, standing alone, to justify the immediate impact of such "triggering" on the price structure.

Docket Nos. G–17336 et al. were in hearing at the time of the Supreme Court's Catco decision. We issued unconditional certificates on August 10, 1959, largely in reliance upon the Court of Appeals' affirmance of our order in Docket Nos. G–13169 et al., 269 F. 2d 865 (CA3, August 4, 1959), reversed 361 U.S. 195. The P.S.C. of New York actively contested the producer price proposals. The Court of Appeals held the record inadequate to support the initial prices proposed and remanded for further proceedings in which the producers might either augment the record or seek an appropriate price condition. Exhibit No. 32 shows that these proposed prices, too, are out of line.

Docket Nos. G–16540 et al. were also in hearing at the time of the Supreme Court's Catco decision. In issuing unconditional certificates, on November 17, 1959, we relied heavily on the Court of Appeals' affirmance of our order in Docket Nos. G–13169 et al. as reflecting a correct interpretation of Catco. 22 FPC 836. When the Supreme Court reversed the Court of Appeals in that proceeding (361 U.S. 195, December 14, 1959), however, we promptly granted the applications for rehearing which had been duly filed under section 19(a). We granted a number of extensions of time in which to accept the certificates; but deliveries have ultimately commenced. As Exhibits 52 and 53 reveal, these prices too were out of line. Of the orders authorizing other south Louisiana sales, at comparable prices, cited by the examiner (22 FPC at 855, note 21) all have been remanded by the courts (save only one which was not appealed). Patently, our unconditional certificate order was erroneous in law and could not have been sustained on judicial review had we failed to grant rehearing. Having granted rehearing we should voluntarily correct the error just as if the courts had compelled us to do so. See Ford Motor Co. v. N.L.R.B., 305 U.S. 364, 375.

The Eastern Seaboard Companies contend we should forthwith redetermine the proceedings in Docket Nos. G–13169 et al.[*] on the basis of our recent determinations in the remanded Catco case (Opinion No. 351, issued January 22, 1962). Assuming that we have the power to do so, we nonetheless conclude that we should afford the producers further opportunity to be heard. The mandate of the Court of Appeals in Docket Nos. G–17336 et al. requires us to afford such opportunity and also, in effect, to receive and allow consideration of such settlement proposals as the producers may now see fit to offer. We think similar opportunities should be afforded the producers in the other proceedings.

On the other hand, many parties argue against leaving the initial price question in these cases to abide the outcome of the Area Rate proceeding. We are anxious to expediate final resolution of proceedings which have already been heard and decided once, but which remain on our docket by virtue of section 19 of the Act. We are also impressed by representations as to the practical problems posed by the continuing pendency of these proceedings. As several producers observe, the uncertainties as to these initial prices complicate settlements with royalty owners and interfere with prudent budgeting and other financial matters. We are convinced that such uncertainties can quickly be dispelled in these proceedings as a result of the "ground rules," established by our recent Catco opinion, for certificate cases originally heard prior to issuance of our General Policy Statement. We shall, therefore, sever these proceedings from Docket No. AR61–2 and prescribe further procedures to achieve that result. These procedures will also be applicable to five additional south Louisiana certificate dockets remanded by the courts (Docket Nos. G–16108, G–16388, G–14753, G–15122 and G–16380).

In Opinion No. 351 (Continental Oil Co., — F.P.C. —, issued January 22, 1962) we determined the proper initial price by considering old and new field prices in the south Louisiana area, as of the year of the sales contract, and excluding the prices which the courts have called into question. We held the proper price line to fall between the highest group of prices and the median price and concluded, on the basis of a comprehensive record, that the "in line" price for 1956 contracts would be not in excess of 18.5 cents per Mcf, where State severance tax did not apply, and 20 cents per Mcf, where such tax applies. It is our present opinion that the "in line" price is also the "public interest" price in these proceedings. The instant proceedings, however, involve contracts executed after 1956; and we recognize that some parties may wish an opportunity to show that the appropriate price line in these proceedings differs from that we determined in Catco. Furthermore, we shall not foreclose any party from presenting evidence which he believes would compel the conclusion that a higher price would be in the public interest. As in Socony Mobil Oil Company, Inc., Docket No. G–13780, we shall require that any such evidence, as well as accompanying argument, be submitted in writing. In view of the large number of proceedings and parties here, however, it is suggested that a pre-hearing conference be convened by a presiding officer of the Commission.

The Commission further finds:

(1) It is reasonable and appropriate to sever and consolidate the above-captioned proceedings, to grant prompt opportunity for further hearing by providing for the submission of written evidence and argument, and to provide supplementary procedures, all as hereinafter prescribed.

(2) The assignments of error and grounds for rehearing set forth in the applications for rehearing cited in note 2, above, set forth no new facts or principles of law which were not fully considered by the Commission in adopting its order of January 10, 1962, in Docket Nos. G–13169 et al., G–17336 et al., and G–16540 et al., or which having now been considered warrant any change or modification except as prescribed below.

The Commission orders:

(A) The proceedings in Docket Nos. G–13169 et al., G–17336 et al., G–16540 et al., G–16108, G–16388, and G–14753 are severed from those in Docket Nos. AR61–2 et al.

(B) The proceedings listed in paragraph (A) above, as well as those in Docket Nos. G–15122 and G–16380, are consolidated for the limited purpose of determining the public interest initial price or prices applicable to these proceedings.

(C) On or before April 4, 1962, the participants to these proceedings shall serve and file with the Commission such written testimony, exhibits, and arguments, subscribed and verified by the witness or other person responsible for the preparation of such material, as they deem material to determination of the public interest initial price or prices in these proceedings.

(D) A hearing will be held in these proceedings at 10:00 a.m., e.s.t., on April 26, 1962, in a hearing room of the Federal Power Commission, 441 "G" Street, NW., Washington, D.C.

(E) Except as hereinabove granted the applications for rehearing of our order of January 10, 1962, are denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX I

Docket No.	*Seller*
G–13169	Texaco-Seaboard Inc.
G–13183	Placid Oil Company, Operator, et al.
G–13184	Placid Oil Company.
G–13197	Frankel, J. R., et al.
G–13219	Atlantic Refining Company.
G–13231	Pan American Petroleum Corporation.
G–13232	Pan American Petroleum Corporation.
G–13233	Pan American Petroleum Corporation, Operator, et. al.
G–13293	The California Company, a division of California Oil Company.
G–13356	Amerada Petroleum Corporation.
G–13642	Republic Natural Gas Company, Operator, et. al.
G–13710	Sun Oil Company.
G–13746	Socony-Mobil Oil Company, Inc.
G–13757	Newmont Oil Company.
G–13758	Continental Oil Company.
G–13973	Sohio Petroleum Company.
G–14109	Hassie Hunt Trust, Operator, et al.
G–14164	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G–14203	Union Oil Company of California.
G–14227	Union Texas Natural Gas Corporation.
G–14240	Diversa, Inc.
G–14242	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G–14243	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G–14244	Phillips Petroleum Company.
G–14254	Sun Oil Company.
G–14256	Humble Oil and Refining Company, Operator, et al.
G–14346	The Ohio Oil Company.
G–14351	The Pure Oil Company.
G–14355	Cities Service Production Company.
G–14356	Cities Service Production Company.
G–14362	Union Oil Company of California.
G–14385	Tidewater Oil Company.
G–14604	Humble Oil and Refining Company.
G–14605	Humble Oil and Refining Company.
G–14606	Humble Oil and Refining Company.
G–14607	Humble Oil and Refining Company.

APPENDIX II

Docket No.	*Seller*
G–17336	Texas Gas Exploration Corporation, Operator, et al.
G–17337	J. Ray McDermott and Company, Inc.
G–17338	Kilroy Properties, Inc., et al.
G–17339	The California Company, a division of California Oil Company, Operator, et al.
G–17340	Callery Properties, Inc.
G–17341	Callery Properties, Inc.
G–17342	Ocean Drilling and Exploration Company.
G–17343	Ocean Drilling and Exploration Company, Operator, et al.
G–17391	Humble Oil and Refining Company.
G–17393	Amerada Petroleum Corporation.
G–17396	Kerr-McGee Oil Industries, Inc.
G–17397	Bel Oil Corporation.
G–17398	Sands, Caroline Hunt, et al.
G–17399	Sid W. Richardson d/b/a Richardson & Bass, Operator, et al.
G–17401	Socony-Mibil Oil Company, Inc.
G–17402	Beck Oil Company.
G–17405	Phillips Petroleum Company, et al.
G–17407	Amerada Petroleum Corporation.
G–17413	Mississippi River Fuel Corporation.
G–17457	Union Oil Company of California.
G–17463	Tidewater Oil Company.
G–17474	Tidewater Oil Company.
G–17475	Tidewater Oil Company.
G–17483	Tidewater Oil Company.
G–17554	Continental Oil Company.
G–17560	Shell Oil Company.
G–17566	Continental Oil Company.
G–17574	Pan American Petroleum Corporation.

[*] The Eastern Seaboard Companies are not participants in Docket Nos. G–17336 et al.

APPENDIX III

Docket No.	*Seller*
G–16540	Republic Natural Gas Company, et al.
G–17381	Kerr-McGee Oil Industries, Inc.
G–17417	Pan American Petroleum Corporation.
G–17444	Southern Natural Gas Company-Phillips Petroleum Company, Joint Venture.
G–17447	Phillips Petroleum Company.

[F.R. Doc. 62–2443; Filed, Mar. 13, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–2229, 7–2230]

UNILEVER LIMITED AND UNILEVER N. V.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 8, 1962.

In the matter of applications of the Pacific Coast Stock Exchange for Unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Unilever Limited (ADR's for Ordinary Shares), File 7–2229.

Unilever N. V. (Ordinary 20 Guilders Shares), File 7–2230.

Upon receipt of a request, on or before March 23, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2448; Filed, Mar. 13, 1962; 8:46 a.m.]

[File 7–2221]

NEW PARK MINING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 8, 1962.

In the matter of application of the Spokane Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

New Park Mining Company, File 7–2221.

Upon receipt of a request, on or before March 23, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–2449; Filed, Mar. 13, 1962; 8:46 a.m.]

[File 7–2225 etc.]

STANDARD OIL COMPANY OF CALIFORNIA ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 8, 1962.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Standard Oil Company of California, File 7–2225.

International Paper Company, File 7–2226.

King-Seeley Thermos Company, File 7-2227.
Chas. Pfizer & Company, Inc., File 7-2228.

Upon receipt of a request, on or before March 23, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2450; Filed, Mar. 13, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 366]

COLORADO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Rio Blanco County in the State of Colorado;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 17, 1962.

Office: Small Business Administration Regional Office, Railway Exchange Building, 909 17th Street, Denver 2, Colo.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1962.

Dated: February 27, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2453; Filed, Mar. 13, 1962; 8:46 a.m.]

TARIFF COMMISSION

[7-112]

VANILLIN

Notice of Investigation and Hearing

Investigation instituted. Upon application of Sterling Drug Inc., received February 19, 1962, and on its own motion, the United States Tariff Commission, on the 8th day of March 1962, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether vanillin, provided for in paragraph 28(a) of the Tariff Act of 1930, is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products. The applicant requested that the investigation be limited to lignin vanillin, but the Commission, for good and sufficient reason, extended the investigation to cover all vanillin "from whatever source obtained, derived, or manufactured", as described in paragraph 28(a) of the tariff act.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on May 22, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: March 9, 1962.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 62-2463; Filed, Mar. 13, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

CENTRAL AND FIELD ORGANIZATION

Description

JANUARY 26, 1962.

The following revised current description of the central and field organization of the Interstate Commerce Commission is supplemental to the "Organization Minutes of the Interstate Commerce Commission Relating to the Organization of Divisions and Boards and Assignment of Work" 26 F.R. 4773, 5167, 8434, and 10991 and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237). For last prior statement as amended see 25 F.R. 5602 and 26 F.R. 2325.

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act, (49 U.S.C. 11, 24).

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington 25, D.C. In the field, there are 13 Regional Offices and 76 detached offices, located in the more important transportation centers throughout the United States. A listing of these offices appears below.

(b) *Hours.* Office hours in Washington, D.C., are from 8:30 a.m., to 5:00 p.m. Office hours of field offices are also from 8:30 a.m. to 5:00 p.m., local time of the place where located, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D.C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories. (Sections 17, 19, and 205; 49 U.S.C. 17, 19, 305.)

(d) *Definitions.* (1) *Acts.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission", the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, private and exempt motor carriers, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Public information*—(a) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating to any matter or proceeding pending before the Commission.

(b) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the bureau or office which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington 25, D.C. The less important cases are summarized in the bound volumes. Reports concerning other than valuation and motor carrier application matters are published in "Interstate Commerce Commission Reports," commonly cited "_____ I.C.C. _____." Reports concerning motor carrier application matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited "_____ MCC _____." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Valuation Reports," commonly cited "_____ Val Rep _____." Rep _____."

Copies of reports and orders, including those printed as described above may be examined at the Washington office of the Commission.

(d) *Inspection of records.* (1) The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316 and 417 of the Act, 49 U.S.C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington, upon reasonable request:

(i) Copies of tariffs, rate schedules, section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act (49 U.S.C. 6, 22, 317, 318, 906, 1005, and 1009).

(ii) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act, (49 U.S.C. 20, 320, 913, and 1012).

(iii) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(iv) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding.

(v) File of instruments or documents recorded pursuant to section 20c and index thereto.

(vi) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and the duties of the Commission.

(2) *Requests to inspect records.* Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, and reports filed by motor carriers are available for inspection at field offices where personnel of the Bureau of Motor Carriers are located.

(3) *Certified copies of records, etc.* Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and office organization*—(a) *Central organization.* The Commission's staff is organized into 10 bureaus, and 3 offices, the duties of which will be hereafter described. Each bureau is headed by a director, and the bureaus are divided into sections headed by section chiefs. Boards of employees provided for by section 17 are shown as units within the bureaus of which they form a part. The portions of the work, business, and functions of the Commission which have been assigned to the boards are described in the Organization Minutes and will not be repeated in this publication. Immediately following the name of each board is a reference, in parentheses, to the pertinent item number of the Organization Minutes. Each bureau and office reports as provided in item 9.1 of the Organization Minutes.

(b) *Field organization.* The regional and other field offices are staffed with employees who perform certain investigative and other duties more specifically outlined as part of the functional descriptions of the individual bureaus to which they are attached and to which they are generally responsible. The Regional Offices are headed by Regional Managers who are responsible to the Managing Director for certain administrative and managerial matters.

(c) *Office of the Managing Director.* The Managing Director is responsible for the day-to-day administration of the Commission and the management of Commission operations, and reports to the Chairman through the Vice Chairman.

(1) *Budget and Fiscal Office.* Responsible for the preparation and execution of the Commission's budget; assessment of manpower requirements, utilization and control systems; analysis of work processes; conducting systems studies and advising management on application of automatic data programming and equipment; for fiscal accounting, auditing, payrolling, and leave administration; and for internal fiscal audit.

(2) *Personnel Office.* Is responsible for planning, organizing, directing, accomplishing and evaluating the overall personnel program and providing organizational and functional management studies in the Commission.

(3) *Section of Administrative Services.* Responsible for all property, supply, maintenance, space and facilities functions within the Commission; for providing central stenographic and typing services for the Commission; for paperwork management and the preparation of administrative and other issuances; and for the operation of the Commission's Class "A" printing plant.

(d) *Office of the Secretary.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the rules of practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings; and he supervises the Section of Dockets, Reference Services, and Mails and Files. The Secretary's Office is the medium through which information and releases are made available to the press and the public.

(1) *Section of Dockets.* Is responsible for maintaining all docket files of the Commission proceedings; serving all reports, orders, notices, etc.; scheduling or arranging for the use of hearing rooms and oral argument in Washington and the field; preparing and maintaining records of motor carrier applications for authority to operate and the Commission disposition thereof; the progressive status of all proceedings; the recording of documents evidencing the lease, mortgage, etc., of railroad equipment; and processing applications for admission to practice and maintenance of the roster of practitioners.

(2) *Section of Mails and Files.* Processes all incoming and outgoing mail in the Commission; provides messenger services in the Washington office; and maintains the Commission's central files.

(3) *Section of Reference Services.* For the use of Commission personnel, other Government agencies, practitioners and the public, compiles and maintains the following publications and reference facilities: (i) Index-digests and tables for publication in the Commission's bound report volumes; (ii) consolidated

digests and consolidated tables, covering reports 1887 to date; and (iii) the Interstate Commerce Acts annotated, a bound set which is supplemented by Advance Bulletins in the intervals between issuance of bound volumes. In addition, maintains a special library of transportation materials and provides a coordinated reference service.

(e) *Office of the General Counsel.* This office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; and defends, on behalf of the Commission, in all court proceedings to set aside, enjoin, cancel, or annul orders of the Commission. This Office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the Act or to exact penalties for violations.

(f) *Bureau of Accounts.* Performs the accounting, cost finding and valuation functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, and other related regulations for all transportation companies subject to the Act; examining the accounts, records and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation services of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; rendering assistance in accounting matters in finance proceedings; and analyzing cost evidence presented by other parties in rate proceedings.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation. Prepares regulations governing the destruction of carrier records, and the forms and recording of passes for free transportation or at reduced fares. Prepares modifications and revisions of such systems and rules to keep them abreast of current conditions including special rules for carriers undergoing financial reorganization, merger, consolidation, acquisition or abandonment of property, etc. Furnishes interpretations of accounting and related rules as required to meet needs of the Commission and the carriers subject to its regulation. Renders assistance in proceedings before the Commission, the courts and Congressional Committees involving the application of accounting rules and principles. Reviews and disposes of accounting entries submitted by carriers pursuant to Commission orders in finance proceedings.

(2) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads; motor carriers, inland, coastal and intercoastal water carriers. Furnishes cost data for use in considering rate proposals. Analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues. Prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(3) *Section of Field Service—Departmental.* Directs and coordinates the field work program covering the examination of carrier accounting, valuation and related records and practices.

Field Staff. Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(4) *Section of Reports.* Reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations made by the Bureau's field staff; ascertains the appropriate disposition of all deviations from prescribed regulations and other matters reported therein. Examines accounting elements of annual reports filed by motor carriers of property and passengers to determine that accounts and related cost statistics are being maintained in conformity with prescribed regulations.

(5) *Section of Valuation.* Performs work necessary to ascertain the value of railroad and pipeline properties pursuant to section 19a of the Act and to determine equitable and reasonable depreciation rates for carrier property as required by section 20(4). This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land and the development of other pertinent information for finding final property values.

(g) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: Authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; approval for motor carriers, water carriers and railroads to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority for a railroad to acquire trackage rights over, or joint ownership or use of railroad lines and terminals; ordering the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers, water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; and formal investigations concerning possible violations of the act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings.

(1) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(2) *Section of Proceedings.* Performs duties in connection with the handling of all applications, petitions, and other pleadings (except in matters handled by The Transfer Board, pleadings filed in proceedings pending at the time in the Section of Hearings, and matters related to the guaranty of loans to railroads) in proceedings handled by the Bureau of Finance; recommends the appropriate procedure necessary for their disposition; and refers to the Section of Hearings matters which require a hearing. In all such cases except loan guaranty and Transfer Board matters, prepares drafts of final reports and orders (in those cases on a Commissioner's personal docket, under the direction and supervision of the Commissioner) for the consideration and adoption by the Commission, a division, a single Commissioner, or a board of employees.

(3) *Section of Loans and Financial Analysis.* Performs duties in connection with the handling of the proceedings described above relating to the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property. Also, prepares financial analyses in connection with the other proceedings described above.

(4) *Transfer Board.* See item 7.5 of the Organization Minutes as amended for functions and duties.

(5) *Finance Board No. 1.* See item 7.6 of the Organization Minutes as amended for functions and duties.

(6) *Finance Board No. 2.* See Item 7.6 of the Organization Minutes as amended for functions and duties.

(7) *Finance Board No. 3.* See item 7.6 of the Organization Minutes as amended for functions and duties.

(8) *Finance Review Board.* See item 7.6 of the Organization Minutes as amended for functions and duties.

(h) *Bureau of Inquiry and Compliance.* Investigates violations, prosecutes in court and assists the Department of Justice in prosecuting civil and criminal proceedings arising under all parts of the Act (except violations of the Safety Acts which are handled by the Section of Railroad Safety, Bureau of Safety and Service) and related acts such as the Elkins Act, the Clayton Anti-Trust Act and the Transportation of Explosives Act. When specifically authorized by the Commission, a division thereof, or the Vice Chairman, in any particular case or class of cases, participates in Commission proceedings, for the purpose of developing the facts and issues.

(1) *Section of Motor Carrier Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part II of the Act, the Explosive and Dangerous Articles Act, the Clayton Anti-Trust Act and related acts involving motor vehicle transportation.

Field Staff Regional Trial Attorneys. Provides legal advice in connection with investigation of violations and makes recommendations with respect to enforcement action to be taken; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings in Federal Courts; and participates in Commission proceedings as counsel.

(2) *Section of Rail, Water and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of Parts I, III, and IV of the Act (except violations of the Safety Acts which are handled by the Section of Railroad Safety, Bureau of Safety and Service), and the Elkins Act, and related acts as they relate to railroads, water carriers and freight forwarders; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings arising under the aforesaid acts; and participates as counsel in Commission proceedings.

(3) *Section of Investigations.* Plans, programs and directs conduct of investigations made by field staff of special agents; initiates and prepares procedures, instructions and manuals to facilitate investigative work; coordinates investigative activities so as to obtain a balanced program of enforcement; provides interchangeable utilization of special agents' services between the Sections of Rail, Water and Freight Forwarder Enforcement and Motor Carrier Enforcement.

Field Staff Regional Special Agents. Conducts investigations of carriers and shippers to obtain evidence of violations. Appear as witnesses in court cases and Commission proceedings.

(i) *Bureau of Motor Carriers.* Performs duties in connection with the Commission's programs involving the regulation of motor carriers and brokers under Part II of the Act insofar as they involve: initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public and designation of agents for service of process; initiating and administering safety regulations concerning qualifications and maximum hours of service of employees and safety of operation and equipment of all for-hire and private carriers in interstate or foreign commerce; initiating and administering the rules and regulations governing the lease and interchange of vehicles by motor carriers; investigating and reporting on serious accidents and the transportation of explosives and other dangerous articles; initiating and administering regulations relating to the safe transportation of migratory workers; inspecting the operations and records of the carriers and others in the field to inform them of the requirements of the Act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, extensions of credit or unsafe operating practices; and issuing informal interpretations of Commission's certificates, permits and regulations affecting motor carrier operations.

(1) *Interpretations Staff.* Advises the Director and others regarding legal interpretations and other information concerning the motor carrier provisions of the Act and the regulations and operating authorities issued thereunder; advises and assists in the development of recommendations and proposals pertaining to motor carrier regulations; and assembles, prepares and maintains reference materials on these matters.

(2) *Section of Insurance.* Performs work in connection with the administration of section 215 of the Act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public. This includes the preparation of recommendations to the Commission with regard to applications to self insure. The section also approves or disapproves certificates of insurance and bonds, and in connection therewith evaluates the acceptability of the issuing agency. In addition, performs work similar to that described above, in connection with the administration of section 403(c) of the Act applicable to freight forwarders. Also performs work in connection with the administration of section 221 (a) and (c) of the Act pertaining to the designations of the agents to receive service of judicial process.

(3) *Section of Motor Carrier Safety.* Performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees, and standards of equipment; compiles and publishes statistical and other information pertaining to these matters; presents evidence in Commission proceedings where the matter of carriers' safety records is involved; prepares accident reports for Board approval; and provides guidance to the field staff respecting the administration of the motor carrier safety regulations and procedures.

(4) *Section of Field Service.* Plans, programs and supervises the work of the field staff; initiates and prepares procedures and instructions to facilitate execution of field work in coordination with the work of the other sections of the bureau, as well as other bureaus to the extent that the field staff provides services for them; and reviews the effectiveness of the field work performed to insure that the Commission's policies in this area are properly accomplished.

(5) *Field Staff.* Conducts inspections and investigations of the activities of motor carriers to ascertain their compliance with the law and regulations under Part II of the Act, including: safety of operations and equipment, hours of service, posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports; recommends prosecutions and serves as witnesses in prosecutions and other proceedings respecting these matters.

(6) *Motor Carrier Board No. 1.* See item 7.8 of the Organization Minutes as amended for functions and duties.

(7) *Motor Carrier Board No. 2.* See item 7.8 of the Organization Minutes as amended for functions and duties.

(8) *Motor Carrier Board No. 3.* See item 7.8 of the Organization Minutes as amended for functions and duties.

(j) *Bureau of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the Act, relative to operating authority matters, provisions, and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the Act or any requirement established thereunder, with respect to operating practices under the jurisdiction of Division 1; the suspension, change, or revocation of certificates, permits, and licenses; and the granting of temporary authorities for motor carrier service. Operations are conducted on functional bases by and through the Director's Office, the sections, the Temporary Authorities Board, and Operating Rights Boards Nos. 1 and 2. The Director's Office is responsible for, among other things, maintenance of the case processing and other statistical records; handling of correspondence; official travel authorizations; Joint Board appointments; case status information; special studies and projects; clerical support for the scheduling and postponement of hearings and modified

procedure; extensions of dates for filing pleadings; processing of uncontested filings of State certificates under the second proviso of section 206(a)(1) of the Interstate Commerce Act; and the handling of uncontested requests for authority under the Deviation Rules.

(1) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(2) *Section of Proceedings.* After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, report writers assigned to this section (a) under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders and (b) in cases which have not been assigned to individual Commissioners independently prepared draft reports and orders for circulation to boards of employees for consideration and adoption.

(3) *Section of Appeals.* Independently prepares and reviews memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief.

(4) *Section of Certificates and Captions.* Examines applications for operating rights, prepares correspondence to applicants concerning sufficiency of such applications, prepares summaries of such applications for publication in the FEDERAL REGISTER as notice to the public. Prepares certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission; processes orders reissuing such authorities upon approval of transfer in finance proceedings, and orders vacating or amending such operating authorities after action by the Commission; and processes uncontested revocation proceedings.

(5) *Temporary Authorities Board.* See item 7.4 of the Organization Minutes as amended for functions and duties.

(6) *Operating Rights Board No. 1.* See item 7.11 of the Organization Minutes as amended for functions and duties.

(7) *Operating Rights Board No. 2.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(8) *Operating Rights Review Board.* See item 7.11 of the Organization Minutes as amended for functions and duties.

(k) *Bureau of Rates and Practices.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to rates, fares, charges and practices and relief from anti-trust laws relative to collective rate-making agreements; and conducts proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations.

(1) *Section of Administration.* Performs the Bureau's administrative work pertaining to cases processed which includes maintaining records, handling procedural matters, preparing notices and orders, and conducting correspondence with parties to the cases.

(2) *Section of Review.* At the request of individual Commissioners provides assistance in the preparation of cases assigned to them. Also, reviews draft-final reports in those cases not subject to oral hearing which are prepared in the Bureau prior to their circulation for consideration by the Commission and gives particular attention to the consistency of the proposed decisions in relation to established policies and precedents.

(3) *Section of Hearings.* Schedules hearings in all bureau proceedings requiring an oral hearing and handles procedural questions arising in connection therewith until the report and recommended order are served. Conducts hearings, prepares initial reports on proceedings handled in the Bureau and releases for service all initial reports and recommended orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(4) *Section of Proceedings.* After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral arguments, if any, report writers assigned to this section (a) under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft-final reports and orders and (b) in cases which have not been assigned to individual Commissioners (generally those which have not been the subject of an oral hearing) independently prepare draft final reports and orders for circulation, in most instances, to the Rates and Practices Review Board for decision.

(5) *Section of Appeals.* Prepares, expedites, and presents memoranda recommending disposition of petitions to the Commission.

(6) *Rates and Practices Review Board.* See item 7.12 of the Organization Minutes as amended for functions and duties.

(l) *Bureau of Safety and Service.* Performs duties in connection with the Commission's programs respecting: (1) Car service provisions of the Act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange and return of locomotives, cars and other vehicles used in the transportation of property; (2) the Locomotive Inspection Act, to promote safety of employees and travelers on railroads, making the inspections to determine that locomotives are in proper condition, safe to operate and comply with the rules and regulations, and to determine that the required inspections of locomotives are made by the carriers and the defects are repaired before the locomotive is returned to service; (3) the Safety Appliance Act, the Ashpan Act, the Hours of Service Act, Accident Reports, Block Signal Resolution, Power Brake Law of 1958, etc., relating to investigation of safety appliances or systems intended to promote safety of railway operation; and (4) the transportation of explosives and other dangerous articles by rail, highway and water.

(1) *Section of Car Service.* Performs necessary duties relating to the administration of the car service provisions of the Act, pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment, and supervises the field staff engaged in inspecting for compliance with respect to these items.

(2) *Section of Locomotive Inspection.* Performs necessary duties relating to the administration of the Locomotive Inspection Act, 45 U.S.C. 22–34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used; makes inspections to determine if locomotives are equipped and maintained by carriers in accordance with the Commission's regulations and are in safe condition to operate; takes corrective action in connection with locomotives not conforming to requirements; makes investigations of accidents caused by failure of any part of a locomotive; and prepares reports for Commission approval on such investigations when such action is in the public interest. Supervises the field staff of district inspectors engaged in inspection and investigation to assure compliance with respect to these items.

(3) *Section of Railroad Safety.* Performs necessary duties respecting the administration of various Safety Appliance Acts (45 U.S.C. 1–16, 17–21, 36), the Accident Reports Act (15 U.S.C. 38–43), the Hours of Service Act (45 U.S.C. 61–64), the Block Signal Resolution (45 U.S.C. 35), and section 25 of the Act (49 U.S.C. 25), as related to railways, other than those pertaining particularly to locomotives and the transportation of explosives and other dangerous articles by rail, highway, and water; supervises the field staff engaged in making inspections of carrier operations as prescribed and recommends reporting of violations to the proper United States District Attorneys for prosecution; investigates applications for approval of material modifications of block signal systems and interlocking devices; and investigates train accidents and makes recommendations as to corrective measures to be taken by the carriers.

(4) *Field Staff.* Conducts investigations and performs other field work in connection with the duties of the sections described above.

(5) *Safety and Service Board No. 1.* See item 7.7 of the Organization Minutes as amended for functions and duties.

(6) *Safety and Service Board No. 2.* See item 7.7 of the Organization Minutes as amended for functions and duties.

(m) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation and protective service contracts, of carriers subject to the Act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregates-of-intermediate-rate provisions of the Act; confers and corresponds with carriers, shippers and other interested parties, expressing its views, concerning the application of rates and other tariff provisions, as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, also quotations filed under section 22 of the Act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the Act, for use of the public.

(2) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; performs the administrative work in connection with contracts covering protective service filed by railroads and by express companies; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and computes short-line distances and first-class rates for waybill study purposes.

(3) *Board of Suspension.* See item 7.3 of the Organization Minutes as amended for functions and duties.

(4) *Fourth Section Board.* See item 7.2 of the Organization Minutes as amended for functions and duties.

(5) *Released Rates Board.* See item 7.10 of the Organization Minutes as amended for functions and duties.

(6) *Special Permission Board.* See item 7.9 of the Organization Minutes as amended for functions and duties.

(n) *Bureau of Transport Economics and Statistics.* Performs economic, statistical and related analytical work, concerning transportation, necessary to the Commission in the performance of its functions to foster sound economic conditions consistent with the National Transportation Policy. In performing this work, the bureau advises the Commission on economic matters and develops and prepares for publication data concerning such matters as finances, physical characteristics, operations and traffic consist of the various carriers, as well as statistical and economic evaluations of the effects of the Commission's regulatory policies on carriers, shippers, consumers, and the national economy and the effects of development pertaining to the latter on the Commission's responsibilities.

(1) *Section of Reports.* Prepares in coordination with other bureaus and offices the statistical and accounting reporting requirements of carriers; sets forth policies and practices to be followed in filing the annual and periodic reports, including railroad accident reports; examines and verifies carrier reports to determine accuracy, completeness and compliance with reporting requirements and conducts correspondence with carriers regarding same; initiates action leading to institution of appropriate proceedings against carriers failing to observe reporting requirements; compiles and prepares for publication transportation statistics based on reports submitted by the carriers covering such matters as finances, operations, and railroad accidents; prepares special statistical and financial analyses for the Commission, Congress, and other governmental agencies; and advises industry, Government agencies, and others regarding the scope and content of the reports and related matters.

(2) *Section of Traffic Statistics.* Provides traffic statistics based primarily on a one percent sample of carload shipments terminated by Class I railroads; compiles and makes special and continuing studies of these data to determine the effect of Commission decisions on rate structures; and to analyze other traffic characteristics, issues a continuing series of annual and other periodical publications based upon the carload sample showing various distributions of traffic characteristics; develops and maintains an inventory of motor carrier authorities to facilitate identification of operating rights with given characteristics for Commission information and utilization; operates automatic data processing equipment for these and other bureaus and Commission processing requirements; provides technical and professional advice and assistance in statistical matters, the waybill sample and operating authorities inventory, and automatic data processing.

(3) *Section of Research.* Conducts formal research studies of basic transportation problems and developments affecting the several modes of transportation or the national transportation system to assist the Commission in the performance of its regulatory and administrative functions; advises the Commission on economic matters and prepares special studies and analyses of economic data to meet specific current needs of the Commission; and provides economic, statistical and other material for Commission and Bureau publications.

(o) *Bureau of Water Carriers and Freight Forwarders.* Performs duties in connection with the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under Parts III and IV, and section 5a of the Act. Processes the applications (1) of water carriers for temporary authorities and exemptions, and (2) of common carriers for approval of collective rate-making agreements. Inspects the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the Act and Commission regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective rate-making under approved agreements.

(1) *Field Staff.* Conducts the investigations and performs the other field work included in the functional statement for the Bureau.

[SEAL] HAROLD D. McCOY,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC Regions	Location of offices	Bureaus represented [1]
1	Boston, Mass.; Regional Headquarters, 14–17 Court Sq.	A, I&C, MC, S&S.
	Lebanon, N.H. 6 Campbell St.	MC.
	Portland, Maine. 305 Post Office and Court House.	MC.
	Providence, R.I. 187 Westminster St.	MC.
	Springfield, Mass. 420 Federal Bldg.	MC.
2	New York, N.Y.; Regional Headquarters, Room 1111, 346 Broadway.	A, I&C, MC, S&S, WC.
	Albany, N.Y. 518 Federal Bldg.	MC, S&S.
	Binghamton, N.Y. 215 Post Office and Court House.	MC.
	Buffalo, N.Y. 324 Post Office Bldg.	MC, S&S.
	Hartford, Conn. 223 Federal Bldg.	MC.
	Newark, N.J. 1060 Broad St.	MC, S&S.
	Syracuse, N.Y. 1025 Chimes Bldg.	MC, S&S.
	Trenton, N.J. 410 Post Office Bldg.	MC.
3	Philadelphia, Pa.; Regional Headquarters, 800 Custom House.	A, I&C, MC, S&S.
	Baltimore, Md. 319 Appraisers' Stores Bldg.	MC, S&S.
	Harrisburg, Pa. 218 Central Industrial Bldg.	MC.
	Norfolk, Va. 250 Post Office Bldg.	S&S.
	Richmond, Va. 1011 Insurance Bldg.	MC, S&S.
	Roanoke, Va. 215 Campbell Ave. SW.	MC, S&S.
	Salisbury, Md. 206–B Post Office Bldg.	MC.
	Scranton, Pa. 309 Post Office Bldg.	MC.
	Washington, D.C. Interstate commerce Commission Bldg, 12th and Constitution Ave. NW.	A, I&C, MC, S&S.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES—Continued

ICC Regions	Location of offices	Bureaus represented [1]
4	Columbus, Ohio; Regional Headquarters, 296 New Post Office Bldg.	A, I&C, MC, S&S.
	Charleston, W. Va., 3202 Federal Office Bldg.	MC.
	Cincinnati, Ohio, 400 Park Bldg.	MC, S&S.
	Cleveland, Ohio, 118 Federal Bldg.	A, MC, S&S.
	Pittsburgh, Pa., 303 Victory Bldg.	I&C, MC, S&S.
	Toledo, Ohio, 17 Old Federal Bldg.	MC, S&S.
	Wheeling, W. Va., 331 Hawley Bldg.	MC.
	Youngstown, Ohio, 610 Schween Wagner Bldg.	S&S.
6	Atlanta, Georgia; Regional Headqnarters, 680 West Peachtree St. NW.	A, I&C, MC, S&S.
	Birmingham, Ala., 1328 Comer Bldg.	MC, S&S.
	Charlotte, N.C., 202 LibertyLife Bldg.	A, MC, S&S.
	Columbia, S.C., 509 Federal Office Bldg.	MC.
	Jacksonville, Fla., 428 Post Office Bldg.	A, MC, S&S.
	Mobile, Ala., 317 U.S. Court and Custom House.	S&S.
	Raleigh, N.C., 401 Oberlin Rd.	MC.
	Tampa, Fla., 200 Tampa St.	S&S.
7	Nashville, Tenn.; Regional Headquarters, 706 U.S. Court House.	A, I&C, MC, S&S.
	Jackson, Miss., 100 East Pearl St.	MC.
	Lexington, Ky., 307 Warren Bldg.	MC.
	Louisville, Ky., 426 Post Office Bldg.	MC, S&S
	Memphis, Tenn., 1121 Falls Bldg.	I&S, MC, S&S.
8	Chicago, Ill.; Regional Headquarters, 852 Custom House.	A, I&C, MC, S&S, WC.
	Detroit, Mich., 1439 Book Bldg.	A, MC, S&S.
	Fort Wayne, Ind., 308 Federal Bldg.	MC
	Indianapolis, Ind., 8th Floor Century Bldg.	A, MC, S&S
	Lansing, Mich., 221 Federal Bldg.	MC.
	Springfield, Ill., 719 Meyers Bldg.	MC.
9	Minneapolis, Minn.; Regional Headquarters, 448 Federal Bldg. and U.S. Court House.	A, I&C, MC, S&S.
	Duluth, Minn., 425 Post Office Bldg.	S&S.
	Fargo, N. Dak., 210 Post Office Bldg.	MC, S&S.
	Madison, Wis., 214 North Hamilton St.	MC.
	Milwaukee, Wis., 511 Cawker Bldg.	MC.
	Pierre, S. Dak., Homer Meyers Bldg.	MC.
10	Kansas City, Mo.; Regional Headquarters, 1100 Federal Office Bldg.	A, I&C, MC, S&S.
	Davenport, Iowa, 235 Post Office Bldg.	MC.
	Des Moines, Iowa, 227 Federal Bldg.	MC, S&S.
	Lincoln, Nebr., 318 U.S. Courthouse and Post Office Bldg.	MC.
	Omaha, Nebr., 705 Federal Bldg.	MC, S&S.
	Sioux City, Iowa, 319 Post Office Bldg.	MC.
	St. Louis, Mo., 3248 Federal Bldg.	A, MC, S&S.
	Topeka, Kans., 309 Federal Bldg.	MC.
	Wichita, Kans., 906 Schweiter Bldg.	MC, S&S.
12	Fort Worth, Tex.; Regional Headquarters, 816 Texas and Pacific Bldg.	A, I&C, MC, S&S.
	Amarillo, Tex., 443 Amarillo Petroleum Bldg.	MC, S&S.
	Dallas, Tex., 1112 Fidelity Bldg.	A, MC, S&S.
	El Paso, Tex., 203 U.S. Court House.	S&S.
	Houston, Tex., 614 Federal Office Bldg.	A, MC, S&S.
	Little Rock, Ark., 2519 Federal Office Bldg.	MC.
	Monroe, La., 217 Bernhardt Bldg.	S&S.
	New Orleans, La., 709 Masonic Temple.	MC, S&S, WC.
	Oklahoma City, Okla., 4019 Federal Office Bldg.	MC, S&S.
	San Antonio, Tex., 583 Post Office and Court House.	MC, S&S.
	Shreveport, La., 421 Post Office Bldg.	S&S.
13	Denver, Colorado; Regional Headquarters, 502 Denham Bldg.	A, I&C, MC, S&S.
	Albuquerque, N. Mex., 109 U.S. Court House.	MC, S&S.
	Billings, Mont., 413 Electric Bldg.	MC.
	Great Falls, Mont., Post Office and Court House.	S&S.
	Salt Lake City, Utah, 114 Atlas Bldg.	MC, S&S.
15	Portland, Oreg.; Regional Headquarters, 538 Pittock Block.	A, I&C, MC, S&S, WC.
	Boise, Idaho, 414 Federal Bldg.	MC.
	Seattle, Wash., 6130 Arcade Bldg.	A, MC, S&S.
	Spokane, Wash., 401 Post Office Bldg.	MC, S&S.
16	San Francisco, Calif.; Regional Headquarters, 602 Sheldon Bldg.	A, I&C, MC, OR, S&S.
	Carson City, Nev., 212 Telegraph Bldg.	MC.
	Los Angeles, Calif., 1239 Western Pacific Bldg.	I&C, MC, S&S.
	Phoenix, Ariz., 5045 Federal Bldg.	MC, S&S.
	Anchorage, Alaska, 201 Loussac-Sogn Bldg.	MC.
No region—under supervision of Washington, D.C.		

[1] A—Accounts. I&C—Inquiry and Compliance. MC—Motor Carriers. OR—Operating Rights. S&S—Safety and Service. WC—Water Carriers and Freight Forwarders.

TERRITORIAL COVERAGE OF THE FIELD OFFICES OF THE BUREAU OF MOTOR CARRIERS

District No.	Headquarters office	States
1	Boston, Mass.	Massachusetts, Maine, New Hampshire, Vermont, Rhode Island.
2	New York, N.Y.	New York, New Jersey, Connecticut.
3	Philadelphia, Pa.	Eastern Pa., Maryland, Delaware, District of Columbia, Virginia.
4	Columbus, Ohio.	Ohio, Western Pennsylvania, West Virginia.
6	Atlanta, Ga.	Georgia, Florida, Alabama, North Carolina, South Carolina.
7	Nashville, Tenn.	Tennessee, Kentucky, Mississippi.
8	Chicago, Ill.	Illinois, Indiana, Michigan.
9	Minneapolis, Minn.	Minnesota, Wisconsin, North Dakota, South Dakota.
10	Kansas City, Mo.	Missouri, Iowa, Nebraska, Kansas.
12	Forth Worth, Tex.	Texas, exluding El Paso County, Oklahoma, Arkansas, Louisiana.
13	Denver, Colo.	Colorado, Wyoming, New Mexico, Utah, Montana, El Paso County.
15	Portland, Oreg.	Oregon, Washington, Idaho.
16	San Francisco, Calif.	California, Arizona, Nevada.
No region—under supervision of Washington.	Anchorage, Alaska.	Alaska.

[F.R. Doc. 62-2417; Filed, Mar. 13, 1962; 8:45 a.m.]

[Notice 201]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 9, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 35320 (Deviation No. 6), T. I. M. E. FREIGHT, INC., P.O. Box 1120, Lubbock, Tex., filed March 5, 1962. Carrier's representative John T. Coon, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 24 and U.S. Highway 41, near Pelham, Tenn., over Interstate Highway 24 to junction U.S. Highway 41, near Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 42 to junction U.S. Highway 31W, thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 41, via Murfreesboro, Tenn. to junction unnumbered highway (formerly U.S. Highway 41) near Cassville, Ga., thence over unnumbered highway to Cartersville, Ga., thence over Georgia Highway 293 (formerly U.S. Highway 41) to junction U.S. Highway 41, near Emerson, Ga., thence over U.S. Highway 41 to Atlanta, Ga.; also from Nashville, Tenn. over Alternate U.S. Highway 41 (formerly Tennessee Highway 11) to junction Tennessee Highway 96, thence over Tennessee Highway 96 to Murfreesboro, Tenn., and return over the same routes.

No. MC 59583 (Deviation No. 6), THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn., filed February 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation routes as follows: (A) From the junction of U.S. Highway 29 and Interstate Highway 85, approximately 10 miles southwest of Greenville, S.C., over Interstate Highway 85 to junction U.S. Highway 29, at Gastonia, N.C., (B) from the junction of U.S. Highway 29 and Interstate Highway 85, 10 miles east of Gastonia, N.C. over Interstate Highway 85 to junction U.S. Highway 29, 3 miles east of Charlotte, N.C., and (C) from the junction of U.S. Highway 29, Alternate U.S. Highway 29 and Interstate Highway 85, at China Grove, N.C., over Interstate Highway 85 to junction U.S. Highway 29, 6 miles northeast of Salisbury, N.C., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From High Point, N.C., over U.S. Highway 70 to junction Alternate U.S. Highway 70 (east of Hickory, N.C.), thence over Alternate U.S. Highway 70 to junction U.S. Highway 70, west of Hickory, N.C., thence over U.S. Highway 70 to Asheville, N.C.; from High Point, N.C. over U.S. Highway 70 to Salisbury, thence over U.S. Highway 29 to junction Alternate U.S. Highway 29 via Concord, N.C., to junction U.S. Highway 29, near Charlotte, thence over U.S. Highway 29 to Kings Mountain, N.C., thence over U.S. Highway 74 to Asheville, N.C.; and from Greensboro, N.C. over U.S. Highway 29 to junction Alternate U.S. Highway 29, near China Grove, thence over Alternate U.S. Highway 29, via Concord, N.C., to junction U.S. Highway 29, near Charlotte, thence over U.S. Highway 29 to Charlotte, thence over U.S. Highway 21 to Rock Hill, S.C., and return over the same routes.

No. MC 59583 (Deviation No. 7), THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn., filed March 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From a point approximately 25 miles west of Camp Hill, Pa., over U.S. Highways 11 and 111 to junction U.S. Highway 22, approximately 1.5 miles east of Harrisburg, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Bristol, Tenn., over U.S. Highway 11 to Harrisburg, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 439, thence over New Jersey Highway 439 to New York, N.Y., and return over the same route.

No. MC 70151 (Deviation No. 5), UNITED TRUCKING SERVICE, INC., 3047 Lonyo Road, Detroit 9, Mich., filed February 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Detroit, Mich., and Cincinnati, Ohio, over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 25 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction Ohio Highway 73 thence over Ohio Highway 73 to junction Ohio Highway 4, thence over Ohio Highway 4 to Cincinnati, and return over the same route.

No. MC 106401 (Deviation No. 1), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, P.O. Box 10497, Charlotte 1, N.C., filed February 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 1 and Virginia Highway 350 (Shirley Highway), near Washington, D.C., over Virginia Highway 350, to junction U.S. Highway 1, near Woodbridge, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the Pennsylvania-Maryland State line over U.S. Highway 1 to the North Carolina State line, and return over the same route.

No. MC 107475 (Deviation No. 7), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed February 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga. over U.S. Highway 23 to junction Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 41 to Macon, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 15), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, P.O. Box 1337, Omaha 2, Nebr., filed March 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From El Paso, Tex., over Interstate Highway 10 to junction U.S. Highway 80, 3.8 miles north of Anthony, N. Mex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Abilene, Tex., over U.S. Highway 80 to Lazy "E" Station, N. Mex., thence over relocated U.S. Highway 80 to junction U.S. Highway 80, approximately 2 miles east of Akela, N. Mex., and return over the same route.

No. MC 89037 (Deviation No. 1), CONTINENTAL PACIFIC LINES, 1501 South Central Avenue, Los Angeles 21, Calif., filed March 5, 1962. Attorney Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Eugene and Albany, Oreg., over Interstate Highway 5, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2460; Filed, Mar. 13, 1962; 8:46 a.m.]

[Notice 428]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 9, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 8948 (Sub-No. 51), filed January 2, 1962. Applicant: WESTERN

TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, as classified in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles, *ammunition* not included in Classes A and B explosives, and *component parts* of explosives and ammunition, between Reno, Nev., and Pickle Meadows, Calif.; from Reno over U.S. Highway 395 to Sonora Junction, thence over California Highway 108 to Pickle Meadows, and return over the same route, serving no intermediate points.

NOTE: Applicant states it is a wholly owned subsidiary of Cantlay & Tanzola, Inc., a common carrier in the transportation of petroleum and petroleum products and certain liquid chemicals in bulk in tank transport equipment (Docket No. MC 70662). Applicant in turn owns and controls Gillette Motor Transport, Inc., a wholly owned subsidiary, transporting general commodities with usual exceptions (Docket No. MC 2309).

HEARING: April 25, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 16634 (Sub-No. 5), filed January 15, 1962. Applicant: L. STANLEY STRANG AND DONALD E. STRANG, a partnership, doing business as STRANG TRANSPORTATION, Elmer (Salem County), N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients, feed additives*, and *grain products*, from Bordentown, N.J., to New York, N.Y., and points in Albany, Nassau, Rockland, Suffolk, and Orange Counties, N.Y., and points in Monroe, Northampton, Lackawanna, and Wayne Counties, Pa.

HEARING: April 18, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner W. Elliott Neffiin.

No. MC 21170 (Sub-No. 37), filed March 6, 1962. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Marshall, Carrollton, Macon, Moberly, and Milan, Mo., to points in Texas.

HEARING: March 22, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 21170 (Sub-No. 38), filed March 6, 1962. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Carrollton, Macon, Marshall, Moberly, and Milan, Mo., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Vermont, Pennsylvania, Rhode Island, and the District of Columbia.

HEARING: March 19, 1962, in Room 1620–A, 1520 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 21170 (Sub-No. 39), filed March 6, 1962. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Milan, Moberly, Carrollton, Mo., to points in Nebraska, Kansas, and Colorado.

HEARING: March 21, 1962, in Room 1620–A, 1520 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 21170 (Sub-No. 40), filed March 6, 1962. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Milan, and Carrollton, Mo., to points in Indiana, Ohio, and the Lower Peninsula of Michigan.

HEARING: March 19, 1962, in Room 1620–A, 1520 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 29761 (Sub-No. 10), (CORRECTION), filed December 19, 1960, published FEDERAL REGISTER, issue of February 28, 1962, and republished as corrected this issue. Applicant: DE ROSA TRANSPORTATION, INC., 2278 South Union Street., Chicago, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. The hearing information appended to the notice of filing of the subject application as originally published indicated that the application was assigned to a Hearing Examiner, in error. Correctly stated, the application is assigned in the alternative, as follows:

HEARING: April 26, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 30844 (Sub-No. 62), filed February 26, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations, and baby supplies*, from Fremont, Mich., to Atlantic, Boone, Burlington, Cedar Falls, Cedar Rapids, Chariton, Cherokee, Creston, Davenport, and Des Moines, Dubuque, Estherville, Fort Dodge, Iowa City, Laurens, Marshalltown, Mason City, Muscatine, Ottumwa, Red Oak, Shenandoah, Sioux City, Waterloo, and West Burlington, Iowa.

HEARING: April 25, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 35628 (Sub-No. 242) (CORRECTION), filed November 13, 1961, published FEDERAL REGISTER, issue of February 28, 1962, and republished as corrected, this issue. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. The hearing information appended to the notice of the filing of the subject application as previously published indicated the hearing was assigned for April 21, 1962, in error. Correctly stated, the application is assigned for hearing *Thursday April 12, 1962*, at the same time and place set forth in the previous notice.

No. MC 42487 (Sub-No. 536), filed January 22, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to New Haven, Conn.; Dover, Del.; Dalton, Ga.; Mishawaka, Ind.; Fall River, Mass.; Waynesville, N.C.; Akron, Canton, Dayton, Fremont, and Willard, Ohio; Providence, R.I.; and Chattanooga, Tenn.

HEARING: April 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Samuel C. Shoup.

No. MC 52709 (Sub-No. 159), filed February 6, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits*, and *alcoholic liquor*, in bulk, in tank vehicles, between points in California and points in New Jersey, New York, Georgia, Connecticut, Massachusetts, Virginia, and Rhode Island.

NOTE: Applicant states that it controls United Freight, Inc., Inter State Express, Inc., Arizona Pacific Tank Lines, Portle Transportation Company, Colonial & Pacific Frigidways, Inc., and Converse Trucking Service.

HEARING: April 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 52776 (Sub-No. 6) (CLARIFICATION), filed January 5, 1962, published FEDERAL REGISTER issue of February 7, 1962, and republished as clarified this issue. Applicant: E. V. FITCH, JR., doing business as FITCH MOTOR LINES, 1510 Gardner Avenue, Scranton, Pa. Applicant's attorney: D. H. Jenkins, Suite 309, Mears Building, Scranton 3, Pa. The only purpose of this republication is to clarify the destination territory in New York State proposed to be served. By virtue of authority previously issued,

applicant conducts operations in the transportation of *Coal*, over irregular routes, from points in Lackawanna and Luzerne Counties, Pa., to points in Nassau County, N.Y., and that part of New York on and east of New York Highway 14, on and west of U.S. Highway 9, and on and south of New York Highway 12 from Lake Ontario to Junction with New York Highway 8, thence over New York Highway 8 to Junction with U.S. Highway 9, except New York City. The instant application seeks in part to extend those operations with respect to New York State. The territory involved is that contained within the following boundary lines: Beginning at the junction of New York Highway 12 and the St. Lawrence River at or near Clayton, N.Y., running North and East along the St. Lawrence River to the International Boundary line at or near Rooseveltown, thence along the International Boundary line to the New York-Vermont State line, thence South along the New York-Vermont State Line, the New York-Massachusetts State line, and the New York-Connecticut State line, to Long Island Sound, thence along the north shore of Long Island Sound to New York City, thence North along U.S. Highway 9 to its junction with New York Highway 8 at or near Chestertown, thence West along New York Highway 8 to its junction with New York Highway 12 at or near Utica, N.Y., thence North and West along New York Highway 12 to the point of beginning at or near Clayton, N.Y.

HEARING: Remains as assigned March 20, 1962, but is reassigned to the Hotel Essex, Boston, Mass., before Examiner Alvin H. Schutrumpf.

No. MC 55811 (Sub-No. 77), filed February 5, 1962. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Joliet, Ill., and five (5) miles thereof, including Rockdale, Ill., to points in Indiana, Ohio, the lower peninsula of Michigan, points in Iowa within ten (10) miles of the Iowa-Illinois State line, points in Missouri within ten (10) miles of the Missouri-Illinois State line, points in Kentucky within ten (10) miles of the Kentucky-Indiana State line, points in West Virginia within ten (10) miles of the West Virginia-Ohio State line, points in Pennsylvania within ten (10) miles of the Pennsylvania-Ohio State line, points in Alleghany, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Brockway, Jeannette, North East, Schenley, and South Connellsville, Pa., and points within ten (10) miles of Jeannette, Schenley, and South Connellsville, Pa.

HEARING: April 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 67198 (Sub-No. 1), filed February 9, 1962. Applicant: MEADVILLE MOVING & STORAGE, INC., 148 Mead Avenue, Meadville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in or on trailers for Erie-Lackawanna Railroad Company moving on railroad bills of lading, between Meadville, Pa., on the one hand, and, on the other, Franklin, Oil City, Reno, Rouseville, Saegertown, Cambridge Springs, and Cochranton, Pa.

NOTE: Applicant states traffic will have had a prior or subsequent rail movement in piggy-back service, or trailer on flat car service.

HEARING: April 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 76032 (Sub-No. 164), filed October 12, 1961. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and livestock), between Barstow, Calif., and Las Vegas, Nev.; from Barstow over Interstate Highway 15 to Las Vegas, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

HEARING: April 27, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 87717 (Sub-No. 3), filed January 17, 1962. Applicant: WILLIAM M. BEVAN, 731 Water Street, Pottsville, Pa. Applicant's attorney: Isadore E. Krasno, 20 South Centre Street, Pottsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty containers* and *supplies*, between Pottsville, Pa., and points in Connecticut.

HEARING: April 18, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner W. Elliott Neffiin.

No. MC 93419 (Sub-No. 4), filed February 6, 1962. Applicant: BALD EAGLE TRANSFER COMPANY, a corporation, 309 Bellefonte Street, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products* (except commodities in bulk), from Lock Haven and Castanea, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Massachusetts, Connecticut, Rhode Island, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Washington, D.C.; and (2) *materials used or useful in the manufacture of paper products* from points in the above-described destination States, including Washington, D.C., to Lock Haven and Castanea, Pa.

HEARING: April 25, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner W. Elliott Neffiin.

No. MC 94604 (Sub-No. 2), filed October 11, 1960. Applicant: PACIFIC STORAGE & DELIVERY, 1409 Southeast Rural Street, Portland 2, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, all kinds*, in truck-away service between Portland, Oreg., and all points in Oregon; service restricted to shipments which have had a prior movement in rail, trailer on flat-car service (Piggy-back) from points beyond the State of Oregon.

HEARING: April 18, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 105248 (Sub-No. 6), filed January 3, 1962. Applicant: BERNARD O. BOWSER, an individual, doing business as BOWSER TRANSFER COMPANY, 242 Front Street, Punxsutawney, Pa. Applicant's attorneys: H. Ray Pope, Jr., Clarion, Pa., and Chester A. Zyblut, 1700 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Big Run, Jefferson County, Pa., and points within 25 miles thereof, on the one hand, and on the other, points in Pennsylvania.

NOTE: Applicant states that he is seeking the same authority under which operations are presently being conducted under a class D certificate issued by the Pennsylvania Public Utilities Commission.

HEARING: April 26, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner W. Elliott Neffiin.

No. MC 107515 (Sub-No. 383), filed February 14, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Moultrie, Ga., to points in Texas.

NOTE: Applicant states that J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of one-half of its common stock holds permits as a contract carrier under MC 104589 (Sub-Nos. 5, 7, 10, 13, and 17), which authorizes transportation of carbonated beverages.

HEARING: April 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 109584 (Sub-No. 104), filed February 19, 1962. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, and *syrups*, in bulk in tank vehicles, from points in California (except Manteca, Spreckels, and Woodland), to points in Washington and points in Oregon (other than those in Douglas, Josephine, Klamath, Jackson, and Lake Counties).

NOTE: Applicant states common control may be involved.

HEARING: April 16, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 109584 (Sub-No. 105), filed February 19, 1962. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices* and *fruit juice concentrates*, in bulk, in tank vehicles, between points in California and points in Oregon and Washington.

NOTE: Applicant states that it is affiliated with Ringsby Truck Lines, Inc., United Freight, Inc., Inter State Express, Inc., Fortier Transportation Company, and Colonial & Pacific Frigidways, Inc.

HEARING: April 17, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 110698 (Sub-No. 199), filed February 5, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Road, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Atlanta, Ga., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas, and points in Tennessee west of U.S. Highway 27.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc., is owned by The Ryder System of Miami, Fla., which also "controls Ryder Truck Line and other motor carriers".

HEARING: April 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 110698 (Sub-No. 201), filed February 12, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 LaPorte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to New Haven, Conn., Dover, Del., Dalton, Ga., Mishawaka, Ind., Fall River, Mass., Waynesville, N.C., Akron, Canton, Dayton, Fremont, and Willard, Ohio, Providence, R.I., and Chattanooga, Tenn.

NOTE: Common control may be involved.

HEARING: April 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Samuel C. Shoup.

No. MC 115601 (Sub-No. 13), filed February 6, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal, wooden and other precision instruments, and accessories, parts, and other items pertaining thereto*, between Philadelphia and points in Montgomery County, Pa., on the one hand, and, on the other, points in New Castle County, Del., Maryland, and New Jersey.

NOTE: Applicant states the proposed operations are to be conducted under continuing contracts.

HEARING: April 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 115840 (Sub-No. 4), filed March 2, 1962. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* and *wooden pallets*, from points in Georgia to points in Florida, Alabama, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware, New York, Kentucky, Ohio, Michigan, Illinois, Indiana Wisconsin, and New Jersey, (2) *fertilizer* and *fertilizer materials*, between points in Georgia, Florida, Alabama, South Carolina, and North Caroline, (3) *insecticides* and *insecticide material*, between points in Georgia, Florida, Alabama, South Carolina, and North Carolina, (4) *clay products*, from points in Georgia to points in Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Tennessee, and Kentucky, (5) *steel fabricated buildings*, from Milwaukee, Wis., Cincinnati, Ohio, Galesburg, Ill. and Birmingham, Ala., to points in Kentucky, Tennessee, Mississippi, Arkansas, Louisiana, Texas, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Florida, and Georgia, (6) *road building machinery* and *equipment requiring special equipment*, between Albany, Ga., on the one hand, and, on the other, points in Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, West Virginia, and Virginia, (7) *steel*, from Birmingham, Ala., to Albany, Ga., (8) *concrete ready mix plant*, knocked down and assembled, between Albany, Ga., on the one hand, and, on the other, points in South Carolina, North Carolina, Alabama, Mississippi, Florida, Louisiana, and Arkansas and (9) *fabricated concrete* and *concrete material*, from Albany, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities, on return.

NOTE: Common control may be involved.

HEARING: March 20, 1962, at 600 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hiney.

No. MC 115841 (Sub-No. 102), filed February 28, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Louisiana and Mississippi, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, New Hampshire, North Carolina, North Dakota, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 21, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115841 (Sub-No. 103), filed February 28, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as defined by the Commission in Appendix I to Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Fergus Falls, Minn., and Denver, Colo., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) (a) *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as defined by the Commission in Appendix I to Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (b) *Canned goods, fresh fruit and vegetables, frozen foods*, and *chilled juices*, from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to Denver, Colo., Champaign and Chicago, Ill., Indianapolis, Ind., Davenport, Iowa, New Orleans, La., Detroit, Mich., Hopkins, Minn., St. Louis, Mo., Memphis, Tenn., and Milwaukee, Wis.

HEARING: March 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 116622 (Sub-No. 4), filed February 8, 1962. Applicant: SOUTHERN PINE EXPRESS, INC., P.O. Box 125, Granite Quarry, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Pennsylvania, Ohio, West Virginia, Virginia, Kentucky, Tennessee, and Maryland, to points in North Carolina, South Carolina, Georgia, and Florida.

HEARING: April 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 116725 (Sub-5), filed January 25, 1962. Applicant: JOHN S. KELLER, R.D. No. 2, Telford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I–B to *Descriptions in Motor Carrier* Certificates, 61 M.C.C. 209, (1) from points in New Jersey, New York, Maryland, Pennsylvania, Delaware, Virginia, Washington, District of Columbia, West Virginia, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island, to Telford, Pa., and points in Franconia Township, Montgomery County, Pa., (2) from Telford and points in Franconia Township, Montgomery County, Pa., to points in West Virginia, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island, and (3) from points in Franconia Township, Montgomery County, Pa., to points in New Jersey, New York, Maryland, Pennsylvania, Delaware, Virginia, and Washington, District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return, in (1), (2), and (3), above.

HEARING: April 20, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner W. Elliott Neffin.

No. MC 117574 (Sub-No. 62), filed January 17, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Rt. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, between points in Adams County, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Kentucky, Missouri, Wisconsin, Iowa, and Minnesota.

HEARING: April 23, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner W. Elliott Neffin.

No. MC 118407 (Sub-No. 5), filed February 23, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC. and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Lexington, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 123405 (Sub-No. 4), filed February 14, 1962. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in West Virginia and points in that portion of Ohio on and east of U.S. Highway 21.

NOTE: Applicant states two of its stockholders are connected with other carriers as follows: Paul W. Hively owns 100 percent of the capital stock in Miller's Motor Freight, Inc., a common carrier possessing authority in MC 41915. Mr. Hively is president and a director in Miller's Motor Freight, Inc.

HEARING: April 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 123415 (Sub-No. 5), filed January 17, 1962. Applicant: JAMES STUFFO, INC., P.O. Box 1061, Merchantville, N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal windows, metal window sections, building construction sections, metal doors, aluminum extrusions*, and *parts and fittings* for such windows, sections, and doors, from Philadelphia, Pa., to points in Georgia, Virginia, North Carolina, South Carolina, Tennessee, and Kentucky.

HEARING: April 19, 1962, in the Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner W. Elliott Neffin.

No. MC 123443 (Sub-No. 1), filed September 25, 1961. Applicant: DONALD G. HILL, ERVIN E. HILL, ERVIN E. HILL, Jr., AND ROBERT E. PERRY, doing business as HILL BROS. TRUCKING, P.O. Box 1, Cedarville, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural gypsum* in bulk and in bags, from the site of the U.S. Gypsum Co. plant, at Empire near Gerlach, Nev., to points in Modoc County, Calif., and that part of Siskiyou County, Calif., on and east of U.S. Highway 97, and points in Lake, Klamath, and Jackson Counties, Oreg.

HEARING: April 26, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 123502 (Sub-No. 3), filed February 14, 1962. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone* and *dirt*, in bulk, in dump vehicles, from Baltimore, Linthicum, and Savage, Md., to points in Delaware, West Virginia, Pennsylvania, Virginia, and the District of Columbia.

HEARING: April 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 123991 (Sub-No. 1), filed February 16, 1962. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 1028 West Rayen Street, Youngstown, Ohio. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Brick and clay products*, palletized, on flatbed trailers, from Siloam, Ky., to points in Ohio, Pennsylvania, Michigan, Illinois, Indiana, West Virginia, New York, and Alabama, and *empty pallets and rejected shipments*, on return.

NOTE: Applicant conducts operations under Certificate No. MC 14552 and subs thereunder, therefore dual operations may be involved.

HEARING: April 20, 1962, at the Offices of the Interstate Commerce Commission Washington, D.C., before Examiner Walter R. Lee.

No. MC 124088 (Sub-No. 1) (AMENDMENT), filed December 29, 1961, published FEDERAL REGISTER issue February 14, 1962, amended March 2, 1962, republished as amended this issue. Applicant: OHIO COURIERS, INC., 601 Broadway, Cincinnati, Ohio. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature, moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Cleveland, Columbus and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE: Common control may be involved The purpose of this republication is to show the change in the territorial scope in that "Columbus and Cincinnati" have been added.

HEARING: Remains as assigned, April 10, 1962, at the New Post Office Building, Columbus, Ohio, but reassigned before Joint Board No. 37.

No. MC 124117 (AMENDMENT), filed December 21, 1962, published in FEDERAL REGISTER, issue of February 7, 1962, amended March 5, 1962, republished this issue as amended. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, Route No. 1, Unionville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *related advertising materials* from St. Louis, Mo., Peoria, Ill., Louisville, Ky., and Detroit, Mich., to points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the *Tennessee River* (excluding Nashville and Chattanooga, Tenn., and their commercial zones), and only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: The purpose of this republication is to substitute "Tennessee" for "Mississippi" in naming the river in the description of the area to be served.

HEARING: Remains as assigned March 14, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Laurence E. Masoner.

No. MC 124140, filed January 7, 1962. Applicant: V. B. MORGAN CO., a corporation, P.O. Box 547, Barstow, Calif. Applicant's attorney: Henry J. Bischoff, 614 South Hope Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products, ore* and *ore concentrates*, in bulk, in sacks, and in any other container, between points in Inyo, Kern, Mono, Los Angeles, San Bernardino, and Riverside Counties, Calif., on the one hand, and, on the other, points in Clark, Nye, Esmeralda, Mineral, and Lincoln Counties, Nev.

NOTE: Applicant is authorized to conduct operation as a common carrier in No. MC 106022 and Sub No. 5, applicant states that if the authority herein is sought is granted it is agreeable to revocation of its common carrier authority.

HEARING: April 26, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 124143, filed January 10, 1962. Applicant: GLEN MARCELLUS, 924 East Eighth, Liberal, Kans. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, buildings, granaries, grain bins, and box cars*, between points in Kansas, points in Baca and Prowers Counties, Colo., Cimarron, Tex., points in Beaver, Harper, and Ellis Counties, Okla., and points in Dallam, Sherman, Hansford, Ochiltree, and Lipscomb Counties, Tex.

HEARING: April 25, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Examiner Joseph A. Reilly.

No. MC 124144, filed January 11, 1962. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., R.D. No. 2, York, Pa. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire cloth, aluminum, brass, bronze, and copper*, and *iron and steel cloth*, in straight and mixed shipments; from York, Pa., to points in California, Texas, and Oklahoma, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: April 24, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner W. Elliott Neffin.

No. MC 124175 (AMENDMENT), filed January 30, 1962, published FEDERAL REGISTER issue February 28, 1962, amended March 1, 1962, republished as amended this issue. Applicant: JOHN PETERSON AND ALBERT DE LOTTO, doing business as PLAZA TRUCKING CO., 97 Charles Street, New York 13, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishing tackle* (including, but not limited to, rods, reels, lines, lures, hooks) and *printed matter advertising such commodities*, between Teaneck, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: The purpose of this republication is to reflect the additions to the commodities proposed to be transported.

HEARING: Remains as assigned, April 20, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

MOTOR CARRIERS OF PASSENGERS

No. MC 140 (Sub-No. 3), filed January 16, 1962. Applicant: AUCH INTERBOROUGH TRANSIT COMPANY, a corporation, Conshohocken, Pa. Applicant's attorney; John Stewart, 1606–14 Philadelphia National Bank Building, Broad and Chestnut Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at Conshohocken, Norristown, and Philadelphia, Pa., and extending to Garden City Race Track, Camden, N.J.; Atlantic City Race Track, Atlantic City, N.J.; Monmouth Park Race Track, Oceanport, N.J.; Belmont Race Track, Elmont, N.Y.; Aqueduct Race Track, New York, N.Y.; Bowie Race Track, Bowie, Md.; Pimlico Race Track, Baltimore, Md.; Delaware Park Race Track, Stanton, Del.; and Brandywine Raceway, Brandywine Hundred, New Castle County, Del.

NOTE: Applicant indicates the proposed operations will be seasonal, between March 15 and December 15.

HEARING: April 17, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner W. Elliott Neffin.

No. MC 96007 (Sub-No. 15) (CORRECTION), filed January 2, 1962, published FEDERAL REGISTER issue of February 7, 1962, and republished as corrected this issue. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: James H. Sullivan, 52 Maple Street, Danvers, Mass. Notice of the filing of the subject application was published in the FEDERAL REGISTER, issue of February 7, 1962. That publication incorrectly set forth the points of service involved. Correctly stated, carrier seeks by this application to change the restriction in Certificate No. MC 96007 pertaining to the transportation of passengers and their baggage, and newspapers, in the same vehicle, *during the season extending from May 1st to November 30, of each year*, to read: "when events are scheduled at Rockingham Park or Canobie Lake Park, Salem, New Hampshire." Correctly described the territory involved is between Lowell, Mass., Salem Depot, and Canobie Lake, N.H., Medford, Mass., and Arlington, Mass., over specified regular routes, serving all intermediate points.

HEARING: Remains as assigned March 19, 1962, but is reassigned to the Hotel Essex, Boston, Mass., before Examiner Alvin H. Schutrumpf.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 545), filed March 5, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting fluids*, other than those derived from petroleum, in bulk, in tank vehicles, from Cincinnati, Ohio, to San Jose, Calif.

No. MC 109616 (Sub-No. 12), filed February 28, 1962. Applicant: CONSOLIDATED TRUCK LINES, LIMITED, 775 The Queensway, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic (hydrochloric)* acid, in bulk, in tank vehicles, from the port of entry on the International Boundary between United States and Canada, at or near Port Huron, Mich., to points in Ohio.

No. MC 113908 (Sub-No. 90), filed March 5, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White III, 905 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juices*, in bulk, in tank vehicles, from Monte Alto, Tex., to points in the United States (except Alaska and Hawaii), and including the District of Columbia.

No. MC 124105 (Sub-No. 3), filed February 26, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 I Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and in packages, and *cement*, in packages, from the plant sites of Cheney Lime and Cement Company, at Graystone (Blount County), Ala., and Landmark (Shelby County), Ala., to points in Georgia.

NOTE: Applicant states that it is controlled by Baggett Transportation Company, which also controls Alabama Highway Express, Inc. Since applicant has contract authority under MC-119223 and subs thereunder, dual operations may be involved.

No. MC 124204, filed February 9, 1962. Applicant: B. E. McDANIEL COMPANY, INCORPORATED, Middletown, Va. Applicant's attorney: John F. Anderson, Graichen Building, Winchester, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk lime, limestone, and fertilizer*, in spreader vehicles, from Alexandria, Va., and Stephens City, Frederick County, Va., and points within a seven (7) mile radius thereof, Frederick, Md., and points within a five (5) mile radius thereof, Charles Town, Jefferson County, W. Va., and points within a five (5) mile radius thereof, and Martinsburg, Berkeley County, W. Va., and points within a five (5) mile radius thereof, to points in Clarke, Warren, Frederick, Fauquier, Loudoun, Fairfax, Prince William, and Shenandoah Counties, Va., points in Hardy, Hampshire, Grant, Mineral, Morgan, Berkeley, and Jefferson Counties, W. Va., and points in Garrett, Allegheny, Washington, Frederick, Carroll, Baltimore, Howard, Cecil, Kent, Queen Annes, Talbot, Dorchester, Caroline, Wicomico, Somerset, Worcester, Saint Marys, Calvert, Charles, Prince Georges, and Anne Arundel Counties, Md.

NOTE: Applicant states commodities will not be transported in bags or other containers.

No. MC 124242 (Sub-No. 1), filed February 26, 1962. Applicant: TWIN CITIES NEWSPAPER SERVICE, INC., 1161 Selby Avenue, Saint Paul, Minn. Applicant's attorney: James L. Nelson, 1821 University Avenue, Saint Paul 4, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed films and prints, complimentary replacement film, incidental dealer handling supplies* and *advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between points in the Minneapolis-Saint Paul Commercial Zone, on the one hand, and, on the other, points in Minnesota on and south of U.S. Highway 2.

NOTE: Members of this corporation have authority under MC-124096 TA to operate as a partnership.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 266), filed February 26, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express, newspapers*, and *mail*, in the same vehicle with passengers, between Junction Interstate Highway 35 and U.S. Highway 77 near Moore, Okla., and Purcell, Okla.; from the junction of Interstate Highway 35 and U.S. Highway 77 north of Moore, Okla., over Interstate Highway 35 to Purcell (also from the junction of Interstate Highway 35 and Oklahoma Highway 9, over Oklahoma Highway 9 to Norman, Okla.), and return over the same route, serving no intermediate points.

NOTE: Applicant states it proposes to abandon that portion of its present authority from Norman, Okla., over U.S. Highway 77 to Purcell, Okla.

No. MC 1501 (Sub-No. 267), filed February 26, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers*, and *mail*, in the same vehicle with passengers, between junction of Relocated U.S. Highway 69–75 and unnumbered highway north of Colbert, Okla., and the Oklahoma-Texas State line south of Colbert, Okla.; from the junction of relocated U.S. Highway 69–75 and unnumbered highway (formerly U.S. Highway 69–75) north of Colbert over relocated U.S. Highway 69–75 to the Oklahoma-Texas State line south of Colbert (also from Colbert, Okla., over Oklahoma Highway 75A to its junction with relocated U.S. Highway 69–75 west of Colbert), and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to revoke that portion of its present authority between Colbert, Okla., over unnumbered highway (formerly U.S. Highway 69–75) to its junction with relocated U.S. Highway 69–75.

No. MC 1501 (Sub-No. 268), filed February 26, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Picher, Okla., and junction relocated U.S. Highway 69 and U.S. Highway 66; from Picher over relocated U.S. Highway 69 to its junction with U.S. Highway 66, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to revoke that segment of its present authority over unnumbered State highway (formerly U.S. Highway 69) between the junction of Relocated U.S. Highway 69 and unnumbered State highway (formerly U.S. Highway 69) via Cardin, Okla., to the junction of unnumbered State highway (formerly U.S. Highway 69) and U.S. Highway 66.

No. MC 1501 (Sub-No. 269), filed March 5, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between the junction of U.S. Highway 2 with Tone Road (approximately one-quarter (¼) mile north of Kinross, Mich.), and Kincheloe Air Force Base, as follows: From the junction of U.S. Highway 2 with Tone Road, thence via Tone Road to Kincheloe Air Base, serving no intermediate points, and return over the same route.

NOTE: Applicant proposes to join or tack this authority, if granted, to its present authority at the junction of U.S. Highway 2 and Tone Road.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8095. Authority sought for purchase by MITCHELL BROS. TRUCK LINES, 2300 Northwest 30th Avenue, Portland, Oreg., of the operating rights and property of LAKEVIEW MOTOR FREIGHT, INC., 324 North M Street, Lakeview, Oreg., and for acquisition by O. J. MITCHELL, 2300 Northwest 30th Avenue, Portland, Oreg., and B. D. MITCHELL, 2790 Crater Lake Highway, Medford, Oreg., of control of such rights and property through the purchase. Applicants' attorneys: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg., and Earle V. White, Fifth Avenue Building, Portland 1, Oreg. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over irregular routes between points in Lake County, Oreg., *household goods*, as defined by the Commission, between points in Lake County, Oreg., on the one hand, and, on the other, certain points in California, *building materials*, from points in California, to points in Klamath County, Oreg., and from points in Klamath County, Oreg., to Tulelake, Calif., *lumber* and *lumber products*, from points in Klamath County, Oreg., to points in California (except Tulelake), *box shooks*, from Klamath Falls, Oreg.,

to certain points in California, and from Lakeview, Oreg., to certain points in California, *cotton cake meal* and *cotton seed meal*, from points in Kern and Fresno Counties, Calif., to points in Lake County, Oreg., *livestock*, between points in Lake County, Oreg., and Susanville, Calif., and Reno, Nev., *livestock* and *grain* between points in Lake County, Oreg., on the one hand, and, on the other, certain points in California, *building blocks*, between Glass Mountain (near Perez), Calif., on the one hand, and, on the other, points in Lake County, Oreg., *machinery*, which because of size or weight requires the use of special equipment, between points in California on the one hand, and, on the other, points in Lake County, Oreg., *building material* and *lumber*, between points in Lake County, Oreg., on the one hand, and, on the other, points in California, and *lumber, machinery* and *building materials*, between points in Lake County, Oreg., on the one hand, and, on the other, points in Nevada. Vendee is authorized to operate as a common carrier in Oregon, Washington, Idaho, California, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8096. Authority sought for control by HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill., of McDOWELL TRUCK LINE, INC., also of Summit, Ill., through management, and for acquisition by STEVE ZWARYCZ, 5601 South Troy Street, Chicago 29, Ill., of control of McDOWELL TRUCK LINE, INC., through the acquisition by HAJEK TRUCKING CO., INC. Applicants' attorneys: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill., and Beverley S. Simms, 910 Seventh Street NW., Washington 6, D.C. Operating rights sought to be controlled: *Malt beverages*, as a *common carrier* over regular routes, from Chicago, Ill., to Dayton, Ohio, and from Fort Wayne, Ind., to Chicago, Ill., serving no intermediate points, *empty malt beverage containers*, from Dayton, Ohio, to Chicago, Ill., and from Chicago, Ill., to Fort Wayne, Ind., serving no intermediate points, *paper mill products*, over regular and irregular routes, from Hamilton, Ohio, to Jeffersonville, Ind., and from Hamilton, Ohio, to certain points in Illinois, serving all intermediate points, *materials and supplies*, used in the manufacture and shipment of paper mill products, from Jeffersonville, Ind., to Hamilton, Ohio, and from certain points in Illinois to Hamilton, Ohio, serving all intermediate points, *paper mill products*, over irregular routes, from Hamilton, Ohio, to Columbus, Connersville, Fort Wayne, and Madison, Ind., and points in Ohio, *materials and supplies*, used in the manufacture and shipment of paper mill products, from Columbus, Connersville, Fort Wayne, and Madison, Ind., and points in Ohio, to Hamilton, Ohio, *malt beverages, advertising matter pertaining thereto*, and *empty malt beverage containers*, between Chicago, Ill., and Milwaukee, Wis., *malt beverages* and *advertising matter pertaining thereto*, from Milwaukee, Wis., to Joliet, Ill., *empty malt beverage containers*, from Joliet, Ill., to Milwaukee, Wis., *malt beverages, such commodities* as are manufactured and/or distributed by breweries, advertising matter pertaining thereto, and *ice* used for the cooling of shipments, when moving from, to, or between the breweries, warehouses and retail outlets, from Milwaukee, Wis., to points in Cook and McHenry Counties, Ill., *empty malt beverage containers*, from points in Cook and McHenry Counties, Ill., to Milwaukee, Wis., *paper* and *paper products*, from Hamilton, Ohio, to certain points in Illinois, Indiana, and Michigan, and to Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., Rochester and Buffalo, N.Y., and *steel strapping, paper and paper products*, and *materials and supplies* used in the manufacture and shipping of paper and paper products, from certain points in Illinois, Indiana, and Michigan, Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., Rochester and Buffalo, N.Y., and Toledo, Ohio, to Hamilton, Ohio, with the RESTRICTION that the separately stated authorities herein granted shall not be joined or tacked one to another for the purpose of performing any through transportation service. HAJEK TRUCKING CO., INC., is authorized to operate as a *common carrier*, in Indiana, Illinois, Ohio, Iowa, Missouri, Kentucky, and Michigan. Application has not been filed for temporary application under section 210a(b).

No. MC–F–8097. Authority sought for purchase by WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio, of a portion of the operating rights of COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich., and for acquisition by RAY WHITEHOUSE and HAROLD WHITEHOUSE, also of Toledo, Ohio, of control of such rights through the purchase. Applicants' attorneys: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., and Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *Prefabricated houses and buildings, prefabricated house and building sections, prefabricated house and building panels, with parts and accessories*, as a *common carrier* over irregular routes, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, New Jersey, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8098. Authority sought for purchase by PAUL W. WILLS, INC., 843 Oakwood Boulevard, Detroit 17, Mich., of the operating rights of OHIO-TRI-COUNTY TRUCKING CO., 21262 Telegraph Road, Southfield, Mich., and for acquisition by PAUL W. WILLS, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Sand, gravel, earth, building blocks, crushed stone*, and *roadbuilding materials*, except cement, as a *common carrier* over irregular routes, from points in Lenawee and Monroe Counties, Mich., to points in Lucas and Fulton Counties, Ohio, and those in Perrysburg, Ross, Plain, and Center Townships, Wood County, Ohio, *stone, building blocks, mortar, cinders, brick, vitrified clay tile, agricultural lime*, and *roadbuilding materials*, except cement, from points in Lucas County, Ohio, to points in Lenawee and Monroe Counties, Mich., *gravel, limestone*, and *sand*, for bridge, airport and road building purposes only, and *materials*, except cement, mortar, and slag, for road maintenance purposes only, in dump trucks and dump trailers, between certain points in Ohio, on the one hand, and, on the other, certain points in Michigan, *limestone*, for bridge, airport, and road maintenance purposes only, in dump trucks and dump trailers, from North Baltimore, Ohio, and Bellevue, Ohio, and points within two miles of North Baltimore and Bellevue to all points in Michigan, *gravel, limestone*, and *sand*, for bridge, airport and roadbuilding purposes only, and *materials*, except cement, mortar, slag, and rock salt, for road maintenance purposes only, between points in Hillsdale, Jackson, and Washtenaw Counties, Mich., other than those within 40 miles of Monroe, Mich., on the one hand, and on the other, points in Ohio, except Carey, Ohio, *pebble aggregates, sand*, and *limestone*, between points in Indiana and Michigan within 40 miles of the Indiana-Michigan State line, *limestone*, in bulk, in dump vehicles, from points within ten miles of Paulding, Ohio, to certain points in Indiana, *crushed limestone, sand*, and *pebbles*, from points in Steuben County, Ind., to certain points in Ohio, *limestone*, in bulk, from certain points in Ohio to certain points in Indiana, *crushed raw limestone*, in bulk, in dump vehicles, from points in Ohio (except points in Ottawa and Sandusky Counties) to points in Michigan, restricted against the picking up of shipments in Ohio within 40 miles of Monroe, Mich., destined to points in Monroe, Lenawee, Washtenaw, Livingston, and Oakland Counties, Mich., within 40 miles of Monroe, Mich., and *high-temperature bonding mortar* and *dead-burned magnesite*, in bulk, from points in Manistee County, Mich., to points in Illinois, Indiana, and Ohio: Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8099. Authority sought for control and merger by ATLAS VAN-LINES, INC., 1212 St. George Road, Evansville, Ind., of the operating rights and property of EXPRESS VAN LINES, INC., 9219 Harford Road, Baltimore, Md., and for acquisition by NATHAN E. ZELBY, Voting Trustee, 160 Broadway, New York, N.Y., of control of such rights and property through the transaction. Applicants' attorney: Herbert Burstein, 160 Broadway, New York, N.Y. Operating rights sought to be controlled and merged: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in California, Oregon, and Washington, and that part of Idaho on and west of U.S. Highway 93 and on and south of U.S. Highway 30. ATLAS VAN-LINES, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, West Virginia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Wisconsin, Louisiana, Maine, Maryland, Massachusetts, Michigan, Arizona, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, California, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, New Mexico, Nevada, Utah, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8100. Authority sought for purchase by ATLAS VAN-LINES, INC., 1212 St. George Road, Evansville 11, Ind., of a portion of the operating rights of HARLOW ANDREW OSTEBOE, an individual, doing business as OSTEBOE MOTORWAY, 600 Fourth Avenue, Windom, Minn., and for acquisition by NATHAN E. ZELBY, Voting Trustee, 160 Broadway, New York 38, N.Y., of control of such rights through the purchase. Applicant's attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between certain points in Minnesota, on the one hand, and, on the other, points in Wisconsin, Illinois, Iowa, Missouri, North Dakota, South Dakota, Montana, Nebraska, and Kansas, and *household goods* and *emigrant movables*, between points in Minnesota. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, California, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Utah, Rhode Island, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8101. Authority sought for control by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo., of B. & M. EXPRESS COMPANY, INCORPORATED, Salem, Mo., and for acquisition by PAUL D. DODDS, also of West Plains, Mo., of control of B. & M. EXPRESS COMPANY, INCORPORATED, through the acquisition by DODDS TRUCK LINE, INC. Applicants' attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Salem, Mo., serving certain intermediate points, *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between the site of the Floyd Bros. Charcoal Co., plant, located near Howes, Mo., and junction unnumbered county road and Missouri Highway 19, at or near Howes, Mo., serving the intermediate point of the rail siding of the St. Louis-San Francisco Railway Company, near Howes, and *packing house products*, from National City, Ill., to Salem, Mo., serving the intermediate points of Steelville, Cherryville, Sligo, Shortbend, and Howes, Mo., without restriction, and the off-route point of Bunker, Mo., restricted to delivery only. DODDS TRUCK LINE, INC., is authorized to operate under the second proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–99798 Sub 2 is a matter directly related and will be published in the FEDERAL REGISTER at a later date.

No. MC–F–8102. Authority sought for purchase by ATLAS VAN-LINES, INC., 1212 St. George Road, Evansville 11, Ind., of the operating rights of VAN-WAYS MOVING AND STORAGE, INC., P.O. Box 48, Caldwell, Idaho, and for acquisition by NATHAN E. ZELBY, Voting Trustee, 160 Broadway, New York 38, N.Y., of control of such rights through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, between points in Malheur and Harney Counties, Oreg., on the one hand, and, on the other, points in Washington, between points in Idaho, and between points in Malheur and Harney Counties, Oreg. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, California, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Utah, Rhode Island, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2461; Filed, Mar. 13, 1962; 8:46 a.m.]

[Notice 607]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64621. By order of March 2, 1962, the Transfer Board approved the transfer to Fitzgerald Bus Company, Inc., Darien, Conn., of the operating rights in Certificate No. MC 83134, issued October 15, 1954, to E. Leroy Fitzgerald, doing business as Fitzgerald Bus Company, Darien, Conn., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point and in the territory indicated, in charter operations, from Bridgeport, Conn., and points in Connecticut within 20 miles of Bridgeport, to all points in New York, New Jersey, Massachusetts, and Rhode Island, and return. Morris Weissman, 303 Main Street, Stamford, Conn., applicants' attorney.

No. MC–FC 64709. By order of March 2, 1962, the Transfer Board approved the transfer to Neil Schoonover, Valley Falls, Kans., of Certificates Nos. MC 4814 and MC 4814 Sub 2, issued February 26, 1957, and April 16, 1958, respectively, to Robert M. Gier, Valley Falls, Kans., authorizing the transportation of: Livestock, feed, seed, building materials, hardware, farm machinery and parts, agricultural commodities, binder twine, and dry fertilizer, from, to, or between specified points in Kansas and Missouri. William C. Leech, Oskaloosa, Kans., attorney for applicants.

No. MC–FC 64792. By order of March 5, 1962, the Transfer Board approved the transfer by Frenchie Mae Norris to Pan American Trucking, Inc., Houston, Tex., of Certificate in No. MC 98860 Sub 1 issued March 11, 1957, to T. S. Colburn, doing business as Colburn Bros., Houston, Tex., and acquired by transferor herein pursuant to No. MC–FC 63719, authorizing the transportation of: Oilfield equipment and supplies, between points in Louisiana, and Texas; machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vernon Elledge, Elledge & Urban, 1603 South Coast Building, Houston 2, Tex., attorney for Transferee.

No. MC–FC 64842. By order of March 2, 1962, the Transfer Board approved

the transfer to Kenneth O. Akers and Jewel E. Loveland, a partnership, doing business as Chet's Tow Service, Kansas City, Mo., of Certificate No. MC 116458 issued February 12, 1958, to C. A. Hanavan, doing business as Chet's Tow Service, Kansas City, Mo., authorizing the transportation of wrecked and disabled motor vehicles and trailers requiring the use of wrecker equipment, in truckaway service, over irregular routes, between points in Missouri, Kansas, Nebraska, Iowa, and Illinois. John R. Miller, 538 Lathrop Building, 1005 Grand, Kansas City 6, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2462; Filed, Mar. 13, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37582: *Substituted service—Central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 74), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between points in southern territory, on the one hand, and points in central territory, and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 258.

FSA No. 37583: *Substituted service—Central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 75), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between points in southern territory, on the one hand, and points in central territory, and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff FM-I.C.C. 258.

FSA No. 37584: *Cement and related articles to Kentucky and Virginia points.* Filed by Southwestern Freight Bureau, Agent (No. B-8161), for interested rail carriers. Rates on cement and related articles, in carloads, from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to Henderson and Paducah, Ky., also Jarratt, Norfolk, and Roanoke, Va.

Grounds for relief: Market competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4360.

FSA No. 37585: *Chemicals from Chaison, Tex., to Clinton, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8160), for interested rail carriers. Rates on motor fuel anti-knock compounds, in tank-car loads, from Chaison, Tex., to Clinton, Ill. (applicable only on traffic in privately owned tank cars given storage-in-transit privileges on shipper owned or leased tracks).

Grounds for relief: Rail competition.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4370, supplement 86.

FSA No. 37586: *Soda ash from Texas points to Nashville, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B-8163), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in bulk in bags, barrels, boxes or pails, in carloads, from Corpus Christi, Freeport, and Houston, Tex., to Nashville, Tenn.

Grounds for relief: Unregulated water and market competition.

Tariff: Supplement 849 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 37587: *Structural gypsum panels from Cody, Wyo.* Filed by Southwestern Freight Bureau, Agent (No. B-8164), for interested rail carriers. Rates on structural gypsum panels, as described in the application, in carloads, from Cody, Wyo., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 126 to Southwestern Freight Bureau tariff I.C.C. 4149.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2459; Filed, Mar. 13, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alamo Shirt Co., Alamo, Ga.; effective 2-12-62 to 2-11-63 (men's and boys' sport shirts).

Albain Shirt Co., Inc., 501 North East Street, Kinston, N.C.; effective 2-12-62 to 2-11-63 (men's dress and sport shirts).

Fairfield Manufacturing Co., Winnsboro, S.C.; effective 2-20-62 to 2-19-63 (ladies' cotton dresses).

J. Freezer and Son, Inc., Radford, Va.; effective 2-18-62 to 2-17-63 (men's and ladies' shirts).

J. Freezer and Son, Inc., Rural Retreat, Va.; effective 2-12-62 to 2-11-63 men's and ladies' shirts).

Glen Slacks, Inc., Bruce, Miss.; effective 2-25-62 to 2-24-63 men's walking shorts, boys' dress pants, and men's and boys' semi-dress pants).

The H. W. Gossard Co., Ishpeming, Mich.; effective 2-9-62 to 2-8-63 (ladies' foundation garments).

Hartwell Garment Co., Hartwell, Ga.; effective 2-12-62 to 2-11-63 (work pants and shirts).

R. Lowenbaum Manufacturing Co., 130 South Front Street, Mounds, Ill.; effective 2-15-62 to 2-14-63 (junior dresses).

M & G Sportswear, Inc., Union Mill No. 2, Fall River, Mass.; effective 2-12-62 to 2-11-63 (children's sportswear and outerwear).

Medaryville Garment Factory, Inc., Medaryville, Ind.; effective 2-12-62 to 2-11-63 (children's play wear—denim jeans and trousers).

New Market Manufacturing Co., Inc., New Market, Va.; effective 2-16-62 to 2-15-63 (women's slacks, blouses, etc.).

Regent Co., Inc., 27-37 East Ferdinand Street, Manheim, Pa.; effective 2-6-62 to 2-5-63 (children's cotton wash garments).

Regent Co., Inc., Grant and High Street, Manheim, Pa.; effective 2-6-62 to 2-5-63 (boys' shirts).

The Salisbury Co., 110 East Second Street, Salisbury, Mo.; effective 2-12-62 to 2-11-63 (men's and young men's dress trousers and slacks).

Sancar Corp., 26 West Rock Street, Harrisonburg, Pa.; effective 2-12-62 to 2-11-63 (ladies' underwear).

Southland Manufacturing Co., Inc., Benson, N.C.; effective 2-23-62 to 2-22-63 (men's and boys' sport shirts).

The Van Wert Manufacturing Co., NE. Corner Main and Market Streets, Van Wert, Ohio; effective 2-4-62 to 2-3-63 (men's and boys' work pants and shirts, utility jackets and dress pants).

Vesta Corset Co., Inc., McGraw, N.Y.; effective 2-9-62 to 2-8-63 (women's girdles, corsets, bras, etc.).

Ware Place Manufacturing Co., Inc., Ware Place, S.C., Pelzer, S.C.; effective 2-21-62 to 2-20-63 (boys' shirts and ladies' blouses and dresses).

Weaver Pants Co., Inc., 503 Polk Street, Corinth, Miss.; effective 2-16-62 to 2-15-63 (men's and boys' slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., LeMars, Iowa; effective 2-13-62 to 2-12-63; 10 learners (men's denim dungarees).

Ace Dress Co., Harrington, Del.; effective 2-5-62 to 2-4-63; 10 learners (junior miss and misses' dresses).

Bocar Manufacturing Corp., Putman Street, Tunkhannock, Pa.; effective 2-12-62, to 2-11-63; 10 learners (women's street dresses).

The H. W. Gossard Co., Corner of Pine and Jasper Streets, Gwinn, Mich.; effective 2-9-62 to 2-8-63; 10 learners (ladies' foundation garments).

Major Sportswear Corp., 1106 Cunnius Street, Freeland, Pa.; effective 2-6-62 to 2-5-63; 10 learners (men's and boys' jackets).

Pajama Craft Manufacturing Co., Inc., Monarch Street, Littlestown, Pa.; effective 2-9-62 to 2-8-63; 10 learners (men's and boys' woven pajamas).

Red Bank Clothing Manufacturing Co., Inc., 210 West Front Street, Red Bank, N.J.; effective 2-12-62 to 2-11-63; 10 learners (men's wash and wear sack coats and suburban coats).

Ruleville Manufacturing Co., Ruleville, Miss.; effective 2-24-62 to 2-23-63; 10 learners (men's and boys' outerwear jackets).

Woolrich Woolen Mills, Howard, Pa.; effective 2-7-62 to 2-6-63; eight learners (men's wool sport shirts, ladies' hunting coats, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn., effective 2-15-62 to 8-14-62; 125 learners (men's and boys' dress pants).

Barbison of Utah, 150 West 12th North, Provo, Utah; effective 2-9-62 to 8-8-62; 20 learners (ladies' lingerie—slips, gowns, and pajamas).

Empire Foundations, Inc., 425 Main Street, South Fork, Pa.; effective 2-5-62 to 8-4-62; 10 learners (brassieres, garter belts, girdles).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 2-12-62 to 8-11-62; 25 learners (leisure and work pants).

Oxford Manufacturing Co., Oxford, Miss.; effective 2-8-62 to 8-7-62; 25 learners (boys' semidress pants and walking shorts).

Rainfair, Inc., Wynne, Ark.; effective 2-13-62 to 8-12-62; 30 learners (men's dress trousers and walking shorts).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Coopers Inc., of Miss., 108 Church Street, Belzoni, Miss.; effective 2-20-62 to 2-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's knitted underwear).

Charlotte Finishing Co., Inc., York, S.C.; effective 2-8-62 to 8-7-62; 20 learners for plant expansion purposes (sweaters).

Chic Lingerie Co., Inc., 1126 Santee Street, Los Angeles, Calif.; effective 2-9-62 to 2-8-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nightwear, slips and negligees).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of March 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-2446; Filed, Mar. 13, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Michael Berkowitz Co., Inc., R.D. No. 2, Waynesburg, Pa.; effective 2-10-62 to 2-9-63 (ladies' pajamas).

Blue Bell, Inc., Tippah County, Ripley, Miss.; effective 2-22-62 to 2-21-63 (ladies' and girls' blouses and sport jackets).

Cameron Dress Co., Inc., 147 North Cameron Street, Harrisburg, Pa.; effective 2-5-62 to 2-4-63 (ladies' dresses).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-62 to 2-18-63 (men's work pants).

Carwood Manufacturing Co., No. 1, Cornelia, Ga.; effective 2-19-62 to 2-18-63 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-62 to 2-18-63 (men's and boys' Ivy League pants).

Carwood Manufacturing Co., Plant No. 1, Monroe, Ga.; effective 2-19-62 to 2-18-63 (men's and boys' dungarees, pants and lined work coats).

Carwood Manufacturing Co., No. 2, Monroe, Ga.; effective 2-19-62 to 2-18-63 (men's and boys' work pants).

Custom Sportswear, Inc., 956 North 10th Street, Reading, Pa.; effective 2-1-62 to 1-31-63 (men's, women's and children's sport, athletic, etc., shirts).

Elder Manufacturing Co., Bloomfield, Mo.; effective 2-5-62 to 2-4-63 (boys' slacks, outerwear coats).

Ely and Walker Factory, Paragould, Ark.; effective 2-5-62 to 2-4-63 (boys' sport shirts).

Ely and Walker, Division of Burlington Industries, Inc., Monterey, Tenn.; effective 2-3-62 to 2-2-63 (boys' sport shirts).

The Enro Shirt Co., Inc., 133 Center Street, Madisonville, Ky.; effective 2-1-62 to 1-31-63 (men's sport shirts).

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, N.Y.; effective 2-2-62 to 2-1-63 (men's dress and sport shirts).

F. Jacobson and Sons, Inc., Smith and Cornell Streets, Kingston, N.Y.; effective 2-2-62 to 2-1-63 (men's dress shirts).

F. Jacobson and Sons, Inc., Jay and River Streets, Troy, N.Y.; effective 2-8-62 to 2-7-63 (men's dress shirts).

Jayson-York, Inc., East Street and Pennsylvania Ave., York, Pa.; effective 2-2-62 to 2-1-63 (men's sport shirts).

Kinston Shirt Co., Kinston, N.C.; effective 1-31-62 to 1-30-63 (men's and boys' shirts).

Nettleton Garment Co., Nettleton, Miss.; effective 2-3-62 to 2-2-63 (men's and boys' dress pants and boys' sport pants).

New Bloomfield Dress Co., 221 West Market Street, Newport, Pa.; effective 2-5-62 to 2-4-63 (ladies' dresses).

Publix Shirt Corp., Hazleton, Pa.; effective 1-30-62 to 1-29-63 (men's and boys' dress and sport shirts).

Rosebud Manufacturing Co., Vidalia, Ga.; effective 2-1-62 to 1-31-63 (women's lingerie).

Samsons Manufacturing Corp., Wilson, N.C.; effective 2-9-62 to 2-8-63 (men's dress shirts).

Soperton Manufacturing Co., Soperton, Ga.; effective 2-3-62 to 2-2-63 (men's sport shirts).

Wright Garment Co., Bowman, Ga.; effective 2-6-62 to 2-5-63 (men's and boys' cotton trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Seiro Manufacturing Co., Hurlock, Md.; effective 2-7-62 to 2-6-63; 10 learners (ladies' blouses).

Tallassee Manufacturing Co., Tallassee, Ala.; effective 2-3-62 to 2-2-63; 10 learners (women's dusters and ladies' shorts, jamaicas, and pedal pushers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aynor Manufacturing Co., Aynor, S.C.; effective 2-5-62 to 8-4-62; 25 learners (ladies' capri pants, shorts, and pedal pushers).

Bellaire Garment Co., Bellaire, Ohio; effective 2-5-62 to 8-4-62; 50 learners (dresses).

Eileen Hope, Inc., 138 Cumberland Avenue, Duncannon, Pa.; effective 1-29-62 to 7-28-62; 20 learners (women's dresses).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 2-5-62 to 7-18-62; 20 learners (men's work clothing—bib and waistband overalls).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., McGehee, Ark.; effective 2-1-62 to 1-31-63; 10 learners for normal labor turnover purposes (leather work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 2-1-62 to 1-31-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Barber Hosiery Mills, Inc., 1078 South Main Street, Mount Airy, N.C.; effective 2-5-62 to 2-4-63; 5 percent of the total

number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Apex Manufacturing Co., Apex, N.C.; effective 2-5-62 to 8-4-62; five learners for plant expansion purposes (women's swim suits).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; effective 2-7-62 to 2-6-63; five learners for normal labor turnover purposes (men's and boys' drawers and cotton shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of March 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-2447; Filed, Mar. 13, 1962; 8:46 a.m.]

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THE UNIVERSITY OF MICHIGAN
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CFR SUPPLEMENTS

(As of January 1, 1962)

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Title 27	.30
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Previously announced: 1961 Supplement to Title 3 ($0.60); Title 7, Parts 1–50 ($0.65); Parts 51–52 ($0.70); Title 17 ($1.00); Title 20 ($0.40); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) ($0.40); Part 1 (§§ 1.401—1.860) ($0.55); Part 1 (§ 1.861 to end) to Part 19 ($0.30); Parts 20–29 ($0.30); Parts 30–39 ($0.30); Parts 500–599 ($0.30); Title 35 ($0.30); Title 37 ($0.30); Title 44 ($0.30); Title 46, Parts 146–149 (1961 Supplement 2) ($1.25); Title 49, Parts 91–164 ($0.55); Parts 165 to end ($0.30)

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Rules and Regulations

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (e) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

• • • • • •

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development, one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2523; Filed, Mar. 14, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—National Marketing Quota, National Acreage Allotment, and Apportionment to States of the National Acreage Allotment for Peanuts for the 1962 Crop

REVISION OF APPORTIONMENT TO STATES

Basis and purpose. The purpose of this document is to revise the apportionment of the 1962 national peanut allotment among the several peanut-producing States previously made on October 19, 1961 (26 F.R. 9814). This revision is necessary to apportion to peanut-producing States the reserve of 1,610.0 acres which was set aside for establishing 1962 peanut acreage allotments for new farms. This document apportions 1,389.3 acres among the peanut-producing States on the basis of applications approved under the provisions of § 729.1021, as amended, of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816). The remainder of the reserve, 220.7 acres, is hereby apportioned on exactly the same basis as the 1962 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States will soon begin planting the 1962 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1962. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this revision of apportionment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impracticable and contrary to the public interest, and the revised apportionment of the national peanut acreage allotment among the peanut-producing States shall become effective upon filing of this document with the Director, Office of the Federal Register.

For the purpose of apportioning the national reserve of 1,610.0 acres § 729.1303 (26 F.R. 9814) is amended to read as follows:

§ 729.1303 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1962.

(a) The national peanut acreage allotment proclaimed in § 729.1302 is hereby apportioned as follows:

State:	*1962 State acreage allotment*
Alabama	218,221.7
Arizona	717.1
Arkansas	4,216.6
California	939.1
Florida	55,313.3
Georgia	528,418.7
Louisiana	1,962.2
Mississippi	7,552.0
Missouri	247.0
New Mexico	5,215.2
North Carolina	168,940.5
Oklahoma	138,547.1
South Carolina	13,881.9
Tennessee	3,620.5
Texas	356,648.6
Virginia	105,558.5
Total	1,610,000.0

(b) The additional acreage hereby apportioned to each State shall be used to the extent necessary to establish new farm allotments on the basis of applications approved under the provisions of § 729.1021 and the remaining acreage shall be available for use for the purposes specified in § 729.1016(a)(5), subject to the 10 percent and other limitations contained therein, and § 729.1017 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816).

(Secs. 358, 375, 55 Stat. 88, as amended, 89 Stat. 66, as amended; 7 U.S.C. 1358, 1376)

Effective date: Upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 12, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-2543; Filed, Mar. 14, 1962; 8:57 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.2, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area; Six-Month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act," for the purpose of allotting the sugar quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, among persons who process sugar from sugar beets and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on November 15, 1961 (26 F.R. 10691) of a public hearing to be held in Washington, D.C., Room 239–E Administration Building, U.S. Department of Agriculture, on November 28, 1961, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, and (2) to establish a fair, efficient and equitable allotment of a portion of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. Such notice further provided for the hearing to be reconvened on February 8, 1962, at the same place and time, for the purpose of

receiving evidence to enable the Secretary: (1) To establish fair, efficient, and equitable allotments of the entire quota for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof; (2) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting revised estimates or final actual data for estimates of such data and (3) to provide how certain marketings shall apply to allotments.

An order effective January 1, 1962 (26 F.R. 12678), established interim allotments of 80 percent of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, on the basis of the hearing held on November 28, 1961.

The hearing was reconvened on February 8, 1962, at the time and place specified in the notice and testimony was given with respect to all issues for which the hearing was reconvened. In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of beet sugar available for marketing is substantially in excess of the probable quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Domestic Beet Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that only 80 percent of the quota for the six-month period ending June 30, 1962, has been allotted on a preliminary or interim basis, it is imperative that processors know as soon as possible the quantity of sugar each may market within the quota during the balance of the six-month period ending June 30, 1962, in order to plan marketings and, thus, prevent disorderly marketings that could occur if the effective date of the amended allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, consequently, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of sec. 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him • • •

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in the first six months of the calendar year 1962 exceeds the Domestic Beet Sugar Area quota established for such period to an extent that allotment of the quota is necessary to prevent disorderly marketing and to provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 7, 31).

The allotment method set forth in this order follows the proposal made by the government witness for allotting the quota for the six-month period ending June 30, 1962, and is the same as the allotment method recommended by the Beet Sugar Industry Task Force in their letter of January 12, 1962, to the Director of the Sugar Division which was accepted in evidence at the hearing as Exhibit 10 (R. 33). Such method of allotting the quota provides for consideration of all of the factors cited in section 205(a) of the Act, and makes allowances for adverse conditions pursuant to the "hardship" provision set forth in such section (R. 36, 37).

Production of sugar from 1961-crop sugar beets is the most up-to-date measure of the processings factor available to represent the operations for each processor and a weighting of 75 percent to the processings factor in determining base allotments appears consistent with the importance of this factor (R. 40).

Processings of the 1961-crop may continue through August, but a relatively insignificant quantity of sugar will be produced from the 1961-crop after August 31, 1962. In order to permit adequate time for processors to plan for orderly marketing within allotments, it is necessary to establish such allotment for the six-month period ending June 30, 1962, on the basis of estimates of 1961-crop processings. Likewise, it is necessary to establish August 31, 1962, as the final termination date through which 1961-crop processings may be used in determining allotments (R. 39).

The factor "past marketings" when measured by the 1957–61 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 40). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

The "ability to market" factor is partially reflected in the above measures of the other two factors (R. 40). Additional consideration is appropriately given this factor by adjusting base allotments for January 1, 1962 inventory imbalances as set forth in detail in Finding (3).

The allotment method adopted herein differs from the allotment method set forth in the initial order effective January 1, 1962, which established preliminary allotments of 80 percent of the quota for the six-month period ending June 30, 1962, by allotting to each allottee the same proportion of the quantity to be allotted as his allotment was of total allotment of the 1961 quota established by Sugar Regulation 813, Amendment 1, for 1961. The allotment method adopted herein also differs from the allotment method set forth in the 1961 allotment order in the manner in which the alternative measure of processings is determined. The steps in determining such alternative measure are set forth in Finding (3).

The record of the hearing discloses that no beet sugar processor objected to the method of allotment proposed at the hearing (R. 46, 47), and no other method was proposed.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) At the time of the reconvened hearing it was estimated that processors of beet sugar in the Domestic Beet Sugar Area had effective inventories on January 1, 1962, of approximately 1,860,000 short tons, raw value, of sugar. This supply of sugar is sufficiently in excess of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) It is necessary to allot the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, for consumption within the continental United States, in order to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) To assure a fair, efficient and equitable distribution of the quota for the six-month period ending June 30, 1962, for consumption within the continental United States, the three factors specified in section 205(a) of the Act shall be given consideration and allotments determined as follows:

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(1) The factor processings from proportionate shares shall be measured by each processor's actual processings of sugar from 1961-crop sugar beets through August 31, 1962, or the alternative measure of processing provided for herein, expressed as a percentage of the total of such actual or alternative processings for all processors, and weighted by 75 percent: *Provided,* That in recognition of the "hardship" provision in section 205(a) of the Act, the alternative measure of processings derived as follows shall be used for any processor

when the quantity so derived exceeds such processor's actual 1961-crop year processing: (Processor's average crop-year processings for 1959 and 1960 crops) × (Industry total 1961-crop year processings ÷ Industry average crop-year processings for 1959 and 1960 crops) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1961-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual quota marketings for the years 1957 through 1961, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentage resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota in short tons, raw value, to determine his base allotment in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1962 inventory imbalances to the extent as determined below: *Provided, however,* That in such determination the January 1, 1962 effective inventory to be used for individual processors shall include: (1) The January 1, 1962 physical inventory of sugar, (2) the sugar processed in 1962 prior to August 31, 1962, from 1961-crop beets, and (3) for any processor subject to the "hardship" provision of (a)(i) above, the quantity by which his alternative measure of processing exceeds his actual 1961-crop year processings.

(i) Compute the "plus" or "minus" January 1, 1962 inventory imbalance for each processor, by algebraically subtracting from his January 1, 1962 effective inventory his January 1, 1957–61 average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors is equal to the total January 1, 1962 effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i), shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1957–61 average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (b)(ii) among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed 10 percent of his base allotment, and, if, as a result of this limitation, the sum of the "minus" adjustments is less than the sum of the "plus" adjustments, as determined in (b)(ii), such "plus" adjustments shall be reduced proportionately to a total equal to the total "minus" adjustments.

(iv) The adjustments determined pursuant to (b)(ii) and (b)(iii), representing hundredweight of refined sugar shall be multiplied by the factor 0.0535 to express such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a)(iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b)(iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(4) The quantities of sugar and the percentages referred to in paragraph (3), above, are set forth in the following table. They are based on data as provided for in the hearing record, including estimates for 1961-crop processings, 1961 marketings, and January 1, 1962, inventories which shall be used pending the availability and substitution of revised estimates or final data for such estimates, and as applied to the Domestic Beet Sugar Area quota of 1,032,931 short tons, raw value for the six-month period ending June 30, 1962.

Processor	Processings of sugar from 1961-crop beets (estimated)		Average marketings within the quota 1957–61 (estimated)		Base allotments		January 1 effective inventories, hundredweight, refined			Adjustments to base allotments [1]		Processor allotments, short tons raw value (col. 6+ or− col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2× 0.75+ col. 4× 0.25)	Short tons raw value (col. 5× quota)	1962	1957–61 average adjusted to col. 7 total	1962 inventory imbalances (col. 7− col. 8)	Annual basis—hundredweight refined	6-month basis—short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	6,350,117	13.8128	5,781,241	13.6626	13.7752	142,288	5,045,037	4,833,174	+211,863	0	0	142,288
American Crystal Sugar Co	6,000,000	13.0512	5,477,149	12.9440	13.0244	134,533	4,493,036	4,631,012	−137,976	−29,883	−559	133,974
Buckeye Sugars, Inc	231,138	.5028	215,792	.5100	.5046	5,212	138,149	156,605	−18,456	−2,703	−75	5,137
Great Western Sugar Co., The	10,912,723	23.7374	10,496,066	24.8050	24.0043	247,948	8,822,238	9,172,476	−350,238	−53,009	−1,418	246,530
Holly Sugar Corp	6,590,930	14.3366	6,605,155	15.6097	14.6549	151,375	4,827,558	5,448,063	−620,505	−93,915	−2,512	148,863
Layton Sugar Co	219,291	.4770	228,094	.5391	.4963	5,087	192,115	213,633	−21,518	−3,257	−87	5,000
Menominee Sugar Co	189,434	.4122	232,151	.5486	.4463	4,610	107,813	135,615	−27,802	−4,208	−112	4,498
Michigan Sugar Co	1,496,532	3.2553	1,496,108	3.5357	3.3254	34,349	1,086,125	1,174,808	−88,683	−13,423	−359	33,990
Monitor Sugar Division of Robert Gage Coal Co	807,692	1.7569	675,142	1.5955	1.7166	17,731	627,969	515,571	+112,398	+15,210	+407	18,138
National Sugar Manufacturing Co., The	[2] 206,672	.4495	182,324	.4309	.4448	4,595	[2] 119,421	132,208	−12,787	−1,935	−52	4,543
Northern Ohio Sugar Co	693,223	1.3121	672,035	1.4228	1.3398	13,839	341,372	364,235	−22,863	−3,460	−92	13,747
Spreckels Sugar Co	5,200,805	11.3128	4,861,468	11.4889	11.3568	117,308	2,713,386	3,263,817	−532,431	−83,612	−2,237	115,071
Union Sugar Division, Cons. Foods Corp	2,194,775	4.7323	1,561,140	3.6894	4.4966	46,444	1,810,604	1,311,651	+498,953	+91,947	+2,459	48,903
Utah-Idaho Sugar Co	4,979,365	10.8311	3,900,467	9.2178	10.4278	107,712	4,396,962	3,366,917	+1,030,045	+173,338	+4,637	112,349
Total	45,972,747	100.0000	42,314,332	100.0000	100.0000	1,032,931	34,721,785	34,721,785	±1,853,259	±280,495	±7,603	1,032,931

[1] Plus (+) adjustments in col. 10=(Extent (+) quantity in col. 9 exceeds 10 percent of col. 8) × (25 percent); minus (−) adjustments in col. 10=the total of (+) adjustments in col. 10, amounting to 280,495 hundredweight, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11= (col. 10 adjustments) × (0.0535) × (½).

[2] Prior to the application of the "hardship" provision, 1961-crop processings were 172,989 hundredweight and 1-1-62 effective inventories were 85,738 hundredweight for The National Sugar Manufacturing Co.

(5) The order shall be revised without further notice or hearing for the purpose of (a) substituting revised estimates or final data for estimated data on 1961-crop processings, 1961 marketings and January 1, 1962 inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Sugar Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any increase or decrease in the quota for the area pursuant to sections 201, 202, 204, or 408 of the Act. In making revisions to give effect to a change in the quota, allotments shall be made by the full application of the allotment procedure adopted herein.

(6) Official notice will be taken of (a) final or revised estimated data for 1961-crop processings, 1961 marketings and January 1, 1962 inventories submitted by processors on Forms SU–70 or other written form when such data become a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962.

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) Allotments established in the foregoing manner will provide a fair, efficient and equitable distribution of the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, as required by section 205(a) of the Act.

(9) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the Findings and Conclusions heretofore made, it is hereby ordered that § 813.2 be amended to read as follows:

§ 813.2 Allotment of the domestic beet sugar area quota for the six-month period ending June 30, 1962.

(a) *Allotments.* The Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, for consumption within the continental United States of 1,032,931 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processors	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	142,288	2,659,589
American Crystal Sugar Co	133,974	2,504,187
Buckeye Sugars, Inc	5,137	96,019
Great Western Sugar Co., The	246,530	4,606,037
Holly Sugar Corp	148,863	2,782,486
Layton Sugar Co	5,000	93,458
Menominee Sugar Co	4,498	84,075
Michigan Sugar Co	33,990	635,327
Monitor Sugar Division, Robt. Gage Coal Co	18,138	339,028
National Sugar Manufacturing Co., The	4,543	84,916
Northern Ohio Sugar Co	13,747	256,953
Spreckels Sugar Co	115,071	2,150,800
Union Sugar Division, Cons. Foods Corp	48,903	912,205
Utah-Idaho Sugar Co	112,349	2,099,961
Total	1,032,931	19,307,121

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943; 27 F.R. 1450).

(d) *Delegation.* The Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions set forth under (5) accompanying this order, to give effect to (1) the substitution of revised estimates or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended; 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 12th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2544; Filed, Mar. 14, 1962; 8:56 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 42]

PART 1042—MILK IN MUSKEGON, MICH., MARKETING AREA

Determination of Equivalent Price for Class II Milk

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provision of the order as amended, regulating the handling of milk in the aforesaid marketing area (7 CFR Part 1042), hereinafter referred to as the "order", it is hereby determined that:

(1) Determination of an equivalent price for Class II milk was issued April 25, 1961, by the Secretary and made effective for April 1961 and each consecutive month thereafter until the order is amended to provide otherwise for a Class II milk price.

(2) The determination of equivalent prices for Class II milk issued April 25, 1961 provided for use of the price determined pursuant to § 1040.50(c) (Southern Michigan) of this chapter.

(3) An amended order issued February 27, 1962 amends § 1040.50(c) (Southern Michigan) of this chapter in such manner as to render ineffective such previous determination of equivalent price for Class II milk with respect to this order.

(4) To continue the same Class II price basis which has been effective pursuant to this order since April 1961, it is hereby determined that pursuant to Part 1042.54 the equivalent Class II price, until the order is amended to provide otherwise for a Class II milk price, shall be the price pursuant to § 1040.52 (a)(1) (Southern Michigan) of this chapter.

(5) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest and this determination does not require substantial or extensive preparation of any interested person.

Effective date: March 1, 1962.

Signed at Washington, D.C., on March 9, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-2517; Filed, Mar. 14, 1962; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 652; Amdt. 46-4]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Mechanical Reliability Reports; Correction

Amendment 46-4 to Part 46 of the Civil Air Regulations, published in the FEDERAL REGISTER on February 10, 1962, to become effective March 12, 1962 (27 F.R. 1247), is hereby corrected as follows:

1. The word "aircraft" appearing in § 46.508(c) (1) and (6), is corrected to read "helicopter"; and

2. The word "airplanes" appearing in § 46.509(a) is corrected to read "helicopters".

(Secs. 311, 313(a), 601, 605; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1352, 1354, 1421, 1425)

Issued in Washington, D.C., on March 8, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-2486; Filed, Mar. 14, 1962; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On September 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8569)

stating that the Federal Aviation Agency proposed to revoke low altitude Green Federal airway No. 4, its associated control areas and reporting points, from Los Angeles, Calif., to Amarillo, Texas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.14 Green Federal airway No. 4 (Los Angeles, Calif., to Amarillo, Texas). is revoked.

2. In Part 601 (14 CFR Part 601) § 601.14 Green Federal airway No. 4 control areas (Los Angeles, Calif., to Amarillo, Texas). is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4014 Green Federal airway No. 4 (Los Angeles, Calif., to Amarillo, Texas). is revoked.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2484; Filed, Mar. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-19]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas, Federal Airways Control Area Extensions and Control Zones

The purpose of these amendments to §§ 600.101, 600.6023, 600.6813, 601.1133, 601.1331, 601.2281, 601.2438, and 608.67 of the regulations of the Administrator is to reduce the size of the Fort Lewis, Wash., Restricted Areas R-6703 and R-6704; and to modify the descriptions of the Seattle, Wash., and Tacoma, Wash., control area extensions, the Tacoma, Wash., and the Fort Lewis, Wash., control zones, Amber Federal airway No. 1 and VOR Federal airways Nos. 23 and 813.

The Department of the Army has advised that R-6703 and R-6704 (formerly identified as R-504 and R-505) may be reduced in size and has concurred in the joint use of these restricted areas. Therefore, the control areas, control zones and airways listed above are modified herein to permit use of the airspace within the restricted areas after obtaining prior approval from appropriate authority. These alterations will provide additional controlled airspace for radar vectoring of aircraft arriving and departing the Seattle/Tacoma area. Although these alterations result in an overall reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R-6704 of a small amount of airspace bordering the southwestern edge of the present area. This additional area constitutes approximately two square miles and will not effect current aeronautical operations.

Additional modifications to Victor 813 are required in order to eliminate reference to R-519 and R-535 (subsequently renumbered as R-2523 and R-5703 respectively) and R-503. R-2523 and R-503 have been revoked (Airspace Docket Nos. 61-LA-45 and 60-WA-155 respectively). It has also been determined that R-5703 does not impinge upon this airway. Further, to preclude the necessity of prior coordination for the use of the portion of Victor 813 within R-6711 and to afford maximum flexibility of operations, the airspace within R-6711 is being excluded. A further modification to the Fort Lewis control zone is required to reflect the recomputed center of Gray AAF as latitude 47°04'55" N., longitude 122°34'55" W. Other editorial changes to the descriptions of controlled airspace and airways contained in this docket are required to reflect the current identification of other restricted areas mentioned in these descriptions. Such actions are taken herein.

Since these amendments are minor in nature or less restrictive than present requirements, notice and public procedure hereon are unnecessary; however, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 608.67 [Amendment]

1. In § 608.67 *Washington* (26 F.R. 7203), the following changes are made:

(a) R-6703 Fort Lewis, Wash., is amended to read:

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°-03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°-31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°-58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°-35'15" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

(b) R-6704 Fort Lewis, Wash., is amended to read:

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°-04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°-41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°-00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°-38'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

2. Section 601.1133 (14 CFR 601.1133, 26 F.R. 572) is amended to read:

§ 601.1133 Control area extension (Seattle, Wash.).

That airspace within a 30-mile radius of the Seattle-Tacoma International Airport (Lat. 47°26'50" N., Long. 122°-18'30" W.), including the airspace NW of Seattle bounded on the NE by Amber Federal airway No. 1, on the N by Red Federal airway No. 79, on the W by Long. 123°15'00" W., and on the S by VOR Federal airway No. 27. The portions of this control area extension within R-6703, R-6704 and R-6711 shall be used only after obtaining prior approval from appropriate authority.

3. Section 601.1331 (14 CFR 601.1331, 26 F.R. 572) is amended to read:

§ 601.1331 Control area extension (Tacoma, Wash.).

That airspace within a 40-nautical mile radius of McChord AFB (Lat. 47°-08'20" N., Long. 122°28'05" W.). The portions of this control area extension within R-6703, R-6704 and R-6711 shall be used only after obtaining prior approval from appropriate authority.

4. Section 601.2281 (14 CFR 601.2281, 26 F.R. 572) is amended to read:

§ 601.2281 Tacoma, Wash., control zone.

Within a 5-mile radius of McChord AFB (Lat. 47°08'20" N., Long. 122°-28'05" W.) and within 2 miles either side of the N course of the McChord RR extending from the 5-mile radius zone to the RR. The portion of the control zone within R-6703 shall be used only after obtaining prior approval from appropriate authority.

5. Section 601.2438 (26 F.R. 8376, 9708) is amended to read:

§ 601.2438 Fort Lewis, Wash. (Gray AAF), control zone.

Within a 5-mile radius of the Gray AAF (Lat. 47°04'55" N., Long. 122°-34'55" W.), excluding the airspace within the Tacoma, Wash., control zone (§ 601.2281). The portions of this control zone within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

§ 600.101 [Amendment]

6. In the text of § 600.101 (14 CFR 600.101; 26 F.R. 572, 8375, 11485) "Nome, Alaska, RR, excluding the portion of this airway which coincides with R-6703. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority." is deleted and "Nome, Alaska, RR. The airspace within R-2201 and R-6703 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

§ 600.6023 [Amendment]

7. In the text of § 600.6023 (14 CFR 600.6023; 26 F.R. 572, 1209, 4052, 11727; 27 F.R. 98, 1455) "Vancouver, British Columbia, VOR. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Fort Lewis Restricted Area (R-504), the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R-546) and the Portland International Airport Restricted Area/Military Climb Corridor (R-535) are excluded during these restricted areas' designated time of use." is deleted and "Vancouver, British Columbia, VOR, excluding the airspace within R-6711 and the airspace of the E alternate between Eugene and Portland within R-5703. The airspace within R-6703 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

8. Section 600.6813 (26 F.R. 21) is amended to read:

§ 600.6813 VOR Federal airway No. 813 (San Francisco, Calif., Metropolitan Area to the Seattle, Wash., Metropolitan Area): normal traffic flow northbound.

From the INT of the San Francisco, Calif., VOR 304° and the Ukiah, Calif., VOR 172° radials via the Ukiah VOR; Fortuna, Calif., VOR; Crescent City, Calif., VOR; North Bend, Oreg., VOR; Eugene, Oreg., VORTAC; Portland, Oreg., VORTAC; INT of the Portland VORTAC 353° and the Seattle, Wash., VORTAC 197° radials; to the Seattle VORTAC, excluding the airspace within R-6711. The airspace within R-6703 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2485; Filed, Mar. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 60-AN-18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Associated Control Areas, Reporting Points, Control Area Extension, and Control Zone and Restricted Area

On October 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10138) stating that the Federal Aviation Agency was considering amendments to §§ 600.18, 600.282, 601.282, 601.4018, 601.4282, and 608.22 of the regulations of the Administrator which would alter the Eagle River, Alaska, Restricted Area R-2203 and designate it as a joint use area, realign Green Federal airway No. 8, delete a designated reporting point associated with this airway and extend Red Federal airway No. 82 and its associated control area eastward to join the realigned segment of Green 8.

The Alaskan Air Command objected to the proposed expansion of the southwest corner of R-2203 west of the 149° 44'00" W. meridian, stating that this would increase the restrictive effect of the restricted area on operations at Elmendorf AFB. In view of this comment, the Department of the Army has further evaluated its requirements in this area and concurs in the establishment of the western boundary of R-2203 along the 149°44'00" W. meridian in order to reduce the impact of this restricted area on Elmendorf AFB operations. This change is reflected in the actions taken herein.

No other adverse comments were received regarding the proposed amendments.

Although not mentioned in the notice, action is taken herein to alter the descriptions of the Anchorage, Alaska, control area extension (§ 601.1398) and the Anchorage, Alaska (Merrill Field), control zone (§ 601.2300) to permit use of those portions of the control area extension and control zone which lie within R-2203 when the restricted area is not being used for the purpose designated.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 608.22 [Amendment]

1. In § 608.22 *Alaska* (26 F.R. 7189), R-2203 Eagle River, Alaska, is amended to read:

R-2203 Eagle River, Alaska.

Boundaries. Beginning at latitude 61°29'-00" N., longitude 149°33'48" W.; to latitude 61°22'10" N., longitude 149°33'48" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to latitude 61°17'15" N., longitude 149°-42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.

Using agency. Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

2. Section 600.18 (14 CFR 600.18, 26 F.R. 8375, 11824) is amended to read:

§ 600.18 Green Federal airway No. 8 (King Salmon, Alaska, to Northway, Alaska).

From the King Salmon, Alaska, RR via the INT of the NE course of the King Salmon RR and the W course of the Homer, Alaska, RR; INT of the W course of the Homer RR and the SW course of the Kenai, Alaska, RR; Kenai RR; INT of the NE course of the Kenai RR and a line bearing 266° from the Anchorage, Alaska, RR; Anchorage RR; INT of the NE course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT of the NE course of the Gulkana RR and the SW course of the Northway, Alaska, RR; to the Northway RR. The portions of this airway within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

§ 601.4018 [Amendment]

3. In the text of § 601.4018 (14 CFR 601.4018, 26 F.R. 11824) "the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage, Alaska, radio range station;" is deleted.

4. Section 600.282 (14 CFR 600.282) is amended to read:

§ 600.282 Red Federal airway No. 82 (Skwentna, Alaska, to Matanuska, Alaska).

From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR and the NE course of the Anchorage, Alaska, RR.

5. Section 601.282 (14 CFR 601.282) is amended to read:

§ 601.282 Red Federal airway No. 82 control areas (Skwentna, Alaska to Matanuska, Alaska).

All of Red Federal airway No. 82.

6. Section 601.4282 (14 CFR 601.4282) is amended to read:

§ 601.4282 Red Federal airway No. 82 (Skwentna, Alaska, to Matanuska, Alaska).

No reporting point designation.

§ 601.1398 [Amendment]

7. In the text of § 601.1398 (27 F.R. 171) "Anchorage; excluding the portion which coincides with R-2203. The portion which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority." is deleted and "Anchorage. The portions of this control area extension within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

8. Section 601.2300 (26 F.R. 1661) is amended to read:

§ 601.2300 Anchorage, Alaska (Merrill Field), control zone.

Within a 3-mile radius of Merrill Field Airport (Lat. 61°13'03" N., Long. 149°50'52" W.); within a 5-mile radius of Elmendorf AFB (Lat. 61°15'05" N., Long. 149°48'52" W.); within 2 miles either side of the Elmendorf AFB ILS localizer W course extending from the 5-mile radius zone to the OM; within a 3-mile radius of Bryant AAF (Lat. 61°16'02" N., Long. 149°39'46" W.). The portions of this control zone within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2483; Filed, Mar. 14, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-5]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2246 and 601.1284 of the regulations of the Administrator is to alter the Oklahoma City, Okla., control zone and control area extension.

The Oklahoma City control zone (§ 601.2246) west extension, as presently designated, is based, in part, on the west course of the Oklahoma City radio range. This control zone extension is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid. In addition, the control zone is altered slightly to include a minute amount of airspace between the control zone extensions based on the Oklahoma City VORTAC.

The description of the Oklahoma City control area extension (§ 601.1284) is presently designated, in part, on the Oklahoma City radio range. Since low frequency navigational aids are undergoing a period of change, involving decommissioning or alteration, it is preferable that the Oklahoma City control area extension be redesignated on the geographical site of the radio range. Therefore, action is taken herein to designate this control area extension on latitude 35°24'08" N., longitude 97°38'36" W.

Since the change effected by the amendment pertaining to the control zone is less restrictive in nature than the present requirements and the amendment pertaining to the control area extension is editorial in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.2246 (26 F.R. 9848) "within 2 miles either side of the W course of the Oklahoma City RR extending from the 5-mile radius zone to the Mustang FM; within 2 miles either side of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC; within a 5-mile radius of Wiley Post Airport" is deleted and "within 2 miles southwest and 3 miles northeast of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC; and within a 5-mile radius of Wiley Post Airport" is substituted therefor.

2. In the text of § 601.1284 (14 CFR 601.1284) "the Oklahoma City, Okla., RR;" is deleted and "Lat. 35°24' 08" N., Long. 97°38'36" W.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2482; Filed, Mar. 14, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8303 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Cromit Products Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cromit Products Corporation trading as Albicrome Products et al., Boston, Mass., Docket 8303, Oct. 25, 1961]

In the Matter of Cromit Products Corporation, a Corporation, Trading as Albicrome Products, and Donald L. Albion, Charles Albion and Roland A. Cormier (Originally Erroneously Named in the Complaint as Roland Albion), Individually and as Officers of Said Corporation

Consent order requiring Boston manufacturers of alleged chrome plating kits to cease representing falsely that purchasers of such kits could instantly chromeplate worn and pitted metal surfaces with a copper-nickel-chrome build-up, and achieve the same finish and durability as imparted by commercial electroplating methods.

The order to cease and desist is as follows:

It is ordered, That respondents Cromit Products Corporation, a corporation, doing business under its own name or trading as Albicrome Products, or under any other name, and its officers, and Donald L. Albion and Charles Albion, individually and as officers of said corporation, and Roland Cormier, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale and distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Their kits or components will produce a chromium plating.

2. Their kits will provide a copper-nickel-chrome build-up.

3. The coating produced by the use of said kits is comparable in durability to the finish imparted by commercial electroplating.

It is further ordered, That the complaint be and the same hereby is dismissed as to respondent Roland Cormier, individually.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2494; Filed, Mar. 14, 1962; 8:48 a.m.]

[Docket 8348 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kosak Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kosak Furs, Inc., et al., New York, N.Y., Docket 8348, Oct. 25, 1961]

In the Matter of Kosak Furs, Inc., a Corporation, and Fred Kosak, and Sol Horowitz, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to set forth the term "dyed Mouton processed Lamb" where required on invoices of fur products and failing in other respects to comply with invoice requirements, and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist is as follows:

It is ordered, That respondents Kosak Furs, Inc., a corporation, and its officers, and Fred Kosak, individually and as an officer of said corporation, and Sol Horowitz, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "dyed Mouton processed Lamb" where an election is made to use that term instead of Lamb.

B. Furnishing a false guarantee that any fur or fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Sol Horowitz as an officer of respondent corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Kosak Furs, Inc., a corporation, Fred Kosak, individually and as an officer of said corporation, and Sol Horowitz, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2495; Filed, Mar. 14, 1962; 8:48 a.m.]

[Docket No. C-11]

PART 13—PROHIBITED TRADE PRACTICES

Ralph L. Autry and Natural Minerals Plus

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ralph L. Autry trading as Natural Minerals Plus, Burbank, Calif., Docket C-11, Oct. 31, 1961]

In the Matter of Ralph L. Autry, an Individual Trading as Natural Minerals Plus

Consent order requiring a Burbank, Calif., distributor of a drug preparation designated "Natural Minerals Plus" to cease misrepresenting the therapeutic properties of the product in advertisements in newspapers and magazines and other advertising media.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Ralph L. Autry, an individual trading as Natural Minerals Plus, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Natural Minerals Plus", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly, that said preparation will be of benefit in the treatment of, or cure, blindness, rheumatism, arthritis, constipation, indigestion, weakness, nervousness, insomnia, depression, aches, pains or any disease not caused by a deficiency of calcium or iodine.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 31, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2531; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. C-12]

PART 13—PROHIBITED TRADE PRACTICES

Magicure, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Magicure, Inc., et al., Columbus, Ohio, Docket C-12, Oct. 31, 1961]

In the Matter of Magicure, Inc., a Corporation; and Arthur C. Kinkead, Sr., and William Kinkead, Individually and as Officers of Said Corporation

Consent order requiring Columbus, Ohio, distributors of their "Magicure" device to cease representing falsely in advertising in letters, circulars, pamphlets, etc., that use of the device would stop bed wetting and correct the bed wetting habit.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Magicure, Inc., a corporation, and its officers, and respondents Arthur C. Kinkead, Sr., and William Kinkead, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of a device known as "Magicure", or any other device which functions in substantially the same manner, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said device is of value in stopping bed-wetting or correcting the bed-wetting habit unless expressly limited, in a clear and conspicuous manner, to cases of bed-wetting not caused by organic defects or diseases.

(b) That said device is guaranteed, unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1, above.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: October 31, 1961.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2537; Filed, Mar. 14, 1962; 8:56 a.m.]

[Docket No. 8433 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Textron, Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Textron, Inc., Providence, R.I., Docket 8433, Oct. 25, 1961]

Consent order requiring manufacturers in Providence, R.I., to cease violating the Wool Products Labeling Act by labeling fabrics "25% Wool, 70% Reprocessed Wool, 5% Nylon", "60% Reprocessed Wool, 30% Wool, 10% Nylon", and "100% Wool" and invoicing them similarly, when in fact the fabrics contained substantially less woolen fibers than thus indicated; failing to show on labels the percentage of the total fiber weight of the constituent fibers; and failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That respondent, Textron, Inc., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics, or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag or label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent, Textron, Inc., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–2538; Filed, Mar. 14, 1962; 8:56 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

QUININE IN CARBONATED BEVERAGES

The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by Canada Dry Corporation, 100 Park Avenue, New York 17, New York, and Schweppes (U.S.A.) Ltd., 445 Park Avenue, New York 22, New York, and other relevant material concerning the use of quinine as a flavoring agent in carbonated beverages. This included the report of a scientific advisory panel to consider the safety of quinine for use as a food additive in beverages. The panel was appointed from a group of distinguished scientists recommended by the National Academy of Sciences. Members of the panel were:

Alf S. Alving, M.D., Professor of Medicine, University of Chicago, Chairman.
Robert W. Berliner, M.D., Associate Director of Research, National Heart Institute, The National Institutes of Health.
Julius M. Coon, M.D., Ph.D., Professor of Pharmacology, Jefferson Medical College.
Leon H. Schmidt, Ph. D., Research Professor, University of Cincinnati.
John V. Taggart, M.D., Associate Professor of Medicine, Columbia University.

The panel unanimously concluded that the tolerance sought would be safe.

The Commissioner has concluded that the following regulation should issue with respect to the food additive quinine as a flavoring agent in carbonated beverages. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1081 Quinine.

Quinine, as the hydrochloride salt or sulfate salt, may be safely used in food in accordance with the following conditions:

Uses	*Limitations*
In carbonated beverages as a flavor.	Not to exceed 83 parts per million (0.0083 percent), as quinine. Label shall bear a prominent declaration of the presence of quinine either by the use of the word "quinine" in the name of the article or through a separate declaration.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62–2571; Filed, Mar. 14, 1962; 8:59 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements; Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of January 20, 1962 (27 F.R. 619), with regard to sampling requirements of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs. Accordingly, the amendments promulgated by that order became effective February 19, 1962.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 9, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62–2583; Filed, Mar. 14, 1962; 8:55 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling of Hazardous Substances Packaged in Collapsible Tubes

The Commissioner of Food and Drugs finds that collapsible metal tubes, because of their construction and normal usage, may, through reasonably foreseeable handling and use, be folded or rolled up in such a manner as to conceal the lower part of the label during the consumer's use of the package. Warnings placed on the lower portion of labels of such containers are therefore not prominent and conspicuous as contemplated by section 2(p)(1) and (2) of the Federal Hazardous Substances Labeling Act and § 191.1(d) of these regulations. The Commissioner also finds that in order for the user to be made aware of the hazardous nature of a product until the container is discarded and for the adquate protection of the public health and safety an additional labeling requirement is necessary. Therefore, in accordance with the provisions of the statute (secs. 2(p), 10, 74 Stat. 374, 378; 15 U.S.C. 1261, 1269), and pursuant to the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the hazardous substances regulations are amended by adding to § 191.101 (21 CFR 191.101 (26 F.R. 7333 (27 F.R. 253)) the following new paragraph (e):

§ 191.101 Placement, conspicuousness, contrast.

* * * * *

(e) Collapsible metal tubes containing hazardous substances shall be labeled so that all items of label information required by section 2(p)(1) of the act or by regulations prescribing additional information shall appear as close to the dispensing end of the container as possible. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is interpretative in nature.

Effective date. This order shall become effective August 1, 1962.

(Secs. 2(p), 10, 74 Stat. 374, 378; 15 U.S.C. 1261, 1269)

Dated: March 9, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62–2582; Filed, Mar. 14, 1962; 8:55 a.m.]

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling Requirements

In the matter of labeling requirements for carbon tetrachloride and fire extinguishers:

All views and comments received in response to the notice of proposed rule making published in the FEDERAL REGISTER of November 28, 1961, in the above-identified matter (26 F.R. 11217) have been considered, and the Commissioner of Food and Drugs has concluded, on the basis of data accumulated, that because of the toxic nature of certain substances contained in fire extinguishers, such items should be properly labeled to protect the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 191 is amended in the following respects:

1. Section 191.7(b)(1) is changed to read:

§ 191.7 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) * * *

(1) *Carbon tetrachloride.* Because of the general systemic poisoning that might result from the ingestion or breathing of vapors of carbon tetrachloride and mixtures containing it, the label shall include the word "Danger," the additional word "Poison," and the skull and crossbones symbol. The statement of hazard shall include, "May be fatal if inhaled or swallowed." The label shall also bear the statement, "Avoid contact with flame or hot surface." Fire extinguishers containing carbon tetrachloride shall not be required to bear the latter statement, but instead shall bear the special labeling required by § 191.8.

2. Part 191 is amended by adding thereto the following new section:

§ 191.8 Labeling of fire extinguishers.

When a substance or mixture of substances in a container labeled for use in or for use as a fire extinguisher produces substances that are toxic within the meaning of § 191.1 (e) and (f) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced which meet the definition of highly toxic within the meaning of § 191.1(e) the signal word "Danger" and the statement of hazard, "Poisonous gases formed when used to extinguish flame or on contact with heat" are specified.

(b) When substances are produced which meet the definition of toxic within the meaning of § 191.1(f), the signal word "Caution" or "Warning," and the statement of hazard, "Dangerous gas formed when used to extinguish flame or on contact with heat" are specified.

These statements shall be in addition to any other that may be required under the act or this section. All containers shall also bear the additional statements: "Use in an enclosed place may be fatal," and "Do not enter area until well ventilated and all odor of chemical has disappeared."

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269)

Dated: March 9, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62–2522; Filed, Mar. 14, 1962; 8:54 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 73—ELECTION OF OFFICERS OF THE OSAGE TRIBE

Miscellaneous Amendments

On pages 12708 and 12709 of the FEDERAL REGISTER of December 29, 1961, there was published a notice and text of proposed amendments to §§ 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43, and 73.49 and the proposed revocation of § 73.44. The purpose of the amendments is to improve the procedure for conducting Osage tribal elections under 25 CFR Part 73.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the amendments. It was brought to our attention that the phrase "quarterly annuity roll at the Osage Agency as of the last" had been omitted from the first sentence of § 73.21. The phrase was inadvertently omitted in typing the proposed amendments and is being inserted between the words "the" and "quarterly" in the first sentence.

No other comments, suggestions or objections were received and the amendments are adopted with the one change mentioned above and are set forth below. The amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

MARCH 8, 1962.

1. Sections 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43 and 73.49 are amended to read as shown below.

§ 73.21 General.

Only members of the Osage Tribe who will be twenty-one years of age or over on election day and whose names appear on the quarterly annuity roll at the Osage Agency as of the last quarterly payment immediately preceding the date of election will be entitled to hold office or vote for any tribal officers. Each such voter shall be entitled to cast one ballot and each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll. Any fraction of a headright, however, shall be valued as to the first two decimals only unless such interest is less than one one-hundredth of a share, then it shall have its full value.

§ 73.32 Election Board.

The Principal Chief, or in his absence, the Assistant Principal Chief shall, not more than seventy-five days nor less than sixty-five days preceding the day appointed by law for the holding of an election of officers of the Osage Tribe, issue in the form and manner prescribed in § 73.37, an election notice and appoint an election board consisting of a Supervisor who shall be chairman, Assistant Supervisor, five judges, one of whom in addition to his regular duties shall act as interpreter, and five clerks, whose duties shall be to conduct the election as provided in the regulations in this part: *Provided further*, That the Superintendent on the recommendation of the election board may designate extra clerical assistants. Prior to the date of the election, the election board shall assemble and make necessary arrangements for the election in a building to be designated by the Superintendent of the Osage Agency as the polling site and make the necessary preparation for receiving prospective voters, for receiving absentee ballots, and see to it that voting booths are arranged to afford privacy. Members of the election board and any extra clerical assistants designated by the Superintendent under authority contained in this section, other than employees of the Osage Agency when duly appointed or designated as provided for in this part may be compensated for conducting each quadrennial election at rates to be fixed by the Osage Tribal Council. If a member of the election board desires to be relieved from duty for any cause he shall notify the Principal Chief or in his absence the Assistant Principal Chief, in writing to that effect and the Principal Chief, or in his absence the Assistant Principal Chief shall designate someone else to serve as a member of the election board. The Supervisor, or in his absence the Assistant Supervisor, shall see that the rules prescribed for conducting the election are faithfully carried out. The ballots shall be handed out by a judge to the voters as they present themselves to vote, after being identified by a clerk who shall be supplied with a copy of the list of voters prepared pursuant to § 73.35. The judge before handing out a ballot shall remove the detachable portion. A judge shall receive the ballot after the voter has indicated his choice thereon by placing an "X" mark opposite the name of each candidate for whom he desires his vote counted and shall deposit same in the ballot box. The duties of the remaining judges in conjunction with the Supervisor will be to read the names on the ballot when requested so as to identify the candidates or furnish such other information as may be desired in that connection and also to assist prospective voters unable because of language difficulties or physical incapacity to cast votes for candidates of their choice, and to undertake such other duties as may be assigned by the Supervisor.

§ 73.33 Watchers and challengers.

Any candidate or political party may name a person to act as watcher and challenger at any election provided for by the regulations in this part. Each watcher and challenger shall be appointed in writing by the candidate or political party he or she represents. The watchers and challengers shall have the right to be present in the polling place but outside the voting booths and to watch the election officials, the balloting, the call, the tally, and the recording of the result of the vote. It shall be the duty of the watcher to watch, listen, and observe the count for all candidates voted for to insist upon an honest and fair count but shall have no further authority than to have the election judges and clerks note or record any objections to the count and to challenge the result thereof. The challenger shall have the right to question any voter and his right to vote. Watchers shall not divulge or give out any intimation or information as to the count prior to announcement by the election board and shall be subject to the same rules governing the election board with regard to leaving and returning to the polling place. A watcher or challenger shall receive no compensation for his services.

§ 73.35 List of voters.

The Superintendent of the Osage Agency shall compile a list of the voters of the Tribe who are qualified under § 73.21. Such list shall set forth only the name and last known address of each voter. The Superintendent shall furnish copies of the list to the Supervisor of the election board and shall post copies at the headquarters of the Osage Agency at Pawhuska, Okla., and such other places as the election board may determine to be appropriate. The compilation, posting and distribution of copies to the Supervisor of the election board shall be done as soon as possible after preparation of the last quarterly annuity roll preceding the election. Copies of the list shall also be made available to all qualified candidates for office and for the purpose of checking off the name of each voter as his ballot is cast and for determining, in the event of question, the right of any individual to vote.

§ 73.40 Ballots.

The Superintendent of the Osage Agency shall have ballots printed showing the name and the office for which each candidate has been nominated and there shall be space for writing in names of any individuals qualified to hold office, whose names do not appear on the ballot and also space for showing the value of the respective ballots. The Superintendent shall have recorded on a detachable portion of each ballot the name of the voter. The value of each voter's ballot shall be recorded on the principal portion of the respective ballots. Any faction or group has the right to nominate any candidate it chooses, in accordance with the regulations prescribed in this part. The names of such candidates shall be printed on the ballot in the manner set forth as follows:

(a) Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Similarly for Assistant Chief. Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for Council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing, in a manner to be determined by the Tribal Council, and to be free from or regardless of party or factional affiliations. A record shall be kept of any ballots that may be mutilated, cancelled, or used as samples.

(b) Upon each ballot will be a space in which the clerk prior to issuing the ballot shall see that the value of the ballot shall be exactly the same value as the voter's headright interest as shown on the last quarterly annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. As verification the clerk shall initial the ballot so numbered in the margin. In addition each ballot shall be stamped "Official Ballot" (facsimile signature Supervisor Osage Election Board). Should any voter spoil or mutilate his ballot in his effort to vote he may surrender the ballot to the Supervisor who shall give the voter in lieu thereof another ballot which shall show its appropriate value. The spoiled or mutilated ballot shall be retained with other records pertaining to the election.

§ 73.41 Absentee voting.

(a) Any eligible voter who will be unable to appear at the polls in Pawhuska on election day shall be entitled to vote by absentee ballot and his ballot shall have exactly the same value as the voter's headright interest shown on the annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. All applications for absentee ballots shall be made in writing by the absent voter to the Supervisor. It shall be the duty of the Supervisor, upon receipt of such an application to forward to such absent voter an envelope enclosing a ballot (after removing the detachable portion). There also shall be enclosed an inner envelope on which has been imprinted the below described form of affidavit, and an outer envelope. This shall be done not more than 30 days before any election provided for in this part, except that supplies, affidavits, and ballots may be mailed to absent voters residing outside the continental limits of the United States at any time after the issuance of the election notice. Each ballot shall indicate the value of the votes to which each voter is entitled. The Supervisor shall maintain a file of all applications received, together with a record of the names and addresses of all persons to whom absentee ballots are mailed, including date of mailing and shall write, mark, stamp, or print in a margin of each such ballot the words "Absentee Ballot," and the date of issuance.

(b) The absent voter shall prepare and fold the ballot and enclose it in the "inner envelope" supplied to him by the Supervisor and he shall execute the affidavit imprinted thereon which shall be in the following form:

I, do solemnly swear (or affirm) that I am a member of the Osage Tribe of Indians; that I will be twenty-one years of age or over at the election date; that I am now a resident of ----------; and will be unable to appear at the polls in Pawhuska, Okla., on election day.

Subscribed and sworn to before me this ------ day of ---------- 19---.

(c) The absentee voter shall enclose only his ballot in the inner envelope. The inner envelope shall then be sealed by the voter and enclosed in the outer envelope (mailing envelope). It shall be incumbent on the voter to affix the necessary postage stamps. The outer preaddressed envelope shall be printed to show address as follows: (1) Supervisor, Osage Election Board, (2) the post office box number, (3) Pawhuska, Okla.

§ 73.42 Absentee ballots.

The absentee ballots shall remain in the locked box in the post office, Pawhuska, Okla., until 8 a.m. on the day of election at which time the Supervisor or Assistant Supervisor of the election board, accompanied by the Superintendent of the Osage Agency or his designated representative, shall receive the locked box from the post office and shall personally transport it to the polling site where it shall be delivered immediately still locked to the Supervisor or Assistant Supervisor of the election board. No absentee ballots will be received or counted after 8 a.m. The Supervisor or Assistant Supervisor in the presence of the judges shall immediately unlock the locked box containing the absentee ballots and then open each outer envelope but shall not open the inner envelope; shall then determine whether the person whose name which is signed to the affidavit is a duly qualified voter of the Osage Tribe and check said voter against and off the poll list. The sealed inner envelope shall then be deposited in an official ballot box for absentee ballots only. The ballot contained in any inner envelope which shall have been opened or unsealed before it has been delivered to the judges shall be rejected and not deposited in the official ballot box nor counted. After it has been determined that all of the absentee ballots have been made by duly qualified voters of the Osage Tribe the Supervisor in the presence of the election board shall unlock and open the absentee ballot box and shall cause the inner envelopes containing absentee ballots to be opened after which the count shall be started. Two judges shall act as official counters and two clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter has designated his choice and shall continue this manner of recording until all votes have been counted or until 7 p.m. The duties of the remaining election officials shall be to conduct the election at the polls as set forth in this part. After the recording from each absentee ballot is completed that ballot shall be pierced by a needle and string and after all absentee ballots have been so treated up to 7 p.m., the ends of the string shall be tied together and shall be delivered to the Supervisor who shall handle these ballots, when the count of all ballots has been completed, the same as all other ballots as set forth in § 73.43.

§ 73.43 Canvass of election returns.

Promptly at one minute past 8 p.m. the Supervisor in the presence of the election board shall open the official ballot box and move the slide on inside of box closing the slot and thereafter shall immediately and in the presence of said board close and lock the ballot box until the count of the ballot is to be started. The Supervisor shall then in the presence of the election board unlock and open ballot box, after which the count shall be started. Any absentee ballots not counted as provided in § 73.42 prior to 7 p.m. shall be mingled with all other ballots. The total of the absentee ballots counted prior to 7 p.m. shall be added to the final count. The Supervisor and not less than two of the judges shall remain continuously in the room until the ballots are finally counted. Two judges shall act as official counters and the clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter designated his choice and shall continue this manner of recording until all votes have been recorded. The duties of the remaining officials of the election board will be to assist in the correct counting and recording of the value of each vote cast and the totaling of the values of the votes for each candidate. After the recording from each ballot is completed that ballot shall be pierced by a needle and string and after all ballots have been so treated the ends of the string shall be tied together and the ballots, together with the absentee ballots counted and strung before 7 p.m., deposited with the list of names of voters kept by the clerk during the election in the ballot box which shall then again be locked and the keys retained by the Supervisor. After the ballot box is securely locked the Supervisor shall not again open it, but shall deliver said box in that condition to the Superintendent of the Osage Agency, and the box shall be retained in a safe place by said Superintendent, until opened by order of the Supervisor or the election board in the event a contest is filed. In no event shall the ballots be destroyed for a period of at least 180 days after the election is held. A statement shall be prepared by the Supervisor pertaining to the conduct of the election and correctness of vote tallied opposite each candidate, in which shall be incorporated the names of each candidate declared to have been elected, with designation of office and total value of votes credited each, and duly acknowledged before an officer qualified to administer oaths, which instrument shall, with the keys to the ballot box, be delivered by the Supervisor to the Superintendent of the Osage Agency for appropriate disposition.

§ 73.49 Expenses of elections.

All expenses of elections including compensation to the members of the election board and any clerical assistants designated by the Superintendent under § 73.32, stationery supplies, meals, printing and postage shall be borne by the Osage Tribe as set forth in an appropriate Osage Tribal Council resolution establishing current pay scale.

§ 73.44 [Revocation]

2. Section 73.44 is revoked.

[F.R. Doc. 62-2496; Filed, Mar. 14, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

Revision

On January 18, 1962, notice of a proposed revision of 29 CFR Part 516 prescribing the record-keeping requirements of employers under the Fair Labor Standards Act of 1938 was published in the FEDERAL REGISTER (26 F.R. 525). After consideration of all such relevant matter as was presented by interested persons regarding the proposed revision, the regulations as so published are hereby adopted, subject to the changes set forth below.

1. The heading of § 516.1 is changed.

2. Subparagraph (5) of § 516.2(a) is amended.

3. Paragraph (c) of § 516.5 is amended.

4. Subparagraph (b) of § 516.17 is amended.

This revision shall become effective thirty days following its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 8th day of March 1962.

CLARENCE T. LUNDQUIST,
Administrator.

INTRODUCTORY

Sec.
516.1 Form of records; scope of regulations.

Subpart A—General Requirements

516.2 Employees subject to minimum wage and 40-hour week overtime provisions; sections 6 and 7(a) of the act.
516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.
516.4 Posting of notices.
516.5 Records to be preserved three years.
516.6 Records to be preserved two years.
516.7 Place for keeping records and their availability for inspection.
516.8 Computations and reports.
516.9 Petitions for exceptions.
516.10 Amendment of regulations.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.
516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.
516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.
516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of the act—items required.
516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.
516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.
516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.
516.18 Employees exempt under section 13(a)(17) of the act—items required.
516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement and compensated in accordance with sections 6 and 7(e) of the act—items required.
516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.
516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.
516.22 "Red cape" and other employees dependent on tips as part of wages—items required.
516.23 Learners, apprentices, messengers, or handicapped workers or students employed under special certificates as provided in section 14 of the act.
516.24 Industrial homeworkers.
516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.
Sec.
516.26 Employees under more than one minimum hourly rate.
516.27 Minors employed in agriculture—items required.

AUTHORITY: §§ 516.1 to 516.27 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records; scope of regulations.

(a) *Form of records.* No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage and overtime provisions; sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$350 mo."; "$95 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the act, shall post and keep posted such notices pertaining to the applicability of the act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved three years.

Each employer shall preserve for at least three years:

(a) *Payroll records.* From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part and

(b) *Certificates, agreements, plans, notices, etc.* From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the act,

(2) Collective bargaining agreements, under sections 7(b)(1) or 7(b)(2) of the act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(d) of the act,

(4) Individual contracts or collective bargaining agreements under section 7(e) of the act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(f) of the act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) *Sales and purchase records.* A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved two years.

(a) *Supplementary basic records.* Each employer required to maintain records under this part shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess computation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate work forces.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2 (a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of

any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the act, shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep as part of his records and, within 30 days after such collective bargaining agreement has been made, report and file a copy thereof with the Administrator at Washington 25, D.C. Likewise, the employer shall keep a copy of each amendment or addition thereto and, within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator at Washington 25, D.C.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the act or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the act.

§ 516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption for 14 workweeks provided in section 7(b)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record the daily as well as the weekly overtime compensation.

(b) *Establishment operation records.* The employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(b)(3) of the act.

(c) *Posting of notice of weeks taken under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning ---------- and ending ---------- in this pay period as a part of the 14 workweeks permitted under section 7(b)(3) of the Fair Labor Standards Act, when overtime, at a rate of not less than time and one-half the regular hourly rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the ------ week of the permissible 14 workweeks.

Date ----------

Signed ----------

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14 workweek partial overtime exemption provided under section 7(b)(3) of the act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.

(a) *Items required.* With respect to employees employed pursuant to the total overtime pay exemption for 14 workweeks provided in section 7(c) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(9) thereof.

(b) *Establishment operation record.* Every such employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(c) of the act.

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning ---------- and ending ---------- in this pay period as a part of the 14 workweeks permitted under section 7(c) of the Fair Labor Standards Act during which overtime excess compensation, as provided in section 7(a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the ------- week of the permissible 14 workweeks.

Date ----------

Signed ----------

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14 workweek partial overtime exemption provided in section 7(c) of the act, the employer shall, after making appropriate notations in the blank spaces in the aforesaid notice, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in sections 7(c), 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk.").

§ 516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in section 13(b)(6) of the act shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies, but to whom neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$1.20 hr."; "$10 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(b)(2) of the act),

(c) Total straight-time earnings or wages for each pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.

With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13(a)(16) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the employer shall maintain and preserve the records specified in paragraphs (b) and (c) of this section.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employer shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.18 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(17) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(17) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the information and data required by paragraph (b) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

§ 516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement, and compensated in accordance with sections 6 and 7(e) of the act—items required.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(e) of the act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings,

(b) Total weekly compensation in excess of weekly guaranty,

(c) A written memorandum summarizing the terms of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, where such contract or agreement is not in writing.

§ 516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.

With respect to each and every employee compensated for overtime work in accordance with section 7(f)(1) or 7(f)(2) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a)(1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) The number of overtime hours worked at each applicable hourly rate, or the number of units of work performed at each applicable piece rate during the overtime hours,

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof and, in addition thereto, the following:

(a)(1) The hourly or piece rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice, (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of the oral agreement or understanding to use this method of computation. If the employee is part of a group, all of whom have agreed to use this method of computation a single memorandum will suffice.

§ 516.22 "Red caps" and other employees dependent on tips as part of wages—items required.

Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to such employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for

or turned over by the employee to the employer:

(a) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,

(b) Actual total hours worked each workday in any other occupation,

(c) Total daily or weekly straight-time earnings segregated according to:

(1) Time paid for under paragraph (a) of this section,

(2) Time paid for under paragraph (b) of this section,

(3) Tips or gratuities received and accounted for or turned over by the employee to the employer.

§ 516.23 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the act.

(a) *Items required.* With respect to persons employed as learners, apprentices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the act, employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.24 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(2) "Industrial homework," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (a) preserve a copy as part of his records, (b) deliver a copy to the employee, and (c) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Homework handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting homework on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing home work.

§ 516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3(m) of the act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in section 6 of the act or in any applicable wage order, or (2) if the employee works in excess of 40 hours a week and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under section 3(m) of the act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3(m) and which need not be maintained on a workweek basis, see §§ 777.13 to 777.15 of this chapter.)

§ 516.26 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa, the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment ("$1.30 each hour"; "$10.00 a day"; "$50.00 wk."; "2¢ per piece"; "$50 wk. plus 5 percent commission on sales over $300 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straight-time for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, therefore, not subject to different minimum rates of pay.

§ 516.27 Minors employed in agriculture—items required.

Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(a) Name in full,

(b) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(c) Date of birth,

Provided, however, That such data need not be maintained for any minor employees who work only on days when school is not in session.

[F.R. Doc. 62-2509; Filed, Mar. 14, 1962; 8:51 a.m.]

Title 33—NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Pacific Ocean, California, and York River, Virginia

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.197 establishing and governing the use and navigation of danger zones in the Pacific Ocean, in the vicinity of San Pedro, California, is hereby amended revoking paragraph (a)(1) and revising paragraph (b) (1) and (2) effective on publication in the FEDERAL REGISTER, since the danger zone at Whites Point has served its purpose and is no longer required, as follows:

§ 204.197—Pacific Ocean in vicinity of San Pedro, Calif.; practice firing range for United States Army Reserve, National Guard, and Coast Guard units.

(a) *The danger zone*—(1) *Zone A.* [Revoked]

* * * * *

(b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from sunrise to sunset.

(2) Except as otherwise provided in this paragraph, the danger zone will be open to fishing and general navigation. When firing is not scheduled the danger zone may be occupied without restriction. When firing is in progress safety observers will be maintained to warn all vessels. Notice to vacate the area, or to stop at the boundaries, will be given by siren, patrol vessel, or other effective means, and such notice shall be promptly obeyed. All vessels permitted to enter the danger zone during a firing period, other than those owned by and operated by or under the direction of the United States Government, shall proceed across the area by the most direct route and clear the area with the greatest possible dispatch. No vessel, fishing boat, or recreational craft shall anchor in the danger zone during an actual firing period.

[Regs., February 19, 1962, 285/112-ENGCW-ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.128 is hereby amended with respect to paragraph (a) (1) and (2) to enlarge the prohibited area and to redesignate the boundaries of the restricted area in York River, Virginia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.128 York River, Va.; naval prohibited and restricted areas.

(a) *The areas*—(1) *Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Weapons Station, and extending upstream therefrom, beginning at a point on the shore line at latitude 37°15'25" N., longitude 76°32'32" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to a point on the shore line at latitude 37°14'51" N., longitude 76°31'50" W.; and thence along the shore line to the point of beginning.

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at latitude 37°16'00" N., longitude 76°32'29" W.; thence to latitude 37°16'23" N., longitude 76°32'00" W.; thence to latitude 37°15'27" N., longitude 76°30'54" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to lati-

tude 37°15'40" N., longitude 76°32'09" W.; and thence to the point of beginning.

[Regs., February 26, 1962, 285/112–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-2478; Filed, Mar. 14, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2621]

[Wyoming 0142291]

WYOMING

Partly Revoking Executive Order No. 4962 of September 17, 1928

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4962 of September 17, 1928, which withdrew public lands for use of the Wyoming National Guard as a rifle range, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 61 W.,
Sec. 1, W½SW¼ and SE¼SW¼.

Containing 120 acres.

2. The lands are situated approximately 1 mile northeast of Torrington, Wyoming. The topography is rolling, with native shrubs and grasses.

3. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m., on September 7, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m., on September 7, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2501; Filed, Mar. 14, 1962; 8:49 a.m.]

[Public Land Order 2622]

[Fairbanks 022851]

ALASKA

Withdrawing Lands for Use of the Department of the Army as the Black Rapids Training Site (Fort Greely)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Army as the Black Rapids Training Site:

RICHARDSON HIGHWAY-BLACK RAPIDS AREA

Beginning at the northeast corner of the lands withdrawn by Public Land Order No. 1503; thence East, 1.167 miles; South, 2.067 miles; West, 2.063 miles; North, 1.317 miles; East, 0.896 miles; North, 0.750 miles to the point of beginning.

The tract described contains 2,299.03 acres.

The jurisdiction granted by this order shall not include the right to subject the lands or the resources thereof to waste or destruction by explosive ordnance, noxious substances, or other forms of dangerous contamination.

The general public shall have access to and across the lands for hunting and fishing during such times as public use will not be inconsistent with military requirements and national security, and the Department of the Army shall keep the public informed of the periods when such use may be permitted.

The Department of the Interior shall retain jurisdiction of the mineral and vegetative materials of the lands and may make disposals of such materials if consistent with the purposes of this withdrawal.

Authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate, subject to concurrence of the Department of the Army.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2502; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2623]

[Idaho 011823]

IDAHO

Withdrawing Lands in Kaniksu, Nez Perce, and St. Joe National Forests

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, for use of the Forest Service as indicated:

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

Garfield Bay Recreation Area

T. 56 N., R. 1 W.,
Sec. 27, that portion of lot 3 lying north of a line drawn between the centers of secs. 27 and 26;
Sec. 26, lot 1, except west 20 acres and lot 2, except west 20 acres.

Huckleberry Campground

T. 57 N., R. 2 E., unsurveyed but will be when surveyed:
Sec. 7, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, and NW¼NW¼SE¼NW¼.

NEZ PERCE NATIONAL FOREST

Red River Recreation Area

A strip of land 8 chains wide being 4 chains on the northerly side and 3 chains on the southerly side of the thread of Red River beginning at the point where Red River is closest to the center of unsurveyed sec. 34, T. 28 N., R. 9 E., and extending approximately 4.5 miles upstream to the point where Red River crosses the section line between unsurveyed sec. 24, T. 28 N., R. 8 E., and unsurveyed sec. 19, T. 28 N., R. 10 E., and located wholly within the following subdivisions:

T. 28 N., R. 9 E., unsurveyed, but will be when surveyed:
Sec. 23, E½SE¼;
Sec. 24, S½N½ and W½SW¼;
Sec. 26, NE¼, S½NW¼, E½SW¼, and NW¼SE¼;
Sec. 27, SE¼;
Sec. 34, NE¼.

Papoose Creek Camp and Picnic Area

T. 24 N., R. 1 W.,
Sec. 23, NE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, and S½SE¼SE¼SE¼;
Sec. 24, SW¼SW¼SW¼SW¼;
Sec. 25, NW¼NW¼NW¼;
Sec. 26, NE¼NE¼NE¼NE¼.

Low Saddle Camp and Picnic Area

T. 25 N., R. 1 W.,
Sec. 18, S½NW¼SW¼SE¼, SW¼SW¼SE¼, and E½SE¼SE¼SW¼;
Sec. 19, N½NW¼NW¼NE¼.

Wind River Recreational Area

T. 24 N., R. 4 E.,
Sec. 3, lot 1.

Peter Ready Camp and Picnic Area

T. 27 N., R. 3 E.,
Sec. 14, SE¼NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, W½NW¼SE¼NW¼, and NW¼SW¼SE¼NW¼.

Rocky Bluff Camp and Picnic Area

T. 27 N., R. 4 E., unsurveyed, but will be when surveyed:
Sec. 31, S½N½NE¼SW¼ and S½NE¼NW¼SW¼.

Wildhorse Lake Recreation Area

T. 27 N., R. 6 E., unsurveyed, but will be when surveyed:
Sec. 24, SE¼SE¼;
Sec. 25, NW¼NE¼NE¼.
T. 27 N., R. 7 E., unsurveyed, but will be when surveyed:
Sec. 19, NW¼SW¼SW¼.

Mackay Bar Recreation Area

T. 24 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 29, NW¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, W½NW¼NE¼SE¼, W½NW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SW¼NE¼NW¼SE¼, NE¼SE¼NW¼SE¼.

Mackay Bar Boat Landing

T. 24 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 29, SW¼SE¼SE¼SW¼ and W½SE¼SE¼SW¼.

Sam's Creek Campground

T. 25 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 5, S½NE¼SW¼NE¼.

Florence Cemetery Historical Site

T. 25 N., R. 3 E.,
Sec. 13, SE¼SW¼NW¼NE¼, SW¼SE¼NW¼NE¼, NW¼NE¼SW¼NE¼, and NE¼NW¼SW¼NE¼.

BOISE MERIDIAN

ST. JOE NATIONAL FOREST

Avery Landing Administrative Site

T. 45 N., R. 5 E.,
Sec. 14, lots 2, 3, and 5.

Cedar Prospect Creek Campground

T. 46 N., R. 4 E.,
Sec. 12, NE¼SW¼SW¼, S½SW¼SW¼, and NW¼SE¼SW¼;
Sec. 13, NW¼NW¼NW¼;
Sec. 14, NE¼NE¼NE¼.

Slate-Horseshoe Organization Site

T. 47 N., R. 4 E.,
Sec. 25, S½SW¼NW¼, S½NE¼NE¼SW¼, W¼NE¼SW¼, SE¼NE¼SW¼, N½NW¼ SW¼, N½S½NW¼SW¼, NE¼NW¼SE¼, S½NW¼NW¼SE¼, and SW¼NW¼SE¼.

Rye Creek Campground

T. 46 N., R. 5 E.,
Sec. 13, N½SE¼NE¼ and SW¼SE¼NE¼.

Squaw-Stetson Creek Campground

T. 46 N., R. 5 E.,
Sec. 25, S½S½S½SW¼;
Sec. 36, N½NE¼NW¼ and NW¼NW¼.

Railroad Creek Picnic Area

T. 47 N., R. 5 E.,
Sec. 28, N½SW¼NE¼, S½N½SE¼NE¼, and N½S½SE¼NE¼.

Bullion Creek Organization Camp

T. 47 N., R. 5 E.,
Sec. 36, S½NE¼SE¼, S½N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, N½NE¼SW¼SE¼, and N½SE¼SE¼.

Triangle Point Campground

T. 46 N., R. 6 E.,
Sec. 5, SE¼NE¼SE¼ and NE¼SE¼SE¼.

Lucky Swede Gulch Picnic Area

T. 46 N., R. 6 E.,
Sec. 6, W½ lot 1 except patented mining claim, SE¼ lot 2.

Long Liz Campground

T. 46 N., R. 6 E.,
Sec. 7, SE¼SE¼SW¼.

Cliff Creek Campground

T. 46 N., R. 6 E.,
Sec. 10, S½NE¼NE¼, N½SE¼NE¼ less that portion of HES 685.

Big Dick Creek Picnic Area

T. 46 N., R. 6 E.,
Sec. 18, NW¼ of lot 2.

Mozier Creek Recreation Area

T. 47 N., R. 6 E.,
Sec. 31, N½ lot 4 except that portion containing patented mining claim.

Bird Creek Campground

T. 45 N., R. 7 E., unsurveyed, but will be when surveyed:
Sec. 5, NE¼SW¼NW¼ and N½SE¼NW¼.

Lentz-Conrad Campground

T. 44 N., R. 8 E.,
Sec. 14, W½NW¼SW¼NE¼, W½SE¼SW¼NE¼, E½NE¼SE¼NW¼, W½NE¼NW¼SE¼, and N½SE¼NW¼SE¼.

Middle Quartz Creek Campground

T. 45 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 17, S½N½S½SW¼, N½S½S½SW¼, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼SW¼, S½NE¼SE¼, and N½SW¼SE¼.

Entente Creek Campground

T. 45 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 19, S½SE¼NW¼ and N½NW¼NE¼SW¼.

Wahoo Creek Campground

T. 43 N., R. 9 E.,
Sec. 6, W½NE¼SE¼NW¼, E½W½SE¼NW¼, W½NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, and SE¼SE¼SW¼.

Indian Creek Campground

T. 43 N., R. 9 E.,
Sec. 7, NW¼NW¼NE¼ and NE¼NE¼NW¼.

Beaver Creek Campground

T. 43 N., R. 9 E.,
Sec. 8, SE¼SE¼SW¼, S½NW¼SW¼SE¼, and N½SW¼SW¼SE¼;
Sec. 17, NE¼NE¼NW¼.

Cave Rock Campground

T. 43 N., R. 9 E.,
Sec. 17, SE¼NW¼NE¼.

Midget Creek Campground

T. 44 N., R. 9 E.,
Sec. 31, W½NE¼ lot 3, SE¼NE¼ lot 3, N½NW¼ lot 3, and SE¼ lot 3.

Heller Creek Campground

T. 43 N., R. 10 E.,
Sec. 17, S½SE¼NE¼SE¼ and E½SE¼SE¼;
Sec. 20, NE¼NW¼NE¼NE¼ and W½NW¼NE¼NE¼.

Yankee Bar Campground

T. 43 N., R. 10 E.,
Sec. 22, S½SE¼SW¼SW¼;
Sec. 27, S½NE¼NE¼NW¼, E½NW¼NE¼NW¼, NW¼NW¼NE¼NW¼, NE¼NE¼NW¼NW¼, except for portion of patented mining claim within these subdivisions.

California Creek Campground

T. 43 N., R. 10 E.,
Sec. 26, W½SW¼NE¼SE¼ except portion of patented claim.

The areas described aggregate about 1,439.00 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2503; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2624]

[Colorado 046749]

COLORADO

Withdrawing Lands for Use of the Forest Service for Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following described lands, in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, for use of the Forest Service, Department of Agriculture, for administrative sites and recreation areas, as indicated:

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

Lost Lake Recreation Area

T. 6 N., R. 82 W.,
Sec. 30, lot 4;
Sec. 31, lot 1.
T. 6 N., R. 83 W. (unsurveyed), in approximate Sections 25 and 36.
Beginning at corner No. 1, the west ¼ corner of section 31, T. 6 N., R. 82 W. From corner No. 1 by metes and bounds, West, 20 chains; North, 30 chains; West, 20 chains; North, 30 chains; East, 40 chains; South, 60 chains, to point of beginning.

Lake Percy Recreation Area

T. 6 N., R. 83 W. (unsurveyed), in approximate Section 24.
Beginning at corner No. 1, the west ¼ corner of section 19, T. 6 N., R. 82 W. From corner No. 1, by metes and bounds, West, 40 chains; North, 30 chains; East, 40 chains; South, 30 chains to point of beginning.

Lake Dinosaur Recreation Area

T. 6 N., R. 83 W. (unsurveyed), in approximate section 10.
Beginning at corner No. 1, from which the southwest corner of section 7, T. 6 N., R. 82 W. bears east, 180 chains. From corner No. 1 by metes and bounds, West, 40 chains; North, 40 chains; East, 20 chains; North, 16 chains; East, 40 chains; South, 16 chains; West, 20 chains; South, 40 chains to point of beginning.

Lake Martha Recreation Area

T. 7 N., R. 83 W. (unsurveyed).
Beginning at corner No. 1, from which the southwest corner of section 30, T. 7 N., R. 82 W. bears east 70 chains. From corner No. 1 by metes and bounds, West, 80 chains; North, 100 chains; East, 80 chains; South, 100 chains to point of beginning. The tract does not include the 40.0 acre Summit Lake Recreation Area withdrawn on January 14, 1957 under Public Land Order 1381 (Colorado 013628).

Lester Creek Reservoir Recreation Area

T. 10 N., R. 85 W.,
Sec. 26, lot 20;
Sec. 35, lots 1, 2, 3, 4, 5, 7, 8, and 9, N½SE¼, NE¼SW¼, and E½NW¼SW¼.

Hahns Peak Reservoir Recreation Area

T. 10 N., R. 86 W.,
Sec. 13, N½NE¼NW¼;
Sec. 12, S½SW¼, NW¼SW¼, and SW¼SW¼NW¼;
Sec. 11, E½NE¼SE¼, NE¼SE¼SE¼, and SE¼NE¼.

Saw Mill Creek Picnic Area (Addition)

T. 9 N., R. 89 W.,
Sec. 1, S½SW¼SW¼.

NEW MEXICO PRINCIPAL MERIDIAN

UNCOMPAHGRE NATIONAL FOREST

Crystal Lake Back Area Camp

T. 44 N., R. 4 W.,
Sec. 19 (unsurveyed), S½SW¼NE¼, SW¼SE¼NE¼, SE¼SE¼NW¼, E½NE¼SW¼, NE¼SE¼SW¼, W½NE¼

SE¼, NW¼SE¼, N½SW¼SE¼, and NW¼SE¼SE¼.

Big Blue Campground

T. 46 N., R. 5 W.,
Sec. 24 (unsurveyed) SE¼SW¼;
Sec. 25 (unsurveyed) N½NE¼NW¼.

Alpine Administrative Site

T. 46 N., R. 5 W.,
Sec. 13, S½SE¼SW¼;
Sec. 24, W½NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, W½SW¼NE¼, NE¼NW¼, and SE¼NW¼.

Beaver Lake Campground

T. 46 N., R. 6 W.,
Sec. 8 (unsurveyed) NE¼SE¼ and E½NW¼SE¼.

Big Cimarron Campground

T. 46 N., R. 6 W.,
Sec. 8 (unsurveyed) E½NE¼NE¼ and E½SE¼NE¼;
Sec. 9, W½NW¼NW¼ and W½SW¼NW¼.

Amphitheatre Campground

T. 44 N., R. 7 W.,
Sec. 31, lots 1, 6, and 7;
Sec. 32, SW¼NW¼NW¼, SW¼NW¼, NW¼NW¼SW¼ (Less small acreage included in M.S. 6078—O.I.C. Lode).

Trout Lake Campground

T. 41 N., R. 9 W.,
Sec. 16 (unsurveyed), SW¼NW¼NW¼, SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½SE¼SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼ (Less small acreage included in M.S. 16066—Illium Placer);
Sec. 17 (unsurveyed) E½NE¼SE¼.

Ophir Trailer Park

T. 42 N., R. 9 W.,
Sec. 33, W½SW¼NE¼, SE¼SW¼NE¼, SW¼SE¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, NW¼NE¼SE¼, N½NW¼SE¼ (Less small acreage included in M.S. 5735—Broadway Lode, M.S. 14048—Loopton Lode, and M.S. 16149—Broncho Lou Placer).

Matterhorn Administrative Site

T. 41 N., R. 9 W.,
Sec. 5, N½SW¼NE¼, SE¼SW¼NE¼ (Less approximately 10 acres included in M.S. 7301—Lake Placer and M.S. 1176A—San Juan Lode).

Silesca Administrative Site

T. 47 N., R. 11 W.,
Sec. 18, lots 1 and 2, S½NE¼NW¼, and N½SE¼NW¼.

Lone Cone Administrative Site

T. 42 N., R. 12 W.,
Sec. 23, NW¼NE¼ and NE¼NW¼.

Sanborn Park Administrative Site

T. 45 N., R. 12 W.,
Sec. 4, lot 2.
T. 46 N., R. 12 W.,
Sec. 33, S½SW¼SE¼.

Iron Springs Campground Addition

T. 47 N., R. 12 W.,
Sec. 23, SW¼NE¼NW¼.

Columbine Campground Addition

T. 48 N., R. 14 W.,
Sec. 11, SE¼NE¼SW¼ and NW¼SE¼SW¼.

Columbine Administrative Site

T. 48 N., R. 14 W.,
Sec. 11, NW¼NE¼SW¼, NW¼SW¼, and N½SW¼SW¼.

Divide Fork Campground

T. 51 N., R. 16 W.,
Sec. 18, S½SW¼NE¼, S½SE¼NE¼, NE¼NE¼SE¼, W½NE¼SE¼, E½NW¼SE¼, and NW¼NW¼SE¼.

SAN JUAN NATIONAL FOREST

Sultan Mountain Winter Sports Area

T. 41 N., R. 8 W. (unsurveyed)
Sec. 13, S½S½;
Sec. 24.

GRAND MESA NATIONAL FOREST

Haypress Campground

T. 14 S., R. 102 W.,
Sec. 10, SW¼NW¼NE¼, NW¼SW¼NE¼, S½NE¼NW¼, and N½SE¼NW¼.

Fruita Administrative Site

T. 14 S., R. 102 W.,
Sec. 2, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described total in the aggregate 4,488.66 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2504; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2625]

[Colorado 043548]

COLORADO

Withdrawing Lands for Use of the Forest Service as Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described lands in the Grand Mesa National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Forest Service for the utilization of the surface of the lands as administrative sites and recreation areas, as indicated:

SIXTH PRINCIPAL MERIDIAN

Hightower Administrative Site Addition

T. 9 S., R. 92 W.,
Sec. 17 SW¼NW¼ and NW¼SW¼.

Weir and Johnson Campground

T. 11 S., R. 93 W.,
Sec. 30, SE¼SW¼NW¼, NE¼SW¼, and E½NW¼SW¼.

Bonham Lake Campground

T. 11 S., R. 94 W.,
Sec. 9, SE¼SE¼SW¼, and S½SW¼SE¼;
Sec. 16, SW¼NE¼NE¼, NW¼NE¼, SW¼NE¼, W½SE¼NE¼, E½NE¼NW¼, and E½SE¼NW¼.

Eggleston Campground

T. 11 S., R. 94 W.,
Sec. 31, E½SE¼SW¼ and W½SW¼SE¼.
T. 12 S., R. 94 W.,
Sec. 6, lot 9.

Eggleston Lake Campground

T. 11 S., R. 94 W.,
Sec. 31, lot 4, and W½SE¼SW¼.
T. 12 S., R. 94 W.,
Sec. 6, lot 10 and lot 11.

Trickle Park Campground

T. 11 S., R. 94 W.,
Sec. 26, S½SW¼NW¼ and N½NW¼SW¼.

Twin Lake Campground

T. 11 S., R. 94 W.,
Sec. 25, E½NE¼SW¼, SW¼NE¼SE¼, and NW¼SE¼.

White Deer Park Campground

T. 11 S., R. 94 W.,
Sec. 26, E½SW¼NE¼ and W½SE¼NE¼.

High Picnic Ground

T. 11 S., R. 95 W.,
Sec. 30, lot 8, W½SE¼SW¼;
Sec. 31, lot 5, NW¼NE¼NW¼.

Griffith Lake Campground

T. 11 S., R. 96 W.,
Sec. 25, lot 4, S½NE¼SW¼, SE¼SW¼, S½NW¼SE¼, and SW¼SE¼.

Kiwanis Youth Organization Camp

T. 11 S., R. 96 W.,
Sec. 22, lot 15 and W½SE¼SW¼.

Mesa Creek Winter Sports Area

T. 11 S., R. 96 W.,
Sec. 27, SW¼NW¼NE¼, W½SW¼NE¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½SE¼SW¼, W½NW¼SE¼ and NW¼SW¼SE¼.

Mesa-Lakes Recreation Area

T. 11 S., R. 96 W.,
Sec. 26, SW¼SW¼SW¼;
Sec. 27, S½SE¼SE¼;
Sec. 34, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, SE¼NE¼, and NE¼NE¼SE¼;
Sec. 35, SW¼SW¼NE¼, NW¼NW¼, SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼NE¼SW¼, W½NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, and NW¼NW¼SE¼.

Mesa Lake Trailer Park

T. 11 S., R. 96 W.,
Sec. 35, E½SW¼NE¼ and SE¼NE¼;
Sec. 36, NE¼SW¼NW¼ and W½SW¼NW¼.

Aspen Cove Campground

T. 11 S., R. 96 W.,
Sec. 36, SE¼SW¼NW¼, S½SE¼NW¼, and NW¼NE¼SW¼.

NF-ORRR Site ML-144

T. 11 S., R. 96 W.,
Sec. 35, E½NE¼SE¼;
Sec. 36, NE¼NW¼SW¼ and W½NW¼SW¼.

South Mesa Back Area Development

T. 11 S., R. 96 W.,
Sec. 35, lot 2.

Skyway Point Overlook and Picnic Ground

T. 11 S., R. 96 W.,
Sec. 36, S½NE¼SW¼.

Waterdog Lake Campground

T. 11 S., R. 96 W.,
Sec. 26, SE¼SW¼.

Waterdog Lake Marina

T. 11 S., R. 96 W.,
Sec. 26, N½SW¼SE¼.

Fish Hawk Campground

T. 12 S., R. 94 W.,
Sec. 5, lot 8.

Kiser Creek Campground

T. 12 S., R. 94 W.,
Sec. 6, lots 14, 17, and 18.

Reed Reservoir Campground

T. 12 S., R. 94 W.,
Sec. 6, lot 19;
Sec. 7, lot 7.

Grand Mesa Christian Association Organization Camp

T. 12 S., R. 95 W.,
Sec. 1, NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and N½SE¼SE¼.

Deep Slough Campground

T. 12 S., R. 95 W.,
Sec. 3, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼NE¼, W½NE¼NE¼, and E½NW¼NE¼.

Grand Mesa Resort

T. 12 S., R. 95 W.,
Sec. 3, lot 7, lot 8, NW¼NE¼SW¼, and N½NW¼SW¼.

Island Lake Summer Home Area

T. 12 S., R. 95 W.,
Sec. 4, S½NE¼SE¼ and N½SE¼SE¼.

Lake View Point Overlook and Picnic Ground

T. 12 S., R. 95 W.,
Sec. 9, W½NE¼NW¼ and NW¼SE¼NW¼.

Little Bear Campground

T. 12 S., R. 95 W.,
Sec. 3, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼.

Little Gem Campground

T. 12 S., R. 95 W.,
Sec. 9, SE¼NE¼;
Sec. 10, SW¼NW¼NW¼ and W½SW¼NW¼.

Star Lake Campground

T. 12 S., R. 95 W.,
Sec. 1, lot 11, N½NE¼SW¼, and NW¼NW¼SE¼.

Ward Lake Recreation Area

T. 12 S., R. 95 W.,
Sec. 1, W½NW¼SW¼;
Sec. 2, lots 5, 6, 8, 9, 10, 12, 13, 14, 15, NE¼NE¼SW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼, NE¼SE¼, E½NW¼SE¼, and NW¼NW¼SE¼;
Sec. 3, SE¼SE¼NE¼ and NE¼NE¼SE¼.

Ward Lake Administrative Site

T. 12 S., R. 95 W.,
Sec. 2, S½SE¼;
Sec. 11, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, and NE¼NW¼.

Lost Lake Back Area Development

T. 12 S., R. 96 W.,
Sec. 2, NW¼NE¼SW¼ and NE¼NW¼SW¼.

Land's End Overlook and Observatory Area

T. 12 S., R. 97 W.,
Sec. 3, S½SE¼SW¼;
Sec. 10, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, and N½SE¼NW¼.

Land's End Picnic Ground

T. 12 S., R. 97 W.,
Sec. 10, S½SE¼NW¼.

Steamboat Rock Picnic Ground

T. 12 S., R. 97 W.,
Sec. 16, SE¼SW¼NE¼, SE¼NE¼, N½NE¼SE¼, and NE¼NW¼SE¼.

Wild Rose Picnic Ground

T. 12 S., R. 97 W.,
Sec. 16, NE¼NE¼.

The areas described total in the aggregate 3,732.58 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2505; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2626]

[Oregon 09991]

OREGON

Opening Lands Released From Water Power Withdrawal (Project 891)

1. On November 13, 1959, the Federal Power Commission issued its order vacating the withdrawal created under Section 24 of the Federal Water Power Act pursuant to the filing on April 11, 1928, of an application for a license for constructed minor Project No. 891, affecting the following described lands:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

T. 12 S., R. 9 E.,
Sec. 28, SE¼SE¼.

The area described contains approximately 40 acres of national forest land.

2. Until 10:00 a.m. on June 8, 1962, the State of Oregon shall have a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with section 24 of the Federal Power Act of 1920, as amended.

3. Beginning at 10:00 a.m. on June 8, 1962, the lands shall be open to such other forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 9, 1962.

[F.R. Doc. 62-2506; Filed, Mar. 14, 1962; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yosemite National Park, California; Motorboats

On page 9089 of the FEDERAL REGISTER of September 27, 1961, there was published a notice and text of a proposed amendment to § 7.16 of Title 36, Code of Federal Regulations. The purpose of this amendment is to prohibit the use of motorboats on any of the natural lakes and streams in Yosemite National Park.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (i) is added to § 7.16 to read as follows:

§ 7.16 Yosemite National Park.

* * * * *

(i) Motorboats. Motorboats are prohibited on all the natural lakes and streams of Yosemite National Park.

(39 Stat. 535; 16 U.S.C. 3)

ELMER N. FLADMARK,
Acting Superintendent, Yosemite National Park.

[F.R. Doc. 62-2508; Filed, Mar. 14, 1962; 8:51 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842) and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby promulgates the following interpretive rule, effective on publication.

§ 530.2 Further interpretation of Shipping Act, 1916.

Section 3 of Public Law 87-346 provides that any contract rate system lawfully in existence at the time of enactment of the law, October 3, 1961, must be amended to comply with the provisions of new section 14(b) by April 3, 1962, in order to be lawful for a further period of time not to exceed one year after filing, or until such time as the contracts are approved, disapproved, cancelled, or modified by the Federal Maritime Commission. One of the provisions of section 14(b) provides "* * * for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances but which spread shall in no event be more than 15 percentum of the ordinary rates."

Accordingly, the spread of any contract system which, on October 3, 1961, exceeded 15 percent must be reduced to not more than 15 percent by April 3,

1962. However, no spread which was not more than 15 percent on October 3, 1961, may in any manner be changed until such change in spread is approved by the Federal Maritime Commission pursuant to section 14(b) of the Shipping Act, 1916.

By the Commission.

THOMAS LISI,
Secretary.

MARCH 12, 1962.

[F.R. Doc. 62-2605; Filed, Mar. 14, 1962; 10:37 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO-192 A4]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Hearing With Respect to Amendment of Marketing Agreement and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), as amended, notice is hereby given of a public hearing to be held beginning at 9:30 a.m. local time, April 5, 1962, in Room 203, Post Office and Court House Building, Seventh and Mission Streets, San Francisco, California, with respect to proposed amendment of the marketing agreement and order, as amended (7 CFR Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amended marketing agreement and order as hereinafter set forth and to any appropriate modifications thereof. The proposal was submitted by the Walnut Control Board, the administrative agency for the Walnut Marketing Agreement and Order, with a request that a hearing be held thereon.

Proposed Amended Marketing Agreement and Order Regulating the Handling of Walnuts Grown in California, Oregon, and Washington

DEFINITIONS

§ 984.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 984.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon, and Washington, of which the State of California shall be District 1, and the States of Oregon and Washington District 2.

§ 984.5 Board.

"Board" means the Walnut Control Board established pursuant to § 984.30.

§ 984.6 Marketing year.

"Marketing year" means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 Walnuts.

"Walnuts" means all walnuts of the Juglans Regia varieties grown in the area of production.

§ 984.8 Unshelled walnuts.

"Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 Shelled walnuts.

"Shelled walnuts" means walnut kernels after the shells are removed.

§ 984.10 Merchantable walnuts.

(a) *Unshelled.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the minimum grade and size regulations set forth in § 984.43.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the grade and size regulations effective pursuant to § 984.43.

§ 984.11 Substandard walnuts.

"Substandard walnuts" means all walnuts (whether unshelled or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.12 To handle.

"To handle" means to sell, consign, transport, ship (except as a common or contract carrier of walnuts owned by another person), use walnuts for manufacture, purchase walnuts from a grower for retail sale, or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof: *Provided,* That sales or deliveries by growers to handlers within the area of production or authorized disposition of restricted, surplus, or substandard walnuts shall not be considered handling.

§ 984.13 Handler.

"Handler" means any person who handles unshelled or shelled walnuts, categorized as either:

(a) "Cooperative handler," meaning any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized; or

(b) "Independent handler," meaning a handler who is not a cooperative handler.

§ 984.14 To pack.

"To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts.

§ 984.15 Packer.

"Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as unshelled walnuts.

§ 984.16 Sheller.

"Sheller" means any person who is engaged in the business of shelling walnuts, or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.17 Manufacturer.

"Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.18 Kernel.

"Kernel" means a walnut meat or portion of walnut meat.

§ 984.19 Handler carryover.

"Handler carryover", as of any date, means:

(a) *Unshelled.* All merchantable unshelled walnuts (except those held in satisfaction of control obligations) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in lots then held by a handler for packing as merchantable unshelled walnuts.

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts to be produced from unshelled and shelled material then held by a handler.

§ 984.20 Trade demand.

(a) *Unshelled.* The quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(c) *Inclusion of Canada and Cuba in trade demand.* Whenever there is reasonable probability that distribution of unshelled and shelled walnuts may be made to the trade in either Canada or Cuba at prices reasonably comparable with prices received in the United States,

either or both may be included in the trade demand in paragraphs (a) and (b) of this section.

§ 984.21 Restricted walnuts.

"Restricted walnuts" means those unshelled walnuts withheld in satisfaction of a merchantable restricted obligation.

§ 984.22 Free walnuts.

"Free walnuts" means those unshelled walnuts which are included in the free percentage established by the Secretary pursuant to § 984.42.

§ 984.23 Marketable walnuts.

"Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.42.

§ 984.24 Surplus walnuts.

"Surplus walnuts" means those unshelled or shelled walnuts withheld in satisfaction of a surplus obligation.

§ 984.25 Allocation percentage.

"Allocation percentage" means the quotient, expressed as a percentage, that results from dividing the restricted percentage by the free percentage.

§ 984.26 Diversion percentage.

"Diversion percentage" means the quotient, expressed as a percentage, that results from dividing the surplus percentage by the marketable percentage.

§ 984.27 Control percentages.

"Control percentages" means free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.42.

§ 984.28 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.30 Walnut Control Board.

(a) A Walnut Control Board is hereby established, consisting of ten members, selected by the Secretary, each of whom shall have an alternate. One member and one alternate member shall be selected by the Secretary from nominees submitted by each of the following groups or from among other eligible persons.

(1) The cooperative packers doing business within the State of California;

(2) The independent packers doing business within the State of California;

(3) The group of cooperative packers or independent packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable unshelled walnuts handled by packers located within the State of California;

(4) Those walnut growers whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those walnut growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The walnut growers whose orchards are located within the States of Oregon or Washington;

(9) Walnut shellers within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.31 Term of office.

The term of office of Board members and alternate members shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

§ 984.32 Nominations.

(a) Each of the nine groups specified in § 984.30 may nominate one person as member and one person as alternate, and the nine members selected to represent such groups may nominate by majority vote one person as member and one person as alternate for the tenth member position. Nominations for each group of handlers shall be submitted on the basis of ballots mailed by the Board to all handlers in such group. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on the basis of ballots cast by each such handler for its growers: *Provided*, That when growers marketing through cooperative packers and growers marketing through independent packers are in the same group entitled to submit nominations, all votes shall be cast by individual growers. Nominations on behalf of growers in groups 5 and 8 shall be submitted after ballot by such growers pursuant to announcements by press releases of the Walnut Control Board to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent voting information, including the names of the incumbents and the locations where ballots may be obtained. The ballots shall include the names of the incumbents who are willing to continue serving on the Board and shall be accompanied by full instructions as to ballot marking and mailing. All packer votes shall be weighted according to the quantity of merchantable unshelled walnuts handled by each packer during the preceding marketing year and all grower votes shall be given equal weight. Sheller votes shall be weighted according to the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. The packer, sheller, or grower receiving the highest vote for each position shall be nominated.

(b) Nominations received in the foregoing manner by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified on or before June 15 of any such year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted on or before August 1 of any such year, the Secretary may select such member without nomination.

§ 984.33 Eligibility.

No person shall be selected or continue to serve on the Board unless he is a member of or employed by a member of the group which nominated him. No independent grower shall continue to serve on the Board if he is employed by a handler or handles walnuts produced by other growers.

§ 984.33a Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving, qualify by filing with the Secretary, a written acceptance as soon as practicable after being notified of such selection.

§ 984.34 Alternates.

(a) An alternate for a member of the Board shall act in the place of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

§ 984.35 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Board certifying to the Secretary a new nominee within 60 calendar days.

§ 984.36 Expenses.

The members of the Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.37 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.38 Duties.

The duties of the Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary two copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith; and

(g) To investigate compliance with the provisions of this part.

§ 984.39 Procedure.

(a) The members of the Board shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Board business as they deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(b) All decisions of the Board, except where otherwise specifically provided, shall be by majority vote of the members present. Six members shall be required to constitute a quorum.

(c) The Board may vote by mail or telegram, upon due notice to all members, and when any proposition is submitted for voting by one of such methods, one dissenting vote shall prevent its adoption until submitted to a meeting of the Board.

RESEARCH AND DEVELOPMENT

§ 984.40 Research and development.

The Board, with the approval of the Secretary, may conduct marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of walnuts, the expense of such projects to be paid from funds collected pursuant to § 984.58.

MARKETING POLICY

§ 984.41 Board estimates and recommendations.

(a) Each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following:

(1) Its estimate of the orchard-run production in each district for the marketing year;

(2) Its estimate of the quantity of merchantable unshelled walnuts likely to be produced and be available for unshelled use during such year, expressed in unshelled pounds and in terms of kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in unshelled pounds and in terms of kernel weight;

(4) Its estimate of the trade demand for merchantable unshelled walnuts for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled walnut market conditions, and other factors affecting unshelled trade demand during such year, expressed in unshelled pounds and in terms of kernel weight;

(5) Its recommendation for unshelled carryover on July 31 of such year, which may be available for handling as unshelled walnuts, expressed in unshelled pounds and in terms of kernel weight;

(6) Its estimate of merchantable shelled walnut production during such marketing year;

(7) Its estimate of merchantable shelled walnut handler carryover as of August 1;

(8) Its estimate of merchantable shelled walnut trade demand, taking into consideration trade carryover, at the beginning and end of the year, imports, prices, and other factors affecting shelled walnut trade demand;

(9) Its recommendation for shelled carryover on July 31 of such year, which may be available for handling;

(10) Its recommendation as to the merchantable free and restricted percentages to be fixed for unshelled walnuts produced in each district. In order to give due recognition to differences in production and marketing, the Board may recommend that the restricted percentage in District 2 be one-half of the percentage in District 1;

(11) Its recommendation as to the marketable and surplus percentages to be fixed for walnuts produced in each district. In order to give due recognition to differences in production and marketing, the Board may recommend that the surplus percentage in District 2 be one-half of the percentage in District 1; and

(12) Its recommendation as to grade and size regulations.

§ 984.42 Control percentages.

(a) Free and restricted percentages: Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable unshelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for each district a free percentage to prescribe the portion of such walnuts which may be handled as unshelled walnuts and a restricted percentage to prescribe the portion that must be withheld from such handling.

(b) Marketable and surplus percentages: Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable unshelled and shelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for each district a marketable percentage to prescribe the portion of such walnuts which may be handled in the trade demand area and a surplus percentage to prescribe the portion that must be withheld from handling in such area.

(c) In the same manner, at any time prior to February 15 of the marketing year, the Board may recommend that the marketable and free percentages be increased and the surplus and restricted percentages decreased. When changed control percentages are established by the Secretary for a marketing year, all control obligations theretofore accrued on walnuts handled during such year on the basis of previously effective percentages shall be adjusted accordingly.

QUALITY CONTROL

§ 984.43 Grade and size regulation.

(a) *Minimum standards for unshelled walnuts.* No handler shall handle unshelled walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 3 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the recommendation of the Board or other information.

(b) *Minimum standard for shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial Grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening $\frac{9}{64}$ inch in diameter. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Board, or other information.

(c) *Effective period.* Such minimum standards, except as provided in paragraph (d) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the Act.

(d) *Additional grade and size regulations.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in paragraph (a) of this section, or pack specifications as to grades and sizes that may be handled. Different regulations may be recommended for each district. If the Secretary finds, on the basis of such recommendation or other information, that additional grade and size regulations would tend to effectuate the declared policy of the Act, he shall establish such regulations and they shall remain in effect until similarly modified. No person shall handle unshelled walnuts except in accordance with the regulations effective hereunder.

§ 984.44 Inspection and certification of unshelled and shelled walnuts.

(a) Before or upon handling or withholding any walnuts, each handler, at his own expense, shall cause such walnuts to be inspected and certified as meeting the then effective grade and size regulations by the inspection service designated, with approval of the Secretary, by the Board. All such certificates shall show the identity of the handler, the quantity, the type of container, the date of inspection, and for unshelled walnuts the highest grade and size classification that the walnuts covered by the certificate meet. Certificates covering lots of merchantable restricted unshelled walnuts shall be designated "Restricted", and those covering surplus walnuts shall be designated "Surplus". The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. Copies of each certificate issued shall be furnished by the inspector to the handler and the Board.

(b) As soon as practicable after inspection, all merchantable walnuts shall be identified by seals, stamps, or tags affixed to the container by the handler under the supervision of the Board or a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, prescribe such other requirements as may be necessary to insure adequate identification of certified merchantable walnuts.

(c) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

(d) Processing of shelled walnuts: No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (e) of this section. The Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(e) Certification of shelled walnuts for processing: Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.43 solely due to excess shriveling may be certified for processing provided that the total amount of shriveling does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Board or other information.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.47 Withholding obligation.

(a) Restricted obligation: No handler shall handle unshelled walnuts unless prior to or upon shipment thereof he has withheld from handling a quantity, by weight, of certified merchantable unshelled walnuts equal to the allocation percentage of all the unshelled walnuts handled or declared for handling by him: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.51.

(b) Surplus obligation: No handler shall handle walnuts unless prior to or upon shipment thereof he has withheld from handling a quantity of certified walnuts, by kernel weight, equal to the diversion percentage of the kernel weight of all unshelled walnuts handled or declared for handling and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.51.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Board at the expense of the handler and, from the date of withholding, shall be available for inspection during resasonable business hours by the Board or its designees. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through conditions beyond the handler's control. Upon demand of the Board, they shall be delivered to the Board f.o.b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Board, and identified by appropriate seals or stamps and tags to be furnished by the Board and to be affixed to the containers by the handler under the direction and supervision of the Board or its designated inspectors.

(d) The requirement for withholding a quantity of walnuts pursuant to paragraphs (a) and (b) of this section shall be the restricted and surplus obligations, respectively. Merchantable walnuts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8(a)(5) of the Act.

(e) Any handler may at any time prior to the end of the marketing year satisfy his control obligations by declaring to the Board his intention to handle a specified quantity of merchantable walnuts and by withholding a quantity of walnuts sufficient to meet the obligations on the merchantable walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

(f) Any handler withholding restricted or surplus walnuts in excess of his respective obligations may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining walnuts withheld.

§ 984.48 Determination of kernel weight.

(a) *Merchantable unshelled walnuts handled.* All merchantable unshelled walnuts handled or declared for handling by any handler during a marketing year shall be included in the total kernel content for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the kernel content percentage of such walnuts as determined by the Board's designated inspectors. The inspection procedure for determining the kernel content of merchantable unshelled walnuts handled or declared for handling shall be prescribed by the Board with the approval of the Secretary.

(b) *Merchantable shelled walnuts handled.* All merchantable shelled walnuts handled or declared for handling by any handler during the marketing year shall be included in the total kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.61, or as shown by such handler's records.

§ 984.49 Interhandler transfers.

(a) Uncertified walnuts may be sold or delivered by one handler to another handler for packing or shelling and the receiving handler shall be responsible for compliance with the regulations effective pursuant to this part with respect to such walnuts: *Provided*, That the control obligations applicable to the district of production shall apply to any such walnuts transferred between districts.

(b) Restricted and surplus walnuts held by a handler may be sold or delivered to another handler for disposition pursuant to the requirements of § 984.52. Merchantable walnuts other than those withheld pursuant to a control obligation may be sold or delivered by one handler to another and the transferring handler shall be responsible for compliance with the requirements effective pursuant to this part.

(c) The Board, with the approval of the Secretary, shall establish procedures, including necessary reports for such transfers.

§ 984.50 Exemptions.

The Board, with the approval of the Secretary, may exempt from any or all requirements of this part, sales or deliveries of walnuts which it determines do not interfere with the volume and quality control objectives of this part and shall require such reports, certifications, or other conditions as are necessary to insure that such walnuts are handled or used only as authorized.

§ 984.51 Deferment of withholding.

(a) *General.* Compliance by any handler with the requirements of § 984.47 as to the time when restricted and surplus walnuts shall be withheld may be deferred to any date desired by the handler up to December 31 for restricted and March 31 for surplus obligations. Such deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the dates specified he will have fully satisfied his control obligations.

(b) *Filing of bond.* Such undertaking shall be secured by a commercial surety bond or a personal bond with surety to be filed with, and acceptable to the Board, in the amount stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the restricted and surplus obligations shall be the respective total weight of deferred obligations of the handler multiplied by the applicable bonding rate. The cost of the bond shall be borne by the handler.

(c) *Bonding rates.* (1) Restricted walnuts: The bonding rate for restricted walnuts shall be an amount per pound representing the season's domestic opening prices for bulk pack, second quality, medium size, f.o.b. shipping point, announced by the packer who, during the preceding marketing year, handled the most merchantable unshelled walnuts.

(2) Surplus walnuts: The bonding rate for surplus walnuts shall be the price per pound for bulk light amber halves and pieces, f.o.b. shipping point, during the calendar week in which the Secretary establishes the marketable and surplus percentages offered by the handler who, during the preceding marketing year, handled the most bulk shelled walnuts: *Provided*, That if light amber halves and pieces are not sold or offered for sale during the aforesaid calendar week, the Board shall designate the nearest comparable grade of bulk shelled walnuts offered as a basis for the bonding rate.

(3) The prices shall be reported to the Board by the packer and handler selected and shall be certified as correct by such handlers to the Secretary and to the Board. Such rate may be modified by the Board as necessary to reasonably reflect price changes during the year.

(d) *Disposition of bond collections.* (1) Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, merchantable free or marketable walnuts not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest-priced walnuts offered, and, when offering prices are alike, the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings.

(2) Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(3) Walnuts purchased as provided for in this section shall be turned over to the defaulting handler for restricted or surplus disposition, as appropriate. If the quantity of walnuts represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all other handlers on the basis of their respective unshelled handlings with respect to a restricted obligation default or total handlings, kernel weight basis, with respect to a surplus obligation default.

(e) *Satisfaction of control obligations.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the control obligations represented by such collection and the handler shall be credited on his control obligation with that quantity of walnuts represented by the sums collected on account of such default.

(f) *Effective period.* The bonding rates established for any marketing year shall continue in effect with respect to any bonds executed and delivered after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for the new marketing year, the new rates shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rates.

§ 984.52 Shelling restricted walnuts.

(a) Any handler may shell restricted walnuts which he has withheld pursuant to § 984.47 or deliver them to an authorized sheller for shelling.

(b) Any person within the area of production who desires to become an authorized sheller may submit an application to the Board. Such authorization shall be granted to the applicants for a period of one year upon submission to the Board of an agreement, in writing, to:

(1) Shell restricted walnuts received within the area of production or dispose of or deliver them as unshelled walnuts to another authorized sheller for shelling;

(2) Permit such audits and inspections as the Board may require to determine compliance with provisions of this part;

(3) Comply fully with all requirements of this part, applicable to the shelling of walnuts and handling of shelled walnuts; and

(4) Make such reports, certified to the Board and the Secertary as to their correctness, as the Board may require.

§ 984.53 Export.

(a) Sale and delivery of merchantable restricted and merchantable surplus walnuts in export to destination outside of the United States, Puerto Rico, and the Canal Zone, and Canada or Cuba when included in the trade demand, shall be made by the Board or the handler acting as agent of the Board under such terms and conditions as the Board may specify for export sales. Proceeds of any export sales made by the Board after deducting all expenses actually and necessarily incurred shall be paid to the handler withholding the walnnts.

(b) The kernel weight of the restricted walnuts and the actual net weight of shelled walnuts so exported shall be credited against the surplus obligation of the exporting handler. Upon a handler's written request during a marketing year, the Board shall transfer any part or all of such handler's excess export credits to such other handler as he may designate.

§ 984.54 Surplus pool.

(a) Surplus walnuts which are not disposed of pursuant to § 984.53 shall be pooled not later than August 31 of the next marketing year and shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be non-competitive with marketable walnut markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's withholding obligation which may be accepted for pooling and disposition prior to February 15 of such year.

(b) Disposition of proceeds from sales of pooled surplus: Expenses incurred by the Board in receiving, handling, holding, and disposing of the pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernel weight.

(c) Surplus pool credits: Upon a handler's written request during a marketing year, the Board shall transfer any part or all of a handler's excess surplus pool credits to such other handler as he may designate.

§ 984.55 Storage facilities.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

§ 984.56 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, live-

stock feed, or for such other uses as the Board determines to be noncompetitive with marketable walnut markets and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

§ 984.56a Compliance

Except as provided in this subpart, no person shall handle walnuts, unshelled or shelled, during any marketing year in which this subpart and any regulations issued by the Secretary hereunder are in effect, unless such person has previously met the obligations imposed by each regulation and the provisions of this subpart.

EXPENSES AND ASSESSMENTS

§ 984.57 Expenses.

The Control Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. The Board shall file a proposed budget of expenses and rates of assessment for unshelled and shelled walnuts with the Secretary as soon as practicable after the beginning of the marketing year.

§ 984.58 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound for unshelled or shelled walnuts fixed by the Secretary times the quantity of merchantable unshelled and shelled walnuts he has handled or declared for handling. At any time during or after a marketing year the Secretary may increase the assessment rates as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Surplus walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled surplus walnuts.

(c) *Refunds.* At the end of a marketing year funds in excess of the marketing year's expenses shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of expenses of the Board. Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year: *Provided,* That each handler's share of such excess shall be made available to him by the Board within five months after the end of the year.

(d) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS, BOOKS, AND OTHER RECORDS

§ 984.60 Reports of handler carryover.

Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Board a written report of his handler carryover of unshelled and shelled walnuts as of August 1 and January 1.

§ 984.61 Reports of merchantable walnuts handled.

Each handler who handles merchantable walnuts, unshelled or shelled, at any time during a marketing year shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Board may specify.

§ 984.62 Reports of disposition of controlled walnuts.

Each handler who disposes of restricted or surplus walnuts withheld by him shall submit to the Board in such form and at such intervals as the Board may prescribe reports showing the quantity so disposed of and such other information pertinent thereto as the Board may specify.

§ 984.63 Reports of interdistrict shipments of unshelled walnuts within the area of production.

Any shipments of unshelled walnuts for packing or shelling between District 1 and District 2 shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

§ 984.64 Reports of disposition of substandard walnuts.

Each handler shall submit, in such form at such intervals as the Board may determine, reports certified to the Board and the Secretary, of (a) his production and holdings of substandard walnuts, and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing information pertaining thereto as the Board may specify.

§ 984.65 Other reports.

Upon request of the Board, with the approval of the Secretary, each handler shall furnish to the Board in such manner and at such times as it prescribes such additional reports and information as will enable the Board to perform its duties and exercise its powers hereunder.

§ 984.66 Verification of reports.

For the purpose of verifying reports submitted by handlers, the Board, through it duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours and shall be permitted to inspect any walnuts held by such handler and all records of the handler with respect to walnuts held or disposed of by such handler. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of walnuts. Each handler shall store walnuts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification of all walnuts withheld.

§ 984.67 Certification of reports.

All reports submitted to the Board as required in this subpart shall be certified to the Secretary and the Board as to the completeness and correctness of the information contained therein.

§ 984.68 Confidential information.

All reports and records submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in custody of one or more employees of the Board and shall be disclosed to no person except the Secretary.

§ 984.69 Books and other records.

Each handler shall maintain such records of walnuts received, held, and disposed of by him as are necessary to substantiate the required reports and such others as may be prescribed by the Board. Such books and records shall be retained and be available for examination by authorized representatives of the Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.74 Rights of the Secretary.

The members and alternates of the Board and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 984.75 Personal liability.

No member or alternate of the Board nor any employee, representative or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee, representative or agent, except for acts of dishonesty.

§ 984.76 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder thereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.77 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.78 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence of this subpart.

§ 984.79 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any subdivision of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.80 Effective time.

The provisions of this subpart, as well as any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 984.81.

§ 984.81 Termination or suspension.

(a) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effective only if announced on or before July 1 of the then current marketing year. Such finding may be based on a referendum.

(c) Termination of act. The provisions of this subpart shall terminate, in any event, upon termination of the act.

§ 984.82 Procedure upon termination.

Upon the termination of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the Board or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the Board or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said Board and upon said joint trustees.

§ 984.83 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any surplus held subject to control of the Board nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 984.84 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Board.

§ 984.85 Counterparts.*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 984.86 Additional parties.*

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 984.87 Order with marketing agreement.*

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of walnuts in the same manner as is provided for in this agreement.

Copies of this notice may be obtained from the Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 2082 Center Street, Mercantile Building, Room 416, Berkeley 4, California; Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon; or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D.C.

*Sections identified with an asterisk (*) apply only to the proposed marketing agreement.

Dated: March 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2542; Filed, Mar. 14, 1962; 8:57 a.m.]

[7 CFR Part 987]

[Docket No. AO 269-A 2]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Hearing With Respect to Amendments to the Marketing Agreement and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Indio Chamber of Commerce Building, 82-503 Highway 111, Indio, California, beginning at 9:30 a.m., P.s.t., April 2, 1962, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments as hereinafter set forth and to any appropriate modifications thereof.

The Date Administrative Committee, the administrative agency for operations under the marketing agreement and order, as amended, has proposed the following amendments and has requested a hearing thereon:

§ 987.5 [Amendment]

1. Insert "Halawy," in § 987.5 immediately after "Zahidi,".

§ 987.44 [Amendment]

2. Delete the last sentence of § 987.44 (b).

§ 987.45 [Amendment]

3. Delete "0.90" from the last sentence of § 987.45(a) and substitute therefor the phrase "a divisor established by the Committee with the approval of the Secretary".

4. Delete the phrase "withholding percentage" wherever it appears in § 987.45 and substitute therefor the phrase "withholding factor".

5. Add the following two sentences at the end of § 987.45(d): "Any handler who has dates certified as marketable in excess of the restricted percentage required during any crop year and who disposes of such dates in restricted outlets within the crop year may have such dates credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of restricted credit so allowed shall not exceed that established by the Committee, with the approval of the Secretary, and shall be on a percentage basis related to the crop year in which the excess occurred."

6. Delete present § 987.47 and add a new § 987.47 to read as follows:

§ 987.47 Surplus.

All cull dates and all substandard dates, except any substandard dates released to human consumption outlets pursuant to § 987.56, including such dates blended with varieties within the generic term "dates", not regulated by this part, are surplus dates of any crop year. No person shall ship or deliver such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets, except that any producer may dispose of any quantity or category of dates of his own production within his own livestock feeding or distillation operations. Surplus dates held for the account of, and delivered to, the Committee shall be disposed of by it at the best prices attainable and the proceeds returned pro rata, after deduction of Committee costs, to equity holders. The Committee may assist handlers with the cleaning, storage, or delivery of surplus dates and may, with the approval of the Secretary, establish rules and regulations necessary and incidental to administration of this regulation.

§ 987.9 [Amendment]

7. In view of proposed amendment numbered 6, consider the need to insert in § 987.9 after "commerce," the phrase "or the disposition of substandard dates or cull dates into non-human consumption outlets," and to make such changes in the provisions of § 987.8 and other provisions of the marketing agreement and order as may be necessary to implement proposal numbered 6 and conform all such provisions thereto.

§ 987.55 [Amendment]

8. Insert the following sentence after the first sentence of § 987.55: "The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing."

§ 987.68 [Amendment]

9. Insert the following sentence after the next to last sentence of § 987.68: "The Committee, with the approval of the Secretary, may establish the type of records to be maintained."

§§ 987.71, 987.72, 987.73, 987.74 [Deletions]

10. Delete present §§ 987.71 through 987.74, inclusive, and add new §§ 987.71 and 987.72 to read as follows:

§ 987.71 Expenses.

The Committee is authorized to incur such expenses, including maintenance of an operating reserve fund, as the Secretary may find are reasonable and are likely to be incurred by it during each crop year for the maintenance and functioning of the Committee and for such other purposes determined to be appropriate. The recommendation of the Committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended.

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, with respect to dates he handles or has certified for handling or for further processing his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary. At any time during or after a crop year the Secretary may increase such assessment rate to secure sufficient funds to cover unanticipated expenses or a deficit in assessable poundage. Any such increase shall apply to all assessable poundage of the crop year. The Committee may accept payments of assessments in advance and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by a divisor established by the Committee with the approval of the Secretary.

(b) *Operating reserve.* The Committee, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds in reserve shall be available for use by the Committee for expenses authorized pursuant to § 987.71.

(c) *Refunds.* Funds held by the Committee at the conclusion of the crop year in excess of the crop year's expenses and reserve requirements may be used to defray expenses for no more than the ensuing four months, and thereafter within a reasonable time, the Committee shall credit or, upon demand, refund the aforesaid excess to handlers who contributed to such excess: *Provided*, That the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses and reserve requirements of the Committee for the preceding crop year. Upon termination of this subpart any money in possession of the Committee shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

11. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from this hearing.

The Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, has proposed the following amendments:

12. Amend § 987.2 to read as follows:

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

13. Amend § 987.26 to read as follows:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, a successor shall be nominated within 30 calendar days and selected in the manner, and subject to the conditions, provided in this subpart.

§ 987.41 [Amendment]

14. Delete the word "agency" wherever it appears in § 987.41(c) and substitute therefor the word "service".

15. Renumber § 987.76 as § 987.75, and add a new § 987.76 to read as follows:

§ 987.76 Rights of the Secretary.

The members of the Committee (including successors or alternates) and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other acts of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

Copies of this notice may be obtained from the Date Administrative Committee, 82–845 Miles Avenue, Indio, California; the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Los Angeles 15, California; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Dated: March 12, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–2641; Filed, Mar. 14, 1962; 8:57 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Issuance of Provisional Construction Permits; Proposed Amendment

In February 1960, the Commission published in the FEDERAL REGISTER a proposed amendment to § 50.35 designed to clarify the Commission's requirements for issuance of construction permits on a provisional basis. That proposal has been revised in light of public comments received. The amendment of § 50.35, set forth below, has been developed in order to identify more explicitly the principal elements of the safety determination which the Commission makes when it issues a provisional construction permit.

Notice is hereby given that the Commission is considering adoption of the following regulations. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulations should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance that consideration cannot be given except as to comments filed within the period specified.

Section 50.35 of Part 50, 10 CFR, is amended to read as follows:

§ 50.35 Issuance of provisional construction permits.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a provisional construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required; (2) the omitted technical information will be supplied; (3) the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and that (4) on the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(b) A provisional construction permit will constitute an authorization to the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and such approval is incorporated in the permit. The applicant, at his option, may request such approvals in the provisional construction permit or, from time to time, by amendment of his construction permit. The Commission may, in its discretion, incorporate in any provisional construction permit provisions requiring the applicant to furnish periodic reports of the progress and results of research and development programs designed to resolve safety questions.

(c) Any construction permit will be subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission until (1) the applicant has submitted to the Commission, by amendment to the application, the complete final hazards summary report, portions of which may be submitted and evaluated from time to time, and (2) the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the requirements of the license and the regulations in this chapter.

Dated at Germantown, Md., this 3d day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62–2477; Filed, Mar. 14, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1103; Draft Release No. 62–10]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Minimum Performance Standards for VHF Radio Communication Transmitting and Receiving Equipment on Civil Aircraft of U.S. Engaged in Air Carrier Operations; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise §§ 514.62 and 514.63 of Part 514 of the regulations of the Administrator (14 CFR Part 514) by adding new technical standard orders. These Technical Standard Orders establish minimum performance standards for VHF radio communication transmitting and receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations.

The amendments are proposed to bring the technical standard orders into accord with the revised frequency deployment plans now being implemented by the Federal Aviation Agency; as well as to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions in which the equipment will be operated.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 30, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising §§ 514.62 and 514.63 to read as follows:

§ 514.62 VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C37b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in aircarrier operations. New models of airborne VHF radio communications transmitting equipment manufactured for use on air carrier aircraft on or after (the effective date of this section) * shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 134–61/DO–110 [1] dated July 13, 1961, and 120–61/DO–108 [1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this section:

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*The effective date will be 90 days after publication of the adopted rule.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue, NW., Washington 25, D.C. Paper 134–61/DO–110, 40 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

(a) Temperature-Altitude Test—Categories A, B, C, or D;
(b) Humidity Test—Categories A or B;
(c) Vibration Test—Categories A, B, C, D, E, or F;
(d) Conducted Audio-Frequency Susceptibility Test—Categories A or B;
(e) Radio-Frequency Susceptibility Test—Category A, and
(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3 the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlines in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:
(i) Temperature-Altitude Test Category;
(ii) Humidity Test Category;
(iii) Vibration Test Category;
(iv) Conducted Audio-Frequency Susceptibility Test Category;
(v) Radio-Frequency Susceptibility Test Category;
(vi) Emission of Spurious Radio-Frequency Energy Test Category, and
(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designated to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne VHF radio communications transmitting equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne VHF radio communications transmitting equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

§ 514.63 VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C38b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio communications receiving equipment manufactured for use on air carrier aircraft on or after (the effective date of this section) * shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 130–61/DO–109 [2] dated July 13, 1961, and 120–61/DO–108 [2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 130–61/DO–109, Paragraph 2.8, Selectivity, outlines selectivity requirements for receivers designed for selection of frequency channels in discrete increments of 50 kc. or 100 kc. Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this section:
(a) Temperature-Altitude Test—Categories A, B, C, or D;
(b) Humidity Test—Categories A or B;
(c) Vibration Test—Categories A, B, C, D, E, or F;
(d) Conducted Audio-Frequency Susceptibility Test—Categories A or B;
(e) Radio-Frequency Susceptibility Test—Category A, and
(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlines in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right the category designations shall appear on the nameplate in the following order, so that they may be readily identified:
(i) Temperature-Altitude Test Category;
(ii) Humidity Test Category;
(iii) Vibration Test Category;
(iv) Conducted Audio-Frequency Susceptibility Test Category;
(v) Radio-Frequency Susceptibility Test Category;
(vi) Emission of Spurious Radio-Frequency Energy Test Category, and
(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designed to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne VHF radio communications receiving equipment shall be produced under a quality control system established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne VHF radio communications receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on March 8, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–2481; Filed, Mar. 14, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–68]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6454 and 60.6454 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 454 is designated in part from Liberty, N.C., to Lawrenceville, Va. It is proposed to extend Victor 454 and its associated control areas from the Lawrenceville VOR to the Hopewell, Va., VORTAC. The extension of Victor 454 as proposed herein would provide a bypass route around the Richmond, Va., terminal area for northbound aircraft en route to New York, N.Y., and points beyond.

The control areas associated with this segment of Victor 454 would extend from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 8, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2479; Filed, Mar. 14, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–110]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6001, 600.6044, 600.6238 and 601.6238 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following actions:

1. Low altitude VOR Federal airway No. 1 is designated in part from the Waterloo, Del., VOR via the intersection of the Waterloo VOR 023° and the Barnegat, N.J., VOR 233° True radials; to the Barnegat VOR. It is proposed to realign this segment of Victor 1 and its associated control areas from the Waterloo VOR via the intersection of the Waterloo VOR 023° and the Atlantic City, N.J., VORTAC 238° True radials; Atlantic City VORTAC; to the Barnegat VOR.

2. Low altitude VOR Federal airway No. 44 is designated in part from the Kenton, Del., VORTAC via the intersection of the Kenton VORTAC 086° and the Barnegat VOR 233° True radials; to the Barnegat VOR. It is proposed to realign this segment of Victor 44 and its associated control areas from the Kenton VORTAC via the intersection of the Kenton VORTAC 086° and the Atlantic City VORTAC 238° True radials; Atlantic City VORTAC; to the Barnegat VOR.

3. Low altitude VOR Federal airway No. 238 is designated in part from the Woodstown, N.J., VOR to the intersection of the Woodstown VOR 106° and the Barnegat VOR 233° True radials. It is proposed to realign this segment of Victor 238 and its associated control areas from the Woodstown VOR via the Millville, N.J., VOR; to the Atlantic City VORTAC.

The airway alterations proposed herein would align Victor 1, 44 and 238 via the Atlantic City VORTAC. Victor 238 would also be aligned via the Millville VOR. This would provide better navigational guidance along these airways in the vicinity of Atlantic City. The control areas associated with these segments of Victor 1 and 44 are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated. The control areas associated with Victor 238 would extend from 700 feet above the surface to the base of the continental control area pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 8, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–2480; Filed, Mar. 14, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R–209]

STATEMENTS AND REPORTS (SCHEDULES)

Annual Report for Municipal Electric Utilities (Classes A and B); Notice of Proposed Rule Making

MARCH 8, 1962.

Promulgation of Annual Report Form prescribed for Classes A and B Municipal

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* The effective date will be 90 days after publication of the adopted rule.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue, NW., Washington 25, D.C. Paper 130–61/DO–109, 45 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

Electric Utilities subject to the requirements of the Federal Power Act, F.P.C. Form 1–M, Docket No. R–209.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to prescribe, effective for the reporting year 1961, a new annual report form, F.P.C. Form No. 1–M, for use by Classes A and B municipal electric utilities. Heretofore, "municipalities" as that term is defined in section 3 of the Federal Power Act were required to file F.P.C. Form No. 1.[1] However, Order No. 238 of December 7, 1961 (26 F.R. 11897, December 13, 1961) relieved municipal utilities of the responsibility of filing F.P.C. Form No. 1. In that order it was stated that the Commission contemplated the promulgation of a separate new form for use by Classes A and B municipal electric utilities in reporting financial and statistical data (26 F.R. 11898).

3. The proposed form [2] is designed for the particular needs of municipal electric utilities. It is simpler and briefer than the supplemented F.P.C. Form No. 1 which was used heretofore by Classes A and B municipal utilities.

It should be noted that the new form is to be filed by municipal electric utilities classified to Classes A and B; i.e., municipal electric utilities with annual electric operating revenues of $1,000,000 or more. Order No. 209 of December 11, 1958 (23 F.R. 9710, December 17, 1958; 20 F.P.C. 809) relieved Class C and Class D municipal electric utilities of the obligation to file annual financial and statistical reports, F.P.C. Forms Nos. 1–A and 1–C with this Commission.

4. Additional factors indicating the need for the promulgation of the proposed form are as follows:

(a) Pursuant to section 201 of the Federal Power Act, municipal electric utilities are not subject to certain provisions of the Federal Power Act, although they are, of course, required by section 311 of the Power Act to file reports of statistical and financial data;

(b) The average of Classes A and B municipal electric utilities usually has annual operating revenues of less than five million dollars so its operations are less complex than those of the average private Class A and B electric utilities; and

(c) The simpler format and reporting requirements of the proposed form should facilitate prompt filing of the requested data and expedite the work of the Commission staff.

5. It is also to be noted that the General Instructions in the proposed report form state among other things that: "If the respondent publishes financial and operating statements of its utility department submit three copies of such statements with this report." Inclusion of such reports should provide pertinent information concerning aspects of the municipal utilities' operations not ascertainable by a standardized form.

6. The proposed new annual report form, F.P.C. Form No. 1–M and the proposed new § 141.7 of the Commission's regulations under the Federal Power Act herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4 (a), (b), 309, and 311 thereof (49 Stat. 838, 839, 858, 859; 16 U.S.C. 796, 797 (a), (b), 825h, 825j).

7. Accordingly, it is proposed to amend Part 141, Statements and Reports (Schedules), of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a new § 141.7 to the regulations under the Federal Power Act to read as follows:

§ 141.7 Form 1–M, Annual Report for municipal electric utilities (Classes A and B).

(a) The form of Annual Report for Classes A and B municipal electric utilities, designated as F.P.C. Form 1–M in the Commission's regulations under the Federal Power Act is prescribed for the calendar year 1961 and fiscal years ending in 1961 and thereafter.

(b) Each "municipality" as defined in section 3 of the Federal Power Act, (each city, county, irrigation district, or other subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, anywhere in the United States and its possessions, having annual electric operating revenues of $1,000,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for each calendar year or fiscal year ending after January 1, 1961, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year ending during 1961 may be filed on or before ----------) an original and two conformed copies all properly filled out and verified.

(c) One copy of said report should be retained by the municipality in its files. The conformed copies may be carbon copies if legible.

(d) This annual report contains the following condensed schedules:

Identification.
General Instructions.
Verification.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Electric Operating Expenses.
Purchased Power.
Utility Plant.
Accumulated Provisions for Depreciation of Utility Plant.
Long-Term Debt.
Contributions and Services During the Year.
Electric Energy Account.
Generating Station Statistics.
Steam Generating Stations.
Hydroelectric Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During the Year.

8. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 9, 1962, data, views, comments and suggestions in writing concerning the proposed new annual report form for municipal electric utilities. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2492; Filed, Mar. 14, 1962; 8:47 a.m.]

[1] For the calendar years 1937 through 1952 "municipal" licensees were also required by § 141.1 to file the Licensed Project Section of F.P.C. Form No. 1. By force of the Act of August 15, 1953 (67 Stat. 587; 16 U.S.C. 828) municipal licensees were relieved of filing the Licensed Project Section of F.P.C. Form No. 1 for the calendar year 1953 and years subsequent.

[2] Filed as part of the original documents.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 2]

SMALL BUSINESS SIZE STANDARDS

Furniture and Fixtures Industry

On January 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 488) a notice of hearing to be held for the furniture and fixtures industry to determine the appropriate small business size standard to be applied to that industry. On February 28, 1961, such hearing was held and testimony received.

On October 21, 1961, a notice of proposal to amend the definition of small business for the furniture and fixtures industry was published in the FEDERAL REGISTER (26 F.R. 9917).

Interested persons were invited to make oral statements at the hearing or to file with the Director, Office of Small Business Size Standards, 811 Vermont Avenue NW., Washington 25, D.C., written statements of facts, opinions or arguments concerning the proposed definition of small business for the furniture and fixtures industry. The present definition of small business for the furniture and fixtures industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has an average employment of 500 employees or less.

The hearing was held in accordance with the notice.

After consideration of all such relevant matters as were presented by interested parties at the hearing and in written statements, and after consideration of past Government procurements for the products of this industry, it has been determined that the present definition of small business for the furniture and fixtures industry should not be changed.

Dated: February 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–2516; Filed, Mar. 14, 1962; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62–2]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from December 12, 1961 to January 30, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/525/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Crystal Lake, Illinois; and Hazelhurst, Georgia, for S. H. Barton and Co., 4910 South Vermont Avenue, Los Angeles 37, California, effective December 12, 1961.

Approval No. 160.047/526/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

SEARCHLIGHTS, MOTOR LIFEBOAT

Approval No. 161.006/1/0, One-mile-ray, Type N Motor-lifeboat Searchlight, dwg. No. FA–4615, manufactured by The Portable Light Co., Inc., 65 Passaic Avenue, Kearny, N.J., effective January 19, 1962. (It is a change of address of manufacturer and extension of Approval No. 161.006/1/0 dated July 31, 1957.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/36/0, Type 1905, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 150 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/36/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/37/0, Type 1906, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/37/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/38/0, Type 1910, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/38/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/39/0, Type 1912, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 600 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/39/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/48/0, Type 1905 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 150 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/48/0 dated January 16, 1961, to

show change of address of manufacturer.)

Approval No. 162.018/49/0, Type 1906 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/49/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/50/0, Type 1910 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/50/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/51/0, Type 1912 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 600 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/51/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/52/0, Type 1905–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 150 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/52/0 dated January 12, 1961, to show change of address of manufacturer.)

Approval No. 162.018/53/0, Type 1906–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/53/0 dated January 12, 1961, to show change of address of manufacturer.)

Approval No. 162.018/54/0, Type 1910–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/54/0 dated January 12, 1961, to show change in address of manufacturer.)

Approval No. 162.018/55/0, Type 1912–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 600 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/55/0 dated January 12, 1961, to show change of address of manufacturer.)

STRUCTURAL INSULATIONS

Approval No. 164.007/33/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210–2075: FR 3592, dated July 24, 1961, and Underwriters' Laboratories, Inc. Reports Retardant 4374, dated February 25, 1960, 4374–2, dated June 20, 1960, and 4374–3, dated October 10, 1960. For use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by Zonolite Co., 135 South La Salle Street, Chicago 3, Ill., effective January 16, 1962.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/15/0, Group aproval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Seashore Upholstering Co., Marmora, N.J., effective January 30, 1962. (Approved Federal Register January 30, 1957. Terminated January 30, 1962. Item no longer manufactured.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Termination of Approval No. 162.018/24/1, Consolidated 4'' Type 1661 safety relief valve for liquefied compressed gas service, carbon steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661, undated, approved for a maximum set pressure of 250 p.s.i., flow-rated at 110% of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p.s.i.a.):

Set pressure, p.s.i.	Discharge capacity, c.f.m. air
100	5490
150	7780
200	9880
250	11960

manufactured by Manning, Maxwell and Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective January 16, 1962. (Approved FEDERAL REGISTER August 31, 1957. Terminated January 16, 1962. Item no longer manufactured.)

Termination of Approval No. 162.018/46/0, Consolidated 4'' Type 1661S safety relief valve for liquefied compressed gas service, stainless steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661S, undated, approved for a maximum set pressure of 250 p.s.i., flow-rated at 110 percent of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p.s.i.a.):

Set pressure, p.s.i.	Discharge capacity, c.f.m. air
100	5490
150	7780
200	9880
250	11960

manufactured by Manning, Maxwell and Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective January 16, 1962. (Approved FEDERAL REGISTER August 31, 1957. Terminated January 16, 1962. Item no longer manufactured.)

Dated: March 8, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–2521; Filed, Mar. 14, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Alaska Public Sale Act Classification No. 27; Cancellation

MARCH 5, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby cancel Alaska Public Sale Classification Order No. 27 of May 28, 1957 (22 F.R. 3924) in its entirety which classified the following lands for sale under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e) for comercial and/or industrial purposes:

Parcel 1

Commencing at Corner No. 1 hereof, identical with Corner 2, U.S. Survey 1082, thence south, along the boundary between the Tongass National Forest and the herein described land under the jurisdiction of the Bureau of Land Management, a distance of 47.87 chains, to Corner No. 2 hereof; thence west 34 chains more or less to Corner No. 3 hereof, a point on the southerly boundary line between the tract herein described and the said Tongass National Forest; thence N. 49° W., along said boundary line a distance of 7.85 chains more or less to Corner No. 4 hereof, identical with Corner 4 U.S. Survey 3281; thence N. 47°48' E., a distance of 9.776 chains to Corner 3, U.S. Survey 3281; thence N. 21°00' E., a distance of 9.286 chains to Corner No. 2, U.S. Survey 3281 identical with Corner No. 5 hereof; thence N. 87°12' E., to Corner No. 6 hereof identical with Corner 2, H.E.S. 119; thence N. 0°43' E., 7.21 chains to Corner No. 7 hereof, identical with meander Corner 1; H.E.S. 119; thence in a northerly direction meandering along the line of mean high tide of Fish Creek Bay a distance of 20 feet more or less to Corner No. 8 hereof; identical with meander Corner 2, H.E.S. 178; thence N. 36°52' E., 16.80 chains to Corner No. 9 hereof, identical with meander Corner 1, H.E.S. 178; thence northwesterly along the line of mean high tide of Fish Creek Bay to Corner No. 10, hereof, identical with Corner 4, U.S. Survey No. 2561; thence north 5.60 chains to Corner No. 11 hereof, identical with Corner 1, U.S. Survey No. 2561; thence east 14.37 chains, along the southerly boundary line of U.S. Survey No. 1082, which course is also shown as being S. 89°56' E., on the plat of U.S. Survey No. 2561, to Corner 1 hereof, identical with Corner No. 2 of said U.S. Survey No. 1082, the place of beginning;

Containing approximately 100 acres.

Parcel 2

Commencing at Corner No. 1, the point of beginning, identical with meander Corner 5, H.E.S. 119, a point on the line of mean high tide of Fish Creek Bay, thence meandering along the line of mean high tide which bounds said Fish Creek Bay on the west and following said line of mean high tide around Entrance Point and continuing along said line in a southeasterly direction along Fritz Cove to Corner No. 2 hereof, identical with meander Corner 4, H.E.S. 119; thence N. 71°57' E., 1.67 chains to Corner No. 1, the place of beginning;

Containing approximately 10 acres.

Parcel 3

Commencing at Corner No. 1 hereof, Corner 2 U.S. Survey 1082; thence north along the easterly boundary of said survey 1082, or north 0°7' W., as is shown on the plat of U.S. Survey 2560, a distance of 15.58 chains, more or less, to Corner 4, Lot D, U.S. Survey 2560; thence 6.98 chains east along the southerly boundary of said Lot D; thence north 7 chains along the east boundary of said Lot D; thence N. 28°45' E., 6.26 chains along the easterly boundary of Lot C; thence N. 45°55' E., 7.40 chains along the easterly boundary of Lot B of said U.S. Survey 2560; thence N. 19°35' E., 7.10 chains along the easterly boundary of Lot A in said survey; thence south to a point which would intersect an easterly extension of the northerly boundary, Line 1–2, of said Lot D; thence S. 20°00' W., to a point on the boundary of the Tongass National Forest; thence N. 81° 00' W., to Corner No. 1, the point of beginning;

Containing 35 acres, more or less.

2. This order will become effective immediately.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–2497; Filed, Mar. 14, 1962; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination; Correction

MARCH 7, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on Page 1783 of the FEDERAL REGISTER, issued for Saturday, February 24, 1962 (F.R. Doc. 62–1858; Filed Feb. 23, 1962; 8:46 a.m.) is hereby corrected as to land in T. 5 S., R. 1 E., SBM, Section 11, by deleting the first legal description NW¼ and replacing it with NE¼.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–2498; Filed, Mar. 14, 1962; 8:49 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 7, 1962.

Notices of an application, Serial No. Colorado 017977, for withdrawal and reservation of lands were published as Federal Register Document No. 58–8258 on Page 7770 of the issue for October 8, 1958, as Federal Register Document No. 59–2754 on Page 2564 of the issue for April 2, 1959, and as Federal Register Document No. 59–6337 on Page 6204 of the issue for August 1, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 12, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 14 W.,
Sec. 6, all.
T. 36 N., R. 14 W.,
Sec. 29, all portions of the NW¼NW¼ lying south of the right-of-way for U.S. Highway 160.
Sec. 30, SW¼SE¼ and all portions of the N½NE¼ lying south of the right-of-way of U.S. Highway 160.
Sec. 31, lots 2, 3, 4, the E½W½, W½E½, and the E½SE¼.

The above area aggregates approximately 1,199 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62–2499; Filed, Mar. 14, 1962; 8:49 a.m.]

[Utah (I–42)]

UTAH

Notice of Proposed Withdrawal of Lands for Reclamation Purposes

MARCH 7, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial No. Utah 079344, for the withdrawal of the lands described below, in Summit County, Utah, to the extent only of modifying the continuing full operation of public land laws necessary to maintain consistency with reclamation law and project development, subject to existing valid claims.

The applicant desires the land for the construction, operation, and maintenance of the Provo River Channel Revision, a Provo River Project feature. The areas requested are confined to those considered to fulfill only the absolute needs of project construction, operation and maintenance.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 3 S., R. 7 E.,
Sec. 2: NW¼NE¼NW¼SW¼, SE¼NW¼NW¼SW¼;
Sec. 3: W½SE¼SE¼SE¼;
Sec. 7: S½SW¼SE¼;
Sec. 10: E½NW¼NW¼SE¼, W½SW¼NW¼SE¼;
Sec. 16: S½S½NW¼NW¼SW¼, N½SW¼NW¼SW¼.

The above area aggregates 47.5 acres.

D. E. JENSON,
Acting State Director.

[F.R. Doc. 62–2500; Filed, Mar. 14, 1962; 8:49 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

Plat of survey of lands described below will be officially filed at the Land Office, Reno, Nevada, effective at 10:00 a.m. on the 31st day following the publication of this notice.

MOUNT DIABLO MERIDIAN, NEVADA

1. T. 14 N., R. 71 E. (Group 375),
Secs. 6, 7, 18, 19, 30, 31.

The area described aggregates 1,757.52 acres. The plat was accepted November 16, 1961.

a. Available data indicates the lands included in this plat are principally a light shallow sand to sandy clay, covered with a dense undergrowth of desert vegetation.

2. The lands dscribed above in paragraph 1 have been subject to operation of the United States mining laws and mineral leasing laws at all times.

3. Subject to any existing valid rights and the requirments of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on the 31st day following publication, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

H. CURT HAMMIT,
Manager, Nevada Land Office.

[F.R. Doc. 62-2519; Filed, Mar. 14, 1962; 8:53 a.m.]

[Classification No. 212]

NEVADA

Small Tract Classification; Amendment

Effective March 9, 1962, paragraph 1 is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order 684, dated August 28, 1961 (26 F.R. 8216) and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 115 acres in Washoe County, Nevada as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended.

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 36, E½NE¼NW¼, S½NW¼NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, NE¼SW¼.

The area described aggregates 115 acres.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

MARCH 9, 1962.

[F.R. Doc. 62-2535; Filed, Mar. 14, 1962; 8:55 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective March 9, 1962 Federal Register Document 53-8583 appearing on pages 6413-14 of the issue of October 8, 1953 is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 36, NE¼NE¼NW¼SE¼, SW¼NW¼NW¼SE¼, NW¼SW¼NW¼SE¼, N½SE¼NW¼SE¼, SE¼SE¼NW¼SE¼, SE¼SW¼NE¼SE¼, S½SE¼NE¼SE¼, W½NW¼SW¼SE¼, NW¼NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, SW¼NW¼SE¼SE¼, NE¼NE¼SE¼SE¼, N½SW¼SE¼SE¼, NW¼SE¼SE¼SE¼.

The area described aggregates 45 acres.

2. The land included in this amendment is located in greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on April 12, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

MARCH 9, 1962.

[F.R. Doc. 62-2534; Filed, Mar. 14, 1962; 8:55 a.m.]

National Park Service

INSIGNIA

I hereby prescribe the "Arrowhead Symbol" which is depicted below as the insignia of the National Park Service of the Department of the Interior.

In making this prescription, I hereby give notice that whoever manufactures, sells, or possesses this symbol, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph or print, or any colorable imitation thereof without authorization from the United States Department of the Interior is subject to the penalties prescribed in section 701 of Title 18 of the United States Code.



Dated: March 7, 1962.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

[F.R. Doc. 62-2404; Filed, Mar. 14, 1962; 8:45 a.m.]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Notice of Acceptance by the Secretary of the Interior of Exclusive Jurisdiction Over Certain Lands

Take notice that effective as of the first day of February 1962 at 12 m. Mountain Standard Time, the United States accepted exclusive jurisdiction, ceded by the Act of the General Assembly of the State of Colorado (Senate Bill No. 70, approved April 21, 1961), over those portions of Rocky Mountain National Park added thereto by the following: Proclamation No. 1917 (46 Stat. 3029), July 17, 1930; Proclamation No. 1985 (47 Stat. 2498), January 11, 1932; Proclamation No. 2160 (49 Stat. 3501), March 5, 1936; act of August 24, 1949 (63 Stat. 626); Proclamation No. 3144 (70 Stat. C45), June 27, 1956; Proclamation No. 3374 (25:9 FR 9284), September 23, 1960; subject to certain reservations contained in the Act of the General Assembly of the State of Colorado (Senate Bill No. 70), ceding jurisdiction to the United States over said lands, approved April 21, 1961. This acceptance was effected by notifying the Governor of the State of Colorado by a letter dated January 18, 1962, signed by Stewart L. Udall, Secretary of the Interior.

This letter reads as follows:

DEAR GOVERNOR MCNICHOLS:

Notice is hereby given, in accordance with the provisions of the act of February 1, 1940 (54 Stat. 19; 40 U.S.C., sec. 255), and by virtue of authority contained in the act of January 26, 1915 (38 Stat. 798; 16 U.S.C., sec. 191), establishing Rocky Mountain National Park, that effective as of the first day of February 1962, at 12 m., Mountain Standard Time, the United States accepts the cession of legislative jurisdiction made by the Act of the General Assembly of the State of Colorado (Senate Bill No. 70), approved April 21, 1961, over all lands added to the park subsequent to February 19, 1929, subject to the reservations set out in the State cession act as follows:

". . . saving, however, to the state of Colorado all criminal and civil jurisdiction over the existing sixty feet in width right-of-way of the westbound traffic lanes of State Highway No. 262, also known as the Moraine Park road, and a strip of land thirty feet to either side of the center line of the eastbound traffic lanes lying south of the westbound traffic lanes of said State Highway No. 262, together with the connecting roads between the eastbound and westbound traffic lanes of said highway, as rerouted and constructed by the United States where such lie within the boundaries of aforesaid National Park in the Northwest Quarter of Section 35, Township 5 North, Range 73 West of the 6th P.M.; also, saving to the state of Colorado the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving to the state the right to tax persons and corporations, their franchises and property on lands included in the added tracts, and saving to persons residing in said park the right to vote at all elections held within the county or counties in which the tracts are situated, and saving to all persons residing within the park upon lands now privately owned within the addition to the park, access to and from such lands, and all rights and privileges as citizens of the United States, and saving to the people of Colorado all vested, adjudicated, appropriated, and existing water rights and rights of way connected therewith, including all existing domestic or irrigation conduits and ditches.

The lands covered by this notice are those added to the park pursuant to the following acts of Congress and Presidential Proclamations and as shown on the three topographic maps of Rocky Mountain National Park enclosed herewith:

July 17, 1930—Proclamation No. 1917 (46 Stat. 3029).

January 11, 1932—Proclamation No. 1985 (47 Stat. 2498).

March 5, 1936—Proclamation No. 2160 (49 Stat. 3501); Act of August 24, 1949 (63 Stat. 626).

June 27, 1956—Proclamation No. 3144 (70 Stat. C45).

September 23, 1960—Proclamation No. 3374 (25:9 FR 9284).

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date and time of its receipt, and return it to this Department. There is enclosed for your convenience a stamped, self-addressed envelope.

Sincerely yours,

[s] STEWART L. UDALL,
Secretary of the Interior.

Hon. STEPHEN R. MCNICHOLS,
Governor of Colorado,
Denver, Colorado.

Enclosures

Received this 22 day of January, 1962, at 10 a.m.

[s] STEPHEN R. MCNICHOLS,
Governor of Colorado.

Dated: March 8, 1962.

CONRAD L. WIRTH,
Director, National Park Service.

[F.R. Doc. 62-2507; Filed, Mar. 14, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 300]

E. SCHNELLMAN ING. & CO. ET AL.

Default Denial and Probation Order

In the matter of E. Schnellman, Ing. & Co., Ramistrasse 33, Zurich, Switzerland; Eugen Siegrist, Wiltisgasse 2a, Kusnacht, Switzerland; Richard Frei, Wasserschopfi 8, Zurich, Switzerland; Hans Hangartner, Neuhausstrasse 45, Uitikon, Switzerland; Respondents, Case No. 300.

E. Schnellman Ing. & Co., of Zurich, Eugen Siegrist of Kusnacht, Richard Frei of Zurich, and Hans Hangartner of Uitikon, all in Switzerland, the respondents herein, were charged by the Director, Investigation Staff, Bureau of International Programs (formerly Bureau of Foreign Commerce, hereafter referred to as BFC), U.S. Department of Commerce, with violations of the Export Control Act of 1949, as amended, and of the Export Regulations issued thereunder (Title 15, Chapter III, Subchapter B, CFR, 23 F.R. 4177 et seq.) in that, as alleged, they obtained electric generators from a U.S. supplier for shipment to the firm of E. Schnellman Ing. & Co., Zurich, Switzerland, of which Siegrist was then a partner and Frei an employee, without disclosing their knowledge that said generators were to be transshipped to a Sino-Soviet bloc destination, and that said generators were then transshipped by the respondents to a Sino-Soviet bloc destination contrary to the destination control clauses on the commercial documents received by the respondents in advance of the receipt of the shipments covered therein. Hangartner was an established sub-distributor for the Schnellman firm.

Respondents Siegrist and Hangartner did not answer nor contest the charging letter, and were therefore deemed to be in default by the Compliance Commissioner, to whom the matter was referred in accordance with BIP practice. Frei sent a letter in which he admitted that he made the translations, but asked for leniency and to be absolved from blame by reason of his position. He was therefore considered a respondent answering the charges. He did not request a hearing nor to be represented at any subsequent proceedings. Some time after the hearing herein, Hangartner sent a letter admitting transshipment of the two steam generators to a Sino-Soviet bloc destination but claimed no knowledge he was thereby violating U.S. export control law by his actions. The firm of E. Schnellman Ing. & Co. also wrote a letter denying the charges against it, and was joined in this proceeding as a respondent contesting the charges set forth above, the basis for the combined default proceeding and contested hearing.

The Compliance Commissioner has reported that the evidence supports the finding of the violations charged against them and has recommended that Siegrist and Hangartner be denied export privileges for so long as export controls remain in effect, and that Richard Frei and E. Schnellman Ing. & Co. each be put on probation for a period of one year.

Now after considering the entire record consisting of the charging letter, the evidence submitted in support hereof, the answers, the transcript of hearing, and the reports and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereafter mentioned the firm of E. Schnellman Ing. & Co., hereafter referred to as Schnellman, was engaged in the import and export business in Zurich, Switzerland. Hangartner was at all times hereafter mentioned a sub-distributor of U.S. origin commodities for Schnellman and others.

2. On or about May 23, 1958, Schnellman through the acts of Siegrist and Frei ordered from a United States supplier two steam generators with accessories, for 72 volt direct current.

3. On or about July 30, 1958, under GRO, the United States supplier exported the above described generators from the United States to Antwerp, Belgium, for Schnellman in Zurich, Switzerland, as ultimate consignee and destination.

4. The bill of lading and commercial invoice from the supplier covering the above exports have on their face the destination control clauses, which prohibited disposition of the commodities to the Sino-Soviet bloc, unless otherwise authorized by the United States authorities.

5. At the time Siegrist and Frei placed the aforesaid order for Schnellman with the supplier, they knew or had reason to know that the ultimate destination of the generators would be in a country in the Sino-Soviet bloc.

6. On the arrival of the said generators in Switzerland, Siegrist arranged a diversion with Hangartner according to plan, with knowledge of the violation of the U.S. Export Regulations, and notwithstanding the notice in the destination control clauses on the face of the bill of lading and commercial invoice already received. Because of his role as established agent for and distributor of U.S. origin manufactured goods Hangartner was chargeable with knowledge of and did know of the U.S. export policy set forth in the said destination control clauses. Thus they knowingly caused the generators to be diverted, transshipped and re-exported from Switzerland to a Sino-Soviet bloc destination in violation of the GRO restrictions, and the U.S. export regulations.

7. Neither E. Schnellman, the principal shareholder in E. Schnellman Ing. & Co., nor Richard Frei personnally received any business advantage directly

from the transaction nor participated (other than in clerical functions performed by Frei) in the export transactions and transshipment.

After consideration of the entire record and from the above findings of fact, I have reached the following conclusions:

(1) Eugen Siegrist and Hans Hangartner knowingly

(a) directly and indirectly concealed from the Bureau of Foreign Commerce, now the Bureau of International Programs, at the time they had the Schnellman firm order the generators from a U.S. supplier, the true ultimate consignee and destination of the generators, thereby violating § 381.5 of the Export Regulations.

(b) caused the said generators to be transshipped from Switzerland to a Sino-Soviet bloc destination, thereby violating §§ 381.2, 381.4, and 381.6 of the Export Regulations.

(2) While E. Schnellman Ing. & Co., and Richard Frei participated in a technical manner in the violations set forth in (1) (a) above, they presented evidence of mitigating circumstances to reduce their responsibility in the transactions involved herein.

Now after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated licenses in which Eugen Siegrist and Hans Hangartner appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. The respondents, E. Schnellman Ing. & Co., and Richard Frei, are placed on probation for one year from the date hereof subject to the revocation of such probation in the manner hereinafter provided. The condition of this probation, for the period stated, is that each such respondent, during the time that he is subject to such probation, shall comply in all respects with all the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. At any time during or subsequent to the period when any respondent herein is subject to probation as hereinabove provided, an order may be entered without notice to the respondent affected, pursuant to which order such respondent's probation may be revoked summarily upon a finding by the Director of the Office of Export Control or such other official as may at that time be exercising the duties now exercised by him that at any time during the time that any such respondent is or has been under probation by reason of this order such respondent has knowingly failed to comply with any requirement of this order or any requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. In that event, the supplemental order to be entered against such respondent may deny all export privileges for up to the duration of the time while export controls remain in effect. The entry of such supplemental order shall not prevent the Bureau of International Programs from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, a respondent aggrieved thereby shall have the right to appeal therefrom, as provided in the Export Regulations.

III. So long as export controls shall be in effect, respondents Eugen Siegrist and Hans Hangartner hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith; (c) in the obtaining or using of any validated or general export license, or other export control document, (d) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e), in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part III hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. Should respondent Eugen Siegrist or Hans Hangartner against whom this order has been issued in default, desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof to set aside his default and vacate the order against him entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations and will be disposed of in accordance with the procedure set forth therein.

Dated: March 12, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2530; Filed, Mar. 14, 1962; 8:55 a.m.]

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of sections 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of February 15, 1962.

MARVIN S. PLANT.

MARCH 5, 1962.

[F.R. Doc. 62-2518; Filed, Mar. 14, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13424]

AERONAVES DE MEXICO, S.A.

Notice of Prehearing Conference

In the matter of the application of Aeronaves de Mexico, S.A. under section 402 of the Federal Aviation Act of 1958, as amended, for an amendment and modification of its Foreign Air Carrier Permit so as to authorize foreign air transportation of persons, property and mail between the terminal point La Paz, Baja California, and the terminal point Los Angeles, California, via intermediate points in Mexico.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 16, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2527; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. 11620]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 2, 1962, at 10:00 a.m., local time, in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the Board has jurisdiction over the acquisition of control of Northeast by Hughes and/or Toolco under section 408(a) of the Act?

2. Whether the acquisition of control of Northeast by Hughes and/or Toolco is consistent with the public interest? In resolving this, the following matters will be considered:

(a) Is Toolco financially able to render effective support to Northeast so as to enable Northeast to provide effective competitive service? Will the acquisition of control of Northeast by Toolco result in improved or impaired service by Northeast?

(b) Will the acquisition of control of Northeast by Toolco promote sound competition among air carriers?

(c) Are the terms of the acquisition and the agreements between Toolco and Northeast fair and reasonable with respect to Northeast and consistent with the policies of the Federal Aviation Act, as amended?

(d) What effect, if any, will the acquisition have upon Northeast's breakeven position (including return on investment) and on its subsidy requirements, if any?

(e) What effect, if any, will the acquisition have upon the employees of Northeast?

(f) Whether, in connection with the acquisition and/or financing of aircraft equipment by TWA, Toolco has exercised its control over TWA in compliance and conformity with the Board Order of October 17, 1944, in Docket 1182 (6 C.A.B. 153), as amended, and whether with respect to such acquisition and/or financing Toolco has otherwise conducted itself in a manner authorized or approved by the Federal Aviation Act of 1958, as amended, and the regulations and orders of the Board thereunder?

(g) Whether Toolco or Hughes has already acquired control over Northeast in contravention of said Act or any regulations or orders of the Board or otherwise failed to conform to the provisions of said Act, regulations or orders?

(h) What conflicts of interest, if any, will result from the acquisition?

(i) What effect, if any, will the acquisition have upon the "honest, economical and efficient management" of Northeast?

(j) Will operations of Northeast after the acquisition insure the highest degree of safety in air transportation?

3. Whether the acquisition will result in creating a monopoly and thereby restrain competition or jeopardize another carrier not a party thereto?

4. Whether the Board should approve the acquisition and what terms and conditions, if any, should it attach to its approval?

5. Whether the Board should disapprove the acquisition and what relief should be ordered in the public interest?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before April 2, 1962, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., March 9, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-2528; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. 13432]

UNITED PASSENGER FARES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 27, 1962 at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., March 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2529; Filed, Mar. 14, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14532]

HARRY E. MAHONEY

Order To Show Cause

In the matter of Harry E. Mahoney, Key Largo, Florida, Docket No. 14532; order to show cause why there should not be revoked the license for radio station 7W0734 in the citizens radio service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 7W0734;

It appearing that, at various times between August 1, 1961, and December 13, 1961, and particularly on August 1, 1961, November 13, 1961, and December 13, 1961, the antenna at a fixed location of Citizens Radio Station 7W0734 exceeded twenty feet in height above the man-made structure on which it was mounted, in violation of Section 19.25(c) of the Commission's rules; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 19.25(c) of the Commission's rules;

It is ordered, This 7th day of March 1962, pursuant to Section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the license for Citizens Radio Station 7W0734 should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order to Harry E. Mahoney, P.O. Box 142, Key Largo, Florida, by Certified Mail (Airmail)—Return Receipt Requested.

Released: March 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2545; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket No. 14563; FCC 62-267]

MULLINS & MARION BROADCASTING CO. (WJAY)

Order Designating Application for Hearing on Stated Issues

In re application of the Mullins & Marion Broadcasting Company (WJAY), Mullins, South Carolina, has: 1280 kc, 1 kw, Day, req: 1280 kc, 5 kw, Day, Docket No. 14563, File No. BP-14308; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station WJAY as proposed but that the proposed operation of Station WJAY will cause interference to Station WSAT, Salisbury, North Carolina; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant appli-

cation is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and population which may be expected to gain or lose primary service from the proposed operation of Station WJAY and the availability of other primary service to such areas and populations.

2. To determine whether the proposed objectionable interference to Station WSAT, Salisbury, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Mid-Carolina Broadcasting Company, licensee of Station WSAT, Salisbury, North Carolina, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date filed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(2)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2546; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket Nos. 14557, 14558; FCC 62-251]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Page Boy Radio Corporation, Detroit Michigan, Docket No. 14557, File No. 2133-C2-P-61; for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan; New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File Nos. 138-C2-ML-62, and 1149-C2-ML-62; for modification of license of station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

1. New York Technical Institute of Cincinnati, Inc. (hereinafter called New York Tech) and Page Boy Radio Corporation (hereinafter called Page Boy) are each seeking to establish new one-way signaling facilities in the Domestic Public Land Mobile Radio Service at Detroit, Michigan. Both propose a selective-signaling type operation in which the subscriber's receiver would remain turned on at all times. When the subscriber is selectively signaled, the receiver assigned to that particular subscriber will emit an audible tone which will cause the subscriber to take some predetermined action. New York Tech and Page Boy each propose to serve subscribers with pocket receivers. In addition, New York Tech proposes to render one-way signaling service to receivers mounted in vehicles and has filed a separate application for this type of service (File No. 1149-C2-ML-62). The New York Tech application to serve pocket receivers is assigned File No. 138-C2-ML-62.

2. At the present time, Detroit is being served by two voice-type one-way signaling facilities. In one-way signaling of the voice-type, a subscriber is required to periodically monitor the base station and listen to a recording containing the code number and short message, or a code number only for all subscribers then being paged. This service is now being offered in the Detroit area by Secretarial and Radio Service, Inc., d/b as Airway Radio System and by New York Tech. New York Tech has for some time, previous to the filing of its captioned applications, provided a selective-signaling, as distinguished from a voice-type service at Detroit. Such a service was not permitted under its existing station authorization. New York Tech now has a Special Temporary Authorization expiring March 19, 1962, to provide a selective-signaling service restricted to receivers mounted in vehicles, thus excluding the rendition of such service to pocket-type receivers. The STA was granted upon New York Tech's representation that service continuity was necessary for public health and safety and was without prejudice to the Commission's consideration of the unauthorized offering of this type of service.

3. The applications of Page Boy and New York Tech, discussed *supra*, propose a similar type one-way selective-signaling service in the Detroit area. It appears that, the captioned applications may be mutually exclusive and that, therefore, a comparative hearing is necessary to determine whether a grant to either or both Page Boy and New York Tech would serve public interest, convenience and necessity.

4. It appears that New York Tech may have engaged in an unauthorized operation in employing type 3A2 emission for the purposes of selective-signaling. Therefore, it is deemed necessary to insert an issue as to the nature and extent of this unauthorized operation in the hearing ordered hereafter.

5. The petition to deny: A petition to deny the application of Page Boy (File No. 2133-C2-P-61) was filed on March 7, 1961 by Ruth Burr, d/b as Airway Radio System. An application for consent to the assignment of station KQD303, Detroit, Michigan, from Ruth Burr, d/b as Airway Radio System, assignor, to Secretarial and Radio Service, Inc., d/b as Airway Radio System (hereinafter called Petitioner) was granted on December 8, 1961. The assignment was a pro forma transaction in that Miss Burr is a principal of the assignee and an officer thereof. No change in policy or operation of the station occurred as a result of this assignment. This assignment has been completed and Petitioner has on file a motion to substitute party in interest. In support of its petition to deny, Petitioner asserts that it is a party in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended, since Petitioner is the licensee of one-way station KQD303, a one-way voice-signaling station licensed in the Domestic Public Land Mobile Radio Service at Detroit, Michigan. Petitioner states that the proposed one-way facility serves the same area now served by Petitioner. Petitioner states Page Boy's proposed station will be in direct competition for revenues and customers in the Detroit area; that Petitioner's one-way station has ample excess capacity to meet existing and future demands for service; that Petitioner's facilities are still not operating at a profit; and that Page Boy's proposed station will cause serious and irreparable damage to Petitioner and may prevent Petitioner from achieving profitable operation to the ultimate detriment of the public it serves.[1]

6. Petitioner filed a supplement to its petition to add an issue concerning Page Boy's character qualifications. Petitioner noted that Mr. Robert C. Storey, one of Page Boy's principals and the proposed manager for Page Boy's station, had been indicted as a co-conspirator in a criminal case involving conspiracy to cheat and defraud. The prosecution of Mr. Storey was subsequently dropped. Petitioner alleges, however, that the Commission should have full and complete information concerning the character of any applicant insofar as any past record showing a propensity to defraud would be material and relevant.

7. *Opposition to petition:* Page Boy asserts that it is seeking authority to render a one-way selective-signaling service to pocket-type receivers in the Detroit area; that Page Boy does not contemplate the transmission of voice messages; that neither of the existing one-way services in Detroit provide the type of service proposed by Page Boy; that while Petitioner's losses by no means establish that Detroit is surfeited with one-way services, they may be attributable to the character of Petitioner's service practices; that there is a strong need for Page Boy's proposal and that even if it were to have a measurable impact upon Petitioner's business, that public interest would warrant the granting of the subject application for the following reasons: (1) the limited acceptance of Petitioner's service offering; (2) the difference in the type of service Page Boy would offer, i.e., selective-signaling as distinguished from voice-signaling; (3) the improvement of the radio art; and (4) better service by competition.[2] and [3]

8. Page Boy requests that Petitioner's Supplement To Petition To Deny Application be disregarded because of failure to seek leave of the Commission for such a filing. Page Boy alleges that Petitioner had knowledge of the charge against Mr. Storey prior to the date of filing its Petition To Deny; and that in view of Petitioner's raising this question in its supplemental petition, an issue should be added as to Petitioner's character qualifications to be a common carrier licensee. Since Petitioner's station at Detroit, KQD303, is now licensed until April 1, 1963, and there is presently no application pending before the Commission by this licensee, Page Boy is in effect, requesting the institution by the Commission of administrative sanctions under Section 312 of our Act.

9. *Disposition of the petition:* We find and conclude that Petitioner is a party in interest. Petitioner is an established common carrier radio licensee offering one-way signaling service generally in the area concerned, who alleges that Page Boy's proposed facility will be in direct competition with the existing facilities of Petitioner.

10. Petitioner has alleged facts, in its petition to deny, which would tend to show, if proved at a hearing, that a grant of the Page Boy application would not serve the public interest, convenience and necessity, and it is necessary to resolve this matter upon an evidentiary hearing. It also appears that the hearing on the petition should be consolidated with the hearing on the captioned applications.

11. There is no basis to disregard Petitioner's Supplement To Petition To Deny Application, since under section 309(d)(1) of the Communications Act of 1934, as amended, and § 21.27(c) of our rules, petitions to deny applications can be filed at any time prior to the day of Commission grant thereof without hearing, or the day of formal designation thereof for hearing.

12. It appears that certain activities of Mr. Storey, a vice president and director of Page Boy and the proposed station's manager, from which an indictment evolved, raise a question as to the qualifications of Page Boy to be a licensee in this service. Therefore, it is deemed necessary that an issue as to the nature and extent of these activities be inserted in the hearing ordered hereafter. There appears to be no basis, upon the pleadings before us, for instituting at this time the administrative sanctions under Section 312 of our Act. However, if upon the record established at the hearing hereafter ordered, information is elicited which would form such a basis, appropriate action will be considered at that time.

13. Page Boy requests special temporary authorization pursuant to § 21.27(b) or in the alternative a conditional grant pursuant to § 21.27(g) of our rules which would authorize it to inaugurate one-way selective-signaling in the Detroit area and cites for authority the Commission's determination in the case of Thomas Joseph Garvey (Docket No. 12699). This case, however, involved a post-grant protest pursuant to section 309(c) of the Communications Act of 1934, as amended, which is not now in effect and under which the Commission could allow a protested grant to remain in effect pending the outcome of a protest hearing if the Commission affirmatively found that the public interest so required and set forth the reasons for its determination. Section 21.27(b) of our rules derives its authority from section 309(f) of the Communications Act of 1934, as amended. The intent of this section is clearly to provide temporary authorization in those cases where extraordinary circumstances require a temporary authorization and a delay in the institution of emergency operation would seriously prejudice the public interest. Here, Page Boy is requesting a new one-way selective-signaling facility. There are presently two licensees offering a one-way paging service in this general area. Although Page Boy proposes a type of service not currently authorized on a regular basis,[5] this is not a situation where extraordinary circumstances are shown nor where a delay in the rendition of the requested service would seriously prejudice the public interest. For the same reasons noted above, there also appears to be no need for a conditional grant of Page Boy's facility, pursuant to § 21.27(g) of our rules.

14. New York Tech on February 27, 1962, filed a petition for immediate grant, or, in the alternative, for an immediate conditional grant of its application to render one-way selective signaling to receivers mounted in vehicles, as distinguished from pocket receivers. Such service is now provided by New York Tech pursuant to special temporary authority granted under § 21.27(b) of our rules, which expires March 19, 1962. New York Tech has represented that the termination of this authority will result in denial of service to 34 existing subscribers with 40 mobile receivers. It appears that the public interest requires such service to be continued without disruption, and that accordingly, a conditional grant should be made pursuant to § 21.27(g)(2) of the rules, of the New York Tech application, to render a selective signaling service to vehicular receivers. The conditional grant is made upon the express condition that it is subject to being withdrawn if, at the hearing hereinafter ordered, it is shown that the public interest will be better served by a grant or denial of all or any of the captioned applications.

15. It also appears that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in one-way signaling service and that the 43 dbu median field strength set forth in § 21.504 is based upon the Commission's Report T.R.R. 3.3.1 entitled "Service Field Intensity Required For Radio Paging Service At 40 Mc/s"; and that the procedures set forth in the Commission's T.R.R. Report No. 4.3.8 "A Summary Of The Technical Factors Affecting The Allocation Of Land Mobile Facilities In The 152 to 158 Megacycle Band" and use of the F(50,50) and F(50,10) radio wave propagation charts for TV Channel 2 (contained in Part 3 of the Commission's rules, and the Commission's Sixth Report and Order in Docket Nos. 8736, et al.) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for evaluation of the service contours and interference potential of the stations proposed in this proceeding.

16. *Accordingly, it is ordered,* Pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, that the petition is granted to the extent indicated herein, and that the captioned applications are designated for hearing on a comparative basis, all of which shall be determined in a consolidated proceeding, on the following issues:

(a) To determine on a comparative basis the nature and extent of the service proposed respectively by Page Boy and New York Tech in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine on a comparative basis the areas and population Page Boy and New York Tech propose to serve within their respective 43 dbu contours, as determined in accordance with the standards set forth in paragraph 15 of this order.

(c) To determine the nature and extent of the activities, in which Mr. Storey (the vice president, director, and proposed station manager of Page Boy) engaged, which resulted in the return of an indictment against him.

(d) To determine in the light of the evidence adduced on issue (c), whether Page Boy possesses the qualifications to

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[1] Station KQD303 is authorized type 6A3 emission, which can be utilized only for voice-signaling. Station KQD303 is not presently authorized nor does it have on file an application for a telegraphic emission (e.g., 3A2) which would be required for selective-signaling service.

[2] As noted previously New York Tech presently provides a selective-signaling service to vehicular receivers only, under an STA which expires March 19, 1962. Page Boy's proposal envisions selective-signaling service solely to pocket receivers.

[3] Page Boy requested leave on April 3, 1961 to file a response to Reply To Opposition To Petition To Deny Application. This request is granted and filing was considered in the disposition hereof.

[4] Page Boy's Supplement to Opposition To Petition To Deny Application filed on April 27, 1961 was not timely filed. This pleading, however, has been accepted and considered. Petitioner stated it has no objection to such acceptance.

[5] Cf. footnote 2, supra.

be a licensee in the Domestic Public Land Mobile Radio Service.

(e) To determine the nature and extent of the unauthorized operation in which New York Tech's Detroit station KQC884 employed type 3A2 emission for the purposes of selective-signaling.

(f) To determine in light of the evidence adduced on issue (e), whether New York Tech possesses the qualifications to be a licensee in the Domestic Public Land Mobile Radio Service.

(g) To determine the nature and extent of service presently offered by Petitioner in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(h) To determine the area and population presently served by Petitioner within its 43 dbu contour, as determined in accordance with the standards set forth in paragraph 15 of this order.

(i) To determine the nature and extent of service presently offered by New York Tech in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(j) To determine the area and population New York Tech presently serves within its 43 dbu contour as determined in accordance with the standards set forth in paragraph 15 of this order.

(k) To determine whether any advantage to the public would accrue because of the one-way service proposed by Page Boy and New York Tech.

(l) To determine whether any disadvantage to the public would accrue because of the one-way service proposed by Page Boy and New York Tech.

(m) To determine in the light of the evidence adduced on the foregoing issues, which, if any, of the applications should be granted.

17. *It is further ordered*, That the hearing herein, upon the issues specified above, shall be held at the Commission's offices in Washington, D.C., on a date, and before an Examiner, to be announced in a subsequent order; and

18. *It is further ordered*, That the burden of proof on issues (a), (b), (k) and (m) is placed upon the respective applicants herein; the burden of proof on issues (e), (f), (i) and (j) is placed upon New York Tech; and the burden of proof on issues (c), (d), (g), (h) and (l) is placed upon Petitioners; and

19. *It is further ordered*, That the Petitioner and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

20. *It is further ordered*, That the parties desiring to participate herein, shall file their notice of appearance on or before the time specified in § 1.140 of our rules; and

21. *It is further ordered*, That Page Boy's request for special temporary authorization is denied for the reasons stated herein; and

22. *It is further ordered*, That Petitioner's Motion To Substitute Party is granted.

23. *It is further ordered*, That New York Tech is authorized to continue the rendition over the facilities of station KQC884, of a selective signaling service, restricted to vehicular receivers only, pending further order by the Commission and subject to the condition that no comparative preference shall accrue to New York Tech by virtue of this operation.

Adopted: March 7, 1962.

Released: March 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2547; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket No. 14562; FCC 62-266]

POTOMAC BROADCASTING CORP. (WPIK)

Order Designating Application for Hearing on Stated Issues

In re application of Potomac Broadcasting Corporation (WPIK), Alexandria, Virginia, has: 730 kc, 1 kw, Day, requests: 730 kc, 5 kw, Day, Docket No. 14562, File No. BP-11400; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as to the matters involved in the issues set forth below, no questions exist as to the qualifications of the instant applicant; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. The applicant's engineering showing indicates that there would be no objectionable interference to WBMD, Baltimore, Maryland, and that interference to WNAK, Nanticoke, Pennsylvania, is in an area in which that station receives interference from Station WDOS, Oneonta, New York. It appears, however, that the instant proposal would cause some loss to WBMD; and that, according to measurement data on file, the interference to WNAK would not be covered by interference from WDOS. Accordingly, an issue as to the interference caused by the instant proposal to the existing operations of WBMD and WNAK and WMNA, Gretna, Virginia, and WPIT, Pittsburgh, Pennsylvania, is included in this order.

2. Central Virginia Broadcasting Company, Incorporated, licensee of Station WMNA, Gretna, Virginia, filed a petition to deny the instant application on the grounds of interference within the normally protected contour of the station. The petition is being granted herein to the extent that the licensee corporation is being made a party to this proceeding.

3. The subject application involves mutual interference with the proposed operation of WPIT, Pittsburgh, Pennsylvania, BP-11520, but the interference involved would not render either applicant in violation of any Commission Rule. Under these circumstances, the application of WPIT has not been consolidated in this proceeding. However, a grant of the subject application will be conditioned upon acceptance of such interference as may be caused by a subsequent grant of the WPIT proposal.

4. The applicant has specified RCA transmitter, Type BTA-5U, which has not been type accepted by the Commission; and it will be necessary for the applicant (in the event of a grant) to submit measurements proving compliance with §§ 3.48 and 2.524 of the Commission rules.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It further appearing that studies indicate this proposal meets the criteria adopted January 31, 1962 in connection with the Clear Channel Decision.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPIK and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to WBMD, Baltimore, Maryland, WNAK, Nanticoke, Pennsylvania, WPIT, Pittsburgh, Pennsylvania, WMNA, Gretna, Virginia, or any other existing standard broadcast stations; and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Key Broadcasting Company, WPIT, Inc., Wyoming Radio, Inc., and The Central Virginia Broadcasting Company, Incorporated, licensees of Stations WBMD, WPIT, WNAK and WMNA, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain conditions that the permittee shall submit measurements proving that the proposed transmitter complies with the provisions of §§ 3.48 and 2.524 of the Commission rules, and permittee shall accept any interference that may result from a subsequent grant of the application of WPIT, Inc., WPIT, Pittsburgh, Pennsylvania, which requests an increase in daytime power from 1 kilowatt to 5 kilowatts, File No. BP-11520.

It is further ordered, That the petition to deny the above-captioned application, filed herein by Central Virginia Broadcasting Company, Incorporated, on August 31, 1961, is granted, to the extent indicated in the instant order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to § 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2548; Filed, Mar. 14, 1962; 8:58 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 et al.]

ATLANTIC-GULF/PUERTO RICO TRADE; RATES AND PRACTICES

Investigation of rates and practices in the Atlantic-Gulf/Puerto Rico trade, Docket No. 954; Investigation of rates and practices in the Atlantic Gulf/Puerto Rico trade, Docket No. 954 (SUB-1); Investigation of increased rates on sugar, refined or turbinated, in bags in The Atlantic/Gulf Puerto Rico trade, Docket No. 954 (SUB-2); A. H. Bull Steamship Co.—proposed increases in rates on "Freight, All Kinds", in mixed van loads in the Puerto Rican trade, Docket No. 963.

On February 28, 1962, the Federal Maritime Commission entered the following Twelfth Supplemental Order to the original order in Docket No. 954, dated July 17, 1961; following Fourth Supplemental Order to the original order in Docket No. 954 (Sub-1) dated November 13, 1961; following Fifth Supplemental Order to the original order in Docket No. 954 (Sub-2) dated December 7, 1962, and following First Supplemental Order to the original order in Docket No. 963 dated December 14, 1961.

It appearing, that there is currently pending in these proceedings an investigation into and a hearing concerning certain rates and practices from, to and/or between Atlantic and Gulf ports of the United States on the one hand and ports in the Commonwealth of Puerto Rico on the other which became effective on July 6, and on various dates thereafter; and

It further appearing, that A. H. Bull Steamship Co. has been named a respondent in these proceedings; and

It further appearing, that the Eighth paragraph in the Original Order in Docket No. 963 dated December 14, 1961; the Eleventh paragraph in the Eleventh Supplemental Order in Docket No. 954 dated February 7, 1962; the Eleventh paragraph in Third Supplemental Order in Docket No. 954 (Sub-1) dated February 7, 1962; and the Ninth paragraph in First Supplemental Order in Docket No. 954 (Sub-2) dated December 14, 1961 provide "That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission"; and

It further appearing, that on February 19, 1962, the A. H. Bull Steamship Co. petitioned the Commission to modify the above quoted provisions in the aforementioned orders to the extent necessary to permit the publication and filing of tariff amendments which would (1) eliminate service to the ports of Ponce and Mayaguez, Puerto Rico; and (2) cancel the 59 cent rate on sugar currently held in effect by reason of suspension of a 75 cent rate of sugar in First Supplemental Order in Docket No. 954 (Sub-2); and

It further appearing, that the A. H. Bull Steamship Co. has petitioned the Commission to permit such tariff amendments to become effective on less than thirty days' statutory notice; and

It further appearing, that protests have been received requesting that the Commission deny the petition of A. H. Bull Steamship Co.; and

It further appearing, that upon consideration of said petition, statements in support thereof, and protests made thereto, the Commission is of the opinion that the A. H. Bull Steamship Co. has shown good cause for the granting of such petition except that good cause has not been shown for permitting the cancellation of the 59 cent sugar rate on less than 30 days' statutory notice;

Now therefore it is ordered, That the Eighth paragraph of Original Order in Docket No. 963, dated December 14, 1961; the Eleventh paragraph of Eleventh Supplemental Order in Docket No. 954, dated February 7, 1962; the Eleventh paragraph of Third Supplemental Order in Docket No. 954 (Sub-1), dated February 7, 1962; and the Ninth paragraph of First Supplemental Order in Docket No. 954 (Sub-2), dated December 14, 1961, be, and they are hereby, modified to the extent necessary to permit the publication and filing of tariff amendments which will (1) eliminate service to the ports of Ponce and Mayaguez, Puerto Rico; and (2) cancel the 59 cent sugar rate currently held in effect by reason of suspension of a 75 cent rate on sugar in First Supplemental Order in Docket No. 954 (Sub-2); and

It is further ordered, That any tariff amendment filed for the purpose of directing the elimination of service to the ports of Ponce and Mayaguez, Puerto Rico as authorized herein, shall be published on a consecutively numbered revised page No. 7 to A. H. Bull Steamship Co., Outward Freight Tariff No. 1, FMC-F No. 1 and a consecutively numbered revised page No. 5 to A. H. Bull Steamship Co., Homeward Freight Tariff No. 1, FMC-F No. 2, such amendment to become effective not earlier than one day after receipt by the Commission; and

It is further ordered, That any tariff amendment filed for the purpose of cancelling the 59 cent rate on sugar, as authorized herein, shall be published on a consecutively numbered revised page No. 27 to A. H. Bull Steamship Co., Homeward Freight Tariff No. 1, FMC-F No. 2, such amendment to become effective not earlier than 30 days after receipt by the Commission; and

It is further ordered, That any publication issued under authority granted herein must bear the following notation: "Issued under authority of Federal Maritime Commission Special Permission No. 3977 and Twelfth Supplemental Order, Docket No. 954; Fourth Supplemental Order, Docket No. 954 (Sub-1); Fifth Supplemental Order, Docket No. 954 (Sub-2) and First Supplemental Order Docket No. 963 dated February 28, 1962"; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents, protestants, and interveners herein; and that this Order be published in the FEDERAL REGISTER.

Dated: March 9, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2536; Filed, Mar. 14, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-349—RI62-354]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 8, 1962.

Graham-Michaelis Drilling Company (Operator), et al., Docket No. RI62-349; Graham-Michaelis Drilling Company, Docket No. RI62-350; Graham-Michaelis Drilling Company, et al., Docket No. RI62-351; King-Stevenson Corporation, Docket No. RI62-352; Humble Oil & Refining Company (Operator), et al., Docket No. RI62-353; Humble Oil & Refining Company, Docket No. RI62-354.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-349...	Graham-Michaelis Drilling Co. (Operator), et al., c/o Wm. F. Schell, attorney, 508 Petroleum Bldg., Wichita 2, Kans.	2	1	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.)	$2,230	2-6-62	3-9-62	8-9-62	14.0	[3] 16.0	
		5	2	....do....	540	2-6-62	3-9-62	8-9-62	14.0	[3] 16.0	
		27	1	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.).	260	2-6-62	3-9-62	8-9-62	16.0	[3] 16.4	
		34	3	Northern Natural Gas Co. (Pleasant Valley Field, Ford County, Kans.).	1,670	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
		40	4	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	4,080	2-6-62	3-9-62	8-9-62	16.6	[3] 17.0	
		40	5	....do....	1,400	2-6-62	3-9-62	8-9-62	16.6	[3] 17.0	
		40	1	Northern Natural Gas Co. (McKinney Field, Meade County, Kans.).	4,850	2-6-62	3-6-62	8-6-62	14.0	[3] 16.0	
RI62-350...	Graham-Michaelis Drilling Co.	3	2	Northern Natural Gas Co. (Pleasant Valley Field, Ford County, Kans.).	1,410	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
		30	2	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	820	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
RI62-351...	Graham-Michaelis Drilling Co., et al.	6	2	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	385	2-8-62	3-11-62	8-11-62	12.0	[3] [4] 13.0	
RI62-352...	King-Stevenson Corp., c/o Wm. F. Schell, attorney, 508 Petroleum Bldg., Wichita 2, Kans.	1	2	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	230	2-8-62	3-11-62	8-11-62	12.0	[3] [4] 13.0	
RI62-353...	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	191	17	Natural Gas Pipe Line Co. of America (Southeast Camrick Field, Texas County, Okla.).	5,151	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
RI62-354...	Humble Oil & Refining Co., P.O. Box 2180, Huston 1, Tex.	202	9	Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.).	5,440	2-8-62	3-22-62	8-22-62	16.8	[3] 17.0	RI61-30
		204	5	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	2,351	2-8-62	3-18-62	8-18-62	15.5	[3] 16.5	
		213	5	Natural Gas Pipe Line Co. of America (Southeast Camrick Field, Beaver County, Okla.).	50	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		215	5	....do....	80	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		220	6	....do....	23	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		227	4	....do....	22	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		229	4	....do....	5	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		242	4	....do....	88	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30
		253	3	....do....	314	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-30

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] Periodic increase.
[3] Two step periodic increase.
[4] Subject to downward Btu adjustment.

The proposed-increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2489; Filed, Mar. 14, 1962; 8:47 a.m.]

[Docket No. CP62–56]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application and Date of Hearing

MARCH 8, 1962.

Columbia Gulf Transmission Company, Kentucky Gas Transmission Corporation, United Fuel Gas Company, Docket No. CP62–56.

Take notice that on August 31, 1961, as supplemented on September 6, 1961, and October 27, 1961, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston 1, Texas, and Kentucky Gas Transmission Corporation (Kentucky Gas), P.O. Box 1273, Charleston, West Virginia, filed in Docket No. CP62–56 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an interconnection between their pipelines in Madison County, Kentucky, and the delivery of natural gas through said interconnection by Columbia Gulf to Kentucky Gas, in the event of an emergency on the latter's system. Take further notice that on January 18, 1962, United Fuel Gas Company (United Fuel), P.O. Box 1273, Charleston, West Virginia, filed an amendment to the subject application and joined as an applicant herein. The proposed construction, operations, and sale are more fully set forth in the application, as supplemented and amended, which is on file with the Commission and open to public inspection.

Applicants' proposed emergency connection would be made between Columbia Gulf's 30-inch main line and Kentucky Gas' 8-inch KA–1 pipeline at a point in Madison County, Kentucky. The KA–1 is an isolated line not connected to Kentucky Gas' main transmission system. The application states that the gas supply for this line is obtained solely from Tennessee Gas Transmission Company at a point near Richmond, Kentucky, which gas is delivered for the account of United Fuel Gas Company. Through Line KA–1 Kentucky Gas provides wholesale service to the City of Richmond, Kentucky, to Columbia Gas of Kentucky, Inc., and to Petroleum Exploration, Inc., all for resale in various Kentucky communities.

The application states that to insure continuous and uninterrupted service to Kentucky Gas' utility customers (served from Line KA–1) in the event of a break on, or loss of supply to, that line, Applicants propose to establish the emergency interconnection. Any emergency deliveries to Kentucky Gas by Columbia Gulf would be made for the account of United Fuel, the latter being the only customer of Columbia Gulf and one of the suppliers to Kentucky Gas. United Fuel has requested Columbia Gulf to make the proposed connection and joins in the request for certificate authorization to establish the new delivery point to Kentucky Gas. The application states that there will be no new sale arising from the use of the proposed emergency connection. The proposed facilities will permit delivery of up to approximately 25,000 Mcf per day by Columbia Gulf to Kentucky Gas.

The total cost of the proposed facilities is estimated to be $28,300. Columbia Gulf proposes to construct and operate a 6-inch main line tap and a side gate valve on its line at an estimated cost of $4,400. Kentucky Gas proposes to construct a main line tap on its 8-inch line, a side gate, and a measuring and regulating station at an estimated cost of $23,900. United Fuel will not build anything nor bear any of the costs.

Columbia Gulf states that it will transport any emergency gas for delivery to Kentucky Gas at the proposed new delivery point as part of its regular deliveries for United Fuel, under its filed FPC Gas Rate Schedule T–1, under which it presently transports gas for United Fuel. United Fuel would charge Kentucky Gas for said emergency deliveries according to its filed FPC Gas Rate Schedule CDS–1, which is now applicable to its regular contract demand deliveries to Kentucky Gas. The emergency volumes would be considered part of United Fuel's firm contract demand deliveries to Kentucky Gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2488; Filed, Mar. 14, 1962; 8:46 a.m.]

[Project No. 82]

ALABAMA POWER CO.

Order Granting Continuance of Hearing

MARCH 8, 1962.

Commission staff by motion filed March 1, 1962, requested that the above-entitled proceeding be continued from March 12, 1962, as presently scheduled, to May 1, 1962, to facilitate completion of staff field work now in progress in preparation for the hearing in this proceeding. Alabama Power Company the only other party of record does not oppose staff's request. That request was filed with the Presiding Examiner and referred to the Commission by the Examiner.

The Commission finds: Good cause has been shown for continuance of the hearing in the above-entitled proceeding from March 12, 1962 to May 1, 1962 and it is necessary and appropriate for the purposes of the Federal Power Act and the Commission's rules of practice and procedure (§ 1.13) that this proceeding be continued as hereinafter provided.

The Commission orders: The hearing in the above-entitled proceeding is hereby continued to reconvene at 10:00 o'clock a.m., May 1, 1962 in a hearing room of this Commission, 441 "G" Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2487; Filed, Mar. 14, 1962; 8:46 a.m.]

[Docket No. G–16842 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Order Granting Interventions and Further Consolidating Proceedings

MARCH 8, 1962.

Tennessee Gas Transmission Company, Docket No. G–16842; Tennessee Gas Transmission Company, Docket No. CP60–94; Lowell Gas Company, Docket No. CP61–9; Tennessee Natural Gas Lines, Inc., Docket No. CP61–27; Central Illinois Electric and Gas Company, Docket No. CP61–122; Midwestern Gas Transmission Company, Docket No. CP62–116; Allied Gas Company, Docket No. CP62–132; Alabama Tennessee Natural Gas Company, Docket No. CP62–133; Village of Provencal, Louisiana, Docket No. CP62–152; City of Marshall, Docket No. CP62–187; City of Casey, Illinois, Docket No. CP62–188; City of Martinsville, Illinois, Docket No. CP62–189; Central Illinois Public Service Company, Docket No. CP62–168.

Petitions seeking leave to intervene in these proceedings were timely filed as follows:

Petitioner	Date of filing	Request for intervention Docket No.
Central Massachusetts Gas Co..	6-8-60	CP60-94
Lawrence Gas Co.	6-8-60	CP60-94
Lynn Gas Co.	6-8-60	CP60-94
North Shore Gas Co.	6-8-60	CP60-94
Northampton Gas Light Co.	6-8-60	CP60-94

On January 17, 1962, Central Illinois Public Service Company (Central Illinois) filed an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and sell and deliver to Applicant its natural gas requirements for the Village of Vermilion and environs, Edgar County, Illinois.

Applicant proposes to construct a Town border station at a point of physical connection with the Midwestern main transmission line and a 1,500 foot lateral line from this point of connection to the distribution system it intends to construct in the Village of Vermilion. The total cost of these facilities and related expenses is estimated at $30,415 which Applicant proposes to finance from funds generated internally.

The estimated annual and peak day requirements for the City of Vermilion are as follows:

Years	Peak day demand, Mcf	Annual requirements, Mcf
1st	107	11,720
2d	167	16,040
3d	175	17,710

The Commission finds:

(1) The participation in these proceedings by each of the petitioners hereinbefore named requesting permission to intervene herein may be in the public interest.

(2) The issues raised in the above-mentioned 7(a) application relates directly to the issues with respect to Tennessee Gas Transmission Company's Expansion Program and should be consolidated with these proceedings for purposes of hearing.

The Commissioner orders:

(A) Each of the petitioners hereinbefore named seeking to intervene is

hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene: and, *Provided, further*, That the admission of the interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) The proceeding upon the application filed in Docket No. CP62-168 be consolidated with the proceedings in Docket Nos. G-16842, et al., for purposes of hearing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2490; Filed, Mar. 14, 1962; 8:47 a.m.]

ORDER ESTABLISHING THE NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

MARCH 8, 1962.

The Federal Power Commission is directed by section 202(a) of the Federal Power Act (16 U.S.C. 792-825r) to promote and encourage voluntary interconnection and coordination of the nation's electric power facilities in the interest of economy and conservation, and is authorized by section 311 of the Act to conduct broad investigations covering all aspects of the entire power industry. In order to accomplish these objectives more effectively, we have concluded that it is in the public interest that a National Power Survey Executive Advisory Committee be, and it hereby is, established.

1. *Purpose.* The Committee shall advise the Commission in planning and carrying out the Commission's proposed national power survey.

2. *Membership of the Committee.* The Committee shall consist of a representative group of members from all segments of the electric power industry to be selected by the Chairman of the Commission.

3. *Organization.* The detailed functions of the National Power Survey Executive Advisory Committee and any other representative committees established to advise the Commission on the survey will be in accordance with Executive Order No. 11007 of February 26, 1962 (27 F.R. 1875) relating to the Formation and Use of Advisory Committees.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2491; Filed, Mar. 14, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Montana Shares, Incorporated, which is a bank holding company located in Great Falls, Montana, for the prior approval of the Board of the acquisition by applicant of all of the voting shares of Central Bank of Montana, Great Falls, Montana.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) the financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 9th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2493; Filed, Mar. 14, 1962; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

MAGNESIUM HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition from the national stockpile of approximately 12,500 short tons of magnesium. This notice is also being transmitted to the Congress and to the Armed Services Committee of each House thereof.

Said magnesium is no longer needed for stockpiling purposes because of a revised determination by the Office of Emergency Planning, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that it is obsolescent for use in time of war. The revised determination is based upon a finding of the Office of Emergency Planning that said magnesium is deteriorating.

General Services Administration proposes to transfer said magnesium to other Government agencies, to offer it for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government, beginning six months after the publication of this notice in the FEDERAL REGISTER. Sales will extend over a period of about four years, and the initial quantity to be offered for sale will not exceed 500 short tons. Subsequent offerings will be scheduled so that sales will be made at intervals of not less than 55 days. None of such offerings will be for a quantity in excess of 700 short tons.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

BERNARD L. BOUTIN,
Administrator.

Dated: March 9, 1962.

[F.R. Doc. 62-2539; Filed, Mar. 14, 1962; 8:56 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2503]

AIR CRAFT MARINE ENGINEERING CORP.

Notice and Order for Hearing

MARCH 9, 1962.

I. Air Craft Marine Engineering Corporation (issuer), 7850 Gloria Street, Van Nuys (Los Angeles), California, filed with the Commission on May 28, 1958 a notification and offering circular relating to an offering of 300,000 shares of its $1. par value common stock at $1. per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 30, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 2:00 p.m., P.s.t., on March 16, 1962, at the Los Angeles Branch Office of the Commission, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

Whether the issuer has complied with the terms and conditions of Regulation A in that:

1. The issuer has solicited the sale of shares by subscription agreement without the use of an offering circular in violation of Rule 256(a);

2. The issuer has failed to file a revised offering circular as required by Rule 256(e); and

3. The issuer has failed to file a report of sales on Form 2-A as required by Rule 260.

III. *It is further ordered*, That Sidney L. Feller, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Air Craft Marine Engineering Corp., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 14, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2510; Filed, Mar. 14, 1962; 8:51 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 9, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 10, 1962, to March 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2511; Filed, Mar. 14, 1962; 8:51 a.m.]

[File No. 94D-18]

BONNEVILLE RESOURCES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH, 9, 1962.

I. Bonneville Resources, Inc. (issuer) (17 East Oakland Avenue, Salt Lake City, Utah), formerly known as Bonneville Basin Uranium Corporation, a Utah corporation, on October 24, 1961, filed with the Commission a notification on Form 1-F and sales material relating to a proposed assessment of $0.05 per share on 6,000,000 shares of its outstanding stock for an aggregate of $300,000, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation F promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation F have not been complied with in that:

1. Use has been made of sales material without its first having been filed with the Commission pursuant to Rule 654 of Regulation F.

2. Use has been made of sales material which failed to comply with the requirements of Rule 653 of Regulation F.

B. The sales material used in connection with the offering contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The forecast of profits which are based on conjecture.

2. The failure to disclose that monies advanced by officers to Jonlee Manufacturing Company, which liabilities were assumed by the issuer, are evidenced by 8 percent notes payable to the officers and due January 1, 1963.

3. The representation that after the assessment there will be a definite value to the issuer's stock.

4. The price at which the stock "is being listed".

5. The representation that "a market is now being developed" in the issuer's stock.

C. The offering has been made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation F be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2512; Filed, Mar. 14, 1962; 8:52 a.m.]

[File No. 70-4025]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Pennsylvania Electric Company, a Subsidiary Company

MARCH 7, 1962.

Notice is hereby given that General Public Utilities Corporation ("GPU"), (80 Pine Street, New York 5, New York), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $11,000,000 to Pennsylvania Electric Company ("PENELEC"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, par value $20 per share, is owned by GPU. Each such cash capital contribution will be credited by PENELEC to its capital surplus account. PENELEC will use such contributions to reimburse partially its treasury for expenditures

therefrom for construction prior to December 1, 1961. Out of its treasury funds so reimbursed, PENELEC will pay in full its bank loans effected in January and February 1962, and outstanding at the date of filing this declaration in the face amount of $5,000,000.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $500.

Notice is further given that any interested person may, not later than March 27, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed, contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2513; Filed, Mar. 14, 1962; 8:52 a.m.]

[File No. 24A-1551]

NATIONAL MERCANTILE CLEARING HOUSE, INC.

Order Canceling Hearing

MARCH 9, 1962.

The Commission by order dated January 15, 1962, having temporarily suspended the Regulation A exemption of National Mercantile Clearing House, Inc., 4539 Ponce de Leon Boulevard, Miami 46, Florida, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and National Mercantile Clearing House, Inc., having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated February 2, 1962, having ordered a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, to commence on March 27, 1962 at 10:00 a.m., e.s.t., in Room 209, United States Post Office and Courthouse Building, 301 Northeast First Avenue, Miami, Florida, before Robert Hislop, Hearing Examiner, and

The company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance and the Atlanta Regional Office not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for March 27, 1962, be and it hereby is canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company, becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2514; Filed, Mar. 14, 1962; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 367]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Floyd, Whitley, Knox, Johnson, Mogoffin, Martin, Rowan, Bath, and Morgan Counties in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 1, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2515; Filed, Mar. 14, 1962; 8:52 a.m.]

[Declaration of Disaster Area 371]

NEW YORK, NEW JERSEY, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in the States of New York, New Jersey, Delaware, Maryland, Virginia and North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States suffered damage or destruction resulting from wind, rain, flood, and tide and accompanying conditions occurring on or about March 5, 6, and 7, 1962.

Offices:
Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.
Small Business Administration Regional Office, Jefferson Building, Rooms 1500-1515, 1015 Chestnut Street, Philadelphia 7, Pa.
Small Business Administration Branch Office, Calvert Building, Room 611, Fayette and St. Paul Streets, Baltimore 2, Md.
Small Business Administration Branch Office, First Federal Building, 606—19th Street NW., Washington 25, D.C.
Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 30, Va.
Small Business Administration Branch Office, Independence Building, Room 1114, 102 West Trade Street, Charlotte, N.C.

2. Temporary field offices will be established, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2567; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 370]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Clermont County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 1, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 7, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2568; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 369]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Adams County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 6, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2569; Filed, Mar. 14, 1962; 8:58 a.m.]

other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 1, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 7, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2568; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 369]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Adams County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Offices:
Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.
Small Business Administration Branch Office, Commonwealth Building, Room 1900, Fourth and Broadway, Louisville 2, Ky.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 6, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2570; Filed, Mar. 14, 1962; 8:58 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LUXIRTI S.A. HOLDING

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Luxirti S.A. Holding, Boulevard Royal, 2b, Luxembourg; Claim No. 62733; $5,386.98 in the Treasury of the United States; $3,000 Italian Credit Consortium for Public Works 30 year Guaranteed External Sinking Fund Bonds of 1947, due January 1, 1977, Nos. M 18431/33 for $1,000 each, with July 1, 1962 and s.c.s., held in the Federal Reserve Bank of New York, New York, for safekeeping. Vesting Order Nos. 13561 and 17882.

Executed at Washington, D.C., on March 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2524; Filed, Mar. 14, 1962; 8:54 a.m.]

ARTHUR OMRE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arthur Omre, Porsgrunn, Norway; Claim No. 35827; $6.43 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue, relating to the work FLUKTEN by Arthur Omre to the extent owned by Arthur Omre immediately prior to the vesting thereof by Vesting Order No. 4034, executed on August 16, 1944 (9 F.R. 13782, November 17, 1944).

Executed at Washington, D.C., on March 12, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2525; Filed, Mar. 14, 1962; 8:55 a.m.]

HANS RUDOLF SCHINZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hans Rudolf Schinz, Rontgeninstitute Kantonsspital, Zurich, Switzerland; Claim No. 36238; All right, title, interest and claim of whatsoever kind or nature in and to every copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled Siebzehn Jahre Strahlentherapie der Krebse. Zuricher Erfahrungen by Hans Rudolf Schinz and Adolf Zuppinger to the extent owned by Hans Rudolf Schinz immediately prior to the vesting thereof by Vesting Order No. 500A-76 (9 F.R. 7788, July 12, 1944).

Executed at Washington, D.C., on March 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-2526; Filed, Mar. 14, 1962; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37588: *Gravel from Montezuma, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (No. 157), for The Baltimore and Ohio Railroad Company. Rates on gravel, road surfacing, in carloads, from Montezuma, Ind., to Garrett, Atwood and Pierson, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 123 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 24048.

FSA No. 37589: *Caustic soda to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-8165), for interested rail carriers. Rates on caustic soda, other than liquids, in carloads, from specified points in Michigan, New York and Ohio to Anse La Butte, Bryant, Houma, Lake Charles, Lockport, Mathews, New Iberia, Opelousas, Schriever and Thibodaux, La.

Grounds for relief: Market competition.

Tariff: Supplement 210 to Southwestern Freight Bureau tariff I.C.C. 4234.

FSA No. 37590: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 431), for interested rail carriers. Rates on barite ore or barite ore concentrate, also cleaning compounds, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 27 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37593: *Asphalt to points in New Mexico on the AT&SF.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 90-A), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), in packages, in carloads, from producing points in Arkansas, Louisiana, Oklahoma and Texas to points in New Mexico on the lines of the AT&SF Ry. Co.

Grounds for relief: Market competition.

Tariff: Supplement 63 to The Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14812.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37591: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 432), for interested rail carriers. Rates on freight, all kinds, in less-than-carloads, also barite ore or barite ore concentrate and cleaning compounds, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 27 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37592: *Passenger fares—The New York, New Haven and Hartford Railroad Company.* Filed by The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees), (No. 6), for interested rail carriers. Relating to transportation of passengers between points in Massachusetts on the line of The New York, New Haven and Hartford Railroad Company and points on the lines of connecting carriers.

Grounds for relief: Establishment of new local fares and maintenance of present fares of connecting carriers.

Tariff: Supplement 3 to The New York, New Haven and Hartford Railroad Company's tariff I.C.C. A-9686.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-2520; Filed, Mar. 14, 1962; 8:53 a.m.]

SPECIFICATION OF TYPES OF CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY THE OPERATING RIGHTS REVIEW BOARD

It appearing that item 7.11(c) of the Organization Minutes of the Commission (26 F.R. 4773, 5167, 8434, and 10991) delegates to the Operating Rights Review Board authority to determine matters in proceedings under the provisions of law set forth in item 4.2 thereof in cases or types of cases specified from time to time by the Chairman of Division 1 of the Commission, which have involved (other than by the Board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

It is ordered, That the following types and categories of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, be, and they are hereby, specified in respect of which determinations may be made by the said Operating Rights Review Board:

Proceedings arising under the provisions of law set forth in item 4.2 of the said Organization Minutes, other than those embraced in paragraphs (c), (d), (f), (g), (h), (i), (m), (o), (p), (q), (r), (t) only to the extent it includes section 311(a) relating to temporary authorities, (u), (v), (w), and (x) thereof, and except:

(1) Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or has issued a report and recommended order,

(2) Those proceedings which, after due consideration, are found to be susceptible to per curiam treatment without issuance of an explanatory report.

(3) Those proceedings orally argued before Division 1.

(4) Those proceedings which, after due consideration, are found to involve broad questions or issues of administrative policy.

(5) Those proceedings involving matters of rule making.

(6) Those proceedings involving investigations instituted by Division 1 or the Commission under the provisions of the Interstate Commerce Act and related Acts.

(7) Those application proceedings involving the fitness of an applicant seeking a certificate, permit, or broker's license in which evidence is presented by the Bureau of Inquiry and Compliance of the Interstate Commerce Commission.

(8) Formal complaint and answer proceedings.

Provided, however, That the aforesaid general specification shall be effective only in respect to cases of the classes named which are submitted for decision on and after the effective date of this order; *And provided further,* That such specifications, to the extent administered by the Director of the Bureau of Operating Rights, shall be applied and construed under the direction and supervision of the Chairman of Division 1.

It is further ordered, That this order shall be effective on January 12, 1962.

Dated at Washington, D.C., this 10th day of January A.D. 1962.

By the Commission, Commissioner McPherson.

HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-2574; Filed, Mar. 14, 1962; 8:59 a.m.]

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Washington, Friday, March 16, 1962

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 203—CONVERSION TO CANAL ZONE CAREER OR CAREER-CONDITIONAL APPOINTMENTS

PART 204—COMPENSATION AND ALLOWANCES

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER § 201.100(b)(6) is amended to read as follows:

§ 201.100 Exclusions.

(6) Visiting physicians and nurses of the Panama Canal Company assigned to the home-visit program for beneficiaries of the Cash Relief Act of July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17) who reside in the Republic of Panama.

§ 203.2 [Amendment]

2. Effective upon publication in the FEDERAL REGISTER § 203.2(d) is amended by changing the period to a comma and adding additional text so that as amended paragraph (d) reads as follows:

(d) All recommendations for conversion must be submitted within one year of the effective date of the regulations in this part, except that when positions are affected by a deletion of an exception previously authorized under § 201.100 of this chapter, recommendations for conversion of incumbents must be submitted within one year from the date of publication of the deletion in the FEDERAL REGISTER.

3. Effective upon publication in the FEDERAL REGISTER Part 204 is amended by adding the following language to § 204.11; by designating the existing text of § 204.18 as § 204.18(a); and adding the following paragraph (b):

§ 204.11 Tax factor.

A tax factor is authorized in an amount equivalent to the excess of the income tax which the typical U.S. citizen employee normally would expect to pay to the U.S. Government on his salary including the tropical differential over the amount of income tax the typical Panamanian citizen employee would normally pay to the Panamanian Government on the same salary without the tropical differential. The tax for U.S. citizens shall be computed on the basis of a family of four, using the standard ten percent (10%) deduction and joint return computation. The Panamanian tax shall be computed on the basis of the "family" tax, disregarding the "bachelor" tax and by applying the deduction authorized for two minors. The amount of the tax factor will be recomputed as necessary to conform with any changes in the tax laws of either the Republic of Panama or the United States. In such event, the payment of the revised tax factor or of the revised base or wage rates directly attributable to the revised tax factor will be effective as of the effective date of the tax change.

§ 204.18 Pay saving.

* * * * * *

(b) Whenever under § 204.11 a recomputation of the tax factor necessitated by a change in tax laws would result in decreases in rates of pay, the employees so affected shall, pending individual raises or general increases in base salary or wage rates which will fully offset the pay decreases attributable to the tax factor recomputation, continue to receive the rates of pay to which they were entitled immediately prior to the effective date of such computation.

ELVIS J. STAHR, JR.,
Secretary of the Army.

[F.R. Doc. 62–2550; Filed, Mar. 15, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.317 Orange Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 13, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) Orange Regulation 5 (§ 905.315; 27 F.R. 2071) is hereby terminated effective at 12:01 a.m., e.s.t., March 16, 1962.

(3) During the period beginning at 12:01 a.m., e.s.t., March 16, 1962, and ending at 12:01 a.m., e.s.t., April 2, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter

shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⁹⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹¹⁄₁₆ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2632; Filed, Mar. 15, 1962; 9:12 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

EDITORIAL NOTE: In the republication of 7 CFR Part 989 (FEDERAL REGISTER of December 14, 1960, 25 F.R. 12813), notes following § 989.59 and § 989.97, respectively, were inadvertently omitted. These notes read as follows:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

* * * * *

NOTE: Order, 23 F.R. 6374, Aug. 20, 1958, provides in part as follows:

Effective September 1, 1958, the requirement set forth in § 989.59(a)(2)(iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U.S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins (§§ 52.1841 to 52.1852 of this title) is, pursuant to the authority contained in § 989.59(b), modified insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a(b) of this title.

§ 989.97 Exhibit B; minimum grade and condition standards for natural condition raisins.

* * * * *

NOTE: Order, 23 F.R. 6374, Aug. 20, 1958, provides in part as follows:

Effective September 1, 1958, § 989.97 B3 is, pursuant to the authority contained in § 989.58(b), modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content of Layer Muscats)" and by changing paragraph d of said section to read as follows:

d. Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U.S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Rulings

1. Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding a new section headnote and § 1.5 as follows:

§ 1.5 Rulings.

The Comptroller has ruled as follows on specific security issues:

(a) The Texas Turnpike Authority, Dallas-Fort Worth Turnpike Revenue Bonds, are ineligible for purchase by national banks.

(b) The $28,000,000 State Highway Department of the State of Delaware, 4¼% Delaware Turnpike Revenue Bonds, dated January 1, 1962, are ineligible for purchase by national banks.

(c) The $74,000,000 State Roads Commission of the State of Maryland 4⅛% Northeastern Expressway Revenue Bonds, dated January 1, 1962, are ineligible for purchase by national banks.

(d) The $25,000,000 Town of Cherokee, Alabama, 4¾% Industrial Development Revenue Bonds, dated March 1, 1961, are eligible for purchase by national banks, within the limitations of Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24).

Dated: March 12, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–2575; Filed, Mar. 15, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1108; Amdt. 410]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

As a result of serveral reported incidents and a recent accident it has been found that the seat back on Brantly B–2 helicopters does not lock positively when the seat is in the forward position. The sliding upwards of the seat back adjustment wire causes the bottom of the seat to suddenly slide rearward. This can lead to excessive control motions which in one case allowed the helicopter to inadvertently contact the ground. Accordingly, an airworthiness directive is necessary to require removal of the seat back adjustment wire to prevent unintentional movement of the seat.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all Model B–2 helicopters equipped with seat back adjustment wire P/N B2–334–32.

Compliance required within the next 10 hours' time in service after the effective date of this AD.

To prevent the sudden movement of the seat backs to the full aft adjustment position, the following must be accomplished:

Remove the seat back adjustment wire P/N B2–334–32 from the left and right seat backs.

This amendment shall become effective March 23, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 9, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–2559; Filed, Mar. 15, 1962; 8:46 a.m.]

[Reg. Docket No. 1105; Amdt. 408]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Series Aircraft

Amendment 399, 27 F.R. 1480, requires inspection of the main landing gear drag strut attaching bolts and bushings on Fairchild F–27 Series aircraft. While it is necessary to remove the bolts to accomplish the required inspection, it is not necessary to remove the bushings as presently required in paragraphs (f) and (g). Accordingly, the directive is being revised to delete this requirement. In addition, Amendment 399 is being amended to correct an error in a bushing part number.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

1. Deleting from the first sentence of paragraphs (f) and (g) the words "remove and."

2. Correcting the bushing part number in the first sentence of paragraph (g) to read "D9027Y8" instead of "D9207Y8."

This amendment shall become effective March 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 9, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–2557; Filed, Mar. 15, 1962; 8:46 a.m.]

[Reg. Docket No. 1106; Amdt. 409]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT3D Series Turbofan Engines

Amendment 380, 26 F.R. 12214, requires rework of Pratt and Whitney Aircraft JT3D–1, JT3D–1–MC6, JT3D–1–MC7, and JT3D–3 turbofan engines installed in Boeing and Douglas aircraft to incorporate metal chevron type seals not later than the first engine overhaul after March 1, 1962. Pending incorporation of the metal chevron type seals, the original seals must be replaced with new seals of the same part number every 300 hours' time in service. It has been determined that all operators will not be able to comply with Amendment 380 by the specified time due to the lack of satisfactory metal chevron type seals resulting from fabrication problems. Since the replacement with new seals of the original type is required until the metal chevron type seals are installed, extension of the compliance time specified in paragraph (b) can be granted without adversely affecting safety of the aircraft. Accordingly, this amendment is being published to extend the time for the required incorporation of metal chevron type seals to the first engine overhaul after June 1, 1962.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 380, 26 F.R. 12214, Pratt & Whitney JT3D Series turbofan engines, is amended by changing the compliance statement under (b) to read as follows: "Compliance required not later than the first engine overhaul after June 1, 1962."

This amendment shall become effective March 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 9, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–2558; Filed, Mar. 15, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–13]

PART 13—PROHIBITED TRADE PRACTICES

Jacob Klaff et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–195 *Nature;* § 13.90 *History of product or offering;* § 13.235 *Source or origin:* § 13.235–50 *Maker or seller, etc.:* §13.235–50(a) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jacob Klaff trading as Francine's et al., Boston, Mass., Docket C–13, Oct. 31, 1961]

In the Matter of Jacob Klaff, an Individual Trading as Francine's, and Howard Klaff, an Individual and Manager of Francine's

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by representing falsely in advertisements in newspapers that they operated a "millionaire thrift salon", and that fur products offered for sale were "new arrivals, flown in from Hollywood," from "stage, screen and TV stars" and "social register society," etc.; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, together with further order requiring report of compliance therewith is as follows:

It is ordered, That Jacob Klaff, an individual trading as Francine's or under any other name, and Howard Klaff, an individual and manager of Francine's and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

A. Represents directly or by implication that respondents own and operate a millionaire thrift salon or words of similar import when such is not the fact.

B. Represents directly or by implication that fur products offered for sale were just unpacked, new arrivals flown in from Hollywood or words of similar import when such is not the fact.

C. Represents directly or by implication that fur products offered for sale were formerly proudly owned and worn by some of America's best dressed women or words of similar import when such is not the fact.

D. Represents directly or by implication that fur products offered for sale are from stage, screen and TV stars or words of similar import when such is not the fact.

E. Represents directly or by implication that fur products offered for sale were formerly owned by envied society women or words of similar import when such is not the fact.

F. Represents directly or by implication that fur products offered for sale are from social register sources or words of similar import when such is not the fact.

2. Making pricing claims and representations of the types covered by subsections (a), (b), (c), and (d) under Rule 44 of the Regulations under the Fur Products Labeling Act unless there are maintained full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 31, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–2549; Filed, Mar. 15, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Fees of Civilian Witnesses

Scope and purpose. Section 719.131(l)(1) deals with fees (per diem, mileage and subsistence allowance) of civilians not in Government employ who are duly summoned as witnesses before a naval tribunal or for the taking of a deposition; the section is revised for the purpose of clarification without change in substance. The corresponding section 0131 of the Manual of the Judge Advocate General will be amended likewise through a change which will be distributed to holders of the Manual in due course.

1. Section 719.131(l)(1) is revised to read as follows:

§ 719.131 Fees of civilian witnesses.

• • • • • •

(i) *Rates for civilian witnesses prescribed by law—(1) Civilian witnesses not in Government employ.* A civilian not in Government employ, duly summoned as a witness before a naval tribunal, or at a place where his deposition is to be taken for use before such court or fact-finding body, will receive four dollars ($4.00) for each day's actual attendance and for the time necessarily occupied in going to and returning from the same pursuant to such summons, and 8 cents per mile for going from and returning to his place of residence provided such travel is performed as the direct result of being duly summoned to appear as a witness. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide). Civilian witnesses who are not salaried employees of the Government and who are not in custody and who attend pursuant to being duly summoned at points so far removed from their respective residences as to prohibit return thereto from day to day, shall be entitled to an additional allowance of eight dollars ($8.00) per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided*, That in lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the Territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage, by means of transportation employed: *And provided further*, That this subparagraph (1) shall not apply to Alaska. In each instance involving Alaska, the Judge Advocate General will, upon request, furnish the current applicable rates. (See 28 CFR 21.3 for fees and allowances of witnesses in Alaska.) Nothing in this section shall be construed as authorizing the payment of fees, mileage allowance or subsistence to witnesses for attendance or travel which is not performed as a direct result of being duly summoned, or for travel which is performed prior to being duly summoned as a witness, or for travel returning to their places of residence if the travel from their places of residence does not qualify for payment under this subparagraph.

(R.S. 161, 183, secs. 801–940, 5031, 70A Stat. 36–278, E.O. 10214 (3 CFR 1949–53 Comp. p. 408), as amended; 5 U.S.C. 22, 93, 10 U.S.C. 801–940, 5031)

By direction of the Secretary of the Navy.

ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

MARCH 9, 1962.

[F.R. Doc. 62–2580; Filed, Mar. 15, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Camp Hero Military Reservation Montauk, N.Y.; Straits of Florida and Florida Bay, Fla.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.15 establishing and governing navigation in the Atlantic Ocean off Camp Hero Military Reservation, Montauk, New York, is hereby revoked effective on publication in the FEDERAL REGISTER since the danger zones are no longer required for firing ranges, as follows:

§ 204.15 Atlantic Ocean off Camp Hero Military Reservation, Montauk, N.Y.; antiaircraft artillery firing range, first Army [Revoked].

[Regs., Feb. 28, 1962, 285/112 (Atlantic Ocean, N.Y.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.95 establishing and governing the use and navigation of danger zones in the Straits of Florida and Florida Bay, Florida, is hereby amended prescribing paragraph (a) (3) (iii) to establish two additional bombing and strafing areas and revising paragraph (b) (1) through (4) to clarify the restrictions on the use of the areas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Florida.

(a) *The danger zones.* • • •

(3) *Bombing and strafing target areas.*

• • • • •

(iii) Two circular areas located west of Marquesas Key each with a radius of two nautical miles, one having its center at latitude 24°34'30" and longitude 82°-14'00", and the other having its center at latitude 24°34'30" and longitude 82°-24'00".

(b) *The regulations.* (1) In advance of scheduled air or surface operations which, in the opinion of the enforcing agency, may be dangerous to watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, Corps of Engineers, Jacksonville, Florida, may direct. Such warnings will specify the location, type, time, and duration of operations, and give such other pertinent information as may be required in the interests of safety.

(2) Watercraft shall not be prohibited from passing through the operational training area except when the operations being conducted are of such nature that the exclusion of watercraft is required in the interest of safety or for accomplishment of the mission, or is considered important to the national security.

(3) When the warning to navigation interests states that bombing and strafing operations will take place over the designated target areas or that other operations hazardous to watercraft are proposed to be conducted in a specifically described portion of the overall area, all watercraft will be excluded from the target area or otherwise described zone of operations and no vessel shall enter or remain therein during the period operations are in progress.

(4) Aircraft and naval vessels conducting operations in any part of the operational training area will exercise caution in order not to endanger watercraft. Operations which may be dangerous to watercraft will not be conducted without first ascertaining that the zone of operations is clear. Any vessel in the zone of operations will be warned to leave and upon being so warned the vessel shall leave immediately.

(5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S.C., and such agencies as he may designate.

[Regs., Feb. 28, 1962, 285/112–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 62–2552; Filed, Mar. 15, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2627]

[72043]

TEXAS

Transferring Lands Comprising Portions of Laguna Atascosa National Wildlife Refuge From Department of the Navy to Immigration and Naturalization Service

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Those certain acquired lands in Cameron County, Texas, aggregating 463.66 acres, which are a part of the Laguna Atascosa National Wildlife Refuge, and which were transferred from the administration of the Fish and Wildlife Service, Department of the Interior, to the Department of the Navy, for use in connection with the United States Naval Auxiliary Air Station at Port Isabel, Texas, by Public Land Order No. 1364 of November 23, 1956, are hereby transferred from the Department of the Navy to the jurisdiction of the Immigration and Naturalization Service, Department of Justice, for use in connection with its Service Officer Development Center at Port Isabel: *Provided, however*, That the jurisdiction and use of the Immigration and Naturalization Service over Tracts "P" and "S", of 25.3 and 52.0 acres, respectively, as described in Public Land Order No. 1364, shall be subordinate to the primary jurisdiction of the Fish and Wildlife Service for wildlife purposes.

2. The use of all the lands transferred by this order shall be subject to the condition that the Immigration and Naturalization Service will cooperate with the Fish and Wildlife Service with relation to flight plans for both arrivals and departures, over adjoining lands of the Laguna Atascosa National Wildlife Refuge, and will assume responsibility for any damage caused to installations of the Fish and Wildlife Service as a result of its operations upon or use of the lands.

3. It is intended that the lands which are the subject of this order shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes prescribed by this order.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 12, 1962.

[F.R. Doc. 62–2551; Filed, Mar. 15, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[959.302, Amdt. 2]

ONIONS GROWN IN SOUTH TEXAS

Proposed Amendment to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering approval of an amendment to the limitation of shipments, § 959.302 (27 F.R. 1451, 1801), recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959).

This marketing agreement and order program regulates the handling of onions grown in designated counties in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed amendment would prohibit the packaging and loading of onions on Sundays beginning March 25, through June 30, 1962.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 13, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-2589; Filed, Mar. 15, 1962; 8:49 a.m.]

Agricultural Stabilization and Commodity Service

[7 CFR Part 1107]

[Docket No. AO 304-A2]

MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Gulfport, Mississippi, on October 26, 1961, pursuant to notice thereof which was issued October 17, 1961 (26 F.R. 9912).

The material issues on the record of the hearing relate to:

1. Modification of diversion privileges.
2. Payments to a cooperative association for milk received from such cooperative association.
3. Pooling requirements for a supply plant operated by a cooperative association.
4. Pooling requirements for distributing plants.

This decision pertains only to issues Nos. 1 and 2. Decision on the issues Nos. 3 and 4 is reserved for later determination.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of diversion privileges.* The "producer" and "producer milk" definitions should be modified to provide, except in the case of new producers, for unlimited diversions to nonpool plants during the months of March through August, and diversion to nonpool plants of not more than 10 days' production of any producer during the months of September through February. In addition, an alternative procedure should be provided whereby in lieu of the 10-day limitation during the months of September through February, a cooperative association may divert to nonpool plants up to 15 percent of the milk of its producer members during any such month and a proprietary handler may so divert up to 15 percent of the total nonmember producer receipts at his pool plant during any such month without affecting the status of the milk as producer milk.

Under the existing order provisions diversion of a producer's milk to a nonpool plant in any month is limited to not more than one-third of the number of days' production of such producer received at a pool plant during the month except that during any month of March through July the milk of any producer may be diverted only if such individual held producer status for the entire two immediately preceding months. Diversions between pool plants may be made at any time and no change was proposed in this regard.

Official notice is taken of the decision of the Assistant Secretary issued September 27, 1960 (25 F.R. 9378) in which it was concluded that the present diversion limitations should be adopted. The then existing provisions permitted 10-day diversions during the months of September through January and unlimited diversions during the months of February through August. Under those provisions a cooperative association in the New Orleans market had been able to associate a substantial volume of milk with the local market on the basis of limited delivery (in some cases a single day) to a pool plant. This resulted in an undue variation in producer returns in relation to producer returns under the New Orleans order, particularly during the months of March through July. The Assistant Secretary, therefore, concluded that more restricted diversion privileges were needed to assure bona fide association of milk with the market and to prevent undue variation of prices.

The more limited privileges of the existing order have been effective in deterring erratic and uneconomic shifts of supplies as between New Orleans and the Gulf Coast markets. However, cooperative associations have experienced difficulty in handling the market's reserve supply under the present diversion limitations.

Official notice is taken of the fact that the diversion limitations were suspended for the period September 1961 through January 1962 to prevent loss of producer status by established producers.

Prior to the transition from cans to farm bulk tanks, milk necessarily was regularly moved to its plant of normal receipt regardless of its ultimate disposition. Milk in excess of fluid requirements and which was to be disposed of in manufacturing uses was, nevertheless, initially moved to receiving stations or distributing plants for cooling and assembling prior to transfer to manufacturing plants. With the advent of farm bulk tanks and tank pickup, the role of a plant in cooling and assembly for transfer has been minimized if not eliminated. Cooperative associations have assumed the responsibility of transporting milk from the farm to plants and proprietary handlers generally follow the practice of accepting only those quantities of milk needed for fluid and associated operations. Milk not needed by local handlers can be most economically handled by movement directly from the farm to manufacturing outlets. Under the existing diversion provisions, whereby one-third of the days of production received at a pool plant may be diverted during the month, and with every-other-day farm pickup (which is the usual practice), any producer's milk may be diverted a maximum of only seven days in any month. Since plants do not bottle every day during the week it is apparent that the present provisions cannot accommodate the existing market situation, particularly during the flush production months of March through August.

Proponents proposed that diversions during any month of September through February be limited to 10 days and that unlimited diversions be provided for the months of March through August. Except for the month of February proponents' proposal would restore the diversion privileges in effect prior to the November 1, 1960, amendment.

It is concluded that 10 days' diversion during any month of September through February should generally accommodate necessary diversions during such months under the existing market situation. However, greater flexibility and more economy in the handling of the market's reserve supply may be assured by providing, as an alternative during those months, that 15 percent of a cooperative's member producers' milk may be diverted by such cooperative and that other handlers may divert 15 percent of their nonmember producer receipts. While the percentage provision would allow less diversion than the 10-day limitation, it nevertheless will, in some situations implement more efficient movement of milk since regular diversion of certain routes may be accomplished during the month.

Under this percentage diversion limitation member milk could be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of a pool plant. Thus, there is a clear responsibility for both cooperative associations and proprietary handlers with respect to meeting the applicable percentage limitations. It is incumbent upon a handler receiving cooperative member milk to ascertain, prior to diverting any of such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative association is using the percentage basis for diversion, no other handler may account for milk of any of the cooperative's members under any diversion provision. It is conceivable, however, that arrangements for diversion of member milk might be made by a proprietary handler under agreement with the association whereby such diversion would be made for the account of the association. If the cooperative association is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the association. Under any circumstance where the percentage limitation is exceeded diversions automatically would be under the 10-day limitation. A cooperative, of course, may divert under the percentage limitation while nonmember milk is diverted under the 10-day limitation, or vice versa.

During the months of March through August it is desirable that unlimited diversion privileges be provided to implement the orderly disposition of the market's necessary reserve supply and seasonal surplus. However, some safeguard is needed to deter a repetition of the situation which necessitated the present limited diversion privileges. The existing provision which prevents diversion of a producer's milk during any month of March through July if such individual did not hold producer status during the entire two preceding months is appropriate for this purpose and should therefore be retained and extended to include the month of August.

2. *Payments to a cooperative association.* The payment provisions of the order should be revised to require that a handler make payment to a cooperative association, for milk purchased from such association in its capacity as a handler, at not less than the use value of such milk computed at the specified order class prices. Such payments should be made at the same time at which payments are required to be made to a cooperative association as the authorized collecting agent for milk received directly from such cooperative's producer members. Accordingly, an advance payment should be made by the 23d day of each month for milk received during the 1st 15 days of the month at a rate not less than the applicable Class II price for the preceding month. Final payment should be made by the 13th day after the end of the month and should reflect the full use value of the milk purchased during the month less the amount of advance payments.

Proponents pointed out that there is no provision now in the order requiring payment to a cooperate association for milk purchased from such association in its capacity as a handler, i.e., milk associated with a pool supply plant operated by the association and which is transferred or diverted to the pool plant of another handler. The cooperative stated that unless a specific provision is contained in the order, a handler purchasing milk from the cooperative association in its capacity as a handler might elect to make payments directly to producers in lieu of paying the association.

Under the terms of the order a cooperative association assumes handler status only with regard to milk which it diverts to a nonpool plant for its account, or in its capacity as the operator of a pool plant. In the interest of assuring equal terms of purchase among handlers and prompt payment to producers the time and method of payment to a cooperative association in its capacity as a handler should be included in the payment provisions of the order. The Administration of the order will be implemented by specifically requiring that handlers shall pay a cooperative association not less than the prescribed minimum class prices for milk purchased from such association in its capacity as a handler. Under the terms of the existing order producers are paid semimonthly. In order that a cooperative association may pay all of its producer members on the same date on which nonmember producers are paid it is necessary that it receive prompt payment from handlers for milk which it supplies to such handlers. Requiring an advance payment on or before the 23rd day of the month and final payment by the 13th day after the end of the month, the identical dates on which payments presently are required to be made to a cooperative association as the authorized collecting agent for milk of its member producers, will facilitate this end.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Mississippi Gulf Coast marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1107.14 and substitute therefor the following:

§ 1107.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A in-

spection requirements of a duly constituted health authority which milk is received during the month at a pool plant or diverted pursuant to paragraphs (a) through (e) of this section: *Provided*, That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted: *And provided further*, That if a handler diverting milk pursuant to paragraph (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) of this section and: *Provided also*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to the pool plant of another handler;

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association during any of the months of March through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of this paragraph, a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) on not more than 10 days (5 days in the case of every-other-day delivery) during any month of September through February except that this paragraph shall not be applicable, (1) if the dairy farmer is a member of a cooperative association and such cooperative association during the month diverts milk of any of its producer members pursuant to paragraph (d) of this section, or (2) if the dairy farmer is not a member of a cooperative association and the diverting handler during the month diverts milk of any nonmember producer from his plant pursuant to paragraph (e) of this section;

(d) Diverted during any month of September through February to a nonpool plant(s) as the milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of milk from all dairy farmer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through February to a nonpool plant(s) as milk of a dairy farmer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember dairy farmers so diverted does not exceed 15 percent of the total receipts of milk at such plant from nonmember dairy farmers.

2. Delete § 1107.15 and substitute therefor the following:

§ 1107.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received at a pool plant directly from producers or diverted in accordance with the provisions of paragraphs (a) through (e) of § 1107.14.

§ 1107.80 [Amendment]

3. In § 1107.80 renumber paragraph (d) as (e) and add a new paragraph (d) to read as follows:

(d) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 23d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

Signed at Washington, D.C., on March 13, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-2590; Filed, Mar. 15, 1962; 8:49 a.m.]

[7 CFR Part 1120]

[Docket No. AO328]

MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Lubbock, Tex., on June 6–10, 1961, pursuant to notice thereof which was issued May 11, 1961 (26 F.R. 4198). The period until September 2, 1961, was allowed interested parties for the filing of briefs on the record.

The material issues of record related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued, what its provision should be with respect to:

(a) The scope of regulation,

(b) The classification and allocation of milk,

(c) The determination and level of class prices,

(d) The distribution of proceeds to producers, and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the proposed Lubbock-Plainview marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

Although the marketing area, as hereinafter proposed to be defined, is located entirely within the State of Texas, a substantial proportion of the regular milk supply of the market originates on farms in the adjacent State of New Mexico. In addition, a New Mexico handler distributes milk processed at his Roswell and Carlsbad, New Mexico, bottling plants, in two counties of the proposed marketing area in direct competition with local handlers. Milk produced in the State of Oklahoma and processed in an Oklahoma City plant regulated under the Oklahoma Metropolitan order is regularly distributed through stores in both Lubbock and Plainview.

Handlers who would be fully regulated under this order regularly distribute milk, both within the local market and in the adjacent Texas Panhandle and Central West Texas markets, in direct competition with handlers regulated under the Panhandle and Central West Texas Federal orders. A large proportion of the regular supply for the Panhandle market originates on farms in the State of Oklahoma and dairy farmers in the State of New Mexico constitute a significant part of the regular supply for the Central West Texas market. In addition, local handlers rely on Panhandle handlers for supplemental milk supplies.

Milk in excess of the fluid requirements of the local market is transferred from local plants, or diverted directly from farms, to unregulated manufacturing plants in New Mexico and Oklahoma and to manufacturing plants regulated under the North Texas order for manufacturing uses. Products processed at such plants are disposed of on the national market in direct competition with similar products from all parts of the country.

From the foregoing it is concluded that the handling of all milk in the proposed marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

2. *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the Act.

The market has experienced a long history of disorder and unrest and producers have periodically manifested interest in Federal regulation. To this end numerous organizational attempts have been made by producers and several previous requests for a Federal order have been presented to the Department of Agriculture. However, those organizational efforts were not successful and the matter of Federal regulation has not previously been considered at a hearing because of the lack of unified producer support. During the past several years the majority of the producers on the market have joined one or the other of the two proponent cooperatives and these two cooperatives, on behalf of their producer members, have jointly requested Federal regulation.

It is apparent that producers generally lack confidence in the existing marketing system. Much of this lack of confidence stems from the fact that producers do not have access to the necessary market information which would permit them to market their milk most efficiently, that they have no voice in establishing market prices, and no opportunity of checking the butterfat tests of their milk.

Milk for the local market is secured in direct competition with milk moving to the adjacent Texas Panhandle and Central West Texas Federal order markets. Producers are aware that their neighbors shipping to these markets have assurance that their returns reflect the actual utilization value of their milk and actual butterfat content thereof at the specified order prices. While producers do not have access to utilization data of either individual handlers, or the market as a whole, they recognize that local handlers have a higher average Class I utilization than that of regulated handlers in adjacent markets. While local producer returns are related to returns in these adjacent markets they obviously do not reflect fully the value of the market's higher Class I utilization.

Handlers generally have maintained their producer receipts in close alignment with their fluid requirements and rely on adjacent Federal order markets for supplemental supplies. To this end, at least two of these handlers have established base plans. However, once bases were established they have not been consistently applied. Since January 1958, only one handler, and for two months only, has actually paid his producers uniformly on the basis of base and excess prices. On occasion individual producers or groups of producers have been paid base and excess prices while other dairy farmers delivering to the same plant have received a flat price for all of their deliveries.

One handler, drawing a substantial part of his supply from New Mexico producers, has followed the practice of diverting milk in excess of his fluid requirements directly to the Portales, New Mexico, receiving station of a handler distributing milk in the local market. Producers are generally paid for such milk by the New Mexico handler at a price of 75 or 80 cents per pound of butterfat. Such milk is then moved to the Carlsbad or Roswell bottling plants of the New Mexico handler who distributes milk from such plants in a portion of the local market in direct competition with local handlers.

The existing market situation constitutes a continuing threat to the maintenance of an adequate, dependable supply of pure and wholesome milk for the local market. The issuance of a marketing order will contribute to greater market stability and assure orderly marketing and hence will tend to effectuate the declared policy of the Act. Under a uniform plan for the classification and pricing of milk according to its use and with provision for the verification and audit of each handler's records, producers will share equitably the total Class I sales of the market as well as the burden of carrying the market's reserve supply. The order will provide the means whereby producers will have access to the market information necessary for the efficient marketing of their milk and all interested parties will have opportunity to participate, through the public hearing procedure, in the formulation of and amendment of the several order provisions.

3. *Order provisions. Scope of regulation.* The type of regulation effectuated by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing an appropriate definition for the term "marketing area," and describing the categories of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Lubbock-Plainview marketing area should include all of the territory within the 17 Texas counties of Bailey, Castro, Cochran, Cottle, Crosby, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Terry, and Yoakum, including all territory therein which is occupied by Government (municipal, State or Federal) installations, institutions, and other establishments.

The marketing area herein proposed is somewhat in excess of 16,000 square miles in area and has a population of 350,601. The principal cities and towns in the area include the cities of Lubbock, with a population in 1960 of nearly 130,000, Plainview with approximately 19,000 inhabitants and Brownfield and Levelland. Lubbock and Hale counties (Plainview is in the latter county) form the most important centers of population in the marketing area, counting 156,000 and 37,000 inhabitants, respectively. In these two counties are found the most important institutions in the marketing area. These include Texas Technological College and Lubbock Christian College at Lubbock, Wayland College at Plainview, and Reese Air Force Base at Lubbock.

The counties of Lamb and Hockley, adjacent to Lubbock and Hale, are populated by about 22,000 inhabitants each. Elsewhere the area is essentially rural in character and population density is relatively low. Nevertheless, each segment of the area represents a substantial area of sales for handlers who will be regulated.

The sale of milk for fluid consumption in all counties in the marketing area is subject to essentially the same standards of health regulation. The marketing area lies entirely within the State of Texas and the health regulations concerning milk sold there are authorized under the Texas Milk Grading and Labeling Law and the specifications and requirements issued pursuant to it. The Texas law and regulations in turn are based on the 1953 edition of the United States Public Health Code.

Within the marketing area there are three health authorities which administer regulations concerning minimum health standards for milk sold within their jurisdictions: those of the City of Lubbock, the City of Plainview and of a five-county area which operates out of Brownfield (Terry county). These regulations and ordinances are issued and auhorized under the State law and may not vary significantly from its terms. All handlers operating processing facilities in the area distribute milk within the jurisdictions of each of the health authorities. Hence, it is evident that fluid milk processed for sale moves freely within the area and that there are no obstacles to such movement.

Although none of the three handlers whose plants would be fully regulated under the terms of the recommended order does business in each of the counties recommended for inclusion in the marketing area, each county represents a substantial area of distribution for one or more of these handlers. All three handlers generally compete in the eleven counties of Baily, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Terry, and Lynn. In addition, Bell Dairy Products Company and the Borden Company, both of Lubbock, have substantial sales in Gaines and Yoakum counties and the Borden Company also has general distribution in Dickens county. Cloverlake Dairy Foods of Plainview has extensive sales in Castro, Cottle and Motley counties.

Within the recommended area, the three handlers generally compete with each other and/or with regulated handlers under the Central West Texas, Texas Panhandle, North Texas, Red River Valley and Oklahoma Metropolitan Federal orders. Only in Yoakum and Gaines counties is there any distribution in the proposed area by a handler who either is not already fully regulated under another Federal order or who would not be fully regulated under this proposed order. Price's Creamery, Inc., operating bottling plants at Roswell

and Carlsbad, New Mexico and a receiving and manufacturing plant at Portales, New Mexico, proposed that these two counties be excluded from the marketing area.

Gaines and Yoakum counties contain 2.3 and 3.5 percent, respectively, of the population of the marketing area. Seven percent of the Borden Company's total sales and one percent of Bell Dairy Products Company's total sales are made in these two counties whereas less than 2 percent of the combined sales of Price's Roswell and Carlsbad plants are made there. On the basis of data presented on the record the Borden Company has approximately 30 percent of the total sales in Yoakum county and from 20 to 30 percent of the total sales in Gaines county. Bell Dairy Products Company's sales are something in excess of 5 percent of the total sales in both counties. Except for Price's sales, which represent roughly 10 percent of the total, the remaining sales are made by regulated handlers from other Federal markets, primarily Central West Texas.

It is clear that handlers who will be fully regulated under the terms of the recommended order or who are presently regulated under nearby Federal orders have at least 80 percent of the total Class I sales in Yoakum county and 90 percent of such sales in Gaines county. It must be concluded therefore that these two counties constitute an integral part of the Lubbock-Plainview market and they therefore are included in the recommended marketing area.

It is intended that the marketing area shall include all territory occupied by Government reservations, institutions or other such establishments, whether municipal, State or Federal, within the boundaries of the area as defined. The quality requirements for milk for such installations are similar to those for milk sold in other parts of the marketing area. These, by location and past performance, represent logical areas of distribution for dealers who are in substantial competition with one another in the marketing area. Unless they are included, regulated handlers will be placed at a serious competitive disadvantage in competing with unregulated dealers for such sales. The inclusion of these areas will tend to assure uniform and equal minimum prices for milk among handlers.

The marketing area as herein defined comprises a contiguous territory which is generally served by the same handlers. It is in reality a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, which constitutes a practicable unit for the proposed regulation.

In addition to the seventeen counties herein recommended for inclusion in the marketing area proposals considered at the hearing also would have included Parmer and Kent counties. While handlers supported the inclusion of these counties it is apparent that none of the three handlers have any distribution there. Under the circumstances there is no basis for their inclusion in the marketing area.

Milk to be priced. The minimum class prices under the order should apply to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants primarily engaged in the fluid milk business and which process milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by providing appropriate definitions of the terms "plant", "distributing plant", "supply plant", "pool plant", "handler", "producer", "producer handler", "producer milk", "other source milk", and "route".

These definitions are designed to identify the supplies of milk on which the market regularly and normally depends. Under the terms of the order herein recommended milk may be disposed of for fluid consumption in the market under a wide variety of circumstances. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and what milk constitute the regular sources of supply and therefore becomes fully subject to regulation. Such standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus whether a plant will be fully or partially regulated or unregulated is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and/or packaging milk and milk products are operations of the plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another, or as a distribution depot for storage of packaged fluid milk products in transit on routes would not itself constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a route definition is provided. A route is defined as any delivery of a fluid milk product from a plant to wholesale and retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine is treated as a route disposition of the bottling plant supplying the milk for such disposition.

Plants may be regulated on the basis of their performance either as distributing plants or as supply plants. To qualify as a distributing plant, a plant must dispose of Grade A fluid milk products on routes in the marketing area. A plant acting as a supplier of Grade A milk, skim milk or cream to a distributing plant is termed a supply plant. It is not necessary, however, that all distributing and supply plants be subjected to full regulation. Performance standards should be sufficiently flexible to permit intermittent shipments from supply plants not regularly identified with the local market, and direct distribution on routes from distributing plants which have only a minor part of their overall fluid milk business in the marketing area, without subjecting such plants to full regulation. Full regulation of such plants is unnecessary to accomplish the purpose of the order and might result in placing such plants at a competitive disadvantage in supplying the unregulated but primary market with which they are normally associated.

A distributing plant, other than that of a producer-handler, is qualified as a pool plant in any month in which Class I milk equal to not less than 50 percent of Grade A milk received directly from dairy farmers (including receipts from a cooperative association acting as the handler on farm tank milk which it causes to be picked up at the farm and delivered to the plant) is disposed of in the form of Class I milk on routes, if the lesser of 15 percent of such receipts or a daily average of 1,500 pounds is disposed of on routes in the marketing area. A plant which distributes less than 50 percent of its receipts from dairy farmers as Class I milk should not be considered as primarily in the fluid milk business and any plant which distributes the lesser of 15 percent of such receipts or 1,500 pounds on a daily average on routes in the marketing area should not be considered as substantially associated with this market.

Distributing plants in the market rely primarily on direct producer receipts as a source of milk supply and there is no reason to expect a change in this situation. Nevertheless, the order should make provisions whereby supply plants may qualify for pooling. It is therefore provided, that a supply plant may be qualified as a pool plant in any month in which 50 percent of its receipts of Grade A milk direct from dairy farmers (including receipts from a cooperative association acting as the handler on bulk tank milk which it causes to be picked up at the farm and delivered to the plant) is moved to a distributing plant(s) which disposes of 50 percent or more of its total receipts of Grade A milk and at least 15 percent or 1,500 pounds on a daily average, whichever is less, on routes in the marketing area. A plant shipping 50 percent or more of its Grade A receipts from dairy farmers to distributing plants substantially associated with the local market has demonstrated its primary association with the market for the month. Any plant meeting this shipping requirement in each of the months of September through November, on its election, should be permitted to retain pooling status during the months of March through June, regardless of shipments.

The months of March through June are the months of flush production when it would be expected that the regular direct receipts would most likely exceed fluid requirements. In such cases it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants for the purpose of maintaining pooling eligibility. Accordingly, supply plants which have demonstrated their association with the market during the months of September through November, when milk supplies are normally shortest, should be permitted to retain pooling status during the flush production months. However, there is no reason why such plant should be required to pool during any period in which it does not meet the shipping requirements. To avoid any misunderstanding between the operator and the market administrator as to the plant's status during the flush production months, the plant operator must notify the administrator in writing prior to the first day of any month of March through June if he does not wish to exercise his option for automatic pooling status for the remainder of the period through June.

Proponents proposed that a supply plant be required to meet a 75 percent shipping requirement during the months of September through November to qualify for automatic pooling during March through June. A plant meeting the regular shipping requirements for pooling in each of the short production months has sufficiently demonstrated its association with the market and it would be inappropriate, and it is unnecessary, to provide greater requirements for qualification for automatic pooling during the flush production months.

One handler in the market maintains an ungraded manufacturing operation in the same building as his Grade A plant. The manufacturing operation is not approved by any health authority for receiving, processing or packaging any Grade A fluid milk product and the applicable health regulations do not permit transfer of milk from the ungraded to the Grade A operations. If Grade A milk is moved to the ungraded operation it loses its status as Grade A milk. The ungraded operation has no facilities for receiving fluid milk and there is no pipeline connecting the two plants. Under such circumstance there is no reason for restricting the operation of the ungraded facilities to any greater degree than is the case in the operation of any other ungraded plant. However, proper safeguards must be provided to insure that the ungraded and graded portions of any pool handler are maintained as separate entities. It is concluded, therefore, that if a portion of a pool plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing or packaging any fluid milk product for Grade A disposition, it should not be considered a part of the pool plant. However, if the graded and ungraded operations are not maintained separately, the entire operation of the plant would be considered that of a pool plant and all ungraded milk received at such plant would be considered as other source receipts.

Some milk is distributed in the marketing area from plants which also distribute milk in other Federal order markets. Such distributing plants may meet the pooling requirements of both this order and another Federal order. Since it is not necessary that a plant be fully regulated under each of two orders, standards are needed whereby the market administrator may ascertain whether such a plant should be regulated under this order.

Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made and this is concluded to be an appropriate standard under this order. It should be recognized, however, that with recent technological improvements in the production, processing and distribution, routes have been greatly extended. It is not improbable that a plant could have virtually the same volume of distribution in each of two markets and with a relatively inconsequential change in the proportion of distribution as between these markets, regulation of the plant could shift back and forth between the two orders on a month to month basis. Such a situation would not be in the best interest of orderly marketing. It is possible, due to a management error or error on the part of an employee or a route salesman, that an inadvertent sale might result in an unintended change in pooling. It is also possible that a change in classification during audit might produce the same result.

Any uncertainty as to the market in which a plant is to be pooled in any particular month will be substantially eliminated if a distributing plant meeting the pooling requirements of both this order and another Federal order and having a greater proportion of its Class I disposition in the marketing area regulated by such other order but which was pooled under this order in the most recent month is permitted to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. It should be recognized, however, that the provisions of such other order may require the plant to be pooled under that order, in which case the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification.

Official notice is taken of the fact that the other Texas orders have recently been amended to include similar provisions to those herein proposed to deter plants from changing back and forth between orders on a month-to-month basis. To assure that the provisions of the several orders are compatible, provision also should be made to exempt a distributing plant doing a greater proportion of its Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order.

Under the provisions as herein recommended, a supply plant would be regulated under this order in any month in which 50 percent of receipts from dairy farmers are shipped to the market. It is, therefore, unnecessary to make provision for supply plants meeting the pooling requirements of two orders. Any plant shipping 50 percent of its receipts to the local market should be considered as primarily associated with the market and should therefore be fully regulated.

At least one State institution operates a processing facility in the marketing area. Where such operations are confined to the distribution of milk processed and packaged on the premises, or on the premises of other State institutions, such institutions should be exempted from regulation under the order. There is no need to regulate the activities of States in supplying the needs of their own institutions. However, such institutions should not be permitted to deliver milk in excess of their fluid requirements to a pool plant(s) as producer milk. Neither should they be permitted to receive fluid milk products from pool handlers as other than Class I milk. The order provides, therefore, that receipts at a pool plant from a State institution which processes or packages milk for distribution only on its premises or on the premises of other State institutions shall be treated as other source milk and any receipts by such institution of fluid milk products from a pool handler shall be classified as Class I.

Producer-handler. A producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants.

There is only one known producer-handler operation in the market and there is no indication that this operation has been a disturbing factor in this market. A producer-handler conducts an integrated operation—processing, packaging, and distributing milk of his own farm production. Full regulation of such individuals would provide considerable administrative difficulty and is not considered necessary under the existing market situation.

It is intended that the exemption from pricing and pooling of such operations shall be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that producer-handler status shall be conditioned on satisfactory proof that the maintenance, care and management of the dairy herd and other resources necessary to produce milk and the processing, packaging, and distribution operations are the personal enterprises and conducted at the risk of the person involved.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to receipts from pool handlers, the order provides that a producer-handler shall make reports at such time and in such manner as the market administrator shall require.

Handler. A "handler" should be defined as any person in his capacity as the operator of a pool plant or any nonpool distributing or supply plant and any cooperative association with respect to producer milk diverted for the account of such association to a nonpool plant and, at its election, any cooperative association with respect to the milk of its

member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such association.

The handler who receives milk from producers is held responsible under the terms of the order for reporting receipts and utilization of such milk and for proper payment to producers and to the pool. Inclusion in the handler definition of the operator of any nonpool distributing or supply plant is necessary in order that the market administrator may require reports as he deems necessary to determine the continuing status of such individuals. In the case of a distributing plant which does not acquire pool status because of insufficient sales in the marketing area, such reports are further necessary to determine the amount of compensatory payment to be made by the operator of such plant on the milk distributed in the marketing area.

Besides the possibility that a cooperative association may be a handler with respect to a plant operation, two other types of operations also may qualify it as a handler. One of these is the diversion of the milk of producers associated with the market to nonpool plants for its account. This arrangement will facilitate the disposal of milk surplus to the fluid needs of the market by cooperative associations.

The second role of the cooperative association as a handler without a plant is with respect to its operations in delivering the milk of its producer members directly from the farm to pool plants. Under the current arrangements for marketing the milk of producers using farm milk tanks, the amount of milk received and the butterfat tests thereof are determined by measurement at the farm and from butterfat samples taken at the farm. After the milk has been pumped into the tank truck, and commingled with the milk of other producers, there is no further opportunity to measure or sample or reject the milk of an individual producer except as the operator of the pool plant measures, samples or accepts the entire lot of milk. When such operations are conducted at the behest and under the supervision of a cooperative association, it is the association who has control over the operations with respect to individual producers. Accordingly, the association should be considered to be the responsible handler for reporting, accounting and payment for the milk. However, in order to allow flexibility in the marketing arrangements between cooperative associations and operators of pool plants, the order should make provision for the transferee handler to be the responsible handler upon notification by the association. The milk delivered to a pool plant in this manner is treated as a receipt of producer milk by the cooperative at a pool plant in the same location as the pool plant at which the milk was physically received. This transaction is treated as an interhandler transfer under the terms of the order.

Producer. The term "producer" is intended to distinguish those dairy farmers who constitute the regular source of Grade A milk supply for the market to whom the minimum prices specified under the order must be paid. Under the definition a producer is any person, other than a producer-handler or a State institution (pursuant to § 1120.63) who produces Grade A milk which milk is received at a pool plant.

When producer milk is not needed in the market for Class I use the movement of such milk to nonpool plants for manufacturing uses should be facilitated. Allowing for unlimited diversion during those months when supplies are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when milk of producers is most needed to supply the Class I needs of the market. It is necessary, however, to recognize the fact that there are day-to-day variations in both production and sales, particularly since bottling operations are not conducted seven days a week. To accommodate efficient handling of the regular milk supply, therefore, it is provided that during any month of July through February milk may be diverted to a nonpool plant on not more than 15 days and still retain status of producer milk under the order. Milk diverted in excess of 15 days would not be included as a receipt of producer milk.

Proponents asked that cooperative associations be permitted the right of unlimited diversions and that diversions by proprietary handlers be restricted to not more than 15 days in any month. It would not be appropriate to permit cooperative associations greater diversion privileges than are provided for other handlers. As has been previously indicated, local handlers generally have maintained a very high Class I utilization. It is intended that the order shall assure an adequate, but not excessive supply of milk for the fluid market. The order provisions should not be drawn so as to encourage an excess volume of milk to associate with the pool. During the months of July through February it is not necessary to accommodate diversions to nonpool plants except insofar as may be necessary to assure orderly handling of weekend surpluses.

Milk disposed of to Government installations under contract sales must meet specified standards patterned after the U.S. Public Health standards which are similar to those in effect in other parts of the area. It is intended that dairy farmers whose milk is received at a plant supplying contracts for Government installations in the marketing area shall be considered as qualified producers in any month when their milk is so disposed of, if the plant at which their milk is first received is a fully regulated pool plant during the month.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at a pool plant directly from such producers or by a cooperative association in its capacity as a handler on bulk tank milk which it causes to be picked up at the farm. As previously indicated the latter milk is treated as a receipt by the cooperative at a pool plant at the location of the pool plant where physically received. The term also includes any diverted milk of producers within the limitation prescribed in the producer definition. Such milk is treated as a receipt of producer milk at the location of the pool plant from which diverted.

Other source milk. The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operations except fluid milk products received from pool plants, and from cooperative associations acting as the handler on bulk tank milk, inventory in the form of fluid milk products and current receipts of producer milk. The term also should include all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under the compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

Classification of milk. A classified use plan must be established to insure that all milk and milk products are fully accounted for by the handler responsible for accounting and reporting to the market administrator and for making payments to producers. Accounting for milk and milk products on a skim milk equivalent and butterfat basis and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat are used or disposed of either as Class I milk or Class II milk, is the most appropriate means of securing complete accounting of all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms representing different proportions of butterfat and skim milk components of milk which may be greatly changed from the proportions of such butterfat and skim milk in milk as it is first received. Because intermarket transfers of milk are necessarily included in the accounting procedure it is essential that the accounting procedure employed conform with that used in other Federal order markets. The skim milk and butterfat accounting system provided for in the order recognizes the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved.

Only producer milk is intended to be priced and pooled under the order. However, milk may be received at pool plants not only from producers but also from other handlers and other sources and commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk and milk products in a plant to properly establish the classification of producer milk and to apply the provisions of a classified pricing plan to such milk.

To implement the drafting of the classification provisions of the order a definition of "fluid milk products" is provided. The term is intended to include those products which are generally required to be derived from milk and milk products from approved sources of supply. These are the products which are classified as Class I milk under the classification herein provided.

The extra cost incurred by producers in producing quality milk and getting it delivered to the market in the condition and in the quantities needed by the market necessitates price for milk used in Class I products somewhat above the price of milk used in manufactured products. This higher price should be established at a level which will provide sufficient incentive to producers, through the blended price returns, to encourage the production of those quantities of milk needed for Class I use plus a necessary reserve to accommodate fluctuations in the market demand.

Milk not needed for Class I uses is disposed of in the manufacture of various dairy products which compete in a national market with similar products made from unapproved milk. Milk so used is classified as Class II milk and priced in accordance with its value in such outlets.

Under the proposed classification scheme Class I milk would be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, concentrated milk, flavored milk drinks, cream (except aerated cream products), cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except that disposed of to bakeries and other commercial food processing plants, or as ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers. Skim milk and butterfat not specifically accounted for in Class II would also be classified as Class I.

When fortification of fluid milk products is involved it is intended that the extent of classification as Class I shall be only the weight of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

When nonfat milk solids are added to a fluid milk product for the purpose of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstance can it be concluded that the solids displace producer milk beyond the minor increases in volume which result.

When reconstitution, rather than fortification, is involved it is essential that the full skim equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute wherever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses wherever it was advantageous to do so, while producer milk was utilized in Class II, it would not be effective in carrying out the purpose of the Act and the market would be deprived of a dependable milk supply.

When flavoring and other nonmilk additives are used in processing any milk product, it is intended that the dry weight of such additives shall be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure employed in adjacent Federal order markets and will implement the accounting for all skim milk and butterfat utilized.

All skim milk and butterfat received for which the handler cannot establish utilization should be classified as Class I milk except for that shrinkage for which a Class II classification is provided, as hereinafter discussed. This procedure is necessary to remove any advantage which might occur to handlers who fail to maintain complete and accurate records and will assure producers full value for their milk according to use.

All skim milk and butterfat used to produce products other than those which are classified as Class I should be classified in Class II. This classification would encompass all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from milk from approved sources of supply, including fluid milk products disposed of to bakeries and other food product manufacturing establishments for manufacturing uses.

Handlers maintain inventories of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing that end-of-month inventories of Class I products shall be classified as Class II milk, regardless of whether such products are in bulk or packaged form. Inventories of such products under the allocation procedure hereinafter set forth are subtracted from any available disposition in the following month after the prior allocation of other source receipts to the lowest available use class. The higher use value of any fluid milk product in inventory, but which is allocated to Class I milk in the following month, should be reflected in returns to producers. This procedure will deter any handler from obtaining a pricing advantage by manipulation of inventories on a month-to-month basis and at the same time generally preserves the principle that producer milk shall have prior claim on Class I utilization. To implement these conclusions, inventories of fluid milk products on hand at a pool plant at the beginning of the month in which a plant is first pooled shall be treated as a receipt of other source milk at such plant during the month.

Losses of skim milk and butterfat experienced in plant operations must be considered in a full accounting procedure, although the handler realizes no return on such losses. Such disappearance is termed "shrinkage" and should be considered as Class II disposition to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

Plants which are operated in a reasonably efficient manner and in which accurate records are maintained should not experience a normal shrinkage loss of more than 2 percent. Any shrinkage in excess of this amount should be classified in Class I. This procedure is reasonable and necessary to implement the classified pricing plan and will encourage maintenance of adequate records and efficient handling of milk.

To implement the division of the maximum 2-percent shrinkage allowance between handlers where interhandler transfers are involved, and particularly in recognition of the fact that the order herein recommended provides that a cooperative association shall be the responsible handler for milk picked up at the farm in tank trucks under its control and delivered to the plants of other handlers, it is desirable that the order provide the basis of allocating shrinkage as between handlers.

There is no question but that under normal circumstance losses connected with processing and packaging exceed those of the receiving operations. Experience in other Federal order markets indicate a one-half of 1 percent shrinkage allowance for a receiving operation to be appropriate. Such an allowance is considered to be a reasonable allowance and gives assurance to the receiving handler that he will be able to account for his actual shrinkage experience within this limit as Class II milk. The remaining 1.5 percent shrinkage allowance assures the transferee handler of a reasonable share of the total allowable shrinkage. Where the transferor handler is a cooperative association delivering bulk tank milk and the transferee handler is purchasing such milk on the basis of farm weights and the tests of farm-drawn samples the cooperative, of course, experiences no shrinkage. In such case the order provides that the entire 2-percent shrinkage allowance goes to the transferor handler.

Since handlers may use both pool milk and other source milk in their plant operations, provision must be made for a division of plant shrinkage among the various sources of receipts. This may be accomplished by providing that other source milk shall be assigned a pro rata share of total plant shrinkage on the basis of the percentage that other source receipts are of total plant receipts.

All shrinkage on other source milk should be classified as Class II. The classification procedure herein recommended gives adequate protection in the classification of producer milk and it is

unnecessary to limit the classification of shrinkage on other source milk in Class II.

Under normal circumstances handlers experience some spoilage of fluid milk products, particularly in route returns, for which there is no return other than as animal feed. Skim milk and butterfat disposed of for animal feed should be classified as Class II milk. The returns to the handler on such disposition are significantly less attractive than for other Class II disposition (except dumpage). Further, such disposition can be verified by the market administrator and hence there is no need for any limitation on such disposition.

Dumped skim milk and butterfat should be classified as Class II provided that the market administrator is provided opportunity to witness the dumping, if he so desires. Clearly, dumpage is distinguishable from shrinkage in that it is a disposition which may be accounted for. Since it results in no financial return to the handler, however, such disposition should be considered a Class II usage. However, since it would be impossible to verify dumpage other than by witnessing, or on the basis of handlers' records, safeguards must be provided to prevent handlers from constructing dumpage records to offset excess shrinkage experience or unreported Class I disposition. Provision for advance notice to the market administrator will provide such a safeguard since the administrator then will have opportunity to witness dumpage for verification purposes.

Skim milk and butterfat used to produce Class II products should be considered to be disposed of when the product is made. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product should be treated as a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all of his receipts of skim milk and butterfat in any form. The handler who first receives milk from dairy farmers is held responsible for establishing the classification thereof, and for making payments to producers. This principle is fundamental to effective administration of the order and is consistent with the practice followed in other federally regulated markets.

Transfers. Skim milk and butterfat in fluid milk products transferred between pool plants should be classified as Class I unless both handlers indicate in their reports to the market administrator that classification should be as Class II. However, sufficient Class II utilization must be available in the transferee plant to cover any claimed Class II classification after the prior allocation of other source receipts and inventory as provided in the allocation procedure. In the event that the transferor handler has received other source milk, the classification of milk at both the transferor and the transferee plant should be conditioned on allocation of the largest possible Class I utilization to producer milk at both plants under the prescribed allocation procedure.

Skim milk and butterfat in packaged fluid milk products transferred from a pool plant to a nonpool plant should be classified as Class I and should not be subject to reclassification. Milk so moved is intended for disposition for fluid consumption and the Class I value thereof should logically accrue to the Lubbock-Plainview producers supplying such milk.

All skim milk and butterfat in fluid milk products transferred to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. Producer-handlers operate essentially only a Class I business. Any supplemental supplies of milk obtained from pool handlers may be presumed to be needed by the producer-handler for fluid use and should be classified as Class I milk. Under any circumstances, producer-handlers do not participate in the marketwide pooling procedure, and if they rely on other handlers for balancing supplies, producers should be compensated through a Class I return on any fluid milk products so transferred.

Fluid milk products transferred in bulk to any nonpool plant which is a fully regulated plant under another Federal order should be classified in the class in which assigned under such other order. This procedure will insure compatibility of classification as between orders and at the same time provide assurance to producers that their milk is being priced in accordance with its actual use value. It should be recognized that the transferee plant may be receiving milk from several plants regulated under other orders. To assure equity for local producers when milk from more than one order is involved it is provided that the classification of the transfers shall be a pro rata share of other Federal order milk classified in each class at the transferee plant under the provisions of the other order.

Fluid milk products transferred in bulk to a nonpool distributing plant, not regulated under any Federal order, should be classified as Class I to the extent of such plant's Class I sales in the marketing area, if such nonpool plant has elected to make the regular compensatory payment rather than payment of any amount by which his payment to his regular dairy farmers is less than the classification value of his milk. This procedure protects the integrity of regulation and at the same time minimizes the application of compensatory payment on such a plant.

Cream which is transferred to a nonpool plant without a Grade A certificate and which is appropriately labeled to indicate its suitability for manufacturing use only should be classified as Class II. Such cream is not disposed of by the transferee handler for Class I uses and accordingly, a Class II classification is appropriate.

Except as previously discussed skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant either by transfer or diversion should be Class I unless specified conditions are met. The transferring handler must claim classification as other than Class I. The transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, for verification purposes. In addition, at least an equivalent Class II utilization of skim milk and butterfat, respectively, must have been available in such plant and the classification of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant may not be less than a pro rata share of the available Class I utilization assignable to Federal order receipts at such plant after the prior assignment to Class I of receipts from Grade A dairy farmers who the market administrator determines constitute the regular source of supply for Grade A milk for such plant.

Proponents proposed a mileage limitation beyond which fluid milk products could not be transferred or diverted except under a Class I classification. Such a limitation was intended for administrative convenience and conservation of administrative funds. In recognition of the widespread nature of the Federal order program and the fact that the market administrator may rely on his counterparts in other regulated markets to perform audits at distant plants with appropriate reimbursement for such service, the auditing at distant plants need be no more costly than the auditing at local plants. Hence, there is no need for the proposed mileage limitation on transfers. However, to protect the integrity of regulation it is desirable that some limitation be placed on diversions under other than a Class I classification. Unless this is done, milk produced for other markets could be associated with this market on the basis of even a single day's delivery for purposes of establishing status as producer milk and thereafter be reported as a diversion to its normal plant of receipt throughout the months of unlimited diversion. In consideration of the location of available manufacturing facilities there should be no need to divert milk for manufacturing uses in excess of 300 miles. Accordingly, it is provided that milk diverted to a nonpool plant located in excess of 300 miles from Lubbock shall be classified as Class I.

Allocation. The order class prices apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant shall be assigned to producer milk. The milk from producers who constitute the regular supplies of the market should be given priority in the assignment of Class I utilization at pool plants. When milk is received from other sources it should be assigned first to Class II. Unless this procedure is followed there can be no assurance that such other source milk will not be used to displace producer milk in Class I whenever it is advantageous to the purchasing handler. If this were permitted, the order would not be effective in carrying out the purpose of the Act.

Much of the supplemental milk for the market has in the past been brought in from other Federal order markets. When such supplemental milk is actually needed and is obtained under conditions which assure that it was paid for at Class I prices under another order, it is appropriate that the need be recognized in the allocation of such milk. Provision should be made, therefore, following the assignment of unpriced other source milk to the lowest available use class and prior to the assignment of bulk receipts from other Federal order plants, for the assignment of 5 percent of producer receipts and receipts from cooperative associations pursuant to § 1120.17(c) (2) to any remaining Class II use. This procedure will permit a handler whose regular milk supplies run short to bring in milk from other Federal order markets and have it assigned to Class I.

It is intended that the order shall recognize the principle of free movement of packaged fluid milk products between Federal order markets. Accordingly, the allocation provisions provide that receipts of packaged fluid milk products from fully regulated plants under another Federal order shall be assigned to Class I.

The pricing under the several orders from which such movements of milk might occur is such that no pricing advantage would likely be gained by the movements of packaged milk between markets. However, efficiencies in scale of operation resulting from concentration of specialized packaging operations in a single plant may be advantageous to multiple plant operations. This unrestricted competition for sales among all handlers where milk is priced and regulated on a uniform basis will provide flexibility in daily operations of handlers and a better balance of milk supplies between markets will be gained by permitting the free movement of packaged fluid milk products.

Following the allocation of other Federal order receipts, the 5 percent of producer receipts deducted prior to the allocation of such other source milk is added to the remaining available Class II utilization. Inventories of fluid milk products on hand at the beginning of the month are then allocated to the lowest available use. The procedure of allocation and the computation of obligations provided will permit final classification of opening inventory in the current month and it is intended that there shall be a reclassification payment on any part of the opening inventory which is allocated to Class I. An exception to this procedure is provided in the payment provisions of the order to insure that such reclassification payment will not be applicable to milk which has previously been priced as Class I milk under another Federal order and which is carried in the handler's plant in opening inventory.

The only remaining receipts not yet allocated are producer receipts and receipts from pool plants. Receipts from other pool plants (including a cooperative association pursuant to § 1120.17(c) (2)) are allocated to the class in which assigned under the transfer provisions and the remaining utilization is presumed to represent producer receipts.

If after making the assignments prescribed in the allocation procedure, the total of all Class I and Class II milk assignable to producer milk exceeds the amount of producer milk reported by the handler such overage is assigned to the lowest available utilization and is billed to the handler at the applicable class price. In the allocation procedure recognition is taken of all reported receipts of other source milk. Hence, when utilization records indicate a disposition greater than receipts it must be presumed that the handler has underreported his receipts of producer milk.

Determination and level of class prices. To restore and maintain orderly marketing in the Lubbock-Plainview, Texas, marketing area it is essential that the class prices established be at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the local fluid market and at the same time assure the orderly disposition of the necessary market reserve supply.

Most of the Federal orders now in effect provide for the computation of prices at a basis test of 3.5 percent butterfat content and it is desirable for the purpose of implementing price comparisons as between Federal order markets, that a uniform standard be used in all orders. However, official notice is taken of the fact that the other Texas Federal orders presenly provide for the announcement of prices at a 4.0 percent basic test. It is anticipated that the Department will be requested at an early date to change all of the Texas orders to provide pricing on the basis of a 3.5 percent butterfat test in general conformity with other Federal orders. In the meantime, it is desirable to maintain uniformity among the several Texas orders and accordingly, provision is made under this order for pricing at a basic test of 4.0 percent butterfat.

Class I price. The price for Class I milk should be established on the basis of the Class I price effective under Federal Order 126 regulating the handling of milk in the North Texas marketing area, but at a level 10 cents higher than such price.

In providing a method by which to establish the local Class I price, consideration must be given to the prices of alternative sources of whole milk and to the national level of prices for milk used to produce manufacturing milk products. The Class I price should be expressed as a differential over manufacturing milk values. The use of manufacturing milk values will give appropriate consideration to those (national) factors underlying seasonal and secular changes in the general level of prices for milk and for manufactured dairy products. A differential over manufacturing milk values is necessary to cover the additional costs of marketing and meeting sanitation and health requirements governing the production of Grade A milk for fluid consumption in the local market. Such differential should provide returns to producers, after the proceeds from the Class I and Class II sales of the market are blended, sufficient to assure the maintenance of an adequate supply of milk to meet the markets fluid needs.

Proponents of regulation, while subscribing to the principles set forth above, were divided as to the specific terms for a Class I pricing formula. The spokesman for one group of producers, pointing out the substantial sales in the marketing area by a Central West Texas regulated handler and the competition for producers between regulated handlers under that order and local handlers, proposed that the Class I price be set at the level identical with the Class I price under the Central West Texas order applicable at Abilene, Texas. The spokesman for another producer group proposed a level of price 18 cents over the Texas Panhandle Federal order price. Local handlers, while not supporting regulation, pointed out the competition between local handlers and Panhandle regulated handlers.

The Lubbock-Plainview marketing area lies between the Texas Panhandle and the Central West Texas marketing areas and directly west of the Red River Valley marketing area. To a large extent milk for the local market is produced in direct competition with milk produced for the Texas Panhandle and Central West Texas markets. Substantial volumes of milk priced under the Central West Texas and Texas Panhandle orders are distributed on routes in the Lubbock-Plainview market. In addition, milk priced under the Oklahoma Metropolitan and North Texas orders is regularly distributed in the local market. Because of this relationship of the local market with adjacent federally regulated markets, it is essential that the prices established by the order be closely related to prices in these adjacent markets.

The Class I price under the Central West Texas order is established on the basis of the North Texas price plus 25 cents (40 cents in the Midland area). The North Texas Class I price is determined by the addition of specified differentials to a basic formula price reflecting the higher of the Midwest condensary pay price adjusted to a 4.0 percent butterfat test or a butter-powder formula. The resulting price if further adjusted to reflect the combined supply-demand situation in the North Texas, Central West Texas, Austin-Waco, San Antonio and Corput Christi markets. The Texas Panhandle Class I price is computed on the identical basis formula as the North Texas Class I price but with seasonal differentials averaging 6 cents less than those provided in the North Texas order and with no supply-demand adjustment mechanism. As a result the Panhandle price, which for the period January 1958, through December 1960, averaged approximately 3 cents under the North Texas price and 28 cents under the Central West Texas price, averaged in 1961, 12 cents over the North Texas price.

For the purpose of ascertaining current order price relationships, producer receipts and Class I sales, official notice is taken of the price and pool statistics

released by the respective market administrators of the North Texas and Texas Panhandle Federal orders for the period April through December 1961.

It is apparent that for an extended period immediately prior to 1961 both the North Texas and Texas Panhandle markets had at least an adequate milk supply. During 1961 the volume of producer milk in the Panhandle market increased approximately 14 percent over that of the previous year while Class I sales declined about 1.5 percent. In the North Texas market producer receipts increased about 8.4 percent while Class I sales increased slightly.

All of the Federal orders in the Southwest, other than the Texas Panhandle, provide for automatic Class I price adjustments to reflect current supply-demand conditions. Hence, if general interorder price alignment is to be maintained the increase in the Panhandle Class I price during 1961 in relation to the price in adjacent Federal order markets must be considered an aberration.

A Class I price for the Lubbock-Plainview market, therefore, should be based on the more normal price relationships existing among the adjacent Federal order markets in the most recent years preceding 1961. Accordingly, it is concluded appropriate that the Lubbock-Plainview price be established at a level 10 cents over the North Texas Class I price and 15 cents under the Central West Texas price. Under this level of pricing the Lubbock-Plainview Class I price during the years 1958, 1959, and 1960 would have exceeded the Texas Panhandle price by an average of 15.9 cents, 8.6 cents, 15.2 cents, respectively.

Milk under the Texas Panhandle order is priced at Amarillo which lies 124 miles north of Lubbock, while milk under the Central West Texas order is priced at Abilene, 166 miles southeast of Lubbock. Hence, the proposed pricing at Lubbock appropriately reflects the differences in distance between Lubbock and those points.

In general, prices for milk for fluid use in the Lubbock-Plainview market have reflected the average returns to producers under the Central West Texas and Panhandle markets. While the utilization of local handlers cannot be specifically determined on the basis of the hearing record, it is apparent that these handlers have attempted to tailor their producer receipts to their fluid milk requirements and have relied on adjacent markets for balancing supplies. It would appear, therefore, that the Class I price herein proposed would not have changed significantly producer returns during 1958 and 1959. However, since local producers prices during 1960 declined slightly from those paid during 1959 and Class I prices and blend prices in adjacent Federal order markets increased roughly 20 cents per hundredweight, it is concluded that had the order herein recommended been in effect during 1960, producer returns would have been increased by at least this amount. Information relative to local producer returns during 1961 is not available. Accordingly, the effect of the recommended Class I price on their returns for 1961 cannot be ascertained. Blend prices in adjacent Federal order markets, other than the Panhandle, in 1961, declined from those of 1960 as a result of the actions of supply-demand adjustment mechanism on the Class I price. Under the pricing mechanism herein recommended a similar price change would have been effected in the Lubbock-Plainview market.

Class II price. The price for milk disposed of for other than Class I uses should be established on the same basis and at the identical level of the Class II price under the Texas Panhandle order.

Some milk in excess of Class I requirements is necessary to assure an adequate milk supply for the fluid requirements of the market at all times. This excess milk must be disposed of in manufactured products which would be Class II under the proposed classification system. The price for such milk should be maintained at the maximum level consistent with facilitating its orderly movement to manufacturing outlets. The Class II price should not be at so low a level, however, as to encourage procurement of milk supplies by handlers for the sole purpose of converting such milk into Class II products.

Three levels of Class II prices were proposed at the hearing. One group of producers originally proposed the identical level herein recommended. Another group originally proposed the identical pricing mechanism, but with no adjustment during the flush months of production. (This is the present basis of pricing Class II milk under the Central West Texas order and results in any average price approximately 4 cents over that herein recommended.) At the hearing spokesmen for both groups supported a Class II level approximately 14 cents higher than that herein recommended. However, in their briefs each group suggested adoption of its original proposal.

Local handlers have only limited facilities for handling milk for other than Class I use. Such facilities as do exist provide limited outlets for milk in the manufacture of ice cream and cottage cheese. Hence, outside manufacturing plants must be largely relied upon to handle the markets reserve supply. While it is not clear on the basis of this record what facilities will likely be used in the future, much of the reserve supply in the past has been disposed of through a receiving station and manufacturing facility located at Portales, New Mexico, at prices of 75 and 80 cents per pound of butterfat ($3.00 or $3.20 per hundredweight for 4.0 percent milk). It is not clear, however, to what extent this milk was actually used for manufacturing purposes and hence to what extent the outlet will be available when milk is priced in accordance with its use value under the order.

While the Central West Texas Class II price is 15 cents higher than the price herein proposed during the months of March through June, it must be recognized that that order also provides a year-round Class II–A price applicable to milk disposed of for Cheddar cheese. In 1960, for example, the Class II–A price averaged 23 cents below the regular Class II prices. A large part of the market's reserve supply is regularly disposed of at this lower price. In recognition of the limited manufacturing facilities available to the local market, therefore, use of the Central West Texas regular Class II price is not appropriate.

Since excess milk generally must be disposed of outside the market it is apparent that the Class II price cannot be established at a level higher than that at which milk can be disposed of to such outlets. A higher price would tend to deter association of the necessary reserve supply of milk with this market. Handlers would likely find it more economical to continue to rely on adjacent markets for balancing supplies. Under such circumstances producers in those markets would carry the burden of this market's necessary reserve milk supply. To assure equity among producers as between markets, therefore, it is desirable that the Class II price be set by the identical formula and at the same level as the Panhandle Class II price. This price has generally accommodated the orderly disposition of excess milk in that market and the procedure by which the excess milk of this market would necessarily be handled is substantially similar to that in the Panhandle market.

The formula as herein proposed would base the butterfat value on the average Grade A (92-score) butter price at Chicago as reported by the United States Department of Agriculture for the month less 3 cents. This arrangement will provide assurance to local producers that the Class II price will continuously reflect competitive butterfat values on the national market.

The skim milk value under the recommended formula is based on the average Chicago daily market quotations for roller and spray nonfat dry milk as reported by the Department for the period from the 26th day of the preceding month through the 25th day of the pricing month and reflects a make allowance of five and one-half cents per pound of nonfat dry milk. The formula as herein proposed would have yielded an average Class II price of $3.26 in 1960, and $3.45 in 1961, a hundredweight for milk of 4.0 percent butterfat test. This level of pricing should assure the orderly disposition of milk in excess of the fluid needs of the market and at the same time will return to producers a competitive use value for such milk.

Butterfat differentials. The classification system hereinbefore set forth provides for a full accounting of all skim milk and butterfat handled. While milk is priced to handlers at a basic test of 4.0 percent it is intended that handlers' costs for milk shall reflect the actual use value of all skim milk and butterfat in each class. This can be accomplished by adjusting the class prices to each handler by appropriate butterfat differentials to the level that the per hundredweight cost of milk in each class for such handler reflects the actual test of milk used in such class.

The value resulting from multiplying the Chicago butter price by 0.125 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price as a basis of establishing butterfat differentials will provide assurance to both producers and handlers that such differentials reflect changes in butterfat value in the national market. The differentials herein recommended were generally supported by proponents and will implement continuing price alignment with prices in adjacent Federal order markets.

Location differentials. Location differentials should be established for milk received at plants located a substantial distance from the market. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the difference in cost of transporting it to the marketing area. No advantage can be afforded any particular group of producers if the location differentials established reflect only differences in transportation cost.

As has been previously indicated there are no supply plants presently associated with the market and in view of the structure of the market, it is doubtful that any such plant will be associated in the foreseeable future. Nevertheless, should a plant located outside of the normal area of direct delivery become associated with the market, an appropriate location differential would be necessary to assure equity as between handlers under the order.

Any application of location differentials under the present market structure would likely accrue to a distributing plant. However, the distributing plants presently primarily associated with this market are located in Lubbock or in Plainview—46 miles north of Lubbock. The only information on transportation costs presented on the record of the hearing was given by one of the proponent cooperatives. The rates charged by that association for hauling the milk of its producer members from the farm to Plainview and to Lubbock varied somewhat but not significantly. Spokesmen for that cooperative opposed any location differential at Plainview.

The handler whose plant is located at Plainview requested that the location of his plant in relation to the Panhandle market and the competitive situation existing between the two markets be recognized. To this end he proposed that the order prices be established at the identical level of the Panhandle price, or that a location differential be provided at Plainview to assure such alignment. As has been previously indicated, it is not possible to establish the Class I price in the market solely on the basis of the Panhandle price. Because the Panhandle order does not provide an adjustment mechanism for reflecting the supply-demand situation in the Class I price, that price may be either higher or lower than the price herein proposed and the prices in adjacent Federal order markets. It is expected, however, that the prices will generally be in close alignment. The establishment of a location differential at Plainview would provide the Plainview handler a competitive advantage in his competition with other regulated handlers in this market.

The location of the market in relation to other Federal order markets prescribes a very delicate pricing alignment. The level of Class I prices established f.o.b. the market is 10 cents over the North Texas price, 15 cents under the Central West Texas price and approximately 13 cents over the Panhandle price under a normal situation. Under these circumstances it is impractical to apply location differentials in most of the State of Texas since prices which would be applicable at a plant regulated under this order would be significantly under those applicable if the plant was regulated under another Texas order. Opportunity for a lower pricing would be likely to encourage manipulation of route operations by some plants now regulated under other Texas orders for the purpose of gaining a pricing advantage in their normal markets.

It is concluded that Class I location differentials should apply only at plants located at least 100 miles from Lubbock and outside of the State of Texas or within the State but north of a line represented by the northern boundaries of Parmer, Castro, Swhisher, Briscoe, Hall and Childress counties. The differential at any plant so located and 100–110 miles from the City Hall in Lubbock should be 10 cents with an additional 1.5 cents to be applicable for each 10 miles or fraction thereof in excess of 110 miles.

Under the location differentials proposed the price applicable at a plant located in Amarillo during the period 1958 through 1960 would have averaged exactly the same as the Panhandle price. In addition, the price would have been in appropriate alignment with the Oklahoma City and Red River Valley Federal order prices.

Milk may be received at a plant directly from producers or from other plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I use. It is provided, therefore, that for the purpose of computing allowable Class I location differentials for each handler, the Class I disposition of a plant shall first be assigned to direct receipts at such plant and any remaining Class I use shall be assigned to receipts from other pool plants in the order of their nearness to Lubbock.

The value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving and processing such milk. Milk received at country plants need not be transported to the market for utilization in Class II. Accordingly, no location differentials are provided for milk utilized in Class II.

Payments on other source milk. As previously pointed out, the minimum class prices established under the order apply only on producer milk received at plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation under the order. Such unregulated plants may sell milk in bulk form to pool plants that in turn use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein, including sales to Government installations.

The role of the classification system and the minimum prices as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the minimum pricing and pooling program of the order is applicable only to fully regulated plants, it is necessary in order to assure continuing market stability, to remove any advantage unregulated plants may attain with respect to sales in a regulated market. Such plants have an incentive to sell their excess milk at any price which exceeds the value of the milk for manufacturing uses. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. A classified pricing program under regulation cannot be successful in the long run in insuring returns to producers at rates contemplated by the Act if it is possible for some handlers to purchase other source milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same method, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is possible that regular sources of regulated milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded that provision must be made to insure against the displacement of producer milk for the purpose of cost advantage. In the case of fully regulated handlers a compensatory payment on any unpriced other source milk allocated to Class I should be required. Such payment should be at the difference between the order Class II and Class I prices applicable at the location of the plant from which such other source milk was initially received from dairy farmers. As previously indicated the use value in its normal market would be its value for manufacturing uses. The Class II price

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established by the order is a fair and economic measure of the value of milk for manufacturing uses in this area and hence, appropriately represents the actual value of such milk in its normal market.

Nonfluid milk products compete on a national market and may be received in the local market from a number of sources and under varied circumstances. It is not administratively feasible to trace such products to their plant of origin. Accordingly, when the other source milk on which compensatory payment is required was received in a form other than a fluid milk product the payment should be on the basis of the difference between the Class II price and the Class I price effective at the location of the pool plant where used.

Milk may be distributed in the marketing area from plants which have insufficient market area sales to qualify for pooling. In such event, to preserve the integrity of regulation, it is necessary to assure that the plant operator has no product cost advantage over regulated handlers because of his ability to use unpriced milk. This may be accomplished by permitting the handler to pay into the pool any amount by which the use value of his milk, computed as though he were a pool handler, exceeds his payments to dairy farmers, or in the alternative, to make a compensatory payment to the pool of the difference between the Class I price and the Class II price on the hundredweight of his market area sales which are in excess of his purchases of Federal order milk classified and priced as Class I.

There is only one handler distributing milk in the marketing area who would not be fully regulated under this order or who is not presently fully regulated under another Federal order. While this handler buys milk in Eastern New Mexico in competition with other handlers who would be fully regulated under the order, his methods of operation are such that his producer pay price would reflect a percentage of reserve milk at least equal to that of the local market. Hence, he could have no procurement advantage over regulated handlers if he should elect to pay the use value of his milk to his producers. Permitting the nonpool handler to choose which payment procedure he wishes to use will permit him flexibility in meeting the competitive situation in his local market without infringing on the integrity of regulation.

Distribution of proceeds to producers. The order should provide for the distribution of returns to producers through a marketwide equalization pool. Under this type of pooling all producers receive a uniform price which varies only to reflect the differences in butterfat content of milk delivered and the location of the plant of receipt. This pooling procedure will implement the orderly disposition of the market's reserve supply in manufacturing outlets. As has been previously indicated, manufacturing facilities in the market are limited and the bulk of the reserve supply of the market will necessarily be disposed of through distant manufacturing plants. Most of the producers are members of one or the other of the two proponent cooperative associations and it is likely that those associations will necessarily assume the responsibility of disposing of the market's excess supplies. The marketwide pool will facilitate the marketing of the market reserve by cooperatives by apportioning equitably among all producers the lower returns accruing from the disposition of such reserve supplies for manufacturing uses.

Producer-settlement fund. Payments to producers under the marketwide pool will require a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of milk received by him at the prices specified by the order. Under this pooling arrangement handlers whose obligations, computed on the basis of the class prices, exceed the uniform price will pay the difference to the producer-settlement fund. Handlers whose obligations to producers at the uniform price exceed the classification value of their milk will receive the difference from the producer-settlement fund.

Provision is made whereby the market administrator, in making payment to any handler from the producer-settlement fund shall offset such payments by any amounts due such fund from such handlers. This is sound business practice and without the provision the market administrator might be required to make payment to a handler who owes money to the fund but who is not financially able to make full payment of all of his debts.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers, provision is made whereby payments to handlers shall be reduced uniformly. The handler in turn may then reduce his payments to producers by an equivalent amount. Under the procedure prescribed the market administrator would complete payments as soon as the necessary funds became available and handlers in turn would complete payment to producers not later than the regular date for payment of producers next following.

Base-excess plan. In order to encourage an even pattern of production throughout the year the order should provide for the payment to producers under a base and excess plan as an adjunct to the seasonal pricing pattern. The price paid for base milk delivered should be determined by dividing the residual value of the pool, after deducting the value of excess milk by the total hundredweight of base milk. The price for excess milk should be the lowest use price. Provisions should be made to assure that the base price shall not exceed the Class I price. In the event this result is indicated, the order provides that the amount of such excess shall be included in the computation of the excess price.

Under the plan herein recommended, and which was generally supported at the hearing, bases would reflect each individual producer's average daily deliveries during the months of September through December and would be effective for the subsequent months of March through June. Each producer would receive payment at the base price for all milk delivered during the March–June period which was not in excess of his established base. Milk delivered in such months in excess of his established base would be paid for at the excess price.

The computation of a daily base for each producer would be made by the market administrator. The order provides that producers shall be notified of their established bases on or before the 15th day of February each year. The daily base of each producer would be determined by dividing his total deliveries of milk during the base-forming months by the number of days of production but by not less than 112 days. Provision is made whereby producers delivering to a pool plant during the months of March through June, which plant was not a pool plant during the entire base forming months, would have their bases computed as though such plant had been a pool plant throughout such period.

Since much of the base-operating period necessarily will have lapsed prior to the effective date of the order, the specific provisions are drafted to delay the operation of the base plan until after June 1962.

Operation of the base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. A base computed for a producer on the basis of his deliveries to a nonpool plant during any part of the base-forming period should not be permitted to be transferred. In all other situations a base should be permitted to be transferred but only in its entirety and with appropriate notification to the market administrator. When a base is transferred to a producer already holding a base, a new base is computed for such producer, using the same procedure provided for computing his original basis.

Since the base-excess plan herein proposed is to be effective in determining producer payments in only four months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases are necessary.

Payments to individual-producers and cooperative associations. The order should provide that each handler pay individual producers not later than the 1st day after the end of the month for milk received from such producer during the first 15 days of the month an amount per hundredweight not less than the Class II price for the preceding month. Final payment should be made on or before the 15th day after the end of the month. These dates are the dates on which payment is customarily made to producers in the area. However, producers will, in fact, be receiving payment for each delivery 15 days later than they are at present. This delay is necessary to provide a reasonable time for the filing of reports, computation and announcement of the uniform price and/or the base and excess prices and for preparing individual checks and payments. The

reporting, announcement and payment dates herein provided are synchronized to permit final payment on the 15th day after the end of the month.

The advance payment on or before the 1st day after the end of the month should be required only for those producers still delivering to the handler at the end of the month. This procedure together with the payment rate presented will assure producers a reasonable advance payment and at the same time fully protect the handler from possible overpayment.

The order should provide that a cooperative association of producers which is determined by the Secretary to be authorized to collect payments otherwise due its members, shall be paid by the handler the amounts due such producer-members on request. Such request to collect payments for its producer-members must be made in writing to both the handler and the market administrator prior to the 1st day of the month and must specify those producers for which membership and authority to collect payment is claimed. Such association should also submit a written promise to reimburse the handler against any actual monetary losses that he may incur as a result of any improper claim of membership on the part of the association.

Provision also should be made to require that a handler shall pay a cooperative association for all milk purchased from such association in its capacity as a handler pursuant to § 1120.17(c) (2) at not less than the use value of such milk computed at the specified order prices. A cooperative association may not sell milk to any handler at less than the specified order prices and this provision will implement the enforcement of this requirement.

Where payment is being made directly to the cooperative association such payments should be made on the 26th day of the month and the 13th day after the end of the month rather than on the 1st and 15th days after the end of the month. Earlier payment to a cooperative association is necessary to provide sufficient time whereby the cooperative association may in turn pay its members on the same days on which other producers are paid.

In the event a handler has received milk from producers or from a cooperative association as the handler on bulk tank milk which has an average butterfat content of more or less than 4.0 percent, the returns to such producers (or association) should be adjusted by a differential which reflects the weighted average value of butterfat in producer milk utilized in the respective classes. This follows the same principle as the payment of a uniform price to all producers.

In making payments to producers for milk received at plants located 100–110 miles from Lubbock and outside the State of Texas or beyond the northern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress Counties in the State of Texas the uniform price and the uniform base price should be reduced 10 cents plus 1.5 cents for each additional 10-mile distance or fraction thereof which such plant is located from Lubbock. Such a location differential will reflect the cost of hauling milk to market by an efficient means and hence will distribute returns to producers in accordance with the location value of their milk.

No location differential should be applicable in making payments for excess milk. Excess milk normally may be expected to be priced at approximately the Class II price which reflects the value of milk for manufacturing uses in the production area. Producers should not be expected to receive a lesser price for their milk than its value for manufacturing uses.

Administrative provisions. The order should provide the general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to definitions discussed earlier in these findings, certain other definitions, common to all other orders issued pursuant to the Act, are included. Such definitions are included in the interests of brevity, to assure that each usage of the term denotes a definite meaning. These include the terms "Act", "Secretary", "Department", "Person" and "Cooperative association".

Provision should be made for the appointment of a market administrator by the Secretary and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed for making computations required by the order and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are those provided in section 8c(7) (C) of the Act, as amended, and the language included is essentially that of the statute.

The duties of the market administrator as provided in the order are necessary to define his responsibilities and are similar to those found in other orders issued pursuant to the Act.

The order provides that handlers be required to make and keep adequate records of their operations, and to submit the reports necessary to establish the classification of producer milk, and payments due for such milk. Time limits must be established for the filing of such reports and making such payments. Reports of the amount and classification of milk received by each handler from producers who are members of cooperative associations should be made to such associations as request them. For the purposes of this report, the utilization of the milk of association members by each handler should be proportioned to the total utilization of producer milk by such handler.

Detailed and verified reports are used to determine which plants are qualified as pool plants and the classification and pricing of producer milk at such plants. Reports and records of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are used to compute the money payable to the producer-settlement fund on such unpriced milk.

Handlers should keep and make available to the market administrator complete records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator. The market administrator should also have access to any other information upon which the classification of producer milk depends or which is related to payments to producers. Specifically, the market administrator should have the access necessary to check the accuracy of weight and tests of milk and milk products received and handled so that he may verify classification, pricing and payments required under the order.

It is necessary that handlers maintain records to prove the utilization of milk received from producers and the accuracy of payments made for such milk. Because the books of all handlers associated with the market cannot be completely audited immediately after the milk has been received at a plant, such records must be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the orders should terminate. The provision included in the order is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, based on the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitations of claims, is equally applicable in this situation and is adopted as a part of this decision.

Provision is made whereby a handler may in any month elect two accounting periods, in lieu of accounting on a monthly basis, provided that no elected period may be less than seven days. This provision was requested by a handler for the purpose of reducing his potential obligation under the order in circumstances where production and/or Class I sales vary significantly from one part of the month to another and imports of other source milk are received from other Federal order plants. Under such circumstances producer receipts over the month as a whole might be sufficient to cover total Class I sales. Without the opportunity for two accounting periods, necessary imports of federally regulated milk would be allocated to Class II and some producer receipts would take priority in Class I even though such receipts were not available when needed. Producers should not expect a Class I return on milk which is not available when needed. Permitting the handlers opportunity to split the normal accounting period under such circumstances is both appropriate and equitable.

Since splitting of an accounting period will double the workload of the market administrator it is necessary and appropriate that the handlers involved pay the cost of the additional work. It is provided therefore, that any handler electing two accounting periods in any

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month should pay an administrative assessment of twice the rate otherwise applicable.

Expense of administration. Each pool handler should be required to pay to the market administrator as his share of the cost of administering the order a rate not to exceed 5 cents a hundredweight on milk received from producers (including his own farm production, if any), milk caused to be delivered to his pool plant by a cooperative association directly from the producer's farm (§ 1120.17(c)(2)), and other source milk in his pool plant(s) allocated to Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that the cost of the administration be financed through an assessment on handlers. One of the duties of the market administrator is to verify receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by the above means.

To avoid double assessment, a cooperative association which is a handler should be exempt from paying the administrative assessment on milk which it receives from producers with farm milk tanks and subsequently transfers directly to pool plants of other handlers. A cooperative association may be the responsible handler on such farm tank milk to implement the efficient administration of the order. If provision is not made whereby the proprietary handler is required to pay the administrative assessment on such milk, the association might be reluctant to assume the role of the responsible handler. Furthermore, this procedure is necessary to preserve equity between member and nonmember producers. It would be inappropriate to require member producers to bear the administrative cost solely because their milk is delivered from farm tanks rather than in cans.

It is intended that each handler bear an equitable share of the cost of administering the order. Accordingly, the operator of the pool plant where such milk is first received bears the administrative expense.

Plants not fully subject to the classification and pricing provisions of a Federal order may distribute limited quantities of Class I milk in the marketing area. As previously indicated the operator of such plant may choose to make a compensatory payment on his unpriced market area sales or to pay to the pool the difference between the use value of his milk computed as though he were a pool handler and the value actually paid to his dairy farmers. Where the latter option is elected the market administrator must perform essentially the identical audit that he would perform if the plant were a pool plant. In such case the handler's obligation to the administrative fund should be computed on the same basis as though he were a pool handler. When the handler elects to make a compensatory payment on his market area sales the audit procedure is likely to be less extensive and hence less costly. Hence, a payment of the rate of assessment on only the amount of his marketing area sales will more appropriately reflect such handler's fair share of the cost of administration; to enable the Secretary to reduce the rate of assessment below the five-cent per hundredweight maximum without the necessity of holding an amendment hearing should be included. Such a reduction should take place when experience in the market shows that a rate less than 5 cents a hundredweight will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be included in the order for furnishing marketing services to producers. Such services include the verification of weights and tests of individual producers and the preparation and dissemination of information for the market. The market administrator should perform or supervise the performance of such services, the cost of which should be borne by the producers receiving such services. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own services with respect to such producers.

A marketing service program is needed in connection with the order. Orderly marketing will be promoted by assuring each producer that his milk has been accurately weighed and tested. To give full assurance of this, it is necessary that the test and weights of individual-producer deliveries as reported by the handler be verified for accuracy. Orderly marketing will be further promoted if producers are provided complete, detailed and current market information.

To enable the market administrator to furnish these services, provision should be made for a maximum deduction of 6 cents a hundredweight with respect to milk received during the month from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 1120.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1120.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1120.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1120.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1120.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1120.6 Lubbock-Plainview, Texas, marketing area.

"Lubbock-Plainview, Texas, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of:

Bailey.	Hale.
Castro.	Hockley.
Cochran.	Lamb.
Cottle.	Lubbock.
Crosby.	Lynn.
Dickens.	Motley.
Floyd.	Terry.
Gaines.	Yoakum.
Garza.	

all within the State of Texas, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1120.7 Fluid milk product.

"Fluid milk products" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers.

§ 1120.8 Route.

"Route" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to a plant.

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1120.10 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product is disposed of during the month on a route(s) in the marketing area.

§ 1120.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream acceptable for distribution under a Grade A label is moved during the month to a distributing plant.

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1,500 pounds on a daily average: *Provided*, That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is transferred during the month to a distributing plant from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided*, That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

§ 1120.13 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1120.14 Producer.

"Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant either directly or by a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), or (b) diverted from a pool plant to a nonpool plant (other than the plant of a producer-handler) for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June, and (2) on not more than 15 days during any month of July through February: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

§ 1120.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in: (a) Milk received at a pool plant directly from producers; (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1120.14(b); or (c) milk received by a cooperative association pursuant to § 1120.17(c)(2): *Provided*, That such milk shall be deemed to have been received by such cooperative association at a pool plant at the location of the pool plant to which it was delivered.

§ 1120.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) Fluid milk products received from a pool plant, (2) producer milk, (3) receipts from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or for which other utilization is not established pursuant to § 1120.32.

§ 1120.17 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant(s); and

(c) A cooperative association with respect to the milk of any producer which it causes: (1) To be diverted for its account to a nonpool plant; or (2) to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association notifies the market administrator and the operator of the pool plant in writing prior to the time of delivery that the transferee handler is to be the responsible handler on such milk.

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

§ 1120.19 Base milk.

"Base milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1120.65 multiplied by the number of days in such month.

§ 1120.20 Excess milk.

"Excess milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through

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June which is in excess of base milk received from such producer during such month, and milk received (or diverted pursuant to § 1120.14(b)) during such month from a producer for whom no base can be computed pursuant to § 1120.65.

§ 1120.21 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1120.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1120.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1120.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as the Secretary may prescribe, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1120.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1120.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon the Secretary's request, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler, by audit or such other investigation as may be necessary of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means, as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The sixth day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The tenth day of each month, the uniform price(s) and the producer butterfat differential, both (all) for the preceding month;

(k) On or before the tenth day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(l) On or before the 11th day after the end of each month, mail to each handler at his last known address, a statement showing:

(i) The amount and value of his producer milk in each class and the total thereof; and

(ii) The amount to be paid by such handler pursuant to §§ 1120.82, 1120.85, and 1120.86 and the amount due such handler pursuant to § 1120.83.

REPORTS RECORDS AND FACILITIES

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including from such handler's own production), and after March 1, 1963, for the months of March through June, the aggregate quantities of base and of excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator, shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section, each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1120.31 Other reports.

(a) Each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2), and each handler with respect to each of his pool plants shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month, which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer, including for the months of March through June his total pounds of base and excess milk;

(iii) The average butterfat content of such milk;

(iv) The number of days of production received from such producer if less than the entire month; and

(v) The net amount of the handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at any of his pool plants his intention to receive such product, and on or before the last day such product is received his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his sources and utilization of skim and butterfat as the market administrator may prescribe.

§ 1120.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all skim milk and butterfat handled;

(c) The pounds of skim milk and butterfat contained in or represented by fluid milk products and other milk products on hand at the beginning and at the end of each month; and

(d) Payments to producers and cooperative associations.

§ 1120.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of milk at any of his pool plants for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1120.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1120.30(a) shall be classified by the market administrator pursuant to the provisions of §§ 1120.41 through 1120.46.

§ 1120.41 Classes of utilization.

Subject to the conditions set forth in §§ 1120.42 through 1120.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in the form of fluid milk products, except as provided in paragraph (b) (2), (3), and (4) of this section: *Provided*, That when any fluid milk product is fortified by the addition of nonfat milk solids, the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content; and (2) not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) disposed of for animal feed; (3) contained in fluid milk products dumped: *Provided*, That the handler shall give the market administrator such advance notice of intent to dump as the market administrator may require; (4) contained in fluid milk products disposed of to commercial bakeries, soup factories and similar establishments other than a plant pursuant to § 1120.9; (5) contained in inventory of fluid milk products on hand at the end of the month, and (6) contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows: (i) 2 percent of receipts directly from producers (excluding milk diverted pursuant to § 1120.14(b)); plus (ii) 1.5 percent of bulk receipts of milk from other plants except that if the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less (iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph the applicable percentage shall be 2.0); plus (iv) shrinkage in other source milk determined pursuant to § 1120.42; and (7) skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I pursuant to the proviso of paragraph (a)(1) of this section.

§ 1120.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage in other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents the total receipts of skim milk and butterfat, respectively, at such plant.

§ 1120.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that classification should be as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1120.44 Transfers.

Skim milk and butterfat disposed of during the month by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of any fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted pursuant to § 1120.30(a) for the month: *Provided*, That if either or both plants have receipts of other source milk, the skim milk and butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk at both plants except Class I utilization assigned to other source milk pursuant to § 1120.46(a) and the corresponding step of (b);

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of any fluid milk product;

(c) Except as provided in paragraph (f) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided*, That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), (e), and (f) of this section as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1120.62;

(e) As Class II milk if transferred to a nonpool plant in the form of cream if the handler establishes that such cream was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were ungraded products suitable for manufacturing use only, and that the shipment was so invoiced;

(f) As Class I milk if diverted to a nonpool plant located in excess of 300 miles from the City Hall at Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator;

(g) Except as provided in paragraphs (b) through (f) of this section as Class I milk if transferred or diverted to a nonpool plant in bulk in the form of any fluid milk product; unless

(1) The transferring or diverting handler claims classification in Class II in

his report submitted for the month pursuant to § 1120.30(a);

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such plant's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plants which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1120.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1120.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1120.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1120.41 (b) (6) (i) through (iii);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk in a form other than as a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and classified and priced as Class I under such other order;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to either 5 percent of producer receipts and receipts from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2), or the amount of skim milk remaining in Class II, whichever is less;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and not assigned pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk contained in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, the difference shall be subtracted from the remaining pounds of skim milk in Class I milk;

(9) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) in the form of any fluid milk product according to the classification thereof as determined pursuant to § 1120.44(a);

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in receipts of producer milk, subtract the excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1120.50 Class prices.

Subject to the provisions of §§ 1120.51 and 1120.52, class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be the price for Class I milk established under part 1126 of this chapter regulating the handling of milk in the North Texas marketing area, plus 10 cents.

(b) *Class II price.* The price for Class II milk for the months of July through February shall be the sum of the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such sum minus 13 cents, rounded in each case to the nearest full cent:

(1) Subtract 3 cents from the Chicago butter price and multiply by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pounds of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1120.51 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat the class prices for the month calculated pursuant to § 1120.50 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1120.52 Location differentials to handlers.

For producer milk which is received at a pool plant located either outside of the State of Texas, or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall, and Childress and 100 miles or more from the City Hall, Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1120.50(a) shall be reduced at the rate set forth in the following table according to the location of the pool plant where such milk is received from producers.

	Rate per hundredweight (cents)
Distance from Lubbock City Hall 100 but less than 110 miles	10
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1120.46(a)(9) and the corresponding step in § 1120.46(b) for such plant, such assignment to the transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1120.53 Rate of payment on unpriced milk.

The rate of compensatory payment per hundredweight during any month shall be the difference between the Class I price adjusted by the Class I butterfat differential and the Class I location differential applicable at the location of the plant at which the milk was received from farmers, and the Class II price adjusted by the Class II butterfat differential.

§ 1120.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1120.60 Producer-handlers.

Sections 1120.40 through 1120.46, 1120.50 through 1120.53, 1120.65 through 1120.67, 1120.70 through 1120.75, and 1120.80 through 1120.88 shall not apply to a producer-handler.

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof, with respect to total receipts of skim milk and butterfat and the utilization thereof, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

§ 1120.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operations of a plant exempted pursuant to § 1120.61 (a) or (b), who during the month operates a nonpool distributing plant, in lieu of payments required pursuant to § 1120.80 through § 1120.85 shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1120.30 to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 13th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area from such plant during the month, less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1120.53: *Provided*, That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, the rate specified in § 1120.86, multiplied by the total hundredweight of Class I milk disposed of on routes in the marketing area; or

(b) On or before the 20th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1120.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1120.12(b)) which serves as a source of milk for such nonpool plant, if such plants were pool plants;

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a)(1) of this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1120.86 had such plant(s) been a pool plant(s): *Provided*, That such amount shall be reduced by any amounts paid as an administrative expense assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act.

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at a pool plant shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF BASE

§ 1120.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1120.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the preceding months of September through December by the number of days from the first day of delivery of such producer through the last day of December, inclusive, but by not less than 112; *Provided*, That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purposes of computing the base of such producer.

§ 1120.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to receipts of milk from a producer for whose account such milk was received during the base forming period;

(b) A base which is assigned pursuant to the proviso of § 1120.65 shall be nontransferable; and

(c) Except as provided in paragraph (b) of this section an entire base shall be transferred from a person holding such base to any other person, effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder or his heirs and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon receipt of such application signed by all joint holders or their heirs: *And provided further*, That if one or more bases is transferred to a producer already holding a base which was either earned by such

producer, or transferred to him, a new base shall be computed by adding together the total producer milk received during the base-forming period from all persons in whose name such bases were earned and dividing the total by the number of days in the base-forming period from the earliest day producer milk was received from any such persons through the last day of such period, inclusive, but by not less than 112.

§ 1120.67 Announcement of established bases.

(a) On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base computed for such producer pursuant to § 1120.65.

DETERMINATION OF PRICES TO PRODUCERS

§ 1120.70 Computation of the obligations of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants, and adding together the resulting totals:

(a) Multiply the pounds of producer milk in each class computed pursuant to §§ 1120.40 through 1120.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(2) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the location of the pool plant;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(3) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products; and

(d) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step of § 1120.46(b); or

(2) The skim milk and butterfat in producer milk classified as Class II milk (except shrinkage) in the preceding month;

(e) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step in § 1120.46(b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1120.46(a)(6) and the corresponding step in § 1120.46(b) for the previous month and which was classified and priced as Class I under another Federal order;

(f) Add the amount computed by multiplying the skim milk and butterfat subtracted pursuant to § 1120.46(a)(11) and the corresponding step of § 1120.46(b) by the applicable class prices.

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight of producer milk of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for such month, except those in default of payments required pursuant to §§ 1120.80 and 1120.82 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the producer butterfat differential computed pursuant to § 1120.74 and multiplying the resulting figures by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deduction to be made from producer payments for location differentials pursuant to § 1120.75; and

(d) Add an amount equal to not less than one-half the unobligated balance on hand in the producer-settlement fund.

§ 1120.72 Computation of uniform price.

For each of the months of July through February, and the months from the effective date of this part through June 1962, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat, as follows:

(a) Divide the aggregate value computed pursuant to § 1120.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1120.73 Computation of uniform prices for base and excess milk.

For each of the months of March through June, beginning with March 1963, the market administrator shall compute the uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71 to producer milk in each class in series beginning with Class II;

(2) Multiply by the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. The result shall be the "uniform price for excess milk."

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1120.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71: *Provided*, That if the resulting price is greater than the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base and excess milk on the basis of the respective volumes of base and excess milk used in the computation of the base and excess prices; and

(3) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraphs (2) of this paragraph. The result shall be the "uniform price for base milk."

§ 1120.74 Butterfat differential to producers.

The applicable uniform price or prices to be paid each producer pursuant to § 1120.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in producer milk allocated to Class I milk and to Class II milk pursuant to § 1120.46(b) by the Class I and Class II butterfat differentials, respectively, computed pursuant to § 1120.51, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1120.75 Location differentials to producers.

The uniform price determined pursuant to § 1120.72 and the uniform price for base milk determined pursuant to § 1120.73 to be paid for milk which is received from producers at pool plants located either outside the State of Texas or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall and Childress and 100 miles or more from the City Hall of Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the table contained in § 1120.52 according to the location of the pool plant at which such milk was received from producers.

PAYMENTS

§ 1120.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, to each producer from whom milk is currently being received, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price(s) per hundredweight pursuant to §§ 1120.72 and 1120.73 subject to the butterfat differential pursuant to § 1120.74; and less

(1) Payments made pursuant to paragraph (a) of this section;

(2) Location differential deductions pursuant to § 1120.75;

(3) Marketing service deductions pursuant to § 1120.85; and

(4) Proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment for such month pursuant to § 1120.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator, and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(c) Each handler shall pay to a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk on or before the 26th day of the month and the 13th day of the month following, respectively, the amounts otherwise payable pursuant to paragraphs (a) and (b) of this section, for milk received from producers whom such association certifies are its members: *Provided*, That such cooperative association submits to the handler and to the market administrator before the first day of the month for which it is to receive such payment, a written request for such payment for milk received from such certified members who are producers together with a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of such association. Such request shall be honored with respect to milk received until the first day of the month in which it receives from such association, in writing, notice either of termination of membership, or of withdrawal of the original request. Exceptions, if any, to the accuracy of certification of membership by the cooperative association, by a producer who is claimed to be a member or by a handler shall be made in writing to the market administrator and shall be subject to his determination;

(d) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices less the amounts paid pursuant to subparagraph (1) of this paragraph; and

(e) In making payments to producers pursuant to paragraph (b) of this section and to a cooperative association pursuant to paragraph (c) of this section each handler shall furnish each producer from whom he has received milk, or each such cooperative association with respect to each producer member, whichever is applicable, with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The applicable month;

(2) The identity of the handler, the Federal milk order under which the producer's milk was priced, and the producer;

(3) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base and excess milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to this part;

(5) The rate which is used in making the payment;

(6) The amount or the rate per hundredweight, and the nature of each deduction made by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.62, 1120.82 and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1120.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk as computed pursuant to § 1120.70 for such month, is greater than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform price or prices adjusted by the producer butterfat and location differentials.

§ 1120.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his milk computed pursuant to § 1120.70 for such month is less than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform price or prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments due pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1120.84 Adjustment of errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records, or account discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1120.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1120.80(b) shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator no later than the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received by handlers from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by or responsible to him.

(b) In the case of a producer for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in said paragraph (a), such deductions from payments to be made directly to such producers pursuant to § 1120.80(b) as are authorized by such producers and on or before the 15th day after the end of each month pay such deductions to the cooperative association rendering such services.

§ 1120.86 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, as follows:

(a) Each pool handler for skim milk and butterfat contained in producer

milk, milk received from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and in other source milk allocated to Class I pursuant § 1120.46(a) (2) and (3) and the corresponding steps in § 1120.46(b): *Provided*, That if such handler elects pursuant to § 1120.34 at any of his pool plants to use two accounting periods in any month the applicable rate of assessment shall be twice the rate set forth above; and

(b) Each handler operating a nonpool distributing plant pursuant to § 1120.62 to the extent provided in such § 1120.62.

§ 1120.87 Adjustment of overdue accounts.

There shall be added to any balance due to the market administrator pursuant to §§ 1120.62, 1120.82, 1120.84, 1120.85, and 1120.86 an amount equal to one-half of one percent of such balance for each month or portion thereof that payment of such balance is overdue.

§ 1120.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(b) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the last day of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1120.90 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1120.91.

§ 1120.91 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1120.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1120.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers, respectively, in an equitable manner.

§ 1120.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1120.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on March 13, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-2591; Filed, Mar. 15, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

ENGINES AND TURBINES INDUSTRY

Hearing to Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the Engines and Turbines Industry under section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35) will be held on April 17, 1962, at 10 o'clock, a.m. in Room 2325, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The engines and turbines industry is defined tentatively to include the manufacture of steam engines; steam turbines; hydraulic turbines; gas turbines (except aircraft); complete steam, gas, and hydraulic turbine generator sets; internal combustion engines (except aircraft and nondiesel automotive) such as diesel and semidiesel engines, including marine, locomotive, military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments and accessories specifically designed for the foregoing products such as, but not limited to, governors for steam and gas turbines, turbine blades, assembled diaphrams, turning gear drives, marine propulsion gears, head covers, bottom rings, discharge rings, pit liners, pistons, vibration dampers, cam follower rollers, crankshafts, piston pins and gear covers.

Expressly excluded is the manufacture of: Prime mover generator sets (except complete steam, gas or hydraulic turbine generator sets); all types of generators; aircraft engines; rocket engines; automotive engines (except diesel); locomotives; and parts commonly recognized as products of industries other than the engines and turbines industry such as, but not limited to, temperature relays, packings, pulsation dampeners, roller and ball bearings, compressors, piping and tubing, oil pumps, couplings, rubber sealing rings, clutches, governors for diesel engines, gaskets, thrust bearings, torque converters, silencers, valve seat inserts and nonmetallic engine mountings.

Interested persons may appear at the hearing to submit evidence relative to the following subjects and issues: (1) Any amendments which should be made in the tentative definition of the industry contained in this notice, (2) whether separate prevailing minimum wage determinations should be made for: (i) The manufacture of steam engines; steam turbines; hydraulic turbines, gas turbines (except aircraft); complete steam, gas, and hydraulic turbine generator sets; and parts, attachments, and accessories specifically designed for these enumerated products; and for (ii) the manufacture of internal combustion engines (except aircraft and nondiesel automotive) such as diesel and semidiesel engines, including marine, locomotive, and military tank engines; jet propulsion engines (except aircraft); outboard motors and propelling units; and parts, attachments, and accessories specifically designed for these enumerated products; (3) whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry, or of the branches defined in (i) or (ii) of issue (2), extends to all the area in which the industry, or such branch thereof, has its plants, so as to require industrywide, or branchwide, minimum wage determination, or whether such competition is limited to smaller geographic areas (including the boundaries of such areas) so as to authorize separate minimum wage determinations for each area or locality in the industry, or in such branch thereof, and (4) what are the prevailing minimum wages for the industry or the localities or specified branches for which minimum wage determinations should be made. Interested persons may also submit evidence on the question of whether there is good cause to delay the effective date of any prevailing minimum wage determination or determinations made in any final decision in this proceeding for more than seven days after it is published in the FEDERAL REGISTER.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest October 15, 1961, have also been gathered. This information will be submitted for consideration at the hearing and is now available to interested persons.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed, and shall include the reason or reasons for nonappearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of plants in the industry and in the branches thereof described in (i) and (ii) of issue (2) to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such plant, (3) the minimum wage paid to covered workers (41 CFR 50-201.102) presently and, if possible, on or about October 15, 1961, and the number of covered workers at each such plant receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry set forth in this notice which should be included and of any product now included which should be excluded.

The hearing shall be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act (41 CFR 50-203-15-203.22), and the amendments thereto published in the FEDERAL REGISTER on September 22, 1961 (26 F.R. 8945).

Signed at Washington, D.C., this 12th day of March 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-2581; Filed, Mar. 15, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 191]

[Reg. Docket No. 1107; Draft Release No. 62-11]

OPERATION OUTSIDE OF THE UNITED STATES OF CIVIL AIRCRAFT OF UNITED STATES REGISTRY

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to adopt a new Part 191 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 18, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

The United States Government has received numerous complaints from various foreign governments that civil aircraft of United States registry have been flown in their airspace in violation of their rules and regulations. Such action by the operators of United States aircraft is becoming of increased concern to this country. Often these actions have caused considerable embarrassment to this Government. The failure to file flight plans or the disregard of flight plans filed have led on occasion to costly search and rescue operations by foreign governments. The ignoring of foreign traffic patterns and airport rules have almost caused serious accidents. Flights into prohibited areas have alarmed foreign governments and in some cases caused them to adopt certain security measures, including firing on the aircraft involved. United States Department of State has requested that the Federal Aviation Agency take appropriate action to insure that civil aircraft of United States registry are flown in accordance with the rules and regulations relating to the flight and maneuver of aircraft which are in effect in the foreign country, over or within which the flight is being made. The Department of State has pointed out that the United States Government has an obligation in this regard as a party to the 1944 Chicago Convention on International Civil Aviation (61 Stat. 1180), Article 12 of which reads as follows:

ARTICLE 12

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Further, section 1102 of the Federal Aviation Act of 1958 requires the Civil Aeronautics Board and the Administrator of the Federal Aviation Agency in the exercise of their powers and the performance of their duties to do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement in force and to take into consideration any applicable laws and requirements of foreign countries which are parties to such treaties, conventions, or agreements. Section 1102 of the Act is as follows:

INTERNATIONAL AGREEMENTS

Sec. 1102 (72 Stat. 797, 49 U.S.C. 1502). In exercising and performing their powers and duties under this Act, the Board and the Administrator shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, and shall take into consideration any applicable laws and requirements of foreign countries and the Board shall not, in exercising and performing its powers and duties with with respect to certificates of convenience and necessity, restrict compliance by any carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and any foreign country, if such contract or agreement is disapproved by the Board as being contrary to the public interest.

In the case of air carriers, § 41.64 of the Civil Air Regulations and the operations specifications of those air carriers op-

erating under Part 42 require that they conform to the rules and regulations relating to the flight and maneuver of aircraft which are in effect in a foreign country over or within which the flight is made. However, except in the case of air carriers, no specific Civil Air Regulations have been promulgated generally requiring conformity with such foreign rules and regulations by United States registered aircraft operating abroad.

Accordingly, the Federal Aviation Agency proposes to promulgate a new Part 191 of the Civil Air Regulations requiring all civil aircraft of United States registry operating over and within foreign countries to fly in accordance with the rules of flight and maneuver of aircraft of the country concerned. Further, to insure compliance with such a regulation and to satisfy the Administrator as to the competence of persons operating civil aircraft of United States registry outside the United States and the airworthiness of such aircraft, it is proposed to require such persons to obtain a Foreign Flight Authorization. Foreign Flight Authorizations may be applied for and issued not only to pilots of such aircraft but to any person who engages in the "operation of aircraft" as that phrase is defined in section 101(26) of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 49 U.S.C. 1301). This would include persons operating aircraft in the capacity of owner, lessee, or otherwise. Further, the Foreign Flight Authorization may be issued for single flights, a series of flights, or a continuing operation outside of the United States.

Article 31 of the Convention on International Civil Aviation requires that every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered. Article 32 of the Convention requires that the pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competence and licenses issued or rendered valid by the State in which the aircraft is registered. A Foreign Flight Authorization would be evidence of the fact that the Administrator is satisfied that the pilot and other members of the operating crew of the aircraft hold valid and appropriate airman certificates permitting them to operate a United States registered civil aircraft and that such aircraft has a valid airworthiness certificate. To this end, the proposed regulation would require that persons operating United States civil aircraft outside the United States provide the Administrator with satisfactory assurances that the aircraft used in such operation or operations has a valid airworthiness certificate; that the airmen operating the aircraft have valid United States airman certificates and are otherwise qualified for the type of flight or flights contemplated; and that those operating the aircraft are familiar with the applicable laws and regulations of the areas in which they will be operating as well as the applicable treaty obligations and applicable laws, regulations, and orders of the United States Government. The operations conducted outside of the United States must be accomplished in such a manner as to respect the obligations which the United States has undertaken by treaty. It will be noted that such Foreign Flight Authorization is not required for civil aircraft of the United States being operated in air transportation as defined by the Federal Aviation Act of 1958, as amended, or under authority of an air carrier operating certificate or operations specifications issued pursuant to Part 44 of the Civil Air Regulations. The need for requiring a Foreign Flight Authorization in such cases is obviated by the requirements surrounding the obtaining of an air carrier operating certificate, or operations specifications.

No Foreign Flight Authorization will be required for operations conducted solely over the high seas between the contiguous forty-eight States of the United States and the States of Hawaii and Alaska, or between the States of Hawaii and Alaska, or between the States of the United States and the Territories and possessions of the United States including the Commonwealth of Puerto Rico, or between the various Territories and possessions of the United States including the Commonwealth of Puerto Rico. Further, operations conducted between the United States and Canada or Mexico will not require the obtaining of a Foreign Flight Authorization. The volume and nature of the air traffic within and between the areas enumerated above is such that the requiring of a Foreign Flight Authorization would be unduly burdensome. It is important to note, however, that while certain operations do not require the obtaining of a Foreign Flight Authorization (see paragraph (b)(1), (b)(2), and (b)(3) of § 191.7), all operations outside of the United States must be conducted in accordance with the other applicable provisions of this part. In this connection, it is further anticipated that Part 41 of the Civil Air Regulations will be amended to delete therefrom the requirement presently contained in § 41.64 requiring compliance with foreign air traffic rules and local airport rules. Such compliance will be required by the provisions of this proposed new part. Similarly, it is contemplated that Part 60 of the Civil Air Regulations will be amended by deleting § 60.1a which requires United States registered aircraft operated over the high seas to comply with the applicable provisions of Annex 2 (Rules of the Air) to the Convention on International Civil Aviation. Such compliance will be required by the provisions of this proposed new regulation.

Violation of this regulation or of the terms and conditions of a Foreign Flight Authorization will subject the violator to appropriate enforcement action by the Administrator, including the revocation or suspension of his certificate or the imposition of a civil penalty. In addition to enforcement action, the Administrator, in appropriate cases, could withdraw the Foreign Flight Authorization. In those instances in which a Foreign Flight Authorization is withdrawn, the Administrator will notify the United States Department of State of such action, and request that such notification be communicated to the appropriate foreign governments. Such notifications will be for the purpose of informing the appropriate foreign governments that in light of its obligations under the Chicago Convention the United States Government does not sanction the operation outside of the United States of the operator whose Authorization has been withdrawn.

In consideration of the foregoing, it is proposed to promulgate a new Part 191 of the Civil Air Regulations to read as follows:

PART 191—RULES APPLICABLE TO THE OPERATION OUTSIDE OF THE UNITED STATES OF CIVIL AIRCRAFT OF UNITED STATES REGISTRY

Sec.
191.1 Applicability.
191.2 Airworthiness.
191.3 Airman certificates.
191.4 Foreign flight rules.
191.5 Operation over the high seas.
191.6 Lawful purpose.
191.7 Foreign Flight Authorization.

§ 191.1 Applicability.

The provisions of this part are applicable to the operation outside of the United States of civil aircraft of United States registry.

§ 191.2 Airworthiness.

No civil aircraft of United States registry shall be operated outside of the United States without a currently valid airworthiness certificate issued by the Administrator of the Federal Aviation Agency or his duly authorized representative, nor unless maintained, altered and repaired in accordance with the provisions of the Civil Air Regulations.

§ 191.3 Airman certificates.

No civil aircraft of United States registry shall be operated outside of the United States unless each airman serving in connection with the operation thereof has in his personal possession a valid United States airman certificate authorizing him to serve in such capacity.

§ 191.4 Foreign flight rules.

No civil aircraft of United States registry shall be operated in violation of the rules and regulations relating to the flight and maneuver of aircraft including the air traffic and local airport rules of the country in which such aircraft is being operated.

§ 191.5 Operation over the high seas.

No civil aircraft of United States registry shall be operated over the high seas in violation of the applicable provisions of Annex 2 (Rules of the Air) to the Convention on International Civil Aviation.

§ 191.6 Lawful purpose.

No civil aircraft of United States registry shall be operated contrary to the applicable laws, regulations, and orders of the United States or in a manner or for a purpose inconsistent with any obligation or commitment of the United States in any international treaty or agreement to which the United States is a party.

§ 191.7 Foreign Flight Authorization.

(a) *General.* No person shall operate civil aircraft of United States registry outside of the United States unless a Foreign Flight Authorization describing the operation authorized and prescribing the terms, conditions, and limitations applicable thereto has been issued by the Administrator; nor shall such operation be conducted otherwise than in accordance with the terms, conditions, and limitations set forth in such authorization.

(b) *Exceptions.* (1) No Foreign Flight Authorization shall be required for civil aircraft of United States registry operated under the provisions of an air carrier operating certificate authorizing overseas or foreign air transportation or operations specifications issued pursuant to Part 44 of the Civil Air Regulations.

(2) No Foreign Flight Authorization shall be required for civil aircraft of United States registry which are being operated solely over the high seas between:

(i) The contiguous forty-eight States of the United States and the States of Hawaii or Alaska; or

(ii) The States of Hawaii and Alaska; or

(iii) Any of the States of the United States and any Territory or possession of the United States including the Commonwealth of Puerto Rico; or

(iv) Any Territories or possessions of the United States including the Commonwealth of Puerto Rico.

(3) No Foreign Flight Authorization shall be required for civil aircraft of United States registry operating solely between the United States and any of the following areas, or solely within the following areas:

(i) Dominion of Canada;

(ii) Mexico.

(c) *Requirements for issuance.* A Foreign Flight Authorization will be issued to an applicant therefor who provides assurances satisfactory to the Administrator or his representative that:

(1) The aircraft to be used for the proposed operation has a valid airworthiness certificate and equipment adequate to insure safe operations;

(2) The airmen possess valid airman certificates and are otherwise qualified for the type of flight contemplated;

(3) The operation will not violate the applicable laws, regulations, and orders of the United States and is consistent with the obligations undertaken by the United States Government in connection with any treaty or other international agreement to which it is a party; and

(4) The airman who will be in command of the aircraft is familiar with the pertinent laws and regulations of the foreign countries through which the proposed flight will take place.

(d) *Application.* Application for a Foreign Flight Authorization shall be made in duplicate upon the applicable form prescribed and furnished by the Administrator.

(e) *Display.* The Foreign Flight Authorization shall be kept in the personal possession of the pilot in command at all times during operation pursuant to the authorization, and shall be presented for inspection upon the request of any authorized representative of the Administrator, and, when the aircraft is within any foreign country, upon the request of any authorized representative of such government or political subdivision thereof.

(f) *Duration.* A Foreign Flight Authorization shall be limited to the period prescribed on such authorization, unless sooner surrendered by the holder, or withdrawn by the Administrator.

This regulation is proposed under the authority of sections 313(a), 601–610, and 1102 of the Federal Aviation Act of 1958 (72 Stat. 752, 775–780, 797; 49 U.S.C. 1354(a), 1421–1430, 1502).

Issued in Washington, D.C., on March 12, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-2560; Filed, Mar. 15, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority by Land Office Manager

MARCH 2, 1962.

Pursuant to authority delegated to me by sec. 2.1, Part II, Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, Land Office, Bureau of Land Management, Sacramento, California, authority to take action for the Manager in matters listed in sec. 2.6 Minerals, Part II, of said Bureau Order No. 684, and I hereby redelegate to the Chief, Lands Section, Bureau of Land Management, Sacramento, California, authority to take action for the Manager in matters listed in sec. 2.9 Land Use, Part II, of said Bureau Order No. 684, said redelegations to be effective as of February 6, 1962.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

Approved: March 2, 1962.

NOLAN F. KELL,
Acting State Director,
Bureau of Land Management.

[F.R. Doc. 62-2553; Filed, Mar. 15, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ALICEVILLE SALE BARN ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the act.

Name and Location of Stockyard and Date of Posting

Aliceville Sale Barn, Aliceville, Ala.: May 20, 1959.

Broadway and Weaver Auction, Metropolis, Ill.: November 27, 1959.

Sandpoint Livestock Auction Co., Sandpoint, Idaho: October 1, 1959.

Frederick Stockyards (formerly Tillman County Livestock Sale), Frederick, Okla.: March 19, 1951.

Talihina Livestock Auction, Talihina, Okla.: October 19, 1961.

Avondale Livestock Auction, Avondale, Pa.: May 9, 1961.

Lawrence County Stock Yards, Lawrenceburg, Tenn.: May 27, 1959.

Othello Livestock Auction, Inc., Bruce, Wash.: May 24, 1960.

Beaver Bay Livestock, Inc., Beaver Dam, Wis.: March 13, 1961.

The owners of the Sandpoint Livestock Auction Co., Sandpoint, Idaho, have constructed a new stockyard in another location and notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 12th day of March 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2592; Filed, Mar. 15, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8 to Facility License No. R-10, set forth below. The amendment (1) authorizes Aerojet-General Nucleonics to operate its nuclear reactor Model AGN-201, Serial No. 103, at power levels up to 20 watts thermal at a new location in Room 1C in Building 1 on the Licensee's plant site in San Ramon, California, and (2) requires the licensee to conduct certain surveys concerning the effectiveness of the reactor shielding.

The Commission has found that operation of the reactor in accordance with the license amendment will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this license amendment is not necessary in the public interest since operation of the reactor in accordance with the license amendment will not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene within 15 days after the publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license filed under Docket No. 50-32, and (2) a related hazards analysis prepared by the Research and Power Reactor Stafety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of March 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-10; Amdt. 8]

Effective as of the date of issuance set forth below, License No. R-10 is revised in its entirety to read as follows:

1. On September 11, 1956, Aerojet-General Nucleonics (hereinafter "the licensee") of San Ramon, California, filed an application requesting authorization to construct and operate at San Ramon, a nuclear reactor designated as Model AGN-201, Serial No. 103 (hereinafter "the reactor"). Application amendments were filed on October 2, 1956, December 3, 1956, January 14, 1957, and February 11, 1957. On March 29, 1957, the Atomic Energy Commission (hereinafter "the Commission") issued Facility License No. R-10 which authorized the licensee to operate the reactor at power levels up to 100 milliwatts (thermal) in Room 1B in Building 1 on the licensee's plant site in San Ramon, California.

On June 17, 1957, the Commission issued Amendment No. 1 to License No. R-10 which authorized transfer of the reactor to any person authorized to acquire it.

On July 8, 1957, the Commission issued Construction Permit No. CPRR-12 which authorized the licensee to modify the reactor for operation at 5 watts (thermal).

On July 10, 1957, the Commission issued Amendment No. 2 to License No. R-10 which authorized the licensee to operate the reactor at power levels not in excess of 5 watts (thermal).

By application amendments dated August 22, 1957 and May 23, 1958, the licensee respectively amended the hazards summary report for the reactor, including revised operating, maintenance and emergency procedures, and provided additional information concerning the reactor fuel and certain reactivity values.

On August 22, 1958, the Commission issued Amendment No. 3 to License No. R-10 which authorized the licensee to operate the reactor at power levels up to 20 watts (thermal) as requested by the application amendment dated June 17, 1958.

On March 4, 1959, the Commission issued Amendment No. 4 to License No. R-10 which authorized an increase in the fuel loading of the reactor to raise the excess reactivity from 0.2 percent to 0.35 percent as requested by the application amendment dated December 29, 1958.

On March 18, 1959, the Commission issued Amendment No. 5 to License No. R-10 which incorporated into the license the high level flux scram and its settings as described in the application amendment dated January 6, 1959.

On August 1, 1961, the Commission issued Amendment No. 6 to License No. R-10 which added a reporting requirement and incorporated into the license the procedures with respect to operations which could involve changes in core reactivity when the reactor is shut down described in the licensee's letter to the Commission dated January 17, 1961.

On October 26, 1961 the Commission issued Amendment No. 7 to License No. R-10 which amended the description of the reactor to include the changes in the instrumentation and control described in the licensee's July 20, 1961 letter to the Commission.

On December 7, 1961, the Commission issued Construction Permit No. CPRR-69 which authorized the licensee to relocate the reactor from Room 1B to Room 1C in Building 1 on the licensee's site in San Ramon, California, as requested by the application amendment dated November 6, 1961.

By application amendment dated January 3, 1962, the licensee described certain items relating to the scram circuitry for the reactor and by letter to the Commission dated January 22, 1962, the license described the new location of a criticality accident monitor.

The original application, all amendments thereto submitted to date, and the licensee's letters to the Commission dated January 17, 1961, July 20, 1961, and January 22, 1962 are hereinafter collectively referred to as "the application."

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Commission finds that:

A. There is reasonable assurance that the reactor will operate in conformity with the application and in conformity with the provisions of the Act and of the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated in the room designated 1C in Building 1 on the licensee's site in San Ramon, California, described in the application without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor and to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public;

E. The licensee has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect; and

F. Relocation of the reactor has been completed in accordance with the terms and conditions of Construction Permit No. CPRR-69.

3. In view of the foregoing and subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor at the designated location in Room 1C in Building 1 on the licensee's site in San Ramon, California, in accordance with the procedures and limitations described in the application and this license.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 700 grams of contained uranium 235 in connection with the operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate such byproduct material as may be produced from operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30, Title 10, Chapter I CFR and to be subject to all applicable provisions of the Act, and to the rules, regulations and orders of the Commission now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the reactor at steady state power levels in excess of 20 watts (thermal) without previous authorization from the Commission.

B. The fuel loading of the reactor may not provide an excess reactivity of more than 0.35 percent, based on operation at 20° C. with the glory hole unloaded.

C. The reactor shall not be operated with any of the scram signals bypassed.

D. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 17, 1961.

E. Prior to permitting any individual to enter areas over or near the top of the reactor, the licensee shall make, and record the results of, appropriate surveys of such areas to assure that radiation doses received by such individuals will not exceed the applicable limits established in Title 10, CFR, Chapter I, Part 20, "Standards For Protection Against Radiation."

F. Prior to opening of the core tank, the licensee shall take suitable precautions to assure that when such tank is opened there is no spread of gaseous or particulate radioactive material in areas outside the tank.

G. The reactor shall be operated with a high-level flux scram provided on all three flux-monitoring channels and set no higher than 30 percent above the authorized power level, as described in the licensee's application amendment dated January 6, 1959.

H. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

I. The licensee shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

J. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

K. Within 60 days after the date of issuance, set forth below, the licensee shall conduct a survey of radiation levels around and over the reactor during operation of the reactor and shall submit to the Commission a written report describing the results of this survey. This survey and report shall establish the integrity of the radiation shielding and the report shall describe any shielding added to accomplish compliance with standards set forth in Title 10, CFR, Chapter I, Part 20. Further, the report shall include a statement of general performance of the reactor and its controls.

5. A. The licensee is authorized to transfer possession or title, or both to the reactor to any person licensed to acquire such possession or title, or both, as the case may be.

B. The physical transfer of the reactor shall be accomplished in accordance with the procedures set forth in the licensee's application amendment filed with the Commission on March 25, 1957.

C. The transfer of title pursuant to this paragraph 5., if undertaken separately from the transfer of possession, shall not affect the responsibility of the licensee for full compliance with the requirements and conditions of this license.

D. Upon the completion of the transfer of possession and title to the reactor pursuant to this license, this license shall be terminated without further notice.

6. Unless terminated previously as provided in paragraph 5D. above, this license shall expire on February 21, 1977.

Date of issuance: March 2, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-2566; Filed, Mar. 15, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 90 (Revised), Amdt. 2]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 2, 1962.

The material appearing at 26 F.R. 7976-7977 of August 25, 1961, and 27 F.R. 1227 of February 9, 1962, is further amended as follows:

Department Order No. 90 (Revised) of June 29, 1961, Section 2.02, 2 is amended to read as follows:

2 Scientific divisions in Washington, D.C.:

Electricity,
Metrology,
Heat,
Radiation Physics,
Analytical and Inorganic Chemistry,
Mechanics,
Polymers,

Metallurgy,
Inorganic Solids,
Building Research,
Applied Mathematics,
Data Processing Systems,
Atomic Physics,
Instrumentation,
Physical Chemistry,
Weights and Measures, Office of.

Effective date: March 2, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-2576; Filed, Mar. 15, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-366]

ACCIDENT OCCURRING AT JAMAICA BAY, LONG ISLAND, N.Y.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 7506A, which occurred on March 1, 1962, at Jamaica Bay, Long Island, New York.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing March 20, 1962, at 10:00 a.m., local time, in the International Hotel, New York International Airport, Jamaica, New York.

Dated this 9th day of March 1962.

[SEAL] DAVID A. BEARDSLEY,
Hearing Officer.

[F.R. Doc. 62-2577; Filed, Mar. 15, 1962; 8:47 a.m.]

[Docket No. 12630]

AVIATION ENTERPRISES, INC., ET AL.

Notice of Hearing

In the matter of the application of Aviation Enterprises, Inc., Lease Air, Inc., and Forest Beckett for approval of control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 28, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2578; Filed, Mar. 15, 1962; 8:48 a.m.]

[Docket No. 11879; Order E-18095]

AGREEMENT ADOPTED BY JOINT CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

MARCH 13, 1962.

In the matter of an agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 11879, Agreement C.A.B. 16250.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA). The agreement was adopted at the eighteenth meeting of the Atlantic Specific Commodity Rates Board, held in Paris, on February 6, 1962, and has been assigned the above-designated C.A.B. Agreement number.

The agreement names a number of additional specific commodity rates as set forth in the listing below.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the above-described agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

That agreement C.A.B. 16250 is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this Order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions on or before March 22, 1962.

This order shall be effective and become the action of the Civil Aeronautics Board on March 23, 1962, unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Commodity Item No.	*Rates*
1407	92 cents per kilogram, minimum weight 100 kilograms; from Hamburg to New York City.
1421	79 cents per kilogram, minimum weight 250 kilograms; 68 cents per kilogram, minimum weight 500 kilograms; from Dusseldorf to New York City.
	81 cents per kilogram, minimum weight 250 kilograms; 70 cents per kilogram, minimum weight 500 kilograms; from Hamburg to New York City.
2102	61 cents per kilogram, minimum weight 2500 kilograms; from Shannon/Dublin to New York City/Boston.
2331	77 cents per kilogram, minimum weight 45 kilograms; from Prague to Montreal.[1]
	70 cents per kilogram, minimum weight 45 kilograms; from Brussels/Antwerp to New York City.
2949	130 cents per kilogram, minimum weight 45 kilograms; 125 cents per kilogram, minimum weight 250 kilograms; 120 cents per kilogram, minimum weight 500 kilograms; from Tel Aviv to New York City.
4202	76 cents per kilogram, minimum weight 45 kilograms; 71 cents per kilogram, minimum weight 1000 kilograms; between New York City and Vienna.
7103	73 cents per kilogram, minimum weight 100 kilograms; 65 cents per kilogram, minimum weight 2000 kilograms; from Hamburg to New York City.

[1] Under the terms of the basic agreement, a rate to/from Montreal may be applied to/from New York City.

[F.R. Doc. 62-2579; Filed, Mar. 15, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14085 etc.; FCC 62M-367]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Robert L. Taylor, James Harris, Robert Tripp, Edward P. Oyster, William A. Myers, and Robert M. Myers, d/b as Lapeer Broadcasting Company, Lapeer, Michigan, Docket No. 14296, File No. BP-14304; et al., Group I, Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14298, 14299, 14300, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration a motion for continuance, filed by Robert L. Taylor, et al., d/b as Lapeer Broadcasting Company, on March 12, 1962;

It appearing, that counsel for other parties to Group I of this proceeding have consented to immediate consideration and grant of the motion;

It is ordered, This 12th day of March 1962, that the above motion is granted; and the hearing presently scheduled for March 13, 1962, is continued without date pending consideration and disposition of (1) a petition for severance filed March 5, 1962, and (2) a joint request for approval of agreement and a supplement thereto filed respectively on March 6 and 7, 1962, in this proceeding.

Released: March 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2584; Filed, Mar. 15, 1962; 8:48 a.m.]

[Docket No. 14255; FCC 62M-368]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order Canceling Conference

In re application of Radio-Active Broadcasting, Inc. (WATO), Oak Ridge, Tennessee, Docket No. 14255, File No. BP-13833; for construction permit.

The Hearing Examiner having under consideration a Petition for Leave To Amend filed by Radio-Active Broadcasting, Inc. (Radio Active), on March 6, 1962, and Comments of the Broadcast Bureau (Bureau) on Petition for Leave To Amend filed on March 9, 1962;

It appearing, that the amendment offered by Radio-Active is designed to eliminate and render moot the issues upon which this matter was designated for hearing;

It further appearing, that the Bureau supports a grant of the alternative request of Radio-Active, that is the one pursuant to 47 CFR 1.311(c), and alleges that Radio-Active now concurs that its Petition should be granted pursuant to that provision;

It further appearing, that the Bureau in its comments alleges that, in view of the foregoing, it is the consensus of all parties that there is no need to hold the further prehearing conference now scheduled for March 12, 1962; and

It further appearing, that good cause has been shown for canceling such further prehearing conference at this time;

It is ordered, This 9th day of March 1962, that the further prehearing conference now scheduled to be held on March 12, 1962, is canceled subject to such further order of the Examiner as may be issued upon consideration of the substantive merits of the Petition for Leave To Amend and the responses thereto.

Released: March 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2585; Filed, Mar. 15, 1962; 8:48 a.m.]

[Docket Nos. 14559-14561; FCC 62-260]

WPOW, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WPOW, Inc., New York, New York, Docket No. 14559, File No. BR-263, for renewal of license of Station WPOW, has 26 hours weekly, 1330 kc, 5 kw, requests 42 hours weekly, 1330 kc, 5 kw; Rensselaer Polytechnic Institute, Troy, New York, Docket No. 14560, File No. BR-267, for renewal of license of Station WHAZ, has 7 hours weekly, 1330 kc, 1 kw, requests 15 hours weekly, 1330 kc, 1 kw; Debs Memorial Radio Fund, Incorporated, New York, New York, Docket No. 14561, File No. BR-270, for renewal of license of Station WEVD (Main and Auxiliary), has 108.75 hours weekly, 1330 kc, 5 kw, requests 137 hours weekly, 1330 kc, 5 kw.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

The Commission having under consideration the above-captioned applications for renewal of licenses; and

It appearing, that the above-captioned applications are mutually exclusive in that the applicants have been unable to agree on the weekly hours of operation on 1330 kc; that the total combined number of hours requested exceeds the weekly time available; and that operation by each of the applicants as proposed will result in mutually destructive interference; and

It further appearing, that, upon due consideration of the above applications, the Commission is unable to find that a grant of the said applications for renewal of license would serve the public interest, convenience or necessity; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicants except as to the matters involved in the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 3.78 of the Commission's rules, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operations of Stations WHAZ, WEVD, and WPOW and the availability of other primary services to such areas and populations.

2. To determine the nature and the extent of the interference which each of the proposed operations would cause to and receive from the others and the interference which each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, the availability of other primary service to such areas and populations affected by interference from any of the instant proposals.

3. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, whether a fair, efficient and equitable distribution of radio service would be provided to a greater extent (a) by continuing in some manner the share-time operations of the subject stations on 1330 kc as they have heretofore operated, or (b) by reassessing the prior operations with the view toward restricting, as appropriate, the daytime and/or nighttime use of the frequency by any of all of the stations involved.

4. To determine, in light of the evidence adduced with respect to the foregoing issues, the extent to which the above-captioned applications may be granted, consistent with the public interest, convenience or necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order;

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2586; Filed, Mar. 15, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

BOSTON MARINE TERMINAL ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8785, between the present members of the Boston Marine Terminal Association, provides for a cooperative working arrangement relative to wharfage, dockage, free time, wharf demurrage, usage charges, passenger charges, water and electricity at the marine terminal facilities of the parties in Boston, Massachusetts. This agreement, if approved, will cancel the present agreement of the parties, Federal Maritime Commission Agreement No. 8365.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2556; Filed, Mar. 15, 1962; 8:45 a.m.]

CENTRAL GULF LINES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8765, between Central Gulf Lines, Isthmian Lines, Levant Line (Joint Service), Lykes Bros. Steamship Company, States Marine Lines and Global Bulk Transport Corporation (as one member), T. J. Stevenson & Co., Inc.,

and Waterman Steamship Corporation, covers an arrangement whereby the carriers may discuss, agree upon, and maintain stable rates, charges and practices for and in connection with the transportation of certain specified commodities in the trade from U.S. Gulf of Mexico and South Atlantic ports in the Brownsville-Wilmington range, to all ports serviced in the Mediterranean, including Adriatic, Black Sea and Gulf of Taranto ports, and Spanish and Moroccan ports. Under this agreement, the carriers agree to follow the rates and rules and regulations of the U.S. Gulf/Mediterranean Ports Conference Tariff Nos. 6 and 7 as such tariffs apply to the specified commodities.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2554; Filed, Mar. 15, 1962; 8:45 a.m.]

PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreemnt No. 8805, between the Port of Seattle and the American Mail Line, Ltd., provides for a five year lease of certain terminal facilities and property in the Port of Seattle, Washington, at terms and conditions contained in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2555; Filed, Mar. 15, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements;

2. To amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 16th day of March 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region-VI.

[F.R. Doc. 62-2587; Filed, Mar. 15, 1962; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region VI (San Francisco), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Public Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the act are in compliance with sections 8(a)(2) and 8(c) of the act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the act in connection with any loans or grants proposed to be made under section 7 or 8 of the act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 25, 1961))

Effective as of the 16th day of March 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62-2588; Filed, Mar. 15, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1466]

ATLAS CORP. AND HIDDEN SPLENDOR MINING COMPANY

Notice of Filing of Application for an Order Exempting Proposed Transaction

MARCH 9, 1962.

Notice is hereby given that Atlas Corporation ("Atlas") (80 Pine Street, New York 5, N.Y.), a Delaware corporation and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), and The Hidden Splendor Mining Company ("Hidden Splendor"), First Security Bldg., Box 2306, Salt Lake City 10, Utah, also a Delaware corporation and an affiliate of Atlas, have filed a joint application and amendments thereto pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by Atlas of all the outstanding common stock of Petro-Atlas, Inc. ("Petro") to Hidden Splendor for a consideration of 258,594 shares of Hidden Splendor common stock. All interested persons are referred to the amended application on file with the Commission, summarized below, for a complete statement thereof:

Petro is a Delaware corporation which was incorporated on April 2, 1958. Atlas paid $25,000 in cash to Petro for the 1,000 shares of Petro common stock outstanding. Thereafter, Atlas contributed certain oil and gas properties to Petro having a cost to Atlas of $3,756,648. Atlas' cost of its investment in Petro, adjusted for distributions received from Petro and treated by Atlas as a return of capital, was $1,984,228 on November 1, 1961.

In 1960 Petro sold substantially all of its developed oil and gas properties to Hidden Splendor. Subsequently, the major assets of Petro have consisted primarily of undeveloped oil and gas interests in Alaska, Arizona, Kansas, Louisiana, Nebraska, New Mexico, Texas and Utah. Petro's net assets as of November 1, 1961, were valued by its management at $1,551,565, as compared to the historical cost of $1,452,180 of these assets as of the same date.

A value of $193,360 was assigned to the producing royalties and leases determined on the basis of present and estimated future income which was discounted at from 30 to 40 percent; a value of $893,462 to the undeveloped leasehold interests, determined on the basis of proximity to other producing properties, oil and gas reserves in the area, potential producing zones, geology, remaining term of the leases, size and concentration of the block, activity in the area and the possibility of promoting development on the company's leases; and a value of $294,743 was assigned to the nonproducing royalty interests, determined on the basis of land values indicated by recent trades for similar or comparable properties in the area. To these amounts there was added net current assets of $170,000 to arrive at the aggregate value.

Hidden Splendor, a Delaware corporation, is engaged in the operation of mining and oil interests in certain Western States. Atlas owns 4,275,768 shares, or approximately 92 percent of the outstanding common stock of Hidden Splendor. Upon consummation of the proposed transaction, Atlas will hold about 93 percent of the total outstanding common stock of Hidden Splendor.

Applicants state that the proposed transaction is a step in a long-range program to concentrate the natural resource assets of Atlas under the aegis of Hidden Splendor. Upon consummation of the proposed transaction Petro will become a wholly owned subsidiary of Hidden Splendor.

The number of shares to be issued to Atlas was determined by dividing the value of Petro's net assets as of November 1, 1961 ($1,551,565) by 6, which represents the approximate average of the bid and asked prices in the over-the-counter market of the common stock of Hidden Splendor on such date. The average bid price for Hidden Splendor common stock was $5.92 on October 31, 1961, $5.96 on November 1, 1961, and $6.00 on November 2, 1961. The average asked price for the stock was $6.29 on October 31, 1961, $6.33 on November 1, 1961, and $6.41 on November 2, 1961. On March 2, 1962, the bid price was 6⅛ with an average of 6½ asked.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provision of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 29, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2561; Filed, Mar. 15, 1962; 8:46 a.m.]

[File Nos. 812-1482—1484]

DE VEGH MUTUAL FUND, INC.

Notice of Filing of Applications for Exemption From Provisions Requiring Investment Advisory Contracts To Be Approved by Stockholders

MARCH 8, 1962.

In the matter of de Vegh Mutual Fund, Inc., File No. 812-1483; de Vegh Investing Company, Inc., File No. 812-1484; Continental American Fund, Inc., File No. 812-1482; (26 Broadway, New York 4, New York).

Notice is hereby given that de Vegh Mutual Fund, Inc., de Vegh Investing Company, Inc. and Continental American Fund, Inc. ("the Funds"), each an open-end management investment company, have filed applications pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting investment advisory contracts between the Funds and de Vegh & Company, a partnership providing investment advisory services to the Funds, from the provisions of section 15(a) of the Act to the extent that such contracts require approval by a vote of a majority of the outstanding voting securities of the Funds.

The applications state, among other things, that de Vegh & Company has provided investment advisory services to de Vegh Mutual Fund, Inc., and de Vegh Investing Company since July 1, 1960, and to Continental American Fund, Inc., since April 15, 1959 pursuant to written contracts which provided for their automatic termination in the event of their assignment. An assignment is defined in section 2(a)(4) of the Act as including any direct or indirect transfer by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. The partnership of de Vegh & Company included three partners, with Mr. Imrie de Vegh owning a majority of the beneficial interest. The death of Imrie de Vegh constituted a transfer of a controlling interest in de Vegh & Company and an assignment of the advisory contracts with the Funds.

De Vegh & Company proposes to continue to furnish investment advisory services to the Funds until new advisory contracts are approved by the shareholders of the Funds. The requested order would exempt the Funds and de Vegh & Company from the provisions of section 15(a) retroactively from February 3, 1962, the date of Imrie de Vegh's death, to the date of the order, and from the date of the order to the date of the next annual stockholders' meeting at which time new advisory agreements will be submitted to stockholders. (De Vegh Mutual Fund will hold its next annual stockholders' meeting on April 2, 1962, de Vegh Investment Company on March 27, 1962 and Continental American Fund, Inc. on April 10, 1962.)

Section 15(a) of the Act provides, among other things, that no person shall serve as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the outstanding voting securities of such registered company and which provides for its automatic termination in the event of its assignment by the investment adviser. The Commission may exempt transactions from the requirements of the Act pursuant to section 6(c) thereof to the extent that such exemption is necessary or appropriate to the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 26, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an

order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2562; Filed, Mar. 15, 1962; 8:46 a.m.]

[File No. 70-4026]

MISSISSIPPI POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds and Issuance of First Mortgage Bonds for Sinking Fund Purposes

MARCH 8, 1962.

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2500 14th Street, Gulfport, Mississippi, a Maine corporation and a public utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the proposed transactions which are summarzied as follows:

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $6,000,000 principal amount of its First Mortgage Bonds, Series due 1992. The interest rate on the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Mississippi (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1962.

The proceeds from the sale of the bonds will be applied toward the construction or acquisition of permanent improvements, extensions and additions to Mississippi's utility plant, which improvements are estimated to aggregate $10,549,091 for 1962, and for the payment of outstanding short-term bank loans which at December 31, 1961, amounted to $1,881,550.

Mississippi further proposes, on or prior to June 1, 1961, to issue $472,000 principal amount of First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of the above-described Indenture and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized April 3, 1957 (Holding Company Act Release No. 13437) and are to be issued on the basis of property additions thus making available for construction purposes cash which would otherwise be used to satisfy sinking fund requirements or to purchase bonds for such purpose.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be paid in connection with the proposed issuance and sale of bonds at competitive bidding are to be supplied by amendment. The fees and expenses to be paid in connection with the issuance of bonds for sinking fund purposes are estimated at $500.

Notice is further given that any interested person may, not later than March 27, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2563; Filed, Mar. 15, 1962; 8:46 a.m.]

[File No. 70-4023]

NEW ORLEANS PUBLIC SERVICE, INC.

Notice of Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds

MARCH 8, 1962.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), 317 Baronne Street, New Orleans 9, Louisiana, a public utility company and a subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 7 of the Act and Rules 23 and 50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

New Orleans proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $8,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1992. The new bonds shall be sold for not less than the principal amount and not more than 102¾ percent of such principal amount and shall bear an interest rate (which shall be a multiple of one-eighth of 1 percent) of not more than 6 percent per annum. The new bonds are to be issued under the company's Mortgage and Deed of Trust, dated as of July 1, 1944, to the Chase National Bank of the City of New York (now The Chase Manhattan Bank) and Carl E. Buckley (Arthur F. Henning, successor), as Trustees, as heretofore supplemented and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of April 1, 1962.

The net proceeds from the sale of the new bonds will be applied by New Orleans toward the financing of the construction of the Company's Michoud Steam-Electric Generating Station Unit No. 2 and facilities related thereto.

The fees and expenses to be incurred by New Orleans in connection with the proposed transaction are estimated as follows:

Federal stamp tax	$8,000
Filing fee, Securities and Exchange Commission	823
Charges of trustee	7,000
Fee of Haskins & Sells	9,200
Printing, including Form S-9, prospectus, supplemental indenture, etc	17,000
Printing and engraving securities	5,700
Charges of Ebasco Services Inc.	1,000
Fees of company's counsel:	
Chaffe, McCall, Phillips, Burke & Hopkins	1,500
Jones, Walker, Waechter, Poitevent, Carrere & Denegre	1,500
Reid & Priest	7,500
Miscellaneous expenses	8,377
Total	60,000

Fees in the amount of $5,000 and out-of-pocket expenses of Messrs. Beekman & Bogue, counsel for the underwriters, will be paid by the successful bidders.

The application states that the Council of the city of New Orleans, a State commission of the State in which the company is organized and doing business, has approved the issuance and sale of the new bonds. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 26, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, if any, raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2564; Filed, Mar. 15, 1962; 8:46 a.m.]

[File No. 70-4014]

PHILADELPHIA ELECTRIC POWER CO.

Notice of Proposed Issuance of Notes to Banks and Advances on Open Account to Subsidiary Company

MARCH 8, 1962.

Notice is hereby given that Philadelphia Electric Power Company ("Philadelphia Power"), 1000 Chestnut Street, Philadelphia 5, Pennsylvania, a registered holding company, an electric utility company, and also a subsidiary company of Philadelphia Electric Company, a company which is exempt as a holding company pursuant to Rule 2 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), has filed an application-declaration and an amendment thereto with this Commission and has designated sections 6(a), 7, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Philadelphia Power and its wholly owned subsidiary company, The Susquehanna Power Company ("Susquehanna"), are joint holders of a Federal License issued February 20, 1926, by the Federal Power Commission for a hydroelectric power development on the Susquehanna River known as the Conowingo Project ("project"). Philadelphia Power, a Pennsylvania corporation, owns that portion of the project located in Pennsylvania, and Susquehanna, a Maryland corporation, owns the portion located in Maryland. The project presently has installed seven hydroelectric generating units, each rated at 36,000 kilowatts capacity, and has provision for four additional units. All eleven of these units are or will be located in Maryland.

Philadelphia Power proposes to issue and to renew, from time to time, up to an aggregate of $20,000,000 of promissory notes, including $1,000,000 presently outstanding, to a group of banks. The notes will mature in nine months or less from their respective dates of execution, but no maturity date will be later than March 31, 1965. The notes will bear interest at the prime commercial rate (presently 4½% per annum) in effect at the time of each such borrowing and will be prepayable at any time, in full or in part, without premium.

Philadelphia Power proposes to use the proceeds of the proposed notes to banks to make concurrent interest bearing advances to Susquehanna on open account, as needed. The funds are to be used solely to finance, in part, the costs of completing the construction and installation of four additional turbo-generator units of 60,000 kilowatts each with appurtenant facilities at the project. The total cost of the proposed construction is estimated at $31,500,000. The interest to be charged Susquehanna by Philadelphia Power on the open account advances will be at the same rate or rates as charged by the lending banks on the proposed promissory notes.

Philadelphia Power states that the proposed $20,000,000 of notes will be issued to most or all of the following banks, in each case not to exceed the maximum amount indicated below:

	(*In thousands*)
Broad Street Trust Co.	$1,400
Central-Penn National Bank	2,000
Fidelity-Philadelphia Trust Co.	4,000
First Pennsylvania Banking & Trust Co.	10,000
Girard Trust Corn Exchange Bank	6,000
Liberty Real Estate Bank & Trust Co.	700
Montgomery County Bank & Trust Co.	1,000
The Philadelphia National Bank	8,000
Provident Tradesmens Bank and Trust Co.	5,000
	38,100

Philadelphia Power presently contemplates, subject to filing with and procuring the requisite approval of this Commission and other regulatory agencies, obtaining permanent financing in the aggregate amount of $31,500,000, beginning in late 1963. The permanent financing is to consist of $18,000,000 of 30-year bonds, $6,000,000 of 10-year serial notes, and $7,500,000 of common stock, and part of the proceeds is to be used to pay the proposed $20,000,000 of notes to banks.

The Pennsylvania Public Utility Commission has approved the proposed open account advances. Philadelphia Power expects to incur expenses of $5,100 in connection with the proposed transactions, including legal fees and expenses of $5,000.

Notice is further given that any interested person may, not later than March 27, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as amended or as further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2565; Filed, Mar. 15, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37594: *Cement from Omaha, Nebr., to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2229), for interested rail carriers. Rates on cement and related articles, in carloads, from Omaha, Nebr., to points in western trunk line territory.

Grounds for relief: Market competition.

Tariffs: Supplements 56 and 32 to Western Trunk Line Committee tariffs I.C.C. A-4308 and A-4309, respectively.

FSA No. 37595: *Caustic liquid soda from Evans City, Ala., to Gulfport, Miss.* Filed by O. W. South, Jr., Agent (No. A-4156), for interested rail carriers. Rates on sodium (soda), caustic, liquid, in tank-car loads, from Evans City, Ala., to Gulfport, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southern Freight Association tariff I.C.C. S-194.

FSA No. 37596: *Substituted service—NYNH&H for Whippet Motor Lines Corp.* Filed by The New York, New Haven, and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees) (No. 228), jointly with Whippet Motor Lines Corp., for themselves and interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston, Mass., and New Haven, Conn., on the other; also between Boston, Mass., and New Haven, Conn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37597: *Class and commodity rates from and to Dundalk Marine Terminal, Md.* Filed by Traffic Executive Association-Eastern Railroads, Agent

(ER No. 2605), for interested rail carriers. Rates on property moving on class or commodity rates between Dundalk Marine Terminal (Baltimore) (Maryland Port Authority), Md., on the one hand, and other points in the United States, Canada and Alaska, on the other.

Grounds for relief: Rail competition and grouping.

Tariff: Pennsylvania Railroad Company tariff I.C.C. 3815.

FSA No. 37598; *Class and commodity rates from and to Dundalk Marine Terminal, Md.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2606), for interested rail carriers. Rates on property moving on class or commodity rates, between Dundalk Marine Terminal (Baltimore) (Maryland Port Authority), Md., on the one hand, and other points in the United States, Canada and Alaska, on the other.

Grounds for relief: Rail competition and grouping.

Tariff: Baltimore and Ohio Railroad Company tariff I.C.C. 24500 and Western Maryland Railway Company tariff I.C.C. 9220.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2572; Filed, Mar. 15, 1962; 8:47 a.m.]

[Notice 608]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 6462. By order of March 8, 1962, the Transfer Board approved the transfer to C. C. Curth Moving & Storage Corp., Brooklyn, N.Y., of Certificate No. MC 41616 issued June 10, 1949, to Clarence C. Curth, Jr., doing business as L. Curth & Sons, Beth Page, N.Y., authorizing the transportation of household goods, over irregular routes, from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and those in New York, New Jersey, and Connecticut within 50 miles of New York, N.Y., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Maine, New Hampshire, Vermont, Kentucky, Missouri, Iowa, Illinois, Ohio, Michigan, North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Indiana, and the District of Columbia; from points in the above-specified destination territory to points in Connecticut, Massachusetts, Rhode Island, Delaware, and New Jersey, and those in New York, Pennsylvania, and Maryland within 225 miles of New York, N.Y., and return, with no transportation for compensation except as otherwise authorized to the above-specified origin points. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC-FC 64697. By order of March 8, 1962, the Transfer Board approved the transfer to M. L. Briscoe, doing business as Vick Truck Line, 708 S. McCarty, Eagle Lake, Tex., of the operating rights in Certificate No. MC 75613, issued July 9, 1959, to Mrs. Edith Duty and Robert Franklin Duty, a partnership, doing business as Vick Truck Line, Eagle Lake, Tex., authorizing the transportation, over a regular route, between Houston, Tex., and Eagle Lake, Tex.

No. MC-FC 64733. By order of March 9, 1962, the Transfer Board approved the transfer to Donald L. Shockey, doing business as Shockey Truck Line, Clinton, Iowa, of Certificate No. MC 2206, issued March 20, 1956, to C. G. Law, doing business as Law Truck Line, Clinton, Iowa, authorizing the transportation of: Hogs, feed, seed, fertilizer, farm machinery and parts, lumber, building materials, binder twine, hardware, fencing materials, farm supplies, tile, coal, livestock, petroleum products in containers, steel articles, fertilizer compounds and ingredients, grain and emigrant movables, from to or between specified points in Illinois, Iowa, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, applicants' representative.

No. MC-FC 64802. By order of March 8, 1962, the Transfer Board approved the transfer to Sun Motor Line, Inc., Oklahoma City, Okla., of a portion of Certificate No. MC 117766, issued February 7, 1961, to Sam Blair, doing business as R & S Brokerage Company, Albuquerque, N. Mex., authorizing the transportation of: Frozen fruits, frozen berries, and frozen vegetables, from Watsonville, Salinas, San Martin, San Jose, Santa Clara, Modesto, Fresco, Sanger, Patterson, and Los Angeles, Calif., to Wichita, Kans., and Oklahoma City, Okla. Rufus H. Lawson, P.O. Box 5114, Oklahoma City 7, Okla., attorney for applicants.

No. MC-FC 64837. By order of March 8, 1962, the Transfer Board approved the transfer to McComb Truck Line, Inc., Niles, Mich., of the operating rights in Certificate No. MC 118316, issued September 22, 1960, to Edgar McComb, doing business as McComb Truck Line, Niles, Mich., authorizing the transportation of bananas, from Miami and Tampa, Fla., to Louisville, Ky., Chicago, Ill., and points in Indiana. Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2573; Filed, Mar. 15, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ackerman Mfg. Co., Ackerman, Miss.; effective 3-1-62 to 2-28-63. (men's cotton work shirts).

Charldon Mfg. Co., East Main Street, Charleston, Miss.; effective 2-26-62 to 2-25-63 (boys' shirts).

Eloesser Heynemann Co., 1161 Mission Street, San Francisco, Calif.; effective 2-26-62 to 2-25-63 (overalls and work pants).

Finesilver Mfg. Co., 816 Camaron Street, San Antonio, Tex.; effective 3-2-62 to 3-1-63 (men's and boys' work pants, shirts, and denim dungarees).

Greer Shirt Corp., Greer, S.C.; effective 2-26-62 to 2-25-63 (boys' and men's sport shirts).

Hanover Shirt Co., Inc., Ashland, Va.; effective 2-21-62 to 2-20-63 (sport shirts).

Kinston Mfg. Co., Inc., Kinston, Ala.; effective 2-20-62 to 2-19-63 (men's and boys' outerwear and boys' pants).

Lillington Garment Co., Inc., Lillington, N.C.; effective 3-7-62 to 3-6-63 (sport and utility shirts).

Luzerne Outerwear Mfg. Corp., 87-93 Canal Street, Shickshinny, Pa.; effective 2-27-62 to 2-26-63 (men's and boys' wool and vinyl outerwear jackets).

Reidbord Brothers Co., Blairton, Washington Township, Westmoreland County, Pa.; effective 3-1-62 to 2-28-63 (boys' and men's trousers).

H. B. Spoont Co., 12 East Coal Street, Shenandoah, Pa.; effective 2-26-62 to 2-25-63 (car coats and rain coats).

The Watson-Scott Co., Thomasville, Ga.; effective 3-2-62 to 3-1-63 (men's industrial uniforms).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Covco Garment Co., Corner Iris Drive and Covco Street, Sparta, Tenn.; effective 2-22-62 to 2-21-63; 10 learners (cotton coveralls, garments).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa.; effective 3-1-62 to 2-28-63; 10 learners (women's and misses' dresses).

Mount Pleasant Garment Corp., First Avenue, Mount Pleasant, Tenn.; effective 2-24-62 to 2-23-63; 10 learners (boys' sport shirts).

Yori Joy Sportswear, Inc., Windber, Pa.; effective 2-19-62 to 2-18-63; 10 learners (children's jackets and snowsuits).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Beebe Industries, Inc., South Holly Street, Beebe, Ark.; effective 2-21-62 to 8-20-62; 130 learners (ladies' and children's pants and shorts).

Florence Fashions, Youngsville, N.C.; effective 2-26-62 to 8-19-62; 35 learners (ladies' dresses) (supplemental certificate).

Levi Strauss & Co., Warsaw, Va.; effective 2-19-62 to 8-18-62; 75 learners (cotton work pants).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 2-26-62 to 8-25-62; 30 learners (ladies' blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 2-21-62 to 8-20-62; 10 learners for plant expansion purposes (seamless and full-fashioned).

Princeton Hosiery Mills, Inc., Washington Street, Princeton, Ky.; effective 2-20-62 to 2-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Lawrence Knitting Mills and Charlotte Knitting Mills, 300 West 24th Street, Charlotte, N.C.; effective 2-21-62 to 2-20-63; five learners for normal labor turnover purposes (knitted cotton fabrics).

West Knitting Corp., Wadesboro, N.C.; effective 3-8-62 to 3-7-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Soboroff Sons Co., 2100 Main Street, Blytheville, Ark.; effective 2-26-62 to 8-25-62; 50 learners for plant expansion purposes in the occupation of sewing machine operator, for a learning period of 240 hours at the rate of $1.00 an hour (men's and boys' caps).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Nutritional Specialties, Inc., Arecibo, P.R.; effective 1-11-62 to 7-10-62; eight learners for plant expansion purposes, in the occupations of tableting machine operator, mixing machine operator, granulating machine operator, coating machine operator and die setter, each for a learning period of 240 hours at the rate of 67 cents an hour (dietary food supplement in tablet form).

Nutritional Specialties, Inc., Arecibo, P.R.; effective 1-11-62 to 1-10-63; five learners for normal labor turnover purposes in the occupations of tableting machine operator, mixing machine operator, granulating machine operator, coating machine operator and die setter, each for a learning period of 240 hours at the rate of 67 cents an hour (dietary food supplement in tablet form).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 16th day of March 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-2582; Filed, Mar. 15, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Atwood Inc., Troutman, N.C.; effective 2-8-62 to 2-7-63 (work and sport shirts).

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa.; effective 2-1-62 to 1-31-63 (men's sport, uniform and dress shirts).

Elder Manufacturing Co., McLeansboro, Ill.; effective 1-25-62 to 1-24-63 (men's and boys' shirts).

W. Koury Co., Inc., 633 Chatham Street, Sanford, N.C.; effective 2-3-62 to 2-2-63 (men's and boys' work and sport pants and shirts).

Monleigh Garment Co., Yadkinville Road, Mocksville, N.C.; effective 2-6-62 to 2-5-63 (women's lingerie).

Monticello Manufacturing, Inc., Warren Street, Monticello, Ga.; effective 2-10-62 to 2-9-63 (men's and boys' casual pants).

Solomon Bros. Co., Thomasville, Ala.; effective 1-26-62 to 1-25-63 (men's sport shirts).

Levi Strauss and Co., Route 3, Warsaw, Va.; effective 1-30-62 to 1-29-63 (men's cotton work pants).

I. Taitel and Son, Drew, Miss.; effective 1-27-62 to 1-26-63 (men's and boys' jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Belfast Manufacturing Co., 64 Anderson Street, Belfast, Maine; effective 2-1-62 to 1-31-63; 10 learners (men's trousers).

Clayton Garment Co., Clayton, Ala.; effective 2-10-62 to 2-9-63; 10 learners (men's sport shirts and ladies' blouses).

Dickson City Garment Corp., Bowman and Dewey Streets, Dickson City, Pa.; effective 2-16-62 to 2-15-63; 10 learners (children's dresses).

Solomon Bros. Co., Thomaston, Ala.; effective 1-23-62 to 1-22-63; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Charleston Manufacturing Co., Inc., Stark Industrial Park, Charleston Heights, S.C.; effective 1-25-62 to 7-24-62; 35 learners (ladies' dresses).

T. S. Lankford and Sons, 101 to 141 Walnut Street, Abilene, Tex.; effective 1-27-62 to 7-26-62; 50 learners (work clothing).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Schafer Co., Inc., 101-117 North First Street, Decatur, Ind.; effective 1-29-62 to 3-7-62; 10 learners for normal labor turnover purposes (work, leather and combination leather and fabric gloves) (replacement certificate).

Wells Lamont Corp., Waynesboro, Miss.; effective 2-1-62 to 1-31-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballet Hosiery Co., Wadesboro, N.C.; effective 1-23-62 to 7-22-62; 50 learners for plant expansion purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Burlington, N.C.; effective 2-14-62 to 2-13-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Singer Hosiery Mills, Inc., 710 Jacob Street, Thomasville, N.C.; effective 1-25-62 to 1-24-63; five learners for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chadbourn Textiles, Inc., Chadbourn, N.C.; effective 1-23-62 to 1-22-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit undershirts and placket knit sport shirts).

Charlotte Finishing Co., York, S.C.; effective 1-29-62 to 1-28-63; five learners for normal labor turnover purposes (sweaters).

Mullins Textile Mills, Inc., 301 Cypress Street, Mullins, S.C.; effective 1-30-62 to 1-29-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear and outerwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 15th day of February 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-2583; Filed, Mar. 15, 1962; 8:48 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

ELIGIBLE CORN

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 7248 and 10031, containing the specific requirements for the 1961-crop corn price support program, are hereby amended as follows:

Section 421.238(e)(1) is amended to make farm-stored ear corn containing not in excess of 21 percent moisture if tested through March 1962, and not in excess of 19 percent moisture if tested during April 1962, eligible for support.

§ 421.238 Eligible corn.

(e) • • •

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through March 1962, 19.0 percent if tested for loan during April 1962, and 16.0 percent if tested for loan during May 1962.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 13, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-2635; Filed, Mar. 16, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Barley

MISCELLANEOUS AMENDMENTS

On December 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12132) a notice of a proposal to amend the Official Grain Standards of the United States for Barley (7 CFR 26.201–26.203) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). No public hearings were held but interested persons were afforded an opportunity to submit written data, views, and arguments on the proposal.

Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, the introductory text of § 26.201(c), and §§ 26.201(d) and 26.203(g) (3), (4), and (5) of the Official Grain Standards of the United States for Barley are revised to read respectively as hereinafter set forth. The definition of Two-rowed Barley, in § 26.203 (g) (3) (i), was changed so as to conform the terminology used therein with that in § 26.203(g) (4) and (5), as revised. The change in § 26.203(g) (3) (i) was not specifically proposed in the aforementioned notice of rule making. However, since such change was necessarily implied in the notice, it is found upon good cause that further notice and public procedure with respect thereto are unnecessary.

§ 26.201 Terms defined.

• • • • • •

(c) *Barley.* The class Barley shall be any barley with white hulls which is grown east of the Rocky Mountains or in Alaska and may include not more than 10 percent of black barley or of barley of the class Western Barley, either singly or in any combination. This class shall be divided into the following three subclasses:

• • • • • •

(d) *Western Barley.* The class Western Barley shall be any barley with white hulls which is grown west of the Great Plains area of the United States and may include not more than 10 percent of black barley or of barley of the class Barley, either singly or in any combination, except that barley grown in the State of Alaska shall not be classified as Western Barley. (See paragraph (c) of this section.)

• • • • • •

§ 26.203 Grades, grade requirements, and grade designations.

• • • • • •

(g) *Special grades, special grade requirements, and special grade designations for barley.* • • •

(3) *Two-rowed Barley*—(i) *Requirements.* Two-rowed Barley shall consist of two-rowed barley of the class Barley, or of the class Western Barley, which does not meet the requirements for the special grades Choice Malting Two-rowed Barley and Malting Two-rowed Barley, and may contain not more than 10 percent of six-rowed barley.

(ii) *Grade designation.* Two-rowed Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not two-rowed, and there shall be added to, and made a part of, the grade cording to the grade requirements of the class, the word "Two-rowed".

(4) *Choice Malting Two-rowed Barley*—(i) *Requirements.* Choice Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal type; which does not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for grade No. 1 Western Barley except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 5.0 percent of thin barley; which does not contain more than 5.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

(ii) *Grade designation.* Choice Malting Two-rowed Barley shall meet the special grade requirements for Choice Malting Two-rowed Barley and shall be graded and designated according to the class and grade requirements of the standards applicable to such barley if it were not Choice Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Choice Malting Two-rowed".

(5) *Malting Two-rowed Barley*—(i) *Requirements.* Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which does not contain more than 5.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for any of the grades No. 1 to No. 3 Western Barley, inclusive, except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which does not meet the requirements for the special grade Choice Malting Two-rowed Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 10.0 percent of thin barley; which does not contain more than 10.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by

heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided*, That Malting Two-rowed Barley of the grade No. 1 shall contain not less than 80 percent of mellow kernels; and may not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna, or more than 7.0 percent of thin barley, or more than 7.0 percent of skinned and/or broken kernels.

(ii) *Grade designation.* Malting Two-rowed Barley shall be graded and designated according to the special grade requirements for malting two-rowed barley and to the class and grade requirements applicable to such barley if it were not Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Malting Two-rowed".

The foregoing amendments shall become effective July 1, 1962.

Done at Washington, D.C., this 13th day of March 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-2628; Filed, Mar. 16, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.318 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 13, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 19, 1962, and ending at 12:01 a.m., e.s.t., April 2, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2631; Filed, Mar. 16, 1962; 8:49 a.m.]

[Navel Orange Reg. 11]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.311 Navel Orange Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2693; Filed, Mar. 16, 1962; 11:47 a.m.]

[Valencia Orange Reg. 4]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.304 Valencia Orange Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: 2,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2694; Filed, Mar. 16, 1962; 11:47 a.m.]

[Lemon Reg. 12]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.312 Lemon Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2645; Filed, Mar. 16, 1962; 8:50 a.m.]

[Grapefruit Reg. 6]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.306 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 19, 1962, and ending at 12:01 a.m., e.s.t., March 26, 1962, is hereby fixed at 195,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–2663; Filed, Mar. 16, 1962; 9:06 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Compensation for Services Performed With Respect to Reserve and Surplus Tonnage Raisins

The Raisin Administrative Committee has submitted a proposal, adopted by unanimous vote, to establish a schedule of payments for services on reserve and surplus tonnage raisins held for the account of the Committee. The Committee is established under, and its proposal is made pursuant to, Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action establishes the said schedule of payments, as hereinafter set forth, and recognizes increases in labor and other costs for the services involved since similar schedules were established in the 1959–60 crop year.

The schedule of payments is issued in this document as § 989.401. The previously applicable schedule appears as § 989.166(g) in the presently effective administrative rules and regulations, as revised (Subpart—Administrative rules and regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), and is deleted therefrom by an amendment in a separate document published in this issue of the FEDERAL REGISTER.

After consideration of all relevant matters, including the proposal submitted by the Raisin Administrative Committee and other available information, said schedule of payments is hereby established pursuant to § 989.66(f), as follows:

§ 989.401 Payment for services performed with respect to reserve and surplus tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving, storing, and handling.* Each handler shall, beginning with the crop year which began September 1, 1961, be compensated at the rate of $6.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

(2) *Inspection.* Each handler shall be reimbursed by the Committee for inspection costs applicable to the reserve and surplus pool raisins received and held by him for the account of the Committee. Such payment shall be made at the currently applicable rate per ton paid by such handler to the inspection service and on the quantity reported by the handler. The Committee shall pay the cost of any inspection required by it of any such pool raisins while they are being held for its account: *Provided*, That the cost of inspection of any raisins substituted, pursuant to § 989.66(b)(3), by a handler for raisins in the reserve or surplus pools, or which he received by transfer from another handler by purchasing, as permitted pursuant to § 989.166, a portion or all of such other handler's share of an offer, shall be borne by the handler and shall not be reimbursed to him by the Committee.

(3) *Fumigation.* Each handler shall be paid an allowance for fumigation at the rate of $1.50 per ton of reserve and surplus tonnage raisins received during the crop year of acquisition and held by him for the account of the Committee during all or any part of such crop year.

(b) *Additional payment for surplus tonnage raisins held beyond the crop year of acquisition.* Each handler holding surplus tonnage raisins for the account of the Committee on September 1 of any crop year (beginning with September 1, 1962) which were also held by him as such on August 15 of the preceding crop year, shall be compensated: (1) For storing and handling such raisins at the rate of $1.20 per ton for the period ending November 30 of the then current crop year or any part thereof, 60 cents per ton for the next 3 months, or any part thereof, 20 cents per ton for the next 3 months, or any part thereof, and 20 cents per ton for the last 3 months of the crop year, or any part thereof; and (2) for fumigation services at the rate of 15 cents per ton for each fumigation reasonably required to maintain such raisins in good condition.

(c) *Payment of rental on boxes containing surplus tonnage raisins held beyond the crop year of acquisition.* Each handler and each producer, dehydrator, or other person who furnishes boxes in which surplus tonnage raisins are held for the account of the Committee on September 1 of any crop year (beginning with September 1, 1962) which were also so held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of 20 cents per average net weight of raisins in a sweatbox, with equivalent rates for raisins in containers other than sweatboxes. The average net weight of raisins in each type of container shall be the industry average as computed by the Committee, for the containers in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the containers on the next succeeding September 1.

(d) *Payment for other services*—(1) *General.* In addition to the payments provided in paragraphs (a), (b), and (c) of this section, handlers shall be compensated for other services performed with respect to reserve and surplus tonnage raisins as set forth in this paragraph.

(2) *Transportation.* The Committee may arrange with any handler for transporting reserve or surplus tonnage raisins. Payment for such transportation shall be based on then prevailing haulage rates within the production area for the type of transportation required.

(3) *Packing.* A handler who accepts an offer by the Committee to pack surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by or acceptable to the Committee. In considering the amount of compensation to be paid, the Committee shall take into account, among other factors, the particular varietal type of raisins to be packed, the particular pack or package required, and the quantity and quality of the raisins to be packed.

(4) *Redelivery.* In the event the Committee removes surplus tonnage raisins of a previous crop year from a handler upon the request provided for in § 989.66(f) and such handler subsequently desires redelivery to him of surplus tonnage raisins for contract packing, or other purpose, he shall reimburse the Committee in advance of such redelivery for the net costs to it of the removal, storage, and redelivery of such raisins: *Provided*, That the Committee may waive payment by the handler of part or all of such costs if it determines that such waiver is reasonably necessary to the prompt and favorable disposition of the raisins involved.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of this regulatory program require that handlers and others shall be compensated for services with respect to reserve and surplus tonnage raisins held for the account of the Committee in accordance with a schedule of payments established by the Raisin Administrative Committee and approved by the Secretary; (2) the schedule of payments established herein was unanimously adopted by the Raisin Administrative Committee, composed of representatives of the various segments of the industry concerned with the payments; and (3) the schedule of payments should become effective promptly to permit payment to handlers for such services already, and those soon to be, performed by them with respect to reserve and surplus tonnage raisins acquired by them since September 1, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62–2629; Filed, Mar. 16, 1962; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Amendment of Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The time for receipt of written data, views, or arguments was extended to 5 p.m., e.s.t., February 16, 1962, by action published in the FEDERAL REGISTER (27 F.R. 697) on January 24, 1962.

The proposed revision of the rules and regulations omits the provisions of § 989.166(g) *Payment to handlers for services performed with respect to reserve and surplus tonnage raisins.* The provisions of said paragraph (g) were to be changed and issued in a separate new subpart. It is now urgent that provision for such payments be made effective promptly so payments can be made to handlers for services already completed by them and for services which they will complete soon, for the current crop year which began September 1, 1961. However, issuance of a revision of the rules and regulations requires some additional time to consider written data, views, or arguments received pursuant to the notice on matters other than the payments. Hence, it is necessary to delete from the existing rules and regulations the provisions of § 989.166(g) so as to permit such provisions, with some changes, to be issued promptly as a new schedule of payments. Such schedule, as § 989.401, is contained in a separate document published in this issue of the FEDERAL REGISTER.

After consideration of all relevant matters, it is concluded that the administrative rules and regulations should be amended by deleting therefrom § 989.166 (g).

Therefore, the administrative rules and regulations, as revised (Subpart—Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385) are hereby amended by deleting therefrom § 989.166 (g).

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This amendment merely removes from the administrative rules and regulations certain provisions with respect to payment for services performed on reserve and surplus tonnage raisins so that a new schedule of payments may be issued in a separate document published in this issue of the FEDERAL REGISTER; (2) prompt action is required to permit such schedule to be so issued and payments made for services already, and those soon to be, completed; and (3) the amendment requires no compliance or other action of handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62–2630; Filed, Mar. 16, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 30]

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

Order Amending Order

§ 1030.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the decision of the Under Secretary containing all amendment provisions of this order, was issued February 21, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1030.50 and substitute therefor the following:

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1030.82. The basic formula price shall be rounded to the nearest full cent.

§ 1030.52 [Amendment]

2. In § 1030.52 (a) and (b) change the phrase "the basic formula price plus" to "the basic formula price for the preceding delivery period plus".

3. Replace § 1030.52(c) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the basic formula price.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1962.

Signed at Washington, D.C., on March 14, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2634; Filed, Mar. 16, 1962; 8:50 a.m.]

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Amending Order

Sec.

1126.0 Findings and determinations.

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AUTHORITY: §§ 1126.0 to 1126.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of: (i) Other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued January 9, 1962, and the decision containing all amendment provisions of this order, was issued February 23, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative asosciations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 1126.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1126.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or em-

ployee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1126.3 Department.

"Department" means the United States Department of Agriculture or such other Federal Agency as is authorized to perform the price reporting functions specified in this subpart.

§ 1126.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1126.5 Cooperative association.

"Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the Association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1126.6 North Texas marketing area.

"North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 1126.7 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 1126.8 Distributing plant.

"A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 1126.9 Supply plant.

"Supply plant" means any plant approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to (a) or (b) of this section during each of the immediately preceding months of September through December: *Provided* That, to remain a supply plant during August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk, or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 1126.10 Pool plant.

"Pool plant" means (a) a distributing plant, (b) a supply plant, or (c) any plant located within the marketing area, which has been approved by a municipal health authority having jurisdiction in the marketing area, at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to the pool plants of other handlers.

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 1126.10.

§ 1126.12 Handler.

"Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 1126.41(b)(5), § 1126.42, § 1126.46(a)(5), the proviso in § 1126.53 and § 1126.97.

(d) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered to have been received by such cooperative association at the pool plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 1126.46(a)(5) and the proviso in § 1126.53.

§ 1126.13 Producer.

"Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided*, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 1126.14 Producer milk.

"Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 1126.13.

§ 1126.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 1126.41(a) (1) and (2).

§ 1126.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant), which are reprocessed or converted to another product in the pool milk plant during the month.

§ 1126.17 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers;

(c) Disposes of no other source milk as Class I milk; and

(d) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production.

§ 1126.18 Base milk.

"Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 1126.80 multiplied by the number of days in such month.

§ 1126.19 Excess milk.

"Excess milk" means milk received by a handler during any of the months of March through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 1126.80.

§ 1126.20 Reserve supply credit.

The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

MARKET ADMINISTRATOR

§ 1126.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1126.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recomend amendments to the Secretary.

§ 1126.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1126.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1126.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1126.30 to 1126.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 1126.33; or

(3) Made payments pursuant to §§ 1126.90 to 1126.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 1126.51(a) and the Class I butterfat differential pursuant to § 1126.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 1126.51(b) and the Class II butterfat differential pursuant to § 1126.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 1126.72 or § 1126.73, as applicable, and the butterfat differential computed pursuant to § 1126.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 1126.31(a).

REPORTS, RECORDS AND FACILITIES

§ 1126.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products on routes wholly outside the marketing area; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1126.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1126.32 Other reports.

(a) Each producer-handler shall make reports to the market-administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(c) Each handler, with respect to fluid milk products disposed of for animal feed, shall report to the market administrator such information and at such

time as the market administrator may prescribe.

§ 1126.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 1126.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1126.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 1126.30 shall be classified by the market administrator pursuant to the provisions of §§ 1126.41 to 1126.46, inclusive.

1126.41 Classes of utilization.

Subject to the conditions set forth in §§ 1126.43 and 1126.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk: *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

(3) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(4) Disposed of in the form of fluid milk products and used for livestock feed subject to inspection (at his discretion) by the market administrator;

(5) In shrinkage allocated to: (i) Receipts of other source milk in the form of fluid milk products, (ii) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a pool plant from both producers and other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and which are not disposed of in bulk as milk in fluid form to the pool plant of another handler;

(6) In inventory at the end of the month of fluid milk products; and

(7) That portion of fortified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

§ 1126.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between (1) the total of the pounds of skim milk and butterfat physically received from producers at a pool plant by the operator of such pool plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d), and (2) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products.

§ 1126.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 1126.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant including transfers made by a cooperative association pursuant to § 1126.12 (c) and (d) shall be classified:

(a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:

(1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 1126.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: *Provided*, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton, and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee, and Wood in the State of Texas; Carter, Cleveland, Comanche, Grady, Murray, and Muskogee in the State of Oklahoma; and Benton, Franklin, Sebastian, and Scott in the State of Arkansas;

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside the marketing area or inside any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 1126.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the pounds of skim milk and butterfat in packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as an ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced; and

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 1126.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made has been removed, or if any of the solids, other than butterfat, contained in milk have been added to the product in any form, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to all of the milk solids, other than butterfat, contained in such product, plus all the water originally associated with an amount of nonfat dry milk equal in weight to such solids.

§ 1126.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1126.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 1126.41(b)(5)(ii).

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 1126.44 (a); and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 1126.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 1126.51 Class prices.

Subject to the provisions of §§ 1126.52 and 1126.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85

for the months of March through June, and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the asme milk being accounted for the second time as Class I milk) under this Part and Parts 1127, 1128, 1129, and 1130 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided*, That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of:

(i) the price computed pursuant to § 1126.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 1126.50(b) or subdivision (ii) of subparagraph (1) of this paragraph.

§ 1126.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1126.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 1126.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 1126.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 1126.50(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: *Provided*, That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1126.46(a) (1) through (9) and the corresponding steps in § 1126.46(b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1126.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1126.55 Cheddar cheese credit.

On and after the effective date hereof through March 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 1126.46 (a)(8) and the corresponding step of § 1126.46(b) less any overage deducted pursuant to § 1126.46(a)(11) and the corresponding step of § 1126.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided*, That in the event the plant at which Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such usage determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

Application for Provisions

§ 1126.60 Producer-handlers.

Sections 1126.40 through 1126.46, 1126.50 through 1126.53, 1126.70 through 1126.73, 1126.80 through 1126.81, and 1126.90 through 1126.97 shall not apply to a producer-handler.

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b) or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such

plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

Determination of Uniform Price

§ 1126.70 Computation of value of milk.

The value of milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1126.46(a) (11) and the corresponding step of (b) by the applicable class price(s);

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(8) and the corresponding step of § 1126.46(b) for the current month: *Provided*, That such hundredweight of skim milk and butterfat for which an amount is computed shall not exceed the hundredweight of skim milk and butterfat allocated to Class II milk pursuant to paragraph (a) (3) and (4) and the corresponding step of paragraph (b) of § 1126.46 plus the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 1126.46(a)(8) and the corresponding step of § 1126.46 (b) both for the preceding month;

(d) Add the amount computed by multiplying the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at the pool plant, adjusted by the Class I butterfat differential, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(3) and the corresponding step of paragraph (b);

(e) In any month in which total receipts of producer milk by all handlers are 110 percent or more than Class I sales by all handlers, add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1126.46(a)(4) and the corresponding step of paragraph (b) by the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at a pool plant of the same location as the nonpool plant supplying such other source milk, adjusted by the Class I butterfat differential: *Provided*, That if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk shall be considered to have been received from the plants in sequence starting with the nonpool plant at which the smallest location differential is applicable; and

(f) Deduct the amount of any credits computed for such handler pursuant to § 1126.55.

§ 1126.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1126.70 for all handlers who made the reports prescribed in § 1126.30 and who made the payments pursuant to § 1126.93 for the preceding month;

(b) Add not less than one-fourth of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 1126.94;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1126.91(a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 1126.91(b).

§ 1126.72 Computation of uniform price.

For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1126.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1126.73 Computation of Uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 1126.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 1126.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

Determination of Base

§ 1126.80 Computation of daily average base for each producer.

For the months of March through June the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 1126.81;

(a) Divide the total pounds of producer milk received from such producers at a pool plant(s) during the immediately preceding base-forming period of August through January by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 153, whichever is greater. However, in the application of this provision prior to August 1961, the months of September through December 1960, shall be used in lieu of

the August through January period and the figure, 112, shall be used in lieu of the figure, 153; and

(b) In the case of producers delivering milk to a plant which was not a pool plant during the entire base forming period, a daily average base for each such producer shall be calculated pursuant to paragraph (a) of this section on the basis of his deliveries of milk to such plant during August through January: *Provided*, That records of such deliveries to the plant are made available to the market administrator.

§ 1126.81 Base rules.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1126.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns; *And provided further*, That if a base(s) is transferred to a producer already holding a base which was either earned by such producer, or transferred to him, a new base shall be computed by adding together the total deliveries during the base-forming period of all persons in whose name such bases were earned and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of the base-forming period, or by 153 whichever is greater.

PAYMENTS

§ 1126.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 1126.72 and 1126.73, adjusted by the butterfat differential computed pursuant to § 1126.91(a) and the location differential computed pursuant to § 1126.91(b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1126.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1126.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 1126.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 1126.91 Butterfat and location differentials to producers.

(a) In making payments pursuant to § 1126.90 (a) or (c), there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20.0–29.99 cents	3
30.0–39.99 cents	4
40.0–49.99 cents	5
50.0–59.99 cents	6
60.0–69.99 cents	7
70.0–79.99 cents	8
80.0–89.99 cents	9
90.0–99.99 cents	10
$1.00–$1.10	11

(b) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 and the applicable uniform price for base milk computed pursuant to § 1126.73 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1126.93, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

§ 1126.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 1126.70 is greater than the amount required to be paid producers by such handler pursuant to § 1126.90.

§ 1126.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 1126.70 is less than the amount required to be paid producers by such handler pursuant to § 1126.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further*, That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 1126.93, 1126.95, 1126.96 or 1126.97.

§ 1126.95 Adjustment of accounts—(a) Payments.

Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1126.90, 1126.93, 1126.94, 1126.96, 1126.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1126.96 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1126.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 1126.97 Expenses of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 1126.46 and (b) milk from producers (including such handler's own production).

§ 1126.98 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1126.100 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1126.101.

§ 1126.101 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1126.102 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1126.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1126.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1126.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Effective Date: April 1, 1962.

Signed at Washington, D.C., on March 14, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2633; Filed, Mar. 16, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-20]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Point

The purpose of this amendment to § 601.7001 of the regulations of the Administrator is to revoke the Willow, Alaska, Intersection as a reporting point.

The designation of VOR Federal airway No. 438 and its associated control areas from Shuyak, Alaska, to Fairbanks, Alaska, has obviated the requirement for the Willow Intersection as a designated reporting point. Accordingly, action is taken herein to revoke the Willow Intersection as a reporting point.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are not necessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 601.7001 (14 CFR 601.7001) "Willow INT: The INT of the Anchorage, Alaska, VOR 004° T radial and the Skwentna, Alaska, RR southeast course." is deleted.

This amendment shall become effective 0001 e.s.t. May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2594; Filed, Mar. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-30]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to § 608.48 of the regulations of the Administrator is to increase the designated altitudes and/or the times of designation of the Las Vegas, Nev., Restricted Areas R-4806 and R-4808 and the Tonopah, Nev., Restricted Area R-4807.

The Department of Defense has stated an urgent and immediate requirement for the alteration of the Tonopah/Las Vegas Restricted Area Complex to permit greater utilization of the entire area, in support of a classified project, and has justified this requirement as being a matter in the interest of national defense. However, in order to reduce the impact of this restricted area complex on aeronautical operations, floors have been established for R-4806 and R-4807 which will permit transit of these areas on Sundays only.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In § 608.48 *Nevada* (26 F.R. 6233; 27 F.R. 205) the following changes are made:

1. R-4806 Las Vegas, Nev., is amended to read:

R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'-00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°15'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°-37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°42'00" W.; to latitude 36°-41'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'-00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to the point of beginning.

Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Nellis AFB, Nev.

2. R-4807 Tonopah, Nev., is amended to read:

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'-00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°-55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'-00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°-11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'-00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°-00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.

Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commander, Nellis AFB, Nev.

3. R-4808 Las Vegas, Nev., is amended to read:

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'-00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°-33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'-00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 14, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2625; Filed, Mar. 16, 1962; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8058 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Gold Seal Chinchillas, Inc., and Estell G. Streets

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.75 *Free goods or services;* § 13.170 *Qualities or properties of product or service;* § 13.170-72 *Productive;* § 13.205 *Scientific or other relevant facts;* § 13.260 *Terms and conditions;* § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions;* § 13.1775 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gold Seal Chinchillas, Inc., et al., Tacoma, Wash., Docket 8058, Oct. 24, 1961]

Consent order requiring a Tacoma, Wash., seller of chinchilla breeding stock to cease misrepresenting—directly and through his salesmen, by written and oral statements—the ease and simplicity of raising such animals for profit, their rate of production, value of the animals raised, the returns to be expected from sale of the pelts, and the terms and conditions of the sale of such animals.

The order to cease and desist is as follows:

It is ordered, That respondent Gold Seal Chinchillas, Inc., a corporation, and its officers and respondent Estell G. Streets, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of chinchilla breeding stock in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That the earnings or profits which may be derived through raising chinchillas for pelts is any amount in excess of the amount usually and customarily earned by growers of chinchillas purchased from respondents;

(2) That a mated pair of chinchillas purchased from respondents will produce breeding stock in any number in excess of the number usually and customarily produced by them; or that every two pairs of chinchillas purchased from respondents will produce at least fifty mated pairs of top quality breeding stock within four years;

(3) That every fifty pairs of offspring from chinchillas purchased from respondents will produce 200 or more top quality pelts each year for the pelting market; or that the number of top quality pelts produced from fifty pairs of such chinchillas is any number in excess of the number of top quality pelts usually and customarily produced by breeding stock purchased from respondents;

(4) That forty pairs of chinchillas will result in an annual income of $6,472.50 to $26,250.00; or that thirty pairs of chinchillas will result in an annual income of from $4,315 to $17,500 or that a grower of chinchillas starting with two mated pairs will at the end of 3½ years or less have an annual income from pelts of from $8,630 to $35,000; or that the earnings or profits which may be derived through raising chinchillas for pelts is any amount in excess of the amount usually and customarily earned by growers of chinchillas purchased from respondents under usual and normal conditions;

(5) That the value of two pairs of chinchillas purchased from respondents, and their offspring, will be $4,900 at the end of the first year, or $34,300 at the end of the third year; or that the value of two pairs of said chinchillas and their offspring at the end of any year will be any value in excess of the actual value of said animals;

(6) That a pair of young unproven chinchillas is given free or any other thing of value is given free unless such is the fact;

(7) That a purchaser of respondents' breeding stock will receive for the average chinchilla pelt produced any amount in excess of the amount usually and customarily received therefor.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2596; Filed, Mar. 16, 1962; 8:45 a.m.]

[Docket No. 8875 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

H. L. Klebanow & Son, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H. L. Klebanow & Son, Inc., et al., New York, N.Y., Docket 8375, Oct. 24, 1961]

In the Matter of H. L. Klebanow & Son, Inc., a Corporation, and Hyman L. Klebanow and Bernard Klebanow, Individually and as Officers of Said Corporation

Consent order requiring New York City importers to cease invoicing fabrics imported from Italy as "95% Wool 5% Nylon" when they contained substantially less than 95 percent wool, and when the so-called wool fibers were actually reprocessed wool.

The order to cease and desist is as follows:

It is ordered, That respondents H. L. Klebanow & Son, Inc., a corporation, and its officers, and Hyman L. Klebanow and Bernard Klebanow, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of apparel fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly in sales invoices, shipping memoranda, or in any other manner from:

1. Misrepresenting the name and amount of the constituent fibers of which their products are composed.

2. Describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" as "wool".

3. Using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat, or hair of the camel, Alpaca, Llama, or Vicuna which has never been reclaimed from any woven or felted product; provided however, nothing herein shall prohibit the use of the terms "reprocessed wool" or "reused wool" when the products or those portions thereof referred to are composed of such fibers.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2597; Filed, Mar. 16, 1962; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-210; Order No. 244]

PART 1—RULES OF PRACTICE AND PROCEDURE

Ex Parte Communications

MARCH 13, 1962.

The Commission desires to take all appropriate measures to assure the public and all interested parties that its proceedings will be conducted in a scrupulously fair and impartial manner. We believe that the rule herein adopted, together with existing provisions of our rules, will serve to make it plain that any instance of possible departure from high standards of ethical conduct will be promptly and carefully examined by the entire Commission.

It appears that the amendment adopted herein pertains to Commission practice and procedure and hence that section 4 of the Administrative Procedure Act is not applicable.

The Commission finds:

(1) The amendment adopted herein is necessary and appropriate for the purposes of administration of the Federal Power and Natural Gas Acts.

(2) Good cause exists that the amendment herein adopted becomes effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o) orders:

Section 1.4, Rules of Practice and Procedure, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to read as follows:

(d) In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in administrative proceedings pending before this Commission, it is hereby provided: In a contested proceeding, no party thereto, or his counsel, agent, or other person acting on his behalf, shall communicate, ex parte, with any member of the Commission or of his personal staff, with the hearing examiner, or with any employee responsible for aiding the Commission in the preparation of a decision

in such proceeding, with respect to the merits of that or a factually related proceeding. If a communication of this kind is received, the person (or persons) to whom the representations have been made shall promptly and fully inform the Commission of the substance of the communication and the circumstances thereof, so that the Commission will be enabled to take appropriate action.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-2611; Filed, Mar. 16, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT (BUTYLATED HYDROXYTOLUENE); BHA (BUTYLATED HYDROXYANISOLE); STEARYL MONOGLYCERIDYL CITRATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Charles Pfizer and Company, Inc., 235 East Forty-Second Street, New York 17, New York, and other relevant material, has concluded that the following regulations should issue with respect to the food additive stearyl monoglyceridyl citrate as an emulsion stabilizer in shortenings containing emulsifiers and with respect to the food additives BHT (butylated hydroxytoluene) and BHA (butylated hydroxyanisole) as antioxidants in the emulsion stabilizer. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121; 121.1034 (26 F.R. 1984, 7127, 8283), 121.1035 (26 F.R. 1984, 3247, 5677, 7127, 8283)) are amended in the following respects:

1. Section 121.1034(b) is amended by adding thereto the following new subparagraph (4):

§ 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.

* * * * *

(b) * * *

(4) In emulsion stabilizers for shortenings containing emulsifiers, with or without BHA (butylated hydroxyanisole), whereby the maximum amount of the antioxidant alone or of the total antioxidants in combination does not exceed 200 parts per million by weight (0.02 percent) of the emulsion stabilizer.

2. Section 121.1035(b) is amended by adding thereto the following new subparagraph (6):

§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

* * * * *

(b) * * *

(6) In emulsion stabilizers for shortenings containing emulsifiers, with or without BHT (butylated hydroxytoluene), whereby the maximum amount of the antioxidant alone or of the total antioxidants in combination does not exceed 200 parts per million by weight (0.02 percent) of the emulsion stabilizer.

3. Part 121 is amended by adding to Subpart D the following new section:

§ 121.1080 Stearyl monoglyceridyl citrate.

The food additive stearyl monoglyceridyl citrate may be safely used in food in accordance with the following provisions:

(a) The additive is prepared by controlled chemical reaction of the following:

Reactant	*Limitation*
Citric acid	
Monoglycerides of fatty acids.	Prepared by the glycerolysis of edible fats and oils or derived from fatty acids conforming with § 121.1070.
Stearyl alcohol	Derived from fatty acids conforming with § 121.1070.

(b) The additive stearyl monoglyceridyl citrate, produced as described under paragraph (a) of this section, meets the following specifications:

Acid number	40 to 52.
Total citric acid	15 to 18 percent.
Saponification number	215–255.

(c) The additive is used or intended for use as an emulsion stabilizer in or with shortenings containing emulsifiers.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2618; Filed, Mar. 16, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM LAURYL SULFATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Interchemical Corporation, 224 McWhorter Street, Newark 5, New Jersey; Olin Mathieson Chemical Corporation, 275 Winchester Avenue, New Haven 4, Connecticut; and The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, and other relevant material, has concluded that the following regulations should issue with respect to the food additive sodium lauryl sulfate used as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as follows:

1. Section 121.2517(b) (21 CFR 121.2517; 26 F.R. 6621) is amended to read as follows:

§ 121.2517 Emulsifiers used in the manufacture of paper and paperboard.

* * * * *

(b) The additives permitted are as follows:

List of substances	*Limitations*
Polysorbate 80, conforming to the identity prescribed in § 121.1009.	Used as an emulsifier to facilitate the application of release agents to paper and paperboard in an amount not to exceed 0.0008 pound per 1,000 square feet of the paper.
Sodium lauryl sulfate.	Complying with § 121.2541.

2. Part 121 is amended by adding to Subpart F the following new section:

§ 121.2541 Sodium lauryl sulfate.

Sodium lauryl sulfate may be safely used as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect; and the quantity that may become a component of food as a result of such use shall not be intended to, nor in fact, accomplish any physical or technical effect in the food itself.

(b) The use as an emulsifier and/or surface-active agent in any substance or article that is the subject of a regulation in this Subpart F conforms with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2621; Filed, Mar. 16, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ALKYL KETENE DIMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hercules Powder Company, Wilmington 99, Delaware, and other relevant material, has concluded that the following regulation should issue with respect to the food additives alkyl ketene dimers used as an adjuvant in the manufacture of paper and paperboard employed in direct contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2538 Alkyl ketene dimers.

Alkyl ketene dimers may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The alkyl ketene dimers are manufactured by the dehydrohalogenation of the acyl halides derived from the fatty acids of animal or vegetable fats and oils.

(b) The alkyl ketene dimers are used as an adjuvant in the manufacture of paper and paperboard under such conditions that the alkyl ketene dimers and their hydrolysis products dialkyl ketones do not exceed 0.4 percent by weight of the paper or paperboard.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-2619; Filed, Mar. 16, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COPOLYMER OF VINYL ACETATE AND CROTONIC ACID

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hazelton Laboratories, Inc., Post Office Box 30, Falls Church, Virginia, on behalf of the Kordite Company, Division of National Distillers and Chemical Corporation, Macedon, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additive, copolymer of vinyl acetate and crotonic acid, used as a heat-sealing coating for polyolefin film for packaging bakery products and confectionery. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2540 Copolymer of vinyl acetate and crotonic acid.

A copolymer of vinyl acetate and crotonic acid may be safely used as a coating or as a component of a coating which is the food-contact surface of polyolefin films intended for packaging food, subject to the provisions of this section.

(a) The copolymer may contain added optional substances to impart desired properties.

(b) The quantity of any optional substance does not exceed the amount reasonably required to accomplish the intended physical or technical effect nor any limitations further provided.

(c) Any optional substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Optional substances as provided in paragraph (a) of this section include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for uses with a copolymer of vinyl acetate and crotonic acid and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	*Limitations*
Silica	
Japan wax	

(e) Copolymer of vinyl acetate and crotonic acid used as a coating or as a component of a coating conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Specifications.* (i) The chloroform-soluble portion of the water extractives of the coated film obtained with distilled water at 120° F. for 24 hours does not exceed 0.5 milligram per square inch of coated surface.

(ii) The chloroform-soluble portion of the *n*-heptane extractives of the coated film obtained with *n*-heptane at 70° F. for 30 minutes does not exceed 0.5 milligram per square inch of coated surface.

(2) *Conditions of use.* The copolymer of vinyl acetate and crotonic acid is used as a coating or as a component of a coating for polyolefin films for packaging bakery products and confectionery.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2620; Filed, Mar. 16, 1962; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Flammable or Extremely Flammable Substances; Exemption of Components From Label Declaration

Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare, § 191.63(a) of the hazardous substances regulations (21 CFR 191.63; 26 F.R. 7333, 11214) is amended to read as set forth below:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(a) When the sole hazard from a substance in a self-pressurized container is that it generates pressure or when the sole hazard from a substance is that it is flammable or extremely flammable, the name of the component which contributes the hazard need not be stated.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment ordered relaxes existing requirements and since the Federal Hazardous Substances Labeling Act provides for such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1270)

Dated: March 12, 1962.

GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F.R. Doc. 62-2622; Filed, Mar. 16, 1962; 8:48 a.m.]

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling Requirements; Deceptive Use of Disclaimers

Pursuant to authority provided by the Hazardous Substances Labeling Act (secs. 4, 10, 74 Stat. 375, 378; 15 U.S.C. 1263, 1269) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 191 is amended by adding thereto the following new section:

§ 191.102 Deceptive use of disclaimers.

A hazardous substance shall not be deemed to have met the requirements of section 2(p)(1) and (2) of the act if there appears in or on the label or in accompanying literature words, statements, designs, or other graphic material that in any manner negates or disclaims any of the label statements required by the act; for example, the statement on a toxic or irritant substance, such as "Harmless" or "Safe around pets."

The Commissioner of Food and Drugs finds that the promulgation of the regulation included in this order is in the best interests of the public health and safety and that since the amendment is interpretative in nature notice and public procedure are unnecessary in this instance.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 4, 10, 74 Stat. 375, 376; 15 U.S.C. 1263, 1269)

Dated: March 12, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2623; Filed, Mar. 16, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2628]
[Montana 044211(ND)]
[Montana 044794(ND)]
[Montana 013826(SD)]

NORTH DAKOTA

Partly Revoking Public Land Order No. 1312 of July 6, 1956, Which Withdrew Lands for Flood Control (Oahe Reservoir Project)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1312 of July 6, 1956, which withdrew lands in North and South Dakota for use of the Department of the Army in connection with the Oahe Reservoir Project, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 138 N., R. 80 W.,
Sec. 8, lots 1, 2, NE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lots 2 and 3;
Sec. 26, lot 6.
T. 139 N., R. 81 W.,
Sec. 4, lot 1;
Sec. 14, lot 1.

The areas described aggregate approximately 387 acres.

2. The lands released from withdrawal by paragraph 1 of this order are for the most part either patented, or embraced in applications filed by the city of Bismarck, under the provisions of the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended, and by the Fish and Wildlife Service. Lands applied for under the act of June 14, 1926, as amended, will not be subject to any other form of disposal under the public land laws until final action on the application has been taken. The lands in withdrawal application of the Fish and Wildlife Service will be segregated from use or disposal in acordance with the regulations in 43 CFR 295.11 until final action on the withdrawal application has been taken.

3. The lands are hereby restored to the operation of the public land laws, including the mining laws, and the mineral leasing laws for other than oil and gas, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on September 10, 1962, the State of North Dakota shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). They have been open to applications and offers under the mineral leasing laws for oil and gas.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 12, 1962.

[F.R. Doc. 62-2599; Filed, Mar. 16, 1962; 8:45 a.m.]

[Public Land Order 2629]
[Oregon 010868]

OREGON

Revoking Certain Reclamation Withdrawals (Crooked River Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental orders of April 27, 1909, and July 27, 1953, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 16 S., R. 18 E.,
Sec. 17, SW¼NE¼ and SE¼NW¼.
T. 16 S., R. 21 E.,
Secs. 32 and 34.
T. 17 S., R. 21 E.,
Sec. 2, N½ and N½S½;
Sec. 4, N½ and N½S½;
Sec. 6;
Sec. 8, S½N½ and S½;
Sec. 10, SE¼SW¼ and SW¼SE¼;
Sec. 14;
Sec. 12, W½SE¼.

T. 16 S., R. 22 E.,
Sec. 32, N½, NW¼SW¼, N½SE¼, and SE¼SE¼.
T. 17 S., R. 22 E.,
Sec. 4;
Sec. 6, E½NE¼ and N½NW¼;
Sec. 8, N½NE¼ and S½S½;
Sec. 10;
Sec. 18, NE¼, N½NW¼, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 22, W½NW¼, SE¼NW¼, SW¼, and S½SE¼.

The areas described aggregating approximately 7,200 acres, are in part withdrawn for other purposes.

2. The lands are situated in Crook County. The topography varies from gently sloping to rough and rugged, with soils ranging from deep to extremely shallow and rocky.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on September 11, 1962, the State of Oregon shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on September 11, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 13, 1962.

[F.R. Doc. 62-2600; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2630]
[88159]

CALIFORNIA

Revoking Reclamation Withdrawals (Colorado River Storage Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of July 2, 1902; August 26, 1902; August 1, 1903; September 8, 1903; March 29, 1924; February 19, 1929; July 30, 1929; June 4, 1930; October 16, 1931, and any other order or orders withdrawing the following described lands for reclamation purposes under the said act of June 17, 1902, are hereby revoked:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 26 E.,
Sec. 16.
T. 6 N., R. 24 E.,
Secs. 5, 9, and 13;
Sec. 16, N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 17, 24, 29, and 33.
T. 7 N., R. 24 E.,
Sec. 16, S½NW¼ and SW¼.
T. 8 N., R. 23 E.,
Sec. 4, SE¼NE¼;
Sec. 9, W½SE¼ and SE¼SE¼;
Sec. 22, NE¼SE¼.
T. 10 N., R. 22 E.,
Sec. 25;
Sec. 26, lots 1, 2, 3, 4, (N½N½), SE¼NE¼.
T. 1 S., R. 24 E.,
Sec. 9, SE¼NW¼, NE¼SW¼NW¼, SW¼NE¼NW¼, SE¼NW¼NW¼, W½NW¼NW¼, and NE¼NE¼SW¼;
Sec. 12, lot 1;
Sec. 15, NW¼NE¼, SE¼NW¼, E½SW¼NW¼, NW¼SW¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, and lot 7;
Sec. 28, SW¼SW¼.
T. 3 S., R. 23 E.,
Sec. 36, lots 1 and 2.
T. 4 S., R. 23 E.,
Sec. 36, lot 1.
T. 8 S., R. 22 E.,
Secs. 1 to 12, incl.;
Secs. 14 to 22, incl.;
Secs. 27 to 32, incl.;
Sec. 33, N½, N½SE¼, and SW¼SE¼;
Sec. 34, N½;
Sec. 35, N½ and S½SW¼.
T. 10 S., R. 21 E.,
Sec. 1, E½ of lots 1 and 2 of NW¼;
Sec. 13;
Sec. 14, E½NW¼ and W½NE¼;
Secs. 23, 25, 35, and 36.
T. 11 S., R. 22 E.,
Sec. 7, E½;
Sec. 29.
T. 13 S., R. 23 E.,
Sec. 36, SW¼NW¼.
T. 14 S., R. 23 E.,
Sec. 1, E½E½.
T. 15 S., R. 23 E.,
Sec. 26, W½NW¼NW¼SW¼;
Sec. 27, SE¼NE¼NE¼SE¼, NE¼SE¼NE¼SE¼, S½SW¼SW¼NE¼, and S½SW¼;
Sec. 31, S½NE¼NE¼SE¼, SE¼NE¼SE¼, E½SW¼NE¼SE¼, SE¼SE¼, S½NE¼SW¼SE¼, and N½SE¼SW¼SE¼;
Sec. 32, S½NE¼NE¼, S½NE¼, SE¼, E½SW¼, SW¼SW¼, and NE¼NW¼SW¼;
Sec. 33, S½NW¼NW¼, SW¼NW¼, E½NW¼, SW¼, and E½;
Sec. 34;
Sec. 35, lots 6a, 9, 10, 13, W½NW¼.
T. 15 S., R. 24 E.,
Sec. 18, NE¼NW¼, N½NE¼, and SW¼NE¼.
T. 16 S., R. 21 E.,
Sec. 3, SW¼, SW¼NW¼, and W½SE¼;
Sec. 6, SW¼;
Sec. 7;
Sec. 8, SW¼ and NE¼;
Sec. 9, NW¼ and SE¼;
Sec. 15, W½, NE¼, and N½SE¼;
Sec. 16;
Sec. 17, W½, W½SE¼, and SE¼SE¼;
Secs. 18 and 19;
Sec. 20, N½, SE¼, and NE¼SW¼;
Sec. 21;
Sec. 22, W½, W½E½, and E½SE¼;
Sec. 25, SW¼;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½;
Sec. 36.
T. 16 S., R. 23 E.,
Sec. 3, W½ and W½E½;
Sec. 4, N½ and SE¼;
Secs. 5, 6, 7, 8, 9, 10, 15, 16, 19, and 30, Patented portions.

The areas described aggregate 46,000 acres, more or less, of nonpublic lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 13, 1962.

[F.R. Doc. 62-2601; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2631]
[Montana 044168]

SOUTH DAKOTA

Withdrawal for Air Force Use

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and from leasing under the mineral leasing laws, and reserved for use of the Department of the Air Force for military purposes in connection with 97.5 acres reserved by Public Land Order No. 2449 of July 26, 1961:

BLACK HILLS MERIDIAN

T. 9 N., R. 1 E.,
Sec. 12, SE¼SW¼SW¼, NE¼SW¼SW¼SW¼, and S½SW¼SW¼SW¼.
T. 12 N., R. 2 E.,
Sec. 4, S½SW¼NW¼NE¼, W½NE¼SW¼NE¼, S½SW¼SW¼NE¼, SW¼SW¼NE¼, that portion of the NE¼SW¼SW¼NE¼, the SE¼NW¼SW¼NE¼ and the N½NW¼SW¼NE¼ lying easterly of the existing road; S½SE¼NE¼NW¼, N½NE¼SE¼NW¼, SW¼NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, NW¼SE¼SE¼NW¼, S½SE¼SE¼NW¼, N½N½NE¼NE¼SW¼, NE¼NW¼NE¼SW¼, and N½N½NW¼NW¼SE¼.
T. 12 N., R. 2 E.,
Sec. 33, NE¼NE¼SE¼NE¼, S½NE¼SE¼NE¼, SE¼SE¼NE¼, and NE¼NE¼NE¼SE¼.
T. 11 N., R. 3 E.,
Sec. 19, N½NE¼NE¼NE¼;
Sec. 20, NW¼NW¼NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 29, NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, and SW¼SE¼NE¼.
T. 10 N., R. 6 E.,
Sec. 5, NE¼NE¼SW¼SW¼, S½NW¼NE¼SW¼SW¼, SW¼NE¼SW¼SW¼, S½N½NW¼SW¼SW¼, and S½NW¼SW¼SW¼.

The areas described aggregate approximately 135.40 acres.

2. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

3. The Department of the Air Force may issue permits revocable at will for authorized use of the land included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Air Force.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 13, 1962.

[F.R. Doc. 62-2602; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2632]

[Colorado 046748]

COLORADO

Withdrawing Public Lands for Reclamation Purposes (Savery-Pot Hook Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for reclamation purposes, for making surveys, and irrigation investigations in connection with the Savery-Pot Hook Project:

SIXTH PRINCIPAL MERIDIAN

T. 11 N., R. 89 W.,
Sec. 4, lots 6 and 7.
T. 12 N., R. 89 W.,
Sec. 17, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, lot 5;
Sec. 20, lots 1 to 4 incl., 6 to 10 incl., 13 and 14;
Sec. 21, lots 1, 2, 3, 6, and 7;
Sec. 22, lot 4;
Sec. 28, lots 4, 6, and 8;
Sec. 29, lots 1, 2, and 5 to 9 incl.;
Sec. 30, lots 13 and 20;
Sec. 32, lots 1, 2, and 3;
Sec. 33, lots 2, 4, 7, 13 and 16.
T. 12 N., R. 90 W.,
Sec. 16, NE¼SE¼ and S½S½.
T. 11 N., R. 91 W.,
Sec. 1, lots 7, 8, 9, 10, 16, and 17;
Sec. 2, lots 7, 8, 9, 13, 14, 15, 16, 18, 19 and 20;
Sec. 3, lots 19 and 20;
Sec. 4, lots 5 to 11 incl., and 13 to 20 incl.;
Sec. 5, lots 5 to 20 incl.;
Sec. 6, lots 8 to 18 incl., and 21 to 23 incl.;
Sec. 7, lots 5 to 14 incl., 19 and 20;
Sec. 8, lots 1 to 14 incl.;
Sec. 9, lots 1 to 16 incl.;
Sec. 10, lots 1 and 2;
Sec. 11, lots 3 and 4;
Sec. 14, lot 16;
Sec. 15, lots 8 and 9;
Sec. 17, lots 1 to 7 incl.;
Sec. 18, lots 5, 6, 12, 13, and 20;
Sec. 19, lots 5, 6, 11, 12, 13, 14, 19 and 20;
Sec. 20, lot 3;
Sec. 22, lot 10;
Sec. 23, lots 1 and 8;
Sec. 30, lots 5 and 6.
T. 12 N., R. 91 W.,
Sec. 19, lots 5, 6, and 11 to 20 incl.;
Sec. 20, lots 3, 7, 8, 10, 11 and 14;
Sec. 21, SW¼NE¼, SE¼NW¼, and S½;
Sec. 22, lots 11 to 16 incl.;
Sec. 23, lot 13;
Sec. 26, lots 3 to 7 incl., and 9 to 16 incl.;
Sec. 27, lots 1 to 11 incl., 13, 15, and 16;
Sec. 28;
Sec. 29, lots 1, 4, 5, 8, 9, and 12 to 16 incl.;
Sec. 30, lots 5 to 20 incl.;
Sec. 31, lots 5 to 20 incl.;
Sec. 32, lots 1 to 12 incl.;
Sec. 33, lots 1 to 16 incl.;
Sec. 34, lots 1, 2, 4, 5, 7 to 10 incl.; 12, 13 and 16;
Sec. 35, lots 1 to 8 incl., and 11 to 14 incl.
T. 11 N., R. 92 W.,
Sec. 1, lots 5 to 8 incl., S½N½, and S½;
Sec. 2, lots 5 to 8 incl., S½N½, and S½;
Sec. 3, lots 5 to 8 incl., S½N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 4, lots 5 to 8 incl., S½N½, N½SW¼ and NW¼SE¼;
Sec. 5, lot 5;
Sec. 11, E½NE¼, NW¼NE¼, NW¼, NW¼ SW¼, and NE¼SE¼;
Sec. 12, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼.
T. 12 N., R. 93 W.,
Sec. 17, lots 6 to 13 incl., and 16 to 23 incl.;
Sec. 18, lots 1 to 4 incl., 7 to 10 incl., 12 to 18 incl., and SW¼SE¼.
T. 12 N., R. 94 W.,
Sec. 13, lots 2, 3, and 4, 7, 8, and 9;
Sec. 14, lots 1 and 5.
T. 8 N., R. 96 W.,
Sec. 6, lots 2, 6, 11, 14, 21, and 22;
T. 9 N., R. 96 W.,
Sec. 20, NE¼;
Sec. 29, lots 7, 8, 9, 10, 16, and S½NE¼;
Sec. 31, lots 21, 22, 23, 35, and 36;
Sec. 32, lots 6 to 10 incl., 12 and 13.
T. 7 N., R. 97 W.,
Sec. 5, lot 4, SW¼NW¼ and NW¼SW¼;
Sec. 6, lots 1, 2, 5, 6, and 13, S½NE¼, NE¼ SW¼, and N½SE¼.
T. 8 N., R. 97 W.,
Sec. 1, lots 14, 15, 17, 18, 19, 20 and S½;
Sec. 10, S½NE¼ and SE¼;
Sec. 11, S½NE¼, W½NW¼, SW¼, N½ SE¼, and SW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½;
Sec. 16, E½;
Sec. 21, lot 12, NE¼, N½SE¼, and SW¼ SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, lots 9, 10, 11, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 32, NE¼NW¼, SW¼NW¼, and W½ SW¼.
T. 6 N., R. 98 W.,
Sec. 5, lots 6, 7, 8, 12, 17, 21, and SW¼ NW¼;
Sec. 6, lot 8, SE¼NE¼ and E½SE¼;
Sec. 7, lot 9, NE¼ and E½SW¼;
Sec. 8, lots 6, 7, and 17;
Sec. 16, lots 1 to 4, incl., NW¼NW¼ and S½NW¼;
Sec. 17, lot 1;
Sec. 18, lot 8, and E½W½;
Sec. 19, lots 5, 6, and 12.
T. 7 N., R. 98 W.,
Sec. 1, lots 11 to 14, incl., S½SW¼ and NE¼SE¼;
Sec. 2, lot 21;
Sec. 11, E½NE¼;
Sec. 29, SE¼SW¼;
Sec. 32, lot 3, W½NW¼, NW¼SW¼, and W½SW¼SW¼.
T. 6 N., R. 99 W.,
Sec. 22, S½SE¼;
Sec. 23, SW¼NE¼, SE¼NW¼, and NE¼ SW¼;
Sec. 24, lot 1, N½NE¼, SW¼NE¼, and S½NW¼;
Sec. 27, lot 1.

The areas described aggregate approximately 23,746.41 acres.

The lands shall be administered by the Bureau of Land Management under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 13, 1962.

[F.R. Doc. 62-2603; Filed, Mar. 16, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 695) has been filed by Chemore Corporation, 100 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to amend § 121.1059 to provide for the safe use in chewing gum base of polyvinyl acetate with an average molecular weight of 10,000.

Dated: March 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2614; Filed, Mar. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 690) has been filed by Ciba Pharmaceutical Company, Summit, New Jersey, proposing the issuance of a regulation to provide for the addition of zinc bacitracin at levels of 4 grams to 50 grams per ton to chicken and turkey feed containing reserpine in accordance with § 121.205. The zinc bacitracin is to be added for growth promotion and feed efficiency.

Dated: March 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2615; Filed, Mar. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 721) has been filed by Pennsylvania Glass Sand Corporation, Hancock, West Virginia, proposing the issuance of a regulation to provide for the safe use of finely divided silicon dioxide in food and animal feed as an anticaking agent.

Dated: March 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2616; Filed, Mar. 16, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1112]

AIRWORTHINESS DIRECTIVES

General Electric CJ805-3, -3A, -3B Engines

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement or modification of the thrust reverser pump in General Electric CJ805-3, -3A, and -3B engines. This proposed action is deemed necessary since failure of the pump has resulted in asymmetric power conditions upon application of reverse thrust during the aircraft landing roll.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 17, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL ELECTRIC. Applies to all CJ805-3, -3A, and -3B engines equipped with GE P/N 105R684P5 or 105R684P6 thrust reverser actuating pumps.

Compliance required at next engine overhaul.

Instances of thrust reverser pump failure have occurred causing the reverser to be inoperative and resulting in asymmetric power conditions upon application of reverse thrust during the aircraft landing roll. To correct this unsafe condition replace reverser pumps GE P/N's 105R684P5 and 105R684P6 with GE P/N 105R684P10 reverser pump, or modify the reverser pumps to conform to the P/N 105R684P10 by reducing the width of the pump drive gears and enlarging the size of the pump shaft oil seal vent in accordance with GE Service Bulletins Nos. (3B)78-1 and (3)78-16. Pumps so modified shall be re-identified as P/N 105R684P10.

Issued in Washington, D.C., on March 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2593; Filed, Mar. 16, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 2]

[Docket No. R-175]

PRACTICE AND PROCEDURE; POLICY AND INTERPRETATIONS

Communications With the Commission, Individual Commissioners, and Presiding Officers; Order Terminating Proceeding

MARCH 13, 1962.

On May 22, 1959, the Commission instituted a proceeding on the above subject by the issuance of a notice of proposed rulemaking which was published in the FEDERAL REGISTER on June 3, 1959 (24 F.R. 4523).

In view of our Order No. 244 issued this day in Ex Parte Communications, Docket No. R-210, further proceedings herein are unnecessary.

The Commission orders: The proceeding in Docket No. R-175 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2610; Filed, Mar. 16, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 2187) for February and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

[Supplement 1 to Report No. 1]

HUMANE SLAUGHTER

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION

FEBRUARY 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	○	○				
Do.	2B	○	○	(*)		○	
Swift and Co.	3A	○	○				
Do.	3T	○	○				
Do.	3Z					(*)	
Wilson and Co., Inc.	20A						(*)
Hill Packing Co.	41E						
Shonyo Packing Co.	93	○	○	(*)	(*)		
The Merchants Co.	116	○	○			○	
R. B. Rice Sausage Co., Inc.	144						
Kansas City Dressed Beef Co.	156	○				(*)	
Missouri Farmers Assn. Packing Division.	159	○					
Do.	159A	○	○	(*)	(*)	(*)	
New York State College of Agriculture.	165	○					
George A. Hormel & Co.	199A	○	○	(*)			
Estes Packing Co.	319	○					
Westport Packing Corp.	369					(*)	
Oldhams Farm Sausage Co., Inc.	392					(*)	
Neuhoff Bros.	406	○	○	(*)			
Dewitt Packing Corp.	456	○	○				
Eldridge Packing Co.	478	○	○	(*)			
Greendell Packing Corp.	542	○					
Ferretta Packing Co., Inc.	571	○					
Stahl Meyer, Inc.	583	○					
McCook Packing Co.	660	○					
San Joaquin Packing Co.	671	○	○	(*)	(*)		
E. S. Read and Sons, Inc.	672	○					
Pioneer Provision Co.	742	○					
Acces Meat Co., Inc.	809	○					
John Morrell and Co.	836	○					
Fahler Packing Corp.	880	○	○	(*)			
City Packing Co.	891	○					
Sambol Packing Co.	892	○					(*)
Tobin Packing Co., Inc.	903						
Vernon Calhoun Packing Co.	907	○					
Cappellino Abattoir, Inc.	939	○					(*)
Reitz Meat Products Co.	960	○					

37 establishments reported.

Done at Washington, D.C., this 13th day of March 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-2613; Filed, Mar. 16, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-074156]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 074156, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands in connection with the Eden Project and as a part of the Big Sandy Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 106 W.,
Sec. 34: SW¼SE¼.

The above area contains 40 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-2626; Filed, Mar. 16, 1962; 8:49 a.m.]

Geological Survey

CERTAIN OFFICERS

Delegation of Authority

MARCH 13, 1962.

The following material is a portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205 General Redelegations, Chapter 4, Procurement.)

Survey Order 214 (26 F.R. 2418) and Amendment No. 1 (26 F.R. 3499) are revoked.

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

.2 *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved, to: Executive Officer.

B. With respect to contracts for helicopter services not exceeding $100,000 in amount, to: Procurement Officer, Management Officer, Denver, Colorado, Management Officer, Menlo Park, California.

C. With respect to contracts not exceeding $25,000 in amount, to: Chief, Branch of Service and Supply, Procurement Officer.

D. With respect to contracts not exceeding $5,000 in amount, to: Assistant Procurement Officer, Management Officers, Denver, Colorado; Menlo Park, California; and Fairbanks, Alaska.

E. With respect to contracts for construction, including drilling, not exceeding $2,000, to: Branch Chiefs, Water Resources Division, Branch Area Chiefs, Water Resources Division, Chief, Instrumentation Unit, Research Section, Surface, Water Branch, Water Resources Division, Columbus, Ohio.

F. With respect to contracts for test drilling and construction not exceeding $1,000, to: Heads of Field Offices, Water Resources Division.

G. With respect to contracts for test drilling or other sampling processes not exceeding $1,000, to: Heads of Field Offices, Branch of Mineral Classification, Conservation Division.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 62-2596; Filed, Mar. 16, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 253]

KURT O. W. WAHLE ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Kurt O. W. Wahle, Europaische Verkaufs GMBH (European Sales Company of American Market Stores), Frankfurt/Main-Westhafen, Germany, respondents, Case No. 253.

Pursuant to an order of the Bureau of Foreign Commerce (now the Bureau of International Programs) of June 13, 1960 (25 F.R. 5610), the respondents Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), hereafter referred to as Wahle and American Market Stores, were denied export privileges so long as export controls remain in effect. An application to have the order vacated and set aside made by Wahle was rejected January 23, 1961, by the Director of the Office of Export Supply, the predecessor to the undersigned Director, Office of Export Control, Bureau of International Programs. The said denial of the Wahle application was stated to be without prejudice to the right to submit another application for relief from the Order of June 13, 1960, on or after June 13, 1961. Such further application was made after that date, but could not be acted upon because it was unsupported by evidence of compliance with the said order as was indicated to be required in the denial letter of January 23, 1961. An application supported by an affidavit setting forth the compliance with the BFC order so required has been received, dated December 28, 1961.

The Compliance Commissioner to whom this application has been made, has reported that he has examined the record in this case together with the recent documents mentioned above, and he has recommended the entry of an order conditionally restoring all export privileges to the respondents.

The undersigned after carefully considering the entire record herein, and being of opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations;

It is hereby ordered, That effective forthwith all export privileges heretofore denied to the aforesaid respondents are restored to them, upon the condition that so long as export controls are in effect, the respondents and all their employees and officers, shall fully comply with the requirements of the Export Control Act of 1949, as amended, and the Export Regulations issued thereunder. If, however, at any time hereafter, it be found by the Director of the Office of Export Control or such other officer as may at that time be exercising the functions now exercised by him, upon evidence submitted to him ex parte and without notice to the respondents, that respondents, their employees or officers have knowingly failed to comply with any requirements of the Export Control Act of 1949, as amended and with all regulations, licenses or orders issued thereunder, such officer may, without notice to the respondents, enter an order vacating this order and reinvoking the order of June 13, 1960. If such an order be entered, the respondents may apply for a hearing for the purpose of having such action reconsidered and, in the event of an adverse ruling the respondents shall have any right of appeal or review of such order as may at that time be available to similarly situated persons aggrieved by export denial orders.

Dated: March 12, 1962.

FORREST D. HOCKERSMITH,
Acting Director, Office of Export Control.

[F.R. Doc. 62-2612; Filed, Mar. 16, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SODIUM 2,3,6-TRICHLOROPHENYLACETATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (§ 120.31 (c) and (d)), notice is given that at the request of Amchem Products, Inc., Ambler, Pennsylvania, a temporary tolerance of one part per million is established for residues of sodium 2,3,6-trichlorophenylacetate in or on sugarcane. Included in the conditions of granting the temporary tolerance are:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product containing 16.1 percent sodium 2,3,6-trichlorophenylacetate to be used under experimental permit will not exceed 15,000 gallons.

This temporary tolerance expires March 2, 1963.

Dated: March 12, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2617; Filed, Mar. 16, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132 etc.; Order No. E-18096]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1962.

In his Initial Decision Examiner Ralph L. Wiser found that the applications of Miami Airline, Inc. (Miami), for authority to engage in supplemental air transportation [1] should be dismissed for lack

[1] Dockets 3844, 11316, 11317, 11318, and 11319.

of prosecution and that the temporary exemptions granted Miami,[2] which are authorizations held by Miami pending disposition of the application for exemption, Docket 3844, be terminated. Miami is presently involved in bankruptcy proceedings, and no exceptions to the Examiner's decision have been filed by the Trustee in Bankruptcy or any other party.[3]

After consideration of the record and the attendant facts and circumstances, we have decided to adopt the Examiner's conclusions and recommendations. The facts requiring this determination are recounted below.

By Order E–13436 dated January 28, 1959, the Board reopened the proceedings for further hearing on the carrier's qualifications because of a change in the ownership of Miami's stock. These hearings were held in Miami Beach, Fla., on July 1, 5, and 6, 1960, but became irrelevant because of a subsequent change in ownership. On motion of Bureau Counsel, therefore, the matter was again reopened and a prehearing conference was held on March 13, 1961, at which agreement was reached on the issues, evidence and procedural dates.

During the prehearing conference it developed that two bankruptcy suits had been filed in San Antonio, Texas, and that Miami had filed a petition for an arrangement under Chapter XI of the bankruptcy statutes in the United States District Court, Southern District of Florida, Miami Division. Notwithstanding this, however, the procedural dates were agreed upon.[4] Thereafter Miami by telegram asked for a thirty day postponement, and by letter dated April 21, 1961, stated, inter alia, that it had been adjudicated a bankrupt in the U.S. District Court and that a receiver had been appointed in a suit brought in a Texas State Court. The requested postponement was granted, but on May 18, 1961, Miami asked for a further postponement. Shortly thereafter a similar request was received from the Referee in Bankruptcy of the United States District Court of San Antonio and from counsel for the Trustee in Bankruptcy. On June 29, 1961, the Examiner issued a Notice to all Parties, recommending that the carrier's applications be dismissed and its exemptions terminated. The Trustee in Bankruptcy then filed exceptions to the Examiner's Notice and moved to stay proceedings for ninety days. By Order E–17560, October 9, 1961, the Board granted the stay which expired on October 24, 1961. Subsequently the Examiner issued his Initial Decision of January 16, 1962.

The Trustee in Bankruptcy has permitted the period to expire without acting in any way to comply with procedural requirements. Since 1960 Miami has filed neither flight reports nor financial statements. The Administrator of the Federal Aviation Agency has revoked the carrier's Air Carrier Operating Certificate, and an appeal filed by the Receiver in Bankruptcy was later withdrawn by a letter which stated Miami no longer had planes to fly.

To summarize, the ownership and control of Miami has changed several times since late 1957, and the present owner, UNA, is a stranger to this record. Miami has been adjudged a bankrupt in a Federal Court, is in receivership in a state court, and has filed a petition for an arrangement under Chapter XI of the Bankruptcy Act. Its principal operations and maintenance office are no longer in operation. Its air carrier operating certificate has been revoked by the Administrator, and it had not appealed the revocation.

In these circumstances, we think it clear that the public interest requires termination of this proceeding. The Board has previously pointed out the manifold dangers inherent in the continued existence of operating authority in the hands of nonoperating carriers.[5] Miami is no longer a going concern, its future is speculative, and the history of this proceeding shows that it has been given every reasonable opportunity to prosecute its applications. It is equally clear that termination of Miami's operating authority does not represent a deprivation of property rights, since no existing business or property is involved.[6] We agree with the Examiner that the time has come to terminate this litigation.

Accordingly, it is ordered:

1. That the application of Miami for an exemption in Docket 3844 and its applications for certificates of public convenience and necessity in Dockets 11316, 11317, 11318 and 11319, be and they are hereby dismissed.

2. That the interim operating authorization granted to Miami pursuant to Order E–9744, dated November 15, 1955, as amended by Order E–9884, dated December 29, 1955 and as provided for in Order E–10161 of April 3, 1956, and in Order E–13436 of January 28, 1959, be and hereby is terminated.

3. That Miami's Letter of Registration as a large irregular air carrier be and hereby is canceled.

4. That this order be published in the FEDERAL REGISTER, and a copy be served upon the carrier by certified mail at its last known address.

5. That the motion of Bureau Counsel to strike the exceptions to the Examiner's Initial Decision and Recommended Order filed by Miami Airline, Inc., and Maurice Rothman be and it is hereby granted.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–2627; Filed, Mar. 16, 1962; 8:49 a.m.]

[2] By § 291.16 of the Board's Economic Regulations, Letter of Registration No. 85, and by Order E–9744, dated November 15, 1955, as amended by Order E–9884, dated December 29, 1955, and as provided for in Order E–10161 of April 3, 1956, and in Order E–13436 of January 28, 1959.

[3] A document entitled "Exceptions to Initial Decision and Recommended Decision" was filed on January 25, 1962, purportedly on behalf of Miami and one Maurice Rothman. There is no indication that this was done with the consent of the Trustee, and Rothman is a stranger to the record who is said to be interested in acquiring the stock of Miami. On February 5, 1962, the Bureau moved to strike these exceptions on the ground that, as to Miami, they were not filed by the Trustee in Bankruptcy who alone has authority to act for Miami in its present status, and as to Rothman, that he is without standing of any kind to file exceptions. We agree with Bureau Counsel and will grant the motion.

[4] The Examiner fixed April 19, 1961, as the date for exchange of direct exhibits; April 26, 1961, as the date for exchange of rebuttal exhibits; and May 2, 1961, as the tentative date of hearing.

[5] Large Irregular Air Carrier Investigation, 22 C.A.B. 838, 872 (1955). See also Order E–16734, April 28, 1961.

[6] Cook Cleland Catalina Airways, Inc., v. Civil Aeronautics Board, 90 U.S. App. D.C. 220, 195 F. 2d 206 (1952). Cf. Standard Airlines v. Civil Aeronautics Board, 85 U.S. App. D.C. 29, 177 F. 2d 18 (1959).

FEDERAL POWER COMMISSION

[Docket No. E–7023]

DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

Notice of Request for Approval of Exception to General Rate Schedule Provisions

MARCH 12, 1962.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration (BPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), an exception to BPA's General Rate Schedule Provisions applicable to the Pacific Northwest Coordination Agreement (1961–1962) and similar coordination agreements which BPA may execute for the period ending August 31, 1962. The Commission approved BPA's present General Rate Schedule Provisions by order issued December 16, 1959, Bonneville Power Administration, Docket No. E–6887 (22 FPC 1046).

Section 6(k) of the aforesaid Coordination Agreement provides for modification of a System's Firm Load Carrying Capability in an "after-the-fact" manner that constitues an exception to section 2.3, subsection B(2) of BPA's presently approved General Rate Schedule Provisions. The determination of a customer's generating capabilities for seasonal storage facilities, as set forth in section 2.3, subsection B(2), is based upon capabilities established at the beginning of the operating year, without provision for modification during the operating year.

The Secretary states that the purpose of the provision in the Coordination Agreement is the realization of optimum power production from existing facilities by allowing flexibility in the operation of each system's resources, and that similar provisions are expected to be offered to all purchasers similarly situated for the period ending August 31, 1962.

Section 6(k) of the Coordination Agreement states as follows:

The Adjusted Load actually served by a System (exclusive of secondary loads which can be served within the limitations of the foregoing provisions of this section) shall not exceed that System's Firm Load Carrying Capability during the Drawdown Period. A System may modify its Firm Load Carrying Capability at any time during the seven-month period starting September 1 so long as the accumulation of such modified average monthly energy capabilities does not exceed the accumulation of the monthly totals tabulated in Exhibit 2 by more than seven minus N $(7-N)$ percent in which N is the number of whole months since 12:01 a.m., September 1. * * *

Exhibit 2, which is referred to above in section 6(k), is a table which sets forth certain monthly firm load carrying capabilities during the years 1961–1962 for each party to the Coordination Agreement.

The Secretary requests that the Commission approve the above-described exception contained in the Coordination Agreement for a one-year period ending August 31, 1962, and the application of the same exception for the effective period of the Coordination Agreement to all other BPA customers who may purchase power under the computed demand provisions of BPA's rate schedules and under arrangements similar to the Coordination Agreement.

The proposed exception, including exhibits submitted therewith, to BPA's General Rate Schedule Provisions applicable to the Pacific Northwest Coordination Agreement and contemplated similar agreements is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed exception should submit the same in writing on or before March 30, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2606; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket No. G–10096 etc.]

HANLEY CO. ET AL.

Notice of Severance

MARCH 12, 1962.

Notice is hereby given that the matter of Katz Oil Company (Operator) et al., Docket No. CI62–334, heretofore scheduled for a hearing to be held in Washington, D.C., on March 20, 1962, at 9:30 a.m., e.s.t., in the consolidated proceeding entitled Hanley Company, et al., Docket Nos. G–10096, et al., is served therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2607; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket Nos. RI62–355, RI62–356]

JEFFERSON LAKE SULPHUR CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 12, 1962.

Jefferson Lake Sulphur Company, Docket No. RI62–355; Pan American Petroleum Corporation (Operator), et al., Docket No. RI62–356.

On February 12, 1962, and February 19, 1962, respectively, the above-named Respondents tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the sale is made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No. RI62–355—Jefferson Lake Sulphur Company [2]

Description: Notice of Change, dated February 9, 1962.
Purchaser and producing area: Texas Gas Transmission Corporation (Maxie Field, Acadia Parish, Louisiana) (South Louisiana).
Rate schedule designation: Supplement No. 8 to Jefferson Lake Sulphur Company's FPC Gas Rate Schedule No. 1.
Proposed rate: 19.75 cents per Mcf.[3]
Effective rate: 16.75 cents per Mcf.[4]
Annual increase: $3,650.
Effective date: March 15, 1962.[5]

Docket No. RI62–356—Pan American Petroleum Corporation [6] *(Operator), et al.*

Description: Notice of Change, dated February 14, 1962.
Purchaser and producing area: United Fuel Gas Company (S. Pecan Lake Field, et al., Cameron, St. Mary and Iberia Parishes, Louisiana) (South Louisiana).
Rate schedule designation: Supplement No. 16 to Pan American Petroleum Corporation (Operator), et al.'s FPC Gas Rate Schedule No. 173.
Proposed rate: 21.2 cents per Mcf.[7]
Effective rate: 20.8 cents per Mcf.[8]
Annual increase: $164,396.
Effective date: April 1, 1962.[5]

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the two proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 8 to Jefferson Lake Sulphur Company's FPC Gas Rate Schedule No. 1, and Supplement No. 16 to Pan American Petroleum Corporation (Operator), et al's FPC Gas Rate Schedule No. 173, are hereby suspended and the use thereof deferred until August 15, 1962, and September 1, 1962, respectively, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2608; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket Nos. CP61–106; CI62–1034]

TENNESSEE GAS TRANSMISSION CO. AND PAN AMERICAN PETROLEUM CORP.

Order To Show Cause, Delineating Issues and Consolidating Proceedings

MARCH 12, 1962.

By order of April 6, 1961, we reopened the proceeding in Docket No. CP61–106 for the purpose of determining (1) whether the "budget-type" certificate issued to Tennessee Gas Transmission Company by our order of January 6, 1961, in that proceeding covered the construction and operation of certain facilities necessary to connect the so-called Bastian Bay Field reserves to Tennessee's system and (2) the cost of making such reserves available to the Tennessee system. It appears from filings made and evidence adduced by Tennessee that Tennessee acquired control of certain natural gas reserves in the Bastian Bay Field from Pan American Petroleum Corporation. By order of August 25, 1961, we directed Pan American to file with us certain data with respect to its interests in the Bastian Bay Field. Pan American furnished such data on September 12, 1961.

Hearings have commenced in Docket No. CP61–106. Tennessee has adduced its direct evidence regarding the issues posed by our order of April 6, 1961. That testimony awaits cross-examination.

On October 24, 1961, the Consolidated Natural Gas System Companies,[1] inter-

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

[2] Address is: c/o Deutsch, Kerrigan & Stiles, Attorneys, Hibernia Bank Building, New Orleans 12, Louisiana.

[3] Redetermined rate increase.

[4] Present rate previously suspended and is in effect subject to refund in Docket No. G–12303.

[5] The stated effective date is the effective date proposed by Respondent.

[6] Address is: P.O. Box 591, Tulsa, Oklahoma.

[7] Periodic rate increase.

[8] Present rate previously suspended and is in effect subject to refund in Docket No. RI61–401.

[1] East Ohio Gas Company, Hope Natural Gas Company, Lake Shore Pipe Line Co., New York State Natural Gas Corporation, and The Peoples Natural Gas Company.

veners, filed a pleading in Tennessee Gas Transmission Company, Docket Nos. G–16842 and CP60–94, requesting, in effect, that those proceedings be consolidated for hearing with Docket No. CP61–106. No formal motion for consolidation has actually been filed. Thereafter, the Examiner by notice of October 27, 1961, granted a motion for continuance filed by the Consolidated System companies and recessed the hearing subject to further order of the Commission.

Docket Nos. G–16842 and CP60–94, among others, were consolidated for hearing by notice of January 15, 1962. Those proceedings concern Tennessee applications for certificates authorizing general expansion of Tennessee's facilities and services. We did not consolidate the proceedings in Docket No. CP61–106 with the expansion proceedings because we do not consider such action to be appropriate in the public interest. Undoubtedly transportation of Bastian Bay gas may be one issue bearing on Tennessee's expansion plans. But the issues posed in Docket No. CP61–106 differ in the main from those in the expansion case and should be separately and expeditiously decided. We shall, however, further clarify the issues so as to minimize overlapping of evidence in the two cases.

The basic purpose of these proceedings in Docket No. CP61–106 is to determine whether Tennessee has and is engaged in acts subject to our jurisdiction, in connection with the Bastian Bay Field, without having obtained such authorization as the Natural Gas Act requires. The record should also show the estimated cost of service for producing Bastian Bay gas and bringing it to Tennessee's main pipeline facilities (i.e., to the so-called Muskrat line) so that we may assess the direct impact of the Bastian Bay transaction on Tennessee's subsequent rate proposals. Finally, we wish the record to show, as a basis for comparison, Pan American's investment in the Bastian Bay Field prior to Tennessee's acquisition.

In view of the issues posed in Docket No. CP61–106, the factual background of the proceedings, and the recent examiner's decision on related questions in Tennessee Gas Transmission Company, et al., Docket Nos. G–14562 et al. (issued January 8, 1962), it is necessary and appropriate in the public interest and to carry out the provisions of the Natural Gas Act that we promptly determine the extent, if any, of our specific jurisdiction over Pan American in connection with the Bastian Bay Field. To that end it is reasonable that we issue an order to show cause, directed to Pan American in Docket No. CI62–1034 and consolidate such proceeding with Docket No. CP61–106.

The Commission further finds:

(1) Pan American has, pursuant to a lease sale agreement dated July 15, 1960, executed an assignment and conveyance dated as of December 1, 1960, to Tennessee Gas Transmission Company, of certain leasehold interests and facilities in the Bastian Bay Field, Plaquemines Parish, Louisiana.

(2) At the time of said assignment and conveyance Pan American had partially developed its Bastian Bay leaseholds.

(3) Pan American has carved out and retained certain of its original interests in the Bastian Bay Field.

(4) Pursuant to these instruments Tennessee has agreed to pay Pan American, for the interests assigned and conveyed, a price which is directly proportional to, and subject to redetermination based upon, an estimate of the recoverable underground natural gas reserves underlying the leaseholds assigned and conveyed.

(5) Tennessee has paid to Pan American cash and promissory notes totalling $159,463,500 but subject to redetermination and revision, upward or downward, upon the basis of subsequently estimated natural gas reserves.

(6) Pan American has agreed to cover certain costs of operating and further developing the Bastian Bay leaseholds conveyed to Tennessee out of the revenues from interests in petroleum liquids carved out and retained by Pan American.

(7) Tennessee is taking natural gas produced from the conveyed Bastian Bay leaseholds into its pipeline system, transporting such gas in interstate commerce, and selling such gas in interstate commerce for resale; and it appears that Pan American knew or had reason to know before it committed itself to assigning and conveying the leaseholds that Tennessee would so dispose of Bastian Bay gas.

(8) Notwithstanding the nature of these transactions under State contract and property law, Pan American may be engaged in the "sale" of natural gas produced at the Bastian Bay Field in interstate commerce for resale and subject to the jurisdiction of the Commission, within the meaning of sections 1, 4, and 7 of the Natural Gas Act, to Tennessee.

(9) It is necessary and appropriate in the public interest that Pan American be ordered to show cause, if any there be, in Docket No. CI62–1034 why it should not be found to be engaged in the sale of natural gas produced at the Bastian Bay Field subject to the jurisdiction of the Commission without having secured authorization or having filed schedules therefor as required by subsections 7(c) and 4(c) of the Natural Gas Act.

(10) The proceedings in Docket No. CI62–1034, should be heard on a consolidated record with those in Docket No. CP61–106.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby directed to show cause, if any there be, in Docket No. CI62–1034, why it should not be found to be engaged in the sale of natural gas produced at the Bastian Bay Field, Plaquemines Parish, Louisiana, subject to the jurisdiction of the Commission to Tennessee Gas Transmission without having secured the authorization or having filed the schedules therefor required by subsection 7(c) and 4(c) of the Natural Gas Act.

(B) Petitions to intervene in Docket No. CI62–1034 may be filed on or before March 26, 1962: *Provided, however,* That any party to Docket No. CP61–106 will be deemed an intervenor in Docket No. CI62–1034 without further filing.

(C) The proceedings in Docket No. CI62–1034 are hereby consolidated with those in Docket No. CP61–106.

(D) The Presiding Examiner is hereby authorized and directed to issue notice of the time and place of resumption of hearings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2609; Filed, Mar. 16, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 609]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64604. By order of March 12, 1962, the Transfer Board approved the transfer to Donald S. Hubsch Co., Inc., Fourth Street, Prospect Heights, Trenton, N.J., of the operating rights in Certificate No. MC 70062, issued October 8, 1953, to Donald S. Hubsch, 226 West Upper Ferry Road, Trenton 8 N.J., authorizing the transportation of household goods, over irregular routes, between Trenton, N.J., on the one hand, and, on the other, points in Pennsylvania, New Jersey, Massachusetts, New York, Delaware, Connecticut, and the District of Columbia.

No. MC–FC 64708. By order of March 9, 1962, the Transfer Board approved the transfer to Denver-Loveland Transportation, Inc., Loveland, Colo., of Certificates Nos. MC 58035 Sub 1 and MC 58035 Sub 4, issued September 12, 1955, and September 16, 1959, respectively, to Floyd A. Henrikson, doing business as Denver-Loveland Transportation, Loveland, Colo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Denver, Colo., and Loveland, Colo., between points in Larimer County, Colo., and between points in Larimer County, Colo., on the one hand, and, on the other, points in Colorado; and gypsum and gypsum products, from Wild's Spur, Colo., to points in specified Wyoming and Nebraska Counties. Robert C. Christensen, 201 First National Bank Building, Loveland, Colo., attorney for applicants.

No. MC–FC 64746. By order of March 12, 1962, the Transfer Board approved the transfer to Belgium Trucking Co., Inc., Belgium, Wis., of Certificate No. MC 123363, issued July 12, 1961, to Dean Yobo and Howard Arndt, doing business as Belgium Trucking Co., Belgium, Wis., authorizing the transportation of: animal and poultry feed specialities, in bulk, and in bulk and bags in mixed shipments (except liquid commodities), from Davenport, Iowa, to points in Wisconsin, the Upper Peninsula of Michigan, and Wadsworth, Ill. John T. Porter, 707 First National Bank Building, Madison 3, Wisconsin, attorney for applicants.

No. MC–FC 64764. By order of March 12, 1962, the Transfer Board approved the transfer to John Gilbert Hemmings, doing business as Hemmings Express Co., Coleman Road, Long Valley, N.J., of Certificate No. MC 44102, issued November 14, 1942, to Edwin J. Evans, 61 State Street, Orange, N.J., authorizing the transportation of: Household goods, between New York, N.Y., and points in Essex, Union and Hudson Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, and Pennsylvania; and signs, and fur dressing and dyeing equipment from Newark, N.J., to White Haven, Pa., and New York, N.Y.

No. MC–FC 64839. By order of March 12, 1962, the Transfer Board approved the transfer to George W. Starling, Inc., Lockport, N.Y., of Certificates in Nos. MC 114920 and MC 114920 Sub 1, issued October 26, 1954, and November 14, 1958, respectively, to George W. Starling, Lockport, N. Y., authorizing the transportation of: Horses (other than ordinary livestock), and equipment and paraphernalia, incidental to the transportation and display of such horses, between points in New York, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Michigan; between points in New York, not including Buffalo, N. Y., on the one hand, and, on the other, the boundary of the United States and Canada, through ports of entry at Buffalo and Niagara Falls, N.Y.; buggies, horses, and equipment used in the transportation and display of horses, between Buffalo, N.Y., on the one hand, and, on the other, boundary of the United States and Canada through ports of entry at Buffalo and Niagara Falls, N.Y.; horses, equipment and paraphernalia, incidental to the care, transportation, and exhibition of such horses, between Atlanta, Ga., and points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, the District of Columbia, and the lower peninsula of Michigan. Norman M. Pinsky (Herbert M. Canter, of Counsel), 407 South Warren Street, Syracuse, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2624; Filed, Mar. 16, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4024]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Metropolitan Edison Co., a Subsidiary Company

MARCH 9, 1962.

Notice is hereby given that General Public Utilities Corporation ("GPU") 80 Pine Street, New York 5, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $15,000,000 to Metropolitan Edison Company ("Meted"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, without par value, is owned by GPU. Each such cash capital contribution will be credited by Meted to its capital surplus account. Meted will utilize such contributions to reimburse partially its treasury for expenditures therefrom for construction prior to December 1, 1961, and, out of its treasury funds as thus reimbursed, will employ $12,900,000 to pay in full its notes in the face amount of $12,900,000 outstanding at November 30, 1961.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $1,000, and Meted estimates its expenses at approximately $2,500.

The declaration states that the proposed contributions and the crediting thereof to Meted's capital surplus account will be submitted for a vote by the common stockholder (GPU) at a special meeting called for that purpose and that notice of such meeting will be given to the preferred stockholders.

Notice is further given that any interested person may, not later than March 27, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2604; Filed, Mar. 16, 1962; 8:46 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11009

AMENDING THE MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1951, TO IMPLEMENT SECTION 923a OF TITLE 10, UNITED STATES CODE, RELATING TO PROSECUTION OF BAD CHECK OFFENSES

By virtue of the authority vested in me by the Uniform Code of Military Justice (established by the Act of May 5, 1950, 64 Stat. 107) and as President of the United States, it is ordered that the Manual for Courts-Martial, United States, 1951 (prescribed by Executive Order No. 10214 of February 8, 1951), be, and it is hereby, amended as follows:

1. The offenses and punishments listed in the Table of Maximum Punishments, contained in paragraph 127*c*, are amended as follows:

(a) By inserting the following new item:

"Article	Offenses	Punishments
123a	Check, worthless, making, drawing, uttering, delivering, with intent to defraud (for the procurement of an article or thing of value), in the face amount of:	
	(a) $50 or less;	Bad conduct discharge, forfeiture of all pay and allowances and confinement at hard labor not to exceed six months.
	(b) $100 or less and more than $50;	Bad conduct discharge, forfeiture of all pay and allowances and confinement at hard labor not to exceed one year.
	(c) more than $100.	Dishonorable discharge, forfeiture of all pay and allowances and confinement at hard labor not to exceed five years.
123a	Check, worthless, making, drawing, uttering, delivering, with intent to deceive (for payment of past due obligation or any other purpose).	Bad conduct discharge, forfeiture of all pay and allowances and confinement at hard labor not to exceed six months."

(b) By striking out the following item under article 134:

"* * * * * * *

"With intent to deceive (given in payment of a preexisting debt).

"* * * * * * *"

and the punishments listed therefor.

2. Paragraph 138*a* is amended by striking out the penultimate paragraph which reads as follows:

"When it is shown that as a result of his own act a person did not have sufficient funds in the bank available to meet payment upon presentment in due course of a check drawn against the bank by him, it may be presumed that at the time he uttered the check, and thereafter, he did not intend to have sufficient funds in the bank available to meet payment of the check upon its presentment in due course."

3. Paragraph 143*a*(2) is amended by adding the following at the end thereof:

"In the case of a business entry which is that of any business regularly but not necessarily exclusively engaged in public banking activities and which relates to such public banking activities, a duly authenticated (143*b*(3)) copy is admissible to the extent that the original would be (see 144*c*), without first proving that the original has been lost or destroyed and without otherwise accounting for the original. If the banking entry is written or printed in a spoken language, only an exact (true) copy is admissible under this exception to the best evidence rule, although it may consist merely of an extract of those portions material to the case. The copy may be made by photographic or other duplicating process. If the banking entry is a machine or electronic entry, the copy or extract copy may consist of an accurate written 'translation' of such entry, whether made by machine or an 'interpreter'.

"It may be shown that certain business entries (144*c*) contain no record or entry of a purported act, transaction, occurrence, or event by

the testimony of the person in charge of the business entries in question, by the testimony of his assistant, or by the testimony of any person who has made a search of such business entries and is competent to understand them. Also, in the case of business entries of any business regularly but not necessarily exclusively engaged in public banking activities, it may be shown that certain business entries relating to such banking activities contain no record or entry of a purported act, transaction, occurrence, or event by a duly authenticated (143*b*(3)) certificate or statement signed by the person in charge of the business entries in question, or by his assistant, that after diligent search no record or entry of the specified tenor has been found to exist in such business entries. If a purported act, transaction, occurrence, or event is of a kind which in the regular course of business would have been made the subject of an entry in certain business entries of a particular business, proof that these business entries contain no entry concerning such act, transaction, occurrence, or event may be received as evidence that the act, transaction, occurrence, or event did not take place."

4. Paragraph 143*b* is amended by adding the following at the end thereof:

"(3) *Authentication of banking entries.*—A business entry, or copy thereof, which is that of any business regularly but not necessarily exclusively engaged in public banking activities and which relates to such public banking activities may be authenticated in the same manner as other business entries (see 144*c*) or by a certificate or statement, signed under oath before a notary public by the person in charge of the business entry or his assistant, indicating that the writing in question is the original business entry or a true copy thereof (or an accurate 'translation' of a machine or electronic entry), as the case may be, that the entry was made in the regular course of banking business and that it was the regular course of the business to make the entry, and that the signer is the person in charge of the business entry or his assistant, accompanied by a signed statement by the notary of his administration of the oath, under the seal of his office. A certificate or statement by a person in charge of such banking entries, or by his assistant, that after diligent search no record or entry of a specified tenor has been found to exist in such entries (see 143*a*(2)) may also be authenticated by subscribing the same under oath before a notary public, provided the certificate or statement is accompanied by a signed statement by the notary of his administration of the oath, under the seal of his office."

5. Paragraph 144*c* is amended by inserting the following after the second sentence of the second paragraph thereof:

"Thus, if the holder of a check, draft, or other order for the payment of money upon a bank or other depository, or a person or organization acting on behalf of the holder, presents the instrument through regular banking channels for payment, collection, or deposit and the instrument is returned to the holder or his agent purportedly through regular banking channels with a notation in the form of a stamp, ticket, or other writing either on the instrument itself or accompanying it, purportedly made by the drawee or presenting bank or other depository or clearinghouse, indicating that payment of the instrument has been refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control or for other reasons, proof of the above facts will support an inference of the authenticity of the notation as having been made in the regular course of banking business by a business whose regular course it was to make the notation. The notation, if thus authenticated, is admissible under the business entry exception to the hearsay rule as evidence that payment of the instrument was refused by the drawee for the reasons indicated in the notation, and this is so whether or not a similar notation also made as a memorandum or record was kept in the drawee or presenting bank or other depository or clearinghouse. See also 143*b*(3) regarding the authentication of banking entries."

6. Paragraph 155 is amended by inserting the following new item in the synopsis:

"202a. Article 123a—Making, drawing, uttering, or delivering a check, draft, or order without sufficient funds."

7. Paragraph 200*a*(5) is amended by striking out the last sentence in the first paragraph thereof and the words "such as giving a check, without intending that it shall be honored, in purported payment of a debt incurred in a past purchase of property and not thereby obtaining any money, personal property, or article of value," in the second paragraph thereof.

8. Paragraph 202 is amended by inserting the words "See, however, 202a." after the third sentence in the third paragraph thereof.

9. The following new paragraph 202a is inserted after paragraph 202:

"202a. ARTICLE 123a—MAKING, DRAWING, OR UTTERING CHECK, DRAFT, OR ORDER WITHOUT SUFFICIENT FUNDS

"*Discussion.*—Article 123a denounces certain 'bad check' offenses. It makes punishable by court-martial the making, drawing, uttering, or delivering of any check, draft, or order for the payment of money upon any bank or other depository, either—

(1) for the procurement of any article or thing of value, with intent to defraud; or

(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive;

knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment.

"The written instruments covered by this article include any check, draft, or order for the payment of a sum of money drawn upon any bank or other depository, whether or not the drawee bank or depository is actually in existence. The phrase 'bank or other depository' includes any business regularly but not necessarily exclusively engaged in public banking activities. The words 'making' and 'drawing' are synonymous, and refer to the acts of writing and signing the instrument. 'Uttering' and 'delivering' have similar meanings. Both 'uttering' and 'delivering' mean transferring the instrument to another, but 'uttering' has the additional meaning of offering to transfer. A person need not himself be the maker or drawer of an instrument in order to violate this article if he utters or delivers it. For example, if a person holds a check which he knows to be worthless, and utters or delivers the check to another, he may be guilty of an offense under this article despite the fact that he did not draw the check himself.

"To constitute an offense under this article, the instrument must be made, drawn, uttered, or delivered, with the requisite knowledge of insufficient funds or credit, either for the procurement of an article or thing of value with intent to defraud, or for the payment of any past due obligation or for any other purpose with intent to deceive. 'For the procurement' means for the purpose of obtaining any article or thing of value. It is not necessary that an article or thing of value actually be obtained, and the purpose of the obtaining may be for the accused's own use or benefit or for the use or benefit of another. 'For the payment' means for the purpose or purported purpose of satisfying in whole or in part any past due obligation. It is not requisite that payment be legally effected. 'For any other purpose' includes all purposes other than the payment of a past due obligation or the procurement of any article or thing of value. For example, it includes satisfying or purporting to satisfy an obligation arising from an illegal transaction, such as an illegal gambling game, and paying or purporting to pay an obligation which is not yet past due. The check, draft, or order, whether made or negotiated for the procurement of an article or thing of value or for the payment of a past due obligation

or for some other purpose, need not be intended or represented as payable immediately. For example, the making of a post dated check, delivered at the time of entering into an installment purchase contract and intended as payment for a future installment, would, if made with the requisite intent and knowledge, be a violation of this article.

"'Article or thing of value' extends to every kind of right or interest in property, or derived from contract, including interest and rights which are intangible or contingent or which mature in the future. A 'past due obligation' is an obligation to pay money which has legally matured prior to the making, drawing, uttering, or delivering of the instrument.

"The accused must have knowledge, at the time he makes, draws, utters, or delivers the instrument, that the maker or drawer, whether the accused or another, has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of the instrument in full upon its presentment. 'Sufficient funds' refers to a condition in which the account balance of the maker or drawer in the bank or other depository at the time of presentment of the instrument for payment is not less than the face amount of the instrument and has not been rendered unavailable for payment by garnishment, attachment, or other legal procedures.

"'Credit' means an arrangement or understanding, express or implied, with the bank or other depository for the payment of the check, draft, or order. An absence of credit includes those situations in which an accused writes a check on a nonexistent bank or on a bank in which he has no account. 'Upon its presentment' refers to the time the demand for payment is made upon presentation of the instrument to the bank or other depository on which it was drawn.

"'Intent to defraud' means an intent to obtain, through a misrepresentation, an article or thing of value and to apply it to one's own use and benefit or to the use and benefit of another, either permanently or temporarily. An 'intent to deceive' means an intent to mislead, cheat, or trick another by means of a misrepresentation made to such other for the purpose of gaining an advantage for one's self or for a third person or of bringing about a disadvantage to the interests of the person to whom the representation was made or interests represented by that person. It may be inferred that every check, draft, or order carries with it a representation that the instrument will be paid in full by the bank or other depository upon presentment by a holder when due.

"It should be noted that, under this article, two times are involved: (1) the time when the accused makes, draws, utters, or delivers the instrument; and (2) the time when the instrument is presented to the bank or other depository for payment. At time (1), the accused must possess the requisite intent and must know that the maker or drawer does not have or will not have sufficient funds in, or credit with, the bank or other depository for payment of the instrument in full upon its presentment when due. With respect to (2), if it can otherwise be shown that the accused possessed the requisite intent and knowledge at the time he made, drew, uttered, or delivered the instrument, neither proof of presentment nor refusal of payment is necessary, as when the instrument is one drawn on a nonexistent bank. The provisions of this article with respect to establishing *prima facie* evidence of knowledge and intent by proof of notice and nonpayment within five days is a statutory rule of evidence. The failure of an accused who is a maker or drawer to pay the holder the amount due within five days after receiving either oral or written notice from the holder of a check, draft, or order, or from any other person having knowledge that such check, draft, or order was returned unpaid because of insufficient funds, is *prima facie* evidence (1) that the accused had the intent to defraud or deceive as alleged; and (2) that the accused knew at the time he made, drew, uttered, or delivered the check, draft, or order that he did not have or would not have sufficient funds in, or credit with, the bank or other depository for the payment of such check, draft, or order upon its presentment for payment. *Prima facie* evidence is that proof which, if unrebutted, is sufficient to establish the accused's intent to defraud or deceive

and of his knowledge of insufficient funds in or credit with the bank or other depository.

"The failure to give the notice referred to in the statute, or payment by the accused, maker, or drawer to the holder of the amount due within five days after such notice has been given, merely precludes the prosecution from availing itself of the statutory rule of evidence. Proof of notice to the accused that a check, draft, or order has been returned unpaid because of insufficient funds is not an element of the offense.

"*Proof.—When the instrument is given for the procurement of an article or thing of value*—(*a*) That the accused made, drew, uttered, or delivered a check, draft, or order payable to a named person or organization, as alleged; (*b*) that he did such act for the purpose of procuring an article or thing of value; (*c*) that such act was committed with intent to defraud; and (*d*) that at the time of making, drawing, uttering, or delivering of the instrument he knew that he or the maker or drawer had not or would not have sufficient funds in, or credit with, the bank or other depository for the payment thereof upon presentment.

"*When the instrument is given for the payment of a past due obligation, or for any other purpose*—(*a*) That the accused made, drew, uttered, or delivered a check, draft, or order payable to a named person or organization, as alleged; (*b*) that he did such act for the purpose or purported purpose of effecting the payment of a past due obligation or for some other purpose, as alleged; (*c*) that such act was committed with intent to deceive; and (*d*) that at the time of making, drawing, uttering, or delivering of the instrument, he knew that he or the maker or drawer had not or would not have sufficient funds in, or credit with, the bank or other depository for the payment thereof upon presentment.

"As to permissible methods of proving banking entries, see 143*b*(3). As to the authentication of checks, drafts, or orders returned with payment refused and the admissibility of such returned instruments, see the second paragraph of 144*c*."

10. Paragraph 208 is amended by striking out the word "inclusive" in the first sentence and inserting the words "except Article 123a" in place thereof.

11. Appendix 6*c* is amended:

(a) By inserting the following new Forms for Specifications immediately following Form No. 93:

	"ARTICLE 123a
"Check, worthless, with intent to defraud	93.1. In that _____ did, (at) (on board) _____, on or about _____, 19__, with intent to defraud and for the procurement of [lawful currency] (and) [_____ (an article) (a thing) of value], wrongfully and unlawfully [(make) (draw)] [(utter) (deliver) to _____,] a certain (check) (draft) (order) for the payment of money upon the (_____ Bank) (_____ depository) in words and figures as follows, to wit: _____, then knowing that (he) (_____), the (maker) (drawer) thereof, did not or would not have sufficient funds in or credit with such (bank) (depository) for the payment of the said (check) (draft) (order) in full upon its presentment.
"Check, worthless, with intent to deceive	93.2. In that _____ did, (at) (on board) _____, on or about _____, 19__, with intent to deceive and (for the payment of a past due obligation, to wit: _____) (for the purpose of _____) wrongfully and unlawfully [(make) (draw)] [(utter) (deliver) to _____,] a certain (check) (draft) (order) for the payment of money upon (_____ Bank) (_____ depository), in words and figures as follows, to wit: _____, then knowing that (he) (_____), the (maker) (drawer) thereof did not or would not have sufficient funds in or credit with such (bank) (depository) for the payment of the said (check) (draft) (order) in full upon its presentment."

(b) By striking out Form for Specification No. 129 and the note thereto and inserting the following in place thereof:

"Check, worthless, dishonorable failure to place or maintain funds	129. In that ---------- did, (at) (on board) ----------, on or about ----------, 19--, make and utter to ---------- a certain check, in words and figures as follows, to wit: ----------, (for the purchase of ----------) (in payment of a debt) (for the purpose of ----------), and did thereafter wrongfully and dishonorably fail to (place) (maintain) sufficient funds in the ---------- Bank for payment of such check in full upon its presentment for payment."

12. The Table of Commonly Included Offenses in Appendix 12 is amended as follows:

(a) By inserting the following new item:

"123a	Making, drawing, uttering, or delivering a check, draft, or order without sufficient funds with intent to defraud or with intent to deceive.	134	Making, drawing, uttering, or delivering a check, draft, or order, and thereafter wrongfully and dishonorably failing to maintain sufficient funds."

(b) By striking out the following item:

"134	Making and uttering a worthless check with intent to deceive and thereafter wrongfully and dishonorably failing to maintain a sufficient balance.	134	Making and uttering a worthless check and thereafter wrongfully and dishonorably failing to maintain a sufficient balance."

JOHN F. KENNEDY

THE WHITE HOUSE,
March 16, 1962.

[F.R. Doc. 62-2747; Filed, Mar. 19, 1962; 11:16 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Miscellaneous Amendments

Basis and purpose. The amendments are issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Agricultural Act of 1961 (Public Law 87-128, approved August 8, 1961) for the purpose of: (1) Changing the cropland definition to provide that land devoted to orchards and vineyards shall be classified as tilled land; (2) expanding the farm definition to provide conditions under which an objection to combination may be filed when lands owned by two or more persons are involved; (3) expanding the provisions governing the reconstitution of farm allotments and history and soil bank base acreages to include farm bases established under the feed grain programs; (4) including provisions for dividing allotments by the contribution method beyond the prescribed six-year period under specific conditions; (5) prescribing the methods to be used in reconstituting the wheat marketing quota exemption acreage where the reconstitution is by division; (6) including the rules for determining the wheat marketing quota exemption acreage when the reconstitution is by combination; (7) amending the guides for applying the cropland definition to conform with the change in the definition; (8) including provisions governing the time and effective date of reconstitutions involving program operations under the agricultural conservation program, and (9) amending provisions governing the period of extended protection in case of a conservation reserve contract.

1. Section 719.2 (g) (26 F.R. 1753) and (l)(2) (26 F.R. 5034) is amended to read as follows:

§ 719.2 Definitions.

* * * * *

(g) "Cropland" means land which the county committee determines: (1) Was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of the establishment; or (3) has been tilled but currently is in an established rotation pattern recognized in the community. Notwithstanding subparagraphs (1), (2), and (3) of this paragraph, land planted to trees (other than orchards) which was classified as cropland at the time of planting shall retain the cropland classification for the year of planting only. In so far as the acreage of cropland on any farm enters into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage shall not be decreased during the period of any contract heretofore or hereafter entered into pursuant to the conservation reserve program under the Soil Bank Act or any agreement entered into under the Great Plains conservation program under the Soil Conservation and Domestic Allotment Act, as amended, by reason of any action taken for the purpose of carrying out such contract or agreement and shall not be decreased for such period after the expiration of the contract or agreement as is equal to the period of the contract or agreement by reason of the continued maintenance of previously established permanent vegetation designated under the contract or agreement or maintenance of any change in land use from cropland to permanent vegetation (including trees) carried out under the contract or agreement.

* * * * *

(l) "Farm" means:

* * * * *

(2) *Farms constituted for the first time or reconstituted hereafter.* * * *

(vii) When lands owned by two or more persons are involved in a combination, the combination of an owner's land with land under other ownership need not be made or continued if such owner files an objection in writing to the combination of his land and the county committee determines that the objection is not for the purpose of obtaining an advantage with respect to minimum allotment provisions or payments under diversion programs and that program purposes would not be defeated by failure to effect the combination. In any case where an owner objects, the action taken shall be fully documented in the county committee minutes. This provision does not affect the combination of any other separately-owned lands which may be involved.

2. Section 719.7 (a) (25 F.R. 1065), (b)(2) (25 F.R. 2880), and (h) (26 F.R. 1262) is amended to read as follows:

§ 719.7 Reconstitution of farm allotments, history acreages, and farm bases.

(a) *Applicability.* When a determination is made, under the definition of a farm, that a farm should be reconstituted, the farm allotments, history acreages, and farm bases shall be reviewed in accordance with the regulations in this Part 719 and related county office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted. All reconstitutions shall be made in accordance with the provisions prescribed in this part and, to the extent practicable, shall be based on facts and conditions existing at the time the change resulting in the reconstitution occurred rather than on the facts and conditions existing at the time the actual reconstitution action is taken by the county committee.

(b) *Reconstitutions involving right of eminent domain.* * * *

(2) *Single ownership farms.* When a part of a single ownership farm is acquired by the exercise of the right of eminent domain by any Federal, State, or other agency having such right, the farm shall not be reconstituted and the farm allotments, history acreages, soil bank base acreages, and feed grain bases shall not be redetermined if the acreage of cropland which was or could have been acquired under the right of eminent domain represents less than 15 percent of the total cropland on the farm and such land is removed from agricultural production.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* When (1) the ownership of a tract of land is transferred from a parent farm, (2) the tract transferred is to be used for non-agricultural purposes, and (3) such tract was not or could not have been acquired under right of eminent domain, the farm shall not be reconstituted and the allotments, history acreages, soil bank base acreages, and feed grain bases shall remain with the parent farm: *Provided,* That the county committee determines, on the basis of an agreement signed by all persons interested in the transfer, that the land transferred is in fact to be changed to nonagricultural uses during the current or succeeding year. In all such cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm. If an agreement as prescribed in this paragraph is not obtained, the farm shall be reconstituted in accordance with the farm definition and the allotments, history acreages, soil bank base acreages, and feed grain bases shall be redetermined. The provisions herein prescribed shall apply beginning with reconstitution which became effective for the 1960 crop year and for any reconstitutions made during the calendar year 1960 which were effective for a prior year.

3. Section 719.8 (a) (25 F.R. 1065, 2880; 26 F.R. 7259) and (c) (25 F.R. 1065) is amended to read as follows:

§ 719.8 Rules for determining feed grain bases, farm allotments, and farm history and soil bank base acreages where the reconstitution is by division.

(a) *Methods for reconstituting farm allotments and history acreages*—(1) *General.* Allotment and history acreages for a farm which resulted from a combination that became effective during the six-year period immediately prior to the current year and which is being divided into two or more tracts shall be reconstituted under the contribution method of division. The contribution method for dividing allotment and history acreages may be employed beyond the six-year period prescribed above in cases where the county committee determines that division by the cropland or history method would result in allotments not representative of the allotments established for the separate tracts prior to combination and a record of the contribution of the separate tracts at the time of combination is available to support the action taken. If the contribution method is not applicable, the county committee will next apply the cropland method and, finally, if the contribution and cropland methods do not apply, the acreage shall be divided by the history method: *Provided, however,* That the division of allotment and history acreages for a farm which was formed by a combination approved during the period September 1, 1958 through January 3, 1960 may, at the election of the producers involved, be made in accordance with the regulations in effect at the time of the combination if a request in writing, signed by all interested producers involved, is filed at the county office prior to approval of the division and the county committee determines that apportionment under such previous regulations would be representative of the farming operations normally carried out on each part. Feed grain bases and soil bank base acreages shall be apportioned in accordance with paragraph (b) of this section. The provisions for dividing a farm to settle an estate may be applied whenever appropriate. Wheat marketing quota exemption acreages shall be apportioned in accordance with paragraph (c) of this section. The sum of allotment and history acreages, feed grain bases, soil bank base acreages, and other basic data apportioned to the respective tracts in the process of division shall equal the respective crop acreages for the parent farm except in the case of allotment acreages when the minimum and maximum allotment provisions apply.

(2) *Contribution method.* If the farm to be divided is the result of a combination which became effective during the six-year period immediately prior to the current year and for such additional period as is determined to be applicable under the provisions prescribed in subparagraph (1) of this paragraph, each tract which is identical to a tract which went into the combination and which is being separated from the parent farm in whole or in part shall share in the allotments and history acreages for the parent farm for the current year in the same proportion that each tract contributed to the allotments for the parent farm at the time of combination. The allotments used in making these determinations shall be the allotments established prior to release or reapportionment. Notwithstanding the foregoing provision, division shall be made by the cropland or history method, as applicable, rather than by the contribution method in cases involving (i) a further division of the allotment and history acreages for any such identical tract, (ii) the division of allotment and history acreages for any commodity for which the allotment was not established at the time of combination, (iii) the division, in case of wheat, of allotment and history acreages for any farm for which the tracts were in an approved odd and even rotation seeding pattern in the year of combination, and (iv) a parent farm, in case of rice, which includes one or more tracts on which an established crop-rotation system was being carried out at the time of the combination. When a further division of an identical tract is required in accordance with the provisions of this subparagraph and the total of all allotments assigned to such tract exceeds the cropland available for planting such allotments, the allotments, history acreages, and other pertinent data for the identical tract shall be apportioned among the reconstituted parts on the basis of the acreage determined by the county committee to be representative of the planting of the allotment crops on each part prior to the reclassification of all or part of the land as non-cropland.

(3) *Cropland method.* If the contribution rule is not applicable, the current year allotments and allotment crop history acreages determined for the parent farm, shall, except as otherwise provided under contribution and history methods, be apportioned among the tracts in the same proportion that the acreage of cropland (acreage of developed rice land for rice) in each such tract bears to the cropland (developed rice land for rice) for the parent farm: *Provided, however,* That upon request in writing by the owners and operators, the allotments and history acreages may be apportioned on the basis of the cropland normally considered as available for and adapted to the production of the allotment crops on each tract, as determined by the county committee.

(4) *History method.* The allotments and history acreages for the parent farm may be divided among the tracts resulting from a division on the basis of the history acreage determined to be representative of the operations normally carried out on each tract when:

(i) The county committee determines that because of a substantial physical difference in the soil, topography of the land, location of facilities, or cultural practices, the division of allotments and history acreages by the cropland method would result in allotments and history acreages not representative of the operations normally carried out on each of the tracts, or

(ii) The county committee determines that the division of allotments and history acreages between Federal or State-owned land and privately-owned land (reconstituted in accordance with the provisions of § 719.2(l)(2)(v) by the cropland method) would result in allotments and history acreages not representative of the farming operations previously carried out on each part during the respective base periods used for establishing current allotments.

(5) *Farms to be divided in settling an estate.* Notwithstanding any other provision of the regulations in this part, if a farm is to be divided among the heirs in settling an estate, the allotment and history acreages, upon approval by the county committee, may be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

* * * * *

(c) *Method for reconstituting the wheat marketing quota exemption acreage*—(1) *Contribution method.* When the wheat acreage allotment for the farm being divided is 13.5 acres or less or where there is no wheat allotment for the farm but wheat was planted for harvest as grain in any one of the crop years 1959, 1960, or 1961 and the contribution method for dividing allotments for the farm is used, each identical tract split out of such parent farm shall, for the purpose of the 1962 wheat stabilization program, be credited with: (i) The proportionate share of the 1962 allotment for the farm as computed for such tract under the contribution method for dividing allotments and (ii) the highest planted wheat acreage on such tract in 1959, 1960, and 1961: *Provided, however,* That where the contribution method is applicable but the effective date of the combination was prior to or for the 1960 program year and the tracts remained in combination during the three program years 1959, 1960, and 1961, the marketing quota exemption acreage established for the parent farm for the current year may be divided among the identical tracts being split out of the parent farm on the basis of the acreage which the county committee determines to be fair and equitable based on plantings on each tract during 1959, 1960, or 1961 or on the operations normally carried out on the separate tracts prior to combination. Where an identical tract for which a marketing quota exemption acreage was determined pursuant to the foregoing provisions of this subparagraph is being divided further, each part separated from the identical tract shall share in the wheat marketing quota exemption acreage determined for the identical tract on the basis of the cropland method, or the history method, if applicable: *Provided, however,* That if the wheat marketing quota exemption acreage computed for the identical tract by the contribution method exceeds the cropland for such tract, such acreage shall be apportioned among the parts of the identical tract on the basis of the acreage determined by the county committee to be representative of the planting of wheat on the respective parts prior to reclassification of all or part of the land as non-cropland.

(2) *Other methods.* If the contribution method for dividing allotments is not applicable, the wheat marketing quota exemption acreage established for the parent farm being divided may be apportioned among the tracts resulting from the division in accordance with the method prescribed for allotment crops in paragraph (a)(3) or (4) of this section.

(3) *Farm to be divided in settling an estate.* If a farm is to be divided among the heirs in settling an estate, the wheat marketing quota exemption acreage, upon approval of the county committee, may be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

4. Section 719.9 (26 F.R. 7259) is amended to read as follows:

§ 719.9 Rules for determining farm bases, farm allotments, history acreages, and the wheat marketing quota exemption acreage where the reconstitution is by combination.

If two or more tracts which were operated as separate farms or parts of farms in the preceding year are combined and operated as a single farm for the current year, the current year's allotments, history acreages, farm bases, and wheat marketing quota exemption acreage for the reconstituted farm shall be the sum of the current year's allotments, history acreages, farm bases, and wheat marketing quota exemption acreage determined for each of the tracts comprising the combination subject to the provisions of § 719.7(e), except that the wheat marketing quota exemption acreage for the reconstituted farm may not exceed 13.5 acres.

5. Section 719.10 (a) (23 F.R. 6731, 1693) and (d) (23 F.R. 6731) is amended to read as follows:

§ 719.10 Guides for applying cropland definition.

The definition of cropland requires certain factual determinations and provides latitude for county committee judgment with respect to several factors. A land area which is not in an established rotation pattern recognized in the community or which was not tilled within the preceding five-year period shall be classified as noncropland. In addition, cropland which is removed from agricultural production under the right of eminent domain or for commercial or residential development shall be reclassified as noncropland for the succeeding year. A land area shall be classified as cropland whenever it meets the provisions of the definition. A brief explanation of the various factors involved is outlined in this section to assist county committees in the uniform application of the definition.

(a) *Tilled land.* Cropland planted or devoted to a crop (including orchards and vineyards but excluding a permanent vegetative cover crop) from which a crop is harvested or on which tillage operations are carried out in a workmanlike manner during the summer growing season in preparation of the land for the seeding of a crop for harvest shall be considered as meeting the "tilled" requirement for that year. Noncropland (new land or cropland previously reclassified as noncropland) broken out during the calendar year immediately preceding the crop year for which the determination is being made and planted to a crop (including orchards and vineyards but excluding a permanent vegetative cover crop) in a workmanlike manner shall be considered as having been tilled during such preceding year if a crop is or will be harvested from the land in that year. The harvesting requirement of this paragraph shall not in itself affect the classification of the land if the county committee determines that harvest was not possible or practicable because of crop failure resulting from adverse weather, insects, or disease or that no crop was harvested in the case of orchards and vineyards because the trees or vines had not reached the bearing age.

* * * * *

(d) *Trees (other than orchards).* Cropland on which a planting of trees (other than orchards) is established in the spring or early summer shall not be considered as being tilled or in rotation during that year and, consequently, will be reclassified as non-cropland for the following year. Cropland on which a planting of trees is established in the late summer or fall after a crop has been removed from the land or after the land has been tilled during the growing season shall retain the cropland classification for the succeeding year.

6. Section 719.11(f) (26 F.R. 7324) is amended to read as follows:

§ 719.11 Guides for applying farm definitions.

* * * * *

(f) *Timing and effective date of reconstitutions.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted in accordance with the farm definition: *Provided, however,* That a reconstitution made after the planting of an allotment crop has been completed on the farm, or after the plantings of barley or of corn and grain sorghums have been completed on a farm which is participating in the respective feed grain program, shall not be effective for that crop for the current year unless the conditions supporting the reconstitution existed at the time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported to the county office: *And provided further,* That a reconstitution shall not be effective with respect to the conservation reserve program for the current year if, at the time a reconstitution of the farm(s) is required, the action would cause noncompliance with the terms and conditions of the conservation reserve contract(s) for the current year. Notwithstanding this proviso, a reconstitution resulting from a division of a parent farm shall be effective for the current year for conservation reserve purposes unless (1) all of the persons having control of the land being subdivided are eligible and enter into a common modified contract covering the parent farm for the year in which loss of control occurs and (2) simultaneously with the execution of the common modified contract, individual contracts covering the reconstituted farms are entered into and approved to become effective on the following January 1. A farm reconstitution made after the first request for cost-sharing under the agricultural conservation program has been approved for the parent farm(s) for the current program year shall not be effective for the agricultural conservation program for that year unless all persons on the farm who are eligible to receive cost-shares file a request in writing that such reconstitution become effective for the agricultural conservation program for that program year and the county committee determines that failure to make such reconstitution effective for such program for that program year will make one or more of such persons ineligible for cost-sharing which otherwise could be approved under that program. A reconstitution which does not become effective for the current year under the provisions of this paragraph shall become effective beginning with the next succeeding crop year (succeeding program year in case of the conservation reserve and agricultural conservation programs).

7. Section 719.13(a) (26 F.R. 7324) is amended to read as follows:

§ 719.13 Determination of commodity allotment diversion credit for participation in the conservation reserve or Great Plains program.

(a) *General rules.* The acreage on any farm which is determined to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out the provisions of a conservation reserve or Great Plains contract or in order to maintain, for the applicable period of extended protection, previously established permanent vegetation designated under the contract or any change in land use from cropland to permanent vegetative cover, including trees, carried out under the contract shall be considered as acreage devoted to the commodity for purposes of establishing future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended. A period of extended protection shall be a period after the expiration of a conservation reserve or Great Plains contract equal to the period of the contract: *Provided, however,* That, in the case of a conservation reserve contract, the period of extended protection shall be a period equal to the number of years the land was continually under contract, except that such period shall not exceed 10 years unless the land was approved to be devoted to tree cover: *And provided further,* That if the contract is applicable to separate land areas on the farm for different periods of time, each such land area shall be considered separately in determining the period of extended protection. The period of extended protection for any given land area shall not apply if the contract applicable to that area is cancelled or terminated prior to the end of the period of years approved under the terms of the contract. In the determination of allotment crop history acreages for the farm(s) or tract(s) re-

sulting from the division of a parent farm, the potential allotment history credit determined under provisions of this § 719.13 shall accrue to the farm(s) or tract(s) on which the permanent vegetation is physically located. The term "final acreage" when used in making apportionments under the provisions of paragraphs (d) and (e) of this section shall be the acreage of the crop as finally determined for the farm except that such acreage shall be the planted acreage in case of cotton. The "final acreage" shall be the acreage determined for the farm prior to any adjustments for abnormal conditions affecting acreage.

(Secs. 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 124, 70 Stat. 198, 375, 52 Stat. 66, as amended, 377, 73 Stat. 393; 16 U.S.C. 590 p, 7 U.S.C. 1375, 1377, 1812)

Effective date. The constitution and reconstitution of farms is a continuous operation and reconstitutions which affect 1962 operations are currently being made. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., March 15, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2665; Filed, Mar. 19, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 11, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.311 (Lemon Regulation 11, 27 F.R. 2309) are hereby amended to read as follows:

(ii) District 2: 241,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2646; Filed, Mar. 19, 1962; 8:46 a.m.]

[959.302, Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments under Marketing Agreement No. 143 and Order No. 959 both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, was published in the February 27, 1962, FEDERAL REGISTER (27 F.R. 1801). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within ten days after publication.

Within the period specified, data, views, and arguments were filed on behalf of 36 producers and handlers in the production area generally opposing issuance of the proposed amendment as recommended by the South Texas Onion Committee on the grounds that the committee's recommendation was made prematurely and that the condition of the crop could not be adequately appraised as of the date of the recommendation. Also, views were filed by 103 other producers and handlers of onions in the production areas supporting the recommendation of the committee and urging issuance of the proposed amendment as set forth in the notice.

The South Texas Onion Committee met again on March 15, 1962, to evaluate the present condition of the crop and any changes which may have occurred since its recommendation of the proposed amendment. At this meeting the committee reaffirmed and resubmitted its original recommendation as set forth in the notice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties and other available information, it is hereby found that the amendment to the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) onions grown in the production area are now being shipped, and the volume of shipments is expected to increase by the effective date of this amendment, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed amendment through publicity in the production area and by publication in the FEDERAL REGISTER of February 27, 1962 (27 F.R. 1801).

Order, as amended. In § 959.302 (27 F.R. 1451) delete the introductory paragraph and paragraphs (a) and (h) and substitute in lieu thereof a new introductory paragraph and new paragraphs (a) and (h) as set forth below.

§ 959.302 Limitation of shipments.

During the period from March 21, 1962, through June 30, 1962, no person shall handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(a) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade, or better quality.

* * * * *

(h) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title; 27 F.R. 1208), including the tolerances for decay and sizes set forth therein. In percentage grade lots, tolerances shall not exceed 2 percent decay. Double the lot tolerance shall be permitted in individual packages. All other terms used in this section shall have the same meaning as when used in this part (Marketing Order No. 959, as amended).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated March 16, 1962, to become effective March 21, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 62-2717; Filed, Mar. 19, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 107]

PART 1107—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi Gulf Coast marketing area, it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act during March 1962:

(1) "Days production of" in paragraph (b) of § 1107.15; and

(2) "On not more than one-third of the number of days' production of such producer as received at a pool plant during the month" in paragraph (b) of § 1107.15.

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by cooperative associations representing the majority of producers supplying milk for the market.

(4) This suspension action is based on evidence presented at a public hearing held in Gulfport, Mississippi, on October 26, 1961. A recommended decision containing proposed amendments to the diversion provisions to permit unlimited diversions during the month of March, was issued by the Assistant Secretary on March 13, 1962. Sufficient time does not remain to complete the necessary proceedings to issue an amending order.

This action will permit the economic movement of milk in excess of fluid milk requirements to surplus disposal facilities and at the same time prevent producers from losing their status due to diversions that are excessive under the present order provision.

Therefore, good cause exists for making this order effective March 1, 1962.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of March 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1962.

Signed at Washington, D.C., on March 15, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2664; Filed, Mar. 19, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1113; Amdt. 55]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO–C62a Aircraft Tires

Technical Standard Order C62 published on March 11, 1961 (26 F.R. 2115) as § 514.67 of Part 514 of the regulations of the Administrator requires, among other things, that aircraft tires be marked as to type. It has subsequently been determined that the type identification of aircraft tires is not necessary in the interest of safety. Therefore, in order to relieve the tire manufacturers of the unnecessary burden of marking their tires as to type, TSO C62 has been superseded by a new Technical Standard Order designated as TSO C62a which eliminates type identification from the marking requirements. In all other respects this TSO is the same as TSO C62.

Since this amendment relieves a restriction and imposes no burden on the public, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 514.67 of Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby revised to read as follows:

§ 514.67 Aircraft tires—TSO–C62a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New design tires, manufactured on or after the effective date of this section which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires" [1] dated February 15, 1961.

(b) *Marking.* In lieu of the marking requirements of § 514.3, aircraft tires shall be legibly and permanently marked with the following information:

(1) Brand name or name of the manufacturer responsible for compliance and the country of manufacture if outside the United States.

(2) The size, ply rating, and serial number.

(3) The qualification test speed and skid depth when the test speed is greater than 160 m.p.h., also, the word "reinforced" if applicable.

[1] Copies may be obtained upon request addressed to: Publishing and Graphics Branch, Inquiry Section, MS–158, Federal Aviation Agency, Washington 25, D.C.

(4) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* (1) One copy of the following data shall be furnished the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance: tire size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, tire weight and a summary of the load-speed-time parameters used in the high speed dynamometer tests.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Tires shall be produced under a quality control system, established by the manufacturer, which will assure that each tire is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. A representative of the Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Tires of a specific design produced prior to the effective date of this section may continue to be manufactured under the provisions of their original design and test standards.

Effective date. March 20, 1962.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on March 13, 1962.

GEORGE C. PRICE,
Director, Flight Standards Service.

[F.R. Doc. 62-2637; Filed, Mar. 19, 1962; 8:45 a.m.]

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 568; Amdt. 2 to Revision of Nov. 18, 1960]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Miscellaneous Amendments

This amendment to the revision of Part 550 of the regulations (25 F.R. 10972) is necessary because of the amendment of September 20, 1961 (Public Law 87–255) to the Federal Airport Act. As amended, Part 550 will reflect the changes made by the Congress to the Federal Airport Act.

The chief changes are the following:

(1) The additional requirements for project eligibility that (A) the Administrator is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located, as set forth in § 550.3 (a)(4), and (B) that the project includes provisions for installation of the

landing aids specified in section 10(d) of the Act as are determined by the Administrator to be required for the safe and efficient use by aircraft of the airport, as set forth in §§ 350.3(a)(5) and 550.23(x).

(2) The increase of the United States' share of project costs to 75 percent for (a) costs of installing high intensity lighting, as set forth in § 550.4(c)(2), (b) costs of installing in-runway lighting, as set forth in § 550.4(c)(3), (c) costs of installing runway distance markers, as set forth in § 550.4(c)(4), and (d) cost of land acquired for approach light systems, as set forth in § 550.4(c)(5).

(3) The inclusion of the cost of acquisition of land for parking facilities as set forth in § 550.3(b)(13), but the continued exclusion of part of project costs of the cost of construction of a public parking facility for passenger automobiles, as set forth in §§ 550.1(d) and 550.24(m).

(4) The exclusion of part of project costs of costs of construction of any part of an airport building, except those intended to house facilities or activities directly related to the safety of persons at the airport, as set forth in §§ 550.1(d), 550.23(l) and 550.24(j).

(5) The duty of the Administrator to make public by January 1 of each year the proposed program of airport development intended to be undertaken during the fiscal year next ensuing, as set forth in § 550.25(a).

Other changes in the regulations were required because Alaska and Hawaii became states and. because the United States may become an eligible sponsor where the project is in close proximity to a special reservation for Government purposes as set forth in § 550.2(a).

Finally, more detail explanation is made in § 550.23 of the regulations relating to the general policy for administering the Federal-aid Airport Program with respect to new airports and area or regional airports. New or replacement airports should be located to best serve area or regional needs. Communities are urged to give consideration to the establishment of an airport to serve two or more communities to best serve scheduled airlines and general aviation consistent with safety of operations.

Since this amendment relates to public grants, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedures Act is unnecessary.

Pursuant to authority delegated to me by the Administrator (26 F.R. 10644), Part 550 of the regulations of the Administrator as revised November 18, 1960 (25 F.R. 10972), is amended as follows:

1. By deleting paragraph (d) of § 550.1 and by substituting therefor a new paragraph (d) to read as follows:

§ 550.1 Definitions.

* * * * *

(d) "Airport Development" means (1) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration and repair of only those buildings or parts thereof intended to house facilities or activities directly related to the safety of persons at the airport; (2) the removal, lowering, relocation, marking and lighting of airport hazards; and (3) any acquisition of land or of any interest therein, or of any easement through or other interest in air space, which is necessary to permit any such work or to remove or mitigate, or prevent or limit the establishment of airport hazards; but such term does not include the construction, alteration or repair of airport hangars, or the construction, alteration or repair of public parking facilities for passenger automobiles.

2. By deleting the words "Alaska" and "Hawaii" appearing in paragraphs (k) and (o) of § 550.1.

3. By deleting the words and figures "on May 13, 1946" appearing in paragraph (s) of § 550.1.

4. By redesignating paragraphs (g) and (h) of § 550.1 as paragraphs (h) and (i), respectively.

5. By adding a new paragraph (g) to § 550.1 to read as follows:

(g) "ALS" means Approach Lighting System, which is a standard configuration of high intensity aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

6. By redesignating paragraphs (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), and (s) of § 550.1 as paragraphs (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), and (u), respectively.

7. By adding a new paragraph (j) to § 550.1 to read as follows:

(j) "ILS" means Instrument Landing System, which provides a pilot with precise electronic guidance on the final approach to a runway and which consists of a glide slope facility, localizer and outer and middle markers.

8. By deleting paragraph (a) of § 550.2 and by substituting therefor a new paragraph (a) to read as follows:

§ 550.2 Sponsor eligibility.

* * * * *

(a) A sponsor must be a public agency and may not be the United States or any agency thereof unless the project is located in Puerto Rico, the Virgin Islands or in, or in close proximity to, a national park, a national recreation area, or national monument, or in a national forest or special reservation for Government purposes.

9. By adding new subparagraphs (4) and (5) to § 550.3(a) to read as follows:

§ 550.3 Project eligibility.

(4) The Administrator is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located; and (5) the project includes provisions for installation of such of the landing aids specified in section 10(d) of the Act as are determined by the Administrator to be required for the safe and efficient use by aircraft of the airport, taking into account the category of the airport and the type and volume of traffic utilizing the airport.

10. By deleting subparagraph (7) of § 550.3(b) and by substituting therefor a new subparagraph (7) to read as follows:

(7) Installation, alteration and repair of airport markers and runway, taxiway and apron lighting facilities and equipment.

11. By deleting subparagraph (13) of § 550.3(b) and by substituting therefor a new subparagraph (13) to read as follows:

(13) The acquisition of land, or of any interest therein, or of any easement through or other interest or right in or for the use of air space, when such acquisition is necessary.

(i) To permit the accomplishment of other airport development, whether or not such development is to be accomplished as part of the Federal-aid Airport Program; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit the removal, lowering, relocation, or marking and lighting of existing airport hazards; or

(iv) To permit the installation of landing aids; or

(v) To permit the proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this subparagraph may include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements thereon constituting a part of the realty, other than hangars and other ineligible structures and parts thereof, fixtures, and improvements.

12. By deleting paragraph (c) of § 550.4 and by substituting therefor a new paragraph (c) to read as follows:

§ 550.4 Project costs.

* * * * *

(c) *United States share of project costs.* The United States share of the allowable project costs of a project will be stated in the Grant Agreement for such project.

Such United States share will be determined as provided in the following subparagraphs.

(1) *General.* The United States share of the project costs (except as provided in subparagraphs (2), (3), (4), (5), and (6) of this paragraph) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project, except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding five percent of the total area of all lands therein, shall be increased as provided in section 10(b) of the Act. There is set forth below a table of the current United States percentage share of allowable project costs in States containing unappropriated and unreserved lands and nontaxable Indian lands:

Alaska	62.50	New Mexico	56.27
Arizona	61.63	Oregon	55.55
California	58.98	South Dakota	52.61
Colorado	58.31	Utah	62.13
Idaho	55.82	Washington	51.60
Montana	58.09	Wyoming	57.26
Nevada	62.50		

(2) *Costs of installing high intensity lighting.* The United States share of the project costs of an approved project which represent the costs of installation of high intensity lighting or a designated instrument landing runway(s) and other runway(s) with an approved straight-in approach procedure shall be 75 percent of the allowable costs of such installation.

(3) *Costs of installing in-runway lighting.* The United States share of the project costs of an approved project which represent the costs of installing in-runway (narrow gauge, center line, and turnoff) lighting shall be 75 percent of the allowable costs of such installation.

(4) *Costs of installing runway distance markers.* The United States share of the project costs of an approved project which represent the costs of installation of runway distance markers shall be 75 percent.

(5) *Costs of land required for approach light systems.* The United States share of the project costs of an approved project which represent the costs of acquiring land, or a suitable property interest in land or in or over water, required for the installation, operation and maintenance of an ALS shall be 75 percent of the allowable costs of such acquisition.

(6) *Project costs in Virgin Islands.* The United States share of the project costs of an approved project located in the Virgin Islands shall be 75 percent.

13. By deleting paragraph (d) of § 550.23 and by substituting therefor a new paragraph (d) to read as follows:

§ 550.23 General policy for administering the Federal-Aid Airport Program.

* * * * *

(d) *New or replacement airports.* Construction of new airports should be limited to communities where (1) the volume of air traffic, now or in the future, exceeds the potential capacity of the existing airport(s); (2) the existing airport(s) cannot economically be improved to handle its (their) air traffic safely and adequately; (3) the area lacks an airport but facts show the need for one; or (4) one new airport can serve one or more communities more efficiently than existing facilities. The majority of communities can be adequately served by one properly planned, well-developed civil airport. Under these conditions, Federal-aid Airport Program funds should be spent on only the one airport. The airport can be a new one provided the area has a substantial aeronautical requirement, but does not have an airport or has an existing airport which needs to be replaced. New or replacement airports should be located to best serve area or regional needs. Joint ownership or support by two or more communities is desirable in these cases. A new airport to serve only general aviation will be eligible when the need is demonstrated. The following will be used in determining need for new airports:

(i) An airport serving the community can no longer efficiently and safely accommodate all types of operations due to total volume. Annual air carrier operations in excess of 30,000 will be used as a guide to determine whether a separate airport is needed for general aviation.

(ii) There is no existing airport with the capacity or potential for development to serve the anticipated aeronautical requirements of the area.

14. By redesignating paragraph (e) of § 550.23 as paragraph (h).

15. By deleting paragraph (f) of § 550.23.

16. By redesignating paragraphs (g) and (h) of § 550.23 as paragraphs (j) and (k) respectively.

17. By adding new paragraphs (e), (f), and (g) to § 550.23 to read as follows:

(e) *Area or regional airports.* Communities are urged to give careful consideration to the establishment or designation of one airport to serve two or more communities located in fairly close proximity to each other, with the view of obtaining improved service by and for scheduled airlines and general aviation as well as economy in airport development, operation and maintenance. It is the view of FAA that the use of one airport to serve adjacent communities, where such action will, consistent with safety of operations, result in a savings to the Federal Government and the localities served as well as improved air service to the areas, will be an increasingly important factor that should be considered by sponsors in preparation of Requests for Aid under the Federal-aid Airport Program.

(f) *Airports to relieve congestion.* The Act authorizes a special Discretionary Fund for the development of airports, the primary purpose of which is to serve general aviation and relieve congestion at airports with a high density of traffic serving other segments of aviation. As used herein, the term "general aviation airport" means an airport the primary purpose of which is to serve general aviation but the term is not restricted to mean an airport that serves general aviation alone. This special Discretionary Fund will only be used in those states with no unprogrammed State Apportionment.

(1) The establishment or improvement of an airport to relieve congestion in an area where the existing airport accommodates air carrier operations of 30,000 or more annually will be eligible for programming from this special fund.

(2) When the volume of air carrier and military traffic is approaching 50,000 operations and involves mixing various types of aircraft with different speed characteristics, consideration will be given to the development of a general aviation airport under this special fund. These instances will be considered on a case by case basis.

(g) *Airports for recreational areas.* Airports to serve national forests, national or state parks, recreational and resort areas which would generate sufficient aeronautical activity during the resort season to warrant an airport as indicated in the National Airport Plan, and/or for the protection of these areas, will be eligible.

18. By redesignating paragraphs (j) (k) and (l) of § 550.23 as paragraphs (m), (n) and (o), respectively.

19. By deleting paragraph (i) of § 550.23 and by substituting therefor a new paragraph (i) to read as follows:

(i) *Emphasis on safety.* In allocating Federal-aid Airport Program funds emphasis will be placed on projects essential to the safety of aircraft operations at the airports.

20. By adding a new paragraph (l) to § 550.23 to read as follows:

(l) *Airport buildings.* Federal-aid Airport Program funds may be used for the construction of only such buildings or parts thereof which are intended to house fire and rescue equipment, and field maintenance equipment.

21. By deleting paragraph (s) of § 550.23.

22. By redesignating paragraphs (m), (n), (o), (p), (q), (r) and (t) of § 550.23 as paragraphs (p), (q), (r), (s), (t), (u), and (w) respectively.

23. By adding a new paragraph (v) to § 550.23 to read as follows:

(v) *Previously obligated work.* Unless specifically authorized by the Administrator, the proposed project shall not include any airport development which the sponsor of the project or any other non-Federal public agency is obligated to accomplish pursuant to any prior agreement with the United States under which agreement the sponsor or other non-Federal public agency is to receive payment from the Federal Government for all or any part of the cost of accomplishing such airport development.

24. By adding a new paragraph (x) to § 550.23 to read as follows:

(x) *Landing aid requirements.* (1) No project for development or improvement of an airport shall be approved which does not include provision for acquisition or installation of such of the following landing aids as are determined by the FAA to be required for the safe and efficient use by aircraft of the airport, taking into account the category of the airport and the type and volume of traffic utilizing the airport:

(i) Land required for installation of Approach Light Systems.

(ii) In-runway lighting.

(iii) High intensity runway lighting.

(iv) Runway distance markers.

(2) These landing aids will be required for the safe and efficient use by aircraft of the airport in the following instances:

(i) *Land for installation of ALS.* Land for installation of ALS will be required as part of a project if the installation of the components of an ALS on the airport is in an improved FAA budget, unless the sponsor has already acquired the land necessary for such ALS or the acquisition of such land is otherwise being undertaken by the sponsor. If the acquisition of such land is

otherwise being undertaken, the Grant Agreement for the project shall obligate the sponsor to complete the acquisition within such period of time as may be specified by FAA. (The airport owner will be advised immediately by FAA when a budget has been approved providing for installation of an ALS at the airport in question. See § 550.24(b)(v) concerning eligibility of land for installation of ALS.)

(ii) *In-runway lighting.* In-runway lighting (narrow gauge, centerline and turnoff), after design standards for such lighting have been approved and published by the FAA and needed uniformity thus achieved, will be required as a part of a project for:

(*a*) Construction of a new designated instrument landing runway programmed (included in an approved FAA budget) to be equipped by FAA with a system for IFR (as used herein IFR means Instrument Flight Rules) precision approaches including ALS and ILS;

(*b*) An extension of 3,000 feet or more (for landing purposes) of the approach end of a designated instrument landing runway equipped or programmed by FAA to be equipped with a system for IFR precision approaches including ALS and ILS;

(*c*) Reconstruction of a designated instrument landing runway, equipped or programmed by FAA for a system for IFR precision approaches including ALS and ILS, when such reconstruction will require the closing of the runway for accomplishment of the reconstruction; or

(*d*) Any airport development on an airport whose designated instrument landing runway(s) is equipped or programmed to be equipped by FAA with a system for IFR precision approaches including ALS and ILS, provided the installation of in-runway lighting will not require closing of the runway for such length of time that the adverse affect on safety resulting from closing of the runway would outweigh the contribution to safety that would be achieved by the in-runway lights or would unduly interfere with the efficiency of aircraft operations. The requirement for in-runway lighting under these circumstances will be decided on a case-by-case basis after consultation with the sponsor and review of all pertinent facts and circumstances.

(iii) *High intensity runway lighting.* The installation of high intensity runway edge lighting on the designated instrument landing runway will be required as a part of a project when such runway is equipped or programmed for installation of an ILS and high intensity runway edge lights are not then installed on such runway or included in another project. A project for extension of a runway that has high intensity runway edge lights on the existing runway will require as part of the project the extension of the high intensity runway edge lights.

(iv) *Runway distance markers.* Runway distance markers, after design standards for such markers have been approved and published by FAA, will be required as a part of a project on a case-by-case basis if it is determined by FAA after review of pertinent facts and circumstances that such runway distance markers are required for the safe and efficient use of the airport by aircraft.

25. By deleting paragraph (b) of § 550.24 and by substituting therefor a new paragraph (b) to read as follows:

§ 550.24 Programming standards.

* * * * *

(b) *Land acquisition.* (1) The acquisition of land or any interest therein, or any easement or other interest in air space, shall be eligible for inclusion in a project when such acquisition occurred subsequent to May 13, 1946, and is necessary:

(i) To permit the initial development of the airport;

(ii) For improvement indicated in the current National Airport Plan;

(iii) For ultimate development of the airport as indicated in the latest approved master plan layout to the extent consistent with the National Airport Plan;

(iv) For approach protection meeting standards of FAA Technical Standard Order N–18;

(v) To permit installation of an ALS. The cost of acquiring land required for installation of an ALS will be eligible for 75 per cent Federal participation when the need is shown in the National Airport Plan which will be based upon the best information available to the FAA for the forecast period.

(vi) To permit proper use, operation or maintenance of the airport as a public facility, including land required offsite for the location of necessary portions of the utility systems required to serve the airport.

(vii) To permit installation of navigational aids installed by the FAA, provided such land is incorporated within the airport boundary;

(viii) To permit relocation of navigational aids.

(2) There is set forth below an itemization of typical eligible and ineligible items of land acquisition:

Typical Eligible Items

1. Land for:
a. Initial acquisition for entire airport development, including building areas as delineated on the approved master plan layout.
b. Expansion of airport facilities, except the acquisition of only a small parcel for a non-landing area facility, such as hangar, terminal building, automobile parking area, etc.
c. Clear zones at ends of eligible runways.
d. Approach lights (land for ALS eligible for 75 percent participation will be limited to an area 3200' x 400' for a Standard ALS and to an area 1700' x 400' for a Short ALS located symmetrically about the runway centerline extended, beginning at the end of the runway).
e. Approach protection.
f. Airport utilities.
2. Easements for:
a. Use of air space by aircraft.
b. Storm-water run-off.
c. Power lines to serve off-site obstruction lights.
d. Airport utilities.
3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

Land required only for:
Industrial and other non-airport purposes.

26. By deleting subparagraph (2) of § 550.24(c) and by substituting therefor a new subparagraph (2) to read as follows:

(2) There is set forth below an itemization of typical eligible and ineligible items of site preparation work:

Typical Eligible Items

1. General site preparation:
a. Clearing of site.
b. Grubbing of site.
c. Grading of site.
d. Storm drainage of site.
2. Erosion control.
3. Grading to remove obstructions.
4. Grading for installing navigation aids on airport property.
5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

1. Specific site preparation (not a part of an over-all site preparation project) for:
a. Hangars and other buildings ineligible under the Act.
b. Public parking facility for passenger automobiles.
c. Industrial and other non-airport purposes.

27. By deleting subparagraph (4) of § 550.24(d) and by substituting therefor a new subparagraph (4) to read as follows:

(4) On all airports, the designated instrument landing runway (or dominant runway if there is no designated instrument landing runway) will be eligible for paving within the limits of the current National Airport Plan. Federal-aid Airport Program participation in construction, reconstruction or resurfacing will be limited to a single runway at any airport unless additional runways(s) can be justified on the basis of wind conditions, abatement of aircraft noise or traffic volume.

28. By deleting subparagraph (7) of § 550.24(h).

29. By redesignating subparagraphs (5) and (6) of § 550.24(h) as subparagraphs (7) and (8), respectively.

30. By deleting subparagraphs (2), (3) and (4) of § 550.24(h) and substituting therefor new subparagraphs (2), (3) and (4) to read as follows:

(2) *Number of runways eligible for program participation.* The total number of runways that may be eligible for lighting will be the same as the number of runways eligible for paving as set forth in paragraph (d) *Runway paving*, of this section.

(3) *High intensity runway lighting.* The installation of high intensity lighting will be eligible on a designated instrument landing runway(s), and other runway(s) with approved straight-in approach procedures. Runway(s) eligible for lighting, but not meeting the criteria for 75 percent Federal participation under § 550.4(c)(2), will be eligible for 50 percent Federal participation in the costs of high intensity lighting (or the allowable Federal Airport Act percentage in public land states), provided the airport is served by a navigational aid which will permit use of instrument approach procedures to the airport. See § 550.23(x)(2)(iii) for circumstances under which high intensity lighting will be required.

(4) *In-runway lighting.* In-runway lighting (narrow gauge, centerline and turnoff) will be eligible on the designated instrument landing runway(s).

31. By adding a new subparagraph (5) to § 550.24(h) to read as follows:

(5) *Taxiway lighting.* Taxiways to eligible runways on airports served by transport aircraft will be eligible for lighting. On airports serving only general aviation, the lighting of connecting taxiways will be eligible if the runway served is lighted or is programmed to be lighted. The lighting of a parallel taxiway will be eligible if the taxiway is eligible for paving. Lighting of other taxiways will be eligible based upon the complexity of the taxiway system.

32. By adding a new subparagraph (6) to § 550.24(h) to read as follows:

(6) *Apron lighting.* Floodlighting of aprons will be eligible if there is a demonstrated need for the floodlighting, including a showing of night operations where the runway(s) is(are) lighted.

33. By adding a new subparagraph (9) to § 550.24(h) to read as follows:

(9) There is set forth below an itemization of typical eligible and ineligible items of airport lighting:

Typical Eligible Items

1. Runway edge lights (high intensity, medium intensity and low intensity).
2. In-runway lighting (center line, narrow gauge and turnoff).
3. Taxiway lights.
4. Taxiway guidance signs.
5. Obstruction lights.
6. Apron floodlights.
7. Beacons.
8. Wind and landing direction indicators.
9. Electrical ducts and manholes.
10. Transformer or generator vaults.
11. Control panels for field lighting.
12. Control equipment for field lighting.
13. Auxiliary power.
14. Lighting off-site obstructions.
15. Electrical vaults for field lighting.

Typical Ineligible Items

1. Electronic navigation aids.
2. Approach lights.
3. Horizon lights.
4. Isolated repair and reconstruction of airport lighting.
5. Lighting of public parking area for passenger automobiles.
6. Street or road lighting.

34. By relettering paragraphs (m), (n) and (o) of § 550.24 as paragraphs (n), (o) and (q), respectively.

35. By deleting paragraphs (j) and (l) of § 550.24.

36. By deleting paragraph (i) of § 550.24 and by substituting therefor a new paragraph (i) to read as follows:

(i) *Runway distance markers.* The eligibility of runway distance markers will be determined on a case-by-case basis.

37. By redesignating paragraph (k) of § 550.24 as paragraph (l) and by amending subparagraph (6) of redesignated paragraph (l) to read as follows:

(6) There is set forth below an itemization of typical eligible and ineligible items of road construction.

Typical Eligible Items

1. Entrance roads.
2. Service roads for access to public areas.
3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
4. Relocation of roads to permit airport development or expansion or to remove obstructions.

Typical Ineligible Items

1. Off-site roads.
2. Roads to areas of exclusive use.

38. By adding new paragraphs (j) and (k) to § 550.24 to read as follows:

(j) *Buildings.* (1) The FAA will participate in the cost of construction of only those buildings or portions thereof that are intended to house facilities or activities directly related to the safety of persons at the airport.

(2) There is set forth below in this subparagraph an itemization of typical eligible and ineligible items of airport buildings:

Typical Eligible Items

1. Fire and rescue equipment buildings.
2. Field maintenance equipment buildings.

Typical Ineligible Items

1. Passenger terminal buildings.
2. Hangars.

(k) *Utilities.* The installation of utilities will be eligible to the extent of the eligibility of the facilities and areas served. In the case of a utility serving both eligible and ineligible facilities or areas, the eligibility of the utility will be established on a pro rata basis. A water system (including wells, pumps, hydrants, mains and necessary storage facilities) to the extent needed for fire protection, exclusive of standpipes and sprinkler systems in buildings, is eligible.

39. By adding a new paragraph (m) to § 550.24 to read as follows:

(m) *Automobile parking facilities.* No part of the construction, alteration or repair (including grading, drainage and other site preparation work), of facilities or areas to be used as public parking facilities for passenger automobiles will be eligible for inclusion in a project.

40. By redesignating paragraph (p) of § 550.24 as paragraph (r).

41. By adding a new paragraph (p) to § 550.24 to read as follows:

(p) *Blast fences.* A blast fence will be eligible when it can be shown that:

(1) It is necessary for safety at a runway end or a holding area near the end of a runway and the installation will be more economical than the acquisition of additional property interests.

(2) The installation of a blast fence for safety at a turbojet passenger gate position will result in less separation being acquired for gate positions, thereby reducing the need for apron expansion, and it is more economical to install the blast fence than to expand the apron.

42. By redesignating paragraphs (q), (r), (s), (t) and (u) of § 550.24 as paragraphs (t), (u), (v), (w) and (x) respectively.

43. By adding a new paragraph (s) to § 550.24 to read as follows:

(s) *Relocation of navigational aids.* Relocation of navigational aids is eligible when the relocation is made necessary by development on the airport under a Federal-aid Airport Program project and the sponsor is responsible for such relocation under FAA Agency Order No. 53.

44. By deleting the letter (p) in subparagraph (1) of § 550.24(v) and substituting therefor the letter (r).

45. By adding a sentence to the end of paragraph (a) of § 550.25 to read as follows:

§ 550.25 Development of Annual Airport Program.

(a) * * * It is the duty of the Administrator to make public by January 1 of each year the proposed program of airport development intended to be undertaken during the fiscal year next ensuing. He may revise such program to the extent he finds necessary to accomplish the purposes of the Act.

46. By deleting subparagraph (1) of § 550.25(c) and by substituting therefor a new subparagraph (1) to read as follows:

(1) In development of the annual Federal-aid Airport Program, each proposed airport project is broken down to show the logical increments of work, together with the amount of Federal funds involved in each increment. The relative national importance of any item of airport development is dependent upon the specific nature of the work and the extent of its effect on airport operations from a standpoint of safety and efficiency of operations. In order to provide a method for the comparison of projects, basic point values are assigned to the various common types of airport development. A separate rating is given to each increment of development. General guides have been issued for the use of FAA personnel in assigning rating points.

47. By deleting subparagraph (2) of § 550.25(c).

48. By renumbering subparagraphs (3), (4), (5) and (6) of § 550.25(c) as subparagraphs (2), (3), (4) and (5), respectively.

This amendment shall become effective March 20, 1962.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U.S.C. 1101–1114)

Issued in Washington, D.C., on March 15, 1962.

COLE MORROW,
Director, Airports Service.

[F.R. Doc. 62–2653; Filed, Mar. 19, 1962; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203 in the Table of Contents § 203.5 is revoked, a new § 203.495 is added and the pertinent section headings are amended as follows:

Sec.
203.430 Sale of interests in insured mortgages.
203.431 Sale of insured mortgage to approved mortgagee.
203.432 Effect of sale of insured mortgage.
203.433 Assignments, pledges and transfers by approved mortgagee.
203.434 Declaration of trust.
203.435 Transfers of partial interests.
203.488 Sale of interests in insured loans.
203.489 Sale of insured loan to approved lender.
203.491 Effect of sale of insured loan.
203.492 Assignments, pledges and transfers by approved lender.
203.493 Declaration of trust.
203.495 Transfers of partial interests.

Subpart A—Eligibility Requirements

Section 203.5 is revoked as follows:

§ 203.5 Approval of individuals and organizations as investing mortgagees. [Revoked]

Subpart B—Contract Rights and Obligations

In § 203.251 paragraphs (g) and (h) are revoked as follows:

§ 203.251 Definitions.

* * * * *

(g) [Revoked]
(h) [Revoked]

Section 203.333 is amended to read as follows:

§ 203.333 Reinstatement of defaulted mortgage.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall cure the default, the insurance shall continue as if a default had not occurred, provided the mortgagor pays to the mortgagee such expenses as the mortgagee has incurred in connection with the foreclosure proceedings and the mortgagee gives written notice of reinstatement to the Commissioner.

Section 203.430 is amended to read as follows:

§ 203.430 Sale of interests in insured mortgages.

No mortgagee may sell or otherwise dispose of any insured mortgage, or group of insured mortgages, or any partial interest in such mortgage or mortgages by means of any agreement, arrangement or device except pursuant to this subpart.

Section 203.431 is amended to read as follows:

§ 203.431 Sale of insured mortgage to approved mortgagee.

An insured mortgage may be sold to another approved mortgagee. Upon such sale both the seller and the buyer shall notify the Commissioner within 30 days, on a form prescribed by the Commissioner.

Section 203.432 is amended to read as follows:

§ 203.432 Effect of sale of insured mortgage.

When an insured mortgage is sold to another approved mortgagee, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

Section 203.433 is amended to read as follows:

§ 203.433 Assignments, pledges and transfers by approved mortgagee.

(a) An assignment, pledge, or transfer of an insured mortgage or group of insured mortgages, not constituting a final sale, may be made by an approved mortgagee to another approved mortgagee provided the following requirements are met:

(1) The assignor, pledgor or transferor shall remain the mortgagee of record.

(2) The Commissioner shall have no obligation to recognize or deal with any party other than the mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(b) Notice to or approval of the Commissioner is not required in connection with assignments, pledges or transfers pursuant to this section.

Section 203.434 is amended to read as follows:

§ 203.434 Declaration of trust.

A sale of a beneficial interest in a group of insured mortgages, where the interest to be acquired is related to all of the mortgages as an entirety, rather than an interest in a specific mortgage, shall be made only pursuant to a declaration of trust, which has been approved by the Commissioner prior to any such sale.

Section 203.435 is amended to read as follows:

§ 203.435 Transfers of partial interests.

A partial interest in an insured mortgage may be transferred under a participation agreement without obtaining the approval of the Commissioner, if the following conditions are met:

(a) *Principal mortgagee.* The insured mortgage shall be held by an approved mortgagee which, for the purposes of this section, shall be referred to as the "principal mortgagee".

(b) *Interest of principal mortgagee.* The principal mortgagee shall retain and hold for its own account a financial interest in the insured mortgage.

(c) *Qualification for holding partial interest.* A partial interest in an insured mortgage shall be issued to and held only by:

(1) A mortgagee approved by the Commissioner; or

(2) A corporation, trust or organization (including, but not limited to any pension fund, pension trust, or profit-sharing plan) which certifies to the principal mortgagee that:

(i) It has assets of $100,000 or more; and

(ii) It has lawful authority to acquire a partial interest in an insured mortgage.

(d) *Participation agreement provisions.* The participation agreement shall include provisions that:

(1) The principal mortgagee shall retain title to the mortgage and remain the mortgagee of record under the contract of mortgage insurance.

(2) The Commissioner shall have no obligation to recognize or deal with anyone other than the principal mortgagee with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(3) The mortgage documents shall remain in the custody of the principal mortgagee.

(4) The responsibility for servicing the insured mortgages shall remain with the principal mortgagee.

Section 203.488 is amended to read as follows:

§ 203.488 Sale of interests in insured loans.

No lender may sell or otherwise dispose of any insured loan or group of insured loans, or any partial interest in such loan or loans by means of any agreement, arrangement or device except pursuant to this subpart.

Section 203.489 is amended to read as follows:

§ 203.489 Sale of insured loan to approved lender.

An insured loan may be sold to another approved lender. Upon such sale both the seller and the buyer shall notify the Commissioner within 30 days, on a form prescribed by the Commissioner.

Section 203.491 is amended to read as follows:

§ 203.491 Effect of sale of insured loan.

When an insured loan is sold to another approved lender, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

Section 203.492 is amended to read as follows:

§ 203.492 Assignments, pledges and transfers by approved lender.

(a) An assignment, pledge or transfer of an insured loan or group of insured loans, not constituting a final sale, may be made by an approved lender to another approved lender provided the following requirements are met:

(1) The assignor, pledgor or transferor shall remain the lender of record.

(2) The Commissioner shall have no obligation to recognize or deal with any party other than the lender of record with respect to the rights, benefits and obligations of the lender under the contract of insurance.

(b) Notice to or approval of the Commissioner is not required in connection with assignments, pledges or transfers pursuant to this section.

Section 203.493 is amended to read as follows:

§ 203.493 Declaration of trust.

A sale of a beneficial interest in a group of insured loans, where the interest to be acquired is related to all of the loans as an entirety, rather than an interest in a specific loan, shall be made only pursuant to a declaration of trust, which has been approved by the Commissioner prior to any such sale.

In Part 203 a new § 203.495 is added as follows:

§ 203.495 Transfers of partial interests.

A partial interest in an insured loan may be transferred under a participation agreement without obtaining the approval of the Commissioner, if the following conditions are met:

(a) *Principal mortgagee.* The insured loan shall be held by an approved lender which, for the purposes of this section, shall be referred to as the "principal lender".

(b) *Interest of principal lender.* The principal lender shall retain and hold for its own account a financial interest in the insured loan.

(c) *Qualification for holding partial interest.* A partial interest in an insured loan shall be issued to and held only by:

(1) A lender approved by the Commissioner; or

(2) A corporation, trust or organization (including, but not limited to any pension fund, pension trust, or profit-sharing plan) which certifies to the principal lender that:

(i) It has assets of $100,000 or more; and

(ii) It has lawful authority to acquire a partial interest in an insured loan.

(d) *Participation agreement provisions.* The participation agreement shall include provisions that:

(1) The principal lender shall retain title to the loan and remain the lender of record under the contract of loan insurance.

(2) The Commissioner shall have no obligation to recognize or deal with anyone other than the principal lender with respect to the rights, benefits, and obligations of the lender under the contract of insurance.

(3) The loan documents shall remain in the custody of the principal lender.

(4) The responsibility for servicing the insured loans shall remain with the principal lender.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart D—Contract Rights and Obligations—Individual Properties Released From Project Mortgage

In § 213.751 paragraph (b) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations—Homes

In § 220.251 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Low Cost Homes

In § 221.251 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 222.251 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Homes

In § 233.251 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

In Part 234 in the Table of Contents a new section heading is added and the pertinent section heading is amended as follows:

Sec.
234.262 Exception to deed in lieu of foreclosure.
234.275 Certificate or statement of condition.

Subpart A—Eligibility Requirements

In § 234.1 paragraph (k) is amended to read as follows:

§ 234.1 Definitions used in this subpart.

* * * * *

(k) "Multifamily structure" is a structure containing 2 or more one-family units which is or has been covered by a project mortgage insured under the Act.

Subpart B—Contract Rights and Obligations

In § 234.255 paragraph (a) is amended by deleting from the listed provisions the reference "203.435 Form of assignment to investing mortgagee" and by adding to the listed provisions the following:

§ 234.255 Incorporation by reference.

(a) * * *

Sec.
203.357 Deed in lieu of foreclosure.

Part 234 is amended by adding a new § 234.262 as follows:

§ 234.262 Exception to deed in lieu of foreclosure.

All of the provisions of § 203.357 of this chapter relating to acceptance of a deed in lieu of foreclosure shall apply to mortgages insured under this part only if the mortgagee establishes to the satisfaction of the Commissioner that there are no unpaid assessments owed the Association or Cooperative of Owners.

Section 234.270 is amended to read as follows:

§ 234.270 Condition of the multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the com-

mon areas and facilities including restricted common areas and facilities designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion and undamaged by waste.

(b) If such damage has occurred it shall either be repaired prior to conveyance or assignment to the Commissioner or the conveyance or assignment may be executed and the Commissioner shall deduct from the debentures either his estimate of the decrease in value of the family unit or the mortgagee's fire and other hazard insurance recovery, whichever is the greater.

Section 234.275 is amended to read as follows:

§ 234.275 Certificate or Statement of condition.

(a) At the time of the assignment of the mortgage or conveyance of the property to the Commissioner, the mortgagee shall, as of the date of the filing for record of the deed or assignment, either:

(1) Certify that the conditions of § 234.270(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER I—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

Subpart B—Contract Rights and Obligations

In § 809.251 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart D—Contract Rights and Obligations—Individual Mortgages

In § 810.751 paragraph (a) is amended by deleting from the listed provisions the following reference:

Sec.
203.435 Form of assignment to investing mortgagee.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

Issued at Washington, D.C., March 15, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62–2656; Filed, Mar. 19, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 806—INFORMATION ACTIVITIES

A new Part 806 is added as follows:

AIR FORCE NEWSPAPERS, BASE GUIDES AND DIRECTORIES

Sec.
806.1 Purpose and scope.
806.2 What Air Force newspapers are.
806.3 Who is responsible for Air Force newspapers.
806.4 Mastheads for unofficial newspapers.
806.5 Unofficial newspapers and base guides.
806.6 Political advertisements.
806.7 Commercial advertising.
806.8 Mailing newspapers.

AUTHORITY: §§ 806.1 to 806.8 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 190–7, April 11, 1961 and AFR 190–7A, August 18, 1961.

AIR FORCE NEWSPAPERS, BASE GUIDES, AND DIRECTORIES

§ 806.1 Purpose and scope.

Sections 806.1 to 806.8 prescribe policy and procedures for establishing and publishing Air Force newspapers, base guides, and directories. They define the relationship of the Air Force to commercial enterprise newspapers, and describe the services provided the Air Force News Service (AFNS) and the Armed Forces Press Service (AFPS).

§ 806.2 What Air Force newspapers are.

An Air Force newspaper is a publication produced at any level of command by personnel assigned to offices of information, or through the cooperation of such an office. Its purpose is to provide Air Force news and information not immediately available from other sources to military and civilian members of the Air Force and their families at specific locations. Air Force civilian employee newspapers and papers published by or for Air National Guard and USAF Reserve units are considered Air Force newspapers, but publications produced by or for wives' clubs and members of the Civil Air Patrol and Air Force Reserve Officers' Training Corps are not. There are two types of Air Force newspapers—official and unofficial.

(a) Official newspapers are financed by appropriated or nonappropriated funds, and will not carry commercial advertising.

(b) Unofficial newspapers are commercial enterprise newspapers produced by civilian concerns exclusively in the interest of Air Force personnel of a particular base or organization, at no cost to the U.S. Government. Also included under this category are comic supplements and commercial enterprise base guides.

(1) A commercial enterprise newspaper is similar to an official newspaper except as noted in paragraph (a) of this section.

(2) A commercial enterprise comic supplement may be distributed with either official or unofficial newspapers as an insert, provided requirements of § 806.5 are met.

(3) A commercial enterprise base guide, usually published annually, is a guide to an Air Force installation and the adjacent community and geographical area, and is published without cost to the U.S. Government.

§ 806.3 Who is responsible for Air Force newspapers.

(a) The Director of Information, Office of the Secretary of the Air Force, will exercise general editorial policy supervision over Air Force newspapers in keeping with policies established by the Secretary of the Air Force.

(b) Commanders of major air commands are responsible for approving and monitoring newspapers published within their commands.

(c) Base commanders will supervise Air Force newspapers published within their commands to insure compliance with standards and policies laid down in §§ 806.1 to 806.8.

(d) Base commanders will not:

(1) Permit official Air Force newspapers to be distributed as inserts in civilian published newspapers.

(2) Allow any civilian-published newspaper or comic supplement to be distributed as an official Air Force newspaper.

§ 806.4 Mastheads for unofficial newspapers.

(a) The title masthead of commercial enterprise newspapers should be easily identifiable and should include the name of the newspaper, the volume and issue number, the geographical location of the installation (if not prohibited by security limitations), and the day of the week published. The following statement will be printed on the first page or front cover of each commercial enterprise newspaper or supplement and on the front cover of each guide:

> The (name of newspaper) is an unofficial newspaper published (frequency of publication) in the interests of personnel at (name of Air Force installation) of (major air command). It is published by (name of publisher), a private firm (or individual), in no way connected with the Department of the Air Force. Opinions expressed by publishers and writers are their own and are not to be considered an official expression by the Department of the Air Force. The appearance of advertisements in this publication does not constitute an endorsement by the Department of the Air Force of the products or services advertised.

§ 806.5 Unofficial newspapers, base guides, and yearbooks.

The content of a commercial enterprise newspaper is not subject to military control. Nevertheless, commanders have the authority to prohibit circulation of material within their commands which they consider in bad taste, detrimental to discipline, subversive, or otherwise contrary to the best interests of their commands or the Air Force. A commander who authorizes the distribution of a commercial enterprise newspaper within his command will insure that the following policies are observed:

(a) A commercial enterprise newspaper will not state that it is an official newspaper of the Air Force nor use the name, insignia, or emblem of the Air Force, command, base, or unit in any manner that might imply that it is an official Air Force publication. Nor will the name of the base appear in the date line of the newspaper. The flag of the paper may carry the base name as long as the words "Air Force Base" or "AFB" are not included in the flag.

(b) Air Force military personnel on extended active duty and Air Force civilian personnel are not permitted to be members of the editorial or administrative staffs of a commercial enterprise newspaper and will not authorize their name to be carried in the masthead. This policy does not prohibit news releases through normal channels, nor does it prohibit the names of Air Force military or civilian personnel from appearing as bylines in a commercial enterprise newspaper, as long as there is no editorial title attached to the byline and the material does not imply that the author has an official position on the newspaper.

(c) All news made available by the Air Force to a commercial enterprise newspaper will be made available on an equal basis to any other publisher who requests it.

(d) In selecting a commercial enterprise publication for distribution within their control, commanders will afford an equal and fair opportunity to any responsible bidder to submit specifications and price per copy if a charge from nonappropriated funds is required. The selection should be for a period of not less than one year, and distribution normally will be limited to one commercial enterprise publication at any military installation. Two or more such publications may be authorized, if in the opinion of the commander, local conditions make such action appear desirable.

(e) An official newspaper will not be distributed as a supplementary insert in a commercial enterprise newspaper, nor will a commercial enterprise newspaper be distributed as a part of an official newspaper. However, a commercial enterprise comic supplement, with commercial advertising, may be distributed as an insert in an official newspaper: *Provided:*

(1) Fair and equal opportunity is provided for responsible persons or organizations to compete for the privilege as provided in paragraph (d) of this section.

(2) The front page of the supplement carries a statement, and each succeeding page carries a statement in similar type, to the effect that the appearance of commercial advertisements in the supplement does not constitute Department of the Air Force endorsement of the products or services advertised.

(f) On the front cover of a civilian enterprise base guide, as defined in § 806.2(b)(3), the name of the civilian publisher will be printed prominently just above the disclaimer. The format for the entire guide will be designed so that even a casual observer could not mistake the publication for an official guide or directory. Before agreeing to accept any such guide for distribution, base commanders will notify the prospective civilian publisher in writing of the terms and conditons under which the guide will be accepted for distribution on the base. Conditions specified will include the points previously set forth in this section, plus these:

(1) No telephone numbers of base personnel, or complete military organizational phone numbers, charts, or listings will be included. At the discretion of the base commander emergency and service numbers, i.e., hospital, air police, etc., may be included.

(2) The unofficial nature of the guide will be made plain to every person or firm solicited for advertising. Any brochure or letter from the publisher to a prospective advertiser must make this clear. Specifically, no statement may be made that the commander or any of his staff will pass upon advertising submitted.

(3) On one of the inside pages, the publisher's name, permanent address, and telephone number will be shown plainly.

(4) The name of the installation, organization, or military post office address will be excluded from the publisher's letterhead or mailing address.

(5) References to base exchanges or commissaries will contain only the location and hours of operation.

(g) Base or equivalent commanders concerned may authorize publication of organization or base yearbooks provided such publications do not contain information determined to be of possible value to a potential enemy. Types of such information include, but are not limited to:

(1) Detailed biographic data of other than key personnel.

(2) Information on special combat equipment.

(3) Detailed manning and specialties of key combat and support units.

(4) Other detailed air order of battle data.

§ 806.6 Political advertising.

Political advertisements in commercial enterprise newspapers should be clearly recognizable as advertisements and the line "This is a paid political advertisement" should appear at top and bottom of the advertisement.

§ 806.7 Commercial advertising.

(a) To be acceptable for on-base distribution, no advertising in commercial enterprise newspapers shall be worded or phrased to give the reader the impression that the Air Force in any way endorses, guarantees, or sponsors any product or service. Advertisements which appear as editorials or news stories may be confused as such by readers, and should be clearly labelled, top and bottom, as advertisements.

(b) Military and civilian personnel are prohibited from soliciting or endorsing advertisements carried in commercial enterprise newspapers.

(c) Commanders authorizing the distribution of commercial enterprise newspapers within their commands will insure that newspaper advertisements conform to the principles of good taste, and that the amount of space in each issue used for advertisements does not detract from the primary purpose of the publication, which is to provide news and information of particular interest to the command.

(d) Satisfactory ratio of advertising copy versus news copy is:

(1) 8-page newspaper, 50 percent ads.

(2) 12–16 page newspaper, 55 percent ads.

(3) 20–24 page newspaper, 60 percent ads.

(4) Over 24 page newspaper, 65 percent ads.

§ 806.8 Mailing newspapers.

Air Force newspapers transmitted through the mails will be made to conform to the provisions of 18 U.S.C. 1302. Specifically, newspapers are to avoid mention of lotteries or games of chance of any kind. The penalties for mailing newspapers containing such information call for fines up to $1,000 or two years imprisonment.

By Order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–2636; Filed, Mar. 19, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 2), Amdt. 9]

RESIDUAL FUEL OIL TO BE USED AS FUEL

Miscellaneous Amendments

In the FEDERAL REGISTER for March 1, 1962 (27 F.R. 2014) notice was given of amendments proposed to sections 4, 5, 12, 13, and 22 of Oil Import Regulation 1 (Revision 2) as amended. The proposed amendments relate to imports of residual fuel oil to be used as fuel, except a minor, clarifying amendment to section 13, which relates to allocations of finished products. All of the comments received were carefully considered, although a number of them were addressed to subjects beyond the province of Secretarial rulemaking, such as the elimination of restrictions upon imports of residual fuel oil and the creation of a new basis of eligibility for allocations. Several comments stated that a larger quantity of imports should be distributed to "terminal inputers." Further consideration of the amendments proposed to paragraphs (a) and (b) of section 12 confirmed the conclusion that, in the circumstances, a reasonable and equitable balance between the two categories of importers would be maintained under these provisions. No objections were received with respect to the technical and clarifying amendments proposed. Accordingly, the amendments as proposed are adopted with two additional clarifying changes. A specific provision has been inserted in paragraph (c) of section 12 to make it clear that the revised provisions for the computation of terminal inputs will be applicable to the

year ending December 31, 1962 and successive years. Similarly, a specific provision has been inserted in subparagraph (3) of paragraph (c), section 12, to indicate that the prohibitions contained in subparagraph (7) are applicable.

1. Amendments 3 and 7 dated December 24, 1960 (25 F.R. 13768) and June 12, 1961 (26 F.R. 5396) respectively to Oil Import Regulation 1 (Revision 2) are revoked.

2. Section 12A of Oil Import Regulation 1 (Revision 2) (26 F.R. 2123) is revoked.

3. Paragraph (d) of section 4 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 2121) is further amended to read as follows:

Sec. 4. Eligibility for allocations.

* * * * *

(d) To be eligible for an allocation of Imports into District I of residual fuel oil to be used as fuel a person must:

(1) Have imported residual fuel oil used as fuel into District I during the calendar year 1957, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and, at the time an application for an allocation is made, have under his management and operational control a deep-water terminal located in District I and, for the allocation period April 1, 1962 through March 31, 1963, have had terminal inputs into such deep-water terminal during the year ending December 31, 1961, and for each successive yearly allocation period have had terminal inputs into his deep-water terminal during the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

NOTE: Except for paragraph (d), the current provisions of section 4 appear in Amendment 6 (26 F.R. 2121) to Oil Import Regulation 1 (Revision 2).

4. Paragraph (b) of section 5 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 2122) is further amended to read as follows:

Sec. 5. Applications for allocations.

* * * * *

(b) For the allocation period beginning April 1, 1962 through March 31, 1963 and each successive allocation period thereafter, an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

NOTE: Except for paragraph (b), the current provisions of section 5 appear in Amendment 6 (26 F.R. 2121, 2122) to Oil Import Regulation 1, Revision 2.

5. Section 12 of of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 2122, 2123) is further amended to read as follows:

Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.

(a) If during the calendar year 1957 an applicant imported into District I residual fuel oil used as fuel, he shall be entitled, for the allocation period April 1, 1962 through March 31, 1963, to an allocation of imports into District I of residual fuel oil to be used as fuel equal to 85 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by the total amount of imports into District I of residual fuel oil to be used as fuel available for allocation during the allocation period minus the quantities of imports of such oil granted to petitioners by the Oil Import Appeals Board.

(b) Except as provided in paragraph (a) of this section and unless an allocation under paragraph (a) would be larger, each person who is an eligible applicant under clause (2), paragraph (d), section 4 of this regulation shall receive for the allocation period April 1, 1962 through March 31, 1963 from the quantity of imports of residual fuel oil to be used as fuel which is available for allocation on the basis of terminal inputs (after allocations have been made pursuant to decisions of the Oil Import Appeals Board and on the historical basis as provided in paragraph (a) of this section) an allocation of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending December 31, 1961 and computed according to the following schedule:

Average B/D input	*Percent of input*
0–1,000	100
1–5,000	45.1
5–10,000	31.8
10–30,000	17.6
30,000 plus	11

(c) (1) During the year ending December 31, 1962 and succeeding years, terminal inputs shall be computed only as provided in this paragraph (c).

(2) In order to constitute a terminal input a delivery into a deep-water terminal (or a withdrawal as provided in subparagraph (6) of this paragraph) must have occurred during the year ending three months prior to the beginning of the allocation period for which an allocation is requested.

(3) Except as provided in subparagraph (6) and (7) of this paragraph, an eligible applicant may count as a terminal input residual fuel oil to be used as fuel which was delivered into a deep-water terminal in District I under his management and operational control if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep-water terminal in District I. However, an eligible applicant must reduce his terminal inputs by the quantity of residual fuel oil to be used as fuel which he transfers from his deep-water terminal in District I:

(i) If that oil is delivered to a deep-water terminal in District I under the management and operational control of a person who is an eligible applicant under clause (2), paragraph (d), section 4 of this regulation, and

(ii) If title to the oil passes to the transferee (buyer) when it is delivered to the transferee's deep-water terminal. In such an instance, the transferee (buyer) may claim as a terminal input the quantity of oil so transferred.

(4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) sold to a person who was not in the business of selling residual fuel oil to be used as fuel and (iii) delivered to a deep-water terminal in District I under the management and operational control of such person, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(5) In addition, an eligible applicant who has under his management and operational control a deep-water terminal in District I, may count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned and (ii) sold to a Federal agency, or to an agency of a State or a political subdivision of a State, and (iii) delivered to a deep-water terminal in District I for the account of such agency, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(6) No residual fuel oil to be used as fuel may be counted as a terminal input when it is placed, or so long as it remains, in bonded storage at a deep-water terminal in District I. An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which he owned when it was placed in bonded storage in a deep-water terminal under his management and operational control in District I when such oil is withdrawn from bonded storage for use in District I or for bunkering ships in the coastwise trade, except as provided in subparagraph (7) of this paragraph. However, if such oil is withdrawn from bonded warehouse for consumption and is transferred to another deep-water terminal in District I, then the provisions in subparagraph (3) of this paragraph relating to transfers shall apply.

(7) Residual fuel oil consumed by an applicant in refinery or terminal operations, as bunkers for his ships, or for any other purpose, may not be counted as a terminal input.

(d) The allocations under paragraphs (a) and (b) of this section shall be made for periods of twelve months. The Administrator shall, however, issue licenses in an amount not to exceed 20 percent of each allocation for the period of three months beginning April 1, 16 percent for the period of three months beginning July 1, 27 percent for the period of three months beginning October 1, and 37 percent for the period of three months beginning January 1. All licenses will be valid until March 31, 1963. Upon a showing that compliance with the requirements of this paragraph will prevent a person from importing in full tanker cargoes or for other good cause shown, the Administrator may upon written petition adjust the percentages for a particular licensing period in licenses issued to the petitioner to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief.

(e) If any part of a deep-water terminal is removed from the management and operational control of an eligible applicant by sale, transfer, lease, or any other means, the part so removed shall not constitute a separate deep-water terminal for the purpose of computing allocations based on terminal inputs. An allocation will be computed as if the transaction had not taken place. After the allocation for a particular allocation period has been so computed, the Administrator may, in his discretion, divide the allocation between the eligible applicant from whose management and operational control the part of the terminal was removed and the person who assumed management and operational control, if these persons agree upon, and request, a division.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships' bunkers.

6. Section 13 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 2123) is further amended to read as follows:

Sec. 13. Allocations of finished products—Districts I–IV, Districts II–IV, District V.

(a) The quantity of imports of finished products other than residual fuel oil to be used as fuel determined to be available for allocation in Districts I–IV, and in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of such products in the respective districts during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

7. Section 14 of Oil Import Regulation 1 (Revision 2) (25 F.R. 13768), reading as follows, is incorporated in this amendment without change:

Sec. 14. Determination of maximum level of imports—Puerto Rico.

(a) Pursuant to section 2 of Proclamation 3279, it is determined (1) that the average barrels per day of imports of crude oil and unfinished oils into Puerto Rico during any particular allocation period shall not exceed the average barrels per day, as determined by the Administrator, during the month of July of the calendar year 1958 of imports of such commodities into Puerto Rico, and (2) that the average barrels per day, as determined by the Administrator, of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel into Puerto Rico during any particular allocation period shall not exceed the average barrels per day of imports of such products, respectively, into Puerto Rico during the last half of the calendar year 1958.

(b) The Administrator shall from time to time review the determinations set forth in paragraph (a) of this section and shall recommend to the Secretary of the Interior that the level of imports be increased or decreased as may be required to meet increases or decreases in local demand in Puerto Rico or in demand for export to foreign areas.

8. Paragraph (m) of section 22 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 2124) is further amended to read as follows:

Sec. 22. Definitions.

* * * * *

(m) "Deep-water terminal" means a permanent land installation which (1) consists of bulk storage tanks, pumps, and pipelines used for the storage, transfer, and handling of residual fuel oil, (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated at 15,000 cargo deadweight tons, and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

NOTE: Except for paragraph (m), the current provisions of section 22 appear in Amendment 6 (26 F.R. 2123, 2124) to Oil Import Regulation 1, Revision 2.

9. After the issuance of this Amendment 9, there will be in force Oil Import Regulation 1 (Revision 2) (25 F.R. 4957) as amended by Amendment 6 (26 F.R. 2121) by Amendment 8 (26 F.R. 11973), and by this Amendment 9.

Allocations of imports of residual fuel oil to be used as fuel must be made and licenses must be issued before April 1, 1962. It is important that the revised provisions respecting the computation of terminal inputs become effective promptly. Accordingly, it would not be in the public interest to delay the effective date of the changes made to section 12. The character of the minor changes made in sections 4, 5, 13, and 22 is such as to make a delay in the effective date unnecessary. No change is made in section 14. Accordingly, this Amendment 9 shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 14, 1962.

[F.R. Doc. 62-2642; Filed, Mar. 19, 1962; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Postal Money Order Service With Cuba Suspended

Postal money order service between the United States and Cuba will be suspended effective March 19, 1962. Money orders issued in the United States on and after this date will not be paid in Cuba. No Cuban money order issued on and after March 19, 1962, will be accepted for payment in the United States.

Accordingly, the regulations of the Post Office Department are amended as follows:

I. In § 61.2 *Issuance of international money orders*, as published in 26 F.R. 11597–11598, and as amended by 27 F.R. 224, delete "Cuba" from the alphabetical listing of countries in paragraph (g).

NOTE: The corresponding Postal Manual section is 171.27.

II. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725–8805, the country "Cuba", as amended by 26 F.R. 10972, under Postal Union Mail, is further amended by revising the item *Money orders* to read as follows:

Money orders. No service.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2671; Filed, Mar. 19, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2633]

ALASKA

Revoking Public Land Order No. 1251 of November 10, 1955, in Part, and the Departmental Order of January 15, 1940, in its Entirety (Air Navigation Site No. 132); Withdrawing Lands for Use of Alaska Railroad

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, (38 Stat. 305; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue

of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 1251 of November 10, 1955, so far as it withdrew lands for use of the Department of Aviation of the Alaska Aeronautics and Communications Commission, and the Departmental order of January 15, 1940, which established Air Navigation Site No. 132, as modified, are hereby revoked so far as they affect the following described lands:

[Anchorage 050207]

[Anchorage 049075]

WILLOW AREA

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 6, SE¼;
Sec. 7, E½NE¼;
Sec. 8, lots 1, 2, that portion of the NE¼ SW¼ lying outside the Alaska Railroad right-of-way, and SE¼SW¼;
Sec. 17, SW¼NE¼, that portion lying westerly of a line 200 feet from and parallel to the centerline of the main track of the Alaska Railroad, and E½NW¼.

The areas described aggregate 487.98 acres, of which the SE¼SW¼, sec. 8, and the NE¼NW¼, sec. 17, are patented.

2. Subject to valid existing rights, the following described lands, some of which are described in paragraph 1, of this order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Alaska Railroad for railroad purposes:

[Anchorage 054792]

WILLOW AREA

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 17, SW¼NE¼ and W½SW¼SE¼NE¼.

The areas described aggregate approximately 45 acres.

3. Until 10:00 a.m. on June 13, 1962, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by paragraph 1 of this order and not otherwise withdrawn by paragraph 2, hereof, in accordance with and subject to the limitations and requirements of the act of July 28 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on June 13, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to existing valid rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

MARCH 14, 1962.

[F.R. Doc. 62-2639; Filed, Mar. 19, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 122—QUARTERLY OPERATING REPORTS—RAILROADS

Express Company Revenues and Expenses

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of February A.D. 1962.

The matter of reports of revenues and expenses of express companies being under further consideration; and

It appearing, that, by order of the Commission entered February 9, 1909, all express companies are required to file with the Commission monthly reports of their operating revenues, operating expenses, and taxes;

It further appearing that Railway Express Agency, Inc., is the only express company now making reports under the provisions of such order;

And it further appearing, that, the reporting carrier has no objection to quarterly reports to be filed 45 days after the close of the reporting period, and that compliance with the rule making requirements of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, will be unnecessary:

It is ordered, That 49 CFR 122.11, *Revenues and expenses*, its terms applying only to a single reporting company, be deleted as to reports for periods beginning January 1, 1962, and later, that the title of 49 CFR Part 122 be changed to read, "Quarterly Operating Reports—Railroads", and that subpart titles "Subpart A—Railroads" and "Subpart B—Express Companies" be eliminated.

It is further ordered, That, with respect to reports for the three months beginning January 1, 1962, and thereafter until further order, the ordering paragraphs of the order of February 9, 1909, in the matter of Monthly Report Form for Express Companies, be and they are hereby, modified and amended to read as shown in the following ordering paragraph:

Commencing with the report for the three months beginning January 1, 1962, and thereafter until further order, Railway Express Agency, Inc., be and it is hereby, required to file quarterly reports of revenues, expenses, and taxes, in accordance with quarterly report Form R&E (Express),[1] which is attached to and made a part of this order. Such quarterly report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., within 45 days after the end of the quarter to which it relates.

And it is further ordered, That, a copy of this order and of quarterly report form R&E (Express) shall be served upon Railway Express Agency, Inc., and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-2652; Filed, Mar. 19, 1962; 8:46 a.m.]

[1] Filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

RETAILERS EXCISE TAX ON TOILET PREPARATIONS

Notice of Proposed Rule Making

On July 22, 1960, notice of proposed rule making with respect to the regulations under section 4021 of the Internal Revenue Code of 1954, as amended (relating to the retailers excise tax on toilet preparations) proposed to be prescribed as § 48.4021-1 was published in FEDERAL REGISTER (25 F.R. 6974). Such proposed regulations are hereby withdrawn.

Further notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations herein before withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Section 48.4021-1 of Subpart D of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) set forth below is hereby prescribed under subchapter C of chapter 31 of the Internal Revenue Code of 1954, as amended, relating to retailers excise tax on toilet preparations, effective January 1, 1959, except as otherwise provided:

§ 48.4021-1 Imposition of tax.

(a) *Toilet articles.* (1) The tax attaches to the sale by the retailer of the following articles specifically enumerated in section 4021—

Perfume.
Essences.
Extracts.
Toilet waters.
Cosmetics.
Petroleum jellies.
Hair oils.
Pomades.
Hair dressings.
Hair restoratives.
Hair dyes.
Toilet powders.

and similar articles commonly or commercially known as toilet articles which are used or applied, or intended to be used or applied, for toilet purposes. Any substance, article, or preparation advertised or held out for toilet purposes shall be subject to the tax regardless of the name by which it may be known or distinguished. The tax attaches to the sale by the retailer of any substance, article, or preparation which is used or applied, or intended to be used or applied, for toilet purposes or used in connection with the bath or care of the body, or applied to the clothing as a perfume or to the body as a toilet article. Factors which shall be taken into account in determining the purpose of a product include the advertising and promotional claims made for the product, its packaging, labeling, and display, and the type of consumer to which the advertising is directed.

(2) A product which is used, or held out for use, as an adjunct to the toilet or for toilet purposes, is subject to the tax even though such product may have, or may be held out to have, a medicinal, stimulating, remedial, or curative value. Thus, for example, lotions, creams, oils, etc., even though having or held out as having medicinal properties, are subject to the tax if used or held out for use for such toilet purposes as:

(i) The treatment of dry, oily, or falling hair;

(ii) A skin cleanser, astringent, make-up base, or other agent for conditioning or improving the appearance of the skin;

(iii) The care of the skin before exposure to the sun, wind, cold, or other weather conditions, such as for the prevention of sunburn or chapped lips, or for the care of the skin before exposure to household irritants, such as dirt, grime, cleaning products, etc.;

(iv) The care of the skin after exposure to weather conditions or to household irritants, unless the product is a medication not subject to tax as provided in paragraph (b).

(b) *Medication.* A product shall not be subject to the tax if the product is a medication and if the product is held out for use for:

(1) The relief, remedy, or cure of diseased or injured conditions of the skin, such as those caused by acne, "athlete's foot", dandruff, or burns (including sunburn);

(2) The relief, remedy, or cure of irritated conditions of the lips, such as cold sores, fever blisters, and other irritations of the lips caused by sun, wind, or other elements; or

(3) Other medicinal purposes, such as for use as an antiseptic or for the relief of muscular aches.

(c) *Effective date.* Paragraphs (a) and (b) of this section shall be effective with respect to sales by the retailer made on or after the first day of the first month which begins more than 60 days after the date of publication of this section in the FEDERAL REGISTER. For regulations applicable to sales prior to such first day of articles subject to tax under section 4021, see Regulations 51 (1941 Edition, as amended), 26 CFR (1939) Part 320, which were made applicable under the Internal Revenue Code of 1954 by Treasury Decision 6091 (19 F.R. 5167, August 17, 1954).

(d) *Aromatic cachous.* The tax on sales at retail of aromatic cachous does not apply to sales after April 30, 1960.

(e) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G of this part.

(f) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4021.

(g) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G of this part.

[F.R. Doc. 62-2662; Filed, Mar. 19, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CRATER LAKE NATIONAL PARK, OREGON

Boating

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 7.2 as set forth below. The purpose of this amendment is to place limitations upon boating and related water activities upon the waters of Crater Lake National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (d) is added to § 7.2 to read as follows:

§ 7.2 Crater Lake National Park.

* * * * *

(d) *Boating.* No water borne craft or devices of any kind other than those vessels owned and operated by the National Park Service and Park concessioner, shall

be permitted upon the waters of the Park.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 14, 1962.

[F.R. Doc. 62-2640; Filed, Mar. 19, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Conversion Factors

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

The said amendment would revise the provisions of § 908.139 *Conversion factors* (24 F.R. 3623) as follows:

§ 908.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 40 pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.
(b) Twenty 2-lb. bags equal 1 carton.
(c) Thirteen 3-lb. bags equal 1 carton.
(d) Ten 4-lb. bags equal 1 carton.
(e) Eight 5-lb. bags equal 1 carton.
(f) Seven 6-lb. bags equal 1 carton.
(g) Six 7-lb. bags equal 1 carton.
(h) Five 8-lb. bags equal 1 carton.

Dated: March 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2647; Filed Mar. 19, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 426) has been filed by Reynolds Metal Company, Tenth and Byrd Streets, Richmond 19, Virginia, proposing the issuance of a regulation to provide for the safe use of tetrahydrofuran as a solvent for the casting of polyvinyl chloride films, for use in contact with food, provided that not more than 1.5 percent of this solvent remains in the finished film.

Dated: March 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2654; Filed, Mar. 19, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 717, 718, 719, 720) have been filed by Vitagen Corporation, 1263 Westwood Boulevard, Los Angeles, California, proposing the issuance of an amendment to § 121.1060 to provide for the safe use of combustion product gas in or on dehydrated fruits, dehydrated vegetables, dehydrated meats and meat-vegetable combinations, and dehydrated dairy products.

Dated: March 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2655; Filed, Mar. 19, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14229 etc.; FCC 62-271]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS; DEINTERMIXTURE OF CERTAIN CITIES; ASSIGNMENT OF ADDITIONAL VHF CHANNELS

Order Extending Time for Filing Reply Comments

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; in the matters of Deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246; in the matters of assignment of an additional VHF Channel to Oklahoma City, Okla.; Johnstown, Pa.; Baton Rouge, La.; Dayton, Ohio; Jacksonville, Fla.; Birmingham, Ala.; Knoxville, Tenn.; Charlotte, N.C., Docket Nos. 14231, 14232, 14233, 14234, 14235, 14236, 14237, 14238.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

The Commission has had various inquiries concerning an extension of time for filing reply comments, due March 23, 1962, in the above-proceedings.

The parties have urged that they need additional time to prepare and file reply comments in view of the voluminous comments filed, the delay the parties have encountered in securing copies, and other circumstances. KOCO-TV opposed any extension of time in Docket No. 14231.

The Commission is of the view that the public interest will be served by extending the time for reply comments in this proceeding.

Accordingly, the time for filing reply comments in the above-proceedings is extended from March 23, 1962 to June 22, 1962.

This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Released: March 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2669; Filed, Mar. 19, 1962; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14421 etc.]

TABLE OF ASSIGNMENTS FOR CERTAIN TELEVISION BROADCAST STATIONS IN FLORIDA, KENTUCKY AND GEORGIA

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (State of Florida), (State of Kentucky) and (State of Georgia), Docket No. 14421 (RM-235); Docket No. 14396 (RM-274); Docket No. 14409 (RM-290).

1. Proposals to reserve UHF channels for noncommercial educational use in the States of Florida (Docket No. 14421), Kentucky (Docket No. 14396) and Georgia (Docket No. 14409) are being considered in the above-captioned dockets. They are intimately related to the general UHF proceeding in Docket No. 14229 and are being considered concurrently with that docket.

2. On March 7, 1962, the Commission extended the time for filing reply comments in Docket No. 14229 from March 23, 1962 to June 22, 1962. A similar extension of time for parties to file reply comments on the proposals for the reservation of UHF channels for educational use in these proceedings is therefore considered to be desirable and warranted.

3. *Accordingly, it is ordered,* This 9th day of March 1962, That the time for filing reply comments in Docket No. 14421, Docket No. 14396 and Docket No. 14409 is extended from March 23, 1962 to June 22, 1962.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Adopted: March 13, 1962.

Released: March 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2670; Filed, Mar. 19, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Maximum Level

Pursuant to paragraph (e) of section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into District I of residual fuel oil to be used as fuel shall be 507,000 barrels daily for the allocation period April 1, 1962, through March 31, 1963. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 14, 1962.

[F.R. Doc. 62-2641; Filed, Mar. 19, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

PAUL BUTLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions:
Butler Aviation-Milwaukee.
Ginger Basin Company.
Champion Paper Export Corporation.
Champion Paper Corporation, S.A.
B. Additions:
Change name of Butler Overseas Corporation to Oak Brook Development Company.
Butler Aviation Company.
Butler Aviation-San Francisco, Inc.
Change name of Butler Aviation, Inc. to Butler Aviation-O'Hare, Inc.
Consolidated Oil & Gas Inc.
American Rental Sustems, Inc.
Drake Oak Brook, Inc.

This statement is made as of February 1, 1962.

PAUL BUTLER.

FEBRUARY 1, 1962.

[F.R. Doc. 62-2648; Filed, Mar. 19, 1962; 8:46 a.m.]

ROBERT L. TURNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1962.

ROBERT L. TURNER.

FEBRUARY 1, 1962.

[F.R. Doc. 62-2649; Filed, Mar. 19, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Big Yank Corp., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss.; effective 2-14-62 to 2-13-63 (men's and boys' pants and men's work shirts).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; effective 2-23-62 to 2-22-63 (men's and boys' work and semidress trousers).

J. A. Lamy Manufacturing Co., 106 West Pacific, Sadalia, Mo.; effective 2-24-62 to 2-23-63 (men's, boys' and women's dungarees).

Linda Lane Garment Co., Inc., 106 West Bluff and 204 North Main, Excelsior Springs, Mo.; effective 2-16-62 to 2-15-63 (ladies', nurses' and maids' uniforms).

The Manhattan Shirt Co., Ashburn, Ga.; effective 3-2-62 to 3-1-63 (men's pajamas and ladies' shirts, blouses, etc.).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 2-19-62 to 2-18-63 (ladies' underwear).

Twin City Manufacturing Co., Twin City, Ga.; effective 2-14-62 to 2-13-63 (men's dress and sport shirts).

Jack Winter Manufacturing Corp., Marianna, Ark.; effective 2-23-62 to 2-22-63 (men's and ladies' slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Berlin Manufacturing Co., Inc., Berlin, Md.; effective 2-23-62 to 2-22-63; 10 learners (work pants).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; effective 2-23-62 to 2-22-63; 10 learners (dungarees, overalls, shirts).

Eileen Hope Inc., 1424 Herr Street, Harrisburg, Pa.; effective 2-19-62 to 2-18-63; 10 learners (women's dresses).

Eileen Hope, Inc., Liverpool, Pa.; effective 2-19-62 to 2-18-63; 10 learners (women's dresses).

Kilgore Manufacturing Co., 400 South Longview Street, Kilgore, Tex.; effective 2-19-62 to 2-18-36; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (dresses, blouses, slacks, etc.).

Sherrie Classics Manufacturing Co., 207 Kansas Avenue, Chickasha, Okla.; effective 2-14-62 to 2-13-63; seven learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's dresses and children's blouses).

Sherrie Classics Manufacturing Co., Highway 77, Purcell, Okla.; effective 2-14-62 to 2-13-63; three learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses, shorts, and slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 2-15-62 to 8-14-62; 40 learners (children's outerwear).

Cluett, Peabody & Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 2-19-62 to 8-18-62; 25 learners (men's sport shirts).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 2-19-62 to 8-18-62; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (misses' and women's blouses).

Petersburg Manufacturing Co., Petersburg, Tenn.; effective 2-14-62 to 8-13-62; 75 learners (men's and boys' unlined outerwear jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Northern Glove and Mitten Co., 1514 Morrow Street, Green Bay, Wis.; effective 2-15-62 to 2-14-63; five learners for normal labor turnover purposes (leather gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 2-27-62 to 2-26-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Charles H. Bacon Co., Lenoir City, Tenn.; effective 2-17-62 to 2-16-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knit-Sox Knitting Mills, Inc., 11 Eighth Street SE., Hickory, N.C.; effective 2-15-62 to 2-14-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., Inc., Gill Street, Hazlehurst, Ga.; effective 2-14-62 to 2-13-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear—slips, nightgowns, and panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Bayuk International, Inc., Route 147, Km. 112, Ciales, P.R.; effective 1-15-62 to 7-14-62; 130 learners for plant expansion purposes, in the occupations of sorter, sizer and tyer, and grader, each for a learning period of 240 hours at the rate of 63 cents an hour (wrapper type tobacco).

Bratex Corp., Road No. 701, Km. 0.3, Salinas, P.R.; effective 1-15-62 to 7-14-62; 65 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (brassieres).

Caribe Brassiere Co., Inc., Caguas, P.R.; effective 1-15-62 to 1-14-63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Caribe Brassiere Co., Inc., Caguas, P.R.; effective 1-15-62 to 7-14-62; 90 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Defiance Machine and Tool Co., Inc., 101 Colon Street, Aguada, P.R.; effective 1-22-62 to 7-21-62; 11 learners for plant expansion purposes in the occupations of assembly specialist, single spindle drill press operator, engine lathe operator and milling machine operator, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (automatic embossing instruments).

De Luxe Caribe, Inc., Barceloneta Street, Florida, P.R.; effective 1-22-62 to 7-21-62; 23 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (girdles and allied products).

Economy Industries, Inc., Rio Grande, P.R.; effective 1-8-62 to 1-7-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (a) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of blouses; (b) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of dresses; (2) machine operations other than sewing machine—collar turner and trimmer, each for a learning period of 160 hours at the rates of: (a) 65 cents an hour in the manufacture of blouses; (b) 72 cents an hour in the manufacture of dresses (ladies' blouses and dresses).

Economy Industries, Inc., Rio Grande, P.R.; effective 1-8-62 to 7-7-62; 20 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (a) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of blouses; (b) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of dresses; (2) machine operations other than sewing machine-collar turner and trimmer, each for a learning period of 160 hours at the rates of: (a) 65 cents an hour in the manufacture of blouses; (b) 72 cents an hour in the manufacture of dresses (ladies' dresses and blouses).

Electrospace Corp. of P.R., Naguabo, P.R.; effective 1-10-62 to 5-5-62; 72 learners for plant expansion purposes in the occupations of assembler of electronic parts, cable assembler, operator of automatic wire cutting machine, and inspector, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electronic signal equipment) (replacement certificate).

Fleurs de France, Inc., Urb. Industrial Hato Rey, Santurce, P.R.; effective 1-25-62 to 1-24-63; 10 learners for normal labor turnover purposes in the occupations of: (1) Injection moulding machine operator for a learning period of 160 hours at the rate of 63 cents an hour; (2) assembly of plastic flowers for a learning period of 160 hours at the rate of 63 cents an hour (artificial plastic flowers).

Fleurs de France, Inc., Urb. Industrial Hato Rey, Santurce, P.R.; effective 1-25-62 to 7-24-62; five learners for plant expansion purposes, in the occupations of: (1) Injection moulding machine operator for a learning period of 160 hours at the rate of 63 cents an hour; (2) assembly of plastic flowers for a learning period of 160 hours at the rate of 63 cents an hour (artificial plastic flowers).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 1-10-62 to 1-9-63; 13 learners for normal labor turnover purposes, in the occupations of molders and assemblers, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical wiring devices).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 1-10-62 to 7-9-62; 11 learners for plant expansion purposes, in the occupations of molder and assembler, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical wiring devices).

Janrico, Inc., Rincon, P.R.; effective 1-9-62 to 6-19-62; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Dorado, P.R.; effective 1-19-62 to 6-18-62; 120 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Rico Plastics, Inc., Km. 24.9 Old Road No. 2, Dorado, P.R.; Bayamon, P.R.; effective 1-22-62 to 7-21-62; 15 learners for plant expansion purposes, in the single occupations of basic hand and/or machine production operations: Vacuum forming; sawing; drilling; shaping; polishing; spray painting; grinding; silk screen painting; cementing and packing, for a learning period of 480 hours at the rates of 56 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (plastic products).

Saliva Soria Hermanas, Inc., Mayaguez, P.R.; effective 1-22-62 to 7-21-62; 20 learners for plant expansion purposes in the single occupation of basic hand production operations: Cutting ribbon; assembling ribbon; pasting ribbon tacking, for a learning period of 240 hours at the rate of 72 cents an hour (Girl Scouts' emblems).

Sally Manufacturing Corp., Juana Diaz, P.R.; effective 1-29-62 to 1-28-63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Sea Isle Manufacturing Corp., Fajardo, P.R.; effective 1-22-62 to 1-21-63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' and children's panties).

Sea Isle Manufacturing Corp., Fajardo, P.R.; effective 1-22-62 to 7-21-62; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' and children's panties).

Southdale Knitting Mills, Inc., San German, P.R.; effective 1-8-62 to 1-7-63; five learners for normal labor turnover purposes, in the occupations of: (1) Knitter and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Southdale Knitting Mills, Inc., San German, P.R.; effective 1-8-62 to 7-7-62; 11 learners for plant expansion purposes, in the occupations of: (1) Knitter and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Sun Manufacturing, Inc., Mayaguez, P.R.; effective 1-10-62 to 1-9-63; 10 learners for normal labor turnover purposes, in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except alip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer, shover or pusher; sock lining getter; or any nonpro-

ductive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (canvas uppers for vulcanized shoes).

Sun Manufacturing, Inc., Mayaguez, P.R.; effective 1-10-62 to 7-9-62; 40 learners for plant expansion purposes, in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock lining getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (canvas upper for vulcanized shoes).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period, and the number or proportion of learners authorized to be employed are as indicated.

St. Croix Textile Mills, Inc., Estate Friedenthall, Christiansted, St. Croix, U.S. Virgin Islands; effective 1-15-62 to 1-14-63; five learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 60 cents an hour (wool yarn).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 13th day of March 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-2643; Filed, Mar. 19, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13055]

SEATTLE-FAIRBANKS FARE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be heard on March 28, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 15, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2660; Filed, Mar. 19, 1962; 8:47 a.m.]

[Docket No. 13448; Order E-18102]

PRIVATE AIRLINE CLUB WAITING ROOMS

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of March 1962.

American Airlines, Inc., Continental Air Lines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., each maintains restricted waiting rooms at various major air terminals served by it. Admission to these restricted waiting rooms is generally limited to individuals who have been selected by the carriers and honored with a membership in a so-called private airline club.[1] Passengers who are not members of the airlines' clubs are denied admission to and use of these restricted waiting rooms and services connected therewith.

These restricted waiting rooms have been operated by the airlines for several years, the earliest having been opened in 1938. The Board has never formally investigated the operations of these restricted waiting rooms nor established any policies or standards with respect thereto. However, during the past year the Board has received inquiries which raised questions concerning the lawfulness of these restricted waiting rooms.

The Board has therefore determined on its own motion to institute a general investigation of the practices of the above-mentioned airlines in operating restricted waiting rooms at the various air terminals in the United States, its territories, and possessions. The investigation ordered herein will not encompass an enforcement proceeding, but rather will be a rule-making proceeding to determine whether the carriers' practices in sponsoring private airline clubs which maintain restricted waiting rooms constitute unjust discrimination, undue preference, undue prejudice, rebates, unfair competitive practices, or are otherwise unlawful, and to prescribe the Board's regulatory policy thereof for the future.[2] The matters to be developed in this proceeding include the criteria and manner of selection and admission to the restricted waiting rooms, privileges, and services available in the restricted waiting rooms, and cost to the airlines of sponsoring and maintaining these restricted facilities.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102(a), 403 (a) and (b), 404 and 1002 thereof, *It is ordered*, That:

1. An investigation is instituted to determine whether the practices of American Airlines, Inc., Continental Air Lines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. in sponsoring private airline clubs which maintain restricted waiting rooms at the various air terminals within the United States, its territories and possessions, or in operating such restricted waiting rooms are, or will be, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful practices.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. Copies of this order be served upon American Airlines, Inc., Continental Air Lines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2661; Filed, Mar. 19, 1962; 8:48 a.m.]

[1] American sponsors: The Admirals Club; Continental, The Presidents Club; Pan American, The Clipper Club; and Trans World, The Ambassadors Club. These are not clubs in the true sense for it appears that the carriers, and not the membership, control admission policies. Restrictions on membership in these clubs do not appear to be based upon race, color, creed, or ethnic considerations, but rather upon the individual's prominence or travel potential.

[2] None of the carriers' tariffs contain provisions concerning the operations of these restricted waiting rooms. This investigation will therefore also determine whether the lawful practices of the airlines with respect to these restricted facilities and services are fileable tariff matter.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14380; FCC 62M-376]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

The Hearing Examiner having under consideration a "Motion For Continuance" filed by KSAY Broadcasting Company on March 13, 1962, in this matter now scheduled for April 3, 1962, and

It appearing, that the parties to the proceeding are attempting to reach a solution of the problems involved and that some or all of the issues may be rendered moot, and

It further appearing, that all parties agree to immediate consideration of this motion and that good cause exists for granting it,

It is ordered, This 14th day of March 1962, that the aforesaid Motion For Continuance is granted and that, accordingly, the hearing now scheduled for

April 3, 1962 is continued to 10:00 a.m., May 1, 1962, in San Francisco, California.

Released: March 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2666; Filed, Mar. 19, 1962; 8:48 a.m.]

[Docket Nos. 14360-14363; FCC 62M-373]

M & M TELECASTERS ET AL.

Order Scheduling Prehearing Conference

In re applications of L. E. Manseau and Daniel E. Molina, d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT-2919; for construction permits for new television broadcast stations.

It is ordered, This 13th day of March 1962, that a further prehearing conference is scheduled for Tuesday, March 20, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2667; Filed, Mar. 19, 1962; 8:48 a.m.]

[Docket No. 14564]

MICHAEL J. TREFF

Order To Show Cause

In the matter of Michael J. Treff, 9618 Heyden, Detroit 28, Michigan, Docket No. 14564; order to show cause why there should not be revoked the license for Radio Station 19A7314 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on October 19, 1961, alleging that, on October 5, 1961, the licensee, while in radio communication with another licensee, used his radio station to transmit communications which were not substantive or related to the business or personal activities of both licensees, in violation of § 19.61(a) of the Commission's rules.

It further appearing, that the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated December 1, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 226889), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee, Michael J. Treff, on December 2, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 13th day of March 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (6) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: March 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2668; Filed, Mar. 19, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2280]

PENNSYLVANIA ELECTRIC CO.

Notice of Application for License

MARCH 13, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pennsylvania Electric Company (correspondence to R. F. Pruner, Secretary, Pennsylvania Electric Company, 222 Levergood Street, Johnstown, Pennsylvania) for license for proposed Project No. 2280, to be known as the Kinzua Pumped Storage Project, to be located on the Allegheny River, in Kinzua Township, Warren County, Pennsylvania, and affecting the U.S. Corps of Engineers' Allegheny Dam and Reservoir.

The proposed project will consist of: A high level off-stream reservoir having 5,280 acre-feet of usable storage; a motor pump-turbine house on the left bank downstream from the dam containing: (1) A 14,000 kw conventional turbine and generator connected by a concrete encased steel penstock 11.5 feet in diameter leading to and operated by water taken directly from the Allegheny River Reservoir; (2) two-100,000 kw motor pump-turbines to recirculate water between the Allegheny River Reservoir and the off-stream pumped storage reservoir; and (3) one-120,000 kw motor pump-turbine which can recirculate water between the Allegheny River Reservoir and the off-stream pumped storage reservoir or if so desired can discharge directly into the Allegheny River downstream from the dam; a 230 kv transmission line about 3,100 feet long extending from the powerhouse to the Glade Switchyard; and all other necessary appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 20, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2638; Filed, Mar. 19, 1962; 8:45 a.m.]

[Docket Nos. CP61-160 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Application, Consolidation and Date of Hearing

MARCH 14, 1962.

El Paso Natural Gas Company, et al., Docket Nos. CP61-180, etc.; The Ohio Oil Company, Docket No. CI62-1054.

Take notice that on March 12, 1962, The Ohio Oil Company (Applicant), 539 South Main Street, Findlay, Ohio, filed in Docket No. CP62-1054 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas produced in the Sawyer Field, Lea County, New Mexico, to El Paso Natural Gas Company (El Paso) pursuant to a gas sales agreement dated April 10, 1961, between Applicant as seller and El Paso as buyer, which agreement was filed concurrently with the subject application. The proposed price under this agreement is 15.5 cents per Mcf at 14.65 psia. The application is on file with the Commission and open to public inspection.

This related matter should be heard on a consolidated record with the proceeding designated as Docket Nos. CP61-180, et al., now scheduled for hearing on March 29, 1962, and disposed of as

promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. CP61–180, et al., already set for hearing at the time and place aforesaid: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Applicants to appear or be represented at the hearing.

Protests or petitions to intervene in the matter of Docket No. CI62–1054 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2657; Filed, Mar. 19, 1962; 8:47 a.m.]

[Project No. 1968]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for Amendment of License

MARCH 14, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Public Service Corporation, of Milwaukee, Wisconsin, for amendment of its license for Project No. 1968 located on the Wisconsin River in Oneida County, Wisconsin.

The application seeks to retire and remove the 500 horsepower generating Unit No. 4 located in the East Power Plant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 30, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2658; Filed, Mar. 19, 1962; 8:47 a.m.]

[Project No. 2085]

MAMMOTH POOL PROJECT, SOUTHERN CALIFORNIA EDISON CO.

Modification of Notice of Land Withdrawal; California

MARCH 14, 1962.

By letter of August 6, 1951, this Commission gave notice to the Director, Bureau of Land Management, of a reservation of approximately 1909.78 acres of United States lands for Project No. 2085 pursuant to the filing of an application for license on June 4, 1951. By Commission letter of February 6, 1953, two erroneously omitted tracts, totaling approximately 120 acres, were added to this withdrawal. On April 27, 1955, this Commission issued a notice of withdrawal for Project No. 2085 reserving approximately 3544.66 acres of United States lands pursuant to an application for amendment of license filed March 14, 1955, and a second application for amendment filed April 14, 1955. (The 2181.89 acres of United States lands withdrawn pursuant to the application for amendment filed March 14, 1955 were largely a duplication of those referred to in the letter of withdrawal notification of August 6, 1951.)

On November 9, 1961, the Southern California Edison Company field revised Exhibits F, J and K, depicting the project as finally adopted, to be included by amendment in the license issued December 20, 1957, effective December 1, 1957, for a period of 50 years.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project and are, from the date of filing of maps of definite location on Nov. 9, 1961, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on Exhibit K, sheets 7007–2 through 7014–2 (FPC Nos. 2085–47 through –54) map exhibits entitled "Exhibit K, detail Map of Mammoth Pool Project, Southern California Edison Company, Los Angeles, October 12, 1961, California," filed in the Federal Power Commission on November 9, 1961, superseding Exhibit K, sheets 7007–1 through 7014–1 (FPC Nos. 2085–16 through –23), and eliminating Exhibit K, sheet 7014–A (FPC No. 2085–29):

T. 6 S., R. 24 E.,
Sec. 25: NW¼SW¼, S½SW¼, SE¼;
Sec. 35: SE¼SW¼, SW¼SE¼, E½SE¼;
Sec. 36: E½, E½W½, NW¼NW¼, W½ SW¼.

T. 7 S., R. 24 E.,
Sec. 1: Lots 1, 2, 3, 4;
Sec. 2: Lots 1, 2, S½NE¼, S½SW¼ SE¼;
Sec. 3: SE¼SW¼, S½SE¼;
Sec. 10: NE¼, E½SE¼;
Sec. 11: N½NE¼, SW¼NE¼, W½, SE¼;
Sec. 14: N½NE¼, SW¼NE¼, NW¼;
Sec. 15: N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, N½SE¼ (Unsurveyed);
Sec. 22: E½W½ (Unsurveyed);
Sec. 27: E½W½;
Sec. 34: SW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, NW¼SE¼.

T. 8 S., R. 24 E.,
Sec. 3: Lot 3, SE¼NW¼, SW¼;
Sec. 10: W½W½;
Sec. 15: W½NW¼, SW¼;
Sec. 16: SE¼NE¼, SE¼SE¼;
Sec. 21: NE¼, NW¼SE¼;
Sec. 22: S½NE¼, NW¼, NW¼SW¼, E½ SW¼, N½SE¼, SE¼SE¼;
Sec. 23: W½SW¼;
Sec. 27: N½NE¼, SW¼NE¼, NW¼, NW¼ SW¼;
Sec. 28: SE¼NE¼, E½SE¼;
Sec. 32: S½NE¼, S½NE¼NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 33: S½NW¼NW¼, SW¼NW¼;

T. 9 S., R. 24 E.,
Sec. 5: N½NE¼, SW¼NE¼, NE¼NW¼, E½SW¼, NW¼SE¼ (Unsurveyed);
Sec. 7: SE¼NE¼, E½SE¼;
Sec. 8: NW¼ W½SW¼ (Unsurveyed);
Sec. 18: Lot 3.

T. 6 S., R. 25 E.,
Sec. 18: SE¼SE¼ (Unsurveyed);
Sec. 19: Lot 2, E½SW¼, NW¼SE¼, and Unsurveyed N½NE¼, SW¼NE¼;
Sec. 30: Lots 1, 2, 3, 4, E½NW¼, NE¼SW¼.

This notice supersedes those given on August 6, 1951, February 6, 1953, and April 27, 1955. The area of United States lands reserved for this project has by this notice been reduced to approximately 2057.93 acres, a reduction of 1486.73 acres. All but 29.01 acres of these lands have been previously withdrawn by Projects No. 67, 105, 120, 2017, 2085 or 2175, or Power Site Classification No. 138. The lands reserved are within the Sierra National Forest.

Copies of the pertinent map exhibits have been transmitted to the Bureau of Reclamation, Bureau of Land Management, Geological Survey and Forest Service.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2650; Filed, Mar. 19, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37599: *Bituminous coal from Western Kentucky to Brownstown, Ind.* Filed by Illinois Freight Association, Agent (No. 153), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in western Kentucky group, to Brownstown, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 71 to Illinois Central Railroad Company tariff I.C.C. I-1850 and supplement 127 to Southern Freight Association tariff I.C.C. 1603 (Spaninger series).

FSA No. 37600: *Petroleum and petroleum products from IFA territory to southern territory.* Filed by Illinois Freight Association, Agent (No. 158), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in carloads, also petroleum lubricating oil, in tankcar loads, from points in Illinois Freight Association territory, to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 90 to Illinois Freight Association tariff I.C.C. 726.

FSA No. 37601: *Pig iron to Fostoria, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2604), for interested rail carriers. Rates on pig iron, in carloads, from Buffalo, Harriet, Niagara Falls, North Tonawanda, and Suspension Bridge, N.Y., Erie, Neville Island, Pittsburgh (West End), and Sharpsville, Pa., also Keokuk, Iowa, to Fostoria, Ohio.

Grounds for relief: Water-rail and market competition.

Tariff: Supplement 48 to New York, Chicago and St. Louis Railroad Company tariff I.C.C. 6322, and other schedules named in the application.

FSA No. 37602: *Superphosphate from Rockland, Fla.* Filed by O. W. South, Jr., Agent (No. A4158), for interested rail carriers. Rates on superphosphate, fertilizers and fertilizer materials, in carloads, from Rockland, Fla., to points in southwestern and western trunk-line territories.

Grounds for relief: Market competition.

Tariff: Supplements 108 and 8 to Southern Freight Association tariffs I.C.C. 1522 and S–184.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2650; Filed, Mar. 19, 1962; 8:46 a.m.]

[Notice 610]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64854. By order of March 14, 1962, the Transfer Board approved the transfer to Bokel Truck Service, Inc., Breese, Ill., of the operating rights in Certificate No. MC 36192 and MC 36192 Sub 1, issued December 2, 1940, and October 10, 1950, respectively, to August Von Bokel, doing business as Bokel Truck Service, Breese, Ill., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over a regular route between Breese, Ill., and St. Louis, Mo.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2651; Filed, Mar. 19, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Release 34–6752]

DETROIT STOCK EXCHANGE

Records Disposal Plan

The Securities and Exchange Commission today announced that it has declared effective a Plan filed on February 26, 1962 by the Detroit Stock Exchange pursuant to Rule 17a–6 (§ 240.17a–6) under the Securities Exchange Act of 1934 for the disposal of applications, reports and documents filed with that Exchange prior to January 1, 1957, pursuant to sections 12, 13, 14 and 16 of the Act or any rule or regulation promulgated by the Commission thereunder, except that the Exchange proposes to keep on file for an indefinite period original listing applications and applications listing additional shares. The Exchange intends to commence disposing of the specified material as soon as practicable after March 1, 1962. The Plan also provides that each year thereafter regular disposition will be made of similar material which has been on file with the Exchange more than five years.

Applications and reports to be disposed of by the Exchange are on file with the Commission where they will continue to be available.

The proposed Plan of the Detroit Stock Exchange represents a revision of the Plan of that Exchange previously declared effective July 31, 1952, by the Commission. The revised plan is designed to bring the disposal procedures of the Detroit Stock Exchange into closer conformity with those of other exchanges having record disposal plans in effect.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17(a), 23(a), and 24 thereof and § 240.17a–6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors, and for the exercise of the functions vested in it, does hereby declare effective the Plan filed on February 26, 1962 by the Detroit Stock Exchange pursuant to § 240.17a–6, on condition that if any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days' written notice to the Detroit Stock Exchange.

(Secs. 17(a), 23(a), 24; 48 Stat. 897, 901, as amended, 15 U.S.C., 78q, 78w, 78x)

The Commission finds that notice and public procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary because the Plan of the Detroit Stock Exchange is substantially the same as the records disposal plans now in effect for other national securities exchanges; and the Commission further finds that § 240.17a–6 and this action have the effect of granting exemption and relieving restriction and that such action may be, and is hereby, declared effective on March 15, 1962 pursuant to section 4(c) of the Administrative Procedure Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 12, 1962.

[F.R. Doc. 62–2644; Filed, Mar. 19, 1962; 8:46 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11010

AMENDING EXECUTIVE ORDER NO. 10713,[1] RELATING TO THE ADMINISTRATION OF THE RYUKYU ISLANDS

By virtue of the authority vested in me by the Constitution, and as President of the United States and Commander-in-Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. *Certain amendments of E.O. 10713.* Executive Order No. 10713 of June 5, 1957, headed "Providing for administration of the Ryukyu Islands," is hereby amended by substituting the following for Sections 4, 6, 8, 9, and 11 thereof:

"SEC. 4. (a) There is established, under the jurisdiction of the Secretary of Defense, a civil administration of the Ryukyu Islands, the head of which shall be known as the High Commissioner of the Ryukyu Islands (hereinafter referred to as the 'High Commissioner'). The High Commissioner (1) shall be designated by the Secretary of Defense, after consultation with the Secretary of State and with the approval of the President, from among the active duty members of the armed forces of the United States, (2) shall have the powers and perform the duties assigned to him by the terms of this order, (3) may delegate any function vested in him to such officials of the civil administration as he may designate, and (4) shall carry out any powers or duties delegated or assigned to him by the Secretary of Defense pursuant to this order.

"(b) There shall be under the High Commissioner a civilian official who shall have the title of Civil Administrator. The Civil Administrator shall be designated by the Secretary of Defense, after consultation with the Secretary of State and with the approval of the President, and shall have such powers and perform such duties as may be assigned to him by the High Commissioner."

"SEC. 6. (a) The legislative power of the Government of the Ryukyu Islands, except as otherwise provided in this order, shall be vested in a legislative body consisting of a single house. Members of the legislative body shall be directly elected by the people of the islands in 1962, and triennially thereafter, for terms of three years.

"(b) The territory of the Ryukyu Islands shall continue to be divided into districts, each of which shall elect one member of the legislative body. The present 29 districts are continued, but the number or boundaries of districts may be altered by law enacted by the Government of the Ryukyu Islands with the approval of the High Commissioner. Any redistricting shall be done with due regard to obtaining districts which are relatively compact and contiguous and which have reasonably equal populations."

"SEC. 8. (a) The executive power of the Government of the Ryukyu Islands shall be vested in a Chief Executive, who shall be a Ryukyuan. The Chief Executive shall have general supervision and control of all executive agencies and instrumentalities of the Government of the Ryukyu Islands and shall faithfully execute the laws and ordinances applicable to the Ryukyu Islands.

"(b)(1) The Chief Executive shall be appointed by the High Commissioner on the basis of a nomination which is made by the legislative body herein provided for and is acceptable to the High Commissioner. A Chief Executive so appointed shall serve for the remainder of the term of the legislative body which nominated him and for such reasonable period thereafter as may be necessary for the appointment of a successor pursuant to this paragraph, or, failing such an appointment, pursuant to paragraph (2) of this subsection.

[1] 22 F.R. 4007; 3 CFR, 1954–1958 Comp., p. 868.

"(2) In the event the legislative body does not make an acceptable nomination within a reasonable time as determined by the High Commissioner, or if by reason of other unusual circumstances it is deemed by the High Commissioner to be necessary, he may appoint a Chief Executive without a nomination. The tenure of any Chief Executive appointed pursuant to this paragraph (2) shall be as determined by the High Commissioner.

"(c) The head of each municipal government shall be elected by the people of the respective municipality in accordance with procedures established by the legislative body of the Government of the Ryukyu Islands."

"SEC. 9. (a) Every bill passed by the legislative body shall, before it becomes law, be presented to the Chief Executive. If the Chief Executive approves a bill he shall sign it, but if not he shall return it, with his objections, to the legislative body within fifteen days after it shall have been presented to him. If a bill is not returned within the specified fifteen day period, it shall become law in like manner as if it had been approved by the Chief Executive, unless the legislative body by adjournment prevents its return, in which case it shall be law if approved by the Chief Executive within forty-five days after it shall have been presented to him; otherwise it shall not be law. When a bill is returned to the legislative body with objections by the Chief Executive, the legislative body may proceed to reconsider it. If, after such reconsideration two thirds of the legislative body pass it, it shall become law in like manner as if it had been approved by the Chief Executive.

"(b) If any bill approved by the legislative body contains several items of appropriation of money, the Chief Executive may object to one or more of such items or any part or parts, portion or portions thereof, while approving the other items, or parts or portions of the bill. In such case, the Chief Executive shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, objected to, and the items, or parts or portions thereof, so objected to shall not take effect. Should the legislative body seek to over-ride such objections of the Chief Executive, the procedures set forth above will apply. In computing any period of days for the foregoing purposes, Sundays and legal holidays shall be excluded."

"SEC. 11. (a) The High Commissioner may, if such action is deemed necessary for the fulfillment of his mission under this order, promulgate laws, ordinances or regulations. The High Commissioner, if such action is deemed by him to be important in its effect, direct or indirect, on the security of the Ryukyu Islands, or on relations with foreign countries and international organizations with respect to the Ryukyu Islands, or on the foreign relations of the United States, or on the security, property or interests of the United States or nationals thereof, may, in respect of Ryukyuan bills, laws, or officials, as the case may be, (1) veto any bill or any part or portion thereof, (2) annul any law or any part or portion thereof within 45 days after its enactment, and (3) remove any public official from office. The High Commissioner has the power of reprieve, commutation and pardon. The High Commissioner may assume in whole or in part, the exercise of full authority in the islands, if such assumption of authority appears mandatory for security reasons. Exercise of authority conferred on the High Commissioner by this subsection shall be promptly reported, together with the reasons therefor, to the Secretary of Defense who shall inform the Secretary of State.

"(b) In carrying out the powers conferred upon him by the provisions of subsection (a) of this section, the High Commissioner shall give all proper weight to the rights of the Ryukyuans and shall, in particular, have proper regard for the provisions of the second sentence of Section 2 of this order."

SEC. 2. *Further amendments.* Section 10 of the said Executive Order No. 10713 is hereby further amended as follows:

(1) By deleting from Section 10(a)(2)(b) the following: "even though not subject to trial by courts-martial under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.)".

(2) By substituting the following for Section 10(b)(3):

"(3) Criminal jurisdiction over (a) the civilian component, (b) employees of the United States Government who are United States nationals, and (c) dependents, excluding Ryukyuans, (i) of the foregoing and (ii) of members of the United States forces."

SEC. 3. *Transitional provisions.* (a) This order shall not operate to terminate immediately the tenure of the Chief Executive of the Government of the Ryukyu Islands now in office. That tenure shall terminate when his first successor, appointed under the provisions of Executive Order No. 10713 as amended by this order, enters upon office as Chief Executive or on such other date as may be fixed by the High Commissioner.

(b) The members of the legislative body in office on the date of this order shall continue in office until the termination of their present terms as members.

(c) The amendment of Section 4 of Executive Order No. 10713 made by this order shall become effective on July 1, 1962. All other parts hereof shall become effective on April 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 19, 1962.

[F.R. Doc. 62-2749; Filed, Mar. 19, 1962; 12:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.302 is amended as follows: Subparagraph (10) is revoked, subparagraph (11) is amended, and subparagraph (12) is added, as set out below.

§ 6.302 Department of State.

* * * * *

(d) *Office of the Assistant Secretary for Public Affairs.* * * *

(11) One Deputy Assistant Secretary (Women's Activities).

(12) One Deputy Assistant Secretary (Policy Plans and Guidance).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2708; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (h) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

* * * * *

(h) *Bureau of Near Eastern and South Asian Affairs.* * * *

(7) One Deputy Assistant Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2707; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Export-Import Bank of Washington

§ 6.140 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 6.140 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraphs (b), (d), (h), and (i) of § 6.340 are revoked, and paragraphs (j), (k), (l), and (m) are added as set out below.

§ 6.340 Export-Import Bank of Washington.

* * * * *

(j) One Vice President for Program Planning and Information.

(k) One Vice President for Exporter Credits, Guarantees, and Insurance.

(l) One Vice President for Project Financing.

(m) One Vice President for Finance and Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2706; Filed, Mar. 20, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

* * * * *

(e) One Special Assistant to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2709; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Engineer

The headnote and paragraph (a) of § 24.33 are amended as set out below.

§ 24.33 Engineer GS-5-15, positions involving highly technical research, design or development, or similar functions.

(a) *Educational requirement.* Applicants must have successfully completed a full course of study, in an accredited college or university, leading to a bachelor's or higher degree in engineering or a closely related field.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2710; Filed, Mar. 20, 1962; 8:50 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Statistician

Subdivision (ii) of § 24.104(a)(1) is amended as set out below.

§ 24.104 Statistician, GS-1530-5.

(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) * * *

(ii) At grades GS-5/9 only, for Federal agencies having formal supplemental education and training programs designed to provide 6 additional semester hours of training in statistics (or their equivalent) during the first three years of employment, 9 semester hours in statistics (or in mathematics and statistics provided at least 6 semester hours are in statistics) and 15 additional semester hours in an appropriate field, e.g., the physical or biological sciences, agriculture, medicine, education or engineering; or in the social sciences including demography, history, economics, social welfare, geography, international relations, social or cultural anthropology, health sociology, political science, public administration, business administration, psychology, etc.; or

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2691; Filed, Mar. 20, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 10, Amdt. No. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 907.310 (Navel Orange Regulation 10, 27 F.R. 2307) are hereby amended to read as follows:

(ii) District 2: 700,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2696; Filed, Mar. 20, 1962; 8:48 a.m.]

[Lime Reg. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 911.301 Lime Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 1, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 14 (26 F.R. 12064) and are subject thereunder to quality restrictions; Lime Regulation 14 is scheduled to terminate effective at 12:01 a.m., e.s.t., April 1, 1962; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to April 1, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on March 13, 1962, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., April 1, 1962, and ending at 12:01 a.m., e.s.t., April 16, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; or

(iv) Any limes of the group known as large fruited or Persian limes (including Tahiti Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter which do not have an average juice content of at least 46 percent, by volume: *Provided,* That such juice content requirement shall not apply to containers of limes containing not in excess of 10 percent, by count, of limes smaller than 1⅞ inches in diameter.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 16, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2718; Filed, Mar. 20, 1962; 8:51 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 265-62]

PART 42—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURE

Regulations Effectuating the Policy Expressed in Executive Order No. 10590 and Executive Order No. 10925, and Prohibiting Discrimination Against Any Employee or Applicant for Employment in the Department of Justice Because of Race, Color, Creed, or National Origin

By virtue of the authority vested in me by Executive Order No. 10590 of January 15, 1955, Part II of Executive Order No. 10925 of March 6, 1961, section 161 of the Revised Statutes, 5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, Chapter I of Title 28 of the Code of Federal Regulations is amended to add a new Part 42:

Sec.
42.1 Policy.
42.2 Segregation prohibited.
42.3 Definitions.
42.4 Designation of Employment Policy Officer and Deputy Employment Policy Officers.

Sec.
42.5 Duties of the Employment Policy Officer.
42.6 Filing and content of complaints.
42.7 Where to file.
42.8 Handling of complaints; time limitation.
42.9 Investigation.
42.10 Negotiation and settlement.
42.11 Notice of tentative decision to dismiss complaint.
42.12 Opportunity for hearing and review.
42.13 Final decision by the Attorney General or Deputy Attorney General.
42.14 Review of cases by Executive Vice Chairman.
42.15 Right to counsel.
42.16 Report of disposition of complaints.
42.17 Dissemination of information.

AUTHORITY: §§ 42.1 to 42.17 issued under R.S. 161; 5 U.S.C. 22. Sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp. E.O. 10590, 3 CFR, 1954–1958 Comp.; E.O. 10925, 3 CFR, 1961 Supp.

§ 42.1 Policy.

In conformity with the policy expressed in Executive Order No. 10590 and Executive Order No. 10925, I hereby declare it to be the policy of the Department of Justice that equal opportunity shall be afforded each qualified person, consistent with law, for employment in the Department of Justice, and there shall be no discrimination against any employee or applicant for employment, because of race, color, creed, or national origin.

§ 42.2 Segregation prohibited.

Segregation of employees in the Department of Justice on the basis of race, color, creed, or national origin is hereby prohibited.

§ 42.3 Definitions.

As used in this part:

(a) "President's Committee" means the President's Committee on Equal Employment Opportunity.

(b) "Executive Vice Chairman" means the Executive Vice Chairman of the President's Committee.

§ 42.4 Designation of Employment Policy Officer and Deputy Employment Policy Officers.

(a) In compliance with Executive Order No. 10590 and Part II of Executive Order No. 10925, the Attorney General shall designate an Employment Policy Officer to carry out the functions and responsibilities described in § 42.5. The Employment Policy Officer is authorized to designate, as appropriate, Deputy Employment Policy Officers for field offices and major organizational units of the Department to assist the Employment Policy Officer. The positions of the Employment Policy Officer and Deputy Employment Policy Officers shall be established outside of the Administrative Division or any other organizational unit of the Department handling personnel matters of the Department unless prior approval is received from the Executive Vice Chairman.

(b) In the discharge of his functions and responsibilities under this part and Executive Order No. 10590 and Part II of Executive Order No. 10925, the Employment Policy Officer shall be under the immediate supervision of the Attorney General. Deputy Employment Policy Officers shall be under the immediate supervision of the Employment Policy Officer as to matters arising under this part and the two Executive orders.

§ 42.5 Duties of the Employment Policy Officer.

The Employment Policy Officer shall:

(a) Advise the Attorney General with respect to the preparation of regulations, reports, and other matters dealing with the prevention and prohibition of discrimination within this Department in conformity with the policy enunciated in Executive Order No. 10590, Part II of Executive Order No. 10925, and in this part.

(b) Handle complaints of alleged discrimination within the Department, and recommend to the Attorney General such corrective measures as he may deem necessary.

(c) Appraise the personnel operations of the Department at regular intervals to assure their continuing conformity to the policy expressed in the two Executive orders and this part.

§ 42.6 Filing and content of complaints.

(a) Any aggrieved employee of the Department of Justice, or qualified applicant for employment (except aliens employed outside the limits of the United States), who believes that an unfavorable or discriminatory action has been taken against him because of race, color, creed, or national origin may file a written and signed complaint. Complaints shall be filed either by the aggrieved individual or his authorized representative within 90 days after the date of the occurrence of the alleged incident upon which the discrimination complaint is based, unless such filing time is extended by the Attorney General, the Employment Policy Officer, or the Executive Vice Chairman for good cause shown.

(b) Each complaint shall, to the extent feasible:

(1) Specify whether the alleged discrimination is based on race, color, creed, or national origin;

(2) Identify the specific act, omission, or other personnel matter complained of;

(3) Identify the position involved, its grade, and the office or unit in which it is located;

(4) Identify the official responsible for the act, omission, or other personnel matter, if such official is known;

(5) Provide the date of the action complained of;

(6) Provide all factual information which the complainant may have to support his allegation of discrimination; and

(7) If it involves a disciplinary action, set forth sufficient facts or circumstances to constitute a substantial basis for support of his specific allegations of discrimination as opposed to the complainant's denial of the charges on which the disciplinary action was based.

(c) Each complaint shall be filed on an appropriate form which will be furnished by the Employment Policy Officer or a Deputy Employment Policy Officer upon the request of the complainant. In any case in which a complaint is informally commenced in any other manner, the Employment Policy Officer or the Deputy Employment Policy Officer, as the case may be, shall provide the complainant with the required form as soon as the informally commenced complaint is brought to his attention.

§ 42.7 Where to file.

Complaints may be filed with the Employment Policy Officer or Deputy Employment Policy Officer or with the President's Committee. Any complaint received by any other officer or employee of the Department shall be forwarded to the Employment Policy Officer or appropriate Deputy Employment Policy Officer without delay. In instances in which complaints are received by the Employment Policy Officer or Deputy Employment Policy Officer, in accordance with the provisions of either of the preceding two sentences, he shall transmit a copy of the complaint to the Executive Vice Chairman.

§ 42.8 Handling of complaints; time limitation.

Within 30 days after a complaint has been filed with the Employment Policy Officer or a Deputy Employment Policy Officer in accordance with the first sentence of § 42.6(c), or within 60 days after in instances in which a hearing is to be provided in accordance with the provisions of § 42.12, or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the complaint shall be processed and a report concerning its disposition shall be submitted to the Executive Vice Chairman of the President's Committee in accordance with § 42.16.

§ 42.9 Investigation.

The Employement Policy Officer or a Deputy Employment Policy Officer shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearing which may be held and which shall provide the basis for disposing of all relevant issues. Whenever necessary or appropriate for a satisfactory development of the case, the investigation shall include an appraisal of the employment practices in the organizational unit in which the alleged discrimination occurred.

§ 42.10 Negotiation and settlement.

After completion of the investigation prescribed by § 42.9 and before taking any other action, the Employment Policy Officer or the Deputy Employment Policy Officer, in appropriate cases, shall attempt to resolve the issues involved in the complaint by appropriate informal means. In any instance in which there appears to be any evidence of discriminatory practice, immediate affirmative action shall be taken to correct that situation and avoid any repetition of that apparent discriminatory practice.

§ 42.11 Notice of tentative decision to dismiss complaint.

(a) In any case in which an investigation conducted pursuant to § 42.9 fails to produce sufficient evidence to warrant a finding of the existence of discriminatory practice prohibited by this part and such case has not been disposed of by informal means pursuant to § 42.10, the complainant shall be advised of the tentative finding and shall be advised that the Department has tentatively decided to dismiss his complaint. The complainant shall be advised of his right to an oral hearing concerning his complaint under the provisions of § 42.12. He shall also be advised that if he elects to forego that oral hearing he may request a review by the Executive Vice Chairman of his complaint based upon the information contained in his complaint, the information developed by the investigation, and any other pertinent information contained in the file concerning his case. Finally, he shall be advised that if he elects to request an oral hearing as authorized by § 42.12, he will still be permitted to request a review by the Executive Vice Chairman of his case after that oral hearing has been completed and before a final decision concerning his complaint is rendered by the Attorney General or the Deputy Attorney General in accordance with § 42.12(d).

(b) Any request for an oral hearing under the provisions of § 42.12 or for a review by the Executive Vice Chairman in lieu of an oral hearing must be filed within 30 days after the date of the notice of the tentative decision of this Department to dismiss the complaint in accordance with the first sentence of paragraph (a) of this section.

(c) Whenever a complainant fails to request either an oral hearing or review by the Executive Vice Chairman, within 30 days after the date of the notice of the tentative decision of the Department to dismiss a complaint, such decision shall become final. Whenever a complainant requests an oral hearing or review by the Executive Vice Chairman within 30 days after the date of the notice of the tentative decision of the Department to dismiss the complaint, the tentative decision shall become inoperative.

§ 42.12 Opportunity for hearing and review.

(a) In any case involving a complaint which has not been settled or dismissed under § 42.10 or § 42.11, respectively, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer, Deputy Employment Policy Officer, or someone designated by either of them, at a convenient time and place. At such hearing, the Department shall produce any witnesses under its jurisdiction, upon a showing satisfactory to the hearing officer of a reasonable necessity therefor, and the complainant shall have the right to confront and cross-examine them insofar as may be necessary for a development of relevant facts directly concerning any discriminatory practice prohibited by these regulations. Any requests for the attendance of necessary witnesses must be made in writing by the complainant at least 10 days before the date of the hearing.

(b) A complainant shall, upon request, be provided a concise and accurate summary of the facts developed by an investigation of his complaint and upon which the ultimate disposition of his complaint will be based. The Department may, in lieu of a summary statement, make available to the complainant the entire report of the Department's investigation of his complaint. In cases in which the complainant is provided a summary statement, the Executive Vice Chairman or his representative shall be permitted to examine all data in the record compiled by the Department in connection with its investigation of the complaint.

(c) The hearing shall be informal and the hearing officer shall make his proposed findings and recommend conclusions upon the basis of the record before him. Whenever a complainant fails to appear without good cause shown or fails within 60 days to furnish information requested by the Employment Policy Officer, Deputy Employment Policy Officer, or hearing officer, as the case may be, or to otherwise process his complaint, the case may be closed.

(d) The Employment Policy Officer shall formulate his findings and recommendations and shall submit them for the consideration of the Attorney General or the Deputy Attorney General. At the same time, he shall send a copy of those findings and recommendations to the complainant. The Attorney General, the Deputy Attorney General, or the Employment Policy Officer may refer a case to the Executive Vice Chairman for consideration and an advisory opinion. A complainant may request that his case be referred to the Executive Vice Chairman for review and for an advisory opinion. Any such request must be made within 30 days after the date on which the copy of the findings and recommendations of the Employment Policy Officer shall have been sent to the complainant.

§ 42.13 Final decision by the Attorney General or Deputy Attorney General.

The Attorney General or the Deputy Attorney General shall make the final decision in the disposition of each complaint, unless it is settled, terminated, or abandoned under the provisions of § 42.10, § 42.11(c), or § 42.12(c), respectively. Whenever a case is referred to the Executive Vice Chairman for review and an advisory opinion, final decision in that case shall be made only after receipt of the advice of the Executive Vice Chairman. In any case in which a complaint of alleged discrimination is denied or rejected, the complainant shall be provided a statement of the reasons for denying or rejecting his complaint.

§ 42.14 Review of cases by Executive Vice Chairman.

In connection with his review of any case arising in the Department, the Executive Vice Chairman shall be furnished such additional information by the Employment Policy Officer as may be necessary and appropriate in connection with his consideration of the case.

§ 42.15 Right to counsel.

Parties to proceedings under these regulations shall have the right to be accompanied, represented, and advised by counsel, or by any other qualified representative.

§ 42.16 Report of disposition of complaints.

The Employment Policy Officer shall furnish the Executive Vice Chairman a report of the final disposition of each complaint processed by him. The report shall contain the following-described information:

(a) A copy of the complete case record, if requested by the Executive Vice Chairman.

(b) A summary of the complete case record, which shall include the following:

(1) The name and address of the complainant.

(2) The date on which the complaint was filed with or referred to the Department, and, in instances in which the complaint was filed with the Department, the name and title of the officer with whom it was filed.

(3) A summary of the complaint indicating the specific type or types of discrimination alleged.

(4) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(5) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(6) The date of disposition of the complaint.

§ 42.17 Dissemination of information.

Copies of these regulations, which are intended to insure a complainant an opportunity to appeal to the proper authorities within the Department under procedures that guarantee him a fair hearing and a just disposition of his complaint, shall be posted on all employee bulletin boards and all bulletin boards which are used to announce Federal examinations and job opportunities throughout the Department and its field installations. Whenever bulletin boards are not used, a copy of their regulations shall be made available to all personnel. Similar publication shall be made of the name and address of the Employment Policy Officer and of the Deputy Employment Policy Officers. Information concerning the Department of Justice nondiscrimination policy and procedures under the two Executive orders and this part shall be published at least annually in any employee bulletins or news letters that are issued.

Department Order No. 105–55, as amended, is hereby superseded.

Date: March 19, 1962.

ROBERT KENNEDY,
Attorney General.

[F.R. Doc. 62-2748; Filed, Mar. 20, 1962; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter G is amended in detail as set forth below:

PART 590—GENERAL PROVISIONS

1. Revoke § 590.110, revise § 590.111, and add new §§ 590.111–1 and 590.111–2, to read as follows:

§ 590.110 Reports of purchases and contracts. [Revoked]

§ 590.111 Reports of suspected criminal conduct and noncompetitive practices.

§ 590.111–1 Suspected criminal conduct.

Reports of possible violations of Federal criminal statutes relating to procurement shall be made in accordance with Subpart F of this part.

§ 590.111–2 Noncompetitive practices.

Reports of practices designed to eliminate competition required by § 1.111–2 of this title will be made in accordance with § 590.650.

2. Redesignate § 590.201–51 as § 590.201–53, and redesignate 590.201–53 as 590.201–51; redesignate § 590.201–52 as § 590.201–54; and add new § 590.201–52, to read as follows:

§ 590.201–51 Ordering Officer. [Redesignation]

§ 590.201–52 Breakout procedure.

The term "breakout procedure" applies to a process wherein components or subassemblies of a weapon system or major item of equipment initially obtained from the system or major item prime contractor, which no longer require close control for compatibility and which are not an inseparable part of the prime contractor's end product are separately procured. The objectives of the breakout procedure are to reduce the concentration of procurement from the prime contractor to increase competition in the procurement of affected items, and to reduce costs.

§ 590.201–53 Purchasing office. [Redesignation]

* * * * *

§ 590.201–54 Principal purchasing offices. [Redesignation]

3. Revise § 590.308(c); add new §§ 590.316 and 590.350; revise § 590.351; and add new § 590.360, as follows:

§ 590.308 Record of contract actions.

* * * * *

(c) *Review of contract files.* The contracting officer is responsible for making a continuing review of active contract files to insure that all required contractual actions have been taken and that files are documented in accordance with this section. Immediately prior to removal of a contract file from the active list a final review will be made. Review prior to transfer and disposal of contract files (AR 345–280) is unnecessary.

§ 590.316 Disclosure of contractor performance data to other Government agencies and foreign governments.

See § 1.316 of this title.

§ 590.350 Advance procurement planning.

(a) Advance procurement planning will be accomplished on all procurements. The scope of such planning will vary with the complexity and dollar value of the item. Such planning will be coordinated and will consider the following procurement aspects, where applicable: development, production, future requirements, engineering, programming, fiscal, legal, and contracting. This planning must be accomplished in order that procurement actions comply with the policy set forth in § 1.301–1 of this title, which provides that procurements will be made on a competitive basis to the maximum practicable extent. Heads of Procuring Activities will publish such instructions consistent with Subchapter A, Chapter I of this title and this subchapter as deemed necessary to insure that procurements are made on a competitive basis to the maximum extent practicable.

(b) Heads of Procuring Activities are responsible for the accomplishment of advance procurement planning. The purpose shall be to achieve competition in procurement wherever feasible. This program will require coordination with all elements responsible for decisions or actions affecting procurement. The objective for each procurement is an integrated procurement plan. Attention will be directed toward procurements which are currently or have recently been procured without competition because of delivery requirements, lack of adequate procurement data package, or other cogent reasons. Such planning will provide for the following:

(1) Establishment of time-phased objectives in the integrated procurement plan so that periodic review is accomplished and appropriate action adjustments made. A review of each item in the Army Materiel Control Program will be made for the purpose of determining the adequacy and availability of the procurement data package.

(2) Review of proprietary items incorporated in the design to substitute wherever practicable standard items or items already in the supply system which will provide adequate performance characteristics consistent with other design requirements.

(3) Subject to the provisions of Subpart B, Part 9 of this title, development or production contracts that include requirements for production engineering of items for quantity production will include the following provisions:

(i) Requirements for preparation of data suitable for competitive procurement in sufficient detail as to kinds, types, and forms; legibility; completeness; and conformance to items actually produced, so as to insure practicability of enforcement.

(ii) Requirements for use of standard components and other components in existence or for which nonproprietary documentation already exists.

(iii) Requirements that the contractor avoid use of proprietary items or data except when essential for operational safety and reliability of equipment.

(iv) Requirements for submission of newly designed items and proprietary items with appropriate justification for their use to specified locations for screening by the Government.

(v) Quality assurance provisions that require inspection of data for conformance to the data requirements specified, including, as appropriate, sampling plans, acceptable quality levels, and classification of defects.

(vi) Definition of place and time of acceptance of data, including requirements for submission of evidence that unacceptable drawings have been corrected, and certification by the contractor that, to the best of his knowledge and belief, the data accurately depicts the items manufactured.

(vii) Requirements for the contractor to establish and maintain an effective system of control to assure conformance to data requirements, and to submit his plan for accomplishment to the contracting officer for information.

(viii) When appropriate, provisions for selection of random data for detailed analysis by Government engineering personnel for compliance with specified requirements and comparison with items produced, and provisions for correction by the contractor for inadequacies found.

(4) To assure adequate and timely preparation of data by contractors for use in competitive procurement, Heads of Procuring Activities will:

(i) Provide for continuous guidance to contractors and review of data during the period of its development by technical personnel and inspectors to insure understanding and compliance with contract requirements.

(ii) Screen newly developed components and proprietary data submitted by contractors and substitute standard components, components already in existence, or components already documented whenever practicable. Items or components claimed by contractors to be proprietary without justification or proof will be challenged with the assistance and guidance of the procuring activity's legal staff.

(iii) Perform timely administrative followup to insure scheduled delivery dates for data are met.

(iv) When feasible, perform verification inspection prior to final acceptance of data, utilizing inspection records of contractors to the maximum practical extent, to insure compliance with contract requirements.

(5) Establishment of realistic administrative and production leadtime to permit competitive solicitation, negotiation, analysis, and award schedules for orderly and efficient production.

(6) Unless previously accomplished under advance production engineering, insure that the first production contract includes a requirement for changes to the engineering drawings furnished under the research and development contract to reflect production practices and

the item actually being procured. This will result in a set of Class I or II (MIL–D–70327) production drawings which will include all data developed under the research and development contract and will form the basis for subsequent competitive procurements. To insure the use of these production drawings for manufacture, inspection, and reprocurement, a set of the drawings will be delivered no later than at completion of delivery of production items under the initial production contract, and preferably concurrently with the initial submission of the production items for acceptance.

(7) Breakout and competitively procure components of weapon systems and other complex items without compromise to system performance, safety, and reliability, with due regard to stability of design, density of the item, and additional facilities required if any.

(8) Prompt action to enforce such contractual requirements.

(9) Dissemination of information as to availability of procurement data adequate for competitive procurement (see § 591.201(b) of this chapter).

§ 590.351 Advance procurement planning during the Research and Development phase.

The following actions will be taken in planning during the Research and Development Phase:

(a) Review and analysis of items of equipment proposed for development to ascertain density of potential use, estimated dollar value, and degree of complexity will be made.

(b) Each technical service will screen items of low density, high dollar value, and technical complexity in order to assure maximum practicable competitive procurements. The basis for justification for future awards of a sole source of proprietary nature will be documented with statements by responsible supply and engineering personnel. These statements will present factual evidence supporting the necessity for sole source procurement from either a supply or an engineering standpoint, or both. Such documentation will be forwarded to the contracting officer when procurement action is initiated.

(c) Low density items of high dollar value and technical complexity will be screened prior to the first production contract for possible breakout of components. To provide competitive procurement data at the earliest possible time, priority of review of production drawings will be afforded those items which are deemed susceptible to breakout.

(d) All other end items of equipment will be deemed candidates for competitive procurement.

(e) Consideration will be given to the production leadtime necessary to enable subsequent procurements to be effected competitively. This will affect proposed schedules, where applicable, for submission of the procurement data package.

§ 590.360 Limitations on purchase and maintenance of motor vehicles or aircraft.

Section 16 of the Act approved 2 August 1946 (5 U.S.C. 78) includes definite restrictions on the purchase or hire of passenger motor vehicles or aircraft, and their maintenance, operation, and repair.

4. Revise §§ 590.401(a), 590.403–50 and 590.451(a); in § 590.452(c)(1), add new subdivision (v)(*f*); and add new § 590.453, as follows:

§ 590.401 Responsibility of each procuring activity.

(a) Heads of procuring activities are responsible for the procurement of all supplies and services as provided in AR 10–5 and AR 10–50, and as assigned in accordance with the policy prescribed in Part 594 of this subchapter.

* * * * *

§ 590.403–50 Legal review.

Legal advice and approval of a staff judge advocate or other legal counsel will be obtained in the preparation and use of clauses other than standard clauses which are to be contained in invitations for bids and requests for proposals. In each solicitation for bids and proposals which will result in a contract exceeding $100,000, each invitation for bids and request for proposals shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel prior to issuance by the contracting officer. In addition, each solicitation for bids and proposals, which will result in a contract over $10,000 but not to exceed $100,000 also shall be subject to legal review to the maximum extent possible consistent with the availability of legal services. Contracting officers must insure that the contracts they place are legally, technically, and administratively sufficient. Whenever legal advice and assistance is required in connection with the legal aspects of contracts it will be obtained from the command Judge Advocate or other legal counsel.

§ 590.451 Selection and appointment of contracting officers' representatives.

(a) *Designation.* A contracting officer may designate any Government personnel (military or civilian), who is appropriately qualified, to act as his authorized representative. Contracting officers' representatives may be designated by name and position title or position title only. Such designation shall be in writing and shall define the scope and limitations of the authorized representatives' authority. Designation of contracting officer's representative will remain in effect throughout the life of the contract unless (1) sooner revoked by the contracting officer having cognizance over the administration of the contract, or (2) revoked by transfer of a contracting officer's representative who has been designated by name and position title. The authority of an individual designated as a representative by position title only is terminated upon his transfer from that position. Copies of designations of contracting officers' representatives will be placed in appropriate contract files (§ 1.308 of this title and § 590.308 of this part). Nothing in this section will be construed to require designation of all individuals of an activity responsible for accomplishment of broad functions of contract administration, such as engineering evaluation and testing, inspection as required by Part 14 of this title and Part 603 of this subchapter, or technical supervision in contracts for research and development work.

* * * * * *

§ 590.452 Selection and appointment of ordering officers.

* * * * *

(c) *Limitations of authority.*

(1) * * *

(v) * * *

(*f*) Ordering officers may, with the approval of the installation contracting officer, make purchases in unlimited dollar amounts against requirement type contracts let by the Military Petroleum Supply Agency.

* * * * *

§ 590.453 Responsibility for contract administration.

Commanders are responsible for administration of contracts under their cognizance in the same manner and to the same degree as any other mission or function properly assigned to their command. Direct responsibility for execution and administration of contracts rests upon a duly appointed contracting officer (§ 590.402–50 (a) and (f)). This does not mean that the contracting officer must personally act in each and every matter relating to the administration of contracts. He can properly execute certain of his responsibilities through designated representatives (§ 590.451 and paragraphs 103.1 and 103.2, § 30.2 of this title and paragraph 103.2, § 30.3 of this title). The contracting officer must be supported by an adequate administrative staff, and he shall, as necessary, avail himself of all organizational assistance such as advice of specialists in the fields of contracting, finance, law, contract audit, mobilization planning, engineering, inspecting, traffic management and cost analysis.

(a) A contracting officer is responsible for the administration of each contract which he executes until the contract file is closed, or the contract is transferred by proper authority to another contracting officer for administration. In this connection, contracting officers attached to a particular installation or activity may be authorized to administer any contract under cognizance of that installation or activity, provided cognizance of the contract remains with a contracting officer of that installation or activity at all times.

(b) When the responsibility for administering a contract is transferred from one installation or activity to another, such transfer will be accomplished by an official document from the transferring installation or activity to the receiving activity or installation. The complete contract file shall be forwarded along with data pertinent to the contract such as status of funds, payment, and statement indicating the property administrator who will maintain accountability. Duplication of matter in the contract file will be avoided.

(c) The commander of an installation or activity receiving a contract for administration will be responsible for promulgating procedures for:

(1) Assignment of the contract to a duly appointed contracting officer for administration if that commander is not a contracting officer or cannot be responsible for administering the contract;

(2) Prompt review of the contract file and, if acceptable, reply by indorsement to that effect to the transferring activity or installation. In the event that the contract file is not acceptable, prompt action will be taken by both the receiving and transferring agencies to resolve discrepancies;

(3) Prompt notification of the contractor of the change in responsibility for administration of the contract and provision of information as to whom the contractor should contact in connection with performance of the contract, and

(4) Insuring that the contract file is fully documented with respect to the transfer.

(d) The transfer of administration of a contract from one installation to another will not relieve the original contracting officer or other contracting officers who have executed amendments or modifications to the contract from full responsibility for all acts performed by them prior to the transfer (§ 590.402–50(c)).

5. Revise § 590.508–50 and revoke § 590.550, as follows:

§ 590.508–50 Authority of head of a procuring activity.

The head of a procuring activity, or his authorized representative, shall, in any case forwarded by a contracting officer pursuant to this section, take one or more of the actions set forth in § 1.508–2 of this title. If the Head of the Procuring Activity determines that the matter should be referred to the Department of Justice, he shall prepare and forward a report in accordance with § 590.650.

§ 590.550 Contracts in foreign countries. [Revoked]

6. Subpart F, Part 590 is revised to read as follows:

Subpart F—Debarred, Ineligible, and Suspended Bidders

Sec.
590.600 Scope of subpart.
590.600–50 Authority.
590.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.
590.601–3 Joint Consolidated List.
590.601–4 Protection of List.
590.603–50 Total restrictions.
590.604 Causes and conditions under which departments may debar contractors.
590.605 Suspension of bidders.
590.605–3 Restrictions during period of suspension.
590.650 Reports.
590.650–1 General.
590.650–2 Situations in which report is required.
590.650–3 Contents of report.
590.650–4 Supplemental reports.
590.650–5 Distribution of reports.
590.651 Responsibilities.
590.652 Provisional withholding of funds.
590.653 Attempted evasions.
590.654 Inquiries from debarred, ineligible, or suspended firms and individuals.

AUTHORITY: §§ 590.600 to 590.654 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 590.600 Scope of subpart.

See § 1.600 of this title.

§ 590.600–50 Authority.

An Assistant Judge Advocate General is the authorized representative of the Assistant Secretary of the Army (Installations and Logistics) to administer the provisions of Subpart F, Part 1 of this title and this subpart.

§ 590.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

§ 590.601–3 Joint Consolidated List.

The Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) will publish the Joint Consolidated List of debarred, ineligible, and suspended contractors. (DA Cir. 715–1.)

§ 590.601–4 Protection of List.

The Joint Consolidated List, and all reports and correspondence relating to debarment or suspension of contractors or recommendations for such debarment or suspension, shall be marked "For Official Use Only."

§ 590.603–50 Total restrictions.

(a) *New awards.* (1) No bids or proposals shall be solicited from and no contracts shall be awarded to any firm or individual during the term of his debarment.

(2) A bid or proposal received from a debarred firm shall be received and recorded. If such a bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefor documented in the contract file.

(3) If the Head of a Procuring Activity believes that an award to a debarred firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

§ 590.604 Causes and conditions under which departments may debar contractors.

§ 590.605 Suspension of bidders.

See § 1.605 of this title.

§ 590.605–3 Restrictions during period of suspension.

(a) *New awards.* (1) No bids or proposal shall be solicited from and no contracts shall be awarded to any firm or individual during the period of his suspension.

(2) A bid or proposal received from a suspended firm shall be received and recorded. If the bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefor documented in the contract file.

(3) If the Head of a Procuring Activity believes that an award to a suspended firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

(b) *Current contracts.* Administration of current contracts with suspended contractors may be continued at the discretion of the Head of the Procuring Activity unless otherwise directed by the Assistant Secretary of the Army (Installation and Logistics) (Assistant Judge Advocate General). Suspension is a temporary measure pending possible criminal and civil prosecution. Exercise of certain contract rights may have an important effect on the outcome of such prosecution; however, certain of such rights, for example, recovery for latent defects, actions under warranty clauses, rejection of nonconforming supplies must be timely taken or such rights may be lost to the Government. In case of doubt of the advisability or propriety of any such action, the matter should be expeditiously referred, with accompanying recommendations, to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(c) *Terminations.* Negotiation toward settlement of terminated contracts and subcontracts will cease with the suspension of the contractor. All authorizations granted to such contractor under Part 8 of this title and Part 597 of this subchapter, will be revoked immediately. If the contracting officer believes that settlement of a terminated contract or subcontract would be in the best interest of the Government, a recommendation for such action will be made to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(d) *Payments.* No payments of any type will be made to any suspended contractor. Contracting officers holding or in receipt of invoices covering amounts due to the suspended firm will prepare, process and certify the necessary accompanying vouchers and forward them to the assigned disbursing officer. Contracting officers will insure that, insofar as possible, vouchers are submitted and processed in accordance with these instructions for all completed work. Disbursing officers will promptly forward all properly certified approved vouchers in favor of suspended contractors to the Chief of Finance, Entitlements and Disbursements Division. Where the contracting officer believes that a complete or partial release of withheld funds to the suspended firm is required, he will recommend such action supported by a full statement of particulars through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

§ 590.650 Reports.

The reports required herein are exempt from reports control under paragraph 171, AR 335–15.

§ 590.650–1 General.

The prompt reporting of allegations of fraud or criminal conduct in connection with procurement activities, and of all other irregularities which could lead to debarment or suspension of a contractor is of extreme importance. Notification to the Federal Bureau of Investigation pursuant to paragraph 3, AR 22–160, submission of a "Blue Bell" report pursuant to AR 1–55, or submission of a litigation report pursuant to AR 27–5, does not remove the requirement for the report required by this section.

§ 590.650–2 Situations in which report is required.

A report incorporating the information required in § 590.650–3 will be prepared and submitted through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), when:

(a) A contractor has committed, or is suspected of having committed any of the acts described in §§ 1.604–1(a) and 1.605–1 of this title;

(b) Substantial evidence exists that a contractor has failed to perform or has violated his contract in the matter described in § 1.604–1(b) of this title;

(c) A report is required by § 590.111–2.

NOTE: Section 590.650–3 does not concern reports required to be submitted to the Department of Justice on Identical Bids under Executive Order No. 10936, dated 24 April 1961 (26 F.R. 3555).

(d) A report is required by § 590.508–50;

(e) A report is required by § 595.205–50;

(f) A report is required by § 8.206 of this title, and

(g) A contractor has done or failed to do any other act or series of acts, the results of which action or non-action are so serious as to support a recommendation that the contractor be debarred or suspended under the provisions of §§ 1.604–1(c) or 1.605–1(b) of this title.

§ 590.650–3 Contents of report.

All reports submitted pursuant to § 509.650–2 will include:

(a) The name and address of the contractor, and names of its principal officers, partners, owners, or managers; all known affiliates, subsidiaries, or parent firms, and the nature of the affiliation.

(b) A description of the contract or contracts concerned, including the contract number, and all office identifying numbers or symbols, the amount of each contract; the degree of completion, the amount paid the contractor and the amount still due, and the percentage of work to be completed;

(c) The status of vouchers required to be processed and forwarded under § 590.605–3(d);

(d) Whether the contract or contracts have been assigned pursuant to the Assignment of Claims Act, and if so assigned, the name and address of the assignee, and a copy of the assignment;

(e) Whether any other contracts are outstanding with the contractor or any of his affiliates, and if so, the amount of such contracts and whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on such contracts;

(f) A complete summary of all pertinent evidence;

(g) A recommendation as to the administration of all current contracts with a full explanation of the reason for such recommendation. If no recommendation is made, an explanation will be included;

(h) An estimate of damages, if any, sustained by the Government as a result of the action of the contractor, including an explanation of the method used in making the estimate;

(i) The recommendation of the contracting officer whether the contractor should be suspended or debarred, and

(j) As an inclosure, a copy of the contract (or contracts) or of pertinent excerpts therefrom, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

§ 590.650–4 Supplemental reports.

(a) When all of the information required by § 590.650–3 is not immediately available, the report should be prepared and forwarded with the information at hand, followed by supplemental reports from time to time as further facts are developed. Failure to include in the initial report any of the items set forth in § 590.650–3 should be explained.

(b) Any changes to the information furnished in the initial and subsequent reports, and all developments in the matter will be promptly forwarded by supplemental report.

§ 590.650–5 Distribution of reports.

All reports and supplemental reports will be prepared in six copies and forwarded through channels to the Head of the Procuring Activity. Four of the six copies should be complete with all copies of documents, contracts, and exhibits. Each successive echelon will attach its comments and recommendation particularly as to § 590.650–3 (g), (h), and (i). The Head of the Procuring Activity will add his comments and recommendations, and forward three copies of the report with all inclosures to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), one copy without inclosures to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, and one copy without inclosures to The Inspector General, Department of the Army, Washington 25, D.C..

§ 590.651 Responsibilities.

(a) The contracting officer is responsible for prompt initiation, complete and accurate preparation, and submission of initial and supplemental reports.

(b) The Head of the Procuring Activity is responsible for supervision of the contracting officer; and for administration of current contracts with contractors recommended for suspension or debarment, or suspended or debarred contractors.

(c) The Judge Advocate General is responsible for all liaison with the Department of Justice. No officer or employee of the Department of the Army will correspond with any representative of the Department of Justice or a United States Attorney concerning a matter reported pursuant to §§ 590.650—590.650–5 without prior approval of The Judge Advocate General. This section in no way affects the requirement of AR 22–160, that certain offenses be reported to the Federal Bureau of Investigation, nor the requirement for cooperation with the FBI during the course of its investigation.

§ 590.652 Provisional withholding of funds.

When the report prepared pursuant to § 590.650 includes a recommendation that the contractor be suspended, all funds becoming due to the contractor will be withheld pending contrary advice by the Head of the Procuring Activity or the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). All vouchers will be administratively processed in accordance with § 590.605–3(d).

§ 590.653 Attempted evasions.

Some firms and individuals have attempted to evade the prohibitions of §§ 1.604 and 1.605 of this title and §§ 590.604 and 590.605 of this part by change of address, multiple addresses, formation of new companies, or by other devices. Where it can be reasonably established that any such attempt is being made, the basic prohibitions will be applied, and a report will be submitted through channels to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Doubtful cases will be referred to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) for determination.

§ 590.654 Inquiries from debarred, ineligible, or suspended firms and individuals.

(a) *Suspended firms and individuals.* In the event a suspended contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 590.605–3, or for any other reason, no information relating to the suspension or the fact that the contractor has been suspended will be given to the inquirer. Instead, the contractor will be informed that consideration is being given his contractual relationship by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), and that all inquires regarding such matters should be addressed in writing direct to that official.

(b) *Debarred firms and individuals.* All inquiries relating to debarred bidders, including those from a debarred bidder, will be forwarded to the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General).

(c) *Ineligible or disqualified firms or individuals.* Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and

the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with the Wage and Hour and Public Contracts Division, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

7. Revise § 590.701–52; revise paragraph (a) of § 590.704–2; and in § 590.704–3, revise the opening portion of paragraph (a)(1), and paragraph (a)(2)(xiv), and paragraph (b), as follows:

§ 590.701–52 Purchasing activity.

The term purchasing activity as used in Subpart G, Part 1 of this title means purchasing office as defined in § 590.201–53.

§ 590.704–2 Departmental Small Business Advisors.

(a) *Headquarters, Department of the Army.* The Department of the Army Small Business Advisor advises the Assistant Secretary of the Army (Installations and Logistics) and the Deputy Chief of Staff for Logistics in all matters relating to the establishment and execution of the Department of the Army Small Business Program implementing the Department of Defense Small Business Program.

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§ 590.704–3 Small Business Specialists.

(a) *Technical service Class II installations and activities: Chief, Research and Development; Defense Atomic Support Agency; U.S. Army Security Agency; and the U.S. Military Academy*—(1) *Appointment.* Commanders of technical service Class II installations and activities; the Chief, Research and Development, Headquarters, Department of the Army; the Chief, Defense Atomic Support Agency; the Chief, United States Army Security Agency; and the Superintendent, United States Military Academy shall nominate small business specialists for appointment by the head of the procuring activity. • • •

(2) *Functions and duties of Small Business Specialists.* • • •

(xiv) Stresses to all procurement personnel, including contracting officers, negotiators, and middle management groups, the importance of the policy relating to progress and advance payments as enunciated in Part 163 of this title.

(b) *All other purchasing offices.* Commanding officers of field purchasing offices under the jurisdiction of the ZI armies; the Military District of Washington, U.S. Army; the National Guard Bureau; the Chief, Defense Atomic Support Agency; and The Adjutant General shall designate the contracting officer to perform the functions stipulated in paragraph (a)(2)(i), (ii), (iii), (vii), and (viii) of this section.

8. Revise paragraph (b)(4) in § 590.706–2; revise the introductory portion of paragraph (a) in § 590.706–4; revise § 590.707; and revise the section heading of § 590.707–3, as follows:

§ 590.706–2 Review of SBA set-aside proposals.

• • • • •

(b) • • •

(4) The Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, after coordination with the Army Small Business Advisor, and if supporting the views of the Head of the Procuring Activity, will forward the information to the Assistant Secretary of the Army (Installations and Logistics) for determination and will furnish appropriate instructions to the Head of the Procuring Activity.

§ 590.706–4 Reporting for Department of Commerce Procurement Synopsis.

(a) *Dissemination of information.* Instructions for preparation of synopsis of proposed procurements and of contract awards are contained in Subpart J, Part 1 of this title and Subpart J, Part 590 of this subchapter.

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§ 590.707 Subcontracting with Small Business and Labor Surplus Area Concerns.

§ 590.707–3 Defense subcontracting in Small Business and Labor Surplus Area Programs.

9. Revoke §§ 590.1302–1 and 590.1302–2; revise § 590.1350; and revoke Subpart O, Part 590, as follows:

§ 590.1302–1 Shipments within the United States. [Revoked]

§ 590.1302–2 Shipments from the United States for oversea delivery. [Revoked]

§ 590.1350 Sources of transportation assistance.

Transportation advice and assistance will be obtained from the transportation officer of the local or supporting military activity, the Regional Commander, Defense Traffic Management Service (DTMS), for domestic shipments, and from the Army Transportation Officer or Chief of Transportation as appropriate for other shipments. Requests for such advice or assistance addressed to the Chief of Transportation will be submitted through channels.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Subpart O—Maintenance of Mobilization Base [Revoked]

10. Divided § 591.201 into two sections by inserting new section number and heading following present section number and heading; and revoke §§ 591.203 and 591.203–1, as follows:

§ 591.201 Preparation of invitation for bids.

§ 591.201–50 Numbering and identification of invitations for bids.

§ 591.203 Methods of soliciting bids. [Revoked]

§ 591.203–1 Mailing or delivery to prospective bidders. [Revoked]

PART 592—PROCUREMENT BY NEGOTIATION

11. Redesignate § 592.156 as § 592.112; redesignate § 592.157 as § 592.156; revise § 592.200–50; and revoke §592.211–4, as follows:

§ 592.112 Disclosure of mistakes after award. [Redesignation]

§ 592.156 Protests involving negotiated procurements. [Redesignation]

§ 592.200–50 Limitation.

(a) When a separate facilities contract will be necessary to support a contract for supplies or services, and the contract for supplies or services will require a determination by the Secretary, one determination and findings will be prepared to cover both contracts. The same subsection of 10 U.S.C. 2304(a) will be cited as the authority to negotiate both the supply or service contract and the supporting facilities contract.

(b) A determination by the Secretary is not required for the negotiation of any contract modification resulting from changes under the Changes clause of the basic contract, or for the modification of a cost-type contract to provide additional funds only, without change in the scope of the contract.

§ 592.211–4 Records and reports. [Revoked]

12. Add paragraph (f) to § 592.213–2 and revise paragraph (d) in § 592.213–3, as follows:

§ 592.213–2 Application.

• • • • •

(f) Where applicable, extension of the application of procurement standardization approvals will be made to allow for the purchase of equipment requirements for the Military Assistance Program (MAP). However, computation of MAP assets will not be considered in the selection of makes and models of equipment for future procurement standardization actions.

§ 592.213–3 Limitation.

• • • • •

(d) After approval by the Assistant Secretary of the Army (Installations and Logistics), the Chief of the Technical Service concerned shall, whenever supporting circumstances warrant and at least once prior to each second anniversary date of such approval, review the requirement for standardization to determine whether the approval should be continued, revised, or canceled, and submit the results of this review, over his signature or that of his Deputy, to the Advisory Committee on Procurement Without Advertising of Technical Equipment and Components. Where attrition and negotiated procurement result in a change in the total assets such that the product of one or more of the suppliers falls below the 15 percent figure, the standardization approval may be continued to permit an additional procurement by negotiation to be proposed to the Assistant Secretary of the Army (Installations and Logistics) for approval. The supplier may be retained as a selected source for procurement standardization by reason of the fact that he was the successful offeror, even though the quantity procured may have been insufficient to re-establish him as one of those whose products are within the range of 15 percent of total assets. However, if a supplier is unsuccessful in any subsequent procurement and assets of his product in the supply system continue to remain below 15 percent, standardization approval of such supplier will be considered for cancellation by the Committee. If the Committee is of the opinion that the approved standardization should be revised or canceled, appropriate recommendations will be made to the Assistant Secretary of the Army (Installations and Logistics).

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13. In § 592.217–2, change reference "§ 1.706–7" to read "§ 1.706–8".

14. Add new §§ 592.304 and 592.304–50; revise § 592.306; and in § 592.403–3(c)(4), revise subdivision (ii), as follows:

§ 592.304 Determinations and findings by the contracting officer.

See § 3.304 of this title.

§ 592.304–50 Determination and findings for procurement negotiated under 10 U.S.C. 2304(a)(10).

Proposed noncompetitive procurements negotiated under 10 U.S.C. 2304(a)(10) due to lack of or inadequacy of technical data or other reasons will be documented to include a statement by the contracting officer either:

(a) Setting forth the actions being taken to avoid subsequent noncompetitive procurement of the item or services concerned, and reflecting information pertaining to § 3.108(d) of this title, or

(b) Fully explaining why action to avoid subsequent noncompetitive procurement would be unavailing and is therefore not being taken.

§ 592.306 Procedure with respect to determinations and findings.

(a) Requests for approval of determinations and findings referred to throughout Part 3 of this title and this part, which requires the signature of the Secretary of the Army or the Assistant Secretary of the Army, shall contain (1) a complete statement of facts, including supporting data necessary to demonstrate the applicability of the cited section 10 U.S.C. 2301 et seq.; (2) a recommendation that the determinations and findings be signed; and (3) a determination and findings prepared for the appropriate signature.

(b) Data furnished in support of a Secretarial Determination and Findings for proposed noncompetitive procurements will set forth the reasons for lack of competition, as well as actions already taken or to be taken in the future to avoid subsequent noncompetitive procurement of the item concerned or why actions to obtain competition would be unavailing.

(c) Requests for approval of determinations and findings of authority to negotiate submitted for the signature of the Assistant Secretary of the Army (Installations and Logistics) will be signed by or for the Head of the Procuring Activity and shall include the following information in support of the requested determination:

(1) Complete statement of facts on the proposed procurement. The statement should contain sufficient descriptive information to enable the Assistant Secretary of the Army (Installation and Logistics) to make the determination required by 10 U.S.C. 2304(a). The following minimum data should be contained in this statement, except that additional data required by § 592.211–3(c)(1) through (7) shall be included when the determination is to be made under § 3.211 of this title and § 592.211 of this part.

(i) Detailed description in nontechnical language of the supplies or services to be procured.

(ii) Inclusion of the following statement in requests for determinations and findings in the procurement of supplies:

The proposed procurement is supported by valid requirements and the required program approvals have been obtained.

(iii) Expected starting and completion dates of the contracts and estimated dollar amount of the purchase, for individual determinations and findings.

(iv) Estimated total number of purchases with the estimated total dollar amount for the time period to be covered, for each class determination and findings.

(v) Designation of funds by type and source, i.e., Research, Development, Test, and Evaluation, Army (RDTE); Procurement of Equipment and Missiles, Army (PEMA); Operation and Maintenance, Army (O&M); other Department or Government agency funds. When PEMA funds are designated, the date, page number, and item number of the current Material Program Annex VI—Procurement Schedules will be cited. When O&M funds are designated, justification will be included for the proposed use of such funds. When Military Assistance Program funds are designated, the common item order numbers, quantity, and country will be indicated. Where more than one type of funds will be used, the amount applicable to each category shall be indicated.

(vi) Citation of both the appropriate fiscal year and funds, where the funds to be used are chargeable to a specific fiscal year.

(vii) Inclusion of the following statement where no year funds will be used:

The estimated cost of this procurement is $ ------- chargeable to (designate the appropriation) no year funds.

(viii) Date of the original contract, type of original contract, name of the contractor, and total funds obligated to date, where the purchase action submitted for a determination and findings is a contract modification or a new contract with an existing supplier.

(ix) Type of contract which it is anticipated will be utilized, i.e., fixed-price, incentive, cost-plus-a-fixed-fee, etc. If it is anticipated that a time and material contract or a labor-hour contract will be used, a copy of the determination required by § 3.405–1 or § 3.405–2 of this title will be enclosed. The types of contracts anticipated for procurement of major weapon systems, subsystems or items will be listed for each class determination and findings wherever feasible.

(x) Statement that there will be competition on the proposed procurement. Where competition is to be restricted, i.e., purchases in the interest of national defense or industrial mobilization, such supporting data will include the names and locations of the suppliers to be solicited. Where the request is for a class determination and findings, the supporting data will include the names and locations of the suppliers to be solicited for all major items to be procured under the authority granted by such determination and findings. Supporting data accompanying each determination and findings will also explain the procedures to be used in soliciting proposals and conducting negotiations where such procedures will vary materially from procedures prescribed in Subchapter A, Chapter I of this title and this subchapter, i.e., competition, price, competency, delivery time and transportation. In such cases the explanation should contain the criteria and factors under which the proposal will be evaluated. In lieu of the statement concerning competition, where solicitation is to be limited to a single source, the name and location of the supplier and a brief explanation why the solicitation is to be limited will be included.

(xi) Add a statement as to whether or not a procurement package is available for each major weapon system, subsystem or item; if not available, indicate estimated availability date and what efforts are being made to obtain the procurement package.

(xii) Reason why procurement of the supplies or services by normal advertising is not feasible. Summarize such pertinent facts as are available and relevant to support the determinations to be made in paragraph 2 of the determinations and findings.

(2) Data indicating applicability of 10 U.S.C. 2304(a). This data should demonstrate that the property, work, and circumstances are of the nature described by the pertinent section of 10 U.S.C. 2304(a)(1) et seq. Department of the Army approved programs and projects should be cited if they serve to identify the procurement as research and development, interests of industrial mobilization, etc. Previous contracts, status of Government tooling and facilities, and mobilization planning status are examples of other data which serve to identify the procurement with the cited section of 10 U.S.C. 2304(a)(1) et seq.

(3) Data supporting designation of any classes for class determinations and findings.

(4) Recommendation for signature of the determinations and findings.

(d) The expiration date of a determination and findings is the end of the fiscal year in which it was signed, unless otherwise specified in the determination and findings, except that where requests for proposal have been issued prior to the end of the fiscal year or the specified expiration date, the determination and

findings shall remain in effect until the award of the contract.

(e) The primary test in determining the quantity and dollar amount covered by a determination and findings is the actual demonstrated requirement that exists at the time the determination and findings is submitted to the Assistant Secretary of the Army (Installations and Logistics) for signature. The recitation of the estimated amount of a proposed procurement in a determination and findings, issued under § 3.305(a), is not in itself to be regarded as a monetary limitation upon the authority of the contracting officer to negotiate the contract. However, such determination and findings may not be relied upon by a contracting officer as authority to negotiate a contract which includes work or services outside the scope of such determinations and findings.

(f) The determination and findings, request for approval and signature, and all supporting documents shall be submitted in an original and seven copies (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, two copies of such documents will be sufficient) to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief Contracts Division.

§ 592.403–3 Fixed-price contract providing for redetermination of price.

* * * * *

(c) *Administration of price redetermination clauses.* * * *

(4) * * *

(ii) The contracting officer will make such use and verification of the estimate and the supporting cost data submitted by the contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. Whenever the total contract target price is to be increased as the result of the exercising of options, the requirement of additional quantities of end items, or the extension of the term of performance, the related increase in ceiling price will be established after evaluation of (*a*) contingencies which pertain particularly to the additional effort, (*b*) contingencies for which provision was made in earlier modifications, (*c*) the extent that required performance has been completed within the existing target price, and (*d*) the reasonableness of the relationship of the new aggregate spread between contract target and ceiling prices with the total contract requirements after giving effect to the contemplated increase.

* * * * *

15. Revise §§ 592.405–1, 592.650–3(e)(3), 592.650–12(b)(2), and 592.809(m), to read as follows:

§ 592.405–1 Time and materials contract.

(a) *Justification of use.* The official contract file shall contain a statement, accomplished by the contracting officer, which will include information such as the following:

(1) Hourly rates, including overhead and profit, compared with:

(i) Previous Government contracts of this type;

(ii) Rates normally charged on commercial contracts of this type; and

(iii) Existing contracts with other agencies.

(2) Complete justification of profit percentages in excess of 10 percent of direct labor and labor overhead.

(3) Complete documentation and justification for any provision in the contract for the use of an optional method for pricing material at other than cost.

(b) *Optional method of pricing material.* The optional method of pricing material will not be used for any items of material which are not regularly sold to the general public in the normal course of business by the contractor. Contractors' invoices which are submitted on the basis of an optional method of pricing material will be approved for payment only to the extent that the contracts specifically so provide.

§ 592.650–3 Use in conjunction with charge accounts.

* * * * *

(e) *Requests placed against charge accounts.* * * *

(3) Contracting officers may authorize (i) ordering officers, (ii) sight buyers, or (iii) other selected purchasing personnel within their organization to place oral calls or informal purchase requests against charge accounts. Individuals under subdivisions (ii) and (iii) of this subparagraph will not be appointed ordering officers.

* * * * *

§ 592.650–12 Use in postal channels; APO shipments.

* * * * *

(b) * * *

(2) Two copies inside the package and two copies outside the package in an envelope, DA Form 451–1 (Envelope-Shipping Documents), or otherwise securely attached.

* * * * *

§ 592.809 Audit as a pricing aid.

* * * * *

(m) *Accounting counsel.* Contracting officers should request accounting counsel from the cognizant auditor, during the initial pricing stage or during repricing or contract terminations negotiations, whenever questions concerning contractors' cost representations, accounting determinations or considerations enter into the negotiations. Precontract considerations may involve audit appraisal or the financial capabilities of the proposed contractor, an evaluation of internal controls and accounting systems in consideration of contemplated contract provisions managerial controls, including such matters as purchasing and subcontracting procedures, as well as opinions on the propriety of cost estimates. Of particular concern in the evaluation of proposals submitted on cost-type research and development contracts is the reliability of the contractor's management system for measuring work progress against funds expended. Audit counsel should be sought both as to the adequacy of the contractor's controls in this area and as to the contractor's cost performance record on prior contracts. Whenever the accuracy or propriety of cost accounting determinations made by the auditor during the performance of his advisory service are challenged by the contractor, the auditor should be requested to participate in the discussions. The cognizant audit service should furnish accounting counsel on a timely basis whenever requested by the contracting officer.

PART 595—FOREIGN PURCHASES

16. Revise the introductory portion of § 595.104–5; add new §§ 595.205 and 595.205–50; revoke § 595.503–50; and redesignate § 595.503–51 as § 595.503–50, as follows:

§ 595.104–5 Contract clause.

In addition to the clause prescribed by § 6.103–5 of this title, the additional special provisions set forth in this section shall be included in all contracts for supplies; experimental, developmental, or research; and in contracts for services when applicable, except that these provisions shall not be included in contracts exclusively for articles, materials, or supplies for use outside the United States, for items not listed in § 595.103–5, involving procurements exempt under provisions of § 595.504(c), for Civil Works acquired with funds appropriated for Civil Functions, Department of the Army, or for food items.

* * * * *

§ 595.205 Penalty for violation.

See § 6.205 of this title.

§ 595.205–50 Report of violation.

When a contractor has failed to comply with or is suspected of having failed to comply with the terms of the clause required by § 6.204–5 of this title, the contracting officer will prepare and forward a report thereof in accordance with § 590.650 of this chapter.

§ 595.503–50 Letter agreement with Department of Defense Production (Canada). [Revoked]

§ 595.503–50 Letter agreement with the Canadian Army and the Department of Defence Production (Canada) (Development Sharing). [Redesignation]

PART 596—CONTRACT CLAUSES

17. Revise subdivition (iii)(*a*) in § 596.103–12(b)(8); and add new Subpart C, to read as follows:

§ 596.103–12 Disputes.

* * * * *

(b) *Procedure for handling disputes.* * * *

(8) *Functions of the Office of the Chief Trial Attorney.* * * *

(iii) *Agreements or stipulations.* * * *

(*a*) *Agreements on matters not disposing of an appeal.* An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial Attorney or by an individual Trial Attorney, provided that, in the case of a pre-hearing written stipulation or agreement, authority therefor shall have been granted in advance by the Chief Trial Attorney. In appeals being conducted under the Optional Accelerated Procedure, the attorney representing the Government therein shall have the same authority with respect to such stipulations and agreements as the Chief Trial Attorney.

* * * * *

Subpart C—Clauses for Fixed-Price Research and Development Contracts

Sec.
596.303 Clauses to be used when applicable.
596.303–50 Care of experimental animals clause.

AUTHORITY: §§ 596.303 and 596.303–50 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

§ 596.303 Clauses to be used when applicable.

§ 596.303–50 Care of experimental animals clause.

In furtherance of the Department of the Army policy that all aspects of the use of experimental or laboratory animals in activities performed and sponsored by the Department of the Army agencies be in accordance with the Principles of Laboratory Animal Care as promulgated by the National Society for Medical Research, the following contract clause will be included in all contracts which may involve the use of experimental animals:

CARE OF EXPERIMENTAL ANIMALS (DEC. 1961)

(a) The contractor agrees to adhere to the following principles in the care of experimental animals utilized in the performance of this contract:

(i) The acquisition and use of all animals for experimental purposes shall be in compliance with Federal, state, and local laws.

(ii) Research projects involving live animals must be performed by, or under the immediate supervision of, a qualified biological scientist.

(iii) The housing, care, and feeding of all experimental animals shall be supervised by a properly qualified veterinarian or other biological scientist competent in such matters.

(iv) All laboratory animals must receive every consideration for their comfort; they must be kindly treated, properly fed, and their surroundings kept in a sanitary condition.

(v) Rooms in which animals are to be housed shall be provided with a floor which can be kept clean, and the room shall be lighted and ventilated. The temperature shall be held within reasonable limits. Cages should be of sufficient size to permit the animals used to stand or lie in a normal position. It is generally conceded that animals maintained for long periods are in better physiological condition if they exercise regularly. Species housed out-of-doors should be given adequate protection from direct sunlight or inclement weather.

(vi) The food and water supplied to all experimental animals, subject to the nature of the research, must be palatable, and of sufficient quantity and proper quality to maintain the animals in good health.

(vii) In any operation likely to cause greater discomfort than that attending anesthetization, the animals shall first be rendered incapable of perceiving pain and be maintained in that condition until the operation is ended.

(A) Whenever anesthetization would defeat the purpose of the experiment then the experiment must be approved by the head of the contractor research department or directly supervised by the head of his laboratory.

(B) If an acute study does not require survival, the animal must be killed in a humane manner at the conclusion of the experiment.

(C) If the nature of the study is such as to require survival of the animal, then acceptable techniques must be followed throughout the operation.

(viii) The post-operative care of animals must be such as to minimize discomfort during convalescence in accordance with acceptable hospital practice.

(ix) The care and housing of individual species will be in accordance with the recommendations of the Institute of Laboratory Animal Resources, National Academy of Sciences, Washington 25, D.C., in effect on the date of this contract and in accordance with such supplements and amendments thereto as may be agreed upon by the contractor and the Government.

PART 597—TERMINATION OF CONTRACTS

18. Revise § 597.206 to read as follows:

§ 597.206 Fraud or other criminal conduct.

Whenever the contracting officer has reason to suspect fraud or other criminal conduct in connection with settlement of a terminated contract, he shall discontinue all negotiations with the contractor and report the facts in accordance with § 590.650 of this chapter.

PART 599—BONDS AND INSURANCE

19. Revoke §§ 599.101, 599.101–50, 599.101–51, 599.101–52, 599.101–53, 599.101–54, and 599.101–55, as follows:

§ 599.101 Definitions. [Revoked]

§ 599.101–50 Annual bid bonds. [Revoked]

§ 599.101–51 Annual performance bonds. [Revoked]

§ 599.101–52 Fidelity bond (blanket). [Revoked]

§ 599.101–53 Forgery bond or policy (depositor's form). [Revoked]

§ 599.101–54 License or permit bond. [Revoked]

§ 599.101–55 Consent and surety. [Revoked]

20. Revise §§ 599.103–1, 599.103–50, 599.104–1, and 599.104–50 to read as follows:

§ 599.103–1 Performance bonds for contracts other than construction contracts.

Requests for determinations in those specified classes of cases described in § 10.103–1(c) of this title will be forwarded through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division. The need for class determinations will be fully documented. At least six copies of the proposed determination should be attached to the request.

§ 599.103–50 Additional performance bonds and consent of surety.

The format contained in § 599.203(a) may be used when an additional bond is obtained from the original surety.

(a) *Construction contracts.* See § 10.103–2(b) of this title.

(b) *Other than construction contracts.* If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether or not to require an additional performance bond consistent with the principles set forth in § 10.103–1 of this title.

(c) *Consent of surety.* See § 599.203(b).

§ 599.104–1 Payment bonds in connection with contracts other than construction contracts.

Authority is delegated to contracting officers to decide whether a payment bond will be required to support a contract other than a construction contract. Generally, payment bonds for such contracts should be required only if a performance bond is also required, in which case the penal sum of the payment bond should ordinarily be equal to or less than that of the performance bond. Among the factors to be considered by a contracting officer in deciding whether to require a payment bond are the following: (a) The financial resources of prospective contractors; (b) whether such bond would facilitate the performance of the contract, as for example, by favorably affecting the willingness to, and the terms under which suppliers will, extend credit to prospective contractors; and (c) whether such bond will increase the cost of the procurement. Ordinarily, if a performance bond is required, a payment bond of equal penal amount can be obtained at no additional cost.

§ 599.104–50 Additional payment bonds and consent of surety.

The format contained in § 599.203(a) may be used when an additional bond is obtained from the original surety.

(a) *Construction contracts.* See § 10.104–2(b) of this title.

(b) *Other than construction contracts.* If a contract other than a construction contract is increased in price or modified to cover new or additional work, the contracting officer shall decide whether or not to require an additional bond consistent with the principles set forth in § 10.104–1 of this title.

(c) *Consent of surety.* See § 599.203(b).

21. In § 599.201(a)(1), change the reference "(Form No. 356)" "(Circular 570)."

22. Revise §§ 599.203 and 599.302, and add new §§ 599.350, 599.351 and 599.352, to read as follows:

§ 599.203 Consent of surety.

The following forms of consent of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.[1]

In presence of: [SEAL]

_____ _____
(Individual principal)[2]

_____ _____
(Address) (Business address)

Attest: _____
(Corporate principal)[3]

_____
(Business address)

_____ By _____
[Affix Corporate Seal]

_____
(Corporate Surety)

_____
(Business address)

_____ By _____
[Affix Corporate Seal]

[1] Here fix an amount of increase at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

[2] This consent shall be executed concurrently with the execution of the attached modification by the same person who executes the modification. If the individual who signs the consent on behalf of a corporation does not execute the modification, a Certificate of Corporate Principal shall be submitted with the consent.

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given by the same surety.* The following consent shall be obtained from the original surety for a contract modification if an additional bond is obtained from other than the original surety (§ 10.203 of this title), or when no additional bond is required and (1) the modification is for new or additional work beyond the scope of the contract, or (2) the modification is pursuant to an existing provision of the contract and changes the contract price by more than $25,000 or 15 percent of the basic contract price, whichever is less.

Consent of Surety is hereby given to the foregoing contract modification, and the Surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

§ 599.302 Notice of cancellation or change.

See § 10.302 of this title.

§ 599.350 Overseas.

Outside the United States, its possessions, and Puerto Rico, where the insurance coverages are not available because of the absence of competent or financially responsible insurance carriers, the Head of the Procuring Activity is authorized to waive the insurance requirements.

§ 599.351 Boiler inspection service.

Boiler inspection service will be provided as required by AR 420–49 and AR 850–300. The purchase of boiler insurance to cover Government-owned boilers is not authorized, but inspection services may be procured, as necessary, to meet the requirements of the referenced Army regulations.

§ 599.352 Coordination.

Where the Department of the Navy or the Department of the Air Force has an interest in the contractor's insurance program, coordination will be effected with the Contract Insurance Branch, Office of Naval Material, Washington 25, D.C., or the Bond and Insurance Section, Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, as appropriate. Where a contractor's insurance program has been approved by a military department, evidence of such approval should be submitted, along with the request for approval, to the Head of the Procuring Activity. This prior approval may be accepted when determining the adequacy of the contractor's program, subject to any unusual circumstances.

23. Revise §§ 599.401, 599.402, 599.403, 599.450 and 599.452, to read as follows:

§ 599.401 Policy.

See § 10.401 of this title.

§ 599.402 Government-furnished property.

See § 10.402 of this title.

§ 599.403 Workmen's compensation insurance overseas.

Request for waiver of the requirements of the Defense Base Act as amended (42 U.S.C. 1651 et seq.), will be forwarded through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attention: Chief, Contracts Division (see § 599.501–1(b)).

§ 599.450 Work at Government installation.

(a) All contractors and subcontractors performing construction, repair or utilities within a Government installation shall be required to furnish a statement in writing to the contracting officer attesting to the existence, in addition to legally required insurance, of Comprehensive General Liability and Automobile insurance, in each instance, for both bodily injury and property damage in such limits as the contracting officer deems reasonable under the circumstances. Prime contractors shall be responsible for insuring compliance with the foregoing by their subcontractors. The Invitation for Bids or Request for Proposals shall state the minimum insurance coverage required.

(b) Contractors and subcontractors may submit annual statements in compliance with the foregoing requirements, which statements shall be accepted in satisfaction thereof to the extent of the insurance coverage so reported.

(c) The foregoing requirements are not applicable to prime contracts of less than $2,500, or for work to be performed outside the United States, its possessions and Puerto Rico.

§ 599.452 Accident and disability insurance for extra-hazardous occupations.

The insurance described in § 599.551 (a) for cost-type contracts is available for use in fixed-price type contracts.

24. Revise § 599.501, add new § 599.501–50, and revoke § 599.550, as follows:

§ 599.501 Policy.

The Government's interest in the insurance program of a cost-reimbursement type contractor relates primarily to the policies or self-insurance plans which provide coverage for Workmen's Compensation and Employers' Liability, General Liability, Aircraft Public and Passenger Liability, Fidelity Bonds, Group Insurance, Accident Insurance, and Pensions.

(a) The insurance coverages required by §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a), are mandatory, unless the contractor is relieved by statute from liability or has a self-insurance program which meets the requirements of § 599.502. Each head of a procuring activity, his deputy, and principal assistant for procurement in his headquarters is authorized to modify the limits of the coverages required by this subchapter.

(b) Additional types of insurance may be required by heads of procuring activities.

(c) Reimbursement for insurance premiums shall be in accordance with the requirements of Part 15 of this title.

(d) Where the cost of insurance coverage is included in the overhead rate, the contract schedule shall specifically provide that the insurance cost included therein shall not be an item for separate reimbursement under the contract.

(e) The contracting officer, in establishing insurance costs for overhead rate negotiations, shall ascertain to the extent possible that such costs are net after anticipated dividends or other credits, or shall provide for proportionate recovery for the benefit of the Government of any dividends or credits not anticipated in the overhead rate calculations.

§ 599.501–50 Review of contractor's insurance program.

(a) Prior to the approval of a contractor's insurance program under a cost-reimbursement type contract (§ 599.553) the extent of the contractor's cost-reimbursement type contracts with other agencies of the Department of Defense at the proposed location or adjacent thereto shall be determined. This information should be readily available from the contractor and shall be used to determine whether the insurance pertaining to the contract should be combined with the insurance pertaining to the contractor's other Department of Defense contracts, in order to effect savings in reimbursable insurance premium costs.

(b) Where the contract operations are at a location at which the work is exclusively or almost exclusively for the Department of Defense, consideration should be given to establishing a special insurance arrangement for all work performed at this location.

(1) The criteria for application of the National Defense Projects Rating Plan is set forth in § 10.703 of this title. Where a location does not qualify for this plan and the estimated annual premiums are substantial, a commercial retrospective rating plan may be appropriate. If the estimated annual premiums are small, joint insurance with the contractor's commercial operations or special guaranteed cost policies may be advisable.

(2) Where special insurance arrangements are made, the exact coverages and limits required by §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a) shall be provided. The purpose of such an insurance program is not primarily to protect the Government or the contractor against financial loss but is to obtain the experienced services of the insurance industry in such technical areas as claims settlement and safety engineering; therefore, the higher limits of liability insurance normally carried by contractors in their commercial operations are not acceptable. The risk of excessive losses is normally assumed by the Government by the use of the "Insurance Liability to Third Persons" clause (§ 7.203–22 of this title) or a similar clause.

(c) Where the cost-reimbursement type contract operations are commingled with the contractor's commercial operations, all operations should normally be insured together.

(d) When the contract operations are jointly insured with the contractor's commercial operations, the proportion of cost-reimbursement type Department of Defense contracts and the amount of premium involved shall be the governing factors in determining the necessity for Government control. Unless both the proportion of contracts and the amount of reimbursable premium involved is substantial, review of the contractor's insurance program should be limited to assuring that the contractor complies with the requirements of §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4(a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4(a). Higher limits than those prescribed in the referenced sections may be approved where joint insurance coverage exists. Interference with the contractor's established commercial insurance program should be avoided to the extent possible.

(e) Particular attention should be given to the time period and geographical limits of the policies as well as to any provision in the policies which excludes from coverage any phase of contract operations.

(f) The policy endorsements set forth in § 10.302 of this title should be attached to the policies.

§ 599.550 Boiler inspection service. [Revoked]

25. Redesignate § 599.551 as § 599.550; redesignate § 599.552 as § 599.551 and revise material therein; redesignate § 599.553 as § 599.552; redesignate § 599.554 as § 599.553; redesignate § 599.555 as § 599.554; redesignate § 599.556 as § 599.555 and change the internal references to reflect the foregoing redesignations; revoke § 599.557; and revise § 599.750 (e) and (g), as follows:

§ 599.550 Group insurance plans. [Redesignation]

§ 599.551 Accident and disability insurance for extra-hazardous occupations.

(a) Insurance for risks of disability or death due to extra-hazardous occupations of contractor employees may be procured under Blanket Policy FD–711, negotiated with the Insurance Company of North America. The rate under this blanket policy, effective 1 October 1961, is $1.50 per month per $10,000 per covered employee. Such coverage is available in units of $10,000 per person covered, to a maximum of $50,000 per person. Details of insurance coverage may be obtained from the Insurance Company of North America, 2133 Wisconsin Avenue NW., Washington 7, D.C. Similar coverage may be available from other reputable carriers, but reimbursement to the contractor for the cost of such coverage will not exceed $1.50 per month per $10,000 unit per covered employee.

(b) When the cost of the insurance is an item for reimbursement under a Department of the Army contract, the contractor may procure such insurance at the expense of the Government only with the approval of the contracting officer.

§ 599.552 Insurance carrier. [Redesignation]

§ 599.553 Approval requirements for plans, policies, endorsements, and rates. [Redesignation]

§ 599.554 Action on termination or completion of contract. [Redesignation]

§ 599.555 Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts. [Redesignation]

§ 599.557 Overseas. [Revoked]

§ 599.750 Application of National Defense Project Rating Plan.

* * * * *

(e) *Final settlement exhibits.* Between eighteen and twenty months after termination of the policies, a computation of premium for final settlement purposes is prepared by the insurance company. No return premium should be accepted or additional premium paid until this settlement offer has been reviewed in accordance with § 599.553(b).

* * * * *

(g) It is often advantageous to the Government to combine the insurance for several cost-reimbursement type contracts under one National Defense Projects Ratings Plan project for premium settlement purposes. The contracts involved may have been negotiated by different procuring activities or by the Departments of the Navy and Air Force, in which case §§ 599.352 and 599.553 apply. Situations where combinations of contracts may be advisable are where work under several contracts is performed:

(1) At the same location at the same time by different contractors, such as an Architect-Engineer and a Construction contractor;

(2) At the same location at different times by the same or different contractors, such as construction and operation contracts at a Government Owned Contractor Operated (GOCO) plant or aircraft maintenance contracts which are replaced periodically by new contracts; or

(3) At different locations by the same contractor, such as one division of a contractor performing mostly cost-type contracts.

PART 600—FEDERAL, STATE, AND LOCAL TAXES

26. Revise § 600.401–2 to read as follows:

§ 600.401–2 Alternate clause for certain negotiated contracts.

(a) Before excluding a specific tax from the contract price pursuant to § 11.401–2(a)(5) of this title, contracting officers will obtain through channels the approval of the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. When this approval will prevent the timely placement of the contract, the request for approval may be transmitted electrically.

(b) The property tax clause contained in § 11.401–2(a)(5) of this title may, in appropriate instances, be included in contracts without the prior approval of the Chief, Contracts Division, Office of the Deputy Chief of Staff for Logistics.

PART 601—LABOR

27. Add new §§ 601.105 and 601.105–3, as follows:

§ 601.105 Location allowances at unfavorable sites.

§ 601.105–3 Procedures.

(a) Reasonable and allocable payments of location allowances may be approved by the contracting officer provided (1) that the payments are reasonable in the light of criteria for the extent of payment as set forth in § 12.105–2 of this title, and (2) that a written determination established that current conditions at the location permit such allowances, as required by paragraph (c) of this section.

(b) When approval of location allowances is requested, either as experienced costs or as an advance agreement (§ 15.107 of this title), the contracting officer concerned will determine the reasonableness of such payments in light of the criteria in § 12.105–2 of this title. Before the contracting officer approves

such costs he should obtain full coordination with other affected contracting activities.

(c) Determinations that conditions at a site justify location allowances will be made by individuals appointed and authorized to make determinations and approvals for the use of overtime premiums and shift premiums under § 601.102–4.

(d) The review required by § 12.105–3(a) of this title will be scheduled and accomplished by the cognizant contracting activity (§ 12.105–3(b) of this title) whenever warranted by changes in conditions and circumstances, but in any case at least once each year. Reviews at locations where one or more activity is located will be made as prescribed in paragraph (e) of this section.

(e) The cognizant contracting activity (§ 12.105–3(b) of this title) will maintain continuing surveillance over conditions at work sites where location allowances are being paid by contractors, and will schedule the review required by § 12.105–3(a) of this title. Each review will be coordinated and processed in accordance with the procedures governing original determinations and requests.

(f) Copies of the written determination as required by paragraph (c) of this section will be furnished to each contracting activity concerned and to the cognizant military audit agency. Six authenticated copies of the written determination and of the supporting examinations and reviews will be furnished to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(g) When two or more purchasing offices, representing one or more of the procuring activities within the Department of the Army, have contracts with a contractor who requests approval of payment for location allowances at unfavorable sites, one such office will by local agreement be designated to provide a Department of the Army representative. The Department of the Army representative will coordinate and administer the approval of location allowances at unfavorable sites. The purchasing offices concerned will exert every effort locally to reach agreement on a representative. Normally that purchasing office having the preponderance of work with the contractor should provide the representative. Where agreement cannot be reached locally or by the Heads of Procuring Activities concerned as to the designation of the Department of the Army representative, the matter will be forwarded for resolution to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Contracts Division.

(h) Where two or more purchasing offices, one or more of which is not within the Department of the Army, have concurrent contracts at a single facility and the approval of location allowances by one such purchasing office is likely to affect the performance of, or payments in connection with, contracts of another such purchasing office, the purchasing office exercising jurisdiction over the facility shall coordinate with the other interested purchasing office in applying the policy in § 12.105–2 of this title. Where the purchasing offices do not agree locally within a reasonable time on the application of the policy in § 12.105–2 of this title, the matter will be forwarded for resolution to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division.

(i) Where two or more facilities are so geographically located that determinations as to location allowances at one may affect the other, the purchasing offices involved shall coordinate in applying the policy in § 12.105–2 of this title. Where agreement on application of policy cannot be resolved locally within a reasonable time, the procedure set forth in paragraph (f) or (g) of this section should be utilized.

PART 602—GOVERNMENT PROPERTY

28. Add new sentence to § 602.050; and revise § 602.701 and Subpart H, as follows:

§ 602.050 Policy.

• • • Prior to the purchase of metal working machinery and other production and capital (plant) equipment (as listed in appendixes II and III, AR 700–34) either by the Government or by a contractor for the account of the Government, action shall be taken in compliance with section III, AR 700–34. (See also §§ 606.206–3(f), 606.206–4(e), and 606.206–8 of this chapter.)

§ 602.701 Use without charge.

The head of a procuring activity and his deputy, or his principal assistant for procurement, are authorized to approve on behalf of the Secretary, requests for use of industrial facilities and special tooling without charge under the provisions of § 13.701 of this title.

Subpart H—Transfer of Title to Equipment to Nonprofit Education or Research Institutions

(See Subpart H, Part 13 of this title.)

29. Revise §§ 602.1502–2, 602.1502–3, 602.1713 and 602.1714–1, to read as follows:

§ 602.1502–2 Reporting for screening.

(a) All materiel considered for exchange under the provisions of § 602.1502 shall be reported for screening on Standard Form 120 (Report of Excess Personal Property) to the Utilization Division, Armed Forces Supply Support Center, Washington 25, D.C., unless one or more of the following conditions prevail:

(1) Materiel under consideration is not reportable to the Armed Forces Supply Support Center under criteria set forth in AR 755–6, or

(2) The property is to be exchanged for property which may be acquired without solicitation of bids pursuant to Subchapter A, Chapter I of this title and the need for action will not permit the waiting period required for screening.

(b) Where a need for property under consideration for exchange is known to exist, whenever practicable, the procuring activity having jurisdiction over the property will offer it direct to the requiring service.

(c) Items which are reported to the Armed Forces Supply Support Center for screening shall be reported in the same manner as is required for Technical Service Excess Property in section III, AR 755–6, with the exception of the instructions pertaining to spaces 17 (i) and (j) of the Reporting Form. When application of the Fair Value Formula is not possible, the reporting activity is authorized to submit a competent appraisal of the cash market value of an item or items reported for screening and in such cases this appraised value will be shown in spaces 17(j) and the heading Fair Value changed to read Appraised Value. In filling utilization requirements, reimbursements for property listed under Fair Value Code designation "D" shall not be greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid basis.

(d) Each reporting form used for the listing of the items to be screened prior to exchange shall be marked clearly with a notation, "This Materiel for exchange under the provisions of section 201(c), Public Law 152—81st Congress, as amended, and pertinent Department of Defense Instructions."

(e) Items reported will be coded by the reporting activity as to condition in accordance with the condition code set forth in AR 755–6.

§ 602.1502–3 Screening of personal property for the Armed Forces Supply Support Center.

The rules and procedures under which those items of personal property mentioned in § 602.1502–2(a) will be screened are as follows:

(a) Department of Defense screening of items of property reported in accordance with § 602.1502–2 will be accomplished by means of an appropriate listing prepared by the Armed Forces Supply Support Center. Screening of all reported property, except that listed in § 602.1502–2(b), will begin with the issue date of the listing and will end 30 days later on the Automatic Release Date, in the same manner described in AR 755–6.

(b) Property contained in Federal Group Classifications 23, 24, 38, 39, 61, 74, and 95 will be given further screening by the General Services Administration through reports submitted by the Armed Forces Supply Support Center. Federal screening of reported property will begin after the 30 day Department of Defense screening and will end after 60 days of Federal screening on the Automatic Release Date as indicated.

(c) Disposal action through exchange will be taken on property having no utilization on or after the Automatic Release Date unless the property is released by the Armed Forces Supply Support Center in advance of the Automatic Release Date. The Armed Forces Supply Support Center will notify the holding activity of the Automatic Release Date.

§ 602.1713 Numbering property accounts.

Property accounts serial numbers specified in paragraph 12b, AR 735–5, need not be obtained from Army commanders for accounts established under contracts to which § 30.2 or 30.3 of this title, or Part 13 of this title are applicable, but rather the property account will be identified by the contract number, and the appropriate regional office of the U.S. Army Audit Agency will be advised as required in § 606.206–7(c) of this subchapter. For the purposes of paragraph 401, § 30.2 of this title, the digits which represent the Army Fiscal Station Number in the property identification number set forth in § 602.1714–1(a)(3) will be used. [B–305 and C–214]

§ 602.1714–1 Identification marking of Government property.

(a) The identification marking of Government property shall be physically affixed to the item in accordance with paragraph 401, § 30.2 of this title. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *Department of the Army control.* The identification symbol "USA" is applicable to all Government property except as may be exempted in accordance with paragraph 401, § 30.2 of this title. The letters "USA" will be permanently affixed to the item to indicate Government ownership of property under control of the Department of the Army.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (§ 602.450(a)), materials handling equipment (AR 700–3900–5), railroad equipment (AR 55–255), and any other applicable items. For these items, application for a registration number will be made to the appropriate technical service. Assigned registration numbers will be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in §§ 602.1708(c) and 602.1712–2, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with paragraph 401, § 30.2 of this title, which is as follows for the Department of the Army:

(i) The first part shall be the letters "USA" to indicate Government ownership as prescribed in subparagraph (1) of this paragraph.

(ii) The second part shall consist of the Army fiscal station number assigned the installation or office administering the contract under which the property is acquired for the first time for the account of the Government. Fiscal station numbers are listed in AR 37–102–1.

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence commencing with "000001" for each installation or office to which a Fiscal station number is assigned that administers contracts under which property is acquired for the account of the Government.

(b) Under the provisons of § 30.2 of this title, property acquired by a contractor for the account of the Government becomes Government property for the purpose of property accountability upon receipt thereof by the contractor. For purposes of property accountability and control, contracting officers and property administrators shall take action to assure that such property is immediately marked as Government property and properly accounted for at the time of receipt. This action will not be delayed pending evidence of inspection and acceptance being reflected on DD Form 250, Material Inspection and Receiving Report. Contracting officers and property administrators will instruct contractors that immediately upon receipt of any item of property procured for the account of the Government to:

(1) Advise the contracting officer, by the most expeditious means, of the receipt of such property and request an inspection; and

(2) If the item is not already identified, immediately affix securely to each item of such property or equipment an appropriate temporary tag identifying the property as Government property and indicating the number of the contract for which the property or equipment was procured.

Upon notification by the contractor of receipt of property, the contracting officer will notify the property administrator and will arrange for prompt final inspection and acceptance by responsible Government personnel. After completion of the final inspection and acceptance, evidenced by DD Form 250 (Material Inspection and Receiving Report), the property administrator will insure that the temporary tag is replaced by the contractor with a permanent identification tag containing the required information. If the contractor cannot complete DA Form 804 as prescribed, the property administrator will complete the form.

PART 605—PROCUREMENT FORMS

30. Add new § 605.206; revoke § 605.807; and revise §§ 605.810, 605.852 and 605.854, to read as follows:

§ 605.206 Cost and Price Analysis (DD Forms 633, 633–1, 633–2, 633–3, and 633–4).

(a) In any case where a contractor is permitted to submit cost and price data in a format devised by him to accommodate the application of his accounting system, pursuant to § 16.206–2(a) of this title, the information furnished will include pertinent details as to cost elements, with the specific statements and authentications required by DD Form 633 or the special cost and price analysis forms listed in § 16.206–3 of this title.

(b) Prospective contractors will be required to use special cost and price analysis forms as prescribed in § 16.206–3 of this title and support DD Form 633, or authorized substitute formats, whenever contract performance will result in the furnishing of: (1) Technical Personnel Services (DD Form 633–1), (2) Technical Publications Preparation (DD Form 633–2), or (3) Motion Pictures (DD Form 633–3).

§ 605.807 Individual Procurement Action Report (DD Form 350). [Revoked]

§ 605.810 Bidders' Mailing List Application (Standard Form 129) and Bidders' Mailing List Application Supplement (DD Form 558–1).

§ 605.852 Monthly Procurement Summary by Purchasing Office (DD Form 1057).

§ 605.854 Request for Planning Action (DD Form 403).

31. Revise §§ 605.1603, 605.1604, and 605.1610; and revoke §§ 605.1612, 605.1613 and 605.1614, as follows:

§ 605.1603 Advance payments.

(Part 163 of this title.)

§ 605.1604 Determinations and exemptions under the Buy American Act.

(§ 595.103–4(d) of this chapter.)

§ 605.1610 Assignment to Government of insurance permiums.

(§ 599.350 of this chapter.)

§ 605.1612 Contractors application form for relief under Title II, First War Powers Act, 1941, as amended. [Revoked]

§ 605.1613 Contractor application for requesting formalization of informal commitment. [Revoked]

§ 605.1614 Form for joint determinations and small business determinations. [Revoked]

PART 606—SUPPLEMENTAL PROVISIONS

32. In § 606.204–1(a), revise subparagraphs (1)(ii) and (4) (i) and (iii); and revoke Subpart C, as follows:

§ 606.204–1 Personal or professional services.

• • • • • •

(a) *Employment of experts or consultants by formal contract—(1) Statutory authority.* • • •

(ii) The annual Department of Defense Appropriation Act, provides that:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: Provided, That such contracts may be renewed annually.

• • • • • •

(4) *Limitations on use of delegated authority.* • • •

(i) Except in cases where individuals are brought to the United States under the waiver of documentation procedures permitted by the Act of 27 June 1952 (66 Stat. 166; 5 U.S.C. 1101 et seq.), appropriate security clearance will be obtained from Assistant Chief of Staff for intelligence, prior to the award of any contract under subparagraph (3) (i) of this paragraph.

• • • • •

(iii) Rates of compensation shall be as follows:

(*a*) *For organizations.* The contract price in fixed-price contracts and the rate of fixed fee in cost-plus-a-fixed-fee contracts shall be negotiated in accordance with Subpart H, Part 3 of this title and § 3.404–3(c) of this title. However, any contract award involving payments for wages and salaries which exceed an average amount of the corresponding civil service grade per man-day shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., Attn: Chief, Contracts Division, for prior approval.

(*b*) *For individuals.* Compensation for individuals shall not be in excess of the per diem equivalent of the highest rate payable under the classification act, plus travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law.

• • • • •

Subpart C—Procurement Action Reporting. [Revoked]

[C 34, APP, January 31, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–2672; Filed, Mar. 20, 1962; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. Subpart B entitled "Marine Corps" is amended to conform with recent amendments to the corresponding provisions of the Marine Corps Personnel Manual.

1. In § 730.50, the present text is designated as paragraph (a) and a paragraph (b) is added to read as follows:

§ 730.50 General.

• • • • •

(b) As used in this subpart, the term continental United States means the United States except Alaska and Hawaii unless otherwise indicated.

2. Section 730.127 is inserted, after § 730.126, to read as follows:

§ 730.127 Discharge of aliens.

(a) Title 10 U.S. Code 631 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in an appropriate Reserve component to complete any remaining period of obligated service.

(b) Commanders are authorized to discharge an alien upon completion of a term of active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge, he will establish permanent residence in his native country or other country foreign to the United States.

(c) Aliens who declare their intention to establish a permanent residence in the United States will not be relieved of their military service obligation.

(d) Aliens who declare their intention to establish permanent residence outside the United States may be retained in an obligor status upon request.

3. Section 730.152 is revised to read as follows:

§ 730.152 Discharge for own request.

Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request under the following conditions:

(a) When the reservist has no period of obligated service pursuant to law and has completed 3 years of a current enlistment.

(b) When the reservist is an alien resident of a foreign country. (See § 730.127.)

(c) When a married enlisted woman has completed a minimum of 1 year of service and has served 6 months following any period of active duty for training. Requests for discharge under this paragraph will be accompanied by documentary proof of marital status. (See § 730.163.)

(R.S. 161, secs. 1162, 5031, 6291–6298, 70A Stat. 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

MARCH 13, 1962.

[F.R. Doc. 62–2686; Filed, Mar. 20, 1962; 8:47 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Advertising; and Other Costs, Expenses, and Reserves

1. Section 1459.7(b) *Advertising* is amended in the following respects:

a. The heading of paragraph (b) is deleted and the following is inserted in lieu thereof: "*Advertising in fiscal years ending on or before March 31, 1962.*"

b. A new paragraph (c) is inserted to read as follows:

(c) *Advertising in fiscal years ending after March 31, 1962.* (1) Items of advertising expense incurred solely for (i) the recruitment by the contractor of personnel required for the performance by the contractor of obligations arising under a renegotiable contract or subcontract, (ii) the procurement of scarce items required by the contractor for the performance of a renegotiable contract or subcontract, or (iii) the disposal of scrap or surplus materials acquired by the contractor in the performance of a renegotiable contract or subcontract, are recognized as costs allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1(b). The costs of publishing catalogues, technical pamphlets, house organs and other similar publications are not, for the purposes of this paragraph, considered advertising expenses; for the treatment of such expenses, see § 1459.8(f).

(2) Other advertising expense is allocable to renegotiable business as follows:

(i) In the case of renegotiable business performed under subcontracts, advertising expense will be allocated thereto provided that the products sold under such subcontracts are substantially the same as those sold in such subcontractor's normal commercial business. In the allocation of such advertising expense consideration will be given to (*a*) the volume of nonrenegotiable business in the year under review as contrasted with the subcontractor's normal volume of commercial business, and (*b*) the total amount of such advertising expense in the year under review as contrasted with the subcontractor's normal advertising expense.

(ii) In cases in which it can be demonstrated that a prime contractor or subcontractor engaged in renegotiable business to the detriment of its normal commercial business in the year under review, and thereby incurred the risk of loss of its competitive position in the industry concerned, the Board will allocate to renegotiable business that portion of the prime contractor's or subcontractor's normal advertising expense which the Board deems properly attributable to the effort by the prime contractor or subcontractor to forestall such loss of competitive position.

2. Section 1459.8 *Other costs, expenses and reserves* is amended by adding a new paragraph (f) to read as follows:

(f) *Publications.* The costs of publishing catalogues and technical pamphlets designed to aid users of the contractor's products, and house organs and other publications directed to labor and personnel management and relations, are recognized as costs allocable to renegotiable business in accordance with the method of accounting found by the Board to be acceptable under § 1459.1 (b).

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 16, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62–2705; Filed, Mar. 20, 1962; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842), and section 3(a) (3) of the Administrative Procedure Act (5 U.S.C. 1002(a) (3)), the Commission hereby promulgates the following interpretative rule, effective on publication.

§ 530.3 Further interpretation of Shipping Act, 1916.

Section 3 of Public Law 87–346 provides as follows:

SEC. 3. Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act, all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act, shall remain lawful unless disapproved, canceled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period of not to exceed one year after such filing. Within such year the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act.

The Federal Maritime Commission interprets such section and section 14b of the Shipping Act, 1916, as prohibiting a carrier or conference of carriers from denying contract rates for a period of 90 days after April 2, 1962, to a contract shipper who on April 2, 1962, was a party to a lawful contract rate agreement and who prior to April 3, 1962, or prior to the date of first shipment in the trade covered by the contract after April 2, 1962, advises said conference in writing or by telegram that he agrees to be bound by said contract rate agreement amended to the extent necessary to comply with the provisions of section 14b of the Shipping Act, 1916; *Provided,* That the conference has filed with the Federal Maritime Commission a proposed form of contract pursuant to section 3 of Public Law 87–346. Unless the conference has filed such a proposed form of contract, the use of any contract system will be unlawful.

Furthermore, on and after April 3, 1962, the provisions of any contract rate agreement which has been modified in order to comply with the proviso clause of section 3 of Public Law 87–346 are lawful and enforceable as between the parties only to the extent that such provisions (1) were lawful on April 2, 1962, and are not inconsistent with the requirements of section 14b of the Shipping Act, 1916, or (2) are required to make said contract rate agreement comply with section 14b of the Shipping Act, 1916. Any other provision of any such contract rate agreement is unlawful and may not be applied or enforced directly or indirectly, until such provision has been approved by the Commission. If any such contract rate agreement, on and after April 3, 1962, does not contain provisions required by section 14b, such contract rate agreement shall be applied or enforced as if it contained all provisions required by section 14b.

By the Commission.

THOMAS LISI,
Secretary.

MARCH 15, 1962.

[F.R. Doc. 62–2716; Filed, Mar. 20, 1962; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS, THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 274—UNITED STATES STANDARDS FOR GRADES OF FROZEN FLOUNDER AND SOLE FILLETS [1]

On page 107 of the FEDERAL REGISTER of January 5, 1962, there was published a notice and text of a proposed new part 274 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Flounder and Sole Fillets under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until February 5, 1962, to submit written comments, suggestions or objections with respect to the proposed new part. No objections were received and the proposed new part is hereby adopted without change and is set forth below. This part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: March 14, 1962.

STEWART L. UDALL,
Secretary of the Interior.

[1] Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
274.1 Description of the product.
274.2 Styles of frozen flounder and sole fillets.
274.3 Grades of frozen flounder and sole fillets.
274.11 Determination of the grade.
274.21 Definitions.
274.25 Tolerances for certification of officially drawn samples.

AUTHORITY: §§ 274.1 to 274.25 issued under sec. 6(a) of the Fish and Wildlife Act of Aug. 8, 1956; 16 U.S.C. 742e.

§ 274.1 Description of the product.

Frozen flounder and sole fillets consist of clean, wholesome fillets processed and frozen in accordance with good commercial practice and maintained at temperatures necessary for their preservation. The fillets may be cut transversely or longitudinally into subunits.

NOTE: This standard does not provide for the grading of units of fish flesh cut from previously frozen fish blocks, slabs, or similar material.

The product covered by this standard is prepared from the following species only:

SOLE

Dover sole (Microstomus pacificus)
English sole (Parophrys vetulus)
Gray sole (Glyptocephalus cynoglossus)
Petrale sole (Eopsetta jordani)
Lemon sole (Pseudopleuronectes americanus, over 3½ pounds)
Rock sole (Lepidopsetta bilineata)
Sand sole (Psettichthys melanostictus)

FLOUNDER

Blackback (Pseudopleuronectes americanus, less than 3½ pounds)
Yellowtail flounder (Limanda ferruginea)
Dab, plaice (Hippoglossoides platessoides)
Fluke (Paralichthys dentatus)
Starry flounder (Platichthys stellatus)

§ 274.2 Styles of frozen flounder and sole fillets.

(a) *Style I—Solid pack.* Fillets are frozen together. Individual fillets can be separated only by thawing the entire package or part of the package, depending on absence or presence of separators.

(1) *Substyle A.* Fillets are packed into a single solid block.

(2) *Substyle B.* Fillets are subpacked with separators into smaller weight units.

(b) *Style II—Individually-quick-frozen pack (IQF).* Fillets are individually quick frozen. Individual fillets can be separated without thawing.

§ 274.3 Grades of frozen flounder and sole fillets.

(a) "U.S. Grade A" is the quality of frozen flounder or sole fillets for which the total score is not less than 85 points, when the fillets are rated in accordance

with the scoring system outlined in the following sections.

(b) "U.S. Grade B" is the quality of frozen flounder or sole fillets for which the total score is less than 85 points but is not less than 70 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(c) "Substandard" is the quality of frozen flounder or sole fillets that fail to meet the requirements of the U.S. Grade B.

§ 274.11 Determination of the grade.

The grade is determined by observing the product in the frozen, thawed, and cooked states and is evaluated by numerical scoring. Points are deducted for variations of quality for each factor in accordance with the schedule in table 1. The total of the points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER POUND OF FLOUNDER OR SOLE FILLETS AND GRADING SCORE SHEET

	Scored factors	Description of quality variation		Deduct	Deductions
Frozen	1. Appearance	Adversely affected by imbedded packaging material, voids, depressions, surface irregularity, and poor arrangements of fillets:	Slight	2	
			Moderate	4	
			Excessive	10	
	2. Dehydration	For each inch square (determined by grid) of affected area.	Color masking, easily scraped off	½	
			Deep, not easily scraped off	1	
	3. Weights	(a) For each fillet or piece less than 1 oz., except first fillet or piece		5	
		(b) For sole only: For each fillet from 1–2 oz., except first fillet		2	
		For flounder only: For each fillet from 1–2 oz., except first three fillets		2	
Thawed	4. Workmanship defects	For each inch square (determined by grid) of affected area.	(a) Cutting and trimming (ragged edges, holes, tears, improper or unnecessary cuts and lace)	½	
			(b) Blemishes (belly lining, blood spots, bruises, extraneous material, fins, discolored pugh marks, scales and skin)	2	
			(c) Bones (bones normally removed)	3	
	5. Color	(a) Deteriorative discoloration (yellowing of fatty portion and/or darkening of light portion)	Slight	2	
			Moderate	5	
			Excessive	15	
		(b) Non-uniformity of color (natural color differences within package due to packing fish of contrasting color)	Moderate	3	
			Excessive	5	
	6. Abnormal condition	Usability and/or destrability of fillets impaired by abnormal conditions (jellied, milky, chalky)	Moderate	16	
			Excessive	-31	
Cooked	7. Texture	Tough, dry, fibrous, or watery for species involved	Slight	4	
			Moderate	8	
			Excessive	15	
	8. Odor and flavor	Very good: Full typical odor and flavor of fresh fish			
		Good: Noticeable decrease in typical odor and flavor of fresh fish		6	
		Reasonably good: Lacking typical odor and flavor of fresh fish, but not objectionable		16	
		Substandard: Objectionable odor and/or flavor		31	
	Total deductions				
	Score (100 minus total deductions)				
	Grade (100 to 85=Grade A; 84 to 70=Grade B; 69 and below=Substandard)				

Label_____
Size of lot_____
Size of sample_____
Number of packages per master carton_____
Remarks_____

Actual net weight_____lb. _____oz.
Size and kind of container_____
Container mark or identification_____
Type of overwrap_____

§ 274.21 Definitions.

(a) "Slight" refers to a condition that is scarcely noticeable but that does affect the appearance, desirability, and/or eating quality of the fillets.

(b) "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the fillets.

(c) "Excessive" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability, and/or eating quality of the fillets.

(d) "Bones normally removed" refers to (1) nape membrane bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area).

(e) "Determined by grid" means that a transparent grid of 1-inch squares is placed over the defect area, and points are deducted (as specified in table 1) for each square of affected area under the grid, each square being counted as one whether it is full or fractional.

(f) "Thawed state" means that the frozen product has been placed within a film-type pouch and warmed to an internal temperature of about 32° F by immersing the pouch in running tap water of about 50° to 70° F. Thawing time usually takes 25 to 45 minutes for a 1-pound package.

(g) "Cooked state" means that the thawed, unseasoned product has been placed within a boilable film-type pouch and heated to an internal temperature of about 160° F by immersing the pouch in boiling water. Cooking time usually ranges from 3 to 5 minutes for single fillets and from 7 to 10 minutes for 1-pound packages of fillets.

(h) "Actual net weight" means the weight of the fish flesh within the package after all packaging material, ice glaze, or other protective coating have been removed. ("Actual net weight" of frozen glazed fillets is determined as follows: (1) Rapidly remove excessive ice layers or pockets with running tap water or nozzle-type water spray. (2) Rapidly thaw remaining surfaces of frozen fish sufficiently with tap water or spray to prevent refreezing free surface water. (3) Gently wipe off all free water with a moisture-saturated paper towel. (4) Weigh the fish to obtain "actual net weight").

(i) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently altered so that the usability and/or desirability of the fillet is adversely affected. It includes, but is not limited to, the following examples:

(1) "Jellied" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a gelatinous, glossy, translucent appearance, feels slimy to the touch, and retains its gelatinous, slimy properties in the cooked state.

(2) "Milky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(3) "Chalky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a dry, chalky, granular appearance and fiberless structure.

(j) "Odor and flavor" is classified as follows:

(1) "Very good": Fish in this category have essentially the full, good typical odor, and flavor of the indicated species.

(2) "Good": Fish in this category show a noticeable decrease of the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of slight intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no off odors and flavors.

(3) "Reasonably good": Fish in this category may be flat, or completely lacking in the good typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of moderate intensity (iodoform-type, phenolic-type, feed-type, etc.) but may have no objectionable odors and flavors.

(4) "Substandard": Fish in this category have odors and flavors that are objectionable.

LOT CERTIFICATION TOLERANCES

§ 274.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8427 Sept. 1, 1960).

[F.R. Doc. 62-2680; Filed, Mar. 20, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1962 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $2.75 per acre, for the season of 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and eighty-three cents ($1.83) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.36 per acre, for the season 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-four cents ($2.24) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.57 per acre, for the season of 1962 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and five cents ($3.05) per acre foot or fraction thereof.

M. A. JOHNSON,
Acting Area Director.

[F.R. Doc. 62-2681; Filed, Mar. 20, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO-290-A1]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement and Order No. 922 (7 CFR Part 922, 26 F.R. 10782), hereinafter referred to collectively as the "order," regulating the handling of apricots grown in designated counties in Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Washington Apricot Marketing Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on January 18, 1962, in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, was published in the FEDERAL REGISTER (26 F.R. 12782) on December 30, 1961.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Expand the production area to include all counties within the State of Washington east of the summit of the Cascade Mountains;

(2) Authorize regulations governing the handling of apricots within the production area;

(3) Change the boundary of District 1 to include all counties within the production area not included in District 2;

(4) Authorize regulation of the "markings" of containers; and

(5) Making such other changes as are necessary to make the order conform with any amendments thereto.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to expand the production area to include all counties in the State of Washington east of the summit of the Cascade Mountains. The present production area is limited to the counties of Okanogan, Chelan, Douglas, Grant, Yakima, Benton, and Klickitat within the State of Washington.

In the area proposed to be annexed there are approximately 30 commercial apricot growers. According to a recent tree census, there are a total of 7,542 apricot trees within this area. This represents approximately 3.22 percent of the

200,201 apricot trees within the State of Washington as of 1959. The production of apricots within this area has remained fairly constant for the past several years. Testimony adduced at the promulgation hearing held during January 1957, shows that the industry was aware of this production. After thorough study, the promulgation committee decided that it would not recommend that this area be included in the production area. This decision was based on (1) the committee's estimation that there was not enough tonnage in the area east of the production area to warrant imposing regulations on such remote areas, (2) problems relating to inspection due to distances of some orchards to established inspection points would make the administration of the program more difficult, and (3) the assumption that the marketing committee could persuade these growers to voluntarily bring their fruit up to the standards recommended by the committee. Experience has verified that the promulgation committee's conclusions were wrong on all counts. The tonnage during the 1957 season was far beyond the maximum production indicated, grower cooperation was not adequate, and problems relating to inspection, even though formidable, were worked out with the inspection personnel to the satisfaction of all concerned. The realization of the objectives of the act and the order have been left somewhat short of the goal because the area proposed to be annexed was left out of the production area.

It was testified at the hearing that only a very small quantity of undesirable apricots, small size or off-grade, drastically effect the market prices downward. Committee members and Fruit Commission personnel testified that apricots of lower quality, particularly because of small size, grown in the area proposed to be annexed, have been observed in the markets and such fruit has depressed grower prices for Washington apricots. The varieties of apricots grown in this area are the same as and compete with apricots grown in the production area. Moreover, some locations within this area, during some seasons, at least, enjoy the enviable advantage of placing the first Washington apricots on the market. This advantage not only allows the particular growers to reap the reward in the form of higher prices, but also to greatly influence consumer purchases throughout the season. At the start of the season, lower quality apricots, small size or immature fruit, could demoralize the market for the entire season.

As heretofore stated, there are only approximately 30 commercial growers throughout this 12 county area. Plantings are widely scattered and are generally confined to Lincoln, Whitman, Franklin, Stevens, and Spokane Counties. Even though no plantings are listed for several counties within this area, the testimony shows that the entire area lying east of the production area has, in addition to the commercial plantings, areas having soil, water conditions, and general weather pattern of such nature to be potential producing areas. It would not be feasible, from an administrative standpoint, to include within the production area only that portion of the terrain suitable for the production of apricots.

Other industry groups, namely fresh peaches and prunes, have observed the detrimental effect this unregulated area has upon the apricot program. Each of the aforesaid industries recommended that this area be included within the production area for their respective order programs and thus eliminated a situation that has plagued the apricot program since its inception.

It is therefore concluded that the entire area east of the summit of the Cascade Mountains should be included in the production area and that such expansion is necessary in order to realize the maximum benefits provided for in the act and in the order.

(2) The necessity for extending the regulating of the handling of apricots to within the production area becomes obvious since the production area is being enlarged to include the important Spokane market. Testimony offered at the promulgation hearing established that approximately 20 percent of the Washington apricots that are marketed fresh each season are marketed in Seattle, Tacoma, and Spokane. Presently, all shipments of apricots to these market outlets are regulated as each market is located outside the production area. Such testimony also established that the sale of unregulated apricots, generally because they are of lower quality, command lower prices; buyers generally have ready access to market information; and lower prices in one market are used in negotiating the purchase of apricots regardless of the market location where the apricots will ultimately be sold. Testimony adduced at this hearing shows that the sale, or offering for sale, of a very small quantity of off-grade apricots within the present production area, as, for example, truckers negotiating for the purchase of apricots after observing prices posted at roadside stands, in the Yakima or Wenatchee area, has a depressing influence on the market price for apricots. Since competition in the marketing of apricots is based to a considerable extent on price, any sales at discount tend to depress prices for all apricots. Should the handling of apricots in the Spokane market be unregulated, growers and handlers would attempt to market within that market and throughout the entire production area all the lower quality apricots which could not be shipped under regulation. This larger quantity of apricots would tend to further depress prices. Because of the large volume that is normally marketed in and through Spokane, the movement of unregulated apricots to this market would have a serious depressing effect on the price of Washington apricots. Spokane handles a large percentage of all the apricots that are transshipped to market throughout Idaho, Utah, and Montana. The price at which apricots are sold in Spokane is rapidly communicated throughout this intermountain area and prices offered are based on Spokane prices. In view of the effect on markets both within and without the production area, of any shipment or sale of apricots for distribution within the production area, it is concluded that it is necessary to regulate the handling of apricots within the production area in order to effectively achieve the declared policy of the act. It is further found that all handling as described herein is in the current of or directly burdens, obstructs or affects interstate or foreign commerce. Hence, the right to exercise Federal jurisdiction with respect to handling operations within the production area is established.

(3) It is necessary that the area proposed to be annexed be incorporated within the present districts or establish a new district to provide a basis for the nomination and selection of committee members. The evidence of record cites the desirability of including all of this area within District 1. Presently, District 1 includes the counties of Chelan, Okanogan, Douglas, and Grant. The number of growers and the volume of production is much less than District 2. With the inclusion of all this area within District 1, District 2 would continue to contain the greater number of growers and the larger volume of production. The inclusion of this annexed area within District 1 represents the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee, and the order should be so amended.

(4) The order should be amended to authorize the Secretary, on the basis of committee recommendations or other available information, to fix the "markings" to be affixed to the containers. As a general practice, most handlers usually stamp or label each package to indicate the brand, if any, name and address of handler, variety, grade, an net weight of the container. The record evidence shows that certain detrimental marking practices with respect to containers are practiced by some handlers of apricots in the production area. This is evidenced by some handlers not putting any markings on the packages, using used packages and not obliterating the former markings, and incorrectly labeling or marking, particularly with respect to the variety, grade, and net weight. This incorrect labeling or marking or lack of labeling or marking is done to gain an unfair advantage, either by marketing a variety which does not merit consumer acceptance, marketing a product below the quality set by the industry and demanded by the consumer, or selling at a lower price per container, but often at a higher price per unit because of the less weight. Testimony shows that continued consumer aceptance of a product is based, to a large extent, on proper markings of packages. Consumers should not be expected to determine the variety, grade, or that the package contains a few pounds less weight. Hence, they must rely upon the information contained on the package by label or markings in making the decision on whether to purchase the product.

The order requires that all shipments of apricots be inspected prior to handling. The order provisions also contains authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of containers which may be used in the packaging or handling of apricots. Testimony adduced at the hearing by people experienced in the local administration of this and similar order programs attests that it is essential for the containers to be adequately and correctly marked in order to determine compliance with the provisions of the program. The lack of any marking makes identification of lots difficult and sometimes positive identification is not possible. The use of used containers on which the old markings have not been obliterated, or any containers which are incorrectly marked results in added expenses for enforcement. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the committee to recommend and the Sectretary to fix the markings which may be used in the packaging and handling of apricots.

(5) The annexation of this additional area into the production area presents some problems in regard to some handlers within that area being required to obtain inspection prior to the handling of apricots. It was testified at the hearing that there are apricot orchards within this area that are great distances from established inspection points, and because of terrain or other reason, these and other orchards, are extremely inaccessible for inspection. For these and perhaps other reasons, it would be expensive to the handlers, often result in excessive delay, and be impractical to make the inspection at the point where such apricots would be prepared for market and first handled as defined in the order and thus become subject to regulation. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an efficient manner. It was testified at the hearing that, in order to prevent undue delay and expense to such handlers, and to permit the more efficient use of inspection personnel, the committee should have the authority to issue rules and regulations, with the approval of the Secretary, to permit handlers, who, because of location or for other reasons, are determined by the committee to be inaccessible for inspection at the point where such apricots are prepared for market, to have such inspection performed at such location as the committee may specify. The committee should also be authorized to prescribe such safeguards as are necessary to prevent apricots so handled from being marketed in fresh fruit channels without complying with the provisions of the order. It was further testified at the hearing that a similar problem had been encountered in connection with the marketing order program for other fruits, namely fresh peaches and prunes. Forms developed in connection with the operation of the peach program were exhibited and explained. It was testified that this provision in the peach program had worked very satisfactorily and that these provisions in the apricot program would be administered in like manner. Therefore, the order should be amended as hereinafter set forth.

General findings. (1) The said order as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby proposed to be amended regulates the handling of apricots grown in designated counties in Washington in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement upon which a hearing has been held;

(3) The said order as hereby proposed to be amended is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby proposed to be amended prescribes, so far as is practicable, such different terms applicable to different part of the production area as are necessary to give due recognition to the differences in the production and marketing of apricots grown in the production area; and

(5) All handling of apricots grown in the production area as defined in the said order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. January 31, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and findings and conclusions which should be drawn therefrom. No brief was filed.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Section 922.4 *Production area* is revised to read as follows:

§ 922.4 Production area.

"Production area" means the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

2. Section 922.13 *Handle* is revised to read as follows:

§ 922.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport apricots within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market.

§ 922.14 [Amendment]

3. Paragraph (a) of § 922.14 *District* is revised to read as follows:

(a) "District 1" shall include all counties within the production area not included in District 2.

§ 922.52 [Amendment]

4. Subparagraph (3) of paragraph (a) of § 922.52 *Issuance of regulations* is amended as follows:

(3) The word "markings" is inserted immediately following the word "dimensions."

§ 922.55 [Amendment]

5. Section 922.55 *Inspection and certification* is amended by adding the following at the end thereof: "The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided,* That all such shipments shall comply with all regulations in effect."

Dated: March 15, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2695; Filed, Mar. 20, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 478) has been filed by Baxter Laboratories, Inc., 6301 N. Lincoln Avenue, Morton Grove, Illinois, proposing the issuance of a regulation to provide for the safe use of iron choline citrate chelate as a source of iron in vitamin-mineral supplements for human and animal use.

Dated: March 15, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2703; Filed, Mar. 20, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 981]

RULES GOVERNING ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 15 and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing admission to and withdrawal and expulsion from conferences. These proposed rules are as follows:

PART I—CONFERENCE PROVISIONS—ADMISSION, WITHDRAWAL, EXPULSION

SECTION 1.1 *Statement of policy.* (a) Section 2 of Public Law 87–346, effective on October 3, 1961, amends section 15 of the Shipping Act, 1916, to provide that no conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

(b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to insure that all conference agreements provide for the free and open admission of common carriers according to the requirements set forth above.

SEC. 1.2 *Provisions of conference agreements.* In effectuation of the policy set forth in section 1.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no such admission shall be effective until so furnished.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(f) Any party may withdraw from the conference without penalty for such withdrawal by giving at least sixty (60) days written notice of intention to withdraw to the conference.

(g) Notice of withdrawal of any party shall be furnished promptly to the Federal Martime Commission.

(h) No party may be expelled against its will from this conference except for failure to comply with the conditions of admission set forth herein.

(i) In the event of expulsion, a detailed statement shall be promptly furnished the Federal Maritime Commission setting forth the reason or reasons for such action.

(j) No such expulsion shall become effective until approved by the Federal Maritime Commission.

PART II—CURRENT CONFERENCE AGREEMENTS

SECTION 2.1 *Resubmission of current conference agreements.* (a) All conference agreements which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, be modified as required by section 3 of Public Law 87–346 to meet the requirements of section 15 of the Shipping Act, 1916, and section 1.2, and shall be filed with the Commission on or before that date.

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25, D.C., a signed original and fifteen (15) copies of the agreed modification, together with an original and fifteen (15) copies of a letter of transmittal and request for approval of the matter submitted.

SEC. 2.2 *Notice of filing.* All modifications of conference agreements filed with the Commission pursuant to these rules shall be available for inspection at the offices of the Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[1] file comments relating to such modification. Comments shall include a statement of position with respect to approval, disapproval, cancellation or modification, together with reasons therefor.

SEC. 2.3 *Approval, disapproval, cancellation or modification by the Commission.* After analysis of the modification submitted and the comments received from interested parties, and after hearing if ordered by the Commission, the amendment shall be approved, disapproved, cancelled or modified as required by section 3 of Public Law 87–346.

SEC. 2.4 *Lawfulness of current conference agreements.* All conference agreements lawfully in effect on October 3, 1961, which are amended or modified as required by section 15 of the Shipping Act, 1916, and these rules, and which are filed with the Federal Maritime Commission as required in section 2.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Commission shall approve, disapprove, cancel or modify such agreement pursuant to the rules in this part and the Shipping Act, 1916.

[1] Or within such other period as the Commission may state in such notice.

PART III—PROPOSED NEW CONFERENCE AGREEMENTS

SECTION 3.1 *Agreement provisions.* All conference agreements entered into subsequent to October 3, 1961, shall contain provisions in substantially the form set forth in section 1.2, before approval by the Federal Maritime Commission under section 15 of the Shipping Act, 1916.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

MARCH 12, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2711; Filed, Mar. 20, 1962; 8:52 a.m.]

[46 CFR Ch. IV]

[Docket No. 982]

RULES GOVERNING THE RIGHT OF INDEPENDENT ACTION IN AGREEMENTS

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 15 and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing the right of independent action in agreements between common carriers or conferences of such carriers. These proposed rules are as follows:

PART I—AGREEMENT PROVISIONS—RIGHT OF INDEPENDENT ACTION

SECTION 1.1 *Statement of policy.* (a) Section 2 of Public Law 87–346, effective on October 3, 1961, amends section 15 of the Shipping Act, 1916 to provide that no agreement between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, shall be approved, nor shall continued approval be permitted, unless in the case of agreements between carriers, each carrier, or in the case of agreements between conferences, each conference, retains the right of independent action.

(b) It is the responsibility of the Commission under the Shipping Act, 1916, to insure that all such agreements contain a provision retaining the right of independent action.

SEC. 1.2 *Provisions of agreements.* In effectuation of the policy set forth in section 1.1 of these rules, all agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) The parties hereto (either carriers or conferences) agree that with respect to any actions to be taken or procedures to be followed under this agreement, any party, after a period of time not to exceed ten (10) days may take action or follow procedures independent of those agreed upon.

PART II—CURRENT AGREEMENTS BETWEEN CARRIERS AND CONFERENCES

SECTION 2.1 *Resubmission of current agreements.* (a) All agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, be modified as required by section 3 of Public Law 87–346 to meet the requirements of section 15 of the Shipping Act, 1916, and section 1.2, and shall be filed with the Federal Maritime Commission on or before that date.

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25, D.C., a signed original and fifteen (15) copies of the agreed modification, together with an original and fifteen (15) copies of a letter of transmittal and request for approval of the matter submitted.

SEC. 2.2 *Notice of filing.* All modifications of agreements filed with the Commission pursuant to the rules in this part shall be available for inspection at the office of the Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[2] file comments relating to such modifications Comments shall include a statement of position with respect to approval, disapproval, cancellation or modification, together with reasons therefor.

SEC. 2.3 *Approval, disapproval, cancellation or modification by the Commission.* After analysis of the modification submitted and the comments received from interested persons, and after hearing if ordered by the Commission, the amendment shall be approved, disapproved, cancelled or modified as required by section 3 of Public Law 87–346.

SEC. 2.4 *Lawfulness of current agreements.* All agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, lawfully in effect on October 3, 1961, which are amended or modified as required by section 15 of the Shipping Act, 1916, and the rules in this part, and which are filed with the Commission as required in section 2.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Commission shall approve, disapprove, cancel or modify such agreement pursuant to these rules and the Shipping Act, 1916.

[2] Or within such other period as the Commission may state in such notice.

PART III—PROPOSED NEW AGREEMENTS BETWEEN CARRIERS AND CONFERENCES

SECTION 3.1 *Agreement provisions.* All new agreements between carriers not members of the same conference, or conferences of carriers serving different trades that would otherwise be naturally competitive, entered into subsequent to October 3, 1961, shall contain a provision in substantially the form set forth in section 1.2, before approval by the Commission under section 15 of the Shipping Act, 1916.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2712; Filed, Mar. 20, 1962; 8:53 a.m.]

[46 CFR Ch. IV]

[Docket No. 983]

RULES GOVERNING CONTRACT RATE SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Notice of Proposed Rule-Making

In accordance with the provisions of section 4 of the Administrative Procedure Act and sections 14, 15, and 43 of the Shipping Act, 1916, notice is hereby given that the Federal Maritime Commission is considering the promulgation of certain rules and regulations governing the use of contract rate systems in the foreign commerce of the United States as authorized by said sections 14 and 15 of the Shipping Act, 1916. These proposed rules and regulations are as follows:

PART I—DEFINITIONS

SECTION 1.1 *Contract.* The term "contract" as used in these rules means any contract which is used by common carriers or conferences of such carriers in the foreign commerce of the United States, which is available to all shippers and consignees on equal terms and conditions, and which provides lower rates to a shipper or consignee who agrees to give all or a fixed portion of his patronage to such carrier or conference of carriers.

SEC. 1.2 *Carrier.* The term "carrier" as used in these rules means any common carrier, except ferry boats running on regular routes, engaged in the transportation by water of property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade; *Provided,* That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce".

SEC. 1.3 *Shipper, Signatory Shipper, or Contract Shipper.* The terms "Shipper", "Signatory Shipper", or "Contract Shipper" as used in these rules mean any person other than a carrier or conference of carriers who is a party to a contract as defined therein.

PART II—CONTRACT PROVISIONS

SECTION 2.1 *Statement of policy.* The Federal Maritime Commission is authorized by sections 14(b) and 15 of the Shipping Act, 1916, after notice and hearing, to permit carriers and conferences of carriers to use a contract in the foreign commerce of the United States, unless it finds that such contract will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, and provided the contract expressly:

(a) Permits prompt release of the contract shipper from the contract with respect to any shipment or shipments for which the contracting carrier or conference of carriers cannot provide as much space as the contract shipper shall require on reasonable notice;

(b) Provides that whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or the conference of carriers, it shall not be increased before a reasonable period, but in no case less than ninety days;

(c) Covers only those goods of the contract shipper as to the shipment of which he has the legal right at the time of shipment to select the carrier: *Provided, however,* That it shall be deemed a breach of the contract, if before the time of shipment and with the intent of avoiding his obligation under the contract, the contract shipper divests himself, of the legal right to select the carrier, and the shipment is carried by a carrier which is not a party to the contract;

(d) Does not require the contract shipper to divert shipment of goods from natural routings not served by the carrier or conference of carriers where direct carriage is available;

(e) Limits damages recoverable for breach by either party to actual damages to be determined after breach in accordance with the principles of contract law; provided, however, that the contract may specify that in the case of a breach by a contract shipper the damages may be an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less cost of handling;

(f) Permits the contract shipper to terminate at any time without penalty upon ninety days notice;

(g) Provides for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances, but which spread shall in no event be more than 15 per centum of the ordinary rates;

(h) Excludes cargo of the contract shippers which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots: Provided, however, that upon finding that economic factors so warrant, the Commission may exclude from the contract any commodity subject to the foregoing exception; and

(i) Contains such other provisions not inconsistent with the above that the Commission shall require or permit.

It is the responsibility of the Commission under the Shipping Act, 1916, to insure that all contracts in force in the foreign commerce of the United States meet the requirements set forth above.

SEC. 2.2 *Provisions in contracts.* In effectuation of the policy set forth in section 2.1, contracts, whether lawfully in use on October 3, 1961, or initiated after that date, shall be permitted only if they contain clauses in substantially the following form:

(a) If the shipper shall have offered any cargo covered by this agreement to any or all of the carriers and shall have been advised that space is not available, the shipper shall then give written notice of such fact to the conference. If within three (3) business days after receipt of said notice by said conference, the shipper shall not have been notified that space for such cargo is available on a vessel of one of the carriers for shipment within ten (10) days of said notice to the conference, or on the requested date of shipment, whichever is later, then the shipper may cause such cargo to be shipped on a vessel or vessels other than those of the conference carriers and the rights and obligations of the parties as to any other cargo shall not be affected thereby.

(b) Tariff rates for the carriage of goods covered by this contract, insofar as they are under the control of the carrier or conference of carriers shall be increased only after ninety (90) (or more) days prior notice to the shipper.

(c) This agreement covers all cargo (or a specified portion of cargo) of the shipper as to which he has the legal right at the time of shipment to select the carrier; *Provided, however,* that it shall be deemed a breach of this agreement if, before the time of shipment and with the intent to avoid his obligation under the agreement, the shipper divests himself, or with the same intent permits himself to be divested, of the legal right to select the carrier and the shipment is carried by a carrier which is not a party to this agreement.

(d) If cargo covered by this agreement is offered to any or all the carriers for shipment through a port through which such cargo would naturally be routed, and the shipper is advised that no service is available at such port or another port of substantially equal natural routing, the shipper shall give written notice of such fact to the conference. If within three (3) business days after receipt of said notice by the conference, the shipper shall not have been notified that service for such cargo is available on a vessel of one of the carriers for shipment within ten (10) days of said notice to the conference, or the requested date of shipment, whichever is later, then the shipper may ship or cause to be shipped such cargo through the port requested on a vessel or vessels other than those of the contract carriers without penalty, and the rights and obligations of the parties as to any other cargo shall not be affected thereby.

(e) In the event of any breach of this agreement by either the carrier or the shipper, damages recoverable by the other party shall be limited to actual damages, to be determined after breach in accordance with the principles of contract law. (In the event of breach by the shipper, damages recoverable by the carrier shall be limited to an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less the cost of handling.) [1]

(f) Either the shipper or conference (or carrier) may terminate this contract by giving the other party ninety (90) days written notice of such termination; provided, however, the carrier shall not terminate the contract, deny any renewal thereof, or modify any contract as to any contract shipper unless all similar contracts are so terminated, not renewed, or modified.

(g) The freight rates to be charged to signatory shippers shall be those stated in the carrier or conference tariff lawfully in effect and on file with the Federal Maritime Commission, and shall be --, percent [2] below the rates charged to non-signatory shippers on the same commodity.

(h) This agreement excludes from its coverage cargo of the shipper which is loaded and carried in bulk without mark or count except liquid bulk cargoes, other than chemicals, in less than full shipload lots.[3]

(i) This agreement does not cover shipments of companies related to or affiliated with the shipper, unless such related or affiliated company has been specifically made a party to the agreement. *Provided, however,* That the signatory shipper agrees not to ship any of its goods through a related or affiliated company in order to avoid its obligations under this agreement.

SEC. 2.3 *Justification of the spread between contract and non-contract rates.* (a) Subparagraph (7) of section 14(b), Shipping Act, 1916, provides for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances but which spread shall in no event be more than 15 percentum of the ordinary rates. In order for the Commission to determine whether the spread between ordinary and contract rates is in fact reasonable in all the circumstances, all carriers or conferences of carriers using or proposing to use a contract shall furnish to the Commission all factors considered by the carrier or conference of carriers to justify the spread.

(b) This submission should include reasons why the proposed spread was selected, why a lesser percent spread would not be adequate to accomplish the purposes of the contract system, and should, to the extent possible, include information as to the amount and type of present or potential outside competition in the trade, competitive practices of such competition in the trade, and the general effect that such competition has had on the service and rate structure maintained by the carrier or conference of carriers requesting approval of the contract system.

PART III—CONTRACTS IN EFFECT ON OCTOBER 3, 1961

SECTION 3.1 *Re-submission of current contracts.* (a) All carriers and conferences using contracts which were lawfully in effect on October 3, 1961, shall, on or before April 3, 1962, modify such contracts, as required by section 3 of Public Law 87-346, to meet the requirements of section 14(b), Shipping Act, 1916, and section 2.2, and shall file such modified contracts with the Federal Maritime Commission. The spread of any contract system which, on October 3, 1961, exceeded 15 percent must be reduced to not more than 15 percent by April 3, 1962. However, no spread which was not more than 15 percent on October 3, 1961, may in any manner be changed until such change in spread is approved by the Federal Maritime Commission pursuant to section 14(b) of the Shipping Act, 1916.[4]

(b) Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, an original and fifteen (15) copies of a letter requesting approval of the contract as modified, and submitting an original and fifteen (15) copies of the following:

(1) The modified contract.

(2) An affidavit of a responsible official of the carrier or conference stating that the contract filed is the true and complete contract used by said carrier or conference, modified as set forth above.

(3) The material required by section 2.3 to justify the reasonableness of the spread between contract and non-contract rates.

SEC. 3.2 *Notice of filing.* All contracts filed with the Commission pursuant to these rules shall be available for inspection at the office of the Federal Maritime Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested persons may, within twenty (20) days after such publication,[5] file comments relating to such contract. Comments shall include a statement of position with respect to approval, disapproval, cancellation, or modification of the contract, together with reasons therefor.

SEC. 3.3 *Approval, disapproval, cancellation, or modification by the Commission.* After analysis of the modified contracts, accompanying material submitted, and comments received from interested parties, and after hearing if ordered by the Commission, the contract shall be approved, disapproved, cancelled, or modified as required by section 3 of Public Law 87-346.

SEC. 3.4 *Lawfulness of current contracts.* All contracts lawfully in effect on October 3, 1961, which are amended or modified as required by section 14(b) of the Shipping Act, 1916, and these rules, and which are filed with the Federal Maritime Commission as required in section 3.1 on or before April 3, 1962, shall remain lawful for an additional period not to exceed one year from April 3, 1962, during which time the Federal Maritime Commission shall approve, disapprove, cancel, or modify such contracts pursuant to these rules and the Shipping Act, 1916.

PART IV—APPLICATION FOR APPROVAL OF NEW CONTRACT SYSTEMS

SECTION 4.1 *Filing of proposed new contract systems.* Any carrier or conference desiring to institute a new contract system shall file with the Commission its proposed form of contract, such filing to be accomplished by mailing to the Secretary, Federal Maritime Commission an original and fifteen (15) copies of a letter requesting approval of the contract system and the form of contract to be used, and submitting an original and fifteen (15) copies of the following:

(a) The contract form to be used.

(b) The material required by section 2.3 to justify the need for the contract system and the reasonableness of the spread between contract and non-contract rates.

SEC. 4.2 *Provisions of proposed contracts.* Any contract filed with the Commission pursuant to the provisions of this part shall contain clauses in substantially the form set forth in section 2.2.

SEC. 4.3 *Notice of filing.* All contracts filed with the Commission pursuant to these rules shall be available for inspection at the Office of the Federal Maritime Commission. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable, and interested parties may, within twenty (20) days after the date of publication, or within such other period as the Commission may state in such notice, file comments relating to such contract. Comments shall include a statement of position with respect to approval, disapproval, cancellation, or modification of the published contract, together with the reasons therefor.

SEC. 4.4 *Hearings.* Whenever deemed necessary or appropriate the Commission will hold hearings with respect to any contract system filed for approval under this part. Such hearings shall be conducted pursuant to the Commission's rules of practice and procedure and the Administrative Procedure Act, and the parties shall be notified of the time, place and nature of the hearing to be held.

SEC. 4.5 *Approval, disapproval or modification by the Commission.* After analysis of the contract system submitted, the accompanying material, and comments received from interested parties, and after hearing if ordered by the Commission, the contract system shall be approved, disapproved, or modified.

PART V—APPLICATION FOR MODIFICATION OF APPROVED CONTRACT SYSTEM

SECTION 5.1 *Statement of policy* Whenever an approved contract system is modified in any way, by addition of new commodities not previously covered by the system, by extension of the system to new port areas not previously covered by the system, by any change in terms of the contract between the carrier or conference and the shipper, by any change in spread between ordinary rates and rates charged contract shippers, by reinstitution or reinstatement of the contract system to apply to a commodity or commodities as to which the contract system had been previously terminated, or by any other means, such modifications may not be carried out until approved by the Federal Maritime Commission under sections 14(b) and 15 of the Shipping Act, 1916.

SEC. 5.2 *Filing of modifications to approved contract systems.* Any carrier or conference of carriers desiring approval of the Federal Maritime Commission for any modification of its contract system shall file immediately with the Commission the details of the modification which it desires to make. If such modification involves a change in the terms of the contract between the carrier or conference and shipper, then the filing shall include the form of the modified contract. If the modification involves a change in spread between ordinary rates and rates charged contract shippers, with respect to a single commodity or a number of commodities, the material requested under section 2.3 shall be furnished. If the modification involves addition of a new commodity or commodities under the contract system, or reinstitution, or reinstatement of the contract system to apply to a commodity or commodities as to which the contract system had been previously terminated, or extension of the contract system to additional port areas not previously covered by the system, then the material requested under section 2.3 shall be furnished in order to justify the reasonableness of the spread between ordinary rates and rates charged contract shippers under the new commodity or port coverage created by the proposed modification of the contract system. Any other modification of the system should be accompanied by material fully justifying the modification requested. Filing under this section may be accomplished by mailing to the Secretary, Federal Maritime Commission, Washington 25, D.C., an original and fifteen (15) copies of a letter requesting approval of the modifications requested, and submitting an original and fifteen (15) copies of the material required by this section.

SEC. 5.3 *Notice of filing.* All proposed modifications filed with the Commission pursuant to these rules shall be available for inspection at the Office of the Federal Maritime Commission in Washington, D.C. A notice of such filing shall be published in the FEDERAL REGISTER as soon as practicable and interested persons may, within 20 days after such publication, or within such other period as the Commission may state in such notice, file comments relating to such modifications. Comments shall include a statement of position with respect to approval, disapproval or modification of the modifications together with reasons therefor.

SEC. 5.4 *Approval, disapproval, or modification by the Commission.* After analysis of the proposed modifications, accompanying material submitted, and comments received from interested parties, and after hearing if ordered by the Commission, the contract shall be approved, disapproved, or modified.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2713; Filed, Mar. 20, 1962; 8:53 a.m.]

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[1] The bracketed clause may be inserted at the option of the carriers or conference of carriers, but if used, shall state the cost factors which make up the cost of handling.

[2] The carrier or conference shall insert the actual or proposed percentage, but in no case shall the percentage be greater than 15 percent, subject to the requirements of section 2.3.

[3] Upon finding that economic facts so warrant, the Commission may authorize exclusion from the agreement any commodity subject to the exception in this clause.

[4] See interpretation of section 3 of Public Law 87-346 published in the FEDERAL REGISTER of March 15, 1962.

[5] Or within such other period as the Commission may state in such notice.

[46 CFR Part 510]

[Docket No. 973]

[General Order 4, Amdt. 1]

LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN-GOING COMMON CARRIERS; PRACTICES

Notice of Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments in respect to the proposed rules in this proceeding is hereby extended to and including April 10, 1962.

By the Commission March 15, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2715; Filed, Mar. 20, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 10]

ROBERT I. BIREN

Designation as Employment Policy Officer

FEBRUARY 9, 1962.

Pursuant to the authority vested in me under Department of State Delegation of Authority 104 dated November 3, 1961, and the provisions of Executive Order 10925 of March 6, 1961 which establishes the President's Committee on Equal Employment Opportunity, and also the provisions of regulations published in Chapter 4 of Title 5 of the Code of Federal Regulations which implement the said Executive Order, I hereby designate Mr. Robert I. Biren, Acting Director, Office of Program Support, as Employment Policy Officer for the Agency for International Development. In this capacity, Mr. Biren will have authority and responsibility under my general direction for carrying out the equal employment opportunity policy, regulations, and program relating to Federal Government employment set forth in or arising from the above mentioned Executive Order and its implementing regulations, with authority to designate or arrange for the designation, as appropriate, of Deputy Employment Policy Officers, and to delegate to such officers responsibility for specific functions contemplated by the Executive Order and its implementing regulations.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-2684; Filed, Mar. 20, 1962; 8:47 a.m.]

[Delegation of Authority No. 11]

ROBERT I. BIREN

Designation as Contracts Compliance Officer

FEBRUARY 9, 1962.

Pursuant to the authority vested in me under Department of State Delegation of Authority 104 dated November 3, 1961, and the provisions of Executive Order 10925 of March 6, 1961 which establishes the President's Committee on Equal Employment Opportunity, and also the provisions of regulations published in Chapter 60 of Title 41 of the Code of Federal Regulations which implement the said Executive Order, I hereby designate Mr. Robert I. Biren, Acting Director, Office of Program Support, Contracts Compliance Officer for the Agency for International Development. In this capacity Mr. Biren will have authority and responsibility under my general direction for carrying out the equal employment opportunity policy, regulations, and program relating to Federal Government contracts set forth in or arising from the above mentioned Executive Order and its implementing regulations, with authority to designate or arrange for the designation of Deputy Contracts Compliance Officers, and to delegate to such officers responsibility for specific functions contemplated by the Executive Order and its implementing regulations.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-2685; Filed, Mar. 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELAWARE, MARYLAND, NEW JERSEY, NORTH CAROLINA AND VIRGINIA

Designations of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Delaware, Maryland, New Jersey, North Carolina, and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Kent. Sussex.

MARYLAND

Dorchester. St. Marys.
Queen Annes. Worcester.
Somerset.

NEW JERSEY

Cape May. Salem.
Cumberland.

NORTH CAROLINA

Dare.

VIRGINIA

Gloucester. Norfolk.
Lancaster. Northumberland.
Mathews. Princess Anne.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2697; Filed, Mar. 20, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

Plats of survey of the following described lands accepted October 24, 1961 will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a.m. on March 20, 1962:

BOISE MERIDIAN, IDAHO

T. 15 N., R. 24 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½.
This plat represents a dependent resurvey of a portion of the north boundary designed to restore the corners in their original locations according to the best available evidence and survey of the subdivisional lines of section 1.

T. 15 N., R. 25 E.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, SW¼NE¼, SE¼NW¼, W½SE¼.
This plat represents a dependent resurvey of a portion of the north boundary and the south and west boundaries of H.E.S. No. 655, and a portion of the subdivisional lines designed to restore the corners in their original locations according to the best available evidence, and the survey of a portion of the subdivisional lines completing section 6.

Within the above-described areas are 1150.43 acres of public lands, of which 489.55 acres are within the exterior boundaries of the Salmon National Forest. The land in section 1 may generally be described as rough and mountainous. Elevation varies from 6,800 feet to 7,600 feet. Timber and brush species are located on a major portion of the land. The land is valuable for timber production, grazing and watershed. The land in section 6 may be described as relatively smooth to rolling. Elevation varies slightly from 6,500 feet to 6,800 feet. Much of the area is open hay meadow with some brush species along gullies and drainages. The land is valuable for the production of meadow hay crops and grazing.

The unreserved public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Subject to any valid existing rights and the requirements of the applicable law, the land within the national forest is hereby open to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m. on March 20, 1962.

MICHAEL T. SOLAN,
Land Office Manager,
Boise, Idaho.

[F.R. Doc. 62-2692; Filed, Mar. 20, 1962; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1962.

The Department of Agriculture has filed an application, Serial Number Idaho 013092 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws. The applicant desires the land for the Richardson Creek Public Service site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Richardson Creek Public Service Site

T. 25 N., R. 10 E.,
A tract of land within unsurveyed Sec. 5, more particularly described as: Beginning at a point which is located at the junction of Richardson Creek and Salmon River, thence S. 12°15' W., 705 ft., thence N. 88° E., 818 ft., thence N. 59° E., 795 ft., thence N. 10°30' W., 293 ft., thence S. 75°30' W., 686 ft., thence N. 78° W., 646 ft. to the point of beginning, totaling 16.75 acres, more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-2682; Filed, Mar. 20, 1962; 8:46 a.m.]

[I-41]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 14, 1962.

The Notice of Proposed Withdrawal of Lands for the use of the Corps of Engineers, U.S. Army, as published in the FEDERAL REGISTER of March 1, 1962, on page 2019, F.R. Doc. 62-2014, is hereby corrected to describe the lands as follows:

SALT LAKE MERIDIAN, UTAH

T. 6 S., R. 21 E.,
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 5: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 8: All;
Sec. 9: All.

The above area aggregates 2,312.21 acres.

W. H. KOCH,
Acting State Director.

[F.R. Doc. 62-2683; Filed, Mar. 20, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1962.

Notice of an application Serial No. Sacramento 050138, for withdrawal and reservation of lands, was published as F.R. Doc. No. 62-828 on pages 755 and 756 of the issue for January 25, 1962.

The applicant agency has requested that the notice be amended to include the cancellation of its application insofar as it involved the land described below, as the land was inadvertently omitted from the aforementioned notice. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such land will be at 10:00 a.m., on April 12, 1962, relieved of the segregative effect of the above-mentioned application.

The land terminated is:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Forest Highway No. 74

A strip of land 200 feet on each side of the center line of the Forest Highway No. 74 through the following legal subdivision:

T. 8 S., R. 23 E.,
Sec. 30: Lot 1.

The area described above aggregates 45.27 acres.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-2704; Filed, Mar. 20, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. CX-15. The license authorizes Allis-Chalmers Manufacturing Company to possess and operate its critical experiments facility which is located in Greendale, Milwaukee County, Wisconsin.

The amendment authorizes Allis-Chalmers Manufacturing Company to receive, possess and use pursuant to Facility License No. CX-15 a 10 curie sealed polonium-beryllium source in connection with operation of their facility. This new source is identical to and will replace the old 10 curie source licensed under Byproduct Material License No. 48-2621-2, which has decayed to approximately 2.4 curies.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's requests for amendment of the license, dated January 24, 1962, may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of March 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-15; Amdt. No. 4]

Paragraph 3C. of License No. CX-15, as amended, issued to Allis-Chalmers Manufacturing Company, is hereby amended to read as follows:

3C. Pursuant to the Act and Title 10, CFR, Chapter 1 Part 30, "Licensing of Byproduct Material," to receive, possess and use a 10 curie polonium-beryllium source in connection with operation of the facility; and to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

Date of issuance: March 13, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-2673; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. 50-181]

MARTIN-MARIETTA CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 31, 1962 the latest completion date specified in Construction Permit No. CPCSF-1 for the construction of the production facility for processing multikilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site the Corporation has leased at Quehanna, Pennsylvania.

Copies of the Commission's order and of the application by Martin-Marietta

Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 14th day of March 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-2674; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 set forth below to Facility License No. R-65. This amendment authorizes the Ordnance Materials Research Office, Watertown Arsenal, Watertown, Massachusetts, to utilize an atmospheric dilution factor of 30 for radioactive argon and fission product noble gases released as stack effluent in connection with the operation of the Ordnance Materials Research Office Reactor pending completion of construction of a 175-foot stack. The amendment provides that following completion of the stack a dilution factor of 10^{-2} seconds per cubic centimeter may be used in computing the permissible rate of discharge of radioactive noble gases.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary since operation of the facility in accordance with the license, as amended, would not present any substantial change in the hazards to the public from those already considered acceptable in connection with the previously approved operation of this facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment submitted by Ordnance Materials Research Office and (b) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of March 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-65; Amdt. No. 2]

License No. R-65 is hereby amended to authorize the licensee to use a dilution factor of 10^{-2} seconds per cubic centimeter in computing the permissible rate of discharge of radioactive noble gases from his 175-foot stack and a concentration reduction factor of 30 for such computation for effluent releases from the original stack installed at the facility which has a designed flow rate of 1,000 cubic feet per minute. The use of the concentration reduction factor is authorized only until the new, 175-foot stack becomes operational.

Date of issuance: March 14, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-2675; Filed, Mar. 20, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 978]

CERTAIN CARRIERS SERVING ALASKA

Notice of Investigation and of Hearing

On March 6, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, an agreement, and modification thereof, between the Alaska Steamship Company, Consolidated Freightways Corporation of Delaware (Garrison Fast Freight Division), Puget Sound Tug and Barge Company (Puget Sound-Alaska Van Lines Division), and Weaver Bros., Inc., covering a cooperative working arrangement in the trade between United States and Canadian Pacific Coast Ports and ports in Alaska, has been filed for approval under that section and has been assigned Federal Maritime Commission agreement numbers 8590 and 8590-1; and

Whereas, the Commission having considered agreement numbered 8590 as modified by 8590-1, and being of the opinion that there are sufficient reasons to warrant withholding of the approval of said agreement, as modified, pending a hearing for the purpose of receiving evidence to determine whether said agreement should be approved, disapproved or modified, pursuant to section 15 of the Shipping Act, 1916, and good cause appearing;

It is ordered, That, pursuant to section 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion, enter upon an investigation and hearing to determine whether (1) agreement 8590 as modified by 8590-1 provides for reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade; (2) whether said agreement provides reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints; (3) whether said agreement, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (4) whether said agreement, if approved, would operate to the detriment of the commerce of the United States; (5) whether said agreement, if approved, would be contrary to the public interest; (6) whether said agreement, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, or ports; (7) whether said agreement would be in violation of any other provisions of said act; and (8) whether said agreement should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That the above specified lines be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to Agreement 8590, as modified by 8590-1, be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents and other interested parties.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: March 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2714; Filed, Mar. 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9761 etc.]

CHAMPLIN OIL & REFINING CO. ET AL.

Notice of Applications and Date of Hearing

MARCH 14, 1962.

Champlin Oil & Refining Co.[1], Docket No. G-9761; Geo. W. Miller, et al. d.b.a. Camden J. Ramsburg Gas Co., Docket No. G-10506; Wright Gas Company, Docket No. G-10553; Scott Williams Gas Company No. 1, Docket No. G-10554; Bering Company Operating Account, Operator, Docket No. G-11617; Texam Oil Corporation, Docket No. G-12107; Bering Company Operating Account, Operator, Docket No. G-12482; Shell Oil Company, Docket No. G-12663; Calder, N. Bruce and Curtis E., Jr. d.b.a. Horizon Oil & Gas Company, Docket No. G-13886; Dewey Harris, et al., Docket No. G-14161; Harrell Drilling Company, et al., Docket No. G-14388; Harrell Drilling Company, et al., Docket No. G-14389; Harrell Drilling Company, et al., Docket No. G-14390; Harrell Drilling Company, et al., Docket No. G-14391; Harrell Drilling Company, et al., Docket No. G-14392; Harrell Drilling Company, et al., Docket No. G-14393; Geo. W. Miller, et al. d.b.a. H. M. Garrett Gas Company, Docket No. G-14661; Vaughn Boatright, Docket No. G-14722; Harrell Drilling Company, et al., Docket No. G-14942; Morris Cannan, Operator, Docket No. G-15147; Elias Ritts, et al., Docket No. G-15346; W. J. Coppinger, (Operator), et al., Docket No. G-15379; Milo T. Palmer, Docket No. G-15437; W. H. Mossor d.b.a. Beall Oil & Gas Co., Docket No. G-15442; William G. Webb, Docket No. G-15692; Humble Oil & Refining Company, Docket No. G-15893; Geo. W. Miller, et al. d.b.a. Heckert Hrs. Gas Co., Docket No. G-15897; Geo. W. Miller, et al. d.b.a. Geo. W. Miller Gas Co., Docket No. G-15898; W. H. Mossor, et al. d.b.a. Leggett Oil & Gas Co., Docket No. G-16173; Socony Mobil Oil Company, Inc., Docket No. G-16522; Edwin G. Bradley, Agent, et al., Docket No. G-16589; Haynes & V. T. Drilling Company, Operator, Docket No. G-16768; Glen Humphrey, Jr., Docket No. G-16773; Maude H. Mitchell, Docket No. G-16775; J. S. Wheless, Jr., Docket No. G-16823; W. M. Wheless, et al., Docket No. G-16824; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17246; Socony Mobil Oil Company, Inc., (Operator), et al., Docket No. G-17247; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17248; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17249; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-17250; R. S. Murray, Jr., et al., Docket No. G-17299; A. R. Eppenauer, Operator, Docket No. G-17383; Commercial Solvents Corporation, Docket No. G-17453; Gordon Street, Inc., Docket No. G-17459; London Gas Co., (Operator), et al., Docket No. G-17476; Jehu Morris Gas Company, Docket No. G-17750; Forrest B. Miller and Mabelle McElvain Miller, Docket No. G-17812; Southern Gas Company, Docket No. G-17860; Estate of W. L. Goldston, et al., Docket No. G-18059; Socony Mobil Oil Company, Inc., Docket No. G-18122; Sinclair Oil & Gas Company, Docket No. G-18192; Brannon Oil & Gas Company, Docket No. G-18251; Crescent Drilling Company, Inc., Docket No. G-18453; C. H. Lyons, Sr., et al., Docket No. G-18642; Deb Oil and Gas Company, Docket No. G-18723; Richard H. Bennett, Docket No. G-18724; Sun Oil Company, Docket No. G-18737; Ward M. Edinger, Inc., Docket No. G-18814; Carl J. Westlund, Inc. (Operator), et al., Docket No. G-18873; Humble Oil & Refining Company, Docket No. G-18882; Oley Yeager, Docket No. G-18941; Graham-Michaelis Drilling Company, Docket No. G-18956; Petroleum Management, Inc., Docket No. G-19061; Bill Tomberlin, (Operator), et al., Docket No. G-19294; Frank Zickefoose, Docket No. G-19342; James O. Fox, Jr., (Operator), et al., Docket No. G-19414; S. D. Butcher and J. L. Carey, Docket No. G-19459; Roy G. Barton, Docket No. G-19677; J. H. Vandenbark (Operator), et al., Docket No. G-20055; Coastal States Gas Producing Company (Operator), et al., Docket No. G-20127; Pubco Petroleum Corporation, Docket No. G-20138; Clayton Oil & Gas Company, Docket No. G-20166; Lloyd L. Gray d.b.a. Graell Gas Service, Company, Plant Operator, et al., Docket No. G-20263; W. H. Mossor d.b.a. Mill Lot Oil & Gas Company, Docket No. G-20311; W. H. Mossor d.b.a. Hayes Oil & Gas Company, Docket No. G-20312; Sinclair Oil & Gas Company (Operator), et al., Docket No. G-20358; N. G. Clark, Docket No. G-20588; Coastal States Gas Producing Company, et al., Docket No. CI60-46; Holly Nester d.b.a. Cooper Gas Company, Docket No. CI60-95; The Permian Corporation, et al., Docket No. CI60-180; Rock Island Oil and Refining Co., Inc., Docket No. CI60-181; Claiborne Gasoline Company, Docket No. CI60-221; Mayflo Oil Company, (Operator), et al., Docket No. CI60-261; Boyd & Shriver, Docket No. CI60-359; White Gas Company, Docket No. CI60-373; Lab Oil Company, Docket No. CI60-374; J. M. Leonard, Docket No. CI60-527; Champlin Oil & Refining Co., Docket No. CI61-746; N. G. Clark, Docket No. CI61-765; E. C. Hitchcock, et al., Docket No. CI61-1154; J. E. Jones d.b.a. J. E. Jones Drilling Company, Docket No. CI61-1399; Eagle Oil Company, Docket No. CI61-1457; Injun Oil & Gas, Docket No. CI61-1488; N. G. Clark, Docket No. CI61-1812; Bowles & Jacobs, Docket No. CI62-269; Lenoir M. Josey, Inc., Operator, Docket No. CI62-509; Kent Gas Company, Docket No. CI62-549.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf

G-9761; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Co.; 12.71375 cents at 14.65 psia.

G-10506; Acreage in Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-10553; Acreage in DeKalb District, Gilmer County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.

G-10554; Acreage in DeKalb District, Gilmer County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.

G-11617; South Caesar Field, Bee County, Tex.; United Gas Pipe Line Co.; 7.2296 cents at 14.65 psia.

G-12107; Seely Field, Live Oak County, Tex.; Gas Gathering Co.; 10.096 cents at 14.65 psia.

G-12482; White Point Area, San Patricio County, Tex.; W. J. Riley, Inc.; 7.0 cents at 14.65 psia,

G-12663; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G-13886; West Morrow Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G-14161; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-14388; Hidalgo Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 11.0 cents at 14.65 psia.

G-14389; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14390; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14391; Los Torritos Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14392; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14393; Los Torritos Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-14661; Acreage in Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-14722; Glenville District, Gilmer County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-14942; North Donna Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.

G-15147; Alfred Field, Jim Wells County, Tex.; J. C. Adair; 6.5624 cents at 14.65 psia.

G-15346; Sherman and Burning Springs Districts, Calhoun and Wirt Counties, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.

G-15379; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 8.4 cents at 16.4 psia.

G-15437; Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.

G-15442; Acreage in Gilmer County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G-15692; Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G-15893; Colquitt Field, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.

G-15897; Sinking Creek District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-15898; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

[1] Successor to original Applicant, The Chicago Corporation.

G–16173; Acreage in Ritchie County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.
G–16522; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.37 cents at 15.025 psia.
G–16589; Lerado Field, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.
G–16768; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
G–16773; Mission Valley Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 8.0768 cents at 14.65 psia.
G–16775; North Ruston Field, Lincoln Parish, La.; Mississippi River Fuel Corp.; 11.57 cents at 15.025 psia.
G–16823; Baxterville Field, Lamar and Marion Counties, Miss.; United Gas Pipe Line Co.; 10.2209 cents at 16.7 psia.
G–16824; Baxterville Field, Lamar and Marion Counties, Miss.; United Gas Pipe Line Co.; 10.2209 cents at 16.7 psia.
G–17246; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.
G–17247; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.
G–17248; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.
G–17249; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.
G–17250; Abell Field, Pecos County, Tex.; Natural Gas Products Co. of America; 5.5 cents at 14.65 psia.
G–17299; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
G–17383; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents, 9.0533 cents, at 14.65 psia.
G–17453; Monroe Field, Union Parish, La.; United Carbon Co.; 4.0 cents at 15.025 psia.
G–17459; Spraberry Trend Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
G–17476; Asphaltum Field, Jefferson County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.
G–17750; Murphy District, Ritchie County, W. Va.; Penova Interests; 19.0 cents at 15.325 psia.
G–17812; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents, 11.0 cents, at 15.025 psia.
G–17860; North Cement Field, Caddo County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.
G–18059; Spraberry Trend Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
G–18122; Cement Field, Caddo County, Okla.; Southern Gas Co.; 6.0 cents at 14.65 psia.
G–18192; Sweetie Peck Field, Midland County, Tex.; El Paso Natural Gas Co.; 6.6501 cents at 14.65 psia.
G–18251; Mary Britton Farm, Ritchie County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.
G–18453; Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.82 cents at 15.025 psia.
G–18642; Colquitt Field, Clairborne Parish, La.; Arkansas Louisiana Gas Co.; 11.771 cents at 15.025 psia.
G–18723; Rosedale Field, Birch District, Braxton County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.
G–18724; Rosedale Field, Center District, Gilmer County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.
G–18737; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.2 cents at 14.65 psia.
G–18814; Acreage in Lincoln County, Okla.; Jernigan & Morgan Transmission Co.; 9.0 cents at 14.65 psia.
G–18873; Drinkard Field, Lea County, N. Mex.; Northern Natural Gas Co.; 10.7688 cents at 15.025 psia.
G–18882; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 psia.
G–18941; Mullins Farm, Bulger Field, Lincoln County, W. Va.; South Penn Oil Co.; 14.0 cents at 15.325 psia.
G–18956; Forgan South Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
G–19061; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G–19294; Riverside Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 14.65 psia.
G–19342; Horn Creek Field, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
G–19414; Winkler County, Tex.; West Texas Gathering Co.; 16.0 cents at 14.65 psia.
G–19459; Hugoton Field, Texas County, Okla.; Western Gas Service Co.; 9.8262 cents at 14.65 psia.
G–19677; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.
G–20055; Spraberry Trend Area, Upton County, Tex.; El Paso Natural Gas Co.; 11.1485 cents at 14.65 psia.
G–20127; Hidalgo Field, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 16.0 cents at 14.65 psia.
G–20136; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.
G–20166; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
G–20263; Iuka-Carmi Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
G–20311; Middle Fork River, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
G–20312; Spruce Creek, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
G–20358; North Lansing Field, Harrison County, Tex.; H. L. Hunt and Estate of Lyda Bunker Hunt, Deceased; 14.7 cents at 14.65 psia.
G–20588; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.
CI60–46; Orange Grove Area, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 9.0 cents at 14.65 psia.
CI60–95; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–180; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI60–181; Hugoton Field, Seward County, Kans.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.
CI60–221; Northeast Lisbon Field, Claiborne Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.
CI60–261; East Spearman, Atoka Field, Hansford County, Tex.; P.T.F. Gas Corp.; 7.0 cents at 15.325 psia.
CI60–359; Acreage in Jefferson County Pa.; United Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–373; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI60–374; Wade City Field, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 11.0 cents at 14.65 psia.
CI60–527; Spraberry Trend Field, Reagan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
CI61–746; McCormick Unit, Woodward County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI61–765; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1154; Tex-Mex Field, Gaines County, Tex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
CI61–1399; Clear Fork Field, Upton County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
CI61–1457; Henry District, Clay County, W. Va.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.
CI61–1488; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co.; 20.0 cents at 15.325 psia.
CI61–1812; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–269; Cedar Creek Field, Pike County, Ky.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.
CI62–509; Blanconia Field, Bee County, Tex.; United Gas Pipe Line Co.; 6.5 cents at 14.65 psia.
CI62–549; Murphy District, Ritchie County, W. Va.; Penova Interests; 19.0 cents at 15.325 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2676; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket Nos. CP62–88—CP62–91]

MONTEREY GAS TRANSMISSION CO. ET AL.

Notice of Applications, Consolidation and Date of Hearing

MARCH 14, 1962.

Monterey Gas Transmission Company, Docket No. CP62–88; Columbia Gulf Transmission Company, Docket No. CP62–89; United Fuel Gas Company and Kentucky Gas Transmission Corporation, Docket No. CP62–90; The Ohio Fuel Gas Company, Docket No. CP62–91.

Take notice that: Monterey Gas Transmission Company (Monterey Gas), a Delaware corporation with principal place of business at 2230 First City National Bank Building, Houston 2, Texas, Columbia Gulf Transmission Company (Columbia Gulf), a Delaware corporation with principal place of business at 3805 West Alabama, Houston, Texas, United Fuel Gas Company (United) and Kentucky Gas Transmission Corporation (Kentucky Gas), West Virginia and Delaware corporations, respectively, with their principal place of business at 1700 MacCorkle Avenue SE., Charleston, West Virginia and The Ohio Fuel Gas Company (Ohio Fuel), an Ohio corporation, with principal place of business at 99 North Front Street, Columbus 15, Ohio, filed concurrently on October 9, 1961,[1] in the above-entitled dockets, interrelated applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing them to acquire, construct and operate pipeline facilities and to transport, deliver and sell natural gas for resale, subject to the jurisdiction of the Commission, as hereinafter described and as more fully represented in the applications which are on file with the Commission and open for public inspection.

Monterey Gas' application in Docket No. CP62–88 requests authorization to purchase and acquire from Humble Oil & Refining Company (Humble) approximately 238 miles of existing 30-inch pipeline extending from Humble's King Ranch plant in Kleberg County, Texas, to a point near Clear Lake, Harris County, Texas, and to construct about 216 miles of 30-inch pipeline from Clear Lake, Texas, to Columbia Gulf's Compressor Station No. 9 which is located near Alexandria, Rapides Parish, Louisiana. Monterey Gas also seeks authority to purchase and acquire from Humble approximately 92 miles of gathering facilities, ranging in diameter from 24 to 8 inches, in order to transport gas from the acreage it intends to purchase to the inlet side of Humble's King Ranch processing plant.

In 1962 Monterey Gas proposes to acquire the above-described transmission and gathering facilities from Humble at a cost of $27,070,000 and proposes to construct the line from Clear Lake, Texas, to Alexandria, Louisiana, together with metering and regulating stations, at an estimated cost of $28,620,000. In 1964 and 1965, respectively, Monterey Gas proposes to construct Compressor Station No. 2 in Newton County, Texas, and Compressor Station No. 4 in Brazoria County, Texas, each with 8,500 installed horsepower, at a total estimated cost of $4,140,000. Monterey's total pipeline acquisition and construction costs through 1965 are estimated at $59,830,000.

The application states that Monterey Gas will also acquire from Humble leasehold interests located in North Alazan, Laguna Larga, East Santa Fe, and Viboras fields in Brooks, Kleberg and Nueces counties, Texas. All properties to be purchased are warranted to contain total wet gas reserves of at least 6.645 trillion cubic feet and dry gas reserves of at least 6.166 trillion cubic feet at 14.73 pounds per square inch absolute. Pursuant to an agreement with Humble dated September 20, 1961, Monterey Gas will purchase these leasehold interests in two transactions, approximately four years apart, with the first purchase of properties, involving 3.758 trillion cubic feet of wet gas, to take place on November 1, 1962, and the second purchase, involving 2.887 trillion cubic feet of wet gas, to occur on January 3, 1967. Under the first purchase, Monterey Gas will acquire Humble's 85 percent working interest in these properties for an initial down payment of $7,220,520 plus 240 equal monthly payments of $2,204,400, totaling $536,276,520. It is contemplated that the second purchase of leasehold interests will take place under similar arrangements at a total cost of $404,063,635.

Pursuant to an agreement with United dated September 20, 1961, Monterey Gas proposes to deliver to Columbia Gulf for United's account 4.617 trillion cubic feet of gas over a 20-year period. Monterey Gas warrants the deliverability rate at specified contract volumes commencing with 3,724,909 Mcf per month in the first year and increasing to 23,098,863 Mcf per month (about 760 MMcf per day) in the eighth through the twentieth years.[2] After the twentieth year, Monterey Gas warrants to deliver the ultimate dry gas volume of 6.166 trillion cubic feet, but only at whatever the deliverability rate happens to be subsequent to the twentieth year.

Humble and Monterey Gas have also entered into a letter agreement dated October 4, 1961, under which Monterey Gas agrees to transport for Humble up to 200,000 Mcf of gas per day from the King Ranch plant to a point near Clear Lake, Texas, a distance of about 238 miles, for 1.5 cents per Mcf per hundred miles, or a total charge of 3.57 cents per Mcf. The average volume to be transported will be about 100,000 Mcf per day, subject of course to Monterey Gas' obligation to utilize 100 percent of the capacity of its facilities for delivering gas to United if the latter so desires.

United will pay Monterey Gas on a cost basis for the gas prior to transportation and in addition will pay Monterey Gas' cost of transportation on a cost of service basis, including a 6½ percent rate of return. Page two of the supplement filed on January 8, 1962, in Docket No. CP62–88 states that the 23.6-cent-per-Mcf cost of the gas entering Monterey Gas' transmission pipeline is made up of the following components:

	Cents Per Mcf
Gas Supply (consisting of royalties and amortization or cost depletion of leasehold interests)	16.1
General and production taxes	2.1
Federal and state income taxes	.7
Return on net cash investment in leaseholds and main gathering lines	2.7
Total	23.6

The application indicates that Monterey Gas is a newly-organized corporation and that Humble owns 48 percent, Lehman Brothers owns 22.4 percent, King Ranch, Inc., owns 19.6 percent, and six other companies and individuals own the remaining 10 percent of Monterey's 1,500,000 shares of common stock. Monterey Gas' financial requirements for the construction period ending November 1, 1962, are as follows:

Down payment on purchase of gas leaseholds from Humble	$7,810,425
Purchase of gathering lines extending from leaseholds to inlet of King Ranch plant	5,070,000
Purchase of 30-inch transmission line from Humble	22,000,000
Construction of 30-inch transmission line from Clear Lake to Columbia Gulf's interconnection	28,260,000
Financing expense	1,000,000
Other charges	149,000
Total	$64,289,425

Lehman Brothers has expressed the opinion that Monterey Gas' project can be financed and it is anticipated that financing may be as follows: Common stock, $10,000,000; convertible notes at 6 percent, $13,600,000; and pipeline bonds at 5¼ percent, $41,000,000, for a total of $64,600,000.

Columbia Gulf's application in Docket No. CP62–89 states that it is a wholly-owned subsidiary of the Columbia Gas System, Inc. (Columbia System) and that it has been requested to expand its facilities and install compressor facilities over a four-year period to increase its capacity for delivering the additional volumes of gas to become available to the Columbia System under the terms of the United-Monterey Gas contracts hereinbefore described. Columbia Gulf now operates a 30-inch pipeline extending about 841 miles from the Louisiana Gulf area to the Kentucky-West Virginia border. Columbia Gulf presently estimates its daily design capacity to be 688,500 Mcf.

In its application it describes the four-year construction program which it desires to initiate so as to add a total of 391 miles of 30-inch loops to its existing main line in order to increase its design capacity to 1,078,500 Mcf per day by

[1] On January 8, 1962, Monterey Gas filed a supplement to its application in Docket No. CP62–88. No supplements or amendments to the other applications had been filed as of the date of issuance of this notice.

[2] Deliveries in excess of 11,461,511 Mcf per month or 423,000 Mcf per day are dependent upon Monterey Gas' contemplated "second" purchase of leaseholds from Humble and upon construction of compressor facilities in addition to those for which authorization is requested in Docket No. CP62–88.

November 1, 1965. In 1962 Columbia Gulf proposes to construct 9 loop sections, totaling 132.7 miles in length, plus a pipeline across the Tennessee River and an interconnection of its Station 9 with the proposed pipeline of Monterey Gas, at an estimated cost of $18,786,000, to increase its daily design capacity to 768,500 Mcf. In 1963 Columbia Gulf proposes to construct 10 loop sections, totaling 141.6 miles, at an estimated cost of $18,903,800, to increase its daily design capacity to 858,500 Mcf. In 1964 Columbia Gulf proposes to construct 5 loop sections, consisting of 36.1 miles, and engine compressor additions totaling 79,900 horsepower at 8 main-line compressor stations, at an estimated cost of $18,253,200, to increase its daily design capacity to 963,500 Mcf. In 1965 Columbia Gulf proposes to construct 9 loop sections, totaling 80.6 miles, at an estimated cost of $11,412,400, to increase its daily design capacity to 1,078,500 Mcf. The foregoing construction program also assumes permanent certification of experimental compressor facilities for which permanent authorization has been requested in Docket Nos. G–18121 and G–19376.

The application shows that United will desire Columbia Gulf's daily design capacity to be at least 1,168,400 Mcf by December of 1966, but United is not requesting at this time that Columbia Gulf seek authorization to initiate a construction program in excess of the four years described above. The total cost of this four-year construction program is estimated at $67,355,400, including overheads and contingencies.

In their joint application filed in Docket No. CP62–90, United and Kentucky Gas, both of which are wholly-owned subsidiaries of the Columbia System, request authorization to construct and operate the necessary pipeline and compressor facilities needed to utilize, within the Columbia System, the additional gas anticipated to become available as a result of the gas deliveries which Monteray Gas proposes to make to Columbia Gulf for United's account. This additional gas will subsequently be delivered by Columbia Gulf to Kentucky Gas at a point near Mt. Sterling, Kentucky, and to United at a point near the Kentucky-West Virginia border.

In 1962 United seeks authorization (1) to install and operate additional horsepower at its Ceredo Compressor Station, Wayne County, West Virginia, by the turbocharging of two existing compressor units from 2,000 horsepower to 2,800 horsepower each, thereby increasing the total additional compression by 1,600 horsepower, and (2) to construct and operate approximately 7.9 miles of 26-inch loop pipeline extending in an easterly direction from United's Latham Compressor Station, Putnam County, West Virginia. In 1962 Kentucky Gas requests authorization to construct and operate approximately 7.9 miles of 30-inch loop pipeline extending approximately 4.9 miles in a northwesterly direction from Kentucky Gas' Means Compressor Station, Montgomery County, Kentucky, and approximately 3 miles in a southeasterly direction from its Means Station. The total estimated cost of all facilities proposed by both United and Kentucky Gas is $2,462,900, including overheads and contingencies.

United avers that the additional facilities are required to increase deliveries to Atlantic Seaboard Corporation by up to 15,500 Mcf per day, to increase deliveries to The Manufacturers Light & Heat Company by about 5,000 Mcf per day, and to increase deliveries to Ohio Fuel by 30,000 Mcf per day. Kentucky Gas alleges that it requires the additional facilities to increase deliveries to The Cincinnati Gas and Electric Company and The Union Light, Heat and Power Company whose combined peak daily requirements total 514,200 Mcf which is a demand about 17,800 Mcf greater than the present capacity of Kentucky Gas' facilities serving those companies.

The joint application also indicates that their customers' requirements will continue to increase and that extensive construction of additional facilities will be required in order for them to keep up with this demand. However, they state that their systems are composed of transmission lines, compressor stations and underground storage facilities which are so affected by numerous variable factors that they do not think it would be prudent to request authorization to construct facilities for a greater period than one year at this time.

In its application in Docket No. CP 62–91, Ohio Fuel seeks authorization to construct and operate about 15.3 miles of 20-inch pipeline in Lawrence County, Ohio, extending its Line R–601 to United's existing Burlington delivery point. Ohio Fuel states that the proposed additional facilities will provide the increased capacity required for it to receive and transport up to 30,000 Mcf of increased firm daily deliveries from United at a pressure level to permit relay of required volumes with the existing compressor power at its Crawford Station. The estimated cost of Ohio Fuel's facilities is $1,300,000, including overheads and contingencies.

Ohio Fuel's application avers that it is also a wholly-owned subsidiary of the Columbia System. The estimated construction costs of the facilities proposed by the four Columbia System subsidiaries involved herein total $71,118,300. Exhibit L to Columbia Gulf's application states that it is the Columbia System's practice to purchase the notes and common stock of its subsidiaries to enable them to finance necessary projects. The Columbia System raises the funds to purchase the notes and common stock of its subsidiaries by the issuance and sale of its securities to the public. However, it is alleged that since the sale of Columbia System securities produces a common pool of funds for financing all the subsidiaries' requirements, no particular sale of securities can be earmarked as applicable to the financing of the facilities covered by any specific application.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held April 19, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 2, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2677; Filed, Mar. 20, 1962; 8:45 a.m.]

[Docket No. CP62–143]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MARCH 14, 1962.

Take notice that on December 8, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston 1, Texas, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional 421 Mcf per day of storage service to Elizabethtown Consolidated Gas Company (Elizabethtown), an existing customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it will provide the proposed additional volumes from the unallocated portion of its share of the Leidy Storage Field. The proposed storage service will be rendered initially under Applicant's presently effective LS Rate Schedule.

The application shows that Elizabethtown presently has 6,000 Mcf of natural gas per day allocated to it from the Leidy Field. The proposed additional volumes will be utilized by Elizabethtown to assist it in minimizing the high costs associated with peak-shaving.

Applicant states that no additional facilities will be required to render the proposed service.

Elizabethtown will provide gas for injection into Leidy Field from its present allocations for future withdrawal of the additional 421 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 19, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2678; Filed, Mar. 20, 1962; 8:46 a.m.]

[Docket No. R–168]

NONACCEPTIBILITY OF RATE FILINGS BASED ON STATE-PRESCRIBED MINIMUM PRICES

Order Amending Order Terminating Proceeding

MARCH 14, 1962.

In our order of February 7, 1962, terminating the above proceeding, the following sentence appears: "We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law has an adequate remedy in an appropriate court in the event that his contract entitles him to a refund as a result of the invalidity of the state minimum price laws." [1]

That sentence was not intended to express or imply any view as to whether contract actions in appropriate state or federal courts might be subject to defenses other than defenses based on the Kansas minimum-rate order itself. To avoid doubt on that score, we hereby amend the above-quoted sentence to read as follows:

> We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law can invoke the jurisdiction of an appropriate court in the event that his contract provides for a refund if the state minimum price laws are held invalid.[1]

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2679; Filed, Mar. 20, 1962; 8:46 a.m.]

[1] Pan American Petroleum Corp. v. Superior Court of Delaware for New Castle County et al., 366 U.S. 656 (1961).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MARCH 15, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common assessable stock, $1.00 par value of Industrial Enterprises, Inc., File No. 1–4597.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 16, 1962, to March 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2687; Filed, Mar. 20, 1962; 8:47 a.m.]

[File No. 811–993]

STARRETT CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 14, 1962.

Notice is hereby given that the Starrett Corporation ("Applicant"), Los Angeles, California, a management closed-end, non-diversified investment company, organized as a Delaware corporation, has filed an application pursuant to section 8(f) of the Investment Company Act ("Act") for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application.

On October 21, 1960, Applicant registered as an investment company under the Investment Company Act of 1940. The corporation's investment in Pacific Coast Properties, Inc., and Food Giant Markets, Inc. totalled $9,952,416 at December 31, 1960, and by reason thereof, approximately 79 percent of the company's total assets were invested in investment securities as defined in section 3(a)(3) of the Act.

Subsequent to registration the company acquired as of May 1, 1961, all of the outstanding stock of Albert Parvin & Co., a contract and decoration furniture company, and Pargold Enterprises, which operates three retail furniture stores.

On or about July 1, 1961, Starrett formed a wholly-owned subsidiary, Kal-Star Furniture Corporation to engage in the furniture and appliance business.

During the eight months ended August 31, 1961, Starrett sold its investments in Pacific Coast Properties and Food Giant Markets, Inc. Proceeds from the sale amounted to $10,920,000 cash which was received in September 1961. At the time stockholders of Starrett approved the sale of these securities they were advised that such sale would result in Starrett being no longer an investment company, but an operating company. After the sale of these securities was completed, Starrett acquired 100 percent ownership of Dohrmann Hotel Supply Co., a wholesale hotel supply company, and 100 percent ownership of Starrett Pacific Distributors which operates a wholesale distributorship for various lines of hotel supply equipment.

Section 3(a)(3) of the Act, in pertinent part, defines an investment company as any issuer which is engaged in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Investment securities includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant now represents that as of December 31, 1961, it had total assets of $23,495,328, of which $14,415,351 represented ownership of and advances to five wholly owned operating companies, $276,739 represented ownership in investment securities, $8,417,136 represented cash and cash items and $386,102 represented receivables and prepaid expenses. On the foregoing basis approximately 2 percent of the total assets represents investment securities under section 3(a)(3) of the Act.

The cash and cash items will be utilized for the retirement of liabilities, for the acquisition and development of certain real property, in the operation of its presently owned subsidiaries, and pos-

sibly in the acquisition of additional wholly owned or substantially wholly owned subsidiaries.

Applicant represents that it does not propose to acquire investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of government securities and cash items) on an unconsolidated basis, nor acquire any substantial amount of investment securities, nor to engage primarily in the business of investing, reinvesting or trading in securities, nor to engage in the business of issuing face amount certificates of the installment type.

Applicant further states that notwithstanding its registration as an investment company under the Act it has never held itself out to stockholders, the public or in reports filed with the Securities and Exchange Commission as intending to remain registered as an investment company, nor as being primarily engaged in the business of investing, reinvesting, or trading in securities, and has never engaged in the business of issuing face amount securities of the installment type, but, has at all times indicated its intention of eliminating its investment assets and obtaining operating assets as rapidly as possible, and resuming its historical position as an operating company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such an order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 30, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2688; Filed, Mar. 20, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 54, Rev. 2, Amdt. 1]

DIRECTOR, OFFICE OF INVESTMENT

Delegation Relating to Investment Program

I. Delegation of Authority No. 54, Revision 2 (27 F.R. 1779) is hereby amended as follows:

1. Delete Item I.A.3. in its entirety and substitute the following Item:

3. To approve loans and their disbursement under sections 302 and 303 of the Small Business Investment Act of 1958, as amended.

2. Renumber Items I.A. 4. through 10. at Items I.A. 5. through 11.

3. Add a new subsection I.A.4. as follows:

4. To approve self-dealing loans except approval shall be restricted to those involving individuals with less than an aggregate amount of 5 percent interest in an SBIC, and an aggregate amount of less than 10 percent of the small business concern.

Effective date: February 28, 1962.

PHIL DAVID FINE, *Deputy Administrator, Investment Division.*

[F.R. Doc. 62-2689; Filed, Mar. 20, 1962; 8:47 a.m.]

ELECTRODYNE INDUSTRIES, INC.

Notice of Withdrawal of Request To Operate and Participate in Small Business Defense Production Pool

The request to Electrodyne Industries, Inc., to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 24 F.R. 632 (January 28, 1959), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: March 12, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2690; Filed, Mar. 20, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 430]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 388), filed February 26, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, boat trailers, trailer chassis, and semitrailer chassis* (excluding house trailers and mobile homes), in initial truckaway and driveaway service, from Riverside, Calif., to points in the United States (except Hawaii). (2) *Tractors* (other than farm tractors), in secondary driveaway service but only when drawing trailers moving in initial driveaway service, from Riverside, Calif., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

HEARING: April 16, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 7060 (Sub-No. 3), filed January 2, 1962. Applicant: FRANK NEIDERLANDER, doing business as BURGESS TRANSFER, 522 North Westnedge Avenue, Kalamazoo, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products*, on a reshipment basis, from Kalamazoo, Mich., to Mason (Ingham County), Mich., and *damaged* and *defective shipments* of the above-specified commodities, on return.

NOTE: Applicant states the proposed operations are to be conducted under continuing contracts with Swift and Company, Agar Packing Company and Marhoefer Packing Company.

HEARING: May 4, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 9895 (Sub-No. 121), filed December 8, 1961. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid Caustic Soda (sodium hydroxide), and solutions thereof*, in bulk, in tank vehicles, from Kimball, Nebr., to Harrisburg, Nebr., and points within 15 miles thereof.

NOTE: Applicant states, "it is a subsidiary of, and controlled by, Denver Chicago Trucking, Co., Inc."

HEARING: May 18, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 10183 (Sub-No. 3), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal food*, in bags, and (2) *foodstuffs*, canned, preserved, and prepared, from points in Mercer, Burlington, Atlantic, Cumberland, Salem, Gloucester, and Camden Counties, N.J., to Baltimore, Md.

NOTE: Applicant states the proposed operation will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: April 23, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 21623 (Sub-No. 81), filed October 23, 1961. Applicant: W. J. DILLNER TRANSFER COMPANY, a corporation, 601 Melwood Street, Pittsburgh 13, Pa. Applicant's attorney: Ernie Adamson, Box 62, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick on pallets and ferro alloys, and steel mill supplies*, between points in Pennsylvania, Ohio, West Virginia, Delaware, New York, and New Jersey, including all Commercial Zones on Pennsylvania State Borders.

HEARING: May 3, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 25476 (Sub-No. 1), filed February 26, 1962. Applicant: GERTRUDE V. MALLARD, doing business as MALLARD TRUCKING COMPANY, 295 Van Horne Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calendar pads*, from Jersey City, N.J., to New York, N.Y., and points in Nassau, Rockland, and Westchester Counties, N.Y.

HEARING: May 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 25476 (Sub-No. 2), filed February 26, 1962. Applicant: GERTRUDE V. MALLARD, doing business as MALLARD TRUCKING COMPANY, 295 Van Horne Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed telephone records, telephone directories, magazines*, and *paper, materials, equipment*, and *supplies used by and incident to printing establishments*, between Yeadon, Pa., on the one hand, and, on the other, New York, N.Y., points in Nassau, Rockland and Westchester Counties, N.Y., and points in New Jersey.

HEARING: May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

No. MC 29079 (Sub-No. 11), filed March 13, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, P.O. Box 935, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 30451 (Sub-No. 20), filed February 9, 1962. Applicant: THE LUPER TRANSPORTATION COMPANY, a corporation, 350 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections (a), (b), and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Wichita, Kans., to points in New Mexico and Arizona and (2) from Arkansas City, Kans., to points in Arizona, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states it holds authority to transport the same commodities from Wichita, Kans., to a portion of New Mexico under MC 30451 (Sub-No. 14). No duplicating authority is sought herein.

HEARING: May 14, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner William J. Cave.

No. MC 31600 (Sub-No. 524), filed February 27, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, from Boston, Mass., to points in Massachusetts, Rhode Island, New Hampshire, points in Tolland, Windham, and New London Counties, Conn., and points in York, Oxford, Cumberland, and Androscoggin Counties, Maine.

HEARING: April 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 36746 (Sub-No. 10), filed February 27, 1962. Applicant: THE AMERICAN TRANSFER COMPANY, a corporation, 1112 Race Street, Baltimore, Md. Applicant's attorney: William J. Torrington, 1003 Maryland Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pineapples, at the same time and in the same vehicles with bananas*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities in (1) above, between points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 42614 (Sub-No. 31), filed January 5, 1962. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a Wisconsin corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Charles H. Dickman, 400 West Madison Street, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, petroleum products in bulk, and Classes A and B explosives). (1) Between New Sharon, Iowa, and Newton, Iowa: From New Sharon over unnumbered highway northwesterly to Taintor, Iowa, thence northerly over unnumbered highway to Lynville, Iowa, thence westerly over Iowa Highway 225 to Sully, Iowa, thence northerly over unnumbered highway via Killduff, Iowa, to U.S. Highway 6, thence westerly over U.S. Highway 6 to Newton, Iowa, and return, serving the intermediate points of Taintor, Lynville, Sully, and Killduff, Iowa. (2) Between New Sharon and Newton, Iowa: From New Sharon over Iowa Highway 146 northerly to Iowa Highway 225, thence westerly over Iowa Highway 225 via Lynville, Iowa, to Sully, Iowa, thence northerly over unnumbered highway via Killduff, Iowa to U.S. Highway 6, thence westerly over U.S. Highway 6 to Newton, Iowa, and return, serving the intermediate points of Lynville, Sully, and Killduff, Iowa. (3) Between Newton and Marshalltown, Iowa: From Newton via Iowa Highway 14 northeasterly to Marshalltown, Iowa, and return, serving no intermediate points. (4) Between New Sharon and Marshalltown, Iowa: From New Sharon over Iowa Highway 146 to U.S. Highway 30, thence westerly over U.S. Highway 30 to Marshalltown, Iowa, and return, serving no intermediate points. RESTRICTION: Applicant states the authority sought is limited to shipments having

prior or subsequent rail movement via lines of the Chicago and North Western Railway Company.

HEARING: May 9, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 51012 (Sub-No. 17), filed February 23, 1962. Applicant: JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, 822 East Washington Street, P.O. Box 745, Suffolk, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible nuts, candy, peanut butter sandwiches, peanut products, cream-filled sandwiches, and such advertising materials, store equipment and fixtures as are used in the sale and distribution of such products*, from Suffolk, Va., to Charleston and Huntington, W. Va.

HEARING: April 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 56388 (Sub-No. 20), filed January 31, 1962. Applicant: JAMES R. HAHN, New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground burnt lime*, in bulk, in dump type vehicles, from Martinsburg, W. Va., to Frederick, Md.

HEARING: April 26, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 113.

No. MC 59272 (Sub-No. 30), filed February 9, 1962. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, from Martinsburg (Berkeley County), W. Va., to the borough of Northampton (Northampton County), Pa.

HEARING: April 26, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 206.

No. MC 59396 (Sub-No. 10), filed February 14, 1962. Applicant: BUILDERS EXPRESS, INC., Central Avenue, Fenderne, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soaps and detergents, and ingredients used in the manufacture thereof*, in bulk, between Marcus Hook, Pa., Havre de Grace, Md., and Paterson, N.J.

HEARING: May 3, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 61403 (Sub-No. 77), filed February 23, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorneys: S. S. Eisen and W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank and hopper type vehicles, from the plant site of the Archer-Daniels Midland Co., located at or near Mapleton, Ill., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia.

NOTE: Applicant states it is under control of the Mason & Dixon Lines, Inc.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 64932 (Sub-No. 309), filed February 26, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the plant site of the Archer-Daniels-Midland Company, located at or near Mapleton, Ill., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 76065 (Sub-No. 11), filed March 5, 1962. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York 1, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, and *materials* and *supplies used in the manufacture of garments*, between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, Baltimore, Md.

HEARING: April 27, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 88621 (Sub-No. 13), filed February 7, 1962. Applicant: H. G. STAUFFER TRUCKING COMPANY, INC., Route No. 2, P.O. Box 283, Wooster, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *equipment, materials and supplies used in the manufacture, design, transportation and sale of paper and paper products*, between points in Sewickley Township, Pa., on the one hand, and, on the other, points in New York, Ohio, West Virginia, Pennsylvania, New Jersey, Kentucky, Maryland, Virginia, Indiana, and the District of Columbia.

NOTE: Applicant indicates that the service as proposed would be under a continuing contract with International Paper Company, 220 East 42nd Street, New York 17, N.Y.

HEARING: April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 89497 (Sub-No. 5), filed October 27, 1961. Applicant: DOWD AND STOLZ TRANSFER CO., INC., 716 Norfolk Avenue, Norfolk, Nebr. Applicant's representative: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt compounds*, in bulk, and in bags, packages and other containers, in straight or mixed truckloads; (1) from Omaha, Nebr., and points within 10 miles thereof, to points in Iowa and South Dakota; and (2) from Council Bluffs, Iowa, and points within 10 miles thereof, to points in Nebraska and South Dakota; and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2) above.

NOTE: Applicant indicates it will also transport exempt commodities on return trips.

HEARING: May 16, 1962, at the Nebraska State Railway Commission Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 93980 (Sub-No. 35), filed February 28, 1962. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 336, Raleigh Road, Henderson, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building board, wallboard, insulating board, fiberboard*, and *pulpboard*, on flatbed trailers, from Sunbury, Pa., to points in North Carolina and South Carolina; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from points in North Carolina and South Carolina to Sunbury, Pa.

HEARING: April 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 94265 (Sub-No. 81), filed February 19, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible nuts, candy, peanut butter sandwiches, peanut products, cream-filled sandwiches, and such advertising materials, store equipment and fixtures, as are used in the sale and distribution of such products*, from Suffolk, Va., to Charleston and Huntington, W. Va.

HEARING: April 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 96324 (Sub-No. 6), filed September 1, 1961. Applicant: GENERAL DELIVERY, INC., 36 East Grafton Road, Fairmont, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from New York City, N.Y., to Clarksburg, W. Va.; (2) *glassware*, from Clarksburg, W. Va., to points in New York and New Jersey; (3) *fiberboard boxes and milk cartons*, from Fulton, N.Y., to Elkins, W. Va.; (4) *fiberboard boxes, partitions and sheets*, (a) from Bradford, Pa., and Cleveland, Ohio, to Star City, Morgantown, Fairmont, and Parkersburg, W. Va., (b) from Bristol, Pa., to points in West Virginia and (c) from Cleveland, Ohio, New York, N.Y., Boundbrook, N.J., Philadelphia, Pa., and East Landsdown, Pa., to Fairmont, W. Va.; (5) *molds and machine parts used in the manufacture of glassware*, (a) from Bridgeton, N.J., to Fairmont and Charleston, W. Va., and (b) between Fairmont and Star City, W. Va., on the one hand, and, on the other, points in Illinois and Indiana; (6) *pulpboard or fiberboard*, in rolls, from Jaite, Ohio, Hopewell, Va., and Baltimore, Md., to Fairmont, W. Va., and (7) *glass containers, fiberboard boxes, wooden bottle carriers, and closures for glass containers*, (a) from Star City, W. Va., to points in Pennsylvania, Ohio, Kentucky, Maryland, Virginia, New Jersey, New York, Illinois, and Indiana, and (b) from Fairmont, W. Va., to points in Illinois and Indiana.

NOTE: Applicant states *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, will be transported on return.

HEARING: May 16, 1962, at Room 103, U.S. Court House, Charleston, W. Va., before Examiner Frank R. Saltzman.

No. MC 103647 (Sub-No. 1) (AMENDMENT), filed December 4, 1961, published in FEDERAL REGISTER issue of February 14, 1962, republished this issue, as amended March 9, 1962. Applicant: OWL TRANSFER & STORAGE CO., INC., 3623 Sixth Avenue, South, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment*, including *scenery, wardrobes, properties*, and *electrical supplies used for theatrical productions*, from points in the State of Washington to points in California, Nevada, Utah, Montana, Arizona, Wyoming, Colorado, New Mexico, Oregon, Idaho, and Washington.

NOTE: The purpose of this republication is to change the proposed operation from "between" to "from and to," to indicate the State of Washington as the origin State, and add Idaho, Oregon and Washington as destination states.

HEARING: Remains as assigned April 10, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 103880 (Sub-No. 247), filed February 5, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the site of the Northern Natural Gas Products Company terminal of the Great Lakes Pipeline located at or near Coralville (Iowa City, Johnson County) Iowa, to points in that part of Illinois on and west of U.S. Highway 51, and on and north of U.S. Highway 24, and (2) from the site of the Northern Natural Gas Products Company terminal of the Great Lakes Pipeline located at or near Amboy (Lee County), Ill., to points in Wisconsin.

HEARING: May 8, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 107107 (Sub-No. 199), filed February 21, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Aplicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials, advertising, promotional and display materials*, and *premiums*, from points in Massachusetts to points in Florida.

HEARING: May 9, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 107403 (Sub-No. 369), filed December 1, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, from Delphos, Ohio, to Toledo, Ohio, for water movement beyond and (2) from Delphos, Ohio, to Louisville, Ky.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: May 9, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 107403 (Sub-No. 390), filed February 20, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, from points in Kent County, Md., to points in Delaware and points in Berks and Lancaster Counties, Pa. (2) *Crushed stone*, from points in Cecil County, Md., to points in Delaware.

NOTE: Applicant holds contract carrier authority under MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: April 25, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199.

No. MC 107403 (Sub-No. 391), filed February 23, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the site of the Archer-Daniels Midland Company plant located at or near Mapleton, Ill., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc., in Docket No. MC–F 6886 and Edwin E. Clarke, doing business as Clarke Bulk Transfer in Docket MC–F 7909.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 107496 (Sub-No. 226), filed February 5, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation located at or near Oakland City, Ind., to points in Illinois and Kentucky.

NOTE: Applicant has contract carrier authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: May 7, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 1.

No. MC 107496 (Sub-No. 234), filed February 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the plant site of the Archer-Daniels Midland Company located at or near Mapleton, Ill., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states it is wholly owned by John Ruan, applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois Corporation; also, applicant holds contract authority in MC 119136 and subs thereunder, therefore, dual operations may be involved.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 107515 (Sub-No. 382), filed February 6, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products* as described by the Commission in Ex Parte MC 43, from Booneville, Miss., to points in Alabama, Florida, Georgia (except Atlanta, Macon, Griffin, Albany, Columbus, and Montezuma, Ga.), Connecticut, Delaware, District of Columbia,

Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, and Rhode Island.

NOTE: Applicant states J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of its common stock holds permits as a contract carrier (MC 104589 and subs thereunder).

HEARING: April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 107871 (Sub-No. 10), filed January 25, 1962. Applicant: BONDED FREIGHTWAYS, INC., P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Weiler Building, 407 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, from Syracuse, N.Y., to points in Ohio.

HEARING: April 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 107871 (Sub-No. 11), filed February 2, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, in bulk, (a) from Albany, N.Y., to points in Vermont, Massachusetts, Connecticut, and New Hampshire, and (b) from Buffalo, N.Y., to points in Pennsylvania and Ohio; and (2) *contaminated, refused and rejected shipments of the above commodity*, on return.

HEARING: April 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 108409 (Sub-No. 12), filed February 8, 1962. Applicant: J. V. GRIM, E. GLENN GRIM, and RICHARD R. GRIM, doing business as, GRIM BROS. TRUCKING COMPANY, 997 Loucks Mill Road, York, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpwood and wood chips, bark and shavings*, and *empty containers or other such incidental facilities* used in transporting the above described commodities, between points in Maryland, Pennsylvania, and Virginia.

HEARING: April 25, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 250.

No. MC 108428 (Sub-No. 8) filed February 15, 1962. Applicant: DINO D'AGATA, Northeast corner 25th and Dickinson Streets, Philadelphia 45, Pa. Applicant's representative: G. Donald Bullock, P.O. Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in the Baltimore, Md., Commercial Zone, as defined by the Commission, to Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: April 30, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 109637 (Sub-No. 194), filed December 8, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Specially denatured rum*, in bulk, in tank vehicles, from Covington, Ky., to St. Louis, Mo.

NOTE: Applicant states that it is "under common control with Alabama Tank Lines, Inc., Louisville, Ky. (MC–116887). J. F. Beaird, Stockholder and Director of Applicant is also President, Stockholder, and Director of Alabama Tank Lines, Inc. J. A. Gammon, Stockholder, President, and Director of Applicant is also Executive Vice-President and Director of Alabama Tank Lines, Inc." (MC–F–6282)

HEARING: May 8, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 109637 (Sub-No. 202), filed March 8, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits*, in bulk, in tank vehicles, from Lawrenceburg, Ind., to Chicago, Ill., and Detroit, Mich.

HEARING: April 11, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 110525 (Sub-No. 490), filed February 7, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jackiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products, and blends thereof, and chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan and Wisconsin.

NOTE: Applicant has contract carrier authority under MC 117607 and Subs thereunder, therefore, dual operations may be involved.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 110698 (Sub-No. 206), filed February 21, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from the plant site of the Archer-Daniels Midland Company, located at or near Mapleton, Ill., to points in Alabama, Arizona, California, Delaware, Florida, Georgia, Maryland, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, West Virginia, and the District of Columbia.

NOTE: Applicant states that its capital stock is owned by the Ryder System, Inc., which also controls Ryder Truck Line and other motor carriers.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 111812 (Sub-No. 147), filed January 2, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, and articles distributed by meatpacking houses*, as described in Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Esterville, Iowa, to Peoria and Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

NOTE: Applicant states "Mrs. Jane A. Lewis, wife of applicant's president, holds a 50 percent interest in Express, Inc."

HEARING: May 10, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 111862 (Sub-No. 3), filed October 13, 1961. Applicant: HENNIS TRUCKING CO., a corporation, P.O. Box 562, Zanesville, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland and mortar) in bulk, in packages and in bags, (a) from the plant site of Dundee Cement Company in Monroe County, Mich., to points in Michigan, Ohio, and Indiana, and (b) from the plant site of Dundee Cement Company in Butler County, Ohio, to points in Indiana, Kentucky, and Ohio.

HEARING: May 10, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 112020 (Sub-No. 153), filed February 23, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1600 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, from the plant site of the Archer-Daniels-Midland Company located at or near Mapleton, Ill., to points in Arizona, Arkansas, California, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Utah.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 113950 (Sub-No. 6), filed February 15, 1962. Applicant: FIRST NATIONAL HAULING CO., INC., 215 North Ninth Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, television sets, radios, phonographs, household kitchen equipment* and *new furniture*, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New York, and New Jersey within 75 miles of New York, N.Y., including New York, N.Y.

HEARING: May 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 114045 (Sub-No. 81), filed March 8, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Louisiana and Mississippi to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnestota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virgina, Wisconsin, and the District of Columbia.

HEARING: March 21, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114239 (Sub-No. 5), filed December 12, 1961. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides and ingredients thereof, and chemicals*, dry and liquid, in bulk, bags and drums (other than tank vehicles), between St. Joseph, Mo., and Denver, Colo., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Mississippi, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: May 8, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 114608 (Sub-No. 10), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehumidifiers*, from Columbus, Ohio, to Grand Rapids, Mich.

NOTE: Applicant states the proposed operation will be under a continuing contract, and contracts, with Kelvinator Division of American Motors Corporation.

HEARING: May 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 114608 (Sub-No. 11), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio, when moving in mixed loads with other appliances applicant is authorized to transport.

NOTE: Applicant states the proposed operation will be performed under a continuing contract, or contracts, with Kelvinator Division of American Motors Corporation.

HEARING: April 23, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 114608 (Sub-No. 12), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Chicago, Ill., to Grand Rapids, Mich.

NOTE: Applicant states the proposed operation will be performed under a continuing contract, or contracts, with Kelvinator Division of American Motors Corporation.

HEARING: May 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 114939 (Sub-No. 21), filed December 18, 1961. Applicant: BULK CARRIERS LIMITED, Box 10 Dixie P.O., Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry bulk commodities*, in dump, hopper or tank type equipment, restricted to traffic destined to points in Canada, from points in Michigan to ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron or Detroit, Mich., and (2) *petroleum and petroleum products* as described by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, restricted to traffic destined to points in Canada, from Tonawanda, N.Y., to ports of entry on the International Boundary line between the United States and Canada in New York on or near the Niagara and St. Lawrence Rivers.

RESTRICTION: The grant of the above-described authority from Tonawanda, N.Y., shall create no duplicating operating rights and applicant is willing to surrender existing authority from Tonawanda, N.Y., covering the transportation of petroleum solvents having a flash point of 80 degrees Fahrenheit or lower, and gasoline, in bulk, in tank vehicles.

HEARING: May 3, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 347.

No. MC 115601 (Sub-No. 15), filed February 27, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., 1401 Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, and accounting and billing records and documents of public utilities and other commercial and industrial entities and businesses*, (1) between points in Delaware, on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in New Jersey, and (2) between points in Maryland, and Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, points in New Jersey.

HEARING: April 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 115841 (Sub-No. 100) (AMENDMENT), filed February 7, 1962, published in FEDERAL REGISTER, issue of February 28, 1962, republished this issue as amended March 9, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* from points in Louisiana to Springdale, Ark.

NOTE: The purpose of this republication is to substitute "from points in Louisiana" for "from New Orleans, La."

HEARING: Remains as assigned, April 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 115841 (Sub-No. 104), filed March 8, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, and Georgia.

HEARING: April 18, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 115915 (Sub-No. 7), filed October 23, 1961. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in Appendix I to *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209, from Omaha, Nebr., to points in that part of Minnesota bounded by a line beginning at the Minnesota-North Dakota State line near Moorhead, Minn., at U.S. Highway 10, and extending along U.S. Highway 10 to junction U.S. Highway 210, thence along U.S. Highway 210 to junction U.S. Highway 371, thence south along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-Wisconsin State line, and thence along the Minnesota-Wisconsin, Minnesota-Iowa, Minnesota-South Dakota, and Minnesota-North Dakota State lines to point of beginning, including all points in Minnesota on said Highway boundaries.

NOTE: Applicant states that all service is to be limited to a transportation service to be performed under a continuing contract with Armour & Company, Omaha, Nebr. Applicant further states that he is a partner of Dahl Truck Lines, Sioux City, Iowa, which company holds contract carrier authority from the Commission under MC 109749 and Subs thereunder; therefore common control may be involved.

HEARING: May 18, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 182.

No. MC 115915 (Sub-No. 10), filed December 12, 1961. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meatpacking houses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sioux Falls, S. Dak., to points in Nebraska and Wyoming; and (2) *Empty containers or other such incidental facilities (not specified) and rejected shipments of the above-specified commodities*, from points in Nebraska and Wyoming to Sioux Falls, S. Dak.

NOTE: Applicant states that all operations are to be performed under a continuing contract with John Morrell & Co., Sioux Falls, S. Dak. Applicant further states that he is a partner of Dahl Truck Lines, Sioux City, Iowa, a motor contract carrier operating under MC 109749 and Subs thereunder. By order entered September 5, 1961 in MC-F-7911, the Commission found applicant and Dahl to be under Common Control but that such control was under the exemption under section 5(10) of the Act.

HEARING: May 17, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 233.

No. MC 116038 (Sub-No. 17), filed February 28, 1962. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 I Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Troy, N.Y., to points in New Jersey and Pennsylvania.

NOTE: Applicant holds contract carrier authority under MC 117561 and subs thereunder, therefore dual operations may be involved.

HEARING: April 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 116725 (Sub-No. 6), filed February 12, 1962. Applicant: JOHN S. KELLER, Keller's Creamery Road, R.D. No. 2, Telford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* from Edgely, Pa., to Minneapolis and St. Paul, Minn.

HEARING: April 26, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 117119 (Sub-No. 34), filed November 6, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Wichita, and Topeka, Kans., and St. Joseph and Kansas City, Mo., to points in Wisconsin and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting frozen foods, on return.

HEARING: May 3, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 117547 (Sub-No. 10), filed February 1, 1962. Applicant: BELL TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles*, owned by persons traveling under military orders, between the United States and points beyond, which are moving under commercial bills of lading, in drive-away service, between McGuire Air Force Base, Fort Dix, and Wrightstown, N.J., on the one hand, and on the other, commercial piers in the New York, N.Y., commercial zone, as defined by the Commission, Caven Point Army Terminal, Jersey City, N.J., and Bayonne Naval Base, Bayonne, N.J.

NOTE: Applicant indicates the movements will be limited to shipments having prior or subsequent movement to or from points beyond the United States. Applicant further states that the stockholders of Salem Transportation Co. and Central Stages, Inc. (both passenger carriers only), are the same as the stockholders of applicant, Jack Mirow and George H. Rosen.

HEARING: April 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 117820 (Sub-No. 1), filed January 29, 1962. Applicant: MICHIGAN FISH TRANSPORT, INC., 1246 Water Street, Port Huron, Mich. Applicant's attorney: Larry A. Eskilsen, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Maumee, Ohio, to Detroit, Pontiac, Flint, Saginaw, and Bay City, Mich., and points in Michigan east of U.S. Highway 10 and south of Michigan Highways 20 and 26.

NOTE: Applicant states it proposes to transport *exempt fish*, on return.

HEARING: April 30, 1962, at 1:00 p.m., at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 118034 (Sub-No. 4), filed February 7, 1962. Applicant: MILLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, 807 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Jetero, Harris County, Tex., to points in Louisiana, and Clarksdale, Greenville, Gulfport, Hattiesburg, Jackson, Meridian, Natchez, Vicksburg, and Camp Shelby (near Hattiesburg), Miss., and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states the transportation proposed herein will be to or from the plant of Armour & Co. at Jetero, Tex. Applicant further states that its president J. Tom Miller, owns 25 percent of the capital stock of Refrigerated Transport of Texas, Inc.

HEARING: April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 118196 (Sub-No. 2), filed November 19, 1961. Applicant: RAYE & COMPANY TRANSPORTS, INC., Box 163, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the *Commission in Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, in mechanically refrigerated equipment, *in mixed shipments and lots in the same vehicles with exempt commodities*, from points in Missouri, Kansas, Oklahoma, and Arkansas to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, and Wyoming, and *exempt commodities* on return.

HEARING: May 4 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 118876 (Sub-No. 9), filed February 6, 1962. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr., Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scrap*, in bulk, in special blower-type equipment, from Bristol and Philadelphia, Pa., and Baltimore, Md., to the plants of Ralston Purina Company in Wilmington, and Delmar, Del.

HEARING: April 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 118876 (Sub-No. 10), February 6, 1962. Applicant: GRAVES TRANSFER CO., a corporation, Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, fish solubles*, in drums and in bulk, in tank vehicles, and *fish scrap and fish meal*, in bulk, and in bag, and *meat scrap and other feed ingredients*, in bulk, and in bag, for use and consumption only in animal and poultry feeds and in fertilizer, from Lewes, Del., to points in Cecil, Kent, Wicomico, Dorchester, Queen Annes, Talbot, Caroline, Worcester, and Somerset Counties, Md., and to points in Accomack and Northampton Counties, Va., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: April 24, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 278.

No. MC 119211 (Sub-No. 3), filed December 19, 1961. Applicant: RUFUX MAU, P.O. Box 223, Early, Iowa. Applicant's attorney: William B. Jensen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types of animal and poultry feeds, ingredients and materials, in bags and in bulk, manufactured, processed or handled by Consumers Cooperative Association of Ida Grove, Iowa, for use in feeding livestock and poultry (except liquid commodities, or any named commodity, in bulk, in tank vehicles)*, between Ida Grove, Iowa, on the one hand, and, on the other, points in South Dakota, beginning at the intersection of U.S. Highway 183 and the South Dakota and Nebraska State lines, thence north on and along U.S. Highway 183 in South Dakota to the intersection of U.S. Highway 183 and 18, thence west on and along U.S. Highway 183 and 18 to the intersection of U.S. Highway 183 and 18 at Jordan, S. Dak., thence north on and along U.S. Highway 183 to the intersection of U.S. Highway 183 and 16 near Presho, S. Dak., thence west on and along U.S. Highway 16 and 83 to the intersection of U.S. Highway 16 and 83 immediately west of Vivian, S. Dak., thence north on and along U.S. Highway 83 to the intersection of U.S. Highway 83 and 14 approximately 2 miles north of Fort Pierce, S. Dak., then northeasterly on and along U.S. Highway 83 and 14 to the intersection of U.S. Highway 83 and 14 approximately four (4) miles west of Blunt, S. Dak., thence north on and along U.S. Highway 83 to the intersection of U.S. Highway 83 and 212 approximately six (6) miles west of Gettysburg, S. Dak., thence east on and along U.S. Highway 212 to the intersection of U.S. Highway 212 and the South Dakota and Minnesota State lines, thence south along the South Dakota and Minnesota State lines to the intersection of the South Dakota, Minnesota, and Iowa State lines, thence south along the South Dakota and Iowa State lines to the intersection of the South Dakota, Iowa, and Nebraska State lines, thence west along the South Dakota and Nebraska State lines to the place of beginning.

HEARING: May 14, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 148.

No. MC 119399 (Sub-No. 13), filed November 30, 1961. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *feed ingredients* and *supplements*, between Joplin, Mo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: May 9, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 119655 (Sub-No. 3), filed February 14, 1962. Applicant: MORRIS H. APPLEBAUM, 2101 South Throop Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority south to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Room conditioners, air conditioners, humidifiers, fans, lamps, lanterns, circuit breakers, switches, lighting fixtures, bulbs*, and *parts of and for the foregoing commodities*, from points in New Jersey to points in Illinois and Indiana.

HEARING: May 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 119873 (Sub-No. 2), filed January 8, 1962. Applicant: FRANCIA AND FRANCIA, INC., 57 East Donner Avenue, Monessen, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* (other than when moving in containers), from points in Michigan, to Monongahela, Pa.

NOTE: Applicant states the proposed service as shown above will be under a continuing contract with Monongahela Iron and Metal Co.

HEARING: April 20, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 123190 (Sub-No. 42), filed October 23, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils;* from Delphos, Ohio, to Toledo, Ohio, and Louisville, Ky.

NOTE: Applicant has pending contract carrier applications in MC 101126 (Sub-Nos. 112, 116, 117, and 121); dual operations may be involved.

HEARING: May 9, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 123375 (Sub-No. 5), filed December 26, 1961. Applicant: KIRK TRUCKING SERVICE, INC., 918 Sawmill Run Boulevard, Pittsburgh 20, Pa. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such of the commodities which are contained in applicant's lead Certificate No. MC 123375 which are *boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractor's tools, equipment and supplies, office equipment, architect's supplies, nonferrous castings, bronze and bronze products, metal in bulk, lumber and lumber patterns, mill equipment* and *building and construction materials, supplies and equipment*, which applicant states may be transported under the description in its Certificate No. MC 123375 (Sub-No. 1) first paragraph, which reads as follows: "Such commodities, as contractor's equipment, heavy and bulky articles, machinery and machine parts, and articles, requiring specialized handling and rigging, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Delaware, and Maryland."; to tack for the above-described commodities at Harrisburg, Pa. in lieu of Philadelphia, Pa.

NOTE: Applicant states it may now tack for the above-described commodities at Philadelphia, Pa. In its operations east and west it operates its vehicles through Harrisburg enroute to Philadelphia where tacking is now permitted between the lead Certificate No. MC 123375 and Certificate No. MC 123375 (Sub-No. 1) operating authorities. Applicant desires to tack at Harrisburg so that operations may be conducted over U.S. Highway 22, now a limited access super highway, and obviate the necessity of operating through Philadelphia in order to insure a more safe operation.

HEARING: April 30, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 123408 (Sub-No. 6), filed February 5, 1962. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in refrigerated equipment, between Jersey City, N.J., on the one hand, and on the other, Florida and Vails Gate, N.Y., New Haven, Bristol, Wilson, East Hartford, and Hartford, Conn., Bristol and Fairless Hills, Pa., and Bellefonte and Wilmington, Del.; and (2) *equipment, materials* and *supplies*, used in connection with the above commodities, between Jersey City, N.J., on the one hand, and on the other, the same points as indicated above.

NOTE: Applicant states that the authority sought is to cover transportation for the account of Wakefern Food Corporation.

HEARING: May 1, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 123408 (Sub-No. 7), filed February 23, 1962. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between Elizabeth, Jersey City, Newark, Linden, and Plainfield, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, Putnam and Sullivan Counties, N.Y.; Bucks, Northampton, Lehigh, Berks, Chester, Montgomery, Philadelphia, and Delaware Counties, Pa., and New Castle County, Del.

HEARING: May 11, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 123467 (Sub-No. 2), filed December 8, 1961. Applicant: H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 233 Wisconsin, Neodesha, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Memphis, Tenn., Commercial Zone, points in Arkansas lying on and north of a line beginning at West Memphis, Ark., thence southwest along U.S. Highway 70 to Little Rock, Ark., thence west along U.S. Highway 65 to Conway, Ark., thence northwest along U.S. Highway 64 to the Arkansas and Oklahoma State line, points in Missouri lying on and south of U.S. Highway 60 on the one hand, and, on the other, points in Kansas lying on and east of U.S. Highway 81.

HEARING: May 7, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 123604 (Sub-No. 3), filed November 24, 1961. Applicant: ALFRED R. DUSABLON, doing business as DUSABLON TRUCKING SERVICE, R.F.D. No. 2, Centerville, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Haydite*, in bulk (not in tank type equipment), from points within five (5) miles of Centerville, Iowa, including Centerville, to points in Missouri south of the Iowa-Missouri State line and on and east of U.S. Highway 65 near Mercer, Mo., and extending along said U.S. Highway 65 to junction U.S. Highway 50, thence on and north of U.S. Highway 50 to junction U.S. Highway 54, thence on and north of U.S. Highway 54 to the Missouri-Illinois State line, and points in Illinois east of the Missouri-Illinois State line and north of U.S. Highway 54 in Illinois to junction U.S. Highway 67, and thence points on and west of U.S. Highway 67 to the Iowa-Illinois State line near Rock Island, Ill., and Davenport, Iowa, including points on the indicated portions of the highways specified; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting Haydite from the above-specified destination points to points within five (5) miles of Centerville, Iowa, including Centerville.

HEARING: May 11, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 46.

No. MC 123904 (Sub-No. 1), filed February 16, 1962. Applicant: FRED GAES, JR., doing business as GAES TRUCK LINE, 419 Russell Street, Storm Lake, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Raw hides*, from Storm Lake, Iowa, to Omaha, Nebr., and (2) *raw tankage*, from Omaha, Nebr., to Storm Lake, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: May 14, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 123976, filed October 9, 1961. Applicant: DANIEL E. BUOP, doing business as DAN BUOP SERVICE, 10100 Springfield Pike, Woodlawn, Ohio. Applicant's attorney: William T. Sheffield, 808 Second National Building, Ninth and Main Streets, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged, and disabled motor vehicles* (except new trailers designed to be drawn by passenger vehicles), by use of wrecker only, from points in Indiana, Kentucky, and Tennessee, to Cincinnati, Ohio; and (2) *replacement vehicles for wrecked, damaged, and disabled motor vehicles*, in secondary movements, by the truckaway method with wrecker equipment, from Cincinnati, Ohio, to points in Indiana, Kentucky, and Tennessee.

HEARING: May 11, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 124053 (Sub-No. 1), filed December 11, 1961. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 12300 Visger Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and tar products*, in tank vehicles, between points in Michigan, on the one hand, and, on the other, points in Ohio.

HEARING: May 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 124104, filed December 18, 1961. Applicant: GEORGE E. BEDILLION AND PAUL K. BEDILLION doing business as, BEDILLION AUTO WRECKING 36 Race Avenue, Washington, Pa. Applicant's attorney: Stephen I. Richman, Washington Trust Building, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and abandoned motor vehicles* by towing, and in the transportation of *operable motor vehicles* to the location of such wrecked, disabled, and abandoned motor vehicle for the purpose of effecting substitution and replacement of such wrecked, disabled, and abandoned motor vehicle to be towed, between points in Pennsylvania, Indiana, Ohio, West Virginia, Maryland, Virginia, Delaware, New Jersey, New York, and the District of Columbia.

HEARING: May 1, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Frank R. Saltzman.

No. MC 124129, filed January 4, 1962. Applicant: S. M. S. TRUCKING CO., a corporation, P.O. Box 572, Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk and in bags, from Omaha, Nebr., to points in South Dakota, Iowa, and Nebraska, and *rejected shipments* of the above-specified commodity, on return.

HEARING: May 16, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 124129 (Sub-No. 1), filed January 4, 1962. Applicant: S. M. S. TRUCKING CO., a corporation, P.O. Box 572, Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk and in sacks, from Fort Dodge, Des Moines, and Sioux City, Iowa, to points in Nebraska, and *rejected shipments* of the above-specified commodity, on return.

HEARING: May 17, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185.

No. MC 124168, filed January 24, 1962. Applicant: CARL PUGH, Route 6, Box 446, Morgantown, W. Va. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. Coal, from the sites of Strip Mine Operations at or near Fairchance and Smithfield, Pa., to Buckeystown, Union Bridge, Hagerstown, and Williamsport, Md., Martinsburg, W. Va., and Harrisburg, Pa. 2. *Stone and sand*, from the sites of Strip Mine Operations at or near Fairchance and Smithfield, Pa., to Fairmont, W. Va. 3. *Mine dust and stone*, from Pinesburg, Md., to the sites of Vesco Corporation plant near Fairchance, Finleyville, and Washington, Pa.

NOTE: Applicant states the proposed operations are under continuing contract with Fry Coal and Stone Co., Division of American Marietta Company, Mercerburg, Pa.

HEARING: May 17, 1962, at Room 101, U.S. Court House, Charleston, W. Va., before Joint Board No. 206, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 124172, (CORRECTION), filed January 25, 1962, published FEDERAL REGISTER, issue of March 7, 1962, and republished as corrected this issue. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in paragraphs (a) and (c) of the Appendix I to the Report in *Description in Motor Carrier Certificates* (61 M.C.C. 209 and 766), from Arkansas City, Kans., to points in Arizona and California, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has common carrier authority under MC 118142 and Sub 3 thereunder, therefore, dual operations may be involved. The purpose of this republication is to show that applicant proposes to conduct operations as a *contract carrier* in lieu of *common carrier*, erroneously shown in previous publication.

HEARING: Remains as assigned April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 124184, filed February 1, 1962. Applicant: MAY & HALLY, INC., Court Street, Groton, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides and fungicides*, in bulk, in tank vehicles, and in drums, cans, barrels, and bottles, from Ayer, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states that if the authority as contract carrier is granted, "it is respectfully requested, that concurrently with the issuance of the new authority, Certificate of Public Convenience and Necessity No. MC 9142, issued to this company, be revoked." The common carrier authority authorizes transportation of leatherboard from Townsend and Groton, Mass., to Boston, Mass.

HEARING: May 7, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 124192, filed February 5, 1962. Applicant: BARTON TRUCKING CORPORATION, 254 West 35th Street, New York, N.Y. Applicant's attorney: Jerome Turner, 371 South Long Beach Road, Oceanside, L.I., N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in seasonal operations, during the months of June through August of each year, transporting: *Baggage (such as camp trunks and duffel bags)*, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, Flatbrookville, N.J.

HEARING: April 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124193, filed February 5, 1962. Applicant: JOSEPH BENNETT, doing business as BENNETT TRUCKING CO., 1172 East 96th Street, Brooklyn, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses, box springs, convertible beds and upholstered chairs and couches*, loose, unwrapped and in cartons, from Brooklyn, N.Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia, and, *rejected, damaged, and returned shipments*, on return. (2) *Wire*, in coils, from Trenton, N.J., to Brooklyn, N.Y.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Eclipse Sleep Products, Inc., of Brooklyn, N.Y.

HEARING: April 30, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124195, filed February 6, 1962. Applicant: JOSEPH F. SACKETT, doing business as JOSEPHS TRUCKING, 10 Carpenter Avenue, Sea Cliff, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acoustical materials, movable walls*, and *equipment, supplies*, and *tools* used in the installation thereof, between New York, N.Y., and points in Fairfield County, Conn., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J.

NOTE: Applicant states that the operation will be confined to service for the Johns-Manville Sales Corporation, New York, N.Y.

HEARING: May 3, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 124198, filed February 7, 1962. Applicant: EDWARD P. DUNN, JR., doing business as DUNN'S, 425 10th Street, Carlstadt, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Disabled trucks, disabled tractors, disabled busses*, and *disabled cars*, in driveaway or towaway service, using wrecker vehicles, between points in New York and New Jersey on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Massachusetts, Connecticut, Pennsylvania, and Delaware.

HEARING: May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

No. MC 124209, filed February 12, 1962. Applicant: ROBERT H. DINEHART, doing business as D & D TRUCKING, 675½ Main Street, Tullytown, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduits and materials used or useful in the installation of concrete conduits*, between points in the United States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states the proposed operations herein are limited to a transportation service to be performed under a continuing contract or contracts with Eastern Pre-Cast Corporation, of Tullytown, Bucks County, Pa.

HEARING: April 27, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 124219, filed February 16, 1962. Applicant: CARL L. SCHMATJEN, doing business as CARL'S LIQUID FEED SERVICE, 301 Military, Dodge City, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds* (except liquid animal feeds produced from vegetable or animal fats and oils), between points in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: May 15, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner William J. Cave.

No. MC 124220, filed February 16, 1962. Applicant: BRICE B. STANTON, 47 Bank Street, Sussex, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, fertilizer, lime, farm equipment*, and *supplies*, between points in Sussex County, N.J., on the one hand, and, on the other, points in Orange County, N.Y., and points in Pike County, Pa.

NOTE: Applicant states the proposed operations will be under a continuing contract with G. L. F., Inc. of Sussex, N.J.

HEARING: May 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 124254, filed March 6, 1962. Applicant: R. MURRAY BRIGGS, doing business as NORTHERN MAINE TRANSPORT, 79 Industrial Street, Presque Isle, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising material when moving in connection therewith*, from Washington, D.C., Baltimore, Md., Newark, N.J., Philadelphia, Pa., Albany, Utica, Rochester, and New York, N.Y., Cranston, R.I., Springfield, Lawrence, Natick, New Bedford and Boston, Mass., to Bangor, Brewer, Caribou, and Presque Isle, Maine, and (2) *empty malt beverage containers and pallets*, from the above-

described destination points to the above-described origin points.

NOTE: Applicant states the proposed operation will be performed under continuing contracts with Bangor Bottling Co. (a corporation), Bangor, Maine; Briggs, Inc., Brewer, Maine; Aroostook Beverage Co. (a corporation), Caribou, Maine; and Northern Maine Distributors (a corporation), Presque Isle, Maine.

HEARING: May 8, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 34), filed February 14, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, during the season extending from June 20th to September 15th of each year, inclusive, (1) between Barryville, N.Y., and Narrowsburg, N.Y.; from Barryville over New York Highway 97 to its junction with U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg, and return over the same route, serving all intermediate points, (2) between junction New York Highway 97 and New York Highway 52, in the Town of Tusten, N.Y., on the one hand, and, on the other, junction New York Highway 52 and unnumbered highway leading to Lake Huntington, in the Town of Cochecton, N.Y.; from junction New York Highway 97 and New York Highway 52, in the Town of Tusten, over New York Highway 52 to its junction with unnumbered highway leading to Lake Huntington, in the Town of Cochecton, N.Y. (a point on applicant's present route), and return over the same route, serving all intermediate points, and (3) between Yulan, N.Y., on the one hand, and, on the other, junction New York Highway 97 and unnumbered highway, in the Town of Tusten, N.Y.; from Yulan, over unnumbered highway, via Neweiden, N.Y., to junction with New York Highway 97, in the Town of Tusten, and return over the same route, serving all intermediate points.

NOTE: Applicant states that David Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921 and Limousine Rental Service Inc., MC 115456.

HEARING: May 4, 1962, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 228 (Sub-No. 35), filed February 19, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Goshen, N.Y., and the Town of Chester, N.Y., as follows: From junction of New York Highway 17 and access roads leading to New York Highway 17A, in Goshen, N.Y., over access roads to junction with New York Highway 17A, thence over New York Highway 17A to Florida, N.Y., thence from Florida, N.Y., over New York Highway 94 to its junction with access roads leading to New York Highway 17 in the Town of Chester, N.Y., thence over access roads to junction with New York Highway 17, serving all intermediate points; and return over the same route EXCEPT using access roads leading from New York Highway 17 to New York Highway 94 in the Town of Chester, N.Y., and access roads leading from New York Highway 17A to junction with New York Highway 17 in Goshen, N.Y.

NOTE: Applicant states that David Rukin, who manages and controls it, also manages and controls West Fordham Transportation Corp. and Limousine Rental Service, Inc.

HEARING: May 10, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 63390 (Sub-No. 7), filed February 9, 1962. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: William J. Wilcox, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Reading, Kutztown, and Allentown, Pa., and points within fifteen (15) miles of Reading and Allentown, and points on and within fifteen (15) miles of either side of U.S. Highway 222 between Reading and Allentown, and extending to points in Connecticut.

NOTE: Applicant also holds common carrier authority to transport property under MC-59272.

HEARING: April 25, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Harold P. Boss.

No. MC 107583 (Sub-No. 14), filed January 25, 1962. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, a corporation, 1222 Jerome Avenue, Bronx 52, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, between Philadelphia, Pa., and New York International Airport and La Guardia Airport, New York, N.Y.

NOTE: Common control may be involved.

HEARING: April 24, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 110306 (Sub-No. 4), filed February 14, 1962. Applicant: BLUE BUS LINES, a corporation, 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, (1) between Trenton, N.J., and Yardley, Pa.; from Trenton over U.S. Highway 1 to Morrisville, Pa., thence over Pennsylvania Highway 332 to Yardley, and return over the same route, serving all intermediate points; (2) between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa.; from junction South Pennsylvania Avenue and Tyburn Road over Tyburn Road to junction Ford Mill Road, thence over Ford Mill Road to junction Tullytown-Bordentown Road, and thence over Tullytown-Bordentown Road to the site of the United States Steel Company plant, and return over the same route, serving all intermediate points; (3) between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; from junction Pennsylvania and Philadelphia Avenue over Philadelphia Avenue to boundary of Falls Township, thence over Ford Mill Road to junction Tyburn Road, and return over the same route, serving all intermediate points; (4) between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa.; from junction Ford Mill Road and Lower Penn Valley Road over Lower Penn Valley Road to the site of the United States Steel Company plant, and return over the same route, serving all intermediate points; (5) between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road; from junction Pennsylvania Highway 732 and Arborlea Avenue, over Arborlea Avenue to Pine Grove Road, thence over Pine Grove Road to Big Oak Road, thence over Big Oak Road to Makefield Road, and thence over Makefield Road to Pennsylvania Highway 732, and return over the same route, serving all intermediate points, and (6) between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Upper River Road and Pennsylvania Highway 732; from junction Pennsylvania Highway 732 and Afton Avenue, over Afton Avenue to River Road, thence over River Road to Lower Makefield Township, Pa., thence along River Road to Mount Airy Road, thence over Mount Airy Road to Upper River Road, and thence over Upper River Road to junction Pennsylvania Highway 732, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to tack and combine operations over the above-described segments of routes for the purpose of providing transportation between Trenton, N.J., on the one hand, and, on the other, involved service points in Pennsylvania. Applicant also states it is under common control and management with Starr Transit Co., Inc.

HEARING: May 1, 1962, at the U.S. Court Rooms, Trenton, N.J., before Examiner Harold P. Boss.

No. MC 118848 (Sub-No. 1), filed January 5, 1962. Applicant: DOMENICO BUS SERVICE, INC., 764 Boulevard, Bayonne, N.J. Applicant's attorney: Jacob Drogin, 868 Broadway, Bayonne, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, on pleasure trip excursions, beginning and ending at Bayonne, N.Y., and extending to Miami Beach, Fla.

HEARING: May 3, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Harold P. Boss.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12787, filed December 29, 1961. Applicant: WHEELING AUTOMOBILE CLUB, INC., 836 Market Street, Wheeling, W. Va. For a license (BMC 5) to engage in operations as a *broker* at Wheeling, W. Va., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in sightseeing and educational tours, between points in Pennsylvania, Maryland, Virginia, West Virginia, New York, New Jersey, and the District of Columbia.

HEARING: May 14, 1962, at Room 103, U.S. Court House, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 12792, filed February 1, 1962. Applicant: ARROW STAGE LINES, INC., 1113 McDonald Street, Sioux City 3, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Sioux City, Iowa and Norfolk, Nebr., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, from points in Iowa and Nebraska, to points in the United States, including Ports of Entry on the International Boundary between the United States and Canada, and return.

NOTE: Applicant is presently authorized to conduct passenger operations in interstate or foreign commerce under Certificate No.'s MC 29592 and Subs 9 and 12.

HEARING: May 15, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 809 (Sub-No. 87), filed March 9, 1962. Applicant: ANCHOR MOTOR FREIGHT, a corporation, 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, bodies and chassis, and automobile parts and accessories, when moving as part of the original equipment of new vehicles*, in initial movements by truck-a-way and drive-a-way methods, from Framingham, Mass., to points in Maryland, Virginia, Delaware, Ohio, West Virginia, and the District of Columbia, and *rejected shipments* of the above specified commodities, on return.

NOTE: Common control may be involved. Applicant states the proposed service will be under a continuing contract with Chevrolet Motor Division of General Motors Corporation.

No. MC 10169 (Sub-No. 1), filed March 8, 1962. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Roanoke, Va., and points within 5 miles thereof, and Huntington and Kenova, W. Va., as follows: From Roanoke over U.S. Highways 11, 100 and 460 to Princeton, W. Va.; thence over U.S. Highways 19, 21 and 60 to Huntington and Kenova, W. Va., with alternate route from Roanoke over U.S. Highway 220 to Clifton Forge, Va.; thence over U.S. Highway 60 to Huntington and Kenova, W. Va.; and returning over the same routes, serving all intermediate points in West Virginia located on said highways in both directions.

NOTE: Applicant states that all *irregular* rights in West Virginia which duplicate *regular route* rights are to be cancelled upon the effective date of the foregoing regular rights now sought.

No. MC 30605 (Sub-No. 125), filed July 13, 1961, published FEDERAL REGISTER, issue of September 27, 1961. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 30 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Amarillo, and Higgins, Tex.; from Amarillo, over U.S. Highway 60 to Higgins, and return over the same route serving the intermediate points of Higgins, Glazier, Canadian, and Miami, Tex.

NOTE: Common control may be involved.

No. MC 35358 (Sub-No. 14), filed March 8, 1962. Applicant: BERGER TRANSFER & STORAGE, INC., 3109 37th Avenue NE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture, uncrated household furnishings and appliances, uncrated store and office fixtures, and uncrated kitchen equipment*, between Chicago, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, South Dakota, and those in Wisconsin on and west of U.S. Highway 51.

No. MC 107403 (Sub-No. 394), filed March 13, 1962. Applicant: E. BROOKE-MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Lima, Ohio, to Bromley, Ky.

NOTE: Applicant states it is authorized to control Reader Brothers, Inc.

No. MC 113336 (Sub-No. 50) (AS AMENDED), filed August 2, 1961, published FEDERAL REGISTER issue of August 16, 1961 and republished as amended this issue. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from New York, N.Y., to points in Tennessee, Kentucky, South Carolina, and Georgia.

NOTE: The amendment deletes the States of Virginia and North Carolina.

No. MC 124078 (Sub-No. 7), filed March 12, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the terminal site of the Lone Star Cement Corporation located in or near Bainbridge, Ga., to points in Georgia, points in Barbour, Coffee, Dale, Geneva, Henry, Houston, and Russell Counties, Ala., and points north of the following counties in Florida: Manatee, Hardee, Highlands, Okeechobee, and Saint Lucie, Fla., and (2) from the terminal site of the Lone Star Cement Corporation located in or near Atlanta, Ga., to points in Georgia and South Carolina.

NOTE: Applicant states it has contract carrier authority involving the transportation of petroleum products under Docket MC 113832, it also has common carrier ce-

ment and concrete conduit applications pending under Docket MC 124078, therefore, dual operations may be involved. Common control may also be involved.

No. MC 124120 (Sub-No. 1), filed March 9, 1962. Applicant: WILLARD NEWBERRY, Prater, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished or rough lumber*, from Birchleaf, Va., to points in that part of North Carolina, Tennessee, Kentucky, West Virginia, and Ohio bounded by a line beginning at the Virginia-North Carolina State line and extending over U.S. Highway 29 to Kings Mountain, N.C., thence over U.S. Highway 74 to Bat Cave, N.C., thence over U.S. Highway 64 to Hendersonville, N.C., thence over U.S. Highway 25 to Asheville, N.C., thence over U.S. Highway 19 to Cherokee, N.C., thence over U.S. Highway 441 to Knoxville, Tenn., thence over U.S. Highway 70 to junction U.S. Highway 27, thence over U.S. Highway 27 to Somerset, Ky., thence over Kentucky Highway 80 to Glasgow, Ky., thence over U.S. Highway 31–E to junction of unnumbered highway, thence over said unnumbered highway to Horse Cave, Ky., thence over U.S. Highway 31–W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, thence over U.S. Highway 52 to Huntington, W. Va., thence over U.S. Highway to Charleston, W. Va., thence over West Virginia Turnpike to junction of U.S. Highway 219, thence over U.S. Highway 219, to junction U.S. Highway 19, thence over U.S. Highway 19 to West Virginia-Virginia State line, thence along West Virginia-Virginia State line to the Kentucky-Virginia State line, thence along the Kentucky-Virginia State line to the Tennessee-Virginia State line, thence along the Tennessee-Virginia State line to the North Carolina-Virginia State line, and thence along the Virginia-North Carolina State line to the point of beginning, including points on the portions of the highways and State lines indicated.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 258) (CORRECTION), filed January 2, 1962, published FEDERAL REGISTER issue January 24, 1962, republished as corrected this issue. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Covington, Ky., and junction Kentucky Highway 36 and U.S. Highway 25 at or near Williamstown, Ky., from Covington over Interstate Highway 75 to the Interchange, thence over unnumbered access road to junction U.S. Highway 25 at or near Williamstown, and return over the same route, serving all intermediate points; (2) between junction Interstate Highway 75 and Kentucky Highway 338 and junction Kentucky 338 and U.S. Highway 25 near Richwood, Ky., over Kentucky Highway 338, serving all intermediate points; (3) between junction Interstate Highway 75 and Kentucky Highways 14 and 16 and junction Kentucky Highways 14 and 16 and U.S. Highway 25 at Walton, Ky., over Kentucky Highways 14 and 16, serving all intermediate points; (4) between junction Interstate Highway 75 and Kentucky Highway 491 and junction Kentucky Highway 491 and U.S. Highway 25 at Crittenden, Ky., over Kentucky Highway 491, serving all intermediate points; and (5) between junction interstate Highway 75 and Kentucky Highway 22 and junction Kentucky Highway 22 and U.S. Highway 25 at Dry Ridge, Ky., over Kentucky Highway 22, serving all intermediate points.

NOTE: The purpose of this republication is to include routes 2, 4, and 5, inadvertently omitted from the previous publication.

No. MC 111143 (Sub-No. 6), filed March 5, 1962. Applicant: J. I. DeNURE (CHATHAM) LIMITED, doing business as CHATHAM COACH LINES, 165 King Street East, Chatham, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary located in the States of Michigan and New York, and extending to points in Alabama, Arizona, Arkansas, California, Delaware, Florida, Idaho, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah, and West Virginia. RESTRICTION: Applicant states that the proposed transportation service to be performed by this carrier "shall be in foreign commerce only".

No. MC 113430 (Sub-No. 9), filed March 9, 1962. Applicant: ARROW TRAILWAYS, INC., Room 2211, 625 Eighth Avenue, New York 18, N.Y. Applicant's attorney: John R. Sims, Jr., 804 Ridge Place, Falls Church, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between Armonk, town of New Castle, N.Y., and Sandy Hook, Conn.; from the intersection of New York Highway 22 and New York Highway 128 in Armonk, thence over New York Highway 128 to its junction with New York Highway 117, thence over New York Highway 117 to its intersection with New York Highway 35 at or near Katonah, N.Y., thence over New York Highway 35 to its intersection with New York Highway 100 at or near Whitehall Corners, N.Y., thence over New York Highway 100 to its intersection with U.S. Highway 202 and New York Highway 22 at or near Croton Falls, N.Y., thence over U.S. Highway 202 and New York Highway 22 to the intersection with U.S. Highway 6 at or near Sodom, N.Y., thence over U.S. Highways 6 and 202 to the intersection at Interstate Highway 84 at or near the New York-Connecticut State line, thence over Interstate Highway 84 to Sandy Hook, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is controlled by Super Service Bus Co., and is affiliated with Providence Arrow Line.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 69224 (Sub-No. 30), filed March 12, 1962. Applicant: H. & W. MOTOR EXPRESS COMPANY, a corporation, 3000 Elm Street, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), (1) Between Dubuque, Iowa, and Waterloo, Iowa; from Dubuque over Iowa Highway 3 to Iowa Highway 150, thence over Iowa Highway 150 to junction U.S. Highway 20, thence over U.S. Highway 20 to Waterloo, and return over the same route, serving the intermediate points of Durango, Rickardsville, Holy Cross, Luxemburg, Colesburg, Edgewood, Strawberry Point, and Oelwein, Iowa, located on Iowa Highway 3, the intermediate points of Independence and Jesup, Iowa, located on U.S. Highway 20, and the off-route point of Greeley, Iowa, located on Iowa Highway 38 and the off-route point of Arlington, Iowa, located on Iowa Highway 154; (2) Between Independence, Iowa, and New Albin, Iowa; from Independence over Iowa Highway 150 to Iowa Highway 3, thence over Iowa Highway 3 to Iowa Highway 13, thence over Iowa Highway 13 to U.S. Highway 18, thence over U.S. Highway 18 to Iowa Highway 51, thence over Iowa Highway 51 to Iowa Highway 9, thence over Iowa Highway 9 to Iowa Highway 182, thence over Iowa Highway 182 to New Albin, and return over the same route, serving the intermediate points of Bryantsburg, Hazelton, and Oelwin, Iowa, located on Iowa Highway 150, the intermediate points of Strawberry Point, Osborne, and Elkader, Iowa, located on Iowa Highway 13, the intermediate points of Froelich, Monona, and Luana, Iowa, located on U.S. Highway 18, the intermediate points of Waukon, Church, and Lansing, Iowa, located on Iowa Highway 9, and the off-route point of St. Olaf, Iowa, located on unnumbered Iowa Highway off Iowa Highway 13, and the off-route point of Farmersburg, Iowa, located on Iowa Highway 290; (3) Between Decorah, Iowa, and Waukon, Iowa; from Decorah over Iowa Highway 9 to Waukon, and return over the same route, serving no intermediate points; and (4) Between Chester, Iowa, and Junction Iowa Highway 193 and U.S. Highway 18; from Chester over U.S. Highway 63 to Iowa Highway 9, thence over Iowa Highway 9 to Iowa Highway 139, thence over Iowa Highway 139 to Iowa Highway 325, thence over Iowa Highway 325 to Iowa Highway 24, thence over Iowa Highway 24 to Iowa Highway 193, thence over Iowa Highway 193, to junction with U.S. Highway 18, and return over the same route, serving the intermediate point of Lime Springs, Iowa, located on U.S. Highway 63, the intermediate point of Protivin, Iowa, located on Iowa Highway 139, the intermediate point of Spillville, Iowa, located on Iowa Highway 325, the intermediate point of Fort Atkinson, Iowa, located on Iowa Highway 24, the intermediate point of Waucoma, Iowa, located on Iowa Highway 193, and the off-route point of St. Lucas, Iowa, located on unnumbered Iowa highway off Iowa Highway 24, and the off-route point of Alpha, Iowa, located on unnumbered highway off Iowa Highway 193.

NOTE: This application is directly related to MC–F 8086, published FEDERAL REGISTER issue February 28, 1962.

No. MC 99798 (Sub-No. 2), filed March 6, 1962. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) Between St. Louis, Mo., and Thayer, Mo.; from St. Louis over U.S. Highway 66 and Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Thayer, and return over the same routes, serving to and from the intermediate and off-route points of Cuba, Rolla, Licking, Houston, Cabool, Willow Springs, West Plains, and Koshkonong, Mo. Subject to the restriction that no service will be rendered between Rolla, on the one hand, and, St. Louis or Springfield, Mo., on the other. (2) Between the intersection of U.S. Highway 66 and Missouri Highway 19 and Thayer, Mo., from the intersection of U.S. Highway 66 and Missouri Highway 19 over Missouri Highway 19 to Thayer, Mo., and return over the same route, serving the intermediate points of Cuba, Steelville, Salem, Eminence, Winona, and Alton, Mo., and serving the intersection of Missouri Highway 19 and U.S. Highway 60 for purposes of joinder. (3) Between Houston, Mo., and Mountain View, Mo.; from Houston over U.S. Highway 63 to junction Missouri Highway 137 thence over Missouri Highway 137 to its intersection with Missouri Highway 17, thence over Missouri Highway 17 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to Mountain View, and return over the same route, serving the intermediate point of Summersville, Mo., and serving the intersection of Missouri Highway 17 and U.S. Highway 60 for the purposes of joinder. (4) Between Willow Springs, Mo., and St. Louis, Mo.; from Willow Springs over U.S. Highway 60 to its intersection with Missouri Highway 21, thence over Missouri Highway 21 to its intersection with Missouri Highway 34, thence over Missouri Highway 34 to its intersection with U.S. Highway 6, thence over U.S. Highway 67 to St. Louis, and return over the same routes, serving the intermediate and off-route points of Mountain View, Birch Tree, Fremont, Van Buren, South Van Buren, Garwood, Leeper, and Mill Spring, Mo., serving the intersection of U.S. Highway 60 and Missouri Highway 19 for purposes of joinder. (5) Between Springfield, Mo., and Cabool, Mo.; from Springfield over U.S. Highway 60 to Cabool, and return over the same route, serving the intermediate and off-route points of Rogersville, Fordland, Diggins, Seymour, Mansfield, Norwood, and Mountain Grove, Mo., and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder. (6) Between Gainesville, Mo., and Doniphan, Mo.; from Gainesville over U.S. Highway 160 to Doniphan, and return over the same route, serving the intermediate and off-route points of West Plains, Alton, Riverton, and Briar, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160 for purposes of joinder. (7) Between Ava, Mo., and Hartville, Mo.; from Ava over Missouri Highway 5 to Hartville, and return over the same route, serving the intersections of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder. (8) Between Bakersfield, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160; from Bakersfield over Missouri Highway 101 to its intersection with U.S. Highway 160, and return over the same route, serving no intermediate points. (9) Between Birch Tree, Mo., and Thomasville, Mo.; from Birch Tree over Missouri Highway 99 to Thomasville, and return over the same route, serving no intermediate points. (10) Between Salem, Mo., and the intersection of Missouri Highway 32 and U.S. Highway 63; from Salem over Missouri Highway 32 to its intersection with U.S. Highway 63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (11) Between Salem, Mo., and Rolla, Mo.; from Salem over Missouri Highway 72 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. IRREGULAR ROUTES: (12) Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, Mo., over irregular routes.

NOTE: Applicant states it presently conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement filed and assigned Docket No. 99798. This application is directly related to MC–F–8101, published FEDERAL REGISTER issue March 14, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8065 (TRUCKING ENTERPRISES, INC.—CONTROL—TREDWAY'S EXPRESS, INC.), published in the February 7, 1962, issue of the FEDERAL REGISTER on page 1146. Supplement filed March 12, 1962, to show joinder of JOSEPH E. SALDUTTI, 15 Melrose Drive, Mountain Lakes, N.J., RALPH SALDUTTI, 171 South Orange Avenue, South Orange, N.J., and ALBERT SALDUTTI, 124 Fairfield Drive, Milburn, N.J., as persons in control of TRUCKING ENTERPRISES, INC.

No. MC–F–8084 (HENNIS FREIGHT LINES, INC.—LEASE—HANCOCK TRUCKING, INC.), published in the February 28, 1962, issue of the FEDERAL REGISTER on page 1945. Affidavit filed March 9, 1962, to show joinder of SHELDON A. KEY, Trustee, for HANCOCK TRUCKING, INCORPORATED, as a party applicant.

No. MC–F–8183. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids 2, Mich., of the operating rights of A. C. RICE STORAGE CORPORATION, 503 Railroad Avenue, Elmira, N.Y. Applicants' attorneys: Leonard D. Verdier, Jr., Warner, Norcross & Judd, 300 Michigan Trust Building, Grand Rapids 2, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over irregular routes, between Elmira, N.Y., on the one hand, and, on the other, points in New York and Pennsylvania within 65 miles of Elmira. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Indiana, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Colorado, Nebraska, Wyoming, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62–2701; Filed, Mar. 20, 1962; 8:49 a.m.]

[Notice 202]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 16, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any

should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–78632 (Deviation No. 7), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 12, 1962. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: Between Knoxville and Kingston, Tenn., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: From Nashville, Tenn., over U.S. Highway 70S to Crossville, Tenn. (also from Nashville over U.S. Highway 70N to Crossville), thence over U.S. Highway 70 to Knoxville, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2699; Filed, Mar. 20, 1962; 8:49 a.m.]

[Notice 429]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 50069 (Sub-No. 253), filed March 9, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, urea, ammonium nitrate, nitrogen solutions* and *urea feed mixtures* from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 103880 (Sub-No. 252), filed March 7, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney; David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, urea feed mixtures, ammonium nitrate* and *nitrogen solutions*, in bulk, in tank vehicles, and in bags and packages, from Meredosia, Ill., to points in Indiana, Iowa, Illinois, Kentucky, Missouri, Minnesota, Michigan, Ohio, Wisconsin, Kansas, Nebraska, South Dakota, and North Dakota.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 123475 (Sub-No. 2), filed March 7, 1962. Applicant: LIGHTNING TRANSPORTATION CO., INC., U.S. Highway 50, West (P.O. Box 333), Salem, Ill. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Kentucky, and Ohio.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–2700; Filed, Mar. 20, 1962; 8:49 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 142, Amdt. 1]

ANN ARBOR RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 142 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That: Taylor's I.C.C. Order No. 142 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 23, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m. March 16, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 15, 1962.

INTERSTATE COMMERCE COMMISSION, [SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62–2702; Filed, Mar. 20, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37603: *T.O.F.C.—Class rates from and to Clarksville and Springfield, Tenn., and Fayetteville, Ark,* Filed by Southwestern Freight Bureau, Agent (No. B–8166), for interested rail carriers. Rates on various commodities moving on class rates loaded in trailers or demountable trailer bodies and transported on railroad flat or open-top cars, (a) between Clarksville and Springfield, Tenn., on the one hand, and points in southwestern territory, on the other; also, (b) between Fayetteville, Ark., on the one hand, and points in official (including Illinois), southern, southwestern, and western trunk-line territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4464, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–2698; Filed, Mar. 20, 1962; 8:49 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11011

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE TRANS WORLD AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Trans World Airlines, Inc., a carrier, and certain of its employees represented by the Flight Engineers' International Association, AFL–CIO, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Trans World Airlines, Inc. or by its employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 20, 1962.

[F.R. Doc. 62–2807; Filed, Mar. 20, 1962; 1:31 p.m.]

Letter of March 16, 1962

[DELEGATION OF AUTHORITY TO SECRETARY OF THE TREASURY WITH RESPECT TO CERTAIN TEXTILES AND TEXTILE PRODUCTS]

THE WHITE HOUSE,
Washington, March 16, 1962.

DEAR MR. SECRETARY:

Subject to the provisions of the following paragraphs of this letter, I delegate to the Secretary of the Treasury the authority conferred upon the President by that part of section 204 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1854) which reads "the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement."

The above-described authority is delegated only in respect of textiles and textile products and also only in respect of "Arragements regarding international trade in cotton textiles", done at Geneva July 21, 1961.

The Secretary of the Treasury is authorized to administer the regulations issued by him under the foregoing provisions of this letter. In any individual cases of importation or withdrawal from warehouse of textiles or textile products which may arise, (1) the Interagency Textile Administrative Committee is authorized to recommend to the

Secretary of the Treasury the actions to be taken by the Secretary, and (2) the Secretary shall take action governing importation or withdrawal from warehouse of textiles or textile products only upon such recommendation of the Interagency Textile Administrative Committee.

Please see that this letter is published in the FEDERAL REGISTER.

Sincerely,

JOHN F. KENNEDY

HONORABLE DOUGLAS DILLON,
Secretary of the Treasury,
Washington 25, D.C.

[F.R. Doc. 62-2819; Filed, Mar. 20, 1962; 4:35 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Proclamation of Results of Cigar-Filler (Type 41) Tobacco Marketing Quota Referenda and Establishment of Procedure for Petitioning for Referendum

§ 723.907 Basis and purpose.

The purpose of this proclamation is (a) to announce the results of the cigar-filler (type 41) tobacco marketing quota referendum for the three marketing years beginning October 1, 1962, and (b) to establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1962, or prior to November 10, 1963, respectively, to proclaim national marketing quotas for cigar-filler (type 41) tobacco for the next three respective succeeding marketing years pursuant to subsection 312(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1312(a)). Under the provisions of section 312 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1312), the Secretary proclaimed a national marketing quota for cigar-filler (type 41) tobacco for the 1962–63, 1963–64 and 1964–65 marketing years and announced the amount of the national marketing quota for the 1962–63 marketing year (27 F.R. 964). The Secretary announced (27 F.R. 993) that a referendum would be held on February 20, 1962, to determine whether cigar-filler (type 41) tobacco farmers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1962. Since the only purpose of this document is to announce the results of the referendum and to provide a petition procedure, it is hereby found and determined that the application of the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and unnecessary. Therefore, the proclamation and petition procedure contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 723.908 Proclamation of results of cigar-filler (type 41) tobacco marketing quota referendum for the three-year period beginning October 1, 1962 and petition procedure.

(a) *Proclamation.* In a referendum held on February 20, 1962, of farmers engaged in the production of the 1961 crop of cigar-filler (type 41) tobacco, 4,275 farmers voted. Of those voting, 591, or 13.8 percent, favored national marketing quotas for the three marketing years, 1962–63, 1963–64 and 1964–65; 3,684, or 86.2 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler (type 41) tobacco of 40,000,000 pounds for the marketing year beginning October 1, 1962, proclaimed on January 30, 1962 (27 F.R. 964) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1962, nor, as national marketing quotas have been disapproved in three successive years since 1952 (18 F.R. 8474; 19 F.R. 9365; 21 F.R. 668) for the marketing years beginning October 1, 1963, and October 1, 1964, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1962 (7 U.S.C. 1312) or prior to November 10, 1963, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Petition procedure.* Any petition under paragraph (a) of said section 312 shall be in writing and be submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1962, in the case of a petition for marketing quotas for the marketing years 1963–64, 1964–65 and 1965–66, or prior to November 10, 1963, in the case of a petition for marketing quotas for the marketing years 1964–65, 1965–66 and 1966–67. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (type 41) tobacco for the years stated in the petition, and the holding of a referendum; and shall show that such persons are farmers engaged in the production of the crop of cigar-filler (type 41) tobacco harvested in the calendar year preceding the first of the marketing years stated in the petition and constitute one-fourth or more of the farmers so engaged.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 16, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2773; Filed, Mar. 21, 1962; 8:50 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED; DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Subpart—Proclamation of Results of Burley Tobacco and Virginia Sun-Cured Tobacco Marketing Quota Referenda

Basis and purpose. The purpose of this proclamation is to announce the results of the burley tobacco and Virginia sun-cured tobacco marketing quota referenda for the three marketing years beginning October 1, 1962. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for burley tobacco and Virginia sun-cured tobacco for the 1962–63, 1963–64 and 1964–65 marketing years and announced the amounts of the national marketing quotas for burley tobacco and Virginia sun-cured tobacco for the 1962–63 marketing year (27 F.R. 966). The Secretary announced (27 F.R. 993) that referenda would be held on February 20, 1962, to determine whether burley tobacco farmers and Virginia sun-cured tobacco farmers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1962. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that, with respect to this proclamation, application of the notice and public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and unnecessary. Therefore, this proclamation shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 725.1304a Proclamation of results of burley tobacco marketing quota referendum for the three-year period beginning October 1, 1962.

In a referendum held on February 20, 1962, of farmers engaged in the production of the 1961 crop of burley tobacco, 176,926 farmers voted. Of those voting, 175,520 or 99.2 percent, favored national marketing quotas for the three marketing years, 1962–63, 1963–64 and 1964–65, and 1,406, or 0.8 percent, were opposed to quotas. Therefore, the national marketing quota of 571,800,000 pounds proclaimed by the Secretary on January 30, 1962 (27 F.R. 966) for burley tobacco for the 1962–63 marketing year will be in effect for such year and marketing quotas on burley tobacco will be in effect for the three marketing years beginning October 1, 1962.

§ 725.1309b Proclamation of results of Virginia sun-cured tobacco marketing quota referendum beginning October 1, 1962.

In a referendum held on February 20, 1962, of farmers engaged in the produc-

tion of the 1961 crop of Virginia sun-cured tobacco, 1,431 farmers voted. Of those voting, 1,409, or 98.5 percent, favored national marketing quotas for the three marketing years, 1962–63, 1963–64 and 1964–65; and 22, or 1.5 percent, were opposed to quotas. Therefore, the national marketing quota of 4,468,000 pounds proclaimed by the Secretary on January 30, 1962 (27 F.R. 967) for Virginia sun-cured tobacco for the 1962–63 marketing year will be in effect for such year and marketing quotas on Virginia sun-cured tobacco will be in effect for the three marketing years beginning October 1, 1962.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 16, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2774; Filed, Mar. 21, 1962; 8:50 a.m.]

[Amdt. 6]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in all counties in North Carolina. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Paragraph (b) of § 728.1145 is amended to change the date of May 15 to May 31 for all counties in North Carolina.

(Secs. 374, 375, 52 Stat. 65, 66, as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 16, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2775; Filed, Mar. 21, 1962; 8:50 a.m.]

[Amdt. 10]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

On pages 1499 and 1500 of the FEDERAL REGISTER of February 17, 1962, there was published a notice of proposed rule making to issue amendments to the regulations pertaining to the determination of acreage allotments for 1959 and subsequent crops of rice. Interested persons were given 10 days from the date of such publication in which to submit written data, views or recommendations with respect to the proposed amendments. No data, views, or recommendations were received. The amendments are hereby adopted for the 1962 and susequent crop years, subject to the change set forth below, which is necessary because of the expiration of one closing date and the impending expiration of another closing date with respect to the 1962 crop:

1. Paragraph (a) of § 730.1024 is amended by adding a footnote "2" following the States of Florida and North Carolina and by adding immediately below "[1] Producer administrative area.", the footnote explanation, "[2] Extended to April 1 for the 1962 crop year only."

2. An effective date provision is added immediately following the amendments.

Signed at Washington, D.C., on March 16, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

1. Section 730.1021(e) is amended to read as follows:

(e) If the county or State committee has reason to believe, after the establishment of any farm acreage allotment in accordance with this section, that a tenant whose allotment acreage was allocated to such farm is not, or was not, in fact actively participating in the production of the rice crop produced on the farm in such year, a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, or was, actively engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee, with State committee approval, or the State committee finds that such tenant is not, or was not, actively participating in the production of the rice crop on the farm, except where allocation was made for the purpose of participating in the conservation reserve program or for the preservation of acreage, and therefore did not actively engage in the production of rice on such farm during the year in question, the county committee shall, with the approval of the State committee, recall such producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly. The county committee shall notify the farm operator of the revised farm acreage allotment. Such notice shall be on an official Form MQ-24 and will be accompanied by a letter of explanation as to the reason such action was taken to reduce the farm acreage allotment. A copy of the notice and letter shall be forwarded to all persons engaged in the production of rice on the farm. Any allotment acreage recalled by the county committee under this section shall not be available for apportionment or reallocation to any other farm.

2. Paragraphs (a) and (b) of § 730.1024 are amended to read as follows:

(a) In a producer State or area, a producer may, not later than the applicable closing date prescribed in this section voluntarily release to the county committee all or any part of his producer rice acreage allotment that will not be allocated to a farm in the current year. Such released acreage shall be deducted from the allotment established for such producer and may, except as provided in paragraph (e) of this section, be reapportioned by the county committee to other producers (old or new) by whom a request for increase in acreage allotment has been timely filed in the same county in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the five years immediately preceding the current year; previous rice acreage allotments established for the producer; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date in each producer State or area for the release of rice acreage allotments shall be as follows:

California	Apr. 1
Florida [2]	Mar. 15
Louisiana [1]	Apr. 24
North Carolina [2]	Mar. 1
Tennessee	Apr. 1
Texas	Apr. 30

[1] Producer administrative area.
[2] Extended to April 1 for the 1962 crop year only.

The closing date in each producer State or area for reapportionment of rice acreage allotment shall be a date not later than 15 days after the applicable release date indicated herein.

(b) To be eligible for an increase in a farm acreage allotment from released acreage, a request for such increase must be filed in the county office by the applicant on or before the applicable release date indicated herein. The State committee shall have the option of considering a verbal request acceptable, or requiring a written request before the county committee may consider reapportioning released acreage to a farm. In either event, only those farms for which a request is timely filed shall be given consideration when reapportioning released acreage in the State.

3. Paragraphs (a) and (b) of § 730.1033 are amended to read as follows:

(a) In a farm State, any part of the rice acreage allotment determined for a farm that will not be planted in the current year, including pooled rice acreage allotment for a farm acquired under right of eminent domain, and which is voluntarily released by the owner or operator of the farm to the county committee not later than the applicable closing date prescribed in this section shall be deducted from the rice acreage allotment determined for such farm, and may, except as provided under paragraph (e) of this section, be reapportioned by the county committee to other farms (old or new) for which a request for increase in acreage allotment has been timely filed, in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of the production of rice on the farm during the five years immediately preceding the current year; farm acreage allotments previously established for the farm; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date, in each farm State, or area, for the release of farm rice acreage allotments shall be as follows:

Arkansas	May 1
Illinois	May 1
Louisiana [1]	Apr. 24
Mississippi	May 1
Missouri	May 1
Oklahoma	May 1
South Carolina	Apr. 1

[1] Farm administrative area.

The closing date in each farm State or area for reapportionment of farm rice acreage allotment shall be a date not later than 15 days after the applicable release date indicated herein.

(b) To be eligible for an increase in a farm acreage allotment from released acreage, a request for such increase must be filed in the county office by the applicant on or before the applicable release date indicated herein. The State committee shall have the option of considering a verbal request acceptable, or requiring a written request before the county committee may consider reapportioning released acreage to a farm. In either event, only those farms for which a request is timely filed shall be given consideration when reapportioning released acreage in the State.

Effective date: Because rice farmers are preparing to plant their 1962 crop of rice and must be able to take action prior to the closing dates prescribed in the amendments if the amendments are to be effective in all rice producing States on plantings of the 1962 crop of rice, compliance with the effective date requirements of section 4 of the Administrative Procedure Act is hereby found to be contrary to the public interest. Therefore, these amendments shall become effective upon publication in the FEDERAL REGISTER.

[F.R. Doc. 62-2776; Filed, Mar. 21, 1962; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

PART 332a—OFFICIAL FORMS

PART 334—PETITION FOR NATURALIZATION

PART 499—NATIONALITY FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 103.7 [Amendment]

In Part 103—Powers and Duties of Service Officers, paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended by adding the following at the end thereof: "Except as otherwise provided in § 3.3(b) of this chapter, any of the foregoing fees relating to applications, appeals, and motions may be waived in any case in which an alien or other party affected is unable to pay the prescribed fee if he files with the relating application, appeal, or motion his affidavit stating the nature thereof, his belief that he is entitled to redress, and his inability to pay the required fee, and shall request permission to prosecute the application, appeal, or motion without prepayment of such fee. When such an affidavit is filed with the officer of the Service having jurisdiction to render a decision on the application, appeal, or motion, such officer may, in his discretion, authorize the prosecution of the relating application, appeal, or motion without prepayment of fee."

§ 332a.2 [Amendment]

In Part 332a—Official Forms, the list of forms in § 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended by adding the following form and reference thereto:

Form No.	*Title and description*
N-414a--	Acknowledgment of Filing Petition for Naturalization and Index Card.

In Part 334—Petition for Naturalization, § 334.13 is amended to read as follows:

§ 334.13 Filing of petition for naturalization.

The petition for naturalization and the duplicate copy thereof shall be filed by the petitioner, in person, with the clerk of the court or his authorized deputy and only in the office of the clerk, except that an applicant for naturalization who satisfactorily establishes that he is prevented by sickness or other disability from appearing in the office of the clerk, may file the petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy. Except as otherwise provided in this subchapter, the petition shall be on Form N-405 and shall contain an averment that it is the intention of the petitioner to reside permanently in the United States. The petition shall be signed by the petitioner in the English language, if physically able to write, unless the petitioner on December 24, 1952, was over fifty years of age and had been living in the United States for at least twenty years, in which case the petitioner may sign his name in any language. When the petition has been so filed, the clerk shall furnish to the petitioner an acknowledgment of the filing of the petition on Form N-414 or Form N-414a. The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $10, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act.

§ 499.1 [Amendment]

In Part 499—Nationality Forms, the list of forms in § 499.1 *Prescribed forms* is amended by adding the following form and reference thereto:

Form No.	*Title and description*
N-414a--	Acknowledgment of Filing Petition for Naturalization and Index Card.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 103.7(c) relieves restrictions and is clearly advantageous to persons affected thereby and the other amendments relate to agency procedure.

Dated: March 16, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-2750; Filed, Mar. 21, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-61]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Petitions for Reconsideration of Interlocutory Orders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1962.

On November 8, 1961, the Board issued a notice of proposed rule making, PDR-14, Docket 13165 (26 F.R. 10641), proposing an amendment of § 302.37 of the Rules of Practice in Economic Proceedings which would expressly prohibit the filing of petitions for reconsideration of interlocutory orders of the Board, except such orders as define the scope and issues of a proceeding.

In response to one of the two comments received concerning various minor aspects of the proposed rule, certain changes have been made in the attached final rule. Thus, while the notice excluded from the prohibition against the filing of petitions for reconsideration only those interlocutory orders defining the scope and issues of a proceeding, the exclusion in the final rule has been broadened so that interlocutory orders which either institute a proceeding or suspend a provision contained in any tariff filed with the Board will not fall under the prohibition. Such action has been taken in order to forestall any misunderstanding concerning the Board's intent to permit the filing of petitions for reconsideration, as of right, which are directed against Board orders of this nature because the orders have a definitive and final impact upon the air carrier concerned. The attached final rule has been further clarified by the adoption of an explanatory note to § 302.18 advising that it will not be construed as authorizing the filing of motions in the nature of a petition for reconsideration.

Interested persons have been afforded an opportunity to participate in the formulation of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the rules of practice in Economic Proceedings (14 CFR Part 302) effective April 10, 1962, as follows:

§ 302.18 [Amendment]

1. By adding an explanatory note to § 302.18(a) to read as follows:

NOTE: This paragraph is not construed as authorizing motions in the nature of petitions for reconsideration.

2. By amending § 302.37(a) to read as follows:

§ 302.37 Petitions for reconsideration.

(a) *Board orders subject to reconsideration; time for filing.* Unless an order or a rule of the Board specifically provides otherwise, any party to a proceeding may file a petition for reconsideration, rehearing or reargument of (1) a final order issued by the Board or (2) an interlocutory order issued by the Board which institutes a proceeding or defines the scope and issues of a proceeding or suspends a provision of a tariff on file with the Board. Unless the time is shortened or enlarged by the Board, petitions for reconsideration shall be filed, in the case of a final order, within twenty (20) days after service thereof, and, in the case of an interlocutory order, within ten (10) days after service. However, neither the filing nor the granting of such a petition shall operate as a stay of such final or interlocutory order unless specifically so ordered by the Board. Within ten (10) days after a petition for reconsideration, rehearing, or reargument is filed, any party to the proceeding may file an answer in support of or in opposition to the petition. Motions for extension of time to file a petition or answer, and for leave to file a petition or answer after the time for the filing thereof has expired, will not be granted by the Board except on a showing of unusual and exceptional circumstances, constituting good cause for movant's inability to meet the established procedural dates.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-2760; Filed, Mar. 21, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1097; Amdt. 411]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller UH-12D and UH-12E Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on March 2, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Hiller UH-12D and UH-12E helicopters. Several inflight failures of Hiller UH-12D and UH-12E helicopters transmissions have resulted from lubrication deficiencies. The directive requires special operating procedures limitations and modifications.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hiller UH-12D and UH-12E helicopters by individual telegrams dated March 2, 1962. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10 (a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

HILLER. Applies to all Model UH-12D helicopters and Model UH-12E Serial Numbers 942, 954, 2001 through 2198 inclusive.

Compliance required as indicated.

(a) Prior to next flight install placard in cockpit in full view of pilot to read as follows:

"Oil Warmup Procedure: 1. After Start Idle at 1,450 r.p.m. in Flat Pitch. A. If Oil Temperature Is Less Than 20° C., Idle Engine for a Minimum of Four Minutes. Continue Idle as Necessary Until Oil Temperature Reaches 20° C. B. If Oil Temperature Is Greater Than 20° C., Idle Engine for Two Minutes. 2. Complete Warmup at 2,350 r.p.m. Until Oil Temperature Reaches 40° C. Shut-Down Procedure: After Main Rotor Blades Come to Rest Crank Engine 20-25 Seconds With Magneto Switch Off."

(b) Within 10 hours' time in service after effective date of this directive and every 25 hours' time in service thereafter until accomplishment of paragraph (d), inspect the first and second stage planetary system in the transmission in accordance with Hiller Service Information Letter 3028 and at time of first inspection install ring gear spacer baffle P/N 23652 as described therein. Replace parts showing evidence of overheating or abnormal wear prior to further flight.

(c) Within 10 hours' time in service after effective date of this directive install placard in cockpit in full view of pilot to read as follows:

"Operation of Helicopter in Ambient Temperatures of −10° F., −23° C., or Colder Is Prohibited."

This placard may be removed upon accomplishment of paragraph (d).

(d) Within 100 hours' time in service after effective date of this directive modify transmission and lubrication system to incorporate additional lubrication provisions for the transmission. Conduct modification in accordance with Hiller Service Bulletin 2026.

NOTE: The inspection and baffle installation specified in paragraph (b), are included in and required as part of Service Bulletin 2026.

(Hiller Service Information Letters 3027 dated January 19, 1962, 3028 dated February 2, 1962, 3029 dated February 14, 1962, and Service Bulletin 2026 dated February 26, 1962, cover this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 2, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 15, 1962.

GEORGE C. PRILL, *Director, Flight Standards Service.*

[F.R. Doc. 62-2720; Filed, Mar. 21, 1962; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Provisional Operating Authorization

The Atomic Energy Commission has adopted a corrective amendment of 10 CFR 115.45 to eliminate the presently stated requirement for a finding of financial qualification of an applicant for a provisional operating authorization for a facility under Part 115 of the Commission's regulations. Part 115 governs the public procedures for Commission issuance of authority for the construction and operation of a Commission reactor which is not located at a Commission installation and is to be operated as part of the power generating facilities of an electric utility system.

The standards for provisional construction and operating authorizations in 10 CFR 115.30 make no reference to financial qualifications as a guide in Commission consideration of an application for a construction and operating authorization for a Commission-owned reactor. 10 CFR 115.45, which states the findings required for the issuance of a provisional operating authorization, inadvertently includes a finding that the applicant is "financially qualified" to engage in the activities to be authorized.

Since 10 CFR Part 115 applies to Commission-owned nuclear reactors operated by Commission contractors, a finding of financial qualification of the operating organization is unnecessary. The requirement of a finding of financial qualification has therefore been deleted from 10 CFR 115.45.

Because of the corrective nature of this amendment and the fact that it eliminates a presently stated requirement, the Commission has found that notice of proposed rule making and public procedure thereon are unnecessary, and that good cause exists why this rule should be made effective without the customary period of prior notice.

Notice is hereby given that pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following rule is published to be effective on publication in the FEDERAL REGISTER.

Subparagraph (3) of § 115.45(b) is amended to read as follows:

§ 115.45 Provisional operating authorization.

* * * * * * *

(b) * * *

(3) The applicant is technically qualified to engage in the activities authorized by the provisional operating authorization in accordance with the regulations in this chapter; and

* * * * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 9th day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL, *Secretary.*

[F.R. Doc. 62-2719; Filed, Mar. 21, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6637]

PART 13—PROHIBITED TRADE PRACTICES

Elliot Knitwear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Elliot Knitwear, Inc., et al., New York, N.Y., Docket 6637, Oct. 24, 1961]

In the Matter of Elliot Knitwear, Inc., a Corporation, Elliot Import Corporation, a Corporation, Herman Gross, Individually and as an Officer of Said Corporations, and Herman Gross and Samuel I. Gross, Individually and as Copartners Doing Business as Elliot Glove Company

Order—following remand of a review proceeding by the Court of Appeals for the Second Circuit for additional evidence to support a finding that "the label as a whole is deceptive"—requiring New York City distributors of wool products, including sweaters, to cease violating the Wool Products Labeling Act by using the word "Cashmora" on labels, etc., attached to any wool product containing no cashmere but permitting its use on woolens containing a substantial amount of cashmere if accompanied by clear disclosure of the percentage of cashmere content.

The order to cease and desist is as follows:

It is ordered, That the respondents Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and their officers, and Herman Gross, individually and as an officer of said corporations, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by using the word "Cashmora" or any word of similar import on any stamp, tag or label attached to any wool product that is not made or composed of cashmere: *Provided, however,* That this shall not be construed as prohibiting use of the word "Cashmora" on a stamp, tag or label attached to a wool product composed in substantial part of cashmere if such word is accompanied by a clear and conspicuous statement of the percentage by weight of the cashmere contained therein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and Herman Gross, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the supplemental initial decision on remand of proceeding.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2722; Filed, Mar. 21, 1962; 8:45 a.m.]

[Docket No. 8394 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kenmont Hat Co., Inc., and Isadore Herman

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kenmont Hat Co., Inc. et al., New York, N.Y., Docket 8394, Oct. 24, 1961]

In the Matter of Kenmont Hat Co., Inc., a Corporation, and Isadore Herman, individually and as an Officer of Said Corporation

Consent order requiring New York City distributors of hats to retailers to cease selling finished hats converted from imported bodies with nothing to show the foreign country of origin, since the words showing the foreign country had been removed by shearing off the edges of the brims.

The order to cease and desist is as follows:

It is ordered, That Respondents Kenmont Hat Co., Inc., a corporation and its officers, and Isidor Herman, individually and as an officer of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hats, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling hats containing fur or wool felt bodies which have been made in a foreign country unless such hats have a marking or stamping on an exposed surface of such conspicuousness as to be clearly visible to prospective purchasers of the hats and so placed and affixed as not readily to be hidden or obliterated, and of such a degree of permanency as to remain on the hats until consummation of consumer purchase thereof, revealing the foreign country of origin of such hat bodies;

2. Furnishing means and instrumentalities to others by and through which they may mislead the public as to the country of origin of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Kenmont Hat Co., Inc., a corporation, and Isidor Herman (erroneously named in the complaint as Isadore Herman), in-

dividually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2723; Filed, Mar. 21, 1962; 8:45 a.m.]

[Docket No. C-14]

PART 13—PROHIBITED TRADE PRACTICES

Marie Antoinette, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Marie Antoinette, Inc. et al., Austin, Tex., Docket C-14, Oct. 31, 1961]

In the Matter of Marie Antoinette, Inc., a Corporation, and Frank Fuccello and Mary Virginia Soderberg, Individually and as Officers of Said Corporation

Consent order requiring Austin, Tex., furriers to cease violating the Fur Products Labeling Act by labeling fur products falsely with respect to the country of origin of the fur; by failing to disclose on invoices the true animal name of fur, the country of origin of imported furs or when fur was artificially colored; by newspaper advertising which failed to disclose the names of animals producing certain furs, to set forth the terms "Dyed Mouton Lamb" and "Dyed Broadtail-processed Lamb" where required, and represented selling prices as reduced from regular prices which were in fact fictitious; by failing to maintain adequate records as a basis for price and value claims; and by failing in other respects to comply with labeling, invoicing, and advertising requirements.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That Marie Antoinette, Inc., a corporation and Frank Fuccello and Mary Virginia Soderberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise falsely and deceptively identifying such fur product as to the country of origin of the imported furs contained therein.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in handwriting.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

E. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, on one side of the label.

F. Failing to set forth on labels the item number or mark assigned to a fur product.

G. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

B. Fails to set forth the term "Dyed Mouton Lamb" in the manner required when an election is made to use that term instead of the term "dyed lamb".

C. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required when an election is made to use that term instead of the word "Lamb".

D. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in types of equal size and conspicuousness and in close proximity with each other.

E. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

4. Making pricing claims and representations of the types covered by subsections (a)(b)(c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 31, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2724; Filed, Mar. 21, 1962; 8:45 a.m.]

[Docket No. 8098 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Young Men's Shop of Washington, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Young Men's Shop of Washington, Inc., et al., Washington, D.C., Docket 8098, Oct. 26, 1961]

In the Matter of The Young Men's Shop of Washington, Inc., a Corporation, and Martin B. Levy, and Jacob Wolk, Individually, and as Officers of Said Corporation

Consent order requiring Washington, D.C., retailers of men's and boys' wearing apparel to cease making deceptive price and savings claims in advertising and labeling—such as ". . . Summer Suits Reg. $59.95 now $39.99", "Were $39.50 now $29.99", "Rayon Silk $59.50 Sale Price $39.99", etc.—when the higher prices thus set out were not regular retail prices.

The order to cease and desist is as follows:

It is ordered, That respondents The Young Men's Shop of Washington, Inc., a corporation, and its officers, and Martin B. Levy, individually and as an officer of said corporation, and Jacob Wolk, as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of men's or boy's clothing, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any amount is respondents' customary and usual retail price of their merchandise, when it is in excess of the price at which said merchandise is usually and customarily sold at retail by respondents in the recent, regular course of business;

(b) That any savings are afforded from respondents' customary and usual retail prices in the purchase of their merchandise unless the price at which such merchandise is offered constitutes a reduction from the price at which it has been usually and customarily sold at retail by the respondents in the recent, regular course of business.

2. Using the term "Reg." or the word "Were" or any other term or words of the same import, in connection with the retail prices of their merchandise unless such prices are the prices at which the merchandise referred to has been usually and customarily sold at retail by respondents in the recent, regular course of business.

3. Misrepresenting in any manner the amount of savings available to purchasers at retail of their merchandise, or the amount by which the retail price of said merchandise is reduced from the price at which it is usually and customarily sold at retail by respondents in the recent, regular course of business.

It is further ordered, That the complaint be dismissed as to Jacob Wolk, individually.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, The Young Men's Shop of Washington, Inc., a corporation; Martin B. Levy and Jacob Wolk, as officers of said corporation; and Martin B. Levy, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2725; Filed, Mar. 21, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter IX—Bureau of Public Roads, Department of Commerce

[BPR Order Thm-1]

HIGHWAY TRAFFIC REGULATION

A new Chapter IX, headed Bureau of Public Roads, Department of Commerce, is added to Title 32A to include BPR Order Thm-1—Highway Traffic Regulation, set forth below.

Sec.
1 Purpose.
2 Definitions.
3 Regulation of motor vehicle traffic on highways.
4 Establishing alternate highways.
5 Applicability.
6 Effective date.

AUTHORITY: Secs. 1 to 6 issued under sec. 401, 64 Stat. 1254, as amended; 50 U.S.C. App. 2253. Interpret or apply sec. 201, 64 Stat. 1248, as amended; 50 U.S.C. App. 2281, E.O. 10219, 16 F.R. 1983, 3 CFR 415; E.O. 10902, 26 F.R. 217; E.O. 10952, 26 F.R. 6577; E.O. 10999, 27 F.R. 1527.

Section 1. Purpose.

It is deemed necessary in the public interest and to promote the national safety and defense during the existence of a state of civil defense emergency to regulate, allocate, and promote the availability and use of all highways within the United States.

Sec. 2. Definitions.

The following terms when used in sections 1 to 6 have the following meanings:

(a) "Administrator" means the Federal Highway Administrator.

(b) "Civil defense emergency" means such emergency situations when proclaimed by the President of the United States or by concurrent resolution of the Congress, if the President in such proclamation, or the Congress in such resolution finds that an attack upon the United States has occurred or is anticipated.

(c) "Highways" includes all public roads, streets, bridges, tunnels, and appurtenances, including the entire area within the right of way.

Sec. 3. Regulation of motor vehicle traffic on highways.

(a) From and during the existence of a state of civil defense emergency, the Administrator, where he considers such action to be necessary, shall regulate motor vehicle traffic using the highways in such a manner as to facilitate the movement of priority motor vehicle transportation of persons and property, including motor carriers licensed or authorized to transport persons or property in over-the-road service.

(b) The regulation of motor vehicle traffic as provided for in paragraph (a) of this section may be administered by delegation through such agencies of the Federal, State and local governments as the Administrator may designate.

Sec. 4. Establishing alternate highways.

To assure availability of alternate highways to accommodate traffic, the regulation of which is provided under section 3, the Administrator shall utilize all available highways deemed safe for travel.

Sec. 5. Applicability.

The provisions of this regulation shall be applicable throughout the United States and the Commonwealth of Puerto Rico.

Sec. 6. Effective date.

This order is effective during the existence of a state of civil defense emergency proclaimed by the President of the United States or by concurrent resolution of the Congress and when so directed by or on behalf of the Administrator or in the absence of such specific direction immediately upon occurence of a national emergency due to enemy attack.

Dated: March 14, 1962.

Recommended:

REX M. WHITTON, *Federal Highway Administrator.*

Issued:

LUTHER H. HODGES, *Secretary of Commerce.*

[F.R. Doc. 62-2755; Filed, Mar. 21, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Sale of Loans With Guaranty of Payment

A new § 2.69 is added to read as follows:

§ 2.69 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the sale of loans with guaranty of payment.

This delegation of authority is identical to § 36.4600 of this chapter.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 62-2811; Filed, Mar. 21, 1962; 8:50 a.m.]

PART 36—LOAN GUARANTY

Sale of Loans, Guarantee of Payment

A new centerhead and § 36.4600 are added to read as follows:

SALE OF LOANS, GUARANTEE OF PAYMENT

§ 36.4600 Sale of loans, guarantee of payment.

(a) The Administrator of Veterans Affairs hereby guarantees, in accordance with the provisions of this section, the payment of all loans sold by the Veterans Administration.

(b) Wherever the term "holder" appears in this section it shall mean the purchaser of a loan sold by the Administrator and any subsequent transferee or assignee of such loan.

(c) The holder of each loan sold subject to guaranty shall be deemed to have agreed with the Administrator as follows:

(1) To furnish the Administrator with notice of default within 30 days after a loan has become two full installments in default.

(2) To maintain on the real estate a lien of the dignity assigned or transferred to the purchaser by the Administrator.

(3) To maintain insurance in an amount sufficient to protect the security against risks or hazards to which it may be subjected to the extent customary in the locality, and to apply the proceeds of loss payments to the loan balance or to the restoration of the security, as the holder may in his discretion deem proper.

(4) To obtain a consideration equal to the fair market value of any real estate released from the first lien securing the loan, except where the loan will be paid in full, and to apply the entire consideration in reduction of the principal balance of the loan.

(5) To maintain the tax and insurance account as provided for in the loan instruments and to pay accrued taxes, special assessments, ground or water rents and premiums on fire or other insurance properly chargeable to the tax and insurance account.

(6) To submit to the Administrator notice of any suit or action or other legal or equitable proceeding to which the holder is a party (including a copy of every procedural paper filed on behalf of the holder or served on the holder), brought on or in connection with a loan sold under this section or involving title to, or other lien on, the property securing the loan, within the time that would be required if the Administrator were a party to the proceeding.

(7) To submit to the Administrator for prior approval any proposal to recast or extend the repayment terms of the loan.

(8) To take no action to accelerate the indebtedness or terminate the debtor's interest in the property without the prior approval of the Administrator.

(9) To make advances only for the maintenance and repairs reasonably necessary for the preservation of the security, or for the payment of accrued taxes, special assessments, ground or water rents, premiums on fire or other insurance against loss or damage to the property, or for other purposes approved in advance by the Administrator.

(10) To furnish the Administrator prompt notice of the cancellation of any repurchase endorsement or notice on the note or bond upon the payment in full of any loan sold pursuant to this section or of the release of the Administrator from liability to repurchase the loan.

(11) To maintain adequate accounting records and to provide the Administrator with such data relating to the loan as he may request incident to his determination of the amount payable in connection with a request for the repurchase of the loan.

(12) To service the loans properly in accordance with established practices.

(13) To permit the Administrator to inspect, examine or audit at reasonable times and places the records of loans which are subject to repurchase under this section.

(14) To sell any loan to the Administrator for the amount specified in paragraph (e)(1) of this section upon request of the Administrator if the loan is six (6) full installments or more in default.

NOTE: In any instance in which the holder desires Veterans Administration prior approval to a proposed action the holder may submit the facts to the Loan Guaranty Officer as provided in paragraph (1) of this section.

(d) The Administrator's guaranty liability under this section shall consist of and be limited solely to liability to repurchase the loan from the holder thereof whenever,

(1) The debtor is in default by reason of nonpayment of not less than two full installments and default has continued for three months or more on the date the holder submits its written request for repurchase by the Administrator; or

(2) The property securing the loan has been abandoned by the debtor; or

(3) The debtor has failed to comply with any other convenant or obligation of his loan contract and on the date of the holder's request for repurchase such failure has continued for more than 90 days after the holder's demand for compliance with the covenant or obligation, except that if the failure is due to nonpayment of real estate taxes the failure to pay when due has persisted for a continuing period of 180 days; or

(4) The Administrator determines, upon request of the holder to repurchase any loan, that such repurchase is in the best interests of the Government notwithstanding that the account is ineligible for repurchase under subparagraphs (1) through (3) of this paragraph.

(e)(1) A cash payment shall be made to the holder upon the repurchase of a loan by the Administrator and shall be an amount equal to the price paid by the purchaser when the loan was sold by the Administrator, less repayments received by the holder which are properly applicable to the principal balance of the loan, plus any advances made for the purposes described in paragraph (c)(9) of this section, but no payments shall be made for accrued unpaid interest. If, however, there has been a failure of any holder to comply with the provisions of paragraph (c) of this section the Administrator shall be entitled to deduct from the repurchase price otherwise payable such amount as he determines to be necessary to restore him to the position he would have occupied upon repurchase of the loan in the absence of any such failure. Incident to the repurchase by the Administrator, the holder will pay to the Administrator an amount equal to the balance, if any, remaining in the tax and insurance account.

(2) The holder shall be deemed to have received as trustee for the benefit of the Administrator any amounts received on account of the loan indebtedness subsequent to submitting its request to repurchase and shall pay such amounts to the Veterans Administration upon the assignment and delivery of the note, bond and security instruments to the Veterans Administration.

(3) The holder may be reimbursed at any time for any costs or expenses incurred by him which are approved in advance by the Administrator as being necessary to protect the Government's interests.

(f) Notwithstanding any other provision of this section, the Administrator shall be released from liability and shall not be obligated to repurchase any loan in respect to which:

(1) An obligor has been released from personal liability by any act or omission of the holder without the prior approval of the Administrator, except that a holder shall not be under any duty to establish the debt as a valid claim against the assets of the estate of any deceased or bankrupt obligor when such failure will not impair the validity or effectiveness of the lien securing the loan; or

(2) The holder has instituted foreclosure action against the property securing the loan without the prior approval of the Administrator, and such action has proceeded to the point where the judicial sale or sale under the power in the deed of trust has been held or the owner's interest in the property has been terminated by the holder by strict foreclosure, acceptance of a voluntary deed, or by other liquidation action; or

(3) Any material alteration has been made to the note, bond, security instrument, or installment sale contract after sale and delivery of the instruments by the Administrator to the purchaser.

(g)(1) Each employee of the Veterans Administration heretofore or hereafter appointed to or lawfully filling, any position designated in subparagraph (2) of this paragraph is hereby delegated authority within the limitations and conditions prescribed by law to exercise the powers and functions of the Administrator with respect to the sale, assignment, transfer, and repurchase of loans, including, but not limited to the offering of such loans for sale, the acceptance of purchase offers, the assignment or transfer of notes or bonds and security instruments evidencing the loans sold, granting the prior approval of the Administrator under this section, determining the eligibility of the loans for repurchase and to calculate and pay the sum due the holder upon repurchase of the loan by the Veterans Administration.

(2) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Manager, Regional Office.
Director, Center.
Manager, Veterans Benefits Office, Washington, D.C.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(h) No waiver, consent, or approval required or authorized by this section shall be valid unless in writing signed by an employee of the Veterans Administration authorized in this section to act for the Administrator.

(i) Whenever prior approval or consent of the Administrator is desired in respect to an action to be taken by a holder of a loan, the holder may address such request to the Loan Guaranty Officer in the Regional Office or Center having jurisdiction over the area in which the real estate security is located.

(j) Notwithstanding any requirement, condition, or limitation stated in or imposed by this section concerning the sale and repurchase of loans, the Chief Benefits Director, or the Director, Loan Guaranty Service, within the limitations and conditions prescribed by the Administrator may take such action as may be necessary or appropriate to relieve undue prejudice to a holder, debtor or other person, which might otherwise result, as long as such action shall not impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural nature, such action may be taken by an employee authorized to act under paragraph (g) of this section.

(k) This section will apply to all loans sold by the Veterans Administration after the effective date of this section which were originated or acquired by the Administrator of Veterans Affairs under Chapter 37, Title 38, United States Code, or Title III of the Servicemen's Readjustment Act of 1944, as amended, except that it shall not apply to direct loans sold pursuant to section 1811(g) of Chapter 37, Title 38, United States Code.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective March 22, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-2810; Filed, Mar. 21, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PHILATELY

PART 36—SPECIAL CANCELLATIONS

PART 37—PREPAYMENTS AND REFUNDS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 35.4 *Cancellations for philatelic purposes*, as published in 26 F.R. 11568, make the following changes:

A. Paragraph (b) is amended for the purpose of clarification to read as follows:

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards submitted for philatelic or other purposes.

NOTE: The corresponding Postal Manual section is 145.42.

B. Paragraphs (d) and (e) are added to reflect the procedure for postmarking of post cards, postal cards, and envelopes for philatelic purposes and the holding of such mail for postmarking on a particular date. As so added, paragraphs (d) and (e) read as follows:

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. See § 36.5(a) of this chapter for postage on mail to be canceled with a special cancellation. After they are postmarked they may be either dispatched or handed back to the person presenting them. This paragraph does not apply to any arrangements made by the Department under §§ 35.3 and 35.5.

(e) *Holding the mail.* Postmasters will not hold mail to comply with patron's requests that the mail be postmarked on a particular date, except as provided for under §§ 35.3 and 35.5.

NOTE: The corresponding Postal Manual sections are 145.44 and 145.45.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 2501, 2507, 2508)

II. In § 36.5 *Mail submitted for special cancellations*, as published in 26 F.R. 11570, paragraph (a) is amended to require a complete address on mail submitted for special cancellation. As so amended, paragraph (a) reads as follows:

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. The mail must bear a complete address. Stamps issued by foreign countries must not be placed on the mail.

NOTE: The corresponding Postal Manual section is 146.51.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508)

III. In § 37.1 *Postage payment*, as published in 26 F.R. 11570, amend subdivision (iii) of paragraph (b)(2) by striking out the reference to "§ 48.6" and inserting in lieu thereof "§ 48.5 of this chapter."

NOTE: The corresponding Postal Manual section is 147.122c.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

IV. § 168.5 *Individual country regulations*, as published in 26 F.R. 8728–8805, make the following changes:

In country "Portugal", under Parcel Post, make the following changes to modify the regulations governing consular and commercial invoices for parcel post.

1. Amend the item *Observations* to read as follows:

Observations. Articles containing serums and vaccines must be conspicuously labeled to show the nature of the contents in order that they may be given preferred treatment.

Senders of parcels which involve foreign exchange (i.e., commercial shipments) must send to a Portuguese consulate three copies of the consular invoice, and one copy of the commercial invoice which the mailer must certify as correct and sign. The consulate returns one copy of the consular invoice to the mailer, who should send it direct to the addressee by letter.

Portuguese consuls are located in the following cities:

Boston, Mass.	New Orleans, La.
Fall River, Mass.	New York, N.Y.
Honolulu, Hawaii.	Philadelphia, Pa.
Houston, Tex.	Providence, R.I.
Los Angeles, Calif.	San Francisco, Calif.
New Bedford, Mass.	

Parcels containing crude celluloid, motion picture films, or other articles of celluloid must be designated, both on the customs declaration and on the parcel itself, by a label bearing the word "Celluloid" in conspicuous black letters.

2. Amend the first paragraph of the item *Import restrictions* to read as follows:

Import restrictions. The attention of of senders should be called to the following requirements, which are to be met by addressees:

Import permits must be obtained for parcels regarded by the Portuguese authorities as commercial shipments.

(R.S. 161, as amended; 5 U.S.C. 22; 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2758; Filed, Mar. 21, 1962; 8:48 a.m.]

PART 45—CITY DELIVERY

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

PART 121—OUTGOING PARCELS

PART 122—INCOMING PARCELS

PART 139—MAIL SENT VIA DEPARTMENT OF STATE

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 45.6 [Amendment]

I. In § 45.6 *Apartment house receptacles*, as published in 26 F.R. 11579–11581, subparagraph (1) of paragraph (f) is amended by revising the address of Jensen Industries where it appears in the alphabetical list of manufacturers and distributors of vertical-type apartment house mail receptacles to read: "Jensen Industries, 1946 East 46th Street, Los Angeles 58, California."

NOTE: The corresponding Postal Manual section is 155.66.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

II. In Part 113—Treatment of Outgoing Postal Union Mail, as published in 26 F.R. 8702–8703, make the following changes:

A. Section 113.2 is amended to reflect revised and additional procedures for handling shortpaid and unpaid postal union mail at the mailing post office and in transit. As so amended, § 113.2 reads as follows:

§ 113.2 Shortpaid and unpaid.

(a) *At mailing office.* Mailing offices shall return shortpaid and unpaid articles to the sender for deficient postage, except the following:

(1) *Special-delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "other articles" to proper dead letter branch.

(4) *Mail for Canada.* Endorse to show that postage due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office:

(i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards.

(ii) The actual amount of the deficiency on ordinary "other articles" and on all registered mail.

(b) *In transit.* Sectional centers and other intermediate offices that rehandle transit mail shall not open made-up bundles to check the postage payment. However, if sectional centers or other intermediate offices should observe shortpaid mail originating in their immediate area (approximately 100 miles), the mail (except special delivery articles and all postal union mail addressed to Canada) shall be returned to the senders for the deficient postage. Use stock rubber stamp R–1300–230, "Return for additional postage."

(c) *Dispatch to exchange office of dead letter branch.* When articles are dispatched to exchange offices or to dead letter branches pursuant to paragraphs (a) and (b) of this section, apply stock rubber stamp R–1300–4, "Postage Due ---- Cents", but do not indicate the amount of shortpayment, except that mail for Canada shall be marked as prescribed in paragraph (a)(4) of this section. Dispatch articles by air when airmail is involved and by surface when surface mail is involved.

(d) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

NOTE: The corresponding Postal Manual section is 223.2.

B. In § 113.4, paragraph (a) is amended to add a reference to § 114.3. As so amended paragraph (a) reads as follows:

§ 113.4 Forwarding.

(a) *International.* Articles will generally be forwarded to a new address of the addressee, even in a third country, or back to the United States. The sender may forbid forwarding by a notation on the envelope or wrapper in a language understood in the country to which addressed. See § 114.3 of this chapter concerning forwarding of mail of foreign origin.

NOTE: The corresponding Postal Manual sections are 223.2 and 223.4.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

III. In Part 121—Outgoing Parcels, as published in 26 F.R. 8704–8708, make the following changes:

§ 121.2 [Amendment]

A. In § 121.2 *Packing, preparing and mailing* make the following changes:

1. In paragraph (b), subparagraph (4) is amended to show that there is no minimum weight limit for international parcel post. As so amended, subparagraph (4) reads as follows:

(4) *Weight limits.* For weight limits applicable to each country or destination, see individual country items in § 168.5 of this chapter. There is no minimum weight limit for international parcel post.

2. In paragraph (d), subparagraph (3) is amended to include the rates for surface parcels. As so amended, subparagraph (3) reads as follows:

(3) *Postage rates.* Parcel post rates to the various countries of destination are shown in the individual country items in § 168.5 of this chapter. The rates for surface parcels are 80 or 90 cents for the first 2 pounds and 30 or 35 cents for each additional pound, a fraction of a pound being charged as a full pound. Air parcel rates are on the basis of each 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The weight of the customs declaration and other postal forms will not be included with that of the parcel (surface or air) in determining the amount of postage required.

NOTE: The corresponding Postal Manual sections are 231.224 and 231.243.

§ 121.4 [Amendment]

B. In § 121.4 *Shortpaid,* make the following changes:

1. Amend the heading of paragraph (a) to read *"At mailing office."*

2. Redesignate paragraph (b) as paragraph (c), and insert a new paragraph (b) to prescribe the treatment of unpaid parcels observed in transit from the mailing office to the dispatching exchange office, to read as follows:

(b) *In transit.* Sectional centers and other intermediate offices rehandling parcels in transit shall not attempt to check the postage paid, but shall return to the senders any parcels observed to be totally unpaid.

3. Amend redesignated paragraph (c) for the purpose of clarification to read as follows:

(c) *Reported by exchange office.* Shortpaid parcels observed at exchange offices are dispatched to destination and a notice on Form 2947–A "Notice to Mailer—Irregularity in International Mail", is sent requesting that the deficiency be supplied to the exchange office. If the deficiency is not supplied, the exchange office will request the postmaster to collect from the sender.

NOTE: The corresponding Postal Manual section is 231.4.

§ 121.5 [Amendment]

C. In § 121.5 *Prohibitions and restrictions,* make the following changes for the purpose of clarification:

1. In paragraph (a), delete the last sentence of subparagraph (9).

2. Amend paragraph (b)(1) to read as follows:

(b) *Restricted articles.*—(1) *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag, open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine, and similar substances may be sent in quantities of less than 1 gallon in any one parcel. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid content. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

NOTE: The corresponding Postal Manual sections are 231.511 and 231.521.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

IV. In Part 122—Incoming Parcels, as published in 26 F.R. 8708–8710, make the following changes:

A. In § 122.1, amend paragraph (c) for the purpose of clarification to read as follows:

§ 122.1 Charges.

* * * * *

(c) *Storage.* The post office will collect 10 cents for each day, exclusive of Sundays and holidays, the addressee fails to take delivery of a parcel, beginning with the eleventh day after first delivery attempt has been made or first notice of available delivery has been issued. The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. The same charge is applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry parcels, the charge will begin on the eleventh day after the date on which notice on Customs Form 3509 is mailed to the consignee (addressee), or on the eleventh day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges which may accrue on formal entry parcels. When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(5) of this chapter), the time required for the Customs Service to come to a decision in the matter is not counted. See § 122.5(b)(4) regarding the marking of undeliverable parcels on which storage charges are due.

NOTE: The corresponding Postal Manual section is 232.13.

B. In § 122.3, paragraph (a) is amended to provide a uniform procedure for filing written authorizations which post offices receive in connection with international parcels addressed to banks for delivery to a second addressee. As so amended, paragraph (a) reads as follows:

§ 122.3 Delivery.

(a) *Parcels addressed through bank or other organization.* If a parcel is addressed to a bank or other organization for delivery to a second addressee, the post office will notify both addressees of the arrival of the parcel and will then deliver it to the first addressee, or hold it if the first addressee so desires. If the parcel is held, the post office will deliver it to the second addressee, only with written permission from the first addressee, unless the sender has arranged for change of address as provided in § 137.6(b) of this chapter. After delivery, the post office will keep the written authorization 1 year, for reference in case of inquiry. File the authorizations (1) for insured and registered parcels with the addressees' receipts, (2) for ordinary dutiable parcels with the Customs Forms 3419, and (3) for ordinary nondutiable parcels in any appropriate place. If delivery to the second addressee involves forwarding the parcel to another post office, the parcel will be subject to forwarding postage as provided in § 122.4(a).

§ 122.4 [Amendment]

C. In § 122.4 *Forwarding* make the following changes:

1. Amend paragraph (b) for the purpose of clarification to read as follows:

(b) *To country of origin.* If the addressee has moved to the country of parcel's origin and no instructions are given to deliver to a second addressee in the United States, the post office will mark it "Moved", show the forwarding address of the addressee, and send by surface means (including parcels received by air) to the appropriate exchange office for return to the country of origin.

2. Paragraph (c) is amended to clarify the procedure for forwarding parcels when the addressee has moved to other than the country of parcel's origin. As so amended, paragraph (c) reads as follows:

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C. The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, in order that the International Service Division may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 122.5(b)(3). See § 122.5(a)(2) concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

NOTE: The corresponding Postal Manual sections are 232.42 and 232.43.

§ 139.2 [Amendment]

V. In § 139.2 *Mailing conditions,* as published in 26 F.R. 8715 make the following changes:

A. Paragraph (a) is amended to show the correct form of address for sending mail to United States Government personnel stationed overseas. As so amended, paragraph (a) reads as follows:

(a) *Addressing.* The following approved form of address should be used:

Name ----------
Foreign city (omit name of country),
Department of State,
Washington 25, D.C.

NOTE: The corresponding Postal Manual section is 249.21.

B. Paragraph (c) is amended to show that packages containing both prints and articles of merchandise are subject to international parcel post rates. As so amended, paragraph (c) reads as follows:

(c) *Postage rates.* Although the articles are addressed "Department of State, Washington 25, D.C.", postage must be paid at the international rate to the country where the addressee is located. Packages containing both prints and articles of merchandise are subject to international parcel post rates.

NOTE: The corresponding Postal Manual section is 249.23.

C. In paragraph (d), subparagraphs (1), (2), and (6) are amended for the purpose of clarification and to include the increased weight and size limits applicable to packages of prints and packages containing merchandise. As so amended, subparagraphs (1), (2), and (6) read as follows:

(d) *Limitations.* (1) Letters may be prepaid at the surface or airmail rate, but a letter to be transmitted by air must not exceed 1 ounce in weight. A letter exceeding this weight limit will be sent by surface means from Washington, D.C., even though airmail postage at the international rate has been paid.

(2) Prints and parcel post are acceptable for surface transmission only, except as provided in subparagraph (3) of this paragraph. Packages of either prints or parcel post may not exceed 40 pounds in weight or measure more than 24 inches in length and 62 inches in length and girth combined. Packages must be securely and substantially packed.

* * * * *

(6) Nothing which is generally prohibited in the mail will be accepted. (See §§ 111.3 and 121.5 of this chapter.) In addition, the State Department prohibits tobacco products (except to selected foreign service posts), liquids, perishables, firearms, glass, and other fragile articles, as well as parcels intended for delivery to a third person.

NOTE: The corresponding Postal Manual sections are 249.241, 249.242 and 249.246.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–2754; Filed, Mar. 21, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 13864; FCC 62–296]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Applications for Voluntary Assignments or Transfers of Control

1. On December 7, 1960, the Commission issued a notice of proposed rule making looking toward the modification of its procedures relating to applications for voluntary assignments or transfers of control. In brief, the Commission proposed that such applications be subjected to more careful scrutiny than in the past for the purpose of determining whether such transfers or assignments result from practices which are inconsistent with the duties and responsibilities of broadcast licensees and incompatible with broadcasting in the public interest.

2. It is clear that, under the Comsibilities of a licensee include the following:

(a) A duty not to speculate, barter, or trade in licenses (hereinafter referred to as "trafficking"), to the detriment of the public interest; and

(b) A duty, in the light of the specific circumstances and needs of the area which a licensee serves, to render a meritorious program service.

3. These principles of licensee responsibility make it clear that the accelerated trend in the sale of broadcast properties which has been occurring since 1955, presents serious questions for the Commission's determination. The facts concerning this trend are set forth in Appendix A below, together with relevant statistical data establishing (a) the high ratio (45%–53%) of transfer and assignment applications involving short-term ownership; and (b) the appreciable number of such applications affecting numerous communities throughout this country.

4. In our view, the appreciable number of such applications involving short-term ownership of stations in numerous communities compounds the problem of the accelerated trend in the sale of

broadcast properties, and presents an important public interest question of whether numerous communities throughout this country are being deprived of the benefits which we believe, based upon our experience, come from sustained station ownership. The licensee is under a continuing duty to make a good faith effort to implement the proposals made in his application. KORD, Inc., 21 R.R. 781. But experience has demonstrated that time is needed to fully or substantially implement the proposals or to gain a better understanding of the program needs and desires of the community and to adjust programming to such needs and interests. Where the licensee seeks to sell his station after only a short period of time, all these efforts may be frustrated or cut-off in midstream; the new owner may have to gain his own insight and experience in this critical area.

5. As to "trafficking," the Commission is seriously disturbed over the very high ratio of transfer and assignment applications involving short-term ownership of stations in numerous communities. It believes that it has a special obligation to insure that such short-term assignment or transfer applications do not constitute trafficking in licenses. An applicant who seeks to dispose of his license within the first few years encompassed by his initial license period obviously warrants special scrutiny. There are thus two considerations—"trafficking" and disruption, perhaps leading to deterioration in programming during this critical formative period (Paragraph 4, supra). In the Commission's view, either of these considerations would support the remedial action which we have determined to take (Paragraph 6, infra). Taken together, the Commission believes that they clearly call for such action. In short, the accelerated trend in the sale of broadcast stations, compounded by the appreciable number of short-term sales of stations in numerous communities, presents a general problem affecting licensee responsibilities, which is of such magnitude to require this Commission to establish immediate and effective remedial procedures.

6. We intend to embark upon a program of intensified scrutiny of proposed transfers or assignments which occur within a short period. We recognize, of course, that various changes in circumstances may create hardships necessitating a station's sale, remove any question of "trafficking" and justify a transfer, in terms of private equity and public interest, despite any disruptive effects which might otherwise result from short-term changes in ownership. In the absence of a showing of such circumstances, however, we believe that the transfer or assignment of a broadcast license held for a short time is prima facie inconsistent with the duties of the licensee and the public interest. The questions raised are substantial and material enough to require exploration in a hearing. Moreover, we believe it vital that our intensified scrutiny apply evenhandedly to all licensees. For this reason, it is appropriate to fix a uniform period, within which proposed transfers or assignments will be regarded as raising substantial questions of trafficking or undue disruption. We are persuaded that three years is an appropriate benchmark. The Congress, taking into account both the need for maintenance of public control over the spectrum and the need for stability and continuity in station ownership, has limited broadcasting licenses to a maximum three-year period. Our own experience, moreover, has led us to issue regular licenses for this period in all the broadcasting services.

7. By the proposed procedures, an applicant seeking Commission consent to a transfer or assignment of a station held for less than three years will be required to make a compelling affirmative showing of unforeseen changed circumstances or of hardship—more or less beyond his control—for a grant of the application without hearing. Absent such showing the Commission will, in accordance with its proposed modification of procedures, designate an application involving a station held less than three years for hearing, to fully explore and test, through the Commission's hearing procedures, the material and substantial questions presented as to the extent of the licensee's compliance with its responsibilities, and the effect of the transfer or assignment upon the public interest. In the Commission's view, the policing of these duties and responsibilities of licensees, with maximum emphasis on requiring compliance to be developed and tested through the hearing process, will have salutary effects. This new procedure will afford the Commission an opportunity for reaching sound judgments on the issue of whether a licensee has complied with the responsibilities delineated in Paragraphs 3–5, supra. Only in this way will the Commission be able to develop the full facts in this critical area of the public interest. Further, as additional information and experience is gained, the Commission will be better able to judge whether there is need for more severe limitations to be placed on the sale of broadcast properties,[1] or whether some other quite different procedures should be adopted. It is expected, however, that our present action will be sufficient to deal with these problems. Finally, this procedure will serve as some deterrent to quick transfers by licensees tempted to traffic in licenses. The licensee who has engaged in activities suggestive of trafficking within this time period will now know that his trafficking activities will be fully explored at a hearing. The Commission wishes to make clear, however, that those applicants who have not engaged in such activities or in any conduct not inconsistent with the public interest should not be deterred because of the new remedial measures. Such applicants may still obtain grants, if they establish on the hearing record that a grant would serve the public interest (Paragraphs 8 and 11, infra). We recognize, of course, that such an applicant would prefer avoiding the expense and time, perhaps as much as a year, required for a hearing. But for the reasons we have stated, we believe that in the present circumstances we cannot make the public interest finding required under the Act without a hearing.

8. In the interest of clarity, the Commission desires to point out that it contemplates that by the built-in exception to the proposal relating to "changed circumstances, some applications involving stations held for less than three years will be granted without a hearing. Similarly, the Commission contemplates that such applications will also be granted after a hearing provided (a) there has been substantial compliance with the aforementioned principles of licensee responsibility, and (b) no other reasons require a denial. In short, we are simply stating that such applications (absent changed circumstances permitting a grant without hearing) will be more carefully examined and tested through the hearing process, than is otherwise possible.[2]

9. With respect to applications filed after the three year period, the Commission will also continue to examine carefully into the "trafficking" problem. However, the Commission recognizes that although the "time factor", standing alone, cannot dispose of the trafficking problem, the passage of time does, to some extent at least, lessen or diminish this problem. For this reason, the rule adopted herein includes a direction to the Chief of the Broadcast Bureau (a) to examine carefully such applications, on a case-to-case basis, to determine whether any characteristics of trafficking appear to be present; and (b) if so, to seek additional information, by letter inquiries to the applicants, similar to that which will be required

[1] Cf. the Staff Report of the Special Subcommittee on Legislative Oversight issued November 30, 1958; the Report of the Special Subcommittee on Legislative Oversight issued January 3, 1959; H.R. 11340, a bill introduced by Mr. Harris on March 23, 1960, "to promote the public interest by amending the Communications Act of 1934, to place certain additional limitations on the transfer of licenses, and for other purposes." See also, H.R. 1165 which was introduced on January 3, 1961 in the 87th Congress, and is identical in pertinent respect with H.R. 11340. In this connection it is to be noted that there are substantial differences between H.R. 11340 and H.R. 1165, on the one hand, and the Commission's subject proposal, on the other. The proposed legislation would establish a rigid three year holding period as a statutory standard of public interest dispositive of applications.

[2] In this connection, the Commission wishes to point out that where a licensee has not held a station for three years, he should not:

(a) Surrender control of a station by artifice, such as for example, employment or other types of contracts with the Buyer, whereby the Buyer is retained as General Manager of the station, or as a consultant to the Seller; and

(b) Thereafter, defer filing an application for Commission consent to the transfer or assignment until after the expiration of the three year period in order to subvert the purpose of the rule.

Under circumstances such as this, applications filed after the three year period, present even more serious questions (a) concerning the character qualifications of a licensee, and (b) whether the transfer contravenes the provisions of section 310(b) of the Communications Act.

to be developed and tested in the hearing process with respect to stations held less than three years. Thereafter, where issues of trafficking remain, such applications will be designated for hearing by the Commission.

10. Paragraphs (a) and (d) of the attached rule embody these policies in the form of regulations. Paragraph (a) requires a licensee seeking Commission consent to a transfer or assignment of a station held for less than three years, to make a compelling affirmative showing of changed circumstances—more or less beyond the control of the licensee—for a grant without hearing. There is, of course, no easy formula by which every situation can be classified as to whether it does or does not constitute "hardship" or "changed circumstances." Every case must, of necessity, be decided on its own merits based upon a detailed factual showing by the applicant of all relevant and material facts. In section IV of this Report, we have discussed illustrative examples of what may or may not constitute "changed circumstances" or "hardship."

11. Absent a compelling affirmative showing of changed circumstances permitting a grant without hearing, paragraph (a) provides that the application shall be designated for hearing on issues which will be designed, on a case-to-case basis, to fully develop, to test, and to determine whether or not the licensee has complied with the aforementioned duties and responsibilities. Assuming, arguendo, that a transferor establishes, at a hearing that he has not engaged in trafficking, that he has made a good faith effort to fulfill his programming representations or adjust his programming to the needs of his area, that no unwarranted interruption or deterioration in programming service has occurred, or will occur, incompatible with broadcasting in the public interest, and that he has a valid reason for transferring the station after only a brief period of operation, it may reasonably be concluded that the application would be granted. Conversely, it is clear that where, after a hearing, there is substantial evidence that a transferor has engaged in "trafficking" or than an unjustified failure, interruption, or deterioration in the program service has occurred, or might occur, the Commission would, of necessity, deny such an application as contrary to the public interest. Thereafter, the Commission, in its discretion, may institute appropriate proceedings directed against the licensee.

12. Interested persons were given an opportunity to file comments on the Commission's original proposal, and over fifty comments have been received. With a few exceptions, the respondents object to the proposal, urging, however, that in the event the Commission nonetheless determines that the proposal is in the public interest, the proposed rule should be changed in a number of specific ways. A few respondents make a direct attack upon the legal validity of the proposal, contending that it transcends the authority contained in the Communications Act. The other objecting respondents appear to challenge the wisdom of the proposal, as a matter of policy, rather than its legality, and they call attention to certain hardships and inequities which it is alleged would result from the particular language of the rule proposed.

13. The Comments and our views thereon, together with the changes considered acceptable and included in the finalized rule, are, for convenience, grouped into five categories, discussed in sections of this report as follows:

I—Comments directed to the Commission's legal authority to adopt the proposed rule and to the need therefor.

II—Comments regarding the undesirability of the proposal, as a matter of policy.

III—Comments with regard to suggested alternative procedures.

IV—Comments concerning requested modifications of the proposed rule.

V—Summary of major changes included in finalized rule.

I—Comments Directed to the Commission's Legal Authority To Adopt the Proposed Rule and to the Need Therefor

14. In approaching this issue of the Commission's authority to adopt this rule, it is of significance that many of the respondents have misconstrued the rule by translating it, in effect, into the type of three year holding period limitation of H.R. 11340, constituting a statutory bar, to a grant of an application. (See, Footnote 1, supra.) Based upon this fundamental misconception, respondents contend that the Commission lacks authority to adopt the subject rule, following substantially the same arguments advanced by NBC and Storer, respectively, in National Broadcasting Co. v. United States, 319 U.S. 190 (1943), (network regulations), and Storer Broadcasting Co. v. United States, 351 U.S. 192 (1956), (maximum limitation on station ownership). In this connection, respondents assert, in effect, that the Commission has authority to adjudicate the problem of trafficking on a case-to-case basis, but that it has no choice but to wait until trafficking occurs and then hold hearings as each case arises.

15. Apart from the fact that the courts have repeatedly upheld the Commission's rule making authority in the face of such contentions, there are substantial differences between this rule, and the public interest standards established by the network and maximum limitation rules which are dispositive of applications. As shown by our discussion in paragraphs 7–11, supra, the Commission's subject rule is procedural only, to be used in passing upon applications. We are according every licensee the right to a hearing, whereas in the NBC and Storer cases, supra, the complainants objected to rules which denied them a hearing. Moreover, we believe that the Commission's basic rule making authority is applicable with even greater force, where we are, as here, simply adopting procedures which, by the hearing process, will afford the Commission the opportunity of making sound judgments with respect to a licensee's compliance with its duties and responsibilities. Certainly, there is nothing arbitrary in recognition of the facts that (a) the accelerated trend in the sale of broadcast stations, compounded by short-term ownership affecting numerous communities throughout this country, presents a general problem relating to licensee responsibilities; and (b) under these circumstances, such licensee responsibilities require testing through a hearing process (paragraphs 4–6, supra). The Commission could apply such a policy on a case-to-case basis, that is, as each case comes before the Commission, it could designate the case for hearing under a general policy. Since this is so, there is no reason why it cannot formalize this practice through the rule making process by announcing in advance the procedures it will follow in passing upon applications for transfers and assignments.

16. Respondents' principal contentions are that (a) the Commission has no authority to establish a mandatory hearing requirement; (b) the Commission's declared policy to hold hearings on such issues as displacement of personnel, disruption of operational continuity, and the impact of such events upon licensee responsibilities is inconsistent with the Commission's long established policy of expediting action on transfer applications because of these same business exigencies; (c) these business practicalities incident to the sale of stations render the mandatory hearing requirement meaningless; (d) there is no basis for the three-year period; and (e) statistics do not justify the Commission's concern with the problem of trafficking.

17. Each of these contentions, in our view, is lacking in merit. What we have said in Paragraph 15 above, disposes of the claim that the Commission lacks authority to establish, through its rule making authority, a mandatory hearing requirement to be applied to certain types of applications because they reflect or involve a general problem affecting licensee responsibilities. It is the Commission's further view that although a mandatory hearing requirement may constitute a deterrent to the filing of some transfer applications, this factor does not constitute a penalty against "legitimate" transfers as urged by respondents. (See Paragraphs 7 and 11, supra.) The Commission has not only a right, but a duty, under section 309(e) of the Act, to require any questions reasonably related to the public interest which cannot be resolved on the information in the application itself, to be explored through the hearing process. Under these circumstances, it is evident that there is no merit to a contention that the Commission's mandatory hearing requirement constitutes a breach of an alleged duty to grant an application, without hearing, under section 309(a). Section 309(a) relates only to applications where there are no public interest questions raised necessitating a hearing, and the Commission is therefore able to find, based upon the information in the application itself, that the public interest would be served by a grant.

18. Nor is there any merit to respondent's contentions that "business practicalities" render the mandatory hearing requirement meaningless, and that the

Commission's rule is at odds with its policy of expediting action on transfer applications. It appears that respondents have failed to recognize that the Commission, through its experience, has a familiarity with (a) the problems incident to station sales; (b) the potential effects of such problems upon licensee responsibilities; (c) the practices of licensees to gear time limitation periods for consummation of sales, not only to these business exigencies but, in addition, to Commission procedures and policies; and (d) the fact that, despite these business exigencies, hearings have been held in the past, and are presently being held, on transfer applications on such issues as multiple ownership, overlap, etc. Thus, we are familiar with the fact that the time limitation period for consummation of sales contracts is generally 90 to 120 days, because of business exigencies and of the time required for processing the application by the Commission. Our policy of according such applications expedited action, in recognition of these business practicalities, is certainly consistent with the public interest, where no questions are presented which require a hearing.

19. We also recognize that where a hearing is required by the Commission, sales contracts generally provide for an extension of the time limitation provision, for the same period required for a Commission hearing and a decision. Commission records reflect that where transfer applications have been designated for hearing on issues relating to such matters as multiple ownership, etc., the parties, in some instances, have not pursued the hearing and have cancelled the sales contract. However, Commission records also include instances where the parties have prosecuted their applications and have extended the time limitation provision of the sales contract for the period required for a Commission hearing and decision. Where the hearing is pursued, a licensee generally affords whatever assurances are necessary to station personnel, to program sources and to advertisers, in order to continue a program service compatible with the public interest. In our experience, the potential problems relating to station sales are not insurmountable and can generally be accommodated, when the Commission decides that a hearing is necessary. Indeed, at this juncture, licensees normally make whatever business arrangements are necessary to lessen the impact of the proposed sale upon continued station operations during the pendency of such a hearing.

20. Respondents' claim that there is no basis for the three year period is also lacking in merit. The three year period is significant only in identifying the applications which will be designated for hearing absent a showing of changed circumstances. Three years is a normal license period, even though variations in this period do occur because of other licensing policies. Moreover, we have previously made clear in paragraph 4, supra, that the appreciable number of short-term sales, involving stations located in numerous communities throughout the country, compounds the problem of the accelerated trend in the sale of broadcast properties, presenting an important public interest question of whether numerous communities are being deprived, by short-term ownership, of the benefits which we reasonably believe, based upon our experience, come from sustained station ownership.

21. For these reasons, we believe that the basis of the three-year period is a reasonable one as a means of identifying the applications which will be designated for hearing, absent a showing of changed circumstances.

22. Finally, we cannot agree with respondents' contention that statistics are necessary to justify the Commission's concern with the trafficking problem. The Commission does not need statistics showing that any appreciable number of stations are acquired for "trafficking" purposes to justify its concern with this problem. The Commission has expressed its concern over trafficking for years. In addition to the Commission's stated concern, there have been expressions of grave Congressional concern over the problem. (See Footnote 1, supra.)

23. Nor can we agree with the position of one respondent that the statistical data from the Commission's Annual Reports do not establish an accelerated trend in the sale of broadcast properties. In this connection, the Commission has noted that this one respondent quoted figures which are incorrect for the year 1955 with respect to "Total Transfers Granted." This respondent also failed to consider the relevant figures from the FCC Annual Reports relating to "Transfer Applications Received." In our view, the number of "Transfer Applications Received" is more indicative of the continued increase in the activity relating to the sale of broadcast properties, because the figures with respect to "Applications Granted" do not include those which are rescinded by voluntary agreement of the parties, or those which are set for hearing or which are denied by the Commission.

24. As stated in Paragraph 4, supra, the statistics set forth in Appendix A establish (a) the accelerated trend in the sale of broadcast properties; (b) the high percentage (over 50 percent) of applications filed for substantial changes in ownership involving short-term ownership; and (c) the appreciable number of such applications relating to short-term ownership which, in turn, involve numerous communities throughout this country.

II—Comments Regarding the Undesirability of the Proposal, as a Matter of Policy

25. The major arguments advanced by respondents concerning the undesirability of the Commission's proposal as a matter of policy are, in most part, geared to the private rights of broadcasters, to business exigencies, etc. As shown by the discussion in Paragraph 18, supra, the Commission recognizes these private rights and business exigencies, and accords them full consideration in making its overall public interest determinations. However, where a general problem exists which affects licensee responsibilites, then the Commission must subordinate these private concerns to more paramount public interest factors.

26. We have given careful consideration to respondents' contentions that the proposed new procedures will, in effect, constitute a deviation from our free enterprise system of broadcasting, and will discourage the investment of private venture capital in the broadcasting industry. These contentions ignore the fact that the broadcast industry is one affected with a public interest, and that this Commission, within the limits of the Communications Act, is charged with the basic responsibility of considering relevant aspects of the public interest in effectuating its licensing procedures and policies. In the face of the accelerated trend in the sale of broadcast properties and of the appreciable number of transfer applications involving short-term ownership of stations, we would be remiss in our responsibilities in administering the Communications Act, if we did not effectuate the new procedure here adopted.

27. The Commission agrees that trafficking, standing alone, is to a considerable extent a subjective problem, and that the Commission, of course, has adequate authority to deal with it on a case-to-case basis. But these considerations do not undermine the desirability of the general procedural policy we have adopted with respect to the particular problem of possible trafficking within the initial three-year period. Moreover, the Commission is concerned not solely with trafficking, but also with the effects upon licensee responsibilities of the accelerated trend in the sales of broadcast properties and of short-term ownership of stations (paragraph 4, supra). Our remedial rule is directed to both these policy considerations. As urged by the respondents the "time factor" of three-years, standing alone, cannot eradicate the trafficking problem. Accordingly, paragraph (d) has been added to the rule to make it clear that the Commission will continue to examine carefully the trafficking problem in connection with transfer and assignment applications involving stations held more than three years.

III—Comments With Regard to Suggested Alternative Procedures

28. Although all respondents agree that trafficking is incompatible with licensee responsibilities and contrary to the public interest, they nevertheless disagree profoundly on what should be done about this. Their views range from suggesting that we merely issue a statement of policy indicating that we will examine more carefully into the trafficking problem, to proposals for a full scale investigation into the entire subject of trafficking. The respondents marshalled a series of arguments, all geared to the private rights of broadcasters and business exigencies, to explain their preferences for some course of action which would include no immediate remedial procedures to test the compliance of licensees with their duties and responsibilities. The Commission rejects these alternative suggested procedures which, in essence, are innocuous and do not meet (a) the real issue of the general problems of the accelerated trend in the sale of broadcast properties, of short-term ownership of stations, and of trafficking, affecting licensee responsibilities, and (b) the need for immediate and effective remedial procedures.

IV—Comments Concerning Requested Modifications of the Proposed Rule

29. The respondents request a number of modifications of the rule, primarily in light of hardships and inequities which they allege would result from the particular language of the rule as proposed. The more important of these requests are discussed below.

30. With respect to the built-in exception to the rule relating to "changed circumstances" (paragraph (a)(3)), respondents claim that the scope of this exception should not be limited to extraordinary circumstances, but should include factors relating to "human equations." We have previously stated that: "There is, of course, no easy formula by which every situation can be classified as to whether it does or does not constitute 'hardship' or 'changed circumstances.' Every case must, of necessity, be decided on its own merits based upon a detailed factual showing by the applicant of all relevant and material facts."

31. With these general views in mind, we turn now to the additional exceptions of the rule sought by respondents. Contrary to their assertions, we believe that the following situations are lacking in merit as constituting changed circumstances sufficient to obviate the need for a hearing:

(a) Basic unhappiness in living conditions in a community or complete dissatisfaction with the broadcast business.

(b) Plans to expand and enter new larger markets.

(c) A cursory statement, without supporting facts, viz. "business reasons which could not be foreseen or predicted."

32. In the absence of an unusual showing, Exception (a) relates to situations which, generally speaking, can be avoided by a reasonable person, exercising reasonable prudence, prior to entering the broadcast business, or prior to moving to a new community. It would seem that the reasonably prudent person would become acquainted sufficiently with the broadcast business by some type of indoctrination, either as an employee or observer of other station operations, prior to becoming an owner of a station. Similarly, it would appear that the reasonably prudent person would become acquainted with a community in which he is thinking of buying a station by residing there temporarily prior to purchasing the station.

33. Exception (b), on its face, does not constitute a "changed circumstance" beyond the control of the licensee. For this same reason, we have concluded that the proposed exception for "death or disability of key management personnel" should be deleted. Such personnel, though important, are not indispensable or irreplaceable. Exception (c) is too vague, with too many variations and connotations. Obviously, this type of exception will have to be handled on a case-to-case basis in the interpretation of "other changed circumstances affecting the licensee or permittee occurring subsequent to the acquisition of the license or permit," provided for in paragraph (a)(3).

34. As urged, in substance, by the respondents, the Commission agrees that the following situations constitute "changed circumstances":

(a) Where a station is required to be sold because of a separation or divorce settlement, provided such settlement has been ratified or ordered by a Court decree.

(b) Where a licensee is transferring the station to members of his immediate family, as a gift, provided such transfer is not inconsistent with the Commission's multiple ownership rules.

35. With respect to the requested Exception (b) relating to gifts to immediate members of a family, this exception would not be applicable to a situation where a licensee desires to sell a station in less than 3-years to a third party for purposes of deriving funds to establish pre-testamentary gifts or trusts.

36. With respect to the exception "inadequacy of operating capital" included within paragraph (a)(3) of the proposed rule, respondents have pointed to the difficulties of administering such a standard. Of equal significance in the Commission's view is the fact that such a broad standard could be interpreted by a licensee to include his unwillingness, as a matter of business judgment, to risk more capital available from other sources. For these reasons, the Commission has deleted "inadequacy of operating capital" from paragraph (a)(3) of the new rule, and has substituted therefor the standard of "unavailability of capital", which obviously excludes the situation where a licensee has other substantial resources.

37. In accordance with the objection of respondents to the applicability of the three-year period to major changes in facilities as proposed in paragraph (b)(1), the Commission has amended this paragraph to provide that where initial operating authority is issued to cover the construction permit for a major change in facility, the commencement date of the three year period shall then revert back to the date the licensee received its original operating authority. By making this modification, the Commission believes that it has met the major objections of the respondents, but at the same time the modification would require construction of the "major change" prior to sale by the licensee, unless the licensee could meet the built-in exception of changed circumstances.

38. Certain respondents further claim that FM and UHF stations should be exempted from the requirements of the proposal. There is clearly no basis for the exemption of whole classes of stations from the paramount public interest considerations compelling the adoption of this rule. Similarly, there is no basis for the type of exemption sought by respondents in connection with paragraph (b)(4) relating to multiple owners. Paragraph (b)(4) applies only where a multiple owner desires to sell all his stations as a package, and under these circumstances, fair administration of the new rules requires that the date of acquisition of the last station shall be applicable to all such holdings.

39. Respondents have also requested that a termination date be specified in the rule for the purpose of calculating the length of time the station has been operated by the transferor. Accordingly, the Commission has, by new paragraph (c), added a provision which provides that in determining whether a broadcast interest has been held for three years, the Commission will calculate the period between the date of acquisition as specified in paragraph (b)(1) and the date the application for transfer or assignment is tendered for filing with the Commission.

V—Summary of Major Changes Included in the Finalized Rule

40. In summary, editorial revisions have been made in the title of the rule. In addition to editorial modifications, there has been stricken from paragraph (a)(3) the following language: "Inadequacy of operating capital" and "or of key management personnel." In substitution for "inadequacy of operating capital," there has been inserted "unavailability of capital." Aside from editorial changes, paragraph (b)(1) has been amended by providing that where initial operating authority is issued to cover the construction permit for a major change in facility, the commencement date of the three year period shall then revert back to the date the licensee received its original operating authority. A new paragraph (c) has been added to provide for a termination date in calculating the three year period. A new paragraph (d) has been added with respect to the procedures relating to applications for Commission consent to transfers or assignments of a station held for more than three years. By paragraph (d) the Commission has made clear that, with respect to applications filed after the three-year period, it will continue to examine carefully into the problem of "trafficking", as more fully described above. All changes conform to the basic purposes of this proposal.

Order amending the Commission's rules and regulations. 41. Pursuant to the provisions of section 4(c) of the Administrative Procedure Act, amendments to the Commission's rules relating to non-substantive matters, may be made effective within less than thirty (30) days from the time the amendments are published in the Federal Register. This new rule shall therefore become effective on March 23, 1962, and shall be applicable to all applications filed thereafter. In this connection, the Commission desires to point out that although this new rule shall become effective within less than thirty (30) days, Notice of the Commission's instructions to the staff to prepare this Report and Order was made public on January 4, 1962, and the public therefore has had

knowledge of the general nature of the new rule for more than sixty (60) days.

42. In view of the foregoing: *It is ordered*, That Part 1 of the Commission's rules and regulations is amended to include new § 1.365 as set forth below.

It is further ordered, That said § 1.365 shall be effective and shall be applicable to all applications filed on or after March 23, 1962.

Authority for the adoption of the above amendment is contained in sections 4(i), 4(j), 303(r), 308(b), 309, and 310(b) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 308, 308, 309, 310, 48 Stat. 1082, 1085, 1086; 47 U.S.C. 308, 308, 309, 310)

Adopted: March 15, 1962.

Released: March 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 1.365 Procedures on transfer and assignment applications.

(a) If, upon the examination, pursuant to sections 309(a) and 310(b) of the Communications Act of 1934, as amended, of an application for Commission consent to an assignment of a broadcast construction permit or license or for a transfer of control of a corporate permittee or licensee, it appears that the station involved has been operated by the proposed assignor or transferor for less than three successive years, the application will be designated for hearing on appropriate issues pursuant to section 309(b) of the Communications Act of 1934, as amended, unless the Commission is able to find that:

(1) The application involves a translator station only, a FM station operated for at least three years together with a Subsidiary Communications Authorization held for a lesser period; or

(2) The application involves a pro forma assignment or transfer of control; or

(3) The assignor or transferor has made an affirmative factual showing, supported by affidavits of a person or persons with personal knowledge thereof, which establishes that due to unavailability of capital, to death or disability of station principals or to other changed circumstances affecting the licensee or permittee occurring subsequent to the acquisition of the license or permit, Commission consent to the proposed assignment or transfer of control will serve the public interest, convenience and necessity.

(b) The commencement date of the three-year period set forth in paragraph (a) of this section shall be determined as follows:

(1) Where the authorizations involved in the application consist of a license and a construction permit authorizing a major change in the facilities of the licensed station (as defined in §§ 1.354, 1.355, and 1.356), the three-year period shall commence with the date of the Commission's grant of the construction permit for the modification. However, when operating authority has been issued to cover the construction permit for a major change in facility, the commencement date for calculating the length of time the station has been operated for purposes of this section shall then revert back to the date the licensee received its original operating authority. A grant of authority for minor modifications in authorized facilities shall have no effect upon the calculation of this time period.

(2) Where the authorization involved in the application consists of a permit authorizing the construction of a new facility, or a license covering such permit, the three-year period shall commence with the date of issuance of initial operating authority.

(3) Where the operating station involved in the application was obtained by means of an assignment or transfer of control (other than pro forma), the three-year period shall commence with the date of grant by the Commission of the application for said assignment or transfer of control. If the station was put in operation after such assignment or transfer, subparagraphs (1) and (2) of this paragraph shall apply.

(4) Where an application is filed for Commission consent to a transfer of control of a corporation holding multiple licenses and/or construction permits, the commencement date applicable to the last-acquired station shall apply to all the stations involved in the transfer, except where the application involves a FM station operated for less than three years and an AM station operated for more than three years, both serving substantially the same area. Said exception shall apply to the same circumstances where assignment applications are involved.

(c) In determining whether a broadcast interest has been held for three years, the Commission will calculate the period between the date of acquisition as specified above and the date the application for transfer or assignment is tendered for filing with the Commission.

(d) With respect to applications filed after the three-year period, the Chief of the Broadcast Bureau is directed (1) to examine carefully such applications, on a case-to-case basis, to determine whether any characteristics of trafficking remain; and (2) if so, to seek additional information by letter inquiries to the applicants, such as that which will be required to be developed and tested in the hearing process with respect to stations held less than three years.

[1] Statements of Commissioners Hyde, Bartley, and Cross filed as part of the original documents. Commissioner Craven dissenting.

APPENDIX A

STATISTICAL DATA REFLECTING ACCELERATED TREND IN SALES OF BROADCAST STATIONS

TABLE I—*Transfer applications received and granted based upon FCC annual reports*

Fiscal year ending June 30	AM granted	AM received	FM granted	FM received	TV granted	TV received	Totals Granted	Totals Received
1960	712	821	124	159	102	122	938	1,102
1959	806	917	103	112	99	101	1,008	1,130
1958	644	741	99	113	98	105	841	959
1957	636	681	78	74	120	132	834	887
1956	525	590	77	81	100	109	702	780
1955	[1] 506	562	60	67	122	124	[1] 697	753

[1] A respondent claimed erroneously these figures to be 982 and 1,173, respectively.

TABLE II—*Percentage of transfer applications received and granted as compared with authorized stations (including CP's Not On Air), based upon FCC annual reports*

Fiscal year ending June 30	AM	FM	TV	Total	Total transfers Granted	Total transfers Received	Percent Granted	Percent Received
1960	3,581	912	653	5,146	938	1,102	18.2	21.4
1959	3,500	769	667	4,936	1,008	1,130	20.4	22.9
1958	3,353	634	665	4,652	841	959	18.1	20.6
1957	3,238	560	651	4,449	834	887	18.7	19.9
1956	3,020	546	609	4,175	702	780	16.8	18.7
1955	2,840	552	582	3,974	[1] 697	753	[1] 17.5	18.9

[1] A respondent claimed erroneously these figures to be 1,173 and 29.5 percent.

STATISTICAL DATA REFLECTING APPRECIABLE NUMBER AND HIGH PERCENTAGE OF APPLICATIONS INVOLVING SHORT-TERM OWNERSHIP

	1960	1961
Number of applications acted upon by the Commission seeking substantial changes in ownership	416	376
Number of applications relating to stations held more than 3 years	205	207
Number of applications relating to stations held less than 3 years	211	169
Percent of applications involving stations held less than 3 years	53	45
Number of separate and different communities involved in applications relating to short-term ownership (stations held less than 3 years)	205	150

[F.R. Doc. 62-2764; Filed, Mar. 21, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Reapportionment of Committee Membership

Notice is hereby given that the Secretary of Agriculture is considering the approval of the following reapportionment of committee membership which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946; formerly Order No. 92, 7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed reapportionment pursuant to § 946.31(b) of this part would remove the handler member and his alternate from District No. 2 and add one handler member and alternate to District No. 1 representation.

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposal is as follows:

Delete § 946.104 *Reapportionment of committee membership* (formerly § 992.-104, 7 CFR Part 992) and substitute in lieu thereof a new § 946.104 to read as follows:

§ 946.104 Apportionment of committee membership.

(a) On and after April 10, 1962, the membership of the State of Washington Potato Committee shall be apportioned among the 5 districts of the production area so as to provide the following representation: Four producer members and two handler members with their respective alternates from District No. 1; one producer member with his alternate from District No. 2; two producer members and one handler member with their respective alternates from District No. 3; two producer members and one handler member with their respective alternates from District No. 4; and one producer member and one handler member and their respective alternates from District No. 5. The producer member and his alternate from District No. 5 shall each be a certified seed producer.

(b) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 19, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-2777; Filed, Mar. 21, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1195] [1]

[Docket No. AO 239-A1]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to a proposed amendment of Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983; 17 F.R. 4971, 5052, 5058; as suspended at 20 F.R. 585; 21 F.R. 648) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in a designated production area in Florida and Georgia, hereinafter referred to collectively as the "order", to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the marketing agreement and order are formulated, was initiated by the Agricultural Stabilization and Conservation Service as a result of proposals submitted by growers and handlers of Type 62 tobacco covered by the currently suspended marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held at the Gadsden County Courthouse in Quincy, Florida, beginning on January 22, 1962, was published in the FEDERAL REGISTER (26 F.R. 12528; 27 F.R. 121) on December 27, 1961, and January 5, 1962, respectively. The notice set forth the text of the order as proposed to be amended.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(a) Change the definition of the term "prime", and eliminate the definition of the term "top";

(b) Change the composition of the membership of the Control Committee by (1) decreasing from 5 to 3 the number of members who shall be growers who are not handlers, (2) increasing from 4 to 7 the number of members who shall be growers and who are also handlers, and (3) decreasing from 2 to 1 the number of handlers who are not growers;

(c) Provide flexibility as to the time nominations of eligible members for consideration by the Secretary in selecting members who are to serve on the Control Committee during the fiscal period ending January 31, 1963 (in the event the proposed order is approved and becomes effective prior to that date), are to be submitted to the Secretary;

(d) Provide flexibility as to the time the Control Committee is required to consider, prepare, and submit to the Secretary a proposed marketing policy, including a report thereon, and require that the Committee concurrently submit to the Secretary proposed regulations, if any, with respect thereto, for the handling of Type 62 tobacco during the fiscal period;

(e) Require the Control Committee to give growers and handlers reasonable notice of the contents of each report on a marketing policy submitted by the Control Committee to the Secretary;

(f) Authorize the Control Committee to recommend to the Secretary regulations regarding the quantity of tobacco leaves that may be handled, such quantity to be in terms of the number of tobacco leaves per tobacco plant, and to provide that with respect to any recommendation by the Control Committee which relates to a modification in a regulation regarding the maximum number of leaves that may be handled, the Control Committee shall specify the number of leaves per plant which should be fixed by the Secretary;

(g) Fix, as the initial regulation, the number of tobacco leaves, in terms of the number of leaves per tobacco plant, that may be handled and authorize the Secretary to modify such number of tobacco leaves by separate regulations increasing

[1] Originally 7 CFR Part 983.

or decreasing, as the circumstances may warrant, the number of such leaves of tobacco plants that may be handled, and provide that the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled pursuant to the initial regulation shall be the number of leaves equal to the product of 18 multiplied by the total number of plants grown in the production area in such year;

(h) Consolidate the provisions of § 983.54(a) and § 983.61 of the order into a single section of the proposed order;

(i) Change paragraph (b) of § 983.55 of the order to paragraph (c) of such section, and to insert a new paragraph (b) regarding the procedure for the issuance of handling certificates;

(j) Provide a minimum period of time during which each handler and each subsidiary and affiliate thereof shall keep (retain) books and records required by § 983.60 of the order; and

(k) Provide for making other changes in the order as may be necessary to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows (numbers in parentheses are those used in the order as proposed to be amended, herein referred to as the "proposed order", which differ from those in the order):

(a) The term "prime" as defined in the order means to "pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time". The definition, taken literally, is possible of being interpreted to mean that tobacco leaves are required to be picked in exact order of appearance on the stalk, beginning at the bottom of the plant, in order for the term "prime" to be applicable. The record brings out that such an interpretation is not requisite to the regulatory program as proposed to be amended. The term "prime" should be defined as hereinafter set forth to mean "to pick tobacco leaves from tobacco stalks". As so defined, the term "prime" will serve the amended program realistically since the picking of tobacco leaves in exact sequence of appearance on the stalk is not always practiced. Under the provisions of the order (currently suspended), the 7 top leaves of a tobacco plant that has not been topped, and the 4 top leaves of a tobacco plant that has been topped, are not eligible for handling. While such provisions tended to effectuate the declared policy of the act during the years the program was operative until suspension, new strains of tobacco were developed which produced more leaves per stalk than the strains that were grown at the time the program became effective. During the period that the current program was not in suspension, it was of utmost importance that none of the top leaves as above discussed be handled. The definition of the term "prime" was thus designed to fit the then customary practice of picking the leaves as they ripened. Under the program as proposed to be amended, the record clearly shows that some leaves may not be picked but that a later-ripened leaf farther up the stalk may be picked, due to the natural desire of a grower to pick for handling the best leaves from any given plant within the permitted maximum number of eligible leaves.

Under the proposed order the term "top" will be irrelevant because, as the record shows, the program as proposed to be amended conditions nothing upon whether a plant is topped or is not topped, and such definition, therefore, should not be carried over into the proposed order.

(b) The composition of the Control Committee is recommended to be changed as set forth in the proposed order. The record makes clear that grower representation will be greater under the proposed order in that (1) the number of handler members who are not growers is reduced from 2 to 1, and (2) while the number of grower members who are not handlers is reduced from 5 to 3 with an increase from 4 to 7 in the number of members who are growers and are also handlers, the total number of members who are growers in some capacity is 10 rather than 9 as under the order. According to the record, this change in composition, along with the elimination of specific geographical distribution of membership requirements of the committee members, is necessary to accommodate the relative increase, since the order became effective, in the number of growers who are also handlers and to assure the availability of potential members for each membership category who would be eligible to serve on the committee. A considerable shift has occurred during the past ten years in which the number of growers who were not handlers have become growers who are also handlers. This shift, brought on partly by the formation of additional cooperatives, necessitates a decrease in the number of members of the committee who are growers only with a corresponding increase in the number of members who are growers and are also handlers, in order to assure equitable representation and availability of potential membership for the grower category and also for the category of growers who are also handlers. There is only one handler who is not a grower; hence the necessity of reducing the number of members in the handler category from 2 to 1. The geographical requirement in the order regarding membership eligibility, if carried over into the proposed order, would render ineligible some highly capable otherwise potential members and make it necessary to select members who in some instances would prefer that others serve on the committee rather than they.

(c) It was recommended in testimony at the hearing that paragraph (a) and paragraph (b)(3) of § 983.23 (§ 1195.23) *Nominations* be changed to read as in the proposed order. In the event the proposed order should become effective prior to January 31, 1963, the first fiscal period thereof will end on that date. It is not practical to provide any period of time within which nominees are to be submitted to the Secretary for selection to serve on the committee during such "initial" fiscal period for the reason that there is no way of determining now whether or when the proposed order may become effective. Should the proposed order be approved and become effective, it is to be assumed that nominations for committee membership will be made as promptly as possible thereafter so as to enable the Secretary to select the members of the "initial" committee. The successor members will, of course, be nominated and selected as provided in the order, the relevant provisions of which are carried over into the proposed order. The change in paragraph (b)(3) is simply to conform the wording therein to the recommended change in the number of handler members on the committee who are not growers. Accordingly, the provisions of the proposed order should reflect the foregoing.

(d) The record shows that the Control Committee should not be required to consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon, at the "beginning" of each fiscal period, as prescribed by § 983.50(a) of the order. In the event the order is amended as a result of this proceeding, a rigid time specification for the consideration, preparation and submission of a marketing policy for the fiscal period in which the proposed order became effective would be particularly burdensome. Hence, it is recommended that the phraseology of the section, in the proposed order, dealing with the marketing policy permit the performance of such duties as soon as practical after a fiscal period begins, thereby affording the committee adequate time for thorough deliberations.

The record further supports the expansion of this section to provide that the marketing policy and report thereon submitted by the Control Committee to the Secretary shall be accompanied by such regulations, if any, as may be recommended by the committee to be applicable to the handling of tobacco during the period covered by the marketing policy. Thus, growers and handlers will be informed as early as practicable in a fiscal period of possible regulations that may be in effect and thereby enable them to adjust their operations accordingly. The proposed order should so provide. The committee will thereby be afforded adequate time in which to carefully consider matters and information relevant to the preparation of a marketing policy and report thereon including the supply and demand for tobacco, tobacco prices at the grower level and handler level, trend and level of consumer income, and other relevant factors as set forth in the proposed order, and also to carefully develop proposed regulations for the handling of tobacco in line with the marketing policy.

(e) The provisions of paragraph (d) of § 983.50 of the order, relative to the notice required to be given by the Control Committee to growers and handlers with respect to the marketing policy report, should be the same as those of paragraph (d) of § 983.52 of the order regarding the notice required to be given by the committee to growers and handlers of each regulation, modification, suspension and termination. The record reflects that under the provisions of § 983.52(d) of the order which require that the committee "give reasonable notice—to growers and handlers", all such persons have consistently been apprised of the Secretary's actions pursuant to § 983.52 of the order. Similarly, growers and handlers, under the order, have been kept informed of the committee's marketing policy reports. It is recognized that full and adequate notice to growers and handlers with respect to the marketing policy report of the committee is of great importance. However, no useful purpose would be served for a continued requirement, in the proposed order, that all growers and handlers be notified of the committee's marketing policy report when the giving of reasonable notice by the committee has been very effective for notice purposes. Full and adequate notice thus being assured, no question should arise as to whether any difference in the method of giving notice is intended as between notification of the Secretary's regulations and of the committee's marketing policy reports. The notice requirements should be as hereinafter set forth.

(f) As the record shows, a change in paragraph (a) of § 983.51 of the order was recommended to provide that any recommendation by the committee to the Secretary regarding the quantity of tobacco leaves that may be handled shall be in terms of the number of leaves per tobacco plant, and that any such recommendation shall specify the number of leaves per tobacco plant which should be fixed by the Secretary. Evidence adduced at the hearing shows that limiting the handling of tobacco leaves to a fixed maximum of 18 leaves per tobacco plant would tend to effectuate the declared policy of the act. The amount of tobacco handled would be limited to the amount the market would take and the better quality leaves would be handled. The committee should also furnish the Secretary its recommendation of any modification it feels should be made in the number of leaves per tobacco plant that may be handled, in order that the Secretary may have the benefit of the committee's knowledge set forth in tangible form for his use in determining whether and the extent to which a change in the regulations limiting the handling of tobacco is justified. The provision contained in § 983.51(a) of the order providing that the committee's recommendations to the Secretary may be based on the location of leaves on the tobacco plant, with consideration to whether the tobacco plant was topped or was not topped, is not consonant with the provisions of the proposed order and should be eliminated. The proposed order implements these recommended changes.

(g) As supported by the record, paragraph (a) of § 983.52 (§ 1195.52) of the proposed order includes a provision that each regulation issued by the Secretary, upon his finding from the committee's recommendation or other information, that to limit the quantity of tobacco leaves (in terms of the number of leaves per tobacco plant) that may be handled would tend to effectuate the declared policy of the act, shall specify the maximum number of tobacco leaves that may be handled. Also, the section provides that any modification with respect to the maximum number of tobacco leaves may be accomplished by issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number of leaves that may be handled. These provisions are necessary because they not only provide a fixed amount of tobacco leaves the handling of which will tend to effectuate the declared policy of the act, but also provide flexibility making it possible, through issuance of a separate regulation, to adjust the number of leaves that may be handled, up or down, as the circumstances warrant. It is possible that the present supply and demand situation for tobacco will change to an extent requiring a corresponding change in the number of tobacco leaves that may be handled, and it is essential that the Secretary be provided authority to make such a change as provided in the proposed order. The proposed order provides that the Secretary shall notify the committee of each such regulation or modification thereof, and the committee will be in position, therefore, to give notice thereof to growers and handlers as required by the proposed order. A provision contained in paragraph (a) of § 983.52 of the order, whereunder the location of leaves on the tobacco stalk could be taken into account by the Secretary in specifying the number of leaves that may be handled, should not be carried over into the proposed order to conform with the provisions of the proposed order under which the location of leaves on the tobacco plant is not pertinent.

Paragraph (c) of § 983.52 of the order should not be carried over into the proposed order. The provisions of paragraph (c) of the order are not necessary because they are not relevant or consistent with the provisions of the proposed order. Paragraph (c) prohibited the Secretary from issuing any regulation that would limit or prohibit the handling of more than (1) the seven top leaves of a plant that was not topped or (2) the four top stalk leaves of a tobacco plant that was topped. While such provision was applicable under the order, the proposed order does not contain any provision limiting the handling of leaves on the basis of where the leaves appear on the stalk or whether the tobacco stalk (plant) was topped.

The record shows that the better quality leaves on a tobacco plant normally are among the first 18 leaves primed. A survey report, submitted on behalf of the proponents of the proposed amendment of the order at the hearing and reflected on the record, shows that, on the basis of 16,083,882 pounds of tobacco handled from the 1959, 1960 and 1961 crops, 58.2 percent of the tobacco leaves primed and contained in the bottom 18 leaves consisted of the better quality tobacco. The balance of 41.8 percent of the tobacco leaves contained in the bottom 18 leaves consisted to a large extent of lower grade tobacco. In the tobacco consisting of the 19th leaf and leaves above the 19th leaf on the tobacco plant, only four-tenths of 1 percent consisted of the better quality tobacco. Tobacco of this lower grade represents tobacco only a nominal portion of which has a ready market with the result that the remainder overhangs the market and depresses the price of the better grades. The 16,083,882 pounds of tobacco were handled by 14 of the 22 handlers of Type 62 tobacco in the Florida-Georgia production area who handled tobacco for approximately 66 percent of the growers in such area. It is manifest from the record that, by limiting the handling of Type 62 tobacco as hereinafter provided in the proposed order, the desired quality of tobacco would be made available for handling (including a nominal amount of the lower grade tobacco for which there is a market), and that the amount of tobacco would be equitably apportioned among the producers and be in line with the amount of tobacco the market will take without depressing the price receivable by producers for the tobacco. By the uniform application of the maximum number of leaves per plant permitted to be handled, as provided in the proposed order, there would result an equitable apportionment among producers of the total quantity of tobacco permitted to be handled; and the record shows such to be the general belief. Thus, the proposed order would afford each grower the opportunity to make available for handling the same maximum number of the best leaves from his tobacco plants, within the tolerance provided.

Section 983.53 (§ 1195.53) *Initial regulation* of the proposed order fixes the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled at the number of leaves equal to 18 multiplied by the total number of plants grown in the production area in such year. Thus, such initial regulation has the effect of fixing a total quantity of tobacco leaves grown in the production area that may be handled, and such total quantity is consistent with the sum of the individual number of leaves per tobacco plant that may be certified by the committee as eligible for handling. It is consistent with the information contained in the aforementioned survey report.

(h) As supported by the record paragraph (a) of § 983.54 of the order should be eliminated since the effect of its provisions are repeated in § 983.61 of the order. Section 983.54(a) provides, in slightly different phraseology from that in § 983.61, that no handler shall handle tobacco except in accordance with the regulations. This is what § 983.61 also provides. The compliance provisions should appear in one place in the proposed order as hereinafter set forth so as to avoid confusion and possible misinterpretation.

(i) It is necessary that the committee know that tobacco leaves are eligible for handling before it can issue a handling certificate therefor. The expansion of § 983.55 (§ 1195.55) as provided in the proposed order, affords a definite basis on which the committee can determine whether tobacco leaves are eligible for handling.

There should be carried over into the proposed order a provision that any handler may handle tobacco leaves from the first three primings without a handling certificate because (1) there will be no instances where the first three primings will contain more than the maximum number of tobacco leaves permitted under the initial regulations in the proposed order to be handled and (2) there are not currently available enough barns to house simultaneously all primings of a tobacco crop. By the time all the tobacco leaves that are to be primed from a tobacco plant have been primed, the first one or two primings, and sometimes the third priming, are ready to be handled. It would be uneconomical for growers to build additional barns and delay the handling of the first three primings when the total number of leaves contained in the first three primings does not exceed the maximum number of leaves per plant initially permitted under the proposed order to be handled.

Before tobacco leaves from the fourth and subsequent primings can be handled, the handler should be required to obtain a handling certificate which has been issued by the Control Committee to the producer which covers the tobacco and which evidences that the tobacco covered thereby is eligible for handling.

Before the Control Committee can be in position to issue a handling certificate to a producer for particular tobacco leaves, it will be necessary to have the tobacco leaves and the tobacco field in which grown inspected in order to determine that the tobacco primed (fourth and subsequent primings) therefrom and to be handled is eligible for handling. While the initial regulation in the proposed order fixes the maximum number of tobacco leaves (in terms of the number of leaves per tobacco plant) eligible for handling, the practical aspects of priming tobacco are such that a tolerance is advisable whereunder as many as 2 leaves in addition to such maximum number of leaves may be primed from an individual plant without rendering tobacco leaves from such field ineligible for handling, provided, that the average number of leaves primed per plant in the field does not exceed the maximum number of leaves per tobacco plant that may be handled. The absence of such a tolerance would render it a very impractical operation because the labor used in picking tobacco leaves from tobacco stalks cannot be relied upon to exercise the care that would be necessary to limit the number of leaves primed from each and every plant to the maximum number of leaves permitted to be handled. Such tolerance of 2 leaves per plant is reasonable and should result in no abuse of the program. As hereinbefore stated, primings beginning with the 19th leaf contain some good grade tobacco, and it is consistent with the information in the survey report reflected on the record to conclude that the two additional leaves as a rule will be of fairly good quality.

To give effect to the proposal, the provision discussed in the following paragraph should be inserted as paragraph (b) of § 983.55 (§ 1195.55), and the present paragraph (b) of § 983.55 correspondingly designated as paragraph (c) of § 983.55 (§ 1195.55).

Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee should be required to have the tobacco inspected as well as the field in which grown and have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee should issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two additional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(j) As supported by the record, § 983.60 of the order should be amended in the proposed order to require that each handler and each subsidiary and affiliate thereof shall keep (retain), for a period of five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary. This provision exists in the order except for the time above specified as the required period records are to be retained. Retaining the books and records for five years would cause no hardship to the persons required to retain them, particularly in view of the fact that the records are customarily retained even longer than five years by handlers. Even though such books and records are customarily retained by handlers for more than five years, such period of time (five years) is considered reasonable and adequate from the standpoint of need to examine them on the part of the Control Committee or of the Secretary, and no purpose would be served by specifying a longer period. Any question that may arise with respect to the handling of tobacco by any handler should be cleared up and any necessary action with respect thereto would have been taken before the expiration of such 5-year period. Some reasonable time limit such records are to be retained is desirable, however, and the proposed order so provides.

(k) The record contains the recommendation that conforming changes in the marketing agreement and order should be made, as necessary, to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing. Such conforming changes are reflected in the proposed order.

Reactivation. The record shows that it is the desire and intent of growers and handlers in the production area: (1) That the regulatory program governing the handling of Type 62 shade-grown cigar-leaf tobacco be amended as hereinafter set forth; and, should the Secretary issue an amended marketing order program, the issuance of which is approved by the requisite number of growers, (2) that the suspension of the current order be terminated, thus reactivating the program in its amended form. As hereinabove discussed, the production and marketing of Type 62 tobacco have changed during the past several years so that operations under the regulatory program in its present form would not now tend to effectuate the declared policy of the act. Moreover, operations under the order as herein proposed to be amended would be adapted to, and recognize, current production and marketing conditions and would tend to effectuate the declared policy of the act.

The proposed amended marketing agreement and order, as hereinafter set forth, embody both the provisions of the current order which are not being changed as a result of this promulgation proceeding and the new or modified provisions recommended herein. All of these provisions are necessary for operations under the proposed order and would constitute a suitable and workable program for Type 62 tobacco as would tend to effectuate the declared policy of the act.

General findings. (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable

to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. February 6, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

Recommended amendment of marketing agreement and order. The following amended marketing agreement and order are recommended as the appropriate means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1195.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 1195.2 Act.

"Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1195.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1195.4 Tobacco.

"Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title), that is grown in the production area and harvested after the effective date of this part.

§ 1195.5 Production area.

"Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 1195.6 Grower; producer.

"Grower" or "producer" means any person who is engaged in a proprietary capacity, in the commercial production of tobacco.

§ 1195.7 Handler; packer.

"Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state),

§ 1195.8 Handle; pack.

"Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 1195.9 Prime.

"Prime" means to pick tobacco leaves from tobacco stalks.

§ 1195.10 Field.

"Field" means a field of tobacco within the confines of a single shade covering.

§ 1195.11 Fiscal period.

"Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided*, That the first fiscal period shall begin on the effective date of this part.

§ 1195.12 Control Committee; Committee.

"Control Committee" or "Committee" means the Control Committee established pursuant to § 1195.20.

CONTROL COMMITTEE

§ 1195.20 Establishment and membership.

(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member, and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Three members shall be growers who are not handlers. Any such member may be an officer, employee or agent of a grower.

(2) *Growers who are also handlers.* Seven members shall be growers who are also handlers. Any such member may be an officer, employee or agent of a grower.

(3) *Handlers who are not growers.* One member shall be a handler who is not a grower. Such member may be an officer, employee or agent of the handler.

§ 1195.21 Term of office.

(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 1195.22 Selection of members.

The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 1195.20 and 1195.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 1195.23 Nominations.

(a) *Certain members.* For the consideration of the Secretary in making the selection of the members of the Committee who are to serve during the fiscal period ending on January 31, 1963, nominations for eligible members may be submitted by growers and handlers. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler member who is not a grower may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers. Such nominations shall be submitted to the Secretary as soon as practical after the beginning of such fiscal period.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select the handler member who is not a grower.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate

therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 1195.24 Failure to nominate.

If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 1195.23(b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 1195.20.

§ 1195.25 Qualification.

Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such section.

§ 1195.26 Alternate members.

An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 1195.27 Substitutes for members.

In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 1195.28 Vacancies.

To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 1195.29 Compensation.

Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 1195.30 Powers.

The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1195.31 Duties.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 1195.32 Procedure.

(a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further*, That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 1195.40 Use of funds collected.

All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 1195.41 Budget and expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 1195.42 Assessments.

(a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 1195.43 Rate of assessment.

(a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 1195.44 Refunds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 1195.45 Accountability of Committee members for funds and property.

The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 1195.46 Legal action for collection of assessments.

The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 1195.50 Marketing policy and report.

(a) At or as soon as practical after the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon and proposed regulation, if any, with respect thereto, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall give reasonable notice thereof to growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 1195.51 Recommendation for regulation.

(a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity in terms of the number of leaves per tobacco plant, and the grade or quality of tobacco leaves, or either thereof deemed by it advisable to be handled. In making such recommendation, the Committee shall give consideration to the factors referred to in § 1195.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

§ 1195.52 Issuance of regulation.

(a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the maximum number (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act. Any such modification with respect to the maximum number of tobacco leaves that may be handled may be accomplished by the issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number "18" appearing in § 1195.53.

(c) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 1195.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1195.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

§ 1195.54 Limitations on handling.

No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 1195.55 Issuance of handling certificates.

(a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee shall have the tobacco inspected as well as the field in which grown and shall have on record a report of that inspection. In determining the

number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee shall issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two additional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(c) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 1195.56 Identification of tobacco handled.

The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 1195.57 Exemption certificates.

(a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 1195.60 Books and records.

(a) Each handler and each subsidiary and affiliate thereof shall keep, and retain for five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 1195.61 Compliance.

Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 1195.62 Right of the Secretary.

The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1195.63 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 1195.64 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 1195.65 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1195.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1195.67 Personal liability.

No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 1195.68 Separability.

If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 1195.69 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 1195.70 Termination.

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1195.71 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 1195.72 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

§ 1195.73 Counterparts.

This agreement may be executed in multiple counterparts; and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1195.74 Additional parties.

After the effective date of this agreement, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary; and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1195.75 Order with marketing agreement.

Each signatory handler favors and approves the issuance, by the Secretary, of an order regulating the handling of tobacco in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Dated: March 13, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2726; Filed, Mar. 21, 1962; 8:45 a.m.]

[1] Applies only to marketing agreement.

arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 23, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft Wasp Jr. and R-985 Series engines.

Compliance required at next engine overhaul.

To prevent failure of the cam reduction drive gear assembly and resultant loss of engine power, replace P/N 3965 cam reduction drive gear assembly incorporating six rivets with either P/N 3965 cam reduction drive gear assembly incorporating twelve rivets or P/N 331098 cam reduction drive gear assembly.

(Pratt & Whitney Aircraft Service Bulletin 1671 dated December 13, 1957, and Supplement No. 1, Revision A dated February 12, 1959, revised November 24, 1959, cover this same subject.)

Issued in Washington, D.C., on March 15, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-2727; Filed, Mar. 21, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1115]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Wasp Jr. and R-985 Series Engines

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the cam reduction drive gear assembly on Pratt and Whitney Aircraft Wasp Jr. and R-985 Series engines. This proposed action is deemed necessary since failure of the gear assembly has resulted in in-flight engine shutdowns.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or

[14 CFR Part 601]

[Airspace Docket No. 62-WE-12]

CONTROLLED AIRSPACE

Proposed Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control zone at Gillespie Airport, Calif. The proposed control zone would be designated from 0600 to 2200 hours local standard time, daily, within a 3-mile radius of Gillespie Airport, Calif. (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone would provide protection for aircraft operating at the Gillespie Airport. Communications and

weather reporting service would be provided to aircraft operating within the proposed control zone by the FAA control tower scheduled to be commissioned at Gillespie Airport approximately March 15, 1962.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2728; Filed, Mar. 21, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-23]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 40 presently extends from Montgomery, Ala., to Charleston, S.C. The Federal Aviation Agency has under consideration the extension of J-40 from the Charleston VORTAC via the Wilmington, N.C., VORTAC, the intersection of the Wilmington VORTAC 012° and the Norfolk, Va., VORTAC 229° True radials, to the Norfolk VORTAC. Additionally, the FAA has under consideration the designation of an en route radar jet advisory area within 16 statute miles either side of J-40 from Montgomery to Norfolk from flight level 240 to flight level 390 inclusive, excluding the portion outside of the continental control area. The extension of J-40 proposed herein would provide an alternate routing for jet aircraft operating between southern terminals and the New York Metropolitan area. The designation of the proposed en route radar jet advisory area would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft while operating on J-40 between Montgomery and Norfolk.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2729; Filed, Mar. 21, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-200]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 21 presently extends in part from the San Antonio, Texas, VORTAC to the Laredo, Texas, VORTAC. Jet Route No. 25 presently extends in part from the San Antonio VORTAC to the Brownsville, Texas, VORTAC. Jet Route No. 29 presently extends in part from the Palacios, Texas, VOR to the Brownsville VORTAC.

The Federal Aviation Agency has under consideration the following actions:

1. Extend J-21 and its associated radar jet advisory area from the Laredo VORTAC to the United States/Mexican Border via the Laredo VORTAC 177° True radial.

2. Extend J-25 and J-29 and their associated radar jet advisory areas from the Brownsville VORTAC to the United States/Mexican Border via the Brownsville VORTAC 187° True radial.

The extension of J-21, 25 and 29 and the associated radar jet advisory areas would provide inter-connecting high altitude routes for civil turbojet aircraft operating between Mexico City, Mexico, and United States terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2730; Filed, Mar. 21, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-AL-7]

SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.22 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force to extend the time of designation of the Clear, Alaska, Restricted Area R-2206 for an indefinite period.

R-2206 was designated as a protective measure for aircraft against the microwave radiation hazard emanating from the Ballistic Missile Early Warning System at Clear, Alaska. This restricted area was designated for a limited time pending completion of tests to substantiate the validity of the radiation hazard criteria originally submitted by the Air Force. To date, these tests have been inconclusive and further tests will be conducted. Therefore, in order to provide the necessary protection for aircraft while additional tests are being conducted, the designation of R-2206 would be extended for an indefinite period.

If this action is taken, the time of designation of the Clear, Alaska, Restricted Area R-2206 would be changed to "Continuous."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2731; Filed, Mar. 21, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-207]

CHANGES IN RATE SCHEDULES AND TARIFFS; FILINGS BY PIPELINE COMPANIES

Notice of Extension of Time

MARCH 15, 1962.

Changes in rate schedules and tariffs—filings by pipeline companies—revision of § 154.63, Docket No. R-207.

Upon consideration of the motion filed March 8, 1962 by the Independent Natural Gas Association of America for an extension of time within which to file submittals to the notice of proposed rulemaking issued February 20, 1962 (27 F.R. 1918) in the above-designated matter;

An extension is hereby granted to and including April 30, 1962 within which interested persons may submit data, views and comments concerning the proposed amendments. Paragraph (6) of said notice issued February 20, 1962 is amended accordingly.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2744; Filed, Mar. 21, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Aggregate Limitation on Investments and Loans

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851 and 1720). Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment now under consideration provides that any two or more business entities controlled by the same entity or entities shall be deemed a single small business concern for the purposes of § 107.708 (a) and (b).

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By adding a new paragraph (c) to § 107.708 which reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

* * * * *

(c) Any two or more business entities which are controlled directly or indirectly (through ownership, stock interests, or otherwise) by the same entity or entities, shall be deemed to be a single small business concern for the purposes of paragraphs (a) and (b) of this section.

Dated: March 14, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2732; Filed, Mar. 21, 1962; 8:46 a.m.]

Notices

DELAWARE RIVER BASIN COMMISSION

PROPOSED EXPENSE BUDGETS

Notice of Public Hearing

In accordance with section 14.4(b) of the Delaware River Basin Compact, notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on March 28, 1962. The subject of the hearing will be the Commission's proposed current expense budgets for the fourth quarter of fiscal year July 1, 1961 to June 30, 1962 and for the fiscal year beginning July 1, 1962. Copies of these proposed expense budgets may be examined at the Commission's temporary offices at 930 Suburban Station Building, Philadelphia 3, Pa. The hearing will take place in the conference room, top floor, Pennsylvania State Office Building, at Broad and Spring Garden Streets in Philadelphia at 11:00 a.m.

Regular meetings of the Delaware River Basin Commission will be held on the fourth Wednesday of every month at 10:30 a.m. Regular meetings will be held at the Commission's principal offices or at such other place as the Commission may determine. No special announcement will be made of regular meetings.

WALTER M. PHILLIPS,
Acting Secretary.

MARCH 15, 1962.

[F.R. Doc. 62-2739; Filed, Mar. 21, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0165034, for the withdrawal of certain lands from location and entry, under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the Sierra National Forest Reserve by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant desires the exclusion of mining activity from the area identified as the Teakettle Experimental Forest, as such lands are needed for experimental forest purposes. Five experimental watersheds and twenty experimental plots are under study in the area. Installations include five dams and streamgaging stations and a shelter house. Mineral entry and development would vitiate the long-term experimental studies now underway.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 27 E.,
Sec. 15, SW¼;
Sec. 16, S½NE¼, W½, SE¼;
Sec. 17, All;
Sec. 20, E½, E½W½, W½NW¼;
Sec. 21, All;
Sec. 22, W½;
Sec. 27, N½NW¼;
Sec. 28, N½N½;
Sec. 29, N½NE¼.

The above described area contains 3,200 acres. The lands are located in Fresno County.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2733; Filed, Mar. 21, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0170921, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the Sierra and Sequoia National Forest Reserves by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant desires the exclusion of mining activity to protect the caves, and the attractive limestone formations they contain, in the Kings Caverns Geological Area in the Sierra National Forest, and the Packsaddle Caves Geological Area in the Sequoia National Forest, looking toward their development as scenic attractions open to the public.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 27 E.,
Sec. 35, SE¼;
Sec. 36, SW¼.
T. 12 S., R. 27 E.,
Sec. 1, Lots 3 and 4, S½NW¼;
Sec. 2, Lots 1 and 2, S½NE¼.
T. 23 S., R. 33 E.,
Sec. 18, Lots 2 and 3, NE¼SW¼, E½NW¼.

The above described area contains approximately 807.98 acres. The lands are located in Fresno and Tulare Counties.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2734; Filed, Mar. 21, 1962; 8:46 a.m.]

[No. 62-10]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 9, 1962.

The Bureau of Reclamation, Department of the Interior, has filed an amendment to their application, Serial No. Oregon 010313, for the withdrawal of additional lands as described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), as amended.

The applicant desires the land for reclamation purposes in the development of the Crooked River Project. Administration of the land for grazing purposes will remain with the Bureau of Land Management until such time as it is needed for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 17 E.,
Sec. 34, SE¼NW¼, SE¼NE¼.
T. 17 S., R. 17 E.,
Sec. 9, SW¼NW¼.

The area described aggregates 120 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-2735; Filed, Mar. 21, 1962; 8:46 a.m.]

Office of the Secretary

[Order 2862]

PALMYRA ISLAND

Land Recordation

SECTION 1. Pursuant to Executive Order No. 10967, dated October 10, 1961, this Order is issued to serve public notice that the United States District Court for the District of Hawaii has assumed jurisdiction in the filing and recording of written muniments of title to land on Palmyra Island.

SEC. 2. The United States District Court for the District of Hawaii has directed the Clerk to establish and maintain in his office an appropriate book or books wherein he shall file and record in chronological order of their presentation to him all muniments of title, such as deeds, leases, or other written indicia of title susceptible of recordation, which pertain to or evidence any interest in or to land on Palmyra Island. Such instruments as may be filed with such Clerk shall, upon their acceptance by him, become public notice of their contents. Such book or books as may be kept by the Clerk for this purpose shall be open to public inspection during ordinary business hours on each business day.

SEC. 3. The Clerk shall charge such fees for filing and recordation as the said District Court may determine to be proper.

JAMES K. CARR,
Acting Secretary of the Interior.

MARCH 16, 1962.

[F.R. Doc. 62-2736; Filed, Mar. 21, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Amdt. 1]

NOTICE OF TERMS AND CONDITIONS FOR MAKING PAYMENTS UNDER SECTION 32 TOBACCO EXPORT PAYMENT PROGRAM, CMX 40a

A. This tobacco export payment program was announced and outlined in a press release dated February 16, 1962. Complete terms and conditions of the program were set forth in a notice published March 10, 1962 (27 F.R. 2329). In order to encourage the exportation of eligible tobacco covered by export sales contracts which were made in reliance on the press release and prior to such notice, such exportation being in conformity with program provisions, paragraph 3 of such notice is amended to read as follows:

3. *Payment.* Payment will be made by the Secretary with respect to eligible tobacco covered by an export sales contract with a foreign buyer having a date of sale after February 16, 1962, and on or before November 30, 1962, and exported to eligible countries in accordance with the provisions of this offer.

B. In order to clarify the computation of the rate of payment on tobacco which had been purchased at a special discount, the proviso in paragraph 4 of said notice is amended to read as follows: "*Provided, however,* That if the tobacco exported was purchased at a special discount from the association's sales prices, which discount was not in effect on February 16, 1962, the rate of payment under this offer will be reduced by the same percentage as the discount."

C. The date in the first sentence of paragraph 10 of said notice is amended to read June 30, 1963.

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

MARCH 13, 1962.

[F.R. Doc. 62-2751; Filed, Mar. 21, 1962; 8:47 a.m.]

BUDDY SHOFFNER AUCTION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, Location of Stockyard and Date of Posting

ARKANSAS

Buddy Shoffner Auction Co., Newport, January 11, 1962.

IDAHO

Spencer Livestock Commission Co., Lewiston, January 9, 1962.

ILLINOIS

Greenville Livestock Auction Co., Greenville, December 27, 1961.

IOWA

Hampton Auction, Inc., Hampton, December 11, 1961.

Oskaloosa Livestock Auction, Oskaloosa, January 17, 1962.

MISSISSIPPI

Luther E. Tadlock Stockyard, Forest, February 27, 1962.

Tri-County Livestock Co., Inc., Magee, January 24, 1962.

Tupelo Stock Yard, Tupelo, January 17, 1962.

MISSOURI

Clark County Sale Co., Kahoka, February 7, 1962.

Hinds Sale Co., Memphis, February 7, 1962.

Kahoka Sale Co., Kahoka, February 7, 1962.

Wentzville Auction Co., Wentzville, February 6, 1962.

OKLAHOMA

Big Pasture Auction Co., Frederick, January 19, 1962. (Notice of Proposed Posting of Stockyards, published on June 10, 1961 (26 F.R. 5242), identified this market as Frederick Stockyards. Name subsequently changed as shown.)

El Reno Live Stock Auction, El Reno, January 16, 1962.

SOUTH CAROLINA

Rock Hill Sale Barn, Rock Hill, December 8, 1960.

SOUTH DAKOTA

Schnell Livestock Market, Inc., Lemmon, December 9, 1961.

VERMONT

Chickering Commission Sale, Westminster, December 31, 1961.

Done at Washington, D.C., this 19th day of March 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2778; Filed, Mar. 21, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CHAD

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Chad, from which evidence it appears that under the social insurance or pension system of Chad benefits are not payable on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Chad does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

MARCH 12, 1962.

Approved: March 16, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-2757; Filed, Mar. 21, 1962; 8:48 a.m.]

ECUADOR

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pen-

CIVIL AERONAUTICS BOARD

[Docket 13433 etc.]

HAMILTON FLYING CLUB ET AL.

Notice of Hearing

Hamilton Flying Club, Docket 13433; Columbia Airlines Ltd., Docket 13455, B.N.P. Airways Limited, Docket 13364.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceedings is assigned to be held on March 27, 1962, at 10 a.m. e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Joseph L. Fitzmaurice.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2759; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13469; Order E-18117]

AIR CARRIERS; LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1962.

In the matter of the investigation of a tariff liability rule which absolves air carriers from liability for nuclear and radiation damage regardless of cause; Docket 13469.

By tariff revision filed to become effective March 22, 1962, air carriers participating in Agent Smith's Official Air Freight Rules Tariff No. 1-A, CAB No. 13, propose to add a provision to their tariff rules which states that the participating carriers shall not be liable for loss, damage, delay or other result caused by

The proposed rule would be applicable to all certificated domestic trunk, local service, and all-cargo carriers, and the shipper by air would have no effective choice but to ship under these conditions. However, no support or reasons have been furnished on behalf of any carrier as to a need for such exculpation. The Board will therefore suspend use of this rule pending investigation thereof.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether Tariff Rule No. 3.2(a)7, appearing on 14th Revised Page 15 of Agent Smith's Official Air Freight Rules Tariff No. 1-A, CAB No. 13, and the practices in interstate air transportation of the air carriers under such rule, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and, if found to be so, to determine and prescribe the lawful rule and practices.

2. Pending such investigation, hearing and decision by the Board, Rule No. 3.2(a)7 appearing on 14th Revised Page 15 of Agent B. H. Smith's C.A.B. No. 11, so far as applicable to interstate air transportation, is suspended and its use deferred to and including June 19, 1962, unless otherwise ordered by the Board, and no changes will be made therein during the period of suspension except by order or special permission of the Board.

3. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order shall be served upon the following air carriers, which are made parties to this proceeding:

Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Piedmont Aviation, Inc.
Riddle Airlines, Inc.
Slick Airways, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2761; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13468; Order E-18118]

QUAKER CITY AIRWAYS, INC.

Reduced Military Passenger Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 19th day of March 1962.

Quaker City Airways, Inc. (also operating as Admiral Airways, Inc.) has filed a tariff to become effective March 22, 1962, proposing live and ferry charter rates of $2.40 per mile for the air transportation of military personnel for the military agencies in L-749 aircraft between points in the continental United States, and points within the continental United States, on the one hand, and Hawaii, Puerto Rico, Wake Island, Guam, and Okinawa, on the other; also between Hawaii, Wake Island, Guam, and Okinawa.

The proposed rates are below Quaker City's current general charter rates for

mile and per ferry mile for L-749 aircraft on Original Page 5 of Quaker City Airways, Inc., C.A.B. No. 4, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates.

2. Pending investigation, hearing and decision by the Board, the rates per charter mile and per ferry mile for L-749 aircraft on Original Page 5 of Quaker City Airways, Inc., C.A.B. No. 4, are suspended and their use deferred to and including June 19, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with the aforesaid tariff and be served upon Quaker City Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2762; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13463; Order E-18120]

PACIFIC NORTHWEST-ALASKA AIR SERVICE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1962.

tion and on August 31, 1959, by Order E-14401, dismissed the investigation.

The permanent certification of the States-Alaska carriers and the grant of statehood to Alaska did not result in a solution of the problems with which we were earlier concerned. The total subsidy paid to Alaska Airlines and Pacific Northern for fiscal 1961 amounted to $3.8 million, representing no improvement since 1958. The amount attributed to their mainland-Alaska service, $2.8 million, was about $.5 million more than it was in 1958. Since Pan American went off subsidy in 1957, its operating losses in its Alaska Division have ranged from a high of $2.0 million to a low of $925,000 in 1960. During fiscal 1961, its losses increased to $1.0 million

Since 1955, the total on-line O. & D. passengers to the four key Alaskan markets (Juneau, Ketchikan, Fairbanks, and Anchorage) has grown only 31 percent for an average growth of only six percent a year. The total mainland-Alaska market for the four carriers has gained only 31,000 passengers since 1958—from 172,000 to 203,000 in 1960. The subsidized carriers have gained the larger part of this slight increase in traffic but, as indicated by the Pan American losses described above, they have done so at the expense of nonsubsidized carriers. Moreover, more capacity than ever will be available since the four carriers concerned have all acquired or ordered jet equipment to be operated in the mainland-Alaskan market.

The Board conducted informal individual meetings with the four mainland-Alaskan air carriers regarding the subject of this uneconomic multiple-carrier service, the last of which was concluded on August 31, 1961. Though there was agreement among the air carriers at the last meeting that there are too many carriers serving Alaska, the effort to have such carriers come to a meeting of the

Notices

DELAWARE RIVER BASIN COMMISSION

PROPOSED EXPENSE BUDGETS

Notice of Public Hearing

In accordance with section 14.4(b) of the Delaware River Basin Compact, notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on March 28, 1962. The subject of the hearing will be the Commission's proposed current expense budgets for the fourth quarter of fiscal year July 1, 1961 to June 30, 1962 and for the fiscal year beginning July 1, 1962. Copies of these proposed expense budgets may be examined at the Commission's temporary offices at 930 Suburban Station Building, Philadelphia 3, Pa. The hearing will take place in the conference room, top floor, Pennsylvania State Office Building, at Broad and Spring Garden Streets in Philadelphia at 11:00 a.m.

Regular meetings of the Delaware River Basin Commission will be held on the fourth Wednesday of every month at 10:30 a.m. Regular meetings will be held at the Commission's principal offices or at such other place as the Commission may determine. No special announcement will be made of regular meetings.

WALTER M. PHILLIPS,
Acting Secretary.

MARCH 15, 1962.

[F.R. Doc. 62-2739; Filed, Mar. 21, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0165034, for the withdrawal of certain lands from location and entry, under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the Sierra National Forest Reserve by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant desires the exclusion of mining activity from the area identified as the Teakettle Experimental Forest, as such lands are needed for experimental forest purposes. Five experimental watersheds and twenty experimental plots are under study in the area. Installations include five dams and streamgaging stations and a shelter house. Mineral entry and development would vitiate the long-term experimental studies now underway.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 27 E.,
Sec. 15, SW¼;
Sec. 16, S½NE¼, W½, SE¼;
Sec. 17, All;
Sec. 20, E½, E½W½, W½NW¼;
Sec. 21, All;
Sec. 22, W½;
Sec. 27, N½NW¼;
Sec. 28, N½N½;
Sec. 29, N½NE¼.

The above described area contains 3,200 acres. The lands are located in Fresno County.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2733; Filed, Mar. 21, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0170921, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the Sierra and Sequoia National Forest Reserves by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant desires the exclusion of mining activity to protect the caves, and the attractive limestone formations they contain, in the Kings Caverns Geological Area in the Sierra National Forest, and the Packsaddle Caves Geological Area in the Sequoia National Forest, looking toward their development as scenic attractions open to the public.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 27 E.,
Sec. 35, SE¼;
Sec. 36, SW¼.
T. 12 S., R. 27 E.,
Sec. 1, Lots 3 and 4, S½NW¼;
Sec. 2, Lots 1 and 2, S½NE¼.
T. 23 S., R. 33 E.,
Sec. 18, Lots 2 and 3, NE¼SW¼, SE¼NW¼.

The above described area contains approximately 807.98 acres. The lands are located in Fresno and Tulare Counties.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2734; Filed, Mar. 21, 1962; 8:46 a.m.]

[No. 62-10]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 9, 1962.

The Bureau of Reclamation, Department of the Interior, has filed an amendment to their application, Serial No. Oregon 010313, for the withdrawal of additional lands as described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), as amended.

The applicant desires the land for reclamation purposes in the development of the Crooked River Project. Administration of the land for grazing purposes will remain with the Bureau of Land Management until such time as it is needed for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 17 E.,
Sec. 34, SE¼NW¼, SE¼NE¼.
T. 17 S., R. 17 E.,
Sec. 9, SW¼NW¼.

The area described aggregates 120 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-2735; Filed, Mar. 21, 1962; 8:46 a.m.]

Office of the Secretary

[Order 2862]

PALMYRA ISLAND

Land Recordation

SECTION 1. Pursuant to Executive Order No. 10967, dated October 10, 1961, this Order is issued to serve public notice that the United States District Court for the District of Hawaii has assumed jurisdiction in the filing and recording of written muniments of title to land on Palmyra Island.

SEC. 2. The United States District Court for the District of Hawaii has directed the Clerk to establish and maintain in his office an appropriate book or books wherein he shall file and record in chronological order of their presentation to him all muniments of title, such as deeds, leases, or other written indicia of title susceptible of recordation, which pertain to or evidence any interest in or to land on Palmyra Island. Such instruments as may be filed with such Clerk shall, upon their acceptance by him, become public notice of their contents. Such book or books as may be kept by the Clerk for this purpose shall be open to public inspection during ordinary business hours on each business day.

SEC. 3. The Clerk shall charge such fees for filing and recordation as the said District Court may determine to be proper.

JAMES K. CARR,
Acting Secretary of the Interior.

MARCH 16, 1962.

[F.R. Doc. 62-2736; Filed, Mar. 21, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Amdt. 1]

NOTICE OF TERMS AND CONDITIONS FOR MAKING PAYMENTS UNDER SECTION 32 TOBACCO EXPORT PAYMENT PROGRAM, CMX 40a

A. This tobacco export payment program was announced and outlined in a press release dated February 16, 1962. Complete terms and conditions of the program were set forth in a notice published March 10, 1962 (27 F.R. 2329). In order to encourage the exportation of eligible tobacco covered by export sales contracts which were made in reliance on the press release and prior to such notice, such exportation being in conformity with program provisions, paragraph 3 of such notice is amended to read as follows:

3. *Payment.* Payment will be made by the Secretary with respect to eligible tobacco covered by an export sales contract with a foreign buyer having a date of sale after February 16, 1962, and on or before November 30, 1962, and exported to eligible countries in accordance with the provisions of this offer.

B. In order to clarify the computation of the rate of payment on tobacco which had been purchased at a special discount, the proviso in paragraph 4 of said notice is amended to read as follows: "*Provided, however,* That if the tobacco exported was purchased at a special discount from the association's sales prices, which discount was not in effect on February 16, 1962, the rate of payment under this offer will be reduced by the same percentage as the discount."

C. The date in the first sentence of paragraph 10 of said notice is amended to read June 30, 1963.

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

MARCH 13, 1962.

[F.R. Doc. 62-2751; Filed, Mar. 21, 1962; 8:47 a.m.]

BUDDY SHOFFNER AUCTION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, Location of Stockyard and Date of Posting

ARKANSAS

Buddy Shoffner Auction Co., Newport, January 11, 1962.

IDAHO

Spencer Livestock Commission Co., Lewiston, January 9, 1962.

ILLINOIS

Greenville Livestock Auction Co., Greenville, December 27, 1961.

IOWA

Hampton Auction, Inc., Hampton, December 11, 1961.

Oskaloosa Livestock Auction, Oskaloosa, January 17, 1962.

MISSISSIPPI

Luther E. Tadlock Stockyard, Forest, February 27, 1962.

Tri-County Livestock Co., Inc., Magee, January 24, 1962.

Tupelo Stock Yard, Tupelo, January 17, 1962.

MISSOURI

Clark County Sale Co., Kahoka, February 7, 1962.

Hinds Sale Co., Memphis, February 7, 1962.

Kahoka Sale Co., Kahoka, February 7, 1962.

Wentzville Auction Co., Wentzville, February 6, 1962.

OKLAHOMA

Big Pasture Auction Co., Frederick, January 19, 1962. (Notice of Proposed Posting of Stockyards, published on June 10, 1961 (26 F.R. 5242), identified this market as Frederick Stockyards. Name subsequently changed as shown.)

El Reno Live Stock Auction, El Reno, January 16, 1962.

SOUTH CAROLINA

Rock Hill Sale Barn, Rock Hill, December 8, 1960.

SOUTH DAKOTA

Schnell Livestock Market, Inc., Lemmon, December 9, 1961.

VERMONT

Chickering Commission Sale, Westminster, December 31, 1961.

Done at Washington, D.C., this 19th day of March 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2778; Filed, Mar. 21, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CHAD

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Chad, from which evidence it appears that under the social insurance or pension system of Chad benefits are not payable on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Chad does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

MARCH 12, 1962.

Approved: March 16, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-2757; Filed, Mar. 21, 1962; 8:48 a.m.]

ECUADOR

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Ecuador, from which evidence it appears that Ecuador has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Ecuador, who leave Ecuador, are permitted to receive benefits or their equivalent while outside that country.

Accordingly, it is hereby determined and found that Ecuador has in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

MARCH 16, 1962.

Approved: March 16, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-2758; Filed, Mar. 21, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13433 etc.]

HAMILTON FLYING CLUB ET AL.

Notice of Hearing

Hamilton Flying Club, Docket 13433; Columbia Airlines Ltd., Docket 13455, B.N.P. Airways Limited, Docket 13364.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceedings is assigned to be held on March 27, 1962, at 10 a.m. e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Joseph L. Fitzmaurice.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2759; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13469; Order E-18117]

AIR CARRIERS; LIABILITY FOR NUCLEAR AND RADIATION DAMAGE

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1962.

In the matter of the investigation of a tariff liability rule which absolves air carriers from liability for nuclear and radiation damage regardless of cause; Docket 13469.

By tariff revision filed to become effective March 22, 1962, air carriers participating in Agent Smith's Official Air Freight Rules Tariff No. 1-A, CAB No. 13, propose to add a provision to their tariff rules which states that the participating carriers shall not be liable for loss, damage, delay or other result caused by "Nuclear reaction or nuclear radiation or radioactive contamination, all whether controlled or uncontrolled, and whether such loss be direct or indirect, proximate or remote, and regardless of whether caused by, contributed to, or aggravated by any other factor." [1]

The Board has decided on its own initiative to investigate the lawfulness of this proposal. By its terms, the rule would absolve a carrier from liability for the described damage even though it is caused by the carrier's own negligent or wilful act. A tariff rule containing such blanket immunity appears to be in derogation of the responsibilities of a carrier at common law.[2] We perceive no public policy considerations which require air carriers to be free from responsibility for damage caused or contributed to by their negligence, or indeed, their wilful acts.[3]

The proposed rule would be applicable to all certificated domestic trunk, local service, and all-cargo carriers, and the shipper by air would have no effective choice but to ship under these conditions. However, no support or reasons have been furnished on behalf of any carrier as to a need for such exculpation. The Board will therefore suspend use of this rule pending investigation thereof.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether Tariff Rule No. 3.2(a)7, appearing on 14th Revised Page 15 of Agent Smith's Official Air Freight Rules Tariff No. 1-A, CAB No. 13, and the practices in interstate air transportation of the air carriers under such rule, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and, if found to be so, to determine and prescribe the lawful rule and practices.

2. Pending such investigation, hearing and decision by the Board, Rule No. 3.2(a)7 appearing on 14th Revised Page 15 of Agent B. H. Smith's C.A.B. No. 13, so far as applicable to interstate air transportation, is suspended and its use deferred to and including June 19, 1962, unless otherwise ordered by the Board and no changes will be made therein during the period of suspension except by order or special permission of the Board.

3. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order shall be served upon the following air carriers, which are made parties to this proceeding:

AAXICO Airlines, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Central Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line, Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Piedmont Aviation, Inc.
Riddle Airlines, Inc.
Slick Airways, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2761; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13468; Order E-18118]

QUAKER CITY AIRWAYS, INC.

Reduced Military Passenger Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 19th day of March 1962.

Quaker City Airways, Inc. (also operating as Admiral Airways, Inc.) has filed a tariff to become effective March 22, 1962, proposing live and ferry charter rates of $2.40 per mile for the air transportation of military personnel for the military agencies in L-749 aircraft between points in the continental United States, and points within the continental United States, on the one hand, and Hawaii, Puerto Rico, Wake Island, Guam, and Okinawa, on the other; also between Hawaii, Wake Island, Guam, and Okinawa.

The proposed rates are below Quaker City's current general charter rates for L-749 aircraft of $2.45 per mile, live and ferry, between points within the continental United States, and $2.75 per mile in other areas, and below the general pattern established by other carriers for such aircraft. They are also below the established pattern of charter rates for L-049 aircraft. The carrier has submitted no data or reasons for these proposed lower military charter rates for this aircraft.

Upon consideration of this tariff and all relevant matters, the Board finds that such tariff proposals with respect to rates for L-749 military passenger charter service may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing level of rates, and in order to prevent unwarranted rate changes in this area, the Board has concluded to suspend the operation of such L-749 tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof: *It is ordered*, That:

1. An investigation be instituted to determine whether the rates per charter mile and per ferry mile for L-749 aircraft on Original Page 5 of Quaker City Airways, Inc., C.A.B. No. 4, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates.

2. Pending investigation, hearing and decision by the Board, the rates per charter mile and per ferry mile for L-749 aircraft on Original Page 5 of Quaker City Airways, Inc., C.A.B. No. 4, are suspended and their use deferred to and including June 19, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with the aforesaid tariff and be served upon Quaker City Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2762; Filed, Mar. 21, 1962; 8:48 a.m.]

[Docket No. 13463; Order E-18120]

PACIFIC NORTHWEST-ALASKA AIR SERVICE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1962.

On January 15, 1958, the Board issued Order E-12113 instituting an investigation into the pattern of service between the States [1] and Alaska. The Board found such an investigation necessary since the existing air service to Alaska, conducted by four carriers,[2] showed no indication of future decreases in the total subsidy requirements for States-Alaska operations. Subsequently, on August 14, 1958, the United States Senate adopted a Resolution calling for postponement of the investigation pending more extensive experience under Public Law 85-155 (August 26, 1957, 71 Stat. 415), which made permanent the termporary certificates of public convenience and necessity of the air carriers operating between the United States and Alaska, and Public Law 85-508 (July 7, 1958, 72 Stat. 339), which conferred statehood upon Alaska. On October 17, 1958, the Board, by Order E-13078, deferred action on the investigation and on August 31, 1959, by Order E-14401, dismissed the investigation.

The permanent certification of the States-Alaska carriers and the grant of statehood to Alaska did not result in a solution of the problems with which we were earlier concerned. The total subsidy paid to Alaska Airlines and Pacific Northern for fiscal 1961 amounted to $3.8 million, representing no improvement since 1958. The amount attributed to their mainland-Alaska service, $2.8 million, was about $.5 million more than it was in 1958. Since Pan American went off subsidy in 1957, its operating losses in its Alaska Division have ranged from a high of $2.0 million to a low of $925,000 in 1960. During fiscal 1961, its losses increased to $1.0 million

Since 1955, the total on-line O. & D. passengers to the four key Alaskan markets (Juneau, Ketchikan, Fairbanks, and Anchorage) has grown only 31 percent for an average growth of only six percent a year. The total mainland-Alaska market for the four carriers has gained only 31,000 passengers since 1958—from 172,000 to 203,000 in 1960. The subsidized carriers have gained the larger part of this slight increase in traffic but, as indicated by the Pan American losses described above, they have done so at the expense of nonsubsidized carriers.[3] Moreover, more capacity than ever will be available since the four carriers concerned have all acquired or ordered jet equipment to be operated in the mainland-Alaskan market.

The Board conducted informal individual meetings with the four mainland-Alaskan air carriers regarding the subject of this uneconomic multiple-carrier service, the last of which was concluded on August 31, 1961. Though there was agreement among the air carriers at the last meeting that there are too many carriers serving Alaska, the effort to have such carriers come to a meeting of the minds and produce concrete voluntary agreements was not successful. The Board, as a result of the study attached hereto,[4] has reached tentative conclusions as to the manner in which the problem might be solved.

It will be noted that the study indicates that the establishment of the best route structure lies in one of two proposals: A two-carrier system or a three-carrier system. Fundamentally, the two-carrier system would call for a merged Alaska Airlines-Pacific Northern carrier having unrestricted authority from Seattle to the four key Alaskan markets and Northwest serving Seattle-Anchorage, possibly being restricted, however, to flights originating or terminating in the Orient. Northwest would retain its unrestricted New York/Chicago/Twin Cities-Anchorage authority. Pan American's Alaskan air service

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[1] Rule 3.2(a)7, appearing on 14th Revised Page 15 of Agent Smith's CAB No. 13.

[2] U.S. v. Atlantic Mutual Insurance Co., 343 U.S. 236, 239 (1952).

[3] The Ansaldo San Giorgio I v. Rheinstrom Co., 294 U.S. 494, 499 (1935). In New York, N.H. and H.R. Co. v. Nothnagle, 346 U.S. 128, 136 (1953), the Supreme Court stated: "• • • "The great object of the law governing common carriers was to secure the utmost care in the rendering of a service of the highest importance to the Community. A carrier who stipulates not to be bound to the exercise of care and diligence "seeks to put off the essential duties of his employment." It is recognized that the carrier and the individual customer are not on an equal footing. "The latter cannot afford to higgle or stand out and seek redress in the Courts." • • •"

[1] The term "States" was used prior to Alaska's gaining statehood. The term "Mainland" is now used to denote the 48 contiguous States.

[2] Alaska Airlines, Inc. (Alaska Airlines); Northwest Airlines, Inc. (Northwest); Pacific Northern Airlines, Inc. (Pacific Northern); and Pan American World Airways, Inc. (Pan American).

[3] Though Pacific Northern's subsidy rate is due to take a substantial drop as of May 1, 1962 (Orders E-17633, E-17671, of Oct 26, 1961, and Nov. 7, 1961, respectively), there still exists an open rate period for Pan American (including Alaska) from Oct. 1, 1956, to Dec. 31, 1958, for which period Pan American is apparently entitled to subsidy. Order E-18018, dated February 13, 1962.

[4] Filed as part of the original document.

would be terminated, except at Fairbanks which would be suspended until 60 days after the Board's decision in the Reopened Transpacific Route Case. Though the route structure described in the two-carrier system should result in a subsidy-free operation, and would probably be the preferred route structure, it is dependent upon a merger between Alaska Airlines and Pacific Northern, which the Board is unable to compel.

Consequently, barring further productive steps leading to merger and the ultimate solution set forth in the two-carrier proposal,[5] the Board has tentatively concluded that the route modifications set forth in the three-carrier proposal are required. Under the three-carrier system, the present route structure of Alaska Airlines and Pacific Northern would remain the same (with the possible exception of the Seattle-Juneau-Ketchikan service noted below), but the economic potential of both carriers would be greatly enhanced by the termination of Pan American's Alaskan service (with the same exception noted above in the two-carrier proposal), and the possible restriction of Northwest's Seattle-Anchorage service to flights originating or terminating in the Orient. Northwest would retain its unrestricted New York/Chicago/Twin Cities-Anchorage authority. Portland would be eliminated from the certificate of Alaska Airlines and Pacific Northern and all of said carriers' operations would become subject to Part 207 of the Board's Economic Regulations,[6] the restriction of off-route charter activity. The study indicates that the Seattle-Juneau-Ketchikan service would be handled by either Alaska Airlines or Pacific Northern, or both, as determined by the investigation.

The study should serve as the focal point for the trial of this case and we direct that, except for the Seattle-Juneau-Ketchikan service and filings for intra-Alaskan segments falling within the scope of this investigation (i.e., those between the four key Alaskan markets: Juneau, Ketchikan, Fairbanks, and Anchorage) wherein the attached study has not proposed a single solution, the presentation of participants in the proceeding, unless otherwise ordered by the Board upon good cause shown therefor, be pointed to showing why, and in what manner, the conclusions derived from the study calling for a three-carrier system should be modified. This approach should restrict the hearing to relevant and material facts and minimize procedural delay.

The Board is consolidating in this proceeding as many of its currently docketed filings as will fall within the scope of this case as described in the attached study, dismissing, without prejudice, in accordance with § 302.12(d) of the Board's procedural regulations, those parts of filings falling outside the bounds of this proceeding. Further, though certain applications pending on the Board's docket pertain solely to intra-Alaska air service, they do fall within the scope of this proceeding and are hereby made a part thereof. Appendix 10 of the attached study sets forth those dockets being consolidated in this proceeding.

The Board has seen fit to limit the scope of this proceeding to include only that portion of mainland-Alaska air service from Portland-Seattle to Alaska. Presently, all mainland to Alaska authority other than Northwest's route from the east is limited to Portland-Seattle, and, in view of the tenor of this investigation, i.e., to find means to limit rather than expand the services, the Board finds it in the public interest to so limit this proceeding. Moreover, the Board finds that in view of the tentative conclusions pertaining to Pacific Northwest-Alaska service, calling for a reduction in the number of carriers conducting such service, no new or additional service filings, other than those for intra-Alaskan segments falling within the scope of this investigation (i.e., those between the four key Alaskan markets: Juneau, Ketchikan, Fairbanks, and Anchorage), will be accepted for consolidation with this proceeding.

Since substantial subsidy funds may be involved and bearing in mind that the President expressed concern with the Board's current large subsidy expenditures and future forecasts in his budget message to Congress during January 1961, the Board is interested in a prompt resolution of the issues set forth herein and, accordingly, is ordering the matter set for an expedited hearing: *Accordingly, it is ordered:*

1. That an investigation be and it hereby is instituted to determine whether the public convenience and necessity require, and the Board should order, the alteration, amendment, modification, suspension, termination, or renewal, in whole or in part, of the certificates of Alaska Airlines, Inc., for routes 128 and 138; Northwest Airlines, Inc., for routes 129 and 140; Pacific Northern Airlines, Inc., for routes 139 and 142; and Pan American World Airways, Inc., for Alaskan route FAM–20; insofar as Pacific Northwest-Alaska air transportation is concerned, in accordance with the tentative conclusions set forth in the attached study;

2. That no new or additional service filings, other than those for intra-Alaska segments falling within the scope of this investigation (i.e., those between the four key Alaskan markets: Juneau, Ketchikan, Fairbanks, and Anchorage), will be accepted for consolidation with this proceeding;

3. That the proceeding instituted herein shall be known as the Pacific Northwest-Alaska Air Service Case, Docket 13463, and shall be set down for prompt hearing before an Examiner of the Board at a time and place to be hereafter determined;

4. That a copy of this order shall be served upon Alaska Airlines, Inc., Northern Consolidated Airlines, Inc., Northwest Airlines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., and Wien Alaska Airlines, Inc., who are hereby made parties to the proceeding;

5. That, insofar as they request additional authority between Seattle and Portland, on the one hand and Anchorage, Fairbanks, Ketchikan and Juneau on the other hand, and between the four Alaskan markets, the following dockets are consolidated in this proceeding, the remaining portions thereof being dismissed without prejudice: Dockets 7402, 7411, 7429, 9347, 9533, 9652, 9763, 9764, 11240, 11678, and 11685;

6. That, in view of the fact that Alaska Northern Airlines, Inc., is no longer in existence, its filing for Mainland-Alaska air service Docket 10109, is moot and is hereby dismissed; and

7. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-2763; Filed, Mar. 21, 1962; 8:48 a.m.]

[5] Should such an event occur, the Board could issue a supplemental order delineating the objectives of the investigation along the lines set forth in the first proposal.

[6] Since the United States-Alaska Service Case 14 C.A.B. 122, 145 (1951), Pacific Northern and Alaska Airlines have remained classified as Alaskan air carriers with respect to operations wholly within Alaska and consequently have not come under Part 207 as to charter operations they have made as Alaskan air carriers.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14566]

ERVIN L. CRANDELL, JR.

Order To Show Cause

In the matter of Ervin L. Crandell, Jr., 86 Sea Avenue, Quincy 69, Massachusetts, Docket No. 14566; order to show cause why there should not be revoked the license for Radio Station 1W7018 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee, as follows: Official Notice of Violation mailed on August 9, 1961, which alleged that on August 2, 1961, Citizens radio station 1W7018 was operated for purposes of transmitting communications which were not substantive to the business or personal activities of the licensee, and that 2-minute silent periods were not observed at 5-minute intervals, in violation of § 19.61 (a), (c), and (f) of the Commission's rules;

It further appearing, that the above-named licensee received the said Official Notice of Violation, but did not reply thereto, whereupon the Commission, by letter dated September 15, 1961, again brought this matter to his attention and requested that the licensee respond to the Commission's letter within fifteen days from its receipt, stating the measures which had been taken or were being taken to bring the operation of the radio station into compliance with the Commission's rules; and

It further appearing, that although the licensee acknowledged the receipt of the Commission's letter, no satisfactory response thereto was made, whereupon on October 3, 1961, a further letter was written to the licensee notifying him that his answer was incomplete in that he had failed to indicate that any action had been taken to assure against future violations; and

It further appearing, that the licensee did not reply to the Commission's letter of October 3, 1961, and on January 17, 1962, a further letter was sent to him by certified mail—return receipt requested (Certified No. 97221) which again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days of its receipt; and

It further appearing, that receipt of the Commission's letter of January 17, 1962, was acknowledged by the signature of the licensee's agent, Mrs. Frances A. Crandell, on January 20, 1962, to a Post Office Department return receipt; and

It further appearing, that although more than ten days have elapsed since the licensee's receipt of the Commission's letter, no reply was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 15th day of March 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by certified mail—return receipt requested—to the said licensee.

Released: March 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-2765; Filed, Mar. 21, 1962; 8:49 a.m.]

[Docket No. 14563; FCC 62M-390]

MULLINS & MARION BROADCASTING CO. (WJAY)

Order Scheduling Hearing

In re application of the Mullins & Marion Broadcasting Company (WJAY), Mullins, South Carolina, Docket No. 14563, File No. BP-14308; for construction permit.

It is ordered, This 15th day of March 1962, that Chester F. Naumowicz, Jr. will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 15, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, April 18, 1962.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-2767; Filed, Mar. 21, 1962; 8:49 a.m.]

[Docket Nos. 14557, 14558; FCC 62M-387]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Order Scheduling Hearing

In re applications of Page Boy Radio Corporation, Detroit, Michigan, Docket No. 14557, File No. 2133–C2–P–61; for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan. New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File Nos. 138–C2–ML–62, 1149–C2–ML–62; for modification of license of station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

It is ordered, This 15th day of March 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 15, 1962, in Washington, D.C.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-2766; Filed, Mar. 21, 1962; 8:49 a.m.]

[Docket No. 14562; FCC 62M-389]

POTOMAC BROADCASTING CORP. (WPIK)

Order Scheduling Hearing

In re application of Potomac Broadcasting Corporation (WPIK), Alexandria, Virginia, Docket No. 14562, File No. BP–11400; for construction permit.

It is ordered, This 15th day of March 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 17, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, April 17, 1962.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-2768; Filed, Mar. 21, 1962; 8:49 a.m.]

[Docket No. 14565]

SEACOAST RADIO AND TV CO.

Order To Show Cause

In the matter of Seacoast Radio and TV Company, Belmar, New Jersey, Docket No. 14565, order to show cause why there should not be revoked the license for Radio Station 2Q1730 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of section 308(b) of the Communications Act of 1934, as amended;

It appearing, that, on August 25, 1961, the Commission addressed a letter to the licensee requesting that certain information be furnished under oath or affirmation in connection with certain alleged violations of the Commission's rules and the Communications Act of 1934, as amended; and

It further appearing, that, on September 3, 1961, the licensee replied to the Commission's above-mentioned letter but that such reply was unsatisfactory inasmuch as it failed to indicate that suitable measures were being taken by the licensee to assure proper operation of the radio station, and inasmuch as such reply was not under oath or affirmation as required by section 308(b) of the Communications Act of 1934, as amended; and

It further appearing, that, on September 27, 1961, the Commission addressed a letter to the licensee advising it of the reasons why its above-mentioned reply was unsatisfactory and affording it ten days in which to furnish a satisfactory response; and

It further appearing, that, on October 11, 1961, the licensee advised, by telegram, that response to the Commission's letter of September 27, would be delayed due to the illness of the licensee's president but that response would be made as "soon as possible"; and

It further appearing, that, on November 15, 1961, the Commission sent a letter to the licensee by certified mail—return receipt requested (No. 97370) furnishing an additional opportunity to respond to the Commission's letter of September 27, 1961; and

It further appearing, that, on February 9, 1962, the Commission sent by certified mail, return receipt requested (No. 97036) a letter to the licensee, pursuant to section 308(b) of the Communications Act of 1934, as amended, requesting that it respond to certain interrogatories contained therein within ten days of its receipt of such letter; and

It further appearing, that no reply to the Commission's letters of September 27, 1961, November 15, 1961, and February 9, 1962, has been made; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, by failing to furnish under oath or affirmation, written statements of fact to enable the Commission to determine whether its license for the subject Citizens radio station should be revoked;

It is ordered, This 15th day of March, 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority that the licensee show cause why the license for Citizens radio station 2Q1730 should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be designated by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order to the licensee by certified mail, return receipt requested at its last known address of 711 F Street, Belmar, New Jersey.

Released: March 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2769; Filed, Mar. 21, 1962; 8:49 a.m.]

[Docket Nos. 13227, 13251; FCC 62M-391]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

It is ordered, This 15th day of March 1962, that, on the Hearing Examiner's own motion, with the concurrence of all counsel, another session of the further prehearing conference in the above-entitled proceeding, presently scheduled for April 9, 1962, be and the same is hereby continued to May 2, 1962, at 9 a.m., in Washington, D.C.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2770; Filed, Mar. 21, 1962; 8:50 a.m.]

[Docket No. 14515; FCC 62M-398]

WDSU BROADCASTING CORP. (WDSU)

Order Continuing Hearing

In re application of WDSU Broadcasting Corporation (WDSU), New Orleans, Louisiana, Docket No. 14515, File No. BMP-9055; for modification of construction permit.

It is ordered, This 15th day of March 1962, that, on the Hearing Examiner's own motion, with the concurrence of all counsel, the prehearing conference in the above-entitled proceeding, presently scheduled for March 22, 1962, at 9:00 a.m., be and the same is hereby continued to May 1, 1962, at 9 a.m., in Washington, D.C.

It is further ordered, That the hearing now scheduled for April 19, 1962, be and the same is hereby continued to a date to be fixed at the prehearing conference.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2771; Filed, Mar. 21, 1962; 8:50 a.m.]

[Docket Nos. 14559-14561; FCC 62M-388]

WPOW, INC., ET AL.

Order Scheduling Hearing

In re applications of WPOW, INC., New York, New York, Docket No. 14559, File No. BR-263, for renewal of license of Station WPOW; Rensselaer Polytechnic Institute, Troy, New York, Docket No. 14560, File No. BR-267, for renewal of license of Station WHAZ; Debs Memorial Radio Fund, Incorporated, New York, New York, Docket No. 14561, File No. BR-270; for renewal of license of Station WEVD (Main & Aux.)

It is ordered, This 15th day of March 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 21, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 16, 1962.

Released: March 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2772; Filed, Mar. 21, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-101]

FORT SMITH GAS CORP.

Notice of Application

MARCH 15, 1962.

Take notice that on October 19, 1961, Fort Smith Gas Corporation (Applicant), 35 South Seventh Street, Fort Smith, Arkansas, filed in Docket No CP62-101 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its facilities with those which Applicant proposes to construct and operate, and to sell and deliver to Applicant natural gas for resale and distribution in the Towns of Biggers, Reyno, and Datto, Arkansas, and their environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a total of 1.69 miles of individual 2-inch lateral transmission pipelines extending from three separate connections on Mississippi's mainline to each of the three towns, and natural gas distribution systems in each of the three towns. Through these facilities Applicant would supply the natural gas requirements of the communities which are estimated to be as follows:

	Requirements in Mcf at 14.73 psia year of service		
	1st	2d	3d
Peak day	408	419	427
Annual	44,909	46,895	51,981

Applicant proposes to finance the required facilities with funds obtained through the issuance of short-term notes. The short-term notes would be refinanced at a later date, if necessary, with the issuance of long-term financing.

Applicant has obtained franchises from the Towns of Biggers, Reyno, and Datto, and has obtained a certificate of public convenience and necessity from the Arkansas Public Service Commission.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2740; Filed, Mar. 21, 1962; 8:47 a.m.]

[Docket No. CP62-163]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Application and Date of Hearing

MARCH 15, 1962.

Take notice that on January 9, 1962, Kentucky West Virginia Gas Company (Applicant), Second National Bank Building, Ashland, Kentucky, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain additional delivery points for its previously authorized exchange of natural gas with Inland Gas Company, Inc. (Inland) and for permission and approval to abandon certain delivery points in connection with the said exchange of gas with Inland, all as more fully set forth in the application on file with the Commission and open to public inspection.

In Docket No. G-272, Applicant was authorized to make deliveries of natural gas to Inland at certain points in Kentucky according to the terms of a letter agreement between Applicant and Inland. Applicant states that the agreement was amended from time to time and on October 9, 1950, the agreement was restated in the form that now appears in Applicant's FPC Tariff, Original Volume No. 2, First Revised Sheet Nos. 7, 8, and 9. Applicant states further that since October 1950, there were occasions when it was desirable to eliminate certain of the delivery points and at times to add others. The subject application seeks authorization for such additions and eliminations. These delivery point modifications have been embodied in an agreement, dated October 5, 1961, between Applicant and Inland.

The delivery points proposed to be abandoned and the reasons therefor are:

(1) Johnson County point, Johnson County, Kentucky. The gas delivered by Applicant at this point had a high sulfide content and Applicant had to pay 4-cents per Mcf to Inland to purify it. A decrease in gas available at this point, and a breakdown in Inland's purification plans resulted in the elimination of this delivery.

(2) Lackey point, Floyd County, Kentucky. Lackey was established as a balancing point but very little gas was ever delivered from it by Applicant. Increased supplies of gas available to Inland from other sources eliminated the need for this delivery point.

(3) Mousie point, Knott County, Kentucky. The delivery pressure on Inland's gas system became greater than the pressure that was available from Applicant's facilities.

The following are the additional delivery points provided for in the agreement of October 5, 1961, and for which Applicant herein seeks authorization:

(1) Nelson Allen delivery point, Magoffin County, Kentucky. Established by letter agreement dated June 22, 1953, and restated in agreement dated October 5, 1961.

(2) Camp Branch, Rockhouse Creek delivery point, Knott County, Kentucky. Established by letter agreement dated April 2, 1956, and restated in agreement dated October 5, 1961.

(3) Abbott Creek, Myrtle delivery point, Magoffin County, Kentucky. Established by letter agreement dated October 9, 1953, modified by letter agreement dated September 17, 1954, and restated in agreement dated October 5, 1961.

(4) Oakley Creek, Magoffin County delivery point, Magoffin County, Kentucky. Subject of application in Docket No. CP61-343.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 16, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2741; Filed, Mar. 21, 1962; 8:47 a.m.]

OLIN GAS TRANSMISSION CORP. AND FRANKFORT OIL CO.

Notice of Applications and Date of Hearing

MARCH 15, 1962.

Olin Gas Transmission Corporation, Docket No. CP62-125; Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Company, Docket No. CI62-370.

Take notice that on November 20, 1961, Olin Gas Transmission Corporation (Olin), 1700 Commerce Building, New Orleans 12, Louisiana, and on October 9, 1961, Joseph E. Seagrams & Sons, Inc., d.b.a. Frankfort Oil Company (Frankfort), Dallas, Texas, filed in Docket Nos. CP62-125 and CI62-370, respectively, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from their respective interests in the North Gillis Field, Calcasieu Parish, Louisiana,[1] all as more fully set forth in the applications on file with the Commission and open to public inspection.

The proposed sale will be made pursuant to a contract dated March 21, 1961, between Frankfort and Texas Eastern. Olin has adopted and ratified said contract.

The sale of natural gas will be made at a proposed total initial price of 15.8007 cents per Mcf at 15.025 psia.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 19, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2742; Filed, Mar. 21, 1962; 8:47 a.m.]

[Docket No. CP62-103]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MARCH 15, 1962.

Take notice that on October 20, 1961, as supplemented on October 26, 1961, November 1, 1961, and January 24, 1962, Transcontinental Gas Pipe Line Corporation (Applicant), 3100 Travis Street, Houston, Texas, filed in Docket No. CP62-103 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during a 12-month period and the operation of field booster compressor facilities and appurtenant equipment in order to enable Applicant to take into its certificated pipeline system volumes of natural gas which may be purchased in presently connected fields, at a total cost not to exceed $1,000,000, with no single installation to exceed a cost of $250,000, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that in a number of fields connected to Applicant's system declining wellhead pressures are diminishing the volumes of gas which would otherwise be deliverable to Applicant by contract, thus necessitating the installation of the facilities for which authorization is requested herein.

The facts in presently known required compression additions under this application are:

[1] Olin and Frankfort each own an undivided one-half interest in the subject production.

FIELD AND COUNTY

	South Karon and Coquat Field, Live Oak County	Goebel Field, Live Oak County	St. Charles Field, Aransas County	Kittiewest Field, Live Oak County	Arneckville Field, Dewitt County		South Pleasanton Field, Atascosa County
Reserves available to applicant as of Jan. 1, 1961.	5,606,000 Mcf.	5,139,000 Mcf.	40,286,000 Mcf.	1,728,000 Mcf.	13,681,000 Mcf		8,436,000 Mcf.
Seller and FPC Gas Rate Schedule Number.	Western Natural Gas Co., R.S. 7.	Western Natural Gas Co., R.S. 7.	Western Natural Gas Co., R.S. 7. Continental Oil Co., R.S. 105.	Western Natural Gas Co., R.S. 7.	Atlantic Refining Co., R.S. 42.	Western Natural Gas Co., R.S. 7.	Robert Mosbacher (Operator) et al., R.S. 16.
Average price in cents/Mcf (including tax reimbursement).	*Cents* 8.921227	*Cents* 8.921227	*Cents* 8.921227	*Cents* 8.921227	*Cents* 8.890883	*Cents* 8.890883	*Cents* 14.189
Incremental compression.	1.639	1.639	1.639	1.639	1.29	1.29	1.46
Total cost (cents/Mcf).	10.560227	10.560227	10.560227	10.560227	10.180883	10.180883	15.649

Applicant states that installation of compressors in other fields may become necessary during the period for which authorization is sought herein.

The proposed facilities would be financed from cash on hand or, alternatively, by short term bank loans.

No new sale or service is proposed in the application. The construction and operation of the subject facilities will not increase the delivery capacity of its main transmission system, Applicant states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2743; Filed, Mar. 21, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD L. GRAHAM, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 2, 1962.

HAROLD L. GRAHAM, JR.

[F.R. Doc. 62-2756; Filed, Mar. 21, 1962; 8:48 a.m.]

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of March 12, 1962.

WILBUR F. DUERINGER.

MARCH 12, 1962.

[F.R. Doc. 62-2737; Filed, Mar. 21, 1962; 8:46 a.m.]

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 5, 1962.

LOUIS F. FRAZZA.

MARCH 5, 1962.

[F.R. Doc. 62-2738; Filed, Mar. 21, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-36]

MANAGER, DISASTER FIELD OFFICE, CRESTVIEW, FLORIDA

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30-V-36 (27 F.R. 1080) to the Manager, Disaster Field Office, Crestview, Florida, is hereby rescinded in its entirety. The Office was closed effective February 9, 1962.

Effective date: February 9, 1962.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F.R. Doc. 62-2746; Filed, Mar. 21, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 611]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64768. By order of March 15, 1962, the Transfer Board approved the transfer to Union Cartage, Inc., Seattle, Wash., of portion of Certificate No. MC 43260, issued November 24, 1959, to Daughters the Mover, Inc., doing business as West Seattle Transfer & Storage Co. and Burien-Midway Van & Storage Co. and Central Van & Storage Co., Seattle, Wash., authorizing the transportation of: General commodities, excluding household goods, and other specified commodities. George H. Hart, 640 Central Building, Seattle 4, Wash., attorney for applicants.

No. MC-FC 64816. By order of March 14, 1962, the Transfer Board approved the transfer to Howard Raef, Prescott, Kans., of Certificate in No. MC 760 issued August 17, 1960, to Carl L. Black, Prescott, Kans., authorizing the transportation of: Livestock, and household goods, from Pleasanton, Kans., to Kansas City, Mo., farm machinery, farm machinery parts, building materials, hardware, livestock and household goods from Kansas City, Mo., Pleasanton, Kans., feed and seed, from Kansas City, Mo., to Prescott, Kans., seed, from Prescott, Kans., to Kansas City, Mo., livestock, logs, and household goods from Fulton, Kans., to Kansas City, Mo., general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., to Fulton, Kans.

No. MC-FC 64850. By order of March 15, 1962, the Transfer Board approved the transfer to Wirth Bus Service, Inc., Palmyra, N.Y., of Corrected Certificate No. MC 115812 and certificate No. MC 115812 Sub 1, issued March 13, 1957 and October 2, 1959, to Theodore R. Wirth, Palmyra, N.Y., authorizing the transportation of passengers and their baggage, in charter service, over irregular routes, beginning and ending at Geneva, N.Y., points in Wayne County, N.Y., and points in that portion of Ontario County, N.Y., bounded by a line beginning at the intersection of the Monroe-Ontario County line and New York Highway 251, and extending eastward along New York Highway 251 to junction N.Y. Highway 96, thence along N.Y. Highway 96 through Victor and Phelps, N.Y., to junction New York Highway 14, thence northward along New York Highway 14 to the Wayne-Ontario County line, thence west and south along the Wayne-Ontario and Monroe-Ontario County lines, respectively, to point of beginning, including points on the highways indicated; and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and beginning and ending at points in Monroe County, N.Y., and extending to points in Connecticut, Maine, Maryland, New Hampshire, New York (except New York, N.Y.), Pennsylvania, and Vermont. Paul T. Rubery, 31 Main Street, East, Rochester 14, N.Y., attorney at law.

No. MC-FC 64858. By order of March 14, 1962, the Transfer Board approved the transfer to Scenic Hawkeye Stages, Inc., Decorah, Iowa, of the operating rights in Certificate No. MC 113418, issued April 25, 1955, and Certificate No. MC 113418 Sub 1, issued June 5, 1957, to Dewees Bus Lines, a corporation, Oelwein, Iowa, authorizing the transportation, over irregular routes, of passengers and their baggage, in round-trip charter operations, beginning and ending at Oelwein, Iowa, and points within 60 miles of Oelwein, except Waterloo, Iowa, points on U.S. Highway 63 north of Waterloo, and points on Iowa Highway 9, and extending to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and beginning and ending at Oelwein, Iowa, and points within 60 miles of Oelwein (except Waterloo, Iowa, and points on U.S. Highway 63 north of Waterloo, and points on Iowa Highway 9 between Davis Corners, Iowa, and Mississippi River (near Lansing, Iowa) and extending to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. Erwin Larson, Ellis Block, Charles City, Iowa, applicants' attorney.

No. MC-FC 64862. By order of March 16, 1962, the Transfer Board approved the transfer to Carlson's Garage, Inc., North East, Md., of Permit No. MC 119675 Sub 1, issued December 29, 1960, to N.E.S.T. Co. (a corporation), North East, Md., authorizing the transportation of: stone, crushed stone, and crushed stone screenings, in bulk, in dump vehicles, from the site of the plant of Maryland Materials, Inc., located about 5 miles north of North East, Md., to points in Delaware. Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore 28, Md., and Daniel W. Shoemaker, 103 East Market Street, York, Pa. attorneys for applicants.

No. MC-FC 64872. By order of March 14, 1962, the Transfer Board approved the transfer to Meldrum the Mover Ltd., Montreal, Quebec, Canada, of Certificate No. MC 16911, issued January 27, 1958, to Agnes Meldrum, doing business as Meldrum The Mover, Montreal, Quebec, Canada, authorizing the transportation of household goods, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, ports of entry on the boundary of the United States and Canada east of Sault Ste. Marie, Mich., including Sault Ste. Marie. Meldrum The Mover, 6645 Sherbrooke Street West, Montreal, Quebec, Canada.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-2752; Filed, Mar. 21, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MARCH 16, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 17, 1962, to March 26, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-2745; Filed, Mar. 21, 1962; 8:47 a.m.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–232]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6013 and 600.6289 of the regulations of the Administrator is to redefine the use of low altitude VOR Federal airways Nos. 13 and 289 in relation to the Fort Chaffee, Ark., Restricted Areas R–2401 and R–2402 and to delete reference to the Duluth, Minn., RA/MCC (R–4302) from the description of Victor 13.

Victor 13 is designated in part to exclude the portion which coincides with R–2401 during the time of use of this restricted area and to exclude the portion which coincides with R–4302. Victor 289, as designated, traverses R–2401 and R–2402 but makes no provision for use of the portion within the restricted areas. R–2401 is designated from the surface to 6,000 feet MSL and R–2402 is designated from the surface to 26,000 feet MSL. Both restricted areas are now designated on a continuous and joint use basis. R–4302 has been revoked.

In the interest of clarifying the use of these airway segments in the vicinity of Fort Chaffee, the following actions are taken:

1. Alter the description of Victor 13 to permit use of the portion of the main airway within R–2401 when this restricted area is not being used for its designated purpose. Victor 13 west alternate will still be designated to allow full time use of this airway regardless of activities with R–2401.

2. Alter the description of Victor 289 to permit use of the portions within R–2401 and R–2402 when these restricted areas are not being used for their designated purpose.

3. Delete reference to R–4302 from the description of Victor 13.

Since these alterations are minor in nature and impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6013 (26 F.R. 8245) "to the Lakehead, Ontario, VOR, excluding the portion which lies outside of the United States and excluding the portion which would coincide with R–4302. The portion of this airway which coincides with R–2401 is excluded during the time of designation of the restricted area." is deleted and "to the Lakehead, Ontario, VOR. The portion of this airway which lies outside the United States is excluded and the airspace within R–2401 is excluded from the west alternate. The portion of the main airway between the Page VOR and the Fort Smith VOR which lies within R–2401 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

2. In the text of § 600.6289 (14 CFR 600.6289) the following is added: "The portion of this airway which lies within R–2401 and R–2402 shall be used only after obtaining prior approval from the appropriate authority."

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2782; Filed, Mar. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6017 of the regulations of the Administrator is to alter the description of VOR Federal airway No. 17 from Waco, Texas, to Mineral Wells, Texas.

VOR Federal airway No. 163 is designated in part from the Lometa, Texas, VORTAC direct to the Mineral Wells VORTAC. This alignment is via the 197° True radial of the Mineral Wells VORTAC. Victor 17 is designated in part from the Waco VORTAC via the intersection of the Waco VORTAC 315° and the Mineral Wells VORTAC 198° True radials to the Mineral Wells VORTAC. It is intended that Victor 17 coincide with Victor 163 north of Mill, Texas. Accordingly, action is taken herein to alter Victor 17 by substituting the Mineral Wells VORTAC 197° for the 198° radial in the description of the airway. This alteration will involve no additional assignment of airspace.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 600.6017 is amended as follows:

In the text of § 600.6017 (14 CFR 600.6017, 26 F.R. 9848) "INT of the Waco VOR 315° with the Mineral Wells VOR 198° radials;" is deleted and "INT of the Waco VORTAC 315° and the Mineral Wells VORTAC 197° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2783; Filed, Mar. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 62–CE–19]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.69 of the regulations of the Administrator is to change the using agency of the Sheboygan, Wis., Restricted Area R–6903 from "Commander, 128th Fighter Group, Wisconsin Air National Guard, Milwaukee, Wis." to "Commander, Permanent Field Training Site, Volk Field, Camp Douglas, Wis.".

The Department of the Air Force has advised that the 128th Fighter Group has been assigned another mission and that this unit no longer has a direct interest in R–6903. Therefore, the designation of the Commander, Permanent Field Training Site at Volk Field as the using agency of R–6903 will facilitate the planning and scheduling of operations within this area.

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.69 (26 F.R. 7204, 7962), R–6903 Sheboygan, Wis., Restricted Area is amended to read as follows:

R–6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°45'–00" N., longitude 87°10'00" W.; to latitude 43°15'15" N., longitude 87°09'00" W.; to latitude 43°14'20" N., longitude 87°44'30" W.; to latitude 43°45'00" N., longitude 87°39'20" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Using agency. Commander, Permanent Field Training Site, Volk Field, Camp Douglas, Wis.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2784; Filed, Mar. 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1086; Amdt. 261]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE MARCH 31, 1962.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class., BMRLZ; Ident., BTR; Procedure No. 1, Amdt. 7; Eff. Date, 7 Sept. 57; Sup. Amdt. No. 6; Dated, 12 Mar. 55

PROCEDURE CANCELLED, EFFECTIVE MARCH 31, 1962.

City, Lynchburg; State, Va.; Airport Name, Preston Glenn; Elev., 942'; Fac. Class., SBRAZ; Ident., LYN; Procedure No. 1, Amdt. 3; Eff. Date, 15 May 54; Sup. Amdt. No. 2; Dated, 1 Dec. 52

PROCEDURE CANCELLED, EFFECTIVE MARCH 31, 1962.

City, New Orleans; State, La.; Airport Name, Moisant International; Elev., 3'; Fac. Class., SBRAZ; Ident., MSY; Procedure No. 2, Amdt. 8; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 7; Dated, 13 July 57

Scarsdale Int	LA-LFR (Final)	Direct	°1500	T-dn‡	300-1	300-1	200-½
				C-dn‡	700-1	700-2	700-1
				S-dn-22‡%#	500-1	500-1	300-1
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, °°1500' (°°1000' authorized after New Rochelle MHW.)
Crs and distance, facility to airport, 223°—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing LaGuardia LFR, climb to 2500' on SW crs LaGuardia LFR to Coney Island Int. Hold Coney Island Int right turns, 1 minute, 043° Inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383' msl 2.5 mi NE; tank 422' msl 2 mi North.
NOTE: LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
°If New Rochelle MHW not received, straight-in minimums not authorized.
%Descent to landing minimums authorized only after passing LaGuardia LFR.
‡Takeoff minimums for Rnwys 4 and 31 will not be less than 200-1 during periods when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landings on Rnwys 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 11; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 10; Dated, 27 Jan. 62

PROCEDURE CANCELLED, EFFECTIVE MARCH 31, 1962.

City, Oklahoma City; State, Oklahoma; Airport Name, Will Rogers; Elev., 1283'; Fac. Class., SBRAZ; Ident., OKC; Procedure No. 1, Amdt. 9; Eff. Date, 2 Jan. 60; Sup. Amdt. No. 8; Dated, 30 Nov. 57

Red Hill FM	RA-LFR (Final)	Direct	2700	T-dn°‡	1000-2	1000-2	1000-1
				C-d	1500-2	1500-2	1500-1
				C-n°	2000-2	2000-2	2000-1
				A-dn°	2500-2	2500-2	2500-1

Procedure turn E side South crs, 170° Outbnd, 350° Inbnd, 4000' within 10 miles of Red Hill FM.
Minimum altitude over Red Hill FM on final approach crs, 4600'; over LFR, 2700'.
Crs and distance, Red Hill FM to airport, 350°—9.3 mi; RA-LFR to airport, 350°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RA LFR, climb to 5000' on N crs within 13 miles of LFR, maintaining at least 500' per minute rate of climb. Return to Roanoke LFR at 5000'. If unable to maintain 500' per minute climb, notify ATC and make right turn climbing to 5000' on S crs.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized due to local visibility conditions.
‡For Air Carrier use only: 600-2 minimums on Rnwy 15 and 800-2 minimums on Rnwy 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR receiver required.
°Takeoffs on Rnwy 33 and landings on Runway 15 not authorized at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., SABRAZ; Ident., RA; Procedure No. 1, Amdt. 10; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 9; Dated, 8 June 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 199° Outbnd, 019° Inbnd, 1900' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 019°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, make climbing left turn to 1900' returning to the Wilmington LFR. Hold South ILG-LFR 1-minute right turns, 019° Inbnd.
CAUTION: #Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM. Maintain 1900' until South of range.
NOTE: ADF approach not authorized.

City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79'; Fac. Class., MRLWZ; Ident., ILG; Procedure No. 1, Amdt. 9; Eff. Date, 31 Mar. 62; Sup Amdt. No. 8; Dated, 1 Feb. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Elkins LFR	CKB-RBn	Direct	5000	T-dn°	500-1		
Elkins VOR	CKB-RBn	Direct	4000	C-dn	1000-1		
Int 325° crs from Elkins VOR and 040° crs	CKB-RBn (Final)	Direct	2200	A-dn	1500-2		

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 3000' on crs of 220° within 10 miles.
CAUTION: 2049' tower 4.7 mi West of RBn.
°Night takeoffs not authorized on NW-SE Runways.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209'; Fac. Class., HW; Ident., CKB; Procedure No. 1, Amdt. 6; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 5; Dated, 24 Feb. 62

				T-d	300-1	300-1	NA
				T-n°	300-1	300-1	NA
				C-d	500-1	500-1	NA
				C-n°	500-1½	500-1½	NA
				A-dn	NA	NA	NA

Procedure turn South side of crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 064°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 3.6 mi after passing Hampton RBn, make an immediate right climbing turn and proceed direct to the Hampton RBn at 3000'. Hold East of Hampton RBn, 1-minute patterns, right hand turns, Inbound 276°.
CAUTION: Power line and associated towers reaching 155' MSL along NE boundary of airport.
NOTE: No weather reporting. No tower communications. Unicom available on 122.8 during normal hours of operation—Sunrise to Sunset.
°Runway lights on 10-28 only. Night operation authorized on 10-28 only.

City, East Hampton; State, N.Y.; Airport Name, East Hampton; Elev., 55'; Fac. Class., HW; Indent., XTO; Procedure No. 1, Amdt. Orig.; Eff. Date, 31 Mar. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	800-1	800-1	800-1
				C-d	1000-2	1000-2	1000-2
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 4000' within 10 miles of PSK-VOR.
Minimum altitude over facility on final approach crs, 3900'.
Crs and distance, facility to airport, 032°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, make a right (South) climbing turn and return to PSK-VOR at 4600'. Hold SW PSK-VOR R-212, 032° inbnd crs, 1-minute right turns.
NOTE: Runway lights not installed.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105'; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 16 Dec. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
KE-LFR	ENA-VOR	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 004° Outbnd, 184° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 184°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 1900′ on R-184 within 20 miles.

City, Kenai; State, Alaska; Airport Name, Kenai Airport; Elev., 93′; Fac. Class., BVOR; Ident., ENA; Procedure No. 1, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 24 Sept. 60

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 247° Outbnd, 067° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 067°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile, make an immediate left climbing turn to 1800′ and proceed direct to the Wilmington VOR. Hold Southwest, 1-minute right turns, 067° Inbnd.

City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79′; Fac. Class., BVORTAC; Ident., EWT; Procedure No. 1, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CHS RBn	CHS-VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 213° Outbnd, 033° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Facility on airport.
Crs and distance, breakoff point to Runway 3, 026°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1400′ on R-033 within 20 miles or, when directed by ATC, turn left, climb to 1400′ on R-213 CHS-VOR.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-3, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 8 July 61

CHS RBn	CHS-VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	*400-1	500-1	500-1½
				S-dn-15	*400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 334° Outbnd, 154° Inbnd, 1300′ within 10 mi, not to be started until abeam LOM Outbnd.
Minimum altitude over facility on final approach crs, 800′.*
Facility on airport.
Distance from final approach fix (Int CHS R-334 and brng 244° to LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS-VOR, climb to 2000′ on R-154 within 15 miles or, when directed by ATC, turn right, climb to 1300′ on R-334 of VOR within 20 mi.
CAUTION: Radio towers 428′ m.s.l. 6 mi SE; 1049′ m.s.l. 10 mi SE.
*Descent below 600′ MSL NA unless final approach fix (Int CHS R-334 and brng 244° to LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Indent., CHS; Procedure No. TerVOR-15, Amdt. 5; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 4; Dated, 12 Aug. 61

CHS RBn	CHS VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 020° Outbnd, 200° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, *600′.
Facility on airport.
Distance from final approach fix (Int CHS-VOR R-020 and brng 263° to LOM), 4.1 mi.
Crs and distance, breakoff point to Runway 21; 206°—0.6 mi.
If visual contact not established upon desent to authorized landing minimums or if landing not accomplished, climb to 1300′ on R-200 within 15 miles or, when directed by ATC, turn right, climb to 1300′ on R-020 of CHS-VOR, within 20 mi.
*Descent below 600′ MSL NA unless final approach fix (Int CHS-VOR R-020 and brng 263° to LOM) is received. If 400′ ceiling minimum is to be used, procedure turn maneuvering must be completed North of final approach fix. Functioning ADF receiver required for minima of 500′ or lower.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-21, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
RA-LFR	Leslie RBn	Direct	4000	T-dn*#	1000-2	1000-2	1000-2
Roanoke VOR	Leslie RBn	Direct	4000	C-dn*	1000-2	1000-2	1000-2
Goodes Int	Leslie RBn	Direct	4000	A-dn*	2500-2	2500-2	2500-2
Bedford Int	Leslie RBn	Direct	4000				

Procedure turn North side of crs, 126° Outbnd, 306° Inbnd, 3600′ within 10 miles of Leslie RBn.
Minimum altitude over Leslie RBn on final approach, 3000′.
Crs and distance, Leslie RBn to airport, 306°—6.8 mi.
Crs and distance, Cloverdale RBn to airport, 306°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBn, make climbing left turn to 3600′ and proceed to the Leslie RBn.
NOTE: This procedure requires the following aids to be operating: ODR-VOR, Leslie RBn and Cloverdale RBn. Aircraft must be equipped to utilize the facilities.
#For Air Carrier use only: 600-2 minimums on Rnwy 15 and 800-2 minimums on Rnwy 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MRW at 2400′ MSL or above, climb to 4000′ in Leslie holding pattern—VOR receiver required.
*Takeoffs on Rnwy 33 and landings on Rnwy 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174′; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R-306), Amdt. 1; Eff. Date, 31 Mar. 62; Sup Amdt. No. Orig.; Dated, 6 June 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dallas VOR	LOM	Direct	2200	T-dn**	300-1	300-1	200-½
Ross Ave Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Dallas RBn	LOM	Direct	2200	S-dn-13*	200-½	200-½	200-½
Lakeside Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2

Radar terminal area transition altitude 2200′ within 20 miles. Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when within 3-5 miles of radio towers 1108′ msl 20 mi N; 1221′ msl 10 mi WNW; TV tower 2349′ msl 17 mi SSW of airport.
Procedure turn N side NW crs, 307° Outbnd, 127° Inbnd, 2200′ within 10 mi. Nonstandard due to ATC.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1765′—4.1 mi; at MM, 711′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles of LOM, climb to 2200′ on SE crs ILS (127°) within 20 miles or, when directed by ATC, turn left, proceed to DAL-VOR, climbing to 2200′ or, when under positive radar contact, climb to 2200′ on crs as directed by ATC.
CAUTION: 1221′ radio tower 5.6 mi WNW of LOM; 695′ tank 1.7 mi SE of Runway 31.
NOTE: Maintain 2200′ until established on glide slope inbound.
*Runway Visual Range 2600′ also authorized for landing on Runway 13, provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 685′ msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 13 in lieu of 200-½ when 200-½ is authorized; providing high intensity runway lights are operational.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class., ILS; Ident., I-DAL; Procedure No. ILS-13, Amdt. 8; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 7; Dated, 9 Jan. 60

PIE-VOR	LOM	Direct	1300	T-dn#	300-1	300-1	*200-½
Tampa LFR	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
All directions	Radar Site	Within 25 mi	1500	S-dn-18**##	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar control must provide 1000 ft. clearance when within 3 miles or 500 ft. clearance when between 3-5 miles of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 9 mi SE of airport.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1300′.
Altitude of glide slope and distance to appr end of rnwy at LOM, 1220—4.0; at MM, 220°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to 225°, climb to 1500′ on R-080/R-260 PIE-VOR within 20 miles or, when directed by ATC, climb to 1500′ on S crs of ILS or 181° crs from LOM within 20 miles.
AIR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.
CAUTION: 210′ radio tower 1 mile WSW of airport.
#Runway Visual Range 2600′ also authorized for takeoff on Runway 18 in lieu of 200-½ when 200-½ is authorized, provided high intensity runway lights are operational.
##Runway Visual Range 2600′ also authorized for landing on Runway 18, provided all components of the ILS high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 227′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
*1 mile visibility required all operations Runway 14-32.
**400-¾ required when glide slope not utilized.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-18, Amdt. 15; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 14; Dated, 12 Aug. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 23, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2059; Filed, Mar. 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1092; Amdt. 262]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Barre-Montpelier; State, Vt.; Airport Name, Barre-Montpelier; Elev., 1149'; Fac. Class., BMRLZ; Ident., MR; Procedure No. 1, Amdt. 3; Eff. Date, 22 Apr. 61; Sup. Amdt. No. 2; Dated, 29 July 54

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Lynchburg; State, Va.; Airport Name, Preston Glenn; Elev., 942'; Fac. Class., SBRAZ; Ident., LH; Procedure No. 2, Amdt 3; Eff. Date, 15 May 54; Sup. Amdt. No. 2; Dated, 1 Dec. 52

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HOU VOR	AAP MH	Direct	1800	T-dn	300–1	NA	NA
Fairbanks Int	AAP MH	Direct	1800	C-dn	600–1	NA	NA
Arcola Int	AAP MH	Direct	2100	A-dn	NA	NA	NA
Rosenberg Int	AAP MH	Direct	1500				
Cypress Int	AAP MH	Direct	1500				
Radar Vectoring Position	AAP MH	Direct	1500				

Houston Radar terminal area transition altitude 2200' within 20 miles of radar site.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 344° Outbnd, 164° Inbnd, 1500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 165°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile, turn right, climb to 2000' on crs of 270° from the AAP MH within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure NA for air carrier. Runways 50' wide. Private facility approved for public use.
Other change: Deletes transition from HOU LFR.

City, Alief; State, Tex.; Airport Name, Andrau Airpark; Elev., 80'; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 2; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 1; Dated, 30 Apr. 60

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., MHW; Ident., BXL; Procedure No. 2, Amdt. 1; Eff. Date, 22 Apr. 61; Sup Amdt. No. Orig.; Dated, 14 June 58

APE-VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
CM RBn	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
CMH LFR	LOM	Direct	2500	S-dn-9R	500–1	500–1	800–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 mi of CB RBn is required.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 mi of CB LOM.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 100°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing CB RBn, climb on a heading of 096° to 2500' and proceed to CM RBn, hold East 1-minute right turns.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev. 816'; Fac. Class., LOM; Ident., CB; Procedure No. 2; Amdt. Orig.; Eff. Date, 7 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HOU VOR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
Houston RBn	LOM	Direct	1200	C-dn	400–1	500–1	500–1½
Fairbanks Int	LOM	Direct	1800	S-dn-3	400–1	400–1	400–1
Arcola Int	LOM (Final)	Direct	1100	A-dn	800–2	800–2	800–2
HOU FM	LOM	Direct	1600				
Radar vectoring position	LOM (Final)	036°—5.0	1100				

Radar terminal transition altitude 2200' within 20 miles.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600' within 10 miles.
Minimum altitude over LOM on final approach crs, 1100'.
Crs and distance, facility to airport, 036°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 1600' on crs 036° within 20 miles or, when directed by ATC, turn left, climb to 1800' on HOU RBn brng 309° within 20 mi.
CAUTION: 1232' MSL TV tower approximately 9 mi SE of LOM.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 21; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 20; Dated, 16 Sept. 61

Arcola VHF Int	HOU RBn	Direct	1500	T-dn	300–1	300–1	200–½
HOU VOR	HOU RBn	Direct	1200	C-dn	400–1	500–1	500–1½
HOU FM	HOU RBn	Direct	1300	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 311°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 1800' on HOU RBn brng 309° within 20 mi or, when directed by ATC, turn right, climb to 1600' on HOU RBn brng 062° within 20 mi.
NOTE: Runway 8–26 used as taxiway only.
CAUTION: 1232' msl TV tower approximately 9 mi SSE of HOU RBn.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BII; Ident., HOU; Procedure No. 2, Amdt. 1; Eff. Date, 7 Apr. 62; Sup. Amdt. No. Orig.; Dated, 16 Sept. 61

Arcola VHF Int	HOU RBn	Direct	1500	T-dn	300–1	300–1	200–½
HOU VOR	HOU RBn	Direct	1200	C-dn	400–1	500–1	500–1½
Fairbanks VHF Int	HOU RBn	Direct	1500	S-dn-12	#400–1	#400–1	#400–1
Fairbanks VHF Int	HOU FM# (Final)	Direct	1500	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 309° Outbnd, 129° Inbnd, 1800' within 19 mi.
Minimum altitude over HOU FM on final approach crs, 1500'.
Crs and distance, HOU FM to airport, 129°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi of HOU FM, climb to 1700' on HOU RBn brng 130° within 15 mi or, when directed by ATC, turn left, climb to 1600' on HOU RBn brng 062° within 20 mi.
CAUTION: 1232' msl TV tower approximately 9 mi SSE of HOU RBn.
#Radar Fix 6.5 mi from HOU RBn may be used in lieu of HOU FM. If HOU FM not identified or Radar Fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BII; Ident., HOU; Procedure No. 3, Amdt. 1; Eff. Date, 7 Apr. 62; Sup. Amdt. No. Orig.; Dated, 16 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks Int	HOU FM# (Final)	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitude all directions 2200' within 20 mi. Radar may be used to position aircraft for a final approach within 5 miles of VOR, with elimination of a procedure turn.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1800' within 10 mi of HOU FM#. Beyond 10 mi NA.
Minimum altitude over HOU FM# on final approach crs, 1500'.
Crs and distance, HOU FM# to airport, 126°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of HOU FM (or within 0.0 mi of HOU-VOR if HOU FM not identified or Radar Fix not obtained on final, climb to 2200' on HOU-VOR R-171 within 15 mi.
CAUTION: 1232' TV tower 11 mi SSE of VOR.
#Radar Fix 4.8 mi from HOU-VOR may be used in lieu of HOU FM. If HOU FM not identified or radar fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVORTAC; Ident., HOU; Procedure No. 1, Amdt. 7; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 6; Dated, 4 Mar. 61

City, Kenal; State, Alaska; Airport Name, Kenal Airport; Elev., 93'; Fac. Class., BVOR; Ident., ENA; Procedure No. 1, Amdt. 1, Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 24 Sept. 60

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn South side of crs, 247° Outbnd, 067° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 067°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile, make an immediate left climbing turn to 1800' and proceed direct to the Wilmington VOR. Hold Southwest, 1-minute right turns, 067° Inbnd.

City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79'; Fac. Class., BVORTAC, Ident., EWT; Procedure No. 1, Amdt. 1, Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition					Ceiling and visibility minimums		
					2-engine or less		More than 2-engine, more than 65 knots
From	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CHS RBn	CHS VOR	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–3	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 213° Outbnd, 033° Inbnd, 1400' within 10 mi.
Minimum altitude over facility on final approach crs, 500'.
Facility on airport.
Crs and distance, breakoff point to Runway 3, 026°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1400' on R–033 within 20 miles or, when directed by ATC, turn left, climb to 1400' on R–213 CHS–VOR.

City, Charleston; State, S. C.; Airport Name, Charleston AFB Municipal; Elev., 45'; Fac. Class., BVORTAC, Ident., CHS; Procedure No. TerVOR–3, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 8 July 61

CHS RBn	CHS VOR	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	*400–1	500–1	500–1½
				S–dn–15	*400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 334° Outbnd, 154° Inbnd, 1300' within 10 mi, not to be started until abeam LOM Outbnd.
Minimum altitude over facility on final approach crs, 800'.*
Facility on airport.
Distance from final approach fix (Int CHS R–334 and brng 244° to LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS–VOR, climb to 2000' on R–154 within 15 miles or, when directed by ATC, turn right, climb to 1300' on R–334 of VOR within 20 mi.
CAUTION: Radio towers 428' m.s.l. 6 mi SE; 1049' m.s.l. 10 mi SE.
*Descent below 800' MSL NA unless final approach fix (Int CHS R–334 and brng 244° to LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB Municipal, Elev., 45'; Fac. Class., BVORTAC; Indent., CHS, Procedure No. TerVOR–15, Amdt. 5; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 4; Dated, 12 Aug. 61

CHS RBn	CHS VOR	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn*	400–1	500–1	500–1½
				S–dn–21*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 020° Outbnd, 200° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, *600'.
Facility on airport.
Distance from final approach fix (Int CHS–VOR R–020 and brng 263° to LOM), 4.1 mi.
Crs and distance, breakoff point to Runway 21; 206°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1300' on R–200 within 15 miles or, when directed by ATC, turn right, climb to 1300' on R–020 of CHS–VOR, within 20 mi.
*Descent below 600' MSL NA unless final approach fix (Int CHS–VOR R–020 and brng 263° to LOM) is received. If 400' ceiling minimum is to be used, procedure turn maneuvering must be completed North of final approach fix. Functioning ADF receiver required for minima of 500' or lower.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45'; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR–21, Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

and proceed to the Leslie RBn.
NOTE: This procedure requires the following aids to be operating: ODR–VOR, Leslie RBn and Cloverdale RBn. Aircraft must be equipped to utilize the facilities.
#For Air Carrier use only: 600–2 minimums on Rnwy 15 and 800–2 minimums on Rnwy 23 authorized with immediate left turn to intercept R–126 ODR–VOR, cross Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern– VOR receiver required.
*Takeoffs on Rnwy 33 and landings on Rnwy 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R–306), Amdt. 1; Eff. Date, 31 Mar. 62; Sup. Amdt. No. Orig.; Dated, 6 June 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition					Ceiling and visibility minimums		
					2-engine or less		More than 2-engine, more than 65 knots
From	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Dallas VOR	LOM	Direct	2300	T–dn**	300–1	300–1	200–½
San Ana Int	LOM	Direct	2300	C–dn	600–1	500–1	500–1½
Dallas RBn	LOM	Direct	2300	S–dn–13*	200–½	200–½	200–½
Lakeside Int	LOM	Direct	2300	A–dn	600–2	600–2	600–2

Radar terminal area transition altitude 2300' within 20 miles. Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3 N miles of radio towers 1126' msl 20 mi N, 1221' msl 10 mi WNW; TV tower 2349' msl 17 mi SW of airport.
Procedure turn N side NW crs, 307° Outbnd, 127° Inbnd, 2300' within 10 mi. Nonstandard due to ATC.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1766'—4.1 mi, at MM, 711'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles of LOM, climb to 2300' on SE crs ILS (127°) within 20 miles or, when directed by ATC, turn left, proceed to DAL–VOR, climbing to 2300' or, when under positive radar contact, climb to 2300' on crs as directed by ATC.
CAUTION: 1221' radio tower 5.6 mi WNW of LOM; 605' tank 1.7 mi SE of Runway 31.
NOTE: Maintain 2300' until established on glide slope inbound.
*Runway Visual Range 2600' also authorized for landing on Runway 13, provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 685' msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' also authorized for takeoff on Runway 13 in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are operational.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485'; Fac. Class., ILS; Ident., I–DAL; Procedure No. ILS–13, Amdt. 8; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 7; Dated, 9 Jan. 60

PIE–VOR	LOM	Direct	1300	T–dn#	300–1	300–1	*200–½
Tampa LFR	LOM	Direct	1500	C–dn	500–1	500–1	500–1½
All directions	Radar Site	Within 25 mi.	1500	S–dn–18**##	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar control must provide 1000 ft. clearance when within 3 miles or 500 ft. clearance when between 3-5 miles of radio antenna towers 861' MSL 12 mi SE and 1135' MSL 8 mi SE of airport.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1300' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1300'.
Altitude of glide slope and distance to appr end of rnwy at LOM, 1220—4.0; at MM, 220°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to 225°, climb to 1500' on R–080/R–260 PIE VOR within 20 miles or, when directed by ATC, climb to 1500' on S crs of ILS or 181° crs from LOM within 20 miles.
AIR CARRIER NOTES: 200–½ absolute minimum for takeoff Runway 27. Runway 14–32 closed to all air carrier operations.
CAUTION: 210' radio tower 1 mile W8W of airport.
#Runway Visual Range 2600' also authorized for takeoff on Runway 18 in lieu of 200–½ when 200–½ is authorized, provided high intensity runway lights are operational.
##Runway Visual Range 2600' also authorized for landing on Runway 18, provided all components of the ILS high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 227' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
*1 mile visibility required all operations Runway 14–32.
**400–¾ required when glide slope not utilized.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27'; Fac. Class., ILS; Ident., I–TPA; Procedure No. ILS–18, Amdt. 15; Eff. Date, 31 Mar. 62; Sup. Amdt. No. 14; Dated, 12 Aug. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 23, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–2059; Filed, Mar. 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1092; Amdt. 262]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Barre-Montpelier; State, Vt.; Airport Name, Barre-Montpelier; Elev., 1149'; Fac. Class., BMRLZ; Ident., MR; Procedure No. 1, Amdt. 3; Eff. Date, 22 Apr. 61; Sup. Amdt. No. 2; Dated, 20 July 54

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Lynchburg; State, Va.; Airport Name, Preston Glenn; Elev., 942'; Fac. Class., SBRAZ; Ident., LH; Procedure No. 2, Amdt 3; Eff. Date, 15 May 54; Sup. Amdt. No. 2; Dated, 1 Dec. 52

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HOU VOR	AAP MH	Direct	1800	T-dn	300-1	NA	NA
Fairbanks Int	AAP MH	Direct	1800	C-dn	600-1	NA	NA
Arcola Int	AAP MH	Direct	2100	A-dn	NA	NA	NA
Rosenberg Int	AAP MH	Direct	1500				
Cypress Int	AAP MH	Direct	1500				
Radar Vectoring Position	AAP MH	Direct	1500				

Houston Radar terminal area transition altitude 2200' within 20 miles of radar site.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 344° Outbnd, 164° Inbnd, 1500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 165°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile, turn right, climb to 2000' on crs of 270° from the AAP MH within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure NA for air carrier. Runways 50' wide. Private facility approved for public use.
Other change: Deletes transition from HOU LFR.

City, Alief; State, Tex.; Airport Name, Andrau Airpark; Elev., 80'; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 2; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 1; Dated, 30 Apr. 60

PROCEDURE CANCELLED, EFFECTIVE APRIL 7, 1962.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., MHW; Ident., BXL; Procedure No. 2, Amdt. 1; Eff. Date, 22 Apr. 61; Sup Amdt. No. Orig.; Dated, 14 June 58

APE-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
CM RBn	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
CMH LFR	LOM	Direct	2500	S-dn-9R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 mi of CB RBn is required.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 mi of CB LOM.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 100°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing CB RBn, climb on a heading of 096° to 2500' and proceed to CM RBn, hold East 1-minute right turns.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev. 816'; Fac. Class., LOM; Ident., CB; Procedure No. 2; Amdt. Orig.; Eff. Date, 7 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HOU VOR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Houston RBn	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Fairbanks Int	LOM	Direct	1800	S-dn-3	400-1	400-1	400-1
Arcola Int	LOM (Final)	Direct	1100	A-dn	800-2	800-2	800-2
HOU FM	LOM	Direct	1600				
Radar vectoring position	LOM (Final)	036°—5.0	1100				

Radar terminal transition altitude 2200' within 20 miles.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600' within 10 miles.
Minimum altitude over LOM on final approach crs, 1100'.
Crs and distance, facility to airport, 036°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 1600' on crs 036° within 20 miles or, when directed by ATC, turn left, climb to 1800' on HOU RBn brng 309° within 20 mi.
CAUTION: 1232' MSL TV tower approximately 9 mi SE of LOM.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 21; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 20; Dated, 16 Sept. 61

Arcola VHF Int	HOU RBn	Direct	1500	T-dn	300-1	300-1	200-½
HOU VOR	HOU RBn	Direct	1200	C-dn	400-1	500-1	500-1½
HOU FM	HOU RBn	Direct	1300	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 331° Outbnd, 211° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 311°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 1800' on HOU RBn brng 309° within 20 mi or, when directed by ATC, turn right, climb to 1600' on HOU RBn brng 062° within 20 mi.
NOTE: Runway 8-26 used as taxiway only.
CAUTION: 1232' msl TV tower approximately 9 mi SSE of HOU RBn.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BII; Ident., HOU; Procedure No. 2, Amdt. 1; Eff. Date, 7 Apr. 62; Sup. Amdt. No/ Orig.; Dated, 16 Sept. 61

Arcola VHF Int	HOU RBn	Direct	1500	T-dn	300-1	300-1	200-½
HOU VOR	HOU RBn	Direct	1200	C-dn	400-1	500-1	500-1½
Fairbanks VHF Int	HOU RBn	Direct	1500	S-dn-12	#400-1	#400-1	#400-1
Fairbanks VHF Int	HOU FM# (Final)	Direct	1500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 306° Outbnd, 126° Inbnd, 1800' within 19 mi.
Minimum altitude over HOU FM on final approach crs, 1500'.
Crs and distance, HOU FM to airport, 129°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi of HOU FM, climb to 1700' on HOU RBn brng 130° within 15 mi or, when directed by ATC, turn left, climb to 1600' on HOU RBn brng 062° within 20 mi.
CAUTION: 1232' msl TV tower approximately 9 mi SSE of HOU RBn.
#Radar Fix 6.5 mi from HOU RBn may be used in lieu of HOU FM. If HOU FM not identified or Radar Fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BII; Ident., HOU; Procedure No. 3, Amdt. 1; Eff. Date, 7 Apr. 62; Sup. Amdt. No. Orig.; Dated, 16 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Fairbanks Int	HOU FM# (Final)	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitude all directions 2200' within 20 mi. Radar may be used to position aircraft for a final approach within 5 miles of VOR, with elimination of a procedure turn.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1800' within 10 mi of HOU FM#. Beyond 10 mi NA.
Minimum altitude over HOU FM# on final approach crs, 1500'.
Crs and distance, HOU FM# to airport, 126°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of HOU FM (or within 0.0 mi of HOU-VOR if HOU FM not identified or Radar Fix not obtained on final, climb to 2200' on HOU-VOR R-171 within 15 mi.
CAUTION: 1232' TV tower 11 mi SSE of VOR.
#Radar Fix 4.8 mi from HOU-VOR may be used in lieu of HOU FM. If HOU FM not identified or radar fix not obtained on final, descent below 1500' NA.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVORTAC; Ident., HOU; Procedure No. 1, Amdt. 7; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 6; Dated, 4 Mar. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10 mi fix, R-017	5 mi fix,# R-017	Direct	1500	T-dn	300–1	300–1	200–½
5 mi fix,# R-017	HOU VOR (Final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side, 017° Outbnd, 197° Inbnd, 1500′ within 10 miles.** Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 500.*
Crs and distance, breakoff point to app end rny 21, 216°—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2100′ on R-218 within 20 miles.
Fixes may be determined by either DME or radar. Radar terminal area maneuvering altitude all directions 2200′ within 20 miles.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mi DME or Radar Fix.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., BVORTAC; Ident., HOU; Procedure No. TerVOR-21, Amdt. 5; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 4; Dated, 30 Apr. 60

10 mi, R-231	5 mi fix,# R-231	Direct	1500	T-dn	300–1	300–1	200–½
5 mi fix,# R-231	HOU VOR (Final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-3	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

All procedures: #Fixes may be determined by either DME or radar. Radar terminal area maneuvering altitude all directions 2200′ within 20 mi.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side, 231° Outbnd, 051° Inbnd, 2100′ within 10 miles.** Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 500.*
Crs and distance, breakoff point to app end rny 3, 036°—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600′ on R-036 within 20 miles.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mile DME or Radar Fix.
**When authorized by ATC, DME may be used within 10 mi at 2200′ orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., BVORTAC; Ident., HOU; Procedure No. TerVOR-3, Amdt. 5; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 4; Dated, 30 Apr. 60

OKK-VOR	MZZ-VOR	Direct	2400	T-dn	300–1	300–1	200–½
OKK-RBn	MZZ-VOR	Direct	2400	C-dn	700–1	700–1	700–1½
				S-dn-22	700–1	700–1	700–1½
				A-dn#	NA	NA	NA
				% If aircraft dual omni equipped and *Int received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-22	400–1	400–1	400–1½

Procedure turn South side of crs, 042° Outbnd, 222° Inbnd, 2400′ within 10 miles of Int* or MZZ-VOR.
Minimum altitude over MZZ-VOR on final approach crs, 1600′.
Crs and distance, Int* to airport, 222°—2.1 mi.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2400′ and return to MZZ-VOR.
NOTE: All aircraft except scheduled air carrier obtain Bunker Hill AFB or Fort Wayne, Ind current weather prior to IFR approach.
*Int: Int MZZ-VOR R-042 and OKK-VOR R-090.
#800-2 alternate minimums authorized for air carrier with approved weather service at this airport.
%Over Int* on final approach crs, 1700′.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850′; Fac. Class., BVOR; Ident., MZZ; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 7 Apr. 62

				T-dn*	300–1	300–1	300–1
				C-dn	800–1	800–1	800–1½
				S-dn-8	800–1	800–1	800–1
				A-dn	1000–2	1000–2	1000–2
				Following minimums authorized for aircraft equipped with dual omni receivers operating normally and the Negaunee Int** received:			
				C-dn	700–1	700–1	700–1½
				S-dn-8	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 251° Outbnd, 071° Inbnd, 3200′ within 10 mi.
Facility on airport. Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, breakoff point to approach end of Runway, 077°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile climb to 2800′ on R-083 MQT-VOR within 20 miles.
CAUTION: 2241′ tower 5 miles SW of airport. 2110′ tower 4 miles SW of airport.
NOTE: Sliding scale not applicable.
*Runway 8–26: Climb to 2400′ prior to making right or left turn. 700–1 required for Runway 1–19.
**Negaunee Int: Int MQT-VOR R-251 and SAW-VOR R-315.

City, Marquette; State, Mich.; Airport Name, Marquette-County; Elev., 1419′; Fac. Class., BVOR; Ident., MQT; Procedure No. TerVOR-8, Amdt. 2; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 1; Dated, 17 Mar. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bay Point Int%	Decoto Int	Direct	5000	T-dn#	300–1	300–1	200–½
Sunol Int%	Decoto Int	Direct	4000	C-dn	500–1	600–1	600–1½
Oakland VOR	Decoto Int	Direct	4000	A-dn	800–2	800–2	800–2
Woodside VOR	Decoto Int	Direct	4000				
Decoto Int	Mount Eden Int* (Final)	Direct	1900				
Mount Eden Int*	Oak VOR (Final)	Direct	800				

Radar transitions and vectoring using Oakland Radar authorized in accordance with approved radar patterns.
Procedure turn NA. All maneuvering and descent shall be accomplished in the Decoto (VHF) Int holding pattern, 114° Outbnd, 294° Inbnd, right turns, 1 minute, minimum altitude 4000′. Descent to 3500′ authorized to cross Decoto Int on final approach course inbound.
Facility on airport.
Minimum altitude over VOR on final approach 500′.
Final approach course inbound, 294°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ in a 1-minute right turn holding pattern on R-300 (120° Inbnd, 300° Outbnd), all turns west side of course.
NOTES: 1. Missed or discontinued approach must not cross OAK-VOR above 1500′. 2. ADF and VOR, or dual VOR equipment required for this procedure.
#These transitions not authorized if Radar vectoring unavailable.
1500-1 required for takeoff on Runway 33.
*Mount Eden Int: Int OAK-VOR R-114 and 050° brng to Hayward RBn, or Int OAK-VOR R-114 and SFO-VOR R-064.

City, Oakland; State Calif.; Airport Name, Metropolitan-Oakland International; Elev., 5′; Fac. Class., BVORTAC; Ident., OAK; Procedure No. TerVOR (R-114), Amdt. Orig.; Eff. Date, 7 Apr. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Houston VOR	LOM	Direct	1200	T-dn**	300–1	300–1	200–½
Houston RBn	LOM	Direct	1200	C-dn	400–1	500–1	500–1½
Houston FM	LOM	Direct	1600	S-dn-3*	300–½	300–½	300–½
Arcola Int	LOM (Final)	Direct	1300	A-dn	600–2	600–2	600–2
Fairbanks Int	LOM	Direct	1800				
Radar vectoring position	LOM (Final)	Direct	1300				

Radar terminal transition altitude 2200′ within 20 miles.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1300′.
Altitude of glide slope and distance to approach end of Runway at OM, 1260′—4.2 mi; at MM, 250′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1600′ on NE crs ILS within 20 mi or, when directed by ATC, (1) turn left, climb to 1800′ on R-306 HOU VOR, or (2) turn left, climb to 2000′ on R-282 HOU VOR, or (3) turn right, climb to 1500′ on R-105 HOU VOR, or (4) turn right, climb to 2200′ on R-171 HOU VOR all within 20 mi HOU VOR.
CAUTION: 1232′ MSL TV tower approximately 9 mi SE of LOM.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 3 in lieu of 200–½ when 200–½ authorized; provided high intensity runway lights are operational.
*Runway Visual Range 2600′ also authorized for landing on Runway 3; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 250′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-3, Amdt. 22; Eff. Date, 7 Apr 62; Sup. Amdt. No. 21; Dated, 23 Dec. 61

Houston VOR	Monument Int	Direct	1600	T-dn	300–1	300–1	200–½
Houston RBn	Monument Int	Direct	1600	C-dn	400–1	500–1	500–1½
Monument Int	Pasadena RBn or Fix# (Final)	Direct	1100	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Radar terminal transition altitude 2200′ within 20 miles.
Radar may be used to position aircraft for a final approach within 2 miles East of Monument Int in lieu of a procedure turn.
Procedure turn N side NE crs, 036° Outbnd, 216° Inbnd, 1600′ within 10 mi of Pasadena RBn or Fix#.
No glide slope. Minimum altitude over Pasadena RBn or Fix,# 1100′.
Distance, Pasadena RBn or Fix# to Rnwy 21, 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi of Pasadena RBn or Fix,# climb to 1600′ on SW crs HOU ILS within 15 mi or, when directed by ATC, turn right, climb to 1800′ on R-306 HOU VOR within 20 miles.
CAUTION: 1232′ MSL TV tower approximately 9 mi SE of LOM.
#Pasadena Fix is a Houston Radar (ASR) Fix coinciding with location of Pasadena RBn.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-21, Amdt. 8; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 7; Dated, 16 Sept. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GGG VOR	Cherokee Int*	Direct	1800	T-dn	300–1	300–1	300–1
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 126° Outbnd, 306° Inbnd, 1800' within 10 mi.
No glide slope.
Minimum altitude over Cherokee Int* on final approach crs, 1400'.
Crs and distance, Cherokee Int* to airport, 306°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles of Cherokee Int,* climb to 2000' on NE crs GGG ILS within 20 miles.
CAUTION: 644' msl tower 5 miles NW of airport.
*Cherokee Int: Int GGG ILS SE crs (306° inbnd) and Marshall VOR R-243.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365'; Fac. Class., ILS; Ident., I-GGG; Procedure No. ILS-31, Amdt. Orig.; Eff. Date, 7 Apr. 62.

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ontario VOR	Riverside LFR or Edgemont Int	Direct	4200	T-dn	300–1	300–1	300–1
Edgemont Int	Colton RBn/Int	Direct	4200	C-dn	500–1	500–1	500–1½
Riverside LFR	Colton RBn/Int	Direct	4200	S-dn-25	300–1	300–1	300–1
Colton RBn/Int	LOM (Final)	Direct	2800	A-dn	600–2	600–2	600–2
Moreno Int	Colton RBn	Direct	4200				

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved radar patterns.
Procedure turn NA. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn/Int in accordance with approved transitions.
Minimum altitude at glide slope int inbnd, 4200', or in accordance with approved radar patterns.
Altitude of glide slope and distances to approach end of Runway at Colton RBn/Int, 4200'—11 mi; at OM, 2800'—6.2 mi; at MM, 1120'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on W crs within 8 miles of ILS MM.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952'; Fac. Class., ILS; Ident., I-ONT; Procedure No. ILS-25, Amdt. 15; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 14; Dated, 9 Sept. 61

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Utica LFR	Utica RBn	Direct	3000	T-dn	300–1	300–1	300–1
Int E crs Syracuse LFR and SE crs ILS	Utica RBn (Final)	Direct	3000	C-dn	400–1	500–1	500–1½
Int Syracuse R-111 and SE crs ILS	Utica RBn (Final)	Direct	3000	S-dn-33*	200–½	200–½	200–½
Sherrill Int	Utica RBn	Direct	3000	A-dn	600–2	600–2	600–2
Utica LFR	Utica LMM	Direct	3000				
Utica VOR	Utica RBn	Direct	3000				

Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 3000' within 10 mi of Utica RBn.
Minimum altitude at glide slope int inbnd 3000'.
Altitude of glide slope and distance to appr end of rny at Utica RBn 3000'—7.3; OM 1925'—3.8; MM 935'**—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn returning to Utica RBn at 3000' or, when directed by ATC, proceed to Utica LFR climbing to 3000'.
NOTE: Approaches may be conducted with Utica RBn inoperative provided OM is identified prior to executing procedure turn and glide slope is utilized.
*400–¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative, 1340' msl.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742'; Fac. Class., ILS; Ident., I-UCA; Procedure No. ILS-33, Amdt. 3; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 2; Dated 26 Sept. 59

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ventura VOR	Thousand Oaks Int*	Direct	5000	T-dn	300–1	300–1	300–1
Thousand Oaks Int*	Woodland Int (Final)**	Direct	3200	C-dn	700–1	700–1	700–1½
Twin Lakes Int	Woodland Int**	Direct	4500	C-n	700–2	700–2	700–2
Fillmore VOR	Woodland Int**	Direct	4500	A-dn	800–2	800–2	800–2
Int XLA-VOR R-272 and LHS R-169	Woodland Int**	Direct	4500	If 4 mi radar fix received west of airport, the following minimums apply:			
				C-dn	800–1	800–1	800–1½

Radar transitions and vectoring using Burbank Radar via approved patterns authorized.
Procedure turn not authorized. Hold at Woodland Int, right hand 1 minute, 4000'.
Minimum altitude over Woodland Int** on final approach crs, 3200'.
Crs and distance, Woodland Int** to airport, 076°—6.5 mi.
BUR ILS OM on Van Nuys Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead within 3.0 miles of BUR ILS OM, reverse course to the left and climb via W crs BUR ILS Loc. to Woodland Int. Cross Woodland Int** at minimum altitude 3200'.
CAUTION: Disregard glide slope indications.
Other change: Reference to altitude at 4 mile fix deleted.
*Thousand Oaks Int: Int W crs BUR ILS and Fillmore VOR R-148.
**Woodland Int: Int W crs BUR ILS and Fillmore VOR R-111.

City, Van Nuys; State, Calif.; Airport Name, Van Nuys; Elev., 799'; Fac. Class., BUR ILS Loc.; Ident., I-BUR; Prodecure No. ILS-08, Amdt. 2; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 1; Dated, 24 Feb. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

From	To	Radar terminal area maneuvering sectors and altitudes: Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
															Surveillance approach		
225	020	0–5	5900											T-dn	300–1	300–1	200–½
355	065	15–20	12000											C-dn	400–1	500–1	500–1½
355	075	5–10	11000	20–25	10000									S-dn-35, 17	400–1	400–1	*400–1
020	130	0–3	6800	10–15	12000	25–30	10000							S-dn-8, 3	400–1	400–1	**400–1
065	100	15–25	9000											A-dn	800–2	800–2	800–2
075	100	10–15	9000	25–30	9000												
075	122	5–10	8600												Precision approach		
100	150	10–15	11000														
100	160	15–20	11000											S-dn-8	300–¾	300–¾	**400–1
100	165	20–30	11000											A-dn	600–2	600–2	600–2
122	355	5–10	7000														
150	225	0–5	6400														
160	355	10–15	7000														
160	355	15–20	7000														
165	290	20–25	7000														
165	220	25–30	7000														
220	340	25–30	8000														
240	290	25–30	7000														
290	355	20–30	7500														

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 35, 8, and 3: Turn left and climb to 8000' on 260° crs direct to ABQ–VOR or, when directed by ATC, turn left and climb to 8000' on W crs AQ–LFR within 20 miles.
Runway 17: Climb straight ahead to AQ–LFR and climb to 7000' or, when directed by ATC, (1) turn right, climb to 8000' on W crs AQ–LFR within 20 miles or (2) make right climbing turn to 8000' on 260° crs direct to ABQ–VOR.
NOTES: No approach lights.
CAUTION: Terrain exceeding 8000' msl in East quadrants.
*Runway 17–35 restricted to aircraft gross weight of 33,000 lbs or less.
**200–1½ required for jet aircraft.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun; Elev., 5352'; Fac. Class, and Ident., Kirtland Radar; Procedure No. 1, Amdt. 6; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 5; Dated, 24 Feb. 62

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
All directions	Radar site	Within 20 mi	2200	T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-3*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn-3, 12, 30	400–1	500–1	500–1½
				S-dn-3, 12, 30	400–1	400–1	400–1
				C-dn-17, 35	500–1	500–1	500–1½
				S-dn-17, 35	500–1	500–1	500–1
				C-dn-21	600–1	600–1	600–1½
				S-dn-21	600–1	600–1	600–1
				C-dn#	700–1½	700–1½	700–1½
				A-dn#	800–2	800–2	800–2

Radar terminal area transition altitudes: All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5½ mi NW, 610' structure 12 mi NE of airport, 580' tower 16 mi SW, 608' tower 16 mi SE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200 straight ahead then proceed to Houston LFR or VOR or proceed as directed by Radar Control.
#Aircraft on any direct course to Houston VOR may descend to 750' MSL from 5-mi radar fix.
*Runway Visual Range 2600' also authorized for landing on Runway 3; provided that all components of the PAR, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 250' MSL shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' also authorized for takeoff on Runway 3 in lieu of 200–½ when 200–½ is authorized; providing high intensity runway lights are operational.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., and Ident., Houston Radar; Procedure No. 1, Amdt. 9; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 8; Dated, 24 Feb. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
All sectors	Radar site	Within 10 mi	*2300				
All sectors	Radar site	Within 10–25 mi	2900				
				T–dn	300–1	300–1	300–1
				C–dn	600–1	600–1	600–1
				S–dn–1, 19, and 7R.	400–1	400–1	400–1
				S–dn–13	500–1	500–1	500–1
				S–dn–25L and 31.	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 1: Climb to 2700' on N crs MW–LFR within 20 mi.
Runway 19: Climb to 2300' on localizer crs to LOM.
Runways 7R–13: Right turn climb to 2300' and proceed to LOM.
Runways 25L–31: Left turn climb to 2300' and proceed to LOM.
CAUTION: TV towers 1685' MSL 7.8 NM N of airport, 1735' MSL 9.2 NM N of airport, and 1746' MSL 15.2 NM N of airport.
*3-mile lateral separation required from 1685' tower 7.8 mi N of airport and 1735' tower 9.2 mi N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702'; Fac. Class., and Ident., Milwaukee Radar; Procedure No. 1, Amdt. 8; Eff. Date, 7 Apr. 62; Sup. Amdt. No. 7; Dated, 13 Jan. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 1, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–2270; Filed, Mar. 22, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[949.303 Amdt. 3]

PART 949—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 135 and Order No. 949 (7 CFR Part 949; formerly Order No. 38, Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of potatoes in the production area.

Order as amended. In § 949.303 (26 F.R. 6834, 11725, 12063) paragraph (a) is deleted and in lieu thereof new paragraph (a) is substituted as set forth below.

§ 949.303 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements*—(1) *Round whites.* U.S. No. 2, 75 percent U.S. No. 1 quality, or better grade, 2 inches minimum diameter; or U.S. No. 2, 85 percent U.S. No. 1 quality except for dirt, or better grade, 2 inches minimum diameter.

(2) *Round reds.* U.S. No. 2, 2 inches minimum diameter; or Size B, if U.S. No. 1, or better grade.

(3) *Long varieties.* U.S. No. 2, or better grade, 6 ounces minimum weight, or U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1962, to become effective March 21, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–2827; Filed, Mar. 22, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–15]

PART 13—PROHIBITED TRADE PRACTICES

Franklin Stores Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f [cease and desist order, Franklin Stores Corporation (New York, N.Y.) et al., Docket C–15, Oct. 31, 1961]

In the Matter of Franklin Stores Corporation, and Mayfair of New Orleans, Inc., Corporations, and Albert Rubenstein, and Nathan Katz, as Officers of Said Corporations

Consent order requiring a New York City corporation and its New Orleans subsidiary retailer of women's apparel to cease such false representations in newspaper advertising as that the New Orleans store had "on sale * * * 25 fabulous mink trimmed 100% cashmere coats $78, reg. $125" when the higher prices designated "reg." were not the usual prices but were fictitious; and to cease representing falsely by price tickets affixed to cashmere coats before shipment from the New York headquarters and in advertising in New Orleans newspapers based thereon, that the usual price of $99 for cashmere coats was reduced 40 percent to $58, with consequent savings to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Franklin Stores Corporation and Mayfair of New Orleans, Inc., corporations, and their officers, and Albert Rubenstein and Nathan Katz, as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents directly or by implication that any amount is respondents' usual and customary retail price of fur products when it is in excess of the price at which said products are usually and customarily sold by respondents in the recent regular course of business.

2. Uses the word "Reg." to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold by respondents at retail in the recent, regular course of business.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

It is further ordered, That respondents Franklin Stores Corporation and Mayfair of New Orleans, Inc., corporations, and their officers, and Albert Rubenstein, and Nathan Katz, as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wearing apparel or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That any amount is the price at which merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made, when it is in excess of such price.

(b) That any savings are afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representations are made unless the price at which it is offered constitutes a reduction from such price.

2. Using the word "value" to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold at retail in the trade area, or areas, where the representation is made unless the price at which it is offered constitutes a reduction from such price.

3. Using percentage savings claims to represent that merchandise is offered at a reduction from the price at which said merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made unless the price at which it is offered constitutes a reduction from such price.

4. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise from the price at which said merchandise is usually and customarily sold in the trade area, or areas, where the representation is made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 31, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–2792; Filed, Mar. 22, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Food Additives Permitted in Animal Feed, Animal-Feed Supplements, and in Food for Human Consumption; Antibiotics for Growth Promotion and Feed Efficiency

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York; Commercial Solvents Corporation, Terre Haute, Indiana; Merck and Company, Inc., Rahway, New Jersey; and Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to procaine penicillin, bacitracin, zinc bacitracin, bacitracin methylene disalicylate, streptomycin, and chlortetracycline in specified animal feeds for growth promotion and feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

The antibiotics listed in this section may be safely used in animal feeds as an aid in stimulating growth and improving feed efficiency, in accordance with the following prescribed conditions:

(a) *Procaine penicillin.* Procaine penicillin, with or without one or more of the antibiotics named in subparagraph (3) of this paragraph, as follows:

(1) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of Penicillium notatum or Penicillium chrysogenum or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 2.4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of quail not to exceed 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iii) With bacitracin, bacitracin methylene disalicylate, or zinc bacitracin in the feed of chickens and turkeys, in an amount not less than 0.6 gram of penicillin and not less than 3 grams of bacitracin nor more than 50 grams of the combination per ton of finished feed.

(iv) With streptomycin, in the feed of chickens and turkeys in an amount not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin nor more than 50 grams of the combination.

(b) *Bacitracin.* Bacitracin, with or without procaine penicillin as provided in subparagraph (3) of this paragraph, as follows:

(1) Bacitracin is the antibiotic substance produced by the growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to bacitracin or feed grade bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of quail not to exceed 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(c) *Zinc bacitracin.* Zinc bacitracin, with or without procaine penicillin as provided in subparagraph (3) of this paragraph, as follows:

(1) Zinc bacitracin is the zinc salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to zinc bacitracin or feed grade zinc bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(d) *Bacitracin methylene disalicylate.* Bacitracin methylene disalicylate, with or without procaine penicillin, as provided in subparagraph (3) of this paragraph, as follows:

(1) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of Bacillus subtilis var. Tracy or the same antibiotic substance produced by any other means, and for the purpose of this paragraph refers to bacitracin methylene disalicylate or feed grade bacitracin methylene disalicylate.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iii) of this section.

(e) *Streptomycin.* Streptomycin with or without procaine penicillin as provided in subparagraph (3) of this paragraph, as follows:

(1) Streptomycin is the antibiotic substance produced by the growth of Streptomyces griseus or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to streptomycin or feed grade streptomycin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys in an amount not less than 30 grams nor more than 50 grams per ton of finished feed.

(ii) With procaine penicillin as provided in paragraph (a)(3)(iv) of this section.

(f) *Chlortetracycline.* Chlortetracycline, as follows:

(1) Chlortetracycline is the antibiotic substance produced by growth of Streptomyces aureofaciens or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to chlortetracycline or feed grade chlortetracycline.

(2) The quantities of the antibiotics referred to in this paragraph refer to activity equivalent to that of the appropriate antibiotic master standard.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of mink in an amount not less than 20 grams nor more than 50 grams per ton of finished feed.

(4) The additive or any intermediate premix prepared therewith shall be labeled in accordance with paragraph (w) of this section.

(g) through (v) [Reserved]

(w) *Labeling requirements.* (1) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix prepared therewith, shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity of each contained in any mixtures.

(iii) A statement of the conditions for which the feed is to be used.

(iv) Adequate mixing directions to provide a finished feed with the proper concentration of the additive or additives, whether or not intermediate premixes are also used.

(Sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (d))

II. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has concluded that tolerance limitations are required to assure that edible tissues of birds and eggs from poultry are safe for human food, when such birds and poultry have received feed containing any of the antibiotics permitted by § 121.225. Therefore, §§ 121.1005, 121.1014, and 121.1026 (21 CFR 121.1005, 121.1014, 121.1026 (26 F.R. 4286, 5370)) are amended as follows:

§ 121.1005 [Amendment]

1. Section 121.1005 *Bacitracin* * * * is amended by changing the phrase "byproducts of swine and poultry" to read "byproducts of swine, pheasants, quail, and poultry."

§ 121.1014 [Amendment]

2. In § 121.1014 *Tolerances for residues of chlortetracycline in the edible tissues of animals slaughtered for human consumption*, the introduction to paragraph (a) is amended to read as follows:

(a) In edible tissues of chickens and turkeys fed on chlortetracycline-medicated feeds, as follows:

3. Section 121.1026 is amended by inserting therein the words "pheasants and quail." As amended, this section reads as follows:

§ 121.1026 Penicillin.

A tolerance of zero is established for residues of penicillin and the salts of penicillin in the eggs and edible tissues of chickens, turkeys, pheasants, and quail.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348 (c)(4))

§ 146.26 [Amendment]

III. Pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 146.26(b) is amended by adding thereto the following new subparagraphs (46), (47), and (48):

(46) It is intended for use as an aid in improving pelt size, improving growth rate, and improving feed efficiency of mink; its labeling contains adequate directions and warnings for such use; and it contains not less than 20 grams nor more than 50 grams of chlortetracycline per ton of complete feed.

(47) It is intended for use solely as an aid in improving growth and feed efficiency in pheasants; its labeling bears adequate directions and warnings for such use; and it contains, per ton of complete ration, the following quantities of antibiotics:

(i) Bacitracin (as feed grade bacitracin, bacitracin methylene disalicylate, or feed grade zinc bacitracin): Not less than 4 grams and not more than 50 grams; or

(ii) Penicillin: Not less than 2.4 grams and not more than 50 grams.

(48) It is intended for use solely as an aid in stimulating growth in quail chicks up to 5 weeks of age; its labeling bears adequate directions and warnings for such use; and it contains, per ton of complete feed, the following quantities of antibiotics:

(i) Bacitracin: Not less than 5 grams and not more than 20 grams; or

(ii) Penicillin: Not less than 5 grams and not more than 20 grams.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409 (c)(1), (4), (d), 507; 59 Stat. 463 as amended, 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (4), (d), 357)

Dated: March 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2802; Filed, Mar. 22, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13928; FCC 62-276]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Doppler Radar Frequencies; Third Memorandum Opinion and Order

In the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, to align that Part with the Geneva (1959) Radio Regulations to the extent practicable.

1. On October 18, 1961, the Commission adopted a further notice of proposed rule making in this proceeding, looking toward amendment of the text of footnote US53 to the Table of Frequency Allocations, pursuant to agreement reached, following several months of negotiation, between representatives of the Commission, and the Office of Emergency Planning, in consultation with other Government agencies; the Air Transport Association of America (ATA), and Aeronautical Radio, Inc., (ARINC).

2. As stated in that further notice, the above-mentioned negotiations culminated in an exchange of correspondence on September 21, 1961, wherein it was agreed the Commission would institute rule making to modify the wording of the controversial footnote to read as follows:

US53 In view of the fact that the band 13,250–13,400 Mc/s is allocated exclusively to doppler navigation aids, government and nongovernment airborne doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 Mc/s.

3. Comments in support of the above proposal were filed jointly by Air Transport Association of America (ATA) and Aeronautical Radio, Inc. (ARINC) and separately by Collins Radio Company (Collins). No other comments were filed.

4. While each respondent supported adoption of the previously negotiated change as set forth above, it then requested that additional changes be made to the Table of Frequency Allocations to make the band 8750–8850 Mc/s a joint Government/non-Government band wherein the aeronautical radionavigation service would have equal status with the radiolocation service. This would be a departure from the negotiated treatment discussed in paragraph 1, wherein the entire band 8500–9000 Mc/s is a Government band to which Government and non-Government doppler radars have access by virtue of footnote US53, as amended.

5. The rationale for this requested change is quoted from the joint ATA–ARINC filing.

> Now that the United States has satisfactorily resolved the matter of equal allocation status of Radiolocation and Aeronautical Radionavigation (Airborne Doppler Radar) in the band 8750–8850 Mc/s, ARINC and ATA request that FCC Part 2 be amended to include the additional letters "NG" under Column 6 opposite the frequency band 8750–8850 Mc/s, in keeping with FCC practice in other parts of the frequency allocation table of Part 2. Examples of this practice and policy are found by reference to Footnotes US37, US47, US52, US54, US58, US60, US63, etc.
>
> The objective sought by this listing would be to confirm that uses by the Radiolocation and Aeronautical Radionavigation (Airborne Doppler Radar) services are on an equal basis, corresponding to the provisions included in the Frequency Allocations Table of the ITU Radio Regulations, Geneva—1959. Since Footnote US53 provides equality of use of 8750–8850 Mc/s by Radiolocation and Aeronautical Radionavigation (Airborne Doppler Radar), it is our view that both "G" and "NG" should be listed in Column 6. The addition of the "NG" designation would be in accord with the position of the Government as contained in the revised Footnote US53 and the view expressed by the FAA in its letter to O.C.D.M. of April 25, 1961.

6. The comments of Collins are similar in nature and, except for footnote US37, call attention to precisely the same footnote numbers as the ATA/ARINC filing in attempting to draw analogies between their request and existing Commission practices and policies.

7. Footnotes to the Table of Frequency Allocation are as much a part of the basic allocation scheme as the Table itself, and as such, are subject to the same treatment as any other portion of the Commission's rules. Such footnotes serve a variety of functions, foremost of which is indicating departures from the norm in the basic Table. They serve also to amplify; to clarify; to specify termination dates; to limit with respect to hours of use, emissions, power, geographical area, permissible types of operation within a particular radio service allocation; and many other purposes which can not be spelled out in detail within the framework of the Table itself.

8. As an example, in the band 8500–9000 Mc/s, Column 6 shows that the band is allocated on a national basis to only the Government, and that the terms of US53 apply. US53 permits a departure from the norm within a portion of that Government band.

9. An examination of the various footnotes cited by the respondents indicates they have incorrectly assumed an analogy between their proposals and the situations cited. Furthermore, the manner in which Part 2 treats doppler radar at 8800 Mc/s is not unique. Examination of the Table of Frequency Allocations will reveal a number of Government bands (i.e., designated by G in column 6) wherein varying degrees of non-Government operation is provided by US footnotes, e.g., 137–144 Mc/s, 148–150.8 Mc/s, 162–174 Mc/s, 216–220 Mc/s, 225–328.6 Mc/s, 406–420 Mc/s, 890–942 Mc/s, etc. The reverse is also true and there are non-Government bands wherein varying degrees of Government activity are permitted by footnote.

10. As stated in the Commission's further notice of proposed rule making of October 18, 1961, we do not view the present arrangement for doppler radars at 8750–8850 Mc/s as a necessarily permanent or completely satisfactory arrangement.

> * * * The Commission is of the opinion that proper allocation principles require, where possible, the use of separate frequency bands for radionavigation and radiolocation functions. It would therefore be the intention of the Commission, at such future date as there was readily available doppler equipment for civil aircraft use which could be accommodated in an exclusively allocated band, to commence proceedings to implement such an exclusive allocation. Such implementation would, of course, provide for a reasonable amortization period for then existing equipment * * *

This position, in essence, was reiterated in paragraph 8 of the further notice wherein the Commission stated that despite its proposal to amend the text of footnote US53, it was continuing to advocate the development of civil doppler navigational aids in the exclusive band 13,250–13,400 Mc/s.

11. For the several reasons set forth above, the Commission is not persuaded that the Table of Frequency Allocation should be amended as requested by ATA, ARINC, and Collins and their requests are therefore denied.

12. Inasmuch as all comments filed in this proceeding recommended adoption of the rewording of footnote US53 as proposed: *It is ordered*, That, effective April 16, 1962, the text of footnote US53 is amended to read as set forth in paragraph 2 hereof, pursuant to authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

13. *It is further ordered*, That the proceedings in Docket No. 13928 are herewith terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 15, 1962.

Released: March 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2626; Filed, Mar. 22, 1962; 8:50 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 191]

[Reg. Docket No. 1107; Draft Release No. 62-11]

OPERATION OUTSIDE OF THE UNITED STATES OF CIVIL AIRCRAFT OF UNITED STATES REGISTRY

Notice of Proposed Rule Making

Correction

In F.R. Doc. 62-2560 appearing at page 2533 of the issue for Friday, March 16, 1962, the seventh line of "Article 12" is corrected by inserting the word "relating" immediately preceding the phrase "to the flight".

[14 CFR Part 600]

[Airspace Docket No. 61-NY-103]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1691 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1691 presently extends in part from the Coyle, N.J., VOR as a 10-mile wide airway to the Idlewild, N.Y., VOR; thence as a 16-mile wide airway via the intersection of the Idlewild VOR 042° and the Wilton, Conn., VOR 185° True radials; Wilton VOR; Poughkeepsie, N.Y., VOR; intersection of the Poughkeepsie VOR 336° and the Albany, N.Y., VOR 186° True radials to the Albany VOR.

The Federal Aviation Agency has under consideration alteration of this segment of Victor 1691. It is proposed to retain the segment of Victor 1691 from the Coyle, N.J., VOR as a 10-mile wide airway to the Idlewild, N.Y., VOR and redesignate the New York to Albany segment of Victor 1691 to extend as a 12-mile wide airway from the intersection of the Idlewild VOR 065° and the Clermont, N.Y., VOR 157° True radials via the Clermont VOR to the Albany VOR.

The realignment of this segment of Victor 1691 along with the proposed realignment of intermediate altitude VOR Federal airway No. 1693 as proposed in Airspace Docket No. 61-NY-59, published in the FEDERAL REGISTER (27 F.R. 1774) would provide a dual intermediate altitude airway structure between the New York and Burlington, Vt./Montreal, Canada, terminal areas. The proposed reduction in the width of Victor 1691 would provide lateral separation from Victor 1693 as proposed for realignment. Victor 1691 will also serve arrival and departure traffic in the New York terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2779; Filed, Mar. 22, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-WA-26]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1761 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1761 extends from the Gila Bend, Ariz., VOR as a 10-mile wide airway to the intersection of the Gila Bend VOR 346° and the Phoenix, Ariz., VOR 272° True radials. The Federal Aviation Agency has under consideration extension of Victor 1761 from the intersection of Gila Bend VOR 346° and the Phoenix VOR 272° True radials as a 16-mile wide airway via the Parker, Calif., VOR to the intersection of the Parker VOR 303° and the Hector, Calif., VOR 091° True radials; thence as a 10-mile wide airway to the Hector VOR at which point it would terminate. This extension of Victor 1761 would provide a connecting route between VOR Federal airway Nos. 1536 and 1728 for intermediate altitude air traffic operating between Phoenix/Tuscon Terminal area and points north of the Los Angeles, Calif., Terminal area. The airway width reduction between the intersection of the Parker VOR 303° and the Hector VOR 091° True radials to the Hector VOR would provide lateral separation from the Bullion Mountains, Calif., Restricted Area R-2501.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2780; Filed, Mar. 22, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-LA-51]

SPECIAL USE AIRSPACE

Proposed Designation of Restricted Area; Correction

In a notice of proposed rule making published in the FEDERAL REGISTER on March 8, 1962 (27 F.R. 2250), it was stated the Federal Aviation Agency was considering the designation of a restricted area R-5110 at McGregor, N. Mex.

Upon publication of the FEDERAL REGISTER on March 8, 1962, an error was noted in a geographical coordinate included in the description of R-5110. Therefore, action is taken herein to correct this proposed area.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), effective immediately, Airspace Docket No. 61-LA-51 (27 F.R. 2250) is hereby modified as follows:

In the description of the proposed McGregor, N. Mex., Restricted Area R-5110, "Beginning at latitude 38°13'00" N., longitude 105°17'35" W.; thence clockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex.," is deleted and "Beginning at latitude 33°13'00" N., longitude 105°17'35" W.; thence counter clockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex.," is substituted therefor.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 16, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2781; Filed, Mar. 22, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 465]

CALIFORNIA

Notice of Filing of Plat of Survey

MARCH 12, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10:00 a.m., March 20, 1962.

MOUNT DIABLO MERIDIAN

T. 23 S., R. 43 E.,
Secs. 29 and 30.

The area described aggregates 1372.68 acres.

2. Land use characteristics:

The topography of the area is extremely rough and mountainous, except for the eastern edge of sec. 29. It is cut by numerous washes which are a part of the drainage of the Argus Mountain range to the west. Vegetation is sparse, consisting of creosote bush and annual grasses.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

5. Inquiries concerning these lands should be addressed to the Manager, Bureau of Land Management, 1414 Eighth Street, Riverside, Calif.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-2809; Filed, Mar. 22, 1962; 8:48 a.m.]

[No. 62-12]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1962.

The Assistant Secretary, Department of Agriculture, has filed an application, Serial No. Oregon 012008, for the withdrawal of the lands described below, subject to valid existing rights, from location and entry under the general mining laws.

The applicant desires the land in order to protect the Government's investment in the present and planned improvements in certain areas of the Malheur and Whitman National Forests in Oregon. Studies have been made by the Forest Service of twelve campgrounds, one recreation area, and eight administrative sites on the Malheur National Forest, and one administrative site on the Whitman National Forest for the further development of recreation areas, lookout sites for fire detection and suppression work, and an air strip which is needed for the continued management and protection of national forest land.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

MALHEUR NATIONAL FOREST

Strawberry Campground

T. 14 S., R. 34 E.,
Sec. 30: SW¼SW¼SE¼;
Sec. 31: NW¼NW¼NE¼.

Crescent Campground

T. 15 S., R. 35 E.,
Sec. 8: SW¼NW¼SW¼.

North Fork Malheur Campground

T. 16 S., R. 35 E.,
Sec. 2: SW¼ Lot 11, SE¼ Lot 12.

Elk Creek Campground

T. 15 S., R. 35½ E.,
Sec. 27: E½NW¼NE¼.

Trout Farm Campground

T. 15 S., R. 35 E.,
Sec. 6: NW¼ Lot 1, NE¼ Lot 2.

Big Creek Campground

T. 15 S., R. 33½ E.,
Sec. 14: SW¼NE¼.

Crane Creek Campground

T. 16 S., R. 35 E.,
Sec. 23: S½NE¼SE¼, NE¼SE¼SE¼.

Fopian Creek Campground

T. 15 S., R. 35½ E.,
Sec. 14: SW¼SW¼SW¼;
Sec. 15: SE¼SE¼SE¼;
Sec. 22: NE¼NE¼NE¼;
Sec. 23: NW¼NW¼NW¼.

Sheep Creek Campground

T. 15 S., R. 35½ E.,
Sec. 10: SW¼NE¼SE¼.

Murray Campground

T. 16 S., R. 33½ E.,
Sec. 3: NE¼NE¼SW¼.

Lake Creek Guard Station

T. 16 S., R. 33½ E.,
Sec. 3: S½SE¼SW¼.

Prairie Hill Lookout

T. 15 S., R. 35½ E.,
Sec. 25: N½NE¼NE¼.

Crane Rock Lookout

T. 16 S., R. 34 E.,
Sec. 26: NE¼SW¼SW¼.

Lookout Mountain Emergency Lookout

T. 15 S., R. 35 E.,
Sec. 10: SW¼NW¼NE¼.

Canyon Meadows Recreation Area

T. 15 S., R. 33 E.,
Sec. 28: SW¼, SW¼NW¼;
Sec. 29: SE¼, SE¼NE¼.

Spring Creek Campground

T. 15 S., R. 35½ E.,
Sec. 3: S½SW¼SE¼.

Moffat Spring Campground

T. 18 S., R. 35 E.,
Sec. 6: SE¼ Lot 3.

Sheep Mountain Lookout

T. 15 S., R. 35 E.,
Sec. 23: NE¼SW¼SW¼.

Antelope Mountain Lookout

T. 17 S., R. 35 E.,
Sec. 33: NE¼SE¼SW¼.

Logan Valley Emergency Lookout

T. 16 S., R. 33½ E.,
Sec. 14: SW¼SW¼SW¼.

Logan Valley Emergency Air Strip

T. 16 S., R. 33½ E.,
Sec. 22: W½NW¼NW¼, NW¼SW¼NW¼.

WHITMAN NATIONAL FOREST

Baldy Mountain Lookout

T. 13 S., R. 35 E.,
Sec. 36: W½NE¼SW¼.

These areas aggregate approximately 784.5 acres.

GARTH H. RUDD,
Acting State Director.

[F.R. Doc. 62-2796; Filed, Mar. 22, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MARYLAND

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Wicomico County, Maryland, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2805; Filed, Mar. 22, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File No. 23-810]

FRANCISCO FEMENIAS LORES ET AL.

Extension of Temporary Order Denying Export Privileges

In the matter of Francisco Femenias Lores, MIMSA (Materiales Industriales Maquinaria, S.A.), Rhin 75, Mexico, D.F., Mexico, and Sergio Chavez, Ramos Desartes 6, Mexico, D.F., Mexico., Respondents, File 23-108.

A temporary order was issued in this matter on December 19, 1961, for a period of 90 days. This order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs into a transaction entered into by the above named respondents, in which they bought, paid for, and caused to be exported from the United States to Mexico in September 1961 two marine diesel engines and parts of United States origin, with representations to the United States exporter that the ultimate purchaser of the equipment was the Mexican Government. It appeared that such representations were false and that upon arrival of the shipment in Mexico it was intended to be transhipped to Cuba, contrary to the U.S. Export Control Law, but said transshipment was frustrated despite respondents' intentions.

The Investigations Staff, Bureau of International Programs, has applied under § 382.11 of the Export Regulations for a further extension of the provisions of the Temporary Order of December 19, 1961 as to the above named respondents, to be effective until the final disposition of administrative compliance proceedings in the Bureau of International Programs involving the said respondents.

This matter has been considered by the Compliance Commissioner who, being fully advised thereof, has reported his recommendations to me that the present Temporary Order should be extended until the final disposition of administrative compliance proceedings involving the said respondents, since such will be in the public interest and necessary for effective enforcement of the law. I do so find. It is therefore ordered:

(1) The respondents, Francisco Femenias Lores, his firm MIMSA (Materiales Industriales Maquinaria, S.A.), and Sergio Chavez, and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect until the completion of any administrative compliance proceedings that may be initiated by the Investigations Staff, unless sooner vacated or extended.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 19, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2793; Filed, Mar. 22, 1962; 8:46 a.m.]

[File Nos. I.S. 23-773, 23-811]

TRANSCONTINENTAL, S.A., ET AL.

Extension of Temporary Order Denying Export Transactions

In the matter of Transcontinental, S.A., Inversiones Mexicanas, S.A. (Successor to Transcontinental, S.A.), Ramon Cortes Buenrostro, also known as Raimundo Cortes, Ramon B. Cortes, and Ramon B. Cortez, Francisco Ibanez Garcia, Antonio R. Mortera Sandoval, and Ignacio Hernandez Garcia, all of Avenida Morelos 98, Mexico, D.F., Mexico, or Reforma 87-404, Mexico, D.F., Mexico, File I.S. 23-773; and Lorenzo L. Saunders, 1720 Montrose Drive, Tyler, Texas, and Cia., Impulsora Mexicana, S.A., Roberto Nunez Hernandez, and Gustavo Lopez Ramirez, Pople 44, Apartado Postal 21264, Mexico, D.F., Mexico, File I.S. 23-811; Respondents.

A temporary order was issued in this matter on December 19, 1961, for a period of 90 days. This order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs, into purchases by the above named respondents of large quantities of U.S. origin automotive trucks, and engine parts, tractor parts, and equipment which they caused to be exported from the United States to Mexico, where they sold and disposed of the goods and participated in and made arrangements whereby the U.S. goods were to be, and in part actually were, on-shipped or transshipped from Mexico to Cuba in violation of the U.S. Export Control Law.

The Investigations Staff, Bureau of International Programs, has applied under under § 382.11 of the Export Regulations for a further extension of the provisions of the Temporary Order of December 19, 1961, for a period of forty-five (45) days as to these respondents to enable the Investigations Staff to complete its investigation in this matter which has been carried out with all due diligence.

This matter has been considered by the Compliance Commissioner, who, being fully advised thereof, has reported his recommendations to me that the present Temporary Order should be extended for forty-five (45) days in the public interest and is necessary for the effective enforcement of the law. I do so find. It is therfore ordered:

(1) The respondents, their affiliates San's, Mr. Aurelio Gallegos, Abraham Gonzales 29, Mexico, D.F., Mexico, and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or representative of a party to any validated export license applications; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or

disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect for a period of forty-five (45) days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this Temporary Denial Order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 19, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2794; Filed, Mar. 22, 1962; 8:46 a.m.]

[File No. 9A-56]

VICTOR HERNANDEZ RODRIGUEZ ET AL.

Temporary Order Denying Export Privileges

In the matter of Victor Hernandez Rodriguez, and EMDA Import and Export Company, Inc., 10434 Burbank Blvd., North Hollywood, California, and Aero Distribuidora S.A., Blvd. de Aviacion Civil 485, Mexico, D.F., Mexico, with branch offices at Torreon, Sinaloa and Los Mochis, Mexico, and Dr. Ramon Alvarez Gutierrez, Refacciones y Accesories, S.A., Colorado 79, Mexico, D.F., Mexico, Respondents, File 9A-56.

The temporary order in this matter was issued December 19, 1961, in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs because of reports and evidence, which justified a reasonable belief that the respondents had for some time been obtaining substantial quantities of U.S. origin aircraft parts and equipment shipped from the United States to Mexico for use in Mexico, but thereafter sold by the respondents for the purpose of transshipment to Cuba, which was in fact done with knowledge that such actions were contrary to the U.S. Export Control Law.

The Director of the Investigations Staff, Bureau of International Programs has requested that this order of December 19, 1961, be extended for a further period of forty-five (45) days to enable the Investigations Staff to complete its investigation in this matter which has been carried out with all due diligence.

The Compliance Commissioner being fully advised of these matters, has reported his recommendation to me that the present temporary order should be extended for forty-five (45) days in the public interest and is necessary for the effective enforcement of the law. I do so find. It is therefore ordered:

(1) The respondents, Victor Hernandez Rodriguez, his firms Aero Distribuidora, S.A., and EMDA Import & Export Company, Inc., and Dr. Ramon Alvarez Gutierrez and his firm Refaccion y Accesories, S.A., and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect for a period of forty-five (45) days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 19, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2795; Filed, Mar. 22, 1962; 8:47 a.m.]

Office of the Secretary

[Dept. Order No. 91 (Revised); Amdt. 1]

WEATHER BUREAU

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 7, 1962. The material appearing 25 F.R. 4487-4489 of May 20, 1960.

Department Order No. 91 (Revised) of May 3, 1960, is amended as follows:

1. Section 2 is amended as follows:

a. In section 2.02:

(1) Immediately after "Chief, Office of Coordination of National Meteorological Requirements" add "Chief, Office of Public Information;"

(2) Immediately after "Director, Meteorological Research and Development" add "Director, Meteorological Satellite Activities;"

(3) Delete "Public Information Coordinator" immediately after "Administrative Operations Division;" and

(4) Immediately after "National Hurricane Research Project" add "National Severe Storms Project" and "Research Flight Facility."

b. Add a new section 2.03 to read:

.03 The following officers, in the order designated, perform the functions of the Chief of Bureau in the Chief's absence, sickness or other inability to act, or during a vacancy in the office:

(1) Deputy Chief of Bureau.

(2) Assistant Chief of Bureau (senior in office).

2. Section 5 *Functions of principal organization units* is amended as follows:

a. Add a new section 5.02(4) to read:

(4) The *Chief, Office of Public Information* provides information on Weather Bureau activities to news media and makes recommendations on all matters pertaining to public and press relations of the Bureau. This office handles a variety of special material requests and other data for purposes of publication and/or release for public consumption.

b. Add a new section 5.07 to read:

.07 The *Director, Meteorological Satellite Activities* is responsible for the establishment and operation of a meteorological satellite system for the continuous observation of worldwide meteorological conditions; research and development in the field of meteorological satellites; and coordination of the overall Bureau effort in the satellite field. He coordinates user requirements for meteorological satellite data, and represents the Bureau in interagency and other negotiations concerning satellite and space programs.

c. Delete section 5.08.

d. Renumber current section 5.07 as 5.08.

3. Section 7 is amended by deleting section 7.04.

4. Section 8 *Functions of field organizations* is amended as follows:

a. Section 8.04 is amended as follows:

.04 The National Hurricane Research Project conducts research on hurricane and tropical weather phenomena, including the collection of special weather data, to improve techniques for hurricane and tropical storm warnings and forecasts.

b. Add a new section 8.05 to read as follows:

.05 The National Severe Storms Project conducts research on tornado and other severe local storms, including the collection of special weather data, to improve technique for forecasting these storms.

c. Add a new section 8.06 to read as follows:

.06 The Research Flight Facility maintains and operates aircraft instrumented specially for meteorological research projects. In coordination with research groups of the Weather Bureau and other organizations, plans and conducts aircraft flights to obtain data required in investigating meteorological phenomena.

d. Renumber current sections 8.05, 8.06, and 8.07 as 8.07, 8.08, and 8.09.

Effective date: March 7, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-2817; Filed, Mar. 22, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-195]

GENERAL ELECTRIC CO.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of receipt of the application with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR-45 to General Electric Company authorizing the export of a nuclear reactor and a nuclear critical assembly facility to the Japan Atomic Energy Research Institute, Tokyo, Japan. The notice of filing of the application, published in the FEDERAL REGISTER on February 13, 1962 (27 F.R. 1330), described the reactor as a 12,500 kilowatt (electrical) boiling water-type demonstration power nuclear reactor and the critical assembly as a 100 watt (thermal) light water nuclear critical assembly facility.

Dated at Germantown, Md., this 16th day of March 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-2808; Filed, Mar. 22, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13424]

AERONAVES DE MEXICO, S.A.

Notice of Hearing

In the matter of the application of Aeronaves de Mexico, S.A., under section 402 of the Federal Aviation Act of 1958, as amended, for an amendment and modification of its foreign air carrier permit so as to authorize foreign air transportation of persons, property, and mail between the terminal point La Paz, Baja California, and the terminal point Los Angeles, California, via intermediate points in Mexico.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 26, 1962, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, 1025 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 19, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62-2815; Filed, Mar. 22, 1962; 8:49 a.m.]

[Docket 13229; Order No. E-18119]

AMERICAN AIRLINES, INC.

Termination of Service to Elmira-Corning and Binghamton, N.Y.; Statement of Tentative Findings and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1962.

In the matter of the petition of American Airlines, Inc., under 401(g) of the Federal Aviation Act of 1958, as amended, for the termination of its authority to serve Elmira-Corning and Binghamton, New York.

On November 30, 1961, American Airlines, Inc. (American) filed a petition under section 401(g) of the Federal Aviation Act of 1958, as amended, for deletion of the intermediate points Elmira-Corning and Binghamton, New York, from its certificate for route 56.

In support of its petition, American states, inter alia, that Elmira-Corning and Binghamton, New York, are intermediate points on its route 56, which extends from the terminal point Toronto, Canada, to the coterminal points New York, New York, and Newark, New Jersey, via several intermediates; that it has never served Elmira-Corning and Binghamton as intermediates on route 56; that both of these points were deleted from its route 7 by Board Order E-14740, December 15, 1959, the Board's decision in the Northeastern States Area Investigation; and that it therefore requests that its certificate for route 56 be amended so as to eliminate Elmira-Corning and Binghamton, New York, therefrom.

Upon consideration of the foregoing, we tentatively find and conclude that heretofore in the Northeastern States Area Investigation[1] American's authority to serve Elmira-Corning and Binghamton was terminated for the reasons that (1) American had never served Binghamton and had been suspended at Elmira-Corning since September 7, 1955,[2] (2) other carriers were providing a good pattern of service at these points, and (3) the public interest required such termination; we further tentatively find and conclude that American has never provided service at these points on its international route 56; and, consequently, that American's certificate for its route 56 should be amended so as to delete therefrom the intermediate points Binghamton and Elmira-Corning, New York.

[1] This investigation was limited to issues involving domestic air transportation, and did not go into the matter of American's service at Elmira-Corning and Binghamton on international route 56.

[2] Orders E-9455, August 2, 1955, and E-11642, August 1, 1957.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are ordered to show cause why the Board, subject to the approval of the President pursuant to section 801 of the Act, should not issue an order making final the tentative findings and conclusions stated herein to delete the intermediate points Elmira-Corning and Binghamton, New York from American's certificate of public convenience and necessity for its route 56;

2. That any interested person having objection to the issuance of an order making final the findings and conclusions herein, shall, within 15 days from the date hereof, file with the Board, and serve upon all persons hereafter made parties, written notice of objection;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That copies of this order shall be served on American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Mohawk Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the cities and Chambers of Commerce of Elmira, Corning, and Binghamton, New York, which are hereby made parties to this proceeding; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2816; Filed, Mar. 22, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14518; FCC 62M-406]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Order Continuing Hearing

In re application of Dolph-Pettey Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP-14324; for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 16, 1961, in the above-entitled proceeding concerning the future conduct of this proceeding:

It is ordered, This 16th day of March 1962, that:

Informal exchange of engineering exhibits is set for May 1, 1962;

Further prehearing conference is scheduled for May 14, 1962, at 9:00 a.m.; and

Hearing presently scheduled for April 13, 1962, is continued to a date to be set at next prehearing conference.

Released: March 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2820; Filed, Mar. 22, 1962; 8:49 a.m.]

[Docket No. 8716 etc.; FCC 62-293]

GREENWICH BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315, Requests: 1490 kc, 250 w, U; WPD, Incorporated, Danbury, Connecticut, Docket No. 14569, File No. BP-13035, Requests: 1490 kc, 250 w, U; Robert R. Pauley, Peter Taylor, and Fred Schottland d/b as New Canaan Broadcasting Company, New Canaan, Connecticut, Docket No. 14570, File No. BP-13293, Requests: 1490 kc, 250 w, U; Northcastle Radio, Inc., North White Plains, New York, Docket No. 14571, File No. BP-13940, Requests: 1500 kc, 1 kw, DA-D; Richard Hodgson and John F. Dickinson d/b as Fairfield Broadcast Service, New Canaan, Connecticut, Docket No. 14572, File No. BP-14100, Requests: 1490 kc, 250 w, U; Rhode Island-Connecticut Radio Corporation, Madison, Connecticut, Docket No. 14573, File No. BP-14103, Requests: 1490 kc, 250 w, U; Blair A. Walliser tr/as Milford Broadcasting Co., Milford, Connecticut, Docket No. 14574, File No. BP-14106, Requests: 1500 kc, 5 kw, DA-D; The Berkshire Broadcasting Corporation, Stratford, Connecticut, Docket No. 14575, File No. BP-14354, Requests: 1490 kc, 250 w, U; James Stolcz, Shelton, Connecticut, Docket No. 14576, File No. BP-14355, Requests: 1490 kc, 250 w, 1 kw-LS, DA-D, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant applications involve varying degrees of interlinking interference. Excluding mutually prohibitive proposals, and considering all Class IV stations and proposals on a basis of a theoretical 250-watt omnidirectional operation, a substantial question exists concerning compliance with § 3.28(d)(3) of the Commission's rules for each of the applications except that of James Stolcz, BP-14355. An additional question exists regarding possible interference to the existing operations of the stations indicated in issue number 3, herein.

2. Owing to high nighttime RSS limitations, a substantial question exists as to whether the proposals of WPD, Incorporated and of James Stolcz will provide complete nighttime coverage of the cities they seek to serve.

3. The transmitter site photographs submitted by Northcastle Radio, Inc., have not been adequate to enable the Commission to determine whether or not any conditions exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. Two of the proposed antenna systems, those of Milford Broadcasting Company and of James Stolcz, have been approved by the Federal Aviation Agency. The remaining proposals have not yet been explicitly approved by the F.A.A., but have been examined by the Commission in the light of the criteria contained in F.A.A. regulations, § 626.12. It appears that the antenna systems proposed by five of the remaining seven applicants (WPD, Incorporated, New Canaan Broadcasting Company, Northcastle Radio, Inc., Rhode Island-Connecticut Radio Corporation, and The Berkshire Broadcasting Corporation), would comply with the F.A.A. criteria. No hearing issue has been included with respect to the latter five proposals, but a grant of any one of the proposals will be conditioned upon compliance with any applicable procedures of the F.A.A. The Commission has been unable to determine that the proposals of the Greenwich Broadcasting Corporation and Fairfield Broadcast Service would comply with the applicable F.A.A. regulations and an appropriate hearing issue is included herein with respect to those applicants. The Federal Aviation Agency will be made a party respondent for the purposes of this issue.

5. For the reasons set forth below, the Commission is unable to find that the applicants indicated are financially qualified to construct and operate their proposals:

(A) New Canaan Broadcasting Company: Cash in the approximate amount of $26,140 will be required for the construction and initial operation of the proposed station. The partnership agreement indicates that the partnership capital of $7,000 will be contributed, 58 percent and 42 percent respectively, by Robert R. Pauley and Peter Taylor, two of the three partners. The agreement further states that the three partners will, "jointly and severally," lend such other sums as may be necessary for the construction and initial operation of the station. However, the undated balance sheets of the partners were submitted more than two and one half years ago and no additional information has been submitted to indicate the current assets of the partners or any additional commitments they may have undertaken. It is noted, in this regard, that Peter Taylor, 42 percent partner in the applicant, holds an ownership interest of 25 percent in Station WRIM, Pahokee, Florida, recently granted permission to remain silent from November 8, 1961, to February 20, 1962, owing, in part, to financial difficulty. Accordingly, it will be necessary for the partners to demonstrate that they will be able to loan the necessary funds to the partnership or that other sources for these funds have been found.

(B) Northcastle Radio, Inc.: A total of $29,714 appears to be required to cover down payment on equipment, construction costs, and initial operating expenses. The applicant proposes to obtain the necessary funds through stock subscriptions and additional loans from six of the stock subscribers. However, the financial statements submitted by the proposed stock subscribers and lenders were prepared in November, 1959, and were not prepared in accordance with the instructions contained in the application form. It will be necessary for the parties to demonstrate their ability to meet their financial commitments to the corporation, or for the applicant to demonstrate that the necessary funds can be obtained elsewhere.

(C) Fairfield Broadcast Service: Cash in the amount of $72,000 is necessary to cover down payment on equipment, cost of land, cost of building, miscellaneous items, and initial working capital. Following the most recent amendment of the application, it would appear that partner Richard Hodgson is obligated to furnish partnership capital of $24,000 and to loan the partnership an equal amount. The respective obligations of partner John Dickinson are exactly half of the obligations of Hodgson. Neither partner has furnished a balance sheet or financial statement prepared in accordance with the instructions in the application form. Even if the inadequate financial statements furnished were to be accepted at face value, neither partner has indicated sufficient cash and liquid assets to meet his obligations to the partnership. Accordingly, it will be necessary for the applicant to establish the financial capacity of the partners to meet their obligations to the partnership or to establish some other source for the funds necessary to construct the station and commerce operation.

(D) Rhode Island-Connecticut Radio Corporation: Cash in the amount of $28,799 will be necessary to meet the down payment on equipment, cost of land, cost of building, miscellaneous expenses, and initial working capital. The applicant proposes to obtain these funds through a $25,000 bank loan and existing profits from Station WERI, Westerly, Rhode Island, wholly owned by the applicant corporation. However, WERI was acquired by the applicant in 1959 for $100,000, only $29,000 of which was paid at time of purchase. In 1960, the applicant was granted a construction permit for WERI-FM, the cost of which was estimated to be $14,145, and in early 1961 a construction permit was granted to increase the power of WERI(AM). On October 19, 1961, a construction permit was granted for a new station (WTTT), at Amherst, Massachusetts to a corporation whose principal stockholder is Augustine L. Cavallaro, Jr., also a stockholder in the applicant and son of the principal stockholder in the applicant. Funds needed to construct WTTT (an estimated $44,488), were to be obtained by sale of stock by the son to the father for a reported $50,000. In view of the other broadcast commitments by the applicant and of its sole stockholders, the Cavallaros, Senior and Junior, it will be necessary for the applicant to demonstrate its financial ability to construct and operate the instant proposal and meet its other concurrent broadcast commitments.

6. Several of the subject proposals would cause objectionable interference to the licensed operation of Station WNLC, New London, Connecticut on 1490 kc. WNLC has been granted a construction permit to change frequency to 1510 kc and, in all cases but one, this change would eliminate any question of interference to WNLC. A grant of any application causing interference to the licensed WNLC 1490 kc operation will be appropriately conditioned to bar program tests until WNLC is granted similar authority on its new frequency.

7. A substantial question exists as to whether North White Plains, N.Y., is a separate community from White Plains, New York, within the meaning of § 3.30(a) of the Commission's rules. It will be necessary for Northcastle Radio, Inc. to establish its compliance with § 3.30(a) as a necessary precondition to further consideration. Seven Locks Broadcasting Co., 22 Pike and Fischer R.R. 967, 970 (1962).

It further appearing that in view of the foregoing; the Commission is unable to make the statutory finding that a grant of the subject applications, would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following proposals would cause objectionable interference to the existing stations, indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Subject Proposal and Existing Station	
BP-6315	WHOM, New York, N.Y.
BP-13035	WKNY, Kingston, N.Y.
	WTOR, Torrington, Conn.
BP-13293	WHOM, New York N.Y.
BP-13940	WHOM, New York, N.Y.
	WFYI, Mineola, N.Y.
	WTOP, Washington, D.C.
BP-14100	WDLC, Port Jervis, N.Y.
	WHOM, New York, N.Y.
BP-14103	WHOM, New York, N.Y.
	WTXL, West Springfield, Mass.
BP-14106	WFYI, Mineola, N.Y.
	WNLC, New London, Conn. (with respect to CP for operation on 1510 kc.).
BP-13354	WHOM, New York, N.Y.
	WBCB, Levittown-Fairless Hills, Pa.
BP-13355	WTOR, Torrington, Conn.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by The Greenwich Broadcasting Corporation and Fairfield Broadcast Service would constitute a menace to air navigation.

6. To determine whether the instant proposals of WPD, Incorporated and of James Stolcz would provide nighttime coverage of the city sought to be served, as required by §§ 3.188(a)(1) and 3.188(b)(2) of the Commission's rules.

7. To determine whether the transmitter site proposed by Northcastle Radio, Inc. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether the following applicants are financially qualified to construct and operate their proposed stations:

(a) New Canaan Broadcasting Company.

(b) Northcastle Radio, Inc.

(c) Fairfield Broadcast Service.

(d) Rhode Island-Connecticut Radio Corporation.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the event it is concluded pursuant to the foregoing is-

sue that one of the proposals for New Canaan, Connecticut, should be favored, or, in the event it is determined that a necessary choice between any two or more applicants cannot reasonably be made on the basis of considerations relating to section 307(b), which of the proposals in question would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That the following licensees of the existing stations indicated are made parties to the proceeding with regard to their existing operations:

Licensee, Station, and Location
Progress Broadcasting Corp., WHOM, New York, N.Y.
Kingston Broadcasting Corp., WKNY, Kingston, N.Y.
VIP Broadcasting Corp., WFYI, Mineola, N.Y.
The Torrington Broadcasting Co., Inc., WTOR, Torrington, Conn.
The Washington Post Co., WTOP, Washington, D.C.
Port Jervis Broadcasting Co. Inc., WDLC, Port Jervis, N.Y.
Telecolor Corp., WTXL, West Springfield, Mass.
O'Keefe Broadcasting Co., Inc., WBCB, Levittown-Fairless Hills, Pa.

It is further ordered, That The Thames Broadcasting Corporation, is made a party to the proceeding with regard to its construction permit for operation on 1510 kc, at New London, Connecticut.

It is further ordered, That in the event of a grant of the application of The Greenwich Broadcasting Corporation, New Canaan Broadcasting Company, Fairfield Broadcast Service, or Rhode Island-Connecticut Radio Corporation, the construction permit shall contain the following condition: Program tests will not be authorized until WNLC has begun program tests on 1510 kc and a license will not be issued until WNLC has been licensed on 1510 kc.

It is further ordered, That in the event of a grant of the application of Northcastle Radio, Inc. or of Milford Broadcasting Co., the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of any application in this proceeding except those of Milford Broadcasting Company and of James Stolcz, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the F.A.A.

It is further ordered, That in the event of a grant of the application of Fairfield Broadcast Service, the construction permit shall contain the following condition: Before program tests are authorized, sufficient field intensity measurement data shall be submitted to establish that the antenna tower has been top loaded to produce an effective field strength at one mile of 260 mv/m/kw as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2821; Filed, Mar. 22, 1962; 8:49 a.m.]

[Docket No. 14425 etc.; FCC 62M-405]

SAUL M. MILLER ET AL.

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; John D. Worthington, Lee L. Case, Samuel Miller, Arthur A. Snowberger, LeRoy Stokes and George W. Truelove d/b as Bel Air Broadcasting Company, Bel Air, Maryland, Docket No. 14433, File No. BP-14816; Chandler W. Drummond and E. Theodore Mallyck d/b as Bi-States Broadcasters, Ocean City-Somers Pt., New Jersey, Docket No. 14434, File No. BP-14817; et al., Docket Nos. 14426, 14427, 14428, 14429, 14430, 14431, 14435, 14436, 14438, 14439, 14440, 14441, 14442; for construction permits.

The Hearing Examiner having under consideration a "Petition to Reschedule Hearing" filed by Bel Air Broadcasting Company and Bi-States Broadcasters on March 9, 1962, requesting that dates for Hearing in Groups I and II be postponed to a date to be subsequently determined, and dates for further proceedings be rescheduled for all three groups;

It appearing, that no opposition to the petition has been filed by any of the parties, and that good cause has been shown for a grant of the requested relief:

It is ordered, This 16th day of March 1962, that the "Petition to Reschedule Hearing" filed by Bel Air Broadcasting Company and Bi-States Broadcasters on March 9, 1962, be, and the same is, hereby granted, and that the following dates shall govern the future conduct of this proceeding for Groups I, II, and III:

Exchange of engineering exhibits on April 16, 1962;

Engineering Conference shall be held on April 30, 1962, at 10:00 a.m.;

Prehearing conference shall be held immediately following engineering conference on April 30, 1962;

Presently scheduled hearing dates of May 14, 1962, for Group I and May 7, 1962, for Group II will be rescheduled at the Prehearing Conference held on April 30, 1962; and

The hearing date for Group III which is presently unscheduled will be set at the Prehearing Conference on April 30, 1962.

Released: March 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2822; Filed, Mar. 22, 1962; 8:49 a.m.]

[Docket No. 14577; FCC 62-294]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897, for construction permit.

1. The Commission has before it for consideration (1) a "Joint Petition to Deny" filed on October 13, 1961, pursuant to section 309(d) of the Communications Act of 1934, as amended, by Springfield Television Broadcasting Corporation, licensee of Television Broadcast Station WWLP, Channel 22, Springfield, Massachusetts, and by Connecticut Television, Inc., licensee of Television Broadcast Station WHNB-TV, Channel 30, New Britain, Connecticut (petitioners), directed against the above-captioned application; (2) an "Opposition to Joint Petition to Deny" filed on November 9, 1961, by Triangle Publications, Inc., applicant herein; and (3) a "Joint Reply" filed by petitioners on November 17, 1961.

2. Triangle is licensee of Television Broadcast Station WNHC-TV, Channel 8, New Haven, Connecticut. On June 28, 1961, Triangle filed the above-captioned application for a construction permit to relocate its transmitter from its present site at Gaylord Mountain, Hamden, Connecticut, to a site approximately 3.7 miles northeast of Meriden, Connecticut; to install a directional antenna system (for which a waiver of the provisions of § 3.685(e) of the rules, limiting suppression of radiation to 10 dbu, is requested to allow a maximum suppression of 12.8 dbu); to make various equipment changes; and to increase antenna height from 720 feet to 780 feet above average terrain. The most significant feature of the application is that it proposes a transmitter site move from a location approximately 5 miles north of New Haven to a site approximately 20 miles northeast of New Haven. As a result, WNHC-TV's distance from Hartford would be reduced from approximately 27 miles to approximately 15 miles and the distance from New Britain will be reduced from approximately 19 miles to approximately 8 miles.

3. Petitioners claim standing by virtue of the alleged intensified competition to which they will be subjected as a result of the proposed transmitter move, and refer to the Commission's findings in Triangle Publications, Inc. (WNHC-TV), 17 R.R. 624, which involved the same parties, in support of their contention. Triangle has not sought to challenge petitioners' standing. In view of the foregoing, we believe it is obvious that each petitioner is a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended.

4. In many respects, the present proceeding is derived from Triangle's earlier effort to relocate Station WNHC-TV to the northeast of New Haven. Triangle Publications, Inc. (WNHC-TV), 17 R.R. 624. Following an evidentiary hearing held pursuant to former section 309(c) of the Act, we concluded that a grant of Triangle's application would not serve the public interest, convenience and necessity since, among other things, it "* * * would be inconsistent with our principles of television channel assignments and would upset the delicate balance in allocations we have achieved in this geographic area * * *" and "* * * that a grant herein would impair protestant's ability to compete effectively and would jeopardize the continuation of its commendatory service, to the detriment of the interest of the public * * *" (id at 624).

5. Triangle's present application embodies an effort to accomplish its design of moving to the northeast of New Haven without the concomitant adverse results which we found would accompany its earlier application. It hopes to achieve this result by utilizing a directional antenna system which will suppress radiation in the direction of petitioners' stations. This feature of the present application is crucial in this proceeding, since Triangle claims that it will substantially avoid the adverse consequences of its earlier application while petitioners claim that, despite the changes, this application is subject to the same basic objections which led to denial of the earlier application. Both applicant and petitioners have submitted conflicting engineering analyses in support of their respective positions. Under these circumstances, it is apparent that substantial factual questions are raised which require that the subject application be designated for evidentiary hearing. Since the issues framed in the earlier proceeding would seem to encompass all matters raised here, we are designating the subject application for hearing on the issues which barred a grant of Triangle's earlier application. In addition, an issue has been included concerning the applicant's request for waiver of § 3.685(e) of the Commission's rules.

6. In view of the foregoing: *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing on the following issues:

1. To determine the areas which would gain or lose television service as a result of the proposed change in the WNHC-TV facilities.

2. To determine whether a grant of the application would be consistent with the provisions of § 3.607 of the Commission's rules, section 307(b) of the Act, and the principles upon which the assignment of television broadcast channels have been made by the Commission.

3. To determine whether a grant of the application would impair the ability of the UHF stations in Connecticut Valley to compete effectively, or would jeopardize, in whole or in part, the continuation of their existing service.

4. To determine whether a grant of the application would be consistent or inconsistent with the objective of improving the opportunities for effective competition among a greater number of stations.

5. To determine whether the provisions of § 3.685(e) of the rules should be waived.

6. To determine in the light of the evidence adduced under the foregoing issues whether the public interest would be served by a grant of the above-captioned application.

It is further ordered, That Springfield Television Broadcasting Corporation and Connecticut Television, Inc. are made parties to this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the applicant.

It is further ordered, That the petitions of Springfield Television Broadcasting Corporation and Connecticut Television, Inc., are granted to the extent indicated above and are otherwise denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant, Springfield Television Broadcasting Corporation and Connecticut Television, Inc., pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: March 15, 1962.

Released: March 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2823; Filed, Mar. 22, 1962; 8:49 a.m.]

[Docket Nos. 13796, 13803; FCC 62M-400]

WESTERN BROADCASTING CO. AND R. L. McALISTER

Order Continuing Hearing

In re applications of David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, Odessa, Texas, Docket No. 13796, File No. BP-12329; R. L. McAlister, Odessa, Texas, Docket No. 13803, File No. BP-13058; for construction permits.

Upon oral request of counsel for the Broadcast Bureau for a one-week postponement in hearing date; and with the consent of counsel for applicant McAlister thereto: *It is ordered*, This 16th day of March 1962, that the hearing following remand in this matter heretofore scheduled for April 24, 1962, is hereby postponed to May 1, 1962, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: March 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2824; Filed, Mar. 22, 1962; 8:49 a.m.]

[Canadian List No. 166]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MARCH 9, 1962.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		680 kilocycles				
New	Bishop's Falls Newfoundland.	10	DA-2	U	II	Delete assignment.
		740 kilocycles				
CBXA (PO: 740 kc 0.25 kw ND.	Edmonton, Alberta	*50*	*DA-2*	U	II	EIO 3-15-63.
		740 kilocycles				
New	Leduc, Alberta	50	DA-1	U	II	Delete assignment.
		790 kilocycles				
CBH	Halifax, Nova Scotia	10	DA-2	U	III	Delete assignment, vide 860 kc.
		810 kilocycles				
CJDV (delete 10 kw daytime operation notified on list No. 157).	Drumheller, Alberta	5	DA-2	U	III	EIO 3-15-63.
		1010 kilocycles				
CBX (PO: Lacombe, Alberta 1010 kc 50 kw DA-1).	*Calgary*, Alberta	50	*DA-2*	U	I-A	Do.
		1060 kilocycles				
CJLR	*Quebec* (Sillery) Province of Quebec.	10	DA-1	U	II	NIO with increased power.
		1150 kilocycles				
CKSA (PO: 1150 kc 1 kw DA-2).	Lloydminster, Alberta	*10*	DA-2	U	III	EIO 3-15-63.
		1250 kilocycles				
CFCW	Camrose, Alberta	1 D/0.25 N	ND	U	IV	Delete assignment, vide 790 kc.
		1270 kilocycles				
CHAT (PO: 1270 kc 1 kw DA-1).	Medicine Hat, Alberta	*10*	DA-N	U	III	EIO 3-15-63.
		1280 kilocycles				
CJSL	Estevan, Saskatchewan	1	DA-1	U	III	NIO.
		1530 kilocycles				
New	Calgary, Alberta	10	DA-N	U	III	EIO 3-15-63.
		1540 kilocycles				
Do	Stettler, Alberta	1 D/0.25 N	ND	U	IV	Delete assignment.
		1560 kilocycles				
CKBC (PO: 1400 kc 0.25 kw ND).	Bathurst, New Brunswick.	*10*	*DA-N*	U	III	EIO 3-15-63.
		1570 kilocycles				
CFLV	Valleyfield, Province of Quebec.	1	DA-1	U	III	NIO.
		1400 kilocycles				
CJFP (PO: 1400 kc 1 kw D/0.25 kw ND).	Riviere du Loup, Province of Quebec.	5 D/0.25 N	ND	U	IV	EIO 3-15-63.
		1420 kilocycles				
CKOM	Saskatoon, Saskatchewan.	5	DA-N	U	III	Delete assignment, vide 1250 kc.
		1490 kilocycles				
New	Tatamagouche, Nova Scotia.	0.25	ND	U	IV	Delete assignment.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2825; Filed, Mar. 22, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[No. 984]

PUGET SOUND TUG & BARGE CO. AND ALASKA FREIGHT LINES, INC.

Certain Tariff Practices; Notice of Investigation and of Hearing

On March 15, 1962 the Federal Maritime Commission entered the following order:

Puget Sound Tug & Barge Company has filed with the Commission a complaint alleging, among other things, that Alaska Freight Lines, Inc., has on file with the Commission a tariff of rates for transportation between ports in the continental United States and ports in Alaska; that Alaska Freight Lines, Inc., does not in fact provide water transportation between some of said ports; and that said tariff is therefore not lawfully on file with the Commission, said complaint being assigned Docket No. 974.

Alaska Freight Lines, Inc., by pleadings filed in response to said complaint, alleges that its tariff is in substance not different from the tariff of Puget Sound Tug & Barge Company in that Puget Sound's tariff provides for substituted service by land carrier between certain ports enumerated in its tariff.

The Commission believes, in view of the questions raised by the allegations of these carriers and the tariffs of such carriers on file with the Commission that there is good cause for an investigation thereof upon its own motion.

Therefore it is ordered, That pursuant to sections 18(a), 22 of the Shipping Act, 1916, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, the Commission, upon its own motion, enter upon an investigation into whether and to what extent said Puget Sound Tug & Barge Company and Alaska Freight Lines, Inc., either alone or in conjunction with others, transport goods by means of land vehicle between points for which they publish rates as water carriers in tariffs on file with the Federal Maritime Commission. The purpose of this investigation is to determine the lawfulness of such practices and of the tariffs of said carriers to the extent they allow or provide for such practices under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

That Puget Sound Tug & Barge Company and Alaska Freight Lines, Inc., be made respondents in this proceeding.

That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner.

That this proceeding be consolidated for hearing with Docket No. 974.

That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents and other interested parties.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2801; Filed, Mar. 22, 1962; 8:47 a.m.]

[Docket No. 979]

A. H. BULL STEAMSHIP CO.

Revision of Rates on Fresh Fruits and Vegetables Requiring Ventilation or Refrigeration From Ports in Puerto Rico to U.S. Atlantic and Gulf Ports

On March 8, 1962, the Federal Maritime Commission entered the following order:

It appearing that there have been filed with the Federal Maritime Commission various tariff schedules revising the rates on fresh fruits and vegetables requiring ventilation or refrigerated service from ports in Puerto Rico to United States Atlantic and Gulf ports, to become effective on March 12, 1962, designated as follows:

A. H. Bull Steamship Co. Tariff No. FMC–F No. 2

Sixth Revised Page No. 23.
Third Revised Page No. 24.
First Revised Page No. 25.
Fourth Revised Page No. 26.
Fourth Revised Page No. 28.
Original Page No. 30–B.

It further appearing that the Commission is of the opinion that the new rates, fares, charges, classifications, rules, regulations, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the effective date of such schedules should be suspended, pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedules be, and they are hereby, suspended, and that the use thereof be, and it is hereby, deferred to and including July 11, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by the A. H. Bull Steamship Co., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid schedules are suspended and may not be used until the 12th day of July 1962, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended schedules shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined, and announced, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) A. H. Bull Steamship Co., be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commissions' rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

By order of the Federal Maritime Commission.

Dated March 20, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2812; Filed, Mar. 22, 1962; 8:48 a.m.]

[Docket No. 869 etc.]

MATSON NAVIGATION CO. ET AL.

Investigation of Certain Rates and Practices

Pacific Coast/Hawaii and Atlantic-Gulf/Hawaii general increase in rates, Docket No. 869; Hawaii/Crockett and Hawaii/Galveston bulk sugar rates, Docket No. 935; Hawaiian rates, ten percent increase, 1961, Docket No. 941.

On March 8, 1962, the Federal Maritime Commission entered the following order:

By an order of September 18, 1959, the Federal Maritime Board (Board) instituted an investigation of the reasonableness and lawfulness of the rates, charges, regulations and practices stated in tariff schedules filed by Matson Navigation Co. (Matson). Docket No. 869, "Pacific Coast/Hawaii and Atlantic-Gulf/Hawaii General Increase in Rates". By order dated March 27, 1961, the Board instituted a further investigation of the reasonableness and lawfulness of certain rates, rules, conditions, charges, tariffs, regulations and practices stated in tariffs filed by Matson and Waterman Steamship Corp. (Waterman), Docket No. 935, "Hawaii/Crockett and Hawaii/Galveston Bulk Sugar Rates". By order dated April 13, 1961, the Board instituted a third investigation of the reasonableness and lawfulness of certain additional rates, charges, regulations, and practices stated in tariff schedules filed by Matson. Docket No. 941, "Hawaiian Rates—Ten Percent Increase 1961". On April 17, 1961, the Examiner consolidated Docket No. 935 and No. 941 for hearing and disposition.

In Docket No. 869, the proceedings have been submitted to the Federal Maritime Commission (Commission) for decision, and in Docket Nos. 935 and 941, hearings have been completed, and briefs and proposed findings and conclusions have been filed.

In order properly to exercise its function under the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the record in Docket Nos. 935 and 941 be certified to it for decision; and that said Dockets be consolidated with Docket No. 869 for a single decision.

It is ordered,

1. That the record in Docket Nos. 935 and 941 be certified to the Commission, and that Docket No. 869 be consolidated with Docket Nos. 935 and 941 in order that the Commission may issue a single decision.

2. That a copy of this order shall be forthwith served upon all respondents, protestants, and intervenors herein, and that this order be published in the FEDERAL REGISTER.

By the Commission.

Dated: March 20, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2813; Filed, Mar. 22, 1962; 8:48 a.m.]

[Docket No. 980]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Temporary Reduced Rate on Slabs, Roofing Concrete Reinforced With Wood Fibre; Notice of Investigation and of Hearing

On March 8, 1962, the Federal Maritime Commission entered the following order:

It appearing, that there have been filed with the Federal Maritime Commission tariff schedules naming temporary reduced rate on slabs, roofing concrete reinforced with wood fibre, from ports in the Commonwealth of Puerto Rico to Atlantic and Gulf ports of the United States, to become effective March 12, 1962, designated as follows:

Sea-Land Service, Inc., Puerto Rican Division

Homeward Freight Tariff No. 4, FMC–F No. 2 (Pan-Atlantic Steamship Corporation FMC–F series).

9th and 10th Revised Pages No. 33.

and

It further appearing that upon consideration of the said schedules there is reason to believe that the said temporary rate, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rate should be made the subject of a public investigation and hearing to determine whether it is just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said rate should be suspended, pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the temporary rate on "Slabs", contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rate be, and it is hereby, suspended and that the use thereof be, and it is hereby, deferred to and including July 11, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations, and/or practices heretofore in effect, and which were to be changed by the suspended rate, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., Puerto Rican Division, a consecutively numbered supplement to the aforesaid tariff schedule; which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rate is suspended and may not be used until the 12th day of July 1962, unless otherwise authorized by the Commission; and that the rate heretofore in effect, and which was to be changed by the suspended rate shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Sea-Land Service, Inc., Puerto Rican Division, be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

By order of the Federal Maritime Commission.

Dated: March 20, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–2814; Filed, Mar. 22, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1986]

CALIFORNIA-PACIFIC UTILITIES

Notice of Land Withdrawal; Oregon

MARCH 19, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 1986 for which application for license was filed January 14, 1948. Under said section 24 these lands are, from said date of filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress. The area reserved by the filing of this application is approximately 6.3 acres, all of which are within the Whitman National Forest and were formerly included in the Forest Service Permit issued June 23, 1911, to the Eastern Oregon Light and Power Company, predecessor to the subject applicant.

WILLAMETTE MERIDIAN, OREGON

All portions of the following described subdivisions lying within a strip 50 feet in width embracing the dam, headgate and flume line location as described on map Exhibit K–2 (FPC No. 1986–3) entitled "California-Pacific Utilities Company, Rock Creek Project, Baker County, Oregon" and accompanying field notes of survey, filed in the Federal Power Commission January 14, 1948.

T. 8 S., R. 38 E.,
Sec. 5, N½SE¼, SW¼SE¼, S½SW¼.

Copies of the project map, sheet (FPC No. 1986–3) and field notes have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2785; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket No. CP62–147]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

MARCH 16, 1962.

Take notice that on December 14, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62–147 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas on a firm basis to Tri-City Gas Company (Tri-City) for resale in and about the Towns of Edna and Bartlett, Kansas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has sold and delivered natural gas to Tri-City for resale in Edna and Bartlett as well as for resale in Chetopa, Kansas, under its emergency service FPC Gas Rate Schedule E. However, Applicant states further that Tri-City has advised that its present local source of gas for Edna and Bartlett was diminishing and that it must obtain at least 60 percent of its requirements for such communities from Applicant on a firm basis. Service for Chetopa will continue under Rate Schedule E.

The application shows the following estimated peak day and annual natural gas requirements for Edna and Bartlett in the third year of service:

	Mcf at 14.73 psia	
	Third year	Applicant's portion at 60 percent service
Peak day	450	270
Annual	56,371	33,822

The proposed sale and delivery of natural gas will be made by Applicant pursuant to its FPC Gas Rate Schedules F–2, C–2, and I–2.

The application shows that no additional facilities will be required to render the proposed service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 11, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2786; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket No. G–19376]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

MARCH 16, 1962.

Take notice that on January 12, 1962, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston 1, Texas, filed in Docket No. G–19376 an application in compliance with Paragraph (D) of the Commission's order issued December 28, 1959, in said docket, for authority to acquire and operate an experimental compressor unit on a permanent basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In the order of December 28, 1959, Applicant received authority to construct and operate an additional 10,500 horsepower compressor engine unit, consisting of a gas turbine with modified aircraft jet engine driving a centrifugal compressor, at its existing compressor station No. 2 near Clementsville, Kentucky, for experimental purposes to test the feasibility of using this new type of compressor unit. If Applicant decided to acquire and operate the unit on a permanent basis, it was required by said order to file an application for authorization to acquire and operate the facility on a permanent basis at least 60 days prior to the end of the test period.

Accordingly, Applicant has filed the subject application and states that the experimental unit has proven to be a success and that it intends to use the facility for standby operations until sometime in the future when it will be used in connection with a system capacity increase.

The predicted construction cost of the subject facility was $1,554,000. The actual cost will be $1,647,200, due to a required increase in the size of the main building to accommodate the equipment, Applicant reports.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 11, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2787; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket Nos. RI60–155, CI61–1261]

DST EXPLORATION CORP. ET AL.

Order Making Partial Successor in Interest Co-Respondent, Redesignating Proceeding, Requiring Undertaking To Assure Refund, Granting Temporary Authorization, and Accepting Rate Schedules for Filing Subject to Refund

MARCH 16, 1962.

DST Exploration Corp. and Rutter and Wilbanks Brothers (Operator), et al., Docket No. RI60–155;[1] DST Exploration Corp., Docket No. CI61–1261.

On February 24, 1961, DST Exploration Corporation (DST) filed a motion in the proceeding in Docket No. RI60–155, requesting that DST be substituted for Rutter and Wilbanks Brothers (Operator), et al. (Rutter and Wilbanks), in said proceeding insofar as the proceeding relates to oil and gas interests of Rutter and Wilbanks in Section 38, Block 39, T–4–S, T&P Railway Company Survey, Midland County, Texas, assigned to DST, effective as of January 21, 1961 (65 percent undivided interest, down to and including the lower Spraberry formation), which is covered by Supplement No. 8 to Rutter and Wilbanks FPC Gas Rate Schedule No. 1 filed June 2, 1958 (amendatory agreement to Rutter and Wilbanks gas sales contract with El Paso Natural Gas Company dated June 10, 1954).

The order of the Commission in Docket No. RI60–155 issued February 24, 1960, suspended Supplement No. 20 to Rutter and Wilbanks FPC Gas Rate Schedule No. 1, proposing an increase in rate of natural gas produced from areas described in Supplement No. 8 to Rutter and Wilbanks Brothers (Operator), et al. FPC Gas Rate Schedule No. 1, inclusive of Section 38, Block 39, T–4–S, T&P Railway Company Survey, Midland County, Texas, assigned to DST (effective January 21, 1961). Upon motion filed by Rutter and Wilbanks on August 1, 1960, the increased rate was placed in effect subject to refund as of August 4, 1960, by the Commission's notice issued on August 26, 1960.

It appears that the assignment by Rutter and Wilbanks, effective as of January 21, 1961, of certain interest to DST relates to only a portion of the interests of Rutter and Wilbanks covered by Supplement No. 20 to Rutter and Wilbanks FPC Gas Rate Schedule No. 1, namely, production in Section 38, Block 39, T–4–S, T&P Railway Company Survey, Midland County, Texas. DST is seeking in connection therewith temporary authorization for the sale of natural gas to El Paso as proposed in Docket No. CI61–1261, at a proposed rate of 17.2295 cents per Mcf (including tax reimbursement). As to the subject interest DST states its willingness to file either a surety bond or an agreement and undertaking to assure refund to El Paso of any monies collected at a rate above that finally determined to be proper in Docket No. RI60–155 on and after January 21, 1961, the effective date of assignment. Consistent therewith DST has tendered for filing as its rate schedule and supplements thereto, the contract dated June 10, 1954, designated as its FPC Gas Rate Schedule No. 1, and amendments thereto dated June 12, 1956, October 26, 1959, September 1, 1960, and DST's undated assignment which is effective January 21, 1961, as Supplement Nos. 1, 2, 3, and 4, respectively.

In view of the particular factual situation existing in this proceeding, it appears an order may be appropriately issued enlarging the proceeding in Docket No. RI60–155 to include DST and making DST responsible for refunding to El Paso any monies collected at a rate above that finally determined in Docket No. RI60–155 on and after January 21, 1961.

The Commission finds: It is necessary and proper in carrying out the provisions

[1] The proceeding in Docket No. RI60–155 was consolidated with the area rate proceeding in Docket No. AR61–1 by order of the Commission issued December 23, 1960.

of the Natural Gas Act that DST Exploration Corporation be joined with Rutter and Wilbanks Brothers (Operator), et al., as co-respondent in the proceeding in Docket No. RI60–155; that the proceeding be redesignated accordingly; that DST file an agreement and undertaking as hereinafter ordered in compliance with the Commission's rules and regulations; that temporary authorization be issued as hereinafter ordered subject to the conditions and terms of this order; and that DST's proposed rate schedule and supplements thereto be accepted for filing subject to the refund provisions of this order, effective January 21, 1961.

The Commission orders:

(A) Subject to the terms and conditions of this order and applicable provisions of the Commission's suspension order heretofore issued in this proceeding DST Exploration Corporation is hereby joined with Rutter and Wilbanks Brothers (Operator), et al., in Docket No. RI60–155, as a co-respondent in the suspension proceeding and the proceeding is accordingly redesignated.

(B) Upon execution by DST of the agreement and undertaking described in paragraph (D) below and acceptance thereof, evidenced by a letter addressed to DST by the Secretary of the Commission, the rates and charges provided for in the Rate Schedule No. 1 of DST Exploration Corporation, as supplemented, shall become effective in accordance with and as provided in paragraph (G) hereof.

(C) DST shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to DST until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the rate or charge effective as of January 21, 1961, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath to the Commission monthly, for each billing period, the billing determinants and the revenues resulting therefrom as computed under the rates in effect immediately prior to August 4, 1960, (the effective date of Supplement No. 20 to Rutter and Wilbanks FPC Gas Rate Schedule No. 1) and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, within 15 days from the date of issuance hereof, DST shall execute and file with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (C) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved as follows:

Agreement and Undertaking of DST Exploration Corporation Company to Comply with the Terms and Conditions of Paragraph (C) of Federal Power Commission's Order Accepting Rate Schedules For Filing.

In conformity with the requirements of the order issued 1962, in Docket No. RI60–155, DST Exploration Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (C) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this day of ---------- 1962.

---------- DST Exploration Corp.

By ----------

Attest:

(Secretary)

(E) If DST shall, in conformity with the terms and conditions of paragraph (C) of this order, make such refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(F) DST is granted temporary authorization for the sale of natural gas to El Paso Natural Gas Company as proposed in Docket No. CI60–1261, at the rate of 17.2295 cents per Mcf at 14.65 psia (including tax reimbursement), subject to the terms and conditions of this order and the refund provisions of this order relating thereto.

(G) The FPC Gas Rate Schedule No. 1 of DST Exploration Corporation, and Supplements 1, 2, 3, and 4 thereto are accepted for filing, effective as of January 21, 1961; and the rate and charge contained in Supplement No. 2 thereto (contained in Supplement No. 20 to Rutter and Wilbanks Brothers (Operator), et al. FPC Gas Rate Schedule No. 1) shall be charged and collected commencing January 21, 1961, subject to refund as provided herein, and subject to future orders of the Commission entered in this proceeding.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2788; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket No. RI62–63]

SHALLOW WATER REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rates; Correction

MARCH 16, 1962.

In the order providing for hearing on and suspension of proposed change in rates, issued September 29, 1961 and published in the FEDERAL REGISTER on October 4, 1961 (F.R. Doc. 61–9503; 26 F.R. 9356):

In the first line of paragraph 1 change "Shallow Water Refining Company" to read "The Shallow Water Refining Company".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2789; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket Nos. CP61–172, etc.]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Applications, Consolidation of Proceedings, and Fixing of Hearing Date; Correction

MARCH 8, 1962.

In the notice of applications, consolidation of proceedings and fixing date of hearing, issued February 27, 1962, and published in the FEDERAL REGISTER on March 6, 1962 (F.R. Doc. 62–2169; 27 F.R. 2165): Next to the last paragraph, which begins with "Take further notice that pursuant * * * add "3" after the word "Sections".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2790; Filed, Mar. 22, 1962; 8:46 a.m.]

[Docket Nos. G–13169, etc.]

TEXACO SEABOARD, INC., ET AL.

Order Denying Rehearing, Severing and Consolidating Proceedings, and Providing Further Procedure; Correction

MARCH 16, 1962.

In the order denying rehearing, severing and consolidating proceedings and providing further procedures, issued March 7, 1962, and published in the FEDERAL REGISTER on March 14, 1962 (F.R. Doc. 62–2443; 27 F.R. 2421): Correct footnote 2 to read as follows:

[2] Pan American Petroleum Corporation; Public Service Commission of the State of New York; Phillips Petroleum Company; Kerr-McGee Oil Industries, Inc.; Cities Service Production Company; Long Island Lighting Company, Philadelphia Electric Company; and The United Gas Improvement Company ("The Eastern Seaboard Companies", jointly); Humble Oil & Refining Company; Austral Oil Company; Hassie Runt Trust, Operator, et al.; Placid Oil Company; Continental Oil Company and Newmont Oil Company (jointly); J. R. Frankel et al., now Berkshire Oil Company; Socony Mobil Oil Company, Inc.; Shell Oil Company; Amerada Petroleum Corporation; Tidewater Oil Company; Sohio Petroleum Company; Phillips Petroleum Company and Southern Natural Gas Company (Joint venture); Sun Oil Company; Union Oil Company of California; Caroline Hunt Sands and Loyd B. Sands; Beck Oil Company, et al.; J. Ray McDermott and Company, Inc.; Callery Properties, Inc.; Continental Oil Company; Mississippi River Fuel Corporation; Kilroy Properties, Inc., et al.; Ocean Drilling & Exploration Company (Operator), et al.; Bel Oil Corporation; and Sid W. Richardson d/b/a Richardson & Bass (Operator), et al. (jointly); and Texas Gas Exploration Corporation, et al.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2791; Filed, Mar. 22, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 19, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 20, 1962, to March 29, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2797; Filed, Mar. 22, 1962; 8:47 a.m.]

[File No. 812–1481]

BOSTON FUND, INC.

Notice of Filing of Application

MARCH 16, 1962.

Notice is hereby given that Boston Fund, Inc. ("Fund"), 111 Devonshire Street, Boston 9, Massachusetts, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Fischer Investment Corporation ("Fischer").

Shares of Fund, a Massachusetts corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of January 19, 1962, the net assets of Fund amounted to approximately $309,089,988.

Fischer, a Michigan corporation and a personal holding company having two shareholders, is excepted from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an agreement between Fund and Fischer, substantially all of the cash and securities owned by Fischer having a value of approximately $520,612 as of January 19, 1962, will be sold to the Fund in exchange for shares of its capital stock. The number of Fund shares to be delivered to Fischer will be determined by dividing the net asset value per share of the Fund in effect as of the close of business on the last full business day of the New York Stock Exchange before the closing date into the value of the Fischer assets to be exchanged. The shares acquired by Fischer are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of selling or redeeming them.

The value of the assets of Fischer to be transferred will be determined in the same manner as net asset value is calculated for the purpose of issuing Fund shares. Since the exchange will be tax free for Fischer and its shareholders, Fund's cost basis for tax purposes on the assets acquired from Fischer will be the same as for Fischer, rather than the price actually paid for the assets by Fund. No adjustment will be made to offset possible unfavorable tax consequences of a future sale of the assets acquired from Fischer because the unrealized appreciation of Fischer's assets is proportionately less than that of Fund's assets, amounting to $23,566, or 4.4 percent, and $92,415,715, or 29.9 percent, respectively, as of January 19, 1962.

The application recites that the agreement was negotiated by the parties at arm's length and that no affiliation exists between them. It further recites that the Fund will hold the securities to be acquired under the agreement for investment and that their acquisition is consistent with the investment policy of the Fund as described in its registration statement.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement the shares of the Fund are to be issued to Fischer at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2½ percent for sales over $250,000.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1962 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–2798; Filed, Mar. 22, 1962; 8:47 a.m.]

[File No. 24B–1363]

MAINCO ELECTRONICS AND MARINE DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 19, 1962.

I. Mainco Electronics and Marine Development Corporation (issuer), Boothbay Harbor, Maine, a Maine Corporation, Boothbay Harbor, Maine, filed with the Commission on October 16, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of 75,000 shares of 10 cents par value common stock at $4 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Nance-Keith Corporation, 99 Wall Street, New York, New York, was engaged to act as underwriter on a best efforts basis.

II. The Commission has reasonable grounds to believe that:

A. The notification and offering circular contain untrue statements of material facts in the following respect:

1. Designation of various persons as directors when in fact such persons had not consented to be named as directors, and their background;

2. Description of the educational background of the general manager and projects engineer;

B. The offering circular as amended on January 4, 1962 contains untrue statements of material facts particularly with reference to the reasons given for the resignations of certain directors.

C. The offering circular as amended on January 4, 1962 omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, in the following respects:

1. Failure to disclose that the company was not producing the fiberglass products referred to;

2. Failure to disclose that the issuer had no inventory of the electronic products described therein, was not currently producing those items and had little or no facilities to produce the described items.

3. Failure to disclose that a lease agreement pertaining to expansion of production facilities was canceled by Mainco on or about December 13, 1961;

4. Failure to disclose the total number of employees and the number engaged in the electronics phase of business;

5. Failure to disclose that the proceeds were not being used in the order of priority as stated therein.

D. The use of the original offering circular did operate as a fraud or deceit upon prospective and actual purchasers.

E. The use of the amended offering circular would operate as a fraud or deceit upon prospective purchasers.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2799; Filed, Mar. 22, 1962; 8:47 a.m.]

[File No. 811-1134]

MARQUETTE CAPITAL CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 16, 1962.

Notice is hereby given that Marquette Capital Co. ("Applicant") 91 South Seventh Street, Minneapolis 2, Minnesota, a Minnesota corporation and a closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), which is also a small business investment company licensed as such under the Small Business Investment Act of 1958 ("SBIA") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant makes the following representations in its application.

The Applicant has never had more than twenty five beneficial holders of its common stock, which is its only class of securities authorized or outstanding, is not making and proposes to make no public offering of its securities, and has applied for withdrawal of its registration statement pursuant to Rule 477 of the Securities Act of 1933.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2800; Filed, Mar. 22, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37604: *Brick and related articles from and to points in Mississippi.* Filed by O. W. South, Jr., Agent (No. A-4157), for interested rail carriers. Rates on brick and related articles, in carloads, (a) between points in Illinois, Indiana, and Missouri, on the one hand, and specified points in Mississippi, on the other; also, (b) from specified points in Illinois, Indiana, Iowa, Missouri, and Wisconsin to specified points in Mississippi, and from points in Mississippi Valley territory to specified points in Mississippi.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 19 to Southern Freight Association tariff I.C.C. S-215 and supplement 41 to Illinois Freight Association tariff I.C.C. 965.

FSA No. 37605: *Packing cushions or pads from Lenoir, N.C.* Filed by O. W. South, Jr., Agent (No. A-4159), for interested rail carriers. Rates on packing cushions or packing pads, as described in the application, in carloads, from Lenoir, N.C., to points in southern territory, also Ohio and Mississippi River crossings, points in Virginia and Washington, D.C.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 37606: *Liquefied petroleum gas from Albuquerque and Bernalillo, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B-8167), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Albuquerque and Bernalillo, N. Mex., to points in New Mexico and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 202 to Southwestern Freight Bureau tariff I.C.C. 4102.

FSA No. 37607: *Crude petrolatum between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8168), for interested rail carriers. Rates on crude petrolatum, as described in the application, in tank-car loads, between points in southwestern territory, also Illinois, Kansas, and Missouri, and Memphis, Tenn.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 48, 202, 3, 1, and 5 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4102, 4463, 4458, and 4448, respectively.

FSA No. 37608: *Petroleum and petroleum products between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8169), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in carloads and tank-car loads, between points in southwestern territory, also Illinois, Kansas, Missouri, and Tennessee.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 48, 202, 3, 1, and 5 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4102, 4463, 4458, and 4448, respectively.

FSA No. 37609: *Empty returned aluminum beer cans between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2233), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers, returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in western trunk line territory.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 37610: *T.O.F.C. service—Commodities between southern and WTL territory points.* Filed by Western Trunk Line Committee, Agent (No. A-2232), for interested rail carriers. Rates on (1) iron or steel articles, loaded in or on trailers, and (2) trailers, freight, etc., empty, new or used, loaded in or on flat cars, and transported on railroad flat cars, (1) from Birmingham, Ala., to points in Iowa, Kansas, and Missouri; also, (2) between points in southern territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37611: *Substituted service—L-L for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 55), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-2803; Filed, Mar. 22, 1962; 8:48 a.m.]

[Notice 612]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 20, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64772. By order of March 16, 1962, the Transfer Board approved the transfer to Deehan's Express, Inc., 32 O'Brien Avenue, Whitman, Mass., of Certificate No. MC 76064 issued December 12, 1940, to John T. Deehan, doing business as Deehan's Express, 32 O'Brien Avenue, Whitman, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Hanson, Mass., and Cambridge, Mass.; household goods, over irregular routes, between Abington, Mass., and points in Massachusetts within 10 miles of Abington, on the one hand, and, on the other, points in New Hampshire; street lamps, reflectors, and fixtures, over irregular routes, between Hanson and Boston, Mass., on the one hand, and, on the other, Providence, R.I.

No. MC-FC 64851. By order of March 15, 1962, the Transfer Board approved the transfer to E. Porcoro, Inc., 420 Midland Avenue, Garfield, N.J., of Permit No. MC 2390, issued July 31, 1943, to Emil Porcoro, 422 Midland Avenue, Garfield, N.J., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business between points in New Jersey, thence across the Delaware River to the west bank, thence through Milford and Matamoras, Pa., to Port Jervis, N.Y., thence through Middletown to Pine Bush, N.Y., thence to Wallhill, N.Y., Newburgh, N.Y., and along the west bank of the Hudson River to Weehawken; between points in the above-specified territory, on the one hand, and, on the other, points in Bronx, Kings, Queens, New York, Nassau, and Richmond Counties, N.Y., and those in Hudson, Bergen, and Essex Counties, N.J.; fruits, vegetables, farm products, poultry and sea foods, from points in Ulster County, N.Y., and Hunterdon County, N.J., to points in the above-specified territory.

No. MC-FC 64857. By order of March 15, 1962, the Transfer Board approved the transfer to Sha-Neva Trucking Company, a corporation, Truckee, Calif., of Certificate No. MC 118487, issued June 20, 1960, to Clinton P. Shane and Clayton G. Shane, a partnership, doing business as Shane Bros., Truckee, Calif., authorizing the transportation of road construction machinery and equipment, and excavation and logging machinery and equipment, the transportation of which because of size or weight requires the use of special equipment, over irregular routes, between points in Alpine, El Dorado, Mono, Nevada, Placer, and Sierra Counties, Calif., Douglas, Lyon, and Armsby Counties, Nev., and those in Washoe County, Nev., and those in Washoe County, Nev., on and south of U.S. Highway 40. Daniel A. Baker, 625 Market Street, San Francisco 5, Calif., attorney for applicants.

No. MC-FC 64864. By order of March 16, 1962, the Transfer Board approved the transfer to Roscoe Hufford, doing business as Roscoe Hufford Trucking, Lake Cicott, Ind., of Certificate No. MC 119991 issued February 7, 1961, to William Rispo, DeLair, N.J., authorizing the transportation over irregular routes, of green hides and skins, salted, from points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, New York, except points in the New York, N.Y., Commercial Zone, Ohio, Tennessee, and Wisconsin, to Philadelphia, Pa.; from Philadelphia, Pa., to points in Illinois, Massachusetts, New York, except points in the New York, N.Y., Commercial Zone, Ohio, and Wisconsin; from Trenton, N.J., to points in Illinois, Massachusetts, New York, except points in the New York, N.Y., Commercial Zone, as defined by the Commission, Ohio, and Wisconsin. William J. Guenther, 1212 Fletcher Trust Building, Indianapolis 4, Ind., attorney for applicants.

No. MC-FC 64876. By order of March 16, 1962, the Transfer Board approved the transfer to Orlando J. Julka, doing business as Julka Moving & Storage Company, 221 Lewis Street, Fond du Lac, Wis., of Certificate No. MC 60727 issued December 10, 1956, to Orlando J. Julka, and Donald N. Julka, a partnership, doing business as Julka Moving and Storage Co., 221 Lewis Street, Fond du Lac, Wis., authorizing the transportation of household goods, over irregular routes, between points in Fond du Lac County, Wis., on the one hand, and, on the other, points in Illinois.

No. MC-FC 64887. By order of March 15, 1962, the Transfer Board approved the transfer to Paul M. Eaton, Jr., doing business as Humansville Truck Line, Bolivar, Mo., of Certificate No. MC 52642 issued April 20, 1950, to Fred Kearney, doing business as Humansville Truck Line, Humansville, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over a regular route, between Humansville, Mo., and Springfield, Mo. Thomas P. Rose, Jefferson Building, Jefferson City, Mo., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-2804; Filed, Mar. 22, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BERNARD EGBERT ROOS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bernard Egbert Roos, Herengracht 256, Amsterdam, Holland; Claim No. 42721, Vesting Order No. 2080; $59,209.12 in the Treasury of the United States.

Executed at Washington, D.C., on March 19, 1962.

For the Attorney General.

[SEAL] WILLIAM H. ORRICK, Jr.,
Director, Office of Alien Property.

[F.R. Doc. 62-2806; Filed, Mar. 22, 1962; 8:48 a.m.]

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980 2762
PROPOSED RULES:
730 2770
1001 2772
1006 2772
1007 2772
1014 2772

12 CFR

217 2763

14 CFR

507 2763
601 (2 documents) 2763, 2764
608 2764
PROPOSED RULES:
201 2775
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377 2775
399 2775
602 2776

21 CFR

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305 2770
307 2770

31 CFR

515 2765

36 CFR

7 2770

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2634 2764
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PROPOSED RULES:
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33 2769

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Subpart G—Payments During Evacuation

Effective March 25, 1962, Subpart G is added to Part 25 as follows:

Sec.
25.701 Purpose.
25.702 Applicability.
25.703 Employee coverage.
25.704 Definitions.
25.705 Limitations.
25.706 Approval of Departmental Regulations.
25.707 Payment to employees of other departments.

AUTHORITY: §§ 25.701 to 25.707 issued under 75 Stat. 662 et seq. and E.O. 10982, Dec. 25, 1961.

§ 25.701 Purpose.

The purpose of the regulations in this subpart is to provide the authority necessary for the departments to administer the Act (except section 5), by establishing an efficient, orderly, and equitable procedure for the payment of compensation and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military reasons or because of imminent danger to their lives.

§ 25.702 Applicability.

The regulations in this subpart apply to departments which exercise the authority under the Act and Executive order to provide for advance payments and evacuation payments for their employees who are located in United States areas.

§ 25.703 Employee coverage.

The regulations in this subpart apply (a) to civilian employees of a department who are United States citizens or who are United States nationals, (b) to civilian employees of a department who are not citizens or nationals of the United States but who were recruited with a transportation agreement which provides return transportation to the area from which recruited, and (c) to alien employees of a department hired within the United States.

§ 25.704 Definitions.

As used in this subpart, the following terms shall have the meanings as stated:

(a) "Act" means the Act of September 26, 1961 (Public Law 87–304, 75 Stat. 662).

(b) "Commission" means the United States Civil Service Commission.

(c) "Department" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(d) "Executive order" means Executive Order 10982 dated December 25, 1961.

(e) "United States area" means the United States of America (including the District of Columbia), the Commonwealth of Puerto Rico, the Canal Zone, and any territory or possession of the United States, but excluding the Trust Territory of the Pacific Islands.

§ 25.705 Limitations.

A department may not provide an authority in its regulations to make advance payments or evacuation payments when evacuations are occasioned by a natural disaster within the 48 contiguous States or the District of Columbia.

§ 25.706 Approval of Departmental Regulations.

(a) *Advance approval.* The Commission has prescribed, and published in the Federal Personnel Manual, departmental regulations for adoption by a department as the regulations authorized to be issued by the department under section 6(c) of the Act. When the head of a department proposes to exercise the authority given him under sections 2 and 3 of the Act, he may adopt these departmental regulations for use in United States areas; or for use in specifically designated localities within these areas. When the departmental regulations are adopted without change as published in the Federal Personnel Manual, regulations so adopted have the prior approval of the Commission as required by section 4(b) of the Executive order. If a department adopts the departmental regulations, the Commission shall be notified of the date of adoption and of the areas in which the departmental regulations will be applied.

(b) *Request for prior approval.* When a department proposes to issue regulations which deviate from the departmental regulations published in the Federal Personnel Manual, prior approval as required by section 4(b) of the Executive order must be secured from the Commission before the regulations may be made effective.

(c) *Revision of departmental regulations.* When the Commission revises the departmental regulations provided for in paragraph (a) of this section, departments which have previously adopted the regulations in this subpart shall adopt the revisions or within 30 days request approval from the Commission to retain the regulations without change.

(d) *Supplemental regulations.* When a department has regulations which have been approved under paragraphs (a) or (b) of this section, the department may issue any supplemental regulations or instructions, not inconsistent with its approved regulations, deemed necessary for internal operations.

(e) *Delegation of authority.* There is hereby delegated to departments having approved regulations the authority vested in the Commission by section 2(a) of the Executive order with respect to section 3 (a) and (b) of the Act when the approved regulations provide for continuation of evacuation payments for an additional 120 days under section 3(a) of the Act and for the payment of special allowances under section 3(b) of the Act.

§ 25.707 Payment to employees of other departments.

When a department has adopted regulations which have been approved by the Commission, the name of the department will be listed in the Federal Personnel Manual together with the areas to which the regulations of the department will apply. When this information is published in the Federal Personnel Manual, other departments (whether or not they have approved regulations) are authorized to make advance payments or evacuation payments to employees (including dependents and designated representatives) of a department, having approved regulations, who are assigned to posts of duty within the areas covered by the department's regulations. When a payment is made under the regulations of the this subpart by other than the employee's department, the amount and date of payment will be immediately reported to the employee's department in order that prompt reimbursement may be made.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2868; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

Colusa, Glenn, Monterey, and Yolo Counties, California, are hereby deleted from the list of counties published September 23, 1960, which were designated for barley crop insurance for the 1962 crop year pursuant to the authority

contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2851; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published February 16, 1961, which were designated for combined crop insurance for the 1962 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

IOWA

Delaware.
Emmet.
Howard.
Humboldt.
Tama.
Union.
Warren.
Winnebago.
Worth.

LOUISIANNA

Vermillion.

NEBRASKA

Antelope.

TENNESSEE

Franklin.

WISCONSIN

Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2852; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

Colusa, Glenn, Monterey, and Yolo Counties, California, Marion County, Illinois, and Potter County, Texas, are hereby deleted from the list of counties published September 23, 1960, which were designated for wheat crop insurance for the 1962 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2853; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR RAISIN CROP INSURANCE

San Joaquin County, California, is hereby deleted from the list of counties published January 24, 1962, which were designated for raisin crop insurance for the 1962 crop year pursuant to the authority contained in § 402.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2854; Filed, Mar. 23, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 12]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.312 Navel Orange Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 25, 1962, and ending at 12:01 a.m., P.s.t., April 1, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2940; Filed, Mar. 23, 1962; 11:40 a.m.]

[Valencia Orange Reg. 5]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.305 Valencia Orange Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 25, 1962, and ending at 12:01 a.m., P.s.t., April 1, 1962, are hereby fixed as follows:

(i) District 1: 2,100 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2941; Filed, Mar. 23, 1962; 11:40 a.m.]

[Lemon Reg. 13]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.313 Lemon Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 25, 1962, and ending at 12:01 a.m., P.s.t., April 1, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 22, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2892; Filed, Mar. 23, 1962; 8:50 a.m.]

[Grapefruit Reg. 7]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.307 Grapefruit Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among han-

diers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 26, 1962, and ending at 12:01 a.m., e.s.t., April 2, 1962, is hereby fixed at 195,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 22, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-2908; Filed, Mar. 23, 1962; 9:35 a.m.]

[959.302 Amdt. 2]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, was published in the March 16, 1962, FEDERAL REGISTER (27 F.R. 2510). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found that the amendment to the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment beyond March 25, 1962 (5 U.S.C. 1001–1011) in that (1) onions grown in the production area are now being shipped, and the volume of shipments is expected to increase by the effective date of this amendment, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed amendment through publicity in the production area and by publication in the FEDERAL REGISTER of March 16, 1962 (27 F.R. 2510).

Order, as amended. In § 959.302 (27 F.R. 1451, 2594) delete the introductory paragraph and substitute in lieu thereof a new introductory paragraph as set forth below.

§ 959.302 Limitation of shipments.

During the period from March 25, 1962, through June 30, 1962, no person shall package or load onions on Sundays or handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated, March 23, 1962, to become effective March 25, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62-2944; Filed, Mar. 23, 1962; 12:07 p.m.]

[Onion Reg. 1, Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

(a) *Findings.* Notice of rule making regarding a proposed amendment to § 980.100, Onion Regulation No. 1 (formerly § 1070.1; 26 F.R. 10632, 11287) was published in the February 27, 1962, FEDERAL REGISTER (27 F.R. 1802). This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; Public Law 87–128).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within 15 days after publication.

The notice also contained a determination to the effect that imports of onions into the United States during the spring marketing season are in most direct competition with onions produced in the South Texas onion production area as defined in Marketing Order No. 959 (7 CFR Part 959), and that import regulations for onions during such period shall be based on regulations effective under said Order No. 959. Such a determination is required under section 8e of the act whenever regulations are in effect under two or more marketing orders for the same commodity.

Within the period specified, data, views, and arguments were filed by one importer opposing issuance of the proposed amendment and taking exception to the determination.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the data, views, and arguments submitted, and other available information, it is hereby found that the proposal as published in the notice should be issued except that the effective date of the amendment should be delayed to allow for shipping time from country of origin, and that the definitions in paragraph (h) should be clarified, as hereinafter set forth, to correspond with the regulations issued for South Texas onions.

It is hereby further found that good cause exists for not postponing the effective date of this section beyond the time specified (5 U.S.C. 1001–1011) in that (1) the requirements established by this section are mandatory under section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the February 27, 1962, FEDERAL REGISTER (27 F.R. 1802), and such notice is determined to be reasonable.

(b) *Order, as amended.* In § 980.100, Onion Regulation No. 1 (formerly § 1070.1, 26 F.R. 10632, 11287), delete paragraphs (a), (b), and (h), and substitute in lieu thereof new paragraphs (a), (b), and (h), as set forth below.

§ 980.100 Onion Regulation No. 1.

(a) *Import restrictions.* During the period beginning on the effective date hereof through June 30, 1962, no person shall import dry onions, except red onions, unless such onions are inspected and meet the requirements of not to exceed 20 percent defects of U.S. No. 1 grade, or better quality. The minimum size for white onions shall be 1 inch in diameter, and for all others 1¾ inches in diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

* * * * *

(h) *Definitions.* For the purpose of this part, "onions" means all varieties of Allium cepa marketed dry, except onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title), or United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), whichever is applicable to the particular variety, including the tolerances set forth therein. In percentage grade lots, tolerances shall not exceed 2-percent decay, except as provided in paragraph (b) of this section. Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 1 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

Effective date. Dated, March 21, 1962, to become effective March 28, 1962, except, that for onions in transit on March 28 from countries of origin with travel time of ten days or more to entry into the United States, the effective date shall be extended by such additional travel time.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62-2866; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Rate of Interest on Interest Compounded Quarterly at Maximum Rate

§ 217.124 Rate of interest on interest compounded quarterly at maximum rate.

(a) The views of the Board of Governors of the Federal Reserve System have been requested as to whether, in paying interest on a savings account at 4 percent, compounded quarterly, interest paid on interest may be computed at the 4-percent rate since the basic interest credited to the account quarterly will, of course, not have been on deposit for 12 months.

(b) It is provided in § 217.6 that "No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed", on that portion of the deposit that has remained on deposit for not less than 12 months. This permits a member bank, under certain circumstances, to pay interest at a rate of 4 percent, compounded quarterly. Therefore, when a member bank, pursuant to this authority, agrees to pay interest on a 12-month deposit at a rate of 4 percent, compounded quarterly, the bank is obligated to compute the interest on the interest at 4 percent.

(c) In compounding interest, the interest being credited to the account quarterly is not treated the same as a new deposit; on such a deposit, interest would be restricted to a rate of 3½ percent until the funds have remained on deposit for 12 months at which time they become eligible for the so-called retroactive bonus of ½ percent. It has been recognized (§ 217.116) that in compounding interest, a bank is permitted to pay interest in an amount slightly greater than that paid on a straight yearly percentage basis.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 16th day of March 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2840; Filed, Mar. 23, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1102; Amdt. 412]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair 22 and 22M Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on March 5, 1962, and made effective immediately because of the safety emergency involved as to all known operators of General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 5, 1962. This directive required inspection of the inboard elevator balance board forward support trunnions within 65 hours' time in service and every 65 hours' time in service thereafter, until a rigging check and adjustments were made. As a result of further investigation it was found that all elevator balance board trunnions were affected and the cause of the failures was not misrigging. Accordingly, an airworthiness directive was adopted on March 9, 1962, and made effective immediately as to all known operators of the General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 9, 1962, superseding the directive of March 5, 1962.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 9, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR 507), to make it effective as to all persons.

GENERAL DYNAMICS/CONVAIR. Applies to all Models 22 and 22M aircraft.

Compliance required within the next 75 hours' time in service after the effective date of this AD and at periods thereafter not to exceed 75 hours' time in service.

To prevent further failures of the forward support trunnions for all elevator and rudder balance boards P/N 22–14715–7, 9, 15, and 17, the following shall be accomplished:

Inspect the forward support trunnions for all elevator and rudder balance boards P/N 22–14715–7, 9, 15, and 17 for failure or cracking. The inspection shall be conducted in accordance with Part A(1) of General Dynamics/Convair Alert Service Bulletin 880–A27–55 or 880M–A27–24. Replace any failed or cracked part prior to further flight.

Upon request of the operator an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(General Dynamics/Convair Alert Service Bulletins 880–A27–55 and 880M–A27–24 pertain to this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 9, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2831; Filed, Mar. 23, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-26]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Mullan Pass, Mont., control area extension (§ 601.1465).

The Federal Aviation Agency has determined that the Mullan Pass control area extension is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Mullan Pass control area extension.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601, (14 CFR 601) is amended by revoking the following section:

§ 601.1465 *Control area extension (Mullan Pass, Mont.).*

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2832; Filed, Mar. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2362 of the regulations of the Administrator is to alter the Merced, Calif., control zone.

The present Merced control zone is designated, in part, on the Bear Creek, Calif., radio beacon. The Bear Creek radio beacon has been decommissioned and the instrument approach procedure based on the radio beacon has been cancelled. Therefore, the Federal Aviation Agency has determined that the portion of the control zone based on the radio beacon for the protection of this approach is no longer required for air traffic service purposes and may be revoked. Since the size of the control zone will be reduced and the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2362 (14 CFR 601.2362) is amended to read:

§ 601.2362 Merced, Calif., control zone.

Within a 5-mile radius of the Castle AFB, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.), within a 5-mile radius of the Merced Airport, Calif. (latitude 37°17'10" N., longitude 120°-31'20" W.), and within 2 miles either side of the Castle VOR 307° and 321° radials extending from the Merced 5-mile radius zone to the VOR, excluding that portion of the Merced 5-mile radius zone northeast of a line 2 miles northeast of and parallel to the Castle VOR 321° True radial.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2833; Filed, Mar. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-42]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.25 of the regulations of the Administrator is to change the controlling agency of the Camp Pendleton, Calif., Restricted Area R-2503 from "Federal Aviation Agency, Los Angeles ARTC Center" to "Federal Aviation Agency, El Toro Approach Control".

A letter of agreement between the Los Angeles Center and the El Toro Approach Control delegates the authority for the control of air traffic within the airspace which encompasses R-2503 to El Toro Approach Control. Therefore, in order to ensure maximum efficiency in the control of air traffic within R-2503, the El Toro Approach Control is designated herein as the controlling agency of this joint use restricted area.

Since this amendment is procedural in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.25 *California*, R-2503 Camp Pendleton, Calif. (26 F.R. 7190), is amended to read:

R-2503 Camp Pendleton, Calif.:

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'06" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117°29'13" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Toro Approach Control.

Using agency. Commanding General, Camp Pendleton, Calif.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2834; Filed, Mar. 23, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2634]

[Idaho 010828]

IDAHO

Withdrawal for Stock Driveway (Twin Falls County)

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws and reserved under jurisdiction of the Bureau of Land Management for stock driveways:

BOISE MERIDIAN

T. 11 S., R. 15 E.,
Sec. 9, SE¼NE¼, E½SE¼;
Sec. 21, E½E½;
Sec. 28, E½E½;
Sec. 33, E½E½.
T. 12 S., R. 15 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, 3, 4;
Sec. 3, lots 1, 2, 3, 4;
Sec. 4, lots 1, 2, 3, 4, SE¼NE¼, E½SE¼;
Sec. 5, lots 1, 2, 3, 4;
Sec. 6, lots 1, 2, 3, 4;
Sec. 9, E½E½;
Sec. 21, E½, E½W½;
Sec. 28, E½E½;
Sec. 33, E½E½.
T. 13 S., R. 15 E.,
Sec. 3, lot 4, W½SW¼, SW¼NW¼;
Sec. 4, lot 1, SE¼NE¼;
Sec. 10, NW¼, E½SW¼;
Sec. 15, NE¼NW¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 22, E½E½;
Sec. 23, W½NW¼;
Sec. 27, E½E½;
Sec. 34, E½E½.
T. 14 S., R. 15 E.,
Sec. 3, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, SE¼SE¼;
Sec. 8, W½SW¼, S½NW¼, S½NE¼, NE¼SE¼;
Sec. 9, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 10, S½SW¼, SW¼SE¼, E½E½.
T. 15 S., R. 15 E.,
Sec. 15, E½W½, W½E½;
Sec. 22, E½W½, W½E½;
Sec. 27, E½W½, W½E½;
T. 12 S., R. 16 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, 3, 4;
Sec. 5, lot 4;
Sec. 6, lots 1, 2, 3, 4.
T. 14 S., R. 16 E.,
Sec. 10, NW¼, NE¼NE¼, W½NE¼, W½SW¼, NE¼SW¼.
T. 16 S., R. 16 E.,
Sec. 24, E½SE¼;
Sec. 25, E½E½.
T. 12 S., R. 17 E.,
Sec. 4, lots 1, 2, 3, 4;
Sec. 5, lots 1, 2, 3, 4;
Sec. 6, lots 1, 2, 3, 4;
Sec. 10, N½N½;
Sec. 11, NW¼NW¼.
T. 14 S., R. 17 E.,
Sec. 20, SW¼;
Sec. 29, W½;
Sec. 32, W½W½.
T. 15 S., R. 17 E.,
Sec. 5, lot 4;
Sec. 7, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 18, lots 1, 2, 3, 4, and NE¼NW¼;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4
T. 16 S., R. 17 E.,
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, E½E½;
Sec. 19, lots 2, 3, 4, NE¼NE¼, W½NE¼, and SE¼NW¼;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lot 4.
T. 11 S., R. 18 E.,
Sec. 35, SW¼NE¼.

The areas described aggregate about 10,598 acres.

2. The lands shall be subject to prospecting, location, entry and purchase under the United States mining laws in accordance with regulations in 43 CFR 185.35-185.36, and to mineral leasing.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 20, 1962.

[F.R. Doc. 62-2863; Filed, Mar. 23, 1962; 8:49 a.m.]

[Public Land Order 2635]

[Nevada 056459]

[Nevada 055593]

NEVADA

Withdrawing Lands for Use of Department of the Navy; Revoking Certain Reclamation Withdrawals (Newlands Project)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Navy in connection with the Naval Auxiliary Air Station, Fallon, Nevada:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 29 E.,
Sec. 3, W½SW¼ and SE¼SW¼;
Sec. 4, lot 6;
Sec. 10, W½NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 24, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼.

The areas described aggregate 966.57 acres.

2. The Departmental orders of July 2, 1902, and August 26, 1902, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect any of the lands described in paragraph 1 of this order.

3. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

4. The Department of the Navy may issue permits revocable at will for authorized use of the land included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements, and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Navy.

5. There is reserved to the Bureau of Reclamation the right to operate and maintain certain irrigation and drainage works on the lands, and to have access to and across the lands described in this order for the purpose.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 20, 1962.

[F.R. Doc. 62-2864; Filed, Mar. 23, 1962; 8:49 a.m.]

[Public Land Order 2636]

[New Mexico 0153504]

[New Mexico 061385]

NEW MEXICO

Opening Lands Under Section 24, Federal Power Act (Power Site Reserve No. 548 and Water Power Designation No. 1)

1. In DA-64- and DA-65-New Mexico, the Federal Power Commission determined that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 10 E.,
Sec. 15, lots 6 and 9;
Sec. 19, SE¼SE¼;
Sec. 20, S½S½;
Sec. 21, S½SW¼;
Sec. 27, lots 3 to 11, incl.;
Sec. 28, lots 1 to 6, incl., 9 to 13, incl., 17, 19, 26, 41, 66, 67, and SW¼SE¼;
Sec. 29, lots 1, 2, 4, 6, SW¼NW¼, and N½SW¼;
Sec. 30, NE¼NE¼.

The areas described aggregate 1,168 acres.

2. Until 10:00 a.m. on September 18, 1962, the State of New Mexico shall have (1) a preferred right of application to select the lands described, in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on September 18, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Any disposals of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 20, 1962.

[F.R. Doc. 62-2865; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 515—CUBAN IMPORT REGULATIONS

Miscellaneous Amendments

The Cuban Import Regulations, 31 CFR 515.201-515.801 are being amended as follows:

Section 515.201 is being amended to prohibit the unlicensed importation or other transactions incidental to the importation of merchandise made or derived in whole or in part of Cuban articles.

Section 515.202 is being revoked.

The authority for the regulations is being amended to provide that they are additionally issued under the authority of section 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR 1943 Cum. Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4891, 3 CFR 1948 Supp.

1. Section 515.201 of the Cuban Import Regulations (31 CFR 515.201) is hereby amended to read as follows:

§ 515.201 Prohibitions.

(a) The importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba is prohibited except as authorized by the Secretary of the Treasury.

(b) The effective date of paragraph (a) of this section is 12:01 a.m., eastern standard time, February 7, 1962.

(c) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, no person, partnership, organization, association, or corporation actually within the United States or organized or doing business under the laws of the United States or of any territory, possession, or district thereof, may import, or engage in any transaction in foreign exchange, transfer of credit or payment between, by, through or to any banking institution (as defined in § 500.-314 of this chapter), incidental to the importation of, merchandise from outside of the United States made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(d) The effective date of paragraph (c) of this section is 12:01 a.m., eastern standard time, March 24, 1962.

§ 515.202 [Revocation]

2. § 515.202 is hereby revoked.

3. The authority for §§ 515.201 to 515.801 reads as follows:

AUTHORITY: §§ 515.201 to 515.801 issued under sec. 620(a) Public Law 87-195; Proclamation 3447; sec. 5, 40 Stat. 415, as amended, 50 U.S.C., App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR 1943 Cum. Supp.; E.O. 9989, Aug. 20, 1948, 13 F.R. 4891, 3 CFR 1948 Supp.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-2928; Filed, Mar. 23, 1962; 9:52 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95, Rev.]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Part 293 is hereby revised to read as follows:

Sec.
293.1 Purpose.
293.2 Definitions.
293.3 Inventory requirements.
293.4 Responsibilities and participation.
293.5 Scope and evaluation of inventories.
293.6 Certifications.
293.7 Accounting treatment.
293.8 Effective date.
293.9 Conflict of orders.

AUTHORITY: §§ 293.1 to 293.9 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 293.1 Purpose.

The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration, and by the subsidized steamship operators in the accomplishment of inventories required on vessels approved for operation under Operating-Differential Subsidy Agreements and the application of the results thereof to the accountings required to be rendered thereunder.

§ 293.2 Definitions.

(a) *Stores and supplies.* As distinguished from expendable equipment and spare parts are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers, and crew, more particularly defined as follows:

(1) *Consumable stores.* Those articles, commodities, and supplies required in the operation of vessels and the living and berthing of passengers, officers, and crew, including, but not limited to, the following general classifications:

(i) Articles and commodities that are completely consumed in their initial usage (paints, soaps, medicines, metals, oils, greases, chemicals, gases, fuel for auxiliary machinery and equipment, etc.).

(ii) Articles and commodities whose term of usage or life is so short that after initial use, such items cannot be recovered for reissue or are practically valueless for sale or transfer (paintbrushes, brooms, mops, rope (except hawsers) and cordage, etc.).

(iii) Articles and commodities of general use which, after installation, lose their identity and become part of a general installation or a part of a larger piece of equipment (pipe, pipefittings and valves, electrical fittings, fire bricks, and tile, etc.).

(iv) Items of the above or similar nature which, in general commercial practice, are ordered for and stocked aboard a vessel on the basis of the estimated needs for the next round voyage, but excluding spare parts for main and auxiliary machinery and ship's equipment which are maintained for emergency repairs at sea.

(2) *Subsistence stores.* Stores and supplies maintained for the feeding of ship's personnel and passengers, such as cereals and cereal products, dairy products, fish, fruits, groceries, meats and meat products, poultry, vegetables, and beverages.

(3) *Slop chest.* Those stores of clothing, toilet articles and supplies, smoking supplies, confections, etc., maintained for sale or issue to ship's personnel and passengers, usually as a charge against wages or for cash.

(4) *Bar stock.* Alcoholic and non-alcoholic beverages and related supplies maintained for sale to passengers.

(5) *Fuel.* For the main propulsion machinery.

(b) *Expendable equipment.* Those articles, outfitting and furnishings, portable, semiportable, and detachable used in equipping a ship for service and used in the normal day-to-day maintenance and operation of the ship that are in addition to and apart from all articles or fittings permanently incorporated in a vessel's hull prior to its being equipped and apart from items classified as stores and supplies or spare parts. Such items are subject to casual or gradual deterioration and replacement, but are not readily consumed by usage and include, but are not limited to, the following general classifications:

(1) *Steward's equipment.* Articles and detachable fixtures of an expendable nature utilized in connection with the living and berthing of passengers and crew such as cooking utensils, galley equipment, silverware, crockery, glassware, linens, mattresses and pillows, draperies and curtains, rugs, furniture, pianos, office machines, safes, cleaning equipment, printing, upholstery and joiner shop equipment, entertainment radio and television receivers, clocks, electric fans, windscoops, and port screens.

(2) *Deck equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the general operation and upkeep of the vessel other than machinery such as hawsers, towing and mooring wire cables, binoculars, chronometers, sextants, portable machinery, tools, anchors except installed bower anchors, lifesaving and fire and damage control equipment, and removable hatch covers.

(3) *Engine equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the operation and day-to-day maintenance of main propulsion and auxiliary machinery, equipment, and electrical installations of the vessel such as hand portable power or specialized engine tools, portable or detached pressure, vacuum and testing gauges, electrical testing equipment.

(c) *Spare parts.* All items of spare and replacement parts carried for the specific purpose of maintaining and repairing mechanical and electrical equipment, machinery, mechanical controls, electric generators, motors, electrical control devices, switchboards, auxiliaries, accessories, etc., including, but not limited to, those spare and replacement parts required by the American Bureau of Shipping and other classification or regulatory bodies.

(d) *Installations.* Items of a permanent or detachable character, generally nonportable, which are permanently installed as a part of the vessel and generally necessary for the operation of the vessel for its intended purposes. Such items are not required to be recorded on inventories accomplished as provided herein, but if recorded shall be considered as general information only. Such items are as listed under the following general classifications:

(1) *Main machinery.* The central propulsion plant and main electric generating equipment and all of the machinery and operating components associated therewith.

(2) *Auxiliary machinery.* Items of machinery and equipment, nonportable in character and permanently installed, together with associated operating components which are required in and necessary to the operation of the vessel, such as steering engines, winches, windlasses, purifiers, condensers, heat extractors, blowers, vent fans, pumps, refrigeration machinery, main radios, gyro compasses.

(3) *Permanent equipment.* Items permanently installed aboard a vessel and necessary for its general operation which are generally nonportable in character, such as lifeboats, inflatable life rafts, rafts, davits, cargo booms and cranes, quick opening hatch covers, bower anchors and anchor chains, fire and access doors, ventilators.

(e) *Unbroached as applied to consumable stores.* In general, all stores that at time of inventory are in new condition; i.e., have not been used and have not lost any of their original value through age, rust, decay, or improper stowage. With respect to the contents of opened packages and containers, items normally supplied in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities found shall be considered unbroached. With respect to items normally packaged in small quantities of nominal value, they shall be considered as unbroached where the containers have not been opened and none of the contents consumed.

(f) *Scrap.* Any item that is worn, used, deteriorated, aged, rusted, or decayed to such a degree it cannot perform or serve its original purpose or function and does not warrant reconditioning.

(g) *Idle status period.* Any idle status period as determined in accordance with General Order 27, Revised.

§ 293.3 Inventory requirements.

(a) Physical inventories of all unbroached stores and supplies, expendable equipment, and spare parts of each vessel approved for subsidized operations, shall be accomplished by the Operator and recorded in duplicate;

(1) At the commencement of the first voyage of each vessel upon entrance into the subsidized service (this inventory shall include only those unbroached stores and supplies purchased and aboad the vessel immediately prior to the commencement of the first subsidized voyage, but not those stores and supplies purchased specifically for the first subsidized voyage of a vessel. Equipment and spare parts purchased to bring the vessel up to standards required by Article II-5 (b) and (d) of the subsidy contract shall also be included in the inventory but the cost thereof shall not be included in voyage expenses.)

(2) Upon termination of the last voyage of each vessel;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(3) With respect to a vessel in idle status;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(4) Upon temporary withdrawal of a vessel from the subsidized service;

(i) Only in those instances where specific request therefor is provided in the written authorization to the Operator for such temporary withdrawal,

(ii) In those instances where specific inventories are not required the amounts chargeable for consumable stores, expendable equipment, and spare parts, in the determination of "net earnings", for the purposes of the reserve fund and recapture provisions of the operating-differential subsidy agreement, shall be adjusted for the period between the times of temporary withdrawal of a subsidized vessel from subsidized service and the reentry of such vessel into said service, as follows: There shall be ascertained the daily average amount of purchases of such consumable stores, expendable equipment and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which such period of temporary withdrawal commenced. The total of the actual purchases as recorded in the accounts of the vessel for the period of the temporary withdrawal shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in the period of temporary withdrawal, with a contra adjustment in the accounts covering subsidized operations. If the amount otherwise chargeable to the period of temporary withdrawal is increased, the contra credit shall be included in the accounts covering the last preceding subsidized voyage of the vessel involved. If conversely, the amount otherwise chargeable to the period of temporary withdrawal is decreased, the contra charge shall be included in the accounts covering the next succeeding subsidized voyage of the vessel involved.

(5) In instances where the voyage results of nonsubsidized vessels are required to be taken into account for reserve fund and recapture purposes and regarding which specific inventories are not required by the Maritime Administration, the amounts chargeable for stores and supplies, expendable equipment and spare parts for all such voyages of a particular vessel terminating during an accounting period shall be adjusted as follows: There shall be ascertained the daily average amount of purchases of such stores and supplies, expendable equipment, and space parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which the period of such operations commenced. The total of the actual purchases as recorded in the accounts of such nonsubsidized vessel voyages, the results of which are to be taken into account for reserve and recapture purposes, shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in such voyages with a contra adjustment in the voyage accounts covering other operations of the vessel.

(6) And, at such other times as specifically directed by the Maritime Administration.

(b) Physical inventories of subsistence stores, slop-chest, bar stock (if maintained by the Operator) and fuel inventories, shall be accomplished by the Operator at the termination of each voyage of each vessel, in addition to those required under paragraph (a)(2) of this section.

§ 293.4 Responsibilities and participation.

(a) The subsidized Operators are responsible for the accomplishment of the inventories at the times required under § 293.3. The Operators shall notify the appropriate Coast Director of the Maritime Administration, of its intentions to accomplish all inventories required by § 293.3(a) not less than twenty-four hours in advance, specifying the time and place, and vessel to be inventoried.

(b) Local inventory surveyors will be assigned to observe and/or participate in the Operator's inventory required by § 293.3(a) to the greatest extent possible and practicable for the purposes of determining and attesting the accuracy and completeness of the inventories and reporting upon the methods employed by the Operator. In the event joint inventory participation is not possible or practicable, arrangements will be made by that staff to observe or to make such spot checks of the inventory as are considered necessary.

§ 293.5 Scope and evaluation of inventories.

(a) *Scope.* The inventories shall consist of detailed listings of unbroached consumable stores, subsistence stores, slop chest, bar stock (if maintained by the Operator) fuel, all expendable equipment and all spare parts, necessary for the outfitting, equipping, and supplying of the vessels, as required by § 293.3 which shall be recorded in form satisfactory to the Maritime Administration. The original inventory work sheets shall be retained by the Operator; however, it shall be the responsibility of the Operator to have all erasures or changes on said inventory sheets initialed by the Maritime Administration's Inventory Surveyors participating therein.

(b) *Valuation.* The basis to be used in determining inventory values shall be:

(1) At the times specified in § 293.3, the Operator shall compute the items of overage and shortage of expendable equipment and spare parts as disclosed by reconciliation of the initial inventory (taken when the vessel entered subsidized service) and closing inventories. Such items shall be priced by the Operator at current market price (without consideration of condition) and extensions and totals entered.

(2) The inventories of unbroached consumable stores, fuel, bar stock, slop chest, and subsistence stores taken pursuant to this section shall be priced at cost or market, whichever is the prevailing practice of each Operator, except that ending inventories shall be priced on a basis consistent with that used for the beginning inventory.

(3) Items evaluated as scrap in accordance with paragraph (c) of this section shall carry a zero valuation for inventory purposes: *Provided,* That when such items are sold the vessel shall be credited with the amount realized from the sale thereof. If such items are cumulated from more than one vessel, the vessels' operating results shall be appropriately credited.

(c) *Evaluation.* The observed condition of each item on the inventory shall be established at the time the inventory is taken and recorded as new, used, or scrap as defined in this part.

(1) Repairs or restorations estimated to cost in excess of 65 percent of the replacement cost of an item or items would be considered as not economically warranted.

(d) In the event an Operator and the local inventory staff cannot reach an agreement as to the pricing and observed condition evaluation of an inventory the local inventory staff shall submit all

pertinent inventory data to the Coast Director for decision.

§ 293.6 Certifications.

(a) *Requirements of Article II–5 (b) and (d) of the contract.* After completion of the physical inventories taken pursuant to § 293.3(a)(1) (except new vessels constructed under Title V of the Merchant Marine Act, 1936, as amended) the Coast Director shall review and determine, giving due consideration to the vessel's proposed service, if the vessel fully meets the requirements of Article II–5, paragraphs (b) and (d) of the applicable Operating-Differential Subsidy Agreement. A schedule shall be prepared by the Coast Director of any deficiencies in the outfitting and/or equipping of the vessel as contemplated by said paragraphs (b) and (d) and furnished to the Operator. The decision of the Coast Directors as to any such deficiencies is final, and the Operator shall thereupon procure, at its own expense, such items as are required to correct such deficiencies, and place same aboard the vessel not later than the termination of the first subsidized voyage. The Maritime Administration shall determine that the cost of curing such deficiencies is properly recorded on the Operator's books of account. Such costs shall not be eligible for operating subsidy or in inclusion in voyage expenses for recapture or reserve fund purposes.

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 30 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the Operator) unbroached consumable stores and fuel taken pursuant to § 293.3(a) price listings shall be submitted to the local inventory staff responsible therefor for review and the preparation of certifications.

(2) Upon completion of the physical inventories of subsistence stores taken pursuant to § 293.3(b), price listings shall be prepared by the Operator and, if requested, made available to the Maritime Administration's Auditors to be used in the audit of subsistence expenses determined to be eligible for operating-differential subsidy.

(i) Subsistence inventories, taken at the end of each voyage, shall also be reflected in Schedules P and C, which are submitted with the certified financial statements prescribed under § 281.1 of this chapter, for utilization by the Maritime Administration for subsidy rate determinations and subsidy payment purposes.

(c) *Inventory differences of expendable equipment and spare parts.* Within 120 days after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) the Operator shall submit a priced statement of differences, determined by comparison of the initial inventory with the closing inventory, together with the pertinent initial and closing inventories, to the local inventory staff responsible therefor for review and preparation of certifications. A copy, after certification by the Maritime Administration, confirming mutual agreement shall be returned to the Operator.

(d) *Reports.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3, the Maritime Administration's Inventory Surveyors participating in same will prepare, before leaving the vessel, Forms MA–290, –291, and –292, as applicable. A duplicate of such form will be affixed to the inventory work sheets of the Operator.

§ 293.7 Accounting treatment.

Inventories and inventory overages and shortages accomplished and certified pursuant to the provisions of this order shall be classified, for accounting purposes, as set forth hereinafter and recorded on the Operator's records and books of account as prescribed herein and in accordance with the account classifications prescribed by the Maritime Administration in the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" under Part 282 of this chapter.

(a) The accounting entries for stores and supplies inventories as defined in § 293.2 (a)(2), (3), (4), and (5), shall be recorded, separately, for each vessel and each voyage coincident with the inventory accomplishments required under § 293.3(b).

(1) The following subsidiary voyage accounts and clearance accounts, maintained for each vessel and voyage, shall be charged with the value of such beginning inventories upon the commencement of the first voyage of the vessel. Upon the termination of each voyage of the vessel the voyage accounts shall be credited with the value of the ending inventories and a corresponding charge made to the accounts of the succeeding voyage.

(i) Account 210. Subsistence—Purchased Domestic.

(ii) Account 235. Fuel.

(iii) Clearance Account 040. Bar Accounts.

(iv) Clearance Account 045. Slop Chest Account.

(As it is impracticable to determine whether certain subsistence items were purchased domestic or foreign when taking inventories, the total value of the subsistence inventory shall be carried in Account 210.)

(2) Inventories recorded in Accounts 040 and 045 applicable to unterminated voyages as at the balance sheet date shall be reflected under the balance sheet Account 170. Inventories.

(b) The accounting entries for unbroached consumable stores inventories, as defined in § 293.2(a)(1) shall be recorded, separately for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a).

(1) In addition to the inventories required under § 293.3(a), the owner/operator may at his election take consumable stores inventories at the beginning and end of each subsidy accounting period: *Provided,* That such inventories are taken and priced in a manner consistent with the provisions of this part: *And further provided,* That such inventories shall be accomplished for each of the subsidy accounting periods within the Operator's recapture period or periods under its operating-differential subsidy agreement.

(2) The Clearance Account 060, Stores, Supplies, and Equipment Aboard Vessels, maintained for each vessel shall be charged with the value of such beginning inventories of unbroached consumable stores upon the commencement of the first voyage of the vessel as prescribed by § 293.3(a)(1). At the times prescribed by § 293.3 (except as to paragraph (a)(1) thereof) the account shall be credited with the value of the ending inventory and a corresponding charge made to Account 060 of the succeeding voyage.

(i) In the event an Operator elects to take consumable stores inventories at the end of each subsidy accounting period, Account 060 shall be credited with the value of the inventories upon the termination of the last voyage of the vessel within the accounting period and a corresponding charge made to Account 060 of the succeeding voyage.

(ii) Inventories recorded in Account 060 as at the balance sheet date shall be reflected in the balance sheet Account 200. Unterminated Voyage Expense.

(c) The accounting entries for overages and shortages of expendable equipment and spare parts inventories as defined in § 293.2 (b) and (c), shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a) (excepting subparagraphs (1) thereof) and § 293.6(c).

(1) The initial expendable equipment and spare parts inventory of a vessel entering subsidized operations shall be capitalized and recorded in the balance sheet Account 331. Floating Equipment—Vessels, as part of the acquisition cost of the vessel.

(2) The net overages and shortages of expendable equipment and spare parts, determined by an item by item comparison (since the initial inventory is not priced) of the initial inventory with the ending inventory, pursuant to § 293.6(c), shall for purposes of accounting for the consumption of or increase in capital assets be treated as follows:

(i) *Shortage.* Where a comparison of the ending inventory with the initial inventory discloses a net shortage (shortages exceed overages), which means that, to the extent of such net shortage, items included in the initial inventory, in the aggregate, were consumed and not replenished by purchases during the period between inventories, Account 215. Stores, Supplies, and Equipment—Purchased Domestic, of the last voyage of the vessel terminating prior to the ending inventory shall be charged with the net shortage and the corresponding account of the succeeding voyage credited with a like amount, except where a vessel (a) is being permanently withdrawn from operation, no adjustment should be made to the voyage account, and (b) is being permanently withdrawn from subsidized operations, inventory adjustments shall be made to the voyage accounts only after evidence has been presented by the owner/operator within six months after such withdrawal that restoration of the items making up said shortage has been accomplished: *Provided,* That the adjustment provided in (b) of this subdivision shall be limited to the extent that the value of the items so restored exceeds the value of the overage items, if any, appearing on the statement of overages and shortages.

(ii) *Overages.* Where a comparison of the ending inventory with the initial inventory discloses a net overage (overages exceed shortages), which means that, to the extent of such net overage, all of the purchases between inventories were not consumed, Account 215. Stores, Supplies and Equipment—Purchased Domestic, (*a*) of the last voyage of the vessel terminating prior to the ending inventory or (*b*) of the last idle status period of the vessel terminating prior to the permanent withdrawal of the vessel from subsidized operations shall be credited with the net overage and the corresponding account of the succeeding voyage of idle status period, as the case may be, charged with a like amount.

(b) In every instance where any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is withdrawn from the vessel's inventory, irrespective of whether it was furnished to the vessel's crew, operator's shore gang or to a contractor, for the operation, maintenance or repair of said vessel, no accounting entries shall be made to the vessel's voyage accounts for the cost, or other recorded value, of any inventory items so issued. In the event any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is transferred to another vessel, a credit memorandum describing such item shall be issued, together with a contra memorandum charging the vessel to which the item is transferred.

(1) Immediately upon the withdrawal of any equipment or spare parts from said inventories, the Operator shall prepare a "Memorandum of Equipment and/or Spare Parts" in the following suggested form, and file it with the applicable inventory records, work papers or listing thereof:

DEBIT-CREDIT MEMORANDUM OF EQUIPMENT AND/OR SPARE PARTS

Removed from Vessel SS _____ and Installed on Vessel SS _____ in Connection with Repairs—Maintenance for Voyage No. _____ Item No. _____ (Description) _____ Recorded Value $_____ Repair—Maintenance Order No. _____ Inventory Dated _____ Recorded in Account No. _____

Signed _____
(Operator's representative)

NOTE: This Memorandum Transaction is not to be recorded on the vessel's voyage accounts or any inventory accounts, or charged as an item of expense, nor is the stated value hereof to be submitted for operating-differential subsidy participation. Strike out Debit or Credit as applicable.

(2) In all cases where the Operator furnishes said equipment or spare parts to its shore gang or an independent contractor for the maintenance or repair of a vessel, one copy of the "Memorandum" shall be attached to and submitted in support of the "Subsidy Repair Summary" (Form MA–140) as prescribed by paragraph (h) of § 272.6 of this chapter (General Order 20, 2d Rev. (23 F.R. 2920, May 1, 1958)).

§ 293.8 Effective date.

The provisions of this part are effective as of the date of publication in the FEDERAL REGISTER and are applicable to all inventories in process as of such date of publication.

§ 293.9 Conflict of orders.

To the extent the provisions of this part are in conflict with provisions of any other orders, instructions or regulations now in effect, the provisions of this part shall prevail.

Dated: March 19, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–2841; Filed, Mar. 23, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Modoc National Wildlife Refuge, California

On page 949 of the FEDERAL REGISTER of February 1, 1962, there was published a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public sport fishing in waters of the Modoc National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

This amendment, because of the proximity of the legal fishing season in the State of California, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

JAMES K. CARR,
Acting Secretary of the Interior.

MARCH 19, 1962.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * * *

CALIFORNIA

Modoc National Wildlife Refuge.

[F.R. Doc. 62–2862; Filed, Mar. 23, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 305]

PROPOXYPHENE (4-DIMETHYLAMINO-1, 2-DIPHENYL-3-METHYL-2-PROPIONOXYBUTANE)

Found Not To Be an Opiate

The Bureau of Narcotics published in the FEDERAL REGISTER (21 F.R. 1321) a notice of a proposed finding that the substance 4-dimethylamino-1,2-diphenyl -3- methyl -2- propionoxybutane (also known as propoxyphene) had an addiction-forming or addiction-sustaining liability similar to morphine and should be classified as an opiate. Eli Lilly and Company entered a protest with respect to the proposed finding and requested an opportunity to be heard on the matter. A hearing was held pursuant to this notice.

On the basis of all the evidence, including technical data offered at the hearing, plus the fact that there has been no evidence of any danger to the public welfare regarding addiction liability during the approximately five years propoxyphene has been on the market, I have concluded that this substance should not be found to be an opiate. Also taken into consideration in making this determination has been the resolution recommending such action, adopted at the January 1962 meeting of the Committee on Drug Addiction and Narcotics of the National Research Council, National Academy of Sciences.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: March 17, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2870; Filed, Mar. 23, 1962; 8:50 a.m.]

[21 CFR Part 307]

NORPETHIDINE (NORMEPERIDINE)

Applications for License To Manufacture

Notice is hereby given pursuant to the provisions of section 8 of the Narcotics Manufacturing Act of 1960 (74 Stat. 62) and 21 CFR 307.93 that an application for a license to manufacture the narcotic drug Norpethidine (normeperidine), basic class No. 34, has been submitted by each of the following named companies:

Merck Chemical Division,
Merck & Co., Inc.,
126 East Lincoln Avenue,
Rahway, N.J.

Mallinckrodt Chemical Works,
Second and Mallinckrodt Streets,
St. Louis 7, Mo.

Winthrop Laboratories Division of Sterling Drug Co.,
1450 Broadway,
New York 18, N.Y.

and that such applications are being favorably considered.

Within twenty days from the date of publication of this notice in the FEDERAL REGISTER, any interested person may file a written protest with both the Commissioner of Narcotics and the applicants, against favorable consideration of the applications. Any such protest shall specify with particularity the facts relied upon as showing that the licenses if granted to the applicants would not be in the public interest. Such interested person at the time of filing may request a hearing as to his protest.

If no written notice of a desire to be heard shall be received within twenty days from date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: March 17, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2869; Filed, Mar. 23, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Boating

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. sec. 3); Departmental Order No. 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824) and Regional Director, Region Four, Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend 36 CFR 7.11 as set forth below. The purpose of these amendments is to establish a suitable management plan for the waters of the Park in the interest of public safety and preservation of natural values.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Lassen Volcanic National Park, Mineral, California, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

FRANK E. SYLVESTER,
Superintendent,
Lassen Volcanic National Park.

A new paragraph (g) is added to § 7.11 to read as follows:

§ 7.11 Lassen Volcanic National Park.

* * * * *

(g) *Boats*—(1) *Permit.* A permit is issued by the Superintendent is required for any boat, canoe, raft or other waterborne or floating craft, placed or operated, upon the waters of Lassen Volcanic National Park. This permit must be carried within the boat at all times when any person is aboard and shall be exhibited upon request to any authorized person. The Superintendent shall have the authority to revoke the permit and require the immediate removal of such craft upon failure of the permittee or other persons using the boat to comply with terms and conditions of the permit.

(2) *Use of motors.* The use of boats, canoes, rafts or other waterborne or floating craft, propelled by any type of motor, is prohibited on all waters within the boundaries of Lassen Volcanic National Park except for official management purposes.

(3) *Restricted waters.* Waterborne craft of every type or description are prohibited on the following waters:

Boiling Springs Lake.
Emerald Lake.
Helen Lake.
Reflection Lake.

[F.R. Doc. 62-2842; Filed, Mar. 28, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments for 1959 and Subsequent Crops; Proposed Transfer of Producer Allotments

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Department proposes to amend § 730.1025 of the regulations for the determination of rice acreage allotments for the 1959 and subsequent crops of rice (23 F.R. 8528), as amended. The purpose of this amendment is to implement the provisions of Public Law 87-412, approved March 6, 1962, which provides for the transfer of producer rice acreage allotments, upon retirement, to other producers under certain conditions. Section 730.1025 of the regulations currently provides for the succession of interest in producer allotments under certain conditions following death, the sale or lease of rice land, the sale of a leasehold, and upon dissolution of a partnership. Public Law 87-412 provides specifically for the transfer of producer rice allotments under certain conditions following death, retirement from the production of rice, and upon dissolution of a partnership.

The proposed amendment is to become effective with the 1962 and subsequent crops of rice.

Section 730.1025 is to be amended to read as follows:

§ 730.1025 Succession of interest in producer allotments.

(a) If a producer dies or withdraws from the production of rice, his rice acreage allotment and related history acreages during the applicable base period may be transferred under the provisions of this section to another person or persons. Each such transfer shall be contingent upon the furnishing of certain information to the county committee and will be subject to the approval of a representative of the State committee. A producer who withdraws in whole from the production of rice under the provisions of paragraph (b) (2) of this section, or who withdraws from the production of rice under the provisions of paragraph (b) (3) of this section, or who transfers his entire interest in the production of rice to the remaining partner(s) under the provisions of paragraph (b) (4) of this section when the partnership is dissolved, shall not be eligible for a producer rice acreage allotment for any year subsequent to such transfer, except to the extent that he may become eligible for an allotment on the basis of rice history acquired in a year (subsequent to the transfer) for which rice acreage allotments are not in effect.

(b) (1) If a producer dies his current rice acreage allotment and related rice history acreage during the applicable base period shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue, or have continued, his farming operations. The heirs or devisees, or their representative, shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the heirs or devisees and the extent each will continue the farming operations of the deceased. The percentage of the total allotment of the deceased that each will receive shall be determined on the basis of the information furnished by the heirs or devisees and any other pertinent information. The rice history acreages credited to the deceased during the applicable base period shall be divided among the heirs or devisees in the same proportion that the allotment is divided.

(2) If a producer withdraws in whole or in part from the production of rice in favor of a member or members of his family who will succeed to his farming operations, that portion of his current allotment and related rice history acreage during the applicable base period as may be ascribed to such withdrawal, may be transferred to such family member or members. For the purposes of this subparagraph (2) of this paragraph, a member of the transferee's family shall be limited to his wife, father, mother, brother, sister, son, daughter, grandson, granddaughter, nephew or niece. The transferor shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the transferees, their relationship to him and the extent to which he is to be succeeded in his farming operations by them. The current allotment and related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferor, when applicable, and the transferees in accordance with the transferor's request.

(3) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his current allotment and related rice history acreage during the applicable base period may be transferred to another producer(s) who has had previous rice producing experience: *Provided,* That the transferee(s) acquires the transferor's entire rice farming operation, including all production and harvesting equipment, any eligible equipment not permanently attached to the land and any land owned by the transferor to which any of the transferred rice history acreage is ascribed. The transferor at the earliest practicable date, shall advise the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become applicable. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current rice acreage allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportion that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting and marketing one or more crops of rice as a producer. The minimum acreage of land to which history has been ascribed as referred to in this subparagraph (3) that must be transferred in order to effect a transfer of the allotment and related rice history acreages, shall be the smaller of the acreage of developed rice land owned by the transferor at the time of the transfer to which he allocated his producer rice acreage allotment (less any reapportioned allotment) in any one or more of the five years immediately preceding the current year, or the largest acreage of his producer rice acreage allotment (less any reapportioned allotment) allocated to such land by the producer in any year during such period. In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer rice acreage allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next four years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the current year in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

(4) If a partnership is dissolved, the partnership's current rice acreage allotment and related history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners: *Provided,* That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed. The members of the partnership shall advise the county committee in writing at the earliest practicable date of the dissolution of the partnership. If the partnership was in effect for at least three consecutive years during the applicable base period, the percentage of the current rice acreage allotment that each partner is to receive shall be furnished the county committee. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited.

Prior to the issuance of the regulations referred to herein, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., will be given consideration provided such submissions are postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 20, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2867; Filed, Mar. 23, 1962; 8:49 a.m.]

[7 CFR Parts 1001, 1006, 1007, 1014]

[Docket Nos. AO–14–A32, AO–302–A–6, AO–302–A–14, AO–294–A–14]

MILK IN GREATER BOSTON, SOUTHEASTERN NEW ENGLAND, SPRINGFIELD AND WORCESTER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Boston, Massachusetts, on December 20, 1961, pursuant to notice thereof issued on December 12, 1961 (26 F.R. 12037).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on February 23, 1962 (27 F.R. 1906; F.R. Doc 62–1992) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to providing an exemption from pooling on all or a portion of any milk received by a pool handler from public and private institutions.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The provisions of the Greater Boston, Southeastern New England, Springfield and Worcester milk orders should be amended to provide in the alternative (a) an exemption from pooling on milk received by a pool handler from state and local governments which operate dairy farms, or (b) the pooling of all milk so produced and received by a handler from any such governing body as "producer milk." The exemption should apply only if the eligible governing body utilizes such milk on its premises and distributes no milk through commercial outlets.

A private, nonprofit institution operating a dairy farm should continue in its present status as a producer with respect to milk from such farm received at a fully regulated plant.

A small number of nonprofit institutions which operate dairy farms, and are "producers" under the respective orders, use facilities of pool handlers for the purpose of processing and packaging their milk in quantities required to fulfill their fluid needs. There are five such institutions, public and private, under the Greater Boston order, four under the Southeastern New England order and one each under the Worcester and Springfield orders. Of such 11 institutions, four are operated by governmental agencies.

The normal practice of these institutions is to deliver all milk produced on their farms to regulated handlers' plants. All or part of such milk is processed, packaged and returned to the institutions thereof. The milk not needed by the institutions is retained for disposition by the handlers.

The proportion of the milk so returned to these institutions individually varies from minor quantities of the milk produced to all of it. Institutions using facilities of Boston, Springfield and Worcester order pool plants require for their own use, on the average, about 40 percent of their aggregate production. Institutions in the Southeastern New England market utilize on the average about 12 percent of their total production.

Under the present provisions of the orders, a handler receiving such milk from an institution is required to pay the institution at least the applicable blended price for all deliveries. The milk returned to the institution is accounted for by the handler at the applicable order's Class I price. Thus, the handler incurs an obligation under the order of the difference between the Class I and blended price on the milk so returned. This order obligation customarily is passed on to the institution as part of the cost of processing the milk.

The proposal as presented would provide an exemption from order pricing on that portion of the milk produced by the institution, processed by a pool handler, and returned for consumption by the institution. The milk retained by the processing handler would continue to be treated as "producer milk" and would be priced accordingly.

Prior to September 1, 1960, an exemption from pooling was provided under the Boston, Worcester and Springfield orders on milk returned to all "dairy farmer-distributors." The Southeastern New England order has not provided such an exemption. Official notice is here taken of the Secretary's decision of August 10, 1960 (25 F.R. 7819), to amend the several New England orders, in which appears a discussion of the need for amending the "exempt milk" definition to exclude therefrom milk returned to "dairy farmer-distributors."

An important factor in such decision to amend the orders was that the exempt milk provision allowed dairy farmer-distributors to avoid the pooling and pricing provisions on fluid milk while at the same time receiving the blended price on any surplus milk associated with their fluid operations to the disadvantage of other producers. The decision found that in May, 1959, there were 62 such dairy farmer-distributors using the exempt milk provisions in this manner.

To adopt the provision proposed likewise would be disadvantageous to producers furnishing milk for commercial outlets since the institution would not be required to share its fluid consumption with other producers through market pooling, but nevertheless would be entitled to share in the fluid (Class I) sales of the other producers. While other producers share the full burden of the lower value of the market supply of milk not needed for fluid use, the institution would be required to share only a portion of such burden, since its own Class I consumption would not be pooled.

Several of the private institutions in question produce substantially more milk on a year-round basis than is required to meet their respective needs. In addition, several of such institutions use the production of their herds to supply self-operated private schools. The fluid milk needs of these schools vary widely, depending on whether classes are in session. During vacation periods the excess production is delivered to pool plants and is paid for at the applicable blended price. The institution thereby derives an additional significant benefit from pooling since it receives the blended price on milk which normally would be used for fluid purposes during the school year but has no fluid outlet in other months.

Most of the private institutions operate in a manner not substantially different from other producers in the market. The institution's production is not necessarily geared to its own fluid milk needs. In some of the cases, at least, the successful operation of the farm enterprise depends on receipt of the blended price on the substantial proportion of the milk production which is retained by the processing handler.

Although in each instance any effect on blended prices which would result from granting the proposed exemption would be small in terms of the entire market, an exemption would not be consonant with the marketing principles which make marketwide pooling an important stabilizing factor in the market. The successful application of pooling requires that all participants share proportionately in the higher value of all fluid milk sales and in the lower value of the surplus associated with such sales. Effective marketwide equalization could not persist if special consideration were given under the order in each case where it could be shown that the particular farm enterprise was in some respect different from that of the typical milk producer.

In the case of an institution operated under public authority, the opportunity should be provided for complete exemption from the "producer" definition and pooling provisions of the order for milk produced. As a matter of public policy, the operation of a dairy farm by a state-operated facility for the purpose of carrying out a sovereign, public function of the state need not meet interference from this Federal regulation designed to regularize commercial transactions. It is proposed, therefore, that state or local governmental bodies which operate dairy farms be provided a choice as to whether or not their entire deliveries of dairy farm production to a handler are to be pooled and priced as producer milk under the order.

The alternative of complete exemption will provide appropriate procedures for eliminating any order pricing requirement as to such operations. Complete exemption would provide that any milk produced in excess of such institution's requirements and retained by a pool handler would be paid for by negotiation between the institution and the handler. The receiving handler would not be required to pay the institution the minimum blended price for such milk as announced under the order. If an exemption were taken by the governmental body the effect would be to eliminate the pooling of the milk retained by the handler as well as that returned to the institution for consumption. The surplus over the fluid needs of the market thus would not be increased by any excess of milk produced by the institution over its own fluid requirements, with a consequent reduction in the blended price to other producers. Milk returned by the regulated handler to the institution would be covered by the definition of "exempt milk" and any milk retained by the regulated handler would be accounted for under the order in accordance with the order's definition of "outside milk" ("other source milk" in the Southeastern New England order), without payment obligation under the order unless utilized in Class I.

Because of the seasonal aspects of milk production and for administrative convenience the alternative of complete exemption should apply for not less than 12 consecutive months. If a governmental body elects the exemption, written notification to that effect should be given to the market administrator, and to the handler to which it delivers, on or before the last day of the first month for which the exemption would be applicable.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, an exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are eight documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", and "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

Determination of representative period. The month of December 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Greater Boston, Massachusetts, Southeastern New England, Springfield, Massachusetts, and Worcester, Massachusetts, marketing areas, are approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on March 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1001.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1001.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1001.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add the following immediately after the word "*Provided*" in § 1014.2(e): "That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further,*".

2. In § 1014.4(g) delete the word "or" at the end of subparagraph (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1014.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 1006.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1006.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1006.4(j) delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1006.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area

§ 1007.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, Marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1007.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1007.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk product returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1007.2(e).

[F.R. Doc. 62-2650; Filed, Mar. 23, 1962; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 302, 377, 399]

[Docket No. 13481; EDR-40, PDR-18, SPDR-4, PSDR-3]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; ECONOMIC PROCEEDINGS; CONTINUANCE OF EXPIRED AUTHORIZATIONS AND STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

MARCH 21, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of the following amendments to its regulations:

1. Adding a new § 201.6 to Part 201 of the Economic Regulations (14 CFR Part 201);

2. Adding a new last sentence to § 302.400 of Part 302 of the Procedural Regulations (14 CFR Part 302);

3. Revising the format of and adding a new proviso to § 377.10 of Part 377 of the Special Regulations (14 CFR Part 377);

4. Adding a new § 399.37 to Part 399 of its Policy Statement Regulations (14 CFR Part 399).

The principal features of the proposed amendments are described in the explanatory statement below and the proposed amendments are set forth below. These regulations are proposed under the authority of sections 204(a), 401, 416(b), and 1001 of the Federal Aviation Act of 1958 and sections 3(a) and 9(b) of the Administrative Procedure Act; 72 Stat. 743, 754, 771, 788, 60 Stat. 238, 242; 49 U.S.C. 1324, 1371, 1386, 1481, 5 U.S.C. 1002, 1008.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before April 23, 1962, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Route air carriers sometimes seek authority to provide route service under terms different from those established in their certificates. The duration of the authority sought is sometimes limited by the occurrence of a particular event, but is often for a stated period. Frequently, these temporary service applications are accompanied by applications for comparable certificate modifications, and the carriers will seek renewal of the authorizations if granted. It appears that few of such temporary service authorizations have, in fact, terminated at the end of the initial periods named therein.

Until recently, the Board limited fixed-term temporary service authorizations to a one-year maximum. Consequently, many renewal applications were filed annually. In an effort to reduce the incidence of such proceedings, the Board has recently been extending the maximum term to two years. We would continue to do so as a matter of basic policy. Such a policy permits longer range planning by the air carriers concerned while retaining the necessary degree of Board control with corresponding saving of time, effort and cost to both the carrier and the Board.

It further appears to the Board that extension of a two-year authority to render route service, if granted, should take the form of a certificate or certificate amendment. After the initial period of experimental operations under exemption authority, it should be clear whether or not the continuation of the service is required by the public convenience and necessity. An air carrier's basic operating authority should be fully contained in its certificate and should not be the subject of periodically recurrent applications for renewal or extention. The following proposed amendment to Part 399 of the Board's Regulations expresses the policy to entertain an application for renewal or extension of route-type authority granted by a fixed-term temporary exemption only when it is incorporated in a duly filed and properly documented application for certificate authority for equivalent services, submitted pursuant to section 401 of the Act.

The accompanying amendment to Part 201 of the Economic Regulations implements this policy. It has the effect of permitting the holder of such an exemption to invoke the "automatic extension" benefit of section 9(b) of the Administrative Procedure Act (60 Stat. 242; 5 U.S.C. 1008)[1] while the board considers the application for certificate authority. At the same time it permits the orderly conversion of exemption authority to certificate authority when justified by the public interest. If in such a case the applicant asks for issuance of certificate authority without including a request for renewal or extension of its existing exemption authority, the Board will view any right to the section 9(b) interim extension as waived.

In the ordinary case, the Board will first consider the application for certification, and until it has reached a decision thereon the exemption authorization will continue in effect, pursuant to section 9(b). The Board reserves the

[1] "In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

right, however, to give first consideration to the concurrent application for renewal or extension of the exemption authority, and should it be denied, the "automatic extension" will terminate, regardless of the course of the application for certificate authorization.

New § 377.10(c)(3) provides that the application shall be filed not less than 90 days prior to the date of expiration of the exemption authorization. New § 201.6 provides that it shall, in addition to meeting the informational and formal requirements of Parts 201 and 302 in the customary application for certificate authority, summarize the results of operations under the exemption authority and present a forecast for the year next following the expiration date. This documentation is deemed necessary in order that the application may be processed within the relatively short filing period of 90 days.

The proposed amendment to § 302.400 merely inserts an appropriate cross reference.

It is proposed to amend the regulations of the Civil Aeronautics Board:

1. By adding a new § 201.6 to Part 201 of the Economic Regulations (14 CFR Part 201) to read as follows:

§ 201.6 Renewal or extension of fixed-term temporary route authorizations by exemption.

(a) *Form of application.* An application for certificate authority to replace a temporary route authorization by exemption, filed pursuant to § 399.37 of this chapter (Board's Policy Statements), shall in all respects comply with the requirements of this part and of Part 302 of this chapter (Procedural Regulations), except that the applicant shall additionally submit therewith exhibits which, in its judgment, establish a prima facie case for the relief requested, including a summary of the results of operations under the exemption and a forecast for the year immediately following its expiration.

(b) *Interim extension of exemption pending Board action upon application; application for renewal or extension.* If the applicant desires to invoke the provisions of the last sentence of section 9(b) of the Administrative Procedure Act (5 U.S.C. 1008(b)), it shall incorporate in the application a request for renewal or extension of the exemption authorization pending determination of the certificate application, with a statement that it invokes the interim extension provision of section 9(b) of the Administrative Procedure Act. Failure on the part of the applicant to incorporate such a request will be construed as a waiver of such rights under the cited provision of the Administrative Procedure Act. (See § 377.10(c) of this chapter (Special Regulations).)

2. By adding a new last sentence to § 302.400 of Part 302 of its Procedural Regulations (14 CFR Part 302) to read as follows: "Special requirements for applications for renewal or extension of fixed-term temporary route authorizations by exemption are set out in § 201.6 of this chapter (Economic Regulations). (See also § 377.10(c) of this chapter (Special Regulations).)"

3. By revising the provisos to § 377.10 (c) of Part 377 of its Special Regulations (14 CFR Part 377) to read as follows: "*Provided*, That, (1) Nothing herein shall supersede a requirement for earlier filing in any provision of law, the Board's Regulations, any Board orders or any temporary authorization; (2) Where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely; and (3) Applications for extension or renewal of fixed-term temporary route authorizations by exemption shall be filed not later than 90 days before the expiration date thereof. (See § 201.6 of this chapter (Economic Regulations).)"

4. By adding to Part 399 of its Regulations (14 CFR Part 399) a new § 399.37 to read as follows:

§ 399.37 Maximum duration of fixed-term temporary service authorization by exemption; renewal of such authority.

It is the policy of the Board to limit the duration of exemptions which authorize fixed-term temporary route service to a maximum of two years, and to entertain requests for renewal of such authority only when incorporated in a duly filed application for certificate authority under section 401 of the Act. (See § 201.6 of this chapter (Economic Regulations).)

[F.R. Doc. 62-2861; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-217]

JET ROUTES AND JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the New Orleans, La., VORTAC via the intersection of the New Orleans VORTAC 021° and the Birmingham, Ala., VORTAC 232° True radials to the Birmingham VORTAC. In addition it is proposed to designate a radar jet advisory area within 16 miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive. The jet route as proposed herein would provide a more direct route for civil turbojet aircraft operating between New Orleans and Birmingham. The radar jet advisory area proposed herein would provide a defined area along the route wherein jet advisory service would be available.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 19, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2830; Filed, Mar. 23, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 986]

RULES APPLICABLE TO SELF-POLICING AND SELF-REGULATING PROVISIONS IN CONFERENCE AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with provisions of section 4, Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and sections 15 and 43 of the Shipping Act, 1916 (75 Stat. 763; 46 U.S.C. secs. 814, 841a), that the Federal Maritime Commission is considering promulgation of the regulations set forth hereinafter covering self-policing and self-regulating provisions in conference agreements.

RULES APPLICABLE TO SELF-POLICING AND SELF-REGULATING PROVISIONS IN CONFERENCE AGREEMENTS

1. No conference or other association of carriers or other persons subject to the Shipping Act, 1916 (hereinafter called "conference") shall employ or use any person or firm for the purpose of policing or regulating the practices under or enforcing the provisions of a conference or other agreement, be it called "neutral body", "investigator", "controller" or any other name (hereinafter called "self-policing agent") without first obtaining the approval of the Federal Maritime Commission under the provisions of section 15, Shipping Act, 1916, for the institution of such system.

2. The person or agency which acts as self-policing agent, may be a person, firm, or corporation, but may not be in the employ of or in any manner affiliated with or controlled by any of the members of the conference: *Provided, however,* Said self-policing agent may be the public accountant or auditor of any such member, provided this relationship is disclosed to all the conference members prior to the employment of the self-policing agent by the conference, and provided all conference members agree to the employment of such self-policing agent by the conference, notwithstanding its relationship as public accountant or auditor for one or more members. Such self-policing agent may be an employee of the conference.

3. The agreement between the member lines of the conference setting up the self-policing system (self-policing agreement) shall state the type of person, firm, or corporation to be appointed as self-policing agent, i.e., by class, such as an accounting firm, an employee of the conference, etc., but need not include the specific name of such self-policing agent. The self-policing agreement shall further clearly define the violations of the conference or other agreement, tariff, rules and regulations, or other matters, or malpractices, over which the self-policing agent shall have jurisdiction; shall clearly define the procedures to be followed in processing matters presented to the self-policing agent; shall clearly state the fines or other punitive or corrective measures which may be imposed by the self-policing agent; and shall otherwise state the full scope of the self-policing system and the full authority of the self-policing agent under such system. Any contract or agreement between the conference and the self-policing agent, which sets forth the authority of such self-policing agent to carry out its duties and functions under the self-policing system (agent agreement) shall conform to the provisions set forth in the self-policing agreement above referred to. The form of such agent agreement shall be submitted to the Commission along with the self-policing agreement when submitted for approval.

4. Any modification of the self-policing agreement between the member lines of the conference must be filed with and approved by the Commission under section 15 of the Shipping Act, 1916, before becoming effective. Any modification of the agent agreement to implement such modification of the self-policing agreement shall conform to the proposed modification of the self-policing agreement submitted, and the form of such modification of the agent agreement shall be submitted to the Commission along with the proposed modification of the self-policing agreement when submitted for approval. No modification of the agent agreement between the conference and the self-policing agent, which in any manner changes the authority of the agent or the functioning of the self-policing system, may be made unless it conforms to a corresponding modification of the self-policing agreement between the conference member lines.

Upon appointment of a self-policing agent the conference shall immediately notify the Commission of such appointment and the identity of the self-policing agent appointed. The person, firm, or corporation acting as self-policing agent may be changed without approval of the Commission, so long as such person, firm, or corporation is permitted under section 2 of these rules to act as such self-policing agent. Notice of such change of self-policing agent and the identity of the new self-policing agent shall immediately be furnished to the Commission.

5. The self-policing system and the substantive terms of contracts, agreements and/or other documents setting forth the manner in which such system operates, shall be subject to the following requirements and shall expressly provide that:

(a) The terms of all such contracts, agreements and/or other documents shall be subject to termination or modification by the Commission in the same manner as the approved agreement setting up the self-policing system.

(b) Complaints and protests shall be received by the self-policing agent from any source whatsoever, shall be received directly by such self-policing agent, and shall not in any manner be subject to prior review or screening by the conference, or any of its members, or any one else.

(c) Immediately upon completion of its investigation, the self-policing agent shall furnish to the Federal Maritime Commission a complete report, including a statement of the action taken thereon, or that no action was taken with respect thereto. Within thirty days after the close of each calendar year, the self-policing agent shall furnish a report covering each complaint, or protest received, or other investigation undertaken, during such calendar year, not previously reported to the Federal Maritime Commission, describing each such complaint, protest, or other investigation, and showing the status of each. The self-policing agent shall furnish such other periodic or special reports as the Federal Maritime Commission may require.

(d) All books, records and files of the self-policing agent (or of its agents) which in any manner pertain to the self-policing system, or to any actions or investigations thereunder, shall be open upon demand to inspection and copying by the Federal Maritime Commission and any of its authorized representatives.

(e) Prior to the imposition of any fine, penalty, or other corrective measure by the self-policing agent, any party charged with a violation or malpractice shall be notified by the self-policing agent of the charges made and the evidence against it, and shall have the right to present testimony and evidence before the self-policing agent. However, the name of the complainant need not be disclosed.

(f) Neither the conference nor its members shall have any power to remit, set aside, or otherwise interfere with any finding of the self-policing agent, nor shall such decision, penalty or fine be subject to arbitration. Nothing contained in the agreement shall interfere with the jurisdiction of the Federal Maritime Commission or the rights of any person to file a complaint with the Commission, or preclude the Commission, on its own motion, from reviewing actions of the self-policing agent.

(g) All books, records, and files of the conference and each of its members and the books, records, and files of all agents of the conference and its members shall be open upon demand to inspection and copying by the self-policing agent and its employees and agents.

(h) The self-policing agent may be authorized to employ necessary assistants or agents to carry out its functions, provided, however, that such assistants or agents shall be governed by the same limitations of relationship with the conference members as set forth above in section 2.

6. The information and records received by the Federal Maritime Commission pursuant to these rules shall be for the official use of the Federal Maritime Commission and shall not be open to public inspection.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within sixty (60) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 15, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2859; Filed, Mar. 23, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Reeves County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2856; Filed, Mar. 23, 1962; 8:48 a.m.]

FOREST SERVICE

Delegation of Authority and Assignment of Functions; Amendment

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 301 is amended as follows: Subsection (8) is deleted.

Done at Washington, D.C., this 20th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2855; Filed, Mar. 23, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant, or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to National Aeronautics and Space Administration, a construction permit substantially in the form annexed authorizing construction at the Lewis Research Center in Cleveland, Ohio, of a Zero Power Reactor System II solution-type critical experiments facility. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The proposed facility, known as the NASA Zero Power Reactor (ZPR–II), will be a uranyl-fluoride-water solution reactor which will operate at a maximum power level of 10 watts. It will be an enlarged version of the existing ZPR–I which has operated successfully for some time. The ZPR–II will be located in the existing reactor building together with the ZPR–I but only one reactor will be operated at a time.

For further details see (1) the application and (2) a hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of March 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated April 28, 1961, and amendments thereto dated September 26, 1961, and December 5, 1961 (hereinafter referred to as "the application") National Aeronautics and Space Administration (hereinafter referred to as "NASA") requested a Class 104 license, authorizing construction and operation on the Lewis Research Center at Cleveland, Ohio, of a Zero Power Reactor System II solution-type critical experiments facility (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. NASA is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. NASA is technically qualified to design, construct and operate the reactor.

E. NASA has submitted sufficient information to provide reasonable assurance that a reactor of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to NASA will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to NASA to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is April 15, 1962. The latest date for completion of the reactor is June 30, 1963. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the Lewis Research Center at Cleveland, Ohio, specified in the application.

C. At such time as this construction permit is converted into a license to operate the facility such license will incorporate conditions that (1) the reactor may not be operated while the ZPR–I reactor is in operation, and (2) that no experiment may be conducted with a core loading including all poisons, voids, etc., which would produce a reactivity insertion resulting in a 5 millisecond period if all the poisons or voids were accidentally removed.

4. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to NASA pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to NASA for use in connection with the reactor 50.0 kilograms of contained uranium 235.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62–2826; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. 70–534]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of License

By application dated April 17, 1961, as supplemented July 17, July 27, December 12, and December 21, 1961, February 7, and February 8, 1962, Westinghouse Electric Corporation, Atomic Power Department, Pittsburgh, Pennsylvania, applied for a Special Nuclear Material License which would authorize transportation of irradiated fuel elements, in a specified type of cask, from the Westinghouse Testing Reactor (WTR) at Waltz Mill, Pennsylvania, to the Commission's Idaho Falls Chemical Reprocessing Plant, Idaho Falls, Idaho.

The Commission has completed an evaluation of the shipping cask and related transportation procedures submitted by the applicant and has found that, based upon the information and data submitted, the proposed transportation of irradiated fuel elements of the type described can be conducted without undue risk to the health and safety of the public. In making its evaluation the Commission used as criteria the standards contained in a draft of revised proposed 10 CFR Part 72, "Regulations to Protect Against Radiation in the Shipment of Irradiated Fuel Elements." These proposed regulations include requirements which cover general packaging, structural integrity, materials and methods of cask construction, shielding, criticality, heat removal, and operational testing.

Notice is hereby given that the Atomic Energy Commission on March 9, 1962, issued License SNM–576 to authorize the Westinghouse Electric Corporation to ship irradiated WTR fuel elements from the Corporation's Waltz Mill site to the Commission's Idaho Chemical Processing Plant in the type of cask and in accordance with the procedures described in the Corporation's application and amendments thereto identified above, subject to the following conditions:

1. The maximum temperature of the coolant under normal conditions of transport must be at least 20° F. below the boiling point of the coolant. If required, pressurization must be applied to raise the boiling point.

2. If the cask is loaded so as to produce an exterior surface temperature exceeding 180° F. at any time during normal conditions of transport, loading and unloading procedures shall include provisions to warn personnel of inadvertent contact with the hot surface and a physical barrier must be used during transit to inhibit contact.

3. Before a cask is placed in service the licensee shall furnish to the Commission's Division of Licensing and Regulation (a) a statement showing the model number and serial number assigned to the cask and its location on the cask, (b) a written report, in triplicate, containing the results of tests conducted on the completed cask as required by § 72.44 of 10 CFR Part 72 (proposed) in which the cask is identified by model number and serial number, and (c) a certification duly authorized by the licensee stating that the cask identified by model number and serial number is built according to the specifications and design approved in this license.

4. The model and serial numbers shall be permanently stamped or otherwise embossed in metal with letters and figures at least ⅜ inch high. These numbers shall be in a prominent location on the cask.

5. Prior to using the cask for a second shipment of irradiated fuel, the licensee shall submit to the Division of Licensing and Regulation a procedure for routinely verifying the presence of built-in neutron poison in the cask and, when approved by the Commission, that procedure will become a further condition of this license.

6. Before use of the cask, a means shall be provided for applying a seal so that the lid cannot be opened without destroying the seal.

7. The portions of the cask that are steel weldments filled with lead must be inspected to assure that the steel shells have not been penetrated in such a way that water can enter. The inspection should be performed on the lid and the cask and should examine the quality of welds around piping and bolts and verify the absence of screw holes for nameplate attachment.

8. If the shipping route and contained heat load of this cask are such that freezing of the water coolant may occur, and if such freezing will be detrimental to the cask or contents, a means must be provided to assure that damage will not result. If the latter is required, a procedure must be submitted specifying the means to be applied and, when approved by the Commission, will be made a condition of this license.

9. The licensee shall not transport or cause to be transported irradiated fuel elements in any cask which the licensee knows or has reason to believe is defective in any respect having a potentially significant adverse effect on the efficiency of the cask.

10. The licensee shall inspect the cask prior to each shipment to detect possible vibrational damage. Should any significant damage be noted, the licensee shall report this fact to the Division of Licensing and Regulation together with details of the methods to be employed to correct the damage. When approved by the Commission, the method of correction will be made an additional condition of the license.

11. The licensee shall not transport irradiated fuel elements until the tests described in §§ 72.45 and 72.46 of 10 CFR Part 72 (proposed) have been completed and the licensee has determined that the loaded cask complies with the conditions of the license.

12. Prior to each shipment or series of shipments, the licensee shall notify the AEC of pertinent details according to the requirements of § 72.51 of 10 CFR Part 72 (proposed). The licensee shall, unless otherwise relieved, comply with all of the requirements of §§ 72.51 through 72.53 of 10 CFR Part 72 (proposed). These relate respectively to Notification of AEC, Records, and Inspection and Tests.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license dated April 17, 1961, and supplements thereto identified above, submitted by Westinghouse Electric Corporation, and (2) a hazards analysis of the proposed shipping cask and related transportation procedures, prepared by the Process Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of March 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62–2829; Filed, Mar. 23, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E–18129]

AGREEMENT ADOPTED BY TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

MARCH 20, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and assigned the above designated C.A.B. Agreement number.

The agreement, adopted pursuant to unprotested notice to the carriers and embodied in IATA Memorandum TC1/Rates 1342 (Ref: TC1/Rates 1329), provides for a reduction in the general cargo rates between Buffalo, New York, and Hamilton, Bermuda, to the level applicable between Hamilton, Bermuda, and

Toronto, Ontario, a more distant point, in accordance with the construction principle contained in paragraph 4 of Resolution 014b.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 16251 is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 16251 is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2860; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

HOEGH LINES AND JAVA PACIFIC LINE JOINT SERVICE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7593-3, between the carriers comprising the Hoegh Lines joint service modifies the basic agreement of that joint service to (1) include the trade between the United States and India, Pakistan, Burma, and the Persian Gulf area within the scope of the agreement, and (2) redesignate certain countries, now served, by their current names.

Agreement 7636-2, between the carriers comprising the Java Pacific Line joint service modifies the basic agreement of that joint service to (1) include the trade between West Coast ports of the United States including Hawaii and of Canada and Taiwan (Formosa) and the British Crown Colony of Hong Kong, and the trade between West Coast ports of the United States including Hawaii and West Coast Canadian ports within the scope of the agreement, and (2) redesignate certain countries, now served, by their current names, and (3) delete the trade from India, Pakistan, Ceylon, Burma, Colony of Singapore, Federation of Malya, Indonesia, and Philippine Islands to United States Gulf ports.

Agreement 7838-3, between the member lines of the Java Pacific and Hoegh Lines joint service, modifies the basic agreement of that joint service to (1) include the trade between West Coast ports of the United States and Canadian West Coast ports within the scope of the agreement, and (2) delete the trade from India, Pakistan, Ceylon, Burma, Colony of Singapore, Federation of Malaya, Indonesia, Thailand, Vietnam, Cambodia, and Philippine Islands to United States Gulf ports after discharge and/or loading of cargoes at Pacific Coast ports of Canada and the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 21, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2858; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-1]

LAKE SHORE NATURAL GAS CO.

Notice of Postponement of Hearing

MARCH 19, 1962.

Upon consideration of the request filed March 15, 1962, by Counsel for Lake Shore Pipe Line Company for postponement of the hearing now scheduled for March 21, 1962, in the above-designated matter;

The hearing now scheduled for March 21, 1962, is hereby postponed to April 12, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2835; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. E-7027]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 19, 1962.

Take notice that on March 12, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minnesota, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of $12,000,000. Applicant proposes to issue the aforesaid Notes to the First National City Bank, of New York City. The Notes will be dated as of the dates of their respective issue, which will be not later than December 31, 1962, and will become due not more than one year after the dates of their respective issue and not later than December 31, 1963. The interest rate on the aforesaid Notes will be the prime commercial rate in effect at the time of each borrowing. The Northwestern Bank of Minneapolis and the First National Bank of Minneapolis will each have a 25 percent participation in each note. Applicant states that the aforesaid Promissory Notes will be issued and sold to provide temporary financing for part of the cost of the additions to Applicant's fixed assets during the year 1962.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of April 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2836; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. G-12499 etc.]

NORTH PENN GAS CO.

Notice of Postponement of Hearing

MARCH 19, 1962.

North Penn Gas Company, Docket Nos. G-12499, G-17814, G-20513.

Upon consideration of the motion filed March 13, 1962, by North Penn Gas Company for postponement of the hearing now scheduled for March 27, 1962, in the above-designated matter;

The hearing now scheduled for March 27, 1962, is hereby postponed to April 30, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2837; Filed, Mar. 23, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST TRUST COMPANY OF ALBANY

Order Approving Merger of Banks

In the matter of the application of First Trust Company of Albany for approval of merger with The Broadalbin Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by First Trust Company of Albany, Albany, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Broadalbin Bank, Broadalbin, New York, with and into First Trust Company of Albany, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement [1] of this date, that said merger be, and hereby is approved, provided that said merger shall not be consummated (a) sooner than seven calendars days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 20th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2838; Filed, Mar. 23, 1962; 8:45 a.m.]

UNION TRUST COMPANY OF MARYLAND

Order Approving Merger of Banks

In the matter of the application of Union Trust Company of Maryland for approval of merger with The Kingsville Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Union Trust Company of Maryland, Baltimore, Maryland, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Kingsville Bank, Kingsville, Maryland, with and into Union Trust Company of Maryland, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement [1] of this date, that said merger be, and hereby is approved, provided that said merger shall not be consummated (a) sooner than seven calendars days after the date of this order or (b) later than three months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 20th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2839; Filed, Mar. 23, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV, CHICAGO

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region IV (Chicago), Housing and Home Finance Agency, with respect to the program of loans for housing for the elderly, authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q) is hereby authorized within such Region:

To execute loan agreements and regulatory agreements; and to execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective February 14, 1962 (27 F.R. 1382, 2/14/62).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 24th day of March 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 62-2857; Filed, Mar. 23, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4016]

APPALACHIAN POWER CO.

Notice of Proposed Acquisition of Capital Stock of Business Development Corporation

MARCH 19, 1962.

Notice is hereby given that Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia ("Appalachian"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations thereunder. Appalachian has designated sections 9 and 10 of the Act as applicable to the proposed transaction.

All interested persons are referred to the amended application on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

In 1960 Appalachian agreed to purchase, at par, 100 shares of the capital stock, par value $100 per share, of the Virginia Industrial Development Corporation ("Development Corporation") in each of the years 1961 through 1964 or an aggregate of 400 shares at a total cost of $40,000.

Pursuant to the foregoing agreement and under the exemption afforded by Rule 40(a)(5) promulgated under the Act, Appalachian acquired 100 shares of capital stock of Development Corporation in 1961 for $10,000 and now requests approval of the acquisition of the remaining 300 shares of capital stock of Development Corporation at par or for an aggregate consideration of $30,000.

According to the application, Development Corporation was organized under the laws of the State of Virginia for the purpose of stimulating and promoting the business prosperity and economic welfare of the State (Virginia) and its citizens by encouraging and assisting through financial aid, advice, technical assistance, and other appropriate means, the location of new businesses and industry and the rehabilitation, improvement, and expansion of existing businesses and industries throughout the State.

Appalachian states that it serves the Southwestern area of the State of Virginia and will derive material benefit from any action which furthers the economic development of the area it serves with electric energy; that its investment in Development Corporation will assist the latter in carrying out the program for the economic development of the State of Virginia, including the area which Appalachian serves; and that such development will materially assist Appalachian by providing additional industrial and commercial load and, to the extent that it furthers the prosperity of Appalachian's service area, should also result in additional residential load.

Development Corporation has authority to issue 20,000 shares of capital stock, par value $100 per share, and 7006 of such shares were outstanding on December 31, 1961.

It is represented that no fees, commissions or expenses have been or will be paid by Appalachian or any of its associate companies in connection with the proposed transaction; and that no regulatory approval other than that of this Commission is required.

Notice is further given that any interested person may, not later than April 5, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be

notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the amended application, as filed or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2843; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 70-4027]

APPALACHIAN POWER CO.

Notice of Filing of Application Regarding Issue and Sale of First Mortgage Bonds and Unsecured Debentures

MARCH 19, 1962.

Notice is hereby given that Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia ("Appalachian"), a public-utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for authorization to issue and sell first mortgage bonds and unsecured debentures, and has specified sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $25,000,000 principal amount of First Mortgage Bonds, -- percent Series due April 1, 1992. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian therefor (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds will be issued pursuant to the provisions of the Mortgage and Deed of Trust, dated December 1, 1940, between the company and Bankers Trust Company, New York, New York, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture, dated April 1, 1962.

Appalachian also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $20,000,000 principal amount of -- percent Sinking Fund Debentures due April 1, 1992. The interest rate on the debentures (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian therefor (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The debentures will be issued pursuant to the provisions of an Agreement, to be dated April 1, 1962, between the company and Manufacturers Hanover Trust Company, New York, New York, as Trustee.

The net proceeds of the sale of the bonds and debentures will be applied to the payment of (1) notes payable to banks, outstanding and to be outstanding at the time of the sale of the bonds and debentures, in the aggregate face amount of not exceeding $30,000,000, and (2) the cost of Appalachian's construction program for 1962, estimated at $54,200,000.

The filing is not complete as to the fees and expenses, including those of independent counsel for the successful bidders, to be incurred in connection with the proposed issue and sale of the bonds and debentures. Such information is to be supplied by amendment to the application.

The application states that the proposed issue and sale of the bonds and debentures are subject to the approval of the Virginia State Corporation Commission and the Tennessee Public Service Commission. Copies of the respective orders of those commissions are to be supplied for the record by amendment. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service thereof by affidavit (or, in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after such date the Commission may grant the application, as filed or as it may be amended, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its general rules and regulations as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2844; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 24FW-1246]

BAL-TEX OIL CO., INC.

Order Permanently Suspending Exemption

MARCH 19, 1962.

Bal-Tex Oil Company, Inc. (the "issuer"), a Colorado corporation, filed with the Commission on December 22, 1960 a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of 300,000 shares of its $1.00 par value Class A common stock at $1.00 per share.

The Commission on March 3, 1961 entered an order temporarily suspending the aforesaid exemption pursuant to Rule 261 of Regulation A, and at the issuer's request a hearing was held to determine whether to vacate that order or to enter and order permanently suspending the exemption. The issuer did not controvert the allegations of deficiencies, waived a recommended decision by the hearing examiner, and did not file briefs or proposed findings.

The Commission has considered the record and makes the following findings:

1. The terms and conditions of Regulation A were not complied with in that:

(a) The issuer failed to disclose that the underwriter, Equity General Investment Corporation ("Equity"), the attorney for the underwriter and the issuer who was the owner of 25 percent of the issuer's outstanding stock, and Modern Furniture, Inc., are affiliates of the issuer; that Modern Furniture, Inc., proposed a $300,000 offering of its own securities; and that at the time the issuer filed its notification an officer and director of the underwriter was subject to an order permanently enjoining him from violations of the registration and antifraud provisions of the Securities Act and the Securities Exchange Act of 1934; and

(b) The issuer failed to make effective escrow arrangements with respect to 150,000 shares of its Class B common stock held by officers, directors and affiliates as required, and the notification did not contain as exhibits a written consent and certification by the underwriter and copies of an effective escrow agreement and incorrectly claimed an exemption under section 4(1) of the Securities Act with respect to the sale of unregistered securities.

2. Regulation A was not available to the issuer because its outstanding Class B stock, which was not effectively escrowed, and the proposed offering by Modern Furniture, Inc., had to be included, as provided by Rules 253 and 254, in the computation of the amount of Bal-Tex's proposed offering and such amount accordingly exceeded the limit of $300,000 permitted under that regulation; because Modern Furniture, Inc., is subject to an order of this Commission suspending the Regulation A exemption with respect to its proposed public offering; and because an officer and director of Equity was the subject of a permanent injunction as described above.

3. The offering circular failed to disclose or disclose adequately, among other things, the results of prior development work on or near the issuer's property, whether the issuer would perform drilling operations itself or through others, the character of the competition to be encountered by the issuer, the source from which the amounts attributable to the costs of drilling and of completing the proposed well would be obtained and how the amount attributable to completion would be applied if the well were not commercially productive, and the proposed uses of the net cash proceeds of the offering, the amount and order of priority of each use, and whether the proceeds would be used to pay salaries of officers and directors after the first year following commencement of the offering.

4. The financial statements included in the offering circular failed to include a statement of cash receipts and disbursements, a description of the company's leasehold interest so as to disclose that such interest was acquired from the issuer's president, a statement of the nature and amounts of future payments on such interest and the terms and conditions of the lease agreement in the event of default, and a justification for treating "Unrecovered Promotional Costs" as a "current" asset.

5. The offering circular contained statements to the effect that $5,000 was received for the Class B stock held by officers, directors and affiliates which conflicted with other statements in the notification and financial statements that the stock was issued for services and property and that the issuer had not had any receipts, and the offering circular misrepresented the percentage of the issuer's presently outstanding stock owned by officers, directors and affiliates and the terms and conditions of the purported escrow arrangements relating to the outstanding Class B stock.

6. In the foregoing respects, the offering circular contained false and misleading statements which would make an offering pursuant to it violative of section 17(a) of the Securities Act.

On the basis of the above findings: *It is ordered*, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering by Bal-Tex Oil Company, Inc., be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2845; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 24B-1169]

CARINTHIA SKI AREA, INC.

Notice and Order for Hearing

MARCH 20, 1962.

I. Carinthia Ski Area, Inc. (issuer), a Vermont corporation, West Dover, Vermont, filed with the Commission on July 25, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 113 shares of no par common stock at $1,000 per share for an aggregate amount of $113,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on February 6, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 1:30 p.m., e.s.t., on April 11, 1962, in the Courtroom, U.S. Post Office and Courthouse Building, Brattleboro, Vermont, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A in that the issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's common stock.

B. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. Investors were "guaranteed" a 6 percent return on their investments.

2. The capitalization of the corporation and number of shares outstanding were misrepresented to investors.

III. *It is further ordered*, That James G. Ewell or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under section 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Carinthia Ski Area, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before April 9, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2846; Filed, Mar. 23, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37612: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2231), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in hopper cars which carriers are not obligated to furnish, from Stauffer and Westvaco, Wyo., to Baton Rouge, La.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 8 to Western Trunk Line Committee tariff I.C.C. A-4374.

FSA No. 37613: *Clay to CRI&P points in WTL territory.* Filed by O. W. South, Jr., Agent (No. A4160), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from specified points in Alabama, Florida, Georgia, North Carolina, and South Carolina, to points located on the CRI&P RR in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 111 to Southern Freight Association tariff I.C.C. S-40.

By the Commission

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-2848; Filed, Mar. 23, 1962; 8:47 a.m.]

[Notice 613]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64477. By order of March 19, 1962, the Transfer Board on reconsideration, approved the transfer to Mineral Transport, Inc., Gettysburg, Pa., of that portion of the operating rights in Certificate No. MC 95813, issued October 3, 1955, to T. Leroy Koser, doing business as Koser Trucking, Dillsburg, Pa., authorizing the transportation, over irregular routes, of canned goods, from Thurmont, Md., and points within 20 miles of Thurmont, to points in Virginia (except points on U.S. Highway 1 between the District of Columbia-Virginia line and Richmond, Va., including Richmond), North Carolina, and South Carolina, and from points in Cumberland County, Pa., on and west of Pennsylvania Highway 34, excluding Carlisle and Newville, Pa., and those points west of Pennsylvania Highway 233, to Albany, Elmira, Newburgh, Schenectady, Binghamton, Glens Falls, Hoosick Falls, Amsterdam, Jamestown, Olean, Gloversville, Saratoga Springs, Hudson Falls, Troy, Catskill, Wellsville, Kingston, Poughkeepsie, Syracuse, Rochester, and New York, N.Y., Union City, East Orange, Paterson, Jersey City, Newark, North Bergen, Hoboken, Morristown, Camden, and Irvington, N.J., Wilmington, Del., Baltimore, Hagerstown, and Cumberland, Md., and Washington, D.C. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC 64715. By order of March 19, 1962, the Transfer Board approved the transfer to W. L. Murphey and Mrs. Sue Murphey, doing business as Sunset Stages, 333 Chestnut Street, Abilene, Tex., of Certificate No. MC 50549, issued May 11, 1940, to George W. Page, doing business as Abilene Northern Coaches, 324 Sycamore Street, Abilene, Tex., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle, between Abilene, Tex., and Childress, Tex., over U.S. Highway 83, serving all intermediate points.

No. MC–FC 64828. By order of March 19, 1962, the Transfer Board approved the transfer to LaVerne S. Holliday, Ross Holliday, and Dellard L. Striplin, a partnership, doing business as E. Striplin, 212 West St. John Street, Litchfield, Ill., of Permit in No. MC 13070, issued March 17, 1949, to William L. Striplin, Dellard L. Striplin, and LaVerne Holliday, a partnership, doing business as E. Striplin, 212 West St. John Street, Litchfield, Ill., authorizing the transportation of: Such merchandise, as is sold or dealt in by bakeries and in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, Peoria, LaSalle, Marseilles, Springfield, Decatur, Quincy, and Cairo, Ill., and points in Montgomery, Madison, Macoupin, Effingham, Marion, Fayette, Bond, and Christian Counties, Ill.

No. MC–FC 64882. By order of March 16, 1962, the Transfer Board approved the transfer to P & M Stone Co., Inc., Rutland, Iowa, of Certificate No. MC 123289 issued May 1, 1961, to Burl R. Place and C. LeRoy Place, a partnership, doing business as Place Brothers, Rutland, Iowa, authorizing the transportation of fertilizer, over irregular routes, from Humboldt, Iowa, to points in that part of Minnesota on and south of U.S. Highway 14 (except points in Fillmore, Houston, Olmsted, and Winona Counties, Minn.); and fertilizer, other than liquid, from Humboldt, Iowa, to points in that part of Minnesota north of U.S. Highway 12. William A. Landau, 1307 East Walnut, Des Moines 16, Iowa, attorney for applicants.

No. MC–FC 64904. By order of March 16, 1962, the Transfer Board approved the transfer to T. F. Dunlap Trucking Co., Inc., 6256 Wiehe Road, Cincinnati, Ohio, of Permit No. MC 9726 Sub 3, issued June 22, 1961, to Thomas Franklin Dunlap, doing business as T. F. Dunlap, 6318 Elbrook Avenue, Cincinnati, Ohio, authorizing the transportation of prefabricated buildings and houses, knocked down or in sections, and nails and hardware for erection thereof, over irregular routes, from Hamilton, Ohio, to those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, beyond 300 miles of Hamilton, and points in Alabama, Delaware, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin; and from Hamilton, Ohio, to those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, within 300 miles of Hamilton, and points in Indiana and Ohio; and empty containers and rejected shipments of the specified commodities, from those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, within 300 miles of Hamilton, Ohio, and points in Indiana and Ohio, to Hamilton, Ohio.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2849; Filed, Mar. 23, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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Title 3—THE PRESIDENT

Proclamation 3454

MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT OF DUTY ON CERTAIN MACHINE-WOVEN PILE FLOOR COVERINGS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 30, 1947 the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions, and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Pt. 2) 1103) be proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1948, which proclamation has been supplemented by several subsequent proclamations;

2. WHEREAS the said General Agreement has been supplemented by several subsequent agreements, including the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade of May 23, 1956 (7 UST (Pt. 2) 1086), and the President, by Proclamation No. 3140 of June 13, 1956 (70 Stat. C33), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said agreements on and after June 30, 1956;

3. WHEREAS the trade agreement specified in the second recital of this proclamation included a supplementary schedule of United States concessions, hereinafter referred to as "Schedule XX–1956";

4. WHEREAS the prevailing United States tariff concession under the General Agreement on Tariffs and Trade, as supplemented, on

Wilton carpets, rugs, and mats; Brussels carpets, rugs and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats of like character or description

(hereinafter referred to as "the designated machine-woven pile floor coverings") is included in item 1117(a) in Part I of Schedule XX–1956, and the current United States duty reflecting the said prevailing tariff concession is that specified in Column "C" of said item 1117(a);

5. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 7–104 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, and a hearing held in connection therewith, the Commission has found that, as a result in part of the duty reflecting the concession referred to in the fourth recital of this proclamation, the designated machine-woven pile floor coverings are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products; and that, in order to remedy serious injury to such industry, it is necessary to increase the

duty on the designated machine-woven pile floor coverings to 40 per centum ad valorem;

6. WHEREAS, upon the modification of the said item 1117(a) in Part I of Schedule XX–1956 as hereinafter proclaimed, it will be appropriate, to carry out the said General Agreement, to apply to the designated machine-woven pile floor coverings a duty of 40 per centum ad valorem:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority vested in me by section 350(a) of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim that, effective after the close of business April 18, 1962, and until the President otherwise proclaims—

(a) the descriptions of products in the said item 1117(a) in Part I of Schedule XX–1956 and the pertinent rate in column "C" are hereby modified to read as follows:

Tariff Act of 1930, paragraph	Description of Products	Rates of Duty
		C
1117(a)	Axminster carpets, rugs, and mats, not specially provided for; Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats, of like character or description; all the foregoing, regardless of value:	
	Axminster carpets, rugs, and mats, not specially provided for, and carpets, rugs, and mats, like such Axminster carpets, rugs, and mats in character or description	21% ad val.
	Other	40% ad val.

and

(b) the provisions of item 1117(a) in Part I of Schedule XX–1956, as modified by (a) above, shall be applied and all inconsistent provisions of proclamations of the President heretofore issued under the authority of section 350 of the Tariff Act of 1930 are suspended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of March in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62–2966; Filed, Mar. 26, 1962; 10:28 a.m.]

Proclamation 3455

MODIFICATION OF TRADE AGREEMENT CONCESSIONS AND ADJUSTMENT OF DUTIES ON CYLINDER, CROWN, AND SHEET GLASS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 30, 1947 the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions, and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Pt. 2) 1103) he proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1948, which proclamation has been supplemented by several subsequent proclamations;

2. WHEREAS the said General Agreement has been supplemented by several subsequent agreements, including the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade of May 23, 1956 (7 UST (Pt. 2) 1086), and Proclamation No. 3140 of June 13, 1956 (70 Stat. C33), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said agreements on and after June 30, 1956;

3. WHEREAS the trade agreement specified in the second recital of this proclamation included a supplementary schedule of United States concessions, hereinafter referred to as "Schedule XX–1956";

4. WHEREAS the prevailing United States tariff concessions under the General Agreement on Tariffs and Trade, as supplemented, with respect to the duties that may be imposed under paragraph 219 of the Tariff Act of 1930 on cylinder, crown, and sheet glass are included in item 219 in Part I of Schedule XX–1956, and the current United States duties reflecting the said prevailing tariff concessions are those specified in the said item 219 as follows:

Tariff Act of 1930, par.	Description of Products	Rates of Duty	
		B	C
219	Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used:		
	Not over 384 square inches	0.9¢ per lb.	0.7¢ per lb.
	Over 384 but not over 864 square inches		1.1¢ per lb.
	Over 864 but not over 2400 square inches		1.4¢ per lb.
	Over 2400 square inches		17% ad val.
	Provided: That none of the foregoing weighing under 16 ounces but not under 12 ounces per square foot shall be subject to a less rate of duty than.		

5. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 7–101 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, and a hearing held in connection therewith, the Commission has found that, as a result in part of the duties reflecting the concessions granted thereon in the said General Agreement, as supplemented, cylinder, crown, and sheet glass provided for in paragraph 219 of the Tariff Act of 1930 (except such glass weighing not over 4 ounces per square foot), whether or not subject to additional duties under paragraph 224 of the said Act, is being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic

industry producing like products; and that, in order to remedy the serious injury to the domestic industry concerned, it is necessary that there be applied to such glass the duties hereinafter proclaimed;

6. WHEREAS, upon modification of the said prevailing concessions as hereinafter proclaimed, it will be appropriate, to carry out the said General Agreement, to apply to the glass referred to in the fifth recital of this proclamation the duties hereinafter proclaimed:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority vested in me by section 350(a) of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim that, effective after the close of business April 18, 1962, and until the President otherwise proclaims—

(a) The descriptions of products in the said item 219 in Part I of Schedule XX–1956 and the pertinent rates in "B" and "C" of the "Rates of Duty" columns are hereby modified to read as follows:

Tariff Act of 1930, par.	Description of Products	Rates of Duty	
		B	C
219	Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used:		
	Not over 384 square inches:		
	Weighing not over 4 ounces per square foot		0.7¢ per lb.
	Other		1.3¢ per lb.
	Over 384 but not over 864 square inches:		
	Weighing not over 4 ounces per square foot	0.9¢ per lb.	
	Other	1.6¢ per lb.	
	Over 864 but not over 2400 square inches		1.9¢ per lb.
	Over 2400 square inches:		
	Weighing not over 28 ounces per square foot		2.4¢ per lb.
	Other		3.6¢ per lb.
	Provided: That none of the foregoing weighing under 16 ounces but not under 12 ounces per square foot shall be subject to a less rate of duty than.		17½% ad val.

and

(b) the provisions of item 219 in Part I of Schedule XX–1956, as modified by (a) above, shall be applied and all inconsistent provisions of proclamations of the President heretofore issued under the authority of section 350 of the Tariff Act of 1930 are suspended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of March in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62–2965; Filed, Mar. 26, 1962; 10:28 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

Coverage and Definitions

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 20.101 as set out below.

§ 20.101 Use.

* * * * * *

(d) *Alien employee programs.* Agencies authorized to administer alien employee programs in accordance with provisions of section 6 of the Foreign Service Act Amendments of 1960 are authorized to include special plans for reduction in force in their alien employee programs. In these special plans the agencies are authorized to give effect to the labor laws and practices of the locality of employment by supplementing, to the extent consistent with the public interest, the selection factors of § 20.201. Actions taken under these special plans are not subject to Subpart E of this part.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–2927; Filed, Mar. 26, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Declaration of Certain Forms of Plant and Animal Life and Viruses To Be Pests

On December 20, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12167) a notice of rule-making under sections 2 and 6a of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135, 135 d. a.) and section 4 of the Administrative Procedure Act (5 U.S.C. 1003) stating that the Department of Agriculture proposed to declare certain forms of plant and animal life and viruses to be pests for the purpose of classifying as "economic poisons" or "devices" subject to regulation under the Act, substances and mixtures of substances which have not heretofore been regulated under the Act and are intended for preventing, destroying, repelling, or mitigating these forms of life and viruses, and certain instruments and contrivances which have not heretofore been regulated under the Act and are intended for trapping, destroying, repelling, or mitigating such forms of life and viruses, as provided in the Act.

Interested persons were given a period of 30 days in which to submit written data, views, or arguments. After due consideration of all relevant matters presented, and under the authority conferred by sections 2 and 6a of the Act, the regulations for enforcement of the Act (7 CFR Part 362, as amended) are hereby further amended by adding a new section to appear in 7 CFR 362.25 as follows:

§ 362.25 **Forms of plant and animal life and viruses declared to be pests.**

Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;
Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;
Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;
Amphibians and reptiles, including but not limited to poisonous snakes;
Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;
Roots or other plant parts growing where not wanted;
Viruses, other than those on or in living man or other animals.

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER in order to permit prompt action on applications for registration of affected products: *Provided, however,* That compliance with the registration and other provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall not be required with respect to any products or articles or uses thereof by this amendment until October 1, 1962: *And provided, further,* That the effective date for required compliance with said Act as regards any such products or articles or uses thereof may be extended upon written application and a determination by the Director of the Pesticides Regulation Division that such extension will not be detrimental to the public interest and is necessary to avoid unusual hardship.

(Secs. 2, 6a, 61 Stat. 163, as amended, 168; 7 U.S.C. 135, 135 d. a; 19 F.R. 74, as amended)

Done at Washington, D.C., this 21st day of March 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62–2909; Filed, Mar. 26, 1962; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

PROGRAM FOR DIVERSION OF HYBRID CORN AND HYBRID SORGHUM SEED

Terms and Conditions for Making Payments

CROSS REFERENCE: For notice of terms and conditions for making payments under section 32 Program for the Diversion of Hybrid Corn and Hybrid Sorghum Seed issued by the Agricultural Stabilization and Conservation Service affecting the Export and Domestic Consumption Program, see F.R. Document 62–2911, in the Notices section, *infra.*

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 120—LOAN POLICY STATEMENT

[Rev. 1, Amdt. 1]

PART 123—DISASTER LOANS

A. The Loan Policy Statement Regulation (13 CFR Part 120, 23 F.R. 10513) as amended (24 F.R. 8325, 25 F.R. 14022, 26 F.R. 4885 and 26 F.R. 3064) is hereby further amended:

1. By deleting § 120.4–2(d)(1)(i) in its entirety and substituting the following in lieu thereof:

§ 120.4–2 **Business loans.**

* * * * * *

(d) * * *

(1)(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss, or

* * * * * *

2. And, by deleting § 120.4–5(d) in its entirety.

§ 123.7–3 [Amendment]

B. The Small Business Administration Revised Disaster Loan Regulation (13 CFR Part 123, 27 F.R. 1882) is hereby

amended by deleting § 123.7–3(c) in its entirety.

Dated: March 13, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–2886; Filed, Mar. 26, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 942; Amdt. No. 60–28]

PART 60—AIR TRAFFIC RULES

Instrument Flight Rules; Course To Be Flown

On October 18, 1961, notice was given in Draft Release No. 61–23 (26 F.R. 10307) that the Federal Aviation Agency had under consideration a proposal to amend Civil Air Regulations, Part 60, § 60.45 *Course to be flown*. Draft Release 61–23 proposed a restatement of the existing rule to more clearly show the applicability of the section in conjunction with other equally applicable sections of Part 60.

The comments received in response to the Draft Release indicated unanimous concurrence with the concept of the proposal. While a few of the comments contained suggestions to expand the proposal to include certain other deviations, the vast majority agreed with the amendment as proposed.

The National Business Aircraft Association and the Air Transport Association suggested expansion of the rule to permit necessary deviations from the center line when bracketing, turning corners, correcting for wind drift, etc., feeling that the lack of such provision may lead to needless enforcement actions. The Air Transport Association and the Air Line Pilots Association suggested the proposal be expanded to include maneuvering as necessary to avoid areas of turbulence or other undesirable weather. Also, in order to more closely reflect true operating conditions, they suggested the rule be worded so as to require center line flight "within tolerance of the airplane and ground navigation equipment", or, on the "indicated" center line.

Maneuvers necessary in the normal navigation of aircraft were thoroughly considered during the original drafting of this proposal. However, these maneuvers (bracketing, correcting for wind drift, turning corners, etc.) are not deviations in the sense that the maneuvers specified in the proposed rule are deviations. The former are actually maneuvers conducted for the purpose of remaining on, or returning to, the center line, and are therefore conducted in compliance with the basic intent of the rule. The deviations specified in the proposed rule are turns away from the center line which may be necessary for specific purposes as set forth in the rule. Therefore, it is not considered necessary or appropriate to authorize as "deviations," maneuvers conducted in order to remain on the center line.

In regard to the suggestion to specify that flight be conducted on the "indicated" center line, or "within tolerance of the airplane and ground navigation equipment," we feel that this is already clearly understood. The separation standards now in use consider possible equipment errors, and there can be no question of compliance if the aircraft navigation equipment indicates that the aircraft is on the center line.

Where maneuvers to circumnavigate areas of adverse weather are concerned, it is intended that deviations of this type be conducted under the authorization which may be granted by air traffic control, and, where necessary, under the pilot's emergency authority as contained in § 60.2. Deviations to avoid adverse weather may be necessary in IFR conditions, or may be necessary to the extent that a pilot will be unable to return to the center line in VFR conditions. The separation standards being utilized today do not permit deviations to circumnavigate weather without prior authorization from air traffic control.

Therefore, as proposed in Draft Release 61–23, § 60.45 of the Civil Air Regulations is hereby amended to read as follows:

§ 60.45 IFR course to be flown.

Aircraft operating in controlled airspace shall be flown along the center line of Federal airways or along a direct course between the navigational aids or fixes defining other routes, unless:

(a) Otherwise authorized by air traffic control;

(b) Maneuvering as necessary to pass well clear of other aircraft; or

(c) In VFR conditions and maneuvering as necessary to visually clear the intended flight path prior to and during climb or descent.

This amendment shall become effective April 26, 1962.

(Sec. 307(c); 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–2874; Filed, Mar. 26, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–LA–78]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 608.51 and 601.7101 of the regulations of the Administrator is to alter the White Sands, N. Mex., Restricted Area R–5108 and to include this restricted area in the continental control area.

The Department of Air Force has stated that all of the activities conducted in R–5108 can be contained within the altitude limits of 24,000 feet MSL to unlimited. R–5108 is currently designated from 20,000 feet MSL to unlimited. Therefore, the airspace from 20,000 feet MSL to 24,000 feet MSL is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

In order to promote efficient utilization of this restricted area, it is designated herein as a joint-use area, with the Albuquerque ARTC Center as the controlling agency. In addition, R–5108 is included in the continental control area in order to provide controlled airspace for the portion of jet route No. J–13–V which lies within this restricted area.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.51 *New Mexico* (26 F.R. 7198) the White Sands, N. Mex., Restricted Area R–5108 is amended to read:

R–5108 White Sands, N. Mex.

Boundaries. Beginning at latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 33°17'50" N., longitude 106°51'00" W.; thence clockwise along the arc of a 33.5 mile radius circle centered at latitude 33°46'45" N., longitude 106°46'00" W.; to point of beginning.

Designated altitude. 24,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Holloman AFB, N. Mex.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R–5108 White Sands, N. Mex.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2876; Filed, Mar. 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62–EA–11]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to § 608.55 of the regulations of the Administrator is to change the using agency of the Wilmington, Ohio, Restricted Areas R–5503 and R–5504.

The Department of the Air Force has stated that the using agency of R–5503 and R–5504 should be changed from "Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio" to "Aeronautical Systems Division, Wright-Patterson AFB, Ohio" in order to reflect the proper using agency. Such action is taken herein.

Since these amendments are minor in nature, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 608.55 Ohio (25 F.R. 7200) is amended as follows:

1. In R–5503 Wilmington, Ohio, "Using agency. Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio." is deleted and "Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio." is substituted therefor.

2. In R–5504 Wilmington, Ohio, "Using agency. Commander, Wright Air Development center, Wright-Patterson AFB, Ohio." is deleted and "Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio." is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2875; Filed, Mar. 26, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55589]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Cotton Textiles and Cotton Textile Products; Restrictions on Entry or Withdrawal From Warehouse

Under Article IA of the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961 (TIAS 4884), the United States may decline to accept from any participating country imports of cotton textiles at a level higher than a level specified in the Arrangement. In a letter of March 16, 1962, from the President of the United States to the Secretary of the Treasury, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677), the President delegated to the Secretary authority to issue regulations governing the entry or withdrawal from warehouse of textiles and textile products covered by the aforesaid Arrangement, and authority to take action governing such entries or withdrawals upon the recommendation of the Interagency Textile Administrative Committee, appointed by the President's Cabinet Textile Advisory Committee pursuant to a memorandum from the President dated October 18, 1961. When an action recommended to the Secretary by the Interagency Textile Administrative Committee is taken, notice thereof will be published in the FEDERAL REGISTER and the procedures hereby prescribed in §§ 12.70–12.73 of the Customs Regulations shall apply to the entry and withdrawal from warehouse of the textiles or textile products involved.

Part 12 is amended to add the following new center head and sections:

COTTON TEXTILES

§ 12.70 Importations restricted.

Under Article IA of the Arrangement Regarding International Trade in Cotton Textiles, done at Geneva July 21, 1961, the United States, if unrestricted imports of cotton textiles are causing or threatening to cause disruption of its domestic market, may request any country participating in the Arrangement to restrain at a specified level not lower than the level prevailing for the twelve-month period ending June 30, 1961, its total exports of any category of cotton textiles causing or threatening to cause such disruption, and failing agreement within thirty days (or sooner under the critical circumstances clause in the Arrangement), the United States may decline to accept imports at a higher level than the specified level. Following a decision to so decline, the Interagency Textile Administrative Committee will recommend appropriate action to the Secretary of the Treasury, and the Secretary will implement such recommendation under authority of section 204 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1854), pursuant to a delegation of such authority to the Secretary by the President in a letter of March 16, 1962, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677). This will be done by restrictions on the entry or withdrawal from warehouse of textiles or textile products covered by the Arrangement, and the Bureau of Customs will enforce the restrictions under the direction of the Secretary.

§ 12.71 Exclusion from entry.

Commercial shipments of cotton textiles and cotton textile products in any categories of the Arrangement cited in a recommendation by the Committee and which have been produced or manufactured in a participating country designated in the recommendation and were exported from the designated country on or after a specified date, shall be refused entry into the United States for consumption. Collectors of customs will be informed by the Bureau as to the categories, the Schedule A and U.S.I.D.A. Numbers, the designated country and the pertinent dates involved. Merchandise which comes within an exception stated in the recommendation, however, should be permitted entry upon proof that the merchandise is within the exception.

§ 12.72 Disposition.

Inadmissible articles may be entered for bonded warehouse or for exportation or may be transferred to a Foreign Trade Zone, and inadmissible articles not so disposed of shall be placed in General Order. Inadmissible articles in bonded warehouses, in a Foreign Trade Zone or held under General Order may not be withdrawn for consumption.

§ 12.73 Customs examination.

Entries for consumption for cotton textiles and cotton textile products which are not included in the categories specified in the recommendation of the Committee or which appear to be admissible under an exception stated in the recommendation may be accepted in the usual manner. Sufficient merchandise shall be designated for customs examination so that any inadmissible articles may be detected. If such examination discloses articles not admissible for consumption in the United States, the appraiser shall immediately notify the collector, who shall order promptly the redelivery under the terms of the entry bond of all portions of the importation.

(Sec. 204, 70 Stat. 200; 7 U.S.C. 1854)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: March 26, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–3032; Filed, Mar. 26, 1962; 12:56 p.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

PART 422—STATEMENTS OF PROCEDURE

Part 422 is hereby revised to read as follows:

Subpart A—Bureau of Old-Age and Survivors Insurance

Sec.
422.1 Social security account numbers for employees and self-employed persons.
422.2 Individual's request for change in records.
422.3 Employers' identification numbers.
422.4 Earnings reported without an account number.
422.5 Earnings reported under incorrect name or account number.
422.6 Statements of earnings, resolving earnings discrepancies.
422.7 General claims procedure.
422.8 Reports by beneficiaries.
422.9 Reconsideration of initial Bureau determination.

Subpart B—Office of Hearings and Appeals

422.20 Duties and functions of Office of Hearings and Appeals.
422.21 Hearing before hearing examiner.
422.22 Review by Appeals Council.
422.23 Court review.

AUTHORITY: §§ 422.1 to 422.9 and 422.20 to 422.23 issued under sections 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302. Additional authority is cited in parentheses following the section affected.

Subpart A—Bureau of Old-Age and Survivors Insurance

§ 422.1 Social security account numbers for employees and self-employed persons.

(a) *General.* The Bureau maintains a record of the earnings reported for each individual. (When an individual obtains a social security account number card a social security earnings record (or account) is set up for him.) The individual's name, together with the number on his card, identifies his account so that the wages or self-employment income reported by or for him can be properly posted to his record. Additional procedures concerning social security account numbers may be found in 26 CFR 31.6011(b)–2.

(b) *Applying for account numbers.* Any person who is required to have a social security account number may apply for one by filing Treasury Department Form SS–5, "Application for Social Security Account Number," at any social security district office, or, if the individual is in the Philippines, at the Veterans' Administration Regional Office, Manila, Philippines. The Form SS–5 may be obtained at any social security district office, the Division of Accounting Operations of the Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, offices of district directors of internal revenue, post offices (except the main post office in cities having a social security district office), offices of the United States Employment Service in cities which do not have a social security district office, and the Veterans' Administration Regional Office, Manila, Philippines. Upon request, the social security district office will distribute a quantity of Forms SS–5 to labor unions, employers, or other representative organizations.

(c) *Assignment of account number.* Upon receipt of a completed Form SS–5, the district office assigns a social security account number to the applicant, and prepares and gives to him a Form OA–702, "Account Number Card." However, if it appears that an account number may have been assigned to him previously, his application is forwarded to the Division of Accounting Operations of the Bureau in Baltimore, Maryland, for checking against the Bureau's central files. In such case, if the applicant states that he needs a social security card immediately the district office, pending the check of the central files, prepares and gives to him a temporary unnumbered card (Form OAAN–5028), to be used as proof that he has applied for an account number. If the investigation discloses a previously assigned account number, the district office prepares and delivers to the applicant a Form OA–702.1, "Duplicate Account Number Card." If the investigation does not disclose a previously assigned account number, an account number is assigned to him. The account number card, whether it is an original or a duplicate, shows the applicant's name and the number of his social security account. The applicant should keep the lower portion of the card (or "stub") in a safe place so that it will be available in case of loss of the card. If the application for an account number is filed at the Veterans' Administration Regional Office, Manila, Philippines, that office forwards the Form SS–5 to the Division of Accounting Operations of the Bureau in Baltimore, Maryland, for assignment of the account number, or for preparation of a duplicate account number card, whichever is appropriate.

(d) *Use of Form SS–5 and carbon copy of Form OA–702.* The Division of Accounting Operations uses the Forms SS–5 and the carbon copies of the Form OA–702 to establish the necessary records for the maintenance of individual records of earnings. The Forms SS–5 are retained by the Division of Accounting Operations for use in identifying the individuals to whom the account numbers are assigned.

(e) *Where individual alleges loss of or damage to account number card.* When an individual loses his social security account number card, or his card becomes damaged, he may obtain at once a duplicate card (Form OA–702.1) bearing the same account number from any social security district office, upon presentation of the lower portion of the account number card previously issued to him. If an individual does not have the lower portion of the account number card previously issued to him, he may request a duplicate account number card by submitting a properly completed Form SS–5, "Application for Social Security Account Number," to any social security district office. The Bureau will attempt to locate his account number on the basis of the identifying information he has furnished. If the account number is located, the district office will issue a duplicate account number card to the individual. If the account number cannot be located on the basis of the information furnished, the district office will question the individual in an attempt to ascertain and resolve any possible differences between the identifying information furnished on the current Form SS–5 and information he may have furnished on a previous application. If the Bureau is still unable to locate a previously assigned number, or if it is found that the individual was mistaken in his belief that he had applied previously for a social security account number, the district office will then assign an account number to him. If an individual in the Philippines requests a duplicate account number card through the Veterans' Administration Regional Office, Manila, Philippines, that office will forward the request to the Division of Accounting Operations for appropriate processing.

§ 422.2 Individual's request for change in records.

Form OAAN–7003, "Request for Change in Your Social Security Records," should be completed by any person who wishes to change the name or other personal identifying information he submitted previously. This form may be obtained from any social security district office, from the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, or from one of the sources noted in § 422.1(b) from which Forms SS–5 may be obtained. The completed request for change in records may be submitted to any office of the Bureau of Old-Age and Survivors Insurance, or, if the individual is in the Philippines, to the Veterans' Administration Regional Office, Manila, Philippines. After the requested change has been made in the Bureau's records, the Form OAAN–7003 is retained in the Division of Accounting Operations along with the Form SS–5.

§ 422.3 Employers' identification numbers.

(a)(1) *State and local governments.* In the case of a State which enters into an agreement with the Secretary of Health, Education, and Welfare under section 218 of the Social Security Act, the Division of Accounting Operations, in conformance with § 404.1240 of this chapter, will assign an employer's identification number to the State (if State employees are covered under the agreement) and to each political subdivision included in the agreement. Similarly, in the case of such an agreement with an instrumentality of two or more States (interstate instrumentality), the Division of Accounting Operations will assign an employer's identification number to such interstate instrumentality. The Division of Accounting Operations sends to the appropriate official of the State or instrumentality a Form OAR–S14, "Notice of Identifying Number Assigned Under Agreement Made Pursuant to Section 218 of the Social Security Act," for each number assigned.

(2) If wages for covered transportation service (as determined under section 210(k) of the Social Security Act, as amended) are paid by a State or political subdivision of a State, which are subject to tax under the Federal Insurance Contributions Act, the district director of internal revenue will assign an identification number to such State or political subdivision for the purpose of reporting such wages. In these cases the procedures for issuance of identification numbers by district directors of internal revenue to State or political subdivisions are the same as the procedures for issuing identification numbers to employers other than State and local governments. See paragraph (b) of this section for the reference to such procedures.

(Sec. 218, 64 Stat. 514, as amended; 42 U.S.C. 418)

(b) *Employers other than State and local governments.* For all employers other than States, political subdivisions, or interstate instrumentalities, identification numbers are issued by district directors of internal revenue. The appropriate procedures for issuance of employers' identification numbers may be found in 26 CFR 31.6011(b)–1.

§ 422.4 Earnings reported without an account number.

If an employer reports an employee's wages without an account number, the Division of Accounting Operations writes to the employer regarding each of the incompletely reported wage items. The employer is asked to furnish the missing account number or other identifying information. When an employer is unable to furnish the employee's account number or satisfactory identifying information and does furnish an address for the employee, the Division of Accounting Operations writes to the employee and requests him to furnish the necessary information so that the earnings reported may be properly posted to his account. If self-employment income is reported without an account number, the Division of Accounting Operations writes to the self-employed individual to obtain the missing account number.

§ 422.5 Earnings reported under incorrect name or account number.

If an employer reports an employee's wages under an account number or name different from that shown on the employee's account number card and the Division of Accounting Operations is unable to identify the employee from its records, the Division of Accounting Operations writes to the employer regarding such unidentified wage items. Where an employer is unable to furnish the correct information but does furnish an address for the employee, the Division of Accounting Operations writes to the employee requesting him to furnish the necessary information so that the earnings reported may be properly posted to his account. Where a self-employed individual reports his self-employment income under an incorrect name or account number and the Division of Accounting Operations is unable to associate such report with an account in its records, the Division of Accounting Operations writes to the self-employed individual to obtain the necessary identifying information.

§ 422.6 Statements of earnings; resolving earnings discrepancies.

(a) *Request for statement of earnings.* An individual may obtain a statement of earnings recorded in his social security account by mailing to the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, a completed Form OAR–7004, "Request for Statement of Earnings," or in lieu of a Form OAR–7004, a signed written request showing his social security account number and date of birth. Upon receipt of such request or Form OAR–7004, the Bureau will forward to the individual, without charge, a Form OAR–7014, "Statement of Earnings Recorded in Your Old-Age and Survivors Insurance Account," containing the requested information. The Form OAR–7014 will show a total of earnings credited to date, the total for each of the last three complete years, the total credited since the last complete year; and the total credited for each of the periods of 1937 through 1950, and 1951 through the year preceding the first year for which an annual total is shown. A more detailed statement of earnings will be furnished upon request, without charge, where it is required for a purpose related to title II of the Social Security Act. If the more detailed statement of earnings is requested for a purpose not related to title II of the Social Security Act, there will be a charge according to the following schedule of fees:

Type I—Wages, period of employment, and the names and addresses of reporting employers:	
First calendar year or any part thereof requested	$2.50
Each additional calendar year or any part thereof requested	1.50
Type II—Yearly totals only:	
First calendar year requested	1.00
Each additional year requested	.25

If the individual requests that the information will be certified by the custodian of the records there will be an additional charge of $3.00.

Where the individual asks for a statement as to his insured status, the Bureau will forward a Form OAR–7014a, "Insured Status Reply." The Form OAR–7014a shows the same earnings information as the Form OAR–7014 and, in addition, contains a statement as to the insured status of the individual. Where the individual is not fully insured, it shows the number of quarters of coverage he requires and the number of quarters of coverage he has acquired.

(b) *Request for revision of earnings records.* If an individual disagrees with a statement of earnings credited to his social security account he may request a revision by writing to the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland, or by calling at or writing to any social security district office, or, if the individual is in the Philippines, by calling at or writing to the Veterans' Administration Regional Office, Manila, Philippines. Upon receipt of a request for revision the Bureau will initiate an investigation of the individual's record of earnings. Form OAR–7008, "Statement of Employment for Wages and Self-Employment" is used by the Bureau for obtaining information from the individual requesting a revision, to aid the Bureau in the investigation. These forms are available at any of the sources listed in this paragraph. If an individual receives a Form OAR–7008 from the Division of Accounting Operations, the completed form should be returned to that office. See Subpart I of Part 404 of this chapter for limitation on the revision of records of earnings.

(c) *Notice to individual of determination.* After the investigation has been completed and any determination affecting the individual's earnings record has been made and approved, the Bureau will notify the individual of the status of his earnings record and inform him at the same time of any determination made and of his right to a reconsideration if he is dissatisfied with the determination in his case (see § 422.9).

(d) *Notice to individual of adverse adjustment of his account.* Written notice is given to an individual or his survivor in any case where the Bureau adversely adjusts the individual's self-employment income. Where, subsequent to the issuance of a statement of earnings to an individual, an adverse adjustment is made of an amount of wages included in the statement, written notice of the adverse adjustment is given to the individual or his survivor. Written notice of the adverse adjustment is also given to the survivor if the statement of earnings had been given to such survivor. The individual or his survivor is requested to notify the Bureau promptly if he disagrees, and he is informed that the adjustment will become final unless he notifies the Bureau of his disagreement (if any) within 6 months from the date of the letter, or within 3 years, 3 months, and 15 days after the year to which the adjustment relates, whichever is later.

§ 422.7 General claims procedure.

(a) *Applications and related forms.* The Social Security Administration provides facilities for the public to file claims and to obtain assistance in completing them. An appropriate application form for use in filing a claim for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, can be obtained from any district office, contact station or resident station of the Social Security Administration, or from the Veterans' Administration Regional Office, Manila, Philippines. See § 404.605 of this chapter for offices at which applications may be filed. The application forms and related forms used by the public to file claims are as follows:

OA–C1	Application for Old-Age Insurance Benefits.
OA–C1.1	Application for Recomputation of Benefits.
OA–C2	Application for Wife's Insurance Benefits.
OA–C3	Husband's Certification (generally this form must accompany the wife's application, Form OA–C2).
OA–C4	Application for Insurance Benefits for Child of Living Wage Earner or Self-Employed Person.
OA–C5	Application for Survivors Insurance Benefits (to be used by applicant for widow's benefits, mother's benefits, or children's benefits).
OA–C6	Application on Behalf of Child for Survivors Insurance Benefits.
OA–C7	Application for Parent's Insurance Benefits.
OA–C8	Application for Lump-Sum Death Payment.
OA–C10	Application for Widow's or Widower's Insurance Benefits (for use by a claimant who previously was entitled as a widow or widower to the lump-sum death payment or survivors insurance benefits on the deceased's account).
OA–C11	Application for Substitution of Payee (for use when the individual proposing to be substituted for current payee files application to receive benefits on behalf of self, minor child, or incompetent beneficiary).
OA–C12	Application by Divorced Wife for Mother's and Child's Insurance Benefits.
OA–C13	Application for Widower's Insurance Benefits.
OA–C14	Application for Husband's Insurance Benefits.
OA–C15	Wife's Certification (this form must accompany the husband's application, Form OA–C14).
OA–C16	Application for Disability Insurance Benefits.

(b) *Submission of evidence.* An individual who files an application for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, either on his own behalf or on behalf of another, must

establish by satisfactory evidence the material allegations in his application, except as to earnings shown in the Bureau's records (see Subpart H of Part 404 of this chapter for evidence requirements in nondisability cases and Subpart P of Part 404 of this chapter for evidence requirements in disability cases). Instructions, report forms, and forms for the various proofs necessary are available to the public in district offices, contact stations and resident stations of the Social Security Administration, and the Veterans' Administration Regional Office, Manila, Philippines. These offices assist individuals in preparing their applications and in obtaining the proofs required in support of their applications.

(c) *Determinations and notice to individuals.* In the case of an application for benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, the Bureau, after obtaining the necessary evidence, will make a determination as to the entitlement of the individual claiming or for whom is claimed such benefits, and will notify the applicant of the determination and of his right to a reconsideration if he is dissatisfied with the determination (see § 422.9). Also see § 404.1520 of this chapter for a discussion of the respective roles of State agencies and the Bureau in the making of disability determinations and § 404.1521 of this chapter for information regarding initial determinations as to entitlement or termination of entitlement in disability cases.

§ 422.8 Reports by beneficiaries.

(a) A recipient of monthly benefits and a person for whom a period of disability has been established are obligated to report to the Bureau the occurrence of certain events which may suspend or terminate benefits or which may cause a cessation of a period of disability.

(b) A person who files an application for benefits receives oral and written instructions about events which may cause a suspension or termination, and also, appropriate forms and instruction cards for reporting such events. Pursuant to section 203(h)(1)(A) of the Act, under certain conditions a beneficiary must submit to the Bureau an annual report of his earnings and of any substantial services in self-employment performed during a taxable year within 3 months and 15 days after the close of such taxable year. The purpose of the annual report is to furnish the Bureau with information for making final adjustments in the payment of benefits for that year. An individual may also be requested to submit other reports to the Bureau from time to time.

§ 422.9 Reconsideration of initial Bureau determination.

Any party who is dissatisfied with an initial determination (see §§ 404.905 and 404.906 of this chapter for an explanation of this term) with respect to entitlement to monthly benefits, a lump-sum death payment, a period of disability, a revision of an earnings record, or with respect to any other right under title II of the Social Security Act, may request that the Bureau reconsider such determination. The information in § 404.1520 of this chapter as to the respective roles of State agencies and the Bureau in the making of disability determinations is also applicable to the reconsideration of initial determinations involving disability. After such initial determination has been reconsidered the Bureau will mail to each of the parties written notice of the reconsidered determination and inform him of his right to a hearing (see § 422.21). Regulations relating to the details of reconsideration of initial determinations may be found in §§ 404.909–404.916 of this chapter.

Subpart B—Office of Hearings and Appeals

§ 422.20 Duties and functions of Office of Hearings and Appeals.

The Appeals Council, its members and hearing examiners, in the Office of Hearings and Appeals of the Social Security Administration have, by delegation from the Secretary of Health, Education, and Welfare, the duties, powers, and functions arising under sections 205 and 221 of the Act, relating to the holding of hearings and the rendition and review of decisions in connection with administrative appeals from reconsidered determinations made by the Bureau of Old-Age and Survivors Insurance under title II of the Social Security Act.

§ 422.21 Hearing before hearing examiner.

After a reconsidered determination of a claim for benefits or any other right under title II of the Act has been made by the Bureau under section 205 or section 221 of the Act, any party to such determination may file a written request for a hearing on his claim. (For individuals who may be parties to a hearing see §§ 404.919 and 404.920 of this chapter.) This request may be made on Form AC–501, "Request for Hearing," or by letter. Form AC–501 may be obtained from any Bureau office, from the Office of Hearings and Appeals, SSA, Department of Health, Education, and Welfare, Washington 25, D.C., or from any office where a request for a hearing may be filed. For detailed information about the right to a hearing, the time and place for filing a request for a hearing, the functions of the hearing examiner, the conduct of a hearing, and the rights of parties to a hearing, see §§ 404.917–404.940 of this chapter.

§ 422.22 Review by Appeals Council.

Any party to a hearing examiner's decision or dismissal may request a review of such decision or dismissal by the Appeals Council. This request may be made on Form AC–520, "Request for Review of Hearing Examiner's Decision," or by letter. This form may be obtained from any Bureau office, from the Office of Hearings and Appeals, SSA, Department of Health, Education, and Welfare, Washington 25, D.C., or from any office where a request for review may be filed. For detailed information about the time and place for filing a request for review, the functions of the Appeals Council, and the rights of parties to the review, see §§ 404.938, 404.941–404.952, 404.954, and 404.955 of this chapter.

§ 422.23 Court review.

A claimant may obtain a court review of a decision by a hearing examiner if the Appeals Council has denied the claimant's request for review, or a court review of a decision by the Appeals Council where that is the final administrative decision, by instituting a civil action in the district court of the United States for the judicial district in which he resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. Such action must be filed within 60 days after the mailing of the Appeals Council's notice of denial of request for review of the hearing examiner's decision or notice of decision by the Appeals Council, except that this time may be extended by the Appeals Council upon a showing of good cause. (See section 205(g) of the Act and §§ 404.931, 404.940, 404.951, and 404.954 of this chapter.)

Effective date. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

MARCH 15, 1962.

Approved: March 20, 1962.
ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62–2891; Filed, Mar. 26, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER C—DRUGS

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

PART 165—HABIT-FORMING DRUGS

Transfer and Revision of Codified Material

The following changes are made in Title 21 for the purpose of eliminating obsolete cross-citations and correlating related regulations:

1. The title of Part 165 is changed to read as set forth above.

2. Section 1.104 is transferred to Part 165 as § 165.2, and the section heading is changed to read: "§ 165.2 *Labeling requirements for habit-forming drugs.*"

3a. Section 1.108 is transferred to Part 165 as § 165.5, and the section heading and paragraph (a) are changed to read as follows:

§ 165.5 Exemption of certain habit-forming drugs from prescription requirements.

The prescription-dispensing requirements of section 503(b)(1)(A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502(d):

(a) The following exempt narcotic preparations:

(1) Pharmaceutical preparations containing not more than 129.6 milligrams (2 grains) opium per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(2) Pharmaceutical preparations containing not more than 16.2 milligrams (¼ grain) morphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(3) Pharmaceutical preparations containing not more than 64.8 milligrams (1 grain) codeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(4) Pharmaceutical preparations containing not more than 32.4 milligrams (½ grain) dihydrocodeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(5) Pharmaceutical preparations containing not more than 16.2 milligrams (¼ grain) ethylmorphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

Provided, That the preparations described in this paragraph contain one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

b. Paragraphs (b), (c), and (d) of original § 1.108 are transferred to new § 165.5 without change.

4. Section 131.17 is changed to read.

§ 131.17 Drugs for human use; warning and caution statements specifically required by law.

Preparations containing habit-forming derivatives of substances named in section 502(d) of the act. (See §§ 165.1, 165.2, and 165.5 of this chapter.)

The statement "*Warning*—May be habit forming" is required to appear on the labels of all drugs containing derivatives designated in § 165.1 of this chapter as habit forming, including exempt narcotic preparations described in § 165.5(a) of this chapter and preparations containing one or more derivatives of barbituric acid, unless such drug is not suitable for internal use and is distributed and sold exclusively for such external use as involves no possibility of habit formation.

This order is issued pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act, and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Notice and public procedure are not necessary prerequisites to the issuance of this order since the amendments are editorial in nature and serve to clarify existing regulations.

Effective date. This order shall become effective on publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–2847; Filed, Mar. 23, 1962; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Food Additives Permitted in Animal Feed or Animal-Feed Supplements; and Amprolium in Chicken and Turkey Feed

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amended regulation should issue with respect to the food additive amprolium in medicated feed for replacement flocks and amprolium with not less than 50 grams nor more than 200 grams per ton of zinc bacitracin in chicken feed for the prevention or treatment of disease. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.210 (21 CFR 121.210; 26 F.R. 4286, 5370, 12053) is amended to provide for addition of amprolium to feed for replacement flocks, and to provide for addition of zinc bacitracin to chicken feed for prevention and treatment of disease. As amended, this section reads as follows:

§ 121.210 Amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

The food additive amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride) may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) In turkey feed, as follows:

(i) In an amount not less than 0.0125 percent nor more than 0.025 percent to be fed continuously for the prevention of coccidiosis.

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics in the amounts and for the purposes specified in subparagraph (1)(ii) of this paragraph.

(iii) As prescribed in subdivision (i) of this subparagraph, with antibiotics added for the prevention or treatment of disease, as follows:

(*a*) Chlortetracycline in accordance with the conditions prescribed in § 121.208(a)(1)(i), (ii), and (iii).

(*b*) A combination of penicillin and streptomycin: In the amount of 75 grams of streptomycin and 15 grams of penicillin per ton of finished feed, for the treatment of chronic respiratory disease (air-sac-infection), infectious sinusitis, blue comb (nonspecific infectious enteritis), and hexamitiasis.

(c) Zinc bacitracin: In an amount not less than 50 grams nor more than 100 grams per ton of feed, for the prevention of chronic respiratory disease (air-sac-infection), blue comb (nonspecific infectious enteritis), and infectious sinusitis; or in an amount of not less than 100 grams nor more than 200 grams per ton of feed for the treatment of these diseases.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) In feed for broilers and replacement flocks:

Percentage of amprolium in feed	Limitations	Indications for use
For broilers: 0.0125–0.025	Continuous use	Prevention of coccidiosis.
For replacement flocks: 0.004–0.0125	Not to exceed 14 weeks of age in accordance with dosages as set forth in § 146.26(b)(44)(i)(*a*)(*f*).	Development of active immunity to coccidiosis.

[1] The quantities of antibiotics refer to activities equivalent to those of the appropriate antibiotic master standards, except streptomycin.

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used, and in juxtaposition therewith.

(4) Adequate directions for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 (b)(44) (21 CFR 146.26) is amended as follows:

1. Paragraph (b)(44)(i)(*a*) is changed to read as follows:

(b) • • •

(44)(i) • • •

(*a*) Amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride), as follows:

(*1*) In a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.025 percent, if it is intended as an aid in preventing coccidiosis in chickens and turkeys; or

(*2*) In the following quantities, by weight of feed, under the conditions and for the ages of chickens indicated, if it is intended as an aid in preventing coccidiosis by developing immunity in chicken replacement flocks:

Growing conditions	Amount of amprolium in feed for birds, by age groups		
	Up to 5 weeks of age	From 5 to 8 weeks of age	From 8 to 14 weeks on range
	Percent	*Percent*	*Percent*
Severe exposure to coccidiosis	0.0125	0.008–0.0125	0.004–0.0125
Moderate exposure to coccidiosis	0.008–0.0125	0.006–0.0125	0.004–0.0125
Slight exposure to coccidiosis	0.004–0.0125	0.004–0.0125	0.004–0.0125

2. Paragraph (b)(44) is further amended by adding thereto the following new subdivisions:

(iv) It is also intended for use in the prevention of those infections of chickens specified in subparagraph (9) of this paragraph; it contains amprolium in the amount and under the conditions specified in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 50 grams and not more than 100 grams of zinc bacitracin.

(v) It is also intended for use in the treatment of those infections of chickens specified in subparagraph (10) of this paragraph; it contains amprolium in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains, per ton of feed, not less than 100 grams and not more than 200 grams of zinc bacitracin.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1785; 21 U.S.C. 348, 357)

Dated: March 20, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2890; Filed, Mar. 26, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Vineyard and Nantucket Sounds, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.140 establishing and governing the use of anchorages in Buzzards Bay and Nantucket Sound, Massachusetts, is hereby amended revising paragraphs (c)(1) and (3) to provide a dividing line between Anchorages E and G effective on publication in the FEDERAL REGISTER since no change in the outer boundaries of the anchorages is involved, as follows:

§ 202.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

• • • • •

(c) *Vineyard and Nantucket Sounds*—(1) *Anchorage E.* South of a line beginning at a point bearing 180° about 3.25 miles from Cuttyhunk Light; thence 65° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 57°30' passing 600 yards northerly of Middle Ground Lighted Bell Buoy 25A, to a point bearing 145°, 1.25 miles from Nobska Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy 1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

• • • • •

(3) *Anchorage G.* South of a line beginning at a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 89° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rip Lightship; thence 118°30' to Tuckernuck Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

[Regs., March 7, 1962, 285/112-ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-2871; Filed, Mar. 26, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2637]

[New Mexico 088292]

NEW MEXICO

Withdrawing Lands for Use of Department of the Army for Flood Control

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn as indicated, and reserved as follows:

a. Under the jurisdiction of the Department of the Army, from all forms of appropriation under the public land laws, including the mining laws, for reservoir uses as a part of the Two Rivers Reservoir Project authorized by the Flood Control Act of 1954 (68 Stat. 1248; Public Law 780, 83d Congress):

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 22 E.,
Sec. 34, W½SW¼.
T. 12 S., R. 22 E.,
Sec. 3, lot 1, W½SW¼;
Sec. 4, lot 2, SW¼NE¼ and SE¼SE¼;
Sec. 9, NE¼ and S½;
Sec. 10, W½W½;
Sec. 15, S½NE¼, SE¼NW¼, W½NW¼, N½SE¼, SE¼SE¼, E½SW¼SE¼, NW¼SW¼SE¼, and E½SW¼SW¼SE¼;
Sec. 21, N½N½NE¼.

The areas described aggregate 1,356.55 acres.

b. Under the jurisdiction of the Department of the Interior, from all forms of appropriation under the public land laws, including the mining laws, but excluding disposals which by law are discretionary with the Secretary of the Interior, as a flowage area for the temporary storage of overflow and flood waters connected with the operation and maintenance of the Two Rivers Reservoir Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,
Sec. 7, S½NE¼;
Sec. 8, W½NE¼, S½N½NW¼, S½NW¼, and S½SE¼;
Sec. 17, SE¼SE¼;
Sec. 18, lot 2, E½NW¼;
Sec. 19, lot 1, NE¼, SE¼NE¼NW¼, E½SE¼NW¼, SW¼NW¼, SW¼SE¼NW¼, and N½NE¼SW¼;
Sec. 20, N½;
Sec. 21, N½NW¼ and SE¼NW¼.

The areas described aggregate 1,233.19 acres.

2. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands, and may issue mineral leases and grazing permits or leases and make disposals of mineral and vegetative materials to the extent that such use is not inconsistent with the purposes of this withdrawal.

3. Any disposals of lands described in Paragraph 1b. of this order shall reserve to the United States such rights to overflow, flood and submerge the lands as may in the opinion of the Department of the Army be necessary for the proper operation and maintenance of the Two Rivers Reservoir Project.

4. The Department of the Army may issue permits revocable at will for authorized use of the land included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Army.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 21, 1962.

[F.R. Doc. 62-2883; Filed, Mar. 26, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Oklahoma, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 3,367 acres and 41 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie, rock bass and other minor species permitted under State regulations.

(b) Open season: April 1, 1962, through October 15, 1962.

(c) Daily creel limits: Largemouth bass, 10; channel catfish, 15; crappie, 37; rock bass, no limit; plus other creel limits for minor species as are prescribed by State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) For the purposes of fishing only, the use of boats and motors is permitted south of State Highway 33. Provided that: Boats when operating within 100 yards of shore may not exceed speeds of 10 miles per hour.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective April 1, 1962, through December 31, 1962.

Dated: March 19, 1962.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-2882; Filed, Mar. 26, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 735) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of § 121.214 of the food additive regulations to provide for the safe use of diethylcarbamazine in dog food, without limitation of feeding period.

Dated: March 21, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2887; Filed, Mar. 26, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 509) has been filed by Ciba Pharmaceutical Products, Inc., Summit, New Jersey, proposing an amendment of § 121.205 to provide for the safe use of chlortetracycline in reserpine-medicated feeds at levels of from 50 grams to 200 grams per ton of feed for prevention or treatment of diseases of chickens and turkeys and for maintaining or increasing egg production and hatchability of eggs.

Dated: March 21, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2888; Filed, Mar. 26, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Proposed Registration, Bonding and Related Regulations; Notice of Extension of Time to File Proposals

On January 23, 1962, there was published in the FEDERAL REGISTER (27 F.R. 665), a notice that consideration was being given as to whether certain regulations under the Packers and Stockyards Act (9 CFR Part 201) should be amended or revised in view of the changes in current marketing conditions and the 1958 amendment to the Act which extended the scope of the Act in certain respects. The notification invited any interested persons who wished to do so to submit proposals and the reasons therefor with respect to changes they may desire to suggest in §§ 201.10 to 201.13, inclusive, concerning registrations; §§ 201.29 to 201.34, inclusive, concerning market agency and dealer bonds (9 CFR 201.10–201.13, 201.29–201.34); and §§ 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81, concerning certain trade practices and services of persons subject to the Act (9 CFR 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81).

The Department has received various requests for an extension of the period of time within which to submit proposals. These requests appear to be reasonable. Accordingly, notice is hereby given of an extension, until April 14, 1962, of the period of time within which any person may submit proposals and the reasons therefor with respect to changes in the above-mentioned sections. Any such proposals and reasons should be filed with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Done at Washington, D.C., this 21st day of March 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division.

[F.R. Doc. 62-2894; Filed, Mar. 26, 1962; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO 14-A33, AO 203-A15, AO 204-A15, AO 305-A6, AO 302-A7]

MILK IN GREATER BOSTON, MASSACHUSETTS; SPRINGFIELD, MASSACHUSETTS; WORCESTER, MASSACHUSETTS; CONNECTICUT AND SOUTHEASTERN NEW ENGLAND MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Hotel Bradford, 275 Tremont Street, Boston, Massachusetts, beginning at 10:00 a.m. on April 2, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Boston, Massachusetts; Springfield, Massachusetts; Worcester, Massachusetts; Connecticut and Southeastern New England marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New England Milk Producers' Association, Northern Farms Cooperative, Inc., and the Maine Dairymen's Association, Inc.:

Proposal No. 1. Amend the definitions of "city plant" and of "country plant" under the Greater Boston order, and amend the schedule of zone price differentials, to provide that any plant located not more than 80 miles from Boston shall be considered as a city plant, and subject to the zone price differentials applicable to the "city plant" zone.

Proposal No. 2. Reduce the Class I utilization percentage applicable to pooled distributing plants, under each of the five New England orders, from 50 to 25 percent; or in the alternative, to the same level as the shipping requirement(s) applicable to supply plants.

Proposal No. 3. Amend the farm location differential provisions of all of the New England Federal orders to provide that payments for milk produced on farms located in New England will be subject to differentials to the following extent:

(1) Any producer whose farm location would now entitle him to a differential of 46 cents per hundredweight under any New England order shall be entitled to a differential of 46 cents under whichever New England order the milk is delivered.

(2) Any other producer whose farm location would now entitle him to a differential of 23 cents per hundredweight under any New England order shall be entitled to a differential of 23 cents under whichever New England order the milk is delivered.

Proposal No. 3a. Revise the factor used in the computation of the New England basic Class I price under each of the New England orders, to adjust the United States wholesale commodity price index to a 1958 base, to reflect the prospective change in the base period used in computing this index.

Proposal No. 3b. Modify the provisions for computing a "New England adjustment percentage", used to adjust the current annual rate of per capita disposable personal income in the United States, to delete the word "continental" and substitute the word "the".

Proposed by the United Farmers of New England, Inc.:

Proposal No. 4. In § 1001.20(d) of the Greater Boston order change the would "August" to "July" and add a new subparagraph to read as follows:

(3) No plant shall be eligible for pool plant status under this paragraph in November of any year unless it has met the requirements of paragraph (c) of this section in one of the months of July through October of that year.

Proposed by H. P. Hood & Sons, Inc.:

Proposal No. 5. In §§ 1006.20(c), 1007.20(c), 1014.3(c)(3) and 1015.3(c)(2) of the Springfield, Worcester, Southeastern New England and Connecticut orders, respectively, delete "30 percent" and substitute therefor "15 percent".

Proposed by Garelick Brothers Farms, Inc:

Proposal No. 6. Amend § 1014.3(c)(3) of the Southeastern New England order so a country plant will be pooled under the order to which it has made the greatest amount of shipments to city plants, in the event that a country plant qualifies under more than one order. Also, amend this section so a plant must satisfy qualifying provisions under this order even if it was pooled under another order in the qualifying months to be a pool plant in any of the following months of December through June. Also, any plant which did not qualify in all of the months of July through November should not be permitted to be a pool plant in any of the following months of December through June.

Proposed by Guimond Farms, Inc:

Proposal No. 7. Amend § 1014.2(e) and its subparagraphs (1) through (5) of the Southeastern New England order diversion provisions and substitute provisions identical in effect to § 1001.4(k) and its subparagraphs (1) and (2) of the Boston order.

Proposed by Eastern Milk Producers Cooperative Association, Inc:

Proposal No. 8. Amend the supply plant definitions under the five New England orders to provide:

(a) That two or more supply plants of one handler may be designated as pool plants for the months of July through November: *Provided*, That the shipment of milk to pool distributing plants during each of these months is equal to 30 percent of its total receipts of producer milk in each of such months.

(b) That shipments from supply plants to plants that are pool distributing plants under any of the New England Federal order markets may be applied as the basis of qualification of supply plants in any one of the markets with the supply plant being pooled in the market in which it sold the largest quantity of milk.

(c) That for the months of December through June a supply plant may have automatic pool plant status provided it had been a pooled supply plant under any of the New England orders during the previous July through November period.

Proposed by Lester E. Rink & Son:

Proposal No. 9. Amend § 1006.64(a) of the Springfield, Massachusetts, milk marketing order, to include in the 23-cent differential area that portion of the town of Brookline, Vermont, south of a line drawn from the northeast corner of Newfane, Vermont, to the northwest corner of Putney, Vermont.

Proposed by Dairymen's League Cooperative Association, Inc.

Proposal No. 10. Amend Connecticut order to provide automatic pool plant status for plants of qualified cooperative associations performing essential supply balancing functions for the Connecticut market.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 11. Amend § 1015.22(c)(2) to read as follows:

(2) In Class II milk to the extent it is not assigned to Class I–B, (i) if diverted or transferred in bulk, or (ii) if transferred as a packaged fluid milk product containing at least 3 percent butterfat to a pool plant as defined in said Federal Order No. 2 or to any plant from which a greater aggregate quantity of fluid milk products is disposed of on routes in the N.Y.–N.J. Marketing Area under Order No. 2 than is disposed of in the Connecticut Marketing Area: *Provided*, That during the months July through November such transfers of fluid milk products in bulk or packaged form shall be classified in Class I milk to the extent they are assigned to Class I–A and are not subject to charges under § 1002.83 of the order for the New York–New Jersey Marketing Area.

Proposal No. 12. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 230 Congress Street, Boston 10, Massachusetts; Market Administrator, 1049 Asylum Avenue, Hartford, Connecticut, and the Market Administrator, 57 Eddy Street, Providence 3, Rhode Island, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on March 21, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2910; Filed, Mar. 26, 1962; 8:50 a.m.]

[7 CFR Part 1048]

HANDLING OF MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

Notice of Proposed Rule Making; Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension, for the months of April through August 1962, of certain provisions of the order regulating the handling of milk in the Youngstown-Warren marketing area is being considered.

The provision proposed to be suspended is: In § 1048.12(a)(1) the words "supply plants" for the months of April through August 1962.

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Signed at Washington, D.C., March 21, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2895; Filed, Mar. 26, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 171 [New], 173 [New], 175 [New], 177 [New], 179 [New], 401, 414, 415, 418, 612]

[Draft Release No. 62-12]

ADMINISTRATIVE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 401, 414, 415, 418, and 612 of the Regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter J—Administrative Regulations [New] containing the recodified parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Director of Rules Codification, Federal Aviation Agency, Room B-714, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 7, 1962, will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the office of the Director of Rules Codification for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The

pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in proposed Part 1 [New], published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1654), would apply to proposed Subchapter J [New].

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 by deleting Parts 401, 414, 415, 418, and 612 and to amend Chapter I of that title by adding Subchapter J [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and section 501 of the Act of August 31, 1951 (5 U.S.C. 140).

Issued in Washington, D.C., on March 21, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER J—ADMINISTRATIVE REGULATIONS [New]

Part

171 Seal [New].
173 Representatives of the Administrator [New].
175 Testimony by Employees and Production of Records in Legal Proceedings [New].
177 Fees for Copying and Certifying Federal Aviation Agency Records [New].
179 Use of Federal Aviation Agency Communications System [New].

PART 171—SEAL [New]

§ 171.1 Seal.

The seal of the Federal Aviation Agency has, within a gold border, a blue background bearing in gold letters near its outer rim the words "Federal Aviation Agency" and "United States of America", with the two phrases separated by two stars. It has in the center, on a white disk, a light green globe charged with a gold four-pointed compass rose that has a stylized gold wing on its horizontal axis.



[Revision note: Based on § 401.1]

PART 173—REPRESENTATIVES OF THE ADMINISTRATOR [New]

Subpart A—General

Sec.
173.1 Scope.

Subpart B—Certification of Representatives

173.11 Selection.
173.13 Certification.
173.15 Duration of certificates.
173.17 Reports.

Subpart C—Kinds of Designations: Privileges

173.21 Aviation Medical Examiners.
173.23 Pilot Examiners.
173.25 Technical personnel examiners.
173.27 Designated aircraft maintenance inspectors.
173.29 Designated engineering representatives.
173.31 Designated manufacturing representatives.

Subpart A—General

§ 173.1 Scope.

This part describes the requirements for designating private persons to act as representatives of the Administrator in examining, inspecting, and testing persons and aircraft for the purpose of issuing airman and aircraft certificates. In addition, it states the privileges of those representatives and prescribes rules for their exercising of those privileges.

[Revision note: Based on § 418.1]

Subpart B—Certification of Representatives

§ 173.11 Selection.

(a) The Civil Air Surgeon, or his designee, selects Aviation Medical Examiners from qualified physicians who apply.

(b) Any local Flight Standards Inspector may select a Flight Standards Designated Representative, except an Engineering and Manufacturing Inspection Representative, whenever he determines there is a need for one.

(c) The Chief of the Engineering and Manufacturing Division, or his designee, selects Designated Engineering Representatives and Designated Manufacturing Inspection Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Engineering Representative" or a "Statement of Qualifications for Designated Manufacturing Inspection Representative", as the case may be.

(d) The Director, Air Traffic Service, selects Air Traffic Control Tower Operator Examiners.

[Revision note: Based on § 418.10]

§ 173.13 Certification.

(a) A "Certificate of Designation" and an appropriate Identification Card is issued to each Aviation Medical Examiner.

(b) A "Certificate of Authority" specifying the kinds of designation for which the person concerned is qualified and stating an expiration date is issued to each Flight Standards Designated Representative, along with a "Certificate of Designation" for display purposes, designating the holder as a Flight Standards Representative and specifying the kind of designation for which he is qualified.

[Revision note: Combines §§ 418.11 and 418.12(a) (last sentence)]

§ 173.15 Duration of certificates.

(a) A designation as an Aviation Medical Examiner is valid until terminated under paragraph (c) of this section, but must be revalidated on or before January 1 of each year by a letter of designation and a new identification card issued by the Civil Air Surgeon that specifies the year during which the designation is valid.

(b) Unless sooner terminated under paragraph (c) of this section, a designation as a Flight Standards Designated Representative is effective for one year after the date it is issued and may be renewed for additional periods of one year in the Administrator's discretion.

(c) A designation made under this subpart terminates—

(1) Upon the written request of the representative;

(2) Upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;

(3) Upon the representative being separated from the employ of the employer who recommended him for certification;

(4) Upon a finding by the Administrator that the representative has not properly performed his duties under the designation;

(5) Upon the assistance of the representative being no longer needed by the Administrator; or

(6) For any other reason the Administrator considers appropriate.

[Revision note: Based on § 418.12 (less last sentence of paragraph (a))]

§ 173.17 Reports.

Each representative designated under this part shall make such reports as are prescribed by the Administrator.

[Revision note: Based on § 418.13]

Subpart C—Kinds of Designations: Privileges

§ 173.21 Aviation Medical Examiners.

(a) An Aviation Medical Examiner may:

(1) Accept applications for physical examinations necessary for issuing medical certificates under Part ---- (Present Part 29) of this chapter;

(2) Under the general supervision of the Civil Air Surgeon or the appropriate senior regional flight surgeon, conduct those physical examinations;

(3) Issue or deny medical certificates in accordance with Part ---- of this chapter (Present Part 29); and

(4) As requested, participate in investigating aircraft accidents.

(b) The Civil Air Surgeon may designate a qualified forensic pathologist to assist in the medical investigation of aircraft accidents and issue an appropriate "Certificate of Designation" and an Identification Card to him. When on duty, such a consultant is entitled to a fee from the United States.

[Revision note: Based on § 418.20]

§ 173.23 Pilot Examiners.

(a) The FAA issues the following kinds of pilot examiner designations:

(1) Pilot Examiner.
(2) Instrument Rating Examiner.
(3) Airline Transport Pilot Examiner.

(b) Any pilot examiner named in paragraph (a) of this section may:

(1) As authorized in his designation, accept applications for flight tests necessary for issuing pilot certificates and ratings under this chapter;

(2) Under the general supervision of the appropriate local Flight Standards Inspector, conduct those tests; and

(3) In the discretion of the appropriate local Flight Standards Inspector, issue temporary pilot certificates and ratings to qualified applicants.

[Revision note: Based on § 418.21]

§ 173.25 Technical personnel examiners.

(a) The FAA issues the following kinds of technical personnel examiner designations:

(1) Mechanic Examiner (airframe and powerplant).
(2) Parachute Rigger Examiner.
(3) Air Traffic Control Tower Operator Examiner.
(4) Flight Navigator Examiner.
(5) Flight Engineer Examiner.

(b) A designated mechanic examiner (DME) may:

(1) Accept applications for, and conduct, mechanic oral and practical tests necessary for issuing mechanic certificates under Part -- of this chapter (Present Part 24); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary mechanic certificates to qualified applicants.

(c) A designated parachute rigger examiner (DPRE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing parachute rigger certificates under Part -- of this chapter (Present Part 25); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary parachute rigger certificates to qualified applicants.

(d) An air traffic control tower operator examiner may:

(1) Accept applications for, and conduct, written and practical tests necessary for issuing control tower operator certificates under Part -- of this chapter (Present Part 26); and

(2) In the discretion of the Director, Air Traffic Service, issue temporary control tower operator certificates to qualified applicants.

(e) A designated flight engineer examiner (DFEE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight engineer certificates under Part -- of this chapter (Present Part 35); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight engineer certificate to qualified applicants.

(f) A designated flight navigator examiner (DFNE) may:

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight navigator certificates under Part -- of this chapter (Present Part 34); and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight navigator certificates to qualified applicants.

[Revision note: Based on § 418.22]

§ 173.27 Designated aircraft maintenance inspectors.

A designated aircraft maintenance inspector (DAMI) may approve maintenance on civil aircraft used by United States military flying clubs in foreign countries.

[Revision note: Based on § 418.23]

§ 173.29 Designated engineering representatives.

(a) The FAA issues the following kinds of engineering representative designations (DER):

(1) Structural engineering.
(2) Powerplant engineering.
(3) Systems and equipment engineering.
(4) Radio engineering.
(5) Engine engineering.
(6) Propeller engineering.
(7) Flight analyst.
(8) Flight test pilot.

(b) A structural engineering representative may approve structural engineering information and other structural considerations within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information and other structural considerations comply with the applicable regulations of this chapter.

(c) A powerplant engineering representative may approve information relating to powerplant installations within limitations prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(d) A systems and equipment engineering representative may approve engineering information relating to equipment and systems, other than those of a structural, powerplant, or radio nature, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(e) A radio engineering representative may approve engineering information relating to the design and operating characteristics of radio equipment, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(f) An engine engineering representative may approve engineering information relating to engine design, operation, and service, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(g) A propeller engineering representative may approve engineering information relating to propeller design, operation, and maintenance, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(h) A flight analyst representative may approve flight test information, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(i) A flight test pilot representative may make flight tests, and prepare and approve flight test information relating to compliance with the regulations of this chapter, within limits prescribed by and under the general supervision of the Administrator.

[Revision note: Based on § 418.24]

§ 173.31 Designated manufacturing inspection representative.

A designated manufacturing inspection representative (DMIR) may:

(a) Issue original airworthiness and export certificates for aircraft, engines, propellers, and other type certificated products that conform to approved type design requirements;

(b) Issue export ferry permits;

(c) Make station and conformity inspections; and

(d) Make any other inspections that may be necessary to determine whether prototype and production articles are airworthy and safe for operation.

An authorization under this section is valid only for the manufacturing plant at which the representative is employed.

[Revision note: Based on § 418.25]

PART 173—DISTRIBUTION TABLE

Present section	*Revised section*
418.1	173.1
418.2	Trf. to Part 1
418.3	Surplusage
418.10	173.11
418.11	173.13
418.12(a) (last sentence)	173.13
418.12 (less last sentence of (a))	173.15
418.13	173.17
418.20	173.21

PART 173—DISTRIBUTION TABLE—Continued

Present section	Revised section
418.21	173.23
418.22	173.25
418.23	173.27
418.24	173.29
418.25	173.31

PART 175—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS [New]

Sec.
175.1 Purpose.
175.3 Deviation from policy.
175.5 Testimony by FAA employees in proceedings involving the United States.
175.7 Legal proceedings between private litigants: General rule.
175.9 Legal proceedings between private litigants: Subpoenas.
175.11 Legal proceedings between private litigants: Factual testimony.
175.13 Legal proceedings between private litigants: Expert or opinion testimony.
175.15 Legal proceedings between private litigants: Disclosure of FAA documents and files.
175.17 Acceptance of service on behalf of Administrator.

§ 175.1 Purpose.

This part prescribes the policies and procedures of the Federal Aviation Agency with respect to testimony of its employees as witnesses in legal proceedings, the release or disclosure of FAA files and documents, and the serving of legal process and pleadings.

[Revision note: Based on § 415.1]

§ 175.3 Deviation from policy.

Only the General Counsel or the appropriate Regional Counsel may grant permission to deviate from a policy prescribed in this Part. He may grant that permission only when:

(a) It is necessary to prevent a miscarriage of justice;

(b) The FAA has an interest in the decision that may be rendered in the legal proceeding; or

(c) The deviation is in the best interests of civil aviation or the United States.

[Revision note: Based on § 415.4]

§ 175.5 Testimony by FAA employees in proceedings involving the United States.

(a) An FAA employee shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An FAA employee may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

[Revision note: Based on § 415.2]

§ 175.7 Legal proceedings between private litigants: General rule.

An FAA employee may not testify as an expert or opinion witness in any legal proceeding between private litigants, for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of criticism against the FAA in cases where its employees participate in controversial issues.

(c) To avoid spending the time and money of the United States for private purposes.

Private litigants are expected to obtain their expert witnesses from private sources.

[Revision note: Based on § 415.3 (less (a)–(d))]

§ 175.9 Legal proceedings between private litigants: Subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an FAA employee has been properly served with a subpoena, he shall appear at the time and place specified in it. He shall immediately report the service to the General Counsel or appropriate Regional Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would seriously affect the performance of official duties, or require producing FAA documents or files the release of which is prohibited by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or modified.

[Revision note: Based on § 415.3(a)]

§ 175.11 Legal proceedings between private litigants: Factual testimony.

(a) An FAA employee who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are embodied in a report that he is not permitted to produce. However, he must obtain the permission of the General Counsel or Regional Attorney, as appropriate, before disclosing any information that is restricted by statute or that would violate an FAA regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

[Revision note: Based on § 415.3(b)]

§ 175.13 Legal proceedings between private litigants: Expert or opinion testimony.

If, in testifying in a legal proceeding between private litigants, an FAA employee is asked a question calling for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If the court then orders him to testify, the employee shall do so.

[Revision note: Based on § 415.3(c)]

§ 175.15 Legal proceedings between private litigants: Disclosure of FAA documents and files.

(a) It is the policy of the Administrator to make factual information in the possession of the FAA available to persons who are properly and directly concerned, based on the principle that the FAA exists to serve the public and that a free sharing of information within the government of the United States and with the public is usually in the public interest. For these reasons, an FAA employee may release information, documents, and records, as authorized by Agency Standard Practice Part 7, to other agencies of the United States and to the general public.

(b) Information, documents, and records are in the custody of FAA employees only for purposes relating to the performance of their official duties. Such an employee has no authority or discretion to permit their use for any other purpose. Except for documents or files the release of which is authorized by Agency Standard Practice Part 7, no FAA employee may release FAA information, documents, or records or produce them in a court, whether in answer to a subpoena ordering that they be produced, or otherwise.

(c) An FAA employee may not produce an FAA document or record in court except upon a clearance from the General Counsel or Regional Counsel, as appropriate. If an employee receives a subpoena or request to produce such a document or record, he shall refer it to the General Counsel or Regional Counsel, as appropriate. If the request or subpoena calls for producing documents the release of which is authorized by Agency Standard Practice Part 7, the General Counsel or Regional Counsel, as appropriate, shall honor it.

(d) If an FAA employee is served with a subpoena calling for producing FAA documents or records the release of which is restricted by statute or FAA regulation, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or vacated. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by a representative of the Office of the General Counsel or Regional Counsel, as appropriate, and explain to the court that FAA regulations prohibit him from producing the documents or records, whether in answer to a subpoena or otherwise.

(e) If an FAA employee who follows the procedure set forth in subsection (d) is cited for contempt of court, the General Counsel or Regional Counsel, as appropriate, shall request the local United States Attorney to begin habeas corpus proceedings. The Regional Counsel concerned shall report immediately to the General Counsel whenever he learns of such a case. The General Counsel shall then request the necessary cooperation of the Department of Justice in Washington, D.C.

[Revision note: Based on § 415.3(d)]

§ 175.17 Acceptance of service on behalf of Administrator.

Legal process or pleadings in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Federal Aviation Agency proceedings, may be served, at the option of the server, on the General Counsel, Deputy General Counsel, or Associate General Counsel for Enforcement, Litigation, and Claims, of the FAA, with the same effect as if served upon the Administrator. Such an official accepts and acknowledges service and takes further action thereon as appropriate.

[Revision note: Based on § 415.5]

PART 175—DISTRIBUTION TABLE

Present section	Revised section
415.1	175.1
415.2	175.5
415.3 (less (a)–(d))	175.7
415.3	175.9
415.3(a)	175.11
415.3(b)	175.13
415.3(c)	175.15
415.3(d)	175.3
415.4	175.17
415.5	

PART 177—FEES FOR COPYING AND CERTIFYING FEDERAL AVIATION AGENCY RECORDS [New]

Sec.
177.1 Scope.
177.3 Copying and search of records.
177.5 Affixing of seal.
177.7 Payment of fees.

§ 177.1 Scope.

This part prescribes fees for services performed by the Federal Aviation Agency.

[Revision note: Based on § 414.1]

§ 177.3 Copying and search of records.

(a) The fees for searching records and furnishing photostatic or similar copies of documents that are not more than 12 inches by 18 inches are as follows:

	Each page
Aircraft and airmen records	$0.50
Other documents	1.00

(b) The fees for searching records and furnishing duplicate original documents are as follows:

	Each page
Airman certificate	$2.00
Medical certificate	2.00
Other documents	1.00

[Revision note: Based on § 414.2]

§ 177.5 Affixing of seal.

The fee for a certification or validation with the FAA seal is $1.00.

[Revision note: Based on § 414.3]

§ 177.7 Payment of fees.

The fees prescribed in this Part may be paid by check, draft, or postal money order payable to the Federal Aviation Agency.

[Revision note: Based on § 414.4]

PART 177—DISTRIBUTION TABLE

Present section	Revised section
414.1	177.1
414.2	177.3
414.3	177.5
414.4	177.7

PART 179—USE OF FEDERAL AVIATION AGENCY COMMUNICATIONS SYSTEM [New]

Sec.
179.1 Scope.
179.3 Kinds of messages accepted.
179.5 Charges for messages.
179.7 Limitation of liability.

§ 179.1 Scope.

This part describes the kinds of messages that may be transmitted by FAA communications stations and prescribes the charges therefor.

[Revision note: Based on § 612.1]

§ 179.3 Kinds of messages accepted.

(a) Any FAA International Flight Service Station or FAA Flight Service Station located outside of the 48 contiguous States and the District of Columbia may accept for transmission the messages, concerning international or overseas aircraft operations, described in subparagraphs (1) to (8) of this paragraph. Other FAA Flight Service Stations may accept for transmission only messages described in subparagraphs (1) to (6) of this paragraph, but may relay any message described in this section that was originally accepted for transmission at an FAA Service Station outside of the 48 contiguous States and the District of Columbia, or was received from a foreign station of the integrated international aeronautical network, and that in normal routing would require transit of the 48 contiguous States and the District of Columbia to reach an overseas address:

(1) Distress messages and distress traffic.

(2) Messages concerning the safety of human life.

(3) Flight safety messages concerning:

(i) Air traffic control, including:

(*a*) Messages concerning aircraft in flight or about to depart;

(*b*) Departure messages;

(*c*) Flight plan departure messages;

(*d*) Arrival messages;

(*e*) Flight plan messages;

(*f*) Flight notification messages;

(*g*) Messages concerning flight cancellation; and

(*h*) Messages concerning delayed departure;

(ii) Position reports from aircraft;

(iii) Messages originated by an aircraft operating agency of immediate concern to an aircraft in flight or about to depart; and

(iv) Meteorological advice of immediate concern to an aircraft in flight or about to depart.

(4) Meteorological messages concerning:

(i) Meteorological forecasts;

(ii) Meteorological observations exclusively;

(iii) Other meteorological information exchanged between meteorological offices;

(5) Aeronautical administrative messages:

(i) Concerning the operation or maintenance of facilities essential to the safety or regularity of aircraft operation;

(ii) Essential to efficient functioning of aeronautical tele-communications; and

(iii) Between civil aviation authorities concerning aircraft operation.

(6) Notices to airmen.

(7) Flight regularity messages:

(i) Addressed to the point of intended landing and to not more than two other addressees in the general area of the route segment of the flight to which the message refers, containing information required for weight and balance computation and remarks essential to the rapid unloading of the aircraft;

(ii) Concerning changes, taking effect within 72 hours, in aircraft operating schedules;

(iii) Concerning the servicing of aircraft en route or scheduled to depart within 48 hours;

(iv) Concerning changes in the collective requirements for passengers, crew, or cargo of aircraft en route or about to depart, if the changes are caused by unavoidable deviations from normal operating schedules and are necessary for flight regularity;

(v) Concerning non-routine landings to be made by aircraft en route or about to depart;

(vi) Concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; and

(vii) Concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(8) Messages originated by and addressed to aircraft operating agencies or their representatives that directly bear on the efficient and economic conduct of day to day operations, if adequate non-United States communication facilities are not available and the messages concern:

(i) Matter described in subparagraph (7) of this paragraph, but not meeting the time limitations described therein;

(ii) Aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(iii) Train or hotel reservations for passengers or employees;

(iv) Tickets or cargo shipments and payment therefor;

(v) Location of passengers and cargo;

(vii) New or revised passenger or cargo rates;

(viii) Crew assignments and similar operations personnel matters taking effect within 7 days;

(ix) Post flight reports for record purposes;

(x) Publicity and special handling regarding dignitaries; and

(xi) Reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

(b) The messages described in subparagraphs (1) to (7) of paragraph (a) of this section are given priority over the messages described in subparagraph (8) of paragraph (a) of this section.

[Revision note: Combines §§ 612.2 and 612.5]

§ 179.5 Charges for messages.

(a) The messages described in § 179.3 (a) (1) to (7) are transmitted without charge.

(b) The charge for a message that, in whole or in part, contains matters de-

scribed in § 179.3(a)(8), is 25 cents for each ten words, or part thereof, of text and signature, plus applicable taxes, for each addressee.

(c) Whenever the refiling of a message with a non-FAA communications facility is necessary, the refiling is made on a "collect" basis at no cost to, or assumption of liability by, the FAA. The cost of local telecommunications facilities used for the acceptance or delivery of a message must be paid by the user.

(d) Charges must be paid in United States currency to the FAA official in charge of the communication station first receiving the message, or to any other designated FAA official. However, the Assistant Administrator of the area in which the FAA communications station first transmitting or receiving the message is located may make advance arrangements for deferred payment of charges on a periodic basis or in any specific case where advance payment is not practicable.

[Revision note: Combines §§ 612.3 and 612.4.]

§ 179.7 Limitation of liability.

The United States is not liable, beyond the amount of the charge made, for any error or delay, in transmission or delivery, or for nondelivery, of any message accepted for transmission under this part, even if the error, delay or nondelivery is caused by the negligence of an employee of the United States.

[Revision note: Based on § 612.6.]

PART 179—DISTRIBUTION TABLE

Present section	*Revised section*
612.1	179.1
612.2	179.3
612.3	179.5
612.4	179.5
612.5	179.3
612.6	179.7

[F.R. Doc. 62-2904; Filed, Mar. 26, 1962; 8:49 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-NY-14]

SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.56 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army to alter the Camp Pickett, Va., Restricted Area R-6602 to contain additional firing activities transferred from the Camp Hill, Va., Restricted Area R-6601.

The current Restricted Area R-6602 is designated from the surface to 22,000 feet MSL and the designated time of use is continuous. The Commanding General, Second United States Army, Fort Meade, Md., is the using agency.

As a result of conferences with representatives of the using agency, the Federal Aviation Agency is considering an increase in size of R-6602 and a change in time of designation from "continuous" to "continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance". No change is contemplated in the designated altitudes. Utilization of R-6602 would be on a joint-use basis to permit aircraft to transit the area when it is not in use for its designated purpose.

If these actions are taken, Restricted Area R-6602 would be redesignated as follows:

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'-37'' N., longitude 77°51'54'' W.; to latitude 37°04'25'' N., longitude 77°51'45'' W.; along State Highway No. 40 to latitude 37°03'55'' N., longitude 77°51'05'' W.; to latitude 37°-00'56'' N., longitude 77°50'55'' W.; to latitude 36°57'54'' N., longitude 77°53'19'' W.; to latitude 36°58'12'' N., longitude 77°57'-42'' W.; to latitude 37°01'50'' N., longitude 77°58'40'' W.; to latitude 37°01'50'' N., longitude 77°55'58'' W.; to latitude 37°05'-37'' N., longitude 77°56'00'' W.; to the point of beginning.

Designated altitudes. Surface to 22,000 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 e.s.t., Saturday to 2200 e.s.t., Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 20, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2873; Filed, Mar. 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852 (RM-102, RM-183)]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN MAINE

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Augusta, Bangor, Calais, and Presque Isle, Maine), Docket No. 13852 (RM-102 and RM-183).

1. In a request filed March 19, 1962, Community Telecasting Service, licensee of Station WABI-TV, Channel 5, Bangor, Maine, and an applicant for a construction permit for Channel 7 in Calais, Maine, stated that it is currently preparing comments invited by the Order to Stay and Further Notice of Proposed Rule Making released herein on February 26, 1962.

2. It is further stated that in connection with such comments it is undertaking engineering studies dealing with the proposed assignment of Channel 3 to Calais, Maine, but that such studies cannot be completed by March 26, 1962, the presently specified date for filing comments.

3. For this reason a three-week extension of time for filing comments and reply comments is requested.

4. It appears that such a request is reasonable and that it is in the public interest to extend the time as requested.

5. In view of the foregoing: *It is ordered*, This 20th day of March 1962, That the request for extension of time filed by Community Telecasting Service is granted and that the time for filing comments in this proceeding is extended from March 26, 1962, to April 6, 1962, and the time for filing reply comments is extended from April 13, 1962, to May 4, 1962.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2925; Filed, Mar. 26, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55590]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CROWN COLONY OF HONG KONG

Restrictions on the Entry or Withdrawal From Warehouse

MARCH 26, 1962.

There is published below a letter of March 20, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong which were exported from Hong Kong on or after March 3, 1962.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong and included in the eight categories described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Agreement Categories," attached to the aforesaid letter, which are exported from Hong Kong on or after March 3, 1962, shall be refused entry into the United States for consumption, except that those cotton textiles or cotton textile products exported pursuant to export licenses issued by the Government of Hong Kong prior to March 3, 1962, shall be permitted entry upon proof thereof. The procedures set forth in §§ 12.70 to 12.73 of the Customs regulations shall apply to such articles.

[SEAL] JAMES A. REED,
Assistant Secretary,
of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

MARCH 20, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16, 1962, to you from the President of the United States delegating authority under certain parts of Section 204 of the Agricultural Act of 1956, and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, and in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles, done at Geneva July 21, 1961, the Interagency Textile Administrative Committee recommends and requests that you take the following actions:

Cotton textiles and cotton textile products produced or manufactured in the Crown Colony of Hong Kong and included in the eight categories described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Agreement Categories" which are exported from Hong Kong on or after March 3, 1962, shall be refused entry into the United States for consumption, except that those cotton textiles or cotton textile products exported pursuant to export licenses issued by the Government of Hong Kong prior to March 3, 1962, shall be permitted entry upon proof thereof.

This recommendation was arrived at on the 19th day of March 1962 by a unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

UNITED STATES DEPARTMENT OF COMMERCE
BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Categories

Category 5: Ginghams, carded yarn

Schedule A Numbers	*U.S.I.D.A. Numbers*
3068 100	0904 300
	0905 300
	0904 600
	0905 600
	0904 900
	0905 900

Category 9: Sheeting, carded yarn

3048 210	0904 110
3048 230	0905 110
3058 200	0904 112
3068 200	0905 112
	0904 212
	0905 212
	0904 312
	0905 312

Category 22: Twill and sateen, carded yarn

3048 700	0904 170
3058 700	0905 170
3068 700	0904 470
	0905 470
	0904 770
	0905 770
	0904 270
	0905 270
	0904 570
	0905 570
	0904 870
	0905 870
	0904 370
	0905 370
	0904 670
	0905 670
	0904 970
	0905 970

Category 26: Fabrics, n.e.s., carded yard

3048 900	0904 192
3058 900	0905 192
3068 900	0904 492
3075 010	0905 492
3078 010	0904 792
3080 210	0905 792
3081 350	0904 292
3081 410	0905 292
3963 010	0904 592
	0905 592
	0904 892
	0905 892
	0904 392
	0905 392
	0904 692
	0905 692
	0904 992
	0905 992
	0906 1000
	0908 1000

Category 26: Fabrics, n.e.s., carded yarn—Continued

Schedule A Numbers	*U.S.I.D.A. Numbers*
	0909 4520
	0909 5020
	0909 0520
	0909 2020
	0909 2520
	0909 3020
	1122 1000

Category 43: Knitshirts, other than T-shirts and sweatshirts (including infants)

3112 740	0917 1560

Category 44: Sweaters and cardigans

3112 760	0917 2060

Category 48: Raincoats, ¾ length or over

3113 212	0919 3100
3113 214	0919 3110
3113 218	0919 3120
3113 848	0919 7100
3113 851	0919 7120
3113 854	0919 7160

Category 49: All other coats

3113 222	0919 3150
3113 224	0919 3160
3113 228	0919 3170
3113 857	0919 7200
3113 860	0919 7220
3113 863	0919 7260

[F.R. Doc. 62-3033; Filed, Mar. 26, 1962; 12:56 p.m.]

Office of the Secretary

[AA 643.3-M]

HILLMAN AUTOMOBILES FROM ENGLAND

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Hillman automobiles from England were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Hillman automobiles from England are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. In view of the relationship existing between the manufacturer and importer, a fair value comparison was made between exporter's sales price and the home market price.

In the determination of exporter's sales price, deductions from the c.i.f. duty-paid selling price to United States dealers were made for ocean freight, insurance and brokerage, handling, United States import duty, inland freight, selling expense, warranty, and advertising.

In calculating the adjusted home market price, allowances were made for differences in circumstance of sale occurring in the home market. Deductions were made from the selling price to home market dealers for selling expense, warranty, and advertising. An addition was made to the home market price for cost differences in the United States model

automobile, which were not applicable to the home market model.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2898; Filed, Mar. 26, 1962; 8:48 a.m.]

[AA 643.3-M]

FIAT AUTOMOBILES FROM ITALY

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Fiat automobiles from Italy were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Fiat automobiles from Italy are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. In view of the interrelationship between the importer and the seller of the automobiles, a fair value comparison was made between exporter's sales price and the home market price.

In the determination of the exporter's sales price, deductions were made from the f.o.b. dock duty paid selling price to the United States distributors, for ocean freight, marine insurance, United States import duty, and customs brokerage. The tax refund and drawback, rebated to the manufacturer on exportation of the automobiles, were added as required by statute. Since deliveries are made at the dock to the established distributors in the United States, who in turn absorb handling, storage, and selling expenses, no deductions were made for these items.

In calculating the home market price, a deduction was made from the Italian retail price for a distributor's discount, which is granted to the home market distributors. Allowances were also made for differences in circumstances of sale in the home market and adjustment was accorded to the home market price for financing costs, transportation and delivery to the retail purchasers, advertising (difference between United States and home market), and training schools and warranty (in excess over cost in the United States).

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 210(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2899; Filed, Mar. 26, 1962; 8:48 a.m.]

[AA 643.3-M]

FORD ANGLIA AUTOMOBILES FROM UNITED KINGDOM

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Ford Anglia automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Ford Anglia automobiles from the United Kingdom are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Since an exclusive relationship exists between the importer and the seller of the automobiles, a fair value comparison was made between exporter's sales price and home market price.

In computing exporter's sales price, deductions for the costs of ocean freight, insurance, port dues, United States import duty, and selling expenses incurred in the United States were made from the selling price to the retail dealer in the United States.

The home market price to retail dealers was used as a basis for fair value comparison since sales in the United States are made to the same category of purchaser and in similar quantities.

In calculating the home market price, adjustment was made to reflect certain production cost differences existing between the model sold in the home market and the model sold for export to the United States. Allowances were also made for the following items: policy and warranty, advertising and sales promotion, and for other administrative and commercial expenses.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2900; Filed, Mar. 26, 1962; 8:49 a.m.]

[AA 643.3-M]

M.G.A. AUTOMOBILES FROM UNITED KINGDOM

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether M.G.A. automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that M.G.A. automobiles from the United Kingdom are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was found that home market sales were inadequate to provide a basis for comparison and that a comparison between prices to the United States and prices for exportation to third countries did not indicate the existence of sales at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2901; Filed, Mar. 26, 1962; 8:49 a.m.]

[AA 643.3-M]

OPEL AUTOMOBILES FROM WEST GERMANY

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Opel automobiles from West Germany were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Opel automobiles from West Germany are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Since the manufacturer is a subsidiary of the exclusive importer, a fair value comparison was made between exporter's sales price and adjusted home market price.

In calculating exporter's sales price, the list price to dealers was used. Deductions from the list price were made for inland freight in Germany, ocean freight, marine insurance, United States import duty, brokerage, transportation to warehouse, servicing, and selling expenses. Additions to the list price were made for turnover tax included in the home market price, export tax rebate, and drawback.

In computing adjusted home market price, deductions were made from the home market list price to dealers for the basic dealers' discount, selling expenses, servicing, and loading and shipping expenses. Additions to the home market dealers' list price were made to reflect the cost of extras included on the United States model and also for the cost of export packing.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2902; Filed, Mar. 26, 1962; 8:49 a.m.]

[AA 643.3-M]

VAUXHALL AUTOMOBILES FROM UNITED KINGDOM

Fair Value Determination

MARCH 17, 1962.

An investigation was made to determine whether Vauxhall automobiles from the United Kingdom were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Vauxhall automobiles from the United Kingdom are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. (a)).

Statement of reasons. In view of the exclusive relationship between the importer and the manufacturer, which is a subsidiary of the importer, a fair value comparison was made between exporter's sales price and adjusted home market price.

In calculating exporter's sales price, deductions were made, from the selling price to dealers, for inland freight in England, ocean freight, marine insurance, United States import duty, brokerage, transportation to warehouse, servicing, and selling expenses. An addition was made for drawback.

In determining the adjusted home market price, deductions were made from the home market list price to dealers for the basic dealer discount, selling and consumer influence, and servicing. Additions to this price were made to reflect the cost of extras included on the United States model and also for the cost of export packing.

It appears that prior to receipt of information which prompted inquiry into this case there had been sales at a dumping price; but it was established that such sales have been discontinued, and assurances have been given, in a form which is considered adequate, that present and future sales are not nor will be at a dumping price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(C)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2903; Filed, Mar. 26, 1962; 8:49 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegation of Authority

The amendments to the following orders were issued by the Assistant Postmaster General, Bureau of Facilities, in Order 222, dated March 6, 1962.

ORDER 157 AMENDMENT

Order No. 157, dated March 24, 1958, as published in 23 F.R. 2754, and as amended by 27 F.R. 1463, is further amended by revising paragraph B.1 to read as follows:

B. *Leases where annual rental is not in excess of $1,500.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

ORDER 173 AMENDMENT

Order No. 173, dated October 15, 1959, as published in 24 F.R. 8750-8751, and as amended by 27 F.R. 1463, is further amended by revising paragraph D.1 to read as follows:

D. *Leases where annual rental is not in excess of $15,000.00.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

ORDER 179 AMENDMENT

Order No. 179, dated September 29, 1960, as published in 25 F.R. 9959-9960, and as amended by 27 F.R. 1463, is further amended by revising paragraph D.1 to read as follows:

D. *Leases where annual rental is not in excess of $15,000.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of five years.

ORDER 201 AMENDMENT

Order No. 201, dated October 11, 1961, as published in 26 F.R. 10002, 10241, and as amended by 27 F.R. 1463, is further amended by revising paragraph E. 2 to read as follows:

E. *Leases.* 1. * * *

2. To make lease extension agreements or supplemental agreements for terms not exceeding five years and $20,000 annual rental.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-2926; Filed, Mar. 26, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

REDELEGATIONS OF AUTHORITY

The Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), as amended May 24, 1961 (26 F.R. 4460), August 4, 1961 (26 F.R. 7019), and October 7, 1961 (26 F.R. 9520) is hereby amended as follows:

The statement of authority is amended to read as follows:

AUTHORITY: Sections 1 to 16, and 50 are issued under Secretary's Order No. 2563, 15 F.R. 3193; Secretary's Order No. 2860, 27 F.R. 591; 50 Stat. 731, as amended; 16 U.S.C. 832 et seq. Additional authority is cited in parentheses following the sections affected.

Paragraphs c(1) and c(4) of section 1 are amended to read as follows:

1. *Acting Administrator—Succession and authority.*

* * * * * *

c(1) The line of succession as Emergency Administrator in a civil defense emergency and regulations pertaining thereto are prescribed in a chapter of the Departmental Manual (205 DM 4). That chapter provides that when a civil defense emergency exists and the normal chain of command is not operative and the Administrator and all of the officials designated pursuant to 302 DM 4.9 are unable to function as Acting Administrator, the following officers or employees shall act as Emergency Administrator in the order indicated, when they have been officially advised or have determined that a civil defense emergency exists:

(a) Manager, Seattle Area Office
(b) Manager, Spokane Area Office
(c) Manager, Portland Area Office
(d) Manager, Walla Walla Area Office
(e) District Manager, Eugene, Oregon
(f) District Manager, Kalispell, Montana
(g) District Manager, Wenatchee, Washington

* * * * * *

(4) Officials exercising emergency authority as Administrator under paragraph c(1) above shall sign documents as "Emergency Administrator, Bonneville Power Administration." Officials exercising emergency authority as Administrator pursuant to paragraph c(2) above shall sign documents as "Emergency Administrator" followed by the appropriate designation of the described installation and the name of the bureau. For example, "Emergency Administrator, Walla Walla Area Office, Bonneville Power Administration."

Paragraph a(3)(a) of section 9 is amended to read as follows:

9. *Power sales, operations, and maintenance activities—a. Power management.*

* * * * * *

(3) The Chief of Power Operations may:

(a) Execute agreements with customers for the operation or maintenance of

their equipment installed on premises of the Administration or the customer;

Paragraph b(1) of section 10 is amended to read as follows:

10. *Claims.*

* * * * *

b(1) The Field Operations Officer may, when the amount involved does not exceed $500, exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act of August 20, 1937, as amended, with respect to determining, settling, compromising, or paying claims of or against the Administration for damage to real or personal property.

Dated: March 16, 1962.

CHARLES F. LUCE,
Administrator.

[F.R. Doc. 62-2881; Filed, Mar. 26, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GREELEY PRODUCERS LIVESTOCK MARKETING ASS'N ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Greeley Producers Livestock Marketing Ass'n, Greeley, Colorado.
Sandpoint Livestock Auction Company, Sandpoint, Idaho.
Three Rivers Livestock Auction, Three Rivers, Michigan.
Rushford Livestock Commission, Rushford, Minnesota.
Schuyler Livestock Pavilion, Schuyler, Nebraska.
Hertford-North Hampton Agricultural Association, Murfreesboro, North Carolina.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of March 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-2893; Filed Mar. 26, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

HYBRID CORN AND HYBRID SORGHUM SEED

Section 32 Diversion Program

1. *General statement.* (a) In order to encourage the domestic consumption of hybrid corn seed and hybrid grain sorghum seed (hereinafter sometimes referred to collectively as "seed") produced in the continental United States by diverting such seed from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress as amended, offers to make payments under the terms and conditions hereinafter set forth.

(b) Information pertaining to the diversion program and the forms provided for use in this program as prescribed hereunder may be obtained from the following:

Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.
Cincinnati ASCS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio.
State Agricultural Stabilization and Conservation Committees in the respective States.
County Agricultural Stabilization and Conservation Committees in the respective counties.

2. *Administration.* The program will be administered under the general direction and supervision of the Director, Grain Division, Agricultural Stabilization and Conservation Service, and in the field will be carried out by the Agricultural Stabilization and Conservation Service through the Cincinnati ASCS Commodity Office, the Agricultural Stabilization and Conservation State Committees and the Agricultural Stabilization and Conservation County Committees (hereinafter referred to, respectively, as "State Committees" or "County Committees"). The County Committees will authorize one or more employees of each ASC County Office to act as representative(s) of the United States Department of Agriculture (hereinafter referred to as "USDA") to receive and review applications for participation. State and County Committees, or their authorized representatives, do not have authority to modify or waive any of the provisions of this program.

3. *Area.* The diversion must take place in the continental United States.

4. *Period of program.* Applications for participation in the program must be received in the ASC County Office no later than April 30, 1962. Diversion of seed must have begun no earlier than the date of approval of the application and must be completed no later than June 30, 1962. Invoices for final payment must be postmarked no later than July 31, 1962.

5. *Eligible applicant.* Any individual, partnership, association or corporation located in the continental United States may apply for participation in the program, if the applicant: (a) Owns or operates facilities for, or contracts for, the processing of hybrid corn seed or hybrid sorghum seed, (b) grows hybrid corn seed or hybrid sorghum seed on his own or rented lands or contracts with farmers for the production of such seed, and (c) has records to support the data required on the application form.

6. *Application and approval for participation.* Applicants must execute Form ASCS 169 "Application for Participation" and submit it to the ASC County Office for the county within which the applicant's headquarters is located. The application will be forwarded by the ASC County Office to the Cincinnati ASCS Commodity Office for consideration. Applicants will be notified of the approval or nonapproval of their application by the Cincinnati ASCS Commodity Office which will return an executed copy of the application showing the quantity of seed, if any, approved for diversion. Approved applications may be amended to correct or change information shown thereon by agreement between the applicant and the Cincinnati ASCS Commodity Office, and the quantity of seed approved for diversion may be amended accordingly. An approved applicant is hereinafter referred to as the "diverter."

7. *Seed eligible for diversion.* Only hybrid grain sorghum seed which meets the minimum standards for pure seed and germination for certified seed in the State where it was grown and only flat grades of hybrid corn seed will be eligible for diversion under this program. Such seed must have been completely processed prior to diversion, except that it need not be sized, treated with fungicides or insecticides, or bagged, and must have been produced in the continental United States either (a) by the applicant on land owned or rented by the applicant or (b) for the applicant under contract between the applicant and farmers. For the purposes of this program, flat grades of corn seed shall be corn seed which passes through a $^{13}/_{64}$ inch by $^{3}/_{4}$ inch slot screen and remains on a $^{16}/_{64}$ inch round-hole screen.

8. *Quantities of seed eligible for diversion.* Only quantities of eligible seed shall be shown on the Application for Participation as the basis for computation of quantities which may be diverted pursuant to this program. The maximum quantity of eligible hybrid corn seed each diverter may divert shall be the lower of (a) the average annual quantity of such seed sold by him for domestic planting purposes in 1959 and 1960 minus the quantity of such seed sold for domestic planting purposes in 1961, or (b) the sum of the quantities obtained by multiplying the average annual quantity of hybrid corn seed sold by him in 1959 and 1960 in each State by the percentage of reduction in corn acreage in such State as shown in the table below. The maximum quantity of eligible hybrid grain sorghum seed each diverter may divert shall be the lower of (a) the quantity of such seed sold by him for domestic planting purposes in 1960 minus the quantity of such seed sold for domestic planting purposes in 1961, or (b) the sum of the quantities obtained by multiplying the quantity of hybrid sorghum seed sold by him in 1960 in each State by the percentage of reduction in grain sorghum acreage in such State as shown in the table below.

State	Percentage acres diverted	
	Corn	Sorghum
Maine	2.7	
New Hampshire		
Vermont	1.5	
Massachusetts	.6	
Rhode Island		
Connecticut	2.4	
New York	26.0	
New Jersey	19.9	
Pennsylvania	12.3	7.0
Ohio	24.2	16.6
Indiana	24.1	28.3
Illinois	19.4	31.4
Michigan	23.0	
Wisconsin	18.4	
Minnesota	21.3	18.1
Iowa	21.0	36.8
Missouri	35.9	35.0
North Dakota	29.2	40.0
South Dakota	18.2	25.1
Nebraska	22.1	38.7
Kansas	31.3	31.2
Delaware	23.5	
Maryland	14.8	
Virginia	15.4	9.7
West Virginia	6.0	
North Carolina	24.0	21.8
South Carolina	20.2	9.7
Georgia	10.5	12.4
Florida	18.3	21.7
Kentucky	30.1	23.8
Tennessee	26.0	26.6
Alabama	20.1	18.4
Mississippi	15.9	19.1
Arkansas	19.0	11.8
Louisiana	13.1	17.2
Oklahoma	21.5	30.1
Texas	21.1	27.2
Montana	36.1	
Idaho	8.3	
Wyoming	18.9	13.5
Colorado	22.1	30.8
New Mexico	11.7	26.8
Arizona	5.0	28.6
Utah	14.2	25.0
Nevada	17.8	
Washington	19.3	23.2
Oregon	23.4	20.0
California	23.2	24.9

9. *Diversion.* For the purposes of this program, diversion means (a) crushing, grinding, cracking, or similar initial processing, (b) commingling with nonseed commercial stocks of corn, sorghum, or other grains, or (c) handling in such other manner as is approved by the Administrator or his designee. Any such initial processing, commingling, or handling shall be such as will assure that the hybrid corn seed or hybrid grain sorghum seed will lose its identity as seed and will be used for other than planting purposes. The diverter is responsible for making arrangement with the County Committee of the county in which the seed is to be diverted for the presence of a representative at the time of diversion. The County Committee representative must be given an opportunity to identify the seed prior to diversion, must witness the diversion, and must be furnished with acceptable evidence of the quantity diverted.

10. *Payment.* Payment shall be made at the rate of $1.50 for each bushel of hybrid corn seed approved for diversion and diverted, and at the rate of $1.20 for each bushel of hybrid grain sorghum seed approved for diversion and diverted: *Provided, however,* That, regardless of the quantity of seed the diverter is eligible to divert or the quantity of seed actually diverted, no payment shall be made for the diversion of hybrid corn seed or hybrid grain sorghum seed, or both, which will result in a total payment of more than $20,000 to any individual, partnership, association or corporation. For the purposes of the foregoing proviso, a parent company (whether individual, partnership, association or corporation) and its subsidiaries or affiliates shall be treated as a single entity. A parent company is one which either owns or controls the activities on basic business policies of another company. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; a company which is able to formulate, determine or veto basic business policy decisions of another company is considered the parent company of such other company. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise. Payment will be made upon submission of invoices as provided in section 11 of this program.

11. *Claims for payment*—(a) *Invoice for advance payment.* The diverter may submit to the County Committee to which application was made an invoice for advance payment of 75 percent of the amount of diversion payment, computed on the basis of the quantity of seed covered by his approved application, or for advance payment of $15,000, whichever is less. No advance payment will be made unless the invoice for such payment is accompanied by an indemnity bond as provided in section 12 of this program.

(b) *Invoice for final payment.* Within 30 days following diversion of the seed, but not later than July 31, 1962, the diverter shall submit an invoice for final payment to the County Committee to which application was made. This invoice shall show (1) the quantity of seed diverted and the amount of diversion payment earned at the applicable rates of payment, and (2) the amount of any advance payment received. If the amount earned is less than the amount received as an advance payment, the diverter shall submit with this invoice a check or money order made payable to USDA, Agricultural Stabilization and Conservation Service, for the amount of overpayment.

12. *Indemnity bond.* Each diverter applying for an advance payment shall submit with his invoice for advance payment an indemnity bond in an amount equal to the advance payment requested. The indemnity bond shall be executed on Form ASCS 170 "Indemnity Bond" by the principal and two individual sureties or one recognized bonding company. The individual sureties or the bonding company shall agree to indemnify USDA in the amount of any payment made by USDA with respect to any quantity of seed not diverted. USDA may disapprove any bond if for any reason any surety does not, in the opinion of USDA, afford USDA full protection and security.

13. *Certificate of diversion.* The invoice for final payment shall be supported by Form ASCS 171 "Certificate of Diversion," signed by an authorized representative of the County Committee for the county in which the diversion was accomplished. Certificates of Diversion may be obtained from the ASC County Office.

14. *Compliance with program.* If USDA determines that any quantity of seed with respect to which payment is claimed under this program was used for planting purposes, whether by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such seed, shall refund to USDA any payment made in connection with such seed, and shall be liable to USDA for any other damages incurred as a result of such failure to use the seed for other than planting purposes. Persons making any misrepresentation of fact in connection with this program for the purpose of defrauding USDA will be subject to the applicable civil and criminal provisions of the United States Code.

15. *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such seed as is being diverted or stored for diversion and to inspect and examine the diverter's facilities for processing seed in order to determine to what extent there is or has been compliance with provisions of this program.

16. *Records and accounts.* The diverter shall keep accurate records and accounts with respect to any seed diverted under this program. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts, and of any other records and accounts upon which his application or claim is based, in order to determine the accuracy of the data submitted on the application and to determine to what extent there is or has been compliance with the provisions of this program. All such records and accounts shall be retained by the diverter for three years after the date of the final payment to him under this program.

17. *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due to diverter hereunder. Such set-off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

18. *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the

Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS 66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS 347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the ASC State Office or the Washington office shown in section 1.

19. *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

20. *Amendment and termination.* This program may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any seed diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 22, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2911; Filed, Mar. 26, 1962; 8:50 a.m.]

Commodity Credit Corporation

DIRECTORS OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COMMODITY OFFICES, ET AL.

Designation of Agents To Receive Service of Process

The Directors and Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices and the State Executive Directors and Acting State Executive Directors of the State Agricultural Stabilization and Conservation Service Offices, are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective states in which the offices of such agents are located. The name and address of the individual occupying any such position at the time suit is instituted may be obtained from the local County Agricultural Stabilization and Conservation Service Office or from Commodity Credit Corporation, Washington 25, D.C.

This supersedes the designation of agents to receive service of process issued by the Vice President, Commodity Credit Corporation, and dated September 29, 1954, 19 F.R. 6457.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

MARCH 22, 1962.

[F.R. Doc. 62-2912; Filed, Mar. 26, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MAYONNAISE, FRENCH DRESSING, AND SALAD DRESSING DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Kraft Foods Division of National Dairy Products Corporation, Chicago, Illinois, to cover interstate marketing tests of mayonnaise, french dressing, and salad dressing each containing calcium disodium ethylenediaminetetraacetate added as a chemical preservative. Each of the foods covered by this permit differs from one meeting the requirements of the respective identity standard (§ 25.1, 25.2, or 25.3 of Title 21), in that it contains the specified preservative. These articles are to bear the label statement "Calcium disodium ethylenediaminetetraacetate added as a preservative". This permit expires February 1, 1963.

Dated: March 20, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2889; Filed, Mar. 26, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13460; Order No. E-18133]

ALASKA AIRLINES, INC.

Reduced Passenger and Cargo Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1962.

Alaska Airlines, Inc. has filed a tariff marked to become effective March 24, 1962, proposing passenger and cargo charter rates for L-1649A-F aircraft of $2.50 per live mile and $2.00 per ferry mile, except between points in the 50 states and Canada the proposed cargo live rates are $2.40 per mile.

The proposed rates appear to be below the general pattern of rates established for L-1649A, L-1049H, and DC-7 type aircraft and significant question is raised as to their lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,[1] the Board has concluded to suspend the operation of such L-1649A-F tariff proposal and the use thereof pending investigation, insofar as it involves interstate and overseas air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions for the charter of L-1649A-F aircraft on 29th Revised Page 5 of Alaska Airlines, Inc. C.A.B. No. 23, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful charges and provisions.

2. Pending investigation, hearing and decision by the Board, the charter, ferry, layover, and minimum charges and provisions for L-1649A-F aircraft, so far as applicable to interstate and overseas air transportation, appearing on 29th Revised Page 5 of Alaska Airlines, Inc. C.A.B. No. 23, are suspended and their use deferred to and including June 21, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. This order be filed with the aforesaid tariff and copies be served upon Alaska Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2905; Filed, Mar. 26, 1962; 8:49 a.m.]

[1] Overseas National Airways, Order E-16462 dated March 2, 1961; Flying Tiger, Order E-17789, December 1, 1961, and Order E-18097, February 19, 1962; Trans International, Order E-18060, March 1, 1962.

[Docket 13487; Order No. E-18136]

SLICK AIRWAYS, INC., AND FLYING TIGER LINE INC.

Proposed and Effective Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of March 1962.

Slick Airways, Inc., has filed a tariff marked to become effective March 25, 1962, proposing cargo one-way directional trip charter rates from Hilo and Honolulu, on the one hand, to Los Angeles and San Francisco, on the other, of $3,200 for L-1049H aircraft and $4,800 for CL-44D aircraft. The Flying Tiger Line Inc. has in effect since December 3, 1961, a tariff producing the same respective rates for these aircraft applicable to Los Angeles only.

The proposed rates are approximately $1.25 per mile to Los Angeles and $1.35 per mile to San Francisco for L-1049H aircraft and $1.90 to Los Angeles and $2.00 to San Francisco for CL-44D aircraft. Slick's current general charter tariff for United States-Hawaii all-cargo charters specifies a rate of $3.50 per live mile and $3.25 per ferry mile for L-1049H aircraft; no rate is filed for CL-44D charters. Flying Tiger's current general charter tariff for continental United States-Hawaii cargo charters provides for a rate of $2.75 per live mile and $2.00 per ferry mile for L-1049H aircraft and $4.25 per live mile and $3.50 per ferry mile for CL-44D aircraft.

Slick's proposed rates to Los Angeles and San Francisco and Flying Tiger's comparable effective rates to Los Angeles on a per mile basis are well below these carriers' L-1049H general charter cargo rates of $3.50 and $2.75 per mile, respectively, for the same equipment between Hawaii and the continental United States. Slick does not have CL-44D general charter rates that can be compared but Flying Tiger's CL-44D current trip cargo charter rates on a per mile basis are also well below its CL-44D general cargo charter rates of $4.25 per mile between Hawaii and continental United States. These trip charter rates result in per mile rates that are less than 50 percent of such general cargo charter rates between continental United States and Hawaii. Also, the proposed and effective rates on a per mile basis are below the carriers' reported L-1049H direct aircraft operating expenses, there being no extensive CL-44D experience at present. They do not appear to be justified on an economic basis. Slick has submitted no data in support of its very low trip charter rates.

Upon consideration of Slick's proposed tariff and Flying Tiger's effective cargo trip charter tariff for partly comparable service, and all relevant matters, the Board finds the level of the rates involved may be uneconomically low. Accordingly, the Board finds that the trip cargo charter rates of Slick and Flying Tiger may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the marked departure of Slick's proposed trip cargo charter rates from Hilo and Honolulu to San Francisco from the prevailing level of general cargo charter rates between Hawaii and the continental United States for comparable aircraft, the Board has concluded to suspend that part of Slick's proposed tariff that proposes cargo trip charter rates from Hilo/Honolulu to San Francisco of $3,200 on L-1049H aircraft and $4,800 on CL-44D aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions on 1st Revised Page 4-B of The Flying Tiger Line, Inc., C.A.B. No. 32, and the rates and provisions on Original Page 5 of Slick Airways, Inc., C.A.B. No. 21, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates, charges, and provisions.

2. Pending investigation, hearing and decision by the Board, the rates per trip for the charter of L-1049H and CL-44D equipment from Hilo, Hawaii, or Honolulu, Hawaii to San Francisco, California, on Original Page 5 of Slick Airways, Inc., C.A.B. No. 21, are suspended and their use deferred to and including June 22, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with Slick Airways, Inc., C.A.B. No. 21, and copies be served upon The Flying Tiger Line, Inc., and Slick Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2906; Filed, Mar. 26, 1962; 8:49 a.m.]

[Docket 11879, Agreement C.A.B. 16318; Order No. E-18136]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement was adopted by mail vote and has been assigned the above-designated C.A.B. Agreement number.

The agreement amends the specific commodity descriptions for Item 2419 to read, "Shoes and Slippers, i.e., finished; Shoe and Slipper Soles, Heels and Upper Leather; N.E.S., excluding any other parts thereof" and, in addition, names the specific commodity rates set forth below:

Item 0495 Strawberries. Rate 66 cents per kilogram, minimum weight 1,000 kilograms, from New York to London.

Item 3005 Gold Bullion, viz: Refined or Unrefined Gold in Ingot Form, Dore Bullion, Gold Specie and Semi-Manufactured Products of Gold. Rates 338 cents per kilogram, minimum weight 100 kilograms, New York to London; 367 cents per kilogram, minimum weight 100 kilograms, New York to Amsterdam/Paris; 397 cents per kilogram, minimum weight 100 kilograms, New York to Basle/Berne/Geneva/Zurich.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in Resolution JT12 (Mail 264) 590k, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly: *It is ordered:*

1. That Agreement C.A.B. 16318 is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2907; Filed, Mar. 26, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-CE-66]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of Hearing

The State of Minnesota, Department of Aeronautics, has petitioned the Administrator for a hearing with respect to the determination issued by the Agency's Obstruction Evaluation Branch under this docket number on December 27, 1961 (27 F.R. 268), that an antenna structure proposed by the Tri-County Broadcasting Company, Sauk Rapids, Minnesota, near Sauk Rapids, would not be a hazard to air navigation.

The Administrator has determined that the petition has an adequate foundation and has granted the requested hearing in order to determine the effect of the proposed construction on the safety of aircraft and efficient utilization of the navigable airspace.

Notice is hereby given that a prehearing conference will be held at 10:00 a.m., April 18, 1962, and a public hearing will be held at 10:00 a.m., April 19, 1962, in the Hiawatha Room, Parkway Motor Court, 4757 Hiawatha Avenue, Minneapolis, Minnesota.

The following are designated as parties to the hearing:

State of Minnesota, Department of Aeronautics.
National Association of State Aviation Officials.
Air Line Pilots Association.
Tri-County Broadcasting Company.
The City of St. Cloud, Minnesota (Owner and Operator of Whitney Memorial Airport).

Designation as a party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a party to the hearing.

Issued: March 19, 1962.

CLIFFORD P. BURTON,
Presiding Officer.

[F.R. Doc. 62-2877; Filed, Mar. 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14578]

JAMES R. COTTON

Order To Show Cause

In the matter of James R. Cotton, Whittier, California, Docket No. 14578; order to show cause why there should not be revoked the license for radio station 11Q0712 in the citizens radio service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on January 29, 1962, alleging that on December 23, 1961, Citizens radio station 11Q0712 was operated in violation of § 19.61 (a), (c), and (f) of the Commission's rules, in that the transmissions contained communications which were not purposeful or substantive to the licensee's business or personal needs; and the length of the communications exceeded practical transmission time; and

It further appearing that the above-named licensee did not reply to the Official Notice of Violation, whereupon the Commission, by letter dated March 7, 1962, and sent by Certified Mail—return receipt requested (Certified No. 97282) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of radio station license; and

It further appearing that, although more than ten days have elapsed since the above-described letter was sent to the licensee, no response has been made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules:

It is ordered, This 20th day of March 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last address of record, 13813 Crewe Street, Whittier, California.

Released: March 21 ,1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2913; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket No. 14407 etc.; FCC 62M-419]

GRAND BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950; West Michigan Telecasters, Inc., Grand Rapids, Michigan, Docket No. 14469, File No. BPCT-2956; MKO Broadcasting Corporation, Grand Rapids, Michigan, Docket No. 14470, File No. BPCT-2959; Major Television Company, Grand Rapids, Michigan, Docket No. 14471, File No. BPCT-2960; Peninsular Broadcasting Company, Grand Rapids, Michigan, Docket No. 14472, File No. BPCT-2962; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the petition for extension of procedural dates filed on March 9, 1962 by Atlas Broadcasting Company;

It appearing that all parties except Grand Broadcasting Company have consented to grant of the said petition and the time for filing oppositions has expired with no opposition having been filed by Grand Broadcasting Company;

It further appearing that good cause for a grant of the said petition is shown;

It is ordered, This 20th day of March 1962 that the said petition is granted; the date for exchange of exhibits is extended from April 2, 1962, to April 16, 1962, and the date for an informal conference on said exhibits is extended from April 16, 1962, to April 30, 1962;

It is further ordered, That the date for commencement of formal hearing presently scheduled for May 7, 1962, is continued to May 21, 1962, commencing at 10:00 a.m. in the Commission's offices at Washington, D.C.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2914; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket No. 8716 etc.; FCC 62M-425]

GREENWICH BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; WPD, Incorporated, Danbury, Connecticut, Docket No. 14569, File No. BP-13035; Robert R. Pauley, Peter Taylor and Fred Schottland, d/b as New Canaan Broadcasting Company, New Canaan, Connecticut, Docket No. 14570, File No. BP-13293; Northcastle Radio, Inc., North White Plains, New York, Docket No. 14571, File No. BP-13940; Richard Hodgson and John F. Dickinson, d/b as Fairfield Broadcast Service, New Canaan, Connecticut, Docket No. 14572, File No. BP-14100; Rhode Island-Connecticut Radio Corporation, Madison, Connecticut, Docket No. 14573, File No. BP-14103; Blair A. Walliser, tr/as Milford Broadcasting Co., Milford, Connecticut, Docket No. 14574, File No. BP-14106; The Berkshire Broadcasting Corporation, Stratford, Connecticut, Docket No. 14575, File No. BP-14354; James Stolcz, Shelton, Connecticut, Docket No. 14576, File No. BP-14355; for construction permits.

It is ordered, This 21st day of March 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 6, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 23, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2915; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-422]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Continuing Hearing

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

The Hearing Examiner having under consideration a "Petition for Change of Hearing Date" filed March 16, 1962 in the above-entitled matter, and

It appearing that counsel for the other parties have agreed to a grant of the petition and that good cause therefor has been shown:

It is ordered, This 20th day of March 1962, that the aforesaid petition is granted and that the hearing now scheduled for March 26, 1962, is changed to April 9, 1962, at 10:00 a.m., in the Commission's offices in Washington, D.C.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2916; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket No. 13313 etc.; FCC 62M-414]

IOWA CITY BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP-13877; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP-13902; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP-14618; for construction permits.

A prehearing conference in the above-entitled matter having been held on March 19, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order:

It is ordered, This 19th day of March 1962, that:

(1) The direct affirmative cases of the parties shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all such proposed exhibits shall be exchanged among the parties on April 10, 1962, but that such proposed exhibits may be amended or reformed at any time prior to April 24, 1962;

(3) Copies of all such proposed exhibits shall be exchanged in final form on April 24, 1962;

(4) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party, shall give notification thereof on or before May 1, 1962;

It is further ordered, That the hearing herein heretofore scheduled to commence on April 17, 1962, is continued to May 8, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2917; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-426]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Scheduling Prehearing Conference

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

It is ordered, This 20th day of March 1962, on the Hearing Examiner's own motion, that a further prehearing conference in this proceeding will be held at 10:00 a.m., April 3, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2918; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket No. 14504; FCC 62M-420]

PIONEER STATES BROADCASTERS, INC.

Order Continuing Hearing

In re application of Pioneer States Broadcasters, Inc., West Hartford, Connecticut, Docket No. 14504, File No. BP-14060; for construction permit.

Pursuant to the agreements reached at the prehearing conference held on March 19, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled for April 17, 1962, is continued to May 15, 1962.

It is so ordered, This the 19th day of March 1962.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2919; Filed, Mar. 26, 1962; 8:50 a.m.]

[Docket No. 12949; FCC 62M-421]

SOUTH MINNEAPOLIS BROADCASTERS

Order Continuing Hearing

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-14046; for construction permit.

A prehearing conference in the above-entitled matter having been held on March 20, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order:

It is ordered, This 20th day of March 1962, that:

(1) All written exhibits to be offered in evidence in the presentation of the direct affirmative case of the applicant shall be under oath and copies thereof supplied the other parties hereto on April 16, 1962, but all such proposed exhibits may be amended or reformed at any time prior to May 7, 1962;

(2) Copies of all such proposed exhibits in final form shall be supplied the other parties hereto by the applicant on May 7, 1962;

(3) In the event any party other than the applicant shall wish to offer exhibit evidence in rebuttal to the matters contained in the applicant's exhibits, such exhibits shall be under oath and copies thereof supplied the other parties to this proceeding on May 21, 1962;

(4) Any exhibits actually offered in evidence by any party shall be offered through witnesses present at the hearing qualified to establish the competence of the exhibits;

It is further ordered, That the hearing herein heretofore scheduled to commence on April 19, 1962, is continued to May 31, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2920; Filed, Mar. 26, 1962; 8:51 a.m.]

[Docket No. 14577; FCC 62M-427]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Scheduling Hearing

In re application of Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

It is ordered, This 21st day of March 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 21, 1962, in Washington, D.C.: *And, It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, April 23, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2921; Filed, Mar. 26, 1962; 8:51 a.m.]

[Docket No. 14367 etc.; FCC 62-306]

VETERANS BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, et al., Docket No. 14367, File No. BPCT-2912; et al.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration a petition to enlarge issues, filed January 8, 1962, by WAGE, Inc., and pleadings properly filed in response thereto.[1]

2. WAGE seeks to have the issues enlarged to include a determination of the location of the A and B contours of the applicants; a comparison of the areas and populations within such contours which might be expected to receive actual service; and, in the event it is established that any applicant would serve areas and populations not served by its competitors, a determination of the number of services presently available to such areas and populations.

3. The petitioner does not submit maps showing the differences in coverage; instead, it relies upon the showing made by each of the applicants. Since the petitioner alleges that it replotted the contours shown in a number of the applications, these maps should have been submitted to facilitate Commission consideration of its request. However, in view of the differences in coverage, as shown by the engineering information submitted with each of the applications, the requested issues will be added. Whether these differences are of decisional significance, and the weight which can be accorded to them, will be determined after the evidentiary hearing.

4. It should be noted that the contended differences in coverage stem large from that fact that WAGE's engineering proposal is based on the use of the Commission's equivalence charts and differs from the maximum power and antenna height appearing in our Report and Order allocating Channel 9 to Syracuse. Its proposal has been approved by the Canadian government. In view of the foregoing, our action here in enlarging the issues is without prejudice to any of the other applicants filing amendments to their applications specifying engineering proposals based on our equivalence charts, subject to the limitation that these proposals, if any are tendered, must be approved by the Canadian government as was the case of the WAGE proposal.

Accordingly, it is ordered, That the petition to enlarge issues filed by WAGE, Inc. on January 8, 1962, is granted; that the existing Issue No. 10 is renumbered Issue No. 11; and the issues in this proceeding are enlarged as follows:

10(a) To determine the location of the proposed Grade A and B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(c) In the event the proof under (a) and (b) shall establish that any or all of the applicants will bring actual service to areas and populations not served by its competitors, to determine the number of services, if any, presently available to such areas and populations.

Adopted: March 21, 1962.

Released: March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2922; Filed, Mar. 26, 1962; 8:51 a.m.]

[1] Because the original designation order contemplated that other applications would be consolidated in the hearing, and in view of the fact that the petition requests an issue involving a comparison of all applicants, it is concluded that petitioner had good cause for delaying the filing of its petition until the second group of applicants was consolidated.

[Docket Nos. 13796, 13803; FCC 62M-415]

WESTERN BROADCASTING CO. AND R. L. McALISTER

Order Continuing Hearing

In re applications of David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, Odessa, Texas, Docket No. 13796, File No. BP-12329; R. L. McAlister, Odessa, Texas, Docket No. 13803, File No. BP-13058; for construction permits.

On the Hearing Examiner's own motion, pursuant to informal suggestion of Commission counsel: It is ordered, This 20th day of March 1962, that the hearing following remand in this matter heretofore postponed to May 1, 1962, is hereby rescheduled for May 2, 1962, at 10:00 a.m., in the offices of the Commission, at Washington, D.C., in order to facilitate travel arrangements of witnesses.

Released: March 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2923; Filed, Mar. 26, 1962; 8:51 a.m.]

[Docket No. 13748; FCC 62M-410]

WILLAMETTE-LAND TELEVISION, INC.

Order Continuing Hearing Conference

In re application of Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permit for new television broadcast station (Channel 3).

Upon joint oral request of the parties in the above-entitled matter: *It is ordered,* This 19th day of March 1962, that the prehearing conference now scheduled for March 21, 1962, be and it hereby is rescheduled to commence at 9:30 a.m., March 28, 1962, in the Commission's offices in Washington, D.C.

Released: March 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2924; Filed, Mar. 26, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 372]

WEST VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1962, because of the effects of certain disaster, damage resulted to residences and business property located in Wayne County in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 1, 1962.

Offices—
Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va.
Small Business Administration Branch Office, United States Courthouse & Federal Building, Room 3000, 500 Quarrier Street, Charleston, W. Va.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 9, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2885; Filed, Mar. 26, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18442 etc.]

SENECA GAS COMPANY OF WEST VIRGINIA, INC., ET AL.

Notice of Application, Consolidation and Date of Hearing

MARCH 21, 1962.

Seneca Gas Company of West Virginia, Inc., Docket No. G-18442; Atlantic Seaboard Corporation, Docket No. CP62-67; Seneca Gas Company of West Virginia, Inc., Complainant, Docket No. CP62-115; vs. Navgas, Inc., Defendant, Docket No. CP61-251.

Notice of the application of Seneca Gas Company of West Virginia, Inc. (Seneca) in Docket No. G-18442 was issued by the Secretary of the Commission on December 2, 1959, and published in the FEDERAL REGISTER on December 8, 1959 (24 F.R. 9918) setting said matter for hearing on January 11, 1960. On January 7, 1960, said hearing was continued, subject to further notice by the Secretary.

Notice of the application of Atlantic Seaboard Corporation (Seaboard) in Docket No. CP62-67 and of the complaint of Seneca Gas Company of West Virginia, Inc. Complainant, vs. Navgas, Inc., Defendant in Docket No. CP62-115 was issued February 2, 1962 and published in the FEDERAL REGISTER on February 9, 1962 (27 F.R. 1232), setting said matters for hearing on a consolidated record on April 9, 1962.

Take further notice that Navgas, Inc., a West Virginia Corporation, having its principal place of business at 809 Kanawha Valley Building, Charleston, West Virginia, filed on March 22, 1961, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Atlantic Seaboard Corporation to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Navgas, Inc., and to sell and deliver to Navgas, Inc., its natural gas requirements.

On March 16, 1962, Navgas, Inc., filed an amendment to its application, and in lieu of the request for relief under section 7(a) requests a finding and order that no certificate is required or in the alternative an order issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of approximately 24.2 miles of 6⅝-inch pipeline, and appurtenant facilities from a point of connection with the facilities of Atlantic Seaboard Corporation in Hardy County, West Virginia, southerly to the Navy Radio Research Station near Sugar Grove, West Virginia, for the purpose of delivering and selling natural gas to said station.

Applicant estimates the total peak day and annual sales as follows:

12-month period	Peak day demand (Mcf)	Annual requirements (Mcf)
June 30, 1963	1,400	199,000
June 30, 1964	1,700	440,000
June 30, 1965	2,000	549,000

Total estimated cost of Applicant's facilities is $632,100, to be financed by short-term borrowing, which, in turn, will be liquidated from the proceeds of the Department of the Navy's connection charge.

The application in this Docket No. CP61-251 is on file with the Commission and open for public inspection.

This application should be heard on a consolidated record with the proceedings in Seneca Gas Company of West Virginia, Inc., et al., Docket Nos. G-18442 et al., and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-18442, CP61-251, and CP62-67 and also by the complaint and answer in Docket No. CP62-115.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 4, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2878; Filed, Mar. 26, 1962; 8:46 a.m.]

[Docket Nos. RI62-357—RI62-371]

TIDEWATER OIL CO. ET AL.

Order Providing for Hearings and Suspension of Proposed Changes in Rates and Allowing Proposed Increased Rates To Become Effective Subject to Refund [1]

MARCH 20, 1962.

Tidewater Oil Company, Docket No. RI62-357; The Texstar Corporation, et al., Docket No. RI62-358; General Crude Oil Company (Operator), et al., Docket No. RI62-359; Austral Oil Company, Incorporated (Operator), Agent for Oil Participations, Incorporated, Docket No. RI62-360; Sohio Petroleum Company, Docket No. RI62-361; Mayflo Oil Company (Operator), et al., Docket No. RI62-362; N. Bruce Calder and Curtis E. Calder Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI62-363; Texaco Inc., Docket No. RI62-364; Edwin L. Cox, Docket No. RI62-365; Edwin L. Cox (Operator), et al., Docket No. RI62-366; Anadarko Production Company, Docket No. RI62-367; Standard Oil Company of Texas, A Division of California Oil Company, Docket Nos. RI62-368 and RI62-369; Standard Oil Company of Texas, A Division of California Oil Company (Operator), Docket No. RI62-370; Standard Oil Company of Texas, A Division of California Oil Company (Operator), et al., Docket No. RI62-371.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. Sales made in Docket Nos. RI62-357, RI62-358, RI62-359, and RI62-360 are made at a pressure base of 15.025 psia, and all other sales are made at a pressure base of 14.65 psia. Standard Oil Company of Texas, A Division of California Oil Company, in Docket No. RI62-368, Standard Oil Company of Texas, A Division of California Oil Company, in Docket No. RI62-369, Standard Oil Company of Texas, A Division of California Oil Company (Operator), in Docket No. RI62-370, and Standard Oil Company of Texas, A Division of California Oil Company (Operator), et al., in Docket No. RI62-371, has submitted seven rate schedule supplements involving renegotiated rates for gas sales to El Paso Natural Gas Company in the Permian Basin Area. Three of the renegotiations result in increases (two supplements in Docket No. RI62-368; and one supplement in Docket No. RI62-371) totaling $2,949 annually, three result in rate decreases (two supplements in Docket No. RI62-369; and one supplement in Docket No. RI62-371) totaling $58,157 annually, and one renegotiation that results in no change in the currently effective rate. The renegotiated rates are provided by amendatory agreements entered into pursuant to El Paso's contract renegotiation program in the Permian Basin Area, and are submitted in replacement of previously filed favored nation rates which are now in effect subject to refund. All of the proposed rates exceed the 11.0 cents per Mcf ceiling for increased rates in the Permian Basin Area of Texas and New Mexico. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several mattere covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents Per Mcf: Rate in effect	Cents Per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-357...	Tidewater Oil Co., P.O. Box 1404, Houston 1, Tex.	102	2	American Louisiana Pipeline Co. (Lacassine Refuge Field, Cameron Parish, La.).	$35,119	2-23-62	4-1-62	9-1-62	19.75	[2] 22.25	
RI62-358...	The Texstar Corp., et al., 2000 National Bank of Commerce Bldg., San Antonio 5, Tex.	4	7	American Louisiana Pipeline Co. (West Little Chenier Field, Cameron Parish, La.).	8,641	2-23-62	3-26-62	8-26-62	19.75	[2] 22.25	
RI62-359...	General Crude Oil Co. (Operator), et al., P.O. Box 2252, Houston 1, Tex.	9	13	United Fuel Gas Co. (Little Pecan Lake Field, Cameron Parish, La.).	3,204	2-27-62	4-1-62	9-1-62	20.8	[2] 21.2	
RI62-360...	Austral Oil Co., Inc. (Operator), agent for Oil Participations Inc., 300 San Jacinto Bldg., Houston 2, Tex.	8	5	American Louisiana Pipeline Co. (West Little Chenier Perdue Field, Cameron Parish, La.).	8,984	2-26-62	3-29-62	8-29-62	19.75	[2] 22.25	
RI62-361...	Sohio Petrolem Co., 970 First National Office Bldg., Oklahoma City 2, Okla.	32	6	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	108	2-12-62	3-21-62	8-21-62	17.0	[3] [4] 17.2	R161-[illegible]
		6		do	95	2-12-62	3-21-62	8-21-62	17.0	[3] [5] 17.2	R161-[illegible]
		33	2	Natural Gas Pipeline Co. of America (East Camrick Field, Beaver County, Okla.).	35	2-12-62	3-21-62	8-21-62	17.0	[3] [5] 17.2	
		59									
RI62-362...	Mayflo Oil Co., (Operator), et al., 1435 Republic National Bank, Dallas 1, Tex.	4	3	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.).	720	2-12-62	3-21-62	8-21-62	16.8	[4] 17.2	
RI62-363...	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al., 1818 Republic National Bank, Bldg., Dallas 1, Tex.	11	3	do	60	2-23-62	3-26-62	8-26-62	17.0	[3] 17.2	R161-[illegible]
		12	2	do	290	2-23-62	3-26-62	8-26-62	17.0	[3] 17.2	R161-[illegible]
RI62-364...	Texaco Inc., P.O. Box 2332, Houston, Tex.	173	2	Panhandle Eastern Pipe Line Co. (Richfield Area, Morton County, Kans.).	486	2-19-62	4-11-62	9-11-62	16.0	[3] 17.0	
RI62-365...	Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.	8	6	Natural Gas Pipeline Co. of America (Texas County, Okla.).	229	2-19-62	3-22-62	8-22-62	17.0	[3] 17.2	R161-[illegible]
		15	6	Panhandle Eastern Pipe Line Co. (Texas County, Okla.).	245	2-19-62	3-22-62	8-22-62	16.8	[3] 17.0	R161-[illegible]
RI62-366...	Edwin L. Cox (Operator), et al.	19	4	Natural Gas Pipeline Co. of America (Beaver County, Okla.).	394	2-19-62	3-22-62	8-22-62	17.0	[3] 17.2	R161-[illegible]
RI62-367...	Anadarko Production Co., P.O. Box 351, Liberal, Kans.	17	2	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	276	2-23-62	3-26-62	8-26-62	17.0	[3] 17.2	R161-[illegible]
		29	2	Natural Gas Pipeline Co. of America (Southeast Boyd Field, Beaver County, Okla.).	364	2-23-62	3-26-62	8-26-62	17.0	[3] 17.2	R161-[illegible]
RI62-368...	Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston 1, Tex.	25	4	El Paso Natural Gas Co. (Pecos Valley Fusselman Field, Pecos County, Tex.) (R.R. Dist. No. 8).	624	2-26-62	3-29-62	8-29-62	15.06875	[6] 15.70926	R160-[illegible]
		23	6	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	967	2-26-62	3-29-62	8-29-62	15.06875	[11] 15.55967	R160-[illegible]
RI62-369...	Standard Oil Co. of Texas, a division of California Oil Co.	35	7	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).	[7] 135	2-26-62	3-29-62	[13] 3-30-62	[9] 17.06566	[6] [8] 15.55967	R161-[illegible]
		34	7	do	[7] 49	2-26-62	3-29-62	[13] 3-30-62	[9] 17.06566	[6] [8] 15.55967	R161-[illegible]
		28	4	El Paso Natural Gas Co. (Wilshire Ellenburger-Amacker Tippett Field, Upton County, Tex.) (R.R. Dist. No. 7c).		2-26-62	3-29-62	[13] 3-30-62	13.68225	[10] 13.68225	R160-[illegible]
RI62-370...	Standard Oil Co. of Texas, a division of California Oil Co. (Operator).	22	8	El Paso Natural Gas Co. (Kelly-Snyder Field, Scurry County, Tex.) (R.R. Dist. No. 8).	1,358	2-26-62	3-29-62	[13] 3-30-62	16.1080	[11] 16.2160	R160-[illegible]
RI62-371...	Standard Oil Co. of Texas, a division of California Oil Co. (Operator), et al.	36	6	El Paso Natural Gas Company (various fields, Lea County, N. Mex.).	[7] 19,320	2-26-62	3-29-62	[13] 3-30-62	16.61727	[6] 16.1114	R161-[illegible]
				do	[7] 38,653				17.06566	[6] 15.55967	R161-[illegible]

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] Periodic rate increase.
[3] Subject to downward Btu adjustment.
[4] Two-step periodic adjustment.
[5] Includes deduction of 0.4466 cents per Mcf for sour gas.
[6] Renegotiated increase filed to supersede a favored nation increase previously filed.
[7] Amount of annual decrease.
[8] Decrease filed to supersede a favored nation increase previously filed.
[9] Includes deduction of 0.4467 cents per Mcf for gas delivered below 600 psig.
[10] Renegotiated rate equals favored nation rate.
[11] Renegotiated-tax reimbursement.
[12] The suspension period is limited to 1 day.

The suspension periods applicable to Standard Oil Company of Texas in Docket Nos. RI62-369, RI62-370, and RI62-371 may be shortened to one day.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by the Standard Oil Company of Texas in Docket Nos. RI62-369, RI62-370, and RI62-371 suspended for one day, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before May 7, 1962.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 62-2879; Filed, Mar. 26, 1962; 8:46 a.m.]

[Docket No. G-20270]

UNITED FUEL GAS CO.

Order Conditionally Approving Rate Settlement and Providing for Limited Hearing

MARCH 20, 1962.

On November 17, 1961, United Fuel Gas Company (United Fuel), an affiliate in the Columbia Gas System, Inc., filed a motion requesting that the Commission issue an order approving a proposed rate settlement based upon a Stipulation and Agreement and a Supplement thereto submitted with such motion. The Stipulation and Agreement dated June 1, 1961,[1] was executed by United Fuel, all of its customers, and certain non-customer intervenors following a field investigation by the Commission staff of United Fuel's books, records, and operations and following conferences (concluded May 11, 1961) between United Fuel, its customers, non-customer intervenors, and members of the Commission staff. Simultaneously, United Fuel also filed a supplemental agreement dated October 16, 1961 (Exhibit II)[1] executed by the signatories to the settlement agreement other than City of Pittsburgh, Pennsylvania.

The Stipulation and Agreement provides for two costs of service[2] which are to be used as bases for determination of rate design after hearing. The first cost of service is for the test year ended March 31, 1960, and will be used as the basis for determining rates from April 5, 1960, the date increased rates originally proposed herein became effective subject to refund, until May 1, 1961; it reflects a reduction in jurisdictional revenues of about $8,949,300 on an annual basis. The second cost of service is based on the same test year but with adjustments to reflect increased purchased gas costs;[3] it will be used as the basis for determining rates from and after May 1, 1961, and reflects a reduction in jurisdictional revenues of about $8,325,000 on an annual basis.

Under that Stipulation and Agreement, two issues are reserved for hearing and determination by the Commission in this proceeding: (1) The level of the demand and commodity components of the rate in United Fuel's contract demand service rate schedule and the rate levels in its other rate schedules; and (2) the depreciation rates of United Fuel to be applied to its underground storage and transmission properties and to its Kenova Extraction Plant. After hearing and determination of the above issues, United Fuel will appropriately revise its present rates, effective subject to refund in this proceeding, and will make refunds, plus interest, reflecting the revisions in rates.

The Stipulation and Agreement also provides that United Fuel will not file increased rates and charges with the Commission prior to April 1, 1962, except in the event and to the extent that Tennessee Gas Transmission Company (Tennessee Gas) files for increased rates and charges to United Fuel. In addition, United Fuel shall further reduce its rates and make appropriate refunds if (1) Boldman Compressor Station, reflected in the costs of service (see Exhibit I, Appendix C),[1] is not transferred to United Fuel by Atlantic Seaboard Corporation;[4] and (2) if the State of Texas refunds to United Fuel severance beneficiary taxes reflected in the costs of service. Finally, United Fuel will further reduce its rates to the extent suppliers reduce rates to United Fuel which are reflected in the settlement costs of service; and United Fuel will make refunds to the extent and in the manner that suppliers make refunds to United of charges reflected in the costs of service.

The Supplement to the Agreement purports to revise a provision in the Agreement concerning the treatment of Tennessee Gas' present rates and charges to United Fuel. Prior to settlement negotiations, Tennessee Gas had filed increased rates and charges which became effective subject to refund on April 5, 1960, in the proceeding in Docket No. G-19983. The Commission determined that the rate of return reflected in Tennessee Gas' increased rates was excessive and by order of August 9, 1960, accordingly required Tennessee Gas to make refunds and to file interim revised rates subject to further determinations in Docket G-19983. It was provided in the United Fuel settlement Agreement, among other things, that Tennessee Gas' interim rates are to be reflected in the settlement costs of service. Subsequent to the execution of the settlement Stipulation and Agreement, the United States Court of Appeals for the Fifth Circuit affirmed on appeal the Commission's determination of Tennessee Gas' rate of return but disapproved the requirement that Tennessee Gas file interim rates.[5] Thereafter the signatories to the Stipulation and Agreement, other than City of Pittsburgh, executed a supplementary agreement providing in effect that the settlement costs of service be increased to reflect rates and charges to United Fuel at levels originally filed by Tennessee Gas in Docket No. G-19983. The Kentucky Cities and Pennsylvania Public Utility Commission, non-signatories to the Stipulation and Agreement, and City of Pittsburgh have filed objections to the Supplement.

Upon review of the Stipulation and Agreement (Exhibit I),[1] the studies in support thereof, and the Supplement thereto, we deem the proposed rate settlement as based on said Stipulation and Agreement and the studies in support thereof to be in the public interest, if modified as hereinafter indicated. However as to the Supplement, there appears to be no imminent prospect that the rates originally filed by Tennessee in Docket No. G-19983 will be reinstituted. The Supplement therefore appears unwarranted and should be disapproved. If changed conditions after hearing on the reserved issues warrant our reconsidering the proposal in the Supplement, United may then seek such relief as it deems necessary.

On our own motion, we deem it appropriate to add two conditions to our approval of the proposed rate settlement. The Agreement provides for flow-through by United Fuel of refunds from suppliers to the extent and in the same manner that the suppliers make refunds of charges reflected in the settlement costs of service. Since there will be a hearing on rate design it appears more appropriate to leave for determination in such hearing the manner in which refunds and rate reductions shall be made by United Fuel. We shall, therefore, condition our approval of the settlement agreement by providing for hearing on the manner of reducing rates and making refunds.

Another condition is appropriate with regard to the proceeding in Docket No. CP61-107. United Fuel and certain affiliates are seeking approval in that proceeding in Docket No. CP61-107.

[1] Filed as part of the original document.

[2] See Exhibit I, Appendix A, filed as part of the original document. The total costs there stated should be reduced by the elimination of adjustment (5), as provided in the settlement agreement, in accord with the recently final decision in City of Lexington, et al. v. F.P.C., 295 F. 2d 109 (CA4, 1961). This reduction renders moot certain objections filed by City of Pittsburgh, the Pennsylvania Public Utility Commission, and the Kentucky Cities group.

[3] These adjustments reflect increases by Columbian Fuel Corporation and increases which are effective subject to refund in certain Louisiana independent producer proceedings and in United Carbon Corporation, Docket No. RI61-269.

[4] Approval for the transfer of this and other facilities is being sought in the proceeding in Docket No. CP61-107.

[5] Tennessee Gas Transmission Company v. F.P.C., 293 F. 2d 761 (CA5, 1961), cert. granted, sub. nom. F.P.C. v. Tennessee Gas Transmission Company (October Term, 1961, No 591).

ceeding for the transfer of certain facilities to United Fuel. The settlement costs of service now reflect the costs of one of those facilities, Boldman Compressor Station,[6] but not other facilities which may be transferred to United Fuel. We believe that United Fuel should be permitted to file revised costs of service and associated revised rates, subject to our approval, which it may deem necessary and appropriate to transfer of facilities approved in the proceeding in Docket No. CP61–107.[7]

The Commission finds:

(1) The settlement of the proceeding in Docket No. G–20270 on the basis of the Stipulation and Agreement (Exhibit I),[1] as hereinafter modified, is reasonable, proper, and in the public interest in carrying out the provisions of the Natural Gas Act and the proposed rate settlement based thereon should be approved and made effective subject to the terms and conditions hereinafter ordered, but the Supplement (Exhibit II)[1] should be disapproved and rejected.

(2) The rates and charges in United Fuel's revised tariff sheets comprising Rate Schedules CDS–1, AOS–1, SGS–1, and ES–1, tendered for filing in this proceeding, have not been shown to be just, reasonable, or otherwise lawful under the terms and provisions of the Natural Gas Act, and should be disallowed and denied as hereinafter ordered.

(3) A hearing should be held in this proceeding as hereinafter provided.

The Commission orders:

(A) The increased rates and charges tendered for filing in this proceeding hereby are disallowed and denied.

(B) The settlement of this proceeding as proposed in the Stipulation and Agreement discussed above (Exhibit I),[1] is approved and made effective.

(C) The Supplement to the Stipulation and Agreement filed by United Fuel in this proceeding is disapproved and rejected.

(D) Notwithstanding the provision in the Agreement for a moratorium on increased rate filings by United Fuel, in the event and to the extent that transfers of facilities to United Fuel are approved in the proceeding in Docket No. CP61–107, United Fuel may tender for filing, subject to approval by the Commission, revisions to the settlement costs of service for the period from and after the date of transfer as may be permitted by, or otherwise appropriate to the transfer of facilities in the proceeding in Docket No. CP61–107; if all the issues to be heard in the proceeding in Docket No. G–20270 have been determined prior to said approval of the transfer of facilities, United Fuel may also tender for filing, subject to approval of the Commission, revisions in rates appropriate to the revised costs of service tendered for filing as hereby permitted.

(E) A hearing shall be held in this proceeding to commence on a date to be fixed by notice of the Secretary or order of the Commission, concerning the following issues:

1. The level of the demand and commodity components of the rate in Rate Schedule CDS–1 and the rate levels in Rate Schedules AOS–1, SGS–1, and ES–1, included in United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1 applicable (i) to the period April 5, 1960, through April 30, 1961, and (ii) to be effective on and after May 1, 1961, until superseded.

2. The manner in which United Fuel shall make refunds or further revise its rates pursuant to the settlement agreement or the provisions of Paragraph D above.

3. The depreciation rates of United Fuel to be applied to its underground storage and transmission properties and to its Kenova Extraction Plant.

(F) United Fuel shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of issuance of this order, in writing and under oath, an original and one copy of its acceptance or rejection of the terms and conditions of this order.

(G) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by the Commission, United Fuel, the Commission staff, or any affected party herein, in any proceeding now pending or hereafter instituted by or against United Fuel or any other companies, persons, or parties affected by this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 62–2880; Filed, Mar. 26, 1962; 8:46 a.m.]

[1] Filed as part of the original document.

[6] These costs will be refunded if the station is not transferred to United Fuel.

[7] Similarly, in Atlantic Seaboard Corporation, Docket No. G–20272 (orders issued December 29, 1961, and February 19, 1962) we required Atlantic Seaboard to reduce its rates if it transferred subject facilities to United Fuel.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37614: *Drain tile to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2230), for interested rail carriers. Rates on drain tile, in carloads, from specified points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska to points in western trunk line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 47 to Western Trunk Line Committee tariff I.C.C. A–4338.

FSA No. 37615: *Iron or steel articles to Brookhaven and Laurel, Miss.* Filed by Illinois Freight Association, Agent (No. 160), for interested rail carriers. Rates on bars or rods, noibn, plate, or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to Brookhaven and Laurel, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37616: *Iron and steel articles to points in Mississippi.* Filed by Illinois Freight Association, Agent (No. 161), for interested rail carriers. Rates on iron or steel articles, viz: Angles, channels, piling, sheets and tees, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to Elton, Jackson, Tougaloo and Van Winkle, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37617: *Iron or steel piling to New Orleans, La.* Filed by Illinois Freight Association, Agent (No. 162), for interested rail carriers. Rates on piling, iron or steel, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to New Orleans, La.

Grounds for relief: Barge competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37618: *Fertilizer and fertilizer materials from Rockland, Fla.* Filed by O. W. South, Jr., Agent (No. A4161), for interested rail carriers. Rates on superphosphate, fertilizer, and fertilizer materials, as described in the application, in carloads, from Rockland, Fla., to points in official (including Illinois) territory.

Grounds for relief: Market competition.

Tariff: Supplement 31 to Southern Freight Association tariff I.C.C. S–128.

FSA No. 37620: *Empty returned aluminum beer cans from and to points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4163), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in (a) Mississippi Valley gateway territory, and (b) Mississippi Valley gateway territory, on the one hand, and points in southern Illinois and eastern Missouri, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. S–215.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37619: *Superphosphate from Rockland, Fla., to New England points.* Filed by O. W. South, Jr., Agent (No. A4162), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate nor feed grade superphosphate, in bulk, in carloads, from Rockland, Fla., to specified points in Connecticut, Massachusetts, and Rhode Island.

Grounds for relief: Maintenance of depressed rates established to meet rail-water-truck competition without having to use such rates as factors in constructing combination rates.

Tariff: Supplement 31 to Southern Freight Association tariff I.C.C. S–128.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2896; Filed, Mar. 26, 1962; 8:48 a.m.]

[Notice 614]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64835. By order of March 20, 1962, the Transfer Board approved the transfer to George B. Old and Edward G. Brown, a partnership, doing business as Brown & Old Company, Spokane, Wash., of the claimed operating rights of Refrigerated Service, Inc., Walla Walla, Wash., under the "grandfather clause" of section 7 of the Transportation Act of 1958 (72 Stat. 574), for which permanent authority is sought in MC 118354 Sub 1 to transport frozen fruits, frozen berries, and frozen vegetables from points in Umatilla County, Oreg., Snohomish, Franklin, and Benton Counties, Wash., and Canyon County, Idaho, and points in California to points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, California, Nevada, Arizona, Utah, Wyoming, Nebraska, Iowa, Illinois, Wisconsin, Kansas, Missouri, Indiana, and Ohio, including ports of entry on the international boundary between the United States and Canada located in Washington, Idaho, and Montana; and for the substitution of transferee in that proceeding. George R. LaBissoniere, 333 Central Building, Seattle 4, Wash., attorney at Law.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–2897; Filed, Mar. 26, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 6, 1962, reading in part as follows:

> I hereby determine the damage in the various areas of the State of California, adversely affected by floods beginning on or about February 7, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 6, 1962:

The counties of:
Los Angeles.
Ventura.

Dated: March 20, 1962.

EDWARD A. MCDERMOTT, *Acting Director.*

[F.R. Doc. 62–2872; Filed, Mar. 26, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4028]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock by Subsidiary Company, Issuance and Sale of Common Stock by Subsidiary Company, and Acquisition and Pledge Thereof by Holding Company

MARCH 19, 1962.

Notice is hereby given that The Potomac Edison Company ("Potomac Edison") 200 East Patrick Street, Frederick, Maryland, an electric utility company, a registered holding company and a subsidiary company of Allegheny Power System, Inc., a registered holding company, and Potomac Edison's electric utility subsidiary companies Northern Virginia Power Company ("Northern Virginia"), Winchester, Virginia, Potomac Light and Power Company ("Potomac Light"), Martinsburg, West Virginia and South Penn Power Company ("South Penn"), Waynesboro, Pennsylvania, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Potomac Light proposes to amend its charter to increase its authorized capital stock from 150,000 to 200,000 shares, par value $100 per share.

Northern Virginia, Potomac Light and South Penn propose to issue and sell to Potomac Edison, from time to time as necessary prior to December 31, 1962, shares of their authorized and unissued capital stocks for a cash consideration equal to the aggregate par or stated value thereof as follows:

Subsidiary	Presently outstanding	Proposed to be issued	Cash consideration
Northern Virginia:			
Par value $100 per share	*Shares* 175,000	*Shares* 4,000	$400,000
Potomac Light:			
Par value $100 per share	144,000	24,000	2,400,000
South Penn:			
No par, stated value $5 per share	1,038,000	100,000	500,000

Potomac Edison, the owner of all of the presently outstanding common stock of the three companies, proposes to acquire the shares and upon acquisition will pledge the shares pursuant to the provisions of an Indenture dated as of October 1, 1944, as supplemented, securing Potomac Edison's First Mortgage and Collateral Trust Bonds.

The proceeds of the sale will be used by the subsidiary companies to provide for necessary property additions and improvements.

The expenses incident to the proposed transactions are estimated not to exceed $4,005, including a Federal original issue Tax of $3,300. It is stated that the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of Northern Virginia; the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of South Penn; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stock of the subsidiaries. A copy of the orders of each commission will be supplied by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 9, 1962, request in writing that a hearing

be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-2884; Filed, Mar. 26, 1962; 8:46 a.m.]

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VOLUME 27 NUMBER 60

Washington, Wednesday, March 28, 1962

THE UNIVERSITY OF MICHIGAN
MAR 30 1962
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3456

NATIONAL YOUTH FITNESS WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS the future strength, welfare, and progress of our Nation will be determined, in large measure, by the mental, emotional, spiritual, social, and physical fitness of its people; and

WHEREAS the future fitness of our people will be strongly influenced, if not determined, by the fitness of our youth today; and

WHEREAS the President's Council on Youth Fitness was established to develop and promote governmental and nongovernmental programs and activities conducive to the achievement of a happier, healthier, and more completely fit American youth; and

WHEREAS maximum achievement in this regard can be accomplished only by a determined and coordinated effort by all of our people:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning May 6, 1962, as National Youth Fitness Week.

I request officials of the Government, and I urge parents, young people, our schools, and interested national and local organizations, to use all appropriate means now and during that week to promote programs and activities demonstrating the importance of youth fitness to the end that we may assure the continuing strength and well-being of our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of March in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-3067; Filed, Mar. 27, 1962; 10:52 a.m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraphs (18) and (19) of paragraph (1) of § 6.310 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2956; Filed, Mar. 27, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (f) is added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

* * * * *

(f) Three Disarmament Advisers, Disarmament Advisory Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-2957; Filed, Mar. 27, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7116 o.]

PART 13—PROHIBITED TRADE PRACTICES

Snap-On Tools Corp.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Snap-On Tools Corporation, Kenosha, Wis., Docket 7116, Nov. 1, 1961]

Order requiring the manufacturer of a complete line of tools ranging from simple hand tools to complex electronic devices and automotive testing equipment, to cease entering into restrictive agreements with its independent dealers which unlawfully established resale prices for its products, restricted sales territories and the persons to whom dealers could sell, and provided that dealers, upon termination of their agreements, could not engage in a similar business within the same State for one year.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Snap-On Tools Corporation, a corporation, its officers, directors, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of mechanic's service tools and related equipment and appliances in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining or enforcing any merchandising or distribution plan or policy under which contracts, agreements or understandings are entered into with dealers in or distributors of its products which have the purpose or effect of:

(a) Limiting, allocating or restricting the geographical area in which, or the persons or classes of persons to whom, any dealer or distributor may sell such products; or

(b) Fixing, establishing or maintaining the prices at which such products may be sold by dealers or distributors; or

(c) Requiring or inducing any dealer or distributor to refrain from selling such products in any specified geographical area or to any specified persons or classes of persons; or

(d) Preventing or restricting any dealer or distributor who has dealt in respondent's products from dealing in competitive products after he has discontinued dealing in respondent's products.

2. Entering into, continuing or enforcing, or attempting to enforce, any contract, agreement or understanding with any dealer in or distributor of its products for the purpose or with the effect of establishing or maintaining any merchandising or distribution plan or policy prohibited by paragraph 1 of this order.

It is further ordered, That respondent, Snap-On Tools Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2933; Filed, Mar. 27, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Exceptions to General Rule

1. Effective May 1, 1962, paragraphs (f), (g), and (h) of § 221.2 are amended to read as follows:

§ 221.2 Exceptions to general rule.

* * * * *

(f) Any temporary advance to finance the purchase or sale of securities for prompt delivery which is to be repaid in the ordinary course of business upon completion of the transaction: *Provided*, That the advance is not made to a person described in § 221.3(q): *And provided further*, That it is either (1) made to a broker or dealer, or (2) made for a purpose other than to enable the borrower to pay for securities purchased in a special cash account subject to § 220.4(c) of this chapter (Regulation T);

(g) Any loan against securities in transit, or surrender for transfer, which is payable in the ordinary course of business upon arrival of the securities or upon completion of the transfer: *Provided*, That the loan is not made to a person described in § 221.3(q): *And provided further*, That it is either (1) made to a broker or dealer, or (2) made for a purpose other than to enable the borrower to pay for securities purchased in a special cash account subject to § 220.4(c) of this chapter (Regulation T);

(h) Any loan which is to be repaid on the calendar day on which it is made: *Provided*, That the loan is not made to a person described in § 221.3(q): *And provided further*, That it is either (1) made to a broker or dealer, or (2) made for a purpose other than to enable the borrower to pay for securities purchased in a special cash account subject to § 220.4(c) of this chapter (Regulation T);

2a. Paragraphs (f), (g), and (h) of § 221.2 exempt specified classes of bank loans from the margin requirements and other requirements of § 221.1. The purpose of these amendments is to prevent credit that might be extended by banks under those exemptions from being used to finance transactions in "special cash accounts" under § 220.4(c) of Part 220 of this chapter (Regulation T).

b. The amendments set forth herein were the subject of notices of proposed rule making published in the FEDERAL REGISTER (26 F.R. 9733), and were adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 23, 48 Stat. 901; 15 U.S.C. 78w. Interprets or applies secs. 2, 3, 7, 17, 48 Stat. 881, 882, 886, as amended; 15 U.S.C. 78b, 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2932; Filed, Mar. 27, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACT FINANCING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

The following amendments to this part are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Revise §§ 163.1 and 163.2 to read as follows:

§ 163.1 Scope: financing defined.

This part covers the financing of contracts and subcontracts for the national defense. It is applicable to contract financing for all types of contracts for all kinds of work, supplies and services, except as provided in § 163.69–2 or as otherwise indicated herein. The term "financing" as used in this part covers Government guaranteed loans, advance payments and progress payments (not including partial payments for delivery of one or more completed units called for under a contract) necessary for both performance and termination purposes, to the extent authorized by law. Subpart F of this part covers the ascertainment and collection of contract debts.

§ 163.2 Purpose.

This part is intended to (a) state basic contract financing policy, (b) assure proper uniformity in policies, procedures and forms, (c) provides for application of the fundamental management principle of internal check and balance, (d) insure that the need for advance or progress payments by contractors will not be treated as a handicap in awarding contracts, (e) facilitate and accelerate the making of progress payments requested by small business concerns under Government contracts, and (f) emphasize the usefulness and desirability of providing proper contract financing assistance to small business concerns. In addition, Subpart F of this part provides for the prompt ascertainment and timely collection of contract debts owed to the Department of Defense, provides an inducement for prompt payment by requiring the charging of interest on such indebtedness, and states policies governing postponements of payments.

2. Add new Subpart F to read as follows:

SUBPART F—CONTRACT DEBTS; INTERESTS; DEFERRED PAYMENTS

Sec.
163.98 Scope.
163.98–1 Exclusion and limitation.
163.98–2 Subcontractors.
163.98–3 Purchasers, lessees, bailees, and others.
163.99 Examples.
163.100 Contracting officer and disbursing officer.
163.100–1 Cooperation and assistance.
163.100–2 Assistance to contract financing office.
163.100–3 Requests for withholding.
163.101 Prompt ascertainment and collection; controls; records.
163.101–1 Accounting controls.
163.101–2 Debt records.
163.101–3 Outline of records.
163.101–4 Records after transfer.
163.101–5 Deferral request records and copies.
163.102 Cash collection; nonpostponement.
163.102–1 Tax credits.
163.102–2 Price revision contracts; quarterly statements.
163.103 Merits of claims.
163.104 Negotiations.
163.104–1 Unilateral determinations.
163.104–2 Amount fixed unilaterally.
163.105 Memorandum of pricing agreement; refunds.
163.106 Demand.
163.106–1 Routine offset.
163.106–2 Special demand by contract financing office.
163.106–3 Excess costs for defaults.
163.107 Reduction of amount; interest.
163.108 Withholdings; information exchange; assignments.
163.108–1 Disbursing officer.
163.108–2 Contracting officer.
163.108–3 Deferment requests; withholdings.
163.108–4 Information.
163.108–5 Withholding after 30 days.
163.108–6 Rights of assignees.
163.108–7 Assignments; provision against set-off; limitations.
163.108–8 Assignments; absence of provision against set-off.
163.109 Transfer to contract financing office.
163.109–1 Small amounts.
163.110 Deferment request data; appeal pending.
163.111 Deferment request data; no appeal pending.
163.112 Deferment standards; appeals.
163.113 Deferment standards; no appeal pending.
163.114 Deferment approval authority.
163.114–1 Inconsistent contract provisions.
163.115 Processing of deferment requests; information; agreements.
163.115–1 Proposed agreement; review.
163.115–2 Minimum agreement; appeal pending.
163.115–3 Additional provisions; appeal pending.
163.115–4 Deferral agreement; no appeal pending.
163.115–5 Final action.
163.116 Adjustment of interest.
163.116–1 Guidelines for overcollection adjustments.
163.117 Contract interest charge.
163.117–1 Contract interest charge standards.
163.117–2 Contract interest reduction standards.
163.118 Contract clause; interest.
163.119 Exceptions to interest clause requirement.
163.120 Exemptions from administrative interest charge.
163.121 Responsibilities.

AUTHORITY: §§ 163.98 to 163.121 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 163.98 Scope.

This subpart provides uniform policies and procedures for the ascertainment and collection of contract debts, for the charging of interest thereon, and for deferral of payments. It applies to all indebtedness arising in connection with contracts for procurement of property or services, contracts for sale or use of Government property, and from charges for Government services.

§ 163.98–1 Exclusion and limitation.

This subpart does not apply to claims of the Government against military or civilian employees or their dependents, arising in connection with current or past employment by the Government. Its provisions concerning interest and deferral of payments do not apply to indebtedness resulting from statutory renegotiation.

§ 163.98–2 Subcontractors.

Insofar as possible, this subpart shall be applied to subcontractors who are indebted to the Government, the same as to prime contractors. Accordingly, for the purpose of this subpart (except §§ 163.118 and 163.102–1) the terms "contract" and "contractor" include subcontracts and subcontractors, and the terms "debt" and "indebtedness" include the debts of subcontractors to the Government.

§ 163.98–3 Purchasers, lessees, bailees, and others.

For the purpose of this subpart, the term "contract" includes agreements or arrangements for the sale or use of Government property of any kind, or for the receipt of Government services, and the term "contractor" includes the parties to such arrangements or agreements relating to Government property or services.

§ 163.99 Examples.

Indebtedness to the Government occurs in various ways. Examples include:

(a) Damages or excess costs incident to defaults in performance;

(b) Breach of contract obligations concerning progress payments, advance payments, or Government-furnished property or material;

(c) Delinquency in rentals;
(d) Delinquency in payment of price of property purchased from the Government;
(e) Expense of correction of defects;
(f) Overpayments incident to errors in quantity, deficiencies in quality, or errors in billing;
(g) Retroactive price reductions resulting from contract provisions for price redetermination or for determination of prices under incentive type contracts;
(h) Delinquency in payment of charges for Government services;
(i) Transportation overcharges by carriers;
(j) Freight or cargo loss or damage;
(k) Delinquency in payment called for by agreement or arrangement for deferral or postponement of payments;
(l) Statutory renegotiation. See § 163.98–1.

§ 163.100 Contracting officer and disbursing officer.

(a) Primary responsibility for determination and collection of a contract debt is on the contracting officer (§ 1.201–3 of this chapter), except in those instances in which a disbursing officer has this primary responsibility. A disbursing officer has such primary responsibility whenever erroneous payments or overpayments have been made by the disbursing office, in excess of the amounts to which the contractor was entitled under the terms of the contract at the time of such payment. The disbursing officer also has such primary responsibility when the amounts due and dates for payment are fixed by the terms of the contract itself, and copy of such contract has been furnished to the disbursing officer with notice to collect as amounts become due.

(b) For the purposes of this subpart, disbursing officers are those officers or officials designated to make payments under a contract, or to receive payments of amounts due under the contract, including finance and accounting officers at installations where integrated accounting is in effect.

§ 163.100–1 Cooperation and assistance.

The utmost cooperation is required among auditing, contracting and disbursing officers, and by all of them with the contract financing offices (§ 163.26), in order to protect the public interest by the proper and effective use of all available means for the timely discovery and ascertainment, and full and prompt collection of indebtedness.

§ 163.100–2 Assistance to contract financing office.

It is necessary that audit personnel, disbursing offices and contracting officers, including contract administration personnel, comply promptly and effectively with request of the contract financing office (§ 163.26) for information pertaining to debts, for local collection assistance, and for assistance in the establishment and administration of debt deferment agreements.

§ 163.100–3 Requests for withholding.

Before a debt is placed on the Hold-up list (§ 163.121), or before distribution of a new listing, it is expected that the office undertaking to effect collection may sometimes request other offices having dealings with the contractor on other contracts, whether contracting officers or disbursing officers, to withhold payments on contracts, for application on the debt. Government personnel are expected to cooperate and assist in the fulfillment of such requests, giving due regard, however, to the effect of abrupt cessation of payments on the operations of the contractor, performance of the contracts, and the interest of the United States in such contracts. In the making of these requests to other offices, and in complying with such requests, care will be taken at all times to avoid overcollection or duplicate collection. Each check to liquidate indebtedness pursuant to such requests will be drawn payable to "(Contractor's name) or Treasurer of the United States", and transmitted to the disbursing officer on the contract under which the indebtedness arose, and will be accompanied by a statement sufficient to identify the indebtedness to which it is to be applied. Appropriate notice of the deduction will be given to the contractor concerned, by the agency making the deduction.

§ 163.101 Prompt ascertainment and collection; controls; records.

(a) Delays in determining definitely the amounts payable by contractors to the Government, or delays in collection may result in losses to appropriations, or difficulty in effecting later repayment, or loss to the Government from later inability to collect. Delays in determining amounts due, or in obtaining timely payment, are in effect extensions of credit to contractors.

(b) The amount of all indebtedness to the Government must be ascertained promptly and collected expeditiously. Responsible personnel shall utilize vigorously all proper means available to them for collection of indebtedness as rapidly as possible. Practices for ascertainment and collection of debts shall be comprehensive, dynamic, and as uniform as practicable. Collection practices will give full recognition to the need for internal coordination and cooperation, and the need for timely, aggressive and persistent demand processes, including personal contacts and telephone calls, all giving consideration to such factors as (1) utilization of all collection resources available to the agencies, (2) the tone, frequency and number of demands, (3) points of diminishing return, and (4) determination of uncollectibility and action pursuant thereto. In the absence of deferment agreement made by the contract financing office (§ 163.109), report of indebtedness will be made to the General Accounting Office upon failure to effect collection within a reasonable period, generally not to exceed 180 days from the date the debt is established.

§ 163.101–1 Accounting controls.

Adequate accounting controls must be maintained.

§ 163.101–2 Debt records.

At the time a debt is established or determined, the office with primary responsibility (§ 163.100) shall establish an appropriate control record for each debt, to insure that the debt is collected within not more than 45 days or appropriately transferred to the contract financing office. (§ 163.109).

§ 163.101–3 Outline of records.

The minimum information to be shown by the contract debt record should be:
(a) Name and address of contractor.
(b) Contract number, if any.
(c) Description of debt.
(d) Amount of debt, and appropriation to be credited.
(e) Date debt determined.
(f) Date of first demand for payment.
(g) Scheduled date for next demand.
(h) Date of supplemental demand(s).
(i) Amounts and dates of payments.
(j) Date appeal filed under Disputes clause.
(k) Status of collection, such as:
(1) Reported to disbursing officer (name, location, and date).
(2) Request made to disbursing officer for withholding (or for temporary nonwithholding).
(3) Withholding requested of other offices (date and office).
(4) Deferred payment arrangement requested.
(5) Deferral request reviewed.
(6) Supplemental information requested to support deferral request.
(7) Transferred to contract financing office.

§ 163.101–4 Records after transfer.

(a) Upon transfer of a case to the contract financing office (§ 163.109), the debt record maintained by a contracting officer shall be closed by appropriate reference to the date of transfer.

(b) When a disburing officer is primarily responsible for collection (§ 163.100), he should maintain his record of the debt until he receives payment or is advised of collection.

(c) In all cases transferred to a contract financing office (§ 163.109), that office shall establish and maintain an accounts receivable record showing all pertinent information relating to the debt, including an indebtedness and payment record reflecting current status, to be closed upon collection or referral of the case to the General Accounting Office or to the Department of Justice.

§ 163.101–5 Deferral request records and copies.

When the contract financing office enters into a deferral agreement, (§ 163.109), it will furnish copies to the appropriate contracting officer and disbursing officer when deemed necessary. When the contract financing office denies a deferral request, or does not reach agreement with a contractor on a deferment, it will give timely notice to the appropriate contracting officer and disbursing officer when deemed necessary.

§ 163.102 Cash collection; nonpostponement.

Except as expressly authorized in this subpart (§§ 163.112, 163.113, 163.114 and 163.121), there shall be no postponement of payment of indebtedness, and amounts due shall be paid in one sum upon demand, in cash or by credit against existing unpaid billings due to the contractor.

§ 163.102–1 Tax credits.

(a) Applicable tax credits to which contractors are entitled under the Internal Revenue Code (presently Section 1481 of the Internal Revenue Code of 1954) will be taken into account in the collection of indebtedness. Any applicable tax credit under the Internal Revenue Code will be treated as having been applied in reduction of the amount of the debt as of the date when interest first began to accrue upon the debt. The amount of applicable tax credit, if any, is as shown by tax credit certificate issued by a District Director of Internal Revenue upon application therefor by the contractor. For purposes of calculation of the amount to be collected or withheld for collection, whether or not the debt or the amount thereof is disputed, the contractor's estimate of the tax credit that will be applicable will ordinarily be accepted, pending issuance of the tax credit certificate. Verification of contractor's estimates of the tax credit, including evaluation of any questions with regard to applicability of tax credit to the circumstances of particular cases, will be accomplished by the contract financing office when and to the extent deemed prudent.

(b) Except as required in connection with statutory renegotiation, there shall be no agreement or arrangement for tax credits in connection with debts arising under subcontracts.

§ 163.102–2 Price revision contracts; quarterly statements.

(a) For price-revision (redetermination or incentive) contracts containing a "Limitation on Payments" clause (§§ 7.108 and 7.109 of this chapter), the quarterly statements called for by that clause are an important means of ascertaining and collecting interim refunds of overpayments. The furnishing of proper quarterly statements in conformity with contract provisions is a material obligation of contractors and a significant element of contract performance. Procedural arrangements must be established and maintained for each such case to insure that the required quarterly statements are received when due, that those statements conform to the requirements of the applicable contract clause, that refunds shown by those statements are promptly collected, and that there is sufficient review of those statements from time to time to identify and bring about appropriate correction of inaccuracies. Whenever a required quarterly statement is not submitted when due, notice of the delinquency should be given at once to the contractor, and further payments on the contract should be suspended until the contractor corrects the delinquency by furnishing satisfactory quarterly statements and making such refund, if any, as may be appropriate.

(b) For the purpose of determining accuracy of these quarterly statements, the statements should be compared from time to time with contractor's requests for progress payments (§ 163.88, DD Form 1195). At any given time, costs attributed to work that has not been delivered and accepted (to support outstanding progress payments), cannot properly be attributed also to delivered and accepted items for the purposes of these quarterly statements. See § 163.92–1.

§ 163.103 Merits of claims.

In determining an amount due to the Government under a contract, full and fair consideration will be given to the merits of the Government's claim and of all known claims of the contractor that may serve to reduce the amount to which the Government is fairly entitled.

§ 163.104 Negotiations.

Negotiations to determine indebtedness must not be unduly prolonged.

§ 163.104–1 Unilateral determinations.

The responsible officer or official will promptly make a proper finding and determination, consistent with the contract and supported by sufficient evidence, if the contractor (a) is delinquent in the furnishing of pertinent information required from it pursuant to the contract, or (b) fails to negotiate expeditiously in accordance with a contract provision, or (c) fails to agree on fair and reasonable prices within a reasonable time after the beginning of price revision negotiations, or (d) fails promptly to sign an interim memorandum evidencing a negotiated pricing agreement involving refund, or (e) fails expeditiously to execute an appropriate supplemental agreement reflecting the result of negotiations. See § 163.106.

§ 163.104–2 Amount fixed unilaterally.

The amount of indebtedness fixed unilaterally shall be such as is proper under the circumstances, and must not exceed the amount which would have been considered acceptable for a negotiated agreement fixing the amount of the indebtedness.

§ 163.105 Memorandum of pricing agreement; refunds.

When prices that involve refunds have been agreed upon in negotiations under price revision types of contracts, the agreed prices shall be evidenced contemporaneously by interim memorandum signed by the authorized negotiators for the Government and for the contractor. Such memorandum will be made without prejudice to final pricing if the negotiated price is subject to review by higher authority of the Government or of the contractor. Computation of the amount of refund resulting from such pricing agreement shall be done speedily, without awaiting itemization of adjustments of past billings, accounting adjustments, or the furnishing of adjusted invoices. Demand for payment shall be made as soon as the amount of refund due has been computed, and will conform to § 163.106. After negotiations, appropriate supplemental agreements shall be prepared expeditiously and executed without delay.

§ 163.106 Demand.

The office which first determines an amount to be due shall make immediate demand for payment. This demand should (a) appropriately explain the indebtedness, (b) inform the contractor that any amount not paid within 30 days from the date of the demand will bear interest at the rate of 6 percent per annum from the date of the demand (or any earlier date established pursuant to the contract), to be adjusted only when and as provided by this subpart, and (c) notify the contractor that it may submit a proposal for postponement of payments if immediate payment is not practicable or if the amount is disputed.

§ 163.106–1 Routine offset.

When a disbursing officer with primary responsibility for collection (§ 163.100) determines an amount to be due, and has on hand for payment at the time bills payable to the contractor and available for offset against the amount due from the contractor, the disbursing officer should make appropriate offset. In these cases, explanatory notice to the contractor would take the place of demand (§ 163.106) on the contractor, to the extent the debt has been reduced or eliminated by the offset. Similar withholding and offset is also expected when a debt is reported to the disbursing officer by a contracting officer, except as provided in § 163.108–2.

§ 163.106–2 Special demand by contract financing office.

If no demand made before the effective date of this subpart has given notice of interest charge, the first demand made by the contract financing office (§ 163.26) will give notice of interest charge to be effective from the initial demand previously made, on amounts not paid before the expiration of 30 days after the date of the first contract financing office demand.

§ 163.106–3 Excess costs for defaults.

For procedures in connection with default, see Subpart F, Part 8 of this chapter. As indicated by § 8.602–6(c) of this chapter, indebtedness for excess costs occurs when repurchase is effected at a price in excess of the price of the supplies terminated. The demand for payment (§ 163.106) shall be made as soon as the repurchase contract has been entered into. The possible necessity for furnishing payment data under the replacement contract, in the event that the excess cost debt is later referred to the General Accounting Office as administratively uncollectible, must not be permitted to delay actions pursuant to this subpart.

§ 163.107 Reduction of amount; interest.

When, after demand giving notice of interest charge, the amount demanded is reduced to a lesser amount, or the debt demanded is replaced by a lesser debt, interest shall be charged on the reduced or substituted lesser amount at 6 percent per annum from the date of the first demand made for payment of the higher amount. No agreement may be made to the contrary.

§ 163.108 Withholdings; information exchange; assignments.

Incident to the first demand, and pending the establishment of an agree-

ment for deferment, withholdings of amounts otherwise payable to the contractor may be effected to the extent deemed appropriate to the circumstances of each case. See § 163.106–1.

§ 163.108–1 Disbursing officer.

When a disbursing officer has primary responsibility (§ 163.100), withholdings will be effected or not as deemed best by him, during the first 30 days after demand. See § 163.106–1.

§ 163.108–2 Contracting officer.

Whenever a debt is established by a contracting officer (§ 163.100) notice thereof will be given to the appropriate disbursing officer at the same time that demand (§ 163.106) is made for payment. That notice will also inform the disbursing officer as to the wishes of the contracting officer with regard to the withholding or non-withholding of payments during the ensuing 30 days.

§ 163.108–3 Deferment requests; withholdings.

Pending their action on a request received for deferment of collection (§§ 163.100 and 163.115), the cognizant contracting officer or disbursing officer (§ 163.100), until transfer of the case to the contract financing office (§ 163.109), will arrange for withholding of payments or continuation of payments as deemed appropriate. Upon transfer of a deferment proposal to the contract financing office (§ 163.109), withholding or continuation of payments will be accomplished as deemed best by the contract financing office. Ordinarily, upon such transfer, payments will be suspended until the disbursing officer receives guidance from the contract financing office.

§ 163.108–4 Information.

The contracting officer, the disbursing officer, and the contract financing office must at all times keep each other appropriately informed.

§ 163.108–5 Withholding after 30 days.

If payment is not completed within 30 days, and deferment is not requested, withholdings will be effected at once, for principal and interest, to the extent consistent with the rights of assignees under the Assignment of Claims Act of 1940, as amended.

§ 163.108–6 Rights of assignees.

In all cases the rights of assignees under the Assignment of Claims Act of 1940, as amended, and under contract provisions pursuant thereto, will be scrupulously respected and withholding of payments under such contracts avoided where contrary to the rights of the assignee.

§ 163.108–7 Assignments; provision against set-off; limitations.

When a contract contains a clause permitting assignments, with provision against reduction or setoff as set out in the last sentence of § 7.103–8(a) of this chapter, and the contractor's claims under the contract have been assigned to a financing institution under the Assignment of Claims Act of 1940, as amended, and the assignment has not been released by the assignee, the effect of the statute mentioned is ordinarily to prevent application of payments due under the assigned contract to liquidate or reduce indebtedness of the contractor to the Government arising independently of the assigned contract. However, it is sometimes proper to effect collection despite such an assignment, as for example, when there is no loan outstanding in connection with the assignment and the arrangements between the contractor and the assignee are such that no loan is contemplated, or when there is no firm commitment for financing, or when the amount of the loan secured and expected to be secured by the assignment pursuant to a firm commitment of the financing institution is less than the amount due and payable on the contract. Diligent effort should be made to ascertain the pertinent facts, from the assignee, the debtor, or otherwise. When appropriate, there should be withholding and application in reduction of the debt, to the extent that the assigned payments are not necessary to cover the loans or advances secured by the assignment, or to be secured incident to projected need for borrowings, and pursuant to a firm commitment of the financing institution. In doubtful cases the question as to the amount, if any, to be withheld should be referred to higher authority, or to the General Accounting Office when appropriate.

§ 163.108–8 Assignments; absence of provision against setoff.

In some cases the contractor's claims have been assigned to a financing institution under the Assignment of Claims Act of 1940, as amended, but without the contract provision against reduction or setoff set out in § 7.103–8(a) of this chapter, or equivalent provision. In such cases despite the assignment, net amounts due under the assigned contract should be withheld and applied to liquidate indebtedness of the contractor to the Government even though arising independently of the assigned contract, to the extent that such other indebtedness existed at the time written notice of the assignment was received by the Government, even though such debt was not matured so as to be due and payable at the time of such notice.

§ 163.109 Transfer to contract financing office.

(a) Transfer of the case will be made to the contract financing office upon receipt of a contractor's request for deferral, or whether or not postponement is requested, upon the expiration of 45 days without full collection after the date of demand, as herein provided.

(b) Deferment requests, with appropriate supporting information will be sent forward as speedily as possible to the contract financing office (§ 163.26) of the military department concerned for appropriate action. In connection with transmittal of a deferment request, or if payment is not made and withholdings have not resulted in full collection within 45 days after the date of demand (except the demands mentioned in § 163.105) the case file, and accountability, will be transferred to the contract financing office (§ 163.26) of the military department which established the debt. The case file submitted shall contain adequate identifying and explanatory information, including relevant memoranda and correspondence, accounting data, amounts and dates of any collections, name and location of disbursing officer and of assignee, date of filing of appeal, if any, information on hand concerning financial condition of the contractor, contractor's deferment proposal, if any, and recommendations for action on the deferment proposal. After this transfer, the contract financing office will have full responsibility for collection action, but this transfer shall not operate to relieve a certifying or disbursing officer of liability for overpayments or illegal payments as fixed under applicable law. Such transfer will be accomplished by the office having primary responsibility regarding the debt (§ 163.100).

(c) When a debt has been transferred to the contract financing office by the office having primary responsibility, all subsequent debts of the same contractor, for which that same office has primary responsibility, shall also be transferred immediately by that office to the contract financing office, unless there is assurance of prompt payment in full.

§ 163.109–1 Small amounts.

The transfers required by § 163.109 will not be made for amounts less than $25.00 (or less than $10.00 if due from carriers). However, it is incumbent on contracting officers and disbursing officers to effect collection whenever and by such means as are practicable. (See § 163.101.)

§ 163.110 Deferment request data; appeal pending.

The information to support a request for deferment of payment when the debt is disputed and timely appeal has been filed pursuant to the "Disputes" clause may be confined to material sufficient to provide understanding of the contractor's financial condition.

§ 163.111 Deferment request data; no appeal pending.

The information to support a request for deferment of payment when there is no appeal pending pursuant to the "Disputes" clause should be sufficient to provide understanding of the contractor's financial condition, and should also cover the contractor's contract backlog, projected cash receipts and requirements, the feasibility of immediate payment, and the probable effect of enforcement of full immediate payment on the contractor's operations.

§ 163.112 Deferment standards; appeals.

Appeals by contractors will not suspend or delay collection action. However, pending the resolution of appeals, deferments will be governed exclusively by the special standards set out in this section. In order to minimize the possibility of overcollections, requested deferments pending the outcome of appeals should be freely granted by the contract financing office (§ 163.26), when the contractor enters into agreement acceptable to the contract financing office as reasonably assuring diligent prosecution of the appeal and full payment of any amount determined due upon decision of the appeal or upon further negotiations without such decision, with interest on such amount at the rate and for the period mentioned in § 163.106(b). Agreement on interest may include the adjustment provisions authorized by § 163.116. Collateral security, or other provisions to assure payment, shall be consistent with the circumstances of each case. To avoid possible undue hardship to small business concerns or those contractors who are financially weak, deferments pending the outcome of appeals should be granted on such terms and conditions as may be deemed reasonable by the contract financing office, notwithstanding financial weakness of the contractor and notwithstanding its inability to furnish good collateral security. These deferments shall provide for termination of the deferment by the contract financing office upon violation of the agreement or upon failure of the contractor diligently to pursue its appeal.

§ 163.113 Deferment standards; no appeal pending.

When appeal is not pending, or has been resolved, the contract financing office (§ 163.26) may make arrangements for deferral of payments when the contractor cannot pay at once in full, or when full immediate collection would seriously impair the contractor's ability to continue operations or to perform contracts or subcontracts for the national defense. Such agreements shall include such covenants and security as may be prudent and feasible under the circumstances, shall be limited to the shortest practicable maturities, and shall require the payment of interest at the rate and for the period mentioned in § 163.106(b), subject only to the adjustment specifically authorized by § 163.116.

§ 163.114 Deferment approval authority.

There shall be no arrangement or agreement for deferral or postponement of payment of indebtedness, and no acquiescence in payment delay, except as approved by the contract financing office (§ 163.26) pursuant to this subpart.

§ 163.114–1 Inconsistent contract provisions.

Except for the deferral arrangements contemplated by this subpart, no contract may provide and no arrangement may be made to the effect that a claim of the Government under a contract will not become due and payable until there has been mutual agreement on that amount, or until decision on appeal, or in litigation, in matters of dispute.

§ 163.115 Processing of deferment requests; information; agreements.

When deferment request is made to the disbursing officer or contracting officer (§ 163.100), the recipient office should make prompt review of the request and any supporting information. If the supporting information appears deficient (§§ 163.110 and 163.111), the contractor should be asked immediately to supply any needed additional relevant information and explanations. For guidance as to financial information and analysis, see §§ 163.27 and 163.28.

§ 163.115–1 Proposed agreement; review.

In the light of available information, the contractor's letter request or other proposed agreement for deferral should also be reviewed by the recipient office, and the contractor should be informed as to such changes as may be regarded as desirable. Contractor failure to make suggested changes, and related contractor comments, should be noted in the recommendations included with the transfer of the case (§ 163.109) to the contract financing office.

§ 163.115–2 Minimum agreement; appeal pending.

When appeal is pending the contractor's proposed deferment agreement should at least include provisions for the following:

(a) Description of the claim;

(b) Date of first demand for payment;

(c) Diligent prosecution of appeal;

(d) Full payment upon decision on appeal, or upon agreement on amount;

(e) Interest charge, in conformity with §§ 163.106(b), 163.107, and 163.116;

(f) Payments to contract financing office (identified);

(g) Submission of periodic financial statements by contractor (as appropriate), submission of such other pertinent reports and information as may be required by the Government, and reasonable access by the Government to the records and property of the contractor;

(h) Termination by Government, and acceleration of maturity upon default by the contractor or institution of insolvency proceedings by or against the contractor.

§ 163.115–30 Additional provisions; appeal pending.

(a) If desired by the contractor, these deferment proposals may also include provision for partial payment(s) on account and without prejudice, for refund of overpayments, and for interest adjustment as authorized by § 163.116.

(b) Other terms and conditions for consideration and establishment in these deferral agreements when consistent with the circumstances of the case, include provision for collateral security, and other protective provisions of the kinds mentioned in § 163.80–6 and outlined in § 163.64–2.

§ 163.115–4 Deferral agreement; no appeal pending.

When no appeal is pending, the deferral agreement, conforming to the standards of § 163.113, should include:

(a) The provisions outlined in § 163.115–2 (except § 163.115–2(d));

(b) A definite schedule or plan for payments, with unrestricted rights of prepayment;

(c) Additional security and protective covenants as may be prudent and feasible (§ 163.115–3); and

(d) In furtherance of attainment of the shortest practicable maturities, whenever feasible (1) provision for periodic review of the contractor's financial condition by the Government, and discretionary right of the Government to require prepayments deemed within the improved ability of the contractor to pay, and (2) provision requiring stated or measurable prepayments on the occurrence of specified events or contingencies involving improvement in the contractor's ability to pay.

§ 163.115–5 Final action.

Incident to its review and action on a deferment proposal, the contract financing office (§ 163.109) may request additional information, as well as other assistance needed from the transmitting office (§ 163.109). Such requested information and assistance will be furnished promptly so that final action on the proposed deferment may be taken by the contract financing office without unnecessary delay. Whenever deemed appropriate by it, the contract financing office may deal directly with the contractor concerning collection or deferment of the debt.

§ 163.116 Adjustment of interest.

When the contract under which the debt was established does not provide for interest and for adjustment of interest, and payment is not made within 30 days after demand conforming to § 163.106 or § 163.106–2, interest accrued before the making of a deferment agreement shall not be released or reduced. Deferment agreements may provide for adjustments for overcollections, to the effect that in addition to refund and release of overcollections, the contractor shall receive, from amounts collected or withheld for the amount of indebtedness and accrued interest thereon, a sum computed at the rate of 6 percent per annum on the amount of overcollection and excess withholding for the approximate periods thereof as deemed fair and reasonable by the contract financing office (§ 163.26). The total refund and release to the contractor shall in no event exceed the total amount that has been collected or that has been withheld for the purpose of collection of the asserted indebtedness.

§ 163.116–1 Guidelines for overcollection adjustments.

(a) In determining the approximate day of the beginning of a period of overcollection or excess withholding, as authorized pursuant to § 163.116, the date of receipt of a check by the contract financing office, or by the appropriate disbursing office, if earlier, will ordinarily be regarded as the day on which the amount of that check was collected or withheld for the purpose of collection. For tax credits, see § 163.102–1.

(b) The amount of overcollections and excess withholding, if any, would be the amount by which the total collections and withholdings for a particular asserted indebtedness have exceeded the sum of the principal amount of the contractor's indebtedness to the Govern-

ment, as finally determined in the particular case, and interest thereon, computed from the date of the first demand or such earlier date as may be applicable.

(c) In cases to which the first sentence of § 163.116 applies, the maximum limit on refund and release, specified by the last sentence of § 163.116, will be reduced by the amount of interest mentioned in the first sentence of § 163.116.

(d) Whenever the amount of the debt may be subject to reduction in connection with an appeal, the deferment agreement will provide for the adjustment authorized by § 163.116.

§ 163.117 Contract interest charge.

When the contract under which the debt was established provides for interest and for adjustment of interest, those provisions of course will be followed. When a contract provides for interest and for adjustment of interest in accordance with applicable regulations (§ 163.118), interest will be charged on the amount of the indebtedness at the rate of 6 percent per annum from the date of the first demand (or any earlier date established pursuant to the contract), and adjustments will be made in the same way as is herein authorized by § 163.116, for deferment agreements. In addition to those adjustments, and without duplication, the interest accruing pursuant to a provision for interest in a contract (other than a deferment agreement) shall be reduced as herein provided. That reduction of interest charge, not exceeding accrued interest (and without duplication of adjustments on account of overcollections or overwithholdings), shall be an amount derived by application on a rate of 6 percent per annum in favor of the contractor on the amounts and for the periods for which the interested contract financing office (§ 163.26) considers that the Government has unduly delayed the making of payments earned and properly billed and payable to the contractor on the same contract. Such reduction of interest charge can never exceed the total interest on the debt.

§ 163.117–1 Contract interest charge standards.

Interest will be computed for the number of days involved, on the basis of a 365- or 366-day year, as the case may be. Except as provided below, credits resulting from deductions from amounts otherwise payable to the contractor should be made as of the date of issue of the checks for such payments. Credits resulting from cash payments to the Government by the contractor should be made as of the date the funds or checks therefor are received by the appropriate disbursing officer, or by the contract financing office if the payment is made directly to that office. If the amount has been withheld or retained on a contract in conformity to a withholding or retention provision of that contract, and the amount or a part thereof is thereafter transferred for application in reduction of an interest bearing debt pursuant to this subpart, credit toward reduction of the debt should be allowed as of the approximate time when such withheld or retained amount would have become payable to the contractor. If, for example, the contract on which amounts have been retained provides for release or retainages upon satisfactory completion of the work under the contract, credit for the amount of such retainage actually transferred for application in reduction of a debt should be allowed as of the date when the contract was satisfactorily completed. For timing of application of amount of tax credit, see § 163.102–1.

§ 163.117–2 Contract interest reduction standards.

(a) In arriving at an amount by which interest accruing on indebtedness under a contract should be reduced, as provided by § 163.117, the contract financing office should endeavor to attain a fair and equitable result, in the light of the circumstances of each case. In so doing, it should take into account the instances, if any, in which it is considered by that office that there has been undue delay by the Government in making of payments earned by the contractor and payable to the contractor on the same contract, after proper billing by the contractor. Except to the extent that a payment delay may have resulted wholly or partly from errors or omissions on the part of the contractor, such delays should generally be considered as being undue delays, that is, delays that are unreasonable, unwarranted or excessive, if the time between the proper billing and the making of payment exceeded 30 days, and also exceeded the number of days ordinarily required for the processing of bills and making of payments in the ordinary course of business in substantially similar circumstances.

(b) The contract financing office is not expected to undertake to review contract payment histories or to look into the circumstances that may lead to these interest reductions, except to such extent as may be appropriate in connection with a contractor's request for an interest reduction. Such requests by contractors should identify the payment delays asserted by the contractor and describe the known facts with sufficient particularity to enable the contract financing office readily to verify the extent and causes of the delay. Contractors will be expected to comply with reasonable requests of a contract financing office for additional information or documentation. In the absence of contractor request for interest reduction, it may be assumed that there were no undue payment delays by the Government that would warrant interest reduction adjustment pursuant to § 163.117. If full payment has been made by the contractor, or if full collection has been accomplished, before the contractor has made a request for interest reduction pursuant to § 163.117, it is expected that the contract financing office ordinarily will deny such request thereafter made, unless presented within such time after full collection or payment as is deemed reasonable by the contract financing office. The interest reduction pursuant to § 163.117 shall not exceed the amount determined by the contract financing office.

§ 163.118 Contract clause; interest.

Except as provided in § 163.119, all contracts for procurement, or for sale or use of Government property or services, shall include the following clause:

INTEREST (FEB. 1962)

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent per annum from the date due until paid, and shall be subject to the adjustments as provided by Part 6 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first demand for payment, (iii) the date of a supplemental agreement fixing the amount, or (iv) if this contract provides for revision of prices, the date of written notice to the contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

§ 163.119 Exceptions to interest clause requirement.

Contract provision for interest need not be included in (a) small purchases (Subpart F, Part 3 of this chapter) (b) purchases described in §§ 16.303, 16.304, 16.501 and 16.504 of this chapter or in Part 5 of this chapter, (c) purchases under indefinite delivery type contracts existing before the effective date of this subpart, (d) amendments of contracts existing before the effective date of this subpart, or (e) contracts with agencies of the United States Government, foreign governments or agencies thereof, or nonprofit contracts with nonprofit educational or research institutions. Further exceptions may be established by the Contract Finance Committee (§ 163.12–3), with the approval of the Assistant Secretary of Defense (Comptroller) or his representative.

§ 163.120 Exemptions from administrative interest charge.

Contractors and contracts mentioned in § 163.119(e), and other contractors in exceptional circumstances, may be exempted from the administrative interest charges required by this subpart when so agreed by the Contract Finance Committee (§ 163.12–3) with the approval of the Assistant Secretary of Defense (Comptroller) or his representative.

§ 163.121 Responsibilities.

(a) The contract financing office (§ 163.26) of each military department, will take appropriate actions to effect collection of debts referred to it, including administration of deferment agreements, to cause debts to be listed on the consolidated list of contractors indebted to the United States, commonly known as the "Hold-up-List," to remove names from the "Hold-up-List," to determine administrative uncollectibility, and to refer debts to the General Accounting Office or the Department of Justice as

appropriate. Within each Military Department, no arrangement for postponement or deferral of payments may be made without the approval of the contract financing office. Acting in conformity to the standards stated in this subpart those offices may approve or deny deferment proposals transmitted to them or made directly to them by contractors, or approve such proposals on prescribed conditions.

(b) Responsibility for assuring effective administration in accordance with this subpart shall be in the Assistant Secretary of Defense (Comptroller). Responsibility for effective administration under this subpart in each military department shall be in the Under or Assistant Secretary responsible for the comptroller function. The Contract Finance Committee (§ 163.12–3) shall advise and assist the Assistant Secretary of Defense (Comptroller) in assuring proper application of policies and the development of procedures hereunder, and in the formulation of such further instructions on this subject as may appear desirable. That Committee is responsible for this part, and will develop and promulgate herein supplemental instructions on this subject.

(c) Reports will be made by each department in connection with the subject matter of this subpart at such times and in such form as may be prescribed or approved by the Assistant Secretary of Defense (Comptroller).

[App. E, ASPR, Rev. 7, Feb. 15, 1962] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–2930; Filed, Mar. 27, 1962; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. Various sections of Parts 713, 719, and 730 are revised to conform with the corresponding provisions of Change No. 7 to the Bureau of Naval Personnel Manual.

In Part 713—Naval Reserve and Marine Corps Reserve:

1. Section 713.217 is amended by adding the following paragraph:

§ 713.217 Naval Reserve Drill Report.

* * * * * *

(d) "SUPPLEMENTAL" or "CORRECTED" reports which are more than one year old will be monitored by the District Commandant or CNARESTRA. The one year period will be computed from the expiration date of the quarter in which drills were attended to the last day of the quarter one year later. For those Quarterly Naval Reserve Drill Reports (NavPers 1259) having the monitoring blocks preprinted on the lower right hand corner of the form, that block will be completed. For those forms on which this preprinted section does not appear, the District Commandant or CNARESTRA may use a rubber stamp or other similar device to indicate that monitoring was accomplished.

2. Section 713.221(g)(2) is revised to read as follows:

§ 713.221 Annual report of retirement and promotion credit earned.

* * * * * *

(g) * * *

(2) For drills, the officer concerned should check first with units in which there has been drill attendance during the period in question to resolve discrepancies.

(i) If all drills were not properly reported to the Reserve Officer Recording Activity, the appropriate commanding officer should submit form NavPers 1259, Quarterly Naval Reserve Drill Report, clearly marked "SUPPLEMENTAL" or "CORRECTED" showing drill attendance not previously reported. In the case of reports which are three or more years old the appropriate commanding officer must make a statement to the effect that information submitted has been verified by substantiating documents. Reports should be sent to the Reserve Officer Recording Activity via the District Commandant or CNARESTRA for monitoring in accordance with § 713.217.

(ii) If all drills were reported by the appropriate commanding officer but are not recorded at the Reserve Officer Recording Activity, the officer concerned should advise the Reserve Officer Recording Activity of this fact stating the number of drills that were reported in each quarter during the period in question and the unit or units which submitted the reports. This information will be reconciled by the Reserve Officer Recording Activity with NavPers 1259, Quarterly Naval Reserve Reports on file at that activity.

3. Section 713.352 is amended by redesignating paragraph (d) as paragraph (e) and by insertion of new paragraph (d) to read as follows:

§ 713.352 Orders to active duty for training.

* * * * * *

(d) Ordering commands are not authorized to issue orders which involve stop-over travel to reservists.

In Part 719—Nonjudicial Punishment, Naval Courts and Certain Fact-Finding Bodies:

4. Section 719.201(a) is revised to read as follows:

§ 719.201 Appendix I—Applicable provisions of the Bureau of Naval Personnel Manual and Marine Corps Manual relating to authority of commanding officers to effect promotions and reductions of enlisted members (referred to in § 719.101(a)(1)).

(a) Bureau of Naval Personnel Manual article C–7202(7) defining "commanding officer" for purposes of advancement reduction or change in rate or rating:

(7) The term "commanding officer(s)" as used throughout this section and in directives issued thereunder applies only to those commanding officers of Navy and Marine Corps activities who are empowered to convene summary courts-martial, or higher courts-martial, and to those commissioned officers or commissioned warrant officers who are designated by Departmental orders as officers-in-charge of Navy or Marine Corps units or activities.

In Part 730—Administrative Discharges and Related Matters Concerning Separations From the Naval Service:

5. Section 730.6(a) is amended by renumbering subparagraph (4) as (6) and by renumbering subparagraphs (5) and (6) as (4) and (5), respectively.

6. Section 730.6(c)(1) to (5) is redesignated as 730.6(b)(3)(i) to (v) and § 730.6(d) is redesignated as 730.6(c).

7. Section 730.6(b)(3) (as redesignated in paragraph 6 above) is amended by revising the text following subdivision (v) to read as follows:

§ 730.6 Separation of enlisted personnel for convenience of the Government.

* * * * *

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. Except when waiver is authorized as set forth hereinafter, in no case will discharge be effected earlier than six months from the date of submission of written request therefor. Commanding officers may waive the 6 months' delay in discharge in those cases wherein a contact relief is not required or at such time as a relief becomes available. In no case will discharge be effected during such period as the member is serving at a duty station located sufficiently close to the location of her husband as to not preclude the establishment of a joint household. Ensure that a copy of the member's request and information as to the command's action thereon is submitted to the cognizant personnel distributor in all cases. (Art. A–4204 of the Bureau of Naval Personnel Manual contains instructions relative to recoupment of reenlistment bonus, if paid.)

(R.S. 161, secs. 280, 801–940, 1162, 5031, 6291–6298, 70A Stat. 14, 36–78, 89, 278, 391–393, E.O. 10214 (3 CFR 1949–1953 Comp. p. 408), as amended; 5 U.S.C. 22, 10 U.S.C. 280, 801–940, 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

MARCH 20, 1962.

[F.R. Doc. 62-2938; Filed, Mar. 27, 1962; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Research and Development

Subpart 9-15.50 is amended as follows: Section 9-15.5010-12 *Research and development*, is deleted and the following is inserted in lieu thereof:

§ 9-15.5010-12 Research and development.

(a) AEC does not accept a general allocation of independent research and development costs. Such costs are considered unallowable except to the extent specifically set forth in the contract. Research and development costs may be made allowable only to the extent to which they provide a direct or indirect benefit to the contract work.

(b) Independent research and development may be determined to be of benefit to the contract work when it is in the general field of the contract work and where the results may well have some future bearing on the contract work. The words "direct or indirect benefit" are used to allow some flexibility and to permit some basic research in the general field of the contract work.

(c) The determination that an independent research and development project is of benefit to the contract requires the exercise of technical judgment. It is not sufficient that the project relate to the field of atomic energy; technical staff must find that it is related to the contract work. Areas of interest which may relate to the contract work include: Technological methods or processes, materials research, work in the same technical field, etc. For example, independent materials research on aluminum alloy properties might be related to the contract work if a contract concerns the manufacture of fuel elements using aluminum alloy. Beryllium research, on the other hand, would not be relevant in this case. Such research might, however, relate to other AEC contracts. In master contracts or in contracts where several tasks are involved, to be of benefit the independent research and development project must relate to one or more of the tasks.

(d) A technical appraisal of each of the projects included in the contractor's independent research and development program is necessary to identify any that may be acceptable under the above principle for allocation to the AEC contract work. In addition to excluding any projects which do not provide a direct or indirect benefit to the AEC contract work, the following shall also be excluded: (1) Any research and development projects primarily of a promotional nature, such as projects directed toward the development of new business or projects connected with proposals for new business (e.g. a new reactor concept the contractor wants to sell), (2) any studies or projects which are in fact undertaken in whole or in part for other sources, and (3) any such otherwise acceptable project which duplicates research and development work sponsored by AEC. The cost of research and development which has not met the test of benefit to the contract work should be excluded from any distribution or allocation of overhead to the contract.

(e) Where technical staff of proper skill and qualification is not available or the questions cannot be easily resolved by Field Offices, Headquarters staff should be called into consultation.

(f) After segregating the research and development which has been determined to be of benefit to the AEC contract work, the cost thereof shall be allocated to the contract work using the method approved by AEC for the distribution of other overhead expenses.

(g) When AEC is the predominant customer, special consideration must be given to whether the independent research and development of benefit to the contract work should be performed as part of the contract work. This is necessary to avoid the apportionment to the AEC of most, if not all, of independent research and development costs over which the AEC would have no direct control. Only an amount which is reasonable under the circumstances should be allowed. Contracting officers may find it desirable to set: (1) A maximum dollar limitation of independent research and development costs, an allocable portion of which will be accepted by the AEC, or (2) an allocable share of a percentage of the contractor's independent research and development program. Consideration should also be given to the disposition of patent rights when AEC accepts a substantial share of the cost of an independent research and development project.

(h) When the cost of the work involved in segregating the independent research and development which benefits the contract work is disproportionate to the amounts involved, a flat amount not exceeding either (1) 5 percent of the contractor's total estimated cost of independent research and development, or (2) 5 percent of the total estimated cost of direct labor and material under the contract, may be negotiated.

(i) The costs of independent research and development, whether or not accepted as allowable cost, shall include an amount for absorption of their appropriate share of related indirect and administrative costs.

(j) As in any overhead determination, there shall be proper coordination among field offices (and Headquarters, where desirable) in determining the amount of independent research and development which is allowable where more than one office has a contract or contracts with the same contractor. Where the amount is significant and more than one office is involved, the guidance of headquarters should be sought.

(k) Any limitation on the reimbursement of independent research and development is not to be used to justify an increase in the fee.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 19th day of March 1962.

For the Atomic Energy Commission.

E. J. BLOCH,
Assistant General Manager for Operations.

[F.R. Doc. 62-2929; Filed, Mar. 27, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The special regulation permitting sport fishing on the Kentucky Woodlands National Wildlife Refuge, Kentucky, § 33.5, published February 28, 1962 in the FEDERAL REGISTER (27 F.R. 1900), is amended as follows:

(d) Methods of fishing:

* * * * *

(3) Bow and arrows may be used for taking non-game fish as prescribed by Kentucky Regulation KFWR-F-62.

The provisions of this special amended regulation are effective to November 1, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-2934; Filed, Mar. 27, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the Little White River Recreational Area, which is designated by signs as open to fishing. This open area, comprising 180 acres or 15 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappies, and other minor species permitted under State regulations.

(b) Open season: From April 1, 1962, through December 31, 1962; daylight hours only.

(c) Daily creel limits:

Largemouth bass—10.
Crappies—50.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

(2) The use of boats for fishing is permitted.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1962.

[F.R. Doc. 62-2935; Filed, Mar. 27, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 716) has been filed by Grain Processing Corporation, Muscatine, Iowa, proposing the issuance of a regulation to provide for the safe use in chicken and turkey feed of a combination of not less than 3 grams of manganese bacitracin and not less than 1 gram of procaine penicillin nor more than 50 grams of the combination per ton of feed for growth promotion and feed efficiency.

Dated: March 22, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2962; Filed, Mar. 27, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF LETTUCE [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Grades of Lettuce (§§ 51.2510 to 51.2531) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than May 1, 1962.

Statement of considerations leading to the proposed amendment. When these grade standards were last revised on July 1, 1961, the tolerance in the U.S. No. 2 grade for heads affected by decay on any portion of the head exclusive of the wrapper leaves was changed. It was reduced from 5 percent to 1 percent at shipping point and to 3 percent en route or at destination. This was done so that the tolerances for decay in the U.S. No. 2 grade would conform to those in the U.S. No. 1 and U.S. Fancy grades.

Following the grade revision, lettuce producers and shippers experienced difficulty in complying with the U.S. No. 2 grade shipping point tolerance of 1 percent for decay in the compact portion of the head. Consequently, the Department has been asked to reconsider the change in this tolerance.

The following table summarizes the result of a survey of shipping point inspection certificates covering domestic shipments, military purchases and shipments destined for Canada from a major lettuce producing area during the last half of 1960 and the corresponding period in 1961:

PERCENTAGES OF DECAY IN COMPACT PORTION OF HEAD REPORTED ON LETTUCE SHIPPING POINT INSPECTION CERTIFICATES FROM A MAJOR PRODUCING AREA

Percentage of decay	July-Dec. 1960 percentage of shipments	July-Dec. 1961 percentage of shipments
None	50.5	56.6
½ of 1	14.0	8.0
1	20.0	23.0
2	9.0	5.0
3	3.0	4.0
4	2.0	2.0
5	0.5	0.5
Over 5	1.0	1.0

The data presented in the table indicate that the present shipping point tolerance of 1 percent for decay affecting the compact portion of the head is too restrictive for the U.S. No. 2 grade. A tolerance of 3 percent at shipping point appears more consistent with industry trading practices for lettuce of this quality. A tolerance of 5 percent would be allowed en route or at destination, giving an increase of 2 percentage points, as in the U.S. Fancy and U.S. No. 1 grades.

This change in the tolerance for decay in the U.S. No. 2 grade would necessitate a change in the application of tolerances. This would specify the maximum number of defective heads permitted in any package for a lot tolerance of 5 percent. A change would also be made to indicate the number of defective heads permitted in a carton containing 20 heads.

All persons who produce or market lettuce are requested to give careful consideration to the proposed amendment and to submit their comments in regard thereto within the period set forth in this notice.

The standards are proposed to be amended in the following respects:

Section 51.2512(a) would be deleted and the following substituted in lieu thereof:

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) At shipping point,[2] 8 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 3 percent shall be allowed for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; or

(ii) 5 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

Table I in § 51.2514(a) would be deleted and the following substituted in lieu thereof:

TABLE I

Lot tolerance, percent	Maximum number of defective heads permitted in any package			
	Total number of heads in package			
	24	18 or 20	30	Over 30
1	1	1	2	2
3	3	2	3	4
4	3	3	4	4
5	3	3	4	5
6	4	3	5	6
8	5	4	6	7
12	6	5	7	9

Dated: March 22, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-2942; Filed, Mar. 27, 1962; 8:46 a.m.]

[7 CFR Part 68]

UNITED STATES STANDARDS FOR DRY PEAS, SPLIT PEAS, AND LENTILS

Change of Place of Hearing

On March 13, 1962, notice was published in the FEDERAL REGISTER (27 F.R. 2369) of proposed revisions of the United States Standards for dry peas (7 CFR 68.401 et seq.), for split peas (7 CFR 68.501 et seq.), and for lentils (7 CFR 68.601 et seq.), pursuant to authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and of an informal public hearing thereon to begin at 9:30 a.m., March 28, 1962 in the Latah County Grain Growers Auditorium, Moscow, Idaho.

Notice is hereby given that the place of hearing has been changed to the Student Union Building Auditorium on the campus of the University of Idaho, Moscow, Idaho. The time for the hearing remains unchanged.

Done at Washington, D.C., this 23d day of March 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-3024; Filed, Mar. 27, 1962; 8:48 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1010, 1014, 1015, 1016]

[Docket Nos. AO-14-A31, AO-71-A41, AO-160-A23, AO-302-A5, AO-203-A13, AO-312-A2, AO-293-A4, AO-204-A13, AO-276-A3, and AO-305-A5]

MILK IN GREATER BOSTON, MASSACHUSETTS; NEW YORK-NEW JERSEY; PHILADELPHIA, PENNSYLVANIA; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASSACHUSETTS; UPPER CHESAPEAKE BAY; WASHINGTON, D.C.; WORCESTER, MASSACHUSETTS; WILMINGTON, DELAWARE; AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Massachusetts; New York-New Jersey; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Wilmington, Delaware; and Connecticut marketing areas, which was issued January 22, 1962 (27 F.R. 799) and was extended on February 14, 1962 (27 F.R. 1500), is hereby further extended and must be received at the Hearing Clerk's office by 12:00 noon, e.s.t., April 13, 1962.

Signed at Washington, D.C., on March 22, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-2959; Filed, Mar. 27, 1962; 8:48 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 12th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Albuquerque, New Mexico, on December 11-14, 1961, pursuant to notice thereof which was issued November 9, 1961 (26 F.R. 10691).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The Rio Grande Valley marketing area as herein defined contains 28 counties in New Mexico, three counties in Colorado, and one county in Texas.

Milk handled in the marketing area moves in many forms over state lines. Fluid milk products processed and packaged at plants located in New Mexico are regularly distributed in the Colorado and Texas portions of the proposed marketing area. Milk packaged in Texas, Colorado and Oklahoma is sold regularly in the New Mexico portion of the proposed area. Bulk milk is shipped to plants in the proposed area from Kansas, Utah, Iowa, and Arkansas.

Milk and cream in excess of local fluid requirements is sold to milk manufacturing plants for use in dairy products such as butter, cheese, evaporated milk and condensed milk. These products are moved over a wide area in the stream of interstate commerce.

(2) *Need for an order.* Marketing conditions in the Rio Grande Valley marketing area are such that the issuance of a marketing agreement or order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

Producers who sell milk to handlers for distribution in the area have suffered substantial loss of income due to unwarranted price reductions. Several retail price wars occurred in the area during 1961. In each instance the retail price reductions were accompanied by a reduction in the prices paid producers.

Just prior to the hearing held in early December 1961, the reported price for base milk of 3.5 percent butterfat content delivered to Albuquerque and Santa Fe, New Mexico, was $4.35 per hundredweight, about one dollar less than the Class I milk price in the Federally regulated Texas Panhandle market. The base price (3.5 percent butterfat) paid at El Paso, Texas, was $5.15, at Portales, New Mexico, $4.40, and at Durango, Colorado, $4.65. The base price applied to only a part of the milk purchased from producers. Milk in excess of the base quantity (assigned by the handler) was paid for as excess milk at prices ranging from $2.45 to $3.50 for milk of 3.5 percent butterfat.

The depressed price situation was engendered by the lack of an overall plan whereby farmers supplying milk to the market are assured payment for their milk in accordance with its use. There are 22 handlers distributing milk in the area and each handler purchases milk from farmers according to his own pricing system. There is no uniformity in the types of pricing plans used in the area and prices are not related to the use of milk. Since milk has a greater value when used in fluid products than it has when used for manufactured dairy products the absence of a pricing system based on utilization creates disparities in handlers' costs of milk. Handlers have attempted to shift the burden of such disparities to producers through lower prices.

Milk which one handler had in excess of his fluid sales was reported sold to another handler at the so-called excess price which in November 1961 was $3.60 for milk of 4 percent butterfat content. This "excess" milk could be used for fluid sales in the absence of a system of audited class prices.

The Dairy Farmers' Association, a cooperative of approximately 275 producer members represents about two-thirds of

the producers supplying milk to handlers in the area. This cooperative was organized to give farmers a voice in price-making and to bargain in their behalf with handlers. The cooperative has not been successful in making effective a single marketing plan for the area.

The cooperative has not been able to institute a system for auditing the use of milk by handlers and thus assuring that payments are made according to the actual use of milk. The cooperative association contends that a Federal milk marketing order is the only means whereby a uniform plan for pricing milk in the area can be achieved.

A uniform pricing plan applicable to all handlers buying milk for sale in the area would stabilize and improve marketing conditions in the area. Such a plan can be made effective in the area under the terms of a milk order issued pursuant to the provisions of the Agricultural Marketing Agreement Act, as amended. An order which establishes a system of uniform prices, publicly announced and verified by an impartial government agency will eliminate the uncertainty about prices which has contributed to disorderly marketing conditions in the area.

A Federal milk order regulating the handling of milk in the Rio Grande Valley marketing area would contribute to the improvement of milk marketing conditions in the area by providing:

1. A regular and dependable procedure through public hearings for determining prices to producers at levels contemplated by the Agricultural Marketing Agreement Act, as amended;

2. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market, and an equitable sharing among all producers of the lower returns for the sale of reserve milk which cannot be marketed in the Class I category; and

6. Market-wide information on receipts, sales, prices and other data relating to milk marketing conditions in the area.

(3) *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "marketing area", "producer", "handler", "pool plant", and "other source milk" and such other definitions as are necessary to describe the incidence of order regulation.

1. *Marketing area.* To Rio Grande marketing area should include all the territory within the boundaries of Barnalille, Chavez, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, and Valencia Counties, New Mexico; El Paso County, Texas; and Archuleta, Montezuma and La Plata Counties, Colorado.

The 1960 population of the recommended marketing area was 1,259,329. The 1960 population of Albuquerque, New Mexico, was 201,189; and that of El Paso, Texas, was 276,687. These are the principal cities in the proposed area.

The sanitary requirements relative to the production, processing and sale of milk for fluid consumption are substantially the same throughout the area. Health regulations administered by State and local health authorities are substantially similar and based upon the recommended code of the United States Public Health Service, 1953 edition. The three states, Colorado, New Mexico, and Texas accept milk approved as Grade A milk in other states under the terms of the Inter-State Milk Shippers Agreement.

The proposed marketing area circumscribes a continuous territory within which handlers compete for the sale of milk to consumers. About 27 million pounds of milk are distributed on routes in the area each month. There are 22 handlers who probably would become fully regulated under the proposed order. These handlers have substantial sales in all the counties included in the marketing area. Four handlers in El Paso distribute milk in 9 counties of the proposed marketing area, four handlers in Albuquerque distribute in 15 counties, one handler in Santa Fe has sales in 14 counties, one in Clovis distributes in 9 counties, one in Farmington has sales in 5 counties, and one in Durango, Colorado, distributes milk in 4 counties.

Milk distribution routes of handlers overlap within the entire proposed marketing area. Handlers in Santa Fe County, New Mexico, in the north central part of the area, compete with El Paso handlers in Dona Ana, Chavez, and Lea counties, New Mexico, and in El Paso County, Texas, in the southern edge of the area. A handler whose plant is located in Curry County on the eastern border of the proposed area competes with Santa Fe handlers in Lea and Chavez counties, with Albuquerque handlers in Lincoln and Roosevelt counties and with El Paso handlers in Lea, Chavez, and Eddy counties.

Albuquerque handlers compete with Santa Fe handlers, with El Paso handlers and with operators of plants located in San Juan, Laos, San Miguel, Quay, Curry, Chavez, and Dona Ana counties. The plant in San Juan County, in addition to competition with Albuquerque and Santa Fe handlers, also competes for sales with a handler whose plant is located in La Plata County, Colorado.

The plants of handlers who would be regulated under the proposed order represent alternative outlets for the milk of dairy farmers who supply them. The milk of several producers located in Eastern New Mexico has at times moved to plants in El Paso and at other times to plants in Albuquerque and Santa Fe. One producer delivers milk to an Albuquerque plant on certain days of the week and to an El Paso plant on other days. Nine producers shifted their market just prior to the hearing from an Albuquerque plant to one in Durango, Colorado.

Approximately 95 percent of the sales of handlers who would be subject to full regulation under the Rio Grande order are made within the confines of the proposed area. Sales made outside the proposed area by handlers who would be regulated are largely in competition with handlers who buy milk under the terms of some other Federal milk order. All sales in the marketing area are made by handlers who would be regulated under the proposed order or by handlers regulated by other Federal orders issued pursuant to the Act.

Handlers who would be regulated under this order have approximately 90 percent of the sales in El Paso County, Texas, and have from 75 to 100 percent of the sales in the counties of Bernalilla, Chavez, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lincoln, Luna, Los Alamos, McKinley, Mora, Otero, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Torrance, and Valencia, New Mexico. In other New Mexico counties, handlers who would be regulated have in excess of 55 percent of the sales in Curry County, 50 percent in Roosevelt County, 65 percent in Quay County, 60 percent in Taos County, 65 percent in De Baca County, and 57 percent in Lea County. Handlers who would be regulated under the order have sales in Colorado counties amounting to approximately 85 percent of the total sales in Archuleta, 60 percent in La Plata and about 45 percent in Montezuma. The remaining sales in each of these counties are made by handlers regulated under other Federal milk orders.

The counties of San Juan, Colorado, and Colfax County, New Mexico, should not be included in the marketing area. Handlers under the Western Colorado order have at least 70 percent of the sales in San Juan County and 65 percent of the sales in Colfax County. The inclusion of these two counties is not necessary to effectuate orderly marketing in the Rio Grande marketing area since the milk sold in these counties would be priced either under this order or under another order.

The Western Colorado Milk Producers Association has filed a proposal with the Department of Agriculture to consider expanding the Western Colorado marketing area. A part of the expanded marketing area proposed for Western Colorado includes the four Colorado counties which proponents of the Rio Grande order asked to be included in the Rio Grande Valley marketing area.

The handler who operates a plant at Durango, Colorado, asked that the Colorado counties and San Juan County, New Mexico, not be included in the marketing area defined by a Rio Grande Valley milk order. He testified that his sales were made in competition with handlers regulated under the Western Colorado order and that if he were to be regulated it should be by the Western Colorado order.

Although this handler does compete with handlers regulated under the Western Colorado order his sales in La Plata and Montezuma Counties, Colorado, and in San Juan and McKinley Counties, New Mexico, are made in competition with handlers who would be regulated under the Rio Grande Valley order as proposed.

The producers who deliver milk to this handler are located in Colorado and New Mexico in an area where there are other producers supplying the Farmington and Albuquerque plants. Nine producers who previously delivered milk to an Albuquerque plant transferred their sales to the Durango plant just prior to the hearing. No milk from this production area moves to the Western Colorado market.

Since the producers supplying the Durango plant must sell their milk either to the Durango plant or to New Mexico plants their sales should be included in the market pool established by the Rio Grande order. Thus they will share the Class I utilization in the market where their milk is available for sale. If a hearing is held on the Western Colorado area proposal, the Colorado counties now included in the Rio Grande order can be reconsidered for exclusion from the Rio Grande Valley marketing area as well as inclusion in the Western Colorado area. Meanwhile, the inclusion of Archuleta, Montezuma and La Plata Counties in the Rio Grande Valley marketing area will assure that all milk sold in the 4-county area is priced under either the Rio Grande Valley or the Western Colorado order.

The Rio Grande marketing area should include all territory within such area which is occupied by Government (Municipal, State, or Federal), reservations, institutions, installations, or other establishments.

2. *Producer.* The term "producer" should include dairy farmers who regularly deliver Grade A milk to plants which are primarily supplying fluid milk to the marketing area. (Such plants are hereinafter defined as "pool plants"). Accordingly, the term "producer" should distinguish between farmers who meet the sanitary requirements for the production of Grade A milk from other dairy farmers whose milk may be qualified only for use in the manufacture of dairy products. Grade A milk intended for fluid consumption in the marketing area is required to be produced in compliance with sanitary standards of the State of Colorado, the State of New Mexico, the State of Texas, or the regulations of Federal establishments in the marketing area and of the municipal, county, or other health jurisdictions in the area.

Although a producer establishes his affiliation with the market through delivery of milk to a pool plant his milk, occasionally, particularly on weekends, may not be needed at pool plants. Such milk can sometimes be used efficiently by diverting it directly from the farm to a nonpool manufacturing plant.

When a producer's milk is not needed for Grade A purposes in the market, the movement of such milk to a nonpool plant should be facilitated. Provision should be made whereby a dairy farmer retains his producer status with respect to milk diverted for the account of a handler to a nonpool plant in an amount not to exceed nine days' production. Diversions for six to nine days were recommended by witnesses. The nine day provision will accommodate the weekend drop in bottling plant receipts during each month. Should more than nine days' production of a particular dairy farmer be diverted during month, all milk diverted would be considered as nonproducer milk.

Milk delivered to a nonpool plant would be considered as received by the diverting handler at the plant from which it was diverted for the purpose of location differentials and for determining pool plant status.

In order to preclude duplicate regulation of milk, provision should be made for excluding as producers, persons whose milk is diverted to a plant at which such milk is subject to the pricing and payment provisions of any other order.

3. *Pool plants.* The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from producers at plants primarily engaged in supplying fluid milk and fluid milk products for sale to consumers in the marketing area. Such plants would be defined as "pool plants".

Milk may be disposed of for fluid consumption in the marketing area from plants not meeting any reasonable standard of regular and customary service to the market. It is necessary, therefore, to establish in the order standards of delivery performance to determine which plants and what milk constitute the regular and normal supplies which would become subject to full regulation. These performance standards should apply uniformly to all plants regardless of location. The decision as to how a plant shall be operated in relation to the order, that is, whether it is brought under regulation by meeting the performance standard or kept outside the scope of regulation can be made by the plant operator with knowledge of the announced standards. The operator is thus able to make his decision in the light of these standards and the economic circumstances with which he is confronted such as prices, transportation costs and alternative markets.

Performance standards should be such that any plant which uses a substantial proportion of its Grade A receipts for Class I sales in the Rio Grande Valley marketing area should share in the marketwide equalization. Plants which are only casually associated with this market should not come under full regulation of this order. Neither should they be required to equalize their sales with all plants under the order. This prevents plants, which are not genuinely associated with the market, from shipping milk into the market when their Class I utilization is below the Rio Grande Valley area Class I utilization to obtain equalization payments from the pool. Also, performance standards relieve a plant from sharing its Class I sales revenues with pooled producers when such Class I sales are made primarily outside the regulated area.

Separate performance standards are required for distributing plants and supply plants, because of their different marketing practices. A "distributing plant" is defined under the order as any plant which distributes packaged Grade A products on routes during the month in the marketing area. A "supply plant" is defined as a plant which ships milk to a distributing plant which is qualified as a pool plant.

A distributing plant to qualify as a pool plant under this order should use at least half of its milk for Class I purposes each month, with at least 15 percent of such Class I distribution or a daily average of 10,000 pounds, whichever is less, being made on routes in the marketing area. If a plant utilizes in excess of 50 percent of its milk for manufacturing purposes it is not primarily a fluid milk distributing plant. A plant making daily average sales of 10,000 pounds in the area, about one percent of the total sales in the market, is an important competitor for market sales even though such amount is not equal to 15 percent of such plant's total route sales. If a plant distributes less than 15 percent of its total Class I route sales in the marketing area, such a plant is obviously selling substantially more milk in other fluid milk markets than in the Rio Grande Valley area. A distributing plant having more than 85 percent of its Class I sales outside the marketing area is not essentially associated with this market and should not come under the full regulation of this order.

All plants distributing Class I milk in the marketing area at this time are expected to meet the minimum requirements for pool status with the exception of those plants at which milk is priced and pooled under the terms of another Federal order. However, a plant may at some time distribute a small quantity of milk on routes in the area but might not meet the pool plant performance requirements. Such a plant should be required to submit reports, make its records available for audit by the market administrator, and make the required payments if it is determined to be in a nonpool status.

A supply plant, to qualify as a pool plant under this order, should be required ordinarily to ship in any month not less than 50 percent of its dairy farm supply to a distributing pool plant in fluid milk form. If less than half of a supply plant's volume is needed in the marketing area, such plant should not be considered as primarily associated with this market. There is one plant in the market at this time which functions as a supply plant. That plant has shipped in excess of 70 percent of its receipts to distributing plants.

If there is any demand for milk from a supply plant it normally is greatest during the months of short production. September through January, August through November and September through February were proposed by various witnesses as representative of the short production period. Since this market is relatively short of milk during most

months of the year, a supply plant should be required to ship half its milk to the market during at least the months of August–February.

During the flush production months the supplies of milk at local plants may be sufficient to meet the Class I demands. It is economically desirable that local milk be used for Class I purposes and the more distant milk be left at supply plants for manufacturing use. The performance provisions should not force a supply plant to transport milk to distributing plants during peak production months merely to maintain pool status.

Provision is therefore made whereby a supply plant may maintain pool status during the months of March through July if it meets the supply plant qualifications for the months of August through February. Pool plant status would automatically be given such pool plant during the months of March through July, unless the operator of the plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through July period.

Certain handlers recommended more exacting performance requirements than those proposed herein. It was proposed that a pool distributing plant be required to use in Class I the following percentages of Grade A milk:

	Percent
August through November	70
December through April	65
May through July	60

The same handlers proposed that supply pool plants be required to move to distributing pool plants 60 percent of their Grade A milk receipts from farms during the months August through November and 50 percent of such receipts December through July.

Although shipments in the past from the one supply plant which serves the area have been as high as those recommended, it is likely that such shipments may not be required to as great an extent at all times. The efficient handling of milk in the area can be promoted by providing that a supply plant which has demonstrated its association with the market by making the required shipments in the short season may continue its pool status in the high production season without making specified shipment which would not be needed at distributing plants.

Handlers operating distributing plants are currently meeting the higher performance standards recommended by the group of handlers. However, such standards should not be set so high that they might deter the efficient marketing of milk in the future. Because of the limited manufacturing facilities available in the area some distributing plants might need to expand their manufacturing to handle the necessary reserve for the market. If performance standards are too high, such plants would be prevented from utilizing excess milk even though it might be economically efficient to use such milk in local plants rather than ship it to a distant manufacturing plant. At any rate the standards set forth herein will describe those plants which are sufficiently associated with the market so that they should be fully regulated.

A proposal whereby a supply plant's qualification under the order would be based upon the Class I utilization that was made of its milk at distributing plants is not needed for this order. There currently is but one supply plant in the marketing area and this plant would qualify as a supply plant under the proposed order provisions. The proposed order provision for supply plants is more practical in that a supply plant operator can determine his pool status without knowing the available Class I utilization of milk at distributing plants.

For the purposes of this order, a plant is considered the structure and premises at which stationary holding tanks for milk and other facilities for receiving, handling or processing milk are maintained. A point where milk is only transferred from one transport vehicle to another is not a plant, nor should a facility used merely to store packaged fluid milk products be considered as a plant.

Some fluid milk products are disposed of in the marketing area from plants fully regulated under another order. It is not necessary to subject such plants to full regulation under this order if they distribute a major portion of their receipts in another marketing area. To do so would subject such plant to duplicate regulation. Provision should be made to exempt such a plant from this order. Such a plant should file reports to the market administrator, however, in such manner as the market administrator may require and allow verification of the reports by him.

4. *Handler.* The term "handler" should be defined to include (1) any person in his capacity as the operator of a pool plant; (2) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area; (3) a cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for its own account.

The term "handler" is used to identify those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay minimum prices established. Such persons include plant operators and cooperative associations of producers under certain circumstances.

Efficient marketing of milk will be promoted in this market by providing a means whereby a cooperative association may divert its members' milk not needed by pool plants to nonpool plants and assume the responsibility for the accounting and pooling of such milk. If the association is defined as a handler for such milk even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

It was proposed that a cooperative association be permitted to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association of producers in this market has no facilities nor contract trucking operations for transporting the milk of its members. Hence, there is no need for such a provision at this time. Should these marketing conditions change, the proposal can be reconsidered at another hearing.

5. *Producer-handler.* The term "producer-handler" should include a person who processes and packages milk from his own production, who distributes any portion of such milk on routes in the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than "pool plants". The term "producer-handler" should include a producer-handler of certified milk who delivers packaged certified milk to another handler.

Most producer-handlers in the area are relatively small and engage in family-type operations. Their sales have not had a disrupting influence on the orderly marketing of milk in the area. Accordingly, it is not necessary to establish minimum prices for milk handled by such persons to effectuate the declared policy of the Act.

There are several producers in the area who produce large volumes of milk for sale to handlers. Such large producers might prefer to become producer-handlers rather than pool their returns for milk with other producers. The order should not hinder a producer from making such a choice. However, producer-handlers should not be permitted to purchase supplemental needs through Class I transfers from pool plants to the extent that the pool of producer milk would carry the reserve for such producer-handlers' sales. On the other hand, a producer-handler may occasionally need a small amount of milk due to an emergency with respect to his own supply. A limit on the purchases of milk by a producer-handler from pool plants will accommodate the emergency situation and protect the producer milk pool. Accordingly, a producer-handler who purchases milk from pool plants in an amount more than 20,000 pounds or 10 percent of his own production during a month, whichever is less, should lose his status and become regulated as a pool plant.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. To maintain producer-handler status the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing, packaging, and distribution of the milk must be the personal enterprise and risk of the person involved.

Milk, skim milk, or cream transferred from a pool plant to the plant of a producer-handler should be classified as Class I milk. Any supplies of milk which may be needed by a producer-handler may, by virtue of the type of operation involved, be presumed to be needed for fluid purposes and should therefore be classified as Class I in the supplying handler's plant. Any milk which a handler receives from a producer-handler should be classified as other source milk. A producer-handler would not sell his milk to a pool plant unless such milk was in excess of his fluid needs. This milk should be allocated to the lowest class utilization at the pool plant of a handler in the same manner as other source milk.

The producer-handler should be required to make reports of his receipts, utilization, and other information as the market administrator deems necessary to verify the continuing status of such person, and to facilitate accounting and verification of transactions which may involve other handlers.

There is one producer-handler having sales in the marketing area who handles only certified milk. This certified milk is obtained from his own certified dairy herd and is processed in his certified milk plant. His operation differs from that of other producer-handlers only in that he does not distribute the certified milk on routes. He sells the packaged certified milk to the operator of a distributing plant for sale on routes. Although the producer-handler of certified milk does not distribute such milk on routes to consumers he is required to absorb and balance in his plant operation the fluctuations in the daily supply and sales of the product. This is because no supplemental source of certified milk exists. Such milk is sold to the distributing plant operator in the amount required for each day's sales according to orders received for this specialty product. Since the producer-handler of certified milk, must, by the nature of the product handled, maintain his own reserve, he should be considered as a producer-handler and be regulated only to the extent that producer-handlers are regulated.

A milk plant operated by a state or local governmental agency should be considered a producer-handler unless the governmental agency elects to have its plant considered a pool plant. Government institutions which process milk for their own use need not be regulated since they do not compete with handlers for sales in the marketing area. In some cases, government institutions, such as universities, maintain dairy herds and milk plants as an auxiliary of their teaching program. If the dairy herd production is much in excess of the milk processed and used by the governmental agency, the institution should be permitted the opportunity to pool its production along with that of other dairy farmers supplying the market. If the option to pool is exercised it should continue for a full year so that milk production from the dairy herd of the government agency and other milk production shares equally in the seasonal reserve carried for the market.

6. *Producer milk.* The term "producer milk" should be defined to include the skim milk and butterfat received by a handler at pool plants from producers, or diverted to nonpool plants under the conditions specified in the "producer" definition. The term identifies the milk of each handler which is to be priced and pooled. A definition of such kind provides convenient reference for use in construction of order provisions.

7. *Other source milk.* Other source milk should be defined as skim milk or butterfat in fluid milk products, other than producer milk, fluid milk products received from other pool plants and opening inventory. It should include Class II products from any source which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. It should also include milk distributed in the marketing area from nonpool plants. Other source milk is not priced or pooled as is producer milk, but it must be considered in the classification and allocation provisions if producer milk is to be properly classified and if proper payments to producers are to be computed.

8. *Fluid milk products.* Those products to be classified as Class I milk, as described elsewhere in the decision, should be defined as fluid milk products. This definition is provided to facilitate reference in subsequent sections of the order.

9. *Route.* The term "route" is used to encompass certain types of milk distribution which determine whether a plant is subject to the order regulation. The term includes any delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store of any fluid milk product, other than a delivery to other plants, or a delivery to a distributing point. The route delivery of milk passing through a distribution point shall be considered to be made at its ultimate delivery to a place other than a plant.

10. *Additional definitions.* Additional definitions as "Act", "Secretary", "Person", "Cooperative Association", "Department", and "Nonpool plant" should be included in the order for clarity and brevity in the application of various other provisions.

(b) *Classification and allocation.* Since skim milk and butterfat are not used in the various milk products in the same proportions as contained in producer milk, they must be classified separately as Class I or Class II according to their respective use. Class prices, however, should apply to each hundredweight of milk and be adjusted by butterfat differentials according to the percentage of butterfat in the milk, skim milk or cream in each class.

(1) *Milk classes.* Milk should be classified in two classes which reflect the principal differences in the quality and value of milk required for different uses. In general, Class I should include milk and milk products which are required to be produced from Grade A milk and Class II should include milk used for manufacturing purposes where graded milk is not required.

The products which should be included in Class I are those for which the health authorities having jurisdiction in the marketing area require the use of Grade A milk. The extra cost of obtaining a regular, dependable supply of Grade A quality milk makes it necessary to provide a price for such milk higher than for milk eligible only for use in manufactured dairy products. In order that products which must be made from Grade A milk contribute uniformly to the extra cost of such milk needed in the market, all such products should be included in Class I.

Class I milk should include products which are required to be made from Grade "A" milk produced in accordance with the requirements of health authorities having jurisdiction in the marketing area. More specifically, Class I milk should consist of milk, skim milk, buttermilk, flavored milk, plain or flavored milk drinks, reconstituted milk or skim milk, fortified milk (including dietary milk products), concentrated milk, sweet cream, and any mixture of milk, skim milk or sweet cream. Yogurt, sour cream and sour cream mixtures which are labelled Grade A should also be included in Class I. Frozen cream, frozen dessert mixes, ice cream mix, aerated cream products and sterilized products in hermetically sealed containers would not be Class I.

Yogurt, sour cream and sour cream mixtures sold in the area as Grade A products must be made from Grade A milk. However, if they are not labelled as Grade A they may be made from non-Grade A milk. Since such specialty products may be, and are, sold in the area as non-Grade A products, they should not be included in Class I unless labelled Grade A.

Any nonfat fluid milk products added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such a product. Class I classification should apply, however, only to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The nonfat milk solids used to fortify fluid milk products do not displace producer milk for Class I use. Therefore, the portion of the fluid milk product represented by added milk solids should be classified as Class II.

Reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk and, if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid originally associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

All skim milk and butterfat used to produce products other than Class I should be classified as Class II. Such products (primarily manufactured dairy products) are not required to be made from milk approved for fluid consumption. Hence, approved milk used in such products must be priced so that handlers who use milk in such products can sell their manufactured products at prices competitive with products made from ungraded milk.

Specifically, Class II should include frozen cream, frozen dessert mixes, ice cream, ice cream mix, aerated cream products, butter, cheese (including cottage cheese), dried milk products (whole

and nonfat), condensed or evaporated milk and skim milk, other products not specified as Class I milk and the following products unless such products are sold under a Grade A label: Sour cream, cultured sour cream mixes, eggnog, and yogurt. Class II should also include plant loss (within certain limits), skim milk and butterfat dumped, milk disposed of as livestock feed or to a commercial food processing establishment, and milk accounted for as inventories of fluid milk products on hand at the end of any month.

Frozen cream should be Class II since it is designed primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II product added to a fluid milk product, at the time of such use, should be designated as other source milk and assigned to the utilization in the plant accordingly.

Milk disposed of to commercial food processing establishments should be classified as Class II. There is no milk distribution from such establishments and the milk they use is not required to be from Grade "A" sources. In order that handlers may use this outlet for surplus milk, it should be classified as Class II milk.

Milk in fluid products dumped or used as livestock feed should be classified as Class II. Due to the lack of manufacturing facilities in the marketing area, such outlets sometimes represent the most efficient method of disposing of small quantities of surplus milk. Transportation and handling costs make it uneconomical to haul small quantities of milk to trade outlets for surplus milk. On the other hand, the handler should pay producers for all milk he receives from them. He has the alternative of not accepting milk he cannot use. Therefore, no deduction from the Class II price should be allowed on milk dumped.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents the disappearance of milk for which the handler must account but receives no direct return, it should be allocated to Class II milk in a quantity that is reasonable.

The maximum shrinkage of skim milk and butterfat allowed in Class II should be 2.0 percent of producer milk (excluding milk diverted to a nonpool plant) plus 1.5 percent of all milk received from other pool plants and less 1.5 percent of all milk transferred to other pool plants. No shrinkage should be allowed on milk diverted to a nonpool plant since it is not physically received at a pool plant. Shrinkage on other source milk would not be limited.

Handlers have inventories of milk and milk products at the beginning and end of each month which must be classified and accounted for. The ending inventory of fluid milk products should be classified as Class II milk. This insures that handlers pay only the Class I price for milk so utilized during the month. Both packaged and bulk milk products in ending inventory should be Class II milk. Manufactured milk products would not be included in inventory accounting because they are accounted for in the month when manufactured. Handlers would need to maintain stock records of such products, however, to permit audit of their utilization records by the market administrator.

Since closing inventory would be accounted for as Class II, it is necessary to provide a method for reclassifying in the following month, the milk in ending inventory which is used for Class I purposes. This should be done in accordance with the procedure whereby preference in Class I classification is given to producer receipts received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk. If other source milk was an inventory item in the previous month, the amount of such beginning inventory assigned to Class I but not covered by the reclassification charge would be subject to compensatory payments (except that such payments would not apply to any milk priced as Class I under another Federal order).

Inventories of fluid milk products on hand at the beginning of any month in which a plant qualifies as a pool plant for the first time should be assigned to any available Class II utilization of the plant during the month. This permits the assignment of current producer receipts to current Class I use.

Each handler must be held responsible for a full accounting of all his receipts of skim milk and butterfat in any form. A handler who first receives milk from dairy farmers should be held accountable for establishing the classification of and making payments for such milk. Fixing responsibility in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage which may be classified as Class II, all skim milk and butterfat for which the handler cannot establish Class II usage should be classified as Class I. This provision is necessary to prevent any advantage which might accrue to a handler due to incomplete or inaccurate records and to assure dairy farmers they shall receive payment for their milk in accordance with its usage. Accordingly, the burden of proof of Class II utilization should rest with the handler.

Goat's milk should not be regarded as milk in the application of this order. Goat's milk which has special uses is not intermingled with or substituted for cow's milk.

(2) *Transfers.* It is necessary to establish rules for the classification of skim milk and butterfat which may be transferred or diverted to another plant.

Skim milk and butterfat in fluid bulk form transferred to another pool plant should be Class I unless utilization in Class II is mutually indicated by each handler in his report to the market administrator and there is sufficient Class II usage at the transferee plant according to the allocation provisions. Skim milk or butterfat should be classified at both plants so as to assign the greatest possible Class I utilization to producer milk.

Skim milk or butterfat transferred to a nonpool plant should be classified as Class I unless the following provisions are met: (i) The transferring handler claims Class II utilization in his report to the market administrator, (ii) the operator of the nonpool plant keeps adequate records showing the utilization of all milk receipts received at such plant and the market administrator is permitted to examine such books and records to verify Class II usage; and (iii) the transferee plant does not have Class I usage in excess of the milk received during the month from dairy farmers who are approved to supply Grade "A" milk and who constitute the regular supply for such plant. If Class I milk disposed of by a nonpool plant exceeds the sum of receipts from regular dairy farmers, provision should be made whereby this excess quantity is assigned to Class I from pool plants. Such Class I sales, however, should not result in duplication in the case of milk transferred to the nonpool plant from pool plants under this order and other Federal orders. In such case, the quantity of bulk milk shipped by a pool plant and classified as Class I should be not less than such plant's pro rata share of the remaining Class I sales at the nonpool plant.

The proposed method of classification will promote orderly disposal of excess milk in the market and provide an equitable classification of milk shipped to a nonpool plant. The provision for verification by the market administrator is necessary and reasonable to insure proper application of the classification procedures prescribed in the order.

There is no need for a mileage limitation to describe a surplus disposal area beyond which bulk shipments of fluid milk products would be automatically classified as a Class I product. Producers proposed a surplus disposal area of 200 miles extending from named points in the marketing area. Handlers proposed an area within 625 miles of the plant from which such milk was transferred. Both producers and handlers proposed no mileage limitation on cream sold and labelled for manufacturing use only.

Certain Rio Grande Valley handlers are supplied by farms a considerable distance from their plants. If a producer's milk is not needed at the plant on a certain day, the most economical and feasible method of handling such milk would be to divert it to a nonpool manufacturing plant as near as possible to the farmer. The nearest plants to which Rio Grande handlers may dispose of surplus are located a considerable distance from Rio Grande plants. The facilities for handling surplus milk in the marketing area have limited capacity. Should the receiving nonpool plant be located beyond the surplus disposal limit the automatic Class I classification would preclude its sale to the nonpool plant for manufacturing purposes.

(3) *Allocation.* The order provides for determining the value of Grade A milk received from producers at a plant each month on the basis of its classification. It is necessary, therefore, if a plant has receipts from other sources to determine the order of assignment of milk from all sources to each classification.

In general, the milk from dairy farmers primarily engaged in supplying the needs of the market should receive priority in the allocation to the Class I utilization at regulated plants. This is necessary to make effective the classified pricing of producer milk. The allocation of receipts from different sources to Class I or Class II utilization as set forth in the order will accomplish this general objective. It will provide also for prior Class I assignment of certain products received in packaged form and for a small reserve of producer milk to be assigned to Class II milk ahead of other source milk which has been priced as Class I under another Federal order.

Packaged fluid milk products subject to pricing under another Federal order should be allocated to Class I milk. Some handlers receive certain speciality fluid milk products as packaged products from plants at which milk is priced under another order. In the case of such packaged products, the farmers supplying the plant regulated under the other order provide the reserve for such products. Therefore, producer milk in this area should not displace such packaged Class I sales.

Milk received and disposed of as packaged certified milk or packaged certified nonfat milk should also be allocated to Class I ahead of producer milk.

Certified milk differs from Grade A milk in that the cows, the premises on which the milk is handled, and the health of employees must be certified. A producer of certified milk must process his own milk in his own plant and should therefore be treated as a producer-handler in that he should be required to make reports of his utilization as the market administrator deems necessary and the excess production which is received by a pool plan should be considered other source milk, and be allocated to the lowest class.

There is one producer-handler of certified milk in the proposed Rio Grande Valley marketing area. This producer-handler sells the packaged certified milk to a handler, who in turn distributes this milk on routes. Normally, receipts of milk by a handler from a producer-handler represent the producer-handler's surplus. This is not the case with respect to packaged, certified milk of a producer-handler. Such a producer must maintain his own reserve for this special packaged product.

A reserve of 5 percent of producer milk should be allocated to Class II before milk priced as Class I under another order is allocated to Class II use. The supply of milk available to handlers from producers may not be sufficient at all times to meet their requirements for fluid sales. Nevertheless, since the receipts and use of milk are reported and allocated on a monthly basis, some producer milk may be available at one period during the month but not in another period. In order to reconcile the monthly accounting system (which is administratively practical) with the actual daily availability of milk, some tolerance of assignment of producer milk to Class II in such situations is needed. Therefore, an assignment of 5 percent of producer milk should be made to Class II before allocating to Class II, milk priced as Class I under another Federal order.

In the allocation of a handler's receipts, other source milk which is priced and pooled under another order should receive preference in Class I use over other source milk which is not so priced. This will minimize compensatory payments for Rio Grande handlers on unpriced milk purchases.

The sequence of assignment to Class I and Class II utilization as specified in the proposed order will provide equity in the assignment of special types of receipts and will achieve the proper assignment of producer milk to available Class I use.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Rio Grande Valley marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and assure the maintenance of a supply of quality milk adequate for the needs of the market.

Class I prices should be established at a level which, together with an appropriate Class II price will bring forth the required supply of fluid milk for Class I needs plus a reasonable reserve supply. Class I prices established too low will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, Class I prices which are too high will bring to the market more milk than is needed to supply the demand for Class I milk, including the necessary reserve. Such over-attraction of milk supplies would tend to shift agricultural resources into the production of unnecessary and uneconomic surpluses which would depress the blend price to producers.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs in the market. Such prices should not encourage the development of milk supplies for use in Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5 percent butterfat content. Some handlers in the area now quote prices for milk of 3.5 percent butterfat, others announce prices for milk of 4 percent butterfat and some list prices in terms of a price per pound of butterfat. The announcement of prices for the entire market on a 3.5 percent basis will facilitate comparison of prices within the area. The proponent cooperative proposed that prices be announced on a 4 percent butterfat basis but a witness testifying for the cooperative said no objection would be raised to the announcement of prices at 3.5 percent butterfat. Several handlers supported the use of 3.5 percent as the basic butterfat content of announced prices.

The Class I and Class II pricing methods adopted herein are similar, in principle, to those used in other areas where Federal milk orders regulate minimum prices paid by handlers to producers for milk.

(1) *Class I price.* For the first 18 months the Class I price for milk of 3.5 percent butterfat content at plants within 100 miles of the courthouses in Bernalillo and Santa Fe Counties, New Mexico, should be determined by adding to a basic formula price $2.35, July–February and $2.05, March–June. The price should be adjusted also by the simple average of the supply-demand adjusters used in computing Class I prices for the same month under the North Texas, Oklahoma Metropolitan, and Wichita, Kansas, Federal milk orders. The price at plants within 100 miles of El Paso, Texas, should be 10 cents higher in each month.

The basic formula price proposed herein is the Minnesota-Wisconsin manufacturing milk price series and is the same as that recommended for use in 36 Federal order markets. Official notice is taken of a final decision issued February 21, 1962 (27 F.R. 1802) in which that series is recommended for use as the basic formula in 36 markets.

The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured dairy products is nationwide, prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price to be used in establishing the Class I price should be the average price for the preceding month paid for manufacturing grade milk in Minnesota and Wisconsin. This price series reflects about the same level of prices as those reported paid at selected Midwest condenseries. This condensery price series, as proposed, would have been the effective basic formula in each month of 1961. The number of plants reporting prices for the condensery average has been reduced to eight. Four of these plants are operated by one business concern. Any further reductions in the number of reporting plants could result in the discontinuance of this price reporting. (Official notice is taken of the closing of the Borden Company plant at Orfordville, Wisconsin and the Pet Milk Company plant at New Glarus, Wisconsin, since the hearing.)

The Minnesota-Wisconsin price series reflects prices paid by a large number of plants in these states and therefore provides a more representative basic price. Furthermore, since the series is to be used in many other Federal order markets, its use will facilitate alignment of prices in this market with prices in these other markets. Since the Minnesota-Wisconsin price series has reflected price changes similar to the changes in the condensery price average, this basic price will also maintain general alignment of prices with markets where the condensery price is used.

The differential added to the basic formula price should be $2.35, July–February and $2.05, March–June. This price would apply at plants within 100 miles of the courthouses in Bernalillo and Santa Fe Counties, New Mexico. Hereafter, such price will be referred to as the Albuquerque-Santa Fe price. The El Paso price should be 10 cents higher in each month. (See findings in connection with location differentials.)

Reported prices paid for "base" milk during 1961 ranged from $5.55 (3.5 percent butterfat content) to $5.10 at El Paso and from $5.35 to $4.35 at Albuquerque and Santa Fe. The December 1961 price at Portales, New Mexico, was $4.40, at Roswell, New Mexico, $4.83 and at Durango, Colorado, $4.65 for milk at 3.5 percent butterfat. Producers were paid for only a portion of their milk at these "base" prices. Other milk was designated as surplus and priced as low as 70 to 80 cents per pound butterfat.

The wide swings in prices in the market during the past year and the lack of a classified plan for buying milk make it impossible to appraise the existing price levels in relation to the supply and demand for milk in the market. With the issuance of a Federal order and the establishment of a classified price plan such as exists in other markets operating with Federal milk orders, we may reasonably assume that the level of Class I price in the Rio Grande Valley area should bear an appropriate relationship to Class I prices in other markets.

The order proponents proposed a Class I price 35 cents over the Texas Panhandle price at Albuquerque and Santa Fe and 45 cents over the Panhandle price at El Paso. Although a handler regulated under the Texas Panhandle order distributes milk in Eastern New Mexico in several counties to be included in the proposed Rio Grande Valley marketing area, the Class I price in that market is not under present conditions an appropriate basing point for calculating an alternative supply cost price for the entire Rio Grande Valley area. Class I prices in other markets plus the cost of transporting milk from such other markets to Rio Grande Valley markets are less than the proposed price based on the Texas Panhandle price.

Milk transported over long distances is being hauled to the Rio Grande Valley area in 5,500 gallon tanks for 50 cents per loaded truck mile. This is translated into a transportation cost factor of 1.06 cents per hundredweight per 10 miles between plants. Large quantities of milk have been received in the Rio Grande Valley during the past year from a plant at Wichita, Kansas, and a plant at Waterloo, Iowa. Milk at the Wichita plant is priced under the Wichita order and milk at the Waterloo plant is priced under the North Central Iowa order. The cost of transporting milk from Wichita to Albuquerque and Santa Fe is 61 cents per 100 pounds. The cost of transporting milk from Waterloo calculated on the same basis is $1.22. The Class I price at Albuquerque should not, therefore, exceed Class I prices in these two markets over any extended period by more than about these transportation costs.

The Wichita Class I price is established at $1.57 over a basic formula price. This differential plus freight cost would support an annual average differential of $2.18 at Albuquerque-Santa Fe. The North Central Iowa differential (as it is established relative to the Chicago Class I price) of $1.05 (annual average) plus $1.22 transportation cost would indicate an annual average differential at Albuquerque-Santa Fe of $2.17. However, the Wichita and North Central Iowa prices are further adjusted by supply-demand factors which, in December 1961, reduced the Wichita Class I price 12 cents and the North Central Iowa price 24 cents. Official notice has been taken of the Wichita, Chicago and North Central Iowa Federal milk orders and the Class I price announcements issued by the market administrators of such orders for December 1961.

Since the Class I prices established in these markets from which the Rio Grande Valley market draws milk are currently reduced because of large milk supplies relative to sales is these areas, the appropriate Class I price for the Rio Grande Valley must reflect this condition to some degree.

This reflection could be accomplished by establishing a Class I price differential based on the net Class I prices in these markets at the present time. There is no assurance, however, that current supply conditions in those areas will continue indefinitely. On the other hand, it is hardly necessary to align the Class I prices for the Rio Grande Valley market with precision each month to the prices in those markets which are 600–1100 miles distant.

Ideally, Class I prices in the Rio Grande Valley market should reflect local milk supply and sales relationships as well as a reasonable alignment with other market prices. Since complete data with respect to receipts and sales of milk in the Rio Grande Valley area are not available, this approach is not practical at this time. Furthermore, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than they have been in recent months.

Several Federal order markets in the region use supply-demand adjusters in their Class I pricing formulas. To the extent that these adjusters in each market reflect economic conditions of supply relative to sales common to the region they would give some reflection of similar conditions in the Rio Grande Valley. Hence, during the first 18 months the Rio Grande Valley order is effective the Class I price should be adjusted by the simple average of the supply-demand adjustments effective for the same month in the Wichita, Oklahoma Metropolitan and North Texas markets. In December 1961 the Class I prices in these markets were reduced by supply-demand adjusters as follows: Wichita, minus 12 cents, Oklahoma Metropolitan, minus 7 cents and North Texas, 31 cents. The simple average adjustment would have been minus 17 cents.

Each of these markets has a supply-demand adjuster independently calculated. The influence of these adjusters extends beyond the limits of each market in that the Wichita Class I price affects the Southwest Kansas price, the Oklahoma Metropolitan Class I price determines the Red River Valley price and the Class I prices in Central West Texas, Austin-Waco, San Antonio and Corpus Christi are based on the North Texas prices. Official notice is taken of the provisions of these orders and the Wichita, Oklahoma Metropolitan, North Texas, Central West Texas and Texas Panhandle announced Class I prices for December 1961.

The supply of milk of Rio Grande Valley producers needed for Class I sales in the area will be affected by the amount of Class I milk from these markets which is moved to the Rio Grande area. The price alignment among these markets will influence such movements. Bulk milk is now moving from Wichita plants to plants in the Rio Grande Valley. Milk packaged in the Oklahoma Metropolitan area is disposed of on routes in the Rio Grande Valley area. Rio Grande Valley handlers compete with Texas handlers for the milk supply in eastern New Mexico. If prices paid in Texas markets rise relative to the price paid in the Rio Grande area that supply might be taken from the Rio Grande market even though it is needed in the Rio Grande area. The proposed supply-demand adjustment in the Rio Grande Valley price will prevent disparity in prices in the Rio Grande area as compared to these other markets during the initial period in which the order is effective. After 18 months the entire Class I pricing method should be reviewed on the basis of facts available at that time.

This proposed supply-demand adjustment with a fluid differential of $2.35 would have established a price $2.18 above the basic formula in December 1961 at Albuquerque-Santa Fe whereas the price in the nearby Central West Texas market was $2.19 over the basic formula at Abilene. In the Texas Panhandle market where no supply-demand adjuster is used the December 1961 price was $2.15 over the basic formula.

The proposed basic formula price, that paid at Minnesota-Wisconsin manufacturing plants, was $3.31 in November. That price plus $2.35, less 17 cents would have established a Class I price at Albuquerque and Santa Fe of $5.49 for December 1961. These factors would have set an annual price level of $5.39.

(2) *Class II price.* The minimum Class II price each month per hundredweight of milk containing 3.5 percent butterfat should be a butter-powder formula for the months of July through April, and for the months of March through June such price less 13 cents per hundredweight.

Some milk in excess of Class I requirements is required to maintain an adequate supply of milk on an annual basis. The price of this reserve should be maintained at the highest level consistent with facilitating its use for manufacturing purposes when necessary.

The pricing of reserve milk herein recommended will reflect the competitive value of surplus milk used for manufacturing purposes in the Rio Grande Valley area. There are limited facilities for manufacturing milk located in or near the proposed marketing area. Milk is used by distributing plants in the marketing area for making ice cream, cottage cheese and such products as sour cream and eggnog. There is a supply plant located at Portales, New Mexico, which processes sour cream, cottage cheese, butter, ice cream mix and condensed milk. One handler whose plant is located at Clovis, New Mexico, listed his nearest outlets for surplus milk would be at Munster, Texas; Mangum, Oklahoma and Sanford, Colorado. Another handler whose plant is located at Durango, Colorado, stated that he moved surplus milk to a plant in Murray, Utah. The recommended Class II price is similar to the Class II price in the Texas Panhandle order, when that price is adjusted to 3.5 percent butterfat content, and is slightly lower than the Western Colorado and Colorado Springs Class II prices. Since Rio Grande Valley handlers must dispose of surplus milk in plants to which handlers regulated under these other orders move surplus milk, the Class II price in the Rio Grande area must be generally in line with prices in these areas.

The cooperative association proposed that the Class II price be the same as their proposed basic formula price for the Rio Grande order. This basic formula was the higher of the Midwest condensery series or a butter-powder formula. The adoption of this proposal would price Rio Grande surplus milk somewhat higher than in surrounding markets. If the Class II price is too high, Rio Grande producers could have difficulty in marketing their entire production. Handlers would refuse to accept it unless it could be used without sustaining a substantial loss.

The butter-powder price proposed herein per hundredweight for 3.5 percent milk is comprised of a butter factor related to the price of 92-score butter at Chicago, less three cents, multiplied by 4.2, and a skim milk factor equal to the average of the prices for spray and roller process nonfat dry milk at Chicago area plants, less 5.5 cents, multiplied by 8.16. This formula price would have yielded an average price of $3.10 for the year 1961 and $3.20 during the last six months of the year. The higher price in the last half of the year was due, in part, to an increase in the Federal Government purchase prices for nonfat dry milk which were increased July 18, 1961.

A 13-cent reduction from the butter-powder formula price during the months of March through June is needed in view of the increased surplus which needs to be moved from the market at this time. The lower price will assure that the larger supplies in this period will be accepted by handlers. The 13-cent seasonally lower price is effective in the Texas Panhandle market.

The prices being paid for surplus milk in the Rio Grande Valley market were depressed during 1961 by the disorderly marketing conditions in the area. The surplus prices paid by handlers in the area varied, but a rate of 80 cents per pound of butterfat was common in most areas except El Paso, Texas, and Las Cruces, New Mexico, where prices were higher. The 80-cent butterfat price, equivalent to $2.80 per hundredweight for 3.5 percent Class II milk, was lower than the price paid by some handlers in 1960 even though manufacturing milk prices increased generally from the previous year because Government purchase prices for price supported dairy products were increased.

The Class II formula price proposed herein was supported by a group of handlers who would be regulated by the proposed order.

(3) *Equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainly with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and will thereby prevent unnecessary interruption in the operation of the order.

(4) *Butterfat differentials.* The class prices and uniform prices to producers which are proposed herein for milk of 3.5 percent butterfat content should be adjusted for each variation of one-tenth of one percentage of butterfat from 3.5 percent by the following differential rates:

Class I, at the Chicago wholesale butter price times 0.125.

Class II, at the Chicago wholesale butter price times 0.115.

Uniform price, at the Class I and Class II differentials times the respective quantities of butterfat from producer milk used in each class.

Butterfat differentials used by handlers in the area have varied, with different rates applying to adjustments for butterfat content above and below the basic butterfat content at which prices were quoted. The differentials for milk above basic butterfat content were in recent months seven and eight cents. Adjustments below basic were made at rates from nine to fourteen cents. The proposed differential based on the 1961 average butter price of 60.5 cents would give a differential of 7.6 cents. This proposed differential is within the range of differentials used in the market and should be used at least until more detailed information is available concerning the relative proportions of butterfat and skim milk used in Class I products in the area.

The cooperative association proposed that the Class II butterfat differential as well as the Class I differential be established by the factor 0.12 times the butter price. Several handlers proposed that the factor be 0.11.

Most handlers in the market have priced excess milk in terms of a price per pound of butterfat. In some cases handlers have not attempted to recover any value from excess skim milk. Thus, surplus milk pricing has been reflective of the value of excess fat disposed of as cream.

The pricing system proposed herein will require handlers to pay for both skim milk and butterfat in Class II. If the handlers' proposal were adopted, too much of the Class II price might be associated with the skim milk which heretofore has borne no part of the surplus milk price. On the other hand, the proposal made by the cooperative might price butterfat too high to facilitate its disposition. A rate midway between the handlers' and producers' proposals, 0.115 times the Chicago butter price, will result, at current butter prices in a 7-cent differential. This 0.115 factor should be adopted.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

(5) *Location differentials.* Location differentials should be incorporated in the order to provide appropriate adjustment in the Class I price based upon the location of any plant at which producer milk is received. Class I milk because of its bulky and perishable nature incurs high transportation costs if moved a considerable distance. Milk delivered directly by farmers to handlers' plants located close to the area where such milk is distributed to consumers is therefore more valuable to the handler than milk obtained at a plant many miles from the market.

El Paso, Texas, and the Albuquerque-Santa Fe area are the two principal metropolitan areas in the proposed marketing area. They represent the points where there is the largest concentration of population and therefore are the areas of largest milk sales to consumers. The two metropolitan areas are separated by 270 miles with El Paso being directly south of the Albuquerque-Santa Fe area.

Both El Paso handlers and Albuquerque-Santa Fe handlers receive milk from producers located in the counties adjacent to such cities but each area also receives milk from producers' farms located in eastern New Mexico. About half the dairy farmers in New Mexico having Grade A permits have farms in the row of counties on the eastern border.

There are plants located in eastern New Mexico (Tucumcari, Clovis, and Roswell) from which milk is distributed on routes in the proposed marketing area. There is also a plant at Portales, near the eastern boundary of New Mexico which receives Grade A milk and ships such milk to plants in Roswell, El Paso and Albuquerque when it is needed for fluid sales.

The location differentials should be established so that handlers whose plants are located in eastern New Mexico are required to pay Class I prices which are less than the El Paso and Albuquerque-Santa Fe prices by about the cost of

transporting milk from that area to said cities as compared to hauling it to local plants. The cost of transporting milk from this reserve supply area is about 10 cents greater to El Paso than the cost to Albuquerque-Santa Fe. Therefore, the Class I price at El Paso should be 10 cents higher than the price at Albuquerque-Santa Fe. This will permit El Paso handlers to pay net farm prices to eastern New Mexico producers equivalent to the prices paid by Albuquerque and Santa Fe handlers.

Location differentials should also reduce Class I prices at plants 100 miles or more from Albuquerque, Santa Fe and El Paso. The Class I milk price at a plant 100–110 miles from the county courthouses in El Paso County, Texas, Bernalillo County (Albuquerque), New Mexico, or Santa Fe County, New Mexico, should be reduced 15 cents and 1 cent more for each 10 miles or fraction thereof that such plant is more than 110 miles from the nearest of the respective courthouses. The differential shall be computed from Albuquerque or Santa Fe, New Mexico, unless the resulting cost of milk is as great or greater if computed from El Paso, Texas. Distances should be measured by highway mileage since milk moves over such highways and hauling rates vary with distance milk is hauled.

The reported costs of hauling milk from farms to different plant locations has varied in some instances by more than the amounts proposed herein for location price differentials. The excessive hauling rates reported in some instances may be attributed to some extent to the disorderly price situation which has existed.

The rates provided herein reflect approximate costs of moving milk to city plants by efficient means. Transportation costs per mile are normally greater for short hauls than for longer hauls. Exhibits indicated that milk could be hauled distances of 500 miles or more for approximately 1 cent per hundredweight per mile whereas, on shorter hauls from farm to plant rates were considerably higher. Accordingly, a differential of approximately 1.5 cents per ten miles is made for the first 100 miles with a rate of 1 cent for each ten miles or fraction thereof, beyond 100 miles.

The location differentials, as proposed, will establish prices at each pool plant which will not only permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs but will also establish prices at such plants which are aligned with minimum prices effective at plants regulated under nearby Federal milk orders.

No location differential should apply to Class II milk. Such milk need not be moved to the area centers of population to be sold. Handlers should not be encouraged to move milk long distances for Class II purposes at the expense of dairy producers since Class II products incur little freight cost and prices for such products vary little with location. The Class II milk should be manufactured as near as possible to the source of production and the product should be transported rather than the milk.

A method is provided for determining, if necessary, the priority of milk from various plants allocated to Class I for the purpose of computing the aggregate location differential to be allowed.

In line with the economic considerations which affect the value of milk for fluid milk uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the uniform price paid producers delivering milk to plants to which location differentials apply also should be reduced by the rate applicable to the Class I price to reflect the lower value of such milk, f.o.b. the point of actual delivery.

(6) *Payment on unpriced milk.* Provision should be made for payments into the producer-settlement fund with respect to other source milk which is not priced under this or another Federal order and which may be disposed of in the marketing area as Class I milk either on routes by a nonpool plant or by receipt at a pool plant and disposition from such plant. The rate of payment on such other source milk which is utilized as Class I milk in the marketing area should be the difference between the Class I and Class II prices. However, the operator of a nonpool distributing plant should be given the opportunity to pay his own dairy farmer suppliers an amount of money equivalent to his pool obligation had his plant been a pool plant. If his payments are less than such obligation he should be required to pay into the producer-settlement fund an amount which when added to his payments to dairy farmers equals the obligation he would have sustained as a pool plant.

Essentially, all other source milk which might be utilized for Class I milk in the marketing area would be produced as part of the supply intended primarily to meet the demand for milk for fluid consumption in some area other than the Rio Grande Valley area but not used in the area for which it was produced. All milk which is eligible for sale as Class I milk in the area must be of Grade A quality and such Grade A milk is normally marketed for consumption in fluid products. Since such milk would be excess to the plant operator's needs for fluid sales in his primary sales area, it would have a surplus milk value to him.

If unregulated handlers were permitted to dispose of surplus milk in the marketing area, either through sales to a pool plant or route distribution, without any offsetting charges, regulated handlers would be placed at a competitive disadvantage. Such competitive disadvantage to regulated handlers would circumvent the intended purpose of the Agricultural Marketing Agreement Act of 1937, as amended, which is to return a reasonable level of prices to producers who constitute the regular supply for plants serving a regulated milk market.

Inefficiency of marketing would be encouraged if the advantage of unregulated milk were not neutralized by order provisions which require compensatory payments of unregulated handlers. Pool plants would be encouraged to obtain milk for their Class I needs from distant points, rather than the normal and dependable supply, because of the price advantage that could be offered by unregulated handlers on their surplus milk. Hence, provision to require payments which offset the advantage of unregulated milk is essential for the proper functioning of this order.

In some situations plant operators may find it economical or desirable to make small shipments of milk into the area. This would be true with respect to shipments of milk to pool plants for manufacturing purposes. Compensatory payments are required to provide a means by which full regulation of the handling of milk under these conditions may be avoided and at the same time the integrity of the classified pricing system and marketwide equalization of returns which are necessary for the maintenance of orderly marketing in this area may be preserved.

The potential sources of Grade A milk which are not regulated and are available at the surplus price (approximately the Class II price under this order) needs to be taken into consideration in determining the compensatory payment rate. Grade A milk in the region surrounding the Rio Grande Valley marketing area is associated with fluid milk markets and is available to the Rio Grande area only when it is produced in excess of the fluid needs in its regular sales area. The price at which such milk is available is the price at which it can otherwise be sold—the surplus or Class II price. Therefore, the rate of payment on other source milk allocated to Class I should be the difference between the Class I price and the Class II price adjusted (by the same rate as applicable to pool plants) to the location of the plant at which such other source milk was received from farmers.

Other source milk in the form of concentrated milk products should be considered to be from a source at the same location as the plant where used. It would not be administratively feasible to do otherwise because concentrated milk products may be obtained from so many sources it is often not possible to determine where such products originated.

All funds collected from such compensatory payment should be paid into the producer-settlement fund. A handler who receives other source milk on which payment is due shall be the person responsible for making such payments to the market administrator. There would be no difference in the amount paid whether the payments were required of the operator of the pool plant or of the plant from which the other source milk originated. Because the pool handler is the one making the distribution in the area and because he is the one who submits reports to the market administrator, it is administratively practical that he should be the one required to make the payments.

No compensatory payment should be required on milk classified and priced under another Federal milk marketing order. The minimum prices for Class I milk under Federal orders from which Rio Grande handlers might obtain supplemental supplies are generally aligned with the recommended Class I price of this order, adjusted for location. Since handlers under other orders must pay for milk on a utilization basis, there is no opportunity for them to sell their surplus milk as Class I in the Rio Grande Valley marketing area at less than Class I prices.

Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool distributing plants should be given an opportunity to choose between two types of payments into the producer-settlement fund: (1). An amount determined by multiplying the hundredweight of Class I milk disposed of in the marketing area by the difference between the Class I and Class II prices or (2) the amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

If the nonpool plant operator elects to make payments under the first option, the regulation would be protected in the same manner as is provided with respect to compensatory payments on other source milk at pool plants. If he chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler.

Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. There are no known handlers in a position to use this option. In view of this there is little likelihood that handlers who might exercise this option would be located where their milk procurement would have an unstabilizing effect upon the procurement by fully regulated handlers.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular source of supply of milk for the nonpool plant. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant.

It is possible that nonpool plants from which milk is distributed in the Rio Grande Valley market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the Rio Grande Valley order should credit such handlers with payments made under similar provisions of another Federal order.

(d) *Distribution of proceeds among producers.* The proposed order should contain provisions which describe the means whereby the payments made by handlers for milk at class prices are to be converted to uniform prices to be paid producers. The provisions should specify also the terms under which such payments must be made.

1. *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization of the required payments for milk by all handlers.

Payments by handlers to producers have been made without regard to the utilization of milk by the handler and prices paid by different handlers have varied considerably. When a handler did not need milk for his fluid sales he could reduce his supply by discontinuing purchases from certain producers. The insecurity of market and the depressed price situation prompted the organization of the producers' cooperative, The Dairy Farmers Association. This cooperative was organized to market the milk of its members jointly, to bargain for prices on behalf of its membership and to share among its members the risk entailed in any loss of market by a member.

The cooperative is committed to share uniformly among its members the Class I utilization by handlers of milk of its members. The cooperative, representing about 275 of the 400 producers supplying the market, is thus obligated to pool the returns to its producers on a marketwide basis.

The adoption of an individual-handler pool (as proposed by one handler) could create differences in prices paid member producers compared to nonmembers. Such price differences, if favorable to nonmembers, could create strong economic pressure to weaken the cooperative association and thwart its efforts to promote orderly marketing of milk in the area.

Marketwide equalization is especially needed in this market because some handlers operate large milk production units. Under an individual-handler pool system, such handlers would be encouraged to buy from producers only enough milk to supply, with their own production, their Class I sales. By this means, the handler's own herd production would all be priced at Class I. A handler who had 100 percent Class I utilization could easily add a producer whenever he needed more milk and could discontinue purchases from the producer when he did not need milk for Class I sales. This adding and dropping producers would create unstable marketing and shift the burden of carrying the necessary market reserve to other producers in the market.

A marketwide pool will insure that each producer supplying the order market will receive a return based on his pro rata share of Class I and Class II sales of handlers disposing of milk in the marketing area. Each producer will receive a "blend" price for his milk which will reflect the average utilization in the market. Each handler, however, will pay for milk according to the class prices. The utilization of all pool plants will be averaged to derive a uniform "blend" price for all producers.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. In order to have an adequate amount of milk to supply the fluid requirements of the market plus ample reserves, even during relatively short production periods of the year, there will be some surplus in all months and a more pronounced surplus during relatively flush production months. This surplus milk must be moved into manufacturing or Class II use by some party who undertakes the responsibility to market it. Some plants disposing of milk in the proposed area have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I sales in the flush production season and procure supplemental supplies of milk for Class I sales during short production periods. Other plants in the area have some manufacturing facilities or outlets available to market surplus to enable them to carry adequate supplies of milk throughout the year.

A marketwide pool enables a handler or a cooperative association to handle the reserve supplies and to pay such producers the same price as paid by handlers who do not carry the necessary reserve. The lower return for the reserve milk in the market is thereby apportioned equally among all producers in the market. Under an individual-handler pool this burden would be carried by individual groups of producers.

A marketwide pool would facilitate the equalization among producers of Class I sales made under contract for large quantities of Class I products. There are several large military bases in the area which let contracts on a bid basis. A marketwide pool would permit a handler to bid on the contract business of military installations and other public institutions and to obtain supplies for such sales without upsetting the market when the business might shift from one handler to another.

Under the circumstances which exist in the Rio Grande Valley milk marketing area, a system of marketwide pooling of required payments to producers is necessary to maintain efficient and orderly marketing of milk.

2. *Producer - settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month and because the pay-

ment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, some method of balancing these differences is necessary. A handler who is required to pay more according to his utilization than he is required to pay his producers should pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund. Amounts paid in and out of the producer-settlement fund for this purpose will equate except for minor differences due to rounding.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month. This fund is necessary to cover such contingencies as a failure of a handler to pay his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the order as not less than four cents nor more than five cents per hundredweight of producer milk in the market each month.

Compensatory payments received by the market administrator should be added to the producer-settlement fund. This money should be used in computing the uniform price and thus all producers would share in the proceeds of compensatory payment money.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator shall uniformly reduce payments per hundredweight to such handlers. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments, and producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would be eliminated in the computation of the uniform price.

3. *Payments to producers.* Each handler should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, the applicable uniform price no later than the 16th day after the end of each month. Since it is the practice in the market to pay producers twice each month provision should be made that on or before the last day of the month each producer should receive payment for milk delivered during the first 15 days of the month at not less than the uniform price for the preceding month, less 30 cents in March and plus 30 cents in July and less authorized deductions. The 30-cent adjustment compensates for the seasonal increase and decrease in the Class I price. A producer who had discontinued shipping milk to such handler before the 28th day of the month would not qualify for a partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk of its members which is received by a pool plant. The collection of payments for milk of its members and the reblending of proceeds from the sale of such milk will tend to facilitate the transfer of milk from handler to handler and the diversion of surplus milk to nonpool plants so as to obtain the maximum use of producer milk in Class I and will assist the cooperative association in discharging its responsibilities to its members and the market. The Act provides for the payment from handlers to cooperative associations of producers for milk delivered by them and permits the reblending of all proceeds from the sale of member milk. The cooperative association in the area has contracts with its members which allow the association to collect payment for members' milk. Therefore, each handler, if so requested, should pay the cooperative association, in lieu of paying the producer, the full amount due for such producer's milk. The association's request should provide for reimbursement of any loss incurred because of an improper claim. Handlers should be required to pay the association 2 days before payment is required to be made to individual producers so that the cooperative will have time to reblend its receipts and pay its members on the same date nonmembers are required to be paid.

At the time final settlement is made by the handler he should submit to the producer (or his cooperative association) a supporting statement. Such statement should contain the identity of each producer; the total pounds and average butterfat content of milk; the rate used in making the payment; the rate and nature of each deduction claimed by the handler; and the net amount of payment to each producer.

(c) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of regulation certain other terms and definitions are desirable in the sake of brevity and to assure that each usage of the term implies the same meaning. Other terms as defined in the proposed order are common to most Federal orders.

(2) *Market administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties required by the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk.

Handlers' reports of receipts and use of milk should cover operations for the calendar month. Some handlers requested that reports be made for two accounting periods within a month if the handler so requested. The two accounting periods were said to be needed in December and possibly May and September since daily Class I sales vary most in those months. The use of two accounting periods would be exercised in order to allocate producer milk to Class II in a month when other source milk might be received from plants at which such milk was priced under another order. Provision should be made for such accounting by handlers but since accounting for two periods doubles the cost of verifying the handler's use of milk, a handler who elects such accounting should pay the extra cost of such verification. Also each accounting period should be not less than seven days and not more than two accounting periods per month should be permitted.

It is essential that handler reports be submitted to the market administrator on or before the 8th of each month for the preceding months' sales. The market administrator should announce uniform prices for the market by the 12th day of each month. Dates on which payments should be made to producers were discussed earlier. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class by each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be pro rated in the proportion that producer milk was utilized by that handler. These reports are necessary for the cooperative association to market its milk so that available producer milk is channeled to available Class I uses.

The order should also provide for a specific period of time that handlers are required to retain these books and records and the time in which such obligations expire. The provision made in this order is identical in principle to all milk orders in operation on July 30, 1947, following the Secretary's decision on January 26, 1949 (14 F.R. 444). The decision covering the retention of records and claims is equally applicable in this situation and is adopted as a part of this decision.

(4) *Expenses of administration.* The Agricultural Marketing Agreement Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administrating the order, four cents, or such lesser amount as the Secretary may prescribe, on (a) producer milk (including a handler's own production), (b) other source milk received at a pool plant and classified as Class I milk (except milk assessed under another Federal order); and (c) nonpool distributing plants on the quantities specified in accordance with the conclusions previously stated.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing services.* Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved, location of handlers' plants and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

Sec.
1138.1 Act.
1138.2 Secretary.
1138.3 Department.
1138.4 Person.
1138.5 Cooperative association.
1138.6 Rio Grande Valley marketing area.
1138.7 Producer.
1138.8 Producer-handler.
1138.9 Handler.
1138.10 Pool plant.
1138.11 Nonpool plant.
1138.12 Producer milk.
1138.13 Other source milk.
1138.14 Fluid milk product.
1138.15 Route.

MARKET ADMINISTRATOR

1138.20 Designation.
1138.21 Powers.
1138.22 Duties.

REPORTS, RECORDS, AND FACILITIES

1138.30 Reports of receipts and utilization.
1138.31 Payroll reports.
1138.32 Other reports.
1138.33 Reports to cooperative associations.
1138.34 Records and facilities.
1138.35 Retention of records.

CLASSIFICATION OF MILK

1138.40 Skim milk and butterfat to be classified.
1138.41 Classes of utilization.
1138.42 Shrinkage.
1138.43 Responsibility of handlers and reclassification of milk.
1138.44 Transfers.
1138.45 Computation of skim milk and butterfat in each class.
1138.46 Allocation of skim milk and butterfat classified.
1138.47 Inventory reclassification.

MINIMUM PRICES

1138.50 Basic formula price.
1138.51 Class prices.
1138.52 Location differentials to handlers.
1138.53 Butterfat differentials to handlers.
1138.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1138.60 Producer-handlers.
1138.61 Plants subject to other Federal orders.
1138.62 Handlers operating nonpool distributing plants.

DETERMINATION OF UNIFORM PRICE

1138.70 Computation of the obligation of each pool handler.
1138.71 Computation of the uniform price.
1138.72 Notification of handlers.

PAYMENTS

1138.80 Payment to producers.
1138.81 Location differential to producers.
1138.82 Butterfat differential to producers.
1138.83 Producer-settlement fund.
1138.84 Payments to the producer-settlement fund.
1138.85 Payments out of the producer-settlement fund.
1138.86 Adjustment of accounts.
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DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any

officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1138.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1138.6 Rio Grande Valley marketing area.

"Rio Grande Valley marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, Montezuma, and La Plata, in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant except a plant at which such milk is classified and priced under the provisions of another order issued pursuant to the Act, for the account of the handler operating a pool plant or of a cooperative association, subject to the following conditions:

(1) The days of production of such person for which milk is diverted during the month shall not exceed 9 days' production. If milk is diverted in excess of 9 days' production, all milk of such person diverted during the month shall not be considered a receipt from a producer.

(2) For the purposes of the requirements of § 1138.10, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

§ 1138.8 Producer-handler.

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and receipts from a pool plant shall not be in excess of 20,000 pounds per month or 10 percent of his own farm production or, any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except his certified herd: *Provided*, That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

(b) In the case of a producer-handler of certified milk, the certified dairy herd and the milk plant in which the certified milk is handled shall be considered one business unit and shall not include milk which is delivered to other handlers' plants from a non-certified herd maintained on the same farm.

(c) A governmental agency which operates milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or from which Grade A milk is shipped to a pool plant pursuant to § 1138.10(a).

(b) A cooperative association with respect to the milk of any member producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which 15 percent or more of the total Class I sales of such plant or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to a plant from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less: *Provided*, That any supply plant which has qualified (or would have qualified had the order been in effect) as a pool plant for each of the months of August through February shall be a pool plant for each of the months of March through July following such August-February period unless written request for nonpool status is furnished in advance to the market administrator. Such nonpool status will be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant, or a plant operated by a producer-handler.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plant, (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.33, or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform prices for producer milk computed pursuant to § 1138.71, and the butterfat differential computed pursuant to § 1138.82, for the preceding month;

(j) On or before the 13th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1138.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month each cooperative association which is a handler pursuant to § 1138.9(b), each handler who operates pool plant(s) and each handler who operates nonpool plant(s) and has elected to make payments pursuant to § 1138.62 (b), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts of producer milk at each plant, the average butterfat test, and the pounds of butterfat contained therein, and, in the case of a nonpool plant, the same information with respect to receipts of milk from approved dairy farmers;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products in the marketing area on routes;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(h) Each handler making payments pursuant to § 1138.62(b) shall report to the market administrator the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.31 Payroll reports.

(a) On or before the 20th day of each month, each handler who operates pool plant(s) and each handler who operates nonpool plants and has elected to make payments pursuant to § 1138.62(b) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(1) The name and address and the days of delivery of each producer;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(3) The amount of payment to each producer and cooperative association;

(4) The nature and amount of any deduction or charges involved in such payments; and

(5) Each handler making payments pursuant to § 1138.62(b) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.32 Other reports.

Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1138.62(b), and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1138.80(c) shall report on or before the 8th day after the end of the month to such cooperative association with respect to each such producer, on

forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 1138.86.

§ 1138.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1138.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1138.35 Accounting periods.

A handler may account for receipts, utilization and classification of milk at his pool plant(s) for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not less than twenty-four hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 through 1138.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 through 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to subparagraphs (2), (3), (5), and (6) of paragraph (b) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is exempted from Class I pursuant to paragraph (a)(1) of this section;

(6) Disposed of in fluid milk products in bulk form to any commercial food processing establishments for consumption off the premises;

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of: (i) 2 percent of receipts of milk received directly from producers; plus (ii) 1.5 percent of receipts of milk received in bulk tank lots from pool plants of other handlers; less (iii) 1.5 percent of milk disposed of in bulk tank lots to the pool plants of other handlers; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1138.41(b)(7) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1138.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to the pool plant of another handler unless: (1) Utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the computation made pursuant to § 1138.46(a)(8) and the corresponding computation in § 1138.46(b) and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages; and

(d)(1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant unless the following conditions are met:

(i) The transferring handler claims Class II utilization in his report submitted pursuant to § 1138.30;

(ii) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(iii) The skim milk and butterfat so transferred or diverted is allocated to the Class I classification remaining after subtracting in series beginning with the Class I classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk;

(iv) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

(2) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1138.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk:

(i) That are subject to the Class I pricing provisions of another order issued pursuant to the Act and were received as packaged fluid milk products and disposed of in the same form as received; and

(ii) That were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in Class II an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(8) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the skim milk in fluid milk products received from other pool plants according to its classifications as determined pursuant to § 1138.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 1138.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 1138.46(a)(7) and the corresponding step in § 1138.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b); and

(b) That subtracted from Class II pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b).

MINIMUM PRICES

§ 1138.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52 and 1138.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Deduct 3 cents from the average butter price specified in § 1138.50 and multiply the remainder by 4.2; and

(2) Deduct 5.5 cents from the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department and multiply the remainder by 8.16.

§ 1138.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Bernalillo and Sante Fe Counties, New Mexico, and which is classified as Class I milk, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from the courthouse in El Paso, Texas, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Bernalillo or Sante Fe County Courthouse, whichever is nearer, exceeds 110 miles: *Provided*, That if a rate similarly calculated from the El Paso County Courthouse minus 10 cents is a lower rate, such lower rate shall apply;

(b) For milk received from producers at a plant located within 100 miles by the shortest highway distance as determined by the market administrator from the El Paso County Courthouse and which is classified as Class I milk, the price computed pursuant to § 1138.51(a) shall be increased 10 cents;

(c) For purposes of calculating this differential, transfers between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1138.46(a)(8) and the corresponding step in § 1138.46(b) for such plant, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential credit is applicable.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1138.50 for the preceding month by 1.25 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price specified in § 1138.50 by 1.15 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1138.60 Producer-handlers.

Sections 1138.40 through 1138.47, 1138.50 through 1138.54, 1138.70 through 1138.72, and 1138.80 through 1138.88 shall not apply to a producer-handler.

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted; and

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1138.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1138.80 to 1138.88, each handler, other than one exempt pursuant to § 1138.61, who operates during the month a nonpool plant from which Class I milk is disposed of in the marketing area on routes shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1138.30 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1138.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1138.70 if such handler had operated a pool plant the sum of (i) the gross payments for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant, (ii) any payment with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other orders; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1138.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 1138.70 Computation of the obligation of each pool handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1138.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 1138.46(a)(10) and, the corresponding step of § 1138.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 1138.47 (a); and

(2) Any plus amount remaining after the calculation pursuant to § 1138.47(b); and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and the Class II price.

§ 1138.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for the producer milk of all handlers who submitted reports prescribed in § 1138.30 and who are not in default of payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 1138.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1138.81(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1138.81(b);

(e) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section;

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants located within 100 miles of the county courthouses in Bernalillo and Santa Fe Counties, New Mexico.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84, 1138.86, 1138.87, and 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts and less authorized deductions;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies in a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1138.81 Location differential to producers.

(a) For producer milk received at pool plants located more than 100 miles, as determined by the market administrator, from the county courthouses in El Paso County, Texas, and Bernalillo and Santa Fe Counties, New Mexico, there shall be deducted an adjustment for each plant for all milk at rates comparable to those established pursuant to § 1138.52(a); and

(b) For producer milk received at pool plants located within 100 miles, as determined by the market administrator, of the El Paso County Courthouse there shall be added 10 cents per hundredweight.

§ 1138.82 Butterfat differential to producers.

In making payments pursuant to § 1138.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1138.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1138.70 is greater than the amount owed by him for such milk at the appropriate uniform prices specified in § 1138.80.

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1138.70 is less than the amount owed by him for such milk at the appropriate uniform price specified in § 1138.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expenses of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe as follows: (a) Each handler operating a pool plant(s) on receipts of producer milk during the month, including such handler's own farm production, and other source milk allocated to Class I milk pursuant to § 1138.46(a)(2)(ii) and (3) and the corresponding step of § 1138.46(b): *Provided*, That if such handler elects pur-

suant to § 1138.35 to use two accounting periods in any month the applicable rate of assessment shall be two times the rate otherwise applicable; and (b) Each handler operating a nonpool distributing plant(s) on the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1138.62(a)(2) or (b)(2).

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secertary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2964; Filed, Mar. 27, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

MOTORS AND GENERATORS INDUSTRY

Proposed Determination of Prevailing Minimum Wages

The time allotted to interested persons to file exceptions to the tentative decision in the determination of prevailing minimum wages in the motors and generators industry which was published in the FEDERAL REGISTER on February 28, 1962 (27 F.R. 1913), is hereby extended until April 5, 1962.

Signed at Washington, D.C., this 23d day of March 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-3044; Filed, Mar. 27, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 62-SO-8]

SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.30 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal for the alteration of the Fort Benning, Ga., Restricted Area R-3002.

The current Restricted Area R-3002 is designated on a continuous basis from the surface to 32,000 feet MSL. The Commanding General, Fort Benning, Ga., is the using agency.

As a result of an airspace review team evaluation and conferences held with representatives of the using agency, the Federal Aviation Agency is proposing the alteration of the designated boundaries of R-3002 so that the restricted area boundary would more closely parallel that of the existing military reservation. This alteration would slightly reduce the overall size of the current restricted area. No change is contemplated in the designated altitudes and time of designation.

If this action is taken, the designated boundaries of the Fort Benning, Ga., Restricted Area R-3002 would be described as follows:

Beginning at latitude 32°30' 50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad; to latitude 32°32'10" N., longitude 84°40'40" W.; to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'25" W.; along the Central of Georgia Railroad; to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River; to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek; to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 21, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2931; Filed, Mar. 27, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2583, Amdt. 22]

DIRECTOR, BUREAU OF LAND MANAGEMENT

Delegation of Authority With Respect to Lands and Resources

Notice is hereby given that the authority of the Secretary of the Interior delegated to the Director of the Bureau of Land Management by Secretary's Order No. 2583 to take actions on mineral leases of submerged lands of the Outer Continental Shelf is amended to provide that prior approval by a Secretarial officer must be obtained before issuance of calls for the submission of requests for oil and gas or other mineral lease offerings and publication of notices of the offer of lands for lease.

Secretary's Order No. 2583 reflecting this amendment follows.

Paragraph (b) of section 2.36 of Order No. 2583 (19 F.R. 6126) is amended to read as follows:

SEC. 2.36 *Mineral leases of submerged lands of Outer Continental Shelf.* * * *

(b) Mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; U.S.C. 1331 et seq.), and the regulations under 43 CFR, Part 201, except that approval by a Secretarial officer must be obtained prior to the issuance of calls for the submission of requests for oil and gas or other mineral lease offerings pursuant to section 201.20 and the publication of notices of the offer of lands for lease pursuant to section 201.21.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 21, 1962.

[F.R. Doc. 62-2936; Filed, Mar. 27, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CASHMERE NOILS AND TOP AND SILK PIECE GOODS, TUSSAH, DIRECTLY FROM SWITZERLAND

Available Certifications by the Government of Switzerland

Notice is hereby given that certificates of origin issued by the Division of Commerce of the Federal Department of Public Economics of the Government of Switzerland under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Switzerland of the following additional commodity:

Cashmere top.

The amended list of items for which certificates of origin are available reads as follows:

Cashmere noils and top.
Silk piece goods, tussah.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-3058; Filed, Mar. 27, 1962; 10:07 a.m.]

IMPORTATION OF GOLD PLATED ARTICLES, CHINESE TYPE, DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Gold plated articles, Chinese-type.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-3059; Filed, Mar. 27, 1962; 10:07 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MARGARINE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit to Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of indentity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Corn Products Company, 717 Fifth Avenue, New York 22, New York, to cover interstate marketing tests of margarine deviating from the requirements of the standard of identity for that food (21 CFR 45.1) because it will contain potassium sorbate added to inhibit mold growth. The fact that the food contains potassium sorbate added as a preservative will be shown on the label. This permit expires March 1, 1963.

Dated: March 21, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2963; Filed, Mar. 27, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13249]

BRANIFF AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.; INTERCHANGE

Notice of Hearing

In the matter of the application of Braniff Airways, Incorporated and Pan American World Airways, Inc., for approval of an equipment interchange lease agreement.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 10, 1962, at 10:00 a.m., c.s.t., in the Travis Room of the Sheraton Hotel, Dallas, Texas, before Examiner William J. Madden.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 23, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 22, 1962.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-2949; Filed, Mar. 27, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Emergency Delegation 1, as amended Mar. 23, 1962]

EMERGENCY DELEGATION OF PRIORITIES AND ALLOCATION POWERS

1. *Authority.* This amended emergency delegation of authority is issued pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939), as amended, Defense Mobilization Order I-7 (18 F.R. 5366), as amended, and Department of Commerce Order 152 (18 F.R. 6503), as amended.

2. *General.* (a) Subject to the provisions of paragraph 3, in the event of an attack upon the United States each Regional Production Director of BDSA, within his region, is delegated the priorities and allocation powers provided in section 101(a) of the Defense Production Act of 1950, as amended, together with such priorities and allocation and related power and authority as may hereafter be vested in the Administrator of the Business and Defense Services Administration or its successor agency. In connection therewith, each Regional Production Director of BDSA is also delegated the power and authority provided in sections 704, 705 and 706 of the Defense Production Act of 1950, as amended.

(b) The geographic boundaries of the Business and Defense Services Administration regions and the Office of Emergency Planning areas are the same and are shown in Schedule A of this emergency delegation.

(c) The text of section 101(a) of the Defense Production Act of 1950, as amended, is shown in Schedule B of this emergency delegation.

(d) The types of action which might be taken under the priorities and allocations powers are shown in Schedule C of this emergency delegation.

(e) The nature of the authority provided for in sections 704, 705 and 706 of the Defense Production Act of 1950, as amended, is shown in Schedule D of this emergency delegation.

3. *Limitations.* (a) The authority delegated by paragraph 2 shall be exercised in the interest of national defense to control the production, distribution and use of all materials and facilities as defined in the Defense Production Act of 1950, as amended, except:

(1) Food and the domestic distribution of farm equipment and commercial fertilizer;

(2) Petroleum, gas, solid fuels and electric power; and

(3) The use of domestic transportation, storage and port facilities.

(b) The authority delegated by paragraph 2 to each Regional Production Director of BDSA shall be exercised only during such periods of time as communications between such Regional Productional Director and the national headquarters of BDSA or its successor agency are inoperative.

(c) The authority delegated by paragraph 2 shall be exercised in conformity with policies, rules, regulations and orders of the Office of Emergency Planning and the Business and Defense Services Administration, or their successor agencies.

4. *Succession.* (a) In the event of the death, disability or other nonavailability of any Regional Production Director of BDSA, the following persons shall act in that capacity in the order of succession indicated below:

(1) The Manager of the Department of Commerce Field Office within that region corresponding to the OEP Area Office as shown in Schedule E of this emergency delegation;

(2) The Regional Emergency Planning Coordinator for the Department of Commerce for that region;

(3) The first of the BDSA Executive Reservists, designated by the Administrator of BDSA, to arrive at the corresponding OEP Area Office.

(b) During such periods of time as communications between any Department of Commerce Field Office not listed in Schedule E and both its cognizant Regional Production Director and the national headquarters of BDSA are inoperative, the authority contained in paragraph 2 is delegated to the Manager of such Field Office within its boundaries as shown in Schedule F of this emergency delegation. In the event of the death, disability or other nonavailability of any such Field Office Manager this authority is delegated to the first of the BDSA Executive Reservists, designated by the Administrator of BDSA, to arrive at such Field Office.

(c) In the event that any BDSA officials listed in Schedule G of this emergency delegation are present at any OEP Area Office or Department of Commerce Field Office listed in Schedule E, the authority contained in paragraph 2 is delegated to such officials in the order of succession indicated in Schedule G rather than to any other person.

(d) In the event that any BDSA officials listed in Schedule G are present at any Department of Commerce Field Office not listed in Schedule E, the authority contained in subparagraph 4(b) is delegated to such officials in the order of succession indicated in Schedule G rather than to any other person.

5. *Redelegations.* The authority herein delegated may be redelegated to any officer, employee or agency of the Government.

This amended delegation shall take effect March 23, 1962.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
EUGENE P. FOLEY,
Administrator.

SCHEDULE A TO BDSA EMER. DEL. 1

BDSA Regions and OEP Areas

(See para. 2(b) of Emer. Del. 1)



The geographic boundaries of BDSA Regions 1 through 8 and OEP Areas 1 through 8 are the same. Washington, D.C., is the national headquarters of both BDSA and OEP. The other 8 cities shown on the map are OEP Area Offices. The following are serviced as indicated:

Puerto Rico, Virgin Islands: Region and Area 1
District of Columbia: Region and Area 2
Canal Zone: Region and Area 3
American Samoa, Guam: Region and Area 7

SCHEDULE B TO BDSA EMER. DEL. 1

Text of Section 101(a) of Defense Production Act of 1950, as amended

(See para. 2(c) of Emer. Del. 1)

"The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense, shall take priority over performance under any other contract or order, and for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

SCHEDULE C TO BDSA EMER. DEL. 1

Types of Priorities and Allocations Actions
(See para. 2(d) of Emer. Del. 1)

Among the types of action which might be taken under the priorities and allocations powers are the following:

(1) To authorize use of priorities and to issue directives.

(2) To require preference in the performance of a contract or order.

(3) To require rescheduling of production and deliveries.

(4) Issuance of "set-aside" order requiring producer to reserve part of production for certain purposes.

(5) Require use of a producer's facilities for production of designated products (allocation of facilities).

(6) Establishment of inventory restrictions.

(7) Limit delivery of materials to designated purchasers or classes of purchasers (allocation of materials).

SCHEDULE D TO BDSA EMER. DEL. 1

Nature of Authority Provided for in Certain Sections of Defense Production Act of 1950, as amended

(See para. 2(e) of Emer. Del. 1)

Section 704 provides authority to issue regulations.

Section 705 provides authority to obtain information.

Section 706 provides authority to apply to courts for injunctive relief restraining violations or enforcing compliance with orders and regulations.

SCHEDULE E TO BDSA EMER. DEL. 1

OEP Area Offices and Corresponding Commerce Field Offices

(See para. 4(b), 4(c) and 4(d) of Emer. Del. 1)

	Department of Commerce
OEP Area Office	Field Office
1. Harvard, Mass.	Boston, Mass.
2. Olney, Md.	Philadelphia, Pa.
3. Thomasville, Ga.	Atlanta, Ga.
4. Battle Creek, Mich.	Chicago, Ill.
5. Denton, Tex.	Dallas, Tex.
6. Denver, Colo.	Denver, Colo.
7. Santa Rosa, Calif.	San Francisco, Calif.
8. Everett, Wash.	Seattle, Wash.

SCHEDULE F TO BDSA EMER. DEL. 1

Commerce Field Office Boundaries

(See para. 4(b) of Emer. Del. 1)



SCHEDULE G TO BDSA EMER. DEL. 1

BDSA Officials

(See para. 4(c) and 4(d) of Emer. Del. 1)

Deputy Administrator
Director, Industrial Mobilization
Assistant Director, Industrial Mobilization Mobilization Plans
Assistant Director, Industrial Mobilization Mobilization Operations
General Counsel for BDSA
Director, Office of Industrial Materials
Director, Office of Industrial Equipment
Director, Office of General Products and Services

[F.R. Doc. 62-2960; Filed, Mar. 27, 1962; 8:48 a.m.]

Bureau of International Programs

[File No. 23-819]

LATIN AMERICAN DEVELOPMENT CO., LTD.

Order Temporarily Denying Export Privileges

In the matter of Latin American Development Co., Ltd., Piccadilly House, Piccadilly Circus, London SW. 1, England, respondent.

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondent. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidentiary materials in support thereof, and has reported thereon with his recommendation that the temporary denial order be issued for ninety days, subject to extension at that time if reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings.

It appears from the report and the evidence submitted therewith that respondent, having been warned its proposed orders were in violation of the U.S. Export Control Law, again attempted to place orders with several U.S. suppliers for parts of U.S. origin for use in or the repair of oil processing equipment in refineries in Cuba, formerly the property of U.S. corporations, which have been expropriated by the Cuban authorities for use and operation by the Cuban Government. Though the respondent sought to have its orders accepted for shipments under GRO to itself in England under bond, it has been determined that they were intended to be re-exported and transshipped by it to Cuba for use in the former U.S. owned plants in that country in violation of the U.S. Export Control Law. It has also been reported that respondent has been seeking elsewhere to obtain some parts for shipment to Cuba for the aforesaid oil refineries.

Accordingly, I have determined that the respondent cannot be trusted to participate in U.S. export transactions of any kind, and that unless an order is entered and published denying to it temporarily all U.S. export privileges it may obtain and transship for re-export to Cuba U.S. commodities in violation of the applicable regulations. Now, having concluded that it is necessary to further the foreign policy of the United States, and believing that the public interest requires that this temporary order be issued: *It is hereby ordered:*

(1) The respondent, Latin American Development Co., Ltd., its agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to said respondent, but also to any other person, firm, corporation, or business organization with which said respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect for a period of ninety days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 19, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2937; Filed, Mar. 27, 1962; 8:46 a.m.]

Office of the Secretary

JOHN S. MILLER

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: John S. Miller.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: March 14, 1962.
4. Title of position: Assistant Director for Mobilization; Planning, Water and Sewerage Division.
5. Name of private employer: American Pipe & Construction Co., 4635 Firestone Boulevard, South Gate, California.

JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Pipe & Construction Co.
Seeburg Corp.
Santa Monica Bank.
Bank deposits.

JOHN S. MILLER.

MARCH 14, 1962.

[F.R. Doc. 62-2954; Filed, Mar. 27, 1962; 8:47 a.m.]

HAROLD A. MONTAG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Eastern Gas & Fuel Associates and Norfolk & Western Railway Co.
B. Additions: Detroit Steel Corp.

This statement is made as of March 11, 1962.

HAROLD A. MONTAG.

MARCH 11, 1962.

[F.R. Doc. 62-2955; Filed, Mar. 27, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR61-2 etc.]

AREA RATE PROCEEDING ET AL.

Findings and Order Severing Docket, Terminating Proceeding, Permitting and Approving Abandonment of Service, Vacating Related Certificate, and Accepting Related Notice of Cancellation of FPC Gas Rate Schedule

MARCH 21, 1962.

Area Rate Proceeding, et al., Docket No. AR61-2, etc.; F. A. Callery, Inc., et al., Docket Nos. G-13616 and CI60-652.

On May 23, 1960, F. A. Callery, Inc., et al. (Applicant), filed in Docket No. CI60-652 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to United Fuel Gas Company (United) from the Luling Field, St. Charles Parish, Louisiana, all as more fully set forth in the application.

Applicant was authorized in Docket No. G-10996 on April 27, 1957, to render the subject service.

Due to depletion of gas supply, no deliveries of gas have been made by Applicant to United since October 1957 from the Luling Field, and the one gas well from which deliveries were previously made has been abandoned. Applicant and United have agreed to cancel the contract covering the subject sale. A copy of the cancellation agreement has been filed as an exhibit to the subject application and also designated as a supplement to Applicant's related rate schedule.

Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 13, under which rate schedule the subject sale was made to United, was suspended by the Commission in its order of November 1, 1957, in Docket No. G-13616. Said supplement was never made effective.

The subject Docket No. G-13616 is presently included in the pending consolidated proceedings designated as Docket Nos. AR61-2, et al.

Pursuant to due notice, a public hearing was held in Washington, D.C., on March 13, 1962, respecting the matters involved in and the issues presented by the application in Docket No. CI60-652. No petition to intervene or protest to the granting of the application has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and that the Commission render a decision herein pursuant to § 1.30(c)(1) of its rules of practice and procedure.

The Commission finds:

(1) Applicant, F. A. Callery, Inc., et al., an independent producer of natural gas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of April 22, 1957, in Docket No. G-10996.

(2) The sale of natural gas to be abandoned as hereinbefore described, and as more fully described in the application in this proceeding, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) The abandonment hereinbefore described, and as more fully described in the application in this proceeding, is permitted by the public convenience and necessity and should be permitted and approved as hereinafter ordered.

(4) The certificate of public convenience and necessity heretofore issued on April 22, 1957, in Docket No. G-10996, should be vacated.

(5) The rate proceeding in Docket No. G-13616 should be terminated as being moot.

(6) A request during the public hearing by staff counsel for omission of the intermediate decision procedure herein was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30(c)(1) of its rules of practice and procedure.

The Commission orders:

(A) The proceeding designated as Docket No. G-13616 be and the same is hereby severed from the pending consolidated proceedings designated as Southern Louisiana Area Rate Proceeding, et al., Docket No. AR61-2.

(B) Permission for and approval of the abandonment proposed by Applicant as hereinbefore described, and as more fully described in the application in Docket No. CI60-652, be and the same is hereby granted.

(C) The certificate of public convenience and necessity heretofore issued in Docket No. G-10996 is vacated.

(D) The rate proceeding in Docket No. G-13616 is terminated as moot.

(E) The cancellation agreement between Applicant and United Fuel Gas Company hereinbefore described and fully set forth as Exhibit A to the appli-

cation in this docket is accepted for filing to become effective on the date of the abandonment authorization in this docket and is designated as Supplement No. 5 to F. A. Callery, Inc., et al., FPC Gas Rate Schedule No. 13.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2950; Filed, Mar. 27, 1962; 8:47 a.m.]

[Docket No. CP62-164]

MICHIGAN GAS STORAGE CO.

Notice of Application and Date of Hearing

MARCH 21, 1962.

Take notice that on January 11, 1962, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan, filed in Docket No. CP62-164 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to deliver natural gas to Consumers Power Company (Consumers) for resale and distribution in the City of Coleman, Midland County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new delivery point to Consumers and to construct and operate the necessary metering and regulating facilities at that point. The application states that at the present time no natural gas service is being rendered in the City of Coleman. The proposed service would be provided with gas presently available to Consumers from Applicant; and, Applicant states, no additional supplies would be required. The new delivery point would be located on Applicant's 12-inch Missaukee Line, extending from its Muskegon River Compressor Station in Clare County, Michigan, southeasterly to its M-20-30 junction in Midland County, Michigan.

Consumers estimates the market requirements for the City of Coleman for the first and third years of service to be as follows:

	1st year— MCF	*3d year— MCF*
Peak day	482	501
Annual	66,090	76,622

Applicant states that the proposed facilities would cost $19,000, and would be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2951; Filed, Mar. 27, 1962; 8:47 a.m.]

[Docket No. G-16913 etc.]

MAXSON OIL & GAS CO. ET AL.

Notice of Applications and Date of Hearing

MARCH 22, 1962.

W. H. Mossor, d.b.a. Maxson Oil & Gas Co., Docket No. G-16913; Humble Oil & Refining Company, Docket No. G-17046; James W. Fluharty Gas & Oil Co., Docket No. G-17088; P. O. Burgy Drilling & Producing Co., Docket No. G-17893; H. L. Brown (Operator), Docket No. G-17945; Edwin G. Meredith, et al., Docket No. G-18056; E. E. Reigle d.b.a. Richmond Drilling Company (Operator), Docket No. G-19567; Lloyd L. Gray d.b.a. Graell Gas Service Company, Docket No. CI60-417; Kenneth P. Milliken and M. A. Milinovich, et al., Docket No. CI60-432; Kamp Enterprises, Docket No. CI60-433; Petroleum, Inc. (Operator), et. al., Docket No. CI60-443; A. M. Carlson, Docket No. CI60-451; John L. Cox, Docket No. CI60-458; Sinclair Oil & Gas Company, Docket No. CI60-460; Texaco, Inc. (Operator), Docket No. CI60-479; Laffoon Oil Company, Docket No. CI60-613; Camp Oil Company, et al., Docket No. CI60-664; Wheless Drilling Company (Operator), Docket No. CI60-697; W. J. Goldston, et al., Docket No. CI60-706; Graham-Michaelis Drilling Company (Operator), et al., Docket No. CI61-2; Milton F. Shaffer (Operator), Docket No. CI61-33; David S. Miranda, Docket No. CI61-95; William H. Cook, et al., Docket No. CI61-145; Charles E. Young, et al., Docket No. CI61-146; Ambassador Oil Corporation, Docket No. CI61-183; The California Company (a division of California Oil Company), Docket No. CI61-208; E. L. Kelley Gas Company, Docket No. CI61-239; Ida Reip Gas Company, Docket No. CI61-242; Compadre Oil Corporation (Operator), et al., Docket No. CI61-280; Western Reserve Corporation, Docket No. CI61-326; Union Producing Company (Operator), Docket No. CI61-335; Glenn W. Peel, Docket No. CI61-366; W. H. Busch, et al., Docket No. CI61-370; Ferrell L. Prior d.b.a. Prior Oil & Gas Company, Docket No. CI61-387; Kenneth M. Axelrod, et al., Docket No. CI61-404; Gulf Oil Corporation (Operator), et al., Docket No. CI61-449; George Hepfi, Docket No. CI61-451; Oil Reserves Corporation (Operator), Docket No. CI61-468; Panhandle Development Company, Inc. (Operator), Docket No. CI61-496; W. H. Mossor, d.b.a. Florn Goff Oil and Gas Company, Docket No. CI61-500; Stanton A. Hall, Docket No. CI61-520; W. J. Hefner, Docket No. CI61-576; Allied Materials Corporation (Operator), Docket No. CI61-602; Ferrell L. Prior d.b.a. Prior Oil & Gas Company, Docket No. CI61-603; Kay Kimbell Oil Properties (Operator), Docket No. CI61-695; Consolidated Oil & Gas, Inc., Docket No. CI61-748; Consolidated Oil & Gas, Inc., Docket No. CI61-762; W. H. Mossor, et al., d.b.a. McGill Oil & Gas Company, Docket No. CI61-788; Don W. Hardman, d.b.a. W. B. Wright Oil & Gas Company, Docket No. CI61-791; Frank A. Schalk, Docket No. CI61-817; Earl T. Mackey, Agent, Docket No. CI61-862; E. C. Hartman, et al., d.b.a. Stransberry Lease, Docket No. CI61-867; T. F. Hodge, et al., Docket No. CI61-875; Alice M. Vandergrift, d.b.a. Echo Oil & Gas, Docket No. CI61-887; Kenwood Oil Company, Docket No. CI61-958; Monsanto Chemical Company, Docket No. CI61-990; E. B. Clark, Docket No. CI61-1048; Cities Service Petroleum Company, Docket No. CI61-1094; Paul L. Miller, Docket No. CI61-1095; Humble Oil & Refining Company, Docket No. CI61-1099; Texlel Petroleum Corporation (Operator), Docket No. CI61-1117; Loyce Phillips, Docket No. CI61-1136; Westland Oil Development Corporation, Docket No. CI61-1165; Compass Exploration, Inc., Docket No. CI61-1184; Tidewater Oil Company, Docket No. CI61-1206; Sinclair Oil & Gas Company, Docket No. CI61-1210; Southland Royalty Company, Docket No. CI61-1214; B. G. Garnett (Operator), et al., Docket No. CI61-1216; Busmore Oil & Gas Company (Operator), et al., Docket No. CI61-1219; Wheelock Oil Company, et al., Docket No. CI61-1251; Tidewater Oil Company, Docket No. CI61-1251; Harris R. Finder, Docket No. CI61-1302; Frank Zickefoose, Docket No. CI61-1543; K. D. Owen, et al., d.b.a. Owen and Mon, Docket No. CI61-1579; Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1591; NAFCO Oil and Gas, Inc., et al., Docket No. CI61-1598; William Graham Oil Company, Docket No. CI62-1; Texas Pacific Coal and Oil Company, Docket No. CI62-3; Union Drilling Company, Inc., Docket No. CI62-4; Saturn Oil & Gas Company, Inc. (Operator), et al., Docket No. CI62-26; Sinclair Oil & Gas Company (Operator), et al., Docket No. CI62-34; James G. Dodd, Docket No. CI62-44; Colorado Oil and Gas Corporation, Docket No. CI62-57; Shell Oil Company, Docket No. CI62-96; Cosden Petroleum Corporation, Docket No. CI62-175; Joseph I. O'Neill, Jr. (Operator), et al., Docket No. CI62-224; Union Drilling Company, Inc., Docket No. CI62-405; E. J. Dunigan, Jr., Docket No. CI62-409; James I. Shearer, et al., Docket No. CI62-415; Town Run No. 1, Keith Lease, Docket No. CI62-426; Vesta Fuel Company, Well No. 13, Docket No. CI62-439; R. E. McDowell, d.b.a. McDowell and Martin, Docket No. CI62-460; Clyde Beymer, Jr., Docket No. CI62-560; M. F. Powers Estate, Docket No. CI62-583; Anadarko Production Company, Docket No. CI62-584; Odessa Natural Gasoline Company (Operator), et al., Docket No. CI62-707; Union Drilling Company, Inc., Docket No. CI62-714; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. CI62-852.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf.
G-16913; Acreage in Ritchie County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.
G-17046; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 10.0 cents at 14.65 psia.
G-17088; Sheridan District, Calhoun County, W. Va.; Penova Interests; 19.0 cents at 15.325 psia.
G-17893; Grant District, Ritchie County, W. Va.; Barron Kidd; 17.0 cents at 15.325 psia.
G-17945; Spraberry Trend Field, Regan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
G-18056; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 5.325 psia.
G-19567; Spraberry Trend Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
CI60-417; Wil Field, Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
CI60-432; Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI60-433; Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI60-443; Acreage in Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI60-451; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI60-458; Benedum Spraberry Field, Upton County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.
CI60-460; Spearman Field, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 16.8 cents at 14.65 psia.
CI60-479; Hansford (Morrow) field, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 16.8 cents at 14.65 psia.
CI60-613; North Wellston Field, Lincoln County, Okla.; Jernigan & Morgan Transmission Co.; 9.0 cent at 14.65 psia.
CI60-664; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 12.23837 cents at 14.65 psia.
CI60-697; Minden Field, Webster Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.
CI60-706; East Mathis Area, San Patricio County, Tex.; Coastal States Gas Producing Co.; 11.1056 cents at 14.65 psia.
CI61-2; Camrick Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co. Inc.; 16.8 cents at 14.65 psia.

CI61-33; Hansford (Lower Morrow) Field Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61-95; Eden Field, Martin County, Ky.; United Fuel Gas Co.; 15.0 cents at 15.225 psia.

CI61-145; Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Co.; 9.74317 cents at 15.025 psia.

CI61-146; Clay District, Ritchie County, W. Va.; Equitable Gas Co.; 18.0 cents at 15.325 psia.

CI61-183; Tit-tah Lease, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.

CI61-208; Sharon Field, Jasper and Jones Counties, Miss.; Transcontinental Gas Pipe Line Corp.; 19.15841 cents at 15.025 psia.

CI61-239; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-242; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-280; Nellie Field, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.

CI61-326; Dunway Lease, Hutchinson County, Tex.; The Shamrock Oil and Gas Corp.; 5.0 cents at 14.65 psia.

CI61-335; Willow Springs Field, Gregg County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61-366; Wil Field, Stafford County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61-370; Dekalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-387; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-404; West Panhandle Field, Gray County, Tex.; Phillips Petroleum Co.; 8.0 cents at 14.65 psia.

CI61-449; Sterling Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

CI61-451; Highland Township, Carlton County, Pa.; United Natural Gas Co.; 20.94 cents at 15.325 psia.

CI61-468; Quicksand Creek Field, Newton County, Tex.; Trunkline Gas Co.; 16.75 cents at 14.65 psia.

CI61-496; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.; 6.77472 cents at 14.65 psia.

CI61-500; Florn Goff Field, Ritchie County, W. Va.; Barron Kidd; 17.0 cents at 15.325 psia.

CI61-520; Maxie-Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Co.; 21.0 cents at 15.025 psia.

CI61-576; Northeast Florence Field, Grant County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61-602; Bernstein-Cherokee Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61-603; Belle Sandy No. 1, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-695; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI61-748; Northwest Blanco (Mesa Verde) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-762; Northwest Blanco (Dakota) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-788; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-791; Spruce Creek Field, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-817; Undesignated Dakota Field, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-862; South Hallsville Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 11.2434 cents at 14.65 psia.

CI61-867; Murphy District, Ritchie County, W. Va.; Equitable Gas Co.; 16.0 cents at 15.325 psia.

CI61-875; Murphy District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-887; Union District, Ritchie County, W. Va.; Carnegie Natural Gas Co.; 20.0 cents at 15.325 psia.

CI61-958; Jal Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

CI61-990; El Ebanito Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 14.6 cents at 14.65 psia.

CI61-1048; West Panhandle Field, Moore County, Tex.; The Shamrock Oil & Gas Corp.; 9.5 cents at 14.65 psia.

CI61-1094; East Texas Plant, Gregg County, Tex.; United Gas Pipe Line Co.; 10.128 cents at 14.65 psia.

CI61-1095; Troup Area, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61-1099; North Jacksonville Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61-1117; West Jacksonville Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5608 cents at 14.65 psia.

CI61-1136; Mount Selman Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61-1165; Panhandle Field, Hutchinson County, Tex.; The Shamrock Oil & Gas Corp.; 7.84 cents at 14.65 psia.

CI61-1184; La Plata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1206; Bloomfield Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61-1210; Gas Products Plant No. 18, East Texas Field, Gregg County, Tex.; United Gas Pipe Line Co.; 10.0 cents at 14.65 psia.

CI61-1214; Emperor Deem Field, Winkler County, Tex.; West Texas Gathering Co.; 16.0 cents at 14.65 psia.

CI61-1216; Shield Field, Nueces County, Tex.; Coastal Transmission Corp.; 12.0 cents at 14.65 psia.

CI61-1219; Acreage in Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 11.0 cents at 14.65 psia.

CI61-1251; La Reforma Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

CI61-1253; Lassater Field, Marion County, Tex.; Arkansas Louisiana Gas Co.; 12.10985 cents at 14.65 psia.

CI61-1302; Tecula Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61-1543; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1579; El Puerto Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 psia.

CI61-1591; El Puerto Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 psia.

CI61-1598; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Co.; 5.0 cents at 16.4 psia.

CI62-1; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 16.4 psia.

CI62-3; Langlie Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 psia.

CI62-4; Hackers Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62-26; Hugoton Area, Grant, Morton, and Stevens Counties, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia.

CI62-34; Vernon North and Hilltop Pools, Summer County and Geuda Springs Pool,

Cowley County, Kans.; Wunderlich Development Co.; 5.65 cents at 14.65 psia.

CI62–44; North Aqua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Co.; 11.90337 cents at 14.65 psia.

CI62–52; Southeast Griggs Field, Cimarron County, Okla.; Colorado Interstate Gas Co.; 17.00 cents at 14.65 psia.

CI62–86; Spraberry Field, Glasscock County, Tex.; El Paso Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–175; Hunt Baggett (Strawn) Field, Crockett County, Tex.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–224; Azalea Field, Terrell County, Tex.; El Paso Natural Gas Co.; 15.5 cents at 14.65 psia.

CI62–405; Horner Field, Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–409; South Erick Field, Beckham County, Okla.; El Paso Natural Gas Co.; 12.0 cents at 14.65 psia.

CI62–415; Central District Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–426; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–439; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–460; Leading Creek, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–560; Swain No. 1 Unit, Kearny County, Kans.; Cities Service Gas Co.; 8.4 cents at 16.4 psia.

CI62–583; Hugoton Field, Kearny County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–584; Southwest Camp Creek Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–707; Acreage in Upton County, Tex.; Phillips Petroleum Co.; 12.04 cents at 14.65 psia.

CI62–714; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–852; Knox Field, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (m) (2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2952; Filed, Mar. 27, 1962; 8:47 a.m.]

[Docket No. G–15317 etc.]

W. H. SHARP ET AL.

Notice of Severance

MARCH 21, 1962.

W. H. Sharp (Operator), et al., Docket Nos. G–15317, etc.; Anadarko Production Company, Docket Nos. G–20176, G–20177, G–20178, G–20179, G–20180, G–20181.

Notice is hereby given that the matters of Anadarko Production Company, Docket Nos. G–20176 to G–20181, inclusive, heretofore scheduled for a hearing to be held in Washington, D.C., on March 29, 1962, at 9:30 a.m., e.s.t., in the consolidated proceeding entitled W. H. Sharp (Operator), et al., Docket Nos. G–15317 et al., are severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–2953; Filed, Mar. 27, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Delegation of Authority to Designate an Acting Director for Northwest Operations, Region VI

The Regional Administrator, Region VI (San Francisco), Housing and Home Finance Agency, is hereby authorized to designate by position title the Regional officer or officers who are to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director, with all the powers, functions, and duties delegated or assigned to the Director.

This delegation revokes paragraph 1, and supersedes paragraph 2, of the delegation effective August 12, 1957 (22 F.R. 5783, July 19, 1957).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 28th day of March 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62–2943; Filed, Mar. 27, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 203]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 23, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59120 (Deviation No. 2), EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 22, Pa., filed March 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 77 and U.S. Highway 21, at Fairplain, W. Va., over Interstate Highway 77 to junction U.S. Highway 21, at White Chapel southwest of Sissonville, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

No. MC 59583 (Deviation No. 8), THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn., filed March 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 1 and Interstate Highway 95, approximately 2 miles northeast of Woodbridge, Va., over Interstate Highway 95 to Washington, D.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Roanoke, Va. over U.S. Highway 460 to Appomattox, Va., thence over Virginia Highway 24 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, Va., and thence over U.S. Highway 1 to Washington, and return over the same route.

No. MC 72285 (Deviation No. 2), MOTOR TRANSPORT COMPANY, 4101 West Blue Mounds Road, Milwaukee 8, Wis., filed March 5, 1962. Attorney Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South Beloit, Ill., over Interstate Highway 90 to junction U.S. Highway 14, at or near Janesville, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From South Beloit over U.S. Highway 51 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Delavan, Wis., thence over Wisconsin Highway 11 and U.S. Highway 14 to Janesville, Wis., and return over the same route.

No. MC–104004 (Deviation No. 24), ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York, N.Y., filed March 7, 1962. Carrier's representative John P. Tynan, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Greensboro and Statesville, N.C., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Asheville, N.C. over U.S. Highway 70 to Statesville, thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro, and return over the same route.

No. MC 120283 (Sub No. 1) (Deviation No. 1), MAHR FREIGHT LINES, INC., P.O. Box 212, East Hartford, Conn., filed March 6, 1962. Attorney Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mass., over the Hartford-Springfield Expressway to Hartford, Conn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield (also from Boston, Mass. over U.S. Highway 20 to Sturbridge, Mass., thence over U.S. Highway 20 to Springfield), thence over U.S. Highway 5 to Hartford, Conn. (also from Springfield over Alternate U.S. Highway 5 to Hartford), thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, Conn., and thence over U.S. Highway 1 to Stamford, Conn., and return over the same routes.

No. MC 120283 (Sub-No. 1), (Deviation No. 2), MAHR FREIGHT LINES, INC., P.O. Box 212, East Hartford, Conn., filed March 6, 1962. Attorney Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the eastern terminus of the Massachusetts Turnpike, at or near Weston, Mass., over Massachusetts Turnpike to Interchange No. 9, at Sturbridge, Mass., thence over Massachusetts Highway 15 to the Connecticut-Massachusetts State line, thence over Connecticut Highway 15 to Hartford, Conn. (also over Connecticut Highway 15 to its junction with Connecticut Highway 30, at Manchester, Conn., thence over Connecticut Highway 30 to junction U.S. Highway 5 at East Hartford, Conn.), and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass. (also from Boston over U.S. Highway 20 to Sturbridge, Mass., thence over U.S. Highway 20 to Springfield, Mass. thence over U.S. Highway 5 to Hartford, Conn. (also from Springfield to Alternate U.S. Highway 5 to Hartford), thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, Conn., and thence over U.S. Highway 1 to Stamford, Conn., and return over the same route.

No. MC 120283 (Sub-No. 1) (Deviation No. 3), MAHR FREIGHT LINES, INC., P.O. Box 212, East Hartford, Conn., filed March 6, 1962. Attorney Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the eastern terminus of the Massachusetts Turnpike at or near, Weston, Mass., over the Massachusetts Turnpike to Interchange No. 5, at West Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cambridge, Mass., over city streets to Boston, Mass., thence over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to Holyoke, Mass.; and from Cambridge, Mass., over city streets to Boston, Mass., thence over Massachusetts Highway 9 to Worcester, Mass., thence over U.S. Highway 20 to Springfield, thence over Massachusetts Highway 116 to Holyoke, Mass., and return over the same routes.

No. MC 120283 (Sub-No. 1) (Deviation No. 4), MAHR FREIGHT LINES, INC., P.O. Box 212, East Hartford, Conn., filed March 6, 1962. Attorney Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Interchange Connector No. 48, at New Haven, Conn., over the Connecticut Turnpike to Interchange No. 8, in Stamford, Conn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass. (also from Springfield over Alternate U.S. Highway 5 to Hartford), thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, Conn., and thence over U.S. Highway 1 to Stamford, Conn., and return over the same route.

No. MC 120283 (Sub-No. 1) (Deviation No. 5), MAHR FREIGHT LINES, INC., P.O. Box 212, East Hartford, Conn., filed March 6, 1962. Attorney Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of the Connecticut Turnpike and U.S. Highway 1, at New Haven, Conn., over the Connecticut Turnpike to its eastern terminus at the Connecticut-Rhode Island State line, in Killingly, Conn., and thence over U.S. Highway 6 to Providence, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Providence over U.S. Highway 1 to New Haven, and return over the same route.

No. MC–1501 (Deviation No. 75), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed March 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* over a deviation route as follows: From the junction of Texas F–M Road 2493 and U.S. Highway 69 at Tyler, Tex., over relocated U.S. Highway 69 to junction Texas F–M Road 2493 (formerly U.S. Highway 69) near Bullard, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over Texas F–M Road 2493.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2947; Filed, Mar. 27, 1962; 8:47 a.m.]

[Notice 431]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 23, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 13), filed January 8, 1962. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017–18 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the General Electric Company, located approximately two miles southwest of Mount Vernon, Ind., as an off-route point, in connection with applicant's authorized regular route operations to and from Evansville, Ind.

HEARING: May 4, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2986 (Sub-No. 24), filed February 23, 1962. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41, South (P.O. Box 491), Vincennes, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Paoli, Ind. and English, Ind.; from Paoli over Indiana Highway 37 to English, and return over the same route, serving all intermediate points.

HEARING: May 2, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 11207 (Sub-No. 205) (CORRECTION), filed January 16, 1962, published in FEDERAL REGISTER, issue of March 7, 1962, republished as corrected March 15, 1962, this issue. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Good Hope, La., to points in Alabama, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *damaged or rejected shipments*, on return.

NOTE: This republication is for the purpose of correcting the designation of applicant's type of operation. It should have been shown as "*common*" rather than "*contract*".

HEARING: Remains as assigned April 30, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Allen W. Hagerty.

No. MC 14295 (Sub-No. 3), filed March 5, 1962. Applicant: D.G. & U. TRUCK LINES, INC., 701 Hiddeson Avenue, Greenville, Ohio. Applicant's attorney: Paul F. Beery, 44 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Montgomery, Preble, Miami and Darke Counties, Ohio, and points in Randolph, Wayne, Henry, Delaware, and Madison Counties, Ind., on the one hand, and, on the other, Cox Municipal Airport, Montgomery County, Ohio (municipal airport for Dayton, Ohio), Richmond Municipal Airport, Wayne County, Ind. (municipal airport for Richmond, Ind.), and Johnson Field, Delaware County, Ind. (municipal airport for Muncie, Ind.) RESTRICTED: To shipments having immediately prior or immediately subsequent movement by aircraft.

HEARING: May 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 20824 (Sub-No. 20), filed November 3, 1961. Applicant: COMMERCIAL MOTOR FREIGHT INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in Practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Bloomington, Ind., and Terre Haute, Ind.; from Bloomington over Indiana Highway 46 to Terre Haute, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations between Terre Haute, Ind., and Bloomington, Ind.

HEARING: May 3, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 22254 (Sub-No. 34), filed March 8, 1962. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from Bluffton, Ind., to points in the United States (except points in Alabama, Georgia, Illinois, Minnesota, and Michigan), and *damaged* and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states it already possesses authority to transport pianos, uncrated, between Bluffton, on the one hand, and, on the other, (a) points in Alabama, Georgia, Illinois, Minnesota and Michigan, and (b) by tacking through the Chicago Commercial Zone some 150 highway miles from Bluffton, between Bluffton and points in the 48 Continental United States. Duplicate authority is not sought. Applicant further states it holds a one-third interest in T.E.K. Van Lines, Inc., which was granted household goods authority in Docket No. MC 119060.

HEARING: April 13, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 23939 (Sub-No. 132), filed March 13, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in tank vehicles, from Chico, Calif., and points within 10 miles thereof, to points in Jackson, Josephine, Lake, Curry, Klamath, and Douglas Counties, Oreg.

HEARING: April 26, 1962, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 25798 (Sub-No. 65) (AMENDMENT), filed January 22, 1962, published FEDERAL REGISTER, issue February 28, and March 7, 1962, amended March 13, 1962, republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, Kentucky, Georgia, and points in Florida on and west of U.S. Highway 319. RESTRICTION: Applicant states the proposed service at the Georgia points will be restricted to the partial unloading of shipments moving to points in Alabama, Mississippi, and Louisiana, and at the Florida points restricted to the delivery of shipments which have been partially unloaded at points in Alabama and Georgia.

NOTE: The purpose of this republication is to include service to points in Kentucky, with such service to be restricted to drop-off shipments.

HEARING: Remains as assigned, April 18, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 37578 (Sub-No. 19) filed January 22, 1962. Applicant: JOSEPH W. TREHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin dross and skimmings* in drums and in tanks loaded on trailers, from Niles and Warren, Ohio to Atlasburg, Pa., and *empty container or other such incidental facilities*, used in transporting the above described commodities, on return.

HEARING: May 14, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 52709 (Sub-No. 159) (AMENDMENT), filed February 6, 1962, published in FEDERAL REGISTER, issue of March 14, 1962, republished this issue as amended March 21, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits* and *alcoholic liquor*, in bulk, in tank vehicles, from points in California to points in New Jersey, New York, Georgia, Connecticut, Massachusetts, Virginia, and Rhode Island.

NOTE: This republication is for the purpose of indicating the operation as consisting of *from* and *to* movements instead of *between* movements.

HEARING: Remains as assigned April 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 59909 (Sub-No. 5), filed February 28, 1962. Applicant: THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street NW., Washington 2, D.C. Applicant's attorney: Hugh M. Steinberger, Jacobs Building, 61 Pierce Street NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses* (knocked down), and *components thereof*, in truck trailers, from Washington, D.C. to Sterling, Va.; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, and *rejected or returned shipments* unacceptable by consignee, on return.

NOTE: Applicant states that each trailer will be subject to prior or subsequent movement by rail (Baltimore & Ohio-Washington & Old Dominion) and is to move on a railroad bill-of-lading. It is further stated that applicant, Powell Transportation Company, Inc., and The Jacobs Transfer Company of Baltimore are all under authorized control of Harry L. Grubbs, Jr.

HEARING: April 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Joint Board No. 68.

No. MC 61403 (Sub-No. 76), filed February 14, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen and W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glacial acetic acid*, in bulk, in tank vehicles, from Elkhart and South Bend, Ind., to Louisville, Ky., and only *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant advises that it is under common control with The Mason and Dixon Lines (MC-F-6347).

HEARING: May 1, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 155.

No. MC 68183 (Sub-No. 19), filed March 16, 1962. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner Henry C. Darmstadter.

No. MC 95540 (Sub-No. 403), filed February 14, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as defined by the Commission, from Moultrie, Ga., to points in Texas.

NOTE: Applicant has contract carrier authority under MC 95540 and Subs 398 thru and including 402 thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: April 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 96121 (Sub-No. 1), filed January 24, 1962. Applicant: BROWN BROS. CARTAGE CO., a corporation, 2900 West Taylor Street, Chicago, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers, plastic film tubing and plastic film sheeting*, from the sites of the plants of the Celanese Plastics Company, a division of the Celanese Corporation of America at Batavia, Ill., to Chicago, Ill., (2) *plastic containers*, from the sites of the plants of the Celanese Plastics Company, a division of the Celanese Corporation of America, at Batavia, Ill., to Milwaukee, Wis., and (3) *cardboard cartons*, from Milwaukee, Wis., to the sites of the plants of the Celanese Plastics Company, a division of the Celanese Corporation of America at Batavia, Ill.

NOTE: Applicant states it holds contract authority under MC-116059, therefore, dual operations may be involved.

HEARING: May 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 103880 (Sub-No. 254), filed March 16, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, including *ammonium nitrate* and *urea*, in bulk, from Ordill, Ill., and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, and Tennessee.

HEARING: April 10, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 107107 (Sub-No. 205), filed March 16, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packinghouses* as described in Appendix I to *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, from Lexington, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee (except Memphis).

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 111138 (Sub-No. 28), filed March 13, 1962. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Hospers, Iowa to Chicago, Ill., including points in the Chicago Commercial Zone as defined by the Commission in 1 M.C.C. 673, and Joliet, Ill.

HEARING: April 19, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Lyle C. Farmer.

No. MC 112020 (Sub-No. 148) (AMENDMENT), filed January 11, 1962, published FEDERAL REGISTER issue March 7, 1962, amended March 21, 1962, republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Slayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, acids*, and *petroleum* and *petroleum products*, in bulk, between points in Jefferson, Nueces, Montgomery, Travis, Galveston, Brazoria, and Orange Counties, Tex.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport, of Oklahoma, Inc., an Oklahoma Corporation. The amendment broadens the commodity description.

HEARING: Remains as assigned April 24, 1962, at the Texas Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 113828 (Sub-No. 10), filed March 9, 1962. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Cement* (1) from Norfolk, Va., to points in Delaware and North Carolina and those in Maryland east of Chesapeake Bay, (2) from Roanoke, Va., to points in North Carolina, and West Virginia.

HEARING: April 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 114019 (Sub-No. 84), filed March 19, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages and containers other than bulk, (1) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to Denver, Colo., and points in Kansas, Minnesota, Iowa, Nebraska, North Dakota, South Dakota and Wisconsin, and (2) from Emlenton, Pa., and St. Marys, W. Va., to points in Arkansas.

NOTE: Applicant controls Little Audrey's Transportation, Inc.

HEARING: April 16, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 114045 (Sub-No. 82), filed March 14, 1962. Applicant: TRANS-COLD EXPRESS, INC., Belt Line and Finley Road, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Lexington, Nebr., to points in the United States (except Hawaii).

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 114290 (Sub-No. 5) (CLARIFICATION), filed January 4, 1962, published FEDERAL REGISTER, issue March 7, 1962, clarified March 21, 1962, and republished this issue. Applicant: EXLEY EXPRESS, INC., 2204 SE. Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits (including bananas), fresh berries and fresh vegetables*, from points in California to points in Washington and Oregon east of the Cascade Mountains, points in Nez Perce and Latah Counties, Idaho, and Kalispell, Butte and Missoula, Mont.

NOTE: The purpose of this republication is to include bananas to the commodities previously sought.

HEARING: Remains as assigned April 17, 1962, in the Washington Public Service Commission Insurance Building, Olympia, Wash., before Examiner Wm. N. Culbertson.

No. MC 114408 (Sub-No. 2), filed February 12, 1962. Applicant: W. E. BEST, INC., Box 445, Pioneer, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, limestone, dirt*, and *bituminous concrete*, in bulk, in dump vehicles, between points in Williams, Defiance and Paulding Counties, Ohio, on the one hand, and, on the other, points in Steuben and DeKalb Counties, Ind.

HEARING: May 17, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 116696 (Sub-No. 1), filed March 1, 1962. Applicant: MARTIN BROTHERS TRUCKING CO., a corporation, R.D., 2, Sarver, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* from Branchton, Pa., to points in Ohio on and east of U.S. Highway 23, points in New York on and west of U.S. Highway 15, points in West Virginia and points in Maryland; and on return, *wooden pallets* and *metal hoppers*.

HEARING: May 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 117888 (Sub-No. 3), filed March 18, 1962. Applicant: J. M. GOLDBERG, INC., 101 Chartres Street, Houston 2, Tex. Applicant's attorney: Thomas E. James, 1535 Mellie Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Houston, Texas to points in New Mexico, Arizona, California, Colorado, Utah, Washington, Oregon, and Idaho.

HEARING: March 26, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 119110 (Sub-No. 1), filed January 10, 1962. Applicant: COSCO TRUCK LINES, INC., Columbus, Ind. Applicant's attorney: Howell Ellis, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, steel blanks* and *steel tubing*, and *machinery, equipment* and *supplies in connection therewith*, between Columbus, Ind. and Gallatin, Tenn.

HEARING: April 30, 1962, at 11:00 a.m., in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 364.

No. MC 119641 (Sub-No. 34), filed February 28, 1962. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling and freezing machinery and equipment, and materials, equipment and supplies used in and incidental to the installation of such cooling and freezing machinery and equipment*, from La-Crosse, Wis., to points in Ohio, Pennsylvania, New York, New Jersey, West Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, Virginia, Kentucky, and New Hampshire, and *damaged and rejected shipments*, on return.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 119934 (Sub-No. 39), filed February 9, 1962. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, in bulk, in tank and hopper type vehicles, from Wyandotte, Mich., to Elkhart, Ind., and *damaged and rejected shipments*, of the above-specified commodity, on return.

HEARING: May 1, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23.

No. MC 123080 (Sub-No. 2), filed March 1, 1962. Applicant: HET CARRIERS, INC., 601 Commerce Road, Linden, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel, strip, steel, coils* and *tubing* between Union, N.J. and points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and in Pennsylvania on and east of U.S. Highway 11.

NOTE: The service will be under a continuing contract with Solar Steel Corporation of Union, N.J.

HEARING: May 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 124162, filed January 22, 1962. Applicant: JOHN C. SPENCER, doing business as SPENCER TRUCKING, R.R. 1, Rushville, Ind. Applicant's attorney: Thomas F. Quinn, Odd Fellows Building, Suite 714, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feed and ingredients thereof*, packaged, from the plant site of Hales & Hunter Milling Company at or near Riverdale, Ill., to points in Rush County, Ind., and *grain* (in bulk, and nonprocessed), on return.

HEARING: May 3, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 124164, filed January 22, 1962. Applicant: HARLAND K. THOMAS, doing business as THOMAS GARAGE, 301 South Market Street, St. Clairsville, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* by wrecker equipment only, *and servicable trucks and tractors for replacement of wrecked and disabled vehicles*, between points in Ohio on and east of U.S. Highway 23, those in Pennsylvania on and west of U.S. Highway 21 and those points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

HEARING: May 14, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No MC 124165, filed January 29, 1962. Applicant: SAM J. FREEMAN, doing business as S. J. FREEMAN TRUCKING, 1224 Chapel Street, Cincinnati 6, Ohio. Applicant's attorney: Alfred M. Coben, Atlas Bank Building, 524 Walnut Street, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel*, (1) from Cincinnati, Ohio, to Lawrenceburg and Aurora, Ind., and (2) between Cincinnati, Ohio, and Richmond, Ind.

HEARING: May 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 124228, filed February 16, 1962. Applicant: FRED F. MARTIN AND COLLEEN A. MARTIN, a partnership doing business as, ZANESVILLE FARMERS MILL, Box 148, Zanesville, Ind. Applicant's attorney: Robert S. McCain, Suite 216, Standard Building, 217 East Berry Street, Fort Wayne, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and bagged fertilizers and fertilizer materials* (excluding liquids, for loads not less than 10 tons (20,000 lbs.)), between Cairo, Ohio, and points in Adams, Allen, Blackford, Delaware, Grant, Huntington, Jay, Madison, Miami, Randolph, Wabash, Wells, Whitley, Howard, and Tipton Counties, Ind.

NOTE: Applicant states it also proposes to transport exempt agricultural commodities.

HEARING: May 4, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 124247, filed February 28, 1962. Applicant: GURNEE TRUCKING, INC., Gurnee, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Waukegan, Ill., to points in La-Fayette, Green, Rock, Walworth, Racine, Kenosha, Milwaukee, Waukesha, Jefferson, and Dane Counties, Wis., and *Empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: May 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

MOTOR CARRIERS OF PASSENGERS

No. MV 110306 (Sub-No. 4) (CORRECTION), filed February 14, 1962, published FEDERAL REGISTER, issue of March 21, 1962, and republished as corrected this issue. Applicant: BLUE BUS LINES, a corporation, 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Notice of filing and assignment for hearing of the subject application was published in the FEDERAL REGISTER, issue of March 21, 1962. The hearing information which indicated the matter was assigned before Hearing Examiner Harold P. Boss was in error. Correctly stated, the application is assigned for hearing as follows:

HEARING: May 1, 1962, at the U.S. Court Rooms, Trenton, N.J., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12797, filed March 5, 1962. Applicant: PRESLEY TOURS, INC., RFD No. 1, Makanda, Ill. For a license (BMC 5) to engage in operations as a *broker* at Makanda, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as groups, in charter operations, in round-trip, all expense tours, between points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 27, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 665 (Sub-No. 64), filed February 26, 1962. Applicant: MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Maiden Lane, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between the Junction of U.S. Highway 60 and Junction U.S. Highway 166 near Republic, Mo. and the Junction of U.S. Highway 166 and alternate U.S. Highway 71 at Fidelity Corner, Mo.; from the junction U.S. Highway 60 and U.S. Highway 166 near Republic, over U.S. Highway 166 to junction U.S. Highway 166 and alternate U.S. Highway 71 at Fidelity Corner, nine (9) miles east of Joplin, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) Between Springfield, Mo. and Carthage, Mo.; from Springfield over U.S. Highway 66 to Carthage, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) Between Springfield, Mo., and Lamar, Mo.; from Springfield over U.S. Highway 160 to Lamar, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (4) Between Seligman, Mo. and Rogers, Ark.; from Seligman over Missouri Highway 37 to junction U.S. Highway 62, thence over U.S. Highway 62 to Rogers, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (5) Between the Junction of Missouri Highway 37 and U.S. Highway 166, west of Sarcoxie, Mo. and Monett, Mo.; from the junction of Missouri Highway 37 west of Sarcoxie, and U.S. Highway 166 over Missouri Highway 37 to Monett, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 25153 (Sub-No. 12), filed March 15, 1962. Applicant: MARTIN FREIGHT SERVICE, INC., 100–112 Frick Avenue, Waynesboro, Pa. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminister, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed chipboard* (novoply), in truckloads, from South Boston, Va., to Quincy, Pa.

NOTE: Applicant states that it is presently authorized to serve shipper (Hess Manufacturing Co.) outbound from Quincy, and that the instant application represents proposed "return movement of raw materials for shipper served under Sub 10."

No. MC 42261 (Sub-No. 65), filed March 19, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams,

1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude sulphate of soda*, dry, in bulk, in tank and hopper-type vehicles, from Havre de Grace, Md., to Jersey City and Paterson, N.J. and Staten Island, N.Y., and *returned* and *rejected shipments* of the above-specified commodity, on return.

No. MC 108651 (Sub-No. 14), filed March 14, 1962. Applicant: ROY B. MOORE, INC., New Greeneville Highway, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies*, from the plant site of Gerber Products Company of Rochester, N.Y., to points in Virginia and West Virginia on and south of U.S. Highway 60.

No. MC 109637 (Sub-No. 203), filed March 12, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Fluorine*, in bulk, in shipper-owned tank semitrailers, from Metropolis, Ill., to El Toro, Calif., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 111435 (Sub-No. 27), filed March 14, 1962. Applicant: C & E TRUCKING CORPORATION, Saugerties, N.Y. Applicant's attorney: William T. Croft, 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* and *grape juice*, in bulk, in tank vehicles, from Fredonia, N.Y., to Greenville, N.H.

NOTE: Applicant states it proposes to transport exempt agricultural commodities, on return.

No. MC 112668 (Sub-No. 25), filed March 16, 1962. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dead burned dolomite*, in bulk, from Millville, W. Va., to Claymont and New Castle, Del.

No. MC 119778 (Sub-No. 4), filed March 14, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from East Point, Ga., to Coosa Pines, Ala.

NOTE: Applicant, an Alabama corporation, states that it is a wholly-owned subsidiary of Redwing Carriers, Inc., a Florida corporation.

No. MC 123947 (Sub-No. 2), filed March 12, 1962. Applicant: EDWARD C. SEWELL, 12100 South 700 East, Draper, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth Street, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Creamery and dairy products and beverages and frozen commodities*, in vehicles equipped with temperature control devices, from Salt Lake City, Utah to Ely and Elko, Nev., *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service will be "for the account of the Cloverleaf-Pet Dairy Company."

No. MC 123972 (Sub-No. 3), filed March 16, 1962. Applicant: LEO J. UMERLEY, INC., Box 373 H RFD No. 2, Baltimore 6, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from White Marsh, Md., to the plant site of the Washington Brick Co., Washington, D.C.

NOTE: Applicant states that the service proposed will be under a continuing contract with Harry T. Campbell Sons Corporation.

MOTOR CARRIERS OF PASSENGERS

No. MC 123489 (Sub-No. 1), filed March 16, 1962. Applicant: LEWIS F. SCHAFFER, doing business as SCHAFFER BUS SERVICE, Route No. 5, Windsor Mill Road, Baltimore 7, Md. Applicant's attorney: H. B. Mutter, 733 Title Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *packages, newspapers*, and *magazines*, in the same vehicle with passengers, between Baltimore, Md., and Hanover, Pa.; from Baltimore over U.S. Highway 140 to Reisterstown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 94 to Hanover, and return over the same route, serving all intermediate points.

PETITIONS

No. MC 45220 (PETITION FOR WAIVER OF SECTION 1.101(e) OF THE GENERAL RULES OF PRACTICE AND PETITION TO REOPEN GRANDFATHER PROCEEDINGS AND CORRECT PERMIT), filed February 27, 1962. Petitioner: HENRY T. McQUAIDE, doing business as PITTSBURGH-EASTERN SERVICE COMPANY, 329 39th Street, Pittsburgh 1, Pa. Petitioner's representative: E. George Siedle, 629 State Street, Lancaster, Pa. By Permit MC 45220, dated February 10, 1942, petitioner is authorized to transport cork and cork products, including materials, supplies, and equipment used in the production, sale, and use of such products, between Lancaster, Pa., and Beaver Falls, Pa., over a specified regular route, serving the off-route points of Pittsburgh and Johnstown, Pa. The subject petition, filed February 27, 1962, requests the Commission to reopen the proceedings and authorize the transportation of general commodities consisting of materials, supplies, and equipment used in the production, sale, and use of Armstrong products under an exclusive contract with the Armstrong Cork Company. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119821 (Sub-No. 1) (APPLICANT'S PETITIONS FOR INTERPRETATION OF CERTIFICATE NO. MC 119821 SUB 1, AND ALTERNATIVELY FOR WAIVER OF 1.101(e) OF THE RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION, AND FOR REOPENING AND RECONSIDERATION OF APPLICATION IN NO. MC 60688 AND FOR PARTIAL REOPENING AND MODIFICATION OF AUTHORITY NOW INCLUDED IN NO. MC 119821 SUB 1), filed February 16, 1962. Petitioner: ALBERT OCHROCH AND CHARLES OCHROCH, doing business as OCHROCH TRANSPORTATION CO. (embraces No. MC 60688, ARTHUR ROSENTHAL), Philadelphia, Pa. Petitioner's representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. Petitioner is authorized in Certificate No. MC 119821 Sub 1 to transport, over irregular routes, *Paper products* and *such commodities* as are dealt in by wholesale and retail dry goods and grocery houses, between named points in Pennsylvania, New Jersey, and New York. Petitioner acquired these rights pursuant to transfer proceedings in No. MC-FC 63714. The subject petition, filed February 16, 1962, requests that the Certificate issued in MC 119821 Sub 1 be modified by deleting the above commodity description and substitute in lieu thereof, the following: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Alternatively, petitioner requests the Commission to reopen and reconsider the proceeding in No. MC 60688 wherein the Certificate was originally issued, and for partial reopening of the proceeding No. MC 119821 Sub 1, and modification of the operating authority now included in the Certificate issued therein. Any person or persons desiring to oppose the relief sought, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b).

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8103 (CORRECTION) (INTERSTATE MOTOR FREIGHT SYSTEM—PURCHASE—A. C. RICE STORAGE CORP.) published in the March 21, 1962, issue of the FEDERAL REGISTER on page 2671. Number was incorrectly shown as MC-F-8123.

No. MC-F-8104. Authority sought for purchase by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., of a portion of the operating rights and property of JAMES F. LEE, an individual, doing business as LEE TRANSPORT, 707 East Fourth Street, Muscatine, Iowa, and for acquisition by MILTON D. RATNER, also of Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and J. Robert Lewis, 601 Laurel Building, Muscatine, Iowa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Muscatine, Iowa, and Chicago, Ill., serving the intermediate and off-route points of Davenport, Iowa, without restriction, and certain other points in Iowa restricted to livestock, *agricultural machinery*, from Canton and Rock Falls, Ill., to Muscatine, Iowa, serving no intermediate points, and from Silvis, Ill., to Muscatine, Iowa, serving certain intermediate points, *feed, new furniture, linoleum, used glass bottles, binder twine, groceries and grocery store supplies, agricultural implements, machinery, soda*, in barrels, and *cooperage*, from Chicago, Ill., to Muscatine, Iowa, serving certain intermediate and off-route points, *canned goods*, from Rochelle, Ill., to Muscatine, Iowa, and from Muscatine, Iowa, to St. Louis, Mo., serving no intermediate points, *canned vegetables, and soups, table sauces, olives, pickles*, and *vinegar*, in containers, between Muscatine, Iowa, and Chicago, Ill., serving the intermediate and off-route point of Rock Island, Ill., *glassware*, from Alton, Ill., to Davenport, Iowa, serving no intermediate points, *beer*, between St. Louis, Mo., and Muscatine, Iowa, and *empty beer containers*, from Muscatine to St. Louis, serving no intermediate points, *soft drink beverages*, between Maywood, Ill., and Iowa City and Muscatine, Iowa, and *empty soft drink containers*, from Iowa City and Muscatine to Maywood, serving the intermediate point of Davenport, Iowa, *livestock*, over regular and irregular routes, from points in Muscatine and West Liberty, and certain other points in Iowa, to Chicago, Ill., *household goods*, over irregular routes, between Muscatine, Iowa, on the one hand, and, on the other, points in Illinois, *cattle*, between Muscatine, Iowa, on the one hand, and, on the other, certain points in Illinois, *crushed mussel, clam and oyster shells*, and *fresh fruits and vegetables*, between Muscatine, Iowa, on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, *livestock*, from Muscatine, Iowa, and points within 15 miles of Muscatine, to Chicago and Peoria, Ill., and from Muscatine to points in Illinois within 100 miles of Muscatine, *farm machinery and parts* and *binder twine*, from Chicago, Moline, East Moline, and Rock Island, Ill., to Muscatine, Iowa, *farm machinery and parts*, from Muscatine, Iowa, to points in Rock Island and Mercer Counties, Ill., *feed, tankage, meat scraps, bone meal, fertilizer, fertilizer ingredients, grain, soy beans*, and *seeds*, between East St. Louis, Ill., and St. Louis, Mo., and points within 20 miles of each, on the one hand, and, on the other, certain points in Iowa, *malt beverages*, from Omaha, Nebr., to Muscatine, Iowa, and *empty malt beverage containers*, from Muscatine, Iowa, to Omaha, Nebr., *animal feed, poultry feed*, and *feed ingredients*, from La-Platte, Nebr., to Muscatine, Iowa, and *canned goods*, from Muscatine, Iowa, to certain points in Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Iowa, North Dakota, Nebraska, Vermont, Connecticut, South Dakota, West Virginia, Rhode Island, Maine, Wisconsin, Indiana, Kansas, Ohio, Michigan, Tennessee, New York, Massachusetts, Pennsylvania, Kentucky, Missouri, New Jersey, Arkansas, Virginia, New Hampshire, Delaware, Maryland, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8105. Authority sought for purchase by SCHREIBER TRUCKING CO., INC., 1315-99 Washington Boulevard, Pittsburgh 6, Pa., of the operating rights of PAGORIA'S EXPRESS SERVICE, INC. (JAMES E. KENNEDY, RECEIVER), 56 East 25th Street, Chicago Heights, Ill., and for acquisition by SAMUEL SCHREIBER and MARIAN ROSENBERG, also of Pittsburgh, Pa., of control of such rights through the purchase. Applicants' attorney: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Kankakee, Ill., serving all intermediate points, and *general commodities*, with exceptions as specified above, over irregular routes between Chicago, Ill., and Chicago Heights, Ill. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, New York, New Jersey, Illinois, Ohio, Indiana, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8106. Authority sought for purchase by SHAFFER TRUCKING, INC., Elizabethville, Pa., of a portion of the operating rights of SMITH'S TRUCK LINES, P.O. Box 88, Muncy, Pa., and for acquisition by DOMER SHAFFER, also of Elizabethville, of control of such rights through the purchase. Applicants' attorney: John M. Musselman, Rhoads, Sinon & Reader, 400 North Third Street, Harrisburg, Pa. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over a regular route, from Bloomsburg, Pa., to Washington, D.C., serving the intermediate point of Baltimore, Md., restricted to delivery only; *canned goods*, over irregular routes, from Bloomsburg, Pa., to points in New York, New Jersey, and Maryland; *rejected shipments of canned goods*, from points in New York, New Jersey, and Maryland, to Bloomsburg, Pa.; *canned vegetables*, from Melrose, Md., to New York, N.Y., certain points in New Jersey and Pennsylvania; *canning plant machinery* and *shipping pallets*, between Bloomsburg, Pa., on the one hand, and, on the other, Waterloo and Macedon, N.Y.; *canned goods*, from Bloomsburg, Pa., to points in Delaware and Ohio, from Bloomsburg, Pa., to points in Virginia, West Virginia, and Delaware, from certain points in New York to certain points in Pennsylvania, and from Rochester, Medina, and Fredonia, N.Y., to points in West Virginia; *commodities classified* (1) as meats, meat products, and meat by-products, (2) as dairy products, and (3) as articles distributed by meat packinghouses, in the appendix to the report in *Modification of Permits-Packing House Products*, 46 M.C.C. 23, and *fresh fish*, from Buffalo, N.Y., to Harrisburg and Williamsport, Pa.; *empty containers for*, and *rejected shipments* of the above named commodities, from Harrisburg and Williamsport, Pa., to Buffalo, N.Y. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Vermont, Pennsylvania, Tennessee, North Dakota, South Dakota, Nebraska, New Mexico, Delaware, Georgia, Illinois, Indiana, Iowa, Maryland, Michigan, Kansas, Missouri, New York, New Jersey, North Carolina, Ohio, Massachusetts, Oklahoma, Rhode Island, South Carolina, Virginia, Wisconsin, Connecticut, West Virginia, Minnesota, Kentucky, Texas, Arizona, Arkansas, Louisiana, Florida, Utah, Idaho, California, Oregon, Colorado, Nevada, Mississippi, Washington, Montana,, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8107. Authority sought for purchase by PEORIA-ROCKFORD BUS COMPANY, 1034 Seminary Street SE., Rockford, Ill., of a portion of the operating rights of TRANSCONTINENTAL BUS SYSTEM, INC., 310 South Broadway, Wichita, Kans., and for acquisition by FRANK E. McCREARY, 810 North Fourth Avenue, Maywood, Ill., of control of such rights through the purchase. Applicants' attorney: Harold M. Olsen, Olsen & Cantrill, 712 South Second Street, Springfield, Ill. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier* over a regular route from Peoria, Ill., via State 116 to Metamora, Ill., thence State 89 via Washburn, LaRose, to Jct. State 17; thence State 17 via Varna and Winona, to Jct. State 179; thence State 179 to Jct. State 18; thence State 18 to Streator, Ill., and Jct. State 23; thence State 23 to Jct. with U.S. 6 at Ottawa, Ill.; thence U.S. 6 via Marseilles, Seneca and Morris, to Joliet, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Wisconsin, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8108. Authority sought for control and merger by YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y., of the operating rights and property of BURGMEYER BROS., INC., P.O. Box 192, Reading, Pa., and for ac-

quisition by YALE EXPRESS SYSTEM, INC., and in turn by BENJAMIN ESKOW, also of New York, N.Y., of control of such rights and property through the transaction. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and MacDonald & McInerny, Solar Building, 1000 16th Street NW., Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Essex, Hudson, Bergen, Middlesex, Somerset, Union, Passaic, Monmouth, Morris, and Ocean Counties, N.J., on the one hand, and, on the other certain points in New Jersey, Connecticut, and New York, and between Elizabeth, N.J., and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, certain points in Pennsylvania. YALE TRANSPORT CORP., is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Florida, Delaware, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8109. Authority sought for purchase by J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga., of the operating rights and certain property of J & M ENTERPRISES, INC. (WILLIAM C. SANDOZ, TRUSTEE), P.O. Drawer AA, Opelousas, La., and for acquisition by JIMMIE McCLINTON, also of Americus, Ga., of control of such rights and property through the purchase. Applicants' attorney: Paul M. Daniell, Watkins & Daniell, 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be transferred: *Pepper*, in mixed truckloads with salt (including table salt), and *table salt*, in packages or containers, as a *common carrier* over irregular routes from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia, and Florida, with the RESTRICTION that carrier shall maintain completely separate accounting systems for its private and for-hire carrier operations, and that carrier shall not at the same time and in the same vehicle transport property both as a private carrier and as a carrier for-hire, *salt* (other than table salt), from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia, and Florida, and *animal and poultry feed*, from Chicago, Ill., to points in Florida, Georgia, and Alabama (except Birmingham, Ala., and points within 65 miles thereof), from Lexington, Ky., to points in Alabama, Florida, and Georgia, and from Cartersville, Ga., to points in Florida and Alabama (except Birmingham, Ala., and points within 65 miles thereof). Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Missouri, Louisiana, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8110. Authority sought for purchase by CLARK TANK LINES COMPANY, 1450 North Beck Street, Salt Lake City, Utah, of the operating rights of THOMPSON TRANSPORTATION, INC., 3310 State Street, Boise, Idaho, and for acquisition by BOYCE R. CLARK, also of Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorneys: Berol, Loughran, & Geernaert, 100 Bush Street, Suite 2107, San Francisco 4, Calif. Operating rights sought to be transferred: *Lumber* and *building materials*, other than cement, as a *contract carrier* over regular and irregular routes from Portland, Oreg., to Idaho points serving certain intermediate and off-route points in Oregon restricted to pickup, and also with a RESTRICTION that the operation is limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale and retail lumber establishments, the business of which is the sale of lumber and building materials, for the transportation of the commodities indicated and in the manner specified, *cement*, in bulk, during the season extending from March 1 to October 31, both inclusive, of each year, over irregular routes, from Mountain Home, Idaho, and points within five miles thereof, to Mountain Home Air Force Base, and points within ten miles thereof, and *cement*, in bulk, from Mountain Home, Idaho, and points within five miles thereof, to two missile sites in Idaho, with the RESTRICTION that the operations are limited to a transportation service to be performed under a continuing contract or contracts, with the Cascade Concrete Co., of Boise, Idaho. Vendee is authorized to operate as a *common carrier* in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-2948; Filed, Mar. 27, 1962; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 142, Amdt. 2]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 142 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 142 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., March 30, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 23, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 22, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-2958; Filed, Mar. 27, 1962; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

VICTOR BUSSIE

Employment Without Compensation and Statement of Business Interests

Employment without compensation under section 710(b) of the Defense Production Act:

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Victor Bussie, President, Louisiana State Labor Council, as a Consultant in the Office of Emergency Planning, effective February 3, 1962.

A statement of his business interests appear below.

Dated: February 3, 1962.

EDWARD A. McDERMOTT, *Acting Director.*

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Gulf Union Corp., Baton Rouge, La.
Parish Properties, Inc., Baton Rouge, La.

Dated: February 3, 1962.

VICTOR BUSSIE.

[F.R. Doc. 62-2818; Filed, Mar. 27, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALDEMAR MICHAEL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Waldemar Michael, Liebeggweg 14a, Bern, Switzerland; Claim No. 33388; $6.80 in the Treasury of the United States. Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States from the publication of the book entitled "Theorie der Wechselstrommaschinen in Vektorieller Darstellung" by Waldemar Michael, vested by the Alien Property Custodian under Vesting Order No. 500A-75 (9 F.R. 7785; July 12, 1944).

Executed at Washington, D.C., on March 22, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2945; Filed, Mar. 27, 1962; 8:46 a.m.]

LEOPOLD ROSENTHALER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Professor Dr. Leopold Rosenthaler, Seftigenstrasse 40 I, Berne, Switzerland; Claim No. 6025; fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States from the publication of the book entitled "Toxikologische Mikroanalysis" by Leopold Rosenthaler, vested by the Alien Property Custodian under Vesting Order No. 500A-118 (9 F.R. 12661, Oct. 20, 1944).

Executed at Washington, D.C., on March 21, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-2946; Filed, Mar. 27, 1962; 8:46 a.m.]

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FEDERAL REGISTER

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Title 7—AGRICULTURE

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Computation of Class I–A Milk Price; Determination of Equivalent Factor

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(1) The Bureau of Labor Statistics, United States Department of Labor, no longer publishes its monthly wholesale price index for all commodities on a 1947–49 base (as described in the order). Such index is now, and in the foreseeable future will be, published in a 1957–59 base.

(2) For the purpose of the Class I–A milk price formula computation the substitution of such price index computed on the 1957–59 base for the index computed on the 1947–49 base will have the same effect as the price index on the latter base.

(3) Such price index computed on the 1957–59 base therefore is determined to be comparable to the index on the 1947–49 base for the purpose specified in the price formula.

(4) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecesary, and contrary to the public interest in that:

(a) The short time between issuance of this determination and its effective date makes it impractical for rule-making procedure to be completed,

(b) This determination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. The milk order directs announcement of the Class I–A price for April not later than March 26, 1962; and

(c) This determination does not require substantial or extensive preparation of any person.

Therefore, good cause exists for making this determination effective on issuance.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective upon issuance.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–3030; Filed, Mar. 28, 1962; 8:49 a.m.]

[Milk Order 74]

PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southwest Kansas marketing area (7 CFR Part 1074), it is hereby found and determined that:

(a) Sections 1074.71(b) and 1074.85 of the order, no longer tend to effectuate the declared policy of the Act.

(b) A notice of proposed termination of the cited provisions was issued by the Acting Deputy Administrator on March 8, 1962, and published in the FEDERAL REGISTER on March 10, 1962 (27 F.R. 2319). Seven days from the date such notice was published in the FEDERAL REGISTER were allowed for the submission of data, views and arguments with respect to the proposed termination. The Southwest Milk Producers Association, the proponent of the proposed termination, filed a brief and data supporting the termination of the cited provisions. One handler filed a brief and data opposing the termination.

The Southwest Milk Producers Association representing 85 percent of the producers supplying the market requested the termination of the provisions which provide for the withholding of certain funds from producers for milk sold during the months of April, May, and June and the payment of such funds to producers on the basis of their deliveries of milk in August, September, and October. This cooperative reblends the proceeds from the sale of its members' milk to handlers regulated under the Southwest Kansas order with the proceeds from the sale of milk to handlers regulated under the Wichita, Kansas, Federal milk order. There are no provisions for a seasonal "take-out and pay-back" plan under the Wichita order. This difference between the orders makes the two-market reblending difficult for the cooperative. Consequently, the cooperative has requested the elimination of the plan used in the Southwest Kansas order. The cooperative plans to develop a plan for seasonal pricing which would be applicable in the same manner to its members in the Southwest Kansas market and in the Wichita market.

The handler who opposed the termination of the "take-out and pay-back" plan stated that elimination of this seasonal pricing feature would encourage the production of relatively more milk in April, May; and June when it is not needed for fluid sales. The absence of seasonal pricing could have such a result. However, since the cooperative association has indicated its intention to pay its members without the seasonal pricing feature this year, the requirement of the seasonal pricing in making payments to nonmembers would result in nonmembers receiving lower prices than member producers for their milk sold in April, May, and June and higher prices during August, September, and October. These differences would create dissatisfaction among producers and could promote uneconomic shifts in milk deliveries.

This termination order eliminating the "take-out and pay-back" provisions of the Southwest Kansas Federal milk order will permit payments to producers each month in accordance with the value of such milk at class prices.

(c) Thirty days' notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this order effective April 1, 1962.

It is therefore ordered, That on and after the effective date hereof, the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1962.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–3031; Filed, Mar. 28, 1962; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas Regulated in Florida

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), the provisions in Part 72, Title 9, Code of Federal Regulations, regulating the interstate movement of certain cattle because of splenetic (tick) fever are hereby amended in the following respects:

1. Section 72.2 is amended to read:

§ 72.2 Splenetic or tick fever in cattle in Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.

Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in Puerto Rico and the Virgin Islands of the United States. Therefore, portions of the State of Texas and Puerto Rico and the Virgin Islands of the United States are hereby quarantined as set forth in §§ 72.3, 72.4, and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

§ 72.5a [Deletion]

2. Section 72.5a is deleted.

(Secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 4–7, 23 Stat. 32, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments remove the designation as a regulated area of certain premises in Palm Beach County, Florida, known as "Africa U.S.A." Hereafter, the restrictions pertaining to the interstate movement of livestock and pine straw and other litter from quarantined areas contained in 9 CFR Parts 71 and 72, will not apply to such premises. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Part 71 and Part 72, will apply thereto.

The amendments relieve certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-3054; Filed, Mar. 28, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Agreement State; Correction

In the document amending Part 30 of Chapter I of Title 10, of the Code of Federal Regulations, published at 27 F.R. 1350, the following correction is made: The paragraph added to § 30.4 and identified as paragraph "(t)" should be identified as paragraph "(u)".

Dated at Germantown, Md., this 21st day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-2969; Filed, Mar. 28, 1962; 8:45 a.m.]

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

On April 22, 1961, the Commission published in the FEDERAL REGISTER the form of indemnity agreement which it would execute with licensees furnishing insurance policies as proof of financial protection and the form of indemnity agreement which it would enter into with licensees furnishing proof of financial protection in the form of the licensee's resources. On the same date a proposed amendment to 10 CFR Part 140 was issued for public comment. That proposed amendment contained the forms of indemnity agreement which the Commission would execute with federal agencies and nonprofit educational institutions subject to Part 140. Except for changes made because federal agencies and nonprofit educational institutions are not required to furnish financial protection, the forms of these proposed indemnity agreements were similar to those adopted for execution with licensees who furnish financial protection. Except for changes indicated below, the following amendments substantially adopt these proposed forms.

On November 22, 1961, the Commission issued for public comment a proposed amendment to Part 140 implementing Public Law 87–206, effective September 6, 1961. This statute contains a provision amending the definition of "public liability" in section 11u. of the Atomic Energy Act of 1954, as amended. Prior to enactment of the 1961 statute, the definition of "public liability" included coverage of liability for damage to certain on-site property used in connection with the licensed activity. Public Law 87–206 eliminated indemnity coverage of liability for damage to such on-site property. The following amendments include changes in the forms of indemnity agreement to effectuate the provisions of Public Law 87–206.

No substantive comments were received on either of the proposed amendments.

Opportunity is also taken at this time to correct minor typographical and editorial errors; to clarify §§ 140.52 and 140.72 appropriately to reference the form of indemnity agreement and to revise the language of these sections to conform with § 140.20; to add titles to Appendices "A," "B," "C," "D," and "E" which are policy and indemnity agreement forms; and to revise the provisions of Appendices "C" and "E" to make them consistent with similar provisions in the other indemnity agreement forms.

The principal changes in the form of indemnity agreement contained in § 140.76 *Appendix B*, are as follows:

1. As of 12:01 a.m., September 6, 1961, Paragraph 6 of Article I (definition of "public liability") is amended to delete indemnity coverage for on-site property.

2. As of 12:01 a.m., September 6, 1961, Paragraph 2 of Article II is amended by deleting the "(a)" after the 2 and by deleting the (b) paragraph in its entirety. Paragraph 2(b) required the licensee to indemnify and hold harmless all persons indemnified from public liability for damage to on-site property. Since there is no longer any public liability for on-site property, this provision is deleted.

3. As of 12:01 a.m., September 6, 1961, Paragraph 3 of Article II is amended by deleting the phrase "under paragraph 2(b) of this Article, and". The deletion of paragraph 2(b) requires that this reference also be deleted.

4. As of 12:01 a.m., September 6, 1961, the second paragraph of paragraph 6(c) of Article II is amended by deleting "under paragraph 2(b) of this Article II, and ". The deletion of 2(b) also requires that this reference to paragraph 2(b) be deleted.

5. Paragraph 4(a) of Article III is amended by deleting the comma after the word "property". The insertion of this comma was inadvertent.

The principal changes in the form of indemnity agreements contained in § 140.77 *Appendix C*, are as follows:

6. As of 12:01 a.m., September 6, 1961, Paragraph 6, Article I (definition of "public liability") is amended to delete indemnity coverage for on-site property.

7. Paragraph 4(a) of Article III is amended by adding, between the comma and the word "incident" in the fifth line, the following parenthetical phrase: "(other than such property described in the proviso to paragraph 2 of this Article)". This amendment conforms this paragraph with the corresponding paragraphs in the other form indemnity agreements. The omission was inadvertent.

The only principal change in the form of indemnity agreement contained in § 140.78 *Appendix D*, is the amendment, effective as of 12:01 a.m., September 6, 1961, of Paragraph 5, Article I (definition of "public liability") to delete indemnity coverage for on-site property.

The principal changes in the form of indemnity agreements contained in § 140.79 *Appendix E*, are as follows:

8. As of 12:01 a.m., September 6, 1961, Paragraph 5, Article I (definition of "public liability") is amended to delete indemnity coverage for on-site property.

9. Paragraph 1, Article II is amended by deleting the number 1. See Paragraph 13 for reason.

10. Article II is amended by adding "Article III" immediately after Paragraph 1 of old Article II and by adding a Paragraph 1 immediately after the new Article III to read as follows:

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability.

See Paragraph 13 for reason.

11. Paragraph 2 of old Article II is amended by deleting the last sentence.

12. Old Article II is amended by changing the numbers of Paragraphs 5, 6, and 7 to 6, 7, and 8 of new Article III, respectively, and by adding a Paragraph 5 to new Article III to read as follows:

5. The obligations of the Commission under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

See Paragraph 13 for reason.

13. Appendix "E" is amended by renumbering Articles III, IV, V and VI to Articles IV, V, VI and VII, respectively. Two new paragraphs (Paragraphs 1 and 3 of new Article III) are added. Opportunity is also taken to separate the provisions pertaining to obligations of the licensee (new Article II) from those pertaining to obligations of the Commission (new Article III) which necessitates the renumbering of old Articles III, IV, V and VI.

Pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, notice is hereby given that the following amendments to Title 10, Chapter I, Part 140 "Financial Protection Requirements and Indemnity Agreements" are adopted to be effective upon publication in the FEDERAL REGISTER, except as otherwise specified below or in Part 140.

1. Section 140.52 is amended to read as follows:

§ 140.52 Indemnity agreements.

(a) The Commission will execute and issue agreements of indemnity with each Federal agency subject to this subpart pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of the license (issued pursuant to Part 50 of this chapter) authorizing the licensee to operate the nuclear reactor involved; or

(2) The effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor,

whichever is earlier. No such agreement, however, shall be effective prior to September 26, 1957.

(b) (1) The general form of indemnity agreement to be entered into with licensees subject to this subpart is contained in § 140.78 *Appendix D*.

(2) The form of indemnity agreement to be entered into by the Commission with any particular licensee under this subpart shall contain such modifications of the form in § 140.78, as are provided for in applicable licenses, regulations or orders of the Commission.

(3) Each licensee who has executed an indemnity agreement under this subpart shall enter into such agreements amending such indemnity agreement as are required by applicable licenses, regulations or orders of the Commission.

2. Section 140.72 is amended to read as follows:

§ 140.72 Indemnity agreements.

(a) The Commission will execute and issue agreements of indemnity with each non-profit educational institution subject to this subpart pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of the license (issued pursuant to Part 50 of this chapter) authorizing the licensee to operate the nuclear reactor involved; or

(2) The effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor,

whichever is earlier. No such agreement, however, shall be effective prior to September 26, 1957.

(b) (1) The general form of indemnity agreement to be entered into with licensees subject to this subpart is contained in § 140.79 *Appendix E*.

(2) The form of indemnity agreement to be entered into by the Commission with any particular licensee under this subpart shall contain such modifications of the form in § 140.79 *Appendix E*, as are provided for in applicable licenses, regulations or orders of the Commission.

(3) Each licensee who has executed an indemnity agreement under this subpart shall enter into such agreements amending such indemnity agreement as are required by applicable licenses, regulations or orders of the Commission.

§ 140.75 [Amendment]

3. Section 140.75 is amended by adding, after the words "Appendix A", the following: "Form of nuclear energy liability policy for facilities."

§ 140.76 [Amendment]

4. Section 140.76 is amended by adding, after the words "Appendix B", the following: "Form of indemnity agreement with licensees furnishing insurance policies as proof of financial protection."

5. Effective as of 12:01 a.m., September 6, 1961, § 140.76 *Appendix B*, Article I, paragraph 6, is amended to read as follows:

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

6. Effective as of 12:01 a.m., September 6, 1961, § 140.76 *Appendix B*, Article II, paragraph 2, is amended to read as follows:

2. In the event of any payment by the insurer or insurers under a policy or policies specified in Item 5 of the Attachment hereto which reduces the aggregate limit of such policy or policies below the amount of financial protection, the licensee will promptly apply to his insurers for reinstatement of the amount specified in Item 2a of the Attachment (without reference to paragraph b of Item 2) and will make all reasonable efforts to obtain such reinstatement. In the event that the licensee has not obtained reinstatement of such amount within ninety days after the date of such reduction, and in the absence of good cause shown to the contrary, the Commission may issue an order requiring the licensee to furnish financial protection for such amount in another form.

7. Effective as of 12:01 a.m., September 6, 1961, § 140.76 *Appendix B*, Article II, paragraph 3, is amended to read as follows:

3. Any obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment hereto, shall not in the aggregate exceed the amount of financial protection with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

8. Effective as of 12:01 a.m., September 6, 1961, § 140.76 *Appendix B*, Article II, second paragraph of paragraph 6(c), is amended to read as follows:

As used in this paragraph 6, Article II, and subparagraph 4(b), Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c of the Act in which agreement the nuclear incident is defined as a "common occurrence." As used in this paragraph 6, Article II, "the obligations of the licensee" means the obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment, and the reasonable costs of investigating and settling claims and defending suits for damage.

9. Section 140.76 *Appendix B*, Article III, paragraph 4(a) is amended to read as follows:

4(a) The obligations of the Commission under this Article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed the amont of financial protection.

§ 140.77 [Amendment]

10. Section 140.77 is amended by adding, after the words "Appendix C", the following: "Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources."

11. Effective as of 12:01 a.m., September 6, 1961, § 140.77 *Appendix C*, Article I, paragraph 6 is amended to read as follows:

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b), if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

12. Section 140.77 *Appendix C*, Article III, paragraph 4(a), is amended to read as follows:

4(a) The obligations of the Commission under this Article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed the amount of financial protection.

13. Section 140.77 *Appendix C*, Article VII, is amended to read as follows:

The term of this agreement shall commence as of the date and time specified in Item 6 of the attachment and shall terminate at the time of expiration of that license specified in Item 3 of the attachment, which is last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 4b, Article I. Termination of the term of this agreement shall not affect any obligation of the licensee or any obligation of the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

14. The following Appendix D is added:

§ 140.78 Appendix D—Form of indemnity agreement with Federal agencies.

This indemnity agreement No. D-____ is entered into by and between the _____ (hereinafter referred to as the "licensee") and the United States Atomic Energy Commission (hereinafter referred to as the "Commission") pursuant to subsection 170c of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

ARTICLE I

As used in this agreement,

1. "Nuclear reactor," "byproduct material," "person," "source material," and "special nuclear material" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

2(a) "Nuclear incident" means any occurrence or series of occurrences at the location or in the course of transportation causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material.

(b) Any occurrence or series of occurrences causing bodily injury, sickness, disease or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive or other hazardous properties of

i. The radioactive material discharged or dispersed from the location over a period of days, weeks, months or longer and also arising out of such properties of other material defined as "the radioactive material" in any other agreement or agreements entered into by the Commission under subsection 170 c or k of the Act and so discharged or dispersed from "the location" as defined in any such other agreement, or

ii. The radioactive material in the course of transportation and also arising out of such properties of other material defined in any other agreement entered into by the Commission pursuant to subsection 170 c or k of the Act as "the radioactive material", and which is in the course of transportation shall be deemed to be a common occurrence. A common occurrence shall be deemed to constitute a single nuclear incident.

3. "In the course of transportation" means in the course of transportation within the United States, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

(a) With respect to transportation of the radioactive material to the location, such transportation is not by predetermination to be interrupted by the removal of the material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto;

(b) The transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of transportation or temporary storage incidental thereto;

(c) "In the course of transportation" as used in this agreement shall not include transportation of the radioactive material to the location if the material is also "in the course of transportation" from any other "location" as defined in any other agreement entered into by the Commission pursuant to subsection 170 c or k of the Act.

4. "Person indemnified" means the licensee and any other person who may be liable for public liability.

5. During the period 12:01 a.m., _____ to 12:01 a.m., September 6, 1961, inclusive:

"Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; and (2) claims arising out of an act of war.

From 12:01 a.m., September 6, 1961:

"Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

6. "The location" means the location described in Item 3 of the Attachment hereto.

7. "The radioactive material" means source, special nuclear, and byproduct material which (1) is used or to be used in, or is irradiated or to be irradiated by, the nuclear reactor or reactors subject to the license or licenses designated in the Attachment hereto, or (2) is produced as the result of operation of said reactor(s).

8. "United States" when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone, and Puerto Rico.

ARTICLE II

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability.

2. With respect to damage caused by a nuclear incident to property of any person legally liable for the nuclear incident, the Commission agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the Commission under this paragraph 2 does not apply with respect to:

(a) Property which is located at the location and used in connection with the licensee's possession, use or transfer of the radioactive material;

(b) Property damage due to the neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident;

(c) If the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation;

(d) The radioactive material.

3. The Commission agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from the reasonable costs of investigating, settling and defending claims for public liability.

4. With respect to a common occurrence, the obligations of the Commission under this Article shall apply only with respect to such public liability such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and to such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed whichever of the following is lower: (1) The sum of the amounts of financial protection established under all applicable agreements; or (2) $60,000,000. As used in this paragraph "applicable agreements" means each agreement entered into by the Commission pursuant to subsection 170c of the Act in which agreement the nuclear incident is defined as a "common occurrence."

5. The obligations of the Commission under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

6. The obligations of the Commission under this and all other agreements and contracts to which the Commission is a party shall not in the aggregate exceed $500,000,000 with respect to any nuclear incident.

7. Bankruptcy or insolvency of any person indemnified or of the estate of any person indemnified shall not relieve the Commission of any of its obligations hereunder.

ARTICLE III

1. When the Commission determines that the United States will probably be required to make indemnity payments under the provisions of this agreement, the Commission shall have the right to collaborate with the licensee and other persons indemnified in the settlement and defense of any claim and shall have the right (a) to require the prior approval of the Commission for the settlement or payment of any claim or action asserted against the licensee or other person indemnified for public liability or damage to property of persons legally liable for the nuclear incident which claim or action the licensee or the Commission may be required to indemnify under this agreement; and (b) to appear through the Attorney General of the United States on behalf of the licensee or other person indemnified, take charge of such action and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission the licensee shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

2. Neither this agreement nor any interest therein nor claim thereunder may be assigned or transferred without the approval of the Commission.

ARTICLE IV

The parties agree that they will enter into appropriate amendments of this agreement to the extent that such amendments are required pursuant to the Atomic Energy Act of 1954, as amended, or licenses, regulations or orders of the Commission.

ARTICLE V

The licensee agrees to pay to the Commission such fees as are established by the Commission pursuant to regulations or orders of the Commission.

ARTICLE VI

The term of this agreement shall commence as of the date and time specified in Item 4 of the attachment and shall terminate at the time of expiration of that license specified in Item 2 of the Attachment, which is the last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 3(b), Article I. Termination of the term of this agreement shall not affect any obligation of the licensee or any obligation of the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

UNITED STATES ATOMIC ENERGY COMMISSION

Indemnity Agreement No. D- _____

ATTACHMENT

Item 1—Licensee _____
Address _____
Item 2—License number or numbers _____
Item 3—Location _____
_____
_____

Item 4—The indemnity agreement designated above, of which this Attachment is a part, is effective as of _____ m., on the _____ day of _____, 19__.

For the United States Atomic Energy Commission.

By _____
For the _____
(Name of licensee)
By _____

Dated at Germantown, Md., the __ day of _____, 19__.

15. The following Appendix E is added:

§ 140.79 Appendix E—Form of indemnity agreement with nonprofit educational institutions.

This indemnity agreement No. E-_____ is entered into by and between the _____ (hereinafter referred to as the "licensee") and the United States Atomic Energy Commission (hereinafter referred to as the "Commission") pursuant to subsection 170k of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

ARTICLE I

As used in this agreement,

1. "Nuclear reactor," "byproduct material," "person," "source material," and "special nuclear material" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

2(a) "Nuclear incident" means any occurrence or series of occurrences at the location or in the course of transportation causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material.

(b) Any occurrence or series of occurrences causing bodily injury, sickness, disease or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of

i. The radioactive material discharged or dispersed from the location over a period of days, weeks, months or longer and also arising out of such properties of other material defined as "the radioactive material" in any other agreement or agreements entered into by the Commission under subsection 170 c or k of the Act and so discharged or dispersed from "the location" as defined in any such other agreement; or

ii. The radioactive material in the course of transportation and also arising out of such properties of other material defined in any other agreement entered into by the Commission pursuant to subsection 170 c or k of the Act as "the radioactive material" and which is in the course of transportation shall be deemed to be a common occurrence. A common occurrence shall be deemed to constitute a single nuclear incident.

3. "In the course of transportation" means in the course of transportation within the United States, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

(a) With respect to transportation of the radioactive material to the location, such transportation is not by predetermination to be interrupted by the removal of the material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto;

(b) The transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of transportation or temporary storage incidental thereto;

(c) "In the course of transportation" as used in this agreement shall not include transportation of the radioactive material to the location if the material is also "in the course of transportation" from any other "location" as defined in any other agreement entered into by the Commission pursuant to subsection 170 c or k of the Act.

4. "Person indemnified" means the licensee and any other person who may be liable for public liability.

5. During the period 12:01 a.m., _____ to 12:01 a.m., September 6, 1961, inclusive:

"Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use, or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b), if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

6. "The location" means the location described in Item 3 of the Attachment hereto.

7. "The radioactive material" means source, special nuclear, and byproduct material which (1) is used or to be used in, or is irradiated or to be irradiated by, the nuclear reactor or reactors subject to the license or licenses designated in the Attachment hereto, or (2) which is produced as the result of operation of said reactor(s).

8. "United States" when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico.

ARTICLE II

Any obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability shall not in the aggregate exceed $250,000 with respect to any nuclear incident.

ARTICLE III

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability.

2. With respect to damage caused by a nuclear incident to property of any person legally liable for the nuclear incident, the Commission agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the Commission under this paragraph 2 does not apply with respect to:

(a) Property which is located at the location and used in connection with the licensee's possession, use or transfer of the radioactive material;

(b) Property damage due to the neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident;

(c) If the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation;

(d) The radioactive material.

3. The Commission agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from the reasonable costs of investigating, settling and defending claims for public liability.

4(a) The obligations of the Commission under this Article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) and such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed $250,000.

(b) With respect to a common occurrence, the obligations of the Commission under this Article shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article) and to such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed whichever of the following is lower: (1) The sum of the amounts of financial protection established under all applicable agreements; or (2) $60,000,000. As used in this paragraph, "applicable agreements" means each agreement entered into by the Commission pursuant to subsection 170c of the Act in which agreement the nuclear incidence is defined as a "common occurrence."

5. The obligations of the Commission under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

6. The obligations of the Commission under this and all other agreements and contracts to which the Commission is a party shall not in the aggregate exceed $500,000,000 with respect to any nuclear incident.

7. If the licensee is immune from public liability because it is a state agency, the Commission shall make payments under this agreement in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a state agency.

8. The obligations of the Commission under this Article, except to the licensee for damage to property of the licensee, shall not be affected by any failure on the part of the licensee to fulfill its obligations under this agreement. Bankruptcy or insolvency of the licensee or any other person indemnified or of the estate of the licensee or any other person indemnified shall not relieve the Commission of any of its obligations hereunder.

ARTICLE IV

1. When the Commission determines that the United States will probably be required to make indemnity payments under the provisions of this agreement, the Commission shall have the right to collaborate with the licensee and other persons indemnified in the settlement and defense of any claim and shall have the right (a) to require the prior approval of the Commission for the settlement or payment of any claim or action asserted against the licensee or other person indemnified for public liability or damage to property of persons legally liable for the nuclear incident which claim or action the licensee or the Commission may be required to indemnify under this agreement; and (b) to appear through the Attorney General of the United States on behalf of the licensee or other person indemnified, take charge of such action and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the licensee shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

2. Neither this agreement nor any interest therein nor claim thereunder may be assigned or transferred without the approval of the Commission.

ARTICLE V

The parties agree that they will enter into appropriate amendments of this agreement to the extent that such amendments are required pursuant to the Atomic Energy Act of 1954, as amended, or licenses, regulations or orders of the Commission.

ARTICLE VI

The licensee agrees to pay to the Commission such fees as are established by the Commission pursuant to regulations or orders of the Commission.

ARTICLE VII

The term of this agreement shall commence as of the date and time specified in Item 4 of the Attachment and shall terminate at the time of expiration of that license specified in Item 2 of the Attachment, which is the last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 3(b), Article I. Termination of the term of this agreement shall not affect any obligation of the licensee or any obligation of the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

UNITED STATES ATOMIC ENERGY COMMISSION

Indemnity Agreement No. E- ----

ATTACHMENT

Item 1—Licensee ----------
Address ----------
Item 2—License number or numbers.------
Item 3—Location ----------

Item 4—The indemnity agreement designated above, of which this Attachment is a part, is effective as of ------ m., on the ------ day of ----------, 19 --.

For the United States Atomic Energy Commission.

By ----------
For the ----------
By ----------
(Name of licensee)

Dated at Germantown, Md., the ------ day of ----------, 19 --.

(Sec. 161, 66 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 4, Public Law 85–256; Public Law 85–744; sec. 2, Public Law 85–602; sec. 3, Public Law 87–206)

Dated at Germantown, Md., this 21st day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62–2968; Filed, Mar. 28, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1120; Amdt. 56]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO–C23b Parachutes

Technical Standard Order C23a published in the FEDERAL REGISTER of January 12, 1961, as § 514.33 of the regulations of the Administrator (26 F.R. 219), contains the minimum performance standards for parachutes for use on civil aircraft. This TSO also contained a footnote concerning surplus military parachutes which was added for informational purposes only. Such footnote states that surplus military parachutes identified by an NAF, AAF or AN drawing number, an AAF order number, or other military designation or specification numbers are also eligible for use in all civil aircraft.

It has recently come to the attention of this Agency that this footnote has created some misunderstanding because of its location in a regulation establishing standards for approval of parachutes under the Technical Standard Order system. Thus, the footnote has been taken as meaning that surplus military parachutes are approved for use on civil aircraft under the TSO system merely on the basis that they are identified by a military designation or specification number. This, of course, is not the case. Any parachute, military or otherwise, must be found to meet the standards set forth in the applicable TSO and a certification to this effect filed with the FAA before it can be considered for approval under the TSO system. The fact that a military parachute is identified with a military designation or specification does not, in and of itself, serve to establish that such a parachute meets the applicable TSO standards. Therefore, in order to eliminate this source of misunderstanding, TSO C23a has been superseded by a new Technical Standard Order designated as TSO C23b which is published without the subject footnote. In all other respects, this TSO is the same as TSO C23a.

Since this regulatory action is for the purpose of clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 514.33 of Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby revised to read as follows:

§ 514.33 Parachutes—TSO C23b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for parachutes which are to be used in civil aircraft of the United States. New models of parachutes manufactured for use in civil aircraft of the United States on or after the effective date of this section shall meet the minimum performance standards of National Aircraft Standards Specification 804 dated August 24, 1949,[1] with the exceptions covered in subparagraph (2) of this paragraph. Parachutes approved prior to the effective date of this section may continue to be manufactured under the provisions of the original approval.

(2) *Exceptions.* (i) The auxiliary parachute used in combination with a standard parachute shall be designed for use in combination with the specific main parachute.

[1] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D.C.

(ii) For the purpose of testing an auxiliary type parachute used in combination with a standard parachute the speed specified in section 4.3.8 of NAS Specification 804 shall be 25 feet per second instead of 21 feet per second.

(b) *Marking.* The auxiliary parachute and its pack shall be marked "Auxiliary Parachute" in addition to the other marking requirements contained in § 514.3.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Each parachute shall be produced under a quality control system, established by the manufacturer, which will assure that each parachute is in conformity with the requirements of this section. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date: March 29, 1962.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on March 22, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–2980; Filed, Mar. 28, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–238]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions, Transition Area and Designation of Transition Areas

On January 24, 1962, a notice of proposed rulemaking was published in the FEDERAL REGISTER (27 F.R. 699) stating that the Federal Aviation Agency proposed to alter control area extensions, and a transition area, and designate transition areas in the Boston, Mass., and Indianapolis, Ind., Air Route Traffic Control Center areas.

The Air Transport Association of America (ATA) concurred with the proposal to designate additional controlled airspace to implement new aircraft holding pattern procedures. However, ATA objected to the establishment of the floor of the transition areas at 1,200 feet above the surface, and recommended that the floors be established at 700 feet above the surface until such time as the application of CAR Amendment 60–21 is undertaken on an area basis. The ATA doubted that the additional uncontrolled airspace provided by higher floors could be clearly enough identified to be of use because of the charting problems involved in portraying the different floors of controlled airspace.

As stated in the notice, a review of the controlled airspace newly allocated on January 11, 1962, to encompass the increased dimensions of the new aircraft holding pattern procedures revealed certain instances calling for adjustments in the amount of controlled airspace designated. The designation of this additional controlled airspace is necessary to accommodate the new procedures consistent with the requirements in the area concerned, and with a minimum of penalty to other users of the airspace. In this instance, the transition areas are being established, or altered, apart from the CAR, Amendment 60–21 area studies specifically for the holding of en route air traffic where there are no requirements to designate controlled airspace for this purpose below 1,200 feet above the surface. Accordingly, action is taken herein to designate the transition areas as proposed. It is expected that the charting problem associated with the change in the vertical extent of controlled airspace will be resolved in the near future.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1047 [Amendment]

1. In the text of § 601.1047 (26 F.R. 11894), "That airspace bounded on the E by the United States/Canadian border and a line extending from latitude 45°37'30'' N., longitude 67°39'00'' W., via latitude 44°45'00'' N., longitude 67°30'00'' W.," is deleted and "That airspace bounded on the E by the United States/Canadian border and a line extending from latitude 45°29'00'' N., longitude 67°30'00'' W.," is substituted therefor.

§ 601.1246 [Amendment]

2. In the text of § 601.1246 (26 F.R. 12289), "within 12 miles SE and 8 miles NW of the Evansville VORTAC 227° radial extending from the 15-mile radius area to 30 miles SW of the VORTAC;" is deleted and "within 12 miles SE and 8 miles NW of the Evansville VORTAC 227° radial extending from the 15-mile radius area to 44 miles SW of the VORTAC;" is substituted therefor.

§ 601.1385 [Amendment]

3. In the text of § 601.1385 (26 F.R. 12517), "on the E by longitude 74°30'00'' W.," is deleted and "on the E by longitude 74°24'00'' W.," is substituted therefor.

4. Section 601.10945 (26 F.R. 12517) is amended to read:

§ 601.10945 De Lancey, N.Y., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the De Lancey, N.Y., VOR 265° and 085° radials extending from 9 miles W to 20 miles E of the VOR.

5. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10954 Greene, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Georgetown, N.Y., VOR 169° radial extending from 12 miles S to 44 miles S of the VOR.

§ 601.10955 Albany, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface SE of Albany, N.Y., bounded on the NE by VOR Federal airway No. 130, on the SE by VOR Federal airway No. 487 and on the W by VOR Federal airway No. 91; and SW of Albany bounded on the N by a line 10 miles S of and parallel to the Albany VORTAC 270° radial, on the E by VOR Federal airway No. 91, on the S by VOR Federal airway No. 270 and on the W by longitude 74°16'00 W.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–2973; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WE–43]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Wendover, Utah, control zone.

The Wendover Air Force Auxiliary Air Base has been closed, the Wendover radio range has been decommissioned and there is no published instrument approach procedure for the airport. The control tower is no longer in operation and no weather is available for the airport. Therefore, the Federal Aviation Agency has determined that the Wendover control zone is no longer justified as an assignment of controlled airspace and action is taken herein to revoke the Wendover control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon

are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1984 (14 CFR 601.1964) is amended by deleting the following:

Wendover, Utah: Wendover AUX.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2975; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-27]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2229 of the regulations of the Administrator is to alter the Fairfield, Calif., control zone.

The present Fairfield control zone is designated, in part, on the Travis AFB, Calif., radio range. The Travis radio range has been decommissioned. Therefore, the Federal Aviation Agency is taking action herein to revoke the control zone extensions based on the northwest and southeast courses of the radio range and substitute therefor control zone extensions based on the Travis AFB VOR in the description of the control zone. This will result in smaller extensions than those presently designated.

Since the size of the present control zone is being reduced and the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2229 (14 CFR 601.2229) is amended to read:

§ 601.2229 Fairfield, Calif., control zone.

Within a 5-mile radius of the Travis AFB, Calif., TACAN (latitude 38°15'04" N., longitude 121°56'15" W.) and within 2 miles either side of the Travis VOR 229° radial extending from the VOR to 25 miles SW of the VOR.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2974; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Point

The purpose of this amendment to § 601.5001 of the regulations of the Administrator is to revoke the West Palm Beach, Fla., radio range station as a designated reporting point.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the action taken herein reflects this changing need on the part of air traffic control.

Since this amendment is of a procedural nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.5001 (14 CFR 601.5001, 26 F.R. 5287), "West Palm Beach, Fla., RR." is deleted.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2976; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 60-FW-72]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On September 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8951) stating that the Federal Aviation Agency proposed to designate a transition area at Meridian (NAAS Meridian), Miss.

Subsequent to the publication of the notice, an alteration of proposal was published in the FEDERAL REGISTER on January 27, 1962 (27 F.R. 836) stating that the Department of the Navy had requested additional airspace west; northwest of NAAS Meridian be included within the proposed transition area.

No adverse comments were received regarding the proposed amendment. However, the Air Transport Association of America requested that the proposed transition area be altered to provide controlled airspace for an off-airway direct route between the Meridian VOR and the Columbus, Miss., VOR.

The transition area was proposed to provide controlled airspace for the protection of aircraft executing instrument approach and departure procedures at the Meridian NAAS. The designation of transition areas for the protection of off-airway routes is contrary to Agency policy.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10050 Meridian, Miss. (NAAS Meridian), transition area.

That airspace extending upward from 1,200 feet above the surface within the area W and N of the Meridian NAAS bounded by a line beginning at latitude 32°47'00" N., longitude 89°30'00" W.; to latitude 32°50'00" N., longitude 89°21'00" W.; to latitude 32°41'30" N., longitude 88°44'00" W.; to latitude 33°03'00" N., longitude 88°57'40" W.; to latitude 33°05'40" N., longitude 88°52'40" W.; thence E along a 45-mile radius arc centered at the Columbus AFB (latitude 33°38'35" N., longitude 88°26'40" W.), Columbus, Miss., to the N boundary of VOR Federal airway No. 18 N alternate; thence via the N boundary of VOR Federal airway No. 18 N to the point of beginning, excluding the portion which would coincide with the Meridian control area extension (§ 601.1018); and within the area SE of the Meridian NAAS bounded on the N by VOR Federal airway No. 18, on the E by VOR Federal airway No. 209, and on the S by VOR Federal airway No. 154.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2979; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-137]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 753) stating that the Federal Aviation Agency proposed to extend Jet Route No. 70 and its associated en route radar jet advisory area from Seattle, Wash., to the intersection of the Seattle VORTAC 247° and the Portland, Oreg., VORTAC 318° True radials.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7060) Jet Route No. 70 is amended as follows:

(a) In the caption "Seattle, Wash.," is deleted and "Hoquiam, Wash.," is substituted therefor.

(b) In the text "From Seattle, Wash., via the" is deleted and "From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle;" is substituted therefor.

2. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7082) Jet Route No. 70 is amended to read:

Jet Route No. 70 jet advisory area.

Radar—From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials, to Idlewild, N.Y.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2977; Filed, Mar. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-111]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 752) stating that the Federal Aviation Agency proposed to designate a terminal radar jet advisory area at Memphis, Tenn.

The Air Transport Association of America offered no objection to the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.300 *Terminal jet advisory areas* (26 F.R. 7083) the following is added:

Memphis, Tenn., jet advisory area—Radar. a. From Farmington, Mo., via Dyersburg, Tenn.; Holly Springs, Miss.; Greenwood, Miss.; the INT of the Greenwood 357° and the Pine Bluff, Ark., 082° radials; Pine Bluff; Little Rock, Ark.; the INT of the Little Rock 062° and the Walnut Ridge, Ark., 188° radials; Walnut Ridge; to Farmington, including the area encompassed by this line.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-2976; Filed, Mar. 28, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8175 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Aluminum Company of America

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Aluminum Company of America, Pittsburgh, Pa., Docket 8175, Nov. 1, 1961]

In the Matter of Aluminum Company of America, a Corporation

Consent order requiring a manufacturer of aluminum and aluminum products, including "Alcoa Wrap" aluminum foil, with annual sales exceeding $858,000,000, to cease violating section 2(d) of the Clayton Act by such practices as paying $150 to a retail grocery chain in Burlington, Iowa, for advertising or other services furnished in connection with the sale of its products while not making any comparable payments to the chain's competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Aluminum Company of America, a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its aluminum foil products or aluminum foil containers in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's aluminum foil products or aluminum foil containers, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2969; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket C-19]

PART 13—PROHIBITED TRADE PRACTICES

Gelmor Trading Co. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-80 *Textile Fiber Products Identification Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended, 72 Stat. 1717; 15 U.S.C. 45, 1191, 70) [Cease and desist order, Marc Gotheil et al., trading as Gelmor Trading Company, New York, N.Y., Docket C-19, Nov. 7, 1961]

In the Matter of Marc Gotheil, Leo B. Elson and Joseph B. Morgens, Individually and as Copartners Trading as Gelmor Trading Company

Consent order requiring New York City importers to cease violating the Flammable Fabrics Act by importing and selling fabric so highly flammable as to be dangerous when worn, and to cease violating the Textile Fiber Products Identification Act by furnishing their customers with false guarantees that certain of their textile fiber products were not misbranded or falsely invoiced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Marc Gotheil, Leo B. Elson, and Joseph B. Morgens, individually and as copartners trading as Gelmor Trading Company, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported for the purpose of sale or delivery after sale in commerce;

any fabric, which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals;

It is further ordered, That respondents Marc Gothell, Leo B. Elson, and Joseph B. Morgens, individually and as copartners trading as Gelmor Trading Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced, under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2990; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket 8083]

PART 13—PROHIBITED TRADE PRACTICES

International Staple & Machine Co.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–10 *Clayton Act, section 3.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 3, 38 Stat. 731; 15 U.S.C. 45, 14). [Cease and desist order, International Staple & Machine Company, Herrin, Ill., Docket 8083, Nov. 7, 1961]

In the Matter of International Staple & Machine Company, a Corporation

Order requiring one of the nation's largest manufacturers of wide crown carton-closing staples, staplers, parts, and accessories, to cease violating section 3 of the Clayton Act by such practices as its consistent policy of requiring its independent distributors and dealers to discontinue handling competitive products and to handle only its own; and to cease restricting the persons to whom, and the territories within which, said distributors and dealers might sell its products.

The order to cease and desist is as follows:

It is ordered, That respondent International Staple & Machine Company, a corporation, and its officers, directors, agents, representatives, and employees, directly or indirectly, or through any corporate, partnership, or other device, in connection with the offering for sale, sale or distribution of carton-closing staples, or stapling machines, parts or accessories, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on any requirement, condition, agreement, or understanding which limits or restricts the persons to whom, or the geographic areas within which, the purchasers thereof may resell such products;

2. Enforcing, or continuing in operation or effect any requirement, condition, agreement or understanding with any purchaser which limits or restricts the persons to whom, or the geographic areas within which, such purchaser may resell such products.

It is further ordered, That respondent International Staple & Machine Company, a corporation, and its officers, directors, agents, representatives, and employees, directly or indirectly, or through any corporate, partnership, or other device, in connection with the offering for sale, sale or distribution of carton-closing staples, or stapling machines, parts or accessories or any other products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement, or understanding that the purchaser thereof shall not use, deal in, sell, or distribute products supplied by any other seller;

2. Enforcing, or continuing in operation or effect, any requirement, condition, agreement, or understanding with any purchaser which is to the effect that such purchaser shall not use, deal in, sell, or distribute products supplied by any other seller.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2991; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket C-17]

PART 13—PROHIBITED TRADE PRACTICES

Harold Greenberg and Johnstown Products

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–5 *Additional charges unmentioned;* § 13.155–10 *Bait;* § 13.200 *Sample, offer or order conformance;* § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harold Greenberg, trading as Johnstown Products, Philadelphia, Pa., Docket C-17, Nov. 6, 1961]

In the Matter of Harold Greenberg, an Individual Trading as Johnstown Products

Consent order requiring an individual in Philadelphia to cease using bait advertising to obtain leads to prospective purchasers of his aluminum storm windows and doors and aluminum patio covers, and false claims that the sale price was half the usual price, that the advertised products were in stock ready for delivery, that the offer was limited to three days, that the advertised products were as pictured with ornamental grills and columns and scalloped valances, and that prices included installation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Harold Greenberg, an individual trading as Johnstown Products, or under any other name or names, and respondent's representatives, agents, and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale or distribution, of aluminum storm windows, storm doors, and patios, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that certain merchandise is offered for sale, when such offer is not a bona fide offer to sell the merchandise so offered;

2. The use of any sales plan procedure involving the use of false, deceptive, or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise;

3. Using pictorial representations in advertising to represent that respondent's patios, storm doors, or other products, contain certain features or construction which are not in fact supplied by respondent for the price advertised;

4. Representing, directly or indirectly, that any amount is respondent's usual and customary price of merchandise when it is in excess of the price at which the merchandise has been usually and customarily sold by respondent in the recent regular course of business in a trade area;

5. Representing through the use of the words "Half Price" that the price at which respondent usually and regularly sells the advertised product is twice the amount set forth in the advertisement; or otherwise representing that any saving is afforded from respondent's usual and customary price of merchandise, unless the price at which it is offered constitutes a reduction from the price at which the merchandise has been usually and customarily sold by respondent in the recent and regular course of business in a trade area;

6. Representing, directly or by implication, that respondent has the advertised product in stock ready for delivery to any purchaser desiring to purchase same, unless such is the fact;

7. Representing, directly or indirectly, that a sale is limited to three days, or any other time, at the price listed, contrary to fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 6, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2992; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket 7732 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

New England Confectionery Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.700 *Arbitrary or improper functional discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, New England Confectionery Co., Cambridge, Mass., Docket 7732, Nov. 7, 1961]

In the Matter of New England Confectionery Co., a Corporation

Consent order requiring a Cambridge, Mass., confectioner to cease charging its "Price Class 2" customers—composed of "Special Retailers" such as drug chains and grocers, grocery co-ops, and department stores—10 percent less on purchases of its "Candy Cupboard" candies than their competitors in the "Price Class 1" category, which included "Regular Retailers" such as independent drug and specialty stores and ice cream parlors.

The order to cease and desist is as follows:

It is ordered, That respondent, New England Confectionery Co., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of candy products of like grade and quality in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes in the resale and distribution of the respondent's products with the purchaser paying the higher price.

It is further ordered, That the allegation of substantial lessening of competition or tendency toward monopoly in the line of commerce in which respondent is engaged, be dismissed.

It is further ordered, That Count II of the complaint should be, and hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2993; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket 8178 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Nutri-Health, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nutri-Health, Inc., et al., Baltimore, Md., Docket 8178, Nov. 4, 1961]

In the Matter of Nutri-Health, Inc., a Corporation, and Charles Finkelstein, Morton Kanter and Bernice Freiberg, Individually and as Officers of Said Corporation

Consent order requiring Baltimore distributors of a vitamin product designated "Nutri-Health" to cease representing falsely by radio broadcasts, circulars, and other means, that they give a bottle of their product free to those who respond to their offer, both to those who use one bottle and return the second and so pay return postage, and to those who use the two bottles and pay $5.00—actually their usual price for two bottles—and postage for two bottles.

The order to cease and desist is as follows:

It is ordered, That respondents Nutri-Health, Inc., a corporation, and its officers, and Charles Finkelstein, Morton Kanter, and Bernice Freiberg, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vitamin products, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication, that:

1. The price at which a product is offered constitutes a reduction from respondents' usual and customary price unless it is less than the price at which the product has been usually and customarily sold by respondents in the recent regular course of business.

2. Any amount is respondents' usual and customary price of a product unless it is the price at which respondents have usually and customarily sold the product in the recent regular course of business.

3. Any product is given free when a payment of any nature is required of the recipient, unless the necessity of such payment and the amount thereof are disclosed at the outset.

4. Any product is given free in connection with the purchase of another of the same product or of a different product when the price of the product purchased is in excess of the usual and customary price charged by respondents for such product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 3, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2994; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket 8294 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Robilio & Cuneo et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Albert F. Robilio et al. doing business as Robilio & Cuneo, Memphis, Tenn., Docket 8294, Nov. 6, 1961]

In the Matter of Albert F. Robilio, John S. Robilio, Jr., Mrs. John S. Robilio, Sr., Rose Ann Robilio, Florence Rita Radogna, Roane Waring, Jr., and Martha Cuneo Reid, Individually and as Copartners Trading and Doing Business as Robilio & Cuneo

Consent order requiring the Memphis, Tenn., manufacturer of "Ronco" macaroni, spaghetti, and noodles to cease discriminating among its customers in paying promotional allowances in violation of section 2(d) of the Clayton Act by such practices as making a preferential payment of $250 to a retail grocery chain with headquarters in Jacksonville, Fla., while making no offers of comparable payments to the chain's competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Albert F. Robilio, John S. Robilio, Jr., Mrs. John S. Robilio, Sr., Rose Ann Robilio, Florence Rita Radogna, and Martha Cuneo Reid, individually and as copartners trading as Robilio & Cuneo, or under any other name or device, corporate or otherwise, or through agents, representatives or employees, in connection with the sale of food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of respondents' products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Roane Waring, Jr.

It is further ordered, That the respondents named in the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2995; Filed, Mar. 28, 1962; 8:47 a.m.]

[Docket C-16]

PART 13—PROHIBITED TRADE PRACTICES

Rose Smelting & Refining Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(s) *Refiner;* § 13.205 *Scientific or other relevant facts.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Albert H. Berkowitz et al. doing business as Rose Smelting & Refining Co., Chicago, Ill., Docket C-18, Nov. 7, 1961]

In the Matter of Albert H. Berkowitz and Shirley J. Berkowitz, Individually and as Partners Doing Business as Rose Smelting & Refining Co.

Consent order requiring Chicago partners to cease representing falsely in advertising in newspapers, trade journals, and magazines, form letters, and other media, and by use of the words "Smelting" and "Refining" in their trade names, that they were smelters and refiners of precious metals and paid sellers the highest prices obtainable for old gold, jewelry, and other precious metals.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Albert H. Berkowitz and Shirley J. Berkowitz, individually and as partners trading and doing business as Rose Smelting & Refining Co., or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchasing of precious metals, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Smelting", "Refining" and "Refiners", or any other word of similar import, in any trade or corporate name, or representing in any other manner that respondents are smelters or refiners, or that they own, control or operate a smeltery or refinery.

2. Representing, directly or by implication, that they pay sellers of precious metals the full and highest obtainable prices therefor.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2996; Filed, Mar. 28, 1962; 8:47 a.m.]

[Docket C-16]

PART 13—PROHIBITED TRADE PRACTICES

Stern & Stern Textiles, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-30 *Flammable Fabrics Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191. [Cease and desist order, Stern & Stern Textiles, Inc., et al., New York, N.Y., Docket C-16, Nov. 6, 1961]

In the Matter of Stern & Stern Textiles, Inc., a Corporation, and Edwin M. Stern, Jean Pierre Stern, and David Grossberg, Individually and as Officers of Said Corporation

Consent order requiring New York City importers to cease violating the Flammable Fabrics Act by furnishing their customers with a false guaranty that certain fabrics were not so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Stern & Stern Textiles, Inc., a corporation, and its officers, and respondents Edwin M. Stern, Jean Pierre Stern, and David Grossberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals;

2. Furnishing to any person a guaranty with respect to any fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations thereunder, show and will show that the fabric, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2997; Filed, Mar. 28, 1962; 8:47 a.m.]

[Docket 8216 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Union Pencil Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-235 *Producer status of dealer or seller:* § 13.15-235(m) *Manufacturer;* § 13.155 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Union Pencil Company, Inc., et al., Yonkers, N.Y., Docket 8216, Nov. 7, 1961]

In the Matter of Union Pencil Company, Inc., a Corporation, Unipeco, Inc., a Corporation, and York Pen Corp., a Corporation, and Max Grossman, Arthur Grossman, and Murray Rubenfeld, Individually and as Officers of the Said Corporations

Consent order requiring three affiliated Yonkers, N.Y., concerns to cease representing falsely in form letters mailed their customers that the addressee could purchase their pens or pencils at a saving because, in filling an order for a firm with a name similar to his, they had pulled the wrong card from a file and had in error imprinted pencils with his name and address; and that they were the manufacturers of Micro-Line Ball Pens.

The order to cease and desist is as follows:

It is ordered, That respondents, Union Pencil Company, Inc., a corporation, Unipeco, Inc., a corporation, and York Pen Corp., a corporation, their officers, and Max Grossman, Arthur Grossman, and Murray Rubenfeld, individually and as officers of the said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imprinted pencils, pens, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That respondents have received orders for imprinted pencils or pens from firms with names similar to the names of prospective customers when in fact no such orders have been received by respondents.

(b) That because of error, or for any other reason, the prospective customers' names and addresses have been imprinted on pencils or pens when in fact no such imprinting was made prior to the solicitation of orders from the prospective customers.

(c) That any saving is afforded in the purchase of merchandise from respondents' usual and customary selling price, unless the price at which the merchandise is offered constitutes a reduction from the price at which respondents usually and customarily sell the merchandise in the recent regular course of business.

(d) That respondent York Pen Corp. is the manufacturer of the Micro-Line Ball Pens or that respondents, or any of them, manufacture any other product unless they own and operate or directly and absolutely control the plant where such product is manufactured.

2. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amount by which the price of their merchandise is reduced from the price at which it is usually and customarily sold by respondents in the recent regular course of business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-2998; Filed, Mar. 28, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

DDT, TDE (DDD)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Campbell Soup Company, Camden 1, New Jersey, and other relevant material, has concluded that the following regulations should issue with respect to residues of DDT and TDE (DDD) in tomato pomace prepared from tomatoes treated in accordance with good agricultural practices with DDT and TDE (DDD), and in dog and cat food made in part from the tomato pomace. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new sections:

§ 121.226 DDT.

The following tolerance is established for residues of DDT resulting from use of DDT as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of other chlorinated pesticides are present, the total of all such chlorinated compounds shall not exceed the levels established in this section.

§ 121.227 TDE (DDD).

The following tolerances are established for residues of TDE (DDD) resulting from use of TDE (DDD) as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of other chlorinated pesticides are present, the total of all such chlorinated compounds shall not exceed the levels established in this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 23, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-3023; Filed, Mar. 28, 1962; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Subpart B—Rules

The Seaway Regulations, Subpart A as amended, affecting operations and vessel transits beginning with the 1962 season were published in the FEDERAL REGISTER on March 8, 1962 (27 F.R. 2243-2245). Subpart B affecting such operations and transits is set forth below.

This subpart contains no major amendments. The amendments consist of minor deletions, the rewording of some sections, and the omission, among others, of former §§ 401.101-1 to 401.101-3, 401.101-6, 401.112-3, 401.112-4, 401.112-8, and 401.112-9. These amendments are based upon the past operating

experience of the Saint Lawrence Seaway Development Corporation, and The St. Lawrence Seaway Authority of Canada, recent joint conferences of the two agencies, and the views and comments which have been submitted by interested parties since the last revisions. All interested parties who may desire to do so may submit further written comments for the consideration of the Corporation in connection with this Subpart or Subpart A by filing the same with the General Counsel, Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York.

NOTE: The Regulations contained in Subpart A, and the Rules in Subpart B have been issued jointly by the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada.

The numbering of the Regulations in Subpart A, §§ 401.1 to 401.21, correspond to the Canadian Regulations Nos. 1 to 21. The numbering of the Rules in Subpart B, §§ 401.101–1 to 401.110–9, correspond in relevant part to the Canadian Circulars Nos. 1 to 10. The digits following the dash correspond to the paragraph numbers in the Canadian Circulars.

Subpart B—Rules

PRE-CLEARANCE OF VESSELS

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401.101–1 Formalities before using the Seaway.
401.101–2 Changed condition; second pre-clearance.
401.101–3 Representative.
401.101–4 Pre-clearance form data.
401.101–5 Guaranty of payment.
401.101–6 Security deposit.
401.101–7 Fleet security.
401.101–8 Pre-clearance for Sault Ste. Marie (Canada); Third Welland.
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401.102–8 Power operated winches, etc.
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FORMS

401.120–1 Pre-Clearance Form.

NOTE: The numbering of the rules in Subpart B, §§ 401.101–1 to 401.110–9, correspond in relevant part to the Canadian Circulars Nos. 1 to 10. The digits following the dash correspond to the paragraph numbers in the Canadian Circulars.

AUTHORITY: §§ 401.101–1 to 401.120–1 issued under 68 Stat. 92–96, 33 U.S.C. 981–990; Agreement between the Governments of United States and Canada dated March 9, 1959.

Subpart B—Rules

PRE-CLEARANCE OF VESSELS

§ 401.101–1 Formalities before using the Seaway.

A vessel must be pre-cleared with the Authority by the representative. Heretofore, except as provided in §§ 401.110–1 to 401.110–9 the representative will submit the completed form SLS 429, which is shown in § 401.120–1, and which may be obtained from the Saint Lawrence Seaway Development Corporation or The St. Lawrence Seaway Authority, Cornwall, Ontario.

§ 401.101–2 Changed condition; second pre-clearance.

Any change in the information provided in the Pre-Clearance Form requires that another form be completed and submitted to the Authority before further transit.

§ 401.101–3 Representative.

Every transiting vessel must have a representative who assumes responsibility to the Authority for the vessel as well as payment of all tolls and charges; the actual navigation and control of the vessel remain the responsibility of the master.

§ 401.101–4 Pre-clearance form data.

The representative must declare on the Pre-Clearance Form that the vessel is adequately insured. He must also, on the Pre-Clearance Form, guarantee payment of tolls and other monies for the vessel.

§ 401.101–5 Guaranty of payment.

The representative must also furnish security in one of the following ways: (a) A money deposit with the Authority; (b) a money deposit made with a bank in the United States of America or a chartered bank in Canada, notice of which may be given by the bank at the representative's instance; (c) negotiable bonds of the Government of the United States or of the Government of Canada; or (d) a letter of guarantee given by a bank referred to in paragraph (b) of this section.

§ 401.101–6 Security deposit.

(a) The security deposit in the case of one vessel shall be sufficient to cover the gross registered tonnage of that vessel at $1.00 per ton for transit each way.

(b) On completion of a transit a vessel will have incurred the applicable tolls and these tolls shall be related to the security for that transit until paid.

(c) The security must be maintained for each single transit. A transit is not a "round-trip" but consists of a trip upbound or a trip downbound whether any such trip is complete or partial. Therefore, security to cover a vessel that is to travel upbound and then downbound under the same preclearance will consist of an amount equal to $2.00 for every gross registered ton of the vessel.

§ 401.101–7 Fleet security.

(a) Where a representative is acting on behalf of a number of vessels owned or controlled by one person or company, security may be furnished in an amount assessed by the representative as being equal to $1.00 per gross registered ton for the maximum gross registered tonnage of such vessels within the Seaway at any one time.

(b) On completion of a transit, each vessel will have incurred the applicable tolls and these tolls shall be related to the total security with respect to that transit until the tolls are paid. This security must be maintained at all times in relation to actual total tonnage of the vessels transiting at any one time.

§ 401.101–8 Pre-clearance for Sault Ste. Marie (Canada); Third Welland.

Every vessel transiting the Sault Ste. Marie Canal (Canada) only or the Third Welland Canal only must be pre-cleared and must also comply with the requirements of §§ 401.109–1 to 401.109–8, except that in such case, tolls not being exigible, security or an undertaking with respect to the payment of tolls need not be given. Where a vessel has been pre-cleared for the Sault Ste. Marie Canal or the Third Welland Canal only and it is intended to have it transit the Welland Canal or other parts of the Seaway, the security or undertaking specified in § 401.101–6 must be given before the vessel will be allowed to transit.

§ 401.101–9 Change of representative; further pre-clearance.

Whenever there is a change of representative and this is not disclosed to the Authority, the vessel will transit under the former representative's undertakings. However, where a change of representative is disclosed to the Authority, another vessel Pre-Clearance Form shall be filed with the Authority, otherwise, the vessel shall be denied further transit.

§ 401.101–10 Approval of pre-clearance.

The Pre-Clearance Form SLS 429 is to be completed in one copy that will be retained by the Authority. If the representative wishes to have his own record of pre-clearance, he may make a copy for his use. Pre-clearance is approved by the Authority in a form letter showing a pre-clearance number to which reference shall be made at all time when corresponding or making payments.

CONDITIONS OF VESSELS FOR TRANSIT

§ 401.102–1 Beam of vessels.

(a) The regulations provide in § 401.3 (b) that every vessel that does not exceed seven hundred and fifteen feet in overall length and seventy-two feet in beam may transit during the navigation season.

(b) The regulations provide in § 401.3 (c) that vessels exceeding seven hundred and fifteen feet in overall length and seventy-two feet in beam, but not exceeding seven hundred and thirty feet in overall length and seventy-five feet in beam or seventy-five feet six inches in extreme breadth including fenders may, with special instructions from the Authority, transit during the navigation season.

§ 401.102–2 Special conditions.

Sections of vessels, large dredges, hulks, non self-propelled vessels and other vessels in tow, and vessels of unusual design may transit after applying for and receiving special instructions from the St. Lawrence Seaway Authority, Cornwall, Ontario, or the Saint Lawrence Seaway Development Corporation, Massena, New York, as may be dictated by the contemplated transit. (See "Vessels in Tow", §§ 401.104–29 to 401.104–36.)

§ 401.102–3 Vessels' bridges.

Vessels' bridges shall not protrude beyond the vessel's hull.

§ 401.102–4 Radio-telephone equipment.

All vessels, other than pleasure craft less than sixty-five feet in overall length, must be equipped with VHF (very high frequency) radio-telephone equipment in addition to the MF (medium frequency) equipment required by others. The radio transmitters should have sufficient power output to enable the vessel to contact the Authority radio stations from a distance of 25 miles. The VHF must be fitted to operate from the wheelhouse and communicate on 156.6, 156.7, and 156.8 Mcs. Seaway stations will maintain a listening watch on MF 2182 Kcs.

§ 401.102–5 Mooring lines and winches.

Mooring lines shall be uniform throughout their length and shall be fitted so that they may be led to either side of the vessel as required; mooring lines, and hawsers where permitted, must be led at the vessel's side through closed chocks or a type of fairlead acceptable to the Authority.

§ 401.102–6 Fairleads.

A mooring line shall not pass through more than two inboard fairleads which must be fixed in place and provided with free-running sheaves or rollers.

§ 401.102–7 Number of mooring lines.

(a) Vessels of ninety feet and less in overall length shall be provided with at least two good and sufficient mooring lines or hawsers, one leading from the break of the bow and one from the stern quarter, but not from the extreme bow or stern.

(b) All vessels of more than ninety feet in overall length shall be provided with four good and sufficient mooring lines so positioned that two shall lead aft and two shall lead ahead. Two of the lines must lead from the break of the bow and two from the stern quarter and not from the extreme bow or stern.

§ 401.102–8 Power operated winches, etc.

(a) On self-propelled vessels of more than ninety feet and up to one hundred and twenty-five feet in overall length the two mooring lines leading astern must be power-operated and may be led from capstans or windlasses.

(b) On self-propelled vessels of more than one hundred and twenty-five feet and up to two hundred and twenty-five feet in overall length the four mooring lines must be power-operated. The two lines leading ahead may be led from capstans or windlasses. The two lines leading astern must be led from the main drums of power-operated winches and not from capstans or windlasses, and must be led at the vessel's side through a type of fairlead acceptable to the Authority.

(c) On self-propelled vessels of more than two hundred and twenty-five feet in overall length the four mooring lines must be power-operated and must be led from the main drums of power-operated winches and not from capstans or windlasses. All four mooring lines must be led at the vessel's side through a type of fairlead acceptable to the Authority.

NOTE: The requirements with respect to mooring lines and winches are shown in the following tabulation:

TABLE I—MOORING LINES AND WINCHES

MINIMUM REQUIREMENTS

Vessel types	Length overall	Mooring lines			Fairleads or chocks at each side of vessel	
		Required each side of vessel	Power-operated			
			Winches	Capstan or windlass	Closed fairleads of acceptable type	Closed chocks
All vessels	90' or less	2				2
Non-self-propelled vessels	More than 90'	4				4
Self-propelled vessels	More than 90' and up to 125'	4		2		4
	More than 125' and up to 225'	4	2	2	2	2
	More than 225'	4	4		4 single or 2 double.	

§ 401.102–9 Heaving lines.

Heaving lines shall have a minimum diameter of one-half inch and minimum length of eighty-five feet.

§ 401.102–10 Knots and weights.

Knots or weights will not be permitted on the ends of heaving lines when they are being used in the lock chambers although they may be used at the approach walls.

§ 401.102–11 Fenders.

If fenders are used, they shall either be permanently attached to the vessel or shall be made of such material as will remain afloat and shall be securely fastened to the vessel and suspended by means of steel cable or fibre rope and shall be managed so as to avoid damage to Authority installations. Automobile or other tires are not to be used as fenders.

§ 401.102–12 Non-metallic fenders.

Vessels carrying dangerous cargo must be equipped with a sufficient number of non-metallic fenders, either permanently attached or suspended by fibre rope, to prevent any metallic portion of the vessel from touching the side of the dock or lock wall.

§ 401.102–13 Overhanging, etc.

Fenders or other devices will also be required where any structural part of a vessel protrudes to such an extent that it may damage Seaway property.

§ 401.102–14 Discharge pipes.

No pipes shall discharge onto the top of the lock wall or tie-up wall.

§ 401.102–15 Draft markings.

All vessels over forty feet in overall length shall be correctly and distinctly marked at the bow and stern to show exact draft fore and aft.

§ 401.102–16 Draft markings; evidence.

The master of any vessel shall, if required, produce satisfactory evidence that the draft markings are correct.

§ 401.102–17 Lachine, Cornwall, Sault Ste. Marie Canal (Canada); depth.

Vessels shall not enter any lock or reach of the Lachine, Cornwall or Sault Ste. Marie Canal (Canada) unless the available depth of water on the controlling point for draft exceeds by at least three inches, or such other clearance as may be determined by the Authority, the maximum draft of the vessel at the time.

§ 401.102–18 Notice of available depth in Seaway.

Changes in available depths in Seaway canals will be disclosed from time to time in Seaway Notices.

§ 401.102–19 Masts.

Vessels whose masts extend more than one hundred and seventeen feet above water level will not be permitted to transit the Seaway.

§ 401.102–20 Masts; Locks 2 and 3 Lachine Canal.

Vessels whose masts extend ninety-four feet or more above water level will not be permitted to transit between Locks 2 and 3 of the Lachine Canal.

§ 401.102–21 Masts; Lachine Canal.

Vessels whose masts extend more than one hundred and ten feet above water level must not transit the Seaway, and vessels whose masts extend more than ninety feet must not transit the Lachine Canal, until the master has furnished the officer in charge with precise information concerning the height of such vessel's masts with respect to the water level.

§ 401.102–22 Ballast.

Vessels not adequately ballasted may be refused transit or may be delayed.

§ 401.102–23 Landing booms.

Vessels exceeding one hundred feet in in overall length shall be equipped with adequate landing booms.

§ 401.102–24 Anchor marking buoys.

An orange colored anchor marker buoy of an approved type fitted with 75 feet of suitable line shall be secured directly to each anchor so that it will mark the location of the anchor when it is dropped.

§ 401.102–25 Stern anchor—recommended.

It is strongly recommended that vessels over three hundred and fifty feet in overall length be equipped with a stern anchor rigged and ready for immediate use. Stern anchors may be winch-operated and controlled by a wire cable.

§ 401.102–26 Wrong-way propeller direction alarm system—recommended.

While vessels are not required to carry "visible and audible wrong-way propeller direction alarm systems", this equipment is strongly recommended for vessels exceeding two hundred and sixty feet in overall length.

§ 401.102–27 Septic tanks—recommended.

Septic tanks are also recommended where vessels are not already equipped with containers for their ordures.

NOTICE OF ARRIVAL AND RADIO COMMUNICATIONS

§ 401.103–1 Radio-telephone frequencies.

The Seaway radio-telephone stations are equipped to operate on the following frequencies:

156.8 Mcs. Safety and Calling.
156.7 Mcs. Working (Canadian Stations only).
156.6 Mcs. Working (Eisenhower station only).
2182 Kcs. Safety and Calling.
2003 Kcs. Working.

§ 401.103–2 Radio-telephone stations.

The Seaway radio-telephone stations are for vessel traffic control purposes only and are located as follows:

(a) Upper Beauharnois Lock—Beauharnois Canal. VDX20.
(b) Eisenhower Lock. KEF.
(c) Iroquois. VDX21.
(d) Welland Canal (Guard Gate). VDX22.
(e) Sault Ste. Marie Canal (Canada), VDX23.

§ 401.103–3 Reporting to dispatcher.

With the exception of Montreal and the Sault Ste. Marie Canal (Canada), all vessels intending to enter or transit the Seaway in whole or in part must report to the nearest dispatcher when opposite the calling-in point of the respective control area, giving the following information:

Name of vessel.
Position.
Destination.
Draft, fore and aft.
Cargo (if dangerous, see §§ 401.105–1 to 401.105–6).

§ 401.103–4 Montreal Harbor Station—calling-in point No. 2, reporting.

All vessels intending to enter the Seaway at Montreal shall transmit to the Montreal Harbor Dispatch Station the following information:

Name of vessel.
Position.
Draft fore and aft (sailing draft).

Such vessels, upon arrival at calling-in point No. 2, must report the following information to Seaway Station VDX20:

Name of vessel.
Position.
Cargo.
Destination.

§ 401.103–5 Sault Ste. Marie (Canada); visual signals.

All vessels intending to enter the Canadian Sault Ste. Marie Canal will be directed to the canal by arrangements with the lockmaster at the United States St. Mary's Falls Canal—normally by means of visual signals. The radio marine transmitter-receiver set at the Canadian Sault Canal is primarily intended for communications from the lockmaster to the vessel and is not continuously attended for receiving communications from the vessel.

§ 401.103–6 Radio reporting downbound at Montreal.

The masters of downbound vessels leaving the Seaway at Montreal shall report to Seaway Station VDX20 when opposite the calling-in point No. 2, giving the name of the vessel and its position.

§ 401.103–7 Listening or standby watch.

Unless otherwise permitted by the dispatcher, a listening or standby watch shall be maintained by every vessel while within a Seaway dispatch area.

§ 401.103–8 Calling-in points.

(a) Upbound vessels shall call the designated stations when opposite the following calling-in points.

Upbound	Dispatch area	Station call sign
No. 2—North end of the west Seaway dyke—one-quarter mile downstream from the Jacques Cartier Bridge (lockage turn established here)	No. 1	VDX20.
No. 3—Windmill Point—Buoy No. 38A—Lake St. Louis (lockage turn established here)	No. 1	VDX20.
	No. 2	KEF.
No. 7—Pointe Mouillee—Pier Light No. 63F—Lake St. Francis		
No. 8—Raquette River Range—Buoy No. 139F—Lake St. Francis (lockage turn established here)	No. 2	KEF.
	No. 3	VDX21.
No. 11—Bradford Island—Light No. 71—Lake St. Lawrence		
No. 12—Robertson's Point—Buoy No. 98—Lake St. Lawrence (lockage turn established here)	No. 3	VDX21.
No. 15—Reporting Buoy 2 and ½ miles off the entrance piers—Port Weller Lake Ontario (lockage turn established here)	No. 4	VDX22.

(b) Downbound vessels shall call the designated stations when opposite the following calling-in points.

Downbound	Dispatch area	Station call sign
No. 16—Three Mile Fairway Buoy—off Port Colborne Harbor—Lake Erie (lockage turn established here)	No. 4	VDX22.
	No. 3	VDX21.
No. 14—Maitland—Fairway Buoy—St. Lawrence River		
No. 13—Sparrowhawk Point—Light No. 115—St. Lawrence River (lockage turn established here)	No. 3	VDX21.
	No. 2	KEF.
No. 10—Bradford Island—Light No. 71—Lake St. Lawrence		
No. 9—Richards Point—Light No. 55—Lake St. Lawrence (lockage turn established here)	No. 2	KEF.
	No. 1	VDX20.
No. 6—Pointe Mouille—Pier Light No. 63F—Lake St. Francis		
No. 5—Entrance to Beauharnois Canal—Buoy No. 24F—Lake St. Francis (lockage turn established here)	No. 1	VDX20.
	No. 1	VDX20.
No. 4—Lower Beauharnois Lock—when leaving		
No. 2—North end of the west Seaway dyke—one-quarter mile downstream from the Jacques Cartier Bridge (downbound vessels leave the Seaway control and go to Montreal Harbor control)	No. 1	VDX20.

SEAWAY TRANSIT INSTRUCTIONS

§ 401.104–1 Instructions.

The master of every vessel shall comply promptly with all instructions in connection with transiting given by Seaway personnel in charge.

§ 401.104–2 Speed.

Every vessel transiting a canal shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

§ 401.104–3 Maximum speed.

Subject to such other speed as may be provided for in Seaway Notices, the maximum speed for vessels moving in the Beauharnois Canal shall be 9 miles per hour over the bottom and in any other Seaway Canal the maximum speed shall be 7 miles per hour over the bottom.

§ 401.104–4 Passing.

Vessels shall not attempt to overtake and pass other vessels in any canal, nor while within two thousand feet of a canal entrance structure, or after the order of passing through has been established by the dispatcher.

§ 401.104–5 Overtaking, Vidal Shoal Cut; Sault Ste. Marie Lock.

Vessels shall not attempt to overtake other vessels between the western end of the Vidal Shoal Cut and the upper entrance to Sault Ste. Marie (Canada) Lock.

§ 401.104–6 Speed while passing moored vessel.

A vessel passing a moored vessel or equipment working in a canal shall proceed at a dead slow speed.

§ 401.104–7 Procedures at locks and bridges.

(a) Three distinct blasts of a whistle or horn signal shall be sounded by a vessel when it comes abreast of the bridge whistle sign marked "W," unless the bridgemaster recognizes the vessel's approach by flashing the red signal light.

(b) On the South Shore Canal whistle signs have been placed 4,600 feet upstream and 3,600 feet downstream from the movable bridges.

(c) On the Beauharnois Canal, whistle signs have been placed at distances varying from 1,600 to 3,850 feet from the bridges.

(d) On the Welland Canal, whistle signs have been placed at distances varying from 1,600 to 3,850 feet from the bridges.

§ 401.104–8 Limit of approach signs; signal lights.

A vessel shall not pass the "Limit of Approach" sign of any movable bridge until such bridge is in the fully open position and the light thereon shows green, and in the case of the two railway bridges at Caughnawaga and bridges No. 17 and 18 and 20 and 21 on the Welland Canal, until both bridges are in the fully open position and both are showing the green light.

§ 401.104–9 Red and flashing red signal lights.

When approaching a lock or guard gate, the stem of the vessel shall not pass the sign marked "Limit of Approach" while the signal light shows red or if there is no light showing. At a lock or bridge, a flashing red light indicates that the structure is being made ready to receive the vessel. If the flashing light changes to solid red or there is no light showing, it indicates that trouble has developed on the structure and the master must be prepared to stop his vessel before passing the Limit of Approach.

§ 401.104–10 Mooring to await clearing of lock.

Except in the case of a tandem lockage, all vessels approaching a lock, while another vessel is in or about to enter the same, shall be moored until directed by the dispatcher or the officer in charge to proceed.

§ 401.104–11 Manner of mooring.

When several vessels are waiting to enter a lock they shall moor in a single tier and the bow of the leading vessel shall not pass the sign marked "Limit of Approach," unless otherwise directed by the dispatcher or the officer in charge. Following vessels shall keep well closed up to the vessel ahead.

§ 401.104–12 Lachine—lights; keeping clear.

At the lower entrance to Lock No. 1 on the Lachine Canal, vessels shall keep clear of the entrance while the signal light shows red or when no light is shown.

§ 401.104–13 Responsibility of master to avoid collision with lock facilities, etc.

The master of any vessel within a lock or approaching or leaving any lock, guard gate or bridge shall ascertain for himself whether or not such lock, guard gate or bridge is prepared to allow his vessel to enter or pass and he shall control his vessel so as to avoid collision with Seaway works or other vessel and no vessel shall attempt to enter or leave a lock until the gates, fender boom and bridge, if any, are fully opened.

§ 401.104–14 Locking.

Each vessel shall advance to the lock in the order in which it arrives, unless otherwise instructed by the dispatcher or lockmaster. If so instructed, a vessel small enough to pass through with a preceding vessel shall advance for that purpose ahead of its regular turn.

MOORING TABLE

Showing the side on which the vessel shall normally moor at the tie-up walls and in the locks, unless otherwise directed by the dispatcher

S—Starboard.
P—Port.
Upb—Upbound.
Dnb—Downbound.

MONTREAL TO IROQUOIS

	St. Lambert	Cote St. Catherine	Beauharnois			Snell	Eisenhower	Iroquois
			Lower	Pool	Upper			
Locks:								
Upbound	P	P	S		S	S	S	P
Downbound	S	S	P		P	P	P	S
Tie-up walls:								
Upbound	S	S	P	P		S	S	S
Downbound	P	P		S	S	P	P	P

WELLAND CANAL

	1	2	3	4	5	6	7	Guard gate	8
Locks:									
Upbound	S	P	P	P	P	P	P		S
Downbound	P	S	S	P	P	P	S	P	P
Tie-up walls:									
Upbound	S	S	S	S			S		S
Downbound	P	P	P				S		S

§ 401.104–15 Mooring procedure for passing through.

Before entering a lock, mooring lines shall be drawn off the winch drums outwards through the fairleads in the vessel's side and will be laid out on the vessel's deck in sufficient length to reach the mooring posts. The lines shall be placed on the mooring posts as directed by the lockmaster. Normally, the two lines leading astern shall be placed on the mooring posts first.

§ 401.104–16 Attendance of lines.

All lines must be attended by members of the vessel's crew during the whole period that the vessel is passing through a lock. Where lines are hand-held for tension control each line shall be attended by at least one member of the vessel's crew.

§ 401.104–17 Casting over mooring lines.

Mooring lines shall not be cast over the side of the vessel in a manner that will endanger the lock crew.

§ 401.104–18 Operation of mooring line winches.

The winches from which the mooring lines run shall not be operated until a signal is received from the lockmaster or linesman that the line has been placed on a mooring post.

§ 401.104–19 Working vessel into lock.

When a vessel is proceeding into a lock her engines shall be stopped before her stem reaches a point fifty feet from the sign marked "Stop" on the lock wall near the closed gates and she shall be moved into her mooring position by means of her lines and winches only, without working her engines except to check her speed or stop.

§ 401.104–20 Limits of entry within lock.

Vessels shall not proceed into a lock so far that her stern passes the "Stop" sign near the closed gates nor be moored in such a position that her stern extends beyond the "Stop" sign near the open gates.

§ 401.104–21 Leaving a lock; procedure.

When preparing to leave the lock, none of the vessel's mooring lines shall be cast off until the exit gates and fenders of the lock and the bridge, if any, are in a fully open position. A signal that the vessel may proceed will be given by the lockmaster to the master of the vessel.

§ 401.104–22 Line handling procedure downbound.

Downbound vessels shall use their own heaving lines and attach them to the mooring lines prior to entry into the lock ready to be passed to the linesman as soon as the vessel passes the open gates.

§ 401.104–23 Line handling procedure upbound.

For upbound vessels heaving lines will be cast down from the mooring wall as soon as the vessel passes the open lock gates and shall be secured to the mooring lines two feet back of the splice of the eye by means of a clove hitch.

§ 401.104–24 Iroquois Lock and Lock No. 8 at Welland Canal; entering.

A vessel whose deck level at the bow extends less than twelve feet above water surface when entering the Iroquois Lock or Lock 8 of the Welland Canal, shall stop before her bow has reached a point one hundred feet from the sign marked "Stop" on the lock wall. Beyond this point the vessel shall maneuver into mooring position by means of her lines and winches only, but her stem shall not pass the "Stop" sign near the closed gates.

§ 401.104–25 Lachine, Cornwall, or Sault Ste. Marie (Canada); stopping engines.

The engines of any vessel on the Lachine, Cornwall or Sault Ste. Marie Canals shall be stopped while the propeller wheel is passing over the miter sills.

§ 401.104–26 Lachine, Cornwall, or Sault Ste. Marie (Canada); use of lines to get into mooring position.

The engines of a vessel entering a lock on the Lachine, Cornwall or Sault Ste. Marie Canals (Canada) shall be stopped when her bow reaches the middle of the lock between the upper and lower gates and she shall then be moved into mooring position by her lines alone.

§ 401.104–27 Tandem lockages.

When two or more vessels are being locked together, the vessels astern of the leading vessel shall come to a full stop a sufficient distance from the preceding vessel to avoid collision.

§ 401.104–28 Emergency procedure.

In case of emergency, when the vessel's speed has to be checked immediately, all mooring lines shall, upon the order of either the lockmaster or the master of the vessel, be put out as soon as possible in sufficient length that they may be placed on the nearest mooring post. Under such circumstances, the vessel's captain shall signal a full check by sounding a series of five or more short blasts.

§ 401.104–29 Vessels in tow.

A vessel that is not self-propelled shall not be underway in any canal unless it is securely tied to its towing tug or tugs, unless it complies with special instructions provided for under § 401.102–2 where applicable and with other conditions contained in the regulations in this part.

§ 401.104–30 Tugs.

(a) When any vessel is being towed by one tug only the tug shall be securely lashed to the stern or quarter of the towed vessel.

(b) A vessel whose overall length exceeds two hundred feet shall be towed by at least two adequate tugs, one forward and one aft, except for certain types of specially constructed low barges over two hundred feet in length but not exceeding two hundred and sixty feet which are designed to be pushed by a tug at the center of the stern, and which have received express permission from The St. Lawrence Seaway Authority at Cornwall or the Saint Lawrence Seaway Development Corporation at Massena, as may be dictated by the contemplated transit, with only one tug.

§ 401.104–31 Wheelsman's view; deck officer.

When vessels are towed in any canal by one tug fastened alongside or astern of the towed vessel;

(a) The wheelsman of the towing tug shall have an unobstructed view of the full outline of the deck at the bow of the towed vessel and of the water surface four hundred feet in advance of its bow, and

(b) When underway there shall be a deck officer on the deck of the vessel being towed to signal directions to the wheelsman.

§ 401.104–32 Tug control of towed vessel.

When more than one vessel is being towed by one tug, the tug shall have adequate power and shall be securely lashed alongside or astern to insure that the tug will fully control the towed vessels.

§ 401.104–33 Beam limitation of vessel and tow.

No vessel shall be fastened alongside of its towing vessel so that the total beam exceeds forty feet in the Cornwall Canal, or fifty-five feet in the Sault Ste. Marie Canal (Canada) or seventy-two feet on any other Seaway Canal.

§ 401.104–34 Consent for tow of more than one vessel.

No tug shall tow more than one vessel in any canal except with the express approval of the Superintending Engineer.[1] When required by the Superintending Engineer, two adequate tugs shall be provided for towing any vessel.

§ 401.104–35 Mooring of towed vessels at lock entrance, etc.

The master of a vessel or tug arriving at the entrance of any canal with two or more vessels in tow for passage through the canal shall arrange with the dispatcher for the mooring of such vessels of the tow which cannot proceed immediately through the canal. Each vessel moored shall be in charge of a competent person appointed by the master who shall obey the orders of the Seaway officer in any matter relating to the position of the vessel and the accommodation or fastenings thereof.

§ 401.104–36 Line handling on towed vessels.

When vessels that are towed or propelled by an accompanying tug are not equipped with deck winches, one of the crew shall be detailed to attend to each of the mooring lines at the vessel's cleats or mooring bitts while the vessel is within a lock. The crew members so assigned shall take up the slack as the vessel rises or pay out lines as the vessel lowers, in order to control the vessel properly while the lock is being filled or emptied.

§ 401.104–37 Mooring and fastening.

No vessel shall be fastened or moored so as to obstruct navigation.

§ 401.104–38 Boarding and disembarkment of crew.

Crew members may board or disembark if so directed by the master for the purpose of carrying out essential duties.

§ 401.104–39 Consent for moving moored vessels.

Vessels that have moored at a wharf or tie-up wall on any canal shall not proceed further until permitted to do so by the dispatcher or the lockmaster.

§ 401.104–40 Tying to canal bank.

Vessels shall not tie to a canal bank except in cases of emergency, or if so instructed by the dispatcher, and if a master has to tie to a bank or is otherwise held on a bank, he shall advise the dispatcher without delay and shall conform with the instructions of the dispatcher.

§ 401.104–41 Meeting.

The meeting and passing of vessels in a canal shall be governed by the Rules of the Road for the Great Lakes.

§ 401.104–42 Turning basins.

Except at the following turning basins, vessels shall not be turned in any canal, and in the South Shore Canal and Welland Canal, a vessel shall not be turned without authorization from the dispatcher:

South Shore Canal, Montreal:
(a) Turning Basin No. 1—for any vessel.
(b) Turning Basin No. 2—for any vessel.
Lachine Canal:
Between locks 2 and 3 and below lock 4.
Cornwall Canal:
(a) Above lock 19.
(b) Subject to permission of the Canal Superintendent, about 1,900 feet west of the swing span of the Cornwall-Massena International Bridge.
Welland Canal:
(a) Opposite the St. Catherines Wharf—for vessels not exceeding three hundred and fifty feet in overall length.
(b) Thorold—for vessels up to five hundred and fifty feet in overall length.
(c) South of Port Robinson—for vessels up to six hundred feet in overall length.
(d) North of Lock 8 (Robin Hood Mill)—for vessels up to five hundred and fifty feet in overall length.
Third Welland Canal:
Above lock 1 at Port Dalhousie.

§ 401.104–43 Dropping anchor.

(a) Unless an emergency exists anchors shall not be dropped in any canal.

(b) The master of every vessel anchoring in any designated anchorage grounds shall immediately report to the dispatcher giving his location. The designated anchorage grounds are as follows:

Point Fortier	Lake St. Louis.
St. Zotique	Lake St. Francis.
Dickerson Island	Lake St. Francis.
Wilson Hill Island	Lake St. Lawrence.
Morrisburg	Lake St. Lawrence.
Prescott	St. Lawrence River.
Lake Ontario—off Port Weller.	Lake Ontario.
Lake Ontario—off Port Colborne.	Lake Erie.

§ 401.104–44 Dropping and weighing anchor; report.

The dropping or loss of an anchor shall be reported immediately to the dispatcher advising him of its precise location. An anchor shall not be weighed to continue the vessel's voyage without permission from the dispatcher.

§ 401.104–45 Search lights.

Vessels shall not use searchlights in such manner that the rays of the searchlight will interfere with the operation of a Seaway structure.

§ 401.104–46 Smoke.

Vessels within canal waters shall take the necessary precautions to avoid the emission of sparks or excessive smoke. Vessels shall not blow boiler tubes in any canal.

§ 401.104–47 Failure to comply with orders.

In the event of noncompliance with an order given by an officer of the Authority, the Authority may relocate the vessel with respect to which the order was not carried out.

§ 401.104–48 Navigation season.

Unless, in the opinion of the Authority, weather and ice conditions do not so allow, navigation on the Seaway will open and will close on the following dates of each year:

	Open	Close
Wiley-Dondero, South Shore, Beauharnois, and Iroquois Canals.	Apr. 15	Nov. 30
Welland Canal and Third Welland Canal.	Apr. 1	Dec. 15
Sault Ste. Marie Canal (Canada)	Apr. 4	Dec. 12
Lachine and Cornwall Canals	Apr. 15	Nov. 30

DANGEROUS CARGO

§ 401.105–1 Dangerous cargo.[2]

Subject to § 401.105–2 in the case of a vessel carrying dangerous goods defined as requiring a permit in the Dangerous Goods Shipping Regulations made under the Canada Shipping Act or carrying fuel oil, crude oil, gasoline or other flammable goods, and in the case of a vessel engaged in carrying such goods whether it is loaded, partly loaded or empty, the master shall advise the dispatcher of the nature of the cargo when the vessel arrives at the calling-in point and shall comply with all instructions issued by the dispatcher, and in the case of such a vessel, intending to enter the Seaway at Montreal, the master shall, prior to requesting Seaway entry, report from the Harbor by radio-telephone or by telephone to Seaway Station VDX20 the following information:

Name of vessel.
Nature of cargo at time of entry (if explosive giving permit number).

§ 401.105–2 Permit.

When the dangerous cargo consists in whole or in part of explosives as defined in the said Dangerous Goods Shipping Regulations, the vessel carrying it shall not enter or transit any canal except with the written permission of the Director of Operation and Maintenance[3] and subject to the conditions and restrictions specified in the permit. A copy of the permit shall be kept on board the vessel and the master shall advise the dispatcher of the exact nature of the cargo and the permit number when the vessel arrives at the calling-in point.

§ 401.105–3 Red flag and red light.

Vessels engaged in carrying explosives or dangerous goods shall fly a red flag by day and at night shall show a red light. The red flag and the red light shall be displayed at the masthead or at another conspicuous position and shall be visible all around the horizon for a distance of at least one mile.

§ 401.105–4 Fenders.

As specified in § 401.102–12, all vessels carrying dangerous goods shall be

[1] The words "Superintending Engineer", and "Canal Superintendent" in § 401.107–1 means the "Chief, Lock Operations" in the United States portion of the Seaway.

[2] Unless instructed otherwise by the Chief, Marine and Engineering Operations, observance of the requirements contained in §§ 401.105–1 to 401.105–5 shall be construed as constituting compliance with the regulations issued pursuant to the Dangerous Cargo Act of the United States in the transit of the United States portion of the Seaway. (46 U.S.C. 170, 46 CFR 146.01 et seq.)

[3] The words "Director of Operation and Maintenance" means "Chief, Marine and Engineering Operations" in the United States portion of the Seaway.

equipped with a sufficient number of non-metallic fenders to prevent any metallic portion of the vessel from touching the side of the dock or lock wall.

§ 401.105–5 Packing, marking, etc., of dangerous cargo.

No dangerous goods shall be moved by vessel within the Seaway unless they are packed, marked, labelled, described, certified, stowed and otherwise in accordance with the said Dangerous Goods Shipping Regulations, nor moved by vessel from a place outside Canada into the Seaway unless they are packed, marked, labelled, described, certified, stowed and otherwise in conformity with all relevant regulations of the country in which it was loaded in the vessel and in no case in a manner less effective than that prescribed in the said Dangerous Goods Shipping Regulations.

DOCUMENTARY EVIDENCE

§ 401.106–1 Documentary evidence.

The Authority may, at any time, request that documentary evidence relating to the vessel, its crew or its cargo be made available by the master, the representative or the owner.

§ 401.106–2 Certified copies.

If so required by the Authority, certified copies of any documentary evidence shall also be furnished. The Authority may also cause any vessel to stop in the manner and where indicated for the purpose of examining or securing any documentary evidence that is required to be kept on board a vessel.

§ 401.106–3 Manifests; certificates.

With respect to the vessel or its crew, the master, the owner or the representative may be called upon to produce any of the vessel's manifests or inspection certificates, including safety certificates as well as crew lists or evidence of qualifications.

§ 401.106–4 Persons required to furnish documents.

The master, the representative or the owner may be requested to furnish the passenger manifest, cargo manifest, bills of lading, weigh-scale slips or any other documentary evidence relating to the passengers or the cargo of a transiting vessel.

§ 401.106–5 Inspection of cargo certificates on dangerous cargo.

Where dangerous cargo has been placed aboard within a port or a country that issued certificates as to the loading of dangerous cargo in accordance with the relevant international conventions, these certificates should be available for inspection by the Authority, at all times.

ACCIDENTS AND REPORTS

§ 401.107–1 Accidents and reports.

An incident or accident involving any vessel, occurring within a canal or an area included between calling-in points and involving damages or injury, or which may have caused damage to Seaway property, shall be reported immediately to the nearest Seaway radio-telephone station. When required, this initial report shall be followed by a written report signed by the master; the master's written report shall be given to the Canal Superintendent [4] before the vessel leaves the canal and any further reports or information required shall be submitted by the representative to the Director of Operation and Maintenance.[5]

§ 401.107–2 Procedure following accidents.

Where the damages or injury are to Seaway property or personnel, the master shall immediately report the incident to the dispatcher and shall follow all special instructions such as mooring the vessel until such times as security satisfactory to the Authority has been furnished.

§ 401.107–3 Clearing of channel.

Where a vessel founders or runs aground or is otherwise placed in such a position as to obstruct any part of the Seaway, the Authority may cause it to be removed in any way deemed to be expedient.

ACCESS TO SEAWAY PROPERTY

§ 401.108–1 Unauthorized use of Seaway property.

Any unauthorized use of Seaway property is a trespass, punishable by law.

§ 401.108–2 Passes.

Upon application to the Superintending Engineer [6] (of the local Seaway District in Canada), passes may be issued to persons having bona fide business on Seaway property.

§ 401.108–3 Access; compliance with instructions.

Where access is permitted, the right shall be exercised in strict compliance with instructions and orders.

§ 401.108–4 Defacement of property.

No person shall wilfully damage or deface any Seaway installation, and the master of every transiting vessel shall prevent any such damage being inflicted by any member of the crew of the vessel.

§ 401.108–5 Interference with navigation aids.

No unauthorized person shall interfere with or moor to any aid to navigation or set out buoys or navigation markers on the Seaway.

TOLL ASSESSMENT AND COLLECTION

§ 401.109–1 Cargo declaration forms.

For each transit of vessels other than pleasure craft of less than 350 tons in weight, the representative of the vessel who has obtained Pre-Clearance must arrange to have the Seaway Transit Declaration Form (Cargo and Passenger) completed and forwarded to the St. Lawrence Seaway Authority at Cornwall, Ontario. The declaration must be mailed within fourteen days from the time that the vessel first enters the Seaway.

§ 401.109–2 New declaration form.

Where a change or modification takes place with respect to the particulars contained in the declaration either as concerns the destination, nature and quantity of the cargo or the number and destination of passengers, the representative must immediately forward a new declaration revised accordingly.

§ 401.109–3 Use of declaration form.

The declaration will be used for the purpose of assessing tolls and preparing accounts in accordance with the Tariff of Tolls.

§ 401.109–4 Statistics.

The information given in the declaration will be transmitted to the Bureau of Statistics at Ottawa by the Authority. This arrangement permits the owners to satisfy the requirements of the Statistics Act of Canada. In respect of the United States, the Saint Lawrence Seaway Development Corporation will maintain and furnish the required statistical data.

§ 401.109–5 Assessment of tolls.

Upon receipt of the declaration, the Authority shall assess the tolls in accordance with the information given. The account will be forwarded to the representative in two copies. Where the representative has requested in item 3 of the vessel's preclearance form that accounts be sent to a bank or financial institution, the two copies of the account will be sent accordingly. The representative shall remain responsible for all payments even though he has indicated a bank or financial institution as his paying agent and if he wishes to receive a copy of the assessment or account, he must make arrangements with such bank or financial institution.

§ 401.109–6 Payment surcharge.

The amount shown on an account is payable upon receipt of the account; unless it is paid within 14 days from the date shown on the account, a surcharge for non-payment in an amount not to exceed 5 percent of the amount due, may be added. The payments should be made as indicated on the account, that is, in Canadian funds or American funds as the case may be in accordance with instructions shown on the account. All assessments and accounts will be adjusted periodically, and the adjustment will be reflected in the subsequent accounts or in an adjustment account.

§ 401.109–7 Failure to file declaration; surcharge.

Where a declaration is not mailed within fourteen days from the time a vessel enters the Seaway, the Authority may antedate the account as of the date when it would have been prepared if the declaration had been forwarded within the time allowed, and the surcharge for non-payment within fourteen days may be added as if the account had been received by the representative at the time to which it is antedated.

§ 401.109–8 Weigh-scale certificate.

The Authority may request that a copy of the cargo manifests duly certified by the representative be filed with the Authority. In all cases where a Weigh-Scale Certificate or similar document takes the place of the cargo manifest, it may be accepted in lieu of this manifest and copies of these documents may be attached to the declaration.

[4] See note to § 401.104–34.
[5] See note to § 401.105–2
[6] See note to § 401.104–34.

PLEASURE CRAFT

§ 401.110–1 Pleasure craft.

Subject to the applicable conditions and except as hereinafter prescribed, pleasure craft may transit the Seaway.

§ 401.110–2 Prohibited transits.

Pleasure craft of less than twenty feet in overall length or one ton in dead weight shall not be permitted to pass through the locks in the following canals:

South Shore Canal,
Beauharnois Canal,
Welland Canal.

§ 401.110–3 Craft not needing pre-clearance.

Pleasure craft of less than three hundred and fifty tons in weight need not be pre-cleared with the Authority.

§ 401.110–4 Scheduling.

The transit of pleasure craft shall be scheduled by the officer in charge and may be delayed so as to avoid interference with other shipping.

§ 401.110–5 Radio telephone.

Pleasure craft of sixty-five feet or more in overall length shall:

(a) Be on radio listening watch.

(b) Give notice of arrival in the manner prescribed by the Authority upon reaching any calling-in point designated by the Authority.

§ 401.110–6 Tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than locks on the Lachine, Cornwall, Third Welland and Sault Ste Marie (Canada) Canals, by means of $2.00 tickets that may be purchased at the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York, or at The St. Lawrence Seaway Authority, Corner of Pitt and Second Streets, Cornwall, Ontario, or at the office of the Superintending Engineers, whose addresses appear in the appendix to this subpart. Tickets may also be purchased from pleasure craft organizations or yacht clubs that have pre-purchased them from the Authority.

§ 401.110–7 Payment by ticket at locks.

No cash payment will be accepted at a lock, payment by ticket shall be made by the person in charge of a pleasure craft, who shall pass a ticket to the lockmaster while his craft is within the lock chamber.

§ 401.110–8 Pleasure craft of 350 gross tons and over.

Where the gross registered tonnage of a pleasure craft is in excess of three hundred and fifty tons, it shall be subject to the requirements of the Seaway Regulations in regard to pre-clearance and documentary evidence. Payment for such pleasure craft as are pre-cleared shall also be made by ticket, provided that any balance of toll payable by reason of the craft having a tonnage in excess of three hundred and fifty tons in the case of the locks on the St. Lawrence, or in excess of eight hundred tons in the case of the locks at the Welland Canal, shall be payable on assessment by the Authority as provided in §§ 401.109–4 to 401.109–10.

§ 401.110–9 Copy of regulations and rules to be kept aboard.

A copy of the Seaway Regulations and Rules shall be kept on board every pleasure craft in transit on the Seaway.

FORMS

§ 401.120–1 Pre-clearance Form.

The St. Lawrence Seaway Vessel Pre-clearance Form; Form S.L.S. 429.

INSTRUCTIONS

This form is to be completed for each vessel by its representative as defined in the Seaway Regulations. The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the undertaking unless this document is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new form will be required for each change in representative or his address and for any major revision in the description of the chaarcteristics of the vessel.

NOTICE

NO VESSEL IS PRE-CLEARED UNTIL RECEIPT OF THIS FORM HAS BEEN ACKNOWLEDGED BY THE AUTHORITY

Seaway No. ------

Part I—Security.

1. Registration of vessel:
   (a) Name ----------
   (b) Country of registry----------
   (c) Port ----------
   (d) Official number or letters ----------
   (e) Gross registered tonnage ----------
2. Managing owner or operator of the vessel:
   (a) Name of company ----------
   (b) Address ----------
   (c) Name of line: if not same as above----------
3. Representative in Canada or the United States responsible for payment of tolls and charges:
   (a) Name ----------
   (b) Address ----------
   (c) Telephone No. ----------
4. Security Deposit:*
   Type ---------- Amount $------
   (Cash; bonds of Canadian or U.S. Government; Bank Letter of Credit or Bank Guarantee)
   NOTE: (The minimum security is $1.00 for every gross registered ton, per transit)
5. Insurance:
   (It is required that liability insurance be equal to or exceed $40.00 per gross registered ton.)
   (a) List the liability insurance coverage on the vessel (P & I):
   ---------- Amount $------
   (b) Names of Underwriters: ----------

* Not required for the Sault Ste. Marie Canal only or the Third Welland Canal only.

Part II—Information on Vessel.

NOTE: Pre-clearance relates primarily to money security. Acknowledgment of pre-clearance does not constitute a guarantee that the vessel is in a condition satisfactory to the Authority and does not grant permission to transit. The information on the vessel must be given and will facilitate scheduling.

1. Type of vessel:
   (a) Cargo ---------- ☐
   (b) Tanker ---------- ☐
   (c) Passenger Only ---------- ☐
   (d) Cargo-passenger (more than twelve passengers) ---------- ☐
   (e) Cargo-passenger (under twelve passengers) ---------- ☐
   (f) Under Tow ---------- ☐
   (g) Dredge ---------- ☐
   (h) Scow ---------- ☐
   Barge ---------- ☐
   Tank Barge ---------- ☐
   (i) Tug ---------- ☐
   (j) Naval (Mil.) ---------- ☐
   (k) Government ---------- ☐
   (l) Other (specify) ---------- ☐
2. Type of service:
   (a) For which constructed:
   (i) Inland ☐
   (ii) Ocean ☐
   (b) In which employed:
   (i) Foreign ☐
   (ii) Coastal ☐
   (iii) Inland ☐
3. Specifications:
   (a) Gross tons ----------
   (b) Net tons ----------
   (c) Deadweight ----------
   (d) Length (overall) ----------
   (e) Extreme breadth (including fenders) ----------
4. Machinery:
   Steam ----------
   Diesel ----------
   Turbine ----------
   Is vessel fitted with adjustable pitch propeller? Yes ☐ No ☐
   Is vessel fitted with stern anchor? Yes ☐ No ☐
   Bridge control? Yes ☐ No ☐
   Is vessel fitted with wrong way propeller direction alarm?* Yes ☐ No ☐
5. Radio-telephone Equipment:
   V.H.F. Yes ☐ No ☐
   Frequency: 156.8 ☐, 156.7 ☐, 156.6 ☐
   M.F. Yes ☐ No ☐
   Frequency: 2182 ☐, 2003 ☐

*Locking device, or any system which ensures correct propeller direction as signalled from the bridge, other than a revolution indicator.

CERTIFICATE OF GUARANTY

The undersigned certifies that he is the representative of the vessel described in this form.

The undersigned shall be fully responsible for the carrying out of the obligations of the representative pursuant to the Seaway Regulations and for all the monies that may become due by this vessel during the full term of this certificate, and notwithstanding the expiration of this certificate.

The security filed by the undersigned with the Authority shall be maintained during the fully currency of this certificate and will be subject to summary forfeiture in the event of default or infringement of the Seaway Regulations or Circulars, by the undersigned.

This certificate shall be good and binding:
☐ (a) Until the Authority is otherwise advised in writing by the undersigned: or
☐ (b) For the following voyage:

Dated at ---------- this ------ day of ---------- 19 ---

Signed ----------

Print Name ----------

APPENDIX

Pleasure craft tickets may be purchased from:

EASTERN DISTRICT

District Superintending Engineer,
The St. Lawrence Seaway Authority,
465 Victoria Avenue,
St. Lambert, Quebec.

CENTRAL DISTRICT

District Superintending Engineer,
The St. Lawrence Seaway Authority,
P.O. Box 98,
Cornwall, Ontario.

WESTERN DISTRICT

District Superintending Engineer,
The St. Lawrence Seaway Authority,
Welland Canal Building,
Yates Street,
St. Catharines, Ontario.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 62-2939; Filed, Mar. 28, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2638]

ALASKA, NEW MEXICO, AND ARIZONA

National Forest Eliminations and Transfers

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 11, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. (a)

(88256)

NEW MEXICO

The following-described lands, now comprising a portion of the Santa Fe National Forest, are hereby transferred to and consolidated with the Carson National Forest, and the boundaries of said forests are adjusted accordingly:

Beginning at a point on the east boundary of the Santa Fe National Forest and the east line of Sec. 14, T. 21 N., R. 14 E., from which the northeast corner of Sec. 14 bears due north 33.04 chains; thence S. 77° W., 58.04 chains along the north boundary of Small Holding Claim 5403 to the northwest corner of said tract; thence N. 24°15' W., 24.70 chains along the boundary common to Small Holding Claims 5369 and 5405 to the northwest corner of the SW¼NW¼, Sec. 14; thence S. 89°54' W., 80.10 chains to the northwest corner of SW¼NW¼, Sec. 15; thence continuing on the projection of said line S. 89°54' W., to its intersection with the west boundary of the Santa Fe National Forest in the NE¼, Sec. 16; thence northeasterly along the divide that is the present boundary common to the Carson and Santa Fe National Forest to where it intersects the boundary of the Mora Grant in the NE¼, Sec. 23, T. 22 N., R. 14 E.; thence due south along the boundary common to the Mora Grant and the Santa Fe National Forest to the point of beginning.

ARIZONA

The following-described patented lands are hereby excluded from the Prescott National Forest, and the boundaries of the said forest are adjusted accordingly:

GILA AND SALT RIVER MERIDIAN

T. 20 N., R. 2 W.,
Secs. 3, 4, 10, 14, 15, 23, 24, and 25; those portions lying south or west of the right-of-way of the California, Arizona and Santa Fe Railway;
Secs. 5 to 9, incl.; secs. 16 to 22, incl.; secs. 26 to 30, incl.
T. 21 N., R. 2 W.,
Secs. 19 to 21, incl.; secs. 28 to 33, incl.; secs. 22, 27, and 34; those portions lying west of the California, Arizona and Santa Fe Railway.
T. 20 N., R 3 W.,
Secs. 1 to 30, incl.; secs. 32 to 35, incl.
T. 21 N., R. 3 W.,
Secs. 22 to 28, incl.; secs. 32 to 36, incl.
T. 20 N., R. 4 W.,
Secs. 1 and 2; secs. 11 to 14, incl.; sec. 24.

2.

(Juneau 012136)

ALASKA

The following-described area is hereby excluded from the Tongass National Forest, and the boundaries of the said forest are adjusted accordingly:

MEYERS CHUCK HARBOR

U.S. Survey No. 2673.
Containing 495.70 acres.

3. Portions of the lands described in Paragraph 2 above were eliminated from the Tongass National Forest by Executive Order No. 6849 of September 15, 1934, for the benefit of Forest Service permittees in possession. Portions of the remainder are occupied by individuals who have constructed valuable improvements on the lands.

4. Until 10:00 a.m. on June 22, 1962, the State of Alaska shall have a preferred right to select the public lands described in paragraph 2 hereof, in accordance with provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

5. Beginning at 10:00 a.m. on June 22, 1962, the public lands described in paragraph 2 hereof shall be open generally to appropriation under the public land laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands in Alaska should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

MARCH 23, 1962.

[F.R. Doc. 62-3006; Filed, Mar. 28, 1962; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER A—RULES OF PRACTICE

PART 500—APPEARANCE AND PRACTICE BEFORE THE COMMISSION

Subchapter C—Receipt, Administration, and Payment of Claims Under the War Claims Settlement Act of 1948, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Miscellaneous Amendments

1. Sections 500.2, 500.3, 500.4, 500.5 and 500.6 of Part 500 are hereby redesignated §§ 500.3, 500.4, 500.5, 500.6 and 500.7 respectively.

2. Section 500.2 is hereby added to read as follows:

§ 500.2 Notice of entry or withdrawal of counsel in claims.

(a) Counsel entering an appearance in a claim originally filed by claimant sole, shall be required to file an authorization by claimant.

(b) When counsel seeks to withdraw from the prosecution of a claim, it must appear that he has duly notified his client (claimant).

(c) When a claimant advises the Commission that counsel no longer represents him, a copy of the Commission's acknowledgement shall be forwarded to such counsel.

(Sec. 2, 62 Stat. 1240, as amended; sec. 3, 64 Stat. 13, as amended; 50 U.S.C. App. 2001, 22 U.S.C. 1622)

§ 531.5 [Amendment]

3. Paragraph (1) of § 531.5 is hereby amended to read as follows:

(1) At any time after a final decision has been issued on a claim, or a proposed decision has become the final decision on a claim, but: (1) Not later than August 1, 1962, with respect to a Czechoslovakian claim; and (2) with respect to any other claim not later than 30 days before the statutory date for the completion of the Commission's affairs in connection with such claim; a petition to reopen on the ground of newly discovered evidence may be filed. No such petition shall be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the final decision or the date on which the proposed decision became the final decision; that it was not for want of due diligence that such evidence did not come sooner to his knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of such evidence would produce a different decision. Such petition shall include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

(Sec. 3, 64 Stat. 13, as amended, 22 U.S.C. 1622)

These amendments shall become effective as of the date of filing with the FEDERAL REGISTER.

Dated: March 26, 1962.

EDWARD D. RE,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 62-3045; Filed, Mar. 28, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 937; Amdt. 2]

PART 95—CAR SERVICE

Missouri-Illinois Railroad Co.; Authorization To Operate Over Certain Trackage

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of March A.D. 1962.

Upon further consideration of Service Order No. 937 (26 F.R. 6433, 12166), and good cause appearing therefor: *It is ordered*, That: § 95.937(a) *The Missouri-Illinois Railroad Company authorized to operate over certain trackage of the St. Louis-San Francisco Railway Company, the St. Louis Southwestern Railway Company, the Southern-Illinois and Missouri Bridge Company and the Missouri Pacific Railroad Company*, of Service Order No. 937, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof.

(d) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1962.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Missouri Public Service Commission, Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-3057; Filed, Mar. 28, 1962; 8:53 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-6]

PART 170—COMMERCIAL ZONES

Philadelphia, Pa.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 19th day of March A.D. 1962.

It appearing, that on July 21, 1939, the Commission, division 5, made and filed its report, 17 M.C.C. 533, and order in the above-entitled proceeding, establishing the limits of the zone adjacent to and commercially a part of Philadelphia, Pa., within the meaning of section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), within which zone transportation by motor vehicle, in interstate or foreign commerce, is partially and conditionally exempt from regulation;

It further appearing, that the limits thus established include as a boundary a portion of U.S. Highway 1 lying in Delaware County, Pa., and extending between Bishop Avenue and Pennsylvania Highway 320;

It further appearing, that a recent relocation of U.S. Highway 1 renders this description inaccurate, for the reason that the highway intended to constitute the boundary is now properly known as Baltimore Pike;

And it further appearing, that notice and public procedure thereon to render the above description accurate and unambiguous are impracticable and unnecessary, for the reason that the substitution of "Baltimore Pike" in lieu of "U.S. Highway 1" will not alter in any respect the boundary as originally established in this proceeding;

and good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.6 as prescribed in the order entered in this proceeding on July 21, 1939 (49 CFR 170.6) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.6 Philadelphia, Pa.

The zone adjacent to and commercially a part of Philadelphia, Pa., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The area in Pennsylvania included within the corporate limits of Philadelphia and Bensalem and Lower Southhampton Townships in Bucks County; Conshohocken and West Conshohocken, Pa., and Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh, and Lower Merion Townships in Montgomery County; Haverford Township in Delaware County; and an area in Delaware County south and east of a line extending southward from the intersection of the western and northern boundaries of Upper Darby Township along Darby Creek to Bishop Avenue, thence south along Bishop Avenue to Baltimore Pike, thence west along Baltimore Pike to Pennsylvania Highway 320, thence south along Pennsylvania Highway 320 to the corporate limits of Chester, thence along the northern corporate limit of Chester in a westerly direction to the eastern boundary of Upper Chichester Township, thence south to the southern boundary of said township, along the eastern boundary thereof, and thence west along the southern boundary of said township to the Delaware State line, and thence south along the Delaware State line to the Delaware River, and

(b) The area in New Jersey included in the corporate limits of Camden, Gloucester City, Woodlynne, Merchantville, and Palmyra Boroughs, and the area included in Pennsauken Township in Camden County.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective May 3, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-3036; Filed, Mar. 28, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1038]

[Docket No. AO–194–A6]

MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockford, Illinois, June 6–8, 1961, pursuant to notice thereof issued May 9, 1961 (26 F.R. 4113).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on February 15, 1962 (27 F.R. 1621; F.R. Doc. 62–1752) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Qualifications for attaining pool plant status;
3. Payments on unpriced milk disposed of in the marketing area from nonpool plants;
4. Class I price;
5. Class II price;
6. Butterfat differentials;
7. Application of location differentials on class prices and in paying producers;
8. Using a base and excess plan in paying producers;
9. Application of various classification provisions;
10. Allowing a cooperative association to be a handler on bulk tank milk of its members;
11. Equivalent prices; and
12. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Rockford-Freeport marketing area, presently the cities of Rockford, Loves Park, and Freeport, and specified townships in Stephenson and Winnebago Counties, should be extended to include Rock County, Wisconsin; Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, and Winnebago Counties, Illinois; and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling, and Tampico in Whiteside County, Illinois. The Rockford-Freeport marketing area should be redesignated the Rock River Valley marketing area to more adequately describe the expanded marketing area.

The 1960 census population of the recommended marketing area, a contiguous territory in 10 counties, was approximately 600,000. The population of Rockford, the largest city in the proposed marketing area, was 127,000. The population of the next largest cities, Freeport, Dixon, De Kalb, Sterling, Belvidere, and Rock Falls ranged from 27,000 to 10,000. Because a substantial part of the fluid milk sales of handlers are in rural communities and because much of the population immediately surrounds the cities and towns, the marketing area should be defined insofar as practicable, on the basis of county rather than town or city boundaries.

The Midwest Dairymen's Company and Pure Milk Association, the major producer cooperatives in the market, represent substantially more than two-thirds of the producers supplying plants who would be regulated by the amended order. About 75 percent of the dairy farmers who would become producers under the order by the recommended expansion of the marketing area are members of these associations.

The expanded marketing area will conform more closely to the sales territory of handlers regulated by this and other orders. Handlers under this order and nearby orders have route distribution throughout the territory recommended for addition to the marketing area and compete therein with unregulated handlers. It is more practicable to include this additional territory in the Rockford-Freeport marketing area than in that of any other order. This will provide a contiguous geographical marketing area in which handlers who would be regulated by the proposed order are the principal distributors.

Most of the 23 presently unregulated handlers purchase milk at a flat price which is closely related to the Chicago uniform price. These unregulated handlers have a high proportion of fluid milk sales to receipts not uncommonly ranging from 80 to 100 percent Class I utilization. Rockford and Freeport handlers are at a price disadvantage in competing with unregulated handlers for sales in the proposed marketing area because they must pay the higher Class I price of the order to which their competitors are not subject. The buying practices of the unregulated handlers have led to instability in the market and have resulted in lower prices being paid to farmers than the classified use value of their milk would warrant.

The marketing area expansion herein recommended would promote orderly marketing by assuring Rock River Valley order handlers that their competitors in the marketing area would be required to pay for milk at prices based on the minimums prescribed by the order.

Rockford-Freeport order handlers have distribution in all counties in the ten-county recommended marketing area except Lee and Whiteside Counties. They compete in the recommended marketing area with the unregulated handlers whose sales are geographically more limited. Of the 23 presently unregulated handlers operating in the proposed marketing area, 20 would be regulated by this order and 3 by the order proposed for the Madison area. Handlers regulated by the Chicago, Milwaukee, Quad Cities-Dubuque, Cedar Rapids-Iowa City and Indianapolis orders also serve the ten-county area.

Winnebago and Stephenson Counties, which contain the present Rockford-Freeport marketing area, are served primarily by handlers from Rockford and Freeport. They compete with three unregulated distributors who would become regulated because of their distribution in these two counties and in adjacent portions of the recommended marketing area. They also compete for sales in these counties with handlers regulated by the Chicago and Milwaukee orders.

Rock County, Wisconsin, which adjoins the northern boundaries of Winnebago and Boone Counties, is served by 17 distributors. One Chicago order handler operates a local distributing plant which has 36 percent of its sales in this county. This handler, because of sales in this county and in five other counties of the proposed marketing area, would be regulated by the recommended order. In total, approximately nine handlers who would be regulated by this order serve Rock County in competition with two Chicago order handlers, three Milwaukee order handlers and three handlers who would be regulated by the proposed order for the Madison area.

The city of East Dubuque in Jo Daviess County is in the Quad Cities-Dubuque marketing area. Distribution in the remainder of this county is by eight handlers, four of whom would be regulated under this order, and two each under the Chicago and Quad Cities-Dubuque orders. One handler who would be regulated under the proposed Madison order has some distribution in this county.

Carroll and Ogle Counties, which adjoin the present marketing area on its southern boundaries, are served by about 15 handlers who would be regulated under the expanded Rock River Valley order. Handlers under other nearby orders also have some distribution in these counties.

In Lee County, which is adjacent to the southern boundaries of Carroll and Ogle Counties, three handlers have substantial sales in competition with Chicago, Quad Cities-Dubuque, and Indianapolis order handlers. The three now unregulated handlers would be under this order because of their distribution in Ogle County.

That part of Whiteside County proposed to be added to the marketing area is served by eight handlers who would become regulated under this order because of sales in adjoining counties of the proposed area, primarily Lee and Carroll. Five Chicago handlers also distribute there. Five of the eight handlers who would be regulated under this order have sales in Carroll and other counties of the proposed area. The remaining three would be regulated primarily because of sales in Lee County.

Failure to include Lee County and the specified townships in Whiteside County in the marketing area could result in a competitive disadvantage for handlers who would be regulated under the order because some handlers serving the area would be regulated while their principal competitors would not.

Boone County and DeKalb County are primarily served by presently regulated handlers. In Boone County, three Rockford-Freeport order handlers have distribution in competition with Chicago and Milwaukee order handlers. If DeKalb County were not included in the recommended area, the several local distributors would remain unregulated and have an advantage in competition with regulated handlers for sales in the county.

The area herein recommended as the Rock River Valley marketing area represents an area of uniform minimum health standards for Grade A milk products sold for fluid consumption. Fluid milk products sold under a Grade A label must be approved by local and State health authorities who are governed by health ordinances, practices and procedure patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area are through reciprocal approval of the responsible health authorities.

Territory within the boundaries of the designated marketing area which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments should be considered as within the marketing area. Exemption of sales by a handler in any such territory could place regulated handlers at a disadvantage. So there will be no doubt as to the intent of the application of the marketing area definition, the order should clearly specify that all premises within the marketing area, as described above, will be included as part of the marketing area.

2. The pool plant qualifications under the order should be revised.

Two general categories of plants should be defined under the order. A "distributing plant" would be a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

Presently, a plant may participate in the marketwide pool if any fluid milk products are distributed on routes in the marketing area. Because of the difference in marketing practices and functions between distributing and supply plants which may serve the expanded area, separate performance standards should be provided which will apply uniformly to all plants wherever located. Performance standards should be such that any plant which supplies a substantial portion of its Grade A receipts to the Rock River Valley market would pool its sales and share in the marketwide pool.

In order to qualify as a pool plant, a distributing plant should be required to dispose of 10 percent or more of its Grade A receipts as Class I milk on routes in the marketing area during the month. A distributing plant having more than 90 percent of its business outside the marketing area should not be considered to be associated with this market. Full regulation of such distributing plants is neither advisable nor necessary to accomplish the purposes of the order and might well place such plants at a competitive disadvantage in supplying the unregulated market. Such minimum standards are necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market by means of minor sales in the marketing area.

In order that only plants primarily engaged in route distribution of fluid milk products be qualified as pool plants under this definition, a further condition should be placed on a distributing plant. That is that its route distribution of Class I milk (both inside and outside the marketing area) be not less than 50 percent of its total receipts of Grade A milk. Any plant which does not qualify on this basis should have its pool status determined by the standards applied to supply plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payment hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that the quantity of milk available to regulated distributing plants may not be adequate for their needs.

At times, particularly during months of seasonally low production, some distributors in the market have relied extensively on supplemental supplies to keep their Class I outlets fully supplied. In 1959 and 1960 supplemental milk from Chicago regulated plants and other sources were 12.5 and 9.3 percent, respectively, of producer receipts under the order. During months of seasonally high production, producer milk in excess of fluid use is manufactured. To assure that all producer milk pooled will be available for Class I use in the marketing area, supply plant standards should be set at levels which require that such milk will be available.

To qualify as a pool plant a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month. A supply plant from which a proportionately lesser quantity is shipped should not under present conditions in the market be considered as primarily associated with the Rock River Valley order market.

The demand for supply plant milk will be greatest during the season of low production. During the months of flush production local supplies will generally be more than adequate for the market's Class I needs. In these circumstances, the performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

Provision should be made whereby a supply plant previously qualified may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied 50 percent of its producer milk receipts in each month of September through November to distributing plants which were pool plants. As herein recommended, pool plant status would automatically accrue to such supply plant for the subsequent months of March through June unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any month during such period.

Some handlers receive milk from both Grade A and ungraded sources. Generally, such handlers maintain the ungraded operation physically apart from the Grade A operation. Proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant and all ungraded milk received at such plant

would be considered as other source milk received at a fluid milk plant.

3. The order should provide for payment to the producer-settlement fund on unpriced milk which is allocated to Class I milk in a pool plant.

Receiving milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. This reserve Grade A milk must be marketed at a lower price and is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of surplus Grade A milk must be disposed of by unregulated plants in the Chicago milkshed. Order handlers could obtain such milk in substantial volumes from these nonpool sources at prices reflecting its value as surplus milk, which approximates the Class II price under the order. The compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price, adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use.

The rates herein found to be appropriate give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, because such conditions do not prevail uniformly in all instances and all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices to payments in individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk or condensed milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because concentrated milk products may be obtained from numerous sources and it would not always be possible to ascertain at which plant location it originated.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers, computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and the producer-settlement fund, he will obviously not have an advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined exactly the same as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of the order will adequately protect the regulatory plan in this market. It is expected that handlers who would use this option are relatively small and the prices they would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons it is not necessary, in order to maintain the integrity of the regulatory plan, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal order on fluid milk products distributed in the marketing area. The minimum prices for Class I milk under other Federal orders where Rock River Valley handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Rock River Valley area for Class I use at less than Class I prices.

4. The level of the Class I price should not be changed.

Although various proposals were made to increase the Class I price, there is no indication that the supply of producer milk is becoming inadequate for the market's requirements. During the years 1959 and 1960, producer milk classified in Class II under the Rockford-Freeport order was 14 and 13 percent, respectively.

The proposed Rock River Valley marketing area is wholly contained in the milkshed of the Chicago market. These markets are so interrelated that a close correlation of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets.

The Class I price for the expanded marketing area would be calculated by adding a differential to a basic formula price. The annual average Class I differential would be $0.92 over the basic formula price. This differential together with the Chicago order supply-demand adjustment (as now reflected in the Rockford-Freeport Class I price) and the location differential adjustments recommended herein would maintain the present level of pricing under the order and provide alignment with Chicago order prices.

Rockford, Illinois is a principal point at which producer milk is received and from which fluid milk products are distributed throughout the marketing area. All pool plants in the city of Rockford are within Zones 3 and 4 (85–115 miles) of the Chicago order. The announced Class I price should, therefore, be applicable at plants within 115 miles of the City Hall in Chicago with appropriate location adjustments to be applied at other plants.

The basic formula price would be the average of the prices paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota and would be the same as that recommended for the Chicago order basic formula price. Official notice is here taken of the Chicago order recommended decision issued by the Assistant Secretary on February 7, 1962 (27 F.R. 1272). Alignment of Class I prices between the proposed Rock River Valley and nearby Chicago order can best be achieved by providing the same basic formula prices.

5. The Class II milk price should be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture.

The recommended pricing of reserve milk recognizes that prices for manufacturing grade milk tend to be reasonably uniform regardless of the use made of the milk utilized for manufacturing purposes.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is no less necessary. Large quantities of reserve milk in this market are disposed of for manufacturing purposes to plants regulated by the Chicago order. The Class II price herein recommended is the same as the price for reserve milk under the Chicago order.

The present order prescribes three alternative methods to determine Class II prices: the Midwest condensery price, a butter-cheese formula and a butter-powder formula.

There are certain shortcomings in the use of a butter-powder or butter-cheese formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter, powder or cheese production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. In addition, formula pricing tends to lag behind changes in costs and technology which would not be reflected in the formula price until appropriate order amendment action could be made.

Because formula prices are directly tied to specific products, they are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960 the Midwest condensery price, in response to increased competition for manufacturing supplies, exceeded the butter-powder price by 24, 35, 41, and 50 cents and the butter-cheese price by 33, 34, 40, and 48 cents, respectively. In the same months of 1959 the butter-powder formula exceeded the Midwest condensery price by 2 cents in September, and during October through December the Midwest condensery price exceeded the butter-powder price by only 4, 7, and 16 cents, respectively. The Midwest condensery price exceeded the butter-cheese price during each month of September through December 1959 by 7, 17, 14, and 20 cents, respectively.

The only competitive pay price series now used in the order is the Midwest condensery price series. Currently prices are received from only eight plants, two in Michigan and six in Wisconsin. (Official notice is taken of the closing in November 1961 of the Borden Company, Orfordville, Wisconsin plant, reducing the number of plants in this price series to eight.) Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and can be announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company, or group of companies, can have a significant influence upon the level of prices.

Official notice is taken of the Minnesota-Wisconsin prices for manufacturing grade milk as released by the United States Department of Agriculture through November 1961 and of the prices through November 1961 for other manufacturing milk price series as released by the Rockford-Freeport market administrator.

From December 1957 through November 1961, the Rockford-Freeport Class II price (Midwest condensery price in all months except one when the butter-powder formula price was the effective Class II price) averaged $3.10. The butter-powder price during this period averaged $2.92 and the butter-cheese price $2.85. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis by the Order 91 producer butterfat differential, averaged $3.10 for the four-year period.

The prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since the order class prices are announced on a 3.5 percent butterfat basis, it is appropriate that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.120. This differential is used for this purpose under the Chicago order.

6. The butterfat differentials used to adjust the Class I and Class II prices should be revised to more appropriately reflect the relative value of butterfat under current marketing conditions. The value resulting from multiplying the Chicago butter price by 0.120 for Class I and by 0.115 for Class II milk will provide appropriate means for adjusting the prices in the expanded marketing area for each one-tenth percent variation in the butterfat content of milk used in various products.

The several proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). Sales of modified skim milk by handlers under the order increased from 170,000 pounds in 1957 to 335,000 pounds in 1960, an increase of 97 percent. With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potential for unstable marketing conditions which milk without a market tends to create.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

7. Class I and uniform prices should be adjusted according to the location at which producer milk is received. As stated elsewhere, the Class I price should be announced at Rockford, which is within 115 miles of the City Hall in Chicago. The Class I price for milk received at plants 115 miles or more from the Chicago City Hall should be decreased two cents for each 15 miles or fraction thereof that such plant is beyond 100 miles from Chicago.

The location adjustment applicable at any plant located in the marketing area of this order should not be more than 12 cents. The several handlers operating plants in the western portion of the Rock River Valley marketing area compete with handlers regulated by other nearby Federal orders. Limiting the location differential adjustment in this manner will contribute toward attaining appropriate alignment of Class I prices to handlers under this and nearby orders who compete for fluid milk sales in the western portion of the recomended marketing area.

The Class I price herein recommended is related to the Class I price under the Chicago order. A number of plants under the Chicago order are potential and alternative sources of supply for handlers under the proposed Rock River Valley order.

The location differential herein recommended is applicable under the Chicago order and is representative of the cost of hauling milk to the market by an efficient means. Such differential will recognize the geographical location of the expanded marketing area in relation to the Chicago market and milkshed by maintaining appropriate Class I price relationships under the two orders.

The uniform price (including the uniform price for base milk) paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No location adjustment should be made in the Class II price because of the location of the plant receiving reserve milk. Because of the low cost per hundredweight for transporting manufactured products to market, the prices paid for milk used in manufactured products at various points in the milkshed should not vary with location.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. For the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form should be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

8. A "base and excess" plan of distributing returns for milk among producers should be incorporated in the order.

Base and excess plans are commonly used throughout the production area and have wide support among producers. Most such plans in the area are patterned after the base-excess provisions of the Chicago order.

Cooperative associations serving the market have been using base and excess plans for a number of years to encourage more even production among dairy farmers. Such a plan applicable to all producers under the order would tend to obtain a better relation of production to the needs of the market throughout the year.

The base and excess plan herein recommended would establish for each producer a base according to his deliveries to pool plants during September, October and November. For these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each month of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer March through June which is not in excess of an amount equal to the base of such producer multiplied by the number of days' production received at pool plants in the month. Class II disposition in the market would first be assigned to excess milk. If the aggregate Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The producer location adjustments herein recommended should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the producer price for excess milk should not be subject to location adjustments. The producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk.

September, October and November, the recommended base-forming period, are months of seasonally low production in the milkshed and are the base-forming months under the Chicago order. It was proposed that August and December be included in the base-forming period. In view of the extensive overlapping of the Rock River Valley and Chicago milksheds, however, it would be inappropriate to provide for a base-forming period different from that in the Chicago order.

Base milk should not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act. This provision will reduce the opportunity for a handler with plants in other pools to transfer his excess producer milk to the Rock River Valley pool during the high production months.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period due to unusual circumstances.

For a producer who does not deliver milk during the base-forming period or who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries in such month to pool plants by 60 percent for March, 55 percent for April and 50 percent for May and June. The above percentages are identical to those in the Chicago order and will allow new producers to share in the Class I market during the base-operating period. At the same time the percentages will not be such as to invite substantial numbers of old producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases. Also, by being notified a half-month before the beginning of the base-paying period, a producer will have reasonable advance notice of what his base shall be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of computing the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

A base and excess plan for distributing returns to producers is not now included in the order. Producers should be allowed a reasonable time to make such changes as may be necessary to adjust their production patterns to obtain optimum benefits under a base and excess plan. The earliest date on which this amended order could become effective would be following the beginning of the base-paying period. Thus, Rock River Valley producers would not have adequate notice enabling them to make changes currently in their production. The base and excess method of paying producers should not be utilized under the order during the 1962 base-paying period. Accordingly, from the effective date of the order through June 1962 each producer would be paid not less than the monthly marketwide uniform price for his total deliveries. This would be accomplished by providing that all milk delivered by producers to pool plants during the 1962 base-paying period shall be considered base milk.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Rock River Valley and Chicago milksheds overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the possible transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provisions should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base.

9. (a) The nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product. However, the Class I classification should apply only to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. Nonfat milk solids added to fluid milk products do not displace producer milk for Class I use in this marketing area.

(b) Inventory accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such month-end inventories would be subtracted from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory allocated to Class I milk in the following month should be reflected in returns to producers. This will preserve the priority of assignment of current producer receipts to current Class I use.

(c) Class II classification should be provided for skim milk and butterfat in eggnog. Eggnog made from ungraded milk is sold in the marketing area in competition with such product made from Grade A supplies.

(d) The skim milk portion of fluid milk products which is dumped or sold for livestock feed should be Class II if the market administrator is notified in advance and afforded the opportunity to verify such disposition. The order now provides Class II classification for skim milk and butterfat dumped or sold for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream and adequate outlets are available for utilizing such butterfat in manufactured dairy products. No provision should be made for classifying in Class II the butterfat in fluid milk products dumped or sold for livestock feed.

(e) The shrinkage allowance should be revised to reflect loss experience encountered under current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (except producer milk from a cooperative association as a handler and milk diverted to a nonpool plant) plus 1.5 percent of bulk fluid milk products from other pool plants and less 1.5 percent of such bulk products transferred to other plants.

On producer milk for which a cooperative association has elected to be the handler, the receiving plant should be allowed 1.5 percent of such milk in shrinkage. However, if the handler notifies the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage on such milk should be 2.0 percent.

Plants operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums herein provided.

(f) The method for classifying transfers and diversions to nonpool plants should be more specifically set forth.

Fluid milk products transferred or diverted to a nonpool plant should be allocated to Class I to the extent that the fluid milk products disposed of from the nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant. Any remainder transferred or diverted from the regulated plant would be Class II milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under this order should not be less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable sources of milk for fluid use at such plant.

The "surplus disposal area" beyond which milk, skim milk and cream transferred or diverted to nonpool plants would be classified as Class I should be limited to not more than 150 miles by the shortest highway distance from the nearer of the main Post Offices of Janesville, Wisconsin and Sterling, Illinois. The area thus described is adequate to dispose of milk, skim milk and cream not needed by order handlers for Class I purposes in the marketing area. Milk skim milk and cream moving greater distances are normally for Class I use.

Limiting the area in this manner will protect the diversion provisions of the order. A larger area than that provided could encourage handlers to associate by diversion additional producers with the market, permitting them to share in the marketwide pool while most of the milk of such producers could be withheld from fluid uses and be used for Class II purposes at unregulated plants not a part of this market.

When milk, skim milk and cream in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from the points herein recommended, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within the "surplus disposal area" without incurring undue expense.

(g) The allocation procedure of the order should specify that packaged fluid milk products subject to pricing under another order be assigned to Class I milk. This will allow a handler operating plants regulated under more than one order to achieve economies associated with centralized processing and packaging of certain fluid milk products and is consistent with present treatment of such milk under this order during certain months.

The provision allowing direct allocation to Class I of bulk milk, skim milk or cream received during September through December from a plant at which such milk was priced under another order should be deleted. Such Federal order bulk shipments should be allocated in sequence starting with Class II milk. This will assure local producer milk the priority of Class I use and will assist in associating with this market additional supplies of producer milk needed in the expanded marketing area.

10. The handler definition should be expanded to include a cooperative association which elects to be the handler on milk of its member producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such association. The major cooperative association in this market is now supplying the principal handlers with their milk in tank trucks.

Allowing a cooperative association to be the responsible handler on bulk tank milk received at farms would promote more efficient marketing by providing greater flexibility in assignment and movement of such milk. As a handler for such milk, a cooperative would be required to report the quantities of such milk received at each pool plant. This information would be readily available to the cooperative and its reports in conjunction with the reports from pool plant operators would enable the market administrator to establish the quantities of producer milk to be accounted for at each pool plant.

Handlers operating pool plants would pay the cooperative as a handler the applicable uniform prices for milk received. This would facilitate the operation of the order in that any adjustments in classification resulting from audit of a handler's pool plant records would be made directly with such handler.

All milk for which the cooperative elects to be the handler would be deemed to have been received at the plant to which it was delivered. Member milk diverted to a nonpool plant would be deemed to have been received at the pool plant from which diverted and producers would receive the uniform price on such milk. Member milk delivered by the association as a handler to a nonpool distributing plant or diverted in excess of the limits herein recommended would not be considered producer milk.

11. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order. This provision is incidental to, and not inconsistent with, other provisions of the order and is necessary to effectuate such provisions.

12. The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

In designating which persons would be subject to regulation and the application of order provisions to them, the new or revised definitions are provided in the attached order, including those for "producer", "fluid milk product", "fluid milk plant", "producer milk" and "other source milk". The definitions for "pool plant", "distributing plant" and "supply plant" are discussed elsewhere in this decision.

"Producer" should mean any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

"Fluid milk product" should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers). The items designated as fluid milk products pursuant to this definition would be those products which when disposed of by handlers are considered as Class I milk.

"Fluid milk plant" should be defined as a pool plant or a distributing plant which is not a pool plant. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

"Producer milk" should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from Grade A dairy farmers or a cooperative association as a handler. Producer milk would also include milk diverted from a pool plant to a nonpool plant by a cooperative association or a proprietary handler under certain conditions.

The order now provides for unlimited diversion of producer milk to nonpool plants in any month. Producers proposed that diversion be limited to 14 days during any month of August through January.

Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will facilitate the movement of such milk to nonpool plants for manufacturing. Unlimited diversion is neither necessary nor desirable under present marketing conditions in the expanded area during those months when milk is needed for Class I use in the market.

Producer milk status for diverted milk should be limited during each month of August through January to a quantity not greater than the quantity of producer milk that was delivered to pool plants in such months. Diverted milk should be deemed to have been received at the plant from which diverted.

"Other source milk" should be defined as all skim milk and butterfat contained or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants and inventory at the beginning of the month. Thus, other source milk represents skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants, milk received from producer-handlers and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or later month.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; ahd

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Rock River Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Rock River Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Rock River Valley marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rock River Valley Marketing Area

Sec.

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§ 1038.0 Findings and Determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (iii) subject to the proviso of § 1038.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rock River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1038.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.).

§ 1038.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1038.3 Department.

"Department" means the United States Department of Agriculture.

§ 1038.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1038.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1038.6 Rock River Valley marketing area.

"Rock River Valley marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Rock County, Wisconsin; the Illinois counties of Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, Winnebago and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County; including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1038.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterlized products in hermetically sealed metal containers).

§ 1038.8 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1038.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1038.9 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1038.10 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1038.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler or a nonpool plant pursuant to § 1038.65: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

§ 1038.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant or that of a producer-handler) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1038.13 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant; or

(b) A distributing plant which is a nonpool plant.

§ 1038.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants;

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1038.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1038.16 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1038.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer or a handler pursuant to § 1038.14(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of August through January, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1038.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1038.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at a pool plant in such period shall be base milk.

§ 1038.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1038.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1038.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1038.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1038.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1038.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1038.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1038.35 and 1038.36, nor payments pursuant to §§ 1038.64, 1038.70, 1038.74, 1038.76, 1038.77 and 1038.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1038.51(a) and the Class I butterfat differential pursuant to § 1038.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1038.51(b) and the Class II butterfat differential pursuant to § 1038.52(b), both for the preceding month;

(2) The 11th day after the end of each month of July through February the uniform price pursuant to § 1038.62 and the butterfat differential pursuant to § 1038.71; and

(3) The 11th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1038.63 and the butterfat differential pursuant to § 1038.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1038.35 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1038.14(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1038.14(c);

(2) Fluid milk products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1038.17; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1038.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler pursuant to § 1038.14(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 8th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1038.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1038.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1038.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1038.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1038.41 through 1038.46.

§ 1038.41 Classes of utilization.

Subject to the conditions set forth in § 1038.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1038.17) in shrinkage allocated pursuant to § 1038.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1038.14(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1038.14(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1038.42(b)(2).

§ 1038.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1038.17), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1038.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1038.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1038.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1038.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1038.46(a)(4) and the corresponding step of § 1038.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section; and

(d) As Class II milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Janesville, Wisconsin and Sterling, Illinois: *Provided*, That:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1038.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And: provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1038.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1038.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1038.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1038.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1038.14(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1038.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1038.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1038.14(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1038.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1038.46 in:

(a) The remainder after the subtraction pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

Minimum Prices

§ 1038.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1038.51 Class prices.

Subject to the provisions of §§ 1038.52 and 1038.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1038.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1038.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1038.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1038.14(c) at a fluid milk plant 115 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1038.46(a)(6) and the corresponding step of § 1038.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1038.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1038.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

Application of Prices

§ 1038.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1038.46(a)(9) and the corresponding step of § 1038.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1038.46(a)(3) and (4) and the corresponding steps of § 1038.46(b) by the rate of payment on unpriced milk pursuant to § 1038.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(c) by the rate of payment on unpriced milk pursuant to § 1038.55.

§ 1038.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total the values obtained pursuant to § 1038.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1038.35 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent the amount obtained by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1038.72; and

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1038.62 Computation of uniform price.

For each month of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1038.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1038.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation of value pursuant to § 1038.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1038.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure rounded to the nearest cent shall be the uniform price for base milk.

§ 1038.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except a nonpool plant pursuant to § 1038.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1038.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 18th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1038.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1038.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 18th day after the end of the month to dairy farmers or handlers pursuant to § 1038.14(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1038.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1038.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order. The operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1038.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1038.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1038.62 or § 1038.63 adjusted pursuant to §§ 1038.71, 1038.72 and 1038.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 15th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section;

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1038.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1038.62 and 1038.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1038.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1038.72 Location differentials to producers.

The uniform price pursuant to § 1038.62 and the uniform price for base milk pursuant to § 1038.63 for producer milk received at a pool plant 115 miles or more from the Chicago City Hall shall be decreased two cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area.

§ 1038.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1038.64, 1038.74, 1038.75 and 1038.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1038.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1038.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1038.60.

§ 1038.75 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1038.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1038.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1038.76 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

(b) Any unpaid obligations of a handler shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1038.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1038.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1038.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1038.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1038.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation:

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(b) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1038.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1038.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option;

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferee must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family;

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases

separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply;

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers; and

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1038.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1038.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1038.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1038.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1038.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1038.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 62-3029; Filed, Mar. 28, 1962; 8:49 a.m.]

[7 CFR Part 1039]

[Docket No. AO-212-A11]

MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Milwaukee, Wisconsin, on May 10-11, 1961, pursuant to notice thereof issued April 19, 1961 (26 F.R. 3478).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 22, 1961 (26 F.R. 12580; F.R. Doc. 61-12297) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Marketing area expansion;
2. Changing pool plant standards;
3. Consolidation of classes and changes to separate skim milk and butterfat accounting;
4. Class I price;
5. Class II price;
6. Location differentials;
7. Equivalent price;
8. Revision of base and excess plan; and
9. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area which is now confined to Milwaukee County and parts of the adjacent counties of Ozaukee, Washington and Waukesha should be extended to include the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun in Fond du Lac County, all in the State of Wisconsin.

For the contiguous 9 counties and part of Fond du Lac County herein recommended as the marketing area, the 1960 census population was approximately 1,700,000. Because a significant portion of the sales of fluid milk products by handlers are in rural communities and because of the substantial population immediately surrounding the cities and towns, the marketing area should be defined, insofar as practicable, on the basis of county rather than town or city boundaries.

The expanded marketing area will conform more closely with the sales territory of regulated handlers. Fluid milk products from Order 39 plants are distributed on routes throughout the proposed enlarged marketing area in competition with fluid milk products from plants regulated under the Chicago and Northeastern Wisconsin orders as well as from plants of unregulated handlers. The majority of the distribution in each county of the added territory is now made by Milwaukee order handlers. The principal cities in the added territory are Racine and Kenosha. Several Milwaukee handlers have regular and substantial sales in these two cities in competition with local unregulated handlers. The Milwaukee handlers compete extensively throughout the recommended marketing area with a large number of distributors whose sales are geographically more limited.

Approximately 25 unregulated handlers distribute in the proposed marketing area and receive milk from about 250 producers. These handlers have not been required to pay the minimum class prices under the Milwaukee order to which their principal competitors are subject. A number of these handlers base their pay prices to dairy farmers on the uniform prices paid by regulated handlers under this and the Chicago order. Although utilization of milk at such plants is predominantly for Class I purposes, these prices are usually not related to the plant utilization. Price advantages enjoyed by unregulated handlers in procurement and distribution have tended to bring about instability in the marketing of milk in the proposed enlarged area and have hindered the bargaining efforts of producers serving the market. Inclusion of the additional territory will tend to insure stable and orderly marketing of milk in the area and will establish uniform minimum class prices to all handlers distributing in the area.

Fluid milk products sold by all handlers who would be regulated by the proposed amended order are distributed under a Grade A label and must be approved by local and state health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area take place through reciprocal approval of the responsible health authorities.

Territory within the boundaries of the designated marketing area such as piers, docks and wharves and territory which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments should be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency and no evidence was presented which would justify such exemption. So that there will be no doubt as to the intent of the application of the marketing area definition, the order should clearly designate that all premises, wholly or partly within the marketing area, as described above will be included as part of the marketing area.

2. The pool plant standards should be revised to reflect current marketing practices in the handling of milk in the expanded marketing area.

Under the pool plant standards of the present order two types of plants may qualify for pool plant status. These include any "fluid milk plant" from which Class I milk is disposed of on a route in the marketing area and any "receiving station" from which milk received from dairy farmers is shipped to a fluid milk plant.

"Pool plant" would now include a "distributing plant" or a "supply plant" in lieu of the former definitions to more clearly designate the plants and milk to which regulation should apply.

Distributing plant standards should be changed from those now applicable to a fluid milk plant to provide that milk must be received from producers at such plant for it to qualify for pool plant status. In addition, a distributing plant in each month should be required to have route distribution in the marketing area on not less than 8 days or of not less than 45,000 pounds.

The order now subjects to full regulation any plant from which a fluid milk product is distributed in the marketing area, irrespective of the quantity delivered or the number of days on which delivered. This standard for pool plant status would be inadequate in the enlarged marketing area because it would tend to work a hardship on handlers not regularly associated with the market. The intent of the Act would best be effectuated by regulating only those handlers who operate distributing plants regularly serving the enlarged marketing area. This would be most adequately and equitably accomplished by the standards herein provided for according pool plant status to distributing plants.

To qualify for pool plant status a supply plant during each month of August through November should be required to make shipments of Grade A milk on not less than 8 days or ship a minimum of 45,000 pounds to distributing plants which are pool plants. Such standards provide a reasonable basis for pooling supply plants in this market. A supply plant which does not qualify under these standards during the months of lowest production should not be considered to be primarily associated with this market.

No requirement for pool plant status other than a shipment by a supply plant during each month should apply in December through July. Supply plants associated with this market will have demonstrated such association by shipments during the preceding August through November. For supply plants not associated with the market in the preceding short production season there is no need for more stringent performance standards in December through July, particularly since nearby sources are usually adequate for Class I needs in these months.

For a handler who operates more than one pool plant, the classified value of producer milk at all pool plants of such handler should be combined in computing the uniform price to be paid producers. Such procedure will encourage more efficient plant operation and will minimize any disadvantage multiple plant handlers might otherwise have in competing with handlers operating only one plant.

Some handlers receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is sometimes the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. If a plant physically apart from a pool plant is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it should not be considered part of a pool plant. However, if the graded and ungraded operations of a handler are not maintained separately at a pool plant, all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

A proposal made would enable a handler, under certain conditions, to consider as a separate plant the ungraded milk operations in the building housing his pool plant. It would not be appropriate under present conditions in the market to provide for this under the order and, moreover, no purpose would be accomplished currently thereby.

3. The presently designated Classes I and II (except cottage cheese) should be Class I and all other utilizations designated Class II; and the skim milk and butterfat components of milk and milk products received by handlers at each pool plant should be classified separately.

Under the present provisions of the order, Class I includes all milk disposed of in fluid form as milk, skim milk, buttermilk, flavored milk or flavored milk drinks and as concentrated (including frozen) milk, concentrated flavored milk or concentrated flavored milk drinks not sterilized. Class II includes all milk, the butterfat from which is contained in cream, mixtures of cream and milk or skim milk and cottage cheese. Class III (a) is milk and milk products, the butterfat from which is used principally in condensed milk and skim milk, evaporated milk, whole milk powder, nonfat dry milk and malted milk. Class III includes all milk and milk products, the butterfat from which is contained in any manufactured product not named in the other classifications or excluded from the other classes under specified conditions. Class IV includes all milk and milk products, the butterfat from which is contained in butter and cheese (except cottage cheese).

The products which would be included in the newly designated Class I are those generally required by health authorities in the marketing area to be obtained from milk or milk products from Grade A sources. Such classification is consistent with that of other orders using separate skim milk and butterfat accounting and will facilitate application of the revised accounting procedure.

Separate classification and pricing of reserve milk used in individual products or groups of products tends to reduce the incentive for handlers to seek higher-valued uses for reserve milk. Moreover, accounting for such reserve on the basis of the milk equivalent of the butterfat contained in various products has resulted in variations in specific product costs among handlers depending on the use made of reserve milk. Such accounting has made accurate determination of specific product costs difficult.

The consolidation of all reserve milk into one class (Class II), as herein recommended, will encourage handlers to utilize reserve producer milk in the higher-valued uses. Separate classification of skim milk and butterfat recognizes that these components are not used in most products in the same proportion as received from producers and will make possible more accurate determination of product costs.

The separate skim milk and butterfat accounting system would apply uniformly to handlers. It is the procedure generally used in Federal order markets for verification of receipts and utilization of milk and milk products.

The proposal to provide separate classification and higher pricing for skim milk and butterfat used to produce cot-

tage cheese should not be adopted. Only the city of Milwaukee in the marketing area herein recommended requires that cottage cheese be made from Grade A milk. Cottage cheese made from ungraded milk can be distributed in all other portions of the marketing area in competition with cottage cheese made from Grade A supplies.

Classification and pricing of skim milk and butterfat used to produce cottage cheese as Class II will assist in maintaining an important outlet for reserve supplies of producer milk by assuring the continued use of producer milk in the production of cottage cheese.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be Class I milk. Concentrated milk would not include evaporated or condensed milk in bulk or in hermetically sealed metal containers. Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such products.

Class I classification would apply to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in this marketing area.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers. Therefore, such products should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. This will preserve the priority of assignment of current producer receipts to current Class I use.

Skim milk in fluid milk products which are dumped or sold for livestock feed should be classified as Class II milk. The market administrator would be notified in advance and afforded the opportunity to verify such dumping. The order now provides Class IV classification for the milk equivalent of the butterfat contained in such disposition. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for using such butterfat in manufactured dairy products. It is not necessary therefore to allow Class II credit for butterfat which is dumped or disposed of for livestock feed.

The shrinkage allowance should be revised to reflect loss experience encountered under the present methods of handling milk in the market.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (excluding milk diverted to nonpool plants) and other source milk in bulk plus 1.5 percent of skim milk and butterfat in bulk fluid milk products received from pool plants and less 1.5 percent of skim milk and butterfat in such products transferred to other plants.

Plants operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximum herein provided.

Packaged fluid milk products subject to pricing under another Federal order should be allocated to Class I milk. This will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant or imported through a plant regulated under this order.

The method for classifying transfers and diversions to nonpool plants should be more specifically set forth.

Fluid milk products transferred or diverted to a nonpool plant should be allocated to Class I to the extent that the fluid milk products disposed of from the nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant. Any remainder transferred or diverted from the regulated plant would be Class II milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under this order should not be less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary function of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The "surplus disposal area" beyond which milk, skim milk and cream transferred or diverted to nonpool plants would be classified as Class I, should be limited to the State of Wisconsin or not more than 150 miles by the shortest highway distance from the City Hall in Milwaukee, Wisconsin. The area thus described is adequate to dispose of milk, skim milk and cream not needed by order handlers for Class I purposes in the marketing area. Milk, skim milk and cream moving greater distances are normally for Class I use.

When milk, skim milk and cream in bulk has been transferred or diverted to a nonpool plant located within the State of Wisconsin or not more than 150 miles from Milwaukee, the market administrator is required to verify the utilization claimed by such nonpool plant. It may be reasonably expected that the market administrator will be able to make such verification within the "surplus disposal area" without incurring undue expense.

No provision should be made for diversion of producer milk between pool plants. The present order provisions, under which milk may be transferred from one pool plant to another, are adequate in this market for allocating producer milk between pool plants and in establishing handler accountability for such milk.

Any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler should be Class I milk and not be subject to reclassification. The current order provides for classification according to use at the plant under the same procedure established for transfers to nonpool plants. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler would normally be surplus to his operation. Such milk should be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. At present a producer-handler may deliver his excess milk to a pool plant and receive the uniform price as a producer thereby diluting returns to all other producers at the plant.

4. The level of the Class I price should not be changed.

Although various proposals were made to increase the Class I price, there is no indication that the supply of producer milk is becoming inadequate for the market's requirements. During the years 1959 and 1960, producer milk classified in Classes III and IV under the Milwaukee order amounted to 18 and 19 percent, respectively, on a milk equivalent basis. The Milwaukee marketing area herein recommended is wholly contained in the milkshed of the Chicago market. These markets are so interrelated that a close correlation of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets.

The annual average Class I differential over the basic formula should be changed from $0.86 to $0.88. This change would compensate for changes in classification and accounting for milk and together with the location differential adjustments recommended herein should maintain the present level of pricing under the order.

The present Milwaukee marketing area is geographically within the Chicago order Zones 2 through 6, a radius of 70 to 145 miles from the Chicago City Hall. In this territory are the principal points at which producers' milk is received and from which fluid milk products are distributed throughout the recommended enlarged marketing area. The announced Class I price should, therefore, be applicable at plants 70 to 145 miles from the Chicago City Hall with appropriate location adjustments at other plants.

The basic formula would be the average price per hundredweight paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota. Official notice is taken of the amendment to this order issued February 27, 1962, providing for such basic formula price.

5. Elsewhere in this decision it is recommended that the presently designated Classes III, III(a) and IV be included in a single class (Class II). Skim milk and butterfat utilized in this classification should be priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture.

The recommended classification and pricing of reserve milk recognizes that prices for manufacturing grade milk tend to be reasonably uniform regardless of the use made of the milk and reflects the competitive value of reserve milk utilized for manufacturing purposes.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is no less necessary. The Class II price herein recommended is the same as the price for reserve milk under the Chicago order.

The present order prescribes three methods to determine reserve milk prices: The Midwest condensery price, local plant pay prices and a butter-powder formula. Effective February 1, 1961, use of the local plant pay price series was discontinued.

There are certain shortcomings in the use of a butter-powder formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter and powder production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. In addition, formula pricing tends to lag behind changes in costs and technology which would not be reflected in the formula price until appropriate order amendment action could be made.

Because formula prices are directly tied to specific products, they are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960 the Midwest condensery prices, in response to increased competition for manufacturing supplies, exceeded the butter-powder price by 24, 35, 41 and 50 cents, respectively. In the same months of 1959 the butter-powder formula exceeded the Midwest condensery price by two cents in September, and during October through December the Midwest condensery price exceeded the butter-powder price by only eight, seven and sixteen cents, respectively.

The only competitive pay price series now used in the order is the Midwest condensery price series. Currently, prices are received from only nine plants, two in Michigan and seven in Wisconsin. Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is deemed advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and can be announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company, or group of companies, can have a significant influence upon the level of prices.

From 1957 through 1960, the Milwaukee Class IV price (butter-powder formula) averaged $2.91, and the Midwest condensery pay price $3.07. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5-percent butterfat basis by the Order 39 producer butterfat differential, averaged $3.06 for the four-year period.

During 1960 the average of each of these price series per hundredweight of 3.5-percent milk was: Class IV $2.86, Midwest condensery $3.15, and the Minnesota-Wisconsin manufacturing grade milk price $3.12.

The prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since Order 39 prices are announced on a 3.5-percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5-percent basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.12. This factor is an appropriate and representative value of butterfat in the Milwaukee milkshed and should likewise be used in the order for adjusting the announced Minnesota-Wisconsin price to a 3.5-percent basis.

Separate classification of skim milk and butterfat herein recommended requires that the Class I and Class II prices be adjusted in accordance with the average butterfat content of milk in each class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I and by 0.115 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price will mirror changes in central market prices for butterfat as they occur.

The various proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers presently provided in the order, the Chicago butter price times 0.120, should be changed to reflect the average of the returns actually received from the sale of butterfat in producer milk under the skim milk and butterfat basis of accounting herein recommended. This would be accomplished by averaging the Class I and Class II differentials weighted by the proportion of butterfat in producer milk in each class.

6. Class I and uniform prices should be adjusted according to the location at which producer milk is received. As stated elsewhere, the announced Class I price would be applicable at plants 70 to 145 miles from the City Hall in Chicago. The Class I price for milk received at a plant beyond the 145 mile radius would be decreased two cents for each 15 miles or fraction thereof that such plant is located more than 130 miles from the Chicago City Hall. For milk received at a plant less than 70 miles from the Chicago City Hall the Class I price would be increased 4 cents. The market administrator would be responsible for determining the mileage zone applicable to each plant.

The Class I prices herein recommended are related to the Class I price under the Chicago order. A number of plants under the Chicago order are potential and alternative sources of supply for handlers under the Milwaukee order.

The location differential rates herein recommended are patterned after and are compatible with those applicable under the Chicago order. Such differentials will recognize the geographical location of the expanded Milwaukee marketing area in relation to the Chicago market and milkshed by maintaining appropriate Class I price relationships under the two orders.

Uniform prices (including uniform prices for base milk) paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No location adjustment should be made in the Class II price because of the location of the plant receiving reserve milk. Because of the low cost per hundredweight of milk involved in transporting manufactured products to market, the prices paid for milk used for manufacturing purposes at various points in the milkshed should not vary with location.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

7. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which will be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

8. The "base and excess" plan of the order should be amended to add the month of March to the base-paying period of April, May and June.

In recent years, producers' receipts during March have exceeded such receipts in any other month. March through June are the base-paying months under the Chicago and Northeastern Wisconsin orders. In view of the relative location of milksheds of these orders with that of the Milwaukee order, it is appropriate that identical base-paying months be established.

Base milk should not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act. This provision and the inclusion of March in the base-paying period will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal variation in production to the Milwaukee pool during the months of seasonally high production.

The method of computing the uniform prices for "base milk" and "excess milk" should be revised to be the same as that under the Northeastern Wisconsin order which provides that Class I sales would first be allotted to base milk. Under the present order the excess milk price is the Class III price. If Class I disposition is more than the base milk received from producers in any month such additional Class I milk would now be allocated to excess milk and the uniform price for excess milk increased accordingly. This procedure will reflect the actual classified use value of such excess milk and is appropriate for the expanded marketing area.

Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the uniform prices for excess milk should not be subject to location adjustment.

New producers coming on the market during or after the base-forming period and producers electing to relinquish their bases should be allotted a base for each of the months of March, April, May and June of 60, 55, 50 and 50 percent, respectively, of their average daily deliveries in any such month. The above percentages are identical to those provided in the Chicago and Northeastern Wisconsin orders and will allow new producers to share in the Class I market during the base-paying period. It is expected that these percentages will not be so high as to encourage new producers to come on the market if their milk is not needed for Class I purposes or invite substantial numbers of old producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of calculating and announcing bases. Also, by being notified a half-month before the beginning of the base-paying period instead of on or before the first day of the base-paying period as now provided, a producer will have reasonable advance notice of what his base shall be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant was a nonpool plant during the preceding August through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

The earliest date on which this amended order could become effective would be following the beginning of the base-paying period of March through June. Expansion of the marketing area as proposed would result in several plants and their producers being under the order for the first time. Having base and excess provisions apply to the shipments of dairy farmers supplying these plants upon their coming on the market midway in the base-paying period could result in inequities to such dairy farmers. It would be appropriate, therefore, to delay application of the base and excess provisions of the order to shipments of these producers to July 1, 1962.

9. The order should incorporate conforming and clarifying changes necessitated by the revised classification, pricing, pooling and other provisions herein recommended. These changes, none of which are substantive in nature, will facilitate application of the order provisions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

Charles T. McCleery is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

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§ 1039.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk (including a handler's own farm production) and (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a) (3) and (4) and the corresponding steps in § 1039.46 (b).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1039.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1039.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1039.3 Department.

"Department" means the United States Department of Agriculture.

§ 1039.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1039.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1039.6 Milwaukee, Wisconsin, marketing area.

"Milwaukee, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory in the State of Wisconsin which is within the boundaries of the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun in Fond du Lac County; including piers, docks and wharves and territory wholly or partly within such boundaries occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments.

§ 1039.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1039.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1039.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1039.10 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section, except that of a producer-handler or a nonpool plant pursuant to § 1039.63.

(a) A distributing plant from which Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes in the marketing area on not less than 8 days or is in the aggregate more than 45,000 pounds.

(b) A supply plant from which in December through July Grade A milk received from dairy farmers at such plant is shipped as fluid milk products during the month to pool plants qualified pursuant to paragraph (a) of this section or from which in August through November such shipments during the month are made on not less than 8 days or are in the aggregate more than 45,000 pounds.

§ 1039.11 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1039.12 Handler.

"Handler" means any person in his capacity as the operator of a pool plant.

§ 1039.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1039.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from a pool plant to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted.

§ 1039.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1039.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1039.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1039.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1039.18 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at a pool plant which first became subject to regulation by this order in such period shall be base milk.

§ 1039.19 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1039.20 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1039.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1039.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1039.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1039.75 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1039.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1039.30 and 1039.31, or payments pursuant to §§ 1039.70 through 1039.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1039.51(a) and the Class I butterfat differential pursuant to § 1039.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1039.51(b) and the Class II butterfat differential pursuant to § 1039.52(b), both for the preceding month;

(2) The 12th day after the end of each month of July through February, the uniform prices pursuant to § 1039.61 and the butterfat differentials pursuant to § 1039.71; and

(3) The 12th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1039.62 and the butterfat differentials pursuant to § 1039.71.

(k) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1039.30 Monthly reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each pool plant in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1039.14, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1039.31 Other reports.

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 19th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1039.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat, and other content of all milk, and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1039.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years

to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1039.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1039.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1039.41 through 1039.46.

§ 1039.41 Classes of utilization.

Subject to the conditions set forth in § 1039.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to other plants pursuant to § 1039.14) and other source milk in bulk but not in excess of:

(i) 2.0 percent of the skim milk and butterfat, respectively, in such receipts;

(ii) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from pool plants; and

(iii) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants.

§ 1039.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to other plants pursuant to § 1039.14), plus bulk fluid milk products received from other pool plants and less transfers of bulk fluid milk products to other plants;

(2) Other source milk.

§ 1039.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1039.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1039.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1039.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1039.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the pool plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1039.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1039.30 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1039.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1039.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk (except that in other source milk) classified as Class II milk pursuant to § 1039.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1039.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1039.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1039.51 Class prices.

Subject to the provisions of §§ 1039.52 and 1039.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1039.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1039.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1039.53 Location differentials to handlers.

The Class I price for producer milk received at a pool plant less than 70 miles from the City Hall in Chicago, Illinois, as determined by the market administrator, shall be increased 4 cents and the Class I price for producer milk received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That for the purpose of calculating such location differential, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1039.46(a)(6) and the corresponding step of § 1039.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1039.54 Use of equivalent prices.

If for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PRICES

§ 1039.60 Computation of value of milk at pool plants.

The value of producer milk received by a handler during each month at each of his pool plants shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1039.46(a)(9) and the corresponding step of § 1039.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the quantities of skim milk and butterfat in producer milk classified in Class II (less shrinkage pursuant to § 1039.41(b)(6) (except that in other source milk) during the preceding month or (2) the quantities of skim milk and butterfat subtracted from Class I pursuant to § 1039.46(a)(6) and the corresponding step in § 1039.46(b).

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1039.61 Computation of uniform prices.

For each of the months of July through February, the market administrator shall compute the uniform price for each handler as follows:

(a) To the amount computed pursuant to § 1039.60, add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 1039.71 and multiplying the result by the hundredweight of such producer milk;

(b) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1039.72(a);

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1039.72(b);

(d) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(e) Divide the resulting amount by the hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be the handler's uniform price.

§ 1039.62 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices for base milk and excess milk for each handler as follows:

(a) From the reports submitted by handlers pursuant to § 1039.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1039.60 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this sec-

tion from the aggregate value of all milk obtained in § 1039.60;

(e) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1039.72(a);

(f) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1039.72(b); and

(g) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(h) Divide the amount obtained in paragraph (a) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section. The quotient, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1039.63 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1039.10 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1039.30) and allow verification of such reports by the market administrator.

Payments for Milk

§ 1039.70 Time and method of payment.

(a) Each handler, on or before the 15th day after the end of each month, shall pay each producer for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, an amount computed at not less than the uniform prices pursuant to § 1039.61 or § 1039.62, adjusted pursuant to §§ 1039.71 through 1039.74.

(b) Each handler, on or before the 13th day after the end of each month, shall make payment to a cooperative association for producer milk received during such month which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraph (a) of this section.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1039.71 Butterfat differentials to producers.

The uniform prices of each handler for producer milk pursuant to §§ 1039.61 and 1039.62 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (adjusted to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1039.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1039.72 Location differentials to producers.

(a) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator.

(b) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant less than 70 miles from the Chicago City Hall, as determined by the market administrator, shall be increased 4 cents.

§ 1039.73 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1039.74 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1039.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1039.75 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hunderdweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production) and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a) (3) and (4) and the corresponding steps in § 1039.46(b).

§ 1039.76 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1039.70 through 1039.75 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month hereafter until such obligation is paid.

§ 1039.77 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Determination of Base

§ 1039.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of August through November or if milk is received on less than 75 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of August through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1039.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during August through November may transfer to another producer credit for milk deliveries for base-making purposes.

Effective Time, Suspension or Termination

§ 1039.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1039.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1039.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1039.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to

the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1039.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1039.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 62-3027; Filed, Mar. 28, 1962; 8:49 a.m.]

[7 CFR Part 1107]

[Docket No. AO 304-A2]

MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Gulfport, Mississippi, on October 26, 1961, pursuant to notice thereof issued on October 17, 1961 (26 F.R. 9912).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary, United States Department of Agriculture, on March 13, 1962 (27 F.R. 2510; F.R. Doc. 62-2590) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Modification of diversion privileges.
2. Payments to a cooperative association for milk received from such cooperative association.
3. Pooling requirements for a supply plant operated by a cooperative association.
4. Pooling requirements for distributing plants.

This decision pertains only to issues Nos. 1 and 2. Decision on the issues Nos. 3 and 4 is reserved for later determination.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of diversion privileges.* The "producer" and "producer milk" definitions should be modified to provide, except in the case of new producers, for unlimited diversions to nonpool plants during the months of March through August, and diversion to nonpool plants of not more than 10 days' production of any producer during the months of September through February. In addition, an alternative procedure should be provided whereby in lieu of the 10-day limitation during the months of September through February, a cooperative association may divert to nonpool plants up to 15 percent of the milk of its producer members during any such month and a proprietary handler may so divert up to 15 percent of the total nonmember producer receipts at his pool plant during any such month without affecting the status of the milk as producer milk.

Under the existing order provisions diversion of a producer's milk to a nonpool plant in any month is limited to not more than one-third of the number of days' production of such producer received at a pool plant during the month except that during any month of March through July the milk of any producer may be diverted only if such individual held producer status for the entire two immediately preceding months. Diversions between pool plants may be made at any time and no change was proposed in this regard.

Official notice is taken of the decision of the Assistant Secretary issued September 27, 1960 (25 F.R. 9378) in which it was concluded that the present diversion limitations should be adopted. The then existing provisions permitted 10-day diversions during the months of September through January and unlimited diversions during the months of February through August. Under those provisions a cooperative association in the New Orleans market had been able to associate a substantial volume of milk with the local market on the basis of limited delivery (in some cases a single day) to a pool plant. This resulted in an undue variation in producer returns in relation to producer returns under the New Orleans order, particularly during the months of March through July. The Assistant Secretary, therefore, concluded that more restricted diversion privileges were needed to assure bona fide association of milk with the market and to prevent undue variation of prices.

The more limited privileges of the existing order have been effective in deterring erratic and uneconomic shifts of supplies as between New Orleans and the Gulf Coast markets. However, cooperative associations have experienced difficulty in handling the market's reserve supply under the present diversion limitations.

Official notice is taken of the fact that the diversion limitations were suspended for the period September 1961 through January 1962 to prevent loss of producer status by established producers.

Prior to the transition from cans to farm bulk tanks, milk necessarily was regularly moved to its plant of normal receipt regardless of its ultimate disposition. Milk in excess of fluid requirements and which was to be disposed of in manufacturing uses was, nevertheless, initially moved to receiving stations or distributing plants for cooling and assembling prior to transfer to manufacturing plants. With the advent of farm bulk tanks and tank pickup, the role of a plant in cooling and assembly for transfer has been minimized if not eliminated. Cooperative associations have assumed the responsibility of transporting milk from the farm to plants and proprietary handlers generally follow the practice of accepting only those quantities of milk needed for fluid and associated operations. Milk not needed by local handlers can be most economically handled by movement directly from the farm to manufacturing outlets. Under the existing diversion provisions, whereby one-third of the days of production received at a pool plant may be diverted during the month, and with every-other-day farm pickup (which is the usual practice), any producer's milk may be diverted a maximum of only seven days in any month. Since plants do not bottle every day during the week it is apparent that the present provisions cannot accommodate the existing market situation, particularly during the flush production months of March through August.

Proponents proposed that diversions during any month of September through February be limited to 10 days and that unlimited diversions be provided for the months of March through August. Except for the month of February proponents' proposal would restore the diversion privileges in effect prior to the November 1, 1960, amendment.

It is concluded that 10 days' diversion during any month of September through February should generally accommodate necessary diversions during such months under the existing market situation. However, greater flexibility and more economy in the handling of the market's reserve supply may be assured by providing, as an alternative during those months, that 15 percent of a cooperative's member producers' milk may be diverted by such cooperative and that other handlers may divert 15 percent of their nonmember producer receipts. While the percentage provision would allow less diversion than the 10-day limitation, it nevertheless will, in some situations implement more efficient movement of milk since regular diversion of certain routes may be accomplished during the month.

Under this percentage diversion limitation member milk could be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of a pool plant. Thus, there is a clear responsibility for both cooperative associations and proprietary handlers with respect to meeting the applicable percentage limitations. It is incumbent upon a handler receiving cooperative member milk to ascertain, prior to diverting any of such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative association is using the percentage basis for diversion, no other handler may account for milk of any of the cooperative's members under any diversion provision. It is conceivable, however, that arrangements for diversion of member milk might be made by a proprietary handler under agreement with the association whereby such diversion would be made for the account of the association. If the cooperative association is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the association. Under any circumstance where the percentage limitation is exceeded diversions automatically would be under the 10-day limitation. A cooperative, of course, may divert under the percentage limitation while nonmember milk is diverted under the 10-day limitation, or vice versa.

During the months of March through August it is desirable that unlimited diversion privileges be provided to implement the orderly disposition of the market's necessary reserve supply and seasonal surplus. However, some safeguard is needed to deter a repetition of the situation which necessitated the present limited diversion privileges. The existing provision which prevents diversion of a producer's milk during any month of March through July if such individual did not hold producer status during the entire two preceding months is appropriate for this purpose and should therefore be retained and extended to include the month of August.

2. *Payments to a cooperative association.* The payment provisions of the order should be revised to require that a handler make payment to a cooperative association, for milk purchased from such association in its capacity as a handler, at not less than the use value of such milk computed at the specified order class prices. Such payments should be made at the same time at which payments are required to be made to a cooperative association as the authorized collecting agent for milk received directly from such cooperative's producer members. Accordingly, an advance payment should be made by the 23d day of each month for milk received during the 1st 15 days of the month at a rate not less than the applicable Class II price for the preceding month. Final payment should be made by the 13th day after the end of the month and should reflect the full use value of the milk purchased during the month less the amount of advance payments.

Proponents pointed out that there is no provision now in the order requiring payment to a cooperative association for milk purchased from such association in its capacity as a handler, i.e., milk associated with a pool supply plant operated by the association and which is transferred or diverted to the pool plant of another handler. The cooperative stated that unless a specific provision is contained in the order, a handler purchasing milk from the cooperative association in its capacity as a handler might elect to make payments directly to producers in lieu of paying the association.

Under the terms of the order a cooperative association assumes handler status only with regard to milk which it diverts to a nonpool plant for its account, or in its capacity as the operator of a pool plant. In the interest of assuring equal terms of purchase among handlers and prompt payment to producers the time and method of payment to a cooperative association in its capacity as a handler should be included in the payment provisions of the order. The Administration of the order will be implemented by specifically requiring that handlers shall pay a cooperative association not less than the prescribed minimum class prices for milk purchased from such association in its capacity as a handler. Under the terms of the existing order producers are paid semimonthly. In order that a cooperative association may pay all of its producer members on the same date on which nonmember producers are paid it is necessary that it receive prompt payment from handlers for milk which it supplies to such handlers. Requiring an advance payment on or before the 23rd day of the month and final payment by the 13th day after the end of the month, the identical dates on which payments presently are required to be made to a cooperative association as the authorized collecting agent for milk of its member producers, will facilitate this end.

While no exceptions were filed to the recommended decision, several minor nonsubstantive changes have been made in the amendatory language solely for the purpose of clarity.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1962, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Mississippi Gulf Coast marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area

§ 1107.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Gulf Coast mar-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

keting area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Gulf Coast marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1107.14 and substitute therefor the following:

§ 1107.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant or diverted pursuant to paragraphs (a) through (e) of this section: *Provided*, That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted: *And provided further*, That if a handler diverting milk pursuant to paragraphs (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) of this section and: *Provided also*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to the pool plant of another handler;

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association during any of the months of March through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversions pursuant to this paragraph, a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) not in excess of 10 days production during any month of September through February except that this paragraph shall not be applicable, (1) if the dairy farmer is a member of a cooperative association and such cooperative association during the month diverts milk of any of its producer members pursuant to paragraph (d) of this section, or (2) if the dairy farmer is not a member of a cooperative association and the diverting handler during the month diverts milk of any nonmember producer from his plant pursuant to paragraph (e) of this section;

(d) Diverted during any month of September through February to a nonpool plant(s) as the milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through February to a nonpool plant(s) as milk of a dairy farmer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember dairy farmers so diverted does not exceed 15 percent of the total receipts of milk at such plant from nonmember producers.

2. Delete § 1107.15 and substitute therefor the following:

§ 1107.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received at a pool plant directly from producers or diverted in accordance with the provisions of paragraphs (a) through (e) of § 1107.14.

§ 1107.80 [Amendment]

3. In § 1107.80 renumber paragraph (d) as (e) and add a new paragraph (d) to read as follows:

(d) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 23d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

[F.R. Doc. 62-3026; Filed, Mar. 28, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (PAP 614) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of § 121.208 of the food additive regulations to provide for the safe use in rabbit feed of 20 to 50 grams of chlortetracycline per ton of feed, as an aid in reducing rabbit mortality from enteritis due to chlortetracycline-sensitive organisms.

Dated: March 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3022; Filed, Mar. 28, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 738) has been filed by Continental Can Company, Inc., 7622 S. Racine Avenue, Chicago 20, Illinois, proposing the amendment of § 121.2520 of the food additive regulations to permit the use of polybutylene glycol as a component of adhesives used in food packaging.

Dated: March 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3042; Filed, Mar. 28, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 744) has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.213 to provide for the safe use of hygromycin B as an anthelmintic in chicken feed, at levels of 8 grams to 12 grams per ton of complete ration.

Dated: March 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3043; Filed, Mar. 28, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 62-WA-27]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration of Jet Route and Jet Advisory Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 90 and its associated jet advisory area presently extend from the Seattle, Wash., VORTAC to the Northbrook, Ill., VORTAC. The FAA has under consideration the extension of J-90 and its associated jet advisory area from the Northbrook VORTAC via the intersection of the Northbrook VORTAC 093° and the Windsor, Ontario, VOR 261° True radials, thence via the Windsor VOR 261° True radial to the United States/Canadian Border.

This action has been coordinated with the Canadian Department of Transport (DOT), and the DOT has agreed to designate J-90 from the United States/Canadian Border to the Windsor VOR.

The proposed extension of J-90, together with segments of Jet Routes Nos. 16 and 70, would provide a dual route structure between the Chicago, Ill., Metropolitan Area and Windsor and eliminate the present undesirable two-way traffic flow on the segments of J-16 and J-70 between Northbrook and Windsor.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 21, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62-2972; Filed, Mar. 28, 1962; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 118]

[21-265]

MIRROR INDUSTRY

Proposed Trade Practice Rules; Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations or organizations (including manufacturers, wholesalers, jobbers, importers, and retailers) or other parties affected by or having an interest in the proposed trade practice rules for the Mirror Industry (which constitute a proposed revision and extension of the rules for the Mirror Manufacturing Industry as promulgated by the Commission July 19, 1939), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief or other communication, to be filed with the Commission not later than April 16, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 9:00 a.m., e.s.t., on Monday, April 16, 1962, at the Key Biscayne Hotel, 701 Ocean Drive, Key Biscayne, Miami 49, Florida, to any such persons, firms, corporations or organizations (including manufacturers, wholesalers, jobbers, importers, and retailers), or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations or organizations (including manufacturers, wholesalers, jobbers, importers, and retailers), engaged in the manufacture, sale, offering for sale or distribution of all kinds and types of mirrors, both utilitarian and decorative.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2961; Filed, Mar. 28, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852 (RM-102 and RM-183)]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS (AUGUSTA, BANGOR, CALAIS, AND PRESQUE ISLE, MAINE)

Order Extending Time for Filing Comments and Reply Comments; Correction

In the Order Extending Time for Filing Comments and Reply Comments (Mimeo 17815) released herein on March 22, 1962 (F.R. Doc. 62-2925, 27 F.R. 2808) in paragraph 5, line 4, change "April 6, 1962" to read "April 16, 1962".

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3053; Filed, Mar. 28, 1962; 8:52 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-77. The license, as amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor facility located on the campus of The University of Buffalo at Buffalo, New York. This amendment authorizes Western New York Nuclear Research Center, Inc., (1) to install and use a uranium fission plate in their nuclear reactor facility and (2) to receive, possess and use an additional kilogram of uranium 235. These authorizations were requested by the licensee in an application for amendment dated February 5, 1962.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of this facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details, see (1) the application for license amendment dated February 5, 1962, by Western New York Nuclear Research Center, Inc., and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of March 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-77, Amdt. 3]

License No. R-77, as amended, which authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York, is hereby further amended as follows:

1. Western New York, Nuclear Research Center, Inc., is authorized to install and use a uranium fission plate in their nuclear reactor facility as described in their application for amendment dated February 5, 1962.

2. Paragraph 3B. of License No. R-77, as amended, is hereby amended to read as follows:

3B. Pursuant to the Act and Title 10, CFR, Chapter 70, "Special Nuclear Material", to receive, possess and use up to twelve kilograms of uranium 235 contained in enriched uranium for use in connection with operation of the facility.

Date of issuance: March 19, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-2967; Filed, Mar. 28, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11493 etc.; Order No. E-18144]

DELTA AIR LINES, INC., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of March 1962.

In the matter of the applications of Delta Air Lines, Inc., Docket 11493; Eastern Air Lines, Inc., Docket 10652; National Airlines, Inc., Docket 11266; Northeast Airlines, Inc., Docket 11429; Northwest Airlines, Inc., Docket 11440; for the amendment of their certificates of public convenience and necessity so as to delete certain restrictions therefrom; in the matter of the petitions of Delta Air Lines, Inc. and Northwest Airlines, Inc., Dockets 13302 and 11440, for an order to show cause.

The Board, as a result of the Fort Lauderdale Service Case,[1] amended the certificates of public convenience and necessity of those trunkline carriers which provide service at Miami, Florida, in their domestic operations, so as to authorize service to Fort Lauderdale as a coterminal with Miami in those certificates in which Miami is a terminal point,[2] and as an intermediate point in those certificates in which Miami is an intermediate point.[3] The Board, however, concluded that restrictions should be added in all certificates providing (1) that the holder shall not engage in air transportation between Fort Lauderdale and Miami, and (2) between Fort Lauderdale on the one hand, and certain named points, on the other hand.[4]

Subsequently, the Board exempted the carriers concerned from the "closed-door" restrictions to the extent that such restrictions prevented single-plane service between Fort Lauderdale and points other than those served by Mackey Airlines, Inc. (Mackey) on its domestic route 145.[5] This left intact the restriction against single-plane passenger and freight service to West Palm Beach, Miami, and Tampa-St. Petersburg-Clearwater.[6] However, upon application of Northwest, the Board granted an exemption from the latter restriction[7] permitting the carrier to serve between Fort Lauderdale and Tampa-St. Petersburg-Clearwater, subject to a condition prohibiting turnaround services. Mackey, which no longer provides single-plane service between Fort Lauderdale and Tampa, and which provides service to St. Petersburg through the Tampa Airport, concurred in the grant of exemption as being in the public interest.[8]

Delta, on December 31, 1961, and Northwest, on December 28, 1961, filed documents[9] requesting the Board to issue an order to show cause why the restrictions should not be permanently removed from their certificates. Eastern, in a letter filed January 2, 1962, suggests only that all carriers similarly situated with respect to Fort Lauderdale restrictions be accorded like treatment.

The Board has granted exemption authority[10] to carry mail between Fort Lauderdale and Miami to Mackey and the seven trunkline carriers authorized to serve the two points. Single-plane air transportation of mail between Fort Lauderdale and West Palm Beach and Tampa-St. Petersburg-Clearwater was also authorized to the same seven trunkline carriers by Order 15596, supra.

The Board tentatively finds that the public interest would properly be served by the elimination of certain restrictions on domestic service from the certificates of those trunkline carriers which are authorized to serve Fort Lauderdale. Those restrictions prohibit the carriers from engaging in single-plane service between Fort Lauderdale on the one hand, and Tampa-St. Petersburg-Clearwater, on the other. Our previous basis for imposition of the restrictions was the fact that Mackey was providing single-plane service in those markets and no showing was made of a need for consideration of additional duplicating services. The situation in regard to these markets has been abruptly changed by cessation of effective service by Mackey between Fort Lauderdale and Tampa-St. Petersburg-Clearwater. It would not be in the public service to require air passengers to use Mackey's limited, two-plane connecting service. Furthermore, Mackey, in whose interests we acted in imposing the restrictions, no longer objects to the granting of the petitions herein for their removal.

It is a matter of record that traffic carried by Mackey in these markets is proportionately small, and that there is a considerable amount of traffic which, inconvenienced by unsuitable schedules, habitually uses air transportation between Tampa and Miami, and ground transportation between Miami and Fort Lauderdale. There is good reason to expect this traffic to avail itself of improved air service, and that the carriers will seek this traffic if permitted to do so.

Certificate amendment applications requesting removal of restrictions imposed on their respective Fort Lauderdale authority were filed by Eastern in Docket 10652, National in Docket 11266, Northwest in Docket 11440, Northeast in Docket 11429, and Delta in Docket 11493.

Since the proposed certificate amendments do not appear to raise any substantial controversial issues bearing upon the competitive relationship between carriers now authorized to serve Fort Lauderdale, we shall direct those carriers and other interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth herein and, accordingly, amend the certificates of public convenience and necessity in the manner indicated. All interested persons who desire to be heard in connection with this matter may file objections to the Board's tentative findings and conclusions within 20 days from the date of this order. After expiration of the period prescribed for filing objections, the matter will be set for immediate processing. If no objections are filed, the Board will proceed to issue amended certificates to the carriers concerned.

Accordingly, it is ordered:

1. That Delta, Eastern, National, Northeast, Northwest, TWA, Mackey and United be and hereby are directed to show cause why the Board should not amend their certificates of public convenience and necessity, eliminating therefrom the restrictions which prevent the carriers from providing single-plane air transportation of persons, property, and mail between Fort Lauderdale and Tampa-St. Petersburg-Clearwater;

2. That Delta, Eastern, National, Northeast, Northwest, TWA, Mackey and United and any other interested persons having objections to the issuance of an order making final the tentative findings and conclusions set forth herein, deleting from each the existing restriction on service between Fort Lauderdale and Tampa-St. Petersburg-Clearwater, and the issuance of amended certificates of public convenience and necessity, shall file objections with the Board within 20 days from the date of service of this order;

3. That at the expiration of the 20-day period allowed for the filing of objections, this proceeding, to be known as the Fort Lauderdale Restriction Case, Docket 13495, shall be set down before an Examiner of the Board, with hearing limited to the consideration of issues raised by the objections filed;

4. That in the absence of objections hereto, the Board will proceed to issue amended certificates in the form proposed herein to the carriers concerned;

5. That copies of this order be served on Delta, Eastern, National, Northeast, Northwest, TWA, United, Mackey, the City of Fort Lauderdale, the Board of Commissioners of Broward County, the Cities and Chambers of Commerce of Tampa, St. Petersburg and Clearwater, and Pinellas County, hereby made parties to this proceeding;

6. That the applications in Dockets 10652, 11266, 11440, 11429, and 11493 be and they hereby are consolidated herein for final decision; and

7. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-3037; Filed, Mar. 28, 1962; 8:50 a.m.]

[Docket No. 13494; Order No. E-18146]

NEW ENGLAND REGIONAL AIRPORT INVESTIGATION

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1962.

The Board has decided that it is appropriate at this time to review the feasibility of implementing a regional airport program in the New England area. We have had occasion to apply the regional airport concept in several recent cases[1] where we have found, in effect, that consolidation of services to two or more separate cities at a single airport would, without substantial inconvenience to the air passengers, produce more economical airline operations, improved scheduling, better quality of service through the use of larger equipment, and an overall improvement in air service to the area. It does not appear, however, that this point-by-point approach will effectively produce the desired economies and increase the quality of airline service within a reasonable period of time. The Board feels that an area investigation would be a more appropriate vehicle to implement such a program. Within such a proceeding single airport issues can be considered for both local and trunkline carriers. Consideration can be given, also, to the effects of any changes on their overall routes, to interline connecting problems and to local on-route issues.

The New England States present an especially appropriate area for the consideration of a regional airport investigation. First, the prospects for regional airports have recently been considered by the New England Council (Council) in a plan adopted by that group on June 29, 1961.[2] Secondly, economies resulting from the consolidation of services at a single airport should have immediate beneficial effect on the carriers serving the area, particularly Northeast Airlines.[3]

This investigation will be directed toward implementing so much of the New England Council plan as now appears feasible. We will consider only those situations where two or more adjacent points might be served through a single airport. It is intended, of course, that the results of this investigation will insure continuance of effective New England service.[4]

The Council plan states that its objective is to provide for the economically sound location of regional airports to accommodate conventional fixed wing aircraft likely to be operated in scheduled air commerce between 1960 and 1970, and to provide a regional airport within reasonable ground access time from each of the New England communities certificated by the Board for airline service. Maximum practical use is to be made of existing airports, to conserve the limited available airport funds.[5] The plan establishes minimum criteria for both the capabilities and location of regional airports.[6]

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[1] Docket 10665, Order E-14678, adopted November 25, 1959.

[2] United (Capital), Delta, National for route 39, Northeast, Northwest, and TWA.

[3] National for route 31, and Eastern.

[4] The points are Mobile, Ala.; Gainesville, Jacksonville, Melbourne, Ocala, Orlando, Panama City, Pensacola, Tallahassee, Tampa-St. Petersburg-Clearwater, Vero Beach, and West Palm Beach, Fla.; Albany, Atlanta and Columbus, Ga.; and Gulfport, Miss. Service between Fort Lauderdale and these points was at issue in the Southeastern Area Local Service Case, Docket 7038 et al.

[5] Order E-15596, July 29, 1960.

[6] Carriage of mail authorized.

[7] Order E-17933, January 17, 1962.

[8] Dockets 13302 and 11440, respectively.

[9] Order E-15237, dated May 16, 1960.

[1] Southern Transcontinental Service case, Docket 7984, Supplemental Opinion and Order E-16860, May 26, 1961; and the Greensboro-High Point/Winston-Salem case, Docket 3496, Order E-17359, Aug. 24, 1961.

[2] A Master Plan for Regional Airports to serve scheduled air transportation needs of New England.

[3] Northeast's current difficult economic position is a matter of public record.

[4] Whether or not Northeast's route 27 is renewed south of New York should not affect consideration in this investigation of existing or future air services in the New England area.

[5] Thus it recommends the Bridgeport Airport to serve the Bridgeport-New Haven area, even though New Haven is nearer the center of the air traffic market, because the cost of development of New Haven Airport to meet the ground facilities criteria was deemed excessive.

[6] These criteria are: (a) Runway length be not less than 5,000 feet corrected to sea level and load capacity of at least a 40,000-pound single wheel loading. (b) Airport be an all-weather airport—have an instrument landing system, runway lighting, and control tower. (c) Maximum ground travel time to airport

In preparing its master plan, the Council made a review of 45 airports in New England (see Appendix A).[7] Seven of these are not presently certificated for commercial air service.[8] In addition five others are not presently served.[9] Thus only 33 certificated points presently receive scheduled air service. Based on the existing or anticipated conformity with its criteria the New England Council concluded that 20 of the 33 airports should be designated as regional airports.

With the Council plan as a point of reference, we have made an independent factual review of the 33 points presently receiving certificated air service, based on data readily available within the Board, a summary of which is attached as Appendix B.[7] Our review leads us to conclude tentatively that the standards employed by the Council generally are reasonable for the area involved. However, in the application of these criteria, the Council plan employs an airport-by-airport approach, which in effect considers which of the existing New England airports should merit continued scheduled air service in the coming decade and should therefore be improved to meet the anticipated needs of that air service.

Our responsibility for development of a regional airport program for New England requires a specific focus on the services at those adjacent points which might be consolidated at a single airport. Therefore, we have made a tentative selection of the services which in our opinion warrant investigation to determine whether consolidation with other services provided through adjacent points would be in the public interest. In making this selection we have given primary consideration to relative traffic volumes, principal communities of interest, airport driving times and distance. Based on these considerations we have selected the following points to be included in the investigation hereinafter ordered:

Auburn/Lewiston, Bar Harbor, Houlton, Rockland, and Waterville, Maine; Berlin, Concord, and Laconia, New Hampshire; Newport and Rutland, Vermont; Fitchburg, Lawrence, and Pittsfield, Massachusetts; and New Haven, Connecticut.

Accordingly, it is ordered:

1. That an investigation, to be known as the New England Regional Airport Investigation, Docket 13494, be and it hereby is instituted, pursuant to section 401(g) of the act, to determine whether the public convenience and necessity require the alteration, amendment, modification, suspension, deletion, or redesignation as hyphenated points, of certificate authorizations of all carriers serving the six New England States, with respect to the points enumerated above;

2. That a copy of this order shall be served upon Allegheny Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., and Northeast Airlines, Inc., who are hereby made parties to this proceeding;

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-3038; Filed, Mar. 28, 1962; 8:50 a.m.]

[Docket No. 12895]

UNITED STATES-SOUTH AMERICA ROUTE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on May 3, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 17, 1962: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 26, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-3039; Filed, Mar. 28, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

AIRPORT DISTRICT OFFICE AT PORTLAND, MAINE

Notice of Closing

Notice is hereby given that on March 2, 1962, the Airport District Office in Portland, Maine, was closed. Services provided in Maine, New Hampshire, and Vermont by this Office are being provided by the Airport District Office at 2200 U.S. Custom House, Boston 9, Massachusetts.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on March 23, 1962.

N. E. HALABY, *Administrator.*

[F.R. Doc. 62-2970; Filed, Mar. 28, 1962; 8:45 a.m.]

[OE Docket No. 62-EA-2]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The Hancock County Engineer's Department, Findlay, Ohio, proposes to construct a radio antenna structure in Findlay, Ohio, at latitude 41°01'20" N., longitude 83°38'40" W. The overall height of the structure would be 999 feet above mean sea level (219 feet above ground).

Objections were made in response to circularization by the airport manager of the Findlay Airport, the Aircraft Owners and Pilots Association and Youngstown Airways, Inc., Youngstown, Ohio, and at the FAA New York Informal Airspace Meeting by the National Pilots Association and the Air Line Pilots Association on the basis that the proposed structure would be directly in line with the Northeast/Southwest runway and would constitute an unwarranted hazard to aeronautical operations at the Findlay Airport.

The proposed structure would be located within the approach area, as described in § 626.13(b)(2)(i) of the regulations of the Administrator, approximately 4,752 feet northeast of the northeast end of Runway 7/25 of the Findlay Airport and 106 feet northwest of the extended runway centerline.

Two standard instrument approach procedures, AL-702-ADF and AL-702-VOR, are approved for this airport. With appropriate wind direction and velocity, aircraft execute these approaches as circling approaches to Runway 25. According to the Agency Airport Facility Record dated September 1, 1961, there are 31 aircraft based at the Findlay Airport of which 12 are multi-engine and 19 are single-engine.

The Blanchard Valley Hospital is also located approximately 1,890 feet northeast of the northeast end of Runway 7/25 and 370 feet southeast of the extended runway centerline. The possibility that the hospital would effectively shield the proposed structure with respect to aeronautical operations using this runway was considered. The hospital building exceeds the 1:50 slope criteria of § 626.13(b)(2)(i) of the regulations of the Administrator by 47 feet. However, the proposed structure would be within the approach area for Runway 25 and would exceed the 1:50 slope criteria for that runway by 102 feet. The Agency study disclosed that the proposed structure would not be shielded by the hospital.

The study further disclosed that aircraft landing on Runway 25 and aircraft taking off from Runway 7 would be required to pass in dangerous lateral and vertical proximity to the proposed structure or to take diversionary action to avoid it at a time when the pilot's attention is directed towards extremely critical phases of flight at low altitudes; and that the proposed structure at the location and height specified herein, within the approach area as described, would have a substantial adverse effect upon aeronautical operations at this airport. The study further disclosed that any structure at this location exceeding 897 feet MSL (117 feet above ground) in overall height would have substantial adverse effect upon aeronautical operations at the Findlay Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein or any structure at this location exceeding a height of 897 feet MSL would have a substantial adverse effect upon aeronautical operations at the Findlay Airport, and it is hereby determined that the proposed structure or any structure at this location higher than 897 feet MSL would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (26 F.R. 5292). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder that a structure at any height not exceeding 897 feet MSL at this location would not be a hazard to air navigation will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.34; 26 F.R. 5292).

Issued in Washington, D.C., on March 21, 1962.

R. H. FLETCHER, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 62-2971; Filed, Mar. 28, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14341-14344; FCC 62M-434]

COLLIER ELECTRIC CO.

Order Following Further Prehearing Conferences

In re applications of Collier Electric Company, Docket No. 14341, File No. 849-C1-R-61, for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14342, File No. 849-C1-R-61, for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14343, File No. 2670-C1-R-61, for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14344, File No. 2710-C1-R-61, for renewal of the license for Station KAS41, a facility in Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska.

The Hearing Examiner having under consideration the proceedings at the prehearing conferences held in the above-entitled matters on March 19 and 20, 1962, and the agreements of the parties as approved therein by the Examiner;

It appearing that the parties propose to present their direct cases partly through written sworn exhibits and partly through the testimony of witnesses; and

It further appearing, that, due to the complexity of the issues and the difficulty of preparing cases in response thereto, the parties should be allowed a reasonably long period for the preparation of their respective cases:

It is ordered, This 23d day of March 1962, that:

(1) Insofar as the direct cases are to be presented in writing, they shall be in the form of sworn exhibits and copies thereof shall be exchanged between and among the parties and supplied to the Examiner no later than June 11, 1962;

(2) Insofar as the direct cases of the parties are to be presented orally through witnesses, each of the parties desiring to present all or any part of its case in this fashion shall, no later than June 11, 1962, submit a list to every other party and the examiner, setting forth the name of the witness, the title and duties of his position in the respective corporate entity or, if he is to be presented as an outside expert, a brief description of his qualifications; in each instance there shall also be an indication of the subjects with respect to which the witness is to testify and an identification of the issue toward which such testimony is to be directed;

(3) Each of the parties shall, by June 25, 1962, notify the other parties in writing, with a copy to the Examiner, of the names of the witnesses whom such party desires to cross-examine, and the parties so notified shall make such witnesses available for cross-examination at the hearing. In this connection, the parties should, by informal stipulation, arrange appropriate schedules between and among themselves for the orderly appearance of witnesses so that it shall not be necessary for witnesses who are to be called at a later stage of the proceedings to be present for any extensive period before they are required to testify;

(4) If any of the parties should desire any other party to furnish additional witnesses, such request shall also be made in writing no later than June 25, 1962, with copies furnished to all other parties and the Examiner;

(5) If any of the parties desire to make any motion with respect to the proposed exhibits of any other party, such parties shall advise others and the Examiner with respect thereto in writing by June 25, 1962, specifying the exhibit involved and the nature of the motion proposed to be made;

(6) If any of the parties requested to furnish witnesses other than the ones who prepared the written sworn exhibits or who are to testify orally do not desire to do so, they shall notify the parties making the request and the Examiner in writing no later than June 29, 1962;

It is further ordered, That the hearing shall commence on July 9, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcripts of the prehearing conferences which, to this extent, are incorporated herein by reference.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3046; Filed, Mar. 28, 1962; 8:52 a.m.]

[Docket No. 14583; FCC 62-311]

FIFTH MARKET BROADCASTING CO., INC. (WGSM)

Order Designating Application for Hearing on Stated Issues

In re application of Fifth Market Broadcasting Co., Inc., (WGSM), Huntington, New York, Docket No. 14583, File No. BP-14332, Has: 740 kc, 1 kw Daytime, Requests: 740 kc, 5 kw, DA-Day (1 kw, CR. Non-DA); for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of March 1962.

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues set forth below, the applicant is legally, financially and otherwise qualified to construct and operate Station WGSM as proposed; and

It further appearing, that the following matters are to be considered in consideration in connection with the aforementioned issues specified below:

1. Fifth Market Broadcasting Co., Inc. licensee of Station WGSM, owns 100 percent of the stock of Long Island's First Station, Inc., licensee of Station WGBB, Freeport, Long Island, New York. On December 5, 1961 an initial decision by the Hearing Examiner looking toward grant of the proposed increase in power of Station WGBB was released. (Docket No. 13129, File No. BP-12815). Due to the proximity of Huntington and Freeport, it will be necessary to determine in the hearing ordered below whether a grant of the instant application would be in contravention of § 3.35(a) of the Commission's rules on multiple owner-

for area served to be not more than 60 minutes, unless area served is of low population density. (d) Have at least 0.01 percent of U.S. total passenger departures per year. (For 1959 this was an average of 14 per day.) (e) Have a record of reasonable airport growth. (f) Provide facilities for the convenience of the public. (g) Provide facilities for housing and operational maintenance of planes.

[7] Filed as part of original document.

[8] Belfast and Caribou, Maine; Greenfield-Orange, Mass.; Claremont, N.H.; Pawtucket-Woonsocket, R.I.; St. Johnsbury, Vt. Provincetown, Mass., was also included among the 44 airports, but it is not served by a regularly certificated air carrier.

[9] Millinocket, Brunswick, Maine; Portsmouth, N.H.; Newport, R.I., and Westfield, Mass.

ship. In considering the instant proposal and § 3.35(a) of the rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap will or will not be in contravention of § 3.35 of the rules.

2. According to data submitted by the applicant, 1,104 persons reside within the 1000 mv/m contour of the proposed daytime operation. Since this total (4 percent of the population within the 25 mv/m contour) exceeds that permitted by § 3.24(g) of the Commission's rules, it will be necessary to determine whether circumstances warrant a waiver of the rule.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WGSM and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal of WGSM would be in contravention of the provisions of § 3.35 (a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine whether the instant proposal of WGSM is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall contain a condition that permittee shall assume responsibility for the installation of suitable filter circuits, or other equipment that may be necessary, to prevent excessive internal or external cross-modulation or the radiation of extraneous emissions resulting from the proximity of the proposal operation to Station WHOM or any others.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3047; Filed, Mar. 28, 1962; 8:52 a.m.]

[Docket No. 14516, 14517; FCC 62M-435]

JOHN E. GRANT AND ALLEN C. BIGHAM, JR.

Order After Prehearing Conference

In re applications of John E. Grant, Salinas, California, Docket No. 14516, File No. BP-13911, Allen C. Bigham, Jr., Salinas, California, Docket No. 14517, File No. BP-14891; for construction permits.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above matter held March 22, 1962;

It is ordered, This 23d day of March 1962:

(a) That the hearing originally scheduled to commence on April 18, 1962, in Washington, D.C., is hereby rescheduled for 10 a.m., Thursday, May 10, 1962, at the Commission's Offices, Washington, D.C.;

(b) That by April 9 at the latest counsel will advise one another informally as to any field intensity measurement data they propose to present and of any new measurements they intend to take and the time and dates thereof; [1]

(c) That direct cases are to be prepared in written exhibit form on the oath of the person or persons having knowledge of the facts;

(d) That nonengineering exhibits are to be exchanged among counsel, with three copies of each to counsel for the private parties and one each to the Bureau counsel and the Hearing Examiner, by April 23, 1962;

(e) That engineering exhibits as in (d) above are to be exchanged by April 30, 1962;

(f) That counsel are to notify one another informally by May 1, 1962 of their objections to any portion of the exchanged material; and

(g) That counsel are to notify each other informally by May 4, 1962, of the witnesses desired for cross-examination;

It is ordered further, That insofar as other ground rules governing the conduct of the hearing, and agreements and understandings of the parties as approved by the Hearing Examiner, are concerned, the transcript of the prehearing conference shall stand as a guide and is hereby incorporated by reference herein with the same force and effect as if reproduced verbatim.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3048; Filed, Mar. 28, 1962; 8:52 a.m.]

[1] The hearing is not to be interrupted or postponed to enable anyone to take field intensity measurements. If such measurements are to be taken this is to be accomplished soon enough so as not to affect the progress of the hearing in any way.

[Docket Nos. 14585, 14586; FCC 62-315]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Grossco, Inc., West Hartford, Connecticut, Docket No. 14585, File No. BPH-3222, Requests: 102.1 Mc, #271, 20 kw, -5 ft.; The Valley Broadcasting Company, Ansonia, Connecticut, Docket No. 14586, File No. BPH-3241, Requests: 102.1 Mc, #271, 5.36 kw, 146 ft.; for construction permits.

1. The Commission has before it for consideration: (1) The above-captioned and described applications for construction permits for new FM broadcast stations; (2) a "Petition to Dismiss Application" of The Valley Broadcasting Company (Valley hereinafter) filed by Grossco, Inc. (Grossco hereinafter) on February 7, 1961; (3) Valley's opposition thereto filed February 15, 1961, and Grossco's reply filed on February 23, 1961; and (4) the following letters relative to the status of Grossco's application: letters from Valley's counsel dated January 24 and February 14, 1961; the Commission's letter dated February 1, 1961; and letters from Grossco's counsel dated February 7, and February 27, 1961.

2. Grossco's petition to dismiss Valley's application contends that Valley did not cause to be published a notice of the filing of Valley's application in accordance with the requirements of Section 311 of the Communications Act of 1934, as amended, and § 1.359 of the Commission's rules and that Valley's failure to comply with the publication requirement and to file the necessary information concerning such publication as required by the Commission's rules "is a fatal defect which compels dismissal" of Valley's application. In its opposition to Grossco's petition, Valley states that notice of the filing of its application was published on January 23, 24, 30 and 31, 1961, and that the information required by § 1.359 of the rules was filed with the Commission on February 10, 1961. Grossco, in its reply, states that Valley's publication and filing of the necessary statement occurred nearly a month after the dates required by the rules; that "[I]f § 1.359 of the rules is to have any meaning the Valley application must be dismissed"; and that "[t]o do otherwise would be to emasculate the intent of Congress and the Commission, and would encourage widespread future derelictions."

3. While Valley's publication of notice of filing its application was not within the time prescribed by § 1.359 of the rules and the required statement concerning the notice likewise was not filed within the prescribed time, the Commission believes that the public interest would be served in this instance by waiving the time requirements of § 1.359 of the rules in order to permit consideration of these applications on their merits.

4. Grossco's application for a construction permit for a new standard broadcast station at West Hartford, Connecticut, was filed on December 9, 1960. In paragraph 3 of section I of the application, Grossco indicated that the FM application was contingent on its application, File No. BP-13141, Docket No. 13071, for a construction permit for a new standard broadcast station in the same city proposed for the FM station. Grossco's standard broadcast application was designated for hearing by Order of the Commission on July 29, 1959, and a final determination in that proceeding has not yet been made.

5. In the letter dated January 24, 1961, counsel for Valley stated that since the Grossco FM application was contingent on a grant of its standard broadcast application, the Commission should not consider the Grossco application in determining the existence of objectionable interference either to or from the pending proposal for Ansonia. The Commission's letter of February 1, 1961, advised Grossco of its established policy of withholding action on all contingent applications until such time as the contingency is removed, and requested that the Grossco application be amended to include a statement by the applicant indicating whether Grossco contemplates the immediate prosecution of its FM application or whether the application was to remain contingent upon a grant of its standard broadcast application.

6. The letters dated February 7, 14 and 27, 1961, to which reference was previously made (paragraph 1, supra) set forth the respective positions of the two applicants with respect to the Commission's policy concerning contingent applications. However, on October 26, 1961, the Grossco application was amended to eliminate the contingent feature of the application. Since Grossco no longer considers its application contingent on its standard broadcast application, and since the applications of Grossco and Valley are mutually exclusive, it is necessary to designate the applications for hearing in a consolidated proceeding to determine which proposal would better provide a fair, efficient and equitable distribution of radio service.

7. Examination of Grossco's and Valley's applications indicates that both applicants are legally, technically, financially, and otherwise qualified and that the only issues to be resolved in the hearing ordered below are those hereinafter specified.

Accordingly, it is ordered, This 21st day of March 1962, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the petition of Grossco, Inc., to dismiss the application of The Valley Broadcasting Company is denied.

It is further ordered, That in the event of a grant of the application of Grossco, Inc., the construction permit shall contain a condition stating that a grant of the FM application does not constitute approval of the FM antenna supporting structure as a radiator for the new facilities proposed in AM Application, File No. BP-13141.

It is further ordered, That in the event of a grant of the application of The Valley Broadcasting Company, the construction permit shall contain a condition requiring that Station WADS request permission from the Commission to determine power of WADS by the indirect method; that during the installation of the FM antenna WADS shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation WADS shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, WADS shall submit Form 302 to report the change.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That in the event of a grant of the application of Grossco, Inc., the construction permit shall contain the folowing condition: "This authorization is subject to compliance by permittee with any applicable procedures of the F.A.A."

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3049; Filed, Mar. 28, 1962; 8:52 a.m.]

[Docket No. 14584; FCC 62-313]

DON H. MARTIN (WSLM)

Order Designating Application for Hearing on Stated Issues

In re application of Don H. Martin (WSLM), Salem, Indiana, Docket No. 14584, File No. BP-13712, Has: 1220 kc, 1 kw, D, Class II, Request: 1220 kc, 5 kw, D, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of March 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, according to data submitted with the subject application, the proposed operation of WSLM would cause co-channel interference to the existing operations of Station WERT, Van Wert, Ohio, and Station WFKN, Franklin, Kentucky, involving a population loss of 9.7 percent and 9.1 percent, respectively; and

It further appearing, that, by letters dated January 25, 1960, and October 12, 1961, respectively, the licensees of Stations WFKN and WERT objected to a grant of the instant application and requested that the application be designated for hearing; and

It further appearing, that, according to data submitted with the subject appli-

cation, the subject proposal of WSLM would cause adjacent channel (20 kilocycles removed) interference to the existing operation of Station WINN, Louisville, Kentucky, involving a population loss of 0.6 percent; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSLM and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WSLM would cause objectionable interference to Stations WERT, Van Wert, Ohio, WFKN, Franklin, Kentucky, and WINN, Louisville, Kentucky, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Van Wert Broadcasting Company, The Franklin Favorite-WFKN, Inc., and WINN Broadcasting Corporation, licensees of Stations WERT, WFKN, and WINN, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties, respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3050; Filed, Mar. 28, 1962; 8:52 a.m.]

[Docket No. 14527, 14528; FCC 62M-436]

PEOPLE'S BROADCASTING CO. (WPBC) AND GABRIEL BROADCASTING CO.

Order Continuing Hearing

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minnesota, Docket No. 14527, File No. BP-13692, Nicholas Tedesco and Victor J. Tedesco d/b as Gabriel Broadcasting Company, Chisholm, Minnesota, Docket No. 14528, File No. BP-14416, for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 23d day of March 1962, that:

1. Direct cases of the parties shall be in writing with principals available for cross-examination;

2. All exhibits of the parties shall be exchanged on or before May 4, 1962;

3. Notification of witnesses for cross-examination shall occur on or before May 11, 1962; and

4. The hearing now scheduled for April 25, 1962 is hereby rescheduled to commence at 10:00 a.m., May 21, 1962, in the Commission's offices in Washington, D.C.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3051; Filed, Mar. 28, 1962; 8:52 a.m.]

[Docket No. 14581, 14582; FCC 62-310]

WIDU BROADCASTING, INC., AND AL-OR BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WIDU Broadcasting, Inc., Asheboro, North Carolina, Docket No. 14581, File No. BP-14348, Req: 1530 kc, 1 kw, (250 w CH), Daytime, Class II; W. A. Corbett, J. R. Marlowe, Roy Cox, Jr., tr/as Al-Or Broadcasting Company, Mebane, North Carolina, Docket No. 14582, File No. BP-15051, Requests: 1530 kc, 1 kw, (250 w CH) Daytime, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of March 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two proposals involve mutually prohibitive interference.

2. Two of the partners, J. R. Marlowe and Roy Cox, Jr., in the Al-Or Broadcasting Company proposal, have an interest in Station WGWR, AM and FM, Asheboro, North Carolina. J. R. Marlowe, secretary of Asheboro Broadcasting Company, licensee of WGWR, and Roy Cox, Jr., have 20 percent and 4 percent interests, respectively. The other officers and stockholders are relatives of Roy Cox, Jr. Roy Cox, Sr., President and Treasurer, has a 67 percent interest; Edna Cox (Mrs. Roy Cox, Sr.), Vice-President, has a 1 percent interest; Lucile Cox Allred and Barbara Cox Buchanan, sisters of Roy Cox, Jr., each have a 4 percent interest. The distance between WGWR and the Al-Or Broadcasting proposal is 39 miles. WGWR has an application for increase in power which was designated for hearing January 3, 1962 (Docket No. 14482, File No. BP-14061). Therefore, it is appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.35(a) of the Commission's rules.

It further appearing that in view of the outstanding proposed rule making procedure in (Docket No. 14419) with respect to pre-sunrise operation of Class II and III stations with daytime facilities, any grant of either proposal in this proceeding should be appropriately conditioned, and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether a grant of the instant proposal of Al-Or Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of WIDU Broadcasting Inc., the construction permit shall contain a condition that the permittee shall accept such interference as may be received in the event of a grant of the applications of Francis M. Fitzgerald, BP-13979 and Wilkes Broadcasting Company, BP-14288.

It is further ordered, That a grant of either of the proposals in this proceeding prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3052; Filed, Mar. 28, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

BARBER-WEST AFRICAN LINE JOINT SERVICE ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8421-2, between the carriers comprising the Barber-West African Line joint service (operating under approved joint service Agreement 7668), as the "ocean service", operating between U.S. Atlantic ports and Monrovia, Liberia, and Farrell Lines Incorporated, as the "feeder service", operating between Monrovia and Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia, modifies the basic agreement of the parties (8421) to provide for the specific dollar apportionment of revenues derived from the carriage of bulk latex, packaged rubber and bagged rice, when transhipped between the "ocean service" and the "feeder service".

Agreement 8422-1, between Elder Dempster Lines, Ltd., as the "ocean service", operating between U.S. Atlantic ports and Monrovia, Liberia, and Farrell Lines Incorporated, as the "feeder service", operating between Monrovia, and Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia, modifies the basic agreement of the parties (8422) to provide for the specific dollar apportionment of revenues derived from the carriage of bulk latex, packaged rubber and bagged rice, when transhipped between the "ocean service" and the "feeder service".

Agreement 8710, between United States Lines Company and Compagnie Generale Transatlantique (French Line), provides for discussion and agreement from time to time concerning the spacing of sailings and coverage of ports by such carriers in the trade between U.S. Atlantic Coast ports and Atlantic and Channel ports of France.

Agreement 8730, between United States Lines Company and Manchester Liners, Ltd., provides for discussion and agreement from time to time concerning the spacing of sailings and coverage of ports by such carriers in the trade between Atlantic Coast ports of the United States and ports of the United Kingdom.

Agreement 8780, between United States Lines Company and The Cunard Steam-Ship Company Limited and Anchor Line Limited (parties to approved joint service Agreement 8419), provides for discussion and agreement from time to time concerning the spacing of sailings and coverage of ports by such carriers in the trade from Glasgow, Scotland to U.S. North Atlantic ports.

Agreement 8853, between Lykes Bros. Steamship Co., Inc., and Gulf & South American Steamship Co., Inc., covers a through billing arrangement in the trade from ports of the West Coast of South America (Colombia, Ecuador, Peru, and Chile) to Puerto Rico, with transhipment at Houston or Galveston, Texas.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 26, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3040; Filed, Mar. 28, 1962; 8:50 a.m.]

[Docket No. 984]

PUGET SOUND TUG & BARGE CO. AND ALASKA FREIGHT LINES, INC.

Certain Tariff Practices

On March 15, 1962, the Federal Maritime Commission entered the following order:

Puget Sound Tug & Barge Co. has filed with the Commission a complaint alleging, among other things, that Alaska Freight Lines, Inc., has on file with the Commission a tariff of rates for transportation between ports in the continental United States and ports in Alaska; that Alaska Freight Lines, Inc., does not in fact provide water transportation between some of said ports; and that said tariff is therefore not lawfully on file with the Commission, said complaint being assigned Docket No. 974.

Alaska Freight Lines, Inc., by pleadings filed in response to said complaint, alleges that its tariff is in substance not different from the tariff of Puget Sound Tug & Barge Co. in that Puget Sound's tariff provides for substituted service by land carrier between certain ports enumerated in its tariff.

The Commission believes, in view of the questions raised by the allegations of these carriers and the tariffs of such carriers on file with the Commission that there is good cause for an investigation thereof upon its own motion.

Therefore, it is ordered:

That, pursuant to sections 18(a), 22 of the Shipping Act, 1916, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, the Commission, upon its own

motion, enter upon an investigation into whether and to what extent said Puget Sound Tug & Barge Co. and Alaska Freight Lines, Inc., either alone or in conjunction with others, transport goods by means of land vehicle between points for which they publish rates as water carriers in tariffs on file with the Federal Maritime Commission. The purpose of this investigation is to determine the lawfulness of such practices and of the tariffs of said carriers to the extent they allow or provide for such practices under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

That Puget Sound Tug & Barge Co., and Alaska Freight Lines, Inc., be made respondents in this proceeding.

That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner.

That this proceeding be consolidated for hearing with Docket No. 974.

That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents and other interested parties.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: March 26, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3041; Filed, Mar. 28, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1882]

OREGON

Vacation of Withdrawal

MARCH 22, 1962.

The Forest Service, Department of Agriculture, has requested that we revoke the power withdrawal of approximately 0.23 acre of land, comprised of portions of the SW¼NE¼, NW¼SE¼, Section 34, T. 12 S., R. 9 E., Willamette Meridian, Oregon, within the Deschutes National Forest, Oregon.

The above-described land was withdrawn for power purposes pursuant to the filing on June 12, 1942 of an application for license by Eliza McM. Gallois for minor Project No. 1882. The license for the project expired on December 3, 1953. The project power structures have been removed and power is now obtained from Central Oregon Electric Co-operative, Inc.

The Commission finds: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Power Act serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The above-mentioned existing power withdrawal is vacated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2982; Filed, Mar. 28, 1962; 8:46 a.m.]

[Project No. 2307]

A. J. INDUSTRIES, INC.

Notice of Application for License

MARCH 22, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by A. J. Industries, Inc. (correspondence to C. J. Ver Halen, Jr., A. J. Industries, Inc., 6327 Santa Monica Boulevard, Los Angeles, California) for license for constructed project No. 2307 located on Salmon Creek, a tributary to Gastineau Channel within Juneau Townsite Boundary, and on Annex Creek within Tongas National Forest, First Judicial Division, State of Alaska.

The project consists of three hydroelectric developments described as follows: Salmon Creek No. 2—a concrete arch dam 175 feet high with a 648-foot crest including spillway, creating a reservoir of 19,000 acre-feet capacity; a 40 inch to 30 inch diameter steel pipe conduit 4,477 feet long to Powerhouse No. 2, containing 2–1400 kw generators; Salmon Creek No. 1—a 4-foot by 5-foot wood flume 9,876 feet long from tailrace of Powerhouse No. 2 to timber forebay; two steel penstocks 42 inches to 30 inches in diameter 1,625 feet long from forebay to Powerhouse No. 1, containing 2–1400 kw generators; and Annex Creek—a wood frame buttress dam 25 feet high and 115 feet long on Upper Annex Creek creating a reservoir of 23,400 acre-feet capacity; an 8- by 8-foot tunnel 1,418 feet long; 6,409 feet of 42 inch and 703 feet of 36 inch steel pipe to powerhouse containing 2–1750 kw generators; together with interconnected transmission lines and other necessary appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 10, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2983; Filed, Mar. 28, 1962; 8:46 a.m.]

[Project No. 1987]

CALIFORNIA-PACIFIC UTILITIES CO.

Notice of Application for Amendment of License

MARCH 22, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by California-Pacific Utilities Company, of San Francisco, California, for amendment of its license for Project No. 1987 located on Lake, Upper Lake, North Fork of Desolation, Lost and North Fork of Congo Creeks, in Baker and Grant Counties, Oregon, and affecting lands of the United States within Umatilla and Whitman National Forests.

The application states that the licensee desires to replace a wood spillway washed out by high water with a rock spillway at 6.9 feet lower elevation, and seeks Commission approval of a corrected map of transmission line location between Fremont and Bourne.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 10, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2984; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket No. CP62-59]

PACIFIC GAS TRANSMISSION CO.

Notice of Date of Hearing

MARCH 22, 1962.

Take notice that the hearing in the above-docketed proceedings heretofore scheduled to commence on March 5, 1962, by notice issued January 31, 1962, and postponed by notice issued February 27, 1962, is now scheduled to commence on March 28, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2985; Filed, Mar. 28, 1962; 8:46 a.m.]

[Docket No. CI62-373]

SUNRAY MID-CONTINENT OIL CO.

Notice of Application and Date of Hearing

MARCH 22, 1962.

Take notice that on October 9, 1961, Sunray Mid-Continent Oil Company (Applicant), P.O. Box 2039, Tulsa, Oklahoma, filed in Docket No. CI62-373 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company from the North Agua Dulce Field, Nueces County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the available supply of natural gas covered by the contract is depleted.

Applicant was authorized to render the subject service on December 15, 1958, in Docket No. G–2975, et al.

Concurrently with the subject application Applicant has filed a notice of cancellation of its related FPC Gas Rate Schedule.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2986; Filed, Mar. 28, 1962; 8:46 a.m.]

NATIONAL POWER SURVEY ADVISORY COMMITTEES

Order Establishing, and Prescribing Procedures

MARCH 22, 1962.

The Federal Power Commission is directed by section 202(a) of the Federal Power Act (16 U.S.C. 792–825r) to promote and encourage voluntary interconnection and coordination of the nation's electric power facilities in the interest of economy and conservation, and is authorized by section 311 of the Act to conduct broad investigations covering all aspects of the entire power industry. In order to accomplish these objectives more effectively and in accordance with Executive Order No. 11007 of February 26, 1962 (27 F.R. 1875) relating to the Formation and Use of Advisory Committees, we have concluded that it is in the public interest that National Power Survey Advisory Committees be, and they hereby are established.

1. *Purpose.* The Committees shall advise and make recommendations to the Commission in planning and carrying out the Commission's proposed national power survey.

2. *Selection of Committee members.* All Committee members and alternates shall be selected by the Chairman of the Commission.

3. *Conduct of meetings.* The Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, or any other full-time employee of the Commission designated by the Chairman of the Commission, shall act as Chairman of Committee meetings and shall be responsible for opening and conducting meetings and for adjourning meetings when in his judgment, adjournment is in the public interest.

4. *Minutes.* The Chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the Secretary of each Committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committees.

5. *Secretary of the Committee.* The Chairman of the Commission shall appoint a Secretary of each Committee from among the members of the Commission staff who shall be responsible for preparing summary minutes of all Committee meetings, preparing agenda, notifying members of the meetings, and maintaining all records related to organization, membership, and operations of the Committees. The Secretary shall be present during all meetings and shall certify the accuracy of all minutes.

6. *Location and time of meetings.* Meetings will convene at the call of the Chairman of the Commission at the Office of the Federal Power Commission, located at 441 G Street NW., Washington 25, D.C., unless otherwise directed. Ordinarily, these meetings will be held during the regular working hours of the Federal Power Commission.

7. *Advice and recommendations offered by the Committee.* The advice and recommendations of the members of the Committees may be presented to the Commission at Committee meetings either orally or in written form. The advice of all Committees shall be limited to matters relating solely to the planning and carrying out of the national power survey and ultimate decisions based on the Committees' advice or recommendations are reserved to the Federal Power Commission.

8. *Duration of the Committee.* All Committees shall terminate not later than two years subsequent to their date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such two-year period, that continued existence of a Committee is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent two-year period to continue the existence of each Committee thereafter.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3021; Filed, Mar. 28, 1962; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CITY TRUST CO.

Order Approving Merger of Banks

In the matter of the application of City Trust Company for approval of merger with The West Side Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by City Trust Company, Bridgeport, Connecticut, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The West Side Bank, Bridgeport, Connecticut, with and into City Trust Company, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said merger be, and hereby is, approved, provided that said merger shall not be consummated (a) sooner than seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 23d day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2987; Filed, Mar. 28, 1962; 8:46 a.m.]

PERU TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Peru Trust Company for approval of merger with Farmers State Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The Peru Trust Company, Peru, Indiana, a member bank of the Federal Reserve System, for the Board's prior approval

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governors Balderston and Robertson also filed as part of the original document and available upon request.

of the merger of Farmers State Bank, Mexico, Indiana, with and into The Peru Trust Company, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said merger be, and hereby is, approved, provided that said merger shall not be consummated (a) sooner than seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 23d day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-2988; Filed, Mar. 28, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	175 to 179
$100	339 to 417
$500	148 to 168
$1,000	549 to 621
$5,000	81 to 82

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3013; Filed, Mar. 28, 1962; 8:48 a.m.]

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	496 to 510
$100	1,021 to 1,134
$500	230 to 273
$1,000	314 to 477
$5,000	250 to 259

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3014; Filed, Mar. 28, 1962; 8:48 a.m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	455 to 494
$100	1,348 to 1,430
$500	483 to 561
$1,000	708 to 1,027
$5,000	376 to 393

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3015; Filed, Mar. 28, 1962; 8:48 a.m.]

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, and 4⅛ percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	11,794 to 11,805
	11,807 to 12,874
$100	35,275 to 35,324
	35,339 to 49,510
$500	9,901 to 9,910
	9,915 to 13,329
	and 13,332
$1,000	27,216 to 27,254
	27,269 to 40,086
$5,000	7,595 to 7,606
	7,609 to 11,701
$10,000	5,934 to 8,065

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3016; Filed, Mar. 28, 1962; 8:48 a.m.]

2½, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, AND 4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½ and 4⅛ percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2½, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, AND 4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	161 to 198
$100	990 to 1,181
$500	370 to 408
$1,000	1,008 to 1,197
$5,000	358 to 407
$10,000	2,414 to 2,999

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3017; Filed, Mar. 28, 1962; 8:48 a.m.]

3⅜, 3¾, AND 4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3⅜, 3¾ and 4⅛ percent Section 220 Housing Insurance Fund Debentures, Series CC, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962 on which date interest on such debentures shall cease:

3⅜, 3¾, AND 4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	*Serial Nos. (all Nos. inclusive)*
$50	5 to 8
$100	1 to 35
$500	4 to 11
$1,000	10 to 35
$10,000	1 to 219

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY, *Commissioner.*

Approved: March 22, 1962.

W. T. HEFFELFINGER, *Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 62-3018; Filed, Mar. 28, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, and 4⅛ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2⅝, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, 3⅞, AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	Serial Nos. (all Nos. inclusive)
$50	304 to 378
$100	1,206 to 2,445
$500	367 to 639
$1,000	1,111 to 2,315
$5,000	203 to 548
$10,000	314 to 499

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: March 22, 1962.

W. T. HEFFELFINGER,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-3019; Filed, Mar. 28, 1962; 8:48 a.m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Notice of Call for Partial Redemption Before Maturity

MARCH 21, 1962.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1962, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial Nos. (all Nos. inclusive)
$50	4,723 to 4,748
$100	17,002 to 17,392
$500	4,848 to 4,945
$1,000	20,741 to 21,154
$5,000	4,625 to 4,925
$10,000	45,211 to 47,210

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1962. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1962, and provision will be made for the payment of final interest due on July 1, 1962, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1962, to June 30, 1962, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1962, or for purchase prior to that date will be given by the Secretary of the Treasury.

NEAL J. HARDY,
Commissioner.

Approved: March 22, 1962.

W. T. HEFFELFINGER,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 62-3020; Filed, Mar. 28, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-12762]

ALLENTOWN PORTLAND CEMENT CO.

Notice of Application for Exemption

MARCH 22, 1962.

Notice is hereby given that Allentown Portland Cement Company, a Pennsylvania corporation ("issuer"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The issuer has outstanding 305,410 shares of Class A common stock and 851,340 shares of Class B common stock.

2. In addition to National Gypsum Company which is the record owner of 304,645 shares of Class A common stock and 850,090 shares of Class B common stock, four and seven persons respectively are the record owners of the 765 shares of Class A and 1250 shares of Class B common stock.

3. The number of such record holders has been computed in accordance with paragraph (e) of Rule 15d-20.

4. The filing by the issuer of the reports required by section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after April 12, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than April 10, 1962, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3008; Filed, Mar. 28, 1962; 8:48 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

MARCH 23, 1962.

In the matter of trading on The National Stock Exchange in the Class A stock, par value 5 cents per share of Automated Procedures Corp., File No. 1-4579.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 26, 1962, to April 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3009; Filed, Mar. 28, 1962; 8:48 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MARCH 23, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common assessable stock, $1.00 par value of Industrial Enterprises, Inc., File No. 1-4597.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 26, 1962, to April 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3010; Filed, Mar. 28, 1962; 8:48 a.m.]

[File Nos. 59-105, 54-228]

PENNSYLVANIA GAS CO. AND NATIONAL FUEL GAS CO.

Supplemental Order Approving Amendment of Plan

MARCH 22, 1962.

On February 19, 1962, the Commission issued its Findings and Opinion and Order (Holding Company Act Release No. 14575) approving a plan and amendments thereto ("plan") filed pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") by National Fuel Gas Company ("National"), a registered holding company. The plan provides for, among other things, the elimination of the 5.95 percent publicly-held minority interest in the common stock of National's gas utility subsidiary company, Pennsylvania Gas Company ("Penn"), through the issuance by National of shares of its common stock in exchange for the publicly-held shares of Penn common stock. To reflect such exchange, the plan provides for the following accounting entries: (1) The recording by National of its investment in the common stock of Penn to be acquired pursuant to the plan at an amount equal to the aggregate market value (based on the closing market price on the New York Stock Exchange on the date the Court issues its order approving and enforcing the plan) of the National common shares to be issued in exchange for the Penn common shares; (2) the crediting by National to its capital stock account of an amount equal to the aggregate par value of the common shares to be issued; and (3) the crediting by National to its capital surplus account of the excess of the recorded investment in the Penn shares over the aggregate par value of the National shares.

On March 7, 1962, National filed a further amendment to the plan (No. 3) substituting for the above accounting treatment the following:

National will record its investment in the Penn common stock to be acquired under the plan at an amount equal to the underlying book value thereof, determined as of the end of the month preceding the effective date of the plan. National will credit its capital stock account with the aggregate par value of the shares to be issued by it, and will credit its capital surplus account with the excess of the recorded investment in the Penn shares over the aggregate par value of the National shares.

The net effect of the proposed change in accounting treatment on National's pro forma consolidated capitalization and surplus, as at June 30, 1960, shown in Table II of the Commission's Findings and Opinion, would be to decrease pro forma consolidated capital surplus and increase pro forma consolidated earned surplus by the amount of $675,000, representing the equity in Penn's earned surplus applicable to the stock to be acquired by National.

The Commission, having considered the proposed modification of the plan, finds that such modification is appropriate and does not affect the rights of any interested person.

It is ordered, That the plan, as modified by amendment No. 3 in respect of the accounting treatment of the proposed exchange of shares of National for the minority shares of Penn, be and the same hereby is approved, subject to the terms and conditions and reservations of jurisdiction contained in the Commission's Findings and Opinion and Order of February 19, 1962, issued herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3011; Filed, Mar. 28, 1962; 8:48 a.m.]

[File No. 2-14928]

PRODUCERS FIRE AND CASUALTY CO.

Notice of Application for Exemption

MARCH 22, 1962.

Notice is hereby given that the Producers Fire and Casualty, an Arizona corporation, has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, and the number of such record holders does not exceed fifty persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

1. All its outstanding securities are held of record, and the number of such record holders does not exceed fifty persons.

2. In its opinion, the filing of further reports is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may

be issued by the Commission at any time on or after April 6, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may submit not later than April 4, 1962 at 5:30 p.m., to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to convert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3012; Filed, Mar. 28, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. No. 13]

FOREST AND RANGE MANAGEMENT; TIMBER SALES AND ADVERTISEMENT

Redelegation of Authority

MARCH 20, 1962.

Part 2 of Portland Area Office Redelegation Order 1 (20 F.R. 234), as amended, is further amended to read as follows:

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 100,000 feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

JOHN O. CROW, *Deputy Commissioner.*

[F.R. Doc. 62-2999; Filed, Mar. 28, 1962; 8:47 a.m.]

Bureau of Land Management

[Group No. 408]

CALIFORNIA

Notice of Filing of Plats of Survey

MARCH 20, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Riverside, Calif., effective at 10 a.m., March 26, 1962.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 22 E.,
Sec. 16: Lots 1 to 12 incl.;
Sec. 36: Lots 1 and 2, W½NW¼.

The area described aggregates 653.84 acres.

T. 1 S., R. 23 E.,
Sec. 36: Lots 1 and 2, N½, SW¼, W½SE¼.

The area described aggregates 640.56 acres.

T. 2 S., R. 23 E.,
Sec. 16: All;
Sec. 21: All.

The area described aggregates 1280.00 acres.

T. 3 S., R. 19 E.,
Sec. 16: Lots 1 to 8 incl.;
Sec. 21: Lots 1 to 4 incl.

The area described aggregates 481.04 acres.

T. 3 S., R. 20 E.,
Sec. 9: Lots 1 to 12 incl.;
Sec. 15: Lots 1 to 8 incl.;
Sec. 16: All.

The area described aggregates 1992.48 acres.

T. 3 S., R. 21 E.,
Sec. 36: Lots 1 and 2, E½, E½W½, NW¼NW¼, SW¼SW¼.

The area described aggregates 631.73 acres.

T. 3 S., R. 22 E.,
Sec. 16: Lots 1 to 6 incl., S½NE¼, N½SW¼, N½SE¼;
Sec. 17: Lots 1 to 3 incl., NE¼SE¼;
Sec. 36: All.

The area described aggregates 1271.57 acres.

T. 3 S., R. 23 E.,
Sec. 16: Lots 1 to 12 incl.;
Sec. 21: Lots 1 to 7 incl., S½NE¼, SW¼NW¼, W½SW¼.

The area described aggregates 974.65 acres.

T. 4 S., R. 19 E.,
Sec. 36: Lots 1 and 2, E½NE¼.

The area described aggregates 159.12 acres.

T. 4 S., R. 22 E.,
Sec. 16: All;
Sec. 36: Lots 1 and 2, E½, NW¼, N½SW¼, SE¼SW¼.

The area described aggregates 1296.70 acres.

T. 4 S., R. 23 E.,
Sec. 16: Lots 1 to 4 incl., N½NW¼, S½SW¼.

The area described aggregates 329.31 acres.

T. 5 S., R. 19 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1280.00 acres.

T. 5 S., R. 20 E.,
Sec. 16: All;
Sec. 36: Lots 1 and 2, N½, SW¼, W½SE¼.
The area described aggregates 1255.68 acres.

2. Except for and subject to valid existing rights, it is presumed that title to all of the above-listed sections 16 and 36, totaling in the aggregate 9989.59 acres, passed to the State of California, upon acceptance of the respective plats of survey.

3. The following described lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules and regulations.

SAN BERNARDINO MERIDIAN

T. 2 S., R. 23 E.,
Sec. 21: All.
The area described aggregates 640 acres.
T. 3 S., R. 19 E.,
Sec. 21: Lots 1 to 4 incl.
The area described aggregates 160.14 acres.
T. 3 S., R. 20 E.,
Sec. 9: Lots 1 to 12 incl.;
Sec. 15: Lots 1 to 8 incl.
The area described aggregates 808.60 acres.
T. 3 S., R. 22 E.,
Sec. 17: Lots 1 to 3 incl., NE¼SE¼.
The area described aggregates 154.26 acres.
T. 3 S., R. 23 E.,
Sec. 21: Lots 1 to 7 incl., S½NE¼, SW¼NW¼, W½SW¼.
The area described aggregates 494.00 acres.

4. Land use characteristics:

SAN BERNARDINO MERIDIAN, CALIFORNIA

The lands in T. 2 S., R. 23 E., lie on the southern edge of the Riverside Mountains in an extremely broken area where the vegetation is very sparse, consisting of creosote bush and annual grasses.

The lands in T. 3 S., R. 19 E., lie along the westerly slope of the Little Maria Mountains, cut by numerous washes therefrom. The vegetation is sparse, consisting of creosote bush and ironwood.

The lands in T. 3 S., R. 20 E., lie along the eastern slope of the Little Maria Mountains. The land is fairly level but cut by a number of washes. Vegetation consists mainly of creosote bush, ironwood, and annual grasses.

The lands in T. 3 S., R. 22 E., lie on the northern edge of the Big Maria Mountains. They are fairly level except for the SW¼ which is cut by small dry washes. Vegetation consists of creosote bush, ironwood and annual grasses.

The lands in T. 3 S., R. 23 E., are a part of Quien Sabe Point, an extremely rough and broken area. There is almost no vegetation except for some annual grasses in the wash bottoms.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Riverside, California.

ROLLA E. CHANDLER, *Manager, Riverside Land Office.*

[F.R. Doc. 62-3000; Filed, Mar. 28, 1962; 8:47 a.m.]

[Group No. 454]

CALIFORNIA

Notice of Filing of Plats of Survey

MARCH 20, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Riverside, Calif., effective at 10 a.m., March 28, 1962.

MT. DIABLO MERIDIAN

T. 20 S., R. 44 E.,
Sec. 33: Lots 1 to 4 incl., E½NE¼, E½SE¼;
Sec. 34: All.

The area described aggregates 957.54 acres.

T. 21 S., R. 44 E.,
Sec. 3: Lots 3 to 7 incl., SE¼NE¼, E½SE¼.

The area described aggregates 317.60 acres.

2. The following described lands are withdrawn for the Indians of Indian Ranch, by PLO 92, "K" 3-28-28 under provisions of the Act of March 3, 1928.

MT. DIABLO MERIDIAN

T. 20 S., R. 44 E.,
Sec. 33: Lots 3, 4, E½SE¼;
Sec. 34: NW¼, NW¼SW¼.
T. 21 S., R. 44 E.,
Sec. 3: Lot 4.

The area described aggregates 398.41 acres.

3. The following described lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights and the requirements of applicable laws, rules, and regulations:

MT. DIABLO MERIDIAN

T. 20 S., R. 44 E.,
Sec. 33: Lots 1, 2, E½NE¼;
Sec. 34: E½, SW¼SW¼, E½SW¼.
T. 21 S., R. 44 E.,
Sec. 3: Lots 3, 5, 6, 7, SE¼NE¼, E½SE¼.

The area described aggregates 876.73 acres.

4. Land use characteristics:

MT. DIABLO MERIDIAN

The lands in both Ts. 20 and 21 S., Rges. 44 E., are extremely rough and mountainous. They are cut by numerous washes which are a part of the drainage of the Panamint Mountain Range.

Vegetation is sparse, except for creosote bush and annual grasses in the canyon bottoms.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Riverside, California.

ROLLA E. CHANDLER, *Manager, Riverside Land Office.*

[F.R. Doc. 62-3001; Filed, Mar. 28, 1962; 8:47 a.m.]

[049522, 049538]

MONTANA

Order Providing for Opening of Public Lands

MARCH 23, 1962.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN MONTANA

T. 24 N., R. 32 E.,
Sec. 9: W½;
Sec. 11: SE¼SW¼, SW¼SE¼;
Sec. 14: NW¼, SW¼SW¼;
Sec. 23: W½NW¼;
Sec. 24: NW¼.
T. 25 N., R. 33 E.,
Sec. 34: N½.
T. 12 N., R. 14 W.,
Sec. 27: E½W½.

The areas described aggregate 1,320 acres.

2. The lands in T. 24 N., R. 32 E., and T. 25 N., R. 33 E., P.M., Montana, above described are located 50 miles southeast of Malta, Montana, in Phillips County. The topography ranges from flat to steeply rolling grasslands with silt and alkaline clay loam soils supporting the native grasses. There is no commercial timber on these tracts and they are not suitable for farming.

3. The E½W½ Sec. 27, T. 12 N., R. 14 W., P.M., Montana is very steep sloping timbered lands dissected by barren and rocky grassland areas. Soils are shallow over exposed rock with moderate erosion. The tract is located 4 miles north of Bearmouth, Montana, in Granite County, and is accessible by a logging road adjoining Bear Creek Road. The surrounding lands are also timbered. This tract is not suitable for farming due to steep slopes and broken topography. Past use has been for timber production, grazing and watershed protection.

4. No application for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its own merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on April 27, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands in which the Government has mineral rights have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

6. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries regarding the lands shall be addressed to Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. R. RIGTRUP, *Manager, Land Office.*

[F.R. Doc. 62-3002; Filed, Mar. 28, 1962; 8:47 a.m.]

[No. 62-11]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 19, 1962.

The Federal Aviation Agency has filed an application, Serial No. Oregon 010418, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws. Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for VORTAC Facility purposes.

The applicant desires the land for the establishment of the John Day, Oregon, VORTAC Facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 11 S., R. 25 E.,
Sec. 3: Lots 3 and 4, S½NW¼.

The total area is 164.88 acres.

RUSSELL E. GETTY, *State Director.*

[F.R. Doc. 62-3003; Filed, Mar. 28, 1962; 8:47 a.m.]

[No. 62-13]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 19, 1962.

The Assistant Secretary, Department of Agriculture, has filed an application, Serial No. 012067, for the withdrawal of the lands described below, subject to valid existing rights, from location and entry under the general mining laws.

The applicant desires the lands withdrawn to fully protect the scenic values and the existing recreational improvements in the areas not included in the present withdrawn lands along the Lostine River and the Imnaha River in the Wallowa National Forest, Oregon.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

WALLOWA NATIONAL FOREST

Lostine River Roadside and Riverfront Zone

T. 3 S., R. 43 E.,
Sec. 36: NE¼SW¼, S½SE¼, NW¼SE¼.
T. 4 S., R. 44 E.,
Sec. 5: SW¼SW¼.

Imnaha River Roadside and Riverfront Zone

T. 5 S., R. 47 E.,
Sec. 18: SE¼NW¼, E½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 25: N½NW¼, N½N½NE¼;
Sec. 26: N½NE¼, N½N½NW¼;
Sec. 27: N½N½NE¼, N½NE¼NW¼.

The total area aggregates 700 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-3004; Filed, Mar. 28, 1962; 8:47 a.m.]

[No. 62-14]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 19, 1962.

The Bureau of Land Management has filed an application, Serial No. Oregon 012261, for the withdrawal of the lands described below, subject to valid existing rights:

1. From all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874), nor lease or sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, nor lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 68 Stat. 173; 43 U.S.C. 869), as amended, nor lease, permits, or easements for public works under the Act of September 3, 1954 (63 Stat. 1146; 43 U.S.C. 931c, 931d); and

2. From all forms of appropriation under the public land laws, except the mining and mineral-leasing laws, the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended, leasing under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, lease, permits, or easements for public works under the Act of September 3, 1954 (63 Stat. 1146; 43 U.S.C. 931c, 931d), and disposal of forest products under the Act of August 29, 1937 (50 Stat. 874).

The applicant desires these lands for the protection and preservation of scenic and recreational values of the lands adjacent to the Rogue River and its tributaries. Recent studies in connection with the Rogue River Withdrawal and Public Land Order 1726 have shown that these tracts were not included in the original withdrawal.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in paragraph numbered 1 are:

WILLAMETTE MERIDIAN, OREGON

O&C LANDS

T. 33 S., R. 8 W.,
Sec. 33: Lot 8.
T. 34 S., R. 8 W.,
Sec. 25: SE¼SW¼.

The areas described aggregate 89.48 acres.

WILLAMETTE MERIDIAN, OREGON

PUBLIC DOMAIN

T. 35 S., R. 8 W.,
Sec. 1: Lot 4 (Exclusive of MS 865).
T. 36 S., R. 3 W.,
Sec. 11: Lots 10, 12, 13.

The areas described aggregate 92.02 acres.

The lands in paragraph numbered 2 are:

WILLAMETTE MERIDIAN, OREGON

O&C LANDS

T. 34 S., R. 8 W.,
Sec. 2: N½SW¼;
Sec. 3: Lots 1, 2, S½NE¼;
Sec. 13: Lot 14, NE¼SE¼.

The areas described aggregate 290.22 acres.

The total area described above aggregates 471.72 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-3005; Filed, Mar. 28, 1962; 8:47 a.m.]

Office of the Secretary

KARL H. KINDELBERGER

Notice of Appointment and Statement of Financial Interests

MARCH 14, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Karl H. Kindelberger.

Name of employing agency: Department of the Interior, Office of the Assistant Secretary—Water and Power Development.

The title of the appointee's position: Consultant.

The name of the appointee's private employer or employers: Ohio Power Company, 301 Cleveland Avenue SW., Canton 2, Ohio.

The statement of "financial interests" for the above appointee appears below.

STEWART L. UDALL,
Secretary of the Interior.

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on March 20, 1962, as Consultant, Office of Assistant Secretary for Water and Power an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stock, bonds, or other financial interests:

American Electric Power Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

KARL H. KINDELBERGER.

MARCH 20, 1962.

[F.R. Doc. 62-3007; Filed, Mar. 28, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Amdt .2 to Taylor's I.C.C. Order 133]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND SOUTHERN RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 133 (the Louisville and Nashville Railroad Company and the Southern Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 133 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., August 15, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-3055; Filed, Mar. 28, 1962; 8:52 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37621: *Iron and steel articles to Cedars and Greenville, Miss.* Filed by Illinois Freight Association, Agent (No. 159), for interested rail carriers. Rates on plates or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated, also strip steel, noibn, in carloads, from Chicago, Ill., and points grouped therewith, Joliet and South Chicago, Ill., Gary and Indiana Harbor, Ind., to Cedars and Greenville, Miss.

Grounds for relief: Barge and barge-truck competition.

Tariff: Supplement 23 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37622: *Fresh vegetables from Foley, Ala.* Filed by O. W. South, Jr., Agent (No. A4165), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in straight or mixed carloads, from Foley, Ala., and points grouped therewith, to Morganfield, Ky., Fayetteville, Newport, and Salisbury, N.C., Chester and Coosaw, S.C., Quantico and Williamsburg, Va., and points grouped therewith.

Grounds for relief: Rate relationship and grouping.

Tariff: Supplement 9 to Southern Freight Association tariff I.C.C. S-178.

FSA No. 37623: *Wrought iron pipe from Anniston, Ala.* Filed by O. W. South, Jr., Agent (No. A4164), for interested rail carriers. Rates on wrought iron or steel oil company tubular goods and line pipe, as described in the application, in carloads, from Anniston, Ala., to Almeda, Houston, and Pierce Jct., Tex.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 264 to Southwestern Freight Bureau tariff I.C.C. 4116.

FSA No. 37624: *Methanol from Geismar, La., to Demopolis, Ala., and River Terminal, N.C.* Filed by O. W. South, Jr., Agent (No. A4166), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads, from Giesmar, La., to Demopolis, Ala., and River Terminal, N.C.

Grounds for relief: Barge and barge-truck competition.

Tariff: Supplement 305 to Southern Freight Association tariff I.C.C. 400.

By the Commission.

HAROLD D. MCCOY,
[SEAL] *Secretary.*

[F.R. Doc. 62-3034; Filed, Mar. 28, 1962; 8:49 a.m.]

[Notice 615]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64838. By order of March 23, 1962, the Transfer Board approved the transfer to Deb Trucking Corp., a corporation, Newark, N.J., Permits Nos. MC 88471 and MC 88471 Sub 4, both issued April 19, 1955, to Francilli Carriers, Inc., Newark, N.J., authorizing the transportation of frozen eggs, in barrels and cans in liquid form, fresh eggs in cases, and empty cans, between New York, N.Y., and Philadelphia, Pa., serving intermediate points between New York and Elizabeth, N.J.; canned and bottled foods, over irregular routes, from Newark, N.J., to points in Delaware, Maryland, Pennsylvania, and the District of Columbia, within 125 miles of Bridgeton or Winslow, N.J.; from Bridgeton and Winslow, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, within 125 miles of Bridgeton and Winslow, and rejects on return; commodities used or useful in canning and bottling of foods, from New York, N.Y., Jersey City, N.J., Philadelphia, Pa., and Baltimore, Md., to Winslow and Bridgeton, N.J.; spices, salt, sugar, and glass containers, from Philadelphia, Pa., to Bridgeton, N.J.; empty tin cans, from Baltimore, Md., to Bridgeton, N.J.; canned goods, from Bridgeton, N.J., to Camden, N.J., New York, N.Y., Philadelphia, Allentown, Lancaster, Easton, Norristown, Pottstown, Pittston, and Chester, Pa., Wilmington, Del., and Baltimore, Md.; and such merchandise as is dealt in by wholesale and retail grocery and food business houses, between points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y. A. David Millner, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

HAROLD D. MCCOY,
[SEAL] *Secretary.*

[F.R. Doc. 62-3035; Filed, Mar. 28, 1962; 8:49 a.m.]

[Rev. S.O. 562, Amdt. 6 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-3056; Filed, Mar. 28, 1962; 8:52 a.m.]

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PART II

FEDERAL REGISTER

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1051]

[Docket No. AO–329]

MILK IN MADISON, WISCONSIN MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Madison, Wisconsin, on May 15–18, 1961, pursuant to notice thereof issued April 25, 1961, (26 F.R. 3715), upon a proposed marketing agreement and order regulating the handling of milk in the Madison, Wisconsin, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 22, 1961 (26 F.R. 12591; F.R. Doc. 61–12296), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Madison, Wisconsin marketing area, includes all the territory within the Wisconsin counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

Milk handled in the marketing area moves in many forms over State lines. Milk processed and packaged at plants located in Illinois, Iowa and Minnesota is regularly distributed on routes in the recommended marketing area. A number of handlers who would be regulated under the proposed order distribute fluid milk products in Illinois, Iowa and Minnesota. During months of seasonally low production milk is transported from Madison to points as far south as Florida.

Substantial quantities of milk and cream in excess of local fluid requirements are used locally for manufacturing purposes or are shipped to manufacturing plants at other locations in the Chicago milkshed. These various outlets manufacture such dairy products as hard cheese, ice cream mix, butter and nonfat dry milk. A substantial portion of such products is moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Madison, Wisconsin, marketing area justify the issuance of a marketing agreement and order.

There is no over-all plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, requires that some of the Grade A milk produced for the market be disposed of in manufacturing channels. This excess milk must be manufactured into hard cheese, butter, nonfat dry milk, frozen dessert mix, and similar products which are sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from

surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the recommended marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a marketwide classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the market have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised. Producer prices established by handlers without consideration of the use made of such milk is one of the causes of instability and uncertainty in the production area of the market.

Approximately 30 handlers who would be regulated by the proposed order receive milk from about 750 Grade A dairy farmers.

The Madison Milk Producers Cooperative Dairy, a cooperative association of approximately 380 Grade A producers, supplies a substantial portion of the Grade A milk requirements of the market on a year-round basis. Milk in excess of fluid requirements is utilized by the cooperative at its plant in the production of ice cream and various styles of American and foreign-type cheeses. For a number of years, the Madison association has sold milk on a classified use basis, pooling the returns from such sales to its membership. During 1959, the average utilization in Class I and Class II (cream) in the association pool was 64.5 percent of Grade A receipts. For the year 1960, such utilization averaged 63.5 percent. The weighted average price paid by the association for milk containing 3.5 percent butterfat averaged $3.58 and $3.83 during 1959 and 1960, respectively. During the two-year period, monthly pay prices to producers ranged from $3.32 to $4.00.

The La Crosse Milk Producers Association, representing about 150 Grade A producers, also returns to its members the proceeds from milk sold on the basis of the utilization by handlers receiving such milk. Handlers are charged negotiated Class I and Class II prices and a base and excess plan is used in paying producers. Member milk utilized for fluid purposes averaged 78.6 percent and 73.2 percent of Grade A receipts in 1959 and 1960, respectively, and the weighted average prices to producers on a 3.5 percent butterfat basis averaged $3.65 and $3.68, respectively, in these years.

Buying practices in the market are tending to impair and threaten to destroy the effectiveness of the program operated by the Madison and La Crosse cooperative associations. Although their buying handlers continue to pay the producer associations for milk purchased on a classification basis, the buying handlers' competitors do not. It is not uncommon for these handlers to use the pay prices of the major cooperative associations as a basis for paying their producers. The milk utilized by many such handlers is predominantly for Class I purposes, although their pay prices reflect the lower Class I utilization ratios of the producer associations, who bear the burden of surplus in the market. Consequently, while the major handlers in Madison and La Crosse are buying milk on a classified price basis, handlers with whom they compete purchase milk for Class I purposes at prices comparable to the associations' blend prices.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing area have not been successful. Producers contend that only a Federal milk marketing order, applicable to all handlers serving the market, can bring about orderly marketing and stability in the sales areas served by their buying handlers.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. However, these data are incomplete with regard to the over-all receipts and utilization of milk and milk products in the region. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of a marketing agreement and order for the recommended marketing area would contribute substantially to the improvement of many of the conditions in this market and would tend to effectuate the declared policy of the Act. The adoption of a classified pricing plan based on the audited utilization of handlers for milk purchased from producers and a fair division among producers of the proceeds from the sale of their milk will promote pricing stability and orderly marketing in the area. Moreover, the procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various provisions of the order should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This can best be accomplished by providing specific definitions to describe the area involved and to prescribe the categories of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Madison, Wisconsin marketing area should include all the territory within the Wisconsin counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

The 1960 census population of Madison was 127,000 and of La Crosse 48,000. Other cities in the proposed area range from 5 to 10 thousand persons.

Madison and La Crosse are the principal points at which milk from producers is processed and packaged for distribution throughout the marketing area. Two of the three handlers whose plants are in Madison receive their milk requirements from the Madison producer association. The other receives milk from about 50 producers. All five handlers in the city of La Crosse receive their milk supply from the producer-members of the La Crosse association.

The aggregate sales area of these eight handlers includes the 13 Wisconsin counties recommended herein as the marketing area. In these counties, the eight handlers compete with handlers regulated by the Chicago, Milwaukee, Northeastern Wisconsin, and Quad Cities-Dubuque orders and about 20 presently unregulated handlers whose sales areas are relatively more limited.

Two Madison handlers account for a substantial proportion of the fluid milk products distributed in the 7 counties of Columbia, Crawford, Dane, Grant, Green, Iowa, and Lafayette. These handlers have approximately 44 percent of the distribution in Columbia County, 49 percent in Crawford, 59 percent in Dane, 68 percent in Grant, 38 percent in Green, 48 percent in Iowa and 42 percent in Lafayette. These two handlers are supplied by the Madison Milk Producers Association. The third Madison handler accounts for approximately 14 percent of the total sales in Dane County and the remainder is distributed by three handlers with plants at Baraboo in Sauk County.

Distribution in these seven counties is made in direct competition with handlers who would otherwise be regulated by the proposed order and handlers now regulated by adjoining Federal orders. Chicago order handlers distribute a significant portion of the total fluid milk sales in six of these counties from plants at Chemung, Illinois; Kansasville (through a distribution station at Watertown, Wisconsin), North Prairie and Portage, Wisconsin. Chicago order handlers have 41 percent of the distribution in Columbia County, 18 percent in Dane, 9 percent in Grant, 62 percent in Green, 8 percent in Iowa and 57 percent in Lafayette County.

Handlers under the Northeastern Wisconsin, Milwaukee, and Quad Cities-Dubuque orders distribute approximately 15 percent of the total sales in Columbia County, 5 percent in Crawford, 4 percent in Dane, 15 percent in Grant and 1 percent in Lafayette County.

Several other handlers distribute in this area who would otherwise be subject to regulation because of sales in adjacent counties. Crawford County is also served by a handler from a plant in La Crosse. This handler distributes about 30 percent of the total Crawford County sales in competition with Madison handlers and two local handlers with plants at Richland Center and Prairie du Chien. The local handlers account for 17 percent of the sales in Crawford County.

Three handlers from plants at Cassville, Platteville and Richland Center account for the remaining 8 percent in Grant County. The handler at Richland Center also distributes in Iowa County, competing with the three Madison handlers and with a handler who from his plant at Dodgeville makes about 40 percent of the sales in Iowa County.

In the six counties of Juneau, La Crosse, Monroe, Richland, Sauk and Vernon, Madison handlers compete with La Crosse handlers as well as local handlers.

Five handlers from plants in the city of La Crosse compete in La Crosse County with handlers operating plants at Holman, Sparta (Monroe County), Black River Falls (Jackson County) and Whitehall (Trempealeau County), Wisconsin. In addition, fluid milk products are distributed on routes in La Crosse County from a plant at Winona, Minnesota. Two producer-handlers also serve the La Crosse area.

Juneau County is served by two La Crosse handlers who compete with handlers operating plants at Mauston and New Lisbon (Juneau County), Tomah (Monroe County) and Wisconsin Dells (Columbia County).

Monroe and Vernon Counties are served primarily by two La Crosse handlers in competition with handlers whose plants are located at Sparta, Tomah, Richland Center, and Viroqua.

Seventy-five percent of the distribution in Richland County emanates from a plant at Richland Center. A Madison handler accounts for about 20 percent of the distribution and the remainder is from a plant at Baraboo.

In Sauk County a Madison handler accounts for 48 percent of the distribution, a La Crosse handler 27 percent and local handlers 21 percent. The remainder is from a Chicago order plant at Chemung, Illinois.

There was no opposition to including any of the proposed counties in the Madison marketing area. In addition to the 13 counties herein recommended, 4 other counties were proposed for inclusion in the marketing area. These are Adams, Green Lake, Marquette, and Waushara. They are located on the northeastern corner of the recommended marketing area and are near the Northeastern Wisconsin order marketing area. Only one handler who would be regulated under the proposed Madison order has distribution in this four-county area. Moreover, sales by this handler from a plant at Wisconsin Dells are limited to one of the four counties. This territory generally represents a sales area for Northeastern Wisconsin and Chicago order handlers. One Northeastern Wisconsin order handler has distribution throughout the four-county area and a Chicago order handler distributes in Green Lake, Marquette and Waushara Counties.

The inclusion of these four counties is neither necessary nor desirable to effectuate orderly marketing in the proposed Madison marketing area, particularly since most of the milk sold in these counties is priced under other orders.

So there will be no doubt as to the intent of the application of the marketing area definition in the proposed order, the Madison marketing area should include territory within such area which is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk or an approval by specified health authorities. Such a method for determining which plants shall be subject to regulation would not provide a sound basis for administering the order for the Madison marketing area.

Essential to the operation of an order is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether plants and producers choose to supply the Madison order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs and alternative outlets.

Performance standards should be such that any plant which supplies a substantial proportion of its Grade A receipts to the Madison market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually or incidentally associated with the order market should not be subject to complete regulation in this market. Neither should they be permitted nor required to equalize their sales with all plants in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of an entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and regulated merely by making a token shipment of milk or cream into a market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, would not represent a dependable source of milk supply for this market. If such a plant, by selling a token quantity of Class I milk in the Madison marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the pool. Such a distribution of equalization payments would reduce the blend price to producers regularly supplying the market, thereby adversely affecting the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I to a retail or wholesale outlet other than a milk plant or a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered a route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

In order to qualify as a pool plant under this order, a distributing plant should be required to distribute at least 10 percent of its total Grade A receipts during the month as Class I milk on routes in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area of this order or in other outlets should not be considered as essentially associated with this market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation would not be necessary to accomplish the purposes of the order and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be quali-

fied as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on a distributing plant. This is that its route distribution of Class I milk (both inside and outside the marketing area) must amount in any month to not less than 50 percent of its total receipts of Grade A milk. This represents an increase from the 35 percent in the recommended decision. Exceptions to that decision emphasized that none of the distributing plants now associated with this market would require the low 35 percent standard for pool status and that it would be inappropriate in this market to qualify as a pool plant any distributing plant from which less than half of its Grade A receipts were disposed of on routes. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

An exceptor requested that shipments of fluid milk products to distributing pool plants be considered as a route disposition of Class I milk for the purpose of meeting the requirement of distributing 10 percent of plant receipts on routes in the marketing area. Inclusion of such fluid milk shipments as Class I route distribution would enable any plant to obtain pool plant status by making a token delivery of packaged fluid milk products in the marketing area and could adversely affect producers regularly associated with the market. The request therefore is denied.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Handlers operating such plants should be required to file reports, make their records available for audit by the market administrator, and be subject to payments hereinafter discussed, if they are not fully subject to regulation.

A distributing plant of a state educational institution operated primarily for research and instructional purposes should be excluded from pooling under the order. Such a plant is operated by the University of Wisconsin in Madison. Distribution of fluid milk products from this plant result from research and instruction in dairy technology and is generally limited to the university campus. Occasional disposition of such products off the campus is exclusively for research purposes.

In these circumstances, a clear distinction can be made between a dairy plant operated by an institution for research and educational purposes and a plant operating for commercial sale of fluid milk products. Fluid milk products disposed of from the University dairy are not a disruptive factor in the market and such disposition does not require application of the pricing and pooling provisions of the order to maintain the integrity of the regulatory plan.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the recommended marketing area is adequate on an annual basis for its needs. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers to keep their Class I outlets fully supplied. To assure that all producer milk will be available for Class I, supply plant performance standards should be set at levels which require that such milk will be available.

To qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered as primarily associated with this market.

If there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at local plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant previously qualified may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts in the immediately preceding period of September through November to distributing plants which are pool plants would thereby earn pool plant status for the months of March through June. As herein proposed, pool plant status for the months of March through June would automatically accrue to such supply plant unless the operator of the plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through June period.

A pool plant, or a distributing plant which is not a pool plant, should be defined as a "fluid milk plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the various order provisions as they apply to such plants, particularly as applied to distributing plants which are not pool plants.

Some handlers receive milk from both Grade A and ungraded sources. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. Proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

The Madison Milk Producers Association supplies a substantial portion of the milk which would be pooled under the order. This cooperative association maintains facilities for processing milk in excess of handler's requirements and assumes the responsibility for marketing such excess milk. Producer milk not needed by handlers is received at the association's plant where it is disposed of to other markets or manufactured into ice cream and various American and foreign-type cheeses. The cooperative association performs valuable services for the market in that it maintains an adequate supply of milk for the market's needs and assumes the responsibility for marketing all milk in excess of handler's requirements. Permitting the cooperative association, under certain conditions, to pool the returns from the sale of producer milk which moves directly to the association's plant will contribute substantially to orderly marketing.

The performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would be allowed to share in the marketwide pool. This can best be accomplished by designating as a pool plant any plant operated by a cooperative association which ships at least 50 percent of member-producer milk to other pool plants during the month. The plant of a cooperative association serving the market as herein described would acquire pool plant status for each month unless the cooperative association as the operator of such plant notified the market administrator that nonpool status had been elected for such plant on or before the first day of January of any year. Such plant would then be designated a nonpool plant for each month in such year during which it would not qualify as a pool plant based on its route distribution or on shipments to other plants.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more fluid milk plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant. A cooperative association which elects to be the handler with respect to the milk of its member producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such association should also be defined as a handler.

A handler, in his capacity as operator of one or more fluid milk plants, is the person who receives Grade A milk from dairy farmers or from a cooperative association as a handler on bulk tank milk and is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

Defining a cooperative association as the handler on bulk tank milk received at farms would promote a more efficient marketing by providing greater flexibility in the assignment and movement of this milk. As a handler for such milk, a cooperative would be required to report the quantities of such milk from each producer and the pool plants at which it was received. This information would be readily available to the cooperative and its reports in conjunction with the reports from pool plant operators will enable the market administrator to establish the quantities of producer milk to be accounted for at each pool plant.

A handler operating more than one pool plant or nonpool distributing plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a person operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Producer. Producer should mean any person, except a producer-handler, or a dairy farmer whose milk is received at the plant of a state educational institution who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

Fluid milk product. Fluid milk product should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Producer milk. Producer milk should be defined as all skim milk and butterfat contained in Grade A milk received at a pool plant directly from dairy farmers or from a cooperative association as a handler on bulk tank milk. Producer milk would also include milk diverted from a pool plant to a nonpool plant under certain conditions.

It would be inappropriate to consider as producer milk any milk moved from a farm directly to a plant subject to the classification and pricing provisions of another order issued pursuant to the Act. Diversion to such plants, if permitted, could result in the pricing and pooling of the same milk under two orders.

Because of the exempt status provided by the order for the plant of a state educational institution, milk received at a pool plant from a dairy farm from which milk is received at a plant of a state educational institution during the same month would not be considered as producer milk. To do otherwise would enable surplus milk from such farms to share in the pool at its blend prices at the expense of producers regularly associated with the market.

Milk transferred to a fluid milk plant from another plant should not be included in the producer milk definition at the fluid milk plant. When receipts at a shipping plant are from Grade A dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from Grade A dairy farmers, from other sources or both.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are highest will contribute to this end. Unlimited diversion is neither necessary nor desirable under a marketwide pool during the other months of the year when milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

The recommended order should provide that producer milk regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant at any time during the flush production months and retain producer milk status under the order. In other months such producer milk status for diverted milk should be limited to a quantity not greater than the quantity of producer milk that was delivered to a pool plant from such farm. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of the order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler should be classified as Class I milk. Any supplemental supplies of milk which may be obtained from pool plants may, by virtue of the type of operation involved, be presumed to be

needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received by handlers directly from Grade A dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and to apply the classified pricing plan.

The products included in Class I milk are required by health authorities in the marketing area to be obtained from milk or milk products from "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at a level which will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream and any mixture in fluid form of milk or skim milk and cream (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed metal containers); and skim milk and butterfat not accounted for as Class II milk.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be included as Class I milk. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed metal containers would not be considered as concentrated milk.

Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product. Class I classification would apply to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in the proposed marketing area.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts; eggnog, aerated cream products, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk.

The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk. The cities of Madison and LaCrosse have ordinances with respect to Grade A milk used in cottage cheese. Cottage cheese made from ungraded milk is distributed in all other portions of the recommended marketing area in competition with cottage cheese made from Grade A supplies. Cottage cheese made from ungraded milk can be distributed in Madison and LaCrosse if the container does not bear a Grade A label.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to produeers. The attached order provides for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in bulk and packaged fluid milk products. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at a plant at the beginning of any month during which such plant becomes a regulated plant for the first time should be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer milk receipts to current Class I use.

Skim milk in fluid milk products dumped or sold for livestock feed should be classified as Class II milk. Such outlets often represent the most efficient means for disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small quantities of unneeded skim milk to trade outlets for surplus skim milk.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed of for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (except that diverted to a nonpool plant or on which a cooperative association is the handler), plus 1.5 percent of producer receipts from a cooperative as a handler and bulk fluid milk products from pool plants and less 1.5 percent of bulk fluid milk products transferred to other plants. However, if a handler receiving bulk tank milk from a cooperative association as a handler notifies the market administrator that he is purchasing such milk on the basis of farm weights, the allowable shrinkage should be 2.0 percent.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on milk diverted to nonpool plants.

There should be no limitation on the classification of shrinkage of other source milk as Class II milk. It was not shown that such limitation is necessary under the proposed order to adequately safeguard producer milk priority in Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferree plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk has been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless the operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant may not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from the regulated plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this or other orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under the Madison order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provision of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk, skim milk, and cream transferred or diverted to nonpool plants located more than 150 miles by the shortest highway distance from the nearer of the City Halls of La Crosse and Madison. The area thus described is adequate to dispose of milk, skim milk, and cream not needed by order handlers for Class I purposes. Milk, skim milk and cream moving greater distances are normally for Class I use.

Limiting the area in this manner will protect the diversion provisions of the order. A larger area than that provided could encourage handlers to associate by diversion additional producers with the market permitting them to share in the marketwide pool while most of the milk of such producers could be withheld from fluid uses and be used for Class II purposes at unregulated plants not a part of this market.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order provides for determining the value of Grade A milk receipts from dairy farmers at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has other receipts of butterfat or skim milk, to determine the order of assignment of milk from all sources to each classification.

The milk of dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

Packaged fluid milk products subject to pricing under another Federal order should be allocated to Class I milk. This will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant or imported through a plant regulated under the proposed order.

In general, the allocation procedure requires that skim milk and butterfat, respectively, in each plant be assigned to producer milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages (containers not larger than a gallon) subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

(c) *Class prices.*

Class I price. The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the recommended marketing area have a direct realtionship to the prices paid for milk used for manufacturing purposes.

Differentials over manufacturing milk prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Proper recognition must be given to the prices at which alternative sources of supply are available, particularly since any milk plant wherever located may by meeting the prescribed qualifications become a pool plant under the proposed order. It is necessary, therefore, that the Class I price under this order be at levels which will not bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

The predominant overlapping of sales and production areas of the proposed order is with the Chicago order. Sales are also made in the proposed Madison marketing area by handlers regulated under other nearby orders.

Primary consideration should be given to the location of the Madison area in the Chicago milkshed in establishing the Madison Class I price level. The Milwaukee marketing area, also located in the Chicago milkshed, has a Class I price structure closely aligned with that of Chicago. Providing such alignment for the proposed Madison order is no less appropriate.

The buying and selling prices of handlers under the Chicago order are important factors in determining the availability of supplies and the prices which will be paid for milk in the Madison marketing area. The Chicago milkshed is an area of heavy milk production and milk from plants in this milkshed is shipped great distances, principally in bulk. Packaged fluid milk products also are sold over a wide area from the plants of Chicago handlers in competition with milk distributed by Madison handlers. Such packaged products are distributed regularly by Dean Milk Company on routes in the city of Madison, a distance of 85 miles from its plant in Chemung, Illinois. The Pure Milk Association from a plant at Kansasville, Wisconsin, moves packaged products regularly to its distributing station in Watertown, Wisconsin. Such products are then distributed on routes in the Madison marketing area.

Chicago supply plants are located throughout the proposed Madison marketing area. These plants, located 70 to over 355 miles from Chicago (Zones 2 to 21), represent potential sources of supply for handlers who would be regulated by the Madison order.

The Chicago order Class I price per hundredweight of milk containing 3.5 percent butterfat is computed by adding a differential to a basic formula price and adding or subtracting a supply-demand adjustment. The Class I differential added to the basic formula price averages 90 cents on an annual basis at plants in the zone 55–70 miles from the Chicago City Hall.

A decision of the Under Secretary issued February 21, 1962 (of which official notice is taken), provides that the Chicago order basic formula price should be the average of the prices paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department. Such basic formula price, which is an appropriate measure of the value of milk produced for manufacturing purposes throughout this area, should be used in this order to obtain the necessary alignment of Class I milk prices in the area.

Producers proposed that the Class I price for milk received from dairy farmers at plants in the marketing area be the Chicago Class I price (55–70 mile zone) plus 9 cents. This price would be decreased by a location adjustment applicable only to plants located outside the marketing area. This level of prices would tend to create disalignment of prices at plants under this and the Chicago order.

Class I prices under this order should recognize that the Chicago order prices, adjusted for location throughout the milkshed, are an important factor in pricing milk in this region. The Madison marketing area is in the milkshed of the Chicago market. These markets are so interrelated that a close correlation of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets.

The Madison Class I price should be established at an annual average of 88 cents above the basic formula price. The Class I price thus obtained would be increased or decreased by the supply-demand adjustment employed under the Chicago order.

Madison, which is approximately 140 miles from Chicago, is the principal city from which milk is distributed in the proposed marketing area. The Class I price should be announced for milk received at plants 70 to 145 miles from Chicago (Chicago Zones 2–6). The plants of the principal distributors in Madison are in this territory. It represents the heaviest concentration of producer deliveries and the principal point from which fluid milk products are distributed throughout the marketing area. The Class I prices at other locations should be adjusted by location differentials as hereinafter set forth.

The Chicago order Class I price differential of 90 cents is varied seasonally. Similar seasonality of pricing should be followed in this order. The Madison differential should provide $1.08 August through November, 68 cents March through June and 88 cents in all other months.

The Madison price as recommended will provide appropriate alignment with the Chicago Class I price after giving consideration to the relative hauling costs to Madison from the various nearby Chicago order plants and will not place Madison handlers at a disadvantage in competing for sales with handlers regulated by the Chicago order.

Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture. This will provide a Class II price at the same level as the price for reserve milk under the Chicago order. Official notice is taken of the amendment to the Chicago order effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price under the Chicago order.

The pricing of reserve milk herein recommended will reflect the competitive value of reserve milk utilized for manufacturing purposes in the area.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is equally necessary. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Producers proposed that the price for Class II milk be the higher of the average prices paid by specified Midwestern condenseries or the price computed by a butter-powder formula. The butter-powder price proposed would be computed by subtracting 75.2 cents from the sum of the amount obtained by: (1) multiplying by 4.24 the average of the daily wholesale prices of Grade AA (93-score) butter at Chicago during the month, and (2) multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk at manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month to the 25th day of the current month.

Certain shortcomings are currently involved in the use of a butter-powder formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter and powder production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. Furthermore, formula pricing tends to lag behind changes in costs and technology which could not be reflected in the formula price until appropriate order amendment action could be made.

Formula prices, which are derived from specific product prices are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960, the Midwest condensery prices, in response to increased competition for manufacturing supplies, exceeded the proposed butter-powder prices by 24, 35, 41 and 50 cents, respectively. During the same period of 1959, the butter-powder formula exceeded the Midwest condensery price by two cents in September and during October through December, the Midwest condensery price exceeded the butter-powder price by eight, seven and sixteen cents, respectively.

The competitive pay price series proposed as an alternative in determining the Class II price is the Midwest condensery price series. Currently prices are received from only nine locations, two in Michigan and seven in Wisconsin. Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company or group of companies can have a significant influence upon the level of prices.

The proposed butter-powder formula price in the four-year period of 1957–60 averaged $2.91. The Midwest condensery pay price for the four years averaged $3.07. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis by the Chicago order producer butterfat differential averaged $3.06 for the four-year period.

During 1960 the average of each of these price series per hundredweight of 3.5 percent milk was: butter-powder $2.86, Midwest condensery $3.15, and the Minnesota-Wisconsin manufacturing grade milk price $3.12.

The average of the prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since the recommended class prices are announced on a 3.5 percent butterfat basis, it is appropriate that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.120. This differential is used for this purpose under the Chicago order.

Butterfat differentials. Separate classification of skim milk and butterfat herein recommended requires that the Class I and Class II prices be adjusted in accordance with the average butterfat content of milk in each class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I and 0.115 for Class II milk will provide appropriate means for adjusting the prices in this market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. The method herein recommended for adjusting the value of milk by a butterfat differential for varying butterfat tests will result in reasonable price alignment for milk of the same butterfat content.

The various proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential herein recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential of 11.5 percent of the Chicago butter price herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create.

To coordinate the Class I price and Class I butterfat differential announcement date, the Class I differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

Location differentials. Location differentials should be incorporated in the order to provide an appropriate adjustment of the Class I and uniform prices based on the location of any plant at which producer milk is received.

The Class I price for this market is related to the Class I price under the Chicago order. The Chicago Class I price at plants more than 70 miles from Chicago is reduced by a location adjustment at a rate of 2 cents for each additional 15 miles or fraction thereof plants are located beyond 70 miles from Chicago. Thus, the Chicago location adjustment at plants in the vicinity of Madison (Chicago Zone 6) is minus 10 cents and the adjustment at plants near LaCrosse (Chicago Zone 13) is minus 24 cents.

In the Class I discussion, it is indicated that Madison is the principal city from which milk is distributed throughout the proposed marketing area. As stated elsewhere, the announced Class I price would be applicable at plants 70 to 145 miles from the Chicago City Hall. The Class I price for milk received at a plant beyond the 145 mile radius would be decreased 2 cents for each 15 miles or fraction thereof that such plant is located more than 130 miles from the Chicago City Hall. For milk received at a plant less than 70 miles from the Chicago City Hall the Class I price would be increased 4 cents.

The location adjustment applicable at any plant in the marketing area of this order should not be more than 8 cents. Handlers operating plants at Madison and handlers from LaCrosse have extensive overlapping distribution in the portion of the marketing area between these two cities. Limiting the location differential adjustment in this manner will contribute to attaining appropriate alignment of Class I prices.

The Class I price recommended in this decision is closely related to the Class I price under the Chicago order, the milkshed of which is an area of heavy milk production. Plants in this milkshed, including those not regulated by that or-

der, frequently supply the Class I needs in markets at relatively long distances from Chicago. A number of plants under the Chicago order are potential and alternative sources of supply for handlers in the proposed marketing area. The South Central and Southwestern Wisconsin Counties are areas of relatively heavy milk production. An estimated 750 million pounds of milk was produced in Dane County alone in 1959. Six Chicago order supply plants are located in Dane County and approximately 12 in the other counties of the marketing area herein recommended. Another area of heavy milk production is in the Wisconsin counties bordering on the Minneapolis-St. Paul marketing area. A number of unregulated plants and 4 Chicago order plants are located in the counties of Barron, Chippewa and Dunn and are potential sources of supply for Madison handlers.

The location differential rates herein recommended are patterned after and are compatible with those applicable under the Chicago order. Such differentials recognize the geographical location of the Madison marketing area in relation to the Chicago market and milkshed by maintaining appropriate Class I price relationships under the orders. Such location adjustments are economically sound and representative of the cost of transporting milk to market by efficient means.

Uniform prices (except the uniform price for excess milk) paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he may be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant. Such assignment to the transferer plant should be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the Chicago City Hall.

Use of equivalent prices. If for any reason a price quotation required by these orders for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

Payments on unpriced milk. The recommended order should provide that payment be made into the producer-settlement fund on unpriced milk which is allocated to Class I milk at a pool plant.

Receipt of milk in excess of Class I disposition is necessary to cooperate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which order handlers may obtain milk. Order handlers could obtain such milk in substantial volumes from nonpool sources at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. The compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use.

The rates which are here found to be appropriate for the proposed order give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices for payments made in individual transactions. It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk received in the form of nonfat dry milk or condensed milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because concentrated milk products may be obtained from numerous sources and it would not generally be possible to ascertain at which plant location it originated.

A handler whose distributing plant (except the plant of a state educational institution) fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of the order will adequately protect the regulatory plan in this market. It is expected that the size of handlers who would use this option is relatively small and the prices these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Madison order handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Madison marketing area for Class I use at less than Class I prices.

A state educational institution should not be required to make compensation payments on fluid milk products which it as a handler disposes of on routes in the marketing area. Such disposition is either for research and educational purposes or results from milk so utilized. It was not shown that distribution by an institution such as the University of Wisconsin would have a disruptive influence on the handling of milk in the market or that full or partial regulation of such an operation is necessary to maintain the integrity of the regulatory plan.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the recommended order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market that he will receive a return based on his pro rata share of the total Class I sales of such market. The "blend" price that a producer receives during each month of July through February, will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such months. During each month of March through June, a "base and excess" plan should be used to distribute to producers payments for milk produced in such month. Although each handler will be required to pay uniform prices for producer milk in accordance with the classification of such milk, the minimum blend and base and excess prices to producers will be the same for all producers under the order irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Madison marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Producers proposed that a "base and excess" plan be incorporated in the order and that producers be paid uniform base and excess prices each month. Both the Madison and La Crosse associations have utilized base and excess plans in paying producer-members. These plans were used for a number of years to encourage dairy farmers to strive for more even production throughout the year. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries. Such a plan applicable to all producers under the order will tend to encourage more even production for the market throughout the year.

The base and excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October, and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for base milk and excess milk would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer during any of the months of March through June which is not in excess of an amount equal to the base of such producer multiplied by the number of days' production received at pool plants in such month. Class II disposition in the market would first be assigned to excess milk. If the aggregate Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess milk price increased accordingly.

The producer location adjustments herein recommended should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location adjustment is applicable, the producer price for excess milk should not be subject to the location adjustment provision of the order. The producer butterfat differential applicable to the uniform price should be used to adjust the uniform prices for base and excess milk.

September, October, and November are months of seasonally low production in this market and are the base-forming months under the Chicago order. It was proposed that August and December be included in the base-forming period. In view of the extensive overlapping of the Madison and Chicago milksheds, however, it would be inappropriate to provide for a base-forming period different from that in the Chicago order.

Base milk should not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act. This provision will reduce the opportunity for a handler with plants in other pools to transfer producers with wider seasonal variation in production to the Madison pool during the months of greatest seasonal production, thereby reducing the effectiveness of the seasonal incentive plan.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period because of unusual circumstances.

For a producer who does not deliver milk during the base-forming period, who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries to pool plants in such month by 60 percent for March, 55 percent for April and 50 percent for May and June. The above percentages are those provided in the Chicago order. They will allow new producers to share in the Class I market during the base-operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market. At the same time, the percentages will not be such as to invite substantial numbers of producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide sufficient time for the market administrator to complete the extensive work of calculating and announcing bases. Also, by being notified a half month before the beginning of the paying period, a producer will have reasonable advance notice of what his base will be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant was a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of calculating the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be

considered producer milk received at a pool plant.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Madison and Chicago milkshed overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm, unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provision should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. These provisions will facilitate the operation of the base and excess plan herein recommended.

The earliest date on which this order could become effective would be following the beginning of the base-paying period of March through June. Having base and excess provisions apply to producers without prior notice during the base-forming months could result in inequities among producers. It would be appropriate, therefore, to delay application of the base and excess provisions of the order to shipments of these producers until July 1, 1962.

Payments to producers. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 15th day after the end of each month.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sale of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association for milk received during the month on or before the 13th day of the following month.

At the time settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of marketwide uniform prices each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

(c) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administration, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool distributing plant (except the plant of a state educational institution), of Grade A milk received from dairy farmers on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the orders. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the Madison marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of his total receipts of Grade A milk from dairy farmers. In such instances the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses under the Madison order. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the order. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the order properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Madison, Wisconsin, Marketing Area", and "Order Regulating the Handling of Milk in the Madison, Wisconsin, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Madison, Wisconsin, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order [1] Regulating the Handling of Milk in the Madison, Wisconsin, Marketing Area

Sec.

1051.0 Findings and determinations.

DEFINITIONS

1051.1 Act.
1051.2 Secretary.
1051.3 Department.
1051.4 Person.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.

1051.5 Cooperative association.
1051.6 Madison, Wisconsin, marketing area.
1051.7 Producer.
1051.8 Distributing plant.
1051.9 Supply plant.
1051.10 Fluid milk plant.
1051.11 Pool plant.
1051.12 Nonpool plant.
1051.13 Handler.
1051.14 Producer-handler.
1051.15 Producer milk.
1051.16 Fluid milk product.
1051.17 Other source milk.
1051.18 Route.
1051.19 Base milk.
1051.20 Excess milk.
1051.21 Butter price.

MARKET ADMINISTRATOR

1051.30 Designation.
1051.31 Powers.
1051.32 Duties.

REPORTS, RECORDS AND FACILITIES

1051.35 Reports of receipts and utilization.
1051.36 Other reports.
1051.37 Records and facilities.
1051.38 Retention of records.

CLASSIFICATION

1051.40 Skim milk and butterfat to be classified.
1051.41 Classes of utilization.
1051.42 Shrinkage.
1051.43 Responsibility of handlers and reclassification of milk.
1051.44 Transfers.
1051.45 Computation of skim milk and butterfat in each class.
1051.46 Allocation of skim milk and butterfat classified.
1051.47 Inventory reclassification.

MINIMUM PRICES

1051.50 Basic formula price.
1051.51 Class prices.
1051.52 Butterfat differentials to handlers.
1051.53 Location differentials to handlers.
1051.54 Use of equivalent prices.
1051.55 Rate of payment on unpriced milk.

APPLICATION OF PRICES

1051.60 Computation of value of milk at each pool plant.
1051.61 Computation of aggregate value used to determine uniform prices.
1051.62 Computation of uniform price.
1051.63 Computation of uniform prices for base milk and excess milk.
1051.64 Handlers operating nonpool plants.
1051.65 Plants subject to other Federal orders.

PAYMENTS FOR MILK

1051.70 Time and method of payment.
1051.71 Butterfat differential to producers.
1051.72 Location differentials to producers.
1051.73 Producer-settlement fund.
1051.74 Payments to the producer-settlement fund.
1051.75 Payments from the producer-settlement fund.
1051.76 Adjustment of accounts.
1051.77 Marketing services.
1051.78 Expense of administration.
1051.79 Termination of obligations.

DETERMINATION OF BASE

1051.80 Base.
1051.81 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1051.90 Effective time.
1051.91 Suspension or termination.
1051.92 Continuing power and duty of the market administrator.
1051.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1051.100 Separability of provisions.
1051.101 Agents.

AUTHORITY: §§ 1051.0 to 1051.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1051.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Madison, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in §1051.46(b), and (iii) subject to the proviso of § 1051.78, receipts at a nonpool fluid milk plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Madison, Wisconsin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1051.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1051.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1051.3 Department.

"Department" means the United States Department of Agriculture.

§ 1051.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1051.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1051.6 Madison, Wisconsin, marketing area.

"Madison, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk and Vernon, all in the State of Wisconsin, including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1051.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer whose milk is received at the plant of a state educational institution during the month, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1051.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1051.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1051.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1051.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section (except that of a producer-handler, the plant of a state educational institution or a nonpool plant pursuant to § 1051.65): *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph during each of the immediately preceding months of September through November, shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section: *Provided*, That such plant shall not be a pool plant pursuant to this paragraph during any month in which less than 50 percent of the Grade A milk of producers of such cooperative association is received at pool plants pursuant to paragraphs (a) and (b) of this section: *And provided further*, That if written application is filed with the market administrator on or before the first day of January of any year, such plant shall be designated a nonpool plant for each month in such year during which it would not otherwise qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

§ 1051.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1051.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants (except a state educational institution),

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association, or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1051.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1051.15 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer (except one whose milk is received at the plant of a state educational institution during the month) or a handler pursuant to § 1051.13(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of July through December, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1051.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1051.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

§ 1051.18 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1051.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1051.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at pool plants shall be base milk.

§ 1051.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1051.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1051.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1051.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1051.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1051.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1051.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1051.35 and 1051.36, nor payments pursuant to §§ 1051.64, 1051.70, 1051.74, 1051.76, 1051.77 and 1051.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1051.51(a) and the Class I butterfat differential pursuant to § 1051.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1051.51(b) and the Class II butterfat differential pursuant to § 1051.52 (b), both for the preceding month;

(2) The 10th day after the end of each month of July through February the uniform price pursuant to § 1051.62 and the butterfat differential pursuant to § 1051.71; and

(3) The 10th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1051.63 and the butterfat differential pursuant to § 1051.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1051.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1051.13(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1051.13(c),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1051.15, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1051.36 Other reports.

(a) Each producer handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1051.13(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1051.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1051.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1051.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1051.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1051.41 through 1051.46.

§ 1051.41 Classes of utilization.

Subject to the conditions set forth in § 1051.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively, (except in milk diverted to a nonpool plant pursuant to § 1051.15) in shrinkage allocated pursuant to § 1051.42 (b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1051.13(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1051.13(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants.

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1051.42(b)(2).

§ 1051.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1051.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1051.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1051.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1051.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1051.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1051.46(a)(4) and the corresponding step of § 1051.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of La Crosse and Madison, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1051.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1051.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1051.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1051.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1051.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1051.13(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1051.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the

pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1051.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1051.13(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1051.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1051.46(a)(6) and the corresponding step of § 1051.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1051.46 in:

(a) The remainder after the subtraction pursuant to § 1051.46(a)(6) and the corresponding step in § 1051.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1051.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1051.51 Class prices.

Subject to the provisions of §§ 1051.52 and 1051.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November, $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1051.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1051.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1051.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1051.13(c) at a fluid milk plant less than 70 miles from the Chicago City Hall shall be increased 4 cents and at a fluid milk plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall be not more than 8 cents at a plant in the marketing area: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1051.46(a)(6) and the corresponding step in § 1051.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1051.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1051.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1051.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1051.46(a)(9) and the corresponding step of § 1051.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1051.46(a)(3) and (4) and the corresponding steps of § 1051.46(b) by the rate of payment on unpriced milk pursuant to § 1051.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified, and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(c) by the rate of payment on unpriced milk pursuant to § 1051.55.

§ 1051.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total, the values computed pursuant to § 1051.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1051.35 for such month, except those in default of payments required pursuant to § 1051.74 for the preceding month;

(b) Add or subtract ofr each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1051.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1051.72(b); and

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1051.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1051.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1051.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation pursuant to § 1051.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1051.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1051.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except the plant of a state educational institution or a nonpool plant pursuant to § 1051.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1051.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1051.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1051.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers or handlers pursuant to § 1051.13(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1051.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1051.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1051.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1051.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 15th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1051.62 or § 1051.63 adjusted pursuant to §§ 1051.71, 1051.72 and 1051.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 13th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section:

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;

(6) The net amount of payment to such producer or cooperative association.

§ 1051.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1051.62 and 1051.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1051.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1051.72 Location differentials to producers.

The uniform price pursuant to § 1051.62 and the uniform price for base milk pursuant to § 1051.63 for producer milk received at a pool plant shall be:

(a) Increased 4 cents at a plant less than 70 miles from the Chicago City Hall, as determined by the market administrator; and

(b) Decreased 2 cents at a plant 145 miles or more from the Chicago City Hall for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this paragraph shall be not more than 8 cents at a plant in the marketing area.

§ 1051.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1051.64, 1051.74, 1051.75 and 1051.76:

Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1051.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1051.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1051.60.

§ 1051.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1051.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1051.60.

§ 1051.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1051.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1051.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1051.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in § 1051.46 (b), and (c) receipts at a fluid milk plant which is a nonpool plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1051.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1051.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1051.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1051.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1051.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1051.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1051.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1051.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1051.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1051.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 62-3026; Filed, Mar. 28, 1962; 8:49 a.m.]

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FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

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[Updated to January 1, 1962]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3457

REDEFINING THE EXTERNAL BOUNDARIES OF THE TIMPANOGOS CAVE NATIONAL MONUMENT, UTAH

By the President of the United States of America

A Proclamation

WHEREAS, by Proclamation No. 1640 of October 14, 1922 (42 Stat. 2285), there were reserved and set apart, as the Timpanogos Cave National Monument, Utah, certain lands as shown on a diagram forming a part of that proclamation; and

WHEREAS a subsequent survey, accepted by the General Land Office on May 17, 1945, disclosed that that diagram does not accurately depict the boundaries of the monument as those boundaries are marked on the ground; and

WHEREAS it appears that it would be in the public interest to redefine the external boundaries of the monument in conformity with the survey:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), do proclaim that the lands within the following-described boundaries shall constitute the Timpanogos Cave National Monument:

SALT LAKE BASE AND MERIDIAN, UTAH

Beginning at a point marked by a brass cap located 8.33 chains S. 7°30' W. from the quarter section corner common to sections 27 and 28, township 4 south, range 2 east; thence north approximately 20 chains to a point; thence east approximately 50 chains to a point; thence south approximately 50 chains to a point; thence west approximately 50 chains to a point; thence north approximately 30 chains to a brass cap, the point of beginning, as depicted on the plat for township No. 4 south, range No. 2 east, of the Salt Lake Meridian, Utah, Survey and Dependent Resurvey, accepted May 17, 1945, by Assistant Commissioner, General Land Office, Joel David Wolfsohn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of March in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-3122; Filed, Mar. 28, 1962; 2:42 p.m.]

Executive Order 11012

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS UNDER SECTIONS 1(a) AND 1(b) OF THE ADMINISTRATIVE EXPENSES ACT OF 1946

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Subsection (b) of Section 1 of Executive Order No. 10530 of May 10, 1954, as amended by Executive Order No. 10759 of March 17, 1958, is hereby further amended to read as follows:

"(b) The authority vested in the President by sections 1(a) and 1(b) of the act of August 2, 1946, ch. 744, 60 Stat. 806, 807, as amended by the act of February 12, 1958, 72 Stat. 14 (5 U.S.C. 73b–1(a), 73b–1(b)), to prescribe regulations (1) with respect to the allowance and payment from Government funds of the expenses of travel of any civilian officer or employee of the Government transferred from one official station to another for permanent duty, the expenses of transportation of his immediate family (or commutation thereof), and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects; (2) with respect to the reimbursement of such officer or employee on a commuted basis in lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects in the case of such transfers between points in the continental United States, except that this authority shall not include authority with respect to the establishment of the commuted rates on which such reimbursement is made; and (3) with respect to the amount of the allowance, and the payment thereof, to such officer or employee for the transportation of a house trailer or mobile dwelling within the continental United States, within Alaska, or between the continental United States and Alaska, for use as a residence."

SEC. 2. The Administrator of General Services is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by Section 1(b) of the Act of August 2, 1946, ch. 744, 60 Stat. 807 (5 U.S.C. 73b–1(b)), as pertains to the establishment of the rates to be used in reimbursing civilian officers or employees of the Government on a commuted basis in lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of their household goods and personal effects in the case of transfers from one official station to another within the continental United States for permanent duty.

SEC. 3. The initial regulations to be issued by the Director of the Bureau of the Budget and by the Administrator of General Services under the authority delegated to each of them by this order shall be effective on the same date and effective as of that date the following-described Executive orders are revoked:

(a) Executive Order No. 9778 of September 10, 1946.
(b) Executive Order No. 9805 of November 25, 1946.
(c) Executive Order No. 9933 of February 27, 1948.
(d) Executive Order No. 9997 of September 8, 1948.
(e) Executive Order No. 10069 of July 14, 1949.
(f) Executive Order No. 10177 of October 27, 1950.
(g) Executive Order No. 10196 of December 20, 1950.
(h) Executive Order No. 10274 of July 18, 1951.
(i) Executive Order No. 10381 of August 6, 1952.
(j) Executive Order No. 10507 of December 10, 1953.

SEC. 4. Existing regulations prescribed by the Director of the Bureau of the Budget under the authority of Section 1(b) of Executive Order No. 10530, as amended and in effect immediately prior to the issuance of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 27, 1962.

[F.R. Doc. 62–3121; Filed, Mar. 28, 1962; 2:40 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide to the President; the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Medical and Health); the General Counsel; and the Assistant to the Secretary of Defense (Atomic Energy).

(R.S. 1753, Sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3080; Filed, Mar. 29, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce and Federal Maritime Commission

§ 6.312 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraphs (1) and (2) of paragraph (k) of § 6.312 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.374, paragraph (a) is added to Part 6 as set out below.

§ 6.374 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3079; Filed, Mar. 29, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.319 Grapefruit Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 27, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) Grapefruit Regulation 6 (§ 905.318; 27 F.R. 2552) is hereby terminated effective at 12:01 a.m., e.s.t., March 30, 1962.

(3) During the period beginning at 12:01 a.m., e.s.t., March 30, 1962, and ending at 12:01 a.m., e.s.t., April 16, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any white seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any pink seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3113; Filed, Mar. 29, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 107; Amdt. 4b-12; Supp. 43]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961. There are contained herein amendments to Part 4b of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Interested persons have been afforded an opportunity to express their comments in regard to the proposal. In some cases the proposal has been modified in accordance with such comments. The more significant amendments being adopted by the Agency are discussed herein.

Several revisions to the flight requirements are being made. A change is made to § 4b.160(c)(1) for consistency with the trim condition applicable to the stall speed in present § 4b.112(c)(1). The proposed amendment to § 4b.112, to redefine the stalling speed as the 1g level flight stall speed, is being deferred pending further evaluation of the effect of such a change.

To supplement existing controllability requirements, § 4b.130 is being expanded to provide pilot control force criteria during phases of unsteady flight and during transition from one flight condition to another. The proposal provided, among other things, that both temporary and prolonged forces be considered with the airplane trimmed in the prior steady flight condition. Two significant changes have been made to this proposal. The first change permits compliance to be shown in an untrimmed condition when the airplane cannot be trimmed so as not to encroach upon the requirements of §§ 4b.140 through 4b.144. The second change permits retrim during the investigation of the prolonged forces. In conjunction with these changes, the proposed note has been deleted because it does not illustrate the prescribed forces. In addition, § 4b.131 is being amended to prescribe the maximum longitudinal control force applicable to operation with one hand.

A number of changes are being made to the stability requirements. Because static longitudinal stability may become dependent upon the stick-fixed characteristics as well as the stick-free characteristics when artificial stick forces are used, the stability requirements of § 4b.150 through § 4b.155 are being revised. If the elevator control forces are not the result of the elevator control surface hinge moments, it must be shown that an upward displacement of the elevator trailing edge is necessary to obtain and maintain speeds below the specified trim speed and a downward displacement of the elevator trailing edge is necessary to obtain and maintain speeds above the specified trim speed. Proposed § 4b.151(a), has been changed merely to reflect the new speed nomenclature prescribed by the addition of § 4b.191. Section 4b.151(c), which now requires any speed change to be perceptible to the pilot by a change in stick force, is also being amended. Because of difficulties in ascertaining a "perceptible" change in stick force, the minimum stick force versus speed gradient is being defined as not less than one pound per 6 knots. Present § 4b.155 provides that the airplane be stable over the entire operating speed range under the most adverse trim condition. In many cases this involves very large speed ranges over which it is no longer considered necessary to demonstrate stability without retrimming. While it was originally proposed to permit retrimming at V_A it has been determined that such a provision would be unnecessarily restrictive and the proposal has been changed to permit retrim at a speed midway in the cruising speed range. However, this change necessitates the addition of a provision to insure stability over an adequate speed range in those cases where the operating speed range is relatively small.

In conjunction with these proposed changes, §§ 4b.150–1 and 4b.151–1 are being deleted, together with the discussion of policies relating thereto, as well as §§ 4b.152–1, 4b.153–1, 4b.154–1, and 4b.155–1 because this material does not reflect the changes being made to the corresponding sections of the regulations and the information contained in these sections is already covered elsewhere. In addition §§ 4b.157–1(e)(3), (e)(4), and (f)(2) are being deleted because they are in conflict with the provisions of § 4b.157.

Amendments to the strength requirements include changes to the provisions on flap design speeds, pressure cabins, unsymmetrical loads due to engine failure, ground handling conditions, landing gear fatigue evaluation, and casting factors.

The present requirements on design flap speed V_F in § 4b.210(b)(1) were based on the concept of a single speed at which the pilot could place the flaps in any position from fully retracted to fully extended without reducing or increasing speed and without exceeding limit loads or without approaching a stalling condition. For this reason the requirements specify that V_F shall not be less than the greater of 1.4 V_{S_1} (flaps retracted) or 1.8 V_{S_0} (flaps in landing position). However, the development of more efficient flaps has resulted in the establishment of different operating speeds and flap positions for various stages of flight; e.g., initial approach, final approach, landing, and takeoff. The requirements are being amended to permit supplementary values of the flaps extended operating limit speed (§ 4b.714(c)), and to cover en route flap conditions (§ 4b.212(b)). Nevertheless, the single flap design speed concept has been retained in §§ 4b.210(b), 4b.212(a), 4b.221(a), and 4b.714(a).

Recent improvements in high lift flap design have raised the question of whether it is any longer necessary for the design speed for flaps in the landing position to be based on the stalling speed with flaps retracted. In view of the current operating practice of progressively reducing airspeed as flaps are extended during approach and landing, and of retracting flaps as airspeed increases during takeoff or balked landing, it appears more rational to base the design speed for each flap position on the operating and stalling speeds corresponding with the particular flap position. Therefore, § 4b.210(b)(1) is being amended to permit the selection of a flap design speed for each flap position established for the various stages of flight, with minimum values of 1.8 V_{S_0} for flaps in the landing position, and 1.6 V_{S_1} for flaps in the takeoff position. Where an automatic flap positioning or load limiting device is employed, it is permissible to use the speeds and flap positions programmed by the device. Related changes are being made to §§ 4b.1(d)(10), 4b.212(a), (b), and (c), 4b.221, and 4b.714 to make these requirements consistent with the method adopted for establishing flap design speeds. In this connection, it was proposed to amend § 4b.323(c) to provide specific speed limits for flap load limiting devices in addition to the existing objective requirement in that section. However, the proposed specific limits are not being adopted because the minimum values required in operation depend upon other characteristics of the particular airplane design, and such characteristics can be evaluated under the provisions of the existing regulation.

The present strength requirements for pressurized cabins state that, where the cabin is separated into compartments by bulkheads or floors, the primary structure shall be designed for the effects of sudden release of pressure in any compartment having external doors or windows. Difficulties have arisen in applying these requirements because primary structure is not defined and the objectives are not stated clearly. Therefore, § 4b.216(c)(4) is being amended to state that, under conditions of sudden pressure release, the integrity of the structure supporting flight and ground loads and other structure the failure of which could interfere with the continued safe flight and landing of the aircraft shall be maintained. Damage to other portions of the airplane is acceptable provided reasonable design precautions are taken to minimize the probability of parts becoming detached which might injure occupants while in their seats. Fail-safe design features may be taken into account, provided possible operational and maintenance errors are also considered.

Section 4b.216(d) presently contains a general requirement that the airplane be designed for the unsymmetrical loads resulting from failure of one engine; e.g., yaw loads due to windmilling drag of a turbopropeller engine. On the basis of experience gained in design evaluation, testing, and operation of turbopropeller airplanes, § 4b.216(d) is being amended to state the factors to be considered in determining these loads, including types of engine failure, corresponding airplane speeds, malfunctioning of propeller drag limiting systems, and pilot corrective action.

Section 4b.235 presently contains an inconsistency between the drag loads specified for the main landing gear in the braked roll condition (which may be based on the maximum obtainable brake torque), and the drag load specified for one main gear in the nose wheel yawing condition (which is based solely on a friction coefficient of 0.8). Changes to § 4b.235 are being made which apply the yawing loads resulting from the 0.8 coefficient to the nose gear and supporting structure only. A drag load corresponding with the basic braked roll condition is being applied to one main gear as an overall airplane design condition.

The fatigue evaluation requirements of § 4b.270 at present apply only to structure supporting flight loads. A number of cases of landing gear fatigue cracking or failure have been reported. Although these failures have not resulted in fatal accidents, the possibility of fire after landing gear failure is a potential hazard. Therefore, a new § 4b.271 is being adopted, requiring a fatigue evaluation of the landing gear structure, and, where such evaluation indicates a need, the establishment of inspection or other procedures to prevent catastrophic fatigue failure. Alternatively, it may be shown that catastrophic failure of the landing gear is not probable after fatigue failure or after obvious partial failure of a single structural element.

The present requirements on factors of safety and inspections for structural castings (§ 4b.307(a)) specify a special factor of 2.0 for visual inspection only, and a factor of 1.25 when radiographic inspection and strength tests of 3 sample castings are employed. Section 4b.307(a) is being amended to provide a series of casting factors and corresponding test and inspection requirements which reflect current methods and practices. In addition, a minor revision in the format of § 4b.307(a) as proposed is being made and, in the light of comment received, alternative methods of compliance with the proposed requirements of this section are being added.

A revision to § 4b.334(e) concerning landing gear position indicators and warning devices is being made to insure warning in the event a landing is made with one or more throttles advanced. A note is also being added setting forth an acceptable means of compliance which would replace § 4b.334–2. To insure that essential equipment in wheel wells is not damaged by loose tire treads or a bursting tire, a provision is being added which requires protection of such equipment. As a result of comments made on the proposal, alternatives are being added to the requirement, to permit a finding that a tire cannot burst from overheat or that a loose tire tread cannot cause damage. It is intended that such findings will be based on the use of a wheel which is fitted with a fusible plug and a tubeless tire or that an extended wheel is located so that a tire tread which has separated from the wheel cannot enter the wheel well and that the wheel is braked to a stop before retraction into the wheel well.

Current provisions of § 4b.352 do not require fail-safe windshields and windows on pressurized cabin airplanes; however, existing turbine transport airplanes incorporate this feature, which has prevented complete loss of cabin pressurization in a considerable number of partial windshield failure incidents. Therefore, § 4b.352(d) is being amended to require that windshields and window panels in pressurized cabins have strength to withstand the maximum differential pressure load, aerodynamic pressures, and temperature effects after failure of a single element. This amendment differs from that proposed in that it is less restrictive as to the type of window or windshield required.

Sections 4b.357 and 4b.371(d) require that, when louvres or other ventilating devices are provided between cabin partitions, it shall be possible for the crew to stop the flow of air through such ventilating devices. Because this requirement does not accomplish its apparent objective which is covered elsewhere, §§ 4b.357 and 4b.371(d) are being deleted.

Sections 4b.358(c)(2) and 4b.643 presently require an additional factor of safety of 1.33 on the loads for seat and safety belt attachments, and § 4b.307(c) requires a factor of 1.15 for structural fittings (attachments). Sections 4b.358(c)(2) and 4b.643 are being clarified by inserting a statement that the 1.33 factor may be applied in lieu of the 1.15 factor, not be added to it. This is consistent with the general principle that only the highest factor intended for a similar purpose need be applied. However, if castings are used, the casting factor specified in § 4b.307(a) still applies, since this factor is intended for another purpose.

The upper aisle width specified in § 4b.362(h) has been reduced from 20 to 18 inches, for airplanes having a passenger seating capacity of 10 or less, on the basis of studies indicating that this reduction would not adversely affect safe emergency evacuation. However, a further reduction of this dimension to 16 inches, as suggested by several interested persons, has not been justified. Biometric data derived from a general sampling of the civilian population reveals that a significant percentage of passengers have a standing hip-breadth exceeding 16 inches, whereas the percentage exceeding 18 inches is negligible. A 16-inch upper aisle width, therefore, introduces the probability that a single passenger may jam the aisle between seats in the excitement and near-panic of an emergency evacuation; and, in any event, movement along the aisle would be retarded by the awkward sideward gait which large-hipped passengers must assume for passage.

It had been proposed that the optional provision of § 4b.385, which permits the control of fire once it has started, would be deleted. Comments made on that proposal have led to the conclusion that such an amendment might be unnecessarily restrictive and would not be compatible with other requirements which do permit the control of fire in cargo compartments and nacelles. Accordingly, presently effective § 4b.385 remains unchanged. Section 4b.412 dealing with pressure crossfeed lines is being deleted because §§ 4b.370 and 4b.385 cover both the fire control and ventilation aspects of § 4b.412.

As a result of comments received, the specific provisions regarding demonstrations or tests are being deleted from §§ 4b.413 and 4b.416 as they were proposed in the draft release. Adequate authority for any ground or flight tests which might be required continues to rest in presently effective §§ 4b.15 and 4b.16. The flight conditions specified in § 4b.416, used in connection with the selection of unusable fuel supply, are unnecessary if compliance with general fuel flow requirements is obtained and are, therefore, being deleted. The provisions of paragraph (b) of § 4b.416, as proposed in the draft release are being transferred to a new paragraph (c) under § 4b.413, as an editorial change, since the provision for fuel feed belongs more appropriately in the fuel flow section than in the unusable fuel supply section. Presently effective § 4b.415 also covers fuel flow rate, relative to transfer systems and bases required flow rates on horsepower output. Since the changes being made to § 4b.413 eliminate the horsepower basis for establishing flow rate, § 4b.415 is being deleted.

Because of the change made to § 4b.416, material contained in other sections is no longer necessary. Therefore, §§ 4b.416–1, 4b.416–2, 4b.418(a), 4b.418–1, and 4b.426–1 are being deleted. Section 4b.420(d) is also being deleted to eliminate a conflict with the definition of unusable fuel supply in § 4b.416.

In addition to the matter of unusable fuel supply, another question has arisen relating to the flow requirements of § 4b.413. Section 4b.413(a) presently requires that the available fuel flow shall be not less than 125 percent of that needed to develop maximum engine horsepower or thrust. The 25 percent margin is not required to insure adequate fuel flow. Furthermore, a margin is unnecessary to offset system deterioration because such deterioration is precluded by proper maintenance, inspection, and overhaul. Section 4b.413 is being amended as proposed in accordance with the foregoing.

Section 4b.436, dealing with fuel system drains, is being revised to delete redundant and contradictory requirements.

Presently effective §§ 4b.450 through 4b.455 deal with the powerplant cooling capability and specify tests to show that powerplant temperature limits can be maintained. With the exception of § 4b.455, these sections apply to reciprocating engines. Sections 4b.450 through 4b.452 are being clarified by making them generally applicable to turbine engine installations as well as reciprocating engine installations and by specifying test conditions in general terms which are based on the applicable airplane performance requirements. This clarification makes §§ 4b.453 and 4b.455 unncessary. Accordingly, they are being deleted.

Consistent with the proposed changes to the powerplant cooling requirements, §§ 4b.440(e), 4b.440–1, 4b.450–1, 4b.452–1, 4b.453–1, 4b.454–1, 4b.465, and 4b.465–1 are being deleted inasmuch as the matter of oil cooling and carburetor air cooling is covered in the changes being made to §§ 4b.450 through 4b.455.

Section 4b.488 requires a fireproof diaphragm to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment, unless equivalent protection can be shown by other means. Fire extinguishing systems are required in all cases to be provided in the engine power section, in the engine accessory section, and in complete powerplant compartments. Since it is considered that fire extinguishing systems are equivalent to a diaphragm in providing protection, there is no reason for retaining the provisions of § 4b.488. Accordingly, this section is being deleted. Consistent with this deletion, editorial changes are being made in §§ 4b.484 and 4b.487.

Section 4b.604(q) requires a thrust indicator for each turbojet engine. Because such indicators have not been perfected and because the thrust output information which is desired can be otherwise obtained, this section is being amended to require instead an indicator which will permit the pilot to determine if the thrust of any engine has changed as a result of any engine deficiency. A comment on this section as proposed expressed concern that the proposed phrase "relative to the thrust being obtained by the remaining engines" meant a requirement for a differential thrust indicator between any two engines. Such a meaning was not intended. To prevent the possibility of further misconstrual, the phrase is being deleted. Another comment expressed concern that since pressure ratio indication has been accepted as meeting the requirement for a thrust indicator, it would necessarily be disallowed in meeting a requirement for indication that thrust has changed. A pressure ratio indicator will continue to be acceptable in meeting the amended requirement if it has previously been acceptable in meeting the requirement for a thrust indicator. Since pressure ratio indication might not in all cases fully satisfy the provision that the indicated thrust change results from any engine deficiency, an alternative is being added to the requirement. The alternative will permit the indication of any gas stream pressure which can be related to the thrust output of the engine.

Section 4b.622(b) is being amended by adding two provisions which relate to the proper functioning of the generating system with respect to load equipment. These provisions are a more precise statement of the requirement in currently effective § 4b.627 and permit deletion of that requirement.

To eliminate an unnecessarily restrictive provision requiring that certain electrical protective devices or their controls be accessible for resetting in flight, § 4b.624(d) is being amended. Section 4b.627 is also being amended by deleting the currently effective rule and adding several provisions to insure the validity of electrical system tests under simulated conditions in the laboratory. The wording in the present section is being deleted because: (1) Other sections require such tests as are necessary to show compliance with all airworthiness requirements, including those dealing with the electrical system; and (2) the need for the provision that the electrical system "functions properly and without electrical or thermal distress" has been eliminated by the revision to § 4b.622(b).

Presently effective § 4b.652 deals with the reliability of engine-driven accessories and § 4b.659 specifies that an airplane must be able to continue safe flight in the event of a failure of a high energy rotor. These two sections are being deleted because their substance is covered by the provisions of § 4b.606 which is concerned with the reliability of all equipment, systems, and installations.

Hydraulic system service difficulties have arisen which affect the proposal to add a new § 4b.656, concerning hydraulic system tests. Therefore, the proposed addition of § 4b.656, containing a new test requirement, is not being included at this time. A study of the matter is being made outside the framework of this review.

A change is being made to figure 4b–19 dealing with position light intensities in order to remove an irrational discontinuity.

Operating records show an increasing number of cases of exceeding the airspeed operating limits on transport category airplanes, particularly on turbine-powered airplanes. Also, the present regulations lack definite criteria for the rational determination of speed margins. Among the probable causes of overspeed are the characteristics of turbine-powered airplanes which make it desirable to operate at the limit speed, the somewhat indefinite significance of the present normal operating limit speed, and the increasing preoccupation of pilots with air traffic and other duties which distract them from continuous monitoring of airspeed instruments. Therefore, a series of amendments to the airspeed operating limitations and related requirements are being made. These amendments replace the existing normal operating limit and never exceed speeds (§§ 4b.711 and 4b.712) by a single speed at the previous normal operating limit value. The new single limit is designated as the "maximum operating limit speed," and is defined in the Airplane Flight Manual (§ 4b.741) as a speed which shall not be deliberately exceeded in any regime of flight, except where a higher speed is authorized for flight test or pilot training operations. The amendments provide a rational method (based on a 7.5 degree dive maneuver), as well as alternative arbitrary factors, for calculating the speed margin between the new limit speed and the demonstrated flight or structural dive speeds. To provide for atmospheric conditions and other operational factors not covered by the 7.5 degree dive criteria, the amendments include a minimum speed margin of 0.05 Mach number beyond the operating limit speed. This is 0.04 M beyond the aural warning speed, and is believed to be consistent with the minimum margin on existing airplanes.

A new § 4b.191, high-speed characteristics, is being adopted to cover in general terms the flight tests for speed increase and recovery characteristics, and to establish a maximum speed V_{FC} for certain stability characteristics. The speed margin between design speeds V_C and V_D in § 4b.210 is being replaced by a cross reference to § 4b.711.

To minimize overspeeding due to pilot preoccupation, § 4b.603 is being amended by adding a new paragraph (k) to require an aural warning device on turbine-powered airplanes and on other airplanes having a speed margin of less than 20 percent between limit and demonstrated speeds. To insure early warning and thus to make a major portion of the speed margin available for pilot reaction and recovery maneuvers, the amendment also requires that the warning occur whenever the speed exceeds the limit speed by more than 6 knots or 0.01 M.

The changes in terminology in the airspeed limitations require corresponding changes, including deletions and additions, in §§ 4b.1(d)(9), (15), and (16); 4b.132(e); 4b.141; 4b.142(c); 4b.155; 4b.156; 4b.157; 4b.157–1; 4b.158; 4b.210(b)(4); 4b.210(b)(5); 4b.484–1(b)(1); 4b.603(a); 4b.612(a)(3); 4b.612–4(a); 4b.711; 4b.712; 4b.740–1; and 4b.741(a).

Miscellaneous changes of an editorial or clarifying nature are being made to §§ 4b.1, 4b.11, 4b.155, 4b.160, 4b.221, 4b.306, 4b.306–1, 4b.329–2, 4b.329–4, 4b.435, 4b.447, 4b.612, 4b.642, 4b.645, 4b.718, and 4b.738. Among the miscellaneous amendments there is one to expressly exclude from the provisions of § 4b.11(b) consideration of provisional type certificates. While it was proposed that this be accomplished by a note, it now appears that it is more appropriate to include such a provision within § 4b.11(b) rather than as a note thereto. Furthermore, the proposed § 4b.612(f)(4) requiring two complete static air pressure operating systems for the required instruments at the first pilot's station has been withdrawn in the light of comment received. It has been determined that one such static air pressure operating system as presently required is all that is necessary as a minimum requirement in the interest of safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending § 4b.1 by amending paragraphs (b)(2), (d)(9), (d)(10), (d)(15), and (d)(16) to read as follows:

§ 4b.1 Definitions.

* * * * * * *

(b) *General design.*

(2) *Maximum ambient atmospheric temperature.* The maximum ambient atmospheric temperature is the temperature selected by the applicant as the maximum operational limit.

* * * * * * *

(d) *Speeds.*

(9) V_{DF}/M_{DF}: The demonstrated flight diving speed at which compliance is shown with the applicable flight requirements. (See §§ 4b.190 and 4b.191(a).)

(10) V_F: The design flap speeds for flight loading conditions. (See § 4b.210(b)(1).)

* * * * * * *

(15) V_{FC}/M_{FC}: *The maximum speed for stability characteristics.* (See § 4b.191(b).)

(16) V_{MO}/M_{MO}: The maximum operating limit speed. (See § 4b.711.)

§ 4b.11 [Amendment]

2. By amending § 4b.11(b) by inserting in the first sentence between the words "required" and "except" the phrase "notwithstanding the applicant may have been issued a provisional type certificate".

3. By amending § 4b.130 by adding new paragraphs (c), (d), and (e) to read as follows:

§ 4b.130 Controllability; general.

* * * * * * *

(c) Compliance with the "strength of pilots" limits in paragraph (b) of this section need not be demonstrated unless the condition is found to be marginal. In the latter case, they shall not exceed the following pilot control force limits, expressed in pounds:

	Pitch	Roll	Yaw
(1) For temporary application	75	60	180
(2) For prolonged application	10	5	20

Pitch and roll forces shall be measured as applied to the control wheel.

(d) For the purpose of complying with the temporary control force limitations of paragraph (c) of this section, the airplane shall be operated in accordance with approved operating procedure or conventional operating practice including being as nearly trimmed as possible at the prior steady flight condition, except that in the case of takeoff the airplane shall be trimmed in accordance with approved operating procedures.

(e) For the purpose of complying with the prolonged control force limitations of paragraph (c) of this section, the airplane shall be as nearly trimmed as possible.

§ 4b.131 [Amendment]

4. By amending § 4b.131(b) by deleting the first sentence and inserting in lieu thereof the following: "During each of the following controllability demonstrations, a change in the trim control shall not be required. In addition, exertion of more than 50 pounds control force, representative of the maximum temporary force which can readily be applied by one hand, shall not be required."

§ 4b.132 [Amendment]

5. By amending § 4b.132(e) by deleting from the last sentence the symbol "V_{NE}" and inserting in lieu thereof "V_{FC}/M_{FC}."

§ 4b.141 [Amendment]

6. By amending § 4b.141 by deleting the words "V_{NO} or to M_{NO}, whichever is the lesser" and inserting in lieu thereof "V_{MO}/M_{MO}."

§ 4b.142 [Amendment]

7. By amending § 4b.142(c) by deleting the word "V_{NO} or to M_{NO}, whichever is the lesser" and inserting in lieu thereof "V_{MO}/M_{MO}".

8. By amending § 4b.150 to read as follows:

§ 4b.150 General.

The airplane shall be longitudinally, directionally, and laterally stable in accordance with §§ 4b.151 through 4b.158. Suitable stability shall be required in other conditions normally encountered in service if flight tests show such stability to be necessary for safe operation.

§ 4b.150–1 [Deletion]

9. By deleting § 4b.150–1.

10. By amending § 4b.151 by amending the introductory paragraph and paragraphs (a) and (c) to read as follows:

§ 4b.151 Static longitudinal stability.

In the conditions outlined in §§ 4b.152 through 4b.155, the characteristics of the elevator control forces including friction and the elevator control surface displacement shall comply with paragraphs (a) through (c) of this section.

(a) A pull shall be required to obtain and maintain speeds below the specified trim speed, and a push shall be required to obtain and maintain speeds above the specified trim speed, except that if the elevator control forces are not dependent upon the hinge moments of the elevator control surface it shall also be shown that an upward displacement of the elevator trailing edge is required to obtain and maintain speeds below the specified trim speed and a downward displacement of the elevator trailing edge is required to obtain and maintain speeds above the specified trim speed. These criteria shall apply to any speed which can be obtained, except that such speeds need not be greater than the landing gear or the wing flap operating limit speed or V_{FC}/M_{FC}, whichever is appropriate, or need not be less than the minimum speed in steady unstalled flight.

* * * * * * *

(c) The stable slope of the stick force versus speed curve shall not be less than 0.5 pounds per 3 knots nor shall it exceed a value beyond which control of the airplane is difficult.

§ 4b.151–1 [Deletion]

11. By deleting § 4b.151–1.

12. By amending § 4b.152 to read as follows:

§ 4b.152 Stability during landing.

The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes and the stick force shall not exceed 80 pounds at any speed between 1.1 V_{s_0} and 1.8 V_{s_0} with:

(a) Wing flaps in the landing position;

(b) The landing gear extended;

(c) Maximum landing weight;

(d) Power, or thrust, off on all engines; and

(e) The airplane trimmed at 1.4 V_{s_0} with power or thrust off.

§ 4b.152–1 [Deletion]

13. By deleting § 4b.152–1.

14. By amending § 4b.153 to read as follows:

§ 4b.153 Stability during approach.

The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes at all speeds between 1.1 V_{s_1} and 1.8 V_{s_1} with:

(a) Wing flaps in the approach position;

(b) Landing gear retracted;

(c) Maximum landing weight; and

(d) The airplane trimmed at 1.4 V_{s_1} and with power sufficient to maintain level flight at this speed.

§ 4b.153–1 [Deletion]

15. By deleting § 4b.153–1.

16. By amending § 4b.154 to read as follows:

§ 4b.154 Stability during climb.

The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes at all speeds between 85 and 115 percent of the speed at which the airplane is trimmed with:

(a) Wing flaps retracted;

(b) Landing gear retracted;

(c) Maximum takeoff weight;

(d) 75 percent of maximum continuous power for reciprocating engines; maximum power or thrust selected by the applicant as an operating limitation for use during climb (see § 4b.718) for turbine engines; and

(e) The airplane trimmed at the best rate-of-climb speed except that the speed need not be less than 1.4 V_{s_1}.

§ 4b.154–1 [Deletion]

17. By deleting § 4b.154–1.

18. By amending § 4b.155 to read as follows:

§ 4b.155 Stability during cruising.

(a) *Landing gear retracted; high speed.* The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes at all speeds from V_{FC}/M_{FC} to the speed equal to $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{s_1}}{2}\right)$ or to 50 knots less than the trim speed specified in subparagraph (4) of this paragraph, whichever

is the lesser speed except that it need not be less than 1.4 V_{S_1}, and the stick force shall not exceed 50 pounds with:

(1) Wing flaps retracted;

(2) The most critical weight between maximum landing weight and maximum takeoff weight;

(3) 75 percent of maximum continuous power for reciprocating engines; maximum cruising power selected by the applicant as an operating limitation (see § 4b.718) for turbine engines, except that the power need not exceed that required at V_{MO}/M_{MO}; and

(4) The airplane trimmed for level flight with the power required in subparagraph (3) of this paragraph.

(b) *Landing gear retracted; low speed.* The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes at all speeds from a speed equal to

$$V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$$

to 1.4 V_{S_1} and the stick force shall not exceed 50 pounds with the wing flaps and weight as specified in paragraph (a) of this section and with:

(1) Power required for level flight at a speed equal to $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$; and

(2) The airplane trimmed for level flight with the power required in subparagraph (1) of this paragraph.

NOTE: At altitudes where Mach number is critical, the calibrated airspeed corresponding with M_{FC} may be used to calculate the speed $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$.

(c) *Landing gear extended.* The stick force curve and, if required by § 4b.151(a), the elevator angle curve shall have stable slopes at all speeds between 1.4 V_{S_1} and V_{LE} and the stick force shall not exceed 50 pounds with the wing flaps and the weight as specified in paragraph (a) of this section and with:

(1) Power required for level flight at V_{LE}; and

(2) The airplane trimmed for level flight with the power required in subparagraph (1) of this paragraph.

§ 4b.155–1 [Deletion]

19. By deleting § 4b.155–1.

§ 4b.156 [Amendment]

20. By amending § 4b.156 by inserting between the words "airplane" and "shall" the parenthetical expression "(e.g., V_{FE}, V_{LE}, or V_{FC}/M_{FC})".

§ 4b.157 [Amendment]

21. By amending § 4b.157 by deleting from paragraphs (a) and (b)(1) the words "the operating limit speed" and inserting in lieu thereof the words "V_{FE}, V_{LE}, or V_{FC}/M_{FC}, whichever is appropriate to the airplane configuration".

§ 4b.157–1 [Amendment]

22. By amending § 4b.157–1 by deleting paragraphs (e)(3), (e)(4), and (f)(2).

§ 4b.158 [Amendment]

23. By amending § 4b.158 by inserting between the words "airplane" and "shall" the parenthetical expression "(e.g., V_{FE}, V_{LE}, or V_{FC}/M_{FC})".

24. By amending § 4b.160(c)(1) by deleting the phrase "With trim controls adjusted for straight flight at a speed of 1.4 V_{S_1}" and inserting in lieu thereof "With the airplane trimmed for straight flight at the speed prescribed in § 4b.112(c)(1)".

25. By amending § 4b.160(e) to read as follows:

§ 4b.160 Stalling; symmetrical power.

* * * * *

(e) Straight flight stalls shall be entered with wings level. The roll occurring between the stall and the completion of the recovery shall not exceed approximately 20 degrees.

26. By adding a new § 4b.191 to read as follows:

§ 4b.191 High-speed characteristics.

(a) *Speed increase and recovery characteristics.* (1) Operating conditions or characteristics likely to cause inadvertent speed increases, including upsets in pitch and roll, shall be simulated with the airplane trimmed at any likely cruise speed up to V_{MO}/M_{MO}. Allowing for pilot reaction time after effective inherent or artificial speed warning occurs (see § 4b.603(k)), it shall be demonstrated that the airplane can be recovered to a normal attitude and its speed reduced to V_{MO}/M_{MO} without requiring exceptional strength or skill on the part of the pilot, without exceeding V_D/M_D, V_{DF}/M_{DF}, or the structural limitations, and without producing buffeting which would cause structural damage.

NOTE: Examples of operating conditions or characteristics likely to cause speed increases are: gust upsets, inadvertent control movements, low stick force gradient in relation to control friction, passenger movement, leveling off from climb, and descent from Mach to airspeed limit altitudes.

(2) At all speeds up to V_{DF}/M_{DF}, there shall be no control reversal. Any reversal of elevator control force or tendency of the airplane to pitch, roll, or yaw, shall be mild and readily controllable using normal piloting technique.

(b) *Maximum speed for stability characteristics, V_{FC}/M_{FC}.* V_{FC}/M_{FC} shall be the maximum speed at which the requirements of §§ 4b.132(e), 4b.155(a), 4b.156, 4b.157(a), 4b.157(b), and 4b.158 are required to be met with flaps and landing gear retracted. It shall not be less than a speed halfway between V_{MO}/M_{MO} and V_{DF}/M_{DF}, except that in the altitude range where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

27. By amending § 4b.210(b)(1) to read as follows:

§ 4b.210 General.

* * * * *

(b) *Design air speeds.* * * *

(1) *Design flap speeds, V_F.* The design flap speed for each flap position established in accordance with § 4b.323(a) shall be sufficiently greater than the operating speed recommended for the corresponding stage of flight (including balked landings) to allow for probable variations in control of airspeed and for transition from one flap position to another. V_F shall be not less than:

(i) 1.6 V_{S_1} with flaps in takeoff position at maximum takeoff weight;

(ii) 1.8 V_{S_1} with flaps in approach position at maximum landing weight; and

(iii) 1.8 V_{S_0} with flaps in landing position at maximum landing weight.

Where an automatic flap positioning or load limiting device is employed, it shall be permissible to use the speeds and corresponding flap positions programmed or permitted by the device. (See § 4b.323(c).)

28. By amending § 4b.210(b)(4) by adding at the end thereof the parenthetical reference "(See § 4b.711.)"

29. By amending § 4b.210(b)(5) to read as follows:

(b) *Design air speeds.* * * *

(5) *Design dive speed, V_D.* The design dive speed chosen by the applicant shall be used in determining the maximum operating limit speed for the airplane in accordance with § 4b.711.

30. By amending § 4b.212(a) by deleting the introductory paragraph and inserting in lieu thereof the following: "When flaps are intended for use during takeoff, approach, or landing, the airplane shall be assumed to be subjected to symmetrical maneuvers and gusts within the range determined by the following conditions, at the design flap speeds established for these stages of flight in accordance with § 4b.210(b)(1) and with the flaps in the corresponding positions."

31. By amending § 4b.212(b) by deleting from the introductory paragraph the words "V_{FE} speed established in accordance with § 4b.714(c)" and inserting in lieu thereof "the flap design speed chosen for this condition."

32. By amending § 4b.212 by deleting paragraph (d) and amending paragraph (c) to read as follows:

§ 4b.212 Effect of high lift devices.

* * * * *

(c) The airplane shall be designed for the conditions prescribed in paragraph (a) of this section, except that the airplane load factor need not exceed 1.0, taking into account the following effects as separate conditions:

(1) Propeller slipstream corresponding with maximum continuous power at the design flap speeds V_F, and with takeoff power at not less than 1.4 times the stalling speed for the particular flap position and associated maximum weight; and

(2) A head-on gust of 25 feet per second velocity (EAS).

33. By amending § 4b.216 by amending paragraphs (c)(4) and (d) to read as follows:

§ 4b.216 Supplementary flight conditions.

* * * * *

(c) *Pressurized cabin loads.* * * *

(4) Where a pressurized cabin is separated into two or more compartments by partitions, bulkheads, or floors, the structure supporting the prescribed flight and ground loads and other structure the failure of which could interfere with continued safe flight and landing of the airplane, shall be designed to withstand the effects of sudden release of pressure in any compartment through an opening resulting from the failure or penetration of an external door, window, or windshield panel, or from structural fatigue or penetration of the fuselage in such compartment unless it is shown that the probability of failure or penetration is extremely remote. In determining the probability of failure or penetration and probable size of openings, it shall be acceptable to take into account fail-safe features of the design, provided possible improper operation of closure devices and inadvertent door openings are also taken into account. It shall be acceptable to take into account pressure relief provided by intercompartment venting. It can be assumed that parts of the airplane, other than the structure specified in this paragraph, may be damaged, in which case reasonable design precautions shall be taken to minimize the probability of parts becoming detached which may injure occupants while in their seats.

NOTE: The aforementioned precautions might include, for example, designing internal doors so that they will remain attached to supporting structure even though forced open by differential pressure.

(d) *Unsymmetrical loads due to engine failure.* The airplane shall be designed for the unsymmetrical loads resulting from the failure of the critical engine. Turbopropeller airplanes shall be designed for the conditions prescribed in subparagraphs (1) through (4) of this paragraph in combination with a single malfunction of the propeller drag limiting system (see § 4b.408), taking into account the probable pilot corrective action on the flight controls.

(1) At all speeds between V_{MC} and V_D, the loads resulting from engine power failure due to fuel flow interruption shall be considered as limit loads.

(2) At all speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades shall be considered as ultimate loads.

(3) The time history of the thrust decay and drag build-up occurring as a result of the prescribed engine failures shall be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action shall be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

NOTE: It may be assumed that pilot corrective action will be initiated at the time maximum yawing velocity is attained, but not earlier than two seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in § 4b.220(a)(1), except that lower forces may be assumed where it is shown by analysis or test that such forces will be sufficient to control the yaw and roll resulting from the prescribed engine failure conditions.

34. By amending § 4b.221 to read as follows:

§ 4b.221 Wing flaps.

Wing flaps and their supporting structure and operating mechanism shall be designed for the critical loads resulting from the conditions prescribed in § 4b.212, taking into account the loads occurring during transition from one flap position and airspeed to another.

§ 4b.235 [Amendment]

35. By amending § 4b.235 by deleting from the last sentence of the introductory paragraph the phrase "of paragraph (b) (1) and (2)" and inserting in lieu thereof "paragraphs (b) (1) and (2), and (e)(3)".

36. By amending § 4b.235(e)(2) by adding at the beginning thereof a new sentence to read as follows: "It shall be acceptable to apply the conditions of this subparagraph to the design of only the nose gear, its attaching structure, and the fuselage structure."

37. By amending § 4b.235 by adding a new paragraph (e)(3) to read as follows:

§ 4b.235 Ground handling conditions.

* * * * *

(e) *Nose-wheel yawing.* * * *

(3) This subparagraph shall apply to the landing gear and airplane structure. The loading conditions shall be those prescribed in subparagraph (2) of this paragraph, except that the forward acting load at the center of gravity need not exceed the maximum drag reaction on one main gear determined in accordance with the introductory paragraph and paragraph (b)(2) of this section.

§ 4b.270 [Amendment]

38. By amending the title of § 4b.270 to read "*Fatigue evaluation of flight structure.*"

39. By adding a new § 4b.271 to read as follows:

§ 4b.271 Fatigue evaluation of landing gear.

The strength, detail design, and fabrication of those portions of the landing gear and its attachment fittings in which fatigue may be critical shall be evaluated in accordance with the provisions of either paragraph (a) or (b) of this section.

(a) The fatigue strength of the structure shall be evaluated and, when indicated by such evaluation, inspection or other procedures shall be established to prevent catastrophic fatigue failure. The evaluation shall include the loading spectrum expected in service and the identification and analysis or repeated load testing of the principal structural elements and detail design points where catastrophic fatigue failure could occur. It shall be acceptable to utilize the service history of airplanes of similar structural design, taking due account of differences in operating conditions and procedures.

(b) It shall be shown by analysis or tests that catastrophic failure is not probable after fatigue failure or obvious partial failure of a single principal structural element. After such failure the remaining structure shall be capable of withstanding static loads corresponding with 80 percent of the limit loads resulting from the conditions prescribed in § 4b.230. These static loads shall be considered ultimate loads.

40. By amending § 4b.306(c) and the note to read as follows:

§ 4b.306 Material strength properties and design values.

* * * * *

(c) Values contained in MIL–HDBK–5, MIL–HDBK–17 Part I, ANC–17 Part II, ANC–18, MIL–HDBK–23 Part I, and ANC–23 Part II shall be used unless shown to be inapplicable in a particular case.

NOTE: MIL–HDBK–5, "Strength of Metal Aircraft Elements"; MIL–HDBK–17, "Plastics for Flight Vehicles, Part I—Reinforced Plastics"; ANC–17, "Plastics for Aircraft, Part II—Transparent Glazing Materials"; ANC–18, "Design of Wood Aircraft Structures"; MIL–HDBK–23, "Composite Construction for Flight Vehicles, Part I—Fabrication Inspection Durability and Repair"; and ANC–23, "Sandwich Construction for Aircraft, Part II—Material Properties and Design Criteria", are published by the Department of Defense and the Federal Aviation Agency and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 4b.306–1 [Amendment]

41. By amending § 4b.306–1 by deleting from paragraph (a) the expression "ANC–5" and inserting in lieu thereof "MIL–HDBK–5"; by deleting from paragraph (c) and the footnote words "The ANC–5 Bulletin" wherever they appear and inserting in lieu thereof "MIL–HDBK–5"; and by deleting from the footnote the phrase "to § 3.111 'Design Mechanical Properties'" and inserting in lieu thereof "to § 3.1.1 'Material Properties'".

42. By amending § 4b.307(a) to read as follows:

§ 4b.307 Special factors.

* * * * *

(a) *Casting factors.* For structural castings, the factor of safety prescribed in § 4b.200 shall be multiplied by the casting factors specified in subparagraphs (1) and (2) of this paragraph. The prescribed tests and inspections shall be in addition to those necessary to establish foundry quality control. Castings shall be inspected in accordance with approved specifications.

(1) Each casting, the failure of which would preclude continued safe flight and landing of the airplane or which would result in serious injury to occupants, shall have a casting factor of at least 1.25 and shall receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods. Where such castings have a casting factor less than 1.50, three sample castings shall be static tested. The test castings shall comply with the strength requirements of § 4b.201 at an ultimate load corresponding with a casting factor of 1.25 and shall comply with the deformation

requirements at a load equal to 1.15 times limit load.

NOTE: Examples of castings to which this subparagraph applies are: structural attachment fittings; parts of flight control systems; control surface hinges and balance weight attachments; seat, berth, safety belt, and fuel and oil tank supports and attachments; cabin pressure valves.

(2) For structural castings other than those specified in subparagraph (1) of this paragraph, the casting factors and inspections shall be in accordance with the following table except that it shall be acceptable to reduce the percentage of castings inspected by nonvisual methods when an approved quality control procedure is established. For castings procured to a specification which guarantees the mechanical properties of the material in the castings and provides for demonstration of these properties by test of coupons cut from castings on a sampling basis, it shall be acceptable to use a casting factor of 1.0. The inspection requirements for such castings shall be in accordance with those specified in the following table for casting factors of 1.25 to 1.50, and the testing requirements shall be in accordance with subparagraph (1) of this paragraph.

Casting factor	Inspections
2.0 or greater	100 percent visual.
Less than 2.0 greater than 1.5.	100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods.
1.25 to 1.50	100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods.

(3) Castings which are pressure tested as parts of a hydraulic or other fluid system shall not be required to comply with the provisions of this section unless such castings support airplane structural loads.

(4) The casting factor need not exceed 1.25 with regard to bearing stresses regardless of the method of inspection employed. A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (b) of this section) is greater than the casting factor.

§ 4b.329–2 [Amendment]

43. By amending § 4b.329–2 by deleting from table I the expression "MIL–C–5424" and inserting in lieu thereof "MIL–W–5424" and by deleting from note 3 the words "Air Force-Navy Aeronautical Design Standard AND 10482" and inserting in lieu thereof "Military Standard Drawing MS33591(ASG)".

§ 4b.329–6 [Amendment]

44. By amending § 4b.329–6 by deleting the expression "ANC–5" and inserting in lieu thereof "MIL–HDBK–5".

45. By amending § 4b.334(e)(2) by deleting the word "all" and inserting in lieu thereof "one or more".

46. By amending § 4b.334 by adding a note at the end of paragraph (e)(1); and by adding a new paragraph (g) to read as follows:

§ 4b.334 Retracting mechanism.

* * * * *

(e) *Position indicator and warning device.* (1) * * *

NOTE: An acceptable method for indicating to the pilot when the landing gear is secured in the extended and in the retracted positions is by means of lights. For example, landplanes may display a green light when the landing gear is down and locked; a red light to indicate an intermediate or unlocked landing gear position; and "all lights out" when the landing gear is up and locked. An acceptable method for sensing when the landing gear is secured in the extreme positions is to locate the sensing devices so that they are operated by the landing gear locking latch.

* * * * *

(g) *Protection of equipment in wheel wells.* Equipment located in wheel wells, which is essential to safe operation of the airplane, shall be protected from the damaging effects of a bursting tire unless it is shown that a tire cannot burst from overheat, or from the damaging effects of a loose tire tread unless it is shown that a loose tire tread cannot cause damage.

§ 4b.352 [Amendment]

47. By amending § 4b.352(d) by adding at the end thereof, after the parenthetical expression, two new sentences to read as follows: "Strength shall be provided in the windshield and window panels to withstand the maximum cabin pressure differential loads (see § 4b.216(c)(1)) combined with critical aerodynamic pressure and temperature effects, after failure of a single load-carrying element of the windshield or window. It shall be acceptable to assume that after a single failure occurs, which is obvious to the flight crew, the cabin pressure differential will be reduced from the maximum in accordance with appropriate operating limitations enabling continued safe flight of the airplane with a cabin pressure altitude of not more than 15,000 feet. (See 4b.374(b).)"

§ 4b.357 [Deletion]

48. By deleting § 4b.357.

§ 4b.358 [Amendment]

49. By amending § 4b.358(c)(2) by adding at the end thereof the words "in lieu of the fitting factor prescribed in § 4b.307(c)."

50. By amending § 4b.362(h) to read as follows:

§ 4b.362 Emergency evacuation.

* * * * *

(h) *Width of main aisle.* The main passenger aisle width at any point between seats shall not be less than the values in the following table:

Passenger seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
	Inches	*Inches*
10 or less	12	18
11 to 19	12	20
20 or more	15	20

§ 46.371 [Amendment]

51. By deleting § 4b.371(d).

§ 46.412 [Deletion]

52. By deleting § 4b.412.

53. By amending § 4b.413 to read as follows:

§ 4b.413 Fuel flow.

(a) The fuel system shall provide not less than 100 percent of the fuel flow required by the engines when the airplane is operated under all intended operating conditions and maneuvers.

(b) In determining compliance with the provisions of paragraph (a) of this section, the provisions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) Fuel shall be delivered to the engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank being considered shall not exceed the sum of the amount established as the unusable fuel supply for that tank, as determined in accordance with the provisions of § 4b.416, and whatever minimum quantity of fuel it may be necessary to add for the purpose of determining compliance.

(3) Such main pumps shall be used as are necessary for each operating condition and airplane attitude for which compliance is determined, and, in addition, for each main pump so used, the appropriate emergency pump shall be substituted. (See § 4b.430(b).)

(4) If a fuel flowmeter is provided, operation of the meter shall be blocked in determining compliance with this section and the fuel shall flow through the meter or its bypass.

(c) If an engine can be supplied with fuel from more than one tank, it shall be possible to regain the full fuel pressure of that engine in not more than 20 seconds after switching to any fuel tank when engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed.

§ 4b.415 [Deletion]

54. By deleting § 4b.415.

55. By amending § 4b.416 to read as follows:

§ 4b.416 Unusable fuel supply.

The unusable fuel supply shall be selected by the applicant and shall be established for each tank as not less than the quantity at which the first evidence of malfunctioning occurs under the most adverse condition from the standpoint of fuel feed during all intended operations and flight maneuvers involving use of that tank.

§§ 4b.416–1, 4b.416–2 [Deletion]

56. By deleting §§ 4b.416–1 and 4b.416–2.

57. By amending § 4b.418 to read as follows:

§ 4b.418 Flow between interconnected tanks.

If it is possible to pump fuel from one tank to another in flight, the design of the fuel tank vents and the fuel transfer

system shall be such that no structural damage to tanks will occur in the event of overfilling.

§ 4b.418–1 [Deletion]

58. By deleting § 4b.418–1.

§ 4b.420 [Amendment]

59. By deleting § 4b.420(d).

§ 4b.426–1 [Deletion]

60. By deleting § 4b.426–1.

61. By amending § 4b.435(d) to read as follows:

§ 4b.435 Fuel strainer or filter.

* * * * *

(d) Provision shall be made to maintain automatically the fuel flow when ice-clogging of the filter occurs, unless means are incorporated in the fuel system to prevent the accumulation of ice particles on the filter.

62. By amending § 4b.436 to read as follows:

§ 4b.436 Fuel system drains.

Drainage of the fuel system shall be accomplished by fuel strainer drains and other drains as provided in § 4b.424. The drains shall discharge clear of all portions of the airplane and shall incorporate means for positive locking of the drain in the closed position, either manually or automatically.

§ 4b.440 [Amendment]

63. By deleting § 4b.440(e).

§ 4b.440–1 [Deletion]

64. By deleting § 4b.440–1.

65. By amending § 4b.447 to read as follows:

§ 4b.447 Oil filters.

If the powerplant installation incorporates an oil filter (strainer), the filter shall be constructed and installed so that oil will continue to flow at the normal rate through the remainder of the system when the flow of oil through the filter element is completely blocked.

66. By amending § 4b.450 to read as follows:

§ 4b.450 General.

The powerplant cooling provisions shall be capable of maintaining the temperatures of powerplant components and engine fluids within the temperature limits established for such components and fluids, under all surface (ground or water) and flight operating conditions. (For cooling systems instruments see §§ 4b.604 and 4b.734.)

§ 4b.450–1 [Deletion]

67. By deleting § 4b.450–1.

68. By amending § 4b.451 to read as follows:

§ 4b.451 Cooling tests.

(a) *General.* Compliance with the provisions of § 4b.450 shall be demonstrated by test under critical surface (ground or water) and flight operating conditions. If the tests are conducted under conditions which deviate from the maximum ambient atmospheric temperature (see paragraph (b) of this section), the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (c) and (d) of this section. The corrected temperatures determined in this manner shall not exceed the established limits. In the case of reciprocating engines, the fuel used during the cooling tests shall be of the minimum grade approved for the engines involved, and the mixture settings shall be those normally used in the flight stages for which the cooling tests are conducted. The test procedures shall be as outlined in §§ 4b.452 and 4b.454.

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding with sea level conditions shall be established by the applicant as a limitation on the operation of the airplane (see § 4b.718). The temperature lapse rate shall be 3.6° F. per thousand feet of altitude above sea level until a temperature of −69.7° F. is reached above which altitude the temperature shall be constant at −69.7° F.

(c) *Correction factor.* Temperatures of all powerplant components and engine fluids, except cylinder barrels, for which temperature limits have been established, shall be corrected by adding the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

69. By amending § 4b.452 to read as follows:

§ 4b.452 Cooling test procedures.

(a) *General.* Compliance with the provisions of § 4b.450 shall be established for the takeoff, climb, en route, and landing stages of flight which correspond with the applicable performance regulations. The cooling tests shall be conducted with the airplane in the configuration and operating under the conditions which are critical relative to cooling during each stage of flight.

(b) *Temperature stabilization.* For all stages of flight, temperatures shall be stabilized under conditions from which entry is made into the stage of flight for which a test is conducted, except when the entry condition normally is not one during which component and engine fluid temperatures would stabilize. In such case, operation through the full entry condition shall be conducted prior to entry into the stage of flight for which the test is conducted in order to allow temperatures to attain their natural level at the time of entry. In particular, the takeoff cooling test shall be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle. A temperature shall be considered stabilized when its rate of change is less than 2 degrees F. per minute.

(c) *Duration of test.* Cooling tests for each stage of flight shall be continued until one of the following conditions is fulfilled:

(1) Component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

NOTE: In the case of reciprocating engines, it may be assumed for cooling test purposes that the takeoff stage of flight is complete when the airplane has attained an altitude of 1,500 feet above the takeoff surface or a point in the takeoff where the transition from the takeoff to the en route configuration is completed and a speed is reached at which compliance with § 4b.120(c) is shown, whichever point is at a higher altitude.

§ 4b.452–1 [Deletion]

70. By deleting § 4b.452–1.

§§ 4b.453, 4b.453–1 [Deletion]

71. By deleting §§ 4b.453 and 4b.453–1.

§ 4b.454–1 [Deletion]

72. By deleting § 4b.454–1.

§ 4b.455 [Deletion]

73. By deleting § 4b.455.

§§ 4b.465, 4b.465–1 [Deletion]

74. By deleting §§ 4b.465 and 4b.465–1.

§ 4b.484 [Amendment]

75. By amending § 4b.484(a)(1) by deleting from the third sentence the words "complying with the provisions of § 4b.488".

§ 4b.484–1 [Amendment]

76. By deleting from § 4b.484–1(b)(1) the words "Never Exceed" and inserting in lieu thereof "maximum operating limit".

§ 4b.487 [Amendment]

77. By amending § 4b.487(c) by deleting from the first sentence the words "complying with § 4b.488" and inserting in lieu thereof "to isolate the engine power section from the engine accessory section,".

§ 4b.488 [Deletion]

78. By deleting § 4b.488.

79. By amending § 4b.603(a) by deleting the symbol "V_{NE}" and inserting in lieu thereof "V_{MO}/M_{MO}".

80. By amending § 4b.603 by adding a new paragraph (k) to read as follows:

§ 4b.603 Flight and navigational instruments.

* * * * *

(k) Speed warning device for all turbine-powered airplanes and for all other airplanes for which V_{MO}/M_{MO} is greater than 0.8 V_{DF}/M_{DF} or 0.8 V_D/M_D. The device shall provide effective aural warning to the pilots which is distinctively different from aural warnings used for other purposes, whenever the speed exceeds V_{MO} plus 6 knots or $M_{MO}+0.01$. The upper limit of the production toler-

ance permitted for the warning device shall be at a speed not greater than the prescribed warning speed.

81. By amending § 4b.604(q) to read as follows:

§ 4b.604 Powerplant instruments.

* * * * *

(q) An indicator for each turbojet engine to indicate a change in thrust, resulting from any deficiency in the engine or an indicator to indicate a gas stream pressure which can be related to thrust.

§ 4b.612 [Amendment]

82. By amending § 4b.612(a)(3) by deleting the symbol "V_{NO}" and inserting in lieu thereof "V_{MO}".

§ 4b.612–4 [Amendment]

83. By amending § 4b.612–4(a) by deleting the symbols "V_{NE}" and "M_{NE}" and inserting in lieu thereof "V_{FC}" and "M_{FC}".

84. By amending § 4b.612(f) to read as follows:

§ 4b.612 Flight and navigational instruments.

* * * * *

(f) *Duplicate instrument systems.* If duplicate flight instruments are required by the operating parts of the Civil Air Regulations (see note under § 4b.610), the provisions of subparagraphs (1) through (3) of this paragraph shall apply.

(1) The operating system for flight instruments used by the first pilot, which are required to be duplicated at other flight crew stations, shall be completely independent of the operating system provided for other flight crew stations.

(2) Only the required flight instruments and duplicates of required instruments provided for use of the first pilot shall be connected to the operating system provided for the first pilot.

(3) When other than required instruments and duplicates are connected to other than the first pilot's operating system, provision shall be made to disconnect or isolate in flight such other instruments.

85. By amending § 4b.622(b) to read as follows:

§ 4b.622 Generating system.

* * * * *

(b) The generating system shall be designed so that:

(1) The power sources function properly when independent and when connected in combination;

(2) The failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads;

(3) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating condition; and

(4) System transients initiated by switching, fault clearing, or other causes, do not render essential loads inoperative, and do not introduce a smoke or fire hazard.

86. By amending § 4b.624(d) to read as follows:

§ 4b.624 Electrical protection.

* * * * *

(d) If the ability to reset a circuit breaker or to replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be so located and identified that it can be readily reset or replaced in flight.

87. By amending § 4b.627 to read as follows:

§ 4b.627 Electrical system tests.

When laboratory tests of the electrical system are conducted they shall be performed on a mock-up utilizing the same generating equipment complement as in the aircraft. The equipment shall simulate the electrical characteristics of the distribution wiring and connected loads to the extent necessary for valid test results. Laboratory generator drives shall simulate the actual prime movers on the airplane with respect to their reaction to generator loading, including loading due to faults. When the conditions of flight cannot adequately be simulated in the laboratory or by ground tests on the prototype airplane, flight tests shall be conducted.

§ 4b.634 [Amendment]

88. By amending Figure 4b–19 referred to in § 4b.634 by deleting the phrase "At least 2 candles" in the intensity column and inserting in lieu thereof "0.05 *I*".

§ 4b.642 [Amendment]

89. By amending § 4b.642(a) by deleting the word "danger" and inserting in lieu thereof "probability".

§ 4b.643 [Amendment]

90. By amending § 4b.643 by adding at the end of the third sentence the words "in lieu of the fitting factor prescribed in § 4b.307(c)."

§ 4b.645 [Amendment]

91. By amending § 4b.645 by deleting from the introductory paragraph the phrase "through (d)" and inserting in lieu thereof "through (e)".

§ 4b.652 [Deletion]

92. By deleting § 4b.652.

§ 4b.659 [Deletion]

93. By deleting § 4b.659.

94. By amending § 4b.711 to read as follows:

§ 4b.711 Maximum operating limit speed V_{MO}/M_{MO}.

The maximum operating limit speed is a speed which shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is authorized for flight test or pilot training operations. This operating limitation, denoted by the symbols V_{MO}/M_{MO} (airspeed or Mach number, whichever is critical at a particular altitude), shall be established to be not greater than the design cruising speed V_C and sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in operations. The speed margin between V_{MO}/M_{MO} and V_D/M_D or V_{DF}/M_{DF} shall be determined in accordance with either paragraph (a) or (b) of this section, but shall not be less than the margin found necessary in flight tests in accordance with § 4b.191. (Also see § 4b.603(k) concerning speed warning means.)

(a) The minimum margin shall be the greater of the values determined in accordance with subparagraphs (1) and (2) of this paragraph.

(1) From an initial condition of stabilized flight at V_{MO}/M_{MO}, the airplane shall be assumed to be upset, flown for 20 seconds along a flight path 7.5 degrees below the initial path and pulled up at a load factor of 1.5 (.5g acceleration increment). It shall be acceptable to calculate the speed increase occurring in this maneuver, provided reliable or conservative aerodynamic data are used. Power, as specified in § 4b.155(a), shall be assumed until the pullup is initiated, at which time power reduction and the use of pilot controlled drag devices may be assumed.

(2) The margin shall be sufficient to provide for atmospheric variations, such as horizontal gusts, penetration of jet stream or cold front, and for instrument errors and airframe production variations. It shall be acceptable to consider these factors on a probability basis, but the margin at altitudes where M_{MO} is limited by compressibility effects shall not be less than 0.05M.

(b) V_{MO}/M_{MO} shall not be greater than 0.8 V_D/M_D or 0.8 V_{DF}/M_{DF}.

§ 4b.712 [Deletion]

95. By deleting § 4b.712.

96. By amending § 4b.714 to read as follows:

§ 4b.714 Flap extended speeds, V_{FE}.

Flap extended speeds, V_{FE}, shall be established not to exceed the design flap speeds, V_F, chosen in accordance with §§ 4b.210(b)(1) and 4b.212 for the corresponding flap positions and engine powers.

97. By amending § 4b.718(c) to read as follows:

§ 4b.718 Powerplant limitations.

* * * * *

(c) *Fuel grade or specification designation.* The minimum fuel grade for reciprocating engines or the fuel designation for turbine engines, required for the operation of the engine within the limitations prescribed in paragraphs (a) and (b) of this section.

98. By amending § 4b.718 by adding a new paragraph (d) to read as follows:

(d) *Maximum ambient atmospheric temperature.* The maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 4b.450 through 4b.452 is established.

§ 4b.738 [Amendment]

99. By amending § 4b.738(b)(1) by deleting the words "octane number" and inserting in lieu thereof "grade or designation".

100. By amending § 4b.740–1 by deleting paragraph (b)(4)(ii) and by amending paragraphs (b)(4)(i), (vii), and (viii) to read as follows:

§ 4b.740–1 Preparation of Airplane Flight Manuals for aircraft certificated in the transport category (FAA policies which apply to § 4b.740).

* * * * *

(b) *Operating limitations.* * * *

(4) *Speed limitations.* * * *

(i) *Maximum operating limit speed, V_{MO}/M_{MO}.* In accordance with § 4b.741(a)(1), the manual should include a statement that the maximum operating limit speed shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is authorized for flight test or pilot training operations.

* * * * *

(vii) *Compressibility effects.* Where a speed limitation (e.g., M_{MO}) is based on compressibility effects, the manual should include information concerning warning symptoms, probable behavior of the airplane, and recovery procedures.

(viii) *Airspeed and Mach indicator markings and placards.* An explanation of any markings, limit hands, placards, etc., provided in complying with § 4b.732, should be included.

101. By amending § 4b.741(a) by deleting subparagraph (2) and revising subparagraph (1) to read as follows:

§ 4b.741 Operating limitations.

(a) *Airspeed limitations.* * * *

(1) The maximum operating limit speed V_{MO}/M_{MO} (see § 4b.711), together with a statement that this speed limit shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is authorized for flight test or pilot training operations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3086; Filed, Mar. 29, 1962; 8:48 a.m.]

[Reg. Docket 107; Reg. No. SR–450]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Airspeed Operation Limitation for Transport Category Airplanes

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice which was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961, also contained a proposed Special Civil Air Regulation which would require, for certain transport category airplanes, revision of the Airplane Flight Manual statement of airspeed operating limitations, and the revision of airspeed indicator markings and installation of an overspeed warning device in turbine-powered airplanes.

Operating records show an increasing number of cases of exceeding the airspeed operating limits on transport category airplanes, particularly on turbine-powered airplanes. Among the probable causes of overspeed are the characteristics of turbine-powered airplanes which make it desirable to operate at the limit speed, the somewhat indefinite significance of the present normal operating limit speed, and the increasing preoccupation of the pilots with air traffic and other duties which distract them from continuous monitoring of airspeed instruments.

For new type airplanes, Part 4b of the Civil Air Regulations is being amended concurrently to replace the existing normal operating limit and never exceed speeds (§§ 4b.711 and 4b.712) by a single speed at the previous normal operating limit value. The new single limit in Part 4b is being designated as the "maximum operating limit speed," and will be defined in the Airplane Flight Manual (§ 4b.741) as a speed which shall not be deliberately exceeded in any regime of flight, except where a higher speed is authorized for flight test or pilot training operations.

To minimize overspeeding due to pilot preoccupation, § 4b.603(k) is being amended to require an aural warning device on turbine-powered airplanes and other airplanes having a speed margin of less than 20 percent between limit and demonstrated speeds. To insure early warning and thus to make a major portion of the speed margin available for pilot reaction and recovery maneuvers, the speed warning shall occur whenever the speed exceeds the limit speed by more than 6 knots or 0.01 Mach number.

The changes being made to Part 4b relating to airspeed operating limitations apply only to new type airplanes for which application for type certificate is filed on or after the effective date of the amended regulations, and would not affect existing airplanes. This Special Civil Air Regulation is being issued to apply retroactively to transport category airplanes certificated under the provisions of Part 4b in effect prior to the effective date of the amendments to Part 4b discussed herein.

For turbine-powered airplanes, this regulation requires an aural speed warning device and revision of Airplane Flight Manuals to replace the previous term "normal operating limit speed" with the new term "maximum operating limit speed" and to state that this speed shall not be deliberately exceeded in any regime of flight, except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures. The actual value of this limit speed is not changed. The existing never exceed speed may be retained in the manual since, in some cases, emergency procedures may refer to this speed. Airspeed placards and markings are required to be revised as necessary to reflect the maximum operating limit speed.

For reciprocating engine-powered airplanes, this regulation merely requires revision of the statement in the Airplane Flight Manual explaining the significance of the existing speed limitations.

Since this Special Civil Air Regulation is applicable to existing airplanes, approximately 6 months is being allowed after its adoption for the revision of manuals and approximately one year for installation of warning devices in turbine-powered airplanes. The proposed provision requiring air carriers to take action to insure that their pilots are informed of the changes to the airspeed operating limitation prescribed in this regulation has been withdrawn. Such an additional provision is considered to be unnecessary in that it is the responsibility of the air carrier under other provisions of the Civil Air Regulations to inform their pilots of the current operating limitations for their aircraft.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective May 3, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, the following requirements shall be applicable to transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962:

1. *Turbine-powered airplanes.* (a) On or before September 1, 1962:

(1) The airspeed operating limitations in the Airplane Flight Manual shall be revised by deleting the term "normal operating limit speed" and the corresponding symbols "V_{NO}/M_{NO}", together with statements explaining the significance of this term, and inserting in lieu thereof the term "maximum operating limit speed", the corresponding symbols "V_{MO}/M_{MO}", and the following statement explaining the significance of the new term:

"The maximum operating limit speed shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures."

(2) Airspeed placards and instrument markings shall be consistent with subparagraph (1) of this paragraph. Where color markings are used on airspeed or Mach indicators, the red radial line shall be at V_{MO}/M_{MO}. Where a maximum allowable airspeed indicator is used, the limit hand shall indicate V_{MO}/M_{MO}.

(b) On or before February 1, 1963, each airplane shall be equipped with a speed warning device which shall provide aural warning to the pilots, which is distinctly different from aural warnings used for other purposes, whenever the speed exceeds V_{MO} plus 6 knots or $M_{MO}+0.01$. The upper limit

of the production tolerances permitted for the warning device shall be at a speed not greater than the prescribed warning speed.

2. *Reciprocating engine-powered airplanes.* On or before September 1, 1962, the airspeed operating limitations in the Airplane Flight Manual shall be revised as necessary to state that the normal operating limit speed, or the maximum structural cruising speed (whichever term is used in the particular manual), shall not be deliberately exceeded in any regime of flight (climb, cruise, or descent), except where a higher speed is specifically authorized for flight test or pilot training operations, or in approved emergency procedures.

(Secs. 313a, 601, 603, 604; 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1423, 1424)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

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[Reg. Docket 107; Amdt. 5-1]

PART 5—GLIDER AIRWORTHINESS

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61-12 dated June 8, 1961. There are contained herein amendments to Part 5 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

The provisions of Part 5 apply only to fixed-wing gliders. Because of recent developments in the design of gliders, §§ 5.10 and 5.13 are being amended to include such references as are necessary to make this part also applicable to rotary-wing gliders. In addition, § 5.11 (b) is being amended to exclude from the provisions of that section consideration of provisional type certificates. It was proposed in Draft Release 61-12 that this be accomplished by a note. However, it now appears that it is more appropriate to include such a provision within § 5.11(b) rather than as a note thereto.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 5 of the Civil Air Regulations (14 CFR Part 5, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending § 5.10 by changing the words "Part 3" to read "Part 3 or Part 6", and by inserting between the words "finds" and "appropriate" the words "are applicable to the type design and are".

2. By amending § 5.11(b) by inserting in the first sentence between the words "required" and "except" the phrase "notwithstanding the fact that the applicant may have been issued a provisional type certificate,".

3. By amending § 5.13(b) by deleting the parenthetical expression "(see § 3.737 of this subchapter)" and inserting in lieu thereof "(see § 3.737 or § 6.700 of this chapter, as appropriate)".

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

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[Reg. Docket 107; Amdt. 6-5; Supp. 19]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61-12 dated June 8, 1961. There are contained herein amendments to Part 6 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Interested persons have been afforded an opportunity to express their comments in regard to the proposal and, in some cases, the proposal has been modified in accordance with such comments. The more significant amendments being adopted by the Agency are discussed herein.

Two changes are being made which affect control systems. Section 6.225 now requires manual control systems to comply with the provisions of that section. Because the word "manual" has erroneously been construed to limit the applicability of this section, it is being amended to make certain that it applies to all control systems. The other change stems from the fact that Part 6 does not now cover the design of dual primary flight control systems. To insure that future dual control systems will be designed to withstand more than single pilot effort, a new § 6.226 is being adopted.

Several changes to the structural provisions relating to parts subjected to alternating stresses, casting factors, and hull and float design are being made. The current regulations require fatigue evaluation of the rotor structure but not of the essential fuselage and rotor pylon structure. Service experience has shown a need for fatigue evaluation of these other structural parts. Therefore, § 6.251 is being amended to require an evaluation of fuselage and rotor pylon structure, the failure of which would threaten the structural integrity of the rotorcraft. The present requirements on factors of safety and inspections for structural castings specify a special factor of 2.0 for visual inspection only, and a factor of 1.25 when radiographic inspection and strength tests of 3 sample castings are employed. Section 6.307 is being amended to provide a series of casting factors and corresponding test and inspection requirements which reflect current methods and practices. In addition, a minor revision in the format of this section has been made from that which was proposed and the rule now provides for alternative methods of compliance with the requirements therein. It was proposed in Draft Release 61-12 to add a new § 6.343 setting forth minimum design standards for hull and float design of "sea and amphibian type rotorcraft." To avoid having the requirement affect all amphibian rotorcraft, i.e., even those which have an extremely limited capability as an amphibian, the proposal has been confined in applicability only to those rotorcraft which are to be approved for both taking off from and alighting on water. The requirement is being set forth in a new paragraph (c) under § 6.341 rather than as a new § 6.343 because it is concerned with buoyancy. This change necessitates the inclusion of the word "hulls" in § 6.340.

The regulations covering Part 6 fuel systems are not in the same form and do not use terminology similar to that used in other airworthiness parts. To eliminate this inconsistency, new §§ 6.418 and 6.419 are being adopted, and changes are being made to §§ 6.420, 6.421, and 6.424.

Section 6.420 presently requires that, insofar as practicable, the entire fuel supply can be utilized under certain conditions. Such a requirement is unnecessary, even when practicable, because a rotorcraft will continue to be airworthy so long as usable fuel can be used regardless of the quantity of unusable fuel. Therefore, this provision is being deleted in favor of the objective requirement being added in § 6.418, which covers fuel system construction and arrangement to insure a satisfactory fuel flow.

Currently effective § 6.421 defines unusable fuel supply as that quantity at which the first evidence of malfunctioning occurs. This definition is unnecessarily restrictive and is not essential to safety since a rotorcraft is no less airworthy if an unusable fuel supply is selected as a quantity which is in excess of that which would produce a malfunction. Accordingly, the definition of unusable fuel supply is being revised to make it not less than the quantity at which the first evidence of malfunction occurs, the same as in other airworthiness parts.

As a result of comment received on Draft Release 61-12, specific requirements for demonstrations or tests are being deleted from §§ 6.420 and 6.421. Adequate authority for any ground or flight tests which might be required continues to rest in presently effective §§ 6.15 and 6.16. The provisions of paragraph (b) of § 6.421 as proposed are being transferred to a new paragraph (c) under § 6.420 as an editorial change, since the provision for fuel feed belongs more appropriately in the fuel flow section than in the unusable fuel supply section. In addition, the requirements for a low fuel quantity warning indicator presently in § 6.420(a), and a means to indicate when the emergency fuel system is in operation presently in § 6.424, are being transferred to § 6.604 which lists required items of equipment. In addition, the powerplant operating limitation dealing with fuel is being brought up to date by including reference to turbine engine fuel in § 6.714.

Presently effective Part 6 contains no requirement pertaining to the bypass of engine oil around a filter element when the element becomes clogged. Although installation of a filter is not required, it is necessary to provide for the bypass of a clogged filter, if a filter is installed, to insure continued normal functioning of the rest of the oil system. Accordingly, a new § 6.447 is being adopted to provide for bypass capability, consistent with the same requirement now appearing in all the other airworthiness parts.

Revisions to the regulations concerning electrical systems and equipment are being made involving §§ 6.617 through 6.627. These changes are being made in recognition of the substantial growth in capacity, complexity, and significance to safety of electrical systems on rotorcraft. In particular, new § 6.618 dealing with electric power sources is being added. Revisions are being made to §§ 6.623, 6.626, and 6.627 concerned with master switch arrangement, protective devices, and electric cables, respectively. In conjunction with these changes, §§ 6.623-1, 6.625-1, 6.625-2, and 6.627-1 are being deleted because the material in these sections is being included, or is already contained, in other sections.

Two changes are being made to the lighting requirements. Figure 6-2 now specifies that position light intensity for angles 40° to 90° above or below the horizontal be at least 2 candles. Because this results in an irrational discontinuity when related to the other data in figure 6-2, figure 6-2 is being amended to require an intensity of 0.05 I for these angles.

The current anticollision light requirements in § 6.637(a) permit 0.03 steradians blockage. In view of recent qualitative studies, it has been determined that such a limitation might be unduly restrictive. Therefore, § 6.637(a) is being amended to permit 0.5 steradians of obstruction.

Part 6 currently does not require the tail rotor to be marked. Because there have been a number of accidents attributable to persons walking into tal rotors, § 6.738(f) is being added to require that tail rotors be marked conspicuously.

Miscellaneous changes of an editorial or clarifying nature are being made to §§ 6.11, 6.203, 6.237, 6.251, 6.306, 6.605, 6.642, and 6.738. Among the miscellaneous amendments there is one to expressly exclude from the provisions of § 6.11(b) consideration of provisional type certificates. While it was proposed that this be accomplished by a note, it now appears that it is more appropriate to include such a provision within § 6.11 (b) rather than as a note thereto.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) is hereby amended as follows, effective May 3, 1962:

§ 6.11 [Amendment]

1. By amending § 6.11(b) by inserting in the first sentence between the words "required" and "except" the phrase "notwithstanding the applicant may have been issued a provisional type certificate".

§ 6.203 [Amendment]

2. By amending § 6.203(d) by deleting the reference "(see §§ 6.221 and 6.250)" and inserting in lieu thereof "(see §§ 6.221, 6.250, and 6.251)".

§ 6.225 [Amendment]

3. By amending § 6.225 by deleting from the introductory paragraph the word "Manual" and inserting in lieu thereof "All".

4. By adding a new § 6.226 to read as follows:

§ 6.226 Dual primary flight control systems.

If a dual primary flight control system is provided, the system shall be designed for conditions when the pilots operate the controls in opposition and in conjunction. Individual pilot loads equal to 75 percent of those obtained in accordance with § 6.225 shall be applicable.

§ 6.237 [Amendment]

5. By amending § 6.237(a) by amending the definition of W_T to read as follows:

$W = W_T$ for tailwheel units (pounds) equal to whichever of the following is critical:

(1) The static weight on the tailwheel with the rotorcraft resting on all wheels; or

(2) The vertical component of the ground reaction which would occur at the tailwheel assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1g downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions. (See § 6.246 (b) and (c).)

6. By amending § 6.251 by deleting from the introductory paragraph the phrase "through (d)" and inserting in lieu thereof "through (e)"; and by deleting from paragraph (d) the phrase "in § 6.250 (d) and (f)" and inserting in lieu thereof "in § 6.250 (e) and (f)".

7. By amending § 6.251 by adding a new paragraph (e) to read as follows:

§ 6.251 Fuselage, landing gear, and rotor pylon structure.

* * * * *

(e) Parts of the basic structure which are directly subjected to alternating stresses, the sudden failure of which would threaten the structural integrity of the rotorcraft, shall be designed to withstand the repeated loading conditions likely to occur within the established service life for such parts. The stresses of critical parts shall be determined in flight in all attitudes appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 6.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or other acceptable methods.

8. By amending § 6.306(c) and the note to read as follows:

§ 6.306 Material strength properties and design values.

* * * * *

(c) Values contained in MIL-HDBK-5, MIL-HDBK-17 Part I, ANC-17 Part II, ANC-18, MIL-HDBK-23 Part I, and ANC-23 Part II shall be used unless shown to be inapplicable in a particular case.

NOTE: MIL-HDBK-5, "Strength of Metal Aircraft Elements"; MIL-HDBK-17, "Plastics for Flight Vehicles, Part I—Reinforced Plastics"; ANC-17, "Plastics for Aircraft, Part II—Transparent Glazing Materials"; ANC-18, "Design of Wood Aircraft Structures"; MIL-HDBK-23, "Composite Construction for Flight Vehicles, Part I—Fabrication Inspection Durability and Repair"; and ANC-23, "Sandwich Construction for Aircraft, Part II—Material Properties and Design Criteria", are published by the Department of Defense and the Federal Aviation Agency and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

9. By amending § 6.307(b) to read as follows:

§ 6.307 Special factors.

* * * * *

(b) *Casting factors.* For structural castings, the factor of safety prescribed in § 6.200 shall be multiplied by the casting factors specified in subparagraph (1) and (2) of this paragraph. The prescribed tests and inspections shall be in addition to those necessary to establish foundry quality control. Castings shall be inspected in accordance with approved specifications.

(1) Each casting, the failure of which would preclude continued safe flight and landing of the rotorcraft or which would result in serious injury to occupants, shall have a casting factor of at least 1.25 and shall receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods. Where such castings have a casting factor less than 1.50, 3 sample castings shall be static tested. The test castings shall comply with the strength requirements of § 6.201 at an ultimate load corresponding with a casting factor of 1.25 and shall comply with the deformation requirements at a load equal to 1.15 times limit load.

NOTE: Examples of castings to which this subparagraph applies are: structural attachment fittings; parts of flight control systems; control surface hinges and balance weight attachments; seat, berth, safety belt, and fuel and oil tank supports and attachments; cabin pressure valves.

(2) For structural castings other than those specified in subparagraph (1) of this paragraph, the casting factors and inspections shall be in accordance with the following table except that it shall be acceptable to reduce the percentage of castings inspected by nonvisual methods when an approved quality control procedure is established. For castings procured to a specification which guarantees the mechanical properties of the material in the castings and provides for demonstration of these properties by test of coupons cut from castings on a sampling basis, it shall be acceptable to use a casting factor of 1.0. The in-

spection requirements for such castings shall be in accordance with those specified in the following table for casting factors of 1.25 to 1.50, and the testing requirements shall be in accordance with subparagraph (1) of this paragraph.

Casting factor	Inspections
2.0 or greater	100 percent visual.
Less than 2.0 greater than 1.5.	100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods.
1.25 to 1.50	100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods.

(3) Castings which are pressure tested as parts of a hydraulic or other fluid system shall not be required to comply with the provisions of this section unless such castings support rotorcraft structural loads.

(4) The casting factor need not exceed 1.25 with regard to bearing stresses regardless of the method of inspection employed. A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is greater than the casting factor.

10. By amending the center heading preceding § 6.340 to read as follows: "Hulls and Floats."

§ 6.340 [Amendment]

11. By amending § 6.340 by inserting the words "hulls and" between the words "of" and "floats".

12. By amending § 6.341 by amending the heading and by adding a new paragraph (c) to read as follows:

§ 6.341 Buoyancy.

* * * * *

(c) If a rotorcraft, constructed with a hull and auxiliary floats, is to be approved for both taking off from and alighting on water, the hull and auxiliary floats shall be divided into watertight compartments so that, with any single compartment flooded, the buoyancy of the hull and auxiliary floats (and wheel tires if used) will provide a sufficient margin of positive stability to minimize capsizing. (See § 6.741(e).)

13. By adding between the center heading "Fuel System" and § 6.420 a new § 6.418 to read as follows:

§ 6.418 General.

(a) The fuel system shall be constructed and arranged in a manner to insure a flow of fuel at a rate and pressure which have been established for proper engine functioning under all likely operating conditions, including all maneuvers for which the rotorcraft is intended. (For fuel system instruments see § 6.604.)

(b) The fuel system shall be arranged so that no one fuel pump can draw fuel from more than one tank at a time unless means are provided to prevent introducing air into the system.

14. By amending § 6.420 by redesignating paragraph (b) as § 6.419, by amending the remainder of the section to read as follows, and by deleting the associated note:

§ 6.420 Fuel flow.

(a) The fuel system shall provide not less than 100 percent of the fuel flow required by the engines when the rotorcraft is operated under all intended operating conditions and maneuvers.

(b) In determining compliance with the provisions of paragraph (a) of this section, the provisions of subparagraphs (1) through (3) of this paragraph shall apply.

(1) Fuel shall be delivered to the engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank being considered shall not exceed the sum of the amount established as the unusable fuel supply for that tank, as determined in accordance with the provisions of § 6.421, and whatever minimum quantity of fuel it may be necessary to add for the purpose of determining compliance.

(3) Such main pumps shall be used as are necessary for each operating condition and rotorcraft attitude for which compliance is determined and, in addition, for each main pump so used, the appropriate emergency pump shall be substituted. (See § 6.424.)

(c) If an engine can be supplied with fuel from more than one tank, the fuel system shall feed promptly when the fuel supply becomes low in one tank and another tank is turned on.

15. By amending § 6.421 to read as follows:

§ 6.421 Unusable fuel supply.

The unusable fuel supply shall be selected by the applicant and shall be established for each tank as not less than the quantity at which the first evidence of malfunctioning occurs under the most adverse condition from the standpoint of fuel feed during all intended operations and flight maneuvers involving use of that tank.

16. By amending § 6.424 to read as follows:

§ 6.424 Fuel pumps.

(a) *Main pumps.* (1) Any fuel pump which is required for proper engine operation or to meet the fuel system requirements of this subpart, except for the provisions of paragraph (b) of this section, shall be considered a main pump.

(2) Provision shall be made to permit the bypass of all positive displacement fuel pumps except fuel injection pumps approved as part of the engine.

NOTE: The phrase "fuel injection pump" means a pump which supplies the proper flow and pressure conditions for fuel injection when such injection is not accomplished in a carburetor. Fuel injection is a special form of carburetion: the charging of air or gas with volatile carbon compounds. It is either an intermittent charging of air by discrete metered quantities of fuel such as occurs in a Diesel cylinder or it is a continuous charging of air by fuel, the fuel flow being proportioned to the airflow through the engine. Examples of continuous injection are injections into the supercharger section of a reciprocating engine or into the combustion chambers of a turbine engine.

(b) *Emergency pumps.* Pumps shall be provided to permit supplying all engines with fuel immediately after the failure of any one main fuel pump except fuel injection pumps approved as part of the engine. The emergency pump shall be actuated automatically or operated continuously so that sufficient fuel pressure will be maintained to prevent engine stoppage.

17. By adding a new § 6.447 to read as follows:

§ 6.447 Oil filters.

If the powerplant installation incorporates an oil filter (strainer), the filter shall be constructed and installed so that oil will continue to flow at the normal rate through the remainder of the system when the flow of oil through the filter element is completely blocked.

18. By amending § 6.604 by adding new paragraphs (l) and (m) to read as follows:

§ 6.604 Powerplant instruments.

* * * * *

(l) A warning device to indicate low fuel in each tank if an engine can be supplied with fuel from more than one tank. The fuel in any tank shall be considered to be low if a five-minute usable fuel supply remains when the rotorcraft is in the most adverse condition, from the standpoint of fuel feed from that tank, whether or not that condition can be sustained for five minutes.

(m) Means to indicate to the pilot when emergency pumps are in operation.

§ 6.605 [Amendment]

19. By amending § 6.605(d) by deleting the reference "6.620 through 6.622" and inserting in lieu thereof "6.618 through 6.621."

20. By adding, between the center heading "Electrical Systems and Equipment" and § 6.620, new §§ 6.617 and 6.618 to read as follows:

§ 6.617 Installation.

Electrical systems in rotorcraft shall be free from hazards in themselves, in their method of operation, and in their effects on other parts of the rotorcraft. Electrical equipment shall be of a type and design adequate for the use intended. Electrical systems shall be installed in such a manner that they are protected from fuel, oil, water, other detrimental substances, and mechanical damage.

§ 6.618 Electric power sources.

(a) Electric power sources, their transmission cables, and their associated control and protective devices shall have sufficient capacity to furnish the required power at the proper voltage to all load circuits which are essential to the safe operation of the rotorcraft.

(b) Compliance with paragraph (a) of this section shall be shown by means of an electrical load analysis, or by electrical measurements, which take into account all electrical loads applied to the electrical system, in probable combinations and for probable durations.

(c) At least one generator shall be installed if the electrical system supplies power to load circuits which are essential to the safe operation of the rotorcraft.

(d) Electric power sources shall function properly when connected in combination or independently. The failure or malfunction of any electric power source shall not impair the ability of any remaining source to supply load circuits which are essential to the safe operation of the rotorcraft.

(e) Electric power source controls shall be such as to permit independent operation of each source.

21. By amending § 6.620 to read as follows:

§ 6.620 Generator.

Generators shall be capable of delivering their continuous rated power.

§ 6.619 [Redesignation]

22. By redesignating § 6.621 as § 6.619 and by adding a new § 6.621 to read as follows:

§ 6.621 Generator controls.

(a) Generator voltage control equipment shall be capable of dependably regulating the generator output within rated limits.

(b) A generator reverse current cutout shall be incorporated and designed to disconnect the generator from the battery and other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

23. By amending § 6.622 to read as follows:

§ 6.622 Electric power system instruments.

Means shall be provided to indicate to appropriate crewmembers those electric power system quantities which are essential for the safe operation of the system. For direct current systems, an ammeter which can be switched into each generator feeder shall be acceptable. When only one generator is installed, it shall be acceptable to locate the ammeter in the battery feeder.

24. By amending § 6.623 to read as follows:

§ 6.623 Master switch arrangement.

A master switch arrangement shall be provided to permit expeditious disconnection of all electric power sources from all load circuits. The point of disconnection shall be adjacent to the power sources.

§ 6.623–1 [Deletion]

25. By deleting § 6.623–1.

26. By amending § 6.625 to read as follows:

§ 6.625 Fuses or circuit breakers.

Protective devices (fuses or circuit breakers) shall be installed in the circuits to all electrical equipment, except that such items need not be installed in the main circuits of starter motors or in other circuits where no hazard is presented by their omission. Not more than one circuit, which is essential to safety in flight, shall be protected by a single protective device. All resettable type circuit protective devices shall be designed so that a manual operation is required to restore service after tripping and so that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

NOTE: The aforementioned resettable type circuit protective devices are known commercially as "trip-free"; i.e., the tripping mechanism cannot be overridden by the operating control. Such circuit protective devices can be reset on an overload or circuit fault, but will trip subsequently in accordance with their current-time trip characteristic.

§§ 6.625–1, 6.625–2 [Deletion]

27. By deleting §§ 6.625–1 and 6.625–2 and related footnotes.

28. By amending § 6.626 to read as follows:

§ 6.626 Protective devices installation.

If the ability to reset a circuit breaker or to replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be so located and identified that it can be readily reset or replaced in flight. If fuses are used, one spare of each rating or 50 percent spare fuses of each rating, whichever is the greater, shall be provided.

29. By amending § 6.627 to read as follows:

§ 6.627 Electric cables.

Electric connecting cables shall be of adequate capacity. Cables which would overheat in the event of circuit overload or fault shall be flame-resistant and shall not emit dangerous quantities of toxic fumes.

§ 6.627–1 [Deletion]

30. By deleting § 6.627–1 and related footnotes.

§ 6.634 [Amendment]

31. By amending Figure 6–2 referred to in § 6.634 by deleting the phrase "At least 2 candles" in the intensity column and inserting in lieu thereof "0.05 I".

§ 6.637 [Amendment]

32. By amending § 6.637(a) by deleting the number ".03" and inserting in lieu thereof "0.5".

§ 6.642 [Amendment]

33. By amending § 6.642(a) by deleting the word "danger" and inserting in lieu thereof "probability".

34. By amending § 6.714(c) to read as follows:

§ 6.714 Powerplant limitations.

* * * * *

(c) *Fuel grade or specification designation.* The minimum fuel grade for reciprocating engines or the fuel designation for turbine engines, required for the operation of the engine within the limitations prescribed in paragraphs (a) and (b) of this section.

35. By amending § 6.738(b)(1) by deleting the words "octane number" and inserting in lieu thereof "grade or designation".

36. By amending § 6.738 by adding a new paragraph (f) to read as follows:

§ 6.738 Miscellaneous markings and placards.

* * * * * *

(f) *Tail rotor.* The tail rotor shall be marked so that the rotor disc will be conspicuous under all normal ground conditions.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3088; Filed, Mar. 29, 1962; 8:48 a.m.]

[Reg. Docket 107; Amdt. 7-5]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961. There are contained herein amendments to Part 7 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Interested persons have been afforded an opportunity to express their comments in regard to the proposal and, in some cases, the proposal has been modified in accordance with such comments. The more significant amendments being adopted by the Agency are discussed herein.

Two changes are being made which affect control systems. Section 7.225 now requires manual control systems to comply with the provisions of that section. Because the word "manual" has erroneously been construed to limit the applicability of this section, it is being amended to make certain that it applies to all control systems. The other change is of an editorial nature, making § 7.226 consistent with the change to Part 6 covering the design of dual flight control systems.

The present requirements on factors of safety and inspections for structural castings specify a special factor of 2.0 for visual inspection only, and a factor of 1.25 when 3 sample castings are subjected to radiographic inspection and strength tests. Section 7.307 is being amended to provide a series of casting factors and corresponding test and inspection requirements which reflect current methods and practices. In addition, a minor revision in the format of this section has been made from that which was proposed and the rule now provides for alternative methods of compliance with the requirements therein.

A revision to the note under § 7.332 dealing with shock absorption tests is being made because it does not reflect the ground loading conditions for tailwheel type landing gear. It was pro-

posed in Draft Release 61-12 to add a new § 7.342 setting forth minimum design standards for hull and float design of "sea and amphibian type rotorcraft." To avoid having the requirement affect all amphibian rotorcraft, i.e., even those which have an extremely limited capability as an amphibian, the proposal has been confined in applicability only to those rotorcraft which are to be approved for both taking off from and alighting on water. The requirement is being set forth in a new paragraph (c) under § 7.340 rather than as a new § 7.342 because it is concerned with buoyancy. This change necessitates the inclusion of the word "hulls" in § 7.340.

The upper aisle width specified in § 7.357(g) has been reduced from 20 to 18 inches, for rotorcraft having a passenger seating capacity of 10 or less, on the basis of studies indicating that this reduction would not adversely affect safe emergency evacuation. However, a further reduction of this dimension to 16 inches, as suggested by several interested persons, has not been justified. Biometric data derived from a general sampling of the civilian population reveals that a significant percentage of passengers have a standing hip-breadth exceeding 16 inches, whereas the percentage exceeding 18 inches is negligible. A 16-inch upper aisle width, therefore, introduces the probability that a single passenger may jam the aisle between seats in the excitement and near-panic of an emergency evacuation; and, in any event, movement along the aisle would be retarded by the awkward sideward gait which large-hipped passengers must assume for passage.

It had been proposed that the optional provision of § 7.385, which permits the control of fire once it has started, would be deleted. Comments made on that proposal have led to the conclusion that such an amendment might be unnecessarily restrictive and would not be compatible with other requirements which do permit the control of fire in cargo compartments and nacelles. Accordingly, presently effective § 7.385 remains unchanged. Section 7.412 dealing with fuel line location is being deleted because §§ 7.358 and 7.385 cover both the ventilation and fire control aspects of § 7.412.

Section 7.405(e) currently requires each gearbox used in the rotor drive system of a category A helicopter to be bench tested for 150 hours. This test is in addition to a 200-hour endurance test required by other provisions of this part. Because the 200-hour endurance test is adequate to show the structural and functional capacity of the gearbox as an element of the whole helicopter, the additional test now required by § 7.405(e) is not necessary. Therefore, the paragraph is being deleted.

Presently effective §§ 7.413 and 7.416 cover the demonstration of adequate fuel flow and the selection of unusable fuel supply. The demonstration is required to be conducted with unusable fuel supply together with the minimum quantity of fuel necessary for conducting the flow test. As a result of comment received on Draft Release 61-12, specific requirements for demonstrations or tests are being deleted from §§ 7.413 and 7.416. Adequate authority for any ground or flight tests which might be required continues to rest in presently effective §§ 7.15 and 7.16. The unusable fuel supply is defined as that quantity at which the first evidence of malfunction occurs. This definition is unnecessarily restrictive and is not essential to safety since the rotorcraft is no less airworthy if an unusable fuel supply is selected as a quantity which is in excess of that which would produce a malfunction. Accordingly, the definition of unusable fuel supply is being revised to make it not less than the quantity at which the first evidence of malfunction occurs, the same as in other airworthiness parts. The form of § 7.413 is being arranged to make it consistent with that of corresponding § 4b.413 in Part 4b. This change eliminates the provision that the entire fuel supply be capable of being utilized under certain conditions, "insofar as practicable." Such a requirement is unnecessary even when practicable because a rotorcraft will continue to be airworthy so long as usable fuel can be used regardless of the quantity of unusable fuel.

In addition to the matter of unusable fuel supply, another question has arisen relating to the flow requirements of § 7.413. Section 7.413(c) presently requires that the available fuel flow shall be 150 percent of actual fuel consumption for gravity systems, 0.9 pounds per takeoff horsepower per hour for pump systems, or 125 percent of actual takeoff fuel consumption for pump systems. These margins are not required to insure adequate fuel flow. Furthermore, a margin is unnecessary to offset system deterioration because such deterioration is precluded by proper maintenance, inspection, and overhaul. Accordingly, the presently effective provisions of paragraph (c) of § 7.413 are being deleted. The provisions of paragraph (b) of § 7.416, as proposed, are being transferred to a new paragraph (c) under § 7.413, as an editorial change, since the provision for fuel feed belongs more appropriately in the fuel flow section than in the unusable fuel supply section.

The presently effective provisions of §§ 7.414 and 7.430 deal with fuel pumps and fuel flow. In consideration of the changes proposed for § 7.413, these flow provisions become unnecessarily repetitive. Section 7.414 is being deleted, therefore, and all fuel pump requirements are being combined in § 7.430 in a form consistent with other airworthiness parts.

Presently effective § 7.415 also covers fuel flow rate, relative to transfer systems, and bases required flow rates on horsepower output. Since the changes to § 7.413 eliminate the horsepower basis for establishing flow rate, § 7.415 is being deleted.

Presently effective § 7.438 merely repeats the requirement of § 7.604(f) for a low fuel warning device. Therefore, § 7.438 is being deleted and the definition of low fuel is being transferred from the associated note to § 7.604(f).

Section 7.488 requires a fireproof diaphragm to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment, unless equivalent protection can be shown by other means. Fire extinguishing systems are required to be provided in the engine power section, in the engine accessory section, and in complete powerplant compartments. Since it is considered that fire extinguishing systems are equivalent to a diaphragm in providing protection, there is no reason for retaining the provisions of § 7.488. Accordingly, this section is being deleted. Consistent with this change, the reference to § 7.488 in § 7.487(c) is being deleted and, as proposed, a provision is being added making the requirements of § 7.487(c) applicable to any rotorcraft equipped with a diaphragm to isolate the engine power section from the engine accessory section.

Section 7.604(m) currently requires an oil temperature warning device for all rotor drive gearboxes. Because it is doubtful that such devices would further safety in the case of small, noncritical gearboxes of simple design, § 7.604(m) is being amended to require oil temperature warning devices only for each main rotor drive gearbox including those gearboxes essential to rotor phasing.

Several changes are being made to the electric system requirements. Section 7.622(b) is being amended by adding two provisions which relate to the proper functioning of the generating system with respect to load equipment. Section 7.624(d) is also being amended in order to eliminate an unnecessarily restrictive provision requiring that certain electrical protective devices or their controls be accessible for resetting in flight. In addition, a new § 7.627 is being added which is intended to insure the validity of electrical system tests under simulated conditions in the laboratory.

Two changes are being made to the lighting requirements. Figure 7-2 now specifies that position light intensity for angles 40° to 90° above or below the horizontal be at least 2 candles. Because this results in an irrational discontinuity when related to the other data in figure 7-2, figure 7-2 is being amended to require an intensity of 0.05 I for these angles.

The current anticollision light requirements in § 7.637(a) permit .03 steradians blockage. In view of recent qualitative studies, it has been determined that such a limitation might be unduly restrictive. Therefore, § 7.637(a) is being amended to permit 0.5 steradians of obstruction.

Hydraulic system service difficulties have arisen which affect the proposal to add a new section, § 7.653, concerning hydraulic system tests. Therefore, the proposed addition of the new test requirement is not being included at this time. A study of the matter is being made outside the framework of this review.

Part 7 currently does not require the tail rotor to be marked. Because there have been a number of accidents attributable to persons walking into tail rotors, § 7.738(f) is being added to require that tail rotors be marked conspicuously.

Miscellaneous changes of an editorial or clarifying nature are being made to

§§ 7.11, 7.306, 7.325, 7.436, 7.447, 7.612, 7.634, 7.642, 7.714, and 7.738. Among the miscellaneous amendments there is one to expressly exclude from the provisions of § 7.11(b) consideration of provisional type certificates. While it was proposed that this be accomplished by a note, it now appears that it is more appropriate to include such a provision within § 7.11(b) rather than as a note thereto.

The proposed revisions to § 7.612(a) (3) and (4), have been withdrawn pending completion of a more comprehensive review of rotorcraft airspeed indicating system regulations. Furthermore, the proposed § 7.612(f)(4) requiring two complete static air pressure operating systems for the required instruments at the first pilot's station has been withdrawn in the light of comment received. It has been determined that one such static air pressure operating system as presently required is all that is necessary as a minimum requirement in the interest of safety. In addition, while not proposed, § 7.436 is being amended to delete redundant and contradictory requirements. This is in accordance with Part 4b requirements and the deletion imposes no additional burden on any person.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) is hereby amended as follows, effective May 3, 1962:

§ 7.11 [Amendment]

1. By amending § 7.11(b) by adding at the end of the first sentence the words "notwithstanding the applicant may have been issued a provisional type certificate".

§ 7.225 [Amendment]

2. By amending § 7.225(a) by deleting the words "Manually operated" and inserting in lieu thereof "All".

3. By amending § 7.226 to read as follows:

§ 7.226 Dual primary flight control systems.

If a dual primary flight control system is provided, the system shall be designed for conditions when the pilots operate the controls in opposition and in conjunction. Individual pilot loads equal to 75 percent of those obtained in accordance with § 7.225 shall be applicable.

4. By amending § 7.306(c) and the note to read as follows:

§ 7.306 Material strength properties and design values.

* * * * *

(c) Values contained in MIL-HDBK-5, MIL-HDBK-17 Part I, ANC-17 Part II, ANC-18, MIL-HDBK-23 Part I, and ANC-23 Part II shall be used unless shown to be inapplicable in a particular case.

NOTE: MIL-HDBK-5, "Strength of Metal Aircraft Elements"; MIL-HDBK-17, "Plastics for Flight Vehicles, Part I—Reinforced Plastics"; ANC-17, "Plastics for Aircraft, Part II—Transparent Glazing Materials"; ANC-18, "Design of Wood Aircraft Structures"; MIL-HDBK-23, "Composite Construction for Flight Vehicles, Part I—Fabrication Inspection Durability and Repair"; and ANC-23, "Sandwich Construction for Aircraft, Part II—Material Properties and Design Criteria", are published by the Department of Defense and the Federal Aviation Agency and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

5. By amending § 7.307(b) to read as follows:

§ 7.307 Special factors.

* * * * *

(b) *Casting factors.* For structural castings, the factor of safety prescribed in § 7.200 shall be multiplied by the casting factors specified in subparagraphs (1) and (2) of this paragraph. The prescribed tests and inspections shall be in addition to those necessary to establish foundry quality control. Castings shall be inspected in accordance with approved specifications.

(1) Each casting, the failure of which would preclude continued safe flight and landing of the rotorcraft or which would result in serious injury to occupants, shall have a casting factor of at least 1.25 and shall receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods. Where such castings have a casting factor less than 1.50, 3 sample castings shall be static tested. The test castings shall comply with the strength requirements of § 7.201 at an ultimate load corresponding with a casting factor of 1.25 and shall comply with the deformation requirements at a load equal to 1.15 times limit load.

NOTE: Examples of castings to which this subparagraph applies are: structural attachment fittings; parts of flight control systems; control surface hinges and balance weight attachments; seat, berth, safety belt, and fuel and oil tank supports and attachments; cabin pressure valves.

(2) For structural castings other than those specified in subparagraph (1) of this paragraph, the casting factors and inspections shall be in accordance with the following table except that it shall be acceptable to reduce the percentage of castings inspected by nonvisual methods when an approved quality control procedure is established. For castings procured to a specification which guarantees the mechanical properties of the material in the castings and provides for demonstration of these properties by test of coupons cut from castings on a sampling basis, it shall be acceptable to use a casting factor of 1.0. The inspection requirements for such castings shall be in accordance with those specified in the following table for casting factors of 1.25 to 1.50, and the testing requirements shall be in accordance with subparagraph (1) of this paragraph.

Casting factor	Inspections
2.0 or greater	100 percent visual.
Less than 2.0 greater than 1.5.	100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods.
1.25 to 1.50	100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods.

(3) Castings which are pressure tested as parts of a hydraulic or other fluid system shall not be required to comply with the provisions of this section unless such castings support rotorcraft structural loads.

(4) The casting factor need not exceed 1.25 with regard to bearing stresses regardless of the method of inspection employed. A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is greater than the casting factor.

§ 7.325 [Amendment]

6. By amending § 7.325(a)(4) by deleting the expression "ANC-5" and inserting in lieu thereof "MIL-HDBK-5".

§ 7.332 [Amendment]

7. By amending § 7.332(a) by inserting a new definition in the note between the definitions of "$W=W_N$" and "h" to read as follows:

$W=W_T$ for tailwheel units (pounds) equal to whichever of the following is critical:

(1) The static weight on the tailwheel with the rotorcraft resting on all wheels, or

(2) The vertical component of the ground reaction which would occur at the tailwheel assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1g downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions. (See § 7.246 (b) and (c).)

8. By amending the center heading preceding § 7.340 to read as follows: "Hulls and Floats".

9. By amending § 7.340 by amending the heading and by adding a new paragraph (c) to read as follows:

§ 7.340 Buoyancy.

* * * * *

(c) If a rotorcraft, constructed with a hull and auxiliary floats, is to be approved for both taking off from and alighting on water, the hull and auxiliary floats shall be divided into watertight compartments so that, with any single compartment flooded, the buoyancy of the hull and auxiliary floats (and wheel tires if used) will provide a sufficient margin of positive stability to minimize capsizing. (See § 7.741(e).)

10. By amending § 7.357(g) to read as follows:

§ 7.357 Emergency evacuation.

* * * * *

(g) *Width of main aisle.* The main passenger aisle width at any point be-

tween seats shall not be less than the values in the following table:

Passenger seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
	Inches	*Inches*
10 or less	12	15
11 to 19	12	20
20 or more	15	20

§ 7.405 [Amendment]

11. By deleting § 7.405(e).

§ 7.412 [Deletion]

12. By deleting § 7.412.

13. By amending § 7.413 to read as follows:

§ 7.413 Fuel flow.

(a) The fuel system shall provide not less than 100 percent of the fuel flow required by the engines when the rotorcraft is operated under all intended operating conditions and maneuvers.

(b) In determining compliance with the provisions of paragraph (a) of this section, the provisions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) Fuel shall be delivered to the engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank being considered shall not exceed the sum of the amount established as the unusable fuel supply for that tank, as determined in accordance with the provisions of § 7.416, and whatever minimum quantity of fuel it may be necessary to add for the purpose of determining compliance.

(3) Such main pumps shall be used as are necessary for each operating condition and airplane attitude for which compliance is determined and, in addition, for each main pump so used, the appropriate emergency pump shall be substituted. (See § 7.430(b).)

(4) If a fuel flowmeter is provided, operation of the meter shall be blocked in determining compliance with this section and the fuel shall flow through the meter or its bypass.

(c) If an engine can be supplied with fuel from more than one tank, the fuel system shall feed promptly when the fuel supply becomes low in one tank and another tank is turned on.

§§ 7.414, 7.415 [Deletion]

14. By deleting §§ 7.414 and 7.415.

15. By amending § 7.416 to read as follows:

§ 7.416 Unusable fuel supply.

The unusable fuel supply shall be selected by the applicant and shall be established for each tank as not less than the quantity at which the first evidence of malfunctioning occurs under the most adverse condition from the standpoint of fuel feed during all intended operations and flight maneuvers involving use of that tank.

16. By amending § 7.430 to read as follows:

§ 7.430 Fuel pumps.

(a) *Main pumps.* (1) Any fuel pump which is required for proper engine operation or to meet the fuel system requirements of this subpart, except for the provisions of paragraph (b) of this section, shall be considered a main pump.

(2) Provision shall be made to permit the bypass of all positive displacement fuel pumps except fuel injection pumps approved as part of the engine.

NOTE: The phrase "fuel injection pump" means a pump which supplies the proper flow and pressure conditions for fuel injection when such injection is not accomplished in a carburetor. Fuel injection is a special form of carburetion: the charging of air or gas with volatile carbon compounds. It is either an intermittent charging of air by discrete metered quantities of fuel such as occurs in a Diesel cylinder or it is a continuous charging of air by fuel, the fuel flow being proportioned to the airflow through the engine. Examples of continuous injection are injections into the supercharger section of a reciprocating engine or into the combustion chambers of a turbine engine.

(b) *Emergency pumps.* Pumps shall be provided to permit supplying all engines with fuel immediately after the failure of any one main fuel pump except fuel injection pumps approved as part of the engine.

17. By amending § 7.436 to read as follows:

§ 7.436 Fuel system drains.

Drainage of the fuel system shall be accomplished by fuel strainer drains and other drains as provided in § 7.424. The drains shall discharge clear of all portions of the rotorcraft and shall incorporate means for positive locking of the drain in the closed position, either manually or automatically.

§ 7.438 [Deletion]

18. By deleting § 7.438 including the associated note.

19. By amending § 7.447 to read as follows:

§ 7.447 Oil filters.

If the powerplant installation incorporates an oil filter (strainer), the filter shall be constructed and installed so that oil will continue to flow at the normal rate through the remainder of the system when the flow of oil through the filter element is completely blocked.

§ 7.487 [Amendment]

20. By amending § 7.487(c) by deleting from the first sentence the words "complying with § 7.488" and inserting in lieu thereof "to isolate the engine power section from the engine accessory section".

§ 7.488 [Deletion]

21. By deleting § 7.488.

22. By amending § 7.604 by amending paragraphs (f) and (m) to read as follows:

§ 7.604 Powerplant instruments.

• • • • • •

(f) A warning device to indicate low fuel in each tank if an engine can be supplied with fuel from more than one tank. The fuel in any tank shall be considered to be low if a five-minute unable fuel supply remains when the rotorcraft is in the most adverse condition, from the standpoint of fuel feed from that tank, whether or not that condition can be sustained for five minutes.

• • • • • •

(m) Oil temperature warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox, including those gearboxes essential to rotor phasing, having an oil system independent of the engine oil system.

23. By amending § 7.612(f) to read as follows:

§ 7.612 Flight and navigational instruments.

• • • • • •

(f) *Duplicate instrument systems.* If duplicate flight instruments are required by the operating parts of the Civil Air Regulations (see note under § 7.610), the provisions of subparagraphs (1) through (3) of this paragraph shall apply:

(1) The operating system for flight instruments used by the first pilot, which are required to be duplicated at other flight crew stations, shall be completely independent of the operating system provided for other flight crew stations.

(2) Only the required flight instruments and duplicates of required instruments provided for use of the first pilot shall be connected to the operating system provided for the first pilot.

(3) When other than required instruments and duplicates are connected to other than the first pilot's operating system, provision shall be made to disconnect or isolate in flight such other instruments.

24. By amending § 7.622(b) to read as follows:

§ 7.622 Generating system.

• • • • • •

(b) The generating system shall be designed so that:

(1) The power sources function properly when independent and when connected in combination;

(2) The failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads;

(3) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating condition;

(4) System transients initiated by switching, fault clearing, or other causes, do not render essential loads inoperative, and do not introduce a smoke or fire hazard.

25. By amending § 7.624(d) to read as follows:

§ 7.624 Electrical protection.

• • • • • •

(d) If the ability to reset a circuit breaker or to replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be so located and identified that it can be readily reset or replaced in flight.

26. By adding a new § 7.627 to read as follows:

§ 7.627 Electrical system tests.

When laboratory tests of the electrical system are conducted, they shall be performed on a mock-up utilizing the same generating equipment complement as in the rotorcraft. The equipment shall simulate the electrical characteristics of the distribution wiring and connected loads to the extent necessary for valid test results. Laboratory generator drives shall simulate the actual prime movers on the rotorcraft with respect to their reaction to generator loading, including loading due to faults. When the conditions of flight cannot be simulated adequately in the laboratory or by ground tests on the prototype rotorcraft, flight tests shall be conducted.

§ 7.634 [Amendment]

27. By amending § 7.634(a) by deleting the phrase "of paragraphs (b) and (c)" and inserting in lieu thereof "of paragraph (b)".

28. By amending Figure 7-2 by deleting the phrase "At least 2 candles" in the intensity column and inserting in lieu thereof "0.05 *I*".

§ 7.637 [Amendment]

29. By amending § 7.637(a) by deleting the number ".03" and inserting in lieu thereof "0.5".

§ 7.642 [Amendment]

30. By amending § 7.642(a) by deleting the word "danger" and inserting in lieu thereof "probability".

31. By amending § 7.714(c) to read as follows:

§ 7.714 Powerplant limitations.

• • • • • •

(c) *Fuel grade or specification designation.* The minimum fuel grade for reciprocating engines or the fuel designation for turbine engines, required for the operation of the engine within the limitations prescribed in paragraphs (a) and (b) of this section.

32. By amending § 7.738(b)(1) by deleting the words "octane number" and inserting in lieu thereof "grade or designation".

33. By amending § 7.738 by adding a new paragraph (f) to read as follows:

§ 7.738 Miscellaneous markings and placards.

• • • • • •

(f) *Tail rotor.* The tail rotor shall be marked so that the rotor disc will be conspicuous under all normal ground conditions.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3089; Filed, Mar. 29, 1962; 8:48 a.m.]

[Reg. Docket 107; Amdt. 13-4]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61-12 dated June 8, 1961. There are contained herein amendments to Part 13 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Presently effective § 13.260 requires, among other things, that thrust reversers be subjected to reversal tests and that, after each reversal, the reverser be operated at full reverse thrust for a period of one minute. A period of operation this long is unnecessary for reversers intended for use only as a braking means on the ground since the usual period of reverse thrust in operation has been shown to be between 20 and 30 seconds. Accordingly, the provision is revised by reducing the reverse thrust test time for such reversers from one minute per cycle to 30 seconds per cycle.

Concurrently, the provisions of § 13.260(b), dealing specifically with reversers intended for use in flight, are being amended to retain the requirement for a one-minute reversal operation. In addition, the proposed provision requiring such other tests to be conducted as are found necessary to insure safe and reliable operation of the reverser in flight is not being adopted. This provision unnecessarily repeats the requirement which appears elsewhere and could lead to an incorrect inference that flight tests of an engine might be required as a part of engine type certification.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending § 13.260(a) by deleting from the last sentence the words "one minute" and inserting in lieu thereof "30 seconds."

2. By amending § 13.260(b) to read as follows:

§ 13.260 Thrust reversers.

• • • • • •

(b) If the reverser is intended for use in flight, the provisions of paragraph (a) of this section shall apply, except that, after each reversal, the reverser shall be operated at full reverse thrust for a period of one minute.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3090; Filed, Mar. 29, 1962; 8:48 a.m.]

[Reg. Docket 107; Amdt. 14-1]

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61-12 dated June 8, 1961. There is contained herein an amendment to Part 14 of the Civil Air Regulations which stems from this First FAA Airworthiness Review.

Presently effective § 14.154 covers the functional testing of propellers. Paragraph (d) of this section requires 200 complete cycles of operation from the lowest normal pitch to the maximum reverse pitch. This paragraph further provides that at the end of each cycle the propeller be operated in reverse pitch for a period of one minute at the reverse pitch maximum rotational speed and power. This testing in one minute periods is unnecessary because the propeller is adequately endurance tested in accordance with the provisions of § 14.153. Accordingly, the additional testing is dispensed with by deleting the last sentence of § 14.154(d).

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 14 of the Civil Air Regulations (14 CFR Part 14, as amended) is hereby amended by deleting the last sentence of § 14.154 (d), effective May 3, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3091; Filed, Mar. 29, 1962; 8:48 a.m.]

[Reg. Docket 107; Amdt. 18-3; Supp 13]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWER PLANTS, PROPELLERS, AND APPLIANCES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the

Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961. There are contained herein amendments to Part 18 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Section 18.13 is being amended and § 18.13–1 is being deleted in conjunction with changes to Part 43 to provide a means for maintaining the currency of documents which show aircraft operating limitations whenever repairs or alterations are made which affect the limitations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending § 18.13 to read as follows:

§ 18.13 Aircraft operating limitations.

When a repair or an alteration results in any change in the aircraft operating limitations or in the data contained in the approved Aircraft Flight Manual, the aircraft shall not be approved for return to service unless such operating limitations or data are appropriately revised and set forth in accordance with the requirements of § 43.10 of Part 43 of this chapter.

§ 18.13–1 [Deletion]

2. By deleting § 18.13–1.

(Secs. 313(a), 601, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1425)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3092; Filed, Mar. 29, 1962; 8:49 a.m.]

[Reg. Docket 107; Amdt. 43–15; Supp. 16]

PART 43—GENERAL OPERATION RULES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961. There are contained herein amendments to Part 43 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Section 43.10 presently requires that no aircraft, except foreign aircraft, shall be operated in the United States unless there is available in the aircraft appropriate operating limitations set forth in a form and manner approved by the Administrator or an approved aircraft Flight Manual. Section 43.10–1 requires that the operating limitations consist of either a current approved Airplane or Rotorcraft Fight Manual, Forms ACA 309 or 309A, or placards or listings or combinations of both. As proposed, § 43.10 has been amended to incorporate the substance of present § 43.10–1, and § 43.10–1 has been deleted. In this connection, the reference to Forms ACA 309 and 309A, previously contained in § 43.10–1, has been deleted since such forms are no longer issued. In those cases where they are still being used they constitute listings within the meaning of this regulation.

Section 43.10 has also been amended, as proposed, to expand the provision concerning the operating limitations to be included in the Flight Manual, or on placards, listings or markings. As amended, § 43.10 specifies additional items for which operating limitations must be included when prescribed for a particular aircraft. These items are consistent with the requirements concerning operating limitations contained in the airworthiness parts of the Civil Air Regulations. In this connection, § 43.10 now requires an operating limitation when prescribed for a particular aircraft concerning the weight distribution including the composition of the useful load in those combinations and ranges intended to insure that the weight and center of gravity position will remain within approved limits. This will insure that when a change in the operating limitations concerning the weight and center of gravity of an aircraft is required following a modification or alteration to such aircraft, the pilot or operator will have the necessary information available to avoid an inadvertent overloading of the aircraft.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending § 43.10(d) to read as follows:

§ 43.10 Aircraft requirements.

* * * * *

(d) No aircraft, except foreign aircraft, shall be operated unless the operating limitations prescribed for the particular aircraft are set forth in a current approved Aircraft Flight Manual, on placards, listings, instrument markings, or in any combination thereof. The flight manual, placards, listings, or markings shall be legible and accessible to the pilot at his station, and shall include limitations on each of the following items, which have been prescribed for a particular aircraft:

(1) Airspeeds (e.g., normal operating speed, flaps extended speed, etc.);

(2) Powerplant (e.g., rpm, manifold pressure, gas temperature, etc.);

(3) Aircraft weight, center of gravity, and weight distribution, including the composition of the useful load in those combinations and ranges intended to insure that the weight and center of gravity position will remain within approved limits (e.g., combinations and ranges of crew, oil, fuel, passengers, and baggage);

(4) Minimum flight crew;

(5) Types of operation;

(6) Maximum operating altitude;

(7) Maneuvering flight load factors;

(8) Rotor speed (for rotorcraft);

(9) Limiting height-speed envelope (for rotorcraft); and,

(10) Any other limitations prescribed for a particular aircraft.

§ 43.10–1 [Deletion]

2. By deleting § 43.10–1 and footnotes 1 and 2 related thereto.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3093; Filed, Mar. 29, 1962; 8:49 a.m.]

[Reg. Docket 107; Amdt. 46–6]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61–12 dated June 8, 1961.

There is contained herein an amendment to Part 46 of the Civil Air Regulations which is associated with one of the changes to Part 7 of the Civil Air Regulations resulting from this First FAA Airworthiness Review.

The Part 7 change is the amendment of § 7.604(m) to require an oil temperature warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox, including those gearboxes essential to rotor phasing, having an oil system independent of the engine oil system.

Part 46 now requires an oil temperature indicator for each transmission, as part of the engine instruments and equipment which are required for all operations. In view of the change to § 7.604(m), the requirement in § 46.172(k) for an oil temperature indicator for each transmission is being amended to require either an oil temperature indicator or an oil temperature warning device for each main rotor drive gearbox, including those gearboxes essential to rotor phasing, having an oil system independent of the engine oil system.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 46.172(k) of Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended) is hereby amended to read as follows, effective May 3, 1962:

§ 46.172 Engine instruments and equipment for all operations.

* * * * *

(k) Oil temperature indicator or warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox, including those gearboxes essential to rotor phasing, having an oil system independent of the engine oil system;

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3094; Filed, Mar. 29, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC 69]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Termination of Stay of Amendments

In the matter of amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese to provide for the optional use of hydrogen peroxide and catalase in treating the milk used in making such cheeses:

A notice setting forth proposals filed by the National Cheese Institute, 110 North Franklin Street, Chicago, Illinois, seeking amendment of the standards of identity for each of the above-identified cheeses was published in the FEDERAL REGISTER of June 2, 1959 (24 F.R. 4495). Following consideration of comments filed by interested persons, an order was published in the FEDERAL REGISTER of February 5, 1960 (25 F.R. 1016), adopting the proposals, with modifications. Objections were filed to the order, showing reasonable grounds for a hearing on four issues. The amendments were stayed (25 F.R. 3073; April 9, 1960) and a notice was published scheduling a public hearing on the issues raised by the objections (25 F.R. 6301; July 2, 1960). Following the hearing, proposed findings of fact and conclusions were published, and the parties were afforded time for filing exceptions (26 F.R. 5687; June 24, 1961).

Now, therefore, upon the basis of substantial evidence in the complete record of the hearing, taking into consideration the exceptions filed, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625), the following order is made:

Findings of fact.[1] 1. By an order published in the FEDERAL REGISTER of February 5, 1960 (25 F.R. 1016), the standard of identity for cheddar cheese (21 CFR 19.500) was amended to permit, during the cheesemaking process, the treatment of the milk with hydrogen peroxide in an amount not to exceed 0.05 percent, and the use of enough of a suitable catalase preparation to eliminate any residual hydrogen peroxide. The identity standards for three related cheeses (washed curd, colby, and granular) (21 CFR 19.505, 19.510, 19.535) and for swiss cheese (21 CFR 19.540) were amended by inserting in each standard a cross-reference to the peroxide-catalase amendment in the cheddar cheese standard. Objections were filed by Kraft Foods Division of National Dairy Products Corporation, the State of Wisconsin, and the Wisconsin Swiss and Limburger Cheese Producers Association. These objections raised issues whether the addition of hydrogen peroxide and catalase to the milk would:

A. Affect the quality of such cheeses as compared with cheeses manufactured from untreated milk.

B. Permit the production of cheeses of apparently high quality from milk inferior in quality to that ordinarily used.

C. Encourage the insanitary handling of milk and retard progress in milk-sanitation programs.

D. Significantly impair the nutritive quality of such cheeses.

Notices were published announcing the objections and the issues, staying the amendments, and scheduling the hearing (25 F.R. 3073, 6301).

At the hearing, the proponents of the objections, seeking an order rescinding the peroxide-catalase amendments, did not offer evidence on washed curd cheese, colby cheese, or granular cheese. However, it is reasonable to consider the evidence on cheddar cheese as applicable to the three closely related cheeses. (R. 4–6, Ex. 2–7)

2. Milk as received for cheesemaking contains naturally occurring enzymes; it contains some bacteria (milk showing a high bacterial count being usually associated with developed acidity); and it contains small amounts of extraneous material measurable by sediment tests. For the cheesemaker, certain naturally occurring enzymes are desirable, particularly if he is going to hold the cheese for curing. Some of the bacteria, i.e., certain lactic-acid-producing bacteria, are not objectionable but when the total bacterial count is high there are apt to be kinds of bacteria which are undesirable. Cheesemakers regard milk having a low bacterial count as better quality milk.

The cheesemaker is able to exercise some control over the bacteria in the milk he uses. For some kinds of cheese, particularly cheeses which are not to be held for aging, he can pasteurize the milk. In other cases, the milk can be heat-treated at a temperature slightly below pasteurization. In some areas, swiss cheese is made from heat-treated milk, or even from pasteurized milk, but representatives of the Wisconsin swiss cheese industry hold that only raw milk is proper for making swiss cheese. For cheddar cheese, which is to be held for several months to make "aged" or "sharp" cheddar, many cheesemakers favor the use of raw milk.

An additional control over the bacteria in milk is afforded by the peroxide-catalase treatment. By warming milk to 120° F. the cheesemaker can inactivate the naturally occurring catalase, and then, while maintaining the temperature at about 120° F., by adding up to 0.05 percent of hydrogen peroxide and holding the treated milk for about 30 seconds, the cheesemaker can destroy a substantial proportion of the bacteria. Thereafter, he cools the milk and adds a suitable catalase preparation to decompose the residual hydrogen peroxide to water and oxygen. By testing with potassium iodide solution (a test sufficiently sensitive to detect as little as 1.4 parts per million of hydrogen peroxide), the cheesemaker can determine when the peroxide has been decomposed. The starter culture may then be added to the vat of milk. (R. 64, 88, 93–94, 102, 106, 138–141, 164–165, 186, 205–206, 243–247, 265, 293, 297, 360, 367, 378, 402–403, 406–412, 415–420, 429, 434–438, 442, 457–458, 479–485, 487–488; Ex. 5, 23, 24, 30, 31, 34, 36, 37, 49, 50)

3. On the issue of whether using peroxide-treated milk would affect the quality of cheeses, the objectors representing the State of Wisconsin and the Wisconsin Swiss and Limburger Cheese Producers Association concentrated their testimony on swiss cheese. None of the witnesses had any first-hand experience with making swiss cheese from peroxide-treated milk or with grading swiss cheese so made. A questionnaire was sent to the swiss cheesemakers in the southern area of Wisconsin asking whether they favored the hydrogen peroxide and catalase treatment of milk for swiss cheese. Preceding the questions were statements suggesting that the peroxide-catalase amendments might "open areas where now they cannot produce" and might cause consumers to "become reluctant to purchase swiss cheese if they become aware that chemicals are used in its manufacture." These statements seriously weaken the objectivity of the survey and the probative value of the responses to the questionnaires. (R. 44, 48–52, 63, 65, 70, 71, 82–83, 88, 91, 103, 108, 119–131, 210; Ex. 43, 45)

4. Witnesses presented by Kraft testified that certain cheddar cheese made from peroxide-treated milk had a weak body and developed "slits" when aged. It was inferred but not proved that the "slits" were caused by the peroxide treatment. There was testimony that the peroxide treatment gives cheddar cheese a lighter color; but artificial color is a permitted ingredient in cheddar cheese, and there was no showing that cheesemakers would have any difficulty in pro-

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

ducing cheddar cheese from peroxide-treated milk to meet the shade of color requirements their customers demand. The articles from the literature on cheesemaking submitted as exhibits did not show that cheeses made from peroxide-treated milk are significantly different in quality from cheeses made from untreated milk. (R. 249, 258–264, 271, 279, 283, 291, 297–300, 304, 308–309; Ex. 24, 25, 26, 27–27a, 28)

5. Industry witnesses testifying in support of the peroxide-catalase amendments described limited commercial production of both swiss cheese and cheddar cheese made from peroxide-treated milk. They had not encountered any problems with "slits" or in producing the desired color. Their evidence indicates that the cheeses produced using peroxide-treated milk were as good as or better than the swiss and cheddar made from raw milk or from pasteurized milk. One firm had tried making swiss from heat-treated milk and found the quality of the cheese quite disappointing. (R. 360–363, 365–367, 371–375, 401–416, 417–418, 420, 429, 439, 459; Ex. 32, 36, 37)

6. Most of the evidence offered on whether peroxide treatment of milk would permit the production of cheese apparently high in quality from milk of inferior quality was opinion evidence. The opinions of most witnesses were that it requires high-quality milk to make high-quality cheese, and that when poor quality milk is used a poor cheese will result. The standards for all the cheeses covered by the peroxide-catalase amendments permit the use of raw milk. For the milk available to cheesemakers in many areas, some type of treatment (pasteurization, heat-treatment, or peroxide-catalase treatment) is usually needed to control bacteria. If the milk is not pasteurized, and the cheese tests phosphatase-positive, it must be held for 60 days for safety purposes. (R. 87, 102, 110,186–187, 208, 213, 363, 373, 376, 419, 425–426, 465, 467, 471, 486)

7. Limited experiments carried out in the Department of Dairy Technology, Ohio State University, using milk of low and of high bacterial counts to make cheddar cheese were reported. The lots of milk were divided and portions were used raw, others pasteurized, and still others peroxide-catalase treated. The lots of cheddar cheese were graded for quality after aging for 2–3 months and again after 5–7 months. The investigators did not find consistently higher scores attributable to the treatment used. On the other hand, the cheeses produced from the high-quality milk (low bacterial count) were better than the cheeses produced from the inferior quality milk (high bacterial count). Somewhat similar experiments were reported from dairy schools of Ontario and Quebec. In these experiments both high and low bacterial count milks were used to make cheddar from raw milk and from peroxide-catalase treated milk. The cheeses were graded by graders of the Canadian Government. The low bacterial count milk produced cheese of better quality than was produced from milk with high bacterial count. Treating the inferior milk with peroxide did not result in cheese coming up to the grade of the cheese made from better quality (low count) milk. (R. 231–232, 271, 439–440, 469–474, 475–476; Ex. 24, 36)

8. To support their assertion that the permissive use of hydrogen peroxide and catalase by cheesemakers would encourage insanitary handling of milk and retard progress in milk sanitation programs, the objectors offered two types of opinion evidence: the opinions of witnesses who testified and the opinions expressed in letters and affidavits offered as exhibits. The witnesses, in describing the milk-improvement programs practiced by cheese producers, showed that bacterial counts are not the only or even the most common checks made on milk. Cheese producers check sediments, make curd tests, and have fieldmen who visit milk producers and observe their practices. Regardless of whether the cheesemaker is going to pasteurize the milk, treat the milk with heat insufficient for pasteurization, or treat the milk with hydrogen peroxide and catalase, he will be able to produce better cheese from sanitary milk. The record gives no basis for concluding that permitting cheesemakers to treat milk with peroxide will have any greater tendency to retard progress in milk-sanitation programs than the permission which the standards give for heat-treating or pasteurizing the milk.

The letters from State officials and the affidavits from two professors were subject to the disadvantage that they did not set forth the facts that led the writers to their opinions that the amendments would encourage insanitary handling and retard progress of milk-improvement programs. Also, because of the lack of an opportunity for cross-examination, it was not possible to bring out the basis for the opinions expressed. The exhibit setting out the report of the Meeting of Experts on the Use of Hydrogen Peroxide and Other Preservatives in Milk, as published by the Food and Agricultural Organization of the United Nations, has very little bearing on the amendments under consideration. It is concerned with milk preservation before the milk reaches the consumer or the cheese plant, rather than the use of peroxide-catalase treatment in cheesemaking as authorized by the proposed amendments under consideration. The report gives no support for the claim that the amendments of the cheese standards will result in a lowering of the sanitary quality of the milk used in cheese. (R. 44, 63, 88, 91–94, 105, 108, 110, 134–137, 144–155, 158, 183–184, 197–204, 208, 211, 412, 419, 425, 429, 471, 474, 485–486; Ex. 8–16, 18, 29, 36, 38–42, 46, 48, 49)

9. On the issue of whether the amendments permitting the use of hydrogen peroxide and catalase to treat milk used to make swiss cheese, cheddar cheese, and the three related cheeses under consideration would impair the nutritive qualities of such cheeses, the objectors offered only one witness. This witness had supervised electrophoretic studies which warranted the conclusion that peroxide-catalase treatment of milk used for cheddar cheese did not make any substantial difference in the proteins of the cheese. This conclusion was a part of the National Cheese Institute's petition for the peroxide-catalase amendments. It was further substantiated in the petition by reports of paper chromatographic studies. At the hearing, the witness who had supervised the electrophoretic studies testified that subsequently, on the basis of reports he had read, he had formed the opinion that peroxide might have an effect on the fraction of the cheese protein called "kappa casein". He did not relate this effect to any nutritionally significant human requirement. When all the evidence in the record concerning the effect on the nutritive value of cheese caused by treating the milk with peroxide and catalase is considered, it must be concluded that the objectors failed to sustain their assertions that the amendments would result in impairment in the nutritive qualities of the cheeses under consideration. (R. 316–317, 322–326, 334, 342–356, 864, 381–386, 387–389, 397, 436–437; Ex. 27–27A, 34, 35–35A, 36)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence in the record as a whole, it is concluded that for the purpose of promoting honesty and fair dealing in the interest of consumers, the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese as amended should not be modified by rescinding those amendments that permit milk to be treated with hydrogen peroxide and catalase during the cheesemaking process.

Thirty days from the date of publication of this order in the FEDERAL REGISTER, the stay announced by the order published April 9, 1960 (25 F.R. 3073), shall terminate, and the amendments of the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese which permit the milk used to be treated during the cheesemaking process with hydrogen peroxide and catalase, as set forth in the order published February 5, 1960 (25 F.R. 1016) shall become effective.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: March 26, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3075; Filed, Mar. 29, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENCILLIN-CONTAINING DRUGS

Sampling Requirements

On March 11, 1961, there was published in the FEDERAL REGISTER (26 F.R. 2127) a notice of the proposal of the Commissioner of Food and Drugs to amend the regulations pertaining to the sampling requirements for certain dosage forms of antibiotic drugs. On the basis of data accumulated at that time and subsequently to the proposal, the Commissioner has concluded that an increase in moisture occurs between the time certain dosage forms are certified in bulk containers and the time they are packaged in dispensing-size containers. Accordingly, the sampling requirements for penicillin tablets, capsules, and troches were amended on January 20, 1962 (27 F.R. 619), to require that the certification samples be collected during the time that the drugs are being packaged in market containers. No objections to this order were received.

In order that certification samples of penicillin dental cones, suppositories, bougies, and implantation pellets be truly representative of these drugs as they are packaged for sale and use, the regulations for the certification of these drugs (21 CFR 146a.31, 146a.36, 146a.40, 146a.55, 146a.71, 146a.76, 146a.81) are amended as set forth below, pursuant to the provisions of section 507(b) of the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463 as amended; 21 U.S.C. 357(b)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

1. Section 146a.31 is amended as follows:

a. Paragraph (d)(1), (2)(i), and (3)(i) are changed to read:

§ 146a.31 Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt, crystalline penicillin dental cones).

* * * * *

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of dental cones in such batch, the number of dental cones of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each dental cone, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of cones collected during the time of making the batch, and, unless the cones are packaged into dispensing-size containers immediately after they are compressed, average moisture of cones collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of cones collected during each day the cones are being packaged into dispensing-size containers.

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One cone for each 5,000 cones in the batch, but in no case less than 30 cones collected by taking single cones throughout the entire time of making the batch that the quantities made during the intervals are approximately equal.

(*b*) If, after making, such person packages the batch into dispensing-size containers: 20 cones collected at equal intervals during each day the cones are being packaged, except that this sample is not required if the cones are packaged immediately after they are made; or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of cones filled by such person into dispensing-size containers during each day's packaging operations): One cone for each 5,000 cones in the batch, but in no case less than 30 cones collected by taking single cones at such intervals throughout each day of packaging the cones that the quantities packaged during the intervals are approximately equal.

b. Paragraph (e)(1) is changed to read:

(e) *Fees.* * * *

(1) $0.75 for each cone in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section.

2. Section 146a.36 is amended as follows:

a. Paragraph (d)(1), (2)(i), and (3)(i) are changed to read as follows:

§ 146a.36 Penicillin vaginal suppositories.

* * * * *

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of suppositories in such batch, the number of suppositories of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each suppository, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of suppositories collected during the time of making the batch, and, unless the suppositories are packaged into dispensing-size containers immediately after they are molded, average moisture of suppositories collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of suppositories collected during each day the suppositories are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One suppository for each 5,000 suppositories in the batch, but in no case less than 30 suppositories collected by taking single suppositories throughout the entire time of making the batch that the quantities made during the intervals are approximately equal.

(*b*) If, after making, such person packages the batch into dispensing-size containers: 20 suppositories collected at equal intervals during each day the suppositories are being packaged, except that this sample is not required if the suppositories are packaged immediately after they are made; or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of suppositories filled by such person into dispensing-size containers during each day's packaging operations): One suppository for each 5,000 suppositories in the batch, but in no case less than 30 suppositories collected by taking single suppositories at such intervals throughout each day of packaging the suppositories that the quantities packaged during the intervals are approximately equal.

b. Paragraph (e)(1) is changed to read:

(e) *Fees.* * * *

(1) $0.75 for each suppository in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for each sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section.

3. Section 146a.40 is amended as follows:

a. Paragraph (d)(1), (2)(i), and (3)(i) are changed to read:

§ 146a.40 Penicillin bougies (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, penicillin bouges calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt).

* * * * *

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of bougies in such batch, the

number of bougies of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each bougie, the date on which the latest assay of the drug comprising such batch was completed (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of bougies collected during the time of making the batch, and, unless the bougies are packaged into dispensing-size containers immediately after they are made, average moisture of bougies collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of bougies collected during each day the bougies are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One bougie for each 5,000 bougies in the batch, but in no case less than 30 bougies collected by taking single bougies at such intervals throughout the entire time of making the batch that the quantities made during the intervals are approximately equal.

(*b*) If, after making, such person packages the batch into dispensing-size containers: 20 bougies collected at equal intervals during each day the bougies are being packaged, except that this sample is not required if the bougies are packaged immediately after they are made; or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of bougies filled by such person into dispensing-size containers during each day's packaging operations): One bougie for each 5,000 bougies in the batch, but in no case less than 30 bougies collected by taking single bougies at such intervals throughout each day of packaging the bougies that the quantities packaged during the intervals are approximately equal.

b. Paragraph (e) (1) is changed to read:

(e) *Fees.* • • •

(1) $0.75 for each bougie in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (*c*) of this section; $3.00 for each sample submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

4. In § 146a.55, paragraph (b) (1) is amended to read as follows:

§ 146a.55 Penicillin-streptomycin bougies; penicillin-dihydrostreptomycin bougies.

• • • • • •

(b) • • •

(1) $1.00 for each bougie submitted in accordance with the requirements of § 146a.40(d) (3) (i) (*a*) and (*c*).

5. In § 146a.71, paragraph (b) (1) is amended to read as follows:

§ 146a.71 Penicillin-streptomycin dental cones; penicillin-dihydrostreptomycin dental cones.

• • • • • •

(b) • • •

(1) $1.00 for each cone submitted in accordance with the requirements of § 146a.31(d) (3) (i) (*a*) and (*c*).

6. Section 146a.76 is amended as follows:

a. Paragraph (d) (1), (2) (i), and (3) (i) are changed to read:

§ 146a.76 Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets.

• • • • • •

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of pellets in such batch, the number of pellets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each pellet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin and streptomycin or dihydrostreptomycin, used in making the batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of pellets collected during the time of making the batch, and, unless the pellets are packaged into dispensing-size containers immediately after they are compressed, average moisture of pellets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of pellets collected during each day the pellets are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One pellet for each 5,000 pellets in the batch, but in no case less than 30 pellets collected by taking single pellets throughout the entire time of making the batch that the quantities made during the intervals are approximately equal.

(*b*) If, after making, such person packages the batch into dispensing-size containers: 20 pellets collected at equal intervals during each day the pellets are being packaged, except that this sample is not required if the pellets are packaged immediately after they are made; or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of pellets filled by such person into dispensing-size containers during each day's packaging operations): One pellet for each 5,000 pellets in the batch, but in no case less than 30 pellets collected by taking single pellets at such intervals throughout each day of packaging the pellets that the quantities packaged during the intervals are approximately equal.

b. Paragraph (e) (1) is changed to read:

(e) *Fees.* • • •

(1) $1.00 for each pellet in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

7. In § 146a.81, paragraph (b) (1) is amended to read as follows:

§ 146a.81 Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.

• • • • •

(b) • • •

(1) $1.00 for each suppository submitted in accordance with the requirements of § 146a.36(d) (3) (i) (*a*) and (*c*).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 507, 701, 59 Stat. 463 as amended, 52 Stat. 1065 as amended; 21 U.S.C. 357, 371)

Dated: March 23, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3077; Filed, Mar. 29, 1962; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Absorbent Polishing and Cleaning Materials; Exemption From Labeling Requirements

There have been submitted to the Commissioner of Food and Drugs a number of petitions requesting that containers of polishing and cleaning products which consist of absorbent material impregnated with petroleum distillates be exempted from certain labeling requirements of the Federal Hazardous Substances Labeling Act. These special labeling requirements are necessary for products containing 10 percent or more of petroleum distillates such as kerosene, mineral seal oil, naptha, gasoline, benzine, mineral spirits, paint thinner, and Stoddard solvents. The reason for this requirement is the special hazard of aspiration into the lungs of the petroleum distillate, causing chemical pneumonitis, pneumonia, and pulmonary edema. The petitioners allege that particulate solid, semisolid, or fibrous absorbent materials impregnated with 10 percent or more of petroleum distillates, in which the distillate is fully absorbed by the carrier, do not present an aspiration hazard, and that the special labeling requirements are therefore not necessary.

The Commissioner concludes from the information supplied by the petitioners and gathered on his own initiative that if the petroleum distillate in such products is totally absorbed and free liquid cannot reasonably be pressed therefrom, the aspiration hazards are no longer present. He therefore finds that for such products the special labeling requirements imposed by § 191.7(b) (3) of the regulations are not necessary for the protection of the public health and safety. Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare, delegated to the Commissioner (25 F.R. 8625), § 191.63 (21 CFR 191.63) is amended by adding thereto a new paragraph (k), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

• • • • •

(k) Packages containing polishing or cleaning products which consist of a carrier of solid particulate or fibrous composition and which contain petroleum distillates in the concentration described in § 191.7(a) (4) are exempt from the labeling requirements of § 191.7(b) (3), provided the petroleum distillate is fully absorbed by the solid, semisolid, or fibrous carrier and cannot be expressed therefrom with any reasonably foreseeable conditions of manipulation.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: March 26, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3076; Filed, Mar. 29, 1962; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 6 (INS-1, 7th Rev., Amdt. 4)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Miscellaneous Amendments

Effective as of March 31, 1962, midnight, e.s.t., INS-1 is hereby amended as follows:

1. Amend section 1 *What this order does*, by changing the attachment date stated therein to read March 31, 1962, midnight, e.s.t.

2. Amend section 2 *Insurer*, by changing the insurer therein to read The Continental Insurance Company (Marine Office of America), 123 William Street, New York 38, N.Y., and by changing the attachment and expiration dates stated therein to read March 31, 1962, midnight, e.s.t., and March 31, 1963, midnight, e.s.t., respectively.

3. Amend section 4 *Vessels insured and terms of insurance*, by changing the attachment date stated therein to read March 31, 1962, midnight, e.s.t., by changing the expiration date stated therein to read March 31, 1963, midnight, e.s.t., and by changing the annual rate stated therein to read $5.84 per gross registered ton.

4. Amend paragraph (e) of section 5 *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance*, by changing the attachment date stated therein to read March 31, 1962, midnight, e.s.t.

5. Amend paragraph (a) of section 7 *Insurance premiums*, by changing the expiration date stated therein to read March 31, 1963, midnight, e.s.t.

6. Amend paragraph (c) of section 9 *Settlement of claims*, by changing the attachment date stated therein to read March 31, 1962, midnight, e.s.t.

7. Amend paragraph (b) of section 11 *Report of claims*, by changing the reporting date stated therein to read December 31, 1962.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found to be impracticable and not in the public interest to delay the effective date thereof; therefore, the foregoing amendments shall be effective as aforesaid.

Approved: March 26, 1962.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 62-3062; Filed, Mar. 29, 1962; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart K—Equal Employment Opportunity; Policy and Procedure

The procedure of the Post Office Department in Subpart K of Part 201, as published in 27 F.R. 585-586, issued in conformity with Executive Order 10925 of March 9, 1961, is revised, and rearranged under different heading to more clearly state the existing policy and procedure. As so revised, Subpart K reads as follows:

Sec.
201.90 Introduction.
201.91 Filing complaints.
201.92 Right to counsel.
201.93 Settlements.
201.94 Report of disposition of complaint.

AUTHORITY: §§ 201.90 to 201.94 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, E.O. 10590, 3 CFR 1954-1958 Comp. E.O. 10925, 3 CFR, 1961 Supp.

§ 201.90 Introduction.

(a) *Authority and scope.* (1) Executive Order 10925 of March 6, 1961, established the President's Committee on Equal Employment Opportunity and reaffirmed Government policy for exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, creed, color, or national origin. The Executive order points out that discrimination because of race, creed, color, or national origin is contrary to the constitutional principles and policies of the United States and that it is the policy of the executive branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government.

(2) This subpart is issued in conformity with and under the authority of Executive Order 10925, and shall govern the administration of employment policies in the Post Office Department. The regulations in this subpart shall apply also to cases pending under Executive Order 10590, as amended, and regulations promulgated thereunder.

(b) *Designation of employment policy officer.* The Assistant Postmaster General, Bureau of Personnel, is the Employment Policy Officer for the Post Office Department. He shall:

(1) Advise the Postmaster General regarding the preparation of regulations, reports, and other matters dealing with the exclusion and prohibition of discrimination under Executive Order 10925.

(2) Process complaints of alleged discrimination in personnel matters within the Post Office Department headquarters and field installations and make recommendations to appropriate administrative officials for such corrective measures as he may deem necessary.

(3) Appraise the personnel operations of the Post Office Department headquarters and field installations at regular intervals to assure their continuing conformity to the policy expressed in Executive Order 10925 of excluding and prohibiting discrimination.

(4) Institute prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearings, sufficient to dispose of all relevant issues. Whenever necessary or appropriate for a full development of the case, the investigation shall include an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred.

(c) *Designation of deputy employment policy officers.* The following officials are Deputy Employment Policy Officers for the indicated units:

Unit	*Deputy employment policy officer*
All field installations	Special Assistant to Regional Director for Employee Relations, where authorized. Otherwise, Regional Director.
Inspection Service field organizations	Chief Postal Inspector.
Headquarters organizations	Bureau or Office Head.

§ 201.91 Filing complaints.

(a) *Right to file.* The right to file complaints without restraint, interference, coercion, or reprisal is recognized.

(b) *Who may file.* Any aggrieved postal employee or qualified applicant for postal employment who believes he has been discriminated against because of race, creed, color, or national origin may file a complaint. The complaint may be submitted by an authorized representative of the aggrieved individual, such authorization to be in writing.

(c) *Where to file.* Complaints may be filed with the Deputy Employment Policy Officer, with the Employment Policy Officer, of with the President's Committee.

(d) *When to file.* Complaints shall be filed within 90 days from the date of the alleged discrimination unless time is extended by the Department or the Executive Vice Chairman of the President's Committee for good cause shown.

(e) *What to file.* Each complainant should file Form 1776, Equal Employment Opportunity Complaint, in duplicate. Failure to submit this form will not preclude the right of the employee to file a complaint under the regulations in this subpart. However, all complaints must be in writing and signed.

(f) *Copy of complaint.* The Deputy Employment Policy Officer shall send promptly a copy of each complaint he receives to the Employment Policy Officer for transmittal to the Executive Vice Chairman of the Committee.

§ 201.92 Right to counsel.

Parties to proceedings under the regulations in this subpart shall have the right to be accompanied, represented, and advised by counsel or by other qualified representatives.

§ 201.93 Settlements.

(a) *Negotiation and informal settlement.* On cases filed with him, or referred to him, the Deputy Employment Policy Officer shall take necessary steps to get the facts and to develop a complete record of the case. This will include an interview with the complainant and with the persons against whom the complaint is made. When necessary, the Deputy Employment Policy Officer may request the Employment Policy Officer to have an investigation conducted by the Postal Inspection Service. After he has the facts, the Deputy Employment Policy Officer should attempt to resolve the matter by informal means.

(b) *Hearing and conclusions.* (1) In any case that cannot be disposed of by informal means, the complainant shall be given an oral hearing before the Deputy Employment Policy Officer, or his designee, at a convenient time and place, provided he requests the hearing within 10 days from receipt of the Deputy Employment Policy Officer's proposed resolution of the complaint. (In no case shall the hearing officer be the investigating officer.)

(2) At the hearing, the installation shall produce any witnesses under its jurisdiction upon a showing satisfactory to the hearing officer of reasonable necessity therefor. Parties to the hearing shall have the right of confrontation and cross-examination as may be necessary to a development of the facts. Any request for the attendance of necessary witnesses shall be made in writing by the complainant at least 10 days prior to the date of the hearing.

(3) The complainant shall have the right to receive a concise and accurate summary of the facts regarding his complaint, including those on which the Deputy Employment Policy Officer relied in making his proposed resolution, together with a statement of the reasons for the Deputy Employment Policy Officer's resolution in denying the claim. The Deputy Employment Policy Officer may, in lieu of a summary statement, make available to the complainant the entire investigative report of the agency. When the complainant or his agent is provided with a summary statement, the Executive Vice Chairman of the Committee or his representative shall have the right, on request, to examine the entire record in the case, including all data gathered pursuant to investigation of the complaint.

(4) Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. If the complainant does not agree with the summary, he may note and sign his exceptions, which will become a part of the summary. The complainant shall be furnished a copy of the summary or transcript.

(5) The hearing officer shall make his proposed findings and recommended conclusions on the basis of the record before him and submit his findings and conclusions to the Deputy Employment Policy Officer. The Deputy Employment Policy Officer, after consultation with the Regional Director, where appropriate, shall render his decision to the complainant based on the total record. The letter of decision shall contain a concise and accurate summary of the facts relied on in reaching the decision and, when claim is denied, a statement of the reasons for denying the claim.

(c) *Delay on part of complainant.* When the complainant fails to appear without good cause shown or fails within 60 days to furnish requested information or to otherwise process his complaint, the case may be closed.

(d) *Appeals by complainant*—(1) *To employment policy officer.* If the decision of the Deputy Employment Policy Officer is not satisfactory to the complainant, he may appeal the decision to the Employment Policy Officer within 10 days of the date of the decision by the Deputy Employment Policy Officer, unless the Employment Policy Officer waives this time limitation for good cause. The Employment Policy Officer will make the final decision for the Department and notify the complainant and the Deputy Employment Policy Officer. The letter of decision shall contain a concise and accurate summary of the facts relied on in reaching the decision and, when claim is denied, a statement of the reasons for denying the claim.

(2) *To President's Committee for review.* If the decision of the Employment Policy Officer is not satisfactory to the complainant, he may request the Employment Policy Officer to send the case to the Executive Vice Chairman of the President's Committee for review. The request must be made by the complainant within 30 days of the date of final action by the Employment Policy Officer, unless the Executive Vice Chairman waives this time limitation for good cause.

(e) *Referral to President's Committee for advisory opinion.* The Employment Policy Officer, if he so desires, may refer a case to the Executive Vice Chairman of the President's Committee for study and recommendation after the Employment Policy Officer has formulated his findings and recommendations and prior to any decision by the Employment Policy Officer. When referral has been made, final decision by the Employment Policy Officer may be made only after receipt of the recommendations of the Executive Vice Chairman.

(f) *Time limitation for processing complaints.* Within 30 days from receipt of a complaint by the Deputy Employment Policy Officer or Employment Policy Officer, or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the complaint shall be processed and report submitted to the Executive Vice Chairman as required by § 201.94(a). When the complainant requests a hearing, the complaint shall be processed within 60 days. When necessary, the Employment Policy Officer will request the Executive Vice Chairman to allow additional time.

§ 201.94 Report of disposition of complaint.

(a) *By employment policy officer.* The Employment Policy Officer shall submit to the Executive Vice Chairman of The President's Committee a report of the final disposition of each written complaint filed under the Executive order. The report shall contain the following:

(1) A copy of the complete case record, if requested by the Executive Vice Chairman.

(2) A summary of the complete case record, which shall include—

(i) The name and address of the complainant.

(ii) The date on which the complaint was filed with or referred to the Department and, where the complaint was filed with the Department, the name and title of the officer with whom filed.

(iii) A summary of the complaint indicating the specific type or types of discrimination alleged.

(iv) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(v) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(vi) The date of the disposition of the complaint.

(b) *By deputy employment policy officer.* Deputy Employment Policy Officers shall submit disposition reports to the Employment Policy Officer, in duplicate, in the format outlined in paragraph (a) of this section.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-3072; Filed, Mar. 29, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965 (7 CFR Part 965; formerly Order No. 121, 7 CFR Part 1021) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley). This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 965.304 Limitation of shipments.

Except as otherwise provided in this section, during the period April 16, 1962, through July 15, 1962, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 965.7 of Order No. 965, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section.

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* 2$\frac{1}{32}$ inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of sixe 7 x 7 (2$\frac{1}{32}$ inches minimum diameter to 2$\frac{9}{32}$ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements.* (i) Any lot with more than 5 percent "green" tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

Size arrangements:	Diameter (inches)
7 x 7	2$\frac{1}{32}$ to 2$\frac{9}{32}$, inclusive.
6 x 7	Over 2$\frac{9}{32}$ to 2$\frac{17}{32}$, inclusive.
6 x 6	Over 2$\frac{17}{32}$.

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. "Breakers" or tomatoes of a greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection.* (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraph (c) of this section, or exempted pursuant to paragraphs (d), (e), and (f) of this section, shall be inspected and certified pursuant to the provisions of § 965.60; and (2) no handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Excepted varieties.* Elongated types of tomatoes, commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes commonly referred to as cherry tomatoes, are not subject to the requirements of this section.

(d) *Repacked tomatoes.* A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(e) *Minimum quantity.* For purposes of regulation under this part, each person subject thereto may handle, pursuant to § 965.53, up to, but not to exceed 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(f) *Special purpose shipments.* The limitations set forth in this section shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; and (3) for experimental purposes.

(g) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (f) of this section for relief or charity, for processing, or for experimental purposes, shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes.

(h) *Definitions*—(1) *Grade, size, and color.* The terms "U.S. No. 2," "green," and "breakers" mean the U.S. No. 2 grade, and "green" and "breakers" maturity, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855–51.1877 of this title; 22 F.R. 4528 as amended, 26 F.R. 8559), including the tolerance set forth therein; and the application of tolerance for size shall be as set forth in § 51.1861 of such standards.

(2) *Other terms.* All other terms used in this section shall have the same meaning as when used in Marketing Order No. 965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3068; Filed, Mar. 29, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

INORGANIC BROMIDES

Notice of Proposal to Establish Tolerances Resulting From Fumigation With Methyl Bromide

The United States Department of Agriculture has requested that action be taken to permit the use of methyl bromide as a fumigant on avocados in the quarantine program to prevent entry from Hawaii into the Continental United States of serious pests, particularly the oriental fruit fly (Dacus dorsalis). In this program, it is proposed to use methyl bromide as a fumigant on avocados in Hawaii and at mainland ports, under supervision of representatives of the U.S. Department of Agriculture. That Department states that residues of inorganic bromide resulting from the treatment in the quarantine program do not exceed 75 parts per million. These residues on avocados will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123; 26 F.R. 12249) be amended by inserting immediately following the item "75 parts per million in or on potatoes, sweetpotatoes" a new item reading as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * *

75 parts per million in or on avocados from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing methyl bromide may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within thirty days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: March 26, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3074; Filed, Mar. 29, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–m]

¼" DRILL CHUCKS FROM ENGLAND

Fair Value Determination

MARCH 27, 1962.

A complaint was received that ¼" geared key drill chucks from England were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that ¼" geared key drill chucks from England are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of drill chucks sold in the home market for home consumption was adequate to form a basis for fair value comparison. Since all transactions were outright purchases, no relationship, financial or otherwise, existing between the seller and buyer, a fair value comparison was made between purchase price and home market price.

Purchase price was calculated on the basis of the c.i.f., delivered, duty paid, price. From this price ocean freight, insurance, f.o.b. charges, clearance and service charges, overland freight, and United States customs duty were deducted.

Computation of home market price was made on the basis of the delivered customer's works price, with allowance for inland freight, in the quantity range comparable to the quantities sold for export to the United States.

Purchase price was found to be not lower than the home market price.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary.

[F.R. Doc. 62–3081; Filed, Mar. 29, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 9 set forth below to License No. R–46 authorizing Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New York to perform certain low power tests on a prototype silver-indium-cadmium control rod. The tests authorized by Amendment No. 9 will be performed in the Industrial Reactor Laboratories, Inc. facility located in Plainsboro Township, Middlesex County, New Jersey, in accordance with procedures described in application for license amendment dated January 15, 1962. The Commission has found that conduct of the tests in accordance with the terms and conditions of the license as amended will not be inimical to the public health and safety.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed tests would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment by Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New York, and (b) a hazards analysis of the proposed tests prepared by the Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 26th day of March 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–46, Amdt. No. 9]

License No. R–46, as previously amended, is further amended as follows: In addition to the activities previously authorized by the Commission at the Industrial Reactor Laboratories, Inc. reactor facility under License No. R–46, as amended, Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New Yort are hereby authorized to perform low power tests on a prototype silver-indium-cadmium control rod in accordance with the procedures and subject to the limitations described in the application for amendment dated January 15, 1962 and subject to the conditions contained in License No. R–46, as amended.

Date of issuance: March 26, 1962.

This amendment is effective as of the date of issuance:

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–3060; Filed, Mar. 29, 1962; 8:45 a.m.]

[Docket No. 27–2]

CROSSROADS MARINE DISPOSAL CORP.

Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that Crossroads Marine Disposal Corporation, 201 Victory Road, Dorchester, Massachusetts, holder of License No. 20–685–2 which authorizes the receipt, packaging and disposal of waste byproduct, source and special nuclear material, has applied for an amendment which would:

1. Authorize the receipt, packaging and storage of radioactive waste material at a new site located at 201 Victory Road, Dorchester, Massachusetts.

2. Renew the license for a period of two (2) years.

The AEC has reviewed the applications for amendment and proposes to grant the amendment subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2—Rules of Practice, or unless the Commission upon further consideration, directs the holding of such a hearing on its own motion.

The application for license amendment and a Memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this notice of proposed licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the Memorandum [1] referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

The text of the proposed amendment is set forth below.

Dated at Germantown, Md., March 26, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[1] Filed as part of the original document.

[License No. 20–685–2, Amdt. No. 5]

In accordance with application dated June 29, 1961, and amendments thereto, dated December 19, 1961, January 8, 1962 and January 27, 1962 (hereinafter referred to as "the application"), License No. 20–685–2 is hereby amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Licensing of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the application, Crossroads Marine Disposal Corporation, 201 Victory Road, Dorchester, Massachusetts, is hereby authorized to receive, package and dispose of solid byproduct, source and special nuclear material waste at sea or by transfer to the AEC-designated sites at the National Reactor Testing Station, Idaho Falls, Idaho and Oak Ridge National Laboratory, Oak Ridge, Tennessee for land burial.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 1,000 curies of byproduct material; 16,000 pounds of source material; and 100 grams of special nuclear material at any one time.

2. Packages prepared for disposal by land burial shall be received, handled and shipped to the disposal site by, or in the physical presence of, George C. Perry or James J. Nuss. Packages for sea disposal shall be prepared and disposed of by, or in the physical presence of, George C. Perry or James J. Nuss.

3. The licensee shall receive, package, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

4. A copy of "Personnel Monitoring Instructions" and "Instructions For Collection and Transportation of Radioactive Waste Material" as described in the application shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct, source and special nuclear material.

5. The licensee shall receive only waste materials which have been prepackaged by the licensee's customers in compliance with applicable Interstate Commerce Commission regulations or with Condition 6 of this license. Prepackaged waste containers shall not be opened by the licensee except for insertion of pressure relief valves in packages prepared for sea disposal as described in the application. The licensee shall provide each customer a copy of "Instructions to Shipper of Radioactive Waste Material" as described in the application.

6. The transportation of AEC-licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet the specifications for sea disposal containers as described in the application or by any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium-137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level of any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5) and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with the lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

7. The licensee shall store byproduct, source and special nuclear material only at 201 Victory Road, Dorchester, Massachusetts as described in the application.

8. The licensee shall dispose of byproduct, source and special nuclear material waste by:

A. Burial at a minimum depth of 1,000 fathoms in the Atlantic Ocean:

(1) Within an area bounded by points designated as 41°38' N., 41°28' N., 65°28' W., and 65°45' W.

(2) Within 5 miles of a point designated as 38°30' N., 72°06' W.

(3) Other locations in the Atlantic Ocean when approved by the Commission.

B. Transfer of solid waste to AEC-designated sites for land burial at the National Reactor Testing Station, Idaho Falls, Idaho and Oak Ridge National Laboratory, Oak Ridge, Tenn.

9. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C. and the Director, Region I, Division of Compliance, Atomic Energy Commission, 376 Hudson Street, New York 14, N.Y., at least 20 days prior to each sea disposal or series of sea disposals by letter deposited in the United States mail properly stamped and addressed of the proposed date and location for disposal. Information regarding the total number of containers, the total activity of byproduct material in millicuries, the total amount of source material in pounds and the total amount of special nuclear material in grams contained in each sea disposal shipment shall be supplied the Director, Region I, Division of Compliance one working day prior to the loading of the vessel for each sea disposal trip. Information regarding the quantities of byproduct, source and special nuclear material disposed of, the actual date of disposal and the disposal location in latitude and longitude shall be supplied to the Chief, Isotopes Branch, Division of Licensing and Regulation within 30 days after the date of disposal.

10. Notwithstanding the recordkeeping requirements of 10 CFR Parts 20, 30, 40 and 70, the licensee shall maintain:

A. Records of the following items of information regarding each container of waste received from customers:

(1) Name and address of customer.

(2) Principal radioisotope.

(3) Total amount of byproduct material in millicuries, total amount of source material in pounds, and total amount of special nuclear material in grams.

(4) Radiation level at the surface of the container and at 1 meter.

(5) Level of removable radioactive contamination on the container surface.

(6) Date received.

B. Records of the following items of information regarding each container of waste packaged for sea disposal.

(1) Total amount of byproduct material in millicuries, the amount of source material in pounds and the amount of special nuclear material in grams.

(2) Radiation level at the surface of the container and at 1 meter.

(3) Level of removable radioactive contamination on the container surface.

(4) Most hazardous radioisotope.

(5) Date of packaging.

(6) Weight and volume of final container, if prepared for disposal at sea.

(7) Disposal location and date of disposal.

11. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

12. Containers received and packaged by the licensee shall not contain more than 20 grams of special nuclear material.

13. Waste byproduct, source and special nuclear material shall be disposed of within 21 months from the date on which the licensee first takes possession of such material.

14. The licensee shall not receive any byproduct, source or special nuclear material until the facility for storing such material has been completed in accordance with the application. Upon completion of the facility the licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, of the fact of such completion.

15. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission within fifteen (15) days of the first receipt of byproduct, source or special nuclear material in the storage facility.

This amendment is effective as of the date of issuance and shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-3061; Filed, Mar. 29, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13489, Order No. E-18153]

ALLEGHENY AIRLINES, INC., AND NAPIER ENGINES, INC.

Certain Aircraft and Related Equipment; Order Granting Tentative Approval of Purchase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1962.

By application filed March 22, 1962, Napier Engines Incorporated (Napier) and Allegheny Airlines, Inc. (Allegheny) Jointly request the Board to approve without hearing pursuant to the provisions of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) the purchase by Napier from Allegheny of five Eland powered Convair 540 aircraft and related spare engines, parts and ground equipment at a cost of $5,406,881. The purchase price is payable in five equal installments of $1,081,376.20 upon delivery of each aircraft, consisting of $400,561.60 in cash with the balance of $680,814.60 to be applied toward discharge of Allegheny's promissory notes held by Napier. It is planned that all aircraft wil be delivered to Napier by July 1, 1962. Napier, a Delaware corporation,[1] has imported and sold Eland engines in North America and provides support for Allegheny's Eland engine maintenance, and is thus a person engaged in a phase of aeronautics within the meaning of section 408 of the Act.

In support of the application, the parties state that the engine manufacturer has found it necessary to discontinue commercial sales. Accordingly, Napier wishes to be relieved of its costly support obligation to Allegheny. To accomplish this, Napier has agreed to purchase Allegheny's five Eland powered Convair 540's and related equipment. The purchase price is alleged to be approximately equal to the depreciated value of the aircraft and related engines, parts and ground equipment on Allegheny's books as of December 31, 1961. The applicants point out that any other course would indefinitely leave Allegheny as the only domestic carrier operating such equipment and that disposition thereof on reasonable financial terms is beneficial to Allegheny. Allegheny also asserts that the withdrawal of the five aircraft will not adversely affect its certificate obligations in that it has contracted for the purchase of five substitute piston engine Convair aircraft, two of which have already been acquired. Such acquisition has been accomplished pursuant to interim short-term financing which requires Allegheny to meet a commitment of $500,000 on March 28, 1962. Allegheny has arranged for a bank loan to meet this commitment, the collateral for which will be the monies to be paid Allegheny by Napier. Allegheny further asserts that the bank will not advance the commitment funds until the purchase agreement is tentatively approved by the Board. In addition, Allegheny claims that the equipment substitution program is also dependent upon the prompt receipt of payments from Napier so that a portion of them may be applied to the purchase of the substitute aircraft.

The Board, upon consideration of the application, finds that the five Convair 540 aircraft and related equipment to be purchased by Napier constitute a substantial portion of the properties of Allegheny within the meaning of section 408 of the Act. However, the Board has concluded tentatively that the purchase of aircraft by Napier from Allegheny does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competiton. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. The Board sees no present indication that the purchase price and other terms of the transaction are not adequate and there appears to be no reason for concern as to Allegheny's continued ability to meet its certificate obligations. However, we will condition our approval to provide that no determination has been made as to the reasonableness of the transaction for rate-making purposes.

In view of the foregoing, the Board tentatively finds that the acquisition of five Convair 540 aircraft and related spare engines and parts by Napier from Allegheny should be approved and intends to approve it under section 408 without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication;

3. That interested persons are afforded a period of ten days within which to file comments or request a hearing with respect to the Board's proposed action herein; and

4. That the action herein shall not be deemed a determination for rate-making purposes of the reasonableness of the transaction.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-3083; Filed, Mar. 29, 1962; 8:48 a.m.]

[1] Napier is a wholly owned subsidiary of Napier Aero Engines Limited, a British manufacturer of aircraft engines including the Eland.

[Docket No. 8305]

ALLEGHENY SEGMENT 3 RENEWAL PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on April 10, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 26, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-3064; Filed, Mar. 29, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-WE-4]

CONSTRUCTION EQUIPMENT

Proposed Erection; Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The County of San Bernardino, California, proposes to erect a pile driver and high crane at latitude 34°04'00" north, longitude 117°16'22" west. The overall height of the equipment would be 75 feet above ground level (1085 feet above mean sea level).

Objections were made in response to the circularization and at a Los Angeles Informal Airspace Meeting by the operators of the Tri-City Airport, San Bernardino, California and the California Aeronautics Commission on the basis that the proposed construction equipment would constitute a hazard to aircraft using the principal runway at the Tri-City Airport.

The pile driver and high crane would be used in the construction of a bridge on Waterman Avenue at a point approximately 20 feet off the west end of the East/West runway. The area of construction would be within the East/West runway approach area surface as defined in § 626.13(b)(2)(ii) of Part 626 of the regulations of the Administrator, and the proposed equipment would exceed the hazards to air navigation criteria of Part 626 by the entire height of the equipment. The construction would require the use of the pile driver for a period of approximately 30 days. The high crane would be required intermittently during the entire six months construction period.

There are an estimated 10,800 aircraft operations per year at the Tri-City Airport of which approximately 95 percent are on the East/West runway due to prevailing winds. This runway is 3140 feet in length (2480 feet corrected per TSO-N6B). By applying an approach slope ratio of 40:1 to clear a 75-foot obstruction at the west end of the runway, it was found that none of the runway would be usable for landings to the east. By applying an approach slope ratio of 20:1 to clear a 75 foot obstruction at the west end of the runway it was found that a landing area of only 1685 feet in length (approximately 1440 feet corrected) would be usable for landings to the east. Aircraft taking off to the west or landing to the east on this runway pass over the area where the proposed equipment would be used while in a climbing or descending attitude when a pilot's attention is directed toward extremely critical phases of flight.

The Agency study disclosed that the proposed equipment would have a substantial adverse effect upon aircraft operations at the Tri-City Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed equipment.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the erection of the proposed construction equipment at the location and mean sea level elevation specified herein would have a substantial adverse effect upon aeronautical operations, and it is hereby determined that this equipment would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (26 F.R. 5292). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later.

Issued in Washington, D.C., on March 20, 1962.

R. H. FLETCHER, *Acting Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 62-3062; Filed, Mar. 29, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL ASSOCIATES, INC.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Commercial Associates, Inc., Pensacola, Florida, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 20,622 (51.56 percent) of the voting shares of The Commercial National Bank of Pensacola, Pensacola, Florida, and 5,700 shares (50.67 percent) of the voting shares of Bank of Gulf Breeze, Gulf Breeze, Florida.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 23d day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-3063; Filed, Mar. 29, 1962; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 410]

HEADS OF EXECUTIVE AGENCIES

Authority to Use Title III of the Federal Property and Administrative Services Act of 1949

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (herein called the Act), authority is hereby delegated to all executive agencies, except those specified in 10 U.S.C. 2303(a), to utilize the provisions of Title III of the Act when procuring property and services.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, controls and reporting requirements prescribed by this Administration.

3. The authority herein delegated may be redelegated by the head of the executive agency concerned to any officer or employee of such agency, except as precluded by section 307 of the Act.

4. Such review shall be made of procurement operations and procedures under this delegation as is necessary to assure that procurement practices are conducted in an economical and efficient manner and in accordance with this delegation.

5. This delegation supersedes and revokes Delegation of Authority No. 273, dated September 25, 1956 (21 F.R. 7420), and Supplement No. 1 thereto, dated June 5, 1959 (24 F.R. 4865), and Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096). However, such revocation shall not impair the validity of any actions heretofore taken under the provisions of such delegations.

6. This delegation shall be effective as of the date hereof.

BERNARD L. BOUTIN, *Administrator.*

MARCH 26, 1962.

[F.R. Doc. 62-3073; Filed, Mar. 29, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MARCH 26, 1962.

The common stock, $1 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to ef-

fect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 27, 1962, to April 5, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3064; Filed, Mar. 29, 1962; 8:45 a.m.]

[File No. 24A-1592]

CURRENCY MACHINES CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 26, 1962.

I. Currency Machines Corporation (issuer), 1050 N.E. 85th St., Miami, Fla., filed with the Commission on February 26, 1962, a notification on Form 1-A, an offering circular and other exhibits relating to a proposed public offering of 100,000 shares of 10 cents par value common stock at $1.00 per share for an aggregate amount of $100,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of said Act and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the jurisdiction for the filing is not established as required by Rule 255 (c) and financial statements required by paragraph 11(a) of Schedule I are not included in the offering circular.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The proper business address of the issuer;

2. The space leased by issuer and the amount of rental paid;

3. The failure to disclose the extent to which the issuer is dependent upon proceeds from the sale of securities proposed to be offered for funds with which to carry out its contemplated business activities;

4. The failure to disclose the extent to which funds received from public investors are to be used to pay officers' salaries; and

5. The failure to disclose that the issuer owns no property, machinery or equipment of any kind.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3065; Filed, Mar. 29, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37625: *Brick or tile raw materials between points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4167), for interested rail carriers. Rates on crude earth, suitable only for use in the manufacture of brick or tile, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief: Truck competition, and short-line distance formula.

Tariff: Supplement 38 to Southern Freight Association tariff I.C.C. S-144.

FSA No. 37626: *Alcohols from Bishop and Corpus Christi, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8171), for interested rail carriers. Rates on acetone, butyl acetate, butyl alcohol, etc., in tank-car loads, from Bishop and Corpus Christi, Tex., to Chicago, Ill. (Applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill., or the Lake River Terminals at Crawford, Ill., or De Meri and Dougherty, Inc., at Corwith, Ill.)

Grounds for relief: Market competition.

Tariff: Supplement 229 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37627: *Fresh meats and packing house products from San Angelo, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8170), for interested rail carriers. Rates on fresh meats and packing house products, as described in the application, in carloads, from San Angelo, Tex., to points in southwestern, western trunk-line and Illinois territories, also Mississippi River crossings Memphis and south thereof.

Grounds for relief: Market competition.

Tariff: Supplement 161 to Southwestern Freight Bureau tariff I.C.C. 4036.

FSA No. 37628: *Lime from Davenport and Linwood, Iowa to the South.* Filed by Illinois Freight Association, Agent (No. 163), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in carloads, from Davenport and Linwood, Iowa, to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplements 14 and 216 to Illinois Freight Association tariff I.C.C. 970 and 776, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3069; Filed, Mar. 29, 1962; 8:46 a.m.]

[Notice 616]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64811. By order of March 22, 1962, the Transfer Board approved the transfer to All Freight, Inc., South Kearny, N.J., of Certificate No. MC 61502, issued December 7, 1956, to Wm. McCoullough Transportation Co., Inc., South Kearny, N.J., authorizing the transportation of: General commodities excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points in New Jersey within 25 miles of Newark; between New York, N.Y., points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points within 25 miles of Newark, on the one hand, and, on the other, points in Connecticut, points as specified in New York, and Camden and Trenton, N.J.; between Newark, N.J., and points in New Jersey within 25 miles of Newark, on the one hand, and, on the other, points in Massachusetts, and Rhode Island, and those in Pennsylvania as specified; and between Stratford, Conn., on the one hand, and, on the other, Red Bank, N.J. A. David Millner, 1060 Broad Street, Newark 2, N.J., Attorney for applicants.

No. MC-FC 64831. By order of March 22, 1962, the Transfer Board approved the transfer to Frederick C. Landon, Galeton, Pa., of Certificate No. MC 90699 Sub 1, issued July 9, 1953, to Lloyd L. Dugan, Galeton, Pa., authorizing the transportation of: Fertilizer and fertilizer ingredients, over irregular routes, from Batavia and Big Flats, N.Y., to Galeton, Pa., and animal and poultry feeds, over irregular routes, from Buffalo, N.Y., to Galeton, Pa.

No. MC-FC 64845. By order of March 22, 1962, the Transfer Board approved the transfer to Arnold B. Garrett, doing business as Warren Motor Service, Woodbury, N.J., of Certificate No. MC 29908 issued June 14, 1941, to Earle L. Walker, doing business as Walker's Express, Woodstown, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Woodstown, N.J., and Philadelphia, Pa. Robert E. Boakes, Broad and Cooper Streets, Woodbury, N.J., Attorney for Transferee.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3070; Filed, Mar. 29, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anthracite Overall Manufacturing Co., 430-438 Penn Avenue, Scranton, Pa.; effective 3-10-62 to 3-9-63. Learners may not be employed in the production of separate skirts at special minimum wage rates (men's work and dress pants and jackets, and ladies' slacks, shorts, and pedal pushers).

Bee and Gee Pants Manufacturing Co., Inc., 416-418 Main Street, Dickson City, Pa.; effective 3-14-62 to 3-13-63 (men's and boys' trousers).

Bern Haven, Inc., Mt. Wolf, Pa.; effective 3-5-62 to 3-4-63 (children's cotton dresses).

Bishopville Manufacturing Co., Gregg Street, Bishopville, S.C.; effective 3-18-62 to 3-17-63 (women's cotton dresses).

Carolina Sportswear Co., Warrenton, N.C.; effective 3-6-62 to 3-5-63 (men's and boys' knitted sport shirts).

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 3-7-62 to 3-6-63 (men's work clothing—pants and waistband overalls).

Cluett, Peabody and Co., Inc., Bremen, Ga.; effective 3-13-62 to 3-12-63 (men's shirts).

Edgewood Casual's Inc., East Second Avenue, Lexington, N.C.; effective 3-11-62 to 3-10-63 (men's sport shirts and ladies' blouses).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; effective 3-6-62 to 3-5-63 (women's cotton dresses).

Executive Service Co., Pickens, S.C.; effective 3-8-62 to 3-7-63 (men's dress shirts).

Fayette Manufacturing Co., N.Y.A. Court, Fayette, Ala.; effective 3-6-62 to 3-5-63 (children's and infants' blouses, shorts, and crawlers).

Four Sisters Manufacturing Co., Inc., 121 East Second Street, Flora, Ill.; effective 3-14-62 to 3-13-63 (women's brassieres, garterbelts and girdles).

Gopher Manufacturing Co., Buffalo, Minn.; effective 3-5-62 to 3-4-63 (children's outer garments).

Herrin Apparel Co., Inc., 720 East Monroe Street, Herrin, Ill.; effective 3-8-62 to 3-7-63 (women's and misses' dresses).

Imperial Shirt Corp., True Loom Division, Lafayette, Tenn.; effective 3-6-62 to 3-5-63 (men's sport shirts).

Indiana Sportswear Co., Indiana, Pa.; effective 3-6-62 to 3-5-63 (men's and boys' outerwear jackets and raincoats).

Jaco Pants, Inc., 501 East Washington Street, Ashburn, Ga.; effective 3-5-62 to 3-4-63 (men's pants).

F. Jacobson and Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 3-2-62 to 3-1-63 (men's dress shirts).

Jonny-Jax, Inc., Holsopple, Pa.; effective 3-9-62 to 3-8-63 (children's and men's jackets).

Kentucky Pants Co., 117 North Race Street and Glasgow-Bowling Green Road, Glasgow, Ky.; effective 3-7-62 to 3-6-63 (work and casual pants).

Lawrence Manufacturing Co., Lawrenceville, Va.; effective 3-6-62 to 3-5-63 (misses' and women's cotton blouses).

The H. D. Lee Co., Inc., 117 West 20th Street, Kansas City, Mo.; effective 3-7-62 to 3-6-63 (overalls, work pants and jackets).

Samuel Meltzer d/b/a, The Liberty Co., Alexander Avenue, Bradford, Tenn.; effective 3-7-62 to 3-6-63 (men's and boys' pajamas and robes).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 3-8-62 to 3-7-63 (men's trousers).

Oberman Manufacturing Co., Harrison, Ark.; effective 3-10-62 to 3-9-63 (men's and boys' pants).

Ottenheimer Bros. Manufacturing Co., Inc., Second and Victory Streets, Little Rock, Ark.; 3-14-62 to 3-13-63 (women's dresses).

Ottenheimer Bros. Manufacturing Co., 5801 Scott Hamilton Drive, Little Rock, Ark.; effective 3-14-62 to 3-13-63 (blouses and jackets).

Rainfair, Inc., Wynne, Ark.; effective 3-15-62 to 3-14-63 (men's dress trousers and walking shorts).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 3-7-62 to 3-6-63 (men's dress trousers and work trousers).

Selro Cambridge Manufacturing Co., Crisfield, Md.; effective 3-7-62 to 3-6-63 (ladies' sportswear—pedal pushers, coordinates and Jamaicas).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; effective 3-10-62 to 3-9-63 (men's cotton and synthetic slacks).

Bernard Walsh and Son, Inc., 600 Park Drive, Statesville, N.C.; effective 3-5-62 to 3-4-63 (men's and boys' knitted sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dapper-Do Co., 5359 Dixie Highway, Bridgeport, Mich.; effective 3-6-62 to 3-5-63; 10 learners (infants' gowns, blankets, pajamas and dresses).

Falls City Manufacturing Co., 27th and North Chase, Falls City, Nebr.; effective 3-7-62 to 3-6-63; 10 learners (boys' jackets and pants).

Glenn Berry Manufacturers, Inc., Oswego, Kans.; effective 3-1-62 to 2-28-63; 10 learners (boys' dungarees).

Hill Co., Inc., Fort Smith, Ark.; effective 3-10-62 to 3-9-63; 10 learners (men's and boys' shirts and boys' pants).

Holiday Togs, Inc., Dayton, Tenn.; effective 3-22-62 to 3-21-63; 5 learners (children's outer play shorts).

Eileen Hope, Inc., 1424 Herr Street, Harrisburg, Pa.; effective 3-7-62 to 3-6-63; 10 learners (women's dresses).

Lake Butler Apparel Co., Lake Butler, Fla.; effective 3-12-62 to 3-11-63; 10 learners (men's and boys' semi-dress slacks and shorts).

Lloyd's Lingerie, Inc., Murphy Street, Madison, N.C.; effective 3-9-62 to 3-8-63; 10 learners (ladies' and children's knit panties).

McLoughlin Manufacturing Corp., Peru, Ind.; effective 3-8-62 to 3-7-63; 10 learners (ladies' and children's blouses).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa.; effective 3-6-62 to 3-5-63; 10 learners (girls' slacks and shorts).

The Roswell Manufacturing Co., Alpharetta Plant, Alpharetta, Ga.; effective 3-7-62 to 3-6-63; 10 learners (men's work pants).

Scottsdale Fashions, Inc., 230 West Fifth Street, Tempe, Ariz.; effective 3-6-62 to 3-5-63; 10 learners (blouses and dresses).

Selro Manufacturing Co., Federalsburg, Md.; effective 3-20-62 to 3-19-63; 10 learners (ladies' blouses).

Shroyer Dress Co., Milton Branch, Rear 28 Prospect Ave., Milton, Pa.; effective 3-12-62 to 3-11-63; 10 learners (women's and misses' dresses).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 3-12-62 to 3-11-63; 10 learners (women's and misses' dresses).

Spruce Pine Manufacturing Co., 145 Oak Avenue, Spruce Pine, N.C.; effective 3-7-62 to 3-6-63; 10 learners (boys' and men's shirts).

The following learner certificates were issued for plant expansion purposes.

The effective and expiration dates and the number of learners authorized are indicated.

Bowcar Manufacturing Co., Bowman, S.C.; effective 3–6–62 to 9–5–62; 25 learners (children's outer sportswear—overalls, slacks and jackets).

Clinton Shirt Corp., Moss Drive, Clinton, Ky.; effective 3–5–62 to 9–4–62; 100 learners (boys' and men's knit sport shirts).

Fayette Manufacturing Co., N.Y.A. Court, Fayette, Ala.; effective 3–6–62 to 9–5–62; 50 learners (children's and infants' blouses, shorts, and crawlers).

Grifton Clothing Co., Grifton, N.C.; effective 3–12–62 to 9–11–62; 20 learners (boys', men's and girls' parkas).

Eileen Hope, Inc., 1424 Herr Street, Harrisburg, Pa.; effective 3–7–62 to 9–6–62; 10 learners (women's dresses).

Imperial Shirt Corp., True Loom Division, Lafayette, Tenn.; effective 3–6–62 to 9–5–62; 75 learners (men's sport shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; effective 3–12–62 to 9–11–62; 10 learners (men's and boys' semi-dress slacks and shorts).

O'Bryan Bros. Inc., Richland Center, Wis.; effective 3–2–62 to 9–1–62; 60 learners (women's pants and children's pants and slips).

Richlands Manufacturing Corp., Richlands, Va.; effective 3–5–62 to 9–4–62; 50 learners (ladies' pajamas and nightgowns).

Sport Sales, Inc., 135 South Main, Fredericktown, Mo.; effective 3–5–62 to 9–4–62; 20 learners (women's slacks, pedal pushers, Bermuda shorts, etc.).

Spruce Pine Manufacturing Co., 145 Oak Avenue, Spruce Pine, N.C.; effective 3–13–62 to 9–12–62; 25 learners (boys' and men's shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

La Primadora Cigar Corp., East Avenue at Turner Street, Clearwater, Fla.; effective 3–11–62 to 3–10–63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., 5–15 Western Avenue, Brookville, Pa.; effective 3–10–62 to 3–9–63; 10 learners for normal labor turnover purposes (cotton work gloves).

Galena Glove and Mitten Co., 430 Garfield Avenue, Dubuque, Iowa; effective 3–15–62 to 3–14–63; 10 learners for normal labor turnover purposes (work gloves, cotton flannel).

Good Luck Glove Co., Metropolis, Ill.; effective 3–10–62 to 3–9–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves—leather).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballston Knitting Company, Inc., Ballston Spa, N.Y.; effective 3–8–62 to 3–7–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless woolen hosiery).

Ballston Knitting Co., Inc., Stillwater, N.Y.; effective 3–7–62 to 3–6–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless woolen hosiery).

Greensboro Hosiery Mills, Inc., Greensboro, N.C.; effective 3–3–62 to 9–2–62; 20 learners for plant expansion purposes (seamless).

Harris-Marshall Hosiery Mills, Inc., Galax, Va.; effective 3–5–62 to 3–4–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

McLaurin Corp., Asheboro, N.C.; effective 3–13–62 to 3–12–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Troy Craft, Inc., 430 Canton Street, Troy, Pa.; effective 3–8–62 to 3–7–63; 5 learners for normal labor turnover purposes (seamless).

Vogue Hosiery Mills, Inc., 145 Williamsboro Street, Oxford, N.C.; effective 3–5–62 to 3–4–63; 1 learner for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., Inc., Gill Street, Hazlehurst, Ga.; effective 3–2–62 to 9–1–62; 50 learners for plant expansion purposes (women's underwear—slips, nightgowns and panties).

Monroe Crafters, Inc., Sutherland Avenue, Monroe, N.C.; effective 3–17–62 to 3–16–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

France Neckwear Manufacturing Corporation, 1217 S. 13th St., Wilmington, N.C.; effective 3–12–62 to 9–11–62; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, presser, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of at least $1 an hour for the first 160 hours and $1.05 an hour for the remaining 160 hours. No learners may be employed in more than two learner occupations at special minimum wage rates under the terms of this certificate (men's and boys' neckwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 26th day of March 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–3066; Filed, Mar. 29, 1962; 8:45 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 62

Washington, Friday, March 30, 1962

Guide to Record Retention Requirements (Title 1, Appendix A)

Revised as of January 1, 1962

Title 1—GENERAL PROVISIONS

Appendix A—Guide to Record Retention Requirements

REVISION AS OF JANUARY 1, 1962

Introduction. The following list was compiled as a guide to generally applicable provisions of Federal laws and regulations relating to the retention of records by the public. The list is derived from the laws contained in the United States Code as amended by the laws enacted in 1961, and from the regulations contained in the Code of Federal Regulations as amended in the daily issues of the FEDERAL REGISTER through December 31, 1961. It represents an effort to show (1) what published requirements there are on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) how long they must be kept.

Coverage. The list is confined to generally applicable published requirements on record retention. Not included are requirements applying to named individuals and corporations such as professional or patriotic associations, port or bridge authorities. Also not included are requirements as to the furnishing of reports to Government agencies, the filing of tax returns, the submission of supporting evidence with applications or claims, and similar materials. Likewise the provisions of individual Government contracts may require the keeping of records, but no attempt has been made to include all such provisions.

In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, or to keep working papers necessary to the preparation of a report. Ordinarily such implied requirements are not included.

The list also does not contain requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, and similar documents, unless they are closely related to other records which must be kept. It does not include requirements as to the display of posters, notices, or other signs in factories, hotels, or other places of business.

Arrangement. The list is arranged alphabetically by the names of the departments, followed by the major agencies imposing or having a special interest in the requirements, and thereunder by the bureau or office immediately concerned with the requirements. Individual items are numbered to simplify indexing, but they are not alphabetically arranged.

Two supplements to the list contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the list follows the last supplement.

NOTICE

Appendix A to Title I does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1962.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.27

2. Agricultural Marketing Service

MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 906.51

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.5 Peach handlers.

To maintain records of peaches received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 921.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers.

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 948.80, 949.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80.

2.12 Carrot handlers.

To maintain records of carrots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 970.80

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

INDIVIDUAL HANDLERS OF VARIOUS COMMODITIES UNDER MARKETING ORDERS

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, surplus disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

2.16 Filbert handlers.

To keep records of all filberts received, held, and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and unshelled walnuts or walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.79, 984.463, 984.479

2.18 Date handlers.

To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.176

2.20 Grapes for crushing handlers.

To maintain records of all grapes used, whether fresh or dried, and items set aside as prescribed by the grape crush administrative committee.

Retention period: Not less than 5 years after termination of crop year or for such lesser period as the committee may direct. 7 CFR 990.66

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.175

SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes.) 7 CFR 926.122, 927.125, 953.104)

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

2.23 Commission merchants, dealers, and brokers.

To keep accounts, records, memoranda, and documents which disclose all business transactions, including ownership of such business by stockholding or otherwise.

Retention period: 2 years. 7 CFR 46.13, 46.14, 46.17, 46.23, 46.29

SCHOOL LUNCH, SPECIAL MILK, AND DIRECT DISTRIBUTION PROGRAMS

2.24 Cooperating State agencies and participating public and private schools.

To maintain records as specified in the regulations of the National School Lunch Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 210.8, 210.13

2.25 Cooperating State agencies, participating public and private schools, and institutions.

To maintain records as specified in the regulations of the Special Milk Program.

Retention period: 3 years after the end of each Federal fiscal year's operations. 6 CFR 502.203, 502.209, 502.212

2.26 Distributing and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, in State correctional institutions for minors, and in assistance of other needy persons.

To maintain records relating to receipt, disposal, and inventory of com-

modities, including records with respect to the receipt and disbursement of funds arising from operation of the distributing program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 6 CFR 503.6

POULTRY AND POULTRY PRODUCTS EXPORT INSPECTION PROGRAMS

2.27 Exporters of poultry and poultry products under the poultry export program.

To maintain records showing purchases, sales, and deliveries of products exported or to be exported.

Retention period: 2 years after effective date of program. 6 CFR 530.107

2.28 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 7 CFR 81.152

INSPECTION OF DAIRY PRODUCTS

2.29 Dairy products manufacturers, processors, and packagers operating approved plants under Department of Agriculture inspection.

To maintain records of quality tests of producers of raw milk and of producers, sellers, and shippers of raw cream; and plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.144, 58.169

PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

2.30 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

2.31 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceed of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: Not specified.[1] 9 CFR 201.45

2.32 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: Not specified.[1] 9 CFR 201.46

2.33 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: Not specified.[1] 9 CFR 201.48

2.34 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: Not specified.[1] 9 CFR 201.49

2.35 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Serivce).

Retention period: Not specified.[1] 9 CFR 201.74

2.36 Authorized State livestock associations and agencies.

To keep adequate detailed records of collection of fees, disbursement, inspections, and brands and marks.

Retention period: Not specified.[1] 9 CFR 201.86

2.37 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

2.38 Licensed warehousemen.

To keep copies of all receipts issued.

Retention period: Not specified. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 110.17, 111.18, 112.17, 113.17

2.39 Licensed warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 110.29, 111.33, 112,29, 113.29

2.40 Licensed warehousemen.

To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 110.30, 111.34, 112.30, 113.30

2.41 Licensed warehousemen.

Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 110.34, 111.41, 112.34, 113.36

2.42 Licensed warehousemen.

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: As may be prescribed by the Department or Service. 7 CFR 101.36, 102.38, 103.41, 104.28, 105.35, 106.39, 107.42, 108.35, 110.36, 111.44, 112.36, 113.38

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year from date of issuance and thereafter until receipts based upon such certificates have been surrendered and canceled. 7 CFR 101.67

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: Not specified. 7 CFR 101.49

[1] Records shall not be destroyed or disposed of without the consent in writing of the Director, Packers and Stockyards Division, AMS, Department of Agriculture. 9 CFR 201.50

2.45 Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.

To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 110.61, 111.70, 112.59, 113.65

2.46 Licensed warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: Not specified. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56, 112.49, 113.52

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: Not specified. 7 CFR 102.30

2.48 Licensed warehousemen.

To keep inquiries received in writing advising of interest in deteriorating commodities stored in warehouse.

Retention period: Not specified. 7 CFR 102.54, 103.39, 107.51, 108.42, 110.46, 111.52, 112.43, 113.47

FEDERAL SEED ACT

Regulations pertaining to growers, shippers, and procurers of seeds as follows:

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.4, 201.7

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

2.53 Cotton quotation committees.

To keep records of spot markets cotton sales.

Retention period: Not specified. 7 CFR 27.97

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 Licensed cottonseed samplers.

To keep books and records relating to the performance of their duties available for inspection or examination by a representative of the Department.

Retention period: Not specified. 7 CFR 61.35

NAVAL STORES ACT OF 1923, AS AMENDED

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: 3 years. 7 CFR 160.50

3. Agricultural Research Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.1 (retention: 116.3)

3.2 Licensees preparing anti-hog-cholera serum and hog-cholera virus.

To keep records pertaining to virus production, serum preparation, and to pigs used to produce virus.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inpection and Quarantine Division. 9 CFR 116.2 (retention: 116.3)

3.3 Handlers of anti-hog-cholera serum or hog-cholera virus.

To keep records pertaining to the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus.

Retention period: 2 years. 9 CFR 131.49

4. Agricultural Stabilization and Conservation Service

4.1 Persons eligible for agricultural conservation payments.

To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: 2 years following the close of the applicable program year. 7 CFR 702.841—705.1080 containing numerous references to record requirements (retention: 7 CFR 708.1)

4.2 Producers of gum naval stores from turpentine trees.

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1960—7 CFR 706.1106; 1961—7 CFR 706.1206 (retention: 7 CFR 708.1)

MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE

4.3 Ginners of upland cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (h) kind of bagging used on each bale if other than jute.

Retention period:[2] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.36 (retention: 722.40)

4.4 Buyers and transferees of upland cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; (e) amount of penalties to be collected, if any; and (f) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

Retention period:[2] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.37, 722.38 (retention: 722.40)

4.5 Buyers and transferees of upland cotton not identified by marketing cards, marketing certificates, or loan documents.

To keep copy of report showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or not less than a bale; and (e) amount of penalty collected, if any.

Retention period:[2] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.37, 722.38 (retention: 722.40)

4.6 Buyers and transferees of upland cotton identified by marketing certificates.

To keep copy of report of transactions (Form MQ–91—Cotton (Upland)).

[2] As specified, or longer if requested by the Director, Cotton Division, CSS.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.37, 722.38 (retention: 722.40)

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling upland cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.39 (retention: 722.40)

4.8 Producers of upland cotton marketed to persons not within the United States.

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.42

4.9 Ginners of extra long staple cotton.

To keep for each bale or lot less than a bale records showing (a) date of ginning; (b) name of the operator of the farm on which produced; (c) name of the producer; (d) county and State in which produced; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot less than a bale; and (h) kind of bagging used if other than jute.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.136 (retention: 722.140)

4.10 Buyers and transferees of extra long staple cotton.

To keep for each bale or lot less than a bale records showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing origin and weight of cotton; (d) number of pounds in each bale and lot purchased; and (e) penalties to be collected, if any.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.137, 722.138 (retention: 722.140)

4.11 Buyers and transferees of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.

To keep copy of report showing (a) name and address of the producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

[5] As specified, or longer if requested by the Director, Cotton Division, CSS.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.137, 722.138 (retention: 722.140)

4.12 Buyers and transferees of extra long staple cotton identified by marketing certificates.

To keep copy of report of transaction (Form MQ–91—Cotton (ELS)).

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.137, 722.138 (retention: 722.140)

4.13 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling extra long staple cotton from, for, or on behalf of the producer.

To keep records concerning such cotton, so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.139 (retention: 722.140)

4.14 Producers of extra long staple cotton marketed to persons not within the United States.

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: [5] 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted, 7 CFR 722.142

4.15 Producers and producer-manufacturers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations.

To keep copies of specified reports on production and disposition of tobacco.

Retention period: [6] 1959–60 marketing year—until September 30, 1962, 7 CFR 723.1052, 723.1061; 1960–61 marketing year—until September 30, 1963, 7 CFR 723.1152, 723.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1252, 723.1260

4.16 Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations.

To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: [6] 1959–60 marketing year—until September 30, 1962, 7 CFR 723.1053, 723.1061; 1960–61 marketing year—until September 30, 1963, 7 CFR 723.1153, 723.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1253, 723.1260

4.17 Truckers and persons engaged in sorting, stemming, packing, or otherwise processing cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [6] 1959–60 marketing year—until September 30, 1962, 7 CFR 723.1056, 723.1061; 1960–61 marketing year—until September 30, 1963, 7 CFR 723.1156, 723.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 723.1256, 723.1260

4.18 Producers of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [6] 1959–60 marketing year—until June 30, 1962, for flue-cured tobacco and until September 30, 1962, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1052, 725.1061; 1960–61 marketing year—until June 30, 1963, for flue-cured tobacco and until September 30, 1963, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1152, 725.1160; 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1252, 725.1260

4.19 Warehousemen handling burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [6] 1959–60 marketing year—until June 30, 1962, for flue-cured tobacco and until September 30, 1962, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1053, 725.1061; 1960–61 marketing year—until June 30, 1963, for flue-cured tobacco and until September 30, 1963, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1153, 725.1160; 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1253, 725.1260

4.20 Dealers handling burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

[6] As specified, or longer if requested by the State administrative officer or the Director, Tobacco Division, CSS.

Retention period: [6] 1959–60 marketing year—until June 30, 1962, for flue-cured tobacco and until September 30, 1962, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1064, 725.1061; 1960–61 marketing year—until June 30, 1963, for flue-cured tobacco and until September 30, 1963, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1154, 725.1160; 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1254, 725.1260

4.21 Truckers and persons redrying, prizing, or stemming burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [6] 1959–60 marketing year—until June 30, 1962, for flue-cured tobacco and until September 30, 1962, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1066, 725.1061; 1960–61 marketing year—until June 30, 1963, for flue-cured tobacco and until September 30, 1963, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1156, 725.1160; 1961–62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1256, 725.1260

4.22 Producers of Maryland tobacco.

To keep copies of reports with respect to acreage, production, and disposition of tobacco produced showing (a) number of fields and acres harvested, (b) total pounds produced, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person through whom marketed, number of pounds marketed, gross price, and date of marketing.

Retention period: [6] 1960–61 marketing year—until September 30, 1963, 7 CFR 727.1152, 727.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1252, 727.1260

4.23 Warehousemen handling Maryland tobacco.

To keep records that will permit furnishing detailed information on all transactions.

Retention period: [6] 1960–61 marketing year—until September 30, 1963, 7 CFR 727.1153, 727.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1253, 727.1260

4.24 Dealers handling Maryland tobacco.

To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1958 (for 1958–59 marketing year); and to keep copies of required reports.

Retention period: [6] 1960–61 marketing year—until September 30, 1963, 7 CFR 727.1154, 727.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1254, 727.1260

4.25 Truckers and persons redrying, prizing, or stemming Maryland tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: [6] 1960–61 marketing year—until September 30, 1963, 7 CFR 727.1155, 727.1160; 1961–62 marketing year—until September 30, 1964, 7 CFR 727.1256, 727.1260

4.26 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 7 CFR 728.883, 728.884, 728.887, 728.1173

4.27 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [5] 3 years following end of pertinent marketing year, 7 CFR 729.857, 729.863, 729.1056, 729.1062

4.28 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [5] 3 years following end of pertinent marketing year, 7 CFR 729.858, 729.863, 729.1057, 729.1062

4.29 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [5] 3 years following end of pertinent marketing year, 7 CFR 729.859, 729.863, 729.1058, 729.1062

4.30 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.984, 730.985, 730.988

IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT

4.31 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.32 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.33 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.34 Importers of non-quota purchase sugar imports.

To keep an accurate record of the receipt, processing, and movement of sugar and liquid sugar.

Retention: 2 years following the end of the calendar year in which the sugar was imported into the United States. 7 CFR 819.10

4.35 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.

To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

4.36 Employers of Virgin Islands handicapped workers in the sugar industry.

To keep a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

4.37 Milk handlers.

To keep detailed and summary accounts, books, and records with respect to (a) the receipts and utilization of all milk, skim milk, and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and butterfat content of all milk and milk products handled; and (c) pay-

[5] As specified, or longer if requested by the Director, Oils and Peanuts Division, CSS.

ments to producers and cooperative associations of producers and such other information as the market administrator may require.

Retention period: 3 years, to begin at the end of the calendar month to which such accounts and records pertain, or for a longer period if notified by the Market Administrator. 7 CFR Parts 1001—1159. (See specific milk marketing area.)

5. Commodity Credit Corporation

5.1 Cooperative marketing associations of producers participating in the Rice Loan and Purchase programs.

To maintain records of the total quantity of rough rice acquired by or delivered to the association from all sources, the quantity of eligible rice delivered by eligible producer members, and separate records of both eligible and ineligible rice.

Retention period: 1956 crop—at least until May 1, 1962, 6 CFR 421.1937; 1957 crop—at least until May 1, 1963, 6 CFR 421.2537; 1958 crop—at least until May 1, 1964, 6 CFR 421.3337; 1959 crop—at least until May 1, 1965, 6 CFR 421.4337; 1960 crop—at least until May 1, 1966, 6 CFR 421.5338

5.2 Cottonseed crushers participating in the 1954 Cottonseed Price Support program.

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 2 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1044

5.3 Cooperative associations of producers participating in the Tung Nut Price Support program.

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1959 crop—until July 1, 1962, 6 CFR 443.1586

5.4 Peanut shellers participating in the Peanut Price Support program.

To keep accounts with respect to the production and purchase of No. 2 peanuts and farmers stock peanuts from which No. 2 peanuts were produced, including types, grades, and quantity, names and addresses of producers, and date and place received.

Retention period: 2 years after the last No. 2 peanuts are delivered to CCC. 6 CFR 446.729, 446.829, 446.929, 446.1032, 446.1145, 446.1247

5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 1958 program, until April 1, 1962, 6 CFR 468.117; 1959 and subsequent years—3 years, 6 CFR 468.151 (1959), 468.163 (1960); (retention: 472.1058)

5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies.

To maintain books, records, and accounts showing: purchases of lambs on and after April 1, 1956, and marketing of wool or lambs on which application is based.

Retention period: 1958 program—until April 1, 1962, 6 CFR 472.948; 1959, 1960, and 1961 programs—3 years, 6 CFR 472.1058

5.7 Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program.

To maintain books, records, and accounts showing purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 1958—until April 1, 1962, 6 CFR 472.948; 1959, 1960, and 1961—3 years, 6 CFR 472.1058

5.8 Dealers selling designated surplus feed grains or approved mixed feed to farmers under the Emergency Feed Program.

To maintain books and records which will permit verification of all transactions with regard to farmer's purchase orders and dealer's certificates.

Retention period: At least 3 full years following exchange of the purchase order for dealer's certificate (or to be kept longer if requested by the Commodity Credit Corporation). 6 CFR 475.46, 475.61, 475.161.

5.9 Handlers and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 6 CFR 475.213

5.10 Exporters participating in the Rice Export Program.

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 2 years after date of export. 6 CFR 481.138

5.11 Exporters participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Wheat Agreement.

To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 2 years after date of export. 6 CFR 481.770, 483.177, 483.277

5.12 Cotton products and cotton exporters (and affiliates and subsidiaries) participating in the cotton export programs.

To keep books, records, accounts, and other documents and papers pertinent to any transaction under the program.

Retention period: At least 3 years after the date of last payment under any sales registration. 6 CFR 482.14, 482.112, 482.213, 482.313, 482.364

5.13 Feed grain exporters participating in the Feed Grain Export Program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 2 years after date of export. 6 CFR 484.138

6. Commodity Exchange Authority

6.1 Futures commission merchants depositing customers' monies in a bank or trust company.

Must secure a written waiver agreement from such bank or trust company and keep as a permanent record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants investing customers' money or loaning customers' money on the security of negotiable warehouse receipts.

To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization, or clearing member of a contract market and keep an executed copy of agreement with bank, trust company, clearing organization, or a clearing member of a contract market as specified in the section cited.

Retention period: 5 years after termination of agreement.[1] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants.

To keep the following records re obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, date disposition made and amount received therefor, name of person to or through whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date, and particulars of any changes or substitutions, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.[1] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a permanent record of the daily computation of money, securities

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep record showing position of each customer in each future of each commodity on each contract market as of last business day of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

6.7 Futures commission merchants.

To keep statement to show as of close of last business day of fiscal year and semiannually thereafter, net profit or loss from combined open trades, credit or debit balance of commodity margin account of each customer, whether or not customer has open trades or contracts, description of all securities and property in segregated account received from each customer to margin, guarantee or secure trades or contracts.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

6.8 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.9 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

6.11 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

6.12 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[1] 17 CFR 1.39 (retention: 1.31)

6.13 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

6.14 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of such position and all transactions related thereto; the name and address of each person whose commodity futures account is controlled by the reporting trader, and of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader; if the reporting trader is a partnership, the name and address of each partner; if a corporation, the names and addresses of the person or persons who direct trading activities, and the name and address of the parent corporation and subsidiaries or affiliates.

Retention period: 5 years. 17 CFR 18.04, 18.05 (retention: 1.31)

7. Farmers Home Administration

7.1 Borrowers operating under farm and home annual plans.

To maintain records of income, expenses, and operations.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 302.3

7.2 Watershed loan participants.

To maintain such accounts and records pertaining to transactions related to installation, operation, and maintenance as may be required by FHA.

Retention period: 5 years after year to which they pertain. 6 CFR 391.15

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry edible beans, citrus, combined crops, corn, cotton, flax, grain sorghum, oats, oranges, peanuts, rice, rye, soybeans, tobacco, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.11, sec. 19

II. DEPARTMENT OF COMMERCE

1. Area Redevelopment Administration

1.1 Recipients of loans and grants.

To keep and preserve records for financial assistance so long as any sum shall be due and unpaid to the Government on account of any loan under sections 6, 7, 8, Public Law 87–27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipient of the proceeds of any such assistance, together with other funds applied to such project, all as shall specifically identify a compliance with the requirements of the Act and the terms upon which such financial assistance has been made.

Retention period: Until final payment has been made to the Government or at least 2 years following the completion of all work on the project, whichever is longer. 13 CFR 304.8

1.2 Application of grant funds.

To keep detailed records reflecting work progress, expenditures and commitments, and to indicate the relationship to estimated costs and schedules.

Retention period: For and during the full time of construction being carried out pursuant to any grant. 13 CFR 304.33

2. Business and Defense Services Administration

2.1 Persons in the United States participating in transactions covered by BDSA Regulation 3.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of BDSA Regulation 3 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, BDSA Reg. 3, sec. 7 (a)

2.2 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and

See footnote on p. 8.

directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, as amended December 1, 1959, sec. 14

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulation 2 and BDSA (formerly NPA) Orders M–1A, M–5A, M–41, and M–43A.

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M–1A—Iron and Steel; BDSA Order M–5A—Aluminum; BDSA Order M–41—Metalworking Machines: Delivery; BDSA Order M–43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 2, sec. 24 (a); Order M–1A, sec. 19 (a); Order M–5A, sec. 15 (a); Order M–41, sec. 13 (a); Order M–43A, sec. 9 (a)

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Order M–17.

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M–17—Electronic Components or Parts.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Order M–17, as amended September 4, 1959, sec. 7(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.

To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8(a)

2.6 Persons participating in transactions covered by BDSA Order M–1B.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of Order M–1B (Nickel Alloys).

Retention period: At least 3 years. 32A CFR Ch. VI, Order M–1B, sec. 13(a)

2.7 Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials. (BDSA Order M–11A—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons, and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M–11A, sec. 12(a)

3. Bureau of International Business Operations

Foreign Trade Zones Board

3.1 Grantees of foreign trade zones.

To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

4. Bureau of International Programs

4.1 Holders of U.S. Import Certificates selling or transferring commodities covered by such certificates.

To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 3 years. 15 CFR 368.1

4.2 Executors of Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 3 years. 15 CFR 368.1

4.3 Exporters of surplus agricultural commodities.

To obtain and keep available for inspection, upon demand, by the Bureau of International Programs, documents of acknowledgment from foreign purchasers and documents constituting evidence of the contract of purchase and sale.

Retention period: 3 years. 15 CFR 371.8

4.4 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from date of receipt of the application by the Bureau (as shown on the Acknowledgment Card, Form FC–116). 15 CFR 372.4

4.5 Applicants for export licenses.

To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from date of receipt of the license application by the Bureau (as shown on the Acknowledgment Card, Form FC–116). 15 CFR 372.9

4.6 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 3 years from the date the commodities are supplied to a vessel or aircraft. 15 CFR 373.3, 373.51

4.7 Applicants for a Periodic Requirements License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from the date of receipt of the application (as shown on the Acknowledgment Card, Form FC–116). 15 CFR 376.3

4.8 Applicants for a Time Limit License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from the date of receipt of the application (as shown on the Acknowledgment Card, Form FC–116). 15 CFR 377.3

4.9 Forwarding agents receiving copies of commercial invoices not containing notice of prohibition against diversion.

To keep record of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 3 years. 15 CFR 379.10

4.10 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from date of certification. 15 CFR 380.1

4.11 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 3 years from date of transaction. 15 CFR 381.11

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, AGE–1, sec. 3(b), General Agents service agreement, Art. 3(g)(1) and Art. 14; Berth Agents service agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, INS–1, sec 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, OPR–1, sec 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII, SRM–1, sec. 3(a)(1)

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[6] 32A CFR Ch. XVIII SRM–2, sec. 4; SMR–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charters of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 Operators of vessels newly constructed under Federal Maritime Board ship construction contracts, containing guarantee clauses.

To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: 3 years after date of the final guarantee survey. 46 CFR 247.4

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Summary report on voyage repairs.

Retention period: 2 years after final release or settlement agreement is completed between the Federal Maritime Board/Maritime Administration and the operator. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination and acceptance of payment by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of Special and Capital Reserve Funds involved, and such other accounts established in connection therewith.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator. 46 CFR 286.2, 287.6

5.18 Taxpayers establishing construction reserve funds.

To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.24

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator. 46 CFR 292.8

5.20 Citizen applicants to purchase or charter a war-built vessel.

To keep books, records, and accounts available for examination as deemed necessary by the Maritime Administration to verify financial statements submitted.

Retention period: Purchase—10 years after completion of contract requirements; charter—5 years after settlement of company charters by the Maritime Administration. 46 CFR 299.8

5.21 Purchases of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

[6] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders of policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Secretary of Commerce.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State marine academies.

To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Personnel records—60 years from date of enrollment; all other records—12 years after final audit. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

6. Bureau of Public Roads

6.1 State highway departments or their agents.

To keep (a) all records and documents relating to the undertaking, carrying out and maintaining of each project in such form and manner as will enable the State to make available to the Federal Highway Administrator such information and data as he may require, and (b) financial and other records relating to toll facilities financed in part with Federal funds.

Retention period: (a) 3 years after payment of final voucher, and (b) at least 3 years after the facility has been operated on a free basis. 23 CFR 1.30

7. Under Secretary of Commerce for Transportation

7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 (Shipping restrictions; Sub Group A, Hong Kong and Macao) and T–2 (Shipping restrictions; Communist China, North Korea, and the Communist-controlled area of Viet-Nam) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

III. DEPARTMENT OF DEFENSE

1. Office of the Secretary of Defense (Departments of Army, Navy, Air Force)

1.1 Contractors with negotiated fixed price supply contracts and purchase orders in excess of $2,500.

A standard "Examination of Records" clause is provided. Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104–15. ASPR 7–104.15

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.104–15. ASPR 7–104.15

1.3 Contractors with fixed-price incentive supply contracts.

Shall maintain books, records, documents, and other evidence sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract. Also, shall require each subcontractor to insert a similar requirement in all its subcontracts which are on other than a fixed-price basis.

Retention period: 3 years after final payment under the contract. 32 CFR 7.108 (retention: 7.104–15). ASPR 7–108(e)

1.4 Subcontractors with contracts under fixed-price incentive supply contracts.

Shall maintain books, records, documents, and other evidence sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred in the performance of the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.108 (retention: 7.104–15). ASPR 7–108(e)

1.5 Contractors with fixed-price prime contracts providing for prospective periodic price redetermination at stated intervals.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring the subcontractor (i) to maintain similar cost data on performance of the subcontract and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the contract. 32 CFR 7.109–2. ASPR 7–109.2

1.6 Subcontractors with subcontracts on other than a firm fixed-price basis under fixed-price prime contracts providing for prospective periodic price redetermination at stated intervals.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of the subcontract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–2. ASPR 7–109.2

1.7 Subcontractors with subcontracts (excluding firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public) under fixed-price prime contracts providing for prospective periodic price redetermination at stated intervals.

Must agree that the Government may examine or audit its books, records, documents, and other evidence, pertinent to the performance of the subcontract. Also, if the subcontract is on other than a firm fixed-price basis, must agree to insert a similar provision in all its subcontracts.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–2. ASPR 7–109.2

1.8 Contractors with fixed-price prime contracts providing for prospective price redeterminations on request.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring the subcontractor (i) to maintain similar cost data on performance of the subcontract and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the contract. 32 CFR 7.109–3. ASPR 7–109.3

1.9 Subcontractors with subcontracts on other than a firm fixed-price basis under fixed-price prime contracts providing for prospective price redeterminations on request.

Must agree to maintain books, records, documents and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract, and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–3. ASPR 7–109.3

1.10 Subcontractors with subcontracts (excluding firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public) under fixed-price prime contracts providing for prospective price redeterminations on request.

Must agree that the Government may examine or audit its books, records, documents, and other evidence pertinent to performance of the subcontract. Also, if the subcontract is on other than a firm fixed-price basis, must agree to insert a similar provision in all its subcontracts.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–3. ASPR 7–109.3

1.11 Contractors with fixed-price prime contracts providing for retroactive and prospective price redetermination at a stated time prior to completion.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring the subcontractor (i) to maintain similar cost data on performance of the subcontract and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–4. ASPR 7–109.4

1.12 Subcontractors with subcontracts on other than a firm fixed-price basis under fixed-price prime contracts providing for retroactive and prospective price redetermination at a stated time prior to completion.

Must agree to maintain books, records, documents and other evidence sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for performance of the subcontract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract, and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–4. ASPR 7–109.4

1.13 Subcontractors with subcontracts (excluding firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public) under fixed-price prime contracts providing for retroactive and prospective price redetermination at a stated time prior to completion.

Must agree that the Government may examine or audit its books, records, documents, and other evidence pertinent to performance of the subcontract. Also, if the subcontract is on other than a firm fixed-price basis, must agree to insert a similar provision in all its subcontracts.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–4. ASPR 7–109.4

1.14 Contractors with fixed-price prime contracts providing for retroactive and prospective price redetermination including further prospective redetermination on request.

Must agree to maintain books, records, documents and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the contract. 32 CFR 7.109–5. ASPR 7–109.5

1.15 Subcontractors with subcontracts on other than a firm fixed-price basis under fixed-price prime contracts providing for retroactive and prospective price redetermination including further prospective redetermination on request.

Must agree to maintain books, records, documents, and other evidence sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for performance

of the subcontract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract, and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–5. ASPR 7–109.5

1.16 Subcontractors with subcontracts (excluding firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public) under fixed-price prime contracts providing for retroactive and prospective price redetermination including further prospective redetermination on request.

Must agree that the Government may examine or audit its books, records, documents, and other evidence pertinent to performance of the subcontract. Also, if the subcontract is on other than a firm fixed-price basis, must agree to insert a similar provision in all its subcontracts.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–5. ASPR 7–109.5

1.17 Contractors with fixed-price prime contracts providing for retroactive price redetermination after completion.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring the subcontractor (i) to maintain similar cost data on performance of the subcontract, and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the contract. 32 CFR 7.109–6. ASPR 7–109.6

1.18 Subcontractors with subcontracts on other than a firm fixed-price basis under fixed-price prime contracts providing for retroactive price redetermination after completion.

Must agree to maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in the performance of the subcontract. Also, must agree to insert in each of its subcontracts placed on other than a firm fixed-price basis a provision requiring its subcontractor (i) to maintain similar cost data on performance of the subcontract, and (ii) to insert a similar provision in all its subcontracts placed on other than a firm fixed-price basis.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–6. ASPR 7–109.6

1.19 Subcontractors with subcontracts (excluding firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public) under fixed-price prime contracts providing for retroactive price redetermination after completion.

Must agree that the Government may examine or audit its books, records, documents, and other evidence pertinent to the performance of the subcontract. Also, if the subcontract is on other than a firm fixed-price basis, must agree to insert a similar provision in all its subcontracts.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.109–6. ASPR 7–109.6

1.20 Contractors with cost reimbursement type supply contracts.

A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7-203.7

1.21 Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime supply contracts.

Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

1.22 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost reimbursement type prime supply contracts.

Must agree that the Comptroller General of the United States or the Department, or their duly authorized representatives, shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203–7. ASPR 7–203.7

1.23 Contractors with negotiated fixed-price research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.302–6. ASPR 7–302.6

1.24 Subcontractors with subcontracts in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price prime research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.302–6. ASPR 7–302.6

1.25 Contractors with cost-reimbursement type research and development contracts.

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under the prime contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7. ASPR 7–402.7

1.26 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime research and development contracts.

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7. ASPR 7–402.7

1.27 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time and material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime research and development contracts.

Must agree that the Comptroller General or the Department or their authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.402–7. ASPR 7–402.7

1.28 Contractors with fixed price contracts in excess of $1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.701. ASPR 8–701

1.29 Contractors with fixed price construction contracts amounting to more than $10,000.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.703. ASPR 8–703

1.30 Subcontractors with fixed price subcontracts.

The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to make available to the buyer and the Government all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.706. ASPR 8–706

1.31 Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403–1. ASPR 12–403.1(4)

1.32 Contractors with Army, Navy, Air Force.

To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item (summary stock records may be maintained in lieu of indivual property records for items of plant equipment having a value of less than $500 each when designated by the contract administrator in accordance with departmental procedures). Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304; 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

1.33 Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.

To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.48–1

1.34 Contractors receiving advance payments secured by lien on supplies and property covered by contract.

To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.48–2

1.35 Contractors supplying military and Federal specification items.

To keep records of examination and tests performed.

Retention period: As specified in contract. 32 CFR 154.3

2. Department of the Air Force

2.1 Contractors with facilities contracts (except short-form).

(a) Shall maintain property control records, a system of physical inventory, and a system of identification of the facilities.

(b) Must agree to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the contract and the use charges payable thereunder and to make them available to any authorized representative of the Department or the Comptroller General of the United States. Must agree further to insert a similar requirement in each subcontract which is on a cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis under the prime contract.

(c) For construction work as defined in "Labor Standards for Construction Work" clause, must maintain payroll records for laborers and mechanics and make the records available for inspection by authorized representatives of the Contracting Officer and the Department of Labor.

Retention period: Records specified in (a) and (b), above, 3 years after "completion" voucher or invoice or until settlement of any litigation, whichever is longer, 32 CFR 1007.2703–2, 1007.2703–3; records in (c), 3 years after completion of the work, 32 CFR 1007.2704–1

2.2 Contractors with contracts relating to Air Force equipment upon which work is to be performed.

Shall maintain property control records of Air Force equipment furnished for repair or modification.

Retention period: Not specified. 32 CFR 1007.4051

2.3 Contractors with fixed-type maintenance, overhaul, and modification contracts.

Shall maintain records of all inspection work and to make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 32 CFR 1007.4503–3

3. Department of the Army

3.1 Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.

To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

3.2 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

3.3 States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures

for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3.4 Masters or operators of all vessels subject to the Oil Pollution Act of 1961.

To keep an "Official Oil Record Book" on vessels which contain the record of certain actions in connection with the use or handling of oil or oily mixture.

Retention period: Each completed book for 2 years from date of last entry. 33 CFR 212.3

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies in areas affected by Federal activities receiving Federal grants for construction of minimum school facilities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 114.30

1.2 Local educational agencies in areas affected by Federal activities receiving Federal financial assistance for current expenditures.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 115.43

1.3 State and local agencies receiving financial assistance for vocational education in agriculture, distributive occupations, home economics, and trades and industries, including the fishing trades and industry, and practical nurse training and area vocational educations programs.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records. Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 102.24, 103.2

1.4 State and local agencies participating in the library services program under the Library Services Act.

To keep such accounts and supporting documents as will permit an accurate and expeditious audit of the program at any time.

Retention period: Until completion of fiscal audit or for 3 years, whichever is later. 45 CFR 130.6

1.5 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening science, mathematics and modern foreign language instruction.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. No such continuing inventory is required for equipment acquired under projects approved in accordance with section 303(a)(1) of the National Defense Education Act of 1958. 45 CFR 141.17

1.6 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 140.7

1.7 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) for 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be kept until notification of the completion or the review and audit covering the disposition of such equipment. 45 CFR 143.17

1.8 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening science, mathematics, and modern foreign language instruction.

To keep all records supporting the use of loan funds accessible and intact.

Retention period: Until the loan has been paid in full or until 3 years after receipt of loan funds, whichever is later. 45 CFR 142.14

1.9 Institutes of higher education entitled to payments for approved fellowship program under title IV of the National Defense Education Act.

To keep records supporting claims for Federal payments.

Retention period: (1) For 3 years after the close of the fiscal year to which such records relate; or (2) until they are notified that such records are not needed for program administration review; or (3) until they are notified of the completion of the Department's fiscal audit, whichever is later. The records involved in any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 145.5

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled food interstate and operators of establishments processing, labeling, or repacking such food, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 1.13

2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, or repacking such drugs and devices, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such drugs or devices will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishment. 21 CFR 1.107

2.3 Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled cosmetics interstate and operators of establishments processing, labeling, or repacking such cosmetics, where such persons and such operator are not the same person shall keep written agreements containing such specifications as will insure that such cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishment. 21 CFR 1.204

2.4 Coal-tar color distributors or manufacturers to whom certificates have been issued by the Food and Drug Administration.

Coal-tar color distributors or manufacturers to whom certificates have been issued by the Food and Drug Administration shall keep complete records of disposal of all coal-tar color from the batch covered by each certificate.

Retention period: At least 2 years after disposal of all such color. 21 CFR 9.9

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

Packers of processed shrimp and canned oysters operating under the seafood inspection service shall keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 New drug distributors and importers for investigational use.

Persons shipping new drugs interstate, and persons importing new drugs, for investigational use shall keep (1) statement by expert that he has adequate facilities for the investigation and that the drug will be used by or under his direction, and (2) complete records of each shipment and delivery.

Retention period: 2 years (a) after a new-drug application becomes effective for such drug; (b) after shipment and delivery of such drug for investigational use is discontinued if an application does not become effective; or (c) after disposition by importer of all lots of such drug to which such statements and records relate if an application does not become effective. 21 CFR 130.3

2.7 Persons introducing shipment or delivery of antibiotic drugs into interstate commerce and operators of establishments processing, labeling, storing, repacking, and remanufacturing.

Persons shipping antibiotic drugs interstate for processing, labeling, storing, repacking, and remanufacturing, and operators of such establishments, whether or not the shipper, shall keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1). 21 CFR 146.18–146.22

2.8 Antibiotic drug distributors and importers for investigational use.

Persons shipping antibiotic drugs interstate, and persons importing antibiotic drugs, for investigational use, shall keep (1) statement by expert that he has adequate facilities for the investigation and that the drug will be used by or under his direction, and (2) complete records of each shipment and delivery.

Retention period: 3 years from date of shipment or delivery (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1). 21 CFR 146.23

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

Insulin distributors to whom certifications have been issued by the Food and Drug Administration shall keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States shall keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

3. Public Health Service

3.1 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain records of authorized personnel training for health work under Federal grants provided under section 314 of the Public Health Service Act for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in the plan of the cooperating agency.

Retention period: Not specified.[1] 42 CFR 51.11, 51.15

3.2 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain a separate and distinct fund account for each Public Health Service grant authorized under section 314 of the Public Health Service Act.

Retention period:[1] Not specified. 42 CFR 51.13

3.3 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.

Applicants and contractors to maintain payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 53.127

3.4 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.

To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction of hospitals and medical facilities under the Public Health Service Act.

Retention period: Not specified. 42 CFR 53.129

3.5 State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.

To maintain accounts of all Federal and State funds allotted for construction projects, reflecting the funds allotted, encumbered, and unencumbered balances, including separate fund accounts for identifying the Federal and State funds.

Retention period: Not specified. 42 CFR 53.129

[1] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

3.6 State agencies receiving Federal funds for applicants for construction project grants or, for the State itself, as an applicant.

To keep adequate records of accounts and fiscal controls to assure proper accounting of all funds received and disbursed, including similar suitable accounts to show the receipt and disbursement of State, local or other funds used for matching purposes.

Retention period: Not specified. 42 CFR 53.129

3.7 State agencies administering programs assisted by grants-in-aid from the Public Health Service.

To maintain such personnel records as are necessary for the proper maintenance of a merit system and effective personnel administration.

Retention period: Not specified. 42 CFR 53.169

3.8 State and interstate water pollution control agencies receiving Federal grants for water pollution control programs.

To maintain accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Not specified. 42 CFR 55.7

3.9 Applicants receiving Federal funds for construction of treatment works, which are used for treatment of sewage or industrial wastes of a liquid nature.

To maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds for the purpose of the project.

Retention period: Not specified. 42 CFR 55.26(h)

3.10 Institutions receiving grants for construction of research facilities.

To maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General.

Retention period: Not specified. 42 CFR 57.8

3.11 Schools of public health receiving grants for provision of public health training.

To maintain, accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.12 Institutions receiving Federal grants for National Institutes of Health training.

To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.13 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals.

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 42 CFR 73.21, 73.37, 73.77

3.14 Licensed manufacturing establishments processing whole blood (human).

To maintain records of all aspects of the processing.

Retention period: Not specified. 42 CFR 73.304

4. Social Security Administration

Bureau of Federal Credit Unions

4.1 Federal Credit Unions.

To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified.[a] 45 CFR 301.14

4.2 Custodians of records of Federal Credit Unions voluntarily liquidated.

To keep all records of the liquidated credit union including settled passbooks necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 45 CFR 310.11, 310.13

Bureau of Old-Age and Survivors Insurance

4.3 States under agreement for special coverage of State and local government employees.

To keep or cause to be kept by the State, or, with respect to employees of any political subdivision thereof, by such political subdivision, accurate records of all remuneration paid employees in coverage groups, containing data relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies of returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims for refunds or credit, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

[a] See Accounting Manual for Federal Credit Unions (October 1954), pp. 109–111.

V. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.

To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

2. Fish and Wildlife Service

2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.9

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests; parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.9, 16.11, 16.12, 16.13 (retention: 16.3, 16.5)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.5)

2.4 California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.

To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.23 (retention: 16.5)

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.5)

2.6 State fish and game departments conducting wildlife restoration projects with Federal aid.

To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following notification of acceptability of project claims and accomplishments. 50 CFR 80.27, 80.28

2.7 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

2.8 Loan applicants of the fisheries loan fund.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of loan period. 50 CFR 250.12

2.9 Applicants for fishing vessel mortgage insurance.

Borrower and lender to keep books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3 Petroleum producers in designated areas (all of Louisiana and certain counties in Texas and New Mexico).

To keep records of inventories, production, consumption, and deliveries, and gauge tickets, run tickets, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.6

3.4 Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants and persons dealing in petroleum or petroleum products as a factor, buyer, or seller in designated areas (all of Louisiana and certain counties in Texas and New Mexico).

To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.6

3.5 Petroleum and petroleum products reclamation plants in designated areas (all of Louisiana and certain counties in Texas and New Mexico).

To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.6

3.6 Petroleum and petroleum products pipelines in designated areas (all of Louisiana and certain counties in Texas and New Mexico).

To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.6

3.7 Petroleum and petroleum products transporting agencies in designated areas (all of Louisiana and certain counties in Texas and New Mexico).

To keep records of shipments, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.6

3.8 Mineral lessees, potash, sodium and other minerals (federally owned lands).

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

3.9 Oil and gas and sulphur lessees (outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.37

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3 Secretary, Klamath Tribal Loan Board.

To keep a complete record of all meetings of the board.

Retention period: Not specified. 25 CFR 93.3

4.4 Klamath Tribal Loan Board.

To keep records and accounts regarding the status of loans.

Retention period: Not specified. 25 CFR 93.9

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. International Pacific Halibut Commission

5.1 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.9

5.2 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.10

6. International Whaling Commission

6.1 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

7. Bureau of Mines

7.1 NOTE (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U.S.C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months.

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.6, 8.8

VI. DEPARTMENT OF JUSTICE

1. General

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

1.2 Foreign agents.

To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.3 Organizations registered under Subversive Activities Control Act of 1950.

To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

1.4 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: Not specified. 15 U.S.C. 1173

2. Office of Alien Property

2.1 Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.

To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5(b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in 31 CFR 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

VII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4

1.2 Contractors or subcontractors subject to labor standards, provisions applicable to contracts covering federally financed and assisted construction (See 29 CFR 5.1).

To keep payroll records (including name and address of each laborer or mechanic, correct classification, rate of pay, daily and weekly numbers of hours worked, deductions made, and actual wages paid) for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract, 29 CFR 5.5(a) (3) and (6)

1.3 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 4.3

1.4 State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 4.86, 515.6

1.5 Employers subject to minimum age standards of child-labor provisions of Fair Labor Standards Act.

To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 4.121

2. Bureau of Employees' Compensation

2.1 Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.

To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Bureau of Labor-Management Reports

3.1 Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain labor relations services subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.5

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 403.7

3.4 Employers required to report payments or agreements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 408.10

3.6 Every labor organization with fiscal year ending prior to December 16, 1959, required to make annual financial report subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 415.4

3.7 Election officials designated in the constitution and bylaws of labor organization conducting election by secret ballot, or the secretary of such organization if no other official is designated, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 452.12(d)

3.8 Officials designated in the constitution and bylaws or the secretary of national or international labor organization when no such official is designated, in elections at conventions, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 452.13(c)

4. Division of Public Contracts

4.1 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep unexpired certificate of age of employee issued and held pursuant to regulations issued by the Secretary of Labor under the Fair Labor Standards Act, as protection against unintentional employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 50-201.105

4.2 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has ob-

tained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(b) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

4.3 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep records of injury frequency rates of employees.

Retention period: 3 years after date of entry. 41 CFR 50–201.502

5. Wage and Hour Division

5.1 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 4.86, 515.6

5.2 Employers making retroactive payment of wages to employees, including industrial homeworkers, under supervision of the Administrator.

To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 3 years. 29 CFR 516.2(b), 516.5, 516.21(b)(7), 545.7(d), 695.6(d)

5.3 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11–516.24

5.4 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.20, 521.8 (a) and (c)

5.5 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 521.8 (b) and (c)

5.6 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 516.20, 522.7

5.7 Independent telephone industry exchanges authorized to employ learners.

To keep payroll records of learners and occupation in which each learner is employed.

Retention period: 3 years. 29 CFR 522.70 (retention: 516.20, 522.7)

5.8 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certification authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5, 516.20)

5.9 Sheltered workshops (as defined in 29 CFR 525.1).

To keep records of the nature of each client's handicap, and records required under applicable provisions of 29 CFR Part 516.

Retention period: Not specified. 29 CFR 525.10

5.10 Educational institutions employing student-workers as learners at subminimum wage rates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 527.7

5.11 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained.

Retention period: Not specified. 29 CFR 530.8

5.12 Employers of industrial homeworkers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 530.9

5.13 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.21

Retention period: Not specified. 29 CFR Part 530.12(b)(3)

5.14 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7 (a) and (e), 545.8

5.15 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7 (b) and (e), 545.8

5.16 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee handbook; 2 years. 29 CFR 545.7 (c) and (e), 545.8

5.17 Employers of persons engaged in the shoe and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 601.3

5.18 Employers of persons engaged in the leather, leather goods, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 602.3

5.19 Employers of persons engaged in the fabric and leather glove industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 603.3

5.20 Employers of persons engaged in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 604.3

5.21 Employers of persons engaged in the electrical, instrument, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 606.3

5.22 Employers of persons engaged in the handkerchief, square scarf, and art linen industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 608.3

5.23 Employers of persons engaged in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 609.3

5.24 Employers of persons engaged in the children's dress and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 610.3

5.25 Employers of persons engaged in the sweater and knit swimwear industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 611.3

5.26 Employers of persons engaged in the needlework and fabricated textile products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 612.3

5.27 Employers of persons engaged in the straw, hair, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 613.3

5.28 Employers of persons engaged in the corsets, brassieres, and allied garments industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 614.3

5.29 Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 615.3

5.30 Employers of persons engaged in the button, jewelry, and lapidary work industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 616.3

5.31 Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 619.3

5.32 Employers of persons engaged in the tobacco industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 657.3

5.33 Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 661.3

5.34 Employers of persons engaged in chemical, petroleum, rubber, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.3

5.35 Employers of persons engaged in communications, utilities, and transportation industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 671.3

5.36 Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 672.3

5.37 Employers of persons engaged in the food and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.3

5.38 Employers of persons engaged in the lumber and wood products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 675.3

5.39 Employers of persons engaged in the paper, paper products, printing, and publishing industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.3

5.40 Employers of persons engaged in the stone, clay, glass, cement, and related products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 678.3

5.41 Employers of homeworkers in Puerto Rico (other than needlework industries).

To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.42 Employers of homeworkers in industries in Puerto Rico (other than needlework industries).

To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.43 Employers of persons engaged in the wholesaling, warehousing, and other distribution industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 683.3

5.44 Employers of persons engaged in the hosiery industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 687.3

5.45 Employers of persons engaged in the artificial flower, decoration, and party favor industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 688.3

5.46 Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 689.3

5.47 Employers of persons engaged in industries in the Virgin Islands.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 694.3

5.48 Employers of homeworkers in industries in the Virgin Islands.

To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

5.49 Employers of homeworkers in industries in the Virgin Islands.

To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

5.50 Employers of persons engaged in industries in American Samoa.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 697.3

5.51 Employers of persons engaged in the textile and textile products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

5.52 Employers of persons engaged in the fabricated plastic products industry in Puerto Rico.

To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 690.3

VIII. POST OFFICE DEPARTMENT

1.1 Postage meter licensees.

To keep a Meter Record Book (Form 3602–A), showing daily register readings of metered mail.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

1.2 Postage meter manufacturers.

To maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department.

Retention period: These records may be destroyed 3 years after the meter is scrapped. 39 CFR 33.8

1.3 Apartment house managers.

To maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

Retention period: The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed. 39 CFR 45.6

IX. DEPARTMENT OF STATE

1.1 Alien recipients of nonimmigrant visas.

To retain all documents and letters in support of a claim for eligibility to receive a nonimmigrant visa which were presented to, and returned by the consular officer.

Retention period: For examination by immigration officials at port of entry. 22 CFR 41.124

1.2 Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the importation and exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

X. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 National banks acting as insurance agents and as brokers or agent for loans on real estate.

To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of five years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of five years. 12 CFR 2.2, 2.4

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 4.1, 4.3 [See also 12 CFR 206.7.]

2.3 National banking associations.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in

support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

3. Bureau of Customs

3.1 Importers of leather sold to be used in the manufacture of footwear.*

To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.84

3.2 Importers of leather to be used in the manufacture of harness or saddlery.*

To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.85 (retention: 10.84)

3.3 Importers of hides and skins of the India water buffalo to be used in the manufacture of rawhide articles.*

To keep records to support blanket certificates issued to show sales of such hides and skins during a specific period to a specified manufacturer showing quantity and description of the hides and skins and identifying such hides and skins with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.86 (retention: 10.84)

3.4 Importers of leather to be used in the manufacture of footballs, basketballs, soccer balls, or medicine balls.*

To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.87 (retention: 10.84)

3.5 Importers of Patna rice to be used in the manufacture of canned soups.*

To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88 (retention: 10.84)

*These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identify, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period or at completion of lot; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.*

To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100 (retention: 10.84)

3.10 Importers of limestone to be used in the manufacture of fertilizer.*

To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101 (retention: 10.84)

3.11 Importers of bauxite, calcined, to be used in the manufacture of firebrick or other refractories.*

To keep records to support blanket certificates issued to show sales of such bauxite during a specific period to a specified manufacturer showing quantity and description of the bauxite and identifying such bauxite with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.102 (retention: 10.84)

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.*

To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of ore and crude metal on hand at the beginning of the period and the dutiable contents thereof; the quantities of ore and crude metal received during the period and the dutiable contents thereof; the quantities of ore and crude metal to be accounted for and the dutiable contents thereof; the quantities of ore and crude metal on hand at the end of the period and the dutiable contents thereof; the quantities of ore and crude metal worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: 5 years from date of the related annual statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.*

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and

identity of the imported merchandise used, the quantity of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.[*]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.[*]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers.

To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 19 CFR 31.9

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect on December 31, 1961. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, Excise, Liquor, Tobacco, and Firearms Taxes.

Unless otherwise indicated, citations for items 4.1—4.125 are to the 1939 Code of Federal Regulations and citations for items 4.126—4.320 are to the 1954 Code.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax but required to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.6001–1 (See also 26 CFR (1954) 1.446–1, 1.453–1, dealing with accounting methods and periods.)

4.2 Persons engaged in the production, purchase, or sale of merchandise.

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.471–1, 1.471–2 (retention: 26 CFR (1954) 1.6001–1)

4.3 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.611–2 (retention: 26 CFR (1954) 1.6001–1)

4.4 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.*

In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property", as defined in 26 CFR (1954) 1.613–3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code of 1954, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property (computed without the allowance for depletion", as defined in 26 CFR (1954) 1.613–4.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.611–2, 1.613–5 (retention 26 CFR (1954) 1.6001–1)

4.5 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.611–3 (retention: 26 CFR (1954) 1.6001–1)

4.6 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.614–2 (retention: 26 CFR (1954) 1.6001–1)

4.7 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code of 1954;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code of 1954, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

Retention period: So long as the contents thereof may become material in the administration of any internal reve-

[*] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

nue law. 26 CFR (1954) 1.614–3 (retention: 26 CFR (1954) 1.6001–1)

4.8 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.265–1 (retention: 26 CFR (1954) 1.6001–1)

4.9 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.351–3 (retention: 26 CFR (1954) 1.6001–1)

4.10 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.368–3 (retention: 26 CFR (1954) 1.6001–1)

4.11 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.371–2 (retention: 26 CFR (1954) 1.6001–1)

4.12 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1015–1 (retention: 26 CFR (1954) 1.6001–1)

4.13 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.905–2 (retention: 26 CFR (1954) 1.6001–1)

4.14 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records of all factors entering into the computation of depreciation allowances.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.167(a)–7 (retention: 26 CFR (1954) 1.6001–1)

4.15 Persons electing additional first-year depreciation allowance for small business.

To maintain records which permit specific identification of "section 179 property" and reflect how and from whom such property was acquired.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.179–4 (retention: 26 CFR (1954) 1.6001–1)

4.16 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.442–1 (retention: 26 CFR (1954) 1.6001–1)

4.17 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1081–11 (retention: 26 CFR (1954) 1.6001–1)

4.18 Persons engaged in arbitrage operations in stocks and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1233–1 (retention: 26 CFR (1954) 1.6001–1)

4.19 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1321–1, 1.1321–2 (retention: 26 CFR (1954) 1.6001–1)

4.20 Persons selling by the installment method.

In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.453–1, 1.453–2 (retention: 26 CFR (1954) 1.6001–1)

4.21 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain detailed records of travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.162–17 (retention: 26 CFR (1954) 1.6001–1)

4.22 Tax-exempt organizations.

To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, and disbursements, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.6033–1 (retention: 26 CFR (1954) 1.6001–1)

4.23 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13

4.24 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14

4.25 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.177–1 (retention: 26 CFR (1954) 1.6001–1)

4.26 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1014–4 (retention: 26 CFR (1954) 1.6001–1)

4.27 Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.

To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR (1954) 1.404(a)–2

4.28 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.27(b)–2 (retention: 26 CFR (1954) 1.6001–1)

4.29 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.332–6 (retention: 26 CFR (1954) 1.6001–1)

4.30 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.333–5 (retention: 26 CFR (1954) 1.6001–1)

4.31 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.371–1 (retention: 26 CFR (1954) 1.6001–1)

4.32 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code of 1954, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR (1954) 1.374–3

4.33 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.852–6, 1.852–7 (retention: 26 CFR (1954) 1.6001–1)

4.34 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations under the 1939 Code or 1954 Code.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.393–3 (retention: 26 CFR (1954) 1.6001–1)

4.35 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.921–1 (retention: 26 CFR (1954) 1.6001–1)

4.36 Record retention requirements for life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.820–2 (retention: 26 CFR (1954) 1.6001–1)

4.37 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the

amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR (1954) 1.811–2

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code of 1954 must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1244(e)–1 (retention: 26 CFR (1954) 1.6001–1)

4.39 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)–1 of the regulations applies and to establish the basis thereof.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.381(c)(6)–1 (retention: 26 CFR (1954) 1.6001–1)

4.40 Distributions by small business corporations of previously taxed income.

To keep records of the net share of the previously taxed income of each shareholder. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and shall make such record available to the corporation for its information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1375–4 (retention: 26 CFR (1954) 1.6001–1)

4.41 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code of 1954 is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal separate capital accounts shall be maintained holding company income.

(2) In the case of a partnership, tained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1361–10, 1.1361–14 (retention: 26 CFR (1954) 1.6001–1)

ESTATE TAX

4.42 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR (1954) 20.6001–1

GIFT TAX

4.43 Persons making transfers of property by gift.

(a) To keep letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales of stocks and bonds which are not listed on an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR (1954) 25.2512–2

(b) To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR (1954) 25.6001–1

EMPLOYMENT TAX

4.44 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR (1954) 31.6001–1

4.45 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR (1954) 31.6001–2 (retention: 26 CFR (1954) 31.6001–1)

4.46 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR (1954) 31.6001–3 (retention: 26 CFR (1954) 31.6001–1)

4.47 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason)

paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR (1954) 31.6001–4 (retention: 26 CFR (1954) 31.6001–1)

4.48 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee:

(1) The name and address of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands.

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals who are residents of a contiguous country.

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country.

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico.

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept.

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Form W–4) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax.

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR (1954) 31.6001–5 (retention: 26 CFR (1954) 31.6001–1)

4.49 Employers required to deduct and withhold income tax on wages paid.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 31.3401(a)–1, 31.6001–5 (retention: 26 CFR (1954) 1.6001–1)

4.50 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code of 1954, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR (1954) 31.6402(a)–2, 31.6404(a)–1 (retention: 26 CFR (1954) 31.6001–1)

4.51 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code of 1954, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR (1954) 31.6413(a)–1 (retention: 26 CFR (1954) 31.6001–1)

4.52 Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1461–2 (retention: 26 CFR (1954) 1.6001–1)

EXCISE TAX

4.53 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in section 45.4804–10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and sections 45.4872–1 to 45.4872–4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by sections 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 45.6001–1

4.54 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 45.6001–2 (retention: 26 CFR (1954) 45.6001–1)

4.55 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of section 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c)(6) of section 45.4821–3 as to resales).

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 45.6001–3 (retention: 26 CFR (1954) 45.6001–1)

4.56 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 45.6001–4 (retention: 26 CFR (1954) 45.6001–1)

4.57 Persons required to collect and account for admissions and cabaret taxes.

(a) *Admissions.* (1) To keep the portions of the tickets taken up by them.

Retention period: Not less than six months. 26 CFR 101.18

(2) To keep a copy of the statement of the numbers of obsolete and unusable tickets destroyed, their denominations, and all other pertinent information.

Retention period: Not specified. 26 CFR 101.18

(3) To keep substantially in accordance with the form outlined in the regulations an accurate daily record of admissions to all classes, including free or complimentary tickets or admissions and reduced rate admissions; a classified daily record showing as to each class of tickets sold all figures and other information necessary to determine the amount of tax due for the day, and due as charges in excess of established price for the day; to keep sworn copies of management reports attached to and made a part of the records for the period covered thereby.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32

(b) *Cabarets.* (1) To keep waiters' checks or bills or cash register tapes where the passing on of the tax to patrons is evidenced by entries thereon.

Retention period: Not less than 6 months. 26 CFR 101.18, 101.32

(2) To keep adequate and sufficient records with respect to the operations for each day on which public performances are held showing receipts from charges paid by all patrons entitled to be present during any part of the performance, and the tax due.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32

(c) *Duplicate returns, credits, and abatements or refunds.* A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: For duplicate returns—4 years from the time tax became due; for credits—4 years from the date return is filed on which the credit is taken; and for abatements or refunds—4 years from date claim is filed. 26 CFR 101.32, 101.33, 101.41, 101.42

4.58 Social, athletic, or sporting club or organization required to collect the tax on dues or initiation fees.

To keep up-to-date records showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. To also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: 4 years from the date the tax became due; with respect to credits, 4 years from the date return is filed on which the credit is taken; and, with respect to abatements or refunds claimed, 4 years from date claim is filed. 26 CFR 101.38, 101.39, 101.41, 101.42

4.59 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in section 45.4872–3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code of 1954, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code of 1954 shall keep a record (see forms prescribed in 45.4872–3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code of 1954, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to sections 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code of 1954.

Retention period: Not less than 3 years. 26 CFR (1954) 45.4872–1, 45.4872–2 (retention: 26 CFR (1954) 45.4872–4)

4.60 Parties to transfers of any interest in silver bullion.

Each party to every transfer of an interest in silver bullion within the scope of section 4891 of the Internal Revenue Code of 1954 shall keep an accurate and complete record of every such transfer whether taxable or not. The record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined. The books of every person liable to the tax shall be open for inspection by Government and internal revenue officers at all times.

Retention period: 3 years from the date the tax became due. 26 CFR (1954) 45.4894–2, 45.4895–8

4.61 Persons engaged in the business of buying, selling, or transferring stocks or bonds.

To keep a record of each transaction showing date of transaction, names of all parties involved, number, names, description, par and face value, selling price of stocks, and other related information.

Retention period: 3 years from the time of the transaction. 26 CFR 113.38, 113.68, 113.150; 26 CFR (1954) 43.6001–1

4.62 Members of a stock exchange involved in transferring accounts through clearing houses, engaged in the business of clearing, settling, or adjusting transactions in stocks or bonds.

To keep records of the particulars of transactions transferring the accounts of customers without change of ownership of the securities of such customers, wherever a clearing house carries upon its sheets or records information or reports of such transactions.

Retention period: 3 years from the time of the related transaction. 26 CFR 113.41, 113.71, 113.150; 26 CFR (1954) 43.6001–2

4.63 Members of a securities exchange registered with the Securities and Exchange Commission as a national exchange who have appointed clearing houses for affixing stamps.

To maintain in permanent form complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stocks and bonds, whether taxable or not, including rights to subscribe for or to receive stocks or bonds, arising in the conduct of their business, irrespective of whether the stocks or bonds are listed or unlisted, whether the transactions are clearable or not, and including transactions involving loans or borrowings of stocks or bonds, and over-the-counter sales, showing with respect to each transaction the amount of tax payable or the basis on which exemption from tax is claimed.

Retention period: 3 years from the date of the transaction. 26 CFR 113.41, 113.71, 113.150; 26 CFR (1954) 43.6001–2

4.64 Clearinghouses appointed for the purpose of affixing stamps by members of a securities exchange registered with the Securities and Exchange Commission as a national exchange.

To keep in permanent form the daily reports received from its members, and the daily summary statement of the total tax shown on such reports (if one is made).

Retention period: 3 years from the date of the report or statement. 26 CFR 113.41, 113.71, 113.150; 26 CFR (1954) 43.6001–2

4.65 Persons having control or possession of policies of insurance or reinsurance issued by foreign insurers.

To keep the instrument of insurance.

Retention period: 3 years from the date of issuance of the policy. 26 CFR 113.107; 26 CFR (1954) 43.6001–3

4.66 Persons, solicitors, or brokers accepting, placing, or soliciting contracts of insurance or reinsurance by foreign insurers.

To keep a record of each policy or other instrument subject to tax.

Retention period: 3 years from the time of the transaction. 26 CFR 113.109, 113.150; 26 CFR (1954) 43.6001–3

4.67 Persons required to keep records with respect to documentary stamp taxes.

To maintain and preserve all instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; and all other records required by the documentary stamp tax regulations.

Retention period: 4 years from the time of the related transaction. 26 CFR 113.150

4.68 Persons required to collect tax on use of safe deposit boxes.

To keep accurate records and accounts of all transactions subject to tax and evidence of the right to exemption on any such transaction in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

4.69 Carriers of petroleum by pipe line.

To keep accurate records and accounts showing (a) the daily volume of commodities accepted for transportation; (b) daily run records of the amount taken into the pipe lines and the amount delivered from such lines; (c) deductions from acceptances or allowances for evaporation, basic sediment, water, etc.; and (d) the charge per barrel, and the total charge for each movement. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

4.70 Persons required to collect taxes on amounts paid for (a) telegraph, telephone, cable, or radio dispatches, messages, or conversations, (b) any leased wire, or talking circuit special service, or wire and equipment services, etc., or (c) any local telephone services, etc.

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption. 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.47, 130.71, 130.77; 26 CFR (1954) 42.4253–7

4.71 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 130.54, 130.62, 130.71, 130.77; 26 CFR (1954) 42.4261–6(e), 42.4292–1(b)

4.72 Persons engaged in the business of transporting property for hire.

To keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 143.33, 143.34, 143.51, 143.60

4.73 Persons who ship or pay for transportation of shipments to points of export.

To retain triplicates of Export Exemption Certificates with shipping papers, and documentary evidence of the exportation of property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported.

Retention period: 4 years. 26 CFR 143.33, 143.34

4.74 Manufacturers of smoking opium.

To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Permanent. 26 CFR 150.10

4.75 Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.

To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR (1954) 151.27

4.76 Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages.

(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR (1954) 151.132

4.77 Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.

To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR (1954) 151.162, 151.201

4.78 Registrants authorized to execute and present order forms for narcotic drugs.

(a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR (1954) 151.162, 151.188, 151.201, 151.202

4.79 Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.

To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR (1954) 151.162, 151.475

4.80 Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.

To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not less than 2 years. 26 CFR (1954) 151.227

4.81 Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.

To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not less than 2 years. 26 CFR (1954) 151.243

4.82 Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.

To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Until the information is recorded on Forms 810 and 811. 26 CFR (1954) 151.262, 151.263, 151.264, 151.479

4.83 Manufacturers importing opium or medicinal coca leaves.

To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Until the information is recorded on Form 163 and its supplements. 26 CFR (1954) 151.262, 151.317

4.84 Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.

To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR (1954) 151.375

4.85 Retail dealers and other persons qualified to sell narcotic drugs at retail.

To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR (1954) 151.400

4.86 Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).

To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not less than 2 years. 26 CFR (1954) 151.412, 151.413, 151.414

4.87 Manufacturers, producers, compounders, and vendors (including dispensing physicians) of pharmaceutical preparations (containing a narcotic drug) classified as Class "X" preparations.

To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of such Class "X" preparations, the entries to be made at the time of

delivery. The requirement that such records be maintained as herein provided is absolute, independent and not merely a condition precedent to securing exemption granted under section 4702(a) of the Internal Revenue Code of 1954, as amended (section 151.423), to manufacturers, producers, compounders or vendors (including dispensing physicians), of exempt preparations. Such records shall be kept in such a way as to be readily accessible to inspection by any duly authorized officer or employee of the Treasury Department and the State, territorial, district, municipal or insular officers named in section 4773 of the Code. Separate records shall be kept of disposition to registrants and disposition to consumers. The record of disposition to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation and the date upon which delivery to the registrant, his agent or carrier is made. The record of disposition to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery. Any person required to keep records pursuant to this paragraph and failing to do so is guilty of a violation of law and liable to the penalties provided for violation of the provision of law relating to narcotic drugs.

In the case of manufacturers of or dealers in preparations classified as Class "X" products who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with if all such dispositions are evidenced by vouchers or invoices containing all the required information. As to records required in the case of registrants supplying preparations classified as Class "X" products to consumers pursuant to prescriptions issued by registered physicians, the requirement of this paragraph as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not less than 2 years. 26 CFR (1954) 151.424

4.88 Laboratories using narcotics.

To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR (1954) 151.441

4.89 Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests.

(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the writen approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 4.69 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR (1954) 151.443

4.90 Persons required to make statements with respect to narcotics lost or destroyed.

(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR (1954) 151.472.

4.91 Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.

To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR (1954) 151.473

4.92 Narcotic registrants disposing of excess or undesired narcotics.

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR (1954) 151.474

4.93 Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.

To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.8

4.94 Transferors and transferees of marihuana.

(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.49

4.95 Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.

To keep daily records showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.53, 152.54

4.96 Dealers filling marihuana prescriptions.

To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotics Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.64

4.97 Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.

To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.68, 152.68a, 152.78

4.98 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.75, 152.78

4.99 Persons registered to obtain marihuana for laboratory use.

To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.77, 152.78

4.100 Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.

To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.77a, 152.78

4.101 Persons taxable under the Marihuana Tax Act.

To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.78

4.102 Persons required to make statements with respect to marihuana lost or destroyed.

(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 152.97

4.103 Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.

To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.98

4.104 Marihuana registrants disposing of excess, undesirable, or useless marihuana.

To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.98

4.105 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR (1954) 45.4804–10 (retention: 26 CFR (1954) 45.6001–1)

4.106 Persons removing playing cards from the place of manufacture for export to a foreign country.

(a) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes playing cards from his place of manufacture in accordance with a written order or contract of sale for export, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such playing cards to his place of manufacture provided he maintains adequate records relating to such return.

(b) *Proof of delivery to a foreign-trade zone.* A manufacturer of playing cards who removes such playing cards from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the playing cards to the foreign-trade zone. Such records shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR (1954) 45.4453–1, 45.4453–2 (retention: 26 CFR (1954) 45.6001–1)

4.107 Persons liable for the excise tax on manufactured sugar or on the first domestic processing of coconut and palm oil.

(a) *General.* (1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a) (2), and by paragraphs (b) and (c) below, which relate to the claim.

(4) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

The records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

(c) *Coconut and palm oil*—(1) *Processing records.* Every processor shall maintain records and accounts with respect to the first domestic processing of the oil or oils showing:

(i) The quantity of (a) all raw materials from which oils are produced, (b) all crude or virgin oils, and (c) all oils which were imported and upon which preliminary processing had been done prior to importation.

(ii) Daily records of the quantity of oils put into process, showing the purpose for which used and the products produced therefrom.

(iii) The quantity of oils put into process under bond for export.

(2) *Source records.* Records relative to coconut oil or to any combination or mixture containing a substantial quantity of coconut oil, with respect to which oil no tax has been paid, must be maintained in such a manner as to show:

(i) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, which is wholly the production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands, and

(ii) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, produced wholly from materials which are the growth or production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands.

The records shall also show the country or possession in which the raw materials or oils were produced, when such articles were brought into the United States, and the name and address of the importer.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (a) (3) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 46.6001–1, 46.6001–2, 46.6001–3 (retention: 26 CFR (1954) 46.6001–1)

4.108 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales, and complete and detailed records of overpayments, for which credit is taken or refund is claimed, must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs, or, in the case of overpayments, 4 years from the date credit is taken or refund claimed. 26 CFR 314.23, 314.60, 314.62, 314.64

4.109 Persons claiming a credit or refund for gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes.

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue derived from scheduled common carrier public passenger land transportation service along regular routes (not including the tax imposed upon the transportation of persons), and (2) the tax-exempt passenger fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR (1954) 48.6420(f)–1, 48.6421(g)–1

4.110 Persons liable to pay floor stocks tax on gasoline held on November 1, 1951.

To keep records showing payment of floor stocks tax on gasoline, including the duplicate of the return, inventories, and other relevant papers and material. Persons holding gasoline at more than one location shall keep separate inventories for each location (one copy at each location and one copy at the principal place of business) consolidated into a single inventory at the principal place of business.

Retention period: 4 years from the date the tax is due. 26 CFR 314.71, 314.73, 314.74

4.111 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 316.7, 316.23, 316.24, 316.26, 316.28, 316.29, 316.61a, 316.63, 316.72, 316.81, 316.121, 316.200, 316.202, 316.204, 316.204a; 26 CFR (1954) 40.4063–1, 40.4220–3

4.112 Persons dealing in, handling, or receiving articles exempt from manufacturers' excise tax.

To keep certificates, which are not turned over to manufacturers of articles, together with proper records, supporting orders, and invoices with respect to exempt sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.22, 316.26, 316.27, 316.28, 316.72, 316.204; 26 CFR (1954) 40.4063–1, 40.4152–1, 40.4220–3

4.113 Persons required to file a return and pay tax on the sale of an article at retail.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To maintain evidence of sales at retail for export, or shipment to a possession of the United States, sales at retail to the United States, States, or Territories of the United States, political subdivisions thereof, or District of Columbia, sales for resale, and sales at retail of articles for religious purposes which could also be used for nonreligious purposes, upon which no tax is due. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due; in the case of tax-free sales, 4 years from the last day of the month following the month in which the sale was made; and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 320.20, 320.21, 320.22, 320.23, 320.37, 320.72, 320.76; 26 CFR (1954) 48.4003–1

4.114 Persons selling at retail stones used exclusively for industrial, scientific, or educational purposes, or as part of mechanical devices.

To keep adequate records in the nature of invoices or other documents identifying the stones, the person to whom sold, the date of sale, and the purpose for which the stones are to be used.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR (1954) 48.4001–3 (retention: 26 CFR 320.72)

4.115 Persons claiming exemption from tax on the sale at retail of articles of which fur is a component material.

To maintain adequate records or have proper documentary evidence to establish to the satisfaction of the Commissioner that the value of the fur as compared with that of the most valuable of the other component materials is not such as to render the sale taxable.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4011–1 (retention: 26 CFR 320.72)

4.116 Persons required to keep records with respect to the return and payment of retailers excise taxes by suppliers.

To retain the duplicate copy of the statement of consent which is returned to the retailer by the supplier and which shows the date on which the agreement becomes effective with respect to such retailer.

Retention period: Not specified. 26 CFR (1954) 48.6011(c)–1

4.117 Persons claiming exemption for tax on sale of diesel fuel.

(a) *Sales to a State or Territory of the United States, or a political subdivision thereof, or the District of Columbia.* To be prepared to produce evidence, such as clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, of right to exemption.

(b) *Sales for export and shipments to possessions of the United States.* To maintain adequate records to establish that the liquid was sold for export and documentary evidence that it was in fact exported.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 324.30, 324.31, 324.33, 324.42

4.118 Persons claiming exemption from tax on the sale or use of diesel fuel and special motor fuel.

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor used to operate certain special equipment is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle or which the special equipment is mounted, a reasonable determination of the quantity of taxable liquid used in such separate motor will be acceptable for purposes of application of tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and records must be maintained which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* To keep proper records of invoices, orders, etc., including exemption certificates, available for inspection by the District Director of Internal Revenue.

Retention period: 4 years from the date the tax became due; in the case of tax free sales, 4 years from the last day of the month following the month in which the sale was made. 26 CFR (1954) 48.4041–5, 48.4041–6, 48.4041–9 (retention: 26 CFR 324.42)

4.119 Persons required to file a return and pay tax on the sale or use of diesel fuel.

To keep accurate records and accounts of all taxable transactions. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or refund is claimed. 26 CFR 324.42, 324.45

4.120 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

Retention period: All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by section 44.4403–1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR (1954) 44.4403–1, 44.6001–1

4.121 Persons liable for floor stocks taxes on vehicles, highway tires, tread rubber, or gasoline.

To keep (a) records of separate specified inventories and copies of returns and other relevant papers and material, and (b) claimant's records of claim for refund, credit, or abatement.

Retention period: (a) At least 3 years after the date the tax becomes due or the date the tax is paid, and (b) at least 3 years after the date the claim is filed. 26 CFR (1954) 40.4226–4, 40.4226–8

4.122 Manufacturers, producers, or importers selling automobile tires or tread rubber.

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc. for inspection by the district director.

Retention period: Not specified. 26 CFR (1954) 40.4073–3

4.123 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable year shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable year.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 41.6001–1

4.124 Persons required to file a return on the sale or use of cutting oil or oil for nonlubricating use.

To keep accurate records of all transactions, including properly executed exemption certificates.

Retention period: Not specified. 26 CFR (1954) 48.4091–3(a), 48.4091–4(a)

4.125 Election to pay tax on amount paid for life membership in a social, athletic or sporting club or organization.

The statement of election shall be retained by the club or organization as a part of its records and shall be available for inspection by internal revenue officers.

Retention period: Not specified. 26 CFR (1954) 49.4241–1

[Unless otherwise indicated, citations for the following items are to the 1954 Code of Federal Regulations.]

LIQUORS

4.126 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from drugs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

4.127 Persons disposing of materials used in manufacturing distilled spirits.

To keep records pertaining to the disposition of substances or articles of the character used in the manufacture or recovery of distilled spirits.

Retention period: 3 years. 26 CFR 173.15

4.128 Persons disposing of containers of the character used for the packaging of distilled spirits.

To keep records pertaining to the disposition of containers of the character used for the packaging of distilled spirits.

Retention period: 3 years. 26 CFR 173.15

4.129 Importers and bottlers of distilled spirits.

To keep commercial records covering receipt, disposition, and stocks of all liquor bottles.

Retention period: 2 years. 26 CFR 175.64 (retention: 175.73)

4.130 Persons ordering liquor bottles.

To keep in his place of business a copy of each order and the original report of shipment or delivery.

Retention period: 2 years. 26 CFR 175.73

4.131 Manufacturer-consignor of liquor bottles.

To keep original order for liquor bottles and copy of report of shipment or delivery.

Retention period: 2 years. 26 CFR 175.73

4.132 Manufacturers, bottlers, and importers of liquor bottles.

To keep records relating to manufacture, shipment, delivery, purchase, use or sale of all liquor bottles as may be required by the assistant regional commissioner from time to time.

Retention period: 2 years. 26 CFR 175.74 (retention: 175.73)

4.133 Proprietors of distilled spirits plants conducting wholesale liquor dealer operations.

Transactions to be recorded and reported in accordance with 26 CFR Part 201.

Retention period: Not less than 4 years. 26 CFR 194.224 (retention: 201.612)

4.134 Wholesale liquor dealers.

To keep daily records of the physical receipt and disposition of distilled spirits including copies of invoices and copies of delivery receipts (or bills of lading if delivered to a common carrier) supporting, respectively, the record of receipt and the record of disposition, and a daily recapitulation record showing the total wine gallons if in bottles, or proof gallons if in packages, of distilled spirits received and disposed of during the day.

Retention period: At least 2 years. 26 CFR 194.221, 194.225, 194.226, 194.227, 194.228, 194.229, 194.230, 194.238 (retention: 194.242)

4.135 Wholesale liquor dealers.

To keep work sheets from which grand totals of months' receipts and disposition are obtained.

Retention period: 2 years. 26 CFR 194.230

4.136 Wholesale liquor dealers.

To keep file copies of Forms 52A, 52B (unless requirement is waived), and 338.

Retention period: At least 2 years. 26 CFR 194.221, 194.231, 194.232, 194.233, 194.234, 194.238, 194.242 (retention: 194.242)

4.137 Wholesale dealers in wines and/or beer.

To keep complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: At least 2 years. 26 CFR 194.222 (retention: 194.222, 194.242)

4.138 Wholesale liquor dealer who maintains a separate department on his premises for the retailing (to persons other than dealers) of distilled spirits.

To keep daily records of the physical receipt and disposition of distilled spirits, the transferring of distilled spirits between the retail department and the wholesale department, and the recapitulation records.

Retention period: At least 2 years. 26 CFR 194.238 (retention: 194.242)

4.139 Retail dealers in liquors and beer.

To keep a complete record of all distilled spirits, wines, or beer received showing the quantities thereof, from whom received, and the receiving dates.

Retention period: At least 2 years. 26 CFR 194.239 (retention: 194.242)

4.140 Retail dealers in liquors and beer.

To keep a record of each sale of distilled spirits, of wines, or of beer in quantities of 20 wine gallons or more to the same person at the same time showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, and the serial numbers of all full cases of distilled spirits included in the sale and the delivery receipt supporting each entry in the record.

Retention period: At least 2 years. 26 CFR 194.239 (retention: 194.242)

4.141 Dealers in liquors, wines, or beer.

To keep all reproductions authorized in lieu of the original records, reports, or other documents required to be maintained.

Retention period: At least 2 years. 26 CFR 194.243 (retention: 194.242)

4.142 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing the bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep a copy of each monthly report on Form 2260 of strip stamp transactions and of each monthly report on Form 2733 of bulk alcohol received, packaged, and disposed of.

Retention period: At least 2 years. 26 CFR 194.271 (retention: 194.242)

4.143 Wholesale liquor dealers.

To keep records, and copies of each monthly report (Form 338), of all transactions relating to distilled spirits stored for export with benefit of drawback.

Retention period: At least 2 years. 26 CFR 194.283 (retention: 194.242)

4.144 Proprietors of vinegar factories.

To keep (a) daily records of operations reflecting the receipt and disposition of each lot of fermenting and distilling material; the kind and quantity of fermenting and distilling material received and used, and fermenting material removed from premises; the quantity of mash set, distilling material produced and used, low wines produced or used, and vinegar produced and removed; the date of the transaction or operation; and the identity of each consignor or consignee, and (b) a duplicate copy of each report (Form 1623) of monthly summary account of fermenting and distilling materials, low wines, and vinegar.

Retention period: At least 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159, 195.160, 195.161, 195.175, 195.176 (retention 195.177)

4.145 Manufacturer of distilling apparatus removed from the place of manufacture without payment of tax for exportation, or for deposit in a foreign-trade zone.

To keep records showing all stills manufactured, received, and removed or otherwise disposed of.

Retention period: 2 years. 26 CFR 196.62, 196.80, 196.82 (retention: 196.80, 196.82)

4.146 Manufacturer or vendor of distilling apparatus.

To keep records covering manufacture, receipt and removal of still including the purchaser's name, and address, and the purpose for which the still is to be used when sold for domestic use for purposes other than for distilling (as defined in 26 CFR 196.10).

Retention period: 2 years. 26 CFR 196.80

4.147 Manufacturers of distilling apparatus and vendors removing distilling apparatus for exportation or for deposit in a foreign-trade zone without payment of tax.

To keep a copy of the bill of lading covering the exportation or consignment to the foreign-trade zone of the apparatus.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.82 (retention: 196.82)

4.148 Manufacturers of nonbeverage products claiming drawback.

To keep copies of approved quantitative formulas (Form 1678).

Retention period: Not less than 2 years from date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

4.149 Manufacturers of nonbeverage products claiming drawback.

To keep permanent records of distilled spirits received and used and products produced and sold.

Retention period: Not less than 2 years. 26 CFR 197.130, 197.131, 197.132 (retention: 197.133)

4.150 Proprietors of concentrate plants.

To keep daily records showing production, receipt, and use of processing material; the use of flashed juice or mash; the production, removal, or use of concentrates; the removal of articles manufactured from juice or mash and flashed juice or mash; the receipt and use of substances used to render concentrates unfit for use as a beverage, and the names and addresses of the persons (1) from whom processing materials are received, and (2) to whom concentrates are disposed of.

Retention period: Not less than 2 years. 26 CFR 198.172, 198.174, 198.175, 198.185, 198.186 (retention: 198.187)

4.151 Proprietors of concentrate plants.

To keep file copies of Form 1695, Monthly Report of Concentrate Manufacturer.

Retention period: Not less than 2 years. 26 CFR 198.190

4.152 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records of quantities of spirits produced, received, and used each day.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

4.153 Proprietors of plant premises other than the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of distilling material (mash, wort, or wash).

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

4.154 Proprietors of premises other than those of a distilled spirits plant.

To keep records of the receipt, use, and disposition of distilling material (mash, wort, or wash).

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

4.155 Proprietors of distilled spirits plants.

To keep a record of each container of spirits in bond sustaining loss by theft or unauthorized voluntary destruction.

Retention period: Not less than 4 years from the date the spirits covered thereby are removed from the proprietor's bonded premises. 26 CFR 201.311 (retention: 201.612)

4.156 Proprietors of distilled spirits plants.

To keep copies of Form 2634.

Retention period: Not less than 4 years. 26 CFR 201.407 (retention: 201.612)

4.157 Proprietors of distilled spirits plants.

To keep copies of Form 122.

Retention period: Not less than 4 years. 26 CFR 201.432 (retention: 201.612)

4.158 Proprietors of distilled spirits plants.

To keep copies of Form 2612.

Retention period: Not less than 4 years. 26 CFR 201.563 (retention: 201.612)

4.159 Proprietors of distilled spirits plants.

To keep copies of tax returns, Forms 2521, 2522, 2523, and 2527.

Retention period: Not less than 4 years. 26 CFR 201.611 (retention: 201.612)

4.160 Proprietors of distilled spirits plants.

To keep all authorized reproductions in lieu of the original records, reports, or other documents that are required to be maintained by 26 CFR Part 201.

Retention period: Not less than 4 years. 26 CFR 201.616 (retention: 201.612)

4.161 Proprietors of distilled spirits plants.

To keep copies of all authorized modified forms (that contain the required entries but are variations from prescribed forms), required to be maintained by 26 CFR Part 201.

Retention period: Not less than 4 years. 26 CFR 201.614 (retention: 201.612)

4.162 Proprietors of distilled spirits plants.

To maintain daily records of operations of his production facilities.

Retention period: Not less than 4 years. 26 CFR 201.617, 201.618, 201.619 (retention: 201.612)

4.163 Proprietors of distilled spirits plants.

To maintain daily production records of the manufacture of substances other than spirits, in a process which produces spirits as a byproduct.

Retention period: Not less than 4 years. 26 CFR 201.620 (retention: 201.612)

4.164 Proprietors of distilled spirits plants.

To maintain daily records of his denaturing operations.

Retention period: Not less than 4 years. 26 CFR 201.587, 201.588, 201.621 (retention: 201.612)

4.165 Proprietors of distilled spirits plants.

To keep copies of Form 1467.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.622 (retention: 201.612)

4.166 Proprietors of distilled spirits plants.

To maintain a daily summary record of his bonded storage operations.

Retention period: Not less than 4 years. 26 CFR 201.617, 201.618, 201.622 (retention: 201.612)

4.167 Proprietors of distilled spirits plants.

To maintain daily records of the details of his bottling premises operations.

Retention period: Not less than 4 years. 26 CFR 201.460, 201.617, 201.618, 201.623 (retention: 201.612)

4.168 Proprietors of distilled spirits plants.

To maintain for each day a daily record of the receipt, use, and disposition of strip stamps.

Retention period: Not less than 4 years. 26 CFR 201.624 (retention: 201.612)

4.169 Proprietors of distilled spirits plants.

To maintain a daily record showing the receipt and disposition of all distilled spirits and wines at taxpaid storeroom premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.625 (retention: 201.612)

4.170 Proprietors of distilled spirits plants.

To keep daily records of samples taken by them from bonded premises.

Retention period: Not less than 4 years. 26 CFR 201.626 (retention: 201.612)

4.171 Proprietors of distilled spirits plants.

To keep a record of the monthly inventories required to be taken under 26 CFR 201.281, 201.311, and 201.492.

Retention period: Not less than 4 years. 26 CFR 201.627 (retention: 201.612)

4.172 Proprietors of distilled spirits plants.

To keep as permanent records the file copies of all forms covering spirits in storage.

Retention period: Not less than 4 years from the date the spirits covered thereby are removed from the proprietor's premises. 26 CFR 201.628 (retention: 201.612)

4.173 Proprietors of distilled spirits plants.

To keep current summary accounts on Form 1621 of all spirits entered into, withdrawn from, and remaining in the bonded warehouse.

Retention period: Not less than 4 years. 26 CFR 201.629 (retention: 201.612)

4.174 Proprietors of distilled spirits plants.

To keep with his daily records, a monthly summary record of the transactions recorded in his daily records relating to (1) materials intended for use in production of spirits as required by paragraphs (a), (c), and (d) of 26 CFR 201.619, (2) denaturants as required by paragraph (a) of 26 CFR 201.621, and (3) alcoholic flavoring materials as required by paragraphs (a), (c), and (h) of 26 CFR 201.623.

Retention period: Not less than 4 years. 26 CFR 201.630 (retention: 201.612)

4.175 Proprietors of distilled spirits plants.

To keep a copy of Form 2636.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.632 (retention: 201.612)

4.176 Proprietors of distilled spirits plants.

To keep a daily report of transactions on Form 2632.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.632 (retention: 201.612)

4.177 Proprietors of distilled spirits plants.

To keep file copies of Forms 338, 2260, 2546, 2730, 2731, 2732, and 2733.

Retention period: Not less than 4 years. 26 CFR 201.633 (retention: 201.612)

4.178 Proprietors of distilled spirits plants.

To keep copy of report, Form 2260, relating to the disposition of unused distilled spirits excise tax stamps or unused rectification tax stamps.

Retention period: Not less than 2 years. 26 CFR 170.582

4.179 Proprietors of distilled spirits plants.

To keep copies of Form 332.

Retention period: Not less than 4 years. 26 CFR 201.634 (retention: 201.612)

4.180 Proprietors of distilled spirits plants.

To keep file copies of reports of spirits stored in bond in the same wooden packages for 12 years or more.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.635 (retention: 201.612)

4.181 Distributors of completely denatured alcohol.

To keep records on Form 1467, Details of Packages Filled With Denatured Spirits.

Retention period: 3 to 6 years. 26 CFR 211.118 (retention: 211.273)

4.182 Bonded dealers in specially denatured spirits.

To keep file copies of Form 1473, Notice of Shipment of Specially Denatured, Tax-Free, or Recovered Spirits, covering shipments of specially denatured spirits to his premises, and copies of Forms 1473 covering shipments of such spirits from his premises.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.148, 211.234, 211.255, 211.285 (retention: 211.273)

4.183 Bonded dealers in specially denatured spirits.

To keep records on Form 1467, Details of Packages Filled With Denatured Spirits.

Retention period: 3 to 6 years. 26 CFR 211.145 (retention: 211.273)

4.184 Users of specially denatured spirits.

To keep file copies of Form 1473, Notice of Shipment of Specially Denatured, Tax-Free, or Recovered Spirits, covering shipments of specially denatured spirits to his premises, and copies of Form 1473 covering shipments thereof to other premises.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.168, 211.255 (retention: 211.273)

4.185 Manufacturers recovering denatured alcohol, specially denatured rum, and articles.

To keep records of denaturants procured and used as required of proprietors of distilled spirits plants engaged in denaturing operations.

Retention period: Not less than 4 years. 26 CFR 211.215 (retention: 201.612)

4.186 Users redenaturing recovered denatured alcohol or specially denatured rum.

To keep copy of Form 1483, Redenaturation of Recovered Denatured Alcohol or Specially Denatured Rum.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.216, 211.263, 211.265 (retention: 211.273)

4.187 Users who ship recovered denatured alcohol or specially denatured rum.

To keep file copies of Form 1473, Notice of Shipment of Specially Denatured, Tax-Free, or Recovered Spirits, covering shipments of recovered denatured spirits to proprietors of distilled spirits plants.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.218 (retention: 211.273)

4.188 Bonded dealers in or users of specially denatured spirits.

To keep file copy of the approved application, to destroy specially denatured spirits.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.251, 211.264, 211.265 (retention: 211.273)

4.189 Bonded dealers in or users of specially denatured spirits.

To keep copy of approved application to return specially denatured spirits.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.252, 211.263, 211.265 (retention: 211.273)

4.190 Distributors or users of completely denatured alcohol.

To keep records of specified transactions in completely denatured alcohol.

Retention period: 3 to 6 years. 26 CFR 211.261 (retention: 211.273)

4.191 Manufacturers, distributors, or users of proprietary antifreeze solutions made with completely denatured alcohol.

To keep records of specified transactions in proprietary antifreeze solutions made with completely denatured alcohol.

Retention period: 3 to 6 years. 26 CFR 211.262 (retention: 211.273)

4.192 Users who recover completely denatured alcohol or articles.

To keep records of the recovery and reuse of completely denatured alcohol or articles.

Retention period: 3 to 6 years. 26 CFR 211.263 (retention: 211.273)

4.193 Bonded dealers in specially denatured spirits.

To keep detailed records of all transactions in specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.264 (retention: 211.273)

4.194 Users of specially denatured spirits.

To keep records (including copies of invoices covering purchases of materials and sales of articles) to reflect details of receipt, use, including losses, and recovery of specially denatured spirits, articles manufactured, and disposition of articles.

Retention period: 3 to 6 years after the date of the report covering the transactions. 26 CFR 211.265, 211.267 (retention: 211.273)

4.195 Users manufacturing products such as bay rum, hair lotions, skin lotions, perfumes, and similar products, containing specially denatured alcohol.

To keep manufacturing records on Form 133, Manufacturing Record of Products Containing Specially Denatured Alcohol (or other authorized manufacturing records); and to keep packaging and sales records on Form 134, Packaging and Sales Record of Products Containing Specially Denatured Alcohol (or other authorized packaging and sales records).

Retention period: 3 to 6 years after the date of the report covering the transactions. 26 CFR 211.265, 211.267 (retention: 211.273)

4.196 Reprocessors.

(a) To keep manufacturing record on Form 133, Manufacturing Record of Products Containing Specially Denatured Alcohol (or other authorized manufacturing records).

(b) To keep packaging and sales records, Form 134, Packaging and Sales Record of Products Containing Specially Denatured Alcohol (or other authorized packaging and sales records).

(c) To keep copies of invoices covering purchases of materials and sales of articles.

Retention period: 3 to 6 years. 26 CFR 211.266, 211.267 (retention: 211.273)

4.197 Repackagers and bottlers of bay rum, hair lotions, skin lotions, and similar products, and persons purchasing such products in containers larger than one gallon for resale.

(a) To keep packaging and sales records, Form 134, Packaging and Sales Record of Products Containing Specially Denatured Alcohol (or other authorized packaging and sales records).

(b) To keep copies of invoices covering purchases and sales of articles.

Retention period: 3 to 6 years. 26 CFR 211.266, 211.267 (retention: 211.273)

4.198 Persons dealing in special industrial or proprietary solvents.

To keep detailed records of the receipt and disposition of special industrial solvents and proprietary solvents produced with specially denatured alcohol.

Retention period: 3 to 6 years. 26 CFR 211.268 (retention: 211.273)

4.199 Users of special industrial and proprietary solvents.

To keep complete records of special industrial solvents and proprietary solvents received in bulk and the use thereof.

Retention period: 3 to 6 years. 26 CFR 211.268 (retention: 211.273)

4.200 Users who recover completely denatured alcohol or articles.

To keep file copies of monthly report on Form 1482, User's Report of Denatured Alcohol or Rum, showing the quantity of completely denatured alcohol or articles received, used in manufacture, recovered, and the disposition of the recovered product.

Retention period: 3 to 6 years. 26 CFR 211.269 (retention: 211.273)

4.201 Bonded dealers.

To keep copies of reports on Form 1478, Bonded Dealer's Report of Specially Denatured Alcohol or Rum.

Retention period: 3 to 6 years. 26 CFR 211.270 (retention: 211.273)

4.202 Users of specially denatured spirits.

To keep copies of Form 1482, User's Report of Denatured Alcohol or Rum, covering transactions in specially denatured spirits, including recovery thereof or of articles.

Retention period: 3 to 6 years. 26 CFR 211.271 (retention: 211.273)

4.203 Persons required to keep records relating to distribution and use of denatured alcohol and rum.

To keep reproductions authorized in lieu of the original records, reports, or other documents required to be maintained.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 211.274 (retention: 211.273)

4.204 Users of tax-free alcohol.

To keep file copies of Form 1473, Notice of Shipment of Specially Denatured, Tax-Free, or Recovered Spirits, covering shipments of tax-free alcohol to his premises, and of Form 1473 covering shipments of recovered tax-free alcohol to a distilled spirits plant, return of tax-free alcohol to a distilled spirits plant, or shipments to another user.

Retention period: 3 to 6 years after date of report covering transaction. 26 CFR 213.116, 213.134, 213.165 (retention: 213.175)

4.205 Users of tax-free alcohol.

To keep file copies of approved applications to destroy tax-free alcohol.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 213.161 (retention: 213.175)

4.206 Users of tax-free alcohol.

To keep file copies of approved applications to return tax-free alcohol to a distilled spirits plant, or dispose of such alcohol to another permittee.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 213.162, 213.164 (retention: 213.175)

4.207 Users of tax-free alcohol.

To keep detailed records of all transactions in tax-free alcohol, including alcohol from General Services Administration, and recovered alcohol.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 213.171 (retention: 213.175)

4.208 Users of tax-free alcohol.

To keep monthly inventories of all tax-free alcohol including recovered alcohol and alcohol received from General Services Administration.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 213.172 (retention: 213.175)

4.209 Users of tax-free alcohol.

To keep copies of annual reports on Form 1451, Report of Tax-Free Alcohol User.

Retention period: 3 to 6 years. 26 CFR 213.173 (retention: 213.175)

4.210 Users of tax-free alcohol.

To keep reproductions authorized in lieu of the original records, reports, or other documents required to be maintained.

Retention period: 3 to 6 years after the date of the report covering the transaction. 26 CFR 213.176 (retention: 213.175)

4.211 Proprietors of taxpaid wine bottling houses.

To keep daily records (and monthly summary) of all wine received at and removed from the premises.

Retention period: 3 years. 26 CFR 231.110 (retention: 231.114)

4.212 Proprietors of taxpaid wine bottling houses.

To keep record of wine bottling operations (Form 2060 or approved substitute record)

Retention period: 3 years. 26 CFR 231.111 (retention: 231.114)

4.213 Proprietors of taxpaid wine bottling houses.

To keep record of wine packaging (other than cases) operations.

Retention period: 3 years. 26 CFR 231.112 (retention: 231.114)

4.214 Proprietors of taxpaid wine bottling houses.

To keep records (including working papers) of all semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.113 (retention: 231.114)

4.215 Proprietors of bonded wine cellars.

To keep records of the kind and quantity of materials received and used, the products produced, and the disposition of such products for each operation not specifically provided for under 26 CFR 240, but authorized by the Director.

Retention period: 3 to 6 years. 26 CFR 240.134, 240.914 (retention: 240.924)

4.216 Proprietors of bonded wine cellars.

To keep copies of Form 275 (with Form 2629 and Form 2630, if any), report of addition of wine spirits.

Retention period: 3 to 6 years. 26 CFR 240.379, 240.904 (retention: 240.924)

4.217 Proprietors of bonded wine cellars.

To keep separate records of juice and concentrated juice to which wine spirits have been added.

Retention period: 3 to 6 years. 26 CFR 240.383 (retention: 240.924)

4.218 Proprietors of bonded wine cellars.

To keep records of the first addition of wine spirits, inoculation with Flor sherry yeast, and storage and movement of the wine to the time of the second addition of wine spirits where wine spirits are added at different times in the production of Flor sherry wine.

Retention period: 3 to 6 years. 26 CFR 240.385 (retention: 240.924)

4.219 Proprietors of bonded wine cellars.

To keep separate records showing quantities of heavy bodied blending wine produced, received, used, shipped, and on hand.

Retention period: 3 to 6 years. 26 CFR 240.484 (retention: 240.924)

4.220 Proprietors of bonded wine cellars.

To keep separate records showing the production and disposition of Spanish type blending sherry wine made with partially caramelized grape concentrate.

Retention period: 3 to 6 years. 26 CFR 240.485 (retention: 240.924)

4.221 Proprietors of bonded wine cellars.

To keep separate records of wine produced other than for beverage use showing quantity produced, received, and shipped, and on hand.

Retention period: 3 to 6 years. 26 CFR 240.485 (retention: 240.924)

4.222 Proprietors of bonded wine cellars.

To keep a record of receipt and use of distillate containing aldehydes to be used in fermentation of wine to be used as distilling material.

Retention period: 3 to 6 years. 26 CFR 240.491 (retention: 240.924)

4.223 Proprietors of bonded wine cellars.

To keep records for each batch of wine or basic wine-producing material treated with activated carbon showing the exact details of such treatment including the kind and quantity of juice (if grape, by grape variety), and the kind and quantity of activated carbon used. Such records shall also show the complete cellar treatment given the finished wine, such as the use of sulphur dioxide, and the length of time the activated carbon is in contact with the wine.

Retention period: 3 to 6 years. 26 CFR 240.527a (retention: 240.924)

4.224 Proprietors of bonded wine cellars.

To keep commercial records of the bottling of still wines containing carbon dioxide and the tests of the carbon dioxide content thereof.

Retention period: 3 to 6 years. 26 CFR 240.534 (retention: 240.924)

4.225 Institutions engaged in experimental wine operations.

To keep records appropriate to the experiments and showing, if wine spirits are used, the quantities of wine spirits received and used each day.

Retention period: 3 to 6 years. 26 CFR 240.549 (retention: 240.924)

4.226 Proprietors of bonded wine cellars.

To keep appropriate cellar records to identify wine cased where cases are marked with the filling date in lieu of serial numbers, or if the cases are serially numbered, a record of cases filled if serially numbered at time of filling or of cases removed if serially numbered at time of removal.

Retention period: 3 to 6 years. 26 CFR 240.561 (retention: 240.924)

4.227 Proprietors of bonded wine cellars.

To keep copies of Forms 703, Transfer of Wine in Bond, for wine (including distilling material) received or shipped to other premises.

Retention period: 3 to 6 years. 26 CFR 240.615, 240.630 (retention: 240.924)

4.228 Proprietors of vinegar plants.

To keep copies of Form 703, Transfer of Wine in Bond, and keep record of all wine received and used for the manufacture of vinegar, and of all vinegar produced and disposed of.

Retention period: 3 to 6 years. 26 CFR 240.656, 240.657 (retention: 240.924)

4.229 Proprietors of bonded wine cellars.

To keep copies of Governmental orders for wine removed for Federal use and of the approved application for removal for wine removed for the use of the States, Territories, or the District of Columbia.

Retention period: 3 to 6 years. 26 CFR 240.722, 240.726 (retention: 240.924)

4.230 Proprietors of bonded wine cellars.

To keep records of all wine samples taken for analysis and testing.

Retention period: 3 to 6 years. 26 CFR 240.743 (retention: 240.924)

4.231 Proprietors of bonded wine cellars.

To keep records of wine destroyed.

Retention period: 3 to 6 years. 26 CFR 240.753 (retention: 240.924)

4.232 Proprietors of bonded wine cellars.

To keep records of reconditioning of returned taxpaid foreign wine.

Retention period: 3 to 6 years. 26 CFR 240.804 (retention: 240.924)

4.233 Proprietors of bonded wine cellars.

To keep Forms 2629 (and 2630, if any) covering the receipt of wine spirits.

Retention period: 3 to 6 years. 26 CFR 240.834 (retention: 240.924)

4.234 Proprietors of bonded wine cellars.

To keep records of the production and disposition of allied products and of the use of fruit, fruit juice, or concentrated fruit juices in the production of such products, and of the receipt and use of sugar in allied products.

Retention period: 3 to 6 years. 26 CFR 240.892 (retention: 240.924)

4.235 Proprietors of bonded wine cellars.

To keep copy of Form 702, monthly report covering all operations of the bonded wine cellar.

Retention period: 3 to 6 years. 26 CFR 240.900 (retention: 240.924)

4.236 Proprietors of bonded wine cellars.

To keep copies of semimonthly tax returns on Form 2050.

Retention period: 3 to 6 years. 26 CFR 240.901 (retention: 240.924)

4.237 Proprietors of bonded wine cellars.

To keep copies of Form 2052 covering prepayment of wine tax.

Retention period: 3 to 6 years. 26 CFR 240.902 (retention: 240.924)

4.238 Proprietors of bonded wine cellars.

To keep a copy of each report on Form 702–C of inventories of wine taken by him.

Retention period: 3 to 6 years. 26 CFR 240.903 (retention: 240.924)

4.239 Proprietors of bonded wine cellars.

To keep a record on Form 2054 of the fermentation and amelioration of wine.

Retention period: 3 to 6 years. 26 CFR 240.906 (retention: 240.924)

4.240 Proprietors of bonded wine cellars.

To keep a wine reserve inventory record on Form 2055.

Retention period: 3 to 6 years. 26 CFR 240.907 (retention: 240.924)

4.241 Proprietors of bonded wine cellars.

To keep a record on Form 2056 of still wine produced, received, removed, or used.

Retention period: 3 to 6 years. 26 CFR 240.908 (retention: 240.924)

4.242 Proprietors of bonded wine cellars.

To keep a record on Form 2057 of effervescent wine produced, received, and removed.

Retention period: 3 to 6 years. 26 CFR 240.909 (retention: 240.924)

4.243 Proprietors of bonded wine cellars.

To keep a record on Form 2058 of special natural wine production.

Retention period: 3 to 6 years. 26 CFR 240.910 (retention: 240.924)

4.244 Proprietors of bonded wine cellars.

To keep a record of the receipt and use or other disposition of all herbs, aromatics, essences, or other flavoring materials received for the production of special natural wine.

Retention period: 3 to 6 years. 26 CFR 240.910 (retention: 240.924)

4.245 Proprietors of bonded wine cellars.

To keep a record on Form 2059 of the production, receipt, and removal of wine with excess water expressly for use as distilling material or vinegar stock.

Retention period: 3 to 6 years. 26 CFR 240.911 (retention: 240.924)

4.246 Proprietors of bonded wine cellars.

To keep a record on Form 2621 of the bottling of wine and the receipt and removal of bottled wine.

Retention period: 3 to 6 years. 26 CFR 240.912 (retention: 240.924)

4.247 Proprietors of bonded wine cellars.

To keep a record of sugar received, used, and stored.

Retention period: 3 to 6 years. 26 CFR 240.914 (retention: 240.924)

4.248 Proprietors of bonded wine cellars.

To keep separate records (including invoices or commercial papers showing the receipt) of basic winemaking materials received and used.

Retention period: 3 to 6 years. 26 CFR 240.915 (retention: 240.924)

4.249 Proprietors of bonded wine cellars.

To keep complete tank records, or similar records, so that origin may be verified when desiring to account for or dispose of wine under varietal or vintage designations.

Retention period: 3 to 6 years. 26 CFR 240.916 (retention: 240.924)

4.250 Proprietors of bonded wine cellars.

To keep a record (supported by purchaser's invoices) of the receipt and use of acids.

Retention period: 3 to 6 years. 26 CFR 240.917 (retention: 240.924)

4.251 Proprietors of bonded wine cellars.

To keep a record (supported by purchaser's invoices) of chemicals, preservatives, or materials other than acids used in the cellar treatment of wines.

Retention period: 3 to 6 years. 26 CFR 240.918 (retention: 240.924)

4.252 Proprietors of bonded wine cellars.

To keep records of wine baked if claim is made for allowance of losses due to baking wine.

Retention period: 3 to 6 years. 26 CFR 240.919 (retention: 240.924)

4.253 Proprietors of bonded wine cellars.

To keep records of taxpaid removals of wine from bond.

Retention period: 3 to 6 years. 26 CFR 240.920 (retention: 240.924)

4.254 Proprietors of bonded wine cellars.

To maintain a separate record at taxpaid room whether room is maintained on or off bonded premises, of the receipt and shipment of wine.

Retention period: 3 to 6 years. 26 CFR 240.133, 240.801, 240.804, 240.921 (retention: 240.924)

4.255 Persons (other than operator of a bonded wine cellar) producing wine for family use.

To keep Form 1541, Registration for Production of Wine for Family Use, at the place of production.

Retention period: Not specified. 26 CFR 240.542

4.256 Brewers.

To keep records of transactions in brewer's yeast, malt, and malt sirup.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136 (retention: 245.232)

4.257 Brewers.

To keep a copy of each Form 2035 covering transfers of untaxpaid beer.

Retention period: Not less than 4 years. 26 CFR 245.146, 245.147 (retention: 245.232)

4.258 Brewers.

To keep daily records (Form 2051 or detailed records in lieu of form) reflecting amounts of beer, cereal beverage, and brewing materials in process and quantities of materials received and used in production; amounts of beer and cereal beverage produced, transferred to bottling house and racking room, bottled and racked, removed from the brewery, lost due to breakage or other cause, and amount of finished beer and cereal beverage on hand; and amount of beer consumed at the brewery, removed to a laboratory for analytical purposes, removed from the market, returned to the brewery, recased and relabeled, reconditioned, and received from other breweries.

Retention period: Not less than 4 years. 26 CFR 245.225 (retention: 245.232)

4.259 Brewers.

To maintain a monthly record of shortages and overages of beer and cereal beverages, and a record of the ballings of the wort produced and of the ballings and alcohol content of the beer and cereal beverage transferred to the bottling house, to the racking room, and between breweries in bulk conveyances.

Retention period: Not less than 4 years. 26 CFR 245.225 (retention: 245.232)

4.260 Brewers.

To keep a copy of each monthly summary, on Form 103, of brewery operations.

Retention period: Not less than 4 years. 26 CFR 245.226 (retention: 245.232)

4.261 Brewers.

To keep a copy of each tax return (Form 2034) and complete records supporting entries on the return.

Retention period: Not less than 4 years. 26 CFR 245.227 (retention: 245.232)

4.262 Brewers.

To keep a daily record of unsalable beer destroyed, reconditioned, used as material, consumed, accumulated on the premises, or sold to employees.

Retention period: Not less than 4 years. 26 CFR 245.230 (retention: 245.232)

4.263 Brewers.

To keep all reproductions or photographic copies of records authorized in lieu of the original records, reports, or other documents that are required to be maintained.

Retention period: Not less than 4 years. 26 CFR 245.233 (retention: 245.232)

4.264 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.79 (retention: 250.276)

4.265 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

4.266 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900 and 2928.

Retention period: Not less than 2 years. 26 CFR 250.94 (retention: 250.276)

4.267 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900 and 2930.

Retention period: Not less than 2 years. 26 CFR 250.103 (retention: 250.276)

4.268 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Form 487B.

Retention period: Not less than 2 years. 26 CFR 250.116 (retention: 250.276)

4.269 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (excepting proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.-242)

4.270 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and reports of transactions pertaining to such liquors.

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273. (retention: 201.612)

4.271 Importers of liquors and persons bringing bottled distilled spirits into the United States from the Virgin Islands (other than tourists).

To keep daily records, and copies of reports of red strip stamp transactions (Form 96).

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

4.272 Importers of distilled spirits.

To keep daily records and copies of monthly (or annual) reports of red strip stamp transactions (Form 96).

Retention period: Not less than 2 years. 26 CFR 251.131 (retention: 251.137)

4.273 Importers of distilled spirits, wines, or beer (except proprietors of taxpaid premises).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

4.274 Proprietors of qualified premises under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and reports of transactions pertaining to the importation of such liquors in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

4.275 Importers of liquors.

To keep copies of records, supporting records, and reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.137

4.276 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

4.277 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep copies of records and documents supporting forms covering export-type transactions required by regulations to be retained by the proprietor or claimant.

Retention period: Not less than 2 years. 26 CFR 252.45

4.278 Proprietors of distilled spirits plants.

To keep a copy of each Form 206 (and 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transportation to a manufacturing bonded warehouse, or return of such distilled spirits to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

4.279 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, transfer to a manufacturing bonded warehouse, or return of such wine to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

4.280 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for exportation, use as supplies on vessels and aircraft, or transfer to a foreign-trade zone, or return of such beer to the brewery.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146 (retention: 252.45)

4.281 Proprietors of distilled spirits plants.

To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, or return of such specially denatured spirits to the bonded premises.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

4.282 Proprietor of export storage.

To keep a copy of each Form 1656 covering transfer of taxpaid distilled spirits.

Retention period: Not less than 2 years. 26 CFR 252.187, 252.188 (retention: 252.45)

4.283 Exporters.

To keep a copy of each Form 1582–A on which claim for drawback is filed and supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

4.284 Brewers and agents.

To keep a file copy of each Form 1582–B covering shipments of beer with benefit of drawback.

Retention period: Not less than 2 years. 26 CFR 252.225, 252 226, 252.227 (retention: 252.45)

4.285 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep file copy of requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

TOBACCO

4.286 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to remove tobacco products in bond for experimental purposes, to ship tobacco materials for experimental or display purposes, and to destroy tobacco materials without supervision.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 270.45, 270.46, 270.232, 270.262, 270.264 (retention: 270.185)

4.287 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

4.288 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Forms 3063, 3064, 3065, or 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of tobacco products removed subject to tax, and separate records with respect to Puerto Rican tobacco products released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.184, 275.139 (retention: 270.185, 275.22)

4.289 Manufacturers of tobacco products.

To keep a copy of each verified inventory, Form 3067, made.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

4.290 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering tobacco products of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

4.291 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281, 270.282, 270.283, 270.284 (retention: 270.185)

4.292 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of tobacco products removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.293 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145, Form 3072, customs form, or written certification (as the case may be) covering the release of imported or Puerto Rican tobacco products, cigarette papers and tubes, and tobacco materials, from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.91, 275.137, 275.145 (retention: 275.22)

4.294 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of tobacco products, without payment of tax, for use of the United States.

Retention period: 2 years following close of year in which removal was made. 26 CFR 295.56

4.295 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 285.34a, 285.35 (retention: 285.31)

4.296 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

4.297 Manufacturers of cigarette papers and tubes.

To keep a copy of each verified inventory, Form 2132, made.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

4.298 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.101, 275.139 (retention: 285.31, 275.22)

4.299 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.111, 275.141 (retention: 285.31, 275.22)

4.300 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission,

Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171, 285.172, 285.173, 285.174 (retention: 285.175)

4.301 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.302 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release of imported or Puerto Rican cigarette papers and tubes from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.137 (retention: 275.22)

4.303 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 2 years following close of year in which removal was made. 26 CFR 295.56

4.304 Dealers in tobacco materials.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 2 years following close of year in which operation under the authorization is concluded. 26 CFR 280.43, 280.43a (retention: 280.127)

4.305 Dealers in tobacco materials.

To keep a record of tobacco materials received, lost or destroyed, and shipped or delivered.

Retention period: 2 years after close of year covered in the record. 26 CFR 280.127

4.306 Dealers in tobacco materials.

To keep copy of shippers' export declaration, Commerce Form 7525–V and Post Office Department Form 3817, covering shipments of tobacco materials for export.

Retention period: 2 years following close of calendar year in which shipment was made. 26 CFR 290.171, 290.172

4.307 Dealers in tobacco materials.

To keep a copy of each customs form or written certification by which release from customs custody of imported or Puerto Rican tobacco materials, without payment of tax, is effected.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.91, 275.145 (retention: 275.22)

4.308 Farmer's or grower's agents and associations of farmers or growers of leaf tobacco.

To keep records of all receipts and sales of tobacco.

Retention period: 2 years following close of year covered in such records. 26 CFR 280.52, 280.53

4.309 Importers of tobacco materials, tobacco products, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

4.310 Persons filing claims for tax assessed or paid on imported tobacco products and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

4.311 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Forms 2149 and 2150, covering receipt of tobacco articles from a manufacturer, another export warehouse, or customs warehouse proprietor, and of each Form 2150 covering tobacco articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199, 290.200

4.312 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

4.313 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

4.314 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax, for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.257, 290.266, 290.267

FIREARMS

4.315 Persons responsible for returns and payment of tax on sales of pistols and revolvers.

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

4.316 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR (1939) 302.16, 302.17, 302.18

4.317 Licensed firearms manufacturers and dealers.

To maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition) received or disposed of in the course of business.

Retention period: 10 years from date transaction occurs. Upon discontinuance of business records must be delivered to successor, or, if discontinuance of the business is absolute, to Director, Alcohol and Tobacco Tax Division. 26 CFR 177.51

4.318 Applicants for exemption from firearms transfer tax.

To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Director, Alcohol and Tobacco Tax Division, may require.

Retention period: Not specified for transferor. Transferee retains for duration of his ownership of firearm. 26 CFR 179.105

4.319 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.150

4.320 Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.

To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: At least 4 years. 26 CFR 179.151

5. Office of International Finance (Foreign Assets Control)

5.1 Persons engaged in transactions subject to Foreign Assets Control regulations and Transaction Control regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.60

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the mint at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver under 31 CFR Part 80 and persons owning or operating a smelter or refinery at which silver to be delivered is mixed with secondary or foreign silver, or both.

To keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939, and July 1, 1946, including, among other things, records of the dates of mining, acquisition, and disposition.

Retention period: At least 1 year after last delivery. 31 CFR 80.10, 80.12

7. Bureau of Narcotics

7.1 Importers of crude opium or coca leaves.

To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.2 Exporters of narcotic drugs.

To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.3 Exporters of narcotic drugs.

To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

7.4 Importers of special coca leaves.

To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: 2 years. 21 CFR 302.46 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.5 Registrants surrendering heroin to Commissioner of Narcotics.

To keep duplicate copy of inventory of heroin shipped.

Retention period: 2 years. 21 CFR 306.2

7.6 Forfeiture of narcotic drugs.

To keep triplicate copy of inventory made at time of confiscation of narcotic drugs.

Retention period: Not less than 2 years. 21 CFR 307.112

7.7 Manufacture of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired.

Retention period: Not less than 2 years. 21 CFR 307.141

8. Bureau of the Public Debt

8.1 Banks receiving bearer securities for restrictive endorsement.

To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in 31 CFR 328.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 328.5

8.2 Treasury savings stamp agents selling U.S. savings stamps in schools.

To keep (a) cancelled receipts returned by post office covering stamps obtained and fully accounted for and (b) original and duplicate copy of monthly record of unsold stamps and/or proceeds of stamps sales shipped or otherwise delivered to the post office during month (Form PD 2950).

Retention period: (a) 1 calendar month after receipt is returned and (b) 1 calendar month after date last shipment is recorded on monthly record or, if stamps or proceeds of stamp sales are lost, stolen, or destroyed in transit or for other reason stamps are not accounted for in full, 1 calendar month after deficiency is removed. 31 CFR 338.9

9. United States Coast Guard

9.1 Certificates or documents issued by Coast Guard.

Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

9.2 Owners, masters or others in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

9.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all fire-fighting equipment.

To keep on board records of required tests and inspections of all fire-fighting equipment.

Retention period: Shall be kept for the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 97.15–60

9.4 Owners, masters or others in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 71.47–15, 71.47–20, 91.37–15, 91.37–20 (retention: 2.95–5)

9.5 Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01–10

9.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills to log such drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.07–5, 35.10–5, 78.17–50, 78.37–3, 97.15–35, 97.35–3

9.7 Owners, agents, masters, or other persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 43 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65

9.8 Masters or senior deck officer of tank ships in charge of transfer of inflammable and combustible cargo.

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35–30

9.9 Welders.

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01–10 (retention: 2.95–5)

9.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 57.30–35

9.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37–3

9.12 Masters of passenger vessels where an official log book is not required (except ferry vessels).

To keep a record of the correct count of all passengers received and delivered from day to day. This record shall be open to inspection by the Coast Guard at all times.

Retention period: 1 year after date to which the records refer. 46 CFR 78.37–10

9.13 Owners, masters, or persons in charge of passenger vessels required to display plans.

To keep on board a vessel of 1,000 gross tons and over, and a vessel of any tonnage on an international voyage for guidance of officer in charge the general arrangement plans.

Retention period: At all times vessel is in navigation. 46 CFR 78.45–1

9.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35–3.

9.15 Owners, agents, masters and other persons in charge of nautical school ships involved in marine casualties.

To keep voyage records of nautical school ships that are maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of drafts, aid to mariners, radiograms sent and received, radio logs, and lists of persons aboard.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 136.05–15, 167.65–65

9.16 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).

To keep records of temperature readings.

Retention period: 1 year. 46 CFR 146.02–12

9.17 Owners of vessels.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02–22

9.18 Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02–22

9.19 Vessel operators.

To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: 1 year. 46 CFR 146.05–12, 146.05–13.

9.20 Owners, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05–12

9.21 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12

9.22 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–18 (retention: 146.02–22)

9.23 Vessel owners, charterers, or agents.

To keep ashore copies of cargo stowage plans or lists.

Retention period: 1 year. 46 CFR 146.06–19 (retention: 146.02–22)

9.24 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 100—164.

XI. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Until disposal is authorized by the Commission. 10 CFR 5.509.

(Cost-type contractors and subcontractors are also required to retain records in accordance with the provisions of their contracts or subcontracts. AEC Manual Chapter 0230 and its Appendix contain established retention periods for more than 900 record items of cost-type contractors and subcontractors.)

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History;" (b) showing the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: (a), (c), and (d)—until disposal is specifically authorized by the Commission; (b)—until December 31, 1965, or until a date 5 years after termination of the individual's employment, whichever is later (prior to December 31, 1965, the Commission may amend the regulations to assure the further preservation of records). (a) 10 CFR 20.102; (b), (c), and (d) 10 CFR 20.401

1.3 Holders of access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 25.23, 95.34

1.4 Persons receiving byproduct material pursuant to issuance of a license.

To maintain (a) records of all tests performed on generally licensed devices as required under section 30.21; (b) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; and (c) records showing receipt, transfer, export, and disposal of such byproduct material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 30.21; (b) 10 CFR 30.31; (c) 10 CFR 30.41

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys required under 10 CFR 31.303(c).

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 31.104; (b) 10 CFR 31.105; (c) 10 CFR 31.106; (d) 10 CFR 31.107; (e) 10 CFR 31.203; (f) 10 CFR 31.303.

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits.

To maintain such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 50.71

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 42 U.S.C. 2206

XII. CIVIL AERONAUTICS BOARD

1.1 Certificated route air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued

by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.13

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1–5, 249.13

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.13

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route air carriers furnishing transportation between Hawaii and Christmas Island, Society Islands, American Samoa, Western Samoa, or Fiji; and certificated route air carriers limited to all-expense tours.

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 Certificated supplemental and large irregular air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.8

(b) To keep accounts, records, and memorandums of the movement of traffic and of receipts and expenditures of money.

Retention period: Data for statistical reports—3 years; data for flight reports—1 year; data pertaining to maintenance and overhaul and to transportation as prescribed in 14 CFR 249.8

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.8

1.4 U.S. air carriers authorized to perform transatlantic charter flights.

To preserve every charter contract and related information including post-flight reports, vouchers, passenger manifests and proof of agents' commissions.

Retention period: 2 years. 14 CFR 249.10

1.5 Foreign air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.12

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.12

1.6 Foreign air carriers (operating off-route charter trips).

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 212.7

1.7 Holders of permits to operate foreign aircraft in the United States.

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 249.11, 375.50

1.8 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.9

(b) To keep records of (1) shipping documents; (2) information to agents, representatives and the public; (3) agreements; and (4) correspondence relating to the foregoing.

Retention period: 1 year, or longer if requested by the Board. 14 CFR 249.9

(c) To keep corporate and general records.

Retention period: Various. 14 CFR 249.13

(d) To keep records of joint loaded shipments.

Retention period: 2 years subsequent to expiration of each calendar quarter during which joint shipments were made. 14 CFR 249.9

1.9 Operators, pilots or owners of aircraft involved in accidents.

To preserve aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Board or the Federal Aviation Agency. 14 CFR 320.15, 320.18, 320.45, 320.48

XIII. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51–1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51–1.1).

Retention period: Not specified. 41 CFR 51–1.9

XIV. FEDERAL AVIATION AGENCY

1.1 Air carriers operating turbine-powered transport airplanes under provisional type certification.

To maintain records pertaining to the qualifications of each flight crew member, a log of flights, and complete and accurate records of inspections.

Retention period: Not specified. 14 CFR Parts 1, 4b, 40–42—Special Civil Air Regulation SR–425 C

1.2 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 1.15–4

1.3 Aircraft and related products manufacturers.

To maintain records of all materials and parts received and their disposition including such information as source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with pertinent specifications.

Retention period: At least 2 years. 14 CFR 1.32–1

1.4 Aircraft and related products manufacturers.

To maintain adequate records of inspections and tests performed identifiable with the completed product.

Retention period: At least 2 years. 14 CFR 1.34–2

1.5 Distributors of aircraft received prior to initial assembly and flight test.

To maintain records of flight test check-off forms.

Retention period: At least 2 years. 14 CFR 1.34–2

1.6 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 1.55–3

1.7 Airplane manufacturers.

To keep record of flight flutter tests.

Retention period: Permanent. 14 CFR 1.311–2

1.8 Airplane flight test applicants under the Civil Air Regulations, transport category.

To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4b.16–3

1.9 Air carrier aircraft owners or operators.

To keep records pertaining to the maintenance, repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance giving description of work performed, completion date of work done, name of individual, etc., doing work and signature of person authorized to approve work done; and a record of periodic and progressive inspections.

Retention period: (a) Records of major structural repairs and major alterations—until aircraft is sold (records to be transferred to new owner or operator), or if the aircraft is retired, 1 year after cancellation of registration certificate; (b) records of maintenance performed—1 year; (c) records of X-rays and other special tests relating to aircraft designated as critical components—until components are sold (records to be transferred to new owner or user), or if components are retired, 1 year from date of retirement or date of cancellation of the registration certificate. 14 CFR 18.20–18.24 (retention: 18.24)

1.10 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent) and when an official maintenance release is furnished owner for retention as a part of the permanent record required.

Retention period: At least 2 years. 14 CFR 18.22–2

1.11 Applicants for pilot certificate.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate, rating, or operating privilege, including such general data as points of departure and arrival, duration, type of aircraft, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 20.16

1.12 Flight instructors and limited flight instructors.

To keep a record of the name of each student pilot (a) whose certificate he has endorsed and to whom he has given flight instruction, the type of endorsement, and the date of each endorsement or flight instruction period and (b) for whom he has signed a recommendation for an official flight test, the type of test, and the date of recommendation.

Retention period: So long as the privileges of flight instructor's certificate are exercised or 3 years, whichever period is shorter. 14 CFR 20.136, 20.136–1

1.13 Certified airline transport pilots.

To keep an accurate record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 21.44

1.14 Certified lighter-than-air pilots and persons receiving flight instructions.

To maintain certified record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 22.32

1.15 Certified parachute riggers.

To keep bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised on parachutes other than those in military service.

Retention period: At least 2 years after the date of the last entry therein. 14 CFR 25.84

1.16 Aircraft dispatcher course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 27.31–1

1.17 Flight radio operator course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 33.31–2

1.18 Flight navigator course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 34.31–5

1.19 Air carriers (scheduled interstate).

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 40.208

1.20 Air carriers (scheduled interstate).

To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: At least 3 months after termination of employment. 14 CFR 40.280, 40.289, 40.300 (retention: 40.501)

1.21 Air carriers (scheduled interstate).

To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months after termination of employment. 14 CFR 40.501

1.22 Air carriers (scheduled interstate).

To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, a load manifest and flight plan, maintenance records, including the airplane's maintenance log and a maintenance release, and records pertaining to radio contacts by or with pilots en route.

Retention period: In accordance with provisions of 14 CFR 249.11 unless otherwise specified. 14 CFR 40.502, 40.505–40.507, 40.511, 40.512

1.23 Air carriers (operating scheduled air transportation outside continental United States).

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 41.25

1.24 Air carriers (operating scheduled air transportation outside continental United States).

To keep records of total time in service, time since last overhaul, and time since last inspection on all aircraft components, engines, propellers, and, where practicable, on instruments, equipment, and accessories.

Retention period: In accordance with provisions specified in 14 CFR 249.11. 14 CFR 41.43

1.25 Air carriers (operating scheduled air transportation outside continental United States).

To retain copies of maintenance release, clearance, and load manifest forms.

Retention period: Maintenance releases, 2 months; clearance and load manifests, 3 months. 14 CFR 41.99

1.26 Air carriers (operating scheduled air transportation outside continental United States).

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 41.133

1.27 Air carriers (irregular and off-route).

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 42.22

1.28 Air carriers (irregular and off-route).

To keep full information on maintenance and inspection work performed on the aircraft.

Retention period: Not specified. 14 CFR 42.31–4

1.29 Air carriers (irregular and off-route).

To record all mechanical irregularities in operation of aircraft including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such corrections.

Retention period: Not specified. 14 CFR 42.32–4

1.30 Air carrier operators (irregular and off-route air carriers).

To keep a continuous record for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included in order that a computed weight and c. g. location may be established at any time.

Retention period: Not specified, except weight manifests to be kept at least 30 days. 14 CFR 42.32–5

1.31 Air carriers (irregular and off-route).

To keep at principal operations base maintenance records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation.

Retention period: 2 years. 14 CFR 42.91, 42.91–3

1.32 Air carriers (irregular and off-route).

To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year after flight crew member is released from employment or becomes physically or professionally disqualified. 14 CFR 42.92, 42.92–1 (retention: 42.92–3)

1.33 Air carriers (irregular and off-route).

To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42.93, 42.93–1

1.34 Air carriers (irregular and off-route).

To retain copy of pilot's emergency deviation report to the local inspector.

Retention period: At least 1 year. 14 CFR 42.94, 42.94–1

1.35 Air carriers (irregular and off-route).

To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42.95

1.36 Registered owners or operators of civil aircraft.

To keep maintenance records, including a current record of total time spent in service on the aircraft and on each engine; a record of inspections; and a record of maintenance, repair, and alterations of aircraft for which airworthiness certificates have been issued.

Retention period: Not specified except for the maintenance, repair, and alteration record, which is to be permanent. 14 CFR 43.23—43.23–2

1.37 Air carriers and commercial operators.

To retain information taped by flight recorders in certain airplanes used in operations conducted in accordance with the general operations rules of Part 43.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 43.32

1.38 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep maintenance records (including a maintenance log) of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, powerplants, rotors, and appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 46.500, 46.506, 46.507

1.39 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crew member including information concerning the qualifications of crew members as is necessary to show compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and information concerning the disposition of disqualified crew members released from employ of the air carrier.

Retention period: At least 3 months. 14 CFR 46.501

1.40 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and maintenance release forms.

Retention period: At least 60 days. 14 CFR 46.505, 46.511

1.41 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 49.13

1.42 Airman agency flight or ground schools.

To keep accurate individual record of each student, which shall include a chronological log of all instructions, attendance, subjects covered, examinations, and examination grades.

Retention period: Not specified. 14 CFR 50.28—50.28–1

1.43 Repair stations for airframes, powerplants, propellers, and appliances.

To maintain current records of personnel who are directly in charge of maintenance, repair, inspection, or alteration, including information concerning the experience qualifications of each such individual.

Retention period: Not specified. 14 CFR 52.24—52.24–1

1.44 Certificated repair stations for airframes, powerplants, propellers, and appliances.

To maintain records of all work performed.

Retention period: At least 2 years. 14 CFR 52.46

1.45 Foreign repair stations for airframes, powerplants, propellers, and appliances.

To keep maintenance record of all work performed on U.S. registered aircraft, including major repairs and alterations.

Retention period: Not specified. 14 CFR 52.61—52.61–1

1.46 Certificated aircraft mechanic schools.

To maintain a current record of each student enrolled, including attendance, courses, examinations, and grades, and a progress chart or individual progress record for each student, showing the practical projects or laboratary work completed or to be completed, and properly authenticated transcripts of grades acquired at other accredited schools.

Retention period: At least 2 years from date of termination of enrollment. 14 CFR 53.56—53.56–1

1.47 Holders of parachute loft certificates.

To maintain records regarding work performed.

Retention period: At least 2 years. 14 CFR 54.15

1.48 Owners of nondirectional radio beacon facilities.

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA-198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA-406C (original log); and (c) Radio Transmitter Operation Record—Form FAA–418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.17

1.49 Owners of instrument landing system facilities.

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA-198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA-406C (original log); and (c) Radio Transmitter Operation Record—Form FAA–418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.27

1.50 Manufacturers of aircraft.

To keep at factory, for all models type certificated under the delegation option procedures, current records containing the following: (a) Technical data file for each type aircraft, (b) complete inspection record for each airplane produced, (c) report required to be submitted with the original application for the production certificate, (d) factory inspection reports, (e) records of all major repairs and alterations performed.

Retention period: Technical data, report submitted with application, and repair records, for duration of manufacturers operations; inspection records, 2 years. 14 CFR 410.32, 410.33, 410.38

1.51 Contractors for construction of public airports.

To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 550.7

1.52 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 550.7

1.53 Sponsors of the construction of public airports.

To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: 3 years after final grant payment. 14 CFR 550.8

1.54 Sponsors of public airports.

To keep, after the completion of the project and during the term of these covenants, a current system of airport accounts and records, sufficient to provide annual statements of income and expenses. Also all airport records affecting the airport, including deeds, leases, operations, and use agreements, regulations and other instruments.

Retention period: Term of covenant, but not to exceed 20 years. 14 CFR 560.11

1.55 Petitioners for reimbursement for cost of rehabilitation or repair to public airports.

To secure and retain in their files documentary evidence of costs and payments therefor such as invoices, cost estimates, payrolls, vouchers, canceled checks or warrants, and receipts.

Retention period: Until final payment. 14 CFR 560.15

XV. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations.

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 3.47, 3.254

1.2 Licensees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 3.63, 3.255, 3.555, 3.638, 3.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 3.111, 3.112, 3.116, 3.281, 3.282, 3.286, 3.581, 3.582, 3.586, 3.663, 3.664, 3.781, 3.782, 3.786, 3.964

1.4 Licensees of standard and FM, noncommercial educational FM, radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if requests granted.

Retention period: 2 years. 47 CFR 3.120, 3.290, 3.590, 3.657

1.5 Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, standard and FM broadcast STL and FM intercity relay, television pickup, television STL, television intercity relay, and television broadcast translator and booster stations.

To keep adequate records of operation including logs.

Retention period: 2 years. 47 CFR 4.181, 4.281, 4.381, 4.481, 4.581, 4.681, 4.781, 4.881

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: Not specified. 47 CFR 4.437

1.7 Licensees of experimental stations.

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165, 5.307

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 6.47

1.10 Licensees of radio stations on land in the maritime services including public and limited coast stations, marine-utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including developmental stations and stations in Alaska).

To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims; (d) records of a limited coast station (developmental) operating on 156.65 Mc.

shall be retained by the licensee for a period of not less than 3 years from date of entry. 47 CFR 7.115, 7.192, 7.214, 7.314, 7.370, 7.458, 7.477, 7.506, 7.536, 14.109, 14.115

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep copy of agreement with vessel owners, verifying that licensee has sole right of control of involved ship radio station.

Retention period: Not specified. 47 CFR 7.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing cooperative arrangement.

Retention period: Not specified. 47 CFR 7.352, 7.451

1.13 Licensees of radiotelegraph, radiotelephone, and radar stations on shipboard in the maritime services including public and limited ship stations, marine utility ship stations, ship-radar stations, and developmental stations, including such stations in Alaska.

To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for the filing of suits upon such claims; (d) records of a limited ship station (developmental) operating on 156.65 Mc., shall be retained by the licensee for a period of not less than 3 years from date of entry; (e) a permanent installation and maintenance record is required to be kept at the station by the station licensee of each ship radar station. 47 CFR 8.115, 8.184, 8.330, 8.368, 8.405, 8.436, 14.110, 14.115

1.14 Stations licensed in the aviation services.

All stations at fixed locations to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) that logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 9.151, 9.152, 9.153, 9.513

1.15 Air carrier aircrafts.

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used.

Retention period: Not specified. 47 CFR 9.191

1.16 Licensees of public safety radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation and except such stations in the industrial radio service authorized to be operated at temporary locations)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 10.161, 10.163, 11.160

1.17 Licensees of public safety radio services.

To keep records of all Conelrad tests and operations as part of the log of radio stations.

Retention period: 1 year. 47 CFR 10.166 (retention: 10.163)

1.18 Licensees of industrial radio stations, land transportation (base) radio stations, and citizens radio stations sharing costs and facilities with other licensees in the same service.

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: The copy of the cooperative agreement shall be kept during the life of the agreement and 1 year thereafter, and the cost sharing records shall be retained for 1 year. 47 CFR 11.6, 11.160, 16.3, 16.160, 19.61(c)

1.19 Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 11.251, 11.301, 11.351, 11.401, 11.451

1.20 Radio stations in the industrial, land transportation and citizens radio services.

To keep records of all Conelrad tests, drills, and operations.

Retention period: 1 year. 47 CFR 11.707 (retention: 11.160), 16.607 (retention: 16.130, 19.107

1.21 Licensees of amateur radio stations.

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided*, That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 12.136 (retention: 12.137), 12.244

1.22 Radio officers of amateur civil emergency services.

To keep records of secret, tactical, or abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 12.245, 12.246

1.23 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with radiation interference limits.

Retention period: 5 years. 47 CFR 15.64

1.24 Licensees in land transportation radio stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of the person or persons responsible for the foregoing; base and fixed stations (except for such stations authorized for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations—identification of other base or fixed stations with which they communicate, and date, time, and nature of such communications; and stations whose antenna structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 16.160

1.25 Licensees of citizens radio service stations.

To keep a record of illumination for those stations whose antenna or antenna supporting structure is required to be illuminated.

Retention period: 1 year. 47 CFR 19.82

1.26 Disaster communications service radio stations.

To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 20.25

1.27 Disaster communications service radio stations.

To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 20.26

1.28 Licensees of disaster communications service radio stations.

To keep records of all Conelrad tests, drills, and operations.

Retention period: 1 year. 47 CFR 20.46 (retention: 20.26)

1.29 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of three-month periodic inspection (including date, condition of obstruction painting, lighting devices, indicators, and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Federal Aviation Agency regarding failure of obstruction lighting and any resumption thereof; for stations required to be operated by licensed radio operators or holders of restricted radiotelephone operator permit—time and signature of person operating transmitting equipment each day, including class and serial number, time and duration of each transmission, and identity of station or point to which transmission is made.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

1.30 Communication common carriers.

To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the lists of records codified. 47 CFR 42.9

1.31 Operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

XVI. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: No insured bank shall be required to retain such records for such purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep Certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

XVII. FEDERAL HOME LOAN BANK BOARD

1.1 Federal savings and loan associations.

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.6–11, 545.13, 545.14, 545.15, 545.19, 545.20

1.2 Federal savings and loan associations.

To keep records of real estate loans in case of loans in excess of 80 percent of value showing date and amount of appraisal and date of approval of loan, and to retain all reports and certifications referring thereto.

Retention period: So long as the loan is outstanding and in any event for a period of 3 years from the date of any disbursements on the loan. 12 CFR 545.6–1

1.3 Federal savings and loan associations.

To keep records, certificates, and credit and financial reports relating to loans made to finance the acquisition and development of land for primarily residential use.

Retention period: Not specified. 12 CFR 545.6–14

1.4 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 12 CFR 563.10

1.5 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To keep records of evidence of cost of give-away given in connection with the opening or increasing of an account.

Retention period: 2 years. 12 CFR 563.24

1.6 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

XVIII. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.2

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, with amendments as of April 1, 1957. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

1.2 Natural gas companies.

To keep all books and records supporting entries to its accounts.

Retention period: Until destruction is permitted by rules and regulations of the Commission. Until rules and regulations have been issued, each company may continue its existing practice with respect to retention or destruction of records. 18 CFR 201.02–2

XIX. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool

products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guarantied.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guarantied.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

XX. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specific period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.9

1.2 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. (This requirement does not apply to contracts involving the development of military installations and facilities in foreign countries excepted from the requirement pursuant to section 604 of the act of June 27, 1961, 75 Stat. 96, 109. Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under the Mutual Security Act of 1954, 22 U.S.C. 1793, as implemented by Executive Order No. 10784, October 1, 1958, 23 F.R. 7691.)

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952.

1.3 Contractors.

Contracts and amendments to contracts made under authority of the act of August 28, 1958, 72 Stat. 972, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts. 50 U.S.C. 1433

1.4 Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).

Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment unless agreement between the Commission and the General Accounting Office provides for earlier disposal. 42 U.S.C. 2206

1.5 Public Housing Administration contracts for loans or annual contributions under the United States Housing Act of 1937, as amended.

Contract to include clause permitting Comptroller General or his representatives access to and right to audit and examine any books, documents, papers, and records pertinent to operations with respect to financial assistance under the act.

Retention period: Not specified. 42 U.S.C. 1435

1.6 Federal Civil Defense Administration plans for financial contributions to States for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended.

Plans submitted shall make available to Comptroller General or his representative books, records and papers necessary to audit under the act.

Retention period: Not specified. 50 U.S.C. App. 2286.

XXI. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency; war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943 and war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) Five years after such disposition of termination inventory by such war contractor or Government agency, or (b) five years after the final payment or settlement of such war contract, or (c) December 31, 1951, whichever applicable period is longer: *Provided, however*, That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above five-year period is reduced to three years. 18 U.S.C. 443; and 32 CFR 2011.2–2011.4a

1.2 Sellers to the Government of manganese, mica, beryl, asbestos, columbium-tantalum, and mercury.

To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 32A CFR Ch. XIV, Reg. 3, sec. 8; Reg. 4, sec. 12; Reg. 5, sec. 8; Reg. 6, sec. 12; Reg. 7, sec. 6; Reg. 8, sec. 7; Reg. 9, sec. 7; Reg. 10, sec. 12; Reg. 11, sec. 7; Reg. 12, sec. 7

1.3 Sellers to the Government of domestic chrome, asbestos, and columbium-tantalum.

To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 44 CFR 99.109, 99.307, 99.507

1.4 Contractors.

Contract clause required by the act of October 31, 1951 (65 Stat. 700, 41 U.S.C. 254(c)), to be included in each contract negotiated without advertising pursuant to authority contained in title III of the Federal Property and Administrative Services Act of 1949, as amended to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment under the contract. 41 CFR 1-7.101-10

1.5 Contractors.

Contract clause required (1) by regulations issued under Title II of the First War Powers Act, 1941, as amended, to be included in contracts and amendments of contracts made prior to July 1, 1958, and (2) by regulations issued under the act of August 28, 1958, 72 Stat. 972, 50 U.S.C. 1431–1435, to be included in contracts and amendments of contracts, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment under the contract. 50 U.S.C. App. 611; 50 U.S.C. 1431–1435; E.O. 10789, 3 CFR, 1954–1958 Comp., p. 426

XXII. HOUSING AND HOME FINANCE AGENCY

1. Office of the Administrator

1.1 Local Public Agencies making relocation payments under slum clearance and urban renewal projects.

To maintain records pertaining to eligibility of relocation payments, including all supporting documentation; and to keep records and papers of individual claims for payments, including receipted bills or other evidence establishing validity of the claim.

Retention period: Not specified for eligibility records; permanent for records of claims. 24 CFR 3.106, 3.109

1.2 Applicants for assistance under the programs administered by the Community Facilities Administration (preparation by public agencies of plans for public works).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement loans.

To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 200.185, 201.2, 201.4, 201.8, 201.11, 202.8

2.2 Lending agencies—Title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.170, 201.8

2.3 Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, 810, and 908 of the National Housing Act.

To keep records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, annual CPA reports, and copies of minutes of stockholders' and directors' meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.1, 221.530, 221.538, 221.550, 221.552, 231.8

2.4 Mortgagors of multifamily housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act.

To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.1, 221.530, 221.538, 221.550, 221.552, 231.8, 232.45

2.5 Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act.

Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 207.27, 213.35, 213.37, 220.1, 221.1, 231.1, 232.83

2.6 Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 231, 232, 233, 608, 611, 803, 810, and 908 of the National Housing Act.

When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR 207.258, 220.1, 221.751, 231.1, 232.251, 233.501, 608.257, 611.257, 803.258, 803a.-251, 903.251

2.7 Investors insured under yield insurance provisions under title VII of the National Housing Act.

Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 702.255

2.8 Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908 of the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908, National Housing Act of 1934

2.9 Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954, 12 U.S.C. 1715s

XXIII. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24, par. 4, 110.7

1.2 Railroad companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.7

1.3 Electric railway companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

1.4 Sleeping car companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

1.5 Express companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

1.6 Pipeline companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.87

1.7 Persons which furnish cars to railroads.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.104

1.8 Rate-making organizations.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 130.30

1.9 Motor carriers other than Class I.

To keep records as listed in the sections cited, except that Class II motor carriers of property comply with 49 CFR 203.301–203.307.

Retention periods: Various. 49 CFR 203.1, 203.4

1.10 Brokers for motor carriers.

To keep same records for same periods as motor carriers other than Class I, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

1.11 Motor carriers, Class I.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.307

1.12 Water carriers.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.7

1.13 Freight forwarders.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

XXIV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with contracts having specific clauses.

To retain and make available, upon written request of the Contracting Officer, the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–7.5004–1

1.2 Contractors with contracts having specific clauses.

To maintain controls of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.5008, 18–7.5009

1.3 Contractors with contracts having clause pertaining to small business subcontracts.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, and (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Utilization of Small Business Concerns."

Retention period: During performance of the contract. 41 CFR 18–7.5010

1.4 Contractors with contracts having specific clauses.

To maintain records of all inspection work and make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 41 CFR 18–7.5016

1.5 Contractors with cost reimbursement type supply and research and development contracts.

A standard "Records" clause is provided. Shall preserve and make available books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to the Comptroller General or any of his duly authorized representatives.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of any litigation, which ever is longer. 41 CFR 18–7.5023

XXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

1.2 Masters of vessels at sea, destined for Canal Zone ports.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.50, 24.52

1.3 Vessels undergoing sanitary inspection at Canal Zone ports.

To keep certificates covering deratization or exemption from deratization.

Retention period: Indefinite. 35 CFR 24.89

1.4 Vessels transiting or partially transiting Panama Canal.

To keep tonnage certificate, a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

XXVI. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXVII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. Filming of records permitted after 2 years. 17 CFR 240.17a–3, 240.17a–4

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Filming of records permitted after 2 years. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after five years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual service companies and subsidiary service companies associated with registered public utility holding companies.

To keep uniform accounts and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission pursuant to the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. 17 CFR 256.01–8

1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: On November 24, 1959, the Commission adopted its "Regulation to govern the preservation and destruction of books of account and other records of companies which are subject to the Uniform System of Accounts for Public Utility Holding Company Act of 1935," which prescribes specific retention periods and microfilming privileges with respect to all of books of account and other records of registered holding companies. 17 CFR 257.0–3

1.6 Registered investment companies and underwriters, brokers, dealers, or investment advisers which are majority-owned subsidiaries of such companies.

To keep such records, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. These records include general and auxiliary ledgers (or other records reflecting asset, liability, reserve, capital, income and expense accounts), all general and special journals (or other records forming the basis for entries in such ledgers) and all minute books, vouchers, memoranda, correspondence, and other documents.

Retention period: For vouchers, memoranda, correspondence, etc.—6 years. For other records—permanent, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule 31A–1. Microfilming permitted after 3 years. 17 CFR 270.31a–1

1.7 Persons having transactions with registered investment companies (every investment adviser not a majority-owned subsidiary of, and every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company).

To keep books and documents necessary or appropriate to record transactions with company.

Retention period: 6 years, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule 31A–2. Microfilming permitted after 3 years. 17 CFR 270.31a–2

1.8 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to section 203(h) of the Investment Advisers Act of 1940).

To keep books and records relating to their business, including journal and ledger accounts; memoranda or orders given and instructions received for the purchase, sale, receipt or delivery of securities; and originals or copies of certain communications received or sent by the investment adviser. If adviser has custody or possession of securities or funds of any client, to keep a separate ledger account for each client; copies of confirmations of transactions in the accounts of clients; and a position record for each security in which any such client has a position. If adviser renders any investment supervisory or management service to any client, to keep records as specified in the section cited, with respect to the portfolio being supervised or managed, to the extent that the information is reasonably available to or obtained by the investment adviser; and to keep records to enable adviser to furnish promptly the name of each client who has a current position in a particular security, and the amount or interest of such client at that time.

Retention periods: For partnership articles, etc., articles of incorporation, charters, minute books, and stock certificate books—permanently during the life of the enterprise and for 3 years after the termination of the enterprise. For other documents and records, 5 years from the end of the fiscal year during which the last entry was made on the record. Filming of records permitted after 2 years. 17 CFR 275.204–2

XXVIII. VETERANS ADMINISTRATION

1.1 Institutions furnishing educational or training courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85–857.

(a) *Supply records.* To keep certification by the instructor, dean or president of the institution of the itemized list of supplies required by each student: a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration); may keep the records in microfilm form. 38 CFR 21.539

(b) *General records.* To keep records of progress and attendance of veterans; adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration). 38 CFR 21.672

1.2 Institutions furnishing correspondence courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85–857.

To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: Minimum of 3 years following date upon which final payment under contract becomes due. Even after 3 years, records may be destroyed only upon written authorization from the Veterans Administration. 38 CFR 21.626

1.3 Educational institutions under chapter 33, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.4 Educational institutions furnishing nonaccredited courses under section 1654, chapter 33, title 38, U.S. Code, supra.

To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.5 Educational institutions furnishing institutional on-farm training courses under section 1652, chapter 33, title 38, U.S. Code, supra.

To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.6 Training establishments furnishing apprentice or other training-on-the-job courses under chapter 33, title 38, U.S. Code, supra.

To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306

1.7 Educational institutions furnishing education or special restorative training under chapter 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.8 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.9 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code; supra, enrolled in nonaccredited courses approved under section 1654, chapter 33, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

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Explanation. The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus, a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3458

DELAYING THE EFFECTIVE DATES OF PROCLAMATION NO. 3454 [1] AND PROCLAMATION NO. 3455 [2] OF MARCH 19, 1962

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 350(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)), and section 7(c) of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364(c)), there were issued on March 19, 1962, Proclamation No. 3454, modifying the trade agreement concession and adjusting the duty on certain machine-woven pile floor coverings, and Proclamation No. 3455, modifying the trade agreement concessions and adjusting duties on cylinder, crown, and sheet glass; and

WHEREAS I determine that it is desirable and appropriate to delay the effective dates of such Proclamations of March 19, 1962:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), do proclaim that Proclamation No. 3454 and Proclamation No. 3455 of March 19, 1962, are each modified by deleting therefrom the effective date of "April 18, 1962" and by inserting in place thereof "June 17, 1962."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of March in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-3200; Filed, Mar. 30, 1962; 10:26 a.m.]

[1] 27 F.R. 2789.
[2] 27 F.R. 2791.

Proclamation 3459

NATIONAL HIGHWAY WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS our Nation, with its expanding economy and growing population, is largely dependent on its highway network for the safe and efficient movement of people and goods; and

WHEREAS the inadequacies of our present highway network are responsible in large degree for one of the great American tragedies of our time—the costly and inexcusable annual toll of deaths and injuries on the highways; and

WHEREAS the Congress, at my request, last year made financial provision for completing the finest road network the world has ever seen, geared to our future as well as present needs; and

WHEREAS the American people should be reminded of their vital interest in this program and the boundless benefits it will produce:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week of May 20–26, 1962, as National Highway Week in recognition of the vital role of highway transportation in our way of life; and I urge the Governors of the States and mayors of cities to issue similar proclamations.

I also ask the appropriate officials of the Federal, State, and local governments, as well as public and private organizations and the general public, to join in observance of this significant occasion.

During this period I encourage all Americans to consider and appreciate the value of highway transportation to their own activities and to our national welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of March in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-3199; Filed, Mar. 30, 1962; 10:26 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 77—REMEDIES

Effective April 1, 1962, a new Part 77 is added as set out below.

Subpart A—Agency Systems for Appeals From Adverse Actions

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77.140 Employee requests for review.
77.141 Review of agency appeals system.

AUTHORITY: §§ 77.101 through 77.141, inclusive, issued under Executive Order 10987 of January 17, 1962.

Subpart A—Agency Systems for Appeals From Adverse Actions

DEFINITIONS AND COVERAGE

§ 77.101 Purpose.

The purpose of this subpart is to set forth the regulations under which each agency shall establish an agency appeals system, as required by Executive Order 10987, that will provide a simple, orderly method through which an employee may seek prompt administrative reconsideration of a decision to take adverse action against him.

§ 77.102 Definitions.

As used in this subpart, the term:

(a) "Appeal" is a written request by an employee for reconsideration of an adverse decision under an agency appeals system.

(b) "Commission" means the United States Civil Service Commission.

(c) "Employee" includes a former employee of an agency.

(d) "Executive order" means Executive Order 10987, issued January 17, 1962.

§ 77.103 Agency coverage.

(a) *Agencies covered.* Except as provided by paragraph (b) of this section, the regulations in this subpart apply to the executive departments, military departments, and independent establishments in the executive branch of the Federal Government including Government-owned or controlled corporations, and to those portions of the legislative or judicial branches and of the government of the District of Columbia having positions in the competitive service.

(b) *Agencies not covered.* The regulations in this subpart do not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, and the Tennessee Valley Authority.

§ 77.104 Employee coverage.

(a) *Employees covered.* Except as provided by paragraph (c) of this section, an agency appeals system shall apply (1) to any career, career-conditional, oversea limited, or indefinite employee in a position in the competitive service who is not serving a probationary or trial period, and (2) to any employee having competitive status and occupying a position in Schedule B under a nontemporary appointment.

(b) *Employees not covered.* An agency appeals system shall not apply to (1) a reemployed annuitant, (2) an employee occupying a position in the competitive service under a temporary appointment, (3) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the U.S. Senate, (4) an employee currently serving a probationary or trial period, or (5) an employee in a position outside the competitive service except as provided by § 77.104(a)(2).

(c) *Special exclusion.* The agency appeals system shall not apply to any employee otherwise included under paragraph (a) of this section when he is a member of a class of employees excluded from coverage by the Commission on the recommendation of the head of the agency concerned because the nature of the employee's work is such that inclusion under the agency appeals system is inappropriate.

§ 77.105 Adverse actions covered.

(a) *Actions covered.* Except as provided by paragraph (b) of this section, an agency appeals system shall apply to (1) discharge, (2) suspension for more than 30 days, (3) furlough without pay, and (4) reductions in rank or compensation, including those which are taken at the election of the agency after a classification decision by the agency or the Commission.

(b) *Actions not covered.* An agency appeals system shall not apply to (1) decisions of the Commission, (2) actions taken pursuant to specific instructions from the Commission, or (3) actions taken under Public Law 733, 81st Congress, and any other similar statute which authorizes an agency to take suspension or separation action without regard to section 6 of the act of August 24, 1912, as amended, or the provisions of any other law.

§ 77.106 Allegations of discrimination.

An agency appeals system shall provide that when an employee alleges that the adverse decision was based in whole or in part on discrimination because of race, creed, color, or national origin, the review of that allegation shall be made under the provisions of Executive Order 10925 and the regulations of the President's Committee on Equal Employment Opportunity contained in Chapter IV of Title 5 of the Code of Federal Regulations. The system shall further provide that a decision shall not be made against the employee until a determination has been made on the issue of discrimination.

GENERAL REQUIREMENTS

§ 77.110 Establishment and publication.

(a) Each agency shall establish and administer an agency appeals system in accordance with the Executive order and this subpart. The system shall apply to appeals from the adverse actions covered which began by issuance of a notification of proposed action on or after July 1, 1962.

(b) Each agency shall afford its employees and representatives of recognized employee organizations an opportunity to express their views in the development of, operations under, or changes to, its appeals system.

(c) Each agency is authorized to include provision for advisory arbitration, where appropriate, in the agency appeals system.

(d) The provisions of the agency appeals system including its coverage shall be published, copies shall be available to employees and their representatives, and employees shall be notified where a copy is available for review.

§ 77.111 Right to appeal.

(a) *Entitlement.* The agency appeals system shall provide that (1) an employee is entitled to appeal under the agency appeals system from a decision by the agency to take adverse action against him, and (2) an employee's properly filed appeal will be accepted and processed in accordance with the agency appeals system.

(b) *Notice.* The agency appeals system shall require that the notice of decision to take adverse action shall inform the employee of:

(1) His right to appeal under the agency appeals system;
(2) The time limit within which the appeal must be filed under the agency appeals system;
(3) Any appeal rights which he may have to the Commission;
(4) The order of processing appeals as prescribed by § 77.131; and
(5) The person with whom, or the office with which, the appeal must be filed, and from which he may obtain information on how to pursue his appeal.

§ 77.112 Contents of appeal.

The agency appeals system shall require that an employee's appeal be in writing, that it set forth clearly the basis for the appeal, and that it include his request, if any, for a hearing when he is entitled to a hearing on his appeal.

§ 77.113 Time limits for filing appeal.

The Agency appeals system shall provide that the employee may file his appeal at any time after the notice of adverse decision but not later than 10 calendar days after the effective date of the adverse action. The agency appeals system shall also provide that this time limit may be extended, in the discretion of the agency, (a) upon a showing by the employee that he was not notified of the applicable time limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit, or (b) for other reasons deemed sufficient by the agency.

§ 77.114 Presentation of appeal.

(a) The agency appeals system shall insure that the employee, in presenting his appeal, shall:
(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;
(2) Have the right to be accompanied, represented, and advised by a representative of his own choosing; and,
(3) Be assured a reasonable amount of official time if he is otherwise in an active duty status.
(b) The agency appeals system shall also insure that when an employee of the agency is designated as a representative by an employee appealing under the agency appeals system, the representative, in presenting the appeal, shall:
(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal; and
(2) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

§ 77.115 Appeals levels.

The agency appeals system shall provide ordinarily for one level of review, except that it may, with the concurrence of the Commission, include further administrative review when the delegations of authority or organizational arrangements of the agency so require. When an agency requests the concurrence of the Commission to include a provision for further administrative review in its agency appeals system, the agency shall submit justification for this provision and a statement of the procedures that will be followed in putting this provision into effect.

§ 77.116 Appellate review.

(a) *Authorized official.* The agency appeals system shall require that the agency official authorized to decide the appeal be at a higher administrative level than the agency official who made the adverse decision which resulted in the appeal, except that when the head of the agency made the adverse decision, he shall decide the appeal.

(b) *Scope.* The agency appeals system shall provide that the review of the appeal shall include, but shall not be limited to, a review of the issues of fact and of compliance with the agency and Commission procedural requirements for effecting the adverse action.

HEARING

§ 77.120 Right to a hearing.

The agency appeals system shall provide the employee an opportunity for a full and fair hearing on the adverse action, personally or through or accompanied by his representative, before a hearing committee. The hearing may precede either the original decision or the appellate decision. An opportunity for a hearing or a request for a hearing may be denied only (a) when the agency finds a hearing impracticable by reason of unusual location or other extraordinary circumstance, or (b) in connection with the appeal, when it finds that the employee failed to request a hearing offered preceding the original decision. The agency appeals system shall provide that no more than one hearing shall be held unless the agency determines that unusual circumstances require a second hearing. The agency appeals system shall require that the employee be notified as to his rights respecting a hearing preceding the original decision or the appellate decision.

§ 77.121 Hearing committee.

(a) The agency appeals system shall provide that the hearing will be held by a hearing committee consisting of one or more members and shall provide for the selection of the members of the committee in such a manner as to insure that the members will be fair, impartial, and objective. The agency appeals system shall prohibit membership to anyone responsible for reviewing or acting on the proposal to take adverse action or on the adverse decision, or to anyone responsible for reviewing or acting on the report of the committee.

(b) The agency appeals system shall establish reasonable time standards for the selection of the committee, for the conduct of the hearing, for completion of the report of the committee, and for decision on the appeal.

§ 77.122 Conduct of hearing.

(a) The agency appeals system shall provide that the hearing shall be held whenever practicable near the employee's locality of work.

(b) The agency appeals system shall provide that:

(1) The hearing shall be conducted so as to bring out pertinent facts including the production of pertinent records;
(2) The rules of evidence need not be followed, but evidence should be pertinent to the issues;
(3) Testimony of witnesses shall be under oath; and
(4) The employee or his representative and the agency shall both have the right of cross-examination.

§ 77.123 Witnesses.

(a) The agency appeals system shall provide that (1) insofar as administratively practicable and when requested by the hearing committee after consideration of requests by the employee and the agency, employees of the agency will be made available to the committee as witnesses, and (2) when the agency determines that it is impracticable to comply with the request of the committee, the reasons for the declination shall be included in the employee's appeal file. The system shall also provide that employees of the agency made available as witnesses shall be considered to be in a duty status during this time.

(b) The agency appeals system shall provide that witnesses in presenting their testimony shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

§ 77.124 Record of the hearing.

The agency appeals system shall require the hearing committee to prepare a written summary or transcript of the hearing, including all pertinent documents submitted to the committee for its consideration. The summary shall be signed by the parties concerned with such exceptions as they submit in writing, and a copy of the summary shall be furnished the employee.

§ 77.125 Report of committee.

The agency appeals system shall require the committee to report in writing its findings of fact, or its findings and recommendations, to the agency official making the decision on the adverse action when the hearing is held before the original adverse decision, or to the agency official authorized to make the decision on the appeal when the hearing is held after the original adverse decision. A copy of the committee's report shall be furnished to the employee and his representative.

PROCESSING THE APPEAL

§ 77.130 Avoidance of delay.

The agency appeals system shall provide for full, impartial, and expeditious consideration of each appeal and shall include regulations designed to prevent unreasonable delay by the employee in pursuing his appeal, and directing the appropriate officials of the agency to process appeals with dispatch.

§ 77.131 Order of processing appeals.

(a) The agency appeals system shall provide that each employee entitled to appeal an adverse action that is also appealable to the Commission shall be informed that the appeals to the agency and to the Commission may not be processed concurrently. The system shall require that the employee be informed that:

(1) If he elects to appeal to the agency within the time limit prescribed by § 77.113, he will be entitled to appeal to the Commission under the Commission's regulations only after the notice of the final agency appeal decision when the agency appeals system has only one level of appeal, or after the notice of the first level agency appeal decision when the agency appeals system has more than one level of appeal; and
(2) If he elects to appeal to the Commission within the same time limit as that prescribed by § 77.113, he forfeits his right of appeal under the agency appeals system.

(b) The agency appeals system shall provide that if the appeal of an employee is not completed within 60 days after filing, the employee may elect to terminate the agency appeal by appealing to the Commission.

§ 77.132 Termination of appeal.

(a) The agency appeals system shall provide for the termination of an employee's appeal at his request or for his failure to prosecute when he does not furnish required information and duly proceed with the advancement of his appeal. The agency appeals system may also provide (1) that, instead of terminating the appeal for failure to prosecute, the appeal will be adjudicated if the information is sufficient for that purpose, and (2) that a closed appeal will not be reopened except in the discretion of the agency upon a showing by the employee that circumstances beyond his control prevented him from prosecuting the appeal.

(b) The agency appeals system shall also provide for terminating the employee's appeal if he files an appeal to the Commission from the same adverse decision and the Commission accepts the appeal for adjudication.

§ 77.133 Death of employee.

The agency appeals system shall require (a) a proper appeal filed prior to the death of the employee to be processed to completion and adjudicated, and (b) as necessary, a recommendation for corrective action on such an appeal may provide for cancellation of the adverse action and for amendment of the agency's records to show retroactive restoration and continuance on the rolls to the date of death.

§ 77.134 Agency appellate decision.

The agency appeals system shall require the authorized agency official to consider the entire appellate record and after such consideration, to make his decision in which he may sustain the previous decision to take adverse action, or may modify the previous decision by substituting a less severe action, or may reverse the previous decision.

§ 77.135 Notice of appellate decision.

The agency appeals system shall require that the employee shall be notified promptly of the decision on his appeal or of the termination of his appeal and of any appeal rights the employee may have under the Commission's regulations, and that a copy of this notice shall be furnished to the employee's representative.

§ 77.136 Employee appeal file.

The agency appeals system shall require that when an employee files an appeal under that system, an employee appeal file shall be established and that this file shall contain all pertinent documents relating to the appeal, including copies of the notice of proposed adverse action; the employee's reply, if any; the notice of adverse decision; the employee's appeal; the reasons for not granting a hearing when one was requested but not granted; the written summary or transcript of the hearing when a hearing was held; the report of the committee; and the notice of the final agency decision.

COMMISSION ACTION

§ 77.140 Employee requests for review.

The Commission will not act on a request by an employee for a review of the agency action under the agency appeals system unless the employee otherwise has a right to appeal to the Commission from the same adverse action and the Commission has accepted the appeal for adjudication.

§ 77.141 Review of agency appeals system.

From time to time the Commission will review the agency appeals system. When it finds that the agency appeals system or its operations do not conform to the requirements of the Executive order or this subpart, the Commission will require corrective action to bring the agency appeals system or operations into conformity.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3078; Filed, Mar. 30, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Grain Sorghum

On January 13, 1962, there was published in the FEDERAL REGISTER (27 F.R. 409) a notice of a proposal to revise the Official Grain Standards of the United States for Grain Sorghum (7 CFR 26.551 et seq.) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). Informal public hearings on the proposal were held as announced at Lubbock, Texas, and Kansas City, Missouri. Interested persons also were afforded an opportunity to submit written data, views, and arguments on the proposal.

Statement of considerations. Consideration has been given to the information obtained at the informal public hearings and to the views, data, and arguments received in writing from interested persons.

The reasons for the several changes in the grain sorghum standards as hereinafter promulgated are as follows:

(1) The proposal provided that not more than 10.0 percent of nongrain sorghum be permitted in grain sorghum under the standards. Under the present standards a maximum of 25 percent of nongrain sorghum is permitted. Further consideration of the problem of handling nongrain sorghum in the grain sorghum standards indicates that the specific percentage limit of nongrain sorghum should be deleted from the definition for grain sorghum. Therefore, the phrase "and which after the removal of the dockage and foreign material contains not more than 10.0 percent of nongrain sorghum" has been deleted from this definition.

Since nongrain sorghum will be included in the definition for other grains, the quantity of nongrain sorghum will be limited in the several numerical grades by the maximum percentage limits of "broken kernels, foreign material and other grains." In recent years only a few lots of grain sorghum contained nongrain sorghum and seldom if ever was nongrain sorghum present in excess of 2 percent.

(2) The class names as proposed have been adopted and all subclasses have been eliminated as proposed. These proposed changes as published in the proposed rule making were endorsed by the trade.

(3) In the proposal the term "foreign material" was substituted for "cracked kernels, foreign material, and other grains." It was pointed out at the hearings and in several letters received that the term "foreign material" was not descriptive enough because this material consists largely of broken kernels of grain sorghum and other grains. It was also pointed out that grain sorghum is used primarily as a feed and that broken kernels of grain sorghum and other grains may have considerable feed value. Because the term "broken kernels" is considered more descriptive than "cracked kernels," the factor "cracked kernels, foreign material, and other grains" was changed to "broken kernels, foreign material, and other grains."

(4) In the proposed rule making minimum test weights per bushel of 58, 56, 54, and 51 pounds for grades Nos. 1 to 4, respectively, were proposed. The views and comments on this proposal varied considerably. Some expressed the view that minimum test weights per bushel should be left at 55, 53, 51, and 49 pounds while others suggested that the test weight for each grade should be raised one or two pounds. After reviewing these comments and the data available in the Department, minimum test weights per bushel of 57, 55, 53, and 51 pounds for the several numerical grades have been adopted.

(5) Maximum moisture limits of 13.0, 14.0, 15.0, and 18.0 percent for the several numerical grades were proposed and these limits have been adopted. This is a lowering of 1.0 percent in the maximum moisture limits for grades Nos. 1 to 3, inclusive. Grade No. 4 now pro-

vides for a maximum moisture limit of 18.0 percent. Views and comments on this factor varied. It was pointed out that for long-time storage grain sorghum should not contain over 13.0 percent of moisture and that grain sorghum containing more than 13.0 percent of moisture is not eligible for loan under the Price Support Program. It has also been reported that some of the export shipments of grain sorghum which graded No. 2 on the factor of moisture under the present standards (15.0 percent) were heating on arrival at some of the foreign ports.

(6) In the proposed rule making, maximum limits of foreign material of 3.0, 6.0, 9.0, and 12.0 percent were proposed for grades Nos. 1 to 4, respectively. Maximum limits of "fine foreign material" in the numerical grades and the elimination of "dockage" as such were also proposed. The trade in general strongly opposed these proposals and they have not been adopted.

(7) The special grades Bright Grain Sorghums and Discolored Grain Sorghums in the present standards were deleted in the proposed rule making and a footnote "Grain sorghum which is distinctly discolored shall not be graded higher than No. 3" was proposed. These changes have been adopted. The trade expressed no opposition to these changes.

The Official Grain Standards of the United States for Grain Sorghum (7 CFR 26.551–26.553) are hereby revised to read as follows:

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR GRAIN SORGHUM [1]

Sec.
26.551 Terms defined.
26.552 Principles governing the application of the standards.
26.553 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.551 to 26.553 issued under U.S. Grain Standards Act; 39 Stat. 482, as amended; 7 U.S.C. 74.

§ 26.551 Terms defined.

For the purposes of the official grain standards of the United States for grain sorghum (Sorghum vulgare):

(a) *Grain sorghum.* Grain sorghum shall be any grain which, before the removal of dockage, consists of 50 percent or more of whole kernels of grain sorghum, which contains not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act.

(b) *Classes.* Grain sorghum shall be divided into the following four classes: Yellow Grain Sorghum, White Grain Sorghum, Brown Grain Sorghum, and Mixed Grain Sorghum.

(1) *Yellow Grain Sorghum.* The class Yellow Grain Sorghum shall be grain sorghum with yellow, salmon-pink, or red seedcoats, which contains not more than 10.0 percent of grain sorghum of other colors.

(2) *White Grain Sorghum.* The class White Grain Sorghum shall be grain sorghum with white seedcoats, which contains not more than 10.0 percent of grain sorghum of other colors. Colored spots upon kernels of grain sorghum otherwise white shall not affect their classification as White Grain Sorghum. Grain sorghum with white seedcoats and brown subcoats shall not be classed as White Grain Sorghum. (See subparagraph (3) of this paragraph.)

(3) *Brown Grain Sorghum.* The class Brown Grain Sorghum shall be grain sorghum with brown seedcoats, which contains not more than 10.0 percent of grain sorghum of other colors. Grain sorghum with white seedcoats and brown subcoats shall be classed as Brown Grain Sorghum.

(4) *Mixed Grain Sorghum.* The class Mixed Grain Sorghum shall be grain sorghum which does not meet the requirements for the class Yellow Grain Sorghum, White Grain Sorghum, or Brown Grain Sorghum.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 26.553.

(d) *Dockage.* Dockage shall be sand, dirt, finely broken kernels of grain sorghum, weed seeds, and any other material which will pass readily through a 2½/64 round hole sieve (see also paragraph (b) of § 26.552 and paragraph (b) of § 26.553).

(e) *Broken kernels, foreign material, and other grains.* Broken kernels, foreign material, and other grains shall be all matter including kernels and pieces of kernels of grain sorghum, except dockage, which will pass readily through a 5/64 triangular hole sieve and all matter other than grain sorghum, which remains on the sieve after sieving.

(f) *Other grains.* Other grains shall be barley, hull-less barley, corn, flaxseed, oats, rye, soybeans, wheat, cultivated buckwheat, einkorn, emmer, Polish wheat, popcorn, poulard wheat, rice, spelt, sweet corn, wild oats, and nongrain sorghum.

(g) *Nongrain sorghum.* Nongrain sorghum shall be the seeds of sweet sorghum (sorgo); sorghum-sudangrass hybrids, sorgrass, broomcorn, johnsongrass, and sudangrass.

(h) *Damaged kernels (total).* Damaged kernels (total) shall be kernels and pieces of kernels of grain sorghum and other grains which are heat-damaged, sprouted, frosted, badly ground-damaged, badly weather-damaged, moldy, diseased, or otherwise materially damaged.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of grain sorghum and other grains which are materially discolored and damaged by heat.

(j) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(k) *5/64 triangular hole sieve.* A 5/64 triangular hole sieve shall be an aluminum sieve 0.0319 inch thick with equilateral triangular perforations, the inscribed circles of which are 0.0781 (5/64) inch in diameter and which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(l) *2½/64 round hole sieve.* A 2½/64 round hole sieve shall be an aluminum sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

§ 26.552 Principles governing application of standards.

The following principles shall apply in the determination of the classes and grades of grain sorghum:

(a) *Basis of determinations.* Each determination of "broken kernels, foreign material, and other grains" shall be upon the basis of the grain when free from dockage. Each determination of class, damaged kernels, heat-damaged kernels, and stones shall be upon the basis of the grain when free from dockage and that part of the broken kernels, foreign material, and other grains which can be removed readily by the use of a 5/64 triangular hole sieve. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* Percentages shall be upon the basis of weight. The percentage of dockage when equal to 1 percent or more shall be stated in terms of whole percent and when less than 1 percent shall not be stated. A fraction of a percent shall be disregarded.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for grain sorghum prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 revision), issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel, as determined by the method prescribed by the United States Department of Agriculture as described in Circular 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.553 Grades, grade requirements and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes Yellow Grain Sorghum, White Grain Sorghum, Brown Grain Sorghum, and Mixed Grain Sorghum.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Damaged kernels		Broken kernels, foreign material, and other grains
			Total	Heat-damaged kernels	
	Pounds	Percent	Percent	Percent	Percent
1	57	13.0	2.0	0.2	4.0
2	55	14.0	5.0	.5	8.0
3 [1]	53	15.0	10.0	1.0	12.0
4	51	18.0	15.0	3.0	15.0

Sample grade: Sample grade shall be grain sorghum which does not meet the requirements of any of the grades from No. 1 to No. 4, inclusive; or which contains stones; or which is musty, or sour, or heating; or which is badly weathered; or which has any commercially objectionable foreign odor except of smut; or which is otherwise of distinctly low quality.

[1] Grain sorghum which is distinctly discolored shall not be graded higher than No. 3.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

(b) *Grade designation for all classes of grain sorghum.* The grade designation for grain sorghum shall include, in the order named, the number of the grade or the words "Sample grade," as the case may be; the name of the class; the name of each applicable special grade; and when applicable the word "Dockage" together with the percentage thereof. In the case of the class Mixed Grain Sorghum, the grade designation shall also include, following the name of the class, the approximate percentages of yellow grain sorghum, white grain sorghum, and brown grain sorghum, if any, in the mixture.

(c) *Special grades, special grade requirements, and special grade designations for grain sorghum.*—(1) *Smutty grain sorghum.*—(i) *Requirements.* Smutty grain sorghum shall be grain sorghum the kernels of which are covered with smut spores, or which contains 20 or more smut masses in 100 grams of grain sorghum.

(ii) *Grade designation.* Smutty grain sorghum shall be graded and designated according to the grade requirements of the standards applicable to such grain sorghum if it were not smutty, and there shall be added to and made a part of the grade designation the word "Smutty."

(2) *Weevily grain sorghum.*—(i) *Requirements.* Weevily grain sorghum shall be grain sorghum which is infested with live weevils or other live insects injurious to stored grain.

(ii) *Grade designation.* Weevily grain sorghum shall be graded and designated according to the grade requirements of the standards applicable to such grain sorghum if it were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

The foregoing standards supersede the present Official Grain Standards of the United States for Grain Sorghum, and shall become effective August 1, 1962.

Done at Washington, D.C. this 28th day of March 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-3115; Filed, Mar. 30, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.320 Orange Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 27, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., April 2, 1962, and ending at 12:01 a.m., e.s.t., April 16, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⁸⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⁸⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹¹⁄₁₆ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3136; Filed, Mar. 30, 1962; 8:48 a.m.]

[Navel Orange Reg. 13]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.313 Navel Orange Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of

this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 29, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 30, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3201; Filed, Mar. 30, 1962; 11:16 a.m.]

[Valencia Orange Reg. 6]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.306 Valencia Orange Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on on March 29, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

(i) District 1: 15,000 cartons;

(ii) District 2: 17,000 cartons;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 30, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3202; Filed, Mar. 30, 1962; 11:16 a.m.]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.314 Lemon Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 29, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 213,900 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3161; Filed, Mar. 30, 1962; 8:49 a.m.]

[Grapefruit Reg. 8]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.308 Grapefruit Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 29, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 2, 1962, and ending at 12:01 a.m., e.s.t., April 9, 1962, is hereby fixed at 185,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3160; Filed, Mar. 30, 1962; 9:01 a.m.]

[Grapefruit Reg. No. 4, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Seedless Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of § 944.100 (a) (2) (Grapefruit Regulation 4; 26 F.R. 12064) are hereby amended to read as follows:

(2) On and after the effective time hereof, the importation of any seedless grapefruit is prohibited unless such seedless grapefruit are inspected and meet the following applicable requirements: All seedless grapefruit shall grade at least U.S. No. 1, except that such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade and may have slightly rough texture caused only by speck type melanose; all white seedless grapefruit shall be of a size not smaller than 3$\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and all pink seedless grapefruit shall be of a size not smaller than 3$\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of seedless grapefruit as the grade and size restrictions being made applicable to the shipment of seedless grapefruit grown in Florida under Grapefruit Regulation 7 (§ 905.319) issued simultaneously herewith to become effective March 30, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 28, 1962, to become effective at 12:01 a.m., e.s.t., March 30, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3114; Filed, Mar. 30, 1962; 8:47 a.m.]

[948.338, Amdt. 2; Area No. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Marketing Order No. 948, as amended (7 CFR Part 948; formerly Order No. 58, Part 958), regulating the handling of potatoes grown in Area No. 1 defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 1 Committee (Western Slope), established pursuant to § 948.50 of said order, as amended, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amend-

ment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of potatoes in the production area.

Order, as amended. In § 948.338 (26 F.R. 8591, 9067), delete paragraph (a) and substitute in lieu thereof new paragraph (a) as set forth below.

§ 948.338 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter;

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 27, 1962, to become effective April 1, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3116; Filed, Mar. 30, 1962; 8:47 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Said notice afforded interested persons a 30-day period (which was to have expired January 26, 1962) to submit written data, views, or arguments on the proposal. The time for the receipt of such comments was extended to 5 p.m., e.s.t., February 16, 1962, by action published in the FEDERAL REGISTER January 24, 1962 (27 F.R. 697). Comments were received within the prescribed time from a raisin producer and the Raisin Administrative Committee which submitted the proposal on which the notice was issued.

After consideration of all relevant matters presented, including the comments submitted and other available information, it is concluded that the revision of the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the administrative rules and regulations, as revised (Subpart—Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385) are hereby revised to read as follows:

Subpart—Administrative Rules and Regulations

DEFINITIONS

Sec.
989.101 Order.
989.102 Inspection service.
989.103 Terms in the order.
989.104 Lot.
989.105 Inspection point.
989.106 Ship.
989.107 Inspection certificate.

RAISIN ADVISORY BOARD

989.129 Voting at nomination meetings.

RAISIN ADMINISTRATIVE COMMITTEE

989.148 Compensation for attendance of alternates at Committee meetings.
989.152 Mail or telegraphic voting.

GRADE AND CONDITION STANDARDS

989.158 Natural condition raisins.
989.159 Regulation of the handling of raisins subsequent to their acquisition.
989.160 Exemptions.

VOLUME REGULATION

989.166 Reserve and surplus tonnage generally.
989.167 Disposition of reserve tonnage.
989.168 Disposal of surplus tonnage raisins.
989.169 Substitution for Layer Muscats.

REPORT AND RECORDS

989.173 Reports.
989.176 Records.

AUTHORITY: §§ 989.101 to 989.176 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 989.101 Order.

"Order" means Marketing Agreement No. 109, as amended, and Order No. 989, as amended (§§ 989.1 to 989.97) regulating the handling of raisins produced from grapes grown in California, or as the same may be amended further hereafter.

§ 989.102 Inspection service.

"Inspection service" means the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

§ 989.103 Terms in the order.

Terms defined in §§ 989.1 to 989.97 of the order shall have the same meaning when used in this subpart.

§ 989.104 Lot.

(a) *Natural condition raisins*—(1) *Basic definition.* For the purpose of incoming and outgoing inspection of natural condition raisins, "lot" means, except as otherwise provided in this paragraph, the quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes and bins), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place.

(2) *Separation of large units.* If a quantity of raisins in excess of a car, truck, or truck-trailer load is submitted for inspection, the total quantity may, at the discretion of the inspector, be separated into such readily identifiable portions, either prior to or in the course of inspection, as can be conveniently and properly inspected, and each such portion shall constitute a lot.

(3) *Resubmission after reconditioning.* Raisins which are submitted for inspection after reconditioning (such as sorting or drying) and whose original lot identity is no longer applicable, shall be a new lot.

(4) *Meeting and failing portions.* Where a portion of a quantity of raisins submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet such standards:

(i) The meeting portion shall be one lot; and

(ii) The remainder shall be one or more lots as necessary to cause each lot to contain either (a) a single defect in excess of tolerance or (b) two or more of the same defects in excess of tolerance occurring together within each of the individual containers.

(5) *Entire quantity failing.* Where the entire quantity of raisins submitted for inspection fails to meet such standards, then, whether such quantity shall be one or more lots shall be determined in the same manner as for the failing remainder referred to in subparagraph (4) of this paragraph.

(6) *Special condition.* Notwithstanding other provisions of this section, any quantity of raisins failing to meet such standards and which are not to be reconditioned may be a single lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, lot means: (1) For in-line inspection (i.e., where samples are drawn from a flow of raisins prior to packaging), the aggregate quantity of raisins of the same varietal type, subtype, or size (or in their mixed form), processed in any continuous production of one calendar day and packaged in one size and style of package but excluding those rejected by inspection; and (2) for floor inspection (i.e., where samples are drawn from containers of raisins), the aggregate quantity of such raisins in like containers but not necessarily processed in one continuous production or during one calendar day, identifiable and offered for inspection as a lot.

§ 989.105 Inspection point.

"Inspection point" means any plant or receiving station of a handler or any other place where raisins are received, processed or stored by a handler, at which there are facilities for receiving, weighing of samples, and inspection of raisins and for which there is on file with the Committee an acceptable description of the premises. The inspection point(s) of the handler shall include any area(s) in which he receives grapes or raisins for dehydration unless he keeps his raisin dehydration business separate, physically and by records, from his business of handling raisins.

§ 989.106 Ship.

"Ship" means the physical movement of raisins other than to storage for the handler's account within the general locality of the packing plant.

§ 989.107 Inspection certificate.

"Inspection certificate" means any written certification, finding, or attestation as to the quality or condition of any lot or lots issued by an authorized member of the inspection service.

RAISIN ADVISORY BOARD

§ 989.129 Voting at nomination meetings.

Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of grapes which are sun-dried or dehydrated by artificial means to produce raisins and who qualifies under the provisions of § 989.29(b)(2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of such grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of such grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of such grapes or the raisins. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.148 Compensation for attendance of alternates at Committee meetings.

Whenever a member has reason to believe that he will be unable to attend a Committee meeting and has so notified his alternate or the Committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.48.

§ 989.152 Mail or telegraphic voting.

Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each Committee member. If a Committee member cannot be reached at his usual address or he is not readily available within normal distances for communicating with individual members, such member's alternate shall be requested to vote.

GRADE AND CONDITION STANDARDS

§ 989.158 Natural condition raisins.

(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. The weight of each lot of raisins tendered for receiving, storage, reconditioning, or acquisition or disposition shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster, whether located at the inspection point or otherwise. The net weight of such raisins, for the purposes of this part, shall be determined by deducting the appropriate sand tare and box tare from the gross weight of the raisins.

(2) No handler, other than a processor, shall receive at points other than at an inspection point, natural condition raisins from a tenderer, either for acquisition, storage, reconditioning, inspection, or for disposition in outlets for animal feed, distillation, or uses other than for human consumption: *Provided,* That this requirement shall not preclude a handler from dehydrating, free from the provisions of this part, at separate dehydrating facilities recognized in § 989.105 and located in California, raisins not delivered to an inspection point. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent detail, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection, or for disposition in outlets for animal feed, distillation, or uses other than for human consumption, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purposes of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage or memorandum receipt: *Provided,* That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time: *And provided further,* That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition into animal feed, distillation, or uses other than for human consumption may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade and condition standards, or because the entire lot failed due to more than one defect, the handler shall issue a prenumbered weight certificate for each such new lot not returned to the tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot. The weight of any meeting lot shall be determined by weighing it, or by weighing the failing portion of the incoming lot and deducting the weight thereof from the weight of the incoming lot. The weight of each failing lot shall be determined by weighing it, or by deriving such weight by applying the original average container weight to the number of containers.

(5) Any financially interested party may, upon the payment of any fees assessed by the inspection service, obtain an appeal inspection. An appeal inspection shall be applicable only to raisins which have not been removed from their containers, with pallet control cards still

affixed, are readily identifiable, and have not been removed from the original inspection point: *Provided*, That when the condition of a lot of such raisins may have changed subsequent to the original inspection, an additional inspection, rather than an appeal inspection, may be obtained.

(6) Each handler producing raisins whether outside an inspection point or by dehydration within an inspection point, shall, upon delivering the raisins to an inspection point or immediately upon completion of the dehydration, treat them the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler.

(7) The inspection certificate for a mixed lot of natural condition raisins (raisins of different varietal types commingled within their containers) shall show the percentage which the raisins of each varietal type is of the total raisins contained in the lot.

(8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph, the inspector shall, upon the request of the handler, afford such handler an opportunity to fumigate the lot during the inspection and certification process. Such lot of raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed: *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than two business days, excluding intervening non-work days, after the date the inspection and certification process is suspended by the inspector to permit fumigation. The certification shall be on the basis of inspection information and data then available to the inspector and his determinations with respect thereto.

(b) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.58(d) shall be submitted not later than Wednesday of the week following the week for which such certificate was issued. This may be accomplished by authorizing the inspection service to submit a copy of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(c) *Off-grade raisins*—(1) *Holding and identification.* The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. Any raisins which do not meet the applicable grade and condition standards shall be classified in one of the three categories specified in § 989.58(e)(1) within five business days (excluding Saturdays, Sundays, and holidays) after inspection or three such business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the Committee under such conditions as it may deem necessary in the circumstances. The handler shall report to the Committee the information as required and specified in § 989.173(b)(5). Any such lot of off-grade raisins shall, pending the selection of one of such categories, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC pallet control cards shall remain fixed to each pallet or container, as the case may be, until the raisins have been (i) submitted for reconditioning, (ii) returned unstemmed to the tenderer, or (iii) disposed of by the handler for animal feed, distillation, or uses other than for human consumption, and shall be removed only by an inspector of the inspection service or authorized RAC personnel, except (*a*) that pallet control cards designating lots "held for fumigation" may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service, and (*b*) the yellow pallet identification card used by the inspection service to identify raisins produced by a dehydrator may be removed by the handler after certification has been completed. Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, for further reconditioning, or disposition in outlets for animal feed, distillation, or uses other than for human consumption shall be stored separate and apart by varietal types from all other raisins and by disposition and reconditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee.

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under subdivision (i) or (iii) of § 989.58(e)(1), may be changed to the other category, or to subdivision (ii). Prior to making such change the handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin such change. If the raisins have had only a limited inspection and are to be changed from subdivision (i) to subdivision (iii) of § 989.58(e)(1), the handler shall request a full inspection. Any off-grade lot under subdivision (ii) of § 989.58(e)(1) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of subdivision (i) or (iii) of § 989.58(e)(1) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from subdivision (i) or subdivision (iii) to subdivision (ii) of § 989.58(e)(1).

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, for his own convenience or that of a financially interested producer, pursuant to § 989.58(e)(2), transfer to or from another packer's plant in California any off-grade raisins for reconditioning upon which the packer has submitted to the Committee a plan of movement pursuant to § 989.173(d)(2) acceptable to it and the inspection service and received written approval. Where a tenderer has a financial interest in the raisins, the application for permission to so move raisins shall contain evidence of the tenderer's agreement to the transfer. The Committee may require, as a prerequisite to granting any such approval, a written statement from the other packer that he will receive or release the raisins for reconditioning. In the same manner, except for the tenderer's agreement, any packer may transfer off-grade raisins from one of his plants or inspection stations to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer without further inspection. Upon completion of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

(4) *Reconditioning off-grade raisins—reconditioning requirements.* (i) The handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of re-inspection (inspection pursuant to § 989.58(d)) after such reconditioning has been completed if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins for purposes of the inspection required pursuant to § 989.58(d) or § 989.59(d). The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only, the weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. If, after reconditioning, such raisins meet the minimum grade standards, but no longer are natural condition raisins as defined in § 989.8, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among factors established by the Committee with the approval of the Secretary.

(ii) In reconditioning off-grade raisins, a handler shall use methods designed to remove the defects whereby the lot fails to qualify as standard raisins. Lots with identical defects may be reconditioned simultaneously (commingled basis) but lots with differing defects shall be reconditioned as separate lots.

(5) *General.* Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe the off-grade raisins at any time and to make a proper inspection. A packer may recover raisins from residual raisin material obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159(g)(1).

(6) *Off-grade raisins which are not reconditioned successfully.* (i) Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade and condition standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade and condition requirements after reconditioning and shall hold them separate and apart from all other raisins. He shall physically dispose of such raisins pursuant to § 989.159(g)(2) for animal feed, distillation, or uses other than for human consumption.

(ii) Any packer may, with the prior approval of the Committee arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at such latter packer's premises. The Committee shall require, as a prerequisite to granting any such approval, the same movement plan, with the concurrence of the inspection service, and acceptance by the receiving packer as is required for an interpacker transfer (§ 989.158(c)(3)). Such raisins may be received by the other handler without inspection. On and after such receipt of raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the handler so receiving them.

(7) *Return of off-grade raisins to tenderer.* Any off-grade raisins which are to be returned unstemmed to the tenderer pursuant to § 989.58(e)(1)(ii), shall be physically returned within five business days after the issuance of the inspection certificate: *Provided*, That such time limit may be extended by the Committee as it may deem justified by extenuating circumstances. The handler shall file with the Committee a report of the returned raisins as required in § 989.173(b)(4).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such raisins have been reinspected and certified immediately prior to acquisition as meeting the minimum requirements for standard raisins: *Provided*, That the Committee at any other time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not then meet such requirements.

(e) *Inspection of raisins on dehydrator's premises*—(1) *Application and agreement.* (i) Any dehydrator may submit to the Committee for approval, and the Committee may approve, in accordance with the provisions of this paragraph an application and agreement, on a form furnished by the Committee, providing for dehydrator on-premise inspection of natural condition raisins produced by the dehydrator by subjecting grapes to artificial heat. Raisins so produced are referred to in paragraph (a)(3) of this section and in this paragraph as "dehydrated raisins."

(ii) The provisions of such application and agreement shall include at least the following:

(*a*) The dehydrator shall request the inspection service to inspect all dehydrated raisins which the dehydrator produces and to issue a related memorandum report of inspection at the time of loading any quantity of such raisins for delivery to a packer's inspection point;

(*b*) The dehydrator will arrange with the inspection service for the necessary inspection service to be performed by the service, and the dehydrator will submit to the Committee a statement from the inspection service that the dehydrator has adequate facilities for the inspection and that such arrangements have been made;

(*c*) All necessary reconditioning of dehydrated raisins, identification and segregation of raisins, and movement of inspected dehydrated raisins on or from the dehydrator's premises shall be done in such manner and under such conditions as the inspection service may require;

(*d*) The dehydrator shall, at the time of the packer's receipt of such raisins, furnish to the packer to whose inspection point the inspected raisins are delivered the original and one copy of the memorandum report of inspection covering such raisins;

(*e*) The dehydrator shall maintain such records and furnish such reports and permit access to such records and the dehydrator's premises as required in the application and agreement or as the Committee may subsequently request; and

(*f*) The application and agreement may be suspended or terminated as provided therein.

(iii) The Committee will notify raisin packers of each dehydrator whose application and agreement has been approved by the Committee (such dehydrator is referred to in this subpart as "authorized dehydrator"); similarly, the Committee will notify packers of each suspension or termination of a previously approved application and agreement.

(2) *Delivery of inspected dehydrated raisins.* Any dehydrated raisins which (i) are inspected on an authorized dehydrator's premises where produced; (ii) are moved promptly and directly to a packer's inspection point from the premises of the authorized dehydrator; (iii) are accompanied by an applicable memorandum report of inspection to be furnished to the packer; and (iv) are otherwise in compliance with the provisions of such approved application and agreement and this paragraph may be received by the packer without the inspection at time of receipt required by § 989.58(d). With respect to such dehydrated raisins, the packer shall comply with all applicable requirements and procedures of this part, including, but not limited to, inspection after any necessary reconditioning and the inspection prescribed in § 989.59.

(3) *Packer's obligations.* Immediately upon a packer's receiving any such already inspected dehydrated raisins accompanied by the applicable memorandum report of inspection, the packer shall enter the net weight and scale ticket number on such memorandum report of inspection. The packer shall give to the inspector at the packer's inspection point where the dehydrated raisins were received, a copy of such memorandum report. Whenever a packer receives off-grade raisins from an authorized dehydrator he shall so advise the inspector at the packer's inspection point at the time of such receipt; and such raisins shall not be unloaded except in the presence of the inspector or in accordance with such prior arrangements as may have been made between the packer and the inspection service.

§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.

(a) *Inspection facilities.* At each place where packed raisins are to be inspected each handler shall, at his own expense, provide reasonably adequate space and other facilities reasonably necessary to the proper and efficient inspection of such raisins.

(b) *Identification of inspected raisins.* (1) Each handler shall mark each shipping container with legible code or other identification, satisfactory to the Committee and the inspection service which shall indicate (i) with respect to packed raisins, the date that the raisins in such shipping containers were packed, and (ii) with respect to shipments of natural condition raisins, the date on which such raisins were inspected.

(2) Each handler shall furnish promptly to the Committee, through the inspection service, a certified report on a form furnished by the Committee showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) Outgoing inspection and certification of raisins as required by § 989.59(d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins (which is subject to exceptions and exemptions provided in this part) shall be made of each individual lot and in each case not more than five days before the date of shipment or other final disposition of the lot. The certif-

icate that the raisins meet the applicable minimum grade and condition standards for natural condition raisins, which the handler is required to obtain and submit to the Committee pursuant to § 989.59 (d), shall be on Form FV 146 labeled "Certificate of Quality and Condition (Processed Foods)." If shipment involves exportation to a foreign country, the handler shall surrender to the United States Customs Service at the port of exit two copies of such inspection certificate. Such an inspection and certification (on Form FV 146) may, if requested by the handler, be made at the time of his receipt or acquisition of the raisins. In such an event, no additional inspection shall be required if the lot remains intact and identifiable, and shipment or other final disposition takes place within five days after the date of the inspection.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition, and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspection on the basis of representative samples drawn from shipping containers of the packed raisins.

(4) Except as otherwise provided in this part, where there is presented for inspection a lot of packed raisins consisting of raisins of different varietal types or sub-types commingled within their containers, each such type and sub-type shall be inspected separately, except that inspection for moisture shall be performed on the lot as a whole. The inspection certificate shall show the respective percentages which the raisins of the various types and sub-types are of the lot and whether each meets the applicable minimum grade standards. In the event the raisins of any such varietal type or sub-type contained in the lot fail to meet the applicable requirements, other than for moisture, none of the lot shall be certified as meeting minimum grade standards unless it is found to be practicable to separate the raisins into two new lots, one which meets and the other which fails to meet all of the applicable minimum standards, respectively. Any lot of mixed types or sub-types of packed raisins for which minimum grade standards are prescribed for each type or subtype pursuant to § 989.59 (a) and (b) but which in their commingled form cannot be inspected against the standards for the respective varietal types or sub-types and hence are excluded from the category of "Mixed types" as defined in the then effective United States Standards for Grades of Processed Raisins, or any raisins which as a mixed lot contain moisture in excess of 18 percent, shall not be certified as meeting the minimum grade standard for packed raisins.

(d) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.59(d) shall be submitted not later than Wednesday of the week following the week in which the certificate was issued. This may be accomplished by authorizing the inspection service in writing to submit a copy of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(e) *Term of inspection certificate.* Any handler who:

(1) Fails to ship or make other final disposition for human consumption of any lot of packed raisins within 21 calendar days, or of any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot; or

(2) Has any shipment or portion of a shipment returned to his inspection point or storage premises within the area,

shall, before any such shipment or final disposition, or before blending with other raisins, have such raisins inspected for condition and shall furnish promptly to the Committee (which may be through the inspection service as provided in § 989.158(b)) a copy of the inspection certificate showing that the raisins meet the respective requirements of this part for shipment, final disposition or blending.

(f) *Exemption of gift and specialty packs*—(1) *Shipment under exemption.* Upon obtaining approval of the Committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989.59 (a), (b), and (d). For the purpose of these exemptions: "Gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruits, which are either (i) given or donated by a handler to others, or (ii) sold by a handler for ultimate disposition by the buyer as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs currently used in the trade.

(2) *Application for exemption.* Each application for exemption shall be filed with the Committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i.e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) *Committee action on application.* The Committee, in its discretion, shall approve each application for exemption of any varietal type of raisins if the value of the raisins (or raisin products in case the form of the raisin is changed) exceeds the value of normally processed or packaged raisins of comparable varietal type, and if it concludes that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The Committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved the Committee shall inform the handler of the reasons therefor.

(4) *Reports.* The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173(e).

(g) *Disposition of off-grade raisins*—(1) *Recovery of raisins.* For the purposes of §§ 989.59(f) and 989.158(c)(4), a packer may recover raisins from: (i) Residual raisins from his processing of standard raisins; (ii) any raisins acquired as standard raisins which fail to meet the applicable outgoing grade and condition standards; (iii) any raisins rejected on a condition inspection; and (iv) residual raisins from reconditioning of off-grade raisins: *Provided,* That such recovery under subdivision (ii) and (iii) of this subparagraph must occur without blending, if the failure to meet the minimum grade standards for packed raisins is due to a defect or defects affecting the wholesomeness of the raisins: *And provided further,* That such recovery under subdivision (iv) of this subparagraph must occur without blending, except as permitted in § 989.158(c)(4)(ii), and the weight of standard raisins in residual from off-grade raisins shall be credited equitably to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal, or other agencies having jurisdiction.

(2) *Shipment of raisins which fail to meet minimum grade standards.* Except as otherwise provided in this subpart, no handler shall ship or otherwise dispose of raisins which do not meet the applicable minimum grade and condition standards. Such failing raisins include but are not limited to: (i) Natural condition raisins which do not meet the minimum grade and condition standards; (ii) stemmer waste or other residual material resulting from the packing of standard raisins or the reconditioning of off-grade raisins; (iii) off-grade raisins which are not reconditioned successfully; (iv) off-grade raisins received and held by a handler for disposition in accordance with § 989.58(e)(1)(i); and (v) raisins acquired as standard raisins but which do not meet the applicable minimum outgoing grade or grade and condition standards. A handler who receives or acquires raisins falling in any such category may dispose of them only for use within the State of California for animal feed, distillation, or uses other than for human consumption and only to persons each of whom agrees to permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to such raisins and who certifies

to the Committee and the Secretary, on a form provided by the Committee, that such raisins will be used only within the State and in the eligible outlet(s) designated by him.

(h) *Appeal inspection.* An appeal inspection on an original inspection may be obtained from the inspection service upon the request of any financially interested party and upon the payment of any fees assessed by the inspection service for such appeal inspection.

§ 989.160 Exemptions.

Any processor may receive or acquire any raisins for use in animal feed, distillation, or uses other than for human consumption, and dispose of them for such uses, without having them inspected and certified. Processors receiving or acquiring raisins under such exemption, or otherwise receiving or acquiring raisins which do not meet the applicable minimum grade and condition standards, shall not ship or otherwise dispose of any such raisins except in conformity with the provisions of § 989.159(g)(2). Processors shall report acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

VOLUME REGULATION

§ 989.166 Reserve and surplus tonnage generally.

(a) *Shrinkage allowance for normal and natural shrinkage in weight.* Each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight of reserve and surplus tonnage raisins acquired by him during the crop year and held by him (for the account of the Committee) on the Saturday nearest to May 1 of the same crop year. Handlers shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided,* That the Committee shall grant an additional allowance for any normal and natural shrinkage in weight of all such raisins held (for the account of the Committee) beyond the end of the crop year of acquisition, upon submission by the handler of satisfactory proof of such shrinkage occurring during the period of holding after the end of the crop year.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referable to his acquisitions of Layer Muscat raisins by setting aside residual Muscat raisins obtained by him in the course of layering operations shall, prior to setting aside such raisins for the account of the Committee, cause them to be dried to a moisture content not exceeding 16 percent, and obtain from the inspection service a certificate, a copy of which shall be submitted to the Committee (which may be through the inspection service) within five business days (excluding Saturdays, Sundays and legal holidays) after it is issued, showing that the raisins meet the minimum grade and condition standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the Committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement to the effect that the residual tonnage may be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to mixed varietal types.* A handler who acquired any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot by setting aside raisins of each such varietal type which have not been mixed or commingled with raisins of any other varietal type. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary, and the percentage of the varietal type contained in the mixed lot as shown by the incoming inspection certificate applicable thereto.

(d) *Storage of reserve and surplus raisins*—(1) *Time limits for setting aside pool tonnage.* Handlers shall be allowed three calendar days (exclusive of Saturdays, Sundays, and legal holidays) after acquiring any reserve or surplus tonnage raisins, or after publication in the FEDERAL REGISTER of the reserve and surplus percentages established for the crop year, whichever occurs later, to segregate and properly stack each varietal type.

(2) *Condition.* Each handler shall store reserve and surplus tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler may, pursuant to § 989.66(b)(2), store together each varietal type of reserve and surplus tonnage raisins held by him for the account of the Committee, but such raisins shall be stored separate and apart from all other raisins. Reserve and surplus tonnage raisins shall be stored in sweat boxes, picking boxes, or other portable containers not exceeding one ton capacity: *Provided,* That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further,* That such raisins at the time of transfer shall meet the applicable minimum grade requirement except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes. Storage of such raisins shall be deemed "separate and apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held.

(3) *Substitution of free tonnage.* A handler may substitute free tonnage raisins of like quality (i.e., standard raisins) for reserve tonnage or surplus tonnage raisins, under the direction and supervision of the Committee and prior to the raisins being committed for sale or delivery, by giving the Committee reasonable advance notice in writing of his intention to make such substitution. Upon any such raisins being offered for sale or the handler being requested to deliver reserve or surplus raisins to the Committee or any handler designated by it, free tonnage raisins may not be substituted unless the substitution is acceptable to the Committee or to the designated handler.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve or surplus tonnage obligations pursuant to § 989.66(c) shall file with the Committee, on a form furnished by it, a certified application for deferment of either or both such obligations. Such form shall include: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve or total surplus tonnage, or both, on which deferment is requested, segregated as to his current holding—and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(2) The Committee shall grant such an application upon a showing by the handler that he has a reasonable business need for the deferment and on the condition that the handler first comply with the requirements as to the written undertaking and bond prescribed in § 989.66(c). The Committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required. The amount of said bond for a particular varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type plus 10 percent. At any time during the period for which a deferment has been granted, the handler may request the Committee to increase or decrease the amount of his deferment by submitting an application substantially in the form of the original request, and the Committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond and if a satisfactory showing is made as in the case of the original application. Also at the request of the handler, the Committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as

free tonnage raisins until he shall have received written approval of his application from the Committee and shall have filed with the Committee the required undertaking and bond.

(f) *Remedy in the event of failure to deliver reserve or surplus raisins.* Except in cases of deferment granted pursuant to § 989.66(c) and paragraph (e) of this section, a handler who fails to deliver to the Committee, upon request, any reserve or surplus tonnage raisins in the quantity and quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made) shall compensate the Committee for the amount of the loss resulting from his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve or surplus raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the same varietal type or types, plus any charges already paid or credited to the handler and cost incurred by the Committee on account of the handler's failure to deliver. The weighted average price shall be determined from those sales made during the particular crop year up to the time such cash payment is requested by the Committee, or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the Committee for any reserve or surplus raisins which have deteriorated so as to be off-grade in quality during storage for reasons within his control, shall be the latest weighted average price received by the Committee for the applicable varietal type of reserve or surplus pool raisins, as the case may be, less the amount actually received by the Committee in the disposition of the deteriorated raisins delivered by the handler (or the salvage value of such raisins as determined by the Committee). Any amounts paid to the Committee in satisfaction of such deficiencies shall accrue to the earnings of the applicable pools. The remedies provided in this paragraph shall be in addition to, and not exclusive of, any or all of the remedies or penalties prescribed in the act for failure on the part of the handler to comply with the applicable provisions of the act or of this part.

(g) *Disposition of reserve and surplus tonnage raisins which become off-grade for causes beyond the handler's control.* Any reserve tonnage raisins or surplus tonnage raisins held by or for the account of the Committee which become off-grade for reasons beyond the handler's control shall, at the Committee's discretion, be reconditioned or disposed of by the Committee, or under the Committee's control, for animal feed, distillation, or uses other than for human consumption. Any monetary loss sustained in the reconditioning or disposition of such raisins, not covered by insurance carried by the Committee, shall be charged to the applicable pool.

(h) *Offers of surplus tonnage raisins to handlers for sale in export.* Whenever the Committee offers surplus tonnage raisins to handlers for sale in export, it shall specify in addition to the normal contract terms and conditions, the total quantity, the price and the period within which each handler will be permitted to purchase his share of the offer. Whenever a handler's share of an offer is less than, or exceeds, his holding of surplus tonnage raisins by not more than two tons, the Committee may adjust his share so as to avoid the cost involved in the physical transfer of raisins. If, prior to the expiration of the offer period, a handler desires to obtain surplus tonnage in an amount greater than that represented by his share of the offer, he may negotiate with another handler for any unpurchased portion of the other handler's share of an outstanding offer. No such transaction shall be deemed to reduce the transferring handler's share or to increase the transferee handler's share so as to affect either handler's share privileges in subsequent offers. Transfers to implement such transactions between handlers shall be permitted by the Committee only upon receipt of written authorization, on a form furnished by the Committee, by the transferring handler. All limitations applicable to the transferred tonnage shall continue to apply. Such surplus tonnage raisins will be released by the Committee to the transferee handler upon submission of his completed application and full payment for such raisins, and such transferee handler shall be responsible to the Committee for all documentation required in connection with the transaction. All such transfers shall be made at the expense of the handlers concerned.

§ 989.167 Disposition of reserve tonnage.

(a) *Determination of reserve tonnage price.* Whenever, pursuant to § 989.67(b) the Committee concludes, with respect to any varietal type of raisins, that a downward trend in the price received by producers for free tonnage, or in the prices received by handlers for free tonnage packed raisins, makes it impracticable to sell reserve tonnage at the average price received by producers for free tonnage, plus pooling costs, the Committee, subject to the requirements of § 989.67(b), may sell reserve tonnage raisins at the currently prevailing field price for free tonnage raisins of the same varietal type, unless such price is deemed to be unrepresentative of the current f.o.b. price of free tonnage packed raisins. In such an event, or if there is no current field price, the Committee shall make any offer of reserve tonnage at approximately the computed field price obtained by deducting from the current f.o.b. price for free tonnage packed raisins of the varietal type to be offered, the approximate recent packing and handling margin between such packed price and the field price for free tonnage raisins.

(b) *Terms of reserve tonnage offers.* Whenever the Committee offers reserve tonnage raisins to handlers for use in free tonnage outlets, the Committee shall, among other terms and conditions of the offers, specify:

(1) The period in which each handler shall be given the opportunity to purchase his share of the offer; and

(2) The period in which each eligible handler shall be given the opportunity to purchase his respective share of any re-offer.

The Committee may specify in any offer or re-offer of reserve tonnage the time limit by which the purchasing handler shall return the boxes and pallets used in the storage of the raisins to the handler from whose plant the raisins were transferred by the Committee, and the purchasing handler shall comply therewith.

§ 989.168 Disposal of surplus tonnage raisins.

Whenever the Committee proposes to offer to sell standard surplus tonnage raisins in non-competitive outlets pursuant to § 989.68(a), it shall promptly file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or sale or any term or condition thereof.

§ 989.169 Substitution for Layer Muscats.

A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the Committee on forms furnished by it within seven days (exclusive of Saturdays, Sundays, and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

REPORTS AND RECORDS

§ 989.173 Reports.

(a) *Inventory reports.* Each handler shall submit to the Committee as of the close of business on August 31 of each crop year, and not later than the following September 6, an inventory report which shall show, with respect to each varietal type of raisins held by him:

(1) The quantity of free tonnage raisins, segregated as to locations where they are stored and whether they are natural condition or packed;

(2) The quantities of reserve tonnage and surplus tonnage raisins, respectively, for the account of the Committee; and

(3) The quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such. Upon request by the Committee, each handler shall file at other times, and as of other dates, any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the Committee shall specify in its request.

(b) *Reports of raisins received or acquired*—(1) *General.* (i) Except as otherwise provided in paragraph (i) of this section each handler shall submit to the Committee (on forms furnished by it) for each week (Sunday through Saturday) and not later than the following Wednesday, the reports specified in subparagraphs (2), (3), (4), and (5) of this paragraph.

(ii) For each report required to be submitted pursuant to this paragraph, the required information shall be shown separately for each varietal type. With each report other than that specified in subparagraph (4) of this paragraph, the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins received or acquired by him during the reporting period and for each lot of raisins stored on memorandum or warehouse receipt which was returned to the tenderer during such period, which shall show the information to be contained on such receipts or weight certificates as specified in § 989.158(a)(3). At the time he submits the reports specified in subparagraphs (2) and (3) of this paragraph to the Committee, each handler shall submit a copy of each such report to the inspection service.

(2) *Acquisition of standard raisins.* Each handler shall report:

(i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate as to reserve and surplus tonnage;

(ii) The location of the reserve and surplus tonnage raisins; and

(iii) The cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.

(3) *Standard raisins received for memorandum storage.* Each handler shall, with respect to all standard raisins held for memorandum receipt, storage, bailment, or warehousing (raisins received other than by acquisition or interhandler transfer), report:

(i) The net weight of such standard raisins held at the start of the reporting period;

(ii) The net weight of such standard raisins received during the reporting period;

(iii) The net weight of such standard raisins acquired during such period and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph;

(iv) The net weight of such raisins returned during such period to the persons from whom they were received; and

(v) The net weight(s) and location(s) of such raisins held at the end of such period.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) in § 989.58(e):

(i) The inspection certificate number;

(ii) The net weight as indicated on the inspection certificate;

(iii) The name and address of the tenderer; and

(iv) The date the lot was returned to the tenderer.

(5) *Off-grade raisins received for reconditioning or disposition in non-food channels.* Each handler who is not a processor shall, with respect to all off-grade raisins received by the handler and retained by him for reconditioning or for animal feed, distillation, or uses other than for human consumption, report for each category received or reconditioned during the reporting period:

(i) The name and address of each tenderer;

(ii) The net weight of such raisins;

(iii) The locations where received;

(iv) The inspection certificate number covering each receipt;

(v) If reconditioned, the weight of standard raisins and their inspection certificate number;

(vi) The name and address of each person to whom residual or off-grade lots were delivered for disposition, and the respective net weight delivered; and

(vii) The total net weight (according to location) of each category of off-grade raisins held by him at the end of the reporting period.

(6) *Monthly report of raisins acquired by processors under exemption.* Each processor who avails himself of the exemptions from the grade and inspection requirements as provided in §§ 989.58(a), 989.59(f) and 989.160 and acquires raisins (as the first handler thereof) shall submit to the Committee on or before the seventh day of each month a report of all such raisins acquired during the preceding month. Each report shall show for each varietal type and each acquisition:

(i) The name and address of the person from whom the off-grade raisins were acquired;

(ii) The date of the acquisition;

(iii) The net weight of the acquisition; and

(iv) The ultimate disposition made or to be made of such raisins.

(c) *Reports of disposition*—(1) *Free tonnage raisins.* Each month each handler who is not a processor shall furnish to the Committee, on an appropriate form provided by the Committee and so that it is received by the Committee not later than the seventh day of the month, a report showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by him during the preceding month (exclusive of transfers within the State of California between the plants of any such handler and from such handler to other handlers). Such required information shall be segregated as to:

(i) Domestic outlets (exclusive of Federal Government purchases) according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs (including, but not limited to those in bags having a net weight content of more than four pounds);

(ii) Federal Government purchases;

(iii) Export outlets according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs (including, but not limited to, those in bags having a net weight content of more than four pounds); and

(iv) Each of any other outlets in which the handler has made disposition of such raisins other than by any transfer which is excluded by the preceding sentence. For the purpose of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(2) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, and raisin offal.* Each handler who is not a processor shall report to the Committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations made during such period as it specified in the request. Such report shall be submitted on a form furnished by the Committee and shall include the following information:

(i) Date of sale or other disposition;

(ii) Name and address of buyer; and

(iii) Description and weight of material sold.

(3) *Disposition reports by processors.* Each processor shall submit to the Committee, upon its request, such of the following information and for such period as the Committee shall specify;

(i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of raisins or raisin material which the Committee shall specify; and

(ii) The quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(d) *Reports of interhandler transfers*—(1) *Free tonnage.* Any handler who transfers free tonnage raisins to another handler within the State of California shall submit to the Committee not later than five calendar days following such transfer a report showing:

(i) The date of transfer;

(ii) The name(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The varietal type, net weight and condition of the raisins transferred; and

(iv) If packed, the inspection certificate number in the event such raisins have been inspected prior to such transfer and a certificate issued. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the Committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the Committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(2) *Off-grade tonnage.* Any handler who transfers off-grade tonnage raisins to another handler within the State of California shall, prior to making such transfer, submit to the Committee, on forms furnished by it, a plan of movement showing:

(i) The intended date of transfer;

(ii) The names(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The name and address of the tenderer of each such lot;

(iv) The varietal type, net weight and condition of such raisins;

(v) The inspection certificate number applicable to each lot; and

(vi) An attachment, when applicable, indicating the tenderer's agreement to the transfer. Two copies of such plan, if approved by the Committee, shall accompany the transfer to the receiving handler, on one of which the receiving handler shall certify to the acceptance and receipt of such raisins and submit it to the Committee.

(e) *Report of shipments of gift or specialty packs under exemption.* Each handler who obtains an exemption pursuant to § 989.159(f) for the shipment of gift or specialty packs of raisins shall submit to the Committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall submit the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(f) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the Committee, each handler shall submit to the Committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the Committee may request:

(1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the Committee's request, segregated by the portion sold and the portion not sold;

(2) The total quantity of raisins expected to be acquired by him subsequent to the date specified by the Committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the Committee;

(3) The weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the Committee and the quantity of raisins for which such average was computed;

(4) The quantity of free tonnage raisins sold or sold and shipped (as to which category the Committee shall specify) by him during a period specified by the Committee, segregated to show the quantities sold or sold and shipped in:

(i) Domestic markets, including Canada; and

(ii) Foreign markets, detailed by country; and

(5) The average weighted f.o.b. sales prices received from sales, during a period specified by the Committee, of raisins in 30 pound fibre cases in domestic markets (including Canada) and the quantity of raisins for which such average prices were computed. Each such report shall be submitted not later than the end of the fifth calendar day following either the date of the request by the Committee or the ending date of the period to be covered by the report, whichever is later.

(g) *Certification of report.* All reports submitted to the Committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(h) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its report as to raisins received or acquired from its members.

(i) *Exemption from filing report.* A handler may be relieved by the Committee of submitting any of the reports required pursuant to paragraph (b) of this section which he shall specify in a written application therefor to the Committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided*, That any such exemption shall remain in effect only so long as said handler has no such transactions subject to such reports.

§ 989.176 Records.

Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to submit reports with the Committee, and shall maintain such records for at least two years after the termination of the crop year in which the transactions occurred.

It is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This revision adapts the administrative rules and regulations to current practices in the raisin industry and provides required implementation of amended provisions of the order (§ 989.0 to § 989.97); (2) the revision is designed to achieve more effective administration of the program and should, therefore, become effective as soon as possible; (3) the proposal was submitted by the Raisin Administrative Committee, on which raisin handlers and other industry groups are represented and hence handlers and other members of the industry have had general knowledge of the proposed revision; and (4) handlers need to make no particular advance preparations to conduct their operations under the revision.

Dated March 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3118; Filed, Mar. 30, 1962; 8:47 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Factors for Converting Raisin Weight

Certain factors for converting the packed weight of raisins to natural condition weight were included in a notice published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Said notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. Within the time provided for such comments, the Raisin Administrative Committee (established under the marketing agreement and order) recommended that the factors set forth in proposed § 989.158 (c) (4) (i) for converting the weight of packed raisins to natural condition weight be omitted from the administrative rules and regulations and that, after being issued in a separate document, be reconsidered every year for any needed revision. No other comments were received in regard to these conversion factors, and they have been omitted from the revision of the administrative rules and regulations contained in a separate document and published in this issue of the FEDERAL REGISTER.

Most of the raisins acquired by handlers are acquired as natural condition raisins. A small quantity of reconditioned raisins, however, is acquired as packed raisins after various degrees of processing have been accomplished during the reconditioning. In order to place all acquisitions of raisins on the same weight basis (and consequently the obligations attaching to acquisition), the administrative rules and regulations require the weight of the reconditioned raisins acquired as packed raisins to be adjusted to natural condition weight by the use of factors approved by the Secretary.

After consideration of all relevant matters presented, including the comments submitted by the Raisin Administrative Committee and other available information, it is concluded that the factors for converting the weight of packed raisins to natural condition weight, as hereinafter set forth, should be established.

Therefore, the conversion factors are established as follows:

§ 989.601 Conversion factors for raisin weight.

The following factors for different varietal types of raisins and for various degrees of processing accomplished shall be used in converting to natural condition weight, the net weight of reconditioned raisins acquired by handlers as packed raisins:

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson Seedless	0.95	0.93
Natural (sun-dried) or artificially dehydrated Sultana	.94	.92
Natural (sun-dried) or artificially dehydrated Zante Currant	.93	.91
Natural (sun-dried) Muscat and Valencia:		
Seeded		.80
Unseeded	.94	.92
Soda Dipped	.96	.95
Sulfur Bleached	.96	.95
Golden Seedless	.96	.95

The net weight of the raisins acquired as packed raisins shall be divided by the appropriate factor to obtain the natural condition weight.

It is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The conversion factors established herein are required, for use in administering this marketing order program, pursuant to the revised administrative rules and regulations contained in a separate document published in this issue of the FEDERAL REGISTER and which become effective upon such publication; (2) the factors are the same as those established pursuant to the administrative rules and regulations in effect up to the time of their revision; (3) it is necessary to have the conversion factors in effect continuously to prevent discrimination among handlers; and (4) since the appropriate factor for any reconditioned raisins is selected by the inspector of the raisins and there is no change in the factors, handlers need to make no advance preparations to use the factors in their operations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3117; Filed, Mar. 30, 1962; 8:47 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1001—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 1006—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 1007—MILK IN WORCESTER, MASS., MARKETING AREA

PART 1014—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Computation of New England Basic Class I Price; Determination of Equivalent Factor

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) One of the factors specified in the orders to be used in the computation of the New England basic Class I price is the monthly wholesale price index for all commodities, with the years 1947–49 as the base period.

(2) The Bureau of Labor Statistics, United States Department of Labor, is now publishing the monthly wholesale price index with the years 1957–59 as the base period and has discontinued publication of such index on a 1947–49 base.

(3) Each of the aforesaid orders provides: "If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index or wage rate determined by the Secretary to be equivalent or comparable with the factor which is specified."

(4) It is hereby determined that the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, on a 1957–59 base divided by 0.8420462, a rebasing factor computed by the Department of Labor, will convert the currently reported index to a 1947–49 base.

(5) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This determination does not require of persons affected substantial or extensive preparation prior to the effective date.

(b) This determination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the respective marketing areas, and

(c) The short time between issuance of this determination and its effective date makes it impractical for rule-making procedure to be completed. The respective orders direct announcement of the Class I prices for April not later than March 26, 1962.

Therefore, good cause exists for making this determination effective on issuance.

Effective upon issuance.

Signed at Washington, D.C., on March 28, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3138; Filed, Mar. 30, 1962; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Barbour, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Madison, Marshall, Morgan, Randolph, Russell, and Talladega Counties;

Arizona. The entire State;

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Miller, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren,

Washington, White, Woodruff, and Yell Counties;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macoupin, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Barber, Barton, Cheyenne, Clark, Clay, Comanche, Decatur, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Haskell, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Phillips, Rawlins, Reno, Rice, Rooks, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Letcher, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalf, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. John the Baptist, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Desoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Bollinger, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carter, Cedar, Chariton, Christian, Clark, Clinton, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Howard, Iron, Jasper, Jefferson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Monroe, Montgomery, New Madrid, Newton, Oregon, Osage, Ozark, Pemiscot, Perry, Platte, Polk, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, Mayes, and Nowata Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Hamlin, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Childress, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hardeman, Hartley, Haskell, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Monroe and Woodruff Counties in Arkansas; Jersey and Macoupin Counties in Illinois; Boone County in Iowa; Allen, Barber, and Phillips Counties in Kansas; Clay and Union Counties in Kentucky; Butter, Dade, Franklin, Green, Monroe, Osage, Shelby, and Webster Counties in Missouri; Billings and Towner Counties in North Dakota; Jackson County in Ohio; Fairfield and Dorchester Counties in South Carolina; and Goochland County in Virginia.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Clay County in Mississippi; Andrew, Barry, Bates, Boone, Cass, Cole, Cooper, Henry, Johnson, Moniteau, Phelps, and Ray Counties in Missouri.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of March 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62–3179; Filed, Mar. 30, 1962; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BY-PRODUCT MATERIAL

Lock Illuminators in Automobile Locks

On November 7, 1961, the Commission published for comment proposed amendments to 10 CFR Part 30, "Licensing of Byproduct Material," which would establish criteria for the issuance of specific licenses to (1) install lock illuminators into automobile locks, or (2) to import for sale or distribution lock illuminators installed in automobile locks, for use pursuant to the exemption of § 30.12 of 10 CFR Part 30.

Interested persons were given 60 days in which to submit written comments in connection with the proposed amendments. No comments on the proposed amendments have been received by the Commission.

In the interest of clarification the Commission has modified the text of the proposed amendments in a number of minor respects which do not constitute substantive changes. The quality control sampling procedures specified in § 30.74 of the proposed rule have been transferred to § 30.25.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that the following amendments to 10 CFR Part 30 are adopted to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new paragraph (m) is added to § 30.24 to read as follows:

(m) *Certain automobile lock illuminators.* (1) An application for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to § 30.12 will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23;

(ii) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of tritium in each lock illuminator;

(*b*) Details of construction and design of the lock illuminator;

(*c*) Details of the method of binding or containing the tritium;

(*d*) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(*e*) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(*f*) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(*g*) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the lock illuminator.

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium;

(iv) The Commission determines that:

(*a*) The tritium is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(*b*) The tritium is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium;

(*c*) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are likely to be encountered in normal use and handling;

(*d*) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by subdivision (v) of this subparagraph;

(v) The prototype tests shall include the following, to be conducted on each of five prototype devices in the following order:

(*a*) The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine which simulates the most severe conditions of normal use;

(*b*) The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(*c*) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than 1 hour;

(*d*) On completion of the foregoing tests, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(*e*) After each of the tests prescribed by this § 30.24(m)(1)(v), each device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to or failure of any device which could affect the containment of the tritium in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium from each tested device shall be measured both by sampling the immersion test water used in (*d*) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium shall be made in an apparatus calibrated to measure tritium. If more than 0.1 percent of the original amount of tritium in the device is found in the immersion test water of test (*d*) of this subdivision, or if more than 2,200 disintegrations per minute of tritium on the filter paper is measured after any of the tests in (*a*) to (*d*) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall:

(i) Maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks;

(ii) Subject production lots to such quality control tests as may be required as a condition of the license issued under

this paragraph, sampled in accordance with § 30.25; and

(iii) Visually inspect each device in production lots and reject any device which has an observable physical defect that could affect containment of the tritium.

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Licensing and Regulation, which shall state the total quantity of tritium transferred to other persons under § 30.12, during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium were distributed under § 30.12 during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

§ 30.25 [Amendment]

2. The first sentence of paragraph 30.25(a) is amended to read as follows:

(a) Each production lot of devices licensed under paragraph (i), (j), or (m) of § 30.24 shall be sampled in accordance with Sampling Table A. • • •

(Secs. 81, 161, 68 Stat. 935, 948; 42 U.S.C. 2111, 2201)

Dated at Germantown, Md., this 21st day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 62-3097; Filed, Mar. 30, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7379]

PART 13—PROHIBITED TRADE PRACTICES

Bill the Distributor, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Bill the Distributor, Inc. (Jackson, Miss.), et al., Docket 7379, Nov. 13, 1961]

In the Matter of Bill the Distributor, Inc., a Corporation, Winter Garden Sales Company, Inc., a Corporation, Food Marketers, Inc., of Mississippi, a Corporation, Mid-South Food Products, Inc., a Corporation, and William Thomas Hogg, Individually, and as an Officer of the First Three Named Corporations, and as Manager of Mid-South Food Products, Inc.

Order requiring four affiliated concerns—two wholesale food distributors in Jackson, Miss., and two food brokers in New Orleans, La.—to cease accepting unlawful brokerage payments on purchases of food products, effectuated by the individual who was president of three and in control of the fourth, who used the two brokerage concerns as intermediaries in obtaining brokerage fees from suppliers on purchases for the two wholesalers.

The order to cease and desist is as follows:

It is ordered, That respondents Bill the Distributor, Inc., a corporation, and its officers, Winter Garden Sales Company, Inc., a corporation, and its officers, and William Thomas Hogg, individually and as an officer of said corporate respondents, and respondents' agents, representatives, and employees, directly or through any corporate, partnership, or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with the purchase of food products, or other commodities for their own account, or on purchases made through broker respondents, Food Marketers, Inc., or Mid-South Food Products, Inc., so long as any relationship exists either through ownership, control or management between the broker respondents, the buyer respondents, and the individual respondent, named herein.

It is further ordered, That respondent Food Marketers, Inc., a corporation, and its officers, doing business under this or any other name, and William Thomas Hogg, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate, partnership, or other device, in connection with the purchase or sale of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for their own account, or by or for the account of either respondents Bill the Distributor, Inc., Winter Garden Sales Company, Inc., or any other company or corporation owned in whole or in part by respondent William Thomas Hogg, so long as any relationship exists through ownership, control or management between the said buyer respondents and the said broker respondents, through the individual respondent, William Thomas Hogg, or otherwise, or on any other purchases where the said broker respondent or respondent William Thomas Hogg individually are acting for or on behalf of any buyer as an intermediary, representative, or agent, or are subject to the direct or indirect control of such buyer.

It is further ordered, That respondent Mid-South Food Products, Inc., a corporation, and its officers, doing business under this or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate, partnership, or other device, in connection with the purchase or sale of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for its own account, or by or for the account of respondents Bill the Distributor, Inc., or Winter Garden Sales Company, Inc., or any other company or corporation owned in whole or in part by respondent William Thomas Hogg, so long as any relationship exists, either through control or management between respondent Mid-South Food Products, Inc., and the buyer corporation or the individual respondent, William Thomas Hogg, or any other officer thereof, or on any other purchases where respondent Mid-South is acting for or in behalf of any buyer as an intermediary, representative or agent, or is subject to the direct or indirect control of such buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3108; Filed, Mar. 30, 1962; 8:46 a.m.]

[Docket No. C-22]

PART 13—PROHIBITED TRADE PRACTICES

Perfect-Fit Products Manufacturing Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* §13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements:* §13.1212–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Perfect-Fit Products Manufacturing Co. (New York, N.Y.) et al., Docket C-22, Nov. 7, 1961]

In the Matter of Perfect-Fit Products Manufacturing Co., a Corporation, and Ephraim F. Bloch, Alvin L. Levine, Albert Bloch, and Alexander Gross, Individually and as Officers of Said Corporation; Carolina Textiles, Inc., a Corporation and Manuel Fisher, Joseph Vitali, Joseph Pettigrew and the Same Said Ephraim F. Bloch, Individually and as Officers of the Said Corporation

Consent order requiring textile fiber products manufacturers in New York City and Monroe, N.C., to cease violating the Textile Fiber Products Identification Act by such practices as labeling mattress pads as "75% nylon, 25% acetate" when they contained substantially less nylon than thus indicated; failing to show the true percentage of nylon and acetate fibers present, by weight, in textile products and to disclose the true generic names of constituent fibers; and failing to maintain proper records showing the fiber contents of their products.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Perfect-Fit Products Manufacturing Co., a corporation and its officers and Ephraim F. Bloch, Alvin L. Levine, Albert Bloch, and Alexander Gross, individually and as officers of said corporation, and Carolina Textiles, Inc., a corporation and its officers and Manuel Fisher, Joseph Vitali, Joseph Pettigrew, and the same said Ephraim F. Bloch, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; or in the connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3109; Filed, Mar. 30, 1962; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 794—WHOLESALE OR BULK DISTRIBUTION OF PETROLEUM PRODUCTS BY CERTAIN ENTERPRISES; EMPLOYMENT EXEMPT FROM OVERTIME PAY REQUIREMENTS OF FAIR LABOR STANDARDS ACT UNDER SECTION 13(b)(10)

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, Chapter V of Title 29, Code of Federal Regulations, is hereby amended by the addition thereto of a new Part 794, which is set forth below.

The amendment shall become effective immediately upon its publication in the FEDERAL REGISTER since it is interpretative and neither public procedure nor delay in effective date are therefore required under section 4 of the Administrative Procedure Act.

The new Part 794 reads as follows:

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EMPLOYMENT COVERED BY THE ACT, TO WHICH OVERTIME PAY REQUIREMENTS WILL NOT APPLY IF THE CONDITIONS OF SECTION 13(b)(10) ARE MET

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794.8 General coverage of employees "engaged in commerce".
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SCOPE AND APPLICATION IN GENERAL

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AUTHORITY: §§ 794.0 to 794.153 issued under secs. 1–19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201–219.

Subpart A—General

INTRODUCTORY

§ 794.0 General scope of the Act.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 794.1 Purpose of this part.

This Part 794 constitutes the official interpretation of the Department of Labor with respect to the meaning and application of section 13(b)(10) of the Act. This section provides an exemption from the overtime provisions of section 7 of the Act (but not from the minimum wage, child labor, or recordkeeping provisions) with respect to employees of an independently owned and controlled local enterprise engaged in the wholesale or bulk distribution of petroleum products, if the enterprise meets certain specified conditions. This exemption was added to the Act by the 1961 Amendments. It is the purpose of this part to make available in one place the interpretations of the law governing this exemption which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act.

§ 794.2 Matters discussed in this part.

This part primarily discusses the meaning and application of the section 13(b)(10) exemption. The meaning and application of other provisions of the Fair Labor Standards Act are discussed only to make clear their relevance to the 13(b)(10) exemption and are not considered in detail in this part. Interpretations published elsewhere in this title deal with such subjects as the general coverage of the Act (Part 776 of this chapter), methods of payment of wages (Part 777 of this chapter), computation and payment of overtime compensation (Part 778 of this chapter), retailing of goods or services (Part 779 of this chapter), hours worked (Part 785 of this chapter), and child labor provisions (Subpart G of Part 4 of this title). Regulations on record-keeping are contained in Part 516 of this chapter, and regulations defining exempt bona fide executive, administrative, and professional employees are contained in Part 541 of this chapter. Child labor regulations are included in Part 4 of this title. Regulations and interpretations on other subjects concerned with the application of the Act are listed in the table of contents to this chapter. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions. Section 13(b)(10) and the application of the overtime pay exemption which it provides are discussed in some detail in Subpart B of this part. In addition, §§ 794.7 et seq. of this subpart briefly consider or make reference to the guides for determining what employment in enterprises described in section 13(b)(10) is subject to the minimum wage and overtime pay requirements if a specific exemption therefrom does not apply.

§ 794.3 Significance of official interpretations.

The interpretations of the law contained in this part are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. These interpretations indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon re-examination of an interpretation, that it is incorrect. The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met in the consideration of the exemption discussed. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this part may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions.

§ 794.4 Basic support for interpretations.

The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 325 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 794.5 Reliance on interpretations.

As previously stated, the interpretations of the law contained in this part are official interpretations. So long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (63 Stat. 910, 29 U.S.C. 251 et seq., discussed in Part 790 of this chapter). In addition, the Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance." Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.)

§ 794.6 Interpretations made, continued, and superseded by this part.

On and after publication of this part in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded, or withdrawn. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1961 and which were in effect at the time of such publication are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn.

EMPLOYMENT COVERED BY THE ACT, TO WHICH OVERTIME PAY REQUIREMENTS WILL NOT APPLY IF THE CONDITIONS OF SECTION 13(b)(10) ARE MET

§ 794.7 Basic coverage as related to the exemption.

The purpose of the exemption provided by section 13(b)(10) is to exclude from the overtime pay requirements of the Act employment within the Act's general coverage which would be subject to such requirements if not so exempted. Such employment, even when it is so exempted, remains subject to the minimum wage and child labor requirements. The nature of the employment coming within the basic or general coverage of the Act, in the enterprises described in section 13(b)(10), should therefore be clearly understood. The general coverage of the Act extends, and its requirements apply except as otherwise provided by a specific exemption, to every employee who is "engaged in commerce or in the production of goods for commerce" and (on and after September 3, 1961) every employee who is "employed in an enterprise engaged in commerce or in the production of goods for commerce" or "by an establishment" qualifying as such an enterprise, as specified and defined in the statute. What employees are so engaged or employed must be ascertained in the light of the definitions and delimitations set forth in the statute, giving due regard to authoritative interpretations by the courts and to the legislative history of the Act, as amended. In §§ 794.8 to 794.23, the employment which comes within this basic coverage is briefly outlined, with particular reference to engagement in the wholesale or bulk distribution of petroleum products. For a more comprehensive discussion and a detailed explanation of the applicable principles, reference should be made to the interpretation on general coverage contained in Part 776 of this chapter.

§ 794.8 General coverage of employees "engaged in commerce".

(a) The minimum wage and overtime pay provisions of the Act have applied since 1938, and continue to apply, except as otherwise provided by specific exemptions in the Act, to employees "engaged in commerce". "Commerce" is broadly defined in section 3(b) of the Act. It includes both interstate and foreign commerce and is not limited to transportation across State lines, or to activity of a commercial character. All parts of the movement among the several States or between any State and any place outside thereof of persons or things, tangibles or intangibles, including communication of information and intelligence constitute movement in "commerce" within the statutory definition. This includes those parts of any such activity which take place wholly within a single State. In addition, the instrumentalities for carrying on such commerce are so inseparable from the commerce itself that employees working on such instrumentalities within the borders of a single State are, by virtue of the contribution made by their work to the movement of the commerce, "engaged in commerce" within the meaning of the Act.

(b) Consistent with the purpose of the Act to apply the Federal standards "throughout the farthest reaches of the channels of interstate commerce", the courts have made it clear that the employees "engaged in commerce" to whom coverage is extended include every employee employed in the channels of such commerce or in activities so closely related to such commerce as to be considered a part of it as a practical matter. See Walling v. Jacksonville Paper Co., 317 U.S. 517; Overstreet v. North Shore Corp., 318 U.S. 125; Mitchell v. Joyce Agency, 348 U.S. 945; Mitchell v. Vollmer, 349 U.S. 427; Mitchell v. Lublin, 358 U.S. 207; Mitchell v. Zachry, 362 U.S. 310; and see the discussion, with other pertinent court decisions cited, in Part 776 of this chapter. Engaging "in commerce" includes activities connected therewith such as management and control of the various physical processes, together with the accompanying accounting and clerical activities (Donovan v. Shell Oil Co., 168 F. 2d 229). Thus, employees engaged in interstate or foreign commerce will typically include, among others, employees in distributing industries such as wholesaling or retailing who sell, transport, handle, or otherwise work on goods moving in interstate or foreign commerce as well as workers who order, receive, guard, pack, ship, or keep records of such goods; employees who handle payroll or personnel functions for workers engaged in such activities; clerical and other workers who regularly use the mails, telephone, or telegraph for communication across State lines; and employees who regularly travel across State lines while working. For other illustrations see Part 776 of this chapter.

§ 794.9 General coverage of employees "engaged in * * * the production of goods for commerce".

(a) The minimum wage and overtime pay provisions of the Act also have applied since 1938, and continue to apply, except as otherwise provided by specific exemptions in the Act, to employees "engaged in * * * the production of goods for commerce". The broad meaning of "commerce" as defined in section 3(b) of the Act has been outlined in § 794.8. "Goods" is also comprehensively defined in section 3(i) of the Act, and includes "articles or subjects of commerce of any character, or any part or ingredient thereof" not expressly excepted by the statute. The activities constituting "production" of the goods for commerce are defined in section 3(j) of the Act. These are not limited to such work as manufacturing but include handling or otherwise working on goods intended for shipment out of the State either directly or indirectly or for use within the State to serve the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on. See Mitchell v. Joyce Agency, 348 U.S. 945; Alstate Constr. Co. v. Durkin, 345 U.S. 13. Employees engaged in any closely related process or occupation directly essential to such production of any goods, whether employed by the producer or by an independent employer, are also engaged, by definition, in "production". See § 794.10 and the detailed discussion in Part 776 of this chapter. Further, the courts have recognized that an enterprise producing goods for commerce does not accomplish the actual production of such goods solely with employees performing physical labor on them. Thus, in Borden v. Borella, 325 U.S. 679, it was held that employees engaged in the administration, planning, management, and control of the various physical processes together with the accompanying clerical and accounting activities are, from a productive standpoint and for purposes of the Act, "actually engaged in the production of goods for commerce just as much as are those who process and work on the tangible products" in the manufacturing plants or other producing facilities of the enterprise.

(b) Typically, but not exclusively, employees engaged in the production of goods for interstate or foreign commerce include those who work in manufacturing, processing, and distributing establishments, including wholesale and retail establishments, that "produce" (including handle or work on) goods for such commerce. This includes everyone employed in such establishments, or elsewhere in the enterprises by which they are operated, whose activities constitute "production" of such goods under the principles outlined in paragraph (a).

Thus, employees who sell, process, load, pack, or otherwise handle or work on goods which are to be shipped or delivered outside the State either by their employer or by another firm, and either in the same form or as a part or ingredient of other goods, are engaged in the production of goods for commerce within the coverage of the Act. So also are the office, management, sales, and shipping personnel, and maintenance, custodial, and protective employees who perform, as a part of the integrated effort for the production of the goods for commerce, services related to such production or to such goods or to the plant, equipment, or personnel by which the production is accomplished.

§ 794.10 "Closely related" and "directly essential" activities.

As previously noted in § 794.9, an employee is engaged in the production of goods for interstate or foreign commerce within the meaning of the general coverage provisions of the Act even if his work is not an actual and direct part of such production, so long as he is engaged in a process or occupation which is "closely related" and "directly essential" to it. This is true whether he is employed by the producer of the goods or by someone else who provides goods or services to the producer. See in this connection Kirschbaum v. Walling, 316 U.S. 517, and Mitchell v. Joyce Agency, 348 U.S. 945, affirming 110 F. Supp. 918. A full discussion of "closely related" and "directly essential" work is contained in Part 776 of this chapter. Typical of employees covered under these principles are bookkeepers, stenographers, clerks, accountants, and auditors and other office and white-collar workers, and employees doing payroll, timekeeping, and time study work for the producer of goods; employees in the personnel, labor relations, advertising, promotion, and public relations activities of the producing enterprise; work instructors for the producer; employees maintaining, servicing, repairing or improving the buildings, machinery, equipment, vehicles or other facilities used in the production of goods for commerce, and such custodial and protective employees as watchmen, guards, firemen, patrolmen, caretakers, stockroom workers, and warehousemen; and transportation workers bringing supplies, materials, or equipment to the producer's premises, removing waste materials therefrom, or transporting materials or other goods, or performing such other transportation activities, as the needs of production may require. These examples are illustrative, rather than exhaustive, of the employees who are "engaged in the production of goods for commerce" by reason of performing activities closely related and directly essential to such production.

§ 794.11 What goods are considered as produced for commerce.

Goods (as defined in 3(i) of the Act) are "produced for commerce" if they are "produced, manufactured, mined, handled or in any other manner worked on" in any State for sale, trade, transportation, transmission, shipment or delivery, to any place outside thereof. Goods are produced for commerce where the producer intends, hopes, expects, or has reason to believe that the goods or any unsegregated part of them will move (in the same or in an altered form or as a part or ingredient of other goods) in interstate or foreign commerce. If such movement of the goods in commerce can reasonably be anticipated by the producer when the goods are produced, it makes no difference whether he himself or the person to whom the goods are transferred puts the goods in interstate or foreign commerce. The fact that goods do move in interstate or foreign commerce is strong evidence that the producer intended, hoped, expected, or had reason to believe that they would so move. Goods may also be produced "for commerce" where they are to be used within the State and not transported in any form across State lines. This is true where the use to which they are put is one which serves the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on within the State. These principles are discussed comprehensively in Part 776 of this chapter.

§ 794.12 Coverage is not based on amount of covered activity.

The Act makes no distinction as to the percentage, volume, or amount of activities of either the employee or the employer which constitute engaging in commerce or in the production of goods for commerce. (Mabee v. White Plains Publishing Co., 327 U.S. 128; United States v. Darby, 312 U.S. 100). As explained more fully in Part 776 of this chapter, the law is settled that every employee whose activities in commerce or in the production of goods for commerce, even though small in amount, are regular and recurring, is considered "engaged in commerce or in the production of goods for commerce". Also, under the definition in section 3(s) of the Act, an enterprise described in any of the five numbered clauses of the subsection is an enterprise "engaged in commerce or in the production of goods for commerce" if, in its activities, some employees are so engaged, "including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person".

§ 794.13 "New" enterprise coverage under 1961 amendments.

(a) Because the amendments to the Act effective September 3, 1961 (Public Law 87–30, 75 Stat. 65) did not change the principles of coverage, applicable before the amendments, which have been discussed in §§ 794.8 to 794.12, all employees covered under these principles and not specifically exempt before the amendments became effective are required to be paid in accordance with the pay standards for "old" coverage set forth in § 794.15, except as otherwise provided by some specific exemption therefrom such as section 13(b)(10). If the employer has employees who are not covered under these principles, it is necessary to determine whether such employees are covered under the "new" enterprise coverage provisions added by the amendments, for if they are, the employer must comply with the pay standards for "newly covered" employees explained in § 794.16, except as he may be relieved therefrom by section 13(b)(10) or some other specific provision of the Act.

(b) Under these enterprise coverage provisions, if an enterprise or establishment is an "enterprise engaged in commerce or in the production of goods for commerce" as defined and delimited in section 3(s) of the act (see § 794.14), every employee employed in such enterprise or by such establishment whose work does not bring him within the general coverage of the act under the principles discussed in §§ 794.8 to 794.12 is brought within the minimum wage coverage of section 6(b), the overtime pay coverage of section 7(a)(2), and the child labor coverage of section 12(c), except as otherwise specifically provided by the Act. "Enterprise" coverage is discussed comprehensively in Part 776 of this chapter. A detailed discussion of such coverage as it relates to enterprises which have retail or service establishments and as it relates to gasoline service establishments is contained in Part 779 of this chapter.

§ 794.14 Definitions governing "new" enterprise coverage.

(a) The scope of the added coverage on an enterprise basis, which was provided by the 1961 amendments to the Act, is determined with reference to the special definitions of the term "enterprise" in section 3(r) of the Act and of the term "enterprise engaged in commerce or in the production of goods for commerce" under section 3(s). The former definition, which also governs the meaning of the term "enterprise" as used in section 13(b)(10), is discussed in Subpart B. The provisions of the definition contained in section 3(s) which may have special pertinence to distributors of petroleum products are as follows:

> (s) "Enterprise engaged in commerce or in the production of goods for commerce" means any of the following in the activities of which employees are so engaged, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person:
>
> (1) Any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated and if such enterprise purchases or receives goods for resale that move or have moved across State lines (not in deliveries from the reselling establishment) which amount in total annual volume to $250,000 or more;
>
> • • • • •
>
> (3) Any establishment of any such enterprise, except establishments and enterprises referred to in other paragraphs of this subsection, which has employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such enterprise is not less than $1,000,000;
>
> • • • • •
>
> (5) Any gasoline service establishment if the annual gross volume of sales of such establishment is not less than $250,000, exclusive of excise taxes at the retail level which are separately stated:
>
> *Provided*, That an establishment shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce, or a part of an enterprise engaged in commerce or in the production of goods for commerce, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection, if the only employees of such establishment are the owner thereof or persons standing in the relationship of parent, spouse, or child of such owner.

(b) The application of the above definitions in the case of an enterprise which is engaged in the wholesale or bulk distribution of petroleum products may vary, depending on the nature of the related activities which are included in the enterprise (as defined in section 3(r) of the Act) and the sales volume derived therefrom. If any gasoline service establishments are included in the enterprise, reference should be made to Part 779 of this chapter for a full discussion of the principles governing coverage and exemption of the employees of such establishments. It should be noted that the employees of such establishments in any enterprise are exempt from the overtime pay provisions under section 13(b)(8), so that it is not necessary to determine the application of section 13(b)(10) to them. If any gasoline service establishment or other establishment in the enterprise qualifies as a "retail or service establishment" under the special definition in section 13(a)(2) of the Act, reference should be made to the discussions in Part 779 of this chapter relating to enterprise coverage under section 3(s)(1) and exemptions provided under section 13(a)(2) and under other provisions there discussed. For guidance as to the application of the definition in section 3(s)(3), Part 776 of this chapter should be consulted.

§ 794.15 Pay standards for employees subject to "old" coverage of the Act.

Any employee who is engaged in commerce or in the production of goods for commerce, as explained in §§ 794.8 to 794.12, and who would not have come within some exemption in the act prior to the 1961 Amendments, is covered by the "old" provisions of the law and entitled to a minimum wage of at least $1.15 an hour beginning September 3, 1961, and not less than $1.25 an hour beginning September 3, 1963, unless expressly exempted by some provision of the amended Act. Such an employee is also entitled to overtime pay for hours worked in excess of 40 in any workweek at a rate not less than one and one-half times his regular rate of pay, unless he is specifically exempt therefrom under some other provision of the Act. (Minimum wage rates in Puerto Rico, the Virgin Islands, and American Samoa are governed by special provisions of the Act. Information on these rates is available at any office of the Wage and Hour and Public Contracts Divisions.)

§ 794.16 Pay standards for "newly covered" employees.

The amendments to the Act which became effective September 3, 1961, provide special pay standards for prescribed periods which apply to employees whose individual activities would not bring them within the minimum wage or overtime pay provisions of the Act as it was prior to the 1961 Amendments, but who are brought within minimum wage or overtime coverage or both for the first time by the new "enterprise" coverage provisions or by changes in exemptions, or by both, which were enacted as part of the amendments. Every such "newly covered" employee must be paid minimum wages, and overtime pay at not less than one and one-half times his regular rate of pay, as shown in the following schedule, unless specifically excluded from such requirements by some provision of the amended Act.

Beginning—	Minimum wage per hour	Overtime pay
Sept. 3, 1961	$1.00	None required.
Sept. 3, 1963	$1.00	After 44 hours in a workweek.
Sept. 3, 1964	$1.15	After 42 hours in a workweek.
Sept. 3, 1965 and thereafter.	$1.25	After 40 hours in a workweek.

(Minimum wage rates for newly covered employees in Puerto Rico, the Virgin Islands, and American Samoa are set by wage order under special industry committee procedures. Information on these rates and their effective dates may be obtained at any office of the Wage and Hour and Public Contracts Divisions.)

§ 794.17 Pay standards applicable beginning September 3, 1965.

In comparing the schedule shown in § 794.16 with the pay standards for employees subject to "old" coverage in § 794.15, it will be noted that the minimum wage rates and overtime pay provisions will become uniform for all covered employees on September 3, 1965. On and after that date, every such employee subject to the minimum wage provisions will be entitled to not less than $1.25 an hour and every such employee subject to the overtime pay provisions will be entitled to overtime pay for all hours worked in excess of 40 in a workweek at a rate not less than one and one-half times his regular rate of pay, unless he is exempt from one or both of these requirements by some other provision of the law.

Examples of Application of Basic Coverage Provisions to Employment in Wholesale or Bulk Distribution of Petroleum Products

§ 794.18 Introductory statement.

It is common knowledge that petroleum products constantly move in large volume in the interstate and foreign commerce of the United States and are used in many ways which are important in carrying on such commerce and in producing goods which move in such commerce. It follows that many employees of enterprises engaged in the wholesale or bulk distribution of such products are engaged in activities which, under the principles discussed in §§ 794.7 to 794.12, bring them within the general coverage of the Act as employees engaged in commerce or in the production of goods for commerce. As has been pointed out previously, the enterprises described in section 3(s) of the Act are also brought within the new enterprise coverage of the Act as enterprises engaged in commerce or in the production of goods for commerce when employees are so engaged in the activities of the enterprise, "including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person." The discussion in the sections following is intended to illustrate by examples some of the most typical situations in which employees of such enterprises are engaged in activities covered by the Act. There are other employees whose activities may be covered; also there are other activities performed by the groups discussed which would result in coverage under the Act.

§ 794.19 Covered employed in general.

(a) Under the principles discussed in §§ 794.7 to 794.12, employees of an enterprise engaged in the wholesale or bulk distribution of petroleum products may be covered as employees "engaged in commerce" within the meaning of the Act, because of the relationship of their activities to any of the following:

(1) To the flow in interstate or foreign commerce from outside the State to destinations within the State of goods distributed by the enterprise (§ 794.20); or

(2) To the uses made of such goods within the State in carrying on interstate or foreign commerce (§ 794.22); or

(3) To the flow in interstate or foreign commerce of such goods from points within the State to points outside the State (§ 794.21); or

(4) Using the channels of interstate or foreign commerce for communication with out-of-State points; or

(5) Traveling across State lines in the course of performing duties of the employment.

(b) Also, there may be employees of such an enterprise who may be covered as employees "engaged in the production of goods for commerce" within the meaning of the Act, because of the relationship of their activities to any of the following:

(1) To goods handled by the enterprise which may be expected ultimately to move out of the State directly or as a part or ingredient of other goods (§ 794.21); or

(2) To goods handled by the enterprise for uses within the State which are part of interstate or foreign commerce (§ 794.22); or

(3) To goods handled by the enterprise which are sold to customers who use them in the production of other goods for commerce (§§ 794.21, 794.22); or

(4) To the movement of goods in interstate or foreign commerce within the State (§§ 794.20, 794.21, 794.22).

(c) The court decisions cited in §§ 794.20, 794.21, and 794.22 illustrate the judicial application of these principles to particular employees, including employees in the occupations referred to in §§ 794.23 to 794.28 and in other occupations.

§ 794.20 Relationship of work to inflow of products from outside the State.

Petroleum products or other goods which are brought into a State to be sold to customers of particular establish-

ments, or to particular customers pursuant to prior orders or contract arrangements or the anticipation of the needs of a stable group of such customers, continue in the stream of interstate or foreign commerce until they reach the destination for which they are intended, regardless of temporary pauses in storage facilities in the course of such transit. In accordance with the principles previously stated, the Act applies, subject to specific exemptions, to the employees who order, receive, and keep records on such goods, who transport them (either across State lines or within a single State) on all or any part of their journey to their final destination or perform other work in connection with the distribution of such goods while they remain in the stream of commerce, including employees who handle or work on the goods during such journey or during pauses in their transit or at the end of their journey before they have finally come to rest in the locations intended for them at the point of destination, or who perform other connected activities so closely related to such movement of the goods as to be a part of it as a practical matter. See in this connection Walling v. Jacksonville Paper Co., 317 U.S. 564; Standard Oil Co. v. Federal Trade Comm'n, 340 U.S. 231; Walling v. Jacksonville Paper Co., 69 F. Supp. 599, aff'd 167 F. 2d 448; McComb v. Herlihy, 161 F. 2d 568; Brown v. Minngas Co., 51 F. Supp. 363; Mid-Continent Petroleum Corp. v. Keen, 157 F. 2d 310; Mitchell v. Livingston & Thebault Oil Co., 256 F. 2d 757; Walling v. Mutual Wholesale Co., 141 F. 2d 331; Walling v. Northwestern-Hanna Fuel Co., 67 F. Supp. 833, aff'd 166 F. 2d 932; West Kentucky Coal Co. v. Walling, 153 F. 2d 582; Mitchell v. C. & P. Shoe Corp., 286 F. 2d 109; Mitchell v. Sunshine Dept. Stores, 292 F. 2d 645; Donovan v. Shell Oil Co., 168 F. 2d 229; Rahgo v. Cities Service Oil Co., 33 N.Y.S. 2d 42; McComb v. W. E. Wright Co., 168 F. 2d 40; Sucrs. de Mayol v. Mitchell, 280 F. 2d 477, certiorari denied 364 U.S. 902.

§ 794.21 Relationship of work to products that move out of the State.

Under the principles previously stated, the Act applies, subject to specific exemptions, to employees whose work contributes to the movement out of the State of any petroleum products or other goods, including containers, such as those employees who handle or work on any goods which may be expected to leave the State in the same or an altered form, or as a part or ingredient of other goods, or who supply products or services to customers who use them in producing goods which are shipped out of the State, and including employees engaged in the related management, accounting, clerical, or other auxiliary activities concerned with such movements of goods. See in this connection Donovan v. Shell Oil Co., 168 F. 2d 229; West Kentucky Coal Co. v. Walling, 153 F. 2d 582; Brown v. Minngas Co., 51 F. Supp. 363; Walling v. Griffin Cartage Co., 62 F. Supp. 396, aff'd 153 F. 2d 587; Stewart-Jordan Distributing Co. v. Tobin, 210 F. 2d 427, certiorari denied 347 U.S. 1013; Mitchell v. Royal Baking Co., 219 F. 2d 532; Walling v. Amidon, 153 F. 2d 159; Meeker Cooperative v. Phillips, 158 F. 2d 598; Mitchell v. Joyce Agency, 348 U.S. 945, affirming 110 F. Supp. 918; Kirschbaum v. Walling, 316 U.S. 517; Roland Electrical Co. v. Walling, 326 U.S. 657; Phillips v. Walling, 324 U.S. 490; Mitchell v. Independent Ice Co., 294 F. 2d 186, certiorari denied 368 U.S. 952; Lewis v. Florida Power & Light Co., 154 F. 2d 751; McComb v. Blue Star Auto Stores, 164 F. 2d 329; Nunn's Battery & Elec. Co. v. Goldberg, 15 W.H. Cases, 313.

§ 794.22 Relationship of work to interstate commerce activity within the State.

Under the principles previously stated, the Act applies, subject to specific exemptions, to employees whose work, although performed within a single State and not involving operations on goods which are moving in interstate or foreign commerce, has such a close and immediate tie with the carrying on of interstate or foreign commerce or with the production of goods for such commerce within the State that it must be considered as engaging in such commerce or in such production within the meaning of the Act's definitions. The general coverage of the Act thus extends to employees through whose activities petroleum products or other goods or services are furnished within the State to customers for use in operating or maintaining the instrumentalities or facilities by which commerce is carried on or by which goods for such commerce are produced, as in the case of fuel, equipment, or other products or services for use by airlines, ships, rail, bus, or truck lines in conducting interstate transportation, products for use in maintaining or improving highways or railroad tracks over which interstate commerce moves, and fuel or other items for use in meeting the needs of producers of goods for interstate or foreign commerce. See Thomas v. Hempt Bros., 345 U.S. 19; Alstate Constr. Co. v. Durkin, 345 U.S. 13; Roland Elect. Co. v. Walling, 326 U.S. 657; Emulsified Asphalt Products Co. v. Mitchell, 222 F. 2d 913; New Mexico Pub. Serv. Co. v. Engel, 145 F. 2d 636; Lewis v. Florida Power & Light Co., 154 F. 2d 751; Meeker Cooperative v. Phillips, 158 F. 2d 698; Farmers Reservoir Co. v. McComb, 337 U.S. 755; Walling v. Amidon, 153 F. 2d 159; Goldberg v. Clyde Owen Sand & Gravel Co., 292 F. 2d 71; West Kentucky Coal Co. v. Walling, 153 F. 2d 582; Mitchell v. Independent Ice Co., 294 F. 2d 186; Walling v. Sturm & Sons, 6 W.H. Cases 131; Hertz Drivurself Stations v. United States, 150 F. 2d 923; Mitchell v. Raines, 238 F. 2d 186.

§ 794.23 Transportation employees.

Among the employees who are considered engaged in commerce or in the production of goods for commerce within the meaning of the Act are transportation employees, such as truck drivers or truck drivers' helpers, who transport petroleum products or other goods moving in interstate or foreign commerce from points outside the State to destinations within the State or from points within the State to places outside the State, or who transport within the State petroleum products or other goods to be used in carrying on, or in producing goods for, interstate or foreign commerce. Dispatchers who route, plan, or otherwise control such transportation are also within the general coverage of the Act.

§ 794.24 Office employees.

Office employees of wholesale or bulk petroleum distributors who regularly and recurrently order, check records of, or make payments for goods coming from outside of the State or otherwise moving in commerce, are covered by the Act. So, also employees who regularly and recurrently keep records of, or otherwise work on, the accounts of their employer's out-of-State customers, or who regularly and recurrently prepare or mail letters, checks, reports or other documents to out-of-State points, are covered by the Act. Likewise, timekeepers who regularly and recurrently prepare and maintain payrolls for and pay employees who are engaged in commerce or in the production of goods for commerce are themselves engaged in covered activities.

§ 794.25 Warehouse and bulk storage station employees.

Warehouse and bulk storage station employees who regularly and recurrently engage in the loading or unloading of goods moving in commerce, or who regularly and recurrently handle, pack or otherwise work on goods that will subsequently be sent or taken to out-of-State points or to customers within the State who will use such goods to facilitate the carrying on of interstate or foreign commerce or the production of other goods for such commerce, are engaged in covered activities.

§ 794.26 Watchmen and guards.

Watchmen or guards who protect the warehouses or bulk stations where goods moving in interstate or foreign commerce are kept, or where goods are produced for such commerce, are covered under the Act.

§ 794.27 Custodial and maintenance employees.

Custodial and maintenance employees who perform maintenance and custodial work on the machinery, equipment, or premises regularly used for the movement of goods in commerce or the production of goods for commerce are engaged in covered activities.

§ 794.28 Salesmen and sales clerks.

A salesman or a sales clerk who regularly and recurrently sells or takes orders for goods to be obtained from outside the State or goods for delivery to points outside the State, or to customers who will use such goods for the maintenance or operation of instrumentalities of commerce or to produce other goods for commerce, is performing covered work.

Subpart B—Exemption From Overtime Pay Requirements Under Section 13(b)(10) of the Act

Scope and Application in General

§ 794.100 The statutory provision.

Section 13(b)(10) of the Act exempts from the overtime pay requirements of section 7 (but not from the minimum wage or child labor requirements) of the Act—

> any employee of an independently owned and controlled local enterprise (including an enterprise with more than one bulk storage establishment) engaged in the wholesale or bulk distribution of petroleum products if (A) the annual gross volume of sales of such enterprise is not more $1,000,000 exclusive of excise taxes, and (B) more than 75 per centum of such enterprise's annual dollar volume of sales is made within the State in which such enterprise is located, and (C) not more than 25 per centum of the annual dollar volume of sales of such enterprise is to customers who are engaged in the bulk distribution of such products for resale.

§ 794.101 Intended scope of exemption.

Under section 13(b)(10) of the Act, the intent of the exemption must be given effect in determining the scope of its application to an enterprise and to the employees of an enterprise. The statutory language must be applied to the facts in a manner consistent with the purpose of the exemption as evidenced by its legislative history. This purpose is to relieve the described enterprises from the application of the Act's overtime pay requirements to employment in their activities of distributing petroleum products. Such employment was stated to be affected by climatic, seasonal, and other pertinent factors characteristic of business operations in the distribution of such products. (See, in this connection, the following documents of the 87th Cong., 1st sess.: H. Rept. No. 75, pp. 26, 27, 36; 105 Congressional Record (daily edition) p. 4519; S. Rept. No. 145, pp. 37, 50; H. Rept. No. 327, p. 18; Hearings before Senate Subcommittee on Labor on S. 256, S. 879, and S. 895, at pp. 411–424; Hearings before House Special Subcommittee on Labor on H.R. 3935, at pp. 422–425 and 627–629.)

§ 794.102 Guides for construing exemption.

It is judicially settled that "The details with which the exemptions in this Act have been made preclude their enlargement by implication" and "no matter how broad the exemption, it is meant to apply only to" the employment specified in the statute. Conditions specified in the language of the Act are "explicit prerequisites to exemption." Accordingly, it is the well-established rule that exemptions from the Act "are to be narrowly construed against the employer seeking to assert them" and their application is limited to those who come "plainly and unmistakably within their terms and spirit." An employer who claims such an exemption has the burden of showing that it applies. See Addison v. Holly Hill, 322 U.S. 607; Maneja v. Waialua, 349 U.S. 254; Phillips v. Walling, 334 U.S. 490; Arnold v. Kanowsky, 361 U.S. 388; Mitchell v. Kentucky Finance Co., 359 U.S. 290; Walling v. General Industries Co., 330 U.S. 545.

§ 794.103 Dependence of exemption on engagement in described distribution.

By its terms, section 13(b)(10) provides an overtime pay exemption for "any employee of an * * * enterprise * * * engaged in the wholesale or bulk distribution of petroleum products * * *." Thus, engagement in the described distribution is an "explicit prerequisite to exemption" (Arnold v. Kanowsky, 361 U.S. 388), as are the other express conditions set forth in the section. A natural reading of the statutory language suggests that the employee as well as the enterprise must be so engaged in order for the exemption to apply (see Porto Rico Light Co. v. Mor, 253 U.S. 345). To the extent that its employees are engaged in the described distribution, the enterprise is itself so engaged (see Kirschbaum v. Walling, 316 U.S. 517; and see § 794.104). Also, whenever an enterprise is so engaged, any of its employees will be considered to be an "employee of an * * * enterprise * * * engaged in the wholesale or bulk distribution of petroleum products" if the duties of his employment require him to perform any operations or provide any services in carrying on such activities of his employer, and if the employee is not engaged for a substantial portion of his workweek in other activities which do not provide a basis for exemption under section 13(b)(10). Such an interpretation of the quoted language is believed necessary to give effect to the intended scope of the exemption as explained in § 794.101. Where an enterprise is exclusively engaged in the wholesale or bulk distribution of petroleum products and meets all the other requirements of section 13(b)(10), all of its employees will be exempt from the overtime pay requirements of the Act under the principles stated above. The application of these principles to enterprises which are not exclusively so engaged will now be considered.

§ 794.104 Enterprises engaged in described distribution and in other activities.

An enterprise may be engaged in the wholesale or bulk distribution of petroleum products, within the meaning of section 13(b)(10), without being exclusively so engaged. Such engagement may be only one of the several related activities, performed through unified operation or common control for a common business purpose, which constitute the enterprise under section 3(r) of the Act. If engaging in such distribution is a regular and significant part of its business, an enterprise which meets the other tests for exemption under section 13(b)(10) will be relieved of overtime pay obligations with respect to employment of its employees in such distribution activities, in accordance with the intended scope (see § 794.101) of the exemption. There is no requirement that engaging in such activities constitute any particular percentage of the enterprise's business. However, in the case of an enterprise engaged in other activities as well as in the wholesale or bulk distribution of petroleum products, an employee employed in such other activities of the enterprise is not engaged in employment which the exemption was intended to reach (see § 794.101). Such an employee is not brought within the exemption by virtue of the fact that the enterprise by which he is employed is engaged with other employees in the distribution activities described in section 13(b)(10). This accords with the judicial construction of other exemptions in the Act which are similarly worded. See Connecticut Co. v. Walling, 154 F. 2d 522, certiorari denied, 329 U.S. 667; Northwest Airlines v. Jackson, 185 F. 2d 74; Davis v. Goodman Lumber Co., 133 F. 2d 52; Fleming v. Swift & Co., 41 F. Supp. 825, aff'd 131 F. 2d 249.

§ 794.105 Other requirements for exemption.

The overtime pay exemption provided by section 13(b)(10) applies to "any employee of an * * * enterprise * * * engaged in the wholesale or bulk distribution of petroleum products" as explained in §§ 794.103 to 794.104 if the enterprise which employs him meets all of the following requirements: (a) It is a "local" enterprise; (b) it is "independently owned and controlled"; (c) it has an annual gross volume of sales of not more than $1,000,000 exclusive of excise taxes; (d) it makes more than 75 percent of its annual dollar volume of sales within the State in which it is located; and (e) not more than 25 percent of such annual dollar volume of sales is to customers who are engaged in the bulk distribution of petroleum products for resale. In order to determine whether all these requirements are met, it is necessary to know what constitutes the "enterprise" to which reference is made, the meaning of "the wholesale or bulk distribution of petroleum products" in which engagement is required as a prerequisite to exemption, what is meant by a "local" enterprise and what characterizes it as "independently owned and controlled", and the criteria for application of the dollar volume tests. These matters will be discussed in some detail in the sections following.

The "Enterprise"

§ 794.106 Statutory definition of enterprise.

Section 3(r) of the Act defines enterprise as follows:

> Enterprise means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That within the meaning of this subsection, a retail or service establishment which is under independent ownership shall not be deemed to be so operated or controlled as to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is

not necessarily limited to, an agreement, (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other such establishments in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments.

§ 794.107 Establishment distinguished.

The "enterprise" referred to in the section 13(b)(10) exemption is to be distinguished from an "establishment". As used in the Act, the term "establishment", which is not specially defined therein, refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. (See Phillips v. Walling, 324 U.S. 490; Mitchell 1. Bekins Van & Storage Co., 352 U.S. 1027; 95 Congressional Record 12505, 12579, 14877; H. Rept. No. 1453, 81st Cong. 1st sess. p. 25.) It will be noted from the definition of "enterprise" in section 3(r), as set forth in § 794.106, that the activities of the enterprise may be "performed in one or more establishments", and section 13(b)(10) specifies that the enterprises to which its exemption requirements are applicable will include "an enterprise with more than one bulk storage establishment."

§ 794.108 Scope of enterprise must be known before exemption tests can be applied.

The scope of the "enterprise" as defined by section 3(r) of the Act must be ascertained before it is possible to apply the tests for exemption contained in section 13(b)(10) which are based on the dollar volume of sales of the "enterprise". The activities included in the enterprise must be known, and any activities not a part of the enterprise must be excluded, before the dollar volume of sales derived from the activities of the enterprise can be computed.

§ 794.109 Statutory basis for inclusion of activities in enterprise.

The "enterprise", for purposes of enterprise coverage under section 3(s) and the exemption provision in section 13(b)(10), is defined in section 3(r) (§ 794.106) in terms of the activities in which it is engaged. All the "related activities" which are "performed * * * by any person or persons for a common business purpose" are included if they are performed "either through unified operation or common control." This is true even if they are performed by more than one person, or in more than one establishment, or by more than one corporate or other organizational unit. The definition specifically includes as a part of the enterprise, departments of an establishment operated through leasing arrangements. These statutory criteria are discussed in more detail in subsequent sections.

§ 794.110 Activities excluded from the "enterprise" by the statute.

The circumstances under which certain activities will be excluded from the "enterprise" referred to in the Act are made clear by the definition quoted in § 794.106. The definition distinguishes between the related activities performed through unified operation and common control for a common business purpose by the participants in the enterprise, and activities which are related to these activities but are performed for the enterprise by a bona fide independent contractor (for example, an independent accounting or auditing firm). The latter activities are expressly excluded from the "enterprise" as defined. In addition, the definition contains a proviso detailing certain circumstances under which a retail or service establishment under independent ownership will not lose its status as a separate and distinct enterprise by reason of certain franchise and other arrangements which it may enter into with others. This proviso, the effect of which is more fully explained in §§ 779.226 through 779.229 of this chapter, dealing with the application of the Act to retailers, may be important to wholesale or bulk distributors of petroleum products in determining whether the effect of particular arrangements which they may make with retailers of their products will be to include activities of the latter with their own activities in the same enterprise for purposes of the Act.

§ 794.111 General characteristics of the statutory "enterprise".

As defined in the Act, the term "enterprise" is roughly descriptive of a business rather than of an establishment or of an employer although on occasion the three may coincide. The enterprise, however, is not necessarily coextensive with the entire business activities of an employer. The enterprise may consist of a single establishment which may be operated by one or more employers; or it may be composed of a number of establishments which may be operated by one or more employers. On the other hand, a single employer may operate more than one enterprise. The Act treats different businesses which are unrelated to each other as separate enterprises even if they are operated by the same employer. Common types of business organizations which may constitute the "enterprise" for purposes of the Act are described in the following sections.

§ 794.112 The single establishment business.

In many cases the entire business activities of the single owner-employer are performed in one establishment. An example is the typical independently owned and controlled petroleum jobber establishment; all of the activities of the jobber are conducted from the one establishment. In that case, the establishment and the enterprise are one and the same. The entire business is the unit for applying the statutory tests and the requirements for exemption under section 13(b)(10).

§ 794.113 The multi-unit business.

In other cases one company conducts its single business in a number of establishments. An example of such an enterprise is the wholesale or bulk distributor of petroleum products who has more than one storage establishment or who also operates separate gasoline service stations. All of the activities ordinarily are related and performed through unified operation or common control for one business purpose. In such circumstances the entire business is a single enterprise. The sales of the entire business from all of its establishments are considered together to determine whether the dollar volume requirements of the exemption are met. Of course, as noted in § 794.14(b), the application of the Act to the employees of a separate gasoline service establishment of such an enterprise must be determined with reference to sections 3(s)(5), 13(b)(8), and other pertinent provisions of the statute, in accordance with the principles discussed in Part 779 of this chapter.

§ 794.114 Complex business organizations.

In some cases one employer may operate several separate enterprises; in others, several employers may conduct their business activities in such a manner that they are part of a single enterprise. The answer, in each case, as to whether or not the "enterprise" includes certain activities will depend on whether the particular activities are performed in conjunction with other activities included in the enterprise, either through "unified operation" or "common control", as "related" activities directed to a "common business purpose", or whether, on the other hand, the lack of such a unity and relationship demonstrates that they are the activities of a separate and distinct business. As the Senate Report states, "related activities conducted by separate business entities will be considered a part of the same enterprise where they are joined either through unified operation or common control into a unified business system or economic unit to serve a common business purpose." (S. Rept. 145, 87th Cong., 1st sess., p. 41.)

§ 794.115 Inclusion of activities in enterprise as dependent on method and purpose of performing them.

The activities which are part of an enterprise engaged in the wholesale or bulk distribution of petroleum products, for purposes of the Act, are those related activities, and those only, which are performed by one or more employers for a "common business purpose" in the manner specified in section 3(r), that is, "either through unified operation or common control."

§ 794.116 "Common business purpose".

Generally, the term "common business purpose" will encompass activities, whether performed by one person or by more than one person, or corporation, or other business organization, which are directed to the same business objective or to similar objectives in which the group has an interest. The scope of the term "enterprise" in section 3(r) of the Act encompasses a single business entity as well as a unified business system which performs related activities for a common business purpose. What is a "common business purpose" in any particular case involves a practical judgment based on the facts in the light of the statutory provisions and the legislative intent. The answer ordinarily will be readily apparent from the facts. The facts may show that various activities are related to the conduct of a single business and are so operated or controlled as to form a part of a unified business system directed to a single business objective. In such cases, it will follow that they are performed for a common business purpose. Where, however, the facts show that there are some activities of the employer or employers which are not performed as a part of such a single business but in furtherance of an entirely separate and unrelated business, they will be considered performed for a different business purpose and will be a part of a different enterprise, for purposes of the Act.

§ 794.117 "Unified operation".

The term "unified operation" does not have a fixed legal or technical meaning; a practical judgment is required to determine whether there is unified operation of related activities for a common business purpose. There are many instances in business where several establishments, persons, corporations or other business organizations, join together to perform some or all of their activities as a unified business or business system and accomplish such unification through varied agreements, franchises, grants, leases or other arrangements. Whether in any particular case the activities are performed through "unified operation" and have the effect of creating a single enterprise, will depend upon all the facts, including the manner in which the activities are performed, the agreements and arrangements which govern their performance and the other relationships between the parties. Some arrangements which do not amount to unified operations are specified in the proviso contained in section 3(r). Where the related activities are performed by a single company, or under other single ownership, they will ordinarily be performed under "common control" and the question whether they are performed through "unified operation" will not need to be decided.

§ 794.118 "Common control".

The term "common control", as used in section 3(r) of the Act, also does not have a fixed legal or technical meaning. "Common control" means the sharing of control and is not limited to sole control or complete control by one person or corporation. "Common control" thus exists where the performance of the related activities are controlled by one person, or by a number of persons, corporations, or other organizational units acting together. "Common control" may exist whether or not there is common ownership. This term is discussed more fully in §§ 779.215 to 779.224 of this chapter, dealing with the application of the Act to retailers of goods or services. It should be remembered that it is for purposes of determining whether certain related activities are a part of the enterprise that it must be established that the related activities are performed either through "unified operation" or "common control". The meaning of the term "common control" in this context must be distinguished from that of the term "independently * * * controlled" as used in section 13(b)(10) for purposes of determining whether the enterprise engaged in wholesale or bulk distribution of petroleum products is "an independently owned and controlled" local enterprise. The meaning of the latter term is discussed in detail in subsequent sections of this subpart.

"Related" Activities Which Constitute the Enterprise

§ 794.119 "Related" activities in general.

An "enterprise" under the Act (including an enterprise which is engaged in the wholesale or bulk distribution of petroleum products), as previously explained, consists of certain "related" activities performed in the manner and for the purpose prescribed in section 3(r) (see §§ 794.115 to 794.118); activities which are not "related" are not a part of the enterprise even if performed by the same employer (see § 794.125). In determining the scope of an enterprise engaged in the wholesale or bulk distribution of petroleum products, so that it may be tested for exemption under section 13(b)(10) or for coverage under section 3(s), all these related activities which are part of the enterprise must be taken into consideration.

§ 794.120 What are "related activities".

Generally, the answer to the question whether particular activities are "related" will depend in each case upon whether the activities serve the business purpose of the enterprise, or whether they serve a separate and unrelated business. Activities will be regarded as "related" when they are the same or similar or when they are auxiliary or service activities such as warehousing, bookkeeping, purchasing, advertising, including, generally, all activities which are necessary to the operation and maintenance of the particular business. Common ownership standing alone does not establish that activities are "related" or bring unrelated activities within the scope of the same "enterprise". However, all activities which are performed as a part of a unified business operation will be related, including, in appropriate cases, the manufacturing, warehousing and distribution of its goods, the repair and maintenance of its equipment, machinery and its premises, and all other activities which are performed for the common business purpose of the enterprise. In the case of an enterprise engaged in the wholesale or bulk distribution of petroleum products, all activities customarily performed by the businesses engaged in such distribution will ordinarily be "related" activities included in the enterprise. This does not, of course, mean that other activities may not also be included, if they are performed as provided in section 3(r).

§ 794.121 Engaging in the wholesale or bulk distribution of petroleum products.

A number of the activities typically performed by enterprises of the type to which the section 13(b)(10) exemption was intended to apply, which are engaged in the wholesale or bulk distribution of petroleum products, were described at the hearings on the 1961 amendments to the Act, before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare. A spokesman for an association of such enterprises explained that:

> From a functional standpoint the independent jobbers of the Nation distribute approximately 85 percent of all home-heating oils; 30 percent of the gasoline sold to service stations; 65 percent of the gasoline sold to country grocery stores and smalltown garages, and well over 50 percent of all petroleum products sold to the farmers. The average jobber sells both gasoline and fuel oil, although there are some jobbers principally in the metropolitan areas, who sell nothing but household fuel oil. (Hearings on Amendments to the Fair Labor Standards Act, before the Senate Subcommittee on Labor, 87th Cong., 1st sess., p. 412.)

A study of the operations of wholesale or bulk distributors of petroleum products discloses that sales are also made to commercial and industrial users. Wholesale or bulk distributors usually have facilities for the storing of the products they sell, including gasoline tanks and warehouse facilities. Their facilities also typically include a loading rack and trucks for the distribution of their products. Some small dealers, however, do not have storage tanks but pump oil directly from road transport trucks or railway tank cars into delivery trucks. The term "petroleum products" includes such products as gasoline, kerosene, diesel fuel, lubricating oils, fuel oils, greases, and liquified-petroleum gas. An enterprise consisting of related activities which include distributing these products at wholesale and in bulk as described above will be regarded as an "enterprise * * * engaged in the wholesale or bulk distribution of petroleum products" within the meaning of section 13(b)(10) of the Act.

§ 794.122 Operation of gasoline service stations as a "related" activity.

Many jobbers operate one or more retail gasoline service stations through which they distribute a portion of their petroleum products. In such a case, the gasoline station activities are related to the wholesale or bulk distribution of petroleum products. They form a part of a vertical structure in the distribution and retailing of the petroleum products and their activities, together wth the wholesale or bulk distribution, will be considered parts of a single enterprise. All sales by such service stations must be included in the annual gross volume of sales of the enterprise for purposes of determining its enterprise coverage under section 3(s) of the Act and the

application to it of the exemption under section 13(b)(10). Of course, as previously explained in § 794.14(b), the status under the Act of the employees of a separate gasoline service station establishment is determined independently and with particular reference to sections 3(s)(5) and 13(b)(8) of the Act. This is discussed in §§ 779.257 to 779.262 of this chapter, dealing with the application of the Act to retailers.

§ 794.123 Leasing retail outlets to others as a "related" activity.

Wholesale or bulk distributors of petroleum products often do not operate gasoline service stations, but merely engage in renting such stations to dealers. These leasing arrangements may or may not be related activities. For example, if the station is leased with the agreement or understanding that it is to be a market for the distributor's products, the lease may be in furtherance of the petroleum enterprise's distributive business efforts. In such a case, the leasing activities would be "related" and may be a part of the enterprise. If they are part of the enterprise, the rental income from such leases must be included in the gross annual volume of sales of the enterprise. Whether a leasing arrangement is so related will depend upon the facts in each case. It should be noted that under the proviso to the definition of "enterprise" in section 3(r) of the Act, if the gasoline service establishment is a retail or service establishment under independent ownership its own activities will not become a part of the wholesale or bulk distributor's enterprise by reason of a mere lease of the premises from the latter or an agreement to procure its products from that enterprise.

§ 794.124 Other activities which may be a part of the enterprise.

Petroleum jobbers may also engage in the business of selling coal, ice, feed, building supplies, paint, cord wood, or hardware, or in the repair and installation of oil burners. Where these activities are conducted as an incident to or in conjunction with their petroleum products distribution and other related activities as integrated parts of a single business, they may well be a part of the enterprise. In some cases a petroleum distributor may operate a tire recapping establishment to serve the same general customers as his petroleum operations, using the same salesmen, delivery employees, and certain facilities and equipment for both operations. In such a case, the recapping activities and the petroleum operations will be "related" and would appear to be performed through unified operation or common control for a common business purpose so that they will form part of a single business enterprise. In such situations, the sales from these related activities must be included in determining whether the enterprise meets the dollar volume requirements of the 13(b)(10) exemption. On the other hand, in some cases, the sales of coal, ice, feed, etc. by petroleum jobbers may be conducted on separate premises, as separate businesses with separate employees, facilities and records, or a company engaged in the wholesale or bulk distribution of petroleum products may also engage in the operation of a separate tire recapping establishment which is conducted as a separate business, independently and apart from the petroleum operations. In such circumstances, the activities of these segregated businesses may constitute separate enterprises. Whether such activities are a part of the enterprise distributing petroleum products depends, of course, on all the facts, with particular reference to whether the activities are conducted through unified operation or common control for a common business purpose. Where the facts demonstrate that the petroleum products distribution and the other activities are conducted for a common business purpose, they will be related, and if they are performed through unified operation or common control, they will be a part of a single enterprise.

§ 794.125 Status of activities which are not "related".

Activities which are not "related" are not included as part of the "enterprise", even if performed by the same employer. If, for example, a wholesale or bulk petroleum distributor also owns or controls a separate grocery store, barber shop, or motel which he operates as a completely independent business, the latter activity ordinarily will not be considered a part of the petroleum enterprise. The receipts from the unrelated activities will not be counted toward the enterprise's annual gross volume of sales for purposes of determining coverage under the Act or the application of the exemption under section 13(b)(10).

"Independently Owned and Controlled Local Enterprise"

§ 794.126 Only independent and local enterprises qualify for exemption.

The legislative history of the exemption (§ 794.101) shows that the proponents of an amendment to provide the relief which it grants from the overtime pay provisions of the Act were organizations of independent local merchants who did not as a rule engage extensively in interstate operations such as those typical of major oil companies, and who functioned primarily at the local level in distributing petroleum products at wholesale or in bulk. As a result the exemption provided by the Act, like that requested, was limited to enterprises which are "local" (§ 794.127) and are "independently owned and controlled" (§§ 794.128 to 794.132).

§ 794.127 The enterprise must be "local".

It is clear from the language of section 13(b)(10) that the exemption which it provides is available to an enterprise only if it is a "local enterprise". The other tests of exemption must also, of course, be met. A "local" enterprise is not defined in the Act, and the word "local", which appears in a different context elsewhere in the Act (see sections 13(a)(9), 13(b)(7), 13(b)(11)), is likewise given no express definition. There is no fixed legal meaning of the term "local"; it is usually a flexible and comparative term whose meaning may vary in different contexts. As used here, certain guides are available from the context in which it is used, the legislative history surrounding adoption of section 13(b)(10), and the law of which it forms a part. A "local" enterprise engaged in the wholesale or bulk distribution of petroleum products is clearly intended to embrace the kind of enterprise operated by the merchants who requested the amendment; that is, one which provides farmers, homeowners, country merchants, and others in its locality with petroleum products in bulk quantities or at wholesale. The language of section 13(b)(10) markes it clear also that the enterprise will not be regarded as other than "local" merely because it has more than one bulk storage establishment. On the other hand, the section makes it equally clear that ordinarily an enterprise which is not located within a single State is not a local enterprise of the kind to which the exemption will apply. This follows from the express requirement that more than 75 percent of the enterprise's annual dollar volume of sales must be made "within the State in which such enterprise is located." The legislative history provides further evidence of this intent. At the hearings before the Senate Labor Subcommittee a proponent of the amendment which eventually was enacted in somewhat different language as section 13(b)(10), stated as follows with respect to the significance of the word "local":

> • • • the language which we have suggested in the proposed amendment "locally owned and controlled establishments", I admit that can point up some trouble and make some work for lawyers.
>
> We, however, in our endeavor to show our sincerity of only trying to cover local intrastate establishments, went overboard on this language.
>
> You will note that 75 percent of our business has to be performed in one State. I think that "locally owned and controlled establishments" language should better read "independently owned and controlled local enterprise or establishment". (Sen. Hearings on amendments to the Fair Labor Standards Act, 87th Cong., 1st Sess., p. 416.)

The same witness also quoted from the Congressional Record of August 18, 1960, the discussion in the course of the consideration of the amendments to the Act by the Senate during the 86th Congress, 2d Session, as follows:

> These wholesale and bulk distributors of petroleum products, commonly referred to as oil jobbers, are primarily local businessmen who acquire these products from their suppliers' bulk terminal in the State in which the jobber does business and sell these products to service stations, farmers, and homeowners in the State in which they maintain their place of business • • • I am advised that 98.3 percent of all the oil jobbers in the United States sell their products only in the State in which their place of business is located thus qualifying by any definition as local merchants. (Sen. Hearings on amendments to the Fair Labor Standards Act, 87th Cong., 1st Sess., pp. 415–416.)

It thus appears that the word "local" was intended to confine the exemption to enterprises of such local merchants. The enterprise need not, of course, conduct all of its business within the State in which it is physically located, since the exemption specifically provides that it may make a portion of its sales outside the State in which it is located.

§ 794.128 The enterprise must be "independently owned and controlled".

Another requirement for exemption under section 13(b)(10) is that the enterprise must be "independently owned and controlled". Since this requirement is in the conjunctive, it must be established that the enterprise which is engaged in the wholesale or bulk distribution of petroleum products is both independently owned and independently controlled. At the hearing before the Senate Labor Subcommittee, when the amendment was proposed which eventually was incorporated in section 13(b)(10), a spokesman for proponents of the amendment made the following statement, which bears on this requirement for exemption:

> The designation "independent" as applied to an oil jobber means that he owns his own office, bulk storage, and delivery facilities; pays his own personnel, and in all respects conducts his business as any other independent businessman.
>
> It also means that the jobber is not a subsidiary of nor controlled by any so-called major oil company, although the jobber may sell the branded products of such a company.
>
> Some jobbers own service stations which they lease to independent dealers and a small percentage of jobbers may operate one or more service stations with their own salaried personnel. (Sen. Hearings on the Amendments to the Fair Labor Standards Act, 87th Cong., 1st Sess., p. 411.)

It appears, therefore, that the purpose of the requirement limiting the exemption to enterprises which are "independently owned and controlled", was to confine the exemption to those petroleum jobbers who own their own facilities and equipment and who are not subsidiaries nor controlled by any producer, refinery, terminal supplier or so-called major oil company. The fact that the petroleum jobber sells a branded product of a major oil company will not, of itself, affect the status of his enterprise as one which is "independently owned and controlled". So also the fact that the jobber owns gasoline service stations, which he leases or which he operates himself, will not affect the status of his enterprise as being "independently owned and controlled".

§ 794.129 "Independently owned".

Ownership of the enterprise may be vested in an individual petroleum jobber, or a partnership, or a corporation, so long as such ownership is not shared by a major oil company, or other producer, refiner, distributor or supplier of petroleum products, so as to affect the independent ownership of the enterprise. As noted in § 794.128, an enterprise will not be considered independently owned where it does not own its own office, bulk storage, and delivery facilities. The enterprise may also not be considered "independently owned" where it does not own its stock-in-trade. It is recognized that, in the ordinary course of business dealings, an independently owned enterprise may purchase its goods on credit and this, of course, will not affect its characterization as being "independently owned" within the meaning of the exemption. However, there may well be a question as to whether the enterprise is "independently owned" where the enterprise receives its petroleum products on consignment and the supplier lays claim to the ownership of the accounts receivable. Of possible relevance also is the intent evident in the statutory language to provide exemption only for an enterprise which can meet the specified tests which depend on "the sales of such enterprise." The determination in such cases, as in other cases involving questions of independent ownership, will necessarily depend on all the facts.

§ 794.130 "Independently • • • controlled".

As explained in § 794.128, the enterprise in addition to being independently owned must also be "independently controlled". The test here is whether the individual, partnership, or corporation which owns the enterprise also controls the enterprise as an independent businessman, free of control by any so-called major oil company or other person engaged in the petroleum business. Control by others may be evidenced by ownership; but control may exist in the absence of any ownership. For example, where an enterprise engaged in the wholesale or bulk distribution of petroleum products enters into franchise or other arrangements which have the effect of restricting the products it distributes, the prices it may charge, or otherwise controlling the activities of the enterprise in those respects which are the common attributes of an independent businessman, these facts may establish that the enterprise is not "independently controlled" as required by the exemption under section 13(b)(10).

§ 794.131 Effect of franchises and other arrangements.

Whether a franchise or other contractual arrangement affects the status of the enterprise as "an independently owned and controlled • • • enterprise", depends upon all the facts including the terms of the agreements and arrangements between the parties as well as the other relationships that have been established. The term "franchise" is not susceptible of precise definition. While it is clear that in every franchise a business surrenders some rights, it is equally clear that every franchise does not necessarily deprive an enterprise of its character as an independently owned and operated business. This matter was the subject of legislative consideration in connection with other provisions of the 1961 amendments to the Act. The Senate Report on the amendments, in discussing the effects of franchises and similar arrangements on the scope of the "enterprise" under section 3(r) of the Act, stated as follows:

> There may be a number of different types of arrangements established in such cases. The key in each case may be found in the answer to the question, "Who receives the profits, suffers the losses, sets the wages and working conditions of employees, or otherwise manages the business in those respects which are the common attributes of an independent businessman operating a business for profit?
>
> • • • • •
>
> In all of these cases if it is found on the basis of all the facts and circumstances that the arrangements are so restrictive as to products, prices, profits, or management as to deny the "franchised" establishment the essential prerogatives of the ordinary independent businessman, the establishment, the dealer, or concessionaire will be considered an integral part of the related activities of the enterprise which grants the franchise, right, or concession. (S. Rep. 145, 87th Cong., 1st Sess., p. 42.)

Thus there may be a number of different types of arrangements established in such cases and the determination as to whether the arrangements have the effect of depriving the enterprise of its independent ownership or control will necessarily depend on all the facts. Ultimately the determination of the precise scope of such arrangements and their effect upon the independent ownership and control of the enterprise under section 13(b)(10), as well as on the question whether such arrangements result in creating a larger enterprise, rests with the courts.

§ 794.132 Effect of unrelated activities.

The term "independently owned and controlled" has reference to independence of ownership and control by others. Whether ownership or control by others exists in a particular case will depend upon all the facts. However, the fact that the petroleum jobber may engage in other businesses which are not related to the enterprise engaged in the wholesale or bulk distribution of petroleum products, will not affect the question whether the petroleum enterprise is independently owned or controlled. For example, the fact that the wholesale or bulk petroleum distributor also owns or controls a wholly separate tourist lodge enterprise or job printing business will not affect the status of his enterprise engaged in the wholesale or bulk distribution of petroleum products as an "independently controlled" enterprise.

Annual Gross Volume of Sales

§ 794.133 Dependence of exemption on sales volume of enterprise.

It is a requirement of the section 13(b)(10) exemption that the annual gross volume of sales of the enterprise must be not more than $1,000,000 exclusive of excise taxes. In general, therefore, except where excise taxes may change the result in a borderline case, the exemption will not be available for employees of any enterprise which is subject to enterprise coverage as an enterprise engaged in commerce or in the production of goods for commerce under the definitions contained in section 3(s)(1) or 3(s)(3) of the Act (see §§ 794.13 and 794.14).

§ 794.134 Meaning of "annual gross volume of sales".

The annual gross volume of sales of an enterprise consists of its gross receipts from all types of sales during a 12-month period (§ 794.136). The gross volume derived from all sales transac-

tions is included, and will embrace among other things income from service, credit, or similiar charges. However, credits for goods returned or exchanged and rebates and discounts and the like are not ordinarily included in the annual gross volume of sales. In determining whether the million dollar limit on annual gross sales volume is or is not exceeded, the sales volume from all the related activities which constitute the enterprise must be included; the dollar volume of the entire business in all establishments is added together. Thus, the gross volume of sales will include the receipts from sales made by any gasoline service stations of the enterprise (to which the special overtime pay exemption in section 13(b)(8) will apply even if the enterprise does not qualify for the section 13(b)(10) exemption), as well as the sales made by any other establishments of the enterprise.

§ 794.135 Exclusion of excise taxes.

The computation of the annual gross volume of sales of the enterprise is made "exclusive of excise taxes." It will be noted that the excise taxes excludable under section 13(b)(10) are not, like those referred to in section 3(s) and section 13(a)(2), limited to those "at the retail level which are separately stated." Under section 13(b)(10), therefore, all excise taxes which are included in the sales price may be excluded in computing the annual gross volume of the enterprise.

§ 794.136 Ascertainment of "annual" gross sales volume.

The annual gross volume of sales of an enterprise engaged in the wholesale or bulk distribution of petroleum products consists of its gross dollar volume of sales during a 12-month period. Where a computation of annual gross volume of sales is necessary to determine the status of the enterprise under section 13(b)(10) of the Act, it must be based on the most recent prior experience which it is practicable to use.

§ 794.137 Methods of computing annual volume of sales.

(a) Where the enterprise, during the portion of its current income tax year up to the end of the current payroll period, has already had a gross volume of sales in excess of the amount specified in the statute, it is plain that its annual gross volume of sales curently is in excess of the statutory amount; or

(b) Where the enterprise has not yet in such current year exceeded the statutory amount in its gross volume of sales, but has had, in the most recently ended year used by it for income tax purposes, a gross volume of sales in excess of the amount specified in the Act, the enterprise will be deemed to have an annual gross volume of sales in excess of such statutory amount, unless use of the method set forth in paragraph (c) of this section establishes a gross annual volume less than the statutory amount; or

(c) An enterprise may use the following method of calculating its annual gross volume of sales: At the beginning of each calendar quarter (Jan. 1–Mar. 31; Apr. 1–June 30; July 1–Sept. 30; Oct. 1–Dec. 31), the gross receipts from all of its sales during the annual period (12 calendar months) which immediately precedes the current calendar quarter, is totaled. In this manner the employer, by calculating the sales of his enterprise, will know whether or not the dollar volume tests have been met for the purpose of complying with the law in the workweeks ending in the current calendar quarter.

§ 794.138 Computations on a fiscal year basis.

Some enterprises operate on a fiscal year, consisting of an annual period different from the calendar year, for income tax or sales or other accounting purposes. Such enterprises, in applying the method of computation in § 794.137(c) may use the four quarters of the fiscal period instead of the four quarters of the calendar year. Once adopted, the same basis must be used in subsequent calculations.

§ 794.139 Grace period of one month for compliance.

Where it is not practicable to compute the annual gross volume of sales under § 794.137 or § 794.138 in time to determine obligations under the Act for the current quarter, an enterprise may use a one-month grace period. If this one-month grace period is used, the computations made under those sections will determine its obligations under the Act for the 3-month period commencing one month after the end of the preceding calendar or fiscal quarter. Once adopted the same basis must be used for each successive 3-month period.

§ 794.140 Computations for a new business.

When a new business is commenced the employer will necessarily be unable for a time to determine its annual dollar volume on the basis of a full 12-month period as described in §§ 794.137 and 794.138. In many cases, it is readily apparent that the enterprise will or will not have the requisite annual dollar volume specified in the Act. For example, the new business may be so large that it is clear from the outset that the business will exceed the $1,000,000 test of the exemption. In other cases, where doubt exists, the gross receipts of the new business during the first quarter year in which it has been in operation will be taken as representative of its annual dollar volume tests for purposes of determining its status under section 13(b)(10) of the Act in workweeks falling in the current quarter year period. Similarly, for purposes of determining its status under the Act in workweeks falling within ensuing quarter year periods, the gross receipts of the new business for the completed quarter year periods will be taken as representative of its annual dollar volume in applying the annual volume tests of the Act. After the new business has been in operation for a full calendar or fiscal year, the analysis can be made by the methods described in §§ 794.137 and 794.138.

SALES MADE WITHIN THE STATE

§ 794.141 Exemption conditioned on making 75 percent of sales within the State.

A further requirement of the section 13(b)(10) exemption is that more than 75 percent of the sales of the enterprise engaged in the wholesale or bulk distribution of petroleum products (measured by annual dollar volume) must be made "within the State in which such enterprise is located". This means that over 75 percent of the annual dollar volume of sales must be from sales to customers within the same State in which the enterprise is located. If 25 percent or more of its sales volume is from sales to customers outside the State of its location, the requirement is not met and the enterprise cannot qualify for exemption.

§ 794.142 Sales made to out-of-State customers.

Whether the sale of goods or services is made to an out-of-State customer is a question of fact. In order for a customer to be considered on out-of-State customer, some specific relationship between him and the seller has to exist to indicate his out-of-State character. On the one hand, sales made to the casual cash-and-carry customer (such as at a gasoline station owned or operated by the enterprise), who, for all practical purposes, is indistinguishable from the mass of customers who visit the establishment, are sales made within the State even though the seller knows or has reason to believe, because of his proximity to the State line or because he is frequented by tourists, that some of the customers who visit his establishment reside outside the State. If the customer is of that type, sales made to him are sales made within the State even if the seller knows in the particular instance that the customer resides outside the State. On the other hand, a sale is made to an out-of-State customer and therefore, is not a sale made "within the State" in which the enterprise is located, if delivery of the goods is made outside that State, or if the relationship with the customer is such as to indicate his out-of-State character. Such a relationship would exist, for example, where an out-of-State company in the regular course of dealing picks up the petroleum products at the bulk storage station of the enterprise and transports them out of the State in its own trucks.

§ 794.143 Sales "made within the State" not limited to noncovered activity.

Sales to customers located in the same State as the establishment are sales made "within the State" even though such sales may constitute activity within the interstate commerce coverage of the Act, as where the sale (a) is made pursuant to prior orders from customers for goods to be obtained from outside the State; (b) contemplates the purchase of goods from outside the State to fill a customer's order; or (c) is made to a customer for his use in interstate or foreign commerce or in the production of goods for such commerce.

SALES MADE TO OTHER BULK DISTRIBUTORS

§ 794.144 Not more than 25 percent of sales may be to customers engaged in bulk distribution of petroleum products for resale.

As a further requirement for exemption, section 13(b)(10) limits to not more than 25 percent (measured by annual dollar volume) the sales which an enterprise engaged in the wholesale or bulk distribution of petroleum products may make to customers who are engaged in the bulk distribution of such products for resale. Thus an enterprise to be exempt may not make more than 25 percent of its annual dollar volume of sales to the customers described in the exemption. It should be noted that this limitation does not depend on whether the goods sold by the enterprise to such customers are sold by it for resale, or on whether the goods sold to such customers are petroleum products. It is whether the customer is engaged in selling petroleum products for resale that is controlling. A sale of any goods must be included in this 25 percent limitation so long as it is made to a customer who, as described in section 13(b)(10), can be characterised as one "engaged in the bulk distribution of such products for resale". It should be also noted that this provision does not in any way limit the sales which the enterprise may make to customers who are not engaged in the bulk distribution of petroleum products for resale. Thus, there is no limitation on the sales the enterprise may make to gasoline service stations which sell such products for resale, or to any other customers except those specified in the exemption in section 13(b)(10). Who is a "customer engaged in the bulk distribution of such products for resale" is discussed in §§ 794.145 to 794.148.

§ 794.145 "Customer * * * engaged in bulk distribution".

A sale to a customer of an enterprise engaged in the wholesale or bulk distribution of petroleum products will be considered to come within the 25 percent limitation for purposes of the exemption under section 13(b)(10) if it is made to a "customer who is engaged in the bulk distribution of such products for resale". The identity of such customers is generally well known in the trade. For example, this would generally include other petroleum jobbers, brokers, wholesalers, and any others who engage in the bulk distribution of petroleum products for resale. Thus a sale to a petroleum jobber who is engaged in selling petroleum products to gasoline stations would clearly be a sale to a customer described in section 13(b)(10). The essential tests are first that the customer must be one who is engaged in the distribution of "such products", which means petroleum products; second that he must engage in "the bulk distribution" of such products; and finally that he must be engaged in such distribution "for resale". These three requirements are discussed in §§ 794.146 to 794.148.

§ 794.146 Petroleum products.

What constitutes petroleum products is explained in § 794.121. A sale by an enterprise engaged in the wholesale or bulk distribution of petroleum products will be included in the 25 percent limitation under the exemption only if it is made to a customer who engages in the distribution of such products. Sales to customers who are not engaged in the distribution of petroleum products will not be included in the 25 percent limitation.

§ 794.147 "Bulk distribution".

The term "bulk distribution" means distribution to customers' storage tanks or, in the case of packaged lubricating oil, to the customers storage facility, as distinguished from delivery of an amount necessary to service a motor vehicle, into the tank of such vehicle for use in the propulsion of the vehicle. Typically, bulk distribution deliveries are made in tank trucks, motor carriers, or motor transports.

§ 794.148 Distribution "for resale".

A sale made to a customer engaged in the bulk distribution of petroleum products will be included in the 25 percent limitation only if the customer engages in the bulk distribution of petroleum products "for resale". Except with respect to a specific situation regarding certain building materials, the word "resale" is not defined in the Act. The common meaning of "resale" is the act of "selling again". A sale is made for resale when the seller knows or has reasonable cause to believe that what is sold by him will be resold by the purchaser in the same or a different form. Where the sale is thus made for resale, it does not matter what ultimately happens to the subject of the sale. Thus, the fact that goods sold for resale are consumed by fire or no market is found for them and they are therefore never resold does not alter the character of the sale which is made for resale. In considering whether there is a sale of petroleum products for resale in any specific situation, the term "sale" includes, as defined in section 3(k) of the Act, "any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition".

APPLICATION OF EXEMPTION TO EMPLOYEES

§ 794.149 Employees who are exempt.

Section 13(b)(10) provides that the exemption from the overtime requirements of the Act shall be applicable to "any employee of" a distribution enterprise which meets its requirements. As was pointed out in §§ 794.104 and 794.119 to 794.124, an enterprise which meets the requirements of section 13(b)(10) may engage in activities other than the wholesale or bulk distribution of petroleum products, such as the sale of coal, ice, feed or the recapping of tires. It is clear, as was pointed out in § 794.104, that it was not intended that the exemption provided by section 13(b)(10) should be applicable to employees who engage in these other activities which may be a part of the enterprise but which do not constitute engagement in the wholesale or bulk distribution of petroleum products. Where an exemption was intended to be applicable to such other employees, it was specifically provided in other sections of the Act. Thus, for example, under appropriate circumstances, there are exemptions under section 13(a)(2) of the Act for employees engaged in the sale of ice, lumber, feed or the recapping of tires. (These exemptions are explained in §§ 779.355 through 779.359, §§ 779.362 through 779.364, and §§ 779.372 through 779.375 of this chapter.) Whether the wholesale or bulk distribution of petroleum products in such cases constitutes the major activity of the enterprise or is only a minor part of the enterprise's business operations, it is clear that it was intended that the overtime exemption under section 13(b)(10) should be applicable to those employees of the enterprise who are engaged in the wholesale or bulk distribution of petroleum products. Thus, the exemption from the overtime pay requirements of the Act under section 13(b)(10) will be applicable, in any case where the enterprise meets the requirements of section 13(b)(10), to all the employees of the enterprise who are engaged in the storage and delivery of petroleum products for the enterprise, and to those employees whose work is required for the performance of the activities in the wholesale or bulk distribution of the petroleum products. The exemption is applicable not only to such employees as drivers, helpers, loaders, dispatchers, and warehousemen who engage in the activities of the delivery and storage of petroleum products, but also to such employees as office, management, and sales personnel, maintenance, custodial, protective personnel, and any others, who engage in activities which are required for the performance of the functions of the wholesale and bulk distribution of the petroleum products.

§ 794.150 Effect of activities other than "wholesale or bulk distribution of petroleum products".

In some cases, as noted in § 794.104, enterprises engaged in the wholesale or bulk distribution of petroleum products also engage in other activities. Examples are the operation of tire recapping establishments or gasoline service establishments, the sale and servicing of oil burners, and the distribution of coal, ice, feed, building supplies, paint, etc. While these activities, in appropriate cases, may be included in an enterprise engaged in the wholesale or bulk distribution of petroleum products as "related activities" (see §§ 794.119 through 794.124), they are not the type of activities for which the section 13(b)(10) exemption was intended. In such cases, the employees who are exclusively engaged in the wholesale or bulk distribution of petroleum products would nonetheless be entitled to exemption under 13(b)(10), assuming all the requirements for exemption are met. The employees engaged in activities other than the wholesale or bulk distribution of petroleum products would, of course, not come within the scope of the section 13(b)(10) exemption. For example, employees of separate gasoline service establishments are not exempt under section 13(b)(10); however, they may be exempt from the minimum wage and overtime pay provi-

sions of the Act under section 13(a)(2), or from the overtime pay provisions of the Act under section 13(b)(8). Where an employee who is otherwise engaged in the wholesale or bulk distribution of petroleum products including activities which are a necessary part thereof, devotes an insubstantial amount of time (for administrative purposes, not more than 20 percent in a workweek) to these other activities, the section 13(b)(10) exemption will not for that reason be considered inapplicable to him.

§ 794.151 Workweek unit in applying the exemption.

The unit of time to be used in determining the application of the exemption to an employee is the workweek. (See Overnight Transportation Co. v. Missel, 316 U.S. 572.) A workweek is a fixed and regularly recurring interval of 7 consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing of the workweek for the purpose of escaping the requirements of the Act is not permitted.

§ 794.152 Work exempt under another section of the Act.

Where an employee performs work during his workweek, some of which is exempt under one section of the Act, and the remainder of which is exempt under another section or sections of the Act, the exemptions may be combined. The employee's combination exemption is controlled in such case by that exemption which is narrower in scope. For example, if part of his work is exempt from both minimum wage and overtime compensation under one section of the Act, and the rest is exempt only from the overtime pay requirements of section 13(b)(10), the employee is exempt that week from the overtime pay provisions, but not from the minimum wage requirements.

§ 794.153 Other exemptions which may be applicable to employees of enterprises engaged in the wholesale or bulk distribution of petroleum products.

The Act contains other exemptions which may have applicability to certain employees of enterprises engaged in the wholesale or bulk distribution of petroleum products. Section 13(b)(8) grants an overtime exemption for employees of gasoline service stations (see Part 779 of this chapter interpreting the Act as it applies to retailers of goods and services). Section 13(a)(1) provides a minimum wage and overtime exemption for employees employed in a bona fide "executive," "administrative," or "professional" capacity or in the capacity of an "outside salesman" (see Part 541 of this chapter, defining and delimiting the quoted terms and interpreting generally section 13(a)(1)). Section 13(a)(2) also grants a minimum wage and overtime exemption for any employee employed by certain retail or service establishments (see Part 779 of this chapter, interpreting the Act as it applies to retailers of goods or services). Section 13(b)(1) provides an overtime exemption for certain drivers, drivers' helpers, loaders, or mechanics of motor carriers meeting specified requirements (see Part 782 of this chapter interpreting this exemption). Section 13(b)(11) provides an overtime exemption for any employees employed as a driver or driver's helper making local deliveries, who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the Secretary shall find that such a plan has the general purpose and effect of reducing hours worked by such employees to, or below, the maximum workweek applicable to them under section 7(a) of the Act.

Signed at Washington, D.C., this 26th day of March 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-3135; Filed, Mar. 30, 1962; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter XIV, Subchapter B, is amended in the following respects:

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Section 1453.2(d) *Profits from increment in value of excess inventory* is amended by deleting from the first sentence of subparagraph (8) the words "(RB Form 1B)".

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

Section 1456.2 *Responsibility for segregation* is amended by deleting from the second sentence of paragraph (a) the words "required to be filed by the contractor".

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

1. Section 1464.1(b) *Definition of "affiliated group"* is amended by deleting the first sentence of subparagraph (3) and inserting in lieu thereof the following: "The term 'affiliated group' as used in this part means a group of corporations which qualify under the definition quoted in subparagraph (1) of this paragraph, with respect to fiscal years to which the Internal Revenue Code of 1939 is applicable, or under the definition quoted in subparagraph (2) of this paragraph, with respect to fiscal years to which the Internal Revenue Code of 1954 is applicable."

2. Section 1464.1(b)(3) is further amended by deleting the period at the end and adding "of 1939, or subsections (b), (c), and (d) of section 1504 of the Internal Revenue Code of 1954, whichever is applicable (see § 1451.33 of this subchapter)."

3. Section 1464.7 *Miscellaneous provisions applicable to consolidated renegotiation* is amended by inserting after the second sentence of paragraph (a) a new sentence to read as follows: "A request by either group shall include a consolidating income account showing separately the renegotiable and nonrenegotiable business of each member of the group in the detail specified in the Standard Form of Contractor's Report. See § 1470.3(h) of this subchapter."

4. Section 1464.7(a) is further amended by deleting from the fifth sentence thereof the words "(RB Forms 1 and 1B)".

5. Section 1464.90 *Letter form of request for renegotiation on consolidated basis (affiliated group)* is amended by renumbering paragraph 6 to be paragraph 7 and inserting a new paragraph 6 to read as follows:

6. The undersigned represent that Schedule B attached hereto is a consolidating income account showing separately the renegotiable and nonrenegotiable business of each member of the group in the detail specified in the Standard Form of Contractor's Report.

6. Section 1464.91 *Letter form of request for renegotiation on consolidated basis (related group)* is amended by renumbering paragraphs 6 and 7 to be paragraphs 7 and 8 and inserting a new paragraph 6 to read as follows:

6. The undersigned represents that Schedule B attached hereto is a consolidating income account showing separately the renegotiable and nonrenegotiable business of each member of the group in the detail specified in the Standard Form of Contractor's Report.

7. Section 1464.91 is further amended by changing paragraph 7 (former paragraph 6) to read as follows:

7. Each of the undersigned who participated in a consolidated renegotiation under the act for a prior fiscal year and whose fiscal year differed from the fiscal year of the related group in that renegotiation represents that it has adopted, under the Internal Revenue Code, a fiscal year in conformity with the fiscal year of the related group.

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

1. Section 1470.3(h) *Filing on a consolidated basis* is amended by deleting from the third sentence the words "RB Form 1B" and inserting in lieu thereof the words "such form".

2. Section 1470.3(h) is further amended by deleting the fourth sentence and inserting in lieu thereof the following: "Notwithstanding the foregoing, each member of such group shall file a separate Standard Form of Contractor's Report."

PART 1475—UNILATERAL ORDER PROCEDURE

Section 1475.3 *Determination by Regional Board* is amended by changing the reference "§ 1472.5" in paragraph (b)(2) to read "§ 1472.6".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 28, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-3128; Filed, Mar. 30, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

TOMATOES

Proposed Import Restrictions

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality, and inspection regulations that are to be made applicable to the importation of tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 980.200 Tomato Regulation No. 7.

(a) *Import restrictions.* During the period from April 16, 1962, to July 15, 1962, both dates inclusive, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better grade, and are 2½₂ inches minimum diameter or larger: *Provided,* That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 (2½₂ inches minimum diameter to 2⅝₂ inches maximum diameter) may be smaller than the specified minimum diameter.

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is the inspection service for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of tomatoes is required on all imports of tomatoes. Each lot shall be made available and accessible for inspection. Inspection and certification will be available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (7 CFR Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Box 111, Harlingen, Tex. (Phone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 305 American Ave., Box 1646, Nogales, Ariz. (Phone—Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 S. Central Ave., Room 294, Los Angeles 21, Calif. (Phone—Madison 2-9756).	3 days.
Miami, Fla...	Lloyd W. Boney, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Phone—Franklin 1-6932).	Do.
All other Florida points.	Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Phone—Garden 2-2447).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Phone—Dudley 8-5870).	Do.

(2) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspection performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation under the act.

(g) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the U.S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title), including the tolerances set forth therein.

(2) "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: March 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3112; Filed, Mar. 30, 1962; 8:46 a.m.]

Agricultural Research Service

[9 CFR Part 17]

LABELING

Proposed Amendment Relating to Barbecued Meats

On December 21, 1961 there was published in the FEDERAL REGISTER (26 F.R. 12222) a notice of a proposed amendment of § 17.8 of the Meat Inspection Regulations (9 CFR 17.8) relating to barbecued meats, pursuant to the authority of the Meat Inspection Act (21 U.S.C. 71 et seq.) and section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306 (b)). Interested persons were allowed 30 days to submit written data, views, or arguments concerning the proposed amendment. On January 25, 1962, there was published in the FEDERAL REGISTER (27 F.R. 748) a notice of an additional 30 days for submitting comments on the proposal.

Information received in response to the notice of the proposed amendment relating to barbecued meats indicated that the traditional means of preparing barbecued meats by exposure to dry heat derived from the burning of hardwood or hardwood hot coals imparts characteristics to the meats that cannot be achieved by the use of any other source of dry heat such as an electronic unit. Such sources of heat may result in a product that has similar physical characteristics but specific flavor characteristics traditionally associated with barbecued meats are not present. This relates to the fact that meats cooked over burning hardwood or hardwood coals are permeated in the necessarily slow cooking process with the flavor of the smoke generated by the burning hardwood and the dripping of the rendered fats onto the hardwood coals. Most correspondents indicated that it would be misleading to apply the term "barbecued" to product not produced by this traditional cooking method.

Therefore, after consideration of all relevant matters, it has been decided that the proposed amendment relating to barbecued meats will not be issued.

Done at Washington, D.C., this 28th day of March 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-3137; Filed, Mar. 30, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31, 41, 45, 46, 48, 49, 179, 194, 196, 197, 201, 245, 301]

USE OF IDENTIFYING NUMBERS

Notice of Hearing on Proposed Regulations

The proposed regulations under various sections of the Code, relating to use of identifying numbers on returns and other documents filed with the Service, were published in the FEDERAL REGISTER for February 24, 1962.

A public hearing on the provisions of these proposed regulations will be held on Tuesday, April 17, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by April 13, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-3123; Filed, Mar. 30, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 34, 35, 51]

[Regulatory Docket No. 1127; Draft Release No. 62-13]

REVALIDATION OF AIRMAN CERTIFICATES AND PERIODIC RENEWAL THEREAFTER

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to amend Parts 20, 21, 22, 24, 25, 26, 27, 34, 35, and 51 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 30, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

The Agency is considering a program of revalidation and recurrent renewal of all airman certificates. The essential details of the program and an explanation of the reasons it is being proposed are contained in the Agenda for the Regional Air-Share Meetings scheduled for April 1962, as Item No. 1, which is reprinted herein.

Because of the long lead time required before any such system could be placed in operation, and of the consequent need to initiate preliminary planning and development substantially in advance of implementation, it has been determined to broaden the area of comment and consideration beyond the forum of the Air-Share meetings. The object is to obtain as full public participation as possible so that consideration may be given thereto and may be reflected in the planning and development work. We particularly are aware that there is a substantial segment of affected persons, including airline pilots, flight engineers, and air-traffic control-tower operators in addition to general aviation pilots and mechanics, who would not normally participate in, and hence be reached by the Air-Share proceedings.

Written comments received in response to this notice will be considered together with those received in the Air-Share meetings.

ITEM 1—EXPIRATION AND RENEWAL PROGRAM FOR ALL AIRMAN CERTIFICATES

HISTORY

Before 1942, all airman certificates expired periodically unless the holder's certificate was endorsed by an inspector on the basis of a showing of recent experience, or, in some cases, by reexamination if recency was lacking.

Draft Release No. 6 was issued December 23, 1941, proposing to eliminate the requirement for periodic endorsement of pilot certificates; and Part 20 was thus amended March 27, 1942. The need for the amendment was justified on the basis of a large increase in airmen, and on the fact that it would be "• • • nearly impossible for our present inspection staff or any proposed augmented staff • • •" to continue the program of periodic endorsement of pilot certificates. The problem of gathering meaningful statistics needed for orderly functioning of the Agency was compromised by providing for certain statistical information on the medical form.

Other parts were amended June 29, 1942, to provide for indefinite duration of airman certificates. Holders of certificates not subject to medical requirements were required to submit a report during the month of January of each year, to fulfill the statistical needs of the Agency. However it was found that the information was of limited use, and the requirement for submitting the annual report was deleted by amendments dated December 28, 1950. The deficiency lay in the complexity of unmechanized analyzing and sorting, and the uneconomic heavy staffing needed to correlate the data.

It has thus been necessary, in spite of the rapidly increasing numbers of airmen, to defer the important task of getting and correlating airman data until efficient means for getting and using the data had been developed. The systems for doing so are now available, and may be put into effect with a minimum of bother or annoyance to the certificate holder.

OBJECTIVES

A record system, using modern electronic analyzers, may be adapted to an economical program of sorting and analyzing data when the method of issuing and renewing certificates is related to a single certificate containing all authorized airman privileges. By using the holder's social security number, airman identification can be improved. Reasonably current addresses will be available; and an accurate file of names and addresses of current airmen will enable the Administrator to use direct mailing programs economically for the dissemination of safety information.

More direct information about persons currently engaged in airman activities, and the extent of their engagement and the subareas of their activities will give useful and practical data that may properly be used in reviewing regulatory needs, enforcement requirements and accident trends.

Orderly periodic expiration of airman privileges will also relieve the burdens placed irregularly upon airmen when it is necessary, as it has been in the past, to expire all, or certain classes of certificates to reissue in conformance with certain regulatory changes, such as reissued pilot certificates, reissued certificates with rotorcraft ratings, reissued flight instructor certificates.

The system will permit a general "housecleaning" to eliminate inactive certificate holders from the Agency work program; thus giving more accurate and realistic data to justify work planning, public service and budgetary requirements. The more realistic the data, the more economically the work program can be developed, or, on the other hand, the more readily safety deficiencies may be recognized and correcting programs justified.

THE PROGRAM

(a) *Exchange of existing certificates.* (1) Revalidation is a term we use here for the process of exchanging existing certificates for the new single certificate containing all authorized airman privileges and fitting the airman record into the revised airman records system.

(2) For holders of certificates that do not require a current medical certificate, revalidation would be made upon application without a showing of recent experience. Revalidation of certificates that require a medical certificate would be made at the time of the next medical examination within the 2-year validation period without a showing of recent experience. The holder of both kinds of certificates would have them revalidated at the time of his next medical examination within the 2-year period; but if he elects not to take a medical examination, he could have his "nonmedical" certificates revalidated upon application.

(3) All current airman certificates would have to be revalidated by reissuance. A grace period of two years would be allowed for this purpose, after which any certificate that has not been reissued would expire, and any later reissuance would be in the same manner as described in item (b) (8) below.

(b) *Duration and renewal of all airman certificates.* (1) Each airman certificate that has been revalidated or has been issued after the effective date of the "renewal"

amendment would be valid for two years; and renewable at any time up to four years.

(2) If an airman certificate privilege is not renewed within a 4-year period, the certificated privilege would expire and could be reissued only in accordance with item (b)(8) below.

(3) All airmen privileges would be specified on a single airman certificate.

(4) All certificated privileges that require a medical certificate would be renewed at the time of undergoing and passing the prescribed medical examination. Completion of the application for renewal and medical examination, and meeting the physical requirements would be the basis for renewal of those certificated airman privileges.

(5) All certificated privileges that do not require a medical certificate would be renewed by submitting an application for renewal. The applicant would have to meet presently prescribed recent experience requirements for each authorized airman privilege that does not require a medical certificate. The application would be accepted by the Agency upon the applicant's statement that he does meet the recent experience requirements.

(6) If the certificate holder is authorized privileges, some of which require a medical certificate, and some of which do not, all privileges would be renewable at the time of next medical examination. If a medically renewable privilege is not renewed within the valid period of the privileges (there may be good reason, such as being out of the country and not being able to reach an FAA medical examiner, or temporary physical incapacity), the nonmedical privileges could then be renewed in the same manner as though no medically renewable privileges were authorized. If the medical examination is completed within the following 2 years (so that the total does not exceed 4 years from time of issuance or last renewal of medically certificated privileges), then all the privileges authorized would be renewed at the same time, if the applicant at that time meets the recent experience requirements for the nonmedical privileges.

(7) In certain instances, both medical and recent experience would be required such as for flight instructors.

(8) A person whose certificated airman privilege has expired (if it has not been renewed within a 4-year period) would reapply for a new authorization to exercise the privilege. He could submit evidence of his previous certification and experience as an airman in place of submitting evidence of aeronautical experience required for original certification. He would be subject to reexamination up to complete examination for original issuance. However, the Agency would issue standards for the guidance of inspectors in deciding on the extent and scope of examination necessary. These standards would be related to the length of time the airman has been inactive, his total experience, the degree of change in written examination standards since last examined, the relative extent of technological changes in aircraft since the applicant was last active, and similar consideration.

FUTURE CHANGES

Very possibly the requirements will change; but the data on hand acquired through this system will permit rule changes to be made on the basis of known factors rather than estimated and sometimes controversial factors.

We agree there are some inconsistencies in the standards for renewal presented here; however, the major need for the program at the present time is to get facts that will enable us to evaluate aviation safety as related to the recent experience of airmen on the basis of known factors; we must first start from a broad platform with minimum burden to airmen. If the specific information gathered through the statistical data obtainable shows a safety need, for instance, to expire a privilege that has not been exercised by an airman, such as a multiengine rated pilot who has not flown a multiengine airplane in 10 years, then action should definitely be taken to do this. If the data shows that recent experience provisions are too high or too low, without respect to airman renewals, then these should be changed. The important thing is that we expect to be able to get significant and substantial data that will support safety action by the Agency.

The format of any final rules adopted pursuant to this proposal will be subject to such changes as may be necessary for recodification under the Agency's recodification program recently announced in Draft Release No. 61-25 (26 F.R. 10698).

These amendments are proposed under the authority of sections 313a, 601, 602, 607 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 779; 49 U.S.C. 1354, 1421, 1422, 1427).

Issued in Washington, D.C., on March 28, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3170; Filed, Mar. 30, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF SILK PIECE GOODS, TUSSAH

Available Certification by the Government of the United Kingdom

Notice is hereby given that certificates of origin issued by the Customs and Excise of the Government of the United Kingdom under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation of silk piece goods, tussah, into the United States directly, or on a through bill of lading, from the United Kingdom.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-3163; Filed, Mar. 30, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

FLUE-CURED TOBACCO IN UNTIED FORM

Notice of Price Support

Notice is hereby given that the Secretary of Agriculture proposes to amend the terms and conditions of price-support operations for flue-cured tobacco carried out through Commodity Credit Corporation pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). It is proposed to make price support available on lugs, including primings and nondescript grades thereof (7 CFR 29.1061, 29.1065, 29.1072), of flue-cured tobacco marketed in untied form in the South Carolina-Border Belt (U.S. Type 13, 7 CFR 29.1099), as set forth below.

Background statement. Customarily, flue-cured tobacco has been marketed by the producers in untied form only in the States of Georgia and Florida. In other flue-cured marketing areas, tobacco customarily has been marketed only in tied form. Since the inception of the present form of price support program in 1946, the program provisions have required producers who desired price support to comply with these marketing practices. Thus, the current tobacco loan program regulations (25 F.R. 6123), contain the following provision: "In the case of flue-cured tobacco, price support will be available through auction warehouses in States other than Georgia and Florida only if such tobacco is in tied form" (§ 464.1202(c)(1)(iv)).

The Department has received numerous requests in recent years from South Carolina spokesmen to make price support available on flue-cured tobacco marketed in untied form. In a press release issued June 5, 1961, the Department announced that consideration would be given to removing the geographical limitation on price support of flue-cured tobacco in untied form for the price-support program for the 1962 crop. Accordingly, a study group was formed to determine the feasibility of such action. Copies of the report of the study group are available upon request to the chairman, Mr. Murray Thompson, Director, Price Division, ASCS, U.S. Department of Agriculture, Washington 25, D.C. In view of the findings of the study group as expressed in this report, the Secretary is considering testing the feasibility of making price support available upon a limited quantity of untied tobacco marketed in the South Carolina-Border Belt, in addition to that marketed in Georgia and Florida.

Proposed program changes. It is proposed, therefore, to amend the tobacco loan program regulations to provide for the 1962 crop year that price support on untied tobacco will be available in the Georgia-Florida marketing areas and to a limited extent in the South Carolina-Border Belt. Consideration is being given to extending price support to flue-cured tobacco marketed on all South Carolina-Border Belt markets in the following manner: During the first five days on each such market, price support will be available only on lugs, including primings and nondescript grades thereof, which are otherwise eligible for support and are offered for sale in untied form; beginning with the sixth day of the sale, price support will be available on eligible grades of all tobacco offered for sale in tied form. Thus, no price support will be available on any tobacco except lugs and primings for the first five days of the market, and then only if the lugs and primings are marketed in untied form. Thereafter, price support will be available on all tobacco, including lugs and primings, if it is in tied form. The price-suport grade loan rates for tobacco offered in untied form will be less than the rates for the same grades offered in tied form. During the 1961 season, the differential between grades of flue-cured tobacco marketed untied in Georgia and Florida and those marketed tied elsewhere was $6.00 per hundredweight.

In view of the widespread effect which any change in price-support conditions with respect to untied tobacco may have upon marketing, processing, and exporting facilities and operations, any amendment of the regulations would be adopted purely on an experimental basis. Continuance or modification in later seasons would be dependent upon experience during the 1962 season.

Request for views. Tobacco producers, warehousemen, manufacturers, dealers, and other interested persons in the flue-cured tobacco area have until April 23, 1962, to submit views and comments. Such views and comments should be in writing and should include a statement as to whether the writer is a producer, other member of the tobacco industry, or other interested person, where he is located, and how the proposed price support amendment would affect him or the group or interest he represents.

Such views and comments must be received by Mr. Murray Thompson, Director, Price Division, ASCS, U.S. Department of Agriculture, Washington 25, D.C., not later than the aforementioned date.

Effective date of publication.

Signed at Washington, D.C., on March 27, 1962.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 62-3119; Filed, Mar. 30, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Provisional Operating License

Please take notice that pursuant to an initial decision of the Hearing Examiner dated February 21, 1962, the Director of the Division of Licensing and Regulation has issued Provisional Operating License No. DPR-5 to Consolidated Edison Co. of New York, Inc., for its pressurized water nuclear reactor located in Westchester County, N.Y.

The license authorizes the loading of the reactor, the conduct of tests and the operation of the reactor up to and including steady-state power levels of 585 megawatts thermal but specifies that the core may not be loaded and operation of the facility may not begin until the Director, Division of Licensing and Regulation, has found that construction of the facility has been completed in conformity with Construction Permit No. CPPR-1 as amended and the application.

The license will expire eighteen months after the date of its issuance (unless extended for good cause shown), or upon the earlier issuance of a superseding operating license pursuant to further order of the Commission.

Copies of the initial decision and the license are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of March 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 62-3096; Filed, Mar. 30, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MISSISSIPPI SHIPPING CO., INC.

Notice of Application

Notice is hereby given that Mississippi Shipping Co., Inc., has applied for an increase of sailings on its subsidized freight service on Trade Route 14, Service 2—U.S. Gulf-West Coast of Africa from a maximum of 18 sailings to a maximum of 24 sailings per annum.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on April 16, 1962, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 28, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-3124; Filed, Mar. 30, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 13284, 13285; Order E-18152]

AMERICAN AIRLINES, INC.; SERVICE TO MIDLAND-ODESSA, TEX.

Order Denying Temporary Suspension and Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1962.

On December 18, 1961, American Airlines, Inc. (American) filed an application (Docket 13285) pursuant to Part 205 of the Board's Economic Regulations, requesting authority to suspend service temporarily at Midland-Odessa, Tex. Concurrently, American filed a petition under section 401(g) of the Federal Aviation Act of 1958, as amended (Act) for the termination or suspension of its authority to serve Midland-Odessa (Docket 13284).

In support of its application, American states, inter alia, that American's share of the Midland-Odessa traffic is extremely small and the downward trend will be further augmented as a result of recent improvements in Continental's authority in Midland-Odessa western markets; that Midland-Odessa's traffic in the Dallas/Fort Worth and El Paso markets totaled 58.5 passengers per day each way during the year 1960 but American carried only 5.9; that of Midland-Odessa's 25 leading markets, American carried only 10 percent of the total traffic; that over 90 percent of American's Midland-Odessa one-plane passengers enplane or deplane at the Dallas/Fort Worth or El Paso gateways; that only 2.8 passengers per operation enplaned or deplaned at El Paso, while beyond-gateway traffic on board totaled only 0.6 for Los Angeles, San Diego, Phoenix, Tucson, and Douglas combined; that while 11.7 passengers per operation enplaned or deplaned at Dallas/Fort Worth, a total of only 0.6 remained on board in the beyond-gateway markets, Memphis, New York, Philadelphia, Washington, and Nashville; that American's Midland-Odessa operations with DC-6 equipment are unprofitable, producing an annual loss of over $156,000; that the DC-6 aircraft is being withdrawn from scheduled passenger service as part of American's fleet modernization program; that both Continental and Trans-Texas will continue to serve the needs of more than nine out of ten passengers for intra-Texas and regional service, and that suspension will strengthen American economically and enable it to meet more effectively its long-haul responsibilities.

Continental Airlines, Inc. (Continental) filed an answer supporting American's application. Continental states that after the inauguration of its Midland-Odessa-West Coast service American's participation in this traffic began a sharp decline (third quarter 1961 shows less than 7 percent participation in O. & D. passengers between Midland-Odessa and Los Angeles-Phoenix-Tucson); that as to Midland-Odessa's largest market, Dallas/Fort Worth, American's minor role is fast declining and that Continental's existing flights can easily accommodate all of American's passengers in the above-mentioned market.

The city of Dallas and the Dallas Chamber of Commerce filed an answer to American's temporary suspension application. The basis of the city's opposition to this application is that the carrier has provided the Dallas-Midland-Odessa market with service for over 15 years and accounted for over 75 percent of the O. & D. traffic from 1953 to 1958; 31 percent in 1959 and less than 7 percent in 1960, the decline of which was not caused by overpowering competition; that the Dallas-Midland-Odessa passenger market has grown more rapidly than either the Dallas market as a whole, the Midland-Odessa market as a whole or the U.S. market as a whole, and that American's service in the Dallas-Midland-Odessa market has consistently failed to keep pace with the growth.

The cities of Midland and Odessa, Tex., and the Chambers of Commerce of Midland and Odessa (Midland-Odessa) filed exceptions to American's application for temporary suspension of service. In support of its exceptions Midland-Odessa states, in part, that American did not and would not provide proper service when it was needed; that Midland-Odessa traffic is forced to use the competing carriers because of American's lack of schedules and service; that American has played a leading part in the development of the million dollar terminal which opened January 6, 1960, leasing 3,640 square feet of space for 5 years, and that temporary suspension of service should not be granted without a full evidentiary hearing.

Trans-Texas Airways, Inc. (Trans-Texas) filed an application (Docket 13311, December 26, 1961) pursuant to section 416(b) of the act, requesting exemption authority to provide single-plane service between Dallas and Fort Worth, Tex., and Midland-Odessa, Tex., if the Board concludes that American's service to Midland-Odessa should be temporarily suspended.

After careful consideration of the various petitions and the appendices attached thereto, and the present and potential service needs of the Midland-Odessa area, and the data relating to the service and traffic at Midland-Odessa shown in the appendices hereto,[1] we tentatively find and conclude that frequent and convenient service is now provided at Midland-Odessa by Continental and, although a change of planes is required, service is also provided by Trans-Texas[2] to Fort Worth and Dallas; that the local or connecting passengers destined to gateway points will be served by the two remaining carriers; that for the year ended June 30, 1961, American's single carrier share of the Midland-Odessa traffic was only 7 percent; that the volume of traffic to points on American's system which would be deprived of single carrier service is small (Appendix C);[1] that to require American to continue to incur the expense necessary to provide service at Midland-Odessa is not warranted by the traffic results; and, consequently, that the public convenience and necessity require the elimination of Midland-Odessa, Texas from American's certificate for route 4.

However, upon consideration of all the pleadings herein and all the circumstances, the Board finds that the requested temporary suspension of American at Midland-Odessa would not be in the public interest. It is clear that there are involved herein, as evidenced by the pleadings, issues as to the precise need of Midland-Odessa for air service raising controversial questions which should be resolved only in a proceeding under section 401(g) of the act, rather than on an informal basis. Accordingly, we will deny American's application in Docket 13285 for temporary suspension.

On the basis, however, of the foregoing and all the data available, we tentatively find and conclude that the public convenience and necessity require the amendment of American's certificate for route 4 so as to delete Midland-Odessa therefrom.

One-stop local service between Dallas or Fort Worth and Midland-Odessa is at issue in the Southwestern Area Local Service Case, Docket 10758, et al. Trans-Texas is an applicant in this case and has applied to serve the above-mentioned markets. The Board therefore finds that Trans-Texas has not met the requirements of section 416(b) of the act for a temporary exemption and its application should be denied.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of American for route 4, so as to delete therefrom the intermediate point Midland-Odessa, Tex.;

2. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein shall, within 20 days from the service date, file with the Board, and serve upon all persons hereafter made parties to this proceeding, a statement of objections;[3]

3. That, at the expiration of the period for filing objections, this proceeding, identified as the American Airlines Service to Midland-Odessa Case, Docket 13284, shall be set for hearing, at the earliest practicable time, before an Examiner of the Board;

4. That the application of American in Docket 13285 be and it hereby is denied;

5. That copies of this order shall be served upon American Airlines, Inc., Continental Airlines, Inc., Trans-Texas Airways, Inc., city and Chamber of Commerce of Dallas, cities and Chambers of Commerce of Midland and Odessa, all hereby made parties to the proceeding in Docket 13284;

6. That the application of Trans-Texas for exemption authority to provide single-plane service between Dallas and Fort Worth and Midland-Odessa be denied; and

7. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-3125; Filed, Mar. 30, 1962; 8:48 a.m.]

[1] Filed as part of the original document.

[2] By exemption Order E-13961, June 1, 1960.

[3] The Board will not separately entertain petitions seeking reconsideration of this order. All requests for relief from, or modification of this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein.

[Docket No. 10582]

DELTA AIR LINES, INC.

Notice of Prehearing Conference

In the matter of the application of Delta Air Lines, Inc., requesting an amendment of its certificate of public convenience and necessity for route 24 with respect to restriction No. (5) by adding New Orleans, La., as an alternate mandatory stop on all flights serving Dallas or Fort Worth, Tex., on the one hand, and Washington, D.C., Baltimore, Md., Philadelphia, Pa., New York, N.Y., and Newark, N.J., on the other. See Order E-16815.

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled matter on April 9, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., March 28, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3126; Filed, Mar. 30, 1962; 8:48 a.m.]

[Docket No. 13500 etc., Order E-18160]

OVERSEAS NATIONAL AIRWAYS, INC.

Proposed Reduced DC-7 Military Passenger Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1962.

In the matter of reduced DC-7 military passenger charter rates proposed by Overseas National Airways, Inc.; Dockets 13500, 13453, 13475, 13476.

Overseas National Airways, Inc. has filed a tariff marked to become effective March 31, 1962, proposing to reduce its DC-7 military passenger charter rates for mileage in excess of 100 miles from $2.50 to $2.40 per live mile applicable between points in the continental United States.

United States Overseas Airlines, Inc., on March 14, 1962, filed a complaint and request for suspension and investigation of the proposed rates. In its complaint United States Overseas alleges inter alia that the proposed rates would necessitate concomitant reduction by other carriers resulting in a destructive rate war which would be against the public interest particularly in view of the present critical financial condition of Overseas National and many of the principal supplemental carrier participants in CAM movements. United States Overseas further supports its complaint by pointing out that the Board suspended[1] rates of $2.40 per mile for DC-6A and DC-6B aircraft proposed by it and that the "same considerations even more urgently justify suspension of a generally similar rate on DC-7 aircraft, bearing in mind the latter's greater capacity."[2]

Overseas National submitted no justification in support of its proposal. In its answer to the United States Overseas complaint the carrier alleged inter alia that its tariff would not result in a rate war, pointing to currently effective lower charter rates of Delta and Pan American for DC-7 type aircraft. The answer further alleged that the proposed tariff was expected to provide a reasonable profit for Overseas National on CAM movements but did not controvert the United States Overseas allegations with respect to the financial condition of the principal supplemental carriers. The proposed rate reduction appears to result in passenger charter rates for civil air movements below the established level used by those carriers that participate heavily in this traffic and may well precipitate other rate reductions. No contention was made that the charter services of Pan American or Delta are competitive with Overseas National.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,[3] the Board has concluded to suspend the operation of such DC-7 tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions on 2d and 3d Revised Pages 6 of Overseas National Airways, Inc., C.A.B. No. 39 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions on 2d and 3d Revised Pages 6 of Overseas National Airways, Inc., C.A.B. No. 39 are suspended and their use deferred to and including June 28, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaint of United States Overseas Airlines, Inc., in Docket 13453 is consolidated herein.

4. The complaint of Paramount Airlines, Inc., in Docket 13475 is dismissed.

5. The complaint of Quaker City Airways, Inc. (also operating as Admiral Airways, Inc.) in Docket 13476 is dismissed.

6. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

7. Copies of this order shall be filed with the tariff and shall be served upon Overseas National Airways, Inc., United States Overseas Airlines, Inc., Paramount Airlines, Inc., and Quaker City Airways, Inc. (also operating as Admiral Airways, Inc.).

[1] Order E-16512, dated Mar. 15, 1961, Docket 12226.

[2] Paramount Airlines, Inc., in Docket 13475 and Quaker City Airways, in Docket 13476, Mar. 20, 1962, filed complaints requesting suspension and investigation of the subject tariff. Such complaints were not timely filed as provided by the Board's Rules of Practice in Economic Proceedings 14 CFR 302.505 and accordingly are being dismissed herein.

[3] Overseas National Airways, Order E-16462, dated Mar. 2, 1961; Flying Tiger, Orders E-17789, dated Dec. 1, 1961, and E-18037, dated Feb. 19, 1962; Capitol Airways, Order E-17110, dated July 6, 1961; Trans International, Order E-18060, dated Mar. 1, 1962; and Quaker City, Order E-18116, dated Mar. 19, 1962.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-3127; Filed, Mar. 30, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14269, 14270; FCC 62M-422]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Continuing Hearing; Correction

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

In the order in the above-entitled matter released March 22, 1962 (FCC 62M-422, 17802) (27 F.R. 2817), substitute the following paragraph for the second paragraph contained therein:

The Hearing Examiner having under consideration a "Petition for Change of Hearing Date" filed March 16, 1962 by Hershey Broadcasting Company, Inc. in the above-entitled matter, and

Released: March 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3130; Filed, Mar. 30, 1962; 8:48 a.m.]

[Docket Nos. 14455, 14456; FCC 62M-445]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Continuing Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL-8187; for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110; for construction permit to build a new standard broadcast station at Centreville, Alabama.

The Hearing Examiner having under consideration a pleading filed on March 23, 1962, which purports to be a petition for continuance;

It appearing that the hearing is scheduled to commence on April 10, 1962, and the applicant now requests a continuance until May 21, 1962, in order to await action on another pleading from the applicant which is now pending before the Commission; and

It further appearing that the Broadcast Bureau has informally indicated to the Examiner that it has no objection to a grant of this request; and

It further appearing that the requested date of May 21 would conflict with another case on the Hearing Examiner's calendar so that the continuance must be made to a different date;

It is ordered, This 26th day of March 1962, that the petition of W. D. Frink for continuance is granted and the hearing is continued from April 10 to May 14, 1962.

Released: March 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3131; Filed, Mar. 30, 1962; 8:48 a.m.]

[Docket No. 14522; FCC 62M-443]

MERCHANTS BROADCASTING SYSTEM OF DALLAS, INC.

Order Continuing Hearing

In the matter of revocation of license and subsidiary communications authorization of Merchants Broadcasting System of Dallas, Inc., for FM Broadcast Station KCPA, Dallas, Texas, Docket No. 14522.

The Hearing Examiner having under consideration: (1) A petition filed March 15, 1962 on behalf of the Broadcast Bureau, requesting continuance of the prehearing conference from March 21 to March 30, 1962, and of the hearing from March 28, 1962, to a date to be determined at the March 30 prehearing conference; and (2) the transcript of record of the prehearing conference held in this proceeding on March 21, 1962;

It appearing that the time for filing a reply to the subject petition expired after the date of the prehearing conference of March 21, 1962, that no opposition to the petition has been filed, and that a grant thereof, as indicated below, will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 26th day of March 1962, that a further prehearing conference will be held at 10:00 a.m., April 6, 1962; and

It is further ordered, That the subject petition is granted to the extent that it requests continuance of the hearing, and that the hearing in this proceeding, now scheduled to commence on March 28, 1962, is continued to a date to be determined at the April 6, 1962 further prehearing conference.

Released: March 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3132; Filed, Mar. 30, 1962; 8:48 a.m.]

[Docket No. 14526; FCC 62M-444]

ROCKLAND BROADCASTERS

Order Continuing Hearing

In re application of Keith Connes and Albert Spiro d/b as Rockland Broadcasters, New City, New York, Docket No. 14526, File No. BP-13953; for construction permit.

Because of a conflict in the schedule of the Hearing Examiner and with the consent of all parties, the evidentiary hearing in the above-entitled proceeding is continued from Monday, April 23, 1962, to Tuesday, April 24, 1962, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 26th day of March 1962.

Released: March 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3133; Filed, Mar. 30, 1962; 8:48 a.m.]

[Docket No. 14587]

WALKER'S ELECTRONICS CO.

Order To Show Cause

In the matter of Ernest L. Walker, d/b as Walker's Electronics Company, Espanola, New Mexico, Docket No. 14587; order to show cause why there should not be revoked the license for Radio Station 15W1670 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in the operation of the captioned radio station;

It appearing that, at various times between November 4, 1961, and February 18, 1962, and particularly on November 4, 1961; December 11, 1961; January 27, 1962; and February 18, 1962, the transmissions of the subject Citizens radio station were not addressed to specific persons or stations within the direct groundwave coverage range of such station contrary to the provisions of § 19.61 (g) of the Commission's rules; and

It further appearing that, at various times on February 18, 1962, the transmissions of the subject Citizens radio station were designed to elicit responses from random or unknown stations, in violation of § 19.61(g) of the Commission's rules; and

It further appearing that, in view of the foregoing the licensee has repeatedly violated § 19.61(g) of the Commission's rules;

It is ordered, This 26th day of March 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—return receipt requested to the said licensee at P.O. Box 250, Espanola, New Mexico.

Released: March 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-3134; Filed, Mar. 30, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-180 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Postponement of Hearing

MARCH 23, 1962.

El Paso Natural Gas Company, Docket No. CP61-180; Western Natural Gas Company, Docket No. CI61-971; Aztec Oil & Gas Company, Docket No. CI61-978; Gulf Oil Corporation, Docket No. CI61-1021; Cooley & Holcomb, Docket No. CI61-1025; Alamo Corporation, Docket No. CI61-1026; M. C. Kramer and Wife, Molly M. Kramer, Docket No. CI61-1027; Southwestern Hydrocarbon Company, Docket No. CI61-1028; Southwestern Hydrocarbon Company, et al., Docket No. CI61-1029; Southwestern Hydrocarbon Company, et al., Docket No. CI61-1030; Western Drilling Company of Longview, Texas, Docket No. CI61-1045; Minnie Belle Heep, et al., Docket No. CI61-1046; J. Ray McDermott & Co., Inc., Docket No. CI61-1061; Sinclair Oil & Gas Company, Docket No. CI61-1138; Aikman Brothers, Docket No. CI61-1373; The Ohio Oil Company, Docket No. CI62-1054.

Take notice that the consolidated hearing in the above-entitled proceeding heretofore scheduled to be held on March 30, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Commission in Washington, D.C., is hereby postponed to a date to be hereafter fixed. Notices of the aforesaid hearing were issued on February 27, 1962, as to the first fifteen dockets, and on March 14, 1962, as to the last docket.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 62-3103; Filed, Mar. 30, 1962; 8:45 a.m.]

[Docket No. E-7022]

LONG SAULT, INC., AND NIAGARA MOHAWK POWER CORP.

Notice of Application

MARCH 26, 1962.

Take notice that, on February 7, 1962, Long Sault, Inc. (formerly The St. Lawrence River Power Company, and hereinafter referred to as Long Sault), incorporated under the laws of the State of New York, with its principal place of business at Massena, New York, filed an application for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Canada. On March 12, 1962 Niagara Mohawk Power Corporation (Niagara Mohawk), incorporated under the laws of the State of New York, with its principal place of business at Syracuse, New York, joined in the application, as supplier of the energy to be transmitted.

Applicants seek authority to export up to 12,000,000 kwh of electric energy annually at a maximum rate of transmission of 50,000 kw. Long Sault proposes to transmit such energy over its two 115 kv circuits C-1 and C-2, running from its Massena switchyard to the International Boundary, which facilities are included in the permit issued by this Commission in Docket No. E-6632. Long Sault proposes to sell the electric energy to Cedars Rapids Transmission Company, Limited, for resale to St. Lawrence Power Company, a Canadian corporation rendering electric service in the City of Cornwall, Ontario, and vicinity. The exports of energy for which authorization is sought are to provide a source of supply during emergency periods when the regular source of supply to St. Lawrence Power Company is interrupted. The energy which is the subject of the present application would be sold to Long Sault by Niagara Mohawk when necessary, and would be in addition to the amount of electric energy which Niagara Mohawk was authorized by this Commission to export to Canada, in Docket No. E-6797 (19 FPC 693).

Any person desiring to be heard or to make any protest with reference to the afore-mentioned application filed pursuant to section 202(e) of the Act should, on or before April 15, 1962 file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-3104; Filed, Mar. 30, 1962; 8:45 a.m.]

[Project No. 2030]

PORTLAND GENERAL ELECTRIC CO.

Notice of Land Withdrawal; Oregon

MARCH 27, 1962.

By withdrawal notice of October 19, 1959, published in the FEDERAL REGISTER, Friday, October 23, 1959 (24 F.R. 8619) this Commission gave notice of the reservation of approximately 8,915.91 acres of United States lands pursuant to an application for completed license (major) filed March 19, 1959 by Portland General Electric Company in connection with the Round Butte development, designated as Project No. 2259.

By order of this Commission dated September 12, 1960, the proceeding designated Project No. 2259 involving the application for license for the Round Butte development was consolidated with the proceeding designated Project No. 2030 in which a license for the already constructed Pelton development was issued; and the project works of the proposed Round Butte development and the project works of the constructed Pelton development were considered as parts of a single project and designated as Project No. 2030 for which amended license issued effective September 1, 1960.

The Portland General Electric Company, in accordance with Article 31 of its license, filed an application August 29, 1961 for an amendment of license for the Round Butte development, Project No. 2030 as supported by Exhibit "F" supplement and maps Exhibits "K" sheet 1, 2, and 3 (revised) of 21, and sheets 16 to 21, inclusive of 21 (FPC Nos. 2030-112 to 120, inclusive).

Therefore, conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the additional lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2030 (Round Butte development) and are from the date of filing of the amended application, reserved from entry, location or other disposition under the laws of the United States until otherwise directed by this Commission or by Congress.

WILLAMETTE MERIDIAN, OREGON

Those portions of the following described subdivisions lying within the project area and project boundary of the Round Butte development as delimited upon maps Exhibits "K" sheets 1, 2 and 3 (revised) of 21, and sheet 16 of 21 (FPC Nos. 2030-112 to 115, inclusive):

T. 11 S., R. 12 E.,
Sec. 10: Lot 2, S½SE¼;
Sec. 11: W½SW¼;
Sec. 15: Lots 5, 6, 7, and 8.

Those portions of the following described subdivisions lying within the rights-of-way of variable widths for main access road, Viewpoint road, access road to switching station, Pelton-Round Butte access road, potable water lines or 12.5 kv distribution line as delimited upon maps Exhibits "K" sheets 1 and 3 (revised) of 21; and sheets 16, 17, 18, 19, 20, and 21 of 21 (FPC Nos. 2030-112, 114 to 120, inclusive):

T. 10 S., R. 12 E.,
Sec. 24: Lots 5 and 6;
Sec. 25: Lots 6, 7, 9, and 11;
Sec. 36: Lot 4.
T. 11 S., R. 12 E.,
Sec. 11: NW¼SE¼;
Sec. 13: W½NW¼;
Sec. 22: SE¼SE¼;
Sec. 23: NE¼NW¼, S½SW¼, SW¼SE¼;
Sec. 25: SW¼NE¼, NW¼NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.
Sec. 26: NE¼NE¼.
T. 10 S., R. 13 E.,
Sec. 19: Lots 2, 3, E½NW¼.
T. 11 S., R. 13 E.,
Sec. 17: NW¼SE¼;
Sec. 18: N½NE¼.

The area reserved pursuant to the filing of this application is approximately 456.29 acres of which approximately 388.82 acres have been previously withdrawn for power purposes in connection with this project (No. 2030-Pelton development), earlier Project No. 57 or Power Site Classification No. 66.

Of the total additional area reserved, approximately 61.36 acres have been acquired by the Department of Agriculture and approximately 2.11 acres were temporarily withdrawn by Executive Order No. 7672 dated July 19, 1937 for the Central Oregon Land Utilization Project (LU-OR-2). The administration of these lands is now under the jurisdiction of the United States Forest Service.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to the lands reserved for transmission line rights-of-way only, is applicable to those portions of the above described lands occupied for that purpose.

Copies of maps, Exhibit "K" sheets 1, 2, and 3 (revised) of 21; and sheets 16 to 21 of 21 (FPC Nos. 2030–112 to 120, inclusive) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3105; Filed, Mar. 30, 1962; 8:45 a.m.]

[Docket No. G–14562 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Order Reopening Proceeding and Setting Date of Hearing, Permitting Filing of Amended Applications and Denying Requests for Temporary Authorization, for Severance and for Extension of Time for Filing Exceptions

MARCH 26, 1962.

Tennessee Gas Transmission Company, Docket No. G–14562; Continental Oil Company, Docket No. G–13680; Magnolia Petroleum Company (Socony Mobil Oil Company, Inc.), Docket No. G–13827; Newmont Oil Company, Docket No. G–13948.

On January 8, 1962, the Presiding Examiner, after having heard the matters presented in the above-docketed applications, as amended, and briefs having been filed, issued his Initial Decision therein dismissing all of the applications. Tennessee Gas Transmission Company (Tennessee), in Docket No. G–14562, had sought authority to construct and operate facilities extending into the Gulf of Mexico off the coast of Louisiana so as to transport to its main transmission system natural gas to be produced by Tennessee in specified acreage in Vermilion and Cameron Parishes, Louisiana. Tennessee proposed to acquire this specified acreage under a so-called leasehold acquisition agreement from the remaining applicants herein.

On February 1, 1962, Tennessee filed a fourth supplement to its amended application in Docket No. G–14562 along with a motion to reopen the instant proceeding. Tennessee now seeks authority to construct and operate the same facilities heretofore requested but denied by the Examiner. However, instead of acquiring the aforesaid leaseholds and producing the gas, Tennessee now proposes to purchase the gas to be produced from said acreage, on a per Mcf basis from the producer-applicants herein.[1] The proposed initial price is 21.4 cents per Mcf at 15.025 psia with a 2 cents per Mcf periodic escalation every four years.

On February 2, 1962, Continental Oil Company (Continental) and Newmont Oil Company (Newmont) each filed an amendment to their respective docketed applications herein seeking authorization of the above sale to Tennessee. Both applicants, on the same date, also filed requests for the issuance of temporary authorization for the sale now proposed, stating that they would be willing to accept temporary authorization conditioned at a price level not below 19.5 cents per Mcf at 15.025 psia, provided that such condition applied only until a determination of a rate for the South Louisiana area is made in the proceeding in Docket Nos. AR61–2, et al., or until a hearing is had on the now amended proposal and a decision rendered thereon. Conjunctively, a joint and several petition was filed by Continental and Newmont to reopen the instant proceeding along with a motion to sever their respective docketed applications herein and consolidate them with the South Louisiana area rate proceeding in Docket Nos. AR61–2, et al.

Similarly, Socony Mobile Oil Company, Inc. (Socony), filed on February 2, 1962, a petition to reopen the instant proceeding along with a motion to sever its docketed application in this proceeding and consolidate it with Docket Nos. AR61–2, et al., supra. On February 8, 1962, Socony also filed an amendment to its docketed application herein along with a request for temporary authorization. Socony seeks the same authorization and relief as that now being sought by Continental and Newmont.

Answers in opposition to one or more of the aforesaid pleadings were filed by United Gas Improvement, Long Island Lighting Company and Public Service Commission of the State of New York, all interveners herein. All of these answers put the initial price, proposed in the amended filings, in issue.

We also note that exceptions were filed by the Pennsylvania Public Utilities Commission and the staff of this Commission to that part of the Examiner's Initial Decision wherein the Examiner found:

> • • • The evidence in this proceeding adduced by Tennessee, and taken as evidence adduced by Tennessee on its behalf and on behalf of the MCN companies, is sufficient to prove that a per-Mcf sale of the Blocks 46 and 64 gas involved in the contract of August 26, 1960, at an initial price of 19.5 cents per Mcf at 15.025 psia is in accordance with the public interest and is required by the public convenience and necessity.[2]

In this regard, requests for the extension of time in which to file exceptions to the Examiner's Decision were filed on February 28, 1962, by the interveners, Consolidated Natural Gas System Companies,[3] Public Service Electric and Gas Company and the Columbia Companies.[4]

The Commission finds:

(1) The matters now presented in this proceeding are interrelated and should be heard on a consolidated basis.

(2) Sufficient cause has not been shown why Docket Nos. G–13680, G–13827, and G–13948 should be consolidated with Docket Nos. AR61–2, et al.

(3) Good and sufficient reasons have not been shown why temporary authorization should be granted to Continental, Socony, and Newmont.

(4) The manner now proposed for the acquisition of the MCN gas is materially different from the manner previously proposed and disposed of by the Examiner in his Initial Decision of January 8, 1962, in these dockets. In view of our acceptance of these amended filings, the matters disposed of by the Examiner are no longer before us.

The Commission orders:

(A) The motions for severance filed by Continental, Socony, and Newmont are hereby denied.

(B) The motions for consolidation of Docket Nos. G–13680, G–13827, and G–13948 with Docket Nos. AR61–2, et al., are hereby denied.

(C) The requests for temporary authorization filed by Continental, Socony, and Newmont in their respective docketed applications are hereby denied.

(D) The requests for an extension of time in which to file exceptions are hereby denied.

(E) The proceeding in Docket Nos. G–14562, G–13680, G–13827, and G–13948 is reopened and remanded to the Presiding Examiner for further hearing.

(F) A hearing be held in this reopened proceeding commencing on May 14, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties heretofore permitted to intervene in these docketed applications are deemed interveners in the reopened proceeding. Further protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 16, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3106; Filed, Mar. 30, 1962; 8:46 a.m.]

[Docket No. CP62–112]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MARCH 26, 1962.

Take notice that on November 1, 1961, as supplemented on December 15, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston 1, Texas, filed in Docket No. CP62–112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an 8-inch tap and appurtenant equipment to serve as an emergency connection between Applicant's 36-inch main line and the 16-inch main line of North Carolina Natural Gas Corporation (North Carolina Natural) near the Cowan's Ford Project of Duke Power Company in Iredell County, North Carolina, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the proposed emergency connection between the two systems will be used as an alternative delivery point to provide gas service to North Carolina Natural, an existing customer, for resale, in the event that North Carolina Natural's main 16-inch pipeline should be damaged subsequent to its flooding by the Cowan's Ford Project.

Applicant states that North Carolina Natural has requested the proposed emergency connection to avoid possible interruption or impairment of service to its customers.

The proposed facilities are estimated to cost approximately $12,300 and would be initially financed by Applicant from company funds. The application states that North Carolina Natural has agreed to reimburse Applicant for the entire cost of the facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 26, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3107; Filed, Mar. 30, 1962; 8:46 a.m.]

[1] Continental Oil Company, Socony Mobil Oil Company, Inc., and Newmont Oil Company (MCN).

[2] Initial Decision, Finding (5).

[3] The East Ohio Gas Company, Hope Natural Gas Company, Lake Shore Pipe Line Company, New York State Natural Gas Corporation and The Peoples Natural Gas Company.

[4] United Fuel Gas Company, The Manufacturers Light and Heat Company, and The Ohio Fuel Gas Company.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements and regulatory agreements;

2. To execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective February 1, 1962 (27 F.R. 960, February 1, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 31st day of March 1962.

[SEAL] R. A. BETHUNE,
Regional Administrator, Region V.

[F.R. Doc. 62–3129; Filed, Mar. 30, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 617]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64671. By order of March 23, 1962, the Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of Certificate No. MC 117025 Sub 6, issued February 20, 1962, to LeRoy Hilt, Lincoln, Nebr., authorizing the transportation of dry animal feed sugar and dry fish meal, in bulk, from St. Louis, Mo., to points in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and from points in Illinois within St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in Missouri (except points on, east, and south of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to its junction with the southern boundary of the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and thence easterly along the southern boundary of said commercial zone to the Mississippi River); and returned and damaged shipments of dry animal feed sugar and dry fish meal, in bulk, from points in destination territories above to origin points; dry animal feed sugar and dry fish meal, in bags, from St. Louis, Mo., to points in Montana, Nebraska, North Dakota, South Dakota, Wyoming, and Minnesota (except points in the Minneapolis-St. Paul, Minn. Commercial Zone; and from specified part of Illinois to points in Missouri (except points on and north of U.S. Highway 50 and points on, east, and south of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to its junction with the southern boundary of St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and thence easterly along southern boundary of said zone to the Mississippi River); and returned and damaged shipments of dry animal feed sugar and dry fish meal, in bags, on return. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–3120; Filed, Mar. 30, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 16, 1962.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 066542 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as roadside zones located in the Arapaho National Forest.

For a period of 30 days from the date of publication of this notice, all persons

who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

U.S. Highway No. 40, Roadside Zone

A strip of land 300 feet wide on each side of the surveyed center line U.S. Highway No. 40 through the following described lands:

T. 2 S., R. 75 W.—Unsurveyed. When surveyed will be:
Sec. 23, W½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, All.
T. 3 S., R. 75 W.—Unsurveyed. When surveyed will be:
Sec. 3, NW¼;
Sec. 16, SW¼NW¼, SW¼, W½SE¼;
Sec. 20, All;
Sec. 21, N½;
Sec. 22, All;
Sec. 23, S½;
Sec. 25, N½;
Sec. 26, N½.
T. 3 S., R. 74 W.—Unsurveyed. When surveyed will be:
Sec. 30, All.

Total area 545.7 acres of public land, more or less.

U.S. Highway No. 6, Roadside Zone

A strip of land 300 feet wide on each side of the surveyed center line of U.S. Highway No. 6 through the following described lands:

T. 4 S., R. 75 W.—Unsurveyed. When surveyed will be:
Sec. 17, S½S½;
Sec. 18, S½;
Sec. 19, N½NE¼;
Sec. 20, N½.
T. 4 S., R. 76 W.—Unsurveyed. When surveyed will be:
Sec. 13, S½N½, N½S½;
Sec. 14, S½NE¼, SW¼, N½SE¼;
Sec. 15, SE¼SE¼;
Sec. 22, NE¼, NE¼SW¼, N½SE¼;
Sec. 34, NE¼SE¼;
Sec. 35, SW¼NW¼, W½SW¼.
T. 5 S., R. 76 W.—Surveyed.
Sec. 2, Lots 3 and 4;
Sec. 3, S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼;
Sec. 4, SE¼SE¼;
Sec. 8, SE¼NE¼, SW¼SW¼, E½SW¼, N½SE¼;
Sec. 9, N½NE¼, SW¼NE¼, S½NW¼;
Sec. 17, NW¼NW¼;
Sec. 18, N½NE¼, SW¼NE¼, SE¼SW¼, W½SE¼;
Sec. 19, Lot 1.
T. 5 S., R. 77 W.—Surveyed.
Sec. 20, E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 21, Lot 3;
Sec. 22, SE¼NW¼, NE¼SW¼, N½SE¼.

Total area 606 acres of public land, more or less.

Colorado Highway No. 103, Roadside Zone

A strip of land 200 feet wide on each side of the surveyed center line of Colorado Highway No. 103 through the following described lands:

T. 4 S., R. 72 W.,
Sec. 19, Lots 2 and 3, N½SE¼, SE¼SE¼;
Sec. 20, S½SW¼.
T. 4 S., R. 73 W.,
Sec. 18, Lots 1, 2, 3, 5, 6, 12, and 13;
Sec. 19, Lots 1, 2, 3, 4, SE¼SW¼, SW¼SE¼;
Sec. 23, SW¼SE¼;
Sec. 24, E½NE¼, SW¼NE¼, SE¼SW¼, SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½NE¼, SW¼NE¼, S½NW¼;
Sec. 27, S½N½, NE¼SW¼, N½SE¼;
Sec. 28, S½NE¼, SW¼, NW¼SE¼;
Sec. 29, SW¼NW¼, NW¼SW¼, E½SE¼, SW¼SE¼;
Sec. 32, W½NE¼, S½NW¼, N½SW¼.
T. 4 S., R. 74 W.,
Sec. 13, SE¼SE¼;
Sec. 24, E½NE¼;
Sec. 25, E½NE¼.

Total area 509 acres of public land, more or less.

Colorado Highway No. 5, Roadside Zone

A strip of land 200 feet wide on each side of the surveyed center line of Colorado Highway No. 5 through the following described lands:

T. 5 S., R. 73 W.,
Sec. 5, Lots 3 and 4, SW¼NE¼, S½NW¼, N½SW¼;
Sec. 6, Lots 1, 2, and 3, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 7, W½E½, E½NW¼;
Sec. 18, Lots 1, 2, 3, and 4, N½NE¼, E½NW¼, NE¼SW¼.
T. 5 S., R. 74 W.,
Sec. 13, S½SE¼, SE¼SW¼;
Sec. 23, E½SE¼, NW¼SE¼;
Sec. 24, E½NW¼, N½SW¼;
Sec. 25, SW¼NW¼, SW¼;
Sec. 26, E½NE¼, E½SW¼, SE¼;
Sec. 35, N½NE¼;
Sec. 36, N½NW¼.

Total area 616 acres of public land, more or less.

Colorado Highway No. 125, Roadside Zone

A strip of land 200 feet wide on each side of the surveyed center line of Colorado Highway No. 125 through the following lands:

T. 4 N., R. 78 W.,
Sec. 1, N½SW¼, SE¼SW¼;
Sec. 2, Lots 6, 9, 10, 11, 14, 15, and 16, N½SE¼;
Sec. 12, E½NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 13, Lots 1 and 2, E½NE¼;
Sec. 24, Lots 2 and 3, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 35, NE¼, NE¼SE¼;
Sec. 36, W½SW¼.
T. 3 N., R. 78 W.,
Sec. 1, Lots 3 and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 12, NE¼NE¼.
T. 3 N., R. 77 W.,
Sec. 7, Lots 1 and 2, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 17, SW¼SW¼;
Sec. 18, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 29, NE¼NE¼.

Total area 515.56 acres of public land, more or less.

Forest Development Road No. 149, Roadside Zone

A strip of land 200 feet wide on each side of the surveyed center line of F.D.R. No. 149 through the following lands:

T. 1 S., R. 74 W.—Surveyed.
Sec. 28, SW¼NW¼, W½SW¼;
Sec. 32, E½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 33, NW¼NW¼.
T. 2 S., R. 74 W.—Surveyed.
Sec. 5, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 6, Lot 5, SE¼, S½NE¼, SE¼NW¼.
T. 1 S., R. 75 W.—Surveyed.
Sec. 36, SE¼;
Sec. 34, E½SW¼.
T. 2 S., R. 75 W.—Unsurveyed. When surveyed will be:
Sec. 1, E½, E½SW¼, NW¼SW¼;
Sec. 2, N½SE¼, S½NW¼, NW¼NW¼, NE¼SW¼;
Sec. 3, N½NW¼.

Total area 485 acres public land, more or less.

The above described area in Arapaho National Forest aggregates approximately 3,277.26 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-3110; Filed, Mar. 30, 1962; 8:46 a.m.]

Office of the Secretary

THORNTON J. CORWIN, JR.

Notice of Appointment and Statement of Financial Interests

MARCH 26, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Thornton J. Corwin, Jr.

Name of employing agency: Department of the Interior, Office of the Assistant Secretary, Water and Power Development.

The title of the appointee's position: Consultant.

The name of the appointee's private employer or employers: Pacific Gas & Electric Co., 245 Market Street, San Francisco 6, Calif.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 26, 1962.

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on March 26, 1962, as Consultant, Office of Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Pacific Gas & Electric Co.
Victor Equipment Co.
American Express Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

THORNTON J. CORWIN, JR.

MARCH 26, 1962.

[F.R. Doc. 62-3111; Filed, Mar. 30, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

RUSSELL C. McCARTHY

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form OEP-163, published August 11, 1961 (26 F.R. 7310).

Dated: February 1, 1962.

RUSSELL C. MCCARTHY.

[F.R. Doc. 62-3098; Filed, Mar. 30, 1962; 8:45 a.m.]

PHILIP N. POWERS

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Consultant to McDonnell Aircraft Corp. Stockholder of Petrolite Corp., and Wabash Magnetics.

This amends statement published in the FEDERAL REGISTER August 11, 1961 (26 F.R. 7310).

Dated: February 1, 1962.

PHILIP N. POWERS.

[F.R. Doc. 62-3099; Filed, Mar. 30, 1962; 8:45 a.m.]

E. D. REEVES

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form OEP-163, published in the FEDERAL REGISTER, August 11, 1961 (26 F.R. 7310).

Dated: February 1, 1962.

E. D. REEVES.

[F.R. Doc. 62-3100; Filed, Mar. 30, 1962; 8:45 a.m.]

STANLEY RUTTENBERG

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form OEP-163, published in the FEDERAL REGISTER August 15, 1961 (26 F.R. 7555).

Dated: February 1, 1962.

STANLEY RUTTENBERG.

[F.R. Doc. 62-3101; Filed, Mar. 30, 1962; 8:45 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form OEP-163, published in the FEDERAL REGISTER August 11, 1961 (26 F.R. 7310).

Dated: February 1, 1962.

R. CARTER WELLFORD.

[F.R. Doc. 62-3102; Filed, Mar. 30, 1962; 8:45 a.m.]

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination With Respect to Supply of Valencia Type Peanuts for the 1962–63 Marketing Year

DEFINITION OF TYPES OF PEANUTS, AMOUNT OF INCREASE AND APPORTIONMENT OF INCREASE AMONG STATES

The purpose of this proclamation is to establish that the supply of Valencia-type peanuts for the marketing year beginning August 1, 1962, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such type required to meet such demand, and to apportion such increases to such States. These determinations are made pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), which reads in part as follows:

> Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.1304(a) of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and identifying the areas of the United States in which each is most commonly grown.

Section 729.1304(b) establishes that the supply of Valencia-type peanuts for the marketing year beginning August 1, 1962, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.1304(b) also establishes the total increase in State allotments required to meet the prescribed demand for Valencia-type peanuts.

Section 729.1304(c) apportions the increase determined under § 729.1304(b) to States producing Valencia-type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia-type (excluding acreage in excess of farm allotments) grown in each State in the 3 years 1959–61, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" mean the allotments established for the farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended. The 1959–61 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county committees, in accordance with instructions issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, on the basis of data reported by the farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.1026 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, and 11816).

Section 729.1304(d) specifies that the increase in acreage allotted to States under § 729.1304(c) shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of Valencia-type peanuts for the 1962–63 marketing year was given (27 F.R. 1906) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). This proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1962. In order that the State and county Agricultural Stabilization and Conservation Committee may establish farm acreage allotments including the apportionment of the additional acreage provided herein for Valencia-type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations and additional acreage allotments contained herein shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 729.1304 Definition of types of peanuts, amount of increase and apportionment of increase among States.

(a) *Definition of types of peanuts.* For the 1962 crop of peanuts, the generally known types of peanuts are defined as follows:

(1) Runner-type peanuts means peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered.

(2) Spanish-type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seed globular to oval and practically smooth.

(3) Valencia-type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: typically three- or four- and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(4) Virginia-type peanuts means peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: typically two-seeded pods

which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth.

(b) *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1962 crop for States which produced Valencia-type peanuts during any one or more of the years, 1959, 1960, and 1961 shall be increased by a total of 2,577 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia-type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of increase to States.* The acreages established in paragraph (b) of this section, less reserves of one-fourth of one percent of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data, are hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia-type peanuts in each State in 1959, 1960, and 1961;

State	1947 harvested acreage of peanuts	1959–61 average acreage Valencia type peanuts	Increase in State allotment for Valencia type peanuts	1962 previous State allotment [1]	1962 revised State allotment
Alabama	463,000	73	35	218,221.7	218,256.7
Arizona	0			717.1	717.1
Arkansas	8,000			4,216.6	4,216.6
California	0			939.1	939.1
Florida	105,000	17	8	55,313.3	55,321.3
Georgia	1,124,000	197	95	528,418.7	528,513.7
Louisiana	5,000			1,962.2	1,962.2
Mississippi	15,000			7,552.0	7,552.0
Missouri	0			247.0	247.0
New Mexico	14,000	4,677	2,259	5,215.2	7,474.2
North Carolina	292,000			168,940.5	168,940.5
Oklahoma	325,000			138,547.1	138,547.1
South Carolina	26,000	99	48	13,881.9	13,929.9
Tennessee	5,000	189	91	3,620.5	3,711.5
Texas	836,000	71	35	356,648.6	356,683.6
Virginia	162,000			105,558.5	105,558.5
Reserve	0		6	0	6.0
U.S. total	3,380,000	5,323	2,577	1,610,000.0	1,612,577.0

[1] Including the acreage apportioned to each State from the reserve for new farm allotments.

Estimated production from the increased acreage. The estimated production from the increased acreage is 4,652,108 pounds, or 2,326 tons. Of this total, 4,303,395 pounds are expected to be in New Mexico and 348,713 in other States.

The above increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

(d) *No credit for future allotments.* The increase in acreage alloted to States and farms pursuant to paragraph (c) of this section, shall not be considered in establishing future State, county, or farm acreage allotments.

(e) *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.1010 to 729.1063 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, and 11816), shall apply to paragraphs (a) to (e) of this section.

(Secs. 358(c)(2), 375, 55 Stat. 89, as amended, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1375, 1358(c))

Effective date: Date of filing with Director, Office of the Federal Register.

Signed at Washington, D.C., on March 29, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-3183; Filed, Apr. 2, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 13, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.313 (Lemon Regulation 13, 27 F.R. 2761) are hereby amended to read as follows:

(ii) District 2: 211,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3162; Filed, Apr. 2, 1962; 8:46 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Establishment of Administrative Rules and Regulations

Notice was published in the November 17, 1961, issue of the FEDERAL REGISTER (26 F.R. 10772) that there was under consideration certain proposed provisions of the Subpart—Administrative Rules and Regulations, including conversion factors and a shrinkage allowance, to be made effective under the provisions of Marketing Agreement No. 133 and Order No. 990 (26 F.R. 7797), regulating the handling of central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Said notice afforded interested persons a 14-day period (which was to have expired December 1, 1961) to submit written data, views, or arguments pertaining to the proposal. Additional time for the receipt of such comments was afforded interested persons by actions published in the FEDERAL REGISTER, November 22, 1961 (26 F.R. 10933), December 14, 1961 (26 F.R. 11982), and January 10, 1962 (27 F.R. 256), and such additional time expired January 26, 1962.

The proposal originally submitted by the Grape Crush Administrative Committee did not include conversion factors for converting (1) grapes for crushing, other than raisin residual material, to concentrate equivalent, and (2) raisin residual material and concentrate to proof gallon equivalents. However, an appropriate space and subparagraphs were reserved in said notice for such factors and the notice provided for the submission of written data, views, or arguments pertaining to such conversion factors simultaneously with submission of data, views, or arguments pertaining to the committee's original proposal. After publication of said notice, the committee submitted its recommendations on such conversion factors and additional provisions pertaining to the shrinkage allowance, as set forth hereinafter.

After consideration of all relevant matters presented, including information and recommendations submitted by the committee, and other available information, it is hereby found that to establish the provisions of the subpart, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, §§ 990.105 and 990.154 of the Subpart—Administrative Rules and Regulations are hereby established to read as follows:

Subpart—Administrative Rules and Regulations

§ 990.105 Brix.

"Brix" is the percent by weight of the soluble solids in solution expressed in terms of sucrose equivalent. For the purposes of Order No. 990 and this subpart, the terms "Brix" and "Balling" shall have the same meaning.

§ 990.154 Setaside.

(a) *Factors for converting grapes for crushing to proof gallon or concentrate equivalents.* For the purpose of determining handlers' setaside obligations and for such other purposes as the Grape Crush Administrative Committee may deem to be appropriate, the conversion factors for converting grapes for crushing received by handlers to proof gallons of products shall be: (1) For other than raisin residual material, 2.0 proof gallons per ton per degree Balling; and (2) for raisin residual material, 2.0 proof gallons per ton per percent reducing sugar. The conversion factor for converting grapes for crushing other than raisin residual material to concentrate at 68 degrees Brix shall be 2.0 gallons per ton per degree Balling.

(b) *Conversion of setaside products to proof gallon equivalents*—(1) *Dessert wine.* The conversion factors to be used in determining the proof gallon equivalents of various dessert wines shall be those in the "Table of Proof Gallon Equivalents Per Gallon", prepared by Professor B. L. Marsh, Division of Food Technology, University of California, and commonly referred to in the industry as the "Marsh Tables".

(2) *High proof.* The conversion factor to be used in determining the proof gallon equivalent per gallon of high proof shall be obtained by dividing the proof number by 100.

(3) *Concentrate.* The proof gallon equivalent per gallon of concentrate shall be determined by dividing the weight of the solids per gallon of the concentrate by 7.568, with the weight of such solids determined by multiplying the degrees Brix of such concentrate by the weight in pounds (specified in Table 117 of "Circular of the National Bureau of Standards C440", issued May 1, 1942) of one gallon in air of such concentrate. For the purposes of this part, one gallon of concentrate at 68 degrees Brix shall be equivalent to one proof gallon.

(c) *Allowance for normal shrinkage or loss.* Each handler's setaside obligation resulting from the final surplus percentage established for a crop year shall be reduced, as hereinafter provided, to allow for normal shrinkage or loss (hereinafter referred to as the "allowance") of setaside items held for the account of the committee. The allowance shall be made so as to cause an annual reduction of each handler's setaside obligation, except as hereinafter provided, of four percent on a proof gallon basis. The reduction shall be made as follows: On setaside obligation incurred before January 1 of each crop year, an allowance of two percent shall be made on the subsequent June 30 and December 31. On these same dates, on setaside obligation arising on or after January 1, and excluding the quarter of the year wherein the obligation arises, an allowance of one percent shall be made for each subsequent full quarter of a year preceding such June 30 or December 31. In the succeeding years, an allowance of two percent shall be made on June 30 and December 31 on the setaside obligation as reduced by the allowances applicable through each December 31. If prior to maturation of an allowance, a portion or all of a handler's setaside obligation is released from storage, the allowance shall be that applicable to any residual storage obligation plus one-third of one percent per month on the withdrawn quantity for those eligible months not included in a prior allowance and including the month of withdrawal: *Provided*, That the allowance applicable to the release of all or the balance of an obligation shall be made at the time of such release.

It is hereby further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) New free and surplus percentages were published in the FEDERAL REGISTER February 2, 1962 (27 F.R. 969), to be effective for the period beginning on August 26, 1961, and ending on June 30, 1962; (2) the conversion factors must be established promptly to enable handlers to compute their setaside obligations in accordance with the new surplus percentage and to hold for the account of the committee the requisite volumes of setaside items of the specified forms in compliance with § 990.54; (3) the allowance for normal shrinkage or loss of setaside items will reduce handlers' setaside obligations; and (4) notice that the conversion factors and such allowance were under consideration was published in the FEDERAL REGISTER November 17, 1961 (26 F.R. 10772) and handlers have been aware since that time that this action would be taken as required by § 990.54.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 29, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3181; Filed, Apr. 2, 1962; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

State Department and U.S. Arms Control and Disarmament Agency

§ 6.102 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraphs (1), (2), and (3) of paragraph (j) of § 6.102 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.172, paragraphs (a) and (b), is added to Part 6 as set out below.

§ 6.172 U.S. Arms Control and Disarmament Agency.

(a) Until April 30, 1963, not to exceed eight Project Officers at GS–14 and above and five Physical Science Administration Officers at GS–13 and above.

(b) Until April 30, 1963, the Chief and one Assistant Chief, Political Affairs Division, and one Special Assistant to the Chief, Political Research and Analysis Division.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3168; Filed, Apr. 2, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(1) of § 6.213 is amended as set out below.

§ 6.213 Department of Labor.

(a) *Bureau of Apprenticeship and Training.* (1) Not to exceed January 1, 1963, not more than 6 positions of Industrial Training Adviser (Minorities) at grades GS–11 and 12.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3167; Filed, Apr. 2, 1962; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 7, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5738, 9627, 6703, 9121, 9308, 12157, 12658, 27 F.R. 557, 1407 and containing the specific requirements of the 1961-crop rye price-support program are hereby amended as follows:

SOUTH DAKOTA

County:	Rate per bushel From—	To—
Brown	$0.97	$1.00
Campbell	.92	.95
Clark	.98	1.00
Codington	.99	1.02
Day	.98	1.02
Deuel	.99	1.01
Edmunds	.95	.96
Grant	1.00	1.05
McPherson	.95	.96
Marshall	.97	1.03
Roberts	.99	1.05
Spink	.98	.99
WISCONSIN		
Ashland	1.02	1.04
Bayfield	1.03	1.04
Burnett	1.06	1.13
Douglas	1.07	1.09

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 29, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-3184; Filed, Apr. 2, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 107; Amdt. 3-7; Supp. 36]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

Miscellaneous Amendments Resulting From First Airworthiness Review

As a result of the First Federal Aviation Agency Airworthiness Review, the Agency published a notice of proposed rule making affecting several parts of the Civil Air Regulations. This notice was published in the FEDERAL REGISTER (26 F.R. 5130) and circulated as Civil Air Regulations Draft Release No. 61-12 dated June 8, 1961. There are contained herein amendments to Part 3 of the Civil Air Regulations which stem from this First FAA Airworthiness Review.

Interested persons have been afforded an opportunity to express their comments in regard to the proposal and, in some cases, the proposal has been modified in accordance with such comments. The more significant amendments being adopted by the Agency are discussed herein.

Section 3.82 provides for the flight test determination of the stalling speeds, V_{s_0} and V_{s_1}, except that when V_{s_1} is not obtainable it may be calculated. Since the purpose of this section is to determine the stall speeds by flight tests, it is being amended to require that V_{s_1} be determined in the same manner as V_{s_0}; i.e., as a stall or as a minimum steady flight speed.

Part 3 does not now provide engine inoperative en route climb performance for multiengine airplanes of 6,000 pounds or less. This information is necessary for the commercial operation of these airplanes and is useful to general operations. Therefore, § 3.85 is being amended to require that this information be obtained during type certification of the airplane.

Part 3 requires that spin tests be conducted on airplanes of 4,000 pounds or less, including multiengine airplanes. On the basis that spin prevention will contribute more toward reducing stall-spin accidents than spin recovery, the engine-inoperative stall requirements of § 3.123 are revised to preclude unintentional spins, and normal category multiengine spin tests are being deleted. While the proposed rule required that tests be conducted with the landing gear retracted and extended, the rule adopted herein provides that all tests shall be conducted with the landing gear extended. In § 3.123(b), the phrase "the turn shall be steadily tightened" has been changed to the more appropriate phrase "the angle of attack shall be steadily increased". Furthermore, the current 4,000-pound limit of § 3.124(a) is deleted. As a result, one-turn spin tests will be required on all normal category single-engine airplanes. These tests are considered to be an investigation of the airplane's characteristics in a delayed stall rather than true spin tests and as such should be applicable to all single-engine airplanes. Section 3.124(c) does not clearly state the spin capability required of acrobatic category airplanes. Therefore, § 3.124(c) is amended to expressly provide that acrobatic airplanes must be capable of six-turn spins and to incorporate the current policy material of §§ 3.124-1 and 3.124-2 concerning flap retraction during spin tests.

A clarifying change has been made to § 3.184 to indicate that the design speeds are stated in terms of equivalent airspeed, EAS which is already defined in § 3.1(d), and in miles per hour.

The amendments to §§ 3.183, 3.184, 3.186, 3.187, 3.188, 3.190, 3.195, 3.197, 3.198, 3.199, 3.217, 3.217-1, 3.220, and 3.270, which were proposed to make the strength requirements appropriate to the speed, altitude, and maneuverability characteristics of small turbine-powered airplanes, have been deferred for further study.

The present requirements on factors of safety and inspections for structural castings specify a special factor of 2.0 for visual inspection only, and a factor of 1.25 when radiographic inspection and strength tests of 3 sample castings are employed. Section 3.304 as adopted herein provides for a series of casting factors, and corresponding test and inspection requirements, which reflect current methods and practices. A minor revision in the format of the regulation as proposed has also been made and a new paragraph (d) has been added for purposes of clarification. In addition, the amendment now provides for alternative methods of compliance with the requirements therein. Section 3.304-1 has been deleted since its provisions have been incorporated into § 3.304.

Section 3.357 currently requires an auxiliary means of extending the landing gear be provided if other than manual power is used. This provision is unnecessary in the case of amphibian airplanes, since service experience has shown that such airplanes can be landed safely, on land or water, with the landing gear retracted. Therefore, this section is amended to exclude amphibian airplanes.

Section 3.359 currently provides that the aural warning device function continuously after the throttle is closed until the landing gear is down and locked. To remove the ambiguity which arises in the case of multiengine airplanes, this section is amended to specify that the warning occur and continue when one or more throttles are closed. In this connection, §§ 3.359-1, 3.359-2, and 3.359-3 are being deleted and the acceptable means of compliance set forth therein are being incorporated in a note.

The increasing use of tinted windshields to reduce sun glare has raised questions as to the possible adverse effects on pilot vision during operations under poor lighting conditions. On the basis of automotive experience, § 3.383 is being amended to require that windshields and windows forward of the pilot's back have a luminous transmittance value of not less than 70 percent. This value of transmittance will permit consideration of thick material in the windshield if it should be needed for structural reasons or if bird-proof windshields are used.

Sections 3.390(d) and 3.715 presently require an additional factor of safety of 1.33 on the loads for seat and safety belt attachments, and § 3.306 requires a factor of 1.15 for structural fittings (attachments). Sections 3.390(d) and 3.715 are being clarified by inserting a statement that the 1.33 factor may be applied in lieu of the 1.15 factor, not added to it. This is consistent with the general principle that only the highest factor intended for a similar purpose need be applied. However, if castings are used, the casting factor specified in § 3.304 would still apply, since this factor is intended for another purpose.

Section 3.432 restricts the routing of pressure crossfeed fuel lines unless means are provided to permit flight personnel to shut off the supply of fuel to these lines, or unless any joints, fittings, or other possible sources of leakage installed in such lines are enclosed in a fuel- and fume-proof enclosure ventilated and drained to the exterior of the airplane. Experience has shown that pressure crossfeed lines do not require provisions different from other pressure fuel lines. Accordingly, this section is being deleted.

Section 3.581 requires that powerplant cooling provisions be capable of maintaining component and fluid temperatures at or below the maximum established limits under critical conditions of ground and flight operation. Since modern airplanes have minimum as well as maximum limits, § 3.581 is being amended to require that cooling provisions be capable of maintaining temperatures within limits. For the same reason, the word "maximum" is being deleted from § 3.582. Sections 3.586 and 3.587 establish cooling test procedures for single-engine and multiengine airplanes. Section 3.587 provides that the airplane be in the configuration specified in § 3.85, which covers climb performance, while § 3.586 is silent in this respect. Section 3.85, however, provides that the cowl flap setting, which is part of the airplane configuration, be that employed in the cooling test. To avoid ambiguity it is being specified that the applicant select the cowl flap setting to be used in establishing cooling system capability.

Several amendments to §§ 3.681 through 3.693, concerning electrical systems and equipment are being made. In particular, § 3.682 now deals with electric power sources, and revisions are being made to §§ 3.688, 3.690, 3.691, and 3.693 which cover master switch arrangement, protective devices, and electric cables, respectively. In conjunction with these changes, §§ 3.681(b), 3.681-1, 3.681-2, 3.682-1, 3.688-1, 3.688-2, 3.690-1, 3.690-2, and 3.693-1 are being deleted because the material contained in these sections is being included, or already is included, in other sections.

Two changes are being made to the lighting requirements. Figure 3-16 now specifies that position light intensity for angles 40° to 90° above or below the horizontal be at least 2 candles. Because this results in an irrational discontinuity when related to the other data in Figure 3-16, Figure 3-16 is being amended to require an intensity of 0.05 *I* for these angles.

The current anticollision light requirements in § 3.705 permit 0.03 steradians blockage in the rearward direction. In view of recent qualitative studies it has been determined that such a limitation might be unduly restrictive. Therefore, § 3.705 is being amended to permit 0.5 steradians of obstruction without limitation as to direction.

Although Part 3 requires satisfactory airplane ground handling characteristics in crosswind velocities up to 0.2 V_{s_0}, there are no provisions to inform the pilot of this capability. Since the safe operation of an airplane requires knowledge of the airplane's capabilities, § 3.771 is being amended to require that the demonstrated crosswind velocity be included on the airspeed placards specified for all airplanes.

The airspeed placards now required by Part 3 do not include certain operational speed information considered essential for airplanes weighing more than 6,000 pounds. These speeds include the recommended climb speed, best angle of climb speed, engine-inoperative climb speeds, and approach speeds. In addition, supplementary information regarding the airplane configuration, power, etc., is necessary to describe the conditions for which these speeds can be used. It is not considered practical to include all of this information on a cockpit placard. The detailed supplementary information should be included in a separate source which is readily available to the pilot. The Airplane Flight Manual procedures section is considered satisfactory for this purpose. Therefore, § 3.771 is being amended to require the climb and approach speeds placard for airplanes weighing more than 6,000 pounds, and § 3.779 is being amended to require the necessary supplementary data. Consistent with this amendment a minor clarifying amendment to § 3.755(a) is necessary. Section 3.750 requires the establishment of operation limitations related to installed equipment but there are no provisions to inform the pilot of these limitations. Therefore, new §§ 3.772 and 3.778(h) are being adopted to provide that the airplane crew be informed of the operation limitations established for the airplane; e.g., VFR day, IFR night, operation in icing conditions, etc.

Miscellaneous changes of an editorial or clarifying nature are being made to §§ 3.1, 3.11(b), 3.82, 3.86, 3.174-1, 3.174-3, 3.174-7, 3.216-5, 3.216-6, 3.301, 3.301-1, 3.301-2, 3.304-1, 3.345-3, 3.573, 3.582, 3.714, 3.744, 3.745, 3.746, 3.747, 3.767, 3.779, 3.780, 3.780-1, Figure 3-12(b), and the heading of subpart E. The miscellaneous amendments contain an amendment to § 3.11(b) which excludes from the provisions of that section consideration of provisional type certificates. It was proposed that this be accomplished by a note. However, it now appears to be more appropriate to include such a provision within § 3.11(b) rather than as a note thereto. Although not contained in the proposal, the heading of subpart E is being corrected to read "Subpart E—Powerplant".

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) is hereby amended as follows, effective May 3, 1962:

1. By amending the title of § 3.1(f) and by adding a new subparagraph (9) to read as follows:

§ 3.1 Definitions.

* * * * *

(f) *Powerplant installation.* * * *

(9) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

§ 3.11 [Amendment]

2. By amending § 3.11(b) by inserting in the first sentence between the words "required" and "except" the phrase "notwithstanding the fact that the applicant may have been issued a provisional type certificate".

§ 3.82 [Amendment]

3. By amending § 3.82 by deleting from paragraph (a) the words "true indicated"; by deleting from paragraph (a) the words "in miles per hour" and inserting in lieu thereof "expressed in miles per hour, calibrated airspeed,"; by deleting from paragraph (b) the words "true indicated"; by deleting from paragraph (b) the words "otherwise the calculated value in miles per hour," and inserting in lieu thereof "or the minimum steady flight speed at which the airplane is controllable, expressed in miles per hour, calibrated airspeed,".

4. By amending § 3.85a(b) by redesignating the present text of the section following the title as subparagraph (1); by redesignating the present subparagraphs (1), (2), (3), (4), and (5) as subdivisions (i), (ii), (iii), (iv), and (v), respectively, and by adding a new subparagraph (2) to read as follows:

§ 3.85a Climb requirements; airplanes of 6,000 pounds or less.

* * * * *

(b) *Climb with inoperative engine.* * * *

(2) For all multiengine airplanes having a stalling speed equal to or less than 70 miles per hour, the steady rate of climb at 5,000 feet shall be determined with the critical engine inoperative and the following:

(i) Remaining engines operating at not more than maximum continuous power,

(ii) Inoperative propeller in the minimum drag position,

(iii) Landing gear retracted,

(iv) Wing flaps in the most favorable position, and

(v) Cowl flaps in the position used in cooling tests specified in §§ 3.581 through 3.596.

§ 3.86 [Amendment]

5. By amending § 3.86(a)(1) by deleting the words "true indicated" and inserting in lieu thereof "calibrated".

6. By amending § 3.123 to read as follows:

§ 3.123 One-engine-inoperative stalls.

(a) Multiengine airplanes shall have stall characteristics which preclude unintentional spin entry. These characteristics shall be demonstrated by performing the maneuvers prescribed in paragraph (b) of this section at the lowest practical altitude with:

(1) The critical engine inoperative and its propeller in the normal inoperative position;

(2) Flaps and landing gear extended, and with flaps retracted and landing gear extended; and

(3) The remaining engines operating at full throttle, except that the power need not be greater than maximum continuous power.

(b) After a steady curvilinear flight condition has been established, and while maintaining a 15-degree bank towards in one case, and away in the other case, from the inoperative engine, the angle of attack shall be steadily increased with the elevator control until an uncontrollable downward pitching motion of the airplane indicates the stall. In performing these maneuvers, the following shall apply:

(1) It shall be possible to produce and correct roll by unreversed use of the lateral control until the airplane stalls;

(2) It shall be possible to effect immediate recovery to full flight control with wings level from the stalled condition by normal use of the controls, reducing power on the operating engines if desired without the airplane exceeding a 60-degree bank angle; and

(3) The loss of altitude, as measured from the altitude at which the airplane starts to pitch uncontrollably to the altitude at which level flight is regained, and the pitch angle shall be entered in the performance section of the Airplane Flight Manual for airplanes having a maximum certificated weight of more than 6,000 pounds, or shall be shown on a cockpit placard for airplanes having a maximum certificated weight of 6,000 pounds or less.

7. By amending § 3.124(a) by deleting the first sentence and inserting in lieu thereof "All single-engine airplanes shall recover from a one-turn spin in not more than one additional turn. The controls shall be applied in the manner normally used for recovery. For both the flaps retracted and flaps extended conditions, the applicable limiting airspeed and postive limit maneuvering load factor shall not be exceeded. For the flaps extended condition, it shall be acceptable to retract the flaps during recovery."

8. By amending § 3.124(c) by inserting in the introductory sentence between the words "spinning" and "and" the words "at least six turns"; by deleting from subparagraph (1) the clause "the airplane shall recover from a six-turn spin, or from any point in a six-turn spin," and inserting in lieu thereof "the airplane shall recover from any point in a spin not exceeding six turns with flaps retracted and one turn with flaps extended;" and by amending subparagraph (2) to read:

§ 3.124 Spinning.

* * * * *

(c) *Category A.* * * *

(2) For both the flaps retracted and flaps extended conditions, the applicable limiting airspeed and positive limit maneuvering load factor shall not be exceeded. For the flaps extended condition, it shall be acceptable to retract the flaps during recovery, provided a placard is installed prohibiting intentional spins with flaps extended.

§§ 3.124–1, 3.124–2 [Deletion]

9. By deleting §§ 3.124–1 and 3.124–2.

10. By amending § 3.174–1(a) by deleting from the parenthetical expression the words "Secs. 1.654 and 1.655 of ANC–5a 1949 edition" and inserting in lieu thereof "Sections 1.6.5.4 and 1.6.5.5 of MIL–HDBK–5"; and by amending the related footnote to read as follows:

[2] MIL–HDBK–5, "Strength of Aircraft Elements" is published by the Department of Defense and the Federal Aviation Agency and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 3.174–3 [Amendment]

11. By amending § 3.174–3(a)(1) by deleting the expression "ANC–5" and inserting in lieu thereof "MIL–HDBK–5".

§ 3.174–7 [Amendment]

12. By amending § 3.174–7(c) by deleting the phrase "in ANC–5 and ANC–18" and inserting in lieu thereof "in MIL–HDBK–5, MIL–HDBK–17 Part I, ANC–17 Part II, ANC–18, MIL–HDBK–23 Part I, and ANC–23 Part II".

§ 3.184 [Amendment]

13. By amending § 3.184 by inserting in the first sentence between the words "speeds" and "shall" the words "shall be equivalent air speeds (EAS) and"; and by adding to each of the parenthetical expressions after the word "speed" the abbreviation ", m.p.h.".

§ 3.216–5 [Amendment]

14. By amending § 3.216–5 by deleting from paragraph (a) the phrase "in § 3.216 (a), (b), and (c)" and inserting in lieu thereof "in § 3.216(c)"; and by deleting from paragraph (b) the phrase "in § 3.216(c)" and inserting in lieu thereof "in § 3.216".

§ 3.216–6 [Amendment]

15. By amending § 3.216–6 by deleting the equation

$$q_p = \frac{n\,(W/S)}{C_{L_{max}}} = \frac{(W/S)}{1.5}$$

and inserting in lieu thereof

$$q_p = \frac{n\,(W/S)}{C_{L_{max}}} = \frac{n\,(W/S)}{1.5}.$$

§ 3.244 [Amendment]

16. By amending Figure 3–12(b) referred to in § 3.244 as follows:

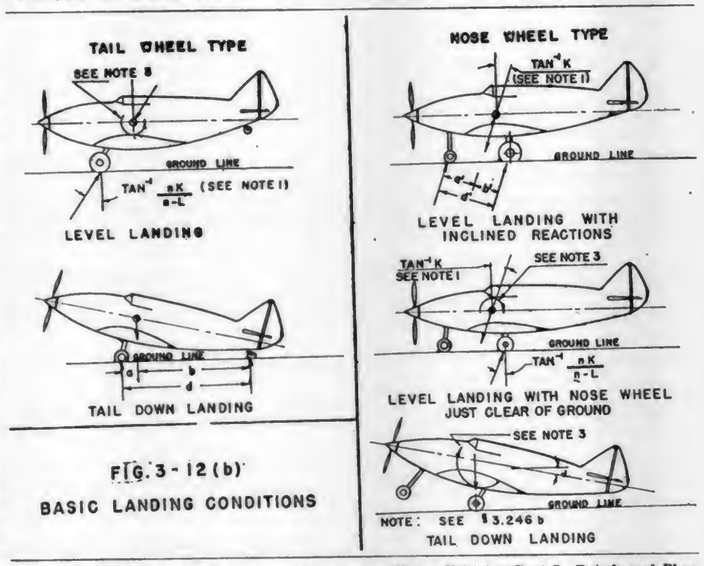


FIG. 3-12(b)

BASIC LANDING CONDITIONS

17. By amending § 3.301 by deleting the last sentence and inserting in lieu thereof "Values contained in MIL–HDBK–5, MIL–HDBK–17, Part I, ANC–17 Part II, ANC–18, MIL–HDBK–23 Part I, and ANC–23 Part II shall be used unless shown to be inapplicable in a particular case" and by amending the note to read as follows:

§ 3.301 Material strength properties and design values.

* * * * *

NOTE: MIL–HDBK–5, "Strength of Metal Aircraft Elements"; MIL–HDBK–17, "Plastics for Flight Vehicles, Part I—Reinforced Plastics"; ANC–17, "Plastics for Aircraft, Part II—Transparent Glazing Materials"; ANC–18, "Design of Wood Aircraft Structures"; MIL–HDBK–23, "Composite Construction for Flight Vehicles, Part I—Fabrication Inspection Durability and Repair"; and ANC–23, "Sandwich Construction for Aircraft, Part II—Material Properties and Design Criteria", are published by the Department of Defense and the Federal Aviation Agency and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

18. By amending § 3.301–1(a) by deleting the first sentence and inserting in lieu thereof "With reference to Chapter 3 of MIL–HDBK–5, the allowable design property columns headed "B" represent design properties which will be equalled or exceeded by the properties possessed by approximately 90 percent of the material", and by deleting from subparagraph (1) the phrase "in ANC–5" and inserting in lieu thereof "in MIL–HDBK–5".

19. By amending § 3.301–2 to read as follows:

§ 3.301–2 Substitution of seam-welded for seamless steel tubing (FAA policies which apply to § 3.301).

Seam-welded tubing may be substituted for seamless steel tubing as follows:

(a) SAE 4130 welded tubing as per Specification MIL–T–6731 may be substituted for SAE 4130 seamless tubing conforming to Specification MIL–T–6736, and vice versa.

(b) SAE 1025 welded tubing as per Specification MIL–T–5066 may be substituted for SAE 1025 seamless tubing conforming to Specification MIL–T–5066, and vice versa.

(c) SAE 8630 welded tubing conforming to Specification MIL–T–6734 may be substituted for SAE 8630 seamless tubing conforming to Specification MIL–T–6732, and vice versa.

20. By amending § 3.304 to read as follows:

§ 3.304 Casting factors.

For structural castings, the factor of safety prescribed in § 3.172 shall be multiplied by the casting factors specified in paragraphs (a) and (b) of this section. The prescribed tests and inspections shall be in addition to those necessary to establish foundry quality control. Castings shall be inspected in accordance with approved specifications.

(a) Each casting, the failure of which would preclude continued safe flight and landing of the airplane or which would result in serious injury to occupants, shall have a casting factor of at least 1.25 and shall receive 100-percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods. Where such castings have a casting factor less than 1.50, three sample castings shall be static tested. The test castings shall comply with the strength requirements of § 3.173 at an ultimate load corresponding with a casting factor of 1.25 and shall comply with the deformation requirements at a load equal to 1.15 times limit load.

NOTE: Examples of castings to which this subparagraph applies are: structural attachment fittings; parts of flight control systems; control surface hinges and balance weight attachments; seat, berth, safety belt, and fuel and oil tank supports and attachments; cabin pressure valves.

(b) For structural castings other than those specified in paragraph (a) of this section, the casting factors and inspections shall be in accordance with the following table except that it shall be acceptable to reduce the percentage of castings inspected by nonvisual methods when an approved quality control procedure is established. For castings procured to a specification which guarantees the mechanical properties of the material in the castings and provides for demonstration of these properties by test of coupons cut from castings on a sampling basis, it shall be acceptable to use a casting factor of 1.0. The inspection requirements for such castings shall be in accordance with those specified in the following table for casting factors of 1.25 to 1.50, and the testing requirements shall be in accordance with paragraph (a) of this section.

Casting factor	Inspections
2.0 or greater	100 percent visual.
Less than 2.0 greater than 1.5.	100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods.
1.25 to 1.50	100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods.

(c) Castings which are pressure tested as parts of a hydraulic or other fluid system shall not be required to comply with the provisions of this section unless such castings support airplane structural loads.

(d) The casting factor need not exceed 1.25 with regard to bearing stresses regardless of the method of inspection employed. A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see § 3.305) is greater than the casting factor.

§ 3.304–1 [Deletion]

21. By deleting § 3.304–1.

§ 3.345–3 [Amendment]

22. By amending § 3.345–3 by inserting between the expressions "Army-Navy-Aeronautical Standards" and "National Aircraft Standards" the expression "Military Standards".

§ 3.357 [Amendment]

23. By amending § 3.357 by adding at the end thereof the phrase "on airplanes which are not amphibian".

24. By amending § 3.359 by deleting from the second sentence the phrase "after the throttle is closed" and inserting in lieu thereof "when one or more throttles are closed" and by adding a note to read as follows:

§ 3.359 Position indicator and warning device.

* * * * *

NOTE: An Acceptable method for indicating to the pilot when the wheels are secured in the extreme positions is by means of lights; e.g., landplanes may display a green light when the wheels are down and locked, a red light to indicate an intermediate or unlocked wheel position, and "all lights out" when the wheels are up and locked. An acceptable method for sensing when the wheels are secured in the extreme positions is to locate the sensing devices so that they are operated by the landing gear locking latch. A throttle stop is not considered to be an acceptable alternative to an aural landing gear warning device.

§§ 3.359–1, 3.359–2, 3.359–3 [Deletion]

25. By deleting §§ 3.359–1, 3.359–2, and 3.359–3.

26. By amending § 3.383 by adding a new paragraph (d) to read as follows:

3.383 Windshields, windows, and canopies.

* * * * *

(d) The windshield and side windows forward of the pilot's back, when he is seated in normal flight position, shall have a luminous transmittance value of not less than 70 percent.

NOTE: Tinted windshields may adversely affect vision under certain flight conditions.

§ 3.390 [Amendment]

27. By amending § 3.390(d) by adding at the end thereof the words "in lieu of the fitting factor prescribed in § 3.306."

28. By amending the heading of Subpart E to read as follows: "Subpart E—Powerplant".

§ 3.432 [Deletion]

29. By deleting § 3.432.

30. By amending § 3.573 to read as follows:

§ 3.573 Oil filters.

If the powerplant installation incorporates an oil filter (strainer), the filter shall be constructed and installed so that oil will continue to flow at the normal rate through the remainder of the system when the flow of oil through the filter element is completely blocked.

31. By amending § 3.581 to read as follows:

§ 3.581 General.

The powerplant cooling provisions shall be capable of maintaining the temperatures of all powerplant components and fluid within the established limits during ground and flight operation.

§ 3.582 [Amendment]

32. By amending § 3.582 by deleting from the third sentence the word "maximum"; and by deleting from the fourth sentence the words "octane number" and inserting in lieu thereof "grade".

§ 3.586 [Amendment]

33. By amending § 3.586 by deleting the last sentence including paragraphs (a) and (b) and inserting in lieu thereof the following: "The climb shall not be conducted at a speed greater than the best rate-of-climb speed with maximum continuous power unless the slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required angle of climb (see § 3.85(a)) and a cylinder head temperature indicator is provided as specified in § 3.675. The stabilizing and climb portions of the test shall be conducted with cowl flap settings selected by the applicant (see §§ 3.85 and 3.85a)."

34. By amending § 3.587(a) to read as follows:

§ 3.587 Cooling test procedure for multi-engine airplanes.

(a) *Airplanes which meet the minimum one-engine-inoperative climb performance specified in § 3.85(b).* The engine cooling test for these airplanes shall be conducted with the airplane in the configuration specified in § 3.85(b), except that the operating engines shall

be operated at maximum continuous power or at full throttle when above the critical altitude. The stabilizing and climb portions of the test shall be conducted with cowl flap settings selected by the applicant (see § 3.85). Temperatures of the operating engines shall be stabilized in flight with the engines operating at not less than 75 percent of the maximum continuous power rating. After stabilizing temperatures in flight, the climb shall be started 1,000 feet below the engine critical altitude (if this is impracticable, then at the lowest practicable altitude which the terrain will permit) or 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 $V_{s_0}^2$, whichever is the lower altitude, and shall be continued until at least 5 minutes after the highest temperature has been recorded. The climb shall be conducted at a speed not greater than the highest speed at which compliance with the climb requirement of § 3.85(b) can be shown, except that, if the speed used exceeds the speed for best rate of climb with one engine inoperative, a cylinder head temperature indicator shall be provided as specified in § 3.675.

§ 3.681 [Deletion]

35. By deleting § 3.681(b).

§§ 3.681–1, 3.681–2 [Amendment]

36. By deleting §§ 3.681–1 and 3.681–2 and related footnotes.

37. By amending § 3.682 and the center heading preceding § 3.682 to read as follows:

ELECTRIC POWER SOURCES

§ 3.682 Electric power sources.

(a) Electric power sources, their transmission cables, and their associated control and protective devices, shall have sufficient capacity to furnish the required power at the proper voltage to all load circuits essential to the safe operation of the airplane.

(b) Compliance with paragraph (a) of this section shall be shown by means of an electrical load analysis, or by electrical measurements, which take into account all electrical loads applied to the electrical system, in probable combinations and for probable durations.

(c) At least one generator shall be installed if the electrical system supplies power to load circuits essential to the safe operation of the airplane.

(d) Electric power sources shall function properly when connected in combination or independently. The failure or malfunction of any electric power source shall not impair the ability of any remaining source to supply load circuits essential to the safe operation of the airplane.

(e) Electric power source controls shall be such as to permit independent operation of each source.

§ 3.682–1 [Deletion]

38. By deleting § 3.682–1.

39. By deleting the center heading "Generators" preceding § 3.685.

40. By amending § 3.688 to read as follows:

§ 3.688 Arrangement.

A master switch arrangement shall be provided to permit expeditious disconnection of all electric power sources from all load circuits. The point of disconnection shall be adjacent to the power sources.

§§ 3.688–1, 3.688–2 [Deletion]

41. By deleting §§ 3.688–1 and 3.688–2 and related footnotes.

§ 3.690 [Amendment]

42. By amending § 3.690 by adding at the end thereof two sentences and a note to read as follows: "Not more than one circuit, which is essential to safety in flight, shall be protected by a single protective device. All resettable type circuit protective devices shall be designed so that a manual operation is required to restore service after tripping and so that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

NOTE: The aforementioned resettable type circuit protective devices are known commercially as "trip-free"; i.e., the tripping mechanism cannot be overriden by the operating control. Such circuit protective devices can be reset on an overload or circuit fault, but will trip subsequently in accordance with their current-time trip characteristic.

§§ 3.690–1, 3.690–2 [Deletion]

43. By deleting §§ 3.690–1 and 3.690–2 and related footnotes.

44. By amending § 3.691 to read as follows:

§ 3.691 Protective devices installation.

If the ability to reset a circuit breaker or to replace a fuse is essential to safety in flight, such circuit breaker or fuse shall be so located and identified that it can be readily reset or replaced in flight.

45. By amending § 3.693 to read as follows:

§ 3.693 Electric cables.

Electric connecting cables shall be of adequate capacity. Cables which would overheat in the event of circuit overload or fault shall be flame-resistant and shall not emit dangerous quantities of toxic fumes.

§ 3.693–1 [Deletion]

46. By deleting § 3.693–1 and related footnote.

§ 3.702 [Amendment]

47. By amending Figure 3–16 referred to in § 3.702 by deleting the phrase "At least 2 candles" in the intensity column and inserting in lieu thereof "0.05 *I*."

§ 3.705 [Amendment]

48. By amending § 3.705(a) by deleting the number ".03" and inserting in lieu thereof "0.5", and by deleting the phrase "within a solid angle equal to 0.15 steradians centered about the longitudinal axis in the rearward direction."

§ 3.714 [Amendment]

49. By amending § 3.714 by deleting from the first sentence the word "danger" and inserting in lieu thereof "the probability".

§ 3.715 [Amendment]

50. By amending § 3.715 by adding at the end of the third sentence the words "in lieu of the fitting factor prescribed in § 3.306."

51. By amending § 3.744 to read as follows:

§ 3.744 Powerplant limitations.

The powerplant limitations set forth in this section shall be established for the airplane. The limitations shall not exceed the corresponding limits established as part of the type certification of the engine and propeller installed in the airplane.

(a) *Takeoff operation.* (1) Maximum rotational speed (r.p.m.);

(2) Maximum permissible manifold pressure;

(3) Maximum permissible gas temperature:

(4) The time limit for use of the power or thrust which corresponds with the values established in subparagraphs (1) through (3) of this paragraph; and

(5) When the time limit established in subparagraph (4) of this paragraph exceeds 2 minutes, the maximum permissible cylinder head, oil, and liquid coolant temperatures.

(b) *Maximum continuous operation.* (1) Maximum rotational speed (r.p.m.);

(2) Maximum permissible manifold pressure;

(3) Maximum permissible gas temperature; and

(4) Maximum permissible cylinder head, oil, and liquid coolant temperatures.

(c) *Fuel grade or specification designation.* The minimum fuel grade required for reciprocating engines or the fuel designation for turbine engines, required for the operation of the engine within the limitations prescribed in paragraphs (a) and (b) of this section.

§§ 3.745, 3.746, 3.747 [Deletion]

52. By deleting §§ 3.745, 3.746, and 3.747.

§ 3.755 [Amendment]

53. By amending § 3.755(a) by adding at the end of the first sentence thereof the phrase "except as provided in § 3.771(b)".

§ 3.767 [Amendment]

54. By amending § 3.767(a) by deleting the words "octane number" and inserting in lieu thereof "grade or designation".

55. By amending § 3.771 to read as follows:

§ 3.771 Airspeed placards.

(a) *All-airplanes.* An airspeed placard shall be provided, in clear view of the pilot and as close as practicable to the airspeed indicator. The placard shall list the following:

(1) Maximum speed for landing gear operation; and maximum speed with landing gear extended, if the airplane is equipped with retractable landing gear;

(2) Design maneuvering speed (V_p) (see § 3.184);

(3) Minimum control speed (V_{mc}) (see § 3.111); and

(4) The demonstrated crosswind velocity (see § 3.145).

(b) *Airplanes weighing more than 6,000 pounds.* The placard prescribed in paragraph (a) of this section shall also include:

(1) Recommended climb speed;

(2) Best angle-of-climb speed;

(3) Engine-inoperative-climb speed; and

(4) Approach speeds.

56. By adding a new § 3.772 to read as follows:

§ 3.772 Types of operation placard.

A placard shall be provided in clear view of the pilot which specifies the type of operations (e.g., VFR, IFR, day or night) and the meteorological conditions (e.g., icing conditions) to which the operation of the airplane is limited by the equipment installed. (See §§ 3.750 and 3.778(h).)

57. By amending § 3.778 by adding a new paragraph (h) to read as follows:

§ 3.778 Operating limitations.

* * * * * * *

(h) *Types of operation.* The type of operations (e.g., VFR, IFR, day or night) and the meteorological conditions (e.g., icing conditions) to which the operation of the airplane is limited shall be stated. (See §§ 3.750 and 3.772.) All installed equipment affecting the operations limitations of the airplane shall be listed and identified as to operational function.

§ 3.779 [Amendment]

58. By amending § 3.779 by adding at the end thereof a new sentence to read as follows: "In particular, procedures and pertinent information relating to the use of the airspeeds prescribed in § 3.771(b) for airplanes weighing more than 6,000 pounds shall be included".

59. By amending § 3.780(c) to read as follows:

§ 3.780 Performance information.

* * * * * * *

(c) The calculated approximate effect of variations in paragraph (a) (3), (4), and (5) of this section with altitudes from sea level to 8,000 feet and with temperatures at these altitudes from minus 60° F. below standard to plus 40° F. above standard shall be included.

§ 3.780–1 [Deletion]

60. By deleting § 3.780–1.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3085; Filed, Apr. 2, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 137—STANDARDS OF CONDUCT

Miscellaneous Amendments

The Deputy Secretary of Defense approved the following amendments to Part 137:

1. Section 137.3 has been amended by adding a new paragraph (e) as follows:

§ 137.3 Conflicts of interest.

* * * * * * *

(e) Provision will be made to inform new personnel of the standards of conduct specified in this Part 137 upon employment. Provision also will be made to bring the standards of conduct, through appropriate means, to the attention of all personnel at least semi-annually. Personnel will be advised how to obtain additional clarification of standards of conduct and related laws, rules, and regulations.

2. Section 137.5(a) has been revised as follows:

§ 137.5 Retired regular officers.

(a) *Prosecution of claims.* A regular retired officer of the Armed Forces may not, within 2 years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the department in whose service he holds a retired status. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty.

3. Section 137.7 has been revised in its entirety. Section 137.7, as revised, now reads as follows:

§ 137.7 Statement of employment by regular retired officers.

(a) Each regular retired officer of the Armed Forces shall file with the Department in which he holds a retired status a Statement of Employment (DD Form 1357[1]). Each regular officer retiring hereafter shall file this statement within 30 days after retirement. Whenever the information in the statement is no longer accurate, each such officer shall file a new DD Form 1357.[1]

(b) The military departments shall appropriately review the Statements of Employment to assure compliance with applicable statutes and regulations.

4. Section 137.13 has been revised to cover civilian as well as military personnel. Section 137.13, as revised, now reads as follows:

§ 137.13 Outside employment of DoD personnel.

(a) No DoD civilian personnel and no military personnel on active duty shall engage in private outside employment, with or without compensation, which:

(1) Interferes with the performance of their Government duties, or

(2) May reasonably be expected to bring discredit upon the Government or the agency concerned.

(b) No enlisted member of the Armed Forces on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession.

5. Section 137.14 is revised to read as follows:

§ 137.14 Effective date.

This part shall be effective immediately, except that § 137.7 shall be effective January 15, 1962. Implementing regulations of the military departments will be submitted to the Office of the Secretary of Defense for approval prior to promulgation.

§ 137.17 [Amendment]

6. Section 137.17 has been revised by deleting subparagraph A6 "Soliciting, accepting or offering * * * during such employment (sec. 512, Act of August 26, 1954, 22 U.S.C. 1764)," and subparagraph B3 "It is unlawful * * * as an officer or employee of the Government (sec. 512, Act of August 26, 1954, 22 U.S.C. 1764)."

(R.S. 161, 5 U.S.C. 22)

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62–3177; Filed, Apr. 2, 1962; 8:47 a.m.]

[1] Filed as part of the original document.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–20]

PART 13—PROHIBITED TRADE PRACTICES

International Shoe Co.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.;* § 13.170–70 *Preventive or protective.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Shoe Co., St. Louis, Mo., Docket C–20, Nov. 7, 1961]

Consent order requiring a St. Louis shoe manufacturer to cease representing

falsely in advertising in catalogs, circulars, form letters, etc., that its stock shoes would keep children's feet healthy and strong, correct and prevent disorders and abnormalities of the feet, and were made on "nature's lasts".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent International Shoe Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its Weather-Bird shoes, or any other shoes of substantially the same construction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

(a) The wearing of said shoes will keep the feet healthy or assure healthy development of the feet.

(b) Said shoes are made on nature's lasts, or are made according to any particular contour or shape other than that of a child's foot generally.

(c) The wearing of said shoes will make children's feet healthy or strong.

(d) The wearing of said shoes will aid or help to correct or prevent defects, disorders, deformities or abnormalities of the feet.

2. Furnishing or otherwise placing in the hands of retailers or dealers in said shoes the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3142; Filed, Apr. 2, 1962; 8:45 a.m.]

[Docket No. C-21]

PART 13—PROHIBITED TRADE PRACTICES

Julian Levy et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Julian Levy et al. trading as Levy-Abrams Co., etc., San Francisco, Calif., Docket C-21, Nov. 7, 1961]

In the Matter of Julian Levy and Howard Abrams, Individually and as Copartners Trading as Levy-Abrams Co., and Calmoor Coats

Consent order requiring San Francisco manufacturing furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of the fur used in fur products, the country of origin of imported furs, and that furs were dyed when such was the case; failing to label fur products with name of the manufacturer, etc.; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Julian Levy and Howard Abrams individually and as copartners trading as Levy-Abrams Co. and as Calmoor Coats or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, in commerce, or the sale, advertising or offering for sale, or the transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

(2) Setting forth on the labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information.

(3) Failing to set forth all the information required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

(4) Failing to set forth on labels affixed to fur products the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

(1) Failing to furnish purchasers of fur products invoices showing the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(2) Failing to set forth on invoices pertaining to fur products the item number or mark assigned to a fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3143; Filed, Apr. 2, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Mississippi River, La.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.200 governing navigation on the Mississippi River below the mouth of the Ohio River is hereby amended with respect to paragraph (c) to change the location of the light controlling the movement of vessels in the vicinity of Algiers Point, New Orleans, effective on publication in the FEDERAL REGISTER since the control light has been relocated, as follows:

§ 207.200 Mississippi River below mouth of Ohio River, including South and Southwest Passes; use; administration, and navigation.

* * * * *

(c) *Movement of vessels in vicinity of Algiers Point, New Orleans Harbor—(1) Control lights.* When the Mississippi River reaches 10 feet on the Carrollton Gage on a rising stage, and until the gage reads 12 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, and excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights oscillate through 60 degrees, sweeping the entire width of the river every five seconds. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

* * * * *

(3) *Descending vessels.* * * *

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

[Regs., Mar. 15, 1962, 285/112 (Mississippi River, La.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 62-3139; Filed, Apr. 2, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2639]

[51263]

LOUISIANA

Transferring Jurisdiction Over Oil and Gas Deposits in Certain Lands at Barksdale Air Force Base Owned by the United States

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising a portion of the Barksdale Air Force Base East Reservation, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force;

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

LOUISIANA MERIDIAN

T. 17 N., R. 12 W.,
Sec. 8, S½;
Sec. 15, NW¼;
Sec. 16, N½;
Sec. 17, E½NE¼.

The areas described aggregate approximately 880 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for Air Force purposes.

4. Prior to advertisement for bids the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

5. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force shall be obtained to assure that there is no interference with the primary use of Barksdale Air Force Base.

JOHN A. CARVER, Jr., *Assistant Secretary of the Interior.*

MARCH 28, 1962.

[F.R. Doc. 62-3146; Filed, Apr. 2, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 149]

INDIAN RESERVATIONS OR INDIAN HOLDINGS

Proposed Exchanges for Consolidation or Extensions

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10(a) of Public Law 87–231, act of September 14, 1961 (75 Stat. 500; 25 U.S.C. 624), it is proposed to amend 43 CFR Part 149 as set forth below. The purpose of this amendment is to prescribe regulations to carry out the exchange provision of Public Law 87–231, supra.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 149.23 is amended to read as follows:

§ 149.23 Statutory authority.

(a) Section 2 of the act of August 13, 1949 (63 Stat. 605; 25 U.S.C. 622), authorizes the Secretary of the Interior to exchange for any lands or interests therein, including improvements and water rights, situated within the area described in section I of the notice dated March 25, 1950 (15 F.R. 1852), any lands or interests therein, including improvements and water rights, situated within the boundaries of the area described in said section I, or within the public domain area described in section II of said notice, or within any public domain in New Mexico.

(b) Section 10(a) of Public Law 87–231, act of September 14, 1961 (75 Stat. 500; 25 U.S.C. 624), provides that the Secretary of the Interior may acquire, within the Pueblo land consolidation areas, any lands or interests therein, including improvements and water rights, and in exchange therefor, may convey not to exceed an equal value of unappropriated public lands within the State of New Mexico, or, with the consent of the Pueblo authorities, any Pueblo tribal lands or interest therein, including improvements and water rights.

(1) The Pueblo land consolidation areas include any lands, acquisition of which would tend to consolidate Pueblo tribal lands held by a Pueblo at the time of such acquisition.

2. Paragraph (a) of § 149.24 is amended to read as follows:

§ 149.24 Criteria for approval of exchanges.

* * * * * *

(a) The selected lands or interests do not exceed the value of the offered lands or interests.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 28, 1962.

[F.R. Doc. 62–3145; Filed, Apr. 2, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1120]

[Docket No. AO 328]

MILK IN LUBBOCK-PLAINVIEW, TEXAS, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area, which was issued by the Acting Secretary on March 13, 1962 (27 F.R. 2512), is hereby extended to April 9, 1962.

Dated: March 29, 1962, Washington, D.C.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–3182; Filed, Apr. 2, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Insurance; Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.711 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851 and 1720). Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment under consideration changes the provisions of § 107.711(b) primarily so as to provide for an increase in the minimum amount of fidelity bond for each Licensee, to require each Licensee to notify SBA of any claim for loss filed under the bond, and to require riders or endorsements as a part of each such bond providing for notification to SBA of any claim for loss paid under the bond, submission to SBA of riders or endorsements effecting changes in the bond, and notification to SBA by the surety company of its intent to cancel the bond.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting paragraph (b) of § 107.711 and substituting in lieu thereof the following new paragraph (b):

§ 107.711 Insurance.

* * * * * *

(b)(1) Each Licensee shall obtain and maintain a Brokers Blanket Bond, Standard Form No. 14, or Bankers Blanket Bond, Standard Form No. 24, in form and substance acceptable to SBA. Such Bond shall be approved by the board of directors of the Licensee for the protection of the Licensee, covering each officer or employee who has control over or access to cash, securities, or other property of the Licensee. Each such fidelity bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. A duplicate original copy of such bond, as executed and delivered by the surety company, certified by the surety company that such bond is in full force and effect, shall be submitted to SBA by all Proposed Operators at the time of submission of the License Application and within sixty days following the effective date hereof by all Licensees existing as of such effective date. Licensees which have already obtained Brokers Blanket Bond, Standard Form No. 14, or Bankers Blanket Bond, Standard Form No. 24, and have filed a certified, conformed copy thereof with SBA, are required only to provide SBA with a certified copy of the riders or endorsements required under subdivisions (i), (ii), and (iii) of this subparagraph and a rider or endorsement to such bond increasing the dollar amount of coverage to the amount required by this amended section of the regulations. Each Licensee, at least thirty days prior to making any request to the surety company to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate of cancel the bond. Each Licensee shall have as a part of its certified fidelity bond: (i) A rider or endorsement providing that the surety company will notify SBA of any loss claim paid under such bond at the time payment is made; (ii) a rider or endorsement providing that the surety company will submit to SBA an executed copy of any rider or endorsement to be included as a part of the bond concerning any change in the terms, conditions, or coverage of the same; and (iii) a rider or endorsement providing that the surety company will notify SBA of its intent to cancel the fidelity bond at least thirty days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety company. Such notifications to SBA shall be by certified mail addressed to the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(2) The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee (including any undisbursed commitment, §§ 107.301 (c) and (i) of the regulations, by SBA to provide minimum capital and surplus through purchase of subordinated debentures) plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others	*Minimum coverage*
Up to $1,000,000	$100,000
$1,000,001 to $2,000,000	125,000
$2,000,001 to $3,000,000	150,000
$3,000,001 to $4,000,000	175,000
$4,000,001 to $5,000,000	200,000
$5,000,001 to $7,500,000	225,000
$7,500,001 to $10,000,000	250,000
$10,000,001 and over	(1)

[1] $275,000 plus $10,000 for each $1,000,000 or fraction thereof over $15,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

Dated: March 26, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–3160; Filed, Apr. 2, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

CHARTER FOR ARMED SERVICES BOARD OF CONTRACT APPEALS

The Deputy Secretary of Defense, and the Secretaries of the Army, Navy and Air Force have approved the following, effective May 1, 1962:

1. There is created the Armed Services Board of Contract Appeals which is hereby designated as the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, in hearing, considering and determining as fully and finally as might each of the Secretaries appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions. These appeals may be taken (a) pursuant to the provisions of contracts requiring the decision of appeals by the Secretary of Defense or by a Secretary of a military department or their duly authorized representative or board, or (b) pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a military department has granted a right of appeal not contained in the contract. The Board shall operate under general policies established or approved by the Assistant Secretary of Defense (Installations and Logistics).

2. Membership of the Board shall consist of qualified attorneys who have been admitted to practice before the highest court of any State or the District of Columbia. There shall be appointed from members of the Board a chairman and two vice-chairmen. Appointment of the chairman and vice-chairmen and other members of the Board shall be made jointly by the Asistant Secretary of Defense (I&L) and the Assistant Secretaries of the military departments responsible for procurement. The chairman and vice-chairmen shall serve in that capacity for a two-year term unless sooner removed or reappointed for an additional term or terms. The Assistant Secretaries will also designate the order in which the two vice-charimen will act for the chairman in his absence. In the absence of a vice-chairman, the chairman or acting chairman will designate a member of the Board to serve as a temporary vice-chairman.

3. It shall be the duty and obligation of the members of the Armed Services Board of Contract Appeals to decide appeals on the record of the appeal to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with law and regulation pertinent thereto.

4. The chairman of the Board shall be responsible for establishing appropriate divisions of the Board in such manner as to provide for the most effective and expeditious handling of appeals. He shall be responsible for assigning appeals to the divisions for decision without regard to the military department or other procuring agency which entered into the contract involved. A division may consist of one or more members of the Board. A majority of the members of a division shall constitute a quorum for the transaction of the business of the division and the decision of a majority of the division shall constitute the decision of the Board provided that the chairman and two vice-chairman jointly signify their approval of the decision. If a majority of the members of a division are unable to agree on a decision, or if the chairman or one or more of the vice-chairmen do not signify approval of the decision, determination of the appeal shall be made by the chairman and vice-chairmen. A decision by a majority of those individuals will constitute the decision of the Board. On request of the appellant, an appeal involving $5,000 or less shall be decided under accelerated procedures as provided by the Rules of the Board.

5. When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may nevertheless in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. When in the consideration of an appeal it appears that a claim is involved which is not cognizable under the terms of the contract, the Board may, insofar as the evidence permits, make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

6. When a contract requires the Secretary of Defense or the Secretary of a military department, personally, to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals, in accordance with the procedure set forth in paragraph 4, shall make findings and recommendations to the appropriate Secretary with respect thereto.

7. The Board shall have all powers necessary and incident to the proper performance of its duties. Subject to the approval of the Assistant Secretary of Defense (I&L) and the Assistant Secretaries of the military departments responsible for procurement, the Board shall adopt its own methods of procedure, and rules and regulations for its conduct and for the preparation and presentation of appeals and issuance of opinions. The military departments and other procuring agencies of the Department of Defense shall provide legal personnel to prepare and present the contentions of the departments or agencies in relation to appeals filed with the Board. It shall not be necessary for the Board, unless it otherwise desires, to communicate with more than one trial attorney in each of the departments or agencies concerning the preparation and presentation of appeals and the obtaining of all records deemed by the Board to be pertinent thereto.

8. Any member of the Board or any examiner, designated by the chairman of the Board, shall be authorized to hold hearings, examine witnesses, receive evidence and argument, and report the evidence and argument to the designated division for consideration and determination of the appeal.

9. The chairman shall be responsible for the internal organization of the Board and for its administration. He shall provide within approved ceilings for the staffing of the Board with nonmember personnel, including hearing examiners, as may be required for the performance of the functions of the Board. The chairman shall appoint a recorder of the Board. Such personnel shall be responsible to and shall function under the direction, supervision and control of the chairman.

10. Financing of the operations of the Board as authorized herein will be provided through the use of the Navy Management Fund in accordance with Department of Defense Regulations Covering the Operation of Management Funds.

11. The chairman of the Board will furnish to the Secretary of Defense and to the Secretaries of the military departments by July 31 of each year a report containing an account of the Board's transactions and proceedings for the preceding fiscal year. Within 30 days following the close of a calendar quarter, the chairman shall forward a report of the Board's proceedings for the quarter to the Assistant Secretary of Defense (I&L), the Assistant Secretaries of the military departments responsible for procurement, and to the Director of the Defense Supply Agency. Such reports shall disclose the number of appeals received, cases heard, opinions rendered, current reserve of pending matters, and such other information as may be required.

12. The Board shall have a seal bearing the following inscription: "Armed Services Board of Contract Appeals". This seal shall be affixed to all authentications of copies of records and to such other instruments as the Board may determine.

13. All appeals pending before the Board under the "Charter for the Armed Services Board of Contract Appeals", which became effective on 1 February 1959, shall continue to be subject to the jurisdiction of the Board as established hereunder.

14. This charter will become effective May 1, 1962.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-3176; Filed, Apr. 2, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 38]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 80.00 acres in Montezuma County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 16 W.,
Sec. 23, W½NW¼.

Containing 80.00 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

MARCH 21, 1962.

[F.R. Doc. 62-3144; Filed, Apr. 2, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on March 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after March 1, as using humane methods on March 1 or a later date in March, will be listed in a supplemental list. Previously published lists represented establishments reported in February or March 1962 as humanely slaughtering and handling the designated species of livestock on February 1 or some later date in February 1962 (27 F.R. 2187 and 2574). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD	(*)	(*)				
Do	2AT	(*)		(*)		(*)	
Do	2B	(*)	(*)			(*)	
Do	2C	(*)		(*)		(*)	
Do	2E	(*)		(*)		(*)	
Do	2H	(*)	(*)	(*)		(*)	
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Do	2SD	(*)	(*)	(*)	(*)	(*)	
Do	2WN	(*)	(*)				
Swift and Co	3A	(*)	(*)	(*)		(*)	
Do	3AC	(*)				(*)	
Do	3AE	(*)	(*)			(*)	
Do	3AF	(*)					
Do	3AN	(*)	(*)			(*)	
Do	3AW	(*)				(*)	
Do	3B	(*)	(*)	(*)		(*)	
Do	3C	(*)	(*)	(*)		(*)	
Do	3CC	(*)		(*)			
Do	3D	(*)	(*)	(*)		(*)	
Do	3E	(*)		(*)		(*)	
Do	3F	(*)		(*)	(*)	(*)	
Do	3FF	(*)		(*)		(*)	
Do	3K	(*)		(*)			
Do	3L	(*)				(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3R	(*)	(*)			(*)	
Do	3S	(*)				(*)	
Do	3T	(*)	(*)				
Do	3W	(*)	(*)			(*)	
Do	3Z	(*)	(*)				
Do	6C	(*)	(*)	(*)		(*)	
Lykes Bros., Inc	8	(*)				(*)	
Do	8B	(*)					
Pauly Packing Co., Inc	10	(*)	(*)				
Hygrade Food Products Corp	12	(*)	(*)	(*)		(*)	
Do	12A	(*)				(*)	
Do	12C	(*)	(*)	(*)		(*)	
Do	12D	(*)					
Do	12G	(*)	(*)			(*)	
Do	12P	(*)					
Mickelberrys Food Products Co	16						
John Morrell and Co	17A	(*)				(*)	
Do	17D	(*)		(*)		(*)	
The Cudahy Packing Co	19	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	20A	(*)				(*)	
Do	20N	(*)	(*)	(*)		(*)	
Do	20Q	(*)	(*)				
Do	20Y	(*)	(*)	(*)		(*)	
Swift and Co	23	(*)		(*)			
Brander Meat Co	25	(*)	(*)	(*)	(*)	(*)	
Patrick Cudahy, Inc	28	(*)				(*)	
Kreinberg and Krasny, Inc	30	(*)					
Roegelein Provision Co	32	(*)	(*)			(*)	
Valleydale Packers, Inc	34	(*)	(*)	(*)		(*)	
Montana Packing Co., Inc	37	(*)	(*)	(*)			
Pocomoke Provision Co	39	(*)	(*)	(*)			
Armour and Co	40	(*)				(*)	
Sunnyland Packing Co	43	(*)				(*)	
Stark Wetzel and Co., Inc	44	(*)					
Do	44A					(*)	
Consolidated Dressed Beef Co., Inc	47	(*)	(*)	(*)			
Lackawanna Beef and Provision Co	49	(*)					
Midwestern Beef, Inc	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co. of Amarillo	60	(*)					
Glover Packing Co	60A	(*)	(*)	(*)	(*)	(*)	
Welland Packing Co., Inc	61					(*)	
Selkirk Realty Co	65					(*)	
Somerville Packing Co	66					(*)	
The Quaker Oats Co	67E						(*)
Eastern Packing Co	74E						(*)
Armour and Co	75	(*)	(*)	(*)	(*)		
The Braun Brothers Packing Co	79	(*)				(*)	
Hill packing Co	83E						(*)
Edgar Packing Co	84		(*)				
Excel Packing Co., Inc	86	(*)					
Utica Veal Co., Inc	88	(*)					
The E. Kahns Sons Co	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp	90	(*)					
Sugardale Provision Co	92	(*)				(*)	
Shonyo Packing Co	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co	95	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
A. Kochs Sons	98	(*)	(*)				
Swift and Co	104	(*)	(*)	(*)		(*)	
J. Lynn Cornwell, Inc	107					(*)	
Wilson and Co., Inc	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc	112	(*)					
Morris Packing Co	113	(*)					
The Merchants Co	116	(*)	(*)			(*)	
Wilson and Co., Inc	119	(*)	(*)	(*)			
Marhoefer Packing Co., Inc	121	(*)				(*)	
City Dressed Beef	125	(*)					
Peyton Packing Co., Inc	126	(*)	(*)	(*)	(*)	(*)	
Superior Packing Co	127	(*)					
John Roth and Son, Inc	130	(*)					
Tobin Packing Co., Inc	133					(*)	
Armour and Co	139	(*)	(*)	(*)			
Edward J. Kluener Inc	142	(*)	(*)				
R. B. Rice Sausage Co., Inc	144					(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Kansas City Dressed Beef Co	156	(*)					
Cornland Dressed Beef, Inc	157	(*)					
Armour and Co	158	(*)					
Missouri Farmers Assn. Packing Division	159	(*)				(*)	
Do	159A	(*)					
Carr Packing Co., Inc	160	(*)					
Joel E. Harrell and Son, Inc	162	(*)				(*)	
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
Swift and Co	166A	(*)	(*)	(*)	(*)	(*)	
K. Shapiro, Inc	173		(*)	(*)			
Camp Packing Co., Inc	174	(*)					
Armour and Co	177	(*)	(*)				
Peerless Packing Co	180					(*)	
Montrose Beef Co	181	(*)					
The Rath Packing Co	186	(*)	(*)	(*)		(*)	
Do	186C	(*)	(*)				
Do	186F					(*)	
Seattle Packing Co	191	(*)	(*)	(*)		(*)	
Krey Packing Co	192	(*)	(*)	(*)		(*)	
John Morrell and Co	196					(*)	
Hynes Packing Co	197	(*)	(*)				
George A. Hormel and Co	199	(*)	(*)	(*)		(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199I					(*)	
Do	199N					(*)	
Mid Valley Beef Co., Inc	201	(*)					
Cudahy Packing Co	202	(*)				(*)	
Emge Packing Co., Inc	205	(*)	(*)			(*)	
Heinz Riverside Abattoir, Inc	210	(*)					
Penn Packing Co	212					(*)	
Elburn Packing Co	213	(*)					
Kneip Packing Co	213C		(*)				
Fred Dold and Sons Packing Co	214	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
Gwaltney, Inc	221A					(*)	
Armour and Co	222	(*)					
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)	(*)		(*)	
Gold Merit Packing Co., Inc	232	(*)					
Raskin Packing Co	237	(*)					
Armour and Co	238			(*)		(*)	
P. D. and J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)		(*)		(*)	
I. Klayman & Co	243					(*)	
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
Swift and Co	249	(*)				(*)	
Frosty Morn Meats, Inc	250	(*)				(*)	
Balentine Packing Co., Inc	258	(*)	(*)			(*)	
The Jones Dairy Farm	265					(*)	
Pacific Meat Co., Inc	267	(*)	(*)			(*)	
Houston Packing Co	271	(*)	(*)			(*)	
Elliott Packing Co	274	(*)		(*)		(*)	
Wilson and Co., Inc	275	(*)					
Bookey Packing Co	281	(*)					
Agar Packing Co., Inc	282					(*)	
Figge and Hutzweiler Co	283					(*)	
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289	(*)	(*)	(*)		(*)	
The H. H. Meyer Packing Co	290					(*)	
Sioux City Dressed Pork, Inc	292					(*)	
Gus Juengling and Son, Inc	298	(*)	(*)				
Great Falls Meat Co	301	(*)	(*)			(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Do	305A	(*)					
Star Packing Co	306	(*)					
Survall Packing Co	307	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc	312	(*)					
Rudys Farm Co	315					(*)	
Webb Packing Co	316	(*)					
Greater New York Packing Co., Inc	317A					(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Frisco Packing Co	327	(*)					
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)	(*)				
Great Western Packing Co., Inc	334	(*)					
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Midland Empire Packing Co., Inc	339	(*)					
Des Moines Packing Co	340	(*)					
Peters Packing Co., Inc	341	(*)	(*)			(*)	
State Packing Co., Inc	344	(*)					
Union Packing Co	351	(*)					
Samuels E. Tex. Packing Co	353	(*)					
Meyers Packing Co	363	(*)					
Westport Packing Corp	369	(*)					
Bowling Provision Co., Inc	372					(*)	
Fischer Packing Co	374	(*)	(*)			(*)	
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)			
Emge Packing Co., Inc	380	(*)	(*)			(*)	
Smithfield Packing Co., Inc	382					(*)	
American Stores Co	384	(*)					
Liebmann Packing Co	388	(*)	(*)				
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
The Jacob Schlachters Sons Co	395	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Logan Packing Co	397	(*)					
Neuhoff Bros	406	(*)	(*)			(*)	
Endlich Packing Co., Inc	410	(*)					
The Lundy Packing Co	413					(*)	
Frosty Morn Meats	414	(*)	(*)	(*)			
Philadelphia Boneless Beef Co	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip, Inc., of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Hebron Packing Co., Inc	425	(*)	(*)				
Lone Star Packing Co	433	(*)	(*)				
Monarch Meat Packing Co	435	(*)					
Queen Packing Corp	436	(*)					
Schneider Packing Co	439	(*)	(*)				
Omaha Dressed Beef Co., Inc	441	(*)					
Prime Packing Co., Inc	443	(*)					
Peerless Packing Co., Inc	448	(*)					
DeWitt Packing Corp	456	(*)	(*)				
Swift and Co	459					(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Lancaster Packing Co	462	(*)					
Becwar Packing Co	467	(*)	(*)	(*)		(*)	
Corn Husker Packing Co	468	(*)					
Eckert Packing Co	471	(*)				(*)	
Eldridge Packing Co	478	(*)					
Middletown Beef Co., Inc	483	(*)					
St. Cloud Meat Packing Co	485	(*)					
East Tennessee Packing Co	487	(*)	(*)			(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Mid State Packers, Inc	494	(*)	(*)				
Greenlee Pack Co	501	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co	508	(*)		(*)			
Armour and Co	509	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc	511	(*)				(*)	
Charles Miller and Co	517					(*)	
Illinois Packing Co	521	(*)					
Pearl Packing Co., Inc	524		(*)	(*)	(*)	(*)	
Armour and Co	528		(*)				
Smallwood Packing Co., Inc	529	(*)					
Omaha Packing Co	532	(*)		(*)	(*)		
Rosenthal Packing Co., Inc	535	(*)		(*)			
Oscar Mayer and Co., Inc	537A		(*)	(*)		(*)	
Oscar Mayer and Co., Inc	537C					(*)	
Midwest Packing Co	538	(*)					
Greendell Packing Corp	542	(*)	(*)				
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Swift and Co	548	(*)	(*)			(*)	
Pride Packing Co., Inc	549	(*)		(*)			
Piute Packing Co	550		(*)				
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)				(*)	
Springfield Rendering Co	555D	(*)	(*)	(*)	(*)		
The Cudahy Packing Co	559	(*)				(*)	
D. and W. Packing Co	560	(*)					
Emery Land Co	561	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Packerland Packing Co., Inc	562	(*)	(*)				
John Morrell and Co	564					(*)	
Texas Meat Packers, Inc	565	(*)	(*)				
Perretta Packing Co., Inc	571	(*)					
Kingsford Packing Co., Inc	581	(*)					
Stahl Meyer, Inc	583	(*)					
Empire Packing Co., Inc	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)	(*)	(*)			
Central Packing Co	606	(*)	(*)				
National Tea Co	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)	(*)				
Hill Packing Co	623E						(*)
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc	628	(*)					
General Meat Co	632	(*)					
Zipton Bro., Inc	635	(*)					
Auburn Packing Co., Inc	636	(*)					
R. and C. Packing Co	645	(*)					
Bird Provision Co	647					(*)	
Spencer Packing Co	648	(*)					
Wm. Schluderberg-T. J. Kurdle Co	649	(*)	(*)	(*)		(*)	
John Morrell and Co	650					(*)	
Nagle Packing Co	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co	654	(*)					
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
E. S. Read and Sons, Inc	672	(*)	(*)	(*)			
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Colville Meats, Inc	679	(*)	(*)	(*)		(*)	
Armour and Co	680	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co	684	(*)	(*)			(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					
Davenport Packing Co., Inc	716	(*)					
Crawford County Packing Co	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Coast Packing Co	724					(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
The Quaker Oats Co	734E						(*)
Jacob Schlachters Sons Co	739	(*)	(*)	(*)			
Pioneer Provision Co	742	(*)				(*)	
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)	(*)				
Luck Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
Philadelphia Dressed Beef Co	758	(*)					
The American Meat Packing Corp	760					(*)	
Schaake Packing Co., Inc	761	(*)					
Earl C. Gibbs, Inc	770	(*)					
Cadwell Martin Meat Co	773	(*)					
Modern Meat Packing Co	774	(*)					
Atlas Packing Co	775	(*)					
Dale Packing Co., Inc	777	(*)					
The Cudahy Packing Co	779	(*)	(*)			(*)	
Granite State Packing Co	785	(*)	(*)				
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
Acees Meat Co., Inc	809	(*)					
The G. Erhardt Sons, Inc	810	(*)	(*)				
William N. H. Peters	813	(*)		(*)			
Rochester Independent Packer, Inc	817	(*)					
Henry Meyers Sons, Inc	822	(*)	(*)				
Hibbs Packing Co	825	(*)					
Penford Packing Co	827	(*)	(*)				
Bristol Packing Co	828	(*)	(*)				
Norman Peters Packing Co	834	(*)					
White Packing Co., Inc	835	(*)	(*)				
John Morrell and Co	836	(*)					
Frederick County Products, Inc	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)	(*)				
G. Bartusch Packing Co	843	(*)					
Sioux City Dressed Beef, Inc	857	(*)					
Siouxland Dressed Beef Co., Division of	857F	(*)		(*)			
Jordan Meat & Livestock Co	858	(*)	(*)	(*)	(*)	(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Samuels & Co., Inc	878	(*)	(*)	(*)	(*)		
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
O'Neill Packing Co	890	(*)					
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Meats, Inc	899	(*)	(*)				
Sigman Meat Co. of Montana	901A	(*)					
Hoosier Veterinary Laboratories, Inc	912					(*)	
Chiapetti Packing Co	910			(*)			
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc	923	(*)	(*)				
Wisconsin Packing Co	924	(*)					
Kerber Packing Co	929	(*)	(*)			(*)	
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Gentner Packing Co., Inc	941	(*)					
Whitehall Packing Co	946	(*)	(*)				
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
T. L. Lay Packing Co	967	(*)				(*)	
Hawaii Meat Co., Ltd	970	(*)	(*)	(*)			
Perlin Packing Co., Inc	974	(*)	(*)	(*)	(*)		
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Armour and Co	1085	(*)	(*)				
Landy Packing Co	1171	(*)					
The Harris Packing Co	1175					(*)	
A. F. Moyer and Sons, Inc	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			
P. & H. Packing Co., Inc	1313	(*)	(*)				
H. and H. Packing Co	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co	1318	(*)					

401 establishments reported.

Done at Washington, D.C., this 23d day of March 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-3025; Filed, Apr. 2, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MORLAN J. GRANDBOIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of March 26, 1962.

MORLAN J. GRANDBOIS.

MARCH 26, 1962.

[F.R. Doc. 62-3171; Filed, Apr. 2, 1962; 8:47 a.m.]

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 19, 1962.

GEORGE E. HARDING.

MARCH 19, 1962.

[F.R. Doc. 62-3172; Filed, Apr. 2, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13101]

CATALINA ISLAND SERVICE INVESTIGATION

Notice of Hearing

In the matter of service to Santa Catalina Island.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held April 24, 1962, at 10:00 a.m. (Pacific standard time) in the Board Room of the Long Beach Harbor Department Administration Building, 925 Harbor Plaza, Long Beach, California, before the undersigned Examiner.

Without limiting the issues specific attention will be directed to the following matters:

1. Whether public convenience and necessity require the renewal, amendment, or termination of the certificate of Avalon Air Transport, Inc.

2. Whether public convenience and necessity require the amendment of the certificate of Pacific Air Lines, Inc., to authorize air transportation on a nonsubsidy basis between the Los Angeles Metropolitan Area and Catalina Island.

3. Whether the exemption authority under § 298.21(b)(4) of the Economic Regulations presently held by Catalina Channel Airlines should be continued; and

4. Whether exemption authority presently held by Los Angeles Airways, Inc., to serve Catalina Island should be continued.

For more specific information regarding the scope of the proceeding interested persons may refer to the orders of the Board on file in the docket.

Dated at Washington, D.C., March 28, 1962.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-3173; Filed, Apr. 2, 1962; 8:47 a.m.]

[Docket No. 13482]

LUFTHANSA

Notice of Prehearing Conference

In the matter of the application of Deutsche Lufthansa Aktiengesellschaft (LUFTHANSA German Airlines) for amendment of its foreign air carrier permit for authority to engage in foreign air transportation with respect to persons, property and mail: "Between a point or points in Germany; the intermediate points Brussels, Belgium; Paris, France; London, England; Manchester, England; Shannon, Eire; Montreal, Canada; and the terminal point San Francisco, California."

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 4, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., March 29, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3174; Filed, Apr. 2, 1962; 8:47 a.m.]

[Docket No. 13463]

PACIFIC NORTHWEST-ALASKA AIR SERVICE

Notice of Prehearing Conference

In the matter of the investigation of Pacific Northwest-Alaska Air Service.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on April 25, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 10, 1962: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; (5) motions pertaining to the scope of the proceeding; and (6) proposed procedural dates. Answers to motions should be submitted on or before April 17, 1962.

Dated at Washington, D.C., March 29, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3175; Filed, Apr. 2, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

A. P. MOLLER-MAERSK LINE AND KNUTSEN LINE JOINT SERVICES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8851, between the carriers comprising the A. P. Moller-Maersk Line and the Knutsen Line joint services (operating under approved joint service Agreements 7622 and 7623, respectively), covers a through billing arrangement in the trade from U.S. Atlantic ports to Geraldton, Fremantle, Bunbury, Albany and Esperance, Australia, with transhipment at Hong Kong or Singapore. Agreement 8851, upon approval, will supersede and cancel approved Agreement 8757, between the same parties in the trade from U.S. Atlantic ports to Fremantle, Australia.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 29, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3169; Filed, Apr. 2, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13169 etc.]

TEXACO-SEABOARD, INC., ET AL.

Notice of Extension of Time and Postponement of Hearing

MARCH 27, 1962.

Texaco-Seaboard Inc., et al., Docket No. G-13169, et al.; Texas Gas Exploration Company, et al., Docket No. G-17336, et al.; Republic Natural Gas Company, et al., Docket No. G-16540, et al.; The California Company, Docket No. G-16108; The Superior Oil Company, Docket No. G-16388; Sunray Mid-Continent Oil Company, Docket No. G-14753; Sun Oil Company, Docket No. G-15122; The Superior Oil Company, Docket No. G-16380; Area Rate Proceeding, Docket No. AR61-2.

Upon consideration of several motions and requests filed for an extension of time within which to serve and file with the Commission such written testimony, exhibits, and arguments as they deem material to determination of the public interest initial price or prices in these proceedings as required by the Commission's order issued March 7, 1962, and postponement of the hearing now scheduled for April 26, 1962, in the above-designated matters;

An extension is granted from April 4, 1962, to May 4, 1962, within which to serve and file the data specified by Paragraph (C) of order issued March 7, 1962; and the hearing now scheduled for April 26, 1962, is hereby postponed to May 29, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Paragraphs (C) and (D) of said order issued March 7, 1962, are amended accordingly.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3140; Filed, Apr. 2, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FARMERS AND MERCHANTS BANK OF LONG BEACH

Order Approving Acquisition of Bank Assets

In the matter of the application of Farmers and Merchants Bank of Long Beach for approval of acquisition of assets of Farmers and Merchants Bank of Southern Counties.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Farmers and Merchants Bank of Long Beach, Long Beach, California, a member of the Federal Reserve System, for the Board's prior approval of the acquisition by that bank of the assets, and assumption of the liabilities, of Farmers and Merchants Bank of Southern Counties, Long Beach, California, and, as an incident thereto, an application by Farmers and Merchants Bank of Long Beach, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of branches by that bank at the locations occupied by the head office and branch of Farmers and Merchants Bank of Southern Counties.

Pursuant to said section 18(c), notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are granted, provided that said acquisition of assets, assumption of liabilities, and establishment of branches approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 28th day of March, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3141; Filed, Apr. 2, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of Loans for Housing for the Elderly, authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements.

2. To amend or modify such loan agreements.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Dec. 22, 1961 (26 F.R. 12787, Dec. 30, 1961))

Effective as of the 11th day of January 1962.

[SEAL] JULIAN D. STEELE,
Acting Regional Administrator, Region I.

[F.R. Doc. 62-3178; Filed, Apr. 2, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2527]

COLORADO-CHEROKEE, INC.

Notice and Order for Hearing

MARCH 28, 1962.

I. Colorado-Cherokee, Inc. (issuer) 1507 Denver U.S. National Center, Denver, Colo., a Colorado corporation, filed with the Commission on August 14, 1961, a notification on Form 1-A and offering circular relating to a proposed offering of 2,799,850 shares of its $.10 par common stock, of which 400,000 shares are proposed to be exchanged for 4,000,000 shares of $.01 par stock of Cherokee Uranium Mining Corp. and 2,399,850 shares are to be offered to the shareholders of Cherokee Uranium Mining Corp. at 10 cents per share, for an aggregate cash offering of $239,985, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on February 7, 1962, issued an order, which was amended on March 6, 1962, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., m.s.t., on April 12, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colo., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately the cost incurred by the issuer's president in acquiring the Cherokee Uranium Mining Corp. shares he now proposes to exchange for securities of the issuer.

2. The representation that persons who had previously invested in the securities of the Cherokee Uranium Mining Corp. can elect to salvage their investment by investing in securities of the issuer.

3. The representation that the proposed offering of securities to shareholders of the Cherokee Uranium Mining Corp. is in effect an attempted reorganization of that corporation.

4. The failure to disclose accurately and adequately the basis for, and the effect of, the temporary suspension order issued by the Commission on May 28, 1956, in the matter of Cherokee Uranium Mining Corp.

5. The failure to disclose accurately and adequately the circumstances surrounding the $120,000 loan to the Cherokee Uranium Corp. by Walter F. Tellier.

6. The failure to state clearly that none of the issuer's officers and directors have had any experience in the exploration for oil and gas.

7. The failure to explain that the companies from whom farm outs may be obtained usually farm out only their less desirable leaseholds.

8. The failure to disclose accurately and adequately that the possibility of obtaining production of oil and gas in profitable amounts from any exploratory test on a farm out arrangement is no better than one out of six or seven.

9. The failure to disclose that $75,000 is in all probability an inadequate amount with which to commence operations in the exploratory phase of the oil and gas industry.

B. Whether the offering if made would be in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney Gross or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Colorado-Cherokee, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commisison and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before April 9, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3147; Filed, Apr. 2, 1962; 8:45 a.m.]

[File No. 812-1494]

JAPAN FUND, INC.

Notice of Filing of Application for Exemptions

MARCH 27, 1962.

Notice is hereby given that The Japan Fund, Inc. ("Fund"), 25 Broad Street, New York 4, N.Y., a closed-end management investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from sections 15(a), 16(a), and 32(a) to the extent that such sections require approval by shareholders of investment advisory agreements, election of directors and selection of independent public accountants, respectively, such order to be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held on March 5, 1963.

The application states that the Fund presently has no stockholders. It intends to issue initially up to 2,200,000 shares of its common stock when its registration statement under the Securities Act of 1933 becomes effective. Prior to the effective date of the registration statement, the Fund proposes to enter into an investment advisory contract with Nikko Securities, Ltd. Since the Fund will not have any stockholders until after the effective date of its registration statement, it will not be possible to secure prior approval by the stockholders of the Fund of such advisory contract, as required by section 15(a) of the Act.

Similarly, the present directors of the Fund have not been elected by the stockholders as required by section 16(a) of the Act, and such elections will not be possible prior to the proposed issuance of common stock of the Fund.

The application further states that the board of directors of the Fund has appointed Price Waterhouse & Co. as its independent public accountants for its first fiscal year, ending December 31, 1962, such appointments having been in compliance with paragraph (1) of section 32(a) of the Act. It is expected that such appointment will be renewed, in compliance with said paragraph, for the fiscal year ending December 31, 1963. Such appointment and renewal thereof will be submitted for ratification at the first annual meeting of the stockholders of the Fund which is scheduled to be held on March 5, 1963. While the Fund believes that such submission for ratification will thus be made at the "next succeeding annual meeting of stockholders", within the meaning of section 32(a) of the Act, the fact that such submission will be made after the end of the Fund's first fiscal year may be deemed to be inconsistent with such section.

The Board of Directors of the Fund, the proposed investment advisory contract and the selection of independent public accountants for the Fund will, except as noted above, comply with the provisions of the Act in all respects. The entire Board of Directors will stand for election, and the investment advisory contract and the selection of independent public accountants will be presented for approval and ratification, at the first annual meeting of the stockholders of the Fund which is scheduled to be held on March 5, 1963. The prospectus to be used by the Fund in connection with the sale of up to 2,200,000 shares of its common stock will contain full and appropriate information concerning its directors, the investment advisory contract and its independent public accountants as of the effective date of the registration statement.

Notice is further given that any interested person may, not later than April 9, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3148; Filed, Apr. 2, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 54-1]

CHIEF, PROGRAM ADMINISTRATION AND COMPLIANCE DIVISION

Delegation Relating to Investment Program

I. Pursuant to the authority delegated to the Director, Office of Investment, by the Deputy Administrator, Investment Division, by Delegation of Authority No. 54 (Rev. 2) (27 F.R. 1779), as amended February 28, 1962, 27 F.R. 2658, there is hereby redelegated to the Chief, Program Administration and Compliance Division, the following authority:

A. *Compliance.* To take any and all actions deemed necessary to assure compliance with the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, except those actions which involve policy determination or legal precedent.

B. *Administrative.* To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days and (c) overtime work for employees under his supervision.

II. The authority delegated in IB (b) and (c) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Program Administration and Compliance Division.

IV. All previous authority delegated to the Chief, Program Administration and Compliance Division is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: March 1, 1962.

LAWRENCE S. CASAZZA, *Director, Office of Investment.*

[F.R. Doc. 62-3149; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 54-2]

CHIEF, INVESTMENT ACTIVITIES DIVISION

Delegation Relating to Investment Program

I. Pursuant to the authority delegated to the Director, Office of Investment, by the Deputy Administrator, Investment Division, by Delegation of Authority No. 54 (Rev. 2) (27 F.R. 1779), as amended February 28, 1962, 27 F.R. 2658, there is hereby redelegated to the Chief, Investment Activities Division, the following authority:

A. *Investment.* 1. To approve extensions of notices to proceed for a period of not more than 200 days from the date of the original notice to proceed.

2. To approve disbursement of loans under sections 302 and 303 of the Small Business Investment Act.

3. To approve self-dealing loans except approval shall be restricted to those involving individuals with less than an aggregate amount of 5 percent interest in an SBIC, and an aggregate amount of less than 10 percent of the small business concern.

4. To approve dates of change of annual meetings.

5. To approve changes in the number of members of board of directors of individual SBICs.

6. To approve new officers and directors of individual SBICs.

7. To approve name changes and address changes of licensees.

8. To approve overline loans (excess of 20 percent) where the excess amount does not exceed 2 percent of the licensee's statutory capital.

9. To extend use of sections 302 and 303 loan proceeds not to exceed 30 days beyond the authorized period.

10. To approve voluntary withdrawals involved in termination of notices to proceed or letters of comment.

B. *Administrative.* To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

II. The authority delegated in IA 1, 2, 3, 8, 9, and 10, and in IB (b) and (c), may not be redelegated.

III. All the authority delegated herein may be exercised by any employee designated as Acting Chief, Investment Activities Division.

IV. All authority previously delegated to the position is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: March 1, 1962.

LAWRENCE S. CASAZZA, *Director, Office of Investment.*

[F.R. Doc. 62-3150; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30-IV-38]

MANAGER, DISASTER FIELD OFFICE, POCOMOKE CITY, MD.

Delegation of Authority Relating to Administrative and Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby delegated to the Manager of the Disaster Field Office, the authority:

A. *Financial assistance.* 1. To approve but not decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator.*
By ----------, *Manager, Pocomoke City Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

B. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Pocomoke City, Md., Disaster Field Office.

Dated: March 15, 1962.

CLARENCE P. MOORE, *Regional Director.*

[F.R. Doc. 62-3151; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 30-IV-39]

MANAGER, DISASTER FIELD OFFICE, VIRGINIA BEACH, VA.

Delegation of Authority Relating to Administrative and Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby delegated to the Manager of the Disaster Field Office, the authority:

A. *Financial assistance.* 1. To approve but not decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator.*
By ----------, *Manager, Virginia Beach Disaster Field Office.*

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

B. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Virginia Beach, Va., Disaster Field Office.

Dated: March 15, 1962.

CLARENCE P. MOORE, *Regional Director.*

[F.R. Doc. 62-3152; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 1-ARA]

ASSISTANT ADMINISTRATOR, MANAGEMENT

Delegation Relating to Management

I. Pursuant to the authority vested in the Administrator by virtue of a delegation of authority from the Secretary of Commerce (26 F.R. 7974), there is hereby redelegated to the Assistant Administrator (Management) the authority: To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974).

II. The authority delegated in this delegation may be redelegated by the Assistant Administrator (Management).

III. The authority delegated in this delegation may be exercised by any Assistant Administrator (Management).

Dated: September 1, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-3153; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 1-ARA-1]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

I. Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator (Delegation of Authority No. 1-ARA), dated September 1, 1961, there is hereby redelegated to the Director, Office of Organization and Management, the authority: To enter into contracts for supplies and services required to effec-

tuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974).

II. The authority delegated in this delegation may be redelegated by the Director, Office of Organization and Management.

III. The authority delegated in this delegation may be exercised by any SBA employee designated as Acting Director, Office of Organization and Management.

Dated: September 1, 1961.

WILLIAM C. FISHER,
Director, Office of Organization and Management.

[F.R. Doc. 62-3155; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 1-ARA-3]

ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

Delegation Relating to Administrative Services Division

I. Pursuant to the authority delegated to the Deputy Director, Office of Organization and Management by the Director, Office of Organization and Management (Delegation of Authority No. 1-ARA-2), dated September 1, 1961, there is hereby redelegated to the Assistant Chief, Administrative Services Division, the authority: To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974).

II. The authority delegated in this delegation may be redelegated by the Assistant Chief, Administrative Services Division.

III. The authority delegated in this delegation may be exercised by any SBA employee designated as Acting Assistant Chief, Office of Organization and Management.

Dated: September 1, 1961.

NORMAN J. BILLINGSLEY,
Deputy Director, Office of Organization and Management.

[F.R. Doc. 62-3156; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 1-ARA-4]

CHIEF, PROCUREMENT AND SUPPLY BRANCH

Delegation Relating to Procurement and Supply Functions

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Deputy Director, Office of Organization and Management (Delegation of Authority No. 1-ARA-3), dated September 1, 1961, there is hereby redelegated to the Chief, Procurement and Supply Branch, the authority: To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974).

II. The authority delegated in this delegation may be redelegated by the Chief, Procurement and Supply Branch.

III. The authority delegated in this delegation may be exercised by any SBA employee designated as Acting Chief, Procurement and Supply Branch.

Dated: September 1, 1961.

HAROLD A. ALLEN,
Assistant Chief, Administrative Services Division.

[F.R. Doc. 62-3157; Filed, Apr. 2, 1962; 8:46 a.m.]

[Delegation of Authority 1-ARA-5]

CHIEF, OFFICE SERVICES BRANCH

Delegation Relating to Office Services Branch

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division by the Deputy Director, Office of Organization and Management (Delegation of Authority No. 1-ARA-3), dated September 1, 1961, there is hereby redelegated to the Chief, Office Services Branch, the authority: To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974).

II. The authority delegated in this delegation may be redelegated by the Chief, Office Services Branch.

III. The authority delegated in this delegation may be exercised by any SBA employee designated as Acting Chief, Office Services Branch.

Dated: September 1, 1961.

HAROLD A. ALLEN,
Assistant Chief, Administrative Services Division.

[F.R. Doc. 62-3158; Filed, Apr. 2, 1962; 8:46 a.m.]

[Declaration of Disaster Area 372, Amdt. 1]

WEST VIRGINIA

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 372, dated March 9, 1962, for the State of West Virginia, is hereby amended as follows:

To include the additional counties of Logan and Kanawha in the State of West Virginia (flood occurring on or about March 1, 1962).

Dated: March 20, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-3159; Filed, Apr. 2, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18519, Amdt.]

CERTAIN ENEMY NATIONALS

In re: Securities owned by designated enemy nationals whose names are unknown, F28-20169.

Vesting Order 18519, dated September 27, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by nine (9) Atchison, Topeka and Santa Fe Railway Company (The)—General Mortgage 4 Percent Bonds, due October 1, 1995, of $1,000 face value each, in bearer form, numbered 3952, 10016, 36019, 49523, 67508, 77966, 80845, 91051, and 123141, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) Central Pacific Railway Company—First Refunding Gold 4 Percent Bonds, due August 1, 1949, in bearer form, numbered 14186, 14685, 14973, and 19572 of $1,000 face value each, numbered 8159 and 12174 of $500 face value each, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

c. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Cities Service Company 5 Percent Debenture, due April 1, 1958, in bearer form, numbered 10351 of $1,000 face value, two (2) Cities Service Company Refunding 5 Percent Debentures, due January 1, 1966, in bearer form, numbered 7787 and 18393 of $1,000 face value each, and seven (7) Cities Service Company 5 Percent Debentures, due March 1, 1969, in bearer form, numbered 11397, 24085, 24086, 24087, 24088, 24089, and 41877 of $1,000 face value each, and evidenced by coupons attached to or detached from said debentures and due on or after October 1, 1940, September 1, 1940, and September 1, 1940, respectively, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid debentures and coupons,

d. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Missouri, Kansas & Texas Railway Company—First Mortgage 4 Percent Bonds, due June 1, 1990, in bearer form, numbered 29255 of $1,000 face value and 41005, 43344 of $500 face value each, and evidenced by coupons attached to or detached from said bonds and due on or after December 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

e. Those certain debts or other obligations, matured or unmatured, evidenced by five (5) Norfolk & Western Railway Company—First Consolidated 4 Percent Bonds, due October 1, 1996, in bearer form, numbered 27512, 29077, 29410 of $1,000 face value each and 4588, 5106 of $500 face value each, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

f. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Southern Pacific Co.—4 Percent Collateral Trust Bonds, due August 1, 1949, in bearer form, numbered 11219 of $1,000 face value and 3220, 11916 of $500 face value each, four (4) Southern Pacific Company San Francisco Terminal 4 Percent First Mortgage Bonds, due April 1, 1950, in bearer form, numbered 5795, 7355, 10476, 15170 of $500 face value each, one (1) Southern Pacific Railroad Company—First Refunding Mortgage 4 Percent Bond, due January 1, 1955, in bearer form, numbered 46236 of $1,000 face value, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, October 1, 1940, and July 1, 1940, respectively, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds and coupons,

g. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Union Pacific Railroad Company—First Mortgage R.R. & Land Grant 4 Percent Bond, due July 1, 1947, in bearer form, numbered 10950, of $1,000 face value, and evidenced by coupons attached to or detached from said bond and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to, and under the aforesaid bond and coupons,

is property within the United States;

2. That the property described in subparagraph 1 hereof is property within the United States owned or controlled by payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany.

Executed at Washington, D.C., on March 26, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-3071; Filed, Apr. 2, 1962; 8:45 a.m.]

MARIE HELENA HAHN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Mrs. Marie Helena Hahn, 1 Ander Thomas Kirche, Duesseldorf, Germany. $1,805.13 in the Treasury of the United States. Claim No. 61308.

Johannes Henry Abrams, 41 Mozart Strasse, Wilhelmshaven, Germany. $1,805.12 in the Treasury of the United States. Claim No. 61310.

Carl Franz Abrams, August-Bebelstrasse 166, Bielefeld, Germany. $1,805.13 in the Treasury of the United States. Claim No. 61311.

Vesting Orders Nos. 17020 and 18035.

Executed at Washington, D.C., on March 26, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-3166; Filed, Apr. 2, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37629: *Superphosphate to WTL territory points.* Filed by O. W. South, Jr., Agent (No. A4169), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from producing points in Florida, to Fergus Falls and East Grand Forks, Minn., also Grand Forks, N. Dak.

Grounds for relief: Rail-barge-rail competition.

Tariff: Supplement 110 to Southern Freight Association tariff I.C.C. 1522 (Spaninger series).

FSA No. 37630: *Glue from points in Oregon and Washington.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 242), for interested rail carriers. Rates on glue, in tank-car loads, from points in Oregon and Washington, to Eureka and Arcata, Calif.

Grounds for relief: Truck competition.

Tariff: 10th revised page 314D to Pacific Southcoast Freight Bureau tariff I.C.C. 1352.

THE UNIVERSITY OF MICHIGAN

FSA No. 37631: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8176), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads, as described in the application, from Armant, La., to points in official (not including Illinois) and southern territories.

Grounds for relief: Carrier competition.

Tariff: Supplements 144 and 129 to Southwestern Freight Bureau tariffs I.C.C. 4061 and 4117, respectively.

FSA No. 37632: *Sand from points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8173), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Klondike, Ludwig, and Pacific, Mo., also Mill Creek and Roff, Okla., to Lawrenceville, Ill., Michigan City, Ind., Alkali, Ohio, and Boston, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 156 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37633: *Coarse grains and related articles from Memphis, Tenn., and points in Missouri and Illinois.* Filed by Southwestern Freight Bureau, Agent (No. B—8174), for interested rail carriers. Rates on coarse grain and related articles, as described in the application, in carloads, from Memphis, Tenn., also points in Missouri and Illinois, to points in Louisiana, west of the Mississippi River, also Mississippi River crossings, Vicksburg, Miss., and south thereof.

Grounds for relief: Unregulated truck and market competition.

Tariff: Supplement 114 to Southwestern Freight Bureau tariff I.C.C. 4237.

FSA No. 37634: *Grains from Memphis, Tenn., to points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-8175), for interested rail carriers. Rates on grain and grain products, in carloads, from Memphis, Tenn., to points in Arkansas and Oklahoma on the KCS Ry.

Grounds for relief: Carrier competition.

Tariff: Supplement 64 and 126 to Southwestern Freight Bureau tariffs I.C.C. 4156 and 4241, respectively.

FSA No. 37635: *T.O.F.C. Commodity Rates from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8177), for interested rail carriers. Rates on oil, water, or gas well outfits or supplies and iron and steel articles; pipe and related articles; also tires, tubes, and related articles, in trailers loaded on railroad flat or open-top equipment, between points in southwestern territory; also between points in southwestern territory, on the one hand, and Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3164; Filed, Apr. 2, 1962; 8:46 a.m.]

[Notice 618]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64861. By order of March 27, 1962, the Transfer Board approved the transfer to Harry Lobel, Jerry Miller, and Martin Cohen, a partnership, doing business as Mountain Limousine Service, 7147 Rutland Street, Philadelphia, Pa., of Certificate No. MC 114845 issued June 30, 1958, to Harry Lobel, Samuel Kushner, and Martin Cohen, a partnership, doing business as Mountain Limousine Service, 8230 Fayette Street, Philadelphia, Pa., authorizing the transportation of passengers and their baggage, limited to the transportation of not more than six passengers in any one vehicle, but not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, in special operations, in nonscheduled door-to-door service, during the period extending from May 15 to September 15, both inclusive, of each year, between Philadephia, Pa., on the one hand, and, on the other, points in Saratoga, Warren, and Essex Counties, N.Y.; and between Philadelphia, Pa., on the one hand, and, on the other, points in Monroe, and Pike Counties, Pa.

No. MC-FC 64867. By order of March 27, 1962, the Transfer Board approved the transfer to David Jelin, doing business as Miller's Express Service, New Brunswick, N.J., of Certificate No. MC 105611, issued October 1, 1958, to David Jelin and Paul Bito, a partnership, doing business as Miller's Express Service, New Brunswick, N.J., authorizing the transportation of: Wearing apparel, on hangers, from points in Somerset County, N.J., to New York, N.Y.; returned shipments of that commodity from New York, N.Y., to points in Somerset County, N.J.; materials used in the manufacture of wearing apparel, from New York, N.Y., to points in Somerset County, N.J., and returned shipments of that commodity from points in Somerset County, N.J., to New York, N.Y., and wearing apparel and cut or uncut goods, trimmings, buttons, clips, clasps, and other articles when used in the manufacture of wearing apparel, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, and Middlesex Counties, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for applicants.

No. MC-FC 64871. By order of March 27, 1962, the Transfer Board approved the transfer to Ambrose Bus Service Inc., Dunellen, N.J., of Certificate in No. MC 42106, issued April 24, 1942, in the name of John W. Ambrose, doing business as Ambrose Bus Service, Dunellen, N.J., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Somerset, Middlesex, and Union Counties, N.J., to District of Columbia, Mount Vernon, Va., Jones Beach and New York, N.Y., Philadelphia, Easton, and Valley Forge, Pa., and points in Westchester, Orange, and Rockland Counties, N.Y. Joseph C. Doren, 216 North Washington Avenue, Dunellen, N.J., attorney for applicants.

No. MC-FC 64894. By order of March 27, 1962, the Transfer Board approved the transfer to Haymaker Transfer & Storage, Inc., Roanoke, Va., of the operating rights in Certificates Nos. MC 116043 and MC 116043 Sub 1, issued August 10, 1956, and April 8, 1960, to William B. Haymaker, doing business as Haymaker Transfer & Storage, Roanoke, Va., authorizing the transportation, over irregular routes of household goods, between Salem, Va., and points in Roanoke County, Va., on the one hand, and, on the other, points in North Carolina, Virginia, and West Virginia, and between Roanoke, Va., and points in Virginia within 35 miles of Roanoke, on the one hand, and, on the other, points in Maryland and Pennsylvania, and of household goods, office furniture and equipment, and store fixtures, between Roanoke, Va., and points within 10 miles of Roanoke, on the one hand, and, on the other, points in Tennessee and the District of Columbia. B. E. Estes, 516 Colonial Bank Building, Roanoke, Va., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3165; Filed, Apr. 2, 1962; 8:46 a.m.]

THE UNIVERSITY OF MICHIGAN
APR 6 1962
MAIN READING ROOM

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FEDERAL REGISTER

VOLUME 27 NUMBER 65

Washington, Wednesday, April 4, 1962

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Title 3—THE PRESIDENT

Proclamation 3460

MODIFYING THE QUOTA FOR CERTAIN BLUE-MOLD CHEESE

By the President of the United States of America
A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended, 7 U.S.C. 624, the President, on June 8, 1953, issued Proclamation No. 3019, 67 Stat. C46, imposing fees or quantitative limitations on imports of products specified in Lists I, II, and III appended to and made a part of that proclamation, which has been modified or amended from time to time; and

WHEREAS the United States Tariff Commission has made an investigation under the authority of subsection (d) of the said section 22 of the Agricultural Adjustment Act, supplemental to its investigation No. 6 under that section 22, to determine whether the quota imposed by Proclamation No. 3019 on blue-mold (except Stilton) cheese, and cheese and substitutes for cheese containing, or processed from, blue-mold cheese (hereinafter referred to collectively as blue-mold cheese) should be enlarged or eliminated; and

WHEREAS the said Commission has submitted to me a report of its supplemental investigation; and

WHEREAS, on the basis of such investigation and report, I find and declare that changed circumstances require the modification of the quota on blue-mold cheese as hereinafter proclaimed in order to carry out the purposes of the said section 22:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by section 22(d) of the Agricultural Adjustment Act, as amended, do hereby amend, effective immediately, List II appended to the said Proclamation No. 3019(a) by increasing the aggregate quantity for blue-mold cheese, as such quantity is applicable to the current quota year which began July 1, 1961, by 283,333 pounds and (b) by increasing the aggregate quantity for blue-mold cheese by an amount equal to 283,333 pounds for each third of a quota year commencing on July 1, 1962, and on July 1 of subsequent years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of March in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3310; Filed, Apr. 2, 1962; 3:19 p.m.]

Proclamation 3461

CANCER CONTROL MONTH, 1962

By the President of the United States of America

A Proclamation

WHEREAS the progress made against cancer during the past quarter of a century offers definite hope that the burden of this disease will one day be lifted from mankind; and

WHEREAS this hope can be realized only through continued biomedical research and energetic health programs in this country and the world over; and

WHEREAS the National Cancer Institute and the American Cancer Society are joining in observing 1962 as Cancer Progress Year to mark the twenty-fifth anniversary of the National Cancer Institute Act and the first nationwide educational program instituted by the American Cancer Society; and

WHEREAS such observance will give encouragement to scientists in their research and to the medical and health professions in their efforts to control cancer with the cooperation of an alert and informed public; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), has requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the month of April 1962 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all interested persons and groups to unite within the appointed month, and throughout Cancer Progress Year, in public reaffirmation of this Nation's effort to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of March in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3336; Filed, Apr. 3, 1962; 10:23 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.364 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3245; Filed, Apr. 3, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published September 23, 1960, and February 16, 1961, which were designated for barley crop insurance for the 1962 crop year.

COLORADO

Boulder.
Logan.

IDAHO

Bingham.
Teton.

MINNESOTA

Kandiyohi.
Swift.

MONTANA

Daniels.
Hill.
Sheridan.
Toole.
Valley.

NORTH DAKOTA

Bottineau.
Burleigh.
Hettinger.
Kidder.
McLean.
Renville.
Sheridan.
Stark.
Ward.

SOUTH DAKOTA

Deuel.
Edmunds.
Faulk.
Lake.
McCook.
McPherson.
Miner.
WISCONSIN
Dodge.
WYOMING
Goshen.

(Secs. 506, 516; 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3203; Filed, Apr. 3, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for dry edible bean crop insurance for the 1962 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and County;	*Class(es) of Beans Insured*
Colorado:	
Boulder	Pinto.
Logan	Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3204; Filed, Apr. 3, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for citrus crop Insurance for the 1962 crop year.

FLORIDA

Hardee.
Highlands.
Hillsborough.
Pasco.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3205; Filed, Apr. 3, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, corn is hereby added in Ransom and Sargent Counties, North Dakota, to the list of crops insurable for the 1962 crop year under combined crop insurance which was published on February 16, 1961.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3206; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR CORN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for corn crop insurance for the 1962 crop year.

COLORADO

Boulder.
Logan.

ILLINOIS

Coles.
Edgar.
Stephenson.
Washington.

INDIANA

Henry.
Wabash.

IOWA

Dickinson.
Page.
Palo Alto.
Pocohontas.

KANSAS

Douglas.
Jefferson.
Shawnee.

MARYLAND

Dorchester.

MICHIGAN

Clinton.
Eaton.
Ingham.
Ionia.
Shiawassee.

MINNESOTA

Big Stone.
Fillmore.
Freeborn.
Grant.
Le Sueur.
Olmsted.
Traverse.

MISSOURI

Barton.
Caldwell.
Montgomery.
Ray.

NEBRASKA

Antelope.	Otoe.
Burt.	

NORTH DAKOTA

Richland.

OHIO

Clinton.	Wood.
Defiance.	

PENNSYLVANIA

Dauphin.

SOUTH DAKOTA

Bon Homme.	Lake.
Deuel.	McCook.
Grant.	Miner.
Hamlin.	Roberts.
Hutchinson.	Turner.

VIRGINIA

Nansemond.	Southampton.

WISCONSIN

Dodge.	St. Croix.
Jefferson.	Walworth.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3207; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for cotton crop insurance for the 1962 crop year.

LOUISIANA

Bossier.	Red River.

NORTH CAROLINA

Cumberland.	Moore.
Hoke.	

SOUTH CAROLINA

Allendale.	Hampton.

TEXAS

Garza.	Lynn.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3208; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for flax crop insurance for the 1962 crop year.

NORTH DAKOTA

Burleigh.	McHenry.
Kidder.	Sheridan.

SOUTH DAKOTA

Edmunds.	McPherson.
Lake.	Miner.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3209; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for grain sorghum crop insurance for the 1962 crop year.

KANSAS

Grant.	Seward.
Haskell.	Stanton.
Kearny.	Stevens.
Meade.	Wichita.
Scott.	

OKLAHOMA

Texas.

TEXAS

Bailey.	Hockley.
Castro.	Lamb.
Crosby.	San Patricio.
Floyd.	Swisher.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager.
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3210; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR OAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for oat crop insurance for the 1962 crop year.

ILLINOIS

Stephenson.	Carroll.

IOWA

Boone.	Sac.
Buena Vista.	Shelby.
Calhoun.	Sioux.
Cass.	Story.
Clayton.	Tama.
Crawford.	Webster.
Fayette.	Winnebago.
Hardin.	Winneshiek.
Mitchell.	Worth.

MINNESOTA

Becker.	Le Sueur.
Big Stone.	Meeker.
Brown.	Nobles.
Clay.	Olmsted.
Faribault.	Renville.
Fillmore.	Traverse.
Freeborn.	W. Ottertail.
Grant.	Wilkin.

NORTH DAKOTA

Barnes.	Nelson.
Cass.	Pembina.
Eddy.	Stutsman.
Foster.	Traill.
Kidder.	Walsh.

PENNSYLVANIA

Chester.	Dauphin.

SOUTH DAKOTA

Bon Homme.	McCook.
Brookings.	Minnehaha.
Deuel.	Miner.
Hamlin.	Moody.
Hutchinson.	Roberts.
Lake.	

WISCONSIN

Dodge.	Trempealeau.
Pierce.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3211; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for soybean crop insurance for the 1962 crop year.

ALABAMA

Baldwin.	Madison.
Jackson.	

ARKANSAS

Craighead.	Monroe.
Lincoln.	

FLORIDA

Escambia.

ILLINOIS

Coles.	Washington.
Edgar.	

INDIANA

Henry.	Wabash.

IOWA

Dickinson.	Palo Alto.
Page.	Pocohontas.

KANSAS

Cherokee.	Labette.
Crawford.	

KENTUCKY

Daviess.	Fulton.

LOUISIANA

East Carroll.	Morehouse.

MARYLAND

Dorchester.	Kent.

MICHIGAN

Clinton.	Shiawassee.

MINNESOTA

Fillmore.	Le Sueur.
Freeborn.	Olmsted.
Grant.	

MISSISSIPPI

Coahoma.	Tallahatchie.
De Soto.	Tunica.
Holmes.	Washington.
Humphreys.	Yazoo.
Panola.	

MISSOURI

Barton.	Montgomery.
Caldwell.	Ray.
Jasper.	

NEBRASKA

Dodge.	Saunders.

NORTH CAROLINA

Cumberland.	Sampson.
Johnston.	Wayne.

NORTH DAKOTA

Cass.	Traill.
Richland.	

OHIO

Clinton.	Wood.
Defiance.	

OKLAHOMA

Craig.	Ottawa.

SOUTH CAROLINA

Allendale.	Hampton.
Clarendon.	Lee.
Darlington.	Sumter.
Florence.	

SOUTH DAKOTA

Brookings.	Minnehaha.
Deuel.	Moody.
Grant.	Roberts.
Hamlin.	Turner.

TENNESSEE

Dyer.	Shelby.
Gibson.	Tipton.

VIRGINIA

Nansemond.	Southampton.

WISCONSIN

Jefferson.	St. Croix.
Pierce.	Trempealeau.
Rock.	Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3212; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, which were designated for tobacco crop insurance for the 1962 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

GEORGIA

Atkinson	14
Evans	14

KENTUCKY

Ohio	31
Madison	31
Shelby	31

NORTH CAROLINA

Craven	12
Haywood	31
Hoke	13
Onslow	12

TENNESSEE

Cocke	31
Jackson	31
Jefferson	31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3213; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published September 23, 1960, February 16, 1961, and June 28, 1961, respectively and which were designated for wheat crop insurance for the 1962 crop year.

IDAHO

Bingham.

MINNESOTA

Kandiyohi.

OKLAHOMA

Delaware.	Mayes.

SOUTH DAKOTA

Bon Homme.	Lake.
Deuel.	McCook.
Hutchinson.	Miner.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3214; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1962 and Succeeding Crop Years

COUNTIES DESIGNATED FOR PEACH CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 403.1 of the above-identified regulations, the counties listed below have been designated for peach crop insurance for the 1962 crop year. This list of peach counties supersedes the list of counties designated for peach crop insurance for the 1962 crop year under the provisions of the Federal Crop Insurance Regulations for the 1961 and Succeeding Crop Years and published on February 16, 1961.

ARKANSAS

Cross.	St. Francis.

GEORGIA

Peach.

SOUTH CAROLINA

Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3215; Filed, Apr. 3, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 1]

PART 1001—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued February 23, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 20, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1001.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1001.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1001.2(e).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1962.

Signed at Washington, D.C., on March 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-3254; Filed, Apr. 3, 1962; 8:52 a.m.]

[Milk Order No. 6]

PART 1006—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1006.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued February 23, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 20, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1006.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1006.4(j) delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1006.2(e).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1962.

Signed at Washington, D.C., on March 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-3255; Filed, Apr. 3, 1962; 8:52 a.m.]

[Milk Order No. 7]

PART 1007—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1007.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, Marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued February 23, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 20, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1007.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1007.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk product returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1007.2(e).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1962.

Signed at Washington, D.C., on March 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-3256; Filed, Apr. 3, 1962; 8:52 a.m.]

[Milk Order No. 14]

PART 1014—MILK IN THE SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the

evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued February 23, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 20, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(e), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add the following immediately after the word *"Provided"* in § 1014.2(e): "That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further,*".

2. In § 1014.4(g) delete the word "or" at the end of subparagraph (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1014.2(e).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1962.

Signed at Washington, D.C., on March 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-3257; Filed, Apr. 3, 1962; 8:52 a.m.]

[Milk Order No. 107]

PART 1107—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Amending Order

§ 1107.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary, United States Department of Agriculture, was issued March 13, 1962, and the decision of the Under Secretary, containing all amendment provisions of this order was issued March 23, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Gulf Coast marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 1107.14 and substitute therefor the following:

§ 1107.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant or diverted pursuant to paragraphs (a) through (e) of this section: *Provided,* That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted: *And provided further,* That if a handler diverting milk pursuant to paragraph (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) of this section: *And provided also,* That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to the pool plant of another handler;

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association during any of the months of March through August: *Provided,* That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversions pursuant to this paragraph, a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) not in excess of 10 days production during any month of September through February except that this paragraph shall not be applicable, (1) if the dairy farmer is a member of a cooperative association and such cooperative association during the month diverts milk of any of its producer members pursuant to paragraph (d) of this section, or (2) if the dairy farmer is not a member of a cooperative association and the diverting handler during the month diverts milk of any nonmember producer from his plant pursuant to paragraph (e) of this section;

(d) Diverted during any month of September through February to a nonpool plant(s) as the milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through February to a nonpool plant(s) as milk of a dairy farmer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember dairy farmers so diverted does not exceed 15 percent of the total receipts of milk at such plant from nonmember producers.

2. Delete § 1107.15 and substitute therefor the following:

§ 1107.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received at a pool plant directly from producers or diverted in accordance with the provisions of paragraphs (a) through (e) of § 1107.14.

§ 1107.80 [Amendment]

3. In § 1107.80 renumber paragraph (d) as (e) and add a new paragraph (d) to read as follows:

(d) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 23d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1962.

Signed at Washington, D.C., on March 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-3258; Filed, Apr. 3, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–45]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation and Alteration

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 750) stating that the Federal Aviation Agency was considering the designation of Intermediate altitude VOR Federal airway No. 1501 from Cape Charles, Va., to Hampton, N.Y. In addition, the alteration of Intermediate altitude VOR Federal airway No. 1503 between Salisbury, Md., and Riverhead, N.Y., and Intermediate altitude VOR Federal airway No. 1548 between Coyle, N.J., and Riverhead, N.Y., was proposed.

No adverse comments were received regarding the proposed designation and alterations.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 600 (14 CFR Part 600) is amended to include:

§ 600.1501 VOR Federal airway No. 1501 (Cape Charles, Va., to Hampton, N.Y.).

From the Cape Charles, Va., VOR; 8-mile wide airway to the Snow Hill, Md., VOR; thence 10-mile wide airway via the Sea Isle, N.J., VOR; INT of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° radials to the Hampton VOR, including the additional airspace between lines diverging from the Sea Isle VOR to points of tangency to a circle with a 9 mile radius centered at the INT of the Sea Isle VOR 049° and the Hampton VOR 223° radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR.

§ 600.1503 [Amendment]

2. In the text of § 600.1503 (26 F.R. 1081, 7328, 11485) "INT of the Woodstown, N.J., VOR 154° and the Coyle, N.J., VOR 203° radials; Coyle VOR; INT of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° radials;" is deleted and "INT of the Salisbury VOR 025° and the Coyle, N.J., 215° radials; Coyle VOR; INT of the Coyle 057° and the Riverhead, N.Y., VOR 218° radials;" is substituted therefor.

§ 600.1548 [Amendment]

3. In the text of § 600.1548 (26 F.R. 1086, 4052) "INT of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° radials;" is deleted and "INT of the Coyle VOR 057° and the Riverhead, N.Y., VOR 218° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3186; Filed, Apr. 3, 1962; 8:45 a.m.]

[Airspace Docket No. 61–NY–51]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On January 27, 1962, a notice of proposed rule making was published in the

FEDERAL REGISTER (27 F.R. 834) stating that the Federal Aviation Agency was considering an amendment to § 600.1508 of the regulations of the Administrator.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following action is taken:

Section 600.1508 (26 F.R. 1082, 8628, 10427, 11823) is amended as follows:

1. In the caption "(Portland, Oreg., to New York N.Y.)" is deleted and "(Portland, Oreg., to Coopersburg, Pa.)" is substituted therefor.

2. In the text "to the Tower City, Pa., VOR; thence 8-mile wide airway to the INT of the Tower City VOR 103° and the Allentown, Pa., VOR 245° radials; thence 10-mile wide airway via the Yardley, Pa., VOR; to the INT of the Yardley VOR 098° and the Coyle, N.J., VOR 032° radials." is deleted and "to the INT of the Selinsgrove VOR 103° and the Allentown, Pa., VOR 248° radials; thence 12-mile wide airway to the INT of the Selinsgrove VOR 103° and the Allentown VOR 223° radials; thence 14-mile wide airway to the INT of the Selinsgrove VOR 103° and the Allentown VOR 188° radials." is substituted therefor.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3187; Filed, Apr. 3, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-63]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 751) stating that the Federal Aviation Agency was considering amendments to §§ 600.1534, 600.1505, and 600.1540 of the regulations of the Administrator.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

1. In the text of § 600.1534 (26 F.R. 1065) "Martinsburg, W. Va., VOR; INT of the Martinsburg VOR 081° and the Pottstown, Pa., VOR 237° radials; Pottstown VOR; thence 10-mile wide airway to the Solberg, N.J., VOR; thence to the INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials;" is deleted and "to the Martinsburg, W. Va., VOR; thence 12-mile wide airway to the INT of the Martinsburg VOR 058° and the Harrisburg, Pa., VOR 165° radials; thence via the INT of the Martinsburg VOR 058° and the Pottstown, Pa., VOR 260° radials; Pottstown VOR; INT of the Pottstown VOR 058° and the Solberg, N.J., VOR 242° radials; Solberg VOR; INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials;" is substituted therefor.

2. Section 600.1540 (26 F.R. 1085, 27 F.R. 1455) is amended as follows:

In the caption "Westminster, Md." is deleted and "Solberg, N.J.," is substituted therefor.

In the text "Herndon VOR; thence 10-mile wide airway to the INT of the Herndon VOR 038° and the Martinsburg, W. Va., VOR 081° radials." is deleted and "to the Herndon VOR; thence 10-mile wide airway to the INT of the Herndon VOR 038° and the West Chester, Pa., VOR 253° radials; thence 12-mile wide airway to the West Chester VOR; thence 10-mile wide airway to the Solberg, N.J., VOR." is substituted therefor.

3. In the text of § 600.1505 (26 F.R. 1081, 10875) "thence 10-mile wide airway to the Solberg, N.J., VOR;" is deleted and "thence 10-mile wide airway via the INT of the Pottstown VOR 058° and the Solberg, N.J., VOR 242° radials to the Solberg VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3188; Filed, Apr. 3, 1962; 8:45 a.m.]

[Airspace Docket No. 62-AL-5]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zone

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Anchorage, Alaska, Merrill Field, control zone and designate the Bryant AAF, Alaska, control zone.

The Merrill Field control zone is designated, in part, within a 3-mile radius of Bryant AAF. The Department of the Army has requested that the Merrill Field control zone be altered by deleting reference to the 3-mile radius control zone at Bryant AAF, and to designate a separate control zone for Bryant AAF. Under present designation the operations for both airports are based on the weather report at Merrill Field. Due to varying weather conditions in this area it is deemed advisable to separate this function to obtain the maximum operational capability at Bryant AAF. Weather and communications services will be furnished by Army personnel at Bryant AAF and Elmendorf Tower. The Federal Aviation Agency concurs with this request and such action is taken herein to designate a control zone at Bryant AAF. However, the total amount of designated airspace will not be altered. In addition, the Eagle River Restricted Area (R-2203) is being altered in Airspace Docket No. 60-AN-18 (27 F.R. 2453) which provides for joint use of the area.

Since the changes effected by these amendments are minor in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2300 (27 F.R. 2453) is amended to read:

§ 601.2300 Anchorage, Alaska (Merrill Field), control zone.

"Within a 3-mile radius of Merrill Field Airport (latitude 61°13'03" N., longitude 149°50'52" W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15'05" N., longitude 149°48'52" W.); within 2 miles either side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the ILS OM, excluding the portion that coincides with the Bryant AAF control zone (§601.-2502). The portion of this control zone which coincides with R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2502 Anchorage, Alaska (Bryant AAF), control zone.

Within a 3-mile radius of Bryant AAF (latitude 61°16'02" N., longitude 149°-39'46" W.), excluding the portion W of longitude 149°43'00" W. The portion of this control zone which coincides with R-2203 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3185; Filed, Apr. 3, 1962; 8:45 a.m.]

[Airspace Docket No. 62-KC-7]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On February 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1658) stating that the Federal Aviation Agency was considering a proposal to alter the Jefferson Proving Ground, Ind., Restricted Area R-3403 by increasing the time of designation.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following action is taken:

In § 608.34, the Jefferson Proving Ground, Ind., Restricted Area R-3403 (26 F.R. 11237) is amended to read:

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°-02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N. longitude 85°27'42" W.; to the point of beginning.

Designated altitudes. Surface to 43,000 feet MSL.

Time of designation. 0800 to 2400 e.s.t.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3189; Filed, Apr. 3, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-24]

PART 13—PROHIBITED TRADE PRACTICES

Amanda & Reggie Colton et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1852-70 *Textile Fiber Products Identification Act;* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 68, 69f, 70)

[Cease and desist order, Amanda & Reggie Colton, New York, N.Y., Docket C-24, Nov. 14, 1961]

In the Matter of Amanda Colton, and Reggie Colton, Individually and as Copartners Trading as Amanda & Reggie Colton

Consent order requiring New York City distributors to cease violating the Wool Products Labeling Act, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act, by failing to label wool, fur, and textile products as required.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Amanda Colton and Reggie Colton, individually and as copartners, trading as Amanda & Reggie Colton or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation or distribution in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

Failing to affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Amanda Colton and Reggie Colton, individually and as copartners, trading as Amanda & Reggie Colton or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3193; Filed, Apr. 3, 1962; 8:45 a.m.]

[Docket C-26]

PART 13—PROHIBITED TRADE PRACTICES

Loombest Fabrics, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-70 *Textile Fiber Products Identification Act;* § 13.1900 *Source or origin:* § 13.1900-80 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Loombest Fabrics, Inc., et al., New York, N.Y., Docket C-26, Nov. 14, 1961]

In the Matter of Loombest Fabrics, Inc., a Corporation, and Joseph Smukler, and Abraham Nearon, Individually and as Officers of Said Corporation

Consent order requiring New York City importers of textile fiber products to cease violating the Textile Fiber Products Identification Act by labeling as "70% Rayon, 30% Silk", fabrics which contained substantially less silk than thus represented, and by failing to show on labels on such products the true percentage of rayon and silk fibers present, by weight, and the name of the country from which they were imported.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That respondents Loombest Fabrics, Inc., a corporation, and its officers and Joseph Smukler and Abraham Nearon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3194; Filed, Apr. 3, 1962; 8:46 a.m.]

[Docket C-25]

PART 13—PROHIBITED TRADE PRACTICES

Manko Fabrics Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Manko Fabrics Co., Inc., et al., New York, N.Y., Docket C-25, Nov. 14, 1961]

In the Matter of Manko Fabrics Co., Inc., a Corporation, and Sidney Manko and Muriel Manko Individually and as Officers of Said Corporation, and Norman Manko, Individually and as an Officer of Said Corporation, and Doing Business as Normandy Scarf Co.

Consent order requiring New York City distributors to cease importing into the United States silk scarves and fabrics so highly flammable as to be dangerous when worn, and to cease manufacturing and selling scarves made from such fabrics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Manko Fabrics Co., Inc., a corporation, and its officers, and respondents Sidney Manko and Muriel Manko, individually and as officers of said corporation, and Norman Manko as an officer of corporate respondent, and individually, doing business under the name of Normandy Scarf Co., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals;

2. (a) Importing into the United States; or

(b) Offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as the term "commerce" is defined in the Flammable Fabrics Act; or

(c) Selling or delivering after sale in commerce, fabrics which under the provisions of section 4 of said Flammable Fabrics Act, as amended, are so highly flammable as to be dangerous when worn by individuals;

3. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric which fabric has been shipped or received in commerce and which under section 4 of the Act, as amended, was so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3195; Filed, Apr. 3, 1962; 8:46 a.m.]

[Docket C-23]

PART 13—PROHIBITED TRADE PRACTICES

Stone & Thomas, Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stone & Thomas, Inc., Wheeling, W. Va., Docket C-23, Nov. 14, 1961]

In the Matter of Stone & Thomas, Inc., a Corporation

Consent order requiring furriers in Wheeling, W. Va., to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices and in newspaper advertising the true animal name of the fur used in fur products, to disclose on labels and invoices the country of origin of imported furs, to show on labels and in advertising when products were dyed, and to show the name of the manufacturer, etc., on labels; by advertising in which the term "blended" was used improperly and which falsely represented the percentage reduction from usual prices of fur products; and by failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Stone & Thomas, Inc., a corporation and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act, and the rules and regulations promulgated thereunder on one side of such labels.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Setting forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

C. Represents directly or by implication through percentage savings claims that the regular or usual price charged by respondent for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated when contrary to the fact.

D. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3196; Filed, Apr. 3, 1962; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

PART 422—STATEMENTS OF PROCEDURE

Statements of Earnings; Resolving Earnings Discrepancies

Correction

In F.R. Doc. 62-2891 appearing at page 2795 of the issue for Tuesday, March 27, 1962, the last sentence of the schedule of fees appearing in § 422.6 is corrected to read as follows:

If the individual requests that the information be certified by the custodian of the records there will be an additional charge of $3.00.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Vegetable Macaroni Products, Enriched Vegetable Noodle Products; Effective Date of Order Amending Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of February 13, 1962 (27 F.R. 1317), establishing standards of identity for enriched vegetable macaroni products and enriched vegetable noodle products. Accordingly, the standards of identity promulgated by that order will become effective April 14, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 27, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-3215; Filed, Apr. 3, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material has concluded that the following amended regulation should issue with respect to the food additive calcium disodium EDTA in soluble spices to prevent discoloration and loss of flavor. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1017 (21 CFR 121.1017; 26 F.R. 8072) is amended by inserting in paragraph (b)(1), after "Shrimp", a new item reading as follows:

§ 121.1017 Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate).

* * * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Spice extractives in soluble carriers.	60	Promote color and flavor retention.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state

the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3217; Filed, Apr. 3, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED HOP EXTRACT

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Miller Brewing Company, Milwaukee 1, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to the food additive modified hop extract as a flavoring agent in beer. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1082 Modified hop extract.

The food additive modified hop extract may be safely used in beer in accordance with the following prescribed conditions:

(a) The food additive is used or intended for use as a flavoring agent in the brewing of beer.

(b) The food additive is manufactured from a hexane extract of hops by simultaneous isomerization and selective reduction in an alkaline aqueous medium with sodium borohydride, whereby the additive meets the following specifications:

(1) A solution of the food additive solids is made up in approximately 0.012 *n* alkaline methyl alcohol (6 milliliters of 1 *n* sodium hydroxide diluted to 500 milliliters with methyl alcohol) to show an absorbance at 253 millimicrons of 0.6 to 0.9 per centimeter. (This absorbance is obtained by approximately 0.03 milligram solids per milliliter.) The ultraviolet absorption spectrum of this solution exhibits the following characteristics:

(i) An absorption peak at 253 millimicrons.

(ii) No absorption peak at 325 to 330 millimicrons.

(iii) The absorbance at 268 millimicrons does not exceed the absorbance at 272 millimicrons.

(2) The boron content of the food additive does not exceed 310 parts per million (0.0310 percent), calculated as boron.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3218; Filed, Apr. 3, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DI-*n*-HEXYL AZELATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by W. R. Grace and Company, 62 Whittemore Avenue, Cambridge 40, Massachusetts, and other relevant material, has concluded that the following regulation should issue with respect to the food additive di-*n*-hexyl azelate, used as a plasticizer in resinous and polymeric substances that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2528 Di-*n*-hexyl azelate.

Di-*n*-hexyl azelate may be safely used as a component of articles that contact food, in accordance with the following prescribed conditions:

(a) It is employed as a plasticizer in resinous and polymeric substances used to produce articles that contact food.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect but shall not exceed 15 percent by weight of the finished article, and the quantity that may become a component of food as a result of use in a resinous or polymeric substance or article shall not be intended to nor, in fact, accomplish any physical or technical effect in the food itself.

(c) The use as a plasticizer in any resinous or polymeric substance or article subject to any regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3219; Filed, Apr. 3, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed and Animal Feed Supplement; Amprolium With Penicillin and Bacitracin; Zoalene With Penicillin and Bacitracin

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Commercial Solvents Corporation, Terre Haute, Indiana; The Dow Chemical Company, Midland, Michigan; Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey; S. B. Penick and Company, 100 Church Street, New York 8, New York; and Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wisconsin, and other relevant material, has concluded that the following amendments to the regulations for zoalene (§ 121.207) and amprolium (§ 121.210) should issue to provide for the addition of a combination of procaine penicillin and bacitracin, or bacitracin methylene disalicylate, or zinc bacitracin to chicken and turkey feeds, for growth promotion and feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.207, 121.210) are amended as set forth below.

1. Section 121.207(a)(1) is amended to read as follows:

§ 121.207 Zoalene (3,5-dinitro-*o*-toluamide).

* * * * *

(a) * * *

(1) With the following antibiotics added as an aid in stimulating growth and improving feed efficiency of growing chickens:

(i) Procaine penicillin in accordance with the conditions prescribed in § 121.225(a)(3)(i).

(ii) Bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin in accordance with the conditions prescribed in § 121.203 or § 121.225 (b)(3)(i), (c)(3)(i), or (d)(3)(i).

(iii) A combination of procaine penicillin and bacitracin, or bacitracin methylene disalicylate, or zinc bacitracin in accordance with the conditions prescribed in § 121.225(a)(3)(iii).

(iv) Oleandomycin, not less than 1 gram (1.1 part per million, 0.00011 percent) nor more than 2 grams (2.2 parts per million, 0.00022 percent) per ton of finished feed.

2. Section 121.210(a)(1)(ii) is amended to read as follows:

§ 121.210 Amprolium (1-(4-amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).

* * * * *

(a) * * *

(1) * * *

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics added in the amounts prescribed in this subdivision, as an aid in stimulating growth and improving feed efficiency:

(*a*) Procaine penicillin in accordance with the conditions prescribed in § 121.225(a)(3)(i).

(*b*) Streptomycin in accordance with the conditions prescribed in § 121.225(e)(3)(i).

(*c*) A combination of procaine penicillin and streptomycin in accordance with the conditions prescribed in § 121.225(a)(3)(iv).

(*d*) Bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin in accordance with the conditions prescribed in § 121.203 or § 121.225 (b)(3)(i), (c)(3)(i), or (d)(3)(i).

(*e*) A combination of procaine penicillin and bacitracin or bacitracin methylene disalicylate or zinc bacitracin in accordance with the conditions prescribed in § 121.225(a)(3)(iii).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 *Animal feed containing penicillin* * * * (21 CFR 146.26) is amended as follows:

1. Paragraph (b)(44)(i)(*b*) is amended by inserting at the end of (*4*) a semicolon and the word "or", and by adding thereto a new (*5*), reading as follows:

(*5*) A combination of bacitracin (as feed grade bacitracin, feed grade manganese bacitracin, feed grade zinc bacitracin, or bacitracin methylene disalicylate) and penicillin: Not less than 3 grams of bacitracin and not less than 0.6 gram of penicillin, and not more than 50 grams of the combination drug.

2. Paragraph (b)(45)(i) is amended by adding at the end of (*b*) a semicolon and the word "or", and by adding thereto a new (*c*), reading as follows:

(*c*) A combination of bacitracin (as feed grade bacitracin, feed grade manganese bacitracin, feed grade zinc bacitracin, or bacitracin methylene disalicylate) and penicillin: Not less than 3 grams of bacitracin and not less than 0.6 gram of penicillin, and not more than 50 grams of the combination drug.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463; 72 Stat. 1786; 21 U.S.C. 348, 357)

Dated: March 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3216; Filed, Apr. 3, 1962; 8:48 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements

Correction

In F.R. Doc. 62-3077, appearing at page 3006 of the issue for Friday, March 30, 1962, § 146a.40(d)(1) should read as follows:

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of bougies in such batch, the number of bougies of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each bougie, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards, 1962–1963

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the enforcement of this act (21 CFR 281.19) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 21, 1962, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1962, and ending April 30, 1963:

(1) Formosa Oolong.

(2) Ceylon black (all black tea except Formosa and Japan black and Congou type).

(3) Formosa black (Formosa black and Congou type).

(4) Japan black.

(5) Japan green.

(6) Canton type (all Canton type teas including scented Canton and Canton Oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1962. Tea shipped prior to May 1, 1962, will be

governed by the standards which became effective May 1, 1961 (26 F.R. 2230).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the trade as a whole.

Effective date. This order shall become effective May 1, 1962.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 27, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3220; Filed, Apr. 3, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGFR 62-4]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST MARYS RIVER, MICHIGAN

West Neebish Channel Reopened

The West Neebish Channel, which had been closed for approximately two years to traffic to permit deepening the channel by dredging, has been reopened. With the reopening of this channel, as well as the realignment of aids to navigation, certain portions of the regulations in 33 CFR Part 92 are no longer necessary nor are certain reference points now correct. The purpose of this document is to revise the regulations to agree with current practices and procedures followed and to bring the references to aids to navigation up to date.

The amendment to 33 CFR 92.09 deletes the material regarding Lookout Station Nos. 2 and 6, and reactivates Lookout Station No. 4 which had been temporarily closed during the closure of West Neebish Channel. Since the regulations designated 33 CFR 92.10 and 92.18, regarding temporary Lookout Station No. 2 and special rules for traffic in portions of Middle Neebish Channel, respectively, have served their purpose, these regulations are canceled. The amendment to 33 CFR 92.19, regarding temporary closure of West Neebish Channel, describes, the procedures to be followed when there is two-way traffic passing through the Middle Neebish, the Munuscong and the Sailors Encampment Channels, as well as describes the realignment of the aids to navigation. The amendment to 33 CFR 92.26 changes the special reporting procedures for reporting by vessels transiting the St. Marys River to agree with revised practices and procedures followed now that the West Neebish Channel has been reopened. This revised regulation now requires all vessels transiting the St. Marys River to report upon approaching the St. Marys River to the Coast Guard Control Office, St. Marys River Patrol (Radiotelephone call: "Soo Control"). This control is mandatory in order to increase the efficiency of vessel passages through the St. Marys Falls Canal, as well as to permit satisfactory control during periods of temporary channel closure due to low water, reduced visibility, or obstruction. The amendments to 33 CFR 92.31, 92.49, 92.61 and 92.65 contain changes necessitated by the realignment of aids to navigation, elimination of Lookout Station No. 6, and use of geographical points in describing points of demarcation.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest because the West Neebish Channel is open to traffic and revised regulations are needed in order to provide adequate safety control over traffic transiting the St. Marys River.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the Act of March 6, 1896, as amended, the following amendments and regulations in this document are prescribed, which shall become effective on date of publication in the FEDERAL REGISTER:

1. Section 92.09 is amended to read as follows:

§ 92.09 Lookout Stations.

Lookout Stations for the St. Marys River Patrol are numbered and located as follows:

No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel.
No. 3 off Mission Point, Little Rapids Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

2. Section 92.10 is canceled.

§ 92.10 Temporary Lookout Station No. 2 [Cancellation].

3. Section 92.18 is canceled.

§ 92.18 Special rules for traffic in portions of Middle Neebish Channel [Cancellation].

4. Section 92.19 is amended to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) With two-way traffic passing through the Middle Neebish, Munuscong and Sailors Encampment Channels, closure and obstruction signals will be shown from Lookout Stations Nos. 4, 3, and 1.

(b) In these channels between Lake Munuscong and Lake Nicolet, the westerly 300-foot portion of these channels provides a 27-foot depth and the easterly 200-foot portion provides a 21-foot depth. When vessel drafts permit upbound vessels shall use the easterly (21-foot depth) portion of these channels. All downbound vessels shall use the westerly (27-foot depth) portion of these channels.

(c) All the range lights marking the downbound or westerly (27-foot depth) portion of these channels will be white lights on red structures. All the range lights marking the upbound or easterly (21-foot depth) portion of these channels will be red lights on white structures.

(d) A downbound vessel when abeam of Nine Mile Point may make a "Securité Call" to inform all traffic that she is now entering the two-way traffic channels.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

5. Section 92.26 (including headnote) is amended to read as follows:

§ 92.26 Reporting procedures for vessels transiting the St. Mary's River.

(a) Every upbound vessel, when abeam of Detour Reef Light shall notify the Coast Guard Control Office, St. Mary's River Patrol (Radiotelephone call: "Soo Control"), of her time of passage at Detour Reef Light and her draft.

(b) Similarly, every downbound vessel, when abeam of Parisienne Island (Ile Parisienne), shall notify the Coast Control Office, St. Mary's River Patrol (Radiotelephone call: "Soo Control"), of her time of passage at Parisienne Island and her draft. Such vessel when making the turn from the Birch Point Range on to the Brush Point Range shall make a second call to "Soo Control" reporting her position. Such vessel when turning on to the Point Aux Pins Channel Range at Brush Point (old Coast Guard Lookout Station No. 6) shall make a third call to "Soo Control" reporting her position.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

6. Section 92.31 is amended by changing the reference from "Lookout Station No. 6" to "Brush Point" so that this section reads as follows:

§ 92.31 Forbidden anchorage.

It is forbidden to anchor a vessel at any time in the area to the southward of the Point Aux Pins Range, lying between Brush Point and the waterworks intake crib off Big Point; also within a quarter mile of the said intake crib in any direction.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

7. Section 92.49 is amended by revising subdivision (a) (1) (i) and subparagraph (b) (1) to read as follows:

§ 92.49 Speed limit between Everens Point and Big Point.

(a) • • •
(1) • • •
(i) Everens Point and Nine Mile Point.
• • • • • •
(b) • • •
(1) Upbound between Nine Mile Point and Six Mile Point Range Rear Light.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

8. Section 92.61 is amended by changing the numbers used to identify certain aids to navigation to agree with the new numbers assigned under a renumbering of aids to navigation so that this section reads as follows:

§ 92.61 Passing and approach in channels.

(a) In a channel where the speed is restricted to 12 miles an hour or less, no vessel of 500 gross tons or over shall approach nearer than one-quarter of a mile to a vessel bound in the same direction, nor pass such a vessel except between Little Rapids Cut Lighted Buoy No. 105 and the St. Marys Falls Canal, and for upbound vessels, only between Vidal Shoal and Big Point or except as provided in paragraph (b) of this section and § 92.63.

(b) In order to facilitate passing in Lake Nicolet, upbound vessels may, after passing Lake Nicolet Lighted Buoy No. 68 off Shingle Bay, approach not nearer than 500 feet to a vessel bound in the same direction.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

9. Section 92.65 is amended by changing the number of Little Rapids Cut Lighted Buoy from "87" to "105" so that this section reads as follows:

§ 92.65 Vessels going in same direction; when passing prohibited.

No vessel shall pass or attempt to pass another vessel bound in the same direction, when such passing would bring more than 2 vessels abreast, in any of the passages between the intersection of the Winter Point and Pilot Island Ranges in Lake Munuscong and Big Point in upper St. Marys River, except that such passing is permitted between Little Rapids Cut Lighted Buoy No. 105 and the St. Marys Falls Canal.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

Dated: March 29, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62-3240; Filed, Apr. 3, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2640]

[Sacramento 048740]

CALIFORNIA

Withdrawing Lands for Use of the Forest Service for Administrative Sites, Campgrounds, and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in the Modoc National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, for use of the Forest Service, Department of Agriculture, as administrative sites, campgrounds, and recreation areas, as indicated:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ADMINISTRATIVE SITES

Lava Ridge

T. 41 N., R. 5 E.,
Sec. 12, SE¼.

Timber Mountain Lookout

T. 44 N., R. 6 E.,
Sec. 29, NW¼SE¼NE¼.

Dry Lake

T. 45 N., R. 6 E.,
Sec. 28, SW¼SE¼;
Sec. 33, W½NE¼, SE¼NE¼.

Happy Camp Lookout

T. 41 N., R. 7 E.,
Sec. 1, SW¼ of lot 15.

Happy Camp

T. 42 N., R. 7 E.,
Sec. 27, NW¼SE¼.

Hayden Hill

T. 37 N., R. 9 E.,
Sec. 23, S½SE¼;
Sec. 26, N½NE¼.

Howard Gulch

T. 42 N., R. 9 E.,
Sec. 18, NE¼NE¼.

Willow Creek

T. 37 N., R. 10 E.,
Sec. 28, SE¼NW¼, NE¼SW¼.

Rush Creek

T. 40 N., R. 10 E.,
Sec. 21, E½NE¼;
Sec. 22, W½NW¼.

Blue Mountain Lookout

T. 46 N., R. 10 E.,
Sec. 18, SE¼SW¼NE¼.

Sugar Hill Lookout

T. 46 N., R. 14 E.,
Sec. 26, W½NE¼NW¼.

Patterson

T. 39 N., R. 16 E.,
Sec. 32, W½SW¼.

CAMPGROUND

Blue Lake

T. 38 N., R. 15 E.,
Sec. 20, lots 5, 6, 7, and 8;
Sec. 21, lots 1, 2, 3, 4, 5, 6, NE¼NW¼, SE¼SW¼;
Sec. 28, N½NW¼;
Sec. 29, NE¼NE¼.

RECREATION AREAS

Medicine Lake

T. 43 N., R. 3 E.,
Sec. 1;
Sec. 2;
Sec. 3;
Sec. 4, lots 1 and 2, S½NE¼, SE¼;
Sec. 9, E½;
Sec. 10, lot 1, NW¼NE¼, W½, SW¼SE¼;
Sec. 11, lots 1, 2, 3, 4, 5, 7, and 8, NE¼NE¼;
Sec. 12;
Sec. 13;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, NE¼;
Sec. 24.
T. 43 N., R. 4 E.,
Sec. 19.

Lily and Cove Lake

T. 47 N., R. 15 E.,
Sec. 1, lot 4, SW¼NW¼;
Sec. 2, lot 1, SE¼NE¼.
T. 48 N., R. 15 E.,
Sec. 35, SE¼SE¼;
Sec. 36, SW¼SW¼.

The areas described total in the aggregate 7,848.90 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 28, 1962.

[F.R. Doc. 62-3198; Filed, Apr. 3, 1962; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Alaska and Hawaii; Enforcement of Minimum Wage Determinations

In the January 11, 1962, issue of the FEDERAL REGISTER (27 F.R. 316) it was proposed that all wage determinations established pursuant to the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.) be enforced in Alaska and Hawaii.

The proposal pointed out that although all wage determinations have legal application in Alaska and Hawaii, the Department of Labor had previously announced in correspondence to particular individuals and in circular letters to contracting officers that the following determinations would not be enforced there:

Photographic and Blueprinting Equipment and Supplies Industry (26 F.R. 9044; 41 CFR 50-202.5).
Soap and Related Products Industry (26 F.R. 9044; 41 CFR 50-202.6).
Small Arms Ammunition, Explosives, and Related Products Industry (26 F.R. 9044; 41 CFR 50-202.8).
Evaporated Milk Industry (26 F.R. 9044; 41 CFR 50-202.9).
Paint, Varnish, and Related Products Industry (26 F.R. 9044; 41 CFR 50-202.10).
Chemical and Related Products Industry (26 F.R. 9045; 41 CFR 50-202.11).
Woolen and Worsted Industry (26 F.R. 9045; 41 CFR 50-202.12).
Surgical Instruments and Apparatus Industry (26 F.R. 9045; 41 CFR 50-202.13).
Scientific, Industrial, and Laboratory Instruments Industry (26 F.R. 9046; 41 CFR 50-202.14).
Metal Business Furniture, and Storage Equipment Industry (26 F.R. 9046; 41 CFR 50-202.15).
Electric Lamp Industry (26 F.R. 9047; 41 CFR 50-202.17).
Battery Industry (26 F.R. 9048; 41 CFR 50-202.18).
Flour and Related Products Industry (26 F.R. 9048; 41 CFR 50-202.19).
Tires and Related Products Industry (26 F.R. 9048; 41 CFR 50-202.20).
Electron Tubes and Related Products Industry (26 F.R. 9048; 41 CFR 50-202.21).
Drugs and Medicine Industry (26 F.R. 9048; 41 CFR 50-202.22).
Paper and Paperboard Containers and Packaging Products Industry (26 F.R. 9048; 41 CFR 50-202.23).

Every person adversely affected or aggrieved by the proposal was given 30

days to request an opportunity for a hearing. No such requests have been received, nor has any reason why any wage determination should not be enforced in Alaska or Hawaii been advanced.

Now, therefore, on and after May 4, 1962, all wage determinations (41 CFR Part 50–202) established pursuant to the Walsh-Healey Public Contracts Act will be enforced in Alaska and Hawaii with respect to all contracts bids for which are solicited or negotiations otherwise commenced on or after that date.

Signed at Washington, D.C., this 29th day of March 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-3243; Filed, Apr. 3, 1962; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14042; FCC 62-330]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Exception for Transmitters Having Input Power of 3 Watts or Less

1. On April 12, 1961, the Commission adopted a notice of proposed rule making, FCC 61-484, in the above-entitled matter which was published in the FEDERAL REGISTER on April 19, 1961 (26 F.R. 3317). The purpose of the proposed amendment was to provide an exception to the narrow-band technical standards in Part 10, Public Safety Radio Services, and Part 16, Land Transportation Radio Services, which would permit the continued licensing of transmitters operating with 3 watts or less input power with an authorized bandwidth of 40 kc/s and a frequency deviation of ±15 kc/s until October 31, 1963, at which time all transmitters must comply in full with the narrow-band technical standards.

2. The time specified for the filing of both original and reply comments has expired. Comments in support of the Commission's proposal were filed by the City of Los Angeles Department of Public Works, the Association of American Railroads (AAR), the California State Communications Advisory Board (California State), and the Associated Police Communications Officers, Inc. The comments of California State concurred with the Commission's statement that it is improbable that undue interference would be caused to other licensees by the operation of such low power transmitters and pointed out that state, county and city licensees in the Public Safety Radio Services in California have at the present time over one thousand low power units in operation, many of which cannot be modified and still retain their present efficiency. The proposal in this proceeding would permit these licensees to more nearly amortize their investment. The AAR stated that they had no statistics available to show the number of transmitters licensed in the Railroad Radio Service which would be affected by the proposed amendment but that almost all such transmitters are in use within railroad yard areas and hence are not likely to cause interference because of wideband operation.

3. The City of San Diego recommended that low power hand carried transmitters be allowed to operate with 40F3 emission, but that the deviation still be maintained at ±5 kc/s. Both the General Electric Company and the Electronics Industries Association (EIA) opposed the adoption of the Commission's proposal and recommended that exception for low power transmitters to the narrow-band technical standards continue to be handled on a case-by-case waiver basis. EIA believes that the continuing utilization of low power transmitters operating at ±15 kc/s can cause considerable interference to co-channel users operating on narrow-band and will certainly be disruptive to the users own system when wide-band transmitters at this low power are employed as part of a narrow-band system. EIA's engineering investigation of this problem indicated that 3 watt equipment with ±15 kc/s deviation, operating on an adjacent 15 kc/s channel, can cause up to 25 db more interference to the adjacent channel receiver than a 50 watt transmitter would cause when operating with ±5 kc/s deviation. EIA further states that the proposal, if adopted, would discourage the implementation of the 15 kc/s channels in Parts 10 and 16.

4. While the findings of EIA would be significant in many of the Commission's Safety and Special Radio Services, the Commission believes that such effects will be minimized in the services concerned in this proposal. The only Land Transportation Radio Service which makes any substantial use of low-power hand-carried transmitters is the Railroad Radio Service. Because of the strict frequency coordination requirements of this service and the Public Safety Radio Services, and the nature of the services involved, the Commission believes that most of the interference, if any, will be caused to units of the licensees' own system, and thus, within the licensees power to control. The Commission is still of the opinion that the continued licensing without modification to narrow-band technical standards before October 31, 1963, of such transmitters initially licensed to the same licensee or an assignor before August 1, 1958, is in the public interest, convenience and necessity. However, since our proposal in this matter was predicated on our belief that the operation of wide-band transmitters with three watts or less input power would not be likely to cause interference, the Commission is adding to the rules as adopted a specific condition that such wide-band operation may not cause harmful interference to the station of another licensee utilizing narrow-band equipment.

5. It should also be noted that the Commission, on February 6, 1962, adopted a notice of proposed rule making in Docket No. 14503 (FCC 62-129), looking toward reduction of the frequency separation between assignable frequencies in the 25–42 Mc/s. Any amendments to Parts 10 or 16 adopted as the result of that proceeding will also recognize the exception provided hereby for low power transmitters.

6. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective May 1, 1962, § 10.104(b)(2) of Part 10 and § 16.104(b)(2) of Part 16 of the Commission's rules are amended in the manner set forth below; and the proceedings in this Docket No. 14042 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 28, 1962.

Released: March 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. The table contained in § 10.104(b)(2) of Part 10—Public Safety Radio Services, is amended to read as follows:

§ 10.104 Emission limitations.

* * * * * * *

(b) * * *

(2) * * *

Frequency band (Mc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
25 to 50	[1] 20	[1] 5
50 to 150	40	15
150 to 450	[1] 20	[1] 5
450 to 1000	40	15

[1] Transmitters operating with three watts or less plate power input to the final radio frequency stage may operate with an authorized bandwidth of 40 kc/s and a deviation of ±15 kc/s until not later than October 31, 1963: *Provided*, That harmful interference is not caused by such wide-band operation to any station of another licensee which is utilizing radio equipment meeting the narrow-band technical standards.

2. The table contained in § 16.104(b)(2) of Part 16—Land Transportation Radio Services, is amended to read as follows:

§ 16.104 Emission limitations.

* * * * * * *

(b) * * *

(2) * * *

Frequency band (Mc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
25 to 50	[2] 20	[2] 5
50 to 150	40	15
150 to 450	[2] 20	[2] 5
450 to 952	40	15
Above 952	(1)	(1)

[1] As specified in § 16.111.

[2] Notwithstanding the provisions of § 16.8(f), transmitters operating with three watts or less plate power input to the final radio frequency stage may operate with an authorized bandwidth of 40 kc/s and a deviation of ±15 kc/s until not later than October 31, 1963: *Provided*, That harmful interference is not caused by such wide-band operation to any station of another licensee which is utilizing radio equipment meeting the narrow-band technical standards.

[F.R. Doc. 62-3271; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket No. 14401; FCC 62-325]

PART 13—COMMERCIAL RADIO OPERATORS

Fraudulent Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

The Commission having under consideration § 13.70 of its rules pertaining to Commercial Radio Operators; and

It appearing that on November 21, 1961, the Commission issued a notice of proposed rule making, FCC 61-1381, published in the FEDERAL REGISTER November 30, 1961 (26 F.R. 11298), looking towards the amendment of § 13.70 so as to broaden the prohibition against fraudulent practices relating to commercial radio operator licenses. Interested parties were invited to file comments on or before January 2, 1962, and reply comments on or before January 12, 1962; and

It further appearing that no comments have been filed with respect to this matter; and

It further appearing that the amendment of § 13.70 so as to prohibit the duplication, alteration, and misuse of commercial operator licenses as well as the obtaining of such a license by fraudulent means would provide the Commission with a much broader basis upon which to pursue both administrative and criminal sanctions against those who seek to circumvent the Commission's commercial radio operator licensing standards; and

It further appearing, that the amendment herein adopted is issued pursuant to authority contained in sections 4(i), 303(l), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 7, 1962, § 13.70 of the Commission's rules relating to Commercial Radio Operators is amended to read as follows:

§ 13.70 Fraudulent licenses.

No licensed radio operator or other person shall alter, duplicate, or fraudulently obtain, or assist another to alter, duplicate, or fraudulently obtain an operator license. Nor shall any person use a license issued to another or a license which he knows to have been altered, duplicated, or fraudulently obtained.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

It is further ordered, That the proceedings in Docket No. 14401 are hereby terminated.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3270; Filed, Apr. 3, 1962; 8:53 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 20, 2d Rev., Amdt. 1]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Subsidy Condition Survey Instructions

Section 272.3(b)(3) is hereby amended to read as follows:

§ 272.3 Subsidy condition survey instructions.

* * * * * * *

(b) * * *

(3) In those cases involving discontinuance of a maintenance and repair rate, permanent withdrawal from subsidized service, or contract termination without simultaneous renewal, the work contained in these specifications and verified by the Ship Repair and Maintenance Field Office as defects attributable to subsidized operation, will not be considered for subsidy participation unless it is accomplished not later than the next drydocking period (periodical or otherwise) and the ownership of the vessel is retained by the particular operator; provided, however, that the transfer of of ownership of a vessel to the United States pursuant to the provisions of section 510 of the Merchant Marine Act, 1936, as amended, shall not preclude subsidy participation otherwise permitted.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Effective date: The foregoing amendment shall be effective as of the date of publication in the FEDERAL REGISTER.

Dated: March 30, 1962.

By order of the Maritime Subsidy Board/Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-3252; Filed, Apr. 3, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS DISTRICTS, PORTS, AND STATIONS

Proposed Revocations and Consolidation of Certain Designations

MARCH 28, 1962.

Notice of the proposed revocation of the designations of Beaufort, North Carolina, as a customs port of entry and port of documentation, and of Morehead City, North Carolina, as a customs port of entry, and designation of a consolidated customs port of entry and port of documentation to be known as Beaufort-Morehead City, in Customs Collection District No. 15 (North Carolina).

The customs ports of entry of Beaufort and Morehead City, North Carolina, are situated on the east and west banks, respectively, of the mouth of the Newport River. The limits of each port now correspond to the corporate limits of each place, and at the nearest point are approximately one mile apart. Customs service is provided to both port areas by customs personnel assigned to Beaufort where a customhouse is maintained. No facilities are maintained in Morehead City nor are personnel assigned to this port. However, because Beaufort and Morehead City are each designated as ports of entry, separate customs, fiscal, statistical and other records must be prepared and maintained for each port. In addition, there are areas adjacent to each port which require frequent customs service but which are now outside the limits of each port. In order to improve customs management procedures, reduce operating costs, and extend the port limits to include adjacent areas now requiring frequent customs service, it is believed desirable to consolidate the existing ports of Beaufort and Morehead City, North Carolina, into a single port to be known as "Beaufort-Morehead City, North Carolina," and to redefine the limits of the combined port to include certain adjacent areas now outside the corporate limits of each.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), and under the authority contained in section 2 of the Act of July 5, 1884, as amended (46 U.S.C. 2), and section 1 of the Act of February 16, 1925, as amended (46 U.S.C. 18), it is proposed to revoke the designations of Beaufort, North Carolina, as a customs port of entry and port of documentation, and of Morehead City, North Carolina, as a customs port of entry, both in Customs Collection District No. 15 (North Carolina), to designate in said district a consolidated customs port of entry and port of documentation to be known as "Beaufort-Morehead City, North Carolina," and to amend § 1.1(c) of the Customs regulations to reflect this change.

It is also proposed to include in the port of entry of Beaufort-Morehead City, North Carolina, all that area in Carteret County, North Carolina, bounded by a line beginning at the point of intersection of Mansfield Parkway and U.S. Highway 70; thence east along U.S. Highway 70 to intersection with corporate limits of Morehead City; thence north and east along corporate limits of Morehead City to intersection with west bank of Newport River; thence north along shoreline of Newport River to Crab Point; thence in a direct line eastward across Newport River to the mouth of Wading Creek; thence east along the south bank of Wading Creek to intersection with North Carolina State Route 101; thence south along State Route 101 to intersection with U.S. Highway 70; thence south along U.S. Highway 70 to intersection with Lenoxville Road; thence east along Lenoxville Road to Lenoxville Point; thence southwest across Taylor Creek and west along the southern shore of Carrot Island to a point opposite the western end of Horse Island; thence in a direct line westward to the southern tip of Radio Island; thence in a northwesterly direction to the southwest tip of the North Carolina State Port Terminal; thence west along the north shore of Bogue Sound to a point directly south of Mansfield Parkway; thence north along Mansfield Parkway to point of beginning.

It is further proposed to make Beaufort-Morehead City, North Carolina, the home port of all vessels home ported at Beaufort, North Carolina, on the effective date of this change.

Data, views, or arguments with respect to the proposed consolidation of the above-mentioned customs ports of entry may be addressed to the Commissioner of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held (192–15.1).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–3241; Filed, Apr. 3, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14398 (RM–276); FCC 62–361]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN EAST LANSING, MICHIGAN

Further Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission on November 15, 1961, adopted a notice of proposed rule making to assign Channel 18 to East Lansing, Michigan (FCC 61–1370). This action was taken at the behest of the Superintendent of Public Instruction for the State of Michigan acting on behalf of the State Board of Education. The basis for the proposed action was to provide a more suitable channel for educational use, and we incorporate by reference the notice—which fully articulates this and other pertinent information—except to the extent hereinafter modified.

3. The Notice stated that the proposed change was within the purview of the Canadian–U.S.A. Television Agreement and that appropriate action would be taken by the Commission to obtain the necessary consent of the Canadian authorities. The Department of Transport (Canada) did not concur, but we proposed a different plan to which it has concurred. This alternative plan is as follows:

City	Channel	
	Present	Proposed
East Lansing, Mich.	60+	*24–, 60+
Coldwater, Mich.	24–	

4. The Commission is of the view that rule making should be instituted as to the alternative proposal.

5. Authority for the adoption of the amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before April 30, 1962, and reply comments on or before May 11, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: March 28, 1962.

Released: March 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3268; Filed, Apr. 3, 1962; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 14591 (RM–303); FCC 62–363]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN HENDERSON-LAS VEGAS, NEVADA

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed on December 15, 1961, by Southern Nevada Radio and Television Company, licensee of KLRJ–TV, Channel 2–, at Henderson, Nevada, requesting rule making to shift that channel from Henderson to Las Vegas, Nevada, as follows:

City	Channel No.	
	Present	Proposed
Henderson, Nev.	2–	
Las Vegas, Nev.	8–, *10+, 13–	2–, 8–, *10+, 13–

Petitioner also requests that it be directed to show cause why its outstanding authorization for operation on Channel 2– at Henderson should not be modified to specify operation on Channel 2– at Las Vegas.

3. In support of its petition, Southern Nevada, urges: that Channel 2– is one of the three operating commercial VHF channels competing in the Las Vegas-Henderson market; that each is affiliated with a different network; that Channel 2–, whose transmitter and main studio are located on Henderson Highway at a point about 8 miles from Henderson and 3 miles from Las Vegas, provides a city grade signal to both communities; that by such a reallocation KLRJ–TV could be utilized more effectively by achieving competitive equality with the Las Vegas channels (KLAS–TV, Channel 8; KSHO–TV, Channel 13). An affidavit of Donald W. Reynolds, President of Southern Nevada, claims that Henderson with a population of about 12,000 [1] provides income to the station of less than $1,000 per month and that the identification with Henderson presents difficulties in selling national advertisers who are interested in the Las Vegas market.

4. The petition is opposed. The Henderson, Nevada Chamber of Commerce filed a letter of protest, Las Vegas Television, Inc., licensee of KLAS–TV, Channel 8, Las Vegas, filed an "Opposition to Petition" which (a) questions whether the licensee of Channel 2— ever intended to serve Henderson; (b) alleges that KLRJ–TV already is on a competitive equality with the two Las Vegas channels; and (c) asks that the Commission reconsider the grant of waivers to KLRJ–TV as to main studio site (at transmitter site between the city limits of Henderson and Las Vegas) and identification as "Henderson-Las Vegas". Petitioner, in its "Reply to Opposition", [2] contends that this is an untimely effort to have the Commission reconsider matters long since disposed of.

5. The Commission is of the view that rule making should be instituted in this matter, and interested parties are invited to submit their views and relevant data. If the Commission decides to adopt the amendment proposed by Southern Nevada Radio and Television Company or to otherwise change the Channel 2— assignment at Henderson, it shall take further action as may be deemed appropriate in the circumstances with respect to Southern Nevada's outstanding authorization for Channel 2—. Accordingly, we defer action upon its request for issuance of an order to show cause.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested parties may file comments on or before April 30, 1962, and reply comments on or before May 11, 1962. All submissions by parties to this proceeding must be made in written comments, reply comments, or other appropriate pleadings permitted under our rules.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: March 28, 1962.

Released: March 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3269; Filed, Apr. 3, 1962; 8:53 a.m.]

[47 CFR Part 4]

[Docket No. 14590; FCC 62–362]

MOBILE REMOTE PICKUP TRANSMITTERS

Notice of Proposed Rule Making

In the matter of amendment of Part 4, Subpart D of the Commission rules and regulations to permit mobile remote pickup transmitters to serve as automatic relay stations for pocket radio transmitters used at the scene of remote broadcasts, Docket No. 14590.

1. A pocket sized and low powered radio transmitter has recently been developed. This device was originally designed for use by a police officer on foot to communicate with his partner in a police car mobile unit, or to communicate with the police dispatcher via the mobile transmitter acting as an automatic relay station.

2. Southland Industries, Inc., licensee of WOAI and WOAI–TV, San Antonio, Texas, has inquired into the possibilities of using the device in covering remote broadcasts such as fires or other similar events where it would be impractical or impossible to move in close with regular mobile equipment. Since the useful range of such a device, under these conditions, would be quite limited, it would be necessary for the transmissions to be relayed back to the broadcast station over the regular mobile transmitter. If a reporter were covering the event alone, the mobile transmitter would be unattended while he was away from the car.

3. The Commission does not ordinarily permit the unattended operation of remote pickup broadcast stations. The frequencies used by such stations are shared with other broadcasters and the "blind" turning on of a remote pickup transmitter might disrupt a broadcast in progress. To avoid this, the operator of a remote pickup station is expected to monitor the frequency intended to be used before commencing operation. However, in the matter before us, the operator-reporter would be in the vicinity of the mobile transmitter and would, in fact, establish communication with the parent broadcast station before leaving the mobile unit. Consequently, the hazard of harmful interference to other stations or undetected malfunctioning of the mobile transmitter is substantially reduced.

4. The tests conducted by WOAI employed a battery-powered 1½-watt pack transmitter operating on 153.23 Mc/s with the receiver installed in the mobile unit. A signal received from the pack transmitter actuated a relay in the mobile unit which turned on a transmitter operating in the 450 Mc/s remote pickup band. The audio signal from the 150 Mc/s receiver then modulated the 450 Mc/s transmitter. A useful signal was received from the pack transmitter operating several blocks away. However, the reliable range of such a device operated by a man standing on the ground would probably be less. The transistorized pocket transmitters made for this type of opertion have an output power substantially less than 1½ watts.

5. We propose, therefore, to amend Part 4 of our rules to provide for this type of operation by broadcast station licensees. Since our present rules already provide for the licensing of low-powered pack or pocket type transmitters, it is only necessary to provide for the relaying of transmissions from the low-powered transmitter by regular mobile remote pickup transmitters while temporarily unattended. The proposed amendments are set forth below.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 318 of the Communications Act of 1934, as amended.

[1] The 1960 Census reports a population of 12,525, Las Vegas 64,405.

[2] Filed February 16, 1962, after a 10-day extension of time.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before April 20, 1962, and reply comments on or before April 30, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: March 28, 1962.

Released: March 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.437(c) is proposed to be amended to read as follows:

§ 4.437 Special rules relating to low power broadcast auxiliary stations.

* * * * *

(c) The license of a low power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast by means of a pack or pocket transmitter operating in conjunction with a mobile remote pickup broadcast station. Such transmissions shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby mobile remote pickup broadcast station where it will be relayed to a broadcasting station for simultaneous or delayed broadcast.

2. Section 4.465 is proposed to be amended to read as follows:

§ 4.465 Operator requirements.

(a) A remote pickup broadcast station shall not be operated unless there is a qualified radio operator on duty at the place where the transmitting apparatus is located or at the control point where remote control operation is conducted pursuant to § 4.434, and in actual charge of the operation.

(b) An operator is considered qualified if he holds a valid first or second class radiotelephone or radiotelegraph operator's license or a restricted radiotelephone operator's permit.

(c) Where a low power pack or pocket transmitter is used to actuate a nearby portable or mobile remote pickup transmitter so that transmissions by the pack or pocket transmitter will be automatically relayed by the mobile transmitter, the operator of the mobile transmitter may leave it temporarily unattended in order to move about freely at the scene of a remote broadcast. Before leaving the mobile transmitter, the operator shall ascertain whether the channel on which the mobile transmitter operates is in use. The mobile transmitter shall be so equipped that it is turned on by a device actuated by the carrier of the pack or pocket transmitter and will transmit only when relaying transmissions of the pack or pocket transmitter.

(d) The operator on duty and in charge of the operation of a remote pickup broadcast station may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license held and the rules and regulations governing such other stations. However, such extra duties shall in no way interfere with the duties connected with the operation of the remote pickup station.

(e) Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter.

[F.R. Doc. 62-3267; Filed, Apr. 3, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

CLASS C AND CLASS D PUBLIC UTILITIES AND LICENSEES

Proposed Revision of Annual Report Form

MARCH 29, 1962.

Revision of annual report form prescribed for Class C and Class D Public Utilities and Licensees Subject to the Federal Power Act, F.P.C. Form No. 1–F, Docket No. R–213.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend, effective for the reporting year 1961, § 141.2 of the Commission's regulations Under the Federal Power Act "Form No. 1–F, Annual Report for public utilities and licensees, Classes C and D (privately owned)" which appears in Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations, in the following respects:

(A) To prescribe the accompanying proposed revised annual report form as the F.P.C. Form 1–F. The annual report form prescribed by the aforesaid § 141.2 of said Part, Title and Code corresponds to, and appears at, pages 1–6 of the Commission's F.P.C. Form 1–F, Public Utilities and Licensees, Class C and Class D.[1]

[1] For reporting years 1939 through 1958 this Commission had separate annual report forms for Class C and Class D public utilities and licensees. The report form for Class C companies was prescribed by Order No. 55 of September 7, 1938 (3 F.R. 2254, September 20, 1938) and amended by Order No. 76 of September 24, 1940 (5 F.R. 3860, October 1, 1940), Order No. 110 of December 21, 1943 (8 F.R. 17337, December 28, 1943), and Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949). The report form for Class D companies was prescribed by Order No. 56 of September 7, 1938 (3 F.R. 2255, September 20, 1938), and amended by Order No. 77 of September 24, 1940 (5 F.R. 3860, October 1, 1940), Order No. 111 of December 21, 1943 (8 F.R. 17337, December 28, 1943), and by Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1959).

The combined report form, for Class C and Class D companies, F.P.C. Form No. 1–F was promulgated by Order No. 212 of March 26, 1959 (24 F.R. 2526, April 1, 1959).

[2] Form filed as part of original document.

(B) To prescribe a revised § 141.2 of the Commission's regulations to read as follows:

§ 141.2 Form No. 1–F, Annual Report for public utilities and licensees, Class C and Class D.

(a) (1) The form of Annual Report for Class C and Class D, public utilities and licensees, designated as F.P.C. Form No. 1–F[2] in the Commission's regulations under the Federal Power Act is prescribed for the year 1961 and thereafter.

(2) This report form is not prescribed for municipalities as defined in Section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(b) Each public utility or licensee, as defined in the Federal Power Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1961, shall prepare and file with the Commission for the year beginning January 1, 1961 or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning during 1961 may be filed on or before _____ or three months after the end of the fiscal year) an original and one conformed copy of the above-designated F.P.C. Form 1–F, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Security Holders and Voting Powers.
Officers and Directors.
Comparative Balance Sheet.
Accumulated Provision for Depreciation and Amortization of Utility Plant.
Capital Stock.
Long-Term Debt.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Electric Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Generating Station Statistics.
Transmission Line Statistics.

Transmission Lines Added During Year.
Verification.

3. Schedules of the existing F.P.C. Form No. 1–F involving significant revisions are as follows:

Proposed Revised Form No. 1–F, Schedule Heading	Existing Form No. 1–F Page No.	Proposed Form No. 1–F Page No.
General Information	1	1
Comparative Balance Sheet	1	3
Accumulated Provision for Depreciation and Amortization of Utility Plant	4	4
Condensed Income Statement	2	5
Earned Surplus	2	5
Electric Sales Data For the Year	2	6
Sales of Electricity for Resale	3	6
Electric Operation and Maintenance Expenses	3	6
Purchased Power	3	7
Utility Plant	3	7

4. The exact nature of each of the proposed revisions is fully set forth in the respective accompanying schedule pages. The changes would be accomplished mainly through modification of existing schedules. One new schedule would be added, Transmission Lines Added During Year.

5. The proposed revisions will adapt the Annual Report Form to changes prescribed in the Uniform System of Accounts, effective January 1, 1961. The more important revisions may be stated as follows:

(a) The proposed form contains nine pages compared to the six pages of the existing form; this is necessitated by the fact that there are now, for the first time, separate classifications of accounts for Class C and Class D companies and by the need for certain additional data;

(b) The balance sheet and income statement in the existing form cover the reporting year only, whereas in the proposed form those two schedules are stated on a comparative basis for the reporting year and the year previous; and

(c) The proposed form for the first time provides separate schedules for reporting purchased power and sales of electricity for resale whereas in the existing form these two kinds of data are found in one schedule.

6. The amendments to the Commission's regulations under the Federal Power Act and to F.P.C. Form 1–F herein described and as set forth in the Schedule Pages annexed hereto are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796(13), 797 (a), (b), (c), 825(a), 825a, 825c, 825h, and 825j).

7. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 20, 1962, data, views, comments and suggestions in writing concerning the proposed revised report form and regulations. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3231; Filed, Apr. 3, 1962; 8:49 a.m.]

[18 CFR Part 260]

[Docket No. R–211]

CLASS C AND CLASS D NATURAL GAS COMPANIES

Proposed Revision of Annual Report Form

MARCH 29, 1962.

Revision of annual report form prescribed for Class C and Class D Natural Gas Companies subject to the Natural Gas Act, F.P.C. Form No. 2–A.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend, effective for the reporting year 1961, § 260.2 of the Commission's regulations under the Natural Gas Act "Annual report for natural gas companies[1] (Class C and D); FPC Form No. 2–A" which appears in Part 260—Statements and Reports (Schedules), of Subchapter G—Approved Forms, Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations in the following respects:

(A) To prescribe the accompanying proposed revised annual report form as the F.P.C. Form No. 2–A. The annual report form prescribed by the aforesaid § 260.2 of said Part, Title and Code corresponds to, and appears at, pages 1–19 of the Commission's F.P.C. Form 2–A, Natural Gas Companies (Class C and Class D) prescribed by Order No. 90 of February 7, 1942 (7 F.R. 1018, February 17, 1942). The annual report form was thereafter amended by Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949) and by Order No. 171–A of May 17, 1954 (19 F.R. 2965, May 21, 1954).

(B) To prescribe a revised § 260.2 of the Commission's regulations to read as follows:

§ 260.2 Form No. 2–A; Annual report for natural gas companies (Class C and Class D).

(a) The form of Annual Report for Class C and Class D, natural gas companies, designated as F.P.C. Form No. 2–A[2] in the Commission's regulations under the Natural Gas Act is prescribed for the year 1961 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1961, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning during 1961 may be filed on or before _____ or three months after the end of the fiscal year) an original and one conformed copy of the above-designated F.P.C. Form 2–A, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Security Holders and Voting Powers.
Officers and Directors.
Comparative Balance Sheet.
Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant.
Capital Stock.
Long-Term Debt.
Condensed Income Statement for the Year.
Earned Surplus.
Gas Sales Data for the Year.
Gas Operation and Maintenance Expenses.
Sales for Resale—Natural Gas.
Gas Purchases.
Utility Plant Natural Gas Companies.
Gas Account—Natural Gas.
General Information Concerning Plant and Operations Verification.

3. Schedules of the existing F.P.C. Form No. 2–A involving significant revisions are as follows:

Proposed Revised Form No. 2–A, Schedule Heading	Existing Form No. 2–A Page No.	Proposed Form No. 2–A Page No.
General Instructions	(1)	1
General Information	1	1
Comparative Balance Sheet	2–3	3
Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant	11	4
Condensed Income Statement	4–5	5
Earned Surplus	4–5	5
Gas Sales Data For the Year	12	6
Gas Operation and Maintenance Expenses	13–16	6
Utility Plant Natural Gas Companies	6–9	9
Gas Accounts	17	10

[1] Reverse side front cover.

4. The exact nature of each of the proposed revisions is fully set forth in the respective accompanying schedule pages. The changes would be accomplished mainly through the modification of existing schedules. Six new schedules would be added: Security Holders and Voting Powers; Officers and Directors; Capital Stock; Long-Term Debt; Sales of Natural Gas for Resale; and Gas Purchases. Two schedules will be omitted: Gas Plant in Process of Reclassification and System Map (Class C Natural Gas Companies).

5. The proposed revisions will adapt the Annual Report Form to changes prescribed in the Uniform System of Ac-

[1] Under the Commission's Order No. 174–B of December 16, 1954 (19 F.R. 8807, December 23, 1954), this form does not apply to independent producers of natural gas.

[2] Form filed as part of original document.

counts, effective January 1, 1961. The more important revisions may be stated as follows:

(a) The overall length of the form has been shortened, even though six schedules have been added;

(b) There has been a lessening of the reporting requirements for data concerning plant and expenses; instead of requiring the aforesaid data by detailed plant and expense accounts the proposed form requires that such data be reported solely by functions; and

(c) The reporting requirements for gas receipts and deliveries has been condensed.

6. The amendments to the Commission's regulations Under the Natural Gas Act and to F.P.C. Form 2–A herein described and as set forth in the Schedule Pages annexed hereto are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act particularly sections 8, 9(b), 10, and 16, thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h(b), 717i, and 717o).

7. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 20, 1962, data, views, comments and suggestions in writing concerning the proposed revised report form and regulations. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3230; Filed, Apr. 3, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 23]

PACIFIC NATIONAL FIRE INSURANCE CO.

Change of Name to Pacific National Insurance Co.

MARCH 29, 1962.

Pacific National Fire Insurance Co., a California corporation, has formally changed its name to Pacific National Insurance Co., effective January 2, 1962. Copies of the Certificate of Amendment of Articles of Incorporation of Pacific National Fire Insurance Co. filed with the secretary of state of the State of California on January 2, 1962, changing the name of Pacific National Fire Insurance Co. to Pacific National Insurance Co., have been received and filed in the Treasury.

The change in name of Pacific National Fire Insurance Co. does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13), to qualify as sole surety on such obligations.

The name of the company will appear as Pacific National Insurance Co., San Francisco, Calif., in the next annual revision of this circular (Treasury Dept. Circ. No. 570) which lists the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 62–3242; Filed, Apr. 3, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 62–16]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 28, 1962.

The Corps of Engineers, Department of the Army, has filed through the Manager of the Portland Land Office an application, Serial No. Oregon 012389, for the withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws.

The applicant desires the land for the establishment and operation of a Seismological Observatory under the Vela project in connection with the National Defense effort. Administration of the land for grazing purposes will remain with the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 8 S., R. 44 E.,
Sec. 28: NE¼NE¼—40 acres.

GARTH H. RUDD,
Acting State Director.

[F.R. Doc. 62–3197; Filed, Apr. 3, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12876]

BRANIFF AND CONTINENTAL RESTRICTIONS

Notice of Prehearing Conference

In the matter of the amendment of the certificates of public convenience and necessity of Braniff Airways, Inc., and Continental Air Lines, Inc., for routes 9 and 29, respectively.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 17, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., March 29, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–3250; Filed, Apr. 3, 1962; 8:52 a.m.]

[Docket 10976 etc.]

PACIFIC AIR LINES, INC., EXCURSION FARES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 17, 1962, at 10 a.m., Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., March 29, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–3251; Filed, Apr. 3, 1962; 8:52 a.m.]

[Docket 13509; Order No. E–18165]

AMERICAN FLYERS AIRLINE CORP. ET AL.

Order Tentatively Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1962.

In the matter of agreements filed under section 412 of the Federal Aviation Act of 1958 among American Flyers Airline Corp., Capitol Airways, Inc., Modern Air Transport, Inc., Overseas National Airways, Purdue Aeronautics Corp., Saturn Airways, Inc., Southern Air Transport, Inc., Trans International Airlines, Inc., World Airways, Inc., concerning the establishment of the National Air Carrier Association, Inc., Agreements CAB 16058, 16058–A1, 16058–A2, Docket 13509.

There has been filed with the Board for approval under section 412 of the Federal Aviation Act of 1958, as amended (the Act), the certificate of incorporation and by-laws of the National Air Carrier Association, Inc. (NACA), a newly organized association of supplemental air carriers.[1] NACA's purposes, among others, are to represent its members in offering air transportation of military personnel and supplies; to represent its members at military installations so that they may participate in air lift requirements to and from such installations; to secure enactment of laws and regulations relating to military transportation and air carriers; to assist in the air transportation requirements of the U.S. Government in the interest of national defense in accordance with requests made upon its members in conformity with approved government policies; to represent its members in offering air transportation under contract with Federal, State, and local governments, and in offering air transportation of persons and property under contract, charter or individually ticketed arrange-

[1] NACA was incorporated in Delaware on Dec. 19, 1961, under the name Military Air Carrier Association, Inc., and the certificate of incorporation was filed Dec. 21, 1961 (CAB 16058). A certificate of incorporation reflecting the revised name was filed Jan. 5, 1962 (CAB 16058–A1). NACA's bylaws were adopted Jan. 12, 1962, and filed Jan. 15, 1962 (CAB 16058–A2). Unless otherwise stated in this order, references to "the agreement" are meant to comprehend both the certificate of incorporation and the bylaws.

ments; and to promote air safety, particularly in military transportation. In addition, the agreements cover such matters as: (1) Membership requirements, discussed infra; (2) members' meetings and voting rights; (3) directors' meetings, voting rights and powers; (4) powers and duties of the officers; (5) annual dues, established at $12,000 for members and $2,400 for associate members, and a general provision for assessments to be related to military or commercial revenues secured through NACA; (6) establishment and operation of a Committee on Safety and Practices, discussed infra; (7) rules regarding participation of NACA, its officers and employees in Board proceedings; and (8) a requirement for an affirmative vote of 75 percent of the members of the board of directors to amend the bylaws.

The agreement provides for written notice for all meetings of members, and specifies that either a majority of the directors or a majority of the stockholders may institute a special meeting of the stockholders for any purpose. A majority of the stockholders constitute a quorum at all members meetings, each member has one vote unless delinquent on dues and assessments, and members may give proxies to corporate officers.

As to directors, there are to be seven, elected for rotating 3-year terms, and they must be officers or employees of the corporate members. Regular directors' meetings may be held without notice but special directors' meetings, callable by the president, secretary, or upon written request of three directors, require 5 days notice to each director. A majority of directors constitute a quorum. A majority of the directors present at any meeting at which there is a quorum may transact all business presented, unless otherwise provided by statute or the bylaws. Each director has one vote but may not vote by proxy. The board of directors is to manage NACA's property and affairs in all respects not reserved to the members by statute or these agreements.

NACA's stated purposes are similar in substantial respects to those of an existing association of supplemental air carriers, Independent Airlines Association (IAA), and NACA's members, with the exception of Overseas National Airways, were until recently affiliated with IAA. On January 4, 1962, IAA filed, in its own name, a motion for permission to participate in Board proceedings relating to Agreement CAB 16058, alleging that its property and financial interests are affected by the formation of NACA.[2] On the same date, IAA filed a motion for a hearing, incorporating by reference certain data included in the motion to participate.[3] The motions state that seven of the eight charter members of NACA are members of IAA and are trying to resign from IAA without paying their financial obligations to IAA; that the seven owe IAA their share of IAA's debts and accumulated deficits and that, without receiving a proper share of its obligations from all members, IAA cannot pay its obligations; and that a hearing will establish that IAA's deficits were incurred with the express or implied approval of certain IAA directors associated with six of the charter members of NACA.

On January 22, 1962, Eastern Air Lines, Inc. (Eastern) filed a petition (Docket 13347) requesting the Board to investigate the circumstances concerning Agreement CAB 16058, to deny approval of the agreement until arrangements are made for protection of the general creditors of IAA, and to allow Eastern to participate in any proceeding before the Board upon these matters. Eastern states that IAA probably cannot meet its obligations without the continued membership in IAA of seven of the charter members of NACA; that IAA owes Eastern $55,037.08 for air transportation charges incurred on an air travel plan credit account; that it is obvious that an assessment against the seven will be necessary if IAA is to meet its obligations; that Board approval of the agreements would enable a group of carriers to avoid making substantial payments owed another air carrier; and that such avoidance would not foster sound economic conditions in air transportation, and would represent an unfair, if not destructive, competitive practice.

Answers to IAA's motion for a hearing[4] and to Eastern's petition were filed by the individual members of NACA on January 15 and January 23, 1962, respectively. The first of these answers presents statements indicating a lesser total deficit than claimed by IAA;[5] statements indicating that, at the dates of resignation, IAA owed each of its resigning members more than each owed it; and statements by each carrier to the effect that it is willing to pay its legal obligations to IAA.[6] In their answer to Eastern's petition NACA's members state that Eastern's problem is one over which a court has jurisdiction, and that the Board should not have the responsibility of acting as bill collector or receiver; that NACA's members had a legal right to resign from IAA and are not legally responsible for IAA's debts; that IAA's financial problems result from a change in military procurement policies rather than from resignation of the seven members; that such change has redounded to Eastern's benefit to the extent of several hundred thousand dollars revenue monthly; and that the public interest considerations of section 412 of the Act are broader than the interests of Eastern and in this instance involve establishment of a new association which will establish safety and traffic standards for a substantial segment of the supplemental air carrier class, presently a critical matter.

Finally, on January 4, 1962, United States Overseas Airlines, Inc. (USOA) filed a comment alleging generally that four members of IAA, two of which are members of the new association, have made simultaneous and uniform changes in rates for the transportation of military recruits; that while USOA is not opposed in principle to the formation of air carrier associations for legitimate purposes, it hopes that the qualifying criteria for admission to NACA will not include identical rates to be fixed simultaneously between the members to capture a military market; and requesting a hearing, in either an enforcement proceeding or for approval of the instant agreements.

The Board has examined the agreements as well as opposing and supporting statements and has tentatively decided to approve the agreements subject to certain conditions, discussed infra. However, before acting finally, the Board will provide an opportunity for interested persons to submit comments on the matter.

The Board believes that the dispute over IAA's debts is not a matter which bears on the public interest aspects of the instant agreements. Rather, the question involves private interests and as such is one that should be settled among the parties. Suffice it to say that the action herein is not intended to, nor does it, relieve any party from such obligations as they may have. Accordingly, we find no basis for assigning this matter for evidentiary hearing. For the same reasons we find that Eastern's request that approval of the agreements be withheld until arrangements are made for protection of IAA's creditors does not pose valid objections to the action adopted herein. Finally, the Board does not construe the agreements before it as in any way pertaining to joint action of the member carriers respecting rates and charges, and therefore will not grant USOA's request for a hearing in connection with such agreements. If USOA believes that acts of the four carriers, or any other combinations of carriers, are disadvantageous to it, it has recourse to procedures under which it may separately present its case to the Board.

As stated above, our approval of NACA will be subject to certain conditions and, in this connection, a review of the new association's membership requirements is appropriate. Members are required to purchase one share of nontransferable stock of NACA at $5,000. They must be authorized by the Board to engage in air transportation as common carriers and must have been engaged in such business continuously for the 6 months preceding application for membership. They must be authorized by the Military Air Transport Service (MATS), or other appropriate branch of the Department of Defense, to engage in air transportation for the Department of Defense. They must hold valid air carrier operating certificates issued by the Federal Aviation Agency (FAA) and in addition must be independently certified by NACA's own Committee on Safety and Practices as discussed infra. Members may not belong to, or participate in, another association designated by the military to represent its members for transportation of military personnel or cargo to or from military installations. Finally, applicants for membership must be endorsed by two members in good standing and be approved by an affirmative vote of two-thirds of the directors present at the directors' meeting at which the application is considered.

Any air carrier operating only twin engine aircraft may be admitted to associate membership in NACA providing that it meets the foregoing requirements except as to purchase of NACA stock and the holding of military clearance. Associate members may attend, but not vote at, member meetings.

Certain of NACA's membership requirements appear unduly restrictive from the standpoint of recognized antitrust principles. For example, the requirement that an applicant must have engaged in air transportation as a common carrier continuously for the 6 months preceding application for membership would seem to serve no useful purpose with respect to, and might foster possible prejudicial treatment of, an applicant fully qualified in all other respects. We intend, therefore, to condition our approval to prohibit imposition of the 6-month requirement.

In similar vein, the provisions that applicants for membership must be endorsed by two members in good standing and be approved by an affirmative vote of two-thirds of the directors present at the meeting at which the application is considered appear objectionable. The potential exclusionary nature of such subjective criteria assumes added significance in an association such as NACA, where possession of membership may affect substantially a carrier's ability to secure military traffic, generally developed through associations. Under such circumstances, the power held by the existing membership and the board of directors of NACA could conceivably be used to administer the membership requirements so as to result in unjust economic advantage. We do not regard the existence of similar and competing associations as justification for basically exclusionary provisions in the rules of any single such association. It is obvious that if the Board were to permit one association to retain such provisions, the other associations would insist on similar privileges. This might lead to new applicants being denied membership in any association, a perhaps fatal competitive handicap. Accordingly, the Board will condition its approval herein to preclude as a criterion for membership the requirement for endorsement by two members and approval by the board of directors of NACA.

The requirement that members must be certified by NACA's Committee on Safety and Practices calls for specific consideration. This committee is to be appointed by NACA's directors for the purpose of prescribing standards of safety and practices, subject to approval of the directors, and to ascertain the continued compliance of members with such standards and procedures as well as with the other prerequisites for membership. If the committee determines that any member has failed to satisfy any of the standards which are prerequisite for continued membership, it shall report such delinquency to the board of directors together with a recommendation for (a) a fine of up to $5,000; (b) temporary suspension of membership pending correction of the deficiency to the committee's satisfaction; or (c) expulsion from NACA membership. A vote of a majority of all directors is required to expel a member,[7] and such member has the right to submit his case to binding arbitration, the expense of which is to be borne by the losing party. Applicants for membership who are not certified by the committee as having complied with safety standards prescribed by the committee have similar arbitration rights.

Insofar as safety rules are concerned, the Board welcomes efforts of air carriers and air carrier associations directed toward achieving high standards of safety. However, the Board believes that self-governing rules should be stated in terms of objective standards. Thus, here it is the Board's view that any initial refusal of membership in NACA, or suspension or termination of membership, should be confined to instances in which an air carrier's operating certificate has been denied, suspended or revoked by FAA, or where it is unable to secure or retain the necessary safety clearance by MATS, and not for violations of any safety rules independently prescribed by by NACA.[8]

The Board notes that the bylaws as presently drawn provide for arbitration of disputes only in case of rejection of an applicant for membership or expulsion of a member. It appears important, and equally appropriate, that arbitration also be provided in cases involving the fine or suspension of a member. It is to be noted that the agreement does not contain detailed procedures for handling arbitration cases. The Board believes that such procedures should be adopted promptly and submitted to the Board.

In order that the Board may be apprised of the manner in which the activities of NACA are being conducted, it will require the submission of minutes of meetings, statements of fines and arbitration, and reports on other matters, as set forth hereinafter.

Finally, it has already been noted that the bylaws broadly empower the board of directors to take various types of actions. For example, in connection with establishment of a Traffic Procurement Division, the directors are to determine procedures for the allocation of both military and commercial business among members. In this connection, it is to be understood that any order of approval of the instant agreements would not extend to other resolutions or actions taken by NACA or the members thereof. Any such matters which are subject to section 412 of the Act must be separately submitted to the Board for approval.

In line with the foregoing, the Board tentatively finds that the agreements are not adverse to the public interest or in violation of the Act, and should be approved if such approval is made subject to the following conditions:

1. That an applicant for membership[9] in NACA shall not be refused membership nor an existing member be suspended or expelled, if otherwise fully qualified, on any of the following grounds:

(a) Failure to have engaged in air transportation as a common carrier continuously for the 6 months preceding application;

(b) Failure to be endorsed by two members in good standing;

(c) Failure to be approved by an affirmative vote of two-thirds of the members of the board of directors of NACA present at the meeting at which the application is considered;

(d) Failure to have complied with safety standards prescribed by NACA, except to the extent that such standards may be embodied in operating specifications approved by FAA, unless such failure involves denial, suspension or revocation of the air carrier's operating certificate by FAA or the withholding of authorization by MATS.

2. That action on the part of NACA involving fine or suspension of a member shall, at the election of such member, be submitted to binding arbitration.

3. That NACA shall file with the Board, within thirty (30) days of adoption, a copy of detailed procedures adopted for handling all matters relating to arbitration of disputes.

4. That NACA shall file with the Board, within thirty (30) days of submission, copies of written opinions and reports submitted by its Committee on Safety and Practices or actions of its board of directors, or decisions of arbitrators which result in a refusal of membership, or in suspension or expulsion of a member. The names of the carrier parties to the proceedings which are the subject of such opinions, reports and decisions may be deleted therefrom for the purposes of this paragraph.

5. That NACA shall file with the Board, within thirty (30) days of sub-

[2] By letter of Jan. 19, 1962, the Board granted this motion, pursuant to § 263.3(1) of the Economic Regulations, to the extent of permitting IAA to present pertinent allegations of fact and argument relating to the effect of the proposed formation of NACA on its property or financial interests.

[3] Pursuant to the ruling referred to in footnote 2, supra, the Board will consider this second motion only to the extent that it deals with the possible effect of NACA's formation in IAA's property or financial interests.

[4] This answer will only be considered to the extent it relates to subject matter permitted in IAA's motions. See footnotes 2 and 3, supra.

[5] These figures indicate a total deficit of $34,463 at Sept. 30, 1961. Figures submitted by IAA show a total deficit of $85,311 at Apr. 30, 1961.

[6] On Feb. 1, 1962, IAA moved for leave to reply to NACA's answer to IAA's motion for a hearing. IAA's latest filing, which we will consider under § 302.18 of the Economic Regulations, contained a balance sheet as of Nov. 30, 1961, indicating a total deficit of $80,563; disputed the assertion that each NACA member is owed more by IAA than it owes; and alleges that the statement by each NACA member that it is willing to pay its legal obligations also contains a disclaimer that the carrier will not pay any assessment levied by IAA to cover its deficit.

[7] It is presumed that suspensions or fines would be handled in accordance with the procedures governing directors' voting heretofore outlined.

[8] What we have here said will not preclude NACA from working with FAA toward the development of uniform, high specifications for operations to be incorporated in the air carrier operating certificates of NACA members. Such specifications when approved by FAA, have the same general force and effect as if originally published by FAA. It is our understanding that this result is satisfactory to NACA.

[9] Where used in these conditions the terms membership and member are to include associate membership and associate member, respectively.

mission, copies of all other material submitted to its member carriers by its Committee on Safety and Practices.

6. That NACA shall maintain full and complete minutes of meetings of its board of directors and of its general membership.[10]

7. That NACA shall file such minutes with the Board, within thirty (30) days after the meeting.[11]

8. That NACA shall file with the Board a true copy, or if oral a true and complete memorandum, of any public relations campaign or program authorized or adopted by NACA's board of directors or members, within thirty days after such adoption.

9. That the action of the Board herein shall not be construed as an approval or disapproval of any contract, agreement, or resolution entered into, or any action taken pursuant to the instant agreements, as currently or hereafter constituted.

Accordingly, it is ordered:

1. That final action on Agreements CAB 16058, 16058–A1, and 16058–A2 be and it hereby is deferred for a period of 20 days to permit the filing of comments by interested persons[12] relative to the Board's tentative decision herein;

2. That a copy of this order be served on all supplemental air carriers, Eastern, NACA, IAA, and the Supplemental Air Carrier Conference; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–3249; Filed, Apr. 3, 1962; 8:52 a.m.]

[10] Such minutes shall contain, inter alia, a summary of the discussion identifying each participant on each matter, regardless of the action, or lack of action taken thereon.

[11] The filing of minutes will not relieve NACA from the requirement for filing separately contracts and agreements subject to sec. 412 of the Act.

[12] Such comments shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13822, 13823; FCC 62M–455]

BI-STATES CO. (KHOL–TV) AND TOPEKA BROADCASTING ASSOCIATION, INC. (WIBW–TV)

Order Continuing Hearing Conference

In re applications of Bi-States Co. (KHOL–TV), Kearney, Nebr., Docket No. 13822, File No. BPCT–2718; Topeka Broadcasting Association, Inc. (WIBW–TV), Topeka, Kans., Docket No. 13823, File No. BPCT–2743; for construction permits for new transmitter sites.

The Hearing Examiner having under consideration the written request of counsel for Bi-States Co., one of the applicants in the above-entitled proceeding, filed on March 27, 1962, requesting that the further prehearing conference presently scheduled for April 3, 1962, be continued to May 3, 1962;

It appearing, that the presently scheduled date for the aforesaid prehearing conference is in conflict with the NAB Convention in Chicago, and, by reason thereof, counsel will not be available on the said date; and

It further appearing, that good cause has been shown for a grant of the requested relief, in part, and that the other parties to this proceeding do not object:

It is ordered, This 28th day of March 1962, that the written request of Bi-States Co. filed on March 27, 1962, for a continuance of the prehearing conference presently scheduled for April 3, 1962, be, and the same is, hereby granted, in part, and that the said further prehearing conference, be, and the same is, hereby continued to April 10, 1962, at 9:30 a.m.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3261; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket No. 14583; FCC 62M–462]

FIFTH MARKET BROADCASTING CO., INC. (WGSM)

Order Scheduling Hearing

In re application of Fifth Market Broadcasting Co., Inc., (WGSM), Huntington, New York, Docket No. 14583, File No. BP–14332; for construction permit.

It is ordered, This 28th day of March 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 4, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Friday, May 4, 1962.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3262; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket Nos. 14585, 14586; FCC 62M–464]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Grossco, Inc., West Hartford, Connecticut, Docket No. 14585, File No. BPH–3222; The Valley Broadcasting Company, Ansonia, Connecticut, Docket No. 14586, File No. BPH–3241; for construction permits (FM).

It is ordered, This 28th day of March 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 31, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Monday, May 7, 1962.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3263; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket No. 14380; FCC 62M–458]

KSAY BROADCASTING CO.

Order Rescheduling Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR–3528; for renewal of license of Standard Broadcast Station KSAY.

The Hearing Examiner having under consideration (1) his hearing schedule which requires his presence in Salem, Oregon on May 7, 1962; and (2) the possibility that the hearing in the above-entitled matter may require a full week to complete: *It is ordered,* This 28th day of March 1962, that the hearing now scheduled in this matter for May 1, 1962 be and it hereby is rescheduled to commence at 10 a.m., Monday, April 30, 1962, in San Francisco, California.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3264; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket No. 14584; FCC 62M–463]

DON H. MARTIN (WSLM)

Order Scheduling Hearing

In re application of Don H. Martin (WSLM), Salem, Indiana, Docket No. 14584, File No. BP–13712; for construction permit.

It is ordered, This 28th day of March 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 28, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Monday, April 30, 1962.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3265; Filed, Apr. 3, 1962; 8:53 a.m.]

[Docket No. 14581, 14582; FCC 62M–461

WIDU BROADCASTING, INC., AND AL-OR BROADCASTING CO.

Order Scheduling Hearing

In re applications of WIDU Broadcasting, Inc., Asheboro, North Carolina, Docket No. 14581, File No. BP–14348; W. A. Corbett, J. R. Marlowe, Roy Cox, Jr., tr/as Al-Or Broadcasting Company, Mebane, North Carolina, Docket No. 14582, File No. BP–15051; for construction permits.

It is ordered, This 28th day of March 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 31, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Monday, April 30, 1962.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–3266; Filed, Apr. 3, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 988]

COMMONWEALTH STEAMSHIP, INC., ET AL.

Notice of Hearing and of Oral Argument

In the matter of agreements 8745 and 8745–1 purchase of vessels "Alicia" and "Dorothy".

On April 2, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, agreements between Commonwealth Steamship, Inc., A. H. Bull Steamship Co., Bull Lines, Inc., A. H. Bull and Co., and Waterman Steamship Corporation of Puerto Rico and Sea-Land Equipment, Inc., have been filed for approval under that section and have been assigned Federal Maritime Commission Agreement numbers 8745 and 8745–1; and

Whereas, pursuant to notice of filing of agreements 8745 and 8745–1 in the FEDERAL REGISTER of February 27, 1962, and March 10, 1962, Alcoa Steamship Company, Seatrain Lines, Inc., and certain sugar producers and refineries of Puerto Rico have filed protests and requested that agreements 8745 and 8745–1 be disapproved or modified; and

Whereas questions of fact are not raised in any of the protests against approval of said agreements;

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a hearing be held on the Commission's own motion to determine whether said agreements should be (1) approved, (2) disapproved, or (3) modified to include provisions that additional adequate vessels will be committed to the North Atlantic/Puerto Rican trade to meet the need for service therein; that the "Alicia" and "Dorothy" will be committed to the Puerto Rican trades for a period of at least five years; and/or any other provision that may be required to protect the public interest;

It is further ordered, That such hearing be limited to submission of affidavits of fact and statements of position, and oral argument before the Commission. Argument will be heard by the Commission on April 11, 1962, at 9:30 a.m., e.s.t., in Room 4519, 441 G Street NW., Washington, D.C. Affidavits of fact and statements of position must be filed with the Secretary, Federal Maritime Commission, before 5:00 p.m., April 9, 1962.

It is further ordered, That action with respect to agreements 8745 and 8745–1 be held in abeyance pending the Commission's decision and order in the proceedings herein ordered; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy of such order and notice be served upon all interested parties.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 62–3303; Filed, Apr. 3, 1962; 8:52 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of Loans for Housing for the Elderly, authorized under Section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such Region:

1. To execute loan agreements and regulatory agreements; and

2. To execute amendments or modifications of any such loan agreements or regulatory agreements.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective February 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

This redelegation supersedes the redelegation effective January 11, 1962 (27 F.R. 3175, April 3, 1962).

Effective as of the 8th day of March, 1962.

[SEAL] JULIAN D. STEELE, *Acting Regional Administrator, Region I.*

[F.R. Doc. 62–3250; Filed, Apr. 3, 1962; 8:52 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region I (New York), is hereby authorized to carry out the provisions of section 7 and 8 of the Area Redevelopment Act (Public Law 87–27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the act are in compliance with sections 8(a)(2) and 8(c) of the act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the act in connection with any loans or grants proposed to be made under section 7 or 8 of the act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950, 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, August 25, 1961)

Effective as of the 21st day of February 1962.

[SEAL] JULIAN D. STEELE, *Acting Regional Administrator, Region I.*

[F.R. Doc. 62–3260; Filed, Apr. 3, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62–372—RI62–379]

BRADLEY PRODUCING CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

MARCH 28, 1962.

The Bradley Producing Corporation, Docket No. RI62–372; Sun Oil Company, Docket No. RI62–373; Texaco Inc., Docket No. RI62–374; J. M. Huber Corporation, Docket No. RI62–375; Union

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Oil Company of California, Docket No. RI62–376; Pan American Petroleum Corporation (Operator), et al., Docket No. RI62–377; Kerr-McGee Oil Industries, Inc., Docket No. RI62–378; Lario Oil & Gas Company, Docket No. RI62–379.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules, for sale of natural gas subject to the jurisdiction of the Commission. With the exception of sales by Kerr-McGee Oil Industries, Inc. under Rate Schedule No. 61, and Supplement No. 1 thereto, at a pressure base of 15.025 psia, all of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62–372	The Bradley Producing Corp., 313 North Main St., Wellsville, N.Y.	1	6	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	$345	2–26–62	5–10–62	10–10–62	17.0	[2] 17.2	RI61–417
		2	6	do	37	2–26–62	3–29–62	8–29–62	17.0	[3] 17.2	RI61–375
		3	6	do	26	2–26–62	3–29–62	8–29–62	17.0	[3] 17.2	RI61–375
RI62–373	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa.	170	1	Natural Gas Pipeline Co. of America (Camrick SE. Field, Beaver County, Okla.).	540	2–27–62	3–30–62	8–30–62	17.0	[3] 17.2	RI61–391
RI62–374	Texaco Inc., P.O. Box 2332, Houston, Tex.	172	1	Panhandle Eastern Pipe Line Co. (S. Greenough Field, Beaver County, Okla.).	82	2–28–62	3–31–62	8–31–62	15.0	[4] 16.0	
RI62–375	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo.	27	2	Panhandle Eastern Pipe Line Co. (Richfield Field, Morton County, Kans.).	273	2–28–62	4–1–62	9–1–62	[4] 16.0	[5] 17.0	
RI62–376	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	14	1	Panhandle Eastern Pipe Line Co. (Bernstein Area, Hansford County, Tex.).	1,613	3–1–62	4–1–62	9–1–62	16.0	[5] 17.0	
RI62–377	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	194	2	Panhandle Eastern Pipe Line Company (Richfield Field, Morton County, Kans.).	5,875	3–1–62	4–1–62	9–1–62	[4] 16.0	[5] 17.0	
RI62–378	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City 2, Okla.	61	1	American Louisiana Pipeline Co. (Big Lake Field, Cameron Parish, La.) (Southern Louisiana).	6,587	3–1–62	4–1–62	9–1–62	19.75	[6] 21.25	
RI62–379	Lario Oil & Gas Co., 301 South Market St., Wichita 2, Kans.	14	2	Colorado Interstate Gas Company (Adams Ranch Field, Meade County, Kans.).	428	3–12–62	6–1–62	11–1–62	15.0	[8] 17.0	

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] Periodic increase.
[3] Subject to downward Btu adjustment.
[4] Previously reported at 16.07 cents per Mcf at 14.65 psia, which included Kansas Severance Tax which has been declared invalid.
[5] Previously reported at 16.08 cents per Mcf at 14.65 psia, which included Kansas Severance Tax which has been declared invalid.
[6] Redetermined increase.
[7] Does not include upward Btu adjustment of 1.8 cents per Mcf.
[8] Renegotiated increase.
[9] Does not include upward Btu adjustment of 2.04 cents per Mcf.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate, supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of supension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 11, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3190; Filed, Apr. 3, 1962; 8:45 a.m.]

[Docket No. CP62–149]

COLORADO-WYOMING GAS CO.

Notice of Application and Date of Hearing

MARCH 29, 1962.

Take notice that on December 15, 1961, as supplemented on February 15, 1962, Colorado-Wyoming Gas Company (Applicant), P.O. Box 480, Denver 1, Colorado, filed in Docket No. CP62–149 an application pursuant to sections 7 (b) and (c), respectively, of the Natural Gas Act for permission and approval to abandon and for a certificate of public convenience and necessity to construct and operate the following facilities:

1. Approximately 8 miles of 8-inch transmission line around the City of Fort Collins, Colorado;

2. Approximately 1.5 miles of 4-inch transmission lateral extending from a point near the Ideal Cement Company plant meter station to Applicant's existing LaPorte Town Border Station in Larimer County, Colorado;

3. A meter station at or near the north bank of the Cache La Poudre River in the NW¼ of Section 12, Township 7 North, Range 69 West, Larimer County, Colorado;

4. During 1962 mainline taps to render service to existing customers, at a total cost not to exceed $15,000, with no single tap to exceed a cost of $2,000; and

5. During 1962 facilities consisting of minor system reinforcements, extensions, relocation, and related facilities as may be required to render service to existing customers at a total cost not to exceed $50,000, with no single project to exceed a cost of $20,000.

Applicant seeks permission and approval to abandon the following facilities:

1. Approximately 5.15 miles of transmission line and related metering and other facilities located in and near the City of Fort Collins, Colorado;

2. Approximately 1.5 miles of existing 2-inch transmission lateral extending from a point near the Ideal Cement Company plant meter station to Applicant's existing La Porte Town Border Station in Larimer County, Colorado;

3. The Reynolds Beasley Group Tap (Station 2221+08) along the route of Applicant's 8-inch line in Boulder County, Colorado; and

4. The Grosball Tap (Station 26+63) near the westerly terminus of Applicant's 6-inch Loveland-Greeley lateral in Larimer County, Colorado.

The application states that Applicant sells natural gas from its Mesa-Boulder transmission line to Public Service Company of Colorado (Public Service) through a number of meter stations for resale and distribution in and around Fort Collins. The Mesa-Boulder line must be operated at a high pressure in order to maintain adequate service for the retail customers further north. Since a 5.15-mile section of this line traverses the recently urbanized area in and around Fort Collins, Applicant proposes to construct and operate a new 8-mile 8-inch line that would bypass this congested area and tie in with the Mesa-Boulder line north of Fort Collins where a new meter station would be constructed. The 5.15-mile section, together with 8 meter stations, group taps, and farm taps along it, would be abandoned by sale to Public Service for use in local distribution. The new station, along with the existing station located south of Fort Collins, would be used by Applicant to supply the distribution requirements of Public Service in the Fort Collins and adjacent areas. The application states that the proposed relocations would eliminate the hazard of excessively high pressures being carried by one of applicant's oldest lines on its system through a highly urbanized area.

Applicant states that the Reynolds Beasley and Grosball farm taps, located on the Mesa-Boulder line south of Fort Collins, would be abandoned since they are no longer in use. The areas previously served by Public Service through said taps are now being served by Public Service through its distribution facilities.

The 1.5 miles of 4-inch lateral line which Applicant proposes to construct would be used to replace an existing 2-inch lateral which Applicant proposes to abandon. The existing line is now and the proposed line would be used to supply Public Service with gas for resale and local distribution. The application states that the distribution load in this area has almost doubled during the year 1961 and that the proposed line is necessary in order to meet the increased requirements and the anticipated load growth in the future.

Applicant also requests authorization to construct and operate unspecified minor "budget-type" farm tap facilities during the calendar year 1962 to enable Applicant to assure adequate natural gas service to existing resale customers in existing market areas and to relocate existing transmission facilities when necessary to make way for highway construction. Applicant states that the relocated facilities would be used only for service in existing markets. The total cost of the taps would not exceed $15,000, with no single tap to exceed a cost of $2,000. The total cost of the miscellaneous relocation facilities would not exceed $50,000, with no single project to exceed a cost of $20,000.

The total estimated cost of all the proposed construction, including, the "budget-type" facilities, is $352,100, which would be financed from working funds and short term loans from Public Service. Public Service would pay Applicant the net book cost, less depreciation, of the facilities proposed to be transferred, which is estimated to be $21,380.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 1, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3221; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. CP62–177]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

MARCH 29, 1962.

Take notice that on February 2, 1962, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville 19, Tennessee, filed in Docket No. CP62–177 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.21 miles of 2-inch lateral pipeline and a meter station in order to render natural gas service on an interruptible basis, from its existing 12-inch transmission line to Olin Mathieson Chemical Corporation (Olin) for use in Olin's new plant near the City of Charleston, Tennessee, all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to a contract, dated January 1, 1962, between Applicant and Olin, Applicant will deliver up to 360 Mcf [1] of natural gas per day. The application shows Olin's estimated annual requirements to be 50,000 Mcf and 60,000 Mcf of natural gas during the first and second years of service, respectively, and 70,000 Mcf per year thereafter.

Olin will use natural gas as a fuel in the production of liquid chlorine. The application shows that natural gas was selected as the major fuel because of its availability at a steady reliable pressure.

The estimated cost of the proposed facilities is $23,100, which cost will be financed from general operating funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 7, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediated decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3222; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. CP62–154]

EL PASO NATURAL GAS CO.

Notice of Postponement of Hearing

MARCH 29, 1962.

Take notice that the hearing in the above-designated matter now scheduled for April 3, 1962 is hereby postponed to May 3, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3223; Filed, Apr. 3, 1962; 8:48 a.m.]

[1] At 14.9 psia and 1,000 Btu.

[Docket No. E-7028]

INTERSTATE POWER CO.

Notice of Application

MARCH 28, 1962.

Take notice that on March 23, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Interstate Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at 1000 Main Street, Dubuque, Iowa, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of not to exceed $7,000,000. Applicant proposes to issue the Notes in the aggregate principal amount of $1,350,000 to nine Minnesota and Iowa banks and in the aggregate principal amount of not to exceed $5,650,000 to The Chase Manhattan Bank and Manufacturers Hanover Trust Company, both of New York City. The Notes will be dated as of the dates of their respective deliveries and will be expressed to mature 360 days from the date of the first borrowing under the Agreement, dated March 16, 1962, between Applicant and the aforementioned New York banks or on May 31, 1963, whichever date shall be earlier. The interest rate on the Notes will be the prime commercial rate of interest of The Chase Manhattan Bank for unsecured borrowing prevailing three business days prior to the date of each borrowing. Interest will be payable on the last days of March, June, September and December of each year. Applicant states that the Notes will be issued and sold to provide temporary financing for part of Applicant's 1962 construction program, estimated to cost $10,611,300. Included in the construction program are $1,800,000 for the addition of Unit No. 3 at the Fox Lake, Minnesota power plant; $2,928,100 for transmission plant additions; and, $2,982,200 for additions to Applicant's distribution system.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 17th day of April, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3191; Filed, Apr. 3, 1962; 8:45 a.m.]

[Docket No. G-16482]

MURPHY GAS, INC.

Notice of Application for Amendment of Order

MARCH 29, 1962.

Take notice that Murphy Gas, Inc. (Applicant), of Negley, Ohio, filed on November 20, 1961, an application for an amendment of the Commission's order issued herein on April 14, 1959, which will remove the limitation of 80 Mcf per day applicable to the volume of natural gas which The Manufacturers Light and Heat Company (Manufacturers) is obligated to sell and deliver to Applicant.

Applicant states that by virtue of the steady increase in its sales of gas, its requirements from Manufacturers will shortly exceed 80 Mcf per day maximum. Estimated future requirements which Applicant states it will need from Manufacturers to supply its consumers on a peak day and annual basis are as follows:

	Annual (Mcf)	Peak day (Feb. 1) (Mcf)
1961	15,028	----
1962	25,300	120
1963	31,400	140
1964	32,700	150
1965	33,700	200
1966	----	200

Applicant states that it is informed and believes that Manufacturers has adequate capacity and a sufficient supply of natural gas available to deliver such additional volumes to Applicant and that it has been assured by Manufacturers that Manufacturers is able and willing to make such deliveries.

Applicant further states that it believes that with certain minor exceptions there are no specific limitations upon the volumes of natural gas which Manufacturers or any of the other Columbia Gas System subsidiary companies may deliver to their wholesale customers.

Said application for amendment of order is on file with the Commission and open for public inspection.

Protests or petitions for leave to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 19, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3224; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. G-17296 etc.]

NEW YORK STATE NATURAL GAS CORP.

Notice of Postponement of Hearing

MARCH 29, 1962.

New York State Natural Gas Corporation, Docket Nos. G-17296, G-19087 and G-20109.

Take notice that the hearing in the above-designated matter now scheduled for April 2, 1962, is hereby postponed to May 1, 1962, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3225; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. G-18442 etc.]

SENECA GAS COMPANY OF WEST VIRGINIA, INC., ET AL.

Notice of Postponement of Hearing

MARCH 29, 1962.

Seneca Gas Company of West Virginia, Inc., Docket No. G-18442; Atlantic Seaboard Corporation, Docket No. CP62-67; and Seneca Gas Company of West Virginia, Inc., Docket No. CP62-115; Complainants; and Navgas, Inc., Docket No. CP61-251, Defendant.

Take notice that the hearing in the above-designated matters now scheduled for April 9, 1962, is hereby postponed to April 16, 1962, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3226; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. CP62-158]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

MARCH 29, 1962.

Take notice that on January 5, 1962, Texas Eastern Transmission Corporation (Applicant), P.O. Box 1189, Houston 1, Texas, filed in Docket No. CP62-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce by Applicant to United Gas Pipe Line Company (United) from the L.S.U. Unit No. 1 in the Calhoun Field, Ouachita Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed sale would be made pursuant to a contract between Applicant and United dated December 13, 1961, at a rate of 18.75 cents per Mcf (including 1.75 cents per Mcf tax reimbursement) at 15.025 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3227; Filed, Apr. 3, 1962; 8:48 a.m.]

[Docket No. G-10000]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Fixing Hearing on Petition To Modify Order Issuing Certificate of Public Convenience and Necessity

MARCH 28, 1962.

On February 16, 1962, Transcontinental Pipe Line Corporation (Transco) filed a petition requesting that the Commission modify its order and Opinion No. 302, issued March 1, 1957 in the above-entitled proceeding, so as to effect a reallocation of gas for a temporary period and to permit Transco to render certain services during such temporary period, all as hereinafter described.

By Opinion No. 302 the Commission authorized Transco, inter alia, to undertake new service to North Carolina Natural Gas Corporation (North Carolina Natural)[1] pursuant to a firm allocation granted therein of 39,780 Mcf per day. North Carolina Natural proposed to use this allocation to serve the natural gas requirements of Tidewater Natural Gas Company (Tidewater) and of other customers within the State of North Carolina. Service by Transco to North Carolina Natural commenced on April 14, 1959. The petition seeks to effect a reallocation of gas for a period of three years so as to permit Transco to render firm service during such temporary period directly to Tidewater.

Tidewater, one of North Carolina Natural's major customers owns and operates five gas distribution systems or divisions located in Fayetteville, Kinston, New Bern, Washington and Wilmington, North Carolina, respectively. The petition alleges that slower than expected market developments have resulted in a poor earnings position of Tidewater. It appears that Tidewater is still in the developmental stage in changing its operations from manufactured gas to natural gas.

The relief sought by Tidewater, which Transco proposes herein to provide, will require that for a three-year period beginning April 1, 1962, portions of the present allocation of North Carolina Natural be transferred by the Commission to and divided among the five Divisions of Tidewater, and be billed under Transco's Rate Schedule G-2. The allocations to be transferred, in total volumes of 8,590 Mcf for the period April 1, 1962, to January 1, 1963, and 10,323 Mcf for the period January 1, 1963, to April 1, 1965, are based upon Tidewater's estimates of its requirements from Transco by Divisions for the three-year period, as follows:

Tidewater Division	Apr. 1, 1962-Jan. 1, 1963	Jan. 1, 1963-Apr 1, 1965
Fayetteville	2,690	3,400
Kinston	1,050	1,200
New Bern	1,050	1,200
Washington	625	700
Wilmington	3,175	3,823
Total	8,590	10,323

During the time these temporary reallocations are effective, North Carolina Natural will surrender equivalent volumes under its CD-2 service agreement with Transco. The Transco-North Carolina Natural CD-2 service agreement will, consequently, provide for the following maximum daily quantities during the periods shown:

Period	Maximum daily quantity		Reduction
	Present agreement	Proposed agreement	
To Nov. 1, 1962	28,000	19,410	(8,590)
Nov. 1, 1962-Jan. 1, 1963	36,500	27,910	(8,590)
Jan. 1, 1963-Nov. 1, 1963	36,500	26,177	(10,323)
Nov. 1, 1963-Apr. 1, 1965	39,780	29,457	(10,323)
Apr. 1, 1965, and thereafter	39,780	39,780	0

Tidewater will purchase its base load requirements from Transco. If Tidewater requires more natural gas on any day than its allocation from Transco would provide, it will look to North Carolina Natural for such additional volumes.

North Carolina Natural has agreed to release gas to Tidewater and thereby to forego sales to Tidewater represented by such released volumes: *Provided,* Transco is agreeable to selling to North Carolina Natural for the three-year period involved, at a rate equal to the Commodity Charge under Transco's Rate Schedule CD-2, a daily volume of gas equal to the difference between the total quantity allocated to Tidewater hereunder and any lesser total quantity purchased and received by Tidewater.

All volumes of gas purchased by Tidewater from Transco will be delivered by Transco and received for the account of Tidewater at Transco's existing point of delivery to North Carolina Natural, from which point such purchased gas will be transported and delivered to the respective Divisions by North Carolina Natural.

The Commission finds: It is necessary in the public interest that the issues raised by the petition of Transco be explored on a formal record and that appropriate findings be made by a Presiding Examiner of the Commission.

The Commission orders: A hearing on the issues raised by the petition of Transco to modify the Commission's order in Opinion No. 302 be convened on April 16, 1962, before a Presiding Examiner of the Federal Power Commission at 441 G Street NW., Washington 25, D.C., at 10 a.m., e.s.t.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3192; Filed, Apr. 3, 1962; 8:45 a.m.]

[1] North Carolina Natural, a customer of Transco, is engaged in the sale of gas throughout the State of North Carolina. North Carolina Natural is not subject to the Commission's jurisdiction.

[Docket No. CP62-190]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MARCH 29, 1962.

Take notice that on February 12, 1962, Transcontinental Gas Pipe Line Corporation (Applicant), 3100 Travis Street, Houston, Texas, filed in Docket No. CP62-190 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during a 12-month period commencing May 22, 1962, at a total cost not to exceed $1,500,000 with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from cash on hand or short term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 1, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3228; Filed, Apr. 3, 1962; 8:49 a.m.]

[Docket No. E-7026]

WISCONSIN MICHIGAN POWER CO.

Order Providing for Hearing and Suspension of Proposed Rate Schedule Changes

MARCH 29, 1962.

Wisconsin Michigan Power Company (Wisconsin Michigan) Milwaukee, Wisconsin, on January 19, 1962, tendered for filing, pursuant to section 205 of the Federal Power Act, proposed changes in its filed rate schedules purporting to increase, as of March 30, 1962, its present rates and charges for wholesale electric service to nine electric utility and municipal customers; Wisconsin Public Service Company, Upper Peninsula Power Company, City of Crystal Falls, Michigan, and the Cities of Kaukauna, Shawano, Clintonville, New London, Oconto Falls, and Florence, Wisconsin. The proffered rate schedule supplements have been tentatively designated in the files of the Commission as Wisconsin Michigan's Supplement No. 3 to Rate Schedule FPC No. 12, Supplement No. 3 to Rate Schedule FPC No. 25, Supplement No. 3 to Rate Schedule FPC No. 36, Supplement No. 2 to Rate Schedule FPC No. 43, Supplement No. 2 to Rate Schedule FPC No. 33, Supplement No. 6 to Rate Schedule FPC No. 24, Supplement No. 1 to Rate Schedule FPC No. 41, Supplement No. 2 to Rate Schedule FPC No. 39, and Supplement No. 1 to Rate Schedule FPC No. 38.[1]

Overall, the proffered rates and charges would increase Wisconsin Michigan's present rates to the aforementioned electric utilities and municipalities by approximately $394,000 per annum for all customers based upon 1960 deliveries of power and energy. For the twelve-month period ending December 31, 1960, Wisconsin Michigan's revenues from those customers totaled $1,366,000. Applying the proffered supplemental rate schedules to those deliveries, Wisconsin Michigan's operating revenues for service to those customers would be increased to $1,760,000. Among other things, the proposed supplemental rate schedules would increase Wisconsin Michigan's existing demand and energy charges, eliminate existing fuel adjustments and modify present primary discount and billing discount provisions. Under the proposed rate schedule supplements Wisconsin Michigan's rate increases to its wholesale customers located in the State of Michigan would be less than those proposed for wholesale customers located in Wisconsin; and the Wisconsin wholesale customers would experience varying percentages of increase.

The Cities of Kaukauna, Shawano, Clintonville, New London, Oconto Falls, and Florence, Wisconsin, filed, on February 26, 1962, a joint protest in which they oppose acceptance of the proposed rates for filing, and alternatively, urge that the Commission suspend the proposed rates and charges and set this matter for public hearing. Protestants contend that Wisconsin Michigan's action in tendering the proffered supplemental rate schedules for filing under the Federal Power Act constitutes an unauthorized unilateral action (in filing the proposed rate changes under section 205(d) of the Act) not authorized by the Act or the Commission's Regulations thereunder. Cf. United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348 (1956); and United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division, 358 U.S. 103 (1958). They also contend that the increased rates and charges are unjust and unreasonable and have not been properly supported by cost data; and would be highly detrimental to protestants' operations particularly those of the City of Kaukauna. They further contend that the proposed supplemental rate schedules would be unduly discriminatory because Wisconsin Michigan does not propose increases in its electric rates and charges to rural electric cooperatives which it serves at wholesale for resale.[2]

Wisconsin Michigan's afore-mentioned filed rate schedules as proposed to be changed have not been shown to be justified; may result in excessive rates or charges; may place an undue burden upon ultimate consumers; and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. Unless suspended by order of the Commission, the proposed supplemental rate schedules would become effective as of March 30, 1962 to the extent and in the manner provided in Section 205 of the Federal Power Act and the Commission's regulations under that Act.

Examination of the proposed supplemental rate schedules and other data currently before the Commission indicates that the rates and charges embodied therein, inter alia, may produce an excessive return on Wisconsin Michigan's net investment properly allocated as a rate base to its service to the nine customers; may be based upon an allowance for purchased power costs from Wisconsin Michigan's parent company, Wisconsin Electric Power Company which is excessive or otherwise unjust or unreasonable; may be based upon test year cost adjustments and cost allocations which have not been shown to be reasonable or representative; and may be partially based on operating expenses and plant investments which have not been shown to be properly allocable to this class of service.

The Commission further finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, particularly sections 205, 206, 308 and 309 thereof, enter upon a hearing concerning the lawfulness of Wisconsin Michigan's afore-mentioned filed rate schedules as proposed to be supplemented in the manner provided in its proffered Supplement No. 3 to Rate Schedule FPC No. 12, Supplement No. 3 to Rate Schedule FPC No. 25, Supplement No. 3 to Rate Schedule FPC No. 36, Supplement No. 2 to Rate Schedule FPC No. 43, Supplement No. 2 to Rate Schedule FPC No. 33, Supplement No. 6 to Rate Schedule FPC No. 24, Supplement No. 1 to Rate Schedule FPC No. 41, Supplement No. 2 to Rate Schedule FPC No. 39 and Supplement No. 1 to Rate Schedule FPC No. 38, and the objections thereto; and that the operation or effectiveness of such proposed supplemental rate schedules under the Federal Power Act be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders: (A) A public hearing be held concerning the lawfulness of Wisconsin Michigan's Rate Schedule FPC Nos. 12, 25, 36, 43, 33, 24, 41, 39 and 38, as supplemented and proposed to be supplemented in the manner provided in its proffered Supplement No. 3 to Rate Schedule FPC No. 12, Supplement No. 3 to Rate Schedule FPC No. 25, Supplement No. 3 to Rate Schedule FPC No. 36, Supplement No. 2 to Rate Schedule FPC No. 43, Supplement No. 2 to Rate Schedule FPC No. 33, Supplement No. 6 to Rate Schedule FPC No. 24, Supplement No. 1 to Rate Schedule FPC No. 41, Supplement No. 2 to Rate Schedule FPC No. 39, and Supplement No. 1 to Rate Schedule FPC No. 38 and the objections thereto at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation under the Federal Power Act of the proffered rate schedule supplements referred to in Paragraph (A) above, hereby is suspended and the use thereof deferred until August 30, 1962. On that date the proffered rate schedule supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission, unless this proceeding has been disposed of at a date previous thereto.

(C) During the period of suspension Wisconsin Michigan's currently effective Rate Schedule FPC No. 12 and Supplements Nos. 1 and 2, thereto, Rate Schedule FPC No. 25 and Supplements Nos. 1 and 2 thereto, Rate Schedule FPC No. 36 and Supplements Nos. 1 and 2 thereto, Rate Schedule FPC No. 43 and Supplement No. 1 thereto, Rate Schedule FPC No. 33 and Supplement No. 1 thereto, Rate Schedule FPC No. 24 and Supplement Nos. 1, 2, 4 and 5 thereto, Rate Schedule FPC No. 41, Rate Schedule FPC No. 39 and Supplement No. 1 thereto, and Rate Schedule FPC No. 38, on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Wisconsin Michigan shall not change the terms or provisions of its proffered supplemental rate schedules referred to in Paragraph (A) above or those of its currently effective rate schedules and supplements thereto on file with the Commission and referred to in Paragraph (C) above, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before April 30, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3229; Filed, Apr. 3, 1962; 8:49 a.m.]

[1] Applicable to the electric utilities and municipalities in the order as previously listed.

[2] Wisconsin Michigan on March 21, 1962, filed an answer to the municipalities' joint protest.

OFFICE OF EMERGENCY PLANNING

NEW JERSEY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of New Jersey to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The Counties of:

Atlantic.	Hudson.
Burlington.	Middlesex.
Camden.	Monmouth.
Cape May.	Ocean.
Cumberland.	Salem.
Gloucester.	

Dated: March 29, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3247; Filed, Apr. 3, 1962; 8:51 a.m.]

NEW YORK

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 16, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of New York adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of New York to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 16, 1962:

The counties of:

Bronx.	Queens.
Kings.	Richmond.
Nassau.	Suffolk.
New York.	

Dated: March 29, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3246; Filed, Apr. 3, 1962; 8:51 a.m.]

NORTH CAROLINA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 16, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of North Carolina adversely affected by severe storm, high tides and flooding beginning on or about March 7, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of North Carolina to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 16, 1962:

The counties of:

Currituck.	Hyde.
Dare.	

Dated: March 29, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3248; Filed, Apr. 3, 1962; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 204]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 30, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1074 (Deviation No. 2), ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Valley Pike, Winchester, Va., filed March 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 21 and Interstate Highway 77, at Fairplain,

W. Va., over Interstate Highway 77, to junction U.S. Highway 21, at White Chapel, southwest of Sissonville, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

No. MC 10928 (Deviation No. 9), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 77 and Interstate Highway 35, approximately five miles north of Norman, Okla., over Interstate Highway 35 to junction U.S. Highway 77, at Purcell, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service between the said junctions over U.S. Highway 77, and return over the same route.

No. MC 35469 (Deviation No. 1), MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Streets, Allentown, Pa., filed March 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Allentown, Pa., over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 11 to Middlesex, Pa., thence over the Pennsylvania and Ohio Turnpikes to Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, and (B) from Allentown, Pa., over U.S. Highway 222, via Reading, Pa., to junction Pennsylvania Turnpike, thence over the Pennsylvania and Ohio Turnpikes to Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Allentown over U.S. Highway 22 to Pittsburgh, Pa., thence over Pennsylvania Highway 88 to Rochester, Pa., thence over Pennsylvania Highway 68 to the Pennsylvania-Ohio State Line, thence over Ohio Highway 39 to East Liverpool, Ohio, thence over U.S. Highway 30 to Lisbon, Ohio, thence over Ohio Highway 45 to Salem, Ohio, thence over U.S. Highway 62 to Youngstown, and return over the same route.

No. MC 36436 (Deviation No. 3), MOLAND BROS. TRUCKING COMPANY, 2502 West Huron Street, Duluth 6, Minn., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wausau, Wis., over Wisconsin Highway 29 to junction U.S. Highway 45, at Wittenberg, Wis., thence over U.S. Highway 45 to Fond du Lac, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wausau over U.S. Highway 51 to junction Wisconsin Highway 73, near Plainfield, thence over Wisconsin Highway 73 to Wautoma, Wis., thence over Wisconsin Highway 21 to junction Wisconsin Highway 49, near Auroraville, Wis., thence over Wisconsin Highway 49 to junction Wisconsin Highway 23, thence over Wisconsin Highway 23 to Fond du Lac, and return over the same route.

No. MC 52953 (Deviation No. 2), E T & W N C TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed March 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Marion, N.C., over U.S. Highway 221 to junction Interstate Highway 40, thence over Interstate Highway 40 to Winston-Salem, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Marion over U.S. Highway 70 (formerly U.S. Highway 64), to junction U.S. Highway 158, thence over U.S. Highway 158 to Winston-Salem, and return over the same route.

No. MC 52953 (Deviation No. 3), E T & W N C TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed March 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Winston-Salem, N.C., over Interstate Highway 40 to Greensboro, N.C., thence over Interstate Highway 85 to Durham, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Winston-Salem over U.S. Highway 421 to Greensboro, thence over U.S. Highway 70 to Raleigh, N.C., and return over the same route.

No. MC 59649 (Deviation No. 3), PEORIA CARTAGE COMPANY, 905–911 Southwest Washington Street, Peoria, Ill., filed March 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, and return over the same route.

No. MC 64939 (Deviation No. 2), KEYSTONE TRANSFER CO., INC., 100 Scottland Street, Pittsburgh 12, Pa., filed March 15, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 21 and Interstate Highway 77, near Sissonville, W. Va., over Interstate Highway 77 to junction U.S. Highway 21, near Fairplain, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

No. MC 106401 (Deviation No. 2), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, D.C., over U.S. Highway 1 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Maryland Highway 3, approximately 21 miles east of Washington, thence over Maryland Highway 3 to Baltimore, Md., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington over U.S. Highway 1 to Baltimore, and return over the same route.

No. MC 106401 (Deviation No. 3), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 85 and U.S. Highway 1, near the North Carolina-Virginia State line, over Interstate Highway 85 to Henderson, N.C., thence over Interstate Highway 85 to By-Pass U.S. Highway 158, thence over bypass U.S. Highway 158 to Oxford, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the North Carolina-Virginia State Line over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C., thence over U.S. Highway 70 to Greensboro, N.C., thence over Alternate U.S. Highway 29, via High Point and Thomasville, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to the North Carolina-South Carolina State Line, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3232; Filed, Apr. 3, 1962; 8:49 a.m.]

[Notice 433]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 30, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 113) (REPUBLICATION), filed November 16, 1961, published FEDERAL REGISTER, issue of December 13, 1961, and republished this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., Detroit, Mich. Applicant's attorney: Howell Ellis, 1210 Fidelity Building, Indianapolis 4, Ind. A corrected report and recommended order, served February 12, 1962, in the above-entitled proceeding (embracing MC 10761 Sub-No. 113, MC 95540 Sub-No. 385, MC 107515 Sub-No. 373, and MC 114045 Sub-No. 79), by Bernard J. Hasson, Jr., Hearing Examiner, finds with regard to the subject proceeding, Transamerican Freight Lines, Inc., MC 10761 (Sub-No. 113), as follows: That the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, of meats, meat products, and meat by-products, as described in part A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, over a regular route, from Dallas, Tex., to San Angelo, Tex., and return, over U.S. Highway 67, serving no intermediate points, and serving Dallas only for purposes of joinder with applicant's other authorized routes, restricted against the movement of any shipment between San Angelo and any authorized service points on applicant's routes in Illinois, Indiana, Michigan, and Ohio, and provided, that if the recommended order herein becomes effective by operation of law as the order of the Commission, the application as granted shall be republished in the FEDERAL REGISTER to afford anyone not a party but affected by the change in the form of the grant an opportunity, within 30 days of such republication, to file representations demonstrating the adverse effect upon it and the relief desired. The Report and Order became effective March 14, 1962.

No. MC 14295 (Sub-No. 4) (CORRECTION), filed March 5, 1962, published FEDERAL REGISTER issue of March 28, 1962, and republished as corrected this issue. Applicant: D. G. & U. TRUCK LINES, INC., 701 Hiddeson Avenue, Greenville, Ohio. Applicant's attorney Paul F. Beery, 44 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Montgomery, Preble, Miami, and Darke Counties, Ohio, and points in Randolph, Wayne, Henry, Delaware, and Madison Counties, Ind., on the one hand, and, on the other, Cox Municipal Airport, Montgomery County, Ohio (municipal airport for Dayton, Ohio), Richmond Municipal Airport, Wayne County, Ind. (municipal airport for Richmond, Ind.), and Johnson Field, Delaware County, Ind. (municipal airport for Muncie, Ind.). RESTRICTED: To shipments having immediately prior or immediately subsequent movements by aircraft.

NOTE: The purpose of this republication is to designate the correct docket number as shown above in lieu of MC 14295 (Sub-No. 3) assigned in error.

HEARING: Remains as assigned, May 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 30513 (Sub-No. 8), filed March 9, 1962. Applicant: NORTH STATE MOTOR LINES, INC., U.S. Highway 301, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except in bulk in tank vehicles), between Richmond, Norfolk, Hopewell, Portsmouth, Suffolk, and Danville, Va., and points within ten (10) miles of each, on the one hand, and, on the other, points in North Carolina.

HEARING: May 16, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 31600 (Sub-No. 525), filed March 1, 1962. Applicant: P.B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in New York, except points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states that the purpose of this application is to eliminate the necessity of observing the gateway at points in Bergen County, N.J., south of New Jersey Highway 4.

HEARING: May 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 66562 (Sub-No. 1873), filed February 20, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Zebulon, N.C., and Vanceboro, N.C.: From Zebulon over U.S. Highway 64 to Robersonville, N.C., thence return over U.S. Highway 64 to Bethel, N.C., thence over U.S. Highway 13 to Greenville, N.C., thence over North Carolina Highway 43 to Vanceboro, and return over the same route, serving the intermediate points of Spring Hope, Nashville, Rocky Mount, Tarboro, Bethel, and Greenville, N.C.; (2) between Rocky Mount, N.C., and Wilson, N.C.: From Rocky Mount over U.S. Highway 301 to Wilson, and return over the same route serving the intermediate point of Elm City, N.C.; (3) between Rocky Mount, N.C. and Kinston, N.C.: From Rocky Mount over North Carolina Highway 43 to Greenville, N.C., thence over North Carolina Highway 11 to Kinston, and return over the same route, serving the intermediate points of Pinetops, Greenville, Winterville, Ayden, and Grifton, N.C.; (4) between junction North Carolina Highway 43 and U.S. Highway 258, and Farmville, N.C.: From junction North Carolina Highway 43 and U.S. Highway 258, over U.S. Highway 258 to Farmville, and return over the same route, serving the off-route point of Macclesfield, N.C.; (5) between New Bern, N.C., and Pollocksville, N.C.: From New Bern over U.S. Highway 17 to Pollocksville, and return over the same route, serving no intermediate or off-route points; (6) between Goldsboro, N.C., and Morehead City, N.C.: From Goldsboro over U.S. Highway 70 to Morehead City, and return over the same route, serving the intermediate points of LaGrange, New Bern, Havelock, and Newport, N.C.; (7) between Washington, N.C., and Vanceboro, N.C.: From Washington over U.S. Highway 17 to Vanceboro, and return over the same route, serving no intermediate or off-route points; (8) between Plymouth, N.C., and Williamston, N.C.: From Plymouth over U.S. Highway 64 to Williamston, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states the authority sought may be restricted as follows: (1) The service to be performed shall be limited to that which is auxiliary to, or supplemental of, express service of Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts of Railway Express Agency, Inc. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, air or rail express service of Railway Express Agency, Inc.

HEARING: May 17, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 95540 (Sub-No. 387), filed November 8, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, ice cream coating,* and *cocoa*, from Milwaukee, Wis., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states that it is affiliated "with Arctic Express, Inc., through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: May 10, 1962, at the Hotel Schroeder, Milwaukee, Wis., before Examiner James O'D. Moran.

No. MC 95540 (Sub-No. 407), filed March 2, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, N.Y., Commercial Zone, and Rhode Island, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York.

NOTE: Common control may be involved.

HEARING: May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 105813 (Sub-No. 57), filed December 12, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, P.O. Box 42–357, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* from Springfield, Ky., to points in Tennessee, Mississippi, Alabama, Louisiana, North Carolina, South Carolina, Georgia, and Florida.

HEARING: April 9, 1962, at 11:00 a.m., United States standard time, in the U.S. Court Rooms, Louisville, Ky., before Examiner Henry A. Cockrum.

No. MC 105813 (Sub-No. 60), filed February 26, 1962. Applicant: BELFORD TRUCKING Co., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, from Madison, Wis., to points in Florida.

HEARING: May 8, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James O'D. Moran.

No. MC 107107 (Sub-No. 186), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed* by meat packinghouses, as described in Appendix A and C, ex parte MC 45, and (2) *equipment, materials, and supplies, used by and in the manufacture, sale, and distribution of meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from Monroe, Ill., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida.

HEARING: May 1, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 107107 (Sub-No. 197), filed February 16, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods, canned or packages*, requiring temperature-controlled equipment, from Madison, Wis., to points in Florida, and points in Wayne, Chatham, Lowndes, Ware, and Glynn Counties, Ga.

HEARING: May 8, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James O'D. Moran.

No. MC–109708 (Sub-No. 18) (REPUBLICATION), filed January 5, 1962, published FEDERAL REGISTER, issue of January 31, 1962. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION COMPANY, 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. This is a second notice of the application wherein as filed and initially published sought to operate as a *common carrier* by motor vehicle, over irregular routes in the transportation of *fresh orange juice*, in bulk, in tank vehicles, from Fort Pierce, Fla., to Glendale, Long Island, N.Y., Detroit, Mich., Columbus, and Cleveland, Ohio, Lexington, Ky., High Point, N.C., Springfield, Mass., and Bellows Falls, Vt. The application was the subject of a hearing and a report and recommended order of a hearing officer served March 27, 1962, wherein he allows an amendment of the application by the substitution of Lexington, N.C., in lieu of Lexington, Ky., as a destination point and recommends that the application as amended be republished in the FEDERAL REGISTER and that the authority sought be granted, and that upon compliance with certain conditions and after the elapse of 30 days from the date of this republication a certificate be issued to applicant authorizing said operation, provided that no petitions for further hearing are received by the Commission during that period.

No. MC 110525 (Sub-No. 492), filed March 4, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fats, oil products*, and *chemicals*, in bulk, in tank vehicles, between Cincinnati, Ohio, on the one hand, and, on the other, Chicago, Ill.

NOTE: Dual operations may be involved (MC 117507).

HEARING: May 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 111812 (Sub-No. 147) (CORRECTION), filed January 2, 1962, published FEDERAL REGISTER issue March 21, 1962, corrected March 23, 1962, republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

NOTE: Applicant states "Mrs. Jane A. Lewis, wife of applicant's president, holds a 50 percent interest in Dakota Express, Inc." The purpose of this republication is to correct the spelling in origin point and the name of Corporation in the Note.

HEARING: Remains as assigned, May 10, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 111812 (Sub-No. 155), filed March 8, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products* from New York, N.Y., and points within the New York City Commercial Zone as defined by the Commission, to Milton, Pa.

NOTE: Applicant states that the wife of applicant's president holds a 50 percent interest in Dakota Express, Inc.

HEARING: May 11, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 111878 (Sub-No. 5), filed December 22, 1961. Applicant: BABBITT BROS., INC., 623 17th Avenue, Bloomer, Wis. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock*, in bulk, in tank vehicles, from Fremont, Mich., to St. Paul, Minn., and rejected shipments, on return.

HEARING: May 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Forth Street, Minneapolis, Minn., before Examiner James O'D. Moran.

No. MC 112617 (Sub-No. 112), filed March 26, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, from the pipeline terminal site of the Texas Eastern Transmission Corp. located at or near Oakland City, Ind., to points in Illinois.

HEARING: May 7, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 113514 (Sub-No. 82) (AMENDMENT), filed January 12, 1962, published FEDERAL REGISTER issue of March 7, 1962, amended March 26, 1962, and republished, as amended, this issue. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *petroleum products*, in bulk, in tank vehicles, between points in Harris, Galveston, Jefferson, Montgomery, Nueces, Travis, Orange, and Brazoria Counties, Tex.

NOTE: Common control may be involved. The purpose of this republication is to include "petroleum products" to the commodity description.

HEARING: Remains as assigned April 24, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 114019 (Sub-No. 72), filed December 12, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Springfield, Ky., to points in Illinois, Indiana, Ohio, Michigan (except points in the Upper Peninsula of Michigan), Pennsylvania, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Washington, D.C.

HEARING: April 9, 1962, at 11:00 a.m., U.S. standard time, in the U.S. Court Rooms, Louisville, Ky., before Examiner Henry A. Cockrum.

No. MC 115841 (Sub-No. 98), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa, and ice cream coatings*, from Milwaukee, Wis., and Newark, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Virginia, Mississippi, Alabama, and West Virginia.

HEARING: May 10, 1962, at the Hotel Schroeder, Milwaukee, Wis., before Examiner James O'D. Moran.

No. MC 116777 (Sub-No. 3), filed February 23, 1962. Applicant: J. & L. LINES, INC., P.O. Box 677, Winchester, Va. Authority sought to operate as a *common carriers*, by motor vehicle, over irregular routes, transporting: *Metal containers* from Winchester, Va., to points east of Chesapeake Bay and south of the Chesapeake and Delaware Canal located in the States of Maryland, Delaware, and Virginia.

NOTE: Applicant states that its president "holds temporary control, through management of the J. P. Breslin Trucking & Terminal Corp. of Baltimore, Md."

HEARING: May 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 117578 (Sub-No. 2), filed March 26, 1962. Applicant: PETROLEUM TRANSIT CORP. OF VIRGINIA, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina.

NOTE: Applicant indicates that it is controlled by Petroleum Transit Co., Inc. (MC–113336).

HEARING: April 11, 1962, at the GSA Conference Room 10–010 Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 7.

No. MC 117888 (Sub-No. 4), filed March 28, 1962. Applicant: J. M. GOLDBERG, INC., 101 Chartres Street, Houston 2, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* (1) from Galveston, Tex., to points in New Mexico, Arizona, California, Colorado, Utah, Washington, Oregon, Idaho, and Texas; and (2) from Houston, Tex., to points in Texas.

HEARING: April 23, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Allen W. Hagerty.

No. MC 118831 (Sub-No. 19), filed February 16, 1962. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics, glues*, and *formaldehydes*, in bulk, in tank vehicles, from Fayetteville, N.C., to points in South Carolina and Virginia.

HEARING: May 14, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 118905 (Sub-No. 1) (REPUBLICATION), filed January 18, 1961, published FEDERAL REGISTER, issue of March 9, 1961, and republished this issue. Applicant: DAN L. WILLIAMS and F. L. WESTMORELAND, doing business as GREENSBORO AUTO TRANSPORT CO., Greensboro, N.C. The Examiner's report and order entered in the subject proceeding became effective July 26, 1961, by operation of law as the order of the Commission, and authorized issuance of a certificate of public convenience and necessity as a common carrier by motor vehicle, over irregular routes, in the transportation of (1) wrecked, abandoned, or repossessed motor vehicles and commercial trailers (except used and wrecked automobiles and trucks) including the contents thereof, and including forklift vehicles, (2) replacement vehicles for wrecked or disabled motor vehicles and commercial trailers, and (3) repair parts of vehicles specified in (1) above, by use of wrecker equipment only, between points in five specified States. A certificate was issued September 19, 1961. A petition by applicant, filed November 6, 1961, sought waiver of Rule 101(e) of the general rules of practice, and embraced a late-tendered petition for reopening and modification of the certificate on the ground that the record indicates that omission of the word "disabled" and "forklift vehicles" in the findings of the examiner in his report which became effective July 26, 1961, was inadvertent. An order of the Commission, division 1, dated February 19, 1962, served March 12, 1962, waived the rule and accepted the late-filed petition for filing and modified the report and order entered July 26, 1961, by inserting (a) the word "disabled," after the word "wrecked," on line 31 of sheet 3, and (b) a comma and the words "forklift vehicles" after "motor vehicles" on line 35 of sheet 3, and ordered that notice of this action be published in the FEDERAL REGISTER.

No. MC 118912 (Sub-No. 6), filed January 26, 1962. Applicant: BURNHAM TRUCKING CO., INC., 52 Fletcher Street, Ayer, Mass. Applicant's attorney: Raymond E. Bernard, 15 Dearborn Street, Salem, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pin setter machines*, bowling alley, automatic, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between Littleton, Maynard, Clinton, Ayer, Westford, Hudson, Acton, Harvard, Shirley, and Everett, Mass., and points in New York, New Jersey, Delaware, South Carolina, Georgia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Missouri, Kentucky, Florida, West Virginia, Texas, North Dakota, South Dakota, Minnesota, Kansas, Nebraska, New Mexico, Arizona, and Oklahoma.

NOTES: (1) Applicant states that the proposed operation will be for the account of Bowl-Mor Co., Inc., and its divisions and subsidiaries. (2) Applicant indicates that any duplication of destination areas to be eliminated.

HEARING: May 18, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 118968 (Sub-No. 2), filed February 26, 1962. Applicant: JAMES E. SNOW, doing business as SNOW BRS. TOWING CO., 2401 Denison Avenue,

Cleveland, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Replacement motor vehicles* for wrecked or disabled motor vehicles (by use of wrecker equipment only), and *repair parts of, or for, wrecked or disabled motor vehicles*, (a) from Cleveland, Ohio, to points in New Jersey, Maryland, West Virginia, Kentucky, Wisconsin, and the District of Columbia, and (b) between points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and Kentucky; and (2) *wrecked, disabled, or abandoned motor vehicles* (by use of wrecker equipment only), and *damaged repair parts of, or for, such motor vehicles*, (a) from points in New Jersey, Maryland, West Virginia, Kentucky, Wisconsin, and the District of Columbia, to Cleveland, Ohio, and (b) between points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and Kentucky.

HEARING: April 30, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Examiner Henry C. Darmstadter.

No. MC 119789 (Sub-No. 8), filed December 6, 1961. Applicant: ALTO DISTRIBUTORS, INC., P.O. Box 155, Malden, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *coconuts* (when moving in the same vehicle with bananas), from New Orleans, La., and Mobile, Ala., to Eau Claire, Wis., points in North Dakota and South Dakota, points in that part of Michigan which is north of Michigan Highway 21, and points in Missouri (except in that part which is on, east and south of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to Poplar Bluff, Mo., and thence along U.S. Highway 60 to the Mississippi River; and *exempt commodities* on return.

HEARING: May 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James O'D. Moran.

No. MC 121107 (Sub-No. 1), filed March 6, 1962. Applicant: PITT COUNTY TRANSPORTATION CO., INC., South Main Street, Farmville, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* from Norfolk, Va., to points in North Carolina.

NOTE: Applicant at present operates under authority of the second proviso of section 206(a)(1), BMC-75 MC 121107.

HEARING: May 15, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123275 (Sub-No. 3), filed March 8, 1962. Applicant: HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from York, Pa., to Belleville, Dunellen, Jersey City, Orange, and Paterson, N.J.

HEARING: May 14, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 124066, filed November 27, 1961. Applicant: CAR SERVICES, INC., 770 Fairview Avenue, Fairview, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles and trucks*, by the drive-away method, in secondary movements upon which a predelivery service has been performed by the applicant, from Fairview, N.J., to points in Connecticut on the west of U.S. Highway 5, those in New York on and east of New York Highway 8 and south of New York Highway 29, those in Pennsylvania on and east of U.S. Highway 11, and (2) *used cars*, from points in Connecticut on and west of U.S. Highway 5, those in New York on and east of New York Highway 8 and south of New York Highway 29, those in Pennsylvania on and east of U.S. Highway 11, to points in the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gordon M. Callow.

No. MC 124208 EX, filed February 12, 1962. Applicant: BERGMAN FUEL CO., a corporation, Ninth Avenue, Eau Claire, Wis. A certificate of exemption sought under section 204(a)(4a), Part II, in the conduct of operations as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, wholly within the State of Wisconsin between barges located at the city of Alma, Wis., including the unloading of such barges to industrial consumers located in the cities of Eau Claire, Menomonie, and Knapp, Wis., and in the areas surrounding said cities.

HEARING: May 7, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James O'D. Moran.

No. MC 124143 (CORRECTION), filed January 10, 1962, published FEDERAL REGISTER, issue of March 14, 1962, and republished as corrected this issue. Applicant: GLEN MARCELLUS, 924 East Eighth, Liberal, Kans. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, buildings, granaries, grain bins, and box cars*, between points in Kansas, points in Baca and Prowers Counties, Colo.; Cimarron, Texas, Beaver, Harper, and Ellis Counties, Okla.; and points in Dallam, Sherman, Hansford, Ochiltree, and Lipscomb Counties, Tex.

NOTE: The purpose of this republication is to show that authority is sought to points in Cimarron and Texas Counties, Okla., as shown above, and not Cimarron, Tex., as erroneously shown in previous publication.

HEARING: Remains as assigned April 25, 1962, at the Hotel Pick-Kansas, Topeka, Kans., before Examiner Joseph A. Reilly.

MOTOR CARRIERS OF PASSENGERS

No. MC 288 (Sub-No. 36), filed February 20, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Bergen County, N.J., and New York City, N.Y., and points in Rockland, Orange, Sullivan, Ulster, Delaware, and Broome Counties, N.Y., and extending to points in the United States including Alaska.

NOTE: Applicant states that David Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456.

HEARING: May 7, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 46879 (Sub-No. 5), filed December 28, 1961. Applicant: WALTERS TRANSIT CORP., 35-10 43d Street, Long Island City, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Canaan, Conn., and Pittsfield, Mass.; from Canaan over U.S. Highway 7 to Pittsfield, and return over the same route, serving all intermediate points.

NOTE: Applicant states its stockholders, officers and directors are the same as for Cosmopolitan Tourist Co., Inc., MC 59768.

HEARING: May 21, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 124232 (Sub-No. 1), filed March 6, 1962. Applicant: THE LONG ISLAND RAIL ROAD CO., a corporation, Jamaica Station, Jamaica 35, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) Between Huntington, N.Y., and Greenport, N.Y., from Huntington railroad station over local streets to New York Highway 25, thence along New York Highway 25 to Smithtown bypass, thence along Smithtown bypass to New York Highway 25, thence along New York Highway 25 to Greenport, and over local streets to Greenport railroad station, and return over the same route, serving all intermediate points; and (2) Between Ronkonkoma, N.Y., and Greenport, N.Y., from Ronkonkoma railroad station over local streets to New York Highway 25 at Centereach, N.Y., thence along New York Highway 25 to Greenport and along local streets to Greenport railroad station, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the Pennsylvania Railroad Co. owns 100 percent of the common stock of applicant.

HEARING: May 15, 1962, at the U.S. Army Reserve Building., 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12203 (Sub-No. 3) (REPUBLICATION), filed March 27, 1961, published FEDERAL REGISTER, issue of May 24, 1961, and republished this issue. Applicant: GREYHOUND HIGHWAY TOURS, INC., Evanston, Ill. Applicant's attorney: Peter K. Nevitt, 140 South Dearborn Street, Chicago 3, Ill. A report and order recommended by William E. Messer, hearing examiner, was served February 21, 1962, in the subject proceeding. The examiner recites that although the application as filed indicates the extent of the authority sought, the notice of filing thereof as published in the FEDERAL REGISTER does not properly cover the situation in that the notice indicated that the brokerage arrangements would be confined to Evanston, Ill., whereas the authority actually sought, and the application as filed, proposed to arrange such transportation at all points in the United States. In the circumstances, the application is considered as amended in accordance with the intention of the applicant, and the evidence submitted. The report and order finds that operations by applicant, at all points in the continental United States, including Alaska, as a broker of transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in sightseeing or pleasure tours, (1) between all points in the continental United States excluding Alaska, on the one hand, and, on the other, points in Alaska, and (2) between points in Alaska, is and will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the provisions of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate license authorizing such operation should be issued. Any person or persons who might have been prejudiced by the failure of the original notice of filing of the application as published in the FEDERAL REGISTER, issue of May 24, 1961, to set forth the entire scope of the authority sought, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 119), filed March 22, 1962. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride, anhydrous*, in bulk, in dump-tank or hopper-type vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near Buffalo, N.Y., to Seven Stars, Adams County, Pa.

No. MC 61619 (Sub-No. 4), filed March 21, 1962. Applicant: GLENN L. HORMEL AND LAWSON E. LONGSTRETH, a partnership, doing business as, L. & H. TRUCKING CO., 15 Harvard Road, Glen Burnie, Md. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Spring Grove, Pa., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Maryland, Virginia, Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, and Missouri (except points within 30 miles of New York, N.Y., and Baltimore and Chestertown, Md.), and *materials used in the manufacture of paper*, on return.

No. MC 66562 (Sub-No. 1876), filed March 22, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Tifton and Ocilla, Ga., over a regular route, as follows: From Tifton over U.S. Highway 319 to Ocilla, and return over the same route, serving no intermedite or off-route points (to be operated in conjunction with applicant's existing authority between Fitzgerald and Ocilla, Ga.). RESTRICTIONS: In addition to the restriction "moving in express service", the proposed operation will be subject to the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, railway express service; (2) shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; and (3) such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, railway express service.

No. MC 66562 (Sub-No. 1877), filed March 23, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Illiopolis, Ill. and Springfield, Ill.; from Illiopolis over U.S. Highway 36 to its junction with Illinois Highway 125 to Springfield, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) Service to be performed shall be limited to that which is auxiliary to or supplemental of express service; (2) Shipments transported shall be limited to those moving on express billing covering, in addition to the motor vehicle movement authorized hereby, an immediately prior or immediately subsequent movement by rail or air; (3) Such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service.

No. MC 107403 (Sub-No. 396), filed March 21, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetonitrile*, in bulk, in tank vehicles, between Lima, Ohio, and Weston, Mich.

NOTE: Common control may be involved.

No. MC 107403 (Sub-No. 397), filed March 21, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Akron, Ohio, to ports of entry located in the State of New York on the International Boundary between United States and Canada.

No. MC 113832 (Sub-No. 63), filed March 21, 1962. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the terminal of Mobil Oil Co., a division of Socony Mobil Oil Co., Inc., located in or near Milwaukee, Wis., to Massillon, Ohio.

NOTE: Applicant states that it has common carrier authority under MC 124078 TA and subs pending, so dual operations may be involved.

No. MC 114004 (Sub-No. 40), filed March 15, 1962. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boat molds, parts and materials used in construction of boats and molds*, between Columbia City, Ind., and points in Pulaski County, Ark., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii and (2) *Boats*, between Columbia City, Ind., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

No. MC 114533 (Sub-No. 43), filed March 21, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Papers, used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, and documents and office records*, and (2) *Eye glasses, frames, lenses, and other parts thereof*, between Chicago, Ill., on the one hand, and, on the other, points in Kenosha, Walworth, Dodge, Jefferson, and Columbia Counties, Wis.

NOTICE OF FILING OF MOTION TO DISMISS

No. MC 109312 (Sub-No. 35) (MOTION TO DISMISS), filed March 1, 1962. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. By application, form BMC–78, filed March 1, 1962, authority is sought to transport passengers and their baggage, in the same vehicle, between Bloomfield and Orange, N.J., over specified regular routes, serving all intermediate points. The application is accompanied by a motion to dismiss the application on the ground that the authority sought is presently vested in applicant by its presently outstanding Certificate No. MC 109312 (Sub-No. 35) issued by the Interstate Commerce Commission. Any person or persons desiring to participate in this proceeding may file a reply to the motion within 30 days from the date of this publication of the notice of filing of said motion in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–6660 (BUCKINGHAM TRANSPORTATION, INC.—CONTROL AND MERGER—BUCKINGHAM TRANSFER, INC., AND BUCKINGHAM EXPRESS, INC.), published in the August 14, 1957, issue of the FEDERAL REGISTER on page 6546. Amendment filed March 26, 1962 subsequent to hearing after reopening for reconsideration of the report and order dated May 12, 1959, reflecting (1) joinder as party applicant of JOHN MANLOWE, Spokane, Wash., majority stockholder of acquiring party applicant, and (2) change of corporate name of acquiring party applicant to UNITED-BUCKINGHAM FREIGHT LINES in lieu of Buckingham Freight Lines. The change in corporate name resulted from the merger of United Truck Lines, Inc., into Buckingham Freight Lines pursuant to authority granted in No. MC–F–7733, Buckingham Freight Lines—Merger—United Truck Lines, Inc., decided September 28, 1961.

No. MC–F–8111. Authority sought for purchase by ABLER TRANSFER, INC., Norfolk, Nebr., of the operating rights and property of JOE MAUCH, an individual, doing business as MAUCH TRANSFER, Hartington, Nebr., and for acquisition by LEONARD E. ABLER and MARK W. ABLER, also of Norfolk, Nebr., of control of such rights and property through the purchase. Applicants' attorney: Donald E. Leonard, Nelson, Harding & Acklie, 605 South 12th Street, Lincoln, Nebr. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Hartington, Nebr., and Council Bluffs, Iowa, serving certain intermediate points in Nebraska, restricted against service between the Omaha, Nebr., and Council Bluffs, Iowa, Commercial Zones, on the one hand, and, on the other, Fremont, Nebr., between Hartington, Nebr., and junction Nebraska Highways 15 and 57, serving certain intermediate and off-route points, between junction Nebraska Highway 15 and U.S. Highway 81 and junction Nebraska Highways 12 and 15, serving no intermediate points, but serving the off-route point of Fordyce, Nebr., between junction Nebraska Highway 57 and U.S. Highway 20 and South Sioux City, Nebr., serving all intermediate and certain off-route points, between junction Nebraska Highways 12 and 15 and junction Nebraska Highway 12 and U.S. Highway 20, serving all intermediate points, restricted against traffic moving between points in the Omaha, Nebr., or Council Bluffs, Iowa, commercial zones, on the one hand, and, on the other, points in the Sioux City, Iowa, or South Sioux City, Nebr., Commercial Zones, *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Hartington, Nebr., and Sioux City, Iowa, serving intermediate and off-route points within 20 miles of Hartington, and over an alternate route for operating convenience only, *livestock*, between Hartington, Nebr., and Yankton, S. Dak., serving intermediate and off-route points within 20 miles of Hartington; *agricultural implements and parts* over irregular routes, from Sioux City, Iowa, and Yankton, S. Dak., to Hartington, Nebr., *coal*, from Sioux City, Iowa, and Yankton, S. Dak., to Hartington, Nebr., and *lumber and building material*, from Yankton, S. Dak., to Hartington, Nebr. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, South Dakota, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8112. Authority sought for purchase by LOOMIS ARMORED CAR SERVICE, INC., OF CALIFORNIA, 821 Sansome Street, San Francisco 11, Calif., of a portion of the operating rights of LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle 1, Wash., and for acquisition by WALTER F. LOOMIS and CHARLES W. LOOMIS, also of Seattle, Wash., of control of such rights through the purchase. Applicants' attorney: George H. Hart, 640 Central Building, Seattle 4, Wash. Operating rights sought to be transferred: *Coin*, as a *contract carrier* over irregular routes between Los Angeles and San Francisco, Calif., Denver, Colo., Helena, Mont., Portland, Oreg., Seattle, Wash., and Salt Lake City, Utah, *bullion*, from San Francisco, Calif., to Denver, Colo., *coin, currency, checks, securities, gold, silver, negotiable and nonnegotiable instruments, and other valuable papers and documents*, between San Francisco, Placerville, Tahoe Valley, Tahoe City, and Truckee, Calif., and Carson City, Reno, and Sparks, Nev., and *silver bars*, in armored car service, from Selby, Calif., to Oakland and San Francisco, Calif. Vendee holds no authority from this Commission. However, it is affiliated with ARMORED TRANSPORT, INC., 2719 Market Street, San Diego, Calif., which is authorized to operate as a *contract carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8114. Authority sought for merger into F. D. McKAY, INC., 7 East Race Street, Salamanca, N.Y., of the operating rights and property of McKAY AND MacLEOD CORP., also of Salamanca, N.Y., and for acquisition by DAVID B. WORSTER, 69 Gibson Street, North East, Pa., VINCENT R. WORSTER, 98 Kent Boulevard, Salamanca, N.Y., LAURA H. BEMENT, 2 Maple Avenue, Ripley, N.Y., and ALTON E. WARNER, 76 Lynwood Drive, Brockport, N.Y., of control of such rights and property through the transaction. Applicants' attorney: William W. Knox, Knox, Weber, Pearson, & McLaughlin, 23 West 10th Street, Erie, Pa. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Jamestown, N.Y., and New York, N.Y., and between junction New York Highways 17 and 16 near Portville, N.Y., and New York, N.Y., serving certain intermediate and off-route points; over several alternate routes for operating convenience only; *roofing material*, over irregular routes, between Passaic, N.J., and points within 15 miles of Passaic, on the one hand, and, on the other, points in New Jersey and New York, and *general commodities*, with the above exceptions, between New York, N.Y., on the one hand, and, on the other, certain points in New Jersey, with the RESTRICTION that the transportation of lumber, as authorized immediately above, is restricted against service between New York, N.Y., on the one hand, and, on the other, Passaic, N.J., and points within 15 miles of Passaic. F. D. McKAY, INC., is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3233; Filed, Apr. 3, 1962; 8:49 a.m.]

[Notice 432]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 30, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 3151 (Sub-No. 13), filed March 23, 1962. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland-Massillon Road, West Richfield, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mentor Township, Lake County, Ohio, as an off-route point in connection with carrier's authorized regular route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner Henry C. Darmstadter.

No. MC 69833 (Sub-No. 61), filed March 22, 1962. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at The Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner Henry C. Darmstadter.

No. MC 76266 (Sub-No. 104), filed March 21, 1962. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Mentor Township (Lake County) Ohio, as an off-route point in connection with carrier's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 106943 (Sub-No. 76), filed March 19, 1962. Applicant: EASTERN EXPRESS, INC., a corporation, 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), to and from the plant site of the W. S. Tyler Co., located in Mentor Township, Lake County, Ohio, serving it as an off-route point in connection with carrier's regular route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 107010 (Sub-No. 9), filed March 21, 1962. Applicant: RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, urea feed mixtures, ammonium nitrate*, and *nitrogen solutions*, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles thereof, to points in Nebraska, Kansas, South Dakota, and Missouri, and *damaged, rejected and refused shipments*, on return.

NOTE: Applicant states that it is president and one of the stockholders of a corporation known as Darling Transfer, Inc.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 114238 (Sub-No. 6), filed March 21, 1962. Applicant: OHIO SOUTHERN EXPRESS, INC., 1293 Loveless Avenue NW., Atlanta, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia within 100 miles of Atlanta, Ga., on the one hand, and, on the other, points in Mentor Township, Lake County, Ohio; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), in collection and delivery service between points in that part of Georgia and in Tennessee within 15 miles of Chattanooga, Tenn., including Chattanooga, on the one hand, and, on the other, points in Mentor Township, Lake County, Ohio.

NOTE: Applicant states that it controls Vermilion Truck Line, Inc., under MC–F–7919.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Examiner Henry C. Darmstadter.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3234; Filed, Apr. 3, 1962; 8:50 a.m.]

[Section 5a Application 6]

SOUTHERN FREIGHT ASSOCIATION ET AL.

Application for Approval of Amendments to Agreements

MARCH 30, 1962.

The Commission is in receipt of an application in the above-entitled and

numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed March 23, 1962, by: R. E. Boyle, Jr., Chairman, Executive Committees Southern Freight Association, Southern Classification Committee, 101 Marietta Street, Atlanta 3, Ga.

Amendments involved: Change paragraph (c) of section 8, article II, of Articles of Association, Southern Freight Association, so as to provide that public hearings before the Standing Rate Committee be held on Thursday of each week rather than on Monday.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3235; Filed, Apr. 3, 1962; 8:50 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order No. 142-A]

ANN ARBOR RAILROAD CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 142 (The Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 142 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 4:00 p.m., March 29, 1962.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 29, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-3236; Filed, Apr. 3, 1962; 8:50 a.m.]

[No. 34007]

NEW JERSEY INTRASTATE PASSENGER FARES—HUDSON RAPID TUBES CORPORATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 26th day of March A.D. 1962.

It appearing, that by petition filed February 16, 1962, with the Interstate Commerce Commission, the Hudson Rapid Tubes Corporation, an interurban rapid transit electric railroad transporting passengers between and within the States of New York and New Jersey, seeks authority to increase its intrastate passenger fares from 15 cents to 20 cents a ride in either direction between any two of the following stations in the State of New Jersey:

Exchange Place (Jersey City),
Grove and Henderson Streets (Jersey City),
Journal Square (Jersey City),
Pavonia (Jersey City), and
Hoboken;

It further appearing, that the Board of Public Utility Commissioners of the State of New Jersey by its decision of January 25, 1962, refused to authorize or permit an increase in New Jersey intrastate passenger fares, which refusal, petitioner avers, causes undue and unreasonable preference and advantage to persons and localities in intrastate commerce, and undue prejudice and disadvantage to persons and localities in interstate commerce, and undue, unreasonable and unjust discrimination against interstate commerce in violation of Section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition passenger fares made or imposed by the authority of the State of New Jersey:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the respondent hereinafter designated and any other persons interested an opportunity to present evidence to determine whether petitioner's present fares made or imposed by the State of New Jersey cause, or will cause, any undue or unreasonable advantage, preference or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate commerce, in violation of Section 13 of the Interstate Commerce Act; and to determine what fares, if any, or what maximum or minimum, or maximum and minimum, fares shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That the Hudson Rapid Tubes Corporation be, and it is hereby, made the respondent to this proceeding; that a copy of this order be served upon such respondent; and that the State of New Jersey be notified of this proceeding by sending copies of this order and of the said petition by certified mail to the Governor of said State and to the Board of Public Utility Commissioners of the State of New Jersey at Trenton, N.J.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Office of the Federal Register, Washington, D.C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3238; Filed, Apr. 3, 1962; 8:50 a.m.]

[Notice 619]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64674. By order of March 28, 1962, the Transfer Board approved the transfer to Watson Transportation Corp., Shrewsbury, Mass., of Permit No. MC 88132 issued January 30, 1959 to H. Warren Watson, doing business as H. W. Watson Transportation Co., Shrewsbury, Mass., authorizing the transportation of petroleum and petroleum products, in tank vehicles, over regular routes, from East Providence, R.I., to Rutland, Worcester, Clinton, and Milford, Mass., serving the intermediate point of Providence, R.I., for pick up only, and the off-route point of West Upton, Mass, for delivery only. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney at law.

No. MC-FC 64745. By order of March 27, 1962, the Transfer Board approved the transfer to Harold Levenson, doing business as H. Levenson Trucking Co., New York, N.Y., of a portion of the operating rights in Certificate No. MC 39990, issued December 2, 1954, to Slutsky's Motor Express, Inc., Perth Amboy, N.J., authorizing the transportation of: cut piece goods, and trimmings, from New York, N.Y., to Perth Amboy, N.J., serving all intermediate points; and men's, ladies, and children's garments, from Perth Amboy, N.J., to New York, N.Y., serving all intermediate points. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for transferor, and Jerome G. Grunspan, 404 Clarendon Road, Hempstead, N.Y., attorney for transferee.

No. MC-FC 64752. By order of March 27, 1962, the Transfer Board approved the transfer to Slutsky's Motor Express, Inc., Perth Amboy, N.J., of Certificate No. MC 20490, issued November 16, 1955, to Vent's Express, Inc., East Rutherford, N.J., authorizing the transportation of: general commodities with the usual exceptions including household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., within 35 miles of the city hall, New York, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for applicants, and George Olsen, 69 Tonnele Avenue, Jersey City, N.J., representative for applicants.

No. MC-FC 64805. By order of March 28, 1962, the Transfer Board approved the transfer to Bernice E. Faerber, doing business as Smith Avenue Storage Warehouse Moving Co., Kingston, N.Y., of Certificate No. MC 38367, issued May 21, 1952, to Frederick G. Faerber, Jr., doing business as Smith Avenue Storage Warehouse Moving Co., Kingston, N.Y., authorizing the transportation of: Household goods, between Kingston, N.Y., and points in New York, within 35 miles of Kingston, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Delaware, Maryland, Vermont, Virginia, and the District of Columbia. Mr. E. E. Schirmer, Saugerties, N.Y., attorney for applicants.

No. MC-FC 64863. By order of March 27, 1962, the Transfer Board approved the transfer to Active Express Co., a corporation, Jersey City, N.J., of the remaining operating rights in Certificate No. MC 39990, issued December 2, 1954, to Slutsky's Motor Express, Inc., Perth Amboy, N.J., authorizing the transportation of: General commodities, except those of unusual value, and except classes A and B explosives, cut piece goods, and trimmings, ladies' and children's and men's garments, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Perth Amboy, N.J., and New York, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for applicants, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., representative for applicants.

No. MC-FC 64895. By order of March 28, 1962, the Transfer Board approved the transfer to Eldon D. Ayres, Spearfish, S. Dak., of a portion of Certificate No. MC 93941 issued May 1, 1961, to Norman Thorson, doing business as Thorson Truck Service, Belle Fourche, S. Dak., authorizing the transportation of gasoline, greases, and distillate, over irregular route from Belle Fourche, S. Dak., to points within 150 miles thereof. T. M. Bailey, Jr., 305 Northwest Security Bank Building, Sioux Falls, S. Dak., attorney for applicants.

No. MC-FC 64915. By order of March 28, 1962, the Transfer Board approved the transfer to Indiana Transit Service, Inc., Indianapolis, Ind., of Certificates Nos. MC 71452, MC 71452 Sub 2, and MC 71452 Sub 3, issued December 10, 1940, May 6, 1959, and April 12, 1961, to W. C. Smith doing business as Indiana Film Transit Co., Indianapolis, Ind., authorizing the transportation of motion picture film, theater equipment, supplies and accessories and magazines, over irregular routes, between points in Indiana; between points in Indiana on the one hand, and, on the other, Watseka, Ill., Louisville, Ky., and Cincinnati, Ohio; between Watseka, Ill., on the one hand, and, on the other, Louisville, Ky., and Cincinnati, Ohio; between Cincinnati, Ohio, and Louisville, Ky.; general commodities, excluding household goods and commodities in bulk, between the Wier-Cook Municipal Airport (near Indianapolis, Ind.) on the one hand, and, on the other, 41 specified Indiana Counties; and advertising booklets, pamphlets, catalogues, calendars, paper books, and display racks, between points in Indiana. Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3239; Filed, Apr. 3, 1962; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 30, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37636: *Iron or steel articles from Chicago, Ill., to Pascagoula, Miss.* Filed by O. W. South, Jr., Agent (No. A4168), for interested rail carriers. Rates on plate or sheet, noibn, galvanized or plain, corrugated or not corrugated; floor plates; structural plates, noibn, and steel strips, noibn, in carloads, from Chicago, Ill., to Pascagoula, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 24 to Illinois Freight Association tariff I.C.C. 946.

FSA No. 37637: *Class and commodity rates from and to Calhoun, Tenn.* Filed by O. W. South, Jr., Agent (No. A4170), for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads, between Calhoun, Tenn., on the I. & N. RR., on the one hand, and points in the United States, Canada, and Alaska, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3237; Filed, Apr. 3, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

H. Alter & Co., 19-23 East Union Street, Wilkes-Barre, Pa.; effective 3-19-62 to 3-18-63 (men's cotton and corduroy work jackets).

Cay Artley Apparel Inc., 232 Levergood Street-389 Maple Avenue, Johnstown, Pa.; effective 3-16-62 to 3-15-63 (women's dresses).

Empire Manufacturing Co., Winder, Ga.; effective 4-1-62 to 3-31-63 (men's pants).

H. R. Kaminsky & Sons, Inc., Fitzgerald, Ga.; effective 3-19-62 to 3-18-63 (men's and boys' dress trousers).

Lawrence Manufacturing Co., Inc., Walnut Ridge, Ark.; effective 3-12-62 to 3-11-63 (ladies' dresses).

Main Pants & Lumberjacket Co., 209 Exeter Avenue, West Pittston, Pa.; effective 3-20-62 to 3-19-63 (men's and boys' pants).

Benjamin Noble Inc., 3412 J Street, Philadelphia 34, Pa.; effective 3-14-62 to 3-13-63 (cotton dresses and dusters).

Oshkosh B'Gosh, Inc., 112 Otter Avenue, Oshkosh, Wis.; effective 3-19-62 to 3-18-63 (men's, children's, and women's work clothing).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill.; effective 3-20-62 to 3-19-63 (women's cotton dresses).

Puritan Fashions Corp., factory No. 47, Farmington, Mo.; effective 3-15-62 to 3-14-63. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' slacks, blouses, and shorts).

Reliance Manufacturing Co., Freedom Factory, Edwards Street at Tuscon Avenue, Hattiesburg, Miss.; effective 3-19-62 to 3-18-63 (men's and boys' cotton pajamas).

Fred Ronald Manufacturing Co., Parsons, Kans.; effective 3-14-62 to 3-13-63 (boys' slacks).

Rothley Inc., Sheridan Road at Wadsworth, Zion, Ill.; effective 3-12-62 to 3-11-63 (women's robes).

Salant & Salant, Inc., Troy Road, Obion, Tenn.; effective 3-28-62 to 3-27-63 (men's and boys' cotton and synthetic knitted shirts).

The Seaford Garment Co., Phillips Street, Seaford, Del.; effective 3-16-62 to 3-15-63 (shirts).

Warsaw Manufacturing Co., Warsaw, N.C.; effective 3-19-62 to 3-18-63 (ladies' dresses).

Williamson-Dickie Manufacturing Co., plant No. 19, Maverick County Airfield, Eagle Pass, Tex.; effective 3-19-62 to 3-18-63 (men's and boys' work pants).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 3-12-62 to 3-11-63 (men's work shirts).

Williamstown Dress Co., Inc., West Street, Williamstown, Pa.; effective 3-19-62 to 3-18-63 (women's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brooks Contracting Co. of Clarksville, Inc., 112 East Main Street, Clarksville, Tex.; effective 4-1-62 to 3-31-63; five learners (men's work uniforms).

Duquesne Manufacturing Co., 852 Constitution Boulevard, New Kensington, Pa.; effective 4-1-62 to 3-31-63; 10 learners (women's cotton house dresses, hooverettes, aprons, pinaforms, etc.)

East Waterford Textiles, Inc., East Waterford, Pa.; effective 3-14-62 to 3-13-63; 10 learners (ladies' dresses).

Eclectic Manufacturing Co., Post Office Box 188, Eclectic, Ala.; effective 3-12-62 to 3-11-63; 10 learners (ladies' sportswear—pants).

Perfect Brassiere Co., Inc., 521 East Fourth Street, Bethlehem, Pa.; effective 3-20-62 to 3-19-63; 10 learners (women's brassieres).

Princess Anne Shirt Co., Princess Anne, Md.; effective 3-14-62 to 3-13-63; 10 learners (boys' shirts).

Fred Ronald Manufacturing Co., North Eighth Street, Neodesha, Kans.; effective 3-15-62 to 3-14-63; 10 learners (boys' shirts).

Yakima-Western Sportswear, Inc., Moxee City, Wash.; effective 3-19-62 to 3-18-63; five learners (men's and boys' sport jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 3-16-62 to 9-15-62; 20 learners (ladies' cotton sleepwear).

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 3-15-62 to 9-14-62; 10 learners (men's work clothing—pants and waistband overalls).

H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 3-16-62 to 9-15-62; 30 learners (western pants).

Mode O'Day Corp., 2955 South Main Street, Salt Lake City 15, Utah; effective 3-19-62 to 9-18-62; 25 learners (women's dresses).

O'Brien Manufacturing Co., 2506 North General Bruce Drive, Temple, Tex.; effective 3-19-62 to 9-18-62; 25 learners (men's and boys' semidress pants and jeans).

Rosemont Corp., Co., 601 Lincoln Street, Oxford, Pa.; effective 3-19-62 to 9-18-62; 10 learners (ladies' dresses).

Rothley Inc., Sheridan Road at Wadsworth, Zion, Ill.; effective 3-19-62 to 9-18-62; 100 learners (women's robes).

Levi Strauss & Co., 201 South Dillard Street, Blackstone, Va.; effective 3-14-62 to 9-13-62; 70 learners (men's and boys' cotton work pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Ambrosen Gloves, Inc., 95 North Arlington Avenue, Gloversville, N.Y.; effective 3-14-62 to 3-13-63; 10 percent of the total number of machine stitchers for normal labor turnover (dress gloves for men and women).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Shannon Hosiery Mills, Inc., 20 Kerr Street, Concord, N.C.; effective 3-20-62 to 3-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., 415 East Oshkosh Street, Ripon, Wis.; effective 3-19-62 to 9-18-62; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of $1.00 an hour (advertising caps, aprons, newsbags, etc.).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Bonita, Inc., Cayey, P.R.; effective 3-12-62 to 3-11-63; 16 learners for normal labor turnover purposes, in the occupations of machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (swimwear).

Bonita, Inc., Cayey, P.R.; effective 3-12-62 to 9-11-62; 14 learners for plant expansion purposes, in the occupations of machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (swimwear).

Caribe General Electric, Inc., Palmer, P.R.; effective 2-26-62 to 2-25-63; 60 learners for normal labor turnover purposes, in the occupations of: (1) welder, molder, calibrator, and power press operator, each for a learning period of 480 hours at the rate of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours; (2) assembler, plastic finisher and plater for a learning period of 240 hours at the rate of 92 cents an hour (electrical products).

Emily, Inc., Adjuntas, P.R.; effective 2-19-62 to 2-18-63; 12 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (brassieres).

Emily, Inc., Adjuntas, P.R.; effective 2-19-62 to 8-18-62; 30 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (brassieres).

Faultless Accessories, Inc., Cidra, P.R.; effective 2-12-62 to 2-11-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) machine operations other than sewing machine, for a learning period of 160 hours at the rate of 81 cents an hour (shoulder straps and accessories for brassieres).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; effective 3-1-62 to 2-28-63; 50 learners for normal labor turnover purposes in the occupations of: (1) sweater looper and knitter, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitchers (seamer), for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; effective 3-1-62 to 8-31-62; 50 learners for plant expansion purposes, in the occupations of: (1) sweater looper and knitter, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher (seamer), for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 2-19-62 to 2-18-63; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

National Packing Co., Ponce, P.R.; effective 2-28-62 to 2-27-63; 40 learners for normal labor turnover purposes, in the occupation of fish cleaner, for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (fish canning).

Newport Bra Co., Inc., Extension Reparto Metropolitano, Caparra Heights, P.R.; effective 2-5-62 to 2-4-63; 22 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and accessories).

Newport Bra Co., Inc., Extension Reparto Metropolitano, Caparra Heights, P.R.; effective 2-5-62 to 8-4-62; 125 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and accessories).

Ofra Corp., 1965 Borinques Avenue, Barrio Obrero, Santurce, P.R.; effective 2-20-62 to 8-19-62; six learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations; grinder and mounter, for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (jewelry).

Paula Brassiere Co., Inc., Caguas, P.R.; effective 3-12-62 to 3-11-63; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Paula Brassiere Co., Inc., Caguas, P.R.; effective 3-12-62 to 9-11-62; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Plata Glove, Inc., Cayey, P.R.; effective 2-21-62 to 8-8-62; 20 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator, for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves).

Princetta Lingerie, Inc., Luquillo, P.R.; effective 3-1-62 to 2-29-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (ladies' and children's underwear).

Princetta Lingerie, Inc., Luquillo, P.R.; effective 3-1-62 to 8-31-62; 40 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator, for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 65 cents an hour (ladies' and children's underwear).

Sundale Manufacturing Corp., Ponce, P.R.; effective 2-12-62 to 2-11-63; 10 learners for normal labor turnover purposes, in the occupations of sewing machine operator, for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (infants' and children's dresses).

Tinto, Inc., Cayey, P.R.; effective 3-1-62 to 2-28-63; 5 learners for normal labor turnover purposes, in the occupation of dyeing machine operator, for a learning period of 240 hours at the rate of 78 cents an hour (dyeing of sweaters).

Trio Knitting Corp., Coamo, P.R.; effective 2-19-62 to 2-18-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) looper, for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) mender, for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 27th day of March 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-3244; Filed, Apr. 3, 1962; 8:51 a.m.]

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Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Section 502 Loans

The Loans to State and Local Development Companies Regulation (Revision 1, 26 F.R. 1822) as amended is hereby further amended by:

§ 108.502 [Amendment]

1. Deleting paragraph (6) of § 108.502.
2. Deleting the colon appearing after "sound business purpose" in the first paragraph of § 108.502–1 and inserting a period in lieu thereof and deleting the words thereafter *"And, provided further,* That no loan may be made under this section to any local development company after June 30, 1961.". As amended, the first paragraph of § 108.502–1 reads as follows:

§ 108.502–1 Section 502 loans.

SBA is authorized to make loans to development companies to finance plant construction, conversion or expansion, including the acquisition of land: *Provided,* That such loans will assist an identifiable small-business concern in accomplishing a sound business purpose.

Information and effective date. The foregoing amendment gives effect to section 26 of the Area Redevelopment Act (Pub. Law 87–27) which repealed the limitation on the life of section 502 and is effective upon publication in the FEDERAL REGISTER.

Dated: March 28, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–3279; Filed, Apr. 4, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S.O. 938, Amdt. 4]

Annulment of New York Central Railroad Company Embargo

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of March, A.D. 1962.

Upon further consideration of Service Order No. 938 (26 F.R. 8249, 8980, 9132, 10097; 27 F.R. 983), and good cause appearing therefor:

It is ordered, That § 95.938 *Service Order No. 938* be and it is hereby amended by substituting the following paragraph (c) for paragraph (c) thereof.

(c) *Expiration date.* This section shall expire at 11:59 p.m., June 30, 1962 unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 1, 1962.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1 (10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1 (10–17), 15(a))

It is further ordered, That copies of this amendment shall be served upon The New York Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreements under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–3286; Filed, Apr. 4, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 665]

PART 48—OPERATION RULES FOR MOORED BALLOONS AND KITES

Draft Release No. 61–4, published in the FEDERAL REGISTER on February 25, 1961 (26 F.R. 1666), gave notice that the Federal Aviation Agency (FAA) had under consideration a proposal to amend Part 48 of the Civil Air Regulations to include regulations governing the operation of unmanned free balloons and the operation of rockets and missiles. The draft release also proposed to rescind Civil Aeronautics Manual (CAM) 48 and to amend the scope of Part 60 to exclude unmanned free balloons and rockets and missiles from the air traffic rules contained therein. Additionally, it was proposed that Part 48 be divided into subparts. One subpart would contain a consolidation of the former Part 48 with regulatory provisions of CAM 48 and be applicable to the operation of moored balloons and kites. Another subpart would provide regulations to govern the operation of unmanned free balloons and a third subpart would regulate the operation of rockets and missiles.

Regulatory action, such as that proposed in Draft Release No. 61–4, is required to render the operation of unmanned free balloons, rockets and missiles as compatible as possible with the activities of other airspace users as well as to provide for protection of persons and property on the ground.

A great deal of interest was generated by the publication of this proposal; especially with respect to the subparts on unmanned free balloons and on rockets and missiles. This fact was evidenced by the large number of comments received and the citing of problem areas which would be created by the application of the proposed requirements. Opposition in varying degrees was expressed by the scientific community on the proposal regarding unmanned free balloons and by youthful participants in the field of amateur rocket and missile operations. The majority of these comments indicated that the proposal would have a serious effect on such operations. Civil aviation interests, on the other hand, generally endorsed these proposed regulations.

Satisfactory resolution of the many comments received would result in final regulatory action substantially different from that proposed in the draft release. Therefore, in the interests of equity, the Agency has determined to reissue individual notices of proposed rule making on the operation of unmanned free balloons and on the operation of rockets. These actions will be taken at a later date. Accordingly, the regulatory action adopted herein addresses only moored balloons and kites.

Draft Release No. 61–4 stated that the regulations governing the operation of moored balloons and kites would reflect no substantive change from the current requirements in Part 48 and would absorb certain provisions contained in CAM 48. In commenting on this subpart, one of the major balloon manufacturers and operators contended that the current provisions of CAM 48 concerning lighting and concerning operations at altitudes shielded by a permanent obstruction should be retained. The Agency recognizes the validity of this comment and has modified the rule to incorporate these requirements.

The Department of Health, Education, and Welfare contended that the requirement for 30-day detailed notification to the FAA in advance of air pollution sampling operations would be unreal-

istic. The U.S. Navy expressed the same feeling regarding air retrieval operations. The Agency appreciates the validity of these comments. The rule is, therefore, modified to require the moored balloon or kite operator to advise the nearest FAA Flight Service Station at least 24 hours in advance of individual operations.

In consideration of the foregoing, Civil Aeronautics Manual 48 is rescinded and Civil Air Regulations Part 48 is amended as follows:

Subpart A—General

Sec.
48.1 Applicability.
48.2 Waiver for noncompliance.
48.3 Definitions.
48.4 Avoidance of Prohibited and Restricted areas.

Subpart B—Moored Balloons and Kites

48.10 Applicability.
48.11 Operational limitations.
48.12 Notice requirements.
48.13 Lighting and marking requirements.
48.14 Rapid deflation device.

Subpart A—General

§ 48.1 Applicability.

This part applies to the operation of moored balloons and kites in the United States.

NOTE: Radio transmitting equipment used in conjunction with operations under this part must be licensed as required by the Federal Communications Commission, Washington 25, D.C.

§ 48.2 Waiver for noncompliance.

Operations requiring deviation from this part may be conducted in accordance with the terms and conditions of a Certificate of Waiver issued by the Administrator. Information regarding Certificates of Waiver may be obtained from any FAA Office.

§ 48.3 Definitions.

As used in this part:

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Kite" means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable and having as its only support the force of the wind moving past its surface. It includes a gyroglider attached by towline to a vehicle on the surface.

"Moored balloon" means a balloon that is secured by a rope or cable to the surface of the earth or an object thereon.

§ 48.4 Avoidance of prohibited and restricted areas.

Operations under this part may not be conducted within a Prohibited area or a Restricted area unless prior permission has been obtained from the using agency or the controlling agency, as appropriate.

Subpart B—Moored Balloons and Kites

§ 48.10 Applicability.

This subpart applies to moored balloons having a diameter of more than six feet or a gas capacity of more than 115 cubic feet and to kites weighing more than five pounds. Operations conducted within restricted areas need comply only with § 48.14 and with such additional limitations as may be imposed by the using agency or controlling agency.

§ 48.11 Operational limitations.

(a) Except as provided in paragraph (b) of this section, a moored balloon or kite may not be operated:

(1) Closer than 500 feet to the base of any clouds;

(2) At more than 500 feet above the surface;

(3) From an area where the ground visibility is less than three miles; or

(4) Within five miles of the boundary of any airport.

(b) Paragraph (a) of this section is inapplicable to the operation of any moored balloon or kite below the height of any structure within 250 feet if such shielded operation does not obscure any lighting on such structure.

§ 48.12 Notice requirements.

A moored balloon or kite may not be operated unshielded between 150 and 500 feet above the surface of the earth unless at least 24 hours prior notice is given to the nearest FAA air traffic control facility. This notice shall include:

(a) Names and addresses of the owners and operators;

(b) The size of the balloon or the size and weight of the kite;

(c) The geographical location of the operation;

(d) The altitude above the surface at which the balloon or kite is to be operated; and

(e) Date, time and duration of operation.

§ 48.13 Lighting and marking requirements.

A moored balloon or kite shall not be operated unless:

(a) During the hours of darkness, lighting is displayed on the balloon, kite, and mooring lines which affords a visual warning equal to that required for obstructions to air navigation. (This information is included in FAA "Obstruction Marking Manual" available from the Government Printing Office.) A lighted advertising display or ground lighting by flood lights which meets such requirements is acceptable.

(b) During the hours of daylight, the mooring lines have colored pennants or streamers attached at no more than 50-foot intervals, beginning at 150 feet above the surface of the earth and which are visible from at least one mile.

§ 48.14 Rapid deflation device.

Moored balloons shall be equipped with a device or means that will automatically and rapidly deflate the balloon in the event of an escape from its moorings. If such device does not function properly, the nearest air traffic control facility shall be notified immediately of the location and time of escape and the estimated flight path.

(Sec. 307, 72 Stat. 749 U.S.C., 1348)

This regulation is effective on June 4, 1962.

Issued in Washington, D.C., on March 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3296; Filed, Apr. 4, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-2]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Trinidad, Colo., control zone (§ 601.2077).

The Federal Aviation Agency has determined that the Trinidad control zone is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Therefore, action is taken herein to revoke the Trinidad control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended by revoking the following section: § 601.2077 (14 CFR 601.2077) *Trinidad, Colo., control zone.*

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 30, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3292; Filed, Apr. 4, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-82]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 608.25 and 601.7101 of the regulations of the Administrator is to alter the description of the Salton Sea, Calif., Restricted Area R-2521 by changing the using agency, adding a controlling agency, and reducing the ceiling and time of designation; and to alter the description of the continental control area to include R-2521.

The Atomic Energy Commission (AEC) has advised the Federal Aviation Agency that it no longer has a requirement for the continued designation of R-2521; however, under an agreemnt entered into by the Department of the Air Force and the AEC, certain activities requiring special use airspace are being conducted by the Air Force within R-2521. These activities consist of high altitude bombing, testing of retardation devices on manned space vehicles and paradrop testing of large cargo items. Based on these activities the Air Force has stated a requirement for the continued designation of R-2521. Additionally, the Department of the Navy has stated a requirement to conduct Anti-Submarine Warfare Training and aircraft mine laying activities within this area. Accordingly, the Federal Aviation Agency finds that sufficient justification exists for the retention of R-2521; however, the designated altitudes and time of designation are being reduced to the extent necessary to contain the activities mentioned above. Further, in order to promote efficient utilization of this airspace, R-2521 is being designated as a joint use area and included in the description of the continental control area. This will provide additional controlled airspace for random radar vectoring by the Los Angeles ARTC Center, when the restricted area is not being used for the purposes designated. Such actions are taken herein.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.25 *California*, R-2521 Salton Sea, Calif., (26 F.R. 7191) is amended to read:

R-2521 Salton Sea, Calif.:

Boundaries. Beginning at latitude 33°-18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°-49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600 sunrise to sunset; surface to 1,000 feet MSL sunset to sunrise.

Time of designation. Sunrise Monday to 2400 PST Friday.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, 6511th Test Group (USAF), El Centro, Calif.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-2521 Salton Sea, Calif.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 30, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3295; Filed, Apr. 4, 1962; 8:47 a.m.]

[Airspace Docket No. 61-WA-209]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 752) stating that the Federal Aviation Agency proposed to designate an en route radar jet advisory area on the segment of Jet Route No. 20 from Jackson, Miss., to Orlando, Fla.

The Air Transport Association of America strongly endorsed the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, § 602.200 *Enroute jet advisory areas* (26 F.R. 7082, 27 F.R. 2279) is amended as follows:

Jet Route No. 20 jet advisory area is amended to read:

Jet Route No. 20 jet advisory area. Radar—Seattle, Wash., to Boise, Idaho; from 100 nmi NW of Malad City, Idaho, to 45 nmi SE of Rock Springs, Wyo.; from 107 nmi NW of Denver, Colo., to 150 nmi SE of Denver; from Garden City, Kans., to Oklahoma City, Okla.; from Jackson, Miss., to Orlando, Fla. Nonradar—From Boise, Idaho, to 100 nmi NW of Malad City, Idaho; from 45 nmi SE of Rock Springs, Wyo., to 107 nmi NW of Denver, Colo.; from 150 nmi SE of Denver to Garden City, Kans.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 46 U.S.C. 1348)

Issued in Washington, D.C., on March 30, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3293; Filed, Apr. 4, 1962; 8:47 a.m.]

[Airspace Docket No. 61-WA-173]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

On January 18, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 537) stating that the Federal Aviation Agency was considering the designation of Jet Route No. 501 and an associated enroute jet advisory area from the Seattle, Wash., VORTAC to the intersection of the Seattle VORTAC 331° True radial and the United States/Canadian Border.

Although not mentioned in the notice, there is a terminal jet advisory area presently designated on the Seattle VORTAC 330° True radial from the Seattle VORTAC to the United States/Canadian Border. The designation of the enroute jet advisory area associated with J-501 will duplicate this terminal jet advisory area. Since this would be a dual designation of airspace, action is taken herein to revoke the terminal jet advisory area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the Notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7080) the following is added:

Jet Route No. 501 (Seattle, Wash., to United States/Canadian Border). (Joins Canadian High Level Airway No. 501). From Seattle, Wash., to the INT of the Seattle 331° radial and the United States/Canadian Border.

2. In § 602.200 *En route jet advisory areas* (26 F.R. 7082) the following is added:

Jet Route No. 501 jet advisory area. Radar—Seattle, Wash., to United States/Canadian Border.

3. In § 602.300 *Terminal jet advisory areas* (26 F.R. 7083) the following is deleted:

Seattle, Wash., jet advisory area—Radar: a. Seattle, Wash., via Seattle 330° radial to INT with the United States/Canadian Border.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 30, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3294; Filed, Apr. 4, 1962; 8:47 a.m.]

[Reg. Docket No. 1109; Amdt. 263]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	600–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 019° Outbnd, 199° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 199°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 2600′ on crs 199° within 10 mi, return to HTW RBn crs 019°, hold North 1-minute, right turn, 199° Inbnd, 019° Outbnd.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 827′; Fac. Class., BII; Ident., HTW; Procedure No. 2, Amdt. 3; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 2; Dated, 2 July 60

OAK-VOR	OK RBn	Direct	2500	T-dn	300–1	300–1	200–½
Hayward RBn	OK RBn	Direct	3000	C-dn	600–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Oakland Radar authorized in accordance with approved radar patterns.
Procedure turn NA. All maneuvering and descent below 3000′ shall be accomplished in the Oakland "H" holding pattern, 124° Outbnd, 304° Inbnd, right turns, 1 minute minimum altitude 1800′. Further descent to airport minimums authorized when established on final approach course inbound.
Final approach crs inbnd, 304°.
Facility on airport.
Minimum altitude over facility on final approach crs inbnd, 600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ in a 1-minute right turn holding pattern NW of OK RBn (124° brng inbnd, 304° brng outbnd), all turns west side of course. Missed or discontinued approaches must not cross OK RBn above 1500′.
CAUTION: Terrain 500′ to 1000′ msl 6 mi NE and paralleling final approach crs inbnd.
NOTE: Aircraft may not proceed SE of FRX FM/HW while holding in the Oakland RBn holding pattern or commencing descent to final approach inbound.
*300–1 required for takeoff on Runway 33.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 9′; Fac. Class., H; Ident., OK; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Apr. 62

Glens Falls VOR	Rutland RBn	Direct	5500	T-d	2500–2	2500–2	2500–2
Benson Int	Rutland RBn	Direct	5500	T-n	2500–2	2500–2	2500–2
				C-d	2500–2	2500–2	2500–2
				C-n	2500–2	2500–2	2500–2
				A-d	NA	NA	NA
				A-n	NA	NA	NA

Procedure turn West side of crs, 353° Outbnd, 173° Inbnd, 4500′ within 10 mi.
Shuttle to 4500′ on crs of 353° from the facility within 10 miles. All turns to the West.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 173°—8.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles, make an immediate climbing right (West) turn to Rutland MH–FM and continue climb to 4500′ on crs of 353° within 10 miles of Rutland MH–FM.
Climb-out procedure: After takeoff, climb VFR to 3300′ and proceed on crs of 353° within 10 miles of Rutland MH–FM to 4500′, Eastbound flight 6000′, before proceeding on crs. 1000–2 authorized for takeoff on Rnwy 1 without VFR climb restriction.
CAUTION: 1. High ridge Southeast of airport. 2. Expect turbulence with East or West winds across valley during approach.
NOTE: Alternate weather minimums of 1000–2 authorized for those who have an approved arrangement for weather service at the airport.
Facility owned and operated by the State of Vermont.

City, Rutland; State, Vt.; Airport Name, Municipal; Elev., 787′; Fac. Class., MHWZ–FM; Ident., RUT; Procedure No. 1, Amdt. 2; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 1; Dated, 17 Feb. 62

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta LFR	AGS–VOR	Direct	1800	T-dn	300–1	300–1	*200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1900′ within 10 mi of AGS VOR.
Minimum altitude over facility on final approach crs, 1500′; over Int NE crs AS LFR and AGS R–141, 1500′.
Crs and distance, VOR to Int AGS R–141 and NE crs AS LFR, 141°—7.2 mi; Int AGS R–141 and NE crs AS LFR to airport, 141°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi after passing Int, NE crs AS LFR and AGS R–141, turn right, climb to 1800′ on R–157 within 20 mi, or if directed by ATC, climb to 1500′ proceeding to AGS LOM.
NOTE: Procedure not authorized unless AS LFR is operative and can be received.
CAUTION: Prohibited area located 4 mi E of Bush Field.
*300–1 required on Runway 26.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 145′; Fac. Class., BVOR; Ident., AGS; Procedure No. 1, Amdt. 4; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 3; Dated, 8 Oct. 60

Augusta LFR	AGS–VOR	Direct	1800	T-dn	300–1		
				C-dn	800–2		
				A-dn	NA		

Procedure turn S side of crs, 320° Outbnd, 140° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 134°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, turn right, climb to 1700′ on R–157 within 20 mi.
CAUTION: Danger area 4 mi W and prohibited area 5 mi E of missed approach crs.
NOTE: No communications or weather service available. AGS weather observations made at Bush Field 7 mi, SE and 282′ below elevation of Daniel Field. Air Carrier use NA. UNICOM available.

City, Augusta; State, Ga.; Airport Name, Daniel Field; Elev., 424′; Fac. Class., BVOR; Ident., AGS; Procedure No. 1, Amdt. 3; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 2; Dated, 12 Nov. 60

El Paso LFR	ELP–VOR	Direct	5200	T-dn	300–1	300–1	200–½
Rio RBn	ELP–VOR (Final)*	Direct	5200	C-dn	400–1	500–1	500–1½
Newman VOR	ELP–VOR	Direct	6000	S-dn–26	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°–205°, 0–15 mi, 5000′; 15–20 mi, 7000′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from stacks 4148′ 4 mi S; hill 50.7′ 13 mi NE; hill 4651′ 9.5 mi E, and hill 6717′ 22 mi NE.
Procedure turn S side of crs, 060° Outbnd, 260° Inbnd, 6500′ within 10 mi. Beyond 10 mi NA. (Nonstandard due to terrain north.)
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 258°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, turn left to 125 mag, climb to 5200′, intercept and proceed on R–151 within 20 mi.
*Maintain 7000′ until 5 mi W of Rio RBn. If Rio RBn not received maintain 8000′ until over ELP–VOR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., BVORTAC; Ident., ELP; Procedure No. 1, Amdt. 12; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 11; Dated, 11 Mar. 61

				T-dn	500–1	500–1	500–1
				C-d	700–1	700–1	700–1½
				C-n	700–1½	700–1½	800–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 039°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, make left climbing turn to 2000′, return to HUL–VOR, hold R–224 right turns 1-minute pattern.
AIR CARRIER NOTE: Night operation on Runway 5–23 only.
CAUTION: 915′ antenna 0.5 mi SSE of airport.
Other change: Deletes transition from Houlton LFR.

City, Houlton; State, Maine; Airport Name, Houlton International; Elev., 493′; Fac. Class., BVOR; Ident., HUL; Procedure No. 1, Amdt 3; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 2; Dated, 19 Oct. 57

				T-dn	500–1	500–1	500–1
				C-dn	700–1	800–1	800–1½
				S-dn–3	600–1	600–1	600–1
				A-dn	900–2	900–2	900–2

Procedure turn East side of crs, 205° Outbnd, 025° Inbnd, 2900′ within 10 mi.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 025°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi, make a left climbing turn to 3000′. Hold SW of Lynchburg VOR 205° Outbnd, 025° Inbnd.

City, Lynchburg; State, Va.; Airport Name, Preston Glenn; Elev., 942′; Fac. Class., BVORTAC; Ident., LYH; Procedure No. 1, Amdt. 1; Eff. Date, 14 Apr. 62; Sup. Amdt. No. Orig.; Dated, 9 Aug. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Syracuse LFR	SYR-VOR	Direct	1700	T-dn*	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-14	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 311° Outbnd, 131° Inbnd, 1700′ within 10 miles. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 131°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, climb to 1900′ on R-100 within 20 miles of Syracuse VOR.
CAUTION: 836′ radio mast 1.3 miles SE of airport.
*600–1 required for takeoff to the SE.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421′; Fac. Class., BVORTAC; Ident, SYR; Procedure No. 1, Amdt. 7; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 6; Dated, 14 Mar. 59

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chatham Int	DAN VOR	Direct	2700	T-dn	300–1	300–1	200–½
Sandy River Int	DAN VOR	Direct	2200	C-dn	500–1	500–1	500–1½
Milton Int	DAN VOR	Direct	2200	S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end of Runway 2, 020°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 2200′, hold DAN VOR R-212 1-minute right turns.
Other changes: Deletes transitions from S Boston VOR, Leaksville Int, and Reid Int.

City, Danville; State, Va.; Airport Name, Danville; Elev., 582′; Fac. Class., BVOR; Ident., DAN; Procedure No. TerVOR-2, Amdt. 2; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 1; Dated, 8 Aug. 59

RA-LFR	Leslie RBn	Direct	4000	T-dn*#	1000–2	1000–2	1000–2
Roanoke VOR	Leslie RBn	Direct	4000	C-dn*	1000–2	1000–2	1000–2
Goodes Int	Leslie RBn	Direct	4000	A-dn*	2500–2	2500–2	2500–2
Bedford Int	Leslie RBn	Direct	4000				

Procedure turn North side of crs, 126° Outbnd, 306° Inbnd, 3600′ within 10 miles of Leslie RBn.
Minimum altitude over Leslie RBn on final approach, 3000′.
Crs and distance, Leslie RBn to airport, 306°—0.8 mi.
Crs and distance, Cloverdale RBn to airport, 306°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBn, make climbing left turn to 3600′ and proceed to the Leslie RBn.
AIR CARRIER NOTE: Sliding scale NA. No reduction in landing minimums authorized due to local visibility conditions.
NOTE: This procedure requires the following aids to be operating: ODR-VOR, Leslie RBn and Cloverdale RBn. Aircraft must be equipped to utilize the facilities.
#For Air Carrier use only: 600–2 minimums on Rnwy 15 and 800–2 minimums on Rnwy 33 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MHW at 2400′ MSL or above, climb to 4000′ in Leslie holding pattern—VOR receiver required.
*Takeoffs on Rnwy 33 and landings on Rnwy 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174′; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R-306), Amdt. 2; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 1; Dated, 31 Mar. 62

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mi DME Fix R-132	8-mi DME Fix R-107	Via crs 335°—8.4	3000	T-dn	300–1	300–1	200–½
15-mi DME Fix R-107	8-mi DME Fix R-107	287°—7.0	3000	C-dn	400–1	500–1	500–1½
8-mi DME Fix R-107	BUF VOR (Final)	287°—8.0	1600	S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 107° Outbnd, 287° Inbnd, 2500′ within 10 mi. Procedure turn need not be accomplished if DME utilized.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 287°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a right climbing turn to 2500′, proceed direct to BUF VOR. Hold East BUF VOR, 1-minute right turns, 287° inbnd.
CAUTION: 1349′ TV tower 5 mi WNW of airport.
Other change: Deletes straight-in minimums to Rnwy 27.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Fac. Class., BVORTAC; Ident., BUF; Procedure No. VOR-DME-31, Amdt. 5; Eff. Date, 14 Apr. 62; Sup. Amdt. No. VOR-R-107), Amdt. 4; Dated, 2 Mar. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn NA. Radar vectoring to final approach crs required in accordance with approved patterns. If radar contact not established or radar inoperative, execution of this procedure not authorized.
Aircraft will be released for final approach over 5-mile radar fix.
Minimum altitude over 5-mile radar fix on final approach crs, 2100′.
Crs and distance, 5-mile radar fix to airport, 125°—5.0 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing 5-mile radar fix, climb to 2300′ on SE crs DSM ILS within 20 mi or, when directed by ATC, climb to 2300′ on S crs DSM–LFR to Martensdale FM.
CAUTION: 1546′ MSL tower 3 mi NNE, 1410′ MSL tower 8 mi N, 1430′ tower 8.7 mi NE and 1250′ tower 13 mi SE of airport.
*When 1546′ MSL tower 3 miles NNE of airport not visible on N, NW, NE, and E takeoffs, climb to 2100′ prior to turning toward tower.

City, Des Moines; State, Iowa; Airport Name, Des Moines; Elev., 957′; Fac. Class., ILS; Ident., I-DSM; Procedure No. ILS-12 (back course approach), Amdt. 4; Eff. Date, 14 Apr. 62; Sup Amdt. No. 3; Dated, 3 Oct. 59

Carl's Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
JAX LFR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
JAX VOR	LOM	Direct	2000	S-dn-5*	200–½	200–½	200–½
Blue Jacket Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Bryceville Int	LOM	Direct	1500				
Sunbeam Int	LOM	Direct	2000				
Callahan Int	LOM	Direct	1500				

Radar terminal area transition altitude 1500′ within 25 miles except 2000′ required when within 3.0 mi of towers, 995′ 4.3 mi and 1003′ 3.8 mi SE of LOM. Radar control must provide separation from restricted area R-161A.
Procedure turn NA due to restricted area. Radar vector to final approach required. If radar contact not established during transition, proceed to the LOM, hold NE, 1-minute pattern, right turns. If radar contact not established or radar inoperative, execution of this procedure not authorized.
Minimum altitude at glide slope interception inbnd, 1200′.
Altitude of glide slope and distance to appr end of rny at OM 1170′—4.0 mi, at MM 230′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on crs of 045° within 20 miles or, when directed by ATC, climb to 1500′ on R-089 JAX–VOR within 20 miles.
*400–¾ required when glide slope not used.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52′; Fac. Class. and Ident., ILS-IJAX; Procedure No. ILS-5, Amdt. 15; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 14; Dated, 10 Mar. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Flat Rock VOR via R-129	Bellwood Int	Direct	1700	T-dn	300–1	300–1	200–½
Flat Rock VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Richmond LFR	LOM	Direct	1500	S-dn-6	*200–½	*200–½	*200–½
Int N crs Richmond LFR and SW crs ILS	LOM	Direct	1500	A-dn	600–2	600–2	600–2
Manakin Rbn	LOM	Direct	2000				
Petersburg Int	LOM	Direct	1500				

After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1370′ is authorized.
Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to appr end of rny at OM 1370′—3.8 mi; at MM 370′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500′ on course 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500′ on N crs Richmond LFR within 10 miles.
Change: Deletes transition from Chester FM.
*400–¾ required with glide slope inoperative.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., ILS; Ident., I-RIC; Procedure No. ILS-6, Amdt. 11; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 10; Dated, 7 Oct. 61

Long Lake Int	Elkhart Int	Via GSH R-018 and E crs ILS.	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
North Liberty Int	LOM	Direct	3000	S-dn-27*	200–½	200–½	200–½
South Bend LFR	LOM	Direct	2200	A-dn	600–2	600–2	600–2
South Bend VOR	LOM	Direct	2200				
Bristol Int	Elkhart Int#	Via E crs ILS	2200				
Goshen LFR	Elkhart Int#	Via 144° brng to GH-LFR.	2200				
Elkhart Int#	LOM (Final)	Direct	2000				
Goshen VOR	E crs loc	Via R-345 GSH-VOR.	2400				
Int GSH R-345 and E crs loc	LOM (Final)	Direct	2000				

Procedure turn North side of final approach crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM—1900′—3.8 mi; at MM—975°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing right turn to 2200′ and proceed to SBN R-161 within 20 miles or, when directed by ATC, climb to 2200′ and proceed direct to the SN LFR.
CAUTION: 2019′ msl tower 5.6 mi South of LOM.
*500–1 required when glide slope inoperative.
#Elkhart Int: Int E crs SBN ILS and R-360 GSH-VOR or 141° brng to GH-LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS-27, Amdt. 14; Eff. Date, 14 Apr. 62; Sup. Amdt. No. 13; Dated, 15 July 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
110	195	20 mi.	5600	15 mi.	4000									T-d-All*@	500–1	500–1	500–1
195	035	20 mi.	3000	15 mi.	2700									T-n-All*@	500–2	500–2	500–2
035	110	20 mi.	3000	15 mi.	2400									C-dn-8/30%	1100–2	1100–2	1100–2
All Sectors within 10 miles 2400#.														C-dn-26%	1000–2	1000–2	1000–2
														S-dn-8/30	1100–2	1100–2	1100–2
														S-dn-26	600–1½	600–1½	600–1½
														A-dn-8/30	1100–2	1100–2	1100–2
														A-dn-26	1000–2	1000–2	1000–2

All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 30: Make climbing left turn to 3000′, proceed direct to HAR-VOR. Hold west HAR-VOR 1-minute right turns inbound course 101°.
Runway 26: Make climbing right turn to 3000′, proceed direct to HAR-VOR. Hold west HAR-VOR 1-minute right turns inbound course 101°.
Runway 8: climb to 3000′ on HAR-VOR R-115 to Middletown° Int. Hold East 1-minute left turns inbound course 295°.
NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1500′ or better.
*Takeoff minimums of 300–1 authorized for Runways 8–26 only.
@Takeoff on Runway 20 NA.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3-5-mile (inclusive) radius of TV towers 1589′ msl 7.5 mi NW and 1517′ msl 7.8 mi N of airport.
%Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi South of airport.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class. and; Ident., Harrisburg Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Apr. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
E, W, and S Quadrants DA-LFR	Radar Site	Within 25 mi	1500	Precision approach			
N Quadrant DA-LFR	Radar Site	Within 25 mi	1800	S-dn-36°	200–½	200–½	200–½
All Quadrants	Radar Site	Within 40 mi	#2500	A-dn	700–2	700–2	700–2
				Surveillance approach			
				T-dn**	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a climbing left turn as soon as practicable and climb to 1800′, proceed to Springfield MHW.
CAUTION: Circling minimums do not provide standard clearance over monument 1.6 miles N of airport.
*Runway visual range 2600′ also authorized for landing on Runway 36, provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactory. Descent below 216′ msl shall not be made unless visual contact with the approach lights has been established or aircraft is clear of the clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 36 in lieu of 200–½ when 200–½ is authorized, provided high intensity runway lights are operational.
#Exclusive of danger and prohibited areas.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class. and Ident., Washington Radar; Procedure No. 1, Amdt. 10; Eff. Date, 14 Apr. 62; Sup. Amd. No. 9; Dated, 2 Sept. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2595; Filed, Apr. 4, 1962; 8:45 a.m.]

[Reg. Docket No. 1116; Amdt. 264]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Burlington VOR	BR-LFR	Direct	1000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 349° Outbnd, 169° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 185°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing BR-LFR, make climbing right turn to 3000′ and proceed direct to the BR-LFR.
Hold NW, right turns, 1-minute pattern, 169° Inbnd.
CAUTION: Antenna towers 525′ and 635′ 1.7 mi West of airport.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., SABRAZ; Ident., BR; Procedure No. 1, Amdt. 10; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 9; Dated, 12 Aug. 61

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MRB-VOR	MB-LFR	Direct	3000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SW crs, 216° Outbnd, 036° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 034°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, make a right climbing turn to 2800′, hold SW on MB LFR, 036° Inbnd, 1-minute right turns.
*Make right turn after take-off on runway 35 to avoid hills to the NW.

City, Martinsburg; State, W. Va.; Airport Name, Martinsburg; Elev., 556′; Fac. Class., SBMRLZ; Ident., MB; Procedure No. 1, Amdt. 4; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 3; Dated, 30 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE APR. 21, 1962.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class. and Ident., SBRAZ; Procedure No. 1, Amdt. 10; Eff. Date, 7 Mar. 59; Sup. Amdt. No. 9; Dated, 14 May 55

Nashville VOR	LFR	Direct	2100	T-dn	300-1	300-1	200-½
Lebanon Int	LFR	Direct	2100	C-dn	400-1	500-1	500-1½
Brentwood HW (LOM)	LFR	Direct	2100	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 249°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 3000′ on SW crs within 15 miles.
CAUTION: 2049′ tower 11 miles SW of airport.
Other change: Deletes straight-in minimums.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., SBRAZ; Ident., BA; Procedure No. 1, Amdt. 11; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 10; Dated, 6 Jan. 62

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bethel LFR	BEA RBn	Direct	1200	T-dn	300-1	300-1	200-½
Bethel VOR	BEA RBn	Direct	1600	C-dn*	400-1	500-1	500-1½
				S-dn-19°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 004° Outbnd, 184° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.°
Crs and distance, facility to airport, 184°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing BEA RBn, turn left and climb to 2300′ to BET LFR, then on NE crs BET-LFR within 20 miles or, when directed by ATC, climb to 2300′ on course 184° from BEA RBn within 20 miles.
CAUTION: Antennas 232′ msl 1.7 mi SW of airport.
*Descent to straight-in minima authorized after intercepting NW crs BET-LFR on final inbound to BEA RBn. Final approach fix to BEA RBn, 184°—1.2 mi. If Bethel LFR NW crs not received, minimums become 500-1.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., MHW; Ident., BEA; Procedure No. 1, Amdt. 2; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 1; Dated, 11 June 60

Marion Int	Carbondale RBn	Direct	2000	T-dn	300-1	300-1	300-1
Carbondale Int	Carbondale RBn	Direct	2000	C-dn	600-1	600-1	600-1¼
				A-dn	NA	NA	NA

Procedure turn West side of crs, 335° Outbnd, 155° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of Carbondale RBn, make right turn, climbing to 2000′ on the 335° ADF crs of the "H" facility within 10 miles.
°Carbondale Int: Int R-077 FAM-VOR and 360° ADF brng to Carbondale "H" facility.

City, Carbondale; State, Ill.; Airport Name, Southern Illinois; Elev., 408′; Fac. Class., H; Ident., MDH; Procedure No. 1, Admt., Orig.; Eff. Date, 21 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Charleston VOR	CHS RBn	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 102°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, climb to 2000′ on 102° crs within 20 miles or, when directed by ATC, turn right, climb to 1400′, returning to CHS RBn.
CAUTION: 1049′ MSL tower 10 mi. SE.
Other change: Deletes transition from Summerville FM.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., SABH; Ident., CHS; Procedure No. 2, Amdt. 1; Eff. Date, 21 Apr. 62; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

CW LFR	CR LOM	Direct	2500	T-dn	300-1	300-1	200-½
CRW VOR	CR LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Gay Int	CR LOM	Direct	2500	S-dn-23	600-1	600-1	600-1
Walnut Grove Int	CR LOM	Direct	2500	A-dn	800-2	800-2	800-2
Ivydale Int	CR LOM	Direct	3000				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 230°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 3000′, then proceed direct to CRW VOR, maintain 3000′, hold CRW R-192 1-minute right turn.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 11; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 10; Dated, 15 Aug. 59

FN RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
FAT-VOR	LOM	Direct	2200	C-dn	800-1	800-1	800-1½
Bowles Int (LFR)	LOM	Direct	2200	S-dn-20	400-1	400-1	400-1
Fowler Int (VHF)	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Selma Int	LOM	Direct	2200				

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA. Nonstandard due high terrain North.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 288°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb Northwestbound on R-130 to FAT-VOR. Continue climb to 2000′ on R-305 within 20 mi.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., LOM; Ident., FA; Procedure No 1, Amdt. 11; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 10; Dated, 4 Mar. 61

Int TOH-VOR R-204 and 265° brng to HZL RBn.	HZL RBn (Final)	Direct	2500	T-dn	300-1	300-1	
Crystal Lake RBn	HZL RBn	Direct	3500	C-dn	600-1	600-1	
				C-n	600-2	600-2	
				S-d-26	600-1	600-1	
				S-n-26	600-1¼	600-1¼	
				A-dn	NA	NA	

Procedure turn North side of crs, 085° Outbnd, 265° Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 265°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing HZL RBn, make a left climbing turn to 4000′, proceed direct to HZL RBn. Hold East HZL RBn 1-minute left turns, inbound crs 265°.
AIR CARRIER NOTE: NE-SW runway not authorized.
NOTES: Local weather and voice communications on 122.8 available sunrise to 2030 local time. ATC communication with Wilkes-Barre Approach Control.

City, Harleton; State, Pa.; Airport Name, Harleton Municipal; Elev., 1604′; Fac. Class., MHW; Ident., HZL; Procedure No. 1, Amdt. 3; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 2; Dated, 9 Feb. 58

Oakville Int	LOM (BXS MHW)	Direct	1700	T-dn*	300-1	300-1	200-½
Bruins RBn	LOM (BXS MHW)	Direct	1700	C-dn	500-1	500-1	500-1½
Waverly Int°	LOM (BXS MHW) (Final)	Direct	1700	S-dn-9	400-1	400-1	400-1
Cuba Int	LOM (BXS MHW)	Direct	2000	A-dn	800-2	800-2	800-2
Miller Int	LOM (BXS MHW)	Direct	1700				
Memphis VOR	LOM (BXS MHW)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 087°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 1600′ on crs 087° within 15 miles or, when directed by ATC, turn right, climb to 1600′ on R-135 MEM-VOR within 15 miles.
AIR CARRIER NOTE: *Takeoff with less than 200-½ NA on Runway 14-32.
°Waverly Int: Int 210° brng to Bruins RBn and 087° brng to LOM (BXS MHW).

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class., LOM (MHW); Ident., BXS; Procedure No. 1, Amdt. 6; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 5; Dated, 18 Apr. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Minneapolis LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Minneapolis VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Farmington VOR	Gray Cloud Int*	Direct	2200	S-dn-29L	400-1	400-1	400-1
Gray Cloud Int*	LOM (Final)	Direct	2000	A-dn	800-2	800-2	800-2
Prior Int	LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Farmington VOR	LOM	Direct	2200				
Radar Transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 295°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles of LOM, climb to 2500′ on crs of 295° to Loretto Int** or, when directed by ATC, (1) make left climbing turn, climb to 2500′ on crs of 241° within 22 miles or (2) make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: Tower 1223′ MSL 6 miles Southeast of Outer Marker (LOM–MS).
*Gray Cloud Int: Int R–035 Farmington VOR and 115° brng from MS LOM.
**Loretto Int: Int 295° brng from MS LOM and R–236 MSP VOR.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840′; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 6; Eff. Date, 21 Apr. 62; Sup Amdt. No. 5; Dated, 20 Jan. 62

Raleigh LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Raleigh VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Chapel Hill Int	LOM	Direct	1700	S-dn-5	400-1	400-1	400-1
Holly Springs Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Moncure Int	LOM (Final)	Direct	1600				
Durham Int	LOM	Direct	1700				
Int LIB-VOR R-102 and RDU-VOR R-244	LOM (Final)	Direct	1600				

Radar terminal area transition altitude: 2000′ within 20 miles; 3000′ within 25 miles Raleigh-Durham Airport.
Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from radio tower 1822′ 17 miles SE Raleigh-Durham Airport.
Procedure turn North side of crs, 229° Outbnd, 049° Inbnd, 1700′ within 10 mi. Nonstandard due ATC.
Minimum altitude over LOM on final approach crs, 1500′.
Crs and distance, facility to airport, 049°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi after passing LOM, climb to 1800′ on NE crs (038) LFR or R–041 of VOR within 15 miles or, when directed by ATC, turn left, climb to 3000′ on NW crs (308) LFR or R–309 of VOR within 15 miles.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., LOM; Ident., RD; Procedure No. 1, Amdt. 6; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 5; Dated, 17 June 61

Thornhurst VOR	LOM	Direct	3500	T-dn*	600-1	600-1	600-1
Hazleton RBn	LOM	Direct	3500	C-d	1200-1	1200-1½	1200-2
				C-n	1300-2	1300-2	1300-2
				S-dn	NA	NA	NA
				A-d	1400-2	1400-2	1400-2
				A-n	1600-3	1600-3	1600-3

Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3500′ on course 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold East, 1-minute right turns, inbound course 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3500′, hold SW, 1-minute left turns, inbound course 043°, (2) hold West of the Wilkes-Barre LOM at 3500′, 1-minute right turns, inbound course 100°.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less aircraft and 1½ miles for more than 65 knots aircraft.
CAUTION: High terrain to East, Southeast and South of airport within 2.5 miles.
*Takeoff Runway 10 and 16, Day 600–2, Night 800–2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazleton traffic.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 1; Eff. Date, 21 Apr. 62; Sup. Amdt. No. Orig.; Dated, 23 Dec. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	*500-1	NA	NA
				C-dn	700-1	NA	NA
				A-dn	1000-2	NA	NA

Procedure turn West side of crs, 220° Outbnd, 040° Inbnd, 3200′ within 10 mi. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, **040°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3200′ msl on R–040 CKB–VOR within 10 miles and return to CKB–VOR. Hold SW on R–220 at 3200′ MSL, 1-minute left turns.
CAUTION: High terrain 1600′ 1.3 mi SE of airport. 2049′ antenna 3.5 mi NW of CKB–VOR.
AIR CARRIER NOTE: Sliding scale NA.
*Night takeoffs NA on Runways 16–34—obstructing terrain E side of runways of 1270′ msl.
**Determine station passage by TO–FROM indicator.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., BVOR; Ident., CKB; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Apr. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FN RBn	FAT-VOR	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 132°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles, climb to 2000′ on R–126 FAT–VOR within 20 miles.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., BVORTAC; Ident., FNO; Procedure No. 1, Amdt. 1; Eff. Date, 21 Apr. 62; Sup. Amdt. No. Orig.; Dated, 10 Mar. 60

				T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 107° Outbnd, 287° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 287°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, climb to 1700 on R–287 within 15 mi., or when directed by ATC, turn left and climb to 1500′ on R–236 within 15 mi.
*AIR CARRIER NOTE: Takeoff at less than 200–½ NA on Runway 14–32.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class., BVORTAC; Ident., MEM; Procedure No. 1, Amdt. 10; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 9; Dated, 14 Mar. 61

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 240°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 1700′ on R–240 within 10 miles of Nantucket VOR, return to ACK–VOR at 1700′. Hold on R–060, right turns, 240° Inbnd.
CAUTION: 652′ Loran antenna 3 miles ESE of airport.
Other change: Deletes transition from Nantucket RBn.

City, Nantucket; State, Mass.; Airport Name, Nantucket-Memorial; Elev., 48′; Fac. Class., BVOR; Ident., ACK; Procedure No. 1, Amdt. 2; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 1; Dated, 24 Mar. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Margaret Int*	Curlee Int** (Final)	095°—5.8 mi	1700	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 0–360° within 25 mi, 3000′. All bearings are from the radar antenna site with azimuths progressing clockwise. Antenna site is on Atlanta airport.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int.*
Minimum altitude over facility on final approach crs, 1500′.#
Facility on airport.
Crs and distance, Curlee Int** to airport, 095°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 3000′ and return to Margaret Int via R–275 FTY–VOR or follow radar vector as directed by ATC.
NOTES: Procedure authorized only for aircraft equipped with dual VOR receivers or one ADF and one VOR receiver and only during hours that FTY Control Tower is in operation. ATL Approach Control Radar must also be in operation for vector to final approach course.
*Int R–275 FTY–VOR and R–325 ATL–VOR or 005° brng to LSM RBn.
**Int R–275 FTY–VOR and R–340 ATL–VOR or 334° brng to LSM RBn.
#Maintain 1700′ until passing Curlee Int.**

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L-BVOR; Ident., FTY; Procedure No. TerVOR (R-275), Amdt. 2; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 1; Dated, 22 Apr. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Austin Int	AUM VOR	Direct	3200	T–dn	300–1	300–1	200–½
RST VOR	AUM VOR	Direct	3200	C–dn	600–1	600–1	600–1½
				S–dn–17	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the Sargeant Int* received:			
				C–dn	400–1	500–1	500–1½
				S–dn–17	400–1	400–1	400–1

Procedure turn West side of crs, 345° Outbnd, 165° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance breakoff point to Runway 17, 166°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AUM-VOR, climb to 2700′ on R-165 within 20 miles.
CAUTION: 1670′ msl tower 3.5 mi SW, 1477′ msl tower 2.3 mi North, 1330′ msl tank 1 mi West.
*Sargeant Int: Int R-345 AUM-VOR and R-245 RST-VOR.
City, Austin; State, Minn.; Airport Name, Austin; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-17, Amdt. Orig.; Eff. Date, 21 Apr. 62

Austin Int	AUM VOR	Direct	3200	T–dn	300–1	300–1	200–½
RST VOR	AUM VOR	Direct	3200	C–dn	500–1	500–1	500–1½
				S–dn–35	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the London Int* received:			
				C–dn	400–1	500–1	500–1½
				S–dn–35	400–1	400–1	400–1

Procedure turn East side of crs, 170° Outbnd, 350° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach 1700′.
Crs and distance breakoff point to Runway 35, 346°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the AUM VOR, climb to 2500′ on R-330 within 20 mi.
CAUTION: 1670′ MSL tower 3.5 mi. SW 1477′ MSL tower 2.3 miles North. 1330′ MSL tank 1 mi. West.
*London Int: Int R-170 AUM-VOR and R-233 RST-VOR.
City, Austin; State, Minn.; Airport Name, Austin; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-35, Amdt. Orig.; Eff. Date, 21 Apr. 62

Bethel LFR	Bethel VOR	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–18	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to approach end of runway, 186°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1600′ on R-168 BET-VOR within 20 mi.
CAUTION: Antennas 282′ msl 1.7 mi SW of airport.
City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., BVOR; Ident., BET; Procedure No. TerVOR-18, Amdt. 1; Eff. Date, 21 Apr. 62; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

Bethel LFR	Bethel VOR	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–36°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 195° Outbnd, 015° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to approach end of runway, 008°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1600′ on R-015 BET-VOR within 20 miles.
CAUTION: Antennas 232′ MSL 1.7 mi SW of airport.
*Descent below 600′ NA until intercepting 078° bearing to Bethel LFR. If 078° bearing Bethel LFR not received, minimums become 500–1.
City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., BVOR; Ident., BET; Procedure No. TerVOR-36, Amdt. 1; Eff. Date, 21 Apr. 62; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
15-mile fix R-191	12-mile fix R-191 (Final)	Direct	2500	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn East side of crs, 192° Outbnd, 012° Inbnd, 2500′ between 12 mi. and 23 mi. of VOR. Beyond 23 mi. NA*.
Minimum altitude over 12-mi. fix on final approach crs, 2300′.
Course and distance, 12-mi. fix to airport, 012°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile fix, climb to 3000′ on R-011 within 15 miles of VOR.
CAUTION: Tower 1338′ 3 miles NW of airport and tower 1070′ 3 miles NE.
*When authorized by ATC, DME may be used within 15 miles at 2500′ between radials 075 and 240 South of facility to position aircraft for a final approach with the elimination of a procedure turn.
City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816′; Fac. Class., MBVORTAC; Ident., SPA; Procedure No. VOR/DME-35, Amdt. Orig.; Eff. Date, 21 Apr. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CW–LFR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
CRW–VOR	LOM	Direct	2500	C–dn	600–1	600–1	600–1½
Gay Int	LOM	Direct	2500	S–dn–23	500–1	500–1	500–1
Walnut Grove Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Ivydale Int	LOM	Direct	3000				
Swiss Int	LOM	Direct	3000				

Radar vectoring authorized in accordance with approved procedures.
Procedure turn N side NE crs, 050° Outbnd, 230° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at LOM, 2330′—4.3 mi.; at LMM 1130′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 3000′, then proceed direct to CRW-VOR, maintain 3000′, hold CRW–VOR R–192 1-minute right turns.
NOTE: In the event the glide slope is inoperative, 500–1 minimums will still apply.
City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., ILS; Ident., I-CRW; Procedure No. ILS-23, Amdt. 13; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 12; Dated, 9 July 60

Dallas VOR	LOM	Direct	2000	T–dn**	300–1	300–1	200–½
Ross Ave Int	LOM	Direct	1800	C–dn	400–1	500–1	500–1½
Dallas RBn	LOM	Direct	1800	S–dn–13*	200–½	200–½	200–½
Lakeside Int	LOM	Direct	1600	A–dn	600–2	600–2	600–2

Radar terminal area transition altitude 2000′ within 20 miles. Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when within 3–5 miles of radio towers 1108′ msl 20 mi N; 1221′ msl 10 mi WNW; TV tower 2349′ msl 17 mi SSW of airport.
Procedure turn N side NW crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 mi. Nonstandard due to ATC.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1765′—4.1 mi; at MM, 711′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles of LOM, climb to 2000′ on SE crs ILS (127°) within 20 miles or, when directed by ATC, turn left, proceed to DAL–VOR, climbing to 2000′ or, when under positive radar contact, climb to 2000′ on crs as directed by ATC.
CAUTION: Procedure turn maneuvering must be completed North of ILS localizer course. Standard clearance not provided over 1221′ radio tower 5.6 mi WNW of LOM. 605′ tank 1.7 mi SE of Runway 31.
*Runway Visual Range 2600′ also authorized for landing on Runway 13, provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 685′ msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 13 in lieu of 200–½ when 200–½ is authorized; providing high intensity runway lights are operational.
City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class., ILS; Ident., I-DAL; Procedure No. ILS-13, Amdt. 9; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 8; dated, 31 Mar. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FN RBn	LOM	Direct	2200	T–dn	300–1	300–1	200–½
FAT-VOR	LOM	Direct	2200	C–dn	500–1	500–1	500–1½
Bowles Int	LOM	Direct	2200	S–dn–29#	200–½	200–½	200–½
Fowler Int	LOM	Direct	2200	A–dn	600–2	600–2	600–2
Laton Int	SE crs ILS via FRA-VOR R-161	Direct	2000				
Selma Int	SE crs ILS via FRA-VOR R-161	Direct	2000				

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA. (Nonstandard due high terrain North.)
Minimum altitude at glide slope intercepton Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1440′—4.0 mi; at MM, 516′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb Northwestbound on FAT-VOR R-130 to FAT-VOR. Continue climb to 1700′ on R–305 within 20 miles.
NOTE: Narrow localizer course—4°.
#400–¾ required with glide slope inoperative. 400–1 required when only localizer and either the outer marker or outer compass locator operative.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., ILS; Ident., I-FAT; Procedure No. ILS–29, Amdt. 12; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 11; Dated, 4 Mar. 61

Jackson VOR	LOM	Direct	1700	T–dn	300–1	300–1	200–½
Florence Int	LOM	Direct	2100	C–dn	500–1	500–1	500–1½
Redwood Int	LOM	Direct	1600	S–dn–11*	200–¾	200–½	200–½
Edwards Int	LOM	Direct	1600	A–dn	600–2	600–2	600–2
Raymond Int	LOM	Direct	2000				

Procedure turn S side NW crs, 288° Outbnd, 108° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope int inbnd, 1500.
Altitude of glide slope and distance to approach end of runway at OM, 1467′—3.8 mi; at MM, 525′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished, climb to 2100′, turn left and proceed to JAN-VOR via R-178 or, when directed by ATC, climb to 2100′, turn right and proceed to Florence Int via JAN-VOR R-178.
CAUTION: Tower 1051′ msl located 3.5 mi SW of airport.
*400–¾ required when glide slope not utilized.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., ILS; Ident, I-JAA; Procedure No. ILS–11, Amdt. 16; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 15; Dated, 2 Jan. 60

PROCEDURES CANCELLED, EFFECTIVE APR. 21, 1962.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., ILS; Ident., TYS; Procedure No. ILS–22R, Amdt. 2; Eff. Date, 31 Dec. 60; Sup. Amdt. No. 1; Dated, 29 Aug. 59

Cuba Int	LOM (BXS MHW)	Direct	2000	T–dn**%	300–1	300–1	200–½
Oakville Int	LOM (BXS MHW)	Direct	1700	C–dn	500–1	500–1	500–1½
Bruins RBn	LOM (BXS MHW)	Direct	1700	S–dn–04#	200–½	200–½	200–½
Waverly Int	LOM (BXS MHW) (Final)	Direct	1700	A–dn	600–2	600–2	600–2
Miller Int	LOM (BXS MHW)	Direct	1700				
Memphis VOR	LOM (BXS MHW)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM 1650′—4.3 mi, at MM 540′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on E crs ILS (087°) within 15 miles or, when directed by ATC, turn right, climb to 1600′ on R–135 MEM–VOR within 15 miles.
NOTE: 400–¾ required when glide slope not utilized. Touchdown point approximately 1800′ East of runway threshold.
%AIR CARRIER NOTE: Takeoff at less than 200–½ NA Runway 14–32.
#Runway Visual Range 2600′ also authorized for landing on Runway 9, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 491′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 9 in lieu of 200–½ when 200–½ is authorized; provided high intensity runway lights are operational.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS–9, Amdt. 5; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 4; Dated, 14 Mar. 59

MEM–VOR	Oakville Int*	Direct	1500	T–dn#	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–27	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side E crs, 087° Outbnd, 267° Inbnd, 1500′ within 10 miles from Oakville Int.
No glide slope. Minimum altitude over Oakville Int on final approach crs, 1000′.
Crs and distance, Oakville Int to airport, 267°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 1700′ on W crs ILS within 15 miles or, when directed by ATC, turn left, climb to 1600′ on R–220 MEM–VOR within 15 miles.
#AIR CARRIER NOTE: Takeoff at less than 200–½ NA on Runway 14–32.
*Oakville Int: Int MEM ILS E crs and R–090 MEM–VOR.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS–27, Amdt. 5; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 4; Dated, 7 Mar. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MP–LFR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
MSP–VOR	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
FGT–VOR	LOM	Direct	2200	S–dn–29L*	300–1	300–1	300–1
Prior Int	LOM	Direct	2200	A–dn	800–2	800–2	800–2
White Bear Int	LOM	Direct	2500				
Radar terminal area transitions	Radar Site	Within 20 mi	2500				

Procedure turn E side SE crs, 115° Outbnd, 295° Inbnd, 2200′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2084′—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs ILS to Int R–221 MSP–VOR and NW ILS crs or, when directed by ATC: 1. Make left climbing turn, climb to 2500′ on crs of 241° within 22 miles. 2. Make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: Tower 1223′ MSL 6 mi SE of Outer Marker (LOM–MS).
NOTE: No approach lights. No middle marker.
*Glide slope touchdown point 4200′ from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold Chamberlain Field); Elev., 840′; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS–29L, Amdt. 17; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 16; Dated, 7 Oct. 61

Raleigh LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Raleigh VOR	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Chapel Hill Int	LOM	Direct	1700	S–dn–5*	300–¾	300–¾	300–¾
Holly Springs Int	LOM	Direct	2000	A–dn	600–2	600–2	600–2
Moncure Int	LOM (Final)	Direct	1600				
Durham Int	LOM	Direct	1700				
Int LIB–VOR R–102 and RDU–VOR R–244.	LOM (Final)	Direct	1600				

Radar terminal area transition altitudes: 2000′ within 20 miles; 3000′ within 25 miles Raleigh-Durham Airport.
Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from radio tower 1822′ 17 miles SE Raleigh-Durham Airport.
Procedure turn North side of crs, 229° Outbnd, 049° Inbnd, 1700′ within 10 mi. Nonstandard due ATC.
Minimum altitude at glide slope int inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM 1565—3.5 mi, at MM 657′—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1800′ on R–041 of VOR within 15 mi or, when directed by ATC, turn left, climb to 2000′ on R–309 of VOR within 15 miles.
NOTE: No approach lights.
CAUTION: ILS point of touchdown approx. 3000′ in from approach end of runway threshold due new SW extension.
*400–¾ required when glide slope not utilized.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident, I-RDU; Procedure No. ILS–5, Amdt. 5; Eff date, 21 Apr. 62; Sup. Amdt. No. 4; Dated, 17 June 61

Thornhurst VOR	CYE* RBn	Direct	3500	T–dn#	600–1	600–1	600–1
Effort Int	CYE* RBn	Direct	3500	C–d	900–1¼	1000–1¼	1000–2
Pocono Int	CYE* RBn	Direct	3500	C–n	1300–2	1300–2	1300–2
Avoca Int	CYE* RBn	Direct	3500	S–dn–4**	600–1	600–1	600–1
Lopez Int	CYE* RBn	Direct	3500	A–d	1200–2	1200–2	1200–2
Hazleton RBn	CYE* RBn	Direct	3500	A–n	1600–3	1600–3	1600–3
Scranton Int##	CYE* RBn	Direct	4000				

Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 mi of Crystal Lake RBn.
Minimum altitude at glide slope int inbnd final, 3500′ over Crystal Lake RBn.
Altitude of glide slope and distance to appr end of runway at CYE* RBn, 3500′—8.5 mi; at OM, 2230′—3.9 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Wilkes-Barre LOM or 8.5 miles after passing Crystal Lake RBn, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold East, 1-minute right turns, inbound crs 268° or, when directed by ATC: 1. Climb to 3500′ on crs 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3500′, hold SW 1-minute left turns inbound crs 043°. 2. Hold West of Crystal Lake RBn, 3500′ 1-minute right turns, inbnd crs 100°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mile for 65 knots or less aircraft and 1¼ miles for more than 65 knots aircraft.
#Takeoff minimums for Runways 10 and 16: Day—600–2, night—800–2.
*Crystal Lake RBn—This approach is authorized only when Crystal Lake Radio Beacon and all components of the ILS system are operating.
%Procedure turn nonstandard to provide separation from approaches to Hazelton, Pa.
**If Glide Slope not utilized, straight-in minimums to Runway 4 will be 800–1—65 knots or less, 800–1¼—more than 65 knots. After passing CYE RBn, if OM not received do not descend below 2600′.
##Scranton Int: Int R–340 Thornhurst VOR and R–289 Wilkes-Barre VOR.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS–4, Amdt. 12; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 11; Dated, 21 Oct. 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and Distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
900°.....	360°.....	Within 25 mi.....	1800	Surveillance approach			
				T-dn*.....	300–1	300–1	200–½
				C-dn#.....	500–1	500–1	500–1½
				S-dn-27, 3, 9, and 21.	400–1	400–1	400–1
				S-dn-17.....	500–1	500–1	500–1
				A-dn.....	800–2	800–2	800–2

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from following towers: 1340' msl 11.2 mi NE, 1340' msl 9.2 mi NE, 975' msl 10.6 mi NE and 1333' msl 10 mi NE.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runways 27 and 21: Turn left, climb to 1800' on R-220 MEM-VOR within 15 mi.
Runway 17: Climb to 1800' on R-220 MEM-VOR within 15 mi.
Runway 3: Turn right, climb to 1800' on R-134 MEM-VOR within 15 mi.
Runway 9: Climb to 1800' on crs 087° from LOM (BXS MHW) within 15 mi.

*Are CARRIER NOTE: Takeoffs with less than 200–½ NA on Runway 14–32.
#Radar approach NA on Runway 14–32.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291'; Fac. Class. and Ident., Memphis Radar; Procedure No. 1, Amdt. 3; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 2; Dated, 7 Mar. 59

All sectors.....	Radar site.....	Within 20 mi.....	2500	Precision approach			
				T-dn.....	300–1	300–1	200–½
				C-dn.....	500–1	500–1	500–1½
				S-dn-29L*%.....	300–¾	300–¾	300–¾
				A-dn-29L*%.....	700–2	700–2	700–2
				Surveillance approach			
				T-dn.....	300–1	300–1	200–½
				C-dn#.....	500–1	500–1	500–1½
				C-dn-22.....	600–1	600–1	600–1½
				S-dn#.....	400–1	400–1	400–1
				S-dn-22.....	600–1	600–1	600–1
				C-dn-4.....	500–1	500–1	500–1½
				S-dn-4.....	500–1	500–1	500–1
				A-dn.....	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300' on NW crs ILS to Int. R-221 MSP-VOR and ILS crs or, as directed by ATC: 1. Make left climbing turn, climb to 2300' on crs of 241° within 22 miles. 2. Make left climbing turn, climb to 2300' and return to LOM.

CAUTION: On approach to Runway 11R do not descend below 1600' MSL until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.

#Runways 11R, 29L.
*No approach lights.
%Touchdown point, 4200' from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class. and Ident., Minneapolis Radar; Procedure No. 1, Amdt. 11; Eff. Date, 21 Apr. 62; Sup. Amdt. No. 10; Dated, 17 Feb. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 16, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–2721; Filed, Apr. 4, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On October 24, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9946) a notice of rule making and a public hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act and delegations of authority under the Act (19 F.R. 74, as amended; 26 F.R. 9758, as amended), said regulations are hereby amended as follows:

1. Section 201.2(h) is amended by deleting from the list of agricultural seeds the words "Bermuda-grass—Cynodon dactylon (L.) Pers." and "Rye-grass or" and inserting in proper order "Bermudagrass, common—Cynodon dactylon (L.) Pers." and "Bermudagrass, giant—Cynodon sp.", and changing "Ryegrass, Italian" to read "Ryegrass, Annual or Italian".

2. Section 201.31 is amended by inserting in both lists of varieties of garden beans the name "Cornell 14," before "Improved Tendergreen," and the name "Tendercrop," before "Tenderlong 15," and by inserting in alphabetical order in the appropriate columns, "Burdock, great.....60" and "Chives.....50".

3. Section 201.34(a) is amended by adding at the end thereof the following:

"Proper precautions in labeling ryegrass seed as to kind shall include making or obtaining the results of a fluorescence test unless (1) the shortness of the time interval between receipt of the seed lot and the shipment of the seed in interstate commerce, or (2) dormancy of the seeds in the lot, or (3) other circumstances beyond the control of the shipper prevent such action before the shipment is made. Proper precautions in labeling ryegrass seed as to kind shall also include keeping separate each lot labeled on the basis of a separate grower's declaration, invoice, or other documents."

4. Table 1 in § 201.46 is amended by adding a comma and the word "common" following "Bermudagrass" and by adding in alphabetical order the following:

Bermudagrass, giant.....	1	25	2,820

5. Section 201.47 is amended by adding paragraph (e) to read as follows:

(e) The Uniform Blowing Method as adopted by the Association of Official Seed Analysts effective July 1, 1961, shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass other than the Merion variety. This method shall be used both for samples in which Kentucky bluegrass (other than Merion) is the only pure seed component and for samples in which Kentucky bluegrass (other than Merion) occurs in mixtures of kinds.

6. Table 2 in § 201.58(c) is amended by adding a comma and the word "common" following "Bermudagrass" and by adding in alphabetical order the following:

Name of seed	Substrata	Temperature	First count	Final count	Additional directions	
					Specific requirements and photo numbers	Fresh and dormant seed
Bermudagrass, giant.....	P.....	°C 20–35	Days 7	Days 21	Light, KNO_3; photo 2518; see par. (a) (9).	Prechill at 10° C. for 7 days and then test at 20°–35°. Continue tests of hulled seed for 14 days and of unhulled seed for 21 days.

7. Section 201.58a is amended as follows:

a. In the first sentence of paragraph (a) the words "annual or" are inserted before the word "Italian" and in the last sentence of that paragraph the word "formula" is changed to "formulas" and the words "proportion of the two kinds of ryegrass" are deleted and the words "percentage of perennial ryegrass" are substituted therefor.

b. At the end of paragraph (a) the following formula is added: "Percent annual or Italian ryegrass equals percent pure ryegrass minus percent perennial ryegrass."

(Sec. 402, 53 Stat. 1285, 7 U.S.C. 1592)

The amendments of the sections of the regulations set forth above are the same as proposed in the notice of rule-making for the respective sections except that in § 201.34(a) the proposed requirement for keeping separate each lot covered by a separate grower's declaration, invoice, or other document is limited to the labeling of ryegrass seed as to kind, and an interpretation is included in said section specifying the Department's view that proper precautions, excusing a failure to properly label indistinguishable seeds as to kind under section 203(d) of the Federal Seed Act (7 U.S.C. 1573(d)), in the case of ryegrass seed would include making or obtaining the results of a fluorescence test unless circumstances beyond the control of the shipper prevent such action.

The proposed amendment of § 201.31a referred to in proposal 3 of the notice is not adopted.

The amendments to §§ 201.2(h), 201.46, and 201.58 regarding bermudagrass shall become effective on July 1, 1963. The amendments to §§ 201.2(h), 201.34(a), and 201.58a regarding ryegrass shall also become effective on July 1, 1963. The amendments to §§ 201.31 and 201.47 shall become effective on May 7, 1962.

Done at Washington, D.C., this 29th day of March 1962.

W. A. DAVIDSON,
Director, Grain Division, Agricultural Marketing Service.

[F.R. Doc. 62–3281; Filed, Apr. 4, 1962; 8:45 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CLOSING DATE FOR FILING APPLICATIONS FOR RAISIN CROP INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

Section 402.3 of this chapter is amended, effective beginning with the 1962 crop year, to read as follows:

§ 402.3 Application for insurance.

The application for insurance, provided for in § 402.6 of this chapter, shall be submitted to the county office for the Corporation on or before the July 31 of the first crop year for which insurance is to be in effect, or such earlier date as may be established by the Corporation for any county in any year upon its determination that the insurance risk involved is excessive.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on March 28, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: April 2, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–3283; Filed, Apr. 4, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Evaporated Milk; Standard of Identity

In the matter of amending the definition and standard of identity for evaporated milk:

A notice of proposed rule making was published in the FEDERAL REGISTER of November 29, 1960 (25 F.R. 12202), setting forth proposals filed by Foremost Dairies, Inc., 425 Battery Street, San Francisco, California, to amend the standard of identity for evaporated milk (21 CFR 18.520) by rewording the sentence requiring the food to be processed by heat to prevent spoilage to show specifically that it would be permissible for such heat-processing to either precede or follow the sealing of the cans, and by adding to the standard a provision to make "carrageenin (extract of Irish moss)," in an amount not exceeding 0.015 percent, a permitted optional sta-

bilizing ingredient. (At the time the petition was filed National Formulary X was official. It used the designations "carragheenin," "extract of Irish moss," "Chondrus extract." In National Formulary XI, the designation "carragheenin" was dropped.) Recently, food additive regulations have become effective for carrageenan, which includes extract of Chondrus crispus and of other specified seaweed species, and for salts of carrageenan for use in foods as thickeners, emulsifiers, and stabilizers (21 CFR 121.1066, 121.1067).

With the proposed amendment filed by Foremost Dairies, the Commissioner of Food and Drugs published a notice proposing that the optional stabilizing ingredient should be designated for label declaration. The notice invited all interested persons to submit views and comments on the proposals.

On the basis of the relevant information available, taking into consideration that submitted in comments, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That § 18.520 (a) and (b) be revised to read as follows:

§ 18.520 Evaporated milk; identity; label statement of optional ingredients.

(a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or more of the following optional ingredients:

(1) (i) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(ii) Carrageenan or salts of carrageenan, complying with the requirements of § 121.1066 or § 121.1067 of this chapter, in a quantity not exceeding 0.015 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U.S.P. units per fluid ounce of the finished evaporated milk.

It may be homogenized. It is sealed in a container and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) When the optional ingredient specified in paragraph (a) (1) (ii) of this section is used, the label shall bear the statement "_____ added," or "with added _____," or "_____ added to retard fat separation," the blank being filled in with the name "carrageenan" or in case a salt of carrageenan is used with the name of such salt. When the optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "with increased vitamin D content" or "vitamin D content increased." Statements designating optional ingredients shall immediately and conspicuously precede or follow the name "evaporated milk," without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371)

Dated: March 30, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3307; Filed, Apr. 4, 1962; 8:48 a.m.]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cream Cheese; Identity; Label Statement of Optional Ingredients

In the matter of amending the standard of identity for cream cheese:

A notice of proposed rule making was published in the FEDERAL REGISTER of January 19, 1962 (27 F.R. 588), setting forth a proposal filed by the Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago 90, Illinois, to amend the standard of identity for cream cheese (21 CFR 19.515) to permit the use of guar gum as an additional stabilizing ingredient. In response to the proposal only one comment was received. It favored the amendment.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for cream cheese as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That the definition and standard of identity for cream cheese be amended by adding guar gum to the list of optional ingredients. As amended, § 19.515(b)(2) reads as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2) In the preparation of cream cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended, 21 U.S.C. 341, 371)

Dated: March 30, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3306; Filed, Apr. 4, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

TYLOSIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Corn States Laboratories, Inc., 1124 Harney Street, Omaha, Nebraska, and other relevant material, has concluded that the following amendments to the food additive regulations should issue with respect to the food additive tylosin in the drinking water of swine, for the prevention or treatment of dysentery (vibrionic). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.217 (26 F.R. 5445) is changed to read as follows:

§ 121.217 Tylosin

The food additive tylosin may be safely used in accordance with the following prescribed conditions:

(a) Tylosin is the antibiotic substance produced by growth of Streptomyces fradiae or the same antibiotic substance produced by any other means. The quantities of tylosin or salts of tylosin referred to in this section refer to activities of tylosin base. It is used or intended for use:

Quantity	Limitations	Indications for use
(1) *In swine feed.*		
Grams per ton		
(i) 10–20	Continuous use, 101 pounds to market weight, as tylosin phosphate.	Growth promotion and feed efficiency.
(ii) 20–40	Continuous use, 41–100 pounds animal weight, as tylosin phosphate.	
(iii) 20–100	Continuous use, up to 40 pounds animal weight, as tylosin phosphate.	
(2) *In swine drinking water.*		
Grams per gallon		
0.25–1.0	Withdraw 48 hours prior to slaughter; administer not more than 10 days, as tylosin base.	Prevention or treatment of swine dysentery (vibrionic).
(3) *In chicken drinking water.*		
Grams per gallon		
2–5	Withdraw 24 hours prior to slaughter; not to be administered to laying hens; administer not more than 5 days, as tylosin tartrate.	Prevention or treatment of chronic respiratory disease.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each contained therein.

(3) Adequate directions and warnings for use.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1962.

GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F.R. Doc. 62-3308; Filed, Apr. 4, 1962; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling Requirements

In the matter of labeling requirements for fire extinguishers:

On the basis of comments received on the notice of proposed rule making published November 28, 1961 (26 F.R. 11217), the Commissioner of Food and Drugs on March 15, 1962 (27 F.R. 2457) promulgated the final order in the above-identified matter, and added to Part 191 a new section designated as § 191.8. Paragraph (c) was inadvertently omitted from that section, which is hereby amended to provide for its insertion therein:

§ 191.8 Labeling of fire extinguishers.

* * * * *

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances in a container labeled for use as a fire extinguisher, which, if applied to an electrical fire, would subject the user to the likelihood of electrical shock, shall be conspicuously labeled, "Caution: Do not use on electrical fires."

This action is taken pursuant to the provisions of the Federal Hazardous Substances Labeling Act (secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Effective date. This order shall become effective June 13, 1962.

(Secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269)

Dated: March 30, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3309; Filed, Apr. 4, 1962; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

MISCELLANEOUS AMENDMENTS

In Part 203 in the Table of Contents a new section heading is added as follows:

Sec.
203.390 Waiver of title—mortgages formerly Commissioner-held.

In § 203.365 the introductory text is amended to read as follows:

§ 203.365 Documents and information to be furnished Commissioner.

Within 30 days after the deed is filed for record the mortgagee shall forward to the Commissioner:

Part 203 is amended by adding a new § 203.390 as follows:

§ 203.390 Waiver of title—mortgages formerly Commissioner-held.

If the Commissioner sells a mortgage and such mortgage is later reassigned to him in exchange for debentures or the property covered by such mortgage is later conveyed to him in exchange for debentures, the Commissioner will not object to title by reason of any lien or other adverse interest that was senior to the mortgage on the date of the original sale of such mortgage by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., April 2, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-3316; Filed, Apr. 4, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14484, RM-289; FCC 62-364]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Modesto and San Mateo, Calif.

1. The Commission instituted rule making in this docket on January 3, 1962,[1] to consider a proposal of the National Educational Television and Radio Center (NET) to shift television Channel 14 from Modesto, California, to San Mateo, California, by amending the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Modesto, Calif.	14+, 58	58
San Mateo, Calif.	----------	*14+

2. Comments supporting the proposal were filed by the San Mateo Junior College District and NET. Comments opposing the deletion of Channel 14 from Modesto were filed by Mayor Don D. Hammond of Modesto and also jointly by Chester Smith and Corbett Pierce, who indicate that they plan to apply for use of Channel 14 for a Modesto station. Several letters commenting on the proposal were also received.

3. The San Mateo Junior College District and NET, which is assisting the District and the College of San Mateo, which the District operates, in their effort to secure a UHF channel assignment for a local educational outlet, make a convincing showing as to the need for a local educational station at San Mateo to meet the particular in-school and general educational and cultural programming needs of the expanding College and San Mateo County. The District considers a low-band UHF channel, such as Channel 14, more desirable than a high-band UHF channel for a San Mateo educational station at this time, particularly in light of terrain conditions in the area and its coverage objectives for an educational station. It states that Station KQED, the VHF educational station at San Francisco, provides valuable educational television service to the San Mateo area, but that this one television outlet, which serves the eleven counties immediately surrounding San Francisco, cannot allot sufficiently large amounts of time to satisfy the educational television requirements of the College and the San Mateo area and that a local educational station is needed to meet their needs. The District included with its comments a letter from Mr. James Tormey, Superintendent of Schools of San Mateo County and a member of the Board of Directors of the licensee of Station KQED. He endorses the proposed assignment of Channel 14 to San Mateo for an educational outlet and urges that the channel is needed and will be used to serve all county schools as well as the junior college district, and that the growing educational television needs of the area within the range of Station KQED cannot be adequately satisfied by this single station.

4. The Modesto parties opposing the subject proposal are of the view that it would not serve the public interest to deprive Modesto of its only low-band UHF assignment. While neither of the UHF assignments at Modesto are in use, and there are no applications on file for either channel, the Mayor of Modesto urges that the City is convinced that both channels will be needed within a reasonable future and that local groups are actively interested in giving all possible impetus to the establishment of a local outlet on Channel 14. Messrs. Smith and Pierce state that they are presently working on plans to use Channel 14 for a Modesto station. These parties are also of the view that there are advantages to using a low UHF channel, such as Channel 14, for a Modesto station at this time and that deleting this low UHF assignment from Modesto would deter the establishment of a local outlet at Modesto for years and put an end to present plans and intentions concerning UHF in the Modesto area. It is contended that if UHF is to succeed in the Modesto area, which receives some UHF service from Fresno stations and VHF signals from the San Francisco and Stockton stations, a Modesto UHF station will need every bit of help it can get and that the primary source of aid is the availability of a superior UHF frequency.

5. NET and the District state that they were unaware of any present interest in using Channel 14 for a Modesto station when the NET petition for rule making was filed and that a replacement for Channel 14 at Modesto was not proposed in requesting its shift to San Mateo since the Commission has indicated that, unless an active interest is manifested, its policy at this time is to defer action on making available substitute UHF channels until decisions are reached in Docket No. 14229 concerning the future method of assigning UHF channels. In view, however, of the expressed interest in the comments in using a low-band UHF channel at Modesto, they suggest in reply comments that either Channel 15— or 17— would be a technically feasible and satisfactory low UHF channel replacement for Channel 14 at Modesto if Channel 14 is reassigned to San Mateo and would require no changes in other assignments or stations. A preference for Channel 17 at Modesto is indicated, although it is submitted that the coverage characteristics of the two channels at Modesto would be essentially the same and the separations involved provide little choice between the two channels.

6. We believe this suggestion has merit. Shifting Channel 14 to San Mateo and replacing the channel at Modesto with an equally satisfactory low-band UHF channel—either Channel 15 or Channel 17— is technically feasible and would enable both Modesto and San Mateo to have a low-band UHF channel assignment without disturbing any other assignment or station. Insofar as feasible and possible, we have endeavored to satisfy requests for low or relatively low UHF channel assignments when it appeared that in doing so we would be serving the public interest by fostering the establishment of additional UHF service at this time. The assignment of Channel 14 to San Mateo would serve this objective and aid in the development and growth of local educational television service in the San Mateo area. Replacing Channel 14 with Channel 17 at Modesto will provide the Modesto area with a low UHF channel which is essentially just as satisfactory as Channel 14 for a Modesto UHF station and which will meet the basic objection of Modesto parties to the shift of Channel 14 from Modesto to San Mateo. We therefore are of the view that the public interest will be served by replacing Channel 14 at Modesto with Channel 17 and shifting Channel 14 to San Mateo for noncommercial educational use.[2]

7. The actions herein are taken pursuant to authority found in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, Effective May 7, 1962, That the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Modesto, Calif.	17—, 58
San Mateo, Calif.	*14+

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

9. *It is further ordered*, That this proceeding is terminated.

Adopted: March 28, 1962.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3314; Filed, Apr. 4, 1962; 8:49 a.m.]

[1] Notice of Proposed Rule Making (FCC 62-44), released Jan. 5, 1962.

[2] We are aware that a conflicting proposal to assign Channel 17 for an educational reservation at Cotati, California, was filed by the Sonoma State College Foundation on March 15, 1962 (RM-317). However, the Channel 17 Cotati proposal is technically defective in light of the Channel 16 assignment at Pittsburg, California, and the Channel 32 assignment at San Francisco, California.

[Docket No. 14273; FCC 62-365]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Palm Springs, Indio, and San Diego, Calif.

The original proposal herein. 1. In a notice of proposed rule making released herein on September 15, 1961, the Commission pointed out that on November 5, 1958, it had amended its Table of Assignments in § 3.606 of its rules and regulations by assigning Channel 19+ to Palm Springs, California, and that on July 26, 1961, it had granted an application for Channel 18 at San Bernardino, Calif.

2. The proposed transmitter site of the Channel 18 grantee at San Bernardino did not meet the 55-mile adjacent channel separation requirement of § 3.610 (c) (1) of the rules since it was only 50 miles from the reference point in Palm Springs where Channel 19+ was assigned. In the light of this, and in view of the fact that there was no outstanding license or construction permit for Channel 19+ and no application on file with the Commission, the notice invited comments on a proposal to move Channel 19+ from Palm Springs to Indio. The proposal also indicated that, unless an active interest were manifested, action to make available a substitute UHF channel for Palm Springs would be deferred until decisions were reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

Comments and reply comments directed at the original proposal. 3. Only one comment was filed—by H & B Communications Corporation (hereinafter called H & B). This stated that for some time H & B had been preparing an application for a construction permit for a new commercial television station in Palm Springs on Channel 19, and that the only practical transmitter site was located 53 miles from the site of KCHU, Channel 18, San Bernardino.

4. H & B requested a waiver of the adjacent channel separation rule, stating that: "H & B's proposal is manifestly in the public interest. It will provide Palm Springs, California its first local television service and Desert Hot Springs, Calif., with a first television service. The extent of the relaxation of the rule necessary to effectuate H & B's proposal is clearly justified by the facts in this case, particularly considering: (a) The very limited departure from the normal requirement, (b) the departure in any event was impliedly approved by the Commission in its original allocation of these channels and in its grant to Station KCHU-TV, (c) the shortage is indistinguishable from the normal separation requirements in terms of the mutual effects on the stations involved, and (b) H & B, relying on the assignment has expended considerable time and effort in preparing its application." H & B also cited in support of its request cases in which the Commission had granted requested waivers of the spacing rules.

5. In the sole Reply Comment filed by Norman H. Rogers, permittee of television Station KCHU, Channel 18, San Bernardino, Mr. Rogers stated that he understood that H & B intended to use low power with a low antenna height at the proposed site, and that if an application specifying low power and antenna height were filed by H & B he would not oppose the granting of a waiver. Rogers reserved the right, however, to consider the effect of the H & B operation on the KCHU service area if H & B should file an application for more than the low power contemplated.

The substitute proposal. 6. After consideration of the aforementioned information, the Commission on January 5, 1962, released a further notice of proposed rule making in which it invited comments on a proposal to move Channel 19 from Palm Springs to Indio and to reassign Channel 27 from San Diego to Palm Springs as a substitute for Channel 19. The new proposal also indicated that, unless an active interest were manifested, action to make available a substitute UHF channel for San Diego would be deferred until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

Comments and reply comments directed at the substitute proposal. 7. H & B, in the only Comment filed in response to the further notice,[1] reiterates the arguments of its comment to the original notice mentioned above. In addition, they state that "the most salutary and expeditious method of providing a first television service to the Palm Springs area would be by the retention of Channel 19 in Palm Springs" because this would not disturb the existing Table of Assignments, and because the Commission has recognized that in the present state of the art some advantages accrue to a licensee who has a low UHF assignment. In support of the latter statement they quote from the Commission's Memorandum Opinion and Order in Docket No. 14229, released January 19, 1962.

8. In the alternative, if the Commission does not see fit to leave Channel 19 in Palm Springs, H & B supports the assignment of Channel 27 to that city.

9. Norman Rogers filed the only Reply Comment to the further notice of proposed rule making. In this he supports the new proposal of the Commission, stating that it appears to offer the most satisfactory and suitable solution to the problem. Should Channel 19 be permitted to remain in Palm Springs, however, Rogers would maintain the position set forth in paragraph 5 above.

Decision of the Commission. 10. Having given consideration to the matter, we are of the opinion that it is in the public interest to adopt the proposal set forth in the further notice of proposed rule making. Although it is admitted that in the present state of the art there is some advantage in having a low UHF channel, it should be pointed out that Channel 27 is a low UHF channel and that we do not consider that any technical advantage accrues to a licensee by virtue of being authorized to use Channel 19 rather than Channel 27 for its operations. On rare occasions we have seen fit to waive the requirements of our spacing rules because of special compelling circumstances. However, where the public can be equally well served by either of two channels and one can be assigned in accordance with the spacing rules whereas the other can be assigned only with a waiver of those rules, we see no reason for assigning the channel that would require the waiver.

11. The suggestion that retention of Channel 19 in Palm Springs would not disturb the existing Table of Assignments we do not find persuasive. In addition, it should be pointed out that, in the light of this proceeding, to leave Channel 19 in Palm Springs would either limit the power of an applicant for that channel or would lead to possible difficulties in the future. Assignment of Channel 27 to Palm Springs avoids these alternatives.

12. Since Palm Springs and Indio are within 200 miles of the United States-Mexican border it was necessary to coordinate the proposed assignments with the Mexican authorities who, in response to inquiries made by the Commission, stated that they had no objections to the proposed assignments.

Order. 13. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered*, That effective May 7, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, with respect to the communities named, to read as follows:

City	*Channel No.*
Indio, Calif.	19+
Palm Springs, Calif.	27
San Diego, Calif.	8, 10, *15+, 39, 51

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 28, 1962.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3315; Filed, Apr. 4, 1962; 8:49 a.m.]

[1] M & M Telecasters of La Mesa, Calif., sent a letter, received by the Commission on Jan. 23, 1962, indicating an intention to file an application for a construction permit for Channel 27 in San Diego and requesting that this channel assignment be retained if possible. No such application for a construction permit has yet been filed by M & M. If an application is filed at a future date, low UHF Channel 39 is presently assigned to San Diego and available. In addition, proceedings could be instituted to obtain another UHF channel for commercial use in San Diego if this were desired.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

List of Open Areas; Washita National Wildlife Refuge, Oklahoma

On page 1801 of the FEDERAL REGISTER of February 27, 1962, there was published a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public sport fishing in waters of the Washita National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

This amendment, because of the proximity of the legal fishing season in the State of Oklahoma, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

MARCH 30, 1962.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *

OKLAHOMA

Washita National Wildlife Refuge.

[F.R. Doc. 62-3273; Filed, Apr. 4, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

Cold Springs National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cold Springs National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,550 acres or 50 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappie, bass, bluegills, catfish, and other minor species permitted under State regulations.

(b) Open season: April 21, 1962, through April 20, 1963, except closed from September 15, 1962, to the next day following the closing date of the migratory waterfowl hunting season or until December 31, 1962, whichever shall be the later date.

(c) Daily creel limits: None, except for the following species: Black bass—12 fish a day of which not more than 5 may be 17 inches or over in length. Catfish—100 fish in the aggregate but not more than 50 pounds per day.

(d) Methods of fishing:

1. Tackle: One line or rod and line in hand or closely attended. Not more than 3 hooks per line, except on floating bass plugs.

2. Bait: Living, dead, or preserved fish or parts thereof, exclusive of salmon eggs, may not be used for bait.

3. Boats: Boats without motors may be used for fishing.

(e) Other provisions:

1. The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 21, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 26, 1962.

[F.R. Doc. 62-3274; Filed, Apr. 4, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

Modoc National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

MODOC NATIONAL WILDLIFE REFUGE

Sport fishing on the Modoc National Wildlife Refuge, California, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 600 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout, bass, catfish and minor species as prescribed by State regulations.

(b) Open season: As provided by State regulation, except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Trout—10 fish but not more than 10 pounds and 1 fish, except no less than 3 trout irrespective of weight, except 5 fish on the Dorris Reservoir prior to April 28. Bass—5 fish. Catfish—30 fish.

(d) Methods of fishing:

1. Tackle: One line or rod and line, closely attended with not more than 3 hooks attached, may be used.

2. Bait: No fish or parts thereof may be used for bait.

3. Boats: The use of boats, with or without motors, may be used for fishing.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to January 1, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 28, 1962.

[F.R. Doc. 62-3299; Filed, Apr. 4, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS AND RETAILERS EXCISE TAXES

Refund or Credit of Amount Paid as Tax; Notice of Hearing on Proposed Regulations

The proposed regulations under section 6416 of the Code, relating to credits and refunds for certain excise taxes on sales and services, were published in the FEDERAL REGISTER for March 3, 1962.

A public hearing on the provisions of these proposed regulations wil be held on Friday, May 4, 1962, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by May 1, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-3312; Filed, Apr. 4, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965. Said marketing order regulates the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley) and is effective under the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C. not later than five days following the publication of this notice in the FEDERAL REGISTER.

§ 965.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order during the fiscal period ending February 28, 1963, will amount to $15,000.00.

(b) The rate of assessment to be paid by each handler pursuant to this part shall be one cent ($0.01) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62-3317; Filed, Apr. 4, 1962; 8:49 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Proposed Addition of Kentucky to List of Eradication Areas

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Kentucky to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Kentucky is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of March 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-3282; Filed, Apr. 4, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 725) has been filed by Continental Can Company, Inc., 7622 South Racine Avenue, Chicago, Illinois, proposing the issuance of a regulation to amend § 121.2526(b) by listing substances safe for use in resinous and polymeric coatings as the food-contact surface for paper and paperboard. These substances are now incorporated, in part, by reference to § 121.2514(b). Additional substances proposed for inclusion in § 121.2526(b) include substances generally recognized as safe or permitted for use in paper and paperboard by prior sanction. The identities of all substances proposed to be included in amended § 121.2526(b) have been published in the FEDERAL REGISTER in regulations prescribing safe conditions of use.

Dated: March 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3304; Filed, Apr. 4, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Supplementary Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notices were published in the FEDERAL REGISTER that petitions had been filed by W. R. Grace and Company, Dewey and Almy Chemical Division, Cambridge 40, Massachusetts, and Chemical Products Corporation, King Philip Road, East Providence 14, Rhode Island (FAP 237, 280, 333, 344, 419), proposing the issuance of a regulation to

provide for the safe use of certain substances in closure-sealing compounds on glass containers for food use. The petitioners have filed supplements to their original petitions and have requested that the following substances be added to the previously published lists of substances:

The following substances in an amount less than 1 percent of any one in the gasket composition:

Activated carbon.
Calcium oxide.
Dibenzamide phenyldisulfide.
Dihexyl ester of sodium sulfo-succinate.
Ethylene oxide condensate with a hydrophobic base formed by condensing propylene oxide with propylene glycol.
Hexamethylene tetramine.
Hydrogen peroxide.
Methylene bis(4-ethyl-6-tertiary butyl) phenols.
Methylene bis(4-methyl-6-tertiary butyl) phenols.
Octylated diphenylamine.
Oleyl alcohol.
Paraformaldehyde.
Polyethylene glycol.
Polyethylene glycol ester.
Potassium perchlorate.
Potassium and sodium benzoate.
Potassium and sodium bisulfite.
Potassium and sodium persulfate.
Sodium bis-tridecyl sulfosuccinate.
Sodium diamyl sulfosuccinate.
Sodium formaldehyde sulfoxalate.
Sodium lauryl ether sulfate.
Sodium phenylphenate.
Sodium and potassium metabisulfite.
Sodium sulfonated salt of isooctyl phenol polyethoxyethanol (1–5 mols ethylene oxide).
Sorbic acid.
Sulfated tallow.

The following substances in an amount less than 2 percent of any one in the gasket composition:

Calcium molybdate.
Calcium propionate.
Calcium tin stearate (not to exceed 50 p.p.m. tin as migrant in finished food).
Calcium zinc stearate (not to exceed 50 p.p.m. zinc as migrant in finished food).
Mercaptoimidazoline.
N,N'-Dimethyl-*N,N'*-dinitrosoterephthalamide (decomposes into nontoxic ingredients).
Polysorbate 80.
Potassium and sodium propionate.
Tin zinc stearate (not to exceed 50 p.p.m. of tin or zinc as migrant in finished food).
Tributylphosphate.
Zinc molybdate.

The following substances in an amount less than 5 percent of any one in the gasket composition:

Arachidyl-behenyl amide (C_{36}–C_{42} fatty acid amides).
Castor wax.
Coconut oil fatty acids amides.
Dibutylphthalate.
Erucyl amide.
Fatty acid alcohols condensed with ethylene oxide.
Glycerol monohydroxy stearate.
Maleic anhydride-polyethylene copolymer.
Maleic anhydride-polyvinyl methyl ether copolymer.
Maleic anhydride-styrene copolymer.
Sodium tetradecylsulfate.
Stearic acid amide.

The following substances in an amount more than 5 percent of any one in the gasket composition:

Balata rubber.
Chlorinated polyethylene.
Chlorinated polypropylene.
Cork, cleaned, granulated.
Dibutoxy ethyl phthalate.
Didecyl adipate.
Didecyl phthalate.
Di-2-ethylhexyl adipate.
Di-2-ethylhexyl sebacate.
Dipropylene glycol dibenzoate.
Ditridecyl phthalate.
Eicosane, tech. (water-white mixture of predominantly straight-chain paraffin hydrocarbons averaging 20 carbon atoms per molecule).
Epoxidized linseed oil.
Epoxidized linseed oil modified with trimellitic anhydride.
Epoxidized polybutadiene.
Epoxidized safflower oil.
Epoxidized safflower oil modified with trimellitic anhydride.
Epoxidized soybean oil modified with trimellitic anhydride.
Ethylene-acrylate copolymer.
Ethylene-propylene copolymer.
Ethylene-vinyl acetate copolymer.
Gelatin, tech. (8%).
Gutta-percha.
Hydrogenated terphenyl.
Polyvinyl dichloride.
Polyvinylidene fluoride.
Vinyl chloride-stearate copolymer.
Zein, tech. (8%).

Dated: April 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3305; Filed, Apr. 4, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.16]

"LANOCERINA", A TREATED LANOLIN

Change of Tariff Classification

The Bureau of Customs published a notice in the FEDERAL REGISTER dated July 22, 1961, that there was under review the practice of classifying "lanocerina" a treated lanolin consisting of a white odorless grease consisting of about 75 percent fatty alcohols and 25 percent hydrocarbons resulting from the treatment of wool grease or lanolin with hydrogen under high pressure and temperature, as a hardened or hydrogenated fat or oil, under paragraph 56, Tariff Act of 1930, dutiable at the statutory rate of 4 cents per pound. The Bureau by its letter to the collector of customs, New York, New York, dated March 30, 1962, ruled that this product is properly classifiable under the provision in paragraph 56 for fats, the composition and properties of which have been changed by chemical means, not specially provided for, dutiable at the statutory rate of 20 percent ad valorem.

Insofar as this decision will result in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-3290; Filed, Apr. 4, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 39]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 112.99 acres in Ouray County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 8 W.,
Sec. 13, lots 28 and 30;
Sec. 14, E½SE¼.

Containing 112.99 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

MARCH 28, 1962.

[F.R. Doc. 62-3287; Filed, Apr. 4, 1962; 8:46 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah effective at 10:00 a.m., on March 29, 1962:

SALT LAKE MERIDIAN

Plat of survey accepted August 17, 1960:

T. 26 S., R. 11 E.,
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 9: All;
Sec. 15: All.
3,254.40 acres.

Plats of survey accepted November 3, 1960:

T. 6 S., R. 17 W.,
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,650.20 acres.

T. 7 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.48 acres.

T. 8 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: Lots 1 to 16, incl., N½NW¼;
Sec. 36: All.
2,283.92 acres.

T. 6 S., R. 18 W.,
Sec. 32: All;
Sec. 36: All.
1,280.00 acres.

T. 17 R., R. 18 W.,
Sec. 2: Lots 1 to 12, incl., S½NW¼;
Sec. 16: All;
Sec. 32: All;
Sec. 36: Lots 1 to 9, incl., SE¼NE¼, W½NE¼, NW¼, NW¼SW¼.
2,234.94 acres.

T. 5 S., R. 19 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,568.32 acres.

T. 6 S., R. 19 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,562.20 acres.

T. 7 S., R. 19 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 36: Lots 1, 2, 3, 4, N½, N½S½.
2,542.66 acres.

Plats of survey accepted November 21, 1960:

T. 14 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.64 acres.

T. 15 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.84 acres.

T. 14 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.24 acres.

T. 15 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,584.92 acres.

T. 14 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,378.88 acres.

T. 15 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,589.20 acres.

Plats of survey accepted November 25, 1960:

T. 15½ S., R. 15 W.,
Sec. 31: Lots 1 to 6, incl., E½SW¼, SE¼;
Sec. 32: Lots 1, 2, 3, 4, S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
1,526.13 acres.

T. 16 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.00 acres.

T. 17 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.16 acres.

T. 18 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.48 acres.

T. 19 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.44 acres.

T. 20 S., R. 15 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.80 acres.

T. 15½ S., R. 16 W.,
Sec. 31: Lots 1 to 6, incl., E½SW¼, SE¼;
Sec. 32: Lots 1, 2, 3, 4, S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
1,530.60 acres.

T. 16 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.76 acres.

T. 17 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2560.24 acres.

T. 18 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.56 acres.

T. 19 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.28 acres.

T. 20 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.04 acres.

T. 20 S., R. 16 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.04 acres.

T. 15½ S., R. 17 W.,
Sec. 31: Lots 1 to 9, incl., E½SW¼, SE¼;
Sec. 32: Lots 1, 2, 3, 4, S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
1,661.37 acres.

T. 16 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,558.80 acres.

T. 17 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.04 acres.

T. 18 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.00 acres.

T. 19 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.54 acres.

T. 20 S., R. 17 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.92 acres.

T. 18 S., R. 18 W.,
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,607.16 acres.

T. 19 S., R. 18 W.,
Sec. 32: N½;
Sec. 36: Lots 1, 2, N½, N½SW¼.
799.56 acres.

T. 20 S., R. 18 W.,
Sec. 1: Lots 1 to 8, incl., S½N½, S½;
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 3: Lots 1 to 9, incl., S½NE¼, SE¼ NW¼, SE¼;
Sec. 10: E½;
Sec. 11: N½, SW¼;
Sec. 12: N½.
3,094.56 acres.

Plats of survey accepted December 9, 1960:

T. 16 S., R. 12 W.,
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,707.00 acres.

T. 17 S., R. 12 W.,
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
2,789.84 acres.

T. 15½ S., R. 13 W.,
Sec. 31: Lots 1 to 5, incl., SE¼;
Sec. 32: Lots 1, 2, 3, 4, S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
1,393.22 acres.

T. 16 S., R. 13 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.96 acres.

T. 17 S., R. 13 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.32 acres.

T. 18 S., R. 13 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
2,482.71 acres.

T. 19 S., R. 13 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
2,482.71 acres.

T. 20 S., R. 13 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
2,544.64 acres.

T. 15½ S., R. 14 W.,
Sec. 31: Lots 1 to 6, incl., E½SW¼, SE¼;
Sec. 32: Lots 1, 2, 3, 4, S½;
Sec. 36: Lots 1, 2, 3, 4, S½.
1,519.55 acres.

T. 16 S., R. 14 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.20 acres.

T. 17 S., R. 14 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,561.64 acres.

T. 18 S., R. 14 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.28 acres.

T. 19 S., R. 14 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.44 acres.

T. 20 S., R. 14 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,562.00 acres.

Plats of survey accepted December 23, 1960:

T. 41 S., R. 6 W.,
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
1,920.00 acres.

T. 42 S., R. 8 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,481.44 acres.

T. 42 S., R. 9½ W.,
Sec. 32: Lots 1, 2, 3, 4, W½W½.
302.99 acres.

T. 42 S., R. 10 W.,
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
1,920.00 acres.

T. 24 S., R. 8 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 36: Lots 1, 2, 3, 4, N½, N½S½.
2,615.65 acres.

T. 20 S., R. 10 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
3,905.41 acres.

T. 21 S., R. 10 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,559.32 acres.

T. 22 S., R. 10 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,560.04 acres.

T. 23 S., R. 10 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: N½NE¼, NW¼.
2,196.28 acres.

T. 24 S., R. 10 W.,
Sec. 2: Lots 3, 4, 5, 6, 7, 8.
253.24 acres.

T. 22 S., R. 11 W.,
Sec. 2: Lots 1 to 7, incl., S½NE¼, SE¼ NW¼, E½SW¼;
Sec. 16: All;
Sec. 36: Lots 1, 2, 3, 4, S½NE¼, NW¼, N½SW¼.
1,609.80 acres.

T. 23 S., R. 11 W.,
Sec. 1: Lots 1 to 8, incl., S½N½, S½;
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 3: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
4,068.39 acres.

T. 24 S., R. 11 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 36: Lots 1, 2, 3, 4, N½, N½S½.
2,612.56 acres.

T. 23 S., R. 12 W.,
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
1,920.00 acres.

T. 24 S., R. 12 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,563.24 acres.

T. 25 S., R. 12 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
2,564.59 acres.

Plats of survey accepted April 17, 1961:

T. 39 S., R. 1 W.,
Sec. 2: Lots 1, 2, 3, 4, S½S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,234.40 acres.

T. 40 S., R. 1 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,556.36 acres.

T. 38 S., R. 2 W.,
Sec. 31: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 32: W½.
957.41 acres.

T. 39 S., R. 2 W.,
Sec. 2: Lots 1, 2, 3, 4, S½S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,217.16 acres.

T. 40 S., R. 2 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½.
653.60 acres.

T. 39 S., R. 2½ W.,
Sec. 36: Lots 1, 2, 3, 4, E½W½, E½.
581.36 acres.

T. 40 S., R. 3 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,568.36 acres.

Plat of survey accepted May 8, 1961:

T. 36 S., R. 2 W.,
Sec. 16: All.
640.00 acres.

Plat of survey accepted May 25, 1961:

T. 29½ S., R. 19 E.,
Sec. 34: Lots 1 to 10, incl., S½NE¼, E½ SW¼, SE¼;
Sec. 35: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 36: Lots 1, 2, 3, 4, S½N½, S½.
1,909.20 acres.

Plat of survey accepted June 29, 1961:

T. 2 N., R. 18 E.,
Sec. 2: Lots 5, 6, 7, 8, S½S½.
313.54 acres.

Plats of survey accepted August 3, 1961:

T. 34 S., R. 2 E.,
Sec. 32: All;
Sec. 36: All.
1,280.00 acres.

T. 35 S., R. 2 E.,
Sec. 32: Lots 1, 2, 3, 4, 5, E½NE¼, NE¼ SE¼.
314.35 acres.

T. 34 S., R. 3 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½;
Sec. 36: Lots 1, 2, 3, 4, N½, N½S½.
2,524.98 acres.

T. 34 S., R. 5 E.,
Sec. 32: All.
640.00 acres.

Plats of survey accepted September 21, 1961:

T. 13 S., R. 3 W.,
Sec. 32: Lots 1, 2, 3, 4, N½, N½S½.
638.04 acres.

T. 13 S., R. 4 W.,
Sec. 36: Lots 1, 2, 3, 4, N½, N½S½.
650.05 acres.

T. 12 S., R. 5 W.,
Sec. 36: All.
640.00 acres.

T. 13 S., R. 5 W.,
Sec. 2: Lots 1 to 8, incl., S½N½, S½;
Sec. 16: All;
Sec. 32: All;
Sec. 36: All.
2,617.68 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the lands listed above passed to the State of Utah upon the acceptance of the plats of survey, except for the following:

SALT LAKE MERIDIAN

T. 40 S., R. 1 W.,
Sec. 16: S½NW¼, SW¼.
T. 38 S., R. 2 W.,
Sec. 31: Lots 1, 2, 3, 4, E½W½, E½.
T. 20 S., R. 10 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½.
T. 22 S., R. 11 W.,
Sec. 33: All.
T. 23 S., R. 11 W.,
Sec. 1: Lots 1 to 8, incl., S½N½, S½;
Sec. 3: Lots 1 to 8, incl., S½N½, S½.
T. 15½ S., R. 13 W.,
Sec. 31: Lots 1, 2, 3, 4, 5, SE¼.
T. 15½ S., R. 14 W.,
Sec. 31: Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼.
T. 15½ S., R. 16 W.,
Sec. 31: Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼.
T. 15½ S., R. 17 W.,
Sec. 31: Lots 1 to 9, incl., E½SW¼, SE¼.
T. 20 S., R. 18 W.,
Sec. 1: Lots 1 to 8, incl., S½N½, S½;
Sec. 3: Lots 1 to 9, incl., S½NE¼, SE¼ NW¼, SE¼;
Sec. 10: E½;
Sec. 11: N½, SW¼;
Sec. 12: N½.
T. 34 S., R. 3 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½.
T. 26 S., R. 11 E.,
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 9: All;
Sec. 10: All;
Sec. 15: All.
T. 29½ S., R. 19 E.,
Sec. 34: Lots 1 to 10, incl., S½NE¼, E½SW¼, SE¼;
Sec. 35: Lots 1, 2, 3, 4, S½N½, S½.
T. 2 N., R. 18 E.,
Sec. 2: Lots 5, 6, 7, 8, S½S½.

The area described aggregates 11,528.66 acres.

3. The following lands contain water holes or springs of sufficient size and value to the public to have created a reservation under Public Water Reserve No. 107 as contemplated by Executive Order of April 17, 1926:

T. 40 S., R. 1 W.,
Sec. 16: S½NW¼, SW¼.
240.00 acres.

4. The following lands are within the Ashley National Forest pursuant to Proclamation of February 22, 1897, and Executive Order 884 of July 1, 1908:

T. 2 N., R. 18 E.,
Sec. 2: Lots 5, 6, 7, 8, S½S½.
313.54 acres.

5. The following lands are within Power Site Classification No. 323 of June 28, 1941:

T. 29½ S., R. 19 E.,
Sec. 34: Lots 1 to 10, incl., SW¼NE¼, NE¼SW¼;
Sec. 35: Lots 1, 2, 3, 4.
530.80 acres.

6. The following lands are within application for withdrawal Utah 017815 of the National Park Service, Department of the Interior, for the proposed Valley of the Goblins National Monument:

T. 26 S., R. 11 E.,
Sec. 3: SW¼NW¼, NW¼SW¼, S½S½;
Sec. 4: S½NE¼, SE¼NW¼, SE¼;
Sec. 9: All;
Sec. 10: All;
Sec. 15: All.
2,440.00 acres.

7. Except for the lands shown in Paragraphs 3, 4, and 5, the lands listed in Paragraph 2 of this notice are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

8. The lands restored to the operation of the public land laws are desert in character, having no inhabitants or permanent water. Topography varies from high mountains broken by numerous steep-sided canyons to rolling and level alkaline desert valleys. The soil is principally a shallow sandy clay, having a short sparse undergrowth and infrequent scattered patches of noncommercial timber. The lands are, for the most part, isolated and inaccessible, with no apparent agricultural value.

F. S. KIRK,
Operations Manager.

MARCH 28, 1962.

[F.R. Doc. 62-3300; Filed, Apr. 4, 1962; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. Sacramento 063690 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for withdrawal of the land to protect recreation areas and administration sites in the Lassen National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in

the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN IN THE LASSEN NATIONAL FOREST

East Fork Coon Creek Campground

T. 25 N., R. 4 E.,
Sec. 3: W½SW¼.

Van Camp Campground

T. 25 N., R. 4 E.,
Sec. 3: E½SW¼.

Cuddeback Campground

T. 25 N., R. 4 E.,
Sec. 3: S½SE¼;
Sec. 10: N½NE¼.

Chaparral Fire Station Administrative Site

T. 25 N., R. 4 E.,
Sec. 10: E½NW¼, N½NE¼SW¼.

West Branch Campground and Planned Expansion

T. 25 N., R. 4 E.,
Sec. 10: NE¼SE¼, N½SE¼SE¼.

The area described above aggregates 480.00 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-3311; Filed, Apr. 4, 1962; 8:48 a.m.]

National Park Service

OLYMPIC NATIONAL PARK, WASH.

Acceptance by Assistant Secretary of Department of the Interior of Exclusive Jurisdiction Over Certain Land; Correction

In F.R. Doc. 60-9052, published at 25 F.R. 9311, the following correction is made: The portion of the land description in Parcel No. 4 reading "Section 32," should read "Section 22."

HILLORY A. TOLSON,
Acting Director.

MARCH 26, 1962.

[F.R. Doc. 62-3301; Filed, Apr. 4, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13494]

NEW ENGLAND REGIONAL AIRPORT INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 1, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 16, 1962; (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before April 26, 1962.

Dated at Washington, D.C., April 2, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3316; Filed, Apr. 4, 1962; 8:49 a.m.]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Time Limit for Applications for Approval of Group-Practice Prepayment Health Benefits Plans and Individual-Practice Prepayment Health Benefits Plans

Under the provisions of the Federal Employees Health Benefits Act of 1959, the Civil Service Commission has determined that applications received before May 15, 1962, from groups wishing to offer group-practice prepayment health benefits plans and individual-practice prepayment health benefits plans to Federal employees under the Act will be considered for approval for the third contract period, which begins November 1, 1962. Applications received after May 14, 1962, will be considered for approval for subsequent contract periods.

A statement of the kinds of information which must accompany applications may be obtained from the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3291; Filed, Apr. 4, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14588; FCC 62-353]

WIVY, INC. (WIVY)

Order Designating Application for Hearing on Stated Issues

In re application of WIVY, INC. (WIVY), Jacksonville, Fla., has 1050 kc, 1 kw, Day, Class II, requests 1080 kc, 1 kw, DA-1, U, Class II, Docket No. 14588, File No. BP-13385, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the proposed WIVY nighttime operation would be restricted by interference to a nighttime RSS limitation of 11.87 mv/m, that population losses within the normally protected nighttime contour would be 31.5 percent, that the applicant recognizes the fact that its proposal will violate § 3.28(d)(3) of the Commission rules with respect to its proposed nighttime operation, and has, therefore, requested a waiver of said rule; and

It further appearing, that, the applicant filed a "petition for waiver of the rules" on September 2, 1960, requesting a waiver of § 1.351 of the Commission rules to permit immediate processing of the above-described application; that § 1.351(b) of the said rules has since been amended to permit processing of this application; that, therefore, the above-referenced petition is moot; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WIVY and the availability of other primary service to such areas and populations.

2. To determine the extent to which applicant's nighttime proposal will receive interference beyond the limits set forth in § 3.28(d)(3) of the Commission rules and to determine further whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, the petition for waiver of § 1.351 of the Commission rules, filed by WIVY, Inc. on September 2, 1960 is dismissed as moot.

It is further ordered, That in the event of a grant of the instant proposal the construction permit issued shall include the following conditions:

Before program tests are authorized permittee shall submit current distribution measurement data to establish that the antenna towers have been top loaded to essentially 124.33°, as proposed.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3313; Filed, Apr. 4, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2810]

ATLAS COPPER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MARCH 30, 1962.

I. Atlas Copper, Inc. (issuer), last known address 3138 East McDowell Road, Phoenix, Ariz., filed with the Commission on November 3, 1960, a notification and offering circular relating to an offering of 300,000 shares of $1.00 par value common stock, at $1.00 per share, for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that the terms and conditions of Regulation A have not been complied with by the issuer in that the issuer has failed to file a report of sales on Form 2-A as required by Rule 260 and a revised offering circular as required by Rule 256(e).

III. *It is ordered*, Pursuant to Rule 261(a)(1) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3275; Filed, Apr. 4, 1962; 8:45 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 29, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 30, 1962, to April 8, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3276; Filed, Apr. 4, 1962; 8:45 a.m.]

[File No. 812-1491]

SIERRA CAPITAL CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 28, 1962.

Notice is hereby given that Sierra Capital Co. ("Applicant"), 351 California Street, San Francisco, Calif., a California corporation and a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase from Barton Development Co. ("Barton") by Applicant of 26,315 shares of Barton's capital stock for $247,500 cash and $250,000 face amount 7 percent subordinated convertible debentures of Barton for $247,500 cash.

Five directors (out of a total of twelve) of Sierra are limited partners in a partnership (created Mar. 20, 1961) known as 500 Sansome Street Co. in which Barton is a limited partner. The general partner, Peter Saltz, is secretary and a director of Barton and a minority stockholder of 1,140 shares of Sierra common stock, an unaffiliated interest. The business of the partnership is the ownership and operation of an office building located at 500 Sansome Street, San Francisco, Calif. Barton's partnership interest is 20 percent and the five directors' interest in the aggregate is 40 percent. The balance is distributed among two other limited partners and the general partner.

Barton specializes in the development of prime commercial and industrial properties, shopping centers and apartment buildings either with its own resources or through syndicates in which it is a participant and which it manages. As of February 28, 1962, Barton had assets totaling $1,395,223 consisting of about $582,865 in current assets and $810,186 in real estate and other investments. Barton's interest in 500 Sansome Street consists of a capital contribution of $50,000 in cash and $50,000 in property representing the value of the contract assigned by it to the partnership, to purchase the office building located at 500 Sansome Street. The balance of the capital of 500 Sansome Street represents cash contributions totaling $400,000 by the other partners. Barton has less than 100 stockholders and all shares are presently held in escrow pursuant to permits of the Commission of Corporations of the State of California. During the past 6 months, a few sales of escrowed shares have been made with the consent of said Commissioner at prices ranging from $9.25 to $9.50 per share.

The price to be paid by Sierra for capital stock of Barton has been negotiated on the basis of a one percent discount on an agreed value of $9.50 per share. Said agreed value of $9.50 per share is the price at which Barton has recently sold 10,526 shares of its capital stock to Mr. Henry B. Grandin, Jr., the assistant secretary of Barton and who is purported to be a key employee and well acquainted with the financial condition of Barton. The sale at $9.50 per share to Mr. Grandin was consummated pursuant to a permit obtained from the Commissioner of Corporations on February 26, 1962. The said permit also authorized the purchase by Sierra of the securities of Barton. It is represented that the proposed investment in Barton is being made at arm's length; Sierra conducted its research on the financial position of

Barton largely through its own research staff and facilities, supplemented by an independent appraisal of three separate properties owned by Barton and which comprise a substantial portion of its assets; and the proposed transaction is consistent with the policies of Sierra as set forth in its registration statement on Form N–5 filed under the Act.

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any officer, director, partner, copartner, or employee of such other person. Barton is therefore an affiliated person of affiliated persons of the Applicant under the Act and the proposed transaction would be prohibited by Section 17(a) unless the Commission issues an order exempting such transaction from the provisions thereof. Section 17(a) of the Act, in general, prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 12, 1962, at 5:30 p.m., submit to the Commission is writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3277; Filed, Apr. 4, 1962; 8:45 a.m.]

[File No. 70–4030]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Common Stock by Registered Holding Company to a Nonaffiliate and Acquisition of Assets and Assumption of Liabilities of Such Nonaffiliate

MARCH 30, 1962.

Notice is hereby given that Utah Power & Light Co. ("Utah Power") (1407 West North Temple Street, Salt Lake City 10, Utah), a registered holding company and an electric utility company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(b)(1), and 10 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Utah Power proposed to acquire all of the assets of a nonaffiliated electric utility company, Swan Creek Electric Co. ("Swan Creek"), which at December 31, 1961, amounted to $174,705, and which includes plant constructed with contributions by customers in the amount of $23,945. In exchange for these assets Utah Power proposes to issue and sell to Swan Creek 3,300 shares of Utah Power's common stock, par value $12.80 per share. For the purposes of the exchange these shares were valued at $37 per share, or an aggregate value of $122,100. Utah also proposes to assume all of the liabilities of Swan Creek, which at December 31, 1961, amounted to $40,090, including $33,700 face amount of notes payable to banks and $6,390 of current liabilities. The shares of common stock of Utah Power will be exchanged by Swan Creek for its outstanding shares of captial stock and Swan Creek will be dissolved.

Utah Power, a Maine corporation, is engaged principally in the business of generating, transmitting, distributing and selling electric energy in southeastern Idaho, northern, central, and southeastern Utah and southwestern Wyoming. Utah is also a registered holding company by virtue of its ownership of all of the common stock of The Western Colorado Power Co., an electric utility company rendering electric service in southwestern Colorado, and of Telluride Power Co., an electric utility company rendering electric service in south central Utah. The consolidated gross utility plant of Utah Power and its subsidiaries, at December 31, 1961, was $286,552,000 and consolidated gross operating revenues for the calendar year 1961 were $56,430,000.

Swan Creek, a Utah corporation, is engaged in the business of purchasing, generating, distributing and selling electric energy in northeastern Utah. Electric service is furnished at retail to approximately 600 customers in 9 communities and in rural areas. Swan Creek's gross utility plant, at December 31, 1961, was $226,764 and its gross operating revenues for the calendar year 1961 were $85,759. During the calendar year 1961 it generated approximately 27 percent of its electric energy requirements and purchased 73 percent from Utah Power.

Utah Power has applied to The Public Service Commission of Utah, The Public Service Commission of Wyoming, The Idaho Public Utilities Commission, and the Federal Power Commission, for the requisite authority to effectuate the proposed transactions. A copy of the orders entered in connection therewith are to be supplied by amendment. It is represented that no other State commission and no other Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 13, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after such date, the application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3278; Filed, Apr. 4, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

INTER-ISLAND SHIPPING CORP. AND SEA-LAND SERVICES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8859, between Inter-Island Shipping Corp. and Sea-Land Service, Inc., Puerto Rican Division, covers a through billing arrangement for the transportation of general cargo and controlled temperature cargo in the trade from the Virgin Islands to U.S. North Atlantic ports, with transhipment at San Juan, P.R.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 2, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–3302; Filed, Apr. 4, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 373]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Woodbury County in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 25, 1962.

Offices: Small Business Administration Regional Office, Bankers Building, Room 430, 105 West Adams Street, Chicago 3, Ill., and Small Business Administration Branch Office, 850 Insurance Exchange Building, Fifth and Grand Avenue, Des Moines, Iowa.

2. A temporary field office will be established at Sioux City, Iowa, address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1962.

Dated: March 28, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–3280; Filed, Apr. 4, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LOTHAR MEYER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Lothar Meyer, c/o Institut für Metallphysik, Hospitalstrasse 12, Göttingen, Germany; Claim No. 6587; $30.00 in the Treasury of the United States. Four and sixty-eight hundredths percent (4.68%) of all royalties payable or to become payable to the Attorney General of the United States from the publication of the book entitled "Der Chemie Ingenieur," Volume III, Part 1, by Lothar Meyer, et al., vested by the Alien Property Custodian under Vesting Order No. 500A–7 (9 F.R. 7874, July 14, 1944).

Executed at Washington, D.C., on March 27, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–3288; Filed, Apr. 4, 1962; 8:46 a.m.]

FRANZ HALLA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Franz, Halla, Av. Jupiter 149, Brussels 19, Belgium; Claim No. 13304; All right, title and interest of Franz Halla under contracts dated April 4, 1935 and April 25, 1938 between Johann Ambrosius Barth and Franz Halla concerning the publication of the works entitled "Kristallchemie U. Kristallphysik Metallischer Werkstoffe." "Eine Einfuhrung Fur Ingenieure und Leitfaden Fur Die Rontgenographische Untersuchung Von Kristallen" to the extent owned by Franz Halla immediately prior to the vesting thereof by Vesting Orders Nos. 500A–54 (9 F.R. 8206, July 20, 1944) and 500A–75 (9 F.R. 7785, July 12, 1944).

Executed at Washington, D.C., on March 29, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–3289; Filed, Apr. 4, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37638: *Sand from Riverton, Ind., to Centralia, Ill.* Filed by Illinois Freight Association, Agent (No. 164), for the Illinois Central Railroad Co. Rates on sand, as described in the application, in carloads, from Riverton, Ind., to Centralia, Ill.

Grounds for relief: Truck competition.

Tariff: Supplement 93 to Illinois Central Railroad tariff I.C.C. A–11687.

FSA No. 37639: *Iron and steel pipe from Brave, Pa., and Loveridge Mine, W. Va.* Filed by Southwestern Freight Bureau, Agent (No. B–8179), for interested rail carriers. Rates on wrought iron and steel pipe and related articles, in carloads, from Brave, Pa., and Loveridge Mine, W. Va., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 269 to Southwestern Freight Bureau tariff I.C.C. 4116.

AGGREGATE OF INTERMEDIATES

FSA No. 37640: *Lumber between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 433), for interested rail carriers. Rates on lumber and related articles, in carloads, from Texarkana, Tex., to Galveston and Houston, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 44 to Texas-Louisiana Freight Bureau tariff I.C.C. 869.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–3284; Filed, Apr. 4, 1962; 8:45 a.m.]

[Notice 620]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pur-

suant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64800. By order of March 29, 1962, the Transfer Board approved the transfer to Virgil M. Becker, Cawker City, Kans., of Certificate No. MC 55696, issued October 15, 1953, to Ralph Johnston, Cawker City, Kans., authorizing the transportation of: Poultry supplies, feed, agricultural implements and parts, binder twine, building material, and farm hardware, from Kansas City, Mo., to Cawker City, Kans., over regular routes, serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 25 miles of Cawker City, and from St. Joseph, Mo., to Cawker City, Kans., over regular routes, serving intermediate and off-route points within 25 miles of Cawker City; general commodities, excluding household goods and other specified comcodities, from Kansas City, Mo., to Downs, Kans., over regular routes, serving the intermediate points of Beloit and Cawker City; bars, washers, spacers, and sprockets, over regular routes, serving the intermediate point of Kansas City, Kans.; eggs, from Beloit, Kans., to Kansas City, Mo.; agricultural implements, and junk, from points within a specified Colorado and Nebraska territory, to Cawker City, Kans., and from Cawker City, Kans., to points within a specified Colorado territory; and livestock, from points within a specified Kansas territory, on the one hand, and, on the other, Kansas City, Kans., Kansas City, Mo., and St. Joseph, Mo., and from points in the Kansas territory, to Chester, Superior, and Grand Island, Nebr. Arthur L. Claussen, 303 New England Building, Topeka, Kans., attorney for applicants.

No. MC–FC 64883. By order of March 29, 1962, the Transfer Board approved the transfer to Allen R. Hartman, Salisbury, N.C., of certificate in No. MC 105200, issued September 12, 1949, to W. H. Crowder, doing business as Crowder Transfer, Salisbury, N.C., authorizing the transportation of: Fresh meat and packinghouse products, over irregular routes, from Salisbury, N.C., to points in Iredell, Davie, Davidson, Guilford, Rowan, Cabarrles, and Stanly Counties, N.C., and empty containers, used in connection with the above-specified commodities, on the return trip. George R. Uzzell, Box 585, Salisbury, N.C., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–3285; Filed, Apr. 4, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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Washington, Friday, April 6, 1962

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CFR SUPPLEMENTS

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The following Supplements are now available:

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 19]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1963 OLD FARM BASE ACREAGES AND ACREAGE ALLOTMENTS AND NEW FARM ALLOTMENT DETERMINATIONS

On pages 1174, 1175, and 1176 of the FEDERAL REGISTER of February 8, 1962, there was published a notice of proposed rule making to issue amendments to the regulations pertaining to farm acreage allotments for 1960 and subsequent crops of wheat to determine base acreages for old farms for the 1963 crop of wheat in a manner substantially identical to that used for the determination of the 1962 farm base acreages and acreage allotments. It was also proposed to change the eligibility requirements governing wheat acreage allotments for new farms in order to obtain uniformity between the wheat acreage allotment regulations and regulations for other allotment crops and to provide that the wheat acreage allotment established for a new farm shall be reduced to the wheat acreage determined for the farm if it is determined such wheat acreage on the farm is less than 75 percent of the farm wheat acreage allotment. Interested persons were given 30 days in which to submit written data, views and recommendations with respect to the proposed amendments.

No data, views or recommendations were received.

The proposed amendments are hereby adopted without change.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

APRIL 2, 1962.

1. A new § 728.1017c is added between §§ 728.1017b and 728.1018 to read as follows:

§ 728.1017c Determination of base acreages for old farms for the 1963 crop of wheat.

(a) The county committee shall, in accordance with the regulations in this section, determine a 1963 base acreage of wheat for each old farm which will reflect the factors of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. For substantially all farms, these factors are determined to be adequately reflected for the 1963 crop in the 1962 base acreages for regular rotation farms and in the 1961 base acreages for odd and even rotation farms and the wheat history acreages for 1961, weighted and adjusted as provided for in this section. For the small number of farms where special provisions are necessary as provided in subparagraphs (3), (4), (5), (6), and (7) of paragraph (b) of this section, the computed base acreage determined in accordance with the provisions of such subparagraphs have been determined adequately to reflect these factors.

(b) *Computed base acreage.* The county committee shall establish for each farm a computed base acreage which shall be:

(1) For a regular rotation farm, 80 per centum of the 1962 base acreage which was determined for the farm under § 728.1017b, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(2) For any farm having an odd and even crop rotation as defined in § 728.1011(d), 80 per centum of the 1961 base acreage which was determined for the farm under § 728.1017a, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(3) For a farm for which a new farm allotment was established for the first time for the 1962 crop, the product obtained by multiplying the final 1962 wheat acreage allotment for the farm by 111.11 percent and multiplying that product by the reciprocal of a decimal fraction which is 100 per centum of the county proration factor used in adjusting old farm base acreages in 1962 to the 1962 county acreage allotment as determined under § 728.1018.

(4) For a farm which had established a new odd and even crop-rotation system for 1962 as provided in § 728.1017b(b)(4), the base acreage recommended by the county committee as applicable for 1963 for such farm.

(5) For an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period, the previous base acreage selected by the county committee as applicable for 1963 for such farm under such rotation system.

(6) For a farm with an established odd and even rotation for which a change in the crop-rotation practices will go into effect for 1963, the computed base acreage recommended by the county committee as applicable for 1963 for such farm under the new rotation: *Provided*, That such computed base acreage shall not exceed the base acreage which would have been computed if the rotation in effect for 1962 had been continued.

(7) For those farms for which the penalty on excess wheat of the 1959 or 1960 crop was postponed or avoided by storage of the excess but on which the penalty became due after determination of the 1962 allotment, the farm base acreage for 1963 shall be computed in accordance with the applicable subparagraph (1) or (2) of this paragraph after the 1961 or 1962 base acreage has been recomputed, for 1963 base acreage determination only, by using the 1959 or 1960 allotment, as appropriate, instead of the 1959 or 1960 base acreage as the 1959 or 1960 wheat history acreage.

(c) *Tentative farm base acreage.* The tentative base acreage for a farm shall be the computed base acreage determined under paragraph (b) of this section, as adjusted under this paragraph (c). The county committee may make adjustments not to exceed 10 percent in the computed base acreage for the farm when it is determined that such computed farm base acreage is too low or too high when compared with base acreages on similar farms similarly operated which have had very similar crop-rotation practices in the past and have relatively the same type of soil and topography and approximately the same amount of cropland. Such adjustments are subject to the following conditions:

(1) The computed farm base acreage may not be adjusted above the cropland for the farm.

(2) No adjustment shall be made for the purpose of offsetting the effects of exceeding the 1959, 1960, or 1961 farm acreage allotment.

(3) An adjustment shall be made to reflect the loss in county history caused by those farms for which the base acreage is determined under § 728.1017c(b)(4) or (5) which had excess wheat acreage on which the penalty became due for the 1959, 1960, or 1961 crop of wheat. A zero tentative base acreage shall be established for any farm if the county committee determines that the land will not be used for agricultural production in 1963 because it has been devoted to non-agricultural use.

(d) *The 1963 base acreage.* The 1963 base acreage shall be that acreage determined under paragraphs (a) through (c) of this section, adjusted to the approved county base. If the sum of the indicated 1963 tentative base acreages for all old farms in the county does not equal (within rounding tolerance) the 1963 final county base acreage used in apportioning the State acreage allotments to counties contained in § 728.1307, such indicated base acreage shall be adjusted up or down by that percentage which the sum of the indicated base acreages for all old farms in the county is less or more than the 1963 county base acreage: *Provided*, That the 1963 base acreage for any farm shall not exceed the total cropland for the farm, except for any farm where less than 15 percent of the cropland on the farm has been

acquired under the right of eminent domain. As so adjusted, the 1963 tentative base acreage for the farm shall become the 1963 base acreage for the farm.

§ 728.1018 [Amendment]

2. Section 728.1018 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the language "and § 728.1017c for 1963."

§ 728.1019 [Amendment]

3. Section 728.1019 is amended by changing the heading to read *"Determination of tentative acreages for new farms for the 1960, 1961, and 1962 crops"*; by adding in the first sentence of paragraph (a) immediately following the word "shall" the language ", with respect to the 1960, 1961, and 1962 crops,"; by adding in the first sentence of paragraph (b) immediately following the word "allotments" the language "for the 1960, 1961, or 1962 crop"; and by adding in the first sentence of paragraph (c) immediately following the words "new farm" the language "for the 1960, 1961, or 1962 crop".

4. A new § 728.1019a is added to read as follows:

§ 728.1019a Determination of tentative acreages for new farms for 1963 and subsequent crops.

(a) The county committee shall determine a tentative acreage for use in establishing a wheat acreage allotment for each eligible new farm for the 1963 or any subsequent crop for which an acreage allotment is requested in writing prior to July 1 of the year immediately preceding the current year in the winter wheat area, and prior to March 1 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request for such allotment shall be made by the owner or operator on Form MQ–25, Application for New Farm Allotment, which shall contain statements as to location and identification of the farm, name and address of the farm operator, the acreages of farmland and cropland on the farm, the acreage of wheat requested, the past experience of the applicant in producing wheat, the acreage allotments established for other crops for the farm for the current year, the tillable acreage on the farm available for the production of wheat, whether the operator or owner owns or operates any other farm in the United States for which a wheat acreage allotment will be established for the current year, whether the operator of the farm will obtain more than 50 per centum of his income during the current year from the production of agricultural commodities or products from the farm, excluding the estimated return from the production of wheat on the requested allotment, whether the production of wheat on the farm ordinarily would result in an undue erosion hazard under continuous production and whether the operator owns or has readily available adequate equipment and other facilities for the production of wheat.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The application for a new farm allotment is filed by the farm operator or farm owner at the office of the county committee on or before the applicable closing date.

(2) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a wheat allotment will be established for the current year.

(3) The available land, type of soil and topography of the land on the farm for which the wheat allotment is requested is suitable for the production of wheat and the production of wheat on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator owns or otherwise has readily available adequate equipment and the other facilities of production necessary to the successful production of wheat on the farm.

(5) The operator will obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from the agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major purpose other than operation or ownership, as applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salaries, from the corporation.

(6) Notwithstanding the provisions of subparagraphs (2), (3), and (5) of this paragraph, the committee shall establish a new farm allotment for a farm (other than an old wheat farm) with an established four- or five-year rotation that will include wheat for the current year.

(c) In determining the tentative acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided*, That the tentative acreage so established shall not exceed the wheat acreage for the farm for the current year under the planned crop-rotation system. Without prior approval of the State committee, the acreage recommended by the county committee shall not exceed one hundred percent of the acreage indicated by cropland where the operator of the farm has been planting wheat on the farm in regular rotation; eighty percent of the acreage indicated by cropland where the operator has had actual wheat production in previous years; sixty-five percent of the acreage indicated by cropland where the operator has had no opportunity to establish wheat history for himself; and twenty-five percent of the acreage indicated by cropland where the applicant could have established wheat history but has not done so, and in all other cases. The State committee when requested may grant approval in excess of the limits established above if such limitation would result in an inequitable tentative acreage due to the fact that the type of farming operations carried out generally in the community or county is not representative of the type of farming operations to be carried out on the new farm.

5. Section 728.1020 is amended to read as follows:

§ 728.1020 Determination of acreage allotments for new farms.

(a) The county committee shall, after approval by the State committee of the tentative acreages established for new wheat farms, determine a wheat acreage allotment for the current year for each new farm by multiplying the tentative acreage so established by a pro rata adjustment factor which shall be the smaller of the factor determined under § 728.1018 or a factor obtained by dividing the State reserve for new farms by the sum of the tentative acreages determined for new farms under §§ 728.1019 or 728.1019a. If the wheat acreage for the current year is less than the allotment established for the farm under this section for the 1960, 1961, or 1962 crop, or is less than 75 per centum of the allotment established for the farm under this section for the 1963 or any subsequent crop, the wheat allotment for the farm shall be reduced to the acreage classified as wheat acreage on the farm, and the acreage resulting from such reductions in each county shall be transferred to the reserve available to the county committee for appeals, correction of errors and missed farms. The sum of all new farm acreage allotments in the State shall not exceed the State reserve set aside for new farms. In determining future allotments for such new farms, the farm will not be considered to have any acreage diverted from the production of wheat for the year in which the allotment was established.

(b) Any new farm allotment approved under § 728.1020 for the 1963 or any subsequent crop which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for a new farm allotment shall be cancelled as of the date established.

[F.R. Doc. 62–3349; Filed, Apr. 5, 1962; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.3]

PART 815—ALLOTMENT OF SUGAR QUOTAS

Mainland and Local Quotas for Puerto Rico for the 6-month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of allotting the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the sugar quotas for Puerto Rico for the 6-month period ending June 30, 1962, shows that the probable supply of sugar available for marketing in the first six months of 1962 will be substantially in excess of the mainland and local quotas for such period. As a result, some processors may not be afforded equitable opportunities to market sugar and disorderly marketing would be likely to occur unless the quotas are allotted (R. 11). It is imperative that any allotments established on the basis of this proceeding be made effective at the earliest possible date so that allottees can plan to market and ship sugar in an orderly manner and to avoid marketings by any allottee in excess of his allotment (R. 29). Accordingly, in order to fully effectuate section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall become effective upon publication in the FEDERAL REGISTER.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the mainland and local quotas for the six-month period ending June 30, 1962, is necessary and a notice was published on February 2, 1962 (27 F.R. 984), of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area ASCS Office, Segarra Building, on February 21, 1962, at 10:00 a.m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the mainland quota for the six-month period ending June 30, 1962, (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the local quota for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> • • • Allotment shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The record of the hearing indicates that the quantity of sugar in prospect for marketing during the first six months of 1962 will exceed the mainland and local quotas for Puerto Rico for the six-month period ending June 30, 1962, and that, in the absence of allotments, disorderly marketing is likely to occur and some processors may not be afforded equitable opportunities to market sugar (R. 11).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the quotas for Puerto Rico is based. That formula follows the Government proposal made in the record as to the measures and weightings of factors to be used for determining combined mainland and local allotments.

The formula is made applicable to combined mainland and local quotas because the measures of these three factors relate more directly to the allottee's share in total marketings than to his participation in either the local or mainland market by itself (R. 17).

The processing of 1961–62 crop sugarcane is not expected to be completed by June 30, 1962, and final data would not be available for establishing allotments during the first six months of 1962. Using the average crop-year production of sugar from the 1959–60 and 1960–61 crops of sugarcane in lieu of estimated production from the 1961–62 crop as a measure of the factor "processings" should provide an equitable relative measure of "processings" as among individual processors and avoid the inequities that would result if estimates of 1961–62 crop processings were used and later found to be significantly in error (R. 15). A weighting of 25 percent to the "processings" factor in determining combined mainland and local allotments appears to be consistent with the importance of this factor (R. 15).

The average calendar year marketings of sugar during the most recent five years will provide an adequate and equitable measure of the factor "past marketings" and a weighting of 50 percent to this factor will contribute to an orderly rate of change in the marketings of each processor relative to the marketings of others (R. 16).

The "ability to market" factor in each of the years 1949 through 1957, except for 1951 and 1952, was measured by each processor's inventory at the beginning of the year plus the production of sugar during the year. Since there will be only minimal sugar inventories on January 1, 1962 and final data on 1961–62-crop processings will not be available prior to June 30, 1962, it was proposed that an equitable measure of each processor's relative ability to market sugar during the six-month period ending June 30, 1962, would be sugar production from 1959–60 or 1960–61-crop sugarcane, whichever is higher (R. 16). A weighting of 25 percent to the factor "ability to market", so measured appears to give adequate recognition to this factor (R. 14).

The average of annual local marketings in 1960 and 1961 affords a suitable basis for determining local allotments for the first six months of 1962. Local allotments should be deducted from the combined mainland and local allotments to determine the mainland allotment for each processor (R. 17).

It was proposed that a liquid sugar reserve of 20 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States by persons other than named allottees (R. 19). Accordingly, in determining combined mainland and local allotments for the six-month period ending June 30, 1962, the total quantity to be allotted among named allottees would

be the mainland quota, less 20 short tons, raw value, plus the local quota (R. 19).

It was proposed at the hearing and is provided in this order that whenever a change in quotas involves only a change in the mainland quota no change shall be made in individual allotments of local quota and each allottee shall share in the increase or decrease in mainland quota in proportion that his local and mainland allotments bear to the total of all such allotments then in effect. Whenever a change in the quotas involves only a change in the local quota, revised allotments shall be established in the same manner as provided by the order resulting from this proceeding (R. 22).

As proposed in the hearing record, findings are made herein that revisions shall be made in the order, without further notice or hearing, for the purpose of substituting revised estimated or final data for estimated data, allotting any quantity of an allotment which may be released by an allottee, and giving effect to any increase or decrease in the mainland or local quotas (R. 23, 24).

It was proposed at the hearing and it is herein provided that the order allotting the mainland and local quotas contain a number of provisions relating to "Exchange of Allotments", "Producers' Marketings Under Allotments", "Restrictions on Marketings and Importations", and "Specific Charges Against Allotments". Such provisions proposed were set forth in Exhibit 6 entitled "Miscellaneous Provisions for Any Order Allotting the Mainland and Local Quotas for Puerto Rico for the Six-Month Period Ending June 30, 1962" (R. 24).

Findings and conclusions. On the basis of the record of this proceeding, I hereby find and conclude that:

(1) Production of sugar from the 1961–62 crop sugarcane is estimated at 1,056,000 short tons, raw value. Based on sugar production in previous years, processings of more than 95 percent of the 1961–62 crop sugarcane is expected to be completed by June 30, 1962. Thus, for the 6-month period ending June 30, 1962, Puerto Rican processors are expected to have available for marketing in the mainland and in Puerto Rico a quantity of sugar substantially in excess of the combined mainland and local quotas for Puerto Rico.

(2) The allotment of the mainland quota for Puerto Rico for the 6-month period ending June 30, 1962 (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the local quota for Puerto Rico for the 6-month period ending June 30, 1962, is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) Combined mainland and local allotments for individual processors shall be determined by measuring and weighting the three factors cited for consideration by section 205(a) of the Sugar Act, as follows:

(a) The factor "processings from proportionate shares" shall be measured by the average production by each processor from 1959–60 and 1960–61-crop sugarcane expressed as a percentage of the total of such average production by all processors.

(b) The factor "past marketings" shall be measured by the average annual 1957–61 mainland and local marketings by each processor, expressed as a percentage of the total of such average mainland and local marketings by all processors.

(c) The factor "ability to market" shall be measured by each processor's production from either 1959–60 or 1960–61-crop sugarcane, whichever is higher, expressed as a percentage of the sum of such highest production for all processors.

(d) To determine each processor's combined mainland and local allotment, the three factors measured for each processor in percentages as provided in (a), (b) and (c), above, shall be weighted: "Processings," 25 percent; "past marketings," 50 percent; and, "ability to market," 25 percent; and the result thereof shall be applied to the sum of the mainland and local quotas for the six-month period ending June 30, 1962, except as provided hereinafter in Finding (5).

(4) Local allotments shall be determined by adjusting the average annual marketings for local consumption in Puerto Rico by each processor in the calendar years 1960 and 1961 in the same proportion that total average 1960–61 marketings of all processors is to the local quota, so that the sum of the resulting local allotments will equal the six-month quota for local consumption. The local allotment so determined for each processor shall be deducted from the combined mainland and local allotments for each processor to determine the mainland allotment.

(5) A liquid sugar reserve of 20 short tons, raw value, shall be established within the mainland quota to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the 6-month period ending June 30, 1962. Only liquid sugar shall be marketed within this reserve.

(6) The method of allotment provided for in Findings (3), (4), and (5), above, is applied as shown in the following table to the sum of the local quota of 65,000 short tons, raw value, and the mainland quota of 602,780 short tons, raw value, less the liquid sugar reserve of 20 short tons, raw value. Such quantities and percentages contained in the table are based upon the data provided in the hearing record, including estimated data pertaining to 1961 calendar year marketings, which shall be used pending the availability and substitution of revised estimates or final data for such estimated data.

Processor	Processings: Average 1959–60 and 1960–61 crop year production		Past marketings: Average annual mainland and local marketings, 1957 through 1961		Ability to market: Highest annual production, 1959–60 and 1960–61 crops		Combined allotments of mainland and local quotas		Average 1960 and 1961 local marketings	Local allotments	Mainland allotments
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Percent of total	Short tons, raw value	Short tons, raw value	Col. (9) adjusted to local quota	Col. (8) minus col. (10)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Antonio Roig Sucesores, S. en C.	40,125	3.770	41,888	4.066	41,484	3.717	3.905	26,076	25,116	13,212	12,864
Asociacion Azucarera Cooperativa	29,525	2.774	28,084	2.726	30,835	2.763	2.747	18,343	0	0	18,343
Central Aguirre Sugar Co., a trust	119,684	11.246	118,599	11.511	129,637	11.615	11.471	76,599	366	193	76,406
Central Coloso, Inc.	73,998	6.953	66,516	6.456	74,852	6.707	6.643	44,359	172	91	44,268
Central Eureka, Inc.	38,323	3.601	36,433	3.536	41,567	3.724	3.599	24,033	666	350	23,683
Central Guamani, Inc.	13,311	1.251	13,296	1.290	13,702	1.228	1.265	8,447	0	0	8,447
Central Igualdad, Inc.	46,704	4.389	44,174	4.287	49,672	4.451	4.353	29,068	21,645	11,386	17,682
Central Juanita, Inc.	27,848	2.617	31,865	3.093	28,167	2.523	2.832	18,911	206	108	18,803
Central Mercedita, Inc.	84,718	7.960	77,104	7.483	89,442	8.014	7.735	51,651	37,645	19,802	31,849
Central Monserrate, Inc.	27,286	2.564	24,465	2.374	27,906	2.500	2.453	16,380	0	0	16,380
Central San Francisco	13,852	1.302	12,619	1.225	14,495	1.299	1.263	8,434	2,048	1,077	7,357
Central San Vicente, Inc.	39,542	3.715	42,698	4.144	41,688	3.682	3.921	26,183	0	0	26,183
Compania Azucarera del Camuy, Inc.	17,118	1.608	14,523	1.410	17,893	1.603	1.508	10,070	0	0	10,070
Compania Azucarera del Toa	22,856	2.148	24,326	2.361	23,509	2.114	2.246	14,998	0	0	14,998
Cooperative Azucarera Los Canos	33,476	3.146	31,909	3.097	33,924	3.040	3.095	20,667	14	7	20,660
C. Brewer Puerto Rico, Inc.	166,033	15.601	170,833	16.580	171,221	15.341	16.025	107,008	17,564	9,239	97,769
Land Authority of Puerto Rico	65,550	6.159	62,883	6.103	65,736	5.890	6.064	40,493	0	0	40,493
Mario Mercado e Hijos	30,627	2.878	29,262	2.840	33,523	3.004	2.891	19,305	509	268	19,037
Plata Sugar Co.	53,604	5.037	50,718	4.923	53,659	4.808	4.920	32,854	0	0	32,854
Soller Sugar Co.	13,827	1.299	13,292	1.281	13,862	1.242	1.276	8,514	0	0	8,514
So. Puerto Rico Sugar Corp.	106,343	9.992	94,938	9.214	119,814	10.735	9.789	65,367	17,616	9,267	56,100
Total	1,064,250	100.000	1,030,325	100.000	1,116,078	100.000	100.000	667,760	123,867	65,000	602,760

(7) The order allotting the sugar quotas for Puerto Rico for the six-month period ending June 30, 1962, shall be revised without further notice or hearing for the purpose of (a) substituting revised estimated or final data for estimated data which are applicable in the determination of allotments after such data have become part of the official records of the Department; (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to their total allotment of mainland and local quotas then in effect when written notification of such release of allotment becomes a part of the official records of the Department; and (c) revising allotments to give effect to any increase, or decrease, in mainland or local quotas due to action pursuant to section 201, 202(a), or 203 of the Act or from the proration of a deficit in the quota for any area pursuant to section 204(a) or section 408(b)(2) of the Act. Whenever a change in quotas involves only a change in the mainland quota, no change shall be made in the individual allotments of the local quota and each allottee shall share in the increase or decrease in the mainland quota in the proportion that his local and mainland allotment bears to the total of such allotments then in effect. Whenever a change in the quotas involves a change in the local quota, revised allotments shall be established by the method adopted herein for allotting the mainland and local quotas.

(8) Official notice will be taken of (a) reports by processors on Forms SU–80 and SU–80–1, reports by bulk sugar facility operators on Forms SU–80–2, and reports on Form SU–3, when such reports become a part of the official records of the Department, (b) any written notice by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which increases or decreases the mainland or local quota for Puerto Rico for the six-month period ending June 30, 1962.

(9) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1961–62-crop sugar processed during the five-month period ending May 31, 1962, that the sum of the processor's mainland and local allotments is of 1961–62-crop sugar processed from cane by such processor during the five-month period ending May 31, 1962, and (b) such permitted quantity should be within the mainland allotment unless the producer requests, in writing to the processor, that he be permitted to market under both the local and mainland allotments of the processor. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1961–62 shall be permitted to market such sugar within that processor's mainland allotment.

(10) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(11) Provision shall be made in the order to restrict marketings or importations into the continental United States of sugar to allotments established herein.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the Findings and Conclusions heretofore made, it is hereby ordered:

§ 815.3 Allotment of sugar quotas for Puerto Rico for the 6-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig Sucesores, S. en C.	12,864	13,212
Asociacion Azucarera Cooperativa	18,343	0
Central Aguirre Sugar Co., a trust	76,406	193
Central Coloso, Inc.	44,268	91
Central Eureka, Inc.	23,683	350
Central Guamani, Inc.	8,447	0
Central Igualdad, Inc.	17,682	11,386
Central Juanita, Inc.	18,803	108
Central Mercedita, Inc.	31,849	19,802
Central Monserrate, Inc.	16,380	0
Central San Francisco	7,357	1,077
Central San Vicente, Inc.	26,183	0
Compania Azucarera del Camuy, Inc.	10,070	0
Compania Azucarera del Toa	14,998	0
Cooperativa Azucarera Los Canos	20,660	7
C. Brewer Puerto Rico, Inc.	97,769	9,239
Land Authority of Puerto Rico	40,493	0
Mario Mercado e Hijos	19,037	268
Plata Sugar Co.	32,854	0
Soller Sugar Co.	8,514	0
South Puerto Rico Sugar Corp.	56,100	9,267
All other persons, liquid sugar only	20	0
Total	602,780	65,000

(b) *Exchange of allotments.* Upon approval by the Chief of the Quota and Allotment Branch, Sugar Division, Agricultural Stabilization and Conservation Service of the Department of Agriculture, a processor-allottee may exchange any portion of a mainland or local allotment established in paragraph (a) of this section, or producers' shares thereof established under paragraph (c) of this section, for a like quantity of the mainland or local allotment of another processor.

(c) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the six-month period ending June 30, 1962, for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's sugar production from the 1961–62 crop during the five-month period ending May 31, 1962, that the sum of the processor's mainland and local allotments is of the processor's total sugar production during the five-month period ending May 31, 1962: *Provided*, That, upon written request by the producer to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments: *Provided, further*, That a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1961–62 shall be permitted to market such sugar within that processor's mainland allotment.

(d) *Restrictions on marketings.* (1) During the six-month period ending June 30, 1962, each person named in paragraph (a) of this section is prohibited from bringing into the continental United States or marketing to a refinery in Puerto Rico for such purposes pursuant to Sugar Regulation 816, as amended (7 CFR 816.1 et seq), and Sugar Regulation 817, as amended (7 CFR 817.1 et seq.) a quantity of sugar produced by each allottee named in paragraph (a) of this section in excess of the quantity established in paragraph (a) of this section as his mainland allotment adjusted as provided in paragraph (b) of this section.

(2) During the 6-month period ending June 30, 1962, each person named in paragraph (a) of this section is hereby prohibited from marketing for local consumption in Puerto Rico pursuant to Sugar Regulation 816, as amended, sugar processed from sugarcane by such person in excess of the local allotment established for such person in paragraph (a) of this section as adjusted pursuant to paragraph (b) of this section.

(3) During the 6-month period ending June 30, 1962, all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing a quantity of sugar for local consumption in Puerto Rico pursuant to Sugar Regulation 816, as amended, in excess of the sum of (i) the quantity of sugar acquired for such purpose during the calendar year 1961 within the quota established for local consumption pursuant to Sugar Regulation 812, as amended, and held in inventory on December 31, 1961, and (ii) the quantity of sugar acquired during the 6-month period ending June 30, 1962, within a local allotment established in paragraph (a) of this section, adjusted as provided in paragraph (b) of this section, for marketing for local consumption during such period.

(e) *Specific charges against allotments.* Except as provided in paragraph (d) of this section, sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local con-

sumption in Puerto Rico during the 6-month period ending June 30, 1962, shall be effective for filling the applicable allotment of the processor, who processed such sugar, in accordance with the applicable provisions of Sugar Regulation 816, as amended, and Sugar Regulation 817, as amended.

(f) *Delegation.* The Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the Findings and Conclusions set forth under Finding (7) accompanying this order, to give effect to (1) the substitution of revised estimates or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the mainland or local quotas for Puerto Rico.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87-15)

Done at Washington, D.C., this 2d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-3339; Filed, Apr. 5, 1962; 8:46 a.m.]

[Sugar Reg. 820, Amdt. 3]

PART 820—REQUIREMENTS RELATING TO NONQUOTA PURCHASE SUGAR FOR THE 6-MONTH PERIOD ENDING JUNE 30, 1962

Nonquota Purchase of Sugar Authorized

For the purpose of increasing the quantity of nonquota sugar authorized for purchase from 1,400,517 tons to 1,549,517 tons and to assure that the nonquota sugar herein authorized for purchase and importation from some foreign countries, in accordance with proposed agreements to purchase United States agricultural commodities, is released for consumption in the United States only after such agreements have been approved by the governments of the United States and the respective foreign countries, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows; paragraph (d) is redesignated as paragraph (f) and the reference to "paragraph (c)" therein is amended to read "paragraphs (c) and (d)", and the following new paragraphs (d) and (e) are added to that section:

§ 820.22 Nonquota purchase of sugar authorized.

* * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the 6-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the 6-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 percentum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the 6-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraphs (c) and (d) of this section a total of 1,549,517 short tons, raw value, of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations, based upon a proration of 1,574,622 short tons, raw value, in accordance with section 408(b)(2) of the Act to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three of such countries will be unable to supply the following portions of their prorations: Nicaragua 28,455 tons; Peru 206,592 tons and the Republic of the Philippines 58,443 tons. The prorations for Canada of 3,080 tons, for the United Kingdom of 2,515 tons and for Hong Kong of 20 tons may not be authorized for the reasons set forth in § 820.20(c). These quantities plus the shortfalls for Nicaragua, Peru and the Republic of the Philippines total 299,105. Of this total, 125,000 short tons, raw value, is authorized for purchase in paragraph (c) of this section from Brazil, Colombia, India and the Republic of China, in accordance with the proviso in section 408(b)(2)(iii). In authorizing the purchase of nonquota sugar from these latter four countries, special consideration was given to countries purchasing United States agricultural commodities. In paragraph (d) of this section an additional 149,000 short tons, raw value is authorized for purchase from Brazil, Colombia, El Salvador, India, Ireland, the Republic of China and Guatemala, based upon proposals made by the governments of these respective foreign countries to purchase United States surplus agricultural commodities.

(c) The quantities of nonquota purchase sugar authorized for purchase and importation into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962, through June 30, 1962, are those shown below in this paragraph and those provided for in paragraph (d) of this section:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	3,163
Republic of the Philippines	175,655
Dominican Republic	421,122
Peru	280,070
Mexico	340,706
Nicaragua	42,700
Belgium	888
British Guiana	409
Brazil	30,000
Colombia	25,000
India	50,000
Total	1,400,517

(d) The quantities of nonquota purchase sugar shown below in this paragraph are authorized for purchase and importation into the continental United States from individual foreign countries during the period January 1, 1962 through June 30, 1962, in addition to the quantities provided for in paragraph (c) of this section: *Provided*, That the quantity shown below for each foreign country may be authorized for release for consumption in the United States pursuant to § 820.26 only if prior to authorization for release, the governments of the United States and the particular foreign country concerned have approved an agreement committing the foreign country to purchase United States surplus agricultural commodities, in accordance with a proposal made to the United States Department of Agriculture on or before March 12, 1962, by the government of such foreign country:

Country:	*Short tons, raw value*
India	50,000
Brazil	50,000
Colombia	5,000
El Salvador	5,000
Ireland	5,000
Republic of China	29,000
Guatemala	5,000

(e) The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

Statement of bases and considerations. The additional 149,000 short tons, raw value of nonquota sugar authorized for purchase and importation by this amendment to § 820.22 of Part 820 is needed to assure adequate supplies of sugar at reasonable prices during the 6-month period ending June 30, 1962. The quantities authorized by this amendment for purchase and importation from individual foreign countries are based upon proposals to purchase United States agricultural commodities as submitted by the governments of foreign countries to the General Sales Manager of Foreign Agricultural Service of the Department, pursuant to an announcement of February 12, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408, 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Public Law 87-15, approved March 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714))

Effective date. To permit the nonquota sugar herein authorized for purchase to be marketed in an orderly manner, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

EDWIN W. MARTIN,

[F.R. Doc. 62-3348; Filed, Apr. 5, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all counties in the State of South Dakota lying west thereof;

(3) The following counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Cheridan, Sioux, and Scotts Bluff;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add specified counties in the State of Kansas to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these specified counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will not apply to these counties. However the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-3346; Filed, Apr. 5, 1962; 8:47 a.m.]

PART 77—TUBERCULOSIS IN CATTLE

Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified acredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Jackson County in Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Calhoun County in the State of Michigan to the areas designated as modified accredited areas because such county now meets the qualifications of such an area as set out in § 77.3.

The amendment relieves certain restrictions presently imposed and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the

amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1962.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-3347; Filed, Apr. 5, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1130; Amdt. 86]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.14 *Green Federal airway 4* is deleted.

Section 610.18 *Green Federal airway 8* is amended to read in part:

From *Anchorage, Alaska, LFR; to Knik INT, Alaska; MEA 4,500. *3,800—MCA Anchorage LFR, northeastbound.
From Knik INT, Alaska; to Matanuska INT, Alaska; MEA 6,500.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Chanute, Kans., LFR; to Int. N crs. Chanute LFR and SW crs., Kansas City, LFR; MEA 2,700.

Section 610.640 *Red Federal airway 40* is amended to read in part:

From *Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA 2,500. *4,000—MCA Skilak INT, southbound.

Section 610.282 *Red Federal airway 82* is amended by adding:

From *Willow INT, Alaska; to Matanuska INT, Alaska; MEA 7,000. *6,400—MCA Willow INT, eastbound.

Section 610.632 *Blue Federal airway 32* is amended to read in part:

From *Skwentna, Alaska, LFR; to Talkeetna, Alaska, LF/RBN; MEA 5,000. *4,600—MCA Skwentna LFR, northeastbound.

Section 610.648 *Blue Federal airway 48* is amended to read in part:

From Marathon, Fla., LF/RBN; to Gulfstream INT, Fla.; MEA 1,300.

Section 610.1001 *Direct routes, U.S.* is amended by adding:

From Tibby, Tex., VOR; to Welcome INT, Tex.; MEA 1,300.
From Grand Isle, La., LF/RBN; to New Orleans, La., LF/RBN; MEA 1,300.

Section 610.1001 *Direct routes, U.S.* is amended to read in part:

From San Juan, P.R., VOR; to Isla Verde INT, P.R.; MEA 1,200.
From Isla Verde INT, P.R.; to Fajardo INT, P.R.; MEA 1,500.

Section 610.1001 *Direct routes, U.S.* is amended to delete:

From Tibby, La., VOR; to Gary INT, La.; MEA 1,300.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Ellensburg, Wash., VOR; to Quincy INT, Wash.; MEA 7,000.
From *Quincy INT, Wash.; to Ephrata, Wash., VOR; MEA 5,500. *6,500—MCA Quincy INT, westbound.
From *Spokane, Wash., VOR via N alter.; to Mullan Pass, Idaho, VOR via N alter.; MEA 9,000. *5,600—MCA Spokane VOR, eastbound.
From Watson INT, Mont., via N alter.; to Baxter INT, Mont., via N alter.; MEA *13,000. *11,000—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From *Marion INT, Fla., via E alter.; to **Atlantic INT, Fla., via E alter.; MEA ***2,000. *3,500—MRA. **3,500—MRA. ***1,000—MOCA.
From Jacksonville, Fla., VOR via W alter.; to Brunswick, Ga., VOR via W alter.; MEA 1,300.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Jamestown INT, Wash.; to Lofall INT, Wash.; Mea 7,000.
From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 3,600.
From Salina, Kans., VOR; to Fort Riley INT, Kans.; MEA 3,100.
From Fort Riley INT, Kans.; to Topeka, Kans., VOR; MEA 3,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From North Platte, Nebr., VOR; to Eddyville INT, Nebr.; MEA *4,600. *4,300—MOCA.
From Eddyville INT, Nebr.; to Grand Island, Nebr., VOR; MEA *4,600. *3,500—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Fort Myers, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Lakeland, Fla., VOR; to Dade City INT, Fla.; MEA 1,500.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Hayes Center, Nebr., VOR; to Grand Island, Nebr., VOR; MEA *5,000. *4,200—MOCA.
From Hayes Center, Nebr., VOR via N alter.; to Eddyville INT, Nebr., via N alter.; MEA *4,600. *4,100—MOCA.
From Eddyville INT, Nebr., via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *4,600. *3,500—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR via W alter.; to Savage INT, Miss., via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Walton INT, Kans.; to *Florence INT, Kans.; MEA 3,000. *5,000—MRA.
From Florence INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.
From Emporia, Kans., VOR; to Pomona INT, Kans.; MEA 2,400.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Wichita, Kans., VOR; to *Cassoday INT, Kans.; MEA 3,000. *4,000—MRA.
From Whitewater INT, Kans., via N alter.; to *Florence INT, Kans., via N alter.; MEA 3,000. *5,000—MRA.
From Florence INT, Kans., via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000.
From Emporia, Kans., VOR; to Pomona INT, Kans.; MEA 2,400.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Haynes INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***5,000. *4,000—MRA. **4,500—MRA. ***1,700—MOCA.
From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.
From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,500.
From *Loraine INT, Tex.; to Abilene, Tex., VOR; MEA 4,000. *5,800—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to delete:

From Hilltop, N. Mex., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From San Antonio, Tex., VOR; to *Mission INT, Tex.; MEA 3,000. *3,200—MRA.
From Mission INT, Tex.; to *Buda INT, Tex.; MEA 3,000. *3,200—MRA.
From Buda INT, Tex.; to Austin, Tex., VOR; MEA 3,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Shreveport, La., VOR via S alter.; to Int 261 M rad Monroe VOR and 109 M rad, Shreveport, VOR via S alter.; MEA *2,000. *1,900—MOCA.
From Anniston, Ala., VOR; to Atlanta, Ga., VOR; MEA 4,000.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont., VOR; to *Great Falls, Mont, VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR via W alter.; to Great Falls, Mont., VOR via W alter.; MEA 11,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lake Charles, La., VOR via S alter.; to *Grand Lake INT, La., via S alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Grand Lake INT, La., via S alter.; to Lafayette, La., VOR via S alter.; MEA *2,200. *1,500—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Mead INT, Nev., via E alter.; to Mormon Mesa, Nev., VOR via E alter.; MEA 8,000.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Lake Charles, La., VOR via N alter.; to *Grand Lake INT, La., via N alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From San Diego, Calif., VOR; to *Cardiff INT, Calif.; MEA 2,500. *3,000—MRA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From San Diego, Calif., VOR; to Redfin INT, Calif.; MEA 2,500.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Bir Sur, Calif., VOR; to Carmel INT, Calif.; MEA 7,000.
From Carmel INT, Calif.; to Pt. Ano INT, Calif.; MEA 6,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *2,000. *1,400—MOCA.
From Asheville, N.C., VOR via W alter.; to Weaverville INT, N.C., via W alter.; MEA 6,000.
From Weaverville INT, N.C., via W alter.; to Erwin INT, Tenn., via W alter.; MEA 8,000.
From *Gulfstream INT, Fla.; to Largo, INT, Fla.; MEA **4,000. *9,000—MRA. **1,000—MOCA.
From Largo INT, Fla.; to Cutler INT, Fla.; MEA *2,000. *1,300—MOCA.
From Cutler INT, Fla.; to Miami, Fla., VOR; MEA 1,300.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.
From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Johnstown, Pa. VOR; MEA 4,500.

Section 610.6046 *VOR Federal airway 46* is amended to read in part:

From Hampton, N.Y., VOR; to Newport INT, Mass.; MEA 2,000.
From Newport INT, Mass.; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From *Hillsboro INT, Fla., via E alter.; to **Shawnee INT, Fla., via E alter.; MEA ***2,200. *1,800—MRA. **2,200—MRA. ***1,200—MOCA.
From Shawnee INT, Fla., via E alter.; to *Pluto INT, Fla., via E alter.; MEA **2,200. *1,500—MRA. **1,200—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From *Hillemann INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***2,500. *4,000—MRA. **4,500—MRA. ***1,600—MOCA.

Section 610.6058 *VOR Federal airway 58* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.
From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Carrolltown, Pa.; VOR; MEA 4,000.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Clints Well INT, Ariz.; MEA *12,000. *10,000—MOCA.
From Clints Well INT; Ariz., to Milky INT, Ariz.; MEA 12,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Gila Bend, Ariz., VOR; to Flier INT, Ariz.; MEA 7,000.
From Flier INT, Ariz.; to *Silver Bell INT, Ariz.; MEA *8,000. *8,000—MRA. **7,000—MOCA.
From Silver Bell INT, Ariz.; to Tucson, Ariz., VOR; MEA *8,000. *7,000—MOCA.
From San Diego, Calif., VOR; to *Jamul INT, Calif., MEA 5,000. *5,700—MCA Jamul INT, eastbound.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Albuquerque, N. Mex., VOR via S alter.; to Valencia INT, N. Mex., via S alter.; MEA 8,000.
From Valencia INT, N. Mex., via S alter.; to Corona, N. Mex., VOR via S alter.; MEA 9,500.
From *Essen INT, Tex.; to Skidmore INT, Tex.; MEA 4,000. *4,000—MRA.

Section 610.6073 *VOR Federal airway 73* is amended to read in part:

From Hutchinson, Kans., VOR; to Groveland INT, Kans.; MEA 2,800.
From Groveland INT, Kans.; to Salina, Kans., VOR; MEA 3,400.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Big Spring, Tex., VOR; to *Jack INT, Tex.; MEA 4,000. *4,500—MRA.
From Lometa, Tex., VOR via N alter.; to *Liberty Hill INT, Tex., via N alter.; MEA 2,700. *3,000—MRA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Whitewater INT, Kans.; to *Florence INT, Kans.; MEA 3,000. *5,000—MRA.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Wheeling, W. Va., VOR; to *Millsboro INT, W. Va.; MEA 3,700. *5,000—MCA Millsboro INT, eastbound.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Cypress INT, Fla.; to Seminole INT, Fla.; MEA **1,200. *1,400—MRA. **1,100—MOCA.
From Seminole INT, Fla.; to La Belle, Fla., VOR; MEA 1,400.
From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA *2,000. *1,400—MOCA.

Section 610.6099 *VOR Federal airway 99* is amended to delete:

From Olympia, Wash., VOR; to Rosedale INT, Wash.; MEA 3,000.
From Rosedale INT, Wash.; to *Port Madison INT, Wash.; MEA 5,500. *5,500—MRA.
From Port Madison INT, Wash.; to *Warm Beach INT, Wash.; MEA 6,300. *6,300—MCA Warm Beach INT, southwestbound.
From Warm Beach INT, Wash.; to Bellingham, Wash., VOR; MEA 4,000.
From Bellingham, Wash., VOR; to U.S.-Canadian border; MEA 1,500.

Section 610.6099 *VOR Federal airway 99* is amended by adding:

From Olympia, Wash., VOR; to Seattle, Wash., VOR; MEA 3,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Tucson, Ariz., VOR; to *Silver Bell INT, Ariz.; MEA 7,000. *8,000—MRA.
From Silver Bell INT, Ariz.; to *Keystone INT, Ariz.; MEA 7,000. *8,000—MRA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From *Simms INT, Mont.; to Great Falls, Mont., VOR; MEA 10,000. *9,500—MRA.
From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Mullan Pass, Idaho, VOR; to *Charlo INT, Mont.; MEA 10,000. *13,000—MCA Charlo INT, eastbound.
From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA #8,000. #Continuous navigation signal coverage does not exist below 9,000'.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Walton INT, Kans.; to Florence INT, Kans.; MEA 3,000. *5,000—MRA.
From Florence INT, Kans.; to *Cassoday INT, Kans.; MEA **5,000. *4,000—MRA. **2,700—MOCA.
From Cassoday INT, Kans.; to Chanute, Kans., VOR; MEA *4,000. *2,800—MOCA.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Orlando, Fla., VOR via S alter.; to Clap Hill INT, Fla., via S alter.; MEA 1,300.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From *Grubbs INT, Va.; to Ironsides INT, Md.; MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Ironsides INT, Md., via W alter.; to Doncaster INT, Md., via W alter.; MEA *2,000. *1,400—MOCA.
From Doncaster INT, Md., via W alter.; to Washington, D.C., VOR via W alter.; MEA *1,500. *1,400—MOCA.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Quitman INT, Ga., via W alter.; to Hartsfield INT, Ga., via W alter.; MEA *2,500. *1,300—MOCA.
From Hartsfield INT, Ga., via W alter.; to Sale INT, Ga., via W alter.; MEA *2,000. *1,300—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Des Moines, Iowa, VOR; to *Mitchellville INT, Iowa; MEA 2,700. *4,000—MRA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Three Rivers INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **1,600—MOCA.
From Essen INT, Tex.; to *McCoy INT, Tex.; MEA **2,500. *3,000—MRA. **1,600—MOCA.
From McCoy INT, Tex.; to Eastwood INT, Tex.; MEA 3,000.
From Eastwood INT, Tex.; to San Antonio, Tex., VOR; MEA *2,700. *2,200—MOCA.
From Willow City INT, Tex.; to Kingsland INT, Tex.; MEA *4,000. *3,000—MOCA.

Section 610.6165 *VOR Federal airway 165* is amended to read in part:

From Lindbergh Field, Calif., VOR; to *Oceanside, Calif., VOR; MEA 1,500. *2,500—MCA Oceanside VOR, northwestbound.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR; to Kennard INT, Nebr.; MEA *3,500. *3,000—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From *Miller INT, Miss., via S alter.; to Holly Springs, Miss., VOR via S alter.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Billings, Mont., VOR; to Ryegate INT, Mont., MEA 7,000.

From Ryegate INT, Mont.; to *Judith Gap INT, Mont.; MEA 9,000. *11,000—MCA Judith Gap INT, northwestbound.

From Judith Gap INT, Mont.; to *Great Falls, Mont., VOR; MEA 11,000. *7,400—MCA Great Falls VOR, southeastbound.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From Williams Calif., VOR; to *Rough and Ready INT, Calif.; MEA 4,000. *8,500—MCA Rough and Ready INT, eastbound.

From Rough and Ready INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

Section 610.6202 *VOR Federal airway 202* is amended to read in part:

From San Simon, Ariz., VOR; to Silver City INT, N. Mex.; MEA 10,000.

From Silver City INT, N. Mex.; to *Truth or Consequences, N. Mex., VOR; MEA #12,000. *10,000—MCA Truth or Consequences VOR, southwestbound. #Continuous navigational signal coverage does not exist below 15,000'.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.

From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Carrolltown, Pa., VOR; MEA 4,000.

Section 610.6219 *VOR Federal airway 219* is amended to read in part:

From Hayes Center, Nebr., VOR; to Eddyville INT, Nebr.; MEA *4,600. *4,100—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Brooke, Va., VOR; to Benedict INT, Va.; MEA *1,500. *1,200—MOCA.

From Benedict INT, Va.; to Nottingham, Md., VOR; MEA 1,300.

Section 610.6225 *VOR Federal airway 225* is amended to read in part:

From Rivet INT, Fla.; to *Cape Romano INT, Fla.; MEA **3,500. *4,500—MRA. **1,000—MOCA.

Section 610.6234 *VOR Federal airway 234* is amended to read in part:

From Dalhart, Tex., VOR; to Liberal, Kans., VOR; MEA 5,200.

Section 610.6237 *VOR Federal airway 237* is amended to read in part:

From Union Pass INT, Ariz.; to Tipton INT, Nev.; MEA 9,000.

From Tipton INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 8,000.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Columbus, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,500.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Cornville INT, Ariz.; to Clints Well INT, Ariz.; MEA *12,000. *10,000—MOCA.

From Clints Well INT, Ariz.; to St. Johns, Ariz., VOR; MEA 12,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Orlando, Fla., VOR; to Paola INT, Fla.; MEA 1,300.

From Paola INT, Fla.; to Woodruff INT, Fla.; MEA 2,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA **4,200. *4,200—MRA. **3,300—MOCA.

Section 610.6287 *VOR Federal airway 287* is amended to read in part:

From Olympia, Wash., VOR; to Purdy INT, Wash.; MEA 3,000.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From West Palm Beach, Fla., VOR via W alter.; to *Shawnee INT, Fla., via W alter.; MEA **1,400. *2,200—MRA. **1,300—MOCA.

From Shawnee INT, Fla., via W alter.; to *Clewiston INT, Fla., via W alter.; MEA **1,400. *2,000—MRA. **1,300—MOCA.

From Clewiston INT, Fla., via W alter.; to LaBelle, Fla., VOR via W alter.; MEA *1,400. *1,300—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike INT, Fla.; to *Kingfish, Fla., VOR; MEA **2,500. *2,500—MRA. **1,000—MOCA.

From *Homo INT, Fla.; to Cross City, Fla., VOR; MEA **2,000. *2,500—MRA. *2,800—MCA Homo INT, eastbound. **1,500—MOCA.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From *Pendleton, Oreg., VOR; to McCall, Idaho, VOR; MEA 12,000. *5,700—MCA Pendleton VOR, southeastbound.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From *Los Angeles, Calif., VOR; to Canoga INT, Calif., northbound, MEA 5,000; southbound, MEA 4,000. *3,000—MCA Los Angeles VOR, northbound.

From Canoga INT, Calif.; to Twin Lakes INT, Calif.; MEA 6,000.

Section 610.6300 *VOR Federal airway 300* is amended to read in part:

From U.S. Canadian Border; to Whitefish, Mich., VOR; MEA *5,500. *2,200—MOCA.

Section 610.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

From Hibiscus INT, Hawaii; to *Redwood INT, Hawaii; MEA 3,000. *12,000—MRA.

From Redwood INT, Hawaii; to Hilo, Hawaii, VOR; MEA 3,000.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From Paradise INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to *Hilo, Hawaii, VOR; MEA 4,000. *3,000—MCA Hilo VOR, northwestbound.

Section 610.6406 *Hawaii VOR Federal airway 6* is amended to read in part:

From Marlin INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to *Hilo, Hawaii, VOR; MEA 4,000. *3,000—MCA Hilo VOR, northwestbound.

Section 610.6415 *Hawaii VOR Federal airway 12* is amended to read in part:

From *Swordfish INT, Hawaii; to Orchard INT, Hawaii, westbound, MEA 7,000; eastbound, MEA 4,000. *7,000—MRA.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From Marlin INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to Hilo, Hawaii, VOR; MEA 4,000.

Section 610.6430 *VOR Federal airway 430* is added to read:

From Williston, N. Dak., VOR; to Minot, N. Dak., VOR; MEA *4,500. *3,700—MOCA.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From *Croaker INT, Fla.; to **Marion INT, Fla.; MEA ***2,000. *3,500—MRA. **3,500—MRA. ***1,100—MOCA.

From Charleston, S.C., VOR via W alter.; to Lane INT, S.C., via W alter.; MEA 1,300.

Section 610.6438 *VOR Federal airway 438* is amended to read in part:

From Butte INT, Alaska; to Fairbanks, Alaska, ILS loc.; MEA 3,000.

From *Skilak INT, Alaska; to Anchorage, Alaska, VOR; MEA 2,500. *4,000—MCA Skilak INT, southbound.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Columbus, Ga., VOR; to Pine Mountain INT, Ga.; MEA 2,400.

From Pine Mountain INT, Ga.; to Concord INT, Ga.; MEA 3,400.

From Concord INT, Ga.; to McDonough, Ga., VOR; MEA *2,500. *2,200—MOCA.

Section 610.6474 *VOR Federal airway 474* is amended to read in part:

From Bellaire, Ohio, VOR; to Int. 174 M rad Pittsburgh VOR and 279 M rad Indian Head VOR; MEA 3,000.

From Int. 174 M rad Pittsburgh VOR and 279 M rad Indian Head VOR; to Indian Head, Pa., VOR; MEA 5,000.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

From Williams, Calif., VOR; to *Rough and Ready INT, Calif.; MEA 4,000. *8,500—MCA Rough and Ready INT, eastbound.

From Rough and Ready INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

Section 610.6819 *VOR Federal airway 819* is added to read:

From Miami, Fla., VOR; to *Cypress INT, Fla.; MEA 1,100. *1,400—MRA.

From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *1,200. *1,100—MOCA.

From Seminole INT, Fla., to LaBelle, Fla., VOR; MEA 1,400.

From LaBelle, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,600—MOCA.

From Lakeland, Fla., VOR; to Larkin INT, Fla.; MEA 1,300.

From Larkin INT, Fla.; to Webster INT, Fla.; MEA **1,500.

From Webster INT, Fla.; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.

From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,200—MOCA.

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

From Alma, Ga., VOR; to Dublin, Ga., VOR; MEA *3,000. *1,400—MOCA.

From Dublin, Ga., VOR; to Wayside INT, Ga.; MEA 1,900.

From Wayside INT, Ga.; to McDonough, Ga., VOR; MEA 2,000.

From McDonough, Ga., VOR; to Kennesaw INT, Ga.; MEA 3,000.

From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *5,000—MRA.

From Dalton INT, Ga.; to Chattanooga, Tenn., VOR; MEA 3,000.

From Chattanooga, Tenn., VOR; to Dayton INT, Tenn.; MEA 3,500.

From Dayton INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000.

From Crossville, Tenn., VOR; to *Bakerton INT, Ky.; MEA 5,000. *4,500—MRA.

From Bakerton INT, Ky.; to New Hope, Ky., VOR; MEA 2,000.

From New Hope, Ky., VOR; to Louisville, Ky., VOR; MEA 2,300.

From Louisville, Ky., VOR; to Nabb, Ind., VOR; MEA 2,100.

From Nabb, Ind., VOR; to Shelbyville, Ind., VOR; MEA 2,100.

From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.

From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.

From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA 2,000. *2,500—MRA.

From Zoro INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.

From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,600.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From *Cypress INT, Fla.; to Seminole INT, Fla.; MEA **1,200. *1,400—MRA. **1,100—MOCA.

From Seminole INT, Fla.; to LaBelle, Fla., VOR; MEA 1,400.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Dade City INT, Fla.; to Lakeland, Fla., VOR; MEA 1,500.

From Lakeland, Fla., VOR; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Sale INT, Ga.; to Hartsfield INT, Ga.; MEA *2,000. *1,300—MOCA.

From Hartsfield INT, Ga.; to Quitman INT, Ga.; MEA *2,500. *1,300—MOCA.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Kennard INT, Nebr.; to Wolbach, Nebr., VOR; MEA *3,500. *3,000—MOCA.

From Wolbach, Nebr., VOR; to Eddyville INT, Nebr.; MEA *5,400. *3,500—MOCA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Dubuque, Iowa, VOR; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Lakeland, Fla., VOR; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.1500 *VOR Federal airway 1500* is added to read:

From U.S. Canadian Border; to Millinocket, Maine, VOR; MEA 14,500; MAA 24,000.

From Millinocket, Maine, VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

Section 610.1519 *VOR Federal airway 1519* is amended by adding:

From Atlanta, Ga., VOR; to Int. 006 M rad Atlanta VOR and 332 M rad McDonough VOR; MEA 14,500; MAA 24,000.

Section 610.1540 *VOR Federal airway 1540* is amended to read in part:

From San Diego, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1542 *VOR Federal airway 1542* is amended to read in part:

From San Diego, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1557 *VOR Federal airway 1557* is amended to read in part:

From San Diego, Calif., VOR; to Los Angeles, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1607 *VOR Federal airway 1607* is amended to read in part:

From Big Sur, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 23,500.

Section 610.1609 *VOR Federal airway 1609* is amended to read in part:

From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 14,500; MAA 23,500.

From Salinas, Calif., VOR; to San Francisco, Calif., VOR; MEA 14,500; MAA 23,500.

From San Francisco, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 23,500.

Section 610.1648 *VOR Federal airway 1648* is amended to read in part:

From Int 308 M rad Big Sur VOR and 264 M rad Salinas VOR; to Salinas, Calif., VOR; MEA 14,500; MAA 23,500.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective May 3, 1962.

Issued in Washington, D.C., on March 30, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3297; Filed, Apr. 5, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-28]

PART 13—PROHIBITED TRADE PRACTICES

Kroywen Coats, Inc., et al.

Subpart—Misbranding or mislabeling: *§ 13.1185 Composition: § 13.1185–90 Wool Products Labeling Act; § 13.1325 Source or origin: § 13.1325–60 Maker or seller: § 13.1325–60(c) Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: *§ 13.1845 Composition: § 13.1845–80 Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Kroywen Coats, Inc., et al., New York, N.Y., Docket C–28, Nov. 16, 1961]

In the Matter of Kroywen Coats, Inc., a Corporation; Luxury Coats, Inc., a Corporation; Ralph Miller, Individually and as an Officer of Kroywen Coats, Inc., and Luxury Coats, Inc.; and Sidney Goldman, Individually and as an Officer of Kroywen Coats, Inc.

Consent order requiring two associated manufacturers in New York City to cease violating the Wool Products Labeling Act by labeling as "100% Cashmere" and "100% Pure Cashmere", ladies' coats which contained a substantial quantity of other fibers; by labeling such coats falsely with respect to the manufacturer or supplier; and by failing to disclose the true generic names of fibers present and the percentage thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Kroywen Coats, Inc., a corporation, and its officers, and Ralph Miller and Sidney Goldman, individually and as officers of said corporation, and Luxury Coats, Inc., a corporation, and its officers and Ralph Miller, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies' coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to name or identity of the manufacturer, supplier or source of the fabric used in such products.

3. Failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

4. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of fibers from the hair or fleece of the Cashmere goat.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this

order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3326; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket 8222]

PART 13—PROHIBITED TRADE PRACTICES

Stewart Auto Upholstering Co. et al.

Subpart—Advertising falsely or misleadingly: § *13.70 Fictitious or misleading guarantees;* § *13.155 Prices:* § *13.155–40 Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hyman Kaplan et al. trading as Stewart Auto Upholstering Company et al., Washington, D.C., Docket 8222, Nov. 21, 1961]

In the Matter of Hyman Kaplan, and Morris Kaplan, Individually and as Copartners Trading as Stewart Auto Upholstering Company and Henry Kaplan, an Individual

Order requiring Washington, D.C., distributors of automobile seat covers, convertible tops, and floor mats, among other items, to consumers and other retailers, to cease representing excessive prices as their usual retail prices through such practices as setting forth such prices after the designation "Reg.", "Regular", or "List", followed by a lower sale price; and representing certain of their convertible tops as offered "with written guarantee" when their guarantees contained limitations not set forth.

The order to cease and desist is as follows:

It is ordered, That respondents Hyman Kaplan and Morris Kaplan, individually and as copartners trading as Stewart Auto Upholstering Company, or any other name, and Henry Kaplan, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile seat covers, convertible tops, automobile floor mats or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any price is respondents' usual retail price when it is in excess of the price at which the merchandise has been usually and customarily sold by respondents at retail in the recent, regular course of business.

(b) That the price at which respondents offer merchandise affords a savings to purchasers from the price at which said merchandise has been usually and customarily sold by respondents in the recent regular course of business unless such representation is true.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents in the normal course of business.

3. Using the words "Reg.," "Regular" or "List," or any other word of the same or similar import to designate prices unless they are the prices at which the merchandise has been usually and customarily sold by respondents in the recent, regular course of business.

4. Representing, directly or by implication, that any of their products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3327; Filed, Apr. 5, 1962; 8:45 a.m.]

[File No. 21-528]

PART 57—RESIDENTIAL ALUMINUM SIDING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 6, 1962.

Statement by the Commission. Trade practice rules for the Residential Aluminum Siding Industry, as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which trade practice rules are hereby established is composed of producers and suppliers of aluminum from which residential aluminum siding is made, and who promote the sale or distribution of industry products; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. Those engaged in the marketing of industry products who are not agents, but who purport to act as agents of manufacturers or suppliers of industry products are to be regarded as industry members.

The products of this industry consist of aluminum panels and boards suitable for use as siding for the exterior walls of existing or new residential structures.

Proceedings for the establishment of these rules were instituted pursuant to an application of the Aluminum Siding Association. A general trade practice conference was held in Chicago, Ill., on September 9, 1960, at which proposed rules suggested by the Aluminum Siding Association were considered and discussed. Additional rules prepared by the staff were also submitted for consideration and discussion at the conference. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desire to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Chicago, Ill., on March 22, 1961, and all matters there presented, or otherwise received in the proceeding were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
57.0 Definitions.
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57.23 Exclusive deals.
57.24 Prohibited forms of trade restraints (unlawful price fixing, etc.)
57.25 Prohibited discrimination.
57.26 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 57.0 to 57.26 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 57.0 Definitions.

(a) Industry products consist of aluminum panels and boards suitable for use as siding for the exterior walls of existing or new residential structures.

(b) Industry members are producers and suppliers of aluminum from which residential aluminum siding is made, and who promote the sale or distribution of industry products; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. Those engaged in the marketing of industry products who are not agents, but who purport to act as agents of manufacturers or suppliers of industry products are to be regarded as industry members.

§ 57.1 Deception in general.

(a) It is an unfair trade practice to sell, offer for sale, or distribute any industry product, or to promote the sale or distribution thereof under any representation or by any method or under any circumstance, including failure adequately to disclose additional relevant information, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the construction, composition, installation, design, finish, color or colorfastness, size, origin, manufacturer, value, price, quality, strength, weight, gauge, durability, fit, alignment, ventability, or utility of such product or any part thereof, or the ease of application of such product, or the benefits to be derived from the use thereof; or with respect to the immunity or resistance of such product to weather conditions, fire, corrosion, or sag, or the need for maintenance, repair, or replacement of all or any part of such product, or in any other material respect.

(b) Among practices to be considered as prohibited by paragraph (a) of this section are the following claims:

(1) That industry products require no repainting or repair for the life of the structure, or that the initial cost is the only cost; or

(2) That the colors in which the industry products are finished will remain unchanged or are impervious to the elements or will last a lifetime; or

(3) That industry products, or any part or parts thereof, are everlasting or are made of indestructible materials; or

(4) That industry products provide everlasting insulation; or

(5) That the thermal insulating values of aluminum exceed that of any other metal or other material; or

(6) That nothing can damage aluminum siding.

(c) The prohibitions of this section are applicable with respect to every species of advertisement or form of representation, whether oral or in a newspaper or other periodical, telephone directory, sales catalog, sales promotional literature, radio, or television broadcast, or other media, or whether in the form of mark, tag, or label, affixed to or accompanying, the product. [Rule 1]

§ 57.2 Deceptive use of "model home" representations.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to represent to any purchaser or prospective purchaser that his dwelling will serve as a so-called model home or advertising job, or to make any other similar representation, if in connection therewith the industry member misleads the purchaser or prospective purchaser into the belief that he will be paid a commission or other compensation for any sale which the industry member may make in the vicinity or within any specified distance from the customer's home, or that the cost of the purchase of any industry product to the customer will thereby be reduced or fully paid. [Rule 2]

§ 57.3 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent or imply, in advertising or otherwise that residential aluminum siding may be purchased for a specified price, or at a saving, when such is not the fact; or that such product is being offered for sale at a reduced price when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of such products offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of residential aluminum siding may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a quoted price, whether determined on the basis of a stated price per square foot or otherwise, is the total cost for a complete installation when in fact the products sold do not include all costs for labor and all parts and accessories necessary for the proper function and appearance of such installed product (such as starter strips, door and window trim, window head flashing, back-up pieces and corner pieces).

(2) Representing or implying that a specified price for residential aluminum siding is for any size structure (e.g. "installed on your home $_____") when in fact such price applies only to structures of limited size without adequate and conspicuous disclosure of such limitation (e.g. "$_____ installed on your home when area to be covered does not exceed 1,000 square feet" or "installed price $_____ per square foot").

(3) The use of pictures or illustrations of large houses or structures in connection with specified prices which is likely to mislead purchasers or prospective purchasers as to the cost of the installation of aluminum siding, as when the aluminum siding for the illustrated house would not be installed for the specified price.

(4) Representing or implying that a stated price is the seller's usual and regular price of residential aluminum siding when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was _____ now _____," "_____ percent off" and "you save $_____" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(5) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of aluminum siding in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $_____—our price $_____," "sold nationally at $_____" and "value $_____" have been held to be representations of an article's usual and customary retail price in the trade area where the representations are made.

(6) Representing or implying that industry products may be purchased at factory prices ("factory to you," etc.), when such is not the fact. [Rule 3]

§ 57.4 False gift offers in sales promotion plans.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make any offer, however disseminated or published, that gift merchandise will be given to persons complying with certain conditions unless such merchandise is given to the persons complying with such conditions. [Rule 4]

§ 57.5 Deceptive claims as to the efficacy of industry products to reduce the effects of outside temperatures in building interiors.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make any representation

which, directly or by implication, or through failure adequately to disclose additional relevant information, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the efficacy of such products to effect fuel savings or other heating costs or to reduce or control temperature in rooms, buildings, etc.

NOTE: As used in this rule the term "relevant information" has reference to the conditions essential to effect the claimed fuel savings or other heating costs or temperature reduction or control, including, but not limited to, the location, construction, elevation and insulation of the building and its exposure to the elements.

[Rule 5]

§ 57.6 Bait advertising.

(a) It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered.

NOTE: In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among the acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered.

(b) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer.

(c) The disparagement, by acts or words, of the product offered.

(d) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer.

(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.

(f) The failure to have available a quantity of the advertised product sufficient to meet reasonably anticipated demands.

(g) The use of a sales plan or method of compensation for salesmen or penalizing salesmen designed to prevent or discourage them from selling the advertised product.

(b) It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section. [Rule 6]

§ 57.7 Deception as to nature of sales transactions.

When an industry member sells industry products at both wholesale and at retail in the same establishment, it is an unfair trade practice for such industry member to sell any such products under circumstances having the capacity and tendency or effect of causing purchasers to believe that they are buying at wholesale prices when such is not the case. [Rule 7]

§ 57.8 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 8]

§ 57.9 Misuse of terms "custom-made," "custom-built," etc.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to use the terms "custom-made," "custom-built," "made-to-order," or any other word or term of similar import, as descriptive of any industry product which has not been made in accordance with specification as to size, fit, quality, etc., supplied by or on behalf of the consumer-purchaser prior to the manufacture or assembly of the industry product, as distinguished from a product which is a readymade or stock industry product. [Rule 9]

§ 57.10 Use of the word "free."

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 10]

§ 57.11 Deception as to agency status and authority.

(a) It is an unfair trade practice for any member of the industry to aid or abet any person in effecting deception of purchasers or prospective purchasers as to his authority to represent and make commitments in behalf of such industry member.

(b) It is also an unfair trade practice for any person engaged in the sale of industry products to represent that he is an agent of, or otherwise affiliated with, a manufacturer or distributor of such products, or that he is in a position to transfer title to industry products, or to assure of the delivery and/or installation of any such products, when such is not the fact. [Rule 11]

§ 57.12 Deception as to identity of manufacturer or seller.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to use any corporate name, trade name, trademark, slogan, or other means of identification, which, by reason of its similarity with the corporate name, trade name, trademark, slogan, or other means of identification used by another party, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the identity of the manufacturer or vendor of any industry product which is sold or offered for sale by the industry member. [Rule 12]

§ 57.13 Deceptive testimonials or depictions.

It is an unfair trade practice for a member of the industry to use any testimonial of a user of any industry product, or of any other person, or to use any picture or depiction thereof, which is false or which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 13]

§ 57.14 Deceptive use of seals.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to use a seal or insignia of any organization without the authorization of that organization, or to use any seal or insignia which is of such form or design, or contains such wording, as to simulate the seals or insignia which are issued by an organization for use with respect to other products, when the use thereof has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

NOTE: Seals of approval used by industry members should identify the organization issuing and/or authorizing the use of the seal. Such seal should be based on adequate inspection and tests of the industry member's products and not otherwise contravene the provisions of § 57.1 relating to deception generally.

[Rule 14]

§ 57.15 Misrepresenting products as conforming to standard.

It is an unfair trade practice to represent, through advertising or otherwise, that any product of the industry conforms to any standard recognized in or applicable to the industry when such is not the fact. [Rule 15]

§ 57.16 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the requirements of subparagraphs (1), (2), (3), and (4) of this paragraph, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 16]

§ 57.17 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution.

NOTE: Nothing in this rule shall be construed as preventing the application of such tolerances as are agreed upon between buyer and seller or are otherwise deemed reasonable and proper and where no misrepresentation, or deception of purchasers, is practiced or promoted in relation to the product or its deviation from samples or specifications.

[Rule 17]

§ 57.18 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 18]

§ 57.19 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 19]

§ 57.20 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 20]

§ 57.21 Procurement of competitors' confidential information.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 21]

§ 57.22 Deceptive invoicing, etc.

It is an unfair trade practice for any member of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 22]

§ 57.23 Exclusive deals.

It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale, of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 23]

§ 57.24 Prohibited forms of trade restraints (unlawful price fixing, etc.) [1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 24]

§ 57.25 Prohibited discrimination.

(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for dif-

[1] The prohibitions of this rule are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

ferences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: *"Spindling" of orders.* This proviso shall not be construed as permitting the practice of allowing a price differential, whether in the form of a discount, rebate, or other form, through billing as a single order an aggregate of the amounts of two or more orders separately delivered, when such price differential is not justified by savings to the seller which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The prohibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2(b), Clayton Act.

[Rule 25]

§ 57.26 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 26]

Issued: April 5, 1962.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3272; Filed, Apr. 5, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4470]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Fractional Interests

I. The Securities and Exchange Commission has adopted § 230.152a (Rule 152A, under the Securities Act of 1933) which provides that the offering or sale of securities, evidenced by script certificates, order forms or similar documents, which represent fractional interests resulting from a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction is deemed to be a transaction by a person other than an issuer, underwriter or dealer within the meaning of the first clause of section 4(1) of the Act and therefore exempt from registration under the Act. The rule applies only to offers and sales involved in the matching and combination of fractional interests among security holders and the sale of whole shares representing the remaining fractional interests not so combined. The rule applies whether the transactions are effected on behalf of the security holders by the issuer or an affiliate of the issuer or by a bank or other independent agent. The text of the Commission's action follows:

The Securities and Exchange Commission hereby amends Part 230 of Chapter II, Title 17 of the Code of Federal Regulations, by adding a new § 230.152a reading as follows:

§ 230.152a Offer or sale of certain fractional interests.

Any offer or sale of a security, evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security shall be deemed a transaction by a person other than an issuer, underwriter or dealer, within the meaning of the first clause of section 4(1) of the Act, if the fractional interest (a) resulted from a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction, and (b) is offered or sold pursuant to arrangements for the purchase and sale of fractional interests among the person entitled to such fractional interests for the purpose of combining such interests into whole shares, and for the sale of such number of whole shares as may be necessary to compensate security holders for any remaining fractional interests not so combined, notwithstanding that the issuer or an affiliate of the issuer may act on behalf of or as agent for the security holders in effecting such transactions.

II. The Commission has also adopted a new § 230.236 (Rule 236) which exempts from registration under the Securities Act, under certain conditions, shares of stock or similar security which are publicly offered to provide funds to be distributed to security holders in lieu of issuing fractional shares, script certificates, order forms, or other evidences of such fractional interest, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction. The conditions of the exemption are that the issuer is required to file and has filed reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, that the aggregate gross proceeds from the sale of the shares does not exceed $100,000 and that the issuer furnish certain information to the Commission at least 10 days prior to the offering of the shares. The text of the Commission's action follows:

The Securities and Exchange Commission hereby amends Part 230 of Chapter II, Title 17 of the Code of Federal Regulations, by adding a new § 230.236 reading as follows:

§ 230.236 Exemption of shares offered in connection with certain transactions.

Shares of stock or similar security offered to provide funds to be distributed to shareholders of the issuer of such securities in lieu of issuing fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction, shall be exempt from registration under the Act if the following conditions are met:

(a) The issuer of such shares is required to file and has filed reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

(b) The aggregate gross proceeds from the sale of all shares offered in connection with the transaction for the purpose of providing such funds does not exceed $100,000; and

(c) At least ten days prior to the offering of the shares, the issuer shall furnish to the Commission in writing the following information: (1) That it proposes to offer shares in reliance upon the exemption provided by this rule; (2) the estimated number of shares to be so offered; (3) the aggregate market value of such shares as of the latest practicable date; and (4) a brief description of the transaction in connection with which the shares are to be offered.

(Secs. 3(b), 4(1), and 19(a), 48 Stat. 75, 77 and 85, as amended, 15 U.S.C. 77c, 77d and 77s)

The Commission finds that § 230.152a is an interpretative rule and that notice and procedure pursuant to section 4 of the Administrative Procedure Act is not required. Notice of the proposed adoption of § 230.236 was published December 29, 1961 in Securities Act Release No. 4437 and in the FEDERAL REGISTER of January 9, 1962, 27 F.R. 232. All of the comments received in regard thereto have been considered.

Under the Administrative Procedure Act, the foregoing rules may be made effective immediately upon publication. Accordingly, the rules which were adopted pursuant to the Securities Act of 1933, particularly sections 3(b), 4(1), and 19(a) thereof, shall become effective March 28, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 28, 1962.

[F.R. Doc. 62-3335; Filed, Apr. 5, 1962; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter III—Government Inventions Jurisdiction, Patent Office, Department of Commerce

PART 300—ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO THE DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

The heading of Chapter III, Title 37, is changed to read as set forth above.

This part is a revision of the former Part 300, 16 F.R. 3927. Parts 301 and 302 remain unchanged.

Sec.
300.1 Purpose.
300.2 Authority.
300.3 Scope.
300.4 Definitions.
300.5 Determination of invention.
300.6 Determination of rights in and to inventions.
300.7 Appeals by employees.
300.8 Patent protection.
300.9 Report forms.
300.10 Liaison.
300.11 Dissemination of order.

AUTHORITY: §§ 300.1 to 300.11 issued under sec. 4, E.O. 10096, Jan. 23, 1950, 15 F.R. 391 as amended by E.O. 10930, Mar. 24, 1961, 26 F.R. 2583; and Delegation of Authority by the Acting Secretary of Commerce, Mar. 24, 1961, 26 F.R. 3118.

§ 300.1 Purpose.

The purpose of this part is to provide for the administration of a uniform patent policy for the Government with respect to the domestic rights in inventions made by Government employees and to prescribe rules and regulations for implementing and effectuating such policy.

§ 300.2 Authority.

Authority for the administration of a uniform patent policy is provided in Executive Order 10096, dated January 23, 1950, 15 F.R. 389, as amended by E.O. 10930, Mar. 24, 1961, 26 F.R. 2583, and Delegation of Authority by Acting Secretary of Commerce, Mar. 24, 1961, 26 F.R. 3118.

§ 300.3 Scope.

This part applies to any invention made by a Government employee on or after January 23, 1950, and to any action taken with respect thereto.

§ 300.4 Definitions.

(a) The term "Government agency," as used in this part, means any Executive department or independent establishment of the Executive branch of the Government (including any independent regulatory commission or board, any corporation wholly owned by the United States, and the Smithsonian Institution), but does not include the Atomic Energy Commission.

(b) The term "Government employee," as used in this part, means any officer or employee, civilian or military, of any Government agency, including any part-time consultant or part-time employee except as may otherwise be provided for by agency regulation approved by the Commissioner.

(c) The term "invention," as used in this part, means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

(d) The term "Commissioner," as used in this part, means the Commissioner of Patents or any Assistant Commissioner who may act for the Commissioner of Patents.

§ 300.5 Determination of invention.

Each Government agency will determine whether the results of research, development, or other activity within the agency constitute invention within the purview of Executive Order 10096, as amended by Executive Order 10930.

§ 300.6 Determination of rights in and to inventions.

(a) Subject to review by the Commissioner as provided for in this part, each Government agency will determine the respective rights of the Government and of the inventor in and to any invention made by a Government employee while under the administrative jurisdiction of such agency.

(b) The following rules shall be applied in determining the respective rights of the Government and of the inventor in and to any invention that is subject to the provisions of this part:

(1) The Government shall obtain, except as herein otherwise provided, the entire domestic right, title and interest in and to any invention made by any Government employee (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds or information, or of time or services of other Government employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph), the Government agency concerned shall leave title to such invention in the employee, subject however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof or where applicable in the

terms required by 35 U.S.C. 266, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of a particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, design, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by a showing of the facts and circumstances and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the Government employee, subject to law.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph nor (ii) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(c) In the event that a Government agency determines, pursuant to paragraph (b) (2) or (4) of this section, that title to an invention will be left with an employee, the agency shall notify the employee of this determination and promptly prepare, and preserve in appropriate files, accessible to the Commissioner, a written, signed, and dated statement concerning the invention including the following:

(1) A description of the invention in sufficient detail to identify the invention and show its relationship to the employee's duties and work assignments;

(2) The name of the employee and his employment status, including a detailed statement of his official duties and responsibilities at the time the invention was made; and

(3) A statement of agency determination and reasons therefor. The agency shall, subject to considerations of national security, or public health, safety, or welfare, submit to the Commissioner a copy of this written statement. This submittal in a case falling within the provisions of paragraph (b)(2) of this section shall be made after the expiration of the period prescribed in § 300.7 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the agency determination. The Commissioner thereupon shall review the determination of the Government agency, and his decision respecting the matter shall be final, subject to the right of the employee or the agency to submit to the Commissioner within 30 days (or such longer period as the Commissioner may, for good cause, shown in writing, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision. A copy of any such petition must also be filed by the inventor with the employing agency within the prescribed period.

§ 300.7 Appeals by employees.

(a) Any Government employee who is aggrieved by any agency determination pursuant to § 300.6(b) (1) or (2) may obtain a review of the agency determination by filing, within 30 days (or such longer period as the Commissioner may for good cause shown in writing, fix in any case) after receiving notice of such determination, two copies of an appeal with the Commissioner. The Commissioner then shall forward one copy of the appeal to the agency.

(b) On receipt of a copy of an appeal filed pursuant to paragraph (a) of this section, the Government agency which made the determination shall, subject to considerations of national security, or public health, safety, or welfare, promptly furnish both the Commissioner and the inventor with a copy of a report containing the following information about the invention involved in the appeal:

(1) A copy of a statement by the agency containing the information specified in § 300.6(c), and

(2) A detailed statement of the points of dispute or controversy, together with copies of any statements or written arguments filed with the agency, and of any other relevant evidence that the agency considered in making its determination of Government interest. Within 25 days (or such longer period as the Commissioner may, for good cause shown, fix in any case) after the transmission of a copy of the agency report to the employee, the employee may file a reply thereto with the Commissioner and file one copy thereof with the agency.

(c) After the time for the inventor's reply to the Government agency's report has expired and if the inventor has so requested in his appeal, a date will be set for the hearing of oral arguments by the employee (or by an attorney whom he designates by written power of attorney filed before, or at the hearing) and a representative of the Government agency involved. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to thirty minutes for each side. The employee need not retain an attorney or request an oral hearing to secure full consideration of the facts and his arguments. He may expedite such consideration by notifying the Commissioner when he does not intend to file a reply to the agency report.

(d) After a hearing on the appeal, if a hearing was requested, or after expiration of the period for the inventor's reply to the agency report if no hearing is set, the Commissioner shall issue a decision on the matter, which decision shall be final after the period for asking reconsideration expires or on the date that a decision on a petition for reconsideration is finally disposed of. Any request for reconsideration or modification of the decision must be filed within 30 days from the date of the original decision (or within such an extension thereof as may be set by the Commissioner before the original period expires). The Commissioner's decision shall be made after consideration of the statements of fact in the employee's appeal, the agency's report, and the employee's reply, but the Commissioner, at his discretion and with due respect to the rights and convenience of the inventor and the Government agency, may call for further statements on specific questions of fact or may request additional evidence in the form of affidavits or depositions on specific facts in dispute.

§ 300.8 Patent protection.

(a) A Government agency, upon determining that an invention coming within the scope of § 300.6(b) (1) or (2) has been made, shall thereupon determine whether patent protection will be sought in the United States by the agency for such invention. A controversy over the respective rights of the Government and of the employee in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of § 300.6(b)(2), agency action looking toward such patent protection shall be contingent upon the consent of the employee.

(b) Where there is a dispute as to whether § 300.6(b) (1) or (2) applies in determining the respective rights of the Government and of an employee in and to any invention, the agency will determine whether patent protection will be sought in the United States pending the Commission's decision on the dispute, and, if it decides that an application for patent should be filed, will take such rights as are specified in § 300.6(b)(2), but this shall be without prejudice to acquiring the rights specified in subparagraph (1) of that paragraph should the Commissioner so decide.

(c) Where an agency has determined to leave title to an invention with an employee under § 300.6(b)(2), the agency will, upon the filing of an application for patent and pending review of the determination by the Commissioner, take the rights specified in that subparagraph without prejudice to the subsequent acquisition by the Government of the rights specified in subparagraph (1) of that paragraph should the Commissioner so decide.

(d) In the event that a Government agency determines that an application for patent will not be filed on an invention made under the circumstances specified in § 300.6(b)(1), giving the United States the right to title thereto, the agency shall, subject to considerations of national security, or public health, safety, or welfare, report to the Commissioner, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status; and

(3) Statement of agency determination and reasons therefor. The Commissioner may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, bring the invention to the attention of any Government agency to whose activities the invention may be pertinent, or cause the invention to be fully disclosed by publication thereof; *Provided, however*, That no application for patent respecting any variety of plant invented by an employee of the Department of Agriculture shall be filed without the approval of the Secretary of Agriculture.

§ 300.9 Report forms.

The Commissioner will prescribe the forms to be used by Government agencies in submitting the reports specified in this part.

§ 300.10 Liaison.

Each Government agency shall designate a liaison officer at the agency level to deal with the Commissioner: *Provided, however*, That the Departments of the Army, the Navy, and the Air Force may each designate a liaison officer.

§ 300.11 Dissemination of this part.

Each Government agency shall make appropriate arrangements for the dissemination to its employees of the provisions of this part.

Effective date. Administrative Order No. 5, dated April 26, 1951, codified as former Part 300, 16 F.R. 3927, is revised by the provisions of this part, which shall go into effect 60 days after the date of approval and remain in effect until further notice.

EDWIN L. REYNOLDS,
Acting Commissioner of Patents.

Approved: February 6, 1962.

JOHN F. KENNEDY,
President.

[F.R. Doc. 62-3379; Filed, Apr. 5, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Renewal of Licenses of Television Translator Stations

1. The Commission has under consideration the desirability of revising its procedures relating to applications for renewal of licenses of television translator broadcast stations. The three particular matters involved, covered by the changes in §§ 1.328 and 4.15 of the rules adopted herein, are: (a) The time by which an application for renewal is to be filed before the license expires (now 60 days in advance); (b) the length of the license period (now one year); and (c) the "staggering" of license expiration dates on a geographical basis, as in the other broadcast services, so that all applications need not be considered at one time (all such licenses now expire each year on June 1).

2. The main factor making revisions in these areas appropriate is the vast increase in the number of authorized UHF and VHF translators which has occurred recently and is continuing. There are now outstanding authorizations for some 400 UHF translators, most of which are licensed; more than 800 VHF translator construction permits are outstanding, and about 300 applications for such facilities are pending. Thus, shortly there will be some 1,600 or more outstanding translator authorizations. The processing of applications for renewal of licenses covering these facilities has already begun to create problems, and these obviously will sharply increase, if the present framework is maintained, to the point where the Commission's processes will be badly clogged and prompt handling of these and other matters will be very difficult. In connection with the length of the renewal period, another consideration is that the main reason for setting a license period of only one year—the need to obtain current information about this rapidly developing service—has now diminished as the industry has developed and attained maturity.

3. As to the time when a renewal application must be filed in relation to the license expiration date, the present provision of at least 60 days is not adequate to insure proper consideration of the large and growing number of applications involved, in time so that they may be acted on before the licenses expire. The 90-day period applicable to other broadcast services is more appropriate. Therefore, we are herein amending § 1.328 to provide that television translator renewal applications must be filed at least 90 days before expiration date of the current license.

4. With respect to the length of the license period, as mentioned, there appears to be no longer much need for a normal period as short as one year, and, moreover, processing of upwards of 1,600 renewal applications every year would be extremely burdensome. The three-year period generally applicable to other broadcast services appears an appropriate interval. In taking this action, we do not overlook the importance of continuing Commission surveillance of the activities of its broadcast licenses in every service; but it must be borne in mind that translators are an auxiliary service, originating no programming, and there is no reason why they should be subjected to scrutiny more frequently than regular broadcast stations are.

5. With respect to the date of expiration, in order to avoid a large burden of processing at one time, it is desirable, as in the other broadcast services, to have license expiration dates "staggered" so that the renewal processing workload may be spread more or less evenly throughout any given period. The best basis of doing this is that used in the other services, on the basis of a given state or group of states every two months. Studies indicate that processing efficiency will be best served by making the bimonthly dates the same as those used in the other services—February 1, April 1, June 1, August 1, October 1, and December 1—rather than, for example, alternate months. But with respect to geographical distribution, a plan must be adopted different from that used in the other services. This is so because the distribution of translator facilities by states is, and may be expected to be, radically different from the pattern of distribution of regular radio and television stations. For example, for regular renewal processing it is appropriate to treat as a group six Western states which each has relatively few radio and television stations—Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho; therefore, under our rules, licenses of regular facilities in these states all expire at one date (October 1, 1962). However, the same six states have between them about 475 authorized translators, obviously a group too large for processing at one time. By contrast, ten Northeastern states making up three bimonthly groups for regular renewal processing (the six New England States, New York, New Jersey, Pennsylvania, and Delaware) have among them only 33 translators. Thus, a different geographical pattern is obviously required. The one adopted in the attached rule amendment is that which has been worked out to spread most evenly the entire renewal workload, for both translators and regular stations.

6. In order to effectuate an orderly change-over to the new system, the following procedures will be applied to presently licensed translators, whose licenses by their terms expire June 1, 1962, where timely application is made and regular renewal is granted:

(a) Those translators located in the states specified in subparagraph (1) of new § 4.15(d) set out below—generally, the northeastern part of the United States—will before expiration of their present licenses (on June 1, 1962) be granted renewals to June 1, 1965.

(b) Those translators located in the states specified in subparagraph (2) through (13) of new § 4.15(d)—generally those located in all of the rest of the United States except five Western states—will be granted, by Order adopted herewith, extension of their present licenses to the dates specified in those subparagraphs for the respective states. They are not required to file renewal applications in relation to the former June 1 expiration date, but must file at least 90 days before the new applicable date (e.g., in the case of translators in states specified in subparagraph (2), by May 2, 1962). If regular renewal is granted, it will be for three years from the specified date. Section 4.15(e) covers these extensions.

(c) Those translators located in the states specified in subparagraphs (14) through (18) of new § 4.15(d)—New Mexico, Utah, Arizona, Nevada, and California—will, before expiration of their present licenses (on June 1, 1962), be granted renewal to the applicable dates specified in new § 4.15(d). The present licenses of these translators cannot be extended to the dates specified in § 4.15(d) for these states, since this might contravene the provisions of the Communications Act limiting broadcast licenses to three years. Where regular renewal is granted, it will be to the applicable date specified in § 4.15(d).

7. Under new § 1.328(a), translator renewal applications must be filed at least 90 days before expiration date. Compliance with this is obviously impossible for these stations whose licenses expire June 1, 1962, and are not being extended under the preceding paragraph (i.e., stations in the Northeast and in five Western States, mentioned in subparagraphs (1), (14), (15), (16), (17), and (18) of new § 4.15(d)). The Commission will regard as timely filed renewal applications for such stations filed by April 2, 1962, the date required under the former rule. As to stations in states mentioned in subparagraph (2) of § 4.15(d) whose licenses now will expire August 1, 1962—the South, Midwest, Puerto Rico and the Virgin Islands—since the 90 day advance date would fall slightly before the effective date of these rule amendments, the Commission will regard as timely filed renewal applications filed by June 1, 1962. Otherwise, renewal applications are hereafter to be filed at least 90 days in advance of the renewal date, as new § 1.328(a) provides.

8. As to issuance of initial licenses, licenses issued henceforth, before the dates specified in § 4.15(d), will normally run until the applicable date specified in that paragraph. This will normally mean a license period shorter than three years. The Commission will apply in these situations a policy similar to that pertaining in the regular broadcast services, and will not grant an initial license where such license would under § 4.15(d) have less than eight months to run before date of expiration, unless the applicant specifically requests it. Application for renewal of initial licenses must be filed at least 90 days before the applicable date specified in § 4.15(d), and, if regular renewal is granted, it will be for three years from such date.

9. Since the subjects of the rule changes adopted herein are essentially procedural (involving the manner in which the Commission handles its business), notice of rule making is not required by section 4(a) of the Administrative Procedure Act. Moreover, the changes involved, which are required in order that the Commission may expeditiously handle its renewal workload and which substantially lighten the burden on translator licensees, are clearly in the public interest. Therefore, a public rule making proceeding herein is unnecessary, and the delay which would be involved therein would further complicate the administrative problems which make the changes necessary. Accordingly, we are adopting the rules in the attached Appendix without public rule making proceedings. The rights of regular television broadcast licensees are protected under the provisions of § 4.703 of our rules, which put upon the translator operator the responsibility of avoiding interference to reception of regular stations.

10. Authority for the adoption of the proposed rules is contained in sections 4 (i) and (j), 303 (f) and (r), and 307(d) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That effective May 4, 1962, Parts 1 and 4 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 28, 1962.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.328(a) is amended to read as follows:

§ 1.328 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

2. Section 4.15 is amended by deleting paragraph (a) (4) and adding new paragraphs (d) and (e), as follows:

§ 4.15 License period.

* * * * *

(d) On and after the dates specified in this paragraph for stations located in the various States, licenses for television broadcast translator stations ordinarily will be issued for a period of three years, and, when regularly renewed, at three year intervals thereafter (initial licenses and renewals issued prior to the applicable date specified in this paragragh will normally run until such applicable date): *Provided, however*, That if the Commission finds that the public interest, convenience, and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. When regularly issued or renewed, licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule, and at three year intervals thereafter:

(1) For stations located in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, and the District of Columbia: June 1, 1962.

(2) For stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands: August 1, 1962.

(3) For stations located in Oklahoma and Texas: October 1, 1962.

(4) For stations located in Kansas and Nebraska: December 1, 1962.

(5) For stations located in Iowa and South Dakota: February 1, 1963.

(6) For stations located in Minnesota and North Dakota: April 1, 1963.

(7) For stations located in Wyoming: June 1, 1963.

(8) For stations located in Montana: August 1, 1963.

(9) For stations located in Idaho: October 1, 1963.

(10) For stations located in Washington: December 1, 1963.

(11) For stations located in Oregon: February 1, 1964.

(12) For stations located in Alaska, Hawaii and Guam: April 1, 1964.

(13) For stations located in Colorado: June 1, 1964.

(14) For stations located in New Mexico: August 1, 1964.

(15) For stations located in Utah: October 1, 1964.

(16) For stations located in Arizona: December 1, 1964.

(17) For stations located in Nevada: February 1, 1965.

(18) For stations located in California: April 1, 1965.

(e) Licenses issued before June 1, 1962, for television translator stations located in the states listed in paragraph (d) (2) through (13) of this section, regardless of the expiration date specified in the license, will expire at 3:00 a.m., eastern standard time, on the dates specified in those subparagraphs for the respective states.

[F.R. Doc. 62-3357; Filed, Apr. 5, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REGUGE

Sport fishing on the Hart Mountain National Antelope Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising 100 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout.

(b) Open season: April 21, 1962, through October 31, 1962.

(c) Daily creel limits: 10 fish 6 inches and over in length, not more than 5 of which may be 12 inches or over. Limit for trout 20 inches and over is 2 fish per day and is to be counted with the regular bag limit.

(d) Methods of fishing:

1. Tackle: One line, or rod and line, in hand or closely attended.

2. Bait: The use of living, dead or preserved fish or parts thereof, except salmon eggs, is prohibited.

3. Boats: The use of boats for fishing is not permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3328; Filed, Apr. 5, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Sport fishing on the Malheur National Wildlife Refuge, Oregon, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 200 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout.

(b) Open season: Krumbo Reservoir—July 1, 1962, through October 31, 1962. Other waters—April 21, 1962, through October 31, 1962.

(c) Daily creel limits: 10 fish 6 inches and over in length.

(d) Methods of fishing:

1. Tackle: Line, or rod and line, in hand or closely attended may be used. Line is limited to 3 hooks.

2. Bait: Living, dead or preserved fish or parts thereof, exclusive of salmon eggs, may not be used for bait.

3. Boats: Boats without motors may be used on Krumbo Reservoir only.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3329; Filed, Apr. 5, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

McKay Creek National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

M'KAY CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the McKay Creek National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising 660 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: All waters—April 21, 1962, through October 15, 1962. Waters below the dam—April 21, 1962, through October 31, 1962.

(c) Daily creel limits: Trout—10 fish 6 inches and over in length. Creel limits for minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: One line or rod and line in hand or closely attended. Not more than 3 hooks per line, except on floating bass plugs.

2. Bait: Living, dead, or preserved fish or parts thereof, exclusive of salmon eggs, may not be used.

3. Boats: Boats with motors may be used for fishing from April 21 through September 15, 1962, only.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3330; Filed, Apr. 5, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

WHITE-PINE BLISTER RUST

Proposed Amendments of Notice of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), is considering the amendment of 7 CFR 301.63, 301.63–1(g), 301.63–2, 301.63–3a(a)(1), 301.63–3a(a)(2), 301.63–3a(b), 301.63–5(a)(1), 301.63–5(a)(2), and 301.63–5(b) (White-Pine Blister Rust Quarantine No. 63, and certain supplemental regulations), in the following respects:

§ 301.63 [Amendment]

1. Amend the first sentence of § 301.63 by deleting therefrom the word "continental" and substituting therefor the word "conterminous."

2. Amend the introductory clause of the second sentence of § 301.63 by adding the phrase "within the conterminous United States" between the words "moved interstate" and "from any State."

3. Amend § 301.63–1(g) to read as follows:

§ 301.63–1 Definitions.

* * * * *

(g) *Conterminous United States.* The 48 conterminous States of the United States and the District of Columbia.

§ 301.63–2 [Amendment]

4. Amend § 301.63–2 by deleting the word "continental" therein and substituting therefor the word "conterminous."

§ 301.63–3a [Amendment]

5. Amend the second sentence of § 301.63–3a(a)(1) and of § 301.63–5(a)(1) by inserting the word "conterminous" between the words "part of the" and "United States."

6. Amend §§ 301.63–3a(a)(2) and 301.63–5(a)(2) by deleting the word "continental" wherever it occurs therein and substituting therefor the word "conterminous."

7. Amend the second sentence of § 301.63–3a(b) to read, "Interstate movement of such plants into or between any other State of the conterminous United States or the District of Columbia is prohibited except in accordance with § 301.63–9."

§ 301.63–5 [Amendment]

8. Amend the second sentence of § 301.63–5(b) to read, "The interstate movement of such plants into any other State of the conterminous United States or the District of Columbia is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9."

(Secs 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended)

These proposed amendments make no substantive change in the notice of quarantine or regulations as now enforced. Under the Plant Quarantine Act a hearing is required before a State is quarantined. At the time of the latest public hearing held on March 26, 1932, to consider amendment of the white-pine blister rust quarantine, Alaska had not been admitted as a State. The need for quarantining Alaska was not considered at the hearing and the quarantine and regulations by their terms were intentionally limited to the then existing States of the United States and the District of Columbia. The proposed amendments and the new definition would specifically limit application of the quarantine and regulations to the 48 conterminous States and the District of Columbia, as originally intended under the terms of the public hearing. This would eliminate any uncertainty as to the status of Alaska under the quarantine and regulations.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–3345; Filed, Apr. 5, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 14580; FCC 62–326]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

Operation Above 70 Mc/s

1. Notice is hereby given of proposed rule making to amend § 15.206 of the rules of the Federal Communications Commission as shown below to specify the details of operation above 70 Mc/s.

2. The limits on radiation of electromagnetic energy set forth in § 15.206 attached are the same as those which are now in effect. The changes are in the maximum duration of each transmission and the minimum silent period between transmissions specified in paragraph (a)(3) of the proposed rules.

3. Under the rule now in effect, the duration of the transmission is limited to 1 second. Whether the duration of the transmission is one second or less, it may not be transmitted a second time until 30 seconds have expired. The proposed rule shortens the required quiet period to 10 seconds and reduces the maximum transmission period to ½ second.

4. The Commission believes that the rule as revised will more adequately accommodate signalling devices ordinarily operated on an unlicensed basis under § 15.206, without increasing the interference potential of such devices. It appears that such devices could be operated effectively, and produced at no greater cost, if the maximum duration of the transmission is limited to ½ second. The reduction of the interval between transmissions, on the other hand, should be of considerable convenience to the user of any such device.

5. The existing rule provides that the device must be equipped with automatic controls to maintain the required duty cycle. At least one manufacturer who has equipped his certificated product with such controls has also equipped it with an external slide switch which can be positioned to bypass the controls and thereby obtain continuous operation. Any such arrangement is in conflict with the spirit and purpose of § 15.206. Paragraph (a)(4) of the proposed rules is intended to prevent the certification of any device equipped with such external control.

6. The Commission anticipates that the proposed new requirements will apply to devices manufactured approximately 2 months following adoption of the final order. Low power communication devices which were manufactured prior to that time may continue to be operated under the present rules.

7. This proposal to amend § 15.206 is issued under the authority of sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended, and in accordance with the provisions of section 4 of the Administrative Procedure Act.

8. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before May 28, 1962, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: March 28, 1962.

Released: March 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 15.206 is revised to read as follows:

§ 15.206 Operation above 70 Mc/s.

(a) A low power communication device may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s to 1000 Mc/s does not exceed the limits specified for receivers in § 15.62.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than ½ second and the silent period between transmissions shall not be less than 10 seconds.

(4) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this paragraph.

(b) A low power communication device manufactured before _____ 1962, may be operated on frequencies above 70 Mc/s if it meets the radiation requirements of paragraph (a) and is provided with means for automatically limiting operation to a duration of one second, not to occur more than once in 30 seconds.

[F.R. Doc. 62–3356; Filed, Apr. 5, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 13518]

STATEMENTS OF GENERAL POLICY

Nontransport Activities of Subsidized Air Carriers; Notice of Proposed Rule Making

APRIL 2, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed addition to Part 399—Statements of General Policy, which would express the Board's policy of considering nontransport activities of subsidized air carriers as prima facie contrary to the public interest.

This regulation is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743; 49 U.S.C. 1324) and section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before May 7, 1962, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board has become concerned over a trend by subsidized local service air carriers to engage in non-air transport activities either directly or through subsidiary companies. Examples of such activities include sale of aircraft components, as well as services of a nonaeronautical nature. It appears to the Board that when the favorable and unfavorable aspects of such activities are balanced, they may generally be inconsistent with the public interest.

It is apparent that the performance of such activities demands the attention of management, perhaps to a significant degree, thereby diverting emphasis from a carrier's prime function of developing air transport services—for which it receives subsidy. It is true that if the activities are engaged in successfully and profitably, the revenues flowing therefrom to the carrier will result in a decrease in the carrier's "need" for subsidy. But it might also follow that the more successful the enterprise, the more effort it requires of management. On the other hand, such activities may result in a continuing financial drain on the carrier, or in the loss of the carrier's investment therein, thereby jeopardizing its ability to perform its certificate operations. Furthermore, a determination of whether or not the activities are profitable may involve difficult questions of allocation of expenses.

The Board therefore has under consideration the adoption of a policy of regarding nontransport activities of subsidized air carriers as prima facie contrary to the public interest.

The proposed rule reads as follows:

§ 399.38 Nontransport activities of subsidized air carriers.

In view of the fact that any significant nontransport activity by a subsidized air carrier (a) may create financial risks to the carrier which could jeopardize its effective operations, (b) is likely to result in diversion of the energies of management from the carrier's transportation activities, and (c) creates problems with regard to the allocation of expenses as between the air transportation and other activities of the carrier, the Board will consider any significant engagement in nontransport activities by subsidized air carriers prima facie as not in the public interest when exercising its regulatory powers with respect to matters in which nontransport activities of subsidized air carriers are a factor.

[F.R. Doc. 62–3342; Filed, Apr. 5, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 62–WE–7]

JET ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the alteration of the enroute radar jet advisory area associated with the segment of Jet Route No. 80 from the Denver, Colo., VORTAC to the Hill City, Kans., VOR. In Airspace Docket No. 61–WA–172 (27 F.R. 2279) the radar jet advisory area associated with the above segment of J–80 is extended from 120 nautical miles east-southeast of Denver to 168 nautical miles east-southeast. This leaves a nonradar jet advisory area of 20 nautical miles from 168 nautical miles east-southeast of Denver to 25 nautical miles west of Hill City.

Operational experience has proven that overlapping coverage exists on this segment of nonradar jet advisory area at flight level 270 and above between the radar systems being utilized by the Denver and Kansas City, Mo., Air Route Traffic Control Centers. Therefore, the FAA proposes to convert the 20 nautical mile segment of nonradar jet advisory area on J–80 between Denver and Hill City to radar jet advisory area from flight level 270 to flight level 390 inclusive. Such action would permit the use of five additional flight levels in the control of civil turbojet air carrier aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be sub-

mitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on March 30, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-3320; Filed, Apr. 5, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-15]

JET ROUTE AND ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 79 and its associated jet advisory area presently extend in part from the Wilmington, N.C., VORTAC northward via the Wilmington VORTAC 012° and the Norfolk, Va., VORTAC 229° True radials to the Norfolk VORTAC, thence to the Idlewild, N.Y., VORTAC. At altitudes at and above 14,500 feet MSL the Wilmington control area extension (14 CFR 601.1150) extends from a point south of Wilmington on the boundary of the continental control area to the Bimini, Bahamas, RBN.

In order to provide an uninterrupted route for civil turbojet aircraft operating between Miami, Fla., and Idlewild via Control 1150, the Federal Aviation Agency has under consideration the extension of J-79 and its associated radar jet advisory area from the Wilmington VORTAC to the boundary of the continental control area via the Wilmington VORTAC 192° True radial. In addition, J-79 and its associated advisory area would be aligned direct between the Wilmington and Norfolk VORTACs. Realignment of J-79 from Wilmington direct to Norfolk would provide a more direct route between New York and Miami, and would reduce the mileage by approximately 10 nautical miles. This would also facilitate flight planning and air traffic management for jet aircraft operating between Miami, Fla., and the New York Metropolitan area.

In separate action (Airspace Docket No. 62-WA-23), the present route of J-79 and its associated advisory area between Wilmington and Norfolk is being proposed for retention by an extension of Jet Route No. 40. The extension of J-40 would provide an alternate routing for use above flight level 330 when Restricted Area R-5307 is being used. The designated times and altitudes of R-5307 are from sunset to sunrise and from flight level 350 to flight level 550, respectively.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on March 30, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-3321; Filed, Apr. 5, 1962; 8:45 a.m.]

Notices

FEDERAL RESERVE SYSTEM

BANK STOCK CORPORATION OF MILWAUKEE

Order Approving Application Under Bank Holding Company Act

In the matter of the Application of Bank Stock Corporation of Milwaukee for prior approval of acquisition of 80 per cent or more of the voting stock of Silver Spring Bank, Milwaukee, Wis.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Bank Stock Corporation of Milwaukee, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 per cent or more of the voting stock of Silver Spring Bank, Milwaukee, Wisconsin; a Notice of Receipt of Application has been published in the FEDERAL REGISTER on October 12, 1961 (26 F.R. 9660), which provided an opportunity for submission of comments and views regarding the proposed acquisition; and the time for filing such comments and views has expired and no such comments or views have been filed;

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, provided that the acquisition approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date, and provided further that Silver Spring Bank shall be opened for business within six months after said date.

Dated at Washington, D.C., this 28th day of March, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3325; Filed, Apr. 5, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority

MARCH 27, 1962.

Pursuant to authority contained in section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 2816, August 28, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to me:

1. The District Managers in the State of California may perform the functions listed in section 1.5(a), *Classification of lands;*

2. The Minerals Specialist, Division of Lands and Minerals Management may perform the functions listed in section 1.2(e), *Government contests*, and section 1.6(k), *Mining claims.*

Notwithstanding these delegations, the Chief, Division of Lands and Minerals Management is hereby authorized to perform the functions listed above.

The above delegation shall become effective April 1, 1962.

NEAL D. NELSON,
State Director.

[F.R. Doc. 62-3331; Filed, Apr. 5, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 26, 1962.

The Notice of Proposed Withdrawal and Reservation of Lands concerning application Serial No. Sacramento 068417 of the United States Department of Agriculture, to protect a roadside zone along State Highway 49 in the Tahoe National Forest, which was published in the FEDERAL REGISTER of Tuesday, March 13, 1962, Page 2387 (F.R. Doc. 62-2399), is corrected as follows: That portion of the land description in Sec. 5, T. 19 N., R. 10 E., M.D.M., which reads S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½E½NW¼SW¼, NW¼SE¼NW¼SW¼, N½SW¼SE¼NW¼SW¼ is corrected to read S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½NE¼NW¼SW¼, NW¼SE¼NW¼SW¼, N½SW¼SE¼NW¼SW¼.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 62-3332; Filed, Apr. 5, 1962; 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The Atomic Energy Commission has filed an application, Serial Number Nevada 058078 for the withdrawal of the lands described below, from all forms of appropriation, under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681.30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for nuclear testing.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nev.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 32 E.,
Secs. 33 and 34.
T. 15 N., R. 32 E. (unsurveyed),
Beginning at the southeast corner of Section 34, T. 16 N., R. 32 E.;
Thence west along the southerly line of said Section 34, 5,287.43 feet, to the southwest corner of said Section 34;
Thence west along the southerly line of Section 33, T. 16 N., R. 32 E., 5,280 feet;
Thence south, 5,280 feet;
Thence east, 10,567.43 feet;
Thence north, 5,280 feet, to the southeast corner of said Section 34 to the true point of beginning.

The area described contains approximately 2,560 acres.

R. M. ZUNDEL,
Acting Land Office Manager,
P.O. Box 1551, Reno, Nev.

[F.R. Doc. 62-3333; Filed, Apr. 5, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 30, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0153781, for the withdrawal of certain land from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The land has previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such has been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such land for the Arrowhead Landmark Geological Area, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

tions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 4 W.,
Sec. 1, SW¼SW¼.

The above described area contains 40 acres of Federal land. The land is located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-3341; Filed, Apr. 5, 1962; 8:46 a.m.]

National Park Service

[Order No. 4]

YELLOWSTONE NATIONAL PARK, WYOMING

Certain Designated Officials; Delegation of Authority to Execute and Approve Certain Contracts

1. *Associate Superintendent.* The Associate Superintendent may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Associate Superintendent in behalf of any coordinated area.

2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

3. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer in behalf of any coordinated area.

4. *Revocation.* This order supersedes Order No. 3 issued March 31, 1958.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C. 2; Region Two Order No. 3 (21 F.R. 1404))

LEMUEL A. GARRISON,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 62-3334; Filed, Apr. 5, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Suffolk County, New York, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-3340; Filed, Apr. 5, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M-476]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

The Hearing Examiner having under consideration motion on behalf of the Department of the Air Force, acting for and on behalf of the Department of Defense, an intervenor, filed March 28, 1962, requesting that the hearing herein now scheduled for April 24, 1962 be continued to June 5, 1962;

It appearing, That good cause exists why said motion should be granted and the other parties to the proceeding, namely American Telephone and Telegraph Company and Chief, Common Carrier Bureau of the Commission, interpose no objection to a grant of said motion;

Accordingly, it is ordered, This 30th day of March 1962, that the motion is granted and the hearing now scheduled for April 24, 1962, be and the same is hereby rescheduled for June 5, 1962, at 10 a.m. in the Commission's Offices, Washington, D.C., and: *It is further ordered,* That the date now set as March 30, 1962, in which the requests may be submitted to American Telephone and Telegraph Company for backup material, be and the same is hereby extended to May 11, 1962.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3350; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14579]

WARREN J. CURRENCE

Order To Show Cause

In the matter of Warren J. Currence, Elkins, West Virginia, Docket No. 14579; order to show cause why there should not be revoked the license for Radio Station 4WO152 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of alleged violations of Title 18, U.S. Code section 1464, and the Commission's rules in connection with the operation of the captioned station;

It appearing, that, at various times between June 1, 1960, and July 16, 1961, and particularly on April 7, 1961, the licensee transmitted communications which were not addressed to specific persons or stations within the direct groundwave coverage range of his station, in violation of § 19.61(g) of the Commission's rules; and

It further appearing, that, at various times between June 1, 1960, and July 16, 1961, and particularly on April 7, 1961, the licensee uttered indecent, obscene or profane language by means of radio, in violation of Title 18, U.S. Code, section 1464; and

It further appearing, that, on January 10, 1961, the Commission directed a letter to the licensee advising him that it was in receipt of information indicating that he had been engaged in the transmission of communications which were not addressed to specific persons or stations within the direct groundwave coverage range of his station and warning him that such operation was in violation of § 19.61(g) of the Commission's rules; and

It further appearing, that, the Commission's above-mentioned letter was sent by Certified Mail—Return Receipt Requested (No. 97081) and received by the licensee on January 13, 1961; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 19.61(g) of the Commission's rules and has violated Title 18, U.S. Code, section 1464; and

It further appearing, that, in the operation of his Citizens radio station, the licensee has demonstrated a predisposition to disregard the Commission's rules and that, had the Commission been aware of such predisposition at the time of issuance of the license for Radio Station 4WO152, it would have been warranted in refusing to grant the licensee's application therefor;

It is ordered, This 3d day of April 1962, pursuant to section 312(a) (2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of Commission's Statement of Delegations of Authority, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the licensee at 200 Diamond Street, Elkins, West Virginia.

Released: April 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3351; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 8716 etc.; FCC 62-293]

GREENWICH BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Greenwich Broadcasting Corp., Greenwich, Conn., Docket No. 8716, File No. BP-6315, requests: 1490 kc, 250 w, U; WPD, Inc., Danbury, Conn., Docket No. 14569, File No. BP-13035, requests: 1490 kc, 250 w, U; Robert R. Pauley, Peter Taylor, and Fred Schottland d/b as New Canaan Broadcasting Co., New Canaan, Conn., Docket No. 14570, File No. BP-13293, requests: 1490 kc, 250 w, U; Northcastle Radio, Inc., North White Plains, N.Y., Docket No. 14571, File No. BP-13940, requests: 1500 kc, 1 kw, DA-D; Richard Hodgson and John F. Dickinson d/b as Fairfield Broadcast Service, New Canaan, Conn., Docket No. 14572, File No. BP-14100, requests: 1490 kc, 250 w, U; Rhode Island-Connecticut Radio Corp., Madison, Conn., Docket No. 14573, File No. BP-14103, requests: 1490 kc, 250 w, U; Blair A. Walliser tr/as Milford Broadcasting Co., Milford, Conn., Docket No. 14574, File No. BP-14106, requests: 1500 kc, 5 kw, DA-D; The Berkshire Broadcasting Corp., Stratford, Conn., Docket No. 14575, File No. BP-14354, requests: 1490 kc, 250 w, U; James Stolcz, Shelton, Conn., Docket No. 14576, File No. BP-14355, requests: 1490 kc, 250 w, 1 kw-LS, DA-D, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant applications involve varying degrees of interlinking interference. Excluding mutually prohibitive proposals, and considering all class IV stations and proposals on a basis of a theoretical 250-watt omnidirectional operation, a substantial question exists concerning compliance with § 3.28(d)(3) of the Commission's rules for each of the applications except that of James Stolcz, BP-14355. An additional question exists regarding possible interference to the existing operations of the stations indicated in issue No. 3, herein.

2. Owing to high nighttime RSS limitations, a substantial question exists as to whether the proposals of WPD, Inc. and of James Stolcz will provide complete nighttime coverage of the cities they seek to serve.

3. The transmitter site photographs submitted by Northcastle Radio, Inc., have not been adequate to enable the Commission to determine whether or not any conditions exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. Two of the proposed antenna systems, those of Milford Broadcasting Co. and of James Stolcz, have been approved by the Federal Aviation Agency. The remaining proposals have not yet been explicitly approved by the FAA, but have been examined by the Commission in the light of the criteria contained in FAA regulations, § 626.12. It appears that the antenna systems proposed by five of the remaining seven applicants (WPD, Inc., New Canaan Broadcasting Co., Northcastle Radio, Inc., Rhode Island-Connecticut Radio Corp., and The Berkshire Broadcasting Corp.), would comply with the FAA criteria. No hearing issue has been included with respect to the latter five proposals, but a grant of any one of the proposals will be conditioned upon compliance with any applicable procedures of the FAA. The Commission has been unable to determine that the proposals of The Greenwich Broadcasting Corp. and Fairfield Broadcast Service would comply with the applicable FAA regulations and an appropriate hearing issue is included herein with respect to those applicants. The Federal Aviation Agency will be made a party respondent for the purposes of this issue.

5. For the reasons set forth below, the Commission is unable to find that the applicants indicated are financially qualified to construct and operate their proposals:

A. *New Canaan Broadcasting Co.:* Cash in the approximate amount of $26,140 will be required for the construction and initial operation of the proposed station. The partnership agreement indicates that the partnership capital of $7,000 will be contributed, 58 and 42 percent respectively, by Robert R. Pauley and Peter Taylor, two of the three partners. The agreement further states that the three partners will, "jointly and severally," lend such other sums as may be necessary for the construction and initial operation of the station. However, the undated balance sheets of the partners were submitted more than 2½ years ago and no additional information has been submitted to indicate the current assets of the partners or any additional commitments they may have undertaken. It is noted, in this regard, that Peter Taylor, 42 percent partner in the applicant, holds an ownership interest of 25 percent in Station WRIM, Pahokee, Fla., recently granted permission to remain silent from November 8, 1961, to February 20, 1962, owing, in part, to financial difficulty. Accordingly, it will be necessary for the partners to demonstrate that they will be able to loan the necessary funds to the partnership or that other sources for these funds have been found.

B. *Northcastle Radio Inc.:* A total of $29,714 appears to be required to cover down payment on equipment, construction costs, and initial operating expenses. The applicant proposes to obtain the necessary funds through stock subscriptions and additional loans from six of the stock subscribers. However, the financial statements submitted by the proposed stock subscribers and lenders were prepared in November 1959, and were not prepared in accordance with the instructions contained in the application form. It will be necessary for the parties to demonstrate their ability to meet their financial commitments to the corporation, or for the applicant to demonstrate that the necessary funds can be obtained elsewhere.

C. *Fairfield Broadcast Service:* Cash in the amount of $72,000 is necessary to cover down payment on equipment, cost of land, cost of building, miscellaneous items, and initial working capital. Following the most recent amendment of the application, it would appear that partner Richard Hodgson is obligated to furnish partnership capital of $24,000 and to loan the partnership an equal amount. The respective obligations of partner John Dickinson are exactly half of the obligations of Hodgson. Neither partner has furnished a balance sheet or financial statement prepared in accordance with the instructions in the application form. Even if the inadequate financial statements furnished were to be accepted at face value, neither partner has indicated sufficient cash and liquid assets to meet his obligations to the partnership. Accordingly, it will be necessary for the applicant to establish the financial capacity of the partners to meet their obligations to the partnership or to establish some other source for the funds necessary to construct the station and commence operation.

D. *Rhode Island-Connecticut Radio Corp.:* Cash in the amount of $28,799 will be necessary to meet the downpayment on equipment, cost of land, cost of building, miscellaneous expenses, and initial working capital. The applicant proposes to obtain these funds through a $25,000 bank loan and existing profits from Station WERI, Westerly, R.I., wholly owned by the applicant corporation. However, WERI was acquired by the applicant in 1959 for $100,000, only $29,000 of which was paid at time of purchase. In 1960, the applicant was granted a construction permit for WERI-FM, the cost of which was estimated to be $14,145, and in

early 1961 a construction permit was granted to increase the power of WERI (AM). On October 19, 1961, a construction permit was granted for a new station (WTTT), at Amherst, Mass., to a corporation whose principal stockholder is Augustine L. Cavallaro, Jr., also a stockholder in the applicant and son of the principal stockholder in the applicant. Funds needed to construct WTTT (an estimated $44,488), were to be obtained by sale of stock by the son to the father for a reported $50,000. In view of the other broadcast commitments by the applicant and of its sole stockholders, the Cavallaros, Senior and Junior, it will be necessary for the applicant to demonstrate its financial ability to construct and operate the instant proposal and meet its other concurrent broadcast commitments.

6. Several of the subject proposals would cause objectionable interference to the licensed operation of Station WNLC, New London, Conn., on 1490 kc. WNLC has been granted a construction permit to change frequency to 1510 kc and, in all cases but one, this change would eliminate any question of interference to WNLC. A grant of any application causing interference to the licensed WNLC 1490 kc operation will be appropriately conditioned to bar program tests until WNLC is granted similar authority on its new frequency.

7. A substantial question exists as to whether North White Plains, N.Y., is a separate community from White Plains, N.Y., within the meaning of § 3.30(a) of the Commission's rules. It will be necessary for Northcastle Radio, Inc., to establish its compliance with § 3.30(a) as a necessary precondition to further consideration. Seven Locks Broadcasting Co., 22 Pike and Fischer R.R. 967, 970 (1962).

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following proposals would cause objectionable interference to the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Subject Proposal	*and Existing Station*
BP-6315	WHOM, New York, N.Y.
BP-13035	WKNY, Kingston, N.Y.
	WTOR, Torrington, Conn.
BP-13293	WHOM, New York, N.Y.
BP-13940	WHOM, New York, N.Y.
	WFYI, Mineola, N.Y.
	WTOP, Washington, D.C.
BP-14100	WDLC, Port Jervis, N.Y.
	WHOM, New York, N.Y.
BP-14103	WHOM, New York, N.Y.
	WTXL, West Springfield, Mass.
BP-14106	WFYI, Mineola, N.Y.
	WNLC, New London, Conn. (with respect to CP for operation on 1510 kc)
BP-13354	WHOM, New York, N.Y.
	WBCB, Levittown-Fairless Hills, Pa.
BP-13355	WTOR, Torrington, Conn.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than 10 percent of the population within its normally protected primary service area in contravention of § 3.28 (d) (3) of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by The Greenwich Broadcasting Corp. and Fairfield Broadcast Service would constitute a menace to air navigation.

6. To determine whether the instant proposals of WPD, Inc., and of James Stolcz would provide nighttime coverage of the city sought to be served, as required by §§ 3.188(a) (1) and 3.188(b) (2) of the Commission's rules.

7. To determine whether the transmitter site proposed by Northcastle Radio, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine the station location applied for by Northcastle Radio, Inc., and to determine whether such location is a particular city, town, political subdivision, or community within the meaning of § 3.30(a) of the Commission's rules.

9. To determine whether the following applicants are financially qualified to construct and operate their proposed stations:

a. New Canaan Broadcasting Co.
b. Northcastle Radio, Inc.
c. Fairfield Broadcast Service
d. Rhode Island-Connecticut Radio Corp.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

11. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for New Canaan, Conn., should be favored, or, in the event it is determined that a necessary choice between any two or more applicants cannot reasonably be made on the basis of considerations relating to section 307(b), which of the proposals in question would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programing service proposed in each of the said applications.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That the following licensees of the existing stations indicated are made parties to the proceedings with regard to their existing operations:

Licensee, Station, and Location
Progress Broadcasting Corp., WHOM, New York, N.Y.
Kingston Broadcasting Corp., WKNY, Kingston, N.Y.
VIP Broadcasting Corp., WFYI, Mineola, N.Y.
The Torrington Broadcasting Co., Inc., WTOR, Torrington, Conn.
The Washington Post Co., WTOP, Washington, D.C.
Port Jervis Broadcasting Co., Inc., WDLC, Port Jervis, N.Y.
Telecolor Corp., WTXL, West Springfield, Mass.
O'Keefe Broadcasting Co., Inc., WBCB, Levittown-Fairless Hills, Pa.

It is further ordered, That The Thames Broadcasting Corp., is made a party to the proceeding with regard to its construction permit for operation on 1510 kc, at New London, Conn.

It is further ordered, That in the event of a grant of the application of The Greenwich Broadcasting Corp., New Canaan Broadcasting Co., Fairfield Broadcast Service, or Rhode Island-Connecticut Radio Corp., the construction permit shall contain the following condition: Program tests will not be authorized until WNLC has begun program tests on 1510 kc and a license will not be issued until WNLC has been licensed on 1510 kc.

It is further ordered, That in the event of a grant of the application of Northcastle Radio, Inc., or of Milford Broadcasting Co., the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of any application in this proceeding except those of Milford Broadcasting Co. and of James Stolcz, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That in the event of a grant of the application of Fairfield Broadcast Service, the construction permit shall contain the following condition: Before program tests are authorized, sufficient field intensity measurement data shall be submitted to establish that the antenna tower has been top loaded to produce an effective field strength at 1 mile of 260 mv/m/kw as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3352; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14547; FCC 62M-480]

BILL S. LAHM

Order Continuing Hearing Conference

In re application of Bill S. Lahm, Wisconsin Rapids, Wis., Docket No. 14547, File No. BMP-9407, for additional time to construct radio station WRNE.

The Hearing Examiner having under consideration an oral request to postpone the prehearing conference presently scheduled for April 3, 1962, all parties having agreed thereto;

It is ordered, This 30th day of March 1962, on the Hearing Examiner's own motion, that the prehearing conference now scheduled for April 3, 1962, is continued to April 20, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2253; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14589; FCC 62-356]

MADISON COUNTY BROADCASTING CO. (WBBY)

Order Designating Application for Hearing on Stated Issues

In re application of Robert W. Sudbrink and Margareta S. Sudbrink d/b as Madison County Broadcasting Co. (WBBY), Wood River, Ill., Docket No. 14589, File No. BMP-9684, has: (CP) 590 kc, 500 w, DA-D, Wood River, Ill., requests: Change of station location to Wood River-Alton, Ill.; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The present Madison County application requests modification of the construction permit to change station location from Wood River, Ill., to Wood River-Alton, Ill. No change in transmitter site is proposed.

2. The population of Wood River, according to the 1960 census, is 11,694. The population of Alton is 43,047 and East Alton contains an additional 7,630 persons. Alton has one existing station, WOKZ, and Wood River has no other station. Assuming, as we do, that the Wood River application was filed in good faith, we must also assume that the applicant, in choosing his original station location, saw no immediate need to acquire a different, or a second, designation. The applicant has submitted an extensive statement setting forth the identity of interests of the two towns, but has submitted no statement indicating that changed circumstances now necessitate a dual-city designation not needed before. In the absence of such showing the Commission is unable to conclude without hearing that a retention of a single city identification would impose an unreasonable burden upon the applicant within the meaning of § 3.30 (b) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the instant proposal of Madison County Broadcasting Co. is consistent with the requirements of § 3.30(b) of the Commission rules, to warrant an authorization of dual-city operation.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3354; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket Nos. 14537-14545; FCC 62M-474]

W.W.I.Z., INC., ET AL.

Order Continuing Hearing Conference

In re applications of W.W.I.Z., Inc., Lorain, Ohio, Docket No. 14537, File No. BR-3707; et al., Docket Nos. 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545; for renewal of license of station WWIZ, Lorain, Ohio.

The Hearing Examiner having under consideration a petition to postpone prehearing conference, filed by the Lorain Journal Co., on March 28, 1962;

It appearing, that all parties have consented to a grant of the subject petition and to a waiver of 47 CFR 1.43;

It is ordered, This 29th day of March 1962, that the prehearing conference in the above-entitled proceeding now scheduled to convene on April 5, 1962, is con-

tinued to April 10, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3355; Filed, Apr. 5, 1962; 8:48 a.m.]

[FCC 62-367]

TELEVISION TRANSLATOR STATIONS IN CERTAIN STATES

Extension of Term of Licensees

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

It appearing, that the Commission has this day adopted an amendment to § 4.15 of its rules, substituting for the former expiration of all television translator station licenses on June 1 of every year a system of 3-year licenses expiring on different dates according to the state in which the translator station is located; and

It appearing, that neither the interest of orderly administration nor the convenience of translator licensees would be served by requiring such licensees to file for renewal in relation to the June 1, 1962, expiration date now provided in their licenses and again within a short time in relation to the applicable expiration date specified in new § 4.15(d); and

It appearing, that therefore the present licenses of television translator stations should not expire on June 1, 1962, if renewal license issued thereafter would expire in a short time pursuant to § 4.15(d);

Therefore, it is ordered, That, the present licenses of television translator stations located in certain States, which expire on June 1, 1962, are extended, so as to expire at 3:00 a.m., e.s.t., on the dates set forth below for translators located in the respective States listed:

(a) For translator stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands: August 1, 1962.

(b) For translator stations located in Oklahoma and Texas: October 1, 1962.

(c) For translator stations located in Kansas and Nebraska: December 1, 1962.

(d) For translator stations located in Iowa and South Dakota: February 1, 1963.

(e) For translator stations located in Minnesota and North Dakota: April 1, 1963.

(f) For translator stations located in Wyoming: June 1, 1963.

(g) For translator stations located in Montana: August 1, 1963.

(h) For translator stations located in Idaho: October 1, 1963.

(i) For translator stations located in Washington: December 1, 1963.

(j) For translator stations located in Oregon: February 1, 1964.

(k) For translator stations located in Alaska, Hawaii, and Guam: April 1, 1964.

(l) For translator stations located in Colorado: June 1, 1964.

Released: April 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3356; Filed, Apr. 5, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Loans for Housing for Elderly

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of Loans for Housing for the Elderly, authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such Region:

1. To execute loan agreements and regulatory agreements; and

2. To execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective January 31, 1962 (27 F.R. 2064, Mar. 2, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective February 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 6th day of April 1962.

[SEAL] WALTER E. KEYES,
Regional Administrator, Region III.

[F.R. Doc. 62-3343; Filed, Apr. 5, 1962; 8:47 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region III (Atlanta), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Pub. Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such Region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the Act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the Act are in compliance with sections 8(a)(2) and 8(c) of the Act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the Act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans or grants proposed to be made under section 7 or 8 of the Act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's Redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 25, 1961)).

Effective as of the 1st day of January 1962.

[SEAL] WALTER E. KEYES,
Regional Administrator, Region III.

[F.R. Doc. 62-3344; Filed, Apr. 5, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8166 etc.]

F. F. McINTOSH ET AL.

Notice of Applications

MARCH 30, 1962.

F. F. McIntosh et al., Docket Nos. G-8166 and G-12123; Aylward Drilling Co. (Operator) et al., Docket Nos. G-9995 and G-12219; Tidewater Oil Co., Docket Nos. G-6274 and G-13824; Gulf Oil Corp., Docket Nos. G-2682 and G-14720; Socony Mobil Oil Co., Inc. (Operator), Docket Nos. G-12078 and G-16268; Sun Oil Co., Docket Nos. G-6631 and G-16740; Humble Oil & Refining Co., Docket Nos. G-4992 and G-17000; Standard Oil Co. of Texas, a Division of California Oil Co., Docket Nos. G-9274 and G-17001; Phillips Petroleum Co., Docket Nos. G-2605 and G-18085; Socony Mobil Oil Co., Inc., Docket Nos. G-12078 and G-18365; Gulf Oil Corp. (Operator) et al., Docket Nos. G-11637 and G-19341; States Oil Co., Inc., Docket Nos. G-13370 and G-19547; Graham-Michaelis Drilling Co., Docket Nos. G-19975 and CI60-28; Graham-Michaelis Drilling Co., Docket Nos. G-8533 and CI61-170; Compass Exploration, Inc., Docket Nos. CI61-299 and CI61-591; J. M. Huber Corp., Docket Nos. G-18621 and CI61-837; Tri-Mutual Oil Co. et al., Docket Nos. G-20174 and CI61-908; Consolidated Oil & Gas Co., Inc., et al., Docket Nos. CI60-271 and CI61-1638; Thomas J. Blaho, Jr. et al., Docket Nos. CI61-1622 and CI62-66; Tidewater Oil Co., Docket Nos. G-3737 and CI62-164; Braden Drilling, Inc., Docket Nos. CI61-1070 and CI62-658; Toto Gas Co., Docket Nos. CI61-1497 and CI62-687.

Take notice that each of the above applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional natural gas service to a particular customer, in the same area and at the same price as authorized by the Commission in a previous docket, under duly filed and accepted supplements to FPC gas rate schedules. The later application of each applicant is, in effect, a request for amendment of the earlier existing authorization. The respective proposed additional services are described as follows:

Application for Additional Service Filed in Docket No.; Original Authority Granted in Docket No.; Location of Service; Purchaser, and Price

G-12123; G-8166; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G-12219; G-9995; acreage in Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G-13824; G-6274; Gwinville Field, Jefferson Davis County, Miss.; Southern Natural Gas Co.; 20.0 cents at 15.025 psia.

G-14720; G-2682; Boonesville Bend Conglomerate Gas Field, Jack County, Tex.; Natural Gas Pipeline Co. of America; 14.0 cents at 14.65 psia.

G-16268; G-12078; Amacker-Tippett and Jack Herbert Fields, Upton County, Tex.; El Paso Natural Gas Co.; 0.95885 cent at 14.65 psia.

G-16740; G-6631; North Government Wells Field, Duval County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

G-17000; G-4992; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 7.0 cents at 14.65 psia.

G-17001; G-9274; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G-18085; G-2605; Fullerton Gasoline Plant, Andrew County, Tex.; El Paso Natural Gas Co.; 10.1699 cents at 14.65 psia.

G-18365; G-12078; Amacker-Tippett and Jack Herbert Fields, Upton County, Tex.; El Paso Natural Gas Co.; 8.95885 cents at 14.65 psia.

G-19341; G-11637; Langlie Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.0 cents at 14.65 psia.

G-19547; G-13370; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Co.; 11.0 cents at 15.025 psia.

CI60-28; G-19975; Certain acreage in Sedgwick County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

CI61-170; G-8533; Certain acreage in Finney County, Kans.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI61-591; CI61-299; Dakota formation in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 14.65 psia.

CI61-837; G-18621; McKinney Field, Meade County, Kans.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.

CI61-908; G-20174; Lincoln District, Tyler County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1638; CI60-271; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-66; CI61-1622; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62-164; G-3737; West Bernard Gasoline Plant, Wharton County, Tex.; Natural Gas Pipeline Co. of America; 17.15310 cents at 14.65 psia.

CI62-658; CI61-1070; Acreage in Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI62-687; CI61-1497; Certain acreage in Noble County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be considered on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests, petitions to intervene, or requests for hearing in these matters may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3322; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket No. G-13532 etc.]

OHIO OIL CO.

Order Substituting Respondent, Accepting Successors' Undertaking, Making Rate Effective Under Undertaking, and Redesignating Proceedings

MARCH 30, 1962.

The Ohio Oil Co. (successor to Plymouth Oil Co.), Docket Nos. G-13532, G-16631, G-17276, G-17674, G-17702, G-19768, G-20549, RI61-180, and RI62-132.

The Ohio Oil Co. (Operator) (successor to Plymouth Oil Co. (Operator)), Docket Nos. G-14046, G-17265, and G-20551.

The Ohio Oil Co. (Operator) et al. (successor to Plymouth Oil Co. (Operator) et al.), Docket No. G-17686.

On February 26, 1962, The Ohio Oil Co. (Ohio Oil) filed a motion to be substituted for Plymouth Oil Co. (Plymouth) in the above-docketed rate proceedings.[1] Ohio Oil states that by agreement of December 28, 1961, it has conditionally acquired the assets, properties, and rights of Plymouth, including those under the rate schedules subject to said proceedings.

Increased rates are effective subject to refund, under undertakings filed by Plymouth, in all the above proceedings except Docket No. RI62-132. Ohio Oil submits, along with its motion for substitution of respondents, its agreement and undertaking assuming the duties and obligations under the undertakings of Plymouth. In addition Ohio submits in Docket No. RI62-132 its undertaking and a motion to place into effect as of April 2, 1962, the suspended rate contained in Supplement No. 8 to Ohio Oil's FPC Gas Rate Schedule No. 69.[2]

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Ohio Oil be substituted for Plymouth in the above-docketed proceedings, that said proceedings be redesignated accordingly, that the successor's undertaking submitted by Ohio be accepted for filing, and that the rate suspended in Docket No. RI62-132 be made effective subject to refund as of April 2, 1962.

The Commission orders:

(A) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceedings in Docket Nos. G-13532, G-16631, G-17276, G-17674, G-17702, G-19768, G-20549, RI61-180, and RI62-132; and said proceedings are redesignated in the name of The Ohio Oil Co.

(B) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceedings in Docket Nos. G-14046, G-17265, and G-20551; and said proceedings are redesignated in the name of The Ohio Oil Co. (Operator).

(C) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceeding in Docket No. G-17686; and said proceeding is redesignated in the name of The Ohio Oil Co. (Operator) et al.

(D) The undertaking submitted by Ohio Oil on February 26, 1962, to assume the duties and obligations under undertakings heretofore filed by Plymouth is accepted for filing in the proceedings in Docket Nos. G-13532, G-14046, G-16631, G-17265, G-17276, G-17674, G-17686, G-17702, G-19768, G-20549, G-20551, and RI61-180.

(E) The rate, charge, and classifications set forth in Supplement No. 8 to Ohio Oil's FPC Gas Rate Schedule No. 69 is effective as of April 2, 1962, subject to refund under Ohio Oil's undertaking, which is hereby accepted for filing in Docket No. RI62-132.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3323; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket Nos. RI62-380—RI62-384]

R. H. SIEGFRIED, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 30, 1962.

R. H. Siegfried, Inc., et al., Docket No. RI62-380; Aztec Oil & Gas Company, Docket No. RI62-381; Sun Oil Company, Docket No. RI62-382; Sun Oil Company (Operator), et al., Docket No. RI62-383; Pan American Petroleum Corporation, Docket No. RI62-384.

The above-named Respondents have tendered for filing proposed changes in

[1] Ohio Oil also filed its motion in Docket Nos. G-15840 and G-15863, which proceedings however were terminated by order of the Commission issued Mar. 5, 1962.

[2] Formerly Plymouth's Rate Schedule No. 10. Plymouth's rate schedules have been redesignated in Ohio Oil's name by letter from the Secretary of the Commission dated Mar. 22, 1962.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales by Pan American Petroleum Corporation which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase (decrease)	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-380	R. H. Siegfried, Inc., et al., National Bank of Tulsa Bldg., Tulsa, Okla.	2	1	Natural Gas Pipeline Co. of America (Wise County, Tex.) (R.R. District No. 9).	$6,675	3-2-62	[2] 4-3-62	9-3-62	13.9	[13] 14.95	----
RI62-381	Aztec Oil & Gas Co., 920 Mercantile Securities Bldg., Dallas 1, Tex.	6	7	El Paso Natural Gas Co. (Continental-Stevens B-7 Unit, Lea County, N. Mex.) (Permian Basin area).	[4] 216	3-5-62	[5] 4-5-62	[6] 4-6-62	17.06566	[10] 15.55987	RI61-201
RI62-382	Sun Oil Co., P.O. Box 2880, Dallas 21, Tex.	1	[8] 8	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (R.R. District No. 8).	26	3-8-62	[5] 4-8-62	[6] 4-9-62	17.0427	[11] 17.1001	RI61-555
		1	[9] 9	do							
RI62-382	Sun Oil Co	30	[7] 7	El Paso Natural Gas Co. (Payton-Devonian Field, Pecos County, Tex.) (R.R. District No. 8).	[4] 573	3-8-62	[5] 4-8-62	[6] 4-9-62	16.000	[10] 15.7003	G-18184
		30	[8] 8	do							
RI62-382	do	58	[8] 13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin area).	[4] 4,392	3-8-62	[5] 4-8-62	[6] 4-9-62	[12] 16.0	15.501744	G-18181
		58	[8] 14	do	[4] 62				[12] 15.5419	[10] 15.043592	
RI62-382	do	61	[8] 7	El Paso Natural Gas Co. (Jalmat Field, Lea County, New Mexico) (Permian Basin area).	[4] 407	3-8-62	[5] 4-8-62	[6] 4-9-62	16.0	[10] 15.501744	G-18184
		61	[8] 8	do							
RI62-382	do	65	[8] 5	El Paso Natural Gas Co. (NE. Noelke Field, Crockett, Tex.) (R.R. District 7-c).	[4] 934	3-8-62	[5] 4-8-62	[6] 4-9-62	16.00	[10] 14.69575	G-18184
		65	[8] 6	do							
RI62-383	Sun Oil Co. (Operator), et al., P.O. Box 2880, Dallas 21, Tex.	80	[8] 8	El Paso Natural Gas Co. (Jameson Field, Coke County, Tex.) (R.R. District 7-c).	[4] 1,788	3-8-62	[5] 4-8-62	[6] 4-9-62	17.0427	[11] 17.1046	RI61-556
		80	[9] 9	do							
RI62-384	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	307	30	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo).	[4] 6,150	3-9-62	[5] 4-9-62	9-9-62	15.0	[10] 16.0	----

[1] Supplemental agreement.
[2] Notice of change in rate.
[3] The stated effective date is the effective date proposed by respondent.
[4] Periodic rate increase plus Btu adjustment.
[5] Includes 0.70 cents per Mcf for Btu adjustment (1050 Btu gas) and 0.25 cents per Mcf for dehydration charged by seller.
[6] Decrease in rate.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Suspension period is for 1 day.
[9] Deduction of 0.449667 cents per Mcf compression charge by buyer if under 600 psig.
[10] Renegotiated rate decrease.
[11] Renegotiated rate increase.
[12] For gas not requiring compression.
[13] For gas requiring compression.
[14] Subject to deduction for a payment to Helen Petroleum Corp. for providing compression from 250 psig to 500 psia.

The renegotiated rates of Sun Oil Company individually and as (Operator), et al., (Sun) are provided by amendatory agreements entered into pursuant to El Paso Natural Gas Company's contract renegotiation program in the Permian Basin Area. The amendments delete the favored nation clauses from the contracts and provide for the proposed rates until August 1, 1964, with 1.0 cent periodic increases on such date and at 5-year intervals thereafter. The subject renegotiated rates are submitted in replacement of previously filed favored nation rates which are now in effect subject to refund. Aztec Oil & Gas Company's (Aztec) renegotiated rate is provided by an amendatory agreement similar to the ones submitted by Sun. The suspension periods for the renegotiated rate changes of Sun and Aztec may be shortened to one day from the date of expiration of statutory notice.

All of the proposed rates exceed the applicable ceiling rates for increased rates in the particular areas involved. (The Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).)

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Aztec Oil & Gas Company in Docket No. RI62–381, and the supplements to the rate schedules filed by Sun Oil Company individually and as Operator et al., in Docket Nos. RI62–382 and RI62–383, respectively, suspended for one day, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 15, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3324; Filed, Apr. 5, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 3, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37641: *Bituminous coal to Rotan, Ark.* Filed by Illinois Central Railroad Company (No. 3–A), for interested rail carriers. Rates on bituminous coal, in carloads, from mine origins in western Kentucky groups 1 and 2 on the line of the I.C.R.R., to Rotan, Ark.

Grounds for relief: Carrier competition.

Tariff: Supplement 127 to Illinois Central Railroad Company tariff I.C.C. E–1860.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–3337; Filed, Apr. 5, 1962; 8:46 a.m.]

[Notice 621]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64740. By order of March 29, 1962, the Transfer Board approved the transfer to Bower Trucking & Warehouse Co., 1101 West 11th Street, Vancouver, Wash., of Certificate No. MC 1083, issued April 22, 1952, to Mitchell G. Bower, doing business as Bower Truck Service, 1101 West 11th Street, Vancouver, Wash., authorizing the transportation of: Edible nuts, from points in Clark County, Wash., to points in Marion and Polk Counties, Oreg., and those in Yamhill County, Oreg., except Dundee and Newberg, Oreg., fresh fruits, from the above-specified destination points to the above-specified origin points; fruit and nuts, between points in Clark County, Wash., on the one hand, and on the other, Dundee and Newberg, Oreg.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash.

No. MC–FC 64748. By order of March 30, 1962, the Transfer Board approved the transfer to Pigeon Fans, Inc., Brooklyn, N.Y., of Certificate No. MC 119658, issued August 25, 1961, to Island Pigeon Training Association, Inc., Maspeth, N.Y., authorizing the transportation of: Pigeons, between points in Queens County, N.Y., on the one hand, and, on the other, points in New Jersey. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC–FC 64795. By order of March 30, 1962, the Transfer Board approved the transfer to George David Chittum, Jr., and John Robert Chittum, a partnership, doing business as O. J. White Transfer Co., Morgantown, W. Va., of Certificate No. MC 285, issued February 17, 1949, to O. J. White and Mabel Hess White, a partnership, doing business as O. J. White Transfer, Morgantown, West Va., authorizing the transportation of household goods, over irregular routes, between points in Monongalia County, W. Va., on the one hand, and, on the other, points in Indiana, Kentucky, Maryland, New York, Pennsylvania, Ohio, Michigan, New Jersey, North Carolina, Virginia, and the District of Columbia. Hale J. Posten, 174 Chancery Row, Morgantown, W. Va., attorney for applicants.

No. MC–FC 64809. By order of March 29, 1962, the Transfer Board approved the transfer to Fox & Ginn Moving & Storage Co., a corporation, Bangor, Maine, of the operating rights in Certificate No. MC 71573, issued August 16, 1950, to Continental Van Service, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of household goods, except new and used pianos as a separate and distinct movement, between points in Connecticut on and west of Connecticut Highway 29, those in Nassau County, N.Y., and those in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Ohio, Indiana, Illinois, and the District of Columbia, and from Chicago, Ill., to points in Ohio, Pennsylvania, New Jersey, and New York. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., transferee's attorney, and Jacob Leo Frank, 35 West End Avenue, New York 23, N.Y., transferor's attorney.

No. MC–FC 64821. By order of March 29, 1962, the Transfer Board approved the transfer to Bushendorf Transfer, Inc., Eau Claire, Wis., of the operating rights in Certificate No. MC 79073, issued December 4, 1956, to Harold A. Bushendorf and Lawrence F. Bushendorf, a partnership, doing business as Bushendorf Transfer, Eau Claire, Wis., authorizing the transportation, over irregular routes, of livestock, between Eau Claire, Wis., and points in the Towns of Colfax, Elk Mound, Spring Brook, and Dunn, Dunn County, Wis., the Towns of Union and Seymour, Eau Claire County, Wis., and points in the Towns of Wheaton, Howard, Tilden, Cooks Valley, Woodmohr, Hallie, and Eagle Points, Chippewa County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn., flour, feed, seed, meat scraps, fertilizer, and groceries, from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to Eau Claire, Wis., feed, seed, fertilizer, glassware, livestock, and agricultural commodities, between Osseo, Wis., and points in the Town of Wheaton, Chippewa County, Wis., and the Towns of Union, Washington, Fairchild, and Brunswick, Eau Claire County, Wis., on the one hand, and, on the other, South St. Paul, Newport, Minneapolis and St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC–FC 64824. By order of March 30, 1962, the Transfer Board approved the transfer to Glen D. Creech, doing business as All American Moving & Storage Co., Lexington, Ky., of Certificate No. MC 106672, issued March 26, 1956, to J. A. Watson, doing business as Try Me Transfer, Lexington, Ky., authorizing the transportation of: Household goods, as defined by the Commission, between Lexington, Ky., and points in Kentucky within 25 miles thereof, on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, and West Virginia. G. E. Reams, P.O. Box 804, Harlan, Ky., attorney for transferee.

No. MC–FC 64877. By order of March 29, 1962, the Transfer Board approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of portion of Certificate No. MC 103131, issued April 11, 1961, to Frank Snyder, Philadelphia, Pa., authorizing the transportation of: Tinware and tin articles, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–3338; Filed, Apr. 5, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HENRY C. M. AND HENDRIK P. M. PELTENBURG

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Henry C. M. Peltenburg, 1, Avenue de la Floride, Uccle-Brussels, Belgium; $17,398.27 in the Treasury of the United States. Hendrik P. M. Peltenburg, 5, Square G. Marlow, Uccle-Brussels, Belgium; $2,820.80 in the Treasury of the United States. Claim No. 40359. Vesting Order No. 10443.

Executed at Washington, D.C., on March 30, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-3319; Filed, Apr. 5, 1962; 8:45 a.m.]

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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (25) is added to paragraph (a) of § 6.310 as set out below.

§ 6.310 Department of Interior.

(a) *Office of the Secretary.* • • •

(25) One Staff Assistant to the Assistant Secretary for Public Land Management.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3395; Filed, Apr. 6, 1962; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-15]

PART 482—COTTON

Subpart—1962–63 Cotton Export Program; Payment-in-Kind Regulations

Sec.
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AUTHORITY: §§ 482.501 to 482.516 issued under sec. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853.

§ 482.501 General statement.

In order to encourage the movement of cotton by the commercial cotton trade into export channels, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a cotton export program (referred to in this subpart as the "program") under which payments in the form of certificates redeemable as provided in § 482.511 will be made to exporters in connection with the exportation during the 1962–63 cotton marketing year of upland cotton produced in the United States. The program will be administered through the ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"). Additional information pertaining to the operation of the program may be obtained from the New Orleans office.

§ 482.502 Definitions.

(a) *Cotton.* (1) "Cotton" means upland cotton grown in the United States of grades named in the Universal Standards for American Upland Cotton and having a staple length of $1\frac{3}{16}$ inch or longer: *Provided, however,* That reginned or repacked cotton as defined in regulations of the Department of Agriculture under the United States Cotton Standards Act (Service and Regulatory Announcement No. A.M.S. 153, Title 7, Chapter I, Part 28, of the Code of Federal Regulations) shall be eligible for export under this subpart only if a Form A certificate issued by a board of cotton examiners of the U.S. Department of Agriculture shows that the reginned or repacked cotton exported was $1\frac{3}{16}$ inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton.

(2) Reginned or repacked cotton (unless proof of export includes a Form A certificate), below grade cotton, by-products of cotton, such as cotton mill waste, motes, linters, and sweepings, or any cotton that contains any by-product of cotton are not eligible for export under this subpart.

(b) *United States.* "United States" means the fifty States and the District of Columbia.

(c) *Export.* "Export" means the shipment of cotton from the United States to an eligible destination as specified in § 482.508. If cotton is exported under this subpart, the date which appears on the applicable on-board ocean bill of lading, or if shipment is by rail, the date the shipment clears United States Customs, will be accepted as the date of export.

(d) *Exporter.* "Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of exporting cotton, and for this purpose maintains a bona fide business office in the United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

(e) *Director.* "Director" means the Director of the New Orleans office.

(f) *Export sale.* "Export sale" means a sale by an exporter to a foreign purchaser.

(g) *Date of sale.* "Date of sale" means the date on which the exporter and importer enter into an agreement for the sale of cotton.

(h) *Consignment.* "Consignment" means the shipment of cotton from the United States by an exporter prior to the sale of such cotton by the exporter.

(i) *Public notice.* "Public notice" means the filing of a notice with the FEDERAL REGISTER for publication.

§ 482.503 General conditions of eligibility.

If an exporter exports cotton, as defined in § 482.502(a), from the United States to an eligible destination, the exporter will be eligible to receive a payment in the form of a certificate, subject to the following terms and conditions and the other terms and conditions set forth in this subpart:

(a) Such cotton must have been exported in fulfillment of an export sale or consignment registered as provided in § 482.504.

(b) Such cotton must have been exported in accordance with § 482.508.

(c) The exporter must have submitted to the New Orleans office an application for such payment in accordance with § 482.509 and satisfactory evidence of the exportation of such cotton in accordance with § 482.510.

(d) The payment rate shall be determined in accordance with § 482.506.

(e) The amount of the certificate, the method of using the certificate, and other terms and conditions applicable to the certificate will be determined in accordance with §§ 482.507 and 482.511.

(f) Cotton exported pursuant to any program wherein the CCC sales price reflects an export allowance, cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this subpart, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Titles I or IV of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment under this subpart), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

§ 482.504 Registration.

Any export sale of cotton must have been made on or after February 15, 1962, to be registered under this subpart. CCC will register an export sale or consignment of cotton when, and only in the event that, the following requirements have been met:

(a) *Telegraphic notice of sale or consignment.* The exporter must send a notice of the export sale or consignment

to the New Orleans office by telegram in accordance with the following requirements:

(1) In the case of an export sale, such telegram shall be filed with the telegraph office not later than midnight (exporter's local time) on the date of sale; except that in the case of any sale made on and after February 15, 1962, and before ten business days after the date on which this announcement is published in the FEDERAL REGISTER, such telegram must be filed with the telegraph office not later than ten business days after the date this announcement is published in the FEDERAL REGISTER. A notice of sale filed after the applicable date as determined above may be accepted by the Director if he determines that the delay is due to a cause occurring without the fault or negligence of the exporter. The notice must state the date of sale, exporter's sale number, if any, name and address of the foreign purchaser, country of destination, period of export, and number of bales sold.

(2) In the case of consignments, such telegram should be filed with the telegraph office when it is determined that the consignment will be made and must be filed prior to export of the cotton. The notice must state the country of destination, anticipated date of export, and number of bales.

(b) *Confirmation of sale or consignment.* The exporter must send to the New Orleans office a Confirmation of Cotton Sale or Consignment, Form CCC 837 (referred to in this subpart as "Form 837"), properly executed, in triplicate. (CCC Cotton Form 37 may be used in lieu of Form CCC 837 until supply is exhausted.) The number of bales shown on the Form 837 must agree with the number of bales shown in the telegraphic notice. The Form 837 must be mailed in an envelope postmarked not later than five business days after the date of the telegraphic notice of sale or consignment. An extension of such five-day period may be granted by the Director before or after expiration of such period if he determines that additional time in which to submit the Form 837 is required by the exporter. Supplies of Form 837 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans office.

(c) *Name in which filed.* The telegraphic notice of sale or consignment and the Form 837 must be filed in the name of the exporter who sold or consigned the cotton. If a sale or consignment is made under a trade name, and documents to evidence export will be submitted under such trade name, the telegraphic notice and the Form 837 must show, in addition to the exporter's name, the trade name under which the cotton is to be shipped.

(d) *Refusal of registration.* CCC reserves the right to refuse to register any sale or consignment if it determines that such sale was made or notice of consignment was filed for the purpose of obtaining a higher rate of payment than otherwise would be applicable. CCC also reserves the right to waive any informality in a notice of sale or consignment or Form 837.

(e) *Registration number.* Upon receipt of an acceptable Form 837, a registration number will be assigned by the New Orleans office, and a copy of Form 837 showing such number will be returned to the exporter. All correspondence relating to a sale or consignment for which a registration number has been assigned shall refer to the registration number.

(f) *Exporter's obligation.* The submission of a telegraphic notice of sale or consignment by the exporter shall result in a contract, subject to the terms and conditions of this subpart, under which the exporter is obligated to export to eligible destinations the quantity of cotton shown in such notice and to submit satisfactory evidence of such exportation in consideration of the obligation of CCC to make a payment under this subpart: *Provided*, That if CCC refuses to register the sale or consignment pursuant to paragraph (d) of this section, the contract shall become null and void.

§ 482.505 Cancellation of sale or failure to export.

(a) The exporter shall notify the New Orleans office promptly in every case where, after filing a telegraphic notice of sale, a sale is canceled in whole or in part by the exporter or by the importer, stating fully the reason for such cancellation. Such notification shall be by telegram, and if the sale is canceled in part, shall be confirmed by submission of a corrected Form 837 submitted in the same manner as provided in § 482.504. The exporter shall also notify the New Orleans office promptly when, for any other reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the period provided for export under this subpart.

(b) If the Director determines that the exporter has been or will be prevented from exporting, in accordance with the requirements of this subpart, all or a part of the cotton covered by a registered sale or consignment due to a cause occurring without his fault or negligence, the registration will be canceled with respect to such quantity of cotton. The exporter will be so informed, and if a corrected Form 837 was submitted by the exporter, a copy will be returned to the exporter.

(c) The program is designed to encourage the exportation through normal trade channels of surplus cotton held in private inventories and in CCC's stocks in order (1) to reduce the quantity of cotton which would otherwise be taken into CCC's stocks under its price support program, (2) to promote and expedite the orderly liquidation of CCC's stocks, and (3) to maintain and expand the market in friendly countries for United States-produced cotton. If the exporter files a telegraphic notice of sale or consignment and fails to export cotton to eligible destinations, in accordance with this subpart, in fulfillment of the export sale or consignment (except for the tolerance allowed by the sales contract or trade rules under which the sale was made, a two percent tolerance in the case of consignments, or as otherwise approved by CCC), and if the registration has not been canceled by CCC, as provided in paragraph (b) of this section, such breach of the contract between the exporter and CCC will result in damages to CCC. Inasmuch as failure of the exporter to export will cause serious or substantial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of additional storage, administrative, and other costs, and increase the expenditures of CCC, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in an amount for each pound of such cotton not exported calculated at a rate equal to one cent per pound plus that amount, if any, by which the maximum payment rate in effect between (i) the date the telegraphic notice was filed, and (ii) the date the exporter gives notice of the cancellation of the sale or consignment or the final date for export, whichever is earlier, exceeds the payment rate on the date the telegraphic notice was filed. It is agreed by the exporter and CCC that the foregoing rate is a reasonable estimate of the probable actual damages that would be incurred by CCC. In addition to the foregoing, CCC may deny an exporter and its subsidiaries or affiliates the right to continue participating in this or any other program administered by CCC for such period as CCC may determine.

§ 482.506 Payment rate.

The rates of payment will be determined by the Vice President, CCC, who is Administrator of Foreign Agricultural Service, and announced from time to time by CCC. In the case of an export sale, the applicable rate of payment shall be the rate in effect on the date of sale: *Provided*, That in the case of a notice of sale filed after the applicable date specified in § 482.504 which is accepted by the Director, the rate of payment on the cotton exported under such sale will be the lower of the rate of payment in effect on the date of the export sale and the rate of payment in effect on the date on which the exporter files the notice of such sale. (The date of sale must be stated in the telegraphic notice and on Form 837 and must agree with the date shown on the documents required under § 482.510.) In the case of a consignment, the applicable rate of payment shall be the rate in effect on the date telegraphic notice of the consignment is filed.

§ 482.507 Amount due exporters.

The amount due an exporter will be determined by multiplying the applicable payment rate by the actual gross weight of the cotton exported exclusive of any franchised weight and exclusive of patches. Payment will not be made on quantities exported which are in excess of the number of pounds shown on the Form 837 plus, in the case of export sales, any tolerance specified in the sales contract, including any tolerance contained in the trade rules specifically incorporated in the sales contract or in case of consignments a tolerance of two

percent: *Provided, however*, That payment will be made on additional quantities exported, not to exceed 10 percent of the number of pounds shown on the Form 837, if the rate of payment in effect on the date of export is not less than the rate of payment in effect on the date of the sale.

§ 482.508 Export conditions.

(a) *Eligible destination.* An eligible destination, to which cotton may be exported under this subpart, shall be any destination outside the United States, other than Puerto Rico, and other than a country covered in § 482.509(b) unless a license, if required, has been obtained from the Bureau of International Programs, U.S. Department of Commerce. It is the policy of CCC not to make payments on the export of cotton to countries or areas for which general or specific export licenses will not be issued by the Bureau of International Programs. Accordingly, in making application for an export payment under this announcement, the exporter makes the warranty contained in § 482.509(b).

(b) *Time for export.* To be eligible for payment under this subpart, cotton must be exported on or after August 1, 1962, and not later than July 31, 1963.

§ 482.509 Application for cotton export payment.

(a) *Application for payment.* After exporting cotton in fulfillment of a sale or consignment registered under this subpart, the exporter shall submit to the New Orleans office an original and two copies of Application for Cotton Export Payment, Form CCC 838 (referred to in this subpart as "Form 838"), together with satisfactory evidence of such exportation, as provided in § 482.510, not later than 30 days after the date of the landing certificate (for rail shipments) or on-board ocean bill of lading or on-board endorsement of port or custody bill of lading (for ocean shipments). (CCC Cotton Form 38 may be used in lieu of Form CCC 838 until supply is exhausted). An extension of the time for submission of the Form 838 will be granted by the Director if he determines that the exporter has been or will be delayed in submitting such form by a cause occurring without the fault or negligence of the exporter. The weight on which payment is claimed must agree with the weight in the exporter's affidavit as provided in § 482.510(g). Supplies of Form 838 and detailed instructions regarding the preparations and submission of the form may be obtained from the New Orleans office.

(b) *Warranty.* By submitting a Form 838 to the New Orleans office, the exporter represents and warrants that the cotton covered by such Form 838 was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to any country or area for which an export license is required under the regulations issued by the Bureau of International Programs, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau.[1]

§ 482.510 Satisfactory evidence of exportation.

Evidence of exportation, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director:

(a) Separate documents must be submitted to the New Orleans office for each export shipment, and all documents covering any one shipment must be submitted at the same time. The registration number assigned by the New Orleans office must be shown on each document. If the export sale is financed under Public Law 480, the Purchase Authorization Number must also be shown on the documents evidencing exportation. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.509(b) under license issued by the U.S. Department of Commerce, Bureau of International Programs, evidence of exportation shall identify by license number, in addition to the name and address of the consignee, the license issued by that Bureau.

(b) In the case of sales, there shall be submitted a certified true copy of the sales contract. (The sales contract may be a formal sales contract, sales confirmation, or other documentary evidence of the sale.) If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.

(c) For shipments by ocean carrier, there shall be submitted a nonnegotiable copy of either (1) an on-board ocean bill of lading, or (2) a port or custody bill of lading with on-board endorsement. The bill of lading must be certified by the exporter as being a true copy and must show the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person who exported the cotton and the person to whom it is shipped.

(d) For shipments by rail, there shall be submitted a copy of the railroad bill of lading, certified to by the exporter as being a true copy, under which the cotton is shipped, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the cotton is exported, showing the number of bales, marks, the place and date of entry, and gross landed weight of the cotton, and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped.

(e) There shall be submitted a copy of the tag list showing the bale numbers under which the cotton is exported and containing a certification by the exporter that the tag list is true and correct and that the cotton was produced in the United States, is of grades named in the Universal Standards for American Upland Cotton, is of staple lengths of 13/16 inch or longer, and unless a Form A certificate is included, as provided in paragraph (f) of this section, that the cotton is not reginned or repacked.

(f) If the cotton exported is reginned or repacked cotton, as defined in § 482.502, there shall be submitted a Form A of a board of cotton examiners showing that the cotton was 13/16-inch or longer in staple length and of a grade named in the Universal Standards for American Upland Cotton.

(g) There shall be furnished an affidavit of the exporter reflecting, in relation to each bill of lading, the actual gross weight of the cotton shipped exclusive of any franchised weight and exclusive of patches. The weights shown must agree with the weight claimed on the Form 838.

(h) If the shipper or consignor named in the bill of lading or landing certificate is other than the exporter named in the Form 837, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or landing certificate submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 837 nor the consignee identified with the sale contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as seller or purchaser of the cotton shown on the documents submitted to evidence exportation.

(i) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director.

(j) If cotton is loaded on board a vessel for shipment to an eligible destination and is destroyed or damaged while on board such vessel, and the cotton or the salvage therefrom does not reenter the United States or Puerto Rico, or countries designated in § 482.509(b) without a license, the cotton shall be regarded as having been exported for the purposes of this subpart.

(k) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date of exportation, determined in accordance with § 482.508, shall constitute prima facie evidence of failure to export.

§ 482.511 Cotton Export Payment Certificates.

Upon receipt of a properly prepared Form 838, together with satisfactory evidence of exportation (as provided in § 482.510) of cotton in fulfillment of an export sale or consignment registered under this subpart, the New Orleans office will issue to the exporter a Cotton Export Payment Certificate (Form CCC 840) for the amount due, subject to the following terms and conditions:

(a) *Payee.* Except as provided in § 482.512, the certificate will be issued only to the exporter who registered the sale or consignment.

(b) *Face value.* The face value of the certificate, which will be shown in the space provided on the certificate, will

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the cotton exported pursuant to the terms of this announcement, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

be the amount due the exporter determined in accordance with § 482.507. More than one certificate in face values totaling the amount due the exporter will be issued in connection with a shipment if requested by the exporter.

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased for unrestricted use under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of upland cotton loans which are outstanding under CCC cotton loan programs, or (3) for cash, if it has not been used to obtain cotton under subparagraph (1) or (2) of this paragraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(d) *Transfer.* The certificate may be transferred to any person or firm. The certificate must be endorsed by the named payee and the holder who presents it to CCC.

(e) *Expiration.* All certificates shall expire July 31, 1963, or 120 days after the date of the certificate, whichever is later, and thereafter will not be redeemable by CCC.

§ 482.512 Assignments.

No exporter shall, without the written consent of CCC, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 482.511.

§ 482.513 Records and reports.

The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of three years after date of last payment under any registration.

§ 482.514 Amendment or termination.

CCC reserves the right to amend or terminate any and all of the provisions of this subpart at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton or consignments for which the exporter has filed notices of sale or consignment before the effective date of such amendment or termination.

§ 482.515 Good faith.

If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under this program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to return certificates or refund cash to CCC in an amount equal to the amount of the certificates received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.516 Persons not eligible.

No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE: The recordkeeping and reporting requirements of this announcement have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Reports Act of 1942.

Signed at Washington, D.C., on April 4, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

NOTICE TO EXPORTERS

AUGUST 31, 1961.

The Department of Commerce, Bureau of International Programs pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East, including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resales for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea, or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC, the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 62-3389; Filed, Apr. 6, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Sweet Corn for Processing [1]

On January 30, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 863) regarding a proposed revision of United States Standards for Sweet Corn for Canning.

Statement of considerations leading to the publication of the standards in their present form. Following publication of the proposed revised standards, producers, canners, and freezers recommended that certain changes be made. The revised standards, reflecting most of the recommended changes and the reasons for making them are set forth below.

Most corn is harvested by mechanical pickers, and many ears sustain minor bruises and cuts caused by the picker. It is not the intent of the revised standards to exclude such ears from U.S. No. 1 and U.S. No. 2 grades. Hence, to avoid a possible misinterpretation of the expression "free from damage by • • • mechanical • • • means" as contained in §§ 51.3365 and 51.3366 of the notice of proposed rule making, the word "mechanical" has been deleted.

The final sentence in both the U.S. No. 1 and U.S. No. 2 grades (as contained in §§ 51.3365 and 51.3366 of the notice of proposed rule making) dealing with the size of the ear required, in terms of the amount of usable corn on the ear, has been reworded to clarify the intent. In determining the amount of usable corn on the ear, the good kernels which would necessarily be removed in the usual method of trimming the ear to remove damaged kernels are not included.

Section 51.3371 (d) and (e) of the notice dealing with "worm damage" and "bird damage" respectively, have been reworded. Based on comments received and further study of processing practices, it has been determined that such damage can not equitably be based on the size of affected area alone. Location of the damage on the ear is of major importance because the location will largely determine whether the ear can be trimmed mechanically or will require more costly hand trimming. Reworded § 51.3371 (d) and (e) will permit ears with damaged kernels near the ends of the ears to be classed as U.S. No. 1, provided the minimum amount of usable kernels will remain after trimming.

Similarly, it was concluded that the wording of § 51.3377 (d) and (e) of the notice did not define serious damage as intended. It was not the intent of the notice to exclude from U.S. No. 2 grade any ears which, after adequate trimming, had the required area covered by kernels which met the requirements of U.S. No. 2 grade. Section 51.3377 has therefore been reworded accordingly.

Section 51.3379 *Husked ear basis* and § 51.3380 *Grade and maturity determination* have been combined to form § 51.3379 *Grade and maturity determination.* It was determined that this change tends to clarify the sections by arranging statements in logical sequence. The only change from the intent of the two former sections is the provision making it optional whether the grade percentages are calculated on the basis of the weight of the total analysis sample or only on the basis of the weight of the husked ears in the sample, depending upon the wording of the contract between grower and processor.

The reactions to the proposed standards have generally been favorable and have included suggestions for making the changes mentioned which are considered to improve the standards.

Consideration was given to incorporating in the standards a requirement for the use of a moisture meter, refractometer, succulometer, or other instrument for determining the stage of maturity of the corn. This was not done because wide differences of opinion as to the reliability of these instruments could not be resolved. However, subject to agreement between seller and buyer, one or more of such instruments may be used to test corn as a basis for determining maturity in connection with the standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Sweet Corn for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

GRADES

Sec.
51.3365 U.S. No. 1.
51.3366 U.S. No. 2.

CULLS

51.3367 Culls.

MATURITY CLASSIFICATIONS

51.3368 Maturity classifications.

DEFINITIONS

51.3369 Similar color characteristics.
51.3370 Fresh.
51.3371 Damage.
51.3372 Blister stage.
51.3373 Milk stage.
51.3374 Cream stage..
51.3375 Dough stage.
51.3376 Hard stage.
51.3377 Serious damage.

APPLICATION OF STANDARDS

51.3378 Purpose of standards.
51.3379 Grade and maturity determination.

AUTHORITY: §§ 51.3365 to 51.3379 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3365 U.S. No. 1.

(a) "U.S. No. 1" consists of ears of sweet corn of similar color characteristics which are fresh and free from damage by freezing, cross pollination, denting, worms, birds, fermentation, smut or other disease or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity. (See § 51.3379.)

(b) Unless otherwise specified, each ear shall have not less than an average of 4 inches of the cob covered with undamaged kernels, in addition to any good kernels which would necessarily be lost in the usual method of trimming to remove damaged kernels.

§ 51.3366 U.S. No. 2.

(a) "U.S. No. 2" consists of ears of sweet corn of similar color characteristics which are fresh, free from damage by freezing, fermentation, smut or other disease, and free from serious damage by cross pollination, denting, worms, birds or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity. (See § 51.3379.)

(b) Unless otherwise specified, each ear shall have not less than an average of 3 inches of the cob covered with kernels which meet the requirements of U.S. No. 2 grade, in addition to any good kernels which would necessarily be lost in the usual method of trimming to remove damaged kernels.

CULLS

§ 51.3367 Culls.

"Culls" consists of ears of sweet corn which fail to meet the requirements of U.S. No. 2 grade.

MATURITY CLASSIFICATIONS

§ 51.3368 Maturity classifications.

In addition to the grade classification, a lot of sweet corn may be classified for general overall maturity in terms of one of the following maturity classifications:

(a) A–1: Includes ears in the "milk stage" or younger, more than half of which are in the very tender early "milk stage," and none of the remainder of which are bordering on the "cream stage."

(b) A–2: Includes ears in the "milk stage" or younger with not more than 5 percent bordering on the "cream stage."

(c) A–3: Includes ears in the "milk stage" with more than 5 percent bordering on the "cream stage."

(d) A–B: Includes ears generally in the "milk stage" with 1 to 10 percent in the "cream stage."

(e) B: Includes ears mostly in the "milk stage" with more than 10 percent in the "cream stage."

(f) B–C: Includes ears generally in either the "milk" or the "cream stage" with 1 to 10 percent in the "dough stage."

(g) C: Includes ears more than 10 percent of which are in the "dough stage."

DEFINITIONS

§ 51.3369 Similar color characteristics.

"Similar color characteristics" means that the kernels on the ears of corn in any lot are of the same general color.

§ 51.3370 Fresh.

"Fresh" means that the ear does not show evidence of dryness from excesesive elapsed time after picking or from other causes.

§ 51.3371 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially lowers the processing quality of the ear. The following specific defects shall be considered as damage:

(a) Freezing when color, texture or flavor of the kernels has been materially affected;

(b) Denting when 5 percent or more of the kernels on the ear show conspicuous depressions in the exposed surface;

(c) Cross pollination when 3 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear;

(d) Worms when a corn borer has tunneled into the cob; or when badly discolored remnants of worm-eaten kernels are located among the undamaged kernels more than one inch from the ends of the rows of usable kernels;

(e) Birds when badly discolored or dried remnants of bird-pecked kernels are located among the undamaged kernels more than one inch from the ends of the rows of usable kernels;

(f) Fermentation when any portion of the husked ear has a distinctly sour odor; and,

(g) Smut when any kernel on the ear is more than slightly swollen due to smut infection.

§ 51.3372 Blister stage.

"Blister stage" means the stage of development in which the kernels are not sufficiently mature for processing. They are small, underdeveloped, have very

tender pericarps and contain watery or cloudy liquid which runs freely when released.

§ 51.3373 Milk stage.

"Milk stage" means the stage of development in which the kernels are moderately to well filled out, have tender pericarps which break with light pressure from the thumb nail, and contain a milky or thin creamy liquid which spreads or runs moderately when released.

§ 51.3374 Cream stage.

"Cream stage" means the stage in which the kernels have attained full size, have fairly tender pericarps which break with moderate pressure from the thumb nail, and contain a thick creamy substance which spreads or runs very little when released.

§ 51.3375 Dough stage.

"Dough stage" means the stage in which the kernels have attained full size, have tough pericarps which require heavy pressure from the thumb nail to break, and contain a soft doughy substance which does not spread or run when released.

§ 51.3376 Hard stage.

"Hard stage" means the stage in which the kernels have very tough pericarps, and contain a heavy, sticky, doughy substance. Ears in this stage are overmature for any processing purpose.

§ 51.3377 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously lowers the processing quality of the ear. The following specific defects shall be considered as serious damage:

(a) Cross pollination when 5 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear;

(b) Denting when 10 percent or more of the kernels on the ear show conspicuous depressions in the exposed surfaces;

(c) Worms when a corn borer has tunneled into the cob; or when trimming of the ear by the usual method to remove badly discolored remnants of worm-eaten kernels leaves less than the required area of the ear covered with kernels which meet the requirements of U.S. No. 2 grade; and,

(d) Birds when trimming of the ear by the usual method to remove badly discolored or dried remnants of bird-pecked kernels leaves less than the required areas of the ear covered with kernels which meet the requirements of U.S. No. 2 grade.

APPLICATION OF STANDARDS

§ 51.3378 Purpose of standards.

These standards are intended for use in describing the quality and maturity of loads of sweet corn being delivered by growers to processors. The grade and maturity classification of a load is useful in two ways. First, it provides an equitable basis for pricing the load in relation to its quality. Second, it enables the processor to use the corn more advantageously.

§ 51.3379 Grade and maturity determination.

(a) A representative sample from the load shall be used for grade and maturity determination. An exactly weighed quantity from this sample shall be used for analysis. All ears in the analysis sample shall be completely husked. A husked ear is one which has all of the husks removed, the shank or stem trimmed to one inch or less in length, and the cob trimmed, if necessary, so that the portion remaining without usable kernels is not more than one-fourth the length of the trimmed ear.

(b) The husked ears shall be sorted into groups of U.S. No. 1 grade, U.S. No. 2 grade and Culls. The percentage of each group shall be calculated on the basis of weight. Percentages may be determined either on the basis of the total weight of ears in the husk or on the basis of the total weight of husked ears in the sample, depending upon the wording of the contract between grower and processor.

(c) The maturity of the individual ears shall be determined during the process of grading, and a maturity classification assigned to the load on the basis of the percentages of ears in the various stages of maturity.

The United States Standards for Grades of Sweet Corn for Processing contained in this subpart shall become effective May 15, 1962, and will thereupon supersede the United States Standards for Sweet Corn for Canning which have been in effect since February 15, 1945.

Dated: April 3, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-3386; Filed, Apr. 6, 1962; 8:47 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Mushrooms[1]

MISCELLANEOUS AMENDMENTS

On January 4, 1962, a revision of the United States Standards for Grades of Canned Mushrooms was published in the FEDERAL REGISTER (27 F.R. 38) to become effective 45 days thereafter.

Statement of considerations leading to the amendments. The aforementioned revision included, among other changes, recommended minimum drained weight requirements for a glass container recently introduced by the mushroom canning industry. The container, commonly referred to as "2½ Z glass", was intended to have a capacity so that the minimum weight of mushrooms less liquid (or drained weight) would be 2½ ounces after the product had been canned. At the time the aforementioned revised standards were published, the capacity of the 2½ Z glass container then being manufactured was such that a minimum drained weight of 2.6 ounces would be required to conform to the Federal Food and Drug requirements for proper fill for canned mushrooms.

The mushroom canning industry, through the Mushroom Canners League, has notified the Department of their intent to change over to a more standardized 2½ Z glass container of a water capacity to result in a minimum drained weight of mushrooms of 2½ ounces, which the original container was intended to yield. This amendment, therefore, changes the drained weight of mushrooms in the 2½ Z glass container (water capacity of 4.464 ounces) to 2½ ounces.

In § 52.1493 *Character*, the styles of "Sliced Whole," "Random Sliced Whole," and "Sliced Buttons" were inadvertently included in the requirements for "closed veils" in the different grade classifications.

On the basis of the foregoing considerations, the United States Standards for Grades of Canned Mushrooms (27 F.R. 38) are amended as follows:

1. Change Table I to read:

TABLE I

[Minimum drained weight of canned mushrooms]

Container designation (metal, unless otherwise stated)	Container size overall dimensions		Capacity weight H_2O at 68° F.	Minimum drained weight (avoirdupois)
	Diameter	Height		
	(*Inches*)	(*Inches*)	(*Ounces*)	(*Ounces*)
2 Z Mushroom	2 3/16	2 5/16	3.57	2.0
			4.464	2.5
2½ Z Glass	2 3/16	3 1/16	5.36	3.0
3 Z Mushroom	2 11/16	2 13/16	7.15	4.0
4 Z Mushroom	3	4	13.55	8.0
8 Z Mushroom	3 7/16	5 9/16	25.70	16.0
Jumbo	6 3/16	7	109.45	66.0
No. 10				

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

2. In § 52.1493 *Character*, change paragraphs (a), (c), (d) to read:

(a) *General.* The factor of character refers to the tenderness and texture of the canned mushrooms and the development of the cap in the styles of "Whole" and "Buttons".

* * * * *

(c) (A) *classification.* Canned mushrooms that possess a good character may be given a score of 18 to 20 points. "Good character" means that the units are firm and tender; the product is practically free from fibrous or rubbery units; and that with respect to the styles of "Whole" and "Buttons" not less than 95 percent, by weight, of all the units possess closed veils. One unit which fails to meet the requirements for closed veils in the styles of "Whole" and "Buttons" is permitted in a container: *Provided*, That the average for such units in all the containers comprising the sample does not exceed 5 percent, by weight.

(d) (B) *classification.* Canned mushrooms that possess a fairly good character may be given a score of 16 or 17 points. Canned mushrooms that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units are reasonably tender; may be slightly soft; the product is reasonably free from fibrous or rubbery units; and that with respect to the styles of "Whole" and "Buttons" not less than 90 percent, by weight, of all the units possess closed veils. One unit which fails to meet the requirements for closed veils in the styles of "Whole" and "Buttons" is permitted in a container: *Provided*, That the average for such units in all the containers comprising the sample does not exceed 10 percent, by weight.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this amendment for 30 days, or any lesser period, after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) are unnecessary and contrary to the public interest in that: (1) Use of the 2½ Z glass container with water capacity of 4.61 ounces avoirdupois is to be discontinued as soon as mushroom canners' supplies on hand are depleted; and a new container with a water capacity of 4.464 ounces avoirdupois will be substituted which will require a minimum drained weight of 2.5 ounces in conformance with Federal Food and Drug requirements for fill of container for canned mushrooms; (2) Requirements for closed veils are not applicable to the various sliced styles of canned mushrooms; and (3) The amendments are made on request of the mushroom canning industry to make the grade standards applicable to current packing practices.

Dated April 3, 1962, to become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 202-206, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-3387; Filed, Apr. 6, 1962; 8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 35]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPLICATION FOR INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended as follows.

1. Paragraph (e) of § 401.3 is amended to read as follows:

§ 401.3 Application for insurance.

* * * * *

(e) Applications for initial insurance beginning with the 1963 crop year shall be made on the form set forth below: *Provided, however*, That the validity of applications filed on Form FCI-812-Rev. (25 F.R. 427, 753), as amended, shall not be affected hereby.

Application Form FCI-12, March 1962

UNITED STATES DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

APPLICATION FOR FEDERAL CROP INSURANCE FOR 196- AND SUCCEEDING CROP YEARS

_____ _____
(State and County Code and Contract Number)

_____ _____ _____ _____
(Name and address) (County) (State)

A. The undersigned applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest (for cotton and tobacco insurance, on his interest, sharecropper and share tenant interest, or both, as specified in paragraph B below) in the crops stated below that are insurable crops planted on insurable acreage as shown on the county actuarial tables of the Corporation for the above-stated county. The applicant elects each plan of insurance, amount of insurance, or price at which indemnities shall be computed, shown below which in each case shall be an electable plan, amount, or price, as provided on the applicable county actuarial table on file in the Corporation's office for the above county.

(Crops)	(Elections)	(Crops)	(Elections)

B. Applicable only to cotton and tobacco:

☐ By checking this box the applicant applies for insurance on his interest in _____ crop(s).

☐ By checking this box and by signing Application Form FCI-812, Supplement, the applicant applies for insurance on the interests of his sharecroppers and share tenants in _____ crop(s).

C. Upon acceptance of this application by the Corporation the contract shall be in effect for the first crop year specified above, except on any crop on which the time for the filing of applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This application, the insurance policy, endorsements, and the county actuarial tables shall constitute the contract. Any changes in the contract shall be on file in the Corporation's office for the county at least 15 days prior to the applicable cancellation date.

D. The premium rates and production guarantees shall be those shown on the county actuarial tables for each crop year.

E. This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership. When signed by two or more persons, this application shall cover only that acreage in which all of the applicants have an interest and such acreage shall not be covered by any other insurance contract any of such applicants may have with the Corporation: *Provided, however*, That application for cotton or tobacco insurance may not be made by an owner-operator or tenant-operator and a sharecropper or share tenant jointly.

F. PREMIUM NOTE: In consideration hereof, the insured promises to pay to the order of the Corporation each crop year of the contract the annual premiums. It is agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

_____ 196__.
(Date)

_____
(Signature of applicant)

_____
(Witness to signature)

The undersigned co-signer, _____, signs as a maker for the payment of the premium note as it applies to the first crop year of the contract and is in no other way a party to the contract.

_____ 196__.
(Date)

_____
(Signature of co-signer)

_____
(Address of co-signer—print)

G. Recommended for acceptance by _____
(Corporation representative)

H. Accepted for the Corporation by _____
(State director)

_____ 196__.
(Date)

County office Address	Location of farm(s) or headquarters

2. Paragraph (h) of § 401.3 is deleted and paragraph (i) is relettered as paragraph (h).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on March 28, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: April 4, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3392; Filed, Apr. 6, 1962; 8:48 a.m.]

[Amdt. 34]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DRY PEAS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year for dry peas in the following respects:

§ 401.3 [Amendment]

1. The table following paragraph (a) of § 401.3 of this chapter is amended, effective beginning with the 1963 crop year, for dry peas by adding the following insertion immediately below that portion of the table showing a closing date for canning and freezing peas.

Dry peas	March 31

§ 401.39 The dry pea endorsement.

The provisions of the dry pea endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against the unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, heat, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The insured crop shall be those varieties of dry peas (including edible peas, seed peas, and lentils) shown as insurable on the county actuarial table seeded for harvest as dry peas.

3. *Production guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the production guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The production guarantee per acre shown on the county actuarial table shall be increased by 100 pounds for any harvested acreage on which the amount harvested is 100 pounds or more per acre.

At the time the application for insurance is made the applicant shall elect a price at which indemnities shall be computed from among those shown on the county actuarial table. If any applicant fails to make an election or elects a price not shown on the actuarial table the price which shall be in effect shall be the amount provided on the county actuarial table for such purposes. As to any succeeding crop year any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the insured crop is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than September 15 of the calendar year in which the insured crop is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That on any acreage from which less than 100 pounds per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of 100 pounds per acre, except that the production to be counted for any acreage which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed edible peas which do not grade No. 3 or better, or any threshed lentils which do not grade No. 2 or better (determined in accordance with United States Standards for dry peas and lentils) or any threshed seed peas which do not meet the quality guarantee shown on the actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be adjusted by (1) dividing the value per hundredweight of the damaged commodity as determined by the Corporation, by the market price per hundredweight at the local market at the time the loss is adjusted for edible peas grading No. 3; lentils grading No. 2; or seed peas of the quality guaranteed, and (2) multiplying the result thus obtained by the number of hundredweight of such damaged commodity.

6. *Meaning of terms.* For the purpose of insurance on dry peas the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means respectively the insurable acreage of edible peas, seed peas, or lentils in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of the insurable crop in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured peas for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516; 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on March 28, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: April 4, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3393; Filed, Apr. 6, 1962; 8:48 a.m.]

[Amdt. 33]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

TOBACCO

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. The tobacco endorsement shown in § 401.30 of this chapter is amended effective beginning with the 1963 crop year by deleting section 4 and by redesignating sections 5, 6, 7, 8, 9, 10, 11, and 12 as sections 4, 5, 6, 7, 8, 9, 10, and 11 respectively.

2. In section 5 (formerly designated as section 6) of the tobacco endorsement shown in § 401.30 of this chapter, the table following the colon is amended beginning with the 1963 crop year in the following respects. In the column headed "type of tobacco" the line reading 21, 22, 23, 37, 41, 54, and 55 is changed to read 21, 22, 23, 37, 41, 51, 52, 54, and 55 and the line reading 31, 35, 36, 51, and 52 is changed to read 31, 35, and 36.

3. Section 10 (formerly designated as section 11) of the tobacco endorsement shown in § 401.30 of this chapter is amended beginning with the 1963 crop year to read as follows:

10. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the following applicable date immediately preceding the beginning of the crop year for which the cancellation is to become effective: February 28 for counties in Connecticut, Maryland, Massachusetts, Pennsylvania, and Virginia; and January 31 for all other counties. The termination date for indebtedness for each crop year of the contract shall be the applicable date listed below immediately preceding the beginning of the crop year for which the termination is to become effective.

Types of tobacco:	*Termination date* [1]
11b	May 15
12	Apr. 30
13	Apr. 15
14	Mar. 31
11a, 21, 22, 23, 31, 32, 35, 36, 37, 41, 51, 52, 54, and 55	May 31

[1] In case 2 or more types of tobacco are insured under the contract, the latest date for any type of tobacco insured shall apply to the entire tobacco premium for the contract.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on March 28, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: April 4, 1962.

JOHN P. DUNCAN, JR.
Assistant Secretary.

[F.R. Doc. 62-3394; Filed, Apr. 6, 1962; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 53]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

1. Section 750.163(d)(3) is amended by changing the next to the last sentence to read as follows: "Notwithstanding the other provisions of this section, for 1938 and subsequent years the acreage of any grain crop (including a crop subject to acreage allotments) which is planted on a farm covered by a Conservation Reserve contract only for wildlife food plantings as a part of wildlife practices G–1 or G–2 under any program or any wildlife habitat which the county committee determines does not defeat the purposes of the Conservation Reserve Program will not be considered as devoted to Soil Bank base crops for the purpose of determining compliance with the farm permitted acreage if no part of the crop is harvested or removed from the acreage."

2. Section 750.183 is amended by adding at the end thereof the following: "The use of non-cropland for wildlife practices G–1 or G–2 or development of any wildlife habitat which the county committee determines does not defeat the purposes of the Conservation Reserve Program shall not be considered a violation of the contract if no part of the crop is harvested or removed from the acreage."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on April 4, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3390; Filed, Apr. 6, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 7]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.307 Valencia Orange Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on on April 5, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 8, 1962, and ending at 12:01 a.m., P.s.t., April 15, 1962, are hereby fixed as follows:

(i) District 1: 108,712 cartons;

(ii) District 2: 72,236 cartons;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3484; Filed, Apr. 6, 1962; 11:13 a.m.]

[Lemon Reg. 15]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.315 Lemon Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 8, 1962, and ending at 12:01 a.m., P.s.t., April 15, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 227,850 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3420; Filed, Apr. 6, 1962; 8:48 a.m.]

[Grapefruit Reg. 9]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.309 Grapefruit Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 5, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 9, 1962, and ending at 12:01 a.m., e.s.t., April 16, 1962, is hereby fixed at 163,703 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3454; Filed, Apr. 6, 1962; 8:49 a.m.]

[970.302, Amdt. 3]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 970.302 (26 F.R. 10124, 27 F.R. 335, 1007) delete paragraphs (a), (b), and (i), and in lieu thereof substitute new paragraphs (a), (b), and (i), as set forth below.

§ 970.302 Limitation of shipments.

* * * * *

(a) *Minimum grade requirements.* (1) U.S. Extra No. 1 grade for medium to-large size carrots;

(2) U.S. No. 1, or better grade, for jumbo size carrots.

(b) *Sizing requirements*—(1) *Medium-to-large:* 7/8 inch minimum diameter to 1½ inches maximum diameter, 6 inches minimum length;

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter, 5½ inches minimum length.

* * * * *

(i) *Definitions.* The terms "U.S. Extra No. 1" and "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein. The term "loading point" means a commercial facility maintained and operated by a Registered Handler as defined in § 1032.8. "Farm packed" means carrots handled by the grower on the farm where such carrots were produced. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated April 5, 1962, to become effective April 9, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3455; Filed, Apr. 6, 1962; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Minimum Grade and Condition Standards for Natural Condition Raisins

The Raisin Administrative Committee has unanimously recommended that the minimum grade and condition standards for natural condition raisins be modified as to their application to mixed lots consisting of two or more varietal types of raisins commingled within their containers. The Committee is established under, and the recommendation is made pursuant to, Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The minimum grade and condition standards for natural condition raisins as now set forth in § 989.97 (Exhibit B) of the said marketing agreement and order require that, for a mixed lot of raisins, each varietal type in the lot must meet, with certain exceptions, the applicable minimum standards for that varietal type in order for the lot to qualify as standard raisins. This action, designed to facilitate inspection, modifies Exhibit B so that the entire mixed lot must meet, with minor exceptions, the most restrictive specifications prescribed for any varietal type included in the lot to so qualify.

On the basis of the recommendation of the Raisin Administrative Committee and other available information, it is hereby found that to modify, as hereinafter set forth, the minimum grade and condition standards for natural condition raisins will tend to effectuate the declared policy of the act.

Therefore, § 989.97 (Exhibit B) is, pursuant to § 989.58(b), hereby modified by deleting the second sentence of the first undesignated paragraph and substituting, in lieu thereof, a new sentence so that the entire paragraph reads as follows:

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as a mixed lot and as standard raisins if they meet, for each defect, the most restrictive requirements for the defect provided in this section for the varietal types of raisins comprising the lot: *Provided,* That, in the event Layer Muscat raisins are commingled within their containers with natural (sun-dried) Muscat raisins, the entire lot shall be considered as natural (sun-dried) Muscat raisins, and as standard raisins if the lot as a whole meets the minimum standards for natural (sun-dried) Muscat raisins: *Provided further,* That, with respect to the requirements peculiar to a varietal type such as possessing characteristic color, flavor, or odor, the raisins shall be considered as meeting such requirements if they have been properly prepared as raisins. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The modification is basically procedural in nature because it involves conforming the provision to the more practical method evolved by the inspection service in applying existing minimum standards for individual varietal types of natural condition raisins to mixed lots; (2) the modification will facilitate the work of the inspection service and hence benefit the raisin industry; (3) the modification was unanimously recommended by the Raisin Administrative Committee, composed of representatives of producers, handlers, and dehydrators; (4) the inspection service is prepared to carry out the modified procedure; and (5) handlers require no further notice or time to prepare for compliance.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–3374; Filed, Apr. 6, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1133; Amdt. 413]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

As a result of several cases of cracked magnesium skin on the horizontal stabilizer balance panel covers on Boeing 707 and 720 Series aircraft, one of which resulted in loss in flight of a major portion of a cover, an airworthiness directive is considered necessary requiring inspection of the covers and repair, replacement, or modification of any covers which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

BOEING. Applies to all Models 707 and 720 Series aircraft which incorporate magnesium skin on the horizontal stabilizer balance panel covers.

Compliance required within 85 hours' time in service following the effective date of this AD unless already accomplished within the last 85 hours, and thereafter at periods not to exceed 170 hours' time in service from the last inspection.

As a result of cracking of the magnesium skin on the horizontal stabilizer balance

panel covers the following shall be accomplished:

(a) Conduct close visual inspection of all upper and lower horizontal stabilizer balance panel covers which incorporate magnesium skin, to detect any evidence of skin cracks.

(b) Cracked covers must be repaired, replaced or modified in accordance with one of the following prior to further flight:

(1) Repair in accordance with Boeing Structural Repair Manual 51–9–1;

(2) Replace with a new standard cover incorporating magnesium skin;

(3) Replace with a new standard cover incorporating aluminum alloy skin;

(4) Replace with a cover incorporating honeycomb panel construction, Boeing P/N 65–28201, –28202, –28203, –28204, –28205, –28206, –28207, or –28208, as appropriate; or

(5) Modify in accordance with FAA approved technical data.

(c) The repetitive inspections of any specific cover may be discontinued when the standard magnesium cover is replaced or modified in accordance with paragraphs (b)(3), (b)(4), or (b)(5).

(d) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Advance Service Bulletin to all 707/720 operators dated February 5, 1962, pertains to this same subject.)

This amendment shall become effective April 7, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3362; Filed, Apr. 6, 1962; 8:45 a.m.]

[Reg. Docket No. 1140; Amdt. 417]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair 22 & 22M

Amendment 412, 27 F.R. 2763, requires inspection of the elevator and rudder balance board forward support trunnions of Convair Models 22 and 22M aircraft every 75 hours' time in service. The manufacturer has designed a new type of trunnion which does not permit excessive loads to be imposed on the trunnions. It has been determined that with the new trunnions installed, the repetitive inspections are no longer necessary. Accordingly, Amendment 412 is being amended to permit discontinuance of the inspections when the new trunnions are installed.

Since this amendment relaxes a requirement and imposes no additional burden on any persons, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 412, 27 F.R. 2763, Convair 22 and 22M aircraft, is amended by:

1. Inserting the following two paragraphs immediately preceding the last paragraph to read as follows:

When elevator balance board forward support trunnions, P/N 22–14715–15 and P/N 22–14715–17, are replaced with Convair P/N's 22–11634–1 and 22–11634–3, respectively, or FAA approved equivalents, the 75 hour repetitive inspections of the support trunnions for the elevator balance boards may be discontinued.

When rudder balance board forward support trunnions, P/N 22–14715–7 and P/N 22–14715–9, are replaced with Convair P/N's 22–11634–5 and 22–11634–801, respectively, or FAA approved equivalents, the 75 hour repetitive inspections of the support trunnions for the rudder balance boards may be discontinued.

2. Revising the final parenthetical reference statement to read:

(Convair Alert Service Bulletins 880–A27–55A and 880M–27–24A cover this same subject.)

This amendment shall become effective April 7, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 4, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3396; Filed, Apr. 6, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8432]

PART 13—PROHIBITED TRADE PRACTICES

Carlson Pharmaceuticals, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carlson Pharmaceuticals, Inc., et al., Detroit, Mich., Docket 8432, Nov. 16, 1961]

In the Matter of Carlson Pharmaceuticals, Inc., a Corporation, and Frank Handler, Jr., Eugene Graye, and Frank Handler, Sr., Individually and as Officers of Said Corporation

Order issued in default requiring Detroit distributors to cease representing falsely in advertising that their drug preparation "Arth-Rite" was an effective treatment and cure for all kinds of arthritis and rheumatism and contained sleep-inducing ingredients.

The order to cease and desist is as follows:

It is ordered, That Respondents Carlson Pharmaceuticals, Inc., a corporation, and its officers, and Frank Handler, Jr., Eugene Graye, and Frank Handler, Sr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Arth-Rite," or any other prepartion of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or indirectly:

(a) That said preparation is an adequate, effective or reliable treatment for any kind of arthritis or rheumatism;

(b) That said preparation will arrest the progress of, correct the underlying causes of, or cure any kind of arthritis or rheumatism;

(c) That said preparation is an adequate, effective or reliable treatment for the symptoms and manifestations of any kind of arthritis or rheumatism, or will afford immediate, complete or permanent relief of the symptoms or manifestations of such conditions in excess of affording temporary relief of the minor aches or pains thereof;

(d) That the vitamins, minerals or extract of alfalfa contained in said preparation will relieve pain, or have any other therapeutic value for the relief of any kind of arthritis or rheumatism, or for the symptoms or manifestations thereof;

(e) That said preparation contains any sleep-inducing ingredients;

2. Disseminating or causing the dissemination by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–3370; Filed, Apr. 6, 1962; 8:45 a.m.]

[Docket C–27]

PART 13—PROHIBITED TRADE PRACTICES

Tile City, Inc., of Pittsburgh, Pa., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–275 *Stock, product, or service;* § 13.30 *Composition of goods;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tile City Inc., of Pittsburgh, Pennsylvania (Pittsburgh, Pa.), et al., Docket C–27, Nov. 14, 1961]

In the Matter of Tile City, Inc. of Pittsburgh, Pennsylvania, a Corporation; Tile City, Inc. of New Kensington, Pennsylvania, a Corporation; Tile City, Inc. of Ambridge, Pennsylvania, a Corporation; Tile City, Inc. of Irwin, Pennsylvania, a Corporation; Tile City, Inc. of Charleroi, Pennsylvania, a Corporation; Robert Solomon and Irving Germaise, Individually and as Officers of Said Corporations and as Co-partners Trading Under the Name of Tile City Company of Steubenville, Ohio

Consent order requiring five affiliated retailers of rubber and asphalt tile, floor covering, and paint in as many Pennsylvania cities, to cease representing falsely in newspaper advertising that they offered Kentile Tile in "A" colors at 3½¢ each when they had not stocked the tile for some time and it was not available; that their "solid Vinyl tile" was composed wholly of vinyl; and that purchasers of one gallon of Rubber Tuff Wall Paint would receive a second can "free" when they were required to pay for one gallon the usual price for two; and to cease representing falsely through use of higher amounts in connection with the words "Reg." and "Sold For," that said amounts were the usual price for their merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Tile City, Inc. of Pittsburgh, Pennsylvania, a corporation, Tile City, Inc. of New Kensington, Pennsylvania, a corporation, Tile City, Inc. of Ambridge, Pennsylvania, a corporation, Tile City, Inc. of Irwin, Pennsylvania, a corporation, Tile City, Inc. of Charleroi, Pennsylvania, a corporation, and their officers, and Robert Solomon and Irving Germaise, individually and as officers of said corporations, and as copartners trading under the name of Tile City Company of Steubenville, Ohio, or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of tile, paint, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that merchandise is offered for sale when such offer is not a bona fide offer to sell such merchandise.

2. Representing, directly or by implication:

(a) That tile not compounded wholly of Vinyl is a solid Vinyl tile or misrepresenting in any manner the composition of a product.

(b) That merchandise is given free or without charge in connection with the purchase of other merchandise when the price charged for the merchandise purchased includes the price of the other merchandise.

(c) That any amount is respondents' usual and customary price of merchandise when it is in excess of the price at which the merchandise has been usually and customarily sold by respondents in the recent regular course of business.

(d) That any saving is afforded from respondents' usual and customary price of merchandise unless the price at which it is offered constitutes a reduction from the price at which the merchandise has been usually and customarily sold by respondents in the recent regular course of business.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise or the amount by which the price of merchandise has been reduced from the price at which it has usually and customarily been said by respondents in the recent regular course of business.

4. Using the terms "Reg" or "Sold For," or any other words or terms of the same import, to refer to respondents' usual and customary price of merchandise, unless the amount so designated is the price at which respondents have usually and customarily sold the merchandise in the recent regular course of business.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–3371; Filed, Apr. 6, 1962; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

PART 214—ANNUITY BEGINNING DATE

PART 225—COMPUTATION OF ANNUNITY

PART 232—SPOUSES' ANNUITIES

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 208.1(a)(3) and 208.7(a)(2) of Part 208, §§ 210.2(a), 210.3, 210.6(a)(3), 210.6(b)(3), 210.12 of Part 210, and 214.6 of Part 214, §§ 225.6 and 225.7 of Part 225, §§ 232.101, 232.103(a), 232.104(a), 232.204(a) and (b), 232.205(a), and 232.302(a) of Part 232, and §§ 237.802, 237.803, 237.804, and 237.806(a)(2) and (3) and (b) of Part 237 (20 CFR 208.1(a)(3), 208.7(a)(2), 210.2(a), 210.3, 210.6(a)(3), 210.6(b)(3), 210.12, 214.6, 225.6, 225.7, 232.101, 232.103(a) 232.104(a), 232.204 (a) and (b), 232.205(a), 232.302(a), 237.802, 237.803, 237.804, 237.806(a) (2) and (3) and (b)) of the regulations under such act are amended by Board Order 62–33, dated March 20, 1962, to read as follows:

§ 208.1 Statutory provisions.

(a) • • •

(3) Men who will have attained the age of sixty and will have completed 30 years of service, or individuals who will have attained the age of 62 and will have completed less than thirty years of service, but the annuity of such men or such individuals shall be reduced by 1/180 for each calendar month that he or she is under age sixty-five when the annuity begins to accrue.

§ 208.7 Annuities for employees.

(a) • • •

(2) The individual is a man who has attained age 60 and has completed at least 354 months of service, or the individual is a man or woman who has attained age 62 and has completed less than 354 months of service, but the annuity of such an individual shall be reduced by 1/180 for each calendar month during all of which he or she is under age 65 when the annuity begins to accrue, or

§ 210.2 Application to be filed.

(a) No individual, irrespective of his qualifications, shall receive an annuity unless, on or before the date of his death, his duly executed application upon such form as the Board may from time to time prescribe is filed with Board: *Provided, however,* That a claim or application filed with the Social Security Administration, whether before or after the adoption of this section, for monthly insurance benefits under title II of the Social Security Act (except an application for a disability insurance benefit where such benefit was terminated before the 120th month of railroad service was performed), based in whole or in part on service of an employee for an employer under the Railroad Retirement Act, shall be considered an application for an annuity duly filed with the Board.

§ 210.3 Filing date.

An application, filed in the manner and form prescribed in § 210.2, shall be considered filed with the Board on the date that it is received at an office of the Board, or the date that it is delivered to a field employee of the Board specifically authorized by a regional director to receive applications in the area where delivery is made, whichever date is earlier; or, in a case of an applicant who is not residing in the United States, the date his application is received at an office maintained outside the United States by the United States foreign service; or, in a case in which a claim or application filed with the Social Security Administra-

tion is, by virtue of § 210.2, an application for an annuity filed with the Railroad Retirement Board, the date on which such claim or application was filed with the Social Security Administration: *Provided, however*, That if in the adjudication of an application for an annuity it is determined that the applicant died on a day observed by the Board as a non-work day and that his application was received through the mail at an office of the Board on the first business day following such non-work day, the application shall be deemed to have been filed with the Board on such non-work day if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board in the ordinary course of the mail on such non-work day had that day been a business day.

§ 210.6 Application filed with the Social Security Administration.

(a) *By an individual* • • •

(3) The payments made by the Social Security Administration on the basis of compensation that had been used as wages are not erroneous for months prior to the time the individual acquired his 120th month of railroad service; such payments, however, if any, made for and subsequent to the individual's 120th month of railroad service shall be recovered from accrued annuities under the Railroad Retirement Act.

(b) *By an individual's spouse.* • • •

(3) The payments, if any, made by the Social Security Administration to such individual's spouse for and after the individual's 120th month of railroad service shall be recovered from accrued spouse's annuities under the Railroad Retirement Act.

§ 210.12 Effect of cancellation.

The effect of the cancellation of an individual's application shall be the same as though he had not filed an application, and in the event of his death there are no greater rights than if he had never filed. The individual whose application has been canceled may reapply by filing a new application with the Board.

§ 214.6 Beginning date following cancellation of application.

In the event an annuity beginning date is designated and, because of a cancellation of the application, such date becomes ineffective, the annuity thereafter cannot begin to accrue earlier than twelve months before the filing date of a new application, nor until the date following the last day of compensated service, whichever date is later: *Provided, however*, That the applicant may, in filing a new application, designate a later date.

§ 225.6 Over-all minimum based on Social Security Act formula.

(a) When an individual's annuity is not subject to a reduction under § 225.7 or § 225.8, and the amount of annuity payable to such individual for an entire month plus the amount, if any, of the spouse's annuity payable for such month to the spouse of such individual, is less than 110 percent of the amount, or 110 percent of the additional amount, which would have been payable for such month under the Social Security Act to the individual, his spouse, and his children, if any, the amount of the annuity or annuities shall be increased proportionately to 110 percent of such amount or 110 percent of such additional amount.

(b) When an individual's annuity is subject to a reduction under § 225.7, and the amount of annuity payable to such individual for an entire month plus the amount, if any, of the spouse's annuity payable for such month to the spouse of such individual, is less than 110 percent of the amount, or 110 percent of the additional amount, which would have been payable for such month under the Social Security Act to the individual, his spouse, and his children, if any, the total amount of such individual's annuity plus the amount of the spouse's annuity, if any, shall be increased to 110 percent of such amount, or 110 percent of such additional amount, and then, if the Social Security Act formula became applicable after the month in which the annuity began to accrue and before the month the individual attained age 65, reduced by the amount the individual's annuity would have been reduced under § 225.7 had he been age 65 in the month that formula became applicable, or, if such formula became applicable in or after the month the individual attained age 65, reduced by the monetary amount that the individual's annuity was reduced under § 225.7. The amount of such individual's annuity and the amount of his spouse's annuity, if any, shall be increased proportionately to such total amount as so reduced.

(c) When an individual's annuity is subject to a reduction under § 225.8, and the amount of annuity payable to such individual for an entire month without regard to such reduction plus the amount, if any, of the spouse's annuity payable for such month to the spouse of such individual, is less than 110 percent of the amount, or 110 percent of the additional amount, which would have been payable for such month under the Social Security Act to the individual, his spouse, and his children, if any, the total amount of such individual's annuity plus the amount of the spouse's annuity, if any, shall be increased to 110 percent of such amount, or 110 percent of such additional amount, and then reduced by the same amount in money as the individual's annuity was reduced under section 225.8. The amount of such individual's annuity and the amount of his spouse's annuity, if any, shall be increased proportionately to such total amount as so reduced.

(d) For the purpose of this section:

(1) The individual's service as an employee after 1936 shall be deemed to have been "employment" as that term is defined in the Social Security Act;

(2) Quarters of coverage shall be determined in accordance with section 5(1)(4) of the Railroad Retirement Act (see § 237.101 of this chapter), except that the alternate method in such section relating to determining quarters of coverage in a case where an individual lacks a completely or partially insured status does not apply. If an individual lacks an insured status for the purpose of this section through the use of the table appearing in § 237.101 of this chapter, quarters of coverage shall be determined by presuming the individual's compensation in a calendar year after 1936 to have been paid in equal proportions with respect to all months in which he will have been in service as an employee in such calendar year, with the individual being credited with one quarter of coverage for each calendar quarter in which the prorated compensation and wages, if any, total $50 or more;

(3) A woman entitled to a spouse's annuity pursuant to an election made under section 2(h) of the Railroad Retirement Act shall be deemed entitled to a wife's insurance benefit under section 202(q) of the Social Security Act;

(4) The amount of any possible deductions for failure to report an event causing a deduction as provided in subsections (g) and (h)(2) of section 203 of the Social Security Act shall be disregarded; and

(5) A "period of disability," within the meaning of section 216(i) of the Social Security Act, with respect to any individual who has filed an application therefor and who either will have completed ten years of service or will have been awarded an annuity shall be determined by the Board on the basis of its records or evidence obtained by it.

(e) In determining a "period of disability" for an individual, the Board shall have the same authority as the Secretary of Health, Education, and Welfare would have to determine such a period for such individual.

(f) An application filed with the Board for a disability annuity shall be deemed to be an application to determine a "period of disability."

§ 225.7 Annuities subject to reduction where individual is under age 65.

Where the eligibility of a male applicant for an annuity is based on age 60 to 65 and 30 years of service and where the eligibility of a male or female applicant for an annuity is based on age 62 to 65 and less than 30 years of service, the amount of the annuity, as computed under §§ 225.1 to 225.6, shall be reduced by 1/180 for each calendar month during all of which the individual is less than 65 years of age when the annuity begins to accrue.

§ 232.101 Statutory provisions.

For the purposes of this Act, the term "spouse" shall mean the wife or husband of a retirement annuitant or pensioner who (i) was married to such annuitant or pensioner for a period of not less than one year immediately preceding the day on which the application for a spouse's annuity is filed, or in the month prior to her or his marriage to such annuitant or pensioner was eligible for an annuity under subsection (a) or (d) of section 5 of this Act or, on the basis of disability, under subsection (c) thereof, or is the parent of such annuitant's or pensioner's son or daughter, if, as of the day on which the application for a spouse's annuity is filed, such wife or husband and such annuitant or pensioner were members of the same household, or such wife or husband was receiving regular contributions from such annuitant or pensioner toward her or his support, or such annuitant or pensioner has been ordered by any court to contribute to the support of such wife or husband; and (ii) in the case of a husband, was receiving at least one-half of his support from his wife at the time his wife's retirement annuity or pension began. (Section 2(f) of the Act.)

§ 232.103 Definition of "wife".

• • • • • •

(a) She has been married to such annuitant or pensioner for at least one year preceding the date on which an application for a spouse's annuity is filed, or in the month before her marriage was eligible for an insurance annuity under § 237.406 or § 237.410 of this chapter or, on the basis of disability, § 237.409 of this chapter, or is the natural mother of his son or daughter, and

§ 232.104 Definition of "husband".

• • • • • •

(a) He has been married to such annuitant or pensioner for at least one year preceding the date on which an application for a spouse's annuity is filed, or in the month before his marriage was eligible for an insurance annuity under § 237.407 or § 237.410 of this chapter or, on the basis of disability, § 237.409 of this chapter, or is the natural father of her son or daughter, and

§ 232.204 Filing of application.

(a) No spouse, irrespective of his or her qualifications, shall receive an annuity unless, on or before the date of death of the spouse, his or her duly executed application upon such form as the Board may from time to time prescribe is filed with the Board.

(b) An application, filed in the manner and form prescribed in paragraph (a) of this section, shall be considered filed with the Board on the date that it is received at an office of the Board, or the date that it is delivered to a field employee of the Board specifically authorized by a regional director to receive applications in the area where delivery is made, whichever date is earlier; or, in a case of an applicant who is not residing in the United States, the date his application is received at an office maintained outside the United States by the U.S. Foreign Service: *Provided, however*, That if in the adjudication of an application for an annuity it is determined that the applicant died on a day observed by the Board as a non-work day and that his application was received through the mail at an office of the Board on the first business day following such non-work day, the application shall be deemed to have been filed with the Board on such non-work day if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board in the ordinary course of the mail on such non-work day had that day been a business day.

§ 232.205 Annuity beginning date.

(a) A spouse's annuity shall begin to accrue as of the date specified in the application: *Provided, however*, That such date is not earlier than the latest of the following dates:

(1) The date following the last day of compensated service.

(2) The date on which all eligibility requirements are met.

(3) Twelve months prior to the filing date of the application.

§ 232.302 Amount of annuity.

(a)(1) A spouse's annuity for a month shall be equal to one-half of the annuity or pension of the retired employee, but not more than 110 per cent of an amount equal to the maximum amount which could be paid to anyone, with respect to such month, as a wife's insurance benefit under section 202(b) of the Social Security Act as amended from time to time.

(2) The maximum spouse's annuity for a month may be exceeded where the employee's annuity is computed as prescribed in § 225.6 of this chapter.

§ 237.802 Application to be filed.

No individual, irrespective of his qualifications, shall receive an annuity or lump-sum payment under this part unless, on or before the date of his death, his duly executed application upon such form as the Board may from time to time prescribe is filed with the Board.

§ 237.803 Filing date of application.

An application, filed in the manner and form prescribed in § 237.802, for any payment under this part shall be considered filed with the Board on the date it is received at an office of the Board, or the date it is delivered to a field employee of the Board specifically authorized by a regional director to receive applications in the area where delivery is made, whichever date is earlier: *Provided, however*, That if in the adjudication of an application for a payment under this part it is determined that the applicant died on a day observed by the Board as a non-work day and that his application was received through the mail at an office of the Board on the first business day following such non-work day, the application shall be deemed to have been filed with the Board on such non-work day if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board in the ordinary course of the mail on such non-work day had that day been a business day.

§ 237.804 Signature on application form.

The application form shall be signed personally by the applicant in his usual manner: *Provided, however*, That if the applicant is unable to sign his name because of physical inability or illiteracy, he shall then make his mark (X) and a witness shall affix the applicant's name. In every case the signature or mark shall either be executed and authenticated in such manner as the form provided may indicate or shall be executed before and authenticated by an employee of the Board duly designated and authorized to perform such services. In the event that the signature or any written portion of the application form is, within the judgment of the Board, substantially illegible or of doubtful authenticity, or, if in the judgment of the Board there are substantial omissions in the application form, the Board may require its reexecution or correction: *Provided further*, That an application form that is reexecuted because the previous form was either not signed or improperly signed shall be returned and shall be received by the Board within 30 days after notice to correct such deficiency is mailed to the applicant; otherwise, the filing date of the application shall be the date on which such reexecuted application form is received by the Board.

§ 237.806 Filing of application.

(a) *With Social Security Administration.* • • •

(2) Where an individual files with the Social Security Administration a written statement which indicates an intention to claim monthly benefits or a lump sum, either on his own behalf or on behalf of some other person, and notice of such intention is communicated in writing to the Board by the Social Security Administration, the Social Security Administration's record of the individual's intention shall, except where such individual or such other person otherwise indicates, be deemed an application filed with the Board on the date the Social Security Administration's record was made: *Provided, however*, That such individual or other person was eligible for a payment under this part at the time such record was made: *Provided further*, That an application on a prescribed form is also furnished to the Board.

(3) In the case of any individual who would be entitled to benefits under subsection (a), (b), (c), or (d) of section 5 of the act upon filing proper application therefor, the filing with the Administrator of Veterans' Affairs by or on behalf of such individual of an application for benefits, on the form prescribed under section 601 of the Servicemen's and Veterans' Survivor Benefits Act, shall satisfy the requirement of subsection (j) of section 5 that an application for such benefits be filed, and shall be deemed filed with the Board on the date as of which such application would be deemed filed with the Social Security Administration.

(b) *At Foreign Service office.* Applications from individuals residing outside the United States will be given effect as of the time they are received in a U.S. Foreign Service office. The time of filing will be shown by a date-stamp or similar evidence of receipt in the Foreign Service office. If the claims material is not sent via a foreign service office, the date received by the Board will be the filing date.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: April 2, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62-3372; Filed, Apr. 6, 1962; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

This chapter is supplemented by the following part:

Sec.
2–17.000 Scope of part.

Subpart 2–17.1—General

2–17.151 Authority.
2–17.152 Policy.
2–17.153 Criteria for deciding cases.
2–17.154 Limitations for deciding cases.

Subpart 2–17.2—Application for Contractual Adjustment

2–17.250 Filing of applications.
2–17.251 Consideration of the applications.
2–17.252 Disposition of cases.

Subpart 2–17.3—Records of Application and Disposition

2–17.350 Records and reports.

AUTHORITY: §§ 2–17.000 through 2–17.350 issued under secs. 303, 313, 72 Stat. 747, 752; U.S.C. 1344, 1354.

§ 2–17.000 Scope of part.

This part establishes Federal Aviation Agency policy, criteria and procedures relative to the consideration and disposition of application from its Contractors for extraordinary contractual adjustment under the provisions of Public Law 85–804 (Act of August 28, 1958, 50 U.S.C. 1431–35) and Executive Order 10789, November 14, 1958 (23 F.R. 8897). This part does not extend to advance payments.

Subpart 2–17.1—General

§ 2–17.151 Authority.

(a) The Act empowers the President to authorize departments and agencies exercising functions in connection with the national defense to enter into contracts or into amendments or modifications of contracts and to make advance payments, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

(b) The Executive Order authorizes the Administrator of this Agency under regulations promulgated by him to exercise the authority conferred by the Act. In the full exercise of that authority the Administrator is not limited to the types of contractual adjustments described in § 2–17.153.

§ 2–17.152 Policy.

It shall be the policy of this Agency to utilize the authority conferred by the Act only when it is in the interest of the Government to do so, and when facilitation of national defense is clearly demonstrable. It shall not be utilized where other legal authority is available within the Agency. All applications submitted under the Act shall be processed as expeditiously as possible with the care, restraint, and sound judgment that is necessary in exercising such extraordinary authority.

§ 2–17.153 Criteria for deciding cases.

(a) *General.* The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Act. Whether, in a particular case, appropriate action such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment, will facilitate the national defense is a matter of sound judgment to be made on the basis of all the facts of such case. The factors cited in the examples that follow may not be of themselves sufficient to warrant the granting of relief as other factors and considerations may result in a denial.

(b) *Amendments without consideration.* (1) Where an actual or threatened loss under a Government contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is determined to be essential to the national defense, the contract may be adjusted but only to the extent determined necessary to avoid such impairment to the contractor's productive ability.

(2) Where a contractor suffers a loss (not merely diminution of anticipated profits) on a Government contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken unilaterally by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus, where such Government action, although not creating any liability on its part, increases the cost of performance, consideration of fairness may make appropriate some adjustment in the contract.

(c) *Mistakes.* A contract may be amended or modified to correct or mitigate the effect of a mistake, including the following examples:

(1) A mistake or ambiguity which consists of the failure to express or express clearly in a written contract the agreement as both parties understood it;

(2) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(3) A mutual mistake as to a material fact.

(d) *Informal commitments.* Informal commitments may be formalized, under the circumstances set forth in § 2–17.154 (d), to permit payment to persons who have taken action without formal contract and such action results in the furnishing of property or services to this Agency. However, the action must have been taken relying in good faith upon the apparent authority of an Agency official.

§ 2–17.154 Limitations upon deciding cases.

(a) The Act is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) The making of any contract in violation of existing law relating to limitation of profit or fees;

(3) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding; or

(4) The waiver of any bid, payment, performance or other bond required by law.

(b) No contracts, amendments, or modifications shall be entered into under the authority of the Act:

(1) Unless a finding is made that the action will facilitate the national defense;

(2) Unless other legal authority within the Agency is deemed to be lacking or inadequate; and

(3) Except within the limits of the amounts appropriated and the statutory contract authorization.

(c) No contract shall be amended or modified:

(1) Unless a request therefor has been filed before all obligations have been discharged and final payment made thereunder; and

(2) If the contract was negotiated under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(14)), to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder.

(d) No informal commitment shall be formalized:

(1) Unless a request for payment has been filed within six months after arranging to furnish or furnishing property or services in reliance upon the commitment; and

(2) Unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

Subpart 2–17.2—Application for Contractual Adjustment

§ 2–17.250 Filing of applications.

Applications for relief under the Act must be submitted in writing to the cognizant contracting officer and should state:

(a) The precise adjustment requested;

(b) The essential facts summarized in chronological narrative form;

(c) The contractor's conclusions based on such facts and showing, in terms of the criteria set forth in § 2–17.153, why the contractor considers himself entitled to the adjustment requested;

(d) Whether all obligations have been discharged under the contracts involved;

(e) Whether final payment has been made under the contracts involved;

(f) Whether any proceeds from the request will be subject to any assignment or other transfer, and to whom; and

(g) Whether the contractor has sought the same, or similar or related, adjustment from the General Accounting Office or any other part of the Government, or anticipates doing so.

§ 2–17.251 Consideration of the application.

The cognizant contracting officer, upon receipt of an application, shall immediately conduct a thorough investigation of all facts and issues relevant to the case. This may result in the contracting officer requiring the contractor to furnish additional facts and evidence and, if necessary, may require the certification of specific documents by a responsible official of the applicant and also require certain information to be furnished in affidavit form. The contracting officer shall, if it is determined necessary, obtain facts and evidence from cognizant Government personnel including signed statements of material facts within the knowledge of the individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts.

§ 2–17.252 Disposition of cases.

(a) *Disposition.* Upon completion of his investigation, the contracting officer shall prepare a Memorandum of Decision for the consideration of the Administrator. However, prior to submission to the Administrator, the decision with complete file will be transmitted to the Materiel Policy Division, Office of Management Services, and Office of the General Counsel for review and concurrence.

(b) *Contractual requirements.* The contracting officer shall implement a favorable decision by executing a contractual document with the applicant wherein shall be set forth a citation to the Act and Executive Order, a brief statement of the circumstances justifying the action, a recital of the findings that the action will facilitate the national defense, and the clauses as required by the Act and Executive Order. The applicant will be informed of an unfavorable decision by letter from the contracting officer which shall have attached thereto a copy of the Memorandum of Decision.

Subpart 2–17.3—Records of Application and Disposition

§ 2–17.350 Records and reports.

The contracting officer shall have the responsibility of maintaining on file all the facts, determinations, and evidence relevant to the application and its disposition including two copies of the Memorandum of Decision and implementing contractual document or letter of denial. It shall also be his responsibility to prepare reports for submission to Congress in accordance with the Act and the Executive Order. Such reports shall be submitted through the Materiel Policy Division, Office of Management Services.

Effective date: These regulations are effective April 16, 1962.

Dated: March 28, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–3376; Filed, Apr. 6, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling of Culls

Notice is hereby given that the Secretary of Agriculture is considering the approval of an amendment to the existing rules and regulations, as hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties of South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

Amend the existing rules and regulations by adding the following new section immediately after present § 959.125:

§ 959.126 Handling of culls.

(a) The handling of culls, i.e., onions which fail to meet the requirements established under § 959.52, is prohibited, unless it is for the purpose of:

(1) Mutilation at the packing house in order to render them unsuitable for fresh market;

(2) Disposition at designated locations approved by the committee under the supervision and direction of the committee; or

(3) Handling for special purpose outlets approved under § 959.53.

(b) As a safeguard against culls entering fresh market channels each handler of culls under paragraph (a) (2) or (3) of this section shall apply for and obtain a certificate from the committee which shall require the handler to furnish such reports or other information as the committee may request.

Dated: April 3, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3373; Filed, Apr. 6, 1962; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

[9 CFR Part 301]

[Docket Nos. AO-336, AO-336-RO1, AO-337, AO-337-RO1]

TURKEY AND TURKEY HATCHING EGGS

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at the several locations and on the days enumerated below, pursuant to notice thereof which was published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286), the supplemental notice of the hearing published in the FEDERAL REGISTER on November 8, 1961 (26 F.R. 10516), the second supplemental notice of hearing published in the FEDERAL REGISTER on November 17, 1961 (26 F.R. 10772), the notice reopening the hearing published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 518), and the notice amending the notice of reopening published January 27, 1962 (27 F.R. 834). The public hearing was held at Richmond, Virginia, November 20 to 22; Des Moines, Iowa, November 24, 25 and 27; Las Vegas, Nevada, November 29, 30, and December 1; Oklahoma City, Oklahoma, December 4, 5, and 6; Chicago, Illinois, December 8 and 9; Albany, New York, December 12 and 13, 1961, and Kansas City, Missouri, January 29 through February 1, 1962. Such notices set forth proposed marketing agreements and orders relating to the provisions of a proposed marketing agreement and order regulating the handling of turkey hatching eggs and a proposed marketing agreement and order regulating the handling of turkeys under the terms of the Agricultural Marketing Act of 1937, as amended. All interested parties were afforded an opportunity for filing briefs and proposed findings and conclusions at the close of the Albany, New York, session of the hearing and again at the close of the reopened session of the hearing held at Kansas City, Missouri.

Upon the basis of the evidence introduced at the hearing and the record thereof, a recommended decision containing notice of opportunity to file written exceptions thereto was filed with the Hearing Clerk, United States Department of Agriculture, on February 27, 1962 (27 F.R. 1821).

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act and whether such purposes would be effectuated by a Turkey or Turkey Hatching Egg program or both;

(3) The definitions of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, among which are those applicable to the provisions of the proposed program;

(b) The establishment, maintenance, composition, powers, duties, term of office, and operation of a turkey advisory board;

(c) The establishment, maintenance, composition, powers, duties, and operation of a turkey administrative committee, which shall be the administrative agency for assisting the Secretary in administration of the turkey marketing program;

(d) The selection of the membership of the board and committee;

(e) The authority for the committees to incur expenses and to levy assessments on handlers of turkeys;

(f) The need for establishment of marketing research and development programs for turkeys;

(g) The authority of the board and committee to recommend marketing policy and regulations implementing such policy;

(h) The methods for limiting of the quantities of turkeys which may be handled;

(i) The application of the provisions to persons under the order and exemptions of certain such persons;

(j) The procedure for establishing reporting requirements applicable to handlers and the requirements for recordkeeping;

(k) The requirements of compliance with all provisons of the marketing agreement and order and with regulations issued thereto;

(l) Additional terms and conditions as set forth in sections E 70 through E 80 and T 75 through T 85 and published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286) and further set forth in §§ 301.80 through 301.101 published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 518), which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Turkey hatching eggs are marketed extensively in interstate commerce. Turkey hatching eggs produced in the State of California, for example, are marketed in almost half of the states of the United States as well as in foreign commerce. Hatching eggs produced in Texas experience similar marketings though perhaps not quite as extensive. California and Texas are two of the major hatching egg production states accounting for approximately one-third of the U.S. production. Almost all States produce some hatching eggs of which varying proportions move in interstate commerce and hatching eggs produced and marketed within the same State are disposed of in direct competition with eggs coming from other States and the prices received for such locally produced eggs are often determined by the price and availability of such out-of-State eggs. The average price received by producers for hatching eggs in December 1961 was 74 percent of the parity price.

From the evidence presented for the record it is concluded that all marketings of turkey hatching eggs are in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce and that there exists the right or power to exercise Federal jurisdiction over a regulatory program for turkey hatching eggs. Further analysis of the record reveals, however, that there was considerable apprehension among producers concerning the provisions of a regulatory program for hatching eggs. The prime concern, although there were others, appeared to be that such a program might have the effect of restricting the supply of eggs, and the poults resulting therefrom, with the result that a condition may be created which could result in inequities to turkey producers. In view of this substantial concern the Department is continuing an exhaustive analysis of the evidence of record and the complex administrative problems raised by witnesses concerning a hatching egg order and a recommended decision thereon will be issued at a later date. Accordingly, the recommended decision and proposed order herein will relate to turkeys only.

Turkeys are an important agricultural product which are produced and marketed in all States of the United States. More than $375 million are received annually by U.S. turkey producers from sales of turkeys. Consumption of turkey meat in the United States is estimated at 7.4 pounds per capita in 1961, indicating an increase over the 6.3 pounds in 1960, and 4.4 pounds per capita in 1951, only a decade ago.

Turkeys are produced and marketed each month of the year. They are processed for marketing in three forms. frozen, fresh chilled but not frozen, and as turkey products and parts, such as legs, wings, breasts, canned turkey, turkey rolls, etc. In relation to the frozen and fresh marketings, the marketings of turkey products and parts is relatively minor. The marketing of frozen turkeys far exceeds the fresh. In 1960, 79 percent of all turkeys produced were slaughtered in plants operating under the Federal inspection program and 84 percent of the turkeys processed in such plants were marketed in frozen form. It follows that approximately two-thirds of all processed turkeys are marketed in the frozen state.

The appearance and quality of the frozen bird is similar to that of the fresh unfrozen bird and frozen turkeys compete directly with the fresh commodity for the preference of the consumer. Because unfrozen birds are highly perishable they are generally locally marketed on the wholesale or retail level (often directly by the producer himself) or marketed within a few hundred miles of where they are produced. The evidence of record indicates that fresh unfrozen turkeys move in interstate commerce, as for example, into New York and New England from Virginia, Maryland, Ohio, and Pennsylvania. Frozen birds on the other hand, can maintain their appearance and quality for a considerable period of time, sometimes in excess of a year, without appreciable deterioration. Shippers of frozen turkeys, therefore, have the ability to move such turkeys great distances in interstate and foreign commerce from the areas where they are produced to markets throughout the country. The exportations of frozen turkeys, although still relatively small, have been increasing. The interstate movement of turkeys is dramatically illustrated by market reports indicating the origin of turkeys received in major terminal markets. Turkeys for the New York market in 1960, for example, originated in thirty-four States. The Chicago market received turkeys from thirty States during the same year, and even the Los Angeles market, located in a State which produces a substantial surplus, received turkeys from four other States in that year.

Turkeys are shipped to, sold in, and distributed in all important markets in the U.S. and they are an established commodity in those markets. There is also futures trading in turkeys on the Chicago Mercantile Exchange.

Communications between buyers and sellers, both in terminal markets and at shipping points, are modern and rapid so that the effect of immediate and future supplies are quickly reflected in the price of turkeys in such markets. Shippers follow terminal markets closely and buy from or settle with producers on the basis of market prices reflecting terminal market conditions.

The price and availability of turkeys produced and marketed intrastate have a direct effect on the marketing of all turkeys wherever produced, and the price and availability of turkeys being marketed from other sources of supply have a direct effect upon the marketing conditions of intrastate turkeys.

Some producers who produce, process and sell, either at wholesale or retail levels, generally receive a premium price for their product commensurate with their marketing or merchandising efforts. The premium received, however, is directly affected by the price and availability of fresh or frozen birds produced locally and in other states and thus varies with supply-demand conditions throughout the entire industry.

In the light of the foregoing conclusions, it is necessary to regulate all marketings of turkeys in the production area in order to obtain the objectives of the act.

The record reveals that the production of turkeys increased over 70 percent during the ten years ending in 1961. The average yearly producer prices for turkeys for these years ranged from 60 to 87 percent of the parity price. In 1961 the prices producers received were the lowest since 1941, averaging 60 percent of the parity price.

From these findings on the record evidence it is concluded that all marketing of turkeys is in the current of interstate or foreign commerce, or directly burdens, obstructs, or effects such commerce. In addition, it is concluded that prices to producers have been such that parity limitations of the Act do not preclude promulgation of a marketing order for turkeys. Therefore, the right to exercise Federal jurisdiction in promulgating and administering a marketing order for turkeys is founded in fact and should be exercised.

(2) The conditions existing in the turkey industry clearly indicate a need for a marketing order for turkeys.

The annual production of turkeys for the ten-year period beginning in 1952 and ending in 1961 ranged from 59.8 to 106.9 million head of turkeys, the low point in production being in 1953 and the high point in 1961. The production in 1959 was 84.5 million turkeys and they were produced on 86,717 farms.

Annual average producer prices during the period 1952–61 declined from the high of 33.7 cents per pound in 1953 to a low of about 20.7 cents per pound in 1961, or a decrease of 38 percent. In addition to a decline in annual average prices over the period the range of monthly producer prices within the years have tended to widen. These trends are illustrated in the following table:

Year	Number of turkeys raised (million head)	U.S. average producer price (cents per pound)	
		Annual	Range within the year
1952	62.3	33.6	5.2
1953	59.8	33.7	2.8
1954	67.7	28.8	6.9
1955	65.6	30.2	3.8
1956	76.8	27.2	5.4
1957	81.4	23.4	4.8
1958	79.6	23.9	5.3
1959	84.5	23.9	7.8
1960	84.7	25.4	4.6
1961	106.9	[1] 20.7	8.0

[1] Estimated.

Annual average farm prices for turkeys were less than the parity prices in each of the ten years. The annual average farm price to parity price relationships ranged from 60 to 87 percent, with the

low point in 1961 and the high point in 1953.

During the major marketing months of 1961, i.e., October through December, U.S. average producer prices ranged from 17.4 to 18.6 cents per pound. These prices were the lowest since 1941 and were 50 to 54 percent of the parity price. The average prices prevailing in 1961 were below the costs of production, not considering returns to labor and management, and resulted in losses of 5 to 6 cents per pound or approximately a dollar per bird.

During the ten year period 1952–61, the turkey industry showed its proclivity to adopt scientific and technological advancements and thereby increase the volume of its production to the extent that the volume of turkeys the industry can now produce exceeds a consumer demand for the product which will result in a reasonable price to producers. In 1961 the turkey industry dramatically demonstrated its ability to produce substantially more product than the market would absorb at a profit to even the most efficient producers. Turkey production in 1961 exceeded 1960, the last highest production year, by 26 percent. This volume so exceeded the demand that it resulted in producer prices well below producer costs reported by producers to be about 21 to 23 cents per pound. Substantial losses were sustained by efficient as well as inefficient producers, by small and large producers, and by producers who had held their production at the 1960 level as well as those who had increased their production.

Turkey growers, as individuals, are not in a position to cope with the industry-wide problem of keeping supplies in line with the estimated demand to achieve reasonable profit levels. Cut backs in one area, or by individual producers, are annulled by increases in other producing areas or by other producers.

Statistical reports issued by the Department late in 1960 and early in 1961 clearly demonstrated that the 1961 crop of turkeys would be significantly larger than the 1960 crop. The October 1960 survey of producers' intentions to hold breeder hens for 1961 production, for example, indicated an increase in breeder hens of 23 percent. The number of breeder hens on farms January 1, 1961, which information was available to the industry in mid-February, showed numbers were up 27 percent from a year earlier. A survey of producer intentions to raise turkeys in 1961, issued in mid-January 1961, indicated an increase in production of 20 percent. With this knowledge in hand the industry organizations tried to get producers, on a voluntary basis, to cut back the indicated high level of production. The effort was completely unsuccessful.

The inability of the industry to make adjustments resulting in a stable and orderly marketing condition is occasioned in great part by the development and changes in the pattern of production. The turkey industry has, over a period of years, made continuous progress toward greater efficiency of production and marketing. Better strains of birds, improved feeds, new management and disease control techniques, labor-saving equipment, and larger production units have helped growers produce and market turkeys at a declining per unit cost. Technological gains have thus permitted a continued expansion in turkey output despite a long range downward trend in prices.

The technological developments, and resulting gains in efficiency in the turkey industry have made possible and encouraged a marked trend toward fewer, larger, and more specialized production units. Substantial investments have been made in these units, and there are few, if any alternative uses to which these resources may be directed. These large specialized units operate on a low cost per unit basis and are dependent on large volume production. This condition provides incentive to maintain or increase volume production and a marked tendency to avoid reducing production on the theory that because of their high volume they can survive on a low per unit profit.

Concurrent with the development of large specialized production units has been the development of large hatcheries, feed mills, and slaughterers. Because of the heavy investment in such facilities, every effort is made to keep them operating at capacity. Several methods are being used by such firms to accomplish this objective; the contracting for production, in some cases at a specific price as with a nonloss provision to the producer; the advancing of credit for feed, poults, and other requisites of production, and the integration of the growing operation with the hatchery, feed manufacturing, and processing operations. In many cases these interests, through their contract and credit operations, have had the effect of encouraging production without regard to the need therefore. An assured outlet for poults and feed is an advantage to the producers and purveyors of these products but has not been a corresponding advantage to the grower of turkeys since the increase in turkey production which has resulted therefrom has caused the returns to turkey producers to decline.

Because of the development of the large specialized production units, and the other influences on production discussed above, voluntary production adjustments to obtain a favorable supply-demand relationship cannot now occur as rapidly or to the same degree as in the past. Prior to the development of the large specialized production units made possible by technological developments, the production units were of necessity, usually small and were usually only one of several enterprises on the farm. In this situation voluntary restriction of production by the producer could be and was made without harsh economic effects since another enterprise of the farm would help soften the impact of such adjustment. There are of course, a good many of such small production units presently in operation which could make such an adjustment but so great a percentage of the total volume of annual production is presently produced by the large specialized production units that any voluntary restriction of production by such a small producer would not be sufficient to offset the production of the large volume units. Evidence of this fact is the testimony of many such small producers that they restricted their production for 1961 without noticeable effect on the total volume produced for the year.

Many witnesses at the hearing testified that although overproduction had caused them to lose money on their turkey production, they still felt that the industry could make production adjustments on a voluntary basis to bring production of supply in line with demand. They testified further that such an adjustment is currently taking place in that producer intentions to raise turkeys in 1962, as reported by the Department in January 1962, indicated a 12-percent drop in production from that of 1961. However, if such an adjustment is made, it is further evidence of the fluctuating production and marketing conditions prevailing in the industry which tend to cause disorderly marketing. The evidence of record also reveals that such production adjustments, under the current situation, would in part be accomplished by the small independent producer being forced out of turkey production. The evidence reveals that the small independent producer does not have sufficient financial resources to withstand continuing periods of loss. Such losses can be handled only by the larger segments of the industry who have or can obtain the necessary resources.

It is the declared policy and objective of the Agricultural Marketing Agreement Act of 1937, as amended, to establish and maintain such orderly marketing conditions for turkeys as will provide parity prices to farmers with due regard to the interest of the consumer and provide an orderly flow of turkeys throughout the normal marketing seasons so as to avoid unreasonable fluctuations in supplies and prices. On the facts found, it is concluded, therefore, that need exists for a turkey marketing order as hereinafter set forth and such order will tend to effectuate such declared policy of the act.

(3) The commodity to be regulated by this order is the domesticated fowl commonly known as turkey and technically known as Meleagris gallopavo. Such turkeys are produced in varying quantities in all States of the United States and are commercially marketed throughout the United States. Such term is defined for the purposes of the order to include all varieties or types where grown and marketed within the production area.

"Production area" should be defined to include the 48 contiguous States of the United States and the District of Columbia. Production and marketing methods are similar in all parts of the production area although, primarily because of climatic conditions, and location relative to markets, there are some variations in husbandry and marketing practices. The commercial practices in processing turkeys do not differ to any significant extent throughout the production area. In fact the processing and packaging of frozen birds is so similar that turkeys produced and processed in one State are indistinguishable from those which are produced and processed in another State. As indicated previously a significant proportion of the turkey crop is frozen, a condition which has allowed turkeys wherever produced in the production area to move freely between States and to compete in price and for markets with a locally produced product whether fresh or frozen. An example of such freedom of movement is the marketing in New York City of turkeys produced in the states of California and Minnesota.

The proposals contained in the hearing notice dated November 2, 1961 (26 F.R. 10286), included the States of Alaska and Hawaii in the proposed production area. The proposed order herein excludes such States. The Agricultural Census for 1959 reports 4 producers of turkeys with 12 birds produced in Alaska and 122 producers with a total production of 3,891 birds in Hawaii. The contiguous States and the District of Columbia form a natural production area with turkeys moving freely between them to supply the markets in the production area. The States of Alaska and Hawaii are divorced from this natural boundary by their geographic locations. They are further distinguished from the proposed production area in that they, historically, have not been, and are not now, a source of supply for the turkey markets within the production area.

For the foregoing reasons there is no reasonable method for dividing the production area into smaller units for purposes of marketing orders. The territory included within the production area constitutes the smallest regional production area that is practicable and consistent with carrying out the policy of the act.

On the facts above found on record evidence, it is concluded the production area should be defined as including all the area in the 48 contiguous States of the United States and the District of Columbia.

(4) "Handle and handler." The handling of turkeys should be defined as the slaughtering, or the receiving for slaughter, of turkeys in the production area for the production of meat or the disposition of processed turkeys by the slaughterer thereof. A "handler" is a person who "handles" turkeys. The handler is the person who, under the applicable terms and conditions of the marketing order, is responsible for slaughtering and processing the turkeys. The "handler" is the person upon whom rests the obligation of complying with the terms and conditions of the marketing order. Before a turkey can be marketed to the consumer it must be slaughtered. Slaughtering is done by persons operating plants for that express purpose, and by persons operating processing plants where turkey is processed for the consumer market and into many types of products including turkey rolls, parts, soups, prepared frozen dinners and a host of other products utilizing turkey meat. Turkeys are also slaughtered and marketed directly by producers themselves. In all instances, however, the turkeys are slaughtered before they are marketed to the consumer. The handler definition encompasses both the receiving for slaughter and the disposition of processed turkeys by the slaughterer thereof. These qualifications are necessary in order to allow effectuation of the volume regulations and other provisions of the order.

There are producers who have their turkeys slaughtered and processed by a handler on a fee basis. In such instances the producer retains title to the processed turkeys and markets them himself. This has been referred to as custom processing. Since the actual slaughtering was done by a person other than the producer, the person who did the slaughtering, and not the producer, should be the handler.

Although many persons may be involved in the actual marketing of turkeys in the channels of commerce they must all get their supplies from, or have the supplies processed by, a handler. Accordingly, the point of regulation of the order should be at the handler level.

Handlers, in acquiring turkeys for handling, should be permitted to do so only as prescribed by the order or by regulations issued by the committee pursuant to the order. It is contemplated that the committee will prescribe means, by certificates or otherwise, by which the source of the handlers acquisitions may be identified.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing order. Such terms should be defined and explained for the purpose of designating specifically their applicability in establishing the limitations of their respective meaning whenever they are used.

(a) *Definitions.* "Secretary" should be defined to include not only the Secretary of Agriculture of the United States, but also, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which the marketing order is promulgated and administered. Repetition of the citation, therefore, is unnecessary when used thereafter in the marketing order.

The definition of "person" follows the definition of that term as set forth in the act, thereby insuring that it will have the same meaning as when used in the act.

"Quantity" should be defined in the order as meaning the weight of live turkeys at the time of receipt by a handler or other person.

Under the volume regulation provisions of the order producers are equitably apportioned their share of the desirable quantities of turkeys. There are many types or varieties of turkeys produced in the production area. Some, commonly called fryer-roasters, are generally of the Beltsville variety having a live weight of about 8 to 12 pounds. Others, such as Bronze toms, are generally in excess of 18 pounds. The "quantity" definition allows the committee to make apportionment to producers in live weight pounds, rather than by type of turkey. This has the advantage of allowing the producer freedom to change the type of turkey he is producing to meet changes in consumer preferences. Live weights can be readily converted to a very close approximation of the number of head of turkeys involved if the age, sex, and type of birds are known and the committee is authorized to develop and, by regulation, issue conversion ratio figures so that all such conversions can be made on a common standard. Statistics relating to the volume of turkeys produced generally indicate the volume in both head count and live weight.

The quantity definition sets the weight of live turkeys at the time of receipt by a handler or other person. Inclusion of "other person" in the definition recognizes a practice wherein producers sell live turkeys to other producers and to other persons who then arrange for the handling of the turkeys. "Other person" is intended to include other producers. Turkeys so marketed by the producer thereof will be included as a part of his historical marketing for base computation purposes.

It had been proposed that the quantity definition include "weight at the time of shipment to a handler" as well as weight at time of receipt by a handler. However, receipt of the turkeys by a handler or other person is accomplished when the weight of the turkeys have been established whether at the farm, the plant, or at some public scale in between. Accordingly, the words "at the time of shipment" are redundant and unnecessary and have been omitted.

It had also been proposed that the definition of quantity includes the live weight equivalent of processed turkey. Processed turkey is defined separately and is not necessary in order to determine the quantity of turkeys a handler may acquire. It, therefore, is not included in the proposed definition of quantity.

"Processed Turkey" is defined in the order as eviscerated turkey (ready to cook) or the equivalent thereof of New York dressed or Kosher processed turkey. This definition recognizes that turkeys are processed in different forms to fill consumer preferences and the same turkey will have a different weight depending on the form in which it is processed. Since handlers will be assessed the costs of administering the order and since each handler's pro rata share of such costs must be determined equitably, irrespective of the way the turkeys are processed, the definition of processed turkeys provides for a method of determining and pro rating such costs. The committee by regulation would establish a schedule of conversion factors for the different forms of processed turkeys for this purpose.

"Exempt handler" should be a handler who handles less than a quantity of 7,000 pounds or approximately 400 turkeys per year. Handlers in this category are exempt from all except the record keeping and reporting requirements of the order. This provision recognizes that small quantities of turkeys are handled

on the producer's farm, in wholesale establishments, or in some cases, by retail meat outlets. The handlings by these handlers are sporadic and the volume handled will have little noticeable effect on the purposes of volume regulation of the order. Further, the application of the set-aside provisions to these handlers would be a substantial burden upon their operations without noticeably contributing to the volume regulating effect of the set aside.

Such handlers are also exempt from assessments because the amount of their contribution would usually be so little as to be offset, and in some cases exceeded, by the committee's costs in collecting the assessment. Such handlers, however, may be required to file such reports and keep such records as the committee may require to verify the handler's exempt status and furnish information to the committee necessary for the efficient administration of the order.

By being exempt from the volume regulations of the order, the exempt handler may acquire for handling up to 7,000 pounds of turkeys from any source, including producers, without regard to the volume regulations on turkeys under methods I and II of the order.

"Production facilities" should mean the land, buildings and equipment utilized in the production of turkeys. This definition is necessary to describe the facilities utilized in producing turkeys by a producer-grower and is one of the factors which distinguishes a producer-grower from a contract-producer.

"Market" should mean the disposition by a producer of a quantity of turkeys to handlers, producers or other persons.

The word "market", or derivatives of it, is used in various provisions of the order and this definition is necessary to prescribe its limitations. In order for turkeys to be marketed such marketing must be done by a producer to a handler, to another producer, or to other persons not qualifying as handlers or producers under the order.

A "producer" under the order should be a person, other than a producer-handler, who falls within either of two categories or classes. The first is the producer-grower and the second is the contract-producer.

A "producer-grower" should be a person (1) who operates production facilities in a proprietary capacity, (2) who produces in excess of a quantity of 3,600 pounds of turkey on such facilities in a year, and (3) whose turkeys from his production are marketed to a handler.

A "contract-producer" should be a person who has a proprietary interest in turkeys produced by a producer-grower.

In order to qualify as a producer under the order a person must meet each of the applicable conditions set forth in the definition. A person who produces and handles his own production is not a producer since it is considered that the predominant part of such an operation is the handling of the turkeys.

With regard to a producer-grower the first conditions to be met is that a person must operate, in a proprietary capacity, production facilities on which turkeys are produced. Proprietary capacity is used in the defintion to distinguish between the grower and persons merely employed to supervise or manage the production operation. If the farmer or grower has a contract for the production of turkeys where the risk of loss is shared, or is even solely on the other person, the grower would still be a producer since his business, i.e. his proprietary capacity is the farm on which the turkeys are grown. There are many types of financing contracts in use by the industry and some such contracts purport to give control over the production facilities of the grower to the other person, who is usually a contract-producer as defined. However, a test to be applied for the purposes of the order is whether the contract is such that the control of the real estate and facilities is its primary purpose and the turkeys secondary as contrasted with the primary purpose or intent of the contract being to provide financing of turkey production and control over the real estate i.e. production facilities, are provided in order to insure participation in the control over the production of turkeys. In the latter case the grower would be the producer-grower under the order and on the farmer would not.

The second condition which should be met in order to be a producer-grower is that a quantity in excess of 3,600 pounds of turkey marketed from the production facilities of the grower in a year. Any person who marketed less than a quantity of 3,600 pounds of turkey would not be a producer; 3,600 pounds amounts to about 200 turkeys using the national average of about 18 pounds per turkey. The total production of such persons is rather small. Using the information supplied by the agricultural census of 1959, and taking the midpoint of production on farms producing under 50 and between 50 and 399 birds, the farm which produced under 200 turkeys would account for less than 4 percent of the national turkey production. In addition the production of such turkeys is sporadic and dispersed widely throughout the production area, and their marketings are usually limited to markets within a few miles of where produced. In view of these conditions marketings of these turkeys are not of such significance as to be included within the realm of the order. The fact that persons marketed less than a quantity of 3,600 pounds of turkeys would not be producers under the order would in no way preclude handlers from acquiring their turkeys since such acquisitions by handlers are allowed under regulations of the Committee.

The third condition which should be met to be a producer-grower is that production of such persons must be handled by handlers other than exempt-handlers or producer handlers. Such handling of turkeys by the handler is intended to include all the means by which a handler acquires the production of a producer including the handlers custom processing of turkeys for the account of the grower.

The impact of regulation under the order is upon the handler and volume regulation is effectuated by limiting the quantity of turkeys a handler may acquire or dispose of. Live turkeys are the subject of many transactions between producers and other persons not handlers. Since the order does not regulate producers in their capacity as producers, it does not regulate their transactions. Accordingly, the turkeys produced by producers and such other persons come under the regulation only as they are acquired by handlers. Since the total quantity of turkeys which all handlers may acquire are apportioned equitably among all producers, it is logical to define a producer as one whose production of turkeys is handled by a handler.

To qualify as a contract-producer under the order a person should have a proprietary interest in turkeys from the production of a producer-grower. Accordingly two conditions should be met. The first is that the turkeys in which a contract-producer is involved must be produced by a person who qualifies as a producer-grower under the order. The second condition is that the person must have a proprietary interest in the turkeys produced by a producer-grower. "Proprietary interest" should be defined as sharing in the risk of loss in a producer-grower's production of turkeys through a direct contractual relationship with the producer-grower. The sharing of such risk is usually occasioned by a contract between a producer-grower and one who furnishes the financing of the production operation. Such financing usually takes the form of an extension of credit for the supplies necessary in the production of turkeys and/or furnishing such supplies. However, in order that such person have a proprietary interest in such turkeys it should be shown that the contract provided that the financing persons shared or bore the risk of loss of the operation. There are a substantial variety of contracts being utilized in the industry and they contain varying provisions on the rights and liabilities of the parties.

Certain of such contracts are the chattel mortgage or security type which result in obligating the turkeys and/or other property as collateral to secure the credit or financing advanced to the producer-grower. In some instances the balance of the debt resulting from the financing may be cancelled by the financier at the completion of marketing of the turkeys if the returns from the turkeys are insufficient to cover the producer-growers costs of supplies. Although this type of situation can be considered as sharing in the risk of loss of the production of turkeys it is not the type of risk which is contemplated under proprietary interest. A test which might be applied to determine proprietary interest risk of loss might be as follows: Under the terms of the contract, is the producer-grower obligated to the financing party for the full amount of financing regardless of the returns from the disposition of the turkeys or does the contract provide that if the returns from the turkeys are less than the financing then the difference shall be shared by the financing party and the producer-grower or borne entirely by the financier.

In the first instance there would be no proprietary risk since the party advancing the financing, by way of credit for feed, poults, supplies, or otherwise, has an enforceable right under the contract to be paid back by the producer-grower the amount which was advanced. In the latter instance the financing party's advances would be legally satisfied by the returns of the sale of the turkeys regardless of whether such returns were more or less than the amount advanced. Title to the turkeys is not necessarily a determining factor since in almost every financing type of contract, whether risk sharing or not, a security title is held by the financing party.

The assumption of sharing of the risk of loss, i.e., having a proprietary interest, in the turkeys is the basis upon which such a person is eligible for producer status under the order. Historically, the entire risk of loss of producing turkeys has been borne by the producer-grower. However, in recent years there has been an increasing tendency by the producer-grower to share that risk with others with the result that the production operation has been divided into two parts. On one hand the producer-grower contributes his time, labor, facilities, and management know how, and the other party contributes the financing. Both are integral parts of the production process. The definition of producer recognizes this fact by including as a producer, a person who has a proprietary interest in the turkeys. Analysis of the proprietary risk language as set forth in the recommended decision and proposed order indicated that such language was rather broad and might be construed to extend proprietary interest beyond that which was intended. For example, a feed dealer may have a risk type contract with a grower and also a contract with his feed supplier or manufacturer wherein the latter agrees to share dealers' losses occasioned by dealer-grower contracts. In such situations one interpretation of the producer definition might allow the feed manufacturer a share of the grower's base even though there was no contractual relationship with the grower and even if the grower had no knowledge of the dealer-feed manufacturer relationship. Such is not what was intended by the language of the proposed order or of the record evidence relating to the producer definition. Accordingly, the definition of proprietary interest has been changed to make it clear that the sharing of risk of loss doctrine applies only to those who have a direct contractual relationship with the producer-grower.

In determining the relative shares or interest of a producer-grower and a contract-producer in a quantity of turkeys for base computation purposes, the order provides that each shall be deemed to be a producer of one-half the turkeys produced under such a contractual arrangement. It is recognized that the proportionate share of risk is a matter of negotiation between parties. However, in determining the actual or real risk of each party would require an analysis of the actual costs of supplies to the contract-producer and a determination of the costs of the producer-grower's labor, management know-how, depreciation of production facilities and other factors. These factors were apparently considered by the proponents of the proposal and by witnesses at the hearing and the one-half split was supported as logical and proper. There was virtually no opposition to this proposal at the hearing. In addition, historically the production of turkeys was controlled entirely by the producer-grower. In recent years, however, the production process has been divided. On the one hand the grower supplies the facilities, labor, and management know how and on the other hand, the contract-producer provides the supplies and/or the financing for the operation and frequently a degree of supervision and also shares a portion, if not all, of the financial risk of loss of the operation. In these circumstances the one-half division of the production between the contract-producer and the producer-grower for the purposes of the order appears to be equitable.

If there are one or more contract-producers involved in the production of a producer-grower then one-half the production should be divided among the contract-producers. This is necessary in order to provide equitable treatment to producer-growers. Otherwise a situation would result wherein one grower would have his production split three or more ways because several contract-producers shared in the financing of his production whereas another grower who might have received the same amount of financing from one contract-producer would share only one-half of the production with the contract-producer. This arrangement is also equitable to contract-producers in that it recognizes that if there is more than one such producer sharing in the risk of loss the risk to each is less than if there is only one.

While the vast majority of the contracts between producer-growers and contract-producers are in writing, there may be some similar arrangements on an oral contract. In such cases the burden of proving the contract should logically be on the party asserting it.

An "exempt producer" should be a person who operates production facilities on which a quantity of not more than 3,600 pounds of turkey are marketed in a year. As indicated in the discussion of the definition of "producer", the volume of turkeys produced by an exempt producer does not have a significant impact upon the purposes of the order and handlers, therefore, may freely acquire for handling such turkeys under procedures issued by the committee.

The order should contain a definition of a producer-handler. This definition recognizes a rather common type of production and marketing in the turkey industry. There are many turkey producers in the production area, notably in the northeast and in areas which are proximate to large urban populations, who slaughter birds of their own production and then retail such birds in such urban areas, usually in fresh unfrozen form. Such producers usually produce for a specific market which they have developed by dint of their merchandizing efforts and their production is relatively minor in relation to the total production of turkeys. Producer-handlers of the size prescribed in the order usually operate handling facilities which are not federally inspected and consequently, their turkeys do not move in any significant volume in interstate commerce but are marketed in areas proximate to where they were produced. Although these turkeys are sold in areas where turkeys from other states, fresh or frozen, are marketed, the producer-handler has, through his merchandizing efforts, and in providing special preferences or services to his customers, developed a special market for his product in which he usually receives a premium price for his product which is in excess of the prices of non producer-handler turkeys being sold in the area. Since the handling and marketing are the key or focal points of a producer-handler operation, a person who produces and handles turkeys in this fashion is considered a handler and not a producer under the order. The application of the assessment, set aside, and handling restriction provisions of the order might tend to force these persons to discontinue their operations. In view of the specialized nature of the operation and markets of a producer-handler, it is desirable to allow such persons to continue providing their services to the consumer. A producer-handler, therefore, is exempted from these provisions of the order. They are, however, subject to the record keeping and reporting requirements of the order.

The order prescribes definite limitations on a producer-handler in that such a person is defined as one who (1) in his own handling facilities (2) handles a quantity of not more than 100,000 pounds of turkey per year (3) of which not more than 5,000 pounds are other than his own production and (4) except for a quantity not in excess of 5,000 pounds does not deliver any turkeys from his own production to others during the marketing year. Each of these conditions should be satisfied before a person can become a producer-handler.

The first requirement is that a person must operate his own handling facilities. A person who has turkeys custom processed would not be a producer-handler. A person with this type of operation would not be a handler under the order and, therefore, would not be regulated.

The next requirement is that such person may not handle a quantity of more than 100,000 pounds of turkeys per year. This is approximately 5,000 head of turkey. The record reveals that the vast majority of persons having a producer-handler type operation fall within this quantity of handling. The total quantity of turkeys so handled is relatively small compared with the total volume handled by handlers and the markets of a producer-handler are usually seasonal and scattered in area so that producer-handler operations of this size will not significantly affect the purposes of the order.

The next two requirements of a producer-handler are that he must not

handle more than a quantity of 5,000 pounds of turkey which are not of his own production and must not dispose of to others more than 5,000 pounds of his own production. This recognizes that disease, weather conditions, and other factors make it difficult, if not impossible, to produce an exact number of pounds of turkeys. The definition allows, therefore, a producer-handler to either buy or sell up to 5,000 pounds of live birds respectively so as to maintain a stable handling operation. The evidence reveals that a producer can produce within 5,000 pounds of a specific quantity of turkeys.

Some witnesses testified that a producer-handler should be frozen to the quantity of turkeys handled during a given base period, otherwise all producer-handlers would produce and handle the 100,000 pound maximum quantity and that if all did this the effectiveness of the volume regulation provisions would be impaired. The evidence of record, however, reveals that there is little likelihood this situation will occur. The production and handling of producer-handlers has not shown a tendency to increase over the years. In fact their tendency is in the opposite direction in that their production and marketing either has not varied appreciably from year to year or, notably on the eastern seaboard, has shown a marked tendency to decline over the years, their highest quantities being handled during and immediately after the war years. The per unit costs of a producer-handler, both in producing and handling, is higher than individual handler and producer operations so that it is necessary for them to obtain premium prices in order to continue their operations. These factors plus the continued trend of retailer and consumer preference to the convenience of handling and storage of frozen turkeys will effectively hamper the growth in size of a producer-handler.

The order, under the section Application of Provisions, requires that starting February 1, 1963 any person not then a producer-handler must make application to the committee for that status. The committee, in determining whether to approve such application may determine the effect of producer-handlers on the volume regulation provisions of the order and may refuse to approve applications for such status if they determine that additional producer-handlers may adversely affect the effectiveness of such volume regulations.

One of the purposes of exempting persons in the producer-handler category is such persons have usually been operating such a business for a number of years and that the impact of assessments, set aside, and restrictions on quantities which they may acquire for handling, would be such as to force them out of business. Such considerations are not applicable to persons not presently a producer-handler and the committee, after a period of operation under the order has the authority to determine whether the purposes of the order would be best served by approving or disapproving such status. February 1, 1963 is the start of a new marketing year. The time between the effective date of the order and February 1, 1963, therefore, gives persons with the producer-handler type of operation who may be outside the prescribed producer-handler limitations a reasonable opportunity to adjust their production and handling to comply with the limitations.

"Year and marketing year" are synonymous and mean the 12 month period beginning February 1 of each year and ending January 31 of the following year. The marketing year has been set up to conform with the recognized marketing year of the industry. The record reveals that producer marketings are at or near their seasonal low in February. Also that cold storage holdings on February 1 are relatively high and from February through July are generaly on the decline. It is during this period that the new crop is being produced for marketing in major volume during the fall and winter. "Year" has been included as part of the definition so as to make it clear that years prior to the effective date of the order would be "marketing year" periods and not calendar year periods in computing allocation basis and for applying the definitions of the order. This will allow for consistency in applying the provisions of the order.

(b) *Turkey Advisory Board.* There should be established a Turkey Advisory Board to provide a broad representation within the industry, with the opportunity of drawing on the advice and knowledge of many persons, to advise the administrative committee on marketing policy and other matters and to provide a means to nominate to the Secretary the members and alternates of such committee. The board should be composed of 57 members and alternates nominated by the industry from the states set forth in the order, and 3 representatives-at-large and their alternates, to be selected at the discretion of the Secretary.

Each of the fifty-seven members of the board selected by nomination should be a producer or handler or an officer or employee of a corporate producer or handler. A person with such qualifications should be intimately acquainted with the problems of producing or marketing of turkeys, and each may be expected to present accurately the problems incident to production or marketing of turkeys produced in the area or part of the industry which he represents. The qualifications for each alternate should be similar to those for the respective member for whom he may act. Such qualifications should help to assure that the interest of the group from which he is selected will be adequately represented in board and committee deliberations.

The States or groups of States for which the fifty-seven of the board members would be representative were initially proposed by the National Turkey Advisory Committee and it is concluded such grouping is an appropriate basis for providing a fair, adequate, and equitable representation on the board.

The three members of the board who would be representatives-at-large would be selected at the discretion of the Secretary. The Secretary's three selections could very well round out the membership of the board if it is found that the nominees are unbalanced as to producer or handler representation. For instance, the nominees from the Northeast area may turn out to be all handlers (or producers). In such event one of the Secretary's selections could be a producer (or handler) from that area to insure that the board has the benefit of the knowledge and experience of both segments of the industry in that area. Similarly, the board may be further rounded out by a consumer representative appointee.

It is practical and equitable that selection of the fifty-seven board members and alternates should be on the basis of the States and groups of States provided for in the proposed marketing agreement and order. This would provide a geographical basis for selection of such members. Such geographical basis should be, and for purpose of initial membership has been, related to the relative production of turkeys within the United States so that a practical basis for establishing equity has been reached. The proposed distribution of members on the board also would equitably represent producers and handlers in the various producing areas, and would adequately represent the interests of the groups from which each member and alternate would be selected.

Terms of office should be for three-year periods, the term ending on the last day of January. A three-year period recognizes the need for continuity of membership on the board. This continuity is further recognized by having one-third of the board nominated each year. During the three-year period, the board and committee should have full opportunity to determine, test and correct working policies. This could be adversely affected by periodic appointments of inexperienced persons to the board. At the same time the industry by nominating one-third of the membership of the board each year has an opportunity to express their views on the board's policy without resorting to the referendum procedure.

To permit a full complement of members and alternates, each person should serve until his successor has been elected and has qualified by accepting his appointment. At the initial nominations, in order to effect the staggered terms of office, one-third of the board should be nominated for a term of 1 year, one-third for 2 years, and one-third for 3 years. Since the nominations will be made from each of the States of the continental United States and there may be difficulties in getting all interested persons together to decide on such staggered terms, it is appropriate that such staggered terms be determined by the Secretary or under techniques determined by him.

Nomination meetings for the purpose of selecting nominees for members and alternates on the board should be called and supervised by the committee. The committee functions as the administrative agency of the board and the Secretary for administering the order and its staff and organization make it the logical body to organize and supervise the nomination meetings. However, for the initial nomination meetings, which

should be held as soon as practicable, the Secretary should perform the functions of the committee. This is necessary because the committee will not be in existence at the time such initial meetings are held.

The meetings, of course, should be held in the States or group of States listed in the order and reasonable publicity should be provided for such meetings. The meeting should be held at such time as will allow the committee sufficient time to certify the nominations to the Secretary by January 4 each year.

Only producers and handlers as defined in the order should be eligible to vote. The prime purpose of the board is to develop and recommend policies to the Secretary which will directly affect producers and handlers and, therefore, these persons should be the ones to elect nominees for membership on the board. For this reason, also, only producers or handlers should be nominees for membership on the board.

Three nominations should be made for each member position which would also be deemed to be the nominations for such member's alternate. Under this situation the Secretary would have a choice in making selections of the member and the alternate. In addition, if a nominee is ineligible or declines to serve, the Secretary would also have the name of another prospective member or alternate from which to make a selection. Each producer and handler participating in the industry meetings should be limited to one vote for each nominee position. If a person qualifies as both a handler and a producer, such person should have the same number of votes as a person who operates in a single capacity. Otherwise, persons with such dual capacity would have an advantage over persons who operate in a single capacity in determining membership on the board, and, therefore, defeat the purpose of having fair and equitable representation of each segment of the industry on the board.

The committee should certify the election of the nominees to the Secretary and such certification should contain a summary of the nominees' experience and association with the turkey industry. This information is necessary to acquaint the Secretary with the nominees' qualifications so that in making the appointments to the board he can, in so far as possible, assure fair and adequate representation of the various segments of the industry. The certifications should be filed with the Secretary no later than January 4 of each year. This would allow the Secretary a fair and reasonable time to select the membership of the board whose terms of office would begin on February 1.

The duties of the board shall consist of selecting from among its members a chairman and other officers and establishing procedures for performing its functions. This is necessary to allow the board to carry out its functions in an orderly and business like manner.

The board shall also make nominations for membership on the committee and certify those nominations to the Secretary. The major duty of the board also is to make recommendations with respect to marketing policy. This facet of the board's duty is discussed in more detail elsewhere in this decision. In order to avoid a failure to anticipate all the matters which may be placed before the board, there should be a general provision in the order which states that the board may give consideration to such other matters as it deems proper or as the committee or the Secretary may request.

(c) *Turkey Administrative Committee.* There should be established a turkey administrative committee to administer the terms and provisions of the marketing order. Establishment of this administrative committee is desirable and necessary to aid the board and the Secretary in carrying out the declared policy of the Act. Such committee would be the agency which would implement the policy decisions of the board and Secretary and to carry out the day to day administration of the provisions of the order. The committee would consist of 19 members and for each member there should be an alternate member. Only members or alternate members of the board should be eligible for membership on the committee and such member or alternate should continue to serve on a committee only so long as he is serving as a member or alternate member of the board. A committee of 19 is appropriate in that it is approximately one-third of the membership of the board and that number would provide a reasonable representation of the makeup of the board. A committee of 19 is also such that it can operate efficiently. Any larger number would tend to be cumbersome and inadequate to make rapid decisions which the committee may be called upon to make. Of the 19 members of the committee, one of such members shall be the chairman of the board. This individual shall also be chairman of the committee. By having the same individual as chairman of the board and the committee, effective liaison between the board and committee is accomplished as well as insuring that the board's policies as annunciated are properly interpreted and implemented by the committee.

Nominations for committee membership shall be made by the board from among its members and alternate members. This means that alternate members of the board may also be eligible for membership on the committee. This is reasonable as the board might find that certain of its alternate members may be so qualified that their services as members of the committee may be advantageous to the carrying out of the board's and the committee's functions. All nominations for committee membership should be certified to the Secretary as soon as practicable following nomination so that the Secretary may be appraised of the board's selections. The board should nominate 38 nominees to be certified to the Secretary and the Secretary shall then appoint 19 of the such nominees as members of the committee and 19 to serve as alternate members.

Members and alternate members of the committee shall serve for terms of one year ending on January 31. This period conforms to the marketing period proposed in the order. The terms of office of the committee are such that newly elected members of the board who may be elected to the committee can adequately reflect producer sentiment of the board's policy.

To assure continuity of the committee each such member and alternate member should continue to serve until his successor is elected and has qualified. Such qualification would amount to the nominee for committee membership notifying the Secretary that he is willing to serve in such capacity.

The enabling Act provides in section 608c(7)(C) for the selection by the Secretary of an agency to administer the order and also specifies such agency's powers. These powers should be enumerated in the order and thus would serve to notify the committee and other interested persons, as to extent of its powers. There should also be set forth in the order the several duties which the committee shall have in administering the program. The proposed duties are similar to those specified for other administrative agencies under federal marketing order programs and are essential to enable the committee to function efficiently and discharge its responsibilities. The listing of duties are not all inclusive and other additional duties which may be essential to the full administration of the program may be assigned the committee, by the board or Secretary.

(d) *Selection of board and committee membership.* In making selections for board and committee membership the Secretary shall give major recognition to turkey producers including consideration of the size, nature, and location of their production operations. This will assure that the board and committee in their policy considerations and implementation of such policies will adequately represent the views of all the producing segments of the industry. The Secretary in his selection shall also give consideration to reasonable handler representation on the board and committee so as to insure that the board and committee can have the views of all segments of the industry.

In order to assure the existence at all times of a board and administrative agency to administer the program, the Secretary should be authorized to select members of the board or committee without regard to nominations if for any reason they are not submitted to him in conformance with the procedure prescribed in the marketing order. Such selections should, of course, be on the basis of the representation provided in the marketing order.

Each person selected by the Secretary as a board or committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such a capacity. This requirement is necessary so the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

Also to insure that all portions of the production area are adequately represented in the conduct of the board and committee's business and that continuity

of operation is not interrupted the marketing order should provide for alternate members to be authorized to act in the place and stead of the member during the member's temporary absence or in the case of death, removal, resignation, or disqualification of the member.

It is also desirable and necessary that the Secretary be authorized to fill committee vacancies without regard to nominations if nominees to fill such vacancies are not made available to the Secretary within 40 calendar days after such vacancies occur. This requirement is necessary to maintain continuity of board and committee operations and to insure that both producers and handlers are adequately represented in the conduct of board and committee business.

A quorum of the board should consist of not less than 30 members and a quorum of the administrative committee should consist of at least 10 members. This would not only insure that a majority of the members must be in attendance at the meeting, but would also help to assure that the representation by present would reflect an accurate and representative cross section of industry thought and attitudes. After the board and committee have been operative for a period of time they may conclude that the effectiveness of the administration of the order program may be improved by changing the quorum requirements. In such case authorization is provided to allow a change in such quorum requirements by the Secretary upon recommendation of the board or committee. Proxy voting is not intended. Therefore all votes other than those cast by mail or telegram should be cast in person in order that all members may participate in the discussions and present the views of their constituents. If for any reason a member is unable to attend the meeting he should arrange for his alternate to attend and vote in his stead.

The committee should be authorized to vote by mail or telegram as it may be necessary at times for the committee to act more promptly than a meeting in person would allow. Since the membership of the committee may be from all parts of the United States, these methods are intended to expedite committee action better to meet time necessity. When such vote methods are used, however, the proposition to be voted upon must first be explained accurately, fully, and identically by mail or telegram so that all members will have the same facts upon which to base their decision. However, since this method of voting will not have the advantages of the discussions which would prevail at a personally attended meeting, the quorum to carry such a vote should be set at 14 members in order for the proposition to be carried. Because marketing conditions often change rapidly, it is essential that the committee should be permitted to take prompt action necessary to properly protect the industry's interest.

Board and committee members and alternates while on board or committee business will necessarily incur some expenses. These expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of his service to the board or committee. Also, compensation at rates to be determined by the committee, with the Secretary's approval, is authorized since committee members may incur additional expense with respect to their own affairs when attending to board or committee affairs. These provisions should also extend to alternate members when performing official duties.

(e) *Expenses and assessments.* The committee should be authorized to incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of such committee, and for such other purposes as the Secretary, pursuant to the provisions in the marketing order, determines to be appropriate. The committee should also be required to prepare a budget and a rate of assessment to be applied to all handlers. Such budget and rate of assessment should be submitted to the Secretary as soon as practicable after the beginning of the marketing year and as often as may be necessary showing estimates of income and expenditures necessary for the administration of the marketing order for such marketing year. Each budget should be presented to the Secretary with an analysis of its components and an explanation thereof. The committee should recommend a rate of assessment to the Secretary designed to return sufficient income each marketing year to cover expenses incurred by the committee. No increase in the total budget should be made without prior committee recommendation and approval of the Secretary. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act authorizes the Secretary to approve the incurring of such expenses by agencies such as the board and Turkey Administrative Committee. The Act also authorizes each marketing order to contain terms and provisions requiring handlers to pay their pro rata shares of the administrative agency's necessary expenses. Each handler should pay the committee, upon demand his pro rata share of such expenses. Such assessments should be based upon the hundredweight of processed turkey which each handler handles in the marketing year. The rate of assessment shall be determined by the Secretary upon the recommendation of the committee but in no event should such assessment exceed 20 cents per hundredweight. The committee should be authorized at any time during a given marketing period to recommend the approval of decreasing the rate of assessment if income exceeds the amount of funds anticipated or increasing the rate to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled. Since assessments are a cost to the handlers operation, such cost must be taken into consideration by him in planning the operation of his business and to apply a retroactive assessment to a handler may cause undue hardships to handlers in this situation.

Authorization is provided in the order for the Secretary to accept advance payments of assessments from any handler. Also since it is possible that the board in its policy decision may decide not to apply any volume regulation during the marketing year or periods within the marketing year authorization is also provided to allow assessments to continue during such periods. If the committee would not have such authorization it might be forced to discharge certain of its personnel and to give up office space, which trained personnel and office facilities may be difficult to replace when full operation of the committee is again required.

Any excess of assessments collected which remain at the end of such period should, to the extent practicable, be refunded proportionately to the person from whom it was collected. Such refunds may be credited to contributing handlers respectively against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

The committee should also establish a reserve. Such a reserve is necessary in order for the committee to operate on a businesslike basis. It might be appropriate, therefore, that funds remaining at the end of a marketing period, which are in excess of those necessary for payment of expenditures during such period, to be applied to the reserve. The reserve could be effectively utilized by the committee in several ways.

If and when the committee should be required to liquidate its affairs, expenses will necessarily be incurred in the liquidation process. The reserve can be utilized to cover these expenses.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions or disease might result in a substantial deficit in the estimated desirable quantity of turkeys for the marketing period. Also, the anticipated quantity of turkeys for any season might conceivably be reduced by other factors. The net effect of such a reduction would be to greatly reduce the quantity of turkeys for marketing and could cause the discontinuance of regulation and the collection of assessments or a reduction in total committee revenue. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expense of operation during such a marketing period. Such funds might reasonably be drawn from reserves.

Reserves might also properly serve additional purposes. At the beginning of each marketing period, needs arise for operating monies at a time when there will usually be little, if any, revenue from assessments. It is a customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses.

It is contemplated that any such reserve will have a quadruple use; namely, (i) to defray expenses during any marketing year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of the order. Proponents testified reserves should be limited to an amount roughly equivalent to the average budget of expenses for one marketing year. Any funds remaining after reasonable provision for liquidation, including any balance remaining in reserve funds, should be refunded to handlers on a pro rata basis. In some cases, however, an individual handler's account will be such a small amount as to make the return thereof impracticable or unduly expensive. Funds of such insignificant nature should be used by the committee for purposes of liquidation or put to such other use as the Secretary considers appropriate in the circumstances.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports will be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also, monthly financial statements which reflect the current fiscal position of the committee should be furnished members, alternates, and the Secretary. Annual audit reports and monthly financial statements should also be made available on request to persons, such as producers, and handlers, having a valid interest in the committee's affairs. In no case should data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in releases of fiscal or other reports. If the committee should recommend that the operations of the marketing order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

(f) *Research and development.* The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of turkeys is authorized by the act. Such authorization on record evidence found, should be included in the marketing agreement and order.

Through the medium of research investigations, the committee can obtain information which would enable it and the Secretary to determine with a greater degree of accuracy the effects of specific regulations on the market and thereby promote more orderly marketing. As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which are in the best interests of turkey marketing and which would assist, improve, and promote the marketing, distribution, and consumption of turkeys. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(g) *Marketing policy.* A marketing order program is necessary, as hereinbefore found, to promote orderly marketing of turkeys as a means of increasing producers' returns toward parity. To this end it is necessary that the Turkey Advisory Board prepare and submit to the Secretary for his approval, at least once each marketing year, a detailed report setting forth its policy which will tend to effectuate the purposes of the order. Members and alternates of the board will bring to board deliberations direct, intimate knowledge, and expert judgment concerning the quantity of available supplies in the production area and the state or condition of the turkey market, not only in its general but also in its unique supply and demand features. Board members and alternates are in a position of direct interest, advantageously situated to determine if and when quantity or quality limitations on the handling of turkeys would tend to promote orderly marketing and increase producer returns toward parity.

Marketing policy statements should indicate to producers and handlers the general marketing outlook and plans the board and committee intend to follow. Both handlers and producers would benefit by marketing policy statements so adequate preparations may be made for handling within and complying with the regulations which the board indicates may be recommended. Since the marketing of turkeys is of necessity preceded by a period of as long as twelve months for the planning of production for such marketing and since producers cannot plan their production intelligently without a knowledge of the marketing policy required to effectuate the orderly marketing of turkeys, the Turkey Advisory Board should prepare and enunciate its marketing policy in the Fall for the following marketing year.

Although the growing period for turkeys usually does not exceed 6 months, considerable planning must precede the growing period in order that breeder hens will be available at the proper time to produce the eggs to supply the necessary poults for the production of meat birds. Since the planning for production begins with the selection of breeder hens mostly in the Fall and early Winter of the preceding year, the marketing policy for the succeeding year should be prepared and released at that time. Literally thousands of persons are involved in planning for the production of turkeys; breeder hen producers, hatcheries, producers of turkeys, feed manufacturers, processors, and others. Such persons plan independently and together. It is necessary, therefore, that the marketing policy developed by the board be made widely known to persons involved in the production and marketing of turkeys.

Marketing policy relating to volume regulation would be based on long term or marketing year considerations and outlook and considerations relating to quality regulation may be short term considerations to be applied in periods within the marketing year. Orderly marketing is dependent on many factors which are variable in nature. The demand for turkeys, for example, is not static but varies with the seasons and with the supply of competing foods. Although the number of turkeys produced is related to the number of breeder hens, eggs, and poults available, the relationship is only general and can and does change due to such factors as changing weather conditions, variations in the rate of lay of breeders, variations in the fertility of eggs, variations in the mortality rate, etc. For these reasons the board should have the authority to amend its marketing policy from time to time if the conditions change sufficiently to substantially affect the original marketing policy.

The facts and considerations set forth in the marketing order outline appropriate standards for the board's consideration in developing a marketing policy. To the extent that each of the factors set forth therein is applicable to particular problems confronting the board, they should be adequately dealt with in the marketing policy statements.

The committee is charged with authority to develop and recommend to the Secretary specific regulations which would implement the board's marketing policy. It is logical that the committee should have this authority since it is the agency of the board and the Secretary for administering the order and since it is made up of members and alternates of the board it follows that it will reflect the industry's views. In turn, the Secretary, in administration of the marketing program, looks to the committee as the administrative agency offering a reasonable, accurate reflection of the board and industry considerations and judgments on matters pertaining to the marketing order. The board's marketing policy recommendations should be in sufficient detail, supported by facts pertinent thereto, so that the committee would have an adequate standard in its formulation of regulations thereunder. In turn the committee's recommendations of regulations to the Secretary should also be supported by data and information so that the Secretary will be advised as to the considerations of the committee resulting in the recommendations.

Both the board's marketing policy and the committee's regulations should be made available to the industry as soon as practicable using such media as committee bulletins, press releases, newspapers, radio, television and other media available to the committee. The broad and early dissemination of such information to the industry will allow the industry to make its plans accordingly and, therefore, tend to make the marketing policy and implementing regulations more effective.

It has been indicated previously that the board's marketing policy should be issued in the Fall preceding the marketing year in order to allow all segments of the industry to make their plans. It is anticipated that the committee's regulations implementing that policy would also be issued shortly thereafter. However, in developing such marketing policy and regulations certain of the board and committee considerations will have been based on educated estimates such as the quantity of carryover of turkeys into January and other such factors. Accordingly, it would be advantageous for the board and committee to review its policy and regulation when the actual figures are available. Such a review would also serve to acquaint new members of the board and committee, whose terms start February 1, with the actions of the board and committee.

The act under which authority marketing orders are developed and issued gives the Secretary the ultimate responsibility for the administration and enforcement of a marketing order program. As indicated heretofore, the act authorizes the Secretary to be assisted in the administration of the order by a board and committee composed of industry representatives who may make recommendations concerning the type and methods of regulation available under the order which the Secretary may consider, together with other information, in effectuating the purposes of the order and the act.

The evidence of record submitted by producers, handlers, and related segments of the turkey industry indicates that the volume regulation provisions of the order will contribute to the establishment of stable and orderly turkey marketing conditions as a means of accomplishing the objectives of increasing producer returns to parity.

The proposed marketing order for turkeys as contained in the original Notice of Hearing (26 F.R. 10286) provided for only one method of volume regulation. That was the desirable free quantity with set aside percentages method (Method No. II herein). At the various sessions of the hearing held during the period between Nov. 20 and Dec. 13, 1961, modifications to said proposed order were suggested by all segments of the industry. The modification most universally suggested was that a second type of volume regulation be provided which would equitably apportion the desirable quantity of turkeys to producers. Modifications were also suggested which would give special consideration to producer-handlers, small handlers, small producers, primary or foundation breeders, and educational and other institutions producing turkeys for their own use or for research and educational purposes. Subsequently, the hearing was reopened by a notice of reopening of hearing on January 18, 1962 (27 F.R. 518). Attached to said notice was a draft of a turkey marketing order which incorporated modifications suggested by the industry. Additional evidence on the original proposals and the modifications were submitted at the reopened hearing held January 29, 30, 31, and February 1, 1962.

Witnesses who testified on the allocation base and allotment method (Method No. I herein) were in essential agreement that the quantity of turkeys which handlers may acquire be apportioned equitably among producers. The evidence supported the concept of making such apportionment to producers by establishing historical bases for each producer and apportioning out the amount of turkeys which handlers may acquire for handling on the basis of such bases. This would result in producers being able to plan their production to meet the desirable quantity of turkeys established by the board and committee, and thereby cut down on any excess production on which they might have difficulty in marketing or which might have to be put in set-aside and bring a lower return than on turkeys produced within the desirable quantity. By use of this system the supply of turkeys handled by handlers can be controlled so as to bring the economic factors of supply and consumer demand into an alignment which would increase producer returns. Such alignment of supply and demand would also obviate the quantity of turkeys in excess of the reasonable demand therefore which in the past has resulted in disorderly marketing and a lowering of net returns to producers.

The orderly marketing of turkeys, with the objective of increasing producer returns toward parity also requires that the board and the Secretary have the flexibility and authority for meeting different marketing conditions as they arise. The marketing of turkeys has many facets relating to type or variety of turkeys, sex, size, grade, season of the year, and other factors. The effect of such factors on orderly marketing are not exclusive but frequently relate to each other. Accordingly, authority should be provided in the order for the board and committee, with the approval of the Secretary, to adopt programs which recognize the various and changing conditions in the industry. What the variations are and what the changes may be are not always known in advance hence the necessity for providing for such variations and changes in the regulations and for different handling in a different period or periods. The record indicates that the demand for different types, grades, sizes, etc. of turkeys may vary by season, for instance, institutional size turkeys may be in demand in one period and not another. These situations result in fluctuations of the supply-demand cycles of particular types, qualities, sizes, etc. of turkeys within the established desirable quantity which could result in disorderly or disruptive marketing conditions within such desirable quantity. Accordingly, the order provides authority for limiting the handling of turkeys by particular grades, sizes, or qualities of any and all types of turkeys during a specified period of periods which is an essential factor contributing to orderly marketing and increasing producer returns.

A second method of accomplishing equitable volume regulation is provided in the order. This is the establishing of a desirable free quantity of turkeys and providing that turkeys in excess of this quantity be placed in a set aside. The evidence of record indicates that this would also be an effective method to promote orderly marketing and better producer returns. Under this system a desirable free quantity of turkeys will be established by the Secretary and this quantity will be aligned with the estimated demand for the product expected to provide a reasonable return to the producer. If the board or committee ascertains that turkeys are being produced in excess of this quantity they could divide the total production which handlers may dispose of into a percentage free quantity and the balance percentage representing the excess would be placed in the set aside. The excess or set aside would be removed from normal marketing channels. Since the quantity which is in excess of the demand is one of the prime disruptors of orderly marketing, such removal of the excess from normal marketing channels would promote orderly marketing with a consequent increase of producer return.

It has been shown that under the allocation base and allotment system there may be varying demand and other factors which relate to the handling of particular grades, types, sizes, etc., of turkeys which could be a disruptive influence on the orderly marketing of the desirable quantity of turkeys. These same influences could also affect the orderly marketing of turkeys under the desirable free quantity set aside system. Accordingly, provision is made to authorize limiting the handling of turkeys in a manner similar to that provided under the base and allotment system.

Although both systems discussed above could be used exclusive of each other they could also be utilized advantageously in combination. The desirable quantity under the allocation base system and the desirable free quantity under the set aside system can be set at the same level for the marketing year or period(s) within such year. In the event there are fluctuations, seasonal or otherwise, in the supply and demand the set aside features could be utilized to smooth out the fluctuations. In such situations it might be possible in times of excess supply to move such excess into set aside and feed back such excess during periods of short supply. Since it is not possible to anticipate all the ramifications of supply and demand the board and committee may, after a period of operation, be able to utilize the combination of the two systems to cover a variety of marketing situations.

(h) *Methods of volume regulation.* The order provides that the Secretary

may establish, upon the recommendation of the board or other available information, volume regulations on turkeys by any one or both of two methods specified if he determines that regulation by such method or methods may tend to effectuate the declared policy of the act. The order further provides that the method or methods so employed may relate to the marketing year or such other period as he may prescribe and may be based on different desirable quantities or desirable free quantities for different types or sizes of turkeys. In order to provide equity among producers, whatever method or methods used must be applied on the same basis in the establishment of allocation bases and allotments, or percentages. However, since the order may become effective after the beginning of the 1962 marketing year, the method of volume regulation in 1962 is restricted to Method II, as defined in the order, and if such volume regulation is used the board shall give due consideration to regional differences in production. This provision recognizes the impracticability of establishing bases and allotments, as provided in Method No. 1, for application in the 1962 marketing year due to fact that by the time the order is made effective and the necessary information concerning allocation basis is compiled and allotments computed, a substantial part if not the bulk, of production will already be in the process of production. Such time could be more advantageously utilized by the board and committee in 1962 in preparing for making Method No. 1 operative in 1963. Method No. II, however, would not require such extensive preparation on the part of the board and committee and such method could, therefore, be utilized in 1962 if the board so recommends. It is recognized that the marketing of turkeys varies by season and area where produced and, therefore, that at the time Method No. II is initiated, some areas and some producers may not have started marketing, or may have finished marketing. The board is required to give due consideration to these factors when initiating the regulation so as to provide, insofar as possible under the situation, equity among producers and handlers.

Volume regulation of turkeys by Method No. I requires that the committee, on the recommendation of the board and with the approval of the Secretary, establish the desirable quantity of turkeys which all handlers may acquire for handling from producers in a marketing year. The act provides that such desirable quantity to be handled by handlers may be equitably apportioned among producers based upon amounts sold by such producers in such prior period as the Secretary determines to be representative.

It is determined that the years 1959, 1960 and 1961 are representative of the marketings or sales of turkeys by producers. These are the three most recent years of marketing and they adequately reflect the turkey industry's current pattern of production and marketing. The production and resulting marketing from any individual production facility may vary from year to year because of weather, the availability of credit, disease and economic factors such as the price outlook at the time of marketing. However, by using an average of the marketings of three years, as provided in the order, a marketing figure is obtained which is a fair representation of the producer's marketings during the historical base period.

It had been proposed that the years 1957 and 1958 be included as part of the base period. However, it was not shown that such years would actually be representative of the current patterns of production. In fact, to the extent that they do not reflect the full national pattern of increase in contract production they are not representative. In addition, the record reveals that there has been a geographical shift in the production of turkeys over the past five years with some States having a trend of decreasing production and marketing and other States, in fact the majority, having a trend of increasing their production and marketing. To use the 5-year period would give disproportionate weight to the lesser number of states in which production has been decreasing and would penalize the larger number of states in which production has been increasing. The use of the 3-year average recognizes such trends and accepts the current pattern of production and marketing as representative. A further factor against the use of 1957 and 1958 is that credible records of production and marketing may be difficult, if not impossible, to obtain for those years. Accordingly, the years 1957 and 1958 are not included in the base period.

Exceptions were filed to the use of 1961 in the base computation on the grounds that there was an abnormally high production in 1961 and that the use of 1961 would benefit those producers who had caused the high production and marketing and therefore the problems occurring in 1961, and would be in detriment to those who maintained or reduced their production and marketing. However, a review of the record reveals that 35 States in 1961 increased their production and marketing over that of 1960. It further reveals that these States represented 94.5 percent of the total turkey production in 1959, 95.2 percent in 1960, and 96.4 percent in 1961. These States, according to the 1959 agricultural census, represented 81.6 percent of the turkey producers of the production area. The use of 1961 as a base year tends to recognize the current pattern of production and resulting marketing in the production area and since the vast majority of producers are also located in these 35 States it also tends to provide equitable treatment to the majority of producers.

It had been proposed that allocation bases for the years 1963 and 1964 be established on the basis of each producer's highest production in the years 1959, 1960, or 85 percent of 1961. The 85 percent of 1961 production recognized that the rate of growth in the turkey industry in 1961 exceeded the previous 10-year annual average rate of growth by 15 percent. Testimony on this method of establishing allocation basis clearly demonstrated that this procedure would cause the total of all allocation basis to greatly exceed the actual level of production in 1961, the industry's highest production year. It was pointed out that this would result in serious inequities among producers especially as between producers who had maintained a relatively steady level of production in the base years as compared to those producers who had either increased their production sharply or decreased their production sharply during the base years. By having a very large total of allocation basis the allotments resulting therefrom would have to be reduced very sharply to the detriment of the producer with a relatively steady level of production. One witness who testified to this possible situation demonstrated that the bases of producers he serviced in the base years would, if this system of determining allocation bases were to apply, result in the sum of such bases exceeding their actual 1961 production by 36 percent, if 1961 production were adjusted to 85 percent, or by 45 percent if 100 percent of 1961 production were used. Averaging the production and marketing for the three-year period reconciles this problem and also tends to provide equitable treatment to all producers.

It has been shown that there are two types or classes of producers involved in the production of turkeys, the producer-grower and the contract-producer. The allocation of bases and allotments recognizes the distinctive contributions to the production process of the two classes of producers and tends to treat producers within each class equitably as to each other and to treat each class equitably in relation to the other.

With regard to producer-growers, in order to be eligible for an allocation base such producer-grower must have produced turkeys in 1961 or in any two of the three years of the base period. It would be inequitable to exclude a new producer who commenced production in 1961, the last year of the base period, from acquiring a base since, by starting production in that year it was necessary to establish production facilities. Without a base such a producer would encounter considerable difficulty in marketing his turkeys. The provision requiring a producer-grower to have produced and marketed turkeys in any two years of the base period is necessary to exclude any person who produced in only one of those years (not including 1961) and is no longer producing turkeys. It would be inequitable to existing producers to apportion a part of the desirable quantity of turkeys to a person who is no longer producing turkeys.

The turkeys to be included in the base computation must be those which are from the production of a producer-grower. This is necessary to preclude a producer from buying turkeys not produced on his production facilities as a means of expanding his base. Otherwise, the total volume of bases would be increased and such increase would not be representative of the producers' pattern of production and marketing which is the purpose of the base system. It would also result in inequitable treatment to other producers since such an increase

in the total base, would result in a decrease in their portion of turkeys apportioned from the desirable quantity. Accordingly, only turkeys produced by a producer and marketed to a handler, other producers, or other persons would be included in the computation of such producers' base.

As indicated heretofore, each producer-grower eligible for an allocation base shall have his base determined by dividing the total quantities of turkeys produced and marketed by him in the base period by three (3). Producer-growers whose production of turkeys were marketed in 1961 only or in 1961 and one other of the base years 1959 or 1960, would have their allocation bases determined similarly except that in such cases their production in 1961 would first be adjusted by multiplying such production by 90 percent. This adjustment is necessary in order to treat producers who produced turkeys in all three base years equitably with those who produced turkeys in 1961, and one other base year or in 1961 only.

Turkey production in the United States in 1959 and 1960 was nearly the same but in 1961 increased by 26 percent. This increase is spread over three years when the total production for three years is averaged. However, when the production of only two years is averaged, one of such years being 1961, the 1961 increase is spread over only two years with the result that two year producers would have a proportionately larger base than three year producers. Equating the results of averaging by two years with averaging by three years has the effect of reducing the 1961 production by approximately 10 percent. Requiring, therefore, that producers whose allocation bases were computed on a one or two year period, with 1961 as the year or one of the years, to use 90 percent of their 1961 production in the computation of bases has the effect of bringing into approximate alignment the allocation bases of the one- and two-year producers with the three year producers with the result that all producers receive equitable treatment regardless of the number of years used in the computation of their bases.

If, in two or more years, producer-growers marketed turkeys of their production in which contract-producers had a proprietary interest, they would determine the quantity of such turkeys produced under such an arrangement. Such quantity might possibly represent the producer-grower's entire production or merely one or more flocks. One-half of the quantity of such turkeys would be added to the quantity of turkeys marketed but not produced in conjunction with a contract-producer, if any. This sum would then be divided by two or three, whichever is applicable. This provision again recognizes that the purpose of the base system is to provide a means of ascertaining a representative pattern of marketing. It recognizes further that contracting with a contract-producer for only one year out of the base period is not representative of such producer-grower's operations. Accordingly, such provision is applicable only if a producer-grower contracts for two or more years.

With regard to allocation bases to contract-producers in 1963 and 1964, each such contract-producer to be eligible for an allocation base must have had a proprietary interest in the production of turkeys in 1961 or in two or more years of the base period. As in the case of a producer-grower, it would be inequitable to exclude a contract-producer who commenced his contract operations in 1961. However, requiring at least a two-year participation in the proprietary risk of turkey production again recognizes that more than one year's operation is necessary to provide a pattern of operation for allocation base purposes as such a period would evidence his historical association with turkey production.

The contract-producer allocation base is computed in the same fashion as that of a producer-grower except that the quantity in which the contract-producer is involved is first divided by two and the resulting quantity is further divided by the actual number of contract-producers if more than one is involved. This conforms with the definition of producers whereby each of the two classes of producers equitably share in the turkeys so produced and marketed.

Considerable testimony is in the record favoring a method of establishing allocation bases which would not tend to freeze the current geographic pattern of production. This could be done by providing for a continuing reallocation of bases in the marketing year 1965 and in each marketing year thereafter. In the marketing year 1965 and thereafter whenever a desirable quantity of turkeys which all handlers may acquire from producers has been established each producer's allocation base shall be determined by taking the average of the highest quantity of turkeys produced and marketed by him in any three of the four years immediately preceding the marketing year for which the allocation base is being determined. In the event that a producer or producers cannot or do not produce up to the allotment which handlers may acquire due to being less efficient or because economic forces in his producing area result in higher cost of production than in other areas, production, over a period of time, will be able to shift from such producers and areas to other producers and areas. This shift will be gradual and the reasons for it will be economic in nature and will be no more than what has occurred over past years. However, by providing for the continuing reallocation of bases, the economic factors which cause shifts in production would be recognized and be provided for.

The order provides that the year 1962 shall not be used in the computation of bases. The testimony at the hearing indicated that for 1962 many producers intended to maintain or even increase their production above the abnormally high production of 1961 in anticipation that 1962 would be used in computing bases under an order and that such level would be maintained even though the experience in 1961 shows that returns to the producer would be the same as 1961 or less. To the extent that 1962 production could be influenced, in part, by producers attempting to make bases, such production would be caused by factors entirely unrelated to the normal economic considerations utilized in planning production. Accordingly, it is concluded that 1962 is not a representative production year and should not be used in the computation of bases.

In addition to not using 1962 as a base year in the computation of allocation bases, it has been determined as advisable that in 1965 and 1966 the allocation base that was used both for 1963 and 1964 be used as the quantity of turkeys each producer marketed from his production in 1961 and 1963 rather than such producers' actual marketings in these years. For example, the allocation base for each producer in 1965 would be determined by multiplying by two the 1963 allocation base quantity and adding to this sum the actual marketing of 1964, and dividing the total by three.

The allocation base quantity is used for 1961 in order to be consistent with the purpose for having reallocation of bases in 1965 and thereafter which were discussed above. In addition, the equalizing effect resulting from averaging out the original base years 1959, 1960 and 1961 will be continued. Since 1963 would be the first full year of regulation under the order it will be a transition year. It is desirable to allow producers and others affected by the regulation to become familiar with its operation and to plan their operations in the light of such regulation. After 1963 the producers should be familiar with the allocation base system to allow intelligent base planning for the future.

The recommended decision and proposed order had proposed that in 1965 and thereafter the allocation bases would be computed by taking the highest quantities of turkeys marketed in three out of the immediately preceding four years. An exception was received, however, which pointed out that this system would allow the pyramiding of bases by two parties getting together and allowing one to produce and market both their allotments once every four years. Such pyramiding would not tend to effectuate the purposes of the order nor would it be equitable as to all producers. The use of the average marketings of the preceding three years will discourage such pyramiding since the base of a producer who allows another to grow his allotment will be cut back in future years to the same extent that the other producer's base is increased.

It had been proposed that a producer-grower who produced turkeys in conjunction with a contract-producer, and thus had his production split in the apportionment of allocation bases, could, upon application to the committee, have his allocation base adjusted up to the total quantity of turkeys marketed from his facilities in the base years. The purpose of this provision was to allow a producer-grower who contracted to have his allocation base restored to a level comparable to other producer-growers who acquired their allocation bases as independent growers. However, testimony at the final session of the hearing indicated that: (1) The incidence of risk sharing contracting was much greater than had been supposed, (2) the incidence of risk sharing contracting had increased sharply in 1961 relative to a year earlier and, (3) the incidence of risk sharing contracting varied widely as between areas of the country, ranging from almost 100 percent to almost zero. It is clear that the option would result in a gross pyramiding of allocation bases which would be to the detriment of independent producer-growers and would also result in a disproportionate inflation of allocation bases as between one area and another. For these reasons the proposal was not included in the order.

Circumstances may exist which cause a producer's production in one year to be substantially reduced for reasons beyond his control. Such conditions could exist in the case of fire, flood, or other natural damage or when the producer voluntarily ceases production in order to break a disease cycle on his farm or for other sound reasons. Under such circumstances the producer's production is not representative and it would be inequitable to such producers to consider the marketing from such production or lack of production in the calculation of his allocation base. For this reason provision is made for the committee, to revise such producer's allocation base to what the committee determines to be representative of his production and marketing.

Contract-producers are apportioned an allocation base under the order if they had a proprietary interest in the production of turkeys in 1961 or in two of the three base years 1959, 1960 or 1961. The order thus recognizes the historical relationship between the contract-producer and the producer-grower. This historical relationship can only be assured under the order if contract-producers are limited in the way in which their allocation bases can be utilized. Under the order a person could be both a contract-producer and also a producer-grower. This would come about when a person contracts for production with a grower and also in a proprietary capacity operates production facilities on which turkeys are produced and marketed. Without some limitation, contract-producers could utilize their allocation bases on production facilities then owned or controlled directly or indirectly by them or obtained by them for this purpose. If this should occur, it would result in serious inequities to the producer-grower in that it would cut in half the quantities of turkeys which could be acquired by handlers from such a producer-grower's production and might result in such producer-grower's production facilities producing only one-half of its historical production. Such actions would change the historical relationship existing between contract-producers and producer-growers and would be inequitable as to the producer-growers. For these reasons the order provides that handlers may acquire turkeys produced and marketed under a contract-producer's base only if such turkeys were produced on a producer-grower's production facilities other than those owned or controlled directly or indirectly by the contract-producer. This requirement would continue the historical relationship between the two classes of producers. For the purposes of this provision a contract-producer should be considered a parent company (whether it is an individual, partnership, association, corporation or any other business unit) and it and its subsidiaries or affiliates should be treated as a single entity. A parent company would be one which either owns or controls the activities and basic policies of another company. To own another company should mean the parent company must own at least a majority (more than 5%) of the voting rights in that company. To control another company, such ownership is not required. A company which is able to formulate, determine or veto basic business policy decisions of another company is considered the parent company of such other company. This control may be exercised through the use of dominant voting rights, use of proxy voting, contractual arrangements or otherwise. Circumstances constituting such ownership and control should be distinguished from the relationship between a contract-producer and an independent producer-grower wherein normal supervisory relationships or indebtedness of the grower to the contractor allows the contractor to exert influence in the direction or "control" of the activities of the grower. Such is not the control contemplated by the provision. Nor would the situation where a company contracts with outlets for the distribution of its product, such as the franchised dealer system, standing alone, be contemplated as constituting control. However, such a franchise together with some form of the ownership or control of the dealer indicated above could constitute the control contemplated under the order. The Committee should set up procedures whereby production marketed under a contract-producer's base will be readily identifiable by handlers.

A producer-handler is not a producer under the order and therefore is not allocated a base. It is possible, however, that a producer-handler may desire to relinquish his status and become a producer. Provision is made to allow, upon application to the committee, such a producer-handler to be apportioned a base computed upon his past marketing from such production. Allowing the issuance of such bases will not materially affect the allotments to existing producers since the producer-handlers production was considered by the board in setting the desirable quantity.

Persons who do not have a production base history may also acquire bases. However, the quantity of turkeys from which these bases may be apportioned to such persons is limited to that quantity which is the difference between the total of the allotments of the preceding year and the desirable quantity of the succeeding year. This is necessary to prevent new persons from draining away portions of existing producers' allotments. Thus, new producers may enter the industry without causing the marketings of existing producers to be restricted by their entrance.

In submitting an application for an allocation base the new producer must establish an ability to produce. Ability as used in the order contemplates having the availability of resources of production, either potentially or in fact. Such resources would include not only the land and facilities, but also the finances which are necessary to produce turkeys. The committee, being composed of individuals from the industry are ideally situated to evaluate such new producers' ability.

Computation of allocation bases will be made by the committee based on information supplied by the producer and, in order to allow the committee sufficient time to make the computations before the marketing year starts, such information as is requested for this purpose must be supplied to the committee at least 6 weeks, or earlier if the committee should require, prior to the succeeding marketing year. Since the allocation bases for marketing years 1963 and 1964 will be the same, such information need be supplied only once to cover those years. The committee, or any agency it may select, should have the authority to verify the accuracy of the information submitted by producers for this purpose. If errors are found in the applications the committee should have the authority to correct such errors but should give the applicant reasonable opportunity to discuss with the committee the factors considered in making the correction. The burden of supplying and supporting all information supplied to the committee should rest upon the producers. If errors in application are found and corrections made thereto, such corrections should be reflected in the allotment apportioned to the producer.

Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive for handling from producers for their account or the account of such producer. In this fashion the total desirable quantity of turkeys established by the Secretary may be apportioned equitably among producers as provided by the Act. Such allotment shall be computed by dividing the desirable quantity of turkeys by the sum of the allocation bases of all producers and then multiplying each producer's allocation base by the resulting percentage figure. In this way each producer will receive his equitable portion of the desirable quantity. The order provides that some means of certification of allotments will be set up by the committee. Under such procedures handlers will be in a position to know whether the turkeys acquired are from the desirable quantity. Such quantities include turkeys produced by a handler in his capacity as a producer. In order to effectuate the purposes of volume regulations, handlers may acquire only that quantity of turkeys so apportioned to the producers and such other quantities of turkeys as specified in the order.

It is recognized that the production and the demand for turkeys may vary within any particular period in a year. The committee should be authorized by the order to take any steps necessary to bring the allotment system in line with such varying production and demand. Accordingly, provision is made in the order to allow the committee to make changes in the quantities of turkeys which handlers may acquire for handling during any period or periods within a marketing year.

In determining the quantities of turkeys which handlers may acquire in such period or periods, consideration shall be given of the seasonal patterns of production of the various regions of the production area. Such consideration is necessary so that the benefits of such regulation may, insofar as possible, be applied to all producers. The committee, because of its make-up and knowledge of the industry, is ideally suited to establish the regions to be affected by this type of regulation.

It will be difficult if not impossible for any producer to produce just the exact quantity of his apportioned allotment. Production is affected by many things including weather, the mortality rate occasioned by the incidence of disease, and other factors. Accordingly, provision is made to allow handlers to acquire for handling from producers an additional quantity of turkeys not exceeding 5 percent of the producer's allotment. In the event such a quantity in excess of the allotment is acquired by handlers from such a producer, however, a volume equal to such excess quantity shall be deducted from the producer's allotment for the next marketing year or period within a marketing year if allotments are apportioned by the committee by period. Conversely, if handlers do not acquire from producers a producer's full allotment for the marketing year or period within a marketing year then a volume equal to such quantity may be acquired from such producer in excess of such producer's allotment for the next marketing year or period within a marketing year. The evidence of record establishes that producers can produce within 5 percent of any set quantity of turkeys. Accordingly, the quantities referred to above which may be carried into the next marketing year or period or deducted therefrom should be limited to 5 percent.

A handler may acquire for handling the 5 percent quantity in excess of the allotment upon certification by the producer that such excess consisted of turkeys from his own production. Turkeys which a producer may have acquired and marketed from sources outside his own production are not included so as to forestall the possibility of handlers acquiring the 5 percent excess from a substantial number of producers within a period which situation could have an adverse affect on the volume regulation purposes of the order. In order that the committee will be aware of the carry-overs the producer and handlers should be required to notify the committee of such carryovers.

Within the industry there are certain specialized functions being performed which are essential to the production of turkeys. One of these functions is that of the foundation or primary breeder. Such a breeder supplies the eggs from which come the poults which are purchased by producers of hatching eggs. Many such foundation breeders have breeding programs tending to establish and develop strains of turkeys which are particularly suitable to satisfy the different institutional uses or consumer preferences. Such programs have resulted in the development of different strains of the so-called bronze and broad white turkey which are heavy type turkeys and also in development of various strains of the smaller Beltsville type turkey. These programs are essential in order to allow the turkey industry to continue to improve the efficiency of production and to compete with other meats and meat products. Accordingly, such programs should not be unduly restricted by the operation of a marketing order and improvement of the strains or breeds of turkeys should be allowed to continue. The general method used in establishing or developing particular strains of turkeys is that of selecting turkeys which exhibit the best of those qualities which are sought to be developed are encouraged and fostered. The birds remaining in the flock after selection and the selected birds after they have performed their function are marketed in the same channels as are other turkeys. Therefore, a foundation breeder, under the terms of the order, would also be a producer and as such would have an allocation base and an allotment computed therefrom. However, in any breeding program the quantity of turkeys which are produced to effectuate such a program may vary from year to year with the particular type of development program conducted by the foundation breeder with the result that a particular quantity of the allotment of a foundation breeder may be such that it will restrict or affect adversely the development program. Accordingly, provision is made to allow the committee to set up procedures by which a producer who is a foundation breeder may market turkeys in excess of his normal allotment which may be acquired by handlers.

The turkey breeding program is such that often there is a fine line of distinction between a foundation breeder who is doing basic research and development on turkeys and a multiplier breeder whose prime function is to take such strains which are developed and produce them in volume to supply the quantity of poults necessary for the needs of the turkey producing industry. Accordingly, the committee is authorized to define by regulation a foundation breeder who will be eligible to take advantage of the provision allowing excess marketings of an allotment to be acquired by handlers.

Witnesses testified that the multiplier breeder may also encounter difficulty in his operations if handlers are restricted in the quantity of turkeys which may be acquired from such multiplier. Multipliers would be producers under the order since they market the breeder hens to handlers after such hens have completed their egg laying function. Multipliers would be allocated a base computed on such marketings. However, it is possible that disease or other calamity may strike a multiplier breeder flock which destroys their ability to lay quality eggs. In such instances the turkeys are suitable for meat purposes but not for egg laying and they are marketed to a handler under the producer's allotment. In order to continue the multiplying function, which is an essential function to the industry, the multiplier would be required to replace the flocks of turkeys disposed of. These birds, after performing their function, would also be marketed to handlers under the multiplier's allotment. In the event such a situation or situations similar thereto which result in the multiplier having turkeys in excess of the amount handler's may acquire under the allotment, the multiplier may request relief from the committee under the emergency or hardship provision of the order. The committee may grant such relief if it determines such relief is warranted under the circumstances and is convinced that the situation of the multiplier was not brought about as a means of increasing the equitable quantity of turkeys apportioned to such producer which handlers may acquire. Under the order producers marketing replacement flocks to multipliers would have such quantities of turkeys included in base computations.

The transfers of allocation bases are not allowed except under special circumstances. Under the order program the quantity of turkeys which handlers may acquire is related to the quantity of turkeys represented in the allocation bases. New bases can be created only under the conditions set forth in the order. Since the supply of turkeys which handlers may acquire is thereby limited, allocation bases will have some value to producers who may wish to increase the quantity of their production which may be acquired by handlers. Because the capital outlay for turkey production may be relatively small, certainly as regards to the outlay required by most other agricultural commodities, if bases were allowed to be transferred without restriction, it is conceivable that those producers with sufficient resources could, over a period of time, gradually accumulate bases to the extent that such accumulations may have monopolistic tendencies. The order should not foster monopoly, accordingly, transfers of bases are restricted to the situations enumerated in the order.

Exceptions to the recommended decision and proposed order pointed out that the transfer provision was not clear as to its applicability to contract-producers. Accordingly, the order language has been revised to clarify its applicability to each class of producer.

Under the order, allocation bases are associated with the person and not the land, buildings and equipment constituting the production facilities. However, one of the conditions which would allow the transfer of a base is in the event a producer-grower desires to get out of the turkey producing business and sell his production facilities. The base may be transferred to the person acquiring the facilities. In such instance it is reasonable to allow the producer-grower to dispose of his operation in the same fashion as other going businesses are sold. In this type of transfer the person who acquired the facilities would become the producer and the person disposing of the facilities would lose his status as a producer. The production facilities, as defined in the order, include the land, buildings and equipment utilized in the production of turkeys. Since the transfer of the base in these circumstances would be possible only if the grower is able to transfer the land, buildings and equipment constituting his entire production facilities, the undesirable accumulation of bases discussed above would not be a serious factor here.

As with the producer-grower, the contract-producer's base is also associated with the person. Likewise it is recognized that a contract-producer may desire to give up his business operations. Accordingly, provision is made to allow the transfer of a contract-producer's base in the event of a transfer of the assets of a contract-producer's business operation.

The order should provide that the transfer of base provision should become applicable on and after February 1, 1964.

The evidence of record indicates that there are a considerable number of producer-growers who are heavily in debt as a result of losses sustained in 1961 and that the transfer provision might provide an incentive to financiers to force the transfer of the grower's production facilities as a means of acquiring the grower's base. This same situation could apply to a contract-producer who is in debt. This is not a desirable result and could impair, in some circumstances, the objectives of the order provisions to improve the lot of producers. However, by making the transfer provision effective February 1, 1964, the producers have a period of time in which to better their financial position or to seek alternative financing. However, provision should be made for the transfer of the base with the production facilities or the assets prior to February 1, 1964 under certain circumstances. This is to allow normal business transfers which would not involve the undesirable situations discussed above. It is also conceivable that a producer who is operating as an individual might desire to incorporate. The proviso in the transfer provision would allow provision to be made for the base transfer in this situation. All the situations in which a transfer of base might be proper cannot be anticipated at this time. Accordingly, the committee is authorized to approve such transfers in the period prior to February 1, 1964, if it determines that the transfer would not adversely affect the producer interests or the purposes of the order.

It is also reasonable to allow the allocation base to be transferred to a member of the producer's immediate family in the event of such producers death, retirement, or entry into the military service.

There are also situations where the operation of the facilities is under a partnership or joint venture, not including the risk contracting relationship discussed earlier. It is also reasonable to allow one of the partners who desires to leave the business to transfer his base interest to the remaining partner(s) or to be divided between them if they desire to establish separate production facilities.

In each of these situations where transfers of bases are allowed, the probability of concentration of bases is not significant.

Allotments resulting from bases are allowed to be transferred under procedures set up by the Committee. The abuses discussed with regard to bases are not pertinent here because allotments may be transferred only for a marketing year or lesser period. Transfer of allotments could also take care of situations where a producer's facility may be put out of operation by fire, flood, weather, disease, or other calamity, natural or otherwise. In addition, it is possible that allotments may eventually exceed the bases. In this situation a producer who, for economic or other reasons, does not wish to increase his production may transfer such portion of his allotment to other producers who are able to produce. It should be pointed out, however, that in situations where the allotment is transferred the base of the transferring producer will gradually decrease under the operation of the reallocation base system in effect in 1965 and thereafter unless such transferring producer is eligible for base adjustment under the hardship provision of the order.

A second means of accomplishing volume regulation which the board and committee may use is that of establishing a desirable free quantity of turkeys which all handlers may freely handle during any period or periods established by the Secretary upon recommendation by the Board. This regulation may be applied alone or in combination with Method No. I, the desirable quantity regulation.

Under the desirable free quantity regulation, designated as Method No. II in the order, all handlers may handle any quantity of turkeys which are acquired from producers subject, however to the set-aside requirement established by the Secretary.

The board and the Secretary will take into consideration the anticipated total volume of turkeys which will be available in the period. If such quantity is greater than the desirable free quantity, then surplus percentage factors may be applied which will have the effect of diverting into a set-aside the turkeys which are in excess of the desirable free quantity. The order provides that each handler will then apply a uniform percentage, established by the committee, to the quantity of turkeys he handles and this percentage of turkeys will be put into the set-aside to be disposed of by the committee.

During the course of any desirable free quantity period, the quantity of turkeys being marketed may be other than was anticipated when the desirable free quantity was established. The difference may be more or less than was anticipated and may be caused by any number of factors including weather and the incidence of mortality. When this happens, the Secretary may determine what change is necessary in the surplus percentage figure in order to effectuate the purpose of volume regulation.

However, the new percentages are applicable only to the remainder of the desirable free quantity period and may not be made retroactive. This restriction is necessary in order to prevent inequitable treatment to handlers, otherwise a handler who has finished his turkey handling for the period would be in the position of not having any turkeys to put in set-aside. Also, a handler of large volume might be required to divert several days' or weeks' production solely into set-aside. Such situations would be too harsh economically on such handlers. During the period when a set-aside is in effect, handlers may only dispose of those turkeys which are of the free percentage.

For the reason indicated in the discussion of Method No. I, the committee may find it necessary to prescribe regulation of the handling of free percentage turkeys by grade, size, type, etc., in order to maintain and promote orderly marketing. Provision is made in the order to allow them to accomplish this objective under Method No. II also.

Since the net proceeds from the set-aside turkeys are to be returned to said producers, or their successors in interest, it is necessary that the handler maintain records of each producer's contribution to the set-aside including the grade, size, type, weight, and other information required by the committee for this purpose.

All set-aside turkeys should be held by the handler for the account of the committee or be disposed of in accordance with the committee's instructions. The handler should be responsible for maintaining such turkeys in good condition, using the minimum of sound handling and storage methods until relieved of such responsibility by the committee. In short, the handler should handle and store such turkeys using sound acceptable commercial practices. The committee should be further authorized by the order to prescribe methods by which set-aside turkeys may be identifiable from other turkeys of the handler. This is necessary for administrative purposes and as a means of ascertaining that the handler is complying with the regulations.

It is anticipated that the committee will establish procedures for storing and disposing of the set-aside so that such turkeys will not have to be held by the handler for any unreasonable length of time. Therefore, upon reasonable notice the handler should commence delivery of the turkeys to the committee at such time, in such manner, and at such rate as may be requested by the committee.

Recognizing that the operations of handlers vary and that each may have varying problems in satisfying the set-aside requirements, the committee may authorize several methods which will allow the handler to apply the set-aside

with the minimum disruption of his operations. Some such methods might include allowing the handler to acquire his set-aside turkeys from free percentage turkeys already processed and in storage. This would allow the handler to utilize his entire volume of turkeys handled and still accomplish the purpose of the regulation by withdrawing turkeys from the market which may be freely disposed of. The handler might, under another method, authorize the committee to acquire such turkeys for his account to the same effect.

Because the facilities for storing turkeys by handlers on their premises are very limited and frequently nonexistent, the committee may designate a point or points to which handlers may ship set-aside turkeys. Likewise occasions arise where storage facilities in one location are filled and product must move elsewhere for storage.

Another method which might be utilized to the advantage of the handler would be to allow the handler to process all his set-aside requirements over a period of time at one time, perhaps at the end of a week. This would minimize the disruption of his handling facilities.

The committee, with its handler representation, may develop other such methods for the handling of set-asides by the handler and the order provides the authority for them to do so.

In effecting disposition of the set-aside the committee may find that it is necessary to have the turkeys set-aside by grade, size, or type. This should not encumber handlers to any great extent since such separation is presently being done under their own merchandizing program. Separate pools may also be established on such different grades, sizes or types in order to provide equity among producers whose turkeys make up the pools.

Pooling of turkeys may be accomplished by period. This would establish equity among producers of varying marketing periods. This method would tend to encourage producers to key their production to meet the prevailing seasonal demand for their product and prevent production which is out of line with such demand. However, such pooling periods should not be less than a month because this would be insufficient time to accomplish the above objectives. Also the pooling period should not be more than one year in duration. Turkeys in storage incur storage costs. In addition turkeys in storage for this period of time may be subject to a degree of deterioration.

The order recognizes that the continued existence of a quantity of set-aside turkeys would tend to subvert the purposes of the Act. The order requires, therefore, that the committee dispose of set-aside turkeys as expeditiously as practical consistent with such purposes but in any event not later than August 1 of the following marketing year.

The obligation to set turkeys aside rests with the handler. However, the turkeys set aside are for the account of the producer or his successor in interest. The set aside turkeys, therefore, may be the property of either the producer or the handler. In setting aside the handler could incur costs on turkeys not belonging to him. It is fair and equitable in such circumstances to compensate the handler for such costs. Accordingly, the order provides that the producer whose turkeys are set aside shall bear the costs of the handling and processing. The committee is authorized to establish charges for such services which charges may be deducted by the handler from any monies owed to the producer.

Distribution of the net proceeds resulting from the disposition of set aside turkeys shall be made by the committee. It had been proposed that such set aside proceeds be apportioned to the handlers according to their pro rata contributions and the handlers were to distribute such funds to the producers according to their contributions to the set aside. Testimony on the subject indicated possible administrative difficulties in such a procedure as, for example, the distribution of proceeds to producers where a handler has gone out of business. Since the committee would likely use electronic tabulating equipment to help maintain records on assessments, allocation basis, etc., it is ideally equipped to make effective distribution of such proceeds directly to producers. The order, however, requires the handler to keep such records, and file such reports with the committee, as are necessary for the committee to make a proper distribution of proceeds.

The committee is charged under the order with the responsibility of disposing of the set-aside. Under the order provisions the committee takes unencumbered title to such turkeys and may dispose of them in the outlets specified. Unencumbered title in the committee is necessary so that disposition of the turkeys by the committee will not be hampered. Any liens which were outstanding at the time the turkeys were set aside do not follow them when they come under the committee's jurisdiction. However, it is equitable that such liens do attach to the net proceeds returned on the set-aside on a pro rata basis.

The turkeys in set-aside may be disposed of by the committee only in a manner which is consistent with the provisions and objectives of the order and regulations issued thereunder. The outlets specified in the order are substantially outside the scope of the usual and normal marketing channels of the industry and disposition in these outlets should not unduly compete with handlers' disposition. In disposing of the set-aside turkeys the committee must always take into consideration the effect of their disposition on the operation of the order. They should take care that their disposition does not unduly compete with the marketing of handlers' free precentage turkeys otherwise the effectiveness of the program will be thwarted. These considerations must apply with regard to disposition in each of the outlets specified in the order but especially as concerns disposition in normal market outlets. Disposition through normal market outlets could be used effectively to even out and adjust supplies moving to market so as to promote orderly marketing. Such operations, however, would be carried out only to the extent feasible and consistent with the purposes of the order. Unlike turkeys held in storage by the industry, which could have a depressing effect on the market, turkeys in set-aside storage will be controlled by the Committee who will take care to see that such turkeys will not be available for normal marketing channels or, if they are so made available, it will be done in such a manner as to promote orderly marketing and stable prices.

The order provides that whenever volume regulation Method I is in effect, the committee may allow any producer who voluntarily reduces his allotment a credit against a possible set-aside for all or a portion of the quantity so reduced. The evidence of record indicates some concern on the part of producers that just the possibility of a set-aside on turkeys would make the obtaining of credit more difficult and the credit terms themselves less favorable. The thought was expressed that this possibility could be overcome if producers who voluntarily reduced their marketing below their allotments could be relieved of having birds subject to set-aside if such a program were initiated. In order to be administratively feasible a producer who elected to reduce his marketing below his allotment would have to declare his intent prior to the issuance of allotments by the committee in order that the committee could evaluate the total impact of all such elections on the operation of the order. The committee should have the authority to accept such elections in whole or in part, depending on the circumstances. If credits against set-asides are made, handlers would not be required to set aside the quantity represented by the credit and producers would not participate in the distribution of net proceeds from the disposition of set-asides. The producer who made a voluntary reduction and received a credit thereby should not be penalized for so doing by a subsequent reduction, for this reason, in his allocation base. This provision in the order is desirable as it will tend to decrease the quantities of turkey required to be set aside to accomplish the purposes of the order. It will also treat equitably those producers who reduce their marketing below their allotment with those who do not.

Authorization should be provided in the order to allow the committee to require certification of turkeys by grade by any agency or agencies which they may designate. Such authorization is necessary to effectuate any grade, size, or type regulation which may be issued under the order. For instance the board may require under volume regulation that only turkeys of a specified grade, size or type may be marketed in a specified manner. The provision in the order allows the board to accept grade or quality designations made by the Federal-State Poultry and Egg Grading Service, a State grading agency, a private grading agency, or any other agency acceptable to the committee.

(i) *Application of provisions.* As indicated heretofore, persons not producer-handlers prior to February 1, 1963, or those who cease to be producer-handlers thereafter, must make application to the committee if they desire to acquire such status. Such producer-handlers and exempt-handlers are exempt from the assessment and volume regulation requirements but are subject to the other applicable provisions including the record keeping and reporting provisions of the order .

The order recognizes that in some instances there are marketings of turkeys produced for purposes other than commercial marketing. Such instances might be where a Federal, State, or other governmental or private institution produces turkeys for their own consumption. An example of this would be turkeys produced on a State or Federal prison farm or on a farm of a charitable institution. Since such turkeys are usually consumed by the inmates of such institutions and are not usually commercially marketed they would have little or no affect on the purposes of the order. In view of the circumstances under which such turkeys are produced it is, therefore, desirable to exempt them from the volume regulation provisions of the order.

There are also instances where turkeys are produced by organizations and educational institutions primarily for research and educational purposes.

Research and education are beneficial to the industry and since volume regulation might have a tendency to restrict such operations they are exempted from such provisions of the order.

In each of the research, educational and institutional exemptions, however, application for such exemption should be made to the committee. This is necessary so that the committee may make a determination that the turkeys sought to be exempted are reasonable for the purpose stated and, further, that such exemption is not being utilized in an attempt to circumvent regulation of the order. The committee may also find it desirable to have reports filed for much the same reasons discussed under producer-handler and exempt-handler reporting.

Provision is made in the order to allow the committee to grant relief to producers and handlers from certain stated provisions of the order in the event of an emergency, hardship, or inequity to such producer or handler. Such a situation might be the difficulty of a producer who performs the multiplying function discussed heretofore. It is conceivable that a handler could also be the victim of circumstances warranting relief by the committee. It is impossible to anticipate all the situations in the order and the committee, composed of persons having an intimate knowledge of the industry, is in a position to apply the provisions of the order so that all receive the fairest treatment possible.

(j) *Reports and records.* The committee should have authority to require that handlers submit to it such reports and information as are needed to perform its functions. Such reports are necessary in order that the board and committee may have at all times the volume of production and marketing of turkeys. Reports from handlers are also needed so that it can establish the apportions of turkeys which handlers may acquire from producers. In the course of its operation the committee may find that other information is required to enable to accomplish its functions. Accordingly, it is provided that the committee may require the handler to file other reports containing such information. Under the order designated handlers are exempt from the assessment and volume regulation requirements. However reports relating to the production and marketing of such handlers are necessary so that the board and committee may utilize such information in determining the desirable quantities and also in order to be aware of the effect of such exempt operations on the operation of the order. Such reports are also necessary to determine whether the operations of such handlers are within the prescribed limitations.

Since it is possible that a question may arise with respect to compliance with the marketing order, each handler should maintain complete records of his handling and disposition of turkeys for a period of not less than 5 years subsequent to the termination of each marketing year. This 5-year requirement would also allow effectuation and verification of the information upon which allocation bases are computed. In the event, however, the committee gives written notice to the handler that the retention of his books and records is necessary in connection with a proceeding under section 608c(15)(A) of the act or a court action specified in the notice, the handler should be required to retain specified books and records for a longer period and until further written notification from the committee.

In order to acomplish verification of reports and to assure compliance, it is further necessary that the agents of the Secretary and the committee have access to the premises and records of the handlers and all handlers are required to make available their records and premises to any such agents during any normal business hours.

Any and all reports and records submitted to the committee, or information which was obtained therefrom, shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. The provision in the order relating to confidential information would restrict the members of the committee and board from access to such information since such members are part of the industry and it would be unfair to allow them access to information which could result in such members acquiring a competitive advantage over other handlers and producers. Accordingly, access to such information is restricted to authorized employees of the committee or to the Secretary.

(k) *Compliance with provisions.* Except as provided in the order no handler should be permitted to handle and market turkeys, the handling and marketing of which is prohibited by rules or regulations issued under the marketing order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry as measured by the proportion of turkeys handled by him would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(l) *Miscellaneous provisions—Supervisory authority.* The Secretary is charged by law with the responsibility for the general supervision of marketing order program. In order to meet such responsibilities it is necessary that the Secretary have knowledge of and approve all regulations of the committee implementing the order. The duty of the Secretary also requires him to exercise supervisory authority over the actions of the board and committee to insure that actions taken are in the public interest, tend to effectuate the act, and are within legal authority. It is conceivable that in assuring the public interest it may be necessary to remove or suspend a person having responsibility in connection with the administration of the order. These provisions are in line with the general principle that the right and responsibility of the Secretary to exercise the powers and duties conferred upon him by law are paramount. It is essential that he preserve such right and responsibility, and the indicated provisions make it clear that he has the right to prevent the board or committee from taking any actions which are not in the public interest, which would be inconsistent with the program, or have the effect of superseding or overriding applicable laws which have been enacted by Congress.

Personal liability. This provision would exempt from personal liability either individually or jointly with others any member or alternate member of the board or committee or any employee or agent of the committee for errors in judgment, mistakes or other acts either of commission or omission, in connection with performance of official duties except for acts of possible dishonesty.

It is essential in programs of this kind which generally involve substantial sums of money and property of considerable value that the members and alternate members of the committee and its employees and agents be protected from personal liability when they are performing their duties. If such provisions as these were not included in the regulation, it might be difficult to obtain competent personnel to operate the proposed program.

Separability. This provision is generally included as a matter of course in marketing agreements and orders, and also appears in most Acts of Congress, particularly those which have been enacted during the last few years. Its purpose is simply to make it clear that in case of any provisions of the marketing order and agreement should be held by a court to be invalid, or if it should hold that the applicability of any such program to any person, circumstance or thing should be invalid, the validity of the remainder of such provisions or applicability thereof to any person, circumstance or thing shall remain unaffected by the holding. These provisions show that it is the intent of the proposed regulatory program, in case any of the above things develop, that the

program will still continue to operate insofar as practicable under the remaining provisions of the program. It is a provision to permit the program to continue to function even though some of it might be declared invalid, either in general or as regards its applicability to a particular person, circumstance, or thing.

Derogation. This provision merely makes it clear that none of the provisions of the proposed regulatory program are, or are intended to be, against or in modification of the rights of either the Secretary of Agriculture or of the United States to exercise any powers or to act in the premises in connection with the powers granted them under the Act or otherwise.

It is essential that the Secretary and the United States retain and preserve all of the rights and powers which are conferred upon them by law. Beyond any question the regulatory program should not, if adopted, be considered as a law which supersedes or overrides any laws which have been enacted by Congress.

These are precautionary provisions to specify the intent of the Secretary of Agriculture and of the United States to retain for themselves all of the rights and powers which are given them by law, not withstanding inauguration of this program.

Duration of immunities. The provision simply provides that the benefits, privileges, and immunities conferred by virtue of this regulatory program shall cease upon the termination thereof except with respect to acts done under it and during the existence thereof. There would, of course, be included any necessary and appropriate acts done during any liquidation period. A typical illustration of the benefits, privileges and immunities which are referred to is provided in Section 608(b) of the Act which specifically exempts appropriate acts taken under a regulatory program of this nature from coverage under the Anti-Trust Laws of the United States.

One of the basic purposes of a program of this nature is to regulate the commodity so as to increase the prices paid for it to the producers to as near the parity level as is reasonably practicable. This is done by the members of the industry acting in concert and through the United States Department of Agriculture pursuant to the authority of the Act. However, in the absence of such a regulatory program, the taking of the same action by members of the industry would presumably raise a serious question with respect to whether they are violating the Anti-Trust Laws in that connection.

Agents. This provision would authorize the Secretary of Agriculture to designate in writing any officer or employee of the United States, or to name any agency or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this program.

It is also conceivable that the Secretary may deem it desirable to make special delegations in writing to other officers, employees, agencies, or division of the Department of Agriculture in this regard. As indicated in connection with the definition of Secretary, it would be physically impossible for him to supervise or administer personally all of the programs and other functions assigned to him by this order if passed. The proposed delegatees in this instance are, however, subject to his control and direction, and he would be in particularly good position to correct promptly any abuses of the delegated powers which might arise.

Effective time. This provision merely specifies that the provisions of this regulatory program shall become effective at such time as the Secretary may declare above his signature, and shall continue in effect until terminated.

It is, of course, necessary that the effective date for this regulatory program, as well as for each amendment of such program, be fixed, and it is believed to be reasonable and proper that this action be taken by the Secretary of Agriculture.

Termination or suspension. The provisions of section 608c(16)(A) of the Act require the Secretary of Agriculture, whenever he finds that any regulatory program of this nature, or any provision thereof, obstructs or no longer tends to effectively effectuate the declared policy of the Act, to terminate or suspend this particular action.

Subparagraph (a), therefore, would adopt the same requirement as is set forth in section 608c(16)(A) of the Act. It is not contemplated that suspension or terminating action would be taken by the Secretary except pursuant to said paragraph, or pursuant to paragraph (b) which is discussed below.

Subparagraph (b) would require the Secretary of Agriculture to terminate the provisions of this regulatory program at the end of any marketing year, whenever he finds that such action is favored by a majority of the producers. The Secretary must hold a referendum of producers between October 1 and October 31, 1964, and on even numbered years thereafter if he receives a recommendation from the board requesting such a referendum. The board, being made up in good part by producers, is logically suited to reflect producer sentiment in this regard.

Subparagraph (c) would automatically terminate provisions of the order in the event the applicable provisions of the Agricultural Marketing Act of 1937, as amended, should cease to be in effect. It is obvious that such a program cannot exist after the authority therefor has ceased to be in effect.

Procedure upon termination. If the order should be terminated subsequent to its being put into effect, it is probable that future action will be necessary to collect money which is due, settle any unpaid indebtedness, and dispose of surplus funds or other property, such as office equipment or other production equipment, and in that connection there must be some persons who will have authority to take and complete these actions until there has been a complete liquidation and straightening out of all of the matters in connection with the program. This is a reasonable requirement and it is generally followed as good business practice. The designation of the members of the committee who are functioning as such at this time of termination for the performance of these duties is believed to be logical and a good way of handling this matter. It would be usual in programs of this nature.

Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, any termination or amendment of the regulatory program or any regulation issued pursuant thereto shall not affect or waive any right, duty, obligation, or liability which shall have arisen or which might arise thereafter. Also, that any such action shall not release or extinguish any violation of such regulatory provisions or supplemental regulations, nor affect or impair any rights or remedies of the Secretary of Agriculture, or any other person, with respect to such violation. These provisions will tend to insure that vested rights, duties, obligations, and other liabilities which occurred under the previous regulatory provisions, which were in effect at the particular times, shall operate normally, and that violations which occurred under such previous regulatory provisions can thereafter be prosecuted, much the same as was done before. These provisions of the section are reasonable and necessary to assure that any such termination will not have the effect of precluding or taking the requisite action under the Act.

Amendments. This section provides that amendments to this regulatory program may be proposed from time to time by the committee or by the Secretary of Agriculture. Such a privilege is also bestowed by the provisions of section 900.3 of the rules of practice relating to marketing orders (7 CFR 900.3). However, the proposing of such amendments is not confined to these two but such action may be taken by any other person, such as a producer or handler.

Counterparts. This section would be incorporated in the marketing agreement only. It simply provides that such agreements may be executed in as many counterparts as necessary, and when one counterpart is signed by the Secretary, all parts shall constitute, when taken together, one and the same instrument as if all signatures are contained in the one original.

It is anticipated that each signatory handler will sign a separate counterpart and these provisions are intended to facilitate the signing of the agreement by several handlers. They will avoid the delay of having the same copy signed by all signatory handlers and eliminate the need for the Secretary to sign each copy. This section would also apply to amendments for the same reasons.

Additional parties. This section would also be incorporated in the agreement only and would permit any handler who did not become a party to the agreement originally to become a party by executing a counterpart and delivering it to the Secretary.

The provisions of this section should also permit persons who become handlers after this program is put into effect to join in the agreement, as well as make it possible for all handlers who fail to sign the agreement at the beginning to do so later in case they should so desire.

Even though a handler should fail or refuse to sign the agreement, he would still be subject to regulation under the order, if one is issued by the Secretary of Agriculture. Any person who so becomes a party to the marketing agreement should, of course, be afforded the benefits, privileges and immunities thereof. However, it is reasonable that the latter should be available to a handler before he becomes a party to the agreement by delivery of a signed copy to the Secretary.

Order with marketing agreements. This section which would likewise be applicable to the marketing agreement only is a formal request to the Secretary by handlers who sign the agreement that an order be issued regulating the handling of turkeys as is provided for in the marketing agreement. It is a routine provision which is incorporated in such agreements and expresses the desire of the handlers.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Turkeys", and "Order Regulating the Handling of Turkeys", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. The aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rule of practice and procedure governing proceedings to formulate marketing orders have been met.

Notice is hereby given of the opportunity for handlers to execute counterpart copies of the Marketing Agreement if they desire to do so. Such counterpart copies will be mailed to all known handlers and also may be obtained from the Director, Livestock, Dairy and Poultry Division, ASCS, Washington 25, D.C. Executed counterpart copies of the Marketing Agreement should be transmitted to the Director, Livestock, Dairy and Poultry Division, as soon as possible.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Referendum Regulations, Determination of Representative Period, and Designation of Referendum Agent. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who during 1961 (which is hereby determined to be a representative period for the purpose of this referendum) were engaged in the production of turkeys in the production area to ascertain whether or not such producers favor the issuance of the annexed order regulating the handling of turkeys. The Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture is hereby designated agent of the Secretary to conduct such referendum.

The following procedure shall be applicable to the referendum in lieu of the procedure set forth in 15 F.R. 5176. The ballots used in the referendum shall contain a summary describing the terms and conditions of the order.

1. *Definitions.* For the purpose of the referendum, the following terms shall have the following meaning:

(a) "ASC county committee" means the group of persons elected within a county as the county committee pursuant to the regulations entitled Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7, Subtitle A, 7 CFR, as amended).

(b) "ASC State committee" means the group of persons designated in any State to act as the State Agricultural Stabilization and Conservation Committee.

(c) "ASCS State and county offices" means the State and county offices of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "Terms defined in order": The terms defined in §§ 301.1 to 301.20 of the annexed order shall have the meanings ascribed to those terms in that order.

2. *Eligible voter.* Each person who produced turkeys in the production area in the representative period shall be entitled to only one vote in the referendum. A cooperative association of producers, bona fide engaged in marketing turkeys, or in rendering services for or advancing the interest of the producers of turkeys, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. No person who is an exempt producer as defined in § 301.15 or a producer-handler as defined in § 301.17 of the annexed order shall be entitled to a vote in the referendum.

3. *Volume of production.* Each ballot cast by, or on behalf of, a producer shall reflect the total quantity (live weight) of turkeys marketed through handlers in 1961 of which he or it was the producer. If a contract-producer(s) and a producer-grower(s) are involved in the production of turkeys marketed from the same production facility, for the purposes of this referendum, the producer-grower's share in the turkeys shall be deemed to be a quantity (live weight) of turkeys equal to one-half the total quantity (live weight) of the production marketed during 1961 and the contract-producer's share shall be one-half of such production divided by the number of contract-producers thereof.

4. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. The Deputy Administrator may appoint each ASC State committee to be in charge of conducting the referendum in its State and each ASC county committee to be in charge of conducting the referendum in its county.

5. *Period of referendum.* The period of this referendum shall be from June 18, 1962 through June 22, 1962, both dates inclusive.

6. *Notice of referendum.* The ASCS State and county offices will provide full and accurate public notice, without incurring advertising expense, of the time and place of balloting in the referendum and the rules governing the eligibility to vote, by means of newspapers, radio, etc., or any other method they may deem desirable.

7. *Voting.*

(a) *"Mailing of ballot to eligible voters."* Each ASCS county office will mail ballots to all producers in the county of whom the office has knowledge. The mailing of a ballot is not a determination of eligibility to vote. If a producer has not received a ballot, he can obtain one from the ASCS State or county office upon request. The ASCS State office shall mail a ballot to each cooperative association which qualifies to vote on behalf of producers in accordance with paragraph (c).

(b) *"Place and manner of voting by individuals."* (1) The ASCS county office serving the county in which the producer's principal place of turkey production is located shall be his polling place. Voting will start on June 18, 1962. A ballot may be cast on Form ASCS–213 by personal delivery to the polling place on or before the close of business June 22, 1962, or mailing it to the polling place on or before June 22, 1962. The date of the postmark will be considered the date of mailing. (2) A contract-producer (defined in § 301.14(b) of the order) shall prepare and attach to his ballot a list for each county in which any producer-grower with whom the contract-producer had a contract for turkey production in 1961. The list for each county shall show the name and addresses of the producer-growers in that county and their respective shares of the quantity of turkeys marketed through handlers in 1961.

(c) *"Place and manner of voting by cooperative associations."* A cooperative association may mark only one ballot. The ballot shall be cast for all eligible producers who on the date the vote is cast are members of, stockholders in, or are under contract to sell their turkeys through the association in 1962. A cooperative association must qualify for voting by filing with the ASCS State office in the State where the association's principal place of business is located not later than June 12, 1962, each of the following: (1) A certified copy of the Articles of Incorporation and by-laws of the association and, (2) a certified copy of the resolution adopted by its Board of Directors authorizing such vote. The ASCS State office will send a ballot to each cooperative association that establishes eligibility to vote. The coopera-

tive association shall return the marked ballot so that it will reach that office not later than June 22, 1962. Each ballot cast by a cooperative association shall be accompanied by the original and one copy of a list prepared on Form ASCS–214–1 for each county in which any producer for whom the association is voting would be required to vote. The list prepared for each county shall show the name and address of the association and whether it votes "yes" or "no" in the referendum. The producers' names shall be arranged alphabetically on each Form ASCS–214–1 prepared and their total quantity (live weight) of turkeys marketed by each in 1961 shall be shown.

8. *Challege of ballots.* A ballot may be challenged on the basis of knowledge of any ASC State, county, or community committeeman, or employee of an ASCS State or county office. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the marketing of turkeys reported. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with respect to issuance of the order, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the voters determining (a) the number of eligible producers favoring issuance of the order and their volume of production, (b) the number of eligible producers disapproving issuance of the order and their volume of production, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as the Secretary may direct. Reports and summaries of the voting shall be sent to the Deputy Administrator through the ASCS State offices in accordance with instructions issued by the Deputy Administrator. The ASCS State and county offices shall not release any information as to voting in the State or county either before or after the announcement by the Secretary of the referendum results.

10. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms, not inconsistent with the provisions of this referendum order, to govern the procedure to be followed in the conduct of this referendum.

Copies of the text of the annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. Ballots to be cast in the referendum and copies of the text of the proposed order may be obtained from any ASCS State or county office.

Dated: April 4, 1962.

ORVILLE L. FREEMAN,
Secretary.

Recommended order. The following order is recommended as the detailed means by which the foregoing conclusions may be carried out.

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AUTHORITY: §§ 1034.0 to 1034.92, issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.

§ 301.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of turkeys in the production area of the United States. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The marketing order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the act with respect to turkeys produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets; (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such turkeys above the parity level; and (iii) by authorizing the establishment and maintenance of such orderly marketing conditions as will provide, in the interests of producers and consumers an orderly flow of turkeys to market throughout their normal marketing season to avoid unreasonable fluctuations in supplies and prices.

(2) The said order authorizes regulation of the handling of turkeys produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable and consistent with carrying out the declared policy of the act and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of turkeys produced in the production area; and

(5) All marketings of turkeys produced in the production area and of the products thereof are in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of turkeys in the production area shall be in conformity to, and in compliance with, the following terms and conditions of the order.

DEFINITIONS

§ 301.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 301.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 301.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 301.4 Production area.

"Production area" means the 48 contiguous States of the continental United States and the District of Columbia.

§ 301.5 Turkey.

"Turkey" means that fowl belonging to the family Meleagridae, the genus Meleagris and the species Gallopavo.

§ 301.6 Type or Variety.

"Type" or "Variety" are synonymous and mean such classification of turkeys as the Committee may recommend and the Secretary shall approve.

§ 301.7 Quantity.

"Quantity" means the weight of live turkeys at the time of receipt by a handler or other person determined in accordance with regulations issued by the Committee.

§ 301.8 Processed turkey.

"Processed turkey" means the eviscerated turkey (ready to cook) or the equivalent thereof of New York Dressed or Kosher processed turkey as determined in accordance with regulations issued by the Committee.

§ 301.9 Handle.

"Handle" means the slaughtering or the receiving for slaughter of turkeys in the production area for the production of meat or the disposition of processed turkey by the slaughterer thereof.

§ 301.10 Handler.

"Handler" means a person who handles turkeys.

§ 301.11 Exempt Handler.

"Exempt handler" means a handler who handles less than a quantity of 7,000 pounds of turkey per marketing year.

§ 301.12 Production facilities.

"Production facilities" means the land, buildings and equipment utilized in the production of turkeys.

§ 301.13 Market.

"Market" means the disposition by a producer of a quantity of turkeys to handlers, producers or other persons.

§ 301.14 Producer.

"Producer" means a person, other than a producer-handler, who (a) operates in a proprietary capacity the production facilities on which a quantity of turkeys in excess of 3,600 pounds are produced in a year, which turkeys are handled by handlers other than exempt-handlers or producer-handlers (such producer may be hereinafter referred to as a producer-grower); or (b) is interested in the production of turkeys by having a proprietary interest in the turkeys produced by a producer-grower (such a producer may be hereinafter referred to as a contract-producer): *Provided,* That for the purposes of this part, if one or more persons are contract-producers with respect to a quantity of turkeys marketed from the production of a producer-grower, their respective shares in such quantity of turkeys shall be deemed to be a quantity of turkeys equal to one-half of the total quantity of such turkeys divided by the number of persons who are contract-producers thereof.

§ 301.15 Exempt producer.

"Exempt Producer" means a person who operates the production facilities on which a quantity of not more than 3,600 pounds of turkey are produced in a year.

§ 301.16 Proprietary interest.

"'Proprietary Interest' means sharing in the risk of loss in a producer-grower's production of turkeys through a direct contractual relationship with the producer-grower."

§ 301.17 Producer-Handler.

"Producer-Handler" means a person who in his own handling facilities (1) handles a quantity of not more than 100,000 pounds of turkey per marketing year, of which not more than 5,000 pounds of such turkeys are other than his own production, and (2) except for a quantity not in excess of 5,000 pounds does not deliver any turkeys from his own production to others during the marketing year.

§ 301.18 Board.

"Board" means the Turkey Advisory Board established pursuant to this part.

§ 301.19 Committee.

"Committee" means the Turkey Administrative Committee established pursuant to this part.

§ 301.20 Year and marketing year.

"Year" and "Marketing Year" are synonymous and mean the 12-month period beginning February 1 of each year and ending January 31 of the following year, or such other period as may be recommended by the Committee and approved by the Secretary.

TURKEY ADVISORY BOARD

§ 301.25 Establishment and membership.

A Turkey Advisory Board is hereby established, consisting of 60 members, of whom 57 shall be nominated to represent various States and regions, as listed below:

California-Nevada	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia, West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah, Arizona	2
Ohio	2
Arkansas	2
North Carolina	2
Colorado, New Mexico	1
Georgia, Florida	1
Washington	1
Oregon	1
New England States	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky, Tennessee	1
New York	1
Delaware, Maryland, New Jersey, District of Columbia	1
Montana, Idaho, Wyoming	1
Alabama, Mississippi, Louisiana	1
South Carolina	1

The remaining three members shall be representative-at-large and shall be selected at the discretion of the Secretary. Each member of the Board shall have an alternate member nominated in the same manner as members.

§ 301.26 Term of office.

Members and alternate members of the Board shall serve for terms of three

years ending on the last day of January, and each such member and his alternate shall serve until his successor is selected and qualified; *Provided*, That the term of office of the initial Board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to the last day of January 1963, such staggered terms of office to be determined by the Secretary.

§ 301.27 Nominations.

Nominees for membership on the Board shall be made at one or more nomination meetings called and supervised by the Committee under rules and regulations promulgated by the Committee. Such meetings shall be held in and for each of the states or groups of states specified in § 301.25 and reasonable publicity shall be provided for such nomination meetings by the Committee. Only producers and handlers shall be eligible to vote and each such person shall have but one vote. Voting shall be by secret ballot and may be cast in person or by mail. Three nominations shall be made for each member position, which shall also be deemed nominations for such member's alternate. All nominations should be certified by the Committee to the Secretary as soon as practicable and, after the initial appointment of the Board, no later than January 4 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include for each nominee a brief summary of his experience and association with the turkey industry. For the purpose of obtaining nominations for the initial Board, the Secretary shall perform the functions of the Committee.

§ 301.28 Duties.

The duties of the Board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the Committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy, and the consideration of such other matters as it deems proper or as the Committee or the Secretary may request.

TURKEY ADMINISTRATIVE COMMITTEE

§ 301.30 Establishment and membership.

A Turkey Administrative Committee is hereby established to administer the terms and provisions of this part. Such Committee shall consist of 19 members which shall include the chairman of the Board who shall also be chairman of the Committee. For each member there shall be an alternate member. No person shall be selected or continue to serve as a member or alternate member of the Committee unless he is serving as a member or alternate member of the Board.

§ 301.31 Nomination.

The Board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the Committee. All such nominations for the Committee shall be certified by the Board to the Secretary as soon as practicable following their nomination.

§ 301.32 Term of office.

Members and alternate members of the Committee shall serve for terms of one year ending on January 31, the initial term beginning with the effective date of this part and ending on January 31, 1963, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 301.33 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 301.34 Duties.

The Committee shall have among others the following duties:

(a) To act as intermediary between the Secertary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of turkeys and to make recommendations concerning the issuance of regulations pursuant to this part;

(d) To submit to the Secretary or the Board such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the Committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the Committee to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the Committee and to make such statements, together with the minutes of the meetings of said Committee and the Board, available for inspection at the offices of the Committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the Committee and the Board as is given to members;

(j) To investigate compliance with and to use means available to the Committee to prevent violation of the provisions of this part; and

(k) To establish such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ 301.36 Selection.

The Secretary shall select and appoint members and alternate members of the Board and the Committee in the numbers and with the qualifications specified in this subpart. Such selections shall, to the extent feasible in the light of the following considerations, be made from the nominations certified by the Committee and the Board: *Provided*, That in making such selections and appointments the Secretary shall give major recognition to turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ 301.37 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified purusant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 301.38 Qualify by acceptance.

Each person selected as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 301.39 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 301.40 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Committee certifying to the Secretary a new nominee within 40 calender days.

§ 301.41 Procedure.

All decisions of the Board and the Committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the Board shall consist of not less than thirty (30) members and for the Committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the Board or Committee. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than fourteen (14) members of the Committee to constitute action by the Committee.

§ 301.42 Expenses and compensation.

The members of the Committee and the Board, and the alternate members, shall be allowed their necessary expenses, actual or per diem, as approved by the Committee. If the Secretary upon recommendation of the Board determines that it is necessary for the efficient and effective operation of the Board or Committee and that the members thereof receive reasonable compensation for their services, such members may receive such compensation at a rate recommended by the Committee and approved by the Secretary.

EXPENSES AND ASSESSMENTS

§ 301.45 Expenses and budget.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board and Committee and for other such purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The Committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the marketing year.

§ 301.46 Assessments.

Each handler shall pay to the Committee, upon demand, with respect to turkeys handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each marketing year. Each handler's pro rata share shall be at a rate of assessment per hundred pounds of processed turkey, fixed by the Secretary, but in no event shall such assessment exceed $.20 per 100 pounds of processed turkey. At any time during the marketing year the Secretary may decrease the rate of assessment or may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled: *Provided*, That no such change in assessment shall be retroactive. In order to provide funds to carry out the functions of Board and Committee, the Committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the Board and Committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect.

§ 301.47 Accounting.

(a) If, at the end of a marketing year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practicable to the persons from whom it was collected.

(2) The Committee, with the approval of the Secretary, may carry over such excess into subsequent marketing years as a reserve: *Provided*, That funds already in the reserve do not equal approximately one marketing year's expenses. Such reserve funds may be used (i) to defray expenses, during any marketing years, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the Committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the Committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the Committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The Committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other Committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the Committee.

RESEARCH DEVELOPMENT

§ 301.50 Research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of turkeys. The expenses of such projects shall be paid from funds collected pursuant to § 301.46.

REGULATIONS

§ 301.55 Marketing policy.

At least once each marketing year the Board shall prepare and submit to the Secretary through the Committee a report setting forth its general marketing policy for such ensuing period or periods as it may deem appropriate. Notice of the Board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. The report shall include any recommendation it may make for regulatory action in such period or periods including the need for any regulations and recommendations with respect thereto dealing in any manner with any of the foregoing or with the authorities for regulation provided by this subpart, as well as data and information used by the Board in formulating the marketing policy. In developing the marketing policy, the Board shall give consideration to the following factors:

(a) The estimated quantity of processed turkeys on hand in the production area at the beginning of such period or periods.

(b) The probable availability of additional turkeys during such period or periods.

(c) The estimated quantity of processed turkeys which should be carried over as a desirable inventory into any succeeding period or periods.

(d) The number of turkey hatching eggs set for hatching or the number of poults placed in such period or periods as will reflect probable availability of turkeys in the period or periods for which regulation is proposed.

(e) The estimated market requirements for processed turkeys for the period or periods for which regulation may be proposed, including in such estimates as separate items probable trade demands for such turkeys in the various available outlets for such turkeys.

(f) Current prices being received for turkeys and the probable general level of prices to be received for turkeys by producers and handlers.

(g) The trend and level of consumer income and any other factors which may affect consumer demand for processed turkeys.

(h) Any other pertinent factors bearing on the marketing of such turkeys, including the estimated supply or demand for particular types or sizes of turkeys or special problems relating thereto.

Recommendations with respect to specific implementation of the general marketing policy recommended by the Board shall be made to the Secretary by the Committee from time to time, as circumstances warrant, and the Committee's recommendation shall contain

the data and information upon which it is based, together with the specific regulatory action recommended.

§ 301.56 Issuance of regulations.

The Secretary shall regulate the handling of turkeys as authorized by this subpart whenever he finds from the recommendations and information submitted by the Board or Committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit the quantity of turkeys all handlers may receive for handling pursuant to § 301.61.

(b) Limit the handling of particular grades, sizes, or qualities of any or all types of turkeys during a specified period or periods.

(c) Fix, or provide methods for fixing, pursuant to sections 301.60, 301.62, and 301.65, free and surplus percentages applicable to the handling of all turkeys handled by handlers and for the pooling of set aside turkeys and the distribution of the proceeds of such pool.

(d) Limit the handling of turkeys differently for different period or periods, for different types, sizes, or any combination of the foregoing for any period.

VOLUME REGULATION

§ 301.60 Volume regulation.

The Secretary may establish, upon the recommendation of the Board or Committee or on other available information, regulation of turkeys for the marketing year or for such period or periods as he may prescribe, by any one or both of the methods hereinafter specified, if he determines that regulation by the method or methods employed may tend to effectuate the declared policy of the act. Such regulation may be based upon different desirable quantities or desirable free quantities for different types or sizes of turkeys; and when such quantities are established for such turkeys, the allocation bases, allotments, or percentages under such regulation shall be equitably apportioned among producers: *Provided*, That if the Board recommends volume regulation for the balance of the year 1962, remaining after this part becomes effective, such volume regulation shall be restricted to Method No. II provided in sections 301.62 and 301.65 and in such event the Board shall give due consideration to the regional differences in production of turkeys.

METHOD NO. I

§ 301.61 Desirable quantity.

Whenever a desirable quantity of turkeys which all handlers may acquire from producers in the marketing year has been established the Secretary shall equitably apportion such quantity among producers by establishing allocation bases and allotments for the marketing year as follows:

(a) *Allocation bases.* Producer-growers and contract-producers shall respectively be apportioned allocation bases for the periods and in the manner set forth below:

(1) Allocation bases of producer-growers applicable for the years 1963 and 1964:

(i) To be eligible for an allocation base each producer-grower must have been a producer-grower in 1961 or in any two of the three years 1959, 1960, or 1961.

(ii) Each producer-grower eligible for an allocation base shall have his base determined by dividing the total quantities of turkeys of his production marketed in 1959, 1960, and 1961 by three (3).

(iii) In the event a producer-grower marketed turkeys in only two of the years 1959, 1960, or 1961 his base shall be computed by dividing the quantities of his production marketed in such years by two (2): *Provided*, That if one of the two years is 1961 then 90 percent of his production marketed in 1961 shall be used in the base computation and

(iv) In the event 1961 was the only year in which a producer-grower marketed turkeys, such producer-grower's allocation base shall be 90 percent of the total quantity of turkeys of his production marketed in 1961.

(v) In the event a producer-grower produced turkeys in conjunction with any contract-producer(s) in two or more of the years 1959, 1960, or 1961 then, in computing such producer-grower's base as provided in subdivisions (ii) and (iii), one-half of the quantities marketed each year which were produced in conjunction with contract-producers shall be added to quantities of turkeys of his independent production marketed, if any, and the resulting sum shall be the producer-grower's marketings for that year.

(2) Allocation bases of contract-producers applicable for the years 1963 and 1964.

(i) Each contract-producer in order to be eligible for an allocation base must have operated as a contract-producer in 1961 or in two or more of the years 1959, 1960, or 1961.

(ii) Each contract-producer eligible for an allocation base shall have his base determined by dividing one half of the total quantities of turkeys in which he had a proprietary interest which were marketed in 1959, 1960, and 1961 by three (3).

(iii) In the event that a contract-producer had proprietary interest in turkeys marketed in only two of the years 1959, 1960, or 1961 his base shall be computed by dividing one half of the total quantities of turkeys in the two years in which he did have a proprietary interest in such turkeys by two (2): *Provided*, That if one of the two years is 1961 then 90 percent of the quantity of turkeys in which he had a proprietary interest marketed in 1961 shall be used in the base computation.

(iv) In the event more than one eligible contract-producer has a proprietary interest in the quantity of turkeys marketed from a producer-grower's production then, for the purpose of computing such contract-producer's allocation bases for 1963 and 1964, one-half of the quantity of such turkeys shall be divided by the number of eligible contract-producers having a proprietary interest therein.

(3) Producer-grower's allocation bases for the marketing years 1965 and thereafter:

(i) Each producer-grower's allocation base shall be determined by dividing by three the total of the quantities of turkeys produced by him which were marketed in the three years immediately preceding the marketing year for which the allocation base is being determined, *Provided*, That in the event a quantity of turkeys marketed from a producer-grower's production were produced in conjunction with a contract-grower(s), one-half of such quantity shall be added to the quantity of turkeys of his independent production marketed, if any, and the resulting sum shall be the producer-grower's marketing for the three years.

(4) Contract-producers allocation bases for the marketing years 1965 and thereafter:

(i) Each contract-producer's allocation base shall be determined by dividing by three, one-half of the total of the quantities of turkeys marketed in which he had a proprietary interest in the three years immediately preceding the marketing year for which the allocation base is being determined.

(ii) In the event more than one contract-producer has a proprietary interest in a quantity of turkeys produced on a producer-grower's production facilities than one-half of the quantity of turkeys so produced and marketed shall be divided by the number of contract-producers having a proprietary interest therein.

(5) In computing the bases for producer-growers and contract-producers for the marketing years 1965 and thereafter, the year 1962 shall not be used for base purposes and the producer's base computed pursuant to paragraphs (a)(1) or (a)(2) shall be deemed to be the producer's quantity of marketings for each of the years 1961 and 1963.

(6) The Committee may provide for adjustment of a producer's allocation base upon a showing that such producer's production and marketings in the applicable base periods provided in subparagraphs (1), (2), (3), and (4) was not representative.

(7)(i) Handlers may acquire turkeys marketed under a contract-producer's base only if such turkeys were produced on a producer-grower's production facilities other than those owned or controlled directly or indirectly by the contract-producer.

(ii) A producer-handler who desires to relinquish his status as a producer-handler, may be apportioned an allocation base by the Committee based upon his past production and marketing in accordance with regulations of the Committee.

(iii) If the sum of the desirable quantity in any marketing year exceeds the sum of the allotments of the proceeding year the Committee may determine a portion of the difference between such sums which may be apportioned to persons who are not producers of turkeys and who can establish that they have the ability to produce.

(b) *Application.* Each producer desiring an allocation base for the marketing year shall, not later than 6 weeks preceding such marketing year, or prior to such date as the Committee may otherwise prescribe, file with the Committee or other agency specified by the Committee an application therefore on forms prescribed by the Committee, which shall supply all pertinent information required by the Committee. The burden of supplying and supporting all such information shall rest upon the producer.

(c) *Committee verification.* The Committee or agency shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, false statement or inaccuracy in any such application, it shall correct the same and shall give the person who submitted the application a reasonable opportunity to discuss with the Committee or agency the factors considered in making the corrections. In the event of correction of a base, the allotment apportioned to the producer pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive directly or indirectly from the production of such producer for their account or the account of such producer during the marketing year which allotment shall be computed by dividing the desirable quantity of turkeys established pursuant to this section by the sum of the allocation bases of all producers, and multiplying such producer's allocation base by the resulting percentage figure. The result shall be the producer's allotment of the established desirable quantity of turkeys and no handler shall acquire directly or indirectly a quantity of turkeys from the production of any producer (including such handler in his capacity as a producer) which would result in handlers having acquired or received a greater quantity of turkeys from such producer's production than the total quantity so apportioned to such producer, plus such additional amounts as may be specifically provided in this part.

(e) *Certification of Allotments.* The Committee may establish by regulation such means of certification of identification with respect to allotments apportioned to producers as may be required to effectuate the purposes of this part or any regulations issued under this part.

(f) *Allotments by period.* Whenever the Board recommends and the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act, he may establish within the marketing year a period or periods within which handlers may acquire a producer's allotment or specified portion thereof. In determining the quantities of turkeys which handlers may acquire in such period or periods, the Board shall take into consideration the seasonal patterns of production by region, such regions to be established by the Committee, and shall apportion such quantities to be acquired by handlers so as to provide equity among producers.

(g) *Allotment adjustment.* (1) In any marketing year or period or periods within such marketing year when allotments are in effect any handler may acquire from a producer's production a quantity of turkeys which will result in the total quantity of turkeys acquired from such producer's production by handlers exceeding such producer's allotment by not in excess of 5 percent thereof: *Provided*, That such producer furnishes the handler with a certification that his total markетings of turkeys during the period, including the excess quantity, consisted of turkeys of his own production only and upon such certification, the producer's allotment for the period shall be deemed adjusted accordingly: *Provided further*, That any handler receiving excess turkeys under these conditions shall make the producer's certification available to the Committee and file such reports relating thereto as the Committee may require and the Committee shall reduce the allotment to be acquired from the producer's production for the ensuing period by the quantity by which is current allotment was adjusted.

(2) If handlers do not acquire from a producer's production such producer's full allotment for the marketing year, or period within a marketing year, then such quantity which was not acquired may, pursuant to regulations issued by the Committee, be added to the quantity which may be acquired from such producer's production during the next marketing year, or period, but in no event shall such quantity exceed 5 percent of the quantity which may be acquired from a producer's production during the marketing year, or in a period within a marketing year.

(h) *Foundation Breeders.* The Committee may establish, by regulation, a definition of a foundation breeder and, notwithstanding the provisions of paragraphs (d) and (f) of this section, if the Committee finds, upon substantial information submitted by a producer who is a foundation breeder, that such producer's apportionment of the established desirable quantity of turkeys is having a substantial adverse affect upon the operation of a sound breeding program, the Committee may adjust such producer's allotment which may be acquired by handlers to the extent necessary to avoid or mitigate such adverse affect. A determination as to whether a producer is a foundation breeder shall be made by the Committee and shall be based upon an application for foundation breeder status, filed with the Committee by the producer, containing such information as the Committee may prescribe, and upon such other information as the Committee may find necessary in order to arrive at its determination.

(i) *Transfers of bases and allotments.* Allocation bases and allotments shall not be transferred except as authorized by regulations issued by the Committee and then only in the following circumstances:

(1) *Allocation bases.* (i)(a) On and after February 1, 1964, in the event of a transfer of the producer-grower's entire production facilities, the producer-grower's base may be transferred to the person acquiring and continuing the use of such facilities and (b) On and after February 1, 1964, in the event of a transfer of the assets of a contract-producer's business operation, the contract-producer's base may be transferred to the person acquiring such assets, *Provided*, That upon a determination by the Committee that allowance prior to February 1, 1964, of the type of transfers authorized under (a) and (b) will not adversely affect the interests of the producer or impair the effectuation of the purposes of the order, the Committee may, to the extent that it so determines, authorize such transfers to be made prior to February 1, 1964, under such limitations as it deems necessary and appropriate.

(ii) In the event of the death, retirement, or entry into military service of a producer, the entire allocation base may be transferred to a member of such producer's immediate family who carries on the turkey production operation.

(iii) If an allocation base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or may be divided among them.

(2) *Allotment transfers.* An allotment applicable to a producer or any portion thereof may be transferable to another producer for a marketing year.

METHOD NO. II

§ 301.62 Desirable free quantity.

Whenever a desirable free quantity of turkeys has been established for any period or periods as may be prescribed, all handlers shall handle such turkeys in such period or periods in accordance with the following:

(a) *Free and surplus percentages.* Whenever the Committee concludes that the volume of turkeys which will be available for handling, in a period or periods for which there has been established a desirable free quantity of turkeys, will exceed such desirable free quantity it may recommend to the Secretary that the handling of turkeys in such period or periods be limited by establishing free and surplus percentages applicable to the handling of all turkeys, or the handling of turkeys of any grade, size or quality, or any combination thereof. If the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act he may establish free and surplus percentages applicable to such total handling or of any grade, size, or quality thereof, within such period or periods, which shall total 100 percent of the turkeys to which the percentages apply. If the Secretary determines that such percentages should be modified within any such period or periods, appropriate new percentages may be established: *Provided*, That any

change in the applicable percentages may be applicable only to the remainder of the period and may not be retroactive.

(b) *Set aside.* Whenever free and surplus percentages have been established for a period or periods, each handler shall set aside at such times as the Committee may prescribe, a quantity of processed turkeys computed by multiplying the quantity of all turkeys handled by him in such period by the applicable surplus percentage.

(c) *Set aside by grade, size or type.* The Committee may prescribe by regulation the grade, size, quality, or type of turkeys which shall be set aside to meet the surplus percentage and may require that such surplus percentage be set aside from each lot handled and separate pools may be established for the disposition thereof and the distribution of proceeds: *Provided,* That for purposes of this provision each day's slaughter of each producer's turkeys or of the handler's own turkeys shall be deemed a separate lot. The turkeys handled by a handler which are free quantity turkeys may be disposed of by him in any marketing outlet, subject, however, to any grade, size or quality restrictions otherwise provided by this part.

(d) *Set aside turkeys.* (1) All turkeys set aside to meet the handler's set aside obligation shall be held by the handler for the account of the Committee in compliance with regulations of the Committee until the handler has been relieved of such responsibility by the Committee. Such set aside turkeys shall be free and clear of all liens: *Provided,* That any liens which were outstanding at the time turkeys were set aside shall be subject in every way to this order and the regulations thereunder, and any lienholder with respect to such lien shall, to the extent of such lien, be deemed an assignee of a pro rata interest in the net proceeds of the applicable pool of set aside turkeys.

(2) The handler shall hold such turkeys in storage, in such facilities and under such storage conditions as the Committee may prescribe.

(3) Set aside turkeys shall be labeled or otherwise marked in such manner as the Committee may prescribe so as to be identifiable at all times and shall be subject to inspection by the Committee or its representatives at all times.

(4) Upon reasonable notice by the Committee, a handler shall commence delivery to the Committee or its designee of any or all set aside turkeys held for the account of the Committee and at such rate as may be prescribed.

(5) Handlers shall use good commercial practices in caring for set aside turkeys and be liable to the Committee for losses of set aside resulting from lack of due care.

(6) The Committee may, by regulation, authorize methods, other than processing and storage by which a handler may comply with his set aside requirements. Some such other methods might include, but are not limited to the following:

(i) The Committee may allow the handler to purchase other handlers free percentage turkeys to fulfill his set aside requirement.

(ii) The Committee may, upon authorization and payment from the handler, purchase free percentage turkeys to fulfill the handlers set aside.

(iii) The Committee may designate in advance a point or points of delivery to which the handler may ship set aside turkeys whenever he has set aside commitments.

(iv) The Committee may allow the handler to satisfy his set aside requirements for a period or periods by setting aside at a time or times specified by the Committee, the aggregate of his set aside requirements rather than meeting such requirements out of each day's processing.

(e) *Title.* The Committee, with respect to turkeys set aside for the account of the Committee, shall be deemed to have title thereto as trustees and is authorized to negotiate loans on such set aside surplus turkeys for the purpose of paying the expenses relating thereto, or for making advance payments, or both.

(f) *Pooling period.* A pool of set aside turkeys shall consist of surplus percentage turkeys set aside by handlers during any period or periods as may be prescribed, but any such period shall be not less than one month nor more than one year in duration: *Provided,* That a pool may include surplus turkeys from one or more set aside periods within a marketing year.

(g) *Handler compensation.* Each handler shall be compensated for processing and other costs relating to the surplus percentage set aside of turkeys as the Committee may deem to be appropriate, in accordance with charges established at the beginning of the marketing year by the Committee with the approval of the Secretary. Such costs shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons.

(h) *Committee disposition of set aside.* The Committee shall have the power and authority to sell and dispose of, or use any agency approved by the Secretary to dispose of any and all set aside turkeys upon the best terms and at the highest prices attainable consistent with the provisions and objectives of this part, but only in the outlets specified in subparagraph (1) of this paragraph.

(1) *Outlets.* The Committee may sell or dispose of set aside turkeys in the following outlets:

(i) By sales for disposition in export,

(ii) By direct sale to any agency of the United States Government,

(iii) In other outlets which the Committee may specify by regulation to be substantially noncompetitive with those for normal outlets for turkeys, or

(iv) To the extent feasible and consistent with the purposes of this part, the Committee with the approval of the Secretary may, through handlers or handlers' sales agency or otherwise, sell or dispose of set aside surplus turkeys in any other outlets, including any normal outlets for turkeys.

(2) The Committee shall make disposition of surplus turkeys in each pool as expeditiously as practicable consistent with the provisions and objectives of this part, and in any event not later than August 1 of the following marketing year.

(i) *Distribution of net proceeds.* The Committee shall distribute the net proceeds from the disposition of any pool of set aside surplus turkeys, after deduction of any expenses incurred by the Committee for the receiving, handling, holding, or disposition thereof, to the producers, or their successors in interest, pro rata on the basis of the quantities of their respective contributions to the set aside contained in such pool.

(j) *Equity holders.* So that the Committee may determine each producer's or his successor's or assignee's interest or equity in the turkeys in the set aside, each handler who sets aside turkeys to meet his surplus percentage shall, as required by the Committee, determine, or cause to be determined, the size, grade, quality, type and quantity of turkeys so set aside which were received from each producer thereof, together with the name and address of such producer, or his successor in interest, and any other information which the Committee may require to identify all producers of the turkeys so set aside and transmit such information to the Committee.

(k) *Prohibition against disposition.* Except as provided herein, set aside turkeys shall not be used or disposed of by any handler.

(l) *Set aside credit.* Whenever Method No. I is in effect the Committee may allow, by regulation, to any producer who voluntarily, prior to the beginning of a marketing year, agrees to market less than his allotment, a credit for all or a portion of the quantity of the reduction and the allotment apportioned to him shall be reduced in a like amount in such marketing year. In such event (a) the handler shall not be required to set aside such quantity of the producers' turkeys as is represented by the credit, (b) such producer shall participate in the distribution of set aside net proceeds only to the extent of his actual contribution to the set aside and (c) the Committee shall include such credit in computing such producer's future allocation base.

CERTIFICATION FOR GRADE OR QUALITY

§ 301.65 Certification for grade or quality.

Whenever, for any period or periods, regulations are in effect which require the determination of grade or quality of turkeys, the Committee may, by regulation, require each handler to provide certification of the grade or quality of such turkeys by such agency or agencies and on such forms or certificates as are prescribed by the Committee.

APPLICATION OF PROVISIONS

§ 301.68 Application of provisions.

(a) *New producer-handlers.* Starting February 1, 1963, any person not then a producer-handler or who ceases to be a producer-handler thereafter must make application to the Committee if he desires such status. In determining whether to approve such applications, the Committee may determine the effect of producer-handlers on the volume regulation provisions of the

order and may refuse to approve applications for such status if they determine that additional producer-handlers may adversely effect the operation of such volume regulation.

(b) *Exemptions*—(1) *Producer-handlers.* Sections 301.46, 301.56, 301.60, 301.61, except 301.61(a)(7)(ii), and §§ 301.62 and 301.65 shall not apply to producer-handlers.

(2) *Exempt-handlers.* Sections 301.46, 301.56, and 301.60 through 301.65 shall not apply to exempt-handlers.

(3) *Research, educational and institutional exemptions.* The Committee may, by regulation, exempt from the application of §§ 301.46, 301.56, 301.60 through 301.65 turkeys produced by Federal, State, or other governmental or private institutions for their own consumption, and also turkeys produced by persons, other than foundation breeders, for research and educational purposes, upon application to the Committee and a determination by the Committee that the quantity of turkeys sought to be exempted are reasonable for the purposes stated.

(c) *Emergency or hardship relief*—(1) *Producer relief.* Notwithstanding the provisions of paragraphs (d), (f), and (g) of § 301.61, the Committee may grant relief from such provisions by way of adjustment of allocation base or allotment to a producer applying for such relief if the Committee determines that an emergency condition exists or that unless such relief is granted the provisions will create extreme hardship or inequity to such producers. One of the factors the Committee shall consider in making its determination is whether the condition causing such emergency, hardship or inequity was caused by circumstances beyond the applicant's control or beyond his reasonable expectation.

(2) *Handler relief.* Notwithstanding the provisions of § 301.56, paragraphs (d), (f), and (g) of § 301.61 and paragraphs (a), (b), (c), (d), and (l) of § 301.62, and § 301.65, the Committee may grant relief from or adjustments under such provisions if the Committee determines that an emergency condition exists or that unless such relief is granted the provisions will create extreme hardship or inequity to such handler. One of the factors the Committee shall consider in making its determination is whether the condition causing such emergency, hardship or inequity was caused by circumstances beyond the handler's control or beyond his reasonable expectation.

REPORTS AND RECORDS

§ 301.70 Reports.

(a) *Regular monthly reports.* At a time and in a manner prescribed by the Committee, each handler shall file reports with the Committee on forms prescribed by the Committee and approved by the Secretary, relating to his handling of turkeys for the preceding month, and providing such information with respect thereto as the Committee may prescribe.

(b) *Other reports.* Upon the request of the Committee, each handler shall furnish to the Committee reports containing such other information as the Committee may determine to be necessary to enable it to exercise its powers and perform its duties under this part.

(c) *Exempt-handler and producer-handler reports.* Each handler exempted under § 301.68(b) shall make reports at such times and in such manner and containing such information as the Committee may request.

§ 301.71 Records and facilities.

Each handler shall maintain and make available to the Committee or to its representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the Committee to verify or establish the correct data which are required to be reported pursuant to this part and the payments required pursuant to this part.

§ 301.72 Retention of records.

All books and records required under this part to be made available to the Committee shall be retained by the handler for a period of five years to begin at the end of the year to which such books and records pertain: *Provided,* That if, within such five-year period, the Committee notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the Committee. In either case, the Committee shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 301.73 Confidential information.

All reports and records furnished or submitted to the Committee, or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the Committee, who shall disclose such information to no person other than the Secretary.

COMPLIANCE

§ 301.75 Compliance.

Except as provided in this subpart, no handler shall handle turkeys, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle turkeys except in conformity to the provisions of this subpart or the rules and regulations thereunder.

MISCELLANEOUS PROVISIONS

§ 301.80 Supervisory authority.

Regulations implementing this order shall be approved by the Secretary prior to being made effective. Nothing in this order shall impair the Secretary's right to take such action as necessary to carry out his responsibility to insure that actions taken are in the public interest, tend to effectuate the purpose of the act, and are within legal authority. Any person having responsibilities in connection with the administration of this order may be removed or suspended by the Secretary at his discretion if he concludes such action to be in the public interest.

§ 301.81 Personal liability.

No member or alternate member of the Committee or Board, nor any employee, representative, or agent of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 301.82 Separability.

If any provision of this subpart, is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 301.83 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 301.84 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 301.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 301.86 Effective time.

The provisions of this subpart, or any amendments thereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this subpart.

§ 301.87 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart

on or before the 30th day of January of any marketing year whenever he is required to do so by the provisions of section 8c(18)(B) of the Act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers between October 1 and October 31, 1964, to determine whether they favor termination of this subpart and thereafter shall hold a referendum for the same purpose between October 1 and October 31 of each subsequent even numbered year if the Secretary receives recommendation from the Board requesting the holding of such a referendum. The results of such a referendum shall be announced by the Secretary by November 30 of any marketing year in which held.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 301.88 Procedure upon termination.

Upon termination of this subpart, the members of the Committee then functioning shall continue as joint trustees, for the purposes of liquidating the affairs of the Committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the Committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the Committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said Committee and upon said joint trustees.

§ 301.89 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any set aside held for the account of the Committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or any other person, with respect to such violation.

§ 301.90 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Committee.

PROVISIONS APPLICABLE ONLY TO PROPOSED MARKETING AGREEMENT

§ 301.100 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 301.101 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 301.102 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of turkeys in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act, such order.

[F.R. Doc. 62-3438; Filed, Apr. 6, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 20]

[Reg. Docket No. 1132; Draft Release No. 62-14]

ISSUANCE OF PRIVATE AND COMMERCIAL PILOT CERTIFICATES ON BASIS OF MILITARY COMPETENCE

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 7, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

As presently written, § 20.111(a) of the Civil Air Regulations permits a military pilot who is on active duty, or who has been honorably discharged for a period of 12 months or less and was on solo flying status or the equivalent at the time of discharge, to obtain a private or a commercial pilot certificate issued on the basis of military competence by passing an abbreviated written examination on accident reporting rules and those portions of the Civil Air Regulations pertaining to pilot privileges and limitations, general operating and air traffic rules. This section further provides that a former military pilot who has been honorably discharged for a period of more than 12 months must, in addition to taking the same abbreviated written examination, meet the prescribed physical standards and pass the appropriate flight test.

The Agency has received a number of applications for certification on the basis of military competence from applicants who have been discharged from the service for several years. In many cases these applicants have been inactive in aviation since their discharge and are not familiar with the present day flight procedures and operational requirements. The abbreviated written examination which these applicants are required to take is not sufficiently comprehensive to determine whether such applicants possess at least the minimum aeronautical knowledge necessary for safe operation.

Accordingly, it is proposed to revise § 20.111(a) to provide that applicants for private or commercial pilot certificates who are not on active duty at the time of application, and have been discharged for a period of more than 12 months, be required to pass the complete written examination as specified in the aeronautical knowledge requirements appropriate to the certificate sought, as well as meet the prescribed physical standards and pass the appropriate flight test.

Additionally, there is a group of former military pilots who are not considered in the current wording of § 20.111 (a). This group is comprised of former military pilots who are presently members of the armed services, but have been removed from solo flying status or the equivalent for reasons other than pilot proficiency, and those who have been discharged, but prior to the date of discharge were removed from solo flying status or the equivalent for reasons other than pilot proficiency.

At the present time no recognition is given for experience gained and training received by these former military pilots. There appears to be no reason why these persons should not be permitted to obtain private or commercial pilot certificates on the basis of military competence in the same manner as other former military pilots.

In consideration of the foregoing it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

By amending § 20.111(a) by revising the proviso in subparagraph (2), by redesignating subparagraph (2) as subparagraph (3), and adding new subparagraphs (2) and (4) to read as follows:

§ 20.111 Military competence.

(a) *Pilot certificates.* * * *

(2) He is a member of the armed forces of the United States, the National Guard, or the Coast Guard, or any reserve component thereof and has been removed from solo flying status as a rated pilot or the equivalent for reasons other than his lack of flying proficiency: *Provided*, That if he has not been on solo flying status as a rated pilot or the equivalent within the 12 months preceding the date of application, he shall pass the complete written examination as specified in the aeronautical knowledge requirements appropriate to the certificate sought, meet the required physical standards, and pass the appropriate flight test; or

(3) He has been honorably discharged from the armed forces, the National Guard, or the Coast Guard, or any reserve component thereof within the preceding 12 months, and was at the time of discharge on solo flying status as a rated pilot or the equivalent: *Provided*, That if he has been honorably discharged for a period longer than 12 months preceding the date of application, he shall pass the complete written examination as specified in the aeronautical knowledge requirements appropriate to the certificate sought, meet the required physical standards, and pass the appropriate flight test; or

(4) He has been honorably discharged from the armed forces, the National Guard, or the Coast Guard, or any reserve component thereof but prior to the time of discharge had been removed from solo flying status or the equivalent for reasons other than his lack of flying proficiency: *Provided*, That if he has not been on solo flying status or the equivalent within the 12 months preceding the date of application, he shall pass the complete written examination as specified in the aeronautical knowledge requirements appropriate to the certificate sought, meet the required physical standards and pass the appropriate flight test.

This amendment is proposed under the authority of section 313(a), 601, 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1534(a), 1421, 1422)

Issued in Washington, D.C., on April 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3361; Filed, Apr. 6, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1134]

CERTAIN HELIO AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the engine breather tube on Helio Models H-391B, H-395, and H-395A aircraft. This proposed action is deemed necessary since blockage of the breather tube with ice or snow causes loss of engine oil through the vacuum oil separator.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 8, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

HELIO. Applies to all Models H-391B, H-395 Serial Numbers 1 to 549 inclusive and H-395A Serial Numbers 1 to 1007 inclusive.

Compliance required prior to September 1, 1962.

To preclude possible loss of engine oil through the vacuum oil separator due to blockage of the engine breather tube with ice or snow, accomplish the following:

Modify the oil breather tube P/N 391-060-317 in accordance with Helio Service Bulletin No. 30, by slicing a flute cut 2.25 ± 0.250 inch from contour of lower cowl, 0.28 to 0.31 inch depth and 0.75 ± 0.13 inch in height on aft side of tube.

(Helio Service Bulletin No. 30 dated February 6, 1962, covers this same subject.)

Issued in Washington, D.C., on April 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3360; Filed, Apr. 6, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55593]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

Taxable Status

APRIL 3, 1962.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1962, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Belgium.
Canada.
Japan.
Netherlands.
United Kingdom.

Certain countries from which there have been no importations of coal or allied fuels since January 1960, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the taxable year 1962 from countries not listed above will be furnished upon application therefor to the Bureau of Customs.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-3383; Filed, Apr. 6, 1962; 8:47 a.m.]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62-3397, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a report of condition as of the close of business, March 26, 1962, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller Form 2130-A—Call No. 441,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on Federal Reserve Form 105—Call 163,[1] and shall send the same to the Federal Reserve Bank of the district wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 59,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with Instructions for Preparation of Reports of Condition by National Banking Associations, dated January 1961.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original report of condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64, by Insured State Banks not Members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January 1961,[1] and shall send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original report of condition on Federal Reserve Form 105—Call 163,[1] prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961,[1] and shall send the same to the Federal Reserve Bank of the District in which it is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

ERLE COCKE, SR.,
Chairman, Federal Deposit Insurance Corporation.
JAMES J. SAXON,
Comptroller of the Currency.
WILLIAM MCCHESNEY MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 62-3397; Filed, Apr. 6, 1962; 8:49 a.m.]

[1] Filed as part of original document.

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62-3397, Federal Deposit Insurance Corporation, *supra*.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Amdt. 2]

NOTICE OF TERMS AND CONDITIONS FOR MAKING PAYMENTS UNDER SECTION 32 TOBACCO EXPORT PAYMENT PROGRAM, CMX 40a

A. In order to permit the mixing or commingling of eligible tobacco after approval of the application for participation, paragraph 2(c) of the notice, published March 10, 1962 (27 F.R. 2329), is amended to read as follows:

(c) Which has not been mixed or commingled, prior to approval of application for participation in this program, with tobacco which was not acquired from Commodity Credit Corporation price-support loan collateral of the 1956 and preceding crops.

B. In order to clarify the rate of payment for stemmed leaf tobacco, paragraph 4 of said notice is amended by adding the following at the end of the paragraph: "In the case of tobacco already stemmed at the time of application for participation, the payment shall be based on the unstemmed equivalent of the stemmed leaf exported, converted on the basis of the factors published in the 'Tobacco Stocks Report' and used for conversion of reported stocks. In the case of tobacco stemmed after approval of the application for payment, payment will be based on the smaller of (1) the quantity of tobacco acquired, or (2) a quantity computed by applying said conversion factor to the quantity of stemmed leaf exported."

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

APRIL 3, 1962.

[F.R. Doc. 62-3385; Filed, Apr. 3, 1962; 8:47 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Gates County, N.C., natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-3375; Filed, Apr. 6, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-137]

AMERICAN-HAWAIIAN STEAMSHIP CO.

Notice of Public Hearing

Application for Title XI mortgage and loan insurance for construction of three containerships to be operated in intercoastal service.

On April 5, 1962, the Maritime Administrator entered the following findings:

1. That section 101 of the Merchant Marine Act, 1936, as amended, (the "Act") declares the following purposes and policy:

SECTION 101. It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign waterborne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

2. That section 211(i) of the Act directs the Maritime Administrator to investigate, determine, and keep current records of:

(1) New design, new methods of construction, and new types of equipment for vessels; the possibility of promoting the carrying of American foreign trade in American vessels; and intercoastal and inland water transportation, including their relation to transportation by land and air.

3. That Title XI of the Act authorizes the Maritime Administrator[1] upon certain conditions to insure mortgages and loans made to aid in financing construction of vessels owned by citizens of the United States; and

4. That section 1104(c) of the Act, provides that no mortgage or loan shall be insured unless the Maritime Administrator finds that the property or project with respect to which the mortgage or loan is executed will be in his opinion economically sound; and

5. That there has been filed with the Maritime Administration, an application dated November 17, 1961, for Title XI mortgage and loan insurance in connection with the construction by the American-Hawaiian Steamship Company of three lift-on, lift-off containerships for operation in the intercoastal trade between East and West Coast ports of the United States; said ships are proposed to have the following characteristics: Approximately 898'6" in length, 101' in beam, 31,870 dwt, 24-knot speed, with an individual cost of $21,374,383, and a three-ship total cost of $64,125,149, each ship to be capable of carrying up to 992 containers with outside dimensions of 30' x 8' x 8', and to be constructed over a period approximately 1,080 days after execution of a construction contract; and

6. That developments connected with the intercoastal trade, including but not limited to the curtailment and/or termination of service in said trade by certain operators and numerous expressions of interest in the future of the intercoastal trade, indicate the necessity for an investigation of the economic soundness of any project connected with the intercoastal trade, and what the impact of a grant of the application will be on other carriers in the intercoastal trade.

7. That it appears that a public hearing, while not required by law or here intended as a procedural precedent, will be of assistance to the Maritime Administrator in disposing of the aforementioned application involving the intercoastal trade.

The Maritime Administrator, on the basis of the aforesaid findings, and pursuant to the authority contained in the Act, on April 5, 1962, entered the following order:

It is ordered, That, there shall be a public hearing before the Chief Hearing Examiner of the Maritime Administration, who shall issue an initial decision on the issues of (1) whether the proposed American-Hawaiian Steamship Company Title XI application embraces a project which will be economically sound; and (2) what the impact of a grant of the application will be on other water carriers in the intercoastal trade.

It is further ordered, That a prehearing conference in the above-entitled proceeding shall be held on May 2, 1962, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C., commencing at 10:00 a.m., e.d.s.t., in accordance with Rule 6 of the Maritime Administration rules of practice; and

It is further ordered, That, all persons (which shall include persons, firms, or corporations) with an interest in the subject matter of the aforementioned public hearing and desiring to be heard, shall file on or before May 2, 1962, with the Maritime Administration Chief Hearing Examiner, Room 3095, General Accounting Office Building, 441 G Street NW., Washington 25, D.C., a statement, in triplicate, of the interest of such person in the matter hereinabove discussed and a request that such person be granted leave to participate in the public hearing.

Dated: April 5, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[F.R. Doc. 62-3453; Filed, Apr. 6, 1962; 8:48 a.m.]

[1] Duties of the Secretary of Commerce under Title XI of the Act have been delegated to the Maritime Administrator by Department of Commerce Order No. 117, Revised, effective Aug. 12, 1961.

Office of the Secretary

VERN I. McCARTHY, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: Automatic Canteen Co. of America, Lionel Corp., Sperry-Rand, TXL Oil, and U.S. Hoffman.

B. Additions: Arizona Color Film Processing, Helene Curtis Industries, Vandium Corp. of America, and Susquehanna Corp.

This statement is made as of March 14, 1962.

VERN I. MCCARTHY, JR.

MARCH 28, 1962.

[F.R. Doc. 62-3380; Filed, Apr. 6, 1962; 8:46 a.m.]

ALEXANDER D. THOMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last 6 months.

A. Deletions: 2,134 shares preferred stock, Kelley-How-Thomson Co.

B. Additions: 400 shares T. O. Ranch Co., of Colorado.

This statement is made as of February 28, 1962.

A. D. THOMSON.

[F.R. Doc. 62-3381; Filed, Apr. 6, 1962; 8:46 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: None.

B. Additions: Lily Tulip Cup Corp.

This statement is made as of March 12, 1962.

HAROLD J. VORZIMER.

MARCH 12, 1962.

[F.R. Doc. 62-3382; Filed, Apr. 6, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF MISSISSIPPI

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Mississippi for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the Mississippi program submitted to the Commission is set forth below as an appendix to this notice. A copy of the complete text of the Mississippi program, including proposed Mississippi regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 4th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of Mississippi Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI. The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This agreement shall become effective on June 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

APPENDIX A

Policies and Procedures of the State of Mississippi for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

Authority. (1) The Attorney General by letter dated January 16, 1961, has rendered an opinion to the effect that the Governor has necessary authority to enter into an agreement with the Atomic Energy Commission. (Opinion from Attorney General, dated Jan. 16, 1961.)

(2) The Governor, by letter order (Aug. 27, 1960), designated the State Board of Health as the Agency to administer the licensing and regulatory responsibilities.

(3) The Attorney General has rendered an opinion to the effect that the Mississippi State Board of Health has necessary authority to make and publish such rules and regulations necessary to discharge its duties. (Opinion from Attorney General, dated Aug. 8, 1961.)

The radiation control program. The radiation control program will be conducted by the Radiological Health Unit, which is directly responsible to the Executive Officer of the State Board of Health. In addition to an environmental monitoring program which exists around nuclear industries, an extensive X-ray inspection program is now in progress. This program was initiated on January 1, 1961, and to date over 1,400 inspections have been performed. At present, pertinent radiological repairs are made by the Agency at the discretion of the owner of X-ray equipment, and materials and labor are currently being provided at no charge.

The State program is designed to control all sources of ionizing radiation. In addition to byproduct, source, and special nuclear materials, regulations require specific licensing of naturally occurring radioactive materials such as radium, and registration of radiation producing machines. The right of inspection is granted to the Agency by regulations.

An agreement with the Atomic Energy Commission will result in radiation control activities in the following fields:

(1) Licensing and regulation of byproduct materials, source materials, special nuclear materials in less than a critical mass, naturally occurring and accelerator-produced isotopes.

(2) Registration and evaluation of machines which produce ionizing radiation.

(3) Environmental monitoring.

Licensing and registration. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency may require specific radioactive materials licenses for other naturally occurring radioactive materials such as radium.

The responsibility for evaluating applications and issuing licenses rests with the Radiological Health Unit. Provisions have been made for a Radiation Advisory Board which will assist in evaluations that are unique and require technical consultation. When possible, this Board will consist of physicians, a nuclear physicist, nuclear technologists, engineers, metallurgists, certified radiation physicists, and health physicists.

Prelicensing inspections will be an integral part of the evaluation procedure. In cases where individuals may be affected by procedures or decisions of the Agency, provisions allow for a hearing, and any interested party may be heard.

With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each 6 months, and the remainder on a less-frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the preinspections. It is expected that all licensed activities will be inspected at least once in 2 years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

Enforcement. Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available.

It is expected that most of the enforcement functions will be administratively consummated by the Radiological Health Unit. In cases where this is not successful, the Radiological Health Unit will refer the matter to the Executive Officer of the State Board of Health, who may issue an order to show cause why the license should not be modified or terminated.

Pursuant to Mississippi Law, Section 7031, Code of 1942, which allows the State Board of Health to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and carry out the purposes and objects of its creation, an injunction or other court order may be obtained prohibiting any violation of any provision of the regulations of the State Board of Health or any order issued thereunder. Any person who willfully violates any of the provisions of the regulations adopted by the State Board of Health, or any order issued thereunder, may be guilty of a crime, and upon conviction may be punished by fine or imprisonment or both, as provided by law.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Transfer of material. Byproduct, source, special nuclear materials in quantities not sufficient to form a critical mass, or other radioactive materials including radon, radium, polonium, and accelerator-produced isotopes, may not be transferred except as authorized pursuant to regulations of the State Board of Health.

The transfer of the above sources of radiation may be made to: (1) The State Board of Health, (2) the U.S. Atomic Energy Commission, or any successor thereto authorized to receive such material, (3) any person exempt from these regulations pertaining to the transfer of radioactive materials to the extent permitted under such exemption, (4) any person licensed to receive such material under terms of a general or specific license issued by the State Board of Health, the U.S. Atomic Energy Commission, or any successor thereto, or any other state having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the State Board of Health, or any other State having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, (5) as otherwise authorized by the State Board of Health in writing.

Reciprocal recognition of licenses. Persons who use, transfer, possess, or receive source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass within this State, pursuant to a license issued by the U.S. Atomic Energy Commission or any State having an agreement with the U.S. Atomic Energy Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended, may be excepted from the requirement for a license under this regulation: *Provided that,* Such persons notify the Agency immediately of the presence of such materials within this State.

Maintaining compatibility. It is recognized that frequent modifications are necessary in a program of this nature. The State Board of Health is cognizant of the responsibility which it assumes in accepting direction of this program, and will make every effort to maintain the existing compatible relationship with the Atomic Energy Commission. It is further realized that a close working relationship will have to be maintained between the State and the Atomic Energy Commission, and the State Board of Health is willing to participate in various programs sponsored by the Commission or others.

[F.R. Doc. 62-3384; Filed, Apr. 6, 1962; 8:47 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Reactor in Bedford County, Pa.

Please take notice that pursuant to the provisions of paragraph 4A of Provisional

Operating License No. DPR–4, Saxton Nuclear Experimental Corp. has been authorized to load the first core of its reactor located in Bedford County, Pa., and to operate the reactor with the reactor head off at power levels not exceeding 200 thermal kilowatts.

Based upon reports of inspection by a representative of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that construction of the facility, except for the systems described in paragraph 4A of Provisional Operating License No. DPR–4, has been completed in conformity with the Final Safeguards Report.

Notice of Issuance of Provisional Operating License No. DPR–4 was issued on November 15, 1961.

Dated at Germantown, Md., this 3d day of April 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62–3359; Filed, Apr. 6, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13040]

DELTA AIR LINES, INC.; OFF-PEAK COACH FARES

Notice of Hearing

In the matter of off-peak fares from San Francisco to Dallas proposed by Delta Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 12, 1962, at 10:00 a.m., e.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Orders E–17518 and E–17853, dated September 29, 1961, and December 20, 1961, respectively; the Prehearing Conference Report served March 29, 1962; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 3, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62–3398; Filed, Apr. 6, 1962; 8:49 a.m.]

[Docket No. 13482]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT (LUFTHANSA GERMAN AIRLINES)

Notice of Hearing

In the matter of the application of Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines) under section 402 of the Federal Aviation Act of 1958, as amended, for amendment of its foreign air carrier permit for authority to engage in foreign air transportation with respect to persons, property and mail: "Between a point or points in Germany, the intermediate points Brussels, Belgium; Paris, France; London, England; Manchester, England; Shannon, Erie; Montreal, Canada; and the terminal point San Francisco, Calif."

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 10, 1962, at 2:30 p.m. e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 4, 1962.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 62–3399; Filed, Apr. 6, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7030]

GULF STATES UTILITIES CO.

Notice of Application

APRIL 2, 1962.

Take notice that on March 28, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Co. (Applicant), a corporation organized under the laws of the State of Texas and doing business in that State and the State of Louisiana, with its principal business office at Beaumont, Tex., seeking an order authorizing the issuance of $17,000,000, principal amount of First Mortgage Bonds, --percent series due 1992. The new bonds are to be dated as of the first day of the month in which such bonds are issued (presently expected to be May 1, 1962), and are to be due 30 years from such date. The interest rate will be set forth in an amendment to the application. The new bonds will be issued under Applicant's Indenture of Mortgage to The Hanover Bank, Trustee, dated September 1, 1926, as heretofore supplemented, and as to be further supplemented by a Twenty-first Supplemental Indenture to be dated as of the first day of the month in which the new bonds are issued. Applicant proposes to issue and sell the new bonds at competitive bidding. Applicant states that the proceeds from the issuance of the new bonds will be used initially to reimburse its treasury in part for construction expenditures heretofore made, which will enable Applicant to pay in full all of its short-term notes outstanding at the time of issuance of the new bonds, and to permit Applicant to carry forward its construction program. Applicant's construction program is estimated to require the expenditure of $114,000,000 during the 3-year period from 1962 through 1964, including $38,000,000 in 1962. Applicant's construction program includes the installation of two 220,000-kilowatt units in a new power station under construction between Orange and Port Arthur, Tex., the first unit to be in operation on or before March 31, 1962, and the second in the latter part of 1962; the installation of two additional 220,000-kilowatt units at the Willow Glen Station near Baton Rouge, La.—one to be in operation in 1964 and the other after 1964; and, the construction of new and increased capacity transmission and distribution lines, substations and equipment.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of April 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3363; Filed, Apr. 6, 1962; 8:45 a.m.]

[Docket No. E–7032]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

APRIL 2, 1962.

Take notice that on March 29, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Iowa and Illinois, and doing business in the State of Iowa, with its principal business office at Centerville, Iowa, seeking an order authorizing the issuance of 75,000 additional shares of its common stock, par value $15 per share. Applicant requests that the proposed issuance of common stock be exempted from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act. By letter dated March 9, 1962, Docket No. IN–950, the Commission authorized Applicant to enter into negotiations for the underwriting and sale of the proposed issuance of common stock. Applicant states that the net proceeds from the sale of the stock will be used to retire bank loans, outstanding on April 1, 1962, in the amount of $700,000, and, together with funds to become available from internal sources, to finance Applicant's construction program for the remainder of 1962 and 1963. Applicant estimates that additions and improvements to its system for the period from January 1, 1962, to December 31, 1963, will cost approximately $7,300,000, of which approximately $3,000,000 will be spent during 1962 and $4,300,000 during 1963; and, that, of the amount to be spent during the 2 years, approximately $4,250,000 will be for electric transmission and distribution facilities, $1,100,000 for power production facilities, $1,350,000 for gas distribution facilities, and $600,000 for general plant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of April 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3364; Filed, Apr. 6, 1962; 8:45 a.m.]

[Docket No. G–12153 etc.]

NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

Order Fixing Date for Oral Argument

APRIL 2, 1962.

Northern Natural Gas Co., Docket Nos. G–12153 and G–15335; Permian Basin Pipeline Co., Docket No. G–15336.

On February 14, 1962, the presiding examiner issued an intermediate decision in these proceedings. Exceptions thereto have been filed by Northern Natural Gas Co. (Northern) and Permian Basin Pipeline Co. (Permian), Minnesota Valley Natural Gas Co., 15 interveners (joint exceptions)[1] and the Commission staff. Additionally, Northern, Permian, and the 15 interveners[1] filed motions requesting opportunity to present oral argument in support of their exceptions.

The issues in these proceedings have been fully presented and discussed by Northern and Permian in their joint initial and reply briefs and in their extensive exceptions, and by the staff and several interveners in their respective briefs and exceptions. Under the circumstances, we deem it appropriate to limit the oral argument herein prescribed to the issues of Federal income taxes paid by Northern during the period covered by these proceedings, and special legal fees paid by Northern.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in these proceedings as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument before the Commission solely on the issues of Federal income tax and special legal fees shall be held on April 26, 1962, at 10:00 a.m., e.d.t.; in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Those parties to these proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before April 10, 1962, of the time requested for presentation of their argument.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3365; Filed, Apr. 6, 1962; 8:45 a.m.]

[1] State of Minnesota; City of Lincoln, Nebr.; City of Minneapolis, Minn.; City of St. Paul, Minn.; Interstate Power Co.; Iowa Electric Light & Power Co.; Iowa Power & Light Co.; Iowa Public Service Co.; Metropolitan Utilities District of Omaha; Minneapolis Gas Co.; North Central Public Service Co.; Northern States Power Co. (Minnesota); Northern States Power Co. (Wisconsin); Northwestern Public Service Co.; Western Power & Gas Co. (formerly Central Electric & Gas Co.).

[Project No. 175]

PACIFIC GAS & ELECTRIC CO., BALCH PROJECT

Notice of Modification of Land Withdrawal; California

APRIL 3, 1962.

On April 5 and 6, 1921, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of approximately 13,968 acres of U.S. land for Project No. 175, pursuant to the filing of an application for license by the San Joaquin Light & Power Co., on February 11, 1921. By Commission letters (4) of May 24, 1921, and March 11 and May 10, 1922, a correction and additions were made in the April 5 and 6, 1921, notices. The additional areas reserved totaled approximately 640 acres. The Commission's letters (3) of September 23 and November 14 and 20, 1925, notified the General Land Office of the reservation of approximately 3,675 additional acres of U.S. lands pursuant to the filing of amendatory applications on May 1, 1924; June 12 and June 25, 1925. The Commission's letters (2) of September 10, 1929, to the General Land Office gave notice of the reservation of an additional 4,858 acres of U.S. lands pursuant to the filing of an amendatory application on March 28, 1929, thus making the total area withdrawn approximately 23,141 acres.

On September 20, 1955, the Pacific Gas & Electric Co., the successor in interest to the San Joaquin Light & Power Co., as licensee for Project No. 175, filed an application for amendment of their license to increase the height of the Balch Dam by 44 feet and modify other miscellaneous project facilities. The K map exhibits submitted in connection with this application for amendment reflect the exclusion from the license (Amendment No. 7, Instrument No. 10) of project facilities which have since been licensed as Project No. 1988. Thus reducing the area now reserved for Project No. 175 to approximately 536.71 acres.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 175 for application of September 20, 1955, were which revised exhibits completing the received on September 21, 1955. Under said section 24 these lands are from the date of completion of the application for amendment, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by the Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on maps designated as K–j; K–d(1); K–d(2); K–d(3); K–k; K–1b; and K–2b (FPC Nos. 175–92, 64, 65, 66, 96, 106 and 107):

T. 13 S., R. 24 E.,
Sec. 10: SE¼NW¼.
T. 12 S., R. 25 E.,
Sec. 21: SE¼SE¼;
Sec. 22: S½NE¼, SW¼, N½SE¼;
Sec. 23: S½NE¼, N½SW¼;
Sec. 24: NE¼NE¼, S½N½;
Sec. 28: NE¼NE¼, W½NE¼, SE¼NW¼, N½NE¼SW¼;
Sec. 32: E½NE¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.
T. 12 S., R. 26 E.,
Sec. 1: E½NE¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 2: SE¼SE¼;
Sec. 10: NE¼, N½SE¼;
Sec. 11: NE¼, S½NW¼, NW¼SW¼;
Sec. 12: N½N½;
Sec. 15: E½;
Sec. 16: NW¼SW¼, S½SW¼;
Sec. 17: S½N½, N½S½;
Sec. 18: SE¼SW¼, SE¼;
Sec. 19: Lot 1, NE¼NW¼;
Sec. 21: N½N½ (unpatented portion);
Sec. 22: N½.
T. 11 S., R. 27 E.,
Sec. 31: Lot 4;
Sec. 33: SE¼SE¼;
Sec. 34: S½S½.
T. 12 S., R. 27 E.,
Sec. 3: N½NE¼, SW¼NE¼, NW¼;
Sec. 4: NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 5: N½SW¼, SE¼SW¼, SE¼;
Sec. 6: S½NE¼, NW¼, W½SW¼, SE¼SW¼, W½SE¼;
Sec. 7: N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 8: NE¼NE¼, W½NE¼, NW¼.

This notice supersedes in their entirety those given April 5 and 6, 1921; May 24, 1921; May 10 and March 22, 1922; September 23, November 14 and 20, 1925; and September 10, 1929, and by Commission action reduces the area reserved to approximately 536.71 acres. Approximately 520.33 acres of these lands are under previous reservation for power purposes by Power Site Reserve No. 322; Power Site Classification Nos. 267, 308, or 366; or Project No. 120, 175, 226, 270, 1912, or 1925. All of the lands, except those in T. 13 S., R. 24 E., are within the Sierra or Sequoia National Forests.

Copies of the amendatory project maps exhibits, mentioned above, have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3366; Filed, Apr. 6, 1962; 8:45 a.m.]

[Project No. 1988]

PACIFIC GAS & ELECTRIC CO., WISHON, HAAS, AND KINGS RIVER HYDROELECTRIC DEVELOPMENTS

Notice of Modification of Land Withdrawal; California

APRIL 3, 1962.

On May 3, 1948, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of approximately 7.09 acres of U.S. lands, in addition to those depicted on Project No. 1988 map exhibits (FPC Nos. 1988–1 through 15) that had been previously withdrawn by Project Nos. 102, 120, 175, 226, 270, and 1925. This withdrawal was based on an application for license filed on January 19, 1948, by the Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif. License for this project issued April 28, 1955, effective for 30 years from April 1, 1955 (Instrument No. 1).

On September 20, 1955; September 23, July 19, and December 31, 1957; and August 18, 1958, applications for amendments to the license for Project No. 1988 were received in the Federal Power Commission. These amendments have been issued as Amendment No. 1, Instrument No. 2; Instrument No. 3; Amendment No. 2, Instrument No. 4; and Amendment No. 3, Instrument No. 5.

In accordance with section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 1988, for which completed applications for amendments to the license were received on the above-noted dates. Under said section 24, these lands are from the date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by the Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on map exhibits K–1–B; K–2–B (filed July 19, 1957); and K–3–A through K–14–A (filed Sept. 20, 1955)—FPC Nos. 1988–52 and 53 and 1988–33 through 44—superseding the 15 map exhibits transmitted with the May 3, 1948, withdrawal notice (FPC Nos. 1988–1 through 15):

T. 13 S., R. 24 E.,
Sec. 9: SW¼SW, E½SW¼, NW¼SE¼;
Sec. 10: SE¼NW¼.
T. 12 S., R. 25 E.,
Sec. 22: SE¼SE¼;
Sec. 23: NE¼SE¼, S½S½;
Sec. 24: SE¼NE¼, N½S½;
Sec. 27: N½N½;
Sec. 28: NE¼NE¼, S½NE¼, SE¼NW¼, N½NE¼SW¼;
Sec. 32: NE¼NE¼, S½NE¼, NE¼SW¼, NW¼SE¼.
T. 12 S., R. 26 E.,
Sec. 1: S½SW¼;
Sec. 8: S½SE¼;
Sec. 9: N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 10: N½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼, E½SE¼;
Sec. 11: N½, NW¼SW¼;
Sec. 12: N½N½;
Sec. 15: E½E½;
Sec. 16: N½NW¼;
Sec. 17: NE¼, N½SE¼;
Sec. 19: Lot 2, NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 20: N½N½;
Sec. 21: N½N½;
Sec. 22: NE¼, N½NW¼.
T. 9 S., R. 27 E.,
Sec. 24: SE¼SW¼, SE¼SE¼;
Sec. 25: All;
Sec. 26: S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 36: E½, NE¼NW¼, E½SW¼.
T. 10 S., R. 27 E.,
Sec. 1: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 12: NE¼, NE¼NW¼;
Sec. 25: E½SE¼.
T. 11 S., R. 27 E.,
Sec. 1: Lots 1, 2, 4, SE¼NE¼, SW¼NW¼, SE¼SE¼;
Sec. 2: SE¼NE¼, SW¼SE¼, E½SE¼;
Sec. 11: W½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼;
Sec. 14: W½NW¼, SW¼SW¼;
Sec. 15: SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 22: W½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, SW¼SE¼;
Sec. 27: NW¼, N½SW¼, SW¼SW¼;
Sec. 28: SE¼NE¼, E½SE¼;
Sec. 33: SE¼;
Sec. 34: W½NW¼, SE¼NW¼, SW¼.
T. 12 S., R. 27 E.,
Sec. 3: N½NW¼;
Sec. 4: NE¼NE¼, W½NE¼, SE¼NW¼, NE¼SW¼, W½SW¼;
Sec. 5: S½SE¼;
Sec. 6: S½SW¼, SW¼SE¼;
Sec. 7: N½NE¼, NW¼NW¼;
Sec. 8: NW¼NE¼, N½NW¼.
T. 9 S., R. 28 E.,
Sec. 19: Lots 2, 3, 4, E½W½;
Sec. 30: Lots 1, 2, 3, 4, SE¼NW¼, NE¼SW¼;
Sec. 31: Lots 1, 2, 3, 4, SE¼NW¼, E½SW¼.
T. 10 S., R. 28 E.,
Sec. 6: Lots 2, 3, 4, 5, 6, 7;
Sec. 7: Lots 1, 2;
Sec. 20: SE¼NW¼, SW¼SW¼, E½SW¼, SW¼SE¼;
Sec. 29: NW¼NE¼, NW¼, NW¼SW¼;
Sec. 30: E½NE¼, SW¼NE¼, N½SE¼, N½S½SE¼.
T. 11 S., R. 28 E.,
Sec. 6: Lots 2, 4, 5, 6, 7, SW¼NE¼, E½SW¼, W½SE¼.

The Commission's general determination of April 17, 1922 (Second Annual Report 128), regarding lands reserved for transmission line purposes only, is applicable to the transmission line easement.

This notice supersedes in its entirety that given May 3, 1948, in connection with Project No. 1988. The area of U.S. lands reserved under this notice is approximately 3,191 acres; approximately 3,084.2 acres of these lands are previously reserved, by Power Site Reserve No. 308 or 322; Power Site Classification No. 267 or 366; or Project No. 102, 120, 175, 226, 270, 1912, 1925, or 1988. Approximately 3,178.8 acres are within the Sierra and Sequoia National Forests (all but T. 13 S., R. 24 E.).

Copies of the amendatory project map exhibits, as noted above, have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3367; Filed, Apr. 6, 1962; 8:45 a.m.]

[Project No. 2308]

W. S. PECKOVICH

Notice of Application for Preliminary Permit

APRIL 2, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by W. S. Peckovich, Box 2642, Juneau, Alaska, for preliminary permit for proposed water power Project No. 2308, to be located on Upper Sweetheart Lake, Lower Sweetheart Lake and Sweetheart Creek, First Judicial Division, State of Alaska, about 36 miles southeast of Juneau, and affecting lands of the United States within Tongass National Forest.

According to the application, the project would consist of: a 95-foot high dam having a 200-foot crest creating a reservoir with 127,500 acre-feet of usable storage; 9,500 feet of tunnel; 1,200 feet of penstock; powerhouse at sea level capable of generating 120 million kilowatt-hours of energy annually; 3 miles of transmission line; and all necessary appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 21, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3368; Filed, Apr. 6, 1962; 8:45 a.m.]

[Docket No. E-7031]

SIERRA PACIFIC POWER CO.

Notice of Application

APRIL 2, 1962.

Take notice that, on March 29, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Co. (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nev., seeking an order authorizing the issuance of unsecured promissory notes in the aggregate principal amount of not to exceed $5,000,000, at any one time outstanding and $5,000,000, principal amount of First Mortgage Bonds, -- percent series due 1992. The notes would be payable to the bank or banks from which Applicant might borrow funds; would have maturity dates of not later than September 30, 1962; and, would bear interest at a rate per annum not in excess of one-quarter of one percent over the prime rate in effect in New York at the time of the borrowing or renewal or extension of the loans. The bonds would be issued under an indenture of mortgage dated as of December 1, 1940, between Applicant and New England Merchants National Bank of Boston and Fletcher C. Chamberlin, trustees, as heretofore supplemented and modified and as to be further supplemented by an Eighth Supplemental Indenture to be dated as of June 1, 1962. The interest rate to be borne by the bonds, which shall be a multiple of one-eighth of one percent, and the price, exclusive of accrued interest, to be paid to Applicant for the bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) will be determined by competitive bidding. According to the application, Applicant will begin to issue the notes in April 1962, and proposes to invite bids on June 19, 1962, for the purchase of the new bonds. Applicant states that the proceeds from the notes, pending sale of the bonds, will be used to reimburse its treasury for construction expenditures heretofore made in connection with its 1962 construction program and, together with other cash from operations, to carry forward its construction program; the proceeds from the bonds will be used to pay off the aforementioned notes, and, together with cash from other operations, to carry out Applicant's 1962 construction program, the cost of which is estimated at $11,659,900. The program provides for the expenditure of approximately $9,257,800 for electric facilities, $2,016,000 for water facilities, and $386,000 for gas facilities. Principal items in Applicant's electric program are: $1,592,000 for extensions, meters, services and transformers to serve new customers, $3,974,000 for generating equipment, and $1,170,000 for major transmission lines and substations.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 24th day of April 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3369; Filed, Apr. 6, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37642: *Rock Salt from points in Louisiana to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B–8181), for interested rail carriers. Rates on rock salt, loose, in bulk, in carloads, from Avery Island, Jefferson Island, Weeks, and Winnfield, La., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Southwestern Freight Bureau tariff I.C.C. 4411.

FSA No. 37643: *Asphalt from Southwestern to IFA and WTL territories.* Filed by Southwestern Freight Bureau, Agent (No. B–8172), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from specified points in Kansas, Missouri, New Mexico, Oklahoma, and Texas, to points in Illinois and western trunk-line territories.

Grounds for relief: Unregulated barge competition.

Tariff: Supplement 256 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 37644: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 434), for interested rail carriers. Rates on dimethylamine, in tank-car loads, also cylinders, chambers, towers, or vessels, as described in the application, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of routes from and to points in other states not subject to the same competition.

Tariff: Supplement 28 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE OF INTERMEDIATES

FSA No. 37645: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 435), for interested rail carriers. Rates on sulphuric acid, spent or sludge, in tank-car loads; barrels or drums, iron or steel, in carloads; dimethylamine, in tank-car loads; also cylinders, chambers, towers, or vessels, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 28 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-3377; Filed, Apr. 6, 1962; 8:46 a.m.]

[Notice 622]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 4, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64801. By order of March 29, 1962, the Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of the operating rights in Certificates Nos. MC 66756, MC 66756 Sub 2, and MC 66756 Sub 5, issued April 12, 1956, February 11, 1960, and June 20, 1961, respectively, to E. A. Myers, doing business as Nabbs Service, Sabetha, Kans., authorizing the transportation, over regular routes, of livestock, wool, and scrap iron, from Sabetha, Kans., to St. Joseph, Mo., livestock, wire fencing, feed, seed, building materials, and farm machinery, from St. Joseph, Mo., to Sabetha, Kans., livestock, from Sabetha, Kans., to Kansas City, Mo., livestock, feed, and farm machinery, from Kansas City, Mo., to Sabetha, Kans., and over irregular routes, of livestock, from Sabetha, Kans., and points in Kansas within 15 miles of Sabetha, to Omaha, Nebr., livestock, and feed, between Sabetha, Kans., and points in Kansas within 15 miles of Sabetha, on the one hand, and, on the other, points in Richardson County, Nebr., household goods, between Sabetha, Kans., and points in Kansas within 15 miles of Sabetha, on the one hand, and, on the other, St. Joseph, Mo., and points in a described portion of Nebraska, malt beverages, from and to specified points in Illinois, Missouri, Nebraska, Kansas, Iowa, Oklahoma, Minnesota, and South Dakota, and between Kansas City, Kans., and points in the Kansas City, Mo., Commercial Zone. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., applicants' attorney.

No. MC–FC 64918. By order of March 29, 1962, the Transfer Board approved the transfer to Michael Farrell and John Walsh, a partnership doing business as Carry Back Limousine Service, New York, N.Y., of Certificate No. MC 108554 issued August 29, 1949, to Eugene A. Knight, doing business as Chelsea Limousine Service, New York, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than six passengers, in any one vehicle, but not including the driver thereof or children under 10 years of age who do not occupy a seat or seats, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Eldred, N.Y., and points in New York within 4 miles of Eldred, traversing New Jersey for operating convenience only. Charles J. Kemins, 51 Chambers Street, New York 7, N.Y., attorney for transferee. Mrs. Pauline Knight, 204 West 14th Street, New York, N.Y., for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-3378; Filed, Apr. 6, 1962; 8:46 a.m.]

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THE UNIVERSITY OF MICHIGAN
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Proclamation 3462

INTERSTATE COMMERCE COMMISSION DAY

By the President of the United States of America
A Proclamation

WHEREAS an effective public transportation system is vital to our economy and to our national defense; and

WHEREAS April 5, 1962, is the seventy-fifth anniversary of the establishment of the Interstate Commerce Commission, the agency which is charged with the responsibility for regulating surface transportation in the United States; and

WHEREAS the activities of the Interstate Commerce Commission in the regulation of our surface transportation industry significantly affect every citizen of the United States; and

WHEREAS the Interstate Commerce Commission deserves special recognition for its contribution to the strength and well-being of our Nation; and

WHEREAS the Congress, by a joint resolution approved April 4, 1962, has requested the President to issue a proclamation designating April 5, 1962, as Interstate Commerce Commission Day to commemorate the seventy-fifth anniversary of the Interstate Commerce Commission:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate April 5, 1962, as Interstate Commerce Commission Day; and I urge our people, in collaboration with the transportation industry and the Interstate Commerce Commission, to participate in the observance of this occasion by appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of April in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3490; Filed, Apr. 6, 1962; 1:09 p.m.]

Proclamation 3463

LOYALTY DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS this Nation, with its traditions of freedom, liberty, and justice under law, is the inspiration of free men and of others striving for freedom and justice throughout the world; and

WHEREAS the strength and vigor of this Nation is clearly attributable to the steadfast devotion and loyalty of its people; and

WHEREAS it is fit and proper to set aside a special day each year to give affirmative expression to our unceasing devotion and loyalty to this Nation and its free institutions and to give affirmative expression to our absolute repudiation and rejection of totalitarian concepts of either the left or the right; and

WHEREAS the Congress, by a joint resolution approved July 18, 1958 (72 Stat. 369), has designated May 1 of each year as Loyalty Day, and has requested the President to issue a proclamation inviting the people of the United States to observe that day with appropriate ceremonies:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States, and upon all patriotic, civic, and educational organizations to observe Tuesday, May 1, 1962, as Loyalty Day, in schools and other suitable places, with appropriate ceremonies in which all of our people may join in the reaffirmation of their loyalty to the United States of America.

I also call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of April in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

The President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3548; Filed, Apr. 9, 1962; 10:52 a.m.]

Proclamation 3464

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS September 17, 1962, marks the one hundred and seventy-fifth anniversary of the signing of the Constitution of the United States on September 17, 1787; and

WHEREAS the strength and freedom of our Nation and the fundamental and inalienable rights of our citizens are derived from the Constitution; and

WHEREAS it is imperative in this time of world uncertainty and unrest that each citizen, naturalized or native-born, be conversant with the acts and events that led to the formulation and adoption of the Constitution in order that he may fully appreciate the meaning and significance of that document and our constitutional form of government; and

WHEREAS it is fitting and proper on the one hundred and seventy-fifth anniversary of the signing of the Constitution that each citizen renew his pledge to serve his country and to stand ever ready to preserve, protect, and defend the Constitution; and

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of those citizens who have come of age and those who have been naturalized during the year; and

WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week—a time for the study and observance of the acts and events which resulted in the formation of the Constitution; and

WHEREAS those resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and of Constitution Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1962; and I urge Federal, State, and local officials, as well as all religious, civic, educational, and other organizations, to hold appropriate ceremonies on that day to inspire all our citizens to rededicate themselves to the Faith of our Founding Fathers and to the ideals upon which this Nation was established and built.

I also designate the period beginning September 17 and ending September 23, 1962, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places to the end that our citizens may have a better understanding of the Constitution and of the privileges and obligations of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fifth day of April in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3549; Filed, Apr. 9, 1962; 10:52 a.m.]

Executive Order 11013

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE MARITIME INDUSTRY OF THE UNITED STATES

WHEREAS, there exists a labor dispute between certain ship owners and operators in the United States foreign and domestic trades and certain of their employees represented by: the Sailors' Union of the Pacific; Pacific Coast Marine Firemen, Oilers, Watertenders and Wipers Association; and the Marine Cooks and Stewards Union; and

WHEREAS, such dispute has resulted in a strike which, in my opinion, affects a substantial part of the maritime industry, an industry engaged in trade, commerce, and transportation among the several States and with foreign nations, and which strike will, if permitted to continue, imperil the national health and safety:

NOW THEREFORE, by virtue of the authority vested in me by section 206 of the Labor-Management Relations Act, 1947, 61 Stat. 155 (29 USC. 176), I hereby create a Board of Inquiry, consisting of Professor James J. Healy, Chairman, Professor Frank J. Dugan, and Honorable Laurence E. Seibel as members to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of section 206 of such Act on or before April 11, 1962.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act, until the Board is terminated by the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 7, 1962.

[F.R. Doc. 62-3521: Filed, Apr. 9, 1962; 9:40 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 4]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Miscellaneous Amendments

For the purpose of increasing the quantity of nonquota sugar authorized for purchase from 1,549,517 tons to 1,574,622 tons, paragraphs (b), (c), and (d) of § 820.22 of Part 820 are hereby amended to read as follows:

§ 820.22 Nonquota purchase of sugar authorized.

* * * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the six-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the six-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 percentum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the six-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraphs (c) and (d) of this section a total of 1,574,622 short tons, raw value, of nonquota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations, based upon a proration in accordance with section 408(b)(2) of the Act to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three of such countries will be unable to supply the following portions of their prorations: Nicaragua, 28,455 tons; Peru, 206,592 tons; and the Republic of the Philippines, 58,443 tons. The prorations for Canada of 3,080 tons, for the United Kingdom of 2,515 tons and for Hong Kong of 20 tons may not be authorized for the reasons set forth in § 820.20(c). These quantities plus the shortfalls for Nicaragua, Peru, and the Republic of the Philippines total 299,105. Of this total, 145,105 short tons, raw value, is authorized for purchase in paragraph (c) of this section from Brazil, British Guiana and British West Indies, Colombia, Costa Rica, the French West Indies, India and the Republic of China, in accordance with the proviso in section 408(b)(2)(iii). In authorizing the purchase of non-quota sugar from these latter seven countries, special consideration was given to countries purchasing United States agricultural commodities. In paragraph (d) of this section an additional 154,000 short tons, raw value is authorized for purchase from Brazil, Colombia, El Salvador, Fiji Islands, Guatemala, India, Ireland, and the Republic of China, based upon proposals made by the governments of these respective foreign countries to purchase United States surplus agricultural commodities.

(c) The quantities of non-quota purchase sugar authorized for purchase and importation into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962 through June 30, 1962, are those shown below in this paragraph and those provided for in paragraph (d) of this section:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	8,163
Republic of the Philippines	175,655
Dominican Republic	421,122
Peru	280,070
Mexico	340,706
Nicaragua	42,700
Belgium	888
British Guiana and the British West Indies	10,514
Brazil	30,000
Colombia	25,000
India	50,000
French West Indies	5,000
Total	1,420,622

(d) The quantities of nonquota purchase sugar shown below in this paragraph are authorized for purchase and importation into the continental United States from individual foreign countries during the period January 1, 1962, through June 30, 1962, in addition to the quantities provided for in paragraph (c) of this section: *Provided*, That the quantity shown below for each foreign country may be authorized for release for consumption in the United States pursuant to § 820.26 of this part only if prior to authorization for release, the Governments of the United States and the particular foreign country concerned have approved an agreement committing the foreign country to purchase United States surplus agricultural commodities, in accordance with a proposal made to the U.S. Department of Agriculture on or before March 12, 1962, by the government of such foreign country:

Country:	*Short tons, raw value*
Brazil	50,000
Colombia	5,000
El Salvador	5,000
Fiji Islands	5,000
Guatemala	5,000
India	50,000
Ireland	5,000
Republic of China	29,000
Total	154,000

(e) The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

Statement of bases and considerations. The additional 25,105 short tons, raw value of nonquota sugar authorized for purchase and importation by this amendment to § 820.22 of Part 820 is needed to assure adequate supplies of sugar at reasonable prices during the six-month period ending June 30, 1962. The quantities authorized by this amendment for purchase and importation from individual foreign countries are based upon considerations of countries located in the Western Hemisphere, available supplies of sugar, purchases of United States agricultural commodities and, in the case of the Fiji Islands, a proposal submitted to the Department to purchase United States surplus agricultural commodities.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408, 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Pub. Law 87-15, approved Mar. 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714))

Effective date. To permit the nonquota sugar herein authorized for purchase to be marketed in an orderly manner, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of April 1962.

CHARLES S. MURPHY,
Under Secretary.

Concurred in for the
Secretary of State by:

EDWIN M. MARTIN,
Assistant Secretary.

[F.R. Doc. 62-3456; Filed, Apr. 9, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-8]

PART 376—AMENDMENT OF FLIGHT PATTERNS OF HELICOPTER OPERATORS

Miscellaneous Amendments

APRIL 4 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1962.

On December 14, 1961, the Board issued a notice of proposed rule making, SPDR-3, Docket 13279 (26 F.R. 12179) proposing to amend Part 376 of the Board's Special Regulations (14 CFR Part 376) so as to expedite the procedures incident to the amendment of flight patterns of helicopter operators under exemption authorizations. It was proposed that when such flight patterns involve passenger carriage, amendments thereto be permitted to become effective on the dates proposed in the applications unless the Board otherwise orders; that the present requirement of Post Office Department endorsement on amendment applications involving property and mail carriage be eliminated, substituting therefor a service requirement. It was proposed that the period between the filing of an application for a flight pattern amendment and its inauguration should be reduced from 45 days to 20 days; that interested persons should be entitled to 10 days notice of applications for amendment of passenger carriage flight patterns instead of 20 days as now provided. It was further proposed to reduce the period of notice from 20 days to 10 days when the Board, sua sponte, proposes to withdraw or modify previous approval of a flight pattern with respect to passenger carriage.

Comments received endorsed the basic purposes and provisions of the proposed amendments. One carrier suggested that § 376.4 should provide for 15 days' notice to interested persons in cases where a helicopter carrier applies for approval of passenger flight amendments, and that there should be no reduction in the 20-day notice period now provided for the carrier and interested persons when the Board, sua sponte, proposes to withdraw or modify previous approval of such a flight pattern.

The Board feels that the 10-day period provided in the proposed amendment to § 376.4 is sufficient to allow interested persons to make known to the Board their views concerning flight pattern amendments proposed by helicopter operators, and has decided to adopt the proposed amendment to § 376.4 establishing that period of notice in such cases. However, the Board finds merit in the suggestion that the 20-day period should be retained in § 376.12 in cases where the Board itself initiates proposed changes in flight patterns, and has decided not to reduce it.

One carrier commented that local service carriers serving or applying to serve any points involved in a proposed flight pattern amendment involving passenger carriage should be entitled to notice under § 376.4, and asks that the section be so amended. The Board sees merit in this suggestion insofar as it relates to points actually served by local service carriers, and has incorporated such a provision in this amendment.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter submitted.

In consideration of the foregoing the Board hereby amends Part 376 of the Special Regulations (14 CFR Part 376) effective May 10, 1962 as follows:

1. By revising § 376.4 to read as follows:

§ 376.4 Filing and service.

Applications for flight pattern amendments shall be filed with the Docket Section of the Board not later than 20 days prior to the desired effective date. Prior to or coincident with the filing of an amended flight pattern application which proposes suspension of passenger service to any point, the carrier shall serve a notice of such filing together with a copy of the proposed amended flight pattern upon the chief executive of the city, town, or other unit of local government at each point regularly receiving passenger service, at which suspension of such service is proposed. Such service shall also be made upon any local service air carrier which serves any point at which it is proposed to terminate, suspend or inaugurate passenger service. If proposed flight patterns involve property and mail carriage, such service shall be made upon the Postmaster General, marked for the attention of the Assistant Postmaster General, Bureau of Transportation. Any such person may, within 10 days after such service, file with the Board, and serve upon the carrier, a statement of position with respect to the proposed service pattern: *Provided*, That any person entitled to notice under the provisions of this part may, in writing, waive such notice and recommend that the Board approve the amended flight pattern as proposed.

§ 376.5 [Amendment]

By amending § 376.5(e) by the deletion of the sentence in parentheses following the first sentence.

3. By revising § 376.10 to read as follows:

§ 376.10 Operations pursuant to proposed amended flight patterns.

Except as provided in § 376.11, a certificated helicopter carrier may conduct operations pursuant to an amended flight pattern filed with the Board in accordance with the provisions of this part on and after the effective date thereof unless and until such proposed flight pattern is suspended, modified or disapproved by the Board. When a proposed amended flight pattern becomes effective without Board action, the docket relating thereto shall be deemed closed.

4. By revising § 376.12 to read as follows:

§ 376.12 Board authority over flight patterns.

The Board may in its discretion and without hearing

(a) Approve, disapprove, suspend or modify in whole or in part any flight pattern or amendment thereof filed with the Board. In those cases where all persons entitled to notice file waivers and recommendations pursuant to the proviso to § 376.4, the Board may act without regard to any time limitations provided in § 376.4;

(b) Withdraw in whole or in part, or modify previous approval of any flight pattern: *Provided, however*, That no current flight pattern with respect to the carriage of passengers will be withdrawn or modified on the Board's own initiative until the carrier and the persons named in § 376.4 have been notified of the proposal and have been allowed 20 days within which to file with the Board and serve upon the carrier statements of their positions concerning such proposed action.

(Secs. 204(a), 405, 416, 1001 and 1005 of the Federal Aviation Act of 1958; 72 Stat. 743, 771, 788, 794; 49 U.S.C. 1324, 1386, 1481, 1485)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-3452; Filed, Apr. 9, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1138; Amdt. 415]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Aircraft

It has been found that fuel and fuel fumes are released within the cockpit area behind the instrument panel through the fuel pressure instrument case vent as a result of fuel pressure gage diaphragm rupture on Aero Commander aircraft. This can cause an inflight explosion or fire. Accordingly, an airworthiness directive is necessary to require the installation of a fuel drain line to drain the fuel overboard from the aircraft in the event of a diaphragm rupture.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to all models with Serial Numbers 1 through 1170, except Serial Numbers 1133, 1153, 1156, 1162, Models 720, and pressurized versions of Model 630F.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

It has been found that fuel and fuel fumes are released within the cockpit area behind the instrument panel, through the fuel pressure gage case vent as a result of gage diaphragm rupture. Accordingly, a fuel drain line shall be installed leading from the fuel pressure gage vent connection and routed overboard through the belly of the aircraft in accordance with Aero Commander Service Bulletin No. 78 dated March 16, 1962, or an FAA approved equivalent.

This amendment shall become effective April 10, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 3, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3405; Filed, Apr. 9, 1962; 8:45 a.m.]

[Reg. Docket No. 1137; Amdt. 414]

PART 507—AIRWORTHINESS DIRECTIVES

Aeronca 15 Series Aircraft

Amendment 320, 26 F.R. 7078, as amended by Amendment 372, 26 F.R. 11047, requires repetitive inspection of the wing lift strut fittings on Aeronca 15 Series aircraft. A new fitting has been developed which, when incorporated, will eliminate the need for the repetitive inspections. Accordingly, this amendment is being published to permit discontinuance of the inspections when the new part is installed.

Since this amendment provides for an alternative means of compliance and imposes no additional burden, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 320, 26 F.R. 7078, as amended by Amendment 372, 26 F.R. 11047, Aeronca 15 Series aircraft, is further amended:

(1) By changing the first sentence of paragraph (c) to read "When it is necessary to install new fittings, Aeronca P/N 5-463-2, Champion Aircraft Corporation P/N 1-9280, Prentice Aircraft, Inc. P/N 61-16-1, or FAA approved equivalent may be used."

(2) By adding the following paragraph (e):

(e) When Prentice Aircraft Inc. P/N 61-16-1 or FAA approved equivalent is installed, the repetitive inspections required by this directive may be discontinued.

This amendment shall become effective April 10, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 3, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3406; Filed, Apr. 9, 1962; 8:45 a.m.]

[Reg. Docket No. 1076; Amdt. 416]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the landing gear cross tube end fittings on Vickers Viscount 745D and 810 Series aircraft was published in 27 F.R. 1565.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received, recommending that the requirement for removal of the fittings for the inspection be deleted as some operators have developed methods of inspection which do not necessitate removal. The directive has been revised accordingly to specify only that the inspection be made in accordance with the manufacturers instructions or FAA approved equivalent.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of landing gear cross tube end fitting failures, the following is required:

(a) (1) End fittings which have accumulated 11,000 or more landings as of the effective date of this AD, shall be inspected in accordance with (b) within the next 500 landings, and thereafter within each 3,000 landings.

(2) End fittings which have accumulated between 10,000 and 11,000 landings as of the effective date of this AD shall be inspected in accordance with (b) within the next 1,000 landings, or upon the accumulation of 11,500 landings, whichever occurs first, and thereafter within each 3,000 landings.

(3) End fittings which have accumulated less than 10,000 landings as of the effective date of this AD shall be inspected in accordance with (b) upon the accumulation of 11,500 landings and within each 3,000 landings thereafter.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to this AD may be estimated.

(b) Inspect the fittings listed below for cracks in accordance with PTL 234 (for Model 745D) or PTL 100 (for Model 810) or FAA approved equivalent.

Model	Fitting	P/N
745D	End fitting for single piece tube, Station 96.	72450-35
745D	End fitting for single piece tube, Station 131.	72450-37 or 72450-175
810	End fitting for single piece tube, Station 96.	72450-35
810	End fitting for single piece tube, Station 131.	81050-35

(c) Fittings with cracks in the ¼-inch radius between the bearing journal and the tapered portion shall be replaced prior to further flight, except that those at Station 131 may be reused if they meet the limitations of the applicable PTL, Issue 2 dated November 13, 1961, and are reworked as specified in the applicable PTL. (Fittings at Station 96 are of different design and cannot be reused should similar defects be found.)

(d) Rework fittings having minor surface cracks in the attachment flanges and in the bearing journals in accordance with the provisions of the PTL's.

(e) Mark all reworked fittings with the letter "R" on the flange circumference.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, Washington 25, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Vickers Armstrongs Preliminary Technical Leaflets Nos. 100 and 234, both are Issue 2 dated November 13, 1961, cover the same subject.)

This amendment shall become effective May 10, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 3, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3407; Filed, Apr. 9, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-16]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas and Reporting Points

The purpose of these amendments to the regulations of the Administrator is to change the name Navarre, Ohio, to Briggs, Ohio, wherever it appears in Parts 600 and 601. This action is taken due to misunderstandings resulting from the phonetic similarity in the names

Navarre and Bellaire when used in radio voice communications.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In the caption and/or text of the following sections "Navarre" is deleted wherever it appears and "Briggs" is substituted therefor.

1. Section 600.6008 (14 CFR 600.6008, 26 F.R. 8170, 10588, 11727).
2. Section 600.6040 (14 CFR 600.6040).
3. Section 600.6043 (26 F.R. 8486).
4. Section 600.6075 (14 CFR 600.6075).
5. Section 600.6092 (14 CFR 600.6092, 26 F.R. 1754, 2344, 10586).
6. Section 600.6103 (27 F.R. 737).
7. Section 600.6276 (14 CFR 600.6276, 26 F.R. 3462, 6810).
8. Section 600.6427 (14 CFR 600.6427).
9. Section 600.6839 (26 F.R. 8169, 27 F.R. 735).
10. Section 600.6855 (26 F.R. 11674).
11. Section 600.1509 (26 F.R. 1062).
12. Section 600.1516 (26 F.R. 1063, 8628).
13. Section 600.1518 (26 F.R. 1063).
14. Section 601.7001 (14 CFR 601.7001).

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3406; Filed, Apr. 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-233]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On January 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 699) stating that the Federal Aviation Agency (FAA) proposed to alter Jet Route No. 60, between Las Vegas, Nev., and Grand Junction, Colo., by designating it direct from the Las Vegas VORTAC to the Bryce Canyon, Utah, VOR, and thence direct to the Grand Junction VORTAC, and by deleting the Hanksville, Utah, VORTAC from the description of J–60.

Subsequent to the issuance of the notice the FAA has determined that there is a requirement for the retention of the Hanksville VORTAC in the description of J–60 until the conversion of the Bryce Canyon VOR to a VORTAC, which is scheduled to be accomplished in September 1962. The Hanksville VORTAC is used in the application of DME separation procedures between aircraft on J–60 and J–80 converging at the Grand Junction VORTAC. Therefore, action to eliminate the Hanksville VORTAC from the description of J–60 is being withdrawn from this docket and will be the subject of future airspace action after the conversion of the Bryce Canyon VOR to a VORTAC.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 602.100 *Jet routes* (26 F.R. 7080) is amended as follows:

In the text of Jet Route No. 60 "INT of the Las Vegas 044° and the Bryce Canyon, Utah, 247° radials; Bryce Canyon;" is deleted and "Bryce Canyon, Utah;" is substituted therefor.

This action shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3406; Filed, Apr. 9, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

PART 1006—FOREIGN PURCHASES

PART 1007—CONTRACT CLAUSES

Miscellaneous Amendments

The following miscellaneous amendments and revisions are issued to this subchapter:

Section 1006.000 is added as follows:

§ 1006.000 Scope of part.

In addition to the subjects contained in § 6.000 of this title, this part deals with policies and procedures applicable to AF installations regarding AF procurements within oversea theaters.

Subpart A is revised to read as follows:

Subpart A—Buy American Act; Supply and Service Contracts

Sec.
1006.100 Scope of subpart.
1006.101 Definitions.
1006.102 Statutory requirements.
1006.103 Exceptions.
1006.103–1 Use outside the United States.
1006.103–2 Nonavailability in the United States.
1006.103–3 Unreasonable cost or inconsistency with the public interest.
1006.103–4 Scrap.
1006.103–5 Canadian supplies.
1006.103–6 Panamanian supplies for use in the Canal Zone.
1006.103–50 Other exceptions based on inconsistency with the public interest.
1006.104 Procedures.
1006.104–1 Applicability.
1006.104–2 Solicitation of bids and proposals.
1006.104–3 Certificate.
1006.104–4 Evaluation of bids and proposals.
1006.104–5 Contract clause.
1006.104–6 Contract administration.
1006.105 List of excepted articles, materials, and supplies.

AUTHORITY: §§ 1006.100 to 1006.105 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1006.100 Scope of subpart.

See § 6.100 of this title.

§ 1006.101 Definitions.

See § 6.101 of this title.

§ 1006.102 Statutory requirements.

See § 6.102 of this title.

§ 1006.103 Exceptions.

Maximum effort will be exerted to obtain a domestic source and product which will meet the minimum needs of the Government prior to requesting a determination under the Buy American Act.

§ 1006.103–1 Use outside the United States.

See § 6.103–1 of this title.

§ 1006.103–2 Nonavailability in the United States.

(a) Authority: Secretary of the Air Force Order No. 657.1, October 26, 1961, subject: "Determination Under the Buy American Act" from the Assistant Secretary of the Air Force, reads:

1. The authority and duty to make determinations under the Buy American Act (41 U.S. Code Sections 10a–d) where the basis for such determinations is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials or supplies from which they are manufactured, are not mined, produced or manufactured, as the case may be, in the United States in sufficient and in reasonably available commercial quantities and of a satisfactory quality, is hereby assigned to:

Headquarters, Air Force Logistics Command
Commander and Vice Commander
Director and Deputy Directors of Procurement & Production
Chiefs of Divisions, Directorate of Procurement & Production
Headquarters, Air Force Systems Command
Commander and Vice Commander
Deputy Chief of Staff, Procurement & Materiel
Director and Deputy Director of Procurement
Headquarters, Office of Aerospace Research
Commander
Director and Deputy Director of Procurement
Headquarters, Air Force Office of Scientific Research
Executive Director
Director and Deputy Director of Procurement
Air Materiel Areas
Commanders and Deputy Commanders
Directors of Procurement and Production
AFSC Systems Divisions and Centers
Commanders and Deputy Commanders
Directors of Procurement and Production
Air Force Depots
Commanders and Deputy Commanders
Directors of Procurement and Production
Contract Management Regions
Commanders and Deputy Commanders
Directors of Contract Administration
Chiefs, Air Procurement Districts
2709th Vehicle Control Group
Commander and Deputy Commander
Chief, Procurement and Production Division

2. The authority and duty to make determinations under the Buy American Act (41 U.S. Code Section 10a–d) for individual purchases of $250.00 or less, where the basis for such determinations is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials or supplies from which they are manufactured are not mined, produced or manufactured, as the case may be, in the United States in sufficient and in reasonable available commercial quantities and of a satisfactory quality is hereby assigned to:

Headquarters, Major Air Commands other than AFLC and AFSC
Commanders and Vice Commanders
Major Command Staff Officer responsible for Procurement
Air Force Bases and USAF Logistic Control Groups
Commanders and Deputy Commanders
Chief of the Purchasing Office

No person will exercise this authority if he is the contracting officer in the procurement involved.

3. The authority assigned to the aforementioned individuals may not be redelegated.

4. Secretary of the Air Force Order No. 657.1, dated June 29, 1961 is hereby superseded.

5. This Order is issued in accordance with Air Force Regulation 11–18, date July 16, 1954, Subject: "Instruments of Delegation or Assignment of Statutory Authority."

(s) JOSEPH S. IMIRIE,
Assistant Secretary of the Air Force (Materiel).

(b) Finding and determinations: The provisions of § 6.103–2 of this title will be applied and used only after a determination, in writing, has been made by one of the above designated officials.

(1) AFLC and AFSC buyers are responsible for processing determinations found to be necessary prior to contractual distribution and ACOs are responsible for processing determinations during the performance of contracts.

(2) Requests for determination made under Part 1004, Subpart F of this chapter, not included under paragraph (a)(2) of this section, which have been prepared by activities under the jurisdiction of major commands in the continental United States, and possessions, other than AFLC and AFSC, will be forwarded through channels to AFLC (MCPP). The buyer will prepare the proposed finding and determination substantially in the form described in paragraph (g) of this section. The finding will be submitted in triplicate by the buyer requesting an exemption from the Buy American Act. The request will identify the proposed procurement by contract number or purchase request number and will state:

(i) Description of articles (end items or spare parts) intended to be procured, and specific information pertaining to special features, performance, versatility, etc., as well as the manufacturer's model number, and any other descriptive information. The item description should be identical to that which is reflected in the RFP, IFB, or Purchase Request unless a copy of such document is attached to the request for determination.

(ii) Efforts made to secure either the articles required or suitable substitutes from domestic sources with reasons why neither is available. List all the domestic sources contacted by name or reason (if any) why other domestic sources were not contacted. List reason (if any) why domestic sources could or would not furnish articles or suitable substitute.

(iii) Proposed source, name, and nationality: (If exemption is required because of origin of the supplies instead of by reason of the nationality of the seller, this fact will be stated.)

(iv) Why purchase of foreign material and/or from foreign source is necessary. Identify and explain specific portion of mission or requirement which is of such magnitude as to override consideration to procure a domestic source end product.

(v) End use of item to be purchased: Brief description of the special function to be accomplished, such as, performance of special tests or research work.

(vi) Identity of the purchaser if a Government agency.

(vii) Citation of applicable appropriation if purchase is to be made from a supplier or contractor in a foreign country.

(viii) If the proposed purchaser is not a Government agency, but is an AF contractor, under what type and number of contract is the contractor operating and what will be disposition of the articles at completion of contract.

(ix) Whether or not payment is intended to be made before delivery is accomplished.

(c) It will be the responsibility of Procurement Division (MCPP) to review the statements made according to paragraph (b)(2) of this section and to transmit the proposed finding and determination, submitted according to paragraph (b) of this section, to one of the authorized certifying officers mentioned in paragraph (a) of this section.

(d) If the proposed purchase is excepted from the requirements of the Buy American Act both under this section, and because it consists of articles, materials, or supplies excepted under § 1006.105, no finding and determination is required under paragraph (a) of this section, but only a finding by the buyer (according to § 1006.105(a)) stating that the supplies being purchased do fall within the category excepted under § 1006.105.

(e) Except as stated herein, exemption from the Buy American Act can be granted only by the Secretary of the Air Force.

(f) When a determination under paragraph (b) of this section is made that the Buy American Act does not apply, a copy of such determination will be attached to each contract for such articles, materials, or supplies, except in the case of determination made pursuant to an existing contract such copies may be distributed by letter or other convenient means.

(g) Example of Finding and Determination format:

FINDING AND DETERMINATION

The United States Air Force proposes under Purchase Request No. ---------- (See Note 1) to acquire for public use, at an estimated cost of $---------- manufactured by (Describe supplies) ---------- in (Manufacturer's name see Note 2) ---------- (City and country of origin see Note 2) from (here identify the proposed seller; see Note 3).

I find that the above-mentioned supplies are not (mined, produced, or manufactured, as the case may be) in the United States in sufficient and reasonably available commerical quantities and of a satisfactory quality.

I therefore determine that the provisions of the Buy American Act (41 U.S.C. 10a–d) are inapplicable to the articles enumerated above or the purchase thereof and that the same may be purchased without regard to said Act.

This Finding and Determination is made pursuant to authority vested in the undersigned by Secretary of the Air Force Order No. 657.1 (cite date of SAFO 657.1 set forth in paragraph (a) of this section).

NOTE 1. Insert purchase request number, if any. If there is no purchase request, omit "under Purchase Request No."

NOTE 2. Insert manufacturer's name, city and country of origin, East or West Germany, if applicable. Where the manufacturer is also the vendor, omit the remainder of the sentence starting with "from."

NOTE 3. See also § 1006.104–1. This first paragraph of the above format is designed for the case where the purchase is to be made by the Air Force directly. If the purchase is to be made by an AF contractor, the word "from" will be omitted and the following will be inserted: "through ---------- (Name of contractor) ---------- an Air Force contractor under Contract No. ------ from (here identify the proposed source)."

(h) Purchase of foreign publications: Notwithstanding the exception contained in § 6.105 of this title, the following procedures are applicable to purchase of foreign periodicals and publications:

(1) Foreign periodical and publications available through vendors located in the United States may be procured unless there is a question of security involved. If there is a question of security involved, requests will be forwarded to the Director of Intelligence (AFCIN–IE–M), Hq USAF, for forwarding to the appropriate air attache for procurement.

(2) Requests for foreign periodicals and publications which must be procured outside the United States will be sent to the Director of Intelligence (AFCIN–IE–M), Hq USAF, for forwarding to the appropriate air attache for procurement. Such requests will contain information, including description of the item, estimated cost, name and address of vendor, citation of applicable appropriation, and shipping instructions.

§ 1006.103–3 Unreasonable cost or inconsistency with the public interest.

See § 1006.104–4.

§ 1006.103–4 Scrap.

See § 6.103–4 of this title.

§ 1006.103–5 Canadian supplies.

(a) *Listed.* Findings—Pursuant to the Buy American Act (41 U.S.C. 10a–d) and in keeping with Armed Services Procurement Regulations §§ 6–103.5, 6–104, and 6–504, as revised, I hereby determine that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of supplies mined, produced or manufactured in Canada which are included in the following list (parts and equipment for the listed supplies are considered to be included in the list, even though not separately listed, when they are procured under a contract, that also calls for listed supplies).

FEDERAL SUPPLY CLASSIFICATION

Group	
10	Weapons—Classes 1055, 1080, 1095.
11	Atomic Ordnance—Classes 1135, 1190.
12	Fire Control Equipment—Classes 1230, 1270, 1280, 1290.
13	Ammunition and Explosives—Classes 1336, 1340, 1375.
14	Guided Missiles—All Classes.
15	Aircraft and Airframe Structural Components—All Classes.
16	Aircraft Components and Accessories—All Classes.
17	Aircraft Launching, Landing and Ground Handling Equipment—All Classes.
22	Railway Equipment—All Classes.
23	Motor Vehicles, Trailers and Cycles—Classes 2320, 2330.
26	Tires and Tubes—Class 2620.
28	Engines, Turbines and Components—All Classes.
29	Engine Accessories—All Classes.
31	Bearings—All Classes.
34	Metalworking Machinery—All Classes.
35	Service and Trade Equipment—Class 3520.
38	Construction, Mining, Excavating and Highway Maintenance Equipment—All Classes except 3820, 3830.
40	Rope, Cable, Chain and Fittings—All Classes.
41	Refrigerating and Air Conditioning Equipment—All Classes.
42	Fire Fighting, Rescue and Safety Equipment—All Classes.
43	Pumps and Compressors—All Classes.
44	Furnace, Steam Plant, Drying Equipment and Nuclear Reactors—Classes 4410, 4420, 4470.
45	Plumbing, Heating and Sanitation Equipment—All Classes.
46	Water Purification and Sewage Treatment Equipment—All Classes.
47	Pipe, Tubing, Hose and Fittings—All Classes.
48	Valves—All Classes.
49	Maintenance and Repair Shop Equipment—All Classes.
51	Hand Tools—All Classes.
52	Measuring Tools—All Classes.
53	Hardware and Abrasives—All Classes.
54	Prefabricated Structures and Scaffolding—All Classes.
56	Construction and Building Materials—All Classes.
58	Communication Equipment—All Classes.
59	Electrical and Electronic Components—All Classes.
61	Electric Wire and Power and Distribution—All Classes.
62	Lighting Fixtures and Lamps—All Classes.
63	Alarm and Signal Systems—All Classes.
66	Instruments and Laboratory Equipment—All Classes.
67	Photographic Equipment—All Classes.
68	Chemicals and Chemical Products—All Classes.
69	Training Aids and Devices—All Classes.
74	Office Machines and Data Processing Equipment—All Classes.
75	Office Supplies and Devices—All Classes.
76	Books, Maps and Other Publications—Classes 7610, 7650.
81	Containers, Packing and Packing Supplies—All Classes.
93	Nonmetallic Fabricated Materials—All Classes.
95	Metal Bars, Sheets and Shapes—All Classes.
96	Ores, Minerals and Their Primary Products—All Classes.

(b) to (d) See § 6.103–5 (b) to (d) of this title.

§ 1006.103–6 Panamanian supplies for use in the Canal Zone.

See § 6.103–6 of this title.

§ 1006.103–50 Other exceptions based on inconsistency with the public interest.

(a) *Articles purchased for purposes of evaluation and comparison.* (1) The Under Secretary of the Air Force, on March 3, 1949, determined as follows:

DETERMINATION UNDER THE BUY AMERICAN ACT

Pursuant to the authority contained in the Buy American Act (Act of March 3, 1933, 41 U.S.C. 10a–c) and pursuant to the authority vested in me, I hereby determine that it would be inconsistent with the public interest to apply the Buy American Act to the purchase of unmanufactured articles, materials, or supplies not mined or produced in the United States, and manufactured articles, materials and supplies not manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, where the intended use of any such articles, materials, or supplies is evaluation and comparison with other similar articles, materials, or supplies produced or mined in the United States, and I hereby grant an exemption from the application of said act to all such purchased. A copy of this determination shall be attached to each such contract for supplies which is otherwise subject to the provisions of said act.

(S) A. S. BARROWS,
Under Secretary of the Air Force.

(2) The effect of the above determination is to grant an exception from the application of said act only to such purchases where the intended use of any such articles, materials, or supplies is evaluation and comparison with other similar articles. Consequently, where the intended use is other than evaluation and comparison with other similar articles, the above determination does not apply.

(3) When articles are purchased for evaluation and comparison, a copy of the determination (subparagraph (1) of this paragraph) will be attached to each of the following copies of the contract: (i) General Accounting Office, (ii) contract file, and (iii) contractor's file.

§ 1006.104 Procedures.

§ 1006.104–1 Applicability.

It is emphasized that the Buy American Act only applies to purchases "for public use." Exception should be requested only if the Air Force will acquire title to the property by direct purchase, or through a contractor's purchase. If a contractor desires to purchase foreign articles for his own use under such circumstances that the Government will not become the owner of such articles, request for exemption from the Buy American Act will not be submitted even though the contractor may intend to use the foreign articles (e.g., production machinery) to aid him in performance of an AF contract as well as for his private business. If the purchase is being made by an AF contractor, the importation of the foreign material may be dutiable unless the method in § 1006.602–1 is complied with.

§ 1006.104–2 Solicitation of bids and proposals.

When obtaining quotations verbally vendors will be informed that only domestic source end products will be acceptable other than those items which have been excepted either on a blanket or individual basis.

§ 1006.104–3 Certificate.

All IFBs and RFPs incorporating the use of this certificate will contain a definition of the United States as set forth in § 6.101(c) of this title.

§ 1006.104–4 Evaluation of bids and proposals.

See § 6.104–4 of this title.

(a) to (b) See § 6.104–4 (a) to (b) of this title.

(c) Procurements within § 6.104–4(c) of this title will be forwarded through channels (including AFLC (MCPP) or AFSC (SCMK), as appropriate) to Hq USAF (AFSPM–CP–1) Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) See § 6.104–4(d) of this title.

(e) When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date issued.

(2) Date(s) of bid expiration, and any extensions obtained.

(3) Complete description of the item or items.

(4) Price or estimated cost of items, indicating separately amount of duty and transportation costs to destination.

(5) Name and address of proposed contractors or individuals.

(6) Designation of agency to effect purchase.

(7) Complete detailed facts justifying the proposed award and covering the factor or factors leading to submission for Secretarial consideration.

(8) Copy of the IFB or RFP and in advertised procurements copy of the abstract of bids and work sheet.

(f) Proposed procurements submitted for Secretarial consideration under the provisions of § 6.104–4(c) of this title will be forwarded to reach Hq USAF not later than 10 days prior to the date of acceptance of bids. Provision will be made for extending the date of acceptance of bids to permit sufficient time for orderly transmission and Secretarial consideration, with immediate notification to Hq USAF and Hq AFLC or Hq AFSC, as appropriate, of such extension.

§ 1006.104–5 Contract clause.

See § 6.104–5 of this title.

§ 1006.104–6 Contract administration.

See § 1003.903–54 of this chapter and § 1006.602–6(b)(1).

§ 1006.105 List of excepted articles, materials, and supplies.

See § 6.105 of this title.

(a) *Finding and determination.* If the purchase which is proposed consists of articles, materials, or supplies coming within the category of § 6.105 of this title, no finding is required other than a finding by the buyer stating that the supplies being purchased do fall within the above category. This finding will be incorporated into the contractual instrument accomplishing the purchase or, if more convenient, it may be made by separate finding signed by a contracting officer.

Subpart B is revised to read as follows:

Subpart B—Buy American Act; Construction Contracts

Sec.

1006.200	Scope of subpart.
1006.201	Definitions.
1006.201–1	Construction.
1006.201–2	Construction materials.
1006.201–3	Components.
1006.201–4	United States.
1006.201–5	Domestic construction material.
1006.201–6	Nondomestic construction material.
1006.202	Statutory requirements.
1006.203	Exceptions.
1006.203–1	Nonavailability in the United States.
1006.203–2	Unreasonable costs or impracticability.
1006.203–3	Panamanian materials for use in the Canal Zone.
1006.204	Procedures.
1006.204–1	Applicability.
1006.204–2	Solicitation of bids and proposals.
1006.204–3	Evaluation of bids and proposals.
1006.204–4	Contract listing of excepted nondomestic construction materials.
1006.204–5	Contract clause.
1006.204–6	Canal Zone contracts.
1006.205	Penalty for violation.
1006.206	List of excepted articles, materials, and supplies.

AUTHORITY: §§ 1006.200 to 1006.206 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1006.200 Scope of subpart.

See § 6.200 of this title.

§ 1006.201 Definitions.

See § 6.201 of this title.

§ 1006.201–1 Construction.

See § 6.201–1 of this title.

§ 1006.201–2 Construction materials.

See § 6.201–2 of this title.

§ 1006.201–3 Components.

See § 6.201–3 of this title.

§ 1006.201–4 United States.

See § 6.201–4 of this title.

§ 1006.201–5 Domestic construction material.

See § 6.201–5 of this title.

§ 1006.201–6 Nondomestic construction material.

See § 6.201–6 of this title.

§ 1006.202 Statutory requirements.

See § 6.202 of this title.

§ 1006.203 Exceptions.

§ 1006.203–1 Nonavailability in the United States.

This section will be used according to procedures prescribed in § 1006.103–2.

§ 1006.203–2 Unreasonable costs or impracticability.

See § 6.203–2 of this title.

§ 1006.203–3 Panamanian materials for use in the Canal Zone.

See § 6.203–3 of this title.

§ 1006.204 Procedures.

§ 1006.204–1 Applicability.

See § 6.204–1 of this title.

1006.204–2 Solicitation of bids and proposals.

See § 6.204–2 of this title.

§ 1006.204–3 Evaluation of bids and proposals.

(a) to (b) See § 6.204–3 (a) to (b) of this title.

(c) *Impracticability.* Proposed procurements within § 6.204–3(c) of this title will be forwarded through channels (including AMC (MCPP)) to Hq USAF, (AFMPP–PR–1), Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) *Procedure.* When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date issued.

(2) Date(s) of bid expiration and any extensions obtained.

(3) Complete description of each designated item of non-domestic construction material proposed for use, including total quantity and price.

(4) Name and address of proposed contractors or individuals.

(5) Designation of agency to effect purchase.

(6) Complete detailed facts justifying the proposed award and demonstrating that, as to each designated item of nondomestic construction material proposed for use, the use of any corresponding domestic construction material would be impracticable.

(e) *Provision for extension of bid expiration.* Procedures set forth in § 1006.104–4(f) will be followed.

§ 1006.204–4 Contract listing of excepted nondomestic construction.

See § 6.204–4 of this title.

§ 1006.204–5 Contract clause.

See § 6.204–5 of this title.

§ 1006.204–6 Canal Zone contracts.

See § 6.204–6 of this title.

§ 1006.205 Penalty for violation.

See § 6.205 of this title.

§ 1006.206 List of excepted articles, materials, and supplies.

See § 6.206 of this title.

Subpart D is revised to read as follows:

Subpart D—Purchases From Soviet-Controlled Areas

Sec.

1006.401	Restrictions.
1006.401–1	General policy.
1006.401–2	Soviet-controlled areas.
1006.401–3	Certain supplies of foreign origin.
1006.401–4	Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.
1006.401–5	Supplies from North Korea or China.
1006.402	Exceptions.
1006.403	Contract clauses.

AUTHORITY: §§ 1006.401 to 1006.408 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1006.401 Restrictions.

See § 6.401 of this title.

§ 1006.401–1 General policy.

See § 6.401–1 of this title.

§ 1006.401–2 Soviet-controlled areas.

See § 6.401–2 of this title.

§ 1006.401–3 Certain supplies of foreign origin.

See § 6.401–3 of this title.

§ 1006.401–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.

See § 6.401–4 of this title.

§ 1006.401–5 Supplies from North Korea or China.

See § 6.401–5 of this title.

§ 1006.402 Exceptions.

(a) See § 6.402 of this title.

(b) (1) See § 1006.103–2.

(2) Purchases in excess of $2,500 may be made only after specific approval of the Secretary of the Air Force. The buyer will prepare three copies of an appropriately worded finding and determination together with complete justification and forward them through channels (including AFSC (SCMK) or AFLC (MCPP) for other commands) to Hq USAF (AFSPM–PR–1), Washington 25, D.C., for submission to the Secretary.

(c) Requests for approvals or appeals will be forwarded according to paragraph (b) (2) of this section.

§ 1006.403 Contract clauses.

See § 6.403 of this title.

Subpart E—Canadian Purchases

1. Section 1006.503 is revised to read as follows:

§ 1006.503 Agreement with Department of Defence Production (Canada).

(a) See § 6.503(a) of this title.

(b) Where proposals are received in Canadian currency, the amount of the resultant contract will also be stated in Canadian currency. The contract amount will be annotated to indicate clearly that the contract is stated in terms of Canadian currency. The Ad-

ministrative Commitment Document (ACD) will be written in terms of United States currency and will be based upon the rate of exchange used in evaluation of proposals. The Agreement provides for reciprocal inspection service on prime and subcontracts of the military departments and the Department of Defence Production (Canada).

(c) Text of agreement: See § 6.503(c) of this title.

2. Section 1006.504 is added as follows:

§ 1006.504 Mutual Canadian-American interests.

See § 6.504 of this title.

§ 1006.551 [Amendment]

3. In § 1006.551, *Submission of bids and proposals*, in paragraph (b), line 4, the phrase "with United States firms," is amended to read: "as with United States firms."

4. Sections 1006.552 and 1006.553 are added as follows:

§ 1006.552 Basic agreement.

The Air Force has in effect a cost-reimbursement type basic agreement with the Canadian Commercial Corporation. All contracts of this type awarded as a result of RFPs will be based on and cite this basic agreement (see Part 1007, Subpart 00 of this chapter).

§ 1006.553 Compliance with Buy American Act.

See § 6.103–5 of this title and § 1006.103–5.

5. In § 1006.555 *Solicitation of Canadian sources for research and development procurements*, in paragraph (c), the last word "Center" is amended to read "division."

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Sections 1007.000 to 1007.000–6 are added as follows:

Sec.
1007.000 Scope of part.
1007.000–1 General.
1007.000–2 Requisitionable contract forms.
1007.000–3 Deviations.
1007.000–4 Effect of Subchapter A, Chapter 1 of this title (ASPR).
1007.000–5 Contract clauses in other parts.
1007.000–6 Offshore contracts.

AUTHORITY: §§ 1007.000 to 1007.000–6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.000 Scope of part.

§ 1007.000–1 General.

This part sets forth clauses required and authorized for use in AF contracts, for which requisitionable printed forms are not available.

§ 1007.000–2 Requisitionable contract forms.

Contracts for which all the clauses (other than scheduled clauses) are prescribed, and for which printed forms are requisitionable, are treated in Part 1016 of this chapter.

§ 1007.000–3 Deviations.

Any deviations from the content of the clauses contained herein, or from requirements for their use, will only be made according to § 1001.109 of this chapter.

§ 1007.000–4 Effect of Subchapter A, Chapter 1 of this title (ASPR).

From time to time there are issued revisions and additions to clauses and forms appearing in Subchapter A, Chapter 1 of this title. Where such revisions and additions are different from a clause, or instructions for its use, or the provisions for a type or kind of contract, or differ in any other respect from material appearing in this part, the provisions of Subchapter A, Chapter 1 of this title will be followed.

§ 1007.000–5 Contract clauses in other parts.

Certain clauses have been placed in other parts of this subchapter. Where such clauses are required to complete a type or kind of contract, they are referenced in this part; e.g., special termination clauses appear in Part 1008 of this chapter. Certain other clauses which are optional or required under special circumstances appear in other parts, where the text provisions for the use of such clauses are found, and are not referenced in this part. Such clauses will be used according to the provisions set forth in the other parts.

§ 1007.000–6 Offshore contracts.

The provisions of the several subparts of this part apply to all contracts regardless of place of execution or performance, or both, except as otherwise provided in Subpart OO, "Contracts With Canadian Commercial Corporation," and Subpart PP, "Clauses for Contracts Issued by Foreign Procurement Activities".

Subpart A—Clauses for Fixed-Price Supply Contracts

1. Section 1007.103–4 is revised to read as follows:

§ 1007.103–4 Variation in quantity.

See § 1053.406–4 of this chapter.

2. Section 1007.107 is added, as follows:

§ 1007.107 Escalation clause (labor and material).

See § 7.107 of this title.

3. Section 1007.108 is revised to read as follows:

§ 1007.108 Incentive price revision clauses.

See § 7.108 of this title and the following specific instructions.

§ 1007.108–50 [Amendment]

4. In § 1007.108–50, add "(March 1960)" to the title of the clause.

§ 1007.109 [Amendment]

5. Section 1007.109 is amended to read as follows:

§ 1007.109 Price redetermination clauses.

See § 7.109 of this title and the following specific instructions.

§§ 1007.109–2; 1007.109–4—1007.109–7 [Deletion]

6. Delete § 1007.109–2, and §§ 1007.109–4 through 1007.109–7.

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

§ 1007.204–52 [Amendment]

In § 1007.204–52 *Financial management report*, insert the following clause title and date: "Financial Management Report (Mar. 1960)."

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

Sections 1007.402–3 and 1007.402–22 are added as follows:

§ 1007.402–3 Allowable cost, fixed fee and payment.

In contracts without fee with educational institutions, omit the second sentence of paragraph (c) of the clause in §§ 7.402–3(a) and 7.402–3(b)(4)(i) of this title.

§ 1007.402–22 Patent rights.

In contracts without fee with educational institutions, omit paragraph (f) of the clause in § 9.107–2 of this title.

Subpart E—Clauses for Personal Services Contracts

§ 1007.503–50 [Amendment]

In § 107.503–50 *Subcontracts*, add the date: "(Oct. 1957)" to the clause title.

Subpart V—Clauses for Fixed-Price Nonpersonal Service Contracts

§ 1007.2103–16 [Amendment]

In § 1007.2103–16 *Termination for convenience of the Government*, add the date: "(Mar. 1959)" to the clause title.

Subpart V—Clauses for Technical Services Contracts

§§ 1007.2203–4; 1007.2203–20—1007.2203–22; 1007.2204–3; 1007.2205–1—1007.2205–5 [Amendment]

From the following table add the dates to the clause title:

Section	Date
1007.2203–4	(July 1955)
1007.2203–20	(Mar. 1960)
1007.2203–21	(Nov. 1958)
1007.2203–22	(Mar. 1960)
1007.2204–3	(Mar. 1958)
1007.2205–1—1007.2205–5	(Mar. 1960)

Subpart W—Clauses for Time and Materials Contracts

1. Section 1007.2302 is added as follows:

§ 1007.2302 Definition.

As used throughout this subpart, the term "time and materials contract" will have the same meaning as that set forth in § 3.405–1 of this title and will be used according to the requirements of § 1003.405–1 of this title.

§§ 1007.2303–2—1007.2304–4; 1007.2303–9 [Amendment]

2. In §§ 1007.2302–2 to 1007.2303–4 and 1007.2303–9, add the date: "(Apr. 1960)" to the clause title.

Subpart Z—Clauses for Open Contracts for Equipment and Services

§§ 1007.2603–1; 1007.2603–3 [Amendment]

In §§ 1007.2603–1 and 1007.2603–3, add the date: "(Apr. 1960)" to the clause title.

Subpart AA—Clauses for Facilities Contracts

1. Sections 1007.2700, 1007.2701, 1007.2703, and 1007.2703–1 are added as follows.

§ 1007.2700 Scope of subpart.

This subpart sets forth clauses for use in facilities contracts, other than the short form facilities contracts covered in Subpart BB of this chapter.

§ 1007.2701 Limitation on use.

Facilities contracts will be issued only by Hq AMC.

§ 1007.2703 Required clauses.

The following clauses will be inserted in all facilities contracts.

§ 1007.2703–1 Definitions.

Insert the clause set forth in § 7.103–1 of this title.

§ 1007.2703–2 [Amendment]

2. In § 1007.2703–2, amend the clause title, and add a new paragraph (c), as follows:

§ 1007.2703–2 Facilities.

(a) • • •

Facilities (February 1959)

• • • • •

(c) If the facilities contract is with a nonprofit institution of higher education or with a nonprofit organization whose primary purpose is the conduct of scientific research and it is anticipated that title to equipment may be vested in the contractor according to Subpart H, Part 13 of this title, the following language will be added at the end of paragraph (b)(1) of the clause in paragraph (a) of this section:

Notwithstanding the provisions of this clause relative to title, the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon; provided, that the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization or use of such equipment as is donated under this clause. Upon transfer of title to equipment under this clause, such equipment shall cease to be Government property.

§§ 1007.2703–6—1007.2703–8; 1007.2703–12—1007.2703–16; 1007.2703–22; 1007.2703–24; 1007.2703–25; 1007.2703–30; 1007.2703–31; 1007.2704–1 [Amendment]

3. From the following table add the dates to the clause title:

Section	Date
1007.2703–6—1007.2703–8	(Aug. 1958)
1007.2703–12	(Apr. 1960)
1007.2703–13	(Aug. 1958)
1007.2703–14	(Aug. 1958)
1007.2703–15	(June 1958)
1007.2703–16	(June 1958)
1007.2703–22	(June 1955)
1007.2703–24	(June 1955)
1007.2703–25	(June 1955)
1007.2703–30	(Aug. 1958)
1007.2703–31	(Aug. 1958)
1007.2704–1	(Sept. 1959)

Subpart BB—Clauses for Short-Form Facilities Contracts

1. Section 1007.2803–12 is revised to read as follows:

§ 1007.2803–12 Eight-hour law of 1912.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.2803–18 [Amendment]

2. In § 1007.2803–18, a date is added to the title of the clause, and a new paragraph (a) is added. Section 1007.2803–18 now reads as follows:

§ 1007.2803–18 Title and possession.

Insert the following clause:

Title and Possession (March 1958)

Title to all property furnished by the Government shall remain in the Government. Title to the Government property shall be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government property, nor do or suffer anything to be done whereby any Government property may be seized, taken in execution, attached, destroyed or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any Government property.

(a) If the facilities contract is with a nonprofit institution of higher education or with a nonprofit organization whose primary purpose is the conduct of scientific research and it is anticipated that title to equipment may be vested in the contractor according to Subpart H, Part 13 of this title, add the language in § 1007.2703–2(c) to this clause.

§§ 1007.2803–2; 1007.2803–9; 1007.2803–15; 1007.2803–23 [Amendment]

3. From the following table add the date to the clause title:

Section	Date
1007.2803–2	(June 1955)
1007.2803–9	(Mar. 1958)
1007.2803–15	(June 1955)
1007.2803–23 (1st clause)	(Mar. 1958)
(2nd clause)	(Apr. 1959)

Subpart CC—Leases of Machine Tools and Other Production Equipment

§§ 1007.2904–2; 1007.2905–1; 1007.2905–3—1007.2905–17; 1007.2905–20 [Amendment]

Add the date to the clause title in the following sections:

§§ 1007.2904–2; 1007.2905–1; 1007.2905–3 through 1007.2905–6: (Aug. 1958).

§§ 1007.2905–7 through 1007.2905–17: (Oct. 1957).

§ 1007.2905–20: (Nov. 1957).

Subpart FF—Clauses for Bakery and Dairy Products Contracts

§§ 1007.3204–6; 1007.3204–7—1007.3204–10 [Amendment]

Add the following dates to the clause titles:

§ 1007.3204–6(a): (Apr. 1957).
§ 1007.3204–6(b): (Mar. 1959).
§§ 1007.3204–7 through 1007.3204–10 (a) and (b): (Oct. 1960).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–3400; Filed, Apr. 9, 1962; 8:45 a.m.]

PART 1007—CONTRACT CLAUSES

Miscellaneous Amendments

The following miscellaneous amendments and revisions are issued to this subchapter:

Subject JJ is revised to read as follows:

Subpart JJ—Contracts for Care of Remains

Sec.
1007.3600 Scope of subpart.
1007.3601 Reference.
1007.3601 Definitions.
1007.3602–1 Contract for the care of remains.
1007.3603 Schedule.
1007.3604 General provisions.
1007.3604–1 Definitions.
1007.3604–2 Changes.
1007.3604–3 Inspection.
1007.3604–4 Payments.
1007.3604–5 Assignment of claims.
1007.3604–6 Federal, State, and local taxes.
1007.3604–7 Termination for convenience of the Government.
1007.3604–8 Default.
1007.3604–9 Disputes.
1007.3604–10 Estimated requirements.
1007.3604–12 Convict labor.
1007.3604–13 Eight-hour law of 1912.
1007.3604–14 Walsh-Healey Public Contracts Act.
1007.3604–15 Nondiscrimination in employment.
1007.3604–16 Officials not to benefit.
1007.3604–17 Covenant against contingent fees.
1007.3604–18 Subcontracts.
1007.3604–19 Renegotiation.
1007.3604–20 Gratuities.
1007.3604–21 Transportation.
1007.3604–22 Inconsistent provisions.
1007.3604–23 Advertising prohibited.
1007.3604–24 Professional requirements.
1007.3604–25 Facility requirements.
1007.3604–26 Coordination.
1007.3604–27 Time of delivery.
1007.3604–28 Preparation of remains at other than contractor's establishment.
1007.3604–29 Oversized casket.

Sec.
1007.3604–30 Group interment.
1007.3604–31 Preparation history.
1007.3604–32 Major restorative art.
1007.3604–33 Passenger car.
1007.3605 Clauses to be used when applicable.
1007.3605–1 Approval of contract.
1007.3605–2 Government-furnished property.
1007.3605–3 Priorities, allocations and allotments.
1007.3605–4 Buy American Act.

AUTHORITY: §§ 1007.3600 to 1007.3605–4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.3600 Scope of subpart.

Clauses and special provisions for contracts for the care of remains.

§ 1007.3601 Reference.

See Subpart R, Part 1053 of this chapter, and AFM 143–1 (Mortuary Affairs) for instructions.

§ 1007.3602 Definitions.

§ 1007.3602–1 Contract for the care of remains.

Contract for the care of remains means any contract for the procurement of services for care of remains of deceased personnel for whom services may be ordered by the Government.

§ 1007.3603 Schedule.

The following will be used as the schedule:

SCHEDULE (MARCH 1961)

(CONTRACT FOR CARE OF REMAINS)

Part I—Supplies, Services, and Transportation To Be Furnished

The contractor shall furnish to the Government such supplies, services, and transportation described in this schedule as may be called for by the Contracting Officer during the contract period.

a. Contract period. The contract period shall extend from ---------- through ----------

b. Area of performance. This contract is established to provide for care of remains in the area within a radius of 30 miles of the contractor's establishment. The contractor will from time to time be required to go beyond the 30-mile radius in performance of this contract. When required to go beyond the 30-mile radius the contractor will be paid on a per loaded mile basis for the distance traveled outside of the 30-mile radius.

c. Personnel exceptions. Except as provided below, the supplies, services, and transportation described below are for care of remains of deceased personnel for whom services may be ordered by the Government.
Exceptions: ----------
---------- (State exceptions, or if none, so state)

d. Using activities. Using activities, in addition to the installation making this contract, are as follows:

----

e. Invoices for payment shall be submitted to:

----

f. Supplies, services, and transportation.

Item No.	Supplies, services, and transportation	Quantity estimated	Unit	Price unit	Amount
1	For a Type I Casket, supplies, services, and all transportation within a 30-mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876A (USAF), paragraphs 3 (subparagraphs 3.1, 3.2, and 3.3) 4 and 5.	.....	EA	.....	.....
2	For a Type II Casket, supplies, services, and all transportation within a 30-mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876A (USAF), paragraphs 3 (subparagraphs 3.1, 3.2, and 3.3) 4 and 5.	.....	EA	.....	.....
3	For transportation in a suitable funeral coach, ambulance, and/or service car when required to go beyond the 30-mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876A (USAF), paragraph 3, (subparagraph 3.4).	.....	EA (loaded mile).	.....	.....

If an AF Aerial Port of Entry is to be a using activity, the following will be added to the schedule:

Item No.	Supplies, services, and transportation	Quantity estimated	Unit	Price unit	Amount
4a	For a Type I Casket, Shipping Case, touch-up services and all transportation within a 30-mile radius of the contractor's establishment in accordance with Specification MIL–C–9876A (USAF), paragraphs 3 (subparagraphs 3.2 and 3.5), 4 and 5.	.....	EA	.....	.....
b	Same requirement as a., except Type I Casket and shipping case oversize. (Indicate additional cost of casket and case only.)	.....	EA	.....	.....
5a	For a Type II Casket, Shipping Case, touch-up service and all transportation within a 30-mile radius of the contractor's establishment, in accordance with Specification MIL–C–9876A (USAF), paragraphs 3 (subparagraphs 3.2 and 3.5), 4 and 5.	.....	EA	.....	.....
b	Same requirement as a., except Type II Casket and Shipping Case oversize. (Indicate additional cost of casket and case only.)	.....	EA	.....	.....
6	For transportation (except 30-mile radius condition) of remains in a suitable funeral coach or service car from AF Port of Entry (flight line or base) to contractor's establishment to selected carrier terminal in accordance with Specification MIL–C–9876A (USAF), paragraph 3 (subparagraph 3.6).	.....		.....	.....
a	For transportation from AF Port of Entry to funeral home to selected rail terminal.	.....	EA (per loaded trip).	.....	.....
b	For transportation from AF Port of Entry to funeral home to selected air terminal.	.....	EA (per loaded trip).	.....	.....
c	For examining casketed adult remains prior to delivery to selected carrier terminal.	.....	EA	.....	.....
d	For any touch-up services required on casketed adult remains.	.....	EA	.....	.....

NOTE: (1) Calls for item 3, 4, 5, or 6 of schedule will be as directed by the Contracting Office; (2) Items 6c and 6d are for use of Charleston Air Force Base when casketed remains are received from Puerto Rico and the Panama Canal Zone.

§ 1007.3604 General provisions.

The following general provisions will be included in contracts for care of remains and will be entitled "Part II."

§ 1007.3604–1 Definitions.

See § 7.103–1 of this title.

§ 1007.3604–2 Changes.

See § 1007.4025.

§ 1007.3604–3 Inspection.

See § 1007.4037.

§ 1007.3604–4 Payments.

See § 7.103–7 of this title.

§ 1007.3604–5 Assignment of claims.

Insert paragraph (a) of the clause in § 7.103–8 of this title, but see § 1007.103–8.

§ 1007.3604–6 Federal, State, and local taxes.

See § 11.401 of this title.

§ 1007.3604–7 Termination for convenience of the Government.

See § 8.705 of this title.

§ 1007.3604–8 Default.

See § 8.707 of this title.

§ 1007.3604–9 Disputes.

See § 7.103–12 of this title.

§ 1007.3604–10 Estimated requirements.

See § 1007.4028.

§ 1007.3604–12 Convict labor.

See § 12.203 of this title.

§ 1007.3604–13 Eight-hour law of 1912.

See § 12.303–1 of this title.

§ 1007.3604–14 Walsh-Healey Public Contracts Act.

See § 12.604 of this title.

§ 1007.3604–15 Nondiscrimination in employment.

See § 12.802 of this title.

§ 1007.3604–16 Officials not to benefit.

See § 7.103–19 of this title.

§ 1007.3604–17 Covenant against contingent fees.

See § 7.103–20 of this title.

§ 1007.3604–18 Subcontracts.

See § 1007.4030(b).

§ 1007.3604–19 Renegotiation.

See § 7.103–13 of this title.

§ 1007.3604–20 Gratuities.

See § 7.104–16 of this title.

§ 1007.3604–21 Transportation.

(June 1956)

The Contractor shall transport remains to the place where the preparation of remains is to be performed, to a common carrier, and to any other place specified by the Contracting Officer.

§ 1007.3604–22 Inconsistent provisions.

(June 1956)

In the event of any inconsistency in the provisions of any of the parts of this contract, the following order shall control: Schedule (Part I); General Provisions (Part II); and Military Specification MIL–C–9876A (USAF) as in effect on date of this contract.

§ 1007.3604–23 Advertising prohibited.

(June 1956)

The Contractor shall not advertise in any way that he has a contractual relationship with the Government as a result of the award of this contract.

§ 1007.3604–24 Professional requirements.

(a) Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State and local health laws, statutes and regulations. The Contractor is responsible for insuring that all necessary health department permits are in order for disposition of remains.

(b) The funeral home shall be licensed by the State health department where required, and shall have a qualified manager and a competent staff to furnish the highest quality of professional services.

§ 1007.3604–25 Facility requirements.

(June 1956)

(a) The funeral home shall have complete facilities for maintaining the highest standard of solemnity, reverance, assistance to the family, and arrangements for prescribed ceremonial services.

(b) Preparation room shall be clean and sanitary with adequate equipment.

(c) Chapel and reposing room shall present an appearance of careful upkeep. The funeral home shall have, or be able to obtain catafalques, church trucks, and equipment for Protestant, Catholic, and Jewish services.

(d) The general appearance of the funeral home, furnishings, grounds and surrounding area shall give the impression of a clean and well-kept establishment.

§ 1007.3604–26 Coordination.

(June 1956)

Necessary coordination shall be effected with the Contractor's funeral director on all funeral arrangements, which shall include the time remains will be ready for inspection, viewing and shipment, time and place of religious services, time and place of interment and shipping schedules or final disposition of remains.

§ 1007.3604–27 Time of delivery.

(June 1956)

The Contractor shall furnish the supplies and services called for as soon as practicable after receipt of a call issued hereunder. In no case will shipment be made until the Contractor certifies that the remains will be in an acceptable state of preservation upon final delivery. The Contractor shall not be responsible for notifying the consignee of time of arrival of shipped remains.

§ 1007.3604–28 Preparation of remains at other than contractor's establishment.

(June 1956)

Preparation of remains at a place other than the Contractor's establishment shall require the concurrence of the Contracting Officer.

§ 1007.3604–29 Oversized casket.

(March 1961)

When an oversized casket is required for any remains prepared under this contract, and no price therefor has been established in the schedule, the additional cost shall be allowed as approved by the Contracting Officer. Caskets exceeding either an inside length of 78 inches or an inside width of 23 inches shall be considered oversized.

§ 1007.3604–30 Group interment.

(June 1956)

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

§ 1007.3604–31 Preparation history.

(June 1956)

For each remains prepared, or each casket handled pursuant to the clause hereof entitled "Group Interment," the Contractor shall state briefly, on a certificate furnished by the Contracting Officer, the results of the embalming process.

§ 1007.3604–32 Major restorative art.

(April 1957)

The Contractor shall advise the Contracting Officer promptly of any need for Major Restorative Art technique (restoration of facial contours, such as nose, ears, mouth, chin, etc.) required for any remains prepared under this contract to permit the viewing of remains at final destination, and upon direction of the Contracting Officer, shall perform such restoration. The cost of such restoration shall be allowed as approved by the Contracting Officer.

§ 1007.3604–33 Passenger car.

(March 1961)

When a passenger car is required to transport members of the immediate family to the funeral service and, if necessary, to the selected carrier terminal and return, the cost shall be allowed as approved by the Contracting Officer.

§ 1007.3605 Clauses to be used when applicable.

§ 1007.3605–1 Approval of contract.

Whenever the contract requires manual approval, other than by the contracting officer, prior to becoming effective, insert the clause in § 7.105–2 of this title.

§ 1007.3605–2 Government-furnished property.

If an Air Force Aerial Port of Entry is to be a using activity, insert the clause in § 13.502 of this title.

§ 1007.3605–3 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause in § 7.104–18 of this title.

§ 1007.3605–4 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth therein.

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

1. Section 1007.3706 is revised to read as follows:

§ 1007.3706 Required clauses and arrangements; contracts for more than $2,400.

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, termination charge, or are for an estimated annual cost of more than $2,400, or both. In addition to the requirements for approval in § 1001.457 of this chapter, utility service contracts for a period of more than 1 year will be submitted for approval as specified in § 1001.461 of this chapter, and any desired deviations from the clauses set forth below should be submitted in advance or concurrently according to § 1001.109 of this chapter. See AFR 91–5 (Utility Services) for administrative procedures for review of utility service contracts.

§§ 1007.3706–3; 1007.3707–2; 1007.3709–1 [Amendment]

2. From the following table, add the dates to the clause titles:

Section	Date
1007.3706–3 (a), (b), and (c)	(Oct. 1960)
1007.3707–2	(July 1955)
1007.3709–1	(Oct. 1960)

§ 1007.3709–2 [Amendment]

3. In § 1007.3709–2, the title and the introductory paragraph are amended; a date is added to the clause title; and a new clause is added following paragraph (e)(2), as follows:

§ 1007.3709–2 Connection and termination charges.

When a connection or termination charge is involved by reason of the contractor furnishing additional facilities for the performance of the contract, an appropriate clause, setting forth the terms and conditions applicable thereto will be inserted. The following sample clauses are furnished for guidance. If the termination charge procedure is used, funds must be reserved annually to cover the maximum liability of the Government at the respective time.

Connection Charge (July 1955)

• • • • • •

Termination Charge (July 1961)

(a) *Facilities.* The Contractor agrees to furnish and install at his expense, the facilities described in Exhibit ------ attached hereto and made a part hereof.

(b) *Ownership; operation, and maintenance of new facilities to be provided hereunder.* The facilities to be supplied by the Contractor under this clause, unless purchased by the Government under the provisions of paragraph (e) of this clause, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at its expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation or maintenance of such facilities shall be the obligation of the Contractor.

(c) *Termination by the Contractor.* In the event the Contractor without cause terminates service under, or otherwise defaults in the performance of, this contract, the Government shall have no obligation to pay the Contractor any amount pursuant to the terms of this clause.

(d) *Termination prior to completion of facilities.* In the event the Government terminates this contract prior to completion of the facilities provided for herein the Contractor shall be paid fair compensation, exclusive of profit, for the work performed with respect to such facilities.

(e) *Termination subsequent to completion of facilities.* In the event the Gov-

ernment terminates this contract subsequent to completion of the facilities provided for herein, and prior to ---------- the Government shall pay the Contractor the sum of $------ less 1[1] of such amount for each month this contract remains in effect. In the event of such termination the Contractor shall remove any of such facilities located on Government property, provided, however, the Government shall have the option to purchase the facilities located on Government property at the agreed salvage value of $------.

If there is a probability that the facilities furnished under either of the above clauses may be used at a later date to serve new consumers other than the Government and for which no allowance has been made in computing the termination charge, additional provisions should be included in the clause to assure that the Government receives such credits as may be equitable under the circumstances.

Subpart NN—Special Clauses

1. Add §§ 1007.4000 to 1007.4002 as follows:

§ 1007.4000 Scope of subpart.

This subpart sets forth certain special clauses, together with instructions for their selective use.

§ 1007.4002 Definition.

As used throughout this subpart, the term "special clause" means any clause not set forth in other subparts of this part or in Part 7 of this title. Special clauses in addition to those appearing in this subpart may be found in other parts of this chapter dealing with the subject matter with which they are identified, e.g., price redetermination clauses appear in Subpart D, Part 1003 of this chapter.

§§ 1007.4004–1007.4008; 1007.4010–1007.4012; 1007.4015–1007.4021; 1007.4023–1007.4025; 1007.4041; 1007.4043–1007.4049; 1007.4054; 1007.4055; 1007.4059 [Amendment]

2. From the following table add the dates to the clauses:

Section	Date
1007.4004	(Oct. 1957)
1007.4005	(July 1955)
1007.4006	(Aug. 1960)
1007.4007	(Oct. 1957)
1007.4008	(Feb. 1960)
1007.4010	(Oct. 1957)
1007.4011	(Oct. 1957)
1007.4012	(July 1955)
1007.4015	(June 1958)
1007.4016	(July 1955)
1007.4017	(July 1955)
1007.4018	(July 1955)
1007.4019	(July 1955)
1007.4020	(Nov. 1958)
1007.4021	(Nov. 1958)
1007.4023	(July 1948)
1007.4024	(July 1948)
1007.4025	(July 1955)
1007.4041	(Aug. 1960)
1007.4043 (preceding clause paragraph (a))	(July 1955)
1007.4044	(May 1955)
1007.4045	(July 1955)
1007.4046	(Mar. 1956)
1007.4047	(June 1959)
1007.4048	(Apr. 1960)
1007.4049	(July 1956)
1007.4054 (a), (b), and (c)	(Nov. 1958)
1007.4055	(Mar. 1959)
1007.4059	(Nov. 1959)

[1] The fraction shall be completed by inserting the number of months comprising the amortization period.

3. Section 1007.4013 is revised to read as follows:

§ 1007.4013 Quality control system.

All contracts (other than base procurement contracts and those excluded by paragraph 1.2 of Military Specification MIL–Q–9858, as in effect on the date of the contract) will contain the following clause:

Quality Control System (Oct. 1960)

The Contractor shall provide and maintain a quality control system acceptable to the Government for the supplies covered by this contract. The system of quality control shall be in accordance with Military Specifications MIL–Q–9858, U.S. Air Force Bulletin No. 515, Control of Nonconforming Supplies and U.S. Air Force Bulletin No. 520, Calibration and Certification of Measuring and Testing Equipment, as in effect on the date of this contract. The provisions of this clause shall be inapplicable if this contract is one of the types specified in paragraph 1.2 of referenced specification.

The date of the MIL–Q–9858 specification in effect on the date of the contract may be specifically identified in the contract schedule.

§ 1007.4026 [Deletion]

4. Delete § 1007.4026.

5. Section 1007.4050 is revised to read as follows:

§ 1007.4050 Government bill of lading.

All central procurement contracts (except purchase orders issued on DD Form 1155 and contracts issued under small purchase procedures, Subpart F, Part 1003 of this chapter) which provide for delivery of supplies will contain the clause set forth in this section. Other contracts may contain the clause set forth in this section or may contain a GBL clause adapted to the particular contract.

Government Bill of Lading (July 1961)

(a) When it is provided in this contract that the supplies shall be delivered other than f.o.b. specified destinations, shipment(s) will be made on a Government Bill of Lading. The required number of such GBL's will be furnished to the Contractor by the cognizant transportation activity. The Contractor shall acknowledge receipt of these GBL's in the manner prescribed. As shipments are made, the Contractor shall prepare and distribute the applicable GBL's in accordance with AMC Form 232, "Instructions for Processing U.S. Government Bill of Lading." The Contractor also agrees that GBL's in excess of the requirements of this contract will be returned to the cognizant transportation activity within a reasonable time after final shipment. The use of U.S. Government mailing indicia is authorized in lieu of U.S. Government bills of lading when commodity, weight, and cube permit movement within the U.S. Postal Service.

6. In § 1077.4051, a date is added to the clause title and clause paragraph (a) is amended, as follows:

§ 1007.4051 Special provisions relating to Air Force equipment upon which work is to be performed.

* * * * *

Special Provisions Relating to Air Force Equipment Upon Which Work is to be Performed (June 1959)

(a) The Contractor's liability for Air Force equipment upon which work is to be performed by the Contractor pursuant to this contract shall be subject to the provisions of paragraph (f) and paragraph (e) as revised below, of the clause of this contract entitled "Government-furnished property."* For the purpose of this clause, the following shall be substituted for paragraph (e) of the clause entitled "Government-Furnished Property": "Title to Air Force equipment furnished for repair or modification shall remain in the Government. The Contractor shall protect such equipment in accordance with sound industrial practice. The Government shall at all reasonable times have access to the premises wherein the Air Force equipment is located." However, such equipment shall not be considered Government-furnished* property within the meaning and for the purposes of any other paragraph of that clause.

7. In § 1007.4053, clause paragraph (b) is amended to read as follows:

§ 1007.4053 Notice of radioactive materials.

* * * * *

(b) All items, parts, or subassemblies which contain radioactive materials, and all containers in which such items, parts, or subassemblies are delivered to the Government, shall be clearly marked and labeled as required by Military Specification MIL–M–19590B.

§ 1007.4056 [Deletion]

8. Section 1007.4056 is deleted.

§ 1007.4057 [Amendment]

9. In § 1007.4057, *Training equipment*, the date (Mar. 1959) is added to the clause title; and in paragraph (c) of the clause the words "to expire 31 August 1961," in the last sentence, are deleted.

10. In § 1007.4058, a date is added to the clause title and paragraph (ii) of the clause is amended, as follows:

§ 1007.4058 Current reimbursement.

* * * * *

Current Reimbursement (Nov. 1959)

* * * * *

(ii) 100 percent of such approved costs representing cost reimbursement to subcontractors under cost reimbursement type subcontracts, provided that such payments by the Government shall not exceed 70 percent of the costs incurred by such subcontractors, and

* * * * *

§§ 1007.4060 to 1007.4060–3 [Deletion]

11. Sections 1007.4060 through 1007.4060–3 are deleted.

12. Section 1007.4062 is revised to read as follows:

§ 1007.4062 Preparation of dangerous materials for shipment.

The following clause shall be inserted in every contract involving the delivery of material which is an oxidizing agent and which by virtue of its properties is flammable, corrosive, combustible, explosive, toxic, radioactive or so magnetic as to materially affect aircraft navigation systems. It may be omitted from contracts where it is obvious that such material is not involved. The clause may be inserted in the schedule, General Provisions or the marking and packaging forms.

Preparation of Dangerous Materials for Shipment (Nov. 1960)

If shipment of dangerous material, as defined in AFM 71–4, "Packaging and Handling of Dangerous Materials for Transportation by Military Aircraft," is to be made by military air or to an aerial port of embarkation, the Contractor shall label, mark and prepare the material for shipment in accordance with the provisions of AFM 71–4. The Contractor shall comply with the requirement for shipper's certification set forth in paragraph 4, Chapter I of referenced manual. The provisions of this clause shall be included in any subcontract under which dangerous materials may be supplied.

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1. Add §§ 1007.4200 to 1007.4202–2 as follows:

§ 1007.4200 Scope of subpart.

This subpart concerns the clauses to be used in contracts issued by foreign procurement activities, and sets forth in detail the clauses and other provisions to be used in construction contracts issued by such activities. In the event of any conflict between the provisions of this subpart and any treaty or executive agreement to which the United States is a party, such treaty or executive agreement will govern. Except as otherwise specifically provided in Subchapter A, Chapter I of this title or this subchapter, contracts issued by foreign procurement activities will contain the clauses required and may contain the clauses authorized by Subchapter A, Chapter I of this title or this subchapter, for contracts issued by other AF activities.

§ 1007.4202 Definitions.

§ 1007.4202–1 Contracts issued by foreign procurement activities.

As used throughout this subpart, the term "contracts issued by foreign procurement activities" means any contract entered into between a foreign procurement activity, as defined in § 1001.201–57 of this chapter, and a foreign contractor.

§ 1007.4202–2 AF procurement activities in the Panama Canal Zone.

For the purpose of this subpart, AF procurement activities in the Panama Canal Zone are considered foreign procurement activities with respect to procurements of supplies outside the United States, its territories or possessions.

2. In § 1007.4203–1 add a Note following the clause, as follows:

§ 1007.4203–1 Inconsistency between English version and translation of contract.

* * * * *

NOTE. Because of the provisions of the above-prescribed clause, it is essential that contracting officers insure that foreign contractors thoroughly understand the meaning, in English, of all terms of the contract.

2. In § 1007.4205–5, a Note is added following paragraph (a), as follows:

§ 1007.4205–5 Assignment of claims.

* * * * *

NOTE: It is advisable that the contracting officer secure evidence supporting compliance with the above addition to the clause.

3. Section 1007.4205–7 is revised to read as follows:

§ 1007.4205–7 Federal, State, and local taxes.

The clauses set forth in § 11.401 of this title will not be inserted in the contract, but the appropriate clause in § 11.403–2 of this title will be used in lieu thereof.

§§ 1007.4205–8, 1007.4205–24, 1007.4205–27, 1007.4207–3—1007.4207–6 [Amendment]

4. From the following table add the dates to the clause titles:

Section	Date
1007.4205–8	(May 1960)
1007.4205–24	(Oct 1957)
1007.4205–27	(June 1957)
1007.4207–3 through 1007.4207–6	(Oct. 1957)

5. Section 1007.4205–26 is revised to read as follows:

§ 1007.4205–26 Payments for Mutual Defense Assistance Program contracts.

Where contracts under the Mutual Defense Assistance Program are made according to § 1006.2007 of this chapter, the following clause will be inserted:

FUNDS AND EXCHANGE (JAN. 1956)

Payment under this contract will be made in United States dollars or in ----------, or in a combination of both, at the option of the United States Government. When payment is made in ----------, the rate of exchange shall be in accordance with the rate of exchange agreement between the Governments of the United States and ----------, in effect on the date of this contract.

Subpart QQ is revised to read as follows:

Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

Sec.

1007.4300 Scope of subpart.
1007.4301 Statutory authority and restrictions.
1007.4302 Definitions.
1007.4303 Required clauses.
1007.4303–1 Definitions.
1007.4303–2 Changes.
1007.4303–3 Default.
1007.4303–4 Disputes.
1007.4303–5 Termination for the convenience of the Government.
1007.4303–6 Officials not to benefit.
1007.4303–7 Assignment of claims.
1007.4303–8 Eight-Hour Law of 1912.
1007.4303–9 Convict labor.
1007.4303–10 Nondiscrimination in employment.
1007.4303–11 covenant against contingent fees.
1007.4303–12 Renegotiation.
1007.4303–13 Gratuities.
1007.4303–14 Examination of records.
1007.4303–15 Subcontracts.
1007.4303–17 Data.
1007.4303–19 Release of information.
1007.4303–20 Approval of contract.
1007.4304 Clauses to be used when applicable.
1007.4304–1 Alterations in contracts.
1007.4304–2 Reports.
1007.4304–3 Preparation of specifications.
1007.4304–4 Military security requirement.
1007.4304–5 Buy American Act.
1007.4305 General.
1007.4306 Required schedule provisions.
1007.4306–1 Preliminary recitation (without title).
1007.4306–2 Part I—Statement of services.
1007.4306–3 Part II—Consideration and payment.
1007.4306–4 Part III—Period of performance.
1007.4306–5 Part IV—Inspection, delivery, and acceptance.
1007.4307 Schedule provisions to be used when applicable.
1007.4307–1 Transportation reimbursement.
1007.4307–2 Option for inspection services.

AUTHORITY: §§ 1007.4300 to 1007.4307–2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.4300 Scope of subpart.

This subpart sets forth clauses for use in fixed-price contracts for architectural engineering services.

§ 1007.4301 Statutory authority and restrictions.

Contracts for architectural engineering services other than Capehart-Rains and Wherry Housing projects will be processed according to § 1003.204 of this chapter. Architectural engineering services in conjunction with Capehart-Rains and Wherry Housing projects are procured pursuant to and shall cite Section 406 of Public Law 345, 84th Congress as amended and 10 U.S.C. 2304(a)(17). Prior to entering into a contract for architectural engineering services, a determination and findings must be made by the Secretary of the Air Force as required by § 1003.204 of this chapter or the respective laws authorizing the procurement. There are statutory limitations on the amounts that may be paid architect-engineers (for example, see 10 U.S.C. 2306(d), Public Law 86–630, AFR 70–22 (Procedure for Negotiation of Architect-Engineer Contracts), AFM 88–26 (Development, Construction, Supervision, and Contract Administration of AF Family Housing)). Special instructions and negotiation procedures for A-E contracts other than Capehart-Rains and Wherry projects are in AFR 70–22. Special instructions and negotiation procedures for Capehart-Rains and Wherry projects are in AFR 88–26. Additional instructions pertaining to all A-E contracts are in AFR 93–13 (Procedure for Negotiations of Architect-Engineer Fixed Price Contract). The following contract clauses with appropriate changes in the schedule provisions may be utilized for Title II services.

§ 1007.4302 Definitions.

The term "contract for architectural engineering services" means any contract on a fixed-price basis for the professional services of architectural engineers for the drafting of architectural plans, drawings, design, and similar work.

§ 1007.4303 Required clauses.

The following clauses will be inserted in all contracts for architectural engineering services.

§ 1007.4303–1 Definitions.

Section 7.103–1 of this title.

§ 1007.4303–2 Changes.

Section 1007.4025.

§ 1007.4303–3 Default.

Section 8.707 of this title.

§ 1007.4303–4 Disputes.

Section 7.103–12 of this title.

§ 1007.4303–5 Termination for the convenience of the Government.

Section 1007.2103–16.

§ 1007.4303–6 Officials not to benefit.

Section 7.103–19 of this title.

§ 1007.4303–7 Assignment of claims.

Section 7.103–8 of this title, but see § 1007.103–8.

§ 1007.4303–8 Eight-Hour Law of 1912.

Section 12.303–1 of this title.

§ 1007.4303–9 Convict labor.

Section 12.203 of this title.

§ 1007.4303–10 Nondiscrimination in employment.

Section 12.802 of this title.

§ 1007.4303–11 Covenant against contingent fees.

Section 7.103–20 of this title.

§ 1007.4303–12 Renegotiation.

Insert the applicable clause in § 7.103–13 of this title.

§ 1007.4303–13 Gratuities.

Section 7.104–16 of this title.

§ 1007.4303–14 Examination of records.

Section 7.104–15 of this title.

§ 1007.4303–15 Subcontracts.

Section 1007.4030(b).

§ 1007.4303–17 Data.

Section 9.203–1 of this title.

§ 1007.4303–19 Release of information.

Release of Information (March 1957)

The Contractor agrees not to divulge or release any information developed or obtained in connection with performance of this contract concerning the details of performance of this contract or any possible construction based on the results thereof (including but not limited to plans, specifications, location, time or estimated cost of construction), except to authorized Government personnel or upon the prior written approval of the Contracting Officer.

§ 1007.4303–20 Approval of contract.

See § 7.105–2 of this title.

§ 1007.4304 Clauses to be used when applicable.

§ 1007.4304–1 Alterations in contracts.

According to instructions for use in § 1007.105–1, insert the clause in § 7.105–1 of this title.

§ 1007.4304–2 Reports.

Insert the following clause in all contracts of more than 6 months' duration. This clause may be inserted in contracts of less than 6 months' duration when special circumstances make inclusion desirable. This reporting requirement has been determined exempt from the Federal Reports Act of 1942. One copy of the report shall be forwarded to the Major Air Command.

Reports (January 1955)

During the life of this contract the Contractor shall submit to the Contracting Officer, by the 10th day of each calendar month, a report of the work accomplished in performance of this contract during the preceding calendar month. These reports shall be in such detail as the Contracting Officer may reasonably require to enable accurate valuation of the Contractor's progress in performance of this contract.

§ 1007.4304–3 Preparation of specifications.

Insert the following clause in all contracts calling for the furnishing of specifications by the contractor.

Preparation of Specifications (August 1961)

The Contractor shall make reference to applicable Federal specifications, if available, for items and materials to be used. If Federal specifications are not available, the Contractor shall reference specifications prepared by recognized professional manufacturer or construction societies, or furnish descriptions of the items or materials containing all the fundamental properties and all the essential requirements to be met by the items or materials. When an item or material cannot be described because of its technical construction or composition or because it is a proprietary item, the name of one, and if available, several, suitable commercial products shall be included as part of the required description, followed by the words "or equal." If it is determined that one and only one brand of item or material will meet the requirement, the Contractor shall so state and shall give full justification for that determination.

§ 1007.4304–4 Military security requirement.

According to the requirements of § 7.104–12 of this title, insert the clause in that section.

§ 1007.4304–5 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause in that section.

§ 1007.4305 General.

Any other clause authorized by Subchapter A, Chapter I of this title, or this Subchapter, according to instructions for use, may be used when necessary to cover the subject matter contained in such clause.

§ 1007.4306 Required schedule provisions.

The schedule will contain, among other statements, the following provisions, to be completed with appropriate information.

§ 1007.4306–1 Preliminary recitation (without title).

(For contracts in § 1003.204 of this chapter only; the recitation for Capehart and Wherry housing projects appears in the respective Determinations and Findings.)

It has been determined that the work and services called for hereunder will be advantageous to the national defense, and that the existing facilities of the Department of the Air Force are not adequate to perform such services.

§ 1007.4306–2 Part I—Statement of services.

Part I—Statement of Services (March 1957)

(a) The Contractor shall furnish and supply to the Government architectural engineering services necessary for the accomplishment and delivery of plans, specifications, drawings, design analysis, cost estimates, and such other work as is specified in the Statement of Work set forth in Exhibit "A," attached hereto, and made a part hereof.

(b) The services shall be performed by personnel qualified professionally and otherwise for the work called for.

§ 1007.4306–3 Part II—Consideration and payment.

Part II—Consideration and Payment (March 1957)

The Government will pay the Contractor upon the satisfactory performance of work and services, and upon the submission of properly certified invoices or vouchers, approved by the Contracting Officer, as full payment for all of the work called for hereunder, a total sum of ------ dollars ($------), payable as follows:

§ 1007.4306–4 Part III—Period of performance.

Part III—Period of Performance (March 1957)

The period of performance of the work and services called for hereunder shall be:

§ 1007.4306–5 Part IV—Inspection, delivery, and acceptance.

Part IV—Inspection, Delivery, and Acceptance (March 1957)

The work called for hereunder, as well as the Contractor's books, records, and place of business, related to the performance of this contract, shall, at all reasonable times, be subject to inspection by the Contracting Officer. Delivery shall be made to ---------- at ----------, which is designated as the place for final inspection and acceptance by the Government.

§ 1007.4307 Schedule provisions to be used when applicable.

§ 1007.4307–1 Transportation reimbursement.

If the contract provides for the reimbursement of actual cost of transportation as a separate item, the clause in § 1007.4306–3 will be designated "(a)" and the following paragraph (b) added:

(b) The additional sum of ------ dollars ($------) has been allotted to this contract to reimburse the Contractor for the cost of transporting personnel necessary to perform the contract. Reimbursement for the actual cost therefor shall be made upon the submission of properly certified invoices and other evidence satisfactory to the Contracting Officer.

§ 1007.4307–2 Option for inspection services.

When it is desired to include in an Architectural Engineering service contract an option for inspection services for the construction of the work resulting from the plans, drawings, designs or other work under the contract, the more appropriate of the following clauses will be inserted.

(a) When a detailed specification of the inspection services to be performed is available and made a part of the

option, and a lump sum price therefor can be negotiated, the following clause will be inserted.

Option for Inspection Services (January 1959)

(a) The Contractor agrees, at the option of the Government, to perform the construction inspection services covering the construction which may result from work based on the Statement of Work set forth in this contract. Such inspection services will be performed in accordance with the specification for inspection services which is identified as Appendix A, attached to this contract. The agreed price for such services is $------.

(b) This option will remain in effect during the Government fiscal year in which this contract is made and also the succeeding fiscal year. The Government may exercise this option by a notice in writing to the Contractor and appropriate amendment of the contract.

(b) When no specification for inspection services is available, or the time of performance is undetermined, or for other reasons only the categories of inspection personnel and agreed payment therefor is to be included in the option the following clause will be inserted.

Option for Inspection Services (January 1959)

(a) The Contractor agrees, at the option of the Government to perform the construction inspection services covering any portion or all of the construction which may result from work based on the Statement of Work set forth in this contract.

(b) The Contractor shall utilize the categories of personnel set forth in paragraph (d) below in the performance of such inspection services. Other types of personnel shall not be utilized by the Contractor except with the prior approval of the Contracting Officer. All personnel shall be qualified professionally and otherwise for their work.

(c) This option will remain in effect during the Government fiscal year in which this contract is made and also the succeeding fiscal year.

(d) The categories of personnel, the maximum monthly rate, and the maximum daily rate which shall apply for services for less than a full month are as follows:

Category of personnel	*Monthly rate*	*Daily rate*

(e) The exercise of this option shall be evidenced by a supplemental agreement to this contract which will include the estimated maximum amount and other provisions that may be necessary to carry out such service. The presently estimated maximum amount which will be required to pay for such services is $------.

Subpart RR—Clauses for Teacher Contracts

1. Add §§ 1007.4400 to 1007.4402, as follows:

§ 1007.4400 Scope of subpart.

This subpart sets forth the clauses for use in personal service contracts with teachers, substitute teachers, and principals for Air Force-operated dependents' schools in the United States and Puerto Rico. The requirements for this type of contract will be initiated according to AFL 34–26 (Initiating Contractual Requirements for Certain AF-Operated Dependents' Schools).

§ 1007.4401 Authority.

The authority for this type of service is set forth in section 6 of Public Law 874 (81st Congress) as amended. Each contract will cite that statute as well as Public Law 413 (80th Cong.). No findings and determinations are required for contracts of this type.

§ 1007.4402 Definition.

As used throughout this subpart, the term "teacher contract" means a contract made with a teacher, a substitute teacher, or a principal for Air Force-operated dependents' schools pursuant to section 6 of Public Law 874 (81st Cong.) as amended.

§§ 1007.4403–8; 1007.4405–1—1007.4405–6; 1007.4406–1—1007.4406–4; 1007.4407–1—1007.4407–3; 1007.4407–5 [Amendment]

2. Add the date "(Oct. 1957)" to the clause in the following sections: Sections 1007.4403–8, 1007.4405–1—1007.4405–6, 1007.4406–1—1007.4406–4, 1007.4407–1—1007.4407–3, 1007.4407–5.

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

§§ 1007.4503–2—1007.4503–4; 1007.4505–2 [Amendment]

1. From the following table add the dates to the clause titles:

Section	*Date*
1007.4503–2	(June 1958)
1007.4503–3	(Jan. 1960)
1007.4503–4	(June 1958)
1007.4505–2	(June 1958)

2. Section 1007.4505–3 is revised to read as follows:

§ 1007.4505–3 Materials and parts coded CP.

Maintenance contracts which provide that materials and parts coded CP (in Appendix B or otherwise) will be furnished by the Government to the contractor will contain a separate item in the schedule under which the material the Government fails to furnish may be supplied by the contractor. The item should read substantially as follows:

Item ------. The Contractor shall furnish the supplies coded CP (Central Procurement) under Appendix B, attached hereto, to the extent the Government is unable to furnish same, provided the need for the Contractor to furnish such supplies is verified by the Contracting Officer. Supplies so furnished shall be chargeable to this contract item, and Contractor's invoices or vouchers submitted for payment shall contain sufficient information to identify [the supplies furnished under this item]. The estimated cost to the Government of the supplies to be furnished hereunder by the Contractor is $------ (Oct. 1960).

Any clause used for this purpose must be adequate to assure that supplies furnished by the contractor as CP items can be distinguished and charged to this item rather than to those under which supplies coded LP will be furnished by the contractor. The method of listing the parts and determining prices or terms for reimbursement will be set forth elsewhere in the schedule. In the case payment for such supplies is on a cost reimbursement basis insert in the [ ] the following: "the costs incurred in furnishing such supplies." The estimated cost to the Government will be obligated at the time of execution of the contract.

Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul, and Modification Contracts

§ 1007.4603–2 [Amendment]

In § 1007.4603–2 *Changes*, add the date "(July 1959)" to the clause title.

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

1. Add §§ 1007.4800 and 1007.4801 as follows:

§ 1007.4800 Scope of subpart.

This subpart sets forth clauses and schedule provisions for procuring flight instruction at civilian colleges and universities for AFROTC personnel.

§ 1007.4801 Limitation on use.

Contracts for instruction of AFROTC personnel at civilian colleges and universities will be issued only by Hq AFROTC, Maxwell Air Force Base.

§ 1007.4803–2 [Amendment]

2. In § 1007.4803–2, *Inspection*, add the date "(Apr. 1959)" to the clause title.

§ 1007.4806 [Amendment]

3. In § 1007.4806, *Schedule provisions*, add the date "(Sept. 1958)" to the clause title in Part I, Part II, Part III, and Part IV.

Subpart WW—Clauses for Basic Agreements for Communication Services

§ 1007.4902–1 [Amendment]

1. In § 1007.4902–1, *Introductory recital*, insert the date "(Apr. 1958)" above the clause.

§§ 1007.4902–3—1007.4902–5; 1007.4902–18; 1007.4903–1—1007.4903–2; 1007.4903–4—1007.4903–6 [Amendment]

2. In the following sections add the date "(Apr. 1958)" to the clause titles: Sections 1007.4902–3—1007.4902–5, 1007.4902–18, 1007.4903–1—1007.4903–2, 1007.4903–4—1007.4903–6.

Subpart XX—Clauses for Food Service Contracts

§§ 1007.5003–1; 1007.5003–3—1007.5003–6; 1007.5003–8; 1007.5003–11—1007.5003–12; 1007.5003–31—1007.5003–32 [Amendment]

1. In the following sections, add the date "(June 1958)" to the clause title: Sections 1007.5003–1, 1007.5003–3—1007.5003–6, 1007.5003–8, 1007.5003–11—1007.5003–12, 1007.5003–31—1007.5003–32.

§§ 1007.5003–7; 1007.5005–1 [Amendment]

2. In § 1007.5003–7 *Record and charge for meals served*, add the date "(June 1960)" to the clause title; and in § 1007.5005–1 *Changes in price based on variation from estimate*, add the date "(Oct. 1959)" to the clause title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-3401; Filed, Apr. 9, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Upper Klamath National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Klamath National Wildlife Refuge, Oregon, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,000 acres or 8 percent of the total area of the refuge, is delineated on a map available at the Tule Lake National Wildlife Refuge headquarters, Tulelake, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: April 21, 1962, through October 31, 1962.

(c) Daily creel limits: Trout—Ten fish per day, minimum length 6 inches, but not more than 5 of which may be 12 inches or over. Bag limit for trout 20 inches and over is 2 fish per day and is to be counted with regular trout bag limit. Plus creel limits for minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: Line, or rod and line, in hand or closely attended. Line limited to 3 hooks except on floating bass plugs.

2. Bait: The use of live fish for bait is prohibited.

3. Boats: Boats with motors permitted for fishing. Speed of boats shall not exceed 10 miles per hour on that part west of a line beginning at a point on the north shore of Pelican Bay ¼ mile east of Crystal Creek and extending due south to opposite shore of lake; and in any stream, creek, or canal leading into said described portion of the lake.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 23, 1962.

[F.R. Doc. 62-3412; Filed, Apr. 9, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

[CGFR 62-9]

PART 143—CONSTRUCTION AND ARRANGEMENT

Subpart 143.05—Means of Escape

EMERGENCY MEANS OF ESCAPE FROM PLATFORMS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657–665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG–249), the Merchant Marine Council held a public hearing on March 12, 1962, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to IX, inclusive, and Item IX contained proposals regarding emergency means of escape from platforms.

This document is the second of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council.

In this document are the actions taken with respect to emergency means of escape which will require two means of escape to be provided from each level to the surface of the water. The proposals in Item IX are accepted. They were also described in the notice published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 665).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Orders 167–15, dated January 3, 1955 (20 F.R. 840), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to §§ 143.05–1 to 143.05–10, inclusive, are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

Sec.
143.05–1 Type.
143.05–5 Number and type required.
143.05–10 Accessibility and location.

AUTHORITY: §§ 143.05–1 to 143.05–10 issued under sec. 633, 63 Stat. 545; 14 U.S.C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U.S.C. 1333.

§ 143.05–1 Type.

(a) "Primary means of escape" shall be fixed stairways or fixed ladders of metal construction.

(b) Secondary means of escape" shall be types approved for "primary means of escape" or portable, flexible ladders, knotted man ropes, and other devices satisfactory to the Officer in Charge, Marine Inspection.

§ 143.05–5 Number and type required.

(a) Manned platforms shall be provided with at least two "primary means of escape" extending from the uppermost platform level that contains living quarters or that personnel occupy continuously, to each successively lower working levels and to the water surface. Working levels without living quarters, shops, or offices in manned platform structural appendages, extensions, and installations that personnel occupy only occasionally shall be provided with one "primary means of escape" and, when necessary in the opinion of the Officer in Charge, Marine Inspection, one or more "secondary means of escape."

(b) Unmanned platforms shall be provided with at least one "primary means of escape" extending from the uppermost platform working level to each successively lower working level and to the water surface. When personnel are on board, unmanned platforms shall also be provided with one or more "secondary means of escape," but not more than one will be required for every 10 persons extending from the uppermost working level of the platform to each successively lower working level and to the water surface, excluding platform appendages and installations, unless "secondary means of escape" from such appendages and installations are necessary in the opinion of the Officer in Charge, Marine Inspection.

§ 143.05–10 Accessibility and location.

(a) "Means of escape" shall be suitably accessible to personnel for rapid platform evacuation.

(b) When two or more "means of escape" are installed, at least two shall be located as nearly diagonally opposite each other as practicable unless such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

Dated: April 3, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 62-3440; Filed, Apr. 9, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[Docket No. AO–340]

HANDLING OF APRICOTS GROWN IN SOLANO AND YOLO COUNTIES IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of apricots grown in Solano and Yolo Counties in California, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Winters, Calif., on February 15–16, 1962, pursuant to a notice thereof which was published January 26, 1962, in the FEDERAL REGISTER (27 F.R. 781). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Apricot Marketing Order Promulgation Committee, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish apricot marketing research and development projects;

(e) The method for regulating shipments of apricots grown in the production area;

(f) The granting of exemptions and the establishment of special regulations for apricots handled in certain types of shipments or for certain specified purposes;

(g) The requirement for inspection and certification of apricots handled;

(h) The establishment of reporting requirements for handlers;

(i) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in sections 62 through 71 and published in FEDERAL REGISTER (27 F.R. 781) on January 26, 1962, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 72 through 74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Apricots are grown commercially in California and Washington and, to a limited extent, in Utah. Some apricots are produced in other states, primarily for home use and for supplying local markets. California has, by far, the largest production of apricots. Average production of apricots in California during the 10-year period 1950–59 was approximately 182,000 tons or 92 percent of the average production of the three major apricot-producing states.

About 10 percent of the annual California apricot production is marketed as fresh fruit, the remainder of the crop being canned or dried. The volume of fresh California apricots shipped from the producing areas are nearly equally divided between markets within California and those outside the State. Annual unloads in selected markets during 1961, as reported by the Agricultural Marketing Service, shows that unloads of California apricots in Los Angeles and San Francisco were larger than for any other individual market and, with the exception of New York City, greatly exceed that of other markets. However, a large percentage of the apricots unloaded in Los Angeles is later transshipped to destinations outside the State of California. The market area of Los Angeles is a major assembly point for truck shipments of California fruits and vegetables. It is a common practice for trucks to assemble mixed loads of fruits and vegetables in the market area of Los Angeles and to transport them to out-of-state destinations, principally in the Southwestern States such as Texas, Oklahoma, New Mexico, and Arizona, but sometimes as far distant as Florida. A substantial quantity of apricots move out of Los Angeles in these mixed loads. A representative of a large Los Angeles receiver testified that 75 percent of the apricots they handle are transshipped to out-of-state destinations and expressed the belief that a similar portion of the apricots handled by other receivers in the Los Angeles market area were so transshipped also. The decision as to the disposition of the apricots is made by the Los Angeles receiver so that a handler at the first shipping point in the producing district does not have knowledge of the final destination of the apricots he handles. A similar situation, on a smaller scale, exists with respect to the apricots shipped from the producing districts to other market areas in California such as the San Francisco Bay area.

The pattern of the prices received for sales of apricots in markets located within the State of California and in markets located outside the State tend to move parallel to each other. This pattern of price behavior follows the manner in which handlers transact their business in response to conditions of supply and demand, and indicates the interdependence or interplay of the price structures of such markets. As indicated heretofore, Los Angeles is the largest single market area for California apricots and receivers in such market transship to out-of-state points a large portion of the apricots they receive. Communications between buyers and sellers of apricots are modern and rapid. Prices quoted by Los Angeles handlers, reflecting local supply and demand conditions, have the effect of limiting the price at which handlers in the producing districts may make sales for direct shipments to out-of-state markets. Similarly, prices received for apricots sold at the eastern terminal market auctions are followed closely and changes in the level of such prices result in handlers increasing or decreasing, depending on the direction of the price change, the volumes of their shipments to these eastern markets, with converse shifts in their apricot shipments to markets in

California and states west of the Mississippi River.

It is found, therefore, that all handling of fresh apricots grown in the production area, as hereinafter defined, is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of fresh apricots grown in the production area should be subject to the act and the order.

(2) Apricots are grown widely throughout the fruit-producing areas of California, being grown, at least to a limited extent, in all but 18 counties of the State. Commercial production is concentrated, however, in four areas—the Santa Clara area southeast of San Francisco with about one-half of the State's apricot acreage; the west central valley area, comprising the counties of Yolo, Solano, and Contra Costa, with about one-fourth of the acreage; the Stockton area in the northern part of the San Joaquin Valley with about 14 percent of the acreage; and the Southern San Joaquin Valley area with about 6 percent of the acreage.

While some fresh apricots produced in all areas may be sold in local markets, approximately three-fourths of the commercial fresh shipments of California apricots originate in the west central valley area. About two-thirds of these shipments are from acreage near the town of Winters, including production in Yolo County and in the Vaca and Pleasants Valleys in northern Solano County. The remainder originates, for the most part, from the Brentwood area in Contra Costa County. Shipments of fresh apricots from the acreage near Winters begins around May 15 and almost two-thirds of the total seasonal volume has been moved by June 10 before shipments from the Brentwood area begin. The Brentwood area markets 80 percent of its fresh apricots after June 20.

During the 5-year period prior to the 1957 marketing season, average on tree returns to growers for apricots sold for fresh use generally were favorable, ranging from $111.00 per ton in 1953 to $155.00 per ton in 1956. In 1957, 1958, 1959, and 1960, such returns, per ton, were $93.60, $119.00, $89.50, and $103.00, respectively. The latter two prices were 63.0 and 68.7 percent, respectively, of the equivalent on tree parity price for California apricots. Average grower returns for 1961 were not available at the time of the hearing but it was testified that practically all apricot growers in the Winters area failed to get back their cash production costs.

The recent decline in grower returns was attributed to general deterioration in the quality and sizing of the pack and the competitive desire to get the first fruit on the market. Prices for apricots are high at the beginning of the season, and growers and handlers are anxious to start shipping in order to take advantage of such prices. The apricots in these early shipments often have not been sufficiently mature to give consumers satisfaction, and consumer dissatisfaction, stemming from the purchase and consumption of such apricots, tends to curtail demand throughout the remainder of the season. Handlers who have made a conscientious effort to get a fair return for apricots often have found that others have shipped apricots of poor quality and have so depressed the market that fair returns were impossible to obtain.

A further difficulty experienced in the marketing of apricots from the Winters area relates to the mismarking of the containers as to the size of the apricots therein. Prior to 1955, there were only 4 to 6 commercial packers of fresh apricots in such area. The 300 to 450 thousand boxes of apricots shipped annually were of good quality and maturity and properly packed and marked as to size. Most of this pack was shipped by rail cars to the Midwestern and Eastern markets. With the increasing use of long-haul refrigerated trucks and the growth of in-state distribution centers to service such trucks, there was a gradual change in the pack. The row-faced Brentwood lug pack was increasingly replaced by a bulk or "loose" pack and about 50 percent of the volume of apricots from the Winters area are now being marketed in this manner. The number of packers has also increased to from 15 to 17 and there is little uniformity in the "loose" pack of the various handlers. The size markings on the container often have little relationship to the actual size of the apricots. The size designation "small" has been entirely discarded, "medium" is seldom used, and "large" is found marked on containers of apricots as small as 1⅛ inch in diameter. Such mismarking of containers contributes to the disorderly marketing conditions within the industry as neither buyers nor sellers are able to ascertain whether a quoted price for a particular size of apricots is competitive with other offerings of that size of apricots.

The evidence in the record of the hearing shows that even during seasons when, from an overall standpoint, favorable prices have been received for California apricots, there are periods when particular sizes, qualities, and maturities of apricots have not returned costs of harvesting and marketing. Small sized apricots sold in the auction markets are discounted, often heavily, if of less desirable quality. The effect of these discounted prices is to generally depress the price level for all offerings. Apricots of small size or poor quality can be featured by retailers at what appears to be bargain prices without any indication of the size or quality, the result of which is a general weakening of the price structure.

Prices of California apricots and total returns to growers of such fruit could be augmented by restricting shipments in fresh market channels to apricots of desirable maturity, grade, size, and quality and by regulating the containers used in making such shipments. Therefore, it is concluded that the establishment of the order, as hereinafter set forth, would contribute to more orderly marketing conditions for such fruit and would tend to effectuate the declared policy of the act.

(3) The term "apricots" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of apricots, as hereinafter defined, classified botanically as Prunus armeniaca. Apricots are readily distinguished from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute apricots in the receiving markets.

The term "varieties" should be defined in the order, as hereinafter set forth, since it is proposed, for reasons hereinafter discussed, to provide authority in the order for the issuance of separate regulations for different varieties. The principal varieties of apricots grown in the production area are the Royal, Derby Royal, and Tilton, which make up 90 percent, or more, of the crop. Other varieties grown in small quantities, but important factors at the beginning of the marketing season, are Wiggins, Newcastle, and similar varieties generally grouped as "Early Seedlings" or "Seedlings." Each variety of apricots is a classification or subdivision of Prunus armeniaca and possesses definitive characteristics which serve to distinguish it. Recognition of different varieties of apricots is common throughout the production area and the distributing trade.

A definition of the term "production area" should be incorporated into the order as a means of delineating the area within which apricots must be grown for the handling thereof to be subject to regulation. The boundaries of the production area should be established as set forth in the notice of hearing. Such boundaries embrace the area of earliest apricot maturity in the State. As indicated heretofore, about one-half of the California fresh apricot shipments originate from production in such area and about two-thirds of the apricot shipments from such area are made before apricot shipments are begun, about 3 weeks later, from the Brentwood area—the second earliest shipping area.

There was considerable discussion at the hearing concerning whether an order could appropriately or effectively regulate apricot shipments from the proposed production area without also regulating the handling of apricots produced in the Brentwood area since late shipments from the proposed production area and early shipments from the Brentwood area overlap. It is clearly evident, from the record, that a more effective regulation of apricot shipments could be provided if all such shipments were subject to regulation. The proponents recognize that it would not be practical to maintain restrictive grade and size regulations, regardless of the condition of the market, if unregulated apricot shipments from other sections of the State were being made in sufficient volume and of a quality such as to nullify the regulation of apricot shipments from the proposed production area. However, the principal marketing problems of the industry in the proposed production area are the shipment of immature apricots and of containers of irregular-sized fruit which are not uniformly marked to show the size of the apricots therein. The disorderly marketing conditions resulting from such shipments was stressed at the hearing and it was testified that such conditions have not, in the past, existed with respect to shipments of apricots from the Brentwood area. Hence, it is concluded that the order could accomplish most objectives of its proponents.

There also was considerable controversy in regard to the boundaries of the production area. Representatives of growers and handlers of apricots in the Vaca Valley area objected to being included under the order. It was contended that apricots produced in the Vaca Valley did not mature as early as in the area near the town of Winters. Records of the earliest interstate carlot rail shipments in 1950 and 1951 from the town of Winters and the town of Vacaville were presented which, it was alleged, showed that such is the case. However, the record shows that carlot rail shipments of apricots direct to interstate markets generally are not made as early as other shipments to in-state distribution points and that at times some shipments of apricots from the Vaca Valley are made a day or two earlier than from the area near the town of Winters. Studies by the University of California show that the accumulation of a certain number of "heat units" is necessary after full bloom for apricots to attain maturity. Apricot trees reach full bloom in all producing districts within a few days of each other; but the time required to accumulate the necessary heat units varies considerably. For example, the necessary heat units generally are accumulated at Winters in 90 days, at Brentwood in 115 days, and in the Santa Clara Valley in 125 days. As between apricots grown two miles west of Winters and the same variety grown on the floor of the Vaca Valley at the edge of the town of Vacaville, the time of full bloom and maturity is almost identical. Moreover, the record shows that at the time of shipment apricots produced in the Vaca Valley often are commingled with those produced in Winters, particularly in connection with the interstate carlot rail shipments of apricots produced in the Vaca Valley, but also in connection with transshipments of apricots from the in-state distribution centers.

It is concluded, therefore, that the production area, as hereinafter defined, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined to identify the persons who ship or handle apricots in the manner described and set forth in the definition of "handle." It is the handling of apricots that is to be regulated under the order and the term "handler" should include any person, whether an individual, partnership, corporation, association, or any other business unit, who performs any activity which places fresh apricots in the current of commerce between the production area and any point outside thereof. Such persons are responsible for the grade, size, quality, maturity, and pack of the apricots which they sell, deliver, consign or transport to market and should be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of apricots owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quality or pack of the apricots.

The definition of the term "handler" should include a producer of apricots whenever such producer performs any of the activities within the scope of the term "handle." A producer who places apricots in the current of commerce between the production area and any point outside thereof, whether by selling or transporting such fruit or by delivering the fruit to purchasers, consignees or transportation agencies, is performing a handling activity and he should be considered a handler the same as any other person.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling (including consignment and delivery) and transporting which place apricots in the channels of commerce between the production area and any point outside thereof. The handling of apricots begins at the time the fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of apricots to fruit which conforms to the applicable regulations under the order.

There are some sales of apricots on-the-tree. Also, after picking, it is usual for apricots to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market may be performed in the orchard where the fruit is grown or the apricots may be transported to a packinghouse prior to sorting, grading, and packing. The grower, in the latter instances, properly relies on the person preparing the apricots for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the apricots in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of apricots for market to meet the requirements of regulations under the program until after such preparation. Therefore, such activities should be excluded from the definition of "handle." Some apricots are sold, after packing, at the orchard where grown, at a roadside stand, or at a packinghouse to truckers and others who transport the apricots from such points to markets outside the production area. The sale or delivery of apricots to such persons, and the subsequent movement to market, are handling transactions. Any person who engaged in any such transaction, whether grower, packinghouse operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the apricots he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the apricots for market. The primary responsibility for determining whether a particular lot of apricots conforms to the applicable regulations should rest with the person who places such lot in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the apricots for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the apricots are met at the time such persons handle the fruit. This can readily be ascertained by determining that the apricots have been inspected and certified as meeting such regulations or by having them inspected. As all handling of apricots is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, delivery, or transportation of apricots between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5)(a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect

to which financial records of the Apricot Administrative Committee—the agency which will administer the program locally—are to be maintained. At the present time, it is desirable to establish a 12-month period ending the last day of February as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of apricots. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, it was testified that for reasons not now apparent it may be desirable at some future time to establish a fiscal period other than one ending the last day of February, and that authority should be included in the order to provide for such establishment subject to approval of the Secretary pursuant to recommendations of the committee. Therefore, it is concluded that such term should be defined as hereinafter set forth to provide this flexibility.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

Definitions of "grade" and "size" should be incorporated in the order to provide a basis for expressing grade and size limitations thereunder, and thus to enable persons affected thereby to ascertain the extent and application of grade and size limitations. "Grade" should be defined as any one of the established grades of apricots as defined and set forth in the "United States Standards for Apricots," issued by the United States Department of Agriculture, which standards were published in the FEDERAL REGISTER (21 F.R. 9935), including amendments to any grades set forth in such standards, or modifications thereof, or variations based thereon. The apricot industry in the production area is familiar with such United States Standards and, thus, they provide an appropriate base for describing grade limitations.

When packed in a Brentwood lug, the size of apricots are commonly referred to, in the production area, by row count, i.e., the number of rows of apricots of uniform size required to fill the face of the container. For example, 7-row means the size of apricots that, when packed in 7 rows in the space across the 12½-inch width of the Brentwood lug, will completely fill the space. Thus, the diameter of the apricots determines the number of rows that may be packed in the container. Shipments of apricots in other containers generally are not placed in a particular arrangement in the container. Such shipments are generally referred to as a loose or bulk pack. Sizes of apricots in these containers are commonly designated as "medium," "large," "extra large," and "jumbo." As described heretofore, such size designations are not meaningful since there is no uniformity of size in the apricots marketed under such size designations. The maximum diameter of the apricots is the main factor in determining size, however, and such diameter ordinarily should be used in describing such size limitations as may be established under this order. Should it be determined that some other specifications could be used to describe "size" more explicitly, authority should be available to use such specifications upon recommendation by the committee and approval of the Secretary.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, within the production area, in the production of apricots for market in fresh form and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a member or alternate member on the Apricot Administrative Committee. While some producers market all their apricots in fresh market channels, usually a portion of a grower's production is sold for canning or drying; and there are a large number of apricot growers who market all of their crop in processing outlets. As only those growers who produce apricots for the fresh market would be affected by the order, such growers should determine who should be nominated to serve on the committee and should also be the only ones eligible to serve on the committee. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i.e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be changed.

The boundaries of the districts should also be fixed so as to facilitate the handling of special conditions that exist with respect to the production of apricots in certain portions of the production area. Generally the area included in District 4 comprises that portion of Solano County—the Vaca Valley and Pleasants Valley areas—which has limited water and the orchards generally are not irrigated. When natural moisture conditions are unfavorable, apricots produced in this district will tend to be smaller in size even though they otherwise are of good quality. Should such conditions exist in a particular season, the order provisions should be such that equitable treatment may be afforded growers and handlers of the apricots produced in this district.

Objection was expressed to including a portion of the proposed District 4 in that district on the grounds that such area was not part of the "Vacaville District." Reference was made to the Roy Brinck Ranch which, historically, has marketed its fruit through handlers located in or near the town of Winters. The record shows that this ranch is in the dry farm area and does not now have water available for irrigation. It is appropriate for the purposes of the order, therefore, to include this ranch in District 4.

The term "pack" is commonly used throughout the industry and refers to a combination of factors relating to the grade, size, quality, and quantity of apricots in a particular type of container and to the arrangement of the apricots in the container. For example, reference to U.S. No. 1, 8-row apricots has a specific meaning in the apricot trade. U.S. No. 1 describes the grade and 8-row describes the size of the apricots, the container (Brentwood lug) in which packed, the quantity (net weight), and the arrangement of the apricots in the container. It may be desirable, under certain circumstances, to regulate the shipment of apricots in a particular container on the basis of quality, size, quantity, and arrangement of the fruit in the container. Therefore, "pack" should be defined as hereinafter set forth.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of apricots. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles, in which apricots may be sold or moved to market, for which different regulations could be applicable.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out purposes of the order. The term "Apricot Administrative Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 7 members. The members and alternates should be growers, or employees of growers. Alternate members should be provided to act in the place and stead of the members. A committee of 7 members would be large enough to provide representation to all segments of the industry. At the same time, the expense involved in connection with meetings of a committee of this size will be reasonable. Employees of growers, as well as growers themselves, should be eligible to serve on the committee. Some growers of apricots may now be, or may become, corporate growers. These corporations, as well as some of the larger individual growers, may have employees who are in complete charge of growing and marketing apricots. Such employees would be qualified from the standpoint of knowledge and personal experience for service on the committee, and it would not be in the interest of the industry to deny them the opportunity to be nominated and to serve on the committee. Three of the members and

their respective alternates should represent District 1; two members and their respective alternates should represent District 3; and Districts 2 and 4 should each be represented by one member and an alternate. Such representation recognizes to the extent practicable the relative volume of production in the various districts. District 4 would not be entitled to a member on the basis of volume alone, but since it is a dry farm area, with the problems which are attendant to the lack of water for irrigation, representation on the committee is necessary and desirable. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons, such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each member of the committee and his alternate should be a grower, or an employee of a grower, of apricots in the district for which selected. Persons with such qualifications should be intimately acquainted with the problems of producing or marketing apricots grown in such district and may be expected to present accurately the problems incident to the production or handling of apricots grown in that district. However, since it is provided that both growers and employees of growers may serve on the committee, the order should provide that a grower, including employees of such grower, shall be eligible to fill but one position on the committee regardless of the number of districts in which he produces apricots. This is necessary to prevent any grower from securing disproportionate representation.

The term of office of committee members and alternates under the proposed program should be for one year beginning March 1 and ending the last day of February. However, the initial committee should be appointed for a term ending the last day of February 1964, as the program will not be effective until late in the year and it is desirable that such committee serve longer than a portion of a fiscal period. This will establish an orderly procedure for changing the membership of the committee. The establishment of a term of one year will give growers an opportunity to express their wishes as to those they desire to serve on the committee the following year. The term of office will begin sufficiently in advance of the time shipment of apricots commences each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to continue to serve on the committee until their successors are selected and have qualified. This is necessary to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members at meetings of the growers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee not later than February 15 of each year. Insofar as possible, the committee should schedule such nomination meetings at such times and places as will result in maximum grower participation. By having such nomination meetings not later than February 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary prior to the expiration of the terms of office of existing members. The committee should be authorized to adopt procedural rules for the conduct of nomination meetings so that such meetings will be held in an orderly and uniform manner.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial committee members and alternates from nominations which may be made by growers or appropriate groups thereof, or from other eligible persons; and the order should so provide. Because of the numerous meetings held throughout the production area in preparation for the hearing and the wide acquaintance gained thereby, the promulgation committee, representing the proponent group, is well qualified to submit initial nominations. The order should provide that such committee may submit such nominations and that, if it deems it advisable, may conduct meetings of the growers in the various districts to secure such nominations. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

The order should provide that only growers who are present at the nomination meetings, or who are represented at such meetings by a duly authorized employee, may participate in designating nominees for members and alternates. A grower, including employees of such grower, should be permitted to cast only one vote for each position to be filled from the district in which he is a producer. If more than one vote were to be permitted, or if growers were authorized to participate in the nomination of growers to represent a district in which they did not produce apricots, nominees might be selected who were not favored by the majority of the growers within the district.

In order that there will be an administrative committee in existence at all times to administer the order at the local level, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to help insure that each district will have representation at meetings. If any committee member is sick, or otherwise unable to attend a meeting, the alternate member should represent the district at such meeting. Each alternate who is selected should have the same qualifications for membership as the members of the committee and should be able to perform such duties as are assigned to him by the committee. The alternate should be able to take over the duties of the member for the district represented should the member die, be removed from office, or be disqualified. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that in the event neither member nor his alternate is able to attend a meeting, such member or the committee may designate any other alternate member who is not acting as a member to serve in such member's place and stead.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

With respect to the provision set forth in § 928.31(m) providing for redistricting and reapportionment of membership on the committee, such provision is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The division of the production area into the districts as set forth in the order is a logical one at the present time. However, shifts or other changes which may take place in the future to increase or decrease production within the districts cannot be foreseen. Therefore, it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the order to change the boundaries of districts, or reapportion the representation on the committee among districts, the committee may so recommend and the Secretary may take such action.

At least five members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and decisions of the committee for recommending regulations should require a minimum of five concurring votes. All other actions of the committee should require a minimum of at least four concurring votes, which will assure that all actions of the committee are favored by at least a majority of its membership.

In addition to meetings held where the committee is assembled in one place, the committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that the members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all apricot growers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are so requested and attend such meetings as alternates.

Provision should be made in the order whereby each committee will prepare an annual report as soon as practicable after the close of the marketing season. Such report should consist primarily of statistical data such as total shipments by variety, by district, and by size. Such reports would provide committee members, the industry, and the Secretary with a valuable reference information which would be useful from the standpoint of establishment of regulations and the evaluation of varieties and sizes.

Provision should be made in the order for an advisory committee of handlers, to be known as the Shippers' Advisory Committee, the function of which would be to advise the Apricot Administrative Committee on marketing conditions and to suggest the level of regulation believed, by the advisory committee, to be necessary to affect an orderly marketing of the crop. Handlers are in daily contact with market receivers and, by reason of their experience and the knowledge gained by such contacts, will be in a position to furnish the administrative committee with invaluable information regarding market conditions and preferences. Growers often are primarily concerned with production problems and may not have the up-to-date information on marketing conditions needed to formulate recommendations for regulations of a variety or group of varieties which would be most beneficial. The provision for an advisory committee will tend to give the balance necessary to the development of economically sound regulation of apricot shipments.

An advisory committee composed of five handlers, or employees of handlers, should be sufficiently large to provide representation of all handler groups. The members of the advisory committee should be selected by handlers at an annual meeting held by the administrative committee. Selection of the members of the advisory committee by the handlers will tend to provide such handlers with a voice in the operation of the order. However, the administrative committee should be authorized to prescribe such procedures for the election of such members as may be necessary to assure that the advisory committee is reasonably representative of all handlers.

The members of the advisory comittee should serve during the fiscal year for which they are selected and, since they will be performing a service for the committee, they should be reimbursed for reasonable expenses incurred in their attendance of administrative committee meetings. Employees of handlers, as well as handlers themselves, should be eligible to serve on the committee for the same reasons as given heretofore for making both growers and their employees eligible to serve on the administrative committee. Each member of the advisory committee should have an alternate, having the same qualifications as the member, so that a full committee would be available at all times. Such an alternate should be selected by the member from his organization and would serve in the place of the member whenever the latter was unable, for any reason, to attend meetings of the administrative committee.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles apricots during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all apricots so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of apricots handled by each such handler and assessments would be levied on the same apricots only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. There was no objection offered at the hearing to indicate opposition to the proposal for the committee to borrow a limited sum of money

each fiscal period. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In addition, as hereinafter set forth, provision should be made for increasing the rate of assessment in the event it should develop that due to some unforeseen circumstances the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a container, ton, or other quantity measurement.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season; but, if a handler should demand payment of any such credit, the proportionate refund should be paid to him. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses.

In most years shipments of apricots begins from the production area about the middle of May and is completed, for all practicable purposes, before the end of June. The fiscal period starts on March 1, and, therefore, the committee must operate during March, April, and May with no current assessment income. The period just prior to the shipping season will be the period of greatest activity as the committee will be surveying the crop and marketing situation, developing a marketing policy, and holding meetings to develop recommendations for regulations. This means that in all probability nearly one-half the committee's expenses will ordinarily be incurred before any current fiscal period income is collected.

An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

Evidence presented at the hearing was to the effect that apricot handlers are a relatively stable group and nearly all of the production of apricots is marketed year after year by the same handlers. Therefore, it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The proposed reserve fund should be built up to the desirable amount slowly, over a period of years, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess funds at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. After the reserve is built up to that amount, the assessment rate for following fiscal periods should be fixed so that a deficit may be incurred. Any such deficits should be paid from the reserve until it reaches a level considered too low for the purpose for which it was established, as heretofore described, after which replenishment of the reserve should be undertaken. In this manner, the industry would receive full benefits of the economy of operation which will result from the committee never being in the position of having to incur the costs of borrowing money to finance operations during the pre-harvesting period when assessment income would not cover expenses or of having to make refunds of excess assessments at the end of a fiscal year. Such handling of the assessments and reserve funds is believed to be equitable, in the circumstances, and would affect desirable economies in the administration of the program.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all apricots handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportionate to the total volume of apricots handled during that period. Likewise, should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments during such periods.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots.

Through the medium of research investigation, the committee should be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to apricots which would be of value in determining what regulations should be established, in accordance with the act and the order, for the benefit of the apricot industry in the production area. The development of new markets or new uses for apricots is another field in which research might be directed. As the committee becomes more aware of the value and need for marketing research

and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies such as state universities, and public and private agencies. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for apricots, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of apricot shipments by maturity, grade, size, or quality, or any combination thereof, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of apricot shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of apricots. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for apricots since considerations of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such maturity, grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for apricots. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for apricots. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The maturity, grade, size, and quality of apricots which are shipped at any particular time have a direct effect on returns to growers. Poorer grades, and less desirable sizes, of apricots marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of apricots of low grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality apricots.

Evidence presented at the hearing shows that handlers often have shipped in fresh fruit channels immature apricots and apricots of poor grade and quality and of undesirable size. While immature, small apricots that are the first shipments of the season may command high prices, such apricots ordinarily may be sold only at discounts, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the prices for the entire crop, for the particular year, below the level which otherwise would have existed if only apricots of suitable maturity, grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of apricots varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for apricots are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the apricot crop, and the volume of the available supply for the season as a whole and for any particular period during the season, are important factors which must be considered in establishing regulations. Proper maturity is an important factor determining consumer acceptance. Prices for apricots in the production area generally start each season at a high level. This is usually followed by a rapid decline. It was testified that haste to take advantage of high prices early in the season had frequently caused the shipment of immature, excessively small, poor quality apricots which had resulted in dissatisfaction of consumers; and that such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by maturity, grade, size, quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined is warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, should be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the apricot crop will be marketed.

As stated heretofore, several different varieties of apricots are grown in the production area. Each variety has certain characteristics which serve to distinguish it from other varieties. Some varieties tend to be smaller than others. Generally speaking, the nearer that a variety grows to its maximum size, the more desirable flavor it will have. Hence, it may be undesirable to apply the same size limitation to a variety which normally grows to smaller sizes and to others which grow to larger sizes. Authority should, therefore, be provided in the order to establish different regulations applicable to different varieties.

Weather conditions may cause differences in the size of the same variety of apricots produced in different districts. District 4, as stated heretofore, generally is a dry farm area and does not have water available for irrigation. In seasons of inadequate moisture conditions, the apricots produced in this district may fail to attain the size of the apricots produced in districts with irrigation facilities. Such apricots, if mature and otherwise of good marketable quality, would possess as desirable flavor as larger apricots grown under irrigation. Under these circumstances, and in order to provide equity among growers and handlers in the several districts, the order should provide authority to establish different size regulations in different districts of the production area. In order that such different size requirements not provide avenues for avoiding compliance with the regulations in effect, any different size requirements established for a district should apply only to apricots grown and shipped from that district.

The containers used in the packaging and handling of apricots in the production area are fairly well standardized at the present time. These containers are the Brentwood, Sanger, and L.A. lugs. At times, the 4-basket crate has been used also. The primary concern of the industry with respect to containers relates to the detrimental marking practices that have been followed by handlers of apricots. The larger sizes of apricots customarily bring higher prices than others; and containers of apricots are marked to indicate that the apricots therein are larger than is actually the case. The size designations used on certain containers are general terms such as "medium," "large," "extra large," and "jumbo." No container is marked "small" regardless of how small the apricots in the container may be. Such practices destroy trade confidence and contribute to the disorderly marketing conditions within the industry. Hence, it is concluded that the order should provide authority to regulate the size, weight, capacity, dimensions, markings, or pack of the containers which may be used in the handling of apricots.

It is not in the public interest to cease regulation when the season average price of apricots exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the season average price for apricots may be above parity, as will effectuate such orderly marketing of apricots and will be in the public interest. Apricots which are immature, deteriorated, or of exceedingly small size for the variety are examples of the type of fruit that is wasteful and does not represent a value to consumer and should not be shipped. The shipment of insufficiently mature apricots or fruit lacking in the quality necessary to assure delivery in satisfactory condition causes an adverse buyer reaction and tends to demoralize the market for later shipments of such fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulation when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and also result in dissipation of the benefits from the prior operation of the program.

(f) The order should provide for the exemption from its provisions of such handling of apricots as it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Apricots which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for apricots sold for fresh consumption in the domestic and export markets. Hence, apricots handled for such purposes should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of apricots, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of apricots in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments, and the period during which such exemptions should be in effect.

The allowance of any exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent apricots handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the apricots moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such apricots do not have to comply with requirements, such as grade, size, and quality, in effect for shipments in fresh market channels. These procedures might include such requirements as filing applications for authorization to move apricots in exempted channels and certification by the receiver that such apricots would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all apricots handled, whenever regulations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation. Inspection and certification of all apricots subject to regulation are essential to provide evidence of compliance with the regulations in effect. As the handler of a lot of apricots is responsible for compliance with the regulations and is the only person with prior knowledge that the apricots are to be handled, it is reasonable and necessary to require handlers to submit each lot of apricots handled for inspection and certification. Handlers are familiar with the Federal and Federal-State Inspection Services and with the procedures for inspection and certification of fruits in the production area. The evidence of record indicates that only such services are in a position to perform the required inspection and certification. However, the requirement of mandatory inspection poses some problems which require specific handling. As indicated heretofore, there are some small grower-packers who pack their apricots in the orchard. These grower-packers often are located some distance from shipping centers and primarily ship their fruit by truck to nearby markets. Inspection has been available only at a high per package cost because of the established minimum fees, and overtime and travel charges. To solve this problem, the committee should be authorized to contract with the inspection services for the costs of inspection and certification required by the order and to collect from handlers their pro rata shares of such costs. In this manner, the costs, per package, for the required inspection and certification will be uniform to all handlers and the industry will pay only the actual costs of such services. A representative of the inspection services testified that such an agreement could be satisfactorily arranged. It must be recognized, however, that there will be some instances of small, irregular shipments from outlying areas where it will not be practical to have an inspector make the required inspection prior to the handling of the apricots. The order should, therefore, authorize the committe to issue a waiver of inspection where it would not be feasible, under the circumstances, to inspect a particular shipment of apricots. Such waivers of inspection should be issued only to the extent necessary.

The order should provide that the committee should adopt, subject to the approval of the Secretary, rules and regulations to govern the issuance of such waivers so as to assure that this exception would be carried out on a fair and equitable basis.

Responsibility for having each lot of apricots inspected, or obtaining an appropriate waiver therefor, should fall on each person who handles apricots. In this way, not only will the handler who first ships or handles apricots be responsible for meeting this requirement but also no subsequent handler may handle such apricots unless a properly issued inspection certificate or waiver, valid pursuant to the terms of the order and the applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments of apricots conforms to all requirements of the order if the regulations are to be of maximum benefit.

After the first handler of a lot of apricots has had such lot inspected and certified as meeting all applicable regulations, subsequent handlers should, under ordinary circumstances, be permitted to handle such fruit without incurring the expense of another inspection. In instances where any lot of apricots previously inspected is regraded, resorted, repackaged, or otherwise further prepared for market, such apricots should be required to be inspected and certified following such preparation, since the identity of the lot has been lost in such preparation and the validity of the prior inspection certificate and the information thereon destroyed.

(h) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that most of the information needed by the committee in order to carry out its functions can be obtained from copies of shipping manifests. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to apricot shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information may not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of apricots. Such records should be retained for not less than 2 succeeding years.

(i) Except as provided in the order, no handler should be permitted to handle apricots, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle apricots except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 928.62 through 928.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 928.72 through 928.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 928.62 *Right of the Secretary;* § 928.63 *Effective time;* § 928.64 *Termination;* § 928.65 *Proceedings after termination;* § 928.66 *Effect of termination or amendment;* § 928.67 *Duration of immunities;* § 928.68 *Agents;* § 928.69 *Derogation;* § 928.70 *Personal liability;* and § 928.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 928.72 *Counterparts;* § 928.73 *Additional parties;* and § 928.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. March 20, 1962, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom.

Briefs were filed, within the prescribed time, by G. E. Merchant, Dudley D. Mitchell, Roy Hiramatsu, and H. H. McGarr, all of Winters, Calif.; H. C. Gustafson, Richmond, Calif.; and Joseph Caligiuri and Roy L. Hoskins, Vacaville, Calif. These briefs expressed opposition to the proposed order principally on the basis that no order should be issued for apricots which did not cover all apricot production in California. Growers from the Vacaville area objected further to being included under the proposed order on the basis that their fruit is grown under non-irrigated conditions and at maturity is not as large in size as fruit grown in other parts of the production area under irrigation; hence, if a uniform minimum size requirement were established for all districts of the production area, it would be more restrictive on the fruit produced in the Vacaville district.

With respect to practicality of regulation within the proposed production area, as contrasted with regulation of all fresh apricot shipments from the State, it is evident from the record that a more effective regulation could be provided if all fresh shipments were subject to regulation. However, the record shows that the proposed production area embraces the area of earliest apricot maturity in the State and that about two-thirds of the shipments from such area are made before significant volume is shipped from other areas of production. Therefore, it is concluded that most of th objectives of the program could be achieved by application of regulation to the proposed production area during the period before shipments in volume are made from later shipping areas.

In regard to the question concerning equity of size regulation, the records shows that authority for the establishment of different size regulations, by districts, should be provided, and such authority has been included in the proposed order. Such authority would permit the establishment of regulations permitting the shipment of apricots of smaller sizes from District 4, for example, than from any or all other districts when it is found that conditions prevailing in that district so warrant.

Each point included in these briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in such briefs are inconsistent with the findings and conclusions contained in this recommended decision, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of apricots grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of apricots grown in the production area; and

(5) All handling of apricots grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 928.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 928.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Production area.

"Production area" means Yolo County, Calif., and that portion of Solano County, Calif., north of the first standard parallel north of the Mt. Diablo Base and Meridian.

§ 928.5 Apricots.

"Apricots" means all varieties of Prunus armeniaca, commonly called apricots, grown in the production area.

§ 928.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of Prunus armeniaca.

§ 928.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 928.8 Committee.

"Committee" means the Apricot Administrative Committee established pursuant to § 928.20.

§ 928.9 Grade.

"Grade" means any one of the officially established grades of apricots as defined and set forth in the United States Standards for Apricots (21 F.R. 9935), or admendment thereto, or modifications thereof, or variations based thereon.

§ 928.10 Size.

"Size" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 928.11 Grower.

"Grower" is synonymous with producer and means any person who produces apricots for market in fresh form, and who has a proprietary interest therein.

§ 928.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apricots owned by another person) who handles apricots in fresh form.

§ 928.13 Handle.

"Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apricots or cause the sale, consignment, delivery or transportation of apricots or in any other way to place apricots, or cause apricots to be placed, in the current of the commerce from any point within the production area to any point outside thereof: *Provided,* That the term handle shall not include the sale of apricots on the tree.

§ 928.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31(m):

(a) "District 1" shall include that portion of the Apricot-Winters School District which formerly comprised the Apricot School District of Yolo County;

(b) "District 2" shall include that portion of Yolo County not included in District 1.

(c) "District 3" shall include the Wolfskill and Dixon Unified School Districts of Solano County and that portion of the Olive-Pleasants Valley School Districts of Solano County which was included in the former Olive School District and which is north of a line drawn due east and west through the intersection of Putah Creek Road and Pleasants Valley Road.

(d) "District 4" shall include that portion of Solano County which is north of the first Standard Parallel north of the Mt. Diablo Base and Meridian and is not included in District 3.

§ 928.15 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of apricots in a particular type and size of container, or any combination thereof.

§ 928.16 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of apricots.

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established an Apricot Administrative Committee consisting of seven members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Each member and his alternate shall be a producer of apricots in the district he is chosen to represent as established pursuant to section 14. Three of the members and their respective alternates shall be producers of apricots in District 1; one member and his alternate shall be producers of apricots in District 2; two members and their respective alternates shall be producers of apricots in District 3; and one member and his alternate shal be producers of apricots in District 4.

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February: *Provided,* That the terms of the initial members and their alternates shall end on the last day of February 1964. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 928.20.

[1] The provisions identified with asterisks (* * *) apply only to the proposed marketing agreement and not to the proposed order.

(b) *Successor members.* (1) The committee shall hold or cause to be held not later than February 15 of each year (excluding the initial term) a meeting or meetings of growers for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedures as shall be reasonable and fair to all persons concerned.

(2) Only growers, including duly authorized employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in any district in which he produces apricots.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

§ 928.23 Selection.

From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the seven members of the committee and an alternate for each such member.

§ 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

§ 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

§ 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member to serve in such member's place and stead.

§ 928.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 928.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apricots;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in apricot production for fresh market within the districts and the production area.

§ 928.32 Procedure.

(a) Five members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least four members: *Provided*, That any action of the committee to recommend regulations pursuant to §§ 928.50 to 928.55 shall require at least five concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 928.33 Expenses.

The members of the committee and alternates, when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

§ 928.34 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

§ 928.37 Shippers' Advisory Committee.

(a) A Shippers' Advisory Committee, consisting of five members who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the Shippers' Advisory Committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve during the fiscal year for which they are elected. Such meeting shall be supervised by the Apricot Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers. Each such member shall select an alternate from the organization with which he is affiliated.

(c) The Shippers' Advisory Committee may attend each meeting of the Apricot Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the Apricot Administrative Committee on matters relating to such recommendations, but shall have no vote with

such committee in any matter. Members of the Shippers' Advisory Committee may be reimbursed for expenses necessarily incurred in attendance of meetings of the Apricot Administrative Committee.

EXPENSES AND ASSESSMENTS

§ 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

§ 928.41 Assessments.

(a) Each person who first handles apricots in fresh form shall, with respect to the apricots so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all fresh apricots handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance and may also borrow money for such purpose.

§ 928.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used by the committee to defray any or all expenses authorized pursuant to this part. In the event of termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 928.45 Marketing Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots. The expense of such projects shall be paid from funds collected pursuant to § 928.41.

REGULATIONS

§ 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apricots within the production area;

(2) The expected general quality and size of apricots in the production area and in other areas;

(3) The expected demand conditions for apricots in different market outlets;

(4) The expected shipments of apricots produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apricots; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apricots, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 928.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apricots in the manner provided in § 928.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apricots during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 928.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of apricots whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment in fresh form of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of apricots grown in the production area;

(2) Limit the sizes, of any variety or varieties of fresh apricots grown in and shipped from any district or districts differently from such size limitations on the same variety or varieties grown in and shipped from other districts.

(3) Limit the shipment of fresh apricots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(4) Fix, during any period or periods, the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of fresh apricots.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 928.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apricots in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. In like manner the Secretary may terminate any such modification or suspension.

§ 928.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, handle apricots (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 928.41, 928.52, 928.53, or 928.55, the handling of apricots for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45, or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apricots handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apricots pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apricots will not be used for any purpose not authorized by this section.

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of apricots is regulated pursuant to §§ 928.52 or 928.53, each handler who handles fresh apricots shall, prior thereto, cause such apricots to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for apricots which previously have been so inspected and certified only if such apricots have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apricots.

(b) The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall otherwise comply with all regulations in effect.

(c) The committee may enter into an agreement with the Federal or Federal-State Inspection Services, with respect to the costs of the inspection required by paragraph (a) of this section, and shall collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 928.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of apricots as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(d) Each handler shall maintain for at least 2 succeeding years such records of the apricots received, and of apricots disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

Except as provided herein, no person shall handle apricots, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apricots except in conformity with the provisions of this part.

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 928.64.

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of apricots for fresh market: *Provided*, That such majority has produced for fresh market during such period more than 50 percent of the volume of apricots produced for fresh market in the production area; but such termination shall be effective only if announced before the last day of February of the then current fiscal period.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1963, and ending February 1, 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same two-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 928.71 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 928.72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ 928.73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ 928.74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apricots in the same manner as is provided for in this agreement.

Dated: April 4, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3421; Filed, Apr. 9, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 13]

[Reg. Docket No. 1141; Draft Release No. 62-15]

HELICOPTER TURBINE ENGINES

Proposed 30 Minute Power Rating

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 13 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 11, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

The presently effective provisions of Part 7 of the Civil Air Regulations require that certain rotorcraft takeoff and en route climb performance determinations be made with one engine inoperative and remaining engines operating at maximum continuous power. Representations from the industry have been made that a higher power could be used in making these determinations without adversely affecting safety and that improved helicopter performance would result. It has been recommended that rated takeoff power, if used within practical limits, could be used in place of maximum continuous power.

In response to these representations, the Agency has recently authorized type certification of twin turbine-powered transport category helicopters using takeoff power, in lieu of maximum continuous power, in establishing climb performance. The use of such takeoff power is limited to periods not exceeding 30 minutes in duration.

At the same time the Agency indicated that this performance requirement as well as other more comprehensive requirements, presently under study, would be incorporated into existing Part 7 as soon as operating experience is obtained on the twin turbine-powered helicopters.

While the use of rated takeoff power by the helicopter manufacturers for the establishment of certain performance data for their twin turbine-powered helicopters results in the substantiation of such power for turbine engines installed in their helicopters, the Agency believes that in the future such substantiation should be accomplished prior to type certification and subsequent installation of the engine. While engine manufacturers may now substantiate their turbine engines for takeoff power for 30 minutes duration, they are not presently required to do so. Therefore, it is considered appropriate to amend the provisions of Part 13 to require that turbine engines used in helicopters be substantiated for this higher power during type certification of such engines. It is therefore proposed to introduce and define in Part 13 a new rating of "30-minute power," which would be limited to periods of use not exceeding 30 minutes duration. To insure reliable operation at this power, it is proposed to add to § 13.254 a new test schedule for substantiating such power for turbine engines used in helicopters.

In consideration of the foregoing, it is proposed to amend Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) as follows:

1. By amending § 13.1(b) by redesignating subparagraphs (4) through (7) as (5) through (8) and by inserting a new subparagraph (4) to read as follows:

§ 13.1 Definitions.

• • • • • •

(b) *General design.* • • •

(4) *30-minute power for helicopter turbine engines.* 30-minute power for helicopter turbine engines is the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

2. By amending § 13.254 by deleting from the first sentence the words "this section" and inserting in lieu thereof "either paragraph (a) or (b) of this section, whichever is applicable"; by inserting after the introductory paragraph a new paragraph heading titled "(a) *All engines except helicopter engines,*" by redesignating present paragraphs (a) through (g) as subparagraphs (1) through (7) of the redesignated paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 13.254 Endurance test.

• • • • • •

(a) *All engines except helicopter engines.* • • •

(b) *Helicopter engines*—(1) *Takeoff and idling.* One hour of alternate 5-minute periods shall be conducted at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the rotor speed and power and thrust while taking data to check performance. For engines with augmented takeoff ratings which involve increases in turbine inlet temperature. rotor speed, or shaft power, this period of running at rated takeoff power shall be at the augmented rating. In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *30-minute power.* Twenty-five periods each of 30 minutes duration shall be conducted at 30-minute power and thrust.

(3) *Maximum continuous power and thrust.* Two hours shall be conducted at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours shall be conducted at the successive power lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, it shall be permissible to vary the thrust and power in lieu of speed. In the event significant peak vibrations exist anywhere between ground idle and maximum continuous conditions, the number of increments chosen shall be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not exceeding 50 percent of the total time spent in incremental running. (See also § 13.351.)

(5) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of 6 cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with the provisions of this subparagraph, the power-control lever shall be moved from one extreme position to the other in not more than one second except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(6) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts, each performed not more than 15 minutes after engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures shall be substantiated by operation at these limits during all the takeoff, 30-minute power, and maximum continuous running of the endurance test except where the test periods are not longer than 5 minutes and do not permit stabilization.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

Issued in Washington, D.C., on April 4, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-3450; Filed, Apr. 9, 1962; 8:49 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1136]

VICKERS VISCOUNT MODELS 745D AND 810 SERIES AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the main landing gear uplock mechanism on Vickers Viscount Models 745D and 810 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 10, 1962, will be considered by the Administrator before taking action of the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Failure of a main landing gear uplock mechanism resulted in inability to extend the gear. Inspection revealed that a cotter pin, which secures the connecting links to the center spindle, was missing. This permitted the clevis pin to drop into an inspection hole, and prevented the mechanism from moving to the unlock position. To prevent further cases of this malfunction, the following are required:

(a) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the past 100 hours' time in service, and at periods thereafter not exceeding 250 hours' time in service from the last inspection, visually inspect the main landing gear uplock mechanisms to ensure that the clevis pin is in the correct position and secured with a cotter pin that is not worn or damaged. Prior to further flight, properly reinstall clevis pins that have worked loose or shifted and replace worn or damaged cotter pins.

(b) The inspections required by this airworthiness directive may be discontinued after replacement of the perspex covers with metal plates, in accordance with Vickers Preliminary Technical Leaflet No. 236 Issue 3, Modification D.3049 (for 700 Series aircraft), or PTL No. 102 Issue 3, Mod. FG. 1873 (for the 800 Series aircraft), or an FAA approved equivalent modification.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on April 3, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3404; Filed, Apr. 9, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 2, 1962.

Notice of an application, Serial Number Riverside 0126, for withdrawal and reservation of lands was published as Federal Register Document No. 62-1858 on pages 1783 and 1784 of the issue for February 24, 1962. The applicant agency has canceled its application insofar as it involved the land described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such land will be at 10:00 a.m. on May 2, 1962, relieved of the segregative effect of the above mentioned application. Although the segregative effect will be removed, the land has been disposed of under the provisions of the Public Sale Act and will not become subject to disposition.

The land involved in this notice of termination is:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 W.,
Sec. 28, E½SE¼.

The above area aggregates 80 acres.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-3413; Filed, Apr. 9, 1962; 8:45 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1962.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 066553, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as picnic grounds, campgrounds, overlook and picnic grounds and recreation area located in the Pike and Arapaho National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Pike Community Picnic Ground

T. 11 S., R. 69 W.,
Sec. 26, W½NW¼NW¼.
Total area 20 acres.

South Meadows Campground

T. 11 S., R. 69 W.,
Sec. 27, W½NE¼SE¼.
Total area 20 acres.

Trail Creek Picnic Ground

T. 11 S., R. 70 W.,
Sec. 1, S½S½NW¼SW¼, SW¼SW¼;
Sec. 12, N½NW¼NW¼.
Total area 70 acres.

Rainbow Picnic Ground

T. 12 S., R. 68 W.,
Sec. 28, E½SW¼NW¼, E½W½SW¼NW¼, NW¼NE¼SW¼, NE¼NW¼SW¼.
Total area 50 acres.

Rampart Picnic Ground

T. 12 S., R. 68 W.,
Sec. 28, SW¼NW¼SW¼, NW¼SW¼SW¼;
Sec. 29, the east 10 chains of Lot 11.
Total area 38.28 acres, more or less.

Grassy Saddle Picnic Ground

T. 13 S., R. 67 W.,
Sec. 18, S½S½SW¼SE¼;
Sec. 19, W½NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼.
Total area 60 acres.

Trail Junction Picnic Ground

T. 13 S., R. 67 W.,
Sec. 20, NW¼SE¼.
Total area 40 acres.

Black Canyon Picnic Ground

T. 13 S., R. 67 W.,
Sec. 28, S½S½NE¼SW¼, SE¼SW¼, E½E½SW¼SW¼.
Total area 60 acres.

Ridge Crest Picnic Ground

T. 13 S., R. 68 W.,
Sec. 13, Lot 12;
Sec. 14, Lot 9.
Total area 75.26 acres.

State Road Picnic Ground

T. 15 S., R. 67 W.,
Sec. 16, SW¼NE¼NE¼, NW¼SE¼NE¼.
Total area 20 acres.

Saint Peter's Dome Picnic Ground

T. 15 S., R. 67 W.,
Sec. 17, S½S½SW¼NE¼, E½E½NE¼SW¼, E½E½SE¼SW¼, W½E½NW¼, SE¼, W½NW¼SE¼, N½SW¼SE¼, N½S½SW¼SE¼.
Total area 90 acres.

Wye Picnic Ground

T. 15 S., R. 68 W.,
Sec. 24, Lot 19, 20.
Total area 72.54 acres.

Eagle Rock Picnic Ground

T. 15 S., R. 68 W.,
Sec. 22, W½NW¼NE¼, NE¼NE¼NW¼.
Total area 30 acres.

West Creek Picnic Ground

T. 10 S., R. 70 W.,
Sec. 12, W½W½SW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, W½NW¼NW¼SE¼;
Sec. 13, SW¼NE¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, E½NW¼SW¼NE¼, NE¼SW¼NE¼, W½SE¼NE¼, W½E½SE¼.
Total area 145 acres.

Goose Creek Campground

T. 10 S., R. 71 W.,
Sec. 18, the east 10 chains of Lot 4, W½SE¼SW¼.
Total area 42 acres, more or less.

Whiteside Picnic Ground

T. 6 S., R. 74 W.,
Sec. 32, N½NE¼SW¼, SE¼NE¼SW¼, SW¼NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, S½NW¼SE¼SE¼, SW¼SE¼SE¼.
Total area 85 acres.

Twin Eagles Campground

T. 10 S., R. 72 W.,
Sec. 30, SW¼NE¼NE¼, SE¼NW¼NE¼, E½E½SW¼NE¼, SE¼NE¼.
Total area 70 acres.

Wilkerson Pass Overlook and Picnic Ground

T. 12 S., R. 73 W.,
Sec. 2, Lot 11, less private land; Lot 12, less private land.
Total area 61.12 acres, more or less.

Tarryall Campground

T. 10 S., R. 73 W.,
Sec. 9, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NE¼, N½SW¼SE¼NE¼.
Total area 55 acres.

Horseshoe Campground

T. 10 S., R. 78 W.,
Sec. 10, E½NE¼NE¼, NE¼SE¼NE¼;
Sec. 11, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼.
Total area 120 acres.

Jefferson Lake Campground

T. 7 S., R. 76 W.,
Sec. 10, Lot 3, SE¼NW¼, NE¼SW¼, Lot 4, 6;
Sec. 11, Lot 5;
Sec. 14, N½NW¼NW¼;
Sec. 15, N½NE¼NE¼.
Total area 271.61 acres, more or less.

Michigan Creek Campground

T. 7 S., R. 76 W.,
Sec. 27, W½W½SW¼, SE¼SW¼SW¼, S½SE¼SW¼, S½NE¼SE¼SW¼;
Sec. 28, E½SE¼;
Sec. 33, NE¼NE¼.
Total area 195 acres.

Eleven Mile Canyon Recreation Area (Addition)

T. 12 S., R. 71 W.,
Sec. 31, NW¼SE¼NE¼, SW¼SW¼NE¼, N½N½SE¼SW¼, S½SW¼SE¼, S½SE¼SE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 32, W½W½SW¼.
T. 13 S., R. 71 W.,
Sec. 5, Lot 4, N½SW¼NW¼;
Sec. 6, Lot 2, 8.

T. 12 S., R. 72 W.,
Sec. 36, the south 10 chains of Lot 19, the south 10 chains of Lot 20.
T. 13 S., R. 72 W.,
Sec. 1, Lot 6;
Sec. 2, S½S½SE¼;
Sec. 10, SE¼SW¼;
Sec. 11, SE¼SW¼NE¼, SE¼NE¼SW¼, N½NW¼SE¼;
Sec. 12, NW¼NE¼NW¼;
Sec. 15, E½SW¼NE¼;
Sec. 16, the north 10 chains and the west 10 chains of Lot 6;
Sec. 20, Lot 6, SE¼NW¼.
Total area 542.50 acres, more or less.

PIKE AND ARAPAHO NATIONAL FORESTS

Hoosier Pass Overlook and Picnic Ground

T. 8 S., R. 78 W.,
Sec. 12, south 10 chains and east 5 chains of Lot 9, south 10 chains and west 15 chains of Lot 10, less private land.
Sec. 13, north 5 chains and east 5 chains of Lot 2, and Lot 11.
Total area 21.35 acres, more or less.

The above-described areas in the Pike and Arapaho National Forests aggregate approximately 2,254.86 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-3414; Filed, Apr. 9, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION II, PHILADELPHIA

Redelegation of Authority With Respect to Loans for Housing for Elderly

The Regional Director of Community Facilities, Region II (Philadelphia), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q) is hereby authorized within such Region:

1. To execute loan agreements and regulatory agreements;

2. To execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective February 2, 1962 (27 F.R. 1382, Feb. 14, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, 2/27/62))

Effective as of the 30th day of March 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 62-3435; Filed, Apr. 9, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during April 1962, were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, corn, oats, barley, rye, grain sorghums, and gum turpentine.

Rice has been dropped from the list because all stocks, except for odd lots, have been sold or committed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for April 1962 are 3¾ percent for periods up to six months, 4¼ percent for periods from over six and up to 18 months, and 4¾ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only)* under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33 as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but no sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price of such cotton, as determined by CCC.
Cotton, extra long staple	Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer. Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store [1], but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area) [1] Bushel	26	22	Chicago	No. 1 RW	$2.31
			Minneapolis	No. 1 DNS	2.38
			Kansas City	No. 1 HW	2.31
			Portland	No. 1 SW	2.21

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961) or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Corn, bulk	Domestic and export: Redemption on 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable corn for domestic unrestricted use and for export excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export sales: [2] Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements.

See footnotes at end of table.

Commodity	Sales price or method of sale	Unit	Examples of minimum prices (exrail or barge)			
			Received by—		Class and grade	Price
			Truck	Rail or barge		
Barley, bulk (continued)	Domestic—Continued Available: At other than bin site locations through the Portland and Minneapolis ASCS Commodity Offices. From bin sites through ASCS county offices in the Minneapolis area for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock in accordance with such program. If such barley is stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASC State committee in States in which Livestock Feed Program emergency counties have been designated. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated on preceding page. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Portland and Minneapolis in the Minneapolis Commodity Office area are also available.					
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier into which delivered. If delivery is outside the area of production, applicable freight will be added to the above.	Bushel	*Cents* 11	*Cents* 11	Mpls	No. 2 or better (or No. 3 on TW only).	$1.42
	Available: At bin sites through ASCS County Offices. At other locations ASCS Offices in Evanston, Dallas, Kansas City, Minneapolis, and Portland Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS Commodity Offices indicated above.						
Rye	Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.						
Grain sorghums, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC will redeem rights represented by pooled certificates under the disposition of storable grain sorghums for domestic unrestricted use or for export under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC stocks of grain sorghums held in California will not be available for such redemption. CCC also reserves the right to restrict the availability of such grain sorghums at any other location where such restriction is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter and approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under those announcements. CCC stocks of grain sorghums held in California will not be available for such sales.						

Commodity	Sales price or method of sale	Unit	Examples of minimum prices (exrail or barge)			
			Received by—		Class and grade	Price
			Truck	Rail or barge		
Corn, bulk (continued)	Domestic and export—Continued Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.					
Oats, bulk	Domestic: Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the amount shown below applicable to the storage location where sold. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.		In store at—			
			Point of production	Other point		
		Bushel	*Cents* 12	*Cents* 14	Chicago	No. 2	[3] 0.85½
Oats	Available: At other than bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. Storable oats will not be available for sale by the Minneapolis ASCS Commodity Office. From bin sites through ASCS county offices for unrestricted use, except that sales of storable oats at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock in accordance with such program. If such oats are stored in livestock Feed Program emergency counties, or in such other counties as may be designated by the ASC State committee in States in which Livestock Feed Program emergency counties have been designated B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at CCC market prices at the point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary. Available: Portland/ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.					
Barley, bulk	Domestic: Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier into which delivered. If delivery is outside the area of production, applicable freight will be added to the above.		Received by—		Class and grade	Price
			Truck	Rail or barge		
		Bushel	*Cents* 13	*Cents* 11	Minneapolis	No. 2 or better	$1.22
	Available: At bin sites through ASCS county offices, except for county offices in the Minneapolis ASCS Commodity Office area. At other than bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of barley for such redemption, at any locations whenever such action is deemed necessary.					

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorghums, bulk (continued)	Domestic and export—Continued Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Peanuts, shelled and unshelled (farmers' stock) (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Jan. 4, 1962), as amended.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.
[3] The statutory minimum price for corn referred to in the price adjustment provisions of these export announcements are as follows for corn in-store: (a) For corn delivered at point of production such price is 105 percent of the applicable 1961 support price plus 10 cents per bushel. (b) For corn delivered at other than the point of production such price is 105 percent of the applicable 1961 support price at point of production plus 13 cents per bushel and the rail freight from the point of production to the delivery point. Approximate origin loan rates and approximate freight rates will be used by CCC if determined necessary.
[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored at other than the point of production.
[5] Includes paid in freight from Woodford County, Ill.
[6] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored outside the area of production.
[7] The statutory minimum price for grain sorghums referrred to in the price adjustment provisions of these export announcements is as follows for grain sorghums in-store: (a) For grain sorghums received by truck such price is 105 percent of the applicable 1961 support price plus 27 cents per hundredweight. (b) For grain sorghums received by rail or barge such price is 105 percent of the applicable 1961 support price plus 21 cents per hundredweight. If delivery is outside the area of production applicable freight will be added to the price for rail or barge received grain sorghums. Approximate freight rates will be used by CCC if determined necessary.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on April 4, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-3388; Filed, Apr. 9, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

FARRELL LINES INC.

Notice of Application

Notice is hereby given that Farrell Lines Inc. has applied for an increase of sailings on its subsidized freight service on Trade Route No. 14, Service 1—U.S. Atlantic—West Coast of Africa from a maximum of 33 sailings to a maximum of 48 sailings per annum with no increase in the number of voyages (29) permitted to call at the Azores.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, U.S.C. 1175 should by the close of business on April 27, 1962, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: April 3, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-3436; Filed, Apr. 9, 1962; 8:48 a.m.]

Office of the Secretary

[Dept. Order 128 (Rev.) Amdt. 1]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Duties and Responsibilities

The following amendment to the order was issued by the Secretary of Commerce on March 29, 1962. The material appearing at 27 F.R. 987 of February 2, 1962, is amended as follows:

The emergency transportation planning and coordination functions under Executive Order 10999 of February 16, 1962, are assigned to the Under Secretary of Commerce for Transportation. Accordingly, section 3 of Department Order No. 128 (Revised) of January 19, 1962, is amended by adding a new subsection .02 to read as follows:

SECTION 3. *Duties and responsibilities.*

* * *

.02 The Under Secretary for Transportation also shall:

1. Prepare national emergency plans and develop preparedness programs covering the development and coordination of overall policies, plans, and procedures for the provision of a centralized control of all modes of transportation in an emergency for the movement of passenger and freight traffic of all types, and the determination of the proper apportionment and allocation of the total civil transportation capacity, or any portion thereof, to meet overall essential civil and military needs.

2. Develop long range programs designed to integrate the mobilization requirements for movement of all forms of commerce with all forms of national and international transportation systems including air, ground, water, and pipelines, in an emergency. More particularly he shall:

(1) *Resources and requirements.* Obtain, assemble, analyze, and evaluate data on the requirements of all claimants for all types of civil transportation to meet the needs of the military and of the civil economy. Consolidate, evaluate, and interpret both current and projected resources and requirements data developed by all Federal agencies concerned with moving passengers or cargo by all modes of transportation for the purpose of initiating actions designed to stimulate government and industry actions to improve the peacetime structure of the transportation system for use in an emergency.

(2) *Economic projections.* Conduct a continuing analysis of transportation problems and facilities in relation to long range economic projections for the purpose of recommending incentive and/or regulatory programs designed to bring all modes of transportation in balance with each other, with current economic conditions, projected peacetime conditions, and with emergency conditions.

(3) *Passenger and cargo movement.* Develop plans and procedures which would provide for a central collection and analysis of passenger and cargo movement demands of both shipper and user agencies as they relate to the capabilities of various transport modes in existence at the time, control or delegate control of the priority of movement of passengers and cargo for all modes of transportation by mode or within a mode and develop policies, standards and procedures for emergency enforcement of controls through the use of means such as education, incentives, embargoes, permits, sanctions, claimancy policies, etc.

(4) *Emergency transportation functions.* In consonance with plans developed by other agencies assigned operational responsibilities in the transportation program, develop plans for and be prepared to provide the administrative facilities for performing emergency transportation functions as required.

3. Prepare plans to claim supporting materials, manpower, equipment, supplies, and services which would be needed to carry out the transportation planning and coordination responsibilities from the appropriate agency and shall work with such agencies in developing programs to insure availability of such resources in an emergency.

4. Within the framework of Federal research objectives, supervise or conduct research in areas directly concerned with carrying out his transportation emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in the transportation area.

5. Assume the initiative in developing joint plans for the coordination of the transportation program which involve other departments and agencies which have responsibilities for any segment of such activity, and shall utilize to the maximum those capabilities of other

agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

6. Develop as an integral part of the continuing activities of the Department emergency plans and programs, and emergency organization structure required thereby, on the basis that the Department will have the responsibility for carrying out such programs during an emergency. The Under Secretary for Transportation shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with current policy determinations.

Effective date: March 29, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-3402; Filed, Apr. 9, 1962; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55598]

TUNA FISH

Tariff-Rate Quota for 1962

APRIL 5, 1962.

Pursuant to Presidential Proclamation No. 3128 of March 16, 1956 (T.D. 54051), it has been determined that 59,059,014 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1962 at the rate of 12½ per centum ad valorem under paragraph 718(b), Tariff Act of 1930, as modified. Any tuna classifiable under paragraph 718(b) of the tariff act which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota will be dutiable at the full rate of 25 per centum ad valorem.

The above quota is based on the United States pack of canned tuna during the calendar year 1961, as reported by the United States Fish and Wildlife Service.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-3439; Filed, Apr. 9, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11214]

TRANS-TEXAS AIRWAYS

Notice of Prehearing Conference

In the matter of excursion fares proposed by Trans-Texas Airways.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on April 18, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 4, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3451; Filed, Apr. 9, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-CE-8]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The KTIV Television Company and the Peoples Broadcasting Corporation, Sioux City, Iowa, jointly propose to construct a television antenna structure near Sioux City, Iowa, at latitude 42°35'12.39" N., longitude 96°13'56.98" W. The overall height of the structure would be 3368.4 feet above mean sea level (2,000 feet above ground). The proposed structure would replace two existing television antenna structures; one at latitude 42°-32'33" N., longitude 96°23'34" W. at 1,937 feet MSL (537 feet above ground); and the second at latitude 42°34'27" N., longitude 96°22'11" W. at 2,046 feet MSL (633 feet above ground).

The original circularization of this proposal specified a structure at latitude 42°35'09" N., longitude 96°13'48" W. with an overall height of 3,370 feet MSL (2,000 feet above ground). Subsequent to the informal airspace meeting of which the proposal was considered, the proponents requested the Agency to consider the structure as proposed in this docket. This structure would be located approximately 750 feet northwest of the original site and would have the same effect upon aeronautical operations as the original proposal.

This is the second proposal which has been submitted for a single structure to be used jointly by the sponsors in the vicinity of Sioux City, Iowa. Notice of airspace objection to the first proposal was issued May 19, 1961, by the Federal Aviation Agency in OE Docket No. 61-KC-36 (26 F.R. 4623).

An objection was made in response to the circularization of the current proposal by the Air Transport Association of America on the basis that the proposed structure would require an increase in the minimum en route instrument flight rules altitude on VOR Federal Airway No. 15E between the Sioux City, Iowa, VOR and the Sioux Falls, South Dakota, VOR; and further, that the FAA should give consideration to possible future requirements for obstruction-free airspace for visual flight rules operations beneath the floor of control areas.

This proposal was discussed at the FAA Kansas City Informal Airspace Meeting and the ATA withdrew its objection. At this meeting, the sponsors advised that the two existing structures would be dismantled if the proposed structure is constructed. The Department of the Air Force made no objection provided that the sponsors' existing towers be dismantled. The Aircraft Owners and Pilots Association representatives stated a position of no objection at this meeting. Later, a letter from the AOPA was received by this Agency stating an objection to this or any unshielded structure in excess of 1,000 feet above ground on the basis of the impact such a tower has on aviation from the national systems viewpoint of the airspace usage.

The proposed structure would be located 8.5 miles northeast of Sioux City, Iowa, and 6.1 miles east of the centerline of Victor 15E. It would require an increase from 3,400 feet MSL to 3,800 feet MSL in the MEA on Victor 15E between the Sioux City VOR and the Sioux Falls VOR. The 1961 peak day instrument flight rules traffic count for this segment of airway was two flights.

During fiscal year 1961, there were 40 General Aviation Visual Flight Rules flight plans filed between the Sioux Falls and Sioux City Airports, and 340 between the Sioux Falls and Omaha, Nebraska, Airports. Of these flight plans, 260 were filed via direct route and 120 via airways. The structure would be located in excess of 6 miles from the centerline of the above airways and direct routes.

The Agency study disclosed that the proposed structure would have no substantial adverse effect upon either IFR or VFR operations over the direct routes and airways as described above. No other aeronautical operations or procedures would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (26 F.R. 5292). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on March 29, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-3403; Filed, Apr. 9, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14548; FCC 62M-493]

ANDRES CALANDRIA

Suspension of Amateur Radio Operator License

In the matter of Andres Calandria, New Orleans, Louisiana, Docket No. 14548; suspension of Amateur Radio Operator License (K5MVP).

The Chief Hearing Examiner having under consideration his order released March 15, 1962, in the above-entitled proceeding (FCC 62M-385; Mimeo. No. 17610), directing respondent to furnish information upon which a determination could be made as to the necessity for a field hearing in the proceeding, in view of his admission of certain of the violations alleged against him and the possibility of reaching agreements and stipulations as to the testimony expected of witnesses; respondent's informal reply thereto, which is construed as a request for reconsideration, received March 22, 1962; and comments by the Chief of the Commission's Safety and Special Radio Services Bureau upon respondent's request, filed March 30, 1962;

It appearing, in light of the reply and comments aforementioned, that, as suggested by the Bureau Chief, disposition of this matter on the basis of stipulations in lieu of oral testimony is not possible, and, therefore, it is appropriate to authorize the field hearing sought by the respondent in which he will be accorded an opportunity to meet the several allegations of violations set forth in the Commission's order of suspension herein, and to make such showing as may be appropriate with regard to the period (one year) of such suspension;

Accordingly, it is ordered, This 2d day of April 1962, that hearing in the above-entitled proceeding will be held in New Orleans, Louisiana, at a time and place, and before a Hearing Examiner, to be specified by subsequent order; and: *It is further ordered,* That the order of March 15, 1962, supra, is hereby reconsidered and set aside.

Released: April 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3441; Filed, Apr. 9, 1962; 8:48 a.m.]

[Docket No. 13624 etc.; FCC 62-344]

FREDERICK COUNTY BROADCASTERS ET AL.

Memorandum Opinion and Order

In re applications of Ralph D. Epperson and Earlene S. Epperson d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; et al., for construction permits.

1. The Commission has before it for consideration a petition for modification of issues, for partial reconsideration, and for other relief, filed by Wilkes Broadcasting Company, December 11, 1961, together with pleadings properly filed in response thereto.

2. By Order published November 25, 1961 (26 F.R. 11091) the application of petitioner, Wilkes Broadcasting Company, requesting a new standard broadcast station on 1520 kc, 5 kw, (1 kw-CH), D at Mocksville, N.C., was consolidated for hearing with numerous other applications. The designation Order noted that petitioner, Wilkes, owns two existing stations: WKBC, at North Wilkesboro, N.C., and WATA, at Boone, N.C.; that Robert B. Brown, the son of Wilkes' president and 50 percent owner, is the permittee of a new station in Taylorsville, N.C.; and that substantial overlap occurs between Station WKBC operated by Wilkes and its instant proposal. Therefore, the following issue was designated for hearing:

9. To determine whether a grant of the instant proposal of Wilkes Broadcasting Company would be in contravention of § 3.35(a) or 3.35(b) of the Commission rules.

3. Petitioner contends that the reference to the Taylorsville station in the designation Order should be deleted. In support of its contention, it points out that in an Initial Decision in Robert B. Brown (FCC 61D-138) released September 31, 1961, it was concluded, under the § 3.35(a) issue designated in that proceeding, that the Taylorsville station would be operated independently from Wilkes. Petitioner also contends that the factual allegations set out in the designation Order do not show a violation of either 47 CFR 3.35(a) or 47 CFR 3.35(b), and therefore, the issue should be deleted.

4. We agree with petitioner to the extent that it requests deletion of the reference to the Taylorsville station. In the Initial Decision cited by petitioner, it was determined that the Taylorsville station would be operated independently from Wilkes Broadcasting and the Bureau has cited no developments since the release of that decision to indicate that such independent operation no longer exists. Under these circumstances, a reexamination of that question in this proceeding is unwarranted.

5. The issue concerning § 3.35(a) of the rules will not be deleted for the reason that the petitioner fails to establish, on the basis of an engineering affidavit, the precise extent of population and area involved in the overlap, availability of other services, etc. The request for deletion of the issue requiring a determination under § 3.35(b) of the rules will likewise not be granted, for the reason that petitioner makes no showing as to size, extent and location of areas served, number of people served, classes of stations involved and extent of other competitive service to the areas in question. Under the provision of § 3.35(b), these additional factors are material for a decision on the question of whether concentration of control exists.

Accordingly, it is ordered, This 28th day of March 1962, that the petition for modification of issues, for partial reconsideration, and for other relief, filed by Wilkes Broadcasting Company, December 11, 1961, is granted to the extent indicated herein and is denied in all other respects.

Released: March 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3442; Filed, Apr. 9, 1962; 8:48 a.m.]

[Docket Nos. 14411, 14412; FCC 62M-503]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration a petition, filed April 2, 1962, by La Fiesta Broadcasting Company, requesting continuance of the hearing herein;

It appearing, that counsel for all parties have consented to immediate consideration and grant of the petition;

It is ordered, This 3d day of April 1962, that the petition is granted; and the hearing now scheduled for April 10, 1962, is continued to April 25, 1962, at 10 a.m.

Released: April 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3443; Filed, Apr. 9, 1962; 8:48 a.m.]

[Docket Nos. 14557, 14558; FCC 62M-507]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Notice Scheduling Prehearing Conference

In re applications of Page Boy Radio Corporation, Detroit, Michigan, Docket No. 14557, File No. 2133-C2-P-61, for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan; New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File Nos. 138-C2-ML-62, 1149-C2-ML-62, for modification of license of station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

It is ordered, This 3d day of April 1962, that a prehearing conference in the above-entitled proceeding will be held at 10 a.m. on May 8, 1962, in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be con-

sidered are those specified in that section of the rules.

Released: April 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3444; Filed, Apr. 9, 1962; 8:48 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-504]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Continuing Hearing

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604, 2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for Common Carrier Point-to-Point Microwave Relay Stations.

Pursuant to agreement of counsel for all parties on the record at the further prehearing conference held on April 3, 1962: *It is ordered*, This 3d day of April 1962, that the following procedural dates are extended:

Exchange of applicants' written direct cases and identification and notification of their witnesses and subject matter concerning which these witnesses will testify: From April 17, 1962, to May 23, 1962.

Notification of applicants' witnesses desired for cross-examination and submission of any motion resulting from the exchange of applicants' written direct cases: From May 7, 1962, to June 6, 1962.

Commencement of hearing: From May 23, 1962, (10 a.m.) to June 25, 1962 (10 a.m.).

Released: April 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3445; Filed, Apr. 9, 1962; 8:48 a.m.]

[Docket Nos. 14510-14514; FCC 62M-490]

ROCKLAND BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; for construction permits.

On March 28, 1962, counsel for Rockland Broadcasting Company (Docket No. 14510) and Rockland Broadcasters, Inc. (Docket No. 14513) filed a joint petition for continuance of hearing and exchange of exhibits. There was an informal oral argument on the petition on March 30, 1962, at which counsel for petitioners, Rockland Radio Corporation (Docket No. 14512), and the Broadcast Bureau were present.

Therefore, it is ordered, This 2d day of April 1962, that the joint petition is granted to the extent that the time for exchange of proposed non-engineering exhibits is extended from April 11 to April 30, 1962, and that the hearing on the non-engineering part of the case is rescheduled from April 18 to Monday, May 7, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3446; Filed, Apr. 9, 1962; 8:48 am]

[Docket No. 14592]

PAUL F. WILLIAMS

Order To Show Cause

In the matter of Paul F. Williams, 257 W. 58th Street, Los Angeles 37, California, Docket No. 14592; order to show cause why there should not be revoked the license for Radio Station 11W5401 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed November 29, 1961, alleging that on November 20, 1961, Citizens radio station 11W5401 was operated for purposes of transmitting communications which were not substantive or necessary to the business or personal activities of the licensee, and that 2-minute silent periods were not observed at 5-minute intervals in violation of § 19.61 (a), (c), and (f) of the Commission's rules;

It further appearing, that the above-named licensee received the said Official Notice of Violation, but did not reply thereto, whereupon the Commission by letter dated January 5, 1962, sent by certified mail—return receipt requested (Cert. No. 125254)—again brought this matter to his attention and requested that the licensee respond to the Commission's letter within fifteen days from its receipt, stating the measures which had been or were to be taken to bring the operation of the radio station into compliance with the Commission's rules; and

It further appearing, that receipt of the Commission's letter was acknowledged by the licensee's signature to a Post Office Department return receipt card; and

It further appearing, that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response thereto was received; and

It further appearing, that in view of the foregoing the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 5th day of April 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by certified mail—return receipt requested—to the said licensee.

Released: April 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3447; Filed, Apr. 9, 1962; 8:49 a.m.]

[Docket Nos. 14351-14353; FCC 62M-500]

WOLVERINE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of John C. Lane, Elizabeth B. Barrett and Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Mich., Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Mich., Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Mich., Docket No. 14353, File No. BP-14487; for construction permits.

The Hearing Examiner having under consideration a "Petition for Extension of Time" of the procedural dates in the above-entitled matter, which petition was filed by Wolverine Broadcasting Company on March 30, 1962, and

It appearing, that the requested extension would change the dates as follows:

Exchange of all exhibits: From April 3, 1962, to April 17, 1962.

Notification of witnesses: From April 20, 1962, to May 4, 1962.

Hearing: From May 8, 1962, to May 23, 1962.

And, it further appearing, that all parties agree to the granting of the petition and that good cause for the same has been shown,

It is ordered, This 2d day of April 1962, that the petition is granted, and that the date of exchange of all exhibits is accordingly changed from April 3, 1962, to April 17, 1962; that the date for notification of witnesses is changed from April 20, 1962, to May 4, 1962; and that the date of the hearing is changed from May 8, 1962, to 10 a.m., May 23, 1962, in the Commission's offices in Washington, D.C.

Released: April 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3448; Filed, Apr. 9, 1962; 8:49 a.m.]

[Canadian List No. 169]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

MARCH 23, 1962.

Notification under the provisions of Part III Section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		590 kilocycles				
CKAR	Huntsville, Ontario	1	DA-1	U	III	Delete assignment.
		590 kilocycles				
CKEY (PO: 590 kc 5 kw D/1 kw N DA-2).	Toronto, Ontario	5	DA-1	U	III	EIO 3-15-63.
		630 kilocycles				
CKAR	Huntsville, Ontario	1	DA-N	U	III	NIO on new frequency.
		1450 kilocycles				
CJOY	Guelph, Ontario	0.25	ND	U	IV	Delete assignment vide 1460 kc.
		1460 kilocycles				
CJOY	Guelph, Ontario	10 D/5 N	DA-2	U	III	NIO on new frequency.
		1540 kilocycles				
New	Toronto, Ontario	50	DA-D	D	II	EIO 3-15-63.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3449; Filed, Apr. 9, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MOHEGAN INTERNATIONAL CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

These agreements are between independent ocean freight forwarders, each of whom has been assigned an application number pursuant to Public Law 87-254. Mohegan International Corp., of New Orleans is party to each. The other parties are: John W. Blumstein (Port Allen, La.) No. 8793; F. J. Herbelin-Bay Transfer Co., Inc. (Houston, Texas) No. 8794; Hudson Shipping Co., Inc. (New York, N.Y.) No. 8812. The terms of all three agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. Ocean freight brokerage may be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, with 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3423; Filed, Apr. 9, 1962; 8:46 a.m.]

H. STONE & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that Agreements 8833, 8834, and 8836 have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

These agreements are between freight forwarders each of whom has been assigned an application number pursuant to Public Law 87-254. H. Stone & Co. of New York, N.Y. is party to each. Agreement No. 8833 is with H. E. Schurig & Co., Inc., Houston, Tex.; No. 8834 with N. D. Cunningham & Co., Mobile, Ala.; and No. 8836 with Westfeldt Brothers Forwarders, Inc., New Orleans, La.

The agreements cover shipments of wheat flour and similar feedstuffs. H. Stone & Co. will arrange the shipping space and prepare the necessary documents to be completed by the other party. Such other party will be compensated according to specified fees, plus a portion of the ocean freight brokerage.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 62-3424; Filed, Apr. 9, 1962; 8:46 a.m.]

MOHEGAN INTERNATIONAL CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Mohegan International Corp. of Louisiana, New Orleans is party to each agreement. No. 8796 with Oceanic Shipping Co. (Mobile). No. 8814 with James Loudon & Co., Inc. (San Fran, Calif.). Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. Such services are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage may be divided equally. This agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or

modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3425; Filed, Apr. 9, 1962; 8:46 a.m.]

MOHEGAN INTERNATIONAL CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Mohegan International Corp. of New York is party to each agreement.

No. 8797 with The Hipage Co., Inc. (Norfolk).
No. 8798 with Oceanic Shipping Co. (Mobile).
No. 8799 with F. J. Herbelin-Bay Transfer Co., Inc. (Houston).
No. 8819 with T. J. Hanson (Beaumont).
No. 8821 with Hobelmann & Co., Inc. (Baltimore).
No. 8822 with Loretz & Co. (Los Angeles).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. Such services are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage may be divided equally. Cancellation may be effected by either party giving written notice to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, with 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3426; Filed, Apr. 9, 1962; 8:46 a.m.]

H. L. ZIEGLER, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that Agreements 8684 and 8687 have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

H. L. Ziegler, Inc. of Houston, Tex., is party to each agreement. Agreement No. 8684 is with Phoenix Shipping Co., Inc.; No. 8687 with Globe Shipping Co., Inc.; both parties are located in New York City. All three parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87-254.

These agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. The party performing the service is to retain the entire forwarding fee; ocean freight brokerage is to be divided equally. Cancellation may be effected by either party giving written notice to the other of its desire to terminate the arrangement. The agreement shall cease to be binding 30 days from the date of such notice.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3427; Filed, Apr. 9, 1962; 8:46 a.m.]

PAUL A. BOULO ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Paul A. Boulo, Mobile, Alabama is party to each agreement.

No. 8782 with Pan American Forwarding Co., Inc. (Miami).
No. 8783 with O. W. Lochner, Inc. (New York).
No. 8784 with Atlas Agencies, Inc. (Jacksonville).
No. 8786 with Penson & Co. (New York).
No. 8787 with Dumont Shipping Co., Inc. (New York).
No. 8788 with All Transport Inc. (New York).
No. 8789 with Colony Shipping Co., Inc. (New York).
No. 8791 with Atlas Forward Co., Inc. (New York).
No. 8792 with Latin American Cargo Expediters, Inc. (Miami).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other, the party performing such services retaining the entire forwarding fee. Ocean freight brokerage is to be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3428; Filed, Apr. 9, 1962; 8:46 a.m.]

LUSK SHIPPING CO., INC., AND WALSH STEVEDORING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8762 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are Lusk Shipping Company, Inc., New Orleans, La., and Walsh Stevedoring Company, Gulfport, Miss., each of whom has been assigned an application number as an independent ocean freight forwarder under Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally. Either party may cancel the agreement by giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

Agreement No. 8762 enables each party to use the services of the other in connection with its shipments moving through New Orleans or Gulfport, respectively.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3429; Filed, Apr. 9, 1962; 8:47 a.m.]

PAN-AMERICAN SHIPPING CO. AND ROBBINS FORWARDING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8753 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

This agreement is a cooperative working arrangement between Pan-American Shipping Co., New Orleans, La., and Robbins Forwarding Co., New York, N.Y., under which each will perform forwarding services for the other at specified fees. Ocean freight brokerage is to be divided equally. Cancellation may be effected by either party notifying the other in writing of its desire to terminate the agreement; cancellation will be effective 30 days from the date of such notice.

Each party was registered under General Order 72 and has been assigned an application number for a freight forwarder license pursuant to Public Law 87-254.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3430; Filed, Apr. 9, 1962; 8:47 a.m.]

PAUL A. BOULO ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that Agreements 8826, 8827, and 8841 have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

These agreements are between freight forwarders, each of whom has been assigned an application number pursuant to Public Law 87-254. Paul A. Boulo, Mobile, Ala., is party to each. The other parties are: Loretz & Co., Los Angeles, Calif. (No. 8826); Universal Transport Corp., New York, N.Y. (8827); and Pyramid Export Service Co., Inc., New York, N.Y. (8841). The terms of all three agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other, dividing ocean freight brokerage equally. The forwarding fee will be retained by the party performing the services.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3431; Filed, Apr. 9, 1962; 8:47 a.m.]

MAJOR FORWARDING CO., INC., AND SOCKRIDER FORWARDING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8731 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Under this agreement Major Forwarding Co., Inc., New York, N.Y., will perform certain specified forwarding services on shipments moving through Lake Charles, La., and Sockrider Forwarding Co., located at Lake Charles, will complete the dispatching of the shipment. Brokerage is to be divided on the basis of one-third to the Lake Charles forwarder and two-thirds to the New York forwarder. Service fees are in accordance with a scale of rates. The agreement may be canceled by either party giving written notice to the other of its desire to terminate the arrangement. Cancellation will be effective 30 days from date of such notice.

Each party was registered under General Order 72 and has been assigned an application number for a freight forwarder license pursuant to Public Law 87-254.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3432; Filed, Apr. 9, 1962; 8:47 a.m.]

H. L. ZIEGLER, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that Agreements 8802 and 8832 have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8802 is between H. L. Ziegler, Inc., Houston, Tex., and Nordstrom Freighting Corporation, New York, N.Y. Agreement No. 8832 is between Farrell Shipping Co., Inc., New Orleans, La., and Trio Shipping Company, New York, N.Y. All four parties are freight forwarders who have been assigned application numbers pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which each party will perform freight forwarding services for the other. The party performing the services will retain the entire forwarding fee; ocean freight brokerage will be equally divided.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3433; Filed, Apr. 9, 1962; 8:47 a.m.]

GLOBE SHIPPING CO., INC., AND D. D. KLINGER CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8729 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Under this agreement Globe Shipping Co., Inc., New York, N.Y. and D. D. Klinger Co., Indianapolis, Ind., will perform freight forwarding services for each other, dividing the forwarding fees and the ocean freight brokerage equally. Both parties have filed for a license under Public Law 87-254 and have been assigned application numbers.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modifica-

tion thereof, together with request for hearing should such hearing be desired.

Dated: April 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3434; Filed, Apr. 9, 1962; 8:47 a.m.]

[Docket No. 963]

A. H. BULL STEAMSHIP CO.

Proposed Increases in Rates on "Freight, All Kinds", in Mixed Van Loads in the Puerto Rican Trade

On March 26, 1962, the Federal Maritime Commission entered the following Second Supplemental Order to the original order in this proceeding dated December 14, 1961.

It apearing that by order dated December 14, 1961, the Commission entered into an investigation concerning the lawfulness of increased rates on "Freight, All Kinds" in tariff schedules designated therein, and suspended the operation of said schedules to and including April 13, 1962; and

It further appearing that the Commission having found good cause therefor has on March 12, 1962, granted the A. H. Bull Steamship Co. special permission authority to cancel such suspended matter on less than statutory notice under Special Permission No. 3979 and pursuant thereto, such matter has been properly cancelled;

Now therefore, it is ordered, That the investigation of A. H. Bull Steamship Co. rates on "Freight, All Kinds", instituted under Docket No. 963 be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: April 5, 1962.

By the Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-3422; Filed, Apr. 9, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-162]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Postponement of Hearing

APRIL 3, 1962.

Take notice that the hearing in the above-docketed proceedings heretofore scheduled to commence on April 10, 1962, by notice issued March 6, 1962, and published in the FEDERAL REGISTER on March 13, 1962 (27 F.R. 2388), is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3410; Filed, Apr. 9, 1962; 8:45 a.m.]

[Docket No. E-7029]

UTAH POWER & LIGHT CO.

Notice of Application

APRIL 3, 1962.

Take notice that, on March 26, 1962, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Utah Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Utah, Wyoming, and Idaho, with its principal business office at Salt Lake City, Utah, seeking an order authorizing the acquisition of the assets and facilities of Swan Creek Electric Co. (Swan Creek), a corporation organized under the laws of the State of Utah and doing business in that State, with its principal business office at Laketown, Utah. Swan Creek furnishes electric energy at retail to 600 customers, including rural customers, and to nine communities—Garden City, Laketown, Randolph, Woodruff, Pickleville, Meadowville, Round Valley, Ideal Beach, and Lakota Beach—in northeastern Utah. Applicant states that in 1961, Swan Creek generated approximately 27 percent of its electric energy requirements and purchased 73 percent from Applicant. Under the terms of the agreement between Applicant and Swan Creek, Applicant would acquire all of the assets and assume all of the liabilities of Swan Creek in return for the issuance and exchange of 3,300 shares of Applicant's common stock. According to the application, Swan Creek's total assets are estimated to have a value of $176,727. Applicant states that if the proposed transaction is consummated it will operate the Swan Creek properties as an integral part of its system, and that consummation of the transaction will result in improvements in operation and management and advantages in financing, providing better service and more economical operations, which will be in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of April 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3411; Filed, Apr. 9, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

APRIL 4, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on the National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 5, 1962, to April 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3415; Filed, Apr. 9, 1962; 8:46 a.m.]

[File No. 812-1489]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Registered Closed-End Investment Company

APRIL 2, 1962.

Notice is hereby given that Broad Street Investing Corp. ("Broad Street"), New York, N.Y., a registered open-end investment company, has filed an application pursuant to section 6(c) of the Invest Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of Section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Inland Investors, Inc. ("Inland").

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of January 12, 1962, the net assets of Broad Street amounted to $258,440,157.

Inland, a Delaware corporation, is a registered closed-end investment company. Incorporated in 1927, Inland had approximately 700 stockholders at December 31, 1961. Pursuant to an agreement between Broad Street and Inland, substantially all of the cash and securities of Inland, with a total value of $9,044,000 as of January 12, 1962, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The agreement is conditioned, among other things, upon the approval by the holders of at least two-thirds of the issued and outstanding shares of capital stock of Inland of the sale of assets by Inland to Broad Street and the dissolution of Inland, on or before July 1, 1962. If the holders of 15 percent or more of the outstanding shares of capital stock of Inland shall vote against approval thereof, Broad Street, may, at its option, terminate the agreement. The shares acquired by Inland are to be distributed immediately to its shareholders. The number of shares of Broad Street to be delivered to Inland will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the aggregate market value of the Inland assets to be exchanged (with certain adjustments as set forth below).

Since the exchange is expected to be tax free for Inland and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Inland will be the same as for Inland, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Inland, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, assets having a value as of January 12, 1962, of $3,797,359 including unrealized capital gain of $2,712,644. Other securities to be acquired from Inland will be sold by Broad Street after acquisition. As of January 12, 1962, the market value of these securities was $4,683,124 and the unrealized capital gain thereon was $2,759,486. As of January 12, 1962, Broad Street had unrealized appreciation of $94,730,016 and realized but undistributed long terms capital gain of $31,301.

Because Broad Street will acquire securities from Inland at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. As an offset to this unfavorable tax consequence, the acquisition of the Inland assets will result in a potential tax benefit to the present shareholders of Broad Street by reason of a reduction in the net unrealized appreciation applicable to their shares. An adjustment, which takes into account the tax consequences of the exchange, is to be made in the value of the Inland assets in accordance with the following formula:

(1) In respect of the securities of Inland that Broad Street presently intends to sell and the resulting artificial capital gain thereon, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of Broad Street allocable to the aggregate shares of Broad Street to be issued to Inland. (Such difference, as of January 12, 1962, amounted to approximately $2,758,467.)

(2) In respect of the securities of Inland that Broad Street presently intends to hold following acquisition, there shall be determined the difference between net unrealized taxable capital gain on said securities and the portion of Broad Street's net unrealized taxable capital gain allocable to the aggregate shares of Broad Street to be issued to Inland determined on a pro forma basis giving effect to the acquisition of the assets of Inland. (Such difference as of January 12, 1962, amounted to a negative amount of approximately $460,089.)

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2); and 12½ percent of the resulting amount, if any (approximately $2,528,422 as of January 12, 1962), which is the adjustment for excess unrealized appreciation of Inland, shall be applied to reduce the value of the assets of Inland to be acquired. If the valuation under the agreement had taken place on January 12, 1962, the adjustment to the market value of the assets of Inland to be acquired would have amounted to approximately $316,053.

The application, in the foregoing formula, of a 50 percent factor to the reduction in unrealized appreciation resulting from the acquisition of the Inland assets, is intended to recognize that this will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Inland. The rate of 12½ percent applied to the excess unrealized appreciation of Inland is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Inland. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Inland.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Inland at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1.8 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 16, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3416; Filed, Apr. 9, 1962; 8:46 a.m.]

[File No. 70-4029]

CENTRAL AND SOUTH WEST CORP.

Notice of Proposal To Issue Securities Under a Stock Option Plan for Key Employees; To Amend Certificate of Incorporation; and To Solicit Proxies

APRIL 3, 1962.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(f), and

12(g) of the Act and Rules 43, 50(a)(5), and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Central proposes to adopt a restricted stock option plan ("Plan"), in accordance with the provisions of section 421 of the Internal Revenue Code of 1954, as amended, for regular full-time key employees of Central and its subsidiary companies. A total of 175,000 shares of the authorized but unissued common stock of Central is to be reserved for issue upon the exercise of options granted under the Plan. This amounts to 0.82 percent of the 21,284,134 shares of Central's common stock presently outstanding.

Among the provisions, terms, and conditions of the Plan are the following: (1) Not more than 25 percent of the shares reserved under the Plan may be optioned to employees who, at the time of adoption of the Plan, are officers of Central or its subsidiary companies; (2) subject to modifications and adjustments under certain conditions, the exercise price per share of the common stock covered by each option shall be not less than the fair market value of such stock at the time of the granting of the option, which fair market value shall be not less than the highest sales price of Central's common stock on the New York Stock Exchange on the day the option is granted or, in the event that no sale shall have taken place, the mean between the closing bid and asked prices on such day; (3) the exercise price of the stock may be reduced to the fair market value of the stock on the day of reduction if the average fair market value thereof for the twelve consecutive calendar months preceding the month in which the reduction occurs is less than 80 percent of the fair market value of the stock on the date of the original grant of the option or the date of the making of any intervening modification, whichever is higher; (4) the aggregate exercise price of common stock optioned to any one optionee must be paid in cash upon the exercise of the option or options, and such exercise price is not to exceed 150 percent of the regular annual cash compensation being paid to the optionee by Central and/or its subsidiary companies when the option or options are granted; (5) the term of any option shall not exceed 7 years from the date it is granted; (6) except in certain cases of retirement of an optionee, no option may be exercised in whole or in part during the first 12 months after its grant, and, thereafter, each such option shall be exercisable as to no more than one-fourth of the shares originally subject thereto for each 12 months of employment which shall have elapsed after the date upon which it was granted; (7) the Plan shall terminate 5 years after the date of its approval by the common stockholders of Central; and (8) the Plan shall be administered by a committee selected from members of the board of directors of Central who are neither officers nor employees of any system companies.

Central also proposes to amend its Certificate of Incorporation to release preemptive rights as to shares of common stock issued, pursuant to a stock option plan approved by stockholders, to employees of Central or its subsidiary companies. The company further proposes to solicit proxies, to be voted at the annual meeting to be held on May 15, 1962, and any adjournment thereof, from the holders of its outstanding shares of common stock for approval of the Plan and the amendment of the Certificate of Incorporation.

Fees and expenses expected to be incurred in connection with the proposed transactions are estimated at $8,500, of which $3,000 represents fees of its counsel included in counsel's regular annual retainer. The declaration states that no State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 17, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3417; Filed, Apr. 9, 1962; 8:46 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

APRIL 4, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 5, 1962, to April 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3418; Filed, Apr. 9, 1962; 8:46 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

APRIL 4, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 4, 1962, to April 13, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3419; Filed, Apr. 9, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37646: *Superphosphate from Port Maitland, Ontario, Canada.* Filed by O. W. South, Jr., Agent (No. A4171), for interested rail carriers. Rates on superphosphate, in bulk or in bags, in carloads, also phosphatic fertilizer solutions, in tank-car loads, from Port Maitland, Ontario, Canada, to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Canadian Freight Association tariff I.C.C. 235.

FSA No. 37647: *Soda ash from Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent (No. A4172), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, barrels, boxes or pails, in carloads, from Baton Rouge and North Baton Rouge, La., to Charleston and Georgetown, S.C., Savannah and Port Wentworth, Ga.

Grounds for relief: Carrier competition.

FSA No. 37648: *Tin or terne plate to Baton Rouge and New Orleans, La.* Filed by O. W. South, Jr., Agent (No. A4173), for interested rail carriers. Rates on tin or terne plate, and tin mill black plate, as described in the application, in carloads, from Alton, East St. Louis, and Federal, Ill., also St. Louis, Mo., to Baton Rouge and New Orleans, La.

Grounds for relief: Barge-truck competition.

FSA No. 37649: *Barytes from Arkansas and Missouri to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8184), for interested rail carriers. Rates on barite (barytes), not ground, not precipitated or refined by chemical process, in carloads, from specified points in Arkansas and Missouri, to Houston, Tex.

Grounds for relief: Carrier competition.

Tariff Supplement 14 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37650: *Iron or steel plate or sheet to Plaquemine, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8182), for interested rail carriers. Rates on iron or steel plate or sheet, noibn, in carloads, from specified points in District of Columbia, Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia, to Plaquemine, La.

Grounds for relief: Market competition.

Tariff: Supplement 251 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37651: *Roofing materials between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8178), for interested rail carriers. Rates on roofing materials and sheathing, as described in the application, in carloads, between points in southwestern territory; also between points in southwestern territory, on the one hand, and Memphis, Tenn., Natchez and Vicksburg, Miss., Kansas City, Mo.-Kans., St. Louis, Mo., and East St. Louis, Ill., on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplements 7 and 12 to Southwestern Freight Bureau tariffs I.C.C. 4454 and 4456.

FSA No. 37652: *Soda ash from Saltville, Va., to Howells Transfer, Ga.* Filed by O. W. South, Jr., Agent (No. A4174), for interested rail carriers. Rates on sodium (soda), ash, dense, in bulk, in carloads, from Saltville, Va., to Howells Transfer, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. S-207.

FSA No. 37653: *Tin or terne plate to Baton Rouge and New Orleans, La.* Filed by O. W. South, Jr., Agent (No. A4176), for interested rail carriers. Rates on tin or terne plate, also tin mill black plate, as described in the application, in carloads, from Ashland and Newport, Ky., Cincinnati, New Boston, and Portsmouth, Ohio, to Baton Rouge and New Orleans, La.

Grounds for relief: Barge-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3437; Filed, Apr. 9, 1962; 8:48 a.m.]

[Notice 622-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64723. By order of April 6, 1962, the Transfer Board approved the transfer to Wilbur L. Hickman, doing business as Webb's Transfer, La Grande, Oreg., of a portion of the operating rights in Certificate No. MC 42487 Sub 54, issued January 5, 1942, to Consolidated Freightways, Inc., and acquired by Consolidated Freightways Corporation of Delaware, Menlo Park, Calif. The portion of the rights authorized for transfer authorize the transportation of: Household goods, and general commodities, except those of unusual value, and except liquid commodities in bulk, and commodities requiring special equipment (other than those requiring specialized handling because of size or weight), between La Grande, Oreg.; and Joseph, Oreg.; from La Grande over Oregon Highway 82 to Joseph, and return over the same route. Service is authorized to and from all intermediate points. Donald A. Schafer, 12321 SE. Evergreen Highway, Vancouver 1, Wash., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3486; Filed, Apr. 9, 1962; 8:49 a.m.]

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CUMULATIVE CODIFICATION GUIDE—APRIL

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Washington, Wednesday, April 11, 1962

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Apportionment of Committee Membership

Notice of rule making with respect to a proposed reapportionment of membership on the State of Washington Potato Committee was published in the FEDERAL REGISTER of March 22, 1962 (27 F.R. 2695).

The State of Washington Potato Committee was established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946; formerly Order No. 92, 7 CFR Part 992). This program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within ten days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, the following revision of § 946.104 is hereby approved:

Delete § 946.104, *Reapportionment of committee membership* (formerly § 992.104, 7 CFR Part 992) and substitute in lieu thereof a new § 946.104 to read as follows:

§ 946.104 Apportionment of committee membership.

(a) On and after April 10, 1962, the membership of the State of Washington Potato Committee shall be apportioned among the 5 districts of the production area so as to provide the following representation: Four producer members and two handler members with their respective alternates from District No. 1; one producer member with his alternate from District No. 2; two producer members and one handler member with their respective alternates from District No. 3; two producer members and one handler member with their respective alternates from District No. 4; and one producer member and one handler member and their respective alternates from District No. 5. The producer member and his alternate from District No. 5 shall each be a certified seed producer.

(b) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

It is hereby found that good cause exists for not postponing the effective date of this reapportionment beyond the date specified (5 U.S.C. 1001–1011) in that (1) it is necessary that the reapportionment be made effective prior to the selection of new membership on the committee which should be accomplished shortly after mid-April, (2) information regarding this action was made available to producers and handlers in the production area, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of March 22, 1962 (27 F.R. 2695).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated April 5, 1962, to become effective April 10, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–3485; Filed, Apr. 10, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 48]

PART 1048—MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Youngstown-Warren, Ohio, marketing area (7 CFR Part 1048), it is hereby found and determined that:

(a) The following provision of the order, appearing in § 1048.12(a)(1), does not tend to effectuate the declared policy of the Act during the months of April through August 1962: The words "supply plant."

(b) By notice of proposed rule making issued on March 21, 1962 (27 F.R. 2803; F.R. Doc. 62–2895), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that this action was under consideration, and were given opportunity to submit written views, data and arguments with respect thereto. No opposition to it was expressed. Interested parties indicated their support of the proposed suspension.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will ease the disposal of milk surplus to the fluid needs of the market during a period of unusually heavy supplies of producer milk.

Therefore, good cause exists for making this order effective April 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of April through August 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1962.

Signed at Washington, D.C., on April 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–3520; Filed, Apr. 10, 1962; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration and Agency for International Development

§ 6.349 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (7) of paragraph (a) of § 6.349 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.375(a) is added to Part 6 as set out below.

§ 6.375 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–3518; Filed, Apr. 10, 1962; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 54]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service

Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 30th day of March 1962.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 54, dated February 5, 1962, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on February 20, 1962 (27 F.R. 1566–1579), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 54 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 54, dated February 5, 1962, as revised by the specific modifications and additions set forth as follows:

1. In § 73.22 add paragraph (l) (15 F.R. 8277, Dec. 2, 1950).
2. In § 73.207 amend paragraph (b) (5).
3. In § 73.217 amend paragraph (a) (3).
4. In § 73.227 paragraph (a) (2) add a last sentence.
5. In § 73.234 amend paragraph (a) (3).
6. In § 73.235 amend paragraph (a) (2).
7. In § 73.272 amend paragraph (f) (5).
8. In § 73.373 amend paragraph (a) (3).
9. In § 73.374 amend paragraph (a) (2).
10. In § 78.224–1 paragraph (a) (1) table, change the heading "Fiber" to read "Fiber*"; in the column headed "Diameter, inside, maximum (inches)", change the number 11½ to 11¼.
11. In § 78.224–2 paragraph (c) table, change the number 11½ to 11¼ in the column headed "Maximum inside diameter (inches)".

It is further ordered, That this order shall become effective June 27, 1962, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY, *Secretary.*

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Ortho-nitroaniline	Pois. B	73.364, 73.373	Poison	200 pounds.
Phosphorous oxybromide	Cor. L	No exemption, 73.271.	White	1 quart.
(Change)				
Guided missiles, with warheads. See Rocket ammunition with explosive, illuminating, gas, incendiary or smoke projectile.				
Guided missiles without warheads. See Rocket ammunition without projectile.				

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 add paragraph (l) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 Specification containers prescribed.

• • • • • •

(l) Where the regulations require spec. 21C (§ 78.224 of this chapter) fiber drums, spec. 21A or 21B fiber drums manufactured prior to June 27, 1962 may be used for commodities and gross weights for which they were previously authorized until further order of the Commission.

Subpart B—Explosives; Definitions and Preparation

In § 73.53 amend paragraphs (k) and (p) (19 F.R. 1277, Mar. 6, 1954) (15 F.R. 8286, Dec. 2, 1950) to read as follows:

§ 73.53 Definition of class A explosives.

• • • • • •

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

• • • • • •

(p) *Rocket ammunition.* Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fuzed or unfuzed, containing high explosives or chemicals.

In § 73.55 amend paragraph (a) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.55 Ammunition, nonexplosive.

(a) Nonexplosive ammunition is defined as a device which contains no explosives or other dangerous articles, such as cartridge cases, dummy or drill cartridges; empty, sand loaded or solid projectiles with or without tracers (containing not in excess of one ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs. It also includes devices containing no explosives, or other dangerous articles, except installed electric squibs, primers, propellants or thermal batteries required for the activation of the device, provided that it has been proven by test that when initiated the full energy release is contained within the outside shipping container. Such ammunition is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

In § 73.65 amend paragraphs (b) (2) and (e) (3) (16 F.R. 5323, June 6, 1951) (26 F.R. 9399, Oct. 6, 1961) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

• • • • • •

(b) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

• • • • • •

(e) • • •

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21C (§ 78.224 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (19 F.R. 1276, Mar. 6, 1954) (15 F.R. 8270, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

In § 73.93 amend paragraph (a) (10) (17 F.R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) • • •

(10) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong sift-proof liner. Authorized net weight not over 225 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.118 paragraph (c) amend subparagraphs (27), (28), and (36); add paragraph (c) (39), (40), (41), (42), (43), and (44) (21 F.R. 3009, May 5, 1956) (21 F.R. 7599, Oct. 4, 1956) (15 F.R. 8298, Dec. 2, 1950) to read as follows:

§ 73.118 Exemptions for flammable liquids.

• • • • • •

(c) • • •

(27) Aluminum triethyl and mixtures or solutions thereof.

(28) Aluminum trimethyl and mixtures or solutions thereof.

• • • • • •

(36) Pyroforic fuel and mixtures or solutions thereof.

• • • • • •

(39) Triisobutyl aluminum and mixtures and solutions thereof.

(40) Ethyl aluminum sesquichloride and mixtures and solutions thereof.

(41) Diethyl aluminum chloride and mixtures and solutions thereof.

(42) Ethyl aluminum dichloride and mixtures and solutions thereof.

(43) Methyl aluminum sesquichloride and mixtures and solutions thereof.

(44) Methyl aluminum sesquibromide and mixtures or solutions thereof.

In § 73.119 amend paragraphs (a) (9) and (b) (9) (16 F.R. 5323, June 6, 1951) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(9) Spec. 21C, 22A or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over one gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

• • • • • •

(b) • • •

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure. (See § 78.224–1(a) (2) of this chapter.)

In § 73.127 amend paragraph (b) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 Nitrocellulose of collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular, flake or block, and lacquer base or lacquer chips, wet.

• • • • • •

(b) Except for spec. 37A which is limited to 480 pounds, gross weight of any container must not exceed 490 pounds.

In § 73.136 amend paragraph (a) (3) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) • • •

(3) Spec. 5A, 5B, or 5C (§ 78.81, § 78.82, or § 78.83 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.154 amend paragraph (a) (9) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.154 Flammable solids and oxidizing materials not specifically provided for.

(a) • • •

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.156 amend paragraph (a) (5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.156 Barium peroxide and calcium peroxide.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.157 amend paragraph (a) (4) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) • • •

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide and shall not exceed 100 pounds for dimethylhexane dihydroperoxide.

In § 73.158 amend paragraph (a) (2) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for dimethylhexane dihydroperoxide, dry, which must be packed in a plastic container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch, and lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one outside container.

In § 73.163 amend paragraph (a) (3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) • • •

(3) Spec. 21C, 22A, or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber or plywood drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.168 amend paragraph (a) (2) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.168 Lithium amide, powdered.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.175 amend paragraph (a) (4) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.175 Lacquer base, or lacquer chips, dry.

(a) • • •

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.178 amend paragraph (a) (6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.178 Motion-picture film, old and worn out (not scrap).

(a) • • •

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.195 amend paragraph (a) (5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture. Authorized net weight not over 225 pounds.

In § 73.197 amend paragraph (a)(3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) • • •

(3) Sheets rolled, in spec. 21C (§ 78.224 of this chapter) fiber drums, having 2 straps applied lengthwise and one or more circumferentially; straps at least ½ by 0.02 inch steel. Authorized net weight not over 225 pounds.

In § 73.201 amend paragraph (a)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.204 amend paragraph (a) (5) and (6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.204 Sodium hydrosulfite.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums. Authorized net weight not over 225 pounds.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

In § 73.207 amend paragraph (b)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

• • • • • •

(b) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; maximum loaded capacity 250 pounds net.

In § 73.217 amend paragraph (a)(3) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.

(a) • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated with not less than a 0.002 inch thickness of polyethylene. Cover of drum shall be gasketed. Authorized net weight not over 400 pounds.

In § 73.227 amend paragraph (a)(2) (16 F.R. 9375, Sept. 15, 1951) to read as follows:

§ 73.227 Urea peroxide.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior. Authorized net weight not over 225 pounds.

In § 73.234 amend paragraph (a)(3) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.234 Sodium nitrite.

(a) • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

In § 73.235 amend paragraph (a)(2) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.235 Ammonium bichromate (ammonium dichromate).

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.244 add paragraph (c)(51) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.244 Exemptions for acids and other corrosive liquids.

• • • • • •

(c) • • •

(51) Phosphorus oxybromide.

In § 73.245 amend paragraph (a)(24) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) • • •

(24) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.256 add paragraph (a)(5) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2U (§ 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.261 amend paragraph (a)(2) (16 F.R. 5325, June 6, 1951) to read as follows:

§ 73.261 Fire-extinguisher charges.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

In § 73.263 amend paragraph (a)(22) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(22) Spec. 21C (§ 78.244 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.21, § 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.264 amend paragraph (a)(4) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) • • •

(4) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with not more than 4 inside polyethylene bottles, having minimum 0.030 inch thickness of any part, not over 1-gallon nominal capacity each. Bottle closures must be made secure by sealing with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Shipper must have established that spec. 12A completed package meets test requirements prescribed by § 78.210–10 of this chapter. Authorized gross weight for spec. 12B fiberboard boxes not over 65 pounds; spec. 12A not over 80 pounds.

In § 73.265 amend paragraph (d)(5) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.265 Hydrofluosilicic acid.

• • • • • •

(d) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.266 add paragraph (b)(6); cancel paragraph (c)(7) (15 F.R. 8318, Dec. 2, 1950) (22 F.R. 3925, June 5, 1957) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

• • • • • •

(b) • • •

(6) Spec. 6J or 37A (single-trip container). (§ 78.100 or § 78.131 of this chapter.) Steel barrel or drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."

(c) • • •

(7) [Canceled.]

In § 73.271 amend the heading and introductory text of paragraph (a) (15 F.R. 8320, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be packed in specification containers as follows:

In § 73.272 amend paragraph (f)(5) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(f) • • •

(5) Spec. 21C § 78.224 of this chapter). Fiber drum with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.276 amend paragraph (a)(5) (26 F.R. 4996, June 6, 1961) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) • • •

(5) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.307 amend paragraphs (a)(2) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.307 Nonliquefied gases, except gas in solution or poisonous gas.

(a) • • •

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC–3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

In § 73.308 amend paragraph (a) Note 15 (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.308 Compressed gases in cylinders.

(a) • • •

NOTE 15: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a)(15) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(15) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.353 amend paragraph (a)(4) (21 F.R. 7603, Oct. 4, 1956) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) • • •

(4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres, for use in aircraft only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

In § 73.354 amend the introductory text of paragraph (a) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) Motor fuel antiknock compound (a mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, or hydrocarbon solvents) or tetraethyl lead must be packed in specification containers as follows:

In § 73.358 amend paragraph (a)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.359 amend paragraphs (a)(6) and (b)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

• • • • • •

(b) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.365 cancel paragraph (a)(11); amend paragraph (a) (14) and (16) (15 F.R. 8336, Dec. 2, 1950) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) • • •

(11) [Canceled.]

• • • • • •

(14) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

• • • • • •

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5 pounds capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.370 cancel paragraph (a)(10); amend paragraph (a)(11); add paragraph (a)(13) (15 F.R. 8337, Dec. 2, 1950) to read as follows:

§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

(a) • • •

(10) [Canceled.]

(11) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

• • • • •

(13) Bulk in strong, water-tight, metal portable containers of not over 70 cubic feet capacity each, approved by the Bureau of Explosives.

In § 73.373 amend the heading and introductory text of paragraph (a); amend paragraph (a)(3) (15 F.R. 8338, Dec. 2, 1950) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.373 Ortho-nitroaniline and paranitraniline.

(a) Ortho-nitroaniline and paranitraniline must be packed in specification containers as follows:

• • • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

In § 73.374 amend paragraph (a)(2) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.374 Nitrochlorbenzene, meta or para.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked. Authorized net weight not over 400 pounds.

In § 73.377 amend paragraphs (a)(5) and (b)(5) (21 F.R. 3012, May 5, 1956) (26 F.R. 4997, June 6, 1961) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(b) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 50 percent. Authorized net weight not over 225 pounds.

In § 73.378 amend paragraph (a)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.378 Beryllium metal powder.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each. Authorized net weight not over 225 pounds.

In § 73.393 amend paragraph (f)(3) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.393 Packing and shielding.

• • • • •

(f) • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized for not more than 2,700 millicuries. Authorized net weight not over 225 pounds.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 add Note 1 to paragraph (o)(2); add Note 1 to paragraph (o)(3) (25 F.R. 3103, April 12, 1960) (20 F.R. 953, Feb. 15, 1955) to read as follows:

§ 74.526 Loading explosives into cars.

• • • • •

(o) • • •

(2) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

(3) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C. Impact tests have been conducted on methods shown in this pamphlet.

In § 74.529 add Note 1 to paragraph (c) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 74.529 Cars for class B explosives.

• • • • •

(c) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.530 add Note 1 to paragraph (b) (18 F.R. 3138, June 2, 1953) to read as follows:

§ 74.530 Cars for class C explosives.

• • • • •

(b) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.532 add Note 1 to the introductory text of paragraph (a) (15 F.R. 8347, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

(a) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

Add § 74.534 (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.534 Portable containers or tanks.

(a) Portable containers or tanks must be of such design and so loaded and stayed in closed cars, in gondola cars, on flat cars, or in truck bodies or trailers on flat cars so they cannot permanently change position, rupture, or become seriously damaged under conditions normally incident to transportation. Ends, sidewalls, or doors of truck bodies or trailers shall not be relied upon to prevent shifting of portable containers or tanks.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.824 amend the introductory text of paragraph (a); amend paragraph (a) (2) and (3) (26 F.R. 2502, Mar. 24, 1961) to read as follows:

§ 77.824 Retesting of cargo tanks.

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 301, MC 302, MC 303, and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

• • • • •

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321–16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321–16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321–16 of this chapter. No two such required tests shall be closer together than 6 months.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.81–9 (Spec. 5A steel barrels or drums) amend paragraph (d) drawing only; in § 78.83–9 (Spec. 5C steel barrels or drums) amend paragraph (d)(1) drawing only; in § 78.88–8 (Spec. 5K nickel barrels or drums) amend paragraph (d)(1) drawing only; in § 78.90–8 (Spec. 5M monel drums) amend paragraph (d)(1) drawing only (19 F.R. 6270 to 6273, Sept. 29, 1954) (20 F.R. 8107, Oct. 28, 1955) as follows:

F.R. 8061, Oct. 6, 1959) (17 F.R. 1565, Feb. 20, 1952) (16 F.R. 11783, Nov. 21, 1951).

Add entire § 78.224 (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.224 Specification 21C; fiber drum.

§ 78.224–1 Construction requirements.

(a) Parts and dimensions as follows:

(1) Drums for dry products; minimum requirements unless otherwise stated:

Net weight of contents (pounds) (not over)	Capacity, maximum (gallons) (not over)	Diameter, inside, maximum, (inches)	Sidewall strength (pounds) [1]	Tops and bottoms: Fiber [2] Thickness (inches)	Tops and bottoms: Fiber [2] Strength [3]	Tops and bottoms: Steel (U.S. gauge)	Wood (thickness, inches): Solid [4] [5] [6]	Wood (thickness, inches): Plywood, at least 3-ply construction
60	5	11¼	600	0.090	600	28	1⅛	3/16
80	20	18½	600	.120	800	28	1⅛	3/16
115	30	18½	700	.120	800	28	1⅛	¼
115	55	23	800	.150	1100	26	1⅛	¼
225	55	23	900	.200	1300	24	1⅛	7/16
400	75	23	1000	.220	1300	24	1⅛	7/16

[1] *Mullen or Cady Test.* Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the individual plies; or, when test is made on a complete drum, the punctures shall be made from the exterior to the interior surface, which case the values for sidewall shall be not less than 80 percent of the value in the above table and the values for fiber ends shall be not less than the value in the above table. There shall be a minimum of six tests and the average shall be not less than the minimum requirements.

[2] Fiber sidewalls to be convolutely wound of fiberboard at least 0.012 inch thick, the plies being secured together with adhesive; with inside liner of an outer shell and an inner tube each convolutely wound with each fiberboard ply not less than 0.012 inch thick and secured together with adhesive. Drums may contain barrier or lining materials.

[3] When made of 2 or more discs, the discs must be fastened together with adhesive.

[4] Joints in head must be Linderman joints, glued, except as specified in footnote 5.

[5] Wooden heads at least one-half inch thick having kraft paper glued on both sides at all contact areas with waterresistant adhesive are authorized provided tests prescribed in § 78.224–2 are successful. Joints of any type are authorized.

[6] Minimum thickness may be reduced to 5/16 inch for lumber dressed two sides.

(2) Drums for liquids contained in inside plastic containers as prescribed in Part 73 of this chapter; specifications for which are detailed in this part, shall comply with the construction requirements for drums for dry products and as follows:

Marked rated capacity of inside plastic container (gallons) (not over)	Minimum construction requirement for dry products (pounds)	Authorized maximum net weight of liquid contents (pounds) (not over)
6¼	60	105
15	115	245
30	225	450
55	400	550

NOTE 1: See § 78.224–2 for test requirements; § 78.224–4 for marking requirements.

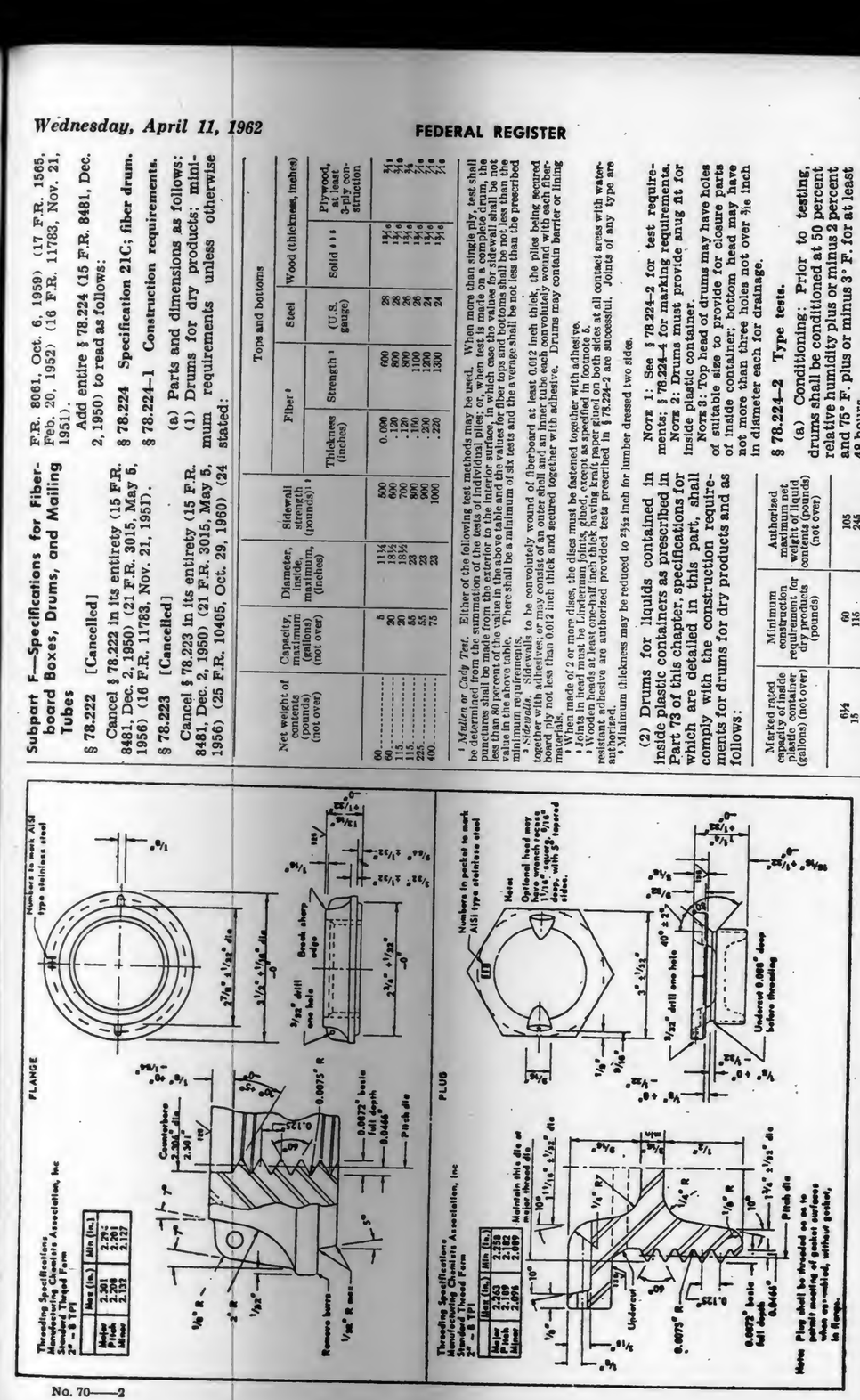
NOTE 2: Drums must provide snug fit for inside plastic container.

NOTE 3: Top head of drums may have holes of suitable size to provide for closure parts of inside container; bottom head may have not more than three holes not over 3/16 inch in diameter each for drainage.

§ 78.224–2 Type tests.

(a) Conditioning: Prior to testing, drums shall be conditioned at 50 percent relative humidity plus or minus 2 percent and 75° F. plus or minus 3° F. for at least 48 hours.

(b) Drop tests: Samples taken at random filled with dry finely powdered ma-



terial to authorized net weight and closed as for use must withstand the following four foot drop tests on the part specified without leakage or serious rupture. No single drum shall be subjected to more than one of the following tests. Drums with wood heads shall be dropped with grain of wood in cover parallel to concrete surface.

(1) Top chime, diagonally onto solid concrete.

(2) Bottom chime, diagonally onto solid concrete.

(3) Sidewall, over a 2-inch x 6-inch timber resting on solid concrete with 6-inch leg vertical; drop to be made with drum in horizontal position at right angles to the timber.

(4) The closure or on any other part which may be considered weaker onto solid concrete.

(c) Compression test: An empty drum shall withstand either of the following compression tests, in accordance with the following table, without buckling of the sidewalls sufficient to cause damage to its expected contents; but in no case shall the maximum deflection be more than one inch.

Maximum net weight	Maximum capacity (gallons)	Maximum inside diameter (inches)	Compression (pounds)	
			Static [1]	Dynamic [2]
60	5	11¼	1200	1600
60	20	18½	1200	1600
115	20	18½	1200	1600
115	55	23	1500	2000
225	55	23	1800	2400
400	75	23	2100	2800

[1] *Static Test.* Compression as specified must be applied to full area of top cover of drum for period of 48 hours.

[2] *Dynamic Test.* Compression as specified must be applied end to end. Speed of compression tester to be one-half inch plus or minus one-fourth inch per minute.

(d) Drums constructed for inside plastic containers for liquids as provided in § 78.224–1(a)(2) shall be tested as prescribed in paragraphs (a), (b), (c), and (e) of this section. When tested assembled with the inside plastic container, as required by the applicable specification, drums shall develop no condition that would be of such nature as to contribute to potential failure of inner container.

(e) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every four months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

§ 78.224–3 Registration of drum specification.

(a) Specification for each type of drum manufactured (under this specification) shall be filed with the Bureau of Explosives. Changes in construction (drum and closure) differing from specification thus filed must be approved by the Bureau of Explosives before authorized for use.

§ 78.224–4 Marking.

(a) On each container as follows:

(1) Drums for dry products must be marked ICC–21C followed by the authorized net weight to which drum was constructed, for example, ICC–21C115.

(2) Drums for inside plastic containers for liquids must be marked ICC–21CP followed by the authorized net weight for dry products and the authorized net weight for liquid products to which the drum was constructed, for example, ICC–21CP115/245.

(3) Marks specified in paragraph (a)(1) and (2) of this section shall be understood to certify that the fiber drum complies with all specification requirements.

(4) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in paragraph (a)(1) or (2) of this section.

Subpart I—Specifications for Tank Cars

In § 78.280–22 amend paragraph (a)(3), (4), (5), and (6) (21 F.R. 4588, June 26, 1956) to read as follows:

§ 78.280 Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280–22 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.281–21 amend paragraph (a)(3), (4), (5), and (6) (21 F.R. 4590, June 26, 1956) (24 F.R. 8061, Oct. 6, 1959) to read as follows:

§ 78.281 Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.282–20 amend paragraph (a)(3) and (5) (21 F.R. 4592, June 26, 1956) to read as follows:

§ 78.282 Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.282–20 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • •

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.283–21 amend paragraph (a)(3), (4), (5), and (6) (21 F.R. 4594, June 26, 1956) to read as follows:

§ 78.283 Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.283–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.284–22 amend paragraph (a)(3), (4), (5), and (6) (21 F.R. 4597, June 26, 1956) to read as follows:

§ 78.284 Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.285–18 amend paragraph (a)(3), (4), and (5) (21 F.R. 4598, June 26, 1956) to read as follows:

§ 78.285 Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.285–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.286–18 amend paragraph (a)(3), (4), and (5) (21 F.R. 4600, June 26, 1956) to read as follows:

§ 78.286 Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.286–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.287–18 amend paragraph (a)(3), (4), and (5) (21 F.R. 4602, June 26, 1956) to read as follows:

§ 78.287 Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.288–18 amend paragraph (a)(3), (4), and (5) (21 F.R. 4603, 4604, June 26, 1956) to read as follows:

§ 78.288 Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.288–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.289–13 amend paragraph (e); in § 78.289–18 amend paragraph (a)(3), (4), and (5) (23 F.R. 7659, Oct. 3, 1958) (21 F.R. 4605, June 26, 1956) to read as follows:

§ 78.289 Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.289–13 Safety valves.

• • • • •

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.290–18 amend paragraph (a)(3), (4), and (5) (25 F.R. 3111, 3112, April 12, 1960) to read as follows:

§ 78.290 Specification ICC–112A500–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.290–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.291–21 amend paragraph (a)(3), (4), (5), and (6) (21 F.R. 4608, June 26, 1956) to read as follows:

§ 78.291 Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into

the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.292–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4610, June 26, 1956) to read as follows:

§ 78.292 Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.296–21 amend paragraph (a) (3), (5), and (6) (21 F.R. 4618, June 26, 1956) to read as follows:

§ 78.296 Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.296–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • •

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.297–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4620, June 26, 1956) to read as follows:

§ 78.297 Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.297–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.298–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4622, 4623, June 26, 1956) to read as follows:

§ 78.298 Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.298–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.299–20 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 8062, Oct. 6, 1959) to read as follows:

§ 78.299 Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299–20 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.300–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4626, June 26, 1956) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.301–19 amend paragraph (a) (3), (4), and (5) (21 F.R. 4628, June 26, 1956) to read as follows:

§ 78.301 Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.301–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.302–19 amend paragraph (a) (3), (4), and (5) (22 F.R. 2237, April 4, 1957) to read as follows:

§ 78.302 Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.303–11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4801, July 9, 1957) to read as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.304–11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4803, July 9, 1957) (24 F.R. 8063, Oct 6, 1959) to read as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.305–11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4804, July 9, 1957) to read as follows:

§ 78.305 Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.306–11 amend paragraph (a) (3), (4), and (5); cancel paragraph (a) (6); redesignate paragraph (a) (7), (8), and (9) as paragraph (a) (6), (7), and (8) respectively (22 F.R. 4806, July 9, 1957) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.306 Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY

000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material) ---------- clad tank." Lined tanks must be stenciled on the tanks, or jacket if lagged, "(naming material) ---------- lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

In § 78.307–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4808, July 9, 1957) to read as follows:

§ 78.307 Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.307–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraphs (2) and (3) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.308–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4810, July 9, 1957) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party

assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.309–11 amend paragraph (a) (3), and (5) (23 F.R. 7663, Oct. 3, 1958) to read as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • •

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.310–11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3604, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.311–11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3606, May 5, 1959) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.312–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4812, July 9, 1957) to read as follows:

§ 78.312 Specification ICC–112A400–W; fusion-welded steel tanks, or ICC–112A400–F, forge-welded steel tanks fabricated by conversion from existing ICC–105A500 tanks to be mounted on or forming part of a car.

§ 78.312–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.313–19 amend paragraph (a) (3), (4), and (5) (23 F.R. 2335, April 10, 1958) to read as follows:

§ 78.313 Specification ICC–109A200–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.314–19 amend paragraph (a) (3), (4), and (5) (22 F.R. 4813, 4814, July 9, 1957) to read as follows:

§ 78.314 Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

[F.R. Doc. 62–3489; Filed, Apr. 10, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1142; Amdt. 418]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Models 520 and 560 Aircraft

There have been several reported cases of chafing of the fuel supply line in the wing trailing edge and leakage of fuel from the drain lines in the aft fuselage and electronic equipment area of Aero Commander Models 520 and 560 aircraft. These conditions can cause rupture of the main fuel supply line as well as fire within the fuselage. Accordingly, an airworthiness directive is necessary to require modification of the wing trailing edge and replacement of aluminum drain tubing with flexible hose assemblies.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Models 520 and 560 aircraft with Serial Numbers 1 through 230.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

As a result of reported cases of fluid line chafing in the wing trailing edge area and fuel leakage in the aft fuselage and electronic equipment area, the following corrective action is required:

(a) Replace the fuel system aluminum drain tubing with flexible hose assemblies in accordance with Aero Commander Service Bulletin No. 77 dated March 16, 1962, or FAA approved equivalent.

(b) Modify the wing trailing edge between wing Stations 24.00 and 59.00 in accordance with Aero Commander Service Bulletin No. 79 dated March 16, 1962, or FAA approved equivalent.

This amendment shall become effective April 11, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on April 4, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3458; Filed, Apr. 10, 1962; 8:45 a.m.]

[Reg. Docket No. 1144; Amdt. 419]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair Model CL–44D4 Aircraft

Investigation of a recent engine failure on a Canadair Model CL–44D4 aircraft disclosed that the engine breather duct overheat detector did not give a warning of overheat prior to engine failure because it was set at too high a temperature range. Since this condition is likely to exist on other aircraft of the same type design, an airworthiness directive is necessary to require replacement or recalibration of the detector until corrective engine modifications are developed.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all Model CL–44D4 Aircraft.

Compliance required within next 50 hours' time in service after the effective date of this AD.

As an interim measure, pending development of corrective engine modifications, either replace the engine breather duct overheat detectors, with new detectors P/N 28–50603–8 set to 165° C. ±15° C. or recalibrate the detectors per Canadair or Fenwal instructions, to operate at 165° C. ±15° C. Reidentify the recalibrated detectors as P/N 28–50603–8.

(Canadair Service Information Circular 165, Amendment A, dated March 16, 1962, covers this subject.)

This amendment shall become effective April 11, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 6, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3517; Filed, Apr. 10, 1962; 8:52 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–AL–10]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Control Area Extension and Reporting Point

The purpose of these amendments to the regulations of the Administrator is to change the name of the Middleton Island, Alaska, radio range to the Middleton Island, Alaska, radio beacon wherever it appears in Parts 600 and 601. This action is taken as the result of the conversion of the Middleton Island, Alaska, radio range station to a radio beacon.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.303 (14 CFR 600.303) "to the Middleton Island, Alaska, radio range station" is deleted and "to the Middleton Island, Alaska, RBN" is substituted therefor.

2. In the text of § 601.1310 (14 CFR 600.1310) "the Middleton Island, Alaska, radio range station," is deleted and "the Middleton Island, Alaska, RBN," is substituted therefor.

3. In the text of § 601.5001 (14 CFR 601.5001) "Middleton Island, Alaska, RR." is deleted and "Middleton Island, Alaska, RBN." is substituted therefor.

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3459; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61–LA–117]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas and Reporting Points

The purpose of these amendments to the regulations of the Administrator is to change the name of the Oxnard, Calif., VOR to the Ventura, Calif., VOR wherever it appears in Parts 600 and 601. This action is taken due to the misunderstandings resulting from the name Oxnard being assigned to adjacent navigational facilities, the Oxnard VOR and the Oxnard Air Force Base, Calif., VORTAC.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In the caption and/or text of the following sections "Oxnard" is deleted wherever it appears and "Ventura" is substituted therefor.

1. Section 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727).
2. Section 600.6027 (14 CFR 600.6027, 26 F.R. 2221).
3. Section 600.6107 (27 F.R. 1595).
4. Section 600.6485 (26 F.R. 2221).
5. Section 601.6485 (14 CFR 601.6485).
6. Section 601.7001 (14 CFR 601.7001).

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3460; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62–CE–23]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the South Bend, Ind., control zone (§ 601.2123).

The South Bend control zone is designated within a 5-mile radius of the St. Joseph County Airport and within 2 miles either side of the South Bend ra-

dio range station west course extending from the 5-mile radius zone to 12 miles west of the radio range station.

The control zone extension based on the South Bend radio range station west course is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by revoking § 601.2123 *South Bend, Ind., control zone.*

2. In the text of § 601.1984 (14 CFR 601.1984) the following is added:

South Bend, Ind.: St. Joseph County Airport (latitude 41°42'15" N., longitude 86°18'50" W.).

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3461; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-15]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2313 of the regulations of the Administrator is to alter the description of the Pittsburgh, Pa., control zone.

The Pittsburgh control zone is presently designated, in part, on the River, Pa., radio beacon. Effective March 15, 1962, the identification of the River radio beacon was changed to identify it as the Greater Pittsburgh ILS outer marker compass locator.

Therefore, action is taken herein to delete reference to the River radio beacon in the description of the Pittsburgh control zone and to substitute the Greater Pittsburgh ILS outer marker therefor.

Since the change effected by this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2313 (14 CFR 601.2313) is amended to read:

§ 601.2313 Pittsburgh, Pa., control zone.

Within a 5-mile radius of the Greater Pittsburgh Airport (latitude 40°29'20" N., longitude 80°13'25" W.); within 2 miles either side of the 090° bearing from the airport extending from the 5-mile radius zone to 10 miles E of the OM; and within 2 miles either side of the 270° bearing from the airport extending from the 5-mile radius zone to 10 miles W of the Clinton, Pa., RBN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3462; Filed, Apr. 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-36]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 835) stating that the Federal Aviation Agency proposed to alter the Jacksonville, N.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2081 (26 F.R. 10877) is amended to read:

§ 601.2081 Jacksonville, N.C., control zone.

Within a 3-mile radius of the New River MCAF (latitude 34°42'25" N., longitude 77°26'35" W.) and within 2 miles either side of the 046° and 226° bearings from the New River RBN extending from the 3-mile radius zone to 12 miles NE and SW of the RBN, excluding the portion which would coincide with R-5306C. The portion of this control zone which would coincide with R-5307 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3463; Filed, Apr. 10, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-30]

PART 13—PROHIBITED TRADE PRACTICES

Michael-Lawrence Co., Inc., and Samuel Swimmer

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.155 *Prices:* 13.155–50 Forced or sacrifice sales; § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence;* § 13.170–34 *Economizing or saving;* § 13.175 *Quality of product or service;* § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Michael-Lawrence Co., Inc., et al., Inglewood, Calif., Docket C-30, Nov. 21, 1961]

In the Matter of Michael-Lawrence Co., Inc., a Corporation, and Samuel Swimmer, Individually and as an Officer of Said Corporation

Consent order requiring Inglewood, Calif., manufacturers of their "Sincere" "Outside White Paint" to cease representing falsely in letters and advertising literature mailed to purchasers that they offer limited amounts of distress merchandise at special reduced prices; and to cease misrepresenting the durability, quality, ingredients, and guarantee of their said paint.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Michael-Lawrence Co., Inc., a corporation, and its officers, and Samuel Swimmer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their "Sincere" brand of paint or any other paint of substantially the same composition or possessing substantially the same properties, whether sold under said name or any other name, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(a) Any amount is a reduced price for their paint, unless it is less than the price at which respondents usually and customarily sell their paint in the normal course of business.

(b) Said paint is distress merchandise or that it is necessary to sell any designated quantity immediately, or at any other time.

(c) Only a limited or designated quantity of paint is available for sale.

(d) Said paint is of excellent durability or provides excellent protection; or that it possesses any degree of durability or provides any degree of protection that is not in accordance with the facts.

(e) Respondents sell more than one grade of paint.

(f) Said product is guaranteed, unless the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly set forth.

(g) One coat of said paint gives solid coverage or that one or any number of coats give coverage to any degree that is not in accordance with the facts.

(h) Said paint will not crack or yellow after years of exposure.

(i) Said paint is not subject to mildew.

(j) Titanium is a major ingredient in said paint.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3464; Filed, Apr. 10, 1962; 8:46 a.m.]

[Docket No. C-29]

PART 13—PROHIBITED TRADE PRACTICES

The Vandever Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–70 *Percentage savings.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Vandever Company, Inc., Tulsa, Okla., Docket C-29, Nov. 21, 1961]

Consent order requiring Tulsa, Okla., furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing the fur contained in fur products and that certain products contained artificially colored fur, and represented falsely through such statements as "½ price fur sale", that prices were reduced in the stated percentage; and failing to maintain adequate records as a basis for price claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the Vandever Company, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Represents directly or by implication, through percentage savings claims that the prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

2. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3465; Filed, Apr. 10, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations; Exemption From Requirement of Tolerances

Comments received on the proposal published in the FEDERAL REGISTER of November 14, 1961 (26 F.R. 10640), to exempt certain inert ingredients in pesticide formulations from the requirement of a tolerance, have been considered. On the basis of these comments, the following changes have been made in the proposed regulation:

1. "Paraformaldehyde" is being added to the list, in addition to "Formaldehyde," as a source of this chemical, and a limitation of 1 percent in terms of formaldehyde is applied to both.

2. The term "Miscellaneous component" wherever it occurred in the proposal is replaced by a description of the purpose for which the material is used.

3. Definitions of "Soap" and "Zeolite" are being included in conjunction with these terms.

4. The term "Calcium carbonate" is being added after "Calcite."

5. "Methyl chloride" is listed in paragraph (c) rather than (d).

Certain other minor changes have been made for clarification purposes.

The comments received also included suggestions that certain additional inert ingredients be added to the list. Information on these is being considered in conjunction with a future proposal.

The Commissioner of Food and Drugs has concluded, on the basis of data before him, that the establishment of tolerances for these inert ingredients in pesticide formulations is not necessary for the protection of the public health. Therefore, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408(c), 68 Stat. 512, 21 U.S.C. 346a (c)), delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That § 120.6 (21 CFR 120.6) of the pesticide regulations be amended by adding thereto the following new paragraphs:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * * *

(c) Residues of the following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest:

Inert ingredients	Limits	Uses
Acetic acid		Catalyst.
Acetone		Solvent, cosolvent.
Ammonium bicarbonate.		Surfactant, suspending agent, dispersing agent.
Ammonium hydroxide.		Solvent, cosolvent, neutralizer, solubilizing agent.
Ammonium stearate.		Surfactant.
Amyl acetate		Solvent, cosolvent, attractant.
Animal glue		Surfactant, adhesive.
Apple pomace		Solid diluent, carrier.
Attapulgite-type clay.		Solid diluent, carrier, thickener.
Benzoic acid		Preservative for formulation.
Calcareous shale		Solid diluent, carrier.
Calcite		Do.
Calcium carbonate		Do.
Calcium silicate		Do.
Calcium stearate		Do.
Casein		Surfactant, emulsifier, wetting agent.
Citric acid		Sequestrant.
Cocoa shells		Solid diluent, carrier.
Coconut oil		Surfactant, emulsifier, wetting agent.

Inert ingredients	Limits	Uses
Coffee grounds		Solid diluent, carrier.
Corn cobs		Do.
Cornstarch		Do.
Cottonseed oil		Safener.
Dextrin		Surfactant, suspending agent, dispersing agent.
Dextrose		Solid diluent, carrier.
Diatomite (diatomaceous earth).		Do.
Disodium phosphate.		Anticaking agent, conditioning agent.
Dolomite		Solid diluent, carrier.
Ethyl acetate		Solvent, cosolvent.
Ethylenediaminetetraacetic acid.	3% of pesticide formulation.	Sequestrant.
Ethylenediaminetetraacetic acid, tetrasodium salt.	5% of pesticide formulation.	Do.
Glycerol		Solvent, cosolvent.
Granite		Solid diluent, carrier.
Gum arabic (acacia)		Surfactant, suspending agent, dispersing agent.
Gypsum		Solid diluent, carrier.
Hydrochloric acid		Solvent, neutralizer.
Kaolinite-type clay		Solid diluent, carrier.
Magnesium carbonate.		Anticaking agent, conditioning agent.
Magnesium chloride.		Safener.
Magnesium lime		Solid diluent, carrier.
Magnesium silicate		Do.
Magnesium sulfate		Solid diluent, carrier, safener.
Methyl chloride		Propellant.
Mica		Solid diluent, carrier.
Molasses		Attractant.
Montmorillonite-type clay.		Solid diluent, carrier.
Orange pomace		Do.
Peanut shells		Do.
Pyrophyllite		Do.
Rice bran		Do.
Soap (sodium or potassium salts of fatty acids).		Surfactant, emulsifier, wetting agent.
Sodium acetate		Buffer.
Sodium acid pyrophosphate.		Surfactant, suspending agent, dispersing agent, buffer.
Sodium hexametaphosphate.		Surfactant, emulsifier, wetting agent, suspending agent, dispersing agent, buffer.
Sodium propionate		Preservative for formulation.
Sodium silicate		Surfactant, emulsifier, wetting agent, stabilizer, inhibitor.
Sodium sulfate		Solid diluent, carrier.
Sodium tripolyphosphate.		Buffer, surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Sorbitol		Antidusting agent.
Soybean flour		Surfactant.
Sucrose		Solid diluent, carrier, safener.
Talc		Solid diluent, carrier.
Tetrasodium pyrophosphate.		Anticaking agent, conditioning agent.
Tricalcium phosphate.		Surfactant, suspending agent, dispersing agent, anticaking agent, conditioning agent.
Trisodium phosphate.		Surfactant, emulsifier, wetting agent.
Urea		Stabilizer, inhibitor.
Vermiculite		Solid diluent, carrier.
Walnut shells		Do.
Wheat bran		Do.
Zeolite (hydrated alkali aluminum silicate).		Do.

(d) The following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops only:

Inert ingredients	Limits	Uses
Benzene		Solvent, cosolvent.
n-Butyl alcohol		Do.
Cyclohexane		Do.
Cyclohexanone		Do.
Dioxane		Do.
Ethylene dichloride (1,2-dichloroethane).		Do.
Formaldehyde	Not more than 1% of pesticide formulation.	Preservative for formulation.
Hexane (including isomeric hexanes).		Solvent, cosolvent.
Isopropyl alcohol		Solvent, cosolvent, stabilizer, inhibitor.
Methyl alcohol		Solvent, cosolvent.
Methyl ethyl ketone.		Do.
Methyl isobutyl ketone.		Do.
Methylene chloride (dichloromethane).		Do.
Paraformaldehyde	Not more than 1% of pesticide formulation as formaldehyde.	Preservative for formulation.
Toluene		Solvent, cosolvent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(c), 68 Stat. 512; 21 U.S.C. 346a(c))

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3502; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following food additive, under the conditions prescribed in this order.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new item:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	MISCELLANEOUS * * *	* * *	* * *
Ethylene-alkene-1 copolymers (ethylene-1-olefin copolymers).	In packaging materials, containers, and equipment intended for contact with food; extractability limitation as described in § 121.2510.	Jan. 1, 1963	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929 as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3500; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

MALATHION

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by American Cynamid Company, Post Office Box 400, Princeton, New Jersey, and other relevant material, has concluded that the following food additive regulation should issue with respect to residues of malathion in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to bagged citrus pulp during storage. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.228 Malathion.

A tolerance of 50 parts per million (0.005 percent) is established for residues of malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of the pesticide to bagged citrus pulp during storage. Where tolerances have been established under section 408 of the act on the fresh fruit, the total residue of malathion in the dried citrus pulp shall not be greater than that prescribed in this section.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3501; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; SORBITAN MONOSTEARATE; POLYSORBATE 60

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Lever Brothers Company, 390 Park Avenue, New York 22, New York, and other relevant material, has concluded that the following amended regulations should issue with respect to the food additives polyoxyethylene (20) sorbitan tristearate, sorbitan monostearate, and polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), alone or in combination, in whipped vegetable oil topping. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.1008 (26 F.R. 439), 121.1029 (26 F.R. 109), 121.1030 (26 F.R. 4739)) are amended in the following respects:

1. In § 121.1008, paragraph (c) is amended by adding thereto a new subparagraph (3), reading as follows:

§ 121.1008 Polyoxyethylene (20) sorbitan tristearate.

* * * * *

(c) * * *

(3) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

2. In § 121.1029, paragraph (c)(1) is amended by inserting the name "polysorbate 60" preceding the name "polyoxyethylene (20) sorbitan monostearate" and by adding thereto the name "polyoxyethylene (20) sorbitan tristearate." As amended, paragraph (c)(1) reads as follows:

§ 121.1029 Sorbitan monostearate.

* * * * *

(c) * * *

(1) As an emulsifier in whipped vegetable oil topping, with or without one or a combination of the following:

(i) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

(ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

3. In § 121.1030, paragraph (c)(1) is amended by inserting after "sorbitan monostearate" the name "polyoxyethylene (20) sorbitan tristearate." As amended, paragraph (c)(1) reads as follows:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(1) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.40 percent of the weight of the finished whipped vegetable oil topping.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3499; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM NITRATE-UREA COMPLEX

The Commissioner of Food and Drugs, having evaluated a petition (FAP 516) filed by Glassine and Greaseproof Manufacturers Association, 122 East 42d Street, New York 17, N.Y., and other relevant material, has concluded that the following regulation should issue with respect to a complex of sodium nitrate and urea used as a plasticizer in glassine and greaseproof paper used for packaging

dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2516 Sodium nitrate-urea complex.

Sodium nitrate-urea complex may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Sodium nitrate-urea complex is a clathrate of approximately two parts urea and one part sodium nitrate.

(b) Sodium nitrate-urea complex conforming to the limitations prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) *Limitations.* (i) It is used as a plasticizer in glassine and greaseproof paper.

(ii) The amount used does not exceed that required to accomplish its intended technical effect or exceed 15 percent by weight of the finished paper.

(2) *Conditions of use.* The glassine and greaseproof papers are used for packaging dry food or as the food-contact surface for dry food.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3481; Filed, Apr. 10, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Hydrochloride- (or Tetracycline Phosphate Complex-) Nystatin Capsules

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of tetracycline or tetracycline-containing drugs (21 CFR 141c.224, 146c.224) are amended as follows:

1. Section 141c.224(b)(5) is amended to read as follows:

§ 141c.224 Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.

* * * * *

(b) * * *

(5) *Identity.* Weigh approximately 20 milligrams of the sample in a 100-milliliter glass-stoppered volumetric flask, add about 75 milliliters absolute methyl alcohol, and shake mechanically for 30 minutes. Dilute to volume with methyl alcohol. Transfer 10.0 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Within 2 hours, determine the absorption peak at 230 mμ, 291 mμ, 305 mμ, and 319 mμ and the shoulder at 279±2 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with absolute methyl alcohol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220 mμ to 320 mμ. If a non-recording spectrophotometer is used, the exact positions of the peaks and shoulder should be determined for the particular instrument used. The ratio of the two absorbancies ($A_{\text{max}}/A_{\text{min}}$) should be not less than 0.90 and not more than 1.25.

2. Section 146c.224(a) is amended by changing the last sentence therein to read as set forth below. As amended, paragraph (a) reads as follows:

§ 146c.224 Tetracycline hydrochloride nystatin capsules; tetracycline phosphate complex-nystatin capsules.

* * * * *

(a) Each capsule contains not less than 100,000 units of nystatin. The nystatin used is produced by the growth of Streptomyces noursei. It is a white to yellow to light-tan powder. It is very slightly soluble in water, moderately soluble in methyl alcohol, butyl alcohol, or propyl alcohol. Its potency is not less than 2,000 units per milligram. It is nontoxic. Its pH in a 3-percent aqueous suspension is not less than 6.5 and not more than 8.0. Its moisture content is not more than 5 percent. It exhibits absorption maxima, within ±2 mμ, at 230 mμ, 291 mμ, 305 mμ, and 319 mμ when dissolved in methyl alcohol and the ratio of the absorption peak at 230±2 mμ and the middle of the shoulder at 279±2 mμ, $A_{\text{max}}/A_{\text{min}}$, is not less than 0.90 and not more than 1.25.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments have been prepared in collaboration with interested members of the affected industry and present no points of controversy.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3498; Filed, Apr. 10, 1962; 8:50 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Demethylchlortetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.252) are amended as follows:

Section 146c.252 *Capsules demethylchlortetracycline hydrochloride* is amended in the following respects:

1. Paragraph (a) is amended by changing the second sentence to read: "Each capsule shall contain not less than 50 milligrams of demethylchlortetracycline hydrochloride, except if it is intended for veterinary use each capsule shall contain not less than 25 milligrams."

2. Paragraph (c) is amended to read as follows:

(c) *Labeling*—(1) *If it is packaged for dispensing and intended for use by man.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____," the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(2) *If it is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement, "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

I find that demethylchlortetracycline hydrochloride capsules intended for treating bacterial infections in dogs are safe and efficacious for use, under the conditions prescribed. I further find that notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of these amendments, since the conditions pertinent to the certification of the drug under section 507 of the statute have been complied with and since the amendments concerning labeling are editorial in nature.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 3, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3497; Filed, Apr. 10, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

PART 1—GENERAL PROVISIONS

1. Revise §§ 1.102, 1.201–5, 1.201–14, and 1.201–15 to read as follows:

§ 1.102 Applicability of subchapter.

This subchapter shall apply to all purchases and contracts made by the Department of Defense, within or outside the United States (but see § 1.109–4), for the procurement of supplies or services which obligate appropriated funds (including available contract authorizations), unless otherwise specified herein, except transportation services procured by transportation requests, transportation warrants, bills of lading, and similar transportation forms. (Procurement of these excepted transportation services shall be in accordance with specific regulations and instructions issued by the Defense Traffic Management Service (DTMS), Military Sea Transportation Service (MSTS), Military Air Transport Service (MATS), and the Departments.)

§ 1.201–5 Department and Military Department.

"Department and Military Department" include the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Supply Agency.

§ 1.201–14 Procuring activity.

"Procuring activity" includes, for the Army, the technical services, the Zone of Interior armies, the National Guard Bureau, the Military District of Washington, and the selected major oversea commands; for the Navy, each Bureau, the Office of Naval Research, the Aviation Supply Office, the Military Sea Transportation Service and the United States Marine Corps; for the Air Force, the Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency, the Defense Supply Centers, and the Defense Traffic Management Service. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.201–15 Secretary.

"Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of any Military Department. Secretary shall also include the Director and Deputy Director of the Defense Supply Agency, except to the extent that any law or executive order limits the exercise of authority to persons at the Secretarial level. In the latter situation, such authority shall be exercised by the Assistant Secretary of Defense (Installations and Logistics).

2. In § 1.308(b), revise subparagraph (24) and add new subparagraph (25); and add new sentence to § 1.702(b), to read as follows:

§ 1.308 Records of contract actions.

* * * * *

(b) * * *

(24) information appropriate for renegotiation purposes (see § 3.808–6); and

(25) any additional documents reflecting actions peculiar to a specific activity or service.

§ 1.702 General policy.

* * * * *

(b) * * * As to research and development contracts with small business concerns, see § 3.107 of this subchapter.

3. Revise §§ 1.707, 1.707–1, 1.707–2, 1.707–3, 1.707–4, 1.707–5, 1.707–6, 1.707–7, and 1.708, to read as follows:

§ 1.707 Subcontracting with small business concerns.

§ 1.707–1 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, and to assure that prime contractors and subcontractors having small business subcontracting programs will consult through the purchasing activity with the SBA at its request.

(b) The SBA is not authorized, however, to prescribe the extent to which any contractor or subcontractor shall subcontract or specify the concerns to which subcontracts shall be granted, nor does it vest in SBA authority respecting the administration of individual prime contracts or subcontracts.

§ 1.707–2 Small business subcontracting program.

The Government's small business subcontracting program requiries Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1.707–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1.707–3(b) to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area matters.)

§ 1.707–3 Required clauses.

(a) The "Utilization of Small Business Concerns" clause below shall be included in all contracts in amounts which may exceed $5,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico; and (2) contracts for services which are personal in nature:

UTILIZATION OF SMALL BUSINESS CONCERNS (JAN. 1958)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

(b) The "Small Business Subcontracting Program" clause below shall be included in all contracts which may exceed $500,000, which contain the clause required by paragraph (a) of this section and which, in the opinion of the

purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000 but which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities, shall be urged to accept the clause.

SMALL BUSINESS SUBCONTRACTING PROGRAM (FEB. 1962)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the "Utilization of Small Business Concerns" clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited. The records maintained in accordance with (iii) above may be in such form as the individual Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of $10,000 if (i) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give the Small Business Administration timely notice to permit SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract.

(6) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit DD Form 1140 reports, in triplicate, to the Military Department that reviews his subcontracting program, except that where the Contractor elects to report on a corporate rather than a plant basis, he may submit his reports to the Military Department having industrial readiness planning responsibility at the corporate headquarters.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the SBA and set forth in paragraph 1–701 of the Armed Services Procurement Regulation.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of $500,000 and which contains the "Utilization of Small Business Concerns" clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors; except that the subcontractor will submit the DD Form 1140 reports to the Military Department having industrial readiness planning responsibility or plant cognizance. (A subcontractor may request advice from the nearest military purchasing or contract administration activity as to the Military Department to which he should submit his reports.)

§ 1.707–4 Responsibility for reviewing the subcontracting program.

(a) Only one Department shall be responsible for reviewing a contractor's Small Business Subcontracting Program. Subject to paragraph (b) of this section, such review shall be the responsibility of:

(1) The Department having industrial readiness planning responsibility at the plant where the contract is being performed; or

(2) If subparagraph (1) of this paragraph is inapplicable, the Department having plant cognizance procurement responsibility (see § 5.1100–2(b) of this subchapter); or

(3) If neither subparagraph (1) nor (2) of this paragraph is applicable, the Department assigned the responsibility through coordinated action of the Director of Small Business Policy of the Department of Defense and the Small Business Advisors of the Departments.

(b) In appropriate instances, however, when jointly determined by the Director of Small Business Policy and the Small Business Advisors of the Departments, criteria other than those specified in paragraph (a) of this section may be used in assigning responsibility to a Department for reviewing an individual contractor's Small Business Subcontracting Program.

(c) The Department placing a contract with a prime contractor containing the "Small Business Subcontracting Program" clause shall either (1) assume responsibility for reviewing the subcontracting program of the prime contractor if such Department meets the criteria specified in paragraph (a) or (b) of this section, or (2) promptly request in writing the Small Business Advisor of the Department which does meet such criteria to assume responsibility for review of this program.

(d) Promptly upon receipt of the names of subcontractors who will participate in the Small Business Subcontracting Program, the Department concerned will assume, or provide for the assumption of, responsibility for review of each subcontractor's program in accordance with procedures set forth in paragraph (a) or (b) of this section.

(e) The responsible Department will determine the adequacy of the contractor's Small Business Subcontracting Program and bring any deficiencies to the attention of the contractor's designated liaison officer with a request for corrective action.

§ 1.707–5 Reports on DD Form 1140.

(a) In connection with the submission of DD Form 1140 Reports under the "Small Business Subcontracting Program" clause, a subcontractor may contact the nearest military purchasing or contract administration activity and request advice as to the Department to which he should submit reports. The military purchasing or contract administration activity shall, through channels, submit such a request to the Small Business Advisor of the Department concerned. The Small Business Advisor shall submit it to the Director for Small Business Policy of the Department of Defense for his determination in coordination with the Small Business Advisors of the Departments.

(b) Each Department shall forward to the Assistant Secretary of Defense (Comptroller), by March 15 and September 15, a copy of each DD Form 1140 received for the semiannual periods ending December 31 and June 30, respectively.

§ 1.707–6 Subcontracting studies and surveys.

Each purchasing activity shall assist the SBA to obtain such reasonably obtainable information and records concerning the subcontracting of its prime contractors and its subcontractors, having contracts that contain the Small Business Subcontracting Program clause, as the SBA may deem necessary. Accordingly, the contracting officer or his representative, separately, or together with a representative of SBA may periodically conduct studies and surveys of the contractor's subcontracting procedures and practices and those of his subcontractors. Such studies and surveys may originate with the purchasing activity in order to have available the pertinent data concerning subcontracting by its primes, or, if such data is not currently available, the studies and surveys may originate upon the request of the SBA for such data. On the basis of the foregoing studies, surveys, and records, the SBA may make recommendations to the purchasing activity regarding methods for increasing small business participation in subcontract awards. SBA and the purchasing activity will freely interchange, at the operating level, information resulting from these surveys.

§ 1.707–7 SBA review of agency records.

To the extent that subcontracting records are maintained in purchasing or contract administration activities, such records shall be made available to SBA, upon request for review.

§ 1.708 Mobilization planning.

The policy of placing a fair proportion of purchases and contracts with small business concerns (see § 1.702) applies in the field of mobilization planning and each Military Department shall continually study its industrial readiness planning procedures to include the Small Business Program, to the maximum practical extent.

4. Revise §§ 1.805, 1.805–1 and 1.805–2, and add new §§ 1.805–3 and 1.805–4, to read as follows:

§ 1.805 Subcontracting with labor surplus area concerns.

§ 1.805–1 General policy.

It is the policy of the Government to promote equitable opportunities for labor surplus area concerns to compete for defense subcontracts and to encourage placement of subcontracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus, in the order of priority described in § 1.802 where this can be done, consistent with efficient performance of contracts, at prices no higher than are obtainable elsewhere.

§ 1.805–2 Labor surplus area subcontracting program.

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the simple obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1.805–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1.805–3(b), to undertake a number of specific responsibilities designed to insure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors.

§ 1.805–3 Required clauses.

(a) The "Utilization of Concerns in Labor Surplus Areas" clause set forth below shall be inserted in all contracts in amounts which may exceed $5,000, except:

(1) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico;

(2) Contracts for services which are personal in nature; and

(3) Contracts for construction.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS (FEB. 1962)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) Persistent labor surplus area concerns which are also small business concerns; (ii) other persistent labor surplus area concerns; (iii) substantial labor surplus area concerns which are also small business concerns; (iv) other substantial labor surplus area concerns; and (v) small business concerns which are not labor surplus area concerns.

(b) The "Labor Surplus Area Subcontracting Program" clause below shall be included in all contracts which may exceed $500,000, but which contain the clause required by paragraph (a) of this section and which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000, which in the opinion of the purchasing activity offer substantial subcontracting possibilities, shall be urged to accept the following clause:

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (FEB. 1962)

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Concerns in Labor Surplus Areas" clause, (iii) administer the Contractor's Labor Surplus Area Subcontracting Program;

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the "Utilization of Concerns in Labor Surplus Areas" clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial and Persistent Labor Surplus" or in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees, with respect to any subcontract hereunder which is in excess of $500,000 and which contains the clause entitled "Utilization of Concerns in Labor Surplus Areas," that he will insert provisions in the subcontract which will conform substantially to the language of this clause, including this paragraph (c), and that he will furnish the names of such subcontractors to the Contracting Officer.

§ 1.805–4 Responsibility for reviewing subcontracting program.

Only one Department shall be responsible for reviewing a contractor's labor Surplus Area Subcontracting Program. Departmental responsibility shall be assigned and carried out in accordance with § 1.707–4.

5. In § 1.1003–9, revise paragraphs (a) (1) and (d); and revise Subpart K to read as follows:

§ 1.1003–9 Preparation and transmittal.

(a) * * *

(1) When teletypewriter service is available, all synopses shall be forwarded daily as soon as practical via teletypewriter covering invitations for bids, requests for proposals or quotations issued on that day, or at the earliest practical time prior to issuance of the invitation for bids, requests for proposals or quotations, as is deemed appropriate, to the following address:

Synopsis, Commerce Department, Field Service, Chicago, Ill.

* * * * *

(d) (1) Notices which invite the submission of information as to research and development capabilities in specific fields of interest shall be headed "Research and Development Sources Sought." This shall be followed by a statement similar to the following: "Firms having research and development capabilities in the field of _____ (Be specific) and whose facilities and personnel include _____ (Describe in substantial detail minimum facilities and personnel required) are invited to submit complete information to the purchasing office listed above. Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a request for a proposal."

(2) Notices of specific procurements of research and development projects may state that only those sources which have been technically evaluated will be requested to submit proposals. When it is intended to award a contract based on earlier unsolicited proposals for research and development work, the notice shall so state. The name of the proposed contractor shall be given and a brief description of the work proposed, provided that information submitted in

confidence is not revealed. The notice may state that a contract is in progress of being awarded and therefore, other proposals cannot be considered for this procurement.

Subpart K—Qualified Products

§ 1.1101 General.

(a) Where it is necessary to test products in advance of their procurement in order to obtain products of requisite quality, such products may be subjected to qualification tests to determine if they are qualified for use. The results of such testing and approval are set forth in a qualified products list. Testing of a product for compliance with the requirements of a specification in advance of, and dependent of any specific procurement action, is known as qualification testing. The entire process by which products are obtained from suppliers, examined and tested, and then identified on a list of qualified products is known as qualifications.

(b) Qualified products are those products which, in accordance with specifications containing qualification requirements, have been subjected to examination and tests and have been found to satisfy all requirements of the applicable specification. Qualified products lists identify the specification, manufacturer, item by part or model number or trade name, place of manufacture, and the test report involved. Suppliers whose products have successfully completed qualification testing and who furnish evidence thereof, are eligible for award although not yet included on the qualified products list.

(c) Specifications which require products to be tested and qualified are identified in the Department of Defense Index of Specifications and Standards. Chapter IV, Defense Standardization Manual (M200) is the basic directive concerning the qualified products and qualification procedures. Copies of the Index and the Manual may be obtained by the public from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

§ 1.1102 Responsibility for qualification.

The specification is the only medium for establishing a requirement for qualification. The preparing activity identified in the specification is responsible for qualification.

§ 1.1103 Justification for inclusion of qualification requirements.

Subject to approval by: in the case of the Army, the Office of the Deputy Chief of Staff, Logistics; in the Navy, the Office of Navy Material; and in the Air Force, the Directorate of Systems Services (AFSSV), Headquarters, USAF; a qualification requirement may be included in a specification when one or more of the following conditions exist:

(a) The time required for testing in connection with production would unduly delay delivery of the supplies being purchased;

(b) The tests would require special equipment not commonly available;

(c) The costs of repetitive testing would be excessive; or

(d) The interest of the Government requires assurance, prior to award, that the product is satisfactory for its intended use.

§ 1.1104 Availability of lists.

Qualified products lists are intended for the use of the Government and its contractors, subcontractors, prospective bidders, and suppliers. Lists may be obtained by prospective bidders or suppliers who require these lists in furnishing supplies or services to the Government or its contractors. Lists are also available to the public upon request. When a person is provided with, or given access to, a qualified products list he should be advised as follows:

(a) The list has been prepared for use by or for the Government in the procurement of products covered by the specification and such listing of a product is not intended to and does not connote indorsement of the product by the Department of Defense.

(b) All products listed have been qualified under the requirements for the product as specified in the latest effective issue of the applicable specification;

(c) The list may be revised or amended as necessary, and subject to change without notice;

(d) The listing of a product does not release the supplier from compliance with the specification requirements; and

(e) Use of the information for advertising or publicity purposes is expressly forbidden.

§ 1.1105 Opportunity for qualification.

Upon determination that a product is to be covered by a qualified products list, manufacturers shall be urged to submit their products for qualification and where possible shall be given sufficient time to arrange for qualification testing prior to issuance of the initial invitation for bids or request for proposals for the item as a qualified product. Appropriate notice of such determination shall be furnished to the U.S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contracts Award." The publicity given to the requirement for qualification testing shall include the following:

(a) An intention to establish a qualified products list for a product;

(b) The specification number and nomenclature of the product, and the name and address of the office to which the request for qualification should be submitted; and

(c) Notice that in making future awards consideration shall be given only to such products as have been accepted for inclusion in a qualified products list.

Lists shall always be kept open for inclusion of products from additional suppliers.

§ 1.1106 Clarification of qualification requirements.

When there is any question concerning qualification requirements in a specification, the activity that prepared the specification will furnish clarification when requested by the contracting activity.

§ 1.1107 Procurement of qualified products.

§ 1.1107–1 General.

(a) Whenever qualified products are to be procured, only bids or proposals offering products which have been qualified prior to the opening of bids or the award of negotiated contracts shall be considered in making an award. Suppliers having products which have been tested and qualified in accordance with the specification but which have not been listed on the applicable qualified products list, should be given consideration and an opportunity to offer evidence of such qualification before award is made.

(b) To encourage suppliers to make timely arrangements for qualification of their products, contracting officers shall be governed by subparagraphs (1) through (3) of this paragraph.

(1) *Synopsis of proposed procurement.* The purchasing activity shall publicize the proposed procurement in the Synopsis, in accordance with § 1.1003 promptly upon receipt of the purchase request.

(2) *Solicitation period.* The maximum time feasible, consistent with timely accomplishment of the procurement, should be allowed between issuance of the invitation for bids, or the request for proposals, and the opening of bids or the award of negotiated contracts. However, contracting officers shall insure that the solicitation period allows at least a minimum of 30 calendar days between the issuance and opening dates. Periods of less than 30 days may be set in cases of urgency provided the justification for a shorter opening be in writing and made part of the procurement file. In appropriate cases, advance notice of procurements of qualified products may be given suppliers through the use of preinvitation notices. Such notices shall identify the specification requiring qualification and shall specify the time within which such qualification must be accomplished.

(3) *Distribution.* In procuring qualified products by formal advertising, invitations for bids will be extended to suppliers in the same manner as if a qualified product were not involved, and will not be restricted to suppliers whose products have been qualified.

§ 1.1107–2 Notice.

In procurements involving qualified products, the following provision shall be inserted in invitations for bids.

With respect to products requiring qualification, awards will be made only for such products that have, prior to time set for opening of bids, been tested and qualify for inclusion in the Qualified Products List identified below, whether or not such products have actually been included in the list by that date. Suppliers are urged to communicate with the office designated below and arrange to have the products that they propose to offer tested for qualification. Suppliers having products which have been tested and qualified but not yet listed are requested to submit evidence of such qualification with their bids or offers, so that they may be given consideration.

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(Identify the qualified products list involved and give the name and address of the office, as identified in the specification, with which manufacturers should communicate.)

The above provision shall be appropriately modified and used in negotiated procurements. Contracting officers shall forward requests from suppliers concerning qualification of products to the activity designated in the specification.

§ 1.1107–3 Effect of debarment or suspension.

Notwithstanding any other provision of this subpart, the inclusion of a product on the qualified products lists may be denied, and the qualification of a listed product may be withdrawn, by the Department concerned, without notification to the manufacturer, if the name of the manufacturer appears on the lists of debarred or ineligible bidders which are maintained pursuant to Subpart F of this part. With reference to Type B listings, the provisions of this section shall be applicable only if the qualified product is in the category prescribed by the Secretary of Labor (see § 1.603).

§ 1.1108 Waiver of qualification requirements.

When procuring a product under a specification which includes qualification requirements, such qualification requirements can be waived only by the activity that prepared the specification. In appropriate cases, when requested by the contracting officer, the preparing activity may waive qualification requirements. A notice, issued by the preparing activity, directing a waiver of the qualification requirement, constitutes adequate authorization for waiver of product qualification requirements. Where waivers have been granted, invitation for bids and requests for proposals shall specifically indicate that the qualification requirement is inapplicable. Such information shall also be included in any required Department of Commerce Synopsis of the procurement.

§ 1.1109 Inadequate competition.

In connection with an individual procurement of a qualified product, the contracting officer shall review the applicable qualified products list to ascertain whether the number of sources is adequate for competition prior to inviting bids or soliciting proposals. If, in the opinion of the contracting officer, the number of sources is inadequate, action shall be taken as prescribed below:

(a) The contracting officer should request the activity that prepared the specification to provide information concerning the status of tests on additional products, including the date when such tests will be completed, so that the opening of bids or the submission of proposals may be so scheduled as to allow completion of the tests.

(b) If no tests are contemplated or under way, the contracting officer should further request the preparing activity to advise whether a means of quality assurance other than qualification approval may be substituted in the procurement.

§ 1.1110 Reporting nonconformance with specification requirements.

If a supplier on the qualified products list repeatedly submits products not meeting specification requirements for inspection, resubmits products previously rejected without correcting the defects, or is otherwise unsatisfactory in the performance of contracts, he shall be reported to the activity that prepared the specification for a determination as to whether the supplier's product shall be removed from the list.

§ 1.1111 Misuse of qualified products list information.

Misuse of qualified products list information, such as for advertising or publicity purposes, shall be reported promptly to the preparing activity.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

6. Revise § 2.201(c)(2); in § 2.406–3, revise paragraph (b)(3) and add new paragraph (b)(4); in § 2.407–6, revise paragraph (a)(1) and add new paragraph (a)(3); and revise §§ 2.502(b) and 2.503–1 (a)(8) and (b)(4), to read as follows:

§ 2.201 Preparation of invitation for bids.

* * * * * * *

(c) * * *

(2) If a construction contract is to include the clause set forth in § 4.104–2 of this subchapter, a notice that, unless he has submitted such description with his bid, the successful bidder must furnish the contracting officer within (number) days after award a description of the work which he intends to perform with his own organization (e.g., earthwork, paving, brickwork, or roofing), the percentage of the total work this represents, and the estimated cost thereof.

§ 2.406–3 Other mistakes.

* * * * * * *

(b) * * *

(3) Department of the Air Force: To the Staff Judge Advocate, Headquarters, Air Force Logistics Command.

(4) Defense Supply Agency: The Counsel.

§ 2.407–6 Equal low bids.

(a)(1) Where two or more low bids are equal in all respects, considering all factors except the priorities set forth in subparagraph (2) of this paragraph, award shall be made in accordance with the order of priorities therein. Where two or more low bids are equal in all respects, considering all factors including the priorities set forth in subparagraph (2) of this paragraph, award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, subject to subparagraph (3) of this paragraph.

* * * * * * *

(3) If the application of the priorities in subparagraph (2) of this paragraph results in two or more bidders being eligible for award, the award shall be made to the concern that will make the most extensive use of small business subcontractors, rather than by drawing lots. If two or more bidders still remain eligible for award, the award shall be made by a drawing by lot limited to such bidders.

§ 2.502 Conditions for use.

* * * * * * *

(b) definite criteria exist for evaluating technical proposals, such as applicable design and performance requirements, and special requirements for operational suitability and ease of maintenance; however, such criteria shall not include consideration of capacity or credit as defined in § 1.705–6 of this chapter;

§ 2.503–1 Step one.

(a) *Requests for Technical Proposals.* * * *

(8) a statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award; and that each bid in the second step must be based on the bidder's own technical proposal; and

* * * * * * *

(b) *Receipt and evaluation of technical proposals.* * * *

(4) Technical evaluation of the proposals will be based upon the criteria contained in the request for technical proposals and such evaluation will not include consideration of capacity or credit as defined in § 1.705–6 of this chapter.

PART 3—PROCUREMENT BY NEGOTIATION

7. In § 3.101, revise paragraphs (o), (p), (q), (r), (s) and (t), and add new paragraph (u); revise § 3.107–4; and revise paragraph (a) in § 3.108, to read as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

* * * * * * *

(o) Consideration of the soundness of prospective contractor's management of labor resources, including wage rates, number of workers and total estimated labor hours, with particular attention to possible uneconomical practices found in labor management agreements or in company policy, especially in the selection of contractors for development and production of major weapon systems and subsystems;

(p) Consideration of the extent of subcontracting;

(q) Consideration of the existing and potential workload of the prospective supplier;

(r) Consideration of broadening the industrial base by the development of additional suppliers;

(s) Consideration of whether the contractor requires Government-furnished property, machine tools, or facilities; or Government-operated test facilities;

(t) Consideration of contract performance in facilities located in dispersed sites; and

(u) Advantages or disadvantages to the Government that might result from making multiple awards.

§ 3.107–4 Solicitation.

(a) In order to minimize the preparation of technical proposals, which can be both costly and wasteful of scientific or engineering manpower, contracting officers should request proposals only from sources which have been technically evaluated and found qualified to perform research and development in the specific field of science or technology involved. Where there is no substantial question as to the choice of the source, as where only one source is found fully qualified as a result of thorough technical evaluation or the purpose of the contract is to explore an idea or initial development submitted in confidence by one firm, solicitations may be limited to a single source. Where several sources are found fully qualified technically, proposals generally shall be solicited from each such source. Sources which become known as a result of publication of synopses of specific procurements shall be sent requests for proposals only if such sources have been technically evaluated or if such evaluation can be made consistent with required procurement actions. In all procurements of research and development in which no small business firm was solicited for a proposal, a statement shall be included in the procurement file setting forth the reasons for not soliciting small business.

(b) In addition to paragraph (a) of this section, exploratory request may be used to determine the existence of ideas or prior work in specific fields of research. However, the request for such information should clearly state that it does not impose any obligation on the Government or signify a firm intention of the Government to enter into a contract.

§ 3.108 Negotiation of initial production contracts for technical or specialized military supplies.

(a) The production of important new technical or specialized military supplies generally involves development, evaluation, and initial production phases. Examples of such supplies are tanks, radar, guided missiles, aircraft, rockets, and equipment of similar complexity; major components of such equipment as the foregoing; and any items of technical or specialized nature necessary for the use, maintenance or operation of such equipment. Contracting officers shall avoid, wherever practicable, awarding initial production contracts for supplies until completion of the development and evaluation phases. At the time of placing the initial production contract, it is essential that the Government be completely free to select the contractor as the best interest of the Government may dictate. In the placement and administration of research or development contracts, no commitments shall be made to contractors with respect to obtaining subsequent production contracts.

8. Revise §§ 3.210–2(k) and 3.605–1(b), to read as follows:

§ 3.210–2 Applications.

* * * * *

(k) When the contemplated procurement is for commercial transportation, including time, space, trip, and voyage charters, except for such transportation services as are furnished by common carriers (for which negotiation is authorized under § 3.217, and section 321 of the Transportation Act of 1940, 49 U.S.C. 65), and including services for the operation of Government-owned vehicles, vessels or aircraft;

§ 3.605–1 Limitation on use.

* * * * *

(b) The supplies or services are immediately available;

§ 3.804–2 [Amendment]

9. In § 3.804–2(b)(2), change the internal reference "§ 3.805–1(a)(2)" to read "§ 3.805–1(a)."

10. In § 3.808–2, revise paragraph (g) and (h); add new § 3.808–6; and in § 3.902–1, revise paragraphs (f), (g), (h), (i), (j) and (k), and add paragraph (l), to read as follows:

§ 3.808–2 Factors for determining fee or profit.

* * * * *

(g) *Contractor's performance.* In addition to the factors set forth in § 3.101, the contractor's past and present performance should be evaluated in such areas as quality of product, quality control, scrap and spoilage, efficiency in cost control (including need for and reasonableness of cost incurred), meeting delivery schedules, timely compliance with contractual provisions, creative ability in product development (giving consideration to commercial potential of product), engineering (including inventive, design simplification, and development contributions), management of subcontract programs, management of Government property, and any unusual services furnished by the contractor. Where a contractor has consistently achieved excellent results in the foregoing areas in comparison with other contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should be reflected in determining what constitutes a fair and reasonable profit or fee.

(h) *Subcontracting.* (1) In negotiating the profit or fee, the nature and extent of any subcontracting should be considered, particularly as it bears on the contractor's performance, administrative responsibility, financial investment, and degree of risks as outlined above. The degree and nature of subcontract programs vary on a broad spectrum. While it is not possible to define precisely the exact profit or fee treatment to be accorded each situation, the general guidelines which follow will be taken into consideration.

(2) The evaluation of a contractor's subcontracting program should not consist merely of applying arbitrary percentages of profit to subcontract prices in negotiating the prime contract price. A relatively large amount of subcontracting need not make for negotiation of a lesser profit or fee—the character and circumstances of the subcontracting and the effect on the prime contractor's costs must be taken into account. Although purchased material and subcontracted work are usually properly included in the base upon which profit is computed, instances may arise in which a significant portion or portions of a contract are subcontracted in such a way that only a minimum amount of responsibility or risk remains with the prime contractor. In such a case, the amount of fee or profit should be less than where the contractor assumes substantial risk. Of primary importance is the degree to which the subcontracting provides a better product and lower costs, with timely delivery, and in which the contractor assumes heavy managerial effort, responsibility, and risk.

(3) In establishing a contractor's fee or profit, favorable consideration shall be given to:

(i) The company's policies and procedures which energetically support Government, small business, and labor surplus area programs;

(ii) Any unusual efforts which the contractor displays in subcontracting with small business and labor surplus area concerns, particularly for developmental type work likely to result in later production opportunities; and

(iii) Effectiveness of the company in subcontracting with and furnishing assistance to such concerns, as compared to other comparable contractors.

In this connection, it is the responsibility of the purchasing activity to examine the contractor's past and present effectiveness and plans for seeking out qualified small business and labor surplus area concerns, and to require the contractor during negotiations to document his past, present, and planned performance in these areas.

§ 3.808–6 Renegotiation information.

The purchasing activity will document the contract file in sufficient detail to indicate those factors considered under § 3.808–2(h)(3), so that appropriate information can be supplied to the Renegotiation Board.

§ 3.902–1 General.

* * * * *

(f) The purchasing activity will review the "make-or-buy" program, to determine if all appropriate items are included or if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the purchasing activity will obtain the advice and assistance of all appropriate personnel whose knowledge would contribute to the adequacy of all facets of the review. Before agreeing to a "make-or-buy" program (or consenting to any change therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business), the purchasing activity shall invite the advice and counsel of the SBA by permitting SBA representatives regularly assigned to the activity to review all pertinent facts and make recommendations thereon. Such review by SBA should be concurrent with the review of the purchasing activity (or, in the case of changes, the contracting officer). Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative.

(g) Proposed "make" items shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and in the opinion of the contracting officer are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor should make or provide the product or service; or

(2) Are regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices lower than if the contractor should make or provide the product or services; provided, that such items may be agreed to, notwithstanding subparagraph (1) of this paragraph and this subparagraph (2), if in the opinion of the contracting officer the overall cost of the contract to the Government would be increased if the item were "bought."

(h) After agreement on the program is reached, the contracting office shall notify the contractor as to the Government's approval of the program and shall inform the contractor as to any requirement for further review during performance of the contract. For example, if follow-on procurements occur, the procuring activity and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

(i) The following clause shall be incorporated in all cost-reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon.

CHANGES TO MAKE-OR-BUY PROGRAM (JUL. 1960)

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later additions to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program; provided that in his discretion, the Contracting Officer may ratify in writing any changes or additions and such ratification shall constitute the consent of the Contracting Officer required by this clause. The "make-or-buy" program attached to this contract shall be deemed to be modified in accordance with the written consent or ratification by the Contracting Officer.

(j) On applicable contracts, the cognizant contract administration office will establish a procedure with the contractor to insure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiation.

(k) Approval of the contractor's purchasing system (§ 3.903) shall not constitute approval of the "make-or-buy" program where the latter is required.

(l) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement), except those specifically exempted by paragraph (b) of this section, does not include the clause entitled "Changes to Make-or-Buy Program", the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (i) The contract is on a firm fixed-price basis, (ii) the contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in paragraph (a) of this section; or (iii) a deviation has been approved pursuant to § 1.109 of this subchapter.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

11. Revise § 4.106 to read as follows:

§ 4.106 Small construction contracts.

Notwithstanding the provision of § 3.602(a) of this subchapter, all proposed small purchases of construction estimated to cost more than $2,000 shall be formally advertised, and lesser small purchases may be formally advertised. However, where negotiations have been commenced and the contract price proves to be more than $2,000 but not more than $2,500, § 3.203 of this subchapter may be used as authority to negotiate. Either Standard Form 19 or DD Form 1155 shall be used for construction contracts of $2,000 or less. (See § 16.401–3 of this subchapter.)

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

12. Add new Subpart I to Part 5, to read as follows:

Subpart I—Use of General Services Administration Supply Source by Prime Contractors in Performing Cost-Reimbursement Type Contracts

§ 5.900 Applicability.

This subpart applies only to procurement of supplies to be delivered in the United States, its possessions, or Puerto Rico.

§ 5.901 Policy.

Where the Government is to furnish supplies to the contractor, or the contractor is to acquire them for the account of the Government, the contracting officer may authorize the contractor to utilize General Services Administration supply sources in performing a cost-reimbursement type contract. Before issuing such an authorization, the contracting officer shall determine that it is in the best interest of the Government, considering price, delivery, contract administration, and recommendations of the contractor.

§ 5.902 Limitation.

Contractors shall not be authorized to utilize General Services Administration supply sources in connection with the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive.

§ 5.903 Authorization.

§ 5.903–1 Basic authority.

Contractors shall be authorized to utilize General Services Administration supply sources only (a) where title to property ordered under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor), or (b) where title to Government-owned property ordered from General Services Administration stores stock will remain in the Government.

§ 5.903–2 Use of form.

Authorizations by the contracting officer shall be in writing, substantially in the form set out in § 5.906, and shall cite the contract number, specify any applicable limitations, such as the period of eligibility, and contain any other pertinent information including requirements relative to ordering, receiving, inspection, and payment.

§ 5.903–3 Distribution.

Copies of each authorization shall be forwarded by the contracting officer to the General Services Administration, Federal Supply Service, Office of Supply Operations, General Services Building, Washington 25, D.C., and to the General Services Administration regional office (see § 5.204) serving the geographical area in which the facilities of the authorized prime contractor are located.

§ 5.904 Procedure.

§ 5.904–1 Purchase order under Federal Supply Schedule contracts.

(a) Orders by contractors under Federal Supply Schedule contracts shall be placed in accordance with the provisions of the applicable Federal Supply Schedule and the authorization. Such orders shall be accompanied by a copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the statement set out in paragraph 2.a. of the authorization form in § 5.906.

(b) Where a General Services Administration certificate of unavailability is required, such as in the case of manually operated typewriters, the contractor will obtain the certificate from the nearest General Services Administration regional office and will attach it to his purchase order.

§ 5.904–2 Purchase orders for General Services Administration stock.

Orders by contractors for General Services Administration stores stock shall be placed in accordance with the authorization. Such orders shall contain the statement set out in paragraph 2.b. of the authorization form in § 5.906.

§ 5.905 Furnishing information to contractors.

Contracting officers shall assist contractors in obtaining pertinent Federal Supply Schedules (see § 5.101) and the General Services Administration Stores Stock Catalog (see § 5.203), and shall furnish them with other information, such as requirements for General Services Administration certificates of unavailability.

§ 5.906 Form of authorization to contractors.

Subject: Authorization to Purchase from GSA Supply Sources.

(Contractor's Name)

(Address)

1. You are hereby authorized to act for the Government (Department of the ---------) as follows:

a. The purchasing of property for acquisition under Contract No. ------ which is available for purchase by Government agencies either directly from the General Services Administration Stores Depots or under Federal Supply Schedules, subject to the limitations set forth herein.

b. The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the Government (Department of the ---------) is not liable on property purchased under this authorization.

2.a. *Purchase Orders Under Federal Supply Schedule Contracts.* Order will be placed in accordance with the terms and conditions of the attached Federal Supply Schedule and this authorization. A copy of the authorization will be attached to the order (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the following statement:

This order is placed in behalf of the (Insert name of Department), in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated ---------, [*---------]. Title to property delivered hereunder shall vest in the United States Government. In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

b. *Purchase Orders for Items in the General Services Administration Stores Stock Catalog.* Orders will be placed in accordance with the attached General Services Administration Stores Stock Catalog and this authorization. Include the address to which billings are to be sent. Bills are not issued by General Services Administration until after shipment has been made, and should therefore be paid promptly. Necessary adjustments if any will be made by General Services Administration subsequent to payment. All orders will contain the following statement:

This order is placed in behalf of the (Insert name of Department), in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated ---------, [*---------]. Title to property delivered hereunder shall remain in the United States Government.

3. (Other provisions.)

4. This authority hereby granted is not transferable or assignable.

(Contracting Officer)

*Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

§ 5.907 Contract clause.

Insert the following clause in all cost-reimbursement contracts under which the Government is to furnish supplies to the contractor, or the contractor is to acquire them for the account of the Government:

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (SEP. 1961)

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired under such an authorization shall be in the Government. All property acquired under such an authorization shall be subject to the provisions of paragraphs (c) through (k) of the clause of this contract entitled "Government Property."

PART 6—FOREIGN PURCHASES

13. Revise §§ 6.101(a) and 6.204–4(a) and revise the introductory portion of § 6.204–5, to read as follows:

§ 6.101 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

(a) "End products" means articles, materials, and supplies, which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts, but excluding installation and other services to be performed after delivery.

§ 6.204–4 Contract listing of excepted nondomestic construction materials.

(a) The clause set forth below shall be included in all contracts for construction, except those executed on either Standard Form 19 or DD Form 1155, and any articles, materials, and supplies which have been the subject of additional determinations pursuant to § 6.206 shall be listed thereunder.

NONDOMESTIC CONSTRUCTION MATERIALS (NOV. 1958)

The requirements of the clause of this contract entitled Buy American Act do not apply to construction materials or their components either included in the list set forth in paragraph 6–206 of the Armed Services Procurement Regulation or as set forth below:

(Insert List here)

§ 6.204–5 Contract clause.

The clause set forth below shall be inserted in all contracts for construction, except those executed on Standard Form 19 and DD Form 1155.

PART 7—CONTRACT CLAUSES

14. Revise § 7.103–1 and in § 7.103–8, revise the contract clause and add sentence to section, as follows:

§ 7.103–1 Definitions.

DEFINITIONS (FEB. 1962)

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "head of the agency" or "Secretary" means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

Additional definitions may be included provided they are not inconsistent with the foregoing clause or the provisions of this subchapter.

§ 7.103–8 Assignment of claims.

ASSIGNMENT OF CLAIMS (FEB. 1962)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

(b) In no event shall copies of this contract or any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

* * * * *

Where Standard Form 32 is used, the Form need not be changed to delete the parenthetical sentence at the end of paragraph (a) of this clause.

15. Revise § 7.104–14; in § 7.104–15, revise clause heading and add sentence to section; revise §§ 7.104–20 and 7.104–22; and add new §§ 7.104–38 and 7.104–39, as follows:

§ 7.104–14 Utilization of small business concerns.

In accordance with the requirements of § 1.707–3(a) of this subchapter, insert the clause set forth therein.

§ 7.104–15 Examination of records.

* * * * *

EXAMINATION OF RECORDS (FEB. 1962)

* * * * *

Where Standard Form 32 is used, the Form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause.

§ 7.104–20 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 1.805–3(a) of this subchapter, insert the clause set forth therein.

§ 7.104–22 Small Business Subcontracting Program.

In accordance with the requirements of § 1.707–3(b) of this subchapter, insert the clause set forth therein.

§ 7.104–38 Labor Surplus Area Subcontracting Program.

In accordance with the requirements of § 1.805–3(b) of this subchapter, insert the clause set forth therein.

§ 7.104–39 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

16. In § 7.108, revise clause heading and revise first sentence of clause paragraph (j)(2), and add footnote, as follows:

§ 7.108 Incentive Price Revision Clause

* * * * *

INCENTIVE PRICE REVISION (FEB. 1962)

* * * * *

(j) *Limitation on payments.* (1) This paragraph (j) shall not apply after final price revision to the full extent permitted by this contract.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer * a cumulative statement setting forth:

*Insert, in contracts of the Department of the Navy, the words "with a copy thereof to the office or offices designated in this contract to make payments thereunder."

* * * * *

17. In § 7.203–8, revise clause heading and add clause paragraph (h); revise §§ 7.203–9, 7.203–26, and 7.204–19; and add new §§ 7.204–28, 7.204–29, and 7.204–30, to read as follows:

§ 7.203–8 Subcontracts.

SUBCONTRACTS (FEB. 1962)

* * * * *

(h) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 7.203–9 Utilization of small business concerns.

In accordance with the requirements of § 1.707–3(a) of this subchapter, insert the clause set forth therein.

§ 7.203–26 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 1.805–3(a) of this subchapter, insert the clause set forth therein.

§ 7.204–19 Small Business Subcontracting Program.

In accordance with the requirements of § 1.707–3(b) of this subchapter, insert the clause set forth therein.

§ 7.204–28 General Services Administration supply sources.

In accordance with the instructions of § 5.907 of this subchapter, insert the clause set forth therein.

§ 7.204–29 Labor Surplus Area Subcontracting Program.

In accordance with the requirements of § 1.805–3(b) of this subchapter, insert the clause set forth therein.

§ 7.204–30 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

18. Revise §§ 7.302–8, 7.302–26, and 7.303–11; and add new §§ 7.303–25 and 7.303–26, as follows:

§ 7.302–8 Utilization of small business concerns.

In accordance with the requirements of § 1.707–3(a) of this subchapter, insert the clause set forth therein.

§ 7.302–26 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 1.805–3(a) of this subchapter, insert the clause set forth therein.

§ 7.303–11 Small Business Subcontracting Program.

In accordance with the requirements of § 1.707–3(b) of this subchapter, insert the clause set forth therein.

§ 7.303–25 Labor Surplus Area Subcontracting Program.

In accordance with the requirements of § 1.805–3(b) of this subchapter, insert the clause set forth therein.

§ 1.303–26 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

19. Revise § 7.402–3(b)(1); in § 7.402–8, revise clause heading and add clause paragraph (h); revise §§ 7.402–9, 7.402–27, and 7.403–13; and add new §§ 7.403–23, 7.403–24, and 7.403–25, as follows:

§ 7.402–3 Allowable cost, fixed fee, and payment.

* * * * *

(b)(1) In the foregoing clause, insert in contracts of the Department of the Army and the Department of the Air Force, the words, "the Contracting Officer," and insert, in the contracts of the Department of the Navy, the words "the Comptroller of the Navy (Contract Audit Division)" in the spaces designated by an asterisk (—*). For approvals with regard to fixed-price type subcontracts providing for progress payments, pursuant to paragraph (c) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts, as provided by § 163.83 of this chapter.

§ 7.402–8 Subcontracts.

* * * * *

SUBCONTRACTS (FEB. 1962)

* * * * *

(h) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 7.402–9 Utilization of small business concerns.

In accordance with the requirements of § 1.707–3(a) of this subchapter, insert the clause set forth therein.

§ 7.402–27 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 1.805–3(a) of this subchapter, insert the clause set forth therein.

§ 7.403–13 Small Business Subcontracting Program.

In accordance with the requirements of § 1.707–3(b) of this subchapter, insert the clause set forth therein.

§ 7.403–23 General Services Administration supply sources.

In accordance with the instructions of § 5.907 of this subchapter, insert the clause set forth therein.

§ 7.403–24 Labor Surplus Area Subcontracting Program.

In accordance with the requirements of § 1.805–3(b) of this subchapter, insert the clause set forth therein.

§ 7.403–25 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118 of this chapter.

20. Add new § 7.504–3; revise § 7.601; in § 7.602–3, add new sentence immediately following the contract clause; in § 7.602–4, add new sentence immediately following the contract clause; in § 7.602–11, add new sentence immediately following the contract clause; and add new § 7.603–17, as follows:

§ 7.504–3 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

§ 7.601 Applicability.

As used throughout this subpart, the term "fixed-price construction contract" means any contract (other than a short form construction contract (see § 16.401–3 (a) through (c) of this subchapter), a letter contract, a notice of award, or a modification not effecting new procurement) which (a) is entered into at a fixed price (with or without any provision for price redetermination, escalation, or other form of price revision as covered in § 3.403 of this subchapter), and (b) is for construction as defined in § 1.201–22 of this subchapter.

§ 7.602–3 Changes.

• • • • •

Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

§ 7.602–4 Changed conditions.

• • • • •

Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

§ 7.602–11 Inspection and acceptance.

• • • • •

Where Standard Form 23A is used, the words "Termination for Default—Damages for Delay—Time Extentions clause of this contract" in the foregoing paragraph need not be substituted for "Clause 5 of these General Provisions".

§ 7.603–17 Interest.

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

PART 8—TERMINATION OF CONTRACTS

21. Revise §§ 8.507–6(c) and 8.709(b) to read as follows:

§ 8.507–6 Foreign contractor inventory.

• • • • •

(c) The property disposal (contracting) officer shall approve sales contracts and requests for approval of resales or exports only if (1) the proposed purchaser's name does not appear on a consolidated list of ineligible, debarred and suspended bidders and (2) if the sales contract contains a provision prohibiting exports by purchasers and subpurchasers to Soviet-controlled areas (as defined in § 6.401–2 of this subchapter), Cuba, or the Republic of the Congo (formerly Belgian Congo).

§ 8.709 Default clause for fixed-price construction contracts.

• • • • •

(b) During a period of national emergency, paragraph (d) of the above clause may be changed by deleting the word "unforeseeable" and inserting the phrase "other than normal weather," after the word "causes" wherever it appears. Where Standard Form 23A is used, the words "Disputes clause of this contract" in the foregoing paragraph need not be substituted for "Clause 6 of these General Provisions."

PART 9—PATENTS, DATA, AND COPYRIGHTS

22. Revise the introductory portion of § 9.104 and revise the contract clause therein; revise § 9.202–5; and in § 9.203–1, revise clause heading and clause paragraphs (b), (c), and (f), as follows:

§ 9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the clause set forth below shall be included in all contracts in excess of $10,000 for supplies, construction, or experimental, developmental, or research work; except where Standard Form 32 is prescribed for use (in which case the clause may in the discretion of the contracting officer be used in lieu of that included in Standard Form 32); provided, that the clause set forth below shall not be included in contracts:

• • • • •

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (FEB. 1962)

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice of claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, upon request, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except in those cases in which the Contractor has agreed to indemnify the Government against the claim being asserted.

§ 9.202–5 Copyrights.

It is the Department of Defense policy that the Contractor shall not, without the written approval of the Contracting Officer, include copyrighted matter in data furnished to the Government unless the contractor provides the Government with the written permission of the copyright owner to use such matter in the manner provided in the contract. As to data first produced or composed under a contract, the contractor may secure a copyright except that the Government shall receive the right to duplicate, use and disclose such data for any purpose whatsoever and to have others so do. However, for certain data produced or composed for the Department, such as (a) motion pictures and works relating thereto, and (b) histories and other works relating to operation of the Department of Defense, the Government may desire that no claim of copyright be established in such data (see §§ 9.204–2 and 9.204–3 of this subchapter).

§ 9.203–1 Basic data clause.

DATA (FEB. 1962)

• • • • •

(b) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorise others so to do, all Subject Data now or hereafter covered by copyright.

(c) The Contractor shall not include in the Subject Data any copyrighted matter, without written approval of the Contracting Officer, unless he provides the Government with the written permission of the copyright owner for the Government to use such copyrighted matter in the manner provided in paragraph (b) above.

• • • • •

(f) Unless otherwise limited below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

PART 10—BONDS AND INSURANCE

23. In § 10.404–1, revise the clause heading and clause paragraph (b)(vi), as follows:

§ 10.404–1 Negotiated fixed-price type contracts.

• • • • •

GROUND AND FLIGHT RISK (FEB. 1962)

• • • • •

(b) For the purposes of this clause:

• • • • •

(vi) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defensive systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

PART 12—LABOR

24. Revise § 12.101; add new §§ 12.101–1 and 12.101–2; and revise §§ 12.102–2, 12.102–3, 12.102–4 and 12.102–5, as follows:

§ 12.101 Labor relations.

§ 12.101–1 General.

Each Department shall maintain and encourage the best possible relations with industry and labor in order that the Government may procure needed supplies and services without delay and at reasonable prices. All problems arising out of the labor relations of private contractors, and all communications with labor organizations or Federal agencies relative thereto, shall be handled in accordance with procedures prescribed by each respective Department and consistently with paragraphs (a) through (e), of this section.

(a) The Departments shall exchange information with respect to labor matters for the purpose of maintaining a uniform labor policy throughout the Department of Defense.

(b) With respect to labor relations matters in general, no Department shall take any independent action the result of which would have the effect of establishing major policy, unless such action falls within an established policy of the Department of Defense, or unless approval of the Office of the Assistant Secretary of Defense (Manpower) has been obtained. Each Department must determine for itself what actions involve major policy. Recommendations for plant seizure or for injunctive action against labor or management would be examples of actions establishing major policy.

(c) Where any labor dispute significantly affects, or threatens to affect, important procurement, the Department concerned shall notify the Office of the Assistant Secretary of Defense (Manpower) and any other interested Department of all information relevant thereto, in accordance with Department of Defense Directive Number 1135.3, dated January 8, 1953, Subject: Participation in Industrial Relations Matters Affecting Procurement.

(d) Each Department shall remain impartial in, and shall refrain from taking a position on the merits of a dispute as between labor and private management. No Department shall undertake the conciliation, mediation, or arbitration of a labor dispute.

(e) Each Department shall take other action in connection with labor relations problems which is consistent with its procurement responsibilities, as for example:

(1) Giving notice of the existence of a labor dispute, which affects, or threatens to affect, procurement of supplies or services, to the Government agency which has responsibility for conciliation, mediation, arbitration, or other action with respect thereto;

(2) Advising the Government agency responsible for action with respect to labor disputes, or the parties to a labor dispute, of factual information pertaining to procurement of the supplies or services involved, to the extent consistent with security regulations; or

(3) Seeking to obtain such voluntary agreement between management and labor as will permit, notwithstanding the general continuance of the dispute, uninterrupted procurement of military supplies and services, provided such activity does not involve the Department in the merits of a labor difference or dispute.

§ 12.101–2 Contract pricing and administration.

(a) Nothing in § 12.101–1 should be construed to relieve a contracting officer from his responsibility to achieve efficient contract pricing and administration.

(b) Contractor labor policies and compensation practices, whether or not they are provided for in labor-management agreements, are not an acceptable basis for allowance of cost in cost-reimbursement-type contracts or for recognition of costs in pricing fixed-price-type contracts if and insofar as they result in unreasonable costs to the Government. Part 15 of this subchapter particularly § 15.205–6(a) explains that the term "unreasonable costs" includes costs resulting from practices that are discriminatory against the Government or unwarranted in the context of the particular contract work.

(c) In some cases, labor disputes may give rise to work stoppages which cause delays in the timely performance of important contracts. The contracting officer should impress on the contractor that he will be held accountable for delays that are reasonably avoidable. It should be emphasized that the standard contract clauses dealing with default, excusable delays, etc., do not relieve the contractor of delays that are not beyond his or his subcontractors' control. A delay caused by a strike which is an unfair labor practice and which the contractor concerned has not reasonably prevent can be excused only to the extent that it does not go beyond the point at which a reasonably diligent contractor could resume the delayed performance by ending the strike by such means as:

(1) Filing a charge with the National Labor Relations Board so as to permit the NLRB to seek injunctive relief in court;

(2) Recourse to the procedures of the Missile Sites Labor Commission, or other available Government procedures; or

(3) Use of the National Joint Board for the Settlement of Jurisdictional Disputes, or other private Boards or organizations for the settlement of disputes.

§ 12.102–2 Policy.

It is the policy of the Department of Defense that all contracts will be performed, so far as practicable, without the use of overtime, particularly as a regular employment practice. Overtime shall be limited to and be the minimum needed for the accomplishment of specific work. Contractors shall utilize whatever work schedule results in the lowest overall cost to the Government consistent with contract delivery and performance requirements. Extra-pay shifts and multi-shift work should be scheduled, as required, to achieve these objectives.

§ 12.102–3 Procedures.

(a) To prevent uneconomic use of overtime, extra-pay shifts, or multi-shifts at Government expense, or of any one of these where another would be more economical, the following clause shall be included in all contracts in excess of $10,000, except firm fixed-price contracts, fixed-price contracts with escalation not providing for labor escalation, and fixed-price contracts providing for price redetermination prospectively only.

PAYMENT FOR OVERTIME AND SHIFT PREMIUMS (FEB. 1962)

The contract price shall not include any amount on account of overtime premiums or shift premiums, except to the extent that they either (i) are approved in writing on behalf of the Government or (ii) are paid for work:

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government. In cost-reimbursement type contracts, the words "Allowable cost" should be substituted for "The contract price" at the start of the foregoing clause, and the foregoing clause shall be designated (a) and the following subparagraph (b) may be added:

(b) The cost of overtime premiums or shift premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allowable to the work under this contract.

(b) Overtime for which overtime premium will be at Government expense shall not be approved under a contract where the contractor is already obligated, without the right to additional compensation, to meet the required delivery date.

(c) Where overtime premiums or shift premiums are being paid in connection with the performance of Government contracts, the continued need therefor shall be subject to periodic review in accordance with Departmental procedures.

(d) Where two or more Military contracting activities have concurrent contracts at a single facility and the approval of payments of overtime premiums or shift premiums by one such activity is likely to affect the performance of, or payments in connection with, contracts of another such activity, the activities concerned will agree as to which will represent them in (1) determining whether such payments shall be approved pursuant to § 12.102–4 and (2) scheduling of periodic reviews. Decisions of such representative shall be binding upon all contracting activities concerned. Ordinarily, in the absence of evidence to the contrary, a contracting activity may rely on the contractor's

statement that such approval will not affect the performance of, or payments in connection with, any contract of another activity. If the contracting activities do not agree within a reasonable time on which one will represent them, the Secretary concerned (or in the case where two or more Military Departments are involved, Assistant Secretary of Defense (Installations and Logistics)) shall be requested to appoint the representative.

§ 12.102–4 Approvals.

(a) Overtime premiums and shift premiums at Government expense may be approved by an official designated as provided in paragraph (b) of this section when he determines in writing that such approval:

(1) Is necessary to meet the delivery or performance schedules, and such schedules are determined to be consistent with essential military objectives;

(2) Is necessary to make up for delays beyond the control and without the fault or negligence of the contractor; or

(3) Is necessary to eliminate foreseeable production bottlenecks of an extended nature which cannot be eliminated in any other way.

(b) The Deputy Chief of Staff, Logistics, for the Army, the Chief of Naval Material, for the Navy, the Director of Procurement Management, Headquarters, USAF, for the Air Force, and the Executive Director for Procurement and Production, for the Defense Supply Agency, are authorized, without power of delegation, to designate officers and civilian officials for the purpose of approving overtime premiums and shift premiums at Government expense.

(c) Such approvals shall ordinarily be prospective, but may be retroactive where justified by the circumstances.

(d) Such approvals may be for an individual contract, project, or program, or for a plant, division, or company, as most practicable.

§ 12.102–5 Exceptions.

The approval requirements under § 12.102–4 do not apply to overtime premiums or shift premiums which are paid for work:

(a) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, or breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(b) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(c) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(d) Which will result in lower overall cost to the Government.

However, the cost of such overtime premiums or shift premiums may be allowed, or considered in pricing only to the extent that the amount thereof is reasonable and properly allowable to the work involved.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

25. Revise §§ 15.205–6(a)(4) and 15.105–25 to read as follows:

§ 15.205–6 Compensation for personal services.

(a) *General.* • • •

(4) Notwithstanding any other provisions of this section costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government contracts, are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph unless:

(i) The contractor has been permitted an opportunity to justify the costs, and

(ii) Due consideration has been given to whether unusual conditions pertain to the Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

§ 15.205–25 Overtime, extra-pay shift and multishift premiums.

Premiums for overtime, extra-pay shifts, and multishift work are allowable to the extent approved pursuant to § 12.102–4, or permitted pursuant to § 12.102–5 of this subchapter.

PART 16—PROCUREMENT FORMS

26. Revise §§ 16.303–2(b)(8) and 16.401–3 to read as follows:

§ 16.303–2 Conditions for use.

• • • • • •

(b) *Use as a purchase order of not more than $2,500.* • • •

(8) When used for construction contracts of $2,000 or less for work within the United States, the clauses set forth in §§ 12.403–2 (b) and (c) and 12.403–4 of this subchapter shall be added as appropriate.

§ 16.401–3 Conditions for use.

(a) *Advertised contracts not to exceed $2,000.* Standard Form 19 shall be used for construction contracts not in excess of $2,000 executed as a result of formal advertising. Standard Form 22 also may be used. When the contract may exceed $2,000, the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

> If this bid exceeds $2,000, the bidder shall furnish with his bid a bid bond in an amount equal to ------ percent of his bid; failure to submit the bond on time is cause for rejection of the bid. The undersigned further agrees, if this bid exceeds $2,000 (i) to comply with the Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19A) in lieu of Provision 10 hereof; (ii) to pay not less than the minimum hourly rates of wages set forth in the specifications; and (iii) to furnish a performance bond in an amount equal to ------ percent and a payment bond in an amount equal to 50 percent of the contract price with surety or sureties acceptable to the Government.
>
> (AUG. 1959)

(b) *Negotiated contracts not exceeding $2,000.* Either Standard Form 19 or DD Form 1155 shall be used for construction contracts of $2,000 or less executed as a result of negotiation.

(c) *Contracts estimated to exceed $2,000 but not to exceed $10,000.* Standard Forms 19 and 19A shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in paragraph (a) of this section shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation.

(d) *Contracts estimated to exceed $10,000.* Standard Forms 19A, 20, 21, 22 23, and 23A shall be used for these construction contracts executed as a result of formal advertising.

[ASPR, Rev. 7, Feb. 15, 1962] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–3466; Filed, Apr. 10, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1004, 1010]

[Docket Nos. AO–160–A24; AO–276–A4]

MILK IN PHILADELPHIA, PENNSYLVANIA, AND WILMINGTON, DELAWARE, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on February 9, 1962, pursuant to notice thereof issued on January 25, 1962 (27 F.R. 898).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary of Agriculture on March 9, 1962 (27 F.R. 2414; F.R. Doc. 62–2476) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The accounting for added nonfat milk solids used in the production of dietary products and other fortified fluid milk products under each of the orders.

2. Modification of the conditions for pooling, under each of the orders, of multiple plants operated by the same handler.

3. Clarification of the classification rule under the Philadelphia order concerning interplant transfers of milk or skim milk disposed of for Class II uses.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

(1) Accounting relative to dietary products and other fortified fluid milk products: Fortified fluid milk products, including dietary products, should be classified, under the respective orders, as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk "equivalent" of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

Under the existing classification provisions of both the Philadelphia and Wilmington orders the products included in Class I are those fluid milk products, including fortified products, which are disposed of for fluid consumption. Because of the perishability of the finished products, only inspected milk is used. Local producers furnish essentially the full Class I milk requirements. When nonfat milk solids in the form of nonfat dry milk, dry whole milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content of the finished product, the skim milk equivalent of the total nonfat milk solids in the product is included currently in the computed volume of Class I milk.

Both orders provide for individual-handler pooling and there is no provision for a compensatory payment on other source milk utilized in Class I. However, producer milk is given priority of assignment in Class I, and, hence, to the extent that skim milk in producer receipts is available, producer milk is assigned to Class I utilization to the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used for both product fortification or reconstitution.

Proprietary handlers proposed that skim milk equivalent accounting for nonfat milk solids used in fortification (including dietary products) be discontinued. They contended that Class I pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and results in an undue cost to handlers. It was their position that the product cost resulting from the "skim milk equivalent" basis of classification of dietary fluid milk products greatly aggravated a cost situation which previously existed as to fortified skim milk. They are disadvantaged in competing with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products which are distributed through grocery stores, drug stores, food establishments and similar outlets. Removal of the requirement of skim milk equivalent accounting on all types of fortified fluid milk products would permit more competitive resale pricing of such items and hence create a greater demand for them.

Producers did not oppose the suggested change in accounting procedure.

Fortified fluid milk products customarily result from the addition of some form of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by removal of water.

Nonfat dry milk and condensed skim milk used in fortification ordinarily are derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing. It, therefore, should be continued in the orders.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only moderately increases the volume of the product and it may not be concluded from the evidence that the added solids displace producer milk in Class I beyond the minor increase in volume which results, if at all.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practicable and administratively necessary to maintain, in principle, full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure when flavoring and other nonmilk additives are used for processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

The amendatory language of the respective orders hereinafter set forth will implement these conclusions.

Producer representatives raised the point that the proposed change in accounting procedure has a mathematical effect on the computation of the index of Class I milk disposition in the Class I price formula and on the "supply-demand adjuster" which also is a part of the price formula. They contended that any change in accounting procedure should not be permitted to affect the Class I price level as currently computed.

The 1957–1958 base period data used in computing the current index of Class I milk disposition includes the skim equivalent of the relatively small amounts of nonfat solids used to fortify fluid milk products at that time. Although the amounts of fortified Class I products were much smaller in 1957–1956 than now, the inclusion of their skim milk equivalent in the base period data for index purposes resulted in a slight overstatement of total Class I volume in relationship to available producer milk supplies. This is so because in the base period, as at present, there was no necessity for handlers to obtain their additional solids for fortification from producer milk. Outside, ungraded, sources were eligible for this use of solids.

Although tending to benefit producers, the effect of such inclusion in the base period data has been minute. To adjust the formula precisely for the change in accounting procedure would require certain base period data which are not available in the record. On the other hand, sufficient information is contained in the evidence to demonstrate that the adjustment of the base period data would have a de minimis effect on the price formula computation which combines five indices relating to wholesale commodity prices, paid by Pennsylvania farmers, prices received by Pennsylvania farmers for products other than dairy, Midwestern condensery prices and Class I sales. Each index itself is a sample or estimate of the data it represents. Yet a relatively minor change in any of these estimated data could have as significant an effect on the price as the minute change in the Class I sales index suggested by producers for the purpose of achieving mathematical accuracy for this one index.

The contention of producer representatives referred to above was repeated in an exception filed. To eliminate the effect of the change in accounting procedure on the Class I price formula, it was proposed that the base period data relative to fortified skim milk sales (include in the base index figure) be adjusted by an amount equivalent to the increased, current level of fortified skim milk sales on the skim milk equivalent basis (less weight of solids). It was reasoned that "any change in the accounting procedure should have a neutral effect with respect to the Class I price formula." In our view, however, the method proposed for adjustment of the base period data does not produce a neutral effect on the price formula. The base period data would be adjusted by a statistical figure which had no significance or application during the base period and will no longer have significance as a measure of fortified skim milk volumes sold. Adjustment of the base period data to exclude the skim milk equivalent of actual fortified skim milk volumes sold in the base period would produce the neutral effect exceptors suggest. As stated above, the record does not contain the data to accomplish this, but in any case, the effect of making such an adjustment would be minute. The small benefit which has accrued to producers from use of the skim milk equivalent basis in the past is not in itself adequate basis for its continued use, especially when the added solids involved need not be derived from producer milk.

It is necessary, in accordance with the price standards of the statute, to consider the total effect of the formula as a stimulus to adequate supply. Since the base period, producer milk supplies have increased slightly in relation to the total fluid needs for such milk and are adequate even though there has been a gradual but steady growth in the sale of fortified fluid milk products. In view of this tendency toward increasing supplies, it may be reasonably concluded that the present Class I formula does not require the proposed revision as to the Class I sales index or any modification of the supply-demand adjuster and that it will continue to result in a general level of prices meeting the criteria of the statute.

(2) Producer milk plant definition: The definitions of "producer milk plant" (Philadelphia order) and "fluid milk plant" (Wilmington order), which describe the plants at which milk received from dairy farmers will be included in the individual handler's "pool" and priced in accordance with the minimum price provisions of the respective orders, should be modified.

The Philadelphia order definition provides that country receiving plants operated by the same handler may be considered, under certain conditions, a unit for the purpose of meeting the performance requirements of such definition. More specifically, a handler operating a pasteurizing and bottling plant and two or more qualified country receiving plants may consider as a unit any of such receiving plants as he may designate for the purpose of maintaining pool eligibility for the milk in such plants.

Recent changes in methods of farm-to-plant milk delivery have tended to make the present provision inadequate. With the rapid growth of bulk tank handling of milk in the Philadelphia market, some multiple-plant handlers soon will be in the position of operating only one receiving station. One large company which in the past has operated several plants under the order has closed all but two of its receiving stations. One of the remaining stations is receiving only small quantities of milk and is continuing in operation only to meet the order stipulation that it have two receiving stations to form a unit. This type of operation is uneconomical for the handler but is necessary to maintain pooling eligibility for a supply vital to its fluid milk needs on an annual basis. Another large company has stated its intention to close two of its three country receiving plants later this year. Without a revision in the basis of unit pooling, the third plant, a necessary facility, cannot retain eligibility as part of the handler's system. Difficult marketing situations for producers are expected as the result of plant closings unless the provision is modified.

Under the present wording of the producer milk plant definition, a single country receiving station cannot qualify for the unit pooling privilege of such definition (§ 1004.7(b)) (formerly § 961.7 (b)) and the milk at such a plant is not eligible for pooling and pricing under the order unless the plant individually meets in full the shipping requirements described in the definition.

To meet such standard some milk from the single receiving plant must be allocated to Class I during eight months of the year, and in four months of the year an additional requirement is the shipment from such plant to a pasteurizing or bottling plant on 11 or more days. Pooling on the latter basis would inject needless uncertainties into the marketing of the milk of some producers. In certain instances, at least, producers and handlers would find it difficult to determine until the month following the month of shipment whether or not a particular plant (and supply of milk) would be eligible for pooling. This would tend to foster disorderly marketing conditions for producers.

The Wilmington order, as originally written as it has continued to the present time, contains no provision for system reporting and pooling by the handler other than when some milk from a receiving station actually is allocated to Class I during the month.

For the past few months a large plant at Camden, New Jersey, formerly regulated under the Philadelphia order, has been regulated by Order No. 10 because of Class I milk distributed from this plant in the Wilmington marketing area. This plant does not receive a sufficient supply of milk directly from producers and therefore the handler has been reporting as a system the Camden plant and a country receiving station located at Worton, Maryland. This system reporting has been possible only because of the allocation to Class I of some of the milk shipped from the Worton plant. During certain months of the year, particularly the flush production months, such an allocation might not be possible for this handler and in such event producers shipping to the Worton plant would not, for the particular month, be associated with the Wilmington market. Out of concern for its ability to qualify this plant under Order No. 10, the company expects to include the Worton plant in its Order No. 4 system for the month of February.

It is concluded that in the interest of orderly marketing the producer milk plant definition of the Philadelphia order should be revised to provide unit pooling when a handler operates a pasteurizing or bottling plant and one or more receiving plants; also that similar, complementary language providing for unit pooling should be included in the fluid milk plant definition of the Wilmington order.

(3) The classification rule of the Philadelphia order affecting certain interplant transfers of milk and skim milk should be clarified.

A question has arisen as to whether the classification rules on interplant shipments of milk and skim milk should be clarified in their application to milk or skim milk disposed of by a handler to a "nonproducer milk plant" where it is assembled together with milk or skim milk received from other handlers (and sometimes from nonregulated sources), and prepared for shipment to other nonproducer milk plants or commercial establishments for Class II use.

At present several small handlers dispose of their surplus milk to a small unregulated creamery where the aggregate quantities accumulated are disposed of to a baking company. The creamery performs no manufacturing operations but sometimes separates whole milk into cream and skim milk prior to shipment to the baking company. Such creamery is a convenient, economical outlet for the surplus milk of several small handlers. The current application of the interplant classification rule provides that milk and skim milk so disposed of from the creamery shall be Class II milk.

In another instance, a non-processing milk handler accepts, as a broker, surplus quantities of milk and cream from small handlers at a cold storage facility. Such purchases, generally in small lots, are assembled and held under refrigeration until sold to cheese manufacturers or commercial establishments processing soups, candies, or other non-dairy foods. The handler, in his capacity as a broker, provides a second convenient outlet for the surplus milk of several small handlers. By current interpretation of the provision the milk so handled is classified as Class II milk.

The operator of the refrigeration facility indicated his view that the language of the provision might be interpreted to consider the milk he handles as a sale directly from the originating handler to a consumer (the establishment where ultimately converted into another product such as soup or candy). In such event the interplant classification provisions would not be applicable and a Class I classification automatically would apply to any such milk or skim milk.

It is concluded that the language of the classification rules on interplant shipments should be clarified as they apply to the above types of transactions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum orders; determination of representative period; and designation of referendum agent. It is hereby directed that referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas, are approved or favored by the producers, as defined under the terms of the respective orders, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale with the aforesaid marketing areas.

The month of December 1961 is hereby determined to be the representative period for the conduct of such referenda.

L. S. Iverson is hereby designated agent of the Secretary to conduct such separate referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 6, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the second proviso of § 1004.7 (b) (formerly § 961.7(b)) and substitute therefor the following proviso: *"And provided further,* That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within such system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefor: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)".

3. Delete § 1004.44(c) (formerly § 961.44(c)) and substitute therefor the following:

(c) As Class I milk if transferred in bulk to a nonproducer milk plant, or refrigerated holding facility, unless: (1) The handler claims a Class II utilization; (2) the receiver maintains books and records showing the utilization and disposition of all milk and skim milk at his plant, or refrigerated holding facility, which are made available if requested by the market administrator for the purpose of verification; and (3) not less than an equivalent amount of milk or skim milk was:

(i) Actually utilized in the nonproducer milk plant or disposed of from such plant as Class II milk; or

(ii) In the case of a refrigerated holding facility, actually disposed of therefrom as Class II milk or transferred to a nonproducer milk plant: *Provided,* That the market administrator is permitted, on request, to verify from the books and records of milk utilization and disposition at such nonproducer milk plant that not less than an equivalent quantity of milk or skim milk was utilized in, or disposed of from, such plant as Class II milk.

4. Change the period at the end of § 1004.46 (formerly § 961.46) to a colon and add the following proviso: *"Provided,* That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

5. Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk: (i) In the form of cream containing 18 percent or more butterfat; (ii) utilized in reconstituted and fortified products; and (iii) in other Class II products which are reprocessed or converted to another product during the month.

Order[1] Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area

§ 1010.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Replace the period at the end of § 1010.7 with a colon and add the following proviso: *"Provided,* That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within his system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1010.41(a) and substitute therefor the following: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)."

3. Change the period at the end of § 1010.45 to a colon and add the following proviso: *"Provided,* That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

[F.R. Doc. 62-3519; Filed, Apr. 10, 1962; 8:52 a.m.]

[7 CFR Part 1195][1]

[Docket No. AO 239-A1]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Decision With Respect to Proposed Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on January 22, 1962, after notice thereof published in the FEDERAL REGISTER (26 F.R. 12528; 27 F.R. 121), with respect to a proposed amendment of Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983; 17 F.R. 4971, 5052, 5058; as suspended at 20 F.R. 585; 21 F.R. 648) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in a designated production area in Florida and Georgia, hereinafter referred to collectively as the "order", to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, in this proceeding, dated March 13, 1962. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published March 22, 1962, in the FEDERAL REGISTER (F.R. Doc. 62-2726; 27 F.R. 2695). No exception to said recommended decision was filed.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said amended marketing agreement are identical with those contained in the said annexed order which will be published with this decision.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(a) Change the definition of the term "prime", and eliminate the definition of the term "top";

(b) Change the composition of the membership of the Control Committee by (1) decreasing from 5 to 3 the number of members who shall be growers who are not handlers, (2) increasing from 4 to 7 the number of members who shall be growers and who are also handlers, and (3) decreasing from 2 to 1 the number of handlers who are not growers;

(c) Provide flexibility as to the time nominations of eligible members for consideration by the Secretary in selecting members who are to serve on the Control Committee during the fiscal period ending January 31, 1963 (in the event the proposed order is approved and becomes effective prior to that date), are to be submitted to the Secretary;

(d) Provide flexibility as to the time the Control Committee is required to consider, prepare, and submit to the Secretary a proposed marketing policy, including a report thereon, and require that the Committee concurrently submit to the Secretary proposed regulations, if any, with respect thereto, for the handling of Type 62 tobacco during the fiscal period;

(e) Require the Control Committee to give growers and handlers reasonable notice of the contents of each report on a marketing policy submitted by the Control Committee to the Secretary;

(f) Authorize the Control Committee to recommend to the Secretary regulations regarding the quantity of tobacco leaves that may be handled, such quantity to be in terms of the number of tobacco leaves per tobacco plant, and to provide that with respect to any recommendation by the Control Committee which relates to a modification in a regulation regarding the maximum number of leaves that may be handled, the Control Committee shall specify the number of leaves per plant which should be fixed by the Secretary;

(g) Fix, as the initial regulation, the number of tobacco leaves, in terms of the number of leaves per tobacco plant, that may be handled and authorize the Secretary to modify such number of tobacco leaves by separate regulations increasing or decreasing, as the circumstances may warrant, the number of such leaves of tobacco plants that may be handled, and provide that the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled pursuant to the initial regulation shall be the number of leaves equal to the product of 18 multiplied by the total number of plants grown in the production area in such year;

(h) Consolidate the provisions of § 983.54(a) and § 983.61 of the order into a single section of the proposed order;

(i) Change paragraph (b) of § 983.55 of the order to paragraph (c) of such section, and to insert a new paragraph (b) regarding the procedure for the issuance of handling certificates;

(j) Provide a minimum period of time during which each handler and each subsidiary and affiliate thereof shall keep (retain) books and records required by § 983.60 of the order; and

(k) Provide for making other changes in the order as may be necessary to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows (numbers in parentheses are those used in the order as proposed to be amended, herein referred to as the "proposed order", which differ from those in the order):

(a) The term "prime" as defined in the order means to "pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time". The definition, taken literally, is possible of being interpreted to mean that tobacco leaves are required to be picked in exact order of appearance on the stalk, beginning at the bottom of the plant, in order for the term "prime" to be applicable. The record brings out that such an interpretation is not requisite to the regulatory program as proposed to be amended. The term "prime" should be defined as hereinafter set forth to mean "to pick tobacco leaves from tobacco stalks". As so defined, the term "prime" will serve the amended program realistically since the picking of tobacco leaves in exact sequence of appearance on the stalk is not always practiced. Under the provisions of the order (currently suspended), the 7 top leaves of a tobacco plant that has not been topped, and the 4 top leaves of a tobacco plant that has been topped, are not eligible for handling. While such provisions tended to effectuate the declared policy of the act during the years the program was operative until suspension, new strains of tobacco were developed which produced more leaves per stalk than the strains that were grown at the time the program became effective. During the period that the current program was not in suspension, it was of utmost importance that none of the top leaves as above discussed be handled. The definition of the term "prime" was thus designed to fit the then customary practice of picking the leaves as they ripened. Under the program as proposed to be amended, the record clearly shows that some leaves may not be picked but that a later-ripened leaf farther up the stalk may be picked, due to the natural desire of a grower to pick for handling the best leaves from any given plant within the permitted maximum number of eligible leaves.

Under the proposed order the term "top" will be irrelevant because, as the record shows, the program as proposed to be amended conditions nothing upon whether a plant is topped or is not topped, and such definition, therefore, should not be carried over into the proposed order.

(b) The composition of the Control Committee is recommended to be changed as set forth in the proposed order. The record makes clear that grower representation will be greater under the proposed order in that (1) the number of handler members who are not growers is reduced from 2 to 1, and (2) while the number of grower members who are not handlers is reduced from 5 to 3 with an increase from 4 to 7 in the number of members who are growers and are also handlers, the total number of members who are growers in some capacity is 10 rather than 9 as under the order. According to the record, this change in composition, along with the elimination of specific geographical distribution of mem-

[1] Originally 7 CFR Part 983.

bership requirements of the committee members, is necessary to accommodate the relative increase, since the order became effective, in the number of growers who are also handlers and to assure the availability of potential members for each membership category who would be eligible to serve on the committee. A considerable shift has occurred during the past ten years in which the number of growers who were not handlers have become growers who are also handlers. This shift, brought on partly by the formation of additional cooperatives, necessitates a decrease in the number of members of the committee who are growers only with a corresponding increase in the number of members who are growers and are also handlers, in order to assure equitable representation and availability of potential membership for the grower category and also for the category of growers who are also handlers. There is only one handler who is not a grower; hence the necessity of reducing the number of members in the handler category from 2 to 1. The geographical requirement in the order regarding membership eligibility, if carried over into the proposed order, would render ineligible some highly capable otherwise potential members and make it necessary to select members who in some instances would prefer that others serve on the committee rather than they.

(c) It was recommended in testimony at the hearing that paragraph (a) and paragraph (b)(3) of § 983.23 (§ 1195.23) *Nominations* be changed to read as in the proposed order. In the event the proposed order should become effective prior to January 31, 1963, the first fiscal period thereof will end on that date. It is not practical to provide any period of time within which nominees are to be submitted to the Secretary for selection to serve on the committee during such "initial" fiscal period for the reason that there is no way of determining now whether or when the proposed order may become effective. Should the proposed order be approved and become effective, it is to be assumed that nominations for committee membership will be made as promptly as possible thereafter so as to enable the Secretary to select the members of the "initial" committee. The successor members will, of course, be nominated and selected as provided in the order, the relevant provisions of which are carried over into the proposed order. The change in paragraph (b)(3) is simply to conform the wording therein to the recommended change in the number of handler members on the committee who are not growers. Accordingly, the provisions of the proposed order should reflect the foregoing.

(d) The record shows that the Control Committee should not be required to consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon, at the "beginning" of each fiscal period, as prescribed by § 983.50(a) of the order. In the event the order is amended as a result of this proceeding, a rigid time specification for the consideration, preparation and submission of a marketing policy for the fiscal period in which the proposed order became effective would be particularly burdensome. Hence, it is recommended that the phraseology of the section, in the proposed order, dealing with the marketing policy permit the performance of such duties as soon as practical after a fiscal period begins, thereby affording the committee adequate time for thorough deliberations.

The record further supports the expansion of this section to provide that the marketing policy and report thereon submitted by the Control Committee to the Secretary shall be accompanied by such regulations, if any, as may be recommended by the committee to be applicable to the handling of tobacco during the period covered by the marketing policy. Thus, growers and handlers will be informed as early as practicable in a fiscal period of possible regulations that may be in effect and thereby enable them to adjust their operations accordingly. The proposed order should so provide. The committee will thereby be afforded adequate time in which to carefully consider matters and information relevant to the preparation of a marketing policy and report thereon including the supply and demand for tobacco, tobacco prices at the grower level and handler level, trend and level of consumer income, and other relevant factors as set forth in the proposed order, and also to carefully develop proposed regulations for the handling of tobacco in line with the marketing policy.

(e) The provisions of paragraph (d) of § 983.50 of the order, relative to the notice required to be given by the Control Committee to growers and handlers with respect to the marketing policy report, should be the same as those of paragraph (d) of § 983.52 of the order regarding the notice required to be given by the committee to growers and handlers of each regulation, modification, suspension and termination. The record reflects that under the provisions of § 983.52(d) of the order which require that the committee "give reasonable notice—to growers and handlers", all such persons have consistently been apprised of the Secretary's actions pursuant to § 983.52 of the order. Similarly, growers and handlers, under the order, have been kept informed of the committee's marketing policy reports. It is recognized that full and adequate notice to growers and handlers with respect to the marketing policy report of the committee is of great importance. However, no useful purpose would be served for a continued requirement, in the proposed order, that all growers and handlers be notified of the committee's marketing policy report when the giving of reasonable notice by the committee has been very effective for notice purposes. Full and adequate notice thus being assured, no question should arise as to whether any difference in the method of giving notice is intended as between notification of the Secretary's regulations and of the committee's marketing policy reports. The notice requirements should be as hereinafter set forth.

(f) As the record shows, a change in paragraph (a) of § 983.51 of the order was recommended to provide that any recommendation by the committee to the Secretary regarding the quantity of tobacco leaves that may be handled shall be in terms of the number of leaves per tobacco plant, and that any such recommendation shall specify the number of leaves per tobacco plant which should be fixed by the Secretary. Evidence adduced at the hearing shows that limiting the handling of tobacco leaves to a fixed maximum of 18 leaves per tobacco plant would tend to effectuate the declared policy of the act. The amount of tobacco handled would be limited to the amount the market would take and the better quality leaves would be handled. The committee should also furnish the Secretary its recommendation of any modification it feels should be made in the number of leaves per tobacco plant that may be handled, in order that the Secretary may have the benefit of the committee's knowledge set forth in tangible form for his use in determining whether and the extent to which a change in the regulations limiting the handling of tobacco is justified. The provision contained in § 983.51(a) of the order providing that the committee's recommendations to the Secretary may be based on the location of leaves on the tobacco plant, with consideration to whether the tobacco plant was topped or was not topped, is not consonant with the provisions of the proposed order and should be eliminated. The proposed order implements these recommended changes.

(g) As supported by the record, paragraph (a) of § 983.52 (§ 1195.52) of the proposed order includes a provision that each regulation issued by the Secretary, upon his finding from the committee's recommendation or other information, that to limit the quantity of tobacco leaves (in terms of the number of leaves per tobacco plant) that may be handled would tend to effectuate the declared policy of the act, shall specify the maximum number of tobacco leaves that may be handled. Also, the section provides that any modification with respect to the maximum number of tobacco leaves may be accomplished by issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number of leaves that may be handled. These provisions are necessary because they not only provide a fixed amount of tobacco leaves the handling of which will tend to effectuate the declared policy of the act, but also provide flexibility making it possible, through issuance of a separate regulation, to adjust the number of leaves that may be handled, up or down, as the circumstances warrant. It is possible that the present supply and demand situation for tobacco will change to an extent requiring a corresponding change in the number of tobacco leaves that may be handled, and it is essential that the Secretary be provided authority to make such a change as provided in the proposed order. The proposed order provides that the Secretary shall notify the committee of each such regulation or modification thereof, and the committee will be in position, therefore, to give notice thereof to growers and handlers as required by the proposed order. A provision contained in paragraph (a) of § 983.52 of the order, whereunder the location of leaves on the tobacco stalk could be taken into account by the Secretary in specifying the number of leaves that may be handled, should not be carried over into the proposed order to conform with the provisions of the proposed order under which the location of leaves on the tobacco plant is not pertinent.

Paragraph (c) of § 983.52 of the order should not be carried over into the proposed order. The provisions of paragraph (c) of the order are not necessary because they are not relevant or consistent with the provisions of the proposed order. Paragraph (c) prohibited the Secretary from issuing any regulation that would limit or prohibit the handling of more than (1) the seven top leaves of a plant that was not topped or (2) the four top stalk leaves of a tobacco plant that was topped. While such provision was applicable under the order, the proposed order does not contain any provision limiting the handling of leaves on the basis of where the leaves appear on the stalk or whether the tobacco stalk (plant) was topped.

The record shows that the better quality leaves on a tobacco plant normally are among the first 18 leaves primed. A survey report, submitted on behalf of the proponents of the proposed amendment of the order at the hearing and reflected on the record, shows that, on the basis of 16,083,882 pounds of tobacco handled from the 1959, 1960 and 1961 crops, 58.2 percent of the tobacco leaves primed and contained in the bottom 18 leaves consisted of the better quality tobacco. The balance of 41.8 percent of the tobacco leaves contained in the bottom 18 leaves consisted to a large extent of lower grade tobacco. In the tobacco consisting of the 19th leaf and leaves above the 19th leaf on the tobacco plant, only four-tenths of 1 percent consisted of the better quality tobacco. Tobacco of this lower grade represents tobacco only a nominal portion of which has a ready market with the result that the remainder overhangs the market and depresses the price of the better grades. The 16,083,882 pounds of tobacco were handled by 14 of the 22 handlers of Type 62 tobacco in the Florida-Georgia production area who handled tobacco for approximately 66 percent of the growers in such area. It is manifest from the record that, by limiting the handling of Type 62 tobacco as hereinafter provided in the proposed order, the desired quality of tobacco would be made available for handling (including a nominal amount of the lower grade tobacco for which there is a market), and that the amount of tobacco would be equitably apportioned among the producers and be in line with the amount of tobacco the market will take without depressing the price receivable by producers for the tobacco. By the uniform application of the maximum number of leaves per plant permitted to be handled, as provided in the proposed order, there would result an equitable apportionment among producers of the total quantity of tobacco permitted to be handled; and the record shows such to be the general belief. Thus, the proposed order would afford each grower the opportunity to make available for handling the same maximum number of the best leaves from his tobacco plants, within the tolerance provided.

Section 983.53 (§ 1195.53) *Initial regulation* of the proposed order fixes the maximum number of leaves of tobacco plants grown in the production area in the calendar year 1962 or in any subsequent year that may be handled at the number of leaves equal to 18 multiplied by the total number of plants grown in the production area in such year. Thus, such initial regulation has the effect of fixing a total quantity of tobacco leaves grown in the production area that may be handled, and such total quantity is consistent with the sum of the individual number of leaves per tobacco plant that may be certified by the committee as eligible for handling. It is consistent with the information contained in the aforementioned survey report.

(h) As supported by the record paragraph (a) of § 983.54 of the order should be eliminated since the effect of its provisions are repeated in § 983.61 of the order. Section 983.54(a) provides, in slightly different phraseology from that in § 983.61, that no handler shall handle tobacco except in accordance with the regulations. This is what § 983.61 also provides. The compliance provisions should appear in one place in the proposed order as hereinafter set forth so as to avoid confusion and possible misinterpretation.

(i) It is necessary that the committee know that tobacco leaves are eligible for handling before it can issue a handling certificate therefor. The expansion of § 983.55 (§ 1195.55) as provided in the proposed order, affords a definite basis on which the committee can determine whether tobacco leaves are eligible for handling.

There should be carried over into the proposed order a provision that any handler may handle tobacco leaves from the first three primings without a handling certificate because (1) there will be no instances where the first three primings will contain more than the maximum number of tobacco leaves permitted under the initial regulations in the proposed order to be handled and (2) there are not currently available enough barns to house simultaneously all primings of a tobacco crop. By the time all the tobacco leaves that are to be primed from a tobacco plant have been primed, the first one or two primings, and sometimes the third priming, are ready to be handled. It would be uneconomical for growers to build additional barns and delay the handling of the first three primings when the total number of leaves contained in the first three primings does not exceed the maximum number of leaves per plant initially permitted under the proposed order to be handled.

Before tobacco leaves from the fourth and subsequent primings can be handled, the handler should be required to obtain a handling certificate which has been issued by the Control Committee to the producer which covers the tobacco and which evidences that the tobacco covered thereby is eligible for handling.

Before the Control Committee can be in position to issue a handling certificate to a producer for particular tobacco leaves, it will be necessary to have the tobacco leaves and the tobacco field in which grown inspected in order to determine that the tobacco primed (fourth and subsequent primings) therefrom and to be handled is eligible for handling. While the initial regulation in the proposed order fixes the maximum number of tobacco leaves (in terms of the number of leaves per tobacco plant) eligible for handling, the practical aspects of priming tobacco are such that a tolerance is advisable whereunder as many as 2 leaves in addition to such maximum number of leaves may be primed from an individual plant without rendering tobacco leaves from such field ineligible for handling, provided, that the average number of leaves primed per plant in the field does not exceed the maximum number of leaves per tobacco plant that may be handled. The absence of such a tolerance would render it a very impractical operation because the labor used in picking tobacco leaves from tobacco stalks cannot be relied upon to exercise the care that would be necessary to limit the number of leaves primed from each and every plant to the maximum number of leaves permitted to be handled. Such tolerance of 2 leaves per plant is reasonable and should result in no abuse of the program. As hereinbefore stated, primings beginning with the 19th leaf contain some good grade tobacco, and it is consistent with the information in the survey report reflected on the record to conclude that the two additional leaves as a rule will be of fairly good quality.

To give effect to the proposal, the provision discussed in the following paragraph should be inserted as paragraph (b) of § 983.55 (§ 1195.55), and the present paragraph (b) of § 983.55 conformingly designated as paragraph (c) of § 983.55 (§ 1195.55).

Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee should be required to have the tobacco inspected as well as the field in which grown and have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee should issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two addi-

tional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(j) As supported by the record, § 983.60 of the order should be amended in the proposed order to require that each handler and each subsidiary and affiliate thereof shall keep (retain), for a period of five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary. This provision exists in the order except for the time above specified as the required period records are to be retained. Retaining the books and records for five years would cause no hardship to the persons required to retain them, particularly in view of the fact that the records are customarily retained even longer than five years by handlers. Even though such books and records are customarily retained by handlers for more than five years, such period of time (five years) is considered reasonable and adequate from the standpoint of need to examine them on the part of the Control Committee or of the Secretary, and no purpose would be served by specifying a longer period. Any question that may arise with respect to the handling of tobacco by any handler should be cleared up and any necessary action with respect thereto would have been taken before the expiration of such 5-year period. Some reasonable time limit such records are to be retained is desirable, however, and the proposed order so provides.

(k) The record contains the recommendation that conforming changes in the marketing agreement and order should be made, as necessary, to make the entire marketing agreement and order conform with any amendment thereof that may result from the hearing. Such conforming changes are reflected in the proposed order.

Reactivation. The record shows that it is the desire and intent of growers and handlers in the production area: (1) That the regulatory program governing the handling of Type 62 shade-grown cigar-leaf tobacco be amended as hereinafter set forth; and, should the Secretary issue an amended marketing order program, the issuance of which is approved by the requisite number of growers, (2) that the suspension of the current order be terminated, thus reactivating the program in its amended form. As hereinabove discussed, the production and marketing of Type 62 tobacco have changed during the past several years so that operations under the regulatory program in its present form would not now tend to effectuate the declared policy of the act. Moreover, operations under the order as herein proposed to be amended would be adapted to, and recognize, current production and marketing conditions and would tend to effectuate the declared policy of the act.

The proposed amended marketing agreement and order, as hereinafter set forth, embody both the provisions of the current order which are not being changed as a result of this promulgation proceeding and the new or modified provisions recommended herein. All of these provisions are necessary for operations under the proposed order and would constitute a suitable and workable program for Type 62 tobacco as would tend to effectuate the declared policy of the act.

General findings. (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period beginning February 1, 1961, and ending January 31, 1962, both dates inclusive, (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged, within the designated production area of Florida and Georgia, in the production for market of Type 62 shade-grown cigar-leaf tobacco as defined in the amended order annexed to this decision and referendum order (said production area consisting of those counties, or portions thereof, bordering the Florida-Georgia State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west) to ascertain whether or not such producers favor the issuance of the annexed amended order. O. P. McArthur, State Executive Director, Florida ASC State Committee, 412 Northeast 16th Avenue, Gainesville, Florida, and William L. Lanier, State Executive-Director, Georgia ASC State Committee, Old Post Office Building, P. O. Box 1552, Athens, Georgia, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, are hereby designated as the agents of the Secretary of Agriculture to conduct the referendum.

(a) For purposes of such referendum: (1) "Producer" means any individual, partnership, corporation, association, or other business unit who or which: (i) Owns and farms land, resulting in his or its ownership of the Type 62 shade-grown cigar-leaf tobacco produced thereon; (ii) rents and farms land, resulting in his or its ownership of all or a portion of the Type 62 shade-grown cigar-leaf tobacco produced thereon; or (iii) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the Type 62 shade-grown cigar-leaf tobacco produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the Type 62 shade-grown cigar-leaf tobacco grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or under community property laws, as community property.

(2) Each producer shall be entitled to only one vote in such referendum, except that: (i) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (ii) a cooperative association of producers, bona fide engaged in marketing the Type 62 shade-grown cigar-leaf tobacco proposed to be regulated, or in rendering services for or advancing the interests of the producers of such Type 62 shade-grown cigar-leaf tobacco, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. Each ballot cast by, or on behalf of, a producer shall reflect the total volume of the Type 62 shade-grown cigar-leaf tobacco of which he or it was the producer during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

(b) The agents designated by the Secretary to conduct such referendum shall perform their functions subject to, and at the direction of, the Director of the Tobacco Division, Agricultural Stabilization and Conservation Service (ASCS).

(c) Such agents shall:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the period February 1, 1961 through January 31, 1962, have been engaged, within the specified production area, in the production for market of Type 62 shade-grown cigar-leaf tobacco, to cast their ballots relative to the issuance of such order or amendment.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers and the aforesaid cooperative associations copies of the text of the proposed amended order, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine that ballots may be cast by mail, cause all the material specified in paragraph (c) (5) hereof to be mailed to each such cooperative association and each such producer whose name and address is known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places, and designate and announce such polling places and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places, and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid text to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Tobacco Division, ASCS, the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Tobacco Division, ASCS, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Tobacco Division, ASCS.

(h) The Tobacco Division, ASCS, thereafter shall prepare and submit to the Secretary, a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confidential; and the contents of ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Tobacco Division, ASCS, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid annexed order, and of this order may be examined: In the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C.; at the Office of the Florida ASC State Committee, 412 Northeast 16th Avenue, Gainesville, Florida; at the Office of the Georgia ASC State Committee, Old Post Office Building, P.O. Box 1552, Athens, Georgia; at the Offices of the ASC county committees in Gadsden, Madison and Leon Counties in Florida, and in Decatur and Grady Counties in Georgia. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the aforesaid referendum agents or any of the appointees.

(48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

Amended Order[1] Regulating Handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Production Area of Florida and Georgia

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 1195.0 to 1195.72 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1195.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on January 22, 1962, upon a proposed amendment of the marketing agreement and order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby proposed to be amended regulates the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order as hereby proposed to be amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that, on and after the effective time hereof, all handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia shall be in conformity to, and in compliance with, the terms and conditions of said order as hereby amended; and the terms and conditions of said amended order are as follows:

DEFINITIONS

§ 1195.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 1195.2 Act.

"Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1195.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1195.4 Tobacco.

"Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title), that is grown in the production area and harvested after the effective date of this part.

§ 1195.5 Production area.

"Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 1195.6 Grower; producer.

"Grower" or "producer" means any person who is engaged in a proprietary capacity, in the commercial production of tobacco.

§ 1195.7 Handler; packer.

"Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 1195.8 Handle; pack.

"Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 1195.9 Prime.

"Prime" means to pick tobacco leaves from tobacco stalks.

§ 1195.10 Field.

"Field" means a field of tobacco within the confines of a single shade covering.

§ 1195.11 Fiscal period.

"Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided*, That the first fiscal period shall begin on the effective date of this part.

§ 1195.12 Control Committee; Committee.

"Control Committee" or "Committee" means the Control Committee established pursuant to § 1195.20.

CONTROL COMMITTEE

§ 1195.20 Establishment and membership.

(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member, and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Three members shall be growers who are not handlers. Any such member may be an officer, employee or agent of a grower.

(2) *Growers who are also handlers.* Seven members shall be growers who are also handlers. Any such member may be an officer, employee or agent of a grower.

(3) *Handlers who are not growers.* One member shall be a handler who is not a grower. Such member may be an officer, employee or agent of the handler.

§ 1195.21 Term of office.

(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 1195.22 Selection of members.

The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 1195.20 and 1195.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 1195.23 Nominations.

(a) *Certain members.* For the consideration of the Secretary in making the selection of the members of the Committee who are to serve during the fiscal period ending on January 31, 1963, nominations for eligible members may be submitted by growers and handlers. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler member who is not a grower may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers. Such nominations shall be submitted to the Secretary as soon as practical after the beginning of such fiscal period.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select the handler member who is not a grower.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 1195.24 Failure to nominate.

If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 1195.23(b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 1195.20.

§ 1195.25 Qualification.

Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such section.

§ 1195.26 Alternate members.

An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 1195.27 Substitutes for members.

In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 1195.28 Vacancies.

To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 1195.29 Compensation.

Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 1195.30 Powers.

The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1195.31 Duties.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 1195.32 Procedure.

(a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further*, That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 1195.40 Use of funds collected.

All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 1195.41 Budget and expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 1195.42 Assessments.

(a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 1195.43 Rate of assessment.

(a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 1195.44 Refunds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 1195.45 Accountability of Committee members for funds and property.

The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 1195.46 Legal action for collection of assessments.

The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 1195.50 Marketing policy and report.

(a) At or as soon as practical after the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon and proposed regulation, if any, with respect thereto, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall give reasonable notice thereof to growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 1195.51 Recommendation for regulation.

(a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity in terms of the number of leaves per tobacco plant, and the grade or quality of tobacco leaves, or either thereof deemed by it advisable to be handled. In making such recommendation, the Committee shall give consideration to the factors referred to in § 1195.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

§ 1195.52 Issuance of regulation.

(a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the maximum number (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act. Any such modification with respect to the maximum number of tobacco leaves that may be handled may be accomplished by the issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number "18" appearing in § 1195.53.

(c) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 1195.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1195.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

§ 1195.54 Limitations on handling.

No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 1195.55 Issuance of handling certificates.

(a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee shall have the tobacco inspected as well as the field in which grown and shall have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee shall issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two additional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(c) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 1195.56 Identification of tobacco handled.

The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 1195.57 Exemption certificates.

(a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 1195.60 Books and records.

(a) Each handler and each subsidiary and affiliate thereof shall keep, and retain for five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 1195.61 Compliance.

Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 1195.62 Right of the Secretary.

The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1195.63 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 1195.64 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 1195.65 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1195.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1195.67 Personal liability.

No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 1195.68 Separability.

If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 1195.69 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 1195.70 Termination.

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1195.71 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 1195.72 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

[F.R. Doc. 62-3551; Filed, Apr. 10, 1962; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 1]

FISHING

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.4 as set forth below. The purpose of this amendment is to require any person fishing in the waters of the national monuments in Alaska to secure a State of Alaska sport fishing license in conformity with the laws of that State.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 4, 1962.

Paragraph (a) of § 1.4 is amended and revised to read as follows:

§ 1.4 Fishing.

(a) Any person fishing in the waters of the Yosemite, Sequoia Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, Everglades, and Zion National Parks, and the monuments under the jurisdiction of the National Park Service, must secure a sport fishing license, as required by the laws of the State in which such park or monument, or portion thereof, is situated. Fishing in all parks and monuments shall be done in conformity with the laws of the State in which such park or monument, or portion thereof, is situated, regarding open seasons, size of fish, and limit of catch, except as otherwise provided in the following paragraphs of this section.

[F.R. Doc. 62-3467; Filed, Apr. 10, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate in or on peanut hay and rice straw at 5 parts per million and in or on peanuts, pineapples, rice, and spinach at 0.75 part per million.

The analytical method proposed in the petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate is a phosphorus method with a chromatographic step designed to remove the naturally occuring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pecticide chemical is proposed.

Dated: April 3, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-3482; Filed, Apr. 10, 1962; 8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Shell Chemical Company, Division of Shell Oil Company, Suite 1103, 1700 K Street NW., Washington 6, D.C., proposing the establishment of tolerances for residues of N⁶-benzyladenine at 1 part per million in or on the following raw agricultural commodities: Asparagus, beets (including tops), broccoli, brussels sprouts, cabbage, carrots (including tops), cauliflower, celery, chinese cabbage, chives, collards, endive, escarole, green beans (succulent form), green onions, kale, kohlrabi, leeks, lettuce (butter, cos, head, and red), mint, mustard greens, new zealand spinach, parsley, peas (succulent form), radishes (including tops), rape, salsify (including tops), shallots, soybeans (succulent form), spinach, swiss chard, turnips (including tops), watercress.

The analytical method proposed in the petition for determining residues of N⁶-benzyladenine involves reduction to an amino compound that is diazotized and coupled with *N*-(1-naphthyl)-ethylenediamine to form a colored azo dye, the absorbance of which is determined at 510 milliimicrons.

Dated: April 3, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-3483; Filed, Apr. 10, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 657) has been filed by Franklin Research Company, 5134 Lancaster Avenue, Philadelphia 31, Pennsylvania, proposing amendment of § 121.2526 of the food additives regulations to provide for the safe use of polysorbate 80 and propylene glycol alginate as components of resinous and polymeric coatings for paper and paperboard.

Dated: April 4, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3492; Filed, Apr. 10, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 742) has been filed by Pabst Brewing Company, 917 West Juneau Street, Milwaukee 1, Wisconsin, proposing the amendment of § 121.210 *Amprolium* of the food additive regulations to provide for the addition of bacitracin in amprolium medicated animal feed, as follows:

Grams/ton of complete feed	Limitations	Indications for use
50 to 100	Chickens	Prevention of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).
100 to 200	do	Treatment of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).

Dated: April 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3493; Filed, Apr. 10, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 750) has been filed by Pitman-Moore Company, Division of The Dow Chemical Company, P.O. Box 1656, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the safe use of iron-carbohydrate chelate complex as a dietary source of iron for human use.

Dated: April 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3494; Filed, Apr. 10, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

A petition (FAP 736) has been received from Thiokol Chemical Corporation, 780 N. Clinton Avenue, Trenton 7, New Jersey. The Food and Drug Administration has informed the petitioner that the petition was deficient in certain specified respects and was therefore not acceptable for filing. In accordance with § 121.51 (i)(1) of the food additive regulations, the petitioner has requested that the petition be filed as submitted, and it is therefore filed.

The petition proposes the issuance of a regulation to provide for the safe use of di(butoxy-ethoxy-ethyl)formal as a plasticizer in natural and synthetic rubber compositions. The resulting rubber compositions are to be used in applications in which they will come in contact with foods generally.

Dated: April 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3495; Filed, Apr. 10, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 740) has been filed by U.S. Industrial Chemicals Company, 99 Park Avenue, New York 16, New York, proposing the amendment of § 121.2508 of the food additive regulations by adding other ethylene-alkene-1 copolymers (ethylene-1-olefin copolymers) to ethylene butene-1 now regulated under § 121.2508. These copolymers comprise the group of aliphatic hydrocarbons having 3 to 8 carbon atoms. This group includes ethylene butene-1 copolymer now regulated under § 121.2508. Extractability limitations and methods will remain as described in § 121.2510. The petitioner proposes to use these copolymers in contact with food.

Dated: April 3, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3496; Filed, Apr. 10, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-WE-20]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR

409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control zone at the Sonoma County Airport, Santa Rosa, Calif. The proposed control zone would be designated from 0600 to 2200 hours local standard time, daily, within a 3-mile radius of Santa Rosa, Sonoma County Airport, Calif. (latitude 38°30'30" N., longitude 122°48'45" W.), excluding the portion which would coincide with the Hamilton AFB, Calif., Restricted Area/Military Climb Corridor (R-2522). This control zone would provide protection for aircraft operating at the Sonoma County Airport. Communications and weather reporting service would be provided to aircraft operating within the proposed control zone by the FAA control tower scheduled to be commissioned at Santa Rosa approximately June 1, 1962.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 5, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3468; Filed, Apr. 10, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

COTTON BROAD-WOVEN FABRIC MANUFACTURERS

Proposed Definition as Small Business for Purpose of SBA Business Loan

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for manufacturers of cotton broad-woven fabrics for the purpose of receiving SBA business loans.

The present definition of small business for such manufacturers is a concern which is independently owned and operated, is not dominant in its field of operation, and together with its affiliates employs 750 or less persons. It is intended to raise the size standard to 1,000 or less persons.

Interested persons may file with the Small Business Administration, within thirty days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the new definition.

All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of small business for cotton broad-woven fabric manufacturers for the purpose of SBA loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5008, 6642, 8592, 10633, 10634) is hereby further amended by deleting from "Schedule A" hereof under the heading "Textile Mill Products" the item "2233—Fabrics, cotton broad-woven—750," and substituting in lieu thereof "2233—Fabrics, cotton broad-woven—1000."

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-3457; Filed, Apr. 10, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-212]

[18 CFR Part 141]

LICENSEES OF PRIVATELY OWNED MAJOR UTILITY AND INDUSTRIAL PROJECTS

Proposed Annual Report Form

APRIL 5, 1962.

Promulgation of a New Annual Report Form prescribed for all Licensees of Privately Owned Major Projects (Utility and Industrial) Subject to the Federal Power Act, F.P.C. Form No. 9.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend effective for the reporting year 1961, § 141.13 of the Commission's Regulations Under the Federal Power Act "Form No. 8, Report of claimed increases and decreases in licensed project plant accounts."

3. The general purpose of this proceeding is to promulgate a new Annual Report form which combines the reporting requirements of this Commission's Licensed Project Section of F.P.C. Form No. 1,[1] F.P.C. Form No. 8,[2] F.P.C. Form 1E (18 CFR 141.6)[3] and F.P.C. Form 1D (18 CFR 141.5).

4. The proposed revised § 141.13, "Annual report form for licensees of major projects (utility and industrial) subject to the Federal Power Act" to appear in Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations would provide as follows:

§ 141.13 Form No. 9, Annual report form for licensees of privately owned major projects (utility and industrial).

(a) The form of Annual Report for licenses of privately owned projects under Commission license (major) whether utility or industrial shall be designated as F.P.C. Form No. 9 [4] in the Commission's Regulations Under the Federal Power Act and is prescribed for the calendar year 1961 and thereafter.

(b) Each licensee of a privately owned project under Commission license (major) whether utility or industrial shall prepare and file with the Commission for the year beginning January 1, 1961, on or before the last day of the third month following the close of the calendar year ended December 31, unless otherwise authorized or directed by the Commission, an original and two conformed copies, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
Information Concerning Licenses and Location of Records.
Licensed Project Plant.
Additions—Licensed Project Plant.
Retirements—Licensed Project Plant.
Adjustments—Licensed Project Plant.
Accumulated Provisions for Depreciation of Licensed Project Plant.
Accumulated Provisions for Amortization of Licensed Project Plant.
Depreciation Expense for Licensed Project.
Amortization Expense for Licensed Project.
Amortization Reserve—Federal.
Information Concerning Operation of Licensed Projects and the Sale or Use of Energy Produced.
Energy Generated and Energy Delivered by Licensed Projects.
Verification.

5. Schedules of the Licensed Project Section of F.P.C. Form No. 1 and of Form No. 8 which have been significantly revised in the proposed Form No. 9 are as follows:

F.P.C. Form No. 9 schedule heading	Form No. 9 page No.	Form No. 1 page No.	Form No. 8 page No.
Identification	Front cover	Front cover	Front cover.
General Instructions	Back front cover.	Back front cover.	Back front cover.
Licensed Project Plant	2-3		4-5.
Additions and Betterments-Licensed Project Plant	4-5		6-7.
Retirements-Licensed Project Plant	6-7		8-9.
Adjustments-Licensed Project Plant	8		10-11.
Accumulated Provisions for Depreciation of Licensed Project Plant.	9	709.	

6. The exact nature of each of the proposed revisions is fully set forth in the respective accompanying schedule sheets. The changes would be accomplished primarily through the modification of existing schedules. Three new schedules would be added: Accumulated Provisions for Amortization of Licensed Project Plant; Amortization Expense for Licensed Project; and Amortization Reserve—Federal.

7. The proposed revisions will adapt the Annual Report Form to all changes prescribed in the Uniform System of Accounts, effective January 1, 1961. The more important revisions may be stated briefly as follows:

(a) The information called for by the proposed Report Form previously was contained in four separate forms: the Licensed Project Section of Form No. 1, Form No. 8, Form 1E, and Form 1D;

(b) The proposed Report Form is a comprehensive restatement of reporting requirements, including the elimination of certain data requirements now deemed not necessary or available from other sources;

(c) The format and arrangement of the schedule pages has been improved;

(d) Clearer instructions have been added to simplify accurate reporting of information;

(e) The instructions have been revised to explicitly cover all property authorized by each license; and

(f) It is anticipated that the use of a single combined form will result in considerable economies for the reporting licensees and for the Commission's staff.

8. It should be noted that the proposed Form No. 9 is required to be filed annually by licensees of all major private projects (Utility and industrial). It should also be noted that Form No. 1E and Form 1D heretofore required of certain industrial licensees by § 141.6 and § 141.5 of the Commission's Regulations Under the Federal Power Act (18 CFR 141.6, 141.5) are proposed to be superseded by the Report Form proposed herein.

9. The proposed new § 141.13 to Part 141 of this Commision's regulations under the Federal Power Act and the proposed Annual Report, F.P.C. Form No. 9 herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 3(13), 4(a), (b), (c), 301 (a), 302, 304, 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796 (13), 797 (a), (b), (c), 825 (a) 825a, 825c, 825h, and 825j).

10. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 27, 1962, data, views, comments, and suggestions in writing concerning the proposed revised report form and regulations. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3469; Filed, Apr. 10, 1962; 8:46 a.m.]

[1] The Licensed Project Section of F.P.C. Form No. 1 was promulgated initially by order of October 12, 1937. Order No. 236 (26 F.R. 11897, December 13, 1961) prescribed a revised F.P.C. Form No. 1, and revised § 141.1(d) of the Commission's Regulations Under the Power Act prescribing that form, which eliminated from the Report Form the Schedule Pages comprising the Licensed Project Section.

[2] Form No. 8 was promulgated initially by Commission order of June 7, 1938 (it was then denominated F.P.C. Form 75).

[3] Form No. 1E was promulgated initially by O. C. Merrill, Executive Secretary of the Federal Power Commission in October 1932 pursuant to authority granted to him by Order No. 10 of June 2, 1921, First Ann. Rep. Federal Power Commission pp. 132-136 (1921).

[4] Filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 649.3–e]

TRACTOR PARTS FROM ITALY

Purchase Price; Foreign Market Value

APRIL 6, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of certain undercarriage parts and integral parts thereof, for crawler-type tractors imported from Italy is less or likely to be less than the foreign market value, as defined by sections 203 and 205 respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of certain undercarriage parts and integral parts thereof, for crawler-type tractors from Italy pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of Letts Industries Incorporated.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62–3491; Filed, Apr. 10, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The General Services Administration has filed an application, Serial Number A.056553 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use in connection with the Federal inter-agency motor pool.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ANCHORAGE TOWNSITE—EAST ADDITION

Block 23: Lots 1 and 2;
Block 24: Lots 4, 5, and 6

Containing 35,000 square feet.

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–3515; Filed, Apr. 10, 1962; 8:52 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

APRIL 3, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0163324, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the Daley Canyon Recreation Area, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 3 W.,
Sec. 20, S½SW¼SE¼;
Sec. 29, NW¼NE¼, SW¼NE¼, Lots 1 and 2.

The above described area contains 176.71 acres of Federal land. The lands are located in San Bernardino County, Calif.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–3516; Filed, Apr. 10, 1962; 8:52 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

APRIL 3, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Los Angeles 0160873, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the Dogwood Public Campground, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 3 W.,
Sec. 20, SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 29, NE¼NE¼.

The above described area contains 120 acres of Federal land. The lands are located in San Bernardino County, Calif.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–3470; Filed, Apr. 10, 1962; 8:46 a.m.]

[No. 62–15]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The Assistant Secretary, Department of Agriculture, has filed through the Manager of the Portland Land Office an application, Serial No. Oregon 011667, for the withdrawal of the lands described below from all forms of appropriation under the general mining laws only. The withdrawal will be subject to valid existing rights.

Field studies by the Forest Service show that land is needed for the protection of existing and planned improvements for the Forks Guard Station and Bone Point, Desolation Butte, and Silver Butte Lookout Administrative sites in the Umatilla National Forest; and that space is needed for administration buildings, residences, water system, trailer court, and storage area for the Chemult Ranger Station in Winema National Forest, Oreg., transferred from Deschutes National Forest, July 1, 1961.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay Street, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

UMATILLA NATIONAL FOREST

Forks Guard Station Administrative Site

T. 7 S., R. 34 E.,
Sec. 2: SE¼SW¼;
Sec. 11: NE¼NE¼NW¼.
Total, 50 acres.

Bone Point Lookout Administrative Site

T. 7 S., R. 31 E.,
Sec. 6: SE¼SW¼NW¼SE¼, SW¼SE¼NW¼SE¼, NE¼NW¼SW¼SE¼, NW¼NE¼SW¼SE¼.
Total, 10 acres.

Desolation Butte Lookout Administrative Site

T. 8 S., R. 34 E.,
Sec. 30: E½NW¼NW¼NE¼, W½NE¼NW¼NE¼.
Total, 10 acres.

Silver Butte Lookout Administrative Site

T. 8 S., R. 35 E.,
Sec. 6: Lot 5.
Total, 27.20 acres.

WINEMA NATIONAL FOREST

Chemult Ranger Station

T. 27 S., R. 8 E.,
Sec. 17: W½SE¼SE¼, E½SW¼SE¼;
Sec. 20: NE¼NE¼, E½NW¼NE¼.
Total, 100 acres.

Total area to be withdrawn aggregates 197.20 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62–3471; Filed, Apr. 10, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–62]

UNIVERSITY OF VIRGINIA

Notice of Proposed Issuance of Amendment to Facility License

Please take notice that the Atomic Energy Commission proposes to issue to the University of Virginia an amendment to Facility License No. R–66, substantially as set forth below, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's "Rules of Practice" (Title 10, CFR, Chapter I, Part 2). The proposed amendment would authorize the licensee to use an atmospheric concentration reduction factor of 500 in the computation of the concentrations of gaseous radioactive isotopes released from the stack of the University's research reactor at Charlottesville, Virginia. The stack also serves as the discharge stack for an adjacent hot cell. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated November 21, 1961 submitted by the University of Virginia and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 5th day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–66; Amdt. 2]

Pursuant to the authority in Parts 30 and 50, 10 CFR, License No. R–66 is hereby amended to authorize the University of Virginia to utilize a concentration reduction factor of 500 for radioactive argon and fission product noble gases released as stack effluent in connection with the operation of the University of Virginia Reactor in accordance with the application for license amendment dated November 21, 1961, and the conditions and limitations of this license.

Date of issuance:

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–3472; Filed, Apr. 10, 1962; 8:46 a.m.]

[Docket No. 50–187]

NORTHROP CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to December 31, 1962 the latest completion date specified in Construction Permit No. CPRR–63 for the construction of the TRIGA Mark F type nuclear reactor at the Northrop Corporation plant in Hawthorne, California.

Copies of the Commission's order and of the application by Northrop Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of April 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62–3473; Filed, Apr. 10, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–CE–70]

PROPOSED TELEVISION ANTENNA STRUCTURES

Notice of Hearing

The State of Minnesota, Department of Aeronautics and the Minneapolis/St. Paul Metropolitan Airports Commission have petitioned the Administrator for a hearing with respect to the determination issued by this Agency's Obstruction Evaluation Branch under this docket number on January 17, 1962, (27 F.R. 793), that the two antenna structures proposed by KSTP, Inc., United Television, Inc., Twin State Broadcasting, Inc., and Midwest Radio-Television, Inc., near Minneapolis and St. Paul, Minnesota would not be hazards to air navigation.

The Administrator has determined that the substance of the petitions has adequate foundation and has granted a hearing in order to determine the effect of the proposed construction on the safety of aircraft and the efficient utilization of navigable airspace.

Notice is hereby given that a prehearing conference will be held at 10 a.m., May 15, 1962, and a public hearing will be held at 10 a.m., May 16, 1962, both at the Radisson Hotel, 45 South Seventh Street, Minneapolis, Minn.

The following are designated as Parties to the hearing:

1. Air Line Pilots Association.
2. Aircraft Owners and Pilots Association.
3. Air Transport Association of America.
4. Department of the Air Force.
5. Department of the Army.
6. Department of the Navy.
7. KSTP, Inc.
8. Midwest Radio-Television, Inc.
9. Minnesota Business Aircraft Association.
10. Minneapolis/St. Paul Metropolitan Airports Commission.
11. National Business Aircraft Association.
12. State of Minnesota Department of Aeronautics.
13. Twin State Broadcasting, Inc.
14. United Television, Inc.

Designation as a Party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a Party to the hearing.

Issued: March 30, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-3474; Filed, Apr. 10, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ALCOA STEAMSHIP CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8086-2, between Alcoa Steamship Company, Inc., American Export Lines, Inc., American President Lines, Ltd., and seventeen other U.S. flag common carriers by water, modifies the basic agreement of the Atlantic & Gulf American-Flag Berth Operators Agreement (Numbered 8086), which covers an arrangement for the collaboration of the parties with respect to rates and related matter in connection with the transportation of cargo for MSTS and related shipper services in the foreign trades to and from U.S. Atlantic and Gulf of Mexico ports, and to and from ports in territories and possessions of the United States, also between foreign ports. The purpose of this modification is to (1) include the trade to and from U.S. Great Lakes ports within the scope of the agreement; (2) provide for negotiation by the parties with MSTS of rates, terms and conditions for transportation services under the agreement, either as a body, through committees, or through selected representatives; (3) change provisions with respect to meetings and voting; (4) provides for furnishing the Federal Maritime Commission with copies of all schedules of rates, charges and conditions of carriage negotiated with MSTS, as well as certified copies of minutes and/or true and complete record of all actions of the parties under the agreement; (5) add provisions setting forth procedure to insure strict compliance with the terms of the agreement by all parties, and for handling violations thereof; and (6) modify provisions governing admission and withdrawal of participating parties.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3512; Filed, Apr. 10, 1962; 8:51 a.m.]

MOHEGAN INTERNATIONAL CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Mohegan International Corp., New York is party to each agreement.

No. 8823 with Stone Forwarding Company, Inc. (Houston).
No. 8838 with John H. Faunce, Inc. (Phila.).
No. 8839 with Seaport Shipping Co. (Portland).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. Forwarding fees are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage is to be divided equally. These agreements may be cancelled by either party giving written notice to the other of its desire to terminate.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Fed-Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3513; Filed, Apr. 10, 1962; 8:51 a.m.]

PORT OF GOLD BEACH AND CRESCENT CITY MARINE WAYS AND DRYDOCK CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8815, between the Port of Gold Beach, Oregon, and Crescent City Marine Ways and Drydock Co., provides for a ten year lease of certain terminal facilities and property in the Port of Gold Beach. It further provides for regulation of certain terminal rates and services and diversion of cargoes from Frankport, Oregon, that can be handled at Gold Beach.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Martime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3514; Filed, Apr. 10, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-26]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

APRIL 5, 1962.

Take notice that on July 31, 1961, as supplemented on September 25, 1961, November 2, 1961, and December 13, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon resale natural gas service to Ohio Gas Company (Ohio Gas) for its Millersburg Division, Holmes and Coshocton Counties, Ohio; and for a certificate of public convenience and necessity authorizing the acquisition and operation of certain jurisdictional facilities of Ohio Gas' Millersburg Division in Holmes County, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application shows that all of the Millersburg Division will be acquired and operated by Applicant. Specifically the jurisdictional facilities involved are: Approximately 26,050 feet of 6-inch pipeline, 20,000 feet of 4-inch pipeline, 62,200 feet of 3-inch pipeline, 850 feet of 2-inch pipeline, and a 50 BHP Compressor Station, together with all appurtenant facilities.

The application shows that the Millersburg Division is far removed from Ohio Gas' principal operating area at Bryan, Ohio; furthermore, the Millersburg and Bryan Divisions are not interconnected and the distance factor has caused problems in supervision and administration. Ohio Gas, therefore, desires to sell the subject facilities. Applicant states that none of its facilities presently being used to serve Ohio Gas will be abandoned, and that these facilities, together with those proposed to be acquired, will be used by Applicant in the distribution of natural gas at retail in the Millersburg area.

Applicant will acquire the Millersburg Division at a price based on the depreciated original cost of the properties less contributions in aid of construction on the closing date. The estimated price for the properties is $409,035; of this amount an estimated $142,165 is attributable to jurisdictional facilities.

Applicant states that it will operate the subject facilities without interruption of service to existing consumers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and Commission's rules of practice and procedure, a hearing will be held on April 30, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3475; Filed, Apr. 10, 1962; 8:47 a.m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

Notice of Prehearing Conference

APRIL 4, 1962.

Take notice that a prehearing conference will be held on April 26, 1962, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., as requested, in the above-designated matter.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3476; Filed, Apr. 10, 1962; 8:47 a.m.]

[Docket No. CP62-198]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

APRIL 4, 1962.

Take notice that on February 21, 1962, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP62-198 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the 12-month period commencing August 7, 1962, at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas which will be purchased from producers thereof in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities from cash on hand or cash which will be available from current operation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3477; Filed, Apr. 10, 1962; 8:47 a.m.]

[Docket No. G-3623, etc.]

J. R. WELCH ET AL.

Notice of Applications and Date of Hearing

APRIL 4, 1962.

J. R. Welch (successor to Clyde D. & Carl D. Jackson d.b.a. Jackson Brothers), Docket Nos. G-3623, G-3624 and CI61-1234; Rex Oil & Gas Company (successor to United Carbon Company), Docket Nos. G-3913 and CI62-533; D. W. Pickett, Jr. (Operator), et al. (successor to E. A. Graham), Docket Nos. G-4885 and CI61-594; Leonard Cain (successor to Big Run Oil & Gas Company), Docket Nos. G-4958 and CI61-663; Charles E. Young (Operator), et al. (successor to Ethel S. Jones and H. P. Simonton), Docket Nos. G-5426, G-5482, G-5509 and G-20100; Stekoll Petroleum Corporation (successor to Beaver Lodge Oil Corporation), Docket Nos. G-6886 and CI60-468; James D. Hancock and James D. Hancock, Jr. (successor to Hanco Oil & Gas Company, Ltd.), Docket Nos. G-6950 and G-15160; The Southeastern Drilling Corporation, et al. (successor to W. P. Clements, Jr.), Docket Nos. G-7051, G-7052 and CI60-72; Trident Corporation (successor to W. F. Seeger), Docket Nos. G-7627 and CI61-1150; Herd Oil & Gas Company (successor to J. H. Herd), Docket Nos. G-7875 and G-15446; Redfern Oil Company (successor to John J. Redfern, Jr.) Docket Nos. G-7878 and G-15447; Marlin Exploration, Inc. (Operator), et al. (successor to Petersen Petroleum Corporation), Docket Nos. G-8060 and CI60-161; Stekoll Petroleum Corporation (successor to Oroco Oil and Gas Company), Docket Nos. G-8091 and CI60-302; Graham-Michaelis Drilling Company (successor I. W. Siegel), Docket Nos. G-8244 and CI61-851; L. G. Pigott (successor to Neal Oil & Gas Company), Docket Nos. G-8390 and CI62-132; American Petrofina Company of Texas (successor

to Roy H. Bettis, et al.), Docket Nos. G–8744 and CI61–672; General American Oil Company of Texas (successor to Delhi-Taylor Oil Corporation), Docket Nos. G–8908, G–14121 and G–16583; M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator), et al. (successor to W. E. Bakke (Operator), et al.), Docket Nos. G–9712, G–15257 and CI62–600; M. M. Conn (successor to Diversa, Inc.), Docket Nos. G–10948 and CI61–1673; James A. Rehler, et al. (Operator), et al. (successor to The Atlantic Refining Company (Operator), et al.), Docket Nos. G–11407 and CI62–189; D. W. Pickett (Operator), et al. (successor to Sinclair Oil & Gas Company and Midwest Oil Corporation), Docket Nos. G–11426, G–18736 and CI61–1255; Consolidated Oil & Gas Inc. (Operator), et al. (successor to Colorado Western Exploration, Inc. (Operator), et al.), Docket Nos. G–11896, G–15036 and G–17796; Stekoll Petroleum Corporation (successor to Beaver Lodge Oil Corporation (Operator), et al.), Docket Nos. G–13106, CI60–425 and CI60–445; Sinclair Oil & Gas Company (Operator) (successor to Cabot Corporation (Operator)), Docket Nos. G–13383 and CI62–160; Edward Garvin Oil & Gas Company (successor to Merchants Oil & Gas Company), Docket Nos. G–14706 and CI61–845; Barber Gas Operations, Inc. (successor to Starkan Gas Company), Docket Nos. G–15440, G–15441 and CI61–779; Forsythe Gas Conservation Company, Inc. (Operator) (successor to Lloyd L. Gray d.b.a. Graell Gas Service Company), Docket Nos. G–18483 and CI61–786; Heritage Petroleum Corporation (Operator), et al, (successor to Layton Brown Drilling Company, Inc. (Operator), et al), Docket Nos. G–18674 and CI61–1567; Marine Drilling, Inc. (successor to W. H. Hudson and Stekoll Petroleum Corporation), Docket Nos. G–19159, G–19184 and CI61–747; Cleary Petroleum, Inc. (Operator), et al. (successor to W. B. Cleary, Inc. (Operator), et al.), Docket Nos. G–19242 and CI61–1226; Anadarko Production Company (successor to Kansas–Colorado Utilities, Inc.), Docket Nos. G–19543 and CI61–742; Rancho Grande Oil Company (successor to Southland Company of Edinburg (Operator), et al.), Docket Nos. CI60–326 and CI62–116.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to their respective predecessors in interest. These sales, as represented in the respective applications, amendments and supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 7, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3478; Filed, Apr. 10, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

Declassification of Certain Stockpile Data

Pursuant to Executive Order 10501, as amended, and after consultation with the heads of the agencies concerned, I have found that materials objectives determined and materials inventories acquired under the Acts of June 7, 1939, and July 23, 1946, are not official information affecting the national defense within the meaning of that Order, and the amounts thereof are hereby determined to be unclassified.

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3503; Filed, Apr. 10, 1962; 8:50 a.m.]

DELAWARE

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Delaware to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

Kent.
New Castle.
Sussex.

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3504; Filed, Apr. 10, 1962; 8:50 a.m.]

KENTUCKY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 12, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the Commonwealth of Kentucky adversely affected by floods beginning on or about February 26, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1962:

The counties of:

Bell.	Letcher.
Breathitt.	Magoffin.
Carroll.	Martin.
Carter.	Morgan.
Clay.	Owsley.
Floyd.	Perry.
Franklin.	Pike.
Greenup.	Powell.
Jefferson.	Trigg.
Johnson.	Union.
Knott.	Warren.
Knox.	Wayne.
Lawrence.	Whitley.
Lee.	Wolfe.

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3505; Filed, Apr. 10, 1962; 8:50 a.m.]

MARYLAND

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Maryland to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The county of:

Worcester.

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3506; Filed, Apr. 10, 1962; 8:50 a.m.]

VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

Accomack.	Nansemond.
Gloucester.	Norfolk.
Isle of Wight.	Northampton.
Lancaster.	Princess Anne.
Mathews.	York.
Middlesex.	

The cities of:

Virginia Beach.	Portsmouth.
Hampton.	Norfolk.

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3507; Filed, Apr. 10, 1962; 8:50 a.m.]

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1,1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated March 9, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the States of Delaware, Maryland, New Jersey, and Virginia adversely affected by severe storm, high tides and flooding, beginning on or about March 6, 1962, and in those areas of the State of West Virginia adversely affected by recent flooding, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 9, 1962:

The counties of:

Boone.	McDowell.
Cabell.	Mingo.
Clay.	Nicholas.
Fayette.	Putnam.
Kanawha.	Raleigh.
Lincoln.	Wayne.
Logan.	Wyoming.
Mason.	

Dated: April 6, 1962.

EDWARD A. MCDERMOTT,
Acting Director.

[F.R. Doc. 62-3508; Filed, Apr. 10, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

APRIL 5, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 6, 1962, to April 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3479; Filed, Apr. 10, 1962; 8:47 a.m.]

[File No. 1-1842]

MERGENTHALER LINOTYPE CO.

Notice of Application To Withdraw From Listing and Registration and of Opportunity for Hearing

APRIL 5, 1962.

In the matter of Mergenthaler Linotype Company, capital stock, File No. 1-1842.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: There has been no trading in the stock on the Boston Stock Exchange for at least 5 years. The stock remains listed on several other exchanges.

Upon receipt of a request, on or before April 20, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3480; Filed, Apr. 10, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 623]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64750. By order of April 2, 1962, the Transfer Board approved the transfer to Donald A. LeClair, doing business as James Broderick Trucking Co., Tildahill Road, Florida, Mass., of Certificates Nos. MC 60924 and MC 60924 Sub 4, issued August 8, 1960, and January 16, 1950, respectively, to Edward James Broderick and Lillian Gregory, doing business as James Broderick Trucking Company, 519 Union Street, North Adams, Mass., authorizing the transportation of: Machinery, uncrated, between North Adams, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island and Vermont, and between North Adams, Mass., on the one hand, and, on the other, points in Maine; and machinery and machinery parts, crated, between North Adams, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, and Maine.

No. MC-FC 64775. By order of April 2, 1962, the Transfer Board approved the transfer to Merle J. Taggart, Denver, Colo., of Certificate No. MC 113520, issued July 9, 1953, to Harry B. Monk and Georgie L. Monk, doing business as Farmers Lumber and Supply Company, Durango, Colo., authorizing the transportation of: Forest products, and sawmill products, between points in Colorado and Wyoming, and between points in Colorado and Wyoming, on the one hand, and, on the other, points in Utah, Nebraska, and New Mexico, and those within a specified Kansas and Oklahoma territory. Leslie R. Kehl, 526 Denham Building, Denver 2, Colo., attorney for applicants.

No. MC-FC 64927. By order of April 2, 1962, the Transfer Board approved the transfer to George Creutzberger doing business as Defender Auto Express, Mt. Vernon, N.Y., of Certificate No. MC 76447, issued March 2, 1962, to Expressway Trucking Inc., Long Island City, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y. Bowes & Millner, 1060 Broad Street, Newark, N.J., attorneys for transferee. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferor.

No. MC-FC 64936. By order of April 2, 1962, the Transfer Board approved the transfer to Murphy Trucking Co., Inc., Denver, Ind., of a portion of Certificate No. MC 109612 Sub 2, issued November 7, 1961, to Lee Motor Lines, Inc., Muncie, Ind., authorizing the transportation, over regular routes, of fertilizer and superphosphate, from the site of the Virginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, to specified area and points in Indiana; from Fort Wayne and Remington, Ind., to the site of the Virginia-Carolina Chemical Corporation plant at St. Bernard, Ohio, grain, fertilizer, commercial feeds and ingredients thereof, unprocessed agricultural products, and livestock, between points in Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line through Terre Haute, Indianapolis, Greenfield, and Richmond to the Indiana-Ohio State line, on the one hand, and, on the other, specified area and points in Illinois; fertilizer, from Rushville and Seymour, Ind., and points within 10 miles of Rushville and Seymour, to points in that part of Indiana on and north of U.S. Highway 40 extending from the Illinois-Indiana State line, and points in that part of Illinois on and north of U.S. Highway 40 extending from the Illinois-Missouri State line through East St. Louis, Mulberry Grove, Brownstown, Effingham, Greenup, and Marshall to the Illinois-Indiana State line. Ferdinand Born, 1019 Chamber of Commerce, Indianapolis, Ind. Donald Smith, 512 Fidelity Building, Indianapolis, attorneys for applicants.

No. MC-FC 64946. By order of April 2, 1962, the Transfer Board approved the transfer to Roy E. Culp Grain Elevator, Inc., Brookston, Ind., of Certificates Nos. MC 109767 and MC 109767 Sub 1, issued May 12, 1950 and April 25, 1952, respectively, to Carl Culp and Roy Culp, a partnership, doing business as Culp Bros., Remington, Ind., authorizing the transportation, over irregular routes, of commercial feed, from Gibson City, Ill., and points in Illinois within the Chicago, Ill., Commercial Zone, to Remington, Ind., and points within 10 miles of Remington; commercial fertilizer, from Streator, Ill., and points in Illinois within the Chicago, Ill., Commercial Zone, supra, Remington, Ind., and points within 10 miles of Remington; hybrid seed corn, from Remington, Ind., and points within 10 miles of Remington, to points in Illinois within 150 miles of Remington; grain, from Remington, Ind., to points in Illinois within 150 miles of Remington; livestock, between Remington, Ind., and points within 10 miles of Remington, on the one hand, and, on the other, points in Illinois within 150 miles of Remington; commercial feeds, from Peoria, Ill., to Remington, Ind., and points within 10 miles of Remington; and commercial feed ingredients, from Peoria, Ill., and points in Illinois in the Chicago, Ill., Commercial Zone, to Remington, Ind., and points within 10 miles of Remington. John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3488; Filed, Apr. 10, 1962; 8:48 a.m.]

[Notice 205]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 6, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 33), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 271, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and Montgomery, Ala., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind.; from South Bend, Ind. over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31, via Seymour, Ind. to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., also from Sellersburg over U.S. Highway 31W to Louisville; from Louisville, Ky. over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31, via Birmingham, Ala., to Montgomery, and return over the same routes.

No. MC 2202 (Deviation No. 34), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 271, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fremont, Ohio, over U.S. Highway 20 to Chicago, thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction By-Pass U.S. Highway 66 (formerly a portion of U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction City U.S. Highway 66, near Mitchell, Ill., thence over City U.S. Highway 66, via East St. Louis, Ill., to St. Louis, Mo., and return over the same route.

No. MC 2202 (Deviation No. 35), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Wichita, Kans., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex., and (B) from the junction of Interstate Highways 35 and 35W, over Interstate Highway 35W to Fort Worth, Tex., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Fort Worth, over U.S. Highway 377 to Denton, Tex.; from Oklahoma City, Okla., over U.S. Highway 66 to El Reno, Okla.; from Pond Creek, Okla., over U.S. Highway 81 to Fort Worth; and from Pond Creek, Okla., over U.S. Highway 81 to Newton, Kans., and return over the same routes.

No. MC 10928 (Deviation No. 10), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Strafford and Springfield, Mo., over Interstate Highway 44, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Strafford over U.S. Highway 66 to Springfield, and return over the same route.

No. MC 10928 (Deviation No. 11), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 75 and Interstate Highway 45, approximately 10 miles south of Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75, approximately 11 miles south of Corsicana, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the said junctions over U.S. Highway 75, and return over the same route.

No. MC 13123 (Deviation No. 10), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed March 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., (B) from Cincinnati, Ohio, over Interstate Highway 75 to Lexington, Ky., (C) from Louisville, Ky., over Interstate Highway 64 to Lexington, Ky., (D) from Columbus, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, (E) from Cincinnati, Ohio, over Interstate Highway 74 to Indianapolis, Ind., (F) from Jeffersonville, Ind., over Interstate Highway 65 to junction U.S. Highway 31, near Seymour, Ind., thence over U.S. Highway 31 to junction Interstate Highway 65, near Columbus, Ind., thence over Interstate Highway 65 to Indianapolis, Ind., (G) from Providence, R.I., over Rhode Island Highway 146 to junction Massachusetts Highway 146, thence over Massachusetts Highway 146 to Worcester, Mass., (H) from Chicago, Ill., over Interstate Highway 94 to Milwaukee, Wis., (I) from Chicago, Ill., over Interstate Highway 90 to Rockford, Ill., (J) from Indianapolis, Ind., over Interstate Highway 74 to Rock Island, Ill., and (K) from Rock Island, Ill., over Interstate Highway 80 to junction U.S. Highway 66, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Hartford over U.S. Highway 5 to Springfield; also from Hartford over Alternate U.S. Highway 5 to Springfield; from Cincinnati over U.S. Highway 25 to Lexington; from Louisville over U.S. Highway 60 to Lexington; from Columbus over Ohio Highway 3 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati; from Cincinnati over U.S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U.S. Highway 421, thence over U.S. Highway 421 to Indianapolis; from Jeffersonville, over Indiana Highway 62 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction U.S. Highway 421 (formerly Indiana Highway 29); thence over U.S. Highway 421 to Indianapolis; from Providence over Rhode Island Highway 122 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 122 to Worcester; from Chicago over U.S. Highway 41 to Milwaukee; also from Chicago over Illinois Highway 42 to junction Wisconsin Highway 32, (formerly Wisconsin Highway 42), thence over Wisconsin Highway 32 to Milwaukee; from Chicago over U.S. Highway 20 to Rockford; from Indianapolis over U.S. Highway 136 (formerly Indiana Highway 32 and Illinois Highway 10) to Danville, Ill., thence over U.S. Highway 150 to Rock Island; and from Rock Island over U.S. Highway 6 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 80, and return over the same routes.

No. MC 35320 (Deviation No. 7), T.I.M.E. FREIGHT, INC., P.O. Box 1120, Lubbock, Tex., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntingdon, Tenn., over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 70, near Brownsville, Tenn., and return over the

same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Brownsville over U.S. Highway 79 to Paris, Tenn.; and from Nashville, Tenn., over U.S. Highway 70S (formerly U.S. Highway 70) to junction U.S. Highway 70, thence over U.S. Highway 70 to Atwood, Tenn., and return over the same routes.

No. MC 45657 (Deviation No. 4), PICWALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed March 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Indianapolis, Ind. and Cincinnati, Ohio, over U.S. Highway 52, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, over U.S. Highway 421 (formerly Indiana Highway 29) to junction U.S. Highway 50, thence over U.S. Highway 50 to Cleves, Ohio, thence over Ohio Highway 264 to Cincinnati, and return over the same route.

No. MC 52746 (Deviation No. 1), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Topeka and Junction City, Kans., over Interstate Highway 70, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over U.S. Highway 40, via Victory Junction, Kans., to junction U.S. Highway 24, at or near Wamego, Kans., thence over U.S. Highway 24 (formerly U.S. Highway 40) to junction Kansas Highway 18, thence over Kansas Highway 18 (formerly U.S. Highway 40) to Junction City, thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to McPherson, Kans., thence over U.S. Highway 50N to Great Bend, Kans., thence over Kansas Highway 45 to Dodge City, Kans., thence over U.S. Highway 283 to Minneola, Kans.; also from McPherson over Kansas Highway 17, via Hutchinson, Kans., to junction U.S. Highway 54, thence over U.S. Highway 54 to Minneola, Kans., thence over U.S. Highway 54 to Liberal, and return over the same routes.

No. MC 66562 (Deviation No. 10), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed March 29, 1962. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: From West Elizabeth, Pa., over Pennsylvania Highway 51 to junction Alternate Pennsylvania Highway 71, thence over Alternate Pennsylvania Highway 71 to junction Pennsylvania Highway 88, at Speers, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pittsburgh, Pa., over unnumbered highways to Dravosburg, Pa., thence over Pennsylvania Highway 837 to Monongahela, Pa., thence over Pennsylvania Highway 31 to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Monessen, Pa., thence across the Monongahela River to North Charleroi, Pa., thence over Pennsylvania Highway 88 to West Brownsville, Pa., thence over U.S. Highway 40 to Brownsville, Pa., and return over the same route.

No. MC 78632 (Deviation No. 7), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill. and Milwaukee, Wis., over Interstate Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to Milwaukee, thence over city streets to West Allis, Wis.; also from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis., and return over the same routes.

No. MC 78632 (Deviation No. 8), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Indianapolis, over U.S. Highway 52 to Cincinnati; also from Indianapolis over U.S. Highway 52 to junction Indiana Highway 1, thence over Indiana Highway 1 to Lawrenceburg, Ind., thence over U.S. Highway 50 to Cincinnati, and return over the same routes.

No. MC 106401 (Deviation No. 4), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 29 and Interstate Highway 85, approximately 2 miles east of Kings Mountain, N.C., over Interstate Highway 85 to junction U.S. Highway 29, approximately 6 miles south of Greenville, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the North Carolina-Virginia State line over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S Highway 70 to Greensboro, N.C., thence over Alternate U.S. Highway 29, via High Point, N.C., and Thomasville, N.C. to junction U.S. Highway 29, thence over U.S. Highway 29 to the North Carolina-South Carolina State line; and from Atlanta, Ga., over U.S. Highway 29 to Lyman, S.C., thence over Alternate U.S. Highway 29, via Spartanburg and Gaffney, S.C., to Grover, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 49, via Newell and Harrisburg, N.C., to junction unnumbered highway, thence over unnumbered highway to Concord, N.C., thence over Alternate U.S. Highway 29, via Kannapolis, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to High Point, N.C., thence over Alternate U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 70, via Burlington, N.C., to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa.; return over the same routes.

No. MC 106401 (Deviation No. 5), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte 1, N.C., filed March 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Durham, N.C., over Interstate Highway 85 to junction U.S. Highway 29, near China Grove, N.C., and (B) from the junction of U.S. Highway 29 and Interstate Highway 85, approximately 6 miles north of Charlotte, N.C., over Interstate Highway 85 to junction U.S. Highway 29, near Belmont, N.C., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the North Carolina-Virginia State line over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, thence over U.S. Highway 70 to Greensboro, N.C., thence over Alternate U.S. Highway 29, via High Point and Thomasville, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to the North Carolina-South Carolina State line; from Atlanta, Ga., over U.S. Highway 29 to Lyman, S.C., thence over Alternate U.S. Highway 29, via Spartanburg and Gaffney, S.C., to Grover, N.C., thence over U.S. Highway 29 to Charlotte, N.C., thence over North Carolina Highway 49, via Newell and Harrisburg, N.C., to junction unnumbered highway, thence over unnumbered highway to Concord, N.C., thence over Alternate U.S. Highway 29, via Kannapolis, N.C., to junction U.S. Highway 29, thence over U.S. Highway 29 to High Point, N.C., thence over Alternate U.S. Highway 29 to Greensboro, N.C., thence over Alternate U.S. Highway 70, via Burlington, N.C., to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same routes.

No. MC 106456 (Deviation No. 7), SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., filed March 26, 1962. Attorney James R. Browder, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Vincennes, Inc., over Illinois Highway 33 to junction Illinois Highway 1, approximately 3 miles east of Robinson, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Vincennes over U.S. Highway 50 to junction Illinois Highway 1, thence over Illinois Highway 33, approximately 3 miles east of Robinson, and return over the same route.

No. MC 107037 (Deviation No. 1), BROWN TRANSFER COMPANY, 2001 Avenue A. Kearney, Nebr., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Omaha and Lincoln, Nebr., over interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Grand Island, Nebr., over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 116523 (Deviation No. 1) (CORRECTION), KEYSTONE TRUCK LINES, INC., 321 Heavy Traffic Way, Tulsa, Okla., filed February 21, 1962, and published in the March 7, 1962, issue of the FEDERAL REGISTER page 2194. This notice should read as follows: Carrier proposes to operate as a *common carrier*, by motor vehicle of *Classes A and B Explosives*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 69 to Savanna, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to Tulsa, Okla., thence over U.S. Highway 64 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to U.S. Highway 69, thence over U.S. Highway 69 to Savanna, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Deviation No. 8), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed March 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 5 and Interstate Highway 91, north of Putney, Vt., over Interstate Highway 91 to Brattleboro, Vt., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Bellows Falls, Vt., over U.S. Highway 5 to Brattleboro, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3509; Filed, Apr. 10, 1962; 8:51 a.m.]

[Notice 434]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 6, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1658 (Sub-No. 46), filed March 23, 1962. Applicant: NORWALK TRUCK LINE, INC. of DELAWARE, Manheim Pike, Lancaster, Pa. Applicant's representative: M. M. Emery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving off-route points in Mentor Township, Lake County, Ohio, in connection with applicant's regular route operations to and from Cleveland, Ohio.

NOTE: Common control may be involved.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 2990 (Sub-No. 17), filed December 26, 1961. Applicant: BLUE ARROW TRANSPORT LINES, INC., 2501 South Paulina Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products*, and *commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials* and *supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 7920 (Sub-No. 5), filed February 5, 1962. Applicant: HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio. Applicant's attorney: Robert N. Krier.

3430 Le Veque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *supplies, equipment and materials used in the conduct of such business*, serving the plant site of Agar Packing Company, at Momence, Ill., as an off-route point in connection with applicant's authorized regular-route operations in Illinois, Indiana, Ohio, Pennsylvania, and New York.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 10761 (Sub-No. 114), filed December 11, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packing houses*, as described in Appendix A & C in description case Ex Parte MC–45, and *supplies, equipment* and *materials*, used in the conduct of such business, and *refused and rejected shipments*, serving the site of the Agar Packing Company plant at Momence, Ill., in connection with applicant's present authorized regular-route operations between Chicago, Ill., and St. Louis, Mo.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 20783 (Sub-No. 58), filed March 2, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Momence, Ill., to points in Alabama, Flordia, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before examiner Alton R. Smith.

No. MC 30844 (Sub-No. 61), filed January 29, 1962. Applicant: KROBLIN REGRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Stockton, Linville, Lewis and Mitchell, the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products*, and *articles distributed by meat packinghouses* as described in Appendices A and C in *Descriptions in Certificates*, Ex Parte No. MC–45, and *supplies, equipment and materials used in the conduct of such business*, between the plant site of the Agar Packing Company at Momence, Ill., and points in Colorado, Connecticut, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennyslvania, Rhode Island, and Wisconsin.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 41404 (Sub-No. 26), filed November 27, 1961. Applicant: ARGO COLLIER TRUCK LINES CORPORATION, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, from the site of the Agar Packing Company plant located at Momence, Ill., to Paducah and Fulton, Ky., and points in Alabama, Louisiana, Mississippi, Georgia, and Tennessee.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 42329 (Sub-No. 152), filed April 2, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), and serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that through stock ownership it is controlled by McLean Trucking Company.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 52709 (Sub-No. 158), filed January 31, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as defined in subdivisions A, B and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, and New Mexico.

NOTE: Applicant states it controls United Freight, Inc., and Inter State Express, Inc.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52752 (Sub-No. 10), filed January 3, 1962. Applicant: WESTERN TRANSPORTATION COMPANY, a corporation, 1300 West 35th Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *commodities distributed by meat packinghouses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and *such equipment, materials* and *supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 69116 (Sub-No. 64), filed December 26, 1961. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products*, and *meat by-products*, and *commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials* and *supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 71096 (Sub-No. 41), filed March 23, 1962. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: M. M. Emery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's regular route operations, to and from Cleveland, Ohio.

NOTE: Common control may be involved.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 75185 (Sub-No. 233) (REPUBLICATION), filed December 29, 1961, published FEDERAL REGISTER, issue of January 31, 1962. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Momence, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 80388 (Sub-No. 9), filed February 16, 1962. Applicant: CHICAGO-INDIANA FREIGHT LINES, INC., 3808 South Western Avenue, Chicago, Ill. Applicant's attorney: Euguene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *materials, supplies* and *equipment used in the conduct of such business*, between the plant site of Agar Packing Company, at or near Momence, Ill., and Louisville, Ky., and points in Indiana.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 1, or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 80430 (Sub-No. 102), filed January 15, 1962. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Charles L. Redel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat by-products and articles distributed by meat packing houses*, as described in Appendix A and C in description case Ex Parte MC–45, also *supplies, equipment* and *materials*, used in the conduct of such business, serving the site of Momence, Ill., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 93393 (Sub-No. 3), filed December 4, 1961. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Schanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat-packing houses*, as described in 61 M.C.C. 209 and 766, from the site of the Agar Packing Company plant in Momence, Ill., to points in that part of Indiana bounded by a line beginning at the junction of U.S. Highways 6 and 41 near Hammond, Ind., and extending in a southerly direction along U.S. Highway 41 to junction U.S. Highway 52, thence in a southeasterly direction along U.S. Highway 52 to Indianapolis, Ind., thence in a northeasterly direction along U.S. Highway 36 to junction Indiana Highway 9, thence in a northerly direction along Indiana Highway 9 to junction Indiana Highway 32, thence in an easterly direction along Indiana Highway 32 to Winchester, Ind., thence in a northerly direction along U.S. Highway 27 to Fort Wayne, Ind., thence in a westerly direction along U.S. Highway 30 to Valparaiso, Ind., thence in a northwesterly direction along Indiana Highway 130 to junction U.S. Highway 6, and thence in a westerly direction along U.S. Highway 6 to point of beginning, including points on the indicated portions of the highways specified.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 94265 (Sub-No. 80), filed December 1, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in subdivisions A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *supplies, equipment* and *materials* used in the conduct of such business, from Momence, Ill., to Aberdeen Proving Grounds, Aberdeen, the Army Chemical Center and the Edgewood Arsenal, Edgewood, Fort George G. Meade, the U.S. Naval Air Station, Patuxent River, the U.S. Naval Training Center, Bainbridge, Baltimore and Landover, Maryland, the District of Columbia, and points in Virginia and North Carolina.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 95540 (Sub-No. 406), filed February 21, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packinghouse products* as defined by the Commission, and *prepared foods*, from Momence, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and to Denver, Colo., New Orleans, La., and Omaha, Nebr.

NOTE: Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 107515 (Sub-No. 378), filed December 18, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Otis E. Stovall, Suite 214–217 Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and packinghouse products*, as described by the Commission, in Ex Parte MC–43, from Momence, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

NOTE: Applicant states, "J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of one-half of the stock holds permits as a contract carrier, which authorized the transportation of carbonated beverages. None of his shippers can be shippers of Refrigerated Transport Co., Inc. The Commission repeatedly has authorized the dual authority."

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 107906 (Sub-No. 17), filed December 26, 1961. Applicant: TRANSPORT MOTOR EXPRESS, INC., Box 958 Meyer Road, Fort Wayne, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products, and commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and *such equipment, materials* and *supplies* used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 108586 (Sub-No. 52), filed December 26, 1961. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, Wausau, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products*, and *meat by-products*, and *commodities distributed by meat packing houses*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and, *such equipment, materials* and

supplies used in the conduct of such business, serving Momence, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 110193 (Sub-No. 42), filed January 15, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packing houses* as described in Appendix I, A and C, in *Descriptions in Certificates*, Ex Parte No. MC-45, and *supplies, equipment* and *materials* used in the conduct of such business, between the plant site of AGAR Packing Co., at Momence, Ill., and points in New York, New Jersey, Massachusetts, Rhode Island, and Connecticut; Philadelphia, Pa., and points within 20 miles thereof; Baltimore, Md.; Washington, D.C.; points in that part of Pennsylvania on and south of U.S. Highway 22 from the Ohio-Pennsylvania state line to Nanty Glo, Pa., and on and west of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland state line; points in that part of Ohio south of U.S. Highway 20 extending from the Ohio-Indiana state line to and including Toledo, Ohio, and on and north of U.S. Highway 40; points in that part of Indiana south of U.S. Highway 20 extending from the Indiana-Illinois state line to the Indiana-Ohio state line, and on, north and east of U.S. Highway 52, between the Indiana-Illinois state line and Indianapolis, Ind., and U.S. Highway 40 extending between Indianapolis, Ind.; and the Indiana-Ohio state line; Denver, Colo.; points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska state line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River; points in that part of Kansas on and east of U.S. Highway 281; points in Missouri on and west of U.S. Highway 65; points in that part of Iowa on and west of U.S. Highway 65 from Lineville, Iowa, to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City, Iowa; and St. Louis, Mo.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 111812 (Sub-No. 157), filed March 12, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Arizona, California, Colorado, Montana, Nevada, Utah, Idaho, Oregon, Washington, and New Mexico.

NOTE: Applicant states Mrs. Jane A. Lewis, wife of applicant's president, holds a 50 per cent interest in Dakota Express, Inc., a common carrier.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 111956 (Sub-No. 7), filed March 28, 1962. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105-1115 Fayette Street, Washington, Pa. Applicant's attorney: Frank C. Roney, 143 West Pike Street, Canonsburg Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's regular-route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 113267 (Sub-No. 55), filed December 4, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing houses* (as described in description case ex Parte MCC 45 Appendix A & C) and *supplies, equipment and materials* used in the conduct of the meat packing business, from the Plant Site of the Agar Packing Co., located at or near Momence, in Kankakee County, Ill., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant has pending contract carrier authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers and their baggage, newspapers and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Lines, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113651 (Sub-No. 39), filed December 18, 1961. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing houses*, as described in lists A and C in Appendix 1 in 61 M.C.C. 209, 766, from Momence, Ill., to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina Tennessee, Virginia, West Virginia, Kentucky, Maryland, Missouri, Connecticut, Maine, Delaware, New Hampshire, Vermont, and the District of Columbia, and (2) *refused, rejected and damaged products*, as described above, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers* as defined by the Commission in Paragraph D in Appendix I of 61 M.C.C. 209, 766, from points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Kentucky, Maryland, Missouri, Connecticut, Delaware, New Hampshire, Maine, Vermont and the District of Columbia, to Momence, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113678 (Sub-No. 20), filed March 9, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Donald E. Leonard, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat and packing house products, meat by-products, dairy products* and *articles distributed by meat packinghouses*, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico, and Colorado.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 113843 (Sub-No. 44), filed December 11, 1961. Applicant: REFRIGERATED FOOD EXPRESS, INC., 315 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses*, as defined in paragraphs A, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned, rejected and refused shipments* on return.

NOTE: Applicant indicates common control with Mercury Truck Lines, Inc. (MC-F-6781).

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 117815 (Sub-No. 8), filed December 18, 1961. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses* as described in Appendix I, Lists A and C to the report in 61 M.C.C. 272, 273 from Momence, Ill., to points in Iowa on and east of U.S. Highway 69.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118272 (Sub-No. 6), filed January 29, 1962. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats and packing house products*, as defined by the Commission, and serving Momence, Ill., as an off-route point in connection with applicant's regular route operation between Kansas City, Kans., and Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 118407 (Sub-No. 6), filed March 9, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat and packing-house products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico, and Colorado.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119697 (Sub-No. 4), filed December 1, 1961. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, from the site of Agar Packing Company plant located at Momence, Ill., to Fort Wayne, Ind., Hillsboro, Ohio, and points in Ohio on and north of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 22 to Cincinnati, Ohio, and thence along the Ohio River to the Ohio-Indiana State line.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119792 (Sub-No. 3), filed December 4, 1961. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in 61 M.C.C. 209 and 766, (a) from the plant site of Agar Packing Company, in Momence, Ill., to St. Louis, Mo., East St. Louis and National City, Ill., and (b) from the plant site of Agar Packing Company in Momence, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Chattanooga, Memphis, Nashville, Murfreesboro, and Tullahoma, Tenn.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 119928 (Sub-No. 3), filed February 19, 1962. Applicant: C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. Applicant's attorney: Eugene L. Cohn, 1 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *materials, supplies* and *equipment used in the conduct of such business*, between the plant site of Agar Packing Company, at or near Momence, Ill., and points in Indiana and Michigan.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3510; Filed, Apr. 10, 1962; 8:51 a.m.]

[Notice 435]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 6, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 52), filed February 2, 1962. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: C. J. Burrill, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil, asphalt, asphaltic oils, and road oils* from Sugar Creek, Mo., to points in Nebraska, and *damaged and rejected shipments*, on return.

HEARING: May 29, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 2960 (Sub-No. 4), filed August 15, 1961. Applicant: D. A. BEARD TRUCK LINES CO., a corporation, 4100 Eastex Freeway, P.O. Box 938, Houston, Tex. Applicant's attorney: Joe G. Fender, 314 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Houston, Tex., and Lake Charles, La., over U.S. Highway 90, serving no intermediate points except for interchange with other common carriers at Beaumont, Tex., only.

NOTE: Applicant requests that any duplication with present authority be eliminated.

HEARING: May 14, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi. This hearing is for applicant's presentation only, on a consolidated record with No. MC 87511 (Sub-No. 9), Sala Motor Freight Line, Inc., Houma, La.

No. MC 3790 (Sub-No. 9), filed February 19, 1962. Applicant: WILLIAMS TRANSFER, INC., 117 Farris Street, Excelsior Springs, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority scught to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, uncrated household goods, and commodities requiring special equipment), between Lawson, Mo., and Kansas City, Mo.-Kans.; from Lawson over Missouri Highway D to junction U.S. Highway 69, thence over U.S. Highway 69 to Kansas City, and return over the same routes, serving no intermediate points.

HEARING: May 31, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 7555 (Sub-No. 43), filed March 26, 1962. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit, poultry* and *vegetable containers*, wooden, and *wooden crate material* and *pallets* (1) from Bainbridge, Ga., to points in New York, New Jersey, Ohio, Pennsylvania, North Carolina, and South

Linfield Drive, Menlo Park, Calif. Ap-

Carolina, and (2) from Macon, Ga., to points in New York, New Jersey, Ohio, Pennsylvania, Virginia, North Carolina, and South Carolina.

HEARING: May 29, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 9837 (Sub-No. 5), filed March 13, 1962. Applicant: RED CIRCLE FREIGHT LINES, INC., 175 Front Street, Brooklyn 1, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Baltimore, Md., to Fair Lawn, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states "It has been transporting the considered traffic, as it now is, for over 30 years from Baltimore, Md., to its contract-shipper's present warehouse location at Hawthorne in Passaic County, N.J. The shipper, The Great Atlantic & Pacific Tea Company, is relocating this warehouse to Fairlawn in Bergen County, N.J., which is an incorporated community immediately contiguous to Hawthorne, N.J., also an incorporated community. Both the applicant and the shipper desire to continue the service by applicant at the new warehouse location."

HEARING: May 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 10761 (Sub-No. 111), filed August 25, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Mo., and Indianapolis, Ind.; from St. Joseph, over U.S. Highway 36 to Indianapolis, and return over the same route, as an alternate route only, for operating convenience, serving no intermediate or off-route points, in connection with applicant's authorized regular route operations.

HEARING: May 18, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 11207 (Sub-No. 206), filed February 23, 1962. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, P.O. Box 1271, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar, lime and limestone*, in bulk and in packages, palletized or not palletized, from Birmingham, Ala., and points within a 65-mile radius of Birmingham, to points in Georgia, Mississippi, Tennessee, and Florida west of the Apalachicola River, and *empty pallets and damaged and rejected shipments*, on return.

HEARING: May 18, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 20783 (Sub-No. 57), filed March 2, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations* and *foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) between Atlanta, Ga., and points in Kentucky.

HEARING: May 31, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 29566 (Sub-No. 69), filed December 28, 1961. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products, asbestos-cement products, building materials, roofing materials*, and *insulating materials and materials and supplies used in the installation of such commodities* (except liquid commodities, in bulk, in tank vehicles) from Medicine Lodge, Kans., to points in Colorado and Oklahoma; and (2) *gypsum board paper* from Pryor, Okla., to Medicine Lodge, Kans.

NOTE: Applicant states that it is under common control with Bulk Motor Transport, Inc. (MC–F–7189)

HEARING: June 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 86.

No. MC 29566 (Sub-No. 70), filed March 13, 1962. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures* (animal or poultry feeding), in mixed shipments with salt and pepper and related articles, from Hutchinson, Kans., to points in Missouri except Kansas City, St. Joseph, and St. Louis.

NOTE: Applicant states that it is under common control with Bulk Motor Transport. (MC–F–7189)

HEARING: June 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 30844 (Sub-No. 64), filed March 12, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, from Lexington, Nebr., to points in Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, and the District of Columbia.

HEARING: May 31, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 30844 (Sub-No. 65), filed March 14, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Minnesota, Wisconsin, Illinois, Nebraska, Kansas, Colorado, and Missouri.

HEARING: June 4, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 30844 (Sub-No. 67), filed March 28, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen and unfrozen, from points in Connecticut, Massachusetts, New Hampshire, New York, N.Y., Commercial Zone, and Rhode Island, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 31600 (Sub-No. 526), filed March 8, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank vehicles, from Leominster, Mass., to Roanoke, Va.

HEARING: May 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 31600 (Sub-No. 527), filed March 8, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine*, in bulk, in tank or hopper type vehicles from Wallingford, Conn., to Chicago, Ill., and Odenton, Md.

HEARING: May 18, 1962, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 42487 (Sub-No. 536) (AMENDMENT), filed January 22, 1962, published in the FEDERAL REGISTER, issue of March 14, 1962, republished this issue as amended March 22, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Roland E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Torrance, Calif., to New Haven, Conn., Dover, Del., Dalton, Ga., Mishawaka, Ind., Fall River, Mass., Waynesville, N.C., Akron, Canton, Dayton, Fremont, Willard, and Ashland, Ohio, Providence, R.I., and Chattanooga, Tenn.

NOTE: The purpose of this republication is to add Ashland, Ohio, as a destination point.

HEARING: Remains as assigned April 23, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Samuel C. Shoup.

No. MC 50935 (Sub-No. 8), filed March 5, 1962. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1233 Saint Aubin, Detroit 7, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to points in Pennsylvania and West Virginia, and *empty beverage containers*, on return.

HEARING: June 1, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 52709 (Sub-No. 152), filed December 14, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (address same as that of applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* from Chicago, Ill., to points in Montana, Idaho, Oregon, Washington, and Wyoming; and (2) *frozen foods* from Deerfield, Ill. to points in Montana, Idaho, Oregon, Washington, Wyoming, Colorado, Utah, Nevada, and California.

NOTE: Applicant states that it "controls United Freight, Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant."

HEARING: May 22, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52709 (Sub-No. 156), filed January 12, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from points in California to Clermont, Ky.

NOTE: Applicant states it controls United Freight Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant.

HEARING: May 21, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52751 (Sub-No. 29), filed February 5, 1962. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Fort Dodge, Iowa, to points in Nebraska and South Dakota.

NOTE: Applicant states it is presently authorized to perform the proposed service from Fort Dodge, Iowa to points in South Dakota by traversal of Minnesota gateways within 30 miles of Nassau, Minn.

HEARING: May 21, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 59117 (Sub-No. 17), filed March 26, 1962. Applicant: ELLIOTT TRUCK LINES, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, Dry, Fertilizer Compounds, Dry, Fertilizer Ingredients, Dry, and Urea, Dry*, in bulk, in bags or in containers, from points in Texas, to points in Kansas and Oklahoma, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 7, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 59117 (Sub-No. 18), filed March 28, 1962. Applicant: ELLIOTT TRUCK LINE, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer compounds, fertilizer ingredients and urea*, in bags and containers, in mixed truckloads with any of the above commodities in bulk, from points in Texas, to points in Kansas and Oklahoma, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: June 8, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 61506 (Sub-No. 13), filed February 21, 1962. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including naphtha* (but exclusive of all other acids and chemicals also defined in Appendix XV therein), from Charleston, S.C., to points in Kentucky, and *rejected products*, on return.

HEARING: May 25, 1962, at 680 West Peachtree Street N.W., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 76177 (Sub-No. 286), filed January 15, 1962. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting supplies* and *nitro-carbo-nitrate*, from Flintstone, Ga., to points in North Carolina, South Carolina, Florida, Mississippi, and Tennessee. Applicant holds contract authority under MC 89778; therefore, dual operations may be involved.

NOTE: Applicant states that it controls Alabama Highway Express.

HEARING: May 15, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 85934 (Sub-No. 22), filed Feburary 28, 1962. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in hopper and dump type vehicles, from the site of The Dow Chemical Company plant located at Midland, Mich., to points in Illinois; point in Indiana south of U.S. Highway 40; and points in Ohio south of U.S. Highway 40 and east of Ohio Highway 13, except points in Licking and Muskingum Counties, Ohio, located south and east respectively, of those two highways.

NOTE: Applicant states that A. F. Posnik & Company, a Michigan corporation, is under common ownership and management with applicant and holds common carrier authority under MC 110824.

HEARING: May 31, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 87511 (Sub No. 9), filed April 21, 1961. Applicant: SAIA MOTOR FREIGHT LINE, INC., 900 Magnolia Avenue, Houma, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Thibodaux, La., and Baton Rouge, La., from Thibodaux over Louisiana Highway 1 using the bridge across the Mississippi River to Baton Rouge, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (2) Between New Iberia, La., and Opelousas, La., from New Iberia over Louisiana Highway 31 to Opelousas, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (3) Between Abbeville, La., and Ville Platte, La., from Abbeville over U.S. Highway 167 to Ville Platte, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (4) Between New Iberia, La., and Jennings, La., from New Iberia over Louisiana Highway 14 to Lake

Arthur, La., thence over Louisiana Highway 26 to Jennings, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (5) Between Kaplan, La., and the Louisiana-Texas State line, from Kaplan over Louisiana Highways 35, 82, and 27 through Pecan Island, Creole, and Cameron, La., to Sabine Lake on State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (6) Between Creole, La., and Lake Charles, La., from Creole over Louisiana Highways 27 and 14 to Lake Charles, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (7) Between Holly Beach, La., and Sulphur, La., from Holly Beach over Louisiana Highway 27 through Hackberry, La., to Sulphur, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (8) Between Rayne, La., and Lawtell, La., from Rayne over Louisiana Highway 35 through Church Point, La., to Lawtell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (9) Between Kinder, La., and junction of U.S. Highway 165 with U.S. Highway 90, from Kinder over U.S. Highway 165 to its junction with U.S. Highway 90 near Iowa, La., and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (10) Between Kaplan, La., and Eunice, La., from Kaplan over Louisiana Highway 13 through Crowley, La., to Eunice, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (11) Between Brannon, La., and Avery Island, La., from Brannon over Louisiana Highway 329 to Avery Island, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (12) Between Brannon, La., and Louisa, La., from Brannon over Louisiana Highways 85 and 83 to Louisa, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways, including service to Weeks, La.; (13) Between Baldwin, La., and end of Louisiana Highway 319 past Louisa, La., from Baldwin over Louisiana Highways 83 and 319 to end of road past Louisa, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (14) Between New Orleans, La., and the Louisiana-Mississippi State Line, from New Orleans over U.S. Highway 61 to Laplace, La., thence over U.S. Highway 51 to the Louisiana-Mississippi State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (15) Between Mandeville, La., and Ponchatoula, La., from Mandeville over Louisiana Highway 22 to Ponchatoula, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (16) Between Denham Springs, La., and Amite, La., from Denham Springs over Louisiana Highways 16 and 63 to Amite, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (17) Between Kentwood, La., and Easleyville, La. (also known as Liverpool, La.), from Kentwood over Louisiana Highways 38 and 43 to Easleyville or Liverpool, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highways; (18) From New Orleans, La., to junction U.S. Highway 190 near Covington, La., from New Orleans over Lake Pontchartrain Toll causeway to its junction with U.S. Highway 190 near Covington, and return over the same route, serving no intermediate or off-route points; (19) Between Golden Meadow, La., and Grand Isle, La., from Golden Meadow over Louisiana Highway 1 to Grand Isle, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (20) Between Houma, La., and end of Louisiana Highway 315 through Theriot, La., from Houma over Louisiana Highway 315 through Theriot, La., to end of Louisiana Highway 315, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (21) Between Houma, La., and junction of Louisiana Highways 57 and 56 through Dulac, La., from Houma over Louisiana Highway 57 through Dulac to junction of Louisiana Highways 57 and 56, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (22) Between Houma, La., and Cocodrie, La., from Houma over Louisiana Highway 56 to Cocodrie, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (23) Between Bourg, La., and end of Louisiana Highway 665 through Montegut, La., from Bourg over Louisiana Highway 665 to its termination past Montegut, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (24) Between Lafayette, La., and the Louisiana-Texas State line, from Lafayette over U.S. Highway 90 to the Louisiana-Texas State line, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (25) Between Houston, Tex., and the Texas-Louisiana State line, with no service at intermediate or off-route points in Texas except as follows: from Houston, serving a 10-mile radius of the Commercial Zone of Houston, Tex., as defined by the Commission, over U.S. Highway 90 to the Texas-Louisiana State line, and return over the same route, with service at the intermediate point of Beaumont, Tex., restricted to traffic interchanged to or from common carriers by motor vehicle; (26) Between Houston, Tex., and the Texas-Louisiana State line through Port Arthur, Tex., with service at no intermediate or off-route points in Texas, from Houston over U.S. Highway 10 at its junction with Louisiana Highway 73, thence over Louisiana Highway 73 through Port Arthur, Tex., to its junction with Louisiana Highway 82 at the Louisiana-Texas State line, and return over the same route, serving no intermediate or off-route points, as an alternate route; (27) Between junction U.S. Highway 90 and Texas Highway 235 near Vidor, Tex., and Kinder, La., from junction U.S. Highway 90 and Texas Highway 235 near Vidor, over Texas Highway 235 to its junction with Louisiana Highway 12, thence over Louisiana Highway 12 and U.S. Highway 190 to Kinder, and return over the same route, with no service at intermediate or off-route points, closed doors; (28) Between New Orleans, La., and Slidell, La., from New Orleans over U.S. Highway 11 to Slidell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (29) Between Baton Rouge, La., and Laplace, La., from Baton Rouge over U.S. Highway 61 to Laplace, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (30) Between Baton Rouge, La., and Slidell, La., from Baton Rouge over U.S. Highway 190 to Slidell, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (31) Between Lake Arthur, La., and Lake Charles, La., from Lake Arthur over Louisiana Highway 14 to Lake Charles, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (32) Between Gueydan, La., and Midland, La., from Gueydan over Louisiana Highway 91 to Midland, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; (33) Between New Orleans, La., and Venice, La., from New Orleans over Louisiana Highway 23 to Venice, and return over the same route, serving all intermediate and off-route points within five (5) miles of said highway; and (34) in the transportation of *general commodities*, from, to, and between Baton Rouge, La., and Kinder, La., closed doors, with no additional service rendered to intermediate or off-route points, from Baton Rouge over U.S. Highway 190 to Kinder, and return over the same route, with restrictions above.

HEARING: May 14, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board 246, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi. This hearing is for applicant's presentation only, on a consolidated record with No. MC 2960 (Sub-No. 4), D. A. Beard Truck Lines Co., Houston, Tex.

No. MC 92983 (Sub-No. 403), filed February 12, 1962. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* and *spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, New York, and Pennsylvania.

HEARING: May 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 94201 (Sub-No. 46), filed January 2, 1962. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsen, Ala. Applicant's attorney: Donald L. Morris, 325 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, dangerous explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Georgia on and north of U.S. Highway 78, including Atlanta, Ga., and points within fifteen (15) miles thereof, on the one hand, and on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: May 16, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 95540 (Sub-No. 403) (CORRECTION), filed February 14, 1962, published FEDERAL REGISTER March 28, 1962, corrected March 30, 1962, republished as corrected this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. The purpose of this republication is to remove the "Note", in regard to "dual operations", as erroneously shown in previous publication.

HEARING: Remains as assigned April 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 100666 (Sub-No. 36) (REPUBLICATION), filed October 16, 1959, published FEDERAL REGISTER, issue of January 13, 1960, and republished this issue. Applicant: MELTON TRUCK LINES, INC., Crossett, Ark. Applicant's attorney: Max C. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. By application filed October 16, 1962, applicant sought authority to transport roofing and materials used in the installation thereof (except in bulk, in tank vehicles), and asbestos siding, (1) between points within 250 miles of Texarkana, Tex., including Texarkana, but excluding points in Mississippi, and (2) between points in the territory described in (1) above, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. A Report and Order of the Commission, division 1, decided March 15, 1962, and served March 26, 1962, which embraced No. MC–C–2764, Milton Truck Lines, Inc., states: The application proposes to duplicate the 250-mile radius of Texarkana described in its present certificate. Although in the past territorial authority has been granted in terms of a radius about a particular point, it has been our experience that a grant in this form leads to interpretative problems and is impracticable and administratively undesirable. In this case four important shipping points, Memphis, Joplin, Oklahoma City, and Houston, are situated at or near the periphery of the 250-mile radius of Texarkana. In view of this, we shall restate the territorial description here in the manner set forth in the findings. The new description does not exactly coincide with the boundaries of the 250-mile radius, and in some places may reach beyond those boundaries. Opposing carriers were present at the hearing and do not appear to be prejudiced by these new boundaries, but other members of the public who relied upon notice of the application as published in the FEDERAL REGISTER may have an interest which has been prejudiced by the lack of proper notice. Interested persons are, of course, entitled to rely upon the authenticity and accuracy of matters published in the FEDERAL REGISTER. In the circumstances, authority embracing our findings therein will be republished to cover the new territorial and commodity description and the issuance of the certificate granted herein will be withheld until the elapse of 30 days from the date of such republication, during which period any proper party in interest may file a protest and petition for further hearing. The Report finds with respect to MC 100666 (Sub-No. 36), that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of composition or prepared roofing, including composition shingles, asbestos siding, and materials used in the installation thereof when moving at the same time and in the same vehicle with composition or prepared roofing, or composition shingles, or asbestos siding, (1) between Memphis, Tenn., points in Arkansas, points in Newton, McDonald, and Jasper Counties, Mo., points in Texas on and east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to its intersection with U.S. Highway 290 at or near Hempstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, points in Louisiana on and north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to the Amite River, thence along the Amite River to the Louisiana-Mississippi State line, and points in Oklahoma on and southeast of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81 to the Oklahoma-Texas State line; and (2) between points in (1) above, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that unless otherwise ordered a certificate authorizing such operations should be granted after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of a statement of this application as modified by these findings and on condition that applicant shall in writing request the coincidental modification of its certificate in No. MC–100666 (Sub-No. 1) be deleting therefrom authority to transport composition shingles between points within 250 miles of Texarkana, Tex., including Texarkana but not including points in Mississippi; and between points in that territory on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

No. MC 101219 (Sub-No. 41), filed March 22, 1962. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York 18, N.Y. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86, (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments on hangers and cut piece goods*, between Fall River, New Bedford, Boston and Waltham, Mass., on the one hand, and, on the other, points in Hartford, New Haven, Fairfield, Middlesex, and Tolland Counties, Conn.

HEARING: May 28, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 103378 (Sub-No. 226), filed January 31, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Alabama, Florida, and those points in Tennessee, west of U.S. Highway 27.

HEARING: May 25, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 103993 (Sub-No. 160), filed January 29, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Campers and camper coaches*, designed for installation on pickup trucks, in initial movements, in truckaway service, from points in Indiana to points in the United States, including Alaska, but excluding Hawaii; and, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: May 16, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 104210 (Sub-No. 63), filed March 5, 1962. Applicant: THE TRANSPORT COMPANY, INC., 2728 Agnes Street, Corpus Christi, Tex. Applicant's attorney: Cecil E. Burney, 918 Petroleum

Tower, Corpus Christi, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, and *acids* and *chemicals*, between points in Texas, on the one hand, and, on the other, ports of entry in Texas on the International Boundary line between the United States and Mexico.

HEARING: May 31, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 63), filed April 2, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from Mount Summit and Shirley, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and New Orleans, La., and (2) from Collinsville, Ill., to points in Alabama, Arkansas, Kentucky, Mississippi, Tennessee, West Virginia, and New Orleans, La.

HEARING: April 13, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Joseph A. Reilly.

No. MC 106456 (Sub-No. 38), filed March 16, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Box 180, Nashville, Tenn. Applicant's attorney: J. R. Browder, Super Service Motor Freight Co., Fessler Lane, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving Milford, Ill., as an intermediate point in connection with applicant's presently authorized regular route operations, restricted to traffic moving between Milford, Ill., on the one hand, and, on the other, authorized points south and east of Nashville, Tenn., including Nashville.

HEARING: May 11, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 107107 (Sub-No. 206), filed March 23, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and Confectionery, Advertising, Promotional and Display Materials and Racks and Premiums*, from Chicago, Ill., to points in Alabama.

HEARING: May 21, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William R. Tyers.

No. MC 107107 (Sub-No. 207), filed March 27, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packinghouse products*, as described by the Commission in Ex Parte No. MC 43, from Booneville, Miss., to points in Alabama, Florida, Georgia, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, Rhode Island, and the District of Columbia.

HEARING: April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 107295 (Sub-No. 71) (AMENDMENT), filed August 7, 1961, published in FEDERAL REGISTER issue of December 20, 1961, amended February 2, 1962, and republished, as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe* (other than iron and steel, attachments, parts and fittings therefor), from the plant site of the Orangeburg Manufacturing Co., Division of Flintkote Co. in Rootstown Township, Portage County, Ohio, to points in West Virginia, Pennsylvania, New Jersey, New York, Mississippi, Alabama, Minnesota, Kansas, and Louisiana.

CONTINUED HEARING: May 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White, on a consolidated record with MC 111398 (Sub-No. 2), Fischbach Trucking Co., a Corporation, Akron, Ohio, and MC 60014 (Sub-No. 8), Aero Trucking, Inc., Oakdale, Pa., and MC 117574 (Sub-No. 60), Daily Express, Inc., Carlisle, Pa.

No. MC 107403 (Sub-No. 393), filed March 5, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, (1) from Toledo, Ohio, to points in West Virginia and Kentucky, and (2) between Toledo, Ohio, and points in Illinois.

NOTE: Common control may be involved.

HEARING: May 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 107496 (Sub-No. 233), filed February 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Humboldt, Kans., to points in Texas on and north of U.S. Highway 66.

NOTE: Common control may be involved. It is further noted that applicant has contract carrier authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: June 6, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 107515 (Sub-No. 379), filed January 4, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to points in North Carolina, South Carolina, Alabama, Florida, Georgia, and Tennessee (except Memphis, Tenn.).

NOTE: Common control may be involved.

HEARING: May 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 107515 (Sub-No. 385), filed March 1, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as defined by the Commission, from Gaffney S.C., to points in Texas.

NOTE: Applicant states that J. L. Lawhon, its president and owner of one half of its stock, holds contract authority under MC-104589, the dual operations being authorized by the Commission.

HEARING: May 29, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 108449 (Sub-No. 137), filed December 11, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions, rejected and returned shipments*, between points in Iowa, Illinois, Indiana, Missouri, and Kentucky.

NOTE: Applicant states the proposed service will be "Restricted to shipments originating at consumer bulk plants or consumer storage facilities". It is further noted that Moore Motor Freight Lines, Inc., is a wholly owned subsidiary.

HEARING: May 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 108449 (Sub-No. 143), filed March 14, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", Saint Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shells, fish meal* and *fish scrap* from Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, South Dakota and Minnesota.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., is its wholly owned subsidiary.

HEARING: June 1, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. before Examiner Alton R. Smith.

No. MC 109692 (Sub-No. 16), filed January 8, 1962. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 51 Central Avenue, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, bags, and mixed shipments of bulk and bags, from points in Ellsworth County, Kans., to points in Missouri and *refused and rejected shipments* of the above-specified commodity, on return.

HEARING: June 4, 1962, at the Hotel Pick-Kansan, Topeka, Kansas, before Joint Board No. 36.

No. MC 110098 (Sub-No. 31), filed April 2, 1962. Applicant: ZERO REFRIGERATED LINES, 815 Merida Streets, Station A, Box 4066, San Antonio 7, Tex. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: April 23, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Allen W. Hagerty.

No. MC 110420 (Sub-No. 302) (AMENDMENT), filed November 8, 1961, published in the FEDERAL REGISTER issue of January 24, 1962, republished as amended March 13, this issue. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesive*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Kentucky, Tennessee, and Pawtucket, R.I.; (2) *liquid softener*, in bulk, in tank vehicles, from Peoria, Ill., to points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, and Tennessee; (3) *talc*, dry, in bulk, in tank or hopper type vehicles, from Great Lakes, Ill., to Sun Prairie, Wis.; (4) *rosin*, in bulk, in tank vehicles, from Columbia, Miss., to Chicago, Ill.; (5) *animal blood, ground bone*, and *ground animal offal, and blends or mixtures thereof*, in bulk, in tank vehicles, from points in Iowa and Wisconsin to Rockford, Ill.

NOTE: The purpose of this republication is to show in item (5) the substitution of "points in Iowa and Wisconsin" in lieu of "Sioux City and Spencer, Iowa and Madison, Wis." as points of origin.

HEARING: May 16, 1962, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 110698 (Sub-No. 205), filed February 19, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Dallas, Tex., to Midland, Mich.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc., is owned by Ryder System, Inc.

HEARING: May 28, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 110937 (Sub-No. 2), filed March 19, 1962. Applicant: NORMAN A. NILES, doing business as NILES STABLES, 450 Fairbrook, Northville, Mich. Applicant's attorney: Richard M. Maher, 1731 First National Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* and *stable equipment*, between points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, points in California and Arizona.

HEARING: May 28, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Warren C. White.

No. MC 112306 (Sub-No. 11), filed November 2, 1961. Applicant: C. AND R. TRANSFER CO., a corporation, 1315 West Blackhawk, Sioux Falls, S. Dak. Applicant's attorney: T. M. Bailey, 350 Northwest Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractor's materials and supplies;* (2) *Such commodities which, by reason of size or weight, require the use of special equipment or special handling*, and *related contractor's materials and supplies*, when transported in connection with commodities which by reason of the size or weight, require the use of special equipment or special handling; and (3) *General commodities*, including Class A and Class B explosives, commodities in bulk and commodities requiring special equipment, but excluding household goods as defined by the commission; (a) from points in South Dakota to railheads in South Dakota, for subsequent movement by rail in interstate commerce; and (b) from railheads in South Dakota, after prior transportation in interstate commerce by rail, to points in South Dakota, and *empty containers* or *other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: June 5, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 230, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 112972 (Sub-No. 2), filed March 12, 1962. Applicant: HERSHEL A. RIDDLE, P.O. Box 2055 (National Station), Springfield, Mo. Applicant's attorney: Carli V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Springfield, Mo., to points in the Kansas City, Mo.-Kansas Commercial Zone, as defined by the Commission.

HEARING: June 1, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 113267 (Sub-No. 59), filed December 27, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, articles distributed by meat packing houses*, in vehicles equipped with mechanical refrigeration, from Bushnell, Ill. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers: Industrial Bus Lines, Inc., and Vandalia Bus Line, Inc., and further, that Oliver and Kathryn Anderson (Applicant's President and Sec-Treasurer, respectively) are officers and stockholders in Caseyville Bus Line, Inc.

HEARING: May 24, 1962, at the Midland Hotel, Chicago, Ill , before Examiner Warren C. White.

No. MC 114533 (Sub-No. 39), filed February 8, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), (a) between Kansas City, Mo., on the one hand, and on the other, points in Kansas, and (b) between Joplin, Mo., on the one hand, and on the other, Parsons, Kansas; and (2) *proofs, cuts, copy* and *photoengravings* between Parsons, Kans., and Kansas City, Mo.

HEARING: May 28, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 115669 (Sub-No. 23), filed December 19, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, and *other related items* when shipped with feed, including *fly spray, mange oil, empty bags and other containers, advertising matter, materials and premiums* from Burlington, Wis., to points in Kansas, Colorado, and that portion of Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65 (except Saint Joseph), beginning at the Kansas-Missouri boundary line thence continuing eastward on U.S. Highway 36 to the

junction of U.S. Highways 36 and 65, thence northward on U.S. Highway 65 to the Missouri-Iowa boundary; and (2) *other related items* when shipped with animal and poultry feed *including fly spray, mange oil, empty bags and other containers, advertising matter, materials and premiums*, from Burlington, Wis., to points in the counties in that portion of Nebraska south of a line beginning at the Wyoming-Nebraska boundary, extending eastward along the northern boundaries of Scotts Bluff, Morrill, Garden, Arthur, McPherson, Logan, Custer, Valley, Greeley, Boone, Platte, Colfax, Dodge, and Washington Counties and ending at the Iowa-Nebraska boundary and (3) *rejected shipments* on return.

NOTE: Applicant states that it presently holds authority to transport animal and poultry feed from Burlington, Wis., to the Nebraska destinations as shown.

HEARING: May 28, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 115669 (Sub-No. 25), filed March 19, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Salt* and *salt compounds, pepper (ground)*, in packages, and *mineral mixtures* (animal and poultry feeding), from Hutchinson, Kans., to points in Missouri except Kansas City, St. Joseph, and St. Louis; (b) *salt* and *salt compounds* from Lyons and Kanopolis, Kans., to points in Missouri, except Kansas City, St. Joseph and St. Louis; and (c) *rejected shipments* and *exempt and otherwise authorized commodities* on return trips.

NOTE: Applicant specifies that the pepper in (a) above, is to move in mixed truckloads with salt and salt compounds.

HEARING: May 24, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 115841 (Sub-No. 105), filed April 2, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products*, from Booneville, Miss., to points in Delaware, the District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, Rhode Island, and Connecticut.

HEARING: April 27, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 115874 (Sub-No. 4), filed February 23, 1962. Applicant: BARNEY BURKE, doing business as BARNEY BURKE TRANSFER COMPANY, 100 Wentworth Avenue, Millen, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, plywood and veneer*, (1) from points in Georgia, Florida, and South Carolina, to points in Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Indiana, Illinois, North Carolina, Virginia, West Virginia, Ohio, Michigan, Maryland, Pennsylvania, New Jersey, and New York, and (2) from points in Louisiana, Ohio, Pennsylvania, and West Virginia, to points in North Carolina, South Carolina, and Georgia.

HEARING: May 28, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 115946 (Sub-No. 14), filed March 7, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Savannah, Ga., to points in Florida, South Carolina, North Carolina, and points in Tennessee on and east of U.S. Highway 27.

HEARING: May 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 116077 (Sub-No. 122), filed March 7, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Mellie Esperson Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from points in Wood and Hopkins Counties, Texas, to points in Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Texas.

HEARING: May 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 116544 (Sub-No. 19), filed March 9, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 Fairview Avenue, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 14, Md., and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return trips.

HEARING: May 31, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Alton R. Smith.

No. MC 117212 (Sub-No. 2), filed March 26, 1962. Applicant: LEAMINGTON TRANSPORT (WESTERN) LIMITED, 971 Dugald Street, Winnipeg, Manitoba, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats*, fresh, frozen, salted, cooked, cured and preserved, *meat products, meat by-products*, and *dairy products*, as defined by the Commission in Ex Parte MC–45, from points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, Ohio, and Wisconsin, to Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., (2) *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from St. Paul, Minn., to Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., and (3) *meat casings*, from Ports of Entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., to Chicago, Ill., and Hartford, Wis. RESTRICTION: Transportation shall be restricted to foreign commerce only.

HEARING: May 14, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James O'D. Moran.

No. MC 117344 (Sub-No. 78), filed August 31, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel and cement), in bulk, in tank and hopper-type vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: May 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 117557 (Sub-No. 5), filed February 21, 1962. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cedar Rapids and Manchester, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah).

NOTE: Applicant states that it presently holds authority to transport road-building and earth-moving machines from Cedar Rapids, Iowa, to the territory indicated above, and that no duplication is sought.

HEARING: May 24, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 117730 (Sub-No. 4), filed November 22, 1961. Applicant: MARIE KOUBENEC, doing business as R. KOUBENEC MOTOR SERVICE, 641 Maple Lane, Batavia, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in La Salle County, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin (except sand, in containers, from points in La Salle County, Ill., to points in Wisconsin, Minnesota, and points in Missouri on and west of U.S. Highway 65).

HEARING: May 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 118159 (Sub-No. 9), filed March 26, 1962. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway (P.O. Box 10216), New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, and *exempt commodities*, on return.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 118415 (Sub-No. 7), filed February 26, 1962. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Box 124, Menomonie, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products*, and *meat by-products*, as listed in Appendix I, subheading A, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, from Whitehall, and La Crosse, Wis., to Kansas City, Kans., and St. Louis and Kansas City, Mo.; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities as above, *refused products and shipments*, and *exempt commodities* on return.

NOTE: In view of applicant's contract authority applications (MC–123585 and subs thereunder) dual operations may be involved.

HEARING: June 1, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Alton R. Smith.

No. MC 118468 (Sub-No. 10), filed March 14, 1962. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, in bulk and in bags, between Eagle Grove, Iowa, on the one hand, and, on the other, points in Colorado, Kansas, and Wyoming.

NOTE: Applicant states the proposed operation would be limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers now served by applicant: M & M Livestock Products Company; Boone Valley Cooperative Processing Association; Consumers Cooperative Association; and Eagle Mills, Inc.

HEARING: May 25, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 118808 (Sub-No. 4), filed March 8, 1962. Applicant: A. B. C. EXPRESS COMPANY, a corporation, Fifth Street and Columbia Avenue, Philadelphia 2, Pa. Applicant's attorney: A. C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between Cherry Hill, Delaware Township, N.J., Bloomfield and Newark, N.J., and Philadelphia, Pa.

HEARING: May 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 118846 (Sub-No. 1), filed February 8, 1962. Applicant: DALE JESSUP, R.R. No. 1, Canby, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Salt Lake City, Utah, to Johnstown and Gloversville, N.Y.

NOTE: Applicant states the proposed operation will be limited to a transportation service to be performed under a continuing contract with the J. W. Summerhays & Sons Company and the Utah Wool Pulling Company.

HEARING: May 15, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 119311 (Sub-No. 2), filed February 12, 1962. Applicant: HAROLD E. YOUNG, doing business as YOUNG'S SERVICE, 2663 St. Mary's, Omaha, Nebr. Applicant's attorney: Clayton H. Shrout, 1004 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles, semi-trailers and buses, and serviceable trucks and tractors for replacement of wrecked or disabled vehicles, by use of wrecker equipment only*, between points in Nebraska and Council Bluff, Iowa, on the one hand, and, on the other, points in Missouri, Kansas, Iowa, South Dakota, Minnesota, Wyoming, Colorado, and Illinois.

HEARING: June 1, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 119388 (Sub-No. 5), filed July 17, 1961. Applicant: GLEN R. ELLIS, 3502 Divine Avenue, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Joseph and St. Louis, Mo., Peoria, Belleville, and East St. Louis, Ill., Fort Wayne and South Bend, Ind., Covington, Ky., and Milwaukee, Wis., to Athens, Cleveland, and Chattanooga, Tenn. (2) *Malt beverages*, from Tampa and Orlando, Fla., to Chattanooga, Tenn., and *empty malt beverage containers*, on return in (1) and (2) above.

HEARING: May 14, 1962, at the U.S. Post Office and Court House, Chattanooga, Tenn., before Examiner William R. Tyers.

No. MC 119934 (Sub-No. 41), filed February 12, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint* and *paint products*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged and rejected shipments* of the above-specified commodities, on return.

HEARING: May 14, 1962, 11:30 a.m. in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 123111 (Sub-No. 1), filed February 27, 1962. Applicant: QUEENSWAY TANK LINES, LIMITED, Chesterville, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry bulk calcium chloride*, from Syracuse, N.Y., to ports of entry on the International Boundary line between the United States and Canada along the Niagara Frontier and St. Lawrence River. *RE-*

STRICTION: The service proposed herein is restricted to the transportation in international commerce of property originating in the United States and destined to the Dominion of Canada. (2) *Bulk liquids*, in tank vehicles, from ports of entry on the United States-Canada boundary line between the Province of Ontario and the state of New York to Syracuse and Plattsburgh, N.Y. *RESTRICTION:* The operations authorized herein are subject to the condition that any service to be performed under this grant of authority shall be restricted to transportation of bulk liquids, in tank vehicles, moving in foreign commerce only from ports of entry on the International Boundary line between the United States and the Dominion of Canada, between the Province of Ontario and the State of New York to Plattsburgh and Syracuse, N.Y.

HEARING: May 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 123797 (Sub-No. 1) (AMENDMENT), filed July 25, 1961, published FEDERAL REGISTER issue August 2, 1961, amended February 27, 1962, and republished as amended this issue. Applicant: THEODORE PACHIOS, doing business as MAIL DELIVERY SERVICE, 433 Main Street, Stamford, Conn. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express messenger delivery service of documents, letters and general commodities in packages of parcels not exceeding 50 pounds each, in shipments not exceeding 100 pounds each* (excluding non-negotiable instruments, commercial papers, cash letters, and checks moved therewith on behalf of banks and banking institutions; negotiable instruments, currency or bullion, and excluding Classes A and B explosives, household goods as defined by the Commission), between points in Fairfield County, Conn., on the one hand, and, on the other, points in Massachusetts, New Jersey, Rhode Island, the District of Columbia, and points in New York and Pennsylvania on and east of U.S. Highway 15.

NOTE: Applicant states the above commodities to be transported only in passenger automobiles, station wagons, or in one-half ton panel trucks. The purpose of this republication is to clarify the commodities proposed to be transported.

CONTINUED HEARING: May 24, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Francis A. Welch.

No. MC 123875 (Sub-No. 1), filed March 5, 1962. Applicant: ADOLPH A. GUARILL, doing business as GUARILL TRUCKING COMPANY, 1221 South 25th Street, Fort Dodge, Iowa. Applicant's attorney: Don N. Kersten, 411 Snell Building, Fort Dodge, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile clay products*, from Fort Dodge, Iowa, to points in Minnesota south of and including U.S. Highway 2, and *pallets*, on return.

NOTE: Applicant states that the proposed service will be "restricted to one Company—Kalo Brick & Tile Co. of Fort Dodge, Iowa."

HEARING: May 10, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 124054, filed November 20, 1961. Applicant: MERLIN HERRMANN, Luverne, Minn. Applicant's attorney: Mort B. Skewes, Luverne, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock bunk feeders, poultry brooder stoves, hens' nests and cages, poultry and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment*, and *pig feeding equipment*, crated, partly crated and uncrated, from the plant site of A. R. Wood Manufacturing Company, Luverne, Minn., to points in South Dakota, Iowa, Nebraska, Kansas, Wyoming, Wisconsin, Illinois, Indiana, points in that part of Michigan lying south of U.S. Highway 16, points in that part of Missouri lying north of U.S. Highway 24, and points in that part of Colorado lying east of U.S. Highway 87 and north of U.S. Highway 36.

NOTE: Applicant states he proposes to haul by contract with A. R. Wood Manufacturing Company and its sales organizations, namely, Norwood Products Company, Northco, Inc., Fibremold Company and Automatic Feeding Systems Company. This applicant holds common carrier authority under Docket MC 96323 and Sub-No. 3, and if this contract authority is granted dual operations may be involved.

HEARING: June 6, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner A. Lane Cricher.

No. MC 124124, filed December 29, 1961. Applicant: DONALD L. CASKEY, doing business as CASKEY LUMBER COMPANY, Akron, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Hunters, Wash., Priest River, Idaho, and Columbia Falls, Mont., to Akron, Iowa.

HEARING: June 4, 1962, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner A. Lane Cricher.

No. MC 124191, filed February 5, 1962. Applicant: DAVID EDWARD HALL, North Main Street, Vandalia, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk, and in bags, from East St. Louis, Ill., to Vandalia, Laddonia, and Perry, Mo.

NOTE: Applicant states it proposes to transport exempt commodities, on return.

HEARING: May 21, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124202, filed February 9, 1962. Applicant: MAURICE WAYNE FORBIS, Centralia, Mo. Applicant's attorney: Robert L. Hawkins, Jr., 235 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* and *agricultural fertilizer* from East St. Louis, Ill., to Centralia, Mo., and points within 12 miles thereof.

NOTE: Applicant proposes to transport *livestock* from destination points, as set forth above, to East St. Louis, Ill., and St. Louis, Mo.

HEARING: May 21, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124202 (Sub-No. 1), filed March 16, 1962. Applicant: MAURICE WAYNE FORBIS, Centralia, Mo. Applicant's attorney: Robert L. Hawkins, Jr., 235 East High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, from Fort Madison, Iowa, to Centralia, Mo.

HEARING: May 23, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 124223, filed February 14, 1962. Applicant: JOHN ROSS, Perry, Kans. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feed* and *dry fertilizer*, in bulk, packages, bags and containers, from St. Joseph and Kansas City, Mo., to points in Jefferson County, Kans., that part of Shawnee County, Kans., on and east of U.S. Highway 75 and on and north of U.S. Highway 40, points in that part of Douglas County, Kans., lying south of the Kansas River, on and north of U.S. Highway 40 and on and west of U.S. Highway 59, and points in that part of Douglas County north of the Kansas River, including all points on the above mentioned highways.

HEARING: May 29, 1962, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36.

No. MC 124251, filed February 28, 1962. Applicant: JACK JORDAN, INC., P.O. Box 244, Highway 41, North, Dalton, Ga. Applicant's attorney: John W. Stokes, Jr., Bank of Dalton Building, Dalton, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, (1) from points in Rabun County, Ga., to points in North Carolina; and (2) from points in Whitfield County, Ga., to points in Mississippi, Arkansas, Tennessee, Alabama, South Carolina, and North Carolina.

HEARING: June 1, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William R. Tyers.

No. MC 124252, filed March 8, 1962. Applicant: HAROLD P. COLLIER, doing business as HAROLD COLLIER TRUCKING, Pittsburgh Road, Uniontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., and Cleveland, Ohio, to Uniontown, Washington, Greensburg, McKeesport, Carrolltown, Johnstown, and Belle Vernon, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: May 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 124259, filed March 8, 1962. Applicant: CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to points in Alabama, the District of Columbia, Florida, Georgia, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin, and *empty malt beverage containers used in transporting malt beverages*, on return.

NOTE: Applicant states the above transportation service will be performed under a continuing contract or contracts with Atlas Brewing Company and Atlantic Brewing Company, both of Chicago, Ill.

HEARING: May 17, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 124261, filed March 8, 1962. Applicant: R & O DELIVERY INC., 509 West 52d Street, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, files, interoffice correspondence and memoranda and advertising matter used in connection therewith*, from Saddle Brook, N.J., to New York, N.Y., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: May 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 124265, filed March 8, 1962. Applicant: JOHN CRONIN AND ANDREW STEINERT, doing business as J AND A PARCEL SERVICE, 53–24 195th Street, Flushing, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Caps, gowns, robes, and accessories;* and *Girls' Gym and Athletic Outfits;* and (b) *Worn and used caps, gowns, robes, and accessories;* and *Worn and used Girls' Gym and Athletic Outfits*, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Virginia, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant states the above-specified commodities will be for a specific Grade School, Grammar School, Parochial School, High School, College, Choir, Pulpit, Confirmation, Graduation, and Judicial ceremony or function.

HEARING: May 17, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 124270, filed March 12, 1962. Applicant: SCOTT TYSON, INC., P.O. Box 7048, 225 West 26th, Houston 8, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarried stone*, from points in Williamson, Burnet, and Travis Counties, Tex., to points in New Mexico, Arizona, and California, and *exempt commodities*, on return.

HEARING: June 1, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 124271, filed March 6, 1962. Applicant: PAUL EUGENE ROMSBURG, doing business as HILLSIDE COAL & OIL COMPANY, South Water Street, Frederick, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, in dump trucks only, over irregular routes, transporting: *Lumber, plumbing supplies and fixtures, and electrical supplies*, only when one or more of the latter items are transported in the same truck with a load of lumber, from the plant site of the Wickes Lumber Company, Frederick Junction, Md., to points in Maryland, the District of Columbia, Adams, Cumberland, Franklin, and York Counties, Pa., points in Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Warren Counties, Va., and Alexandria, Va., and points in Berkeley, Grant, and Jefferson Counties, W. Va., and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant states the above-proposed service is to be performed under a continuing contract with Wickes Lumber Company.

HEARING: May 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 124272, filed March 12, 1962. Applicant: JOY HOWERTON, Star Route, Berryville, Ark. Applicant's attorney: Louis W. Cowan, 221 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, mixed and manufactured, in bulk and in containers, between points in Arkansas and Missouri, as follows: In Benton, Washington, Carroll, Madison, Boone and Newton Counties, Ark., and in Barry, Stone, and Taney Counties, Mo., and that port of Lawrence County, Mo., lying south of U.S. Highway 60.

HEARING: May 23, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 91.

No. MC 124276, filed March 15, 1962. Applicant: FORREST OLSON, INC., 540½ Main Street, Zumbrota, Minn. Applicant's attorney: Harry Holmes, Zumbrota, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, livestock feeders and premiums and advertising matter relating to such products*, from Zumbrota, Minn., to points in Wisconsin and points in Pierce, Pepin, Buffalo, St. Croix, Dunn, Eau Claire, and Trempealeau, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

NOTE: Applicant states the commodities will be delivered to rural farm consumers residing in the Wisconsin Counties, as shown above.

HEARING: May 28, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. before Joint Board No. 142 or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 124278, filed March 15, 1962. Applicant: HARRY M. WIGGINS AND LIONEL F. WIGGINS, doing business as WIGGINS & SON, Route 1, Prairie City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck and wagon hoists, plow mulcher attachments, wagon boxes, and wagon gears*, from Prairie City, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: Applicant states, the proposed operation would be limited to a service performed under continuing contract with Dowden, Incorporated.

HEARING: May 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner A. Lane Cricher.

No. MC 124285, filed March 19, 1962. Applicant: BERT A. ULBERG, ARTHUR R. ULBERG AND J. A. VANDIVER, a partnership, doing business as ULBERG AND VANDIVER, 325 North Phillips Avenue, Sioux Falls, S. Dak. Applicant's attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, repossessed and stolen motor vehicles, buses, tractors, trailers, trucks*, and *tractors for replacement of wrecked and disabled tractors* and (2) *replacement vehicles* (trailers) to transport the cargo being hauled by the wrecked, disabled, repossessed or stolen trucks, buses, tractors, trailers and motor vehicles, between points in South Dakota, Minnesota, Iowa, and Nebraska.

HEARING: June 6, 1962, at the U.S. Court Rooms, Sioux Falls, S. Dak., before Examiner A. Lane Cricher.

No. MC 124312, filed March 27, 1962. Applicant: LEE J. GLESSNER, Mt. Echo (Ohio County), W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, bulk, in tank vehicles, from Tiltonsville, Ohio, to points in Ohio County, W. Va.

HEARING: May 18, 1962, in Room 5405–7, Fifth Floor, U.S. Court House and Federal Office Building, 500 Quarrier St., Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 37), filed March 5, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, (1) between Oakland, N.J., and Paramus, N.J.; from junction U.S. Highway 202 and access roads leading to New Jersey Highway 208, in Oakland, N.J., over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4 in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17, in Paramus, thence over access roads to New Jersey Highway 17 in Paramus, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J. and leading from New Jersey Highway 208 to U.S. Highway 202 in Oakland, N.J., serving all intermediate points in Oakland, Franklin Lakes and Wyckoff, N.J., (2) between points in Franklin Lakes, N.J.; from junction Franklin Avenue and Colonial Road in Franklin Lakes, over Colonial Road to junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Franklin Lakes, and return over same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Colonial Road, in Franklin Lakes, serving all intermediate points, (3) between points in Wyckoff, N.J.; from junction Franklin Avenue and Wyckoff Avenue, in Wyckoff, over Wyckoff Avenue to its junction with Russell Avenue, thence over Russell Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Russell Avenue, in Wyckoff, serving all intermediate points, and (4) between points in Wyckoff, N.J.; from junction Wyckoff Avenue and Russell Avenue, in Wyckoff, over Wyckoff Avenue to its junction with Grandview Avenue, thence over Grandview Avenue to its junction with access roads leading to New Jersey Highway 208, thence over access roads to New Jersey Highway 208 in Wyckoff, and return over the same route except using access roads provided for use in such reverse direction leading from New Jersey Highway 208 to Grandview Avenue, in Wyckoff, serving all intermediate points.

NOTE: Applicant states that the foregoing routes are restricted to traffic moving to and from New York, N.Y., by way of the Lincoln Tunnel. Applicant further states David Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456.

HEARING: May 14, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 668 (Sub-No. 78), filed March 26, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between Oakland, N.J., and Hawthorne, N.J., beginning at the junction of U.S. Highway 202 and New Jersey Highway 208, thence over New Jersey Highway 208 to the junction of New Jersey Highway 208 and Goffle Road in Hawthorne, and return over the same route, serving all intermediate points, (2) between Oakland, N.J., and Franklin Lakes, N.J.; from the junction of U.S. Highway 202 and New Jersey Highway 208, over New Jersey Highway 208 to junction Long Hill Road, thence over Long Hill Road to the Franklin Lakes—Oakland Municipal boundary line, when such Long Hill Road becomes Franklin Lake Road, to the junction of Colonial Road, thence over Colonial Road to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (3) between points in Franklin Lakes, N.J.; from the junction Franklin Lake Road and Colonial Road, over Franklin Lake Road to junction Ewing Avenue, thence over Ewing Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (4) between Franklin Lakes, N.J., and Wyckoff, N.J.; from the junction Franklin Lake Road and Ewing Avenue to the municipal boundary line of Wyckoff, at which point Franklin Lake Road becomes Sicomac Avenue, thence over Sicomac Avenue to junction Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (5) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Sicomac Avenue and Russell Avenue, over Sicomac Avenue to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (6) between Midland Park, N.J., and Wyckoff, N.J.; from junction Central Avenue and Godwin Avenue in Midland Park, over Central Avenue to junction Newtown Road at the Wortendyke Station, thence over Newtown Road to junction Wyckoff Avenue; thence over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (7) between Midland Park, N.J., and Wyckoff, N.J.; from junction of Central Avenue and Newtown Road at the Wortendyke Station, over Maple Drive to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (8) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, and (9) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points. NOTE: Applicant states "the President of the applicant herein owns and controls Northeast Coach Lines, a corporation authorized in Docket No. MC 110373, MC–F–4231, to transport passengers and their baggage via regular routes between New York, N.Y., and Culvers Lake, N.J. In MC–F–7645, consummated March 30, 1961, the President has also been authorized to acquire stock control of Warwick-Greenwood Lake and New York Transit, Inc., providing regular route service between Warwick, N.Y. and New York, N.Y., via New Jersey. Neither of the above companies serve points involved in the instant application. Both the applicant and such other companies, however, have the same New York, N.Y. terminus."

HEARING: May 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 108136 (Sub-No. 9), filed February 8, 1962. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorney: Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, during the season extending from May 28th to September 10th of each year, inclusive, between points in the towns of Old Saybrook and Branford, Conn., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: May 22, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 119932 (Sub-No. 1), filed March 19, 1962. Applicant: O'FALLON-BELLEVILLE COACH CO., INC., 102 West State Street, O'Fallon, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in Charter operations, between O'Fallon, Shiloh, Belleville, and Lebanon, Ill., on the one hand, and, on the other, points in Missouri.

NOTE: Common control may be involved.

HEARING: May 22, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124246, filed February 28, 1962. Applicant: BRUCE VANDERBROOK AND LOUIS VANDERBROOK, doing business as WESTERN HOLIDAY LINES, 73 Mountain Road, Manchester, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, all-expense, escorted pleasure and sightseeing tours, in seasonal operations between June 1 and October 1, inclusive, annually, beginning and ending at Manchester, Conn., and extending to points in New York, New Jersey, Pennsylvania, Ohio, Kentucky, Missouri, Kansas, Colorado, Utah, Arizona, California, Nevada, Wyoming, South Dakota, Iowa, Illinois, Indiana, West Virginia, and Idaho.

HEARING: May 21, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Francis A. Welch.

No. MC 124286, filed March 19, 1962. Applicant: RAYMOND J. BARREDO, Boston Post Road, Westbrook, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in door-to-door service in special operations, between Westbrook and Saybrook, Conn., on the one hand, and, on the other, New York, N.Y. and points in Westchester, Rockland, and Nassau Counties, N.Y. and points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J.

HEARING: May 23, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 30126 (Sub-No. 9), filed March 28, 1962. Applicant: LOUIS N. VILLALANTI, doing business as VILLALANTI FREIGHT LINES, Morenci, Ariz. Applicant's attorney: Earl H. Carroll, 363 North First Avenue, Phoenix 3, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Fire clay*, from Clay Pit, N. Mex., to Douglas, Ariz. as follows: from Clay Pit, located approximately two (2) miles south of New Mexico Highway 9, thence west over U.S. Highway 80 to Douglas, serving no intermediate points.

No. MC 47761 (Sub-No. 5), filed April 2, 1962. Applicant: THE RIVERSIDE TRUCK AND STORAGE CO., INC., 1118 Adams Street, Bay City, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap, soap products and products of soap manufacturing plants*, between points in Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Gratiot, Saginaw, Shiawassee, Genesee, Lapeer, Tuscola, Sanilac, Huron, Clare, and Isabella Counties, Mich., and *returned and rejected shipments*, on return.

NOTE: Applicant states it presently holds authority to transport soap and soap products in the above named territory, the purpose of this application is to include products of soap manufacturing plants. Applicant states the proposed operation will be performed under continuing contracts with persons who operate soap manufacturing plants.

No. MC 89524 (Sub-No. 4), filed February 23, 1962. Applicant: HOLLEY BROTHERS COMPANY, INC., 804½ North Fourth Street, Kentland, Ind. Applicant's attorney: James D. Collins, 802 Board of Trade Building, 143 North Meridian Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Superphosphate*, in bulk, in dump vehicles, from Ashkum, Morris, and Calumet City, Ill., to Remington, Ind., and (2) *Fertilizer*, in bulk, in dump vehicles, from Remington, Ind., to points in Champaign, Ford, Iroquois, Kankakee, Livingston, Vermillion, and Will Counties, Ill.

NOTE: Applicant states the proposed service as shown in (1) above will be to and from the plant site of Virginia-Carolina Chemical Corporation, at or near Remington, Ind.

No. MC 107496 (Sub-No. 239), filed March 26, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to Lockport, Ill.

NOTE: Dual operations may be involved. Also applicant states that it is wholly owned by John Ruan, and controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corp., an Illinois corporation.

No. MC 107496 (Sub-No. 240), filed April 2, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe line interface*, in bulk, in tank vehicles, from Madison, Wis., to East Chicago, Ind.

NOTE: Common control may be involved.

No. MC 111196 (Sub-No. 25), filed March 15, 1962. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's representative: R. M. Hamilton, 1801 West State Street, Alliance, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Brecksville and Cleveland, Ohio.

NOTE: Applicant holds authority to serve Brecksville, Ohio, as an interchange point and wishes only to add Cleveland for the same service, also, Brecksville is being used for the purpose of joinder with applicant's present authority. It is further noted that common control may be involved.

RESTRICTION: Service shall be limited to traffic, interchange with other carriers at both Cleveland and Brecksville, Ohio.

No. MC 112713 (Sub-No. 93), filed March 26, 1962. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City 14, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Bend, Ind., and St. Louis, Mo.; from South Bend over Indiana Highway 2 to the Indiana-Illinois State line, thence over Illinois Highway 17 to Kankakee, Ill., thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, and return over the same route, serving no intermediate points, over an alternate route for operating convenience only.

No. MC 114789 (Sub-No. 10), filed April 2, 1962. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, Builders Exchange, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dried milk products and animal and poultry feed*, from Minneapolis, Minn., to Shreveport, La., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service will be limited to Land O'Lakes Creameries, Inc.

No. MC 115162 (Sub-No. 73), filed March 28, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the plant site of Henry Brick Company located at or near Selma, Ala., to points in Georgia, Tennessee, and Mississippi.

NOTE: Applicant states he proposes to transport exempt commodities, on return.

No. MC 117106 (Sub-No. 1), filed April 2, 1962. Applicant: DEAN VADER, Route 1, Twin Falls, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Prefabricated homes or buildings* (knocked down), in sections, from Chehalis, Wash., to points in Nevada.

No. MC 119530 (Sub-No. 4), filed April 2, 1962. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, in containers or in bulk, from Lime, Oregon, to points in Nevada on and north of U.S. Highway 30 (except points in Washoe County, Nev.).

MOTOR CARRIERS OF PASSENGERS

No. MC 106120 (Sub-No. 1), filed March 28, 1962. Applicant: BADGER COACHES, INC., 1313 Regent Street, Madison 5, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in seasonal operations between April 1 and November 15, (1) from Milwaukee, Wis., thence over U.S. Highway 41 to its junction with Interstate Highway 94 near the Wisconsin-Illinois State Line, thence over Interstate Highway 94 to the interchange of Interstate Highways 94 and 294, thence over Interstate Highway 294 to its junction with Illinois Highway 1A, thence over Illinois Highway 1A to Washington Park Race Track at Homewood, Ill., and return over the same route, serving no intermediate points, (2) from the junction of Interstate Highway 94 and Illinois Highway 22 over Illinois Highway 22 to its junction with Illinois Highway 83; thence over Illinois Highway 83 to its junction with Illinois Highway 53, thence over Illinois Highway 53 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to Wilke Road, thence over Wilke Road to Arlington Park Race Track, and return return over the same route, serving no intermediate points, and (3) from the interchange of Interstate Highways 294 and 90, thence over Interstate Highway 90 to and over city streets to Hawthorne Race Track at Cicero, Ill., and return over the same route, serving the intermediate point of Sportsmen Park, Cicero, Ill., but serving no other intermediate points.

NOTE: Applicant states "Herman E. Meier, President and Treasurer of the applicant, and also the controlling stockholder of applicant is also the president and treasurer of Badger Bus Lines, Inc., an intrastate and interstate common motor carrier of passengers operating in interstate commerce between Madison, Wisconsin and Freeport, Illinois, and is also the controlling stockholder of said Badger Bus Lines, Inc."

No. MC 116677 (Sub-No. 2), filed March 7, 1962. Applicant: EUGENE ALBERT GUIDO, doing business as SHERIDAN TRAVEL BUREAU, 3329 Niagara Falls Boulevard, North Tonawanda, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof, and not including children under the age of ten (10) years who do not occupy a seat or seats, in seasonal operations between April 15 and October 31, inclusive, of each year, beginning and ending at points in Niagara and Erie Counties, N.Y., and extending to ports of entry on the United States-Canada Boundary Line at Niagara Falls and Lewiston, N.Y.

NOTE: Applicant states that any duplication with present authority will be eliminated.

NOTICE OF FILING OF PETITIONS

No. MC 35628 and Subs 1, 6, 86, 109, 111, 118, 121, 134, 141, 154, 155, 156, 159, 163, 166, 169, 171, 174, 176, 179, 181, 184, 187, 199, 206, 207, 209, 210, 211, 213, 214, 218, 219, 220, 221, and 233, (CORRECTION) (PETITION FOR MODIFICATION OF CERTIFICATES), filed January 4, 1962, published FEDERAL REGISTER, issue of February 7, 1962, and republished this issue. Petitioner: INTERSTATE MOTOR FREIGHT SYSTEM, Grand Rapids, Mich. Petitioner's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Notice of the filing of the subject petition wherein petitioner seeks the removal of the exception in its Certificates pertaining to the transportation of dangerous inflammables was published in the FEDERAL REGISTER, issue of February 7, 1962. The petition, filed January 4, 1962, makes reference on page two and page five to a Certificate No. MC 35628 (Sub-No. 11). For that reason reference to that subsequent filing docket number Sub 11 was made in the previous notice of filing. Further processing of the petition reveals that docket No. MC 35628 (Sub-No. 11) covered a temporary authority which expired May 14, 1942. Accordingly, reference to that sub number in the petition and in the previous notice of filing was in error.

No. MC 119531 AND MC 30697 (Sub-No. 1) (PETITION FOR INTERPRETATION OF AUTHORITY, REOPENING OF PROCEEDING, AND MODIFICATION OF AUTHORITY), filed March 12, 1962. Petitioner: DIECKBRADER EXPRESS, INC., Cincinnati, Ohio. Petitioner's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. The authority sought to be interpreted and modified is contained in Certificate No. MC 119531, and reads as follows: Pulpboard and machinery used in the manufacture of pulpboard and pulpboard boxes, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan. The authority was originally granted to petitioner as a result of a proceeding in docket No. MC 30697 (Sub-No. 1), later consolidated into Permit No. MC 30697 and subsequently as a result of a conversion proceeding under section 212(c) of the Act, incorporated into Certificate No. MC 119531 as described above. Petitioner requests that the above-described authority of petitioner be interpreted as permitting the transportation of "pulpboard boxes" between Chicago, Ill., and points in Indiana, Ohio, and Michigan. In the alternative, that the proceeding in docket No. MC 30697 (Sub-No. 1) be reopened, and the authority granted therein to transport the commodities specified above, be modified to read: "pulpboard and machinery used in the manufacture of pulpboard and pulpboard boxes" between Chicago and the above-named States. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 120554 (Sub-No. 3) (PETITION TO MODIFY), filed March 14, 1962. Petitioner: NICK ENCAPERA, doing business as CALIFORNIA BUS SERVICE, California, Pa. By Certificate No. MC 120554 Sub-No. 3, issued February 27, 1962, petitioner was authorized to transport passengers and their baggage in the same vehicle with passengers, in a regular-route service, between Washington and Uniontown, Pa., serving no intermediate points, over U.S. Highway 40, and return. By petition filed March 14, 1962, petitioner seeks modification of the Certificate so as to authorized service between the above-named points, serving all intermediate points. Any person or persons desiring to oppose petitioner's proposal, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8109 (CORRECTION) J & M TRANSPORTATION CO., INC.—PURCHASE—J & M ENTERPRISES, INC. (WILLIAM C. SANDOZ, TRUSTEE), published in the March 28, 1962, issue of the FEDERAL REGISTER on page 2876. Authority sought to be transferred should have included the following: *Salt, pepper*, in packages, in mixed shipments with salt, as a *common carrier* over irregular routes, from Hutchinson, Kans., and Winnfield, La., to points in Alabama, Georgia, and Florida; *salt* and *salt products* and of *pepper*, in packages, when transported in mixed loads, with salt and salt products, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC–F–8115. Authority sought for purchase by KING VAN LINES, INC., 6800 East Kellogg, P.O. Box 1025, Wichita, Kans., of a portion of the operating rights of EXPRESS VAN LINES, INC., 9219 Harford Road, Baltimore 14, Md., and for acquisition by W. C. KING, also of Wichita, Kans., of control of such rights through the purchase. Applicants' attorney and representative respectively: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla., and Carl F. Weber, President, Express Van Lines, Inc., 9219 Harford Road, Baltimore 14, Md. Operating rights sought to be transferred. *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Riverside and Imperial Counties, Calif., and between points in Riverside and Imperial Counties, Calif., on the one hand, and, on the other, points in California. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, Michigan, Kentucky, Connecticut, Rhode Island, Ohio, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, Illinois, Indiana, Missouri, Nebraska, North Dakota, Oklahoma, Minnesota, Wisconsin, Kansas, Iowa, Colorado, Arizona, New Mexico, Texas, Arkansas, California, Washington, Oregon, Idaho, Montana, Utah, Wyoming, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8116. Authority sought for merger into E. & L. TRANSPORT COMPANY, 14201 Prospect Avenue, Dearborn, Mich., of the operating rights and property of E. & L. TRANSPORT CO. OF KENTUCKY, P.O. Box 13007 Camp Taylor Station, Louisville 13, Ky., and for acquisition by TRANSCO, INC., and in turn by DONALD C. HAYDEN, also of Dearborn, Mich., of control of such rights and property through the transaction. Applicants' attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be merged: (A) *New automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway and driveaway service, as a *common carrier* over irregular routes from Louisville, Ky., to certain points in Indiana, Kentucky, Ohio, Virginia, and West Virginia, *bodies and cabs*, from Louisville, Ky., to points in the destination area described above; *new automobiles, new trucks*, and *new truck chassis*, in initial movements, in truckaway service, from Louisville, Ky., to points in Maryland; *new automobiles, new trucks*, and *new truck chassis*, in secondary movements, in truckaway service, from Cincinnati, Ohio, to points in Maryland; *new automobiles* and *new truck cabs and bodies* when moving in the same vehicle with new automobiles, new trucks and new truck chassis, from Louisville, Ky., and Cincinnati, Ohio to points in Maryland; *automobiles, trucks, tractors, bodies*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, from Louisville, Ky., to Detroit and Dearborn, Mich., Cincinnati, Ohio, and Chicago, and Hegewisch, Ill., points in Indiana, and certain points in Illinois, (B) *new automobiles, new trucks, new trailers, new bodies, new cabs, new chassis*, and *automobile parts and accessories*, when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Georgia, Tennessee, Kentucky, Indiana, and Ohio, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and certain points in Illinois, *automobiles, trucks, trailers, bodies, cabs*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in driveaway service, from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, certain points in Illinois, and points in Georgia, Tennessee, Kentucky, Indiana, and Ohio, *new automobiles, new trucks, new trailers*, and *new chassis*, in initial movements, in driveaway service, from places of manufacture and assembly in Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, West Virginia, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and points in Illinois, *automobiles, trucks, trailers*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in driveaway service, from points in Kentucky to Chicago, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, certain points in Illinois, and points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia, *automobiles, trucks, trailers, bodies, cabs, and chassis*, in truckaway service, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in driveaway service, from places of manufacture or assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *automobiles, trucks, bodies, cabs*, and *chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, Ohio, Tennessee, Virginia, and West Virginia, *automobiles, trucks, trailers, bodies, cabs, and chassis*, in truckaway service, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in driveaway service, from places of manufacture and assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, *automobiles, trucks, bodies, cabs*, and *chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, Ohio, Tennessee, Virginia, West Virginia, Illinois, Missouri, Nebraska, North Dakota, Oklahoma, Minnesota, Wisconsin, Kansas, Iowa, Colorado, Arizona, New Mexico, Texas, Arkansas, California, Washington, Oregon, Idaho, Montana, Utah, Wyoming, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia, *automobiles, trucks, tractors, automobile chassis*, and *truck chassis*, in initial movements, in driveaway service, and *motor vehicles bodies*, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, (except points on and south of U.S. Highway 24), Iowa, Kansas, Maine, Massachusetts, Michigan, Missouri (except St. Louis), Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia, *automobiles, trucks, tractors, automobile chassis*, and *truck chassis*, in initial movements, in driveaway service, and *motor vehicles bodies*, from points in Jefferson County, Ky., to Moffett, Okla., and Texarkana, Tex., and *automobiles, trucks*, and *chassis*, in initial movements, in truckaway service, from points in Jefferson County, Ky., to Quapaw, Okla. E. & L. TRANSPORT COMPANY is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8117. Authority sought for purchase by HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C., of the operating rights of HANCOCK-TRUCKING, INCORPORATED, 1917 West Maryland Street, Evansville, Ind., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the transaction. Applicants' attorneys and representative respectively: James E. Wilson, 1111 E Street NW., Washington 4, D.C., A. W. Flynn, P.O. Box 127, Greensboro, N.C., and Frank C. Philips, Box 612, Winston-Salem, N.C. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, and except petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, as a *common carrier* over regular routes between Evansville, Ind., on the one hand, and, on the other, Chicago, Ill., Henderson and Louisville, Ky., St. Louis, Mo., Indianapolis, Ind., and Detroit, Mich., serving certain intermediate and off-route points, between Hayesville, Ind., and junction Indiana Highway 45 and U.S. Highway 50, serving no intermediate points, between Indianapolis, Ind., and junction Indiana Highway 67 and U.S. Highway 41, between junction Indiana Highways 67 and 57 and junction Indi-

ana Highway 57 and U.S. Highway 41, serving no intermediate or off-route points, and over several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between Vincennes, Ind., and junction U.S. Highway 150 and Indiana Highway 56 serving all intermediate points, between St. Louis, Mo., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Indianapolis, Ind., and Columbus, Ohio, serving the intermediate point of Springfield, Ohio, between Chicago, Ill., and St. Louis, Mo., serving certain intermediate and off-route points, between Detroit, Mich., and Chicago, Ill., serving all intermediate points, between Detroit, Mich., and Pittsburgh, Pa., between Chicago, Ill., and Cleveland, Ohio, between Detroit, Mich., and Fort Wayne and Indianapolis, Ind., between Detroit, Mich., and Covington, Ky., between Detroit, Mich., and Columbus, Ohio, serving certain intermediate points, between Cleveland, Ohio, and Pittsburgh, Pa., between Cleveland, Ohio, and Columbiana, Ohio, between Cleveland, Ohio, and Rochester, Pa., serving all intermediate points, between Chicago, Ill., and Pittsburgh, Pa., between Covington, Ky., and Cleveland, Ohio, between Columbus, Ohio, and Dunreith, Ind., between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Chicago, Ill., and Indianapolis, Ind., serving certain intermediate and off-route points restricted against the transportation of livestock between termini, between junction U.S. Highway 112 and unnumbered highways, and any entrance to Ford Willow Run Plant, between junction Michigan Highway 17 and unnumbered highways and any entrance to Ford Willow Run Plant, serving no intermediate points, between Detroit, Mich., and junction U.S. Highway 112 and Michigan Highway 17, serving the intermediate point of Ford Willow Run plant, near Ypsilanti, Mich., and over several alternate routes for operating convenience only; *general commodities*, except commodities in bulk, and those of unusual length, height or weight, which are at the time moving, on bills of lading of freight forwarders, (1) between Chicago, Ill., and St. Louis, Mo., (2) between St. Louis, Mo., and Cincinnati, Ohio, (3) between Louisville, Ky., and Cincinnati, Ohio, (4) between Indianapolis, Ind., and Cincinnati, Ohio, (5) between Indianapolis, Ind., and Cleveland, Ohio, (6) between St. Louis, Mo., and Dayton, Ohio, (7) between Louisville, Ky., and Indianapolis, Ind., (8) between St. Louis, Mo., and Louisville, Ky., (9) between St. Louis, Mo., and Cleveland, Ohio, (10) between St. Louis, Mo., and Pittsburgh, Pa., (11) between Indianapolis, Ind., and St. Louis, Mo., (12) from Akron, Ohio to St. Louis, Mo., (13) from Indianapolis, Ind., to Detroit, Mich., (14) from Indianapolis, Ind., to Pittsburgh, Pa., (15) between Louisville, Ky., and Pittsburgh, Pa., (16) between Louisville, Ky., and Chicago, Ill., (17) between Indianapolis, Ind., and Chicago, Ill., (18) between Cincinnati, Ohio and Chicago, Ill., (19) from Chicago, Ill., to Pittsburgh, Pa., (20) between Detroit, Mich., and Louisville, Ky., (21) from Cleveland, Ohio, to Pittsburgh, Pa., (22) between Buffalo, N.Y., and Indianapolis, Ind., serving the intermediate points of East St. Louis, Ill., and Middletown and Hamilton, Ohio; *automobile parts* and *automobile accessories*, serving certain off-route points in connection with carrier's regular-route operations to and from St. Louis, Mo., restricted to the delivery of shipments originating at Vincennes, Ind., Fort Wayne, Ind., and Detroit, Mich., *general commodities*, except household good, between St. Louis, Mo., and Princeton and Evansville, Ind., serving all intermediate points, *general commodities*, except those of unusual value, dangerous explosives, charcoal, live animals and poultry, unwrapped hemp, uncrated furniture, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; *general commodities*, except household goods, over irregular routes, between points on the above-specified routes, between St. Louis, Mo., and Princeton and Evansville, Ind., on the one hand, and, on the other, Paducah, Ky., and certain points in Illinois, *general commodities*, except dangerous explosives, petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, between Chicago, Ill., on the one hand, and, on the other, certain points in Illinois. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Michigan, Ohio, Indiana, Illinois, Maryland, New York, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8118. Authority sought for merger into TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights and property of HOUSTON AND NORTH TEXAS MOTOR FREIGHT LINES, INC., 2515 Irving Boulevard, Dallas, Tex., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1012 Baltimore Avenue, Kansas City, Mo. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Houston, Tex., and Fort Worth, Tex., between Dallas, Tex., and Alvarado, Tex., and between Dallas, Tex., and Forth Worth, Tex., serving all intermediate points, between Houston, Tex., and Dallas, Tex., serving no intermediate points, and between Dallas, Tex., and Oklahoma City, Okla., serving certain intermediate points; *general commodities*, with the exceptions listed above, over irregular routes between Fort Worth, Tex., on the one hand, and, on the other, sites of the new Army bomber assembly plant and anchorage and dock space, located approximately six and nine miles, respectively, northwest of Fort Worth, Tex. TRANSCON LINES is authorized to operate as a *common carrier* in California, Illinois, Missouri, Georgia, Kansas, Indiana, Oklahoma, New Mexico, Arizona, Texas, Arkansas, Tennessee, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8120. Authority sought for purchase by CLARK TRANSPORT COMPANY, P.O. Box 295, Chicago Heights, Ill., of the operating rights and property of CAR CARRIER COMPANY, 200 Joyce Building, Clinton, Iowa, and for acquisition by JAMES P. CLARK, Graymoor Subdivision Route No. 1, Homewood, Ill., CECILIA A. CLARK, Graymoor Subdivision Route No. 1, Homewood, Ill., EUGENE C. CLARK, Box 54, Dyer, Ind., and W. E. PATTERSON, 3101 E. 231st St., Chicago Heights, Ill., of control of such rights and property through the purchase. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: (A) *New automobiles, trucks, chassis, bodies, cabs*, and *parts, and accessories* when transported with vehicles of which they are a part, in truckaway service, in initial movements, as a *common carrier* over irregular routes, from places of manufacture or assembly in Wayne, Macomb, and Washtenaw Counties, Mich., to certain points in South Dakota, *agricultural tractors*, from points in Washtenaw County, Mich., to certain points in South Dakota, *new automobiles, trucks, chassis, bodies, cabs*, and *parts* thereof when transported with vehicles of which they are a part in truckaway service, in secondary movements, from Duluth, Minn., to points in South Dakota, restricted to shipments having a prior movement by water, *damaged or rejected shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points, *automobiles, trucks* and *chassis*, in secondary movements, by truckaway method, and *bodies and cabs*, from Chicago and Chicago Heights, Ill., and Clinton, Iowa, to points in South Dakota, (B) *new automobiles* and *new trucks*, in secondary movements, from Sioux Falls, Mitchell, Huron, and Aberdeen, S. Dak., to points in Montana, *refused or rejected shipments* of the above-specified commodities, from points in Montana to the above-specified origin points. The carrier may combine the initial movement authority set forth in Section A with the secondary movement authority described in B, or the secondary movement authority set forth in A with the Secondary movement authority set forth in B provided the authorities have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point, and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. (C) *Automobiles* and *automobile chassis*, in secondary movements, in truckaway service, and *automobile bodies*, from Duluth, Minn., to points in Idaho, Oregon, and Washington, with the RESTRICTION that the service authorized in C is restricted to the transportation of shipments which have had an immediately prior movement by water, *new automobiles* and *new trucks*, in initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, Mich., and Warren Township, Macomb County, Mich., to points in Iowa, and *automobiles, trucks*, and *chassis*, in driveaway service, between points in Wayne County, Mich., and points in Warren Township, Macomb County, Mich. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3511; Filed, Apr. 10, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37654: *Aluminum doors from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A–2234), for interested rail carriers. Rates on aluminum doors, screened, sash or sash and frames combined, doors, door frames, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 3 to Western Trunk Line Committee tariff I.C.C. A–4422.

FSA No. 37655: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 20), for interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water, and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between points in Pennsylvania, on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Supplement 16 to Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37656: *Lime—Returned shipments between points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4175), for interested rail carriers. Rates on lime (returned shipments), in carloads, between points in southern territory, also Ohio and Mississippi River crossings and Virginia City gateways.

Grounds for relief: Carrier competition.

Tariff: Supplement 164 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 37657: *Iron and steel articles to La Porte, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8183), for interested rail carriers. Rates on iron and steel articles, in carloads, from specified points in official, southern and western trunk-line territories, to La Porte, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 251 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3487; Filed, Apr. 10, 1962; 8:48 a.m.]

THE UNIVERSITY OF MICHIGAN

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VOLUME 27 NUMBER 71

Washington, Thursday, April 12, 1962

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UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3465

VOLUNTARY OVERSEAS AID WEEK

By the President of the United States of America
A Proclamation

WHEREAS United States voluntary agencies have given needed assistance and promoted social and economic development efforts over a large area of the world; and

WHEREAS the Government of the United States and its people have endorsed and supported the humanitarian efforts of these agencies which now reach needy persons in over one hundred nations; and

WHEREAS people-to-people assistance, an invaluable supplement to our governmental overseas assistance efforts, is a reflection of American good will and of our belief in human dignity; and

WHEREAS the Congress, by Senate Concurrent Resolution 61, agreed to April 4, 1962, has requested the President to issue a proclamation designating the week of April 9, 1962, as Voluntary Overseas Aid Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week of April 9, 1962, as Voluntary Overseas Aid Week.

I request the appropriate agencies of the Federal Government, and I urge all our people, to observe that week with activities designed to focus attention on the efforts of our voluntary agencies to assist other peoples.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–3655; Filed, Apr. 11, 1962; 11:07 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), was published in the FEDERAL REGISTER March 30, 1962 (27 F.R. 3012). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of tomatoes grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of tomatoes in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed Limitation of Shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of March 30, 1962 (27 F.R. 3012).

§ 965.304 Limitation of shipments.

Except as otherwise provided in this section, during the period April 23, 1962, through July 15, 1962, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 965.7 of Order No. 965, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section.

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* 2$\frac{1}{32}$ inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of size 7 x 7 (2$\frac{1}{32}$ inches minimum diameter to 2$\frac{9}{32}$ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements.* (i) Any lot with more than 5 percent "green" tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

Size arrangements:	*Diameter (inches)*
7 x 7	2$\frac{1}{32}$ to 2$\frac{9}{32}$, inclusive.
6 x 7	Over 2$\frac{9}{32}$ to 2$\frac{17}{32}$, inclusive.
6 x 6	Over 2$\frac{17}{32}$.

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. "Breakers" or tomatoes of a greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection.* (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraph (c) of this section, or exempted pursuant to paragraphs (d), (e), and (f) of this section, shall be inspected and certified pursuant to the provisions of § 965.60; and (2) no handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Excepted varieties.* Elongated types of tomatoes, commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes commonly referred to as cherry tomatoes, are not subject to the requirements of this section.

(d) *Repacked tomatoes.* A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(e) *Minimum quantity.* For purposes of regulation under this part, each person subject thereto may handle, pursuant to § 965.53, up to, but not to exceed 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(f) *Special purpose shipments.* The limitations set forth in this section shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; and (3) for experimental purposes.

(g) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (f) of this section for relief or charity, for processing, or for experimental purposes, shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes.

(h) *Definitions*—(1) *Grade, size, and color.* The terms "U.S. No. 2," "green," and "breakers" mean the U.S. No. 2 grade, and "green" and "breakers" maturity, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855–51.1877 of this title; 22 F.R. 4528 as amended, 26 F.R. 8559), including the tolerances set forth therein; and the application of tolerance for size shall be as set forth in § 51.1861 of such standards.

(2) *Other terms.* All other terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated April 6, 1962, to become effective April 23, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3554; Filed, Apr. 11, 1962; 8:48 a.m.]

PART 980—TOMATOES

Import Restrictions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of tomatoes into the United States, to be effective April 16, 1962, through July 15, 1962, pursuant to the requirements of section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) was published in the FEDERAL REGISTER March 31, 1962 (27 F.R. 3140). This notice afforded interested persons an opportunity to file data, views or arguments in regard thereto not later than 5 days after publication. After consideration of all relevant material, including the proposals set forth in the aforesaid notice, it is hereby found that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with section 8e of the act. (b) It is further found that good cause exists for not postponing the effective date of this regulation beyond April 23, 1962 (5 U.S.C. 1001–1011) in that (1) the requirements

established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, which makes such regulations mandatory; (2) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (3) notice hereof is in excess of the minimum period of three days specified in section 8e of the Act; (4) in fixing the effective date hereof due consideration has been given to the time required for the transportation and entry into the United States after picking of imported tomatoes to which this regulation is applicable as required by section 8e of the Act; (5) such notice is hereby determined to be reasonable; and (6) the regulations hereby established for tomatoes that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic tomatoes under Marketing Order No. 965.

§ 980.200 Tomato Regulation No. 7.

(a) *Import restrictions.* During the period from April 23, 1962, to July 15, 1962, both dates inclusive, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better grade, and are 2 2/32 inches minimum diameter or larger: *Provided*, That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 (2 2/32 inches minimum diameter to 2 9/32 inches maximum diameter) may be smaller than the specified minimum diameter.

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is the inspection service for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of section 8e of the Act.

(e) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of tomatoes is required on all imports of tomatoes. Each lot shall be made available and accessible for inspection. Inspection and certification will be available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (7 CFR Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Box 111, Harlingen, Tex. (Phone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 305 American Ave., Box 1646, Nogales, Ariz. (Phone—Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 S. Central Ave., Room 294, Los Angeles 21, Calif. (Phone—Madison 2-8756).	3 days.
Miami, Fla...	Lloyd W. Boney, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Phone—Franklin 1-6062).	Do.
All other Florida points.	Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Phone—Garden 2-2447).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Phone—Dudley 8-5870).	Do.

(2) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspection performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation under the act.

(g) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title), including the tolerances set forth therein.

(2) "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: April 6, 1962, to become effective April 23, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3555; Filed, Apr. 11, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1004—MILK IN PHILADELPHIA, PA., MARKETING AREA

PART 1010—MILK IN WILMINGTON, DEL., MARKETING AREA

Determination of Equivalent Factor To Be Used in Computation of Class I Price

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) One of the factors specified in the orders to be used in the computation of the Class I price is the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1947–49 base.

(2) The Bureau of Labor Statistics, United States Department of labor is now publishing the weekly wholesale price index with the years 1957–59 as the base and has discontinued publication of such index on a 1947–49 base.

(3) Each of the aforesaid orders provides that if for any reason a price or index specified by the order for use in computing class prices or for other purposes is not reported or published in the manner described in the order, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

(4) It is hereby determined that the weekly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, on a 1957–59 base divided by 0.8420462, a rebasing factor computed by the Department of Labor, will convert the currently reported index to a 1947–49 base and is comparable with the weekly index factor specified in the order.

(5) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This determination does not require of persons affected substantial or extensive preparation prior to the effective date.

(b) This determination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the respective marketing areas, and

(c) The short time between issuance of this determination and its effective date makes it impractical for rule-making procedure to be completed. The respective orders direct announcement by the market administrator not later than April 15, 1962, of the March indexes employed in the Class I price formulas.

Therefore, good cause exists for making this determination effective on issuance.

Effective date: Upon issuance.

Signed at Washington, D.C., on April 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3576; Filed, Apr. 11, 1962; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 100—REACTOR SITE CRITERIA

Pursuant to the Administrative Procedures Act and the Atomic Energy Act of 1954, as amended, the following guide is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

Statement of considerations. On February 11, 1961, the Atomic Energy Commission published in the FEDERAL REGISTER a notice of proposed rule making that set forth general criteria in the form of guides and factors to be considered in the evaluation of proposed sites for power and testing reactors. The Commission has received many comments from individuals and organizations, including several from foreign countries, reflecting the widespread sensitivity and importance of the subject of site selection for reactors. Formal communications have been received on the published guides, including a proposed comprehensive revision of the guides into an alternate form.

In these communications, there was almost unanimous support of the Commission's proposal to issue guidance in some form on site selections, and acceptance of the basic factors included in the proposed guides, particularly in the proposal to issue exposure dose values which could be used for reference in the evaluation of reactor sites with respect to potential reactor accidents of exceedingly low probability of occurrence.

On the other hand, many features of the proposed guides were singled out for criticism by a large proportion of the correspondents. This was particularly the case for the appendix section of the proposed guides, in which was included an example calculation of environmental distance characteristics for a hypothetical reactor. In this appendix, specific numerical values were employed in the calculations. The choice of these numerical values, in some cases involving simplifying assumptions of highly complex phenomena, represent types of considerations presently applied in site calculations and result in environmental distance parameters in general accord with present siting practice. Nevertheless, these particular numerical values and the use of a single example calculation were widely objected to, basically on the grounds that they presented an aspect of inflexibility to the guides which otherwise appeared to possess considerable flexibility and tended to emphasize unduly the concept of environmental isolation for reactors with minimum possibility being extended for eventual substitution thereof of engineered safeguard.

In consequence of these many comments, criticisms and recommendations, the proposed guides have been rewritten, with incorporation of a number of suggestions for clarification and simplification, and elimination of the numerical values and example calculation formerly constituting the appendix to the guides. In lieu of the appendix, some guidance has been incorporated in the text itself to indicate the considerations that led to establishing the exposure values set forth. However, in recognition of the advantage of example calculations in providing preliminary guidance to application of the principles set forth, the AEC will publish separately in the form of a technical information document a discussion of these calculations.

These guides and the technical information document are intended to reflect past practice and current policy of the Commission of keeping stationary power and test reactors away from densely populated centers. It should be equally understood, however, that applicants are free and indeed encouraged to demonstrate to the Commission the applicability and significance of considerations other than those set forth in the guides.

One basic objective of the criteria is to assure that the cumulative exposure dose to large numbers of people as a consequence of any nuclear accident should be low in comparison with what might be considered reasonable for total population dose. Further, since accidents of greater potential hazard than those commonly postulated as representing an upper limit are conceivable, although highly improbable, it was considered desirable to provide for protection against excessive exposure doses to people in large centers, where effective protective measures might not be feasible. Neither of these objectives were readily achievable by a single criterion. Hence, the population center distance was added as a site requirement when it was found for several projects evaluated that the specification of such a distance requirement would approximately fulfill the desired objectives and reflect a more accurate guide to current siting practices. In an effort to develop more specific guidance on the total man-dose concept, the Commission intends to give further study to the subject. Meanwhile, in some cases where very large cities are involved, the population center distance may have to be greater than those suggested by these guides.

A number of comments received pointed out that AEC siting factors included considerations of population distributions and land use surrounding proposed sites but did not indicate how future population growth might affect sites initially approved. To the extent possible, AEC review of the land use surrounding a proposed site includes considerations of potential residential growth. The guides tend toward requiring sufficient isolation to preclude any immediate problem. In the meantime, operating experience that will be acquired from plants already licensed to operate should provide a more definitive basis for weighing the effectiveness of engineered safeguards versus plant isolation as a public safeguard.

These criteria are based upon a weighing of factors characteristic of conditions in the United States and may not represent the most appropriate procedure nor optimum emphasis on the various interdependent factors involved in selection of sites for reactors in other countries where national needs, resources, policies and other factors may be greatly different.

Sec.
100.1 Purpose.
100.2 Scope.
100.3 Definitions.

SITE EVALUATION FACTORS

100.10 Factors to be considered when evaluating sites.
100.11 Determination of exclusion area, low population zone, and population center distance.

AUTHORITY: §§ 100.1 to 100.11 issued under sec. 103, 68 Stat. 936, sec. 104, 68 Stat. 937, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953; 42 U.S.C. 2133, 2134, 2201, 2232.

§ 100.1 Purpose.

(a) It is the purpose of this part to describe criteria which guide the Commission in its evaluation of the suitability of proposed sites for stationary power and testing reactors subject to Part 50 of this chapter.

(b) Insufficient experience has been accumulated to permit the writing of detailed standards that would provide a quantitative correlation of all factors significant to the question of acceptability of reactor sites. This part is intended as an interim guide to identify a number of factors considered by the Commission in the evaluation of reactor sites and the general criteria used at this time as guides in approving or disapproving proposed sites. Any applicant who believes that factors other than those set forth in the guide should be considered by the Commission will be expected to demonstrate the applicability and significance of such factors.

§ 100.2 Scope.

(a) This part applies to applications filed under Part 50 and 115 of this chapter for stationary power and testing reactors.

(b) The site criteria contained in this part apply primarily to reactors of a general type and design on which experience has been developed, but can also be applied to other reactor types. In particular, for reactors that are novel in design and unproven as prototypes or pilot plants, it is expected that these

basic criteria will be applied in a manner that takes into account the lack of experience. In the application of these criteria which are deliberately flexible, the safeguards provided—either site isolation or engineered features—should reflect the lack of certainty that only experience can provide.

§ 100.3 Definitions.

As used in this part:

(a) "Exclusion area" means that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area. This area may be traversed by a highway, railroad, or waterway, provided these are not so close to the facility as to interfere with normal operations of the facility and provided appropriate and effective arrangements are made to control traffic on the highway, railroad, or waterway, in case of emergency, to protect the public health and safety. Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazards to the public health and safety will result.

(b) "Low population zone" means the area immediately surrounding the exclusion area which contains residents, the total number and density of which are such that there is a reasonable probability that appropriate protective measures could be taken in their behalf in the event of a serious accident. These guides do not specify a permissible population density or total population within this zone because the situation may vary from case to case. Whether a specific number of people can, for example, be evacuated from a specific area, or instructed to take shelter, on a timely basis will depend on many factors such as location, number and size of highways, scope and extent of advance planning, and actual distribution of residents within the area.

(c) "Population center distance" means the distance from the reactor to the nearest boundary of a densely populated center containing more than about 25,000 residents.

(d) "Power reactor" means a nuclear reactor of a type described in § 50.21(b) or 50.22 of this chapter designed to produce electrical or heat energy.

(e) "Testing reactor" means a "testing facility" as defined in § 50.2 of this chapter.

SITE EVALUATION FACTORS

§ 100.10 Factors to be considered when evaluating sites.

Factors considered in the evaluation of sites include those relating both to the proposed reactor design and the characteristics peculiar to the site. It is expected that reactors will reflect through their design, construction and operation an extremely low probability for accidents that could result in release of significant quantities of radioactive fission products. In addition, the site location and the engineered features included as safeguards against the hazardous consequences of an accident, should one occur, should insure a low risk of public exposure. In particular, the Commission will take the following factors into consideration in determining the acceptability of a site for a power or testing reactor:

(a) Characteristics of reactor design and proposed operation including:

(1) Intended use of the reactor including the proposed maximum power level and the nature and inventory of contained radioactive materials;

(2) The extent to which generally accepted engineering standards are applied to the design of the reactor;

(3) The extent to which the reactor incorporates unique or unusual features having a significant bearing on the probability or consequences of accidental release of radioactive materials;

(4) The safety features that are to be engineered into the facility and those barriers that must be breached as a result of an accident before a release of radioactive material to the environment can occur.

(b) Population density and use characteristics of the site environs, including the exclusion area, low population zone, and population center distance.

(c) Physical characteristics of the site, including seismology, meteorology, geology and hydrology.

(1) The design for the facility should conform to accepted building codes or standards for areas having equivalent earthquake histories. No facility should be located closer than one-fourth mile from the surface location of a known active earthquake fault.

(2) Meteorological conditions at the site and in the surrounding area should be considered.

(3) Geological and hydrological characteristics of the proposed site may have a bearing on the consequences of an escape of radioactive material from the facility. Special precautions should be planned if a reactor is to be located at a site where a significant quantity of radioactive effluent might accidentally flow into nearby streams or rivers or might find ready access to underground water tables.

(d) Where unfavorable physical characteristics of the site exist, the proposed site may nevertheless be found to be acceptable if the design of the facility includes appropriate and adequate compensating engineering safeguards.

§ 100.11 Determination of exclusion area, low population zone, and population center distance.

(a) As an aid in evaluating a proposed site, an applicant should assume a fission produce release[1] from the core, the expected demonstrable leak rate from the containment and the meteorological conditions pertinent to his site to derive an exclusion area, a low population zone and population center distance. For the purpose of this analysis, which shall set forth the basis for the numerical values used, the applicant should determine the following:

(1) An exclusion area of such size that an individual located at any point on its boundary for two hours immediately following onset of the postulated fission product release would not receive a total radiation dose to the whole body in excess of 25 rem[2] or a total radiation dose in excess of 300 rem[2] to the thyroid from iodine exposure.

(2) A low population zone of such size that an individual located at any point on its outer boundary who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage) would not receive a total radiation dose to the whole body in excess of 25 rem or a total radiation dose in excess of 300 rem to the thyroid from iodine exposure.

(3) A population center distance of at least one and one-third times the distance from the reactor to the outer boundary of the low population zone. In applying this guide, due consideration should be given to the population distribution within the population center. Where very large cities are involved, a greater distance may be necessary because of total integrated population dose consideration.

(b) For sites for multiple reactor facilities consideration should be given to the following:

(1) If the reactors are independent to the extent that an accident in one reactor would not initiate an accident in another, the size of the exclusion area, low population zone and population center distance shall be fulfilled with respect to each reactor individually. The envelopes of the plan overlay of the areas so calculated shall then be taken as their respective boundaries.

(2) If the reactors are interconnected to the extent that an accident in one reactor could affect the safety of operation of any other, the size of the exclusion area, low population zone and population center distance shall be based upon the assumption that all interconnected reactors emit their postulated fission product releases simultaneously. This requirement may be reduced in relation to the degree of coupling between reactors, the probability of concomitant accidents and the probability that an individual would not be exposed to the radiation effects from simultaneous releases. The applicant would be expected to justify to the satisfaction of the AEC the basis for such a reduction in the source term.

(3) The applicant is expected to show that the simultaneous operation of multiple reactors at a site will not result in total radioactive effluent releases beyond the allowable limits of applicable regulations.

NOTE: For further guidance in developing the exclusion area, the low population zone, and the population center distance, reference is made to Technical Information Document 14844, dated March 23, 1962, which contains a procedural method and a sample calculation that result in distances roughly reflecting current siting practices of the Commission. The calculations described in Technical Information Document 14844 may be used as a point of departure for consideration of particular site requirements which may result from evaluation of the characteristics of a particular reactor, its purpose and method of operation.

Copies of Technical Information Document 14844 may be obtained from the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or by writing the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C.

Dated at Germantown, Md., this 5th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-3523; Filed, Apr. 11, 1962; 8:45 a.m.]

[1] The fission product release assumed for these calculations should be based upon a major accident, hypothesized for purposes of site analysis or postulated from considerations of possible accidental events, that would result in potential hazards not exceeded by those from any accident considered credible. Such accidents have generally been assumed to result in substantial meltdown of the core with subsequent release of appreciable quantities of fission products.

[2] The whole body dose of 25 rem referred to above corresponds numerically to the once in a lifetime accidental or emergency dose for radiation workers which, according to NCRP recommendations may be disregarded in the determination of their radiation exposure status (see NBS Handbook 69 dated June 5, 1959). However, neither its use nor that of the 300 rem value for thyroid exposure as set forth in these site criteria guides are intended to imply that these numbers constitute acceptable limits for emergency doses to the public under accident conditions. Rather, this 25 rem whole body value and the 300 rem thyroid value have been set forth in these guides as reference values, which can be used in the evaluation of reactor sites with respect to potential reactor accidents of exceedingly low probability of occurrence, and low risk of public exposure to radiation.

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Matured Time Certificate

§ 217.125 Rate of interest on savings deposit created from matured time certificate.

(a) The opinion of the Board of Governors of the Federal Reserve System has been requested by a member bank as to whether a savings deposit may bear a maximum rate of interest of 4 percent from the date of the establishment of the savings deposit by the transfer thereto of funds that have been on deposit for one year as a time certificate.

(b) In § 217.6 it is provided, in part, that the maximum rate of 4 percent may be paid "on that portion of any savings deposit that has remained on deposit for not less than 12 months." This language necessarily implies that the funds must have remained on deposit for 12 months as a savings deposit. To construe the provision otherwise would nullify its purpose. The fact that the depositor was eligible to maintain a savings deposit at all times does not have any significant bearing on the question.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 3d day of April 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3526; Filed, Apr. 11, 1962; 8:45 a.m.]

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Special Cash Account

§ 220.117 Exception to 90-day rule in special cash account.

(a) The Board of Governors has recently interpreted certain of the provisions of § 220.4(c)(8), with respect to the withdrawal of proceeds of a sale of stock in a "special cash account" when the stock has been sold out of the account prior to payment for its purchase.

(b) The specific factual situation presented may be summarized as follows:

Customer purchased stock in a special cash account with a member firm on Day 1. On Day 3 customer sold the same stock at a profit. On Day 8 customer delivered his check for the cost of the purchase to the creditor (member firm). On Day 9 the creditor mailed to the customer a check for the proceeds of the sale.

(c) Section 220.4(c)(8) prohibits a creditor, as a general rule, from effecting a purchase of a security in a customer's special cash account if any security has been purchased in that account during the preceding 90 days and has then been sold in the account or delivered out to any broker or dealer without having been previously paid for in full by the customer. One exception to this general rule reads as follows:

• • • The creditor may disregard for the purposes of this subparagraph (§ 220.4(c)(8)) a sale without prior payment provided full cash payment is received within the period described by subparagraph (2) of this paragraph (seven days after the date of purchase) and the customer has not withdrawn the proceeds of sale on or before the day on which such payment (and also final payment of any check received in that connection) is received. • • •

(d) Final payment of customer's check: (1) The first question is: When is the creditor to be regarded as having received "final payment of any check received" in connection with the purchase?

(2) The clear purpose of § 220.4(c)(8) is to prevent the use of the proceeds of sale of a stock by a customer to pay for its purchase—i.e., to prevent him from trading on the creditor's funds by being able to deposit the sale proceeds prior to presentment of his own check to the drawee bank. Thus, when a customer undertakes to pay for a purchase by check, that check does not constitute payment for the purchase, within the language and intent of the above-quoted exception in § 220.4(c)(8), until it has been honored by the drawee bank, indicating the sufficiency of his account to pay the check.

(3) The phrase "final payment of any check" is interpreted as above notwithstanding § 220.6(f), which provides that:

For the purposes of this part (Regulation T), a creditor may, at his option (1) treat the receipt in good faith of any check or draft drawn on a bank which in the ordinary course of business is payable on presentation, • • • as receipt of payment of the amount of such check, draft or order; • • •

This is a general provision substantially the same as language found in section 4(f) of Regulation T as originally promulgated in 1934. The language of the subject exception to the 90-day rule of § 220.4(c)(8), i.e., the exception based expressly on "final payment of any check," was added to the regulation in 1949 by an amendment directed at a specific type of situation. Because the exception is a special, more recent provision, and because § 220.6(f), if controlling, would permit the exception to undermine, to some extent, the effectiveness of the 90-day rule, sound principles of construction require that the phrase "final payment of any check" be given its literal and intended effect.

(4) There is no fixed period of time from the moment of receipt by the payee, or of deposit, within which it is certain that any check will be paid by the drawee bank. Therefore, in the rare case where the operation of the subject exception to § 220.4(c)(8) is necessary to avoid application of the 90-day rule, a creditor should ascertain (from his bank of deposit or otherwise) the fact of payment of a customer's check given for the purchase. Having so determined the day of final payment, the creditor can permit withdrawal on any subsequent day.

(e) Mailing as "withdrawal": (1) Also presented is the question whether the mailing to the customer of the creditor's check for the sale proceeds constitutes a withdrawal of such proceeds by the customer at the time of mailing so that, if the check for the sale proceeds is mailed on or before the day on which the customer's check for the purchase is finally paid, the 90-day rule applies. It may be that a check mailed one day will not ordinarily be received by the customer until the next. The Board is of the view, however, that when the check for sale proceeds is issued and released into the mails, the proceeds are to be regarded as withdrawn by the customer; a more liberal interpretation would open a way for circumvention. Accordingly, the creditor's check should not be mailed nor the sale proceeds otherwise released to the customer "on or before the day" on which payment for the purchase, including final payment of any check given for such payment, is received by the creditor, as determined in accordance with the principles stated herein.

(2) Applying the above principles to the schedule of transactions described in the second paragraph of this interpretation, the mailing of the creditor's check on "Day 9" would be consistent with the subject exception to § 220.4(c)(8), as interpreted herein, only if the customer's check was paid by the drawee bank on "Day 8".

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w)

Dated at Washington, D.C., this 21st day of March 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3529; Filed, Apr. 11, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8138]

PART 13—PROHIBITED TRADE PRACTICES

Marcel Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–80 *Government connection;* § 13.85 *Government approval, action, connection or standards;* § 13.85–15 *Civil Service Commission connections or recognition;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Simulating another or product thereof: § 13.2208 *Court documents.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Grady L. Rushing, doing business as Marcel Company, New Orleans, La., Docket 8138, Nov. 27, 1961]

In the Matter of Claude I. Woolwine, Doing Business as Universal Training Service; and Grady L. Rushing, Doing Business as Marcel Company

Order requiring a New Orleans seller of correspondence courses on civil service preparation to cease making false job-assurance claims, representing falsely connection with the U.S. Civil Service, and simulating court summons and complaint to collect unpaid balances, among other unfair practices as set forth in detail in the order below.

The order to cease and desist is as follows:

It is ordered, That respondent Grady L. Rushing, doing business as Marcel Company or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any materials or course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Civil Service examinations for particular positions described orally or in any writing have been announced or are about to be given in or for any geographical or United States Civil Service area unless such examinations actually have been announced or are about to be given in or for such area and adequate time remains for the filing of applications to participate in such examinations.

2. The completion of any series of materials or course of instruction offered by the respondent in commerce will enable a person to pass the Civil Service examination for the position selected by such person.

3. Respondent's materials or course of instruction provide training for Civil Service positions.

4. Persons solicited to purchase respondent's materials or course of instruction are examined or screened as to their possession of qualifications for positions to be sought before they are permitted to purchase such materials or course.

5. Respondent will continue to train or instruct persons who have completed a purchased series of materials or course of instruction until they are appointed to a Civil Service position or misrepresenting in any manner the extent or nature of instruction that he gives to purchasers.

6. Representing, directly or by implication:

(a) That purchasers of respondent's materials or course will be notified when or where examinations will be held;

(b) That persons completing said materials or course of instruction and passing a Civil Service examination are assured of or will obtain Civil Service positions; or

(c) That respondent or his agents or representatives are connected with the United States Civil Service Commission or any branch thereof or any other agency of the United States Government.

7. Using any document that simulates a court process in connection with the collection of accounts from debtors; or using any other document or practice which may suggest or imply that a debtor is being sued when such is not the fact.

By "Order Denying Petition of Respondent Grady L. Rushing, and Decision of the Commission", report of compliance was required as follows:

It is further ordered, That respondent Grady L. Rushing shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in the initial decision.

Issued: November 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3531; Filed, Apr. 11, 1962; 8:45 a.m.]

[1] New.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas and Reporting Points

The purpose of these amendments to §§ 600.6022, 600.6242, 600.6425, 601.6242 and 601.7001 of the Regulations of the Administrator is to alter low altitude VOR Federal airways No. 22, No. 242 and No. 425, their associated control areas and designated reporting points in the vicinity of Mobile, Ala.

Victor 22 is designated in part from New Orleans, La., to Pensacola, Fla., via the Brookley AFB, Ala., VOR. Victor 242 is designated from Mobile to the Brookley AFB VOR. Victor 425 is designated from the Brookley AFB VOR to Axis, Ala. The Brookley AFB VOR is a designated reporting point.

The Federal Aviation Agency is commissioning a new VOR approximately April 15, 1962, at latitude 30°36'45" N., longitude 88°03'20" W. This site is approximately one and one-half miles southeast of the Brookley AFB VOR. The Federal Aviation Agency is taking action herein to realign Victors 22, 242, and 425 via the new facility in lieu of the Brookley AFB VOR. The control areas associated with Victors 22 and 425 are so designated that they will automatically conform to the altered airways. However, it is necessary to amend § 601.6242 to delete reference to "AFB" in the caption. Action is also taken herein to designate the new facility as a reporting point in lieu of the Brookley AFB VOR.

Since these alterations are minor or procedural in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the administrator (25 F.R. 12582) the following actions are taken:

§ 600.6022 [Amendment]

1. In the text of § 600.6022 (14 CFR 600.6022) "From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 085° and the Brookley AFB omnirange 238° radials; Brookley AFB, Ala., terminal omnirange station; Pensacola (Saufley Field), Fla., omnirange station;" is deleted and "From the New Orleans, La., VORTAC via the New Orleans VORTAC 085° and the Brookley, Ala., VOR 240° radials; Brookley VOR; Pensacola (Saufley Field), Fla., VOR;" is substituted therefor.

2. Section 600.6242 (14 CFR 600.6242) is amended to read:

§ 600.6242 VOR Federal airway No. 242 (Mobile, Ala., to Brookley, Ala.).

From the Mobile, Ala., VORTAC to the Brookley, Ala., VOR.

3. Section 600.6425 (14 CFR 600.6425) is amended to read:

§ 600.6425 VOR Federal airway No. 425 (Brookley, Ala., to Axis, Ala.).

From the Brookley, Ala., VOR to the INT of the Brookley VOR 357° and the Mobile, Ala., VORTAC 044° radials.

§ 601.6242 [Amendment]

4. In the caption of § 601.6242 (14 CFR 601.6242) "to Brookley AFB, Ala." is deleted and "to Brookley, Ala." is substituted therefor.

§ 601.7001 [Amendment]

5. In the text of § 601.7001 (14 CFR 601.7001) "Brookley AFB, Ala., omnirange station." is deleted and "Brookley, Ala., VOR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3524; Filed, Apr. 11, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Directory of Companies Required To File Annual Reports

The Securities and Exchange Commission has published a directory of companies required to file annual reports with the Commission. The list of companies is presented alphabetically and classified by industry groups.

The directory covers 3,999 issuers of securities which, as of July 1961, were required to file annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, which apply to an issuer that has securities listed on a national securities exchange, or made a public offering of securities registered under the Securities Act of 1933 and has a certain minimum amount of securities outstanding.

Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., price $1.25 per copy. In addition, copies of the directory are available for public inspection at the Central Office and the Regional and Branch Offices of the Commission.

Accordingly, the Commission amends § 200.80 of Title 17 of the Code of Federal Regulations, effective upon publication, to include a description of the directory. The text of the Commission's action follows.

Appendix C of § 200.80 is amended by adding to the end thereto, under the heading of periodicals, the following description paragraph:

Directory of Companies Filing Annual Reports With the Securities and Exchange Commission Under the Securities Exchange Act of 1934. Published annually. Lists companies alphabetically and classified by industry groups according to the Standard Industrial Classification Manual of the Bureau of the Budget.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 77w)

Since this amendment relates only to matters of agency procedure and practice, the Commission deems that the public notice and other rule-making procedures provided in section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) are unnecessary.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 28, 1962.

[F.R. Doc. 62-3544; Filed, Apr. 11, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TERPENE RESIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Lederle Laboratories, Division of American Cyanamid Company, Pearl River, New York, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of terpene resin, consisting of polymers of beta-pinene as an internal coating of capsules and as a coating agent on powders of ascorbic acid and salts of ascorbic acid. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1077 Terpene resin.

The food additive terpene resin may be safely used in accordance with the following prescribed conditions:

(a) The food additive is the beta-pinene polymer obtained by polymerizing terpene hydrocarbons derived from wood. It has a softening point of 112° C.–118° C., as determined by ASTM method E-28-51T.

(b) It is used or intended for use as follows:

(1) As a moisture barrier on soft gelatin capsules in an amount not to exceed 0.07 percent of the weight of the capsule.

(2) As a moisture barrier on powders of ascorbic acid or its salts in an amount not to exceed 7.0 percent of the weight of the powder.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3562; Filed, Apr. 11, 1962; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Definitions and Interpretations of Terms

Pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; 21 U.S.C. 356) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That the insulin regulations (21 CFR Part 164.1) be amended as follows:

Section 164.1(o) is amended by changing the words "Insulin Branch" and "by § 164.3(a)" to read "Insulin Section" and "by § 164.3 (a) and (c)," respectively. As amended, paragraph (o) reads as follows:

§ 164.1 Definitions and interpretations of terms.

* * * * *

(o) The Director of the Bureau of Biological and Physical Sciences, the Di-

rector of the Division of Pharmacology, and the Chief and Acting Chief of the Insulin Section of the Division of Pharmacology are authorized to exercise the functions and duties of the Commissioner under the regulations in this part insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) and (c) or approval of the use of materials as contemplated by § 164.2 (j) and (k).

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes are merely editorial in nature and are made to effect consistency in existing regulations.

Effective date. This order is effective on the date of publication in the FEDERAL REGISTER.

(Sec. 506, 55 Stat. 851; 21 U.S.C. 356)

Dated: April 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3561; Filed, Apr. 11, 1962; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 and paragraph (C) of proviso (1) of subsection 6(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205; 75 Stat. 68), the Secretary of Labor by Administrative Order No. 560 (27 F.R. 666) appointed and convened Review Committee No. 3–A, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the fabric and leather glove industry in Puerto Rico, as that industry is defined in Administrative Order No. 560.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938 (75 Stat. 69; 52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order revising 29 CFR 603.2 effective June 2, 1962, to read as follows:

§ 603.2 Wage rates.

(a) Wages at a rate of not less than 28 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-sewing on fabric gloves classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental hand-stitching, hand-drawing of threads, and similar hand operations involving decorative effects on fabric gloves (gloves or mittens manufactured from woven or knitted fabric), except mending, repairing, sewing of labels, tacking, and similar operations on fabric gloves that are wholly or chiefly machine-sewn.

(b) Wages at a rate of not less than 44 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-sewing on leather gloves classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental hand-stitching, hand-drawing of threads, and similar hand operations involving decorative effects on leather gloves (gloves or mittens manufactured from leather or from leather in combination with other material), except mending, repairing, sewing of labels, tacking, and similar operations on leather gloves that are wholly or chiefly machine-sewn.

(c) Wages at a rate of not less than 65 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the other operations on hand-sewn gloves classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all operations on hand-sewn gloves (gloves or mittens manufactured primarily by a hand-sewing process), except operations included in the hand-sewing on fabric gloves classification and the hand-sewing on leather gloves classification, as defined herein.

(d) Wages at a rate of not less than 88 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn leather gloves classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as machine sewing, other operations performed by machine, and the cutting, laying-off, pressing, sizing, banding, and packaging of leather gloves which are primarily machine-sewn (gloves or mittens made of leather and/or leather in combination with another material, provided that the full palm or full back be leather).

(e) Wages at a rate of not less than 90 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn gloves classification (except leather) of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as machine-sewing, other operations performed by machine, and cutting, laying-off, pressing, sizing, banding, and packaging of primarily machine-sewn gloves, except leather gloves.

(f) Wages at a rate of not less than 84 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the other operations on machine-sewn gloves classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all operations on machine-sewn gloves (gloves or mittens manufactured primarily by a machine-sewing process), except operations included in the hand-sewing on fabric gloves classification, the hand-sewing on leather gloves classification, the machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn leather gloves classification, and the machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn gloves classification (except leather).

(g) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c), proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabric and leather glove new coverage classification of the fabric and leather glove industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the fabric and leather glove industry in Puerto Rico.

(52 Stat. 1064, as amended; 29 U.S.C. 208; 75 Stat. 69)

Signed at Washington, D.C., this 5th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-3543; Filed, Apr. 11, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Sport fishing on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the areas designed by signs as open to fishing. This open area, comprising 9,500 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, crappie, perch, catfish, bullheads and other minor species permitted under State regulations.

(b) Open season: Upper one-third of Lake Lowell open from April 15, 1962, through June 30, 1962. Lower two-thirds of Lake open to fishing year round. *Provided, however,* That the public hunting area shall be closed to fishing during the migratory waterfowl hunting season.

(c) Daily creel limits: Black bass, 12 fish; crappie and perch, no limit; catfish and bullheads, 100 fish in the aggregate but not to exceed 50 pounds and 1 fish. Other creel limits for minor species are as prescribed for state regulations.

(d) Methods of fishing:

1. Tackle: Line or pole and line in hand only may be used.

2. Bait: The use of live fish for bait is prohibited.

3. Boats: Boats with motors may be used for fishing as follows: On lower two-thirds of Lowell Lake from April 25 to September 30. Boats without motors may be used on lower two-thirds of Lake throughout fishing season. No boats with motors allowed on upper one-third of Lake at any time. Boats without motors permitted on upper one-third of Lake from April 15 through June 30, 1962.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 1, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 5, 1962.

[F.R. Doc. 62-3559; Filed, Apr. 11, 1962; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Newport Bay Harbor, Calif. and Buffalo Bayou, Tex.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.95 establishing and governing the use and navigation of anchorages in Newport Bay Harbor, California, is hereby amended revoking paragraphs (m) and (o) effective on publication in the FEDERAL REGISTER since the areas are not being used as anchorages, as follows:

§ 202.95 Newport Bay Harbor, Calif.

* * * * *

(m) *Area A–13* [Revoked]

* * * * *

(o) *Area B–2* [Revoked]

[Regs., Mar 29, 1962, 285/112 (Newport Bay Harbor, Calif.)—ENGCW–ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) by revising subparagraph (30) to govern the operation of certain bridges over Buffalo Bayou, Texas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where the constant attendance of draw tenders is not required.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* * * *

(30) Buffalo Bayou, Tex.: (i) Texas and New Orleans Railroad Company bridge at the head of Houston Turning Basin, Houston, and drawbridges upstream therefrom to, but not including, the Houston Belt & Terminal Railway Company bridge near Shiloh Street, Houston. At least 24 hours advance notice required.

(ii) Houston Belt & Terminal Railway Company bridges near Shiloh Street and at Mary Street, Houston. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), of this section shall not apply to these bridges.

[Regs., March 28, 1962, 285/112 (Buffalo Bayou, Tex.)—ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-3522; Filed, Apr. 11, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2650]

[Fairbanks 027632]

[1169180]

ALASKA

Withdrawing Lands for Use of United States Coast Guard for an Aid to Navigation Facility; Partly Revoking Executive Order No. 4223 of May 11, 1925

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the United States Coast Guard as an aid to navigation facility:

POINT SPENCER

All land north of 65°10′ N., on Point Spencer in northwestern Alaska more particularly described as follows:

Beginning at the northernmost tip of Point Spencer at approximate latitude 65°15′40″ N. and longitude 166°50′40″ W.; thence by metes and bounds—

Southwesterly, 46,200 feet along the western coast of Point Spencer to a point on line of latitude 65°10′ N.;

East, 2,970 feet across Point Spencer to the eastern coast of Point Spencer;

Northeasterly and northerly, 47,520 feet along the eastern coast of Point Spencer to the point of beginning.

Containing approximately 2,648 acres.

2. Executive Order No. 4223 of May 11, 1925, which withdrew lands for use of the Department of Commerce for lighthouse purposes is hereby revoked so far as it affects any of the lands described in paragraph 1 of this order.

3. The United States Coast Guard may issue permits revocable at will for authorized use of the lands withdrawn by paragraph 1 of this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority

without the approval of an authorized officer of the United States Coast Guard.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3532; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2642]

[Fairbanks 024760]

ALASKA

Withdrawing Lands for Use of Federal Aviation Agency as an Air Navigation Facility

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Federal Aviation Agency in the maintenance of air-navigation facilities:

NOME AREA

From the center point of the site, which lies S. 8°52' E., 1,848.90 feet from the center point of the center range tower, U.S.C. & G.S. "Nome, CAA radio range, 1944", and also lies S. 3°01' E., 1,399.08 feet, more or less, from Corner No. 10 of the Washington Claim, U.S.M.S. 1208, go N. 19°20' E., 300.00 feet to the point of beginning; thence—

S. 70°40' E., 1,300 feet; S. 19°20' W., 600 feet; N. 70°40' W., 2,500 feet, approximately, to the easterly edge of the road to the radio range; northerly, 620 feet, approximately, along said easterly side of the road; S. 70°40' E., 1,100 feet, approximately, to the point of beginning.

The tract described contains 33.9 acres.

The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

The Federal Aviation Agency may issue permits revocable at will for authorized use of the lands included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Federal Aviation Agency.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3533; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2644]

[Arizona 031173]

ARIZONA

Withdrawing Lands for Use of the Bureau of Reclamation

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws and reserved for use of the Bureau of Reclamation, Department of the Interior, for front and levee work in the control and maintenance of the Colorado River:

GILA AND SALT RIVER MERIDIAN

T. 2 S., R. 23 W.,
Sec. 6, lot 8;
Sec. 7, lot 5.

Containing 11.80 acres.

2. The lands shall be administered by the Bureau of Land Management under applicable public land laws until such time as they or any portion thereof are needed for purposes specified in paragraph 1 of this order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3534; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2649]

[88120]

CALIFORNIA

Excluding Lands From Los Padres National Forest; Amending Public Land Order No. 2615 of February 16, 1962

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described lands are hereby excluded from the Los Padres National Forest and the boundaries of the said forest are adjusted accordingly.

MOUNT DIABLO MERIDIAN

T. 23 S., R. 5 E.,
Sec. 24, that part lying in the drainage area of San Miguel Creek.

The lands were transferred from the Department of Agriculture to the Department of the Army under provisions of the Act of July 25, 1956 (70 Stat. 656), and are a part of the Hunter-Liggett Military Reservation.

2. Public Land Order No. 2615 of February 16, 1962, is amended to the extent necessary to make clear that the land descriptions in Paragraph 1 of the order, in the Los Padres National Forest, are referable to the Mount Diablo Meridian.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

April 6, 1962.

[F.R. Doc. 62-3535; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2645]

[Colorado 068370]

COLORADO

Revoking Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of May 23, 1946, so far as it withdrew the following described lands for reclamation purposes in connection with the Gunnison-Arkansas Project, now the Curecanti Unit of the Colorado River Storage Project, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼.
T. 47 N., R. 3 W.,
Sec. 16, S½SW¼;
Sec. 17, SE¼SE¼.
T. 49 N., R. 3 W.,
Sec. 31, NE¼NW¼;
Sec. 34, NW¼NW¼.
T. 46 N., R. 4 W.,
Sec. 36, NW¼SE¼.
T. 48 N., R. 4 W.,
Sec. 5, lot 14.
T. 48 N., R. 5 W.,
Sec. 1, lots 33, 34, 38, 39, 40, and 41.
T. 48 N., R. 6 W.,
Sec. 8, SW¼SW¼.

The areas described total in the aggregate 574.96 acres of patented lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3536; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2646]

COLORADO AND WYOMING

Revoking Certain Reclamation Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of July 2, 1902, July 25, 1908, February 7, 1941, and the orders of the Bureau of Reclamation of October 19, 1956, and May 8, 1951, concurred in by the Bureau of Land Management on January 4, 1957, and February 28, 1952, respectively, and any other order or orders reserving public lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

COLORADO

a. [Colorado 069948]

NEW MEXICO PRINCIPAL MERIDIAN

Mancos Project

T. 37 N., R. 13 W.,
Sec. 36, NW¼NE¼, NW¼, and W½SW¼.

b. [Colorado 069947]

UTE PRINCIPAL MERIDIAN

Colorado River Storage Project

T. 4 S., R. 3.,
Sec. 33, SW¼SW¼ and SW¼SE¼.

c. [Colorado 069946]

UTE PRINCIPAL MERIDIAN

Grand Valley Project

T. 2 N., R. 3 W.,
Sec. 29, NE¼SE¼NE¼.

WYOMING

d. [Wyoming 080869 and 061402]

SIXTH PRINCIPAL MERIDIAN

La Barge Project

T. 29 N., R. 111 W.,
Sec. 17, SW¼SW¼.
T. 26 N., R. 112 W.,
Sec. 6, lot 2.

The areas described including the public and nonpublic lands, aggregate 446.30 acres, of which the lands described in 1c. and 1d., above, are public lands.

2. Until 10:00 a.m. on October 5, 1962, the States of Colorado and Wyoming shall have a preferred right of application to select the public lands within their respective borders, released from withdrawal by this order, in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. Beginning at 10:00 a.m. on October 5, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado, or Cheyenne, Wyoming, as appropriate.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3537; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2651]

[70175]

NEVADA

Partly Revoking Reclamation Withdrawals (Newlands Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of July 2, 1902, and August 26, 1902, and any other order or orders withdrawing lands for reclamation purposes under authority of the act of June 17, 1902, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 20 E.,
Sec. 12, N½S½ and SE¼SE¼.

Aggregating 200 acres.

2. The lands are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on May 12, 1962, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3538; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2641]

OREGON

Revoking Certain Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of October 5, 1908, as amended by the departmental order of July 26, 1909, and the departmental order of May 17, 1933, so far as they withdrew the following described lands for use of the Forest Service, Department of Agriculture, as administrative sites, are hereby revoked, as indicated:

a. Order of October 5, 1908:

[Oregon 09900]

WILLAMETTE MERIDIAN

FREMONT NATIONAL FOREST

Thomas Creek Ranger Station Administrative Site

T. 37 S., R. 18 E.,
Sec. 35, W½NW¼.

b. Order of May 17, 1933:

[Oregon 010257]

WILLAMETTE MERIDIAN

Burnt Peak Lookout Station

T. 32 S., R. 1 E.,
Sec. 35, SE¼NW¼NE¼.

The areas described aggregate approximately 90 acres, of which the lands in (a) above are national forest lands in the Fremont National Forest, and those in (b) are revested Oregon and California Railroad grant lands.

2. At 10:00 a.m. on May 12, 1962, the lands shall be open to such forms of disposition as may by law be made of national forest and revested Oregon and California Railroad grant lands, subject to valid existing rights and the provisions of existing withdrawals.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3539; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2648]

[Utah 010084]

UTAH

Amending Public Land Order No. 1775 of January 13, 1959

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the National Forests indicated are hereby withdrawn from prospecting, location, entry, and purchase under the United States mining laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface in connection with administrative sites and recreation areas established by Public Land Order No. 1775 of January 13, 1959:

DIXIE NATIONAL FOREST

SALT LAKE MERIDIAN

Cow Puncher Administrative Site

T. 32 S., R. 2 E., unsurveyed,
Sec. 35, W½NW¼SE¼.

Upper Valley Administrative Site

T. 36 S., R. 1 W., unsurveyed,
Sec. 1, S½NE¼SE¼.

Pine Lake Recreation Area

T. 35 S., R. 1 W.,
Sec. 19, W½W½NW¼SW¼.
T. 35 S., R. 2 W.,
Sec. 24, E½NW¼SE¼, NE¼SE¼, and N½N½SE¼SE¼.

Navajo Lake Recreation Area

T. 38 S., R. 9 W.,
Sec. 2, SE¼.

2. Public Land Order No. 1775 of January 13, 1959, reserving national forest lands for use of the Forest Service is hereby revoked so far as it affects the following-described lands:

DIXIE NATIONAL FOREST

SALT LAKE MERIDIAN

Cow Puncher Administrative Site

T. 32 S., R. 2 E.,
Sec. 35, W½NE¼SE¼.

Upper Valley Administrative Site

T. 36 S., R. 1 W.,
Sec. 1, S½NE¼NE¼.

Pine Lake Recreation Area

T. 35 S., R. 1 W.,
Sec. 24, E½NW¼SE¼, NE¼SE¼, N½N½SE¼SE¼.
T. 35 S., R. 2 W.,
Sec. 19, W½W½NW¼SW¼.

3. In Public Land Order No. 1775 as published in the FEDERAL REGISTER of January 17, 1959, the description of the lands in Sec. 21, T. 2 N., R. 4 W., Uintah Special Meridian, a part of the Yellowstone Administrative Site, in the Ashley National Forest, reading "S½SE¼SE¼", is corrected to read "S½SE¼SE¼".

4. At 10:00 a.m. on May 12, 1962, the lands described in Paragraph 2 of this order shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid exist-

ing rights and the provisions of existing withdrawals.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3540; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2643]

WYOMING

Withdrawing Lands for Various Public Uses

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn and reserved as hereafter indicated:

a. In the first form, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for use of the Bureau of Reclamation, Department of the Interior, in connection with the Yellowtail Reservoir, Missouri River Basin Project:

[Wyoming 0150181]

SIXTH PRINCIPAL MERIDIAN

T. 57, N., R. 94 W.,
Sec. 6, lots 1, 2, and SE¼NE¼.
T. 58 N., R. 94 W.,
Sec. 31, W½SE¼.

Containing 200.60 acres.

The lands shall be administered by the Bureau of Land Management under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

b. From all forms of appropriation under the public land laws, including the mining laws, for use of the Federal Aviation Agency in the maintenance of an air navigation facility:

[Wyoming 075803]

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 88 W.,
Sec. 10, SW¼SW¼.

Containing 40 acres.

2. Subject to valid existing rights, the minerals in the following described national forest lands in the Medicine Bow National Forest, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a natural area:

[Wyoming 074121]

SIXTH PRINCIPAL MERIDIAN

Snowy Range Natural Area

T. 16 N., R. 79 W.,
Sec. 13, S½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 14, S½SW¼NE¼, SE¼SE¼NW¼, and S½;
Sec. 15, NE¼NE¼SE¼, S½NE¼SE¼, and SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NE¼, E½NW¼, and NW¼NW¼;
Sec. 24, NW¼.

Containing approximately 980 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3541; Filed, Apr. 11, 1962; 8:46 a.m.]

[Public Land Order 2647]

[Wyoming 0146198]

WYOMING

Withdrawing Lands for Use of Forest Service for Roadside Zones

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Bighorn National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, for protection of existing forest roads and highways and adjacent roadside zones, as indicated:

SIXTH PRINCIPAL MERIDIAN

BIGHORN NATIONAL FOREST

U.S. Highway No. 14, Roadside Zone

A strip of land 200 feet on each side of the center line of U.S. Highway No. 14 through the following legal subdivisions:

T. 56 N., R. 87 W.,
Sec. 15, E½SE¼ and SW¼SE¼;
Sec. 21, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 22, S½SW¼, E½SE¼, SW¼SE¼, E½NE¼, and NW¼NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½N½;
Sec. 28, NW¼NE¼;
Sec. 32, N½NW¼ and NW¼NE¼.
T. 54 N., R. 88 W.,
Sec. 5, lot 4, SW¼, and SW¼NW¼;
Sec. 6, lot 1;
Sec. 7, E½SE¼;
Sec. 8, W½NW¼;
Sec. 18, E½SE¼, SW¼SE¼, and E½NE¼;
Sec. 19, W½E½;
Sec. 30, lot 4, SE¼SW¼, W½SE¼, and W½NE¼;
Sec. 31, lot 1.
T. 55 N., R. 88 W.,
Sec. 3, lots 1, 2, SE¼, and S½NE¼;
Sec. 4, lot 4, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 5, lot 1;
Sec. 6, lot 4;
Sec. 7, SW¼SE¼;
Sec. 9, N½NE¼;
Sec. 10, N½N½;
Sec. 18, E½SW¼, W½NE¼, and NW¼SE¼;
Sec. 19, W½SE¼, NE¼SW¼, and E½NW¼;
Sec. 30, E½SE¼, W½NE¼, and SE¼NE¼;
Sec. 31, E½E½.
T. 56 N., R. 88 W.,
Sec. 26, SE¼SW¼ and SW¼SE¼;
Sec. 31, S½SE¼;
Sec. 32, W½SW¼, NE¼SW¼, SE¼NW¼, and NE¼;
Sec. 33, W½NW¼, SE¼NW¼, and SW¼;
Sec. 35, E½SW¼, SW¼SW¼, N½NE¼, SE¼NE¼, and NW¼;
Sec. 36, NW¼, S½NE¼, and NE¼NE¼.
T. 53 N., R. 89 W. (unsurveyed),
Sec. 2, SW¼, E½NW¼, and NW¼NE¼;
Sec. 7, S½N½ and N½S½;
Sec. 8, N½SW¼, and S½SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, N½SW¼, SW¼SW¼, and NW¼;
Sec. 14, NW¼SW¼ and W½NW¼;
Sec. 15, N½SW¼, SE¼NW¼, SW¼NE¼, and N½SE¼;
Sec. 16, NW¼NW¼, S½NW¼, S½NE¼, and NE¼SE¼;
Sec. 17, NE¼NE¼.
T. 54 N., R. 89 W.,
Sec. 35, NE¼, E½SE¼, and SE¼SW¼;
Sec. 36, S½N½.
T. 55 N., R. 89 W.,
Sec. 1, lots 5, 6, 7, and W½SE¼;
Sec. 12, lot 1.
T. 53 N., R. 90 W. (unsurveyed),
Sec. 9, S½SE¼;
Sec. 10, S½SW¼, N½SE¼, SE¼NE¼, and NE¼SW¼;
Sec. 11, S½NW¼, SW¼NE¼, and N½SE¼;
Sec. 12, N½S½ and SE¼NE¼;
Sec. 16, NW¼.

Wyoming Highway No. 14, Roadside Zone

A strip of land 200 feet on each side of the center line of Wyoming Highway No. 14 through the following subdivisions:

T. 55 N., R. 89 W.,
Sec. 1, W½SE¼ and S½SW¼;
Sec. 2, S½S½;
Sec. 3, SW¼SE¼ and S½SW¼;
Sec. 7, lots 2 and 3;
Sec. 8, S½N½ and NW¼SW¼;
Sec. 9, S½NW¼, NE¼NW¼, and N½NE¼;
Sec. 10, N½N½;
Sec. 11, N½N½;
Sec. 12, NW¼NW¼.
T. 55 N., R. 90 W.,
Sec. 7, lots 2, 3, N½SE¼, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, SW¼SE¼, E½SW¼, and NW¼SW¼;
Sec. 12, SE¼NE¼, N½SE¼, E½SW¼, and SW¼SW¼;
Sec. 13, W½NW¼;
Sec. 14, SE¼NE¼, SE¼, and S½SW¼;
Sec. 15, SW¼SE¼, S½SW¼, and NW¼SW¼;
Sec. 16, E½SE¼, NW¼SE¼, S½NE¼, NW¼NE¼, and N½E½;
Sec. 17, N½NE¼;
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, NW¼NW¼.
T. 55 N., R. 91 W.,
Sec. 3, lot 3, W½SE¼, NE¼SW¼, SW¼NE¼, and SE¼NW¼;
Sec. 10, NE¼;
Sec. 11, S½N½ and NE¼NE¼;
Sec. 12, lots 1, 2, 3, 4, SE¼NE¼, and SW¼NW¼.
T. 56 N., R. 91 W.,
Sec. 28, S½SW¼ and NW¼SW¼;
Sec. 29, SE¼SE¼, N½S½, and S½NW¼;
Sec. 30, lots 1, 2, S½NE¼, and E½NW¼;
Sec. 33, N½SE¼, S½NE¼, NW¼NE¼, and NE¼NW¼;
Sec. 34, S½SW¼ and NW¼SW¼.
T. 56 N., R. 92 W.,
Sec. 19, E½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 20, SW¼NE¼, S½NW¼, and S½;
Sec. 23, SE¼ and S½SW¼;
Sec. 24, SW¼SW¼;
Sec. 25, lots 1, 2, W½NE¼, and N½NW¼;
Sec. 26, W½NW¼ and NE¼NW¼;
Sec. 27, S½N½, NW¼SE¼, N½SW¼, and NE¼NE¼;
Sec. 28, SE¼, S½SW¼, NW¼SW¼, and SE¼NE¼;
Sec. 29, N½SE¼, S½NE¼, NW¼NE¼, and E½NW¼.

The area described contains approximately 3,928 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62-3542; Filed, Apr. 11, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1961-62 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses not to exceed $175,000 will be necessarily incurred during the fiscal year November 1, 1961, through October 31, 1962, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, as amended, and

(2) that there be fixed, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, as amended, the rate of assessment of eleven mills ($0.011) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 6, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3553; Filed, Apr. 11, 1962; 8:48 a.m.]

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Proposed Establishment of Container Regulation

Consideration is being given to a proposal to establish container regulation for whole or pitted Deglet Noor, Zahidi and Khadrawy varieties of dates. The proposed regulation, based on the unanimous recommendation of the Date Administrative Committee and other available information, would be established in accordance with the provisions of Marketing Agreement No. 127, as amended, and Order No. 987, as amended (originally issued as Order No. 103; 7 CFR Part 987) regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulation, hereinafter set forth, would restrict the use of plastic containers for packaging and handling such dates to those having specified net weight capacities. It is designed to prevent the introduction and use of plastic containers having net weight capacities differing from those now in use and thus avoid increased packing costs and confusion in pricing.

The proposal is as follows:

§ 987.501 Container regulation.

(a) No handler shall package and handle any whole or pitted Deglet Noor, Zahidi or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight capacity for dates in the container is more than two pounds or: (1) For whole dates, either 12 ounces or one pound eight ounces; and (2) for pitted dates, either 10 ounces or one pound eight ounces. Whole or pitted dates of such varieties packed in other than plastic containers may be handled without regard to the net weight capacity. For the purposes of this regulation, plastic container means any container of any shape made from a plastic and in which dates are packed without the use of cardboard boats, trays, or other stiffening material.

Dated: April 9, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3575; Filed, Apr. 11, 1962; 8:50 a.m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN COTTON AND COVERS

Proposed Amendment of Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 162), is considering amending §§ 319.8-1, 319.8-3, 319.8-5, 319.8-8, 319.8-9(b), 319.8-10(a), and §§ 319.8-11 through 319.8-15, in 7 CFR, Part 319, Subpart "Foreign Cotton and Covers," as amended (7 CFR 319.8-1, 319.8-3, 319.8-5, 319.8-8, 319.8-9(b), 319.8-10(a), and 319.8-11 through 319.8-15), in the following respects:

A. In § 319.8-1 amend paragraphs (p), (r), and (aa), and add paragraphs (dd) and (ee), respectively, to read as follows:

§ 319.8-1 Definitions.

* * * * *

(p) *Approved areas of Mexico.* Any areas of Mexico, other than those described in paragraphs (q) and (r) of this section, which are designated by the Director as areas in which cotton and cotton products are produced and handled under conditions comparable to those under which like cotton and cotton products are produced and handled in the generally infested pink bollworm regulated area in the United States.

* * * * *

(r) *Northwest Mexico.* All of the State of Baja California, Mexico, and that part of the State of Sonora, Mexico, lying between San Luis Mesa and the Colorado River.

* * * * *

(aa) *Inspector.* A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Plant Quarantine Act.

* * * * *

(dd) *Pink bollworm regulated area; generally infested pink bollworm regulated area.* The pink bollworm regulated area consists of those States or parts thereof designated as regulated area in Administrative Instructions issued under § 301.52-2 of this chapter. The generally infested pink bollworm regulated area is

that part of the regulated area designated as generally infested in the said Administrative Instructions.

(ee) *Approved mill or plant.* A mill or plant operating under a signed agreement with the Division required for approval of a mill or plant as specified in § 319.8–8(a)(2).

B. Amend § 319.8–3 to read as follows:

§ 319.8–3 Refusal and cancellation of permits.

(a) Permits for entry from the West Coast of Mexico as authorized in § 319.8–12 of lint, linters, waste, cottonseed, and cottonseed hulls may be refused and existing permits cancelled by the Director if he has determined that the pink bollworm is present in the West Coast of Mexico or in Northwest Mexico, or that other conditions exist therein that would increase the hazard of pest introduction into the United States.

(b) Permits for entry from Northwest Mexico as authorized in § 319.8–13 of lint, linters, waste, cottonseed, cottonseed hulls, and covers that have been used for cotton, may be refused and existing permits cancelled by the Director if he has determined that the pink bollworm is present in Northwest Mexico or in the West Coast of Mexico, or that other conditions exist therein that would increase the hazard of pest introduction into the United States.

C. Amend § 319.8–5 to read as follows:

§ 319.8–5 Marking of containers.

Every bale or other container of cotton lint, linters, waste, or covers imported or offered for entry shall be plainly marked or tagged with a bale number or other mark to distinguish it from other bales or containers of similar material. Bales of lint, linters, and waste from approved areas of Mexico, the West Coast of Mexico, or Northwest Mexico shall be tagged or otherwise marked to show the gin or mill of origin unless they are immediately exported.

D. In § 319.8–8 amend paragraphs (a)(1)(iii) and (b)(1)(iii); add a new paragraph (b)(1)(iv); and amend paragraph (b)(2).

§ 319.8–8 Lint, linters, and waste.

(a) *Compressed to high density.* (1) • • •

(iii) Such lint, linters, and waste compressed to high density arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond via an all-water route if available, otherwise by overland transportation in van-type trucks or box cars after approved surface treatment, or under such other conditions as may be deemed necessary and are prescribed by the inspector, to (*a*) any port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (*b*) to an approved mill or plant for utilization.

(b) *Uncompressed or compressed.* (1) • • •

(iii) Compressed lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond by an all-water route if available, otherwise by overland transportation in van-type trucks or box cars after approved surface treatment, or under such other conditions as may be deemed necessary and are prescribed by the inspector, to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or to any northern port for movement to an approved mill or plant for utilization.

(iv) Uncompressed lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond by an all-water route to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or to a northern port for movement to an approved mill or plant for utilization.

(2) Entry without vacuum fumigation will be authorized for compressed lint, linters, and waste, and for uncompressed waste derived from cotton milled in countries that do not produce cotton,[4] arriving at a northern port, subject to movement to an approved mill or plant.

E. Amend § 319.8–9(b) to read as follows:

§ 319.8–9 Hull fiber and gin trash.

• • • • •

(b) Gin trash may be imported only under the provisions of § 319.8–20.

F. Amend § 319.8–10(a) to read as follows:

§ 319.8–10 Covers.

(a) Entry of covers (including bags, slit bags, and parts of bags) which have been used as containers for cotton grown or processed in countries other than the United States may be authorized either (1) through a Mexican border port named in the permit for vacuum fumigation by an approved method in that part of the United States within the generally infested pink bollworm regulated area; or (2) through a northern port or a port in the State of California subject to vacuum fumigation by an approved method or without vacuum fumigation when the covers are to be moved to an approved mill or plant for utilization. When such covers are forwarded from a northern port to a mill or plant in California for utilization, or from a California port to another California or northern port for vacuum fumigation thereat or for movement to a mill or plant for utilization such movement shall be made by an all-water route unless the bales are compressed to a density of 20 pounds or more per cubic foot in which case the bales may be moved overland in van-type trucks or box cars if all-water transportation is not available. Such overland movement may be made only after approved surface treatment or under such other conditions as may be deemed necessary and are prescribed by the inspector. When such covers arrive at a port other than a northern, California, or Mexican border port they will be required to be transported therefrom immediately in bond by an all-water route to a northern or California port where approved vacuum fumigation facilities are available for vacuum fumigation thereat by an approved method or for forwarding therefrom to an approved mill or plant for utilization.

G. Amend the center title "Other Conditions Applicable to Cotton and Covers from Mexico," preceding § 319.8–11, to read "Special Conditions for the Entry of Cotton and Covers from Mexico."

H. Amend § 319.8–11 to read as follows:

§ 319.8–11 From approved areas of Mexico.

(a) Entry of lint, linters, and waste (including gin and oil mill wastes) which were derived from cotton grown in, and which were produced and handled only in approved areas of Mexico[7] may be authorized through Mexican Border ports in Texas named in the permits (1) for movement into the generally infested pink bollworm regulated area such products becoming subject immediately upon release by the inspector to the requirements, in § 301.52 of this chapter, applicable to like products originating in the pink bollworm regulated area, or (2) for movement to an approved mill or plant for utilization, or (3) for movement to New Orleans for immediate vacuum fumigation.

(b) Entry of cottonseed or cottonseed hulls in bulk, or in covers that are new or which have not been used previously to contain cotton or unmanufactured cotton products, may be authorized through Mexican Border ports in Texas named in the permits, for movement into the generally infested pink bollworm regulated area when certified by an inspector as having been produced in an approved area and handled subsequently in a manner satisfactory to the inspector. Upon arrival in the generally infested pink bollworm regulated area such cottonseed or cottonseed hulls will be released from further plant quarantine entry requirements and shall become subject immediately to the requirements in § 301.52 of this chapter.

I. Amend § 319.8–12 to read as follows:

§ 319.8–12 From the West Coast of Mexico.

Contingent upon continued freedom of the West Coast of Mexico and of Northwest Mexico from infestations of the pink bollworm, entry of the following products may be authorized under permit subject to inspection to determine freedom from hazardous plant pest conditions:

(a) Compressed lint and linters.

(b) Uncompressed lint and linters for movement into the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

(c) Compressed or uncompressed cotton waste for movement under bond to Fabens, Texas, for vacuum fumigation after which it will be released from further plant quarantine entry requirements.

(d) Cottonseed when certified by an inspector as having been treated, stored, and transported in a manner satisfactory to the Director.

(e) Untreated, non-certified cottonseed contained in new bags for movement by special manifest to any destination in the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

(f) Cottonseed hulls when certified by an inspector as having been treated, stored, and transported in a manner satisfactory to the Director.

(g) Any cotton products for movement through Mexican border ports in Texas directly into the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

J. Amend § 319.8–13 to read as follows:

§ 319.8–13 From Northwest Mexico.

Contingent upon continued freedom of Northwest Mexico and of the West Coast of Mexico from infestations of the pink bollworm and other plant pest conditions that would increase risk of pest introduction into the United States with importations authorized under this section, entry of the following products may be authorized under permit subject to inspection upon arrival to determine freedom from hazardous plant pest conditions:

(a) Lint, linters, and waste.

(b) Cottonseed.

(c) Cottonseed hulls.

(d) Covers that have been used for cotton only.

K. Delete the present §§ 319.8–14 and 319.8–15, and substitute therefor a new § 319.8–14 to read as follows:

§ 319.8–14 Mexican cotton and covers not otherwise enterable.

Mexican cotton and covers not enterable under § 319.8–11, 319.8–12, or 319.8–13 may be entered in accordance with §§ 319.8–6 to 319.8–10 and §§ 319.8–16 to 319.8–20 insofar as said sections are applicable.

L. Amend the redesignated § 319.8–17(c) and (f) to read, respectively, as follows:

§ 319.8–17 Importation for exportation, and importation for transportation and exportation; storage.

• • • • •

(c) Entry under permit of lint, linters, or waste compressed to high density will be authorized for purposes of storage in the north pending exportation, fumigation, or utilization in an approved mill or plant provided the owner or operator of such proposed storage place has executed an agreement with the Division similar to those required for mills or plants to utilize lint, linters, and waste as specified in § 319.8–8(a)(2), and provided further that (1) inspectors are available to supervise the storage, (2) the bales of material to be stored are free from surface contamination, (3) the material is kept segregated from other cotton and covers in a manner satisfactory to the inspector, and (4) that waste is collected and disposed of in a manner satisfactory to the inspector.

• • • • •

(f) Entry of uncompressed lint, linters, and waste from Mexico may be authorized at ports named in the permit for exportation at ports within the generally infested pink bollworm regulated area or for transportation and exportation via rail to Canada under such conditions and over such routes as may be specified in the permit.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

The proposed amendments would adapt quarantine procedures to changes in commercial and regulatory practices that have taken place since the regulations were last revised. One situation that appears to warrant some of the proposed amendments involves the development of the port of Ensenada, in the State of Baja California, Mexico. Opening of this new port has resulted in changes in the method of transportation and exportation of Mexican cotton. Another amendment would recognize the extension to additional areas of cooperative United States-Mexican supervision of gins in the pink bollworm infested area of Mexico. Also, the frequent unavailability of all-water transportation from ports of entry in California to other ports makes it appear desirable that the quarantine be adjusted to allow surface transportation of imported cotton and covers under suitable safeguards. Another proposed amendment provides for storage of imported cotton in the north pending exportation, fumigation, or supervised utilization.

All persons who desire to submit written data, views, or arguments in connection with these proposals should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–3556; Filed, Apr. 11, 1962; 8:49 a.m.]

[4] For the purposes of this subpart the following countries are considered to be those in which cotton is not produced: Austria, Belgium, Canada, Denmark, Republic of Ireland (Eire), Finland, France, Germany, (both East and West), Great Britain and Northern Ireland (United Kingdom), Iceland, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden, and Switzerland.

[7] See § 319.8–1(p) for definition of "Approved areas of Mexico." These are within that part of Mexico not included in the "West Coast of Mexico" (§ 319.8–1(q)) or "Northwest Mexico" (§ 319.8–1(r)).

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a)(7) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

§ 74.3 Designation of eradication areas.

(a) • • •

(7) The following Counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheyboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

The proposed amendment would add nineteen additional Counties in the State of Michigan to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such counties.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–3557; Filed, Apr. 11, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14507]

ESTABLISHMENT OF FEES FOR COMMISSION'S LICENSING AND REGULATORY ACTIVITIES

Order Extending Time for Filing Comments

The Commission has before it for consideration a request from the American Radio Relay League, Inc. to extend the time for filing comments in the above proceeding to May 16, 1962, and to extend the time for filing reply comments to June 16, 1962.

It appearing, that the American Radio Relay League, Inc. has more than 80,000 licensed amateur radio operators as members and that the League proposes to file substantive comments in this proceeding which will include comments forwarded to it by its members; and

It further appearing, that there is insufficient time to enable the members to submit their comments to the League and for the League to analyze them and prepare its comments for submission to the Commission by April 16, 1962; and

It further appearing, that the inclusion of the above-mentioned comments for consideration in this proceeding would be in the public interest;

It is ordered, This 6th day of April 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority and Other Information, That the time for filing comments in this proceeding is extended to May 16, 1962, and the time for filing reply comments is extended to June 16, 1962.

Released: April 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3570; Filed, Apr. 11, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

ENGINES AND TURBINES INDUSTRY

Change of Time and Place of Hearing

The time and place of the hearing to determine prevailing minimum wages in the engines and turbines industry under the Walsh-Healey Public Contracts Act noticed in the FEDERAL REGISTER on March 16, 1962 (27 F.R. 2532), is hereby changed to June 26, 1962, at 10 a.m., e.d.s.t., in Room 2325, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

Signed at Washington, D.C., this 11th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-3665; Filed, Apr. 11, 1962; 12:06 p.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SO-6]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1519 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1519 is designated in part from the Cross City, Fla., VOR as a 16-mile wide airway via the intersection of the Cross City VOR 333° and the Tallahassee, Fla., VOR 090° True radials to the intersection of the Albany, Ga., VOR 152° and the Marianna, Fla, VOR 058° True radials; thence as a 10-mile wide airway to the Albany VOR.

The Federal Aviation Agency has under consideration alteration of this segment of Victor 1519. It is proposed to realign Victor 1519 from the Cross City VOR as a 16-mile wide airway via the intersection of the Cross City VOR 333° and the Tallahassee VOR 090° True radials to the intersection of the Albany VOR 153° and the Marianna VOR 058° True radials; thence as a 10-mile wide airway to the Albany VOR. This alteration would align this airway segment direct between Cross City and Albany.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3525; Filed, Apr. 11, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series No. 8-62]

3¾ PERCENT TREASURY BONDS OF 1968

Offering of Bonds

APRIL 9, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 3¾ percent Treasury Bonds of 1968. The amount of the offering under this circular is $1,000,000,000, or thereabouts. In addition to the amount offered for public subscription, Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The books will be open only on April 9, 1962, for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds will be dated April 18, 1962, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 5 percent of the combined amount of time and savings deposits, including time certificates of deposit, or 25 percent of the combined capital, surplus and undivided profits, of the subscribing bank, whichever is greater. Subscriptions from banking institutions generally for their own account and from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, will be received without deposit. Subscriptions from all others must be accompanied by payment of 25 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 25 percent payment in excess of 25 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue, until after midnight April 9, 1962.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before April 18, 1962, or on later allotment. In every case where payment is not so completed, the payment with application up to 25 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-3564; Filed, Apr. 11, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2863]

DIRECTOR, BUREAU OF MINES

Delegation of Authority To Negotiate a Contract To Develop a Specialized Experimental Research System

APRIL 5, 1962.

SEC. 1. *Delegation.* The Director, Bureau of Mines is authorized, subject to the provisions of section 2 of this Order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921), to negotiate under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C., 252 et seq.), a contract to develop a specialized experimental research system that will involve (1) making precise electrical measurements related to certain physical properties, (2) automatically logging the observations in digital form, (3) carrying out preliminary data reduction by on-line (real time) digital computer, and (4) controlling the sequence of observations automatically from the computer.

SEC. 2. *Exercise of authority.* The authority delegated by section 1 of this Order shall be exercised in accordance with the applicable limitations in the

Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this Order does not include authority to make advance payments under section 305 of the Act.

SEC. 3. *Redelegation.* The Director, Bureau of Mines may, in writing, redelegate or authorize redelegation of the authority granted in section 1 of this Order to a subordinate official or employee. The redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-3560; Filed, Apr. 11, 1962; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Border Patrol Sectors

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sectors No. 11 and No. 22 of paragraph (d) *Border Patrol Sectors* of sec. 1.51 *Field Service* are amended in the following respects:

1. Sector No. 11 is amended by adding "Oxnard, Calif."

2. Sector No. 22 is amended by deleting "Dothan, Ala."

Dated: April 6, 1962.

RAYMOND F. FARRELL,
Commissioner.

[F.R. Doc. 62-3552; Filed, Apr. 11, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 15-B; U.S. GULF/SOUTH AND EAST AFRICA

Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on April 4, 1962, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 15-B and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said Trade Route be published in the FEDERAL REGISTER:

Trade Route No. 15-B as described below is affirmed as an essential foreign trade route of the United States: Between United States Gulf ports (Key West to Mexican Border) and ports in South and East Africa from the southern border of Angola to Cape Guardafui in the Somali Republic, including the islands of Ascension and St. Helena in the South Atlantic and the Malagasy Republic and adjacent islands in the Indian Ocean not east of 60° East Longitude.

The following U.S. flag freight service and ship requirements are found and determined to be essential for operation on the route: United States flag sailing requirements for service on Trade Route No. 15-B are approximately two freighter sailings per month. For interim operation pending replacement thereof C-2 and Victory type freight ships are suitable for operation on the route.

Dated: April 4, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-3550; Filed, Apr. 11, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13469]

NUCLEAR DAMAGE RULE

Notice of Prehearing Conference

In the matter of the investigation of a tariff liability rule which absolves air carriers from liability for nuclear and radiation damage regardless of cause.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 1, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 20, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before April 27, 1962.

Dated at Washington, D.C., April 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3563; Filed, Apr. 11, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14589; FCC 62M-513]

MADISON COUNTY BROADCASTING CO. (WBBY)

Order Scheduling Hearing

In re application of Robert W. Sudbrink and Margareta S. Sudbrink d/b as Madison County Broadcasting Co. (WBBY), Wood River, Illinois, Docket No. 14589, File No. BMP-9684; for modification of construction permit.

It is ordered, This 5th day of April 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 11, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, May 8, 1962.

Released: April 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3565; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket No. 14522; FCC 62M-524]

MERCHANTS BROADCASTING SYSTEM OF DALLAS, INC.

Order Continuing Hearing

In the matter of revocation of License and Subsidiary Communications Authorization of Merchants Broadcasting System of Dallas, Inc. for FM Broadcast Station, KCPA, Dallas, Texas, Docket No. 14522.

The Hearing Examiner having under consideration the matters discussed at the further prehearing conference held on April 6, 1962,

It is ordered, This 6th day of April 1962, that the commencement of hearing in this proceeding is continued indefinitely pending action by the Chief Hearing Examiner in accordance with 47 CFR 1.76(c).

Released: April 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3566; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket No. 14313; FCC 62M-514]

WFYC, INC. (WFYC)

Order Continuing Hearing

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP-13807; for construction permit.

It is ordered, This 5th day of April 1962, on the Hearing Examiner's own motion, and because of a conflict in the Hearing Examiner's hearing calendar, the above-entitled proceeding is continued from April 10, 1962, to April 19, 1962, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3567; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket No. 14588; FCC 62M-512]

WIVY, INC. (WIVY)

Order Scheduling Hearing

In re application of WIVY, Inc. (WIVY), Jacksonville, Florida, Docket No. 14588, File No. BP-13385; for construction permit.

It is ordered, This 5th day of April 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 11, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., Tuesday, May 8, 1962.

Released: April 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3568; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket Nos. 14559-14561; FCC 62M-517]

WPOW, INC. (WPOW) ET AL.

Order Continuing Hearing Conference

In re applications of WPOW, Inc. (WPOW), New York, New York, Docket No. 14559, File No. BR-263; Rensselaer Polytechnic Institute (WHAZ), Troy, New York, Docket No. 14560, File No. BR-267; Debs Memorial Radio Fund, Inc. (WEVD), New York, New York, Docket No. 14561, File No. BR-270; for renewal of licenses and for additional hours of operation.

The Hearing Examiner having under consideration a motion to reschedule prehearing conference filed by Debs Memorial Radio Fund, Incorporated, on April 2, 1962, and a reply filed by Rensselaer Polytechnic Institute consenting to the request;

It appearing that a prehearing conference is now scheduled for April 16 at 9 a.m., with the hearing scheduled to commence May 21, 1962;

It further appearing that counsel for the moving party will be confined to a hospital on the date of the conference and for several days subsequent thereto; and

It further appearing that the other parties have consented to the requested rescheduling and that the date of April 30 would be available;

It is ordered, This 6th day of April 1962, that the motion to reschedule prehearing conference is granted and the date and hour of such conference are changed from April 16 at 9 a.m. to April 30, 1962, at 2 p.m.

Released: April 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3569; Filed, Apr. 11, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-206]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application and Date of Hearing

APRIL 6, 1962.

Take notice that on February 28, 1962, South Texas Natural Gas Gathering Company (Applicant), Petroleum Tower, Corpus Christi, Tex., filed in Docket No. CP62-206 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission system from time to time during the calendar year 1962 at a total cost not to exceed $500,000, with no single project to exceed a cost of $50,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for, and in connecting to its pipeline system, new supplies of natural gas adjacent to said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3526; Filed, Apr. 11, 1962; 8:45 a.m.]

[Docket No. CP62-217]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

APRIL 6, 1962.

Take notice that on March 16, 1962, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Ky., filed in Docket No. CP62-217 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission system from time to time during the 12-month period commencing May 30, 1962, at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application; *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3527; Filed, Apr. 11, 1962; 8:45 a.m.]

[Docket No. CP62-197]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

APRIL 9, 1962.

Take notice that on February 20, 1962, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 380, Florence, Ala., filed in Docket No. CP62-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of an additional 350 horsepower compressor unit on a standby basis in its Decatur Compressor Station in Limestone County, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that in the event of a breakdown of the existing single compressor unit in the Decatur Compressor Station, the proposed facilities will insure continuity of service for those customers of Applicant located east of the compressor station.

The application further states that no additional supply of natural gas is required and that no increase in the peak day deliverability of Applicant's system is contemplated by the installation of the subject facilities.

The proposed facilities are estimated to cost $105,000, which will be financed from funds on hand or cash generated from internal sources.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3571; Filed, Apr. 11,, 1962; 8:50 a.m.]

[Docket No. CP62-44]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Notice of Application and Date of Hearing

APRIL 9, 1962.

Texas Eastern Transmission Corporation and William E. Snee, Orville Eberly, Robert E. Eberly, and L. N. Murray, Docket No. CP62-44.

Take notice that on August 21, 1961, as supplemented on December 18, 1961, Texas Eastern Transmission Corporation (Texas Eastern), Memorial Professional Building, Houston 1, Tex., and William E. Snee, Orville Eberly, Robert E. Eberly and L. N. Murray (Snee, et al.) (sometimes hereinafter referred to jointly as Applicants) filed pursuant to section 7 of the Natural Gas Act a joint application for: (a) permission and approval for the abandonment by Snee, et al., of the sale of natural gas to Cumberland and Allegheny Gas Company (C & A) from Accident Field, Garrett County, Md.; (b) a certificate of public convenience and necessity authorizing Texas Eastern to acquire by purchase from Snee, et al., the latter's leasehold interests, together with appurtenant facilities, in the Accident Field; and (c) a certificate of public convenience and necessity authorizing the sale by Texas Eastern to C & A of up to 4,000,000 Mcf per year of natural gas from the Accident Field for a period ending May 1, 1964.

The subject proposals are more fully set forth in the joint application, as supplemented, on file with the Commission and open to public inspection.

The application shows that Snee, et al., presently sell gas from the Accident Field to C & A under contracts, dated September 13, 1953, and November 26, 1954. The application shows further that Texas Eastern desires to acquire the Accident Field for ultimate development as a gas storage field, which project will be the subject of a future application. The application indicates that, upon the consummation of the sale, Snee, et al., will abandon the sale of gas to C & A from the subject field, and Texas Eastern will commence the sale of natural gas to C & A in the same volumes and at the same price (27.5 cents per Mcf) as provided in the contracts between C & A and Snee, et al., for a period ending May 1, 1964. The maximum deliveries are to be no more than 4,000,000 Mcf per year. Texas Eastern and C & A have entered into an agreement for such service on such terms.

C & A states that it has agreed to such arrangement because it anticipates the development of other gas supply in acreage bordering the Accident Field and from other nearby sources.

Texas Eastern will pay $11,006,000 as of January 1, 1961, for the interest of Snee, et al., in the Accident Field; this price will be reduced by an amount equivalent to the value of the gas sold to C & A between January 1, 1961, and the date of consummation of the subject transaction. Texas Eastern will finance the cost from cash on hand or from proceeds secured under revolving credit agreements with certain banks.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3572; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket No. CP62-95]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

APRIL 9, 1962.

Take notice that on October 12, 1961, as supplemented on January 18, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP62-95 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a side tap, positive sales meter station, 0.0047 mile of 2-inch pipe line, and appurtenant facilities on its 16-inch Latex-Beaumont pipeline in Shelby County, Texas, and the sale and delivery of natural gas to Farmers Natural Gas Company (Farmers) for resale and distribution in and about Shelbyville, Texas, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Farmers estimates the gas requirements of Shelbyville as follows:

	Volumes in Mcf	
	1st year	3d year
Annual requirements	11,951	13,619
Peak day requirements	161	169

Farmers proposes to construct and operate the necessary distribution system in Shelbyville, a regulator station, and approximately 5.5 miles of 2-inch pipeline to connect the distribution system to Applicant's main line. The estimated cost of Farmers' proposed project is $44,950.

The cost of the facilities which Applicant proposes to construct is estimated to be $2,851, to be financed from current working funds. The service to Farmers would be rendered under Applicant's presently effective rates on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3573; Filed, Apr. 11, 1962; 8:50 a.m.]

[Docket No. G-16584 etc.]

UNITED PRODUCING CO., INC., ET AL.

Notice of Applications and Date of Hearing

APRIL 9, 1962.

United Producing Co., Inc., Docket No. G-16584; Tidewater Oil Co., Docket No. G-17578; T. H. McElvain, et al., Docket No. G-17811; Aladdin Petroleum Corp., Docket No. G-18398; Fairway Oil Co., Inc., Docket No. CI60-648; Ed E. Watts, Docket No. CI60-682; Ed E. Watts, Docket No. CI60-683; Cities Service Petroleum Co., Docket No. CI61-39; Texaco Inc., Docket No. CI61-65; Richard M. Finder d.b.a. Texkan Oil Co. (Operator), et al., Docket No. CI61-121; Husky Oil Co. (Operator), et al., Docket No. CI61-186; Neville G. Penrose, Inc., Docket No. CI61-203; Tex-Star Oil & Gas Corp. (Operator), et al., Docket No. CI61-418; L. B. Horn (Operator), et al., Docket No. CI61-476; J. E. Hillier (Operator), et al., Docket No. CI61-517; Appell Petroleum Corp. (Operator), et al., Docket No. CI61-610; H. B. Lively (Operator), et al., Docket No. CI61-614; H. B. Lively (Operator), et al., Docket No. CI61-624; Jake L. Hamon, Docket No. CI61-662; W. H. Busch, et al., d.b.a. Engle Gas Co., Docket No. CI61-664; H. J. Mosser, Docket No. CI61-694; Lamar Hunt, Docket No. CI61-730; R. A. F. Natural Gas Corp., Docket No. CI61-821; Gulf Oil Corp., Docket No. CI61-838; Appell Petroleum Corp. (Operator), et al., Docket No. CI61-880; Skinner Corp. (Operator), et al., Docket No. CI61-884; R. A. Pitzer, Docket No. CI61-905; Bridwell Oil Co., Docket No. CI61-1037; Columbian Fuel Corp., Docket No. CI61-1074; Lab Oil Company (Operator), et al., Docket No. CI61-1148; Sinclair Oil & Gas Co., Docket No. CI61-1166; Sinclair Oil & Gas Co., Docket No. CI61-1191; Appell Petroleum Corp., Docket No. CI61-1233; Edwin L. Cox (Operator), et al., Docket No. CI61-1235; Humble Oil & Refining Co., Docket No. CI61-1296; W. L. Hartman, Docket No. CI61-1316; Kay Kimbell Oil Properties (Operator), et al., Docket No. CI61-1334; Estate of J. B. Stoddard (Operator), et al., Docket No. CI61-1335; Bradco Properties, Inc., et al., Docket No. CI61-1363; Standard Oil Company of Texas, a division of California Oil Co., Docket No. CI61-1377; Gulf Oil Corp., Docket No. CI61-1441; Wunderlich Development Co., Operator, Docket No. CI61-1460; Appell Petroleum Corp. (Operator), et al., Docket No. CI61-1462; Aztec Oil & Gas Co., Docket No. CI61-1472; Continental Oil Co., Operator, Docket No. CI61-1486; Tenneco Oil Co. (formerly Tennessee-Texan Oil Co., Docket No. CI61-1494; Bob Miner, Docket No. CI61-1591; Bright and Schiff, Docket No. CI61-1541; W. H. Hunt, Docket No. CI61-1568; W. L. Cotton (Operator), et al., Docket No. CI61-1572; Sun Oil Co., Docket No. CI61-1584; Socony Mobil Oil Co., Inc., Docket No. CI61-1585; J. E. Harris, et al., Docket No. CI61-1607; Johnson and French Oil Co., Docket No. CI61-1610; Munoco Co., Docket No. CI61-1633; Mayfair Minerals, Inc., Docket No. CI61-1661; Alvin C. Hope, Operator, Docket No. CI61-1672; Anadarko Production Co., Docket No. CI61-1679; George R. Brown, Docket No. CI61-1688; Gulf Oil Corp., Docket No. CI61-1691; Richard M. Finder d.b.a. Texkan Oil Co. (Operator), et al., Docket No. CI61-1710; Jake L. Hamon, Docket No. CI61-1745; Anadarko Production Co., Docket No. CI61-1803; Cities Service Petroleum Co., Docket No. CI62-26; Anadarko Production Co., Docket No. CI62-89; W. A. Moncrief, Operator, Docket No. CI62-99; Standard Oil Company of Texas, a division of California Oil Co., Docket No. CI62-134; Herbert L. Dillon, Jr., Docket No. CI62-194; General American Oil Co. of Texas, Docket No. CI62-218; W. E. Pope, et al., Docket No. CI62-241; Anadarko Production Co., Docket No. CI62-257; A. L. Forward and R. W. Yarborough, Docket No. CI62-265; Sinclair Oil & Gas Co., Docket No. CI62-287; Mark Elkins, Docket No. CI62-290; Edward B. Leslie, Trustee, Docket No. CI62-306; William H. Allen, et al., Docket No. CI62-388; L. B. Horn (Operator), et al., Docket No. CI62-391; Christie, Mitchell & Mitchell Co., et al., Docket No. CI62-393; Anadarko Production Co., Docket No. CI62-396; Anadarko Production Co., Docket No. CI62-432; Stella Dysart, Docket No. CI62-452; Richard H. Bennett, Docket No. CI62-456; Everard W. Marks, Sr., et al., Docket No. CI62-475; Everard W. Marks, Sr., et al., Docket No. CI62-476; Consolidated Oil & Gas, Inc., Docket No. CI62-500; Shell Oil Co., Docket No. CI62-510; Allerton Miller, Docket No. CI62-522; Lazy-2, Inc., Docket No. CI62-562; Shiprock Industries, Inc. (Operator), et al., Docket No. CI62-581; Paul H. Ash, et al. d.b.a. A. & C. Oil and Gas Co., Docket No. CI62-654; Petroleum Exploration, Inc. of Texas, et al., Docket No. CI62-657; H. L. Dillon, Jr., et al., Docket No. CI62-677; MPS Production Co. (Operator), et al., Docket No. CI62-726; MPS Production Co. (Operator), et al., Docket No. CI62-738; Dakin Oil Co., Docket No. CI62-751; Pat J. Riley and Louise B. Riley, Docket No. CI62-818; Fred C. Koch, Docket No. CI62-861; Austral Oil Co., Inc., Docket No. CI62-884.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf.

G–16584; Hugoton Field, Stevens, Grant and Seward Counties, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents and 16.0 cents at 14.65 p.s.i.a.
G–17578; Palacios Field, Matagorda County, Tex.; Coastal Transmission Corp.; 17.5 cents at 14.65 p.s.i.a.
G–17811; Blanco (Mesaverde) Field, Rio Arriba and San Juan Counties, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 p.s.i.a.
G–18398; Blanco (Mesaverde) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents and 11.0 cents at 15.025 p.s.i.a.
CI60–648; West Kutz (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 p.s.i.a.
CI60–682; Jal Mat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI60–683; Jal Mat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI61–39; Acreage in Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 p.s.i.a.
CI61–65 (as Supp.); North Fannin Field, Goliad County, Tex.; Valley Gas Transmission, Inc.; 12.0 cents at 14.65 p.s.i.a.
CI61–121; Sejita Field, Duval County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 p.s.i.a.
CI61–186; Manderson-Slick Area, Big Horn County, Wyo.; Montana-Dakota Utilities Co.; 10.0 cents at 15.025 p.s.i.a.
CI61–203; Ft. Merrill Field, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 p.s.i.a.
CI61–418; Appling Field, Calhoun County, Tex.; Coastal States Gas Producing Co.; 13.1248 cents at 14.65 p.s.i.a.
CI61–476; A & H Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 12.238 cents at 14.65 p.s.i.a.
CI61–517; Maetze Field, Goliad County, Tex.; Syljo Gas Co.; 11.0 cents at 14.65 p.s.i.a.
CI61–610; Ed Vela Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 11.1056 cents at 14.65 p.s.i.a.
CI61–614; Linke Field, Bee County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.096 cents at 14.65 p.s.i.a.
CI61–624; South Yougeen Field, Bee County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.096 cents at 14.65 p.s.i.a.
CI61–662; Poesta Creek Field, Bee County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.0 cents at 14.65 p.s.i.a.
CI61–664; DeKalb District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 p.s.i.a.
CI61–694; Mosser Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 p.s.i.a.
CI61–730; May Field, Kleberg County, Tex.; South Texas Natural Gas Gathering Co.; 16.5 cents at 14.65 p.s.i.a.
CI61–821; Longwood Field, Caddo Parish, La.; Arkansas Louisiana Gas Corp.; 11.9 cents at 15.025 p.s.i.a.
CI61–838; Riviera Beach Field, Kleberg County, Tex.; South Texas Natural Gas Gathering Co.; 16.5 cents at 14.65 p.s.i.a.
CI61–880; Whitted Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.; 10.5 cents at 14.65 p.s.i.a.
CI61–884; Hinnant (First Yegua) Field, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 p.s.i.a.
CI61–905; La Garto Field, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 p.s.i.a.
CI61–1037; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 12.23837 cents at 14.65 p.s.i.a.
CI61–1074; Guymon-Hugoton Field, Texas County, Okla.; Cities Service Gas Co.; 10.148 cents at 14.65 p.s.i.a.
CI61–1148; West Alice Field, Jim Wells County, Tex.; Altex Corp.; 10.87268 cents at 14.65 p.s.i.a.
CI61–1168; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 p.s.i.a.
CI61–1191; Henderson Field, Rusk County, Tex.; United Gas Pipe Line Co.; 10.128 cents at 14.65 p.s.i.a.
CI61–1233; West Alice Field, Jim Wells County, Tex.; Altex Corp.; 9.75 cents at 14.65 p.s.i.a.
CI61–1235; Garza Unit, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.724 cents at 14.65 p.s.i.a.
CI61–1296; Chihuahua Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.; 14.7 cents at 14.65 p.s.i.a.
CI61–1316; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 8.4 cents at 16.40 p.s.i.a.
CI61–1334 (as Supp.); Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a
CI61–1335; Fitzsimmons Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 12.238 cents at 14.65 p.s.i.a.
CI61–1363; Croft Field, Bee County, Tex.; Coastal States Gas Producing Co.; 15.5 cents at 14.65 p.s.i.a.
CI61–1377; N. E. Thompsonville Field, Jim Hogg County, Tex.; South Texas Natural Gas Gathering Co.; 18.0 cents at 14.65 p.s.i.a.
CI61–1441; East Durant Field, Bryan County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 p.s.i.a.
CI61–1460; East Billings Field, Noble County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 p.s.i.a.
CI61–1462; West Alice Field, Jim Wells County, Tex.; Altex Corp.; 13.8452 cents at 14.65 p.s.i.a.
CI61–1472; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 p.s.i.a.
CI61–1486; El Benadito Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.; 14.5 cents at 14.65 p.s.i.a.
CI61–1494 (as Supp.); Shepherd Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.; 16.0 cents at 14.65 p.s.i.a.
CI61–1501; Johns Field, Duval County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 10.622 cents at 14.65 p.s.i.a.
CI61–1541; N. E. Thompsonville Field, Jim Hogg County, Tex.; South Texas Natural Gas Gathering Co.; 18.0 cents at 14.65 p.s.i.a.
CI61–1568; El Benadito Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.; 14.5 cents at 14.65 p.s.i.a.
CI61–1572; Nicholson Field, Webb County, Tex.; South Texas Natural Gas Gathering Co. 16.0 cents at 14.65 p.s.i.a.
CI61–1584; El Puerto Field, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 p.s.i.a.
CI61–1585 (as Supp.); Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI61–1607; Middle Creek District, Floyd County, Ky.; Columbian Fuel Corp.; 18.0 cents at 15.325 p.s.i.a.
CI61–1610; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 p.s.i.a.
CI61–1633; Winnsboro Field, Franklin Parish, La.; Olin Gas Transmission Corp.; 14.0 cents at 15.025 p.s.i.a.
CI61–1661; Shepherd Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.; 16.0 cents at 14.65 p.s.i.a.
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CI61–1688; Pheasant Field, Matagorda County, Tex.; Coastal Transmission Corp.; 17.5 cents at 14.65 p.s.i.a.
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CI62–388; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 p.s.i.a.
CI62–391; East Fitzsimmons Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; 10.622 cents at 14.65 p.s.i.a.
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The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3574; Filed, Apr. 11, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

APRIL 6, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), File No. 1–3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 9, 1962, to April 18, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3546; Filed, Apr. 11, 1962; 8:48 a.m.]

[File No. 2–13063]

HUBSHMAN FACTORS CORP.

Notice of Application for Exemption

APRIL 6, 1962.

Notice is hereby given that Hubshman Factors Corporation, a New York corporation (applicant) has filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 (act) (17 CFR 240.15d–20) for an order exempting it from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that Section and the rules and regulations thereunder.

Rule 15d–20 permits the Commission upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the applicant's outstanding securities are held of record, as therein defined, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The Corporation in its application states that:

1. The Corporation had 480,000 shares of Class A stock outstanding, all of which are owned by Automatic Canteen Company except 3570 shares of treasury stock and 3357 shares owned by 24 stockholders.

2. Automatic Canteen Company also owns 100 percent of the outstanding Class B stock comprising 420,000 shares.

3. The filing by the Corporation of reports pursuant to section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of its stockholders.

The Corporation in its application has undertaken that Automatic Canteen Company will furnish the 24 stockholders of Hubshman with an annual report issued by Automatic Canteen Company of America, containing a separate financial statement of Hubshman Factors certified to by an independent public accountant, consisting of a balance sheet and statement of income and retained earnings, or in the event that Automatic Canteen Company of America shall, at any time, in said annual report of Automatic Canteen Company of America, consolidate financial statements of Hubshman Factors with that of any other entity a separate financial report certified to by an independent public accountant, consisting of a balance sheet and a statement of income and retained earnings of Hubshman Factors Corporation will be furnished.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after April 23, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may not later than April 20, 1962, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or

requesting a hearing, the reasons for such a request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3547; Filed, Apr. 11, 1962; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by First Wisconsin Bankshares Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 80 per cent or more of the voting shares of Merchants & Savings Bank, Janesville, Wisconsin.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 5th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-3530; Filed, Apr. 11, 1962; 8:45 a.m.]

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601 (4 documents) ... 3561–3563

15 CFR
230 ... 3551

21 CFR
PROPOSED RULES:
121 ... 3561

33 CFR
207 ... 3537

41 CFR
3–75 ... 3537

42 CFR
403 ... 3549

43 CFR
PUBLIC LAND ORDERS:
2652 ... 3552

46 CFR
144 ... 3551

49 CFR
195 ... 3553

50 CFR
33 (4 documents) ... 3555, 3556

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3466

POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS our law enforcement agencies play an essential role in safeguarding the rights and freedoms which have been guaranteed by the Constitution to every American citizen; and

WHEREAS it is important that people throughout our country know and understand the problems, duties, and responsibilities of their police departments, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS the Nation's police departments have grown to be modern and scientific law enforcement bodies which unceasingly provide a vital public service; and

WHEREAS the Congress, by a joint resolution approved June 21, 1961 (75 Stat. 94), has designated the week of May 13–19, 1962, as Police Week in recognition of the contribution the police officers of America have made to our civilization through their dedicated and selfless efforts in enforcing our laws, and has also designated May 14th as Peace Officers Memorial Day in honor of the Federal, State, and municipal peace officers who have been killed or disabled in line of duty; and

WHEREAS that resolution requests the President to issue a proclamation inviting the people of the United States to observe such period with appropriate ceremonies and activities:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States, and upon all patriotic, civic, and educational organizations to observe the week of May 13–19, 1962, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon the people of the United States to observe Monday, May 14, 1962, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–3684; Filed, Apr. 12, 1962; 10:26 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (p) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

* * * * *

(p) One Special Assistant for Congressional Relations, Office of Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3612; Filed, Apr. 12, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Johns River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.165a is hereby prescribed establishing and governing the use and navigation of a seaplane restricted area in St. Johns River near Jacksonville, Florida, to be effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.165a St. Johns River, U.S. Naval Air Station, Jacksonville, Fla.; seaplane restricted area.

(a) *The area.* That portion of St. Johns River between east-west lines at approximate latitude 30°14'47'' and latitude 30°11'41.5''.

(b) *The regulations.* (1) Watercraft may navigate, anchor, or moor within the operating area. Fishing will be permitted.

(2) Watercraft utilizing the area during hours from sunset to sunrise, or during periods of low visibility, shall comply strictly with existing regulations of the Rules of the Road applicable to Inland Waters and Motorboat regulations pertaining to required lighting while underway or at anchor. No unlighted watercraft, regardless of size, shall operate in the seaplane area during hours of darkness (sunset to sunrise).

(3) Watercraft within the operating area must recognize the fact that the maneuverability of aircraft on the surface is relatively limited as compared to that of vessels or vehicles specifically designed for surface operations. It is, therefore, essential that occupants of all watercraft shall, when in the seaplane operating area, exercise due vigilance and be alert for the presence of aircraft either taxiing on the surface, or approaching for landings and takeoffs within the area.

(4) Seaplane landings and takeoffs will be covered by the presence of a station crash boat whenever possible. Under unusual and infrequent circumstances seaplanes may be limited to a particular heading or portion of the operating area, and watercraft in that vicinity may be requested by the crash boat to yield right-of-way to the aircraft for the particular maneuver involved. Under such unusual conditions watercraft shall comply with the request made by the crash boat for the mutual safety of boats and aircraft.

(5) The regulations in this section shall be enforced by the commanding Officer, U.S. Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

[Regs., Mar. 29, 1962, 285/112 (St. Johns River, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-3577; Filed, Apr. 12, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3-75—DELEGATIONS OF AUTHORITY

Subpart B—Delegatees and Specific Limitations

PUBLIC HEALTH SERVICE

Section 3-75.6(b) is amended to read under subparagraph (8) as follows:

§ 3-75.6 Public Health Service.

* * * * *

(b) * * *

(8) Chief, Contract Branch, Bureau of State Services, will also exercise the above cited authority for the Bureau of Medical Services and the Office of the Surgeon General.

Dated: March 31, 1962.

RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 62-3619; Filed, Apr. 12, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-62]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Period of Stay of Initial Decisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1962.

Section 301.45(b), as last amended, provides that the effectiveness of the examiner's initial decision is stayed until the further order of the Board if a notice of intent to file a petition for discretionary review and such a petition are timely filed. It appears to the Board that this provision should be restated in order to express more clearly the Board's intent that the filing of the notice effectuates a stay of the initial decision until the due date of the petition; that the filing of the petition, within the time provided by the regulation or extended pursuant to duly made request for extension, continues the stay until further order of the Board; but that the stay effected by the filing of the notice expires automatically if the petition is not filed within the allotted time.

In order to clarify this matter, the instant amendment substitutes three new sentences for the last sentence of present § 301.45(b).

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 301.45(b) of the Procedural Regulation (14 CFR Part 301) effective April 13, 1962 as follows:

§ 301.45 Procedure on petitions for discretionary review.

* * * * *

(b) *Effect of examiner's initial decision.* Unless a notice of intent to file a petition for discretionary review is filed pursuant to paragraph (a) of this section, or the Board issues an order to review upon its own initiative, the initial decision made by an examiner pursuant to § 301.11(b) shall become effective as the decision of the Board 10 days after service thereof. If such notice is timely filed, the effectiveness of the examiner's decision is stayed until the petition for discretionary review is due under the provisions of this section or pursuant to an extension of time for filing it which may have been granted. Upon the timely filing of such a petition, the stay

of the examiner's decision is continued until the further order of the Board. If action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's decision is stayed until the further order of the Board.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481. Reorg. Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-3624; Filed, Apr. 12, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-57]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On January 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 697) stating that the Federal Aviation Agency proposed to designate a segment of Intermediate altitude VOR Federal airway No. 1681 from the intersection of the Flat Rock, Va., VOR 025° and the Gordonsville, Va., VOR 058° True radials to the Raleigh-Durham, N.C., VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In § 600.1681 (26 F.R. 1091) the following changes are made:

1. In the caption "Washington, D.C.," is deleted and "Raleigh-Durham, N.C.," is substituted therefor.

2. At the beginning of the text "From the Raleigh-Durham, N.C., VOR via the INT of the Raleigh-Durham VOR 016° and the Flat Rock, Va., VOR 213° radials; Flat Rock VOR; to the INT of the Flat Rock VOR 025° and the Gordonsville, Va., VOR 058° radials," is added.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-3584; Filed, Apr. 12, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-101]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Las Vegas, Nevada to Winslow, Arizona

On January 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 698) stating that the Federal Aviation Agency proposed to designate Intermediate altitude VOR Federal airway No. 1776 from Las Vegas, Nev., to Winslow, Ariz.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1776 VOR Federal airway No. 1776 (Las Vegas, Nevada, to Winslow, Ariz.).

From the Las Vegas, Nevada, VOR via the INT of the Las Vegas VOR 106° and the Peach Springs, Ariz., VOR 293° radials; Peach Springs VOR to the Winslow, Ariz., VOR.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-3583; Filed, Apr. 12, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-104]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration of Federal Airways and Associated Control Areas, Revocation of Control Area Extension, Designation of Transition Area

On May 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3929) stating that the Federal Aviation Agency proposed the following actions:

1. Realign VOR Federal airway No. 281 from Pendleton, Oreg., to Spokane, Wash., via the Walla Walla, Wash., VOR and the intersection of the Walla Walla VOR 023° and the Spokane VORTAC 190° radials, and redesignate Victor 281 east alternate to extend from Pendleton to Walla Walla via the intersection of the Pendleton VORTAC 090° and the Walla Walla VOR 215° radials.

2. Extend Victor 112 from Pendleton direct to Spokane including a west alternate from Pendleton to Spokane via the Pasco, Wash., VOR and the intersection of the Pasco VOR 035° and the Spokane VORTAC 221° radials.

3. Designate VOR Federal airway No. 520 from the Prosser, Wash., intersection via the Pasco VOR to the Walla Walla VOR.

4. Designate VOR Federal airway No. 536 from the Walla Walla VOR to the Mullan Pass, Idaho, VOR.

5. Revoke the Pasco control area extension and designate a Pasco transition area.

It was also proposed to designate the control areas associated with the above described airways to extend upward from 1,200 feet above the surface or if appropriate, 500 feet below the minimum IFR en route altitude, to the base of the continental control area.

In a supplemental notice of proposed rule making published in the FEDERAL REGISTER on October 24, 1961 (26 F.R. 9949) it was stated that the control areas associated with these airway segments should extend upward from 700 feet above the surface until such time as the application of Amendment 60-21 to Part 60 of the Civil Air Regulations can be applied to all control areas associated with the other airways in the Pendleton and Spokane areas. Accordingly, action is taken herein to designate the control areas associated with the above-mentioned airway segments to extend upward from 700 feet above the surface to the base of the continental control area.

The Aircraft Owners and Pilots Association (AOPA) recommended in lieu of the proposed transition area the establishment of a 5-mile radius transition area at 700 feet, and if any additional transition area is required that this portion be designated at 1,200 feet above the surface. A 5-mile radius 700-foot transition area at Pasco would not contain the procedure turn maneuvering areas associated with the instrument approach procedures, or the final descent portion of the approach procedures. Because of terrain considerations northeast of the Pasco Airport, less than the required amount of controlled airspace to protect the maneuvers would exist should the floor be designated at 1,200 feet above the surface. In a portion of the southeastern extension of the transition area, a 700-foot floor is required to protect the descent portion of the instrument approach procedure. If, after completion of the amendment 60-21 implementation study of the adjacent controlled airspace requirements in the Pendleton/Walla Walla terminal area, it appears feasible to raise the floor of the small portion of this extension beyond that required for the final descent, such action will be taken at that time. Accordingly, the Pasco transition area is being designated as proposed.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator, (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6281 [Amendment]

1. The text of § 600.6281 (14 CFR 600.6281) is amended to read: "From the Redmond, Oreg., VOR via the Pendleton, Oreg., VORTAC; Walla Walla, Wash., VOR; including an E alternate from Pendleton to Walla Walla via the INT of the Pendleton VORTAC 090° and the Walla Walla VOR 215° radials; INT of the Walla Walla VOR 023° and the Spokane, Wash., VORTAC 190° radials; to the Spokane VORTAC."

2. In § 600.6112 (14 CFR 600.6112) is amended to read as follows:

§ 600.6112 VOR Federal airway No. 112 (Portland, Oreg., to Spokane, Wash.).

From the Portland, Oreg., VORTAC via the The Dalles, Oreg., VORTAC, including a N alternate; INT of the The Dalles VORTAC 096° and the Pendleton, Oreg., VORTAC 254° radials; Pendleton VORTAC; to the Spokane, Wash., VORTAC, including a W alternate from the Pendleton VORTAC to the Spokane VORTAC via the Pasco, Wash., VOR and the INT of the Pasco VOR 035° and the Spokane VORTAC 221° radials.

3. Section 601.6112 (14 CFR 600.6112) is amended to read:

§ 601.6112 VOR Federal airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.).

All of VOR Federal airway No. 112, including a N and W alternate, but excluding the airspace between the main airway and its W alternate from the Pendleton, Oreg., VORTAC to the Spokane, Wash., VORTAC.

4. Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6520 VOR Federal airway No. 520 (Prosser, Wash., to Walla Walla, Wash.).

From the INT of the Pendleton, Wash., VORTAC 311° and the Pasco, Wash., VOR 262° radials via the Pasco VOR; to the Walla Walla, Wash., VOR.

§ 600.6536 VOR Federal airway No. 536 (Walla Walla, Wash., to Mullan Pass, Idaho).

From the Walla Walla, Wash., VOR to the Mullan Pass, Idaho, VOR.

§ 601.6520 VOR Federal airway No. 520 control areas (Prosser, Wash., to Walla Walla, Wash.).

All of VOR Federal airway No. 520.

§ 601.6536 VOR Federal airway No. 536 control areas (Walla Walla, Wash., to Mullan Pass, Idaho).

All of VOR Federal airway No. 536.

§ 601.10416 Pasco, Wash., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pasco, Wash., VOR, within 5 miles SE and 8 miles NW of the Pasco VOR 038° radial extending from the VOR to 12 miles NE, and within 5 miles SW and 8 miles NE of the Pasco VOR 132° radial extending from the VOR to 12 miles SE, excluding the portion within R-6715.

5. In Part 601 (14 CFR Part 601) the following section is revoked:

§ 601.1127 Control area extension (Pasco, Wash.). [Revoked]

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-3585; Filed, Apr. 12, 1962; 8:45 a.m.]

[Airspace Docket No. 61-KC-54]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1034) stating that the Federal Aviation Agency proposed to designate a control zone at Oshkosh, Wis.

No adverse comments were received regarding the proposed amendment.

Subsequent to publication of the notice, the Federal Aviation Agency issued a notice of proposed rule making (Regulatory Docket No. 1000, Draft Release 62-8, 27 F.R. 2183), in which a change in the definition of controlled airspace is proposed. This change, if adopted, would permit the floor of controlled airspace complementing control zones to be designated at 700 feet or higher above the surface. The Oshkosh control zone was proposed as a 7-mile radius control zone in anticipation of a future conversion of the Oshkosh control area extension to a transition area with a floor of 1,200 feet above the surface based on the present definition. However, pending resolution of the proposal contained in Draft Release 62-8, no change in floor of the surrounding controlled airspace will be made. Therefore, since the present 700 foot control area extension floor is sufficient to accommodate a smaller radius zone, and because of the urgent requirement to designate a control zone to accompany establishment of control tower service at Oshkosh, the control zone is being designated herein as a 5-mile radius zone with an extension as proposed. Should future requirements, attendant to any adopted change in the definition of controlled airspace, indicate an adjustment in the size of the Oshkosh control zone would be necessary, separate appropriate airspace action will be taken.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2505 Oshkosh, Wis., control zone.

Within a 5-mile radius of the Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'-15" W.), and within 2 miles either side of the Oshkosh VOR 176° radial extending from the 5-mile radius zone to 8 miles S of the VOR, from 0600 to 2200 hours, local standard time, daily.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-3586; Filed, Apr. 12, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-191]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes and Jet Advisory Areas

On January 23, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 667) stating that the Federal Aviation Agency (FAA) proposed to alter the segment of Jet Route No. 6 between Prescott, Ariz., and Albuquerque, N. Mex., to overlie Jet Route No. 78; alter the segment of Jet Route No. 24 between Grants, N. Mex., and Las Vegas, N. Mex., and to designate radar jet advisory area on the segments of J-24 from Gila Bend, Ariz., to Phoenix, Ariz., and from Grants to Indianapolis, Ind.

Subsequent to the issuance of the notice, a high altitude flight inspection was conducted on the segment of J-78 between Prescott and Albuquerque and a minimum reception altitude of flight level 280 was established for this segment, which resulted in the loss of four flight levels for civil turbojet aircraft between these two locations. Therefore, to regain the use of these four flight levels, the present realignment of J-6 between Prescott and Albuquerque via the Grants VOR is being retained, and a radar jet advisory area is being designated along J-6 between Prescott and Albuquerque.

The Air Transport Association of America concurred in the proposals and recommended that in order to greatly facilitate flight planning and Air Traffic Control clearances, ease the pilot's operation and reduce communications, radar jet advisory area be established over J-6 between Albuquerque and Amarillo, Tex., and between Memphis, Tenn., and Idlewild, N.Y. The FAA concurs in this recommendation and is taking action in this docket to designate radar jet advisory area on the above segments of J-6. No other comments were received.

The segments of J-6 from Prescott to Amarillo and from Memphis to Idlewild

closely parallel or overlie segments of Jet Routes Nos. 78 and 42 respectively along which radar jet advisory areas are already established.

Interested persons have been afforded an opportunity to participate in the making of those rules adopted herein which were proposed in the notice, and due consideration has been given to all relevant matter presented. Those rules adopted herein which were not included in the original proposal are minor in nature and impose no additional burden on any person and, therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 602.100 Jet routes (26 F.R. 7080) the following change is made: In the text of Jet Route No. 24 "Albuquerque, N. Mex.;" is deleted.

2. In § 602.200 Enroute jet advisory areas (26 F.R. 7082, 11729) the following changes are made:

a. Jet Route No. 6 jet advisory area is amended to read:

Jet Route No. 6 jet advisory area. Radar—Hector, Calif., to Idlewild, N.Y.

b. Jet Route No. 24 jet advisory area is amended to read:

Jet Route No. 24 jet advisory area. Radar—Gila Bend, Ariz., to Charleston, W. Va.

These amendments shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3587; Filed, Apr. 12, 1962; 8:46 a.m.]

[Reg. Docket No. 1121; Amdt. 265]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn	NA	NA	NA
				A-dn	1200-2	1200-2	1200-2

Procedure turn N side NW crs, 283° Outbnd, 103° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 081°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climbing to 4000′ on NW crs (283°) within 20 miles.
NOTE: This procedure not approved for ADF approach.
CAUTION: 1. Maneuvering SE of airport NA due to hill 2338′ msl 1.7 miles SE of airport. 2. Mountain range NE through SE of airport. 3. After takeoff proceed immediately to Farewell LFR. Left turn after takeoff on Runways 8 and 35. Right turn off on Runway 17.

City, Farewell; State, Alaska; Airport Name, Farewell; Elev., 1538′; Fac. Class., BMRLZ; Ident., FWL; Procedure No. 1, Amdt. 6; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 5; Dated, 10 June 61

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., MRLZ; Ident., OZR; Procedure No. 1, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 30 May 59

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., SBRAZ; Ident., FNO; Procedure No. 1, Amdt. 6; Eff. Date 5 May 58; Sup. Amdt. No. 5; Dated, 9 Feb. 57

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler; Elev., 277′; Fac. Class., SBRAZ; Ident., FNO; Procedure No. 1, Amdt. 5; Eff. Date, 16 June 56; Sup. Amdt. No. 4; Dated, 23 July 55

PIR VOR	PD-LFR	Direct	3000	T-dn*	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 083° Outbnd, 263° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 268°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, turn left, climb to 3500′ on W crs within 20 miles.
*Takeoff to NW restricted to 400-1.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., SBRAZ; Ident., PD; Procedure No. 1, Amdt. 10; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 9; Dated, 3 Apr. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Brunswick VOR	SSI-RBn	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn South side 226° Outbnd, 046° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 1300′ on crs of 226 within 10 miles.
NOTE: To provide separation from Navy Glynco traffic.

City, Brunswick; State, Ga.; Airport Name, Malcolm McKinnon; Elev., 20′; Fac. Class., BMII; Ident., SSI; Procedure No. 1, Amdt. 7; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 6; Dated, 16 Dec. 61

CVG VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
LUK LFR	LOM	Direct	2400	S-dn-36	400-1	400-1	400-1
Dry Ridge	Union Int	Direct	2900	A-dn	800-2	800-2	800-2
Grant Lick	Union Int	Direct	2000				
Union Int	LOM (Final)	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 360°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi after passing LOM, climb to 2300′ on bearing 360° from LOM to New Baltimore Int or, when directed by ATC, make a left climbing turn, climb to 2300′ on crs of 285° from LMM within 15 mi.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 14; Eff. date, 28 Apr. 62; Sup. Amdt. No. 13; Dated, 2 July 60

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn North side of crs 063° Outbnd, 243° Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 243°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing DUJ RBn, make a right climbing turn to 3500′, return to the facility. Hold Northeast 1-minute right turns, inbound crs 243°.
Other changes: Deletes transitions from Brookville Int and Rockton Int.

City, Du Bois; State, Pa.; Airport Name, Du Bois-Jefferson; Elev., 1810′; Fac. Class., HW; Ident, DUJ; Procedure No. 1, Amdt. 1; Eff. Date, 28 Apr. 62; Sup. Amdt. No. Orig; Dated, 3 Sept. 60

SDF RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
LOU VOR	LOM	Direct	2200	C-dn	600-1	600-1	600-1½
Jeffersonville Int	LOM	Direct	2200	S-dn-29	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs 116° Outbnd, 296° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 296°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles of SDF LOM, climb to 2600′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold West 1-minute left turns.

City, Louisville; State, Ky.; Airport Name, Standiford; Elev., 497′; Fac. Class., SDF; Ident., LOM; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Apr. 62

MAF VOR	MDL RBn	Direct	4500	T-dn	300-1	300-1	*200-½
Goldsmith Int	MDL RBn (Final)	Direct	4500	C-dn	400-1	500-1	500-1½
Pipe Line Int	MDL RBn	Direct	5000	S-dn-10	400-1	400-1	400-1
Mustang Int	MDL RBn	Direct	5000	A-dn	800-2	800-2	800-2

Procedure turn South side of crs 283° Outbnd, 103° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 103°—6.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing MDL RBn, climb to 4500′ on brng 103° MDL RBn within 20 miles.
CAUTION: 4049′ msl TV tower 9.5 mi NW, and 3356′ msl tower 5.5 mi NE of MAF airport.
*300-1 required for takeoffs on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., MHW; Ident. MDL Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
SAT-VOR	LOM	Direct	2200	T-dn	300-1	300-1	*200-½
SAT-RBn	LOM	Direct	2200	C-dn	400-1	500-1	*500-1½
Wetmore Int	LOM	Direct	2200	S-dn-3	400-1	400-1	400-1
Losoya Int	LOM	Direct	2200	A-dn	800-2	800-2	*800-2
Collins Int	LOM (Final)	Direct	2000				

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 032°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, turn left, proceed direct to SAT RBn, climb to 2800′ on 354° crs within 20 miles of SAT RBN or, when directed by ATC, climb to 3000′ on crs of 032° within 20 miles of SAT LOM.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 21; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 20; Dated, 24 Mar. 62

SAT-VOR	SAT RBn	Direct	#2500	T-dn	300-1	300-1	200-½
SAT-VOR	SAT RBn (Final)	Direct	%1700	C-dn	400-1	500-1	*500-1½
				S-dn-17#	400-1	400-1	NA
				A-dn	800-2	800-2	*800-2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of crs, 353° Outbnd, 175° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.#
Crs and distance, SAT RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 2500′ on 175° brng from SAT RBn within 20 miles.
#If passage of SAT-VOR on final approach course is not determined, minimum altitude over SAT RBn is 1900′.
%Maintain 3000′ MSL until South of SAT-VOR on final approach.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., ABHZ; Ident., SAT; Procedure No. 2, Amdt. 5; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 4; Dated, 24 Mar. 62

SAT-VOR	LOM	Direct	3000	T-dn	300-1	300-1	*200-½
SAT RBn	LOM	Direct	3000	C-dn	600-1	600-1	*600-1½
				S-dn-12	600-1	600-1	600-1
				A-dn	800-2	800-2	*800-2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 mi.
Minimum altitude over LOM on final approach crs, 2600′.
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, turn right, intercept and climb to 2500′ on 175° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000′ on SAT VOR R-158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., LOM; Ident., AN; Procedure No., 3; Amdt. 7; Eff. Date, 28 Apr. 62; Sup Amdt. No. 6; Dated, 24 Mar. 62

				T-dn	400-2	400-2	400-2
				C-dn	700-2	700-2	700-2
				S-dn	NA	NA	NA
				A-dn	1000-2	1000-2	1000-2

Procedure turn South side of crs, 211° Outbnd, 031° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 5000′ on crs of 211 within 20 miles.
CAUTION: 1. 575 terrain 1.1 miles South of airport. 2. Mountain range NE through SE within 2 to 4 miles of airport rises to 1400′. 3. For instrument departure, aircraft will climb to 6400′ utilizing Talkeetna RBn 211° Outbound and 031° Inbound within 20 miles of station to cross TKA RBn at 6400′ northbound.

City, Talkeetna; State, Alaska; Airport Name, Talkeetna; Elev., 358′; Fac. Class., BH; Ident., TKA; Procedure No. 1, Amdt. 5; Eff. Date, 28 Apr. 62; Sup. Amdt No.4; Dated, 13 Aug. 55

Woodstown VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	800-2	800-2	800-2
				S-dn-1	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn West side of final approach crs, 194° Outbnd, 014° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 014°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, make climbing left turn to 1600′ and return to Wilmington LOM. Hold South, Wilmington LOM, 1-minute right turns, 014° Inbound.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.

City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79′; Fac. Class., LOM; Ident., I-ILG; Procedure No. 1, Amdt. 6; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 5 (ADF portion Comb. ADF-ILS); Dated, 22 Feb. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Brunswick MH	SSI-VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	#400-1	500-1	500-1½
				S-dn-4#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 203° Outbnd, 023° Inbnd, 1100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 023°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, turn right,* climb to 1100′ on R-203 SSI-VOR within 10 mi.
*Provides separation from Navy Glynco traffic.
#If 320° brng to NEA RBn not received, descent below 500′ NA and ceiling minima become 500′.

City, Brunswick; State, Ga.; Airport Name, Malcolm McKinnon; Elev., 20′; Fac. Class., BVOR; Ident., SSI; Procedure No. 1, Amdt. 2; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 1; Dated, 26 Nov. 60

PD LFR	PIR VOR	Direct	3000	T-dn*	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 075° Outbnd, 255° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 255°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 3500′ on R-255 of Pierre VOR within 20 miles.
*Takeoff to NW restricted to 400-1.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., BVOR; Ident, IR; Procedure No. 1, Amdt. 4; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 3; Dated, 19 Sept. 59

SAT RBn	SAT-VOR	Direct	2600	T-dn	300-1	300-1	200-½
Bergheim Int	SAT-VOR (Final)	Direct	2600	C-dn#	400-1	500-1	*500-1½
				S-dn-17#	400-1	400-1	NA
				A-dn	800-2	800-2	*800-2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of crs, 355° Outbnd, 175° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2600′; over SAT RBn, 1500′.
Crs and distance, SAT-VOR to airport, 175°—6.3 mi; SAT-RBn to airport, 175°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 mi, turn left, climb to 3000′ on R-158 within 20 miles or, when directed by ATC, turn left and climb, via SAT ILS NE crs, to 3000′ within 20 miles, or climb via R-174 to 2500′ within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#Descent below 1500′ NA if position over SAT RBn not determined.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 1, Amdt. 12; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 11; Dated, 24 Mar. 62

Losoya Int	Bellaire Int	Direct	2000	T-dn	300-1	300-1	*200-½
Bellaire Int#	Olmos Int (Final)	Direct	**1400	C-d**	500-1	500-1½	*500-1½
				C-n**	500-1½	500-2	500-2
				S-dn-35**	500-1	500-1	NA
				A-dn	800-2	800-2	*800-2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn NA.
Minimum altitude over Olmos Int on final approach crs, 1400′.
Crs and distance, Olmos Int to airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi after passing Olmos Int, proceed direct to SAT-VOR, climb to 2800′ on R-353 within 20 miles of VOR or, when directed by ATC, climb to 2800′ on brng 355° from SAT RBn within 20 miles.
#Maintain 2000′ until North of LVR R-270.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
**Descent below 1400′ MSL, and ceiling less than 600′ not authorized unless position over Olmos Int is identified on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., BVORTAC; Ident., SAT; Procedure No. 2, Amdt. 2; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 1; Dated, 24 Mar. 62

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4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941'; Fac. Class., BVORTAC; Ident, BTL; Procedure No. TerVOR-13, Amdt. 5; Eff. Date, 2 Dec. 61; Sup. Amdt. No. 4; Dated, 31 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE Apr. 28, 1962.

City, Garden City; State, Kans.; Airport Name, New Garden City; Elev., 2895'; Fac. Class., VORTAC; Ident., GCK; Procedure No. TerVOR-12, Amdt. Orig.; Eff. Date, 13 Dec. 58

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Garden City; State, Kans.; Airport Name, New Garden City; Elev., 2895'; Fac. Class., VORTAC; Ident., GCK; Procedure No. TerVOR-30, Amdt. Orig; Eff. Date, 13 Dec. 58

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Garden City; State, Kans.; Airport Name, New Garden City; Elev., 2895'; Fac. Class., VORTAC; Ident., GCK; Procedure No. TerVOR-35, Amdt. Orig.; Eff. Date, 13 Dec. 58

Harpoon Int	Mango Int	Direct	4000	T-dn	500-1	500-1	500-1
Int LYN R-096 and OGG R-205	Mango Int	Direct	4000	C-dn	700-1	700-1	700-1½
Mango Int	Int OGG R-190 and 143° brng to MAU-LFR or LNY R-081.	Direct	3000	C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
Int OGG R-190 and 143° brng to MAU-LFR or LNY R-081.	OGG-VOR (Final)	Direct	800				

Procedure turn not authorized. Straight-in approach from Mango Int only.
Minimum altitude over facility on final approach crs, 800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R-027 within 20 miles, reverse course climbing to 6000' over OGG-VOR.

City, Kahului, Maui; State Hawaii; Airport Name, Kahului; Elev., 50'; Fac. Class., VOR; Ident., OGG; Procedure No. TerVOR-2, Amdt. 3; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 2; Dated, 17 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874'; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-9, Amdt. 1; Eff. Date, 8 Nov. 58; Sup. Amdt. No. Orig; Dated, 8 Nov. 58

Red Hill FM	ODR-VOR (Final)	Direct	2700	T-dn*#	1000-2	1000-2	1000-2
				C-d	1500-2	1500-2	1500-2
				C-n*	2000-2	2000-2	2000-2
				A-dn*	2500-2	2500-2	2500-2

Procedure turn East side S crs, 170° Outbnd, 350° Inbnd, 4000' within 10 mi of Red Hill FM.
Minimum altitude over Red Hill FM on final approach crs, 4600'.
Crs and distance, Red Hill FM to ODR-VOR, 350°—9.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing Red Hill FM (abeam RA-LFR), climb to 5000' on R-350 and return to ODR-VOR or, when directed by ATC, make right climbing turn, climbing to 5000' on R-170.
AIR CARRIER NOTE: Sliding scale NA. No reduction in landing minimums authorized due to local visibility conditions.
#For Air Carrier use only: 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie MIUW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR receiver required.
*Takeoffs on Runway 33 and landings on Runway 15 NA at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR R-170, Amdt. 3; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 2; Dated, 8 June 57

ODI-VOR	Pickwick Int*	Direct	2000	T-d	500-1½	500-1½	
Pickwick Int*	Home Int** (Final)	Direct	2000	T-n	500-2	500-2	
Winona Int	Winona VOR	Direct	2800	C-dn	800-2	800-2	
Dodge Int	Winona VOR	Direct	2800				

Procedure turn North side of crs, 103° Outbnd, 283° Inbnd, 2800' within 10 mi of VOR.
Minimum altitude over Home Int** on final approach crs, 2000'.
Crs and distance, Home Int** to airport, 283°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2800' on R-315 ONA-VOR within 15 miles.
NOTE: Procedure authorized only for aircraft equipped with operating dual omni receivers.
CAUTION: 1834' MSL tower 3.1 miles SE of airport. 1200' MSL bluffs 0.8 mi West of airport.
AIR CARRIER NOTE: Alternate minimums of 1000-2 authorized for air carriers with weather reporting service at the airport.
*Pickwick Int: Int R-350 ODI-VOR and R-103 ONA-VOR.
**Home Int: Int R-317 ODI-VOR and R-103 ONA-VOR.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656'; Fac. Class., BVOR (State-owned facility); Ident., ONA; Procedure No. TerVOR R-103, Amdt. 2; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 1; Dated, 24 Mar. 62

Winona Int	Winona VOR	Direct	2800	T-d	500-1½	500-1½	
Dodge Int	Winona VOR	Direct	2800	T-n	500-2	500-2	
				C-dn	900-2	900-2	

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2800' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2800' on R-103 ONA-VOR within 10 miles.
CAUTION: 1834' MSL tower 3.1 miles SE of airport; 1200' MSL bluffs 0.8 mi West of airport.
AIR CARRIER NOTE: Alternate minimums of 1000-2 authorized for air carriers with weather reporting service at the airport.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656'; Fac. Class., BVOR (State-owned facility); Ident., ONA; Procedure No. TerVOR R-315, Amdt. 2; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 1; Dated, 24 Mar. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE APR. 28, 1962.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834'; Fac. Class., BVORTAC-DME; Ident., ATL; Procedure No. VOR-DME-Apt, Amdt. 2; Eff. Date, 15 Apr. 61; Sup. Amdt. No. 1; Dated, 10 Sept. 60

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	1800	T-dn**	300-1	300-1	200-½
Baltimore VOR	LOM	Direct	1700	C-dn	400-1	500-1	500-1¼
Lisbon Int	LOM	Direct	1800	S-dn-10°	#200-½	#200-½	#200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn South side W crs, 282° Outbnd, 102° Inbnd, 1700' within 10 mi.
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to appr end of runway at OM, 1295'—3.8 mi; 359'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1700' on East crs of ILS within 10 miles of LOM. Return to LOM, hold West 1-minute right turns.
GLIDE SLOPE NOTE: Glide slope not usable inbound from middle marker; satisfactory for authorized minimums.
LOCALIZER NOTE: Narrow localizer course—4°.
#400-¾ required when glide slope inoperative.
*Runway Visual Range 2600' also authorized for landing on Runway 10, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 346' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' authorized for takeoff on Runway 10 in lieu of 200-½ when 200-½ authorized, providing associated high intensity runway lights are operational.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-10, Amdt. 12; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 11; Dated, 16 Sept. 61

Cincinnati VOR	LOM	Direct	2000	T-dn	300-1	330-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1¼
LUK LFR	LOM	Direct	2400	S-dn-366°	200-½	200-½	200-½
Dry Ridge Int	Union Int	Direct	2200	A-dn	600-2	600-2	600-2
Grants Lick Int	Union Int	Direct	2000				
Union Int	LOM	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1818'—3.4 mi; at MM, 1068'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300' on crs 360° to the New Baltimore Int. Hold North 1-minute right turns, 186° Inbnd, 006° Outbnd.
CAUTION: #Glide slope point of touchdown approximately 1750' in from approach end of runway.
*400-¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 13; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 12; Dated, 17 Feb. 62

Dayton VOR	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Tipp City RBn	LOM	Direct	2700	C-dn	400-1	500-1	500-1¼
Lewisburg Int%	Trotwood Int** (Final)	(#)	2700	S-dn-6°	200-½	200-½	200-½
Camden Int	Trotwood Int** (Final)	Direct	2700	A-dn	600-2	600-2	600-2
Trotwood Int**	LOM (Final)	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn West side SW crs, 236° Outbnd, 056° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2121'—3.8 mi; at MM, 1220'—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on NE crs ILS, make left climbing turn, proceed to Dayton VOR and hold at 3000'.
#This transition via the RID-VOR R-090 and the DAY ILS SW crs.
%Lewisburg Int: Int DAY VOR R-208 and RID VOR R-090.
**Trotwood Int: Int DAY-VOR R-175 and DAY ILS SW crs.
*400-¾ required with glide slope inoperative.

City, Dayton; State, Ohio; Airport Name, Dayton Municipal; Elev., 1008'; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-6, Amdt. 17; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 16; Dated, 17 Mar. 62

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ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SDF RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–1½
LOU VOR	LOM	Direct	2200	C-dn	600–1	600–1	600–1½
Jeffersonville Int	LOM	Direct	2200	S-dn-29°	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn North side of crs 110° Outbnd, 290° Inbnd, 2200 within 10 miles of LOM.
Minimum altitude at glide slope interception inbnd, 2200'.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2141'—5.0 mi; at MM, 714'—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing SDF LOM, climb to 2600' on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold West 1-minute left turns.
NOTE: Approach light system nonstandard—not a component of ILS. Approach lights operated by the city of Louisville, Ky. The Federal Government disclaims responsibility for nonfederal navigation facilities.
*400–¾ with glide slope inoperative.

City, Louisville; State, Ky.; Airport Name, Standiford; Elev., 497'; Fac. Class., LOM; Ident., SDF; Procedure No. ILS-29, Amdt. Orig.; Eff. Date, 28 Apr. 62

Rochelle Int*	LOM (Final)	Direct	2000	T-dn	300–1	300–1	200–½
PLL-VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
RFD-VOR	LOMA	Direct	2000	S-dn-36	200–½	200–½	200–½
Belvedere Int**	LOM	Direct	***2500	A-dn	600–2	600–2	600–2
JVL-VOR	LOM	Direct	2000				
Malta Int	LOM						

Procedure turn East side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intereception inbnd, 2000'.
Altitude at glide slope and distance to approach end of runway at LOM, 1966'—4.5 mi; at LMM, 923'—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2500', proceed direct to RFD-VOR or, when directed by ATC, (1) climb to 2500' on 002° crs from LMM within 15 miles, (2) make left climbing turn to 2000' direct to LOM.
*Rochelle Int: Int PLL-VOR R-085 and S crs ILS.
**Belvedere Int: RFD-VOR R-090 and JVL-VOR R-150.
***2000' after passing RFD-VOR R-090.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735'; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-36, Amdt. 3; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 2; Dated, 30 Dec. 61

San Antonio VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
San Antonio RBn	ILS SW crs	175°—3.3	2200	C-dn	400–1	500–1	*500–1½
Wetmore Int	LOM	Direct	2200	S-dn-30	200–½	200–½	200–½
San Antonio RBn	LOM	Direct	2200	A-dn	600–2	600–2	*600–2
Losoya Int	LOM	Direct	2100				
Collins Int	LOM (Final)						

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn East side of SW crs, 212° Outbnd, 032° Inbnd, 2200' within 10 mi.
Minimum altitude at glide slope Int Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM 2050'—3.8, at MM 1000'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, proceed direct to SAT-VOR, climbing to 2800' on R-353 within 20 miles of SAT-VOR or, when directed by ATC, turn right and climb to 3000' on R-158 within 20 miles of SAT-VOR, or climb to 3000' on NE crs of SAT ILS within 20 miles of SA LOM.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#400–¾ required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-3, Amdt. 21; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 20; Dated, 24 Mar. 62

SAT-VOR	LOM	Direct	3000	T-dn	300–1	300–1	200–½
SAT RBn	LOM	Direct	3000	C-dn	400–1	500–1	*500–1½
				S-dn-12#	200–½	200–½	*200–½
				A-dn	600–2	600–2	*600–2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 mi.
Minimum altitude at glide slope interception inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at LOM, 2600'—5.9 mi; at LMM, 1028'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000' on SAT-VOR R-158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#400–¾ required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 6; Eff. Date, 28 Apr. 62; Sup. Amdt No. 5; Dated, 24 Mar. 62

SAT-VOR	Wetmore Int	Via R-143 4.8 mi	2500	T-dn	300–1	300–1	200–½
SAT RBn	Wetmore Int	Via crs 085°—2.4	2500	C-dn	400–1	500–1	*500–1½
Bracken Int#	Wetmore Int (Final)#	Direct	1800	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	*800–2
				A-dn	800–2	800–2	*800–2

Radar transition and vectoring authorized in accordance with approved procedures.
Procedure turn West side of NE crs, 032° Outbnd, 212° Inbnd, 2500' within 10 mi.
No glide slope. No outer marker.
Minimum altitude over Wetmore Int 1800'#.
Crs and distance, Wetmore Int to Runway 21, 212°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing Wetmore Int, turn left, climb to 3000' via R-158 within 20 mi or, when directed by ATC, turn right and climb to 2800' via R-353 within 20 mi.
*Runway 17–35 restricted to 2-engine aircraft and smaller.
#Maintain 2500' msl until southwest of Bracken Int on final approach.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS-21, Amdt. 14; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 13; Dated, 24 Mar. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Woodstown VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–¾
				C-dn	400–1	500–1	500–1¾
				S-dn-1°	200–½	200–¾	200–½
				A-dn	600–2	600–2	600–2

Procedure turn West side S crs 194° Outbnd, 014° Inbnd, 1600' within 10 mi.
Minimum altitude at glide slope interception inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM 1600'—5.3; at MM 295°—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing left turn to 1600' and return to Wilmington LOM. Hold South 1-minute right turns inbound crs 014°.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.
*800–1 required with glide slope inoperative.

City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79'; Fac. Class., ILS; Ident., I-ILG; Procedure No. ILS-1, Amdt. 6; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 5 (ILS Portion Comb. ADF-ILS); Dated, 22 Feb. 58

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	20 mi	2000	Surveillance approach			
				T-dn**	300–1	300–1	200–¼
				C-dn	400–1	500–1	500–1½
				S-dn-13, 31#, 18, 36	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn**	300–1	300–1	200–¼
				S-dn-13##	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 18, 36, 13, and 31: Climb to 2000' on runway heading within 10 miles or, when directed by ATC, (1) Runway 18, 13: Turn left, climb to 2000' and proceed to DAL-VOR; Runways 36, 31: Turn right, climb to 2000' and proceed to DAL-VOR.
CAUTION: 695' tank 1.7 miles SE of Runway 31. 1044' building 3.9 miles SE of Runway 31 on centerline.
*Radar control will provide 1000' vertical clearance within a 3-mile radius from radio TV towers 1108' 20 miles North, 2349' 16 miles SSW, 1230' 10 miles NNW of airport.
#Maintain at least 1400' until 3.5 mi from end of runway and 1600' until 1.4 mi from end of runway.
##Runway Visual Range 2600' also authorized for landing on Runway 13; provided that all components of the PAR, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 685' msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' also authorized for takeoff on Runway 13 in lieu of 200–½ when 200–½ is authorized; providing high intensity runway lights are operational

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485'; Fac. Class. and Ident., Dallas Radar; Procedure No. 1, Amdt. 6; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 5; Dated, 24 June 61

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
040	090	5	1500	10	2000	15	3000	20	4400	25	5000	------	------	T-dn	300–1	300–1	300–1
090	225	5	1500	10	2000	15	3500	20	4500	25	4500	------	------	C-dn-24R	600–1	600–1	600–1½
225	285	5	1500	10	2000	15	3500	20	4500	25	5500	------	------	S-dn-24R	600–1	600–1	600–1½
285	040	5	2100	10	3200	15	4500	20	5000	25	6000	------	------	S-dn-06L	1000–1	1000–1	1000–1½
														A-dn-24R	800–2	800–2	800–2
														A-dn-06L*	1000–2	1000–2	1000–2

All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1493' Chena Ridge 8.0 miles West, and 2022' terrain 9.4 miles North in vicinity of Fox RBn.
All approaches from the East, except straight-in to Runway 06L.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn South of airport and climb to 2400'. Proceed direct to FI-LFR, then on East crs (060°) to Chena Int.
CAUTION: All maneuvering South of airport—1080' terrain 1.6 miles North of airport.
NOTE: Authorized for military use only except by prior arrangement.
*Runway 06L, minimum altitude, 6 miles—2000'.

City, Fairbanks; State, Alaska; Airport Name, Wainwright AAF; Elev., 448'; Fac. Class. and Ident., Fairbanks Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Apr 62

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RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
045	150							25	2000								
150	230	10	2200	15	2000	20	2000	25	1000								
230	045	10	2200	15	2500	20	3000										
														T-dn	300-1	300-1	*200-½
														C-dn	400-1	500-1	*500-1½
														S-dn	400-1	400-1	*400-1
														A-dn	800-2	800-2	*800-2

Bearings are from radar antenna site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2040′ msl 19 mi SE, 1241′ msl 5 mi SSE, 1190′ msl 10 mi SE, and 1107′ msl 3.5 mi SE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 12, 17, and 21: Climb to 3000′ via SAT R-158 within 20 miles or, when directed by ATC, climb to 2500′ on brng 174° from SAT RBn within 20 miles.
Runways 3, 30, and 35: Climb to 2800′ on R-353 SAT–VOR within 20 miles or, when directed by ATC, climb to 2800′ on brng 355° from SAT RBn within 20 miles.
* Runways 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name International; Elev., 808′; Fac. Class, and Ident., San Antonio Radar; Procedure No. 1, Amdt. 5; Eff. Date, 28 Apr. 62; Sup. Amdt. No. 4; Dated, 24 Mar. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 22, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2981; Filed, Apr. 12, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Voluntary Dual Grading Service Under Proposed Standards

Statement of considerations. Proposed standards issued concurrently herewith for dual determinations of the quality and retail cut yield of certain beef carcasses under the Agricultural Marketing Act of 1946, as amended, are now under consideration in the Department of Agriculture, and provision has been made for submission of comments thereon by interested persons until July 1, 1963. In order to permit a practical evaluation of the proposed standards by the affected industry and the Department, it is necessary to provide a Federal service for determination of quality and meat yield in accordance with the proposed standards, upon request of interested persons. This document provides for such a service. The service will be completely voluntary and will not require any action by any member of the public. Accordingly under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that publication of notice and other public procedure on this document are impracticable and unnecessary.

Therefore, pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), a regulation governing voluntary dual grading service under the proposed standards is hereby promulgated to appear in § 53.100 in Part 53 of Title 7, Code of Federal Regulations, as follows:

§ 53.100 Kind and availability of service.

Dual grading service will be furnished in accordance with the applicable provisions of the regulations in this Subpart and under such further conditions as are specified by the Director for the determination of the grade, based on meat yield and quality, of steer, heifer, or cow beef carcasses (whole or halves) in accordance with proposed standards (27 F.R. 3557) under consideration in the Department of Agriculture, in order to permit the practical evaluation of the proposed standards. Separate identification will be made of the grade based on meat yield and the grade based on quality. Service will not be furnished under this section for less than half carcasses nor in any instance in which the grader is unable to determine by weighing or otherwise the correct weight of the carcass prior to chilling. The service will be a voluntary service provided upon request and will be furnished if desired in addition to or in place of services otherwise available under the regulations in this subpart.

Under the proposed standards the present grade designations Prime through Canner would be used to identify the quality, and the meat yield would be identified by the numbers 1 through 6. No. "1" would represent the highest yield and No. "6" the lowest yield.

Under the present Federal meat grading system, grades of federally graded meat are indicated by a ribbon-like imprint of the grade name such as Prime and the letters "USDA" within a shield stamped on each carcass in purple ink. Meat given dual grading under the new regulation will be identified as to quality by the same type ribbon-like imprint and will be identified as to yield by a yield grade number with the letters "USDA" in a shield on each quarter of the carcass, both stamped in red ink.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624. 19 F.R. 74, as amended)

The foregoing regulation shall become effective July 1, 1962.

Done at Washington, D.C., this 10th day of April 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-3626; Filed, Apr. 12, 1962; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 53]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

Correction

In F.R. Doc. 62-3391 appearing at page 3317 of the issue for Saturday, April 7, 1962, the fourth line of the paragraph designated "1." is corrected to read "other provisions of this section, for 1958".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling; Conversion Factors

Notice is hereby given of the approval of an amendment, hereinafter set forth, to the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment revises conversion factors which are to be used in converting to carton equivalents, for reporting purposes, the volume of oranges handled in bulk or in specified containers other than cartons.

Notice that such action was being considered was published in the FEDERAL REGISTER issue of March 20, 1962 (27 F.R. 2608). No written data, views, or arguments pertaining thereto were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Valencia Orange Administrative Committee (established pursuant to the said marketing agreement and order, as amended, to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order, as amended, and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended.

It is hereby further found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The specification of factors for converting to carton equivalents oranges handled in bulk, or in containers other than in cartons, is necessary to facilitate the reporting, on a uniform basis, of orange shipments by handlers, as well as the utilization of the information by the committee; (2) the shipment of Valencia oranges is currently in progress and subject to allotment, and handlers are required to render to the committee daily and weekly reports of such shipments for use, among other things, in connection with allotment; and (3) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof.

The amendment is as follows:

Revise § 908.139 Conversion factors (24 F.R. 3623) to read as follows:

§ 908.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 40 pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.

(b) Twenty 2-pound bags equal 1 carton.

(c) Thirteen 3-pound bags equal 1 carton.

(d) Ten 4-pound bags equal 1 carton.

(e) Eight 5-pound bags equal 1 carton.

(f) Seven 6-pound bags equal 1 carton.

(g) Six 7-pound bags equal 1 carton.

(h) Five 8-pound bags equal 1 carton.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, April 9, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3609; Filed, Apr. 12, 1962; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 403—DISPOSAL OF MONEY AND EFFECTS OF PATIENTS AND UNIDENTIFIED PERSONS

Notice of proposed rule making having been published, and no public comments having been received, the proposed amendments to the regulations providing for the disposal of money and effects of deceased patients and unidentified persons left in the custody of Freedmen's Hospital, as set forth and published with said notice of proposed rule making on February 20, 1962, in 27 F.R. 1564, are hereby adopted and issued. These amendments shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: March 30, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: April 6, 1962.

IVAN A. NESTINGEN,
Acting Secretary.

A new Part 403 is added to read as follows:

Sec.
403.1 Inventory of effects of deceased patients.
403.2 Notice upon death.
403.3 Delivery only upon filing claim; forms, procedure.
403.4 Delivery to legal representative; to other claimants if value is $1,000 or less.
403.5 Disposition of effects; exceptions.
403.6 Conflicting claims.
403.7 Disposition of Government checks.
403.8 Manner of delivery; costs, receipts.
403.9 Delivery of possession only; title unaffected.
403.10 Disposition of abandoned and unclaimed money and effects of patients other than deceased patients and of unidentified persons.
403.11 Abandoned and unclaimed effects of patients and of unidentified persons.
403.12 Abandonment or destruction.
403.13 Sale of abandoned or unclaimed effects.
403.14 Provisions governing sales.
403.15 Disposition of unsold articles.
403.16 Disposition of proceeds of sale; claims.

AUTHORITY: §§ 403.1 to 403.16 issued under 18 Stat. 223, Reorg. Plan No. IV of 1940, Reorg. Plan No. I of 1953; 32 D.C. Code 317, 5 U.S.C. 133t, 5 U.S.C. 133z. §§ 403.10 to 403.16 also issued under 63 Stat. 377, Title II, § 203(1), as amended, and 205(d), as amended; 40 U.S.C. 434(m), 40 U.S.C. 486(d).

§ 403.1 Inventory of effects of deceased patients.

Promptly after the death of a patient in Freedmen's Hospital, an inventory of his money and effects left therein shall be made by two or more officers or employees of the Hospital designated for such purpose by the Superintendent.

§ 403.2 Notice upon death.

The Superintendent shall notify in writing all persons known to him to whom delivery of the patient's money and effects might be made hereunder, and, in the case of an alien patient, a consul of the country of his apparent nationality. Each person so notified shall be requested to furnish information concerning (a) the existence or whereabouts of any persons to whom delivery of the deceased patient's money and effects may be made pursuant to these provisions, and (b) the permanent residence or home of the deceased.

§ 403.3 Delivery only upon filing claim; forms, procedure.

(a) Delivery of the money and effects of a deceased patient shall be made only to a person who has filed a claim therefor on a form prescribed by the Superintendent.

(b) A claimant shall furnish, in addition to the information on the prescribed form, such additional information as the Superintendent may consider necessary to establish the identity of the claimant and the truth of his statements.

(c) A person filing a claim as a legal representative shall be required to present letters of administration or a certificate of a court attesting his qualification for appointment.

(d) If the Superintendent is not satisfied in regard to the validity of a claim filed after the money of a deceased patient has been deposited in the Treasury, he may refer such claim to the Claims Division of the General Accounting Office for settlement. If the claim is for checks or evidences of indebtedness of the United States which have been

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transmitted to the issuing agency pursuant to §§ 403.7 and 403.8, the claim shall be referred to such agency.

§ 403.4 Delivery to legal representative; to other claimants if value is $1,000 or less.

The money and effects of the deceased patient shall in all cases be delivered to the legal representative, if any, of his estate. If the value is $1,000 or less, and the Superintendent has neither notice nor other knowledge of the appointment or qualification of a legal representative, nor reason to believe that a legal representative will be appointed or qualified, he shall deliver all the money and effects, as soon as practicable after the expiration of 10 days from the sending of notices to one of the following in the indicated order of priority:

(a) A person, if any, designated in writing by the patient to receive the same;

(b) The patient's surviving spouse;

(c) The patient's child or children in equal parts;

(d) The patient's parent or parents in equal parts;

(e) Any other person who would be entitled to receive the money and effects under the law of the patient's domicile: *Provided*, That delivery of such money and effects may be made immediately upon application by one of the persons specified above if the Superintendent has neither notice nor other knowledge that a person higher in the indicated order or priority exists.

§ 403.5 Disposition of effects; exceptions.

Notwithstanding the provisions of these regulations, the Superintendent may (a) release from among the effects of the deceased patient so much of the patient's clothing as may be necessary for use in preparation of his body for burial and (b) cause to be destroyed, or otherwise disposed of, such used toilet articles of the patient as appear to have no commercial or other value.

§ 403.6 Conflicting claims.

If any case in which conflicting claims are filed or the Superintendent considers it to be in the interest of persons who may be ultimately entitled thereto, delivery of money and effects may be withheld from all persons other than a duly qualified legal representative.

§ 403.7 Disposition of Government checks.

Notwithstanding any other provisions of these regulations immediately upon completion of the inventory, checks drawn on the Treasurer of the United States shall be sent by safe means to the department, agency, or establishment of the Government of the United States issuing such checks. The transmittal shall be accompanied by a statement of the reasons therefor and of all available information which may aid the issuing unit in the disposition of the check transmitted. Notice of the disposition of any checks, with identifying information, shall be given to the person or persons, if any, to whom money and effects are delivered in accordance with § 403.4.

§ 403.8 Manner of delivery; costs, receipts.

(a) If a person entitled under this regulation to receive the money and effects of a patient is unable to take possession thereof at the hospital, they may be sent to him at the expense of the United States in the most economical manner available. The records of the hospital shall show the names and addresses of persons to whom money or effects have been sent, the date of sending, the means used, an itemized list of the money or effects sent, and a statement by a witnessing officer or employee verifying the foregoing from his own observation.

(b) If not delivered personally by an authorized officer or employee of the hospital, money, evidences of indebtedness, and other valuable papers and documents shall be sent by registered mail (or other safe means).

(c) Persons receiving the money and effects of a patient shall be required to execute an itemized receipt therefor.

§ 403.9 Delivery of possession only; title unaffected.

Except for delivery of effects to purchasers at sales held pursuant to § 403.13, delivery or deposit under these regulations of the money or effects, or the proceeds of a sale of the effects, of a deceased patient constitutes only a transfer of possession and is not intended to affect in any manner the title to such money, effects, or proceeds.

§ 403.10 Disposition of abandoned and unclaimed money and effects of patients other than deceased patients and of unidentified persons.

(a) Money and effects left in the hospital by a patient shall be forwarded promptly to him. If because his whereabouts are unknown his money and effects cannot be delivered to him, his money shall be deposited in the Treasury to the credit of an appropriate account. Effects of such patients shall be disposed of as provided in §§ 403.11–403.16.

(b) Personal effects of unidentified persons shall be disposed of as provided in §§ 403.11–403.16. Any money found in the hospital shall, if unclaimed, be deposited in the Treasury to the credit of an appropriate account for subsequent disposition in accordance with the General Accounting Office standard procedures.

§ 403.11 Abandoned and unclaimed effects of patients and unidentified persons.

If no claims are submitted for personal effects, in the case of a deceased patient within either six months after death or within six months after the Superintendent has notified the persons to whom delivery of such effects may be made pursuant to § 403.4, or in the case of a patient other than a deceased patient within six months after the departure of the patient or in the case of effects belonging to unidentified persons, six months after the finding of the property in the hospital, the effects will be considered to be abandoned or unclaimed property and the Superintendent or his designee may thereafter determine that title to such property vested in the United States.

§ 403.12 Abandonment or destruction.

After title to such property has vested in the United States, it may be abandoned or destroyed without public notice upon a finding by an officer designated by the Superintendent and approved by one or more other officers or employees of the hospital designated by the Superintendent that:

(a) The value of the property is so little or the cost of its care or handling is so great that its retention for advertising for sale is not economical; or

(b) Abandonment or destruction is required by considerations of health or safety.

§ 403.13 Sale of abandoned or unclaimed effects.

Three months after title to the abandoned or unclaimed effects has vested in the United States, such property may be sold. The sale of such property shall be by competitive bid through the use of General Services Administration Standard Forms 114 and 114a. The Superintendent or his designee shall determine whether the sale shall be by sealed bid, spot bid or by auction.

§ 403.14 Provisions governing sales.

The following provisions shall be applicable to sales of abandoned or unclaimed effects:

(a) *Notice.* A notice of the sale shall be sent by mail in advance of the sale to the patient, or in the case of a deceased patient to all known persons to whom delivery of the effects may be made pursuant to § 403.4. Reasonable advance notice of proposed sales shall be posted at prominent places in the hospital, in the hospital area and in the nearest Post Office. The officer or employee who posts or sends notices of sales shall make an appropriate affidavit on a copy of the notice as to his action in that respect, including in his affidavit the names of all persons to whom copies of the notices were mailed and the mailing dates. The copy of the notice on which the affidavit appears shall be retained in the files of the Hospital.

(b) *Form and content of notice.* Notice of proposed sales shall be given on a form prescribed by the Superintendent. The notice shall include: an inventory of the property to be offered for sale; the precise date, time and place when and where the sale will be held; a statement in regard to when and where the articles may be inspected; a statement that the sale is to be held pursuant to the regulations herein and a statement that if the articles are to be sold by sealed bid, the right to reject all bids is reserved.

(c) *Time, place and direction of sales.* All sales shall be held at reasonable hours and at such places within the hospital or hospital area as the Superintendent or his designee may select. Sales shall be conducted by the Superintendent or an officer or employee designated by him.

(d) *Sale and delivery.* All articles offered for sale shall be sold to the highest bidder and delivered to him immediately upon payment of the sale price in cash or by postal money order or certified check and execution of an appropriate receipt by the person to whom delivery is made.

§ 403.15 Disposition of unsold articles.

Articles offered for sale but remaining unsold may be held for resale at a later date or may be disposed of pursuant to § 403.12 as determined by the Superintendent or his designee.

§ 403.16 Disposition of proceeds of sale; claims.

(a) Proceeds from the sale of abandoned or unclaimed effects shall be deposited in the Treasury to the credit of an appropriate account. The former patient or any other former owner or a person who would have been entitled to the delivery of the effects of a deceased patient pursuant to § 403.4 may be reimbursed from the funds in this account if such person files a claim within three years from the date of vesting of title to the property in the United States as determined by the Superintendent. Such reimbursement shall not exceed the proceeds realized from the disposal of such property less the costs incident to its care and handling, as determined by the Superintendent or his designee.

(b) In cases where the property has been sold as a part of a lot containing other items and the purchase price for the lot covers items in addition to that for which reimbursement is sought, the proceeds of sale for that portion of the property for which reimbursement is being sought shall be proportionate to the proceeds received for the total lot. In order to assure accuracy in determining proportionate recovery in cases where more than one item has been sold as a lot, all items to be included in a group of items to be sold as one lot shall be listed and appraised in advance of the sale by the Superintendent or the officer or employee he has designated to conduct such sale, and his appraisal stated in writing for each item on the list. Such list and appraisal shall be maintained as part of the permanent file and record of the sale until the three-year period for the filing of claims has elasped.

[F.R. Doc. 62-3618; Filed, Apr. 12, 1962; 8:49 a.m.]

tive Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from April 1, 1962.

Section 230.11 *Descriptive List:*

1. Paragraph (a) *Steels* is amended by the addition of a new sample 343 (Stainless Steel "16–2") to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
343	Stainless steel "16-2"	150	$7.50

2. Paragraph (m) *Spectrographic standards* is amended by the addition of a new series (Zirconium-Base Standards) to read as follows:

(13) *Zirconium-base standards.*

Sample [1] No.	Name	Price per sample
1210	Zirconium A	$60.00
1211	Zirconium B	60.00
1213	Zircaloy-2 D	60.00

[1] Size: Disks 1¼ inch in diameter and ¾ inch long.

3. Paragraph (r) *Radioactivity standards* is amended by the addition of a new sample (4941) and the revision of samples 4921, 4922, and 4992 to read as follows:

ALPHA, BETA, GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity	Weight	Price per sample
4921-B	$\beta+(\gamma)$	Sodium-22	10^4dps/g	2.7g	$21.00
4922-C	$\gamma(\beta+)$	Sodium-22	10^4dps	5.0g	30.00
4941	γ,κ	Cobalt-57	10^4dps	5.0g	31.00

POINT SOURCE STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity	Price per sample
4992-B	γ	Zinc-65	4×10^4	$30.00

4. A new series (Portland Cement Samples) is added and designated paragraph (gg) to read as follows:

Sample No.	Name	Price per sample
1011	Portland cement	$6.00
1013	do	6.00
1014	do	6.00
1015	do	6.00
1016	do	6.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-3608; Filed, Apr. 12, 1962; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administra-

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—BULK GRAIN CARGOES

[CGFR 62-13]

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Requirements for Stowage of Full Holds and Compartments

The revised requirements for the transportation of loose grain in bulk on board cargo vessels of 500 gross tons or over or passenger vessels, when such vessels are carrying loose grain in bulk on international voyages other than international voyages on the Great Lakes, were published in the FEDERAL REGISTER dated January 18, 1962 (27 F.R. 512–515). Since publication of these revised requirements, questions were raised concerning the application and intent of the revisions of 46 CFR 144.20–10(b) (1) and (2) and 144.30–1(c)(1). Because the provisions in 46 CFR 144.20–10(b)(1) were interpreted and applied in manners not intended by the Coast Guard, the editorial amendment in this document to 46 CFR 144.20–10(b) corrects this and changes the second sentence in 46 CFR 144.20–10(b)(1) and divides this subparagraph into two subparagraphs. The changes in 46 CFR 144.20–10(b)(2) and 144.20–34(a)(4) are editorial to change a subparagraph designation and a cross reference, respectively. The amendment to 46 CFR 144.30–1(c)(1) in this document changes the language back to its previous wording and deletes the word "one" between the words "any" and "hold." When the original proposals were considered with the comments received, the Merchant Marine Council recommended that this proposal be rejected and no change in the regulation be published. However, when the regulation changes were published this change to 46 CFR 144.30–1(c)(1) was inadvertently included and published in the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), and 167–38, dated October 26, 1959 (24 F.R. 8857), the following amendments to 46 CFR Part 144 are prescribed and shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

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Subpart 144.20—Detailed Loading and Stowage Requirements

1. Section 144.20–10(b) is amended by revising subparagraph (1) and redesignating applicable requirements as subparagraphs (1) and (2) and by redesignating subparagraph (2) as subparagraph (3) so that the entire revised text of § 144.20–10(b) (1), (2) and (3) reads as follows:

§ 144.20–10 Stowage of full holds and compartments.

* * * * *

(b) * * *

(1) Below and within 7 feet of a feeder, but only in way of a hatchway, if that feeder contains, or all the feeders collectively feeding a compartment contain, not less than 5 percent of the quantity of grain carried in that compartment.

(2) In feeders which meet the requirements of subparagraph (1) of this paragraph and which have such dimensions that the free grain surface will remain within the feeders throughout the voyage, after allowing for a settling of grain amounting to 2 percent of the volume of the compartment fed and a shift of the free grain surface to an angle of 12 degrees to the horizontal. In calculating the net minimum metacentric height, the heeling moment due to such a grain shift shall be allowed for by taking a deduction equal to this moment divided by the product of the displacement and the sine of 5 degrees.

(3) In way of the hatchway where the bulk grain beneath the hatchway is trimmed in the form of a saucer hard up to the deckhead beyond the hatchway and is topped off with bagged grain or other suitable bagged cargo extending to a height in the center of the saucer of not less than 6 feet above the top of the bulk grain (measured below the deck line). In this case, the bagged grain or other suitable bagged cargo shall fill the hatchway and the saucer below and shall be stowed tightly against the deckhead, the longitudinal bulkheads, the hatchway beams and the hatchway side and end coamings. For the purposes of this subparagraph suitable packaged general cargo having a stowage factor of not less than 25 cubic feet or not more than 70 cubic feet per ton, and of such unit dimension that it can be stowed tightly to completely fill the saucer, may be used in place of bagged cargo provided a tarpaulin or separation cloth is used between the cargo and the grain.

§ 144.20–34 [Amendment]

2. In § 144.20–34 *Stability conditions*, paragraph (a) (4) is amended by changing in the first sentence the reference from "§ 144.20–10(b) (1)" to "§ 144.20–10(b) (2)."

Subpart 144.30—Vessels Shifting Ports

3. Section 144.30–1(c) (1) is amended by deleting the word "one" between the words "any" and "hold" so that this requirement reads as follows:

§ 144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

* * * * *

(c) * * *

(1) Any hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Dated: April 9, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 62–3625; Filed, Apr. 12, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2652]

[80702]

CALIFORNIA

Power Site Restoration No. 550, Power Site Cancellation No. 131, Partly Revoking Certain Power Withdrawals; Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserves No. 217 and 541; Power Site Classifications Nos. 14, 63, and 293)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The Executive orders of October 28, 1911, and August 21, 1916, creating Power Site Reserves No. 217 and 541, respectively, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

POWER SITE RESERVE NO. 217

T. 21 N., R. 11 W.,
Sec. 6, lot 2, SW¼NE¼ and W½SE¼;
Sec. 18, SE¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 22 N., R. 11 W.,
Sec. 29, SW¼;
Sec. 30, S½NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, NW¼ and NW¼SW¼.
T. 23 N., R. 11 W.,
Sec. 29, SW¼NW¼ and NW¼SW¼;
Sec. 30, N½SE¼.
T. 21 N., R. 12 W.,
Sec. 3, S½SW¼;
Sec. 13, NW¼SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 14, NE¼SE¼.
T. 22 N., R. 12 W.,
Sec. 1, lot 3, SW¼NE¼ and NW¼SE¼;
Sec. 25, SE¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼.
T. 23 N., R. 12 W.,
Sec. 25, SE¼SE¼;
Sec. 36, lots 1 and 2, and SE¼NW¼.

MOUNT DIABLO MERIDIAN

POWER SITE RESERVE NO. 541

T. 23 N., R. 12 W.,
Sec. 13, NW¼SW¼;
Sec. 23, SE¼SE¼.

The areas described aggregate 1,842.76 acres.

2. The Geological Survey, in an order dated November 18, 1958, appearing as Power Site Cancellation No. 131, in the FEDERAL REGISTER issue of November 22, 1958, revoked Power Site Classifications No. 14 of November 26, 1921, No. 63 of April 3, 1924, and No. 293 of February 5, 1936, so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 11 W.,
Sec. 8, NE¼SW¼ and SW¼SE¼;
Sec. 19, lot 2, E½NW¼;
Sec. 29, SW¼SW¼;
Sec. 30, E½E½;
Sec. 31, SE¼NE¼;
Sec. 32, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼.
T. 23 N., R. 11 W.,
Sec. 1, lots 3, 4, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 35, S½SW¼.

The areas described aggregate 959.70 acres.

3. In DA–931–California, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 11 W.,
Sec. 5, lot 4, SW¼NW¼ and W½SW¼;
Sec. 6, lot 1, SE¼NE¼ and E½SE¼;
Sec. 7, E½E½;
Sec. 8, NW¼, W½SW¼, and SE¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, N½NE¼ and SW¼NE¼;
Sec. 32, SW¼NW¼.
T. 22 N., R. 11 W.,
Sec. 1, lot 2, SW¼NE¼ and NW¼SE¼;
Sec. 30, lots 2, 3, 4, E½SW¼ and SW¼SE¼;
Sec. 31, NW¼NE¼, S½NE¼, and SE¼;
Sec. 32, SW¼SW¼.
T. 23 N., R. 11 W.,
Sec. 22, NE¼NE¼, SW¼NE¼, N½SE¼ NE¼, SW¼SE¼NE¼, E½SW¼, and W½SE¼;
Sec. 27, N½NW¼ and S½SW¼;
Sec. 35, SE¼;
Sec. 36, SE¼SW¼.
T. 25 N., R. 11 W.,
Sec. 4, lots 6, 7, 10, 11, 13, 14, 19, and 20;
Sec. 6, lots 10, 11, 12, 13, and 14;
Sec. 14, lots 1, 5, 6, 7, 8, 10, 11, and 12.
T. 26 N., R. 11 W.,
Sec. 32, W½.

T. 21 N., R. 12 W.,
Sec. 13, SW¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 14, E½NE¼.
T. 22 N., R. 12 W.,
Sec. 12, S½SW¼ and SW¼SE¼;
Sec. 13, NW¼NE¼, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 25, E½NE¼, SW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 23 N., R. 12 W.,
Sec. 13, SW¼NW¼ and E½SW¼;
Sec. 16, S½SW¼;
Sec. 21, SW¼NW¼ and N½SW¼;
Sec. 23, SW¼SE¼;
Sec. 24, lot 4, NE¼NW¼;
Sec. 27, NW¼SW¼;
Sec. 36, lots 3, 4, 5, 6, 7, E½SW¼, and NW¼NE¼.
T. 21 N., R. 13 W.,
Sec. 3, S½SW¼ and SE¼;
Sec. 4, SW¼NE¼ and SE¼.

The areas described aggregate 5,510.69 acres.

4. The areas described in this order total in the aggregate approximately 8,313 acres. They comprise public and nonpublic lands, and national forest lands in the Mendocino National Forest. The lands are situated in the Covelo Area of eastern Mendocino County, on or adjacent to the Middle Fork of the Eel River and several of its tributaries. The area drained by these streams is mainly rugged and mountainous except for a fairly wide valley bordering Short Creek. Most of the lands are accessible only by foot.

5. Until 10 a.m. on October 5, 1962, the State of California shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with section 24 of the Federal Power Act.

6. This order shall not otherwise be effective to change the status of the lands until 10 a.m. on October 5, 1962. At that time, the public lands described in this order shall be open to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, any disposals of the lands described in Paragraph 3, hereof, being further subject to the provisions of section 24 of the Federal Power Act, supra, the national forest lands being opened to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 6, 1962.

[F.R. Doc. 62–3599; Filed, Apr. 12, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40 (Sub-No. 1)]

PART 195—HOURS OF SERVICE OF DRIVERS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of March A.D. 1962.

It appearing, that by order of April 8, 1960, there were assigned for hearing on a consolidated record (1) certain rule making proposals to amend the Motor Carrier Safety Regulations, as amended, insofar as they pertain to Hours of Service of Drivers, and (2) a joint petition of Oil Field Haulers Association, Inc., and Oil Field Haulers Conference of American Trucking Associations, Inc., seeking a modification of § 195.3 of the Motor Carrier Safety Regulations;

It further appearing, that investigation of the matters and things involved in this proceeding having been made, and said Commission, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That effective July 16, 1962, §§ 195.1, 195.2, 195.3, 195.4, 195.5, 195.7, 195.8, and 195.10 of the Motor Carrier Safety Regulations, as amended, be, and they are hereby, eliminated and the following rules and regulations be, and they are hereby, substituted in lieu thereof:

§ 195.1 Compliance with and knowledge of regulations required.

Every motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the following regulations, and every motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with this part.

§ 195.2 Definitions.

As used in this part, the following words and terms are construed to mean:

(a) *On-duty time.* All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. The term "On-duty time" shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.

(2) All time inspecting equipment as required by §§ 192.7 and 192.8 or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;

(3) All driving time as defined in paragraph (b) of this section;

(4) All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in paragraph (g) of this section;

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time spent performing the driver requirements of §§ 192.40 and 192.41 relating to accidents;

(7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle; and

(8) Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier.

(b) *Driving time.* The term "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation. All stops made in any one village, town, or city, may be computed as one if the driver has not driven or operated the motor vehicle more than 10 miles in such village, town, or city.

(c) *Seven consecutive days.* The term "7 consecutive days" means the period of 7 consecutive days beginning at 12:01 a.m. on any day.

(d) *Eight consecutive days.* The term "8 consecutive days" means the period of 8 consecutive days beginning at 12:01 a.m. on any day.

(e) *Twenty-four consecutive hours.* The term "24 consecutive hours" means any such periods starting at the time the driver reports for duty as defined in paragraph (a) of this section.

(f) *Regularly employed driver.* The term "regularly employed driver" means a driver who in any period of 7 consecutive days is employed or used as a driver solely by a single motor carrier.

(g) *Sleeper berth.* The term "sleeper berth" means a berth conforming to the requirements of § 193.76 of this subchapter.

§ 195.3 Maximum driving and on-duty time.

(a) Except as provided in paragraph (c) of this section and in § 195.10, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off-duty or drive more than 2 hours after having been on duty 13 hours following 8 consecutive hours off-duty: *Provided, however*, That drivers using sleeper berth equipment may cumulate the aforementioned total of at least 8 hours off-duty in two periods, of at least 2 hours each, resting in a sleeper berth, as defined in § 195.2(g).

(b) No motor carrier shall permit or require any driver used by it to be on-duty, nor shall any such driver be on-duty more than 60 hours in any 7 consecutive days as defined in § 195.2(c), regardless of the number of motor carriers using the driver's services; *Pro-*

vided, however, That carriers operating vehicles every day in the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of 8 consecutive days.

(c) The provisions of paragraph (a) of this section shall not apply with respect to drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight, as defined in § 190.10, does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations, § 77.823 of this chapter, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations: *Provided further, however,* That this section shall not apply with respect to drivers of motor vehicles engaged solely in making deliveries for retail stores during the period from December 10 to December 25, both inclusive, of each year.

(d) In the instance of drivers of motor vehicles used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

§ 195.7 Travel time.

When a driver at the direction of a motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he shall be considered off duty for the entire period.

§ 195.8 Driver's daily log.

(a) Except as provided in paragraph (t) of this section, every motor carrier shall require that a driver's daily log, Form BMC–59 set forth below, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's logs shall be prepared and retained in accordance with the provisions of paragraphs (b) through (s) of this section.

(b) *Entries to be current.* Drivers shall keep the log current to the time of the last change of duty status.

(c) *Entries made by driver only.* Except that the name and principal place of business address of the carrier may be printed, all entries shall be made by the driver in his own handwriting.

(d) *Date.* Enter month, day, and year for each calendar day on or off duty.

(e) *Total mileage.* Total mileage entered shall be that mileage traveled while driving, on-duty but not driving, and resting in a sleeper berth, as defined in § 195.2(g) during the day covered by the log. Mileage while driving shall be shown separately.

(f) *Vehicle identification.* The carrier's vehicle number or numbers or the State and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

(g) *Name of carrier.* The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than one carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

(h) *Driver's signature.* The driver shall certify to the correctness of the log by signing his first name and last name in full and his middle name or middle initial, if any. Below the driver's signature he shall list the initials and last name of each co-driver.

(i) *Home terminal.* The driver's home terminal address shown shall be that at which he normally reports for duty.

(j) *Time base to be used.* The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: *Provided, however,* That if written notification is given by a carrier to the District Director of the Bureau of Motor Carriers for the district in which the carrier's principal office is located, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of one day and ending at noon of the next succeeding day.

(k) *Line 1, Off-duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

(l) *Line 2, Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in § 195.2 (g).

(m) *Line 3, Driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle, as defined in § 195.2(b).

(n) *Line 4, On-duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on-duty not driving specified in § 195.2(a) (1), (2), (4), (5), (6), (7), (8), or any other time on-duty but not driving as defined in §§ 195.2(a) and 195.7.

(o) *Remarks.* The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on-duty not driving, and where released from work. Explain the reason resulting in hours exceeding those permitted by § 195.3. Show the transportation performed each day by entering a shipping document number or numbers, or name of a shipper and commodity.

(p) *Total hours.* The total hours in each duty status: Off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on-duty not driving shall be entered, the total of which entries shall equal 24 hours.

(q) *Origin and destination.* The name of the place where a trip begins and the final destination or farthest turn-around point shall be shown at the bottom of the log. If the trip requires more than one calendar day, the log for each day shall show the origin and final destination. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the farthest point reached followed by the words "and return".

(r) *Filing driver's log.* The driver shall forward each day the original log to his home terminal. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the log containing full and complete entries including: The entry of all duty time for the entire day; the name of each such carrier served by the driver that day; and the beginning and finishing time, showing a.m. or p.m., worked for each carrier. Motor carriers when using a driver for the first time or intermittently shall require such drivers to furnish true and accurate copies of logs covering the immediately preceding six days.

(s) *Preservation of driver's log.* Daily logs for each calendar month may be retained at the driver's home terminal until the twentieth day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt: *Provided, however,* That a motor carrier may upon written request to and upon receiving consent from the Director of the Bureau of Motor Carriers, forward and retain such logs at such regional or terminal offices as are proposed by the carrier and approved by the Director. The driver shall retain a copy of each daily log for 30 days and all logs for the preceding 30 days which shall be in his possession while on duty.

(t) *Driver's log, when not required.* The requirements of this section shall not apply: (1) To any regularly employed driver who drives wholly within a radius of fifty miles of the garage or terminal at which he reports for work: *Provided,* That the motor carrier employing such driver maintains and retains for period of one year accurate and true records showing the total number of hours the driver is on duty per day and the time at which the driver reports for and is released from duty each day; or (2) to drivers of motor vehicles having not more than 2 axles and whose gross weight, as defined in § 190.10, does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations, § 77.823 of this chapter, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

§ 195.10 Adverse driving conditions.

In case of snow, sleet, fog, or other adverse weather conditions, or in case the highways are covered with snow or ice, or presence of unusual road and traffic conditions, a driver may be permitted or required to drive or operate a motor vehicle, in order to complete his run, for not more than 12 hours in the aggregate following 8 consecutive hours off duty, instead of the limit of 10 hours driving following 8 consecutive hours off duty as provided in § 195.3: *Provided, however,* That not more than 2 hours of such driving shall be permitted or performed after the driver has been on duty 13 hours following 8 consecutive hours off duty.

§ 195.13 Drivers declared "Out of Service".

Every safety supervisor, district supervisor or safety inspector of the Bureau of Motor Carriers is authorized to notify and declare "Out of Service" with the prescribed form BMC–65, any driver whom he finds at the time and place of examination to have been on duty or to have driven or operated immediately prior to such examination, longer than the maximum period permitted by § 195.3, § 195.10 or § 195.11. No motor carrier shall permit or require a driver who has been notified and declared "Out of Service" to drive or operate nor shall any such driver drive or operate, any motor vehicle unless and until such time as he has met the requirements of the specified sections.

(49 Stat. 546, as amended; 49 U.S.C. 304)

And it further appearing, That by petition dated May 18, 1960, Petroleum Equipment Suppliers Association requests exemption from certain of the proposed regulations;

It is further ordered, That the said petitions of May 28, 1958 and May 18, 1960, except to the extent the relief sought is granted herein, be, and they are hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register (49 Stat. 546, as amended; 49 U.S.C. 304).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–3545; Filed, Apr. 12, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Minidoka National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

Sport fishing on the Minidoka National Wildlife Refuge, Idaho, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 14,000 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: As prescribed by state regulations, except closed during waterfowl hunting season. Fishing hours: 4 a.m. to 10 p.m.

(c) Daily creel limits: Trout—not more than 7 pounds and 1 fish, but not to exceed 15 fish, and other creel limits for minor species as are prescribed by Idaho State Regulations.

(d) Methods of fishing:

1. Tackle. One line, or pole and line, in hand only.

2. Baits. The use of live fish for bait is prohibited.

3. Boats. Boats with or without motors may be used for fishing on posted area only during period April 5 through September 30, 1962.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 1, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 5, 1962.

[F.R. Doc. 62–3594; Filed, Apr. 12, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Columbia National Wildlife Refuge, Washington, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,400 acres or 4 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Rainbow and Brown trout, silver salmon, bass, crappie, perch, sunfish and other minor species permitted under state regulations.

(b) Open season: Waters open April 15, 1962, through August 15, 1962, for all species: Cattail Lake, Corral Lake, Gadwall Lake, Goldeneye Lake, Hampton Lake, Herman Lake, Hourglass Lake, Lemna Lake, McMannaman Lake, Para Lake, Pillar Lake, Pit Lakes, Poacher Lake, Royal Lake, Quail Lake, Sage Lake, Sago Lake, Shoveler Lake, North Teal Lake, South Teal Lake, Snipe Lake, Widgeon Lake.

Waters open April 15, 1962, through July 15, 1962, for all species: Blythe Lake, Chukar Lake, Scaup Lake.

Waters open April 15, 1962, through October 31, 1962, for all species: Lower Crab Creek except where posted otherwise.

Waters open October 28, 1962, through March 15, 1963, for all species: Halfmoon Lake, Morgan Lake.

Waters open year around for all species: Potholes Canal including Soda Lake, Long Lake, and Crescent Lake.

(c) Daily creel limits: Trout—Not to exceed 6 pounds and 1 fish, provided the numbers taken do not exceed 12 fish. Six inch minimum length for trout. No catch or size limit on bass, crappie, perch and sunfish. Other creel limits for minor species are as prescribed by state regulations.

(d) Methods of fishing:

1. Tackle: One line or rod held in hand or under immediate control. No line may have more than 2 hooks or flies, or 1 plug to which may have attached any number of hooks.

2. Bait: Use of live fish for bait is prohibited.

3. Boats: The use of boats is permitted only for the purpose of fishing in the waters of the refuge, except where posted otherwise. One outboard motor, not to exceed 10 h.p. on each boat, may be used. The use of racing crafts, hydroplanes, airthrust crafts or inboard motorboats is prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 16, 1963.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 6, 1962.

[F.R. Doc. 62-3595; Filed, Apr. 12, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Sport fishing on the Little Pend Oreille National Wildlife Refuge, Washington, is permitted on the areas designated by signs as open to fishing. This open area, comprising 100 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted by state regulations.

(b) Open season: April 15, 1962, through September 30, 1962.

(c) Daily creel limits: Trout—Not to exceed 6 pounds and 1 fish provided the numbers taken do not exceed 12 fish. Other creel limits for minor species are as prescribed for state regulations.

(d) Methods of fishing:

1. Tackle: Bayley Lake—Fly fishing only permitted. Other waters—One line, or rod and line, in hand or under immediate control. Not to exceed two hooks or flies per line or one plug to which any number of hooks may be attached.

2. Baits: Use or possession of live fish for bait is prohibited.

3. Boats: Boats without motors may be used for fishing.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to October 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 6, 1962.

[F.R. Doc. 62-3596; Filed, Apr. 12, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

McNary National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

M'NARY NATIONAL WILDLIFE REFUGE

Sport fishing on the McNary National Wildlife Refuge, Washington, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 400 acres or 14 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Catfish, bullheads, bluegills, crappie, and other minor species permitted under state regulations.

(b) Open season: May 20, 1962, through September 15, 1962, daylight hours only.

(c) Daily creel limits: No catch or size limit on catfish, bullheads, bluegills, and crappie. Creel limits on other minor species as prescribed for state regulations.

(d) Methods of fishing:

1. Tackle: One line or rod in hand only.

2. Bait: The use of live fish for bait is prohibited.

3. Boats: The use of boats, with motors of 7½ horsepower or less, is permitted for the purpose of fishing only in Area "B", as posted. The use of boats or floating devices of any description is prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to September 16, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 6, 1962.

[F.R. Doc. 62-3597; Filed, Apr. 12, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of the Comptroller of the Currency

[12 CFR Part 3]

NATIONAL BANK LOAN SECURED OR COVERED BY GOVERNMENTAL GUARANTEES

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency is considering an amendment to § 3.1 of Part 3 of the regulations issued by the Bureau of the Comptroller of the Currency (12 CFR Ch. 1, Part 3) on the subject of national bank loans secured or covered by governmental guarantees. The purpose of the amendment is to modify the definition of "unconditional" to the effect that a guarantee which otherwise meets all of the requirements of the regulation shall not be rendered "conditional" merely because the guarantee does not become effective until after the happening of an event of default on the original obligation.

The proposed amendment will be effected by revising § 3.1 to read as follows:

§ 3.1 Definition of terms.

(a) The requirement of exception 10 (R.S. 5200; 12 U.S.C. 84) that a guaranty or a commitment or agreement to take over or to purchase referred to collectively in this part as "agreement") must be "unconditional" means that the protection afforded to the bank thereby, against loss resulting from factors beyond its control, must not be substantially less than it would be in the absence of all provisions of the agreement which might be regarded as conditions. This protection is not materially diminished or impaired by procedural requirements (relating, for example, to the giving of notice to the guarantor or other parties), requirements of good faith on the part of the bank, and others of the sort mentioned in this part; and therefore the presence of such provisions or conditions would not prevent an agreement from being unconditional for the purposes of this statute.

(b) On the other hand, an agreement is not unconditional within the meaning of exception 10 if liability thereunder (1) is contingent upon the happening of an event or condition precedent not within the control of the bank, or (2) is subject to defeasance by a contingency or condition subsequent not within the control of the bank. In other words, an agreement is not unconditional if the obligation of the guarantor to perform its agreement would not come into being until, or might be terminated or diminished by, the occurrence or non-occurrence of a contingency beyond the control of the bank. However, a commitment to take over a loan only in the event of default will not in itself render an agreement conditional within the meaning of exception 10, if it otherwise meets the requirements of this section.

(c) The following are examples of provisions the inclusion of which would not prevent an agreement from being unconditional within the meaning of the statute:

(1) Guarantor's obligation to become effective only in event of default on primary obligation.

(2) Demand for performance of guarantor's agreement to be made by bank not later than a specified time after maturity of the loan.

(3) Loan instrument and collateral thereto to be held by bank on behalf of guarantor, and to be delivered, assigned or endorsed to guarantor or its agent upon demand.

(4) Guarantor or its agent to be notified by bank of releases, sales, or substitutions of collateral, extensions and renewals of the obligation, occurrence of defaults, or assignment of bank's interest in the loan, or of other matters affecting the status of the loan.

(5) Obligation and collateral to be made available for inspection by guarantor or its agent at any time, and all information in possession of bank regarding borrower and loan to be made available to guarantor or its agent upon demand.

(6) Consent of guarantor to be obtained by bank before accelerating the maturity of the obligation, agreeing to material alteration or renewal or extension of obligation, agreeing to releases, sales or substitutions of collateral, suing borrower, or foreclosing upon collateral.

(7) Good faith toward guarantor to be exercised by bank in handling of all aspects of the loan.

(8) Genuineness of borrower's signature to be warranted by bank.

(9) Fees to be paid by bank to guarantor as compensation for the guaranty.

(10) Guarantor to have option to purchase obligation from bank at any time on payment in cash of the unpaid principal and accrued interest and other charges.

(11) Guarantor's share of payments of principal and interest to be received by bank and paid by it to guarantor.

The foregoing list is by no means exhaustive, but merely exemplifies the numerous sorts of provisions frequently included in guaranties and take-over agreements, which do not diminish the substantial protection afforded by the agreement.

(d) The foregoing definition issued this 9th day of April 1962, may be modified, expanded, restricted, superseded or rescinded at any time.

Consideration will be given to any views pertaining to this amendment which are filed with the Comptroller of the Currency, Main Treasury Building, Washington 25, D.C., on or before May 15, 1962.

Dated: April 9, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-3615; Filed, Apr. 12, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

CERTAIN BEEF CARCASSES

Notice of Proposed Standards for Determinations of Quality and Meat Yield

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering the issuance of standards for dual determinations of the quality and meat yield of certain beef carcasses under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624).

Statement of considerations. Nearly 10 years ago the Department of Agriculture began extensive studies involving detailed measurement, evaluation, and cutting of hundreds of beef carcasses. The objective was to determine the factors responsible for differences in retail cutting yields among beef carcasses. Although there had been general realization that carcasses differed in their yield of retail cuts, little published information was available on the magnitude of such differences or how to recognize them in carcasses. Results of the studies show that differences in yield of retail cuts, or cutability, of beef carcasses can be explained primarily by differences in fatness and muscling of the carcass. The measure of cutability used in the studies was the percent of carcass weight in boneless, closely trimmed retail cuts from the round, loin, rib, and chuck. Variations of more than 21 percent of carcass weight were found among carcasses of all grades and weights. Within the Choice grade, such yields ranged from 40.6 to 55 percent of carcass weight in the study. Measurable differences in fatness and muscling were shown to be effective for accurately predicting differences in these yields. On the basis of the results of the studies, a new approach to grading carcass beef has been developed. It is termed a dual grading system because it involves separate identification for the two major factors affecting acceptability and value in beef carcasses, i.e. the characteristics associated with palatability or eating qualities and the char-

acteristics indicative of retail cutting yields.

Dual grading would provide more precise market identification for beef carcasses and the dual grading approach is also applicable to slaughter cattle. It therefore would furnish the means for a more accurate reflection of consumer preference back through the marketing channels to the producer. This would result in the producer being paid for his cattle on the basis of their ultimate value at the retail-consumer level. More important, it would provide the market identification to encourage the production of meat-type cattle with carcasses that combine high quality meat with thickness of muscling and a minimum of excess fat. It cattle producers are to receive direction in producing cattle with a high yield of retail cuts, it is necessary that the characteristics that influence these yields be readily recognized in live cattle. In this connection, the Department also has made extensive tests of individual live cattle in which the live yield grade was compared with the yield grade of the resultant carcass. These studies have shown that variations in yield of cuts can be recognized with a very satisfactory degree of precision in live cattle and that trading practices with respect to live cattle could be developed to give proper recognition to this factor. This being the case, the Department feels that differences in prices that may develop among carcasses of the same quality grade due to differences in yields of retail cuts will be reflected in trading in live animals. This would furnish producers with the necessary financial incentive and guidance needed to more accurately plan their production to meet the market demand.

It is therefore proposed to issue standards for dual grading to appear in 7 CFR Part 53, as follows:

DUAL GRADING STANDARDS

Application of standards—(a) *General.* (1) In the dual grading system for beef carcasses, the grade is based on separate evaluations of two general factors—the quality of the meat and the yield of trimmed retail cuts from the carcass. The standards refer to each of these considerations as a "grade" and each is determined independently of the other. Officially, however, these are considered as parts of a single grade. In the Federal meat grading program, carcasses graded under the dual grading system must be graded for both of these considerations.

(2) There are eight quality grades, designated by the terms Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner. There are six yield grades designated by numbers 1 through 6. Yield of retail cuts is highest in yield grade 1 and lowest in yield grade 6.

(3) Beef carcasses produced from steers, heifers, and cows may be graded according to these standards. The requirements for a particular quality grade or yield grade are the same regardless of the sex of the animal from which the carcass was produced except that cow carcasses are not eligible for the Prime grade.

(4) To determine the quality and yield grades of a carcass, it must be split down the back into two sides and one side must be partially separated into a hindquarter and forequarter by sawing and cutting, in so far as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 13th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the rib eye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the rib eye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the posterior edge of the 12th rib with the vertebral column of the hindquarter. As a result of this cut, the outer end of the cut surface of the rib eye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the rib eye, the knife cut shall continue between the 12th and 13th ribs at least to the costal cartilage of the 13th rib. The knife cut may be made prior to or following the saw cut.

(5) Correct determination of yield grade is dependent upon the above-described method of ribbing. Other methods of ribbing, beveling the fat over the rib eye, application of pressure, or other similar influences which alter the area of the rib eye or distort the thickness of fat over the rib eye prevent an accurate yield grade determination. Therefore, carcasses subjected to such influences will not be eligible for a yield grade determination. Also, carcasses with more than minor amounts of lean removed from the major sections of the round, loin, rib or chuck will not be eligible for a yield grade determination.

(b) *Quality grade.* (1) The quality grade of a beef carcass is determined from a composite evaluation of the color, texture, firmness, and marbling of the rib eye muscle and the ossification of the bones and cartilages. Carcasses qualifying for any particular quality grade may vary with respect to their relative development of the various grade factors and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only beef which has a relatively similar degree of development of the various grade determining factors and which are also representative of the minimum of each grade.

(2) Beef is produced from animals which vary widely with respect to maturity. The standards specify maximum maturity limits for the Prime, Choice, Good, and Standard grades and the maximum maturity limits specified for Good and Standard are also the minimum maturity limits for the Commercial grade. There are no maximum maturity limits for the Commercial, Utility, Cutter, and Canner grades, but carcasses in these grades are entirely or predominantly from rather mature animals.

(3) Maturity is determined on the basis of a composite evaluation of changes in several skeletal and muscle characteristics evident in the carcass. Advancing maturity is associated with a gradual ossification of the bones and related cartilages most easily noted in the split chine bones. Such changes are first evident in the sacral and lumbar regions and are later evident in the feather bones and related cartilages of the forequarter. The shape of the ribs also changes from a rather round appearance in carcasses from youthful animals to a wide, flat shape as maturity advances. The texture and color of the lean are considered in the evaluation of maturity, with a light red color and fine texture denoting youthfulness and a dark red color and coarse texture indicating advanced maturity. Increased roughness and irregularity in shape also are associated with advancing maturity.

(4) Greater degrees of marbling and firmness are considered to have a beneficial effect on quality but evidences of advancing maturity are considered to have a harmful effect on quality. Therefore, within each grade increasing degrees of marbling and firmness are specified to compensate for increasing maturity. To indicate the rate of this compensation, the standards specify marbling and firmness requirements for carcasses which are typical in maturity of two general groups in each of the grades. In the Prime, Choice, Good, and Standard grades, one of these maturity groups includes very young carcasses and the other group includes carcasses that are approaching the maximum maturity permitted in each of these grades. These two groups do not include the entire range of maturity in these grades but rather there is a maturity group between them—not described in the standards—whose requirements are intermediate between the two groups described. For example, in the Choice grade the standards specify that the minimum marbling permitted varies from a small amount in very young carcasses to a moderate amount in carcasses approaching the maximum maturity permitted. Thus, carcasses that are intermediate in maturity for Choice qualify for that grade with a modest amount of marbling—the degree that is intermediate between a small amount and a moderate amount. Since the Commercial grade is restricted to beef produced from cattle too mature to qualify for the Good or Standard grades, the marbling requirements specified in the standards for the Commercial grade are for two different maturity groups representing the youngest and oldest maturity groups included in that grade. As in the Prime, Choice, Good, and Standard grades, there is also an intermediate maturity group in the Commercial grade whose marbling requirement is intermediate between those described. Similar interpolations are required in the Utility and Cutter grades.

(5) The terms used in the standards to describe the various degrees of marbling are as follows in descending order:

Extremely abundant, very abundant, abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, and practically devoid. As an aid in the correct interpretation of these various degrees of marbling, the Department uses black and white photographs to illustrate them.

(c) *Yield grade.* (1) The yield grade of a beef carcass is determined by considering four characteristics: (i) The amount of external fat, (ii) the amount of kidney, pelvic, and heart fat, (iii) the area of the rib eye muscle, and (iv) the carcass weight.

(2) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the rib eye muscle measured perpendicular to the outside surface at a point three-fourths of the length of the rib eye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the rib eye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the rib eye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the rib eye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the yield of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the rib eye changes the yield grade by one-fourth of a yield grade.

(3) The amount of kidney, pelvic, and heart fat considered in determining yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of carcass weight. As the amount of kidney, pelvic, and heart fat increases, the yield of retail cuts decreases—a change of one percent of the carcass weight in these fats changes the yield grade by two-tenths of a yield grade.

(4) The area of the rib eye is determined where this muscle is exposed by ribbing. This area is usually estimated subjectively; however, it may be measured. Area of rib eye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the Department. An increase in the area of rib eye increases the yield of retail cuts—a change of one square inch in area of rib eye changes the yield grade by approximately three-tenths of a yield grade.

(5) Hot carcass weight (or chilled carcass weight×102 percent) is used in determining yield grade. As carcass weight increases, the yield of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately four-tenths of a yield grade.

(6) The standards include a mathematical equation for determining yield grade. A Yield Grade Finder also has been developed for the practical application of this equation. This device permits the yield grade to be determined without any calculation. The yield grade is expressed as a whole number; any fractional part of a grade is always dropped. For example, if the computation results in a yield grade of 3.9, the final yield grade is 3—it is not rounded to yield grade 4.

(7) The standards also include yield grade characteristics of two carcasses of different weight in each of the first five yield grades together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific yield grade requirements—they are included only as illustrations of carcasses which are near the borderlines between grades. For example, the descriptions for yield grade 1 represent carcasses which are near the borderline of yield grades 1 and 2. These descriptions facilitate the subjective determination of yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

Specifications for United States Standards for Grades of Carcass Beef (Steer, Heifer, and Cow)—(a) *Quality grades*—(1) *Prime.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Prime grade vary in their other indications of quality as evidenced in the rib eye muscle.

(ii) Very young carcasses in the Prime grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses must be firm and must have slightly abundant marbling. It is light red in color and has a very fine texture.

(iii) Carcasses approaching maximum maturity for Prime have chine bones tinged with white and some ossification is evident in the cartilages on the ends of the chine bones. The rib eye muscle of such carcasses must be firm and must have abundant marbling. It is slightly dark red in color and has a fine texture.

(iv) Carcasses showing evidence of maximum maturity permitted in the Prime grade have chine bones tinged with white and the cartilages on the ends of the chine bones are slightly ossified. Carcasses must also be symmetrical in contour and the rib eye muscle must be fine in texture.

(2) *Choice.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the rib eye muscle.

(ii) Very young carcasses in the Choice grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses has a small amount of marbling, is light red in color, is slightly soft, and has a fine texture.

(iii) Carcasses approaching maximum maturity for the Choice grade have chine bones tinged with white and some ossification is evident in the cartilages on the ends of the chine bones. The rib eye muscle of such carcasses has a moderate amount of marbling, is slightly dark red in color, is slightly firm, and has a fine texture.

(iv) Carcasses showing evidence of maximum maturity permitted in the Choice grade have chine bones which are tinged with white and the cartilages on the ends of the chine bones are partially ossified. The carcasses must also be at least moderately symmetrical and uniform in contour and the rib eye muscle must be fine in texture.

(v) Regardless of the extent to which other grade factors may exceed the above specified requirements for the Choice grade, carcasses whose rib eye muscle is moderately soft and slightly watery are not eligible for the Choice grade.

(3) *Good.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidence in the rib eye muscle.

(ii) Very young carcasses in the Good grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses has traces of marbling, is light red in color, is moderately soft, and has a fine texture.

(iii) Carcasses approaching maximum maturity for the Good grade have chine bones tinged with white and some ossification is evident in the cartilages on the ends of the chine bones. The rib eye muscle of such carcasses has a small amount of marbling, is slightly dark red in color, is slightly soft, and has a moderately fine texture.

(iv) Carcasses showing evidence of maximum maturity permitted in the Good grade have chine bones tinged with white and the cartilages on the ends of the chine bones are moderately ossified. Carcasses also must be at least moderately symmetrical and uniform in contour and the rib eye muscle must be at least moderately fine in texture.

(4) *Standard.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Standard grade vary in their other indications of quality as evidenced in the rib eye muscle.

(ii) Very young carcasses in the Standard grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses has no marbling, is light red in color, is soft, and has a fine texture.

(iii) Carcasses approaching maximum maturity for the Standard grade have chine bones tinged with white and some ossification is evident in the cartilages on the ends of the chine bones. The rib eye muscle of such carcasses has traces of marbling, is slightly dark red in color,

is moderately soft, and has a moderately fine texture.

(iv) Carcasses showing evidence of maximum maturity permitted in the Standard grade have chine bones tinged with white and the cartilages on the ends of the chine bones are moderately ossified. Carcasses also must be at least moderately symmetrical and uniform in contour and the rib eye muscle must be at least moderately fine in texture.

(5) *Commercial.* (i) Carcasses eligible for the Commercial grade are restricted to those with evidence of more advanced maturity than is permitted in the Good and Standard grades. Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the rib eye muscle.

(ii) Carcasses which only slightly exceed the minimum maturity permitted in the Commercial grade have rather hard, white chine bones which terminate in cartilages that are slightly more than moderately ossified. The rib eye muscle of such carcasses has a small amount of marbling, is moderately dark red in color, is slightly firm, and has a slightly coarse texture.

(iii) Very mature Commercial grade carcasses have hard, flinty, white chine bones and the cartilages on the ends of the chine bones are nearly completely ossified—their outlines are barely visible. The rib eye muscle of such carcasses has a moderate amount of marbling, is very dark red in color, is moderately firm, and has a coarse texture.

(6) *Utility.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Utility grade vary in their indications of quality as evidenced in the rib eye muscle.

(ii) Very young carcasses in the Utility grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses has no marbling, is light red in color, is soft and watery, and has a fine texture.

(iii) In Utility grade carcasses which have rather hard, white chine bones which terminate in cartilages that are slightly more than moderately ossified, the rib eye muscle is practically devoid of marbling, is moderately dark red in color, is moderately soft, and has a slightly coarse texture.

(iv) Very mature Utility grade carcasses have hard, flinty, white chine bones and the cartilages on the ends of the chine bones are nearly completely ossified—their outlines are barely visible. The rib eye muscle of such carcasses has a slight amount of marbling, is very dark red in color, is slightly firm, and has a coarse texture.

(7) *Cutter.* (i) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Cutter grade vary in their indications of quality as evidenced in the rib eye muscle.

(ii) Very young carcasses in the Cutter grade have soft, red chine bones which terminate in soft, pearly white cartilages. The rib eye muscle of such carcasses has no marbling, is light red in color, is very soft and watery, and has a fine texture.

(iii) Very mature Cutter grade carcasses have hard, flinty, white chine bones and the cartilages on the ends of the chine bones are nearly completely ossified—their outlines are barely visible. The rib eye muscle of such carcasses is practically devoid of marbling, is very dark red in color, is soft and slightly watery, and has a coarse texture.

(8) *Canner.* The Canner grade includes carcasses with indications of quality inferior to that specified as minimum for the Cutter grade.

(b) *Yield grades.* (1) Under the cutting and trimming methods followed in developing these yield grade standards, each yield grade includes a range of 2.3 percent of chilled carcass weight in the combined yield of boneless, closely trimmed retail cuts from the round, loin, rib, and chuck. On the basis of these cutting and trimming methods, the following tabulation gives the range in combined yields of these cuts represented by each yield grade.

Yield grade—and percent of carcass weight in boneless, closely trimmed retail cuts from round, loin, rib, and chuck

1—53.1 or more.
2—50.8–53.1 not inclusive.
3—48.5–50.8 not inclusive.
4—46.2–48.5 not inclusive.
5—43.9–46.2 not inclusive.
6—Less than 43.9.

The above percentages obviously will vary if different cutting and trimming methods are used.

(2) The yield grade of a beef carcass is determined on the basis of the following equation:

Yield grade = 2.80 + (2.50 × adjusted fat thickness, inches) + (0.20 × percent kidney, pelvic, and heart fat) + (0.38 × hot carcass weight, cwt.) − (0.32 × area of rib eye, square inches)

The yield grade for most carcasses can be accurately determined by a visual appraisal without making detailed measurements and computations.

(3) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grade subjectively.

(i) *Yield grade 1.* (a) Carcasses in yield grade 1 usually have only a thin layer of external fat over the rib, loin, rump, and clod and slight deposits of fat in the flank and cod or udder. There is usually a very thin layer of fat over the outside of the round and over the tops of the shoulders and neck. Muscles are usually visible through the fat in many areas of the carcass.

(b) A 500-pound carcass of this grade which is near the borderline of yield grades 1 and 2 might have two-tenths inch of fat over the rib eye, 11.5 square inches of rib eye, and two percent of its weight in kidney, pelvic, and heart fat.

(c) An 800-pound carcass of this grade which is near the borderline of yield grades 1 and 2 might have three-tenths inch of fat over the rib eye, 16.0 square inches of rib eye, and two percent of its weight in kidney, pelvic, and heart fat.

(ii) *Yield grade 2.* (a) Carcasses in yield grade 2 usually are nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the round, the top of the shoulders, and the neck. There usually is a slightly thin layer of fat over the loin, rib, and inside round and the fat over the rump, hips, and clod usually is slightly thick. There usually are small deposits of fat in the flank and cod or udder.

(b) A 500-pound carcass of this grade which is near the borderline of yield grades 2 and 3 might have four-tenths inch of fat over the rib eye, 10.5 square inches of rib eye, and three percent of its weight in kidney, pelvic, and heart fat.

(c) An 800-pound carcass of this grade which is near the borderline of yield grades 2 and 3 might have one-half inch of fat over the rib eye, 15.0 square inches of rib eye, and three percent of its weight in kidney, pelvic, and heart fat.

(iii) *Yield grade 3.* (a) Carcasses in yield grade 3 usually are completely covered with fat and the lean usually is visible through the fat only on the neck and the lower part of the outside of the round. There usually is a slightly thick layer of fat over the loin, rib, and inside round and the fat over the rump, hips, and clod usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(b) A 500-pound carcass of this grade which is near the borderline of yield grades 3 and 4 might have six-tenths inch of fat over the rib eye, 9.5 square inches of rib eye, and four percent of its weight in kidney, pelvic, and heart fat.

(c) An 800-pound carcass of this grade which is near the borderline of yield grades 3 and 4 might have seven-tenths inch of fat over the rib eye, 14.0 square inches of rib eye, and four percent of its weight in kidney, pelvic, and heart fat.

(iv) *Yield grade 4.* (a) Carcasses in yield grade 4 usually are completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plate and flank. There usually is a moderately thick layer of fat over the loin, rib, and inside round and the fat over the rump, hips, and clod usually is thick. There usually are large deposits of fat in the flanks and cod or udder.

(b) A 500-pound carcass of this grade which is near the borderline of yield grades 4 and 5 might have nine-tenths inch of fat over the rib eye, 9.0 square inches of rib eye, and four and one-half percent of its carcass weight in kidney, pelvic, and heart fat.

(c) An 800-pound carcass of this grade which is near the borderline of yield grades 4 and 5 might have one inch of fat over the rib eye, 13.5 square inches of rib eye, and four and one-half percent of its weight in kidney, pelvic, and heart fat.

(v) *Yield grade 5.* (a) Carcasses in yield grade 5 usually are completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plate and flank. There is a thick layer of fat over the loin, rib, and inside round and the fat over the rump, hips, and clod usually is very thick. There usually are very large deposits of fat in the flanks and cod or udder.

(b) A 500-pound carcass of this grade which is near the borderline of yield grades 5 and 6 might have one and two-tenths inches of fat over the rib eye, 8.5 square inches of rib eye, and 5.0-percent of its weight in kidney, pelvic, and heart fat.

(c) An 800-pound carcass of this grade which is near the borderline of yield grades 5 and 6 might have one and three-tenths inches of fat over the rib eye, 13.0 square inches of rib eye, and five percent of its weight in kidney, pelvic, and heart fat.

(vi) *Yield grade 6.* Carcasses in yield grade 6 usually have more fat on all of the various parts, a smaller area of rib eye, and more kidney, pelvic, and heart fat than described for yield grade 5.

Numerous demonstrations of the dual grading system have been held at the request of industry groups during the past three years. In addition, pilot studies of the application and use of dual grading have been conducted in cooperation with meat packers and retailers. In order to provide widespread opportunity for evaluation of the proposed standards and comparison with the present grading system, dual grading on the basis of the proposed standards will be made available upon request for a trial period beginning July 1, 1962, under a regulation issued concurrently herewith.

The optional dual grading service will be made available in addition to the Department's current Federal meat grading and acceptance services, both of which will continue to operate under present standards and conditions. Applicants may request either or both systems of grading. Users of the acceptance service may have dual graded meat accepted by either requesting a specific quality grade and numbered yield grade in their invitations for bids, contract awards, and purchase orders, or by making the necessary revisions in their specifications.

Any interested persons may submit written data, views, or arguments concerning the proposed standards to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., before July 1, 1963. This extended period for filing comments is being provided so that interested persons will have opportunity to evaluate the standards in practical application under the voluntary grading program before presenting their comments.

Done at Washington, D.C., this 10th day of April 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-3627; Filed, Apr. 12, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1195][1]

[Docket No. AO 239-A1]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Decision With Respect to Proposed Amendment of Marketing Agreement and Order Regulating Handling

Correction

Due to an inadvertent omission in the publication in the FEDERAL REGISTER (27 F.R. 3459) of F.R. Doc. 62-3551 filed April 10, 1962, the following correction is made:

1. The third full paragraph appearing in the first column at 27 F.R. 3459 is deleted and the following is inserted in the second column at 27 F.R. 3462 immediately preceding the paragraph headed *Referendum order:*

Amended marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Amended Marketing Agreement Regulating the Handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Production Area of Florida and Georgia" and "Amended Order Regulating the Handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Production area of Florida and Georgia" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid amended rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said amended marketing agreement are identical with those contained in the said annexed order which will be published with this decision.

2. In addition, the date "April 2, 1962" appearing immediately above the Secretary's signature near the top of the third column at 27 F.R. 3463 should be "April 9, 1962".

3. Also, the entry "1185.7 Handler; packer" in the third column at 27 F.R. 3463 should be "1195.7 Handler; packer".

[1] Originally 7 CFR Part 983.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 691) has been filed by Johns-Manville Products Corporation, 22 East Fortieth Street, New York 16, New York, proposing the issuance of a regulation to provide for the safe use of calcium silicate and diatomaceous silica in or on food, as follows:

Compound	Limitation	Use
Calcium silicate	2.0% maximum	Anticaking agent in human and animal food.
Do	1.0% maximum in finished food.	Carrier for vitamins in human and animal food.
Do	2.0% maximum in finished feed.	Carrier for fats for animal feed.
Do	75% maximum	Vitamin tablets.
Diatomaceous silica	2.0% maximum	Anticaking agent in table salt.

Dated: April 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3616; Filed, Apr. 12, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-95]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS, REPORTING POINTS, AND CONTROL AREA EXTENSION

Proposed Revocations and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal Airway No. 4 extends from Chanute, Kans., to the intersection of the northeast course of the Chanute radio range and the southwest course of the Kansas City, Mo., radio range, and from Omaha, Nebr., to Minot, N. Dak. The Federal Aviation Agency is considering the revocation of Amber 4 in its entirety. The Federal Aviation Agency IFR peak-day airway traffic survey for the period of July 1, 1960, through June 30, 1961, shows a maximum of one aircraft movement between any two reporting points on Amber 4. Therefore, it

appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Amber 4, its associated control areas and reporting points. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with Amber 4. Any proposal to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Concurrently with this action, the Olathe, Kans., control area extension (§ 601.1210), which is bounded in part by Amber 4, would be altered by eliminating reference to Amber 4 and substituting therefor a line extending from latitude 37°40'45" N., longitude 95°28'00" W. to latitude 38°12'00" N., longitude 95°08'45" W. This action would, in addition to replacing Amber 4 in the description, relocate the boundary slightly to provide protection for aircraft utilizing the Chanute VOR 025° True radial while arriving and departing the Olathe terminal area. This action would not substantially alter the over-all extent of controlled airspace in this area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on April 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–3579; Filed, Apr. 12, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–KC–13]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6084, 600.1650 and 601.6084 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 84 is designated in part from Bradford, Ill., to Northbrook, Ill. Intermediate altitude VOR Federal airway No. 1650 is designated from Macon, Mo., to Bradford, Ill. The Federal Aviation Agency has under consideration the realignment of Victor 84 and its associated control areas from the Bradford VOR via the intersection of the Bradford VOR 033° and the Chicago-O'Hare, Ill., VORTAC 269° True radials; to the Chicago-O'Hare VORTAC, as a 10-mile wide airway for a distance of 45 nautical miles from the Bradford VOR, thence expanding in graduated steps of one mile in width for every 5 nautical miles in length to the Malta Intersection; thence as a 10-mile wide airway to the Chicago-O'Hare VORTAC. It is also proposed to extend Victor 1650 northeastward from the Bradford VOR to the Malta Intersection.

Aircraft utilizing Victor 84 as a departure route from Chicago-O'Hare International Airport for points south and southwest are restricted in attaining assigned altitudes until abeam of the Naperville, Ill., VOR due to confliction with aircraft arriving and departing Chicago-Midway Airport. The proposed realignment of Victor 84 would materially reduce these restrictions. The proposed increased airway width between Bradford and Malta would provide protection for aircraft utilizing the Bradford VOR for airway guidance at a distance greater than 45 nautical miles from the VOR. The proposed extension of Victor 1650 from Bradford to Malta would simplify flight planning and improve air traffic service by providing a numbered airway in the intermediate altitude airway structure for departing jet aircraft in transition from Chicago-O'Hare International Airport to the jet route structure.

The control areas associated with the segment of Victor 84 under consideration would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–3580; Filed, Apr. 12, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–SO–11]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Revocation and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6159 and 601.6159 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 159 west alternate and its associated control areas are designated in part from West Palm Beach, Fla., to Orlando, Fla. Low altitude VOR Federal airway No. 293 and its associated control areas are designated from West Palm Beach to St. Petersburg, Fla., including a west alternate from West Palm Beach to La Belle, Fla.

The Federal Aviation Agency has under consideration the following actions:

1. Revoke the above mentioned segment of Victor 159 west alternate and its associated control areas.

2. Revoke the above mentioned Victor 293, its associated control areas and west alternate.

3. Designate low altitude VOR Federal airway No. 492 and its associated control areas from St. Petersburg via La Belle and Pahokee to West Palm Beach, including a north alternate from the La Belle VOR to West Palm Beach via the intersection of the La Belle VOR 043° and the West Palm Beach VORTAC 314° True radials, and a south alternate from La Belle to West Palm Beach via the intersection of the La Belle VOR 112° and the West Palm Beach VORTAC 266° True radials. The area between the main airway and the north alternate would not be designated as controlled airspace.

Pilots cleared to West Palm Beach via Victor 159 or Victor 293 have misunderstood their air traffic control clearance and arrive via the west alternate to one of these airways. This is the result of the word "west" being associated with both Palm Beach and alternate airways. Revocation of the west alternate airways would eliminate this misunderstanding. The proposed Victor 492, including a south alternate, would replace Victor 293 and its west alternate. Low altitude VOR Federal airway No. 267 together with a segment of the proposed Victor 492 north alternate, would replace Victor 159 west alternate. The action proposed herein would merely renumber existing airway segments and would result in no increase in assigned airspace. The control areas associated with these airway segments would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on April 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–3581; Filed, Apr. 12, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–SW–15]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Amber Federal airway No. 5 extends from Grand Isle, La., to New Orleans, La. The Federal Aviation Agency has under consideration the revocation of Amber 5 in its entirety. The latest Federal Aviation Agency IFR peak-day airway traffic survey shows a maximum of 10 aircraft movements on this airway. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Amber 5, its associated control areas and reporting points between Grand Isle and New Orleans. Adoption of this proposal would not result in discontinuance of the low frequency aids associated with Amber 5. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

The Federal Aviation Agency on February 2, 1962 (Nonrule Making Airspace Docket No. SW–392–NR) circularized a proposal to convert the New Orleans radio range to a nondirectional radio beacon and received no objections to the proposal. The route between Grand Isle and New Orleans is within the New Orleans control area extensions (§§ 601.1025 and 601.1216) and aircraft will be able to navigate within controlled airspace via a direct routing between these points which is 3 miles less than the airway mileage.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–3582; Filed, Apr. 12, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 205; Delegation of Authority 73–B]

UNITED STATES COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Delegation of Certain Authority

Pursuant to the authority contained in the Act of Congress approved May 26, 1949 (63 Stat. 111), there is hereby delegated to the United States Commissioner, International Boundary and Water Commission, United States and Mexico, authority to execute all grants or conveyances which are necessary to perform the functions vested in me by the Act of Congress approved September 13, 1950 (64 Stat. 846), for purposes of construction, operation and maintenance of Amistad Dam and Reservoir.

[SEAL] DEAN RUSK,
Secretary of State.

APRIL 4, 1962.

[F.R. Doc. 62–3628; Filed, Apr. 12, 1962; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

PROPOSED NEW NATIONAL BANK IN GLENDALE, COLORADO

Notice of Hearing

A public hearing will be held on May 8, 1962, at 9:30 a.m., in Room 4119, Main Treasury Building, Washington, D.C., on the application to organize a new national bank in Glendale, Colorado.

All persons desiring to testify should notify the Comptroller of the Currency by May 1, 1962.

Dated: April 9, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–3614; Filed, Apr. 12, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 130]

AMEROP TRAVEL SERVICE, INC.

Dissolution Order

Whereas, by virtue of the issuance of Vesting Order 144, executed September 8, 1942 (7 F.R. 7763, September 30, 1942) and Executive Order 9788, dated October 14, 1946 (11 F.R. 11981, October 15, 1946), the Attorney General of the United States (hereinafter referred to as "Attorney General") is the owner of 108 shares of no par value common stock of Amerop Travel Service, Inc. (hereinafter referred to as "Amerop"), a New York corporation, said shares being all of the issued and outstanding capital stock of Amerop; and

Whereas, a Certificate of Dissolution of Amerop was issued by the Secretary of State of the State of New York on February 24, 1948, certifying to the dissolution of Amerop; and

Whereas, Amerop has been substantially liquidated.

Now, therefore, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the assets of Amerop consist of cash in the amount of $15,756.54;

2. Finding that the liabilities of Amerop consist of a recorded account payable of $2,244.62 to the Attorney General for services rendered to or on behalf of Amerop from date of vesting to final winding up of the company;

3. Having determined that it is in the national interest of the United States that Amerop be dissolved, that its affairs be wound up and that its assets be distributed;

Hereby orders, That the officers and directors of Amerop (and their successors, or any of them) wind up the affairs of Amerop and distribute the assets of Amerop as follows:

I. They shall first pay all current expenses and necessary charges, if any, in effecting the dissolution of Amerop and the winding up of its affairs;

II. They shall then pay all known Federal, State and local taxes and fees, if any, owed by or accrued against Amerop;

III. They shall then pay all of the debts of Amerop to the creditors named in the amounts stated in paragraph 2 above;

IV. They shall then pay over and deliver to the Attorney General all remaining cash assets and transfer, assign, convey and deliver to the Attorney General all remaining assets or property of Amerop, including after discovered assets or property, as a liquidating distribution of assets to him as sole stockholder; and

Further orders, That nothing herein set forth shall be construed as prejudicing any rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against Amerop to file such claim with the Attorney General against any funds or property received by the Attorney General as a liquidating distribution hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against Amerop shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto: *And further orders*, That all actions taken and acts done by the officers and directors of Amerop pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 5(b)(2)), and the acquittance and exculpation provided therein.

Executed at Washington, D.C., on April 9, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–3613; Filed, Apr. 12, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 4, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 068818 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for public recreation use and for the administration of the national forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento, 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ROGUE RIVER NATIONAL FOREST

Perks Pasture Guard Station

T. 48 N., R. 10 W.,
Sec. 24: NW¼NW¼.

Hutton Guard Station

T. 48 N., R. 11 W.,
Sec. 20: S½N½NE¼, N½SE¼NE¼;
Sec. 21: W½NW¼NW¼.

Cook and Green Campground

T. 48 N., R. 11 W.,
Sec. 30: W½SW¼ of Lot 4.
T. 48 N., R. 12 W.,
Sec. 25: S½SE¼SE¼.

The areas described aggregate 144.78 acres.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62–3598; Filed, Apr. 12, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LICENSED WAREHOUSES AND WAREHOUSEMEN

Changes in List

On April 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 3207) a list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) as of February 28, 1961. Pursuant to section 26 of said act (7 U.S.C. 266) notice is hereby given of the following additions, changes, and deletions with respect to said list as of February 28, 1962, and terminations of licenses between March 1, 1961 and February 28, 1962, inclusive.

A. For the storage of cotton:

ALABAMA

Add the following:

Town, Warehouse, and Warehouseman

Geraldine; Geraldine Warehouse; Geraldine Warehouse & Storage Co., Inc.

Huntsville; Planters Warehouse; Planters Warehouse & Storage Co.

Delete the following:

Anniston; State Bonded Warehouse; State Bonded Warehouse & Storage Co.

Eutaw; Greene County Warehouse; R. G. Colson, R. S. Colson, C. W. Colson, W. G. Colson, H. E. Colson, and G. E. Colson, copartners; trading as Greene County Warehouse Co.

ARKANSAS

Change the following:

From:

Leachville; Buffalo Island Compress Warehouse; Buffalo Island Compress Co.

North Little Rock; North Little Rock Warehouse; Southern Warehouse Co.

To:

Leachville; Arkansas Compress Warehouse; Arkansas Compress Co., Inc.

North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.

Delete the following:

Camden; Camden Warehouse; Southern Compress Co.

Jacksonville; Redmond Warehouse; Southern Compress Co., Inc.

Jacksonville; Jacksonville Warehouse; Southern Compress Co.

FLORIDA

Delete the following:

Town, Warehouse, and Warehouseman

Pensacola; Pensacola Compress and Warehouses; Pensacola Port Authority.

GEORGIA

Add the following:

Atlanta; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners; trading as Palmer & Gibbons Bonded Warehouse Co.

Augusta; Wienges & Co. Warehouse; Wienges & Co.

Augusta; Lyon & Lyon Cotton Warehouse; Lyon, Lyon & Co., Inc.

Change the following:

From:

Americus; Farmers Bonded Warehouse; C. B. King.

Athens; Pool Bonded Warehouse; W. H. Pool.

Dudley; Farmers Warehouse; Warthen T. Chappell, Rubert L. Hogan, and Doyle E. Bedingfield, copartners; trading as Chappell & Hogan.

Monroe; Launius Bonded Warehouse; Jennie D. Launius of Monroe, Ga., and Trust Co. of Georgia, Atlanta, Ga., as coexecutors of the estate of Paul N. Launius.

Statesboro; Farmers Union Warehouse; H. Z. Smith.

Statesboro; Planters Cotton Warehouse; Billy G. Tillman and Thomas F. Renfrow, copartners; trading as Planter's Cotton Warehouse Co.

To:

Americus; Farmers Bonded Warehouse; James W. McClinton, W. W. Jackson, W. S. Jackson and W. D. Jackson, copartners; trading as J. & M. Trucking Co.

Athens; Pool Bonded Warehouse; H. P. Williams.

Dudley; Farmers Warehouse; Warthen T. Chappell and Rubert L. Hogan, copartners trading as Chappell & Hogan.

Monroe; Launius Bonded Warehouse; P. N. Briscoe, J. William Dickinson and Dan M. Briscoe, copartnera; trading as Launius Bonded Warehouse Co.

Statesboro; Farmers Union Warehouse; Smith Trading Co.

Statesboro; Planters Cotton Warehouse; Planters Bonded Cotton Warehouse, Inc.

Delete the following:

Cuthbert; Connelly Bonded Warehouse; J. H. Connelly.

Kite; Kite Bonded Warehouse; Lovett & Co., Inc.

McDonough; J. W. Harkins Gin & Warehouse; J. W. Harkins, t/a. J. W. Harkins Gin & Warehouse Co.

MISSISSIPPI

Add the following:

Drew; National Compress Warehouse; National Compress & Warehouse Co., Inc.

Change the following:

From:

Summit; Champion Compress Warehouse; Champion Compress Co.

To:

Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Inc.

Delete the following:

Magnolia; Magnolia Compress Warehouse; The Magnolia Compress Co.

NORTH CAROLINA

Add the following:

Town, Warehouse, and Warehouseman

Gastonia; Carolina Bonded Warehouse—Gastonia Plant; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Cotton Growers Cooperative Warehouse; Warehouse Supterintendent of the State of North Carolina.

Hickory; Hickory Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Severn; Meherrin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Delete the following:

Bessemer City; Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Henderson; Standard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

High Point; Granville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Littleton; Halifax Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wilmington; Champion Compress Warehouse; Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Add the following:

Manning; United Bonded Warehouse; United Bonded Warehouse, Inc

Delete the following:

Clinton; Peoples Bonded Warehouse; Peoples Bonded Warehouse.

Rock Hill; Peoples Warehouse; Peoples Warehouse Co.

TENNESSEE

Change the following:

From:

Lawrenceburg; Harwell Bonded Warehouse; William A. Harwell.

To:

Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin.

TEXAS

Add the following:

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.

Hamlin; Hamlin Compress Warehouse; National-Western Compress & Warehouse Co.

Rule; Rule Compress Warehouse; National-Western Compress & Warehouse Co.

Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.

Delete the following:

Houston; Ship Channel Compress; Warehouse, Plant No. 2; The Sprunt Corp.

B. For the storage of grain.

ARKANSAS

Add the following:

Town, Warehouse, and Warehouseman

Bradford; White County Grain Warehouse; Arkansas Grain Corp.

Hazen; Supreme Quality Seed Warehouse; Supreme Quality Seed Co.

Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Co.

Needham (P.O. Jonesboro); Kiech-Crafton Elevator; Kiech-Crafton Elevator Co.

St. Charles; Pebco Elevator; Dixie Dryer, Inc.

Town, Warehouse, and Warehouseman

West Memphis; Cook Grains; Cook Grains, Inc.

Change the following:

From:

Augusta; Lockhart Elevator; M. L. Lockhart and Edna Olline Lockhart, copartners; doing business as Lockhart Grain Co.

To:

Augusta; Lockhart Elevator; W. S. Regenold, Jr. d/b/a Lockhart Warehouse Co.

CALIFORNIA

Add the following:

Berenda; Valley Grain Drier Warehouse; Willard W. Pitman (general partner), trading as The Valley Grain Drier Co. (a limited partnership).

Lemoore; Continental Elevator; Continental Grain Co.

Long Beach; Long Beach Elevators; Pacific Vegetable Oil Corp.

Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.

Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Co.

COLORADO

Add the following:

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.

Change the following:

From:

Wray; Shannon Elevator; Shannon Grain Co.

To:

Wray; Wray Elevator; Wray Grain Co.

IDAHO

Add the following:

Jerome; Marshall Warehouse; Marshall Warehouses, Inc.

Moscow; Dumas Seed Co. Warehouse; Dumas Seed Co.

Wendell; Marshall Warehouse; Marshall Warehouses, Inc.

ILLINOIS

Add the following:

Chicago; Erie Elevator; Interstate Elevator Corp.

Emery (P.O. Maroa); Emery Elevator; Dewein Grain Co.

Farmer City; Mitsui Elevator; Pacific Grain Co.

Illiopolis; Mansfield-Ford, Illiopolis Elevator; Mansfield-Ford Grain Co.

Kenney; Kenney Elevator; Kenney Elevator Co.

Lanesville; Mansfield-Ford, Lanesville Elevator; Mansfield-Ford Grain Co.

Loami; Loami Elevator; Loami Grain Co., Inc.

Maples (Township 15); Illinois Grain Corp., Maples Elevator; Illinois Grain Corp.

Olive Branch; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.

Stonington; Stonington Cooperative Grain Co. Elevator; Stonington Cooperative Grain Co.

Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.

Change the following:

From:

Chicago; Norris Elevator & Tanks; Norris Grain Co.

Chicago; Spencer Kellogg & Sons, Concrete Elevator; Spencer Kellogg & Sons, Inc.

Jamaica (P.O. Fairmount); W. I. Baird Elevator; W. D. Baird, trading as W. I. Baird Elevator.

Pekin; Norris Elevator; Norris Grain Co.

Town, Warehouse, and Warehouseman

Seneca; Central Seneca Elevator; Central Soya Co., Inc.

Chicago; Garvey Elevator; Garvey Grain, Inc.

To:

Chicago; Spencer Kellogg Concret Elevator; Textron Inc.

Jamaica (P.O. Fairmount); W. I. Baird Elevator; Lotus Warehouses, Inc. (W. I. Baird Elevator Division).

Pekin; Hasenwinkle River Elevator; Hasenwinkle & Co.

Seneca; Seneca Farmers Elevator; Farmers' Square Deal Grain Co.

Delete the following:

Chicago; Central Chicago Elevator "A"; Central Soya Co., Inc.

Harristown; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.

Lockport; Central Lockport Elevator; Central Soya Co., Inc.

INDIANA

Add the following:

Emporia; Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners; trading as Emporia Elevator Co.

Kokomo (R.R. No. 4); Obermeyer Elevator; R. E. Obermeyer, trading as Obermeyer Grain Co.

Delete the following:

Cortland; General Grain Elevator; General Grain, Inc.

Lafayette; General Grain Elevator; General Grain, Inc.

Mount Vernon; Farm Bureau Co-op Elevator; Posey County Farm Bureau Cooperative Association, Inc.

Poseyville; Farm Bureau Co-op. Elevator; Posey County Farm Bureau Cooperative Association, Inc.

Star City; Star City Co-Op Elevator; Pulaski County Farm Bureau Cooperative Association, Inc.

IOWA

Add the following:

Council Bluffs; Kansas Grain Co. Elevator; Bewley Mills, Inc.

Des Moines; Cargill Des Moines Elevator; Cargill, Inc.

Dike; Farmers Cooperative Elevator; Farmers Cooperative Co.

Meekers Landing; Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

Change the following:

From:

Council Bluffs; Updike Elevator "D"; Updike Grain Corp.

Gilmore City; Cargill Elevator; Cargill, Inc.

To:

Council Bluffs; Bartlett Elevator; Bartlett and Co. Grain.

Gilmore City; Scroggs Elevator; Scroggs Feed & Grain Co.

Delete the following:

Arthur; Continental Elevator; Continental Grain Co.

KANSAS

Add the following:

Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Argonia; Danville Co-op. Elevator; Danville Cooperative Association.

Arkansas City; New Era Mill; The New Era Milling Co.

Belleyville; Co-op Elevator; The Nemaha County Cooperative Association.

Bluff City; Sam Croft Elevator; Sam Croft, doing business as Sam Croft Grain Co.

Claflin; Co-op Elevator; The Claflin Cooperative Association.

Town, Warehouse, and Warehouseman

Coronado (P.O. Marienthal). Coronado Elevator; C. & D. Grain, Inc.

Florence; Co-op Elevator; The Burns Farmers Cooperative Union.

Hugoton; Hugoton Co-op Elevator; The Farmers Cooperative Grain & Supply Co.

La Cygne; Farmers Co-op Elevator; The Linn County Farmers Cooperative Association.

Macksville; English Bros. Elevator; Robert H. English and William T. English, Copartners, trading as English Grain Co.

Moscow; Moscow Co-op Elevator; The Farmers Cooperative Grain & Supply Co.

Shook (P.O. Anthony); Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Change the following:

From:

Feterita (P.O. Hugoton); Feterita Co-op Elevator; The Stevens County Cooperative Equity Exchange.

Galva; Galva Grain, Inc. Elevator; Galva Grain, Inc.

Garnett; Garnett Elevator; Anderson County Grain, Inc.

Hugoton; Parker Elevator; Myrtle Parker, executrix of the estate of Harry V. Parker, deceased; trading as Parker Grain Co.

Junction City; Mid-Continent Elevators; S. H. Sampson and D. L. Sampson, copartners; trading as Sampson Bros.

Moscow; Moscow Elevator; L. A. Gaskill and Mrs. E. L. Gaskill, dba Moscow Elevator Co.

Oxford; Parity Mills; Spencer Kellogg & Sons, Inc.

White City; Mor-Kan Elevator; Mor-Kan Grain Co., Inc.

To:

Feterita (P.O. Hugoton); Feterita Co-op Elevator; The Farmers Cooperative Grain & Supply Co.

Galva; Galva Grain Elevator; Western Grain, Inc.

Garnett; Garnett Elevator; Western Grain, Inc.

Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.

Junction City; Mid-Continent Elevator; Western Grain, Inc.

Moscow; Moscow Elevator; Moscow Elevator Co., E. L. Gaskill, Inc.

Oxford; Parity Elevator; Textron Inc.

White City; Mor-Kan Elevator; Western Grain, Inc.

Delete the following:

Bala; Farmers Union Elevator; The Riley County Farmers Union Co-op. Association.

LOUISIANA

Add the following:

Destrehan; Bunge Corp. Elevator; Bunge Corp.

Minden; Minden Elevator; Southern Grain Co.

MINNESOTA

Add the following:

St. Paul; Walsh River Terminal; Walsh Grain Co.

MISSISSIPPI

Add the following:

Pascagoula; Jackson County Terminal Elevator; Standard Milling Co.

Delete the following:

Leland; Leland Warehouse; Mississippi Rice Warehouse Co.

MISSOURI

Add the following:

Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.

Kansas City; M.F.A. Elevator; Missouri Farmers Association, Inc.

Town, Warehouse, and Warehouseman

Marshall; M.F.A. Elevator; M.F.A. Central Cooperative.

Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.

New Franklin; New Franklin M.F.A. Elevator; M.F.A. Central Cooperative.

Senath; Senath Feed & Seed Elevator; Senath Feed & Seed Co., Inc.

Change the following:

From:

Dearborn; Halferty Bros. Elevator; Halferty Bros., Inc.

Lexington; Lafayette Elevator; Lafayette Elevator Co.

To:

Dearborn; Halferty Bros. Elevator; J. B. Halferty and Carl Halferty, copartners; doing business as Halferty Bros.

Lexington; M.F.A. Elevator; M.F.A. Central Cooperative.

NEBRASKA

Change the following:

From:

Grainton; Kellogg Elevator; W. J. Moon and J. E. Kellogg, copartners, trading as Kellogg Grain Co.

Grant; Kellogg Elevator; W. J. Moon and J. E. Kellogg, copartners; trading as Kellogg Grain Co.

Madrid; Kellogg Elevator; W. J. Moon and J. E. Kellogg, copartners; trading as Kellogg Grain Co.

Ulysses; Farmers Grain & Supply Co's. Elevators; Farmers Grain & Supply Co.

To:

Grainton; Kellogg Elevator; Kellogg Grain Co.

Grant; Kellogg Elevator; Kellogg Grain Co.

Madrid; Moon Elevator; Moon Grain Co.

Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.

Delete the following:

Magnet; Crowell Elevator; Crowell Elevator Co.

Richland; Farmers Elevators; Farmers Union Cooperative Association.

NEW MEXICO

Delete the following:

Tucumcari; Addington Elevator; W. H. Addington, t/a Addington Grain Co.

NEW YORK

Add the following:

Buffalo; Standard Elevator; Standard Milling Co. d/b/a Standard Milling Co., Inc., in New York State.

Delete the following:

Buffalo; Cargill Superior Elevator; Cargill, Inc.

NORTH CAROLINA

Change the following:

From:

Norwood; Norwood Grain Elevator; T. Herbert Lee, trading as Lee Milling Co.

To:

Norwood; Norwood Grain Elevator; Lee Milling Co., Inc.

Delete the following:

Greenville; Fred Webb, Inc., Elevator; Warehouse Superintendent of the State of North Carolina.

OHIO

Add the following:

Hume; Hume Elevator; Ohio Equity, Inc.

Reily Township (P.O. Oxford); Peoria Elevator; Peoria Grain Co., Inc.

Town, Warehouse, and Warehouseman

Toledo; Cargill East Side Elevator; Cargill, Inc.

OKLAHOMA

Add the following:

Tuttle; M.F.C. Elevator; Mid-Continent Farmers Co-op.

Change the following:

From:

Hominy; Sooner Terminal Elevator; T. T. Robinson, trustee of Michael Bruce McNeil, trust A-1, A-2, A-3, and A-4 and Donald Clyde McNeil, trust A-1, A-2, A-3, and A-4, doing business as Sooner Terminal Elevator.

Yukon; Farmers Union Elevator; Oklahoma Farmers Union Cooperative.

To:

Hominy; Sooner Terminal Elevator; T. T. Robinson, trustee of Michael Bruce McNeill, trusts A1 to A4, Donald Clyde McNeill, trusts A1 to A4, and Phillip Andrew McNeill, trusts A1 to A4, d/b/a Sooner Terminal Elevator.

Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

Delete the following:

Adams; Adams Elevator; Hooker Elevators, Inc.

OREGON

Add the following:

Alicel; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.

Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.

Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.

Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.

Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.

LaGrande; LaGrande Milling Warehouse; LaGrande Milling Co.

Myrick; Farmers Mutual Warehouse Co-op.; Farmers Mutual Warehouse Cooperative.

Stanton; Farmers Mutual Warehouse Co-op.; Farmers Mutual Warehouse Cooperative.

Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Co.

Vansycle; Farmers Mutual Warehouse Co-op.; Farmers Mutual Warehouse Cooperative.

Waterman; McIntyre Elevator; James R. Rice and Tillman D. Taylor, doing business as R. & T. Ranches, doing business as A. H. McIntyre Grain Elevator Co.

Wayland; McIntyre Elevator; James R. Rice and Tillman D. Taylor doing business as R. & T. Ranches, doing business as A. H. McIntyre Grain Elevator Co.

PENNSYLVANIA

Add the following:

Washington; Washington Elevator; Best Feeds & Farm Supplies, Inc.

Delete the following:

Philadelphia; Cargill Philadelphia Elevator; Cargill, Inc.

Pittsburgh; Pittsburgh Grain Elevator; Pittsburgh Grain Elevator Corp.

SOUTH CAROLINA

Delete the following:

Orangeburg; Master Feed & Grain Co., Inc., Elevator; Master Feed & Grain Co., Inc.

SOUTH DAKOTA

Add the following:

Lake Preston; Appelwick Elevator; Appelwick Grain of Lake Preston, Inc.

Delete the following:

Hurley; Mullaney Elevator; J. J. Mullaney Co.

TENNESSEE

Add the following:

Town, Warehouse, and Warehouseman

Memphis; Southern Terminal Elevator; Southern Terminal Elevator Co., Inc.

Delete the following:

Clarksville; Clarksville Elevator; Nebraska Consolidated Mills Co.

TEXAS

Add the following:

Chillicothe; Chillicothe Elevator; Holland Metcalf and H. E. Wilson, doing business as Chillicothe Elevator.

Hereford; Allied Elevators; W. J. Worsham, d/b/a Allied Elevators.

McKibben; Perryton Equity Elevator; Perryton Equity Exchange.

Change the following:

From:

Wichita Falls; Berend Bros. Elevator; P. J. Berend and L. A. Berend, copartners, trading as Berend Bros.

To:

Wichita Falls; Berend Bros. Elevator; Berend Bros., Feed Stores Inc.

Delete the following:

Coleman; Coleman Community Gin Elevator; Coleman Community Gin Association.

Dimmitt; Dimmitt Gin Elevator; Dimmitt Gin & Elevator Co., Inc.

Dougherty; Producers Cooperative Elevator; Producers Cooperative Elevator.

Floydada; Producers Cooperative Elevator; Producers Cooperative Elevator.

Lariat; Lariat Elevator; The Kearns Grain & Seed Co., Inc.

UTAH

Delete the following:

Logan; Superior Warehouse; Superior Feed & Storage Co.

Tremonton; Stohl's Warehouse; Vera Stohl d/b/a Ervin Stohl's Warehouse.

WASHINGTON

Add the following:

Draper; Dumas Seed Co. Warehouse; Dumas Seed Co.

Leon; Uniontown Cooperative Warehouse; Uniontown Cooperative Association.

Pullman; Dumas Seed Co. Warehouse; Dumas Seed Co.

Relief; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.

Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse & Commission Co.

Uniontown; Uniontown Cooperative Warehouse; Uniontown Cooperative Association.

WISCONSIN

Add the following:

La Crosse; Cargill La Crosse Elevator; Cargill, Inc.

G. For the storage of beans:

COLORADO

Add the following:

Town, Warehouse, and Warehouseman

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.

Olathe; Co-op Warehouse; The Olathe Potato Growers Cooperative Association.

IDAHO

Add the following:

Jerome; Marshall Warehouse; Marshall Warehouses, Inc.

Wendell; Marshall Warehouse; Marshall Warehouses, Inc.

K. For the storage of seeds:

UTAH

Change the following:

From:

Town, Warehouse, and Warehouseman

Delta; Moody Bros. Warehouse; M. W. Moody and E. L. Moody, copartners; trading as Moody Bros.

Myton; Moody Bros. Warehouse; M. W. Moody and E. L. Moody, copartners; trading as Moody Bros.

To:

Delta; Moody Bros. Warehouse; Joseph M. Moody and David S. Moody, general partners; trading as Moody Bros. Seed Co. (a limited partnership).

Myton; Moody Bros. Warehouse; Joseph M. Moody and David S. Moody, general partners; trading as Moody Bros. Seed Co. (a limited partnership).

MISSOURI

Delete the following:

Kansas City; Peppard Warehouses; Peppard Seeds, Inc.

The licenses of the following warehouses were terminated during the period March 1, 1961 through February 28, 1962, for the reasons stated below:

A. For the storage of cotton:

ALABAMA

Town, Warehouseman and Warehouse, and Cause of Termination

Anniston; State Bonded Warehouse & Storage Co., State Bonded Warehouse; Discontinued operation of warehouse.*

Eutaw; R. G. Colson, R. S. Colson, C. W. Colson, W. G. Colson, H. E. Colson, and G. E. Colson, copartners trading as Greene County Warehouse Co., Greene County Warehouse; Incorporated, will secure State license.*

ARKANSAS

Camden; Southern Compress Co., Camden Warehouse; Discontinued operation of warehouse.*

Jacksonville; Southern Compress Co., Inc., Redmond Warehouse; Lease expired.*

Jacksonville; Southern Compress Co., Jacksonville Warehouse; Lease expired.*

Leachville; Buffalo Island Compress Co., Buffalo Island Compress Warehouse; Warehouse sold.*

FLORIDA

Pensacola; Pensacola Port Authority, Pensacola Compress and Warehouses; Did not furnish bond.

GEORGIA

Americus; C. B. King, Farmers Bonded Warehouse; Warehouse sold.*

Athens; W. H. Pool, Pool Bonded Warehouse; Disposed of warehouse.*

Dudley; Warthen T. Chappell, Rubert L. Hogan and Doyle E. Bedingfield, copartners trading as Chappell & Hogan, Farmers Warehouse; Partner deceased.

Kite; Lovett & Co., Inc., Kite Bonded Warehouse; Discontinued operation.*

McDonough; J. W. Harkins t/a J. W. Harkins Gin & Warehouse Co., J. W. Harkins Gin & Warehouse; Discontinued operation.*

Monroe; Jennie D. Launius of Monroe, Georgia, and Trust Company of Georgia, Atlanta, Georgia, as co-executors of the estate of Paul N. Launius, Launius Bonded Warehouse; New partnership and company formed.*

Statesboro; H. Z. Smith, Farmers' Union Warehouse; Company formed and licensed.*

*In each instance marked with an asterisk license was terminated at request of warehouseman.

Town, Warehouseman and Warehouse, and Cause of Termination

Statesboro; Billy G. Tillman and Thomas F. Renfrow, copartners, trading as Planter's Cotton Warehouse Co., Planters Cotton Warehouse; Disposed of warehouse.*

MISSISSIPPI

Magnolia; The Magnolia Compress Co., Magnolia Compress Warehouse; Warehouse sold.*

Summit; Champion Compress Co., Champion Compress Warehouse; Disposed of warehouse.*

NORTH CAROLINA

Bessemer City; Warehouse Superintendent of the State of North Carolina, Carolina Bonded Warehouse; Warehouseman's request.*

Henderson; Warehouse Superintendent of the State of North Carolina, Standard Bonded Warehouse; Discontinued operation of warehouse.*

High Point; Warehouse Superintendent of the State of North Carolina, Granville Bonded Warehouse; Discontinued operation of warehouse.*

Littleton; Warehouse Superintendent of the State of North Carolina, Halifax Bonded Warehouse; Discontinued operation of warehouse.*

Wilmington; Warehouse Superintendent of the State of North Carolina, Champion Compress Warehouse; Warehouseman's request.*

SOUTH CAROLINA

Clinton; Peoples Bonded Warehouse, Peoples Bonded Warehouse; Warehouse sold.*

Rock Hill; Peoples Warehouse Co., Peoples Warehouse; Discontinued operation of warehouse.*

TENNESSEE

Lawrenceburg; William A. Harwell, Harwell Bonded Warehouse; Lease expired.*

TEXAS

Houston; The Sprunt Corp., Ship Channel Compress, Warehouse, Plant No. 2; Lease expired.*

B. For the storage of grain:

ARKANSAS

Town, Warehouseman and Warehouse, and Cause of Termination

Augusta; M. L. Lockhart and Edna Olline Lockhart, copartners, doing business as Lockhart Grain Co., Lockhart Elevator; No longer operates elevator.*

COLORADO

Wray; Shannon Grain Co., Shannon Elevator; Disposed of elevator.*

ILLINOIS

Chicago; Central Soya Co., Inc., Central Chicago Elevator "A"; Disposed of elevator.*

Chicago; Norris Grain Co., Norris Elevator and Tanks; Disposed of elevator.*

Chicago; Spencer Kellogg & Sons, Inc., Spencer Kellogg and Sons Concrete Elevator; New company formed and licensed.*

Harristown; Federal-North Iowa Grain Co., Federal-North Iowa Elevator; Discontinued operations.*

Jamaica (P.O. Fairmount); W. D. Baird, trading as W. I. Baird Elevator, W. I. Baird Elevator; Warehouseman's request.*

Lockport; Central Soya Co., Inc., Central Lockport Elevator; Elevator sold.*

Marine; Alhambra Grain & Feed Co., Marine Elevator; Did not furnish bond.

Olive Branch; Federal Grain Co., Inc., Olive Branch Elevator; Disposed of elevator.*

Pekin; Norris Grain Co., Norris Elevator; Elevator sold.*

Seneca; Central Soya Co., Inc., Central Seneca Elevator; Elevator sold.*

INDIANA

Town, Warehouseman and Warehouse, and Cause of Termination

Cortland; General Grain, Inc., General Grain Elevator; Discontinued operation.*

Lafayette; General Grain, Inc., General Grain Elevator; No longer stores for public.*

Mount Vernon; Posey County Farm Bureau, Cooperative Association, Inc., Farm Bureau Co-op Elevator; Warehouseman's request.*

Poseyville; Posey County Farm Bureau Cooperative Association, Inc., Farm Bureau Co-op Elevator; Warehouseman's request.*

Star City; Pulaski County Farm Bureau Cooperative Association, Inc., Star City Co-op Elevator; Warehouseman's request.*

IOWA

Arthur; Continental Grain Co., Continental Elevator; Elevator sold.*

Council Bluffs; Updike Grain Corp., Updike Elevator "D"; Elevator sold.*

Gilmore City; Cargill, Inc., Cargill Elevator; Disposed of elevator.*

KANSAS

Atlanta; The Atlanta Cooperative Association, Atlanta Co-op Elevator; Did not furnish bond. Later furnished bond and relicensed.

Bala; The Riley County Farmers Union Co-op. Association, Farmers Union Elevator; To merge with another company.*

Feterita (P.O. Hugoton); The Stevens County Cooperative Equity Exchange, Feterita Co-op Elevator; Merged with another company.*

Galva; Galva Grain, Inc., Galva Grain Inc. Elevator; Dispose of elevator.*

Garnett; Anderson County Grain, Inc., Garnett Elevator; Disposed of elevator.*

Hugoton; Myrtle Parker, executrix of the estate of Harry V. Parker, deceased, trading as Parker Grain Co., Parker Elevator; Disposed of elevator.*

Junction City; S. H. Sampson and D. L. Sampson, copartners, trading as Sampson Bros., Mid-Continent Elevators; Disposed of elevator.*

Moscow; L. A. Gaskill and Mrs. E. L. Gaskill, dba Moscow Elevator Co., Moscow Elevator; Disposed of elevator.*

Oxford; Spencer Kellogg & Sons, Inc., Parity Mills; New company formed and licensed.*

White City; Mor-Kan Grain Co., Inc., Mor-Kan Elevator; Disposed of elevator.*

MISSISSIPPI

Leland; Mississippi Rice Warehouse Co.; Leland Warehouse; Warehouse sold.*

MISSOURI

Diehlstadt; Federal Grain Co., Inc., Diehlstadt Elevator; Disposed of elevator.*

Heagy (P.O. Bell City); Federal Grain Co., Inc., Bell City Elevator; Disposed of elevator.*

Dearborn; Halferty Bros., Inc., Halferty Bros. Elevator; Changed to a partnership and relicensed.*

Lexington; Lafayette Elevator Co., Lafayette Elevator; Elevator sold.*

Morley; Federal Grain Co., Inc., Morley Elevator; Disposed of elevator.*

Vanduser; Federal Grain Co., Inc., Vanduser Elevator; Disposed of elevator.*

NEBRASKA

Grainton; W. J. Moon and J. E. Kellogg, copartners; trading as Kellogg Grain Co., Kellogg Elevator; Partnership dissolved.*

Grant; W. J. Moon and J. E. Kellogg, copartners; trading as Kellogg Grain Co., Kellogg Elevator; Partnership dissolved.*

Madrid; W. J. Moon and J. E. Kellogg, copartners; trading as Kellogg Grain Co., Kellogg Elevator; Partnership dissolved.*

Magnet; Crowell Elevator Co., Crowell Elevator; Elevator sold.*

Town, Warehouseman and Warehouse, and Cause of Termination

Richland; Farmers Union Cooperative Association, Farmers Elevators; Warehouseman's request, to get State license.*

NEW MEXICO

Tucumcari; W. H. Addington, t/a Addington Grain Co., Addington Elevator; Elevator sold.*

NORTH CAROLINA

Norwood; T. Hebert Lee, trading as Lee Milling Co., Norwood Grain Elevator; New company formed and incorporated.*

Camden; Warehouse Superintendent of the State of North Carolina, Wood Bonded Warehouse; Discontinued operation of warehouse. Later resumed operation and relicensed.*

Greenville; Warehouse Superintendent of the State of North Carolina, Fred Webb, Inc. Elevator; Warehouseman's request.*

OKLAHOMA

Adams; Hooker Elevators, Inc., Adams Elevator; Elevator sold.*

Hominy; T. T. Robinson, trustee of Michael Bruce McNeil, Trust A-1, A-2, A-3, and A-4, and Donald Clyde McNeil, Trust A-1, A-2, A-3, and A-4 doing business as Sooner Terminal Elevator, Sooner Terminal Elevator; Warehouseman's request. New trust added and trustee relicensed.*

Yukon; Oklahoma Farmers Union Cooperative, Farmers Union Elevator; To change name.*

PENNSYLVANIA

Philadelphia; Cargill, Inc., Cargill Philadelphia Elevator; Did not furnish bond.

Pittsburgh; Pittsburgh Grain Elevator Corp., Pittsburgh Grain Elevator; Warehouseman's request.*

SOUTH CAROLINA

Orangeburg; Master Feed & Grain Co., Inc., Master Feed and Grain Co., Inc., Elevator; Warehouseman's request.*

SOUTH DAKOTA

Hurley; J. J. Mullaney Co., Mullaney Elevator; Elevator sold.*

TENNESSEE

Clarksville; Nebraska Consolidated Mills Co., Clarksville Elevator; Lease terminated.*

TEXAS

Dimmitt; Dimmitt Gin & Elevator Co., Inc., Dimmitt Gin Elevator; Space included in other licensed elevator.*

Dougherty; Producers Cooperative Elevator, Producers Cooperative Elevator; to secure a State license.*

Floydada; Producers Cooperative Elevator, Producers Cooperative Elevator; To secure a State license.*

Lariat; The Kearns Grain & Seed Co., Inc., Lariat Elevator; Elevator sold.*

Lubbock; Farmers Grain Co., of Lubbock, Farmers Grain Co. Elevator; Obtained new surety company on bond and was relicensed.*

Wichita Falls; P. J. Berend and L. A. Berend, copartners; trading as Berend Bros., Berend Bros. Elevator; Partnership dissolved, new company incorporated and licensed.*

UTAH

Logan; Superior Feed & Storage Co., Superior Warehouse; Did not furnish bond.

Tremonton; Vera Stohl d/b/a Ervin Stohl's Warehouse, Stohl's Warehouse; Did not furnish bond.

K. For the storage of seeds:

MISSOURI

Town, Warehouseman and Warehouse, and Cause of Termination

Kansas City; Pepppard Seeds, Inc., Peppard Warehouses; Warehouseman's request.*

*In each instance marked with an asterisk license was terminated at request of warehouseman.

UTAH

Town, Warehouseman and Warehouse, and Cause of Termination

Delta; M. W. Moody and E. L. Moody, copartners, trading as Moody Bros., Moody Bros. Warehouse; New partnership formed and licensed.*

Myton; M. W. Moody and E. L. Moody, copartners, trading as Moody Bros., Moody Bros. Warehouse; New partnership formed and licensed.*

Done at Washington, D.C., this 9th day of April 1962.

GEORGE A. DICE,
Director, Special Services Division, Agricultural Marketing Service.

[F.R. Doc. 62-3610; Filed, Apr. 12, 1962; 8:48 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 3171) for March and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2AU						
Swift & Co.	3NN	(*)		(*)	(*)		
Do.	3UU	(*)	(*)	(*)		(*)	
C. Finkbeiner, Inc.	18	(*)				(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Brown Thompson & Son	73					(*)	
The Cudahy Packing Co.	81	(*)	(*)			(*)	
Armour & Co.	100			(*)			
Liberty Packing Co.	101	(*)	(*)				
West Coast Meat Co., Inc.	117	(*)	(*)	(*)		(*)	
E. J. Archie & Sons, Inc.	122	(*)					
United Fryer & Stillman, Inc.	198	(*)					
S. Adams Packing Co.	211	(*)	(*)				
Waiti Schilling & Co., Inc.	235	(*)	(*)	(*)			
Harget Realty Corp.	247	(*)				(*)	
Tog Packing Co., Inc.	273	(*)					
American Stores Co.	279	(*)		(*)			
Solano Meat Co.	285	(*)	(*)	(*)			
San Jose Meat Co.	291	(*)		(*)			
Turlock Meat Co.	325	(*)					
C. & M. Meat Packing Corp.	329	(*)					
Anza Packing Co.	345	(*)		(*)			
McCandless Pack Co., Inc.	355						
Hell Packing Co.	357					(*)	
Murks Meat Co.	362	(*)					
James Allan & Sons	365	(*)		(*)	(*)	(*)	
Watsonville Dressed Beef, Inc.	398	(*)	(*)				
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Alpine Packing Co.	412	(*)	(*)			(*)	
Del Curto Meat Co.	445	(*)	(*)			(*)	
Pioneer Boneless Beef, Inc.	461	(*)					
Litvak Packing Co.	465	(*)					
Armour & Co.	477	(*)	(*)				
Memphis Butchers Association, Inc.	488	(*)	(*)	(*)		(*)	
Heim Bros. Packing Co.	490	(*)				(*)	
Swift & Co.	505	(*)					
Capitol Packing Co.	513	(*)	(*)				
Pepper Packing Co.	536	(*)					
Mid South Packers, Inc.	557	(*)				(*)	
Elmer Binder & Son, Inc.	569		(*)	(*)			
Armour & Co.	579	(*)	(*)			(*)	
Swift & Co.	608	(*)					
Eastern Oregon Meat Co., Inc.	611	(*)	(*)	(*)		(*)	
H. H. Keim Co.	630	(*)	(*)	(*)		(*)	
Wilson & Co., Inc.	655	(*)		(*)			
McCook Packing Co.	660	(*)					
Scottsbluff Packing Co.	667	(*)		(*)			
Pierce Packing Co., Inc.	691	(*)				(*)	
Carter Packing Co.	698	(*)	(*)	(*)			
Central Nebraska Packing Co.	713E	(*)					(*)
Decker & Son	727	(*)				(*)	
Mid State Meat Co.	741	(*)	(*)				
Karler Packing Co.	767	(*)	(*)				
Bryan Bros. Packing Co.	780	(*)	(*)			(*)	
Berchems Meat Co.	830	(*)					
White Packing Co., Inc.	835	(*)	(*)	(*)		(*)	
Nat Buring Packing Co. of Arkansas, Inc.	837B	(*)				(*)	
Reelfoot Packing Co.	840	(*)				(*)	
Wells & Davies, Inc.	860	(*)					
City Packing Co.	891	(*)					
Sigman Meat Co., Inc.	901	(*)					
National Meat Packers, Inc.	917	(*)	(*)			(*)	
Peoples Packing Co.	925	(*)	(*)	(*)		(*)	
Wilson & Co., Inc.	940	(*)	(*)			(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Delrich Meat Packers, Inc.	914					(*)	
Greeley Capitol Packing Co.	969	(*)		(*)			
National Food Stores, Inc.	981	(*)					
Everett C. Horlein & Son, Inc.	988	(*)					
Valley Meat Co.	1009	(*)	(*)	(*)			
Nebraska Meat Packers, Inc.	1307	(*)					

72 Establishments reported.

Done at Washington, D.C., this 5th day of April 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-3558; Filed, Apr. 12, 1962; 8:45 a.m.]

Forest Service

WASHINGTON; EXCHANGE OF CERTAIN LANDS

Notice of Public Hearing

Notice is hereby given that pursuant to the authority contained in the act of March 20, 1922 (16 U.S.C. 485), and the act of June 11, 1960 (74 Stat. 205), the Secretary of the United States Department of Agriculture, acting by and through the Forest Service, is considering making an exchange of 9,288 acres of Government land in the Gifford Pinchot National Forest, in the State of Washington, for 9,299 acres of land owned by the Weyerhaeuser Company of Tacoma, Washington.

Any person who wishes to submit views or arguments for consideration in connection with the proposed exchange should appear at a public hearing to be held before a hearing examiner of the Department of Agriculture at 10:00 a.m., April 25, 1962, in the Clark County Court House, Third Floor, 12th and Franklin Sts., Vancouver, Washington.

Done at Washington, D.C., this 9th day of April 1962.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 62-3611; Filed, Apr. 12, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

GABON

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Gabon, from which evidence it appears that under the social insurance or pension system of Gabon benefits are not payable on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Gabon does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] JOSEPH H. MEYERS,
Acting Commissioner of Social Security.

APRIL 9, 1962.

Approved April 5, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-3620; Filed, Apr. 12, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration and Public Affairs by Department Order No. 134 (Revised) and subject to the conditions and limitations specified herein, the Deputy Assistant Secretary for Administration is hereby authorized to perform the functions and exercise the authority vested in the Assistant Secretary of Commerce for Administration and Public Affairs on all matters within the scope of functions and authority as provided in Department Order No. 134 (Revised) (26 F.R. 12047-12048 of December 15, 1961) or by any other order, except those matters relating to Public Affairs and to those matters which by law are required to be acted on only by a Secretarial officer.

Dated: April 9, 1962.

WILLIAM RUDER,
Assistant Secretary of Commerce for Administration and Public Affairs.

[F.R. Doc. 62-3607; Filed, Apr. 12, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132 etc.]

AIR CARGO EXPRESS, INC.; REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 2, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 10, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3621; Filed, Apr. 12, 1962; 8:49 a.m.]

[Docket No. 12837]

UNITED AIR LINES, INC.; COMPETITIVE SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 8, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 20, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before April 30, 1962.

Dated at Washington, D.C., April 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3622; Filed, Apr. 12, 1962; 8:50 a.m.]

[Docket Nos. 4059, 4695; Order E-18195]

TARIFF LIABILITY RULES

Order Terminating Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of April 1962.

By Orders E-3183, adopted August 26, 1949 and E-4680, adopted October 2, 1950, the Board on its own initiative instituted a comprehensive investigation of numerous passenger, baggage, and freight tariff liability rules applicable to interstate and overseas air transportation. This investigation has never proceeded to hearing. Initially the parties met informally to explore areas of settlement. Subsequently, stipulations were agreed to and certain rules were dismissed from the investigation. Certain other rules, pertaining to personal injury liability, were severed from Docket 4059 et al., and a separate proceeding, Docket 6149, was instituted and concluded.[1]

There remains in Docket 4059 et al., a sizeable number of tariff liability rules which have not been disposed of. However, since this proceeding was initially instituted there have been numerous additions, deletions and modifications of the liability rules in the carriers' tariffs. The Board therefore finds that, consistent with orderly procedure and proper dispatch of the Board's business, it is in the public interest to terminate the investigation in Docket 4059 et al. The Board's action herein will not constitute a determination of the lawfulness of any of the rules under investigation and will be without prejudice to any pending or future proceedings. It may well be that some of these restrictive liability rules or the carriers' practices thereunder would, upon the completion of an evidentiary hearing required under section 1002(d) of the Act, be found to be unjust and unreasonable as abrogations of the airlines' duties and obligations as common carriers, and indeed contrary to public policy. However, such decision cannot be made on the basis of the present record.

It should be further stated that the Board is continuously aware of and has great interest in the conditions of carriage contained in the carriers' tariffs. The Board believes, however, that the most efficient procedure to adopt in the future in determining the lawfulness of tariff rules is to consider a limited number of related rules in a single investigation. In this connection, the Board has recently instituted investigations of several air freight tariff liability rules upon complaint and upon its own initiative.[2] The Board will continue to entertain such complaints and to institute investigations on the basis of the complaints or on its own initiative when circumstances warrant.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The investigation of tariff liability rules instituted in Dockets 4059 and 4695 be terminated.

2. The Board's action herein does not constitute a determination of the lawfulness of any of the tariff rules under investigation in Dockets 4059 and 4695 and is without prejudice to any investigation of the same or similar tariff rules which is pending or which hereafter may be instituted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-3623; Filed, Apr. 12, 1962; 8:50 a.m.]

[1] Order E-7414, adopted May 27, 1953. This investigation was terminated because the Board amended Part 221 to provide that, effective March 2, 1954, tariffs that contain matters dealing with limitations on, or conditions relating to, carrier liability for personal injury or death will be unacceptable for filing, and if already on file will have no prospective effect. Section 221.38(h) of the Board's Economic Regulations. Order E-8060, adopted January 25, 1954.

[2] By Order E-17073, adopted June 30, 1961, the Board instituted an investigation of several air freight liability rules complained of by the California Floral Traffic Conference et al. On its own initiative, the Board has suspended and ordered investigated a nuclear and radiation damage liability rule. Order E-18117, adopted March 19, 1962.

FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-3]

PROPOSED CONSTRUCTION OF RESIDENCES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Mr. Manuel Medrano, Brownsville, Texas, proposes to construct seven residences in Brownsville, centered at latitude 25°55'01" north, longitude 97°25'11" west (extending from approximately longitude 97°25'07" west to 97°25'15" west). The overall height of the proposed structures would be 33 feet above mean sea level (11 feet above ground).

The circularization of this proposal specified a site location of latitude 25°55'00" north, longitude 97°24'30" west. Subsequent to the circularization, it was determined that the correct coordinates are those specified in the above proposal. Objections were made in response to the circularization by the Air Transport Association of America, the Airport Manager of the Rio Grande Valley International Airport and the City of Brownsville Administrative Zoning Board based on the conclusions of the objectors that these structures would:

1. Penetrate the instrument approach area surface.

2. Raise the minimums on the instrument runways.

3. Present a hazard to aircraft.

4. Violate the 1:50 glide path on Runway 17L which is the Instrument Landing System runway.

The proposed structures would be located approximately 600 feet north of the approach end of Runway 17L of the Rio Grande Valley International Airport, and the east boundary of the development property approximately coincides with the extended centerline of this runway. The entire development, with the exception of approximately 80 feet of the west end, would be located within the approach area as delineated in § 626.13(b)(1), of the regulations of the Administrator, and the proposed structures would exceed the 1:50 approach slope criteria of this section by 9 feet. However, there is a school building 53 feet in overall height and a flagpole 55 feet in overall height approximately 850 feet north of the approach end of Runway 17L and approximately 300 feet east of the extended runway centerline. These structures exceed the 1:50 approach slope criteria of § 626.13 (b)(1) by 46 feet and 48 feet, respectively. Furthermore, the school building and flagpole would require a glide angle to Runway 17L of 1:12 whereas a glide angle based on the proposed structures would be 1:36.

In addition, the Federal Aviation Agency Airport Facilities Record for this airport, dated March 9, 1961, indicates trees 500 feet from the end of Runway 17L to be the controlling obstruction for this runway. This record indicates that the controlling obstruction establishes a glide angle of 1:9 to a point 200 feet north of the approach end of Runway 17L.

In summary, the proposed structures would not affect the glide angle for aeronautical operations on Runway 17L at the Rio Grande Valley International Airport to as great an extent as do the existing obstructions. Therefore, the Agency study disclosed that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes at the Rio Grande Valley International Airport. No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structures, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that these structures would not be hazards to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (26 F.R. 5292). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on April 4, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-3578; Filed, Apr. 12, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–19401 etc.]

BRADLEY PRODUCING CORP. ET AL.

Notice of Applications and Date of Hearing

APRIL 9, 1962.

The Bradley Producing Corporation, Docket No. G–19401; Skelly Oil Company (Operator), Docket No. G–19402; E. E. Reigle d.b.a. Richmond Drilling Company (Operator), et al., Docket No. G–19418; Wrico Production Company, et al., Docket No. G–19419; Humble Oil & Refining Company, Docket No. G–19515; Horizon Oil & Gas Company (Operator), et al., Docket No. G–19524; Austin Brady, Docket No. G–20264; Braden Drilling, Inc., Docket No. G–20294; Welsh Oil & Gas (Operator), Docket No. G–20503; Sacony Mobil Oil Company,. Inc. (Operator), et al., Docket No. CI60–107; Skelly Oil Company, Docket No. CI60–108; Nancy J. Husk Well No. 1, Docket No. CI60–196; Pan American Petroleum Corporation, Docket No. CI60–236; Gulf Oil Corporation, Docket No. CI60–262; Stelbar Oil Corporation, Inc., Docket No. CI60–292; Bonray Oil Company, Docket No. CI60–306; Texaco Inc., Docket No. CI60–313; Braden Drilling, Inc., Docket No. CI60–439; Tower Oil & Gas Company of Texas, Docket No. CI60–665; A. T. Skaer, Docket No. CI61–129; Glen A. Martin (Operator), et al., Docket No. CI61–1013; Steeple Oil and Gas Corporation, et al., Docket No. CI61–1186; Walter C. Crane, et al., d.b.a. Vesta Fuel Company Well No. 12–C, Docket No. CI61–1514; Cabot Corporation, Docket No. CI61–1559; Richard H. Brumbaugh d.b.a. Snodgrass 25-Acre Lease, Docket No. CI61–1702; Luray Land, Inc., Docket No. CI61–1717; Richard H. Brumbaugh d.b.a. Conrad 26-Acre Lease, Docket No. CI61–1720; A. M. Carlson d.b.a. Tower Service Company, Docket No. CI61–1721; Crawford Production Company, Docket No. CI61–1723; Creek Oil Company, Inc. (Operator), et al., Docket No. CI61–1729; Gene A. Smitherman d.b.a. Oilwell Buyer's Company, Docket No. 61–1751; Ernest Hayhurst, et al., Docket No. CI61–1784; Sun Oil Company, Docket No. CI61–1788; Cabot Corporation (GLC), Docket No. CI61–1823; W. C. Wilson, et al. d.b.a. Domar Gas Company, Docket No. CI61–1824; Francis E. Cain, et al. d.b.a. Rice-Rodgers Oil and Gas Company, Docket No. CI62–17; William J. Forbes, Jr., et al., Docket No. CI62–18; Sinclair Oil & Gas Company (Operator), et al., Docket No. CI62–33; Estate of M. G. Hansbro (Operator), et al., Docket No. CI62–37; Patoil Corporation (Operator), et al., Docket No. CI62–97; Hunt Oil Company, Docket No. CI62–104; Harvey Broyles (Operator), et al., Docket No. CI62–106; Davisson A. Benson, Jr., Docket No. CI62–117; The Shamrock Oil and Gas Corporation, Docket No. CI62–121; Paul H. Ash, et al. d.b.a. A&C Oil and Gas Company, Docket No. CI62–126; Kingwood Oil Company (Operator), et al., Docket No. CI62–139; Woodman-Iannitti Oil Company (Operator), et al., Docket No. CI62–141; Krebs Associates—A Joint Venture, Docket No. CI62–142; C. E. Richner, et al. d.b.a. C. W. Blankenship Well No 1, Docket No. CI62–143; McCall Drilling Company, Inc., Docket No. CI62–151; Robert K. Wilkoff d.b.a. Diamond Oil & Gas Company, Docket No. CI62–155; W. H. Mossor, et al. d.b.a. Gumm Oil and Gas Company, Docket No. CI62–158; Glenn L. Haught d.b.a. H. H. Smith Gas Company, Docket No. CI62–161; Walter E. Smith, et al. d.b.a. W. E. Spencer Well No. 1, Docket No. CI62–162; Gulf Oil Corporation, Docket No CI62–166; George L. Yaste d.b.a. Oil States Sales Company, Docket No. CI62–170; Bailey Gas Company, Docket No. CI62–176; Graham-Michaelis Drilling Company (Operator), et al., Docket No. CI62–179; Hays and Company, Agent for E. G. McKown No. 1, Docket No. CI62–180; Clarence E. Powell, et al d.b.a. U.N.K. Gas Company, Docket No CI62–182; Robert L. Holland, et al. d.b.a. Sugar Gas Company, Docket No. CI62–183; Kirby Petroleum Co. (Operator), et al., Docket No. CI62–184; Tidewater Oil Company, Docket No. CI62–185; Ruford F. Madera, Docket No. CI62–190; Ashland Oil & Refining Company, Docket No. CI62–191; Northern Natural Gas Producing Company, Docket No. CI62–192; N. G. Clark, et al. d.b.a. Grundy Associates, Docket No. CI62–199; L. M. Fischer (Operator), et al., Docket No. CI62–205; Falcon Seaboard Drilling Company (Operator), et al., Docket No. CI62–208; Charles F. Koontz Oil & Gas Co., Docket No. CI62–210; Jack R. Lefever, et al., Docket No. CI62–211; Bear Run Oil and Gas Co., Docket No. CI62–213; Grant G. Fowler, et al., Docket No. CI62–219; James G. Brown, Docket No. CI62–220; George Jackson, Docket No. CI62–238; Holly Nester d.b.a. W. A. Goff Well No. 1, Docket No. CI62–239; Peerless Oil & Gas Company (Operator), et al., Docket No. CI62–250; Peerless Oil & Gas Company (Operator), et al., Docket No. CI62–251; Don W. Hardman d.b.a. Grace Snodgrass Oil & Gas Co., Docket No. CI62–253; K. E. McAfee, Docket No. CI62–254; Richard M. Finder d.b.a. Texkan Oil Company (Operator), et al., Docket No. CI62–258; R. L. Kirkwood, Docket No. CI62–260; Harris-Spurgeon Gas Company, Docket No. CI62–266; Frederic C. & Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., Docket No. CI62–267; Sun Oil Company, Docket No. CI62–275; H. I. Patterson and R. E. Williams, Docket No. CI62–284; A. F. Roberts, Jr. (Operator), et al., Docket No. CI62–285; Stonestreet Lands Company, Docket No. CI62–293; Edward M. Smith, et al. d.b.a. Susan Johnson Well #1 Partnership, Docket No. CI62–294; Dorothea Webber, et al., Docket No. CI62–295; E. A. Ballengee, et al. d.b.a. Burrows Farm Gas and Oil Company, Docket No. CI62–298; Robert J. Sipoha, et al. d.b.a. Eastern Interior Oil Company, Docket No. CI62–300; Delbert Goff, Docket No. CI62–302; Superior Oil and Gas, Inc., Docket No. CI62–303; W. C. McBride, Inc. (Operator), et al., Docket No. CI62–318; Gulf Oil Corporation, Docket No. CI62–322; Texaco Inc., Docket No. CI62–335; Benin Oil Company (Operator), et al., Docket No. CI62–343; M. H. Marr, Docket No. CI62–348; Charles H. Sickrey, et al., Docket No. CI62–364; Continental Oil Company, Docket No. CI62–365; Delbert Goff, Docket No. CI62–425; William I. Forbes, Jr., Docket No. CI62–433; Henry O. Gossett, Jr., et al., Docket No. CI62–442; John J. Eisner (Operator), et al., Docket No. CI62–450; Ashland Oil & Refining Company, Docket No. CI62–494; Walter Clements, Jr. (Operator), et al., Docket No. CI62–511; Jack W. Grigsby (Operator), et al., Docket No. CI62–881.

Each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser; and Price/Mcf

G–19401; Camrick S. E. Pool, Beaver County, Oklahoma; Natural Gas Pipeline Company of America; 16.6 cents at 14.65 psia.

G–19402; Camrick S. E. Pool, Beaver County, Oklahoma; Natural Gas Pipeline Company of America; 16.6 cents at 16.65 psia.

G–19418; Spraberry Trend, Glasscock County, Texas; El Paso Natural Gas Company; 10.0 cents at 14.65 psia.

G–19419; Bradbury Lease, Cowley County. Kansas; Wunderlich Development Company; 5.2 cents at 16.4 psia.

G–19515 (as Supp.); Camrick S. E. Pool. Beaver County, Oklahoma; Natural Gas Pipeline Company of America; 16.6 cents at 14.65 psia.

G–19524; Camrick Field, Texas County, Oklahoma; Natural Gas Pipeline Company of America; 16.6 cents at 14.65 psia.

G–20264; Hugoton Field, Haskell County, Kansas; Kansas-Nebraska Natural Gas Company, Inc.; 11.0 cents at 14.65 psia.

G–20294; Robbins Lease, Pratt County, Kansas; Panhandle Eastern Pipe Line Company; 15.0 cents at 14.65 psia.

G–20503; Maetze Field Area, Goliad County, Texas; Valley Gas Production, Inc.; 12.25 cents at 14.65 psia.

CI60–107; North Cement Field, Caddo County, Oklahoma; Southern Gas Company; 6.0 cents at 14.65 psia.

CI60–108; Emperor Field, Winkler County, Texas; West Texas Gathering Company; 16.0 cents at 14.65 psia.

CI60–196; Lee District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 psia.

CI60–236; Blinebry Field, Lea County, New Mexico; El Paso Natural Gas Company; 9.501069 cents at 14.65 p.s.i.a.

CI60–262; Bijou Field, Morgan County, Colorado; N. C. Ginther (Operator) for Goodrich-Roggen, Joint Venture; 12.0 cents at 15.025 p.s.i.a.

CI60–292; Warren "B" Lease, Cowley County, Kansas; Wunderlich Development Company; 6.2 cents at 14.65 p.s.i.a.

CI60–306; Eureka Field, Grant County, Oklahoma; Cities Service Gas Company; 12.0 cents at 14.65 p.s.i.a.

CI60–313; Hugoton Field, Moore County, Texas; Phillips Petroleum Company; 8.0 cents at 14.65 p.s.i.a.

CI60–439; Irwin-Verning Unit, Pratt County, Kansas; Panhandle Eastern Pipe Line Company; 15.0 cents at 14.65 p.s.i.a.

CI60–665; Spraberry Trend Area, Upton County, Texas; El Paso Natural Gas Company; 11.1056 cents at 14.65 p.s.i.a.

CI61–1013; West Weesatche Field, Goliad County, Texas; United Gas Pipe Line Company; 12.1848 cents at 14.65 p.s.i.a,

CI61–1186; Acreage in Sherman County, Texas; Phillips Petroleum Company; 9.0 cents at 14.7 p.s.i.a.

CI61–1514; Union District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1559; Buchanan County Field, Buchanan County, Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–129 (as Supp.); Logan Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.; 10.0 cents at 16.4 p.s.i.a.

CI61–1702; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1717; Court House District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1720; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1721; Court House District, Lewis County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1723; South Eric Field, Beckham County, Oklahoma; El Paso Natural Gas Company; 12.0 cents at 14.65 p.s.i.a.

CI61–1729; Graham Lake Area, Muhlenberg County, Kentucky; Texas Gas Transmission; 21.0 cents at 15.025 p.s.i.a.

CI61–1751; Glasscock Field, Colorado County, Texas; Tennessee Gas Transmission; 15.0 cents at 14.65 p.s.i.a.

CI61–1784; DeKalb District, Gilmer County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI61–1788; Magee Field, Simpson and Smith Counties, Mississippi; United Gas Pipe Line; 18.0 cents at 15.25 p.s.i.a.

CI61–1823 (as Supp.); Baileysville District, Wyoming County, West Virginia; Bailey Gas Company (for resale to Hope Natural Gas Company); 20.0 cents at 15.325 p.s.i.a.

CI61–1824; Otter District, Braxton County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–17; Sheridan District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–18; DeKalb District, Gilmer County West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–33; East Texas Field, Smith and Rusk Counties, Texas; United Gas Pipe Line Company; 10.0 cents at 14.65 p.s.i.a.

CI62–37; Bethany Field, Panola County, Texas; United Gas Pipe Line Company; 9.6216 cents at 14.65 p.s.i.a.

CI62–97; S. W. Helen Gohlke Field, Victoria County, Texas; Texas Eastern Transmission Corporation; 11.6 cents at 14.65 p.s.i.a.

CI62–104; Minden Field, Webster Parish, Louisiana; Texas Gas Transmission Corporation; 18.25 cents at 15.025 p.s.i.a.

CI62–106; Ruston Field, Lincoln Parish, Lousiana; Texas Gas Transmission Corporation; 16.0 cents at 15.025 p.s.i.a.

CI62–117; Henry District, Clay County, West Virginia; United Fuel Gas Company; 23.0 cents at 15.325 p.s.i.a.

CI62–121; Acreage in Hansford County, Texas; Northern Natural Gas Company; 16.5 cents at 14.65 p.s.i.a.

CI62–126; Court House District, Lewis County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–139; Boyd Field, Beaver County, Oklahoma; Natural Gas Pipeline Company of America; 16.0 cents at 14.65 p.s.i.a

CI62–141; Acreage in Barber County, Kansas; Cities Service Gas Company; 13.0 cents at 14.65 p.s.i.a.

CI62–142; Skin Creek District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–143; Baileysville District, Wyoming County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–151; Freemans Creek District, Lewis County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–155; Stafford District, Mingo County, West Virginia; United Fuel Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–158; Freemans Creek District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–161; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–162; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–166; King Mountain Field, Upton County, Texas; El Paso Natural Gas Company and Hunt Oil Company; 13.68225 cents at 14.65 p.s.i.a.

CI62–170; Center District, Gilmer County, West Virginia; Carnegie Natural Gas Company; 20.0 cents at 15.325 p.s.i.a.

CI62–176; Baileysville District, Wyoming County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–179; McKinney Gas Field, Meade County, Kansas; Northern Natural Gas Company; 14.0 cents at 14.65 p.s.i.a.

CI62–180; Lee District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–182; New Milton District, Doddridge County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–183; New Milton District, Doddridge County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–184; Betty Keenan, Victoria County, Texas; United Gas Pipe Line Company; 13.926 cents at 14.65 p.s.i.a.

CI62–185; Flora Vista Area (Mesa Verde), San Juan County, New Mexico; El Paso Natural Gas Company; 12.0 cents at 15.025 p.s.i.a.

CI62–190; Camrick Area, Beaver County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.; 17.0 cents at 14.65 p.s.i.a.

CI62–191; West Chester Field, Woodward County, Oklahoma; Natural Gas Pipeline Company of America; 17.0 cents at 14.65 p.s.i.a.

CI62–192; Harper Ranch Field, Clark County, Kansas; Northern Natural Gas Company; 16.0 cents at 14.65 p.s.i.a.

CI62–199; Freemans Creek District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–205; South George West Field, Live Oak County, Texas; Texas Eastern Transmission Corporation; 11.6 cents at 14.65 p.s.i.a.

CI62–208; Harper Ranch Area, Clark County, Kansas; Northern Natural Gas Company; 16.0 cents at 14.65 p.s.i.a.

CI62–210; Troy District, Gilmer County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–211; Greenwood, Central District, Doddridge County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–213; Hackers Creek District, Lewis County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–219; DeKalb District, Gilmer County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–220; Dial Field, Goliad County, Texas; Texas Eastern Transmission Corporation; 11.6 cents at 14.65 p.s.i.a.

CI62–238; Union and Portland Districts, Preston County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–239; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–250; Acreage in Texas County, Oklahoma; Natural Gas Pipeline Company of America; 17.0 cents at 14.65 p.s.i.a.

CI62–251; Acreage in Texas County, Oklahoma; Northern Natural Gas Company; 16.0 cents at 14.65 p.s.i.a.

CI62–253; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–254; Basin (Dakota), San Juan County, New Mexico; El Paso Natural Gas Company; 12.0 cents at 15.025 p.s.i.a.

CI62–258; South Monte Christo Field, Hidalgo County, Texas; Valley Gas Transmission, Inc. (for resale to Tennessee Gas Transmission Company); 14.0 cents at 14.65 p.s.i.a.

CI62–260; Spartan and Odem Fields, San Patricio County, Texas; Banquete Gas Company (for resale to United Gas Pipe Line Company); 9.0 cents at 14.65 p.s.i.a.

CI62–266; Troy District, Gilmer County, West Virginia; South Penn Oil Company (for resale to Hope Natural Gas Company); 15.0 cents at 15.325 p.s.i.a.

CI62–267; Acreage in Texas County, Oklahoma; Panhandle Eastern Pipe Line Company; 16.0 cents at 14.65 p.s.i.a.

CI62–275; John Creek Field, Hutchinson County, Texas; Northern Natural Gas Company; 16.5 cents at 14.65 p.s.i.a.

CI62–284; Longwood Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company; 10.8 cents at 15.025 p.s.i.a.

CI62–285; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company; 9.0 cents at 14.65 p.s.i.a.

CI62–293; DeKalb District, Gilmer County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–294; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–295; Greenbrier District, Doddridge County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–298; Center District, Calhoun County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–300; Lawford, Union District, Ritchie County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–302; Hackers Creek District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–303; DeKalb District, Gilmer County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–318; Garden City East Area, Finney County, Kansas; Cities Service Gas Company; 12.0 cents at 14.65 p.s.i.a.

CI62–322 (as Supp.); Northeast Waynoka Field, Woods County, Oklahoma; Cities Service Gas Company; 13.0 cents at 14.65 p.s.i.a.

CI62–335; Carter-Knox Field, Stephens County, Oklahoma; Lone Star Gas Company; 16.8 cents at 14.65 p.s.i.a.

CI62–343; East Lewisburg Field, St. Landry Parish, Louisiana; Texas Eastern Transmission Corporation; 15.8007 cents at 15.025 p.s.i.a.

CI62–348; Vixen Field, Caldwell Parish, Louisiana; Arkansas Louisiana Gas Company; 18.5 cents at 15.025 p.s.i.a.

CI62–364; Acreage in Beckham County, Oklahoma; El Paso Natural Gas Company; 12.0 cents at 14.65 p.s.i.a.

CI62–365; Lindrith Area, Rio Arriba County, New Mexico; El Paso Natural Gas Company; 11.0 cents at 15.025 p.s.i.a.

CI62–425; Court House District, Lewis County, West Virginia; Hope Natural Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–433; Meade and Skin Creek Districts, Upshur and Lewis Counties; West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–442; Freemans Creek District, Lewis County, West Virginia; Equitable Gas Company; 25.0 cents at 15.325 p.s.i.a.

CI62–450; Hansford Morrow Field, Ochiltree County, Texas; Northern Natural Gas Company; 17.0 cents at 14.65 p.s.i.a.
CI62–494; Harper Ranch Field, Clark County, Kansas; Northern Natural Gas Company; 16.0 cents at 14.65 p.s.i.a.
CI62–511; Palmer Unit, Barber County, Kansas; Cities Service Gas Company; 13.0 cents at 14.65 p.s.i.a.
CI62–881; Crescent Farms Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company; 10.75 cents at 15.025 p.s.i.a.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3589; Filed, Apr. 12, 1962; 8:46 a.m.]

[Docket No. E–7033]

KANSAS GAS AND ELECTRIC CO.

Notice of Application

APRIL 9, 1962.

Take notice that on April 3, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Kansas Gas and Electric Company (Applicant), a corporation organized under the laws of the State of West Virginia and doing business in the State of Kansas, with its principal business office at Wichita, Kansas, seeking an order authorizing the issuance of 2,350,000 shares of its Common Stock, without par value. Applicant proposes to split its Common Stock, without par value, two shares for one through the issuance to each Common stockholder of record at the close of business on May 23, 1962 of one additional share of Common Stock for each share held. Applicant would amend its Charter to increase the number of shares of Common Stock authorized to be outstanding from 4 to 8 million, and to permit the issuance of the additional shares of Common Stock. According to the application, the aggregate capital represented by Applicant's outstanding Common Stock will not be changed as a result of the transaction; Applicant will receive no proceeds from the issuance of the proposed 2,350,000 shares of the new Common Stock; and, no underwriting or other fees or commission will be paid in connection with said issuance and distribution of the new Common Stock to existing Common stockholders. Applicant states that the proposed Common Stock split should result in a broadening of public interest in the Applicant's stock, an increase in the number of stockholders and a greater availability of shares of Common Stock for purchase and sale, benefiting the stockholders, the general public and Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of May, 1962, file with the Federal Power Commission, Washington, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3590; Filed, Apr. 12, 1962; 8:46 a.m.]

[Docket No. CP62–121 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications and Date of Hearing

APRIL 9, 1962.

Natural Gas Pipeline Company of America, Docket No. CP62–121; United Gas Pipe Line Company, Docket No. CP62–134; Gulf Oil Corporation, Docket No. CI62–607; Union Producing Company, Docket No. CI62–639.

Take notice that on November 14, 1961, as supplemented on January 16 and March 30, 1962, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62–121 an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing the construction and operation of certain additions to its transmission pipeline facilities in order to make increased deliveries of natural gas to nine existing customers for resale in existing market areas beginning during the 1962–1963 winter heating season, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

The proposed new facilities consist of approximately 167 miles of 30-inch pipeline partially looping existing pipeline in Texas, Arkansas, Missouri and Illinois; approximately 57 miles of 36-inch pipeline partially looping existing pipeline in Kansas, Nebraska, Iowa and Illinois; approximately 1.40 miles of 16-inch lateral supply pipeline in Polk County, Texas; approximately 15 miles of 6-inch lateral supply pipeline in Jim Hogg and Zapata Counties, Texas; two new booster compressor stations in Polk County, Texas, and Stephens County, Oklahoma, with a total of 1,610 BHP installed; one new compressor station in Will County, Illinois, with 6,000 BHP installed; and the necessary measuring and other appurtenant facilities.

The subject proposal would increase Natural's system capacity by 94,500 Mcf per day, at an estimated total cost of $26,891,000, which would be financed through funds to be derived from the issuance and sale of bonds, with bank loans providing interim funds as needed.

Take further notice that on November 27, 1961, as supplemented on January 15, 1962, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62–134 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor pipeline and metering facilities at United's Goodrich Compressor Station, Polk County, Texas, and the sale and delivery by means of said facilities of up to 50,000 Mcf of natural gas per day to Natural Gas Pipeline Company of America for resale. The estimated total cost of the proposed facilities is $35,270, to be financed from current working funds, and the proposed sales would be made pursuant to United's presently effective filed FPC Gas Rate Schedule PL–C.

On December 6, 1961, Gulf Oil Corporation (Gulf), P.O. Drawer 210, Houston 1, Texas, filed in Docket No. CI62–607 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the sale and delivery to Natural for resale of natural gas produced from the Escobas and Martinez Fields, Zapata and Jim Hogg Counties, Texas, at an initial field price of 18.0 cents per Mcf at 14.65 psia. pursuant to a gas sales contract between Gulf and Natural dated October 20, 1961.

On December 11, 1961, Union Producing Company (Union), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CI62–639 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the sale and delivery to Natural for resale of natural gas produced from the Jennings Field Area, Zapata and Jim Hogg Counties, Texas, at an initial field price of 18.0 cents per Mcf at 14.65 psia, pursuant to a gas sales contract between Union and Natural dated October 20, 1961.

The applications in Docket Nos. CP62–134, CI62–607 and CI62–639 are likewise on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, disposed of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3591; Filed, Apr. 12, 1962; 8:46 a.m.]

[Docket No. G–14562 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Notice of Postponement of Hearing

APRIL 9, 1962.

Tennessee Gas Transmission Company, Docket No. G–14562; Continental Oil Company, Docket No. G–13680; Magnolia Petroleum Company (Socony Mobil Oil Company, Inc.), Docket No. G–13827; Newmont Oil Company, Docket No. G–13948.

Take notice that the hearing in the above-designated matters now scheduled for May 14, 1962 is hereby postponed to May 22, 1962, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3592; Filed, Apr. 12, 1962; 8:46 a.m.]

[Docket Nos. CP61–328, CP62–86]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Applications and Date of Hearing

APRIL 9, 1962.

Take notice that on June 19, 1961, as supplemented on June 19, 1961, and as amended on January 17 and February 26; 1962, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 296, Houston 1, Texas, filed in Docket No. CP61–328 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 120 (amended figure) miles of transmission purchase lateral pipelines, one 4,320 (amended figure) horsepower compressor station, and six purchase meter and regulator stations, with appurtenant equipment, for the purpose of receiving and transporting natural gas to be purchased by Transco from certain independent producers thereof in Blocks 129 and 131, Vermillion Area, Blocks 23 and 48, South Marsh Island Area, and Block 169, Ship Shoal Area, all offshore Louisiana, and all as more fully set forth in the application, as supplemented and amended, which is on file with the Commission and open to public inspection.

The estimated total capital cost of the facilities proposed to be constructed by Transco under the application in Docket No. CP61–328 as amended, is $17,670,000.

The purpose of the facilities proposed to be constructed under this application is to connect additional gas supplies to Transco's system to augment the system supply available to serve existing customers.

Take further notice that on October 2, 1961, as amended on February 5, 1962, Transco filed in Docket No. CP62–86 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 198 miles of main transmission line loop pipeline, 46,800 horsepower of compression in existing main line stations, 28 miles of loop and 2,000 horsepower of compression in an existing station on the Central Louisiana Gathering System, 26 miles of loop and 7,900 horsepower of compression on the Southeast Louisiana Gathering System and 4,320 horsepower of compression in a proposed new station on the McMullen Gathering System, together with appurtenant facilities, all to be utilized for the purpose of rendering proposed additional natural gas pipeline service of 102,127 Mcf per day to 32 existing customers of Transco, as more fully set forth in the application, as amended, which is also on file with the Commission and open to public inspection.

The estimated total capital cost of the facilities proposed to be constructed by Transco under the application in Docket No. CP62–86, as amended, is $54,000,000.

Transco proposes to finance the projects in the subject Docket Nos. CP61–328 and CP62–86 through the issuance of $80,000,000 of long-term securities, a portion of the proceeds of which is to be used to finance other facilities authorized by or pending before the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3593; Filed, Apr. 12, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities, Region VI (San Francisco), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements and regulatory agreements; and

2. The execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective March 16, 1962 (27 F.R. 2540, 3/16/62).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 13th day of April 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62–3657; Filed, Apr. 12, 1962; 8:50 a.m.]

REDELEGATION OF AUTHORITY TO DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

Designation of Acting Director for Northwest Operations

1. The Director for Northwest Operations, Region VI, at Seattle, Washington, is hereby authorized within his jurisdiction (the Counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, in the State of Idaho; and the States of Alaska, Montana, Oregon, and Washington) to exercise the authority delegated by the Housing and Home Finance Administrator to each Regional Administrator under the programs administered under the Community Facilities Administration, including the following:

PROGRAMS AND CURRENT DELEGATIONS TO REGIONAL ADMINISTRATOR

(a) Advances for public works planning authorized under section 702 of the Housing Act of 1954, as amended, 40 U.S.C. 462 (25 F.R. 5801, 6–23–60);

(b) Loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749–1749c (25 F.R. 5801, 6–23–60);

(c) Public facility loans authorized under section 202 of Public Law 345, 84th Cong., 42 U.S.C. 1491 (25 F.R. 5801, 6–23–60);

(d) Loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q (27 F.R. 1850, 2–27–62);

(e) Loans and grants authorized under sections 7 and 8 of the Area Redevelopment Act, 42 U.S.C. 2506 and 2507 (26 F.R. 7992, 8–25–61).

2. The officers appointed to the following listed positions in the Office of the Director for Northwest Operations, Region VI, are hereby designated to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director, with all the powers, functions, and duties redelegated or assigned to the Director, provided that no officer is authorized to serve as Acting Director for Northwest Operations unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

(a) Area Engineer;

(b) Area Finance Officer.

3. This redelegation and designation supersede the document effective August 12, 1957 (22 F.R. 10766, December 27, 1957).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegations cited in parenthesis under 1(a)–(e) above; Administrator's delegation effective Mar. 28, 1962 (27 F.R. 2868, March 28, 1962))

Effective as of the 28th day of March 1962.

[SEAL] J. G. MELVILLE,
Regional Administrator,
Region VI.

[F.R. Doc. 62–3658; Filed, Apr. 12, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–IV–40]

COMMERCIAL LOAN SPECIALIST, FIELD OFFICE, CHARLESTON, W. VA.

Delegation Relating to Administrative Function

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706, 7814; 26 F.R. 177, 1456; 27 F.R. 372), there is hereby delegated to the Loan Specialist (Commercial), Charleston, West Virginia, Field Office, the authority to administer the oath of office to the Industrial Specialist (ARA).

II. The authority delegated herein may not be redelegated.

III. This authority is also hereby rescinded effective April 2, 1962.

Dated: March 22, 1962.

G. D. HALDEN,
Acting Regional Director.

[F.R. Doc. 62–3602; Filed, Apr. 12, 1962; 8:47 a.m.]

[Declaration of Disaster Area 374]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Olmsted County in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 28 and 29, 1962.

Office:

Small Business Administration Regional Office,
Lewis Building,
603 Second Avenue South,
Minneapolis 2, Minn.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 30, 1962.

LOGAN B. HENDRICKS,
Acting Deputy Administrator.

[F.R. Doc. 62–3603; Filed, Apr. 12, 1962; 8:47 a.m.]

[Declaration of Disaster Area 375]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Santa Rosa County in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 31, 1962.

Offices:

Small Business Administration Regional Office,
90 Fairlie Street NW.,
Atlanta 3, Ga.

Small Business Administration Branch Office,
Huntington Building, Room 301,
168 Southeast First Street,
Miami 32, Fla.

2. A temporary field office will be established at Milton, Florida, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1962.

Dated: April 2, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–3604; Filed, Apr. 12, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Apparel Manufacturing Co. of Jackson, Inc., Scotts Hill, Tenn.; effective 3–30–62 to 3–29–63 (ladies' wash dresses and dusters).

B. C. J. Corp., 5 John Street, Carbondale, Pa.; effective 3–27–62 to 3–26–63 (children's dresses).

Glenn Berry Manufacturers, Inc., Chelsea, Okla.; effective 3–26–62 to 3–25–63 (boys' dungarees).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; effective 3–28–62 to 3–27–63 (overalls and dungarees, play clothes and work pants).

Big Yank Corp., Tyrone, Pa.; effective 3–31–62 to 3–30–63 (men's and boys' cotton work pants).

Columbo Garment Co., Inc., 158 West Harrison Street, Columbus, Wis.; effective 3–31–62 to 3–30–63 (ladies' slacks).

Hamurnat Manufacturing Corp., 212 Hull Avenue, Olyphant, Pa.; effective 4–2–62 to 4–1–63 (boys' jackets and zipper wind breakers).

The Imperial Shirt Corp., Brundidge, Ala.; effective 4–2–62 to 4–1–63 (men's dress shirts).

Lerner Slone Clothing Corp., Forrest City, Ark.; effective 4–11–62 to 4–10–63 (men's and boys' slacks).

M. T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 4–1–62 to 3–31–63 (ladies' blouses, shorts, jamaicas, mid-calfs, lined jackets and ski-pants).

Martin Manufacturing Co., Inc., Ramer, Tenn.; effective 3–31–62 to 3–30–63 (men's United States Armed Forces woven shirts and jackets).

Norris Manufacturing Co., Taylors, S.C.; effective 3–30–62 to 3–29–63 (ladies' and boys' sport shirts).

Old School Manufacturing Co., Inc., Prosperity, S.C.; effective 3–28–62 to 3–27–63 (men's work shirts and pants and ladies' blouses).

Oxford Manufacturing Co., Oxford, Miss.; effective 3–31–62 to 3–30–63 (boys' semi-dress pants and walking shorts).

Publix Manufacturing Corp., Gallitzin, Pa.; effective 3–30–62 to 3–29–63 (men's and boys' sport and dress shirts).

Robville Manufacturing Co., Robersonville, N.C.; effective 3–27–62 to 3–26–63 (boys' cotton shirts and pants).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss.; effective 3–30–62 to 3–29–63 (men's cotton work shirts).

Shane Manufacturing Co., Inc., Men's Work Clothing Division, 2015 West Maryland Street, Evansville 7, Ind.; effective 4–1–62 to 3–31–63 (cotton work clothing for men—denim overalls, dungarees and jackets).

Solomon Bros. Co., Camden, Ala.; effective 3–27–62 to 3–26–63 (men's sport shirts).

Square Apparel Co., 181 Darling Street, Wilkes-Barre, Pa.; effective 3–27–62 to 3–26–63 (women's dresses and blouses).

W. F. Apparel Co., Inc., 902 West Main Street, West Frankfort, Ill.; effective 3–31–62 to 3–30–63 (women's and misses' dresses).

Windon Manufacturing Co., Winona, Miss.; effective 3–31–62 to 3–30–63 (boys' and men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barson and Co., 185 Delaware Street, Palmerton, Pa.; effective 3–27–62 to 3–26–63; 10 learners (women's blouses).

Iron King Overall Co., 113 South Hanover Street, Baltimore, Md.; effective 3–26–62 to 3–25–63; 10 learners (men's work pants).

Lady Salisbury Classics, Inc., Jenkins Lane, Salisbury, Md.; effective 3–27–62 to 3–26–63; 10 learners (children's blouses and shorts).

Nationwide Uniform Corp., Hodgenville, Ky.; effective 4–2–62 to 4–1–63; 10 learners (men's uniform pants and jackets).

Newport Dress Factory, 28 South Third Street, Newport, Pa.; effective 4–2–62 to 4–1–63; 10 learners (women's dresses).

Solomon Bros. Co., Toxey, Ala.; effective 3–27–62 to 3–26–63; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 3–26–62 to 9–25–62; 35 learners (women's washable uniforms).

Angelica Uniform Co., Summersville, Mo.; effective 3–26–62 to 9–25–62; 30 learners (women's washable uniforms).

Glenn Berry Manufacturers, Inc., Chelsea, Okla.; effective 3–26–62 to 9–25–62; 90 learners (boys' dungarees).

Bur-Mac Corp., 346 North Thomas Street, Athens, Ga.; effective 3–28–62 to 9–27–62; 10 learners (men's sportwear—slacks and shorts).

Clif-Tex Manufacturing Co., Inc., Clifton, Tex.; effective 3–26–62 to 9–25–62; 35 learners (men's and children's coveralls and men's and women's insulated one piece suits).

The Imperial Shirt Corp., Brundidge, Ala.; effective 4–2–62 to 10–1–62; 200 learners (men's dress shirts).

Lady Salisbury Classics, Inc., Jenkins Lane, Salisbury, Md.; effective 3–27–62 to 9–26–62; 35 learners (children's blouses and shorts).

Linda Lane Garment Co., Inc., 106 West Bluff and 204 North Main, Excelsior Springs, Mo.; effective 3–26–62 to 9–25–62; 30 learners (ladies', nurses' and maids' uniforms).

Plattsburg Garment Corp., 612 Ingles Street, Plattsburg, Mo.; effective 3–30–62 to 9–29–62; 45 learners (boys' jackets (parka)).

Levi Strauss and Co., 1808 Cherry Street, Knoxville, Tenn.; effective 3–26–62 to 9–25–62; 125 learners (men's, ladies' and children's denim waist overalls).

Westmoreland Manufacturing Co., Inc., Westmoreland, Tenn.; effective 3–30–62 to 9–29–62; 20 learners (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 3–29–62 to 10–28–62; 10 learners for plant expansion purposes (cotton flannel and plastic coated work gloves).

Premiere Gloves, Inc., Franklin Street, Fultonville, N.Y.; effective 3–29–62 to 3–28–63; 10 learners for normal labor turnover purposes (fabric gloves).

The Schafer Co., Inc., 101–117 North First Street, Decatur, Ind.; effective 3–29–62 to 3–28–63; 10 learners for normal labor turnover purposes (leather and combination leather and fabric work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Elliott Hosiery Mills, Hickory, N.C.; effective 3–28–62 to 3–27–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Lloyd's Lingerie, Inc., Madison, N.C.; effective 4–2–62 to 3–8–63; 5 learners for normal labor turnover purposes (ladies knit panties and slips and children's knit panties) (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 4–2–62 to 10–1–62; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of $1 an hour (hats and caps).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 4–2–62 to 10–1–62; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of $1 an hour (headwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of April 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–3600; Filed, Apr. 12, 1962; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on

employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations, (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barson & Co., 428 South Seventh Street, Lehighton, Pa.; effective 3-23-62 to 3-22-63 (women's blouses).

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 4-1-62 to 3-31-63 (men's cotton twill matched pants).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss.; effective 4-1-62 to 3-31-63 (blouses).

Brewton Fashions, Limited, East Rankin Street, Brewton, Ala.; effective 3-22-62 to 3-21-63 (ladies' blouses).

Cluett, Peabody and Co., Inc., Virginia, Minn.; effective 4-1-62 to 3-31-63 (men's dress shirts).

Cookeville Shirt Co., 106 North Walnut Avenue, Cookeville, Tenn.; effective 3-24-62 to 3-23-63 (men's dress shirts).

Cortland Corset Co., Inc., East Court Street, Cortland, N.Y.; effective 3-27-62 to 3-26-63 (corsets, girdles and foundation garments).

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 3-23-62 to 3-22-63 (brassieres).

Huntington Manufacturing Co., Inc., 629 10th Street, Huntington, W. Va.; effective 3-24-62 to 3-23-63 (women's dresses).

Reidbord Brothers, Livingston Street, Elkins, W. Va.; effective 3-21-62 to 3-20-63 (men's trousers and work shirts).

Selro Manufacturing Co., 113 Cay Street, 115 Race Street, Washington Street, Extended, Cambridge, Md.; effective 4-20-62 to 4-19-63. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses and pants).

Spartans Industries, Inc., Sparta, Tenn.; effective 4-4-62 to 4-3-63 (ladies', men's and boys' sport shirts).

Wagener Manufacturing Co., Inc., Wagener, S.C.; effective 4-11-62 to 4-10-63 (shirts, robes and cabana sets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Gem Manufacturing Co., Stoneville, N.C.; effective 3-26-62 to 3-25-63; 10 learners (boys' and misses' dungarees).

Dowling Textile Manufacturing Co., McDonough, Ga.; effective 3-21-62 to 3-20-63; 10 learners (hospital apparel).

Glenn Clothing Manufacturing Co., Inc., Dickenson County, Clintwood, Va.; effective 3-23-62 to 3-22-63; 10 learners (boys' pants).

Hope Manufacturing Co., Inc., Wedowee, Ala.; effective 3-21-62 to 3-20-63; 10 learners (ladies' slacks).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill.; effective 4-12-62 to 4-11-63; 2 learners (men's and boys' trousers, ladies' slacks).

Penrod Manufacturing Co., Concord, N.C.; effective 3-22-62 to 3-21-63; 10 learners (outerwear jackets, shirts, and pants).

Sussex Sportswear, Inc., Selbyville, Del.; effective 3-26-62 to 3-25-63; 10 learners (ladies' blouses and dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Canajoharie Manufacturing Co., Inc., Mill Street, Canajoharie, N.Y.; effective 3-22-62 to 9-21-62; 65 learners (ladies' dresses).

Lee County Mills, Inc., Leesburg, Ga.; effective 3-21-62 to 9-20-62; 50 learners (ladies' and children's underwear).

Penrod Manufacturing Co., Concord, N.C.; effective 3-22-62 to 9-21-62; 30 learners (outerwear jackets, shirts and pants).

Puritan Fashions Corp., Factory No. 47, Farmington, Mo.; effective 3-20-62 to 9-19-62; 30 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses, shorts, etc.)

Selro Cambridge Manufacturing Co., Crisfield, Md.; effective 3-21-62 to 9-20-62; 100 learners (ladies' slacks, jamaicas and pedal pushers).

Selro Manufacturing Co., 113 Cay Street, 115 Race Street, Washington Street Extended, Cambridge, Md.; effective 3-26-62 to 9-25-62; 22 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Marse & Rodenborn Manufacturing Co., Fort Dodge, Iowa; effective 3-26-62 to 3-25-63; 10 learners for normal labor turnover purposes (canton flannel work gloves and mittens).

Mountain City Glove Co., Mountain City, Tenn.; effective 3-19-62 to 9-18-62; 60 learners for plant expansion purposes (flannel gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Acme-McCrary Corp., Asheboro, N.C.; effective 3-23-62 to 3-22-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned seamless).

Se-Ling Mills, a division of Prestige, Inc., 505 North Third Street, Quiney, Ill.; effective 3-24-62 to 3-23-63; 5 learners for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Coopers Inc. of Georgia, 105 Daniel Street, Millen, Ga.; effective 3-22-62 to 9-21-62; 30 learners for plant expansion purposes (men's and boys' knitted underwear and sweatshirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Burlington Belt Corp., Elon College, N.C.; effective 3-22-62 to 9-21-62; 10 learners for normal labor turnover purposes to be employed in the manufacture of apparel belts in the occupation of sewing machine operator for a learning period of 320 hours at the rates of $1 an hour for the first 160 hours and not less than $1.05 an hour for the remaining 160 hours (belts and belt backing).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of April 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-3601; Filed, Apr. 12, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 624]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64754. By order entered April 6, 1962, the Transfer Board approved the transfer to Ayers & Maddux, Inc., 543 South Central Avenue, Los Angeles, Calif., of the operating rights in Certificate No. MC 118281, issued May 16, 1961, to H. D. Ayers & Lois Maddux, doing business as Ayers & Maddux, 543 South Central Ave., Los Angeles, Calif., authorizing the transportation of: frozen fruits, frozen berries, and frozen vegetables, from Watsonville, Calif., to Phoenix and Tucson, Ariz., and El Paso, Tex.; and from Albany, Oreg., and Seattle, Kent, Arlington, and Stanwood, Wash., to Los Angeles, Calif.

No. MC-FC 64868. By order of April 6, 1962, the Transfer Board approved the transfer to Vel-Mar Freight Lines, Inc., Hidalgo, Texas, of Certificate No. MC 107846 Sub 1, issued May 27, 1957, to Transportes Martinez, S. de R. L. de C.V., Monterrey, Nuevo Leon, Mexico, authorizing the transportation of: General commodities over regular routes, between the boundary of the United States and Mexico, and Brownsville, Tex., and Port Brownsville, Tex., between the boundary of the United States and Mexico, at Hidalgo, Tex., and McAllen, Tex., over irregular routes, between the boundary of the United States and Mexico, at Brownsville, Tex., on the one hand, and, on the other, Brownsville and the Brownsville Airport, Tex., general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Hidalgo and McAllen, Tex., on the one hand, and, on the other, the boundary of the United States and Mexico at a point on U.S. Highway 281 approximately one mile south of Hidalgo, Tex. Rogers Kelley, P.O. Box 390, Edinburg, Tex., attorney for transferee.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-3606; Filed Apr. 12, 1962; 8:47 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli [1]

During the period of March 10 and August 25, 1961, a notice of proposed rule making and an extension of time for submission of data, views, and arguments in connection therewith were published in the FEDERAL REGISTER (26 F.R. 2088 and 26 F.R. 7967) regarding a proposed revision of the United States Standards for Grades of Frozen Broccoli.

Statement of consideration leading to the revision. The United States Standards for Grades of Frozen Broccoli were last revised in March 1959. Since that time changes in packing practices have created a need for modification of certain definitions and requirements in the current standards.

The principal reasons for the revision of the current grade standards is to modify the definition of the style of "Short spears or Florets" to conform to current packing practices; to make adjustments in the requirements under the factor of uniformity of size for this style to more adequately reflect the various quality levels; to provide objective allowances for detached fragments and loose leaves or portions thereof for the styles of spears and short spears under the factor of defects, and to modify the definitions for development under the factor of character to conform to current packing practices and characteristics of new varieties of broccoli developed in recent years.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notices, the following United States Standards for Grades of Frozen Broccoli are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.631 Product description.
52.632 Styles of frozen broccoli.
52.633 Grades of frozen broccoli.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

FACTORS OF QUALITY

Sec.
52.634 Ascertaining the grade of a sample unit.
52.635 Ascertaining the rating for the factors which are scored.
52.636 Color.
52.637 Uniformity of size.
52.638 Defects.
52.639 Character.

METHOD OF ANALYSIS

52.640 Ascertaining proportions of head material and leaf material.

LOT INSPECTION AND CERTIFICATION

52.641 Ascertaining the grade of a lot.

SCORE SHEET

52.642 Score sheet for frozen broccoli.

AUTHORITY: §§ 52.631 to 52.642 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant by trimming, washing, blanching, sorting, and properly draining and is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "Stalks" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging from not less than 3½ inches to not more than 6 inches in length. Such spears or stalks may be cut longitudinally.

(b) "Short spears" or "Florets" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging in length from not less than 1 inch to less than 3½ inches and weigh more than 0.2 ounce. Such short spears or florets may be cut longitudinally.

(c) "Cuts" consist of spears or stalks cut into portions ranging from ¾ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" consists of spears or stalks cut into portions approximating less than ¾ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) "Pieces" consist of cut or chopped portions of spears or stalks not more than 2 inches in length and which does not meet the requirements for "Cuts" or "Chopped" style.

§ 52.633 Grades of frozen broccoli.

(a) "U.S. Grade A" or ("U.S. Fancy") is the quality of frozen broccoli of any style, other than the style of "Pieces", that possesses similar varietal characteristics; that possesses a good color; that is fairly uniform or reasonably uniform in size for the applicable style; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points.

(b) "U.S. Grade B" or ("U.S. Extra Standard") is the quality of frozen broccoli of any style that possesses similar varietal characteristics; that possesses a reasonably good color; that is fairly uniform in size or may vary in size; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points.

(c) "Substandard" is the quality of frozen broccoli of any style that fails to meet the requirements of "U.S. Grade B."

FACTORS OF QUALITY

§ 52.634 Ascertaining the grade of a sample unit.

(a) The grade of a sample unit of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, defects, and character.

(b) The relative importance of each factor which is rated by score points is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	10
Defects	35
Character	35
Total score	100

(c) The scores for the factors of color, uniformity of size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of flavor and odor and of character with respect to tenderness is determined after thawing and after the product is cooked.

(d) "Good flavor and odor" means that the product has a good, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.635 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.636 Color.

(a) (*A*) *classification.* Frozen broccoli of any style, other than the style of "Pieces", that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the frozen broccoli possesses a bright, reasonably uniform, characteristic green color which may include lighter colored areas typical of young and tender broccoli that does not materially affect the appearance of the product.

(b) (*B*) *classification.* Frozen broccoli of any style that possesses a reasonably good color may be given a score of 16 or 17 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(c) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.637 Uniformity of size.

(a) *General.* "Diameter" of a spear or stalk, whether or not cut longitudinally, means the greatest crosswise dimension measured 1 inch above the lowest portion of the main stem of the spear or stalk at approximate right angles to the length.

(b) (*A*) *classification.* Frozen broccoli of any style, other than the style of "Pieces", that is reasonably uniform in size may be given a score of 9 or 10 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Spears.* (i) The length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) Of all the units in the container, in the 90 percent, by count, which are of the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 1 inch;

(iii) The diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than 1 inch;

(iv) And of all the units in the container, in the 90 percent, by count, which are most uniform in diameter, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* Of all the short spears in the container, in the 95 percent, by weight, that are the largest short spears, the weight of the largest short spear is not more than three times the weight of the smallest short spear.

(3) *Cuts.* Not more than 10 percent, by weight, of the units made be ½ inch or less in length; and the appearance of the product is not materially affected by variation in size.

(4) *Chopped.* Not more than 5 percent, by weight, of the units may be ¾ inch or more in length.

(c) (*B*) *classification.* If the frozen broccoli of any style is fairly uniform in size a score of 8 points may be given. "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Spears.* (i) Of all the units in the container, in the 90 percent, by count, which are of the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 2 inches; and

(ii) Of all the units in the container, in the 90 percent, by count, which are most uniform in diameter, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* Of all the short spears in the container, in the 95 percent, by weight, that are the largest short spears, the weight of the largest short spear is not more than four times the weight of the smallest short spear.

(3) *Cuts.* Not more than 20 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not seriously affected by variation in size.

(4) *Chopped.* Not more than 10 percent, by weight, of the units may be ¾ inch or more in length.

(5) *Pieces.* The variation in size of the individual units does not seriously affect the appearance of the product.

(d) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 7 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a partial limiting rule).

§ 52.638 Defects.

(a) *General.* The factor of defects refers to the degree of trimming and to the degree of freedom from grit or silt, harmless extraneous vegetable material, detached fragments, broken units and from units that are damaged or seriously damaged.

(b) *Definitions of defects.* (1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Harmless extraneous vegetable material" means vegetable substances other than broccoli, such as weeds and grass or any portions thereof, that are harmless.

(3) "Loose leaves or pieces thereof" means leaves or pieces of leaves not attached to a unit.

(4) "Detached fragments" in the styles of spears and short spears means any small pieces or detached portions other than loose leaves or portions thereof, which weigh 0.2 ounce or less.

(5) "Broken" in the styles of spears and short spears means any broken or detached portions, other than loose leaves or portions thereof, which weigh more than 0.2 ounce and are definitely not intact units.

(6) "Well trimmed" means that the appearance of a spear or short spear is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem in the case of spears.

(7) "Reasonably well trimmed" means that the appearance of the spear or short spear is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem in the case of spears.

(8) "Poorly trimmed" means that the appearance of the spear or short spear is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem in the case of spears.

(9) "Damaged" means damage by discoloration, mechanical injury, hollow stems, pithy stems, or by other means to the extent that the appearance or eating quality of the unit is materially affected.

(10) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) (*A*) *classification.* Frozen broccoli of any style, other than the style of "Pieces", that is practically free from defects may be given a score of 31 to 35 points. "Practically free from defects" means that there may be present no grit or silt that affects the appearance or eating quality of the product; and in addition has the following meanings for the respective styles:

(1) *Spears; short spears.* The product does not exceed the applicable allowances prescribed for the respective type of defect in Table I of this subpart;

(2) *Cuts; chopped.* The product does exceed the applicable allowances prescribed for the respective type of defect in Table II of this subpart; and

(3) *All styles, other than "Pieces".* Notwithstanding the specified allowances in Table I and Table II of this subpart, the presence of defects, whether or not specifically mentioned, individually or collectively does not materially affect the appearance or eating quality of the product.

(c) (*B*) *classification.* Frozen broccoli of any style that is reasonably free from defects may be given a score of 28 to 30 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that a trace of grit or silt may be present that does not materially affect the appearance or eating quality of the product; and in addition has the following meanings for the respective styles:

(1) *Spears; short spears.* The product does not exceed the applicable allowances prescribed for the respective type of defect in Table I of this subpart;

(2) *Cuts; chopped; pieces.* The product does not exceed the applicable allowances prescribed for the respective type of defect in Table II of this subpart; and

(3) *All styles.* Notwithstanding the specified allowances in Table I and Table II of this subpart, the presence of defects, whether or not specifically mentioned, individually or collectively does not seriously affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTS IN THE STYLES OF SPEARS AND SHORT SPEARS

Grade classification	Harmless extraneous vegetable material	Defects: Detached fragments and loose leaves or portions thereof	Loose leaves or portions thereof	Reasonably well and poorly trimmed	Poorly trimmed [1]	Broken, damaged, and seriously damaged [1]	Seriously damaged [1]
	(*Each 30 oz. net wt.*)	(*Percent by weight*)	(*Percent by weight*)	(*Percent by weight*)	(*Percent by weight*)	(*Percent by weight*)	(*Percent by weight*)
A	1 piece	5%	But no more than 2%	20%	But no more than 5%	10%	But no more than 5%
B	2 pieces	10%	But no more than 5%	100%	But no more than 20%	20%	But no more than 10%

[1] One unit in a container is permitted to be poorly trimmed, and 1 unit broken, damaged or seriously damaged; *Provided*, That the total number of such units in all the containers comprising the sample does not exceed the percentage allowed for such defect.

TABLE II—MAXIMUM ALLOWANCES FOR DEFECTS IN THE STYLES OF CUTS, CHOPPED, AND PIECES

Grade classification		Defects: Harmless extraneous vegetable material	Damaged and seriously damaged	Seriously damaged
		May affect appearance or eating quality	(*Percent by weight*)	(*Percent by weight*)
A	Cuts	Not materially	6% But no more than	3%
	Chopped	do	4% But no more than	2%
B	Cuts	Not seriously	12% But no more than	6%
	Chopped	do	8% But no more than	4%
	Pieces	do	10% But no more than	5%

§ 52.639 Character.

(a) *General.* The factor of character refers to the degree of tenderness and freedom from tough fiber; and to the degree of development.

(b) *Definitions of development.* (1) "Well developed" means that:

(i) With respect to the styles of spears and short spears, the spreading of the branching bud clusters which comprise the head of the unit does not materially affect the appearance of the unit; and

(ii) The broccoli is in the early stage of maturity such that, with respect to the styles of spears and short spears, the individual buds and the immediate stems supporting the individual buds form a compact bud cluster; and with respect to all styles, the individual buds are all practically closed and are not more than slightly enlarged.

(2) "Reasonably well developed" means that:

(i) With respect to the styles of spears and short spears, the spreading of the branching bud clusters which comprise the head of the unit does not seriously affect the appearance of the unit; and

(ii) The broccoli is in the intermediate stage of maturity such that, with respect to the styles of spears and short spears, the individual buds and the immediate stems supporting the individual buds form a reasonably compact bud cluster; and with respect to all styles, the individual buds are not more than moderately enlarged and practically none of the individual buds are in the flowered stage.

(3) "Poorly developed" means that:

(i) With respect to the styles of spears and short spears, the branching bud clusters which comprise the head of the unit may be spread to the extent that the appearance of the unit is seriously affected; and

(ii) The broccoli is in the advanced stage of maturity such that, with respect to the styles of spears and short spears, the individual buds and the immediate stems supporting the individual buds form a loosely structured bud cluster; and with respect to all styles, the individual buds are in the flowered stage or are more than moderately enlarged with or without reaching the flowered stage.

(c) (*A*) *classification.* Frozen broccoli of any style, other than the style of "Pieces", that possess a good character may be given a score of 32 to 35 points. "Good character" has the following meanings for the respective styles:

(1) *Spears; short spears.* The units are tender and free from tough fiber; not less than 80 percent, by count, of all the units are well developed; and none of the units may be poorly developed.

(2) *Cuts; chopped.* The broccoli is tender and free from tough fiber; and the buds are well developed or reasonably well developed.

(d) (*B*) *classification.* Frozen broccoli of any style that possesses a reasonably good character may be given a score of 28 to 31 points. Frozen broccoli that falls into this classification shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings for the respective styles:

(1) *Spears; short spears.* The units are reasonably tender; not less than 90 percent, by count, of all the units are well developed or reasonably well developed; and not more than 10 percent, by count, of all the units may possess tough fiber.

(2) *Cuts.* The units are reasonably tender; not more than 10 percent, by weight, of all the units may possess tough fiber; and not more than 5 percent, by weight, of all the units may be poorly developed.

(3) *Chopped; pieces.* The broccoli is reasonably tender and practically free from tough fiber; and the presence of buds which are poorly developed does not materially affect the appearance or eating quality of the product.

(e) (*SStd.*) *classification.* Frozen broccoli of any style that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

METHOD OF ANALYSIS

§ 52.640 Ascertaining proportions of head material and leaf material.

(a) *Definitions.* For the purpose of determining percent, by weight, of head material and leaf material in the styles of cut and chopped broccoli:

(1) "Head material" consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem;

(2) "Leaf material" means a leaf or any portion thereof whether or not attached to a portion of a spear.

(b) *Method.* The percent, by weight, of head material, loose leaves or portions thereof in cut and chopped broccoli may be determined as follows:

Equipment needed.

250 ml beaker.

Gram scale; or other suitable scale graduated to 0.1 ounce.

Laboratory tweezers, scalpel or any other instrument suitable for separating the stem material, leaf material, and head material.

Flat grading tray.

Procedure.

(1) Thoroughly mix sample to be tested.

(2) Weigh approximately 100 grams or 3 ounces of sample in a previously tared 250 ml beaker.

(3) Spread contents of beaker out on a flat grading tray.

(4) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(5) Separate the leaf material from the head material; weigh each separately and record.

(6) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(7) The weight of the leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

(c) *Compliance.* Compliance with the requirements for the percent, by weight, of leaf material and head material in the styles of "cut" and "chopped" broccoli is determined by averaging the weight of the head material and leaf material separately from all the containers comprising the samples; provided, no single container contains less than 15 percent, by weight, of head material, or more than 35 percent, by weight, of leaf material.

LOT INSPECTION AND CERTIFICATION

§ 52.641 Ascertaining the grade of a lot.

The grade of a lot of frozen broccoli covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87 of this title).

SCORE SHEET

§ 52.642 Score sheet for frozen broccoli.

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Style			
Count (of spears; short spears)			
Factors	**Score points**		
Color	20	(A)	18–20
		(B) [1]	16–17
		(SStd.) [1]	0–15
Uniformity of size	10	(A)	9–10
		(B)	8
		(SStd.) [2]	0–7
Defects	35	(A)	31–35
		(B) [1]	28–30
		(SStd.) [1]	0–27
Character	35	(A)	32–35
		(B) [1]	28–31
		(SStd.) [1]	0–27
Total score	100		
Flavor and odor			
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Postponement of the effective date of this revision for 30 days, or any lesser period, after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) is unnecessary and contrary to the public interest in that: (1) The frozen broccoli processing season is in progress in certain areas; (2) The revision will not require any changes in processing methods or packing procedures; (3) The industry has been apprised of the changes included in the revision; and (4) The revised grade standards are necessary for marketing purposes.

Dated: April 11, 1962, to become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–3663; Filed, Apr. 13, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.321 Grapefruit Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., April 16, 1962, and ending at 12:01 a.m., e.s.t., May 14, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any white seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any pink seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3660; Filed, Apr. 13, 1962; 8:48 a.m.]

[Orange Reg. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.322 Orange Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., April 16, 1962, and ending at 12:01 a.m., e.s.t., May 14, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3661; Filed, Apr. 13, 1962; 8:48 a.m.]

[Valencia Orange Reg. 8]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.308 Valencia Orange Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 12, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 15, 1962, and ending at 12:01 a.m., P.s.t., April 22, 1962, are hereby fixed as follows:

(i) District 1: 188,624 cartons;

(ii) District 2: 153,062 cartons;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3746; Filed, Apr. 13, 1962; 11:58 a.m.]

[Grapefruit Reg. 5]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.305 Grapefruit Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 5, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based was received by the Fruit Branch on April 10, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 15, 1962, and ending at 12:01 a.m., P.s.t., August 31, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That, in lieu of the 10 percent tolerance provided for such grade, not more than a total of 20 percent, by count, shall be allowed for fruit which fail to meet the requirements of such grade but, included in such total tolerance (*a*) not more than 15 percent, by count, shall be allowed for serious damage caused by dryness, and (*b*) not more than 10 percent, by count, shall be allowed for defects other than serious damage caused by dryness of which not more than one-half or 5 percent, by count, shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than 3$\frac{9}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3$\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$\frac{15}{16}$ inches in diameter and smaller.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; the terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 10, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3659; Filed, Apr. 13, 1962; 8:48 a.m.]

[Lemon Reg. 15; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.315 (Lemon Regulation 15, 27 F.R. 3318) are hereby amended to read as follows:

(ii) District 2: 260,400 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3675; Filed, Apr. 13, 1962; 8:49 a.m.]

[Lemon Reg. 16]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.316 Lemon Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 15, 1962, and ending at 12:01 a.m., P.s.t., April 22, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 227,850 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3674; Filed, Apr. 13, 1962; 8:49 a.m.]

[Lime Reg. 2]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 911.302 Lime Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 16, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 1 (27 F.R. 2625) and are subject thereunder to quality restrictions; Lime Regulation 1 is scheduled to terminate effective at 12:01 a.m., e.s.t., April 16, 1962; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to April 16, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 10, 1962, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., April 16, 1962, and ending at 12:01 a.m., e.s.t., April 30, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1$\frac{3}{4}$ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; or

(iv) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1$\frac{7}{8}$ inches in diameter which do not have an average juice content of at least 46 percent, by volume: *Provided,* That such juice content requirement shall not apply to containers of limes containing not in excess of 10 percent, by count, of limes smaller than 1$\frac{7}{8}$ inches in diameter.

(2) During the period beginning at 12:01 a.m., e.s.t., April 30, 1962, and ending at 12:01 a.m., e.s.t., April 30, 1963, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1$\frac{7}{8}$ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3700; Filed, Apr. 13, 1962; 8:50 a.m.]

[Grapefruit Reg. 10]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.310 **Grapefruit Regulation 10.**

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 12, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 16, 1962, and ending at 12:01 a.m., e.s.t., April 23, 1962, is hereby fixed at 150,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3710; Filed, Apr. 13, 1962; 8:50 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Establishment of Handler Charges

The Grape Crush Administrative Committee has recommended that certain provisions be included in § 990.401 *Establishment of handler charges*, pursuant to Marketing Agreement No. 133 and Order No. 990 (26 F.R. 7797), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 990.401 was made effective by action published in the FEDERAL REGISTER January 16, 1962 (27 F.R. 441) and established the charges which handlers may deduct from any monies owed by them to producers (or their successors in interest) to compensate such handlers for certain costs incurred in connection with setaside from fresh grapes for crushing received by such handlers during the period beginning on August 26, 1961 and ending on June 30, 1962. An appropriate subparagraph was reserved in such section for the establishment of charges for raisin residual material. The Committee has now unanimously recommended such charges and a provision relating to insurance of setaside from raisin residual material. In addition, the Committee has recommended the conditions for payment to the Committee by handlers of unearned charges pertaining to fresh grapes for crushing and raisin residual material.

On basis of the Committee's recommendations, a change is required in § 990.401(a)(1)(iii) to provide for a minimum insurance value on setaside from raisin residual material, and it is necessary to revise § 990.401(b) to include the charges for raisin residual material, and also to add a new paragraph (c) to provide for the payment to the Committee of unearned handler charges.

On the basis of the recommendations of the Committee and other available information, the said changes are hereby made in § 990.401 and said section as so amended shall read in its entirety as follows:

§ 990.401 **Establishment of charges to compensate handlers for receiving, processing, storing and certain other costs relating to setaside of the 1961–62 crop year.**

(a) *Costs*—(1) *General.* Each handler who incurs a setaside obligation during the period beginning on August 26, 1961, and ending on June 30, 1962, and sets aside proof gallons of products, or the concentrate equivalent thereof, in accordance with volume regulation in effect under §§ 990.54 and 990.203, shall be compensated as provided in paragraph (b) of this section, for the cost items pertaining to such setaside that are set forth below.

(2) Costs of receiving, processing, and storing, and other costs including:

(i) Sugar testing,

(ii) Maintenance and care,

(iii) Insurance, computed on the product at the rate of $20 per ton for an equivalent quantity of fresh grapes at 21 degrees Balling, or $35.40 per ton for an equivalent quantity of raisin residual material at 37 percent reducing sugar, or the maximum value allowed by carriers for insurance purposes, whichever is less,

(iv) County taxes,

(v) Loading out for delivery to the Grape Crush Administrative Committee, or its designee, for ultimate disposition, and

(vi) The processing of dessert wine to a condition which is acceptable for inter-winery sales.

(b) *Establishment of charges*—(1) *General.* Each handler may deduct from money owed any producer (or his successor in interest) the total amount per ton prescribed in subparagraph (2) or (3) of this paragraph, as applicable, for each ton of that quantity of grapes for crushing obtained by applying the surplus percentage for the crop year established by § 990.203, adjusted to any subsequent reduction of such percentage, to the total receipts of grapes for crushing from such person during the period beginning on August 26, 1961, and ending on June 30, 1962, at premises within the State of California controlled or operated by such handler. For the purposes of this paragraph only, "total receipts of grapes for crushing" shall not include those varieties of grapes for crushing exempted by § 990.202 from volume regulation for the said period.

(2) *Grapes for crushing, other than raisin residual material.* The amount which each handler may deduct in accordance with this section for grapes for crushing, other than raisin residual material, shall be $12 per ton. Of such amount, $8.50 per ton shall constitute the charge for costs incurred during the period August 26, 1961–June 30, 1962; and $3.50 per ton shall constitute the charge for costs incurred during the crop year beginning on July 1, 1962.

(3) *Raisin residual material.* The amount which each handler may deduct in accordance with this section for raisin residual material shall be $27.50 per ton. Of such amount, $21.25 per ton shall constitute the charge for costs incurred during the period August 26, 1961–June 30, 1962; and $6.25 per ton shall constitute the charge for costs incurred during the crop year beginning on July 1, 1962.

(c) *Unearned handler charges*—(1) *General.* Handlers shall pay to the Grape Crush Administrative Committee unearned charges arising from the removal of setaside from their storage, as set forth in subparagraphs (2) and (3) of this paragraph, due to disposition or sale of setaside by the Committee or to handler requests.

(2) *Disposition or sale of setaside.* If the Committee notifies the handler by July 15, 1962, of its intent to remove for disposition or sale setaside from the handler's storage and removes such setaside by October 1, 1962, the handler shall pay with respect to such setaside the rate per ton established either in subparagraph (2) or (3) of paragraph (b), as applicable, for costs incurred during the crop year beginning July 1, 1962, less the cost of earned insurance premiums paid and taxes paid for the period of storage after June 30, 1962.

(3) *Removal of setaside upon handler's request*—(i) *Prior to July 1, 1962.* If prior to July 1, 1962, the Committee removes setaside from a handler's storage pursuant to a request from the handler, the handler shall pay with respect to such setaside $1.75 per ton for the equivalent quantity of fresh grapes and $3.10 per ton for the equivalent quantity of raisin residual material, less the cost of earned insurance premiums paid and taxes paid for the period of actual storage, plus the rate per ton established either in subparagraph (2) or (3) of paragraph (b), as applicable, for costs incurred during the crop year beginning July 1, 1962.

(ii) *During crop year beginning July 1, 1962.* If during the crop year beginning July 1, 1962, the Committee removes setaside arising in the preceding crop year from a handler's storage pursuant to a request from the handler, the handler shall pay with respect to such setaside the rate per ton established either in subparagraph (2) or (3) of paragraph (b), as applicable, for costs incurred during the crop year beginning July 1, 1962, less the cost of earned insurance premiums paid and taxes paid for the period of storage after June 30, 1962.

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (a) and (c)), in that: (1) The order became effective August 26, 1961, and beginning with that date handlers have been incurring setaside obligations on raisin residual material; (2) handlers have been incurring expenses of receiving, processing, storing and other costs of setaside in satisfaction of such obligations; (3) authorization contained herein for handlers to deduct said charges will automatically apply from August 26, 1961; (4) it is necessary that the provisions with respect to unearned charges be made effective promptly so handlers will be able to conduct their operations accordingly; and (5) no advance preparation by handlers is required to comply with this subpart.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 11, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62–3664; Filed, Apr. 13, 1962; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(3) of § 6.111 is amended as set out below.

§ 6.111 **Department of Agriculture.**

* * * * * * *

(f) *Farmers Home Administration.*

* * *

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–3668; Filed, Apr. 13, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraphs (8) and (9) of paragraph (c) of § 6.302 are revoked and subparagraphs (11) and (12) are added as set out below.

§ 6.302 Department of State.

* * * * * * *

(c) *Office of the Assistant Secretary for Congressional Relations.* * * *

(11) One Special Assistant to the Assistant Secretary.

(12) One Personal Assistant to the Assistant Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–3676; Filed, Apr. 13, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(15) of § 6.333 is amended as set out below.

§ 6.333 **General Services Administration.**

(a) *Office of the Administrator.* * * *

(15) Two Confidential Assistants to the Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–3669; Filed, Apr. 13, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1148; Amdt. 420]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G–164 Aircraft

Several cases of cracks in the upper and lower aileron cable control sector support brackets, P/N 1854–13, have occurred in Grumman G–164 aircraft equipped with field installations of Pratt & Whitney R985 engines. An occurrence of loose rod ends of the aileron control system pushrod assemblies was also reported. Accordingly, an airworthiness directive is necessary to require replacement of the brackets as well as inspection of the end fittings and repair or replacement of loose fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G–164 aircraft Serial Numbers 1 through 100 inclusive.

For aircraft with 200 or more hours' time in service, compliance is required within 10 hours' time in service after the effective date of this AD. For aircraft with less than 200 hours' time in service, compliance is required within 25 hours' time in service after the effective date of this AD, or before 210 hours' total time in service is exceeded whichever occurs first.

To preclude loss of aileron control, accomplish the following:

(a) Replace the aileron cable control sector support brackets, upper and lower, in lower wing panels with new support brackets, P/N 1854–13 (Kit of replacement parts, A1854, furnished by Grumman), or FAA approved equivalent. Install the parts and the aileron cables in accordance with Grumman Aircraft Engineering Corp. Mandatory Service Bulletin No. 20 dated January 24, 1962, or FAA approved equivalent.

(b) Visually inspect aileron control system pushrod assemblies, Grumman P/N's A1866–1 and A1866–3, in both lower wing panels, for loose rod end fittings due to elongation of rivet holes. Repair or replace loose fittings prior to further flight. After initial compliance, visually inspect the aileron control system pushrod assemblies at each periodic inspection thereafter until one of the following, or FAA approved equivalent is accomplished:

(1) Insert aluminum alloy bar, 2024–T3, 7/16 O.D. x 3/8-inch plugs in each end of A1866–11 and A1866–13 tubes and reinstall the rod ends with two AN 470–AD6 rivets per rod end.

(2) Install Grumman P/N A1866–25 in lieu of A1866–1 and P/N A1866–27 in lieu of A1866–3.

(Grumman Service Bulletin No. 20 dated January 24, 1962, and the Addendum thereto dated February 3, 1962, cover this subject.)

This amendment shall become effective April 25, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3632; Filed, Apr. 13, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–102]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On January 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 698) stating that the Federal Aviation Agency was considering the designation of a segment of Low altitude VOR Federal airway No. 226 and its associated control areas from the Ellwood City, Pa., VORTAC to the Keating, Pa., VOR. In addition, the designation of a segment of Intermediate altitude VOR Federal airway No. 1723 from the intersection of the Keating VOR 256° and the Pittsburgh, Pa., VOR 354° True radials via the Keating VOR to the Williamsport, Pa., VOR was proposed.

It was intended that the proposed segment of Victor 1723 would overlie the proposed segment of Victor 226 to facilitate transitioning. Subsequent to the publication of the notice, the Federal Aviation Agency determined that the Keating VOR radial used in describing the intersection should be the 257° True in order to make Victor 1723 superadjacent to Victor 226 for that portion. Accordingly this correction is made in the rule herein adopted.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

§ 600.6226 [Amendment]

1. Section 600.6226 (14 CFR Part 600) is amended as follows:

In the caption "(Williamsport, Pa., to Paterson, N.J.)". is deleted and "(Ellwood City, Pa., to Keating, Pa., and Williamsport, Pa., to Paterson, N.J.)". is substituted therefor.

At the beginning of the text add "From the Ellwood City, Pa., VORTAC to the Keating, Pa., VOR.".

2. The heading of § 601.6226 (14 CFR Part 601) is amended to read as follows:

§ 601.6226 VOR Federal airway No. 226 control areas (Ellwood City, Pa., to Keating, Pa., and Williamsport, Pa., to Paterson, N.J.).

§ 600.1723 [Amendment]

3. Section 600.1723 (26 F.R. 1092) is amended as follows:

In the caption "to Pittsburgh, Pa.)." is deleted and "to Williamsport, Pa.)." is substituted therefor.

To the text add "From the INT of the Pittsburgh VOR 354° and the Keating, Pa., VOR 257° radials via the Keating VOR to the Williamsport, Pa., VOR.".

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D. C., on April 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3633; Filed, Apr. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 61–KC–21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Federal Airway

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1033) stating that the Federal Aviation Agency was considering the designation of a restricted area at Sioux Ordnance Depot, Sidney, Nebr., and the alteration of VOR Federal airway No. 169 so as to exclude the portion coincident with this restricted area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.47 *Nebraska* (26 F.R. 7197) the following is added:

R–4701 Sioux Ordnance Depot, Nebr.

Boundaries. A circular area with a 2,400-foot radius centered at latitude 41°15'13" N., longitude 103°04'50" W.

Designated altitudes. Surface to 7,400 feet MSL.

Time of designation. 0900 to 2100 MST, Monday through Friday.

Using agency. Commanding Officer, Sioux Ordnance Depot, Sidney, Nebr.

2. In the text of § 600.6169 (14 CFR 600.6169, 26 F.R. 8415), "The portion of this airway within R–4701 is excluded." is added.

These amendments shall become effective 0001 e.s.t. June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3634; Filed, Apr. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 61–LA–3]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Transition Area; Alteration of Continental Control Area, Federal Airways and Control Zones; Alteration and Designation of Restricted Areas

On January 20, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 634) stating that the Federal Aviation Agency (FAA) proposed to alter the Vernalis, Calif., Restricted Area R–2525, which would more realistically assign the special use airspace required in which to contain the hazardous activities conducted; enlarge the Crows Landing, Calif., Navy Auxiliary Landing Field control zone to provide protection for aircraft executing approaches to Crows Landing; alter VOR Federal airways Nos. 23 west alternate, 109, 113, and 1559, to exclude and avoid coincidence with the altered restricted areas; and designate a transition area to provide additional controlled airspace for radar vectoring of aircraft by the Oakland ARTC Center.

The Aircraft Owners and Pilots Association (AOPA) concurred with the alteration of R–2525, the enlargement of the control zone and also in the designation of the transition area; however, AOPA did object to the designation of a 1,200 foot floor for the entire transition area and suggested a floor of 5,000 feet MSL be designated, with the 1,200 foot floor confined only to that area necessary to protect aircraft operating at Crows Landing Airfield.

This Agency readily recognizes the fact that radar coverage in the southern portion of the transition area is not available below approximately 4,000 feet MSL; however, such coverage is possible in the north and northwest portion of the transition area. Should the floor be established at 5,000 feet MSL, this would only provide approximately 900 to 1,000 feet above the surface of uncontrolled airspace in the western portion because of high terrain. It is true that in the southern portion approximately 2,000 to 2,500 feet of uncontrolled airspace above the surface would be available; however, this area contains restricted area R–2528 and other portions are utilized for TACAN missed approaches. Controlled airspace 1,200 feet above the surface is required to protect this missed approach path. The northeastern portion of the transition area would also provide approximately 2,000 to 2,500 feet of uncontrolled airspace, however, a large part of this area must also be designated controlled airspace to provide protection for TACAN approaches to the Crows Landing airfield.

After considering the terrain features and traffic control procedures in this area the FAA is of the opinion that placing a 5,000 foot floor on the transition area would not be practical and that the designation of the transition area as proposed in the notice is consistent with the Agency's policy of designating as controlled airspace only that amount necessary for the safe and efficient movement of all air traffic. Therefore, action is taken herein to designate the transition area as proposed.

No other adverse comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 608.25 [Amendment]

1. In § 608.25 (26 F.R. 7190) the following changes are made:

a. R–2525 Vernalis, Calif., is amended to read:

R–2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.

Designated altitudes. Surface to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

b. R–2528 Newman, Calif., is added to read:

R–2528 Newman, Calif.

Boundaries. Beginning at latitude 37°19'50" N., longitude 121°04'05" W., to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical-mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical-mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.

Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

§ 601.1983 [Amendment]

2. In the text of § 601.1983 (14 CFR 601.1983) "Crows Landing, Calif.: Navy ALF." is deleted.

§ 601.7101 [Amendment]

3. In the text of § 601.7101 (26 F.R. 1399), the following are added:

R–2525 Vernalis, Calif.
R–2528 Newman, Calif.

§ 600.6023 [Amendment]

4. In the text of § 600.6023 (14 CFR 600.6023; 26 F.R. 572, 1209, 4052, 11727; 27 F.R. 98, 1455, 2453) "excluding the airspace within R–6711 and the airspace of the E alternate between Eugene and Portland within R–5703." is deleted and "excluding the airspace within R–6711, the airspace of the E alternate between Eugene and Portland within R–5703 and the airspace of the W alternate between Fresno and Sacramento within R–2528." is substituted therefor.

5. Section 600.6109 (14 CFR 600.6109) is amended to read:

§ 600.6109 VOR Federal airway No. 109 (Los Banos, Calif., to Oakland, Calif.).

From the Los Banos, Calif., VOR via the Stockton, Calif., VOR; INT of the Stockton VOR 268° and the Oakland, Calif., VORTAC 077° radials; to the Oakland VORTAC, excluding the airspace within R–2528.

6. Section 600.6113 (14 CFR 600.6113) is amended to read:

§ 600.6113 VOR Federal airway No. 113 (Paso Robles, Calif., to Reno, Nev.).

From the Paso Robles, Calif., VOR via the Priest, Calif., VOR; Los Banos, Calif., VOR; Stockton, Calif., VOR; Linden, Calif., VOR; INT of the Linden VOR 046° and the Reno, Nev., VOR 208° radials; to the Reno VOR, excluding the airspace within R–2528.

§ 600.1559 [Amendment]

7. In the text of § 600.1559 (26 F.R. 1087, 3299) "Los Banos, Calif., VOR; Stockton, Calif., VOR;" is deleted and "Los Banos, Calif., VOR; INT of the Los Banos VOR 344° and the Salinas, Calif., VOR 042° radials; thence 8-mile wide airway to the INT of the Los Banos VOR 344° and the Salinas VOR 032° radials; thence 10-mile wide airway via the Stockton, Calif., VOR;" is substituted therefor.

8. In Part 601 (14 CFR Part 601), the following sections are added:

§ 601.2503 Crows Landing, Calif., control zone.

Within a 5-mile radius of the Crows Landing Navy Auxiliary Landing Field (latitude 37°24'35" N., longitude 121°06'40" W.) and within 2 miles either side of the Crows Landing Navy ALF TACAN 327° radial extending from the 5-mile radius zone to 2 miles NW, excluding the airspace within R–2528.

§ 601.10051 Crows Landing, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface, bounded on the SW by VOR Federal airway No. 107, on the N by VOR Federal airway No. 244 S alternate, and on the E by VOR Federal airway No. 109. The portions within R–2525 and R–2528 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3635; Filed, Apr. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62–SO–19]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2363 and 601.1181 of the regulations of the Administrator is to alter the descriptions of the Elizabeth City, N.C., control zone and the Elizabeth City control area extension.

The Elizabeth City control zone and control area extension are designated, in part, on the Weeksville, N.C., Navy radio range. The Department of the Navy has converted this facility to a radio beacon. Therefore, action is taken herein to substitute the Weeksville radio beacon for the Weeksville radio range in the descriptions of the Elizabeth City control zone and control area extension.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2363 (14 CFR 601.2363) is amended to read:

§ 601.2363 Elizabeth City, N.C., control zone.

Within a 3-mile radius of CGAS Elizabeth City, N.C., and within 2 miles either side of the 133° bearing from the Weeksville, N.C., RBN extending from the 3-mile radius zone to 8 miles SE of the RBN.

2. Section 601.1181 (14 CFR 601.1181) is amended to read:

§ 601.1181 Control area extension (Elizabeth City, N.C.).

That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N.C., RBN to a circle 10 miles in radius centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3636; Filed, Apr. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-215]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1034) stating that the Federal Aviation Agency proposed to designate a terminal radar jet advisory area at San Francisco, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.300 *Terminal jet advisory areas* (26 F.R. 7083, 27 F.R. 770), under San Francisco/Oakland, Calif., jet advisory area—Radar, the following is added:

g. San Francisco, Calif., via INT of San Francisco 304° and Sacramento, Calif., 233° radials; INT Sacramento 233° and Linden, Calif., 269° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; to Reno.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3637; Filed, Apr. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-36]

PART 608—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

The purpose of this amendment to Part 608 of the regulations of the Administrator is to designate temporary restricted areas near Cherry Point-Camp Lejeune, N.C.

Commander-in-Chief, Atlantic, has stated an urgent requirement for the designation of temporary restricted airspace in the Cherry Point-Camp Lejeune area of North Carolina for a period of four days, May 7, 1962, to May 10, 1962, in order to conduct a joint airborne and amphibious exercise involving all the armed services. The exercise will be conducted only during VFR weather conditions. The Joint Chiefs of Staff have indicated that the training to be achieved is most vital to the interests of national defense. The military activities will involve numerous military tactical aircraft, airborne troops and related operations which would be hazardous to nonparticipating aircraft.

The airspace requested encompasses an area defined by the present boundaries of R-5307 from the surface to 23,000 feet MSL and a circle of ten-mile radius centered at latitude 34°50'00" N., longitude 77°41'00" W., from the surface to 10,000 feet MSL, and will be designated as separate restricted areas as follows: (A) that area defined by the present boundaries of R-5307; (B) that portion of the 10-mile circle described above which lies outside area A. Area A will be designated for four days, May 7, 1962, to May 10, 1962, from 2 hours prior to sunrise to 2 hours after sunset each day. Area B also will be designated for 4 days, May 7, 1962, to May 10, 1962, from 2 hours prior to sunrise to 2 hours after sunset each day unless terminated sooner. Such action is taken herein.

Designation of these temporary restricted areas will preclude the use of Federal airway V-45 between the Kinston, N.C., VOR and the New Bern, N.C., VOR, and Federal airway V-229 between the Wilmington, N.C., VOR and the New Bern, N.C., VOR where these airways coincide with the restricted area; will preclude the use of Federal airways V-1 and V-157 below 10,000 feet MSL where these airways coincide with the restricted area; and will restrict the use of Federal airway V-229 between the New Bern, N.C., VOR and the Cofield, N.C., VOR to the altitudes between 3,000 and 5,000 feet MSL.

In order to lessen the burden on other users of the airspace as much as possible, the following airspace within Temporary Restricted Area A will be available to the general flying public: Federal airway V-229 north of New Bern, N.C., VOR from 3,000 to 5,000 feet MSL inclusive; a ten-mile wide corridor north of the Atlantic and Eastern Carolina Railroad between Kinston, N.C., and New Bern, N.C., from 3,000 to 5,000 feet MSL inclusive; a five-mile radius circular area centered on the New Bern, N.C., VOR from the surface to 5,000 feet MSL; and a 4-mile wide corridor from the surface to 2,000 feet MSL from the Washington, N.C., Airport to the north boundary of the restricted area.

To promote efficient utilization and to further reduce the burden on the public, these temporary restricted areas are designated herein as joint-use areas with the Washington ARTC Center as the controlling agency. Therefore, the using agency may release any portion of these restricted areas for public use when such airspace is not required for the exercise.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days' notice.

In Part 608 (26 F.R. 7187) the following temporary restricted areas are added:

1. Temporary Restricted Area A.

Boundaries. Beginning at latitude 35°-23'15" N., longitude 76°34'40" W.; to latitude 35°03'00" N., longitude 76°57'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°39'10" N., longitude 77°-20'50" W.; to latitude 34°42'00" N., longitude 77°24'50" W.; to latitude 34°40'20" N., longitude 77°26'10" W.; to latitude 34°37'-25" N., longitude 77°29'00" W.; to latitude 34°41'45" N., longitude 77°40'00" W.; to latitude 35°20'30" N., longitude 77°28'45" W.; to latitude 35°44'25" N., longitude 77°-12'00" W; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL excluding: that airspace at and below 5,000 feet MSL within a 5-mile radius of New Bern, N.C., VOR; that airspace from 3,000 feet MSL to 5,000 feet MSL inclusive within lines extended from: latitude 35°39'-58" N., longitude 77°03'35" W.; to latitude 35°34'15" N., longitude 76°53'30" W.; to latitude 35°03'58" N., longitude 76°57'25" W.; thence counterclockwise around a 5-mile radius circle centered on the New Bern, N.C., VOR to latitude 35°07'51" N., longitude 77°-06'12" W.; to latitude 35°14'00" N., longitude 77°30'35" W.; to latitude 35°20'30" N., longitude 77°28'45" W.; to latitude 35°-22'18" N., longitude 77°27'20" W.; to latitude 35°17'04" N., longitude 77°06'35" W.; to latitude 35°39'58" N., longitude 77°03'-35" W.; that airspace at and below 2,000 feet MSL which lies within two miles to either side of a line extended from latitude 35°33'30" N., longitude 77°03'28" W.; to latitude 35°39'03" N., longitude 77°02'08" W.

Time of designation. May 7, 1962, through May 10, 1962, 2 hours before sunrise to 2 hours after sunset, daily.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Joint Task Force 122.

2. Temporary Restricted Area B.

Boundaries. That airspace within a 10-mile radius circle centered at latitude 34°-50'00" N., longitude 77°41'00" W., excluding that portion within Temporary Restricted Area A.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. May 7, 1962, through May 10, 1962, 2 hours before sunrise to 2 hours after sunset, daily.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Joint Task Force 122.

This amendment shall become effective 0001 e.s.t. May 7, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 11, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3654; Filed, Apr. 13, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8401 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Audiographic Potomac Corp. et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff; [Misrepresenting oneself and goods]—Goods:* § 13.1663 *Individual's special selection or situation; [Misrepresenting oneself and goods]—Prices:* § 13.1817 *Reductions for prospect referrals.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Audiographic Potomac Corporation et al., Silver Spring, Md., Docket 8401, Nov. 27, 1961]

In the Matter of Audiographic Potomac Corporation, a Corporation, and Lena Della Fera, Raymond M. Padgett, Constance D. Padgett, and Milton Gordon, Individually and as Officers of Said Corporation

Consent order requiring Silver Spring, Md., sellers of fire alarm systems to cease representing their salesmen as "Safety Counselors" and sales talks as "Fire Education Presentations"; informing prospects falsely that they were specially selected to participate in a "Consumer Referral Plan" and could earn a substantial part of the cost by submitting names of other prospects; and failing to fill in contracts with interest or carrying charges and to reveal to purchasers that the contracts would be discounted with a finance company or bank.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Audiographic Potomac Corporation, a corporation, and its officers, and Lena Della Fera, Raymond M. Padgett and Constance D. Padgett, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fire detection or fire alarm systems, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that salesmen are anything other than salesmen.

2. Representing that purchasers or prospective purchasers have been especially selected for any purpose.

3. Representing that purchasers can earn any amount of money, by the submission of names of prospective purchasers or otherwise, unless said amount of money is based upon the average amount paid by respondents to past purchasers under the same arrangement.

4. Representing, by failure to reveal or otherwise, that interest or carrying charges will not be added to a purchase price; or failing to reveal the amount of such interest or carrying charges.

5. Failing to reveal that contracts or promissory notes will be discounted or that purchasers will make their payments to others than respondents.

It is further ordered, That the complaint, insofar as it relates to respondent Milton Gordon, be, and the same hereby is, dismissed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-3639; Filed, Apr. 13, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6595]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Acquisitions Made To Evade or Avoid Income Tax and Allocation of Income and Deductions Among Taxpayers

On December 10, 1960, notice of proposed rule making with respect to regulations under sections 269 and 482 of the Internal Revenue Code of 1954 (relating, respectively, to acquisitions made to evade or avoid income tax and allocation of income and deductions among taxpayers) was published in the FEDERAL REGISTER (25 F.R. 12703). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 1.269-3 is changed by inserting "or persons" in the first sentence of the flush material following paragraph (a)(2); by deleting the second sentence of such flush material; by substituting "can" for "may" in the fourth sentence of such flush material; by revising the first sentence of paragraph (b); by changing "$50,000" to "$100,000" in the example under paragraph (b)(1); by inserting "or persons" in paragraph (b)(2); by revising paragraph (b)(3); and by revising the first sentence and subparagraph (1) of paragraph (c).

PAR. 2. Section 1.269-6 is changed by revising examples (1), (2), and (3).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: April 9, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The following regulations are hereby prescribed under sections 269 (relating to acquisitions made to evade or avoid income tax) and 482 (relating to allocation of income and deductions among taxpayers) of the Internal Revenue Code of 1954:

Sec.
1.269 Statutory provisions; acquisitions made to evade or avoid income tax.
1.269-1 Meaning and use of terms.
1.269-2 Purpose and scope of section 269.
1.269-3 Instances in which section 269(a) disallows a deduction, credit, or other allowance.
1.269-4 Power of district director to allocate deduction, credit, or allowance in part.
1.269-5 Presumption in case of disproportionate purchase price.
1.269-6 Relationship of section 269 to section 382.
1.482 Statutory provisions; allocation of income and deductions among taxpayers.
1.482-1 Determination of the taxable income of a controlled taxpayer.

AUTHORITY: §§ 1.269 through 1.269-6, 1.482, and 1.482-1, issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 1.269 Statutory provisions; acquisitions made to evade or avoid income tax.

SEC. 269. *Acquisitions made to evade or avoid income tax*—(a) *In general.* If—

(1) Any person or persons acquire, or acquired on or after October 8, 1940, directly or indirectly, control of a corporation, or

(2) Any corporation acquires, or acquired on or after October 8, 1940, directly or indirectly, property of another corporation, not controlled, directly or indirectly, immediately before such acquisition, by such acquiring corporation or its stockholders, the basis of which property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation,

and the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance which such person or corporation would not otherwise enjoy, then such deduction, credit, or other allowance shall not

be allowed. For purposes of paragraphs (1) and (2), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

(b) *Power of Secretary or his delegate to allow deduction, etc., in part.* In any case to which subsection (a) applies the Secretary or his delegate is authorized—

(1) To allow as a deduction, credit, or allowance any part of any amount disallowed by such subsection, if he determines that such allowance will not result in the evasion or avoidance of Federal income tax for which the acquisition was made; or

(2) To distribute, apportion, or allocate gross income, and distribute, apportion, or allocate the deductions, credits, or allowances the benefit of which was sought to be secured, between or among the corporations, or properties, or parts thereof, involved, and to allow such deductions, credits, or allowances so distributed, apportioned, or allocated, but to give effect to such allowance only to such extent as he determines will not result in the evasion or avoidance of Federal income tax for which the acquisition was made; or

(3) To exercise his powers in part under paragraph (1) and in part under paragraph (2).

(c) *Presumption in case of disproportionate purchase price.* The fact that the consideration paid upon an acquisition by any person or corporation described in subsection (a) is substantially disproportionate to the aggregate—

(1) Of the adjusted basis of the property of the corporation (to the extent attributable to the interest acquired specified in paragraph (1) of subsection (a)), or of the property acquired specified in paragraph (2) of subsection (a); and

(2) Of the tax benefits (to the extent not reflected in the adjusted basis of the property) not available to such person or corporation otherwise than as a result of such acquisition,

shall be prima facie evidence of the principal purpose of evasion or avoidance of Federal income tax. This subsection shall apply only with respect to acquisitions after March 1, 1954.

§ 1.269–1 Meaning and use of terms.

As used in section 269 and §§ 1.269–2 through 1.269–6—

(a) *Allowance.* The term "allowance" refers to anything in the internal revenue laws which has the effect of diminishing tax liability. The term includes, among other things, a deduction, a credit, an adjustment, an exemption, or an exclusion.

(b) *Evasion or avoidance.* The phrase "evasion or avoidance" is not limited to cases involving criminal penalties, or civil penalties for fraud.

(c) *Control.* The term "control" means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote, or at least 50 percent of the total value of shares of all classes of stock of the corporation. For control to be "acquired on or after October 8, 1940", it is not necessary that all of such stock be acquired on or after October 8, 1940. Thus, if A, on October 7, 1940, and at all times thereafter, owns 40 percent of the stock of X Corporation and acquires on October 8, 1940, an additional 10 percent of such stock, an acquisition within the meaning of such phrase is made by A on October 8, 1940. Similarly, if B, on October 7, 1940, owns certain assets and transfers on October 8, 1940, such assets to a newly organized Y Corporation in exchange for all the stock of Y Corporation, an acquisition within the meaning of such phrase is made by B on October 8, 1940. If, under the facts stated in the preceding sentence, B is a corporation, all of whose stock is owned by Z Corporation, then an acquisition within the meaning of such phrase is also made by Z Corporation on October 8, 1940, as well as by the shareholders of Z Corporation taken as a group on such date, and by any of such shareholders if such shareholders as a group own 50 percent of the stock of Z on such date.

(d) *Person.* The term "person" includes an individual, a trust, an estate, a partnership, an association, a company, or a corporation.

§ 1.269–2 Purpose and scope of section 269.

(a) *General.* Section 269 is designed to prevent in the instances specified therein the use of the sections of the Internal Revenue Code providing deductions, credits, or allowances in evading or avoiding Federal income tax. See § 1.269–3.

(b) *Disallowance of deduction, credit, or other allowance.* Under the Code, an amount otherwise constituting a deduction, credit, or other allowance becomes unavailable as such under certain circumstances. Characteristic of such circumstances are those in which the effect of the deduction, credit, or other allowance would be to distort the liability of the particular taxpayer when the essential nature of the transaction or situation is examined in the light of the basic purpose or plan which the deduction, credit, or other allowance was designed by the Congress to effectuate. The distortion may be evidenced, for example, by the fact that the transaction was not undertaken for reasons germane to the conduct of the business of the taxpayer, by the unreal nature of the transaction such as its sham character, or by the unreal or unreasonable relation which the deduction, credit, or other allowance bears to the transaction. The principle of law making an amount unavailable as a deduction, credit, or other allowance in cases in which the effect of making an amount so available would be to distort the liability of the taxpayer, has been judicially recognized and applied in several cases. Included in these cases are Gregory v. Helvering (1935) (293 U.S. 465; Ct. D. 911, C.B. XIV–1, 193); Griffiths v. Helvering (1939) (308 U.S. 355; Ct. D. 1431, C.B. 1940–1, 136); Higgins v. Smith (1940) (308 U.S. 473; Ct. D. 1434, C.B. 1940–1, 127); and J. D. & A. B. Spreckles Co. v. Commissioner (1940) (41 B.T.A. 370). In order to give effect to such principle, but not in limitation thereof, several provisions of the Code, for example, section 267 and section 270, specify with some particularity instances in which disallowance of the deduction, credit, or other allowance is required. Section 269 is also included in such provisions of the Code. The principle of law and the particular sections of the Code are not mutually exclusive and in appropriate circumstances they may operate together or they may operate separately. See, for example, § 1.269–6.

§ 1.269–3 Instances in which section 269(a) disallows a deduction, credit, or other allowance.

(a) *Instances of disallowance.* Section 269 specifies two instances in which a deduction, credit, or other allowance is to be disallowed. These instances, described in paragraphs (1) and (2) of section 269(a), are those in which—

(1) Any person or persons acquire, or acquired on or after October 8, 1940, directly or indirectly, control of a corporation, or

(2) Any corporation acquires, or acquired on or after October 8, 1940, directly or indirectly, property of another corporation (not controlled, directly or indirectly, immediately before such acquisition by such acquiring corporation or its stockholders), the basis of which property in the hands of the acquiring corporation is determined by reference to the basis in the hands of the transferor corporation.

In either instance the principal purpose for which the acquisition was made must have been the evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance which such other person, or persons, or corporation, would not otherwise enjoy. If this requirement is satisfied, it is immaterial by what method or by what conjunction of events the benefit was sought. Thus, an acquiring person or corporation can secure the benefit of a deduction, credit, or other allowance within the meaning of section 269 even though it is the acquired corporation that is entitled to such deduction, credit, or other allowance in the determination of its tax. If the purpose to evade or avoid Federal income tax exceeds in importance any other purpose, it is the principal purpose. This does not mean that only those acquisitions fall within the provisions of section 269 which would not have been made if the evasion or avoidance purpose was not present. The determination of the purpose for which an acquisition was made requires a scrutiny of the entire circumstances in which the transaction or course of conduct occured, in connection with the tax result claimed to arise therefrom. For the presumption of a principal purpose of tax evasion or avoidance, see section 269(c) and § 1.269–5.

(b) *Acquisition of control; transactions indicative of purpose to evade or avoid tax.* If the requisite acquisition of control within the meaning of paragraph (1) of section 269(a) exists, the transactions set forth in the following subparagraphs are among those which, in the absence of additional evidence to the contrary, ordinarily are indicative that the principal purpose for acquiring control was evasion or avoidance of Federal income tax:

(1) A corporation or other business enterprise (or the interest controlling such corporation or enterprise) with large profits acquires control of a corporation with current, past, or prospective credits, deductions, net operating losses, or other allowances and the acquisition is followed by such transfers or other action as is necessary to bring the deduction, credit, or other allowance into conjunction with the income (see further § 1.269–6). This subparagraph may be illustrated by the following example:

Example. Individual A acquires all of the stock of L Corporation which has been engaged in the business of operating retail drug stores. At the time of the acquisition, L Corporation has net operating loss carryovers aggregating $100,000 and its net worth is $100,000. After the acquisition, L Corporation continues to engage in the business of operating retail drug stores but the profits attributable to such business after the acquisition are not sufficient to absorb any substantial portion of the net operating loss carryovers. Shortly after the acquisition, individual A causes to be transferred to L Corporation the assets of a hardware business previously controlled by A which business produces profits sufficient to absorb a substantial portion of L Corporation's net operating loss carryovers. The transfer of the profitable business, which has the effect of using net operating loss carryovers to offset gains of a business unrelated to that which produced the losses, indicates that the principal purpose for which the acquisition of control was made is evasion or avoidance of Federal income tax.

(2) A person or persons organize two or more corporations instead of a single corporation in order to secure the benefit of multiple surtax exemptions (see section 11(c)) or multiple minimum accumulated earnings credits (see section 535 (c) (2) and (3)).

(3) A person or persons with high earning assets transfer them to a newly organized controlled corporation retaining assets producing net operating losses which are utilized in an attempt to secure refunds.

(c) *Acquisition of property; transactions indicative of purpose to evade or avoid tax.* If the requisite acquisition of property within the meaning of paragraph (2) of section 269(a) exists, the transactions set forth in the following subparagraphs are among those which, in the absence of additional evidence to the contrary, ordinarily are indicative that the principal purpose for acquiring such property was evasion or avoidance of Federal income tax:

(1) A corporation acquires property having in its hands an aggregate carryover basis which is materially greater than its aggregate fair market value at the time of such acquisition and utilizes the property to create tax-reducing losses or deductions.

(2) A subsidiary corporation, which has sustained large net operating losses in the operation of business X and which has filed separate returns for the taxable years in which the losses were sustained, acquires high earning assets, comprising business Y, from its parent corporation. The acquisition occurs at a time when the parent would not succeed to the net operating loss carryovers of the subsidiary if the subsidiary were liquidated, and the profits of business Y are sufficient to offset a substantial portion of the net operating loss carryovers attributable to business X (see further example (3) of § 1.269–6).

§ 1.269–4 Power of district director to allocate deduction, credit, or allowance in part.

The district director is authorized by section 269(b) to allow a part of the amount disallowed by section 269(a), but he may allow such part only if and to the extent that he determines that the amount allowed will not result in the evasion or avoidance of Federal income tax for which the acquisition was made. The district director is also authorized to use other methods to give effect to part of the amount disallowed under section 269(a), but only to such extent as he determines will not result in the evasion or avoidance of Federal income tax for which the acquisition was made. Whenever appropriate to give proper effect to the deduction, credit, or other allowance, or such part of it which may be allowed, this authority includes the distribution, apportionment, or allocation of both the gross income and the deductions, credits, or other allowances the benefit of which was sought, between or among the corporations, or properties, or parts thereof, involved, and includes the disallowance of any such deduction, credit, or other allowance to any of the taxpayers involved.

§ 1.269–5 Presumption in case of disproportionate purchase price.

Section 269(c) provides that the fact that the consideration paid upon an acquisition by any person or corporation described in section 269(a) is substantially less than the aggregate—

(a) Of the adjusted basis of the property of the corporation (to the extent attributable to the interest acquired specified in paragraph (1) of section 269(a)), or of the property acquired specified in paragraph (2) of section 269 (a); and

(b) Of the tax benefits (to the extent not reflected in the adjusted basis of the property) not available to such person or corporation otherwise than as a result of such acquisition,

shall be prima facie evidence of the principal purpose of evasion or avoidance of Federal income tax. Under principles applicable to income tax litigation generally, the Commissioner's determination that an acquisition was made for the principal purpose of evasion or avoidance of Federal income tax is presumptively correct, and the burden of proving such determination wrong by a preponderance of the evidence, together with the corresponding burden of first going forward with the evidence, is on the taxpayer. The effect of section 269(c), if applicable, is to give further weight to the presumption of correctness already arising from the Commissioner's determination, by expressly providing an additional presumption of the existence of a principal purpose of evasion or avoidance of Federal income tax. Section 269(c) shall apply only with respect to acquisitions occurring after March 1, 1954.

§ 1.269–6 Relationship of section 269 to section 382.

Section 269 and §§ 1.269–1 through 1.269–5 may be applied to disallow a net operating loss carryover even though such carryover is not disallowed (in whole or in part) under section 382 and the regulations thereunder. This section may be illustrated by the following examples:

Example (1). L Corporation has computed its taxable income on a calendar year basis and has sustained heavy net operating losses for a number of years. Assume that A purchases all of the stock of L Corporation on December 31, 1955, for the principal purpose of utilizing its net operating loss carryovers by changing its business to a profitable new business. Assume further that A makes no attempt to revitalize the business of L Corporation during the calendar year 1956 and that during January 1957 the business is changed to an entirely new and profitable business. The carryovers will be disallowed under the provisions of section 269(a) without regard to the application of section 382.

Example (2). L Corporation has sustained heavy net operating losses for a number of years. In a merger under State law, P Corporation acquires all of the assets of L Corporation for the principal purpose of utilizing the net operating loss carryovers of L Corporation against the profits of P Corporation's business. As a result of the merger, the former stockholders of L Corporation own, immediately after the merger, 12 percent of the fair market value of the outstanding stock of P Corporation. If the merger qualifies as a reorganization to which section 381(a) applies, the entire net operating loss carryovers will be disallowed under the provisions of section 269 (a) without regard to the application of section 382.

Example (3). L Corporation has been sustaining net operating losses for a number of years. P Corporation, a profitable corporation, on December 31, 1955, acquires all the stock of L Corporation for the purpose of continuing and improving the operation of L Corporation's business. Under the provisions of sections 334(b)(2) and 381(a)(1), P Corporation would not succeed to L Corporation's net operating loss carryovers if L Corporation were liquidated pursuant to a plan of liquidation adopted within two years after the date of the acquisition. During 1956, P Corporation transfers a profitable business to L Corporation for the principal purpose of using the profits of such business to absorb the net operating loss carryovers of L Corporation. The transfer is such as to cause the basis of the transferred assets in the hands of L Corporation to be determined by reference to their basis in the hands of P Corporation. L Corporation's net operating loss carryovers will be disallowed under the provisions of section 269(a) without regard to the application of section 382.

§ 1.482 Statutory provisions; allocation of income and deductions among taxpayers.

SEC. 482. *Allocation of income and deductions among taxpayers.* In any case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the United States, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the Secretary or his delegate may distribute, apportion, or allocate gross income, deductions, credits, or allowances between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order

to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses.

§ 1.482–1 Determination of the taxable income of a controlled taxpayer.

(a) *Definitions.* When used in this section—

(1) The term "organization" includes any organization of any kind, whether it be a sole proprietorship, a partnership, a trust, an estate, an association, or a corporation (as each is defined or understood in the Internal Revenue Code or the regulations thereunder), irrespective of the place where organized, where operated, or where its trade or business is conducted, and regardless of whether domestic or foreign, whether exempt, whether affiliated, or whether a party to a consolidated return.

(2) The term "trade" or "business" includes any trade or business activity of any kind, regardless of whether or where organized, whether owned individually or otherwise, and regardless of the place where carried on.

(3) The term "controlled" includes any kind of control, direct or indirect, whether legally enforceable, and however exercisable or exercised. It is the reality of the control which is decisive, not its form or the mode of its exercise. A presumption of control arises if income or deductions have been arbitrarily shifted.

(4) The term "controlled taxpayer" means any one of two or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests.

(5) The terms "group" and "group of controlled taxpayers" mean the organizations, trades, or businesses owned or controlled by the same interests.

(6) The term "true taxable income" means, in the case of a controlled taxpayer, the taxable income (or, as the case may be, any item or element affecting taxable income) which would have resulted to the controlled taxpayer, had it in the conduct of its affairs (or, as the case may be, in the particular contract, transaction, arrangement, or other act) dealt with the other member or members of the group at arm's length. It does not mean the income, the deductions, the credits, the allowances, or the item or element of income, deductions, credits, or allowances, resulting to the controlled taxpayer by reason of the particular contract, transaction, or arrangement, the controlled taxpayer, or the interests controlling it, chose to make (even though such contract, transaction, or arrangement be legally binding upon the parties thereto).

(b) *Scope and purpose.* (1) The purpose of section 482 is to place a controlled taxpayer on a tax parity with an uncontrolled taxpayer, by determining, according to the standard of an uncontrolled taxpayer, the true taxable income from the property and business of a controlled taxpayer. The interests controlling a group of controlled taxpayers are assumed to have complete power to cause each controlled taxpayer so to conduct its affairs that its transactions and accounting records truly reflect the taxable income from the property and business of each of the controlled taxpayers. If, however, this has not been done, and the taxable incomes are thereby understated, the district director shall intervene, and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between or among the controlled taxpayers constituting the group, shall determine the true taxable income of each controlled taxpayer. The standard to be applied in every case is that of an uncontrolled taxpayer dealing at arm's length with another uncontrolled taxpayer.

(2) Section 482 and this section apply to the case of any controlled taxpayer, whether such taxpayer makes a separate or a consolidated return. If a controlled taxpayer makes a separate return, the determination is of its true separate taxable income. If a controlled taxpayer is a party to a consolidated return, the true consolidated taxable income of the affiliated group and the true separate taxable income of the controlled taxpayer are determined consistently with the principles of a consolidated return.

(3) Section 482 grants no right to a controlled taxpayer to apply its provisions at will, nor does it grant any right to compel the district director to apply such provisions. It is not intended (except in the case of the computation of consolidated taxable income under a consolidated return) to effect in any case such a distribution, apportionment, or allocation of gross income, deductions, credits, or allowances, or any item of gross income, deductions, credits, or allowances, as would produce a result equivalent to a computation of consolidated taxable income under subchapter A, chapter 6 of the Code.

(c) *Application.* Transactions between one controlled taxpayer and another will be subjected to special scrutiny to ascertain whether the common control is being used to reduce, avoid, or escape taxes. In determining the true taxable income of a controlled taxpayer, the district director is not restricted to the case of improper accounting, to the case of a fraudulent, colorable, or sham transaction, or to the case of a device designed to reduce or avoid tax by shifting or distorting income, deductions, credits, or allowances. The authority to determine true taxable income extends to any case in which either by inadvertence or design the taxable income, in whole or in part, of a controlled taxpayer, is other than it would have been had the taxpayer in the conduct of his affairs been an uncontrolled taxpayer dealing at arm's length with another uncontrolled taxpayer.

[F.R. Doc. 62-3666; Filed, Apr. 13, 1962; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1008—TERMINATION OF CONTRACTS

Subpart A—Definition of Terms

Section 1008.101–60 is revised to read as follows:

§ 1008.101–60 Termination authority.

Termination authority refers to a written authorization, prepared on AFPI Form 49 "Termination Authority" (as revised October 1960), to proceed with termination. Part I, "Termination Request," is prepared by the activity originating the request or subsequently assuming responsibility for the procurement. Part II, "Termination Authorization," is prepared by the procuring contracting office. Part III, "Remarks," is for the general use of all cognizant activities. Part IV, "Termination Assignment," is for use by the readjustment organization of the activity for assigning the termination to an appropriate office for settlement.

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

1. Section 1008.200–53 is revised to read as follows:

§ 1008.200–53 Delegation of authority to terminate and to settle terminated contracts.

(a) Authority to terminate contracts for the convenience of the Government and to settle such terminations, according to the provisions of this part, and to enter into settlement agreements, is delegated as hereafter described to the following:

(1) Commanders of Major Commands (other than AMC and ARDC) within the ConUS.

(i) Authority to terminate for convenience. No limitation.

(ii) Authority to settle termination claims and to enter into settlement agreements is limited to termination claims involving $2,500 or less.

(iii) Air Force Communications Service (AFCS) has unlimited authority to terminate for convenience, authority to settle termination claims and to enter into settlement agreements without limitation as to the amount of settlement costs.

The foregoing authorities may be redelegated to and exercised by duly appointed contracting officers in base or central procurement activities.

(2) Commanders AMC centers.

(i) Authority to terminate for convenience. No limitation.

(ii) Authority to settle termination claims and to enter into settlement agreements without limitation as to the amount of settlement costs.

The foregoing authorities may be redelegated to and exercised by duly appointed contracting officers assigned to a single procurement office within the respective AMC centers.

(3) Commanders AMC contract management regions.

(i) Authority to terminate for convenience. No limitation.

(ii) Authority to settlement termination claims and to enter into settlement agreements without limitation as to amount of settlement costs.

The foregoing authorities may be redelegated to duly appointed contracting officers assigned to the readjustment activity of the respective AMC contract management regions and settlement authority may be redelegated to the chiefs of their respective air procurement districts, Air Force Plant Representatives or equivalent activities, who may, in turn, redelegate such authorities to duly appointed contracting officers within their respective organizations.

(4) Commanders air materiel areas, Dayton AFD, 2709th AF Vehicle Control Group, and Wright-Patterson AFB, Ohio.

(i) Authority to terminate for convenience. No limitation.

(ii) Authority to settle termination claims and to enter into settlement agreements without limitations as to the amount of settlement costs.

The foregoing authorities may be redelegated to and exercised by duly appointed contracting officers in base or central procurement activities. (For example, such authorities could be delegated to the Hq GEEIA with power of redelegation to contracting officers in the GEEIA regions.)

(b) The Commander, ARDC, is hereby delegated authority:

(1) To terminate for the convenience of the Government contracts issued under his jurisdiction. This authority may be delegated to the Director of Procurement, Hq ARDC, with power of redelegation to contracting officers in equivalent staff offices at subordinate ARDC activities.

(2) To settle, according to the provisions of Part 8 of this title and this Part, at ARDC activities other than Hq ARDC, RADC, AFCCDD, WADD, and the European Office of ARDC, such convenience terminations and enter into settlement agreements, where the settlement amount does not exceed $2,500. This authority is subject to the provisions of §§ 1008.201 and 1008.202–50(d)(5)(iv) and may also be redelegated to the Director of Procurement, Hq ARDC, with power of redelegation to contracting officers in equivalent staff offices at subordinate ARDC activities.

(3) To settle and enter into settlement agreements, without regard to amount of settlement costs, according to the provisions of Part 8 of this title and this Part, those contracts issued (or subsequently assuming responsibility therefor) by the following ARDC activities:

(i) Hq ARDC.

(ii) Rome Air Development Center.

(iii) AF Command and Control Development Division.

(iv) Wright Air Development Division.

(v) European Office, ARDC.

The authority contained in this subparagraph (3) may be redelegated to the Director of Procurement, Hq ARDC, with power of redelegation to contracting officers in activities listed in subdivisions (i) through (v) of this subparagraph.

(4) The ARDC activities referred to in subparagraph (3) of this paragraph, may assign their respective terminations directly to an AMC APD or AFPR for settlement, complying with the provisions of paragraphs (d)(4), (d)(5)(iv), (e), and (f) of § 1008.202–50, and § 1008.202–52(b) as applicable.

2. Section 1008.200–54 is revised to read as follows:

§ 1008.200–54 Authority of oversea commands (also, respective oversea Commanders MATS, ADC, and SAC activities, in areas not within the jurisdiction of any other major commander), air attaches, and AF foreign missions.

(a) Authority to terminate contracts for convenience of the Government and to settle such terminations is hereby delegated to the following persons, with power of redelegation to duly warranted contracting officers:

(1) Commanders of major oversea commands with power of delegation to commanders of first echelon commands immediately subordinate to the major command.

(2) Commander, Air Materiel Force, Pacific Area (AMFPA).

(3) Commander, Air Materiel Force, European Area (AMFEA).

(4) Commanders of Military Air Transport Service, Air Defense Command, and Strategic Air Command installations outside the continental United States, and not within the jurisdiction of any other major commander.

(5) Air Attaches.

(6) Chiefs of USAF Foreign Missions or Chiefs of USAF Sections of Joint Military Missions not operating under the jurisdiction of a major oversea commander.

(b) The foregoing delegation of authority is subject to compliance with all applicable provisions of Subchapter A, Chapter I of this title and this Subchapter concerning the termination of contracts and the settlement of such terminations.

3. Section 1008.200–57 is added as follows:

§ 1008.200–57 Minimizing impact on contractor personnel of major cutbacks and terminations of military procurement contracts.

(a) As soon as a decision is made to terminate or cut back a contract substantially, the procuring office processing the AFPI Form 49, "Termination Request," will ascertain from the contractor what effect, if any, the impending termination or cutback of the the contract will have on his work force. In some cases, the contractor will have manpower requirements for other defense work, other Government work, or commercial orders which will obviate the need for any reduction in his work force; in other cases this will not be so. Whenever the termination or cutback will necessitate a significant reduction in the work force, as defined in paragraph (b) of this section, the procuring office will take positive action to assist in minimizing the employment dislocation resulting therefrom. Actions that may be taken by the procuring office include, but are not necessarily limited to, the following:

(1) Request contractor to provide prompt information on his reduction-in-force schedule, in numbers and occupations, to the local State Employment Service Office so that that agency can take timely action in assisting displaced workers. Services rendered by these offices include referral to other job opportunities in the local community or in other areas of the country, counseling, testing, etc. Also workers must file applications with these offices to qualify for unemployment insurance.

(2) Request contractor to give affected employees maximum practical advance notice of the employment reduction, and to inform them of the facilities and services available to them through the local State Employment Service Offices.

(3) Request contractor to inform officials of local unions having agreements with the contractor of the impending reduction in force.

(4) Request contractor to inform local Chamber of Commerce and other appropriate organizations of impending reduction-in-force in those communities where such organizations are prepared to offer practical assistance in finding employment for displaced workers.

(b) Significant reduction: Normally, a reduction of 200 or more workers during any one month of the period of the cutback will be considered significant. However, some judgment will have to be exercised. For example, a reduction of 100 workers in any one month, or 100 per month in several successive months, may have a serious adverse impact in a small community.

(c) Subcontractors: To the extent appropriate and practicable, the procuring office will request contractors to urge their subcontractors to take similar actions to those described in paragraph (a) of this section in situations involving significant reduction-in-force.

(d) ACO assistance: The PCO will advise the ACO of all action taken or contemplated as outlined in this section. The ACO will assist in every way possible in minimizing impact on contractor personnel due to major cutbacks and terminations.

4. Section 1008.207 is revised to read as follows:

§ 1008.207 Audit of settlement proposals and of subcontractor settlements.

(a) The scope of the accounting examination requested should vary depending on the amounts involved and the complexities of the claim, and requests for field audit should be limited to those situations where such action is necessary. Settlement proposals involving less than $2,500, which are not referred by the contracting officer to the cognizant audit agency for appropriate examination and review, will be subjected to an accounting examination by such other qualified member of the termination team as the contracting officer selects. The individual making the accounting examination will make a written summary of the review for incorporation into the docket file.

(b) The TCO will satisfy himself that the reviewing prime contractor or higher tier subcontractor has established an adequate system for the examination of their respective subcontractor settlement proposals, and that accounting examinations are accomplished by competent accounting personnel. The TCO will require the contractor to submit a copy of the accounting examination to him when the subcontractor's settlement proposal is submitted for ratification or approval. If the TCO is not satisfied with the accounting examination made by the contractor or higher tier subcontractor, he will submit the subcontractor's settlement proposal, with the accounting examination made by the contractor, to the appropriate office of the Auditor General for examination and recommendation.

(c) See § 8.207(c) of this title.

5. In § 1008.208–3, paragraph (c) is revised to read as follows:

§ 1008.208–3 Settlement procedure.

• • • • •

(c) Approval or ratification of subcontract settlements: (1) Except where settlement of subcontractors claims in the amount of $10,000 or less has been authorized, all settlement proposals submitted from any prime contractor or subcontractor must be reviewed and approved or ratified by the termination contracting officer as provided under § 8.208–3 of this title.

6. Sections 1008.209–7 and 1008.209–51 are revised to read as follows:

§ 1008.209–7 Settlement by determination.

(a) *General.* In rendering a determination settlement, where it is apparent that the contractor would have incurred a loss on the entire contract had it been completed, the allowable costs will be appropriately reduced and no profit whatsoever will be allowed. Thus, regardless of whether the settlement is to be arrived at by agreement, or by determination, there will be, in the case of a loss contract, an adjustment to reflect the indicated rate of loss. (See § 8.304 of this title.) Prior to rendering a written determination the TCO will comply with the provisions of § 1001.314–52 of this chapter by sending the proposed findings to the Staff Judge Advocate, Hq AMC, through AMC (MCPKT).

(b) *Notice to contractor.* In addition to sending the required signed copy to the contractor, the TCO will promptly send one signed copy of the determination and findings to AMC (MCPKT).

(c) *Submission of evidence.* See § 8.209–7(c) of this title.

(d) *Determination.* See § 8.209–7(d) of this title.

(e) *Preservation of evidence.* See § 8.209–7(e) of this title.

(f) *Appeals.* Upon expiration of the time specified in the Disputes clause of the contract, or in applicable laws and regulations, for filing an appeal or upon final decision by the appeal authority if a timely appeal is filed, the TCO will:

(1) Prepare an appropriate cover sheet to reflect the necessary fiscal information.

(2) Distribute, with the cover page attached, additional copies of the findings and decision, or of the amended findings and decision, in the same manner and to the same extent as required of termination supplemental agreements. For appeal of Determination and Findings see § 1001.314 of this chapter and ensuing sections thereunder for preparation and procedure.

§ 1008.209–51 Processing of negotiated termination settlements.

(a) *Scope.* This section establishes policies, procedures, and responsibilities for processing documents prepared as a result of the termination of contracts for the convenience of the Government.

(b) *Applicability.* This section applies to all AF procurement activities responsible for processing documents which arise as the result of complete or partial termination of contracts terminated for the convenience of the Government where the contracts were written or administered by the Air Force within the continental United States except:

(1) Contracts written, administered, or terminated by Rome Air Development Center or Air Force Cambridge Research Center.

(2) Base procurement or AMC activities who effect settlement of contracts terminated for the convenience of the Government which are not assigned to a CMR for settlement.

(c) *Responsibilities.* Termination supplemental settlement agreements or amendments written to evidence termination settlements will be prepared in the office administering the termination case, unless otherwise designated by the Chief, Contract Management Division (MCPK), Hq AMC, or the CMR commander concerned and will be executed by the assigned TCO.

(d) *Review by legal personnel.* The Chief, MCPK, Hq AMC, and the CMR commanders will provide for review for legal sufficiency of termination supplemental settlement agreements or amendments written in their respective jurisdictions according to Subpart J, Part 1053 of this chapter.

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed Price Type Contracts

1. In § 1008.307–2(b), revise subparagraphs (2) and (3) to read as follows:

§ 1008.307–2 Basis for settlement proposals.

• • • • •

(b) • • •

(2) and (3) See § 8.307–2(b) (2) and (3) of this title.

2. Section 1008.307–3 is added as follows:

§ 1008.307–3 Fixed price lump sum contracts.

(a) Under a partial termination of a fixed price lump sum contract, the contractor shall submit his claim by use of the inventory basis settlement proposal (DD Form 540). For the purpose of establishing the contract price of items terminated (CPIT) the TCO and the contractor shall agree on what portion of the lump sum contract price is allocable to the terminated portion of the contract. The TCO will coordinate with the procuring contracting officer on the reasonableness of the contractor's estimate of the portion of the lump sum contract price that is allocable to the terminated portion of the contract.

(b) In the event the parties are unable to agree on what portion of the lump sum contract price is allocable to the terminated portion of the contract, or the submission of a claim on an inventory basis is not practicable, a settlement proposal shall not be submitted until completion of the continued portion of the contract. The contractor's claim shall be submitted on a total cost basis settlement proposal (DD Form 541) and shall be prepared according to § 8.307–2(b)(2) of this title except that all costs incurred to the date of completion of the continued portion of the contract shall be included.

Subpart E—Disposition of Termination Inventory

§ 1008.501 [Amendment]

1. In § 1008.501, the reference is amended to read: "§ 8.101–5 of this title."

2. In § 1008.501–2, paragraphs (e), (f), and (g) are rescinded. Section 1008.501–2 now reads as follows:

§ 1008.501–2 General restrictions on contractor's authority.

See § 8.501–2 (a) through (d) of this title.

3. Section 1008.505 is revised to read as follows:

§ 1008.505 Screening serviceable and usable property.

(a) *Letter of transmittal.* All inventory schedules submitted for screening will be accompanied by a transmittal letter prepared by the plant clearance officer. Transmittal letters are exempt from reports control clearance. The following will be listed:

(1) Acquisition cost of the inventory.

(2) The life expectancy of inventory which may be expected to deteriorate in storage such as chemicals, film, rubber, paints, dopes, parachutes, etc.

(3) The condition code of property affixed to contractor-owned property, the cost of removal, and probable condition code after severance.

(4) Date that the plant clearance period began.

(5) The shipping authorization number of items of controlled industrial production equipment.

(6) Complete and specific reasons why items exempt from screening due to dollar value limitation or unserviceable condition are submitted for screening action.

(7) When property is excess to a production contract, a statement as to whether or not the items appear on the spare parts provisioning list.

(8) When the plant clearance officer has knowledge that other services are interested in the property or the property is excess to contracts that quoted Army, Navy, or Marine Corps funds, this information will be provided the screening activity.

(b) *Other forms.* Three (3) copies of AFTO Form 50, "Preventive Maintenance Requirements and Technical Inspection of USAF Vehicular Equipment," will be furnished when automobiles and other vehicles are listed. The Form will be prepared by qualified AF inspectors according to T.O. 00–20B–5.

4. In § 1008.505–1, paragraphs (a) through (f) and (n) are revised, and new paragraphs (s) and (t) are added as follows:

§ 1008.505–1 Scope of screening.

(a) to (c) See § 8.505–1 (a) to (c) of this title.

(d) The exemption from screening authorized for total inventories of serviceable property with an acquisition cost of $2,500 or less is not applicable to bailed property. Line items of bailed property with an acquisition cost in excess of $300 will be screened regardless of the acquisition cost of the total inventory.

(e) and (f) See § 8.505–1 (e) and (f) of this title.

• • • • •

(n) Property excess to Research and Development contracts will be screened concurrently with the project engineer on the contract and the appropriate processing control branch as set forth in paragraphs (o) and (p) of this section. The only exception to screening project engineers direct pertains to contractual excesses generated from Wright Air Development Division funded contracts. These excess listings will be submitted to WADD, Attn: WWSS, Wright-Patterson AFB, Ohio, for screening with pertinent project engineers and laboratories.

• • • • •

(s) Local area screening of excess contractor inventory is highly desirable and will be accomplished unless it is evident that such local screening would be impractical or uneconomical. Such factors as the quantity of property available, condition of the property, its value, and the probable costs incident to transfer will be considered. Local area screening will be accomplished within a maximum period of 15 days concurrently with donation screening. Screening will generally be limited to DOD and other Government agency activities within the geographical area where the excess property is located. All activities will be contacted concurrently and requirements honored in the order received, with the exception that DOD requisitions will take precedence over other Government agency requirements.

(t) Strategic and critical materials: (1) Subject to the minimum quantity requirements, those strategic and critical materials listed below which have been screened and determined to be excess to the Air Force will be reported to General Services Administration, Defense Materials Service, Washington 25, D.C. GSA will be notified by letter stating the location and amount, and describing the material in sufficient detail as to chemical or other composition, specification, size, etc., to indicate the nature of each item. Complete purchase specifications of material content analyses will be included whenever available.

Materials	Types, grades, or forms to be reported	Minimum quantity at one location to be reported (pounds)
Antimony	Ores or concentrates, metal or alloys with other metals, in pieces exceeding 5 pounds each.	40,000.
	Liquidated (needle) antimony.	1,000.
Asbestos	Chrysotile and amosite fiber.	2,000.
Bauxite	Metal grade, Surinam type ores or concentrates.	50,000.
Chromite	Chemical grade, ores or concentrates.	50,000.
Cordage fibers	Sisal Fiber in bales	10,000.
Diamond dies	Small 0.0008 inch and smaller.	(1)
Iodine	Crude or USP	2,000.
Manganese ore	Chemical grade, Type A and B ore.	50,000.
Shellac	Flake shellac	10,000.
Silk	Grades 4A, 5A, and 6A	500.
Vegetable tannin.	Wattle extract	1,000.

[1] All amounts.

(2) If the material conforms to stockpile requirements, GSA will furnish complete reporting instructions, pursuant to which the plant clearance officer will submit a report on Standard Form 125, "Report of Strategic and Critical Materials." All packing and transportation expenses will be borne by GSA. If materials reported are unsuitable for stockpiling, or the quantities less than those specified for reporting to GSA, disposition will be accomplished through normal procedures.

5. Sections 1008.505–50 and 1008.507–2 are revised to read as follows:

§ 1008.505–50 Transfers to the Civil Air Patrol.

Excess contractor inventory may be transferred to the Civil Air Patrol (CAP) on a nonreimbursable basis under authority of 10 U.S.C. 9441 and AFR 65–46 (Supply and Maintenance for Civil Air Patrol). The Civil Air Patrol will have priority of selection over all activities participating in the donation program (§ 1008.508). All requests for transfer under this authority will be approved by the AF–CAP Regional Liaison Office and the GSA Regional Office. No transfers will be executed under this authority until the property is released for disposal by the AF screening activity.

§ 1008.507–2 Competitive sales.

• • • • • •

(d) *Contractor sales.* • • •

(1) *Sealed bid method.* All the contractor's forms and procedures will be approved by the plant clearance officer and will conform with sound commercial practice. The plant clearance officer should use instructions, contained in paragraph (e) of this section and § 1008.866 as a guide when instructing the contractor conducting a contractor sale. Bids by the contractor or any of its employees will be submitted to the plant clearance officer concurrently with other bids. AFPI Form 90, "Bid Bond (Sale of Government Property)," and AFPI Form 91, "Annual Bid Bond (Sale of Government Property)," will not be accepted as a form of bid deposit on contractor sales of Government Property.

• • • • • •

(e) *Direct sales.* • • •

(1) • • •

(ii) Prepare AFPI Form 72, "Abstract of Bids (Sale of Government Property)," and file all bids received.

6. In § 1008.507–4, revise paragraphs (b) and (c) only to read as follows:

§ 1008.507–4 Proceeds of sales.

• • • • •

(b) If the proceeds from the contractor's sale of contractor inventory are not credited to an AF contract or termination claim, DD Form 1131, "Cash Collection Voucher," will be used. DD Form 1131 will be prepared, executed, and distributed by the plant clearance officer in the number of copies required by the activity receiving the proceeds. The following notation will be attached: "To cover the sale of Government-owned property which has been determined by competent authority to be surplus to the needs of the Federal Government," (or if scrap or salvage), "which has been determined by competent authority to be scrap or salvage."

(c) Direct sales: The plant clearance officer will collect bid deposits and proceeds and forward same by DD Form 1131 to the appropriate APD/AFPRO accounting and finance office on the next workday following the date of collection. When a deposit is inclosed with a sealed bid, the date of collection is the date the bid is opened. The accounting and finance office will acknowledge receipt by the close of the workday following receipt of deposits and proceeds. The proceeds of a sale will be accompanied by a copy of the executed contract, Standard Form 114.

7. A new § 1008.507–7 is added as follows:

§ 1008.507–7 Other disposition.

(a) *Precious metals.* (1) Whenever the basic metal content of scrap material is composed of precious metals (gold, silver, and platinum), shipment will be made direct to:

(i) The Property Disposal Officer, U.S. Army Training Center, Infantry, Fort Dix, New Jersey, from contractor locations in the United States east of the Mississippi River.

(ii) The Property Disposal Officer, Rocky Mountain Arsenal, Denver, Colorado, from installations in the United States west of the Mississippi River.

(2) Shipments will include a shipping document indicating net weight of each item to the nearest ounce (troy or avoirdupois) and will cite the reason for the excess declaration. In addition, two advance copies of shipping documents for each shipment will be air-mailed to the appropriate property disposal officer designated in paragraph (1) (i) or (ii) of this section.

(3) Containers will be marked clearly to show the type of precious metal contained. Materials will be packaged in a nonporous, smooth container (do not use glass) in such a manner as to prevent any loss through leakage or damage to the container. Containers will not exceed 70 pounds gross weight. Grindings or sweepings will not be packaged in paper or wooden containers as loss occurs due to adhesion of particles. Adequate safeguards will be maintained at all times to prevent loss or theft, and shipment will be made by the most economical means available consistent with safe transit and delivery at destination. Use of railway express under armed surveillance or parcel post is recommended. Shipments by parcel post will be registered.

(4) Scrap metals which are gold or silver plated, silver lined or clad, will be disposed of locally by normal procedures. The sales return should not be less than the scrap value of the precious metals contained therein.

(b) *Spark plugs and magneto breaker assemblies containing platinum.* (1) Unserviceable spark plugs and magneto breaker assemblies containing platinum will be shipped to San Antonio AMA, Kelly AFB, Texas, for reclamation of the platinum. All shipping documents and containers will be marked: "For Maintenance Division (MDA) for Platinum Reclamation Project." Spark plugs containing platinum are identified in TO 8E2–6–1–37.

(2) Surplus spark plugs and magneto breaker assemblies in serviceable condition will be disposed of locally through normal procedures. When these items are offered for sale, the IFB will include a statement that the items contain platinum. The sales return should not be less than the scrap value of the platinum.

(c) *Radioactive material and waste disposal.* 10 CFR requires individuals or organizations possessing or using radioactive materials (radium excepted) to obtain a license from the Atomic Energy Commission. When radioactive materials and waste are excess to contractual requirements, disposition will be accomplished according to instructions provided in license agreement between the contractor in possession and the Atomic Energy Commission. There is one exception to the licensing procedures and to the CFR in that there are no Federal licensing controls on radium. Radium determined to be useless, and radioactive waste for which disposal instructions are not contained in the AEC licensing arrangements, will be reported to San Antonio AMA, Kelly AFB, Texas, for disposition according to TO 00–110N–2. Excess usable radium will be reported to AMC (MCPKI) for appropriate disposal instructions. Any problems related to the disposal of radioactive materials or waste should be forwarded to AMC (MCPKI) for coordination with the Office of the Surgeon, who monitors the AF Radiological Health Program.

§ 1008.507–501 [Amendment]

8. In § 1008.507–501, the word "paragraph" is amended to read "section" wherever it appears in paragraphs (a), (b), and (d).

9. In § 1008.508, revise paragraphs (a) through (d) only, to read as follows:

§ 1008.508 Donations.

(a) to (c) See § 8.508 (a) to (c) of this title.

(d) In addition to Department of Health, Education and Welfare activities, contractor inventory may be donated to service education activities listed in § 1008.867. Service education activities will have priority of selection during the donation period of 15 calendar days. All donations to service education activities must have the prior approval of its National Headquarters (CAP excepted—see § 1008.505–50) and the Regional General Services Administration Office. When property is donated to a service education activity, one copy of the shipping document will be sent to the State Agent for DHEW in the State where the donee is located.

10. Revise § 1008.509 to read as follows:

§ 1008.509 Destruction or abandonment.

(a) When disposing of excess machine guns, small arms, automatic weapons, ammunition, howitzers, cannons, rocket launchers, flame throwers, tanks, explosives, protective filter units, protective masks, body armor and survival equipment, the plant clearance officer will comply with demilitarization requirements.

(b) Classified contractor inventory: (1) Surplus classified contractor inventory determined to be scrap and salvage will be destroyed according to AFR 205–1 (Safeguarding Military Information). The residue will be disposed of according to § 8.504 of this title and § 1008.504.

(2) When no requirements exist for serviceable classified contractor inventory and destruction appears unwarranted, forward the following information to AMC (MCPKI) and request appropriate disposition:

(i) Classification of the property (Top Secret, Secret, or Confidential).

(ii) To the extent available provide the authority and particular office or officer initially responsible for the security classification.

(iii) Facts or circumstances making destruction under AFR 205–1 unwarranted.

(c) See § 8.509(c) of this title.

(d) If the line item acquisition cost of material, including Government-furnished property, exceeds $1,000, or if the aggregate sum of line items under $1,000 exceeds $5,000, it will not be destroyed or abandoned without prior approval of a property disposal review board according to the provisions of § 8.512–2(d) of this title. If the acquisition cost of the material, including Government-furnished property, exceeds $100,000, it will not be destroyed or abandoned without obtaining the additional prior approval of the Property Disposal Review Board located at Hq AMC. (See § 1108.512–2(c).)

11. In § 1008.510–51, revise paragraphs (a) and (b) only, to read as follows:

§ 1008.510–51 Screening agencies.

(a) AMA or depot: Inventory schedules will be forwarded to the Processing Control Branch, Operations Support Division, Directorate of Materiel Management at the AMA or depot prime for the item produced by the tooling. That activity will effect screening for logistic requirements according to paragraph 5, section 8, volume III, AFM 67–1.

(b) Purchasing office: Two copies of the inventory schedules will be forwarded to the office through which procurement was accomplished.

Subpart F—Termination for Default

1. Revise § 1008.600 to read as follows:

§ 1008.600 Scope of subpart.

This subpart sets forth: (a) Circumstances under which AF contracts are terminated for default, (b) authority to terminate for default, and (c) responsibilities and procedures in connection with default actions. In addition, guidance is furnished as to the procedure to follow when a contract does not contain a Default clause and the contract should be terminated for "Breach of Contract" on the part of the contractor. As pertains to service or construction contracts, references made herein to "contract delivery schedule" will have application to "contract delivery or performance schedules."

2. Section 1008.602–2 is added as follows:

§ 1008.602–2 Effect of termination for default.

See § 8.602–2 of this title.

3. Section 1008.602–3 is revised to read as follows:

§ 1008.602–3 Procedure for default.

(See § 1008.651 for termination of self-administered contracts.)

(a) *Responsibility of administrative contracting officer.* ACOs have primary responsibility for initiating prompt action pertaining to possible termination of contracts.

(1) Pursuant to the Default clause contained in most AF contracts, the ACO is empowered to furnish a "cure" notice (see § 1008.602–1(b) and § 1008.871(a)) to a contractor endangering performance of his contract. The procuring contracting officer (PCO), the office having production administrative responsibilities, the readjustment activity of the CMR in which the procuring activity is located and AMC (MCPKT) will receive an information copy of the aforementioned "cure" notice, however, the ACO may dispatch the "cure" notice on his own initiative and without procuring prior coordination or approval of the PCO. If the contractor fails to cure the condition endangering contract performance, the administering activity will immediately furnish full information to the PCO by means of a letter or DD Form 375 plainly stamped or marked "Action Document" in large red letters and recommend that the contractor be notified by a "show cause" letter of the possibility of the contract being terminated for default (see paragraph (c)(3)(ii) of this section and § 1008.871(d)). A copy of the recommendation from the administering activity to the PCO will be furnished to: (i) AMC (MCPKT), and (ii) the readjustment activity of the CMR in which the procuring activity is located.

NOTE: There is no legal requirement for sending a "show cause" letter where the contractor has failed to comply with the terms of a "cure" notice. However, unless time for delivery has become critical, it is advisable to issue such a letter.

(2) In the event the contract is already delinquent, or will become delinquent prior to the expiration of a reasonable cure period, the ACO should promptly recommend issuance of a "show cause" letter to the PCO. Such a recommendation can be made on a DD Form 375, "Action Document", by a separate letter, telegram, telephone call, or any other means as dictated by the urgency of the situation. In the event a reliable production estimate indicates that the contract will be completed within 30 days after becoming delinquent, it is not necessary to issue any notice to the contractor except as advisable to prevent a waiver of delivery schedule such as might arise with the unqualified acceptance of late partial deliveries (see § 1008.601–51). However, care should be exercised to insure that no contract delinquency attributable to the fault of the contractor or his subcontractor/supplier is allowed to continue for a period beyond thirty (30) days without issuance of a "show cause" letter.

(3) If the PCO (see paragraph (c)(3)(ii) of this section) concurs in the advisability of notifying the contractor to show cause the ACO will, within 5 days after receipt of the PCO's concurrence, notify the contractor by letter (Registered Mail—Return Receipt, or hand-carried to the contractor and receipted copy obtained) that the Government is considering termination for default by reason of the contractor's failure to comply with the delivery schedule or contractual specifications, failure to make progress so as to endanger performance, or failure to comply with other contractual provisions (as applicable). The contractor should be requested to submit within 10 days (or such longer time as the ACO deems reasonable under the circumstances) his reasons why the contract should not be terminated for default. The letter by the ACO should call the contractor's attention to the liabilities that may be invoked if the contract is terminated for default. Suggested formats for this letter are set forth in § 1008.871. Before release, the letter should be coordinated with the cognizant production and quality control personnel; after release, no further action under the contract will be taken by production or quality control personnel without prior approval of the ACO. One copy of the ACO's letter to the contractor will (with appropriate identification as to origin) be furnished to each of the following:

(i) The office having primary production responsibility.

(ii) The office having primary quality control responsibility.

(iii) The procuring contracting officer.

(iv) Contractor's sureties, assignees, or guarantors, if any.

(v) The accounting and finance office designated to make payment under the contract (see § 1054.2205 of this chapter).

(vi) Readjustment activity of the CMR in which the procuring activity is located.

(vii) Terminations Branch (MCPKT), Hq AMC.

(4) Upon receipt of the contractor's reply, or if no reply is received at the expiration of the period for contractor's reply to the letter notifying him of the possible default action, the ACO will immediately send the following information in writing to the procuring contracting officer with information copies to activities shown in subparagraph (3) (vi) and (vii) of this paragraph:

(i) ACO's evaluation of the contractor's promises and excuses (if any have been submitted) and an estimate of the time deemed reasonable for the contractor to complete the contract.

(ii) The current status of production.

(iii) ACO's recommendations as to whether or not the contract should be terminated for default.

(5) It is recognized that despite the most diligent efforts on the part of production personnel and ACO's, some contractors will fail or refuse to adhere to contractual obligations. When such failure or refusal is detected it is incumbent upon the ACO to recommend affirmative action adequate to remedy the unsatisfactory aspects of the contract being administered. While it is not contemplated that default termination will be recommended for each and every contract as soon as it becomes delinquent as to any substantive provision, nevertheless ACO will be responsible for recognizing at an early date the existence of any unsatisfactory conditions that may result in the contractor's failure to meet the contract delivery schedule or deliver supplies in conformance with contract specifications. (See § 1001.305–52(c)(4) of this chapter.) Inasmuch as the Government may be adjudged to have abandoned or waived the delivery schedule (§ 1008.601–51) unless action is taken incident to default termination within a reasonable time after expiration of the delivery schedule, it is of paramount importance that ACOs, insofar as possible, anticipate contractor failures and be prepared to initiate timely action that properly protects the Government's interest. It is highly desirable to initiate a written "cure" notice (see § 1008.602–1 (b) and (c)) at the earliest point during the contract delivery schedule when it becomes apparent the contractor is endangering performance (see § 1008.871(a) for "cure" letter format). While oral admonitions may attain desired results in many instances, such actions are of no avail to the Government if it is subsequently ascertained that the contract should be terminated for default of the contractor, and they may prejudice the Government's position by indicating acquiescence in the contractor's failure. Therefore, the ACO should issue proper and timely written notices to the contractor and make timely recommendations for default termination, as warranted, so as to avoid the aforementioned waiver or abandonment of the delivery schedule and the resultant delay in obtaining delivery of needed supplies, services or construction.

(6) Responsibilities subsequent to request for default investigation: The ACO while continuing his administrative duties in connection with a contract will maintain close liaison with the termination contracting officer (TCO) and the procuring contracting officer subsequent to the request for default investigation, and will:

(i) Coordinate in advance with the TCO any contemplated action in connection with the contract under investigation.

(ii) Coordinate with the TCO before allowing production or quality control personnel to visit contractor's facility in connection with contract being investigated or accepting quantities of items thereunder.

NOTE: The provisions of this section do not preclude acceptance of delinquent items, however, the ACO should insure the contractor has been notified substantially as set forth in § 1008.601–51(c).

NOTE: This provision does not pertain to other contracts with the same contractor that are not under investigation, however, all Government personnel should refrain from discussing any aspects of contracts being investigated for possible default termination unless specifically requested to do so by the TCO.

(iii) *Release unexpended funds under contracts terminated for default.* The contracting officer responsible for the administration of the terminated contract will determine the exact amount of funds unexpended under the contract as of the effective date of default termination. Upon receipt of information from the TCO that notice of default termination has been released to the contractor, the ACO will prepare and issue an appropriate administrative notice to release the unexpended funds. The administrative notice will: (a) Reference the termination action taken and set forth the exact amount of funds to be released and (b) will specify that released funds are to be retained for use

by the procuring activity in effecting reprocurement of goods or services terminated. (See § 1008.602–6.) If the termination action under the Default clause is subsequently reversed by the Armed Services Board of Contract Appeals, or the notice of default termination is converted to a termination for the convenience of the Government, and either of these actions results in a cost settlement with the terminated contractor, funds in the amount necessary to accomplish settlement of the contractor's claim will be reobligated to the terminated contract by the appropriate procuring activity.

(b) *Responsibility of production follow-up activities.* Within AMC, production activities will be governed by AMCM 84–2.

(c) *Responsibility of procuring contracting officer.* Procuring Contracting Officers are charged with the responsibility of deciding whether or not a contract should be submitted to a TCO for investigation incidental to default investigation. Procuring contracting officers may submit their recommendation for default termination based upon: (1) Information obtained from an administrative contracting officer, (2) their own initiative, or (3) unified efforts of all Government personnel concerned (base procurement activities see § 1008.651).

(i) It is not possible to establish specific and steadfast guidelines as to when the procuring contracting officer should or will request default investigation, inasmuch as each individual contract must be considered on its respective merits. However, the following general guidelines are furnished for application as appropriate.

(*a*) It is not necessary to establish a prima facie case before requesting investigation for default termination.

(*b*) If in doubt as to whether or not a request should be made for default investigation, such doubt should always be resolved in favor of requesting the default investigation.

(*c*) In arriving at a decision for or against requesting default investigation, consideration must be given to the current status of the contract in question, and what effect a delay in action will have upon the rights of the Government. Waiver or abandonment of a delivery schedule must be avoided. In the event it is decided that extension of the delivery schedule is necessary because of the existence of excusable delay, or it will be mutually advantageous to the Government and the contractor, such extension should be promptly covered by a supplemental agreement to the contract. While consideration must normally by obtained for any extension of delivery schedule necessitated by the fault of the contractor, such consideration is not necessarily limited to monetary recoupment and, if justified, may be nominal. In any event, the PCO is very seldom justified in permitting a contract to become delinquent and remain delinquent longer than 30 days without taking affirmative action incident to: (*1*) Default termination or (*2*) extension of the delivery schedule.

(ii) Within 5 days after receiving a recommendation from the ACO that the contractor be notified by a "show cause" letter of possible default termination, the PCO will notify the ACO of his concurrence or nonconcurrence. If the PCO is unable to make a decision within 5 days, he will notify the ACO of the date when a decision may be expected. Under any circumstances, a copy of the PCO's reply to the ACO will be concurrently forwarded to the readjustment activity of the CMR in which the procuring activity is located and to AMC (MCPKT). In turn, the readjustment activity of the CMR in which the procuring activity is located will monitor developments and furnish advice, guidance, and assistance as appropriate to protect the Government's interest and avoid waiver or abandonment of the contract delivery schedule.

(iii) After receiving the ACO's recommendations following the contractor's reply to the Government letter informing him of possible default termination (see paragraph (a) (3) and (4) of this section), the PCO will make his decision as to the advisability of pursuing further default action. In making the decision, the PCO will consider the following, in addition to the factors set forth in § 8.602–3(a) of this title.

(*a*) Any changes under the contract, or other action on the part of the Government which might have contributed to the cause or failure to perform.

(*b*) The possibility of collecting liquidated damages (if provided in the contract).

(*c*) Whether it appears that the contractor submitted an unrealistic delivery schedule to obtain an advantage over competitors.

(iv) If the PCO, after careful evaluation of all factors involved, decides not to pursue further action incident to requesting default investigation he will:

(*a*) Prepare a detailed statement of findings in at least four copies and obtain concurrence with such findings from the local staff judge advocate.

NOTE: In the event the staff judge advocate does not concur in the aforementioned findings, the procuring contracting officer will hold further action in abeyance and refer the matter to the readjustment activity of the CMR where the contract is being administered for appropriate decision.

After concurrence, the following distribution of the findings will be made promptly by the PCO:

(*1*) Contract file (original).

(*2*) CMR (readjustment activity) in which the procuring activity is located.

(*3*) Administrative contracting officer.

(*4*) AMC (MCPKT).

(*b*) If a decision has been reached to permit the contractor to continue performance, prepare the necessary supplemental agreement extending the delivery schedule if the present schedule is about to expire or has already expired.

(*c*) If the contract delivery schedule has not expired and the delinquent contractor has made a satisfactory reply to the ACO's "cure" notice (see paragraph (a) (5) of this section), the contractor may be advised substantially as set forth in § 1008.871(c). Care should be taken to insure that the contractor is not advised that default will be withheld to a date beyond the expiration of the delivery schedule (see § 1008.601–51).

(v) The PCO, upon reaching the decision to request investigation for default, will immediately prepare and forward AFPI Form 49, "Termination Authority," in four copies to the readjustment activity of the CMR within whose jurisdiction he is located. Since the TCO must rely on information submitted by the PCO and other Government representatives, it is especially important that every effort be made to provide all data required to successfully accomplish the investigation. Incomplete or inaccurate information will result in a delayed investigation and unnecessary communications expense. Therefore, in addition to AFPI Form 49, the PCO will furnish the following, together with other information deemed necessary, to the CMR:

(*a*) One legible and complete copy of the contract, together with any change orders and supplemental agreements, thereto.

(*b*) A copy of all notices and letters sent to the contractor regarding his deficiency in performance, together with proof of their delivery to him, if available.

(*c*) A copy of any contractor correspondence purporting to explain or justify his deficiency, whether or not written in reply to any "cure" or "show cause" letters.

(*d*) A statement which will include the following:

(*1*) A detailed description of how the contractor has failed to comply with the provisions of the contract. Outline any action taken to advise the contractor of its failures to perform, any corrective action which Government representatives have recommended to the contractor, and the contractor's response. This portion of the statement should include the exact date or dates deliveries or performance are due under the contract, considering all changes and any Government caused delay. It should be supported by attached correspondence and informal signed statements from individuals having personal knowledge of the contractor's failure.

(*2*) An evaluation of the possible merits of any excuse or explanation relied upon by the contractor to explain his deficiency, with a specific comment as to whether the Government by its acts may have contributed to the contractor's failure to perform.

(*3*) A statement of deliveries and payments that have been made under the contract date.

(*4*) Method of selection of source used at the time of placing the contract, and why the contractor was selected.

(*5*) Presence or lack of sureties, guarantors, or others secondarily liable, giving their names and addresses.

(*6*) The urgency of the current need for the supplies or services and the period of time which would be required to obtain the supplies or services from other sources as compared with the time in which delivery could be obtained from the delinquent contractor. Comment on the availability of the supplies or services from other sources if the present contract is terminated for default.

(*7*) Identify any damages, other than possible excess cost of reprocurement, which may result from the contractor's failure to perform. This includes the existence of any guaranteed loans, progress payments, or advance payments which may be jeopardized if the contract is defaulted.

(*8*) Any other facts or circumstances which the PCO feels should be considered by the TCO in reaching a decision as to whether or not to terminate the contract for default.

NOTE: Normally this material cannot be returned to the originator since it becomes a part of permanent records.

Prior to forwarding the request for default investigation, the PCO will coordinate with other interested activities, such as the staff judge advocate and the using organization, as time permits and as the complexity of the problem warrants. If a "show cause" notice has not been previously issued, the PCO should concurrently issue, or instruct the ACO to issue, a "show cause" notice in substantially the form set forth in § 1008.871 (b) or (d), as appropriate. See paragraph (a) (3) and (4) of this section for instructions concerning the issuance of the "show cause" notice.

NOTE: "Stop work" provision to be used only under certain circumstances. See footnote to § 1008.871(d).

The ACO and PCO should promptly evaluate the contractor's response to the "show cause" notice and furnish their comments to the TCO. The PCO will promptly advise the TCO of any substantial changes in the information furnished along with the AFPI Form 49, i.e., large reduction or cancellation of the requirement, additional deliveries, damages suffered by the Government, etc.

(vi) The PCO will notify the ACO promptly of any action taken in relation to default termination. Thereafter, the PCO will assist the TCO to the maximum extent possible (see paragraph (d) (4) (i) of this section).

(vii) If the requirements for the supplies or services under a delinquent contract no longer exist and the contractor is agreeable to the acceptance of a no-cost termination, the PCO may enter into a no-cost settlement agreement referred to in §§ 8.806–6 and 8.806–7 of this title if such action is in the best interest of the Government (see § 8.602–4(c) of this title). The procedure in § 1008.653 will be followed in this event (see § 8.602–5 of this title). As an additional requirement, the "Memorandum for File" will spell out: (*a*) When it was first ascertained that the supplies or services were no longer required, and if at that time the contract was delinquent as to substantive provisions, and (*b*) the specific reasons, in detail, why the supplies or services are no longer required. If the contractor is not agreeable to accepting a no-cost termination and the elements of actionable default are present, the PCO will send the file, properly prepared according to subdivision (v) of this subparagraph, to the responsible CMR readjustment activity for default investigation.

(d) *Responsibility of termination contracting officers authorized to terminate contracts for default.* When a duly designated TCO is assigned to conduct an investigation as to whether or not there is a basis for default termination, he will proceed to make his determination in the manner set forth below:

(1) Expeditiously conduct a thorough review of AFPI Form 49, "Termination Authority", and its attachments, the contract, the facts and circumstances surrounding the contract, all correspondence and related documents, the specific failure of the contractor, the contractor's excuses, if any, for such failures, applicable regulations, and contract law. As deemed appropriate, the TCO may invite the contractor to discuss the matter in person at a conference (see § 8.602–3(b) of this title), and will always insure that the contractor is afforded an ample opportunity to set forth any reasons why the contract should not be terminated for default.

(2) Section 8.602–3(a) of this title sets forth factors that a TCO should consider. In addition, if the records do not reveal sufficient facts to determine whether the contractor's failure is excusable under the terms of the contract, and a "show cause" notice has not been issued, then such notice may be issued by the TCO. The notice will fix a date for reply, advise the contractor that failure to present an excuse may through necessity be considered an admission that none exists, and if appropriate inform the contractor that, pending receipt of the contractor's reply, the work is to be suspended under the contract. If the default action is predicated upon any failure of the contractor other than failure to make timely delivery, the contractor will be given written notice specifying the failure, and a period of at least 10 days will be granted within which to cure such failure. If the contractor fails to cure such failure within the specified time, or if termination action is predicated upon the contractor's failure to make timely deliveries, the contract may be terminated for default immediately. During the default investigation and prior to issuing any default termination to a contractor, the TCO will coordinate with the local staff judge advocate as to the existence of an actionable default and the advisability of terminating the contract for default. However, the final decision as to the action to be taken and the determination of the facts to be included in the findings must be made by the TCO according to his independent judgment. In issuing the notice of termination for default the TCO will comply with § 8.602–3 (c) and (d) of this title. In those cases involving failure to make timely delivery, the termination notice will normally be dispatched by telegram to the contractor (Written Report of Delivery Requested) with telegraphic information copies to the administrative and procuring contracting officer(s). In all other instances (except where time is of the essence) the termination notice (Registered Mail—Return Receipt) will usually follow a letter format, setting forth the pertinent data, including complete and adequate findings. Supplemental distribution will be according to subparagraph (4) (iii) of this paragraph.

NOTE: A default termination is a unilateral exercise of a right by the Government and a follow-up supplemental agreement to cover this type termination is not issued. If contractor appeal of a default termination to ASBCA is sustained see § 1008.655(e).

(3) If it is determined that the facts are insufficient to support an immediate default termination and it is nevertheless desired by the initiator of the AFPI Form 49 to terminate for good and cogent reasons, the termination contracting officer may pursue pretermination negotiation action pursuant to § 1008.602–4. If pretermination negotiation is not warranted or fails to provide a satisfactory solution, the TCO will terminate for default of the contractor or for convenience of the Government, as deemed appropriate, or in the alternative, take action as outlined in § 8.602–4 of this title.

(4) Authority and responsibility of the TCO are set forth below:

(i) Assume full cognizance over the contract upon receipt of AFPI Form 49. After referral to the readjustment activity the initiator of the AFPI Form 49 will not take independent action on any matters pertaining to the contract under investigation without prior approval or concurrence of the TCO.

(ii) Incidental to the default investigation, the TCO may, by unilateral or bilateral action, re-establish a reasonable and realistic delivery schedule for the contract in question if it is ascertained that the delivery schedule in the contract, or amendments thereto, has probably been waived by the Government (see § 1008.601–51). As deemed appropriate by the TCO, the delivery schedule may be re-established by use of: (*a*) Letter, (*b*) telegram, or (*c*) formal supplemental agreement to the contract. To the extent practicable this action will be coordinated in advance between the TCO and the initiator of the AFPI Form 49, with notification to the ACO.

(iii) Distribution of notices of default termination and assessment or non-assessment of excess costs (also applicable to breach of contract): The TCO will comply with § 8.602–3(e) of this title and be responsible for accomplishing distribution of copies of the foregoing notices to the following activities:

(*a*) Two copies to contractor by certified or registered mail—return receipt requested. Telegraphic notice of termination (Western Union—Written Report Delivery) may be used when advisable.

(*b*) One copy to buyer.

(*c*) One copy to initiator of the procurement.

(*d*) One copy to accounting and finance office designated to make payment under the contract.

(*e*) One copy to accounting and finance office at Headquarters of TCO.

(*f*) One copy to surety and/or assignee.

(*g*) One copy to APD, AFPRO, or other office responsible for administration of the contract. Base procurement

offices also send a copy of breach notices to the appropriate CMR.

(h) Contract distribution office: Sufficient copies to service all other distributees under the contract involved.

(i) Hq AMC as follows:

One copy to Contract Management Division (MCPKT).

One copy to Financial Branch (MCPMF).

(5) If an appeal is taken by the defaulted contractor, the TCO will comply with § 1054.504 of this chapter.

(6) Assessment or non-assessment of excess costs of reprocurement: If after conducting a review as set forth in the preceding subparagraphs, the TCO finds and determines that the facts substantiate a default termination (or "breach"), and such action is taken, the TCO will thereafter request the initiator of the AFPI Form 49 to furnish detailed information as to reprocurement of similar supplies or services and the total amount of excess costs, if any, incurred by the Government as a result of the contractors default (for Breach of Contract see § 1008.652). Upon receipt of the requested information, the TCO will prepare findings in which demand will be made upon the defaulted (or "breached") contractor, its sureties and guarantors for payment of the amount of excess costs as computed in the findings, and the contractor will be directed to forward a certified check for such amount (payable to the Treasurer of the United States) to the accounting and finance office appearing on the contract. If funds due to the contractor for work performed under the contract and utilized by the Government are in possession of the accounting and finance office concerned in an amount sufficient to satisfy the assessment, the Notice of Excess Costs will reflect this application of funds, and it will not be necessary for the contractor to make separate payment. If the information submitted by the initiator of the AFPI Form 49 indicates that there is to be no reprocurement of similar supplies or services or that reprocurement of similar supplies or services was accomplished without the Government incurring any excess cost, a finding as to nonassessment of excess cost (not applicable to Breach of Contract) will be issued to the contractor by the TCO (see § 1008.602–6 and Subpart V, Part 1054 of this chapter).

4. Section 1008.602–6 is revised to read as follows:

§ 1008.602–6 Repurchase against the contractor's account.

The contracting officer has no authority to waive any or all of the assessment of excess costs. If reprocurement of a like number of items of equal or better quality is accomplished at a cost below the price of the defaulted contract, the Government and not the defaulted contractor is entitled to the savings. However, the contractor will be liable for any excess costs incurred by the Government as a result of reprocurement of supplies or services similar to those terminated for default. Where there is a default of two or more items under a contract, with some of those items being reprocured with resultant excess costs and the remainder being reprocured at a savings to the Government, the contractor is liable only for the net excess costs. For example, when the total savings are greater than the total excess costs for items reprocured, the Government sustains no loss, and excess costs are not assessed. Procuring contracting officers will, if requirements still exist, cause new procurements to be initiated within 30 days after receipt of notice from the TCO that the contract has been terminated for default. Such reprocurement customarily requires a replacement purchase request for any of the terminated contract items still required. Such reprocurement may, however, be effected prior to issuing the notice of default termination when the reprocurement meets the criteria for a public exigency contained in § 3.202 of this title. If there is to be a reprocurement, a purchase request will be issued promptly and transmitted to the PCO by the organization responsible for requesting the supplies and/or services.

Upon receipt of the purchase request, the PCO will take prompt action concerning the reprocurement. Unreasonable delay in consummating a reprocurement contract in substitute of a defaulted contract, and/or procurement on the basis of a specification which is materially changed may release a contractor from liability for excess costs of reprocurement. Therefore, before reprocurement is made on the basis of a materially changed specification, consideration will be given to determining whether such change and consequent release of the contractor from any excess costs which may result from such reprocurement is in the best interest of the Government. In general it may be said that the Government's obligation in effecting a repurchase is simply to act reasonable to minimize the damages—otherwise it will lose its right to assess the excess costs. The repurchase must be made within a reasonable time after the termination. The supplies repurchased must be as similar as practicable to those terminated in quality, unit, and specifications, and the contract terms should vary as little as possible. The contracting officer does have considerable discretion in effecting the repurchase. Since repurchase contracts are for the defaulted contractor's account, they are not subject to the statutory advertising requirements, and the contracting officer may effect procurement either by formal advertising or by negotiation, whichever he deems in the best interests of the Government, so long as his action is reasonable and adequately protects the interests of the defaulted contractor. The face page of the reprocurement contract will bear a statement reading "This contract constitutes a reprocurement of supplies and/or services which were terminated for default under Contract No. ------." Unexpended funds remaining on the terminated contract are normally available to initiate the new procurement (see § 1008.602–3(a)(6)(iii)).

5. Sections 1008.651 and 1008.652 are revised to read as follows:

§ 1008.651 Default termination where administration of contracts is retained by the purchasing activity.

Contracting officers in base procurement activities and in certain other organizations administer their own contracts. Therefore, they must perform the functions which are described as responsibilities of both the ACO and PCO in the procedure for default in § 1008.602–3 (a) and (c). (See § 1008.652 for Breach of Contract procedure with contracts which do not exceed $2,500.) Due to this consolidation of responsibility, the procedure for the initiation of a request for default investigation of such a contract is simplified. When reference is made in this section to instructions for the ACO or PCO, they will be considered applicable to all contracting officers who administer their own contracts.

(a) *Procedure for default.* The default clause contained in most AF contracts empowers the contracting officer to furnish a "cure" letter to a contractor when during the period of the contract delivery or performance schedule it fails to make satisfactory progress so as to endanger performance of its contract, or if the contractor fails to perform any of the other provisions of the contract according to its terms (see §§ 1008.602–1 (b) and (c), 1008.602–3(a)(5), and 1008.871(a)). If the contractor fails to cure the specified defect within the time authorized by the "cure" letter, the contracting officer may immediately notify the contractor by a "show cause" letter of the possibility of the contract being terminated for default (see § 1008.871 (d)).

NOTE: There is no legal or contractual requirement for sending a "show cause" letter when the contractor has failed to comply with the terms of a "cure" letter or when the contractor has failed to make timely delivery. However, it is normally advisable to issue such a letter so that the contractor's position, in writing, will be available in reaching a decision as to whether or not to request investigation for default. Neither a "cure" nor "show cause" letter are required if the "Breach of Contract" procedure is followed.

(1) If the contractor is delinquent, or will become delinquent prior to the expiration of a reasonable cure period, a "cure" letter will not be issued, since it could have the effect of waiving the original delivery schedule. In such a case, a "show cause" letter is proper. If it is reliably estimated that the contract will be completed within 30 days after becoming delinquent, it is not necessary to issue any notice to the contractor unless some action is required to prevent a waiver of the delivery schedule, such as might arise with the unqualified acceptance of late partial deliveries (see § 1008.601–51). However, the contracting officer is very seldom justified in permitting a contract to become delinquent and remain delinquent more than 30 days without taking affirmative action to either extend the delivery schedule, or to initiate "Breach of Contract" or default termination action.

(2) Upon receipt of the contractor's reply, or if no reply is received at the expiration of the period for reply to the "show cause" letter (or the "cure" letter if no "show cause" letter is issued), the contracting officer must decide whether or not to request investigation for default. Section 1008.602–3(c)(3) (i), (iii), (v), and (vii) should be reviewed for guidance in reaching this decision and for the action required after a decision is made. See § 1008.602–3(a)(6) for responsibilities subsequent to a request for default investigation. Section 1008.602–6 provides instructions for reprocurement of items terminated.

(b) Contracting officers will forward AFPI Form 49, "Termination Authority," in four copies, with the supporting data required by § 1008.602–3(c)(3)(v) as follows:

(1) Within the continental United States by:

(i) Procurement activities of all major commands, other than ARDC, directly to the readjustment activity of the CMR in whose geographical area they are located. Information copies, if required, will be distributed according to instructions from their respective major commands.

(ii) ARDC procurement activities as directed by the Commander, ARDC.

(2) Outside the continental United States: As instructed by the appropriate commander with authority to terminate contracts for default. (See § 1008.650 (c)(4).)

§ 1008.652 Procedure for handling termination for breach of contract where contract amount does not exceed $2,500.

(a) Where a contractor has failed to perform according to the terms of his contract and the base procurement or equivalent contracting officer at the activity issuing the contract is of the opinion that the contractor has thereby "breached" a contract where the contract amount does not exceed $2,500, the contracting officer may refer the matter for default investigation pursuant to § 1008.651 if the contract includes a Default clause, or he may take the following action whether or not a Default clause is included:

(1) Conduct an investigation as prescribed for a TCO in § 1008.602–3(d) to the extent required to determine whether or not the Government may refuse to accept further deliveries and subsequently reprocure the supplies or services from another source. Should such an investigation indicate that the Government may not at the time refuse to accept goods or services, the contracting officer may thereafter attempt to negotiate for and expedite delivery, or in the alternative he may terminate the contract for convenience of the Government on a cost or no cost basis, as warranted. If doubt exists as to whether a bilateral contract exists, it is suggested that the advice of the local staff judge advocate be obtained.

(2) If the investigation indicates that the contractor has "breached" the contract, the contracting officer at the activity issuing the contract may, after obtaining a local staff judge advocate review (see § 1001.314(b) of this chapter), notify the contractor by telegram (Written Report of Delivery) or registered mail (Return Receipt Requested) in substantially the format shown below:

You are hereby notified that your failure to perform Contract No. ------ as required by the terms thereof constitutes a Breach of Contract. The Government will no longer accept delivery thereunder and at its option may procure the undelivered supplies from another source. The Government will hold you liable for any and all damages resulting from your Breach of Contract.

(3) Upon receipt of the "breach" notice by the contractor the contracting officer may reprocure the goods or services from another source if the requirement still exists.

(4) Upon execution of the reprocurement contract, the contracting officer will, after coordination with the local staff judge advocate, make demand upon the "breached" contractor, in the form of a letter "Demand for Payment of Damages as a Result of Breach of Contract," for all valid damages, including excess cost of reprocurement. This letter need not follow any particular format but should clearly state: (i) Contractor's name and complete address, (ii) contract number, (iii) the date of the notice of breach of contract, (iv) name and complete address of reprocurement contractor, with the contract number and date, (v) a reasonably detailed explanation of the method of arriving at the extent of damages, and (vi) a demand that the contractor forward a certified check (payable to the Treasurer of the United States) in payment to the appropriate accounting and finance office.

(5) Concurrently with the issuance of the demand for payment of damages, the contracting officer will furnish a copy of the letter to the appropriate accounting and finance office, as cited in the breached contract, for collection. (See Subpart V, Part 1054 of this chapter.) Thereafter the contracting officer is not required to make any further attempts to recover the damages caused by the "breach of contract" unless requested to do so by the accounting and finance office.

(b) If the "breached" contract contains a Disputes clause the contractor may properly appeal the "breach notice" to the Secretary of the Air Force. If there is an appeal the provisions of § 1001.314–51 of this chapter will be complied with.

(c) If the contract does not contain a Disputes clause the contractor is not entitled to invoke the appellate procedures afforded by the Disputes clause. The "breached" contractor may normally resort to a court of law for his remedy, if any.

(d) Distribution of copies of notices: See § 1008.602–3(d)(4)(iii). Major commands may implement this distribution list to the extent deemed appropriate.

§ 1008.653 [Amendment]

6. In § 1008.653, all the material following the note is now deleted.

7. Section 1008.654 is added as follows:

§ 1008.654 Default of facilities lease agreements.

Whenever a lessee has violated any provision of the lease, such as failure to pay rent, failure to preserve and maintain leased property, or any other provision of the Lease Agreement, the ACO will serve the lessee with a "Notice to Cure" by Registered Mail—Return Receipt, and forward a copy to the CMR authorized to terminate the lease for default. The "Notice to Cure" will grant the lessee a reasonable period of time (not less than 10 days) to cure the delinquency. The suggested format for "Notice to Cure" letter, below, may be used:

1. As a result of your failure to ---------- as required by Clause ---------- of subject Facilities Lease Agreement, the Government is considering terminating subject agreement under the provisions of Clause -------- (Default).

2. You are hereby granted ------ days within which to cure your delinquency. Failure to do so may result in default termination without further notice.

3. Your attention is invited to the rights of the Government in event the lease agreement is terminated for default.

8. In § 1008.655, revise paragraphs (g) and (h) to read as follows:

§ 1008.655 Responsibilities of Hq AMC, CMRs, and Hq ARDC readjustment activities incident to default.

* * * * *

(g) AFPI Form 80, "Termination Activity Report": Each AFSC/CMR will prepare AFPI Form 80 as of the last day of February, April, June, August, October, and December. The form will be prepared in duplicate; original to be mailed to AFSC (ASXKT) Wright-Patterson AFB, Ohio (due on 10th day after end of reporting period) and one copy retained by the activity preparing the form.

(h) Retirement of termination docket files: Default termination docket files will be closed out by the TCO preparing AFPI Form 14, "Contract Records Disposition Notice" and submitting it to the procuring activity for appropriate distribution. The "Remarks" space of AFPI Form 14 will contain the following statement:

This contract was terminated for default of the contractor by notice dated ----------. Paragraphs 1, 2, and 3 above are not applicable. The official termination docket file was closed on ----------.

When a contractor's appeal is sustained, or the default termination is for any other reason converted to a termination for convenience of the Government (see paragraph (e) of this section), the readjustment activity issuing the conversion notice will forward the default docket file to the contracting officer to whom the contract has been referred for settlement, who will subsequent to settlement prepare the AFPI Form 14 and submit it to the procuring activity for appropriate distribution.

9. Section 1008.656 is added as follows:

§ 1008.656 Default of Government property sales contracts.

Defaults of sales contracts executed according to AFM 67–1 are not processed under this subpart. Such deficiencies are handled by the contracting officer conducting the sale in the manner prescribed by the pertinent contract clause

and by paragraph 14, chapter 12, volume VI, AFM 67–1.

Subpart H—Forms

1. In § 1008.865–2, revise paragraph (f) to read as follows:

§ 1008.865–2 Inventory descriptions.

• • • • • •

(f) *General information required on inventory schedules.* (1) Type of contract; i.e., supply, research and development, facilities, modification, etc.

(2) Termination Docket Number, if applicable.

(3) Contract Change Number, if applicable.

(4) The end item procured under the contract. When reporting subcontractor excesses, list not only the end item produced by the subcontractor, but also the prime contractor end item.

(5) An accurate condition code for each line item.

(6) All line items should be described by a Federal Stock Number, an assigned Government drawing number, a vendor's name and established part number, or an AF, AN, NAF, NAS, JAN standard type number rather than the contractor's or subcontractor's own designation.

2. In § 1008.866(a), subparagraph (14) is revised to read as follows:

§ 1008.866 Direct sales forms.

• • • • • •

(a) • • •

(14) A bid deposit or AFPI Form 90, "Bid Bond (Sale of Government Property)," and AFPI Form 91, "Annual Bid Bond (Sale of Government Property)," equal to at least 20 percent of the total sum of the bid will be required and the requirement therefor will be shown on the invitation for bid. Credit will not be extended either with regard to bid deposits, or to the successful bidder for payment of the balance of the purchase price.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

Revise § 1009.107–1 to read as follows:

§ 1009.107–1 General.

(a) to (c) See § 9.107–1 (a) to (c) of this title.

(d) *Contracting officer's duties.* In arriving at the determination whether to request the deviation referred to in § 9.107–1(d) of this title, to insert the Patent Rights (Title) clause in a contract, the contracting officer should consult with the project engineer and his patent advisor regarding the criteria in § 9.107–1(c) of this title. As an aid in obtaining information for such determination the check list set forth below may be used by contracting officers. This check list or similar documentation will be inserted in and form part of the contract file.

CHECKLIST AND DETERMINATION

(To be completed by Contracting Officer)

a. Does the proposed contract relate to a new technological field in which there is no significant nongovernmental experience and in which inventions arising out of the contract would be likely to dominate the field or be of critical significance? (Yes) (No).

b. Do the services of the contractor under the proposed contract largely consist of coordinating and directing the work of others? (Yes) (No).

c. Is the proposed contract in a field directly relating to the health or safety of the public where the availability of the inventions for public use would not depend on patent incentives? (Yes) (No).

d. Does the proposed contract involve considerations similar to those of a, b, or c above? (Yes) (No).

Having consulted the appropriate project engineer and patent advisor and having considered the criteria in ASPR 9–107.1(c), I am of the opinion that the Patent Rights (Title) clause of ASPR 9–107.2(c) (should) (should not) be included in the contract.

(Signature of contracting officer)

If it is determined that the Government should obtain full title to the inventions made under the contract, the contracting officer will take the action in § 9.107–1(d) of this title relating to processing deviations and incorporating the Patent Rights (Title) clause in the contract.

Subpart B—Data and Copyrights

In § 1009.202–1(a), subparagraph (2) is revised to read as follows:

§ 1009.202–1 Acquisition of data.

(a) General.

• • • • • •

(2) *Processing data requirements.* The AF activity responsible for initiating purchase requests or military interdepartmental purchase requests, or the appropriate data requiring agency, as outlined in subparagraph (1) of this paragraph, will indicate the data required on or by attachment to the PR or MIPR. AFLC/AFSC central procurement activities will follow the detailed instructions in AFLCM 170–1 with respect to processing and coordination of PRs and MIPRs. When different types of data, e.g., handbooks, manuals, or drawings are required for different items of equipment, the type(s) required for each item will be shown on the PR or MIPR as separate line items. Buyers, contracting officers, and contract review committees are charged with the responsibility of being certain that data is procured on a line item basis in all applicable contracts, either individually priced or estimated as separate line items.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1010—BONDS AND INSURANCE

1. Subpart T, *Workmen's Compensation Insurance,* is deleted.

2. Subpart Y, *Pension Plan Costs in Air Force Contracts,* is deleted.

3. Subpart Z, *Accident and Disability Insurance for Occupational Hazards,* is deleted.

4. Subpart AA, *Products Liability Insurance Under AF Contracts,* is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–3629; Filed, Apr. 13, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2653]

[Utah 010449; 86635; 87298]

UTAH

Partly Revoking Public Land Order No. 944 of March 16, 1954; Opening Lands Under Section 24 of the Federal Power Act (Power Site Classifications No. 91 and No. 377; Power Site Reserve No. 34

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission hereafter indicated, it is ordered as follows:

1. Public Land Order No. 944 of March 16, 1954, which withdrew public lands for use of the Atomic Energy Commission, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 28, NW¼NE¼, that part lying southwest of U.S. Highway No. 160, and the W½SW¼NE¼.

Containing 50.5 acres.

The lands are withdrawn in Power Site Classification No. 377 of April 20, 1946.

2. In DA–87, 134, 139, 140, 142, and 143, Utah, the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Classifications No. 91 and No. 377, or in Power Site Reserve No. 34, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, as amended:

SALT LAKE MERIDIAN

T. 20 S., R. 10 E.,
Sec. 6, lots 1 to 3, incl., 6 to 8, incl., 10, 11, E½SW¼, and S½SE¼.
T. 25 S., R. 21 E.,
Sec. 26, lots 5 to 8, incl.;
Sec. 27, that part of NW¼NW¼ lying south of U.S. Highway No. 160 and the SW¼NW¼.
T. 24 S., R. 22 E.,
Sec. 26, lots 1 to 9, incl.;
Sec. 35, lot 1 and NW¼NE¼.
T. 25 S., R. 22 E.,
Sec. 29, S½NE¼, SE¼NW¼, N½S½, S½SW¼, and SW¼SE¼;
Sec. 30, lots 1 to 6, incl., W½NE¼, E½NW¼NE¼SW¼, and SE¼;
Sec. 31, NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described, aggregating approximately 2,178 acres, are in part withdrawn for other purposes.

3. The lands are situated either near Fuller Bottoms on the San Rafael River, or along the Colorado River near Moab.

4. Until 10:00 a.m. on October 8, 1962, the State of Utah shall have (1) a preferred right of application to select the lands described in Paragraph 2 of this order in accordance with Subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2), a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

5. This order shall not otherwise be effective to change the status of the lands described in Paragraph 2 hereof until 10:00 a.m. on October 8, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Beginning at 10:00 a.m. on May 15, 1962, the lands described in Paragraph 1, of this order, will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to provisions of the Act of August 11, 1955, supra.

7. Any disposals of the lands described in Paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 9, 1962.

[F.R. Doc. 62–3642; Filed, Apr. 13, 1962; 8:46 a.m.]

[Public Land Order 2654]

[Utah 084960]

UTAH

Withdrawing Lands for Use of the Department of the Air Force for a Seismological Observatory

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Air Force for construction and operation of seismic facilities:

SALT LAKE MERIDIAN

T. 6 S., R. 21 E.,
Secs. 4, 5, 8, and 9.

Containing 2,312.21 acres.

2. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

3. The Department of the Air Force may issue permits revocable at will for authorized use of the lands included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants wil be made under this authority without the approval of an authorized officer of the Department of the Air Force.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 9, 1962.

[F.R. Doc. 62–3643; Filed, Apr. 13, 1962; 8:46 a.m.]

[Public Land Order 2655]

NEW MEXICO AND COLORADO

Withdrawing Lands for Use of the Forest Service for an Administrative Site and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as an administrative site, and for a recreation area, as indicated:

NEW MEXICO

[New Mexico 070229]

GILA NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

T J Administrative Site

T. 12 S., R. 14 W.,
Sec. 25, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, SW¼SE¼NW¼, N½SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, W½NE¼NE¼SW¼, W½W½SE¼NE¼NE¼SW¼, W½NE¼SW¼, W½NE¼SE¼NE¼SW¼, W½SE¼NE¼SW¼, SE¼SE¼NE¼SW¼, S½S½S½NW¼SE¼.

Containing approximately 107 acres.

COLORADO

[Colorado 069933]

SAN JUAN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Sultan Mountain Winter Sports Area

T. 41 N., R. 8 W.,
Sec. 13, N½S½.

Containing 160 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 9, 1962.

[F.R. Doc. 62–3641; Filed, Apr. 13, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 51 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads, carp, channel catfish, and other minor species permitted by State regulations.

(b) Open season: May 1, 1962, through September 30, 1962; daylight hours only.

(c) Daily creel limits:
Bullheads, 25 pounds plus one fish.
Carp, no limit.
Channel catfish, 10.

Creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limbline, bank line, jig or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limblines, bank lines, and liveboxes shall be plainly labeled with the owner's name and address.

(2) See applicable State regulations for additional details.

(3) The use of boats, without motors, is permitted only in designated portions of Main Pool as shown on the map available.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 6, 1962.

[F.R. Doc. 62-3640; Filed, Apr. 13, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 10]

PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE INTERNAL REVENUE SERVICE

Notice of Proposed Rule Making

Notice is hereby given that it is proposed to amend the regulations set forth in 31 CFR Part 10 (Treasury Department Circular No. 230 (Revised)) in order to bring these regulations into closer conformity with the rules established by various States of the United States to govern qualifications for the practice of law and accounting.

The proposed amendments will have the following effect:

(1) Attorneys and certified public accountants who are possessed of the necessary qualifications for enrollment will no longer be subject to the requirement that they be "engaged in the active practice" of their respective professions as a prerequisite for enrollment.

(2) The present disqualification from enrollment of persons who are full-time employees of corporations or other organizations, or who are full-time employees of individuals or partnerships not ingaged in the practice of law or accounting, will be eliminated.

(3) Connection with an accounting corporation will no longer disqualify from enrollment a person who is otherwise qualified.

(4) The present provision that solicitation of practice in any unethical or unprofessional manner constitutes disreputable conduct which affords grounds for disbarment or suspension from practice will be further clarified.

The proposed amendments are not intended in any way to affect the determination of the nature of professional corporations or associations for income tax purposes and are specifically limited to the rules governing the practice of attorneys and agents before the Internal Revenue Service.

The proposed amendments are as follows:

Section 10.3(d) will be amended to read as follows:

(d) *Attorneys and certified public accountants.* If found to possess the qualifications provided for in this part, the Director of Practice may grant enrollment to practice before the Internal Revenue Service to persons of the following classes:

(1) Any attorney at law who is a member in good standing of the bar of the highest court of a State, Territory, or possession of the United States, or of the courts of the District of Columbia;

(2) Any certified public accountant who has duly qualified to practice as a certified public accountant in a State, Territory, possession of the United States, or in the District of Columbia.

Section 10.4(d) will be revoked.

Section 10.29 will be revoked.

Section 10.51(b)(28) will be amended to read as follows:

(28) Solicitation of practice in any unethical or unprofessional manner, including, but not limited to, employment unethically arranged directly or indirectly by or through any individual, partnership, association, corporation or employee thereof;

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to:

The Director of Practice,
Room 6039, Internal Revenue Building,
Washington 25, D.C.

within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in section 3 of the act of July 7, 1884, 23 Stat. 258 (5 U.S.C. 261).

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

APRIL 10, 1962.

[F.R. Doc. 62-3667; Filed, Apr. 13, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Registration, Bonding and Related Regulations; Notice of Extension of Time To File Proposals

On September 28, 1961, and January 23, 1962, there were published in the FEDERAL REGISTER (26 F.R. 9136, 27 F.R. 665), notices that consideration was being given as to whether certain regulations under the Packers and Stockyards Act (9 CFR Part 201) should be amended or revised in view of the changes in current marketing conditions and the 1958 amendment to the Act which extended the scope of the Act in certain respects. The notices invited any interested persons who wished to do so to submit proposals and the reasons therefor within specified periods after the date of publication with respect to changes they desired to suggest in §§ 201.10 to 201.13, inclusive, concerning registration; §§ 201.29 to 201.34, inclusive, concerning market agency and dealer bonds; and §§ 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81 concerning certain trade practices and services of persons subject to the Act (9 CFR 201.10–201.13, 201.29–201.34, 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81).

On March 27, 1962, there was published in the FEDERAL REGISTER (27 F.R. 2802) a Notice of Extension of Time to File Proposals, extending to April 14, 1962, the time in which to submit proposals and the reasons therefor with respect to the above-mentioned sections of the regulations. The Department has now received various requests for a further extension of the period of time within which to submit proposals. These requests appear to be reasonable. Accordingly, notice is hereby given of an extension, until May 1, 1962, of the period of time within which any person may submit proposals and the reasons therefor with respect to changes in the above-mentioned sections of the regulations. Any such proposals and reasons should be filed with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Done at Washington, D.C., this 10th day of April 1962.

CLARENCE H. GIRARD,
Director,
Packers and Stockyards Division.

[F.R. Doc. 62-3662; Filed, Apr. 13, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

SCIENTIFIC, INDUSTRIAL, AND LABORATORY INSTRUMENTS INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the scientific, industrial, and laboratory instruments industry under section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35) will be held on June 5, 1962, at 10 o'clock, a.m., e.d.s.t., in Room 6355, Interstate Commerce Building, 12th Street and Constitution Avenue NW., Washington, D.C.

The scientific, industrial, and laboratory instruments industry is defined tentatively as the manufacture of furnishing or instruments and accessories and auxiliary devices for such instruments used for measuring, indicating, recording, or initiating control of physical or chemical qualities or quantities or other characteristics or properties

such as acceleration, acidity, alkalinity, altitude, angle, attitude, color, combustion, conductivity, density, direction, distance, electricity, flow, force, humidity, intensity, light, liquid level, mass, position, pressure, radioactivity, sight, sound, speed, temperature, vibration, viscosity, and wave length; and laboratory furniture and equipment.

The definition includes, but without limitation, instruments and accessories and auxiliary devices for such instruments used for measuring, indicating, recording, or initiating control in drafting, engineering, industrial processing, meterorology, navigation, and surveying; instruments and accessories and auxiliary devices for such instruments, used in teaching, demonstration, research or testing for the measuring, indicating, recording, or initiation of control of such qualities, quantities, or other characteristics or properties as bacteriological, biological, chemical, clinical, geological, physical, physiological, psychological, and radiological; and laboratory furniture and equipment.

The definition does not include:

1. Electric, gas, and water meters used to measure consumption by individual domestic or commercial users.

2. Gasoline meters used in service stations, garages, and similar locations.

3. The following items used on automotive equipment: Ammeters; pressure, fuel, and temperature gauges; and speedometers and tachometers.

4. Clocks, watches, and clockwork mechanisms and controls.

5. Machinists' blocks and gauges.

6. Control and indicating devices used in domestic, store, office, and similar installations of air conditioning, refrigeration, comfort heating, cooking, and water heating equipment.

7. Speed and emergency governors used with steam, gas, and hydraulic turbines, and diesel engines.

8. Ophthalmic lenses, trial sets, and other ophthalmic products.

9. Transmitting and receiving equipment for telephony, carrier equipment, radio, television, sonar, loran, shoran, radar, teletype, and related systems.

10. Photographic lenses.

11. Optical glass.

12. Laboratory glassware and other technical, scientific, and industrial pressed and blown glassware.

13. Industrial, commercial, and household scales and other mechanical weighing machines (except balances and precision weighing devices for laboratory, research, and scientific uses).

14. Surgical, medical, and dental instruments.

15. Basic electrical or electronic component parts such as resistors, capacitors, relays, connectors, switches, transformers, reactors, coils, chokes, inductors, vibrators, filters, pulse networks, home-type TV and FM antennas, headphones, microphones, loudspeakers, piezo-electric crystals and crystal devices, and permeability tunning devices; specialized microwave components; specialized ferrite components; and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit (except when such basic electrical or electronic component parts are designed, engineered, and used as standards or precision devices in laboratory, research, and scientific work, or in quality control).

Interested persons may appear at the hearing to submit evidence relative to the subjects and issues herein set out. (1) Should any amendments be made in the tentative definition of the industry contained in this notice? (2) Should a separate minimum wage determination be made for the manufacture or furnishing of electrical indicating instruments and service test equipment? They consist of indicating instrument mechanisms (except spotlight galvanometers) such as moving coil, electro-dynamometer, moving iron, electro-static, moving magnet, and vibrating reed, whether indicating or contact-making (relays), which are activated by electrical current or voltage; and accessories and auxiliary devices for a panel, switchboard, pocket, or portable indicating instrument which displays measurement either by means of a pointer moving across a dial, a vibrating reed, or digital readout; and service test equipment, portable or bench type, including kits for assembling such test equipment (but excluding graphic recording devices), primarily designed for service, maintenance, or installation of electrical, electronic, radio, television, or communications equipment, such as but not limited to tube, transistor, or battery testers; multimeters; service oscilloscopes; color-bar generators; service vacuum-tube voltmeters; and automotive motor analyzers. (3) Does the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry (or branches into which it could be divided in accordance with issue (2)) extend to all the area in which the industry has its plants, so as to require industrywide (or branchwide), minimum wage determination, or is such competition limited to smaller geographic localities (including the boundaries of such areas) so as to authorize separate minimum wage determinations for each such locality? (4) What are the prevailing minimum wages for the industry or the localities or specified branches for which minimum wage determination should be made? Interested persons may also submit evidence on the question of whether there is good cause to delay the effective date of any prevailing minimum wage determination or determinations made in any final decision in this proceeding for more than 7 days after it is published in the FEDERAL REGISTER.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest October 15, 1961, have also been gathered. This information will be submitted for consideration at the hearing. The data relating to competition is now available to interested persons, and the wage data will be available as soon as it has been duplicated.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed, and shall include the reason or reasons for nonappearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of plants in the industry and in the branches thereof described in issue (2) to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such plant, (3) the minimum wages paid to covered workers (41 CFR 50–201.102) presently and, if possible, on or about October 15, 1961, and the number of covered workers at each such plant receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry set forth in this notice which should be included and of any product now included which should be excluded.

The hearing shall be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act (41 CFR 50–203.15—203.22), and the amendments thereto published in the FEDERAL REGISTER on September 22, 1961 (26 F.R. 8945).

Signed at Washington, D.C., this 10th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–3651; Filed, Apr. 13, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESE AND CHEESE PRODUCTS

Muenster Cheese for Manufacturing; Proposed Definition and Standard of Identity

Notice is given that a petition has been filed by Mr. Fred Galli, Secretary, The Wisconsin Swiss and Limburger Cheese Producers' Association, Monroe, Wisconsin, proposing the establishment of a standard of identity for "muenster cheese for manufacturing." This would be accomplished by the inclusion of a new section in Part 19, to read:

§ 19.551 Muenster cheese for manufacturing; identity.

Muenster cheese for manufacturing conforms to the definition and standard of identity prescribed for muenster cheese by § 19.550, except that the milk is not pasteurized and the provisions of paragraphs (d) and (e) of that section do not apply.

Provision would also be made for amending § 19.750 *Pasteurized process cheese* * * *, § 19.765 *Pasteurized process cheese food* * * *, and § 19.775 *Pasteurized process cheese spread* * * *, to provide for the use of muenster cheese for manufacturing in those foods.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published therein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–3617; Filed, Apr. 13, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 17, 1962.

Dated: March 17, 1962.

JAMES S. BROADDUS.

[F.R. Doc. 62-3644; Filed, Apr. 13, 1962; 8:46 a.m.]

CHARLES M. CUSTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 21, 1962.

Dated: March 21, 1962.

CHARLES M. CUSTER.

[F.R. Doc. 62-3645; Filed, Apr. 13, 1962; 8:46 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Deletions: None.
(2) Additions: None.
(3) None.
(4) None.

This statement is made as of March 23, 1962.

Dated: March 23, 1962.

JOHN W. HIERONYMUS.

[F.R. Doc. 62-3646; Filed, Apr. 13, 1962; 8:46 a.m.]

HOMER G. KEESLING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 29, 1962.

Dated: March 29, 1962.

HOMER G. KEESLING.

[F.R. Doc. 62-3647; Filed, Apr. 13, 1962; 8:46 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Addition: Standard Oil of New Jersey.
(3) None.
(4) None.

This statement is made as of March 23, 1962.

Dated: March 23, 1962.

GEORGE A. PORTER.

[F.R. Doc. 62-3648; Filed, Apr. 13, 1962; 8:46 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

My entire financial assets consist of: U.S. Government bonds, bank deposits, and real estate, consisting of my homestead (unencumbered), located in the City of Janesville, Rock County, Wis.
Deletions: None.
Additions: Purchased U.S. Government bonds.

This statement is made as of March 19, 1962.

Dated: March 19, 1962.

EDWARD W. WELCH.

[F.R. Doc. 62-3649; Filed, Apr. 13, 1962; 8:46 a.m.]

EDWARD F. ZIEGLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 26, 1962.

Dated: March 26, 1962.

EDWARD F. ZIEGLER.

[F.R. Doc. 62-3650; Filed, Apr. 13, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF MISSISSIPPI

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Mississippi for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the Mississippi program submitted to the Commission is set forth below as an appendix to this notice. A copy of the complete text of the Mississippi program, including proposed Mississippi regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 4th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of Mississippi Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;
B. Source materials; and
C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI. The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This agreement shall become effective on June 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

APPENDIX A

Policies and Procedures of the State of Mississippi for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

Authority. (1) The Attorney General by letter dated January 16, 1961, has rendered an opinion to the effect that the Governor has necessary authority to enter into an agreement with the Atomic Energy Commission. (Opinion from Attorney General, dated Jan. 16, 1961.)

(2) The Governor, by letter order (Aug. 27, 1960), designated the State Board of Health as the Agency to administer the licensing and regulatory responsibilities.

(3) The Attorney General has rendered an opinion to the effect that the Mississippi State Board of Health has necessary authority to make and publish such rules and regulations necessary to discharge its duties. (Opinion from Attorney General, dated Aug. 8, 1961.)

The radiation control program. The radiation control program will be conducted by the Radiological Health Unit, which is directly responsible to the Executive Officer of the State Board of Health. In addition to an environmental monitoring program which exists around nuclear industries, an extensive X-ray inspection program is now in progress. This program was initiated on January 1, 1961, and to date over 1,400 inspections have been performed. At present, pertinent radiological repairs are made by the Agency at the discretion of the owner of X-ray equipment, and materials and labor are currently being provided at no charge.

The State program is designed to control all sources of ionizing radiation. In addition to byproduct, source, and special nuclear materials, regulations require specific licensing of naturally occurring radioactive materials such as radium, and registration of radiation producing machines. The right of inspection is granted to the Agency by regulations.

An agreement with the Atomic Energy Commission will result in radiation control activities in the following fields:

(1) Licensing and regulation of byproduct materials, source materials, special nuclear materials in less than a critical mass, naturally occurring and accelerator-produced isotopes.

(2) Registration and evaluation of machines which produce ionizing radiation.

(3) Environmental monitoring.

Licensing and registration. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency may require specific radioactive materials licenses for other naturally occurring radioactive materials such as radium.

The responsibility for evaluating applications and issuing licenses rests with the Radiological Health Unit. Provisions have been made for a Radiation Advisory Board which will assist in evaluations that are unique and require technical consultation. When possible, this Board will consist of physicians, a nuclear physicist, nuclear technologists, engineers, metallurgists, certified radiation physicists, and health physicists.

Prelicensing inspections will be an integral part of the evaluation procedure. In cases where individuals may be affected by procedures or decisions of the Agency, provisions allow for a hearing, and any interested party may be heard.

With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each 6 months, and the remainder on a less-frequent basis, depending upon the relative hazard. Initial

priorities will be established on the basis of the preinspections. It is expected that all licensed activities will be inspected at least once in 2 years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

Enforcement. Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available.

It is expected that most of the enforcement functions will be administratively consummated by the Radiological Health Unit. In cases where this is not successful, the Radiological Health Unit will refer the matter to the Executive Officer of the State Board of Health, who may issue an order to show cause why the license should not be modified or terminated.

Pursuant to Mississippi Law, Section 7031, Code of 1942, which allows the State Board of Health to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and carry out the purposes and objects of its creation, an injunction or other court order may be obtained prohibiting any violation of any provision of the regulations of the State Board of Health or any order issued thereunder. Any person who willfully violates any of the provisions of the regulations adopted by the State Board of Health, or any order issued thereunder, may be guilty of a crime, and upon conviction may be punished by fine or imprisonment or both, as provided by law.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Transfer of material. Byproduct, source, special nuclear materials in quantities not sufficient to form a critical mass, or other radioactive materials including radon, radium, polonium, and accelerator-produced isotopes, may not be transferred except as authorized pursuant to regulations of the State Board of Health.

The transfer of the above sources of radiation may be made to: (1) The State Board of Health, (2) the U.S. Atomic Energy Commission, or any successor thereto authorized to receive such material, (3) any person exempt from these regulations pertaining to the transfer of radioactive materials to the extent permitted under such exemption, (4) any person licensed to receive such material under terms of a general or specific license issued by the State Board of Health, the U.S. Atomic Energy Commission, or any successor thereto, or any other state having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the State Board of Health, or any other State having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, (5) as otherwise authorized by the State Board of Health in writing.

Reciprocal recognition of licenses. Persons who use, transfer, possess, or receive source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass within this State, pursuant to a license issued by the U.S. Atomic Energy Commission or any State having an agreement with the U.S. Atomic Energy Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended, may be excepted from the requirement for a license under this regulation: *Provided that,* Such persons notify the Agency immediately of the presence of such materials within this State.

Maintaining compatibility. It is recognized that frequent modifications are necessary in a program of this nature. The State Board of Health is cognizant of the responsibility which it assumes in accepting direction of this program, and will make every effort to maintain the existing compatible relationship with the Atomic Energy Commission. It is further realized that a close working relationship will have to be maintained between the State and the Atomic Energy Commission, and the State Board of Health is willing to participate in various programs sponsored by the Commission or others.

[F.R. Doc. 62-3384; Filed, Apr. 6, 1962; 8:47 a.m.]

[Docket No. 27-18]

DEPARTMENT OF THE NAVY; U.S. NAVAL RADIOLOGICAL DEFENSE LABORATORY

Notice of Amendment of Byproduct Material License

Please take notice that the Atomic Energy Commission has amended License No. 4-487-6 held by the Department of the Navy, U.S. Naval Radiological Defense Laboratory, San Francisco, Calif.

The amendment to the license provides for a change in the burial location specified in Condition 7.a. of the license. The location designated in the license is within a 5-mile radius circle, the center of which is at a point designated as 37°41' N., 123°25' W. The new area is designated on U.S. Coast and Geodetic Survey Chart 5502 as an Explosives Disposal Area with the coordinates 37°38' N., 123°18' W.; 37°38' N., 123°30' W.; 37°43' N., 123°24' W. and 37°43' N., 123°30' W. The entire area bounded by these points exceeds 1,000 fathoms in depth.

Most of the area around the point 37°41' N., 123°25' W. already lies within the trapezoidal area designated above.

In accordance with the Commission's rules of practice, Title 10, Code of Federal Regulations, Chapter 1, Part 2, a formal hearing will be held on the matter upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of this notice.

Dated at Germantown, Md., April 9, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. 4-487-6; Amdt. No. 2]

Byproduct Material License No. 4-487-6 is hereby amended as follows:

Condition 7.a. is amended to read:

7.a. Burial at a minimum depth of 1,000 fathoms in the Pacific Ocean within the area designated by the points designated as 37°38' N., 123°18' W.; 37°38' N., 123°30' W.; 37°43' N., 123°24' W. and 37°43' N., 123°30' W. or at other locations in the Pacific Ocean when approved by the Commission.

Date of issuance: Apr. 9, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-3630; Filed, Apr. 13, 1962; 8:45 a.m.]

[Docket No. 35]

AWARD

Notice of Application

Notice is hereby given that Prof. Richard Stephenson, School of Engineering, University of Connecticut, Storrs, Connecticut, has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for an award based on U.S. Patent Application Serial Number 848,833, entitled "Nuclear Reactor".

The application of Professor Stephenson is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Germantown, Maryland, within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk, Patent Compensation Board.

APRIL 9, 1962.

[F.R. Doc. 62-3670; Filed, Apr. 13, 1962; 8:49 a.m.]

[Docket 115-3]

CONSUMERS PUBLIC POWER DISTRICT, POWER DEMONSTRATION REACTOR PROJECT

Notice of Hearing on Provisional Operating Authorization for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 115, 10 CFR, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Rules", and Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held at 10 a.m., e.d.t., on May 17, 1962, in the auditorium of the Atomic Energy Commission Headquarters at Germantown, Md., to consider the amendment of the provisional facility operating authorization issued pursuant to the Intermediate Decision dated December 28, 1961, to permit the performance of certain experiments designated by the applicant as "Wet Critical Experiments" and of operations not in excess of 15 percent of full power for a period not to exceed eighteen (18) months to the above named applicant. Authority for any further operation of the facility will be subject to subsequent hearing. The facility is a sodium-cooled, graphite moderated nuclear reactor located in Lancaster County, Nebr., about 1½ miles north of the village of Hallam and about 19 miles south of Lincoln, Nebr. The application and the record of the prior proceedings in this matter are available for public inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant with respect to the "Wet Critical Experiments" and operations not in excess of 15 percent of full power has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction authorization and the application as amended, the provisions of the Act, and the rules and regulations of the Commission, for the performance of the "Wet Critical Experiments" and operations not in excess of 15 percent of full power.

3. Whether there is reasonable assurance (i) that the "Wet Critical Experiments" and operations not in excess of 15 percent of full power can be conducted without endangering the health and safety of the public, and (ii) that the "Wet Critical Experiments" and operations not in excess of 15 percent of full power will be conducted in compliance with the rules and regulations of the Commission;

4. Whether North American Aviation, Inc., is technically qualified to engage in the performance of the "Wet Critical Experiments" and operations not in excess of 15 percent of full power in accordance with the rules and regulations of the Commission;

5. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel for the performance of the "Wet Critical Experiments" and operations not in excess of 15 percent of full power within ninety (90) days from the date of issuance of such amendment to the provisional authorization.

Notice is hereby given that the Final Hazards Report submitted by Atomics International, Division of North American Aviation, Inc., with respect to the performance of the "Wet Critical Experiments" and operations not in excess of 15 percent of full power and the report of the AEC's Advisory Committee on Reactor Safeguards in this matter are available for public inspection at the AEC's Public Document Room. The report of the Division of Licensing and Regulation in this matter will be available approximately twenty (20) days prior to the hearing. Copies of these documents may be obtained by a request to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's "Rules of Practice" must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than May 11, 1962 or, in the event of postponement of the hearing date specified above, at such time as the presiding officer may provide.

Answers to this notice, pursuant to § 2.705 of the Commission's "Rules of Practice", shall be filed on or before May 9, 1962, by North American Aviation, Inc., and by the Consumers Public Power District.

Papers required to be filed with the Atomic Energy Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person by delivery to the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or to the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to Part 2.708, fifteen (15) conformed copies of each such paper with the Atomic Energy Commission.

The provisions of Subpart G of the Commission's "Rules of Practice", 10 CFR 2, shall apply to the same extent as in a proceeding concerning licensing and licenses.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 12th day of April 1962.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 62-3708; Filed, Apr. 13, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13535 etc.; Order No. E-18205]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April, 1962.

In the matter of the "bus"-type tariff rules for Mainland-Puerto Rico third-class service of Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., Docket 13535; in the matter of the "bus"-type tariffs of Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., Docket 13329; in the matter of the "bus"-type tariffs of Trans World Airlines, Inc., Docket 13536.

By order adopted October 11, 1960,[1] the Board allowed certain "air-bus" fares, rules, and regulations proposed by Eastern Air Lines (Eastern) in various domestic markets to become effective; but expressed concern over, and ordered investigation of the refund rules of the proposed tariff on the basis that they may be unduly harsh and unjust.[2] Subsequently, National Airlines (National) and Northeast Airlines (Northeast) filed similar "bus" tariffs which were permitted to become effective with similar refund rules. By Order E-17917, January 9, 1962, the Board instituted an investigation of all domestic "bus" tariffs of Eastern, National, and Northeast, and consolidated therein the investigation instituted with respect to Eastern's refund rule.[3]

On December 1, 1961, the Board permitted to become effective "bus"-type reservations and ticketing rules filed by Eastern, Pan American World Airways, (Pan American), and Trans Caribbean Airways (Trans Caribbean) applicable to their existing Mainland-San Juan third-class service (Order E-17783, November 30, 1961). The Commonwealth of Puerto Rico filed a complaint which criticized the proposed rules but did not

[1] Order E-15905, October 11, 1960; also Order E-16729, April 27, 1961.

[2] The currently effective tariff is to expire on April 29, 1962. However, the carrier has filed an amendment extending the tariff until December 14, 1962, which the Board intends to allow to become effective.

[3] Trans World Airlines has recently filed a domestic air "bus" tariff between St. Louis and Florida points, with the same refund rule (C.A.B. No. 74), which we will allow to become effective, but will include for investigation herein.

seek suspension or immediate investigation of them. The Board did not institute investigation of the Mainland-San Juan "bus"-type tariff rules, but stated that in the event experience indicated that the rules may be unjust, unreasonable, or unjustly discriminatory, it would initiate action to correct such unlawfulness.

The Board has received a number of complaints from the traveling public with respect to the forfeiture aspects of the "bus"-type refund rule, and the Commonwealth of Puerto Rico has again indicated its concern over the harshness of the subject rule.[4] The carriers serving Puerto Rico filed amendments to their respective tariffs, which provide that a "bus" passenger who has missed a flight will be transported on the next "bus" flight, on a space-available basis, if he presents himself at the carrier's airport office within two hours after the scheduled departure time of the flight on which reservation was originally held. We intend to allow these modifications to become effective. While we are by no means convinced that forfeiture provisions in the subject tariffs are undesirable, as exemplified by our recent action with respect to the domestic "no show" problem in Docket 13327, (Order E–18064, March 1, 1962), we are nevertheless concerned over the rules even as revised in the tariff revisions filed by the carriers involved. Moreover, we anticipate that sufficient data now exist on which we can rely to measure the impact and effect which the refund rule has had, and investigation therefore appears to be warranted at this time.

Furthermore, since there is a relationship between the Mainland-San Juan "bus" tariffs and the comparable tariffs in domestic markets, we conclude that disposition should be made of the tariffs in both markets simultaneously. Consequently, we will consolidate the instant investigation with the one instituted by Order E–17917, January 9, 1962.

The Board finds that the action contemplated herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, 407, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule 5 on 2d Revised Page 3 of Agent R. C. Lounsbury's C.A.B. No. 334; the provisions in Rule 9 on 1st Revised Pages 4 and 5 of Eastern Air Lines, Inc. C.A.B. No. 88; and the provisions in Rule 7 on 1st Revised Page 3–B of Transportation Corporation of America C.A.B. No. 26 (Trans Caribbean Airways, Inc. series) including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. An investigation is instituted to determine whether the fares and provisions in Trans World Airlines, C.A.B. No. 74, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

3. The investigations instituted herein in Dockets 13535 and 13536 be and hereby are consolidated into Docket 13329.

4. The consolidated proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be served upon Trans World Airlines, Eastern Air Lines, Pan American World Airways, Transportation Corporation of America, and the Commonwealth of Puerto Rico, which are hereby made parties to this proceeding; and that copies of this order shall also be served upon National Airlines and Northeast Airlines.

6. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–3671; Filed, Apr. 13, 1962; 8:49 a.m.]

[Docket No. 13391 etc.]

FORT WAYNE-MUNCIE AREA INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 9, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 26, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answer to motions should be submitted on or before May 7, 1962.

Dated at Washington, D.C., April 11, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62–3672; Filed, Apr. 13, 1962; 8:49 a.m.]

[Docket No. 5482 etc.]

REOPENED KANSAS-OKLAHOMA LOCAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 10, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 10, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62–3673; Filed, Apr. 13, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The First Virginia Corporation, which is a bank holding company located in Arlington, Va., for the prior approval of the Board of the acquisition by applicant of 80 percent or more of the voting shares of the Shenandoah County Bank and Trust Company, Woodstock, Va.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The Financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 9th day of April, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62–3638; Filed, Apr. 13, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Section II, Delegation of Final Authority, is amended as follows: Paragraph C5 is amended to read: "To execute Requisition Agreements and approve Requisitions for Funds."

Approved: April 9, 1962.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62–3652; Filed, Apr. 13, 1962; 8:47 a.m.]

DESCRIPTION OF AGENCY AND PROGRAMS

Officials Authorized To Serve as Acting Regional Director, Puerto Rico

In Section I, Description of Agency and Programs, paragraph F is hereby amended as follows:

1. By deleting the last sentence of the first paragraph, and substituting in lieu thereof the following sentence: "In the absence of the Regional Director, one of the following shall serve as Acting Regional Director in the Regional Office indicated, but shall so serve only in the absence of all the officials listed above him:"

2. By changing the list of officials authorized to serve as Acting Regional Director in the Puerto Rico Regional Office to read as follows:

1. Kenneth C. Cavanaugh, Acting Regional Director.
2. Alberto Hernandez, Assistant Director for Development.
3. Kenneth R. Moul, Assistant Director for Management.

Approved: April 9, 1962.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62–3653; Filed, Apr. 13, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

CARLTON S. DARGUSCH

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement published in the FEDERAL REGISTER September 26, 1961 (26 F.R. 9060).

Dated: March 5, 1962.

CARLTON S. DARGUSCH.

[F.R. Doc. 62–3631; Filed, Apr. 13, 1962; 8:45 a.m.]

[4] Comments filed by the Commonwealth of Puerto Rico on January 29, 1962, in the proceeding dealing with the agreement between various trunkline domestic carriers with respect to "no show" penalties (Docket 13327).

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Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1146; Amdt. 423]

PART 507—AIRWORTHINESS DIRECTIVES

General Electric Models CJ805–23, CJ805–23B, and CJ805–23C Engines

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on April 6, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of aircraft equipped with General Electric CJ805–23 Series turbofan engines. The directive requires retirement from service of turbofan engine fan buckets upon accumulation of 200 operating cycles because of low cycle fatigue failure.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to call known U.S. operators of aircraft equipped with General Electric CJ805–23 Series turbofan engines by individual telegrams dated April 6, 1962. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

GENERAL ELECTRIC. Applies to all Models CJ805–23, CJ805–23B, and CJ805–23C turbo-fan engines.

Compliance required as indicated.

To preclude low cycle fatigue failure of the fan buckets, remove GE P/N's 109R164P1, 107R392P1, 107R362P5, or 107R362P6, from engines and retire from service upon accumulation of 200 operating cycles since new, regardless of time in service. Replace with new units in accordance with GE Alert Service Bulletin A/23/72–58. For the purposes of this A.D. an operating cycle is considered to be an excursion of engine operation from engine start to takeoff power to shutdown. Restart in the air is also a cycle. Ground operations encompassing a start and operation to takeoff power is a cycle.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3709; Filed, Apr. 16, 1962; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7838 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Grabler Manufacturing Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Grabler Manufacturing Company, Inc., Cleveland, Ohio, Docket 7838, Nov. 29, 1961]

Consent order requiring a Cleveland manufacturer of pipe fittings and accessories to cease violating section 2(d) of the Clayton Act by paying promotional allowances to some customers but not to all their competitors, such as payments of sums amounting to $3,400 to American Radiator and Standard Sanitary Corp. for promoting its products on television programs in trading areas of Dallas, Tex.; St. Louis, Mo.; New Orleans, La.; and Pittsburgh, Pa.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Grabler Manufacturing Company, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–3679; Filed, Apr. 16, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Further Extension of Effective Date of Statute for Certain Specified Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.90 (21 CFR 121.90; 26 F.R. 11241) is amended by changing the following item to read as follows:

§ 121.90 **Further extensions of effective date of statute for certain specified food additives as direct additives to food.**

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Hydrobiotite, exfoliated (magnesium-aluminum-iron silicate) (26 F.R. 11241).	In formulated poultry feed: As a nutrient carrier. As a blending agent. In animal feed: As a nonnutritive bulking agent. As a nutrient carrier. As a blending agent.	Oct. 1, 1962 Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1786, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: April 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3685; Filed, Apr. 16, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Resinous and Polymeric Coatings

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. (FAP 687, 688);
Cook Paint and Varnish Co., P.O. Box 389, Kansas City 41, Mo. (FAP 634);
E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del. (FAP 647);
A. Gusmer, Inc., Barron Avenue, Woodbridge, N.J. (FAP 474);
Dr. Kurt Herberts and Co., P.O. Box 44, Wuppertal-Barmen, Federal Republic of Germany (FAP 328); and
Interchemical Co., 224 McWhorter Street, Newark 5, N.J. (FAP 594),

and other relevant material, has concluded that the following amendments to § 121.2514(b)(3) of the food additive regulations should issue to permit the use of additional substances in the formulation of resinous and polymeric coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2514 (21 CFR 121.2514; 26 F.R. 7088, 27 F.R. 1252) is amended as follows:

1. Section 121.2514(b)(3) (v) and (vi) are amended to read:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(v) Rosins and rosin derivatives, with or without modification by polymerization, isomerization, incidental decarboxylation, and/or hydrogenation, as follows:

(*a*) Rosins:

Gum rosin.
Tall oil rosin.
Wood rosin.

(*b*) Rosin esters formed by reacting rosin ((v)(*a*) of this subparagraph) with:

Bisphenol-epichlorohydrin (epoxy).
Diethylene glycol.
Ethylene glycol.
Glycerol.
Methyl alcohol.
Pentaerythritol.

(*c*) Rosin esters ((v)(*b*) of this subparagraph) modified by reaction with:

Maleic anhydride.
o-, *m-*, and *p*-substituted phenol-formaldehydes listed in subdivision (vi) of this subparagraph.
Phenol-formaldehyde.

(*d*) Rosin salts:

Calcium resinate (limed rosin).
Zinc resinate.

(vi) Phenolic resins as the basic polymer formed by reaction of phenols with formaldehyde:

(*a*) Phenolic resins formed by reaction of formaldehyde with:

Alkylated (methyl, ethyl, propyl, isopropyl, butyl) phenols.
p-tert-Amylphenol.
Bisphenol.
p-tert-Butylphenol.
o-, *m-*, and *p*-Cresol.
p-Cyclohexylphenol.
p-Nonylphenol.
p-Octylphenol.
Phenol.
Phenyl *o*-cresol.
p-Phenylphenol.
Xylenol.

(*b*) Adjunct for phenolic resins:
Aluminum butylate.

2. Paragraph (b)(3)(vii)(*a*) is amended by adding thereto the item "Diphenolic acid."

3. Paragraph (b)(3)(viii)(c) is amended by adding thereto the item "Aluminum butylate."

4. Paragraph (b)(3)(xv) is amended by adding thereto the item "Vinyl chloride-acetate, hydroxyl-modified copolymer, reacted with trimellitic anhydride."

5. Paragraph (b)(3)(xviii) is amended to read:

(xviii) Polyethylene and its copolymers as the basic polymer:

Ethylene-vinyl acetate copolymer.
Polyethylene.

6. Paragraph (b)(3)(xxi) is amended by adding thereto the item: "Natural rubber (natural latex or natural latex solids, smoked or unsmoked)."

7. Paragraph (b)(3)(xxvi) is amended by adding thereto the items:

Cobalt oxide-aluminum oxide.
Copper phthalocyanine.

8. Paragraph (b)(3)(xxxiii) is amended by adding thereto the item "Ethyl acetoacetate."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 9, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3686; Filed, Apr. 16, 1962; 8:46 a.m.]

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Hygromycin B

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that § 121.213 of the food additive regulations should be amended to provide for the safe use in chicken feeds of hygromycin B as an anthelmintic in combination with certain specified antibiotics used for growth promotion and increasing feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.213 (21 CFR 121.213; 27 F.R. 45) is amended to read as follows:

§ 121.213 Hygromycin B.

Hygromycin B may be safely used in medicated feed when incorporated therein in accordance with the following prescribed conditions:

(*a*) It is used or intended for use:

(1) For chickens:

(i) In feed as an aid in the control of infestation of large roundworms (Ascaris galli), cecal worms (Heterakis gallinae), and capillary worms (Capillaria columbae), whereby the finished medicated feed contains 8 grams (8,000,000 units) of hygromycin B activity per ton of feed.

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics added as an aid in stimulating growth and improving feed efficiency, as follows:

(*a*) Procaine penicillin, in accordance with the amounts prescribed in § 121.225(a)(3)(i).

(*b*) Streptomycin in accordance with the amounts prescribed in § 121.225(e)(3)(i).

(*c*) A combination of procaine penicillin and streptomycin in accordance with the amounts prescribed in § 121.225(a)(3)(iv).

(*d*) Bacitracin in accordance with the amounts prescribed in § 121.225(b)(3)(i).

(*e*) Bacitracin methylene disalicylate in accordance with the amounts prescribed in § 121.225(d)(3)(i).

(*f*) Zinc bacitracin in accordance with the amounts prescribed in § 121.225(c)(3)(i).

(*g*) Manganese bacitracin in accordance with the amounts prescribed in § 121.203.

(2) For swine:

(i) As an aid in the control of infestation of large roundworms (Ascaris suis), nodular worms (Oesophagostemum dentatum), and whipworms (Trichuris suis), whereby the finished medicated feed contains 12 grams (12,000,000 units) of hygromycin B activity per ton of the feed, to be withdrawn 48 hours prior to slaughter.

(ii) As prescribed in subdivision (i) of this subparagraph, with tylosin added as an aid in stimulating growth and improving feed efficiency, in accordance with the amounts prescribed in § 121.217(a)(1).

(iii) As prescribed in subdivision (i) of this subparagraph, with chlortetracycline added for the prevention or treatment of disease, in accordance with the conditions and in the amounts prescribed in § 121.208(a)(2) (i) and (ii).

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used, and in juxtaposition therewith.

(4) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26(b) (21 CFR 146.26) is amended by adding thereto the following new subparagraph:

(50) It is intended for use as an aid in the control of infestation of large roundworms (Ascaridia galli), cecal worms (Heterakis gallinae), and capillary worms (Capillaria columbae) in chickens, and as an aid in promoting growth and improving feed efficiency in growing chickens; and its labeling bears adequate directions and warnings for such use. If it is a complete feed, it contains 4,000 units (4 milligrams) of hygromycin B per pound, or if it is hygromycin B concentrate, it contains not more than 16,000 units (16 milligrams) of hygromycin B per pound, and it contains, per ton of complete feed, the following quantities of the antibiotics listed:

Penicillin: Not less than 2.4 grams and not more than 50 grams; or
Streptomycin: Not less than 30 grams and not more than 50 grams; or
A combination of penicillin and streptomycin: Not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin and not more than 50 grams of the combination drug; or
Bacitracin (as feed grade bacitracin), or bacitracin methylene disalicylate, or feed grade zinc bacitracin, or feed grade manganese bacitracin: Not less than 4 grams and not more than 50 grams.

If it is a concentrate, its antibiotic and hygromycin B content shall be such that, when mixed according to directions, the complete feed shall contain the prescribed amounts of these drugs. The exemption from certification is granted under the proviso that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. Such exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 507, 59 Stat. 463 as amended; 72 Stat. 1786; 21 U.S.C. 348, 357)

Dated: April 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3687; Filed, Apr. 16, 1962; 8:46 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Syrup; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.262) are amended as follows:

Section 146c.262(b) is amended by changing the expiration date from 12 months only to 12 months or 18 months under the conditions specified. As amended, paragraph (b) reads as follows:

§ 146c.262 Tetracycline-amphotericin B syrup.

* * * * * *

(b) The expiration date of the drug shall be 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drugs as prepared by him is stable for such period of time.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3688; Filed, Apr. 16, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55600]

PART 1—CUSTOMS DISTRICTS AND PORTS

Customs Agency Districts

In order to maintain closer supervision over customs investigations on the border between Mexico and the United States as well as in the State of Colorado it is necessary to establish an

additional customs agency district. Accordingly, the following changes are made in the customs agency districts as set forth in § 1.5, Customs Regulations.

The area in district No. 9 is revised by deleting ", 47 (Colorado except the State of Wyoming)". The area in district No. 10 is revised by deleting ", 24 (El Paso), 50 (New Mexico)". The area in district No. 14 is revised by deleting ", 26 (Arizona)". A new customs agency district is established designated No. 11 with headquarters at El Paso, Texas, including the following areas: 24 (El Paso), 26 (Arizona), 47 (Colorado except the State of Wyoming), 50 (New Mexico).

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

The foregoing changes will become effective on July 1, 1962.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 9, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-3705; Filed, Apr. 16, 1962; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.480]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an intending immigrant who is opposed to Communism may be entitled to the waiver of the passport requirement provided by § 42.6(f) regardless of the place of his application; to clarify the provisions of § 42.111(b) relating to certified copies of records of birth; and to delete from § 42.124(b) the provision that no seal, stamp or notation of any kind may be placed in an alien's passport to indicate that an immigrant visa has been issued. The amendments are as follows:

1. Section 42.6(f) is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

* * * * *

(f) *Nationals of Communist-controlled countries.* An immigrant who is a national of a Communist-controlled country and who is unable to obtain a passport from the government of such country, and his accompanying spouse and unmarried son or daughter.

2. Section 42.111 (b) and (b)(4) is amended to read as follows:

§ 42.111 Supporting documents.

* * * * *

(b) *Documents required.* An alien applying for an immigrant visa shall be required to furnish with his application, if obtainable, two copies of a police certificate or certificates; two certified copies of any existing prison record, military record, and record of his birth; and two certified copies of all other records or documents concerning him or his case which the consular officer may deem to be necessary. An alien who has only one certified copy of any of these documents and cannot obtain another may present two authenticated or photostatic copies of the certified copy, but the certified copy must be offered for inspection by the consular officer who may return it to the alien.

* * * * *

(4) A "certified copy" of an alien's record of birth is a certificate issued by the official custodian of birth records in the country in which the applicant was born, showing the date and place of birth and the parentage of the alien, based upon the original registration of birth.

3. Section 42.124(b) is amended to read as follows:

§ 42.124 Procedure in issuing visas.

* * * * *

(b) *Documents comprising visa.* Form FS-511, and Form FS-510, when properly executed, together with one copy of each document required by the consular officer in accordance with § 42.111 shall constitute an immigrant visa.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs.

APRIL 10, 1962.

[F.R. Doc. 62-3683; Filed, Apr. 16, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6596]

PART 17—TEMPORARY REGULATIONS UNDER SECTION 456 OF THE INTERNAL REVENUE CODE OF 1954

Elections and Operation of Special Transitional Rule

The following regulations, prescribed under section 456 of the Internal Revenue Code of 1954, as added by the Act of July 26, 1961 (Public Law 87-109, 75 Stat. 222), relate to certain elections and other matters under such section.

The regulations set forth herein are temporary and are designed to inform taxpayers as to how to make the elections permitted by section 456, the scope of the elections, and the operation of the special transitional rule contained in the section. More comprehensive rules with respect to these and other provisions of the section will be issued subsequently.

In order to prescribe temporary regulations relating to certain provisions of section 456 of the Internal Revenue Code of 1954, the following regulations are hereby adopted:

Sec.
17.1 Statutory provisions; prepaid dues income of certain membership organizations.
17.1-1 Prepaid dues income of certain membership organizations.

AUTHORITY: §§ 17.1 and 17.1-1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 17.1 Statutory provisions; prepaid dues income of certain membership organizations.

SEC. 456. *Prepaid dues income of certain membership organizations—(a) Year in which included.* Prepaid dues income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (e)(2) exists.

(b) *Where taxpayer's liability ceases.* In the case of any prepaid dues income to which this section applies—

(1) If the liability described in subsection (e)(2) ends, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer ceases to exist, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such cessation of existence occurs.

(c) *Prepaid dues income to which this section applies—*

(1) *Election of benefits.* This section shall apply to prepaid dues income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all prepaid dues income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid dues income if the liability from which it arose is to end within 12 months after the date of receipt. Except as provided in subsection (d), an election made under this section shall not apply to any prepaid dues income received before the first taxable year for which the election is made.

(3) *When election may be made—*(A) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(B) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for its first taxable year (1) which begins after December 31, 1960, and (ii) in which it receives prepaid dues income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

(4) *Period to which election applies.* An election under this section shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary or his delegate to the revocation of such election. For purposes of this title, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) *Transitional rule—*(1) *Amount includible in gross income for election years.* If a taxpayer makes an election under this section with respect to prepaid dues income, such taxpayer shall include in gross income, for each taxable year to which such election applies, not only that portion of prepaid dues income received in such year otherwise includible in gross income for such year under this section, but shall also include in gross income for such year an additional amount equal to the amount of prepaid dues income received in the 3 taxable years preceding the first taxable year to which such election applies which would have been included in gross income in the taxable year had the election been effective 3 years earlier.

(2) *Deductions of amounts included in income more than once.* A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under paragraph (1), shall be permitted to deduct, for such taxable year and for each of the 4 succeeding taxable years, an amount equal to one-fifth of such additional amount, but only to the extent that such additional amount was also included in the taxpayer's gross income during any of the 3 taxable years preceding the first taxable year to which such election applies.

(e) *Definitions.* For purposes of this section—

(1) *Prepaid dues income.* The term "prepaid dues income" means any amount (includible in gross income) which is received by a membership organization in connection with, and is directly attributable to, a liability to render services or make available membership privileges over a period of time which extends beyond the close of the taxable year in which such amount is received.

(2) *Liability.* The term "liability" means a liability to render services or make available membership privileges over a period of time which does not exceed 36 months, which liability shall be deemed to exist ratably over the period of time that such services are required to be rendered, or that such membership privileges are required to be made available.

(3) *Membership organization.* The term "membership organization" means a corporation, association, federation, or other organization—

(A) Organized without capital stock of any kind, and

(B) No part of the net earnings of which is distributable to any member.

(4) *Receipt of prepaid dues income.* Prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

(Sec. 456 as added by the Act of July 26, 1961 (Public Law 87-109, 75 Stat. 222))

§ 17.1-1 Prepaid dues income of certain membership organizations.

(a) *In general.* Section 456 permits certain membership organizations to elect, in such manner as the Secretary or his delegate may by regulations prescribe, to include prepaid dues income in gross income for the taxable years during which the liability of the taxpayer exists to render services or to make available membership privileges. The election applies only to prepaid dues income relating to a liability existing over a period of time which extends beyond the close of the taxable year of receipt, and which does not exceed 36 months. The liability shall be deemed to exist ratably over the period the services are to be rendered or the membership privileges made available. No election may be made under section 456 with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business. However, if the taxpayer is on a "combination" method of accounting under section 446(c)(4) and the regulations thereunder, it may elect the benefits of section 456 if it uses an accrual method of accounting for prepaid dues income. Except to the extent provided in paragraph (f) of this section, relating to the transitional rule, an election shall not apply to any prepaid dues income received before the first taxable year to which the election is applicable. If the membership organization is engaged in two or more trades or businesses in which it receives prepaid dues income, it may make a separate election under section 456 with respect to each trade or business. An election shall apply to all prepaid dues income received in connection with the trade or business with respect to which the election is made, except that the taxpayer may elect (in accordance with the provisions of paragraph (c) of this section) to include in gross income for the taxable year of receipt the entire amount of any prepaid dues income if the liability from which it arose is to end within 12 months after the date of receipt (hereinafter sometimes referred to as the "within 12 months" election). A membership organization, within the meaning of section 456, is a corporation, association, federation or other organization (1) which is organized without capital stock of any kind, and (2) no part of the net earnings of which is under its charter, by-laws, or other document of organization or association distributable, directly or indirectly, to any member.

(b) *Manner of making election not requiring consent.* A taxpayer may make an election under section 456 without the consent of the Commissioner for the first taxable year beginning after December 31, 1960, in which it receives prepaid dues income in the trade or business for which such election is made. The election must be made not later than the time prescribed by law for filing the income tax return for such year (including extensions thereof). The election shall be made by means of a statement attached to such return. In addition, a taxpayer should attach a copy of a typical membership contract used by the organization and a copy of its charter, by-laws or other document of organization or association. The statement shall indicate that the taxpayer is electing to apply the provisions of section 456 to the trade or business, and shall contain the following information:

(1) The name and a description of the taxpayer's trade or business to which the election is to apply.

(2) The method of accounting used for prepaid dues income in the trade or business during the first taxable year for which the election is to be effective and during each of the three preceding taxable years, and if there was a change in the method of accounting for prepaid dues income during such three-year period, a detailed explanation of such change including the adjustments necessary to prevent duplications or omissions of income.

(3) Indicate if any type of deferral method for prepaid dues income has been used during any of the three taxable years preceding the first taxable year for which the election is effective. Where any type of such deferral method has been used during this period, set forth an explanation of the method and a schedule showing the amounts received in each such year and the amounts deferred to each succeeding year.

(4) A schedule with appropriate explanations showing:

(i) The total amount of prepaid dues income received in the trade or business in the first taxable year for which the election is effective and the amount of such income to be included in each taxable year in accordance with the election,

(ii) The total amount, if any, of prepaid dues income received in the first taxable year for which the election is effective which is directly attributable to a liability of the taxpayer to render services or make available membership privileges over a period of time in excess of 36 months, and

(iii) The total amount, if any, of prepaid dues income received in the trade or business in—

(*a*) The taxable year preceding the first taxable year for which the election is effective if all memberships sold by the taxpayer are for periods of one year or less,

(*b*) Each of the two taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of one year but none are sold for periods in excess of two years, or

(*c*) Each of the three taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of two years.

In each respective case set forth the amount of such income which would have been includible in each taxable year had the election been effective for the years for which the information is required.

In any case in which prepaid dues income is received from more than one trade or business, the statement shall

set forth separately the required information with respect to each trade or business for which the election is made. See paragraph (c) of this section for additional information required to be submitted with the statement if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid dues income attributable to a liability which is to end within 12 months after the date of receipt.

(c) *Liability ending within 12 months.* A taxpayer who makes an election under paragraph (b) of this section with respect to a trade or business may also elect to include in gross income for the taxable year of receipt (as distinguished from the period over which the liability exists) the entire amount of any prepaid dues income from such trade or business if the liability from which it arose is to end within 12 months after the date of receipt. The taxable year of receipt is the taxable year for which the prepaid dues income is includible in gross income under section 451 (without regard to section 456). The "within 12 months" election shall be made by including in the statement required by paragraph (b) of this section, a declaration that the taxpayer elects to include such income in gross income for the taxable year of receipt, and the amount of such income for the first year to which the election is to apply. If the taxpayer is engaged in more than one trade or business for which the election under section 456 is made, it must include in such statement a declaration for each trade or business for which it makes the "within 12 months" election. If the taxpayer does not make the "within 12 months" election at the time it makes the election under paragraph (b) of this section, but later wishes to make such election, it must apply for permission from the Commissioner.

(d) *Effect of election.* An election made under either paragraph (b) or (c) of this section shall be binding for the taxable year for which such election is made and for all subsequent taxable years, unless consent to revoke the election is obtained from the Commissioner. An application for consent to revoke an election under section 456 will not be accepted before the date of publication in the FEDERAL REGISTER of the Income Tax Regulations (Part 1 of this chapter) under section 456. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to make an application for consent to revoke an election in the case of taxable years which begin after December 31, 1960, and end before the date of such publication.

(e) *Consent to make an election at any time.* The computation of taxable income under an election provided by section 456 constitutes a method of accounting and, except as provided in paragraph (b) or (c) of this section, a taxpayer may make an election provided in section 456 only with the consent of the Commissioner. An application for consent to make an election under section 456(c)(3)(A) will not be accepted before the date of publication in the FEDERAL REGISTER of the Income Tax Regulations (Part 1 of this chapter) under section 456. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to make such an application in the case of taxable years which begin after December 31, 1960, and end before the date of such publication.

(f) *Transitional rule.* (1) Under section 456(d)(1), a taxpayer making an election under section 456 shall include in its gross income for the first taxable year to which the election applies and for each of the two succeeding taxable years not only that portion of prepaid dues income which is includible in gross income for each such taxable year under section 456(a), but also an additional amount equal to that portion of the total prepaid dues income received in each of the three taxable years preceding the first taxable year to which the election applies which would have been includible in gross income for such first taxable year and such two succeeding taxable years had the election under section 456 been effective during such three preceding taxable years. In computing such additional amounts,

(i) Prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to section 456),

(ii) In the case of taxpayers who did not include in gross income for the taxable year preceding the first taxable year for which the election is effective, that portion of the prepaid dues income received in such year attributable to a liability which is to end within 12 months after the date of receipt, no effect shall be given to a "within 12 months" election made under paragraph (c) of this section, and

(iii) There shall be taken into account only prepaid dues income arising from a trade or business with respect to which an election is made under paragraph (b) of this section.

Section 481 and the regulations thereunder shall have no application to the additional amounts includible in gross income under this paragraph.

(2) A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under section 456(d)(1) and subparagraph (1) of this paragraph, shall be permitted under section 456(d)(2) to deduct for such taxable year and for each of the four succeeding taxable years, an amount equal to one-fifth of such additional amount, but only to the extent such additional amount was also included in the taxpayer's gross income for any of the three taxable years preceding the first taxable year to which such election applies. The taxpayer shall maintain books and records in sufficient detail to enable the district director to determine upon audit that the additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year.

(3) The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following example:

Example. (i) Assume that X Corporation, a membership organization qualified to make the election under section 456, elects to report its prepaid dues income in accordance with the provisions of section 456 for its taxable year ending December 31, 1961. Assume further that X Corporation receives in the middle of each taxable year $3,000 of prepaid dues income in connection with a liability to render services over a three-year period beginning with the date of receipt. Under section 456(a), X Corporation will report income received in 1961 and subsequent years as follows:

Year of receipt	Total receipts	1961	1962	1963	1964	1965	1966	1967	1968
1961	$3,000	$500	$1,000	$1,000	$500	------	------	------	------
1962	3,000	------	500	1,000	1,000	$500	------	------	------
1963	3,000	------	------	500	1,000	1,000	$500	------	------
1964	3,000	------	------	------	500	1,000	1,000	$500	------
1965	3,000	------	------	------	------	500	1,000	1,000	$500
1966	3,000	------	------	------	------	------	500	1,000	1,000
1967	3,000	------	------	------	------	------	------	500	1,000
1968	3,000	------	------	------	------	------	------	------	500
Total reportable under section 456(a)		500	1,500	2,500	3,000	3,000	3,000	3,000	3,000

(ii) Under section 456(d)(1), X Corporation must include in its gross income for the first taxable year to which the election applies and for each of the two succeeding taxable years, the amounts which would have been included in those years had the election been effective three years earlier. If the election had been effective in 1958, the following amounts received in 1958, 1959, and 1960 would have been reported in 1961 and subsequent years:

Year of receipt	Amount received	Years of including additional amounts		
		1961	1962	1963
1958	$3,000	$500	------	------
1959	3,000	1,000	$500	------
1960	3,000	1,000	1,000	$500
Total additional amounts to be included under section 456(d)(1)		2,500	1,500	500

(iii) Having included the additional amounts as required by section 456(d)(1), and assuming such amounts were actually included in gross income in the three taxable years preceding the first taxable year for which the election is effective, X Corporation is entitled to deduct under section 456(d)(2) in the year of inclusion and in each of the succeeding four years an amount equal to one-fifth of the amounts included, as follows:

Year of inclusion	Amount	Years of deduction						
		1961	1962	1963	1964	1965	1966	1967
1961	$2,500	$500	$500	$500	$500	$500	------	------
1962	1,500	------	300	300	300	300	$300	------
1963	500	------	------	100	100	100	100	$100
Total amount deductible under section 456(d)(2)		500	800	900	900	900	400	100

(iv) The net result of the inclusions under section 456(d)(1) and the deductions under section 456(d)(2) may be summarized as follows:

	Year							
	1961	1962	1963	1964	1965	1966	1967	1968
Amount includible under section 456(a)	$500	$1,500	$2,500	$3,000	$3,000	$3,000	$3,000	$3,000
Amount includible under section 456(d)(1)	2,500	1,500	500	------	------	------	------	------
Total	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Amount deductible under section 456(d)(2)	500	800	900	900	900	400	100	------
Net amount reportable under section 456	2,500	2,200	2,100	2,100	2,100	2,600	2,900	3,000

Because this Treasury decision merely provides temporary regulations designed to inform those taxpayers who intend to make the election under section 456 as to how, when, and where to perform certain acts required under that section, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 12, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-3706; Filed, Apr. 16, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In § 13.51(b)(1), subdivision (ii) is amended to read as follows:

§ 13.51 Authority of Chief Attorney in commitment and restoration proceedings.

* * * * *

(b) *Authority to institute commitment or restoration proceedings—(1) Commitment.* * * *

(ii) If timely action cannot be taken under subdivision (i) of this subparagraph, the Clinic Director or his designees, or, if already hospitalized in a Veterans Administration hospital, the Hospital Director or Chief of Staff, or their designees, may sign the petition if permissible under State law, and the Chief Attorney will then take any action necessary to bring the matter before the appropriate court.

2. In § 13.52(b), subparagraph (2) is amended to read as follows:

§ 13.52 Medical testimony in commitment or restoration proceedings.

* * * * *

(b) *Restoration.* * * *

(2) The Director of the Veterans Administration hospital at which any veteran committed to the Veterans Administration was hospitalized may upon discharge of the veteran furnish a certificate of sanity or such similar certificate to the proper civil authorities or the Chief Attorney as may be contemplated by the law of the jurisdiction concerned.

3. Section 13.54 is revised to read as follows:

§ 13.54 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel upon request of the Chief Attorney.

4. In § 13.58(b), subparagraph (1) is amended and subparagraph (3) is deleted so that paragraph (b) reads as follows:

§ 13.58 Legal custodian.

* * * * *

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

(1) The beneficiary is not under a guardianship of the person and estate or of the estate and it would be for the best interest of the beneficiary to recognize a legal custodian.

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benefits paid for the sole use of the beneficiary,

(ii) Disburse the benefits paid only as authorized by the Chief Attorney,

(iii) Invest surplus funds as provided by Veterans Administration regulations,

(iv) Provide adequate safeguards for the estate, and

(v) Account for the Veterans Administration benefits received.

5. Section 13.64 is revised to read as follows:

§ 13.64 Natural guardians.

Chief Attorneys may authorize the payment of Veterans Administration benefits payable in behalf of minors to natural guardians when such persons are constituted guardians of the person and estate of the minor in the Commonwealth of Puerto Rico, Territory or insular possession of the United States, or foreign country in which they reside.

6. Section 13.67 is revised to read as follows:

§ 13.67 Authorization of transportation of a veteran beneficiary for appointment of a guardian.

When the appointment of a guardian is required for an incompetent veteran hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel, upon request of the Chief Attorney.

7. In § 13.70(a), subparagraph (2) is amended to read as follows:

§ 13.70 Apportionment of benefits to dependents.

(a) *Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof.* * * *

(2) When payment of compensation, pension or emergency officers' retirement pay, in behalf of a veteran who is rated incompetent by the Veterans Administration by reason of mental illness has no wife or child and is being furnished

hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his estate equals or exceeds $1,500, the Chief Attorney may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of dependent parent or parents.

8. In § 13.73, paragraph (a) is amended to read as follows:

§ 13.73 Transfer of funds from Funds Due Incompetent Beneficiaries.

(a) *Authorization.* Chief Attorneys may recommend the transfer of amounts credited to individual veterans from Funds Due Incompetent Beneficiaries to Personal Funds of Patients at Veterans Administration hospitals, regional offices and centers. Chief Attorneys may recommend the transfer of such funds from Funds Due Incompetent Beneficiaries to directors, superintendents or medical officers in charge of non-Veterans Administration institutions maintained by the United States or a political subdivision thereof for the account of the institutionalized veteran.

9. In § 13.74, paragraph (b) is amended to read as follows:

§ 13.74 Recommendation for payment.

* * * * *

(b) *Needy dependent parent.* If the veteran's estate is $4,000 or more, the Chief Attorney may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof. If the estate is $2,500 or more but less than $4,000, the Chief Attorney may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than $2,500, the Chief Attorney may recommend an apportionment to the dependent parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

10. In § 13.102, former paragraph (b) is deleted and former paragraph (c) is redesignated (b) and amended to read as follows:

§ 13.102 Annual report of custodian.

* * * * *

(b) Annual accounts will not be required, in the discretion of the Chief Attorney, (1) when the custodian and beneficiary permanently reside in a jurisdiction other than a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Republic of the Philippines, or (2) when the total estate is less than $200 and monthly payments do not exceed $15.

11. In § 13.104, paragraph (d) is revoked.

§ 13.104 Accounts of guardians.

* * * * *

(d) [Revoked]

12. In § 13.108, the headnote and paragraph (a) are amended to read as follows:

§ 13.108 Estate $1,500; incompetent veteran, without wife or minor or helpless children, is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof.

(a) Where a veteran, rated incompetent by the Veterans Administration by reason of mental illness, without wife or minor or helpless children, is receiving hospital treatment, domiciliary or institutional care in a public institution other than a Veterans Administration institution or has a fiduciary and is receiving hospital treatment or domiciliary care in a Veterans Administration institution, and his estate equals or exceeds $1,500, the Chief Attorney shall immediately notify the Adjudication activity so that payments, other than insurance, may be discontinued. In those cases in which the payment has been discontinued, the Chief Attorney shall, when such estate has been reduced to $500, immediately notify the Adjudication activity of that fact.

13. Section 13.400 is revised to read as follows:

§ 13.400 Legal services (other than guardianship) by Chief Attorneys.

The Chief Attorney, as an employee of the Department of Veterans Benefits, is the legal adviser to the Manager of the office to which assigned and may render other legal services as prescribed by Veterans Administration regulations. He is further authorized to render legal advice, oral or written, and formal legal opinions to Managers of regional offices, Directors of centers, hospitals, domiciliaries, or Managers of Insurance Centers within the territory allocated to the regional office, on matters as to which there is a governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor. If no applicable governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor, be available, the Chief Attorney may prepare a tentative opinion or submit the question, through channels, for consideration of the General Counsel. (See §§ 13.401 and 13.402.)

14. Section 13.401 is revised to read as follows:

§ 13.401 Legal advice or assistance on general law, State law, real and personal property law, guaranty or insurance of loans, personnel, fiscal matters, etc.

Written or oral requests for legal advice or assistance from the appropriate Chief Attorney are authorized to be made by Directors of hospitals, domiciliaries, Managers of Insurance Centers or regional offices, and by chiefs of divisions, provided, however, the inquiry shall be in writing, if the Chief Attorney so requests. Except as to questions of State law, the Chief Attorney will confine his advice and opinions to matters covered by Veterans Administration precedents and opinions of the General Counsel, or his predecessors; will be governed thereby; and will not go beyond the scope thereof. Subject to the stated exceptions, if no applicable opinion or precedent is found, a Chief Attorney may prepare a tentative opinion and forward a copy thereof, through the Manager or Director of the station requesting advice, to the Chief Benefits Director, the Chief Insurance Director, or the Chief Medical Director, as may be appropriate, which official will be responsible for forwarding it to the General Counsel for review. If approved by the General Counsel, the opinion will be returned through the same channels and may be released; otherwise, appropriate opinion will be prepared by the General Counsel, addressed to the staff officer concerned or to the Administrator if requiring his consideration. No such tentative opinion will be released or acted upon unless approved by the General Counsel. In lieu of preparing such tentative opinion, the Chief Attorney, in his discretion, is authorized to submit the question, through the same channels, for consideration of the General Counsel, with appropriate comments and citations of statutes or cases readily accessible to the Chief Attorney. The above does not apply to advice and opinions involving litigation, tort claims or emergency situations in which direct contact with the General Counsel's office is necessary.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective April 17, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-3719; Filed, Apr. 16, 1962; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, North Carolina; Yazoo National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, white perch, pan fish (crappies, yellow perch, pickerel and sunfish) and other minor species permitted by State regulations.

(b) Open season: April 15 through the day before opening of the waterfowl hunting season.

(c) Daily creel limits: Black bass—8; White perch—No limit; Panfish—25 (in aggregate); Other species as prescribed by State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live bait permitted.

2. Boats and motors, without size limitations, permitted.

3. Guide services are available.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to December 1, 1962.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Mississippi is suspended for the 1962 season.

The fishing area is undergoing renovation and after completion will be restocked; consequently, no fishing will be permitted this year.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-3680; Filed, Apr. 16, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, N.Y., proposing the establishment of tolerances for residues of the insecticide 6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide in or on broccoli and cabbage at 2 parts per million.

The analytical method proposed in the petition for determining residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a - hexahydro-6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide are the methods published in the FEDERAL REGISTER of March 18, 1960 (25 F.R. 2269), and a modification of the gas chromatographic microcoulometric procedure of Coulson et al., published in the Journal of Agricultural and Food Chemistry, Volume 8, page 399 (1960).

Dated: April 6, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-3689; Filed, Apr. 16, 1962; 8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Mo., proposing the establishment of tolerances for residues of the insecticide *O,O-dimethyl S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on alfalfa hay and clover hay at 5 parts per million; blackberries, boysenberries, loganberries, and raspberries at 2 parts per million; and green alfalfa and green clover at 1 part per million.

The analytical method proposed in the petition for determining residues of *O,O-dimethyl S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate is that published in Agricultural and Food Chemistry, Volume 8, Page 282 (1960), with slight modification.

Dated: April 11, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-3690; Filed, Apr. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 722) has been filed by Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of natural rubber latex and other adjuncts as a coating on food-packaging materials.

Dated: April 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3691; Filed, Apr. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 685) has been filed by Zonolite Company, 135 South La Salle Street, Chicago 3, Ill., proposing the amendment of § 121.222 of the food additive regulations to provide for the safe use of exfoliated hydrobiotite as a nonnutritive bulking agent, nutrient carrier, and/or blending agent in dog food and ruminant and swine feed.

Dated: April 10, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3692; Filed, Apr. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 765) has been filed by Charles Pfizer and Company Inc., 235 East Forty-second Street, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of up to and including 2,000 grams of oxytetracycline per ton of medicated poultry feed concentrate for fowl cholera, coccidiosis, blue comb (non-specific infectious enteritis), chronic respiratory disease, infectious synovitis, hexamitiasis, early chick mortality, and stress.

Dated: April 10, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3693; Filed, Apr. 16, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 973]

[General Order 4, Amdt. 1]

PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEANGOING COMMON CARRIERS

Notice of Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments in respect to the proposed rules in this proceeding is hereby extended to and including April 20, 1962.

By the Commission, April 12, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3718; Filed, Apr. 16, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1120]

[Docket No. AO 328]

MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Lubbock-Plainview, Tex., marketing area, which was issued by the Acting Secretary on March 13, 1962 (27 F.R. 2512), and was extended on March 29, 1962 (27 F.R. 3168), is hereby further extended to April 17, 1962.

Dated: April 11, 1962, Washington, D.C.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3711; Filed, Apr. 16, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-CE-20]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the State of Minnesota for the designation of controlled airspace at International Falls, Minn. This controlled airspace would consist of a control zone and a transition area. The control zone would be designated within a 5-mile radius of the International Falls Airport (latitude 48°33'58" N., longitude 93°24'07" W.), and within 2 miles either side of the International Falls VOR 133° True radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the portion outside of the United States. The transition area would be designated as that airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of the International Falls Airport, within 8 miles northeast and 5 miles southwest of the International Falls VOR 133° True radial extending from the 8-mile radius area to 14 miles southeast of the VOR, and within 8 miles southwest of the International Falls VOR 317° True radial extending from the 8-mile radius area to the United States/Canadian border.

The International Falls control zone and transition area would provide protection for aircraft executing proposed instrument approach and departure procedures, and for holding at the International Falls VOR. This VOR has been certified by the Federal Aviation Agency for public use. The proposed instrument approach procedures will be prescribed concurrently with the designation of the controlled airspace. Air traffic control service for this area will be provided by the Minneapolis, Minn., Air Route Traffic Control Center remotely via landline voice circuit between the Minneapolis Flight Service Station and the International Falls VOR. Weather service is provided on a 24 hours, daily, basis by the United States Weather Bureau at International Falls. Coordination with the Canadian Department of Transport is being conducted regarding the designation of a portion of the control zone and the designation of control area within Canada comparable to the actions proposed herein. In addition, a low altitude VOR Federal airway is being proposed in a separate airspace action for the route between International Falls and Duluth, Minn.

Although it was stated in the preamble of Regulatory Docket No. 1000 (Draft Release 62-8, 27 F.R. 2183), that, pending resolution of that proposal to redefine controlled airspace, processing of terminal airspace cases has been halted, the proposal contained herein is being issued at this time to permit fulfillment of the urgent airspace requirements at International Falls at the earliest practicable date. It is not anticipated that any revision of this proposal will be required attendant to the proposed change in the definition of controlled airspace. However, if such requirement should occur, appropriate separate airspace action will be taken.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 10, 1962.

CLIFFORD P. BURTON,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-3678; Filed, Apr. 16, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

ORDER OF SUCCESSION OF OFFICIALS AND PERFORMANCE OF CERTAIN FUNCTIONS

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in the order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Assistant Commissioner.
2. Deputy Commissioner.
3. Deputy Commissioner, Chicago Office.
4. Technical Assistant to the Commissioner.
5. Chief, Counsel of the Bureau.
6. Chief, Division of Loans and Currency.
7. Chief, Division of Retired Securities.
8. Chief, Division of Public Debt Accounts and Audit.
9. Assistant Deputy Commissioner, Chicago Office.
10. Director, Parkersburg Office.
11. Assistant Director, Parkersburg Office.

2. If, in the event of an enemy attack on the continental United States, neither the Commissioner nor any officer authorized to act in his stead (paragraph 1) is present at the site of the Bureau's operations, the officer acting as District Director, Internal Revenue Service, at the city at which the Bureau's operations are reestablished shall act as Commissioner of the Public Debt so long as necessary hereunder. For this purpose and in such event the functions of the Commissioner of the Public Debt shall be deemed to have been transferred to such officer acting as District Director.

3. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Deputy Commissioners and the Director of the Parkersburg Office are hereby authorized to perform any functions of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

4. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, F.R. Doc. 55-3479; April 28, 1955. This order of succession supersedes the previous order of this Bureau dated September 8, 1958, F.R. Doc. 58-7475; September 13, 1958.

[SEAL] D. M. MERRITT,
Commissioner of the Public Debt.

APRIL 9, 1962.

[F.R. Doc. 62-3707; Filed, Apr. 16, 1962; 8:49 a.m.]

Coast Guard

[CGFR 62-6]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from January 9, 1962, through January 30, 1962. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-39, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/15/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Wash., effective January 30, 1962. (It is an extension of Approval No. 160.003/15/0 dated January 30, 1957.)

Approval No. 160.003/16/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Wash., effective January 30, 1962. (It is an extension of Approval No. 160.003/16/0 dated January 30, 1957.)

Approval No. 160.003/17/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/17/0 dated January 30, 1957.)

Approval No. 160.003/18/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/18/0 dated January 30, 1957.)

Approval No. 160.003/19/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.003/19/0 dated January 30, 1957.)

Approval No. 160.003/20/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.003/20/0 dated January 30, 1957.)

Approval No. 160.003/21/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/21/0 dated January 30, 1957.)

Approval No. 160.003/22/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/22/0 dated January 30, 1957.)

Approval No. 160.003/23/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.003/23/0 dated January 30, 1957.)

Approval No. 160.003/24/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.003/24/0 dated January 30, 1957.)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/11/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.004/11/0 dated January 30, 1957.)

Approval No. 160.004/12/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.004/12/0 dated January 30, 1957.)

Approval No. 160.004/13/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.004/13/0 dated January 30, 1957.)

Approval No. 160.004/14/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.004/14/0 dated January 30, 1957.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/33/0, Model E-1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, drawing No. LC-104-3, Rev. 3 dated July 15, 1958, approval limited to ladders 65 feet or less in length, manufactured by Roberton and Schwartz, Inc., 163 Main Street, San Francisco 5, Calif., effective January 29, 1962.

Approval No. 160.017/34/0, Model P-1006-A, Type I embarkation-debarkation ladder, rope suspension, steel ears, drawing LC-106, Rev. 3 dated September 12, 1957, manufactured by Robertson and Schwartz, Inc., 163 Main Street, San Francisco 5, Calif., effective January 29, 1962.

DAVITS

Approval No. 160.032/112/1, gravity davit, Type 36.5-150, approved for maximum working load of 33,500 pounds per set (16,750 pounds per arm), using 2-part falls, identified by general arrangement drawing No. DG-451-55 dated November 18, 1955, and revised June 13, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.032/112/1 dated January 30, 1957.)

Approval No. 160.032/153/0, gravity davit, Type G-65-S-89, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2-part falls, identified by arrangement drawing No. 3644 dated July 9, 1956, and revised October 26, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.032/153/0 dated January 30, 1957.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/52/0, Type B-1, Rottmer type releasing gear, approved for maximum working load of 14,000 pounds per set (7,000 pounds per hook), identified by assembly drawing No. M-125-13 dated January 11, 1955, and revised January 22, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.033/52/0 dated January 30, 1957.)

LIFEBOATS

Approval No. 160.035/12/3, 18.0' x 5.7' x 2.5' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement drawing No. G-1815 dated July 25, 1951, and revised October 9, 1961, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective January 9, 1962. (It supersedes Approval No. 160.035/12/2 dated November 1, 1957.)

Approval No. 160.035/87/2, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by general arrangement and construction drawing No. 49R-1412 dated August 20, 1950, revised May 7, 1956; approved for use on vessels in Great Lakes, Bays, Sounds and Lakes, and River service, as well as for use on certain coastwise tank barges (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant); manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective January 9, 1962. (It supersedes Approval No. 160.035/87/1 dated October 11, 1961.)

Approval No. 160.035/243/1, 36.5' x 12.5' x 5.33' aluminum, motor-propelled lifeboat with radio cabin (Class A), 140-person capacity, drawing No. 36-8 dated December 2, 1948, and revised October 23, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/243/1 dated January 30, 1957.)

Approval No. 160.035/258/2, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement drawing No. 20-3 dated August 19, 1949, and revised December 4, 1956 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant), manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/258/2 dated January 30, 1957.)

Approval No. 160.035/274/1, 22.0' x 6.75' x 2.92' aluminum, car-propelled lifeboat, 25-person capacity, identified by construction and arrangement drawing No. 22-1C dated November 22, 1950, and revised August 31, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/274/1 dated January 30, 1957.)

Approval No. 160.035/295/0, 31.0' x 11.25' x 4.5' steel, motor-propelled lifeboat, without radio cabin (Class B), 86-person capacity, identified by general arrangement drawing No. G-3186 dated March 24, 1952, and revised August 14, 1956, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective January 30, 1962. (It is an extension of Approval No. 160.035/295/0 dated January 30, 1957.)

Approval No. 160.035/358/0, 26.0' x 7.88' x 3.54' steel, oar-propelled lifeboat,

42-person capacity, identified by construction and arrangement drawing No. 26–11B dated October 15, 1956, and revised November 9, 1961, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 9, 1962.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/535/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

Approval No. 160.047/536/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

Approval No. 160.047/537/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/80/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.048/80/0 dated January 30, 1957.)

Approval No. 160.048/81/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The Howard Zink Corp., Fremont, Ohio, effective January 30, 1962. (It is an extension of Approval No. 160.048/81/0 dated January 30, 1957.)

Approval No. 160.048/82/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Robey Manufacturing Co., Newaygo, Mich., effective January 30, 1962. (It is an extension of Approval No. 160.048/82/0 dated January 30, 1957.)

Approval No. 160.048/83/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.048/83/0 dated January 30, 1957.)

Approval No. 160.048/217/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.049/44/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by The Comfort Cushion Co., 5062–84 Loraine, Detroit 8, Mich., effective January 9, 1962.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/47/0, sound powered telephone signal relay, nonlocking, for operation with hand generator, drawing No. B–173, Alt. 0, for connecting in parallel with hand generator bell on sound powered telephone stations to operate separately powered 115 volts A.C. audible signal, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass., effective January 30, 1962. (It is an extension of Approval No. 161.005/47/0 dated January 30, 1957.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/54/0, Model 2–26–10 backfire flame arrester for carburetors, Drawing No. F–1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

Approval No. 162.015/55/0, Model 4–4–125–5 backfire flame arrester for carburetors, Drawing No. F–1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

Approval No. 162.015/56/0, Model 4–5–125–6 backfire flame arrester for carburetors, Drawing No. F–1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/42/0, Type 1905–30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 150 p.s.i. primary service pressure rating, Drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/42/0 dated January 30, 1957.)

Approval No. 162.018/43/0, Type 1906–30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 300 p.s.i. primary service pressure rating, Drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/43/0 dated January 30, 1957.)

Approval No. 162.018/44/0, Type 1910–30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 300 p.s.i. primary service pressure rating, drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/44/0 dated January 30, 1957.)

Approval No. 162.018/45/0, Type 1912–30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 600 p.s.i. primary service pressure rating, drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/45/0 dated January 30, 1957.)

DECK COVERINGS

Approval No. 164.006/47/0, "FORANAFT #1" complete mastic and magnesite type deck covering, identical to that described in National Bureau of Standards' Test Report No. TG10210–2083 : FR 3603 dated December 18, 1961, approved for use without other insulating material as meeting Class A–15 requirements in the thickness of ¼-inch "FORANAFT #1" under ⅜-inch magnesite, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia 43, Pa., effective January 9, 1962.

STRUCTURAL INSULATIONS

Approval No. 164.007/34/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards' Test Report No. TG10210–2075: FR 3592 dated July 24, 1961, and Underwriters' Laboratories, Inc., Reports Retardant 4374 dated February 25, 1960, 4374–2 dated June 20, 1960, and 4374–3 dated October 10, 1960, approved for use without other insulating material as meeting Class A–60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by California Zonolite Co., 5440 San Fernando Road West, Los Angeles 39, Calif., effective January 29, 1962.

Approval No. 164.007/35/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards' Test Report No. TG10210–2075: FR3592 dated July 24, 1961, and Underwriters' Laboratories, Inc., Reports Retardant 4374 dated February 25, 1960, 4374–2 dated June 20, 1960, and 4374–3 dated October 10, 1960, approved for use without other insulating material as meeting Class A–60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by Vermiculite-Northwest, Inc., 2107 North 34th Street, Seattle 3, Wash., effective January 29, 1962.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/41/0, "Microtex—32–308," glass fiber insulation type incombustible material in ¾-pound per cubic foot density, identical to that referred to in National Bureau of Standards' Test Report No. TG10210–1987: FP3382 dated October 8, 1956 (formerly approved under name of L.O.F. Glass Fibers Co., 1810 Madison Avenue, Toledo 1, Ohio), manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y., effective January 30, 1962. (It is an extension of Approval No. 164.009/41/0 dated January 30, 1957.)

Dated: April 10, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62–3704; Filed, Apr. 16, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 9, 1962.

The Forest Service has filed an application, Serial Number Nevada 058297, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws.

The applicant desires to protect an extensive underground cavern of significant geological and scenic value.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 S., R. 57 E.,
Sec. 7, S½ of lot 11, lot 12;
Sec. 8, N½ and SE¼ of lot 5, S½ of lot 6, lot 11, S½ and NE¼ of lot 12, lots 13 and 14.

The area described contains approximately 253.13 acres.

R. M. ZUNDEL,
Acting Manager, Land Office.

[F.R. Doc. 62–3699; Filed, Apr. 16, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 117 (Revised)]

MARITIME ADMINISTRATION

Organization and Functions

APRIL 9, 1962.

The following order was issued by the Acting Secretary of Commerce on April 9, 1962. The material appearing in 26 F.R. 7713–7716 of August 17, 1961; 27 F.R. 701 of January 24, 1962; and 27 F.R. 2168 of March 6, 1962, is superseded as follows:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Maritime Administration.

SEC. 2. *Establishment and organization*—.01 *Maritime Administration.* The Maritime Administration established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary organization unit in the Department of Commerce. The Maritime Administration is headed by the Maritime Administrator appointed by the President, by and with the advice and consent of the Senate. He reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation, and performs such duties as the Secretary of Commerce shall prescribe. The Maritime Administrator is also vested with the residual powers and authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce under Executive Order 10219, and is designated Commandant of the United States Maritime Service.

.02 *Maritime Subsidy Board.* There is hereby established within the Maritime Administration a Maritime Subsidy Board which performs the functions described in Sections 4 and 6 hereof. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator and the Comptroller of the Maritime Administration, and in the case of a vacancy in the Board or the absence or disability of one of its members the Chief, Office of Planning and Special Studies shall act as a member of the Maritime Subsidy Board, each of whom while serving as a member of the Maritime Subsidy Board acts pursuant to direct authority from the Secretary of Commerce and exercises judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Maritime Subsidy Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

.03 *The Maritime Administration shall consist of the following organization units.* 1. Office of the Maritime Administrator Deputy Maritime Administrator;

2. Maritime Subsidy Board;
3. Office of Planning and Special Studies;
4. Office of Budget and Management;
5. Office of Personnel Management;
6. Office of Statistics;
7. Office of Public Information;
8. Office of the General Counsel;
9. Office of the Comptroller;
10. Office of Property and Supply;
11. Office of Ship Construction;
12. Office of Research and Development;
13. Office of Ship Operations;
14. Office of Government Aid;
15. Offices of the Coast Directors; and
16. United States Merchant Marine Academy.

SEC. 3. *Delegations of authority to the Maritime Administrator.* .01 Subject to such conditions and limitations as the Secretary of Commerce may impose, the Maritime Administrator is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by:

1. Reorganization Plan No. 21 of 1950 and section 202 of Reorganization Plan No. 7 of 1961, except those functions, powers and authorities delegated to the Maritime Subsidy Board by section 4 hereof;

2. Executive Orders 10480 and 10219, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping, and ports and port facilities, including the use thereof; and

3. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the American merchant marine, except those relating to the functions, powers and authorities delegated by Section 4 hereof;

4. Any existing or subsequent legislation providing for the transfer, or otherwise making available, of vessels under the jurisdiction of the Department to another Federal agency.

.02 The authority granted by section 3.01 2 above shall not be deemed to include authority to grant exceptions from, or amend, modify or revise the provisions

of Transportation Orders T–1 and T–2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce on the authority delegated in section 3.01 above and which requires public notice under the provisions of section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority.

SEC. 4. *Delegations of authority to the Maritime Subsidy Board.* .01 The Maritime Subsidy Board is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce as follows:

1. All functions heretofore vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1101, et seq.), herein called the "Act;"

2. All functions transferred to the Secretary of Commerce by section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in section 4.01 1 above; and

3. All functions vested in the Secretary of Commerce by any other existing or subsequent legislation and Executive Orders relating to the functions described in section 4.01 1 and 2 above.

.02 Any member of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to sections 4, 6.01 2 or 7 hereof. The execution of such contracts or documents may be attested by the Secretary or Assistant Secretary of the Board under the seal of the Maritime Administration.

.03 The Maritime Subsidy Board may, with the approval of the Secretary of Commerce, redelegate the authority delegated herein, and prescribed necessary limitations, restrictions and conditions on the exercise of such authority. Action taken by any redelegatee pursuant to the authority herein contained shall be exempt from the provisions of section 7 of this order.

SEC. 5. *General functions.* .01 The Maritime Administration is responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national defense and of the domestic and foreign commerce of the United States. The functions of the Maritime Administration include the award of construction-differential and operating-differential subsidies to the American merchant marine, the construction, repair and operation of merchant ships, maintenance of national defense reserve fleets of Government-owned ships, administration of subsidy programs and other Government aids to shipping, maintenance of reserve shipyards for ship construction in national emergencies and the training of merchant marine officers. The functions of the Maritime Administration also include the making of rules and regulations with respect to the foregoing functions.

.02 In carrying out its responsibilities, the Maritime Administration is guided by the broad declaration of policy stated in Title I of the "Act".

.03 Insofar as deemed desirable, the Chairman of the Maritime Subsidy Board makes use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary and Assistant Secretary of the Board.

SEC. 6. *Functions of the Maritime Administration.* .01 Specific functions of the organizational components of the Maritime Administration are as follows:

1. The Office of the Maritime Administrator directs the activities of the Maritime Administration except with respect to those functions which are performed by the Maritime Subsidy Board. Within this office are personnel responsible for liaison and advisory services on maritime training, investigation, security and intelligence functions, secretariat and hearing examining activities.

(1) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator appointed by the Secretary of Commerce, after consultation with the Maritime Administrator, who performs such duties as the Maritime Administrator shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board referred to in section 2.02 hereof. In addition, he is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator; and executes for the Maritime Administrator his residual powers as Director, National Shipping Authority including all National Shipping Authority orders and amendments thereof.

2. The Maritime Subsidy Board is responsible for and performs the following functions:

(1) The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

(2) The functions with respect to: (a) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Act; (b) making readjustments in determinations as to operating cost differentials under section 606 of the Act; and (c) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act.

(3) The functions with respect to investigating and determining (a) the relative cost of construction of comparable vessels in the United States and foreign countries, (b) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (c) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

(4) So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subdivisions (1) through (3) above; and

(5) So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

3. The Office of Planning and Special Studies develops and recommends long-range merchant marine policies and programs; coordinates national defense planning activities; maintains liaison with the Department of State and international organizations on shipping matters; formulates and conducts programs for the development and promotion of ports and port facilities, and emergency planning for operation of United States seaports under mobilization conditions; supervises training in maritime fields for grantees of the Agency for International Development and others; and conducts special economic and shipping studies;

4. The Office of Budget and Management formulates, recommends, and interprets budgetary policies and programs; collaborates with operating officials in the development of work programs and fiscal plans; develops and presents budget requests and justifications, and apportionments; arranges for transfers of funds; maintains budgetary control of funds available; conducts analyses of status of all budgetary availabilities; reviews program performance in relation to agency's fiscal plans; conducts studies of management practices, organization, functions, authorities, procedures, work methods, and automatic data processing equipment applications for the purpose of recommending measures for the improvement of operations; maintains a system for the issuance of the manual of orders and other directives; maintains programs for the control of forms, reporting requirements, graphic presentations, and committee activities; facilitates the production of publications and procurement of printing services; coordinates the management improvement program; conducts internal audits of financial activities and records; and prepares periodic activity reports to the Department of Commerce and to the Congress. The Office of Budget and Management has the following divisions: Division of Budget, Division of Management, and Division of Internal Audits;

5. The Office of Personnel Management plans and administers personnel activities relating to recruitment, placement, compensation, promotion, training, separation, performance evaluation, incentive awards, employee relations and services, employee utilization, National Defense Executive Reserve, position classification and wage rate compensation programs. The Office of Personnel Management has the following divisions: Division of Classification and Wage Administration and the Division of Employment;

6. The Office of Statistics collects, maintains, and disseminates statistical data relating to cargoes and passengers carried in the domestic and foreign trades of the United States, composition and characteristics of the world's merchant fleets, seafaring, longshore and shipyard labor; conducts cargo data analyses reflecting competitive factors for use in calculation of operating-differential subsidy rates. The Office of Statistics has the following divisions: Division of Ship Data, Division of Labor Data, and Division of Cargo Data;

7. The Office of Public Information, subject to policy guidance and direction of the Director, Office of Public Affairs, issues or clears for issuance all information for the general public on shipping and on decisions and activities of the Administration, and prepares periodic and special reports, as assigned;

8. The Office of the General Counsel, under the overall supervision of the General Counsel, Department of Commerce, serves as the law office of the Administration; reviews, and gives legal clearance to, applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepares, and approves as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; renders legal opinions as to the interpretation of such documents and the statutes; prepares drafts of proposed legislation and Executive Orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiates and settles, or recommends settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assists the Department of Justice in the trial, appeal and settlement of litigation; represents the Administration in public proceedings involving subsidy, charter and related matters, before administrative agencies of the Government, and in State and Federal courts; and handles court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration. The Office of the General Counsel has the following divisions: Division of Construction Contracts, Division of Operating Subsidy Contracts, Division of Legislation, Division of Litigation, and Division of Mortgage and Marine Insurance;

9. The Office of the Comptroller renders financial advice and opinions; performs accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribes a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; performs required external audits of contractor's accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintains control records of statutory and contractual reserve funds; administers the marine and marine war-risk insurance programs; takes necessary action to effect collection of amounts due; negotiates and settles, or recommends settlement of, marine and marine war-risk insurance claims, and general claims; and analyzes financial statements and other data submitted by existing and prospective contractors to determine financial qualifications and limitations. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

10. The Office of Property and Supply is responsible for the procurement of supplies, materials, equipment and services; conducts domestic freight and passenger traffic activities, and settles loss or damage claims arising from shipments on Government bills of lading; conducts material control and disposal activities, ship and other inventories, sales of ships, and supervises compliance with ship sales agreements and mortgages; secures allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; conducts facilities management activities, including acquisition, lease and disposal of marine terminals, warehouses, reserve shipyards, reserve training stations, and other real estate, settlement of claims, maintenance, custody and protection of real property and facilities; is responsible for maintenance and operation of warehouses; renders office services to all components of the agency including communications, records management, library, duplicating, tabulating and property maintenance services; and issues merchant marine decorations and awards. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Facilities Management, and Division of Office Services;

11. The Office of Ship Construction collects and analyzes data on relative costs of shipbuilding in the United States and foreign countries; calculates and recommends amount of construction-differential subsidy; develops preliminary designs establishing the basic characteristics of proposed ships; reviews and approves ship designs submitted by applicants for Government aid; recommends and, upon request, conducts research and development projects in ship design and construction; develops or approves contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; reviews, obtains approval and certification of national defense features by the Department of the Navy; prepares cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspects ships during the course of work to assure conformance with approved plans and specifications; upon the direction of the Maritime Administrator or upon request of the Office of Research and Development, provides technical services and advice in connection with the development of basic characteristics, preliminary design, and the review of contract plans and specifications of the hull and conventional machinery of experimental ships; conducts activities relating to the design and construction of developed ships, including developed nuclear ships; performs expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintains current records of commercial shipyard ways in the United States and schedules of work progress on such ways; operates the Defense Materials System for ship construction; develops requirements for mobilization ship construction programs; makes recommendations for the allocation of ship construction contracts under Public Law 805, 84th Congress; and conducts trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Nuclear Activities, Division of Production, and contains the Trial and Guarantee Survey Boards;

12. The Office of Research and Development plans, initiates, and carries out research and development activities, including basic and applied research, as needed to assure that the United States merchant marine shall be composed of the best-equipped, safest and most suitable types of ships and capable of competing favorably with ships of other maritime nations; develops, recommends approval of, and directs all approved research and development projects in the maritime field, including cargo handling, ship design, marine transportation systems, advanced propulsion concepts and ship management, relying primarily on outside contractors for the conduct of advanced studies, engineering design, fabrication, construction and test operation of special components and systems, and prototype components, power plants, and ships; is responsible for planning and organizing all research and development projects, establishing fund require-

ments, maintaining control of allotted funds, negotiating and administering contracts, reviewing, analyzing and approving contractor performance, and performing expediting and scheduling activities to assure satisfactory delivery of services and materials; keeps abreast of research and development programs in maritime fields of other nations, Government agencies, and industry; participates with other Government agencies, such as Atomic Energy Commission, Office of Naval Research, etc., in the conduct of research and development of joint interest; and collaborates with other offices of the Maritime Administration to obtain optimum utilization of their knowledges and special skills in carrying out all of the above responsibilities. The Office of Research and Development has the following divisions: Division of Planning and Development, Division of Nuclear Projects, Division of Ship Mechanization, and Division of Operational Control;

13. The Office of Ship Operations provides safety engineering services to all components of the agency; approves transfers of ships to foreign ownership, registry or flag; recommends rates for the transportation of Government-financed cargoes and for services of ships operated by, or for the Maritime Administration; determines program requirements for, and allocates Government-owned oceangoing merchant shipping; recommends the reactivation, purchase, chartering or requisition of merchant ships for Government use; directs the operation of Maritime Administration-owned or acquired merchant ships; is responsible for activities relating to the charter of such ships; recommends terms of and administers General Agency, Charter and Berth Agency agreements and contracts, and related orders; reviews and makes recommendations, from an operating standpoint, on applications for new ship construction; recommends and, upon request, conducts research and development projects in ship operation fields; develops plans for the manning of new or experimental type ships; directs the conduct of condition surveys of ships; recommends terms of, and administers contracts for ship repairs for the account of the Maritime Administration; and directs the maintenance of the national defense reserve fleets, including the ship preservation programs. The Office of Ship Operations has the following divisions: Division of Operating Agreements and Traffic, Division of Operations, Division of Ship Repair and Maintenance, and Division of Ship Custody;

14. The Office of Government Aid processes applications for construction-differential and operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conducts negotiations with applicants, obtains comments of other offices, and prepares reports and recommendations for the award of Government aid contracts; administers all forms of Government aid contracts after their execution; coordinates the work of other organizational components in connection with such contracts; administers Construction Reserve Funds; collaborates with the Office of the Comptroller in preparing recommendations relating to the administration of Special and Capital Reserve Funds of subsidized operators; collects, analyzes, and evaluates costs of operating ships under United States and foreign registry; calculates and recommends operating-differential subsidy rates; conducts studies to evaluate the efficiency and economy of operations of subsidized operators; analyzes and makes recommendations on the trade route structure and requirements of the ocean-borne commerce of the United States; and examines, approves or modifies sailing schedules of subsidized operators. Within this office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, Division of Trade Routes, and Division of Subsidy Operations Examining;

15. The Offices of the Atlantic, Gulf and Pacific Coast Directors are responsible for all field offices and programs of the Maritime Administration within their respective coast areas, subject to national policies and program determinations, standard procedures, and technical direction of the appropriate office chief in Washington, D.C.;

16. The United States Merchant Marine Academy, Kings Point, New York, develops and maintains programs for the training of American citizens to become officers in the United States merchant marine.

SEC. 7. *Review and finality of actions by Maritime Subsidy Board.* .01 The Secretary of Commerce may, on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record (which phrase includes the Board). Petitions for review under this section 7.01 may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 The Secretary of Commerce may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in section 7.01 hereof by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this section 7.02 shall have the privilege of submitting to the Secretary, within ten (10) days after the date of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary. Any other person having an interest in such matter shall have the privilege of submitting, within fifteen (15) days after the date of the Board's action, a written request that the Secretary not exercise such review. Copies of requests that the Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final within ten (10) days after expiration of the time prescribed for submission of a request that review not be exercised unless the Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final within twenty (20) days after the date of such action unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served upon the Board, and upon all persons filing requests as herein described.

.03 If a timely petition for reconsideration is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Secretary of Commerce under section 7.01 or section 7.02, respectively, or the entry of an order by the Secretary on his own motion electing to review an action of the Board under section 7.01 or section 7.02, shall, in the case of actions under section 7.01, run from the date of service of the Board's action and, in the case of actions under section 7.02, run from the date of the Board's action, finally disposing of the issues presented by the petition for reconsideration.

.04 In computing any period of time under this section 7, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Secretary of Commerce in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Secretary of Commerce shall not be filed:

1. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reconsideration) before the Maritime Subsidy Board; nor

2. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in sections 7.01 and 7.02 above.

.06 The Secretary of Commerce may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section 7 by written order.

SEC. 8. *Saving and transfer provisions.* .01 All orders, determinations, rules, regulations, permissions, delegations, approvals, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, National Shipping Authority and their predecessor agencies, and in effect on the effective date of this order shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

.02 All actions, proceedings, hearings, or investigations pending on the effective date of this order before the Maritime Subsidy Board or the Maritime Administration in respect to the functions referred to herein shall be continued before the Maritime Subsidy Board or the Maritime Administration, as the case may be, in accordance with the delegations made pursuant to this order.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

APPENDIX A (REVISED)

MARITIME ADMINISTRATION FIELD ORGANIZATIONS

Field Organization and Location

Atlantic Coast District (Headquarters), New York, N.Y.
Area Representatives: Baltimore, Md., Norfolk, Va.
Gulf Coast District (Headquarters), New Orleans, La.
Area Representatives: Mobile, Ala., Galveston, Tex.
Pacific Coast District (Headquarters), San Francisco, Calif.
Area Representatives: Los Angeles (San Pedro), Calif., Portland, Oreg., Seattle, Wash.

[F.R. Doc. 62-3701; Filed, Apr. 16, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 31-4285-1]

NUCLEAR ADVISORS, INC.

Notice of Order To Show Cause

Please take notice that the Division of Licensing and Regulation, Atomic Energy Commission, has issued an "Order to Show Cause," to Nuclear Advisors, Inc., 33-61 Crescent Street, Long Island City, N.Y., alleging certain violations of the Commission's regulations and conditions of Byproduct Material License No. 31-4285-1. The order provides that the license will be suspended for a period of sixty (60) days, beginning thirty (30) days after the date of the order, unless the licensee, within twenty (20) days from the date of the order, demands a hearing as provided by the Commission's Rules of Practice, 10 CFR Part 2. A copy of the "Order to Show Cause," dated April 6, 1962, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. A copy of the "Order to Show Cause," may be obtained upon request addressed to the Commission's Public Document Room or to the Public Filings and Proceedings Branch, Office of the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Dated at Germantown, Md., this 6th day of April 1962.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-3677; Filed, Apr. 16, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14336-14340; FCC 62M-535]

ANTENNAVISION SERVICE CO., INC.

Order Continuing Hearing

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona.

The Hearing Examiner having under consideration a motion for continuance filed by Antennavision Service Company, Inc. (Antennavision) on April 9, 1962, wherein it is requested that further proceedings herein be postponed for a 2-week period in order to afford Antennavision an opportunity to file a petition for leave to amend its application to reflect change of ownership and control of its customer CATV systems;

It appearing, that it is alleged in the motion that on April 1, 1962, Mr. Bruce Merrill, the sole owner of Antennavision, consummated the sale of all community antenna systems which presently receive service via the facilities at issue herein;

It further appearing, that, according to Antennavision, an appropriate petition requesting leave to amend in order to reflect this change of ownership and control will be filed within 14 days;

It further appearing, that it is alleged that the Commission's Common Carrier Bureau, the only other party to the proceeding, has no objection to a grant of the requested continuance and, further, has no objection to the request for a waiver of the provisions of 47 CFR 1.43 relating to the deferral of action for a 4-day period;

It further appearing, that good cause has been shown for the postponement of the procedural dates heretofore specified as well as the hearing herein for a further period of 2 weeks;

It further appearing, that, since this is the second time that postponement has been requested on grounds of the above-described sale and the second time that postponement has been granted to afford Antennavision the time it appeared necessary to perfect its case, Antennavision is put on notice that unless other conditions not now foreseen arise further applications or motions for postponement will not be entertained;

It is ordered, This 10th day of April 1962, that the procedural dates originally specified in the order of the Examiner released February 1, 1962 (FCC 62M-146) and modified in the order of the Examiner released February 27, 1962 (FCC 62M-292) are further modified as follows:

(1) All matters heretofore required to be accomplished no later than April 9, 1962, shall be accomplished no later than April 23, 1962; and

(2) All matters required to be accomplished no later than April 23, 1962, shall be accomplished no later than May 7, 1962; and

It is further ordered, That the hearing heretofore scheduled to commence

on April 30, 1962, is hereby rescheduled to commence on May 14, 1962, at 10 a.m., at the Offices of the Commission in Washington, D.C.

Released: April 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3712; Filed, Apr. 16, 1962; 8:49 a.m.]

[Docket No. 14085 etc.; FCC 62M-532]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Scheduling Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Elfrieda Mercier, Thomas P. Moore, Orville J. Sather, d/b as Crawford County Broadcasting Company, Bucyrus, Ohio, Docket No. 14300, File No. BP-14532; Airon, Incorporated, Decatur, Indiana, Docket No. 14304, File No. BP-14740; et al., Docket Nos. 14288, 14290, 14291, 14294, 14295, 14298, 14299, 14303, 14305; for construction permits.

The Hearing Examiner having under consideration petition for severance filed on March 29, 1962 by Elfrieda[1] Mercier, et al., d/b as Crawford County Broadcasting Company, and Airon, Incorporated, requesting that the Hearing Examiner sever their applications from the other applications consolidated for hearing in this case and hold an early hearing thereon;

It appearing, that the time for filing oppositions to the petition has expired; that no opposition has been filed to a grant of the petition; and that good cause has been shown for a grant;

It is ordered, This 10th day of April 1962, that the petition is granted; the applications of Elfrieda Mercier, et al., d/b as Crawford County Broadcasting Company, and Airon, Incorporated, are severed from the other applications consolidated for hearing in this proceeding; and hearing on the two severed applications is scheduled for April 23, 1962, at 10 a.m.

Released: April 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3713; Filed, Apr. 16, 1962; 8:49 a.m.]

[Docket No. 14166 etc.; FCC 62M-525]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, A Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

The Hearing Examiner having under consideration the informal request of the applicants herein for a continuance of hearing filed on April 6, 1962;

It appearing, that counsel for the Commission's Broadcast Bureau has consented to the requested continuance and good cause for a grant thereof is shown in that the parties have entered into negotiations looking toward simplification and a more timely disposition of the proceeding;

It is ordered, This 6th day of April 1962 that the said request is granted and the hearing presently scheduled to resume on April 10, 1962 is continued without date;

It is further ordered, That the Hearing Examiner be notified on or before the date of April 20, 1962 of the progress of the said negotiations.

Released: April 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3714; Filed, Apr. 16, 1962; 8:49 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-527]

HERSHEY BROADCASTING CO., INC., AND READING RADIO CORP.

Order Cancelling Prehearing Conference

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

As a result of agreements reached on the record of a hearing held this date in the above-entitled matter: *It is ordered*, This 9th day of April 1962, that a further hearing on the engineering aspects of the case will be held commencing at 10 a.m., April 20, 1962, in the Commission's offices in Washington, D.C., and

It is further ordered, That a prehearing conference on the other aspects of the case will be held at 10 a.m., May 29, 1962, in the Commission's offices in Washington, D.C., and

It is further ordered, That the prehearing conference now scheduled to commence at 10 a.m., May 7, 1962, be and it hereby is cancelled.

Released: April 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3715; Filed, Apr. 16, 1962; 8:49 a.m.]

[1] Petition contains errors in spelling of name and in information given in caption.

[Docket Nos. 14537-14545; FCC 62M-534]

W.W.I.Z., INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of W.W.I.Z., Inc., Lorain, Ohio, Docket No. 14537, File No. BR-3707; et al., Docket Nos. 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545; for renewal of license of Station WWIZ, Lorain, Ohio.

The Hearing Examiner having under consideration the matters of record raised during a prehearing conference in the above-entitled matter on April 10, 1962;

It is ordered, On the Hearing Examiner's own motion, that a further prehearing conference will be held on April 23, 1962, at 9 a.m. in the offices of the Commission at Washington, D.C.

Adopted: April 10, 1962.

Released: April 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3716; Filed, Apr. 16, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

STOCKTON PORT DISTRICT AND STOCKTON ELEVATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8825, between Stockton Port District (Port) and Stockton Elevators (Elevators), provides that Elevators operate a 400,000 bushel rice storage elevator owned by the Port, for the receiving, storing, and delivering to the S.S. *Marine Rice Queen* bulk milled rice destined for Puerto Rico.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3717; Filed, Apr. 16, 1962; 8:49 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE ZONE NO. 3, SAN FRANCISCO, CALIFORNIA

Extension of Time for Permanent Relocation

Mr. Cyril Magnin, President, San Francisco Port Authority, San Francisco, Calif., as representative of the Zone Grantee, on January 15, 1962, advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 3 by the date established in Order No. 46 and by the Memorandum Order, dated December 19, 1960, which extended the time to June 30, 1962.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request for an extension of time from June 30, 1962, to June 30, 1965, be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following Resolution: The Foreign-Trade Zones Board, after consideration of the request from the San Francisco Port Authority, Grantee, Foreign-Trade Zone No. 3, for an extension of time from June 30, 1962, to June 30, 1965, to permanently relocate the zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this Memorandum, the letters from the Assistant Secretary of the Treasury, James A. Reed, dated April 3, 1962, and Colonel Carl H. Bronn, Army Member, Committee of Alternates, dated March 26, 1962, approving the foregoing Resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing Resolution in the FEDERAL REGISTER.

Dated: April 11, 1962.

LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.

[F.R. Doc. 62-3702; Filed, Apr. 16, 1962; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

SILK WASTE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 961,061 pounds of silk waste now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said silk waste. The revised determination was based upon a finding of the Office of Emergency Planning that said silk waste is obsolescent for use in time of war.

General Services Administration proposes to transfer said silk waste, amounting to approximately 961,061 pounds, to other Government agencies in such quantities as they may require, to offer it for sale on a competitive basis, or to otherwise dispose of it in the best interest of the Government, beginning 6 months after the date of publication of this notice in the FEDERAL REGISTER but not earlier than 60 days following the final full offering of silk waste pursuant to the notice published in the FEDERAL REGISTER on August 24, 1960 (25 F.R. 8114). The quantity offered for initial sale, together with such amount as may not have been disposed of pursuant to said notice published on August 24, 1960, will be between 200,000 to 500,000 pounds (clean basis). At periodic intervals of not less than 60 days following the initial offering, the remaining silk waste will be offered for sale in quantities of not less than 200,000 pounds nor more than 500,000 pounds (clean basis) each.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: April 10, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-3697; Filed, Apr. 16, 1962; 8:48 a.m.]

SILK NOILS HELD IN THE NATIONAL STOCKPILE

Amendment of Notice of Proposed Disposition

The notice dated August 18, 1960, and published on August 24, 1960, 25 F.R. 8114, of a proposed disposition from the national stockpile of approximately 1,450,000 pounds of silk noils is hereby amended to substitute "440,246 pounds of silk noils" for "1,450,000 pounds of silk noils" throughout the notice.

Dated: April 10, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-3698; Filed, Apr. 16, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Loans for Housing for the Elderly

Correction

In F.R. Doc. 62-3657, appearing at page 3575 of the issue for Friday, April 13, 1962, the first word in the paragraph designated "2." presently reading "The" should read "To".

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-251]

ATLAS CORP.

Notice of Filing and Order for Hearing on Application for Order Declaring Applicant Has Ceased To Be an Investment Company

APRIL 9, 1962.

Notice is hereby given that Atlas Corporation ("Atlas") (New York, N.Y.), a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to Section 8(f) of the Act for an order declaring that Atlas has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

According to the application, Atlas was originally conceived and held itself out as being principally engaged in the business of investing and reinvesting in "special situations" in order to realize capital profits. The application states that for the past decade, however, majority-owned subsidiaries have constituted an increasing percentage of the assets of Atlas while investment securities, as defined in the Act, have not constituted 40 percent or more of the value of Atlas' total assets since 1953. It is alleged that at present Atlas is principally engaged, through majority-owned subsidiaries and controlled companies, in manufacturing, aviation and natural resource activities. The application states that as of June 30, 1961, $67,080,000 out of Atlas' total assets of $70,717,521 was represented by its investments in the following majority-owned subsidiaries, which have been held directly or through predecessor corporations for a number of years:

Name	Percentage of ownership of common stock
The Hidden Splendor Mining Co	92
Northeast Airlines, Inc	56
Titeflex, Inc	96
Petro-Atlas, Inc	100
International Air, Inc	100

All other investments, which have also been held for a number of years, had an aggregate value, as of June 30, 1961, of $2,262,001.

Atlas states that since January 1, 1958, the largest part of its income has been derived from its majority-owned subsidiaries. It further states that during this same period most of the officers of Atlas have spent practically all of their time on the affairs of such subsidiaries. It is the present intention of the management, if the instant application is granted, to combine Atlas with its majority-owned subsidiaries by merger, liquidation or other means of reorganization so that Atlas will own directly the assets of such subsidiaries (except North-

east Airlines, Inc., where Atlas' interest is presently under contract of sale). Atlas proposes to submit to its stockholders at its forthcoming annual meeting the question of the change in the nature of its business.

Section 3(a) of the Act, in pertinent part, defines an investment company as any issuer which is engaged primarily or proposes to engage primarily in the business of investing, reinvesting, or trading in securities or an issuer which owns or proposes to acquire investment securities valued at more than 40 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries which are not investment companies. Section 8(f) of the Act provides, generally speaking, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 8th day of May 1962 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

It is further ordered, That Robert N. Hislop, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Atlas has ceased to be an investment company;

(2) Whether it is necessary for the protection of investors to impose appropriate conditions in connection with the entry of any such order.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Atlas Corporation, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That Atlas Corporation shall mail a copy of this notice and order to all its stockholders at their last known addresses at least 21 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3681; Filed, Apr. 16, 1962; 8:45 a.m.]

[File No. 70-4032]

MONONGAHELA POWER CO. ET AL.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock by Subsidiary Company, Issuance and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

APRIL 6, 1962.

In the matter of Monongahela Power Company, Box 1392, Fairmont, West Virginia; the West Maryland Power Company, the Marietta Electric Company, Monterey Utilities Corporation; File No. 70-4032.

Notice is hereby given that Monongahela Power Company ("Monongahela") an electric utility company, a registered holding company and a subsidiary company of Allegheny Power System, Inc., a registered holding company and Monongahela's electric utility subsidiary companies The West Maryland Power Company ("West Maryland"), Oakland, Maryland, The Marietta Electric Company ("Marietta"), Marietta, Ohio, and Monterey Utilities Corporation ("Monterey"), Monterey, Virginia, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

West Maryland proposes to amend its charter to increase its authorized capital stock from 4,500 to 10,000 shares, par value $100 per share.

West Maryland, Marietta, and Monterey propose to issue and sell to Monongahela, from time to time as necessary prior to December 31, 1962, shares of their authorized and unissued capital stock for a cash consideration equal to the aggregate par value thereof as follows:

Subsidiary	Par value per share	Presently outstanding	Proposed to be issued	Cash consideration
		Shares	*Shares*	
West Maryland	$100	4,500	2,500	$250,000
Marietta	100	27,500	5,000	500,000
Monterey	100	2,000	1,000	100,000

Monongahela, the owner of all of the presently outstanding common stock of the three companies, proposes to acquire the shares and upon acquisition thereof will pledge the shares pursuant to the provisions of an Indenture dated as of August 1, 1945, to the First National City Trust Company.

The proceeds of the sale will be used by the subsidiary companies to provide for necessary property additions and improvements or to pay open account advances from Monongahela pursuant to Rule 45(b)(4).

It is stated that the Public Service Commission of Maryland has jurisdiction over the issuance and acquisition of the stock of West Maryland; the Ohio Public Utility Commission has jurisdiction over the issuance of the stock of Marietta; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of Monterey; and the Public Service Commission of West Virginia has jurisdiction over the acquisition of the stock of the subsidiaries. A copy of the orders of each commission will be supplied by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The expenses incident to the proposed transactions are estimated not to exceed $1,085.

Notice is further given that any interested person may, not later than April 30, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3682; Filed, Apr. 16, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37669; *Iron or steel articles from Ashland, Ky.* Filed by O. W. South, Jr., Agent (No. A4178), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Ashland, Ky., to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 35 to Southern Freight Association tariff I.C.C. S-163.

FSA No. 37670: *Packing cushions or pads from Atlanta, Ga.* Filed by O. W. South, Jr., Agent (No. A4181), for interested rail carriers. Rates on packing cushions or packing pads, as described in the application, in carloads, from Atlanta, Ga., to points in southern territory, also Ohio and Mississippi River crossings, points in Virginia and Washington, D.C.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 25 to Southern Freight Association tariff I.C.C. S-215.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3656; Filed, Apr. 13, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37658: *Tin or terne plate to Florida points.* Filed by O. W. South, Jr., Agent (No. A4179), for interested rail carriers. Rates on tin or terne plate, and tin mill black plate, as described in the application, in carloads, from St. Louis, Mo., and East St. Louis, Ill., to Tampa, Dade City and Plymouth, Fla.

Grounds for relief: Barge competition.

FSA No. 37659: *Glass containers from and to points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2608), for interested rail carriers. Rates on glass containers and parts thereof, as described in the application, in carloads, between points in official-southern border territory; also between points in official-southern border territory, on the one hand, and points in official (including Illinois) territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C-290.

FSA No. 37660: *Bituminous coal to Olin, Ind.* Filed by Illinois Freight Association, Agent (No. 166), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, in carloads, from mine origins in Illinois and western Kentucky to Olin, Ind.

Grounds for relief: Truck and intrastate competition.

Tariffs: Supplement 133 to Southern Freight Association tariff I.C.C. 1603, and other schedules named in the application.

FSA No. 37661: *Joint motor-rail rates between points in the south and southwest.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 73), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroad between points in southern territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 20 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1152, and other schedules named in the application.

FSA No. 37662: *Asphalt from Montana and Wyoming to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2235), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Billings, East Billings and Laurel, Mont., also Sinclair, Wyo., to points in western trunk line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariffs: Supplement 85 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20489 and supplement 200 to Union Pacific Railroad Company tariff I.C.C. 5356.

FSA No. 37663: *Petroleum products from and to points in Colorado, Utah, and Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2228), for interested rail carriers. Rates on petroleum products, as described in the application, in carloads, between points in Colorado, Utah and Wyoming, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 4 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37664: *Tin or terne plate to Nashville, Tenn.* Filed by O. W. South, Jr., Agent (No. A4180), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, as described in the application, in carloads, from Ashland, Ky., Ironton, New Boston and Portsmouth, Ohio, to Nashville, Tenn.

Grounds for relief: Barge competition.

FSA No. 37665: *T.O.F.C.—Commodity rates between southern and southwestern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-8186), for interested rail carriers. Rates on conduits, sewer pipes, foodstuffs and beverages, insecticides, etc., and facing or flooring tile, etc., loaded in trailers and transported on railroad flat cars, from points in Texas to points in North Carolina and Florida, and on foodstuffs and beverages from Columbus and Jackson, Miss., to points in Arkansas and Missouri.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37666: *T.O.F.C.—Wallboard to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8187), for interested rail carriers. Rates on wallboard, loaded in trailers and transported on railroad flat cars, from Greenville, Laurel and Meridian, Miss., Mobile, Ala., and Pensacola, Fla., to points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37667: *Petroleum and petroleum products to Colorado, Wyoming, and Utah.* Filed by Southwestern Freight Bureau, Agent (No. B-8185), for interested rail carriers. Rates on petroleum and petroleum products, in packages, in carloads, from points in southwestern territory, also Kansas, Missouri, Baton Rouge and New Orleans, La., to points in Colorado, Utah and Wyoming.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 175 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 37668: *Bituminous coal to Crawfordsville, Frankfort, and Lafayette, Ind.* Filed by Illinois Freight Association, Agent (No. 165), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, in carloads, from mine origins in Illinois and western Kentucky to Crawfordsville, Frankfort and Lafayette, Ind.

Grounds for relief: Truck and intrastate competition.

Tariffs: Supplement 38 to Illinois Freight Association tariff I.C.C. 966, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3605; Filed, Apr. 12, 1962; 8:47 a.m.]

[Notice 625]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64978. By order of April 11, 1962, the Transfer Board approved the transfer to Nellie Housour, Wakarusa, Ind., of Certificate No. MC 94527 and Corrected Certificate No. MC 94527 Sub 2, issued February 16, 1942, and May 10, 1960, respectively, to A. M. Housour, Wakarusa, Ind., authorizing the transportation of grain, over regular routes, from Wakarusa, Ind., to Chicago, Ill., serving intermediate and offroute points within 25 miles of Wakarusa; fertilizer, over irregular routes, from Calumet City, Ill., to points in Indiana on and north of U.S. Highway 40; feed, including meat scraps and tankage, from Riverdale and Chicago, Ill., to points in Indiana on and north of U.S. Highway 40; oats, from points in Illinois on and east of a line beginning at Chicago, and extending along U.S. Highway 66 to Bloomington, and thence along U.S. Highway 51 to Decatur, and on and north of U.S. Highway 36 from Decatur to the Illinois-Indiana State line, to points in Elkhart, LaGrange, LaPorte, and St. Joseph Counties, Ind., and dry manufactured fertilizer, in bulk, from the plant site of Michiana Chemical Co., near Niles, Mich., to points in 50 Indiana counties. Wm. L. Carney, 105 East Jennings Avenue, South Bend 14, Ind., representative for applicants.

No. MC-FC 64985. By order of April 11, 1962, the Transfer Board approved the transfer to Mayflower Hotel Garage, Inc., doing business as Mayflower Limousine and Sightseeing Service, Washington, D.C., of Certificate No. MC 96307 issued October 14, 1941, to Clancy Limousine Service, Inc., Washington, D.C., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated, in round-trip sightseeing or pleasure tours, in special operations, over irregular routes, from Washington, D.C., to Annapolis, Md., and Alexandria and Mount Vernon, Va., and points in Arlington County, Va., and return; and passengers and their baggage, restricted to traffic originating at the point indicated in one-way or round-trip charter operations, from Washington, D.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. Joseph P. Clancy, 745 Washington Building, Washington 5, D.C., attorney for transferor. Mayflower Hotel Garage, Inc., Mayflower Hotel, 1127 Connecticut Avenue NW., Washington 6, D.C. (for transferee).

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3703; Filed, Apr. 16, 1962; 8:49 a.m.]

[No. 33750]

FOURTH CLASS MAIL

Reformation of Rates and Other Conditions of Mailability

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of April A.D. 1962.

It appearing that on January 2, 1962, the Postmaster General submitted to the Commission for its consent, after investigation, specific proposals for reformations of rates and other conditions of mailability of fourth class mail, under the provisions of 31 U.S.C. 695 and 39 U.S.C. 247 (1958 ed.);

It further appearing that the Commission in a report dated March 19, 1962, after concluding that its function did not properly include the responsibility for determining the scope of the powers of the Postmaster General under the postal laws and that it could not find with certainty that Congress in 1951 had withdrawn the authority to consent to changes in the size and weight limits, stated, in effect, that an order of investigation would be entered as soon as it was advised of the earliest date upon which the Postmaster General would be ready to submit representations and a brief in support of the specific proposals;

And it further appearing that the Postmaster General on April 2, 1962, transmitted a revision of that portion of his specific proposals to change the rates of postage on parcel post subject to zone rates, and advised that justification for such proposals will be available for the purpose of an investigation not later than April 16, 1962;

It is ordered, That an investigation of the merits of the said proposals be, and it is hereby, instituted.

It is further ordered, That no oral hearing be held but that the proceeding be conducted upon written representations according to the following schedule:

1. Prior to April 24, 1962, the Postmaster General shall (a) file an original and two copies of verified statements and exhibits in support of his proposals; (b) serve copies thereof only upon those persons or groups he has reason to believe will also file similar documents in the proceeding; and (c) furnish the Commission with a list of such persons or groups upon whom service has been made. Any interested person not so served should promptly notify the Commission and the Postmaster General of his intention to so participate and consideration will be given to having his name added to the service list.

2. Prior to May 11, 1962, the Postmaster General, at a time and place designated by him, will make available for inspection by the Commission's staff and any other interested party the available working papers relating to the underlying ascertainment of revenue and costs upon which the proposals are based.

3. Prior to May 25, 1962, any interested person may file an original and two copies of verified statements and exhibits in opposition to or in support of the said proposals, and serve 6 copies thereof upon the Postmaster General.

4. Prior to June 8, 1962, the Postmaster General may file and serve, as specified in 1 above, verified statements and exhibits in rebuttal.

5. Prior to June 22, 1962, the Postmaster General and any interested party may file briefs (original and 14 copies) with the Commission and furnish copies thereof to the party or parties upon whom their verified statements and exhibits were served.

It is further ordered, That this proceeding be reserved for disposition by the entire Commission.

And it is further ordered, That notice of this proceeding be given, (1) by posting a copy of the order in the office of the Secretary of the Commission for public inspection, (2) by filing a copy thereof with the Director, Office of the Federal Register, (3) by serving copies thereof on the Postmaster General and Comptroller General of the United States, and (4) by mailing a copy of this order to the other persons shown on the service list attached to the original of this order.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3696; Filed, Apr. 16, 1962; 8:47 a.m.]

[Sec. 5a, Application 70]

WESTERN MOTOR TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreement

APRIL 12, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 9, 1962 by: W. J. Knoell, P.O. Box 1296, Huntington Park, Calif.

Amendments involved: Change the agreement so as to (1) provide that 65 or more members, rather than 15 percent of the membership, shall constitute a quorum at regular or special meetings, and (2) increase the Board of Directors from 9 to 15 members.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3695; Filed, Apr. 16, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37671: *Grain and grain products to points in Minnesota and Superior, Wis.* Filed by Great Northern Railway Company (No. 1077), for itself and interested rail carriers. Rates on flaxseed, oats, rye, wheat, also direct products of oats, rye, or wheat, as described in the application, in carloads, from specified points in Minnesota, North Dakota, South Dakota, and Wisconsin, on the Great Northern Railway Company, to Duluth, Minn., Minnesota Transfer, St. Paul, Minn., and Superior, Wis., also points taking same rates.

Grounds for relief: Unregulated motor-truck competition.

Tariff: Supplement 7 to Great Northern Railway Company tariff I.C.C. A-9048.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3694; Filed, Apr. 16, 1962; 8:47 a.m.]

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FEDERAL REGISTER

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraphs (d)(2), (e)(3), and (h)(7) of § 6.308 are revoked, paragraph (d)(13) is amended, and paragraphs (d)(14), (d)(15), (e)(16), (h)(9), and (l)(3) are added, as set out below.

§ 6.308 Department of Justice.

(d) *Anti-Trust Division.* • • •
(13) Chief, Public Counsel Section.
(14) Chief, Section Operations.
(15) Chief, Field Operations.
(e) *Civil Division.* • • •
(16) One Executive Assistant.
• • • • • •
(h) *Lands Division.* • • •
(9) One Executive Assistant.
• • • • • •
(l) *Office of Legal Counsel.* • • •
(3) The Second Assistant to the Assistant Attorney General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-3760; Filed, Apr. 17, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

REMOVAL OF STORED EXCESS WHEAT

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and related legislation, and are issued specifically to carry out the provisions of the amendments to section 124 of the Agricultural Enabling Amendments Act of 1961 which are contained in Public Law 87-410, approved March 3, 1962. Their purpose is to amend paragraphs (h) and (l) of § 728.1169 relating to the removal of previously stored excess wheat by underproduction on those farms participating in the 1962 wheat stabilization program. Since producers will soon be harvesting wheat in certain areas, it is imperative that State and county committees be notified of the amendments so that producers who may desire to remove previously stored excess wheat may be informed. Accordingly, it is hereby found that compliance with the notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments shall become effective upon their publication in the FEDERAL REGISTER.

1. Section 728.1169(h) is amended by deleting in the sixth sentence thereof following the word "subsection" the language "(a) or".

2. Section 728.1169(l) is amended by deleting in the last sentence thereof following the word "subsection" the language "(a) or".

(Secs. 334, 375, 52 Stat. 53, 66, 75 Stat. 300, 76 Stat. 19, sec. 1, 55 Stat. 203; 7 U.S.C. 1334, 1340, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 12, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3779; Filed, Apr. 17, 1962; 8:51 a.m.]

[Amdt. 8]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in a portion of Weston County, Wyoming. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Paragraph (b) of § 728.1145 is amended to change the date of July 5 to July 20 for winter wheat and July 20 to August 1 for spring wheat for that area which lies north of Highway 16 in Weston County, Wyoming.

(Secs. 374, 375, 52 Stat. 65, 66 as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 12, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3780; Filed, Apr. 17, 1962; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302; Amdt. 4]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3)

compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. In § 970.302 (26 F.R. 10124; 27 F.R. 335, 1007, 3318), delete paragraphs (a) and (i), and in lieu thereof substitute new paragraphs (a) and (i) as set forth below.

§ 970.302 Limitation of shipments.

* * * * *

(a) *Minimum grade requirements.* U.S. No. 1, or better.

* * * * *

(i) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that not more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. The term "loading point" means a commercial facility maintained and operated by a Registered Handler as defined in § 1032.8 of this part. "Farm packed" means carrots handled by the grower on the farm where such carrots were produced. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated April 13, 1962, to become effective April 14, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3774; Filed, Apr. 17, 1962; 8:50 a.m.]

PART 981—ALMONDS GROWN IN CALIFORNIA

Handling

Notice was published in the FEDERAL REGISTER on February 16, 1962 (27 F.R. 1460), that there was under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations), pertaining to operations under the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674).

The notice afforded interested persons 15 days for filing written data, views, or arguments pertaining to the proposal. Additional time was granted (27 F.R. 2319), extending the date to April 2, 1962. A communication was received from three handlers requesting a clarifying modification of the proposal. After consideration of all relevant matters presented, including those in the communication and the notice, it is hereby found that amending the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (§§ 981.450–981.481), is amended as follows:

(a) Amend paragraph (b) of § 981.450 by adding the following subparagraph (5):

(5) Identification of surplus almonds shall be further preserved in that no handler shall issue, or permit to be issued, any warehouse receipt or other storage document covering surplus almonds, which fails to state that it covers almonds which are subject to the terms of the order and regulations issued thereunder.

(b) Amend paragraph (a)(5) of § 981.452 by adding the following sentence: "Each inspection certificate for shelled almonds shall show the highest grade which such almonds meet as set forth in the effective United States Standards for Grades of Shelled Almonds and, if such almonds grade at least U.S. No. 1, the kernel size in terms of the average number of kernels per ounce."

(c) Amend paragraph (a) of § 981.467 by adding the following sentences: "During the period of such agency, such handlers may obtain loans on surplus almonds by hypothecating such almonds as security for the loans: *Provided,* That, the lender shall have no recourse against the Board and, in cases where the lender is not provided a warehouse receipt issued pursuant to § 981.450(b)(5), such handlers inform the lender, in the hypothecation agreement, that the disposition of the pledged surplus almonds is controlled under the order and the lender has no recourse against the Board. Each loan on surplus almonds shall be repaid by the handler prior to the termination of the agency, except loans obtained from the Commodity Credit Corporation which recognize the disposition requirements of this part and loans on almonds sold but held for delivery during the time permitted by the Board, in which case the loan shall be repaid upon shipment or at the end of the permitted period, whichever occurs first."

Dated April 12, 1962, to be effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-3747; Filed, Apr. 17, 1962; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY MUTUAL SECURITY TRAINING PROGRAMS

Per Diem Rates

ICA Regulation 5, hereby redesignated AID Regulation 5, is amended to read as follows:

§ 205.1 Per diem rates.

Participants in any training program under the Foreign Assistance Act of 1961 other than Part II may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed $15, or, in exceptional circumstances such other rate not to exceed $25, as the Administrator of the Agency for International Development or his designee may prescribe and such designee may be authorized to redelegate such authority.

(b) For participants in programs of training in countries other than the United States, a per diem allowance not to exceed those prescribed by the Standardized Government Travel Regulations.

FOWLER HAMILTON,
Administrator.

MARCH 15, 1962.

[F.R. Doc. 62-3745; Filed, Apr. 17, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1152; Amdt. 421]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Models 35, 50, 65, and 95 Series Aircraft

As a result of several cases of cracked control wheels on Beech Models 35, 50, 65, and 95 Series aircraft, one of which resulted in a failure, an airworthiness directive is considered necessary to require inspection of the white plastic rams horn control wheels and replacement of cracked wheels.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Models 35, 50, 65, and 95 Series aircraft with white plastic rams horn control wheels installed as original equipment or by kit installation in the field.

Compliance required as indicated.

As a result of cracks in and one failure of the white plastic rams horn control wheel, accomplish the following:

(a) Within the next 5 hours' time in service after the effective date of this AD and thereafter at each 100 hours' time in service or twelve calendar months, whichever occurs first, visually inspect the white plastic rams horn control wheels for cracks. Give particular attention to the area on the forward side of the hub and in the area of the attachment pin.

(b) If cracks are found, replace the control wheel prior to further flight.

(c) Inspections may be discontinued when metal replacement control wheel P/N 35–380057 for Models 35 and 95 Series and P/N 50–350025 for Models 50 and 65 Series or FAA approved equivalent is installed.

(Beech Service Bulletin dated March 23, 1962, titled "Inspection of Plastic Rams Horn Type Control Wheels" covers this same subject.)

This amendment shall become effective April 30, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3725; Filed, Apr. 17, 1962; 8:45 a.m.]

[Reg. Docket No. 1131; Amdt. 422]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on March 30, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing 707 and 720 Series aircraft. The directive requires an inspection of the electrical components and wiring within the J6 electrical panel.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707 and 720 Series aircraft by individual telegrams dated March 30, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

BOEING. Applies to all 707 and 720 Series aircraft.

As a result of a recent incident involving loss of the electrical system and accumulation of dense smoke in the cockpit and cabin, the following is required:

(a) Unless already accomplished in accordance with recommendations contained in the telegram dated March 23, 1962, issued by Boeing Aircraft Company, within the next 25 hours' time in service, inspect electrical components and wiring within the J6 electrical panel to determine that:

(1) Lugs and braided leads are tightly secured to the contactor studs;

(2) Braid jumpers are adequately separated from adjacent jumpers to prevent contact;

(3) There is no evidence of overheating in wiring and braided leads; and

(4) There is no evidence of capacitor leaks, swelling or overheating.

(b) If any of the foregoing items require corrective action, repair in accordance with acceptable maintenance practices.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 30, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3726; Filed, Apr. 17, 1962; 8:45 a.m.]

[Regulatory Docket No. 1155; Amdt. 425]

PART 507—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Engines

There have been several cases of failure of the compressor rear bearing in Rolls Royce Dart engines. Incipient failures have been detected by the presence of fine aluminum particles in the oil system filters. Unless detected in the early stages by inspection for metal in the filters, this failure can result in considerable secondary damage to the engine. One case resulted in an uncontrollable propeller. An airworthiness directive is considered necessary requiring repetitive inspections until the engine is modified.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to all Dart 525 Series, 526, 527, 528 Series, and 529 Series engines with Rolls Royce Modification 529 (Part 2) bearing in the rear portion.

Compliance required as indicated:

For engines not incorporating Rolls Royce Dart Mod. 1023, compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours, and thereafter at each 50 hours time in service from the last inspection.

For engines incorporating Rolls Royce Dart Mod. 1023, inspections shall be performed in accordance with the operators' normal inspection period.

(a) To detect incipient failure of the compressor rear bearing, inspect the oil filters in accordance with Rolls Royce Dart Notice to Operators No. 100.

(b) If metal particles are found in the filters remove the engine from service for further inspection.

(c) If defective Rolls Royce Dart Mod. 529 (Part 2) bearings in the rear position are found upon inspection, replace the bearings in accordance with Rolls Royce Dart Mod. 1030 prior to further engine operation.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Rolls Royce Dart Notice to Operators No. 100 dated February 26, 1962, covers this subject.)

This amendment shall become effective April 17, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3727; Filed, Apr. 17, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-32]

PART 13—PROHIBITED TRADE PRACTICES

Lion Clothing Co., Inc., and Louis F. Overgard

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–15 *Comparative.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Producing Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lion Clothing Company, Inc., et al., San Diego, Calif., Docket C-32, Nov. 30, 1961]

Consent order requiring a San Diego, Calif., furrier to cease violating the Fur Products Labeling Act by failing, on invoices, to show the true animal name of fur used in fur products, to disclose when fur was artificially colored, and to reveal the country of origin of imported furs; by advertising which represented prices as reduced without giving the time of the compared higher prices; and by failing

to keep adequate records as a basis for such price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Lion Clothing Co., Inc., a corporation, and Louis F. Overgard, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Uses previous higher prices as comparatives without giving the time of such higher compared prices.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 30, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3731; Filed, Apr. 17, 1962; 8:46 a.m.]

[Docket No. C-31]

PART 13—PROHIBITED TRADE PRACTICES

Lou Littman & Co. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lou Littman & Company et al., Detroit, Mich., Docket C-31, Nov. 29, 1961]

In the Matter of Lou Littman & Co., a Corporation, and Louis Littman, Robert Lee Littman, Isabelle Littman and Louis R. Miller, Individually and as Officers of the Said Corporation

Consent order requiring Detroit furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices of fur products when fur was artificially colored and the country of origin of imported furs; failing to show on invoices the true animal name of the fur used in a fur product; and failing to comply in other respects with labeling requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Lou Littman & Co., a corporation, Louis Littman, Robert Lee Littman, Isabelle Littman, and Louis R. Miller, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise identifying any such product as to the country of origin of the imported furs contained therein.

C. Failing to affix labels to fur products setting forth the term "fur origin" preceding the name of the country of origin of imported furs used in fur products.

D. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

E. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information.

F. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the label.

2. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3732; Filed, Apr. 17, 1962; 8:46 a.m.]

[Docket No. C-33]

PART 13—PROHIBITED TRADE PRACTICES

Korricks', Inc., and Abraham I. Korrick

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-15 *Comparative.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 Source or origin: § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Korricks', Inc., et al., Phoenix, Ariz., Docket C-33, Nov. 30, 1961]

Consent order requiring furriers in Phoenix, Ariz., to cease violating the Fur Products Labeling Act by failing to show, on invoices and in advertising, the true names of animals producing the fur in fur products; failing, on invoices, to show when fur was dyed and to disclose the country of origin of imported furs; advertising prices as reduced without giving the time of compared higher prices; and failing to keep adequate records as a basis for price and value claims.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Korricks', Inc., a corporation, and its officers and Abraham I. Korrick, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in abbreviated form.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

B. Uses previous higher prices as comparatives without giving the time of such higher compared prices.

3. Making claims and representations of the types covered by sub-sections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 30, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3761; Filed, Apr. 17, 1962; 8:49 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

Miscellaneous Amendments

Under sections 201 and 208 of the Labor-Management Reporting and Disclosure Act of 1959, 29 CFR Part 402 was promulgated prescribing a reporting form (LM-1) and governing reporting of information required by section 201(a) of the Act. Similarly, 29 CFR Part 403 was promulgated covering the filing of an annual financial report required by section 201(b) of the Act and prescribing a form (LM-2) [1] for reporting financial data. Form LM-1A was prescribed as a form for filing changes in the information report (LM-1).

Experience in administering these reporting provisions has indicated that more efficient public disclosure of a labor organization's yearly activities would be effected if both the organizational changes and the financial activities were included in one report rather than two. Furthermore, this has been suggested by numerous labor organizations as a means of reducing their reporting work-load. To this end, it has been concluded that the disclosure purposes of the aforementioned Act will better be served if labor organizations filed the annual financial report required by section 201(b) and the annual amendments to the labor organization information report required by section 201(a) on one and the same form. Consequently, Form LM-2 has been revised and is now entitled "Labor Organization Annual Report", Form LM-2 (Revised), and Form LM-1A is revoked. Other changes of a technical nature relating to financial reporting have also been made in the form. Inasmuch as labor organizations which have imposed trusteeships over any of their subordinate bodies are required to file the annual financial report as well as the amendments to the labor organization information report for the organizations under trusteeship, technical changes in 29 CFR Part 408, governing labor organization trusteeship reports, are required. Implementary amendments are also necessary for 29 CFR Parts 402 and 403 relating to labor organization information reports and labor organization financial reports respectively.

Accordingly, pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 438), Chapter IV of Title 29, Code of Federal Regulations is hereby amended as hereinafter indicated.

[1] Form LM-2 (Revised April 1962) filed as part of original document.

Since these amendments are procedural and do not alter substantive reporting requirements, the procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply. Therefore, the amendments shall become effective on their publication in the FEDERAL REGISTER. These amendments are set forth below.

1. Section 402.4 (as amended 26 F.R. 12568) is amended to read as follows:

§ 402.4 Subsequent reports.

(a) Any change in the information or the content of the documents, or both, required to be filed initially by every labor organization under section 201(a) of the Act which has not previously been reported, shall be reported to the Commissioner, Bureau of Labor-Management Reports, U.S. Department of Labor, Washington 25, D.C., in Items 13, 14, 15 Schedule 8, and where necessary Item 18 of United States Department of Labor Form LM-2 (Revised), entitled "Labor Organization Annual Report," at the same time that the reporting labor organization files with such Bureau its annual financial report required by section 201(b) of the Act and §§ 403.2 and 403.3 of this chapter, for the fiscal year during which the said changes occurred. This report shall be signed by the President and Treasurer or corresponding principal officers of the labor organization filing the report.

(b) Labor organizations which qualify to use Form LM-3 (Revised) and file their annual financial report on that form shall file the report required by paragraph (a) of this section by submitting the information called for in Items 13, 14, 15, 40, and, where necessary, Item 41 of Form LM-3 (Revised).

2. Paragraph (a) of § 402.5 (as amended 26 F.R. 12568) is amended to read as follows:

§ 402.5 Terminal reports.

(a) Any labor organization required to file reports under the provisions of this part, which ceases to exist by virtue of dissolution or any other form of termination of its existence as a labor organization, or which loses its identity as a reporting labor organization through merger, consolidation or otherwise, shall file a report containing a detailed statement of the circumstances and effective date of such termination or loss of reporting identity, and if the latter, such report shall also state the name and mailing address of the labor organization into which it has been consolidated, merged, or otherwise absorbed. Such report shall be submitted on Form LM-2 (Revised) in connection with the terminal financial report required by § 403.5 of this chapter and shall be signed by the President and Treasurer, or corresponding principal officers, of the labor organization at the time of its termination or loss of reporting identity and, together with a copy thereof, shall be filed with the Commisisoner of the Bureau, at the place aforesaid, within 30 days of the effective date of such termination or loss of reporting identity, as the case may be.

3. Section 403.3 (as amended 26 F.R. 12569) is amended to read as follows:

§ 403.3 Form of annual financial report—detailed report.

Every labor organization shall, except as expressly provided otherwise in this part, file an annual financial report as required by § 403.2, prepared on United States Department of Labor Form LM–2 (Revised), "Labor Organization Annual Report," in the detail required by the instructions accompanying the form and constituting a part thereof.

4. Paragraphs (a) and (b) of § 403.5 (as amended 26 F.R. 11678, 12569) are amended to read as follows:

§ 403.5 Terminal financial report.

(a) Any labor organization required to file a report under the provisions of this part, which during its fiscal year loses its identity as a reporting labor organization through merger, consolidation, or otherwise, shall, within 30 days of the effective date of this section, whichever is later, file a terminal financial report, and one copy, with the Commissioner of the Bureau, at the place aforesaid, on Form LM–2 (Revised) or Form LM–3 (Revised), as may be appropriate, signed by the President and Treasurer or corresponding principal officers of the labor organization immediately prior to the time of its loss of reporting identity.

(b) Every labor organization which has assumed trusteeship over a subordinate labor organization shall file within 90 days after the termination of such trusteeship on behalf of the subordinate labor organization a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM–2 (Revised) and in conformance with the requirements of this part.

5. Section 408.3 is amended to read as follows:

§ 408.3 Form of initial report.

On and after the effective date of this section, every labor organization required to file an initial report under § 408.2 shall file such report on United States Department of Labor Form LM–15 entitled "Trusteeship Report" in the detail required by the instructions accompanying such form and constituting a part thereof. The Statement of Assets and Liabilities of Form LM–2 (Revised), Labor Organization Annual Report, issued pursuant to Part 403 of this chapter shall be utilized by the labor organization assuming the trusteeship in the manner set forth in Form LM–15, and the instructions accompanying that form, to report the financial condition of the subordinate labor organization as of the time the trusteeship was imposed.

6. Section 408.5 is amended to read as follows:

§ 408.5 Annual financial report.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the Bureau on behalf of the subordinate labor organization the annual financial report required by Part 403 of this chapter, signed by the President and Treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship, and the trustees of the subordinate labor organization on Form LM–2 (Revised), together with one true copy thereof.

7. Section 408.6 is amended to read as follows:

§ 408.6 Amendments to the Labor Organization Information Report filed by or on behalf of the subordinate labor organization.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the Bureau on behalf of the subordinate labor organization any change in the information required by Part 402 of this chapter by furnishing the information called for in Items 13, 14, 15, Schedule 8, and where necessary, Item 18 of Form LM–2 (Revised), together with one true copy thereof at the same time it files the annual financial report referred to in § 408.5. Where the trustee is the principal executive officer of the subordinate labor organization, he shall sign the report as the officer corresponding to the President. If the subordinate labor organization has no treasurer or corresponding principal officer, the report shall so state and shall in that case be signed only by the trustee. If there is more than one trustee, all shall sign the report.

8. Section 408.7 (26 F.R. 11679) is amended to read as follows:

§ 408.7 Terminal trusteeship financial report.

Each labor organization which has assumed trusteeship over a subordinate labor organization shall file within 90 days after the termination of such trusteeship on behalf of the subordinate labor organization a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM–2 (Revised) and in conformance with the requirements of Part 403 of this chapter.

9. Section 408.8 is amended to read as follows:

§ 408.8 Terminal trusteeship information report.

There shall be filed at the same time that the terminal trusteeship financial report is filed a terminal trusteeship information report on Form LM–16 containing the details set forth in the instructions accompanying such form and constituting a part thereof. Where a Form LM–16 is filed, it is not necessary that Items 13, 14, and 15 of Form LM–2 (Revised), filed pursuant to § 408.7, be answered. If in answer to question 6 of the Form LM–16, there was (a) a convention or other policy determining body to which the subordinate organization sent delegates or would have sent delegates if not in trusteeship or (b) an election of officers of the labor organization assuming trusteeship, Form LM–15A should be used to report the required information with respect thereto.

(Sec. 208, 73 Stat. 530; 29 U.S.C. 438)

Signed at Washington, D.C., this 13th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–3773; Filed, Apr. 17, 1962; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Department Circular 92 (Rev); 6th Amdt.]

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

Participation Certificates of Export-Import Bank of Washington

Part 203, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 92 (Revised), 14 F.R. 7058, November 23, 1949, as amended), is hereby amended by adding immediately after paragraph (l) of § 203.7 the following new paragraph:

(m) *Participation Certificates of the Export-Import Bank of Washington.* Participation Certificates issued by the Export-Import Bank of Washington at face value (principal amount less payments made thereon).

(Sec. 8, 40 Stat. 291, as amended; 31 U.S.C. 771)

Dated: April 13, 1962.

[SEAL] J. DEWEY DAANE,
Acting Fiscal Assistant Secretary.

[F.R. Doc. 62–3757; Filed, Apr. 17, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

PART 736—DISPOSITION OF PROPERTY

Real Property

1. Section 736.4 is revised to read as follows:

§ 736.4 Disposition of real property.

(a) Real property, including related personal property, determined to be excess to the needs of the Department of Defense is subject to disposition under the Federal Property Act. In the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, Department of the Navy real property determined to be excess to the Department of Defense and not required for the needs and the discharge of the responsibilities of all Federal agencies, is generally disposed of by the General Services Administration as surplus property. Exceptions, however, are property worth less than $1,000; certain leases, permits, licenses, easements or similar interests; certain fixtures, structures and improvements; and other special classes of property which, when determined to be surplus, are disposed of by the Chief, Bureau of Yards and Docks, Field Division Directors, and District or Area Public Works Officers under authority delegated in Title II, Regulations of the General Services Administration, or under special delegations from the Administrator of General Services.

(b) Outside the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, Department of the Navy real property determined to be excess to the Department of Defense is disposed of directly by the Chief, Bureau of Yards and Docks, Field Division Directors, and District or Area Public Works Officers.

(R.S. 161, 63 Stat. 377, sec. 202(*f*), 63 Stat. 580–581, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 171a(*f*), 10 U.S.C. 5031, 40 U.S.C. 471–514)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

APRIL 11, 1962.

[F.R. Doc. 62–3738; Filed, Apr. 17, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Niagara River, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.591 is hereby prescribed establishing and governing the use and navigation of a restricted area in the United States waters of Niagara River, Niagara Falls, New York to be effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.591 Niagara River at Niagara Falls, N.Y.; restricted area.

(a) *The area.* (1) The United States waters of Niagara River downstream of a limit whose true bearing is south 38 degrees west from the downstream (westerly) side of the mouth of Gill Creek to and including the crests of the American and Horseshoe Falls, Niagara Falls, New York. The upstream limiting line of the area if projected to the Canadian shore of Niagara River will intersect the upstream end of the breakwater at the mouth of the Welland River.

(b) *The regulations.* (1) Navigation by all classes and types of vessels is prohibited in the area except that owners of floating plant engaged in survey and construction may enter the restricted water area provided they apply for and obtain the express consent of the District Engineer, U.S. Army Engineer District, Buffalo, Buffalo 7, N.Y., in writing, prior to entering the restricted water area.

(2) The Commander, Ninth Coast Guard District, as the duly authorized representative of the District Engineer, will enforce the regulations and in an emergency, will have authority to take such steps as may be considered immediately necessary without waiting for specific instructions.

[Regs., March 28, 1962, 285/112 (Niagara River, N.Y.)—ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 62–3722; Filed, Apr. 17, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATION AREAS

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

PART 5—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES

Non-Discrimination in Areas Within the National Park System

On Page 1771 of the FEDERAL REGISTER of February 24, 1962, there was published a notice and text of proposed amendments to §§ 1.60, 2.28, 3.46, and 5.7 of Title 36, Code of Federal Regulations and of proposed new §§ 1.60a, 2.28a, 3.46a, and 5.7a, of Title 36, Code of Federal Regulations.

The purpose of these amendments is to conform the existing regulations to the policy of the Federal Government that persons using public property shall not maintain discriminatory employment practices with respect to race, color, creed, ancestry, or national origin in connection with such use; to prohibit discriminatory practices with respect to the furnishing of transportation services in such areas; and to provide notice to the public of these regulations.

Interested persons were given thirty days within which to submit written comments, suggestions or objections with respect to the proposed amendments. As the result of comments received within the thirty day period, which were carefully considered, the proposed regulations are hereby adopted with the following changes, and are set forth below.

1. In the first sentence of each section (§§ 1.60, 1.60a, 2.28, 2.28a, 3.46, 3.46a, 5.7, and 5.7a) delete the phrase "other public facility or accommodation" and substitute the following: "other facility or accommodation offered to or enjoyed by the general public."

2. In the notices at the end of each section delete the phrase "This is a privately operated facility in an area" and substitute the following: "This is a facility operated in an area."

3. In the notice at the end of each section add the following sentence: "Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington, D.C."

These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(Sec. 3, 39 Stat. 535; 16 U.S.C. 3)

1. Section 1.60 heading and text are amended to read as follows:

§ 1.60 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within an area administered by the National Park Service, and, while using such an area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

2. A new § 1.60a reading as follows is added to Part 36:

§ 1.60a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within an area administered by the National Park Service is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

or notices supplied him in accordance with section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

3. Section 2.28 heading and text are amended to read as follows:

§ 2.28 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within any of the areas, and, while using any such area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

or notices supplied him in accordance with Section 301 of Executive Order 10925, dated March 6, 1961, at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

4. A new § 2.28a reading as follows is added to Part 36:

§ 2.28a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any of the areas is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

or notices supplied him in accordance with Section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

5. Section 3.46 heading and text are amended to read as follows:

§ 3.46 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public in a park area and its employees, including, but not limited to, the District of Columbia Recreation Board and its personnel, the District of Columbia Armory Board and its personnel, and any subcontractor or sublessee, and, while using such an area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

6. A new § 3.46a reading as follows is added to Part 36:

§ 3.46a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public in a park area and its employees, as described in § 3.46 and any subcontractor or sublessee, in connection with the use of such an area, is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

or notices supplied him in accordance with Section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

7. Section 5.7 heading and text are amended to read as follows:

§ 5.7 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within any of the parks listed in § 5.1, and, while using such a park, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin, or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

8. A new § 5.7a reading as follows is added to Part 36:

§ 5.7a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any of the parks listed in § 5.1 is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington 25, D.C.

or notices supplied him in accordance with section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 11, 1962.

[F.R. Doc. 62-3736; Filed, Apr. 17, 1962; 8:47 a.m.]

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Dinosaur National Monument; Utah-Colorado; Boats

On pages 1905 and 1906 of the FEDERAL REGISTER of February 28, 1962, there was published a notice and text of a proposed amendment to § 7.63 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish reasonable regulations which will provide adequate control over water-borne craft and insure a maximum of safety in their use.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below.

Since the boating season in the Monument commences May 1, it is in the public interest that boating regulations be in effect immediately.

Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

EARL M. SEMINGSEN,
Superintendent,
Dinosaur National Monument.

Paragraph (a) is added to § 7.63 of Part 7 to read as follows:

§ 7.63 Dinosaur National Monument.

(a) *Boats*—(1) *Permit.* No privately owned boat, canoe, raft, or other waterborne or floating craft shall be placed or operated upon the waters of Dinosaur National Monument without a permit from the Superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of this permit.

[F.R. Doc. 62-3737; Filed, Apr. 17, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2656]

[Wyoming 0189350]

WYOMING

Withdrawing Lands for Use of Department of Navy; Revoking Certain Departmental Orders

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Navy as an administrative site in connection with the administration of Naval Petroleum Reserve No. 3:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 79 W.,
Sec. 24, beginning at the southeast corner of said section, thence West, 600 feet; North, 175 feet; West, 1,247 feet; South, 175 feet; East, 1,247 feet to the point of beginning.

Containing approximately 5 acres.

2. The Departmental orders of June 5, 1922, and August 29, 1923, reserving the lands for use of the Bureau of Mines are hereby revoked.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 12, 1962.

[F.R. Doc. 62-3735; Filed, Apr. 17, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14486; FCC 62-372]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Authorization Practices; Radionavigation Service

In the matter of amendment of Part 2 of the Commission's rules and regulations to delineate authorization practices with respect to the Radionavigation Service in the bands 90–110 kc/s and 1800–2000 kc/s, Docket No. 14486.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned matter;

It appearing that no comments or reply comments concerning the notice of

proposed rule making have been filed within the time provided for such filing; and

It further appearing that no reason appears why the amendments should not be adopted as proposed and that the public interest would be served thereby;

It is ordered, That pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended, Part 2 of the Commission's rules is amended as set forth below, effective May 18, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Footnote US18 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US18 Navigation aids in the U.S. and possessions between 90 and 110 kc/s, 200 and 415 kc/s, and 1800 and 2000 kc/s, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

[F.R. Doc. 62-3772; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket; No. 14452; FCC 62-373]

PART 9—AVIATION SERVICES

Frequencies, Frequency Stability, Definitions; Report and Order

In the matter of amendment of Part 9 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding frequencies, frequency stability and definitions; petition filed by Sylvania Electric Products, Inc., New York, New York October 24, 1961, Docket No. 14452 (RM 288).

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on December 22, 1961. This notice which made provision for the filing of comments by January 19, 1962 was duly published in the FEDERAL REGISTER on December 28, 1961 (26 F.R. 12627). In response to a request from the Aircraft Owners and Pilots Association (AOPA), the Commission issued an Order extending the time for filing comments to February 8, 1962 and the time for filing reply comments to February 19, 1962. This Order was published in the FEDERAL REGISTER of January 18, 1962 (27 F.R. 537).

2. Comments in this proceeding were filed by Aeronautical Radio, Inc. (ARINC), Aircraft Owners and Pilots Association (AOPA), Air Transport Association of America (ATA), Cessna Aircraft Co., Collins Radio Company, Piper Aircraft Corporation, Radio Corporation of America, Sylvania Electric Products, Inc., and Wilcox Electric Co. In addition to the formal comments filed in this proceeding, the Commission received approximately 150 letters from various aviation interests including aircraft manufacturers, pilots and owners.

3. ARINC, ATA, Collins Radio Co. and Wilcox Electric Co. objected to the proposed § 9.312(p) which would allocate the band 4200–4400 Mc/s exclusively for radio altimeters. The basic objection is that the restriction placed on this band is not in accordance with the Geneva Radio Regulations, specifically, Footnote 341 which allocates the band "for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities." Further, that there is no technical basis for restricting this band for airborne radio altimeters exclusively. In addition, it is asserted that the implied discontinuance of radio altimeters will discourage development of equipment and potential customer interest because of the insecurity of the investment.

4. Sylvania Electric Products, Inc., on the other hand, supports § 9.312(p) as proposed and urges prompt adoption and thereby make possible the operation of radio altimeters in this band. In this connection, Sylvania states that there are radio altimeters currently available to operate in this band which afford a reliability of terrain clearance indication which is unattainable with altimeters operating in the 420–460 Mc/s band. Other advantages cited by Sylvania in the use of 4200–4400 Mc/s are the availability of relatively light weight and small size antennae and power sources, and the high accuracies of altitude indication which can be obtained at these frequencies. Sylvania further states that due in part to the use of these frequencies, accuracies of ±2 ft. or 5 percent, whichever is greater, can be obtained presently with the Sylvania altimeter system.

5. Footnote No. 341 of the Radio Regulations is the direct result of the U.S. proposed "214–a note" to the Geneva Conference (1959), designed to establish a number of exclusive bands in the International Table to be "reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities."

6. At the time the above proposal was made, and as of today, radio altimeters employed by the Navy constitute the only U.S. operations in the band 4200–4400 Mc/s. The provisions of U.S. 47 (although under a different U.S. Footnote number) have been in effect for a number of years. Perpetuation of that provision was proposed in the notice of proposed rule making adopted on January 25, 1961 in Docket 13928. In view of the fact that no comments were filed in opposition to the proposal, it was adopted without change in the Commission's Second Memorandum Opinion and Order of October 18, 1961 in that proceeding, becoming effective on December 1, 1961.

7. Reference to the current Part 2 will show that No. 341 of the Radio Regulations applies nationally to the band 4200–4400 Mc/s, as does Footnote U.S. 47. The use of the band for radio altimeters is in no way inconsistent with the intent of No. 341 of the Radio Regulations and may very well lead to international standardization of the band for such usage. Despite the terms of Footnote U.S. 47, § 2.102(b)(2) of the rules provides for developmental programs contributing to the international standardization of other devices or systems within the aeronautical radionavigation service in conformity with the letter and spirit of No. 341 of the Radio Regulations.

8. In light of the above, the Commission feels that § 9.312(p) should remain as proposed.

9. The frequency tolerances set forth in § 9.180(a), as presently proposed, exclude radars above 2400 Mc/s. ARINC, ATA, Collins Radio Co., RCA, and Wilcox Electric Co. have expressed, in essence, the view that the frequency tolerances set forth in § 9.180(a) should not apply to any radars. The Commission agrees with this view and does not intend the tolerances in the table in § 9.180(a) to apply to radars. Accordingly, the phrase "above 2400 Mc/s" which follows "radar station" in § 9.180(a) and the phrase "operated on frequencies above 2400 Mc" which follows "Radar transmitters" in § 9.180(d) are deleted. The frequency tolerance which will apply to all radar transmitters may be found in the amended § 9.180(d). This tolerance requires that the frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

10. The table in § 9.180(a) proposed, among other things, that mobile stations, in this case aircraft stations, in the band 100 to 470 Mc/s be required to meet a 0.005 percent frequency tolerance. This proposal received strong objection from AOPA on the basis of the high replacement cost (estimated by AOPA to be in excess of 65 million dollars) and the lack of any operational or technical justification. ARINC and ATA opposed the 0.005 percent frequency tolerance for survival craft stations and stations employing the offset carrier technique. In addition to these comments, the Commission received approximately 150 letters from various aviation interests including aircraft manufacturers, pilots and owners. These letters were unanimous in their objection to 0.005 percent frequency tolerance for aircraft transmitters.

11. In view of the representations of AOPA, ARINC, ATA, and the numerous letters, the Commission finds it is appropriate to withhold the adoption of an amended frequency tolerance for aircraft stations in the band 100 to 470 Mc/s and continue the study of this subject in the form of a further notice of proposed rule making under this docket to be issued in the near future.

12. ARINC and ATA have submitted extensive comments concerning the station identification required by § 9.191. These comments suggest, among other things, that, survival craft stations using automatic signalling not be required to employ station identification when transmitting distress signals; there be

no separate treatment of telegraphy and telephony; No. 737 of the Radio Regulations (Geneva, 1959) be used in place of the proposed § 9.191(b)(1); and except for the last sentence, No. 738 be used in place of the proposed § 9.191(b)(2). The Commission feels that certain of the suggestions are an improvement of the station identification requirements as originally proposed. Accordingly, the requirements for station identification is modified to incorporate in essence the above-summarized comments of ARINC and ATA.

13. ARINC and ATA note that the band 2700–2900 Mc/s is not included in § 9.312. This was an oversight, it should be included in § 9.312 as well as § 9.511; therefore, the Appendix below will reflect the addition of this band in the above-named sections.

14. The Commission on April 12, 1962 adopted an Order in Docket No. 14486 which amended Part 2 of the Commission's rules to provide, under certain conditions, that frequencies in the band 90–110 kc/s and 1800–2000 kc/s are available for navigation aids in the United States and Possessions. Accordingly, § 9.511 is amended to include these frequencies.

15. Request for oral argument has been submitted by ARINC, ATA and Collins Radio Co. The requests do not set forth reasons for oral argument, and the Commission does not find that there exists sufficient reason to grant oral argument. Accordingly, the request is denied.

16. In view of the foregoing: *It is ordered*, That the requests for oral argument are denied, and pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended, that effective May 18, 1962, Part 9 of the Commission's rules is amended as set forth in the Appendix below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: April 12, 1962.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 9.3 [Amendment]

1. Section 9.3 is amended as follows:

a. The following definitions are deleted:

Aeronautical Marker Beacon Station;
Altimeter Station;
Radiolocation; and
Radiolocation Service.

b. The following definitions are added in alphabetical order:

Aeronautical telemetering land station. A telemetering land station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Aeronautical telemetering mobile station. A telemetering mobile station used in the flight testing of manned or unmanned aircraft, missiles, or major components thereof.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

Coast station. A land station in the maritime mobile service.

Earth-Space service. A radiocommunication service between earth stations and space stations.

Earth station. A station in the earth-space service located either on the earth's surface or on an object which is limited to flight between points on the earth's surface.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radio communication service operating in accordance with this chapter.

Instrument landing system. A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway.

Marker beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft.

Marker beacon station. An aeronautical radionavigation land station employing a marker beacon.

Meteorological aids service. A radiocommunication service used for meteorological, including hydrological, observations and explorations.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station. A radionavigation land station which employs a racon.

Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected, or re-transmitted, from the position to be determined.

Radio altimeter. A radionavigation equipment, on board an aircraft, which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground. (For the purpose of this definition, "ground" refers to the surface of the earth.)

Radio astronomy. Astronomy based on the reception of radio waves of cosmic origin.

Radio astronomy service. A service involving the use of radio astronomy.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiodetermination service. A service involving the use of radiodetermination.

Radiodetermination station. A station in the radiodetermination service.

Radio direction-finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

Radio direction-finding station. A radiodetermination station using radio direction-finding.

Radionavigation land station. A station in the radionavigation service not intended to be used while in motion.

Radionavigation mobile station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data.

Radiosonde station. A station in the meteorological aids service employing a radiosonde.

Tropospheric scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere.

Space service. A radiocommunication service between space stations.

Space station. A station in the earth-space service or the space service located on an object which is beyond, or intended to go beyond, the major portion of the earth's atmosphere and which is not intended for flight between points on the earth's surface.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life raft or other survival equipment.

Telemetering fixed station. A fixed station, the emissions of which are used for telemetering.

Telemetering land station. A land station, the emissions of which are used for telemetering.

Telemetering mobile station. A mobile station, the emissions of which are used for telemetering.

c. The following definitions are amended to read:

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may also participate.

Aeronautical station. A land station in the aeronautical mobile service. In

certain instances an aeronautical station may be placed on board a ship.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft.

Land station. A station in the mobile service not intended to be used while in motion.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation service. A radiodetermination service involving the use of radionavigation.

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

2. Section 9.180 (a), (b), and (d) is amended to read as follows:

§ 9.180 Frequency stability.

(a) Except for microwave stations for which the frequency stability is specified in § 9.190, radar stations, and stations transmitting single sideband emissions, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:

Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances applicable until Jan. 1, 1966, to transmitters in use and to those to be installed before Jan. 1, 1964	Tolerances applicable to new transmitters installed after Jan. 1, 1964, and to all transmitters after Jan. 1, 1966 [1]
(1) Band—10 to 535 kc/s:		
Land stations	0.01	0.01
Mobile stations	.02	.02
(2) Band—1605 to 4000 kc/s:		
Fixed stations:		
Power 200 w or less	.01	.01
Power above 200 w	.005	.005
Land stations:		
Power 200 w or less	.01	.01
Power above 200 w	.005	.005
Mobile stations	.01	.01
(3) Band—4 to 29.7 mc/s:		
Fixed stations:		
Power 500 w or less	.01	.005
Power above 500 w	.003	.0015
Land stations:		
Power 500 w or less	.01	.01
Power above 500 w	.005	.005
Mobile stations	.01	.01
(4) Band—29.7 to 100 Mc/s:		
Fixed stations:		
Power 200 w or less	.01	*.005
Power above 200 w	.01	.003
Land stations:		
Power 15 w or less	.01	.005
Power above 15 w	.01	.002
Mobile stations:		
Power 5 w or less	.01	.01
Power above 5 w	.01	.005
(5) Band—100 to 470 Mc/s:		
Fixed stations:		
Power 50 w or less	.01	*.005
Power above 50 w	.01	*.002
Land stations	.01	(2)
Mobile stations:		
Land mobile stations with power above 5 w	.01	.002
All other mobile stations	.01	(2)
(6) All stations on frequencies above 470 Mc/s	.01	.01

[1] Jan. 1, 1970, in the case of all tolerances marked with an asterisk.

[2] To be determined in a Further Proceeding in Docket 14402.

(b) The power set forth in paragraph (a) of this section is mean power, which is defined as the power supplied to the antenna transmission line by a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of 1/10 second during which the mean power is greatest will be selected normally.

• • • • • •

(d) Radar transmitters shall meet the following requirements in lieu of a frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MC/s to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

3. Section 9.182 is amended to read as follows:

§ 9.182 Bandwidth of emission.

(a) Occupied bandwith is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

(b) The authorized bandwidth is the maximum occupied bandwidth authorized to be used by a station.

§ 9.190 [Amendment]

4. The Table in § 9.190 is amended as follows:

a. In the first column, "2500–2700" and "10,550–10,700 *" are changed to "2500–2690 *" and "10,550–10,680 *"

b. New footnote 8 is added, to read:

* Existing stations holding a valid authorization to operate in the band 2690–2700 Mc/s as of December 1, 1961, may continue to so operate and shall not be required to afford protection to the radio astronomy service in this band.

5. Section 9.191 is amended to read as follows:

§ 9.191 Station identification.

(a) Transmissions without station identification, except as provided for in paragraphs (e) (4) and (f) of this section, or transmissions with false identification are prohibited.

(b) Except for specific provisions contained in paragraphs (e) and (f) of this section, a station shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration, flight identification number, characteristic signal, characteristic of emission, or other clearly distinguishing features readily recognized.

(c) Except as provided in paragraph (d) of this section and after communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the exchange of communication.

(d) In order that stations may be readily identified, each station shall transmit its identification as frequently as practicable during the course of transmissions, including those made for tests, adjustments or experiments. However, identification shall be transmitted at least hourly, preferably within the period from ten minutes before to ten minutes after the hour, unless to do so would cause unreasonable interruption of traffic.

(e) Stations of the classes specified shall employ the following identification:

(1) Aircraft stations shall use one or more of the following: radio station call letters; official aircraft registration number; or company flight identification provided adequate records are maintained to permit ready identification of individual aircraft.

NOTE: When use is made of the aircraft registration number, the full number must be given upon the initial call of each continuous series of communications. In other communications in each series, the aircraft station may use an abbreviated identification consisting of the name of the owner of the aircraft (company or individual) followed by the last two characters of the aircraft registration, or the type of aircraft followed by the last two characters of the aircraft registration if the practice, in either case, is initiated by the ground station operator.

(2) An aeronautical public service aircraft station may use the identification of the aircraft station with which it is associated, or an assigned telephone number or automatic signal provided that adequate records are maintained to permit ready identification of the aircraft station.

(3) A land station in the aviation services may use radio station call letters, its location, or the name of the city, area, or airdrome which it serves, together with such additional identification as may be required.

(4) Survival Craft Stations: When transmitting distress signals automatically, the requirements of identification need not apply. When transmitting distress or emergency signals manually, identification shall be accomplished, so far as practicable, by transmitting an appropriate reference associating the survival craft station with its parent aircraft. One or more of the following may be used: the radio station call sign, air carrier parent aircraft flight number or identification, aircraft registration, aircraft manufacturer, aircraft owner, or any other pertinent factor which might reasonably be expected to provide some means of identification. Transmissions other than distress or emergency signals, i.e., for equipment testing or adjustment, shall be identified by the call sign or by the official aircraft registration number of the parent aircraft followed by a single digit other than 0 or 1.

(f) Radio systems, where the transmission of specific identification is considered to be impracticable, are exempted from the provisions of this subpart; e.g., airborne weather radar, radio altimeter, air traffic control transponder, distance measuring equipment, collision avoidance equipment, racon, radiosonde, and radio relay.

6. Section 9.312 is amended to read, in part, as follows:

§ 9.312 Frequencies available.

• • • • • •

(a) 410 kilocycles: International direction-finding frequency for use outside the continental United States.

• • • • • •

(m) 960–1215 Mc/s: The band 960–1215 Mc/s is for the use of airborne electronic aids to air navigation and directly associated ground-based facilities.

(n) 1300–1350 Mc/s: The use of the band 1300–1350 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars, and, in the future, to associated airborne transponders which are actuated by radars operating in this same band.

(o) 1535–1660 Mc/s: The band 1535–1660 Mc/s is for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(p) 2700–2900 Mc/s: The use of the band 2700–2900 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which are actuated by radars operating in this same band. Operation in this band may be subject to receiving some degree of interference from stations operating in the radiolocation service.

(q) 4200–4400 Mc/s: The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

(r) 5000–5250 Mc/s: The band 5000–5250 Mc/s for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(s) 5350–5470 Mc/s: The use of the band 5350–5470 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(t) 8750–8850 Mc/s: The band 8750–8850 Mc/s is available for use by airborne doppler radars in the aeronautical radionavigation service only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 Mc/s.

(u) 9000–9200 Mc/s: The use of the band 9000–9200 Mc/s by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated airborne transponders which are actuated by radars operating in this same band. Operation in this band may be subject to receiving some degree of interference from stations operating in the radiolocation service.

(v) 9300–9500 Mc/s: The use of the band 9300–9500 Mc/s by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(w) 9750–9850 Mc/s: The band 9750–9850 Mc/s is available for temporary use by airborne doppler radars until moved to a frequency band allocated to the aeronautical radionavigation service. Any interference to airborne doppler radars from the radiolocation service must be accepted.

(x) 13,250–13,400 Mc/s: The band 13,250–13,400 Mc/s is available for airborne doppler radar use.

(y) 14,000–14,400, 24,250–25,250, 31,800–33,400 Mc/s: These frequency bands are available for airborne radio-navigation devices.

(z) 15,400–15,700 Mc/s: The band 15,400–15,700 Mc/s is for the use of airborne electronic aids to air navigation and any directly associated ground-based facilities.

7. Section 9.411(b) is amended to read as follows:

§ 9.411 Frequencies available.

• • • • • •

(b) 200–285, 325–405 kilocycles: Frequencies in these bands are available for assignment in addition to a very high frequency. Use must be supplemented by a service on one of the very high frequencies: *Provided, however,* That until further notice of the Commission, upon application therefor, the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station.

8. Section 9.447 is amended in part to read as follows:

§ 9.447 Frequencies available.

• • • • • •

(a) The frequencies listed in this paragraph may be assigned under the conditions set forth in subparagraphs (1) through (6) of this paragraph. (Stations authorized to operate in the band 73–74.6 Mc/s as of December 1, 1961 may continue to operate in this band and are not required to afford protection to the radio astronomy service.)

Mc	*Mc*	*Mc*	*Mc*
72.02	72.42	72.82	75.62
72.06	72.46	72.86	75.66
72.10	72.50	72.90	75.70
72.14	72.54	72.94	75.74
72.18	72.58	72.98	75.78
72.22	72.62	75.42	75.82
72.26	72.66	75.46	75.86
72.30	72.70	75.50	75.90
72.34	72.74	75.54	75.94
72.38	72.78	75.58	75.98

• • • • • •

(e) Band 2500–2690 Mc/s.

9. Section 9.511 is amended in part to read as follows:

§ 9.511 Frequencies available.

• • • • • •

(e) 90–110 kilocycles.

(f) Radiobeacon stations: 200–415 kilocycles.

(g) 1800–2000 kilocycles.

(h)(1) 960–1215 Mc/s: The band 960–1215 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(2) 1300–1350 Mc/s: The band 1300–1350 Mc/s is available to the aeronautical radionavigation service for ground-based radars.

(3) 1535–1660 Mc/s: The band 1535–1660 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(4) 2700–2900 Mc/s: Non-Government land-based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of the need for the service which the Government is not yet prepared to render.

(5) 5000–5250 Mc/s: The band 5000–5250 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(6) 9000–9200 Mc/s: The band 9000–9200 Mc/s is available to the aeronautical radionavigation service for ground-based radars. Operation in this band may be subject to receiving some degree of interference from stations operating in the radiolocation service.

(7) 14,000–14,400 Mc/s: The band 14,000–14,400 Mc/s is available for use in the aeronautical radionavigation service.

(8) 15,400–15,700 Mc/s: The band 15,400–15,700 Mc/s is for the use of ground-based facilities which are directly associated with airborne electronic aids to air navigation.

(9) 24,250–25,250, 31,800–33,400 Mc/s: In these bands, ground-based radionavigation aids are permitted where they operate in cooperation with airborne radionavigation devices.

10. Section 9.611(c) is amended to read as follows:

§ 9.611 Frequencies available.

• • • • • •

(c) 1435–1535 Mc/s: The frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles, or major components thereof. Specifically included as permissible usage for aeronautical telemetering stations in the band 1435–1535 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

[F.R. Doc. 62-3771; Filed, Apr. 17, 1962; 8:50 a.m.]

cultural Marketing Agreement Act of

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. A0-290-A1]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Decision With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 18, 1962, after notice thereof published in the FEDERAL REGISTER (26 F.R. 12782) on proposed amendments to the marketing agreement and to Order No. 922 (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, United States Department of Agriculture, March 15, 1962. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62–2695; 27 F.R. 2643) on March 21, 1962.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62–2695; 27 F.R. 2643) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Ruling on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by Max C. Kinne, and by Wm. S. Webber, Jr., each a grower of apricots in Franklin County, Washington. Each exception was carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein.

Each exception protested the recommended provision for expanding the production area to include Franklin County, Washington. One exception simply stated that he was against farm control and therefore did not want the aforesaid county within the production area. This exception is not based upon evidence in the record, and is, therefore, denied. The other exception contended that the inclusion of Franklin County, Washington, within the production area, would put the small grower out of business. This exception is speculative and is not based upon fact. Therefore, it is denied. It also took exception to the inspection requirement contending that it is almost impossible to obtain and protesting the Inspection Service interpretation of maturity.

The recommended decision cited the present production in the area proposed to be annexed, and specifically mentioned Franklin County. Presently, there are plantings in Franklin County, and, in addition, there are areas within that county which are potential producing areas. With respect to the inspection requirement, the proposed amendment contains provisions which will materially assist handlers whose locations are not readily accessible to inspection points to obtain the required inspection at locations en route or at the market place. The exception regarding the Inspection Service interpretation is speculative. Therefore, it is denied.

To the extent that the findings and conclusions contained herein are at variance with any exception pertaining thereto, such exception is denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exception refers.

Amendments to the marketing agreement and amendments to the marketing order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Apricots Grown in Designated Counties in Washington" and "Order Amending the Order Regulating the Handling of Apricots Grown in Designated Counties in Washington" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1961, through March 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Ferry, Stevens, Pend Oreille, Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin in the State of Washington, in the production of apricots for market to ascertain whether such producers favor the issuance of an order amending the order regulating the handling of apricots grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 SW. Washington Street, Portland 5, Oreg., are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35). The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendment.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Apricots Grown in Designated Counties in Washington

§ 922.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 18, 1962, upon proposed amendments to the marketing agreement and Order No. 922 (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of apricots grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of the apricots covered thereby; and

(5) All handling of apricots grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of apricots grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended as follows:

1. Section 922.4 *Production area* is revised to read as follows:

§ 922.4 Production area.

"Production area" means the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

2. Section 922.13 *Handle* is revised to read as follows:

§ 922.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport apricots within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market.

§ 922.14 [Amendment]

3. Paragraph (a) of § 922.14 *District* is revised to read as follows:

(a) "District 1" shall include all counties within the production area not included in District 2.

§ 922.52 [Amendment]

4. Subparagraph (3) of paragraph (a) of § 922.52 *Issuance of regulations* is amended as follows:

(3) The word "markings" is inserted immediately following the word "dimensions."

§ 922.55 [Amendment]

5. Section 922.55 *Inspection and certification* is amended by adding the following at the end thereof: "The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided,* That all such shipments shall comply with all regulations in effect."

[F.R. Doc. 62–3748; Filed, Apr. 17, 1962; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1044, 1045]

[Docket Nos. AO–299–A2 and AO–334–A3]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Marinette, Wisconsin, November 7–9, 1961, pursuant to notice thereof issued October 18, 1961 (26 F.R. 9947).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on February 7, 1962 (27 F.R. 1280; F.R. Doc. 62–1408) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 1280; F.R. Doc. 62–1408) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. The first paragraph of issue 1 is revised.

2. A new paragraph is added immediately preceding the twenty-first paragraph of issue 1.

3. The twenty-fourth paragraph of issue 1 is deleted.

The material issues on the record of the hearing relate to:

1. Pricing of Class I milk;
2. Classification and pricing of milk used for manufacturing purposes;
3. Classification of fluid milk products fortified with nonfat milk solids;
4. Inclusion of the city of Carney, Mich., in Zone 1(a);
5. Allocation of receipts of packaged fluid milk products;
6. Elimination of base-excess plan;
7. Classification of cream transferred to a second nonpool plant;
8. Reclassification of inventory;
9. Definition of pool plant;
10. Weight factors for certain fluid milk products; and
11. Miscellaneous changes.

Issues 1, 2, and 3 relate to both the Michigan Upper Peninsula and Northeastern Wisconsin orders; issue 4 relates only to the Michigan Upper Peninsula order; and issues 5 through 11 relate only to the Northeastern Wisconsin order.

Several proposed amendments contained in the notice of hearing were not supported by proponents and no testimony on those proposals was offered by any other interested parties. Accordingly, they will not receive further consideration.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I pricing.* The Class I differentials of the Northeastern Wisconsin order should not be changed but the Class I price of that order should be adjusted each month by a supply-demand factor based on relationship of combined producer receipts and Class I sales at pool plants regulated by the Northeastern Wisconsin and Michigan Upper Peninsula orders. Michigan Upper Peninsula Class I prices should be fixed in the same relationship to Northeastern Wisconsin Class I prices in all months of the year.

The basic formula would be the average price per hundredweight paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota. Official notice is taken of the amendment to this order issued February 27, 1962, providing for such basic formula.

The Michigan Upper Peninsula and Northeastern Wisconsin orders provide Class I differentials which vary inversely with the seasonality of milk production. The annual average of Northeastern Wisconsin differentials at most pool plants is 74 cents, and is 84 cents at the remaining plants which are located in the northern part of the marketing area. The annual average of Michigan Upper Peninsula differentials applicable to plants in Zone 1(a) is 87 cents. The Class I differentials each month at plants in Zones 1 and 2 of the Upper Peninsula order are 10 and 30 cents higher, respectively, than the differential applicable at plants located in Zone 1(a). The difference between the Class I differentials at plants in the lower price area of Northeastern Wisconsin and that paid at plants in Zone 2 of the Upper Peninsula order is 41 cents in all months

of the year except July when it is 61 cents. The basic formulas of the two orders are the same.

The primary market of plants regulated by the Northeastern Wisconsin order is the marketing area of that order. However, a significant volume of milk disposed of from such plants is distributed in the Upper Peninsula marketing area. In turn, plants regulated by other Federal orders, particularly those regulated by the Milwaukee order, distribute milk in the Northeastern Wisconsin marketing area.

Several proposed amendments relating to Class I price levels in the Michigan Upper Peninsula and Northeastern Wisconsin orders were considered at the hearing. In general, the testimony relating to these proposals may be summarized as follows:

Bargaining-type cooperative associations representing Northeastern Wisconsin producers proposed an increase in that order's Class I price level citing increased costs associated with milk production.

Operating type cooperative associations on the Northeastern market cautioned that any contemplated increase in Class I price must give consideration to the competition for sales in the Northeastern Wisconsin marketing area by plants regulated by other orders.

Proprietary plant handlers were also concerned with the effect any increase in the Class I price level would have on the competition for sales with plants regulated by other Federal orders.

A cooperative association representing the majority of producers on the Upper Peninsula market proposed that that order's Class I price be increased. It cited increased production costs and the relatively short production season in the Upper Peninsula. Individual producers not members of this association also proposed a Class I price increase.

Michigan Upper Peninsula handlers testified that the spread between the Northeastern Wisconsin prices and those in the Upper Peninsula was too high. However, while they desired a decrease in the spread, they testified that the Northeastern Wisconsin Class I price level should be increased rather than the Upper Peninsula level decreased.

The present Class I differentials have been effective since the promulgation of the two orders on December 1, 1958, except for the modification occasioned by the amendment providing for Zone 1(a) in the Upper Peninsula order on July 1, 1960. Each of the markets has been adequately supplied with milk since the inception of the orders. During the first 9 months of 1959, 1960, and 1961 producer receipts averaged 133, 135, and 142 percent, respectively, of Class I sales by Northeastern Wisconsin handlers; and in the Upper Peninsula market producer receipts averaged 157, 156 and 138 percent, respectively, of Class I sales.

The milkshed of the Northeastern Wisconsin market lies almost entirely within the largest milk production State in the Union. In this milkshed the farms of Northeastern Wisconsin producers are interspersed with the farms of producers who deliver to plants regulated by the Chicago order and farms engaged in the production of ungraded milk to be used only for manufacturing purposes. The immediate increase in the uniform price occasioned by a Class I price increase would encourage these dairy farmers to shift to Northeastern Wisconsin pool plants. The response to a price increase would be facilitated in this market because several Northeastern Wisconsin handlers maintain other plant facilities, some of which are pool plants under the terms of the Chicago order and some of which receive ungraded milk for manufacturing. Any Class I price increase in the Northeastern Wisconsin order would encourage additional supplies of milk for the market thereby reducing uniform prices.

The Agricultural Marketing Agreement Act of 1937 under which authority Federal milk orders are promulgated and administered requires that order prices be set at levels which reflect milk supply and demand conditions. In accordance with this standard, Class I prices in the nearby Federally regulated markets of Chicago and Milwaukee are subject to supply-demand adjustment factors which increase Class I prices when milk supply is relatively short and decrease such prices when it is relatively long. A supply-demand adjustment factor was not included originally in the Northeastern Wisconsin and Michigan Upper Peninsula Class I price provisions. This provision was omitted at that time to permit the accumulation of milk supply-demand data in the two markets on which to construct such a provision. Adequate data are now available and Class I prices in the orders should be subject to a supply-demand adjustment factor.

Alignment of Class I prices between the Northeastern Wisconsin and Michigan Upper Peninsula orders is necessary because significant volumes of Class I milk are disposed of in the Upper Peninsula market from plants regulated by the Northeastern Wisconsin order. For example, in September 1961, when the overall Class I utilization of Upper Peninsula handlers was 7.6 million pounds, Class I distribution in the Upper Peninsula marketing area from plants not subject to that order was about 1.5 million pounds. This distribution was principally from plants regulated by the Northeastern Wisconsin order. Should the Class I prices in the Upper Peninsula market exceed the prices in Northeastern Wisconsin plus the cost of moving milk to the Upper Peninsula, the Upper Peninsula handlers would be placed at a disadvantage in Class I sales with Northeastern Wisconsin handlers. Under this condition the Upper Peninsula producers could lose Class I sales and this would lower uniform prices.

In order to maintain necessary price alignment, the Class I prices of both orders should be adjusted by a common supply-demand adjustor. Such an adjustor should be based on the relationship of combined producer receipts to combined Class I sales in the two markets.

Since the two orders became effective there has been an increase of combined producer receipts in relation to combined Class I sales. During the first 9 months of 1961, total producer receipts were 141 percent of total Class I sales, and for the comparable periods in 1960 and 1959 they were 140 and 139 percent, respectively. A supply-demand adjustment factor would act to decrease the Class I price should production continue to increase over fluid needs. On the other hand, should production decrease or sales increase, the supply-demand adjustment would tend to increase the Class I price and insure adequate supplies.

The Class I prices each month would be adjusted depending on the relationship of current supply-demand conditions to a norm or "standard utilization range." The standard utilization range would vary seasonally in recognition of the seasonality of milk production and Class I sales. The annual average standard utilization range would be 134–139 percent. Producer receipts and Class I sales for the second and third preceding months would be combined in computing the "current utilization percentage." In order to avoid erratic price movements, a 4-cent limit should be placed on the amount by which the supply-demand price adjustment for a particular month can exceed or be less than the adjustment computed for the preceding month. Since no supply-demand provision is now provided in the order, the 4-cent limit on the monthly change in the supply-demand adjustment should be from that for the second preceding month for the first year of its applicability. This will provide an orderly transition in the market to the operation of the supply-demand provision.

The first adjustment under the revised order would be limited to 4 cents, plus or minus. No adjustment would be made whenever the current utilization percentage falls within the range for the month.

The table of standard utilization percentages should be as follows:

Pricing month	2 months used	Receipts as percentage of sales	
		Minimum	Maximum
January	October-November	123	128
February	November-December	128	133
March	December-January	130	135
April	January-February	133	138
May	February-March	135	140
June	March-April	140	145
July	April-May	145	150
August	May-June	150	155
September	June-July	145	150
October	July-August	130	135
November	August-September	123	128
December	September-October	123	128

The Class I price would be increased or decreased 2 cents for each percent the current utilization is below or above, respectively, the minimum and maximum of the standard utilization range. The increase or decrease in the Class I price would be limited to a maximum of 24 cents. This limit is provided for supply-demand adjustments under the Chicago and Milwaukee orders.

If the supply-demand adjustment had been effective during 1961, Class I prices would have been decreased an average of one-half of a cent per month. They would have been increased 2 and 4 cents, respectively in January and February; decreased 2, 2, 4, and 4 cents, respectively, in March, July, August, and December; and unchanged in April, May, June, September, October, and November.

An exceptor stated that because "producer receipts as reported in Exhibits 6 and 7 were 138.5 and 138.6 percent of Class I sales during the first two full years of order operation", they were at the upper limit of the average standard utilization range of 134–139 percent. However, the norm, or annual average standard utilization range, is based on the relationship of producer receipts to gross Class I utilization at pool plants rather than to producer receipts classified in Class I milk. The relationship of producer receipts to gross Class I sales at pool plants during the first two full years of order operation were 135.1 and 135.8 percent, which are near the lower, and not the upper, limit of the annual average standard utilization range.

A 20-cent higher Class I differential in the Upper Peninsula area for the month of July previously was provided to attract milk to the Peninsula market to cover increases in Class I sales in July in this vacation area. However, the demand for Class I milk in relation to producer receipts in the Upper Peninsula in July has not been so high as to warrant continuance of the high Class I differential.

The Class I differential applicable in the month of July in each zone of the Upper Peninsula order should be reduced 20 cents. With this change, the difference between Class I prices in the Upper Peninsula and the Northeastern Wisconsin order will be constant in each month of the year.

There should be no further decrease in the spread between Northeastern Wisconsin and Michigan Upper Peninsula Class I differentials. Upper Peninsula handlers testified that the difference between the Class I prices of the two orders in the other 11 months of the year is more than the cost of moving milk into the Upper Peninsula from Northeastern Wisconsin, thereby placing them at a competitive disadvantage in Class I sales. Data presented relating to actual costs of moving milk were conflicting and inadequate. However, the data relating to Class I sales by local handlers were reviewed. The overall Class I utilization at Upper Peninsula pool plants has increased at a faster rate than has distribution in the Upper Peninsula marketing area from other plants. In January through September 1961, the Class I utilization at Upper Peninsula pool plants was 68.5 million pounds compared to 67.0 million pounds in the same 9 months of 1960, a 2.3-percent increase. Class I distribution in the Upper Peninsula marketing area in January through September 1961 from plants not regulated by the order of 14.4 million pounds was unchanged from that for the same period a year earlier. This distribution was principally from plants regulated by the Northeastern Wisconsin order.

The Northeastern Wisconsin order should not provide a 12-month moving average basic formula. The use of such a basic formula was supported on the basis that, in conjunction with a level Class I differential, monthly fluctuations in the Class I price would be eliminated. It is not the aim of the basic formula to provide level pricing. Rather it is used as a measure of changes in the value of milk used for manufacturing purposes. Elimination of fluctuations in the basic formula would not reflect adequately the relationship between the value of milk for manufacturing and that disposed of for fluid consumption.

Seasonal variation in Class I differentials should be maintained. Testimony on a proposal to provide level differentials emphasized the adverse effect seasonal pricing might have on the demand for fluid milk. Seasonal Class I pricing has the desirable effect of encouraging more even seasonal production. Moreover, since plants regulated by nearby Federal orders which do not provide level differentials compete with plants regulated by the subject orders for Class I sales and in the procurement of milk, it would not be in the interest of orderly marketing of available supplies to provide level differentials at this time.

2. *Classification and pricing of milk used for manufacturing purposes.* The utilization of milk now designated as Class II and Class III under each of the orders should be included in one class (designated Class II) and priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the U.S. Department of Agriculture.

The Upper Peninsula and Northeastern Wisconsin orders each classify as Class III all skim milk and butterfat used to produce butter, nonfat dry milk and cheese (except cottage cheese); in skim milk disposed of for animal feed or dumped, and in allowable shrinkage. Class II includes skim milk and butterfat used to produce those manufactured milk products not in Class III and that contained in inventories of fluid milk products on hand at the end of the month.

The Class III price in each order is related to the market prices of butter and nonfat dry milk but the Class III price under the Northeastern Wisconsin order is fixed at a higher level than that of the Upper Peninsula order. The Class II price in each order is the same, namely, the higher of the average price paid at selected Midwest condenseries or a price based on the prices of butter and nonfat dry milk.

Cooperative associations representing the majority of producers on both markets proposed that skim milk and butterfat used to produce all manufactured milk products be placed in one class and that the price for skim milk and butterfat so classified be the average price paid for manufacturing grade milk received at plants in Minnesota and Wisconsin. Three operating cooperative associations and proprietary operators of plants pooled under the Northeastern Wisconsin order opposed the use of such Minnesota-Wisconsin price for this purpose.

Fluid milk markets must have a supply of milk which includes some reserve over fluid sales to accommodate daily and seasonal variations in the demand for fluid milk. The price for such reserve milk should be established at levels low enough to allow for its orderly disposition for manufacturing but should not be so low as to encourage excessive supplies of milk to be used only for manufacturing. The Class III price levels and, at times, the Class II price levels of the Northeastern Wisconsin and Upper Peninsula orders have been lower than prices paid for ungraded milk in the supply areas. Under these circumstances, supplies of Grade A milk in excess of Class I sales and a reasonable reserve are encouraged because milk costs to dairy product manufacturers may be reduced by using surplus Grade A rather than manufacturing grade milk.

Operators of several plants regulated by each of the orders purchase manufacturing grade milk as well as Grade A milk; and several handlers operating plants regulated by the Northeastern order also operate plants regulated pursuant to the Chicago order. The average price paid by one handler whose plant is regulated by the Northeastern Wisconsin order for ungraded milk containing 3.5 percent butterfat received during January through September 1961 was $3.25. One cooperative association proposing the use of the Minnesota-Wisconsin price represents 9,000 dairy farmers who deliver ungraded milk to manufacturing plants located in Wisconsin. Prices paid for this milk at one hundred of these manufacturing plants, none of which are operated by cooperative associations, averaged $3.23 for the January–September period of 1961. Such average prices do not include premiums paid or hauling subsidies. The average Minnesota-Wisconsin price for this period, adjusted to a 3.5 percent butterfat differential by the Chicago butterfat differential, was $3.24. Northeastern Wisconsin Class II and Class III prices during this period averaged $3.21 and $3.10, respectively, and in the Upper Peninsula order they averaged $3.21 and $2.95.

The price of reserve or excess supplies of milk received at Northeastern Wisconsin and Upper Peninsula plants should be based on the competitive value of ungraded milk used in various manufactured products rather than on prices paid at a very limited number of condensing plants or on a formula which reflects fixed yield factors and processing costs associated with only two manufactured milk products, namely, butter and nonfat dry milk. The utilization of the excess milk received at order pool plants is not limited to the manufacture of condensed milk, butter or nonfat dry milk. Excess milk also is used to produce ice cream, cottage cheese and many other types of cheeses. The Minnesota-Wisconsin price measures the competitive value of ungraded milk used in a wide variety of milk products and, there-

fore, better reflects the full value of milk used for manufacturing purposes than do the present formulas.

In a highly competitive milk procurement area, individual manufacturing plants tend to pay prices for milk which approximate pay prices of the most efficient plants in the area. As shifts occur in the relationship between returns of the various manufactured dairy products, processors engaged in manufacturing the most remunerative products will be able to pay the highest prices for milk. Processors of other less remunerative products must meet these prices or lose their supplies of milk.

The milkshed of the Northeastern Wisconsin order is a highly competitive milk procurement area. It lies almost enterely within the State of Wisconsin in which the largest quantities of manufacturing grade milk in the United States are produced. Large quantities of manufacturing grade milk are produced in Minnesota also. The Minnesota-Wisconsin price is computed from pay prices for manufacturing grade milk purchased in competition in these two States. It would measure appropriately the value of Northeastern Wisconsin surplus Grade A milk which must compete with manufacturing grade milk for a market.

The milkshed of the Michigan Upper Peninsula order is not within such a highly competitive ungraded milk procurement area. There are, however, large numbers of producers of ungraded milk on the Upper Peninsula. The products made from this ungraded milk compete for markets with those manufactured in Wisconsin and, therefore, the value of Upper Peninsula ungraded and surplus Grade A milk is not dissimilar from that of Wisconsin milk.

The separate classification and pricing of milk used in various manufactured products under the two orders has tended to favor the processors of some products in recent years. This is the unavoidable result of classifying and pricing milk for manufacturing purposes into separate classes according to products.

Further, the greater the disparity between individual class prices and the competitive level of manufacturing grade milk for the same uses, the more incentive there is to shift surplus Grade A milk into the lowest priced class because of the wider operating margin allowed. As a result, producers' incomes are adversely affected.

Information on prices paid at manufacturing plants in Wisconsin and Minnesota is assembled by the Statistical Reporting Service, United States Department of Agriculture. Plant operators report total pounds of manufacturing grade milk received from farmers, total butterfat content and total dollars paid for such milk, f.o.b. plant. These prices are available on a monthly basis and are announced on or before the 5th day of the following month.

The average of prices paid farmers in the various States for manufacturing grade milk as reported by the Statistical Reporting Service is at the average butterfat test of such milk. Since Orders 44 and 45 (formerly Orders 111 and 116) announce prices on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the average quotation for the month of Grade A (92-score) butter at Chicago times 0.12. This method is appropriate for the Northeastern Wisconsin and Michigan Upper Peninsula orders and should likewise be used for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent butterfat basis.

The butterfat differential currently applicable for adjusting Class II and Class III milk prices is the 92-score bulk creamery butter price at Chicago times 0.115. This differential would be maintained as the handler butterfat differential for the newly designated Class II utilization.

3. *Classification of fluid milk products fortified with nonfat dry milk solids.* Fluid milk products fortified with nonfat milk solids should be classified as Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

The Upper Peninsula and Northeastern Wisconsin orders provide that the skim milk equivalent of nonfat milk solids used in fortifying fluid milk products be classified as Class I. Handlers, including cooperative associations operating plants regulated by the Northeastern Wisconsin order, proposed that the equivalent of these solids be classified as Class II. Bargaining cooperative associations on both markets opposed the proposed change in classification on the basis, generally, that it would reduce the income of producers and that nonfat solids would replace producer milk for fluid use if the skim milk equivalent were not accounted for as Class I.

Fortified fluid milk products usually result from the addition of nonfat milk solids to fluid milk or skim milk, thus producing a finished product of higher nonfat solids content. Reconstituted products, on the other hand, result from adding such solids to water thus yielding a weight of products approximating the weight of milk from which the solids were obtained.

Nonfat dry milk and condensed skim milk, the principal products used for fortifying, may be obtained from unpriced milk or from milk which has been priced as surplus under the terms of other Federal orders. These products are not necessarily obtained from producer milk.

An economic incentive exists for handlers to substitute reconstituted fluid milk products for fluid milk products processed from producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of Class I skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly milk marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products is to meet consumer demand for fluid milk products with high solids content. Such fortified fluid milk products represent a small but growing part of the total Class I market. For example, during the first 9 months of 1961, the skim milk equivalent of solids used by Northeastern Wisconsin handlers to fortify fluid milk products averaged 381,000 pounds monthly and during the like period of 1960 the skim milk equivalent of solids so used averaged 353,677 pounds monthly. The increased emphasis on low fat diets and the high nutritional value of nonfat solids in relation to their weight may be the reason for the increased demand for fluid milk products with high solids content.

When the skim milk equivalent of fortified products is classified as Class I it inflates significantly Class I disposition. Producer milk is then allocated to the inflated Class I utilization even though producer milk need not be used as a source for the solids. Further, it was not demonstrated that fortified fluid milk products displace rather than increase Class I use of producer milk.

4. *Inclusion of Carney, Michigan in Zone 1(a).* Carney, Michigan, should not be included in Zone 1(a). A handler operating an Upper Peninsula supply plant at Carney proposed that Carney be included in Zone 1(a) rather than Zone 1. The Class I differential applicable at plants located in Zone 1(a) is 10 cents lower than that applicable at plants in Zone 1.

The proponent handler's plant is primarily engaged in making Italian type cheese. Grade A milk is received at the plant from 41 dairy farmers, from Upper Peninsula bottling plants and from plants regulated by other Federal orders. Its receipts of ungraded milk are approximately 3½ times as much as its receipts of Grade A milk from producers.

When receipts from the 41 Grade A dairy farmers are not moved to Upper Peninsula bottling plants for fluid use, they are used in the manufacture of cheese. A relatively low percentage of total receipts from the 41 farmers is moved to bottling plants. Since the Upper Peninsula order provides for handler rather than marketwide pooling the uniform price payable at the Carney plant is lower than that paid at other pool plants. In order to maintain the supply of milk from the 41 Grade A farmers the handler must pay premiums above the required uniform price. He testified that if his Class I price were 10 cents lower, he would be in a position to market additional volumes of Grade A milk to Upper Peninsula bottling plants, thereby increasing his uniform price and decreasing the amount of premiums.

The Class I differentials applicable at plants located in the respective zones of the Upper Peninsula marketing area are provided as incentive for an adequate supply of milk to meet fluid demand in respective parts of the marketing area. This purpose is being accomplished. As concluded under issue No. 1 relating to the Class I price level, the zone pricing in the Upper Peninsula order should not be changed other than to reduce the Class I differentials by 20 cents in the month of July.

5. *Allocation of receipts of packaged fluid milk products.* No change should be made in the allocation procedure of the Northeastern Wisconsin order.

It was proposed that receipts of packaged fluid milk products from nonpool plants which are disposed of in the same package as received be allocated to Class I before receipts from producers. Packaged fluid milk products from nonpool plants are not received at proponent's pool plant nor did proponent know of any pool plant which was receiving packaged fluid products from nonpool sources.

Pursuant to the proposed amendment, fluid milk products not priced by any Federal order would be allocated to Class I utilization and would not be subject to compensatory payments. Under this circumstance, the intent of the order would be nullified in that the order would no longer assure that all handlers were paying at least the minimum Class I price for all disposition of fluid milk products. The proposed amendment is, therefore, denied.

6. *Deletion of the base-excess plan.* The order should continue to provide a base-excess plan.

The Northeastern Wisconsin order was amended effective July 1, 1961, to provide a base-excess plan. One bargaining cooperative association, Manitowoc Milk Producers, proposed that the base-excess plan be deleted. A second bargaining cooperative association, Pure Milk Products, which also submitted a proposal to delete the base-excess plan, testified that its members had not expressed dissatisfaction with the base-excess plan. Therefore, it did not support its proposal. Three operating cooperative associations supported the continuation of the base-excess plan.

The base-excess plan has not been effective for a full base-making and base-paying period. There is no basis in this record for reaching a different conclusion regarding its effectiveness as a stimulant to even seasonal production than was stated in the previous decision on this matter. In view of this, it should not be deleted at this time.

7. *Classification of cream transferred to a second nonpool plant.* The transfer provisions should be amended to permit the Class II classification, under certain conditions, of cream transferred from a pool plant to a nonpool plant and subsequently transferred to a second nonpool plant.

A handler who operates a pool plant and a nonpool plant moves surplus Grade A milk from his pool plant to his nonpool plant for manufacturing. The nonpool plant also receives ungraded milk which is commingled with the surplus Grade A milk. On occasion, cream is moved to a second nonpool plant where it is used for manufacturing purposes. According to the laws of the State of Wisconsin, cream so moved from a plant at which Grade A and ungraded milk are commingled cannot be used for fluid purposes. The handler proposed that the order be amended to permit the Class II classification of transfers of such cream to second nonpool plants even though the second nonpool plant has fluid operations and does not receive sufficient Grade A milk from dairy farmers to meet fluid needs. A cooperative association operating a pool plant supported the amendment and other cooperative associations had no objection to it.

The transfer provisions of the order are intended to classify as Class I that milk which is moved to nonpool plants and which is used for Class I purposes at the receiving nonpool plant. To this end, Class I utilization at the nonpool plant which exceeds receipts of Grade A milk from dairy farmers who constitute its regular source of Grade A milk is prorated to receipts of Grade A milk from plants regulated by this and other Federal orders. In view of the Wisconsin State laws, cream transferred from a nonpool plant to another nonpool plant should be assigned to any available Class II utilization at the second nonpool plant after assignment of cream from plants not regulated by any Federal order.

8. *Reclassification of inventory.* No change should be made in the method of reclassifying inventory.

The current order classifies ending inventory as Class II. In the following month butterfat and skim milk in such inventory is assigned to available Class II utilization of the handler prior to assignment of producer milk. Any butterfat and skim milk in inventory which is in excess of Class II milk available for assignment is classified as Class I.

It was proposed that the order provide an "inventory variation" method of classification. This would have the effect of allocating inventory to Class II utilization and allocating other source receipts during the month to Class I, thus giving Class I priority to other source receipts during the month over inventory of fluid milk products even though beginning inventory was composed entirely of producer milk. The present system of handling inventory gives priority to Class I of producer milk in inventory before receipts of other source milk. The current method is consistent with the intent to give producer milk prior allocation to Class I and should be retained.

9. *Definition of pool plant.* No change should be made in the definition of a pool plant.

It was proposed that a new paragraph be added to the pool plant definition which would credit plant operators with minimum pool plant qualification compliance should a labor dispute limit the movement of milk from the plant. Cooperative associations representing the majority of producers on the market opposed the proposed amendment.

The proposal raises questions the answers to which would be extremely difficult to incorporate in order provisions. For example, how should a labor dispute be defined, what constitutes a limitation of movement, and should a work stoppage be a consideration. If, after a review of the facts, the Secretary concluded that pool performance could not be met because of an unusual and unavoidable circumstance, he could suspend or terminate applicable provisions of the order to eliminate undue hardship to producers or handlers due to circumstances beyond their control.

10. *Weight factors for certain fluid milk product.* The order should not provide specific factors to be used in computing product pounds in specified fluid milk products. It was proposed that such a conversion factor for chocolate milk drinks be specified in the order.

The decision relative to the conversion factor used for respective dairy products should remain with the market administrator since he is in the best position to verify and determine skim milk and butterfat content of fluid milk products.

11. *Miscellaneous changes.* The Northeastern Wisconsin order provides for the filing of monthly reports by the 5th day of the month exclusive of Sundays and holidays. It was proposed that a definition of "holiday" be provided. Proponent testified, however, that he had had no difficulties because of the lack of such definition in the Northeastern Wisconsin order and that any anticipated problems could be handled administratively under the present provisions. Accordingly, the proposed amendment is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders,

as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas, are approved or favored by the producers, as defined under the terms of the orders, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within each of the aforesaid marketing areas.

The month of February 1962 is hereby determined to be the representative period for the conduct of such referendum in each area.

Charles T. McCleery is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 13, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

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AUTHORITY: §§ 1044.0 to 1044.101 issued under secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the order as amended and as hereby further amended:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

§ 1044.1 Act.

"Act" means Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1044.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1044.3 Department.

"Department" means the United States Department of Agriculture.

§ 1044.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1044.5 Michigan Upper Peninsula marketing area.

(a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section;

(b) "Zone I(a)": The city of Menominee and the townships of Menominee, Mellen and Ingallston, in Menominee County, Michigan; the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin;

(c) "Zone I": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon and all territory in Menominee County not included in Zone I(a), all in the State of Michigan; the town of Niagara and the Village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin;

(d) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1044.6 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1044.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1044.8 Fluid milk plant.

"Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area except as provided in § 1044.81; or

(b) From which milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 10 or more days in any of the months of July through December or on three or more days in any of the months of January through June.

§ 1044.9 Handler.

"Handler" means a person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1044.10 Producer.

"Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

§ 1044.11 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1044.12 Producer milk.

"Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1044.10.

§ 1044.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except: (1) Receipts from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1044.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, as defined in § 1044.10, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1044.15 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1044.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1044.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1044.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1044.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those under § 1044.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1044.30 through 1044.33, or (2) payments pursuant to §§ 1044.70, 1044.71 and 1044.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for

each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1044.50 and the Class I butterfat differential pursuant to § 1044.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1044.51 and the Class II butterfat differential pursuant to § 1044.52(b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1044.61 and the producer butterfat differential computed pursuant to § 1044.62.

REPORTS, RECORDS AND FACILITIES

§ 1044.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1044.31 Payroll reports.

On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1044.32 Producer-handler reports.

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1044.33 Exempt-handler reports.

Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1044.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1044.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1044.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1044.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1044.41 through 1044.45.

§ 1044.41 Classes of utilization.

Subject to the conditions set forth in §§ 1044.42 and 1044.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products (except as provided in paragraph (b) (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in shrinkage allocated to producer milk, but not to exceed 2 percent of such receipts; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1044.42 Shrinkage.

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1044.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1044.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1044.81, shall be Class I utilization; and

(c) A nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1044.30 for the month,

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for fluid disposition of such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess, and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1044.44 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I utilization unless

the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1044.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1044.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage classified pursuant to § 1044.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat in other source milk received during the month in the form of fluid milk products from a plant subject to another marketing agreement or order issued pursuant to the Act as follows:

(1) From Class I, the pounds of such butterfat received in a consumer-packaged form not so packaged in the plant during the month, and disposed of without further processing or packaging; and

(2) In series beginning with Class II utilization, the remaining pounds of such butterfat;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1044.41 and 1044.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II utilization.

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1044.46.

§ 1044.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1044.46 and 1044.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1044.50 Class I milk price.

Subject to the provisions of § 1044.52, the price per hundredweight for Class I milk shall be the price pursuant to § 1045.51(a) of this chapter (Northeastern Wisconsin) plus 11 cents for plants located in Zone 1(a), 21 cents for plants located in Zone 1, and 41 cents for plants located in Zone 2. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 2.

§ 1044.51 Class II milk price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1044.52 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1044.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply the butter price for the preceding month by 0.125;

(b) For Class II milk, multiply the butter price for the current month by 0.115.

§ 1044.53 Handler location adjustments.

(a) For milk received at a fluid milk plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For milk received at a fluid milk plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan the applicable Zone 2 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(c) Any distance used to determine location adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

§ 1044.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1044.60 Value of producer milk.

The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1044.48, by the applicable respective class prices (adjusted pursuant to §§ 1044.52 and 1044.53), and add together the resulting amounts;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1044.46(g) and the corresponding step of § 1044.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1044.46(d) and the corresponding step of § 1044.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

§ 1044.61 Computation of uniform price.

For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 1044.60, subtract, if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1044.62 multiplied by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the

uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1044.60(a) and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at whose plant or plants a single Class I price is applicable pursuant to §§ 1044.50 and 1044.53; and

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1044.50 and 1044.53, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1044.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

§ 1044.62 Producer butterfat differential.

The applicable uniform prices to be paid pursuant to § 1044.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1044.52, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1044.63 Producer location adjustments.

In making payments pursuant to § 1044.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1044.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be reduced by an amount equal to the difference between the applicable Class I prices.

§ 1044.64 Notification.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant or such handler pursuant to §§ 1044.61 and 1044.63 and the butterfat differential computed pursuant to § 1044.62; and

(c) The amounts to be paid by such handler pursuant to §§ 1044.71 and 1044.72.

PAYMENT FOR MILK

§ 1044.70 Time and method of payment.

(a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1044.61 adjusted by the butterfat differential pursuant to § 1044.62 and the location adjustment pursuant to § 1044.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

§ 1044.71 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1044.46(b) and the corresponding step of § 1044.47.

§ 1044.72 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1044.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1044.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1044.73 Errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1044.74 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1044.71, 1044.72 and 1044.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1044.75 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1044.80 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1044.32, 1044.34, and 1044.35.

§ 1044.81 Exempt handler.

A handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1044.33 through 1044.35.

§ 1044.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1044.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1044.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision of this part.

§ 1044.92 Continuing obligation.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1044.93 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1044.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1044.101 Separability of provisions.

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1045.0 to 1045.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the order as amended and as hereby further amended:

DEFINITIONS

§ 1045.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

§ 1045.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1045.3 Department.

"Department" means the United States Department of Agriculture.

§ 1045.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1045.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1045.6 Northeastern Wisconsin marketing area.

The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wisconsin; (e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and (f) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin.

§ 1045.7 Producer.

"Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county or municipal authority, whose milk is received at a pool plant.

§ 1045.8 Pool plant.

"Pool plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A except as provided in §§ 1045.80, 1045.81, and 1045.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

§ 1045.9 Handler.

"Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 1045.10 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

§ 1045.11 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to nonpool plants shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through November, the quantity of milk of any producer which is diverted from pool plants to nonpool plants that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1045.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1045.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products, except receipts from other pool plants or producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1045.14 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1045.15 Base milk.

"Base milk" means producer milk during each of the months of March, April, May, and June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the pricing and classification provisions of another order issued pursuant to the Act.

§ 1045.16 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each of the months of March, April, May, and June which is in excess of the base milk received from such producer during such month.

§ 1045.17 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1045.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1045.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1045.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1045.74 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1045.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 1045.30 through 1045.33, or payments pursuant to §§ 1045.70 through 1045.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1045.51 and the Class I butterfat differential pursuant to § 1045.53(a), both for the current month; the minimum price for Class II milk pursuant to § 1045.52 and the Class II butterfat differential pursuant to § 1045.53(b), both for the preceding month;

(2) On or before the 14th day after the end of each of the months of July through February, the uniform price pursuant to § 1045.62 and the butterfat differential pursuant to § 1045.64; and

(3) On or before the 14th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1045.63 and the butterfat differential pursuant to § 1045.64.

REPORTS, RECORDS, AND FACILITIES

§ 1045.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month for each pool plant in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk) or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1045.31 Payroll reports.

On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

(a) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the percentage of butterfat contained therein or the pounds of milk received from each dairy farmer producing Grade

A milk and the percentage of butterfat contained therein; and

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1045.32 Producer-handler reports.

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1045.33 Exempt-handler reports.

Each handler exempt pursuant to §§ 1045.81 and 1045.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1045.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1045.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1045.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1045.30 shall be classified (separately as skim milk and butterfat) pursuant to §§ 1045.41 through 1045.45.

§ 1045.41 Classes of utilization.

Subject to the conditions set forth in §§ 1045.42 and 1045.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products (except as provided in paragraphs (b) (3) and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in shrinkage allocated to producer milk, but not to exceed 2 percent of such receipts; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1045.42 Shrinkage.

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1045.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless the operators of both plants in their reports submitted pursuant to § 1045.30 claim Class II utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(2) The greatest possible total quantity of skim milk and butterfat in producer milk in the two plants is allocated to Class I;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1045.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in Class II is claimed by the transferor-handler in his report submitted pursuant to § 1045.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat in Class II after the prior deduction from Class II utilization of receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of Class II use is made under paragraph (c)(1) of this section shall be subject to the following further conditions:

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent to such excess: *Provided*, That when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants: *And provided further*, That if the transferor nonpool plant also has receipts of ungraded milk which are commingled with the receipts from the pool plant, transfers of cream from such nonpool plant to another nonpool plant which is located in Wisconsin shall be allocated first to Class II utilization available after making the deduction pursuant to paragraph (c)(2) of this section at the transferee nonpool plant.

§ 1045.44 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1045.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1045.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization the pounds of butterfat shrinkage classified pursuant to § 1045.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1045.41 and 1045.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II.

§ 1045.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1045.46.

§ 1045.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1045.46 and 1045.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1045.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1045.51 Class I milk price.

Subject to the provisions of § 1045.53, the price per hundredweight for Class I milk shall be as follows:

(a) The basic formula price for the preceding month plus $0.54 during the months of March, April, May and June, $0.74 during January, February, July and December, and $0.94 during all other months plus or minus a supply-demand adjustment of not more than 24 cents. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding inter-handler transfers) disposed of from pool plants under the terms of this order and the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (Part 1044 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage"; and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October-November	123	128
February	November-December	128	133
March	December-January	130	135
April	January-February	133	138
May	February-March	135	140
June	March-April	140	145
July	April-May	145	150
August	May-June	150	155
September	June-July	145	150
October	July-August	130	135
November	August-September	123	128
December	September-October	123	128

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus net deviation percentage the Class I price shall be decreased by two cents for each percentage point of net deviation: *Provided*, That for each of the first 12 months from the effective date hereof, the supply-demand adjustment shall differ by not more than four cents from that calculated for the second preceding month and thereafter by not more than four cents from that calculated for the first preceding month.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1045.52 Class II milk price.

The price per hundredweight for Class II milk shall be the basic formula price for the month.

§ 1045.53 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1045.48 is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price by the applicable factor listed and rounding to the nearest one-tenth cent:

(a) For Class I milk multiply the butter price for the preceding month by 0.125; and

(b) For Class II milk, multiply the butter price for the current month by 0.115.

§ 1045.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1045.60 Computation of value of producer milk.

The value of producer milk received by each handler shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1045.48, by the applicable class prices;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1045.46(g) and the corresponding step of § 1045.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1045.46(d) and the corresponding step of § 1045.47; or

(2) The hundredweight of producer milk classified as Class II during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and

location) at the Class I price and Class II price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 1045.46(b) and the corresponding step of § 1045.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1045.46(d) and the corresponding step of § 1045.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1045.46(c) and the corresponding step of § 1045.47 in the month preceding.

§ 1045.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1045.60;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the producer butterfat differential, and multiplying the result by the hundredweight of such producer milk;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1045.65; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-equalization fund.

§ 1045.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1045.61 by the total hundreweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.

§ 1045.63 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, as follows:

(a) From the reports submitted by handlers pursuant to § 1045.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1045.61 and the total hundredweight of such milk that is base milk and that is excess milk.

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1045.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 1045.64 Producer butterfat differential.

The uniform prices pursuant to §§ 1045.62 and 1045.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1045.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

§ 1045.65 Producer location adjustments.

The uniform price pursuant to § 1045.62 and the uniform price for base milk pursuant to § 1045.63 shall be increased 10 cents for producer milk received at a pool plant in the Wisconsin Counties of Florence, Forest, Marinette, Oneida or in the State of Michigan.

§ 1045.66 Notification.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform prices pursuant to §§ 1045.62 or 1045.63 adjusted by the butterfat differential pursuant to § 1045.64 and the location adjustment pursuant to § 1045.65; and

(c) The amount due such handler pursuant to § 1045.73 and the amounts to be paid by such handler pursuant to §§ 1045.72, 1045.74 and 1045.75.

PAYMENT FOR MILK

§ 1045.70 Time and method of payment.

(a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler shall pay each producer for producer milk received from him during the month the uniform prices provided in § 1045.62 or § 1045.63 adjusted by the butterfat differential pursuant to § 1045.64 and the location adjustment pursuant to § 1045.65: *Provided*, That if by such date a handler has not received full payment pursuant to § 1045.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month, including, for the months of March through June, the pounds of base and excess milk;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which such milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) The payment and submission of information pursuant to subparagraph (1) of this paragraph shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each request and promise to reimburse pursuant to subparagraph (1) of this paragraph and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1045.71 Producer-equalization fund.

The market administrator shall maintain a separate fund known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1045.72 and 1045.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1045.76) and out of which he shall make all payments pursuant to § 1045.73 (including any adjustments thereto pursuant to § 1045.76).

§ 1045.72 Payments to the producer-equalization fund.

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1045.60 shall pay to the market administrator any amount by which such value for such month is greater than the amount required to be paid by him pursuant to § 1045.70.

§ 1045.73 Payments out of the producer-equalization fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1045.60 is less than the amount required to be paid by him pursuant to § 1045.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1045.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1045.74 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1045.46(b) and the corresponding step of § 1045.47; and

(c) The applicable amount specified in § 1045.83(a)(2) or (b)(2).

§ 1045.75 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1045.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1045.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1045.76 Errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses adjustments to be made, for any reason, which result in monies due to the market administrator from such handler, to such handler from the market administrator, or to any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1045.77 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1045.72 through 1045.76 shall be increased one-half of one percent of the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1045.78 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handlers' last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISION

§ 1045.80 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1045.32, 1045.34 and 1045.35.

§ 1045.81 Exempt handler.

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on routes shall be exempt from all provisions of this part except §§ 1045.33 through 1045.35.

§ 1045.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from

the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1045.83 Handlers operating a nonpool distributing plant.

Each handler other than a producer-handler or one exempt pursuant to §§ 1045.81 or 1045.82, who during the month operates a Grade A milk nonpool plant from which fluid milk products are distributed on a route in the marketing area, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1045.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1045.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-equalization fund the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1045.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1045.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1045.74 had such plant been a pool plant.

DETERMINATION OF BASE

§ 1045.85 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the month of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent for the month of March, 55 percent for the month of April and by 50 percent for the months of May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base calculated pursuant to the immediately preceding proviso of this section.

§ 1045.86 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base making purposes.

§ 1045.87 Announcement of established bases.

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1045.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1045.91 Suspension or termination.

The Secretary, shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part on any such provision of this part.

§ 1045.92 Continuing obligation.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1045.93 Liquidation.

(a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office or the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1045.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1045.101 Separability of provisions.

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-3777; Filed, Apr. 17, 1962; 8:51 a.m.]

[7 CFR Part 1047]

[Docket No. AO-33-A25]

MILK IN FORT WAYNE, IND., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Wayne, Indiana, on February 5, 1962, pursuant to notice thereof which was issued December 29, 1961 (27 F.R. 121).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Class II milk price;
3. Revision of obligations of a handler operating a nonpool distributing plant;
4. Modification of provisions regarding pool plants which also meet the pooling requirements of another Federal order; and
5. Administrative and conforming changes.

The record evidence urges that amendatory action with respect to Issues 3 and 4 be made effective on April 1 if at all possible. Since it would be impossible to make effective, by that date, an amendment dealing with all the above mentioned issues, this decision is confined to Issues 3 and 4 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issues 3 and 4 are based on evidence presented at the hearing and of the record thereof:

3. The order should be amended to provide that the obligation of a partially regulated handler who elects the type of regulation generally known as the "Wichita" plan should be adjusted by the seasonal incentive plan in the order to the same extent as the obligation of a fully regulated handler.

The operation of the order since it was last amended has demonstrated that the present provisions with respect to partially regulated handlers, when taken in conjunction with the seasonal incentive plan in the order, present a situation which could lead to disorderly marketing conditions. The seasonal incentive plan provides that the market administrator, in computing the uniform price for the months of April, May and June, shall deduct an amount per hundredweight equal to eight percent of the Class I price. One-third of the amount so withheld is added back in computing the uniform price for each of the months of September, October and November.

A distributing plant may be partially instead of fully regulated either because it fails to distribute fifty percent of its receipts of Grade A milk as Class I milk on routes or because it fails to distribute as much as ten percent of its Grade A receipts as Class I milk on routes in the marketing area. It is the former type of plant which could be most disruptive of orderly marketing conditions.

The reserve supply for this market is concentrated in a few plants. During April, May and June when production is seasonally high, these plants, in the past, have exceeded the fifty percent Class I on routes, required for pooling by only a small margin. If the present trend toward increased production continues it is not unlikely that at least one of these plants may fall below the fifty percent requirement during one or more of the coming flush months. Under such circumstances the plant would not be a pool plant during such month or months but would again be subject to full regulation as soon as the peak production had passed.

Such a plant choosing the "Wichita" plan rather than the compensatory payment would be in a position to pay its producers during April, May and June at the use value of milk in the plant. Because of the deduction made in computing the marketwide uniform price it is likely that the price paid farmers by such plant would exceed the marketwide uniform price received by producers at plants retaining pool status. This could cause unrest among producers and interfere with the procurement of milk by regulated handlers. Since the plant would be subject to full regulation again during the fall months, its farmers would share in the distribution, through the producer-settlement fund, of the moneys withheld from producers shipping to fully regulated plants during the April, May and June period. This would reduce the uniform price and lessen the effectiveness of the seasonal incentive.

In the case of plants which are partially regulated during the months of April, May and June because of their failure to distribute as much as ten percent of their receipts of Grade A milk on routes in the marketing area, the same situation exists but in a lesser degree. It is possible that such a plant which procured milk in the same general area as fully regulated plants would obtain a procurement advantage during the spring take-out period. If such a plant became a fully regulated plant in the fall months its producers would share in the distribution of the moneys withheld from other producers during the spring take-out months which would further lessen the effectiveness of the program of providing a seasonal production incentive.

Adoption of the proposal recommended herein, and which is discussed in detail below, in addition to protecting the integrity of the marketwide pool, would be of benefit to the plant which is partially regulated during both the spring and fall months, since its obligation in the spring months would be identical to that which it has at the present time to pay class prices for milk according to its utilization. The distribution to its dairy farmers in the fall months of moneys which were withheld in the months of spring take-out would stabilize its procurement practices and would make it unnecessary for such a plant to pay its dairy farmers at a rate higher than the use value of its milk at order prices in the fall months to be competitive with regulated handlers when the uniform price under the order is increased as a result of the distribution of the moneys withheld in the spring months.

The obligation of a partially regulated handler who elects to pay a compensatory payment will in no way be affected by this amendment. The obligation of the partially regulated handler who does not elect to pay a compensatory payment will be affected, if at all, only during the months of April, May and June, and then only to the extent that his obligation will be equal to the value of his milk according to its utilization at order prices.

During these months, however, instead of having the option of paying the entire amount to his dairy farmers he would be required to pay into the producer-settlement fund, as a part of the seasonal pricing incentive plan, an

amount per hundredweight equal to eight percent of the Class I price. This is the same amount withheld in computing the uniform price under the order.

As a further safeguard to the integrity of the pool it should also be provided that a handler who elects the compensatory payment in April, must also elect it in May and June. Likewise the handler who did not pay a compensatory payment in April may not exercise such election in May or June.

For each of the months of September, October and November, a partially regulated handler's obligation at the classified use value of his milk would then be increased by an amount equal to one-third of the amount paid by such handler to the producer-settlement fund for the immediately preceding months of April, May, and June. The market administrator would pay such amount from the producer-settlement fund to such handler provided that such payments were made to dairy farmers. In the event such handler did not so pay his dairy farmers, the moneys would be an obligation of such handler to the producer-settlement fund and would be included in the fall incentive payments to be made to all producers serving the market.

Dairy farmers of such a partially regulated handler would automatically receive fall production incentive payments by participating in the marketwide pool if such handler should become fully regulated for the months of September, October and November.

In the event a handler is no longer associated with the market or has become a fully regulated handler during any of the months of September, October and November, the market administrator would, in lieu of payments to such handler, deposit such moneys in the producer-settlement fund to be paid to all producers as fall production incentive payments. Payments made to the producer-settlement fund in April, May and June by such a handler are an integral part of his obligation to the producer-settlement fund as a partially regulated handler in such months and should be paid to producers in the event such handler is no longer associated with the market.

Provision should also be made to avoid duplication of such a handler's obligation in the event he were also partially regulated by another order issued pursuant to the Act. A handler's obligation under this order would be reduced by any payments made to the producer-settlement fund under another order as a partially regulated handler.

A partially regulated handler participating in the "Louisville" plan should make payments to the producer-settlement fund on or before the 17th day after each of the months of April, May and June. Such moneys would be paid by the market administrator from the producer-settlement fund to such handler by the 17th day after each of the months of September, October and November. To facilitate participation in the "Louisville" plan by a partially regulated handler the date for reporting by such a handler should be changed from the 25th day after the end of the month to the 15th day.

4. The pooling provisions of the order should be modified to permit a distribution plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, a handler operating a distributing plant which meets the pooling requirements of this order is exempt from the provisions of this order (except reporting) if a greater portion of his milk is disposed of as Class I in another Federal order marketing area and such milk is classified and priced under such other order.

Producers and handlers alike testified that the shifting back and forth of plants between Federal orders can create instability in this market, particularly during the months of the "Louisville" plan operation. There are regulated handlers under this order whose distribution on routes in this marketing area is only a little greater than in the Indianapolis market. There are likewise handlers regulated under the Indianapolis order whose sales in Fort Wayne are almost equal to their sales in Indianapolis. A very minor change in the proportion of distribution between the two markets could result in shifting the regulation of such handler from one order to the other and back again every month or two.

Such shifts in regulation would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the variations in the "Louisville" plan of fall incentive payments in the two orders.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribution. However, recognition should be given to the adverse effects of inadvertent shifting from month to month by a plant regularly associated with the Fort Wayne market. This situation can be substantially improved by adoption of the changes herein recommended. A handler operating a pool distributing plant which has been subject to regulation under this order and continues to meet the pool plant standards provided herein, generally should not become subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Fort Wayne marketing area for three consecutive months. This will afford the handler reasonable notice that the onus of regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

Provision should also be made to exempt from regulation under this order a plant which may, for one or two months, dispose of a greater portion of milk in this marketing area than in the area of the order to which it has been subject to regulation if such other order contains a provision similar to that recommended herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1047.31 [Amendment]

1. Delete in § 1047.31(b) the "25th day" and substitute therefor the "15th day".

2. Delete § 1047.61 and substitute therefor the following:

§ 1047.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a) and (b) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing areas unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant meeting the requirements of § 1047.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area.

3. Delete § 1047.62 and substitute therefor the following:

§ 1047.62 Obligations of a handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1047.80 through 1047.85, each handler, other than a producer-handler or one exempt pursuant to § 1047.61, who operates a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) A handler who so elects at the time of filing his report pursuant to § 1047.30 (except that a handler who elects such option for the month of April must also elect such option for the months of May and June, and that a handler may not exercise such option for May or June if he failed to elect such option for April or if his plant was a pool plant in April) shall pay the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month as his pro rata share of expenses of administration, the rate specified in § 1047.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, he shall receive payments and shall pay such amounts, as the case may be, as follows:

(1) On or before the 17th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation: *Provided*, That, except during April, May and June, such amount shall not exceed that specified in paragraph (a)(1) of this section:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1047.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant: *Provided*, That for each of the months of April, May and June an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant shall be subtracted from the amount computed pursuant to this subdivision: *And provided further*, That during each of the months of September, October and November, an amount equal to one-third of the total amount paid to the producer-settlement fund by such handler pursuant to subparagraph (2) of this paragraph in the immediately preceding months of April, May and June shall be added to the amount computed pursuant to this subdivision;

(ii) Deduct the sum of the gross payments made by the handler to dairy farmers for milk received at such plant for such month and any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other order: *Provided*, That gross payments to dairy farmers to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1047.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer: *And provided further*, That payments made to the producer-settlement fund of another order issued pursuant to the Act shall include any payments made pursuant to a provision in such order similar to subparagraph (2) of this paragraph;

(2) On or before the 17th day after the end of each of the months of April, May and June for the producer-settlement fund an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant;

(3) On or before the 17th day after the end of each of the months of September, October and November, the market administrator shall pay from the producer-settlement fund to each handler pursuant to this paragraph an amount equal to one-third of the total amount received from such handler pursuant to subparagraph (2) of this paragraph during the immediately preceding months of April, May and June: *Provided*, That if during any of the months of September, October and November the provisions of this paragraph are not applicable to such handler's plant, the market administrator shall in lieu of the payments pursuant to this subparagraph, include such moneys in the amounts added in computing the uniform price pursuant to § 1047.71(c); and

(4) On or before the 13th day after the end of the month, an amount equal to that which would have been computed pursuant to § 1047.86 had such plant been a pool plant, except that if such plant is also partially regulated under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payment under the other order.

§ 1047.86 [Amendment]

5. Delete in § 1047.86(c) the reference "(b)(2)" and substitute therefor "(b)(4)".

Signed at Washington, D.C., on April 13, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3775; Filed, Apr. 17, 1962; 8:50 a.m.]

[7 CFR Part 1049]

[Docket No. AO-319-A1]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of

the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Indianapolis, Indiana, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Indianapolis, Indiana, on January 30–February 1, 1962, pursuant to notice thereof which was issued December 29, 1961 (27 F.R. 122).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Revision of pool plant qualifications;
3. Modification of provisions with respect to plants also meeting the pooling requirements of another Federal order;
4. Revision of the transfer provisions;
5. Extension of the months when unlimited diversion is permitted;
6. Classification and pricing of nonfat dry milk solids used to fortify fluid milk products;
7. The level of the Class I and Class II prices;
8. Separate classification and pricing of specified manufactured products;
9. Revision of shrinkage provisions;
10. Revision of location differentials to both handlers and producers;
11. Changing the date for filing reports and making payments;
12. Changing the rate of the administrative assessment; and
13. Administrative and conforming changes.

The record evidence demonstrates the need for amendatory action with respect to Issues 2, 3, 5, 7, and 8 as soon as possible. Since making effective an amendment dealing with all the above mentioned issues, many of which require exhaustive analysis, will require considerable time, this decision is confined to Issues 2, 3, 5, 7, and 8 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issues 2, 3, 5, 7, and 8 are based on evidence presented at the hearing and the record thereof:

2. The requirements that a distributing plant must meet to maintain pool status should be revised to provide that a distributing plant which is a pool plant for each of the months of September through May, may continue to be a pool plant in the succeeding months of June, July, and August if it continues to distribute fluid milk products on routes in the marketing area in each of these months.

This amendment was submitted on behalf of the Purdue University Creamery. This plant operated by the University, a state supported institution, produces only a small portion of the milk which it processes. The remainder is purchased from dairy farmers. Since the primary outlet for the fluid milk products processed and packaged in the University creamery are on campus, during the months of summer vacation its fluid distribution falls far below the 50 percent of its receipts of Grade A milk which is required for pool plant status.

During the remainder of the year the plant has a fairly high utilization. It would be inequitable to the dairy farmers who regularly supply the plant with milk to drop them from the pool during the months of June, July and August because the student population at the University is on summer vacation. It would also be impractical, if not impossible, for these producers to be transferred to other plants during these months, since at that time milk is in ample supply and other handlers are finding it a burden to dispose of the seasonal surplus in their own plants.

To preserve orderly marketing, therefore, it is necessary that a plant such as the Purdue Creamery, which, for the year as a whole, disposes of as high a percentage of its milk in Class I as does the rest of the market, be permitted to maintain pool status during the months of summer vacation.

It was proposed also that, in order to share in the pool, dairy farmers whose milk is delivered to such a plant during the months of June, July and August would have to have been on the market as producers for at least the three months preceding. Such a restriction might interfere with the orderly marketing of milk in the area as a whole, since it might afford an incentive for plants to take on an oversupply of milk during the winter months.

To prevent sharing in the marketwide pool by dairy farmers who are not a part of the regular supply for the fluid market it should also be provided that if milk is moved from a supply plant to such a plant during June, July or August such shipments would be excluded in determining the pool status of the supply plant.

A further proposal considered at the hearing would grant automatic pool status during the months of April through July to a plant which was a pool distributing plant during a portion of the August through January qualifying period and a supply plant during the remainder of such period.

The handler who made this proposal, last fall acquired a pool distributing plant at Muncie, Indiana. In December this handler ceased bottling at Muncie and consolidated the bottling operations at the Greenville, Ohio, plant, also a pool distributing plant under the order. The Muncie plant is now operated as a supply plant for the Greenville operation. It also serves as a manufacturing plant to handle the reserve supplies not needed for bottling.

Under the present provisions, in order to maintain pool status, it would be necessary that 50 percent of the receipts at Muncie be moved to the distributing plant every month, even though it were not needed for fluid distribution. In some months it might be necessary to move the milk back to Muncie to have it manufactured into dairy products. Such movements would be uneconomic and not in the interest of orderly marketing.

While it has been customary that a plant must qualify, either as a distributing plant or as a supply plant, and not by a combination of these functions, in the present instance an exception should be made to accommodate the unusual circumstances here involved. During the months of August through January this plant qualified as a pool plant by meeting the performance standards each month as either a supply plant or a distributing plant. The order should be amended to permit a supply plant which was a pool distributing plant during a portion of the qualifying months to retain pool status during the months of April through July as though it had been a supply plant during the entire qualifying period if it qualified as a pool supply plant for the months of December through March.

3. The pooling provisions of the order should be modified to permit a distributing plant meeting the requirements for full regulation under this order and another Federal order and which the Secretary determines has a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I milk is disposed of on routes in such other marketing area. It must be recognized, however, that the provisions of such other order may require the plant to be pooled under such other order. In these circumstances, the plant would be exempt from regulation under this order, except that it would be required to file reports and permit verification. The order should also exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which is nevertheless subject to regulation for the month under another order. Federal orders usually provide that a distributing plant meeting the pooling requirements of more than one order will be regulated under that order covering the area in which a greater volume of its Class I sales is made. Nevertheless, it should be recognized that other orders may contain provisions similar to that proposed herein to deter plants from shifting back and forth between orders on a month-to-month basis.

Under the provisions of the present order a handler operating a distributing plant which meets the pooling requirements of this order is exempt from the provisions of this order (except reporting) if a greater proportion of his milk is disposed of as Class I milk in another Federal order marketing area and his milk is classified and priced under such other order.

The shifting of plants back and forth between Federal orders can create instability in the market, particularly during the months of the "Louisville" plan operation. There are regulated handlers under this order whose distribution on routes in this marketing area is only a little greater than their distribution in the Fort Wayne, Indiana, market. There are, likewise, handlers regulated under the Fort Wayne order whose sales are almost equal to their sales in the Indianapolis marketing area. Very minor changes in the proportion of distribution between the two markets could result in shifting the regulation of such a handler from one order to the other and back again every month or two.

Such shifts in regulation would tend to create disorder between the two markets because of the effect on the respective market blend prices and because of the variations in the "Louisville" plan of fall incentive payments in the two orders.

A distributing plant which meets the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its fluid distribution. It is necessary to recognize, however, the adverse effects of the shifting back and forth from month to month by a plant which is usually associated with the Indianapolis market. This situation can be substantially improved by adoption of the changes recommended herein. A handler operating a distributing plant which has been subject to regulation under this order and which continues to meet the pool plant standards provided herein generally should not become subject to another order unless he has disposed of more milk on routes in such other marketing area than in the Indianapolis marketing area for three consecutive months. This will afford the handler reasonable notice that the plant is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

Provision should also be made to exempt from regulation under this order a plant which may for one or two months dispose of a greater portion of milk in this marketing area than in the area of the order to which it has been subject if such other order contains a provision similar to that recommended herein.

5. The months within which unlimited diversion is permitted should be extended to include the months of July and August.

The present order provides that milk may be diverted to a nonpool plant on any number of days during the months of April through June. Experience during the operation of the order has demonstrated that, during the months of July and August, milk is in substantially greater supply than is needed for the fluid requirements of the market. Consequently, it is necessary to move a large volume of milk to manufacturing plants to process into butter, nonfat dry milk solids, cheese and other products. It is uneconomical to require pool plants to receive this milk physically before moving it to manufacturing plants which, in many instances, are located closer to the farms where the milk is produced than is the pool plant. In the interest of orderly marketing and efficiency in the handling of milk, handlers should be permitted to move milk directly from the farm to manufacturing plants as often as needed during the months of July and August, which have been found to be months of relatively flush production.

7 and 8. The price for Class II milk under the order should be changed to the average price per hundredweight paid for manufacturing grade milk in the States of Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat content. This price series was incorporated in the order as the basic formula for pricing Class I milk, effective March 1, 1962.

At the present time the Class II price is based on the higher of two alternative formulae, one based on the market prices of butter and nonfat dry milk, and the other based on the reported paying price of a group of midwestern condenseries located in Michigan and Wisconsin. Originally there were 18 plants in the group but recently the number has dwindled until now there are only eight plants reporting.

So that the Class II price may accurately reflect the nationwide market for most manufactured dairy products, the Class II price should be based on the average price paid dairy farmers as determined by the Minnesota-Wisconsin price series. This price for manufacturing grade milk in Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the pounds of manufacturing grade milk received from farmers, the butterfat content and the total money paid to farmers for milk delivered at their plants. This two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for the supply. In Minnesota about 80 percent, and in Wisconsin about 65 percent, of the milk sold off farms is of manufacturing grade. About half of all the manufacturing grade milk sold off farms in the United States is produced in these two states.

Since the Minnesota-Wisconsin price as announced is that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. As in the case of the basic formula now used for pricing Class I milk, this would be done by using a differential equal to 0.12 times the average quotation for the month for Grade A (92-score) butter at Chicago.

Until more experience has been gained with this new price series, it should also be provided that in no event should the Class II price exceed the present butter-powder formula. Such a limitation would prevent the Class II price from being overly affected in the unlikely event that supply-demand conditions peculiar to a particular segment of the manufactured milk industry were to exert an undue influence on the Minnesota-Wisconsin price. Under the provisions as recommended herein, the price for milk in excess of the market's needs for fluid use will be maintained at the maximum level consistent with facilitating the movement of such milk to manufacturing outlets.

Both producers and handlers proposed that a special classification be provided for milk utilized in butter, nonfat dry milk solids, cheeses (other than cottage cheese), evaporated milk and whole milk powder during the months of April through August. The producers proposed that such special classification be priced at the price paid for manufacturing grade milk in Minnesota and Wisconsin, less ten cents. Handlers proposed that the Minnesota-Wisconsin price be used but that 20 cents be deducted in pricing the above mentioned products.

During the period from March 1961, the effective date of the order, through February 1962, the Class II price under the order averaged $3.31. For the April through August period the price averaged $3.30. For the twelve months the average of the Minnesota-Wisconsin prices would have been $3.27, and for the months of April through August would have been $3.24.

In this market the producers' associations have for a number of years assumed the responsibility for the orderly disposition of milk in excess of the market's fluid needs. In the past, the major association has been able to dispose of all of the reserve milk on the market. During the period April through August 1961 it was able to dispose of this milk at the Class II price provided in the order. It reports, however, that such disposition was difficult and that, at the present time, it has been unable to secure commitments from manufacturers that they would accept the seasonal surpluses at the existing Class II price during the coming flush months.

Handlers indicated their willingness to pay the Minnesota-Wisconsin price for all products presently classified as Class II during the months of September through March. They also indicated their willingness to pay such a price for milk utilized in cottage cheese, ice cream and related items during the months of April through August. It was their contention, however, that they could not handle milk in excess of their requirements for these items and which must be manufactured into storable products, unless there was a reduction in the Class II price during the flush months.

Based on a comparison of previous years' experiences the Class II price recommended herein represents a lowering of the Class II price by approximately four cents on an annual average and by an average of six cents during the months of flush production. It is expected that such reduction will afford a price which will accommodate the needs of the market and promote the orderly disposal of milk surplus to the fluid requirements of the market. It will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets. While it is high

enough that it will not furnish plant operators an incentive to add unneeded supplies on the market for the purpose of using them in the manufacture of dairy products, it is at a level low enough that it should not interfere with the orderly disposal of surplus supplies.

A comparison of the proposed price with those in nearby markets indicates that it will return prices comparable to those in other Federal order markets. Both the Northeastern Ohio order and the Chicago, Illinois, order use the Minnesota-Wisconsin series for pricing milk utilized in butter, cheese, nonfat solids and similar products.

Official notice is taken of a proposal made at a recent hearing on amendments to the Fort Wayne, Indiana, milk order to use the Minnesota-Wisconsin price series as the basis for pricing Class II milk under that order. Such a proposal, if adopted, would fix the price of Class II milk in the Fort Wayne market at the same level as that provided herein.

Official notice is also taken of the fact that the order for the merged Ohio Valley and Louisville-Lexington market, which became effective on March 1, provides that the Minnesota-Wisconsin formula be used in pricing Class II milk. Although that order provides that ten cents be deducted from such price during the months of April through August, it must be noted that during the months of April through August 1961 the Class II price in the Ohio Valley market averaged 25 cents under the price in the Indianapolis market. There will, therefore, exist a much better alignment of the Class II prices between Indianapolis and the erstwhile Ohio Valley market than existed heretofore.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby other economic conditions which affect proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Indianapolis, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1049.12 [Amendment]

1. Amend § 1049.12 by adding a new paragraph (c) as follows:

(c) A plant which was a pool plant in each of the preceding months of August through March and which was a supply plant in each of such months of December through March shall be a pool plant for the months of April through July, unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would not otherwise qualify as a pool plant.

2. Amend § 1049.12(a) by adding thereto the following:

Provided, That a distributing plant which was a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July and August immediately following, if such plant disposes of fluid milk products on routes in the marketing area during such month.

3. Amend § 1049.12(b) by deleting the second proviso therein and substituting therefor the following:

And provided further, That shipments to a plant described in the proviso in paragraph (a) of this section during the months of June, July, and August shall be excluded in determining a plant's qualification pursuant to this paragraph.

§ 1049.16 [Amendment]

4. In § 1049.16 delete the word, "July" and substitute therefor the word, "September".

§ 1049.51 [Amendment]

5. Amend § 1049.51 by deleting paragraph (b) thereof and substiuting therefor the following:

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price computed pursuant to § 1049.50, except that in no event shall such price exceed the sum of the amounts computed as follows:

(1) Multiply the butter price by 4.2; and

(2) From the arithmetical averages of the weighted average of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

6. Delete § 1049.63 and substitute therefor the following:

§ 1049.63 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a) or (b) of this section the provisions of this part shall not apply, except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines the greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

Signed at Washington, D.C., on April 13, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3776; Filed, Apr. 17, 1962; 8:51 a.m.]

[7 CFR Part 1094]

[Docket No. AO 103-A19]

MILK IN NEW ORLEANS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the New Orleans marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at New Orleans, Louisiana, on November 2, 1961, pursuant to notice thereof which was issued on October 18, 1961 (26 F.R. 9947).

The material issues of the hearing relate to modification of:

1. The diversion provisions.

2. The pooling standards for distributing plants.

3. The procedure for computing obligations of handlers operating nonpool distributing plants.

4. The Class II price and Class II location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of the diversion provisions.* The order should be revised to permit diversion to nonpool plants of not more than 15 days' production of any producer during any of the months of September through November and January and unlimited diversion in other months. In addition, an alternative procedure should be provided whereby, in lieu of the 15-day limitation a cooperative association may divert to nonpool plants up to 20 percent of the milk of its producer-members during any such month and a proprietary handler may divert up to 20 percent of the total nonmember producer receipts at his pool plant during any such month without affecting the status of the milk as producer milk.

Under the existing order provisions, diversion of a producer's milk to a nonpool plant in any of the months of September through December is limited to not more than 10 days' production and in other months of the year is unlimited. Diversions between pool plants may be made without limit in all months of the year and no change was proposed in this regard.

The Gulf Milk Association, a cooperative association representing the majority of producers on the New Orleans market, proposed modification of the diversion provisions to permit greater flexibility and more economic handling of the market's reserve milk supply during the months of shortest production in relation to Class I requirements, i.e., September through November. They further proposed that December be made a month of unlimited diversion and that January be included as a month of limited diversion.

Presently over one-half of the producers, producing over two-thirds of the regular milk supply of the market, deliver their milk from farm bulk tanks, and the shift to this method of delivery is continuing. Meanwhile, a substantial quantity of milk is still delivered in cans to three receiving stations still associated with the market. Milk received at can receiving stations is generally transferred to city bottling plants for fluid uses. The cooperative association, which operates two of these stations, uses its can milk to supply the smaller handlers who cannot use full tank loads of milk. The milk received from farm tanks is moved to the city plants of the larger handlers to the extent of their needs, and milk in excess of their requirements is diverted within the limits provided under the order to nonpool manufacturing plants for manufacturing uses.

Virtually all of the farm tank milk is associated with city bottling plants. Under the existing order the cooperative association as well as some proprietary handlers have found it necessary during the months of September through December to move milk to city plants for receipt and transfer for manufacturing uses solely for the purpose of maintaining producer milk status for such milk.

In the New Orleans market there is little or no overlapping of the production area with the marketing area. Milk not needed in the market for Class I use most economically may be handled by direct movement from the farm to nearby manufacturing plants. The order should not require the uneconomic movement of milk to city plants and backhaul to manufacturing plants in the production area solely for the purpose of maintaining the status of producer milk. It is concluded, therefore, that proponent's request for diversion to nonpool plants of not more than 15 days' production in any month of September through November and January should be adopted. This requirement will preserve reasonable performance standards and hence will deter any handler from associating milk with the pool solely for the purpose of maintaining a supply of Grade A milk for manufacturing uses. At the same time orderly disposition of the market's reserve supply will be implemented.

The present order provides that where the milk of any producer is diverted in excess of the limits prescribed only that milk physically received at pool plants shall be producer milk. No change is recommended in this procedure.

Because of the holidays during the latter part of December, the market's fluid requirements are normally significantly less in that month than in the month of January. Although production in January generally exceeds production in December, a significantly greater volume of producer milk is normally moved into Class II uses in December than in January. Handlers have been hampered in their efforts to economically handle the December milk supplies in excess of fluid requirements under the limited diversion privileges. The substitution of January for December as a month of limited diversion was generally supported at the hearing. This change will not significantly alter the present pooling standards and will implement handling of the market's reserve milk supply.

Additional flexibility and more economical handling of the market's reserve supply may be provided through an alternative diversion procedure during the months when diversions are limited. It is provided therefore, that 20 percent of a cooperative's member-producer milk may be diverted by the cooperative to nonpool plants during such months. Other handlers may similarly divert 20 percent of their nonmember producer receipts. While the percentage provisions would allow less diversions than the 15-day limitation, it will in some situations implement more efficient movement of milk since it will permit regular diversion of certain routes.

Under the percentage diversion limitation member milk may be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of the pool plant. Thus, there is a clear responsibility for both the cooperative association and proprietary handlers with respect to meeting the percentage limitation. It is incumbent on a handler receiving cooperative member milk to ascertain, prior to diverting any such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative is diverting on a percentage basis, no other handler may account for milk of any of the cooperative's members under any diversion provision. If the cooperative is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the cooperative.

In the event that the percentage limitation is exceeded by any handler diverting under that provision in any month, all diversion by such handler during the month automatically would be under the 15-day provision. Milk diverted in conformity with the diversion privileges prescribed is treated as a receipt by the diverted handler at a pool plant at the location of the plant from which diverted.

2. *Modification of the pooling standards for distributing plants.* The pooling standards for distributing plants should be modified to provide full regulation for a plant which distributes on

routes in the marketing area at least the lesser of 20 percent of its receipts of Grade A milk or 1500 pounds on a daily average during the month and which meets all of the other requirements for pooling.

Under the present order provisions a distributing plant is pooled in any month in which 50 percent or more of its receipts of Grade A milk from dairy farmers and supply plants are disposed of on routes, provided that such disposition in the marketing area represents 20 percent or more of such receipts. Where such a plant meets the requirements of both this order and another Federal order and has a greater proportion of its route sales in the other Federal order marketing area, it is exempted from regulation except for filing reports and permitting verification. Distributing plants located outside the marketing area and with less than 200 pounds of route distribution in the marketing area are similarly exempted.

Gulf Milk Association proposed revision of the pooling standards to provide full regulation of any plant meeting the other pooling requirements and which has route disposition in the marketing area equal to the lesser of 15 percent of its total Class I sales or 4300 pounds on a daily average. At the hearing proponents modified the proposed daily average figure to 1500 pounds.

The spokesman for the proponent cooperative pointed out that there are no nonpool distributing plants with route sales in the marketing area. Hence, neither the present order provisions nor the revisions proposed would have application to any handler presently operating in the market. It was proponent's position, however, that under the existing provisions a new handler could enter the market and maintain unregulated status even though his route sales in the market were of a very substantial nature. This, he pointed out, could be accomplished by tailoring Grade A receipts to a fixed relationship with total Class I sales and maintaining in-area sales at a level less than 20 percent of the plants Grade A receipts.

In support of his position proponent pointed to a similar provision in the adjacent Mississippi Gulf Coast order under which a partially regulated handler (a handler with route sales in that market of less than 20 percent of his Grade A receipts) had bought out a fully regulated handler, closed the plant and was serving its former customers from his nonpool plant. These sales along with his previous sales in the marketing area accounted for nearly 10 percent of the total Class I sales in the market. Nevertheless, the handler continued to maintain unregulated status by virtue of the fact that his receipts increased in substantially the same proportion as his Class I sales. By returning to his dairy farmers at least the amount of his obligation, computed as though he were a pool handler, he was avoiding any payment to the producer-settlement fund, notwithstanding the fact that the purchase and closing of the plant represented a substantial loss of Class I sales for regular producers on the Gulf Coast market. Proponent suggested that the existing pooling provisions were an open invitation for outside handlers to invade the New Orleans market with unpriced milk at the expense of regular producers.

Since there are no partially regulated handlers on the New Orleans market and any change in the pooling provisions along the lines requested by the cooperative association would not change this situation, the question to be resolved is whether the existing pooling provisions would tend to effectuate the purpose of the Act in the event an outside handler should enter the market with sales approaching the limits at which full regulation is now required and, if not, what provision would be appropriate.

It is apparent that under the present provisions an outside handler could, by judicious handling of in-area sales on a predetermined relationship to his out-of-area sales and total Grade A receipts, escape full regulation while, at the same time, being a substantial factor in the regulated market. This has been amply demonstrated in the example cited by proponent. It is desirable, therefore, that the pooling provisions be modified to deter an outside handler from accumulating sizable Class I sales in the market without pooling.

The requirement that a distributing plant have a 50 percent Class I utilization to qualify for pooling provides a reasonable safeguard against any handler pooling his plant for the specific purpose of using the blend price to maintain a supply of milk for manufacturing uses. Under the 20 percent provision a sizable handler could enter the market with substantial sales and not be required to pool. While this situation exists there is a continuing threat to the maintenance of an orderly market under the order. Fifteen hundred pound daily route distribution in this market is the equivalent of the large retail route or a large wholesale account. The addition of a 1500-pound limitation in conjunction with the present 20 percent provision will provide assurance that any plant substantially associated with the market will be subjected to full regulation. A plant with route distribution in the marketing area not in excess of the lesser of 20 percent of its Grade A receipts or 1500 pounds on a daily average does not have a substantial association with the New Orleans fluid market.

While proponents proposed that the 20 percent requirement be reduced to 15 percent it is not apparent that such a change is necessary in conjunction with the 1500-pound requirement, since the percentage requirement under the amendment herein recommended will have application only with respect to smaller plants having daily market area sales of less than 1500 pounds. There has been no problem under the existing provisions and there is no reason to believe that any small plant with less than 1500 pounds of Class I sales, constituting less than 20 percent of its total Grade A receipts, could be a disruptive factor in the market.

In conjunction with the inclusion of the 1500-pound limitation in the pooling standards, the existing provision exempting any plant located outside the marketing area and with less than 200 pounds of average daily Class I sales in the market should be deleted. There is no evidence that any plant has ever been exempted under the provision. It is obvious since the provision would apply only in the case of a plant located outside the marketing area, that the order would provide different treatment to two plants identical in all respects except location. Hence, the deletion of the provision will tend to assure equity among handlers in the application of the order.

3. *Modification of the procedure for computing pool obligations of handlers operating nonpool distributing plants.* No change should be made in the procedure for computing the pool obligations of the operators of nonpool distributing plants.

Under the existing order, the operator of a nonpool distributing plant may elect to pay to the producer-settlement fund the difference between the Class I price and the Class II price on each hundredweight of route distribution in the marketing area. Otherwise his payment is the lesser of that amount or any amount by which the use value of his milk, computed as though his plant were a pool plant, exceeds his payments to his regular dairy farmers. If the option is elected he pays administrative assessment only on his marketing area route sales. If the election is not made the administrative assessment is computed in the same manner as though his plant were a pool plant.

The Gulf Milk Association proposed that the order be modified to require that the operator of a nonpool distributing plant pay to the producer-settlement fund, on each hundredweight of route sales in the marketing area, any amount by which the use value of all his milk, computed as though his plant were a pool plant and divided by the total hundredweight of such milk, exceeds the uniform price announced by the market administrator.

In support of the proposal, proponent contended that under the present provision, the operator of a nonpool distributing plant could imply through his records, that he was paying the full use value of all of his milk to his producers and avoid any obligation to the producer-settlement fund, and at the same time have a cost of product advantage gained by charging exorbitant hauling rates and/or by under-testing or underweighing the milk of his dairy farmers.

The purpose of the present provision is to assure that any unregulated handler with route sales in the marketing area shall have no procurement cost advantage under the order over fully regulated handlers. If such a handler does not elect the straight compensatory payment on his marketing area route sales, his over-all obligation is computed by the market administrator in the identical manner as though he were a pool handler. The market administrator has the same responsibility in seeing that such obligation is paid to such handler's dairy farmers or to the pool, as the case may be, as he has in the case of a pool handler. This includes determining whether or not hauling rates charged are reasonable and appropriate, as well as whether or not the handler reports accurate weights and tests. Hence, there is no basis for proponent's contention.

A handler proposed that the order be amended to provide partial regulation for a regulated handler under another Federal order with route sales in the New Orleans market if such handler had not made full payment to producers under the other Federal order. The proposal was prompted by a situation in the adjacent Gulf Coast market in which a handler had purchased milk from a cooperative association in its capacity as a handler and was delinquent in his payments for such milk. The handler involved has sales in the New Orleans market and proponent contended that to assure equity as between handlers, such handler should be required to make prompt and full payment for his supply of milk.

It would be inappropriate and unnecessary to require regulation of a handler under two orders on the same milk. The matter raised by proponent is related to the operation of the Mississippi Gulf Coast order and official notice is taken of the fact that the amendment to that order issued on March 30, 1962, corrects a possible order deficiency of which proponent complains. Accordingly, there is no need for amending the New Orleans order to accomplish proponent's objective.

4. *Modification of the Class II price and Class II location differentials.* No changes should be made in either the level of the Class II price or in the Class II location differential presently prescribed by the order. However, the plants named in the price computation provisions of the order should be corrected to reflect current ownership.

Two changes in Class II pricing were proposed by handlers. One proposal would lower the price by 13.5 cents and eliminate the location differential on Class II milk. The effect of this change would be to lower the Class II price only at plants located within 50 miles of New Orleans, leaving the price unaffected elsewhere in the milkshed. The second proposal would lower the Class II price by 20 cents at all locations.

As has been previously indicated, a characteristic of the New Orleans market is the lack of geographical overlap of the marketing area and the supply area. A second characteristic is the location in and near the production area of adequate manufacturing facilities to handle the reserve milk supply of the market. Hence, it is not necessary that producers deliver their milk to the marketing area when such milk is not needed for Class I uses. The Class II price applicable at plants located in excess of 50 miles from New Orleans reflects the value of milk for manufacturing uses in the production area. If handlers require milk for other than Class I use at their city plants it is not appropriate to assess on producers the cost of moving such milk to the city. For this reason the Class II price at city plants is established under the order at a level 13.5 cents higher than the price at country plants.

One proponent handler contended that he was unable to realize the Class II price plus hauling to the manufacturing outlet through which he disposes of his reserve supply. However, the Gulf Milk Association, which handles the bulk of the market's reserve milk, substantiated through invoices covering the period August 1960 through September 1961, that they were able to move large quantities of milk to manufacturing outlets in northern Mississippi located from 225 to 305 miles from their nonpool manufacturing plant at Franklinton, Mississippi, at prices generally ranging from $3.60 to $3.75. These prices, they contended, exceeded the order prices by amounts sufficient to at least cover transportation and handling.

Proponents also contended that the New Orleans Class II price was not in alignment with the adjacent Mississippi Federal order Class II prices. Official notice is taken of the monthly price announcements of the market administrator of the Mississippi Gulf Coast and Central Mississippi orders for the period October 1960, through September 1961. During this period the country plant Class II price under the New Orleans order averaged only 3.3 and 2.5 cents, respectively, over the Class II prices in these markets. These minor differences are the result of differences in seasonality of pricing as between the orders and different local manufacturing plants whose pay prices are the basis of computing the Class II prices. Under the circumstances it would be almost impossible to maintain closer alignment.

Lastly, proponents suggested that a lower Class II price would be effective in deterring production and hence, in promoting better supply-demand balance in the market.

The Class II price under the order is established at that level which at once accommodates the orderly disposition of the reserve supply of the market and returns to producers a fair value for milk disposed of for manufacturing uses. If, as proponents suggest, producer returns under the order are presently attracting a greater than necessary market supply, desirable supply adjustment should be directed through appropriate adjustments in the Class I price. The level of Class I price was not an issue at the hearing and no action may be taken in this regard on the basis of the record of the hearing.

Under the existing order the average pay price of four local manufacturing plants is one of the three alternative components used in computing the basic formula price to which specified differentials are added in the computation of the Class I price. The average of these local plant pay prices is also the basis for computing the Class II price. At the hearing it was pointed out that the plant at Macon, Mississippi, listed in the name of Wilson and Company is now owned and operated by the Borden Company. In recognition of this change in ownership the reference to the Wilson and Company plant should be changed to the Borden Company. This change will have no substantive effect on the prices established under the order since the market administrator has continued to use the pay price of this plant in the price computations since the change in ownership.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the New Orleans marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

1a. In § 1094.10(a), the phrase reading "§ 1094.61 or" is deleted.

1b. Change § 1094.10(a)(1) to read as follows:

(1) Disposition in the marketing area of fluid milk products on routes is at least the lessor of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their

capacities as handlers pursuant to § 1094.12(d) and supply plants; and

2. Change § 1094.14 to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted:

(a) To the pool plant of another handler;

(b) To a nonpool plant during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member producer milk received by all pool handlers during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

3. In the preamble of § 1094.30, the phrase reading "§ 1094.61 or" is deleted.

4. Delete § 1094.33 in its entirety.

5. In paragraph (c) of § 1094.50 change the present operator and plant location listed as "Wilson and Company, Macon, Mississippi" to "The Borden Company, Macon, Mississippi".

6. Delete § 1094.61 in its entirety.

7. In the preamble of § 1094.62, the phrase reading "§ 1094.61 or" is deleted.

Signed at Washington, D.C., on April 13, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3778; Filed, Apr. 17, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Public Roads

[23 CFR Part 1]

DIRECT-FEDERAL AND FEDERAL-AID HIGHWAY PROGRAMS

Statement of Proposed Policy as to Administrative Action To Be Taken by the Federal Highway Administrator, Bureau of Public Roads, in Instances of Irregularities

Pursuant to the authority contained in § 1.32 of the regulations for the Administration of Federal Aid for Highways (effective May 11, 1960 (23 CFR 1.32)), promulgated under section 315 of the Act of August 27, 1958 (23 U.S.C. 315), notice is hereby given that the Federal Highway Administrator (hereinafter referred to as Administrator) is considering the adoption of the following policy as to administrative action which shall be taken by him in instances of irregularities involving personnel of the Bureau of Public Roads, State highway departments, or highway construction contractors in the administration and execution of the direct-Federal and Federal-aid highway programs and applicable to highway construction projects requiring approval or concurrence by the Bureau of Public Roads.

When an irregularity occurs, as hereinafter described, effective administrative action shall be instituted by the Administrator according to the circumstances, nature, and seriousness of the offense.

Nature of administrative action: The administrative action to be taken to safeguard the Federal interest in situations involving irregularities shall be as follows:

Situation No. 1. Incompetence, or gross negligence resulting in a failure to obtain substantial conformity with project plans and specifications; but with no evidence of criminal conduct.

Administrative action. (a) Bureau personnel who are at fault shall be subject to removal.

(b) State personnel who are at fault shall be unacceptable to the Bureau for employment on any highway project requiring Bureau approval or concurrence for a period of up to two years.

(c) The responsible contractor, contractor organization, or personnel thereof at fault shall be unacceptable for employment or work on any highway project requiring Bureau approval or concurrence for a period of up to two years.

(d) Federal reimbursement to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

Situation No. 2. Clear and convincing evidence of fraud, bribery, collusion, conspiracy, or other serious offense involving violation of State or Federal criminal statutes in connection with a project requiring Bureau approval or concurrence, with or without evidence of failure of substantial conformity with project plans and specifications.

Administrative action. (a) Bureau personnel who are involved shall be subject to suspension pending completion of the investigation.

(b) State personnel who are involved shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence pending the completion of Bureau or State investigations.

(c) The contractor, contractor organization, or personnel thereof who are involved shall be unacceptable for work on any additional highway project requiring Bureau approval or concurrence pending the completion of Bureau or State investigations.

(d) Federal-aid reimbursement payments to the State on affected projects shall not exceed 75 percent of the Federal pro rata share of project costs pending completion of Bureau investigation.

(e) After investigation, Bureau personnel who are at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(f) After investigation, State personnel who are at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of three months to three years.

(g) After investigation, the contractor, contractor organization, or personnel thereof at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of three months to three years.

(h) If investigation discloses a failure of substantial conformity with project plans and specifications, Federal-aid reimbursement to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

Situation No. 3. Establishment by admission, or conviction, or judgment of a court of competent jurisdiction that fraud, bribery, collusion, conspiracy, or other criminal offense has been committed in connection with any highway project requiring Bureau approval or concurrence; but without evidence of failure of substantial conformity with project plans and specifications.

Administrative action. (a) Bureau personnel at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(b) State personnel at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of six months to three years.

(c) The contractor, contractor organization, or personnel thereof at fault shall be unacceptable for employment or work on any highway project requiring Bureau approval or concurrence for a period of six months to three years.

(d) Federal-aid reimbursement payments to the State on affected projects shall not exceed 75 percent of the Federal pro rata share of project costs pending completion of investigation by the Bureau.

Situation No. 4. Establishment by admission, or conviction, or judgment of a court of competent jurisdiction that fraud, bribery, collusion, conspiracy, or other criminal offense has been committed in connection with any highway project requiring Bureau approval or concurrence; and with failure of substantial conformity with project plans and specifications.

Administrative action. (a) Bureau personnel at fault shall be subject to removal and disqualification for employment on any highway project requiring Bureau approval or concurrence.

(b) State personnel at fault shall be unacceptable for employment on any highway project requiring Bureau approval or concurrence for a period of one year to three years.

(c) The contractor, contractor organization, or personnel thereof at fault shall be unacceptable for employment or work on any highway project requiring Bureau approval or concurrence for a period of one year to three years.

(d) Federal-aid reimbursement payments to the State for project costs of affected items shall be withheld until the work is performed in conformity with project plans and specifications, and Federal funds shall not participate in the costs of correction.

Situation No. 5. Substantial evidence of a conflict of interest under section 1.33 of the Regulations for the Administration of Federal Aid for Highways, effective May 11, 1960 (23 CFR 1.33); or the establishment by admission, or conviction, or judgment of a court of competent jurisdiction of a violation of any law, regulation, or directive of Federal or State government relating to conflict of interest prohibitions in connection with the administration or execution of any highway project requiring Bureau approval or concurrence.

Administrative action. To the extent that conflicts of interest result in circumstances similar to those described in situations numbered 2, 3, and 4, or involve violation of any law, regulation, or directive of Federal or State government appropriate action shall be taken that is consistent with the remedial measures applicable to such situations.

General provisions. (a) The periods of time during which persons or organizations shall be unacceptable to the Bureau on direct-Federal or Federal-aid projects may be increased or decreased in individual cases at any time, if, in the judgment of the Administrator, compelling reasons warrant such action.

(b) If the frequency, seriousness, nature, or extent of any violation is such as to cast doubt on the ability of a State highway department to discharge its responsibilities in an adequate manner, or is such as may affect continued eligibility of Federal aid under the provisions of Federal-aid legislation, regulations, or directives, a complete evaluation of the highway department organization shall be made by the Administrator for the purpose of determining an appropriate course of action.

(c) The administrative action to be taken by the Administrator with respect to the indicated irregularities shall not relieve a State highway department of its responsibilities in connection with these same matters, nor is such action by the Administrator a substitute for corrective action as would normally be taken by a State under the described situations.

(d) Administrative action with respect to Bureau personnel shall be consistent with and subject to applicable civil service laws, rules, and regulations.

(e) Irregularities which warrant referral to the United States Department of Justice shall be processed in accordance with applicable requirements and procedures.

(f) Instances of irregularities not described in the foregoing situations are, nevertheless, subject to action by the Administrator, since it would not be possible to anticipate all types of irregularities which may occur. With respect to such irregularities the Administrator shall consider the individual circumstances thereof and remedial action shall conform as far as practicable to the administrative principles previously described.

(g) Procedures for the implementation and administration of this statement of policy shall be included in separate memoranda to be issued by the Administrator.

(h) Prior to the final adoption of such proposed policy as to administrative action to be taken by the Administrator in instances of irregularities, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Federal Highway Administrator, Bureau of Public Roads, Washington 25, D.C., on or before May 15, 1962.

Dated: April 13, 1962.

Recommended:

REX M. WHITTON,
Federal Highway Administrator.

Issued:

EDWARD GUDEMAN,
Acting Secretary of Commerce.

[F.R. Doc. 62-3758; Filed, Apr. 17, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Anthelmintic Preparations for Human Use Containing Piperazine; Order Denying Exemption From Prescription-Dispensing Requirements

In the matter of exempting certain human anthelmintic drugs containing piperazine from prescription-dispensing requirements:

A. Based upon a petition filed as a new-drug application, a notice of proposed rule making to exempt anthelmintic drugs containing piperazine from prescription-dispensing requirements was published in the FEDERAL REGISTER of November 18, 1961 (26 F.R. 10811). Comments on and exceptions to the proposal have been received from a large number of well-qualified persons, and the Commissioner of Food and Drugs has concluded that such drugs should not be exempted from the prescription-dispensing requirements. The reasons for this conclusion are as follows:

1. It is plain from the comments that there exists a decided conflict of medical opinion over whether these drugs can safely be used by the laity without medical supervision. With such a pronounced division of expert medical opinion, it cannot reasonably be concluded that the prescription limitation is not necessary for the protection of the public health.

2. Comments establish that it is extremely doubtful that a layman can accurately diagnose pinworms and roundworms; nor can a layman distinguish these conditions from similar conditions, involving mixed infestations with Strongyloides, for which piperazine is not effective.

3. The adequate treatment of pinworms and roundworms requires not only that the affected members of the family who have symptoms be treated, but also that all other members of the household receive treatment, even though they are symptom-free. Many needless treatments of household members would occur on the basis of inadequate diagnosis made by a member of the family.

4. The effective use of these drugs requires adherence to a very carefully calculated dosage schedule. This must be calculated in terms of body weight, and the control of the dosage is too complex for the ordinary unskilled person to follow. Inadequate treatment leads to false negatives and obscures the differential diagnosis by the physician at a later date.

5. The use of this drug is attended by side effects, particularly when overdosage occurs and when prolonged treatment is attempted. Professional supervision is needed to guard against these dangers. The patient needs to be warned about hives and the significance of rash, skin eruptions, nausea, vomiting, dizziness, blurring of vision, abdominal pain, or diarrhea. Improper dosage would lead to urticaria and muscular weakness. Use of the drug by persons drinking alcohol may increase absorption, causing toxic reaction. The drug is contra-indicated in the presence of kidney disorders. Adequate labeling warnings for the laity cannot be devised.

6. Careful attention to collateral measures is necessary for safe and effective treatment with the drug. Proper hygienic practices are necessary, and a professional post-treatment examination is needed to provide assurance that the medication has been effective.

B. In consideration of this proposal, the Bureau of Medicine of the Food and

Drug Administration queried a large number of properly qualified experts, with the following results:

1. All 50 State health departments were contacted. Twenty-two responded; eleven were opposed; ten were not opposed. One was opposed to over-the-counter treatment of roundworms but not pinworms.

2. Experts in eight medical schools replied to the queries. Six were against; two were not against. Physicians in six hospitals responded. Three were opposed; three were not opposed. Twelve recognized experts in the field of halminthology were queried. Five were opposed; seven were not opposed.

3. Representatives of the Academy of Pediatrics were opposed.

4. Representatives of organized pharmacy were generally opposed, although 71 individual drugstore owners favored the proposal.

5. Among the manufacturers who responded, two firms with established positions in the ethical promotion of anthelmintics were against the proposal; six firms were in favor. It appears that the small number of reported reactions to the drug may very properly be attributed to the fact that it has been used on prescription only.

C. The principal reason given in favor of the proposal was that other more dangerous and less effective drugs are available for the treatment of pinworms and roundworms through over-the-counter sale, particularly hexylresorcinol and gentian violet. A reexamination of the over-the-counter status of these preparations is indicated by the comments offered on this proposal.

In view of all the comments, the Commissioner of Food and Drugs cannot conclude that anthelmintic drugs consisting of piperazine are safe for human use as provided in the proposed regulation. It is concluded that the prescription-dispensing requirements for anthelmintic drugs containing piperazine are necessary for the protecton of the public health. Accordingly, the petition to exempt such drugs from prescription-dispensing requirements is denied. The effectiveness of the new-drug application also must be denied.

This order is issued in accordance with the procedure outlined in the regulations (21 CFR 130.101) promulgated pursuant to section 503(b)(3) of the Federal Food, Drug, and Cosmetic Act (sec. 503(b)(3), 52 Stat. 1052, as amended 65 Stat. 648, 649; 21 U.S.C. 353(b)(3)), under authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625; 21 CFR 130.101(b)).

(Secs. 503(b)(3), 505(c), 701; 65 Stat. 649, 52 Stat. 1052, 1055; 21 U.S.C. 353(b)(3), 355(c), 371)

Dated: April 13, 1962.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3817; Filed, Apr. 17, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-NY-113]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of en route radar jet advisory areas within 16 miles either side of, and from flight level 240 to 390 inclusive, on the following segments of jet routes:

Jet Route No. 84 from the Pittsburgh, Pa., VORTAC to the Herndon, Va., VORTAC.

Jet Route No. 55 from its intersection with Jet Route No. 77 southwest of the Flat Rock, Va., VORTAC to its intersection with Jet Route No. 37.

The designation of these proposed en route radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft while operating on alternate routes between Pittsburgh and Baltimore, Md., and between southern terminals and Idlewild, N.Y.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 11, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3724; Filed, Apr. 17, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-LA-119]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.200 and 602.300 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of an en route radar jet advisory area within 16 miles either side of Jet Route No. 65 from flight level 240 to 390 inclusive between the intersection of J-65 with Jet Route No. 78 and the Palmdale, Calif., VOR; and a terminal radar jet advisory area from flight level 240 to flight level 390 inclusive and within 16 miles either side of the Palmdale VOR 291° True radial from the Palmdale VOR to its intersection with Jet Route No. 1.

The designation of these proposed radar jet advisory areas would provide a bypass route around the Los Angeles, Calif., terminal area for civil turbojet aircraft operating between the Phoenix, Ariz., and the San Francisco, Calif., Bay areas and would provide a route approximately 21 nautical miles shorter than the one over Los Angeles.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 11, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3723; Filed, Apr. 17, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14594; FCC 62-377]

AERONAUTICAL ADVISORY SERVICE

Special Eligibility Requirements, and Scope; Notice of Proposed Rule Making

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The instant proposal, which is intended to make for a more orderly and efficient administration of the service, contemplates changes in two areas of the rules governing aeronautical advisory stations.

(1) The current instructions for completion of FCC Form 406 provide as follows: "If the applicant does not own the landing area, indicate the owner's name and state that the applicant has been designated as sole operator of the landing area for the purpose of obtaining an authorization for this class of station." This will be expanded and clarified by the new proposal which will require that a nonowner of a landing area must have a written agreement with the owner, whereby the owner gives the nonowner the exclusive and sole right to establish and maintain an aeronautical advisory station to serve the owner's landing area for a specific period of time. Authorizations issued to nonowners will be for a period of time not to exceed the time specified in the written agreement and subject to the agreement remaining in force; and,

(2) The new proposal will provide that an aeronautical advisory station may not discriminate against ground services available at the landing area.

3. The first proposed change differs from the present requirement to the extent that a written agreement must exist and that the license period is not to exceed the time specified in the agreement. The second proposed change expands and clarifies the present prohibition against discrimination by an aeronautical advisory station. It provides that an aeronautical advisory station licensee may not discriminate against aviation ground services which are available to aircraft using the landing area served by the station.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in section 303 (f), (h) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before May 21, 1962, and reply comments on or before June 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 12, 1962.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 9.1001 is amended to read as follows:

§ 9.1001 **Special eligibility requirements.**

(a) An aeronautical advisory station using the frequency 122.8 Mc/s will be authorized only at a landing area not served by an airdrome control station.

(b) An aeronautical advisory station using the frequency 123.0 Mc/s will be authorized only at a landing area served by an airdrome control station.

(c) Only one aeronautical advisory station will be authorized at any landing area.

(d) Authorization to operate an aeronautical advisory station will be issued only to the owner of the landing area or to a person who has entered into a written contractual agreement with the owner of the landing area whereby the owner gives such person the exclusive and sole right to establish and maintain an aeronautical advisory station to serve the owner's landing area for a time certain. An authorization issued to a nonowner will be for a period of time not to exceed the time specified in the written agreement and is subject to the above-described contractual agreement remaining in force.

(e) An aeronautical advisory station and any control points must be located on the landing area to be served.

(f) Notwithstanding the provisions of § 9.185(e), dispatch points shall not be established at locations other than the landing area served by the station.

2. In § 9.1004, paragraphs (b) through (e) are redesignated as (c) through (f) and a new paragraph (b) is added to read as follows:

§ 9.1004 Scope of service.

* * * * *

(b) Communications by an aeronautical advisory station shall be impartial with respect to information concerning similar available ground services.

[F.R. Doc. 62-3770; Filed, Apr. 17, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

FORMS FOR CURRENT REPORTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form 8-K, which is the form prescribed for current reports filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934, and to § 249.308 of Title 17 of the Code of Federal Regulations, which lists and describes Form 8-K. These proposed amendments, which are described below, are intended to supersede those published for comment on June 9, 1959, in Release 34-5979 and published in the FEDERAL REGISTER of June 16, 1959 (24 F.R. 4888).

It is proposed to amend Form 8-K in the following respects:

I. Item 1, which calls for information as to changes in control of the registrant, would be amended to require information as to financing arrangements made in connection with changes in control and as to the pledging of securities which may result in a change in control. The proposed amendments would also require information as to certain changes in the board of directors of the registrant. The text of the item as proposed to be amended reads as follows:

ITEM 1. *Changes in control or management of registrant.*

(a) If any person has become a parent of the registrant, give the name of such person, the date and a description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the registrant owned by the parent or other basis of control by the parent over the registrant.

(b) If any person has ceased to be a parent of the registrant, give the name of such person and the date and description of the transaction or transactions by which the person ceased to be such a parent.

Instruction. The description of a transaction shall include a description of any financing arrangements made in connection with any person's becoming or ceasing to be a parent of the registrant, including any pledge of securities of the registrant or any of its parents or subsidiaries.

(c) If securities of the registrant or any of its parents have been pledged under such circumstances that a default will result in a change in control of the registrant, state the names of the pledgor and the pledgee and the title and amount of securities pledged.

(d) If any person has become a director of the registrant otherwise than by election by security holders, state his name, the date on which he became a director and the nature of any other material relationship to the registrant or any of its affiliates. If such person became a director pursuant to any arrangement or understanding between such person and any other person or persons, except the directors and officers of the registrant acting solely in that capacity, name such other per-

son or persons and describe briefly such arrangement or understanding.

(e) If any person has ceased to be a director of the registrant otherwise than by death or expiration of his term of office, give his name and the date on which he ceased to be a director.

II. Item 2, which calls for information as to the acquisition of disposition of assets, would be amended to clarify its applicability to certain transactions, and to require certain additional disclosures deemed of material importance to an issuer's security holders. The item as proposed to be amended reads as follows:

ITEM 2. *Acquisition or disposition of assets.* If the registrant or any of its majority-owned subsidiaries has acquired or disposed of a significant amount of assets in one or more transactions otherwise than in the ordinary course of business, furnish the following information:

(a) The date and manner of each such acquisition or disposition and a brief description of the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration and the identity of the persons from whom the assets were acquired or to whom they were sold.

(b) If any assets so acquired by the registrant or its subsidiaries constituted plant, equipment or other physical property, state the purposes for which the assets are to be used.

Instructions. 1. No information need be given to (i) any transaction between any person and any wholly-owned subsidiary of such person: i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly-owned subsidiaries; (ii) any transaction between two of more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the registrant or its subsidiaries or the acquisition of materials for such purpose. The term "disposition" includes every sale, disposition by lease, exchange, merger, consolidation, mortgage, or hypothecation of assets, assignment, whether for the benefit of creditors or otherwise, abandonment, destruction, or other disposition.

3. An acquisition or disposition shall be deemed to have occurred when the parties to the transaction have formally agreed upon the terms of the transaction, even though consummation thereof may be conditioned upon the happening of subsequent events such as the approval of security holders. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets of the issuer of such securities if it results in the acquisition or disposition of control of such issuer.

4. An acquisition or disposition, or series of acquisitions or dispositions, shall be deemed to involve a significant amount of assets (i) if the value of such assets as shown by the latest balance sheet, the amount paid or received therefor or the fair value of the stock or other consideration for such assets exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries prior to the transaction or series of transactions or (ii) if it involved the acquisition or disposition of control of a business whose gross revenues for its last fiscal year exceeded 10 percent of the aggregate gross revenues of the registrant and its consolidated subsidiaries for the registrant's last fiscal year prior to the transaction or series of transactions.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in an appropriate manner the class of such persons.

6. Attention is directed to the requirement at the end of the form with respect to the filing of financial statements for businesses acquired.

III. It is proposed to add to the form a new Item 2A which would call for information in regard to the interest of management and certain other insiders in transactions described in answer to Item 2. The proposed new item reads as follows:

ITEM 2A. *Interest of management and others in certain transactions.* Describe briefly, and where practicable state the approximate amount of any beneficial interest, direct or indirect, of any of the following persons in any transaction described in answer to Item 2:

(a) Any director or officer of the registrant;

(b) Any person who owns of record, or is known by the registrant to own beneficially, more than 10 percent of the outstanding voting securities of the registrant; or

(c) Any associate of any of the foregoing persons.

Instructions. 1. This item applies to any of the specified persons who, at the time of the transactions, held the position or relationship specified.

2. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described.

3. State the cost of the assets to the seller if acquired by the seller within two years prior to the transactions.

4. This paragraph shall not apply to any interest arising from the ownership of securities of the registrant where the security holder receives no extra or special benefit not shared on a pro rata basis by all holders of the same class.

5. No information need be given under this paragraph as to the interest of any specified person where such interest (i) does not exceed $30,000 in the aggregate or (ii) is solely that of a director of another corporation which is a party to the transaction.

IV. Item 3 calls for information as to the institution or termination of material legal proceedings. It is proposed to amend the item to make clear that it applies to proceedings before government agencies as well as courts and to require information with respect to materially important judgments entered by the court or agency or any materially important settlement. The item as proposed to be amended reads as follows:

ITEM 3. *Legal proceedings.* (a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted and the principal parties thereto.

Instructions. 1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 15 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceeding shall be included in computing such percentage.

3. Notwithstanding the foregoing instructions, any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or affiliate of the registrant, any principal holder of equity securities of the registrant or any associate of any such director, officer or security holder, is a party adverse to the registrant or any of its subsidiaries shall also be described.

(b) If any such proceeding previously reported has been terminated, any materially important judgment entered in the proceeding or any materially important settlement has been effected, identify the proceeding, and state the date and nature of such action and the general effect thereof with respect to the registrant and its subsidiaries.

V. Item 7 requires the reporting of increases in the amount of outstanding securities of the registrant where the increase amounts to more than 5 percent of the outstanding securities of the class. It is proposed to amend the item to require the reporting of all increases where the amount of the consideration received for the securities exceeds $500,000, regardless of the percentage of the class involved. The amended item would read as follows:

ITEM 7. *Increase in amount of securities outstanding.* If the amount of securities of the registrant outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the outstanding securities of the class or involves the receipt of a consideration in excess of $500,000, furnish the following information:

(a) The title and amount of securities issued, the amount outstanding as last previously reported and the amount presently outstanding (as of a specified date);

(b) As to securities sold to the public, state the method of distribution employed. Give the names of the principal underwriters, if any, and state the nature of any material relationship between any of such underwriters and the registrant. As to securities which were issued in a transaction not involving a public offering, name the persons or identify the class of persons to whom the securities were issued.

(c) As to securities sold for cash, state the aggregate sale price, the aggregate underwriting discounts or commissions, finders' fees, and the net proceeds received. As to securities which were issued for a consideration other than cash, state the nature of the transaction, the nature and aggregate amount of the consideration received, and the basis upon which the amount of consideration was determined.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net cash proceeds from the securities have been or are to be used and the approximate amount used or to be used for each purpose.

(e) A statement as to whether or not the securities were registered under the Securities Act of 1933. If not, an indication of the exemption claimed and the facts relied upon as a basis for claiming an exemption.

(f) If the securities issued were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate capital share account.

Instructions. 1. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount outstanding, does not exceed $50,000 face amount of indebtedness or 1,000 shares or other units and does not involve the receipt of a consideration in excess of $50,000.

2. Information is to be included as to all indebtedness owed to banks, insurance companies, finance companies or other persons, evidenced by one or more bonds, debentures, notes or other evidence of indebtedness, except that information need not be given as to notes, drafts, bills of exchange or bankers' acceptance which mature not later than one year from the date of issuance and which have an effective rate of interest less than 8 percent per annum. In the case of indebtedness owed to a bank or domestic insurance company which was incurred in the ordinary course of business, the name of the bank or insurance company need not be given.

3. This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of securities evidencing indebtedness shall be deemed to be the issuance of new securities for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

4. If an exemption from registration under the Securities Act of 1933 is claimed under the second clause of Section 4(1) of that Act, state the number of offerees and the number of purchasers, the name, address and relationship to the registrant of each purchaser of more than 5 percent of the total amount claimed to be so exempt, and the basis for the registrant's claim that a public offering was not involved.

5. If the securities referred to in answer to this item materially limit or qualify the rights evidenced by any class of registered securities, appropriate disclosure of such limitations or qualification shall be set forth in answer to Item 4.

VI. It is proposed to add to the form a new Item 7A which would call for information as to increases in indebtedness of significant subsidiaries of the registrant where such increases exceed 3 percent of the aggregate indebtedness of the registrant and its significant subsidiaries on a consolidated basis. The proposed new item would read as follows:

ITEM 7A. *Issuance of debt securities by subsidiaries.* If any subsidiary of the registrant has issued any securities evidencing indebtedness and the principal amount of all such securities the issuance of which has not previously been reported exceeds 3 percent of the aggregate indebtedness of the registrant and its consolidated subsidiaries, furnish the information specified in paragraphs (a) to (f), inclusive, of Item 7.

Instructions. 1. The instructions to Item 7 apply to this item.

2. No report need be made under this item with respect to the following:

(a) Securities issued to the registrant or any of its wholly-owned subsidiaries; or

(b) Securities issued by a subsidiary which is required to file, and duly files, a report with respect to the issuance of such securities.

VII. The instructions as to exhibits would be amended to require the filing of copies of documents which are pertinent to the matters described in answer to the amended items of the form. The instructions as so amended would read as follows:

EXHIBITS

Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report:

1. Copies of any contract, plan or arrangement for any acquisition or disposition described in answer to Item 2, including any plan of reorganization, readjustment, exchange, merger, consolidation or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 4.

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 7.

5. If any securities the issuance of which is reported under Item 7 were not registered under the Securities Act of 1933, an opinion of counsel as to the availability of any exemption from such registration claimed for such securities. If such opinion differs in any material respect from any opinion of counsel furnished to any securities exchange state the nature of and basis for such difference and furnish copies of the opinion furnished to the exchange.

6. Copies of the plan pursuant to which the options referred to in answer to Item 9 were granted or, if there is no such plan, specimen copies of the options.

7. Copies of the text of any proposal described in answer to Item 11.

8. Copies of any material amendments to the registrant's charter or bylaws, not otherwise required to be filed.

VIII. The following supplemental information would be required to be furnished for the information of the Commission:

SUPPLEMENTAL INFORMATION

Submit for the information of the Commission one copy (proof or final, as available) of any listing application filed or to be filed with any national securities exchange for the listing on such exchange of any securities the issuance of which is reported in answer to Item 7.

Such application shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

It is further proposed to amend § 249.308 of Title 17 of the Code of Federal Regulations to include the complete amended text of Form 8–K, so as to read:

§ 249.308 Form 8–K, current report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

(a) *Identification.* The cover of the report shall show: (1) Month and year for which the report is made.

(2) Exact name of registrant as specified in charter.

(3) Address of principal executive offices.

(b) *General instructions*—(i) *Rule as to use of Form 8–K.* Form 8–K shall be used for current reports under section 13 or 15(d) of the Securities Exchange Act of 1934, filed pursuant to Rule 13a–11 or Rule 15d–11 (§§ 240.13a–11 or 240.15d–11 of this chapter).

(2) *Events to be reported.* A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occurs. However, if substantially the same information as that required by this form has been previously reported by the registrant, an additional report of the information on this form need not be made. The term "previously reported" is defined in Rule 12b–2 (§ 240.12b–2).

(3) *Application of general rules and regulations.* (i) The general rules and regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(ii) Particular attention is directed to Regulation 12B (§§ 240.12b–1 to 240.12b–36) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (§ 240.12b–2) should be especially noted. See also Regulations 13A and 15D (§§ 240.13a–1 to 240.13b–1 and §§ 240.15d–1 to 240.15d–20).

(iii) Three complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one such complete copy shall be filed with each exchange on which any security of the registrant is listed and registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(4) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b–12 (§ 240.12b–12). The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in Rule 12b–13 (§ 240.12b–13). All items which are not required to be answered in the particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted.

(5) *Incorporation by reference to proxy statement or annual report to stockholders.* Information contained in a proxy statement filed with the Commission pursuant to §§ 240.14a–1 to 240.14a–11 and schedules thereto of this chapter or in an annual report submitted to stockholders pursuant to § 240.14a–3 of this chapter may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such proxy statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

(c) *Information to be included in report.*

ITEM (1). *Changes in control or management of registrant.* (a) If any person has become a parent of the registrant, give the name of such person, the date and a description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the registrant owned by the parent or other basis of control by the parent over the registrant.

(b) If any person has ceased to be a parent of the registrant, give the name of such person and the date and a description of the transaction or transactions by which the person ceased to be such a parent.

Instruction. The description of a transaction shall include a description of any financing arrangements made in connection with any person's becoming or ceasing to be a parent of the registrant, including any pledge of securities of the registrant or any of its parents or subsidiaries.

(c) If securities of the registrant or any of its parents have been pledged under such circumstances that a default will result in a change in control of the registrant, state the names of the pledgor and the pledgee and the title and amount of the securities pledged.

(d) If any person has become a director of the registrant otherwise than by election of security holders, state his name, the date on which he became a director and the nature of any other material relationship to the registrant or any of its affiliates. If such person became a director pursuant to any arrangement or understanding between such person and any other person or persons, except the directors and officers of the registrant acting solely in that capacity, name such other person or persons and describe briefly such arrangement or understanding.

(e) If any person has ceased to be a director of the registrant otherwise than by death or expiration of his term of office, give his name and the date on which he ceased to be a director.

ITEM (2). *Acquisition or disposition of assets.* If the registrant or any of its majority-owned subsidiaries has acquired or disposed of a significant amount of assets in one or more transactions, otherwise than in the ordinary course of business, furnish the following information:

(a) The date and manner of each such acquisition or disposition and a brief description of the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, and the identity of the persons from whom the assets were acquired or to whom they were sold.

(b) If any assets so acquired by the registrant or its subsidiaries constituted plant, equipment or other physical property, state the purposes for which the assets are to be used.

Instructions. (1) No information need be given as to (i) any transaction between any person and any wholly-owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly-owned subsidiaries; (ii) any transaction between two or more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

(2) The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the registrant or its subsidiaries or the acquisition of materials for such purpose. The term "disposition" includes every sale, disposition by lease, exchange, merger, consolidation, mortgage, or hypothecation of assets, assignment, whether for the benefit of creditors or otherwise, abandonment, destruction, or other disposition.

(3) An acquisition or disposition shall be deemed to have occurred when the parties to the transaction have formally agreed upon the terms of the transaction, even though the consummation thereof may be conditioned upon the happening of subsequent events such as the approval of security holders. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets of the issuer of such securities if it results in the acquisition or disposition of control of such issuer.

(4) An acquisition or disposition, or series of acquisitions or dispositions, shall be deemed to involve a significant amount of assets (i) if the value of such assets as shown by the latest balance sheet, the amount paid or received therefor or the fair value of the stock or other consideration for such assets exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries prior to the transaction or series of transactions or (ii) if it involved the acquisition or disposition of control of a business whose gross revenues for its last fiscal year exceeded 10 percent of the aggregate gross revenues of the registrant and its consolidated subsidiaries for the registrant's last fiscal year prior to the transaction or series of transactions.

(5) Where assets are required or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in an appropriate manner the class of such persons.

(6) Attention is directed to the requirements at the end of the form with respect to the filing of financial statements for businesses acquired.

ITEM (2A). *Interest of management and others in certain transactions.* Describe briefly, and where practicable state the approximate amount of any beneficial interest, direct or indirect, of any of the following persons in any transactions described in answer to Item (2):

(a) Any director or officer of the registrant;

(b) Any person who owns of record, or is known by the registrant to own beneficially, more than 10 percent of the outstanding voting securities of the registrant; or

(c) Any associate of any of the foregoing persons.

Instructions. (1) This item applies to any of the specified persons who, at the time of the transactions, held the position or relationship specified.

(2) Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described.

(3) State the cost of the assets to the seller if acquired by the seller within two years prior to the transactions.

(4) This paragraph shall not apply to any interest arising from the ownership of securities of the registrant where the security holder receives no extra or special benefit not shared on a pro rata basis by all holders of the same class.

(5) No information need be given under this paragraph as to the interest of any specified person where such interest (i) does not exceed $30,000 in the aggregate or (ii) is solely that of a director of another corporation which is a party to the transaction.

ITEM (3). *Legal proceedings.* (a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or to which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted and the principal parties thereto.

Instructions. (1) If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

(2) No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 15 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

(3) Notwithstanding the foregoing instructions, any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or affiliates of the registrant, any principal holder of equity securities of the registrant or any associate of any such director, officer or security holder, is a party adverse to the registrant or any of its subsidiaries shall also be described.

(b) If any such proceeding previously reported has been terminated, any materially important judgment entered in the proceeding or any materially important settlement has been effected, identify the proceeding, and state the date and nature of such action and the general effect thereof with respect to the registrant and its subsidiaries.

ITEM (4). *Changes in securities.* (a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

ITEM (5). *Changes in security for registered securities.* If there has been a material withdrawal or substitution of assets securing any class of registered securities of the registrant, furnish the following information:

(a) Give the title of the securities.

(b) Identify and describe briefly the assets involved in the withdrawal or substitutions.

(c) Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This item need not be answered where the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939.

ITEM (6). *Defaults upon senior securities.* (a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Instruction. Item (6) need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

ITEM (7). *Increase in amount of securities outstanding.* If the amount of securities of the registrant outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the outstanding securities of the class or involves the receipt of a consideration in excess of $500,000, furnish the following information:

(a) The title and amount of securities issued, the amount outstanding as last previously reported and the amount presently outstanding (as of a specified date);

(b) As to securities sold to the public, state the method of distribution employed. Give the names of the principal underwriters, if any, and state the nature of any material relationship between any of such underwriters and the registrant. As to securities which were issued in a transaction not involving a public offering, name the persons or identify the class of persons to whom the securities were issued.

(c) As to securities sold for cash, state the aggregate sale price, the aggregate underwriting discounts or commissions, finders' fees, and net proceeds received. As to securities which were issued for a consideration other than cash, state the nature of the transaction, the nature and aggregate amount of the consideration received, and the basis upon which the amount of consideration was determined.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net cash proceeds from the securities have been or are to be used and the approximate amount used or to be used for each purpose.

(e) A statement as to whether or not the securities were registered under the Securities Act of 1933. If not, an indication of the exemption claimed and the facts relied upon as a basis for claiming an exemption.

(f) If the securities issued were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate share account.

Instructions. (1) No report need be made where the amount not previously reported, although in excess of 5 percent of the amount outstanding, does not exceed $50,000 face amount of indebtedness or 1,000 shares or other units and does not involve the receipt of a consideration in excess of $50,000.

(2) Information is to be included as to all indebtedness owed to banks, insurance companies, finance companies or other persons, evidenced by one or more bonds, debentures, notes or other evidences of indebtedness, except that information need not be given as to notes, drafts, bills of exchange or bankers' acceptances which mature not later than one year from the date of issuance and have an effective rate of interest less than 8 percent per annum. In the case of indebtedness owed to a bank or domestic insurance company which was incurred in the ordinary course of business, the name of the bank or insurance company need not be given.

(3) This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of securities evidencing indebtedness shall be deemed to be the issuance of new securities for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

(4) If an exemption from registration under the Securities Act of 1933 is claimed under the second clause of Section 4(1) of that Act, state the number of offerees and the number of purchasers, the name, address and relationship to the registrant of each purchaser of more than 5 percent of the total amount claimed to be so exempt, and the basis for the registrant's claim that a public offering was not involved.

(5) If the securities referred to in answer to this item materially limit or qualify the rights evidenced by any class of registered securities, appropriate disclosure of such limitation or qualification shall be set forth in answer to Item (4).

ITEM (7A). *Issuance of debt securities by subsidiaries.* If any subsidiary of the registrant has issued any securities evidencing indebtedness and the principal amount of all such securities the issuance of which has not previously been reported exceeds 3 percent of the aggregate indebtedness of the registrant and its consolidated subsidiaries, furnish the information specified in paragraphs (a) to (f), inclusive, of Item (7).

Instructions. (1) The instructions to Item (7) shall apply to this item.

(2) No report need be made under this item with respect to the following:

(i) Securities issued to the registrant or any of its wholly-owned subsidiaries; or

(ii) Securities issued by a subsidiary which is required to file, and duly files, a report with respect to the issuance of such securities.

ITEM (8). *Decrease in amount of securities outstanding.* If the amount of any class of securities of the registrant outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds 5 percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the registrant in connection with such transaction or transactions.

Instruction. Instruction (1) to Item (7) shall also apply to this item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, decreases resulting from the conversion of securities or decreases resulting from the payment of indebtedness at maturity.

ITEM (9). *Options to purchase securities.* If any options to purchase securities of the registrant or any of its subsidiaries from the registrant or any of its subsidiaries have been granted or extended and the amount of securities called for by all such options the granting or extension of which has not been previously reported, exceeds 5 percent of the outstanding securities of the class, furnish the following information:

(a) The dates on which the options were granted or extended;

(b) The total amount of securities called for by such options;

(c) The consideration for the granting of extension of the options;

(d) The exercise prices;

(e) The market value of the securities on the granting or extension dates;

(f) The expiration dates of the options; and

(g) Any other material conditions to which the options were subject.

(h) A statement as to whether or not the securities called for by the options have been or are to be registered under the Securities Act of 1933; if not, an indication of the exemption claimed and the facts relied upon to make the exemption available.

Instructions. (1) The term "option" as used herein means any option, warrant or right to purchase securities. This item does not, however, refer to an issue of securities such as an issue of warrants or rights or an issue of convertible securities.

(2) This item need not be answered where the amount not previously reported, although in excess of 5 percent of the amount outstanding, does not exceed $50,000 face amount of indebtedness or 1,000 shares or other units of other securities.

(3) If an exemption from registration under the Securities Act of 1933 is claimed under the second clause of section 4(1) of that Act, state whether or not the securities were or are to be taken for investment by the purchasers.

ITEM (10). *Revaluation of assets or restatement of capital share account.* (a) If there has been a material revaluation of the assets of the registrant of any of its significant subsidiaries involving a write-up, write-down, write-off or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital share account of the registrant resulting in a transfer from capital share liability to surplus or reserves, or vice versa, state the date, purpose and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

ITEM (11). *Submission of matters to a vote of security holders.* If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information.

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. (1) If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

(2) Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

(3) Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to Regulation 14, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was reelected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

(4) Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

(5) If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

ITEM (12). *Other materially important events.* The registrant may, at its option, report under this item any events, with respect to which information is not otherwise called for by this form, which the registrant deems of material importance to security holders.

ITEM (13). *Financial statements and exhibits.* List below the financial statements and exhibits, if any, filed as a part of this report:

(a) Financial statements
(b) Exhibits

(d) *Signatures.*

The registrant. Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

(Registrant)

By ---
(Signature) *

Date ---

*Print name and title of the signing officer under his signature.

(e) *Financial statements of businesses acquired—(1) Businesses for which statements are required.* The financial statements specified below shall be filed for any business the acquisition of which by the registrant or any of its majority-owned subsidiaries is required to be described in answer to Item (2) of paragraph (c).

(2) *Statements required.* (i) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. This balance sheet need not be certified, but if it is not certified, there shall also be filed a certified balance sheet as of the close of the preceding fiscal year.

(ii) Profit and loss statements of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These profit and loss statements shall be certified up to the date of the certified balance sheet.

(iii) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be certified. In such case, the profit and loss statements required shall be certified to the close of the latest full fiscal year.

(iv) Except as otherwise provided in this instruction, the principles applicable to a registrant and its subsidiaries with respect to the filing of individual, consolidated and group statements in an original application or annual report shall be applicable to the statements required by this instruction.

(3) *Application of Regulation S–X (Part 210 of this Chapter).* Regulation S–X governs the certification, form and content of the balance sheets and profit and loss statements required by the preceding instruction, specifies the basis of consolidation thereof, and prescribes the statements of surplus to be filed in support thereof. No supporting schedules need be filed.

(4) *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

(f) *Exhibits.* Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report:

(1) Copies of any contract, plan or arrangement for any acquisition or disposition described in answer to Item (2), including any plan of reorganization, readjustment, exchange, merger, consolidation or succession in connection therewith.

(2) Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item (3).

(3) Copies of the amendments to all constituent instruments and other documents described in answer to Item (4).

(4) Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item (7).

(5) If any securities the issuance of which is reported under Item (7) were not registered under the Securities Act of 1933, an opinion of counsel as to the availability of any exemption from such registration claimed for such securities. If such opinion differs in any material respect from any opinion of counsel furnished to any securities exchange state the nature of and basis for such difference and furnish copies of the opinion furnished to the exchange.

(6) Copies of the plan pursuant to which the options referred to in answer to Item (9) were granted or, if there is no such plan, specimen copies of the options.

(7) Copies of the text of any proposal described in answer to Item (11).

(8) Copies of any material amendments to the registrant's charter or by-laws, not otherwise required to be filed.

(g) *Supplemental information.* (1) Submit for the information of the Commission one copy (proof or final, as available) of any listing application filed or to be filed with any national securities exchange for the listing on such exchange of any securities the issuance of which is reported in answer to Item (7).

(2) Such application shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

(Secs. 13, 15(d), and 23(a), 48 Stat. 894, 895, and 901, as amended, 15 U.S.C. 78m, 78o and 78w.)

The foregoing amendments are proposed pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before May 7, 1962. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 5, 1962.

[F.R. Doc. 62–3741; Filed, Apr. 17, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 13]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

MARCH 15, 1962.

In accordance with the provisions of ICA Regulation 5, which is hereby redesignated AID Regulation 5, the Assistant Administrator for Administration is designated as my designee with authority to approve maximum rates of per diem for participants in training in the United States, to authorize exceptional rates of per diem for distinguished participants, and to redelegate such functions to the Director, Office of Program Support.

FOWLER HAMILTON, *Administrator.*

MARCH 15, 1962.

[F.R. Doc. 62–3743; Filed, Apr. 17, 1962; 8:47 a.m.]

DIRECTOR, OFFICE OF PROGRAM SUPPORT

Delegation of Authority

In accordance with AID Regulation 5 (22 CFR 205) and the authority vested in the Assistant Administrator for Administration by AID Delegation of Authority No. 13, the Director, Office of Program Support, is hereby authorized to approve maximum rates of per diem for participants in training in the United States and to authorize exceptional rates of per diem for distinguished participants.

MELBOURNE L. SPECTOR, *Acting Assistant Administrator for Administration.*

MARCH 19, 1962.

[F.R. Doc. 62–3744; Filed, Apr. 17, 1962; 8:47 a.m.]

Office of the Secretary

[Delegation of Authority No. 104–1]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

Authorization for Secretary of Health, Education, and Welfare under section 635(d) of the Foreign Assistance Act of 1961, as amended.

By virtue of the authority vested in me by Executive Order No. 10973 of November 3, 1961 (26 F.R. 10469) and as Secretary of State, Delegation of Authority No. 104 of November 3, 1961 (26 F.R. 10608), is amended by redesignating subsections (e) and (f) of section 6 to be "(f)" and "(g)", respectively, and by adding a new subsection (e) as follows:

(e) The Secretary of Health, Education, and Welfare is authorized to perform any functions authorized by section 635(d) of the Act to the extent that they relate to programs under section 451(c) of the Mutual Security Act of 1954, as amended, administered by the Secretary of Health, Education, and Welfare on behalf of Cuban refugees and carried out in furtherance of the purposes of the Act with funds available under the Act.

[SEAL] DEAN RUSK, *Secretary of State.*

APRIL 10, 1962.

[F.R. Doc. 62–3756; Filed, Apr. 17, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. No. 1]

ALASKA

Notice of Filing Plat of Survey and Order Providing for Opening of Public Lands

APRIL 9, 1962.

In F.R. Doc. 61–2549, appearing on page 2486 of the issue for March 23, 1961, plat of extension survey of land officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., April 1, 1961, paragraph 1, 3, and 4 only are hereby amended as follows:

PARAGRAPH 1. (All land description and acreage remains the same except)

SEWARD MERIDIAN

T. 14 N., R. 1 E.,
Sec. 30: Lots 3 and 4 of proposed Supplemental plat instead of Lot 1;
Sec. 31: Lots 5 and 6 of proposed Supplemental plat instead of Lot 4.

PAR. 3 and 4. (Paragraph 3 and 4 are completely vacated and replaced with the following single paragraph.)

Power Site Classification 107 dated June 12, 1925, and 399 dated March 29, 1950, withdrew all the then unsurveyed lands lying within ¼ mile of the Eagle River or below the 500 contour of Eagle River drainage. Power Project 2296 dated April 21, 1961, affected the same lands. The area so withdrawn within the surveyed lands which are the subject of this order is now described as follows:

SEWARD MERIDIAN

T. 14 N., R., 1 W.,
Sec. 23: W½SW¼, SE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½NE¼SW¼, SE¼NE¼NE¼SW¼, SW¼SW¼NW¼, S½NW¼SW¼NW¼, W½SE¼SW¼NW¼, SE¼SE¼SW¼NW¼, SW¼NW¼SE¼, SW¼SE¼, S½SE¼SE¼;
Sec. 25: W½NW¼, SE¼NW¼, SW¼NE¼NW¼, SW¼NW¼NE¼NW¼, S½SE¼NE¼NW¼, SW¼, W½SE¼, SE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, W½NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, SW¼SW¼NE¼, SW¼SE¼SW¼NE¼, SW¼NW¼SW¼NE¼;
Sec. 26: N½, N½SE¼, SE¼SE¼, NE¼SW¼SE¼, N½NW¼SW¼SE¼, NE¼SE¼SW¼SE¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, NE¼SW¼NE¼SW¼;
Sec. 36: NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, N½SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, N½NE¼SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, NE¼NW¼SE¼, NE¼NW¼NW¼SE¼, N½NE¼SE¼, N½SW¼NE¼SE¼, N½NE¼SE¼SE¼, SE¼NE¼SE¼SE¼.

T. 14 N., R. 1 E.,
Sec. 30: Lot 2, S½SE¼SW¼, S½NW¼SE¼SW¼, NW¼NW¼SE¼SW¼, SW¼SW¼SW¼SE¼, Lot 4 of proposed supplemental plat;
Sec. 31: S½NE¼, S½NW¼NE¼, NW¼NW¼NE¼, S½NE¼NW¼NE¼, NW¼NE¼NW¼NE¼, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, E½NW¼, E½SW¼, SE¼, Lot 1, Lot 2, Lot 3, Lot 5 of proposed supplemental plat;
Sec. 32: SW¼SW¼NW¼, SW¼NW¼SW¼NW¼, W½SE¼SW¼NW¼, W½SW¼, W½SW¼NE¼SW¼, SW¼NW¼NE¼SW¼, W½SE¼SW¼, W½SW¼SW¼, SE¼SE¼SW¼, S½NE¼SE¼SW¼, SW¼SW¼SE¼, SW¼NW¼SW¼SE¼, SE¼SW¼SE¼.

T. 13 N., R. 1 E.,
Sec. 4: SW¼SW¼NW¼, SW¼NW¼SW¼NW¼, SW¼SE¼SW¼NW¼, W½SW¼, SE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼, W½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, W½SW¼NW¼SE¼, SW¼SW¼SE¼, SE¼SW¼NW¼SE¼;
Sec. 5: W½NE¼, SE¼NE¼, SW¼NE¼NE¼, SW¼NW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NW¼, N½SW¼, NE¼SW¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, SE¼SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, N½SE¼SW¼, SE¼SW¼SE¼SW¼, SE¼SW¼SE¼, SE¼;
Sec. 9: NW¼, E½SW¼, E½NW¼SW¼, N½NW¼NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼NW¼SW¼, E½NE¼SW¼SW¼, SE¼, W½NE¼, W½SE¼NE¼, SE¼SE¼NE¼, W½NE¼SE¼NE¼, S½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, W½NW¼NE¼NE¼;
Sec. 10: W½SW¼SW¼, W½SE¼SW¼SW¼, SW¼NE¼SW¼SW¼, S½SW¼NW¼SW¼, NW¼SW¼NW¼SW¼, W½NW¼NW¼SW¼.

WARNER T. MAY, *Manager.*

[F.R. Doc. 62–3734; Filed, Apr. 17, 1962; 8:46 a.m.]

Office of the Secretary

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 9, 1962.

Dated: April 9, 1962.

VIVAN B. JONES.

[F.R. Doc. 62-3733; Filed, Apr. 17, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-138]

MISSISSIPPI SHIPPING CO., INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Mississippi Shipping Company, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its "SS Del Alba" to go under subcharter from States Marine Lines, Inc. to the latter's wholly owned subsidiary Isthmian Lines for one voyage commencing on or about April 26, 1962, commencing at Hawaii carrying a full load of sugar to U.S. Gulf ports arriving about May 18, 1962. This application may be inspected by interested parties in Room 3095, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

A hearing on the application has been set for April 24, 1962 at 10:00 a.m., e.s.t. in Room 4519, of the General Accounting Office Building. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on April 23, 1962, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on April 23, 1962, will not be granted in this proceeding.

Dated: April 16, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-3813; Filed, Apr. 17, 1962; 8:53 a.m.]

National Bureau of Standards

COURSE IN RADIO PROPAGATION

Course in radio propagation to be given at Boulder, Colorado, July 16–August 3, 1962.

The course is sponsored by the National Bureau of Standards Central Radio Propagation Laboratory in association with the University of Colorado. The course is given in accordance with the mission of CRPL, which includes the responsibility for dissemination of information on radio propagation (15 U.S.C. 272). To facilitate transfer of academic credit for students working on graduate degrees in areas related to radio propagation, the course will be included in the Graduate program at the University of Colorado.

This course is designed to provide a discussion of the fundamentals of radio propagation, the latest advances in the state of the art, and the application of this knowledge to the design and development of communication systems. The 1962 course will employ a unified approach to both ionospheric and tropospheric propagation. This unification permits adoption of the experience and suggestions obtained from the 1961 course. In particular, increased emphasis will be given to both fundamental physics and to systems applications. An integrated development of tropospheric and ionospheric propagation will stress similarities and differences of the two. The course will consider communication via the entire range of useable radio frequencies in the atmosphere, space, underground, and underwater, and will extend into the modes of propagation which are being explored for future use. Following is a list of tentative lectures:

1. Historical Development of Maxwell's Equations.
2. The Wave Solutions of Maxwell's Equations.
3. Properties of the Atmosphere, I.
4. Properties of the Atmosphere, II.
5. The Measurement of Atmospheric Properties.
6. Ray Theory in Radio Propagation.
7. Statistics in Radio Propagation.
8. Random Processes in the Medium.
9. Turbulent Scatter Theory.
10. Sources of Noise, I.
11. Sources of Noise, II.
12. Experimental Methods, I.
13. Experimental Methods, II.
14. Line-of-Sight Tropospheric Propagation.
15. Tropospheric Refraction and Attenuation.
16. Diffraction and Obstacle-Gain.
17. Irregular Terrain.
18. Tropospheric Turbulence.
19. Line-of-Sight Phase Stability.
20. Tropospheric Forward Scatter, I.
21. Tropospheric Forward Scatter, II.
22. Formation and Structure of the Ionosphere.
23. The Quiet Ionosphere.
24. The Disturbed Ionosphere.
25. Geomagnetism and Geomagnetic Storms.
26. Magneto-Ionic Theory.
27. Applications of the Appleton-Hartree Formula.
28. Magneto-Ionic Ray Tracing.
29. Ground Wave Propagation.
30. The Propagation of VLF Signals over Long Distances.
31. VLF Propagation and Introduction to the Theory of VLF Propagation.
32. Phase Velocity and Stability in VLF Propagation.
33. Low-Frequency Propagation.
34. High-Frequency Modes of Propagation.
35. High-Frequency Multipath and Fading.
36. High-Frequency Transmission Loss.
37. Arctic High-Frequency Propagation.
38. D-Region Scatter.
39. Field-Aligned and Incoherent Scatter, I.
40. Field-Aligned and Incoherent Scatter, II.
41. Meteor Scatter.
42. Earth-Space (Refraction and Polarization).
43. Earth-Space (Scintillation and Absorption).
44. Exospheric Ducting.
45. Propagation Factors Affecting System Design.
46. Tropospheric Predictions.
47. Ionospheric Predictions and Disturbance Forecasts.
48. Tropospheric Forward-Scatter Systems.
49. VLF and LF Systems.
50. Ionospheric Communications Systems.
51. Ionospheric Radar Systems.
52. Ionospheric Forward-Scatter Systems.
53. A Survey of Space Communication Systems and Frequency-Sharing Aspects.
54. Propagation Aspects and Problems of Interference in Space Communication.
55. Radio Location Systems, I.
56. Radio Location Systems, II.

Prerequisites. A bachelor's degree in Electrical Engineering, Physics, or other suitable academic or practical experience.

Tuition. $300 for the course; a small additional University of Colorado registration fee will be required of students who also desire academic credit.

Registration will be limited and early application should be made to insure consideration. To facilitate local arrangements, registration will be closed July 1, 1962. Further details and registration forms are available from: Edmund H. Brown, Education Director, Boulder Laboratories, National Bureau of Standards, Boulder, Colorado.

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-3759; Filed, Apr. 17, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPCX-19 authorizing National Aeronautics and Space Administration to construct a Zero Power Reactor System II solution-type critical experiments facility at the Lewis Research Center in Cleveland, Ohio.

The permit as issued was set forth in the Notice of Proposed Issuance of Construction Permit published in the FEDERAL REGISTER March 24, 1962, 27 FR 2778.

Dated at Germantown, Md., this 12th day of April 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-3720; Filed, Apr. 17, 1962; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 1, 1962 the latest completion date specified in Construction Permit No. CPRR-48 for the construction of the homogeneous solution type, Atomics International Model L-54 nuclear reactor to be located on the Walter Reed Army Medical Center site in Washington, D.C.

Copies of the Commission's order and of the application by Walter Reed Army Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of April 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-3721; Filed, Apr. 17, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14567, 14568]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Texas, requests 1540 kc, 1 kw, Day, Docket No. 14567, File No. BP-14442; Great State Broadcasters, Inc., San Antonio, Texas, requests 1540 kc, 10 kw, DA, Day, Docket No. 14568, File No. BP-15032; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on April 12, 1962;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate its proposed station but that the proposed operations are mutually exclusive; and

It further appearing that the antenna system proposed by Great State Broadcasters, Inc., has been approved by the Federal Aviation Agency; and

It further appearing that the antenna system proposed by the D & E Broadcasting Co. has not been approved by the Federal Aviation Agency but that the proposal in this respect has been examined by the Commission in the light of the criteria contained in F.A.A. Regulations, Section 626.12, and that a grant of the application of the D & E Broadcasting Co. will be conditioned upon compliance with any applicable procedures of the Federal Aviation Agency; and

It is further ordered, That, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine which of the said proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the insignificant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That in the event of a grant of the application of the D & E Broadcasting Co., the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the F.A.A.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3764; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket No. 14479; FCC 62M-538]

DeKALB BROADCASTING CO.

Order Continuing Hearing

In re application of Samuel C. Chafin and N. W. Griffin d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479, File No. BP-14133; for construction permit.

The Hearing Examiner having under consideration the informal request of the applicant, DeKalb Broadcasting Co., for a two week extension of each of the dates specified in the Hearing Examiner's order of February 8, 1962, herein, and the applicant's representation that the other parties hereto have consented to such extension; and

It appearing that the requested extension of time is necessary for the proper preparation of the applicant's engineering exhibits;

It is ordered, This 10th day of April 1962, that:

(1) The date for exchange of written exhibits is continued from April 16, 1962, to April 30, 1962; and

(2) The date for notification of witnesses to be called for cross-examination is continued from April 23, 1962, to May 7, 1962; and

It is further ordered, That the hearing herein heretofore scheduled to commence on May 1, 1962, is continued to May 15, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3765; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket No. 14166 etc.; FCC 62-379]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, et al., Docket No. 14166, File No. BP-13017; etc.; for construction permits.

1. The Commission has before it for consideration George F. O'Brien's petition to enlarge issues filed January 8, 1962, together with pleadings properly filed in response thereto.

2. Petitioner requests addition of a 3.35 issue to the designation Order (FCC 61-

971) as to Blair A. Walliser who, like petitioner, is proposing standard broadcast station on 940 kc, 1 kw, D, at New Milford, Connecticut.

3. Though the petitioner's allegations do not warrant addition of the issues,[1] they will be added on our own motion. Thus, it appears that considerable overlap would occur between the 0.5 mv/m contours of Walliser's New Milford proposal, and Station WEOK, Poughkeepsie, New York; that considerable 0.5 mv/m overlap would also occur between Walliser's New Milford proposal and his Milford proposal (BP–14106); and that the 2 mv/m contour of the New Milford would overlap some of the 0.5 mv/m contours of Station WEOK and of the Milford proposal. It further appears that within a radius of approximately fifty miles, Wallister has interests in two standard broadcast stations (WEOK, Poughkeepsie, New York, and WNTA, Newark, New Jersey), and proposes two additional standard broadcast stations (at New Milford, and at Milford, both in Connecticut). Walliser also has interests in WACE, Chicopee, Massachusetts; WKST, New Castle, Pennsylvania; and BP–13850 at Pittsburgh, Pennsylvania.

4. Should it ultimately be determined that the grant of the instant proposal would be consistent with § 3.35 of the Commission's rules except for the pendency of one or more of petitioner's other proposals, the grant of its instant application will be made subject to the condition that program tests will not be authorized until he divests himself of his interests in such other proposal or proposals.

Accordingly, it is ordered, This 12th day of April 1962, That George F. O'Brien's petition to enlarge issues, filed January 8, 1962, is denied; and

It is further ordered, That on the Commission's own motion the issues in the designation Order corrected June 28, 1961 (FCC 61–791) are further amended by renumbering Issue 15 as Issue 16 and by the addition of the following issue:

15. To determine whether a grant of Blair A. Walliser's New Milford, Connecticut, proposal (BP–13673) would result in substantial overlap or in concentration of control in violation of § 3.35 of the Commission's rules.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3763; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket No. 14394 etc.; FCC 62–385]

FLOWER CITY TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT–2929; Rochester Area Educational Television Association, Inc., Rochester, New York, et al., Docket No. 14459, File No. BPCT–2943; etc.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration a "Petition to Enlarge Issues" filed by Rochester Area Educational Television Association, Inc. (RAETA) on January 22, 1962, and pleadings properly filed in response thereto.

2. Petitioner requests that we enlarge the issues in this proceeding to add an issue identical to that adopted by us in Rollins Broadcasting, Inc., FCC 60–1390; 20 RR 976 (released November 23, 1960). Alternatively, petitioner requests addition of the issue set forth below, which is the same as the modified issue subsequently adopted in Rollins Broadcasting, Inc., FCC 61–165, 20 RR 978 (released February 14, 1961).

3. RAETA's petition is opposed by Flower City Television Corporation and Citizens Television Corporation. The petition is supported by the Broadcast Bureau insofar as it requests addition of petitioner's alternative issue.

4. We will grant RAETA's petition to the extent it requests addition of the alternative issue. The considerations which caused us to enlarge and then modify the issues in Rollins are equally applicable here. As indicated in paragraph 6 of the second Rollins case, supra, existing programming is relevant only if there is a likelihood that it is actually received, and the methods therein specified for estimating interference-free reception shall be employed in making the determination required by the issue added below.

Accordingly, it is ordered, This 12th day of April 1962, That the Petition to Enlarge Issues filed by Rochester Area Educational Television Association, Inc., on January 22, 1962, is granted to the extent indicated herein, and is in all other respects denied; and

It is further ordered, That the issues in this proceeding are enlarged, by adding the following Issue 7(d):

7(d) The programming service proposed in each of the applications considered in the light of the following: factors:

(1) Whether there are particular types or classes of programs for which there is an unfulfilled need in the area proposed to be served.

(2) The extent to which the program proposal of each applicant would meet such needs.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3766; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket No. 14394 etc.; FCC 62–386]

FLOWER CITY TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Flower City Television Corporation, Rochester, New York, et al., Docket No. 14394, File No. BPCT–2929, etc.; Main Broadcast Co., Inc., Rochester, New York, et al., Docket No. 14464, File No. BPCT–2964, etc.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (1) a Motion to Delete Issues filed on January 3, 1962 by Main Broadcast Co., Inc.; (2) an Opposition to Motion to Delete Issues filed by Flower City Television Corporation on January 16, 1962; (3) Replies to the opposition of Flower City Television Corporation filed by Main Broadcast Co., Inc., and the Broadcast Bureau on January 23, 1962 and January 26, 1962, respectively; (4) a Joint Statement of Flower City Television Corporation, Main Broadcast Co., Inc., Citizens Television Corporation and Rochester Broadcasting Corporation, filed by them on February 12, 1962; and (5) a Request for Expedited Action on "Motion to Delete Issues" filed by Main Broadcast Co., Inc., on February 15, 1962.

2. Main Broadcast Co., Inc. (Main) requests that we delete Issues 4 and 5 of our Order FCC 61–1511, released January 2, 1962, as well as all references to Main in "(c)" of the "appearing" clause concerning specific applications. In support of its request, Main states that it filed an amendment to its application on December 21, 1961, prior to designation, and that this amendment rendered the subject issues unnecessary.

3. Flower City Television Corporation (Flower City) originally opposed the deletion of Issue 5, the financial qualification issue. However, in a joint statement withdrawing various pleadings, filed by several applicants on February 12, 1962, Flower City requests withdrawal of its opposition, conceding Main's financial qualifications. The Broadcast Bureau, which was not a party to the joint statement, supports Main's request that the issues be deleted.

4. We will grant Main's motion and delete Issues 4 and 5. Main's amended application provides correct technical data on its antenna proposal. The amended application also shows that its available funds amount to $655,000 and that the cost of constructing its station and operating it for three months would be $579,347. We therefore find, from our review of its application, as amended, that Main is financially, as well as technically and legally, qualified to operate its proposed station.[1]

[1] Petitioner's request based upon Walliser's actual and proposed interest in more than seven standard broadcast stations has been rendered moot by the subsequent abandonment of two proposals.

[1] It should be noted that this case is unlike those in which we have denied petitions for deletion of issues on the ground that the petitioners were attempting to add additional or corrective material to their applications, by way of amendment or interlocutory pleadings, after release of a hearing Order, to satisfy hearing issues. E.g., Grand Broadcasting Company, FCC 62–234; M & M Telecasters, FCC 62–179; Veterans Broadcasting Company, Inc., FCC 62–131; Radio Quests, Inc., FCC 61–1061.

Accordingly, it is ordered, This 12th day of April 1962, that the Motion to Delete Issues filed by Main Broadcast Co., Inc., on January 3, 1962, is granted; that Issues 4 and 5 are deleted; and Issues 6, 7 and 8 are renumbered as Issues 4, 5 and 6, respectively;

It is further ordered, That the Request for Expedited Action, filed by Main Broadcast Co., Inc., on February 15, 1962, is dismissed as moot.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3768; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket Nos. 14510–14514; FCC 62–387]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP–13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP–14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP–14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP–14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP–14469; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed March 5, 1962, by Rockland Broadcasters, Inc., together with pleadings properly filed in reply thereto.

2. Petitioner requests that we add to this proceeding the following issues:

a. To determine whether Rockland Broadcasting Company intends to, and is able to effect the engineering proposal set forth in its application.

b. To determine whether the transmitter site proposed by Rockland Radio Corporation is satisfactory with particular reference to any conditions which may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

3. Except for the matter of difference of ground elevations under the proposed towers, Rockland Broadcasting Company has, by its opposition pleading, shown petitioner's allegations to be without substance. Since there would be differences in ground elevations under the proposed towers, the requested issue, limited as suggested by the Bureau, to determine the nature of the terrain, and to determine whether Rockland Broadcasting Company can construct and operate the directional antenna system as proposed, will be added.

4. Rockland Radio Corporation, by its opposition pleading with engineering statement attached, has shown that a junk-yard crane operating some 700 feet from its nearest tower will not materially affect its proposed directional radiation pattern as claimed by petitioner. Petitioner's request for addition of the second issue will be denied. Having denied the request for this issue, Rockland Radio Corporation's motion to strike, alleging untimely notice, will be dismissed as moot.

Accordingly, it is ordered, This 12th day of April, 1962, that the petition to enlarge issues, filed March 5, 1962, by Rockland Broadcasters, Inc., is granted to the extent indicated herein, and is in all other respects denied; and

It is further ordered, That Rockland Radio Corporation's motion to strike, filed March 15, 1962, is dismissed as moot;

It is further ordered, That the present Issue 16 in the above-captioned proceeding is renumbered as Issue 17 and that the following new Issue 16 is added:

16. To determine the nature of the terrain at its proposed site and to determine whether Rockland Broadcasting Company can construct and operate the directional antenna system as proposed in its application.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3767; Filed, Apr. 17, 1962; 8:50 a.m.]

[Docket No. 14394; FCC 62–380]

ROCKLAND BROADCASTERS

Memorandum Opinion and Order Amending Issues

In re application of Keith Connes and Albert Spiro d/b as Rockland Broadcasters, New City, New York, Docket No. 14526, File No. BP–13953; for construction permit.

1. The Commission has before it for consideration (a) a motion for enlargement of issues filed March 9, 1962, by Capital Cities Broadcasting Corporation (WPAT), Paterson, New Jersey; (b) a petition in support of a motion filed March 16, 1962, by The Central Connecticut Broadcasting Company (WHAY), New Britain, Connecticut; (c) a comment of the Commission's Broadcast Bureau filed March 21, 1962; (d) an opposition of Rockland Broadcasters, New City, New York, filed March 22, 1962; and (e) a reply of WPAT filed March 27, 1962.

2. Capital Cities requests an enlargement of issues to inquire whether the proposed Rockland operation would result in an overlap of the 2 mv/m and 25 mv/m contours with the existing operation of Station WPAT, in violation of § 3.37 of the Commission's rules. WPAT's contention is based on the special field test measurements it had caused to be taken after the Rockland application was designated for hearing. Rockland argues that the measurements were improperly taken and, even if they could be used, there would be no overlap of these contours because, according to its analysis, the value of ground conductivity is less than that determined by the petitioner.

3. Upon considering all the questions raised in the pleadings before us, we believe that these matters can be satisfactorily resolved only on the basis of a record made at an evidentiary hearing. Thus, we will grant the petitioner's request by adopting the issue suggested by the Broadcast Bureau.

Accordingly, it is ordered, This 12th day of April 1962, that the motion for enlargement of issues filed March 9, 1962, by Capital Cities Broadcasting Corporation (WPAT), Paterson, New Jersey, is granted; and

It is further ordered, That the designation order released February 19, 1962 (FCC 62–185) is amended by renumbering Issue 3 as Issue 4 and the following Issue 3 is added: To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Rockland Broadcasters and Station WPAT, in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3769; Filed, Apr. 17, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62–385—RI62–388]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

APRIL 11, 1962.

Gulf Oil Corporation, Docket No. RI62–385; Va Roy Hildreth, Docket No. RI62–386; Valley Gas Transmission, Inc., Docket No. RI62–387; Banquete Gas Company, a Division of Crestmont Consolidated Corporation, Docket No. RI62–388.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

rendered moot by the subsequent abandonment of two proposals.

[F.R. Doc. 62-3766; Filed, Apr. 17, 1962; 8:50 a.m.]

pany, Inc., FCC 62-131; Radio Quests, Inc., FCC 61-1061.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
R162-385...	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	91	5	American Louisiana Pipe Line Co. (W. Little Chenier Field, Cameron Parish, La.) (South Louisiana).	$22,007	3-21-62	4-23-62	9-23-62	[2] 19.75	[3] 22.25	----------
R162-386...	Va Roy Hildreth, Spencer, W. Va.	5	1	Cabot Corporation (Lee District, Calhoun County, W. Va.)	327	3-16-62	4-16-62	4-17-62	[4] 12.0	[5] 13.824	----------
R162-387...	Valley Gas Transmission, Inc., 1410 Americana Bldg., Houston 2, Tex.	1	7	Tennessee Gas Transmission Co. (Effie Gillespie Tsemelis Field, Matagorda and Jim Wells Counties, Tex.) (R.R. Dist. Nos. 3 and 4).	395	3-12-62	4-12-62	4-13-62	[6] 16.10947	[5] 16.18447	----------
				do.	3,949	3-12-62	4-12-62	4-13-62	[7] 17.0	[5] 17.05384	----------
		2	3	United Gas Pipe Line Co. (Jim Wells and Live Oak Counties, Tex.) (R.R. Dist. Nos. 2 and 4).	2,505	3-12-62	4-12-62	4-13-62	[7] 18.0	[5] 18.0462	----------
		3	9	Trunkline Gas Company (Maetze Field, Goliad County, Tex.) (R.R. Dist. No. 2).	1,798	3-12-62	4-12-62	4-13-62	[7] 15.0	[5] 15.1173	----------
R162-388...	Banquete Gas Co., a division of Crestmont Consolidated Corp., 3105 Leopard St., Corpus Christi, Tex.	1	2	United Gas Pipe Line Co. (Plymouth and East Taft Fields, San Patricio County, Tex.) (R.R. Dist. No. 4).	1,406	3-14-62	4-14-62	4-15-62	[7] 12.1536	[5] 12.3386	----------
		2	4	United Gas Pipe Line Co. (Spartan and Odem Fields, San Patricio County, Tex.) (R.R. Dist. No. 4).	8,325	3-14-62	4-14-62	4-15-62	[7] 13.1664	[5] 13.3514	----------

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date requested by respondent.
[2] Pressure base is 15.025 psia.
[3] Periodic increase.
[4] Date of initial delivery.
[5] Pressure base is 15.325 psia.
[6] Revenue-sharing increase.
[7] Pressure base is 14.65 psia.
[8] Matagorda County, Texas (R.R. Dist. No. 3).
[9] Rate increase based on reimbursement of Texas Dedicated Reserve Tax.
[10] Jim Wells County, Tex. (R.R. Dist. No. 4).

The proposed increased rates contained in Supplement No. 5 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 91, and in Supplement Nos. 7, 3, and 9 to Valley Gas Transmission, Inc.'s FPC Gas Rate Schedule Nos. 1, 2, and 3, respectively, exceed the applicable area price levels as established by the Commission's Statement of General Policy No. 61-1, 24 FPC 818, as amended.

The proposed revenue-sharing increased rate contained in Supplement No. 1 to Va Roy Hildreth's FPC Gas Rate Schedule No. 5 is below the applicable area price level, but it should be suspended because the purchaser's related resale rate has been suspended and is in effect subject to refund.

The proposed increased rates contained in Supplement Nos. 2 and 4 to Banquete Gas Company's FPC Gas Rate Schedule Nos. 1 and 2, respectively, and in Supplement Nos. 7, 3, and 9 to Valley Gas Transmission, Inc.'s FPC Gas Rate Schedule Nos. 1, 2, and 3, respectively, reflect reimbursement of the Texas Dedicated Reserve Tax.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Va Roy Hildreth, Valley Gas Transmission, Inc., and Banquete Gas Company shall become effective on the date and in the manner herein prescribed [2] if within 20 days from the date of the issuance of this order the respective Respondents shall each execute and file under its respective above-designated docket numbers with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless the Respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their respective agreements and undertakings shall be deemed to have been accepted.

(C) Neither the rate supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) This order is without prejudice to final determination by the Commission as to whether Banquete Gas Company and Valley Gas Transmission, Inc., are independent producers or pipeline companies.

[2] Only the tax reimbursement portions of the proposed increased rates contained in Supplement Nos. 2 and 4 to Banquete Oil Company's FPC Gas Rate Schedule Nos. 1 and 2, respectively, shall be subject to refund.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before May 28, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3729; Filed, Apr. 17, 1962; 8:46 a.m.]

[Docket No. E-7034]

UTAH POWER & LIGHT CO.

Notice of Application

APRIL 11, 1962.

Take notice that, on April 4, 1962, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Utah Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Utah, Wyoming and Idaho, with its principal business office at Salt Lake City, Utah, seeking an order authorizing the acquisition of the assets and facilities of Telluride Power Company (Telluride), a corporation organized under the laws of the State of Delaware and doing business in Utah, with its principal business office at Salt Lake City and its main operating office at Richfield, Utah. Telluride, a wholly-owned subsidiary of Applicant, supplies electric service in southwestern Utah to the Counties of Millard, Sanpete, Sevier, Beaver, Juab, Piute and Garfield, and to 30 incorporated communities located therein. According to the application, Applicant and Telluride, on December 20, 1961, adopted a plan of liquidation of Telluride, which provides, in substance, as follows: Applicant will make a capital contribution to Telluride in the amount of approximately $2,100,000 to enable Telluride to reacquire and retire all of its outstanding First Mortgage Bonds—which Telluride will do; Applicant will forgive outstanding indebtedness of Telluride represented by the Promissory Notes of Telluride held by Applicant in the principal amount of $1,900,000; Applicant will assume all of the liabilities of Telluride and Telluride will distribute all of its property and assets to Applicant upon surrender for redemption of all of Telluride's issued and outstanding capital stock held by Applicant; Telluride will be dissolved. Applicant states that the proposed transaction will be of general benefit to the public through the elimination of duplication of administering two corporate structures and through the simplification of operations and the financing of future construction, and will permit the employment of uniform electric service rates.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 7th day of May 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3730; Filed, Apr. 17, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST OKLAHOMA BANCORPORATION, INC.

Notice of Order for Hearing

On January 30, 1962, there was published in the FEDERAL REGISTER (27 F.R. 869) a notice of receipt by the Board of Governors of an application filed pursuant to section 3(a) of the Bank Holding Company Act of 1956 [12 U.S.C. 1842] by First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma, for the Board's prior approval of action whereby First Oklahoma Bancorporation, Inc., would become a bank holding company through acquisition of a minimum of 28.15 percent of the voting shares of The First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma, and a minimum of 50.5 percent of the voting shares of The Idabel National Bank, Idabel, Oklahoma.

It appearing to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to this application:

It is hereby ordered, That, pursuant to § 222.7(a) of the Board's Regulation Y [12 CFR 222.7(a)], promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held, commencing June 5, 1962, at 10 a.m., in the Federal Building, Oklahoma City, Oklahoma, before a duly designated hearing examiner, such hearing to be conducted in accordance with the Board's Rules of Practice for Formal Hearings [12 CFR Part 263]. The right is reserved to the Board or the hearing examiner to designate any other place or date for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) The financial history and condition of the company and the banks concerned;

(2) The prospects of said company and banks;

(3) The character of their management;

(4) The convenience, needs and welfare of the communities and area concerned;

(5) Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That, any person desiring to give testimony in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before May 15, 1962, a written request containing a statement of the nature of the petitioner's interest in the proceedings and a summary of the matters concerning which petitioner wishes to give testimony. Such requests will be presented to the designated hearing examiner for his determination, and persons submitting them will be notified of his decision.

Dated at Washington, D.C., this 12th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3781; Filed, Apr. 17, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13487]

DIRECTIONAL CHARTER RATES

Notice of Prehearing Conference

In the matter of proposed and effective charter rates for Slick Airways, Inc. and The Flying Tiger Line Inc. See Order E-18138.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on May 8, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before April 30, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before May 7, 1962.

Dated at Washington, D.C., April 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3762; Filed, Apr. 17, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 436]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 13, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply in-

advertent omissions in his written statement is permissible.

No. MC 28478 (Sub-No. 17), filed April 5, 1962. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Mentor Township, Lake County, Ohio, as off-route points in connection with applicant's authorized regular route operations to and from Cleveland, Ohio.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 35484 (Sub-No. 48), filed April 2, 1962. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mentor, Ohio, and points in Mentor Township, Lake County, Ohio, as off-route points in connection with the present authority of Mid Continent Freight Lines, Inc., operated (in part) by Viking Freight Co. to and from Cleveland, Ohio.

NOTE: Applicant is temporarily authorized to operate those rights of Mid Continent Freight Lines, Inc. described in its Certificate MC 108158 Sub-No. 43, in Docket MC-F 7969.

HEARING: May 3, 1962, at the Hotel Cleveland, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its rights to participate before Examiner Henry C. Darmstadter.

No. MC 114019 (Sub-No. 86), filed April 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bradley, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

NOTE: Applicant states it controls Little Audrey's Transportation, Inc.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3752; Filed, Apr. 17, 1962; 8:48 a.m.]

[Notice 437]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 13, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2165 (Sub-No. 12), filed March 7, 1962. Applicant: LANGDON TRUCK LINES, INC., Lyndonville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fungicides, herbicides, pesticides, weed killer, and ingredients thereof*, dry or liquid, other than in tank vehicles, from Malaga, N.J., to points in Columbia, Delaware, Dutchess, Greene, Niagara, Orange, Putnam, Rockland, Schoharie, Sullivan, Ulster, and Westchester Counties, N.Y., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 7, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Theodore M. Tahan.

No. MC 7381 (Sub-No. 9), filed March 9, 1962. Applicant: WEBB'S TRANSFER, INC., Johnson Avenue and County Street, P.O. Box 824, Suffolk, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible nuts (including salted peanuts), peanut butter, peanut oil, peanut butter sandwiches, cream-filled cookies*, and *confectionery*, from Suffolk, Va., to Springfield, Mass., Bridgeport, Hartford, and Suffield, Conn., and Providence, R.I., restricted to transportation performed in connection with applicant's present authority to transport the described commodities to Cambridge, Mass.; (2) *Chocolate*, from Boston, Mass., to Suffolk, Va.; and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to the respective origin points.

HEARING: May 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 10297 (Sub-No. 12), filed March 14, 1962. Applicant: CAPITOL MOTOR TRANSPORTATION CO., INC., 296 Main Street, Everett, Mass. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, fibreboard, pulpboard*, and *strawboard* from Lisbon Falls, Maine, to points in Virginia, Maryland, Delaware, North Carolina, and the District of Columbia; (2) *marble* and *granite* from points in Georgia and Tennessee to points in Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, and Connecticut; and (3) *rejected, returned and damaged shipments* from the above-described destination territories to the above-described origin territories.

HEARING: May 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 10761 (Sub-No. 117), filed March 8, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Westford and West Chelmsford, Mass., to points in Pennsylvania, west of the Susquehanna River, and *rejected and damaged material*, on return.

HEARING: May 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 22278 (Sub-No. 12), filed January 24, 1962. Applicant: TAKIN BROS. FREIGHT LINES, INC., 2125 Commercial Street, Waterloo, Iowa. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); between Omaha, Nebr., on the one hand, and, on the other, Waterloo, Cedar Falls, Charles City, and Mason City, Iowa, limited to traffic which originates at and is destined to the points named, over applicant's presently authorized regular routes.

NOTE: Applicant states the purpose of this application is to remove a service restriction in its certificate covering the same commodities, points and service as herein requested. Applicant states it is presently authorized to transport general commodities, with stated exceptions, from and to the points listed above, when the traffic originates at or is destined to points beyond those described above.

HEARING: June 14, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 25153 (Sub-No. 13), filed March 20, 1962. Applicant: MARTIN FREIGHT SERVICE, INC., 100-112 Frick Avenue, Waynesboro, Pa. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal houses or buildings, and accessories*, from Washington Court House, Ohio, to points in Frederick and Washington Counties, Md., and points in Adams, Franklin, Fulton, and York Counties, Pa.

NOTE: Applicant states "The service authorized herein is subject to the restrictions (1) that no transportation shall be performed with respect to commodities requiring special equipment, and (2) that the transportation shall be limited to flat-bed equipment."

HEARING: May 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffien.

No. MC 27817 (Sub-No. 43), filed March 27, 1962. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop, in rolls, metal stove shovels, metal roofing and siding, and fabricated metal building products*, from the site of the Penn Supply and Metal Corporation plant, located at Philadelphia, Pa., to points in Georgia and Florida.

HEARING: May 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 29392 (Sub-No. 7), filed February 21, 1962. Applicant: LES JOHNSON CARTAGE, Denmark, Wis. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Green Bay, Wis., to points in the Upper Peninsula of Michigan.

HEARING: June 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 95.

No. MC 30374 (Sub-No. 11), filed March 15, 1962. Applicant: MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenue, Vineland, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies used in the manufacture of wearing apparel*, between points in Atlantic, Cumberland, and Gloucester Counties, N.J., on the one hand, and on the other, Baltimore, Md., and Washington, D.C.

HEARING: May 16, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner James C. Cheseldine.

No. MC 30844 (Sub-No. 57), filed December 28, 1961. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from Enid, Oklahoma City, and Ponca City, Okla., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

HEARING: May 28, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Dallas B. Russell.

No. MC 30844 (Sub-No. 69), filed April 5, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages and containers other than bulk, from Buffalo, N.Y., Emlenton and Farmers Valley, Pa., to Denver, Colo., and points in Kansas, Minnesota, Iowa, Nebraska, and Wisconsin.

HEARING: April 16, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 41404 (Sub-No. 27), filed March 19, 1962. Applicant: ARGO COLLIER TRUCK LINES CORPORATION, Fulton Highway, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared foods*, from Deerfield, Ill., to points in Tennessee, Alabama, Mississippi, Louisiana, Georgia, and Paducah and Fulton, Ky.

HEARING: May 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 41915 (Sub-No. 27), filed March 14, 1962. Applicant: MILLER'S MOTOR FREIGHT, INC., R.D. 6, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, from Emlenton, Rouseville and Franklin (Venango County), Pa., to Reno (Venango County), Pa.

NOTE: Applicant states the proposed operation to be limited to truckload shipments moving beyond Reno, Pa., to points now authorized under its Certificate at MC 41915 and MC 41915 Sub 20.

HEARING: May 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 42487 (Sub-No. 544), filed March 5, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to Vandenberg Air Force Base, Calif.

HEARING: June 14, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 42614 (Sub-No. 32), filed March 22, 1962. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Charles H. Dickman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including but not limited to cement in bulk* and *contractors' materials* and *supplies* (except household goods and petroleum products in bulk), and *damaged, rejected*, and *returned materials* of the above-specified commodities, between Crookston, Valentine, Wood Lake, Johnstown, and Ainsworth, Nebr., on the one hand, and, on the other, the construction site of the Niobrara Reclamation Project, including but not limited to the Merritt Dam site located in Cherry and Brown Counties, Nebr. RESTRICTION: Service limited to prior or subsequent rail movement via lines of the Chicago and North Western Railway Company.

HEARING: June 15, 1962, at the Nebraska State Railway Commission Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 49504 (Sub-No. 13), filed January 22, 1962. Applicant: McCUE TRANSFER, INC., 3524 East Fourth, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Hutchinson, Kans., on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Nebraska, Arkansas, New Mexico, Wyoming, and Missouri (except points in the St. Joseph, St. Louis, and Kansas City, Mo., Commercial Zones, as defined by the Commission), and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe,

Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, Tex.

HEARING: June 20, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 52709 (Sub-No. 162), filed February 23, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prune juice concentrate*, in bulk, in tank vehicles, from San Jose, Calif., New York, N.Y., Buffalo, and Rochester, N.Y., Philadelphia, Pa., Boston, Mass., and Portland, Maine.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 56082 (Sub-No. 42), filed March 20, 1962. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising materials*, between New York City, N.Y., and Hoboken, N.J., on the one hand, and, on the other, points in Wisconsin and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 7, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Theodore M. Tahan.

No. MC 72420 (Sub-No. 4), filed February 19, 1962. Applicant: THE ACE MOTOR TRANSPORT COMPANY, a corporation, 406 Melville Street, Sandusky, Ohio. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap Iron*, on flatbed equipment, from Detroit, Mich., to Ironton, Ohio.

HEARING: May 29, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 296.

No. MC 76032 (Sub-No. 168), filed February 15, 1962. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Building, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Compressed or liquefied gas*, other than liquified petroleum gas, in shipper-owned tank vehicles, and *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 99 and California Highway 152 near Chowchila, Calif., and San Jose, Calif.; from junction U.S. Highway 99 and California Highway 152, over California Highway 152 to junction of said highway with U.S. Highway 101 at Gilroy, Calif., thence over U.S. Highway 101 to San Jose, and return over the same route, serving no intermediate or off-route points.

HEARING: June 12, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 79687 (Sub-No. 3), filed March 19, 1962. Applicant: CLYDE R. SAUERS, 2649 Ohio River Boulevard, Pittsburgh, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *corrugated boxes*, from Huntington, W. Va., to points in that part of New York on and west of U.S. Highway 11.

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 83539 (Sub-No. 83), filed February 19, 1962. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Contractors' equipment and supplies;* (B) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, not including the stringing or picking up of pipe in connection with pipelines; (C) *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; and (D) *Heavy machinery, heavy machinery parts,* and *commodities other than heavy machinery*, the transportation of which because of size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Kansas, on the one hand, and, on the other, points in Illinois and Indiana. (RESTRICTION: No service shall be performed in the stringing or picking up of any of the commodities in (D) above in connection with main or trunk pipelines.)

NOTE: Applicant states this is a gateway removal application, and seeks no duplicating authority.

HEARING: June 6, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 83539 (Sub-No. 84), filed March 21, 1962. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment, and (2) *related machinery* and *related contractors' equipment, materials and supplies* when their transportation is incidental to the transportation of the commodities sought in (1) above, (a) between points in New Jersey and New York, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming, and (b) between points in Arkansas, Colorado, Idaho, Kansas, Louisiana, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania.

HEARING: May 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 88621 (Sub-No. 13) (CLARIFICATION), filed February 7, 1962, published in FEDERAL REGISTER, issue of March 21, 1962, republished this issue to clarify location of origin points. Applicant: H. G. STAUFFER TRUCKING COMPANY, INC., Route No. 2, P.O. Box 283, Wooster, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio.

NOTE: This republication is for the purpose of indicating that the points of origin are located in Sewickley Township, *Westmoreland County*, Pa.

HEARING: Remains as assigned April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzl.

No. MC 92983 (Sub-No. 402), filed January 29, 1962. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in California, Ohio, and North Dakota, to Dodson, Mo.

HEARING: June 21, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 92983 (Sub-No. 404), filed March 19, 1962. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Delaware, Louisiana, and South Dakota, to Turner, Kans.

HEARING: June 5, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 95540 (Sub-No. 404), filed February 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida, to points in Minnesota and Wisconsin.

NOTE: Common control may be involved.

HEARING: June 7, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner James I. Carr.

No. MC 95540 (Sub-No. 407) (CORRECTION), filed March 2, 1962, published FEDERAL REGISTER issue April 4, 1962, and republished as corrected this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved. The purpose of this republication is to add the States of Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York as *origin* States, rather than destination States as previously shown.

HEARING: Remains as assigned May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 95540 (Sub-No. 410), filed March 19, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, from Jetero, Tex. (located six (6) miles north of Houston), to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 98980 (Sub-No. 3), filed February 1, 1962. Applicant: S & S TRANSPORTATION, INC., 600 Cayuga Creek Road, Cheektowaga 25, N.Y. Applicant's attorney: Herbert M. Canter, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated products consisting of commodities of a perishable nature, such as fish, meat, meat products, fruits, juices, beverages, vegetables, and dairy products*, when transported in insulated vehicles, other than tank vehicles, equipped with mechanical refrigerating devices and with mechanical temperature controlling devices and *returned, refused,* and *rejected commodities* of the above-specified commodities, (1) from Rochester, Moyers Corners (an unincorporated hamlet located approximately ten (10) miles north of Syracuse, N.Y., at or near the intersection of New York Highways 57 and 31), Syracuse and Binghamton, N.Y., to points in New York and (2) between Albany, N.Y., on the one hand, and, on the other, points in New York.

HEARING: May 28, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Theodore M. Tahan.

No. MC 103051 (Sub-No. 129), filed April 4, 1962. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424 C and S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Atlanta, Ga., and points within ten (10) miles thereof, to points in Georgia, Alabama, Florida, Mississippi, and Tennessee west of U.S. Highway 27.

NOTE: Common control may be involved.

HEARING: April 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 104675 (Sub-No. 18), filed March 12, 1962. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *acids*, in bulk, in tank vehicles, (1) from Niagara Falls and Caledonia, N.Y., to points in Pennsylvania and Ohio and (2) from points in Ohio to Erie, Pa., and Caledonia, N.Y., and *damaged, refused,* and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: June 8, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Theodore M. Tahan.

No. MC 105813 (Sub-No. 62), filed March 19, 1962. Applicant: BELFORD TRUCKING CO., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Florida, to points in Colorado, and (2) *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, from points in Colorado, to points in Florida.

NOTE: Common control may be involved.

HEARING: June 6, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner James I. Carr.

No. MC 106920 (Sub-No. 16), filed March 26, 1962. Applicant: RIGGS DAIRY EXPRESS, INC., West Monroe Street, New Bremen, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad St., Columbus 15, Ohio, *and* Carroll V. Lewis, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milan, Macon, Carrollton, Marshall, and Moberly, Mo., to points in Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states "it has been found to be in control of Foodway Express, Inc. in Docket No. MC–F–7178."

HEARING: May 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 106497 (Sub-No. 26), filed February 5, 1962. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4209 South Memorial Drive, Tulsa, Okla. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe and conduit and fittings therefor*, from Prospect Hill, Mo., to points in Connecticut and Rhode Island, and *refused and rejected commodities*, on return.

HEARING: June 21, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 107012 (Sub-No. 42), filed February 26, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New voting machines* and *accessories*, uncrated, from Tulsa, Okla., to points in the United States, and *returned* and *damaged shipments* of the above-specified commodities, on return.

HEARING: May 23, 1962, at the Mayo Hotel, Tulsa, Okla., before Examiner Dallas B. Russell.

No. MC 107107 (Sub-No. 185), filed October 12, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Walton, N.Y., to points in Florida and Georgia.

HEARING: June 4, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner James I. Carr.

No. MC 107107 (Sub-No. 198), filed February 20, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen lime juice and frozen lime concentrate), from points in Florida, to points in Maine, Vermont, and New Hampshire.

HEARING: June 5, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard,

Miami, Fla., before Examiner James I. Carr.

No. MC 107107 (Sub-No. 200), filed February 28, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products,* and *meat byproducts,* as defined by the Commission, from St. Joseph, Mo., to points in Florida.

HEARING: June 8, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 107107 (Sub-No. 202), filed March 2, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods,* from points in Florida to points in Colorado and (2) *meat, meat products,* and *meat by-products,* as defined by the Commission, from points in Colorado to points in Florida.

HEARING: June 6, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Examiner James I. Carr.

No. MC 107515 (Sub-No. 384), filed February 26, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* as defined by the Commission, from Saint Joseph and South Saint Joseph, Mo., to points in Florida.

NOTE: Applicant states that J. L. Lawhon, President of Refrigerated Transport Co., Inc., and owner of ½ of its common stock holds permits as a contract carrier MC 104589 and subs thereunder which authorize the transportation of carbonated beverages. None of his shippers can be shippers of Refrigerated Transport Co., Inc. The Commission repeatedly has authorized the dual authority. Duplicating authority to be eliminated.

HEARING: June 7, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 107515 (Sub-No. 386), filed March 15, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts,* as defined by the Commission, from Jetero, Tex., to points in North Carolina, South Carolina, Florida, Mississippi, Georgia, Alabama, and Tennessee.

NOTE: Common control may be involved.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 110284 (Sub-No. 17), filed March 22, 1962. Applicant: H. W. MILLER TRUCKING COMPANY, a corporation, P.O. Box 126, East Durham Station, Durham, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated* and *precut buildings,* complete, knocked down or in sections, and *component parts necessary to the construction, erection or completion of such buildings,* between Durham, N.C., and points in Tennessee and West Virginia.

NOTE: Since applicant holds authority under MC–118864 to operate as a contract carrier, dual operations may be involved.

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 110698 (Sub-No. 196) (CORRECTION), filed January 12, 1962, published FEDERAL REGISTER, issue of March 7, 1962, and republished as corrected this issue. Applicant: RYDER TANK LINE, INC., 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 26035, Houston 32, Tex. The purpose of this republication is to correct the following:

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc., is held by *Ryder System, Inc.*

HEARING: Remains as assigned, April 25, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 110698 (Sub-No. 197), filed January 24, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 La Porte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum treating compound,* in bulk, in tank vehicles, from Webster Grove, Mo., to points in Colorado, Nebraska, New Mexico, Montana, Utah, and Wyoming.

NOTE: Applicant states that its capital stock is held by Ryder System, Inc. and that it has purchased York Interstate Trucking, Inc. (MC–F–7196).

HEARING: May 31, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Charles B. Heinemann.

No. MC 110698 (Sub-No. 198) (CORRECTION), filed January 25, 1962, published in the FEDERAL REGISTER, issue of March 7, 1962, and republished as corrected this issue. Applicant: RYDER TANK LINES, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodhall, 9020 LaPorte Expressway, Houston 17, Tex. The purpose of this republication is to correct the following:

NOTE: Applicant states that the capital stock of Ryder Tank Line, Inc., is held by *Ryder System,* Inc.

HEARING: Remains as assigned, April 20, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 112020 (Sub-No. 152), filed February 12, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paint, varnishes, and resins,* in bulk, in tank vehicles, from Kansas City, Mo., to points in Texas.

NOTE: Applicant states that it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: June 4, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 112520 (Sub-No. 68), filed October 11, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aqueous ammonia,* in bulk, in tank vehicles, from Pace, Fla. to points in Alabama, Georgia, and Mississippi.

NOTE: Applicant states that its President and General Manager, who is also a member of its Board of Directors and holder of 96 percent of its outstanding stock, is also President and General Manager of the M. R. & R. Trucking Company of Crestview, Fla. and holds 40 percent of its outstanding stock.

HEARING: May 22, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Examiner James I. Carr.

No. MC 112520 (Sub-No. 70), filed November 9, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, in tank vehicles, (a) from points in Decatur County, Ga., to points in Franklin County, Fla., (b) from points in Bay County, Fla., to points in Decatur County, Ga., and (c) from points in Bay and Escambia Counties, Fla., to points in Alabama.

HEARING: May 22, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 99, or if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 112617 (Sub-No. 114), filed March 26, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid,* in bulk, in tank vehicles, from Calvert City, Ky., to Kona and Spruce Pine, N.C.

HEARING: May 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 112750 (Sub-No. 82), (REPUBLICATION), filed November 13, 1961, published FEDERAL REGISTER, issue of December 13, 1961, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. By application filed November 13, 1961, applicant sought a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of exposed and processed film and prints, complimentary replacement film (except motion picture film used primarily for commerical theatre and television exhibition) and incidental dealer handling supplies and advertising literature moving therewith, (1) between Aurora, Ill., and Milwaukee, Wis., (2) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in Indiana on and south of U.S. Highway 40, and (3) between Findlay, Ohio, on the one hand, and, on the other, points in Adams, Delaware, Henry, Randolph, Steuben, Wayne, and Wells Counties, Ind. The application was referred to Examiner Isadore Freidson, for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 23, 1962, at Washington, D.C. At the hearing, applicant sought to amend the application by adding Jay and De Kald Counties to the Indiana destination territory sought to be served. The Examiner finds that operation by applicant as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commerical theatre and television exhibition), (1) between Aurora, Ill., and Milwaukee, Wis., (2) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in Indiana on and south of U.S. Highway 40, and (3) between Findlay, Ohio, on the one hand, and, on the other points in Adams, Delaware, Henry, Randolph, Steuben, Wayne, Wells, *Jay, and DeKalb Counties, Ind.,* limited to a transportation service performed under a continuing contract or contracts with Dynacolor Corporation, of Aurora, Ill., and Eastman Kodak Company, of Rochester, N.Y., and finds that 30 days should be allowed from the date of this republication of the application for the filing of an appropriate pleading in opposition to the grant of authority in regard to the inclusion of Jay and DeKalb Counties, Ind.

No. MC 113362 (Sub-No. 12), filed April 9, 1962. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in packages and containers other than bulk, from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to points in Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: April 16, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 113382 (Sub-No. 11), filed February 14, 1962. Applicant: HOWARD J. NELSEN, AND JAMES MELVIN NELSEN, a partnership, doing business as NELSEN BROS., P.O. Box 613, Nebraska City, Nebr. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Tin plate, tin cans and tin can ends and lids, labels, cartons, canned goods and raw foods and mdterials used in the preparation, processing and canning of canned goods,* from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming, and Gary, Ind., to Nebraska City, Nebr.

NOTE: Applicant states the proposed operation will be under continuing contract with Morton House Kitchens, Inc., Nebraska City, Nebr.

HEARING: June 12, 1962, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Charles B. Heinemann.

No. MC 114045 (Sub-No. 83), filed March 21, 1962. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products,* and *meat by-products,* from Jetero, Tex. (located six (6) miles north of Houston) to points in Alabama, Connecticut, Colorado, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Virginia, West Virginia, and the District of Columbia, and (b) *meats, meat products,* and *meat by-products,* from Burris, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee (except Memphis), Virginia, West Virginia, and the District of Columbia.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 114045 (Sub-No. 84), filed March 20, 1962. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts,* from points in Texas and New Mexico to Carthage, Mo.

HEARING: June 8, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 114045 (Sub-No. 85), filed March 22, 1962. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts,* from Dodge City, Kans., to points in the United States (except Hawaii and Memphis, Tenn., and points in New Mexico, Arizona, Arkansas, California, Texas, Louisiana, and Mississippi).

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 114569 (Sub-No. 48), filed March 19, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal grass stops (in rolls), metal shovels, and building materials made of sheet metal,* from the sites of the plants of Penn Supply & Metal Corporation, at Philadelphia, Pa., to points in Georgia, Florida, and West Virginia (excluding that part of West Virginia north of a line beginning at the West Virginia–Ohio State line extending along U.S. Highway 33 to junction U.S. Highway 220, thence north along U.S. Highway 220 to the West Virginia-Maryland State line).

NOTE: Applicant states no single piece of the above commodities to weigh more than 2,000 pounds.

HEARING: May 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 115322 (Sub-No. 30), filed February 2, 1962. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned citrus products,* from points in Florida, to points in West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.

HEARING: May 24, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner James I. Carr.

No. MC 115491 (Sub-No. 27), filed February 2, 1962. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Lakeland, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from points in Florida to points in Georgia and Alabama.

HEARING: May 21, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner James I Carr.

No. MC 115669 (Sub-No. 24), filed February 8, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr.

Applicant's representative: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds* and *urea*, dry, in bulk and packages, in straight and mixed truckloads, from Pryor and Tulsa, Okla., to points in Idaho, Montana, North Dakota, South Dakota, and Utah.

HEARING: June 11, 1962, at the Nebraska State Railway Commission, Capitol Bldg., Lincoln, Nebr., before Examiner Charles B. Heinemann.

No. MC 115946 (Sub-No. 15), filed March 9, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to point in Maryland, New Jersey, Ohio, and Virginia; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting liquid latex, from the above-specified destination points to Savannah, Ga.

HEARING: May 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 115946 (Sub-No. 16), filed March 9, 1962. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Savannah, Ga. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials used in connection therewith, asbestos form board* and *roof deck material* from points in Glynn County, Ga., to points in South Carolina, North Carolina, Tennessee, and Alabama; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

HEARING: May 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 116412 (Sub-No. 5), filed January 15, 1962. Applicant: SOUTHWEST BULK HANDLERS, INC., 307 American Building, Ada, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and also in packages, from Ada, Okla., to points in Arkansas.

HEARING: May 31, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 217, or, if the Joint Board waives its right to participate before Examiner Dallas B. Russell.

No. MC 116434 (Sub-No. 20), filed March 28, 1962. Applicant: HUGH MAJOR, 150 Sinclair Street, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, pipe, tubing, pipe fittings and protectors*, and *steel* from points in Illinois to points in Missouri except Louisiana, Mo.

HEARING: June 4, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 135.

No. MC 116817 (Sub-No. 4), filed February 1, 1962. Applicant: GLEN W. COLE, 312 East Fifth Street, New Richmond, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Brookings, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, and Turner Counties, S. Dak.

HEARING: June 13, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 303.

No. MC 116982 (Sub-No. 2), filed February 21, 1962. Applicant: WILLARD FUCHS AND LeROY FUCHS, doing business as FUCHS BROTHERS, 306 Water Street, Sauk City, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in bulk and in bags, from Fulton, Ill., to points in Crawford, Vernon, La Crosse, Monroe, Juneau, Adams, Waushara, Marquette, Green Lake, and Jefferson Counties, Wis.; and (2) *empty containers or other such incidental facilities* (not specified) and *rejected shipments* of dry fertilizer, from the above-specified destination points to Fulton, Ill.

NOTE: Applicants state they propose to transport dry fertilizer, in bulk and in bags, from Fulton, Ill., to dealers, dealers' warehouses, company warehouses, and to farms located in the above-specified destination points, under a continuing contract, or contracts, with The American Agricultural Chemical Company, Fulton, Ill.

HEARING: June 8, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 117508 (Sub-No. 3), filed February 1, 1962. Applicant: PETTAPIECE CARTAGE & BUILDERS SUPPLIES, LTD., 39 Oak Street West, Seacliff Drive, Leamington, Ontario, Canada. Applicant's attorney: William B. Elmer, 1600 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and foundry sand*, in bulk, from points in the lower peninsula of Michigan, to Port of Entry on the International Boundary line between the United States and Canada at Port Huron, Mich.

NOTE: Applicant states traffic will be destined to points in Canada.

HEARING: June 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 117574 (Sub-No. 59), filed November 13, 1961. Applicant: DAILY EXPRESS, INC., P.O. Box 311, R.D. No. 1, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors (except truck tractors), with or without attachments, tractor attachments, equipment designed for use in conjunction with tractors, and parts of such commodities when moving in mixed loads with such commodities*, from Moline, Ill., to points in Virginia (except those within fifty (50) miles of Washington, D.C.) and to points in West Virginia; and (2) *agricultural machinery and implements*, other than hand, as described in Appendix XII, Part I(B) to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *parts of such commodities when moving in mixed loads with such commodities*, from Moline and East Moline, Ill., to points in West Virginia.

HEARING: June 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 117644 (Sub-No. 8), filed February 12, 1962. Applicant: D & T TRUCKING CO., INC., 3242 Highway 8, New Brighton, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed*, in bulk, and in mixed bulk and bag loads, in vehicles equipped with blower type unloader, from Minneapolis, Minn., to points in Wisconsin.

NOTE: Applicant states the proposed transportation will be to mink farms or ranches in Wisconsin.

HEARING: June 13, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 117883 (Sub-No. 14), filed March 12, 1962. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fried onion rings and frozen fish dinners, in mixed shipments with frozen seafoods*, from Boston, Gloucester, Lowell, and Nabnasset, Mass., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 118196 (Sub-No. 2) (CLARIFICATION), filed November 19, 1961, published in FEDERAL REGISTER issue of March 21, 1962, republished this issue to clarify commodity description. Applicant: RAYE & COMPANY TRANSPORTS, INC., Box 163, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209; (2) *commodities exempt from regulation* under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with dairy products, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, from points in Missouri, Kansas, Oklahoma and Arkansas to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, and Wyoming; and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, and *exempt commodities*, on return trips.

NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned May 4, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner William J. Cave.

No. MC 118318 (Sub-No. 2), filed February 8, 1962. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue, P.O. Box 455, Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry whey, whey powder, dry buttermilk, buttermilk powder, dry milk (including nonfat dry milk and buttermilk powder), and mixtures of any or all thereof*, from Jerome, Idaho, to points in California.

HEARING: June 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 118831 (Sub-No. 19) (AMENDED), filed February 16, 1962, published in the FEDERAL REGISTER, issue of April 4, 1962, republished this issue as amended April 11, 1962. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, East College Drive, High Point, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics, glues, synthetic resins*, and *formaldehydes*, in bulk, in tank vehicles, from Fayetteville, N.C., to points in South Carolina and Virginia.

NOTE: This republication is for the purpose of adding *synthetic resins*, to commodities to be transported, and the name of Harry C. Ames, Jr., as attorney for applicant.

HEARING: Remains as assigned May 14, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 119317 (Sub-No. 9), filed January 5, 1962. Applicant: GROSS AND SONS TRANSPORT COMPANY, a Missouri corporation, 1706 Arlington Street, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice milk, sherbet*, and *frozen confections*, pursuant to a continuing contract with National Dairy Products Corp. (Sealtest Food Division), (1) from Omaha, Nebr., to Des Moines, Iowa, Hutchinson, Kans., Sioux City, Iowa, and Chicago, Ill., and (2) between Omaha, Nebr., on the one hand, and on the other, St. Louis, Mo., Peoria, Ill., and Huntington, Ind.

NOTE: Applicant states that in connection with (1) and (2) above it will transport *rejected, outdated, or damaged commodities*, on return.

HEARING: June 22, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 119317 (Sub-No. 11), filed February 14, 1962. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 1706 Arlington, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice milk, ice cream, sherbet, and frozen confections*, from Omaha, Nebr., to Memphis and Nashville, Tenn., and Louisville, Ky., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, plus *rejected, outdated and damaged commodities*, on return.

NOTE: Applicant states the proposed service will be "pursuant to a continuing contract with National Dairy Products Corporation (Sealtest Food Division)."

HEARING: June 1, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Charles B. Heinemann.

No. MC 119317 (Sub-No. 12), filed February 14, 1962. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 1706 Arlington, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, milk products, milk byproducts*, and *liquid nonalcoholic and noncarbonated beverages*, in containers, in vehicles equipped with mechanical refrigeration, from Kansas City, Mo., to Clarinda, Shenandoah, Red Oak, Atlantic, Osceola, Chariton, Winterset, Indianola, Des Moines, Centerville, and Sioux City, Iowa, and Omaha, Nebr., and *empty containers or other such incidental facilities* used in transporting the above described commodities and *rejected, outdated and damaged commodities*, on return.

HEARING: June 1, 1962, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Charles B. Heinemann.

No. MC 119346 (Sub-No. 9), filed January 18, 1962. Applicant: RED CREST EXPRESS, INC., 501 North Douglas Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in bottles, kegs, and cans, and *advertising and promotional materials* distributed in connection therewith; from Oklahoma City, Okla., to Fort Smith, Fayetteville, Little Rock, Hot Springs, and Texarkana, Ark., and *empty containers or other such incidental* facilities, used in transporting the above-described commodity, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract with Lone Star Brewing Co.

HEARING: June 1, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 15, or, if the Joint Board waives its right to participate before Examiner Dallas B. Russell.

No. MC 119531 (Sub-No. 14), filed April 10, 1962. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers* (other than corrugated), from Seymour, Ind., to points in Ohio, Kentucky, Illinois, and the lower peninsula of Michigan.

HEARING: April 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 119641 (Sub-No. 33), filed February 5, 1962. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete slabs (building or roofing* constructed of cement and wood fiber), *and accessories* used in the installation thereof, when moving at the same time and in the same vehicle therewith, from Brunswick, Ga., to points in Indiana, Illinois, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Tennessee, West Virginia, Virginia, North Dakota, South Dakota, Nebraska, Kansas, and Arkansas, and *damaged and rejected shipments*, on return.

HEARING: April 23, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 123275 (Sub-No. 3) (AMENDMENT), filed March 8, 1962, published in FEDERAL REGISTER issue of April 4, 1962, amended April 5, 1962, and republished as amended, this issue. Applicant: HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from York, Pa., to Belleville, Dunellen, Jersey City, Orange, Paterson, and Livingston, N.J.

NOTE: The purpose of this republication is to add the destination point of Livingston, N.J.

HEARING: Remains assigned May 14, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123282 (Sub-No. 3), filed January 29, 1962. Applicant: McKINLAY TRANSPORT LIMITED, Dixie P.O., Toronto, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), be-

tween Ports of Entry on the International Boundary line between the United States and Canada, at Sault Ste. Marie, Mich., on the one hand, and, on the other, Sault Ste. Marie, Mich., and points within the Commercial Zone thereof.

HEARING: May 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 124053 (Sub-No. 2), filed February 26, 1962. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 12300 Visger Road, Detroit 17, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asphalt products*, in tank trucks, from Toledo, Ohio, to points in Adams, Allen, Blackford, De Kalb, Delaware, Elkhart, Fulton, Grant, Huntington, Jay, Kosciusko, Lagrange, Marshall, Miami, Noble, Saint Joseph, Steuben, Wabash, Wayne, and Whitley Counties, Ind.

HEARING: May 28, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 124066 (CORRECTION), filed November 27, 1962, published FEDERAL REGISTER issue of April 4, 1962, corrected April 9, 1962, republished as corrected this issue. Applicant: CAR SERVICES, INC., 770 Fairview Avenue, Fairview, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. The route description as shown in part (1) of the subject application as published in FEDERAL REGISTER issue of April 4, 1962, was in error. Correctly stated, this description in part should read "from Fairview, N.J., to points in Connecticut on and west of U.S. Highway 5".

HEARING: Remains as assigned, May 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Gordon M. Callow.

No. MC 124078 (Sub-No. 3), filed January 8, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit, palletized and unpalletized*, from the plant site of Nordix of Kansas, located at or near Loring, Kans., to points in Kansas, Missouri, Nebraska, and Iowa.

NOTE: Applicant has contract carrier authority under MC 113832 and Subs thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: June 22, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 124159 (Sub-No. 1), filed January 22, 1962. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barn cleaners, attachments* and *parts thereof*, from Manawa, Wis., to points in Minnesota.

NOTE: Applicant states it proposes to transport exempt commodities on return. Applicant further states the proposed movement of parts would be in same vehicle with barn cleaners.

HEARING: June 14, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124182, filed February 1, 1962. Applicant: GAYLEN MURRAY, doing business as GAYLEN MURRAY PRODUCTS AND TRUCKING CO., Ector, Tex. Applicant's attorneys: Sessions, Sessions, Ackels & Looney, 711 Fidelity Union Life Building, 1511 Bryan Street, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured fertilizer*, in bulk, in bags, and cartons, from the plant site of Hi-Yield Fertilizer Co., at Bonham, Fannin County, Tex., to points in Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, Arkansas, Tennessee, Missouri, Kansas, New Mexico, Colorado, and Arizona, (2) *manufactured chemicals (insecticides)*, in bags, cans, drums, and bottles, from the site of Hi-Yield Fertilizer Co. warehouse, at Bonham, Fannin County, Tex., to points in Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, Arkansas, Tennessee, Missouri, Kansas, New Mexico, Colorado, and Arizona, (3) *manufactured defoliants*, in drums, and jugs, from the site of Hi-Yield Fertilizer Co. warehouse, at Bonham, Fannin County, Tex., to points in Oklahoma, (4) *manufactured chemicals (insecticides)*, in bags, cans, drums, and bottles from the plant site of Hi-Yield Chemical Co. at Commerce, Hunt County, Tex., to points in Oklahoma, Louisiana, Arkansas, New Mexico, and Arizona, (5) *manufactured defoliants*, in drums, and jugs, from the plant site of Poly Chemical Co., at Commerce, Hunt County, Tex., to points in Oklahoma, and (6) *manufactured chemicals* (insecticides), in bags, and drums, from the plant site of the Hi-Yield Co., at Stanfield, Pinal County, Ariz., to points in New Mexico, Oklahoma, and Texas.

NOTE: The application specifies that the commodities will be transported in bags, cartons, cases, bottles, etc., and also designates the capacities, for example, 100-pound bags, 10-pound bags, 55-gallon drums, 5-gallon drums, etc.

HEARING: June 5, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 124190, filed February 5, 1962. Applicant: GRIFFIN MOBILE HOME TRANSPORTING CO., a corporation, S.E. 29th and Douglas Boulevard, Midwest City, Okla. Applicant's attorney: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *House trailers*, between points in Oklahoma on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Jack L. Griffin, controlling stockholder of applicant, is the owner and operator of Oklahoma Intrastate Class "B" Permit No. 11493, registered under the second proviso of section 206(a)(1) of the Interstate Commerce Act, under Docket Number MC 120929. In the event this application is granted, this registration will be cancelled.

HEARING: May 24, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Dallas B. Russell.

No. MC 124206, filed February 12, 1962. Applicant: BARRY CARTAGE, INC., 433 North Jefferson Street, Milwaukee 2, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, and damaged and rejected shipments*, between Wauwatosa, Wis., and points in Illinois on and north of U.S. Highway 6 (except Chicago, Ill.), and points in that part of Iowa on and east of a line beginning at Davenport, Iowa, and extending along U.S. Highway 61 to Dubuque, Iowa, thence along U.S. Highway 52 to the Iowa-Minnesota State line.

NOTE: Applicant states it is under a continuing contract with Roundy's Inc., of Wauwatosa, Wis. Applicant further states that the principal stockholder of the applicant corporation is Mr. James W. T. Barry, who is also the principal stockholder of Barry Transfer & Storage Co., of Milwaukee, Wis.

HEARING: June 8, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124240, filed February 23, 1962. Applicant: REX CONSTANT, doing business as REX CONSTANT & COMPANY, P.O. Box 11100, Kansas City 17, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives as defined by the Commission*, and *blasting supplies*, from points in the Kansas City, Mo.-Kans., Commercial Zone, to points in Iowa, Kansas, and Nebraska.

HEARING: June 5, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles B. Heinemann.

No. MC 124242, filed February 27, 1962. Applicant: TWIN CITIES NEWSPAPER SERVICE, INC., 1161 Selby Avenue, St. Paul 4, Minn. Applicant's attorney: James L. Nelson, 1821 University Avenue, St. Paul 4, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film, microfilm and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith;* (2) *films, and articles associated with the exhibition of motion pictures*, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, and (3) *Newspapers*, transported with items (1) and (2) above, in the same vehicle, between the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Wisconsin on and west of U.S. Highway 53.

NOTE: It is noted that two members of this Corporation have authority under MC 124098 TA to operate as a partnership.

HEARING: June 12, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124275, filed March 14, 1962. Applicant: H. DAVID PITZER, Box 286, Biglerville, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, frozen foods, fresh and frozen fruits, berries* and *vegetables (including potatoes and apples)*, between points in Adams, Franklin and York Counties, Pa., and Inwood, W. Va., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 124277, filed March 15, 1962. Applicant: ROBERT F. ANDERSON, doing business as ANDERSON MOTOR LINES, 34 Quincy Street, Dedham, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities that are usually sold in Discount Stores*, such as: *Candy and confectionery, cookies, costume jewelry, drugs, medicines and toilet preparation, leather goods, notions, paper and paper articles, greeting cards, gift wrapping paper, store displays, store and office fixtures*, and *watches*, between Norwood, Mass., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and North Carolina.

HEARING: May 18, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 124287, filed March 19, 1962. Applicant: REDLAND OIL COMPANY, INC., San Augustine, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, (1) from points in Orleans, Assumption, Ascension, Rapides, Caddo and St. John the Baptist Parishes, La., to San Augustine, Tex., and (2) from San Augustine, Tex., to points in Texas, Oklahoma, and New Mexico.

HEARING: May 23, 1962, at the Federal Building, Albany, N.Y., before Examiner Theodore M. Tahan.

No. MC 124323, filed April 4, 1962. Applicant: BURTON TRUCKING, INC., c/o Harry Burton, Malone, N.Y. Applicant's attorney: Herbert M. Canter, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, lime and cement, and boats*, from the Ports of Entry on the International Boundary Line, between the United States and Canada, at or near Rooseveltown and Trout River, N.Y., to points in Clinton, St. Lawrence, and Franklin Counties, N.Y., and *exempt, damaged, refused and rejected shipments*, on return.

HEARING: May 31, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Theodore M. Tahan.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub-No. 77), filed March 26, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Goshen, N.Y. and the Town of Chester, N.Y., from junction N.Y. Highway 17 and access roads leading to N.Y. Highway 17A, in Goshen, over access roads to junction with N.Y. Highway 17A, thence over N.Y. Highway 17A to Florida, N.Y., thence from Florida, over N.Y. Highway 94, to its junction with access roads leading to N.Y. Highway 17 in Town of Chester, thence over access roads to the junction with N.Y. Highway 17. Return over the same route except using access roads leading from N.Y. Highway 17 to N.Y. Highway 94, in Town of Chester, and access roads leading from N.Y. Highway 17A to junctions with N.Y. Highway 17 in Goshen, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: May 10, 1962, at 346 Broadway, New York, N.Y., before Examiner Harold P. Boss.

No. MC 668 (Sub-No. 78) (CORRECTION), filed March 26, 1962, published issue of April 11, 1962, corrected April 6, 1962, and republished, as corrected, this issue. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Notice of the filing of the subject application was published in the FEDERAL REGISTER, issue of April 11, 1962. Route No. 2 in the previous publication read as follows: "from the junction of U.S. Highway 202 and New Jersey Highway 208, over New Jersey Highway 208 to junction Long Hill Road," in error. Correctly stated, this description should read: "from the junction of U.S. Highway 202 and New Jersey Highway 208, over New Jersey Highway 202 to junction Long Hill Road."

HEARING: Remains as assigned May 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub-No. 323), filed March 30, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Maplewood, N.J.; from junction Springfield and Chancellor Avenues, Maplewood, over Springfield Avenue to junction Prospect Street, and return over the same route, serving all intermediate points.

HEARING: May 18, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 47495 (Sub-No. 5), filed February 22, 1962. Applicant: MOUNTAIN VIEW COACH LINES, INC., Coxsackie, N.Y. Applicant's attorney: Robert M. Loeffler, 2 Wall Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, (1) in one-way and round-trip charter operations from points in Albany, Schenectady, Greene, Rensselaer, Columbia, Saratoga, Ulster, Dutchess, and Montgomery Counties, N.Y., and extending to points in the United States (including Alaska) and including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico; and (2) in round-trip special operations beginning and ending at points in Albany, Schenectady, Greene, Rensselaer, Columbia, Saratoga, Ulster, Dutchess, and Montgomery Counties, N.Y., and extending to points in the United States (including Alaska) and including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico.

HEARING: May 21, 1962, at the Federal Building, Albany, N.Y., before Examiner Theodore M. Tahan.

No. MC 85028 (Sub-No. 9), filed February 2, 1962. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass. Applicant's attorney: Edward N. Gadsby, Williamstown, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail*, and *newspapers*, in the same vehicle with passengers, Between Pittsfield, Mass., and Schenectady, N.Y.; from Pittsfield at Park Square, over combined U.S. Highways 20 and 7 to Lenox, Mass., thence over U.S. Highway 20 to Lee, Mass., and thence to Exit 2 of Massachusetts Turnpike, thence over Massachusetts Turnpike from Exit 2 to the Massachusetts-New York State line,

thence continuing on the Berkshire Section, so-called Berkshire Spur of the New York Thruway from the Massachusetts-New York State line to its intersection with the main New York Thruway near Selkirk, N.Y., thence over New York Thruway from the Berkshire Spur to Exit 25, thence on New York Highway 890 from New York Thruway Exit 25 to State Street, Schenectady at the intersection of New York Highways 890 and 5, thence on New York Highway 5 over Schenectady city streets, and return over the same route, serving the intermediate points of Lenox and Lee, Mass.

HEARING: May 23, 1962, at the Federal Building, Albany, N.Y., before Examiner Theodore M. Tahan.

No. MC 124167, filed January 23, 1962. Applicant: JOE READY, La Crescent, Minn. Applicant's attorney: Jerome Klos, 800 Lynne Tower Building, 318 Main Street, La Crosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers*, between La Crescent, Minn. and La Crosse, Wis.; from Main and Walnut Streets in La Crescent, south on Walnut Street to Second Street, west on Second Street to Elm, South on Elm to Seventh, East on Seventh to Oak, North on Oak to Third, East on Third to U.S. Highway 16–14–61, East on U.S. Highway 16–14–61 to and over the Mississippi River Bridge to Cass Street in La Crosse, East on Cass to Fifth Street, North on Fifth to State Street, West on State Street to Third Street, South on Third Street to Cass Street, and return over the same route, serving no intermediate points, and (2) *Passengers*, in charter operations, over irregular routes, between La Crescent, Minn., and La Crosse, Wis.

HEARING: June 14, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124227, filed February 19, 1962. Applicant: FRANK F. WILLIAMS, doing business as FRANK F. WILLIAMS CHARTER BUS SERVICE, 1100 Water Street, Watertown, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter service, beginning and ending at points in Jefferson, Lewis, and St. Lawrence Counties, N.Y., and extending to New York, N.Y., Washington, D.C., and points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont, and Ports of Entry on the International Boundary line between the United States and Canada in New York at Thousand Islands Bridge, Rouses Point, Ogdensburg, and Niagara Falls.

HEARING: June 1, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Theodore M. Tahan.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12793, filed February 5, 1962. Applicant: GRAHAM U. JOHNSON AND PENELOPE G. JOHNSON, doing business as TRAVEL/EASE, 619 State Street, Madison, Wis. Applicant's attorney: Robert I. Perina, 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Madison, Wis., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, both as individuals and groups, in special and charter operations, in round-trip all-expense conducted sightseeing, skiing and pleasure tours, beginning and ending at points in Dane, Sauk, Columbia, Jefferson, Rock, Green, Iowa, and Dodge Counties, Wis., and extending to points in the United States, including ports of entry located on the International Boundary lines between the United States and Canada and Mexico.

HEARING: June 7, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 12794, filed February 12, 1962. Applicant: CARLA TICKET SERVICE INC., 414 Main Street, Buffalo 2, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Buffalo, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in round-trip, all expense tours, beginning and ending at points in Erie County, N.Y., and extending to Ports of Entry on the International Boundary line between the United States and Canada along the Niagara River in New York.

HEARING: June 6, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Theodore M. Tahan.

MOTOR CARRIERS OF PROPERTY

No. MC 12796, filed February 19, 1962. Applicant: WALTER L. HICKEY AND EMIL R. HICKEY, a partnership doing business as FONTANA VAN & STORAGE CO., 17031 Orange Way, Fontana, Calif. For a license (BMC 4) to engage in operations as a *broker* at Fontana, Calif., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Household goods*, as defined in 17 M.C.C. 467, between points in the United States.

HEARING: June 13, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 1880), filed April 4, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 21, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Idaho Falls, Idaho, and Victor, Idaho, as follows: (1) From Idaho Falls over U.S. Highway 26 to junction with U.S. Highways 20 and 191; thence over U.S. Highways 20 and 191 to Ashton; thence over Idaho Highway 32 to Tetonia; thence over Idaho Highway 33 to Victor, serving no intermediate points, with return trip over the same route; and (2) between junction of U.S. Highways 20 and 191 with Idaho Highway 33 at Sugar City, and junction of Idaho Highways 33 and 32 at Tetonia as follows: From junction U.S. Highways 20 and 191 with Idaho Highway 33 at Sugar City, over Idaho Highway 33 to junction of Idaho Highways 33 and 32 at Tetonia, serving no intermediate points, with return trip over the same route.

No. MC 107496 (Sub-No. 241), filed April 5, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from the plant site of General Portland Cement Company (terminal) at or near Olathe, Kans., to points in Missouri.

NOTE: (1) Applicant states that it controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corp. (2) Applicant holds contract authority under MC–119136 and subs thereunder; therefore, dual operations may be involved.

No. MC 112750 (Sub-No. 97), filed April 9, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sales audit media consisting of charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, sales slips, orders, store bulletins, application forms, and accompanying documents*, between Natick (Middlesex County), Mass., on the one hand, and, on the other, points in Penobscot and Cumberland Counties, Maine, points in Hillsboro County, N.H., and points in Providence County, R.I.

NOTE: Applicant states the proposed service will be performed for the account of Zayres Stores of Natick, Mass. Applicant further states it is controlled by Arthur DeBevoise, who also controls Southern Couriers, Inc. (MC 123304); Carolina-Virginia Couriers Inc. (MC 123486); and Ohio Couriers, Inc. (MC 124088).

No. MC 119567 (Sub-No. 1), filed April 5, 1962. Applicant: F. H. McCLURE AND R. V. ESTELL, doing business as EMPIRE TRANSPORT, a partnership, 2007 Overland Road, Boise, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, in containers or in bulk, from Lime, Oreg., to points in Nevada on and north of U.S. Highway 40, but (excluding points in Washoe County, Nev.).

No. MC 124297 (Sub-No. 1), filed April 4, 1962. Applicant: JUNIOR N. LARRICK, doing business as LARRICK TRANSPORTATION, 501 West Silver Street, Lebanon, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Stanton, Ky., to points in Butler, Hamilton, Preble, Montgomery, Greene, Warren, Clermont, and Clinton Counties, Ohio, and *refused and rejected shipments* of the above-specified commodity, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 271), filed March 28, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between the points and in both directions over the routes hereinafter set forth as alternate routes for operating convenience only, with no service at intermediate points. The proposals here relate to routes and points which are entirely within the States of Idaho, Oregon, and Washington, and the highway numbers cited, or otherwise used herein, are those assigned or proposed to be assigned in the Twenty-third Revised Certificate No. MC–1501 (Sub-No. 138), to routes of applicant within said states. All present operating authority of applicant affecting the territory and subject matter herein involved is contained in said Revised Certificate (Sub-No. 138) which is issued in loose-leaf form. It is proposed (1) to establish an alternate route between Umatilla, Oreg., and Prosser Junction, Wash., as follows: (a) Segment of proposed route in Oregon to be numbered and described on Certificate Sheet No. 63, as follows: "30–A. Between Umatilla and the Oregon-Washington state line south of Plymouth, Wash., from Umatilla over unnumbered highway to Oregon-Washington State line. (Connects with Washington Highway 44–A.) Alternate route to be used for operating convenience only, with no service at intermediate points." (b) Segment of proposed route in Washington to be numbered and described on Certificate Sheet No. 75, as follows: "44–A. Between Prosser Junction and Washington-Oregon state line south of Plymouth: From junction U.S. Highway 410 and Washington Highway 8 (Prosser Junction), over Washington Highway 8 to Plymouth, thence over unnumbered highway to Washington-Oregon state line. (Connects with Oregon route 30–A.) Alternate route to be used for operating convenience only, with no service at intermediate points." (2) It is proposed that a new alternate route be authorized, between Dusty, Wash., and Vantage, Wash., to be numbered and described on Certificate Sheet No. 73, as follows: "37–A. Between Dusty and Vantage: From Dusty over Washington Highway 11–B to Washtucna, thence over Washington Highway 7–C to Vantage. Alternate route to be used for operating convenience only, with no service at intermediate points."

No. MC 1501 (Sub-No. 272), filed April 2, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Greyhound Building, 371 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between points in the State of California as hereinafter set forth. The proposals herein relate to routes, and points which are entirely within the State of California and the route numbers cited or otherwise used herein are those assigned or proposed to be assigned in said certificate to routes of applicant within that state. All present authority of applicant so far as it affects the territory and subject matter herein, is contained in Twenty-Third Revised Certificate No. MC–1501 (Sub-No. 138), which certificate is issued in loose-leaf form. (1) *Revision of Route 93 on Certificate Sheet No. 21.*—To establish a new regular route of operation over relocated U.S. Highway 99 between Sacramento and Stockton Boulevard Overcrossing, to be included as a segment of Route No. 93, in lieu of the present route over former U.S. Highway 99, over which service is proposed to be discontinued. *Requested Authorization:* The relief requested will not involve any change in route description as presently set forth on Certificate Sheet No. 21, except for the reissuance of the authorization as of current date in adoption of U.S. Highway 99 in said route description as it is presently located. (2) *Revision of Route No. 257 on Certificate Sheet No. 47–A.* (a) To redescribe, without any physical change in the route authorized to be operated, the segment of regular Route No. 257 between San Bernardino and Devore as over U.S. Highway 66 instead of over "relocated U.S. Highway 66", as presently described. (b) To reauthorize present regular Route No. 257–A between over U.S. Highway 66 as a segment of regular Route No. 257. *Requested Authorization:* "257. Between Los Angeles and the California-Arizona state line east of Needles: From Los Angeles over unnumbered highway via Pasadena and Monrovia to junction U.S. Highway 66 south of Monrovia (Monrovia Junction), thence over U.S. Highway 66 via San Bernardino to junction unnumbered highway (West Barstow Junction), thence over unnumbered highway via Barstow to junction U.S. Highway 66 (East Barstow Junction), thence over U.S. Highway 66 to the point where it intersects the California-Arizona state line. (Connects with Arizona route 1.)" (3) *Reauthorization of Segment of Route No. 257 on Certificate Sheet No. 47–A.* To reauthorize the segment of present regular Route No. 257 between South Victorville Junction and Barstow as a separately described route, to be numbered as Route No. 257–A. *Requested Authorization:* "257–A. Between South Victorville Junction and Barstow: From junction U.S. Highway 66 and unnumbered highway (South Victorville Junction), over unnumbered highway to Victorville, thence over California Highway 18 to junction U.S. Highway 66 (North Victorville Junction), thence over unnumbered highway via Oro Grande to Barstow." (4) *Revision of Route No. 258 on Certificate Sheet No. 48.* To establish a new regular route of operation over new Interstate Highway 10, between West Beaumont Junction and Banning, to be included as a segment of Route No. 258. *Requested Authorization:* "258. Between Los Angeles and the California-Arizona state line east of Blythe: From Los Angeles over U.S. Highway 70 to West Pomona, thence over U.S. Highway 60 to junction Interstate Highway 10 (West Beaumont Junction), thence over Interstate Highway 10 to Banning, thence over U.S. Highway 70 to the point where it intersects the California-Arizona state line. (Connects with Arizona route 2.)" (5) *Reauthorization of a Segment of Route No. 258 on Certificate Sheet No. 48.* To reauthorize and redescribe the segment of present regular Route No. 258 between West Beaumont Junction and Banning as a separately described regular route, to be numbered as Route No. 258–B. *Requested authorization:* "258–B. Between West Beaumont Junction and Banning: From junction U.S. Highway 60, Interstate Highway 10 and unnumbered highway (West Beaumont Junction), over unnumbered highway via Beaumont to Banning." (6) *Revision of Route No. 273 on Certificate Sheet No. 50.* To establish a new regular route of operation over relocated U.S. Highway 91 between Barstow and the junction of U.S. Highway 466, former U.S. Highway 91, and relocated U.S. Highway 91 northeast of Barstow, to be included as a segment of Route No. 273, in lieu of the present route over former U.S. Highway 91, over which service is proposed to be discontinued. *Requested Authorization:* The relief requested will not involve any change in route description as presently set forth on Certificate Sheet No. 50, except for the reissuance of the authorization as of current date in adoption of U.S. Highway 91 in said route description as it is presently located.

No. MC 124325, filed April 5, 1962. Applicant: EMPIRE LINES, INCORPORATED, 1125 West Sprague, Room 3, P.O. Box 2205, Spokane 10, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Spokane, Wash., and Coeur d'Alene, Kellogg, and Wallace, Idaho; from Spokane over Washington Highway 2H and Spokane County Highway 2312 (parallel to U.S. Highway 10) and U.S. Highway 10 to the Washington-Idaho State line, thence from the Washington-Idaho State line over U.S. Highway 10 (or its alternate through or around Coeur d'Alene, Idaho) to Coeur d'Alene, Kellogg and Wallace, Idaho, and return over the same route, serving the

intermediate points of Millwood, Trentwood, Velox, Otis Orchards, Dishman, Opportunity, Vera, Greenacres, and Spokane Bridge, Wash., and Post Falls, Coeur d'Alene, Cataldo, Kingston, Smelterville, Kellogg, Osburn, and Wallace, Idaho.

NOTICE OF FILING OF PETITIONS

No. MC 102538 (PETITION TO MODIFY CERTIFICATE), filed March 26, 1962. Petitioner: YELLOW COACH LINES, INC., Bristol, Va.-Tenn. Petitioner's attorney: Edward G. Villalon, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. Certificate dated October 31, 1956, authorizes operations, as follows: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, between Bristol, Tenn., and Bluff City, Tenn., serving all intermediate points, (1) from Bristol over U.S. Highway 11–E to Bluff City and return over the same route, and (2) from Bristol over U.S. Highway 11–E via Thomas' Bridge, Tenn., to Bluff City, and return over the same route. By petition filed March 26, 1962, petitioner requests modification of its certificate so as to authorize transportation over a regular route as follows: *Passengers and their baggage and express, mail, and newspapers*, in the same vehicle as passengers, between Bristol, *Tenn.-Va.*, and Bluff City, Tenn., serving all intermediate points; from Bristol over U.S. Highway 11–E to Bluff City, and return over the same route, and from Bristol over U.S. Highway 11–E via Thomas' Bridge, Tenn., to Bluff City, and return over the same route. Any person or persons desiring to oppose the relief sought may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109749 (Sub-No. 11), (PETITION TO AMEND PERMIT), filed March 26, 1962. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, Sioux City, Iowa. By permit issued in No. MC 109749 (Sub-No. 11), petitioner is authorized to transport: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses* (except animal fat, tallow, and grease), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, and Watertown, S. Dak., to specified points in Minnesota, and from Sioux City to points in North Dakota, and return. The operations authorized therein are limited to a transportation service under a continuing contract or contracts with Swift and Co., Chicago, Ill., and Armour and Co. of Sioux City, Iowa. By petition filed March 26, 1962, petitioner seeks modification of the Certificate so as to authorize an additional shipper, Sioux City Dressed Pork, Inc., of Sioux City, Iowa. Any person or persons desiring to oppose the the addition of this additional shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 99798 (Sub-No. 1) (AMENDMENT), filed February 1, 1962, published FEDERAL REGISTER issue February 14, 1962, amended April 9, 1962, and republished as amended this issue. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln Street, West Plains, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between St. Louis, Mo. and Thayer, Mo.; from St. Louis over U.S. Highway 66 and Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Thayer, and return over the same routes, serving to and from the intermediate and off-route points of Cuba, Rolla, Licking, Houston, Cabool, Willow Springs, West Plains, and Koshkonong, Mo.; (2) between the Intersection of U.S. Highway 66 and Missouri Highway 19 and Thayer, Mo.; from the intersection of U.S. Highway 66 and Missouri Highway 19 over Missouri Highway 19 to Thayer, and return over the same route, serving the intermediate points of Cuba, Steelville, Salem, Eminence, Winona and Alton, Mo., and serving the intersection of Missouri Highway 19 and U.S. Highway 60 for purposes of joinder; (3) between Houston, Mo. and Mountain View, Mo.; from Houston over U.S. Highway 63 to junction Missouri Highway 137, thence over Missouri Highway 137 to its intersection with Missouri Highway 17, thence over Missouri Highway 17 to its intersection with U.S. Highway 60, thence over Missouri Highway 60 to Mountain View, and return over the same route, serving the intermediate point of Summersville, Mo., and serving the intersection of Missouri Highway 17 and U.S. Highway 60 for purposes of joinder; (4) between Willow Springs, Mo., and St. Louis, Mo.; from Willow Springs over U.S. Highway 60 to its intersection with Missouri Highway 21, thence over Missouri Highway 21 to its intersection with Missouri Highway 34, thence over Missouri Highway 34 to its intersection with U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same routes, serving the intermediate and off-route points of Mountain View, Birch Tree, Fremont, Van Buren, South Van Buren, Garwood, Leeper, and Mill Spring, Mo., and serving the intersection of U.S. Highway 60 and Missouri Highway 19 for purposes of joinder; (5) between Springfield, Mo., and Cabool, Mo.; from Springfield over U.S. Highway 60 to Cabool, and return over the same route, serving the intermediate and off-route points of Rogersville, Fordland, Diggins, Seymour, Mansfield, Norwood, and Mountain Grove, Mo., and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (6) between Gainesville, Mo., and Doniphan, Mo.; from Gainesville over U.S. Highway 160 to Doniphan, and return over the same route, serving the intermediate and off-route points of West Plains, Alton, Riverton, and Briar, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160 for purposes of joinder; (7) between Ava, Mo., and Hartville, Mo.; from Ava over Missouri Highway 5 to Hartville, and return over the same route, serving the intersections of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (8) between Bakersfield, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160; from Bakersfield over Missouri Highway 101 to its intersection with U.S. Highway 160, and return over the same route, serving no intermediate points; (9) between Birch Tree, Mo., and Thomasville, Mo.; from Birch Tree over Missouri Highway 99 to Thomasville, and return over the same route, serving no intermediate points; (10) between Salem, Mo., and the intersection of Missouri Highway 32 and U.S. Highway 63; from Salem over Missouri Highway 32 to its intersection with U.S. Highway 63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (11) between Salem, Mo., and Rolla, Mo.; from Salem over Missouri Highway 72 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12) *irregular routes:* Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, Mo.

NOTE: This application is directly related to MC–F 8069.

No. MC 116004 (Sub-No. 7), filed April 9, 1962. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 1017 South Akard Street, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious to other lading), (1) between Tulsa, Okla., and Enid, Okla.; over Oklahoma Highway 11 to Pawhuska, Okla., thence over Oklahoma Highway 11 and U.S. Highway 177, south to the intersection of Oklahoma Highway 15; thence over Oklahoma Highway 15 to its intersection with U.S. Highway 64; thence over Oklahoma Highway 15 and U.S. Highway 65 to Enid, and return over the above described routes, restricted as follows: Service is authorized only between Tulsa, Okla., on the one hand, and Tonkawa, Garber, Billings and Enid, Okla., on the other; and between any two of the following points: Ponca City, Tonkawa, Garber, Billings, and Enid, Okla.;

(2) to, from, and between any and all points between Tulsa, Okla., and Atoka, Okla., over U.S. Highway 66 to Sapulpa, Okla., thence over U.S. Highway 75 to the junction of U.S. Highway 62, thence over U.S. Highway 62 to Okemah, Okla., thence over Oklahoma Highway 56 to the junction of Oklahoma Highway 99, thence over Oklahoma Highway 99 to Ada, Okla., thence over Oklahoma Highway 3 to Coalgate, Okla., thence over Oklahoma Highway 3 and U.S. Highway 75 to Atoka, Okla., serving all intermediate points and the termini; between Wewoka, Okla., and Shawnee, Okla., over U.S. Highway 270, serving all intermediate points and the termini; between Seminole, Okla., and the junction of Oklahoma Highway 99 and Oklahoma Highway 56, over Oklahoma Highway 99 serving all intermediate points and the termini; and between Holdenville, Okla., and Wewoka, Okla., over U.S. Highway 270, serving intermediate points and the termini; (3) between Enid, Okla., and Fairview, Okla., via Meno, Lahoma, and Ringwood, Okla., serving all points on route, and between Fairview, Okla., and Woodward, Okla., via Cestos, Vici, and Sharon, Okla., over U.S. Highway 60 to Vici, thence over Oklahoma Highway 34 to Woodward, serving towns named, only. Between Enid, Okla., and Woodward, Okla., over U.S. Highway 60; Enid, Okla., to Orienta, Okla., thence over Oklahoma Highway 15, Orienta to Woodward, serving all points on route, and serving the off-route points of Belva and Quinlan, Okla.

NOTE: Applicant states the routes involved as above, and which are being purchased from Central Oklahoma Freight Lines, Inc., and undertaken to be converted into a Certificate of Public Convenience and Necessity under this application are those pursuant to registrations in MC–120371, route (1) relating to Sub 1, route (2) relating to Sub 2, and route (3) relating to Sub 3, all in the lead docket MC–120371. This application is directly related to MC–F 8126.

APPLICATIONS UNDER SECTIONS 5 AND 210(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8119. Authority sought for purchase by SOUTHERN TRUCKING CORPORATION, 546 Weakley, Memphis, Tenn., of the operating rights and property of STRATTON TRANSPORTS, INC., 410 Jefferson, West Memphis, Ark., and for acquisition by PAUL A. COSTIN, also of Memphis, Tenn., of control of such rights and property through the purchase. Applicants' attorneys: Charles H. Hudson, Jr., 206 Broadway National Bank Building, Nashville, Tenn., and James N. Clay III, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be transferred: *Iron, steel, and steel products*, as a *common carrier* over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, and *building materials*, and *such iron and steel products as buckets, tubs, stove pipes and elbows, oil and garbage cans, wire nails*, and *corrugated roofing*, from Memphis, Tenn., to certain points in Arkansas. Vendee is authorized to operate as a *common carrier* in Tennessee, Arkansas, Mississippi, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8121. Authority sought for purchase by McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind., of a portion of the operating rights and certain property of WISECUPS EXPRESS, INC., 709 South Main Street, Oxford, Ohio, and for acquisition by SAMUEL R. McCLAIN, also of Marion, Ind., of control of such rights and property through the purchase. Applicants' attorney: John P. McMahon, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except commodities in bulk, as a *common carrier* over regular routes, between Connersville, Ind., and College Corner, Ohio, serving all intermediate and certain off-route points, *general commodities*, except those of unusual value, between Cincinnati, Ohio, and College Corner, Ohio, serving all intermediate points, *general commodities*, excepting, among others, household goods and commodities in bulk, between Cincinnati, Ohio, and Hamilton, Ohio, serving no intermediate points, and between Hamilton, Ohio, and Millville, Ohio, serving all intermediate points, RESTRICTED against the transportation of traffic moving between Cincinnati and Hamilton; between Hamilton, Ohio, and Oxford, Ohio, and between junction Ohio Highways 177 and 130 and McGonigle, Ohio, serving all intermediate points, between Oxford, Ohio, and Richmond, Ind., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8123. Authority sought for merger into ADMIRAL-MERCHANTS MOTOR FREIGHT, INC. (FORMERLY R. E. SHORT, INC.), 2625 Territorial Road, St. Paul 14, Minn., of the operating rights and property of ADMIRAL TRANSIT, INC., 2625 Territorial Road, St. Paul 14, Minn., and for acquisition by R. E. SHORT, also of St. Paul of control of such rights and property through the transaction. Applicants' attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Eau Claire, Wis., and Chicago, Ill., serving all intermediate and certain off-route points, between Evansville, Wis., and Chicago, Ill., serving certain intermediate and off-route points, between Eau Claire, Wis., and Minneapolis, Minn., serving all intermediate points, between Eau Claire, Wis., and Chicago, Ill., between Eau Claire, Wis., and Chicago, Ill., serving the intermediate points of Fairchild, those between Eau Claire and Fairchild, and those intermediate and off-route points in the Chicago, Ill., Commercial Zone, unrestricted, and the intermediate and off-route points of Milwaukee, Cudahy, Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis, and Whitefish Bay, Wis., restricted to traffic moving to or from Eau Claire, between Madison, Wis., and Chicago, Ill., between Emerald Grove, Wis., and Harvard, Ill., serving no intermediate points, between St. Paul, Minn., and Superior, Wis., between St. Paul, Minn., and the junction of U.S. Highways 8 and 61, serving certain intermediate and off-route points, between Duluth, Minn., and junction St. Louis County Highway 3 and U.S. Highway 61, serving no intermediate points, between Winona, Minn., and Chicago, Ill., serving certain intermediate and off-route points without restriction, Winona, Minn., restricted to traffic moving to or from points other than Chicago, Ill., between Harmony, Minn., and Winona, Minn., serving certain intermediate and off-route points, between La Crosse, Wis., and Mankato, Minn., serving all intermediate points and certain off-route points, between Minneapolis, Minn., and Waukon, Iowa, serving certain intermediate and off-route points, between La Crosse, Wis., and Waukon, Iowa, serving certain intermediate points with the RESTRICTION that no shipment shall be transported which originates at La Crosse or La Crescent, on the one hand, and, on the other, is destined to Minneapolis or St. Paul, Minn., or Waukon or Decorah, Iowa, or vice versa, and over several alternate routes for operating convenience only; *compressed gas*, in steel cylinders, from Decorah, Iowa, to Spring Valley, Minn., serving no intermediate points, and *empty cylinders*, from Spring Valley, Minn., to Decorah, Iowa, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over regular and irregular routes between certain points in Minnesota. This operation description is to be construed as granting only authority to serve additional intermediate or off-route points in connection with the above-described regular route operations and as an extension of the irregular route operations specified herein, and should not be understood to duplicate any authority that may have otherwise been granted; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points in the Minneapolis-St. Paul, Minn. Commercial Zone, and Chemolite, Minn., on the one hand, and, on the other, the Site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., and between St. Paul and Minneapolis, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, Mounds View Township, Ramsey County, Minn., *general commodities*, except Class A and B explosives, and commodities injurious or contaminating to other lading, between points in Minnesota within 35 miles of St. Paul, Minn., including St. Paul; *general commodities*, with the exceptions

listed above, between Rochester, Minn., on the one hand, and, on the other, Chicago, Ill., and points in Iowa, and between Mankato, Albert Lea, and Austin, Minn., on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone; *butter, eggs,* and *poultry,* from Decorah, Cresco, and Ridgeway, Iowa, and certain points in Minnesota to Chicago, Ill., and *catalogs, christmas trees, soap, canned goods,* and *vinegar,* in pool car distribution service, from Rochester, Minn., to points in Minnesota within 60 miles of Rochester. The authority which is contained in Docket No. MC–76266 and Subs thereunder, was originally issued in the name of MERCHANTS MOTOR FREIGHT, INC., in No. MC–F–7745 (R. E. SHORT, INC.—CONTROL AND MERGER—MERCHANTS MOTOR FREIGHT, INC.), consummated March 9, 1962, was published in the December 29, 1960, issue of the FEDERAL REGISTER on page 13938. On April 6, 1962, R. E. SHORT, INC., requested to change its name to ADMIRAL-MERCHANTS MOTOR FREIGHT, INC. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8124. Authority sought for purchase by ELKTON TRUCKING COMPANY, P.O. Box 277, Elkton, Md., of the operating rights of FRANCIS WOODROW CLARK, an individual, doing business as BALTIMORE-WASHINGTON EXPRESS CO., 1724–30 Russell Street, Baltimore 30, Md., and for acquisition by EDWARD M. LEWIS, WALTER L. LEWIS, and REGINALD T. LEWIS, all of P.O. Box 277, Elkton, Md., of control of such rights through the purchase. Applicants' attorneys: James J. Doherty, 733 Title Building, Baltimore 2, Md., and Charles McD. Gillan, 315 Glenrae Drive, Baltimore 28, Md. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Baltimore, Md., and Washington, D.C., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8125. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa, of a portion of the operating rights of CARL J. DAVIS, an individual, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich., and for acquisition by ALLEN E. KROBLIN and MILDRED KROBLIN, 715 West Sixth Street, Sumner, Iowa and LOYAL FRISCH, 206 South Maple, Sumner, Iowa, of control of such rights through the purchase. Applicants' attorney: William Elmer, 1800 Buhl Building, Detroit, Mich. Operating rights sought to be transferred: *Asbestos,* scrap, asphalt, liquid or solid, in packages, *automobile body panels,* fiberboard, not covered with cut-outs, or of shape other than rectangular, painted or not painted, loaded on platforms, or wooden skids, *blocks,* mastic (asphalt flooring, compunt), *boards,* fiberboard and/or pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs, painted or not painted, loaded on wooden platforms or wooden skids, *boards,* asphalt composition, paving or flooring, *wall board,* asbestos, *wall, board,* fiberboard, pulpboard, or strawboard, *burlap,* bituminized, in packages, caps, roofing, tin, in packages, *carpet lining,* paper, including felt paper plain, other than indented, *cement,* asbestos, in packages, *cement,* composition or asbestos, *cement,* furnace, in packages, *cement* tile, liquid, *cement,* roofing, in packages, *cement,* magnesia, *clamps,* metal, in packages, *coating,* roof, having asbestos, pitch tar or rosin base, in packages, *cloth,* cotton, saturated with asbestos, *conduits,* bituminized fiber, *creosote,* in packages, *eave filler strips,* asphalt composition, *fasteners,* metal, in packages, *felt,* building or roofing, saturated or unsaturated, *felts,* paper, fabrics, saturated and/or coated, *flashing blocks,* asphalt composition, *insulating material,* asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets, *millboard,* asbestos, in packages, mineral wool (rock or slag wool), metal reinforced, in packages, *mineral wool* (rock or slag wool), plain or saturated, with or without paper backs, in batts, or other than batts, in packages, *mortar or cement,* high temperature bonding N.O.I., in packages, *nails,* in packages, *packing,* asbestos, braid or wick, in packages, *paint,* asphaltum, in packages, *paint,* coal tar, in packages, *paper,* asbestos, and/or other than asbestos, building, roofing or sheathing, plain or saturated, *paper,* building, roofing, or sheathing, saturated or unsaturated, *paving joints,* expansion (asphalt or asphalt base), *pipe* cement, containing asbestos fiber, *pitch,* roofing, in packages, *planks,* asphalt composition, paving or flooring, *ridge rolls,* asbestos, in packages, *roofing,* composition or prepared, *roofing or sheathing,* asbestos, hard, corrugated, *sheathing,* asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fibreboard center or back, and/or air-cell paper center, *shingles,* asbestos, hard (artificial stone shingles, or slats), in bundles, *shingles,* asbestos, *shingles,* asphalt, asbestos, or composition *sheathings, shorts,* asbestos, *siding,* asphalt, *straps,* tin, with fasteners, in packages, *tar* roofing, in packages, *tile,* asphalt, composition, floor, and *wood preservatives,* in packages, as a *common carrier* over irregular routes from Whiting, Ind., to points in Iowa, from Peoria, Marseilles, Danville, and Chicago, Ill., and Lowell, Ind., to points in Iowa, from Chicago Heights, Ill., to points in Iowa, from Wilmington, Ill., to points in Iowa, from St. Louis, Mo., to Hannibal, Mo., and points in Iowa, and from South Bend, Ind., to points in Iowa. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Missouri, Indiana, Oklahoma, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, Michigan, New York, Pennsylvania, Minnesota, South Dakota, Wisconsin, Florida, New Jersey, Massachusetts, Maryland, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8126. Authority sought for purchase by TEXAS-OKLAHOMA EXPRESS, INC., 1017 South Akard Street, Dallas 2, Tex., of the operating rights of CENTRAL OKLAHOMA FREIGHT LINES, INC., 207 North Cincinnati Street, Tulsa, Okla., and for acquisition by LEONARD B. BROWN, P. L. CASE and GEORGE C. JOHNSTON, all of Dallas 2, Tex., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, Rawlings, Sayers, Scurlock & Eidson, Century Life Building, Fort Worth, Tex. Operating rights sought to be transferred: Operations under the Second Proviso of Section 206 (a)(1) of the Interstate Commerce Act, covering the transportation of *general commodities* between Tulsa, Okla., and Enid, Okla., with the RESTRICTION that service is authorized only between Tulsa, Okla., on the one hand, and Tonkawa, Garber, Billings and Enid, Okla., on the other hand; and between any two of the following points: Ponca City, Tonkawa, Garber, Billings, and Enid, Okla.; to, from and between any and all points between Tulsa, Okla., and Atoka, Okla., serving all intermediate points and the termini; between Wewoka, Okla., and Shawnee, Okla., between Seminole, Okla., and the junction of Oklahoma Highway 99 and Oklahoma Highway 56, and between Holdenville, Okla., and Wewoka, Okla., serving all intermediate points and the termini, between Enid, Okla., and Fairview, Okla., serving all points on route, between Fairview, Okla., and Woodward, Okla., serving certain points only, and between Enid, Okla., and Woodward, Okla., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, Missouri, and Kansas. Application has not been filed for temporary authority under section 210(b).

NOTE: No. MC–116004 Sub 7 is a matter directly related.

No. MC–F–8127. Authority sought for purchase by HARDIE W. JAMIESON, an individual, doing business as H. W. JAMIESON TRUCKING, 225 Sunset Hills, Grand Junction, Colo., of a portion of the operating rights and certain property of W. R. HALL TRANSPORTATION AND STORAGE COMPANY, 2518 Hiway 6–50, Grand Junction, Colo. Applicants' attorney: Paul N. Cotro-Manes, 430 Judge Building, Salt Lake City 11, Utah. Operating rights sought to be transferred: *Uranium and vanadium-bearing ores and concentrates,* as a *common carrier* over irregular routes between points in Arizona, New Mexico, Colorado, and Utah, and between points in Arizona, New Mexico, Colorado, and Utah, on one hand, and, on the other, points in Colorado and Utah. Vendee holds no authority from this Commission. However, he is president and controlling stockholder of MOAB TRUCK CENTER, INC., 2796 Highway 50 South, Grand Junction, Colo., which is authorized to operate as a *common carrier* in Colorado and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8128. Authority sought for purchase by EDWIN VOEGELE, doing business as VOEGELE TRUCK LINE, 1738 South First Street, Aberdeen, S. Dak., of a portion of the operating rights of CHICAGO AND NORTH WESTERN RAILWAY COMPANY, 400 West Madison Street, Chicago, Ill. Applicant's attorney: Charles H. Dickman, 400 West Madison Street, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Leola, S. Dak., and Aberdeen, S. Dak., serving the intermediate point of Wetonka, S. Dak., from Leola over South Dakota Highway 10 to Junction unnumbered highway, thence over unnumbered highway via Wetonka, S. Dak., to Westport, S. Dak., and thence over U.S. Highway 281 to Aberdeen. Vendee is authorized to operate as a *common carrier* in South Dakota, and also under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of South Dakota. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8122. Authority sought for purchase by INDIANA MOTOR BUS COMPANY, 716 South Main Street, South Bend, Ind., of the operating rights of CHICAGO SOUTH SHORE AND SOUTH BEND RAILROAD, 114 East 11th Street, Michigan City, Ind., and for acquisition by E. E. FURRY, 612 South Michigan Street, Plymouth, Ind., of control of such rights through the purchase. Applicants' attorney: Harry J. Harman, Kriner & Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Passengers* and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes (A) with no seasonal restrictions, between Michigan City, Ind., and Benton Harbor, Mich., serving all intermediate points, and (B) *passengers* and their baggage, during the season extending from the 15th day of June to the 15th day of September, inclusive, between Lakeside, Mich., and Union Pier, Mich., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana, Michigan, and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–3753; Filed, Apr. 17, 1962; 8:48 a.m.]

[Notice 626]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64457. By order of April 9, 1962, the Transfer Board approved the transfer to Joseph Cory Delivery Service, Inc., Brooklyn, N.Y., a portion of the operating rights described in Certificate No. MC 29796, issued April 29, 1949, issued to Joseph Esbit, doing business as Esbit Transportation and Storage Co., Brooklyn, N.Y., authorizing the transportation of new furniture, over irregular routes, from Jersey City, N.J., to points in that part of New York and New Jersey within 50 miles of the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665 and refused, rejected, or damaged shipments of new furniture, on return.

Bert Collins, 140 Cedar Street, New York 6, N.Y., attorney for applicants.

No. MC–FC 64717. By order of April 9, 1962, the Transfer Board approved the transfer to Hollebrand Trucking, Inc., Ontario, N.Y., of Certificates Nos. MC 112854, MC 112854 Sub 6 and MC 112854 Sub 8, issued September 7, 1951, March 1, 1956, and May 31, 1955, respectively, to Peter Hollebrand, Ontario, N.Y., and the transfer to transferee of certain "grandfather" operating rights which may be authorized under Section 7 of the Transportation Act of 1958, in docket No. MC 112854 Sub 14, authorizing the transportation of: Frozen fruits and vegetables and fresh and frozen fruit juices, from points in New York, except those in the New York, N.Y. commercial zone, to points in that part of Virginia located east of Chesapeake Bay; frozen fruits, frozen fruit juices, and frozen fruit purees, from Waterport, Barker, Elmira, Fairport, LeRoy, Middleport, and Webster, N.Y., to points in Virginia as specified; frozen fruits, from Rochester, N.Y., to points in Virginia as specified; frozen vegetables, from Waterport, Barker, Fairport, LeRoy, Rochester, and Webster, N.Y., to points in Virginia as specified; canned goods, from Front Royal, Timberville, and Winchester, Va., and Martinsburg, W. Va., to points in a specified New York territory; frozen fruits and frozen vegetables, frozen fruit and frozen vegetable juices, and frozen purees, from Buffalo, Brockport, Holley, Medina, and Morton, N.Y., to points in Virginia as specified; frozen foods, from Mariboro, Highland, Milton, Hudson, and Newburgh, N.Y., to Louisville, Ky., and Front Royal, Va.; frozen fruits, from points within a specified New York territory, to points in the New York, N.Y. Commercial Zone, New Jersey, Pennsylvania, Ohio, Maryland, Massachusetts, and Virginia, and to Hartford and East Hartford, Conn., Washington, D.C., Miami and Tampa, Fla., Chicago, Ill., Des Moines, Iowa, Indianapolis, Ind., Kansas City, Kans., Kansas City, Mo., Louisville, Ky., St. Louis, Mo., Detroit, Mich., Omaha, Nebr., Charlotte, N.C., Tulsa, Okla., and Huntington, W. Va.; frozen berries, from points within a described New York territory, to points in the New York, N.Y., commercial zone, New Jersey, Pennsylvania, and Ohio, and to Washington, D.C., Baltimore, Md., Boston and Worcester, Mass., Detroit, Mich., and Omaha, Nebr., frozen vegetables, from points within a specified New York territory, to points in the New York, N.Y., commercial zone, New Jersey, Pennsylvania, Ohio, and Massachusetts, and to East Hartford, Conn., Washington, D.C., Chicago, Ill., Cambridge and Landover, Md., Detroit, Mich., Omaha, Nebr., and Williamsburg, Va., and fresh produce, including fresh fruits, fresh vegetables and fresh berries, when moving in the same vehicle with the frozen fruits, frozen berries, and frozen vegetables specified immediately above. Raymond A. Richards, 35 Curtice Park, Webster, N.Y., representative for applicants.

No. MC–FC 64806. By order of April 6, 1962, the Transfer Board approved the transfer to Bernice E. Faerber, doing business as Smith Avenue Storage Warehouse Moving Co., Kingston, N.Y., of portion of Certificate No. MC 104714, issued June 14, 1944, to Clarence B. Lasher, Saugerties, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, over irregular routes, between Saugerties, N.Y. and points within 20 miles of Saugerties, excluding those in Dutchess County, N.Y., on the one hand, and, on the other, points in New Hampshire and Ohio. Mr. E. E. Schirmer, Saugerties, N.Y., attorney for transferee.

No. MC–FC 64892. By order of April 9, 1962, the Transfer Board approved the transfer to Whitney Transfer Company, Inc., 10th and Clay Streets, Bowling Green, Ky., of Certificate No. MC 66817, issued May 17, 1955, to William P. Whitney, doing business as Whitney Transfer Company, 10th and Clay Streets, Bowling Green, Ky., authorizing the transportation of: Tobacco, in baskets and hogsheads, between Westmoreland, Tenn., and Bowling Green, Ky., livestock, from Eufaula, Ala., to Albany, Ga., fertilizer, feedstuffs, and agricultural products, from Eufaula, Ala., to points in Georgia within 100 miles of Eufaula; household goods, between points in Alabama and Georgia; between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi, and Tennessee; between points in Kentucky and Tennessee, and those in that part of Ohio and Indiana within 10 miles north of the Ohio River; household goods, as defined by the Commission, between Nashville, Tenn., and points in Tennessee, Alabama, and Kentucky within 125 miles of Nashville, on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina, Alabama, Louisiana, Mississippi, Virginia, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Missouri, Texas, Oklahoma,

West Virginia, Michigan, Minnesota, Wisconsin, and the District of Columbia.

No. MC–FC 64916. By order of April 6, 1962, the Transfer Board approved the transfer to Trinity Terminal & Transportation, Inc., Bloomfield, N.J., of Certificate in No. MC 114256, issued February 3, 1958, to Don-Dee Trucking Corporation, North Bergen, N.J., authorizing the transportation of: General commodities, except household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in Essex, Bergen, and Hudson Counties, N.J. Robert DeKroyft, 233 Broadway, New York 7, N.Y., attorney for transferee. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., registered practitioner for transferor.

No. MC–FC 64931. By order of April 9, 1962, the Transfer Board approved the transfer to W. H. Johns, Inc., Lancaster, Pa., of Corrected Certificate No. MC 78118 Sub 1, and Certificates Nos. MC 78118 Sub 7, MC 78118 Sub 9, and MC 78118 Sub 10, issued January 22, 1958, November 21, 1958, December 31, 1958, September 14, 1960, to Wilbur H. Johns, Lancaster, Pa., authorizing the transportation, over irregular routes, of printing paper, from Williamsburg, Pa., to Luke, Md.; sugar, from Baltimore, Md., to points in Blair, Cambria, Centre, Clearfield, and Huntingdon Counties, Pa., canned goods, from points in Maryland to points in Blair, Cambria, Centre, Clearfield, and Huntingdon Counties, Pa., petroleum products, in containers, from Warren, Pa., and points within 5 miles thereof, to Philadelphia, Pa., New York, N.Y., and Baltimore, Md., empty containers for petroleum products, from Baltimore, Md., and New York, N.Y., to Warren, Pa., and points within 5 miles thereof; glass containers, not exceeding 1 gallon in capacity, from Oil City, Pa., and points in the Borough of Knox, Clarion County, Borough of Sheffield, Warren County, Borough of Marienville, Forest County, and Borough of Parkers Landing, Armstrong County, Pa., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida, damaged, or defective glass containers, on return; plastic nursing bottles, baby bottle caps, covers, discs or tops, baby bottle sterilizers and warmers, cleaning compound powder, tongs, rubber and plastic nipples and gloves, vaporizers, measuring spoons, funnels, feeding dishes, formula pitchers, and other articles used in the preparation and serving of food or the administration of medicine to infants, from Oil City (Venango County), Pa., to points in Virginia, North Carolina, South Carolina, Georgia and Florida; pulpboard and fibreboard, in rolls, from Clifton, Dundee, Whippany, and Riegelsville, N.J., to Knox, Pa., and Buffalo, N.Y., prepared food products, and materials, equipment, and supplies used in, or incidental to, the preparation, packing, and sale thereof, over regular routes, between Salem, N.J., and Pittsburgh, Pa., serving the intermediate points of Harrisburg and Chambersburg, Pa., between Washington, D.C., and Pittsburgh, Pa., between Camden, N.J., and Salem, N.J., between Philadelphia, Pa., and Lancaster, Pa., tomatoes, over irregular routes, from Girard and North Girard, Pa., to Medina, N.Y., and Bowling Green and Fremont, Ohio, and fresh fruits and vegetables from Brookville, Pa., and points within 25 miles thereof to Medina, N.Y., and points within 15 miles thereof. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney at law.

No. MC–FC 64948. By order of April 6, 1962, the Transfer Board approved the transfer to Don-Dee Trucking Corporation, North Bergen, N.J., of Certificate No. MC 22005, issued May 24, 1961, to George Ventre, Cecilia Ventre, Administratrix, doing business as Ventre Trucking Co., acquired by Ventre Trucking Company, Inc., North Bergen, N.J., pursuant to No. MC–FC 64605, authorizing the transportation of: General commodities, except household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and north of New Jersey Highway 33, except those in Sussex, Warren, Morris, Hunterdon and Mercer Counties. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., registered practitioner for transferee. August W. Heckman, 297 Academy Street, Jersey City, N.J., attorney for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3754; Filed, Apr. 17, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4033]

ALABAMA POWER CO.

Notice of Proposed Issuance of $2,899,000 Principal Amount of First Mortgage Bonds for Improvement or Sinking Fund Purposes

APRIL 6, 1962.

Notice is hereby given that Alabama Power Company ("Alabama"), 600 North Eighteenth Street, Birmingham 2, Alabama, an electric utility company and a subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

Alabama proposes to issue, on or prior to June 1, 1962, $2,899,000 principal amount of First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of an indenture between Alabama and Chemical Bank New York Trust Company (formerly Chemical Bank & Trust Company and Chemical Corn Exchange Bank), as Trustee, dated as of January 1, 1942, as amended and supplemented, and to surrender such bonds to the Trustee on or prior to said date, in accordance with the improvement or sinking fund provisions of the Indenture. The bonds are to be identical with those authorized by the Commission on April 30, 1957 (Holding Company Act Release No. 13457) and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be used to satisfy the improvement or sinking fund requirements or to purchase bonds for such purpose.

The estimated fees and expenses to be incurred by Alabama aggregate $1,750 and consist of a fee of $500 for company counsel, $750 for charges of the Trustee and its counsel and $500 for miscellaneous expense.

The application states that the proposed transaction has been expressly authorized by the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the transaction.

Notice is further given that any interested person, may not later than April 24, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, if any, raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–3739; Filed, Apr. 17, 1962; 8:47 a.m.]

[File No. 70–4034]

MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issuance and Sale of $15,000,000 Principal Amount of First Mortgage Bonds at Competitive Bidding, Increase in Authorized Capital Stock, and Sale of 500,000 Shares of Common Stock to Parent

APRIL 10, 1962.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, New York, New York, a registered holding company, and Milwaukee Gas Light Company ("Milwaukee"), 626 East Wisconsin Avenue, Milwaukee, Wisconsin, one of its public-utility subsidiaries, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Milwaukee proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $15,000,000 principal amount of First Mortgage Bonds, __ percent Series to be dated May 15, 1962, and to mature May 15, 1987. The new bonds are to be issued under a Mortgage and Deed of Trust dated November 1, 1950 as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated May 15, 1962. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding.

Milwaukee proposes to amend its Articles of Incorporation to increase the number of authorized shares from 3,625,000 (of which 3,613,410 shares are issued and outstanding) to 4,113,500 shares. Milwaukee further proposes to sell, and American Natural proposes to acquire, 500,000 shares of Milwaukee's common stock, par value $12 per share, for a cash consideration of $6,000,000.

The proceeds from the above transactions will be used, to the extent of $20,000,000 to pay Milwaukee's short-term notes to banks due June 1, 1962, and the balance of the proceeds will be added to treasury funds.

The fees and expenses to be incurred by Milwaukee in connection with the issuance of the new bonds are estimated at $99,245 including counsel fees of $19,500 and accountants' fee, $4,500. The fees and expenses in connection with the issuance of the common stock is estimated at $19,375 including counsel fees of $1,000. The fee of Brown, Wood, Fuller, Caldwell & Ivey, counsel for the underwriters, estimated at $9,000, is to be paid by the successful bidder.

The joint application-declaration states that the Public Service Commission of Wisconsin has jurisdiction over the proposed transactions, and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 10, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–3740; Filed, Apr. 17, 1962; 8:47 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11014

DELEGATING TO THE SECRETARY OF COMMERCE FUNCTIONS WITH RESPECT TO PARTICIPATION OF THE UNITED STATES IN THE NEW YORK WORLD'S FAIR

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Act of September 21, 1961, 75 Stat. 527, P.L. 87–256) and the Public Buildings Act of 1959 (73 Stat. 479), and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act of 1961 and the efficient administration of the programs undertaken pursuant to that Act and I hereby order as follows:

SECTION 1. *Delegation.* Functions under the Mutual Educational and Cultural Exchange Act of 1961 (hereinafter referred to as the Act) are hereby delegated to the Secretary of Commerce as follows:

(a) The functions conferred upon the President by the provisions of Section 102(a)(3) of the Act (22 U.S.C. 2452(a)(3)) to the extent that they are in respect of participation by the United States in the New York World's Fair.

(b) Those other functions conferred upon the President by the Act which are incidental to or necessary for the performance of the functions delegated by the provisions of Section 1(a) of this order, not including, however, any of the functions so conferred by the provisions of Sections 104(a), 105(c), 108(a), or 108(b) of the Act or by that part of Section 104(b) of the Act which follows the first comma therein.

SEC. 2. *Cooperation.* Interested departments and agencies of the Federal Government, including the Department of State, the United States Information Agency, and the National Science Foundation, are requested to cooperate with the Secretary of Commerce in planning and providing for United States participation in the New York World's Fair.

SEC. 3. *Exemption.* Any building constructed by the United States as a part of its participation in the fair shall not be a "public building" under the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.).

SEC. 4. *Waivers.* (a) It is hereby determined that the performance by the Secretary of Commerce of functions delegated to him by the foregoing provisions of this order without regard to the following provisions of law or limitations of authority is in furtherance of the purposes of the Act:

(1) That part of Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) which reads "(not in excess of one year)".

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) to the extent that it pertains to hiring automobiles and aircraft.

(3) The Civil Service Act of January 16, 1883, 22 Stat. 403, as amended (5 U.S.C. 632 et seq.) and other civil service laws.

(4) The Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.).

(5) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(6) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 (40 U.S.C. 278a) (maximum charges).

(7) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(8) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(9) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(10) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(11) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts; advances).

(12) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) to the extent that they pertain to printing by the Government Printing Office.

(13) Section 1 of the Act of June 20, 1878, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) (advertising).

(14) Section 3828 of the Revised Statutes (44 U.S.C. 324) (advertising).

(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the Department of Commerce to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 5. *Redelegation.* The Secretary of Commerce may redelegate to any officer or agency of the Department of Commerce any function delegated to him by the provisions of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 17, 1962.

[F.R. Doc. 62-3912; Filed, Apr. 18, 1962; 10:31 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Six-Month Period Ending June 30, 1962

Basis and purpose. The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87–15, approved March 31, 1961 (hereafter called the "Act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 and to establish sugar quotas for the six-month period ending June 30, 1962, for supplying areas except Cuba in terms of short tons of sugar, raw value. Section 408(b) of the Act directs the President to determine the sugar quotas for Cuba. This regulation establishes quotas for the six-month period ending June 30, 1962, for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the Act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the Act. Further, this regulation establishes liquid sugar quotas for foreign countries other than Cuba pursuant to section 208.

The Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1962 is necessary.

The purpose of this amendment is to (1) make such determination conform to the requirements of consumers as indicated on the basis of factors specified in section 201 of the Act, as amended, (2) establish sugar quotas for the supplying areas, except Cuba, in terms of short tons, raw value, (3) determine and prorate a deficit in the quota for Hawaii for sugar to be marketed in the continental United States in 1962, as established in § 811.2 as amended herein in accordance with section 204(a), and (4) to rescind § 811.9 of this part which gave effect to Article 7 of the International Sugar Agreement, as that article is no longer operative.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area is to be prorated to such other areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the Act, shall be prorated to other domestic areas on the basis of the quotas then in effect. On the basis of the quotas established in § 811.2 for domestic areas and the expected supply of sugar available for marketing in the continental United States from these areas for the six-month period ending June 30, 1962, it is hereby found that Hawaii will be unable to market 12,492 short tons, raw value, of its quota and that the Mainland Cane Sugar Area will be unable to market more sugar than the quota for that area. Accordingly, the deficit of 12,492 short tons, raw value, in the quota for Hawaii is herein prorated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

The quantity of sugar needed to meet the requirements of consumers in the continental United States during the calendar year 1962 is herein determined to be 9,700,000 short tons, raw value.

In accordance with section 408(b) of the Act, no sugar or liquid sugar quotas are herein established for Cuba. Accordingly, the quotas established herein for the six-month period ending June 30, 1962, the current expiration date of the Sugar Act, total 3,245,788 short tons, raw value.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (26 F.R. 11963). To permit areas for which larger quotas or prorations are hereby established to plan marketings and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Proclamation of the President of the United States No. 3440 (26 F.R. 11714), Sugar Regulation 811 (26 F.R. 11963) is hereby amended by rescinding § 811.9, amending §§ 811.1, 811.2 and 811.3 and adding § 811.4 to read as follows:

§ 811.1 Sugar requirements, 1962.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 is hereby determined to be 9,700,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the six-month period ending June 30, 1962, quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in Column (1) and the amounts of such quotas for offshore domestic areas that may be filled by direct-consumption sugar are established in Column (2), as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	1,055,313	(1)
Mainland cane sugar	324,730	(1)
Hawaii	388,908	16,580
Puerto Rico	615,841	71,867
Virgin Islands	8,398	0

[1] No limit

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 63,016 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries.

For the six-month period ending June 30, 1962, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in Column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in Column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	490,000	29,960
Peru	54,239	5,248
Dominican Republic	48,184	4,678
Mexico	40,054	8,498
Nicaragua	7,874	5,604
Haiti	3,820	3,500
Netherlands	1,970	1,970
China	1,901	1,901
Panama	1,901	1,901
Costa Rica	1,896	1,896
Canada	316	316
United Kingdom	258	258
Belgium	91	91
British Guiana	42	42
Hong Kong	2	2
All other countries	0	0

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pur-

suant to section 204(a) of the Act, that for the six-month period ending June 30, 1962, Hawaii will be unable to fill 12,492 short tons, raw value of its sugar quota as established in § 811.2.

(b) *Proration of deficits and quotas in effect.* The deficit in the quota determined in paragraph (a) of this section amounting to 12,492 short tons, raw value, is hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

Area	Prorated herein (1)	Quota including prorations herein (2)
Domestic beet sugar	7,849	1,063,162
Mainland cane sugar	0	324,730
Hawaii	0	588,968
Puerto Rico	4,580	620,421
Virgin Islands	63	8,461

§ 811.9 [Rescinded]

STATEMENT OF BASES AND CONSIDERATIONS

Total sugar requirements for the continental United States for the calendar year 1962 were established at 9,500,000 short tons, raw value, in early December 1961.

Distribution of sugar for United States consumption in 1962 through March was approximately the same as for the comparable period of 1961, and including constructive marketings (sugar sold before the end of the year for delivery during the first two months of the next year), physical deliveries of sugar in the first quarter were greater this year than last. Although substantial quantities of sugar remain within quotas and non-quota allocations, inventories of refiners and importers on March 31, 1962, were about 145,000 tons less than a year earlier. Domestic raw sugar prices have exhibited strength since the beginning of the year. Heavier seasonal consumption is immediately ahead and uncertainties associated with the expiration of the Sugar Act as of June 30, 1962, may cause refiners to carry larger than normal stocks. In light of these considerations, the total sugar requirements are hereby increased to 9,700,000 tons.

Representatives of the Hawaiian Sugar Industry advised that Hawaii could substantially fill the previously effective quota barring an extended interruption of shipments. However, there was no assurance that an increased quota could be handled. Accordingly, the quantity by which the quota for Hawaii is herein increased, due to the increased sugar requirements determination, is herein prorated to other domestic areas pursuant to section 204(a) of the Act.

Section 811.9 of this part gave effect to Article 7 of the International Sugar Agreement by limiting the importations of sugar from countries not participating in the Agreement. By official action of the International Sugar Council on March 20, 1962, Article 7 of the International Sugar Agreement is no longer operative. Accordingly, the limitations on the importation of sugar to give effect to Article 7 of the Agreement are no longer necessary and § 811.9 is hereby rescinded.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 202, 204, 210 408 and 411; 61 Stat. 924, as amended, 925, as amended 928, as amended, 933, as amended; 7 U.S.C. 1112, 1114, 1120, 1158. Pub. Law 87-15, approved Mar. 31, 1961; Proc. No. 3440, effective Dec. 7, 1961, 26 F.R. 11714)

Done at Washington, D.C., this 13th day of April 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-3808; Filed, Apr. 18 1962; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling of Culls

Notice of rule making with respect to a proposed amendment to the rules and regulations effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) was published in the FEDERAL REGISTER of April 7, 1962 (27 F.R. 3326). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, the existing rules and regulations are hereby amended by adding the following new section immediately after present § 959.125:

§ 959.126 Handling of culls.

(a) The handling of culls, i.e., onions which fail to meet the grade, size and quality requirements established under § 959.52(b), is prohibited, unless it is for the purpose of:

(1) Mutilation at the packing house in order to render them unsuitable for fresh market;

(2) Disposition at designated locations approved by the committee under the supervision and direction of the committee; or

(3) Handling for special purpose outlets approved under § 959.53 of this part.

(b) As a safeguard against culls entering fresh market channels each handler of culls under subparagraph (2) or (3) of paragraph (a) of this section shall apply for and obtain a certificate from the committee which shall require the handler to furnish such reports or other information as the committee may request.

Findings. It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) this amendment to the rules and regulations applies to the handling of onions grown in the production area and the handling of such onions of the 1962 crop has begun, (2) this amendment is necessary to facilitate operations under the amended marketing agreement and order, (3) the need for this amendment is already at hand and it should be available for use by the committee, and (4) notice hereof has been given through publicity in the production area and by publication in the FEDERAL REGISTER of April 7, 1962 (27 F.R. 3326).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Dated April 13, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3805; Filed, Apr. 18, 1962; 8:46 a.m.]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in Texas, was published in the FEDERAL REGISTER April 5, 1962 (27 F.R. 3259). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than five days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

§ 965.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to this part (Marketing Order No. 965), to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order during the fiscal period ending February 28, 1963, will amount to $15,000.00.

(b) The rate of assessment to be paid by each handler pursuant to this part shall be one cent ($0.01) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period, and (2) the current fiscal period began on March 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable tomatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: April 16, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3830; Filed, Apr. 18, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1139; Amdt. 426]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on April 3, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing 707 and 720 Series aircraft. The directive required inspection of all control cable pressure seals except those for engine control cables. It was later determined that the landing gear and landing gear door cable seals did not require inspection at the same intervals as those for flight control cables. Accordingly, an amendment was adopted on April 6, 1962, and made effective immediately as to the same known operators.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707 and 720 Series aircraft by individual telegrams dated April 3, 1962, and as amended by telegrams dated April 6, 1962. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

BOEING. Applies to all Models 707 and 720 aircraft Serial Numbers 17586–17652, 17658–17690, 17692–17724, 17903–17930, 18012–18037, 18041–18050, 18054–18071, 18083–18085, 18154, 18167, 18334, 18351–18353, 18381–18384, with more than or upon accumulation of 1,500 hours' time in service.

Compliance required as indicated.

To prevent failure of control cable pressure seals which can cause jamming or dislodging of the cable, accomplish the following:

(a) Unless already accomplished within the last 300 hours' time in service, within the next 65 hours' time in service and at periods thereafter not to exceed 360 hours' time in service from the last inspection, conduct a close visual inspection of all control cable pressure seals except those for engine control cables, landing gear and landing gear door cables.

(b) Unless already accomplished within the last 360 hours' time in service, within the next 360 hours' time and at periods thereafter not to exceed 720 hours' time in service from the last inspection, conduct a close visual inspection of all landing gear and landing gear door cable pressure seals.

(c) All seals which have failed or which show evidence of cracking, abnormal swelling or sponginess, or other signs of deterioration which could lead to seal failure shall be replaced with new seals prior to further flight.

(d) Replacement seals of the same part number shall be inspected in accordance with (a) or (b) prior to the accumulation of 1,500 hours' time in service and at intervals not to exceed 360 hours' time in service thereafter for flight control cable pressure seals and 720 hours' time in service thereafter for landing gear and landing gear door cable pressure seals.

(e) The special periodic inspection of any S11K–3R, S11K–4R, or S11R–4R seal may be discontinued upon replacement with a new type seal P/N S11K–3RA, S11K–4RA, or S11R–4RA respectively, together with a seal retention assembly installed in accordance with Boeing Service Bulletin 1358 or FAA approved equivalent.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin 1358 pertains to this same subject).

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegrams dated April 3, 1962 and April 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-3786; Filed, Apr. 18, 1962; 8:45 a.m.]

[Reg. Docket No. 1154; Amdt. 424]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT3C–7 and JT3C–12 Turbojet Engines

There have been several cases of third stage compressor rotor blade failure on Pratt & Whitney JT3C Series turbojet engines. In one case, the blades were not contained and secondary damage to the aircraft resulted. Accordingly, an airworthiness directive is necessary to require inspection and replacement of cracked blades.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all JT3C–7 and JT3C–12 turbojet engines.

Compliance required as indicated.

Because of fatigue cracking which has occurred in the dovetail attachment of P/N 359403 third stage compressor rotor blades the following is required:

(a) For blades previously inspected by the procedure described in paragraph (c), reinspect in accordance with paragraph (c) as follows:

(1) Inspect blades which have accumulated 300 hours or less time in service since the last inspection, prior to the accumulation of 350 hours' time in service and thereafter within each 350 hours' time in service.

(2) Inspect blades which have accumulated more than 300 hours' time in service since the last inspection, within the next 50 hours' time in service and thereafter within each 350 hours' time in service.

(b) For blades not previously inspected by the procedure described in paragraph (c), inspect in accordance with paragraph (c) as follows:

(1) Inspect blades with 700 or more total hours' time in service within the next 50 hours' time in service and every 350 hours' time in service thereafter.

(2) Inspect blades with less than 700 total hours' time in service prior to the accumulation of 750 hours' time in service and every 350 hours' time in service thereafter.

(c) Incorporate an inspection hole and plug in the compressor case and third stage stator shroud in accordance with Pratt & Whitney Aircraft (R.G.B.) letter dated February 24, 1962, and its attached sketch to all JT3C–7 and JT3C–12 operators. Using an American Cystoscope Makers, Inc. Model B35A–12 or equivalent viewing instrument inserted through this hole, inspect each third stage blade dovetail attachment for possible cracking in both flanks, rear radius, and rear face. If any crack indications are found, remove the engine prior to further flight and disassemble for confirmation of the indications. Replace any cracked blades.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at any established inspection period of the operator if the request

contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft (R.G.B.) letter dated February 24, 1962, and attached sketch, to all JT3C–7 and JT3C–12 operators, and P&WA telegraphic message dated February 28, 1962, to all JT3C–7 and JT3C–12 operators, covers the same subject.)

This amendment shall become effective April 19, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3787; Filed, Apr. 18, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–226]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

On January 31, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 902) stating that the Federal Aviation Agency (FAA) proposed to alter the en route radar jet advisory areas associated with Jet Routes Nos. 2, 45, and 55.

Although the notice stated that a radar jet advisory area would be designated on the segment of J–55 only from Savannah, Ga., to Charleston, S.C., for ease in flight planning the FAA is designating the radar jet advisory area on J–55 from Jacksonville, Fla., to Charleston. The additional segment of J–55 from Jacksonville to Savannah overlies Jet Route No. 51 which presently has an associated radar jet advisory area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.200 *Enroute jet advisory areas* (26 F.R. 7082, 12561, 27 F.R. 1455) is amended as follows:

1. In the text of Jet Route No. 2 "Tallahassee, Fla." is deleted and "Jacksonville, Fla." is substituted therefor.

2. In the text of Jet Route No. 45 "Alma, Ga." is deleted and "Jacksonville, Fla." is substituted therefor.

3. Jet Route No. 55 is amended to read.

Jet Route No. 55 jet advisory area. Radar—Jacksonville, Fla., to Charleston, S.C.; from Idlewild, N.Y., to the United States/Canadian Border.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 12, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3788; Filed, Apr. 18, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–34]

PART 13—PROHIBITED TRADE PRACTICES

John J. McKune & Sons Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.60 *Earnings and profits;* § 13.185 *Refunds, repairs, and replacements;* § 13.200 *Sample, offer or order conformance;* § 13.225 *Services.* Subpart—Substituting product inferior to offer: § 13.2263 *Substituting product inferior to offer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John J. McKune & Sons Co., Inc. (Chicago, Ill.), et al., Docket C–34, Nov. 30, 1961]

In the Matter of John J. McKune & Sons Co., Inc., a Corporation, and John J. McKune, Individually and as an Officer of Said Corporation, and Philip A. Small and John J. McKune, Individually and as Former Partners Doing Business as U.S. Commercial Products Company

Consent order requiring Chicago sellers of vending machines and supplies therefor to cease representing falsely in circulars, form letters, etc., that they would obtain profitable locations for machines bought from them, give purchasers exclusive territories, and repurchase the machines on terms favorable to buyers; exaggerating profits earned by the machines; substituting a different type and quality of machine from that displayed; and, through use of the words "Factory" and "Manufacturers", representing falsely that they manufactured and designed their machines.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents John J. McKune & Sons Co., Inc., a corporation, and its officers, John J. McKune, individually and as an officer of said corporation, and Philip A. Small and John J. McKune, individually and as former partners trading and doing business under the name of U.S. Commercial Products Company, or under any other name or names, and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of vending machines and vending machines supplies, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents or their sales representatives will obtain or assist in obtaining satisfactory or profitable locations for products purchased from them.

(b) The earnings or profits derived from the purchase of respondents' products and engaging in business will be in any amount in excess of the earnings or profits usually and customarily earned in the operation of their products.

(c) Respondents grant exclusive territory in which the products purchased from them may be operated or located.

(d) Respondents will repurchase the products sold by them.

(e) Selling or soliciting is not required to establish, operate or maintain a route of said products.

(f) Respondents are the manufacturers or designers of any products sold by them, unless and until they own, operate or directly and absolutely control the manufacturing plant or factory where the products are manufactured or designed.

2. Substituting an inferior type, grade or quality product for the product displayed and represented as the product being sold to the purchaser.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 30, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–3790; Filed, Apr. 18, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55604]

PART 6—AIR COMMERCE REGULATIONS

Designation of International Seaplane Base, Ranier, Minn., as an International Airport

Under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), the International Seaplane Base, Ranier, Minnesota, is designated as an international airport (airport of entry) for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301(33)), effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13 of the Customs Regulations is amended to include the name and location of this airport.

Notice of the proposed designation of the International Seaplane Base, Ranier, Minnesota, as an international airport was published in the FEDERAL REGISTER of March 6, 1962 (27 F.R. 2156), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No comments or arguments were received.

The designation of this airport is based upon a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with customs requirements. For these reasons, it is found desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, as amended, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 13, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–3819; Filed, Apr. 18, 1962; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 330—DETERMINATION OF DAILY BENEFIT RATES

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 330.4 and 330.5 of Part 330 (20 CFR 330.4 and 330.5) of the regulations under such act are amended by Board Order 62–39, dated April 4, 1962, to read as follows:

§ 330.4 Information furnished to the Board about daily rate of compensation.

Each employee applying for benefits, who is not otherwise entitled to the maximum daily benefit rate, shall be afforded an opportunity to furnish, on a form provided by the Board, information to show the daily rate of his compensation for the last employment in which he engaged for an employer in the base year. Arrangements shall be made for employers to furnish information to Board offices with respect to pay rates. Such arrangements may include, but need not be limited to, (a) arranging for unemployment claims agents or other employer officials to verify or correct, to the extent practicable, employees' pay rate reports before such reports are forwarded to the Board, (b) sending to the appropriate employers for verification or correction pay rate reports furnished by employees applying for benefits, and (c) arranging for employers to furnish information as to established rates of pay.

§ 330.5 Use of daily rate of compensation in determining daily benefit rate.

(a) *Initial determination.* If the daily benefit rate specified in section 2(a) of the Act for the amount of the employee's base year compensation is less than the maximum daily benefit rate, it shall be compared to 60 percent of the daily rate (up to $17.00) of his compensation for the last employment in which he engaged for an employer in the base year; and whichever is the greater shall be established as the employee's daily benefit rate for the benefit year. For this purpose, the office processing the employee's application for benefits may use the information furnished (1) on a verified or corrected pay rate report or (2) on an unverified and uncorrected pay rate report, provided there is information, including information supplied by employers, sufficient to give reasonable assurance of the correctness of a daily benefit rate based on such pay rate report. If the office processing the application for benefits of an employee whose pay rate report has not been verified or corrected, does not have information sufficient to give reasonable assurance of the correctness of a daily benefit rate based on the report, the daily benefit rate to which the employee's base year compensation entitles him shall be used pending verification or correction of the report.

(b) *Redetermination.* When an unverified and uncorrected pay rate report has been verified or corrected, in a case in which the daily benefit rate was initially established on the basis of the employee's base year compensation, appropriate redetermination of the daily benefit rate shall be made, and such redetermined benefit rate shall be applied to all of the employee's days of unemployment or sickness in the benefit year.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: April 12, 1962.

By authority of the Board.

LAWRENCE GARLAND,
Acting Secretary of the Board.

[F.R. Doc. 62–3797; Filed, Apr. 18, 1962; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 112—Rates and Conditions for Specific Classes, as published in 26 F.R. 8697–8702, make the following changes:

A. In § 112.1 *Letters and letter packages,* amend paragraph (e)(1) by inserting "Maldive Islands" in the proper alphabetical listing of countries therein which do not admit dutiable merchandise in letters or letter packages.

NOTE: The corresponding Postal Manual section is 222.151.

B. In § 112.4 *Printed matter,* make the following changes to: (1) Provide a new statement to be used by publishers or registered news agents mailing bundled copies of second-class publications to Canada; (2) include an additional procedure for paying postage on controlled circulation publication mailings to foreign countries and to add new mailing requirement for these publications; and (3) show that the weight of the sack is no longer to be included in determining the amount of postage to be paid on mailings of direct sacks of prints.

1. In paragraph (e) make the following changes:

a. In subparagraph (2) amend subdivision (iv) to read as follows:

(iv) Mark "Printed Matter—Second Class or Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage is paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit, as permitted in subparagraph (3)(ii) of this paragraph, the envelopes or wrappers must bear the imprint "Second-class postage paid at ____" or "Controlled circulation postage paid at ____", in the upper right corner.

b. Amend subparagraph (3) to read as follows:

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in subdivision (ii) of this subparagraph, must be paid by means of postage stamps, meter stamps, or permit imprints showing the amount of postage paid.

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, "Computation of Second-class or Controlled Circulation Publication Postage." from reports filed by the publisher or news agent on Form 3542, "Statement Showing Number of Copies of Second-class or Controlled Circulation Publication Mailed." For bundled copies of second-class publications addressed for delivery in Canada, only the postage charges may be computed on the basis of reports submitted by the publisher or news agent in the following form:

STATEMENT OF BUNDLED COPIES OF SECOND-CLASS PUBLICATION MAILED TO CANADA

March 2, 2962
(Date)

Name and place of publication Weekly Review

Sample wrapped copy enclosed. Ourtown, Tenn.

Weight of single wrapped copy one ounces.

Date printed in copy Mar. 3, 1962. Date of mailing Mar. 2, 1962

Number of bundles 35 @ 1¢ each = 35¢ — $0.35

Total weight in ounces of all bundles 5,409 2-ounce @ 1¢ = 54.09 — 54.09 — $54.44
10,818 ounces.

Total number of copies in all bundles 10,800 @ ½¢ each = $54.00

Postage on the bundled copies is computed at 2¢ for the first 2 ounces and 1¢ for each additional 2 ounces or fraction, as follows: Charge 1¢ for each bundle reported; charge an additional 1¢ for each 2 ounces on the total weight of all bundles. If the total postage does not amount to at least a half cent per copy, charge flat rate of a half cent each on the total number of copies in all bundles.

NOTE: Bundled copies means unaddressed copies included in packages addressed to one addressee, as well as individually addressed copies addressed for delivery at one post office in Canada which are placed in a wrapped bundle or an envelope addressed to the postmaster at the office of destination with a notation on the cover OPEN AND DISTRIBUTE.

John Doe
(Signature of publisher or agent)

The computation of postage may be made on the statement. Note from the illustration that the postage charge, when computed at a minimum of a half cent per copy, is less than at the per 2 ounces rate plus 1 cent per bundle. Therefore, the latter charge is applied.

(iii) If a publisher or registered news agent prefers he may pay postage on individually addressed copies of second-class and controlled circulation publications by reporting them on Form 3542, and pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(iv) The postage on publications for which application for second-class or controlled circulation entry is pending must be paid at regular printed matter rates (see paragraph (a)(1)(i) of this section) on each individually addressed piece. The postage is paid by means of postage stamps, meter stamps, or by permit imprints showing the amount of postage paid. The rates stated in paragraph (a)(1) (iii) and (iv) of this section may not be applied until a publication has been approved for domestic second-class or controlled circulation entry; after such approval, no postage rebate will be allowed for copies mailed to other countries while the application was under consideration.

c. In subparagraph (4) *Mailing* amend subdivision (iii) to read as follows:

(iii) Except for second-class to Canada, individually addressed publications for one post office may not be placed in a wrapped bundle, or in an envelope, addressed to the delivering post office in order to calculate the postage on the bunk weight of the bundle. Second-class publications addressed to the same post office in Canada may be enclosed in a wrapped bundle, or in an envelope, addressed to the postmaster at the office of destination, with a notation on the cover Open and Distribute. The imprint "Second-class postage paid at _____" must appear on the address label or address portion of each publication in the bundle or envelope.

NOTE: The corresponding Postal Manual sections are 222.452d, 222.453, and 222.454c.

2. In paragraph (f) *Direct sacks of prints* amend subparagraph (3) to read as follows:

(3) An address tag or label showing the name and address of the mailer and of the addressee must be attached to the neck of the sack by means of heavy twine. This tag or label must be of substantial quality and must have reinforced eyelets to prevent it from being torn off. Postage is calculated only on the weight of the contents of the mail sack, and is paid by means of postage stamps or meter stamps affixed to the address tag or label. The label holder of the sack is used by the post office for insertion of the proper post office label.

NOTE: The corresponding Postal Manual section is 222.46.

C. In § 112.7 *Small packets*, as amended by 27 F.R. 404 and 27 F.R. 2102, amend paragraph (h) by inserting "Maldive Islands" in the alphabetical listing of countries therein not accepting small packets.

NOTE: The corresponding Postal Manual section is 222.78.

D. In § 112.8 *Eight-ounce merchandise packages*, paragraph (d) is amended to delete the provision for optional sealing of eight-ounce merchandise packages to Canada. As so amended, paragraph (d) reads as follows:

(d) *Preparation and documentation.* Eight-ounce merchandise packages must not have customs declarations attached and must not be sealed.

NOTE: The corresponding Postal Manual section is 222.84.

II. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725–8805, make the following changes:

A. In each country therein having money order service amend the item *Money orders* to read "*Money orders.* Yes. See § 61.2 of this chapter."

B. Insert a new country "Maldive Islands" and the pertinent regulations in the proper alphabetical order of countries therein to read as follows:

MALDIVE ISLANDS

POSTAL UNION MAIL

Surface rates, classifications, weight limits and dimensions. See § 168.1

Air rates. (See § 168.1 for classifications, weight limits and dimension.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Aerogrammes, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Not accepted.

Letter packages containing dutiable merchandise. Not accepted.

Registration. Fee, 60 cents. Maximum indemnity, $8.17. See the item "Observations."

Special delivery. No service.

Money orders. No service.

Observations. The Postal Administration of Ceylon, where mail is sent for forwarding to the Maldive Islands, assumes no responsibility for registered articles after dispatch from Colombo.

PARCEL POST

(No Service)

C. In country "South Africa", as amended by 27 F.R. 404, make the following changes:

1. Delete "British Bechuanaland" from the country heading.

2. In the tabular information immediately after the item *Air parcel rates* strike out "weight limit: 11 pounds" and insert in lieu thereof the following:

Weight limit: 22 pounds to Republic of South Africa; 11 pounds to Basutoland, Bechuanaland Protectorate, South West Africa and Swaziland.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–3755; Filed, Apr. 18, 1962; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL PROVISIONS

PART 3—NATIONAL CENTER FOR HEALTH STATISTICS; SPECIAL STATISTICAL SERVICES

Notice of proposed rule making having been published, and no public comments having been received, the proposed amendments to the regulations providing for the performance of special statistical services by the National Center for Health Statistics of the Public Health Service, as set forth and published with said notice of proposed rule making on March 3, 1962, in 27 F.R., p. 2123, are hereby adopted and issued. These amendments shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 6, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: April 10, 1962.

ABRAHAM RIBICOFF,
Secretary.

Subchapter A is amended by adding a new Part 3 to read as follows:

Sec.
3.1 Authorization for special statistical services.
3.2 Charges for special statistical services.

AUTHORITY: §§ 3.1 and 3.2 issued under 49 Stat. 292; 15 U.S.C. 192a. 60 Stat 1095; 5 U.S.C. 133y note. 67 Stat. 631; 5 U.S.C. 133z–15 note.

§ 3.1 Authorization for special statistical services.

Upon the receipt of a written request by any person, firm or corporation the Director of the National Center for Health Statistics may furnish special statistical services if he determines that: (a) the services requested are within the scope of authorized activities of the Center, (b) facilities necessary for the performance of the services are available, (c) the performance of such services will not interfere with the performance of the regular duties of the Center, and (d) the data or statistics requested are not confidential.

§ 3.2 Charges for special statistical services.

The Director of the National Center for Health Statistics will establish a charge for each authorized special statistical service which shall be based on the estimated cost of the service. No services will be undertaken prior to the prepayment of the estimated cost or of such portion of the estimated cost as the Director may require. Adjustments in the prepaid charge resulting in a refund to the requesting party or a further billing by the Center may be made at any time during the progress of the services or upon their completion if necessary to reflect the actual cost of the services.

[F.R. Doc. 62–3810; Filed, Apr. 18, 1962; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 20, 2d Rev., Amdt. 1]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Subsidy Condition Survey Instructions

Correction

In F.R. Doc. 62–3252, appearing at page 3203 of the issue for Wednesday, April 4, 1962, the chapter heading should read as set forth above.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Michigan, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 790 acres or 13 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout (brook, brown or rainbow), northern pike, walleyed pike, bass, and other minor species permitted under State regulations.

(b) Open season: Daylight hours during the following periods:

(1) From April 28, 1962, through September 9, 1962, in the Walsh Creek and Driggs River.

(2) From April 28, 1962, through December 31, 1962, in the Show Pools and Manistique River.

(3) From July 1, 1962, through September 9, 1962, in C–3 Pool. These areas are posted, and are described on the available map. Bass fishing not permitted until June 1, 1962.

(c) Daily creel limits:

Trout—10 fish (but not more than 10 pounds and 1 fish), minimum size 7 inches.

Northern pike—5 singly or combined with bass and/or walleye, minimum size 20 inches.

Walleyed pike—5 singly or combined with bass and/or northern pike, minimum size 13 inches.

Bass (largemouth or smallmouth)—5 singly or combined with northern pike and/or walleyed pike, minimum size 10 inches.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Two lines, having a total of not more than 4 hooks on all lines baited with natural or artificial bait, may be used for still fishing, casting or trolling. All hooks, single, double or treble pointed are counted as one hook.

(2) Minnows may be used for bait only in the Manistique River.

(3) Boating is permitted only in the Manistique River.

(4) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 10, 1962.

[F.R. Doc. 62–3791; Filed, Apr. 18, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1073]

[Docket No. AO–173–A13]

MILK IN WICHITA, KANSAS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Wichita, Kansas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Wichita, Kansas, on March 13, 1962, pursuant to notice thereof which was issued March 5, 1962 (27 F.R. 2290).

The material issues on the record of the hearing relate to:

1. Class I milk price; and
2. Classification of solids used to fortify fluid milk products.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I milk price.* The provision in the order which would discontinue the Class I order price May 31, 1962, should be terminated. Such termination would retain the present Class I pricing provisions in the order.

Effective June 1, 1961, an amendment to the Wichita, Kansas, milk order modified the supply-demand adjustor, deleted the base-excess plan and changed the Class I differential. Because of the difficulty in projecting the overall effect of these changes, due to the dynamics of the milk industry, the Class I pricing provisions were made effective for only a twelve-month period. This provided a period of time in which to evaluate the effectiveness of the price level established by the pricing formula.

The Class I price which has been in effect since June 1, 1961, has been effective in maintaining the proper price relationship with surrounding markets and in maintaining prices responsive to supply and demand conditions in the market. Since June 1961 the supply-demand adjustor has varied from a low of minus 12 cents to a high of minus 36 cents. During the same period a year earlier (June 1960 through March 1961), the supply-demand adjustment varied from a low of minus 2 cents to a high of minus 90 cents. The effect of the minus 90 cents was reduced to minus 29 cents by the proviso which sets a floor price in relation to the Kansas City Class I price. The Class I price since June 1961 has varied 27 cents, ranging from a high of $4.93 to a low of $4.66. The Class I price variation during the same months of the previous year was 63 cents.

The Wichita Class I price has a floor and a ceiling based on the Kansas City Class I price. Since June 1961 this floor or ceiling price has been effective only once. This was in March 1962 and was due largely to a change in the basic formula price used to determine the Kansas City Class I price. No change was made at the same time in the basic formula used in Wichita. During 1960 the Kansas City floor price, effective in four months, offset the supply-demand adjustments by 4 cents in August, 33 cents in September, 61 cents in October and 16 cents in November.

The producers' cooperative proposed the continuation of the present Class I price provisions. Handlers had no objections to maintaining this price. The Class I price level has produced an adequate supply of milk and promoted orderly marketing in the area. Accordingly, such Class I price should be retained.

2. *Classification of solids used to fortify fluid milk products.* Fluid milk products fortified with additional milk solids should be considered a Class I product up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be considered a Class III product.

Fortified milk products result from the addition of nonfat solids to a fluid product to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Hence, the fluid equivalent of added nonfat solids should be classified in Class III rather than Class I. The demand for fortified skim products has increased steadily in the past few years. This is due in part to the emphasis on low-fat diets and the high nutritional value of nonfat milk solids.

The Wichita order provides that the skim milk equivalent of fortified products be classified as Class I. Handlers proposed that the skim milk equivalent of nonfat solids used to fortify fluid milk products be assigned the lowest price class.

Nonfat milk solids and condensed milk are normally produced from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily made from producer milk and may be made from ungraded milk. The added milk solids do not replace producer milk and often will increase the palatability and sales of Class I products.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Accordingly, fortified milk products should be classified as Class I only to the extent of the weight of an unmodified product of the same nature and butterfat. The difference between the volume assigned to Class I and the total skim milk equivalent of the added milk solids in the product should be assigned to Class III. Flavoring materials, not including their water content, should be excluded from the total skim milk and butterfat to be accounted for in the fluid milk product.

This method of accounting for fluid milk products to which nonfat solids have been added will assure that reconstituted milk and skim milk classified in Class I include all of the water associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

In 1961, the skim equivalent of milk solids used in fortifying fluid products was 0.46 percent of the total Class I milk sales and 0.29 percent of the total producer milk sales. Effective June 1, 1961, an amendment was issued which changed the classification of the skim equivalent of solids added to dietary products from Class I to Class III. From June through December 1961, the skim equivalent of milk solids added to fluid products was 0.35 percent of the Class I sales.

A proposal was made to increase the norms in the supply-demand adjustor to offset any possible increase in the price reduction caused by the supply-demand adjustor which may result from changing the classification of milk solids added to fluid products from Class I to Class III. The quantity of the skim equivalent of milk solids used in fortifying fluid products in relation to the total quantity

of Class I sales is so minute it does not justify changing the supply-demand adjustor norms. Accordingly, such proposal is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Wichita, Kansas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Change § 1073.41(a) to read as follows:

(a) Class I milk should be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) Not specifically accounted for as Class II or Class III utilization.

2. Change § 1073.41(c)(5) to read as follows:

(5) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

3. Revoke the following words in the first sentence of § 1073.51(a) "for each of the 12 months immediately following the effective date of this amendment".

Signed at Washington, D.C., on April 13, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3806; Filed, Apr. 18, 1962; 8:46 a.m.]

[7 CFR Part 1096]

[Docket No. AO 257–A7]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Northern Louisiana marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Shreveport, Louisiana, on October 30–31, November 1, 1961, pursuant to notice thereof which was issued October 16, 1961 (26 F.R. 9865).

The material issues on the record of the hearing relate to:

1. Marketwide pooling for distribution of proceeds among producers;
2. Necessary order revisions with respect to:
   (a) Milk to be priced and pooled;
   (b) Classification and allocation of milk;
   (c) Payments on unpriced milk;
   (d) Distribution of proceeds to producers; and
   (e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. *Basis of pooling.* Provisions should be made for a marketwide pooling arrangement in lieu of the existing individual-handler pooling. Under the marketwide pool each producer supplying the market will receive a return based on his pro rata share of the Class I sales of the entire market.

The existing individual-handler pooling arrangement has existed since the inception of the order. The Class I sales of each handler have been shared only among producers delivering milk to that handler. Hence, each handler's minimum blend price to his producers has depended on the proportion of his milk sold in each class.

The major cooperative association, representing more than two-thirds of the producers supplying the Northern Louisiana market proposed the change to marketwide pooling. Over an extended period of time this cooperative has assumed the responsibility of supplying handlers their full requirements for fluid milk uses and of handling the market's reserve supply. Under conditions of short supply the cooperative directed the movement of milk, among handlers either by transfer or diversion to the end that all producers received essentially a Class I price. When additional milk was required it was procured by the cooperative association from outside sources and supplied to handlers at the order Class I price.

During the past several years the local milk supply has tended to exceed handlers' requirements in most months. To accommodate the changing market situation the association acquired a plant early in 1960 to provide storage and cooling facilities for the market's balancing supplies. This has substantially enhanced the cooperative's ability to distribute efficiently the market's milk supply among handlers in accordance with their day-to-day requirements. It has also facilitated the assembly of surplus milk for movement to outside outlets, primarily for manufacturing uses. Nevertheless, because of the cooperative's role in the market, the lower returns from the marketing of the reserve or excess supply have been reflected only in the returns to its members, and nonmember producers have received significantly higher returns than member producers.

Because of the variation in returns as between member and nonmember producers there has been considerable dis-

satisfaction on the part of some cooperative members and a number have withdrawn from the association to secure the higher returns that nonmembers are receiving. This has tended to enhance the disparity between member and nonmember returns since it has reduced the association's opportunity for Class I outlets.

It is concluded that the individual-handler pooling arrangement no longer serves the basic interest of the market. It is apparent that under the existing market situation there is an unequal sharing of the market among producers. A change to marketwide pooling is necessary to assure an equitable distribution of the returns from the sale of milk equally among producers and to maintain orderly marketing of producer milk.

The prices established by the order are those prices which are deemed necessary to maintain an adequate but not excessive supply of milk for the market. If the market is to be adequately supplied throughout the year it is necessary, because of the day-to-day variations in receipts and fluid milk needs and because of the seasonal variation in production, that some milk be disposed of for other than Class I use. The cooperative association is performing an essential marketing service in assuring handlers a full supply of milk to meet their fluid needs and in providing for the orderly disposition of the market's excess or reserve supply. This has tended to maintain an orderly and stable market for all producers. As long as this service could be performed by the cooperative at no basic disadvantage to its producer members, the individual-handler pooling arrangement accommodated the market. However, if orderly marketing is to be maintained, nonmember producers must bear an equitable share of the cost of maintaining the market's reserve supply. This can only be accomplished through marketwide pooling.

Certain handlers as well as a number of producers voiced their opposition to marketwide pooling. It was their position that individual-handler pooling implements the enforcement of higher quality standards on the part of handlers and encourages the tailoring of supply in accordance with the market's fluid milk needs.

It is intended that needed supply adjustments shall be directed through the pricing mechanism. It is not intended that the market supply will be adjusted by means of the type of pooling procedure.

The milk priced under the Federal order is that milk which is acceptable for disposition as Grade A milk in the marketing area and which is marketed in a way that meets prescribed performance requirements. While handlers may demand higher quality standards than those generally applicable in the market, it is not an appropriate function of the Federal order to re-enforce handlers' efforts in this respect.

The change from individual-handler pooling to marketwide pooling requires extensive changes in the order provisions particularly with respect to distinguishing those operations which are to be subject to full regulation, and what milk supplies and hence which dairy farmers, constitute the regular supply for the market to whom the minimum prices specified under the order must be paid. A procedure must be provided for the computation of uniform prices and equitable distribution of monies among all producers. Provision also must be made to assure that unpriced milk will not displace the regular milk supply by virtue of any price advantage. Proponents proposed a complete redrafting of the order to accommodate the change to marketwide pooling.

2. (a) *Milk to be priced.* The minimum class prices under the order are intended to apply only to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants primarily engaged in the fluid milk business that process milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by appropriate definition of the terms "plant", "distributing plant", "supply plant", "pool plant", "handler", "producer", "producer-handler", "producer milk", "other source milk", and "route".

Under the terms of the order milk may be disposed of for fluid consumption in the market under a wide variety of circumstances. Since the marketwide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. It is possible that some handlers with operations primarily used for manufacturing might attempt to subject themselves to full regulation for the purposes of maintaining a supply of milk for manufacturing uses through monies drawn from the pool. In order for marketwide pooling to achieve its stabilizing influence to the greatest extent, the returns from the sale of milk should be shared by producers who constitute the regular supply of milk for the market. It is necessary, therefore, to establish definite standards of performance which may be used to determine which plants and what milk constitute the regular sources of supply and, therefore, become fully subject to regulation. Milk delivered by dairy farmers to such plants constitute the regular supply for the market. Such plant standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus, whether a plant will be fully or partially regulated, or unregulated, is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purposes of receiving milk for assembly and transfer, or for processing or packaging milk and milk products are operations of the plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another, or as a distribution depot for storage of packaged fluid milk products in transit on routes would not constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a route definition is provided. A route is defined as any delivery of a fluid milk product from a plant to wholesale and retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine is treated as a route disposition of the bottling plant supplying the milk for such disposition.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually or incidentally associated with the market should not be subjected to full regulation. If a plant were permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differential established over manufacturing milk values which is paid for milk utilized in Class I would be subject to dissipation without accomplishing its intended purpose. In addition, full regulation of a plant with only a casual association with the market might place such a plant at a competitive disadvantage in its unregulated but primary market with which it is normally associated.

A distributing plant, other than that of a producer-handler, should be qualified as a pool plant in any month in which Class I milk equal to 50 percent of Grade A milk received directly from dairy farmers (including receipts from a cooperative association acting as the handler on farm bulk tank milk which it causes to be picked up at the farm and delivered to a plant) is disposed of in the form of Class I milk on routes, if the lesser of 10 percent of such receipts from dairy farmers or a daily average of 1500 pounds is disposed of on routes in the marketing area. A plant which distributes less than 50 percent of its receipts as Class I milk cannot be considered to be primarily in the fluid milk business. Any plant which distributed the lesser of 10 percent of its Grade A receipts from dairy farmers or 1500 pounds on a daily average on routes in the marketing area should not be considered as substantially associated with the market.

Proponent's initial proposal would have precluded the pooling of any plant from which the volume of Class I disposition in the marketing area did not exceed the lesser of 10 percent of its total Grade A receipts or 3000 pounds on a daily average. At the hearing they revised their proposal to provide that a plant have at least 50 percent Class I utilization and to include the existing conditions for regulation, i.e., the lesser of 4 percent of its Grade A receipts or 1500 pounds on a daily average disposed of on routes in the marketing area as Class I milk.

There are presently two unregulated plants distributing milk in the marketing area. Neither of these plants has distribution in excess of the existing 1500 pounds limitation. The operator of one of these plants supported proponent's initial proposal of 10 percent of Grade A receipts or 3000 pounds on a daily average, suggesting that such standards would permit expansion of his route sales and thus reduce his distribution cost.

It would not be in the interest of regulation to permit unregulated handlers to expand their sales in the marketing area to the detriment of local producers. It is, therefore, desirable that the 1500-pound limitation be retained. If the handler chooses to expand his marketing area sales beyond the 1500-pound or 10 percent limitation, whichever is applicable, he should be required to pool his sales along with other regulated handlers.

Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made and this is concluded to be an appropriate standard under this order. While it is unlikely that any problem will arise as the result of a plant doing essentially the same volume of business in both this and any other marketing area covered by a Federal order, nevertheless, official notice is taken of the recent amendments to the Texas Federal orders whereby a distributing plant, which would otherwise change regulation from one order to another by virtue of changing distribution, would retain pooling status in its previous normal market until the third consecutive month in which a greater volume of business was done under another order. To eliminate any question as to where a plant would be regulated which might be doing the greater proportion of its business in this market, but which, nevertheless, is fully regulated under another order under such a provision, it is provided that a distributing plant which meets the pooling requirements of both this order and another Federal order and which does a greater proportion of its business in this marketing area, but which nevertheless, is fully regulated under such other order, shall be exempted from regulation under this order, except for filing reports and primarily verification.

A supply plant should be pooled under the order in any month in which 50 percent of its Grade A receipts from dairy farmers (including receipts from a cooperative association in its capacity as a handler on bulk farm tank milk) is moved to a distributing plant which utilizes at least 50 percent of its total Grade A receipts as Class I milk on routes and which distributes 10 percent of such receipts or 1,500 pounds on a daily average, whichever is less, on routes in the marketing area. A plant shipping 50 percent or more of its Grade A receipts from dairy farmers to distributing plants substantially associated with the local market has demonstrated its primary association with the market for such month. Any plant meeting this shipping requirement in each of the months of September through January, unless it elects nonpool status, should be permitted to retain pooling status during the following months of February through August, regardless of shipments.

The months of February through August are the months of highest production when it would be expected that the regular direct receipts would most likely exceed fluid milk requirements. In such event, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants solely for the purpose of maintaining pooling eligibility. Accordingly, supply plants which have demonstrated their association with the market during the months of shortest production should be permitted to retain pooling status during the flush production months. However, there is no reason why such a plant should be required to pool in any month when it does not meet the shipping requirements. To avoid any misunderstanding between the plant operator and market administrator as to the plant's status during the flush production months, it is provided that the operator must notify the administrator in writing prior to the first day of any month of February through August if he does not wish to exercise the option for automatic pooling of his plant for the remainder of the period through August.

As has been previously indicated, the cooperative association representing the majority of the producers on the market operates a balancing plant for distributing milk to handlers in accordance with their day-to-day requirements and for the assembly of the market's reserve supply for movement to manufacturing outlets. Since virtually the entire market has converted to farm bulk tank it is generally unnecessary that milk regularly needed by distributing plants move through the association's plant. Accordingly, it is unlikely that the plant could normally meet the prescribed shipping requirements for supply plants except through uneconomic movement of milk through its plant for the purpose of maintaining pool plant status. While the association has disposed of the market's reserve supply in outside Class I outlets to the extent that such outlets were available, the milk so disposed of, as well as the milk for which no Class I outlet is available and which is moved to manufacturing outlets is supplied by dairy farmers who are regular producers for the local market. Accordingly, it should be accounted for in the same manner as all other producer milk received by pool plants under the order. This may be accomplished by providing specific pooling standards for a nondistributing plant operated by a cooperative association. However, the performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would be allowed to share in the marketwide pool. This can best be accomplished by designating as a pool plant any nondistributing plant operated by a cooperative association, 60 percent of whose member producer milk is received during the month at pool distributing plants.

Under usual circumstances the association would desire to pool its balancing plant; nevertheless, provision should be made whereby the plant could acquire nonpool status if the association should so elect. It is apparent that such a decision would be made only under circumstances where the plant had substantial outside market Class I sales. The order should not permit the association to pool its reserve supply unless all of the Class I sales associated with such reserve are also pooled. Accordingly, it is provided that should the association elect nonpool status for its plant in any month, such plant would be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify for pooling under the regular supply plant shipping requirements.

Producer-handler. The definition of a producer-handler should be revised to mean any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants.

Under the present definition a producer-handler may receive milk from any source except direct from other dairy farmers.

A producer-handler conducts an integrated operation in processing, packaging and distributing milk of his own farm production. Full regulation of such an individual would provide considerable administrative difficulty and is not necessary under the existing market situation. However, without the modification herein recommended any handler with own farm production would be able to avoid regulation by giving up his regular producers and securing his supply, other than his own production, as unpriced milk from unregulated plants.

The exemption from pricing and pooling of handlers with own farm production is intended to be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that producer-handler status shall be conditioned on satisfactory proof that the maintenance, care, and management of the dairy herd and other resources necessary to produce milk, and the processing, packaging and distributing operations are the personal enterprises of and are conducted at the risk of the person involved.

Handler. The "handler" definition should be revised in conformity with the new plant definitions and extended to provide handler status for a cooperative association in its capacity as the operator of its pool balancing plant, with respect to milk diverted to a nonpool plant for its account, and, at its election, with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such association.

The individual who receives milk from producers is held responsible under the

terms of the order for reporting receipts and utilization of such milk, and for proper payments to producers and to the pool. It is essential, therefore, that the cooperative be a handler with respect to the operation of its balancing plant.

Making the cooperative the handler on milk of producers associated with other pool plants in the market and which is diverted to nonpool plants for the account of the association will facilitate the orderly disposal of the market's reserve supply.

Under the current arrangements for marketing the milk of producers using farm bulk tanks, the amount of milk received and the butterfat tests thereof are determined by measurement at the farm and from butterfat samples drawn at the farm. After the milk has been pumped into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of an individual producer except as the operator of the pool plant measures, samples or rejects the entire lot of milk. When such operations are conducted at the direction of, and under the supervision of, a cooperative association it is the association who has control over the deliveries of individual producers. Accordingly, the association should be permitted to elect to be the responsible handler for reporting, accounting and paying for the milk. The milk delivered to a pool plant in this manner should be treated as a receipt of producer milk by the cooperative at a pool plant in the same location as the pool plant at which the milk is physically received. Under the terms of the order, as herein recommended, the transaction is treated as an interhandler transfer.

Except for extension of the handler definition to include a cooperative association as indicated above, the definition would have application to the identical persons provided by the present order.

Producer. The producer definition should be revised in conformity with the new plant and handler definitions and to provide more restrictive diversion privileges during the short production months. The term is intended to distinguish those dairy farmers who constitute the regular source of Grade A milk supply for the market to whom the minimum prices specified under the order must be paid.

As has been previously indicated, under individual-handler pooling each handler is governed in the amount of milk which he receives by his needs for Class I milk and the relationship of his blend price to that of other handlers. Under marketwide pooling all producers are returned the same blend price with the result that a handler may add additional milk supplies without affecting his producer pay prices in relation to the prices paid by other handlers. For this reason, it is necessary to provide performance standards to distinguish that milk which has a bona fide association with the fluid market. It is therefore not appropriate to continue the present unlimited diversion provisions in all months of the year.

When producer milk is not needed in the market for Class I use the economic movement of such milk to nonpool plants for manufacturing uses should be facilitated. Allowing unlimited diversion during the months of February through August when supplies are normally greatest will contribute to this end.

Unlimited diversions are neither necessary nor appropriate during other months of the year when milk of producers is most needed to supply the Class I needs of the market. It must be recognized, however, that there are day-to-day variations in both production and sales, particularly since bottling operations are not carried on seven days a week. To accommodate the efficient handling of the regular milk supply, therefore, it is provided that during any month of September through January not more than ten days' production of any producer may be diverted to nonpool plants.

Additional flexibility and more economic handling of the market's reserve supply may be provided through an alternative diversion procedure during the months of limited diversions. It is provided therefore, that 15 percent of a cooperative's member producers' milk may be diverted by the cooperative to nonpool plants during such months. Other handlers may similarly divert 15 percent of their nonmember producer receipts. While the percentage provisions would allow less diversions than the 10-day limitation, it will in some situations, implement more efficient movement of milk, since it will permit regular diversion of certain routes.

Under the percentage diversion limitations member milk may be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of a pool plant. Thus, there is a clear responsibility for both the cooperative association and proprietary handlers with respect to meeting the applicable percentage limitations. It is incumbent upon a handler receiving cooperative member milk to ascertain, prior to diverting any such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative is diverting on a percentage basis, no other handler may account for milk of any of the cooperative's members under any diversion provision. It is conceivable, however, that arrangements for diversion of member milk might be made by a proprietary handler under agreement with the association whereby such diversion would be made for the account of the association.

If the cooperative association is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the association. When the percentage limitation is exceeded, however, diversions would automatically be under the 10-day provision.

In the event any dairy farmer's milk is diverted in excess of the limits prescribed, such dairy farmer would qualify as a producer under this definition only with respect to that portion of his milk which is physically received at pool plants during the month. Milk diverted in conformity with the diversion privileges will be treated under the order as a receipt by the diverting handler at a pool plant at the location of the plant from which diverted.

Other source milk. In conformity with the revisions in the handler definition, it is necessary to revise the other source milk definition to make clear that receipts from a cooperative association in its capacity as a handler on bulk tank milk are not receipts of other source milk. In addition, to implement the treatment of inventories hereinafter prescribed, inventories on hand at the beginning of the month must be excluded from this definition. Under the amended order, other source milk would include all skim milk and butterfat utilized by a handler in his operations except fluid milk products received from pool plants and from a cooperative association as the handler on bulk tank milk, inventories of fluid milk products, and current receipts of producer milk. When other source milk is disposed of in Class I products, partial pricing and regulation is provided under the compensatory payment provisions. Defining other source milk in the manner proposed will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

(b) *Classification and allocation of milk.* To facilitate the drafting of the revised order proponents proposed that a fluid milk product definition be provided. The term is intended to include those products which are generally required to be derived from milk and milk products from approved sources of supply. The products included in the definition are those products which are classified as Class I milk under the existing order.

Proponents proposed no basic change in the classification except with regard to the shrinkage provisions and the classification of inventories. They pointed out that if the cooperative was made the responsible handler for milk which it directs to be moved from the farm to the pool plants of other handlers, provision should be made for a division of shrinkage to assure that the cooperative association is not required to account for its normal shrinkage as Class I. In the matter of classification of inventories, it was their position that a Class I classification would simplify the accounting procedures and assure producers prompt payment for their milk in accordance with its actual ultimate use.

The order presently provides a Class II classification and pricing for actual plant shrinkage not in excess of 2 percent of receipts and no change was proposed in this regard. The problem is an appropriate division of the maximum shrinkage allowance between handlers when interhandler transfers are involved.

There is no question but that under normal circumstances losses connected with processing and packaging exceed those of the receiving operation. Proponents proposed that one-half of one percent shrinkage allowance be provided for a receiving operation. This is generally compatible with experience in other Federal order markets and it is therefore concluded to be a reasonable allowance. The division of shrinkage on the basis of one-half of one percent to the receiving handler and 1.5 percent to the transferee handler assures each handler a reasonable share of the total allowable shrinkage. Where the transferor handler is a cooperative association delivering bulk tank milk and the transferee handler is purchasing such milk on the basis of farm weights and the tests of farm drawn samples, the cooperative experiences no shrinkage. Under such circumstances, the order provides that the entire 2 percent shrinkage allowance goes to the transferee handler.

Where a handler uses both pool milk and other source milk in his plant, provision must be made for a division of plant shrinkage among the various sources of receipts. The existing order provides that other source milk shall be assigned a pro rata share of the total plant shrinkage and no change is proposed in this regard. Contrary to the existing order, however, all shrinkage assigned to other source milk should be classified as Class II. The classification procedure set forth in the order gives adequate protection in the classification of producer milk and it is unnecessary to limit the classification of shrinkage on other source milk as Class II.

No change should be made in the present Class II classification of inventories of fluid milk products on hand at the end of the month. However, provision should be made in the allocation procedure to permit the clearance of inventories each month and to provide assurance that no reclassification charge is made on other Federal order receipts classified and priced as Class I in the originating market but which might be allocated as inventory to Class II under this order and later reclassified.

Under the procedure prescribed ending inventories will continue to be Class II. Opening inventories would be allocated to the lowest available utilization in excess of closing inventory following the allocation of other source milk receipts. A reclassification charge would be levied on any inventory reclassification except other Federal order milk previously classified and priced as Class I milk. This procedure is necessary to deter any handler from obtaining a pricing advantage by manipulation of inventories on a month-to-month basis. At the same time, this procedure generally preserves the principle that producer milk shall have prior claim on Class I utilization. Inventories of fluid milk products on hand at a pool plant at the beginning of the month in which a plant is first regulated should be treated as a receipt of other source milk at such plant during the month.

Handlers proposed in conjunction with the proposed change in pooling procedure that the skim milk equivalent of nonfat dry milk used in fortification of fluid milk products be classified as Class II in lieu of the existing Class I classification. It was their position that accounting for the full skim milk equivalent of fortification in Class I unduly and inappropriately increases handlers' product costs.

Under the existing order, a handler may protect himself in considerable measure from a Class I pricing on fortification by tailoring his producer receipts to his actual fluid milk requirements. Since under individual handler pooling no compensatory charge is levied on other source milk utilized in Class I, handlers pay a Class I price on the skim milk equivalent of fortification only to the extent that producer receipts are available for assignment to such use. Under marketwide pooling a compensatory payment is levied on any unpriced other source milk assigned to Class I. Hence, unless some change is made in the classification of fortified fluid milk products handlers will necessarily pay a Class I price on the full skim milk equivalent of all nonfat milk solids used in fortification.

It is concluded that where fortification of fluid milk products is involved, the extent of classification as Class I should be only the weight of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added nonfat milk solids in excess of such weight should be classified as Class II.

When nonfat milk solids are added to a fluid milk product for the purposes of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form: i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence, the salability of the finished products. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the solids displace producer milk beyond the minor increases in volume which result.

When flavoring and other nonmilk additives are used in processing any milk product, it is intended that the dry weight of such additives shall be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure employed in the nearby Texas Federal order markets and will implement the accounting for all skim milk and butterfat utilized.

When reconstitution rather than fortification is involved, it is essential that the full skim milk equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use, a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute whenever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses whenever it was advantageous to do so, while producer milk was utilized in Class II, it would not be effective in carrying out the purposes of the Act and the market would be deprived of a dependable milk supply.

Transfers. In conjunction with the change in pooling procedure and to implement the orderly disposition of the market's reserve supply, the transfer provisions relating to transfers to nonpool plants (other than to producer-handlers) should be revised.

Under the present order, transfers of milk, skim milk or cream in bulk to a plant not subject to full regulation under the order are classified as Class I unless Class II is claimed, the transferee handler maintains books and records and allows verification, and the Class I milk in such plant does not exceed receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such plant.

It is possible that nonpool plants which might be available as outlets for this market's reserve milk supply may either be fully regulated under another order or may be totally unregulated. In either situation such plants may be receiving milk from other Federal order plants at which it is classified and priced. Unless this situation is recognized such nonpool plants may not be available to this market because of the possible costs under a mandatory Class I classification, notwithstanding the fact that the milk was utilized in processing Class II products.

Fluid milk products transferred in bulk to any nonpool plant which is a fully regulated plant under another Federal order should be classified in the class in which assigned under such other order. This procedure will insure compatibility of classification as between orders and at the same time provides assurance to producers that their milk is being priced in accordance with its actual use value. It should be recognized, however, that the transferee plant may also be receiving milk from plants regulated under other orders. To assure equity for local producers, when milk from more than one order is involved, it is provided that the classification of the transfers shall be a pro rata share of other Federal order milk classified in each class at the transferee plant under the provisions of the order regulating such plant.

Fluid milk products transferred in bulk to a nonpool distributing plant, not regulated under any Federal order, should be classified as Class I to the extent of such plant's Class I route sales in the marketing area when such nonpool plant has elected to make the regular compensatory payment rather than payment of any amount by which his payments to his regular dairy farmers are less than the classification value of his milk. This procedure protects the integrity of regulation and at the same time minimizes the application of compensatory payment on the milk at such a plant.

Except as previously discussed, skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant, either by transfer or

diversion, should be Class I unless specified conditions are met.

Where diversions are involved a mileage limitation, beyond which a mandatory Class I classification would apply, is essential to protect the integrity of regulation. Unless this is done, milk produced for other markets might be associated with the market on the basis of even a single day's delivery for the purpose of establishing status as producer milk and thereafter be reported as a diversion to its normal plant of receipt throughout the months of unlimited diversion. In consideration of the location of available manufacturing facilities there should be no need to divert milk for manufacturing uses in excess of 300 miles. Accordingly, it is provided that milk diverted to a nonpool plant located in excess of 300 miles from the nearer of Minden or Monroe, Louisiana, shall be classified as Class I.

The transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, to permit verification of the appropriate classification of any transfer or diversion. In addition, at least an equivalent Class II utilization of all skim milk and butterfat, respectively, must have been available in such plant and the classification of skim milk and butterfat in Class I milk claimed by all handlers transferring or delivering milk to such nonpool plant may not be less than a pro rata share of the available Class I utilization assignable to Federal order receipts at such plant, after the prior assignment to Class I of receipts from Grade A dairy farmers who the market administrator determines constitute the regular source of supply for Grade A milk for such plant.

Allocation. The order class prices apply only to producer milk. Accordingly, since a plant may receive skim milk and butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant shall be assigned to producer milk. The milk from producers who constitute the regular source of supplies for the market should be given priority in the assignment of Class I utilization at pool plants. This is the principle followed in the allocation provisions of the existing order and no basic change is proposed. Since the order, as proposed to be amended, provides for a compensatory payment charge on any unpriced other source milk utilized in Class I, it is necessary that the allocation of other source milk be accomplished in three steps; i.e., other source nonfluid milk, unpriced other source fluid milk and other source fluid milk from Federal order plants.

Much of the supplemental milk for the market has in the past been brought in from other Federal order markets. When such supplemental milk is actually needed and is obtained under conditions which assure that it is paid for at Class I prices under another order, it is appropriate that the need be recognized in the allocation of such milk. Provision is made, therefore, following the assignment of unpriced other source milk to the lowest available use class and prior to the assignment of bulk receipts from other Federal order plants, for the assignment of 5 percent of producer receipts (including receipts from a cooperative association as the handler on bulk tank milk) to any remaining Class II use. This procedure will permit a handler whose regular milk supplies run short to bring in milk from other Federal order markets and have it assigned to Class I. Other changes in the allocation provisions are related to the clearance of inventories each month as has been previously discussed.

(c) *Payments on other source milk.* Milk may be disposed of for Class I disposition in the marketing area by and from plants not subject to full regulation under the order. Such unregulated plants may sell milk in bulk to pool plants that in turn use it in supplying their Class I outlets, or they may have direct Class I route sales in the marketing area, including sales to Government installations.

The role of the classification system and the minimum prices as set forth in the order is to insure that price competition from reserve or excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the minimum pricing and pooling provisions of the order are applicable only to fully regulated plants it is necessary, in order to assure continuing market stability, to remove any advantage unregulated plants may attain with respect to sales in the regulated market. Such plants have an incentive to sell their excess milk at any price which exceeds the value of the milk for manufacturing uses. If unregulated plants were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated market would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. The classified pricing program under the order could not be successful in the long run in insuring returns to producers at rates contemplated by the Act if it is possible for some handlers to purchase other source milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same method, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is possible that regular sources of priced milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded that provision must be made to insure against the displacement of producer milk for the purpose of cost advantage. In the case of fully regulated handlers a compensatory payment should be required on any unpriced other source fluid milk allocated to Class I. Such payment should be at the difference between the order Class II and Class I prices applicable at the location of the plant from which such other source milk was initially received from dairy farmers. This procedure will assure equitable treatment among handlers since it recognizes transportation costs, as reflected in the location differential, from the originating plant to the local market. Any other source milk disposed of in this market would be surplus to the needs of its normal market and hence, its alternative use (and value) in its normal market would be for manufacturing purposes. The Class II price established under the order is a fair and economic measure of the value of milk for manufacturing uses in this area and, hence, appropriately represents the actual value of the other source milk in its normal market.

Nonfluid milk products compete on a national market and may be received at the local market from a number of sources and under varied circumstances. It is not administratively feasible to trace such products to their plant of origin. Accordingly, when other source milk on which compensatory payment is required is received in a form other than as fluid milk products, the payment should be on the basis of the difference between the Class II price and the Class I price effective at the location of the pool plant where used.

Provision should be made for those cases in which the supply of producer milk is not adequate to fill Class I milk requirements. In such an event, necessary purchases from outside sources of unpriced milk would not displace producer milk. When the total market receipts of producer milk are less than 110 percent of the total Class I sales during the month, it is possible that some handlers may have to purchase milk from outside nonregulated sources to meet their full Class I requirements. It is likely that when this market is in short supply, other nearby Federal order markets also would be experiencing shortages. Under these circumstances, there would be little opportunity for a handler to procure other source milk at prices below the order Class I price and hence no advantage could be gained by the use of other source milk. Under such circumstances, there is no need for compensatory payments. This procedure was proposed and supported by the proponent cooperative.

Milk is distributed in the marketing area from plants which have insufficient sales in the marketing area to qualify for pooling. To preserve the integrity of regulation, it is necessary to assure that the operators of such plants have

no product cost advantage over regulated handlers because of their ability to use unpriced milk. This may be accomplished by permitting any such individual to pay into the pool any amount by which the use value of his milk, computed as though he were a pool handler, exceeds his payments to dairy farmers, or, in the alternative to make a compensatory payment to the pool of the difference between the Class I price and the Class II price on the hundredweight of his market area Class I sales which are in excess of his purchases of Federal order milk classified and priced as Class I. In addition, such operator should be required to pay his fair share of the cost of administering the order. Should he elect to pay his dairy farmers, rather than make a compensatory payment, the market administrator must perform essentially the identical audit that he would perform if the plant were a pool plant. In such case, the handler's obligation to the administrative fund should be computed on the same basis as though he were a pool handler. Should he elect to make a compensatory payment on his market area sales the audit procedure is likely to be less extensive and hence less costly. Under such circumstances a payment of the rate of assessment on only the amount of his marketing area Class I sales will more appropriately reflect such handler's fair share of the cost of administering the order.

There are presently only two handlers distributing milk in the marketing area who would not be fully regulated under this order or who are not presently fully regulated under another Federal order. The larger of these handlers does not procure milk in competition with regulated handlers. The operations of the other handler are such that the advantages that he would enjoy over fully regulated handlers in the procurement of milk supplies are not of sufficient magnitude to defeat the purpose of the marketwide equalization or otherwise preclude maintenance of orderly marketing conditions in this market. Permitting the nonpool handler to choose which payment procedure he wishes to use will permit him flexibility in meeting the competitive situation in his local market without infringing on the integrity of regulation.

(d) *Distribution of returns to producers.* Payments to producers under the marketwide pool will require a producer-settlement fund for making adjustment in payments, as among handlers, to the end that the total sums paid by each handler will equal the value of milk received by him at the prices specified by the order. Handlers whose obligations, computed on the basis of the class prices, exceed the uniform prices will pay the difference to the producer-settlement fund. Handlers whose obligations to producers at the uniform prices exceed the classification value of their milk will receive the difference from the producer-settlement fund.

Provision is made whereby the market administrator, in making payments to any handler from the producer-settlement fund, shall offset such payments by any amounts due such fund from such handler. This is a sound business practice and without the provision, the market administrator might be required to make payments to a handler who owes money to the fund but who is not financially able to make full payment of all of his obligations to the fund.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers, provision is made whereby payments to handlers shall be reduced uniformly. The handler in turn may then reduce his payments to producers by an equivalent amount. Under the procedure prescribed, the market administrator would complete payments as soon as the necessary funds became available and handlers in turn would complete payments to producers not later than the next following regular date for payment of producers.

The order presently provides for payment of producers on a semimonthly basis and for payment to a cooperative association in lieu of payment to its individual producer members, when the cooperative is authorized by such producers to collect payment. No change was proposed in this regard.

Provision should be made to require that a handler pay a cooperative association, for all milk purchases from such association in its capacity as a handler at not less than the use value of such milk computed at the specified order prices. A cooperative association may not sell milk to any handler at less than the specified order prices and this provision will implement the enforcement of this requirement. In addition, in order that the cooperative association may pay all of its producer members on the same date, on which nonmember producers are paid, it is necessary that prompt payment be received from handlers for milk which it supplies to such handlers. It is provided therefore, that payment to the cooperative in its capacity as a handler be made on the same dates and on the same basis that payments presently are required to be made to a cooperative association as the authorized collecting agent for milk of its member producers.

(e) *Administrative provisions.* In conformity with the change in pooling, the order should be revised to provide for the computation of a single uniform price applicable to all handlers during the months of August through January and one uniform price for base milk and another uniform price for excess milk during other months.

The present order provides that the regular monthly reports of receipts and utilization be mailed on or before the fifth day after the end of the month or, in the alternative, be delivered in person by the seventh day after the end of the month. It is the intent of this provision that all reports shall be in the hands of the market administrator before the close of business on the seventh. It is provided therefore, that reports shall be delivered to the market administrator on or before the seventh day after the end of the month.

Provision is made for payment of administrative assessment by a cooperative association on that milk for which it is the handler.

While pricing was not an issue at the hearing, there has been a tendency toward increased supplies in relation to Class I needs during the past year and the change in pooling procedure represents a very substantive change in the application of the order. Accordingly, it is essential that opportunity be afforded whereby the price level may be reviewed after a reasonable period of operation under the amended order. It is provided therefore, that the present Class I pricing provisions shall expire 15 months after the amended order becomes effective.

One of the components of the basic formula price on which the Class I price is determined each month is the average Midwest condensery pay price. This price was originally based on reports by 18 plants. However, from time-to-time individual plants have ceased operation. Effective April 1, 1961, the order was amended and the list of plants included in the computation of the condensery pay price was revised to include only the eleven plants then operating. Subsequently, only seven plants (5 in Wisconsin and 2 in Michigan) have been reporting prices. Accordingly, the four plants no longer reporting have been deleted in the redrafting of the order.

The entire order has been redrafted to conform with the changes hereinbefore recommended. This includes elimination of any reference to associated producers, changes of section references and redrafting of certain provisions for clarity and specificity.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk

in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Northern Louisiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 1096.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1096.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1096.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1096.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1096.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1096.6 Northern Louisiana marketing area.

"Northern Louisiana marketing area" hereinafter called the "marketing area", means all territory within the boundaries of the Parishes of Boissier, Caddo, Claiborne, De Soto, Lincoln, Morehouse, Ouachita, Red River, Union and Webster, all in the State of Louisiana.

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant during any month(s) of February through August or in accordance with the provisions of paragraphs (a), (b) or (c) of this section during any month of September through January: *Provided*, That the milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted: *Provided further*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section: *And provided also*, That if a handler diverting milk pursuant to paragraph (a) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Not more than 10 days' production during the month unless, (1) In the base of a cooperative association, all of the diversions of milk of member producers by the cooperative association during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk from all dairy farmer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer not a member of a cooperative association, diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

§ 1096.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant;

(c) A cooperative association with respect to the milk of any member producer which it causes to be diverted to a nonpool plant for the account of such cooperative association; and

(d) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant in a tank truck owned and operated by or under contract to such cooperative association for the account of such cooperative association; if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at the location of the pool plant to which it is delivered.

§ 1096.9 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risk of such person.

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1096.11 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1096.12 Supply plant.

"Supply plant" means a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a distributing plant during the month.

§ 1096.13 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler

pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1500 pounds whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant for the following months of February through August, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which did not meet the shipping requirements of paragraph (b) of this section, shall be a pool plant in any month in which the volume of milk received at pool distributing plants directly from member producers or the cooperative association in its capacity as a handler pursuant to § 1096.8(d) is not less than 60 percent of the total pounds of member producer milk pooled during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1096.14 Route.

"Route" means any delivery of a fluid milk product(s) from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to another plant.

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk and milk products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1096.16 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1096.7, or (c) milk received by a cooperative association pursuant to § 1096.8(d).

§ 1096.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except: (1) Such products which are received from other pool plants, (2) producer milk, (3) milk received from a cooperative association for which it is the handler pursuant to § 1096.8(d), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1096.18 Base milk.

"Base milk" means milk received from a producer at a pool plant(s) (or diverted pursuant to § 1096.7) during any of the months of February through July which is not in excess of such producer's daily base computed pursuant to § 1096.65.

§ 1096.19 Excess milk.

"Excess milk" means milk received at a pool plant(s) (or diverted pursuant to § 1096.7) from a producer during any of the months of February through July, which is in excess of base milk received from such producer during such month, including milk received (or diverted pursuant to § 1096.7) from any producer for whom no base can be computed pursuant to § 1096.65.

§ 1096.20 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1096.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1096.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1096.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon duty and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1096.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1096.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler, by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following;

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The 10th day of each month, the uniform price(s) computed pursuant to § 1096.72 or § 1096.73 and the producer butterfat differential, all for the preceding month;

(k) On or before the 11th day after the end of each month, report to each

cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class; and

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1096.30, at his last known address, a statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) For the months of February through July the amounts and value of his base and excess milk, respectively; and

(3) The amounts to be paid by such handler pursuant to §§ 1096.62, 1096.82, 1096.84, 1096.85 and 1096.86; and the amount due such handler pursuant to §§ 1096.83 and 1096.84.

REPORTS, RECORDS AND FACILITIES

§ 1096.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month each handler, except a producer-handler, for each of his pool plants and each cooperative association which is a handler pursuant to § 1096.8 (c) or (d) shall deliver to the market administrator a report in the detail and on forms prescribed by the market administrator showing the following:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of milk from producers, including such handler's own production and the aggregate quantities of base and excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations which are handlers pursuant to § 1096.8(d);

(iii) Receipts of other source milk;

(iv) Inventories of fluid milk products on hand at the beginning and end of the month;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of fluid milk products outside the marketing area;

(3) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section; and

(c) Except as provided in paragraph (b) of this section each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1096.31 Payroll reports.

On or before the 20th day of each month each handler (other than a producer-handler) who is the operator of a pool plant or a nonpool distributing plant pursuant to § 1096.62(b), for each of his plants, and each cooperative association, with respect to milk for which it is the handler pursuant to § 1096.8 (c) or (d), shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month which shall show:

(a) The name and address of each producer;

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, if less than the entire month, for which milk was received from such producer; and, for the months of February through July such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 1096.32 Other reports.

Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonpool plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the name of the plant to which such milk is to be diverted.

§ 1096.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 1096.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1096.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported for the month pursuant to § 1096.30 shall be classified by the market administrator pursuant to the provisions of §§ 1096.41 to 1096.46.

§ 1096.41 Classes of utilization.

Subject to the conditions set forth in §§ 1096.42 and 1096.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section; and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided,* That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;

(3) Contained in inventory of fluid milk products on hand at the end of the month;

(4) Disposed of in the form of fluid milk products to commercial bakeries or food product manufacturing plants (other than nonpool plants) which do not dispose of milk for fluid consumption;

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1096.8(d) as follows:

(i) Two percent of receipts directly from producers, excluding milk diverted pursuant to § 1096.7; plus

(ii) 1.5 percent of bulk receipts of milk from other plants and cooperative associations in their capacity as handlers pursuant to § 1096.8(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less

(iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph, the applicable percentage shall be 2.0); plus

(iv) Shrinkage on other source milk determined pursuant to § 1096.42;

(6) In frozen cream; and

(7) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) of this section by virtue of the proviso of § 1096.15.

§ 1096.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage on other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents of total receipts of skim milk and butterfat, respectively, to which shrinkage may be assigned to Class II pursuant to § 1096.41 (b)(5).

§ 1096.43 Responsibility of handlers and reclassification of milk.

(a) In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1096.44 Transfers.

Skim milk or butterfat disposed of during the month either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted for the month pursuant to § 1096.30(a): *Provided,* That if either or both handlers have receipts of other source milk during the month the skim milk or butterfat so transferred shall be classified so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of a fluid milk product;

(c) Except as provided in paragraph (e) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided,* That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), and (e) of this section, as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1096.62;

(e) As Class I milk if diverted to a nonpool plant located more than 300 miles from either the City Hall in Minden or Monroe, Louisiana, such mileage to be the shortest hard surfaced highway distance as determined by the market administrator; and

(f) Except as provided in paragraphs (b) through (e) of this section, as Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, unless the following conditions are met:

(1) The transferring or diverting handler claims classification in Class II in his report submitted for the month pursuant to § 1096.30(a);

(2) The operator of such nonpool plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computations:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plants and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant, and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such plants' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1096.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler:

Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids content of such product together with all of the water originally associated with such solids.

§ 1096.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1096.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned pursuant to § 1096.41(b)(5) (i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk in Class II milk the lesser of such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk and receipts from a cooperative association pursuant to § 1096.8(d) by 0.05;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II, the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(8) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers and from cooperative associations which are handlers pursuant to § 1096.8(d) in the form of any fluid milk product according to the

classification as determined pursuant to § 1096.44(a); and

(10) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and butterfat in producer milk and determine the weighted average butterfat content of Class I and Class II milk allocated to such milk.

MINIMUM PRICES

§ 1096.50 Basic formula price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, New London, Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Pet Milk Company, Coopersville, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Belleville, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the first 15 months in which the amended order is effective, the minimum Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II price.* The minimum Class II milk price shall be the price computed pursuant to § 1096.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 1096.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

§ 1096.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1096.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1096.53 Location adjustment to handlers.

For milk received from producers at a pool plant located more than 50 but not more than 60 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 1096.51 (a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 1096.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 1096.60 Producer-handler.

Sections 1096.40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, and 1096.80 to 1096.86, shall not apply to a producer-handler.

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator thereof, with respect to the total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order.

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

§ 1096.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operation of a plant exempt pursuant to § 1096.61, who during the month operates a nonpool distributing plant shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1096.30, to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 12th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1096.63(a) for the location of such plant: *Provided,* That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1096.86 with respect to Class I milk disposed of on routes in the marketing area; and

(b) On or before the 25th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1096.70 for such nonpool plant and any supply plant(s) (meeting the requirement equivalent to § 1096.13(b)) which serves as a source of milk for such nonpool plant if such plants were pool plant(s):

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) On or before the 25th day after the end of the month as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1096.86 had such plant(s) been a pool plant(s): *Provided,* That such amount shall be reduced by any amounts paid as an administrative assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the provisions of another order issued pursuant to the Act.

§ 1096.63 Rate of payment on unpriced milk.

The following rates of payment shall be applicable on unpriced other source milk received at a pool plant or at a nonpool distributing plant subject to the provisions of § 1096.62 and allocated to Class I:

(a) On other source milk received in a form other than a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of such plant.

(b) On other source milk received in the form of a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of the nearest plant(s) supplying an equivalent volume of such other source milk.

DETERMINATION OF BASE

§ 1096.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1096.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer by all pool handlers during the preceding months of September through December by the number of days' production of such producer delivered during such period, but by not less than 90: *Provided,* That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purpose of computing the daily base of such producer.

§ 1096.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to each producer for whose account milk was received by a handler during the September–December period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form approved by the market administrator and signed by the base holder(s), or his heirs, and by the person to whom such base is transferred subject to the conditions of paragraph (c) of this section.

(c) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the September–December period by the total number of days' production delivered by both producers during such period, but not less than 90: *Provided,* That for the purpose of this paragraph the same days' production of both the transferor and transferee delivered to handlers shall be considered as the delivery of one day of production.

§ 1096.67 Announcement of established bases.

On or before January 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer pursuant to § 1096.65.

DETERMINATION OF PRICES TO PRODUCERS

§ 1096.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (g) of this section for each of his pool plants, and adding together the resulting totals: *Provided,* That in any month in which the total receipts of producer milk are less than 110 percent of the total Class I utilization at all pool plants, the computation pursuant to paragraphs (b) and (c) of this section shall not be applicable:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(2) and the corresponding step of § 1096.46(b) by the rate of payment pursuant to § 1096.63(a);

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46(b) by the rate of payment pursuant to § 1096.63(b);

(d) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(7) and the corresponding step of (b); or

(2) The skim milk and butterfat remaining in Class II after the computation pursuant to § 1096.46(a)(7) for the preceding month;

(e) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(7) and the corresponding step in (b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1096.46(a)(5) and the corresponding step in (b) for the previous month and which was classified and priced as Class I under another Federal order;

(f) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1096.46(a)(10) and the corresponding step of (b) by the applicable class price.

§ 1096.71 Computation of aggregate value used to determine uniform prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1096.70 for all pool handlers who made reports prescribed in § 1096.30 for such month and who have made payments for the previous month pursuant to § 1096.80 and § 1096.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk included in paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 1096.74 and multiplying the result by the total hundredweight of such producer milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1096.75; and

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1096.72 Computation of uniform price.

For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1096.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1096.73 Computation of uniform prices for base milk and for excess milk.

For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the

applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of subparagraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk".

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1096.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71: *Provided,* That if the resulting price is greater than the Class I price the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the bases of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

§ 1096.74 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1096.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1096.46(b) for all pool handlers by the respective butterfat differential for such class computed pursuant to § 1096.52, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1096.75 Location differential to producers.

In making payment to producers and cooperative associations pursuant to § 1096.80 a handler may deduct, with respect to producer milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 1096.53.

PAYMENTS

§ 1096.80 Time and method of payment for producer milk.

Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month of August through January for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.72 subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively, and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 1096.85, and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of February through July for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, marketing service deductions pursuant to § 1096.85 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 1096.73(b) for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 1096.73(a) for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively;

(d) On or before the 25th and 13th days of each month, in lieu of the payment pursuant to paragraphs (a), (b), and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraph (b), (c), or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment is such rate other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer; and

(f) Each handler shall make payment to a cooperative for each hundredweight of milk received from such association in its capacity as a handler as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices less the amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payment made by handlers pursuant to §§ 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided,* That payments due to any handler shall be offset by any payment due from such handler.

§ 1096.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation computed pursuant to § 1096.80 for such month is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1096.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1096.80 for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1096.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1096.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1096.80 shall deduct 5 cents per hundredweight of such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1096.31.

§ 1096.86 Expense of administration.

As his pro rata share of the expense of administration of this part each handler, except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe as follows:

(a) Each pool handler with respect to (1) all receipts of producer milk including such handler's own production, and (2) receipts of other source milk which are allocated to Class I milk pursuant to § 1096.46(a) (2) and (3), and the corresponding steps of § 1096.46(b);

(b) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8(d); and

(c) Each handler operating a nonpool distributing plant to the extent provided in § 1096.62.

§ 1096.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1096.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1096.91.

§ 1096.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1096.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1096.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination.

(b) Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1096.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1096.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on April 16, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-3832; Filed, Apr. 18, 1962; 8:49 a.m.]

[7 CFR Part 1133]

[Docket No. AO-275-A8]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Executive Room, Davenport Hotel, West 807 Sprague Street, Spokane, Washington, beginning at 10:00 a.m.

(local time), on April 24, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Inland Empire Dairy Association, Spokane Milk Producers Association, and Carnation Company:

Proposal No. 1. Delete § 1133.41 (b) and (c) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1133.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b)(1) but not to exceed the following:

(i) Two percent of receipts directly from producers (including in the case of a cooperative association such receipts for which it is the handler pursuant to § 1133.15 (c) or (d)); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1133.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants (when the exception specified in (ii) hereof applies, the applicable percentage shall be two percent); and

(6) In shrinkage allocated to receipts of other source milk.

Proposal No. 2. Delete paragraphs (b) and (c) of § 1133.51, rename paragraph (d) as (c) and add a new paragraph (b) as follows:

(b) *Class II milk.* The price for Class II milk shall be computed by the market administrator from the formula set forth in § 1133.50(b): *Provided*, That for all fluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers cheeses there shall be added 25 cents per hundredweight.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, West 933 Third Avenue, Room 212, Spokane 4, Washington, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on April 16, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3831; Filed, Apr. 18, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 50, 51, 52, 53, 54, 141 [New], 143 [New], 145 [New], 147 [New], 149 [New]]

[Reg. Docket No. 1157, Draft Release No. 62-16]

SCHOOLS AND OTHER CERTIFICATED AGENCIES

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 50, 51, 52, 53, and 54 of the Civil Air Regulations. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter H—Schools and Other Certificated Agencies [New] containing the recodified Parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 18, 1962 will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both during and after the comment period, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified Part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change that increases a burden has been made in the new subchapter. However, this has not prevented the revision of language where a future requirement was clearly indicated by current language. For example, current § 50.12-5(a)(2)(iii) (which states that a certificated instrument flight instructor may perform certain functions of a chief instructor who does not hold an instrument rating) has been changed to delete this provision based on the statement therein that this authority would be withdrawn when enough qualified chief instructors with instrument ratings become available, as is now the case. Certain unnecessary or obsolete requirements have been eliminated thereby decreasing the burden on those persons subject to the regulations. Thus, in Part 147 [New], current § 53.51 (relating to the number of graduates of mechanic schools that must become certificated within 60 days after graduation) has been omitted as obsolete. Similarly, current § 52.45-1(c) relating to double inspections of certain maintenance operations has been omitted as surplusage. In Part 149 [New], the current § 54.11 relating to transfers of certificates is omitted as unnecessary as there are no procedures for the transfer of any airman agency certificate issued under the Federal Aviation Act of 1958. In Part 149 [New], the current § 54.17 requiring the execution of certain repair or alteration reports by parachute lofts is omitted as obsolete. Other minor changes of a similar nature are explained in notes following the affected sections and are made only to reflect present practices and terminology. This is a part of the recodification process to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in proposed Part 1 [New], published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1654), together with any changes that will be contained in the final rule for that part, would apply to the proposed Subchapter H [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of the notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 14 by deleting Parts 50, 51, 52, 53, and 54 and by adding Subchapter H [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on April 13, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER H—SCHOOLS AND OTHER CERTIFICATED AGENCIES [NEW]

Part
141 Pilot Schools [New].
143 Ground Instructors [New].
145 Repair Stations [New].
147 Mechanic Schools [New].
149 Parachute Lofts [New].

PART 141—PILOT SCHOOLS [NEW]

Subpart A—General

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141.3 Application; issue; and renewal.
141.5 Duration of certificates.
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Subpart A—General

§ 141.1 Applicability.

This part prescribes the requirements for issuing airman agency certificates and associated ratings to pilot schools and the general operating rules for the holders of those certificates and ratings.

[Revision note: Supplied]

§ 141.3 Application; issue; and renewal.

(a) An application for an original certificate and rating, for an additional rating, or for the renewal of such a certificate, under this part, is made on a form and in a manner prescribed by the Administrator. The applicant must file two copies of the proposed curriculum of the school with his application or certify that he will follow the curriculum in Appendix A, B, C, or D or in § 141.47 or § 141.49 of this chapter, as appropriate.

(b) An applicant who meets the requirements of this part for one or more school ratings is entitled to an appropriate certificate and ratings.

[Revision note: Combines §§ 50.1, 50.20 and 50.23]

§ 141.5 Duration of certificates.

(a) A pilot school certificate and rating expires at the end of the twenty-fourth month after the month in which it is issued, or on the date of any change in the ownership of the school for which it was issued, whichever is earlier.

(b) The holder of a pilot school certificate may surrender it at any time by sending it to the Administrator with a letter stating that he is surrendering it.

(c) The holder of a pilot school certificate that expires or is surrendered, suspended, or revoked, shall, upon the written request of the Administrator, return it to the Administrator.

(d) A change in the name of a pilot school, without a change in ownership, does not make the certificate expire. However, the owner of the school shall, within 15 days after any change in its name, notify the Administrator of that change. He is then entitled to a new certificate with the new name and the current number and rating.

[Revision note: Combines §§ 50.22, 50.22-1, 50.24, 50.24-1, 50.24-2, 50.25, 50.25-1 and 50.25-2]

§ 141.7 Display of certificates.

Each holder of a pilot school certificate and ratings shall, upon the reasonable request of any person, show them to that person.

[Revision note: Based on § 50.21]

§ 141.9 School ratings.

The following ratings are issued under this part:

(a) Basic ground school.
(b) Advanced ground school.
(c) Primary flying school for—
(1) Airplanes;
(2) Rotorcraft; or
(3) Gliders.
(d) Commercial flying school for—
(1) Airplanes;
(2) Rotorcraft; or
(3) Gliders.
(e) Instrument flying school.
(f) Flight instructor school.

[Revision note: Based on § 50.2]

§ 141.11 Quality of instruction.

(a) Each certificated pilot school shall provide instruction of such quality that, of its graduates who apply within 60 days after the date they are graduated, at least 80 percent qualify for pilot ratings appropriate to the curriculum from which they were graduated.

(b) A pilot school may not graduate a student unless he has completed all of the curriculum requirements of his course. A student may be credited, but not for more than 50 percent of the curriculum requirements, with previous pilot experience and knowledge, based upon an appropriate flight check or test by the school. Course credits may be transferred from one certificated school to another. The receiving school shall determine the amount to be transferred, based on a flight check or written test, or both, of the student. However, the student may not be credited with more than that with which he was credited at the school from which he transferred.

(c) The Administrator may, at any reasonable time, determine a school's compliance with its curriculum and the quality of its instruction by questioning or testing any student at that school on items that are a part of the course in which the student is enrolled and that have, according to the school schedule and records, been covered in his course. The flight test for the pilot certificate corresponding to the course from which the student was graduated may be substituted for the flight check if it is given by an FAA Inspector. To facilitate scheduling of checks under this subsection, the school shall, at least 15 days before each graduation, notify the Administrator in writing of the name of each student that it expects to graduate.

(d) The flight check for determining quality of instruction or a school's compliance with its curriculum is based on the curriculum standards in this part. Applicants for pilot certificates or ratings are flight tested in accordance with Part ___ [Present Part 20] of this chapter.

[Revision note: Combines §§ 50.13-4, 50.26, 50.26-1, 50.26-2, and 50.28-1 (footnote)]

NOTE: § 50.20-1(a) (1st sentence) is omitted as covered by § 50.26-2.

§ 141.13 Student tests.

Each certificated pilot school shall give an appropriate written or practical test in each subject to each student who completes that subject in an approved curriculum. The school shall keep each written test, or, in the case of a practical test, a report of it, for at least one year after the end of the student's enrollment. The test shall cover such material and be of such a degree of difficulty that a student who passes it may reasonably assume that he can pass, on his first attempt, the required FAA test on that subject, for the rating he seeks.

[Revision note: Combines §§ 50.27 and 50.27-1]

§ 141.15 Curriculum changes.

A certificated pilot school may not change its approved curriculum unless that change is approved after it has been submitted in writing, setting forth the parts that are to be changed and the proposed changes. Unless the school is notified of disapproval, within 45 days after filing the proposed change, it is considered to be approved.

[Revision note: Combines §§ 50.31 and 50.31–1]

§ 141.17 Graduation certificates.

Each graduate of a certificated pilot school is entitled to a graduation certificate in a form prescribed by the school and acceptable to the Administrator.

[Revision note: Combines §§ 50.29 and 50.29–1]

§ 141.19 Authority to test graduates for pilot certificates.

(a) The Administrator may authorize a certificated pilot school to give its graduates the written or flight test, or both, for a pilot certificate and rating under Part ____ of this chapter [Present Part 20], if it applies in writing, naming the tests it wishes to give, and complies with paragraphs (b) to (d) of this section.

(b) To be eligible to give a private pilot flight test in an airplane to graduates of a primary flying school course, a school must—

(1) Have an approved flight training curriculum, that includes two hours of dual instruction at night, four hours of dual cross-country instruction, and six hours of solo cross-country flight;

(2) Give at least 35 hours of ground instruction on primary flight maneuvers and procedures, and a written test at the end of each phase in the flight curriculum;

(3) Show that the dual instruction in the control of an airplane solely by reference to instruments is given by certificated flight instructors who are instrument flight instructors or hold instrument ratings; and

(4) Show that at least five students enrolled in its primary flying course have passed a proficiency flight check given by an FAA inspector, at least three of which had completed the entire course, and at least two of which (may be the same students) have been checked during their training course.

(c) To be eligible to test its graduates for any certificate other than a private pilot certificate, the school must submit, with its application, complete information on the proposed training and testing.

(d) The chief inspector and each designated check pilot of a school that applies under this section must pass a standardization test given by an FAA inspector before the school begins training for the purposes of this section.

(e) Each school that is authorized to give tests under this section shall send the student's application for a pilot certificate or rating and certified and complete records of his training and performance on the flight tests and ground school tests to the supervisory FAA office for review and issue of the certificate or rating sought.

[Revision note: Based on § 50.351

§ 141.21 Records.

Each certificated pilot school shall keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades. When the student completes the course or is graduated, an authorized representative of the school shall certify the record.

[Revision note: Combines §§ 50.28 and 50.28–1 (less footnote)]

§ 141.23 Change of location.

(a) The holder of a pilot school certificate may not change the school's location, unless the change is approved in advance.

(b) If an inspection of the proposed location shows that the facilities are satisfactory, and the school meets the original certification requirements, it is entitled to a new certificate for the new location.

(c) If the inspection shows that the facilities at the new location are not satisfactory, the school is so notified and must immediately act to eliminate the deficiencies.

[Revision note: Combines §§ 50.34 and 50.34–1]

§ 141.25 Inspections.

Each applicant for a certificate under this part must, and each holder of such a certificate shall, upon reasonable request, allow the Administrator to inspect its personnel, facilities, equipment, and records.

[Revision note: Based on § 50.30]

§ 141.27 Maintenance of personnel, facilities, and equipment.

Each certificated pilot school shall maintain personnel, facilities, and equipment at least equal in quality and quantity to the standards required for the issue of the certificate and ratings that it holds.

[Revision note: Based on § 50.32]

§ 141.29 Advertising limitations.

A certificated pilot school may not make any statement relating to it that is false or designed to mislead any person contemplating enrollment in the school. Any advertising that indicates the school is approved must clearly differentiate between courses that have been approved and those that have not.

[Revision note: Based on § 50.33]

Subpart B—Ground Schools

§ 141.41 Classroom requirements.

An applicant for a ground school rating under this part must meet the following classroom requirements:

(a) At least 80 square feet of floor area, plus at least 15 square feet for each additional student over five.

(b) Heat and ventilation in accordance with public health laws.

(c) Enough light to allow a person with normal eyesight to study or read without eyestrain.

[Revision note: Combines §§ 50.10(a) and 50.10–1]

§ 141.43 Equipment requirements.

An applicant for a ground school rating under this part must have the following classroom equipment:

(a) Basic or advanced ground school:

(1) For each student, a desk-chair, chair and desk, or chair and table space (but not tablet-arm chairs) for work such as laying out courses on aeronautical charts.

(2) A blackboard with at least 12 square feet of usable surface.

(b) Basic ground school:

(1) Texts and related materials on the regulations in this chapter, meteorology, aerial navigation, radio (as used for airport traffic control, flight assistance services, general service and the operation of aircraft and aircraft engines), and pertinent operational data at the private pilot level.

(2) Illustrative, explanatory, and demonstration aids and materials representative of those that a private pilot needs in actual piloting operations, such as radio facility charts, aeronautical charts, computers, and the Airman's Guide.

(c) Advanced ground school:

(1) Text and related source materials covering the subjects named in paragraph (b) of this section and the navigation of aircraft by radio aids.

(2) Models, mockups, cutaways, and classroom-size or lecture-size blueprints and diagrams covering the operation and function of instruments and equipment required under Part ____ of this chapter [Present Part 43] and those required under Parts ____, ____, and ____ of this chapter [Present Parts 3, 5, and 6] as they relate to the course being taught.

[Revision note: Combines §§ 50.10(b) and 50.10–2]

§ 141.45 Instructor requirements.

(a) An applicant for a ground school rating under this Part must have at least one principal instructor who is regularly available for instructing or supervising each scheduled class subject and who holds a ground instructor certificate with a rating for each subject in the school curriculum. Each instructor other than the principal instructor must have a ground instructor certificate with an appropriate rating for each subject that he teaches.

(b) An instructor must hold a rating for a subject in the ground school curriculum before he may instruct in that subject, and must be rated for all subjects in the curriculum before he may serve as a principal instructor.

[Revision note: Combines §§ 50.10 (less (a) and (b)) and 50.10–3]

§ 141.47 Curriculum requirements: Basic ground school.

An applicant for a basic ground school rating under this Part must adopt the following as a minimum curriculum or submit one of equal or higher standard for approval. In either case it must provide at least 50 hours of classroom instruction in the following subjects, and require a passing grade on a test on each subject of each student taking the subject:

(a) Instruction in Parts ____, ____, ____, and ____ of this chapter [Present Part 1; § 3.20(a) (1), (2), and (3); Parts 20; 43; and 60].

(b) Instruction in the following meteorological subjects:

(1) Weather recognition.

(2) Icing.

(3) Fog.

(4) Frontal characteristics, with particular emphasis on thunder storms.

(5) General cloud formations and their relationship to weather characteristics.

(6) Weather maps and symbols.

(7) Teletype sequences and symbols.

(8) Elementary weather forecasting.

(9) Pressure areas and their characteristics, including motion of air masses (wind systems).

(10) Significance of isobaric patterns.

(11) Winds aloft.

(12) Humidity-temperature-dewpoint relationships and significance to the pilot.

(13) Precipitation.

(14) Practical application of meteorological knowledge to safe flying practices.

(15) Services and assistance available from the United States Weather Bureau.

(c) Instruction in the following on aerial navigation and radio:

(1) Navigation methods, including pilotage; dead reckoning; and basic radio aids to navigation, including elementary radio orientation.

(2) Navigation instruments commonly used.

(3) Basic use of computers.

(4) Proper use of flight plans.

(5) Proper use of published aids such as the Flight Information Manual, the Airman's Guide, and Notams.

(6) Explanation of radio aids to flight.

(7) Proper use of radio, including voice procedure and phraseology.

(8) Flight assistance services.

(d) Instruction in the following general service and safety practices:

(1) Care of aircraft, including preflight inspection procedures, general safety precautions, and explanation of preventive maintenance, repair, and required inspections.

(2) Care of engines, including preflight inspection procedures, fuel requirements, proper starting, warmup and shutdown procedures; explanation of preventive maintenance, repair, required inspection, and use of operating manuals; and the functions, limitations, and characteristic errors of instruments required under Part ------ of this chapter [Present Part 43].

(3) Flight safety practices, including operation under conditions of high altitude, extreme temperatures, gross weight, icing (wing ice, propeller ice, and carburetor ice); adverse surface conditions (rough, soft, and slippery); turbulent air (mountainous and canyon effects, and surface obstruction and thermal effects); day and night marginal visibility; radio communications failure; low fuel supply; aerodynamic effect of frost or snow on airfoils; maximum range versus maximum endurance operation; proper tiedown or securing of aircraft; emergency assistance and lost procedures; use of landing lights and flares; obstructions to flight, such as antennae, poles, and birds; and procedures when operating unfamiliar aircraft.

[Revision note: Combines §§ 50.11(a) and 50.11–1]

§ 141.49 Curriculum requirements: Advanced ground school.

An applicant for an advanced ground school rating under this part must adopt the following as a minimum curriculum or submit one of equal or higher standard for approval. In either case, it must provide at least 150 hours of classroom instruction in the following subjects, and require a passing grade on a test on each subject of each student taking that subject:

(a) Instruction in the regulations listed in § 141.47, in enough detail and thoroughness to give the student the information he may need as a commercial pilot with an unrestricted certificate, plus instruction on Part ____ of this chapter [Present Part 42] and particular stress on airport and air route traffic control procedures and operations under them.

(b) Instruction in the meteorological subjects listed in § 141.47 of more detail and thoroughness of instruction than that given in a basic ground school, including the cause and effect aspects of weather in relation to safe and successful flight operations.

(c) Instruction in pilotage and dead reckoning techniques and radio aids to navigation, including a practical demonstration to provide familiarization with L/MF and VOR/VHF techniques and preparing and using IFR flight plans.

(d) Instruction in the servicing and safety practices listed in § 141.47(d), and—

(1) Other servicing and safety practices, theory of flight, lift-gravity-thrust-drag forces, characteristics of air as a fluid mass, and performance characteristics of aircraft including ground effect, design, gust load safety factors, and operating limitations; and

(2) Care and maintenance of equipment, including pressure, quantity, and rate instruments; radio and electronics equipment; flotation devices; fire extinguishers; safety belts; windshields, windows, and canopies; emergency exits; and parachutes.

[Revision note: Combines §§ 50.11 (less (a)) and 50.11–2]

Subpart C—Flying Schools

§ 141.51 Airport requirements.

(a) An applicant for a flying school rating under this part must provide an airport with at least one runway or takeoff area that allows its training aircraft to make a normal takeoff at full gross weight—

(1) Under calm wind (not more than five miles per hour) conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;

(2) Clearing all obstacles in the takeoff flight path by at least 50 feet;

(3) With the powerplant operation and landing gear and flap operation, if applicable, recommended by the manufacturer; and

(4) With smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques.

(b) The standards listed in paragraph (a) of this section apply to outlying fields used for training purposes, except those used for training in the principles and procedures for coping with critical situations.

[Revision note: Combines §§ 50.12(a) and 50.12–1]

§ 141.53 Office and room facilities requirements.

An applicant for a flying school rating under this part must have permanent office, rest room, and ready room facilities at the airport or base of operations. Facilities provided under this section must conform to local building, sanitation, and health codes. Ready rooms provided under this section must have chairs, clothesracks or lockers, and bulletin boards.

[Revision note: Combines §§ 50.12(b) and 50.12–2]

§ 141.55 Flight equipment requirements.

(a) An applicant for a flying school rating under this part must have the aircraft described in this section.

(b) Each airplane used for flight instruction of students enrolled in a flying course must be certificated under Part __ or __ of this chapter [Present Parts 3, 4a, or 4b], maintained as provided in Part __ of this chapter [Present Part 43], registered in the name of the school or operated under a lease, and have the equipment and performance characteristics appropriate to its curriculum.

(c) Each applicant must have at least one airplane for each 15 students (or fraction thereof) enrolled in the flight course and enough airworthy airplanes available at the training location for the flight training periods.

(d) Each applicant for a commercial course must have at least two types of airplanes that significantly differ in performance, flight characteristics, and operating requirements. At least one of them must have a demonstrated cruising speed of at least 120 miles per hour using METO power. Airplanes used in the radio navigation or instrument part of the curriculum must have the minimum instruments and radio equipment required by §__ of this chapter [§ 43.30(c)] and a gyroscopically operated pitch indicator.

(e) Each training aircraft must have available to the trainee, in the aircraft, an appropriate pilot's training checklist containing essential operational data on prestarting procedure; warmup procedure; pretakeoff procedure; cruising

flight procedure; prelanding procedure; shutting down procedure; and emergency procedure for critical flight situations involving aircraft or engine troubles; flight configurations and operational speeds for severe turbulence; and single-engine operation, if appropriate.

(f) If a school that applies for a commercial or instrument rating, or both, does not have a simulated flight training device available to it that is acceptable to the Administrator, it must give all of its required instrument flight training in aircraft.

[Revision note: Combines §§ 50.12(c) and 50.12–3]

§ 141.57 Maintenance facility requirements.

(a) An applicant for a flying school rating under this Part must provide facilities necessary to maintain, in a continuously airworthy condition, the minimum flight equipment required by this subpart. It may provide those facilities by ownership, rental, lease, or other approved arrangement.

(b) In addition, such a school must have enough certificated mechanics readily available to maintain its aircraft used for flight instruction, unless other approved arrangements are made.

[Revision note: Combines §§ 50.12 (d) and (e) and 50.12–4]

§ 141.59 Flight instructor requirements.

(a) Each flight course must be under the direct supervision of a chief flight instructor designated by the school. A chief instructor may serve as a chief instructor for each course for which he is qualified. Each chief instructor must have a good record as a pilot and flight instructor and—

(1) For a primary flying school, must—

(i) Be at least 24 years of age;

(ii) Have at least two years of experience as an active certificated flight instructor immediately before the date he is designated as chief instructor;

(iii) Have at least 500 hours as a certificated flight instructor, including at least 50 hours in the year before the date he is designated as chief instructor; and

(iv) Have at least 1,000 hours as pilot in command;

(2) For a commercial flying school, or flight instructor flying school, must—

(i) Be at least 24 years of age;

(ii) Have at least three years of experience as an active certificated flight instructor immediately before the date he is designated as chief instructor;

(iii) Have at least 1,000 hours as a certificated flight instructor including at least 100 hours in the year before the date he is designated as chief instructor;

(iv) In the case of a commercial flying school, have an instrument rating; and

(v) Have at least 2,000 hours as pilot in command; and

(3) For an instrument flying school, must—

(i) Be at least 24 years of age;

(ii) Have at least two years of experience, immediately before the date he is designated as chief instructor, as a certificated instrument flight instructor;

(iii) Have at least 100 hours of instrument flight time under actual or simulated instrument flight conditions;

(iv) Have at least 250 hours as an instrument flight instructor; and

(v) Have at least 1,000 hours as pilot in command.

(b) Each school shall assign the following duties to its chief instructors, to be accepted in writing or by endorsing the assignment:

(1) Certifying training reports, graduation certificates, and official recommendations of the school.

(2) Maintaining adequate instructional standards.

(3) Effective scheduling of aircraft, instructors, and students.

(4) Maintaining student progress and accomplishment records.

(5) Conducting competence and standardization checks of instructors.

(6) Conducting student proficiency stage checks.

(7) Maintaining liaison with FAA in applying the techniques, procedures, and standards of the school.

(c) The school shall notify the Administrator, in writing, of any change in the designation of a chief instructor.

[Revision note: Combines §§ 50.12 (less (a)–(e)) and 50.12–5]

§ 141.61 Curriculum requirements: Primary flying school.

An applicant for a primary flying school rating under this part must provide—

(a) For airplanes, at least 35 hours of flight time or 30 hours of flight time and additional specialized instruction approved by the Administrator;

(b) For helicopters, at least 35 hours of flight time; and

(c) For gliders, at least eight hours of flight time. For airplanes, the required hours of flight time must include the training described in Appendix A[1] to this part and a demonstration of student proficiency and knowledge. Student progress checks may be applied toward completing course-hour requirements.

[Revision note: Combines §§ 50.13 (less (b)–(d)), 50.13–1 (less (b)–(d)), 50.13–2 and 50.13–3]

§ 141.63 Curriculum requirements: Commercial flying school.

An applicant for a commercial flying school rating under this part must provide—

(a) For airplanes, at least 160 hours of flight time, including at least 100 hours of solo flight of which at least 20 are solo cross-country;

(b) For helicopters, at least 160 hours of flight time; and

(c) For gliders, at least 20 hours of flight time.

For airplanes, the required hours of flight time must include the training described in Appendix B[2] to this part and a demonstration of student proficiency and knowledge. Student progress checks may be applied toward completing course-hour requirements.

[Revision note: Combines §§ 50.13(b), 50.13–1(b), 50.13–2, and 50.13–3]

§ 141.65 Curriculum requirements: Instrument flying school.

An applicant for an instrument flying school rating under this part must provide at least 30 hours of instrument flying instruction, of which at least 20 hours are in actual flight; and a total of at least 30 hours of ground instruction on the regulations in this chapter, navigation, meteorology, and radio orientation and procedures as applicable to instrument flying. For airplanes, the required hours of instruction must include the training described in Appendix C[3] to this part and a demonstration of student proficiency and knowledge. Student progress checks may be applied toward completing course-hour requirements.

[Revision note: Combines §§ 50.13(c), 50.13–1(c), 50.13–2, and 50.13–3]

§ 141.67 Curriculum requirements: Flight instructor school.

An applicant for a flight instructor school rating under this part must provide at least 25 hours of flying devoted exclusively to the science of flight instruction and at least 40 hours of theoretical instruction in the fundamentals of giving flight instruction and the analysis and performance of flight technique. For airplanes, the required hours of instruction must include the training described in Appendix D[1] to this part and a demonstration of student proficiency and knowledge. Student progress checks may be applied toward completing course-hour requirements.

[Revision note: Combines §§ 50.13(d), 50.13–1(d), 50.13–2, and 50.13–3]

PART 141—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
50.1	141.3	50.13(b)	141.63
50.2	141.9	50.13(c)	141.65
50.10(a)	141.41	50.13(d)	141.67
50.10(b)	141.43	50.13–1 (less (b)–(d))	141.61
50.10 (less (a) and (b))	141.45	50.13–1(b)	141.63
50.10–1	141.41	50.13–1(c)	141.65
50.10–2	141.43	50.13–1(d)	141.67
50.10–3	141.45	50.13–2	141.61
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50.11 (less (a))	141.49		141.65
50.11–1	141.47	50.13–3	141.67
50.11–2	141.49		141.61
50.12(a)	141.51		141.63
50.12(b)	141.53		141.65
50.12(c)	141.55	50.13–4	141.67
50.12 (d) and (e)	141.57	50.20	141.11
50.12 (less (a)–(e))	141.59	50.20–1	141.3
50.12–1	141.51	50.21	(1)
50.12–2	141.53	50.22	141.7
50.12–3	141.55	50.22–1	141.5
50.12–4	141.57	50.23	141.5
50.12–5	141.59	50.23–1	141.3
50.13 (less (b)–(d))	141.61	50.24	(1)
		50.24–1	141.5
		50.24–2	141.5
		50.25	141.5

[1] Not a rule.

[1] Appendix A has not been printed for the purposes of this circulation. It will state present § 50.13–1(a), without change.

[2] Appendix B has not been printed for the purposes of this circulation. It will state present § 50.13–1(b), without change.

[3] Appendices C and D have not been printed for the purposes of this circulation. They will state present § 50.13–1 (c) and (d), without change.

PART 141—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
50.25–1	141.5	50.29	141.17
50.25–2	141.5	50.29–1	141.17
50.26	141.11	50.30	141.25
50.26–1	141.11	50.30–1	(1)
50.26–2	141.11	50.31	141.15
50.27	141.13	50.31–1	141.15
50.27–1	141.13	50.32	141.27
50.28	141.21	50.32–1	(1)
50.28–1 (footnote)	141.11	50.33	141.29
		50.34	141.23
50.28–1 (less footnote)	141.21	50.34–1	141.23
		50.35	141.19

[1] Not a rule.

PART 143—GROUND INSTRUCTORS [NEW]

Sec.
143.1 Applicability.
143.3 Application and issue.
143.5 Temporary certificate.
143.7 Duration of certificate.
143.9 Eligibility requirements: General.
143.11 Knowledge requirements.
143.13 Cooperation during inspections and tests.
143.15 Tests: General procedures.
143.17 Re-testing after failure.
143.19 Recent experience.
143.21 Display of certificate.
143.23 Change of address.

§ 143.1 Applicability.

This part prescribes the requirements for issuing ground instructor certificates and associated ratings and the general operating rules for the holders of these certificates and ratings.

[Revision note: Supplied]

§ 143.3 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part, is made on a form and in a manner prescribed by the Administrator. However, a person whose ground instructor certificate has been revoked may not apply for a new certificate for a period of one year after the effective date of the revocation unless the order of revocation provides otherwise.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate with ratings naming the ground school subjects that he is authorized to teach.

[Revision note: Combines §§ 51.2, 51.7, 51.8, 51.11, 51.12, and 51.13]

NOTE: § 51.7 is omitted as obsolete.

§ 143.5 Temporary certificate.

A certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

[Revision note: Based on § 51.4(a)]

§ 143.7 Duration of certificate.

(a) A certificate or rating issued under this part is effective until it is surrendered, suspended, or revoked.

(b) The holder of a certificate that is suspended, revoked, or expired shall, upon the Administrator's request, return it to the Administrator.

[Revision note: Combines §§ 51.4 (less (a)), and 51.9]

§ 143.9 Eligibility requirements: General.

To be eligible for a certificate under this part, a person must be at least 18 years of age, be of good moral character, and comply with § 143.11.

[Revision note: Based on § 51.1(less (d))]

NOTE: § 51.1(c) is omitted as surplusage.

§ 143.11 Knowledge requirements.

Each applicant for a ground instructor certificate must show his practical and theoretical knowledge of the subject for which he seeks a rating by passing a written test on that subject.

[Revision note: Based on § 51.1(d)]

§ 143.13 Cooperation during inspections and tests.

Each applicant for a ground instructor certificate, and each person who holds such a certificate, shall, upon request, cooperate fully during any inspection or test made of him by the Administrator.

[Revision note: Based on § 51.16]

§ 143.15 Tests: General procedures.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 per cent.

[Revision note: Combines §§ 51.14, 51.15, and 51.17]

§ 143.17 Re-testing after failure.

An applicant for a ground instructor rating who fails a test under this part may apply for re-testing—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a statement from a certificated ground instructor, rated for the subject of the test failed, certifying that he has given the applicant at least five hours additional instruction in that subject and now considers that he can pass the test.

[Revision note: Based on § 51.10]

§ 143.19 Recent experience.

The holder of a ground instructor certificate may not perform the duties of a ground instructor unless, within the 12 months before he intends to perform them—

(a) He has served for at least three months as a ground instructor; or

(b) The Administrator has determined that he meets the standards prescribed in this part for the certificate and rating.

[Revision note: Based on § 51.5]

§ 143.21 Display of certificate.

Each holder of a ground instructor certificate shall keep the certificate readily available to him while instructing and shall present it for inspection upon the request of his student, school officer, or the Administrator.

[Revision note: Based on § 51.3]

§ 143.23 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a ground instructor certificate shall notify the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, in writing, of his new address.

[Revision note: Based on § 51.11a]

PART 143—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
51.1(d)	143.11	51.9	143.7
51.1 (less (d))	143.9	51.10	143.17
		51.11	143.3
51.2	143.3	51.11a	143.23
51.3	143.21	51.12	143.3
51.4(a)	143.5	51.13	143.3
51.4 (less (a))	143.7	51.14	143.15
		51.15	143.15
51.5	143.19	51.16	143.13
51.7	143.3	51.17	143.15
51.8	143.3		

PART 145—REPAIR STATIONS [NEW]

Subpart A—General

Sec.
145.1 Applicability.
145.3 Certificate required.
145.11 Application and issue.
145.13 Certification of foreign repair stations: Special requirements.
145.15 Change or renewal of certificates.
145.17 Duration of certificates.
145.19 Display of certificate.
145.21 Change of location or facilities.
145.23 Inspection.
145.25 Advertising.

Subpart B—Domestic Repair Stations

145.31 Ratings.
145.33 Limited ratings.
145.35 Housing and facility requirements.
145.37 Special housing and facility requirements.
145.39 Personnel requirements.
145.41 Recommendation of certification for repairmen.
145.43 Records of supervisory and inspection personnel.
145.45 Inspection systems.
145.47 Equipment and materials: Ratings other than limited ratings.
145.49 Equipment and materials: Limited rating.
145.51 Privileges of certificates.
145.53 Limitations of certificates.
145.55 Maintenance of personnel, facilities, equipment, and materials.
145.57 Performance standards.
145.59 Inspection of work performed.
145.61 Performance records and reports.
145.63 Reports of defects or unairworthy conditions.

Subpart C—Foreign Repair Stations

145.71 General requirements.
145.73 Scope of work authorized.
145.75 Personnel.
145.77 General operating rules.
145.79 Records and reports.

Subpart A—General

§ 145.1 Applicability.

(a) This part prescribes the requirements for issuing repair station certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

(b) A certificated repair station located in the United States is called a "domestic repair station." A repair station located outside of the United States is called a "foreign repair station."

[Revision note: Based on § 52.0]

§ 145.3 Certificate required.

No person may operate as a certificated repair station without, or in violation of, a repair station certificate. In addition, an applicant for a certificate may not advertise himself as a certificated repair station until a certificate has been issued to him.

[Revision note: Combines §§ 52.5–1(f) (last sentence), 52.6 (last sentence) and 52.6–1]

§ 145.11 Application and issue.

(a) An application for a repair station certificate and rating, or for an additional rating, is made on a form and in a manner prescribed by the Administrator, and submitted with duplicate copies of—

(1) Employment summaries (providing the information required by § 145.43 for the chief inspector and other personnel having technical responsibility for final airworthiness determinations before releasing an article to service, and in a case where the privilege of final airworthiness determination is retained by the management officials of the station, an employment summary for each of those officials;

(2) Its inspection procedures manual;

(3) A list of the maintenance functions to be performed for it, under contract, by another agency under § 145.49 or Appendix A [1]; and

(4) In the case of an applicant for a propeller rating (class 2) or any accessory rating (class 1, 2, or 3), a list, by type or make, or both, of the propeller or accessory for which he seeks approval.

(b) An applicant who meets the requirements of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interests of safety.

[Revision note: Combines §§ 52.5, 52.5–1 (less (c)–(f)), 52.6 (less last sentence), 52.20, and 52.20–1]

§ 145.13 Certification of foreign repair stations: special requirements.

Before applying under § 145.11, an applicant for a foreign repair station certificate must notify the FAA office having jurisdiction over the area in which the applicant is located of his intention to so apply and send that office a statement of his reasons for wanting a repair station at his place of business. In addition to the information required by § 145.11, the applicant must furnish two copies of a suitably bound brochure, including a physical description of his facilities (with photographs), a description of his inspection system, an organizational chart, the names and titles of managing and supervisory personnel, and a list of services obtained under contract, if any, with the names of the contractors and the types of services they perform.

[Revision note: Based on § 52.5–1 (d) and (e)]

[1] For the purposes of this circulation, Appendix A has has not been printed. It will state present §§ 52.31–1, 52.32–1, 52.55–1, 52.34–1, 52.35–1, and 52.36–1 without changes.

§ 145.15 Change or renewal of certificates.

(a) Each of the following requires the certificate holder to apply for a change in a repair station certificate, on a form and in the manner prescribed by the Administrator:

(1) A change in the location or housing and facilities of the station.

(2) A change in the officials responsible for overall management of the station or of the persons responsible for releasing items from it.

(3) A change in authorized signatures.

(4) A request to revise or amend a rating.

(b) If the holder of a repair station certificate sells or transfers its assets, the new owner must apply for an amended certificate, in the manner prescribed in § 145.11 and, if applicable, § 145.13.

(c) A person requesting renewal of a foreign repair station certificate shall, within 30 days before his current certificate expires, send the request to the FAA office having jurisdiction over the station. If he does not make the request within that period, he must follow the procedure prescribed in § 145.13 for applying for a new certificate, but without copies of the brochure.

[Revision note: Combines §§ 52.5–1(c), 52.5–1(f) (less first and last sentences), 52.13 and 52.13–1]

§ 145.17 Duration of certificates.

(a) A domestic repair station certificate or rating is effective until it is surrendered, suspended, or revoked.

(b) A foreign repair station certificate or rating expires at the end of one year after the date on which it was issued, unless it is sooner surrendered, suspended, or revoked. However, if the station continues to comply with § 145.71 and applies, its certificate may be renewed for another year.

(c) The holder of a certificate that expires or is surrendered, suspended, or revoked, shall return it to the Administrator.

[Revision note: Combines §§ 52.5–1(f) (first sentence), 52.7, and 52.7–1]

§ 145.19 Display of certificate.

Each holder of a repair station certificate shall display the certificate and ratings at a place in the repair station that is normally accessible to the public and is not obscured. The certificate must be available for inspection by the Administrator.

[Revision note: Combines §§ 52.9 and 52.9–1]

§ 145.21 Change of location or facilities.

(a) The holder of a repair station certificate may not make any change in its location or in its housing and facilities that are required by § 145.35, unless the change is approved, in writing, in advance.

(b) The Administrator may prescribe the conditions under which a repair station may operate while it is changing its location or housing facilities.

[Revision note: Combines §§ 52.10 and 52.10–1]

§ 145.23 Inspection.

Each certificated repair station shall allow the Administrator to inspect it, at any time, to determine its compliance with this part. After the original inspection, formal inspections are normally made once a year and cover the adequacy of the station's inspection system, personnel, stock facilities, equipment, records, and its general ability to comply with this part. After such an inspection is made, the repair station is notified, in writing, of any defects found during the inspection. Other informal inspections may be made from time to time.

[Revision note: Combines §§ 52.12, 52.12–1, and 52.12–2]

§ 145.25 Advertising.

(a) Whenever the advertising of a certificated repair station indicates that it is certificated, it must clearly state its certificate number.

(b) Paragraph (a) of this section applies to advertising in—

(1) Business letterheads;

(2) Billheads and statements;

(3) Customer estimates and inspection forms;

(4) Hangar or shop signs;

(5) Magazines, periodicals, or trade journals; or

(6) Any form of promotional media.

[Revision note: Combines §§ 52.11, 52.11–1, 52.11–2 and 52.11–3]

NOTE: Reference to the certificate number instead of ratings and classes held is made to conform to present practice.

Subpart B—Domestic Repair Stations

§ 145.31 Ratings.

The following ratings are issued under this subpart:

(a) Airframe ratings:

(1) Class 1: Composite construction of small aircraft.

(2) Class 2: Composite construction of large aircraft.

(3) Class 3: All-metal construction of small aircraft.

(4) Class 4: All-metal construction of large aircraft.

(b) Powerplant ratings:

(1) Class 1: Reciprocating engines of 400 horsepower or less.

(2) Class 2: Reciprocating engines of more than 400 horsepower.

(3) Class 3: Turbine engines.

(c) Propeller ratings:

(1) Class 1: All fixed pitch and ground adjustable propellers of wood, metal, or composite construction.

(2) Class 2: All other propellers, by make.

(d) Radio ratings:

(1) Class 1: Communication equipment: Any radio transmitting equipment or receiving equipment, or both, used in aircraft to send or receive communications in flight, regardless of carrier frequency or type of modulation used; including auxiliary and related aircraft interphone systems, amplifier systems, electrical or electronic inter-crew signaling devices, and similar equipment; but not including equipment used for navigation of the aircraft or as an aid to navigation, equipment for measuring altitude or terrain clearance, other measuring equipment operated on radio or radar principles, or mechanical, electrical, gyroscopic, or electronic instruments that are a part of communications radio equipment.

(2) Class 2: Navigational equipment: Any radio system used in aircraft for en route or approach navigation, except equipment operated on radar or pulsed radio frequency principles, but not including equipment for measuring altitude or terrain clearance or other distance equipment operated on radar or pulsed radio frequency principles.

(3) Class 3: Radar equipment: Any aircraft electronic system operated on radar or pulsed radio frequency principles.

(e) Instrument ratings:

(1) Class 1: Mechanical: Any diaphragm, bourdon tube, aneroid, optical, or mechanically driven centrifugal instrument that is used on aircraft or to operate aircraft, including tachometers, airspeed indicators, pressure gauges, drift sights, magnetic compasses, altimeters, or similar mechanical instruments.

(2) Class 2: Electrical: Any self-synchronous and electrical indicating instruments and systems, including remote indicating instruments, cylinder head temperature gauges, or similar electrical instruments.

(3) Class 3: Gyroscopic: Any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy, including automatic pilot control units, turn and bank indicators, directional gyros, and their parts, and flux gate and gyrosyn compasses.

(4) Class 4: Electronic: Any instruments whose operation depends on electron tubes, transistors, or similar devices, including capacitance type quantity gauges, system amplifiers, and engine analyzers.

(f) Accessory ratings:

(1) Class 1: Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation, including aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts and hydraulic servo units.

(2) Class 2: Electrical accessories that depend on electrical energy for their operation, and generators, including starters, voltage regulators, electric motors, electrically driven fuel pumps, magnetos, or similar electrical accessories.

(3) Class 3: electronic accessories that depend on the use of an electron tube, transistor, or similar device, including supercharger, temperature, air conditioning controls, or similar electronic controls.

[Revision note: Combines §§ 52.26 and 52.26–1]

§ 145.33 Limited ratings.

(a) Whenever the Administrator finds it appropriate, he may issue a limited rating to a domestic repair station that maintains or alters only a particular type of airframe, powerplant, propeller, radio, instrument, or accessory, or parts thereof, or performs only specialized maintenance requiring equipment and skills not ordinarily found in regular repair stations. Such a rating may be limited to a specific model aircraft, engine, or constituent part, or to any number of parts made by a particular manufacturer.

(b) Limited ratings are issued for—

(1) Airframes of a particular make and model;

(2) Engines of a particular make and model;

(3) Propellers of a particular make and model;

(4) Instruments of a particular make and model;

(5) Radio equipment of a particular make and model;

(6) Accessories of a particular make and model;

(7) Landing gear components;

(8) Floats, by make;

(9) Nondestructive inspection, testing, and processing;

(10) Emergency equipment;

(11) Rotor blades, by make and model;

(12) Aircraft fabric work; and

(13) Any other purpose for which the Administrator finds the applicant's request is appropriate.

(c) For a limited rating for specialized services, the operations specifications of the station shall contain the specification used in performing that specialized service. The specification may either be a civil or military one that is currently used by industry and approved by the Administrator or one developed by the applicant and approved by the Administrator.

[Revision note: Combines §§ 52.27 and 52.27–1]

§ 145.35 Housing and facility requirements.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must comply with paragraphs (b) to (g) of this section and provide suitable—

(1) Housing for its necessary equipment and material;

(2) Space for the work for which it seeks a rating;

(3) Facilities for properly storing, segregating, and protecting materials, parts, and supplies; and

(4) Facilities for properly protecting parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly;

so that work being done is protected from weather elements, dust, and heat; workers are protected so that the work will not be impaired by their physical efficiency; and maintenance operations have efficient and proper facilities.

(b) The applicant must provide suitable shop space where machine tools and equipment are kept and where the largest amount of bench work is done. The shop space need not be partitioned but machines and equipment must be segregated whenever—

(1) Machine or woodwork is done so near an assembly area that chips or material might inadvertently fall into assembled or partially assembled work;

(2) Unpartitioned parts cleaning units are near other operations;

(3) Fabric work is done in an area where there are oils and greases;

(4) Painting or spraying is done in an area so arranged that paint or paint dust can fall on assembled or partially assembled work;

(5) Paint spraying, cleaning, or machining operations are done so near testing operations that the precision of test equipment might be affected; and

(6) In any other case the Administrator determines it is necessary.

(c) The applicant must provide suitable assembly space in an enclosed structure where the largest amount of assembly work is done. The assembly space must be large enough for the largest item to be worked on under the rating he seeks and must meet the requirements of paragraph (a) of this section.

(d) The applicant must provide suitable storage facilities used exclusively for storing standard parts, spare parts, and raw materials, and separated from shop and working space. He must organize the storage facilities so that only acceptable parts and supplies will be issued for any job, and must follow standard good practices for properly protecting stored materials.

(e) The applicant must store and protect parts being assembled or disassembled, or awaiting assembly or disassembly, to eliminate the possibility of damage to them.

(f) The applicant must provide suitable ventilation for his shop, assembly, and storage areas so that the physical efficiency of his workers is not impaired.

(g) The applicant must provide adequate lighting for all work being done so that the quality of the work is not impaired.

(h) The applicant must control the temperature of the shop and assembly area so that the quality of the work is not impaired. Whenever special maintenance operations are being performed, such as fabric work or painting, the temperature and humidity control must be adequate to insure the airworthiness of the article being maintained.

[Revision note: Combines §§ 52.21, 52.21–1 and 52.21–2]

§ 145.37 Special housing and facility requirements.

(a) In addition to the housing and facility requirements in § 145.35, an applicant for a domestic repair station certificate and rating, or for an additional rating, for airframes, powerplants, propellers, instruments, accessories, or radios must meet the requirements of paragraphs (b) to (f) of this section.

(b) An applicant for an airframe rating must provide suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating he seeks. If the location of the station is such that climatic conditions allow work to be done outside permanent work docks may be used if they meet the requirements of § 145.35(a).

(c) An applicant for either a powerplant or accessory rating must provide suitable trays, racks, or stands for segregating complete engine or accessory assemblies from each other during assembly and disassembly. He must provide

covers to protect parts awaiting assembly or during assembly to prevent dust or other foreign objects from entering into or falling on those parts.

(d) An applicant for a propeller rating must provide suitable stands, racks, or other fixtures for the proper storage of propellers after being worked on.

(e) An applicant for a radio rating must provide suitable storage facilities to assure the protection of parts and units that might deteriorate from dampness or moisture.

(f) An applicant for an instrument rating must provide a reasonably dust free shop if the shop allocated to final assembly is not air conditioned. Shop and assembly areas must be kept clean at all times to reduce the possibility of dust or other foreign objects getting into instrument assemblies.

[Revision note: Based on § 52.21–3]

§ 145.39 Personnel requirements.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must provide adequate personnel who can perform, supervise, and inspect the work for which the station is to be rated. The officials of the station must carefully consider the qualifications and abilities of their employees and shall determine the abilities of its uncertificated employees performing maintenance operations on the basis of practical tests or employment records. The repair station is primarily responsible for the satisfactory work of its employees.

(b) The number of repair station employees may vary according to the type and volume of its work. However, the applicant must have enough properly qualified employees to keep up with the volume of work in process, and may not reduce the number of its employees below that necessary to efficiently produce airworthy work.

(c) Each repair station shall determine the abilities of its supervisors and shall provide enough of them for all phases of its activities. However, the Administrator may determine the ability of any supervisor by inspecting his employment and experience records or by a personal test. Each supervisor must have direct supervision over working groups but need not have over-all supervision at management level. Whenever apprentices or students are used in working groups on assemblies or other operations that might be critical to the aircraft, the repair station shall provide at least one supervisor for each 10 apprentices or students, unless the apprentices or students are integrated into groups of experienced workers.

(d) Each person who is directly in charge of the maintenance functions of a repair station must be appropriately certificated as a mechanic or repairman under Part ____ of this chapter [Present Part 24] and must have had at least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the work for which the station is rated. Experience as an apprentice or student mechanic may not be counted in computing the 18 months of experience. In addition, at least one of the persons so in charge of maintenance functions for a station with an airframe rating must have had experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after 100-hour, periodic, and progressive inspections.

(e) Each limited repair station shall have employees with detailed knowledge of the particular maintenance function or technique for which it is rated, based on attending a factory school or long experience with the product or technique involved.

[Revision note: Combines §§ 52.22 and 52.22–1]

§ 145.41 Recommendation of certification for repairmen.

An applicant for a domestic repair station certificate and rating, or for an additional rating, that requires a repairman must, at the time of application, recommend and certify to the Administrator at least one person as a repairman, by stating that he is able to perform and supervise the work to which he is assigned. Each person so certified must be at or above the level of shop foreman or department head. A qualified person so recommended by the station is entitled to be certificated as a repairman.

[Revision note: Combines §§ 52.23 and 52.23–1]

NOTE: The words "that requires a repairman" are inserted to reflect § 52.22, which does not require a repairman for each repair station, but only for certain types.

§ 145.43 Records of supervisory and inspection personnel.

(a) Each applicant for a domestic repair station certificate and rating, or for an additional rating, must have, and each certificated domestic repair station shall maintain, a roster of—

(1) Its supervisory personnel, including the names of the officials of the station that are responsible for its management and the names of its technical supervisors, such as foreman and crew chiefs; and

(2) Its inspection personnel, including the names of the chief inspector and those inspectors who make final airworthiness determinations before releasing an article to service.

(b) The station shall also provide a summary of the employment of each person whose name is on the roster. The summary must contain enough information as to each person on the roster to show compliance with the experience requirements of this subpart, including—

(1) His present title (e.g., chief inspector, metal shop foreman, etc.);

(2) His total years of experience in the type of work he is doing;

(3) His past employment record, with names of places and term of employment by month, date, and year;

(4) The scope of his present employment (e.g., airframe overhaul, airframe final assembly, engine inspection, department, etc.); and

(5) The type and number of the mechanic or repairman certificate that he holds, and the ratings on that certificate.

(c) The station shall change the roster, as necessary, to reflect—

(1) Terminating the employment of any person whose name is on the roster;

(2) Assigning any person to duties that require his name to be carried on the roster; or

(3) Any appreciable change in the duties and scope of assignment of any person whose name is on the roster.

(d) The station shall send the roster and employment summaries required by this section, and any changes therein, to the Administrator for evaluation and thereafter shall keep them, subject to inspection by the Administrator upon his request.

(e) A domestic repair station may not use the services of a person directly in charge of maintenance or alteration unless it keeps current records on him as required by this section.

[Revision note: Combines §§ 52.24 and 52.24–1]

§ 145.45 Inspection systems.

(a) An applicant for a repair station certificate and rating, or for an additional rating, must have an inspection system that will produce satisfactory quality control and conform to paragraphs (b) to (f) of this section.

(b) The applicant's inspection personnel must be thoroughly familiar with all inspection methods, techniques, and equipment used in their specialty to determine the quality or airworthiness of an article being maintained or altered. In addition, they must—

(1) Maintain proficiency in using various inspection aids intended for that purpose;

(2) Have available and understand current specifications involving inspection tolerances, limitations, and procedures established by the manufacturer of the product being inspected and with other forms of inspection information such as FAA airworthiness directives and bulletins; and

(3) In cases where magnetic, fluorescent, or other forms of mechanical inspection devices are to be used, be skilled in operating that equipment and be able to properly interpret defects indicated by it.

(c) The applicant must provide a satisfactory method of inspecting incoming material to insure that, before it is placed in stock for use in an aircraft or part thereof, it is in a good state of preservation and is free from apparent defects or malfunctions.

(d) The applicant must provide a system of preliminary inspection of all articles he maintains to determine the state of preservation or defects. He shall enter the results of each inspection on an appropriate form supplied by it and keep the form with the article until it is released to service.

(e) The applicant must provide a system so that before working on any airframe, powerplant, or part thereof that has been involved in an accident, it will be inspected thoroughly for hidden damage, including the areas next to the obviously damaged parts. He shall enter the results of this inspection on the inspection form required by paragraph (d) of this section.

(f) At the time he applies for a repair station certificate, the applicant must prepare an inspection procedures manual to be maintained in current condition at all times thereafter. The manual must explain the internal inspection system of the repair station in a manner easily understood by any employee of the station. It must state in detail the inspection requirements in paragraphs (a) to (e) of this section, and the repair station's inspection system including the continuity of inspection responsibility, samples of inspection forms, and the method of executing them. The manual must refer whenever necessary to the manufacturer's inspection standards for the maintenance of the particular article. The repair station must give a copy of the manual to each of its supervisory and inspection personnel and make it available to its other personnel. The repair station is responsible for seeing that all supervisory and inspection personnel are thoroughly familiar with the manual.

[Revision note: Combines §§ 52.25 and 52.25–1]

§ 145.47 Equipment and materials: Ratings other than limited ratings.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must have the equipment and materials necessary to efficiently perform the functions appropriate to the ratings he seeks. An applicant for an airframe, propeller, powerplant, radio, instrument, or accessory rating must be equipped to perform the functions listed in Appendix A[1] to this part that are appropriate for the rating he seeks.

(b) The equipment and materials required by this part must be of such type that the work for which they are being used can be done competently and efficiently. The station shall test all inspection and test equipment at regular intervals to insure correct calibration. The equipment and materials required for the various ratings must be located on the premises, and under the full control of the station, unless they are used for a function that the repair station is authorized to obtain by contract. If it obtains them by contract, the repair station shall determine the airworthiness of the article involved, unless the contractor is an appropriately rated repair station.

(c) The applicant shall choose suitable tools and equipment for the functions named in Appendix A[1] to this part, as appropriate to each of his ratings, using those the manufacturer of the article involved recommends for maintaining or altering that article, or their equivalent.

[Revision note: Combines §§ 52.30, 52.30–1, 52.31, 52.32, 52.33, 52.34, 52.35 and 52.36]

[1] For the purposes of this circulation, Appendix A has not been printed. It will state present §§ 52.31–1, 52.32–1, 52.33–1, 52.34–1, 52.35–1, and 52.36–1 without changes.

§ 145.49 Equipment and materials: Limited rating.

(a) An applicant for a limited rating (other than specialized services) under § 145.33, must have the equipment and materials to perform any job function appropriate to the rating and class specified in § 145.47 for the rating he seeks. However, he need not be equipped for a function that does not apply to the particular make or model article for which he seeks a rating, if he shows that it is not necessary under the recommendations of the manufacturer of the article.

(b) An applicant for a rating for specialized services or techniques under § 145.33 must—

(1) For magnetic and penetrant inspection, have the equipment and materials for wet and dry magnetic inspection techniques, residual and continuous methods, portable equipment for the inspection of welds both on and off the aircraft;

(2) For emergency equipment maintenance, have the equipment and materials to perform inspection, repair, and test of all types of inflated equipment, the repacking, re-marking, re-sealing, and restocking of life rafts, and the weighing, refilling, and testing of carbon dioxide fire extinguishers and oxygen containers;

(3) For rotor blade maintenance, have the equipment, materials, and technical data recommended by the manufacturer; and

(4) For aircraft fabric work, have the equipment and materials to apply protective coatings to structures, machine stitch fabric panels, perform covering, sewing, and rib stitching operations, apply dope and paint using temperature and humidity control equipment, install patches, grommets, tapes, hooks, and similar equipment, and refinish entire aircraft and aircraft parts.

[Revision note: Combines §§ 52.37 and 52.37–1]

NOTE: The two classes of emergency equipment ratings in § 52.37–1(2) are combined to reflect current industry practices.

§ 145.51 Privileges of certificates.

(a) A certificated domestic repair station may—

(1) Maintain or alter any airframe, powerplant, propeller, instrument, radio, or accessory, or part thereof, for which it is related;

(2) Approve and return to service any article for which it is rated after it has been maintained or altered; and

(3) In the case of a station with an airframe rating, perform 100-hour, periodic, or progressive inspections, and return the aircraft to service.

However, a station may not approve any article for return to service under subparagraph (2) of this paragraph after major repair or major alteration unless the repair or alteration was made in accordance with a manual or specification or another technical data approved by the Administrator.

[Revision note: Combines §§ 52.40, 52.41, and 52.41–1]

§ 145.53 Limitations of certificates.

A certificated domestic repair station may not maintain or alter any airframe, powerplant, propeller, instrument, radio, or accessory for which it is not rated, and may not maintain or alter any article for which it is rated if it requires special technical data, equipment, or facilities that are not available to it.

[Revision note: Based on § 52.42]

§ 145.55 Maintenance of personnel, facilities, equipment, and materials.

Each certificated domestic repair station shall maintain personnel, facilities, equipment, and materials at least equal in quality and quantity to the standards required for the issue of the certificate and rating that it holds.

[Revision note: Based on § 52.43]

§ 145.57 Performance standards.

(a) Each certificated domestic repair station shall perform its maintenance and alteration operations in accordance with the standards in Part ____ of this chapter [Present Part 18]. It shall maintain, in current condition, all manufacturers' service manuals, instructions, and service bulletins that relate to the articles that it maintains or alters.

(b) In addition, each certificated domestic repair station with a radio rating shall comply with those sections of Part ____ of this chapter [Present Part 18] that apply to electric systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating. It shall use test apparatus, shop equipment, performance standards, test methods, alterations, and calibrations that conform to the manufacturers' specifications or instructions, approved specification, FAA accepted specifications of the Radio Technical Commission for Aeronautics, and, if not otherwise specified, to accepted good practices of the aircraft radio industry. The tolerances established by Part 9 of Title 47, Chapter I (47 CFR Part 9) apply to the making of radio transmitter frequency checks.

[Revision note: Combines §§ 52.44 and 52.44–1]

§ 145.59 Inspection of work performed.

(a) Each certificated domestic repair station shall, before approving an airframe, powerplant, propeller, instrument, radio, or accessory for return to service after maintaining or altering it, have that article inspected by a qualified inspector. After performing a maintenance or alteration operation, the station shall certify on the maintenance or alteration record of the article that it is airworthy.

(b) For the purposes of paragraph (a) of this section, the qualified inspector must be a person employed by the station, who has shown by experience as a journeyman that he understands the inspection methods, techniques, and equipment used in determining the airworthiness of the article concerned. He must also be proficient in using various types of mechanical and visual inspec-

tion aids appropriate for the article being inspected.

[Revision note: Combines §§ 52.45 and 52.45–1]

NOTE: § 52.45–1(c) is omitted as obsolete and surplusage.

§ 145.61 Performance records and reports.

Each certificated domestic repair station shall maintain adequate records of all work that it does, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work. The station shall keep each record for at least two years after the work it applies to is done.

[Revision note: Based on § 52.46]

§ 145.63 Reports of defects or unairworthy conditions.

(a) Each certificated domestic repair station shall report to the Administrator within 72 hours after it discovers any serious defect in, or other recurring unairworthy condition of, an airframe, powerplant, or propeller, or any component of any of them. The report shall be made on a form and in a manner prescribed by the Administrator, describing the defect or malfunction completely without withholding any pertinent information.

(b) In any case where the filing of a report under paragraph (a) of this section might prejudice the repair station, it shall refer the matter to the Administrator for a determination as to whether it must be reported. If the defect or malfunction could result in an imminent hazard to flight, the repair station shall use the most expeditious method it can to inform the Administrator.

[Revision note: Combines §§ 52.47 and 52.47–1]

Subpart C—Foreign Repair Stations

§ 145.71 General requirements.

A repair station certificate with appropriate ratings may be issued for a foreign repair station, if the Administrator finds that the station is necessary for maintaining or altering United States registered aircraft outside of the United States. A foreign repair station must meet the requirements for a domestic repair station certificate, except those in §§ 145.39 to 145.43.

[Revision note: Combines §§ 52.50 and 52.50–1]

§ 145.73 Scope of work authorized.

(a) A certificated foreign repair station may, with respect to United States registered aircraft, work only on aircraft that are used in operations conducted wholly or partly outside of the United States. The Administrator may prescribe operating specifications and limitations that he determines are necessary to comply with the airworthiness requirements of this chapter.

(b) A certificated foreign repair station may perform only the specific services and functions within the ratings and classes that are stated in its operating limitations.

[Revision note: Combines §§ 52.51 and 52.51–1]

§ 145.75 Personnel.

(a) Each applicant for a foreign repair station certificate and rating, or for an additional rating, must provide enough personnel who are able to perform, supervise, and inspect the work for which he seeks a rating, with regard being given to its volume of work.

(b) The supervisors and inspectors of each certificated foreign repair station must understand the regulations in this chapter, FAA airworthiness directives, and the maintenance and service instructions of the manufacturers of the articles to be worked on. However, they do not need airman certificates issued under this chapter and, along with the persons performing the work of the station, are not considered to be airmen within the meaning of section 101(7) of the Federal Aviation Act of 1958 (49 U.S.C. 1301) with respect to work performed in connection with their employment by the foreign repair station.

(c) In cases where the persons engaged in supervision or final inspection are not certificated under this chapter or by the country in which the station is located, their qualifications are determined by the Administrator, based on their ability to meet the requirements of paragraph (a) of this section as shown by oral or practical test or any other method the Administrator elects.

(d) No person may be responsible for the supervision or final inspection of work on an aircraft of United States registry at a foreign repair station unless he can read, write, and understand English.

[Revision note: Combines §§ 52.52 and 52.52–1]

§ 145.77 General operating rules.

Each certificated foreign repair station shall comply with the operating rules prescribed in Subpart B of this part, except for §§ 145.61 and 145.63.

[Revision note: Based on § 52.60]

§ 145.79 Records and reports.

(a) Each certificated foreign repair station shall maintain such records, and make such reports, with respect to United States registered aircraft, as the Administrator finds necessary, including those prescribed in paragraphs (b) and (c) of this section.

(b) Each certificated foreign repair station shall keep a record of the maintenance and alteration it performs on United States registered aircraft, in enough detail to show the make, model, identification number, and serial number of the aircraft involved, and a description of the work. In a case of major repairs or major alterations, or both, it shall report on a form and in a manner prescribed by the Administrator, giving the original copy to the aircraft owner and sending a copy to the Administrator through the FAA office having jurisdiction over the station. However, if a major repair or alteration is made on a United States scheduled flag air carrier aircraft, the report may be made in the log or other record provided by the carrier for that purpose. Upon request, the station shall make all of its maintenance records available to the Administrator.

(c) Each certificated foreign repair station shall, within 72 hours after it discovers any serious defect in, or other recurring unairworthy condition of, any airframe, powerplant, propeller, or any component of any of them, that it works on under this part, report that defect or unairworthy condition to the Administrator.

[Revision note: Combines §§ 52.61 and 52.61–1]

PART 145—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
52.0	145.1	52.24	145.43
52.1	(1)	52.24–1	145.43
52.5	145.11	52.25	145.45
52.5–1 (less (c)–(f))	145.11	52.25–1	145.45
52.5–1(c)	145.15	52.26	145.31
52.5–1 (d) and (e)	145.13	52.26–1	145.31
52.5–1(f) (1st sentence)	145.17	52.27	145.33
52.5–1(f) (last sentence)	145.3	52.27–1	145.33
52.5–1(f) (less 1st and last sentences)	145.15	52.30	145.47
52.6 (less last sentence)	145.11	52.30–1	145.47
52.6 (last sentence)	145.3	52.31	145.47
52.6–1	145.3	52.31–1	(2)
52.7	145.17	52.32	145.47
52.7–1	145.17	52.32–1	(2)
52.8	(2)	52.33	145.47
52.9	145.19	52.33–1	(2)
52.9–1	145.19	52.34	145.47
52.10	145.21	52.34–1	(2)
52.10–1	145.21	52.35	145.47
52.11	145.25	52.35–1	(2)
52.11–1	145.25	52.36	145.47
52.11–2	145.25	52.36–1	(2)
52.11–3	145.25	52.37	145.49
52.12	145.23	52.37–1	145.49
52.12–1	145.23	52.40	145.51
52.12–2	145.23	52.41	145.51
52.13	145.15	52.41–1	145.51
52.13–1	145.15	52.42	145.53
52.20	145.11	52.43	145.55
52.20–1	145.11	52.44	145.57
52.21	145.35	52.44–1	145.57
52.21–1	145.35	52.45	145.59
52.21–2	145.35	52.45–1	145.59
52.21–3	145.37	52.46	145.61
52.22	145.39	52.47	145.63
52.22–1	145.39	52.47–1	145.63
52.23	145.41	52.50	145.71
52.23–1	145.41	52.50–1	145.71
		52.51	145.73
		52.51–1	145.73
		52.52	145.75
		52.52–1	145.75
		52.60	145.77
		52.61	145.79
		52.61–1	145.79

[1] Transferred to Part 1.
[2] Executed.
[3] Appendix A.

PART 147—MECHANIC SCHOOLS [NEW]

Subpart A—General

Sec.
147.1 Applicability.
147.3 Certificate required.
147.5 Application and issue.
147.7 Duration of certificates.

Subpart B—Certification Requirements

147.11 Ratings.
147.13 Facilities, equipment, and material requirements.
147.15 Space requirements.
147.17 Instructional equipment requirements.
147.19 Material, tool, and shop equipment requirements.
147.21 General curriculum requirements.
147.23 Instructor requirements.

Subpart C—Operating Rules

Sec.
147.31 Instruction, attendance, and tests.
147.33 Records.
147.35 Transcripts and graduation certificates.
147.37 Maintenance of facilities, equipment, and material.
147.39 Display of certificates.
147.41 Change of location.
147.43 Inspection.
147.45 Advertising.

Subpart A—General

§ 147.1 Applicability.

This part prescribes the requirements for issuing mechanic school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

[Revision note: Based on § 53.0]

§ 147.3 Certificate required.

No person may operate as a certificated mechanic school without, or in violation of, a mechanic school certificate issued under this part.

[Revision note: Based on § 53.6 (last sentence)]

§ 147.5 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator, and submitted with—

(1) A description of the proposed curriculum;

(2) A list of the facilities and materials to be used (with photographs of the facilities, if possible);

(3) A list of its instructors, including the kind of certificate and ratings held, the certificate number, and the subjects to be taught by each; and

(4) A statement of the maximum number of students it expects to teach at any one time.

(b) An applicant who meets the requirements of this part is entitled to a mechanic school certificate and associated ratings prescribing such operations specifications and limitations as are necessary in the interests of safety.

[Revision note: Combines §§ 53.5, 53.5–1, 53.6 (less last sentence), 53.12, 53.20, 53.20–1 and 53.21]

§ 147.7 Duration of certificates.

(a) A mechanic school certificate or rating is effective until it is surrendered, suspended, or revoked.

(b) The holder of a certificate that is surrendered, suspended, or revoked, shall return it to the Administrator.

[Revision note: Combines §§ 53.7 and 53.7–1]

Subpart B—Certification Requirements

§ 147.11 Ratings.

The following ratings are issued under this part:

(a) Airframe.

(b) Powerplant.

(c) Airframe and powerplant.

[Revision note: Based on § 53.14]

§ 147.13 Facilities, equipment, and material requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have at least the facilities, equipment, and materials specified in §§ 147.15 to 147.19 that are appropriate to the rating he seeks.

[Revision note: Based on § 53.22]

§ 147.15 Space requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have such of the following properly heated, lighted, and ventilated facilities as are appropriate to the rating he seeks and as the Administrator determines are appropriate for the maximum number of students expected to be taught at any time:

(a) A classroom (or a drafting room used for classroom purposes when not being used as a drafting room).

(b) A drafting room with drafting tables, T squares, and other necessary drawing equipment.

(c) A stockroom arranged to assure proper separation from the working space for the segregation and protection of parts, tools, materials, and other similar articles.

(d) Suitable separate space in a permanent or temporary structure, with proper temperature control, for doping and paint spraying.

(e) Suitable separate space equipped with wash tank and degreasing equipment with air pressure, or other adequate cleaning equipment.

(f) Suitable separate space with either permanent, portable, or mobile test stands and test clubs for running-in engines.

(g) Suitable separate space, with adequate equipment, including benches, tables, and instruments, to disassemble, repair, assemble, test, service, and inspect—

(1) Ignition, electrical equipment, and appliances;

(2) Carburetors and fuel systems; and

(3) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(h) Suitable space, with adequate equipment, including tables, benches, horses, stands, and jacks, for disassembling, inspecting, assembling, and rigging aircraft.

(i) Suitable space, with adequate equipment, for disassembling, inspecting, overhauling, assembling, troubleshooting, and timing engines.

[Revision note: Combines §§ 53.24 and 53.24–1]

§ 147.17 Instructional equipment requirements.

(a) An applicant for a mechanic school certificate and rating, or for an additional rating, must have such of the following instructional equipment as is appropriate to the rating he seeks:

(1) Various kinds of fuselages, wings (or wing sections, in the case of large aircraft), control surfaces, landing gears, radios, instruments, propellers (including wood and metal fixed pitch and adjustable and controllable metal), and aircraft reciprocating engines (including at least one opposed type, one in-line type, one radial type of at least 350 horsepower, and one supercharged type).

(2) At least one aircraft of a type currently certificated by FAA for private or commercial operation, with powerplant, propeller, instruments, two-way radio, landing lights, flares, and other equipment and accessories on which a mechanic might be required to work and with which he should be familiar.

(b) The equipment required by paragraph (a) of this section need not be in an airworthy condition. However, if it was damaged, it must have been repaired enough for complete assembly.

(c) Airframes, powerplants, propellers, appliances, and components thereof, on which instruction is to be given, and from which practical working experience is to be gained, must be so diversified as to show the different methods of construction, assembly, inspection, and operation when installed in an aircraft for use. There must be enough units so that not more than eight students will work on any one unit at a time.

(d) If the aircraft used for instructional purposes does not have retractable landing gear and wing flaps, the school must provide training aids, or operational mock-ups of them.

[Revision note: Combines §§ 53.25, 53.25–1, and 53.25–2]

§ 147.19 Material, tool, and shop equipment requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have an adequate supply of material and tools, and such of the shop equipment, special tools, and other miscellaneous tools and equipment listed in Appendix A[1] to this part, as are appropriate to the rating he seeks and are used in constructing and maintaining aircraft, to assure that each student will be properly instructed. The tools and shop equipment must be in satisfactory working condition and of the proper kind for the purpose for which they are to be used.

[Revision note: Based on § 53.26]

§ 147.21 General curriculum requirements.

(a) An applicant for a mechanic school certificate and rating, or for an additional rating, must have an approved curriculum that is designed to qualify his students to perform the duties of a mechanic for a particular rating or ratings.

(b) The curriculum must offer at least the following number of hours of instruction for the rating shown:

(1) Airframe—960 hours.
(2) Powerplant—960 hours.
(3) Combined airframe and powerplant—1,650 hours.

(c) An airframe curriculum must cover the subjects set forth in Appendix B[2] to this part.

[1] Appendix A has not been printed for the purposes of this circulation. It will state present § 53.26–1 without change.
[2] Appendix B has not been printed for the purposes of this circulation. It will state present § 50.40–1 without change.

(d) A powerplant curriculum must cover the subjects set forth in Appendix C [3] to this part.

(e) The curriculum must be so designed that at least 60 percent of the total curriculum time is spent in shop and laboratory instruction.

[Revision note: Combines §§ 53.27 (less last 12 words of last sentence), 53.27–1, 53.28, 53.40, and 53.41]

§ 147.23 Instructor requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must provide such number of instructors holding appropriate mechanic certificates and ratings, as the Administrator determines necessary to provide adequate instruction and supervision of the students. However, he may provide specialized instructors, who are not certificated mechanics, to teach mathematics, physics, drawing, and similar subjects.

[Revision note: Combines §§ 53.42 and 53.42–1]

Subpart C—Operating Rules

§ 147.31 Instruction, attendance, and tests.

(a) A certificated mechanic school may not require any student to attend classes of instruction more than eight hours in any day or more than six days or 40 hours in any seven-day period.

(b) Each school shall give an appropriate test to each student who completes a subject at that school.

(c) A school may credit a student with instruction he has satisfactorily completed at another mechanic school, accredited college, State-owned vocational or trade school, or military technical specialty school. It may determine the amount of credit to be allowed by giving the applicant an entrance test equal to the one given to students who complete a course or phase at the school, or by an authenticated transcript of his grades from his former school, showing the curriculum in which he was enrolled, the hours of attendance, and his grades in each subject. However, in the case of an applicant with military technical specialty training, it may determine the amount of credit only on the basis of the entrance examination.

(d) A school may not change its approved curriculum unless the change is approved in advance.

(e) A school may not have more students enrolled than the number stated in its application for a certificate, unless it amends its application and has it approved.

[Revision note: Combines §§ 53.21–1, 53.27 (last 12 words of last sentence), 53.50, 53.51, 53.52, 53.52–1, 53.53, 53.53–1, and 53.53–2 (less last sentence)]

NOTE: § 53.51 is omitted as obsolete.

§ 147.33 Records.

(a) Each certificated mechanic school shall keep a current record of each student enrolled, showing—

(1) His attendance, courses, tests, and grades;

(2) The instruction credited to him under § 147.31(c), if any; and

(3) The authenticated transcript of his grades from that school.

It shall retain the record for at least two years after the end of the student's enrollment, and shall make each record available for inspection by the Administrator during that period.

(b) Each school shall keep a current progress chart or individual progress record for each of its students, showing the practical projects or laboratory work completed, or to be completed, by the student in each phase of his course.

[Revision note: Combines §§ 53.53–2 (last sentence), 53.56 and 53.56–1]

§ 147.35 Transcripts and graduation certificates.

(a) Each certificated mechanic school shall give a transcript of his grades to each student who is graduated from that school or who leaves it before being graduated. An official of the school shall authenticate the transcript. The transcript must state the curriculum and courses in which the student was enrolled, whether the student satisfactorily completed that curriculum and courses, and the final grades he received.

(b) Each school shall give a graduation certificate to each student that it graduates. An official of the school shall authenticate the certificate. The certificate must show the date of graduation and his average grade, reflecting his standard of performance during the entire course rather than the grades made on his final test.

[Revision note: Combines §§ 53.54, 53.55 and 53.55–1]

§ 147.37 Maintenance of facilities, equipment, and material.

(a) Each certificated mechanic school shall maintain its facilities, equipment, and material equal to the standards required for the issue of the certificate and rating that he holds.

(b) A school may not make a substantial change in facilities, equipment, or material that have been approved for a particular curriculum, unless that change is approved in advance.

[Revision note: Combines §§ 53.23 and 53.57]

§ 147.39 Display of certificate.

Each holder of a mechanic school certificate and ratings shall display them at a place in the school that is normally accessible to the public and is not obscured. The certificate must be available for inspection by the Administrator.

[Revision note: Combines §§ 53.9 and 53.9–1]

§ 147.41 Change of location.

The holder of a mechanic school certificate may not make any change in the school's location unless the change is approved in advance. If the holder desires to change the location he shall notify the Administrator, in writing, at least 30 days before the date the change is contemplated. If he changes its location without approval, the certificate is revoked.

[Revision note: Combines §§ 53.10 and 53.10–1]

§ 147.43 Inspection.

The Administrator may, at any time, inspect a mechanic school to determine its compliance with this part. Such an inspection is normally made once each six months to determine if the school continues to meet the requirements under which it was originally certificated. After such an inspection is made, the school is notified, in writing, of any deficiencies found during the inspection. Other informal inspections may be made from time to time.

[Revision note: Combines §§ 53.11, 53.11–1 and 53.11–2]

§ 147.45 Advertising.

(a) A certificated mechanic school may not make any statement relating to itself that is false or is designed to mislead any person considering enrollment therein.

(b) Whenever a mechanic school indicates in advertising that it is a certificated school, it shall clearly distinguish between its approved courses and those that are not approved.

[Revision note: Based on § 53.13]

PART 147—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
53.0	147.1	53.26–1	[4]
53.1	[1]	53.27 (less last 12 words of last sentence)	147.21
53.5	147.5	53.27–1	147.21
53.5–1	147.5	53.28	147.21
53.6 (last sentence)	147.3	53.40	147.21
53.6 (less last sentence)	147.5	53.40–1	[4]
53.7	147.7	53.41	147.21
53.7–1	147.7	53.41–1	[2]
53.8	[3]	53.42	147.23
53.8–1	[3]	53.42–1	147.23
53.9	147.39	53.50	147.31
53.9–1	147.39	53.51	147.31
53.10	147.41	53.52	147.31
53.10–1	147.41	53.52–1	147.31
53.11	147.43	53.53	147.31
53.11–1	147.43	53.53–1	147.31
53.11–2	147.43	53.53–2 (less last sentence)	147.31
53.12	147.5	53.53–2 (last sentence)	147.33
53.13	147.45	53.54	147.35
53.14	147.11	53.55	147.35
53.20	147.5	53.55–1	147.35
53.20–1	147.5	53.56	147.33
53.21	147.5	53.56–1	147.33
53.21–1	147.31	53.57	147.37
53.22	147.13		
53.23	147.37		
53.24	147.15		
53.24–1	147.15		
53.25	147.17		
53.25–1	147.17		
53.25–2	147.17		
53.26	147.19		

[1] Transferred to Part 1.
[2] Executed.
[3] Appendix A.
[4] Appendix B.
[5] Appendix C.

[3] Appendix C has not been printed for the purposes of this circulation. It will state present § 50.41–1 without change.

PART 149—PARACHUTE LOFTS [New]

Sec.
149.1 Applicability.
149.3 Application and issue.
149.5 Duration of certificate.

Sec.
149.7 Cooperation during inspection or test.
149.9 Persons authorized to maintain or alter parachutes.
149.11 Ratings.
149.13 Eligibility requirements: General.
149.15 Reports and records.
149.17 Maintenance of personnel, facilities, equipment, and material.
149.19 Maintenance and alteration standards.
149.21 Material standards.
149.23 Drop testing.
149.25 Display of certificate.
149.27 Change of location.

§ 149.1 Applicability.

This part prescribes the requirements for issuing parachute loft certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

[Revision note: Supplied]

§ 149.3 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to a parachute loft certificate and appropriate ratings.

(c) The holder of a parachute loft certificate that has been revoked may not apply for a certificate and rating under this part for one year after it is revoked, unless the order of revocation provides otherwise.

[Revision note: Combines §§ 54.3, 54.5, 54.11 and 54.14]

NOTE: § 54.11 is omitted as surplusage.

§ 149.5 Duration of certificate.

(a) A parachute loft certificate is effective until it is surrendered, suspended, or revoked. However, the Administrator may cancel such a certificate at any time within 60 days after the date it is issued.

(b) The holder of a parachute loft certificate that is surrendered, suspended, or revoked, shall upon the Administrator's request, return it to the Administrator.

[Revision note: Combines §§ 54.4 and 54.12]

§ 149.7 Cooperation during inspection or test.

Upon the Administrator's request, each applicant for a parachute loft certificate must, and each holder of such a certificate shall, cooperate fully during any inspection or test of him, or his personnel, facilities, equipment, and records, by the Administrator.

[Revision note: Based on § 54.13]

§ 149.9 Persons authorized to maintain or alter parachutes.

(a) Only the following persons may maintain or alter a parachute:

(1) Any person authorized by Part ---- of this chapter [Present Part 25].

(2) A certificated parachute loft with an appropriate rating.

(3) The manufacturer.

(4) Any other manufacturer that the Administrator considers to be competent.

(b) Each person who maintains or alters a parachute must perform that maintenance or make that alteration in accordance with approved manuals and specifications.

[Revision note: Based on § 54.22]

§ 149.11 Ratings.

(a) The following ratings are issued under this part:

(1) Packing and general maintenance (not including major repair, inspection, or overhaul).

(2) Canopy overhaul.

(3) Harness overhaul.

(4) Metal parts and container overhaul.

(5) Drop testing.

(b) A parachute loft rating record is attached to each certificate issued under this part. It contains the names of the ratings issued to the holder of the certificate.

[Revision note: Combines §§ 54.1 and 54.16]

§ 149.13 Eligibility requirements: general.

To be eligible for a parachute loft certificate and associated ratings, or for an additional rating, an applicant must—

(a) Have personnel who are certificated and appropriately rated under Part ---- of this chapter [Present Part 25] and who are qualified to perform or supervise the kind of work for which the applicant seeks a rating; and

(b) Have the equipment, material, and facilities necessary to do efficiently the kind of work for which he seeks a rating, including suitable housing that is adequately heated, lighted, and ventilated, an adequate inspection system, adequate drawing equipment, and adequate facilities for segregating and storing parts and materials.

[Revision note: Based on § 54.2]

§ 149.15 Reports and records.

(a) Each holder of a parachute loft certificate shall make an adequate record, including the names of the persons doing the work, of all work done by him. He shall keep each record made for at least two years after the work is done.

(b) Each holder of a parachute loft certificate shall report, on a form prescribed by the Administrator, any recurring or serious defect, or other unairworthy conditions, that he finds in a parachute or a part thereof.

[Revision note: Combines §§ 54.15, 54.17, and 54.21]

NOTE: § 54.17 is omitted as obsolete.

§ 149.17 Maintenance of personnel, facilities, equipment, and material.

Each holder of a parachute loft certificate shall maintain personnel, facilities, equipment, and material at least equal to that currently required by § 149.13 for the issue of the certificate and ratings he holds.

[Revision note: Based on § 54.18]

§ 149.19 Maintenance and alteration standards.

Each holder of a parachute loft certificate shall perform maintenance and alteration operations in a workmanlike manner so as to maintain the article worked on in, or restore it to, an airworthy condition.

[Revision note: Based on § 54.19]

§ 149.21 Material standards.

Each holder of a parachute loft certificate shall use materials of proper strength and quality for the maintenance or alteration operation being performed.

[Revision note: Based on § 54.20]

§ 149.23 Drop testing.

(a) Only the following may drop test a parachute:

(1) The manufacturer.

(2) Any other manufacturer that the Administrator considers to be competent.

(3) A certificated parachute loft with a drop testing rating.

(b) Each holder of a parachute loft certificate shall drop test each parachute on which he has performed a major repair or alteration on a canopy, harness, container, accessory, or any combination of them, whenever the certificated master parachute rigger who inspected it considers that the repair or alteration may have affected the structural, functional, or other airworthiness characteristic of the article.

(c) Whenever it is necessary to determine the functional characteristics of an entire parachute assembly, the loft shall drop test it with a 150 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 70 miles an hour and an altitude of at least 500 feet above the ground.

(d) Whenever it is necessary to determine the material strength values in an entire parachute assembly, or the material airworthiness of the entire assembly before maintenance, the loft shall drop test it with a 190 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 120 miles an hour and an altitude of at least 500 feet above the ground.

[Revision note: Based on § 54.23]

§ 149.25 Display of certificate.

Each holder of a parachute loft certificate and ratings shall display them in a prominent place in the parachute loft.

[Revision note: Based on § 54.10]

§ 149.27 Change of location.

The holder of a parachute loft certificate may not make any change in the loft's location unless the change is approved, in writing, in advance. If the holder desires to change the location he shall mail the request to the Assistant Administrator of the region in which the loft is located.

[Revision note: Based on § 54.6]

PART 149—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
54.1	149.11	54.15	149.15
54.2	149.13	54.16	149.11
54.3	149.3	54.17	149.15
54.4	149.5	54.18	149.17
54.5	149.3	54.19	149.19
54.6	149.27	54.20	149.21
54.10	149.25	54.21	149.15
54.11	149.3	54.22	149.9
54.12	149.5	54.23	149.23
54.13	149.7	54.30	(1)
54.14	149.3		

[1] Transferred to Part 1.

[F.R. Doc. 62-3742; Filed, Apr. 18, 1962; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 35]

[21-371]

WALLPAPER INDUSTRY

Proposed Trade Practice Rules; Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Wallpaper Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 3, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a.m., e.d.t., on May 3, 1962, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations and organizations engaged in the manufacture, sale, or distribution of wall coverings which are applied with an adhesive to produce a permanent or semipermanent bond. The wall coverings may be composed of such basic materials as paper, cloth, plastics, glass or combinations thereof.

These proceedings were instituted pursuant to industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in New York, N.Y., at which proposed rules suggested by industry members were considered and discussed. The announced hearing constitutes a further step in the proceedings.

Issued: April 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3816; Filed, Apr. 18, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 188]

[Ex Parte No. MC-1]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Petition for Relief

APRIL 13, 1962.

Notice is hereby given that the B. D. C. Corporation, by their attorney, David Axelrod, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., has filed a petition (Ex Parte No. MC-1) with the Interstate Commerce Commission praying that the Commission enter an order granting relief from the Commission's order in said proceeding to the extent that the petitioner may be permitted to extend credit for a period of 30 days rather than 7 days as provided in Rule 188.1 (49 CFR 188.1) issued under 49 Stat. 565 and 49 U.S.C. 323, and that said determination be made applicable to all others similarly situated. Copies of the petition may be obtained from said attorney.

Any persons interested in any of the matters in said petition, may, on or before May 17, 1962, file replies to the petition supporting or opposing the relief sought. An original and 14 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioner's attorney at the above address.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3812; Filed, Apr. 18, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS

Delegation of Authority Concerning National Industrial Reserve Act of 1948

The Secretary of Defense approved the following delegation of authority on April 10, 1962:

Pursuant to section 202(f) of the National Security Act of 1947, as amended (63 Stat. 581), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), the Assistant Secretary of Defense (Installations and Logistics) is hereby authorized to exercise the responsibilities of the Secretary of Defense under the National Industrial Reserve Act of 1948 (62 Stat. 1225) with power of redelegation.

Delegation of authority published at 24 F.R. 463 is hereby superseded.

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 62-3783; Filed, Apr. 18, 1962; 8:45 a.m.]

COMMANDER, JOINT TASK FORCE EIGHT

Authority To Convene General Courts-Martial

The Secretary of Defense approved the following on April 10, 1962:

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22(a) (7), I empower the Commander, Joint Task Force Eight, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17(a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces who are assigned to or on duty with Headquarters, Joint Task Force Eight. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a(2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 62-3784; Filed, Apr. 18, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 575, Amdt. 1]

OUTER CONTINENTAL SHELF OFFICE

Delegation of Authority

APRIL 12, 1962.

Paragraph 1(b) is amended to read as follows:

1. *Mineral leases of submerged lands of the Outer Continental Shelf.* * * *

(b) Mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), and the regulations under 43 CFR Part 201, except the issuance of calls for the submission of requests for oil and gas or other mineral lease offerings pursuant to § 201.20 and the publication of notices of the offer of lands for lease pursuant to § 201.21.

H. R. HOCHMUTH, *Associate Director.*

[F.R. Doc. 62-3792; Filed, Apr. 18, 1962; 8:45 a.m.]

UTAH

Notice of Delegation of Purchasing Authority

APRIL 12, 1962.

Pursuant to authority contained in Order No. 679 of Director, Bureau of Land Management dated June 27, 1961, I hereby redelegate to the following listed employees of the Bureau of Land Management for the State of Utah, effective this date, authority to make open market purchases in situations of emergency and when the government's interests will be facilitated in amounts not to exceed $100 for supplies, materials, and services within the limitation here indicated:

Employees of Utah State Office: Field examiners (Minerals and Lands), recreation, range, forestry, wildlife and conservationist specialists, and information and education officer.

Employees of District Offices: Principal range managers, foresters, land specialists and conservationists, and construction & maintenance superintendents.

This authority shall be exercised in accordance to applicable limitations set forth in the Federal Property and Administration Services Act of 1949, as amended and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

R. D. NIELSON, *State Director.*

[F.R. Doc. 62-3793; Filed, Apr. 18, 1962; 8:45 a.m.]

[Arizona 031306]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Arizona 031306 for the withdrawal of the lands described below, from mineral entry, subject to existing valid rights.

The applicant desires the land for the proposed location and construction of the proposed Granite Reef and Salt-Gila Aqueducts, Central Arizona Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Ariz.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 5 N., R. 1 W.,
Sec. 23: All;
Sec. 24: W½, W½E½;
Sec. 29: SW¼SE¼;
Sec. 30: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼ (All);
T. 5 N., R. 2 W.,
Sec. 34: Lots 1, 2, 3, 4, N½S½, N½ (All);
Sec. 35: Lots 1, 2, 3, 4, N½S½, N½ (All);
T. 4 N., R. 3 W.,
Sec. 15: S½;
Sec. 19: Lots 1, 2, 3, 4, E½E½ (All);
Sec. 21: N½, N½SE¼;
Sec. 23: NW¼;
Sec. 24: All;
T. 4 N., R. 4 W.,
Sec. 13: SW¼;
Sec. 23: N½;
T. 3 N., R. 5 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 10: All;
Sec. 11: W½;
Sec. 14: NW¼, SW¼, W½SE¼;
Sec. 15: All;
Sec. 16: All;
T. 4 N., R. 5 W.,
Sec. 35: All;
T. 3 N., R. 11 W.,
Sec. 19: Lots 1 and 2, E½NW¼, NE¼;
T. 5 N., R. 1 E.,
Sec. 21: NW¼, E½SW¼;
Sec. 23: S½;
Sec. 25: All;
Sec. 26: All;
Sec. 28: E½NW¼, SW¼;
T. 5 N., R. 2 E.,
Sec. 31: SE¼;
T. 4 N., R. 3 E.,
Sec. 10: NE¼;

Thursday, April 19, 1962

FEDERAL REGISTER

T. 4 N., R. 4 E.,
Sec. 35: Lots 3 and 4;
T. 4 N., R. 5 E.,
Sec. 31: NE¼SW¼, N½SE¼;
T. 1 N., R. 8 E.,
Sec. 31: Lots 1, 2, 3, 4, E½W½, E½ (All);
T. 4 S., R. 9 E.,
Sec. 9: W½;
Sec. 21: NE¼, E½NW¼, NE¼SE¼;
Sec. 22: N½, N½S½;
Sec. 23: W½NE¼, NW¼, N½SW¼;
Sec. 28: N½.

The area described above aggregates approximately 14,877.78 acres.

Dated: April 10, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-3794; Filed, Apr. 18, 1962; 8:45 a.m.]

[Idaho 011615]

IDAHO

Order Providing for Opening of Lands

APRIL 11, 1962.

The State of Idaho has certified that the hereinafter described lands patented to the State under the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U.S.C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of this tract. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 36 E.,
Sec. 24: NE¼NW¼.

The area described totals 40 acres of public lands.

The land is located in Bannock County about two miles northwesterly from Downey, Idaho. The topography is mainly nearly level. The soils are fine silts with commingled and underlain gravel. Vegetative cover consist mainly of the big sage and cheatgrass with some greasewood. About 75 percent of the land is of arable character.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on April 23, 1962 will be considered as simultaneously filed as of that date and hour. The lands will also be open to mining locations at that date and hour.

Inquiries and applications concerning the above lands shall be addressed to the Land Office Manager, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-3795; Filed, Apr. 18, 1962; 8:45 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 12, 1962.

Notice of an application Serial No. Idaho 08069, for withdrawal and reservation of lands was published as F.R. Doc. 58-2611 on page 2359 of the issue for April 10, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 27, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in the notice of termination are:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 37 E.,
Sec. 6: Lot 3;
Sec. 16: E½NW¼.

The areas described total 104.92 acres.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-3796; Filed, Apr. 18, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 set forth below to Construction Permit No. CPPR-9. The amendment to the permit, as requested by Consumers Power Company's application Amendment No. 5, amends the schedule of transfers between the Commission and the permittee, during the fiscal years 1962, 1963, and 1964, of special nuclear material for use in connection with operation of the permittee's nuclear reactor to be located at Big Rock Point, Michigan. The allocation of special nuclear material to Consumers Power Company for use through 2000 in connection with operation of the reactor is not changed by the amendment.

The Commission has found that the proposed design changes in the initial core and the proposed changes in fuel considerations for the Phase I of the research and development program provide good cause for amending the schedule and that the authority conferred by the amendment itself has no effect on the nuclear characteristics of the reactor.

The Commission has further found that issuance of the amendment is not inimical to the common defense and security and that prior public notice of proposed issuance of the amendment is not necessary since matters concerning hazards to the public are not involved.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the amendment to the permit upon receipt of a request therefor from the permittee or an intervener within fifteen days after the publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see Amendment No. 5 submitted by Consumers Power Company which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 12th day of April 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit No. CPPR-9; Amdt. 1]

Pursuant to the Commission's regulations in Parts 50 and 70, 10 CFR, Appendix "A" to Construction Permit No. CPPR-9 issued to Consumers Power Company for its reactor to be located at Big Rock Point, Michigan, is hereby amended by changing the estimated schedule of transfers of special nuclear material between the permittee and the Commission during the fiscal years 1962, 1963, and 1964 to read as follows:

Estimated Schedules of Transfers of Special Nuclear Material From the Commission to Consumers Power Co. and to the Commission From Consumers Power Co.

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Consumers kgs U-235	(3) Returns by Consumers to AEC kgs U-235		(4) Net yearly distribution including cumulative losses kgs U-235	(5) Cumulative distribution including cumulative losses kgs U-235
		Cold scrap	Spent fuel		
1962	423.0	34.0	0	389.0	389.0
1963	60.0	7.0	0	53.0	442.0
1964	54.0	10.0	0	44.0	486.0

All other items remain unchanged.

This amendment is effective as of the date of issuance.

Date of issuance: April 12, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-3782; Filed, Apr. 18, 1962; 8:45 a.m.]

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Hearing on Amendment to Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on May 22, 1962, in the Auditorium of the United States Atomic Energy Commission Headquarters in Germantown, Maryland, to consider an amendment of Provisional Operating License No. TR-3, as amended, issued to the above-named licensee under section 104(c) of the Atomic Energy Act of 1954, as amended. The proposed amendment would permit full power operation of 60 megawatts (thermal) of a heterogeneous, light water cooled and moderated, test reactor located at the National Aeronautics and Space Administration Plum Brook Facilities, Sandusky, Ohio, for a period not to exceed eighteen (18) months, and the conduct of an experimental program. Documents pertinent to this proceeding and the record of prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the licensee with respect to operation of the reactor at full power of 60 megawatts (thermal) and the conduct of an experimental program has been submitted.

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit, and the application, as amended, the provisions of the Act and the rules and regulations of the Commission for the operation of the reactor at full power of 60 megawatts (thermal) and the conduct of an experimental program.

3. Whether there is reasonable assurance that the operation of the reactor at full power of 60 megawatts (thermal) and the experimental program can be conducted without endangering the public and that said activities will be conducted in compliance with the rules and regulations of the Commission.

4. Whether the National Aeronautics and Space Administration is technically qualified to operate the reactor at full power of 60 megawatts (thermal) and to conduct an experimental program in accordance with the rules and regulations of the Commission.

5. Whether the operation of the reactor at full power of 60 megawatts (thermal) and the conduct of an experimental program will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the Commission's Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. not later than May 17, 1962 or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before May 11, 1962 by the licensee.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to § 2.708 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 16th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-3846; Filed, Apr. 18, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

MERCHANTS' EXCHANGE OF ST. LOUIS

Board of Trade Designated as Contract Market Under Commodity Exchange Act

Notice is hereby given that under the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17a), the Merchants' Exchange of St. Louis was designated as a contract market for mill feeds under the provisions of said Act on April 13, 1962, effective on said date.

Done at Washington, D.C., this 13th day of April 1962.

ALEX C. CALDWELL,
Administrator.

[F.R. Doc. 62-3809; Filed, Apr. 18, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 85]

REGIONAL ASSISTANT ADMINISTRATORS

Delegation of Authority for Acquisition of Real Property by Condemnation

1. *Purpose.* The purpose of this order is to delegate to the regional Assistant Administrators certain authority of the Administrator with respect to the acquisition by condemnation of real property or interests therein in connection with the establishment of air navigation facilities.

2. *Delegation.* Pursuant to section 303 (d) of the Federal Aviation Act of 1958, as amended, authority is hereby delegated to the regional Assistant Administrators to take final action relating to the acquisition of real property or interests therein by condemnation, as vested in the Administrator of the Federal Aviation Agency under section 303(c) of the Federal Aviation Act, when such acquisition is for the purpose of establishing air navigation facilities pursuant to section 307(b) of said Act. This includes all authority vested in the Administrator under the act of August 1, 1888 (40 U.S.C. 257, 25 Stat. 357), the act of February 26, 1931 (40 U.S.C. 258a-258e, 46 Stat. 1421), and any other law pertaining to acquisition of real property or interests therein by condemnation.

3. *Redelegation.* The regional Assistant Administrators may, subject to such conditions and limitations as they may prescribe, redelegate any authority herein delegated to them to any of their subordinates, but may not provide for further redelegation by any such subordinates.

4. *Effective date.* This order is effective this date. It supersedes section 2d of Agency Bulletin 60-5 dated March 10, 1960.

Issued in Washington, D.C., on April 5, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3785; Filed, Apr. 18, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14600; FCC 62-395]

BIRCH BAY BROADCASTING CO., INC. (KARI)

Order Designating Application for Hearing on Stated Issues

In re application of Birch Bay Broadcasting Company, Inc. (KARI), Blaine, Washington, Docket No. 14600, File No. BP-14075; has 550 kc, 500 w, Day; requests 550 kc, 1 kw, 5 kw-LS, DA-2, U, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 12th day of April 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant application is for operation as a Class III–B station, the normally protected nighttime contour of which is 4.0 mv/m. Because of interference received, the subject proposal will be limited to the 18.5 mv/m contour, nighttime. According to the applicant's figures, based on a nighttime limitation of 18.5 mv/m, 14,676 persons who reside between the normally protected and actual service contours will not receive nighttime service from the proposed operation. These persons represent 78.9 percent of those within the 4.0 mv/m contour. The corresponding area loss is 204 square miles or 75.5 percent.

2. Although the proposed operation complies with one of the exceptions to § 3.28(d) (3) of the rules, in that it will provide the first nighttime standard broadcast facility to the city of Blaine, Washington, a substantial question exists as to whether the proposal represents an efficient utilization of the channel. Accordingly, it will be necessary to determine whether the proposed nighttime service to be provided by Station KARI would be reduced to an unsatisfactory degree, contrary to the provisions of § 3.24(b) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KARI and the availability of other primary service to such areas and populations.

2. To determine whether, because of interference received, the nighttime proposal of Station KARI would be consistent with the requirements of § 3.24(b) of the Commission's rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That in the event of a grant of the subject application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3820; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket No. 14595; FCC 62–391]

BOOTHEEL BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of William L. Miller, tr/as Bootheel Broadcasting Company, Kennett, Missouri, Docket No. 14595, File No. BP–14158; requests 1540 kc, 1 kw, 250 w (CH), Day; for construction permit.

1. The Commission has before it for consideration (a) "Petition to Deny Application" filed on August 24, 1961 by Kennett Broadcasting Corporation (Kennett), licensee of Station KBOA, Kennett, Missouri, as corrected by "Erratum to Petition to Deny Application", filed August 29, 1961, directed against the above-captioned application; (b) an "Opposition to Petition to Deny Application" filed September 6, 1961 by William L. Miller, tr/as Bootheel Broadcasting Company (applicant); and (c) a reply filed September 29, 1961 by Kennett.

2. Petitioner claims standing because it is an existing station in the same community in which this proposed station would operate, and, therefore, would be in direct competition for advertisers and listening audience; that petitioner will suffer a loss of audiences and revenues and would otherwise be aggrieved, and adversely affected by a grant of this application; and that petitioner, therefore, has standing as a party in interest. The Commission agrees that petitioner has standing under Section 309 of the Communications Act of 1934, as amended. Sanders Bros. Radio Station v. F.C.C. 309 U.S. 470, 9 R.R. 2008 (1940).

3. William L. Miller previously owned a 50 percent partnership interest in Station KHSJ, Hemet, California, the construction permit for which was granted on December 3, 1958, and which began operation under program test authority on April 9, 1959. On March 12, 1960, the partners executed a contract to sell Station KHSJ, subject to Commission approval. The application (BAL–3850) for consent to the assignment was filed on March 28, 1960, and contained only a very general reason for assigning the license. The Commission, by letter, requested more specific information as to the reasons for the request. In an amendment signed by Mr. Miller, received April 21, 1960, the following reason was set forth:

> Assignor's partners have become involved in a number of real estate transactions and it is necessary that they be free from such broadcast responsibilities in order to devote time to such real estate work. They can no longer devote the required time in operating Station KHSJ, and it is therefore in the public interest that the license be assigned to persons who can devote the necessary time and attention to the station.

Based on the statement quoted above, the Commission consented to the assignment on May 11, 1960, and the assignment was consummated on May 23, 1960. The subject application was filed on May 23, 1960. It contains a letter, dated April 27, 1960, from the Gates Radio Company to the applicant extending credit for a proposed new station in Kennett, Missouri. In addition, the consulting engineer executed the engineering portion of the application on May 2, 1960.

4. In addition to the facts set forth in Paragraph 3, supra, petitioner alleges in its petition that a formal lease for the site specified in the application was entered into on April 26, 1960, and that the lease limited the use of the site for a commercial radio station only.

5. In the opposition filed by applicant, an affidavit was included, in which Mr. Miller stated that "* * * [he] never deliberately or intentionally uttered any falsehood or in any way attempted to mislead or deceive the Federal Communications Commission, or conceal or otherwise misrepresent any matters with respect to said applications, letters or other documents". Applicant implies that the proposed real estate transactions, which were the reasons given for assigning the license of Station KHSJ, fell through prior to his giving any attention to a standard broadcast station in Kennett, Missouri. Applicant also claims that the Petition to Deny does not meet the formal requirements of section 1.359 of the Commission's Rules, both as to specific allegations that the grant of this application would be prima facie inconsistent with the public interest, convenience and necessity and that the allegations have not been supported by affidavit.

6. The Commission has considered the opposition filed by the applicant and is of the opinion that the Petition to Deny meets the formal requirements of § 1.359 of the rules. The petition contains an affidavit by the vice-president of petitioner corporation. The allegations are specific, are set out in great detail by petitioner, and meet the requirements of section 309 of the Communications Act of 1934, as amended. On the other hand, the affidavit submitted by applicant is merely a self-serving document which does not contain allegations of fact contradicting the inferences raised by the pattern of conduct in which the applicant has engaged.

7. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application without hearing would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below.

8. Applicant's proposed antenna system may not comply with the criteria set forth in section 626.12, Regulations of the Administrator (FAA).

Accordingly, it is ordered, This 12th day of April 1962, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applicant is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the application (BAL–3850) for assignment of license of Station KHSJ, Hemet, California, filed on March 28, 1960 by William L. Miller and Luther Pillow d/b as L & B Broadcast Co., contained willful misrepresentations of material facts.

2. To determine, in the light of the foregoing, and the circumstances surrounding the filing of the above-captioned application, whether any abuse of the Commission's processes has occurred or been attempted.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether William L. Miller has the requisite character qualifications to be a broadcast licensee.

4. To determine whether there is a reasonable possibility that the proposed antenna system would constitute a hazard to air navigation.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Kennett Broadcasting Corporation, licensee of Station KBOA, Kennett, Missouri, is made a party to the proceeding.

It is further ordered, That the petition filed August 24, 1961 by Kennett Broadcasting Corporation is granted to the extent indicated above, and is denied in all other respects.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent, pursuant to § 1.40 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed by such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3821; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket Nos. 14601, 14602; FCC 62–397]

CHRISTIAN BROADCASTING ASSOCIATION OF NEW ENGLAND, INC., AND NORTH ATTLEBORO BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Christian Broadcasting Association of New England, Inc., Providence, Rhode Island, Docket No. 14601, File No. BPH–3462; req. 93.3 Mc, #227; 20 kw; 237 ft.; Joseph A. Morin and Rose L. Morin d/b as North Attleboro Broadcasting Company, North Attleboro, Massachusetts, Docket No. 14602, File No. BPH–3514; req. 93.3 Mc, #227; 3.9 kw; 184 ft., for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

It further appearing, that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues;

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio facilities.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3822; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket Nos. 12865, 12866; FCC 62M–546]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Continuing Hearing Conference

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits to increase antenna heights.

The Hearing Examiner having under consideration the prehearing conference in this proceeding scheduled for April 17, 1962;

It appearing, that the meeting of the Federal Aviation Agency relative to the airspace clearance problem of both applicants (FCC 62–242 Mimeo No. 16177) will not be held until a date in July 1962;

It further appearing, that it would be impossible at a prehearing conference to resolve pertinent details until there has been a determination relative

to the proposals of both applicants respecting airspace clearance;

It further appearing therefore, that good cause exists why said prehearing conference should be continued;

Accordingly, it is ordered, This 12th day of April 1962, that the prehearing conference herein now scheduled for April 17, 1962, be and the same is hereby rescheduled for September 5, 1962, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3823; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket No. 14607]

GERALD F. FICCA

Order To Show Cause

In the matter of Gerald F. Ficca, Tampa, Florida, Docket No. 14607; order to show cause why there should not be revoked the license for radio station 7Q0315 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 7Q0315;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on December 11, 1961, alleging that on December 3, 1961, Citizens radio station 7Q0315 was observed in violation of the Commission's rules, viz: §§ 19.33 and 19.61, in that, the station was operating with frequency deviation in excess of that permitted, and communications which were not purposeful or substantive were addressed to persons or stations beyond the normal ground-wave range of the radio station.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 11, 1962, and sent by certified mail, return receipt requested (No. 208669), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee on February 10, 1962, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 13th day of April 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by certified mail, return receipt requested, to the said licensee at 1412 Wishing Well, Tampa, Florida.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3824; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket No. 14596; FCC 62-392]

KDOK BROADCASTING CO. (KDOK)

Order Designating Application for Hearing on Stated Issues

In re application of KDOK Broadcasting Company (KDOK), Tyler, Texas, Docket No. 14596, File No. BP-13815; has 1330 kc, 1 kw, Day, Class III, requests 1330 kc, 500 w, 1 kw-LS, DA-N, U, Class III-B; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April, 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matter is to be considered in connection with the aforementioned issues specified below:

The normally protected nighttime contour of the proposed Class III-B operation would be 4 mv/m. According to the applicant's figures, however, the nighttime interference free service area will be limited to the 20.4 mv/m contour. A total of 7,308 persons within the normally protected service area, or 14.95 percent, would fail to receive nighttime service from the proposed operation. Since this figure exceeds the permissible percentage in § 3.28(d) (3) of the Commission's rules, the subject application must be denied unless it can be determined that a waiver of that section would be in the public interest. Although the applicant has failed to request a waiver of § 3.28(d) (3), we will, on our own motion, designate the KDOK application for hearing to develop such facts as may indicate that a waiver of the rule would, or would not, be in the public interest.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDOK and the availability of other primary service to such areas and populations.

2. To determine whether circumstances exist which would warrant a waiver of § 3.28(d) (3) of the Commission's rules with regard to the nighttime operation proposed by the subject application.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether the subject application should be granted.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3825; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket No. 14526; FCC 62M-548]

ROCKLAND BROADCASTERS

Order Continuing Hearing

In re application of Keith Connes and Albert Spiro d/b as Rockland Broadcasters, New York, New York, Docket No. 14526, File No. BP-13953; for construction permit.

The Hearing Examiner has under consideration (1) a motion filed March 30, 1962, on behalf of Rockland Broadcasters requesting a continuance of the dates previously agreed to for the exchange of exhibits and the start of the evidentiary hearing, and (2) a pleading filed April 9, 1962, on behalf of Capital Cities Broadcasting Corporation, licensee of Station WPAT, respondent herein, in opposition to such motion. Both pleadings and other matters were discussed and considered at the further prehearing conference held on Thursday, April 12, 1962.

It appears that the additional time is desired by the engineers to perfect exhibits to be offered in evidence with respect to the engineering issues which are involved in this proceeding. It appears also that there is justification for requesting the additional time. Good cause for the requested continuance has been shown.

It is ordered, This the 12th day of April 1962, pursuant to the agreements reached at the further prehearing conference held on April 12, 1962, that the motion for continuance is granted to the extent that the date for exchange of the applicant's exhibits is continued from April 2, 1962, to April 23, 1962, that the date for the exchange of respondent's rebuttal exhibits is continued from April 16, 1962 to May 21, 1962, and the date of the evidentiary hearing is continued from April 24, 1962, to May 28, 1962.

Released: April 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3826; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket Nos. 14605, 14606; FCC 62-401]

GEORGE VORON CO. AND NEWHOUSE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: George Voron Co., Harrisburg, Pennsylvania, Docket No. 14605, File No. BPH-3543; req. 104.1 Mc, #281; 2.8 kw; 696.7 ft.; Newhouse Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 14606, File No. BPH-3634; req. 104.1 Mc, #281; 2 kw; 700 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

It further appearing, that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 1 mv/m contours, the areas and populations therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3827; Filed, Apr. 18, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2869 etc.]

GREATER GAS CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 12, 1962.

James S. Ray, et al. d.b.a. Greater Gas Company (successor to North Eight Producing Company), Docket Nos. G-2869, G-2870 and CI62-672; Anadarko Production Company (successor to Alf M. Landon, et al.), Docket Nos. G-2948, G-3570, G-3589 and CI62-356; The Pure Oil Company and The Pure Oil Company (Operator), et al. (successor to Weimer & Fitzhugh and Weimer & Fitzhugh (Operator), et al.), Docket Nos. G-3003, G-9613 and CI62-232; Coastal Salvage Co. Inc. (successor to Sohio Petroleum Company), Docket Nos. G-4564 and CI61-1696; Robert J. Edwards, Jr. and Archibald C. Edwards, Co-Trustees of R. J. Edwards Testamentary Trust, et al. (successor to Southeast Improvement Company), Docket Nos. G-4740 and CI62-200; Liberty Fuel Corporation (successor to Charles P. Moran), Docket Nos. G-5389 and CI62-410; S. M. Vockel, Jr., Trustee (successor to E. W. Savage, Trustee), Docket Nos. G-5468 and CI61-337; Continental Oil Company (successor to Dick Wegener, Drilling Contractor and Dick Wegener, Drilling Contractor (Operator), et al.), Docket Nos. G-7265, G-19163, G-19173, CI62-464, CI62-465 and CI62-466; C. & G. Joint Venture (successor to McCall Drilling Company, Inc.), Docket Nos. G-7976 and CI62-532; Jack H. Bryant, Trustee (successor to Hack Drilling Company), Docket Nos. G-13077 and CI60-143; The Nueces Company, Operator (successor to Santa Rosa Gas Company, Operator), Docket Nos. G-13189 and CI62-101; The Jade Oil Company, et al. (successor to Admiral Drilling Company, Inc., et al.), Docket Nos. G-13638 and CI61-172; Metal Service Company (successor to Seadrift Pipeline Corporation), Docket Nos. G-17044 and CI62-339; Valley Gas Transmission, Inc. (successor to Syljo Gas Company), Docket Nos. G-18011 and CI61-909; Exeter Drilling Company, Agent (Operator), et al. (successor to Glen Perkins Oil Inc.), Docket Nos. G-18018 and CI62-171; James L. Greene, Jr., et al. (successor to Barron Kidd), Docket Nos. G-18027 and CI61-1081; L. M. Fischer (Operator), et al. (successor to Gust Tsesmelis), Docket Nos. CI60-547 and CI61-934; Patricia L. Riley (successor to Cecil G. LaLicker), Docket Nos. CI61-744 and CI62-823; B. L. Burge (successor to Yoak

Oil and Gas Company), Docket Nos. CI61–793 and CI62–420.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale of natural gas in interstate commerce previously authorized to their respective predecessors in interest. These sales, as represented in the respective applications, amendments and supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto), which have been or are being accepted for filing and are subject to appropriate redesignation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3789; Filed, Apr. 18, 1962; 8:45 a.m.]

[Docket No. G–14740]

SOUTHERN NATURAL GAS CO.

Order Permitting Intervention and Setting Date of Hearing

APRIL 13, 1962.

Notice was issued on December 26, 1961, that Southern Natural Gas Company (Southern), Watts Building, Birmingham 2, Ala., filed a petition to amend the Commission's order issued on August 26, 1958, in Docket No. G–14740, so as to permit Southern to transport and deliver an additional 5,500 Mcf of natural gas per day on an interruptible basis to Mississippi Valley Portland Cement Company (Mississippi) served from Southern's Vicksburg lateral line near Vicksburg, Mississippi, all as more fully set out in the notice and petition filed herein. The final date for filing protests or petitions to intervene was set as January 19, 1962.

A joint petition to intervene was filed on January 19, 1962, by Fuels Research Council, Inc., National Coal Association and United Mine Workers of America (Coal Petitioners). The Coal Petitioners state that they are competitors and that their participation in this proceeding is in the public interest. Southern, on January 30, 1962, filed an answer to the above-mentioned petition to intervene, and although this answer was not timely filed, it has been considered.

The Commission finds: The participation of Fuels Research Council, Inc., National Coal Association, and United Mine Workers of America in this proceeding may be in the public interest.

The Commission orders:

(A) Fuels Research Council, Inc., National Coal Association, and United Mine Workers of America are hereby permitted to intervene in the above-captioned proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said petitioners as interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene: And *provided, further,* That the admission of said petitioners as interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 26, 1962, at 10 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such petition to amend.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3828; Filed, Apr. 18, 1962; 8:48 a.m.]

[Docket No. CP62–161]

UNITED GAS PIPE LINE CO.

Order Granting Petition for Declaratory Order and Providing for Hearing

APRIL 13, 1962.

On January 8, 1962, United Gas Pipe Line Company (United) filed a Petition for Declaratory Order under section 16 of the Natural Gas Act and § 1.7(c) of the regulations thereunder, requesting that the Commission determine a question of jurisdiction regarding certain gas sales by United in the Jackson District of eastern Louisiana.

The facts set forth in the petition are briefly as follows: On November 2, 1954, the Commission issued Opinion No. 277,[1] determining, among other things, its jurisdiction over sales by United in the area in question. The Commission found that its jurisdiction as set forth in the Natural Gas Act extended to United's Jackson District, including that part of Louisiana north of Lake Ponchartrain and east of the Mississippi River (the so-called Florida parishes).

On June 8, 1961, the Louisiana Public Service Commission (Louisiana Commission) issued an order directing United to show cause why it should not charge its intrastate New Orleans zone rates for gas sold in the Louisiana parishes and particularly that sold to certain Louisiana towns within the Jackson District.[2] Further, the Louisiana Commission indicated its intention to exercise regulatory jurisdiction over sales by United within the Florida parishes and to the towns specified unless United could show cause why such order should not be issued. United filed exceptions to the order of June 8, 1961, and hearings were instituted by the Louisiana Commission.

On February 21, 1962, United obtained a temporary restraining order against enforcement of the Louisiana State Public Service Commission's order of June 3, 1961. United's petition states that under the present circumstances, upon conclusion of the matter now before the Louisiana Commission, United might "be faced with conflicting orders of the two regulatory agencies and obviously it could not, at the same time, comply with both". This Commission, in reply to a letter request of the Louisiana Commission that the question of jurisdiction be re-examined, stated that formal proceedings were the appropriate method for disposing of the matter, and could be initiated by a petition for declaratory order or by United's filing a notice of cancellation of the service agreements covering the sales in question. Thereafter, United filed the petition presently under consideration.

The Commission finds: Good cause exists for granting United's Petition for Declaratory Order and for setting for hearing the question of jurisdiction over the sales of natural gas by United to the aforementioned communities in that part of Louisiana situated within United's Jackson District called the Florida Parishes.

The Commission orders:

(A) Pursuant to the authority contained in the Natural Gas Act, a hearing shall be held May 7, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., at 10 a.m., e.d.t., regarding the issues as set forth and specified above, with United introducing at the outset of the hearing such evidence as may be necessary for a decision of the Commission in the matters indicated, and with subsequent opportunity for the presentation of such additional evidence by the parties as may be required at that time.

(B) Petitions to Intervene, and Notices of Intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before April 30, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3829; Filed, Apr. 18, 1962; 8:48 a.m.]

[1] 13 FPC 398.

[2] The towns referred to are: Kentwood, Roseland, Greensburg, Montpelier, Amite, Independence, Natalbany, Hammond, Ponchatoula, Madisonville, Mandeville, Franklinton, Bogalusa, Covington, Abita Springs, Pearl River, Doyle, Livingston, Walker, Port Vincent, and Slidell.

[Docket No. G–13169 etc.] [1]

TEXACO-SEABOARD, INC., ET AL.

Order Convening Settlement Conference

APRIL 13, 1962.

Numerous applicants in these proceedings have requested that we convene a conference to consider the possibility of settlement in at least some of these consolidated proceedings. Thus Continental Oil Company, Newmont Oil Company, Sohio Petroleum Company, Humble Oil & Refining Company, Texaco-Seaboard, Inc., J. R. Frankel, et al., and Sunray Mid-Continent Oil Company on March 22, 1962, filed a joint and several petition requesting such conference. In support of their petition Continental, et al., aver, in part, that they "believe there is no great difference between Applicants and the Interveners as to the appropriate initial prices applicable to Applicants' sales in these proceedings" and that it is "likely that agreement can now be reached among the parties as to a settlement price which would be in the interest of all parties involved in these proceedings and which settlement price would serve the public interest."

In these circumstances, it is appropriate that we convene a settlement conference at which the parties and our staff may consider such settlement proposals as are forthcoming regarding any of these proceedings. Should the convenience of any party or group of parties necessitate the holding of separate conferences, the staff shall make appropriate arrangements therefor.

The Commission orders: A settlement conference will be held in these proceedings at 10 a.m., e.s.t., on April 25, 1962, in a conference room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3815; Filed, Apr. 18, 1962; 8:47 a.m.]

[1] See our order of March 7, 1962, herein for complete listing of Applicants and dockets in these consolidated proceedings.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

APRIL 13, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 16, 1962, to April 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3798; Filed, Apr. 18, 1962; 8:46 a.m.]

[File No. 1–4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

APRIL 13, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 15, 1962, to April 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3799; Filed, Apr. 18, 1962; 8:46 a.m.]

[File Nos. 812–1496–812–1498]

FUNDAMENTAL INVESTORS, INC., ET AL.

Notice of Applications for Orders Determining That Certain Directors of Captioned Companies Are and/or Were Controlled Persons and Order Consolidating Proceedings and Fixing Procedure Thereon

APRIL 13, 1962.

In the matters of Fundamental Investors, Inc. (File No. 812–1496); Investors Mutual, Inc. (File No. 812–1497); Television-Electronics Fund, Inc. (File No. 812–1498).

I. Notice is hereby given that Hyman Saminsky ("Applicant"), the owner of 650 shares of the stock of Fundamental Investors, Inc. (the "Fund"), a registered open-end diversified investment company, has filed an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 (the "Act") seeking a determination by the Commission that certain directors of the Fund were and/or now are directly or indirectly controlled by, or under common control with, Hugh W. Long and Company, Incorporated ("Long & Co."), the principal underwriter of the Fund, and Investors Management Company, Inc. (the "Management Company"), the investment adviser of the Fund. All interested persons are referred to the application on file with the Commission for a complete statement of the facts.

The application states that Long & Co. has acted as principal underwriter for the Fund since 1941 and that it is now so acting pursuant to an underwriting agreement with the Fund dated April 1, 1954; and that the Management Company has acted as the investment adviser of the Fund since June 8, 1939 and is now so acting pursuant to an investment advisory agreement with the Fund dated April 1, 1954.

Applicant states that since the early part of 1954 Long & Co. has owned all the stock of the Management Company; that the Fund has had since 1955 a total of 14 directors six of whom were and/or are affiliated with Long & Co. or the Management Co. or both ("affiliated directors"). It is alleged that seven of the remaining directors of the Fund ("nonaffiliated directors") heretofore were and now are directly or indirectly controlled by, or under common control with, Long & Co. or the Management Company or both.

Applicant is the plaintiff in an action brought by him on behalf of the Fund, entitled "Hyman Saminsky, Plaintiff, v. Hugh W. Long et al., Defendants, Civil Action No. 1331," pending in the court of Chancery of the State of Delaware in and for New Castle County. It appears that among the allegations in the complaint in the aforementioned litigation is one which charges that the nonaffiliated directors of the Fund are dominated and controlled by the affiliated directors.

II. Notice is further given that Harold C. Ackert, as trustee for the benefit of Laura B. Smith, holder of approximately 1,568 shares of the stock of Investors Mutual, Inc. (the "Fund"), has filed an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 (the "Act") seeking a determination by the Commission that (1) Alleghany Corporation ("Alleghany"), either alone or together with Allan P. Kirby and/or Murchison Brothers (a partnership of Dallas, Texas, composed of Clint W. Murchison, Jr. and John D. Murchison), has had control of IDS since at least 1955; and (2) certain directors of the Fund were and/or now are directly or indirectly controlled by, or under common control with Investors Diversified Services, Inc. ("IDS"), the principal underwriter and investment adviser of the Fund. All interested persons are referred to the application on file with the Commission for a complete statement of the facts.

The application states that IDS has acted, since the Fund's inception, as the Fund's investment adviser and principal underwriter. The investment advisory and principal underwriting contracts presently in effect were entered into on April 6, 1960. It is stated that these contracts are, in every material detail, the same as the previous contracts between IDS and the Fund.

Applicant is the plaintiff in actions brought by him on behalf of the Fund entitled "Harold C. Ackert, as Trustee for Laura B. Smith, Plaintiff, *v.* Evan L. Ausman, et al., Defendants." These actions are pending in state and federal courts. It appears that among the allegations in the complaints in the aforementioned litigation is one which charges that the personnel of the Fund is dominated and controlled by IDS.

III. Notice is further given, that Harris J. Simonson ("Applicant"), the owner of 20 shares of the stock of Television-Electronics Fund, Inc. (the "Fund"), a registered open-end diversified investment company, has filed an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 (the "Act") seeking a determination by the Commission that certain directors of the Fund were and/or now are directly or indirectly controlled by, or under common control with, Television Shares Management Corporation (the "Management Company"), the investment adviser and principal underwriter of the Fund. All interested persons are referred to the application on file with the Commission for a complete statement of the facts.

The application states that the Management Company and its predecessor by merger have acted as investment adviser of the Fund pursuant to successive investment advisory agreements dated, respectively, June 2, 1948, and January 4, 1954. The Management Company has also acted as the principal underwriter for the Fund pursuant to successive underwriting agreements with the Fund dated respectively, June 2, 1948, November 1, 1950, and January 4, 1954.

Applicant states that the Fund has ten directors (nine directors prior to January 18, 1962), four of whom were at all times during their directorships affiliated persons of Management Company ("affiliated directors"). It is alleged that of the remaining directors of the Fund ("nonaffiliated" directors), four of the present and one of the prior nonaffiliated directors were and/or now are directly or indirectly controlled by, or under common control with, the Management Company.

Applicant is a plaintiff in an action pending in the Chancery Court of the State of Delaware in and for New Castle County, entitled "Harris J. Simonson, et al., Plaintiffs, against William H. Cooley, et al., Defendants (Civil Action No. 1327)." It appears that among the allegations in the complaint in the aforementioned litigation is one which charges that the nonaffiliated directors of the Fund are dominated and controlled by the affiliated directors.

IV. It appears that the aforementioned applications raise common legal issues and that it is appropriate that the proceedings be consolidated for briefing and disposition of such common legal issues.

It is ordered, That the above captioned matters be and herewith are consolidated for briefing and disposition with respect to such legal issues.

It appearing to the Commission that, as a preliminary matter, and without prejudice to its specifying additional matters and issues, common issues are raised as to:

(1) The scope of the jurisdiction, power and duty of the Commission under section 2(a)(9) of the Act, including (a) whether, in view of the fact that "control" is defined in the first sentence of section 2(a)(9) in terms of control over the management or policies of a company, an "interested person" may file, and the Commission may entertain, an application seeking an order declaring that a natural person is controlled by a company or another natural person, except in reaching a determination as to control of a "company;" (b) whether any order issued pursuant to section 2(a)(9) of the Act can have retroactive effect; and (c) the effect upon such jurisdiction, power and duty, if any, of the pendency, in a court of competent jurisdiction, of litigation involving, among other things, the same question as to whether the nonaffiliated directors of the respective investment companies are in fact persons controlled by the investment adviser of such investment company.

(2) Whether a shareholder of an investment company is an interested person within the meaning of the fourth sentence of the second paragraph of section 2(a)(9) of the Act.

It is further ordered, That as a preliminary matter and before the taking of evidence, the respective Applicants, Funds, Management Companies, persons alleged to be controlled persons and any other interested person, if so advised and in accordance with the applicable requirements of the Commission's rules of practice including Rule 23 thereof, shall file Briefs as to the above stated issues on or before May 4, 1962, and Reply Briefs on or before May 18, 1962.

It is further ordered, That (a) on or before April 24, 1962, any person intending to file a Brief in these consolidated proceedings is directed to so notify the Secretary of the Commission and to state the name and address of the person he designates to receive service of papers; and (b) the Secretary of the Commission, on or before April 27, 1962 shall mail to all such designated persons the names and addresses of those persons upon whom Briefs shall be served.

It is further ordered, Pursuant to section 40(a) of the Act, that an oral argument on the aforesaid applications under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 23d day of May at 10 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such argument will be held.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing a copy of this notice and order by registered mail to the respective Funds, Management Companies, and persons alleged to be controlled persons, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters which may arise in the consolidated proceedings, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3800; Filed, Apr. 18, 1962; 8:46 a.m.]

[File No. 812-1444]

GROWTH CAPITAL, INC.

Notice of and Order for Hearing on Application for Exemption

APRIL 12, 1962.

Notice is hereby given that Growth Capital, Inc. ("Applicant"), 815 Bulkley Building, Cleveland 15, Ohio, an Ohio corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified investment company, and also licensed under the Small Business Investment Act of 1958, as amended, as a small business investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting C. B. McDonald from the provisions of section 30(f) of the Act, effective from and after June 8, 1960. All interested persons are referred to the application on file with the Commission for a complete statement of the transactions which are summarized below.

The application states that McDonald & Company, an investment banking firm of Cleveland, Ohio, was one of the two managers of the underwriters who conducted a public offering of the common stock of the applicant in June 1960. Mr. C. B. McDonald, managing partner of McDonald & Company, was and is a member of the board of directors of Applicant. The application states that following its public offering, the market for Applicant's shares was orderly due largely to the efforts of McDonald & Company which had effected purchases and sales of Applicant's stock since the original public offering until February 1961, when McDonald & Company withdrew from the market as a result of the possible liabilities under section 30(f) of the Act. The application states that since that time Applicant's stock has been subject to erratic and wide price fluctuations for the reason that McDonald & Company must handle transactions in Applicant's stock on an agency basis. Where blocks of several hundred shares are involved, this results in a substantial dip in the market price and a corresponding loss to the shareholder or a disproportionate rise in the market price and an increased cost to the shareholder.

The application represents that efforts to secure another investment banking firm to make the market in Growth Capital stock have been unsuccessful and that it is not desired that C. B. McDonald resign from the Board of Directors of Applicant since his contributions to the Board of Directors and Executive Committee are deemed by Applicant to have been invaluable.

It is further represented that the purpose of the application is to secure an exemption from the operation of section 30(f) of the Act so that McDonald & Company may maintain an orderly market for the shares of Applicant without exposing C. B. McDonald to possible liability to the Applicant arising under section 30(f): *Provided, however*, That no exemption be afforded for any 6-month period in which the average profit per share sold exceeds 5 percent of the average purchase price per share. For the purpose of computing average profit per share, the average purchase price per share for all of Applicant's shares purchased by McDonald & Company, as principal, and the average sales price of all of Applicant's shares sold by McDonald & Company, as principal, during such 6-month period, would first be computed. The average profit per share would be an amount equal to such average sale price, less such average purchase price.

Section 30(f) of the Act provides that certain specified persons, including directors of an investment company, shall in respect of their transactions in any securities of such investment company be subject to the same duties and liabilities as those imposed by Section 16 of the Securities Exchange Act of 1934 upon such persons. Section 16 of the Securities Exchange Act of 1934 provides, inter alia, that for the purpose of preventing the unfair use of information which may have been obtained by certain specified persons, including directors, by reason of such person's relationship to an issuer, any profit realized by him from any purchase and sale, or any sale and purchase of any equity security of such issuer within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the issuer. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and in behalf of the issuer if the issuer shall fail or refuse to bring such suit within 60 days after request or shall fail diligently to prosecute the same thereafter.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 4th day of June, 1962 at 10 a.m. in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

It is further ordered, That Irving Schiller, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination: Whether the proposed exemption is (a) necessary or appropriate in the public interest, (b) consistent with the protection of investors, and (c) consistent with the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Growth Capital, Inc. and to the Director, Office of Investment, Small Business Administration, Washington 25, D.C.; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3801; Filed, Apr. 18, 1962; 8:46 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

APRIL 13, 1962.

The Common assessable stock, $1 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 15, 1962, to April 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3802; Filed, Apr. 18, 1962; 8:46 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

APRIL 13, 1962.

The common stock, par value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 14, 1962, to April 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3803; Filed, Apr. 18, 1962; 8:46 a.m.]

[File No. 70-4035]

UTAH POWER & LIGHT CO. AND TELLURIDE POWER CO.

Notice of Proposed Intrasystem Transactions Between Registered Holding Company and Subsidiary Electric Utility Company To Effectuate Liquidation of Subsidiary

APRIL 12, 1962.

Notice is hereby given that Utah Power & Light Company ("Utah Power"), a registered holding company and an electric utility company, and its electric utility subsidiary company, Telluride Power Company ("Telluride"), 1407 West North Temple Street, Salt Lake City 10, Utah, have filed a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a)(2), 7, 9, 10, 12(b), (c), (f) and (g) of the Act and Rules 42, 43 and 45 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, as amended, on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Utah Power, a Maine corporation, is engaged principally in the business of generating, transmitting, distributing and selling electric energy in southeastern Idaho, northern, central and southeastern Utah and southwestern Wyoming. Utah Power owns all of the outstanding securities of Telluride except its first mortgage bonds which are owned by six institutions.

Telluride, a Delaware corporation, is an electric utility company engaged principally in the business of purchasing, generating, transmitting and distributing electric energy in central Utah. For the twelve months ended November 31, 1961, Telluride generated approximately 7 percent of its electric energy requirements, purchased 4 percent under local power interchange agreements and purchased 89 percent from Utah Power.

Pursuant to a plan of liquidation of Telluride adopted by Utah Power and Telluride it is proposed that Telluride will sell, and Utah Power will acquire, all of Telluride's assets which, at December 31, 1961, amounted to $7,650,000 including net utility plant of $6,892,000. Utah will assume all of the liabilities of Telluride. In exchange for the net assets of Telluride, Utah Power will (a) surrender to Telluride for cancellation, 750,525 shares of its $1 par value 6 percent cumulative second preferred stock and 882,337 shares of its $1 par value common stock, and (b) cancel and deliver to Telluride all of its outstanding promissory notes which are held by Utah Power and which at December 31, 1961, aggregated $1,900,000.

Utah Power also proposes to make a capital contribution of approximately $2,100,000 to enable Telluride to acquire and retire all of its outstanding first mortgage bonds which, at December 31, 1961, consisted of $1,165,000 and $850,000 principal amount of 3⅜ percent series due 1972 and 3⅝ percent series due 1985, respectively, or an aggregate principal amount of $2,015,000. Telluride has conducted negotiations with the six institutional holders of its first mortgage bonds and has submitted to each bondholder an offer to purchase all of the bonds now outstanding at a price of 99 percent of the principal amount thereof plus accrued interest to the date of purchase.

Utah Power proposes to record the utility plant of Telluride at the amounts reflected on Telluride's books, plus $454,000 representing the excess cost to Utah, at date of acquisition, of the shares of common stock of Telluride over the equity applicable to such shares. Utah Power proposes to amortize such excess over a 10-year period by charges to operating revenue deductions.

No fees and expenses are expected to be incurred outside of routine expense of company employees and counsel, as a part of their normal duties, except expenses of the company to obtain assistance, if necessary, in negotiations for purchase of Telluride's bonds which expenses are estimated not to exceed $2,000.

Utah Power has applied to the Public Service Commission of Utah and to the Federal Power Commission for the requisite authority to effectuate certain of the proposed transactions. It is represented that no other State or Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 27, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after such date, the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3804; Filed, Apr. 18, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 43]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

APRIL 13, 1962.

The following applications, are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. The matter is governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitute the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each), must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 124283, filed November 17, 1958. Applicant: CARL HOGERHEIDE, doing business as HOGERHEIDE TRUCK LINE, South Boardman, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958, to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* between points in Michigan, Minnesota and Wisconsin.

NOTE: This application was filed in the Chicago, Illinois, inadvertently office.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3750; Filed, Apr. 18, 1962; 8:45 a.m.]

[Notice 206]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 13, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Deviation No. 3), SERVICE LINES, INC., 514 South Fourth Street, St. Louis 2, Mo., filed April 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From a point approximately two miles north of Pelham, Tenn., over Interstate Highway 24 to junction U.S. Highway 64, thence over U.S. Highway 64 to Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 2202 (Deviation No. 36), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed April 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Denville and Netcong, N.J., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over city streets and connecting highways via Newark, N.J., to Paterson, N.J., thence over unnumbered highway to junction U.S. Highway 46, thence over U.S. Highway 46 to the Delaware River, thence across the Delaware River to Portland, Pa., thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Selinsgrove, Pa., thence over U.S. Highway 522 to Lewistown, Pa., and return over the same route.

No. MC 16831 (Deviation No. 1), MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa, filed April 3, 1962. Attorney William N. Dunn, Eldora, Iowa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *petroleum products* and *iron and steel articles*, over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 90 to junction U.S. Highway 6, thence over U.S. Highway 6 to Joliet, Ill., thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 34, at Mendota, Ill., (B) from Chicago, Ill. over the Illinois Tollway to junction Illinois Highway 55, thence over Illinois Highway 55 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, and (C) from the junction of U.S. Highways 6 and 61, in Davenport, Iowa, over U.S. Highway 61 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Iowa Highway 38, thence over Iowa Highway 38 to junction U.S. Highway 6, near Wilton Junction, Iowa, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 34 to LaMoille, Ill., thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Des Moines, Iowa; and from Chicago over U.S. Highway 34 to junction Illinois Highway 47; and from Davenport over U.S. Highway 6 to junction Iowa Highway 38, near Wilton Junction, and return over the same routes.

No. MC 35484 (Deviation No. 5), VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed March 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71, approximately 3.5 miles east of Medina, Ohio, over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71, approximately 3.5 miles east of Medina, Ohio, over Interstate Highway 71 to Columbus, Ohio, thence over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, and return over the same route.

No. MC 35484 (Deviation No. 6), VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed March 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71, approximately 3.5 miles east of Medina, Ohio, over Interstate Highway 71 to junction U.S. Highway 36, thence over U.S. Highway 36 to Delaware, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71, thence over Ohio Highway 18 to Medina, thence over U.S. Highway 42 to Delaware, and return over the same route.

No. MC 45657 (Deviation No. 5), PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed April 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between St. Louis, Mo. and Chicago, Ill., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 66 to junction Illinois Highway 126 (formerly U.S. Highway 66), thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66), thence over unnumbered highway to junction Alternate U.S. Highway 66 (formerly U.S. Highway 66), near Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, near Chenoa, Ill., thence over unnumbered highway, via Chenoa, to junction U.S. Highway 66,

thence over U.S. Highway 66 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66), near Hamel, Ill., thence over By-Pass U.S. Highway 66 to junction Illinois Highway 3 (formerly City U.S. Highway 66), thence over Illinois Highway 3 to junction Nameoki Avenue (formerly City U.S. Highway 66), thence over Nameoki Avenue to junction Illinois Highway 162 (formerly City U.S. Highway 66), thence over Illinois Highway 162 to junction Alternate U.S. Highway 67 (formerly City U.S. Highway 66), thence over Alternate U.S. Highway 67 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis; also from Chenoa, Ill. over U.S. Highways 24 and 150 and Illinois Highway 121, as specified above, to junction Illinois Highway 121 and U.S. Highway 66 at Lincoln, Ill., thence to St. Louis, as specified above, and return over the same routes.

No. MC 78632 (Deviation No. 9), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed March 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Nashville and Memphis, Tenn., over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 70 to Nashville, and return over the same route.

No. MC 108152 (Deviation No. 2), D. T. & C., INC., 892 Higgs Avenue, Columbus 8, Ohio, filed April 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Fostoria, Ohio, over Interstate Highway 75 to junction U.S. Highway 25, South of Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 23 to Toledo, Ohio, thence over U.S. Highway 25 to Detroit; also from Toledo over U.S. Highway 24, via Flat Rock, Mich., to Detroit, and return over the same routes.

No. MC 108158 (Sub-29) (Deviation No. 3), MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis 14, Minn., filed April 2, 1962. Attorney Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 71 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to Tulsa, and return over the same route.

No. MC 108158 (Sub-29) (Deviation No. 4), MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis 14, Minn., filed April 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Eau Claire, Wis., over Interstate Highway 94 to junction Interstate Highway 90, near Tomah, Wis., thence over Interstate Highways 90 and 94 to junction Interstate Highway 94, approximately one mile northeast of Madison, Wis., thence over Interstate Highway 90 to Chicago, Ill., and (B) From Eau Claire, Wis., over Interstate Highway 94 to junction Interstate Highway 90, near Tomah, Wis., thence over Interstate Highways 90 and 94 to junction Interstate Highway 94, approximately one mile northeast of Madison, Wis., thence over Interstate Highway 94 via Milwaukee, Wis., to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to Milwaukee; and from Chicago over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 to Madison, thence over U.S. Highway 12 to St. Paul, Minn., and return over the same routes.

No. MC 108859 (Sub-24) (Deviation No. 1), CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Kiel, Wis., over Wisconsin Highway 57 to junction Wisconsin Highway 23, approximately two miles east of Plymouth, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Green Bay, Wis., over Wisconsin Highway 57 to De Pere, Wis., thence over Wisconsin Highway 57, via Chilton, Wis., to Plymouth, thence over Wisconsin Highway 23 to Kohler, Wis., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 76), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed April 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 6 and Interstate Highway 80, northeast of Colfax, Iowa, over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highways 80 and 35 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 6, west of Des Moines, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction Illinois Highway 64, thence over Illinois Highway 64 to Sycamore, Ill., thence over Illinois Highway 23 to De Kalb, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, Nebr., thence over U.S. Highway 275, via Valley, Nebr., to Fremont, Nebr., thence over U.S. Highway 30, via Cheyenne, Wyo., to junction relocated U.S. Highway 30, near Medicine Bow, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30, near Walcott, Wyo., and thence over U.S. Highway 30 to Rock Springs, Wyo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3751; Filed, Apr. 18, 1962; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37672: *T.O.F.C.—Boats from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8180), for interested rail carriers. Rates on canoes, rowboats or motor boats with or without power attached, loaded in or on trailers and transported on railroad flat cars, also return of empty trailers to original point of shipment free of charge, between points in southwestern territory, including Memphis, Tenn., and Natchez, Miss., also between such points on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Private motor-truck competition.

Tariffs: Supplements 83, 146, 65, 40 and 1 to Southwestern Freight Bureau tariffs I.C.C. 4345, 4312, 4353, 4362 and 4470, respectively.

FSA No. 37673: *Hot top compound, rings and covers to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-8189), for interested rail carriers. Rates on hot top compound, rings and covers, as described in the application, in carloads, from specified points in Illinois, Ohio and Pennsylvania, to Daingerfield, Houston, Lone Star and Longview, Tex.

Grounds for relief: Market competition.

Tariffs: Supplements 81 and 83 to Southwestern Freight Bureau tariffs I.C.C. 4400 and 4397, respectively.

FSA No. 37674: *Iron or steel articles to points in Louisiana.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2607), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads from specified points in Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia and West Virginia, to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C-282.

FSA No. 37675: *Empty returned aluminum beer cans from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8190), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads, with other empty containers returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in southwestern territory; between points in southwestern territory, on the one hand, and Memphis, Tenn., Natchez and Vicksburg, Miss., on the other; also between points in southwestern territory, on the one hand, and points in southern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 8, 14 and 13, to Southwestern Freight Bureau tariffs I.C.C. 4454, 4456, and 4457, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3749; Filed, Apr. 18, 1962; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37676: *Manganese metals to Chalmette and New Orleans, La.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2616), for interested rail carriers. Rates on ferro manganese, ferro silicon, silico manganese and silicon (silicon metal), in carloads, from Brilliant, Mingo Jct., Powhatan, Marietta, Relief and Philo, Ohio, to Chalmette and New Orleans, La.

Grounds for relief: Barge and truck-barge competition.

Tariff: Supplement 99 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4790 (Hinsch series).

FSA No. 37677: *Cement and related articles from Logansport, Ind.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2613), for interested rail carriers. Rates on cement and related articles as described in the application, in carloads, from Logansport, Ind., to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 60 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 37678: *Cement and related articles from North Palding, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2614), for interested rail carriers. Rates on cement and related articles, as described in the application, in carloads, from North Palding, Ohio, to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 60 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 37679: *Bituminous fine coal to Waukegan, Ill.* Filed by Illinois Freight Association, Agent (No. 168), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to 1,000 tons of 2,000 pounds each, minimum per shipment, from mine origin groups in Illinois, Indiana and western Kentucky, to Waukegan, Ill.

Grounds for relief: Natural gas competition and maintenance of origin rate relationships.

Tariffs: Supplement 40 to Illinois Freight Association tariff I.C.C. 966 and other schedules named in the application.

FSA No. 37680: *Brick or tile raw materials between points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4182), for interested rail carriers. Rates on crude earth suitable only for use in the manufacture of brick or tile, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief: Truck competition and short-line distance formula.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S-144.

FSA No. 37681: *Phosphate rock—Tennessee to central territory.* Filed by O. W. South, Jr., Agent (No. A4183), for interested rail carriers. Rates on phosphate rock, ground or not ground, as described in the application, in carloads, from specified L&N R.R. points in Tennessee, to points in Indiana, Michigan, Ohio, and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Southern Freight Association tariff I.C.C. S-195.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3811; Filed, Apr. 18, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 376]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Pierce, Madison and Douglas Counties in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 28, 29 and 30, 1962.

Offices

Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo.
Small Business Administration Branch Office, Federal Building, Room 7425, 215 North 17th Street, Omaha 2, Nebr.

2. A temporary field office will be established at Norfolk, Nebraska, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1962.

Dated: April 2, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-3813; Filed, Apr. 18, 1962; 8:47 a.m.]

N.Y.R.A.D. TEAM, INC.

Notice of a Small Business Concern Which Has Become a Member of a Small Business Research and Development Pool

Pursuant to section 9 of the Small Business Act (Public Law 85-536, as amended) the name of the following small business concern is herewith published. This small business concern became a member of The N.Y.R.A.D. Team, Inc., to participate in the joint program of the pool. The original list of applicants was published in 26 F.R. 10010 (October 25, 1961).

Madigan Electronic Corporation,
200 Stonehinge Lane,
Carle Place, Long Island, N.Y.

Dated: April 5, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-3814; Filed, Apr. 18, 1962; 8:47 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3467

ADDITION TO GILA CLIFF DWELLINGS NATIONAL MONUMENT, NEW MEXICO

By the President of the United States of America
A Proclamation

WHEREAS the Gila Cliff Dwellings National Monument in the State of New Mexico, established by Proclamation No. 781 of November 16, 1907, was reserved and set apart for its scientific and educational interest, being the best representation of the Cliff Dwellers' remains of that region; and

WHEREAS approximately three hundred and seventy-five acres of land near the present boundaries of the monument, under the jurisdiction of the Forest Service, Department of Agriculture, contain additional cliff dwellings and pit-house sites which are needed to round out the interpretive story of the Gila Cliff Dwellings National Monument; and

WHEREAS it appears that the public interest would be promoted by adding to Gila Cliff Dwellings National Monument these lands now within the Gila National Forest; and

WHEREAS these lands are essential for the proper care, management, protection, interpretation, and preservation of the Gila Cliff Dwellings National Monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), do hereby proclaim that, subject to any valid interest or rights, the following-described tract of land, which comprises the original site of the monument and the additional lands needed for the purposes stated above, shall constitute the Gila Cliff Dwellings National Monument:

"T. 12 S., R. 14 W., N. Mex. Prin. Mer.
Detached Section—T. J. Ruins
"Section 25
S½S½SW¼NE¼
SE¼SE¼SE¼NW¼
NE¼NE¼NE¼SW¼
E½W½SE¼NE¼NE¼SW¼
E½SE¼NE¼NE¼SW¼
E½NE¼SE¼NE¼SW¼
N½NW¼SE¼
N½S½NW¼SE¼
N½S½S½NW¼SE¼
"Gila Cliff Dwelling Area
"Section 22
S½SE¼
SE¼SW¼
"Section 27
NE¼
E½NW¼
NE¼SW¼
N½SE¼

Proclamation No. 781 of November 16, 1907 (35 Stat. 2162) establishing the Gila Cliff Dwellings National Monument is amended accordingly.

The lands which pursuant to this proclamation comprise the Gila Cliff Dwellings National Monument hereafter shall not be administered as a part of the Gila National Forest and they are hereby transferred to the administrative jurisdiction of the Department of the Interior.

The lands described above shall be subject to all the laws and regulations applicable to the Gila Cliff Dwellings National Monument: *Provided*, That any of the lands reserved for such national monument which lie within 150 feet, by horizontal measurement, of the center of the West Fork of the Gila River shall be available to the Secretary of Agriculture as a route of ingress to or egress from the Gila National Forest and he may place such trails or roads thereon and permit such use thereof as he may find desirable or necessary for administration and protection of the national forest and utilization of the resources thereof, including use by the general public for passage and transportation of property for use on national forest lands. Public use of the area within 150 horizontal feet of the center of the West Fork of the Gila River is to be in accordance with such conditions of use as the Secretary of Agriculture, after consultation with the Secretary of the Interior, finds necessary or desirable.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any of the features or objects of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of April in the year of our Lord nineteen hundred and sixty-two
[SEAL] and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-3944; Filed, Apr. 19, 1962; 10:24 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli

Correction

In F.R. Doc. 62-3663, appearing at page 3583 of the issue for Saturday, April 14, 1962, the following changes are made:

1. The word "made" in the second line of § 52.637(b)(3) should read "may".

2. The word "not" is inserted immediately following the word "does" appearing in the first line in subparagraph (2), paragraph (b) (*A*) *classification*, of § 52.638.

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

MISCELLANEOUS AMENDMENTS

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein.

1. Section 601.8(a) is amended by deleting the last sentence of the first paragraph thereof and inserting in lieu thereof the following: "However, the period of the contract shall not be less than 3 years nor exceed 10 years and may be entered into during the period ending not later than December 31, 1971."

2. Section 601.8(c) is amended by designating the present text as subparagraph (1) and adding the following new subparagraph (2):

(2) In order to further facilitate the practical administration of the program, the designated SCS technician, under general policies established by the Administrator, SCS, may modify contracts with producers to effect revisions of time schedules or practices included in such contracts, where changes in such time schedules or practices are needed for the effective installation of the plan of operations or any part thereof.

3. Section 601.11(a)(5) is amended to read as follows:

(5) *GP-5 (B-2): Improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* The area seeded must not be grazed before the stand is established. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to protect the area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d)

Done at Washington, D.C., this 16th day of April 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-3880; Filed, Apr. 19, 1962; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Agricultural Act of 1961 (Public Law 87-128, approved August 8, 1961) for the purpose of: (1) Prescribing the methods to be used in determining cotton acreages when a skip-row or intertilled planting pattern is involved; (2) providing for the application of the administrative variance provision to the acreage diverted under the wheat stabilization and feed grain programs when such acreage involves two or more programs; (3) prescribing the conditions under which a farm will be revisited at ASCS county office expense to determine the final acreage of corn and grain sorghums; (4) prescribing the conditions governing the adjustment of diverted acreage; (5) specifying the factors governing the timing of a request for measurement of peanuts prior to adjustment; (6) prescribing conditions governing notice to county office of intent or completion of disposition of excess or request for release of excess diverted acreage; and (7) amending the Table of Sections Affected By State Committee Determinations Pursuant to §§ 718.10(a) and 718.15(b) for the States of Alabama, Arizona, California, Idaho, Mississippi, New Mexico, North Carolina, South Dakota, Texas, and Wisconsin.

1. Section 718.5(e) (25 F.R. 5754, 26 F.R. 2552, 26 F.R. 7259, and 26 F.R. 11813) is amended to read as follows:

§ 718.5 **Methods of measurement.**

* * * * *

(e) *Effect of planting pattern on determination of acreage*—(1) *General.* In determining the acreage of any row crop, measurements shall extend beyond the planted area to a point equal to one-half the distance between the rows. All acreage determinations made in accordance with this paragraph (e) are subject to the deductions and adjustment credit prescribed in paragraphs (g) and (h) of this section: *Provided, however*, That in case of cotton, deductions for a skip-row or intertilled planting pattern which meet the minimum width requirement may be combined to meet the minimum area requirement. When an allotment row crop other than tobacco or cotton and another allotment row crop or an allotment row crop and a competitive row crop are planted in alternate rows or in alternate strips of two or more rows, the acreage shall be considered as intertilled. For the purpose of determining the acreage of tobacco or cotton, other intertilled crops shall not be considered competitive with tobacco or cotton and the intertilled provisions of this paragraph (e) shall not apply. When an allotment row crop other than cotton is planted in alternate rows or strips with idle or fallow land, the acreage shall be considered as fallow stripped. In the application of the provisions of this paragraph (e), deviations from prescribed row width requirements attributable to variations which are normal to the operation of mechanical equipment shall not serve to disqualify a planting pattern or deductible strip.

(2) *Block or solid planted allotment row crops.* When an allotment row crop is planted in a continuous area and intertilled or fallow-stripped planting is not involved, the acreage of such crop shall be the area devoted to the crop.

(3) *Close-seeded allotment crops.* The acreage of close-seeded allotment crops shall be the acreage in the area devoted to the crop.

(4) *Non-allotment crops and other land uses.* The acreage of non-allotment crops or other land uses, for which measurements are required, shall be the acreage devoted to the crop or land use. Where allotment crops are intertilled or fallow-stripped with non-allotment crops and the area is considered as planted to allotment crops, only the area devoted to non-allotment crops shall be considered as planted to non-allotment crops and the acreage shall be counted only once in determining the acreage of soil bank base crops.

(5) *Intertilled allotment row crops other than tobacco or cotton*—(i) *Intertilled alternate rows.* Acreages of allotment crops other than tobacco or cotton

intertilled in alternate rows shall be determined as follows:

(a) *Normal rows.* If the distance between each row of the crops planted is not less than the normal row width for the allotment crop (the wider normal row if two allotment crops are involved), only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop.

(b) *Less than normal rows.* If the distance between the rows of the crops planted is less than the normal row width for the allotment crop, the entire intertilled area shall be considered as planted to the allotment crop.

(ii) *Intertilled alternate strips.* Acreages of allotment crops intertilled in alternate strips shall be determined as follows:

(a) *Less than one normal row.* If the distance between the strips of the allotment crop is less than one normal row width, the entire area shall be considered as planted to the allotment crop.

(b) *Less than four normal rows.* If the distance between the strips of the allotment crop is as wide as one but less than four normal rows of the allotment crop, the acreage of the allotment crop shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(c) *Four normal rows or more.* If the distance between the strips of the allotment crop is as wide as or wider than four normal rows of the allotment crop, only the area occupied by the allotment crop shall be considered as planted to the allotment crop.

(6) *Fallow-stripped allotment crops other than cotton.* Acreages of allotment crops other than cotton, but including tobacco, fallow-stripped in alternate rows shall be determined as follows:

(i) *Less than four normal rows.* If the strips of idle land, fallow land, noncompetitive crop(s), or a combination thereof are not as wide as four normal rows of the allotment crop, the entire area shall be considered as planted to the allotment crop.

(ii) *Four normal rows or more.* If the strips of idle land, fallow land, noncompetitive crop(s), or a combination thereof are at least as wide as four normal rows of the allotment crop, only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop, except that individual strips which are not as wide as four normal rows shall be considered as planted to the allotment crop.

(7) *Cotton.* The acreage of cotton will be the acreage devoted to the crop, taking into consideration the provisions for deductions and wide row plantings set forth in this subparagraph (7). To be eligible for deduction, areas within a field not devoted to cotton must be at least a normal row in width and must meet the minimum area requirement. In plantings involving unusually wide rows of cotton or cotton and another crop, the normal row width shall apply, except that when the distance between the rows of cotton or cotton and another crop exceeds 60 inches, the normal row width for cotton shall be 60 inches and a deduction for an unplanted area or for another crop shall be made provided that the deductible area is 36 inches or more in width and meets the minimum area requirement. Deductions for a skip-row or intertilled planting pattern which meet the minimum width requirement may be combined to meet the minimum area requirement.

(8) *Areas diverted under the wheat stabilization and feed grain programs.* The area(s) identified by the farm operator as being diverted from the production of wheat, corn, grain sorghums, or barley under the wheat stabilization and feed grain programs must be whole fields or areas of reasonable size within fields for which the acreage can be readily determined. Strips in skip-row planting patterns will not qualify as diverted acreage.

2. Section 718.10(c)(4)(ii) (26 F.R. 11813) is amended to read as follows:

§ 718.10 Notice to farm operators.

* * * * *

(c) *Administrative variance.* * * *

(4) *Diverted acreage.* * * *

(ii) When diverted acreage is determined for two or more programs, the minimum required diversion will be the sum of the minimums required for each program and the administrative variance provision shall be applicable to such total minimum requirement unless the total acreage diverted is less than the total minimum diversion required for the farm and the diverted acreage was designated and determined at different times, in which case the administrative variance provision prescribed in subdivision (i) of this subparagraph may be applied to each such determination. In no case shall the administrative variance be applied to the same acreage more than once.

3. Section 718.13 (a) (6)(i) and (7), (b)(3) (26 F.R. 11813), and (f) (24 F.R. 4223) is amended to read as follows:

§ 718.13 Determination and adjustment of acreage.

(a) * * *

(6) *Feed grains.* The adjustment of the acreage of barley, corn, or grain sorghums under the feed grain programs shall be made within 15 days from the date of the notice or by the established disposition date, whichever is later, and shall be subject to the following conditions:

(i) *Corn and grain sorghums.* If the total acreage of corn and grain sorghums on the farm exceeds the intended acreage, based on the farm operator's statement of intention to participate in the feed grain program for corn and grain sorghums solely because of estimated acreages of sweet corn, sweet sorghums, or grain sorghums, the farm shall be revisited to determine the final acreage at the expense of the ASCS county office. In all other cases, the farm will not be revisited unless the farm operator or other producer on the farm files a timely request and pays the cost of any second or subsequent visit to the farm.

(ii) *Barley.* * * *

(7) *Diverted acreage.* If the producer elects to adjust the acreage diverted from the production of barley, corn and grain sorghums, or wheat by the designation of additional acreage in case of deficiency, the farm shall be revisited for the purpose of determining the adjusted acreage if he files a request within 15 days from the date of the notice of acreage and pays the cost. Diverted acreage in excess of that required for compliance with the farm operator's statement of intention shall be released at any time upon receipt of a request and payment of the cost of determining the adjusted acreage. After the final acreage determination for a commodity has been made, diverted acreage in excess of the actual acreage diverted from the crop shall be released upon receipt of a request and payment of the cost by the farm operator. Notwithstanding any other program provisions, any excess diverted acreage designated on any separate visit to the farm and not reclaimed shall be credited automatically to offset a deficiency in the diverted acreage reported for any other wheat stabilization or feed grain program at the time of a previous or subsequent farm visit.

(b) *Measurement of excess prior to adjustment.* * * *

(3) For peanuts, the date Form MQ-92—Peanuts is signed or prior to the date harvest begins on the farm, whichever is earlier.

* * * * * *

(f) *Notice to county office of intent or completion of disposition of excess acreage or request for release of excess diverted acreage.*—(i) *Notice of disposition.* If the farm operator or other producer on the farm elects to dispose of excess acreage, he shall notify the county office by the expiration date entered on the notice of acreage that he has disposed of the excess acreage or that he intends to dispose of the excess acreage, whichever is applicable, request a determination of the adjusted acreage, and pay the cost of such determination if payment is required by regulations. If payment is required, such payment shall constitute a condition permitting an adjustment in the acreage: *Provided, however,* That notice to the county office is not required as a condition permitting adjustment when a visit to the farm to determine the final acreage is made without cost to the producer under applicable regulations or if prior to the completion of harvest of the crop on the farm, the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee that the excess acreage was in fact disposed of prior to the disposition date.

(ii) *Request for release of excess diverted acreage.* The producer shall request release of any excess diverted acreage prior to the use of such land for any other purpose. If the producer fails to request release prior to making other use of such land, the county committee, or the county office manager on behalf of the county committee, may waive this requirement if it is determined from the facts presented that the producer's failure to request release before making other use of the land was due to a misunderstanding of his responsibility under the program regulations: *Provided, however,* That the waiver shall be automatic when the control crop is planted on the diverted acreage and the necessary adjustment is made in connection with the determination of the final acreage of the crop.

5. Section 718.15(b), Table of Sections Affected by State Committee Determinations Pursuant to §§ 718.10(a) and 718.15(a) (26 F.R. 2552, 26 F.R. 4713, 26 F.R. 5747, and 26 F.R. 11813) is amended for the States of Alabama, Arizona, California, Idaho, Mississippi, New Mexico, North Carolina, South Dakota, Texas, and Wisconsin to read as follows.

§ 718.15 [Amendment]

* * * * *

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Alabama	For peanuts, 24 inches; for cotton, 32 inches.						
Arizona		0.1 A.	Minimum combined area of 0.1 A. established.		Disposition of excess acreage for any crop must be accomplished in not more than two plots or in an entire field(s) plus not more than two plots. Areas disposed of must be of regular shape with no more than 6 sides, one of which must border on a side or end of a field. If an area(s) to be destroyed is a narrow strip extending out into the field, either from an end or a side of the field, such strip must be at least 4 rows wide to be eligible for disposition credit, for all crops except cotton.		
California	For sugar beets, 20 inches.	0.1 A. Minimum widths: (1) Around the perimeter of the field one row for row crops and 4 links for close-sown crops; (2) within the planted area, cropline to cropline: For all row crops except cotton, 4 rows and for close-sown crops, 20 links.	Minimum area of 0.1 A. established. Minimum widths, cropline to cropline; (1) For all row crops except cotton, 4 rows; (2) for close-sown crops, 20 links. Each area to be deducted must meet the minimum requirements.		Minimum widths, cropline to cropline: (1) For all row crops except cotton, 4 rows; (2) for close-sown crops, 20 links. Acreages to be destroyed shall be limited to 2 areas within any one field. (A block of 2 or more consecutive 4-row strips, each extending the full length of the field will count as one area for all crops except cotton. For cotton, a block of 2 or more consecutive full length rows or strips will be counted as one area.) Irrigation ditches, constructed subsequent to the initial acreage determination, which meet the minimum area requirement may be deducted in addition to the 2 area per field limitation. At least one side of any area to be deducted must be on the perimeter of the field. All sides of each area must be straight, except sides which are a part of the perimeter of a field, sides which are contour levees of rice fields, or sides formed by a crop row. Any area having more than 8 sides will not qualify for adjustment except in cases where a block of 4-row strips is accepted as one area, or in case of cotton where a block of 2 or more consecutive rows or strips is accepted as one area.		

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Idaho		0.1 A.	Minimum width, 4 rows.				
•	•	•	•	•	•	•	•
Mississippi		0.1 A. Minimum widths: (1) Around the perimeter of the field, 2 rows for row crops, including solid-planted cotton; 0.1 chain for close-seeded crops; (2) Within the planted area, 4 rows for row crops, including solid-planted cotton; 0.2 chain for close-seeded crops.	Minimum combined area of 0.1 A established. Irrigation dikes in cotton fields shall be deducted the same as terraces provided such dikes are at least 2 rows in width. Irrigation dikes within rice fields are not eligible for deduction.		0.5 A. except that after one or more areas to be disposed of have been determined, the final area shall be the balance of the excess even though it does not meet the minimum requirement of 0.5 A. Disposition areas must not have more than 4 sides and, in case of rice, one side must be along the perimeter of the field. All sides must form straight lines except any side which is part of the perimeter of the field, is another crop boundary, or, in case of rice, is formed by levees within the field. In addition, block-planted row crops may be disposed of in a recognized fallow-strip pattern or on the entire length of the rows and row crops planted in a fallow-strip pattern may be disposed of by plowing up the entire row length of successive strips, except that if less than an entire strip is needed to adjust the total farm excess, only the number of rows in the last successive strip needed to adjust the excess shall be disposed of. Notwithstanding the above restrictions, cotton acreage destroyed by the installation of an irrigation system subsequent to planting may be deducted in adjusting the excess cotton acreage for the farm provided each area deducted meets the minimum requirement of 0.1 A. and is at least 2 rows in width.		
•	•	•	•	•	•	•	•
New Mexico							
•	•	•	•	•	•	•	•
North Carolina	For peanuts, 18 inches; for corn, 30 inches.		Minimum combined area of 0.03 A. established.	Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or the field boundary.	Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or field boundary. This restriction shall not be applicable to adjustments in diverted acreage under the wheat stabilization and feed grain programs.		
•	•	•	•	•	•	•	•
South Dakota	For sugar beets, beets, 22 inches.	0.5 A. for all crops except sugar beets.	Minimum combined area of 0.5 A. established.		0.5 A. for all crops except sugar beets.		
•	•	•	•	•	•	•	•

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Texas	For vegetable crops, 18 inches; for sugar beets, 30 inches.	For solid-seeded crops and row crops other than tobacco: (1) Areas around the perimeter of the field, 0.05 A.; (2) Areas within the planted area, 0.1 A. Minimum width: (1) Around the perimeter of the field, 6 links for solid seeded crops; one row for row crops; (2) Within the planted area, 6 links for solid-seeded crops.	Minimum area of 0.1 A. established. Minimum width for solid-seeded crops, 6 links. Each area must meet the minimum requirements.	Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when the crop is destroyed in a square, rectangular, or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision, provided the within field perimeter of the area is parallel to such terrace.	Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when row crops are destroyed in a square, rectangular, or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision, provided the within field perimeter of the area is parallel to such terrace.		
•	•	•	•	•	•	•	•
Wisconsin			Minimum width, 72 inches.			Within notices will be mailed for all crops and programs except for wheat on farms not participating in the wheat stabilization program and for soil bank base crops on farms where the entire farm is under a conservation reserve contract.	0.1 A. for tobacco.
•	•	•	•	•	•	•	•

(Sec. 16d, 75 Stat. 302, sec. 105c, 75 Stat. 301, secs. 334, 335, 336, 374, 375, 52 Stat. 54, 65, 66, 72 Stat. 79, 75 Stat. 296, 297, 298, 299, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 16 U.S.C. 590 p, 7 U.S.C. 1334, 1335, 1336, 1374, 1375, 1421, 1441, 1153, 1812)

Effective date. Since farmers are now engaged in farming operations for spring-seeded crops and in planning the use of cropland pursuant to P.L. 87–128 pertaining to the total acreage to be devoted to soil conserving uses in 1962, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that all provisions in this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 13, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–3807; Filed, Apr. 19, 1962; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Reg. 1; Lime Reg. 7 Terminated]

PART 944—FRUITS; IMPORT REGULATIONS

Limes

§ 944.200 Lime Regulation No. 1.

(a) On and after 12:01 a.m., e.s.t., April 30, 1962, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of limes, is required on all imports of limes. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of limes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the limes will be imported:

Ports	Office	Advance Notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644).	1 day.
	or	
	Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Phone: Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, Room 202, Trust Bldg., Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 N.W., 21 Terrace, Room 5, Miami, Fla. (Phone: Newton 5-7967).	Do.
	or	
	Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Phone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Div.—AMS, U.S. Department of Agriculture, Washington 25, D.C. (Phone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of limes that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certifications shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any limes to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of limes which, in the aggregate, does not exceed 250 pounds, net weight, may be imported without regard to the restrictions specified herein.

(g) No provisions of this section shall supersede the restrictions or prohibitions on limes under the Plant Quarantine Act of 1912.

(h) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of limes for the purpose of making it eligible for importation.

(i) The terms relating to grade and diameter shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title). Importation means release from custody of the United States Bureau of Customs.

(j) Termination of Lime Regulation No. 7: Lime Regulation No. 7 (26 F.R. 12065, 12242) is hereby terminated at 12:01 a.m., e.s.t., April 30, 1962.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this section beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made applicable to domestic shipments of limes under Lime Regulation 2 (§ 911.302 of this chapter) which applicable provisions become effective April 30, 1962; and (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Division.

[F.R. Doc. 62-3881; Filed, Apr. 19, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1161; Amdt. 20–15]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Elimination of the 360° Overhead Approach From Glider Training

Part 20 of the Civil Air Regulations and the manual material related thereto prescribe the standards applicable to the issuance of pilot and instructor certificates with glider ratings. Sections 20.95(b), 20.95–1(a)(3)(iv), 20.104(d), 20.105(b), 20.105–1(a)(3)(v), 20.121(a)(2), and 20.130–1(d)(4)(v) require, as a prerequisite to a glider rating, right and left 360° approaches for accuracy landings. This amendment replaces the 360° approaches required in these sections for aeronautical skill and flight test with 180° side approaches performed only in the direction of the prescribed traffic pattern. It also replaces the 360° approaches in the experience requirements with 360° turns.

Prior to March 1941, applicants taking flight tests in powered aircraft were required to make 360° approaches for accuracy landings. Since there was little traffic at most airports, such maneuvers presented almost no safety problem. With increased airport traffic, the 360° approach became increasingly hazardous for powered aircraft, and it was eliminated from the flight test. The growth of glider training and flight test activity and the use of congested airports for these activities have established the need for a similar regulatory change in the requirements for a glider rating.

A 360° right and left approach requires the glider to be operated in a direction opposite to the normal traffic pattern flow at many airports, thereby creating a collision hazard for other airport traffic. Moreover, experience with pilot training in powered aircraft where the 180° side approach in the direction of traffic is used indicates that pilot proficiency is not lessened by eliminating the 360° overhead approach. Equal pilot technique is required to accomplish either maneuver.

To accomplish the foregoing change, the skill and flight test requirements for a glider rating on private, commercial, and flight instructor certificates are being amended to substitute the 180° approach in the direction of the prescribed traffic pattern flow for the 360° overhead right and left approach. In addition, the aeronautical experience requirements for glider ratings are being changed to require 360° turns, rather than 360° approaches.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) and the manual material related thereto are hereby amended as follows, effective April 20, 1962:

1. By amending § 20.95(b) to read:

§ 20.95 Aeronautical skill.

* * * * * * *

(b) At least two flights, each of which shall include a 180° approach to a landing, in the direction of the prescribed traffic pattern flow, landing each time within 200 feet beyond a designated line or mark; and

2. By amending § 20.95–1(a)(3)(iv) to read:

§ 20.95–1 Private pilot flight test—gliders (FAA policies which apply to § 20.95).

(a) *Flight test items.* * * *

(3) * * *

(iv) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 200 feet beyond a designated line or mark.

3. By amending § 20.104(d) to read:

§ 20.104 Aeronautical experience.

* * * * * * *

(d) 25 glider flights, each of which include a 360° turn.

4. By amending § 20.105(b) to read:

§ 20.105 Aeronautical skill.

* * * * * * *

(b) At least two flights, each of which shall include a 180° approach to a landing, in the direction of the prescribed traffic pattern flow, landing each time within 100 feet beyond a designated line or mark;

5. By amending § 20.105–1(a)(3)(v) to read:

§ 20.105–1 Commercial pilot flight test—gliders (FAA policies which apply to § 20.105).

(a) *Flight test items.* * * *

(3) * * *

(v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 100 feet beyond a designated line or mark.

6. By amending § 20.121(a)(2) to read:

§ 20.121 Additional aircraft ratings.

* * * * * * *

(a) *Category rating.* * * *

(2) A pilot holding an airplane or rotorcraft category rating who applies for a glider category rating shall have acquired at least 2 hours of flight instruction and solo flight time in gliders which shall include at least 10 solo glider flights, each of which includes a 360° turn, and shall pass an appropriate flight test.

7. By amending § 20.130–1(d)(4)(v) to read:

§ 20.130–1 Limited flight instructor certificates (FAA policies which apply to § 20.130).

* * * * * * *

(d) *Instructor practical test items.* * * *

(4) *Flight test—gliders.* * * *

(v) 180° approaches to landings in the direction of the prescribed traffic pattern flow, landing within 100 feet beyond a designated line or mark.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on April 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-3862; Filed, Apr. 19, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 954; Amdt. 427]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C–46 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring correction of the fire protection deficiencies on certain C–46 Series aircraft was published in 26 F.R. 10362.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment received suggested that the modification required by paragraph (a) of the proposed directive is unnecessary because other safety modifications are adequate and that protection afforded by this modification is reduced to a great extent when the landing gear doors are open. Another comment suggested that the time for compliance be changed from the proposed times of 150 and 500 hours time in service after the effective date of the AD to 1,000 and 3,000 hours time in service, respectively.

In determining the necessity for the modification required by paragraph (a) a recent fatal accident was considered wherein the fire burned through aluminum skins into the wheel well and very quickly caused a failure of the engine mounts and wing spars. The modification provided for in paragraph (a) would delay the spread of a fire into the wheel well under such circumstances. This is believed to sufficiently justify the necessity for the modification. The fact that the protection afforded by the modification is reduced when the landing gear doors are open does not lessen the necessity for the modification, since the doors are closed during most of the flight and are opened only for a short period during takeoff and landing.

Upon consideration of all the factors involved, it has been determined that the proposed compliance times for paragraphs (a) (1), (2), (3) and (b) (4) (vi) may be increased to require compliance within 250 hours time in service after the effective date of the AD. However, it has been determined that an increase in the proposed time for compliance with the remaining provisions of the AD would not be in the interest of safety.

Other changes have been made in response to comments to make allowances for modifications previously accomplished and equivalent means of compliance. The provision requiring compliance in conformance with TSO–C11c has been relaxed to allow compliance with any issue of TSO–C11. A parenthetical statement has been added to paragraph (b)(4)(v) to make it clear that the paragraph does not apply to firewall attachments.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

CURTISS-WRIGHT. Applies to all C–46 Series aircraft except the following: Aircraft listed on Aircraft Specification 2A5, C–46R aircraft listed on Aircraft Specification 3A2, aircraft certificated under STC SA4–33, aircraft certificated under STC SA2–422, and any other aircraft meeting all of the fire protection requirements of SR–406C.

Compliance with paragraphs (a) (1), (2) and (3), and (b) (4) (vi) required within the next 250 hours of time in service after the effective date of this AD.

Compliance with all other paragraphs required within the next 500 hours of time in service after the effective date of this AD.

To correct the fire protection deficiencies on the C–46 Series aircraft, the following is required:

(a) To prevent fire originating in the engine sections from burning into the wheel well area, accomplish the following or FAA approved equivalent unless already accomplished:

(1) Cover the landing gear doors with an 0.015 stainless steel sheet from the forward edge of the doors aft to approximately Station 145 (approximately 55 inches).

(2) Cover the fixed portion of the lower wheel well skin fore and aft between the firewall and the forward edge of the landing gear doors, peripherally between the wheel well door hinge lines, with an 0.015 stainless steel sheet.

(3) Cover the sides of the nacelle in the area of the exhaust impingement with an 0.015 stainless steel rectangular sheet approximately 20 inches by 40 inches with the lower, long side boundary along the landing gear door hinge line and the forward, short side even with the forward edge of the existing nacelle skin at the firewall.

Attach all of the above steel sheets with monel or steel fasteners.

(b) In order to generally improve the powerplant fire protection in C–46 Series aircraft, accomplish the following or FAA approved equivalent unless already accomplished.

(1) *Shut-off valves.* Install fluid shut-off valves which may be opened and closed in flight aft of the firewall in all fuel, oil, and hydraulic lines. USAF Technical Order 01–25LA–190 covers this same subject. If propeller or carburetor anti-icing systems are employed and use alcohol or other flammable fluids as the anti-icing medium, the systems described in USAF T.O. AN 01–25LA–2, pages 458–464, are satisfactory except that shut-off valves or a selector valve which can be opened and closed in flight must be provided aft of the firewall to shut off the flow to either engine. The system shall be such as to shut off the pump automatically, or otherwise guard against hazardous pressures, when the flow to both nacelles is stopped. (No shut-off valve will be required for the feathering pump oil lines—see (b)(3)).

(2) *Engine firewalls.* Engine firewalls must be rendered fireproof by adequately sealing all openings such as the filtered air duct opening, the oil cooler control rod and filtered air control rod openings, other power plant control openings, holes through the firewall for electric conduits, and any other firewall openings. All attachments through the firewall utilized in rendering the firewall fireproof shall be monel or steel attachments.

(3) *Propeller feathering pump installation.* The portion of the propeller feathering oil line forward of the firewall between the firewall and the pump shall be of steel or other fireproof material. The line between the pump and governor shall be of fire resistant material with coupled hose assemblies, meeting the requirements of TSO–C42, used in any flexible connections. Electrical conduit for the pump motor and other electrical components forward of the firewall which are essential for propeller feathering shall be fire resistant or protected in a manner to render them fire resistant. Wire conforming to MIL–C–25038 is considered fire resistant. The feathering pump can be considered an adequate means of shutting off the flow of oil in the feathering line.

(4) *Fire detectors.* The Fenwal continuous type fire detectors, which were originally provided, must be removed and replaced with unit or continuous type fire detectors conforming with FAA Technical

Standard Order, TSO–C11. Such detectors shall also meet the requirements specified in subparagraphs (i) through (vi). If unit type detectors are used, they shall be spaced as specified in subparagraphs (i) and (ii) and continuous type detectors, if used, shall be so installed as to provide the same coverage.

(i) Engine nacelles: Fire detectors, spaced not over 7 inches apart, shall be installed on the lower half of the forward side of the firewall at its outer periphery, and along the horizontal diameter. Also, fire detectors shall be located so as to be in the air egress pattern for any other openings in the engine or accessory cowling.

(ii) Engine mount ring and oil cooler supports: Additional fire detectors, spaced not over 18 inches apart, shall be provided for the upper two-thirds of the engine mount ring. Also, a fire detector shall be installed on each oil cooler support approximately 2 or 3 inches above the oil cooler.

(iii) Warning light covers: Fire-warning-light covers or shutters, which are capable of dimming or shutting off the light entirely, must be removed.

(iv) Means shall be provided to permit the crew to check in flight the functioning of the electric circuit associated with the fire detection and fire warning systems.

(v) Wiring and other components of the fire detection system which are located in the engine and accessory sections shall be of fire resistant construction. (See (b)(2) for firewall attachments.)

(vi) Aural fire warning means, along with fire warning lights, shall be installed to indicate the presence of fire in either engine nacelle.

(5) *Engine compartment lines.* The following lines carrying inflammable fluids or vapors in the engine compartment shall be fire resistant, and items (a) through (g), inclusive, shall also have fireproof firewall fittings. Flexible connections in lines attached to the engine or subject to relative motion or pressure shall employ fire resistant coupled hose assemblies: (a) carburetors bleed back lines, (b) cabin heater fuel lines, (c) oil dilution lines, (d) fuel pressure tranamitter lines, (e) oil pressure transmitter lines, (f) manifold pressure lines, (g) all other hydraulic oil lines, (h) all engine fuel lines, (i) engine primer lines, (j) engine breather lines, (k) engine supercharger drain lines, (l) oil separator return lines, (m) vacuum system pressure lines, (n) all main oil lines, (o) engine oil cooler lines, (p) hydraulic pump drain lines, (q) exhaust collector drain lines, (r) oil tank vent lines, (s) fuel pump drain lines.

Flexible hose assemblies for those lines noted above shall conform to TSO–C53 Type "C". Metal tubing, hose, and clamp type plumbing utilized in those lines noted above shall consist of steel tubing and fire resistant hose. Aeroquip 624 fire sleeve, or equivalent, may be utilized to render non-fire resistant hose (for the hose, steel tube, and clamp type plumbing) fire resistant. Aluminum firewall fittings, sizes 1-inch and larger, will be acceptable as fireproof fittings.

(6) *Airplane flight manual.* Appropriate changes to the airplane flight manual shall be prepared to cover emergency procedures associated with the above changes.

This amendment shall become effective May 22, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D. C., on April 16, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3837; Filed, Apr. 19, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-25]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2418 of the Regulations of the Administrator is to alter the Chicago, Ill. (Meigs Airport), control zone.

The Chicago (Meigs Airport) control zone is presently designated as a full-time control zone. However, the Meigs Airport Traffic Control Tower, which provides the weather reporting and communications service within the control zone, operates only during the hours of 0600 to 2200 local time, daily, therefore, action is taken herein to reduce the time of designation of the control zone to coincide with the hours of operation of the control tower.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2418 (14 CFR 601.2418) is amended to read as follows:

§ 601.2418 Chicago, Ill., (Meigs Airport) control zone.

Within a 3-mile radius of Meigs Airport, Chicago, Ill. (latitude 87°36'30" N., longitude 41°51'30" W.) from 0600 to 2200 hours, local time, daily, excluding the portion W of longitude 87°38'00" W.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3838; Filed, Apr. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-36]

PART 608—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas; Modification of Amendment

On April 14, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3594) an amendment to Part 608 of the Regulations of the Administrator which established Temporary Restricted Area A and Temporary Restricted Area B near Cherry Point-Camp Lejeune, N.C., with an effective date of May 7, 1962, through May 10, 1962. These restricted areas were designated as a result of an urgent requirement as stated by the Commander-in-Chief, Atlantic, to conduct a four-day joint airborne amphibious exercise involving all the armed services.

Upon publication of the FEDERAL REGISTER on April 14, 1962, it was noted that Temporary Restricted Area A slightly overlaps VOR Federal airway No. 1503. The using agency has advised that the airspace within this overlap is not necessary for the successful completion of the exercise. Therefore, action is taken herein to exclude from Temporary Restricted Area A that airspace which lies within VOR Federal airway No. 1503.

Since this change imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 62-WA-36 (27 F.R. 3594) is hereby modified as follows: In the description of the boundaries of Temporary Restricted Area A, "to point of beginning." is deleted and "to point of beginning, excluding that airspace which lies within VOR Federal airway No. 1503." is added.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3850; Filed, Apr. 19, 1962; 8:46 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6597]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Barreling Proof of Whisky

Notice of public hearing to be held in Washington, D.C., on February 27, 1962, with respect to certain proposals to amend 27 CFR Part 4 Relating to Labeling and Advertising of Wine and 27 CFR Part 5 Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on January 27, 1962 (27 F.R. 832). Upon the conclusion of the said hearing and after consideration of relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to 27 CFR Part 5 are hereby adopted:

PARAGRAPH 1. In order to increase the maximum barreling proof of whisky from 110° proof to 125° proof:

(A) The first paragraph of § 5.21(b) is amended by deleting the words "withdrawn from the distillery at not more than 110° and not less than 80° proof, whether or not such proof is further reduced prior to bottling to not less than 80° proof" and inserting in lieu thereof the following wording: "withdrawn at not more than 125° proof for bottling without storage in barrels, or reduced to not more than 125° proof prior to storage in barrels, and bottled at not less than 80° proof".

(B) Subparagraph (2) of § 5.21(b) is amended by deleting the wording "at not exceeding 160° proof and withdrawn from the distillery at not more than 110° and not less than 80° proof, whether or not such proof is further reduced prior to bottling to not less than 80° proof" and inserting in lieu thereof the following wording: "distilled at not exceeding 160° proof, reduced to not more than 125° proof prior to storage in barrels, and bottled at not less than 80° proof".

As amended § 5.21 reads as follows:

§ 5.21 The standards of identity.

* * * * *

(b) *Class 2; Whisky.* "Whisky" is an alcoholic distillate from a fermented mash of grain distilled at less than 190° proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to whisky, and withdrawn at not more than 125° proof for bottling without storage in barrels, or reduced to not more than 125° proof prior to storage in barrels, and bottled at not less than 80° proof; and also includes mixtures of the foregoing distillates for which no specific standards of identity are prescribed in this part: *Provided,* That a maximum of 1,000 barrels of whisky per distillery, withdrawn prior to July 1, 1960, at above 110° proof for experimental storage but at not more than 160° proof may be designated as whisky or any type thereof to which it would have been entitled under these standards of identity but for the fact that it was withdrawn at over 110° proof. Those types of whisky specified in subparagraphs (1) to (10) of this paragraph shall be deemed "American type" whiskies.

* * * * *

(2) "Straight whisky" is an alcoholic distillate from a fermented mash of grain distilled at not exceeding 160° proof, reduced to not more than 125° proof prior to storage in barrels, and bottled at not less than 80° proof, and is;

* * * * *

Because these amendments relieve restrictions presently contained in the regulations, it is found that it is unnecessary to issue this Treasury decision subject to the effective date limitations of section 4(c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective on the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] JOHN W. LITTLETON,
Acting Commissioner of Internal Revenue.

Approved: April 17, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-3851; Filed, Apr. 19, 1962; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Miscellaneous Amendments

Section 1005.000 is added as follows:

§ 1005.000 Scope of part.

The Coordinated Procurement and Assignment Branch (MCPPC), Hq AMC, is responsible for monitoring matters pertaining to interdepartmental procurement involving AF procuring activities. Questions relative to such matters will be referred through channels to AMC (MCPPC).

Subpart A is revised to read as follows:

Subpart A—Procurement Under Federal Supply Schedule Contracts

Sec.

1005.100	Applicability.
1005.101	Federal Supply Schedule contracts.
1005.101–50	Performance under Federal Supply Schedule contracts.
1005.102	Distribution of Federal Supply Schedules and related publications.
1005.103	Mandatory use of Federal Supply Schedules.
1005.103–1	General.
1005.103–2	Exceptions to mandatory use.
1005.103–3	Lists of Federal Supply Schedule contracts which are mandatory upon the Department of Defense.
1005.103–4	Establishment or revision of Federal Supply Schedules mandatory upon Department of Defense.
1005.104	Federal Supply Schedules the mandatory use provisions of which do not apply to the Department of Defense.
1005.105	Completely optional Federal Supply Schedules.
1005.106	Federal Supply Schedules with multiple award provisions.
1005.151	Purchase of typewriters.

AUTHORITY: §§ 1005.100 to 1005.151 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—Procurement Under Federal Supply Schedule Contracts

§ 1005.100 Applicability.

See § 5.100 of this title.

§ 1005.101 Federal Supply Schedule contracts.

See § 5.101 of this title.

§ 1005.101–50 Performance under Federal Supply Schedule contracts.

(a) *Supervision.* While the General Services Administration (GSA) awards and exercises general supervision over its contracts, it is the responsibility of agencies whose requirements are included in the contracts to place orders with contractors, make payment, and in the first instance, determine whether performance meets the contract terms. Agencies whose orders are accepted by the contractor pursuant to the optional use provisions have like responsibilities. Subject to the provisions of the contracts and the conditions stated in this part, ordering offices will deal directly with contractors concerning their performance, and may accept or reject the supplies or services.

(b) *Inspection.* Arranging for inspection of supplies delivered or services performed by a contractor will be the responsibility of the ordering office. If inspection assistance is desired by the ordering office, the nearest GSA regional office will be contacted. The GSA regional office executing the contract will be notified of all significant instances where defective articles and services are received by an ordering office.

(c) *Defective supplies or services; default of order.* Ordering offices may accept defective items and services, according to the provisions of § 7.103–5 (b) of this title, or have the contractor declared in default and terminate the right of the contractor to proceed further under the delivery order. However, before declaring a contractor in default, ordering offices will notify the contractor in writing that, unless satisfactory performance occurs within a specified time (allowing a reasonable time for performance), the ordering office will terminate the contractor's right to proceed further under the delivery order and will hold him liable for any excess costs resulting from purchasing the supplies or services elsewhere. Such notice need not be given when the default involves an attempted fraud on the United States or when it would obviously be futile, for example, when the contractor has already declined to perform. The GSA regional office executing the contract will be notified in writing of all cases where an ordering office has declared a Federal Supply Schedule contractor in default.

(d) *Reordering; excess costs.* When a delivery order is terminated for default, the ordering office may procure elsewhere the undelivered portion of the supplies or services covered by the order and charge the contractor with any resulting excess costs. Where excess costs are anticipated, the ordering office may withhold sufficient funds otherwise due the contractor as offset security. Ordering offices will try to minimize excess costs to be charged against the contractor and will attempt to collect by setoff or otherwise any such excess costs. Ordering offices will report to the Deputy Director, Federal Supply Service, of the GSA regional office executing the Federal Supply Schedule contract involved, where they have been unsuccessful in collecting excess costs which have accrued against a defaulting contractor. Reports, in letter form, will be made within 60 days from date of final payment to the new contractor from which the replacement purchase was made. Such reports will provide complete information to properly identify the transaction, and will include the following data: (1) Name of the defaulting contractor, (2) contract number, (3) item number and description, (4) schedule price, and (5) the amount of excess costs to be collected. In addition, the follow-

ing information will be reported concerning the supplier from whom substitute purchase was made: (i) Name of the supplies, (ii) purchase price, (iii) order number or numbers on which payment was made, and (iv) contract number, if any. The GSA regional office will consolidate such data as reported and either recover the costs by setoff or submit the data through channels to the General Accounting Office for collection.

(e) *Excusable delay.* Should the contractor allege that the failure in performance was due to an excusable cause precluding assessment of excess costs under the provisions of the contract, the deputy regional director, Federal Supply Service, of the regional office executing the schedule contract will be notified promptly. The determination of whether the failure is excusable will be made only by the contracting officer of the GSA, or by the Administrator of General Services, or his duly authorized representative, on appeal. When the ordering office is aware that the defaulting contractor has alleged the failure to be excusable, it may elect to postpone the assessment of excess costs until a decision is made to avoid unnecessary accounting actions.

(f) *Default of entire contract.* The GSA may declare a contractor in default on an overall basis for any or all items covered by the contract, as distinguished from the ordering office action on individual orders set forth in paragraph (c) of this section. When notified of such action by the GSA, ordering offices will not thereafter accept further performance by the contractor or place new orders with him, and they will purchase against the account of the contractor from replacing contractors designated by the GSA, or in such other manner as directed by the Administration.

(g) *Disputes.* All disputes concerning questions of fact arising under the contract which cannot be settled satisfactorily between the ordering office and the contractor will be decided by the GSA contracting officer executing the contract or by the Administrator of General Services, or his duly authorized representative, on appeal.

§ 1005.102 Distribution of Federal Supply Schedules and related publications.

GSA Form 457, "Application for Federal Supply Schedules and Contractors' Catalogs (including Price Lists)" will be furnished by the appropriate GSA regional office upon request. The Federal Supply Service, GSA has published an "Index and Guide to Government Sources of Supply." This publication contains an alphabetical index of items and services used by Federal agencies, lists the Government source of supply for such items, and refers to applicable regulations. It has been distributed to all AF activities listed to receive the Federal Supply Schedule. The appropriate GSA regional office will furnish copies upon receipt of a written request. (See § 5.204 of this title for appropriate GSA regional offices.)

§ 1005.103 Mandatory use of Federal Supply Schedules.

§ 1005.103–1 General.

See § 5.103–1 of this title.

§ 1005.103–2 Exceptions to mandatory use.

(a) *Emergency procurement.* The authority to make the determination required by § 5.103–2(a) of this title will be exercised by staff officers responsible for procurement: (1) Within major command headquarters, (2) within headquarters of the first echelon of command subordinate to the major command, and (3) at installations under the jurisdiction of the subordinate command. The determination will clearly set forth the circumstances of the emergency and specific reasons why the time element makes necessary purchases from sources other than Federal Supply Schedule.

(b) *Abnormal requirements.* Contracting officers are not obligated to purchase, and no contractor is obligated to furnish requirements for less than the minimum amount set forth in the applicable Federal Supply Schedule. Requirements for an item or combination of items in excess of the maximum amount set forth in the Federal Supply Schedule will not be placed with the Federal Supply Schedule contractor. Instead, the procedures in paragraph (d) of this section will be followed.

(c) *Similar items.* When it is determined necessary to deviate from a Federal Supply Schedule to meet a special AF requirement for similar articles or services, the using activity will include as an attachment to their request for purchase a complete justification for such deviation. This justification will be used by the contracting officer in preparing and submitting the written statement required by § 5.103–2(c) of this title to GSA.

(d) *Purchase procedures.* The procedures for purchase of requirements which exceed the maximum amount set forth in Federal Supply Schedules vary with each schedule. In some cases it is optional for the Department of Defense to submit abnormal requirements to the GSA regional office that executed the contract involved, while in other cases it is mandatory.

(1) When submission of abnormal requirements to GSA is optional, the purchase will be made in the open market pursuant to normal AF procedures, except as provided in subparagraph (3) of this paragraph. In addition to normal solicitation of known manufacturers or suppliers, every contractor listed in the Federal Supply Schedule concerned will be solicited.

(2) When submission of abnormal requirements to GSA is mandatory, the requirements will be submitted to the GSA regional office designated in the schedule, except as provided in subparagraph (3) of this paragraph. The request for purchase will set forth in the required quantity, complete schedule description of the items, desired or required deliveries, shipping instructions, and citation of funds. If the regional office declines to process the purchase, it may authorize the Air Force to issue an order to the Federal Supply Schedule contractor or to purchase in the open market. In either case, the Air Force will accomplish the purchase as set forth in subparagraph (1) of this paragraph and the authority to issue an order to the Federal Supply Schedule contractor (if received), will not be used.

(3) It is mandatory that all U.S. requirements for household and quarters furniture and equipment covered in the Federal Supply Schedules or GSA Stores Stock Catalogs be satisfied through GSA sources. This includes U.S. requirements for household and quarters furniture and equipment exceeding the maximum order limitation in the Federal Supply Schedules. It is also mandatory that unscheduled or Military specification household and quarters furniture and equipment (Table of allowance 1–1Q items) requirements in the U.S. be procured by GSA when the total amount of the requirement is in excess of $2,500. The mandatory actions of this section apply to all Table of Allowance 1–1Q items except mattresses and bedclothing FSC 7210, and prison and blind-made products mandatory through other channels. The mandatory actions of this section apply to major appliances such as household washers, dryers, refrigerators, and ranges, and are also applicable to procurements made in the U.S. to fulfill oversea requirements. Requirements for household and quarters furniture and equipment as described in this section, will be obtained as follows:

(i) U.S. requirements for items covered in and within the limitations of the Federal Supply Schedules or GSA Stores Stock Catalogs will be satisfied through the prescribed GSA sources according to established procuring and requisitioning procedures.

(ii) U.S. requirements for items exceeding the maximum order limitations of Federal Supply Schedules and requirements for other than scheduled or GSA stores stock items will be requisitioned by supply activities directly from GSA, Federal Supply Service, National Buying Division, 7th and D Streets SW., Washington 25, D.C.

(iii) Oversea supply activities will forward orders for all items not procureable in the oversea area under the provisions of § 1006.2001–1 of this chapter directly to the appropriate GSA regional office as specified in paragraph 30, section II, volume II, AFM 67–1.

§ 1005.103–3 Lists of Federal Supply Schedule contracts which are mandatory upon the Department of Defense.

See § 5.103–3 of this title.

§ 1005.103–4 Establishment or revision of Federal Supply Schedules mandatory upon Department of Defense.

Commanders of prime AMA's and AF depots are responsible for initiating requests for establishing or changing a Federal Supply Schedule mandatory upon elements of the Department of Defense. Requests will include complete item identification and use, and full justification for the action recommended. Each request will be addressed to Hq USAF (AFMPP–PR–1) through AMC (MCPPC).

§ 1005.104 Federal Supply Schedules the mandatory use provisions of which do not apply to the Department of Defense.

See § 5.104 of this title.

§ 1005.105 Completely optional Federal Supply Schedules.

See § 5.105 of this title.

§ 1005.106 Federal Supply Schedules with multiple award provisions.

In ordering from multiple award Federal Supply Schedules, as set forth in § 5.106 of this title, the choice of equipment will be governed by price except when the using activity furnishes a written justification, considered adequate by the contracting officer, for ordering a particular make or brand. If adequate, the contracting officer will use the justification as the basis for ordering a particular make or brand at other than the lowest price for the type of equipment involved. No formal determination or finding need be filed with either the GSA or the General Accounting Office. If the contracting officer considers the justification inadequate, he will request additional justification from the using activity. In the event he considers the additional justification inadequate, the choice of equipment will be governed by price. Where the price of comparable items of two or more contractors are identical, orders will be rotated, to the extent practicable, in order to avoid a sole source situation.

§ 1005.151 Purchase of typewriters.

The policies and procedures for obtaining manually operated typewriters are contained in paragraph 16, Chapter 4, volume II, AFM 67–1.

Subpart B is revised to read as follows:

Subpart B—Procurement From General Services Administration Stores Depots

Sec.
1005.200 Applicability.
1005.201 General.

AUTHORITY: §§ 1005.200 to 1005.201 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.200 Applicability.

See § 5.200 of this title.

§ 1005.201 General.

The decision whether items and materials (except Commodities under DOD–GSA interagency purchase assignment) will be procured from General Services Administration (GSA) stores depots or from commercial sources pursuant to § 5.201 of this title will be made by administrative determination arrived at jointly by the procurement and supply activities at each AF installation authorized to effect base procurements within the continental limits of the United States. This administrative determination will be arrived at in the following manner:

(a) *Items stocked at base activities.* (1) At regular intervals not to exceed once a quarter, but at least semiannually, GSA and commercial prices will be informally reviewed and compared taking into consideration the overall delivered cost, including price of the item, transportation costs, and administrative cost in effecting payment. Records will be retained as necessary by procurement and supply activities to evidence that reviews were made. Formal solicitation of bids or requests for quotations from GSA stores depots in competition with commercial sources will not be employed to accomplish this review.

(2) The requirements of subparagraph (1) of this paragraph may by administrative determination be waived or modified if experience has clearly shown that the administrative cost of the periodic price comparison or other factors negate any savings which may be realized by commercial procurement. Such a determination will be made a matter of record in the files of the base procurement activity with reasons and justification to support the determination.

(3) The supply activity will appropriately code stock record cards, traveling purchase request cards, or other documents as appropriate to reflect the determinations made under subparagraphs (1) and (2) of this paragraph, and will satisfy requirements for these items by issuing purchase requests to base procurement or requisitions to GSA stores depots, as indicated by the records.

(b) *Non-stock items.* Prior to initiating a requisition to GSA or a purchase request for the items to base procurement, a special determination on the specific items will be made according to paragraph (a) (1) of this section, if the item has not been previously reviewed or coded. After this determination, a purchase request or requisition as appropriate will be issued. If this item is to fill "one-time" requirements, this determination is applicable only to the purchase of that requirement. However, if the item is to be added to base stocks, the determination will be effective until a determination is made according to paragraph (a) (1) and (2) of this section.

(c) *Quality of services.* Determination with respect to the quality of service rendered by GSA stores depots in comparison with the services obtainable from commercial sources will normally be based on past experience and should be a matter of continuing review to insure: (1) Timely delivery of required items and (2) elimination of the need for repeated back ordering which tends to increase the administrative costs in the acquisition of required supplies.

(d) Items and classes of material stocked by GSA stores depots which are under DOD–GSA interagency purchase assignment will be procured according to the implementing procedures relating to such assignments.

Subpart E is revised to read as follows:

Subpart E—Procurement of Blind-Made Supplies

Sec.
1005.505 Clearances.
1005.505–1 Emergency requirements.
1005.505–2 Supplies not available from agencies for the blind.
1005.506 Optional procurement of blind-made supplies.
1005.550 Procurement of services from agencies for the blind.

AUTHORITY: §§ 1005.505 to 1005.550 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.505 Clearances.

In all cases where specifically authorized clearances are issued by National Industries for the Blind or GSA, a copy of the clearance will be attached to the voucher to assure aproval by the General Accounting Office.

§ 1005.505–1 Emergency requirements.

See § 5.501–1 of this title.

§ 1005.505–2 Supplies not available from agencies for the blind.

See § 5.501–2 of this title.

§ 1005.506 Optional procurement of blind-made supplies.

See § 5.506 of this title.

§ 1005.550 Procurement of services from agencies for the blind.

(a) Services, as distinguished from supplies, will not be procured pursuant to the procedure set forth in § 5.501 of this title. These provisions of ASPR do not apply to labor or services or anything other than tangible articles produced by the blind. (Com. Gen. B–128679 Sept. 18, 1956.) The renovation of cotton felt mattresses is considered an item of supply within the interpretation of this section.

(b) Agencies for the blind may be solicited in connection with proposed procurements of services but contracts must be awarded as a result of normal contracting procedures to the lowest responsible bidder, all factors considered.

(c) When it is known that agencies for the blind are qualified to furnish services, requests for bids or proposals will be forwarded to: National Industries for the Blind, 15 West 16th Street, New York 11, New York.

(d) The foregoing does not preclude the completion of current contracts for services with Agencies for the Blind.

Subpart F is revised to read as follows:

Subpart F—Procurement of Printing and Related Supplies

Sec.
1005.601 Printing and related supplies.
1005.650 Regulations governing printing, binding, duplicating and related equipment and supplies.
1005.650–1 Procurement of printed matter and paper for printing.
1005.650–2 Cost of printing.
1005.650–3 Books, blank books, loose-leaf binding devices, paper and similar items.
1005.650–4 Procurement of printing and binding equipment.
1005.651 Contract on printing and binding matters.
1005.652 Printing facilities of Federal Prison Industries, Inc.

AUTHORITY: §§ 1005.601 to 1005.652 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.601 Printing and related supplies.

See § 5.601 of this title.

§ 1005.650 Regulations governing printing, binding, duplicating and related equipment and supplies.

All printing and duplicating, paper for printing, binding, and duplicating, printing plants and duplicating activities and related equipment are controlled by Title 44, U.S. Code, regulations of the Congressional Joint Committee on Printing (JCP), Government Paper Specification Standards (JCP), and AFR 6–1 (Policies and Procedures Governing AF Printing and Duplicating). All printing is either departmental printing or field printing. The explanation of terms contained in AFR 6–1 apply to all printing and duplicating produced by the Air Force and to all Air Force printing plants and duplicating activities.

§ 1005.650–1 Procurement of printed matter and paper for printing.

(a) All departmental printing will be procured from the Government Printing Office, Washington, D.C., except printing for which a waiver is granted by that office or for which the Congressional Joint Committee on Printing has granted authority to have done elsewhere.

(b) Procurement and/or Use of Paper for Printing, Binding, and Duplicating: Government Paper Specification Standards are established by the Joint Committee on Printing. Unless otherwise authorized by JCP, these specifications and standards are mandatory for use by the departments and their field activities in the preparation of procurement documents for paper stocks and in specifying paper stocks to be used in printing, binding, and duplicating. The procurement or use of other types, grades or weights of paper is not authorized. "Government Paper Specification Standards" are distributed by the Air Force Logistics Command (See AFR 81–1 (Policies and Procedures Governing Specifications and Standards)).

(c) Mandatory Government Printing Office (GPO) contracts: (1) GPO Term Contracts contained in the current GPO Form 1047, "Term Contract for Tabulating Cards", and GPO Form 1056, "Term Contract for Aperture (Tabulating) Cards", are mandatory for use within the Air Force. All tabulating cards are items of printing. Procurement of commercial stock cards is not authorized. General Purpose cards are the "stock cards" of the Air Force and are prescribed by AFM 171–5 (Statistical Control Technical Procedures). They will be requisitioned through publications distribution channels in accordance with AFM 5–4 (Distribution of Air Force Publications and Forms). All command or local tabulating cards are chargeable to Contract Field Printing (434.2) funds.

(2) GPO Term Contracts contained in the current GPO Form 1026 for procurement of marginally punched continuous forms, blank or printed, are mandatory for use within the Air Force. All marginally punched continuous forms custom-made to fit them to the particular needs of the Air Force are items of printing. "Stock" tabulating forms and "Stock" teletype forms covered in these contracts are items of supply.

(3) Term Contracts are distributed by the Publishing Division, Directorate of Administrative Services, Hq USAF, to major air command headquarters. Subordinate activities will submit requirements for copies of GPO Term Contracts to their major air command headquarters. Requests will not be submitted to GPO. Direct liaison with that office is not authorized.

(4) Requirements which exceed the maximum order limitation of the GPO Term Contract or which contain special features not covered in these contracts will be procured as items of field printing. In all instances specifications will be as nonrestrictive as the needs of the Air Force permit.

(5) Organizations located outside the ConUS procuring tabulating cards and/or marginally punched continuous forms from manufacturing sources in ConUS are subject to the mandatory use requirements of GPO Term Contracts.

(d) All field printing will be procured from AF printing service plants operating on an industrial funded basis, from field plants, from plants of other Government departments or as Contract Field Printing from commercial sources.

(e) Base newspapers procured from commercial sources and paid for with appropriated funds are items of Contract Field Printing. They will be reported according to AFR 6–1. Standard newsprint and offset book are the only paper stocks authorized for use in printing official Air Force Newspapers (see AFR 190–7 (Air Force Newspapers, Base Guides and Directories)).

§ 1005.650–2 Cost of printing.

(a) The cost of material procured from commercial sources will be charged against specific funds available to the respective procuring service as authorized the Hq USAF. Obligations for field printing procured from commercial concerns or from plants of other Government departments on a reimbursable basis may be incurred to the extent that authority has been delegated and funds made available.

(b) The following supplemental certificate is required by current JCP Regulation and AFR 6–1 to be attached to each voucher involving payment for contract field printing:

> I hereby certify as responsible officer in the field that the contract field printing and/or binding covered by this voucher was, in my opinion, urgent or necessary to have done elsewhere than at the Government Printing Office and that it was procured in accordance with all applicable provisions of the Government Printing and Binding Regulations of the Joint Committee on Printing.

(This certification is not required to be attached to vouchers for payment for printing matter obtained under AFLCR 5–40 procedures.) The certificate will be signed by the officer signing the Purchase Request and submitted in triplicate, to the contracting officer. The contracting officer will furnish the original and one copy of the certificate to the accounting and finance officer designated to make payment, together with the contract or purchase order. Current Government Printing and Binding Regulations are available in the administrative services office of the major air command.

§ 1005.650–3 Books, blank books, loose-leaf binding devices, paper and similar items.

(a) Books, blank books, stenographers notebooks and other printed items regularly carried in stock by the Superintendent of Documents or commercial dealers, and on sale to the public generally, which require no additional printing or binding operations to fit them to the needs of the Air Force will be procured as items of supply. (See AFR 6–1.) The placing of lettering on loose leaf binding devices, such as ring binders, does not change the character of such supplies to printing or require them to be procured from the GPO. Direct image offset masters with or without marginal indicia are items of supply. GSA stocks masters without marginal indicia and masters with marginal indicia may be obtained under federal supply contracts. Direct image offset masters which require special printing to fit them to the needs of the Air Force are items of printing.

(b) All blank or printed envelopes, blank paper, ink, glues, and other supplies manufactured or regularly carried in stock by the GPO and which are used within the District of Columbia, will be procured from the GPO, or under FSS contracts as items of supply. Purchases for field use may be made otherwise if they can be procured cheaper for delivery in the field than from the GPO, taking into consideration the cost of packing and transportation. (See A-22657, 7 Comp. Gen. 712.)

(c) Government publications on sale by the Superintendent of Documents may be obtained by:

(1) Requisitioning procedure set forth in AFR 212–3 (Requisitioning Technical Library Publications).

(2) Submitting a purchase order and making payment on SF 1080.

(3) Submitting a letter requesting the desired publication(s) and inclosing a check or money order to cover the cost.

(4) The Superintendent of Documents will furnish price information on any item he sells. He will not accept invitations to bid on any item. He will allow a 25 percent discount on any order for 100 or more copies of a single publication delivered to a single address. Smaller requirements for two or more publications cannot be combined to obtain this discount.

§ 1005.650–4 Procurement of printing and binding equipment.

(a) Printing, binding, and related or auxiliary equipment are controlled by the Congressional Joint Committee on Printing. Prior authority is required by AF activities to purchase, issue, rent, exchange or transfer this equipment. AFR 6–1 prescribes the procedures for obtaining this authority. A list of the equipment controlled by JCP is contained in attachment 1, AFR 6–1. This list is not all inclusive. If there is any doubt as to whether an item of equipment requires JCP approval, preprocurement clarification should be requested through command channels from the Director of Administrative Services (AFCAS–50), Hq USAF, Washington 25, D.C.

(b) The above does not apply to contractor acquired equipment used indirectly in the performance of an AF contract, except as provided in paragraph 22, AFR 6–1.

(c) (Applicable to AFLC activities only.) Chapter 3, "Policy," Air Force Logistics Command Manual (AFLCM) 78–1 tells how all AF owned printing equipment used by contractors will be acquired and controlled in the Industrial Production Equipment Support Inventory. The provisions of AFLCM 78–1 are applicable to all AF contracts except as provided therein.

§ 1005.651 Contract on printing and binding matters.

(a) The Director of Administrative Services, Hq USAF, is the sole contact with the Congressional Joint Committee on Printing and the Public Printer on all matters pertaining to printing and binding, Bureau of Engraving and Printing on all matters pertaining to engraving, and Bureau of the Budget for approval of periodicals for the Department of the Air Force.

(b) Contact on matters pertaining to AF printing plants and field printing will be according to procedures prescribed in AFR 6–1.

§ 1005.652 Printing facilities of Federal Prison Industries, Inc.

The printing facilities of Federal Prison Industries may be used for the production of unclassified field printing. The use of this printing service is not mandatory. The facilities are available at three prisons and may be used by sending a purchase order (See § 5.406 of this title) direct to one of the following:

Warden of Federal Reformatory, El Reno, Okla.
Superintendent of Industries, Leavenworth Penitentiary, Leavenworth, Kans.
Business Manager of Industries, Atlanta Penitentiary, Atlanta, Ga.

Where the form of purchase order contains the Convict Labor clause, that clause should be deleted.

Subpart G, "Procurement Under The Economy Act From or Through Another Federal Agency," is deleted and reserved.

A new Subpart H is added as follows:

Subpart H—Procurement of Certain Utility Services by Use of General Services Administration Area Contracts

Sec.
1005.800 Applicability.
1005.801 General.
1005.802 Distribution of GSA public utility schedules and related publications.
1005.803 Department of Defense use of GSA area contracts.
1005.804 Ordering under area contracts.

AUTHORITY: §§ 1005.800 to 1005.804 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.800 Applicability.

See § 5.800 of this title.

§ 1005.801 General.

See § 5.801 of this title.

§ 1005.802 Distribution of GSA public utility schedules and related publications.

See § 5.802 of this title.

§ 1005.803 Department of Defense use of GSA area contracts.

(a) Determination by an AF activity to procure utility services under a General Services Administration Area (GSA) Contract does not waive the review and technical approval requirements established in AFR 91–5 (Utility Services). Prior to definite action for the services with the federal supply schedule contractor, technical review and approval will be obtained according to paragraph 14, AFR 91–5.

(b) Requests for exemption from the mandatory use of GSA Area Contracts will be confined to these instances in which use of the Area Contract is determined not to be in the best interests of the Air Force, for example, when requirements involve: (1) Security considerations, (2) necessity for deviations from schedules or regulations on file with the Federal, State, or other public regulatory body, (3) necessity for contract provisions in addition to or different from those in the GSA contract, or (4) connection charges with an indefinite refund to the Government. If an AF activity considers that the applicable GSA Area Contract is not adequate or suitable for its requirements for utility services, a request for permission to negotiate a separate contract with the utility company will be sent through channels to Hq USAF (AFMPP–PR–1) for appropriate action with the GSA. The request will specify the circumstances which are considered to necessitate negotiation of a separate contract and will include the following information: (i) GSA Public Utility Schedule (Area Contract) involved, (ii) name of contractor, (iii) AF activity requiring the services, and (iv) type of utility service in question.

§ 1005.804 Ordering under area contracts.

Services under a GSA Area Contract will be ordered as outlined in § 5.804 of this title. Procedures for payment for services rendered are set forth in § 1053.1805 of this chapter.

Subpart K, "Coordinated Procurement," is deleted.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, USAF, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 62–3833; Filed, Apr. 19, 1962; 8:45 a.m.]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1011—FEDERAL, STATE AND LOCAL TAXES

Sections 1011.000 to 1011.053 are added, and § 1011.054 is revised. The introductory sections now read as follows:

Sec.
1011.000 Scope of part.
1011.051 Applicability of part.
1011.052 Definitions and citations.
1011.053 General.
1011.054 Disputed tax matters.

AUTHORITY: §§ 1011.000 to 1011.054 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.000 Scope of part.

Supplementary to but consistent with Part 11 of this title, this part sets forth policies and procedure in connection with Federal, State, and local taxes, and exemptions from such taxes.

§ 1011.051 Applicability of part.

This part applies to all AF procurement activities concerned with the placement and administration of AF contracts.

§ 1011.052 Definitions and citations.

(a) Supplies called for under a contract are "purchase articles." Materials which enter into production of such supplies are "subsidiary articles".

(b) References are made in this part to Subchapter A, Chapter I of this title, this subchapter, Internal Revenue Code, and Bureau of Internal Revenue Regulations. Examples, § 11.101–1 of this title; § 1011.205(a)(2); section 3797(a) IRC; and section 320.41, TR. 51.

§ 1011.053 General.

(a) Problems in connection with claiming exemptions and issuance of tax exemption certificates are widely varied. The right to exemption depends upon Federal, State, and local tax laws, the items being procured, the nature of the tax, and the type of transaction. The right to issue exemption certificates depends upon the contractural provisions, the content of negotiations upon which the contract is based, and in some instances the date of the contract and delivery thereunder. Because of the variety of situations which may be presented, information contained in this part is not to be considered all-inclusive. See also §§ 1011.204(c) and 1011.350.

(b) Taxable purchase articles or taxable subsidiary articles, or both, may be involved in the same contract. Because the rules governing the claiming of tax exemptions and the issuance of tax-exemption certificates depends to a large extent upon whether purchase or subsidiary articles are involved, the type of article for which the exemption is sought or certificate required must be clearly identified.

§ 1011.054 **Disputed tax matters.**

Report all matters reaching a point of dispute with taxing authorities regarding the validity of, or refunds for taxes imposed upon or assessed against contractors under cost type contracts or under fixed-price type contracts containing a tax escalation clause or any tax dispute involving the Air Force, directly to The Judge Advocate General, Hq USAF, according to AFR 110–3, (Taxation, Legal and Administrative Actions, and Legal Process), with a detailed factual statement thereon. Enter into negotiations with Federal, State, or local tax officials as authorized by Hq USAF. Forward any matter or question regarding Federal, State, or local taxes to be submitted to or cleared with the Secretary of the Air Force, his special representative, or other agencies of the Government (Federal, State, or local), through the staff judge advocate of the major air command to Hq USAF (AFCJA–15), Washington 25, D.C. If the exigencies of the situation require, report by teletype or telegraph.

Subpart C is revised to read as follows:

Subpart C—State and Local Taxes

Sec.

1011.301 Applicability.
1011.302 Tax-exemption forms.
1011.350 Particular State or local taxes.
1011.355 Illinois retailers occupation (sales) tax.
1011.355–1 Special tax clauses for use in fixed price contracts.
1011.355–2 Cost reimbursement type contracts.
1011.356 Maryland and North Carolina sales and use taxes.
1011.356–1 Fixed price contracts.
1011.356–2 Cost type contracts.

AUTHORITY: §§ 1011.301 to 1011.356–2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A

(b) If for any reason it is impossible to exclude an inapplicable State or local tax, execute SF 1094 and deliver to the accounting and finance officer, with a written statement that the vendor refused such certificate, for use of the U.S. Comptroller General in obtaining a refund of the tax. Show the serial number of the tax-exemption certificate on the payment voucher.

§ 1011.350 **Particular State or local taxes.**

State and local tax laws are not uniform and it is not possible to furnish detailed information and instructions on each tax. When difficulties develop and it is desired to adopt a uniform policy with respect to a State or local tax, information will be supplied as added sections subsequent to this section.

§ 1011.355 **Illinois retailers occupation (sales) tax.**

(a) *Scope.* The provisions of this section (including §§ 1011.355–1 and 1011.355–2) relate to contracts calling for sale of tangible personal property, in Illinois, to the U.S. Government. In general, such sales will occur when the contract is performed in Illinois, and physical delivery to the Government (as distinguished from delivery to a carrier) is accomplished in that State. Transactions between prime contractors and subcontractors are not within the scope hereof.

(b) *Instructions to Illinois contractors.* (1) The Illinois Retailers Occupation (Sales) Tax, Section 2, imposes a tax upon the gross receipts of vendors making sales in Illinois of tangible personal property to agencies of the Federal Government. Since Illinois law explicitly exempts proceeds of such sales to the State of Illinois, any county, subdivision, or municipality, and any item of cost, through inclusion in price, reimbursement, overhead allocation, or price escalation under an AF contract, they are directed not to pay the tax. If the State of Illinois should deny exemption, assess or otherwise demand payment of the tax, the contractor should promptly notify his contracting officer and pay the tax under protest as late as possible without incurring penalties or interest pending receipt of further instructions. Such notice to the contracting officer should include:

(i) Contract number, and pertinent contract provisions, under which reimbursement will be claimed.

(ii) A copy of the return and protest accompanying payment, and all correspondence or other material pertinent to the tax.

(3) Instructions required by subparagraph (2) of this paragraph are to be disseminated immediately by cognizant AF administrative contracting officers to the affected contractors.

(4) All information submitted by contractors will be promptly transmitted by the contracting officer in triplicate to the Staff Judge Advocate (MCJC), Hq AFLC, as expeditiously as possible.

§ 1011.355–1 **Special tax clauses for use in fixed price contracts.**

A special tax clause will be inserted in affected fixed price contracts in accordance with instructions hereinafter provided. (See § 1011.355(a)). Each of the clauses prescribed herein provides for the exclusion from price of Illinois Retailers Occupation taxes, and authorizes adjustment therefor if the contractor is ultimately required to pay the same. Provision should be made in IFB's, RFP's and RFQ's to insure exclusion of the tax from prices submitted thereunder and to incorporate the special tax clause in resultant contracts calling for sale, in

(b) *Clause for purchase orders and short form negotiated contracts not containing an ASPR tax clause.* The following clause will be inserted in purchase orders (DD Form 1155) and short form negotiated contracts (DD Form 1261–1270), where the ASPR tax clause is not used, if the amount of purchase, in Illinois, is more than $100. The clause may be used where the amount of purchase is $100 or less, if the contracting officer is satisfied that tax savings would exceed the administrative cost of excluding the tax (e.g. where numerous small purchases are made from a single contractor). With respect to purchase orders issued on oral quotations, particular care should be exercised to assure that the tax is, in fact, excluded from price. In general, written quotations should note the exclusion.

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The price of this contract/purchase order does not include any amount for Illinois State and Local Retailers Occupation (Sales) Tax on proceeds derived herefrom. In the event it is finally determined by the courts that the aforementioned tax is required to be paid on sales to the Government, the contractor will be entitled to reimbursement hereunder for the amount thereof excluded from the purchase price, provided he is required to pay said tax to the State of Illinois.

§ 1011.355–2 **Cost reimbursement type contracts.**

Cost Reimbursement Type Contracts should not include in the estimated cost any element for payment of the Illinois State and Local Retailers Occupation Tax on sales of tangible personal property to the United States. No claims for reimbursement of these taxes will be allowed unless payment thereof by the contractor has been accomplished in accordance with § 1011.355(b)(2) or other written instructions of the contracting

§ 1011.356–1 **Fixed price contracts.**

(a) In view of the contemplated litigation, all affected fixed price contracts over $2,500 (see § 1011.356(a)) will contain the following special tax clause. Provision will be made in IFBs and RFPs to incorporate said clause in the resulting contracts. Existing contracts should be amended to include said clause to the maximum extent possible; however, such amendment is not mandatory except in cases where new work is added to the contract.

(MARYLAND/NORTH CAROLINA) SALES AND USE TAXES (SEPTEMBER 1961)

The (Maryland/North Carolina) Sales and Use Taxes on materials and supplies used in the performance of construction type work for the United States are, to the extent applicable hereto, included in the contract price.

The Government contemplates litigation contesting the legality of the application of these taxes to construction contractors of the United States on the grounds that they discriminate against the United States and those with whom it deals.

Notwithstanding any other provision of the contract it is hereby expressly provided that:

(1) The Government reserves the right to direct the successful bidder to institute proceedings to contest these taxes and the contract price shall be equitably adjusted to cover the costs to the contractor of such action, including any reasonable attorneys' fees.

(2) If the contractor is not required to pay or bear the burden, or obtains a refund, in whole or in part, of these taxes the contract price shall be correspondingly decreased or the amount of such relief or refund shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden or does not obtain a refund of any such taxes, interest or penalties. To

§ 1011.403 **Foreign tax exemption clauses.**

See § 11.403 of this title.

§ 1011.403–1 **General.**

See § 11.403–1 of this title.

(a) and (b) See § 11.403–1(a) and (b) of this title.

(c) Base exchange purchases and counterpart expenditures are not within the scope of the tax exemption agreements referenced in § 11.403–1(a) of this title.

(d) Exemption from the payment of social security contributions and charges in the nature of service charges need not be sought except in those cases where exemption is granted by the pertinent tax agreement or by other arrangement.

(e) Appropriate modifications will be made in existing contracts to the extent affected by tax agreements or amendments thereto becoming effective after the contract date.

2. Subpart T, *Foreign Taxes*, is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1012—LABOR

Subpart A is revised to read as follows:

Subpart A—Basic Labor Policies

Sec.

1012.101 Labor relations.
1012.102 Overtime, extra-pay shifts and multi-shift work.
1012.102–3 Procedures.
1012.102–4 Approvals.
1012.108 Federal and State labor requirements.
1012.108–50 State labor standards.
1012.104 Meeting manpower requirements.

AUTHORITY: §§ 1012.101 to 1012.104 issued

§ 1005.601 Printing and related supplies.

See § 5.601 of this title.

§ 1005.650 Regulations governing printing, binding, duplicating and related equipment and supplies.

All printing and duplicating, paper for printing, binding, and duplicating, printing plants and duplicating activities and related equipment are controlled by Title 44, U.S. Code, regulations of the Congressional Joint Committee on Printing (JCP), Government Paper Specification Standards (JCP), and AFR 6–1 (Policies and Procedures Governing AF Printing and Duplicating). All printing is either departmental printing or field printing. The explanation of terms contained in AFR 6–1 apply to all printing and duplicating produced by the Air Force and to all Air Force printing plants and duplicating activities.

§ 1005.650–1 Procurement of printed matter and paper for printing.

(a) All departmental printing will be procured from the Government Printing Office, Washington, D.C., except printing for which a waiver is granted by that office or for which the Congressional Joint Committee on Printing has granted authority to have done elsewhere.

(b) Procurement and/or Use of Paper for Printing, Binding, and Duplicating: Government Paper Specification Standards are established by the Joint Committee on Printing. Unless otherwise authorized by JCP, these specifications and standards are mandatory for use by the departments and their field activities in the preparation of procurement documents for paper stocks and in specifying paper stocks to be used in printing, binding, and duplicating. The procurement or use of other types, grades or weights of paper is not authorized. "Government Paper Specification Standards" are distributed by the Air Force Logistics Command (See AFR 81–1 (Policies and Procedures Governing Specifications and Standards)).

(c) Mandatory Government Printing Office (GPO) contracts: (1) GPO Term Contracts contained in the current GPO Form 1047, "Term Contract for Tabulating Cards", and GPO Form 1056, "Term Contract for Aperture (Tabulating) Cards", are mandatory for use within the Air Force. All tabulating cards are items of printing. Procurement of commercial stock cards is not authorized. General Purpose cards are the "stock cards" of the Air Force and are prescribed by AFM 171–5 (Statistical Control Technical Procedures). They will be requisitioned through publications distribution channels in accordance with AFM 5–4 (Distribution of Air Force Publications and Forms). All command or local tabulating cards are chargeable to Contract Field Printing (434.2) funds.

(2) GPO Term Contracts contained in the current GPO Form 1026 for procurement of marginally punched continuous forms, blank or printed, are mandatory for use within the Air Force. All marginally punched continuous forms custom-made to fit them to the particular needs of the Air Force are items of printing. "Stock" tabulating forms and "Stock" teletype forms covered in these contracts are items of supply.

(3) Term Contracts are distributed by the Publishing Division, Directorate of Administrative Services, Hq USAF, to major air command headquarters. Subordinate activities will submit requirements for copies of GPO Term Contracts to their major air command headquarters. Requests will not be submitted to GPO. Direct liaison with that office is not authorized.

(4) Requirements which exceed the maximum order limitation of the GPO Term Contract or which contain special features not covered in these contracts will be procured as items of field printing. In all instances specifications will be as nonrestrictive as the needs of the Air Force permit.

(5) Organizations located outside the ConUS procuring tabulating cards and/or marginally punched continuous forms from manufacturing sources in ConUS are subject to the mandatory use requirements of GPO Term Contracts.

(d) All field printing will be procured from AF printing service plants operating on an industrial funded basis, from field plants, from plants of other Government departments or as Contract Field Printing from commercial sources.

(e) Base newspapers procured from commercial sources and paid for with appropriated funds are items of Contract Field Printing. They will be reported according to AFR 6–1. Standard newsprint and offset book are the only paper stocks authorized for use in printing official Air Force Newspapers (see AFR 190–7 (Air Force Newspapers, Base Guides and Directories)).

§ 1005.650–2 Cost of printing.

(a) The cost of material procured from commercial sources will be charged against specific funds available to the respective procuring service as authorized the Hq USAF. Obligations for field printing procured from commercial concerns or from plants of other Government departments on a reimbursable basis may be incurred to the extent that authority has been delegated and funds made available.

(b) The following supplemental certificate is required by current JCP Regulation and AFR 6–1 to be attached to each voucher involving payment for contract field printing:

I hereby certify as responsible officer in the field that the contract field printing and/or binding covered by this voucher was, in my opinion, urgent or necessary to have done elsewhere than at the Government Printing Office and that it was procured in accordance with all applicable provisions of the Government Printing and Binding Regulations of the Joint Committee on Printing.

(This certification is not required to be attached to vouchers for payment for printing matter obtained under AFLCR 5–40 procedures.) The certificate will be signed by the officer signing the Purchase Request and submitted in triplicate, to the contracting officer. The contracting officer will furnish the original and one copy of the certificate to the accounting and finance officer designated to make payment, together with the contract or purchase order. Current Government Printing and Binding Regulations are available in the administrative services office of the major air command.

§ 1005.650–3 Books, blank books, loose-leaf binding devices, paper and similar items.

(a) Books, blank books, stenographers notebooks and other printed items regularly carried in stock by the Superintendent of Documents or commercial dealers, and on sale to the public generally, which require no additional printing or binding operations to fit them to the needs of the Air Force will be procured as items of supply. (See AFR 6–1.) The placing of lettering on loose leaf binding devices, such as ring binders, does not change the character of such supplies to printing or require them to be procured from the GPO. Direct image offset masters with or without marginal indicia are items of supply. GSA stocks masters without marginal indicia and masters with marginal indicia may be obtained under federal supply contracts. Direct image offset masters which require special printing to fit them to the needs of the Air Force are items of printing.

(b) All blank or printed envelopes, blank paper, ink, glues, and other supplies manufactured or regularly carried in stock by the GPO and which are used within the District of Columbia, will be procured from the GPO, or under FSS contracts as items of supply. Purchases for field use may be made otherwise if they can be procured cheaper for delivery in the field than from the GPO, taking into consideration the cost of packing and transportation. (See A–22657, 7 Comp. Gen. 712.)

(c) Government publications on sale by the Superintendent of Documents may be obtained by:

(1) Requisitioning procedure set forth in AFR 212–3 (Requisitioning Technical Library Publications).

(2) Submitting a purchase order and making payment on SF 1080.

(3) Submitting a letter requesting the desired publication(s) and inclosing a check or money order to cover the cost.

(4) The Superintendent of Documents will furnish price information on any item he sells. He will not accept invitations to bid on any item. He will allow a 25 percent discount on any order for 100 or more copies of a single publication delivered to a single address. Smaller requirements for two or more publications cannot be combined to obtain this discount.

§ 1005.650–4 Procurement of printing and binding equipment.

(a) Printing, binding, and related or auxiliary equipment are controlled by the Congressional Joint Committee on Printing. Prior authority is required by AF activities to purchase, issue, rent, exchange or transfer this equipment. AFR 6–1 prescribes the procedures for obtaining this authority. A list of the equipment controlled by JCP is contained in attachment 1, AFR 6–1. This list is not all inclusive. If there is any doubt as to whether an item of equipment requires JCP approval, preprocurement clarification should be requested through command channels from the Director of Administrative Services (AFCAS–50), Hq USAF, Washington 25, D.C.

(b) The above does not apply to contractor acquired equipment used indirectly in the performance of an AF contract, except as provided in paragraph 22, AFR 6–1.

(c) (Applicable to AFLC activities only.) Chapter 3, "Policy," Air Force Logistics Command Manual (AFLCM) 78–1 tells how all AF owned printing equipment used by contractors will be acquired and controlled in the Industrial Production Equipment Support Inventory. The provisions of AFLCM 78–1 are applicable to all AF contracts except as provided therein.

§ 1005.651 Contact on printing and binding matters.

(a) The Director of Administrative Services, Hq USAF, is the sole contact with the Congressional Joint Committee on Printing and the Public Printer on all matters pertaining to printing and binding, Bureau of Engraving and Printing on all matters pertaining to engraving, and Bureau of the Budget for approval of periodicals for the Department of the Air Force.

(b) Contact on matters pertaining to AF printing plants and field printing will be according to procedures prescribed in AFR 6–1.

§ 1005.652 Printing facilities of Federal Prison Industries, Inc.

The printing facilities of Federal Prison Industries may be used for the production of unclassified field printing. The use of this printing service is not mandatory. The facilities are available at three prisons and may be used by sending a purchase order (See § 5.406 of this title) direct to one of the following:

Warden of Federal Reformatory, El Reno, Okla.
Superintendent of Industries, Leavenworth Penitentiary, Leavenworth, Kans.
Business Manager of Industries, Atlanta Penitentiary, Atlanta, Ga.

Where the form of purchase order contains the Convict Labor clause, that clause should be deleted.

Subpart G, "Procurement Under The Economy Act From or Through Another Federal Agency," is deleted and reserved.

A new Subpart H is added as follows:

Subpart H—Procurement of Certain Utility Services by Use of General Services Administration Area Contracts

Sec.
1005.800 Applicability.
1005.801 General.
1005.802 Distribution of GSA public utility schedules and related publications.
1005.803 Department of Defense use of GSA area contracts.
1005.804 Ordering under area contracts.

AUTHORITY: §§ 1005.800 to 1005.804 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1005.800 Applicability.

See § 5.800 of this title.

§ 1005.801 General.

See § 5.801 of this title.

§ 1005.802 Distribution of GSA public utility schedules and related publications.

See § 5.802 of this title.

§ 1005.803 Department of Defense use of GSA area contracts.

(a) Determination by an AF activity to procure utility services under a General Services Administration Area (GSA) Contract does not waive the review and technical approval requirements established in AFR 91–5 (Utility Services). Prior to definite action for the services with the federal supply schedule contractor, technical review and approval will be obtained according to paragraph 14, AFR 91–5.

(b) Requests for exemption from the mandatory use of GSA Area Contracts will be confined to these instances in which use of the Area Contract is determined not to be in the best interests of the Air Force, for example, when requirements involve: (1) Security considerations, (2) necessity for deviations from schedules or regulations on file with the Federal, State, or other public regulatory body, (3) necessity for contract provisions in addition to or different from those in the GSA contract, or (4) connection charges with an indefinite refund to the Government. If an AF activity considers that the applicable GSA Area Contract is not adequate or suitable for its requirements for utility services, a request for permission to negotiate a separate contract with the utility company will be sent through channels to Hq USAF (AFMPP–PR–1) for appropriate action with the GSA. The request will specify the circumstances which are considered to necessitate negotiation of a separate contract and will include the following information: (i) GSA Public Utility Schedule (Area Contract) involved, (ii) name of contractor, (iii) AF activity requiring the services, and (iv) type of utility service in question.

§ 1005.804 Ordering under area contracts.

Services under a GSA Area Contract will be ordered as outlined in § 5.804 of this title. Procedures for payment for services rendered are set forth in § 1053.1805 of this chapter.

Subpart K, "Coordinated Procurement," is deleted.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, USAF, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 62–3833; Filed, Apr. 19, 1962; 8:45 a.m.]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1011—FEDERAL, STATE AND LOCAL TAXES

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Sec.
1011.000 Scope of part.
1011.051 Applicability of part.
1011.052 Definitions and citations.
1011.053 General.
1011.054 Disputed tax matters.

AUTHORITY: §§ 1011.000 to 1011.054 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.000 Scope of part.

Supplementary to but consistent with Part 11 of this title, this part sets forth policies and procedure in connection with Federal, State, and local taxes, and exemptions from such taxes.

§ 1011.051 Applicability of part.

This part applies to all AF procurement activities concerned with the placement and administration of AF contracts.

§ 1011.052 Definitions and citations.

(a) Supplies called for under a contract are "purchase articles." Materials which enter into production of such supplies are "subsidiary articles".

(b) References are made in this part to Subchapter A, Chapter I of this title, this subchapter, Internal Revenue Code, and Bureau of Internal Revenue Regulations. Examples, § 11.101–1 of this title; § 1011.205(a)(2); section 3797(a) IRC; and section 320.41, TR. 51.

§ 1011.053 General.

(a) Problems in connection with claiming exemptions and issuance of tax exemption certificates are widely varied. The right to exemption depends upon Federal, State, and local tax laws, the items being procured, the nature of the tax, and the type of transaction. The right to issue exemption certificates depends upon the contractural provisions, the content of negotiations upon which the contract is based, and in some instances the date of the contract and delivery thereunder. Because of the variety of situations which may be presented, information contained in this part is not to be considered all-inclusive. See also §§ 1011.204(c) and 1011.350.

(b) Taxable purchase articles or taxable subsidiary articles, or both, may be involved in the same contract. Because the rules governing the claiming of tax exemptions and the issuance of tax-exemption certificates depends to a large extent upon whether purchase or subsidiary articles are involved, the type of article for which the exemption is sought or certificate required must be clearly identified.

§ 1011.054 **Disputed tax matters.**

Report all matters reaching a point of dispute with taxing authorities regarding the validity of, or refunds for taxes imposed upon or assessed against contractors under cost type contracts or under fixed-price type contracts containing a tax escalation clause or any tax dispute involving the Air Force, directly to The Judge Advocate General, Hq USAF, according to AFR 110–3. (Taxation, Legal and Administrative Actions, and Legal Process), with a detailed factual statement thereon. Enter into negotiations with Federal, State, or local tax officials as authorized by Hq USAF. Forward any matter or question regarding Federal, State, or local taxes to be submitted to or cleared with the Secretary of the Air Force, his special representative, or other agencies of the Government (Federal, State, or local), through the staff judge advocate of the major air command to Hq USAF (AFCJA–15), Washington 25, D.C. If the exigencies of the situation require, report by teletype or telegraph.

Subpart C is revised to read as follows:

Subpart C—State and Local Taxes

Sec.
1011.301 Applicability.
1011.302 Tax-exemption forms.
1011.350 Particular State or local taxes.
1011.355 Illinois retailers occupation (sales) tax.
1011.355–1 Special tax clauses for use in fixed price contracts.
1011.355–2 Cost reimbursement type contracts.
1011.356 Maryland and North Carolina sales and use taxes.
1011.356–1 Fixed price contracts.
1011.356–2 Cost type contracts.

AUTHORITY: §§ 1011.301 to 1011.356–2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.301 **Applicability.**

See § 11.301 of this title. Also see § 1011.401–50(a).

(a) General rules for availability of exemption from State and local taxes: Exemption certificates may be issued for State and local taxes if the prices paid by the Government exclude such tax.

(b) Purchases of $100 or less need not be made on a tax exclusive basis where the administrative burden outweighs the benefits obtainable from claiming an exemption.

(c) The procedures set forth in paragraphs (a) and (b) of this section will not be followed in connection with purchases of $100 or less not made on a tax exclusive basis.

§ 1011.302 **Tax-exemption forms.**

(a) Prepare certificates to meet the requirements of the State or local tax authority concerned. In most cases, Standard Form 1094, "U.S. Government Tax Exemption Certificate," will be appropriate. Except as provided in paragraph (b) of this section, a tax-exemption certificate will not be issued unless the contract shows that the price is exclusive of the tax or unless the contractor consents to deduction of the tax from the contract price and acceptance of the tax-exemption certificate.

(b) If for any reason it is impossible to exclude an inapplicable State or local tax, execute SF 1094 and deliver to the accounting and finance officer, with a written statement that the vendor refused such certificate, for use of the U.S. Comptroller General in obtaining a refund of the tax. Show the serial number of the tax-exemption certificate on the payment voucher.

§ 1011.350 **Particular State or local taxes.**

State and local tax laws are not uniform and it is not possible to furnish detailed information and instructions on each tax. When difficulties develop and it is desired to adopt a uniform policy with respect to a State or local tax, information will be supplied as added sections subsequent to this section.

§ 1011.355 **Illinois retailers occupation (sales) tax.**

(a) *Scope.* The provisions of this section (including §§ 1011.355–1 and 1011.355–2) relate to contracts calling for sale of tangible personal property, in Illinois, to the U.S. Government. In general, such sales will occur when the contract is performed in Illinois, and physical delivery to the Government (as distinguished from delivery to a carrier) is accomplished in that State. Transactions between prime contractors and subcontractors are not within the scope hereof.

(b) *Instructions to Illinois contractors.* (1) The Illinois Retailers Occupation (Sales) Tax, Section 2, imposes a tax upon the gross receipts of vendors making sales in Illinois of tangible personal property to agencies of the Federal Government. Since Illinois law explicitly exempts proceeds of such sales to the State of Illinois, any county, subdivision, or municipality, and any charitable, religious, or educational institution, imposition of the State and Local Retailers Occupation Tax upon vendors to the Federal Government is considered an unconstitutional discrimination against the Federal Government and those with whom it does business, within the rule of Phillips Chemical Co. *v.* Dumas Independent School District, 361 U.S. 376 (1960).

(2) A test suit was instituted in the U.S. District Court for Northern District of Illinois contesting such imposition of the tax on grounds of discrimination (U.S. & Olin Mathieson Corporation v. Department of Revenue of the State of Illinois). On February 24, 1961, the suit was decided in favor of the Federal Government and its contractors, resulting in the issuance of a court order permanently enjoining the State of Illinois from assessing, collecting, or otherwise applying or enforcing the Illinois Retailers Occupation Tax on sales of tangible personal property to the U.S., its agencies, or instrumentalities. Whether the State of Illinois will now appeal the District Court's decision to the U.S. Supreme Court is not yet known. In the meantime, however, Illinois contractors should continue to be advised that, to the extent such tax would be passed on in whole or in part, directly or indirectly, to the Federal Government as an allowable item of cost, through inclusion in price, reimbursement, overhead allocation, or price escalation under an AF contract, they are directed not to pay the tax. If the State of Illinois should deny exemption, assess or otherwise demand payment of the tax, the contractor should promptly notify his contracting officer and pay the tax under protest as late as possible without incurring penalties or interest pending receipt of further instructions. Such notice to the contracting officer should include:

(i) Contract number, and pertinent contract provisions, under which reimbursement will be claimed.

(ii) A copy of the return and protest accompanying payment, and all correspondence or other material pertinent to the tax.

(3) Instructions required by subparagraph (2) of this paragraph are to be disseminated immediately by cognizant AF administrative contracting officers to the affected contractors.

(4) All information submitted by contractors will be promptly transmitted by the contracting officer in triplicate to the Staff Judge Advocate (MCJC), Hq AFLC, as expeditiously as possible.

§ 1011.355–1 **Special tax clauses for use in fixed price contracts.**

A special tax clause will be inserted in affected fixed price contracts in accordance with instructions hereinafter provided. (See § 1011.355(a)). Each of the clauses prescribed herein provides for the exclusion from price of Illinois Retailers Occupation taxes, and authorizes adjustment therefor if the contractor is ultimately required to pay the same. Provision should be made in IFB's, RFP's and RFQ's to insure exclusion of the tax from prices submitted thereunder and to incorporate the special tax clause in resultant contracts calling for sale, in Illinois, to the U.S. Government. Existing contracts need not be amended to include a special tax clause except in those cases where new work is added thereto. Where, however, the taxes have been included in price, the ultimate benefit of resultant tax savings should accrue to the Government in accordance with the ASPR tax clause contained in the contract.

(a) *Clause for use in contracts containing an ASPR tax clause.* The following will be inserted in fixed price contracts which contain either of the ASPR tax clauses (§§ 11.401–1 or 11.401–2 of this title):

> The contract price does not include any amount for Illinois State and Local Retailers Occupation (Sales) Tax imposed on gross receipts derived from sales in Illinois of tangible personal property to the Federal Government. Though expressly excluded from the contract price, the amount of the State and Local Retailers Occupation Tax estimated to be applicable to the completed supplies covered by this contract is set forth in the Schedule. If the contractor is required to pay such tax and makes payment thereof as directed by the Contracting Officer, the contract price shall be adjusted in accordance with the provisions of the clause of this contract entitled, "Federal, State and Local Taxes." The contract price shall similarly be adjusted if, subsequent to any such reimbursement under this contract, the imposition of said tax is removed.

(b) *Clause for purchase orders and short form negotiated contracts not containing an ASPR tax clause.* The following clause will be inserted in purchase orders (DD Form 1155) and short form negotiated contracts (DD Form 1261–1270), where the ASPR tax clause is not used, if the amount of purchase, in Illinois, is more than $100. The clause may be used where the amount of purchase is $100 or less, if the contracting officer is satisfied that tax savings would exceed the administrative cost of excluding the tax (e.g. where numerous small purchases are made from a single contractor). With respect to purchase orders issued on oral quotations, particular care should be exercised to assure that the tax is, in fact, excluded from price. In general, written quotations should note the exclusion.

> May 1961
>
> The price of this contract/purchase order does not include any amount for Illinois State and Local Retailers Occupation (Sales) Tax on proceeds derived herefrom. In the event it is finally determined by the courts that the aforementioned tax is required to be paid on sales to the Government, the contractor will be entitled to reimbursement hereunder for the amount thereof excluded from the purchase price, provided he is required to pay said tax to the State of Illinois.

§ 1011.355–2 **Cost reimbursement type contracts.**

Cost Reimbursement Type Contracts should not include in the estimated cost any element for payment of the Illinois State and Local Retailers Occupation Tax on sales of tangible personal property to the United States. No claims for reimbursement of these taxes will be allowed unless payment thereof by the contractor has been accomplished in accordance with § 1011.355(b)(2) or other written instructions of the contracting officer.

§ 1011.356 **Maryland and North Carolina sales and use taxes.**

(a) The provisions of this section (including §§ 1011.356–1 and 1011.356–2) relate to Air Force prime contracts calling for construction type work (whether or not formally designated as construction contracts) to be performed either wholly or partially in the States of Maryland or North Carolina.

(b) The Armed Services Tax Group (DOD) is contemplating litigation of sales and use taxes imposed by the States of Maryland and North Carolina on contractor-purchases of materials and supplies used in performing construction type work under contracts with the Federal Government. Neither Maryland nor North Carolina imposes such taxes on contractor-purchases of construction materials and supplies used in performing contracts with the State or its political subdivisions. It is believed, therefore, that said taxes unconstitutionally discriminate against the Federal Government and those with whom it deals within the rule of Phillips Chemical Co. v. Dumas Independent School District, 361 U.S. 376 (1960) and U.S. & Olin Mathieson Corporation v. Dept. of Rev. of the State of Illinois, 191 F. Supp. 723 (1961).

§ 1011.356–1 **Fixed price contracts.**

(a) In view of the contemplated litigation, all affected fixed price contracts over $2,500 (see § 1011.356(a)) will contain the following special tax clause. Provision will be made in IFBs and RFPs to incorporate said clause in the resulting contracts. Existing contracts should be amended to include said clause to the maximum extent possible; however, such amendment is not mandatory except in cases where new work is added to the contract.

> (MARYLAND/NORTH CAROLINA) SALES AND USE TAXES (SEPTEMBER 1961)
>
> The (Maryland/North Carolina) Sales and Use Taxes on materials and supplies used in the performance of construction type work for the United States are, to the extent applicable hereto, included in the contract price.
>
> The Government contemplates litigation contesting the legality of the application of these taxes to construction contractors of the United States on the grounds that they discriminate against the United States and those with whom it deals.
>
> Notwithstanding any other provision of the contract it is hereby expressly provided that:
>
> (1) The Government reserves the right to direct the successful bidder to institute proceedings to contest these taxes and the contract price shall be equitably adjusted to cover the costs to the contractor of such action, including any reasonable attorneys' fees.
>
> (2) If the contractor is not required to pay or bear the burden, or obtains a refund, in whole or in part, of these taxes the contract price shall be correspondingly decreased or the amount of such relief or refund shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden or does not obtain a refund of any such taxes, interest or penalty. Interest paid or credited to the contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the contractor was paid or reimbursed by the Government for such taxes.
>
> The contractor shall maintain accurate records of all payments of (Maryland/North Carolina) sales and use taxes on materials and supplies used in the performance of this contract.

§ 1011.356–2 **Cost type contracts.**

A special tax clause is not required to be included in affected type contracts. Contractors are nevertheless expected to comply with any instructions which may hereafter be issued by Air Force contracting officers relative to the above-referenced taxes. Failure of the contractor to comply with such instructions could result in disallowance of said taxes as items of cost under the contract (§ 15.205–41 of this title). Contractors should be required to maintain accurate records of all sales and use taxes paid to the States of Maryland or North Carolina on materials and supplies used in performing construction type work for the Federal Government.

Subpart D—Contract Clauses

1. Sections 1011.403 and 1011.403–1 are revised to read as follows:

§ 1011.403 **Foreign tax exemption clauses.**

See § 11.403 of this title.

§ 1011.403–1 **General.**

See § 11.403–1 of this title.

(a) and (b) See § 11.403–1(a) and (b) of this title.

(c) Base exchange purchases and counterpart expenditures are not within the scope of the tax exemption agreements referenced in § 11.403–1(a) of this title.

(d) Exemption from the payment of social security contributions and charges in the nature of service charges need not be sought except in those cases where exemption is granted by the pertinent tax agreement or by other arrangement.

(e) Appropriate modifications will be made in existing contracts to the extent affected by tax agreements or amendments thereto becoming effective after the contract date.

2. Subpart T, *Foreign Taxes*, is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1012—LABOR

Subpart A is revised to read as follows:

Subpart A—Basic Labor Policies

Sec.
1012.101 Labor relations.
1012.102 Overtime, extra-pay shifts and multi-shift work.
1012.102–3 Procedures.
1012.102–4 Approvals.
1012.103 Federal and State labor requirements.
1012.103–50 State labor standards.
1012.104 Meeting manpower requirements.

AUTHORITY: §§ 1012.101 to 1012.104 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1012.101 **Labor relations.**

See § 12.101 of this title.

§ 1012.102 **Overtime, extra-pay shifts and multi-shift work.**

§ 1012.102–3 **Procedures.**

(a) and (b) See § 12.102–3 of this title.

(c) *Contract clause for approved overtime.* In addition to the clause specified in § 12.102–3(c) of this title, the following clause will be incorporated in all contracts for performance of which a specified amount of overtime or extra-pay shifts has been authorized.

> APPROVAL OF OVERTIME AND EXTRA-PAY SHIFTS (MAR. 1960)
>
> The Contractor is authorized to perform overtime and/or extra pay shift work to the extent of _____[2] _____ hours in addition to any overtime or extra pay shift work for the purposes set forth in the clause of this contract entitled "Payment for Overtime and Shift Premiums," Provided, however, that the Contracting Officer may by written notice to the Contractor reduce the amount of such authorized overtime or extra pay shift work on a prospective-only basis. If such action requires a change in the time for performance of the contract or in other contract terms, adjustment of the affected contract terms shall be accomplished in accord-

ance with the procedures set forth in the clause of this contract entitled "Changes."

[1] The overtime hours and extra pay shift hours to be inserted in this blank will have the prior approval of the Secretary of the Air Force or his designee (§ 1012.102–4(b)). In the administration of this blanket authorization, the ACO will, according to other APD/AFPRO activities, review from time to time (at least once every 60 days) the criteria under which the overtime and/or extra pay shift hours are being worked to insure that the reasons supporting the original authorization remain valid. If the contracting officer finds that the reasons for the original authorization are no longer valid he may, as provided in the clause, reduce the authorized hours on a prospective basis. The ACO does not however, have the authority to increase the number of hours authorized herein.

(d) and (e) See § 12.102.3 (d) and (e) of this title.

§ 1012.102–4 Approvals.

(a) See § 12.102–4 of this title.

(b) The Secretary of the Air Force has designated: The Deputy Chief of Staff, Materiel, Hq USAF; Deputy Chief of Staff, Development, Hq USAF; the Commander or Deputy Commander, AMC; the Commander or Deputy Commander, ARDC; the Director or Deputy Director, Procurement and Production, Hq AMC; the Director or Deputy Director of Procurement, Hq ARDC; the Commander or Deputy Commander, AMC Ballistic Missiles Center; the Commander or Deputy Commander, AMC Aeronautical Systems Center; the Commander or Deputy Commander, AMC Electronic Systems, Center; the Commander or Deputy Commander of each air materiel area; the Commander or Deputy Commander, Dayton Air Force Depot, and the Commander or Deputy Commander, 2709th Vehicle Control Group, to approve overtime premiums and shift premiums at Government expense in procurement contracts under the circumstances set forth in § 12.102–4(a) (1), (2), and (3) of this title. The authority delegated to the respective Deputy Commanders and Deputy Directors is to be exercised only during the temporary absences of the respective Commanders or Directors.

(c) Contractors performing overtime and extra-pay shift work prior to receipt of the approval do so at their own risk since retroactive approval will be considered only for cases of extreme urgency for which retroactive action can be fully justified.

(d) The Director of Procurement, Hq ARDC, commanders AMC centers, commanders AMAs (ConUS), the Commander of Dayton Air Force Depot, and the Commander, 2709th Vehicle Control Group, will furnish to AMC (MCPM), information in letter form on a monthly basis (first through last day) as to overtime and extra-pay shift approvals. No locally designed forms will be established for this report. The following information will be furnished for each approval: (1) Contractor, (2) program or item, (3) overtime and extra-pay shift hours requested and approved. Where an approval encompasses both overtime and extra-pay shift hours, they will be reported as separate entries; (4) premium dollars requested and approved. Where an approval encompasses both overtime and extra-pay shift premiums, they will be reported as separate entries; (5) period of overtime or extra-pay shift performance; (6) date of approvals; and (7) appropriate comment indicating specific reasons for the action. This information will be submitted in sufficient time to permit receipt at AMC (MCPM) on or before the 25th day of the month following the month covered by the report. RCS: AF–N25 is assigned to this report. Negative reports are required.

(e) The Secretary of the Air Force has exempted for following programs from the overtime restrictions set forth in § 12.102 of this title and these are hereby exempted from the restrictions set forth in this subchapter. The AMC Ballistic Missile Center will issue instructions on IRBM, ICBM, and 117L, if required.

(1) Intermediate Range Ballistic Missiles Program (Thor).

(2) Inter-Continental Ballistic Missiles Program (Titan, Atlas, Minuteman).

(3) Performance of service by contractor personnel on site in connection with Operation Hardtack.

(4) Project 117L.

(5) Project Vela.

(6) Other high priority programs or projects as determined by the Secretary.

(7) B/20 Program.

§ 1012.103 Federal and State labor requirements.

§ 1012.103–50 State labor standards.

(a) *General.* State labor standards governing maximum hours of employment, meal and rest periods, night work, and other similar conditions of employment will be observed to the maximum extent possible in performing AF contracts.

(b) *Administration.* (1) The Air Force will not initiate applications to State agencies or officials for the suspension or relaxation of State labor standards.

(2) Contracting officers may support application of contractor or suppliers when relaxation of State labor standards do not conflict with applicable Federal Labor Laws, such as Fair Labor Standards Act, Walsh-Healey Act, Davis-Bacon Act, Eight Hour Law, and when all of the following circumstances are present. In case of doubt the matter will be submitted through the local staff judge advocate to the Staff Judge Advocate (MCJ), Hq AMC, for advice.

(i) If the required products or services are in short supply and failure to meet production schedules for critically needed end-items will result unless the suspension or relaxation of State labor standards is approved.

(ii) If there are no alternative sources of supply for such products or services available within the required delivery schedule.

(iii) If remedial action (such as recruitment, training and more effective utilization of manpower) is not practicable.

(iv) If the granting of the application will not result in impairment of working conditions to the extent that productivity at the facility will be adversely affected.

(3) Air Force letters of support will be addressed to the appropriate State agency and will include:

(i) The facilities and services affected.

(ii) The extent of relaxation of the particular State labor standard required to complete the specific work in conformity with the procurement schedule.

§ 1012.104 Meeting manpower requirements.

Contracting officers administering contracts are responsible for carrying out the policy stated in § 12.104 of this title.

Subpart D—Labor Standards in Construction Contracts

Revise § 1012.404–2 to read as follows:

§ 1012.404–2 Wage determinations.

(a) The wage determination, issued by the Department of Labor pursuant to the Davis-Bacon Act, is a schedule of the minimum hourly rates of wages to be paid laborers and mechanics employed by the contractor and his subcontractors performing work called for by the contract. It normally includes all the classifications of laborers and mechanics expected to be employed on the work. There are three types of determinations: area determinations, limited area determinations, and individual determinations.

(1) Area (54A) determinations provide wage rates for all contracts which may be awarded at an installation or within a given geographical area (usually a county) during the 90-day life of the determination. This type of determination is issued only for installations where continuing construction activity is anticipated. Area determinations must be renewed on a continuous basis by submission of Department of Labor Form DB–11, "Request for Determination," to the Department of Labor approximately 30 days prior to the expiration of each current area determination.

(2) Limited Area (54A) determinations: In some states, the Department of Labor does not include in the area type determination wage rates applicable to heavy or highway construction. In these states, the wage rates issued are for all classifications for either "Building Construction" only "or Building, Utilities, and Incidental Paving." This type of determination is known as a limited area determination, and where the Department of Labor issues this type of determinations, the requesting office must submit requests for individual determinations for heavy and highway construction projects as described in this paragraph. This type of determination is applicable in the following states:

Alabama.	Nebraska.
Arkansas.	New Mexico.
Florida.	North Carolina.
Georgia.	North Dakota.
Iowa.	Oklahoma.
Kansas.	South Carolina.
Louisiana.	South Dakota.
Maryland.	Texas.
Mississippi.	Virginia.
Maine.	

Individual determinations are provided by the Department of Labor for a single contract. Such a determination must be obtained for each contract subject to the Davis-Bacon Act unless an Area (54A) Determination is applicable. The classifications of laborers and mechanics in these determinations are limited to those classes employed in the type of work required by the contract, as indicated in the request.

(b) Processing requests: (1) Requests for area (54A) determinations, limited area (54A) determinations, and individual determinations will be submitted directly to the Davis-Bacon Section, Department of Labor, Washington 25, D.C., without transmittal to Hq USAF. The wage determinations will be returned direct to the requesting office within the Air Force. However, this provision does not apply to requests for wage determinations to be used for family housing projects to be constructed under Title VIII of the National Housing Act (Capehart Housing), as amended. All requests and inquiries pertaining to wage determinations applicable to Title VIII housing will be made directly to the Deputy/Director for Facilities Support, Director of Installations, Hq USAF, Washington 25, D.C. Detailed procedures covering these wage determinations are covered in Installations Engineer Family Housing Memorandum T VIII (11–56) May 15, 1957.

(2) Requests will be initiated by the installation engineering officer in cases where he is responsible for preparing the construction specifications or by the contracting officer administering the contract in cases of subcontracts and facilities contracts.

(3) Preparation of requests: Requests for area and individual determinations will be made on Department of Labor Form DB–11, "Request for Determinations." No requests by wire or telephone will be made by field personnel to the Department of Labor.

(4) If problems regarding wage rates arise after requests have been submitted to or after determinations have been received from the Department of Labor, followup inquiries or other communications relating thereto will be sent to Hq USAF (AFMPP–PR) except as provided in § 1012.404–3. This office is the liaison between the Air Force and the Department of Labor.

(c) Use of wage rate determinations: (1) The specifications of every contract subject to the Davis-Bacon Act will include a copy of a current wage rate determination. Contracting officers will not accept purchase requests covering projects subject to the Act until the required determination has been incorporated in the specifications. Contracts may be advertised up to the expiration date of the determination; however, bids will not be opened after expiration until a new determination has been received and all bidders have been advised of the new determination and given a reasonable opportunity to resubmit their bids on the basis of the contract specifications as revised by the new determination.

(2) Wage rates properly included in the contract at the time of award are applicable to the contract for its duration, except as specified in subdivision (ii) of this subparagraph. These same rates may be used for additional or new work not included in the specifications if an area determination was used in the IFB or RFP and that determination is still in effect at the time of change. If the area determination has expired or if an individual determination was used, a new wage determination must be used for such new or additional work unless it is clear that the new or additional work is so much a part of the work originally contracted for that it is reasonably impossible of performance by other than the original contractor. (An apparent probability that the new work may be done more conveniently or even at less expense by the original contractor does not in itself justify use of the original determination for such work; the original determination should be used for the new work only if the new work (i) Does not reflect a change or modification which materially alters the scope or character of the original contract requirements and (ii) is so closely related to the original work both in nature and in timing that it cannot reasonably be regarded as a separate and distinct undertaking.)

(*a*) Fixed-price contracts (formally advertised or negotiated): Once a contract is awarded, the wage rates contained in the specifications are the minimum rates that can be paid by the contractor or his subcontractors during the life of the contract.

(*b*) Cost-reimbursement type, time and material, and labor-hour contracts and subcontracts: The wage rates established for and included in cost-reimbursement type prime or subcontracts (including time and materials contracts and labor-hour contracts) according to the Davis-Bacon Act are the minimum rates that can be paid during the life of the contract. Reimbursement to contractors and subcontractors holding the foregoing types of contracts for wages paid to laborers and mechanics are based on this wage schedule; all applications of prime and subcontractors to use higher wage rates require specific approval by the contracting officer. The contracting officer's approval will be based upon substantiating data in support of the contractor's request, such as: proposed wage rates were established as a result of bona fide collective bargaining in which the contractor participated or to which he adheres as a general practice or as a result of membership in contractors' organizations; proposed wage rates have approval of any existing wage stabilizing body established pursuant to Federal law; or payment of wages at higher rates is required to man the job. Subcontracts awarded pursuant to a cost-reimbursement type, time and material, or labor-hour contract will include wage rates prevailing at the time of the subcontract award, except where the subcontracted work is included in the specifications of the prime contract and is a part of the particular work for which the wage rate determination attached to the prime contract was obtained.

(d) Modifications: During the 90-day life of a determination, the Department of Labor may issue a modification, changing the wage rate for one or more classifications or adding or deleting a classification; or the Department of Labor may issue a new determination which entirely supersedes the original determination for the duration of the 90-day period. Neither modifications nor superseding determinations change the expiration date of the original determination. The date that modifications, superseding determinations, or new determinations are received in the Air Force from the Department of Labor will be the date used in determining whether the rates therein are effective. Therefore, all copies of modifications and determinations will be time-date stamped to show when they were first received by the Air Force.

(1) If the date stamped is 5 days or more before bid opening, the new rates are effective and must be included in the contract. Accordingly, bidders should be advised of the new rates by an amendment to the Invitation for Bids and the date of bid opening extended if necessary.

(2) If an effective modification or new determination is not received within sufficient time to notify all bidders prior to bid opening, or is received after bid opening, the following procedure will be used:

(i) If there are no changes to applicable wage rates, or if there are increases which the low responsible bidder will accept without change in its bid price, award will be made to the low responsible bidder, provided that written acceptance of the new rates is obtained from the low responsible bidder and attached to the bid and that the new rates are included in the contract.

(ii) If any applicable wage rate is decreased, or if there is any increase which the low responsible bidder will not accept without change in its bid price, award will not be made until the procurement has been readvertised using the new or modified determination.

(3) The word "modification" as used in § 12.404–2(c) of this title includes new or superseding determinations.

(e) Posting: (1) Upon making the award, the contracting officer will supply the contractor with one or more copies (depending upon size of construction site) of the Wage Rate Information Poster (SOL–155). The name and address of the AF office responsible for the administration of the contract will be inserted in the blank box in the middle of the poster to inform workers where complaints or questions concerning labor law violations may be made.

(2) The contractor will be required to post, in at least one conspicuous place, a copy of the Wage Rate Information Poster together with the applicable wage determination.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart H—Nondiscrimination in Employment

§ 1012.806–50 [Deletion]

Section 1012.806–50 is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1013—GOVERNMENT PROPERTY

§§ 1013.101–1—1013.101–5; 1013.101–7—1013.101–15; 1013.101–17 [Deletion]

1. Sections 1013.101–1 through 1013.101–5; 1013.101–7 through 1013.101–15; and 1013.101–17 are deleted.

2. In § 1013.103(c), subparagraph (3) (iv) is amended to correct the references to paragraph (a), as follows:

§ 1013.103 Control of Government property.

* * * * *

(c) * * *

(iv) Commanders and deputy commanders of contract management regions, AMC field procurement activities, and separate base procurement activities with power of redelegation of only that authority cited in subparagraph (2) of this paragraph, to the director of contract administration for the CMRs or to the staff officer responsible for procurement matters at the other activities, provided such officer is not below the level of the director of procurement and production at the air materiel area, or equivalent organization. Authority contained in subparagraph (1) and (3) of this paragraph is not subject to further redelegation.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart C—Special Tooling

Add a new § 1013.351, as follows:

§ 1013.351 Approval of classification of special tooling (BOB 21–R209).

When it is determined that the contractor will acquire or fabricate new special tooling the contracting officer will: (a) Require the contractor to furnish data (including nomenclature, functional description, and estimated cost) of such categories of special tooling as the cognizant procuring activity determines should be reviewed; (b) provide an Air Force review of each item of special tooling prior to acquisition or furnishing of the items by the contractor. This review will be conducted by AF technical offices to assure that the property is properly classified as special tooling. This review will be made on an item-by-item basis and shall be initiated at as early a point in time as is feasible, preferably prior to award of the supply contract. The classification by AF technical personnel of the items as special tooling in no way pre-empts the subsequent authority of the administrative contracting officer to approve or disapprove actual procurement of such items.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart X—Facility Expansion Procedure

In § 1013.2402(e), revise subparagraph (5) to read as follows:

§ 1013.2402 Procedure.

* * * * *

(e) * * *

(5) *Authorization of shipment from reserve or acquisition from new procurement.* After items listed in approved Appendix "A" have been determined to be necessary according to the foregoing, the administrative contracting officer will authorize shipment from industrial reserve (see paragraph (f) of this section) or approved acquisition by the contractor according to the terms of the letter agreement or facilities contract. Acquisition of new equipment will not be authorized until the contractor has screened available equipment. An AFLC Form 65, "Certificate of Nonavailability of Industrial Equipment," will be obtained according to AFLCM 78–1 for that equipment which is not available in the AFDIER inventory (excludes supporting plant equipment as defined in Subpart HH of this part). The expenditure of funds will not be permitted until the necessary funds have been made available under a facilities contractual instrument. Within 30 days following acquisition, inspection, and acceptance of new equipment purchased by the contractor, the property record (AFLC Form 51, "Industrial Equipment Inventory and Inspection Report," or replacement) will be submitted by the contractor to WRAMA (WRU) for each item of new equipment. Reimbursement will be authorized only when the contractor submits an invoice or public voucher which is supported by a copy of the AFLC Form 65 and a statement that the property record form has been submitted to WRU. The acquisitions and redistribution of supporting plant equipment will be accomplished according to Subpart HH of this part).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314; 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart DD—Leasing of Machinery and Industrial Equipment

§ 1013.3002 [Amendment]

In § 1013.3002(a), *Delegation of authority—leases of machine tools and other production equipment*, paragraph 9 is amended to change the date therein, as follows:

9. Secretary of the Air Force Order No. 631.1, dated July 2, 1957 is hereby superseded.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1015—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart B—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

Subpart B is revised to read as follows:

Sec.
1015.205 Selected costs.
1015.205–16 Insurance and indemnification.
1015.205–31 Professional service costs—legal, accounting, engineering and other.
1015.205–35 Research and development costs.

AUTHORITY: §§ 1015.205 to 1015.205–35 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1015.205 Selected costs.

§ 1015.205–16 Insurance and indemnification.

(a) See § 15.205–16 of this title.

(b)(1) Prime contract clauses with indemnity or hold harmless provisions which do not conform to those in Subchapter A, Chapter I of this title or this subchapter will not be used without prior opinion of cognizant staff judge advocate, coordination with the insurance contracting officer of Pricing and Negotiation Division (MCPF), Hq AMC, and approval of Office of the Procurement Committee (MCPC), Hq AMC, and subject to such further approvals as may be required for deviations from Subchapter A, Chapter I of this title or this subchapter pursuant to § 1.109 of this title and § 1001.109 of this chapter.

(2) Contractor's agreements incurring or settling damages resulting from third party liability will not be approved without a prior opinion of cognizant staff judge advocate as to legality and propriety of such agreements. Vouchers submitted for payment of such costs, where there are any questions of law, will not be approved without a prior opinion from cognizant staff judge advocate as to legality of proposed charges.

§ 1015.205–31 Professional service costs—legal, accounting, engineering and other.

The ACO may request opinions or recommendations from the staff judge advocate having administrative cognizance or from the appropriate Auditor-General district director before approving vouchers for fees of attorneys or accountants, respectively, who are not full-time contractor employees.

§ 1015.205–35 Research and development costs.

(a) and (b) See § 15.205–35 of this title.

(c) Independent R&D (IR&D) effort includes the anticipated or performed work incident to study requirements defined in AFSCR 80–33 during the fiscal year and excludes: (1) R&D effort necessary to submit contract proposals, and (2) cost efficiency studies.

(d) See § 15.205–35(d) of this title.

(e) For the purposes of distributing development costs, the products or services of a contractor's division, department, or plant can, under appropriate circumstances, be considered to be one product line, where the products or services are of similar use or category.

(f) and (g) See § 15.205–35 (f) and (g) of this title.

(h) Where a contractor's business is predominantly commercial, the Air Force will normally recognize for all contract pricing purposes the Air Force's allocable portion of the contractor's independent research and development (IR&D) program and no technical evaluation or additional review is required. Recognition of an allocable share does not preclude the Air Force or the contractor from requesting a negotiation agreement on some portion of the contractor's business such as a division, department, or plant, which is predominantly Government, where independent research and/or development costs are generated and distributed only over that division, department, or plant. Where it appears the independent research and/or development costs applicable to that division, department or plant are unreasonable, and it appears appropriate to negotiate a sharing arrangement, as provided in § 15.205–35(h) of this title, one of the following provisions may be followed: (1) AF negotiators will not enter into an agreement to accept allocable IR&D costs of specific projects without approval of AFSC, Directorate of Special Activities (ASXKK), W–PAFB, Ohio, (2) AF negotiators may enter into agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government provided the agreement does not obligate the Government for any sums in excess of its allowable portion of actual costs within the maximum dollar limitations, whichever is less, and (3) AF negotiators may enter into an agreement to accept the allocable share of a percentage of the contractor's planned research and development provided the agreement includes a maximum dollar limitation.

(i) to (z) [Reserved]

(aa) The objective of this instruction is to formalize procedures for evaluating, negotiating, and administering programs for independent research and development effort which are supported in whole or in part as overhead cost factors in fixed-price contracts or as allowable cost on cost type contracts. The objectives of such evaluation, negotiation, and administration are to determine the overall reasonableness of the proposed independent research and development program. If it is determined that the total program proposed involves greater expenditures than are reasonable, then the objectives are to: (1) Insure that the Air Force supports only the independent research and development effort necessary to achieve Government objectives; (2) insure, where appropriate, that contractors share in costs as well as benefits of these programs; (3) avoid support of unnecessary duplicative development efforts; and (4) control and reduce as appropriate overhead costs which the Air Force pays. However, it should be recognized that the determination of reasonableness is substantially more difficult with contractors who are predominantly in Government work. Hence, it will on occasion be necessary to apply the above listed factors in making such initial determination with respect to such contractors. This regulation is not intended to control, channel, or restrain contractors initiated independent research and development programs:

(bb) Contactors doing bsuiness with only the Air Force seeking a uniform negotiation agreement for IR&D costs may be negotiated by the ACO or predominant procuring activity.

(cc) Contractors doing business with more than one military department where the Air Force is the predominant procuring service seeking a uniform negotiation agreement for IR&D costs will be referred to the Pricing Division (ASXKF), Directorate of Special Activities, ASD, W–PAFB, Ohio. ASXKF will: (1) Conduct or delegate to the appropriate AFSC systems division the authority to conduct tri-service negotiation, and (2) request, when appropriate, a technical evaluation from the Armed Services Research Specialists Committee, through the designee of the Commander, AFSC.

(l) Hq AFSC, acting through the Armed Services Research Specialists Committee, will evaluate all independent research and development programs submitted by the services. Hq AFSC (RDR) will:

(*a*) Review contractor's brochure to assure adequate segregation.

(*b*) Recommend the extent to which it is reasonable to support such programs.

(c) Provide engineering consulting services and liaison as may be required incident to the ASXKF negotiation.

(*d*) Collaborate with ASXKF and industry as required to assure accomplishment of Government objectives when programs are supported.

(dd) Contractors desiring Government support of their IR&D programs and doing business with more than one military department may be required by ASXKF to submit brochures describing their IR&D program. If selected, such contractors will submit to ASXKF through the ACO 16 copies of a brochure prepared generally according to the guidelines contained in paragraph (gg) of this section. The ACO will forward to ASXKF appropriate written comments concerning the contractor's brochures. Upon completion of the negotiation, ASXKF will distribute a negotiation report to all interested Government activities. Negotiations will be based on the contractor's fiscal year or years. The results of these negotiations will be recognized by all AF activities in contract pricing actions.

(ee) In pricing individual contracts for work to be accomplished within the contractor's current fiscal year or future fiscal years, the IR&D costs to be included in the overhead pool applied in developing the estimated contract price will be the ceiling dollars negotiated for the respective fiscal years. This procedure will be followed notwithstanding the estimated recovery of IR&D or any other contract negotiated. Where a contractor's expenditures for IR&D for a current fiscal year clearly indicate that the negotiated ceiling will not be attained, consideration of a downward adjusted ceiling by the negotiator is appropriate. Adjusting the ceiling will be accomplished by applying the negotiated percentage to a revised estimate of actual expenditures. In determining actual cost for cost type contracts or repricing actions pursuant to contract redeterminations or incentive provisions where the actual expenditures are insufficient to qualify the contractor for the original ceiling dollars negotiated, the contract negotiator will adjust the ceiling downward to equal the negotiated percentage of actual expenditures and follow the same procedure indicated in this paragraph.

(ff) Where it is agreed that the AF recognize less than allocable portion of a contractor's independent research and development costs in cost reimbursement contracts, an appropriate clause should be included in the contract evidencing the negotiation.

(gg) Where it is required that a contractor submit a brochure, according to paragraph (dd) of this section, the following will serve as a guide for information to be included therein.

(1) The technical portion of the brochure should be divided into two sections; one of them will describe the contractor's independent research program, as defined in §15.205–35(a) of this title, for which allowance is requested under the terms of § 15.205–35(d) of this title. The other one will, similarly, describe the independent development program, according to the definition of § 15.205–35(b) of this title, for which allowance is requested under the terms of § 15.205–35(e) of this title. In either instance, the brochure will report individually on each project, i.e., the smallest, administratively recognized unit for task assignment in the reporting laboratory. Project descriptions under the independent research program should furnish the following minimum information:

(i) Title.

(ii) Estimated annual expenditures.

(iii) How long project has been running and dollars spent to date.

(iv) Estimated date of completion of project.

(v) Estimated effort in professional man years and professional grade of personnel to be utilized.

(vi) Summary of past achievements under this and related types of research projects in the same field.

(vii) A concise statement of the objective and narrative description of the technical approach.

Project descriptions under the independent development program should furnish the following minimum information:

(*a*) Title.

(*b*) Estimated annual expenditures.

(*c*) How long project has been running and dollars spent to date.

(*d*) Estimated date of completion of project.

(*e*) Estimated hours of engineering effort and classification of personnel to be utilized.

(*f*) Summary of past technical achievements under this and related types of development projects in this same field.

(*g*) A concise statement of the objective and a narrative description of the technical approach.

(2) The technical portions of the individual project descriptions will be written in appropriate and concise scientific language, such as is customarily used in publications on the reported subject matter in reputable scientific journals. Popularizations of the "for the educated layman" variety are discouraged.

(i) It is emphasized that the projects are to be described not defended, hence the customary and often obvious justifications of the work required by internal management are to be omitted.

(ii) Reports and/or reprints having resulted from past activity under the reported projects may accompany the submission and are welcomed.

(iii) In case of independent development projects, the contractor will indicate the project lines for which he has contracts with the Government and under the indirect costs of which the project costs are to be allowed.

(iv) In addition to the written descriptions of each project, as itemized above, the Air Force may wish to elicit further information about these projects in direct discussions. Accordingly, in addition to the brochures, the contractors will supply the name, title, and address of two or three officials with overall responsibility and supervision of the corporation's independent research or development program, and with knowledge of other individuals with specialized engineering and financial background information about these projects.

(3) The format and guidelines in this section have been approved by the Bureau of Budget according to Federal Reports Act of 1942. BOB Number 21–R210 is assigned.

For the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S.A.F., Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–3834; Filed, Apr. 19, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary

PART 7—EMPLOYEES: INTEREST IN LANDS AND RESOURCES

Part 7 (formerly Officers and Employees: Lands and Resources) of Title 43 is revised to read as follows:

Sec.
7.1 Authority.
7.2 Definitions.
7.3 Prohibition.
7.4 Exceptions.
7.5 Advisory Boards for grazing districts.
7.6 Applications for a farm unit.
7.7 Requests for advice.
7.8 Penalty.

AUTHORITY: §§ 7.1 to 7.8 issued under R.S. 161, 452; 5 U.S.C. 22, 43 U.S.C. 11.

§ 7.1 Authority.

The regulations in this part are based on (a) section 161 of the Revised Statutes (5 U.S.C. 22) which authorizes the Secretary of the Interior to prescribe regulations not inconsistent with law for the government of his Department and the conduct of its officers and employees; and (b) section 452 of the Revised Statutes (43 U.S.C. 11) which prohibits employees of the Bureau of Land Management from directly or indirectly purchasing or becoming interested in the purchase of any of the public land, and which provides that any person who violates the section shall forthwith be removed from his office.

§ 7.2 Definitions.

(a) The term "employee" as used in this part includes any person employed by the Department of the Interior, or any of its bureaus or offices however designated.

(b) The term "interest" means any direct or indirect ownership in whole or in part of the lands or resources in question, or any participation in the earnings therefrom, or the right to occupy or use the property or to take any benefits therefrom based upon a lease or rental agreement, or upon any formal or informal contract with a person who has such an interest. It includes membership in a firm, or ownership of stock or other securities in a corporation which has such an interest: *Provided*, That stock or securities traded on the open market may be purchased by an employee if the acquisition thereof will not tend to interfere with the proper and impartial performance of the duties of the employee or bring discredit upon the Department.

(c) The prohibition in § 7.3 includes but is not limited to the buying, selling, or locating of any warrant, scrip, lieu land selection, soldier's additional right, or any other right or claim under which an interest in the public lands may be asserted. The prohibition also extends to any interest in land, water right, or livestock, which in any manner is connected with or involves the use of the grazing resources or facilities of the lands or resources administered by the Bureau of Land Management.

§ 7.3 Prohibition.

(a) An employee and the spouse of an employee, except as provided in §§ 7.4 to 7.6, are prohibited from:

(1) Voluntarily acquiring an interest in the lands or resources administered by the Bureau of Land Management;

(2) Retaining an interest in the lands or resources administered by the Bureau of Land Management acquired voluntarily or by any other method, before or during employment by the Department of the Interior.

(b) Section 4 of the Act of May 16, 1910, as amended (30 U.S.C. 6), provides that neither the Director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation.

(c) Section 1 of the Act of March 3, 1879 (43 U.S.C. 31), provides that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey.

§ 7.4 Exceptions.

(a) *Acquisition.* (1) An employee or the spouse of an employee, including an employee or the spouse of an employee of the Bureau of Land Management, stationed in Alaska, may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska pursuant to the Act of June 1, 1938, as amended (43 U.S.C. 682a–682d).

(2) An employee or the spouse of an employee stationed in Alaska (other than an employee or the spouse of an employee of the Bureau of Land Management), shall not by reason of being an employee or the spouse of an employee be precluded from acquiring an interest in lands or resources in Alaska administered by the Bureau of Land Management, except a mineral lease or mining claim.

(3) A temporary, WAE (when actually employed), or WOC (without compensation) employee or the spouse of such an employee employed in the Department for a period of one year or less (other than an employee or the spouse of an employee of the Bureau of Land Management), shall not by reason of such employment be precluded from acquiring an interest in lands or resources administered by the Bureau of Land Management.

(b) *Retention.* (1) An interest in lands or resources administered by the Bureau of Land Management permitted to be acquired under paragraph (a) of this section may be retained.

(2) An intermittent or seasonal employee of the Bureau of Land Management engaged in field work relating to land, range, forest, and mineral conservation and management activities, if such employment does not exceed 180 working days in each calendar year, and the spouse of such an employee, shall not by reason of such employment be precluded from retaining any interest, including renewal or continuation of existing rights, in lands or resources administered by the Bureau of Land Management: *Provided*, That such an employee or spouse of the employee shall not acquire any additional interest in such lands or resources during employment.

(3) (i) Upon written request of an employee, the Secretary in his discretion, may approve the retention of an interest in lands or resources administered by the Bureau of Land Management, subject to such conditions as the Secretary may impose, where:

(*a*) The employee or the spouse of the employee acquired such an interest by gift, devise, bequest, or by operation of law; or

(*b*) The employee or the spouse of the employee acquired such an interest prior to the time the employee entered on duty in the Department of the Interior.

(ii) The written request must be submitted to the Secretary through the head of the employing bureau or office, within 90 days from (*a*) the effective date of these amended regulations, (*b*) the date of the acquisition of the interest, or (*c*) the date of employment in the Department of the Interior, whichever is later. The request shall contain a full and complete disclosure of the interest in the lands or resources, the date and manner of acquisition, a showing that denial of the right to retain such interest will work a hardship upon the employee or the spouse of the employee, as the case may be, and that continued retention of such interest will not be contrary to the interest of the Department.

(iii) The provisions of this paragraph shall not be applicable to cases where the interest has been acquired in violation of a statutory prohibition.

§ 7.5 Advisory boards for grazing districts.

Nothing contained in this part shall disqualify local stockmen appointed pursuant to section 18 of the Taylor Grazing Act of June 18, 1934 (48 Stat. 1269, 43 U.S.C. 315o–1), as amended, as members of advisory boards for grazing districts, from acquiring or retaining grazing licenses or permits issued pursuant to section 3 of the Taylor Grazing Act (43 U.S.C. 315b), or any other interest in land or resources administered by the Bureau of Land Management: *Provided*, That in no case shall the member of any such board participate in any advice or recommendation concerning such a license or permit, or an application therefor, in which such member is directly or indirectly interested.

§ 7.6 Applications for a farm unit.

Nothing contained in this part shall disqualify an employee or the spouse of an employee from filing an application for a certificate of qualification for a farm unit in a Federal reclamation project when such farm units are awarded on the basis of a public drawing of the name of the applicants as provided in Part 401 of this title. However, an employee must terminate employment with the Department before the employee or the spouse of the employee selects a farm unit.

§ 7.7 Requests for advice.

When an employee is in doubt as to whether the acquisition or retention of any interest in lands or resources administered by the Bureau of Land Management would violate the provisions of the regulations in this part, a statement of the facts should be submitted promptly by the individual involved to the head of the employing bureau or office for transmittal through proper channels to the Secretary of the Interior for a decision.

§ 7.8 Penalty.

The violation of any provision of the regulations in this part shall be punishable pursuant to disciplinary policies of the Department and may be deemed sufficient cause for cancellation of the interest and removal from office.

This revision shall be effective upon publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

APRIL 13, 1962.

[F.R. Doc. 62–3839; Filed, Apr. 19, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held in Washington, D.C., on the 26th day of March A.D. 1962.

It appearing that on March 14, 1958 (23 F.R. 1963, March 25, 1958) and May 9, 1958 (23 F.R. 3331, May 16, 1958) respectively, notices of proposed rule making were issued in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) in the above entitled proceedings with respect to the proposal to amend §§ 193.50 (49 CFR 193.50), 193.51 (49 CFR 193.51), 193.65(e)(1) (49 CFR 193.65(e)(1)), 193.66 (49 CFR 193.66), 193.70(c) (49 CFR 193.70(c)), 193.70(f) (49 CFR 193.70(f)), 193.75(a) (49 CFR 193.75(a)), 193.76(a) (49 CFR 193.76(a)), 193.76(h)(2) (49 CFR 193.76(h)(2)), 193.77(c)(3) (49 CFR 193.77(c)(3)), 193.78(a) (49 CFR 193.78(a)), 193.82 (49 CFR 193.82), 193.85 (49 CFR 193.85), 193.90 (49 CFR 193.90), 193.95 (49 CFR 193.95), and 193.96(c)(7) (49 CFR 193.96(c)(7)) of the Motor Carrier Safety Regulations.

It further appearing that statements of data, views and argument with respect to the proposed amendments were seasonably filed by motor carriers, motor carrier associations, auto and trailer manufacturers, and a state public utility commission, requesting reconsideration, depletion or modification;

It further appearing that after full investigation of the matter and things within the scope of the notices of March 14, 1958, and May 9, 1958, and after full consideration of the data, views and arguments received from interested persons with respect thereto, that the said regulations, with some revisions and modifications, should be amended as proposed.

It is ordered, That effective on the date of this order, paragraphs (a) and (b) of § 193.75 (49 CFR 193.75(a)(b)) of the Code of Federal Regulations be, and they are hereby, vacated and set aside.

It is further ordered, That § 193.75 (49 CFR 193.75) of the Code of Federal Regulations, be and it is hereby amended by deleting therefrom paragraphs (a) and (b) in their entirety, without altering or changing the remaining paragraph (c), except that the remaining paragraph (c) is redesignated as paragraph (a).

It is further ordered, That the proposed revisions of §§ 193.70(c) (49 CFR 193.70(c)), 193.85 (49 CFR 193.85) and 193.95 (49 CFR 193.95) of the Code of Federal Regulations be, and they are hereby, suspended for further consideration until further order of the Commission and that the present §§ 193.70(c), 193.85 and 193.95 shall remain in full force and effect pending such consideration.

It is further ordered, That §§ 193.50 (49 CFR 193.50), 193.51 (49 CFR 193.51), 193.65(e)(1) (49 CFR 193.65(e)(1)), 193.66 (49 CFR 193.66), 193.70(f) (49 CFR 193.70(f)), 193.76(a) (49 CFR 193.76(a)), 193.76(h)(2) (49 CFR 193.76(h)(2)), 193.77(c)(3) (49 CFR 193.77(c)(3)), 193.78(a) (49 CFR 193.78(a)), 193.82 (49 CFR 193.82), 193.90 (49 CFR 193.90), and 193.96(c)(7) (49 CFR 193.96(c)(7)), of the Code of Federal Regulations, be, and they are hereby, amended to read as follows:

§ 193.50 Reservoirs required.

(a) *General.* As provided in paragraph (c) of this section, every bus, truck, and truck-tractor made after June 30, 1953, and using air or vacuum for braking, shall be equipped with reserve capacity or a reservoir sufficient to insure a full service brake application with the engine stopped without depleting the air pressure or vacuum below 70 percent of that pressure or degree of vacuum indicated by the gauge immediately before the brake application is made. For purposes of this section, a full service brake application is considered to be made when the service brake pedal is pushed to the limit of its travel.

(b) *Safeguarding of air and vacuum.* As provided in paragraph (c) of this section, every bus, truck, and truck-tractor, when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, shall have such reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure. Means shall be provided to establish the check valve to be in working order.

NOTE: In an air-brake system with one reservoir, the provision of a vent cock in a Tee in the compressor discharge line should serve as means for proving the check valve to be in working order. With the compressor stopped, opening of the vent cock should cause the check valve to close to prevent continued escape of air. Where two reservoirs are used with the check valve between them, opening the drain cock of the first reservoir ("wet" tank) should serve the purpose without the vent cock mentioned. In vacuum brake systems without vacuum pumps, stopping the engine should serve the purpose, the vacuum system remaining

evacuated as indicated by the vacuum gauge if the check valve is in working order. Where vacuum pumps are used, a vent cock or other device is to be provided.

(c) *Application.* This section applies to passenger-carrying vehicles each having a seating capacity of 9 or more persons, driver included, and to all property-carrying vehicles and combinations of property-carrying vehicles having 3 or more axles.

§ 193.51 Warning devices and gauges.

(a) *Air brakes as provided in paragraph (d) of this section.* Every bus, truck, and truck-tractor using compresed air for the operation of its own brakes or the brakes on any towed vehicle shall be equipped with a warning signal readily audible or visible to the driver, which will give continuous warning at all pressures below a fixed pressure not less than one-half the compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge which will indicate to the driver the pressure in pounds per square inch available for braking.

(b) *Vacuum brakes as provided in paragraph (d) of this section.* Every bus, truck, and truck-tractor using vacuum for the operation of its own brakes or the brakes on any towed vehicle shall be equipped with a warning signal readily audible or visible to the driver, which will give continuous warning at any time the vacuum in the vehicle's supply reservoir is less than 8 inches of mercury. In addition, each such vehicle shall be equipped with a vacuum gauge which will indicate to the driver the vacuum in inches of mercury available for braking.

(c) *Maintenance.* The warning devices and gauges required by this section shall be maintained in operative condition.

(d) *Application.* This section applies to passenger-carrying vehicles each having a seating capacity of 9 or more persons, driver included, and to all property-carrying vehicles and combinations of property-carrying vehicles having 3 or more axles.

§ 193.65 Fuel systems.

* * * * * *

(e) *Liquid fuel tank requirements.* (1) Every liquid fuel tank or container used for fuel for use on any motor vehicle shall be of substantial constructions, free of leaks, securely attached to the motor vehicle, and shall have its filling opening provided with a plug or cap with means for securing it in place, such as by the use of properly fitted screw threads or bayonet type joint, and without leaks except as elsewhere provided in these regulations with regard to tank vents.

§ 193.66 Liquefied petroleum gas fuel systems.

Every motor vehicle utilizing liquefied petroleum gas for any purpose shall be equipped with a fuel system, being utilized for such purpose, which complies with Division IV, June 1959 edition of the "Standards for the Storage and Handling of Liquefied Petroleum Gas" of the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts: *Provided, however,* That such fuel systems installed on motor vehicles prior to the effective date of this order shall comply with the "Standards for the Storage and Handling of Liquefied Petroleum Gas" of the National Fire Protection Association, as published in the 1951 edition, or such subsequent edition of the "Standards for the Storage and Handling of Liquefied Petroleum Gas" of the National Fire Protection Association, in effect at the time of such installation: *Provided further, however,* That in any case compliance with the 1959 edition shall be deemed to be permissible. This section, in every case, requires the marking of the container in such fuel system to indicate compliance with the Standard as provided herein.

§ 193.70 Coupling devices and towing methods, except for driveaway-towaway operations.

* * * * * *

(f) *Safety chains.* Every full trailer shall be coupled with a safety chain or chains (stay chains or cables) directly to the frame of the motor vehicle by which it is to be towed. Attachment to the pintle hook will not meet this requirement. No more slack shall be left in safety chains or cables than shall be necessary to permit proper turning. Chains or cables shall be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed. On and after January 1, 1965, every full trailer and every dolly used to convert a semitrailer to a full trailer shall be equipped with two safety chains or cables, the points of attachment of which to the frame or axle of the full trailer dolly shall be not less than 48 inches apart, or as near thereto as the configuration of the frame or axle permits.

§ 193.76 Sleeper berths.

* * * * * *

(a) *Ready exit.* The sleeper berth shall be so designed, constructed, and maintained as to provide the occupant, without the assistance of other persons, with at least two exits at opposite sides of the vehicle, each being at least 18 inches high and 21 inches wide, provided that if the berth space is part of the original cab or made part of the cab by remodeling of the cab, and has a doorway or opening at least 18 inches high and 36 inches wide between the berth and the driving seat, the requirement for two exits need not apply.

* * * * * *

(h) *New vehicles, additional specifications.* * * *

(2) *Berths, dimensions.* The sleeper berth shall be so constructed and maintained as to provide, at least, the following inside dimensions: 75 inches long measured on the centerline of the longitudinal axis, 21 inches wide and 21 inches deep measured from the top of the mattress, of generally rectangular shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10½ inches.

§ 193.77 Heaters.

* * * * * *

(c) *Heater specifications.* * * *

(3) *Heaters, secured.* Every heater and every heater enclosure shall be securely fastened to the vehicle in a substantial manner so as to provide against relative motion within the vehicle during normal usage or in the event the vehicle overturns. Every heater shall be so designed, constructed, and mounted as to minimize the likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in or on which it is mounted. Wood charcoal heaters shall be secured against relative motion within the enclosure required by subparagraph (1) of this paragraph, and the enclosure shall be securely fastened to the motor vehicle.

§ 193.78 Windshield wipers.

(a) Every bus, truck, and truck-tractor, having a windshield, shall be equipped with at least two automatically-operating windshield wiper blades, one on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield and which shall be in such condition as to provide clear vision for the driver, unless one such blade be so arranged as to clean an area of the windshield extending to within one inch of the limit of vision through the windshield at each side: *Provided, however,* That in driveaway-towaway operations this Section shall apply only to the driven vehicle: *And provided further,* That one windshield wiper blade will suffice under this section when such driven vehicle in driveaway-towaway operation constitutes part or all of the property being transported and has no provision for two such blades.

§ 193.82 Speedometer.

Every bus, truck, and truck-tractor shall be equipped with a speedometer indicating vehicle speed in miles per hour, which shall be operative with reasonable accuracy; however, this requirement shall not apply to any driven vehicle which is part of a shipment being delivered in a driveaway-towaway operation if such driven vehicle is equipped with an effective means of limiting its maximum speed to 45 miles per hour, nor to any towed vehicle.

§ 193.90 Buses, standee line or bar.

Except as provided below, every bus, which is designed and constructed so as to allow standees, shall be plainly marked with a line of contrasting color at least two inches wide or equipped with some other means so as to indicate to any person that he is prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every bus shall have clearly posted at or near the front, a sign with letters at least one-half inch high stating that it is a violation of the Interstate Commerce Commission's regulations for a bus to be operated with persons occupying the prohibited area. The requirements of this section shall not apply to any bus being transported in driveaway-towaway operation or to any level of the bus other than the level in which the driver is located nor shall they be construed to prohibit any seated person from occupying permanent seats located in the prohibited area provided such seats are so located that persons sitting therein will not interfere with the driver's safe operation of the bus.

§ 193.96 Buses, additional emergency equipment.

* * * * * *

(c) * * *

(7) *Contents of kit.* The kit shall contain at least the contents specified, in not less than the quantities shown, in either of the two following types of kits:

A—UNIT TYPE KIT

4-inch bandage compress	1 package.
2-inch bandage compress	1 package.
1-inch adhesive compress	2 packages.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1 package.
Iodine applicator or applicator of other antiseptic solutions of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.

B—COMMERCIAL TYPE KIT

3-inch by 3-inch sterile gauze pads.	Package of 12.
Gauze bandages as follows (each package opened to be replaced by unopened package):	
1-inch by 10 yards	3 packages.
2-inch by 10 yards	2 packages.
3-inch by 10 yards	1 package.
¾-inch adhesive compress	Package of 24.
1-inch by 2½ yards adhesive tape.	1 roll.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1-ounce tube.
Iodine applicator or applicator of other antiseptic solution of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.
Scissors	1.

Each kit shall be provided with instructions for the use of the contents. The contents of the kits, whether required by Parts 190–197 of this subchapter or in addition thereto, either in number or kind, shall conform either to the requirements contained in Federal Specification GG–K–391(a) (October 19, 1954), as amended March 3, 1959, or the standards as found in the Fifteenth Revision of the Pharmacopoeia of the United States and Supplement No. 2 thereof dated September 1, 1958, except that the 40-inch triangular bandage in the commercial type kit may be non-sterile and not compressed in the required manner if the package containing it clearly indicates that the contents are not sterile and except that no specification type scissor is required. Federal Specification GG–K–391(a) and amendments may be obtained from the Superintendent of Documents, Washington 25, D.C., at a cost of 15 cents per copy.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective December 31, 1962, and shall continue in effect until further order of the Commission.

It is further ordered, That except to the extent that the said Notices of March 14, 1958, and May 9, 1959, are modified by this order, the above mentioned petitions are hereby denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington 25, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–3860; Filed, Apr. 19, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 201, 240, 245]

DISTILLED SPIRITS PLANTS, WINE, BEER

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the regulations in 26 CFR Part 201, Distilled Spirits Plants, 26 CFR Part 240, Wine, and 26 CFR Part 245, Beer, to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law 87-397, 75 Stat. 828), authorizing the requirement of identifying numbers, the regulations are amended as set out below.

Sections 201.380a, 201.380c, 201.451a, 201.451c, 240.594a, 245.117d, and 245.117f as contained in this document make reference to §§ 201.32e, 245.76d, 301.6676–1, and 301.7701–12 as contained in a notice of proposed rule making published in the FEDERAL REGISTER for February 24, 1962 (27 F.R. 1761).

PARAGRAPH 1. 26 CFR Part 201, Distilled Spirits Plants, is amended as follows:

(A) By inserting, immediately after § 201.380, three new sections, as follows:

§ 201.380a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2521 or Form 2522 filed pursuant to the provisions of this part on or after July 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2521 or 2522 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 201.380b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Forms 2521 and 2522 are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2521 or Form 2522 before July 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to July 1, 1962. Such application on Form SS–4 shall be filed on or before July 9, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2521 or Form 2522 is filed on or after July 1, 1962, but who prior to the filing of such return on Form 2521 or Form 2522 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2521 or Form 2522 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.380c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e, and shall be filed with any district director with whom returns on Forms 2521 or 2522 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

(B) By inserting, immediately after § 201.451, three new sections, as follows:

§ 201.451a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2523 or Form 2527 filed pursuant to the provisions of this part on or after July 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2523 or 2527 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 201.451b Application for employer identification number.

The provisions of § 201.380b, relating to application for employer identification number by taxpayers filing returns on Form 2521 or Form 2522, shall be applicable to taxpayers filing returns on Form 2523 or Form 2527.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.451c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e, and shall be filed with any district director with whom returns on Forms 2523 or 2527 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 240, Wine, is amended by inserting immediately after § 240.594, three new sections as follows:

§ 240.594a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2050 or Form 2052 filed pursuant to the provisions of this part on or after July 1, 1962. Failure of the taxpayer to include his employer identification number on Forms 2050 or 2052 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 240.594b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Forms 2050 and 2052 are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2050 or Form 2052 before July 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to July 1, 1962. Such application on Form SS–4 shall be filed on or before July 9, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2050 or Form 2052 is filed on or after July 1, 1962, but who prior to the filing of such return on Form 2050 or Form 2052 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2050 or Form 2052 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 240.594c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom returns on Forms 2050 or 2052 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 3. 26 CFR Part 245, Beer, is amended by inserting, immediately after § 245.117c, three new sections as follows:

§ 245.117d Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each return on Form 2034 filed pursuant to the provisions of this part on or after July 1, 1962. Failure of the taxpayer to include his employer identification number on Form 2034 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 245.117e Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 2034 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 2034 before July 1, 1962, and who has neither secured an employer identification number nor made application therefor prior to July 1, 1962. Such application on Form SS–4 shall be filed on or before July 9, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 2034 is filed on or after July 1, 1962, but who prior to the filing of such return on Form 2034 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2034 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 245.117f Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 245.76d, and shall be filed with any district director with whom returns on Form 2034 will be filed by the person who is required to make the application.

(75 Stat. 828; 26 U.S.C. 6109)

[F.R. Doc. 62–3853; Filed, Apr. 19, 1962; 8:47 a.m.]

[26 CFR Parts 270, 285]

MANUFACTURES OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHN W. LITTLETON,
Acting Commissioner of Internal Revenue.

In order to implement the amendments made to the Internal Revenue Code of 1954, by the addition of sections 6109 and 6676 (Act of October 5, 1961, Public Law 87-397, 75 Stat. 828), authorizing the requirement of employer identification numbers, the regulations relating to the Manufacture of Tobacco Products (26 CFR Part 270) and the Manufacture of Cigarette Papers and Tubes (26 CFR Part 285) are amended as set out below:

Sections 270.169 and 285.29 as contained in this document make reference to §§ 301.6676–1 and 301.7701–12 as contained in a notice of proposed rule making published in the FEDERAL REGISTER of February 24, 1962 (27 F.R. 1761).

PARAGRAPH 1. 26 CFR Part 270 is amended as follows:

§ 270.162 [Amendment]

Section 270.162 is amended by inserting the words "his employer identification number as required by § 270.169," in the third sentence after the word "return," appearing the first time in the sentence, and by changing the law citation at the end of the section to read "(72 Stat. 1417, 1423, 75 Stat. 828; 26 U.S.C. 5703, 5741, 6109)."

§ 270.167 [Amendment]

Section 270.167 is amended by inserting the words "show therein his employer identification number as required by § 270.169," in the second sentence after the word "year,", and by changing the law citation at the end of the section to read "(72 Stat. 1417, 1423, 75 Stat. 828; 26 U.S.C. 5703, 5741, 6109)."

Three new sections designated §§ 270.169, 270.170, and 270.171, to read as follows, are added immediately after § 270.168:

§ 270.169 Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of a manufacturer of tobacco products who has been assigned such a number shall be shown on each semimonthly tax return, Form 3071, and on each prepayment tax return, Form 2617, filed by a manufacturer of tobacco products pursuant to the provisions of this part on or after July 1, 1962. Failure of the manufacturer to include his employer identification number on Form 3071 or Form 2617 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 270.170 Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by a manufacturer of tobacco products. Form SS–4 may be obtained from the district director with whom the tax returns, Form 3071 and Form 2617, are required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of tobacco products who filed a return on Form 3071 or Form 2617 before July 1, 1962, and who has neither secured an employer identification number nor made application for such a number prior to July 1, 1962. Such application on Form SS–4 shall be filed on or before July 9, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of tobacco products whose first return on Form 3071 or Form 2617 is filed on or after July 1, 1962, but who prior to the

filing of such return has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return is filed.

(d) Each manufacturer of tobacco products shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the manufacturer is required to file returns pursuant to the requirements of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 270.171 Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom the returns on Form 3071 or Form 2617 are required to be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 285 is amended as follows:

§ 285.25 [Amendment]

Section 285.25 is amended by inserting the words "his employer identification number as required by § 285.29," in the first sentence after the word "showing", and by changing the law citation at the end of the section to read "(72 Stat. 1417, 68A Stat. 896, 75 Stat. 828; 26 U.S.C. 5703, 7503, 6109)".

Three new sections, designated §§ 285.29, 285.30 and 285.30a, to read as follows, are added immediately after § 285.28:

§ 285.29 Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of a manufacturer of cigarette papers or tubes who has been assigned such a number shall be shown on each monthly tax return, Form 2137, filed by a manufacturer of cigarette papers or tubes pursuant to the provisions of this part on or after July 1, 1962. Failure of the manufacturer to include his employer identification number on Form 2137 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 285.30 Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by a manufacturer of cigarette papers or tubes. Form SS–4 may be obtained from the district director with whom the Form 2137 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of cigarette papers or tubes who filed a return on Form 2137 before July 1, 1962, and who has neither secured an employer identification number nor made application for such a number prior to July 1, 1962. Such application on Form SS–4 shall be filed on or before July 9, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every manufacturer of cigarette papers or tubes whose first return on Form 2137 is filed on or after July 1, 1962, but who prior to the filing of such return has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return is filed.

(d) Each manufacturer of cigarette papers or tubes shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the manufacturer is required to file returns, pursuant to the requirements of this part.

(75 Stat. 828; 26 U.S.C. 6109)

§ 285.30a Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director of internal revenue with whom the return, Form 2137, is required to be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

[F.R. Doc. 62–3852; Filed, Apr. 19, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $17,415.00 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1962, under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at one cent ($0.01) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3882; Filed, Apr. 19, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 1160; Draft Release No. 62–17]

AVOIDANCE OF DISASTER AREAS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 60 of the Civil Air Regulations by establishing § 60.28 *Avoidance of disaster areas.*

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to June 21, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

As proposed herein, § 60.28 *Avoidance of Disaster Areas,* would establish several additional requirements applicable to the operation of aircraft in the airspace overlying certain types of aircraft accidents, forest fires, earthquakes, floods, train accidents, or other tragedies of substantial magnitude. The principal objectives of the proposed new section are improved efficiency of airborne relief operations and the enhancement of air safety by minimizing the potential mid-air collision hazard that is created in the airspace overlying the site of incidents which generate a high degree of public interest.

When circumstances require certain provisions of the National Search and Rescue (SAR) Plan to be implemented, or when a disaster such as a forest fire, flood, or earthquake has occurred and airborne relief must be administered, Federal and State agencies usually dispatch aircraft of assorted sizes and types to these areas to conduct evacuation and relief activities. The exigencies of the situation normally demand that priority in the use of airspace overlying these disasters be granted the relief aircraft. While conducting these disaster relief functions, these aircraft are usually flown very close to the surface. Frequently they are being operated very close to absolute limits insofar as speed, maneuverability, and gross weight are concerned. They seldom have much margin for error because, in many cases, getting the job done requires the sacrifice of this margin.

Since these operations are planned and dispatched by official agencies, their movements in the area are coordinated and danger of interference with one another is minimized. However, once a disaster has been made known to the public, an influx of nonrescue aircraft frequently occurs. Pilots of many of these aircraft are intent on offering aid, many are engaged in news gathering activities, while others are just curious. The presence of even occasional unauthorized aircraft in these areas requires the relief pilot, in addition to carrying out his evacuation and relief responsibilities, to be ever mindful of the presence of such uncoordinated aircraft. In widely publicized disasters of national interest the situation, of course, becomes most critical. Reports have been received that rescue operations have been seriously delayed because of the reluctance of pilots of rescue aircraft to enter these areas due to the heavy concentration of uncoordinated traffic.

Furthermore, nonrescue aircraft, mostly sightseers, often converge on the scene from different directions and proceed to circle about the area at low altitude with no regard for direction of traffic flow. Even without the presence of relief aircraft the potential for mid-air collision, under such conditions is great. As many as seventy-one such aircraft have been reported over a single disaster.

Consideration has also been given to the concern of military personnel over the lack of regulations which would prohibit flight of nonessential aircraft over the scene of a "Broken Arrow," which is an accident involving an aircraft carrying a nuclear weapon or other fissionable material. Aside from the potential operational hazard to any spectator aircraft and its occupants, a possible compromise of national security is involved.

The Federal Aviation Agency, as well as the agencies charged with the responsibility of conducting disaster relief and search and rescue operations, acknowledges the fact that everyone would like to do his part when rescue operations are required. We also recognize the obligation of responsible representatives of news media to cover such newsworthy incidents. Aerial photography and other news gathering activities in connection with such disasters are certainly in the public interest. However, safety of flight and the efficiency of the relief operations must be our primary areas of concern.

Existing air traffic rules are not considered adequate to effectively cope with the problem. For example, § 60.17 *Minimum safe altitudes,* would in many cases allow itinerant aircraft to operate at altitudes being used by aircraft engaged in relief and search and rescue operations. Section 60.14 *Right-of-way,* would in many cases give the right-of-way to these itinerant aircraft over the rescue aircraft. By itself, § 60.12 *Careless or reckless operation,* is not specific enough to be fully effective.

The Administrator of the FAA is authorized and directed to prescribe regulations for the safe and efficient utilization of navigable airspace and for prevention of collision between aircraft. Continuation of the foregoing conditions are inconsistent with this statutory responsibility, and therefore additional regulatory measures are considered necessary. Strict and complete exclusion of all aircraft not essential to the rescue operation, although in some respects desirable, is not absolutely necessary. As proposed, the new rule would have minimium impact on aircraft which have a justifiable need to operate in these areas.

In order that all airspace users may be apprised of the location and the duration of activation of these areas, the proposed rule provides that any area, wherein the flight of nonessential aircraft would be considered detrimental to relief activities, would be described in a Notice to Airmen (NOTAM). This area would be of sufficient size, both laterally and vertically, to provide for the relief operations to be conducted. The rule would recognize authorized relief aircraft and provide for their occupation of the subject airspace and for the exclusion or regulation of other air traffic as necessary.

Since news gathering aircraft and aircraft on official business have a bona fide need to enter these areas, this need is provided for—but on an orderly and coordinated basis so as to prevent their interference with rescue aircraft. Accordingly, the rule provides that these flights remain above the altitudes being utilized by relief aircraft except with the approval of the agency responsible for relief activities.

The proposed regulation would also provide for those aircraft intending to land at or depart from airports located within these areas, but require that they be flown in a manner which will not hamper or endanger the aircraft engaged in relief activities.

Establishment of a 2,000 foot ceiling on this area would not impose undue restrictions on itinerant aircraft since circumnavigation of the area or en route flight above the area would usually be possible. However, to provide for the occasion when circumnavigation of the area or flight above the area is not practicable—due to weather, terrain, or other considerations—the proposed rule would permit flight through the area if prior approval has been obtained from air traffic control (ATC).

The Federal Government's responsibility for conducting physical search and rescue operations is delegated to military agencies by the National SAR Plan, approved by the President's Air Coordinating Committee in March 1956. This plan provides for the control and coordination, by the Regional SAR Coordinator, of all available facilities for all types of search and rescue operations. Some state search and rescue organizations have retained established SAR responsibilities within their boundaries to provide relief from incidents which are primarily local or intrastate in character. However, appropriate agreements have been made between the Regional SAR Coordinator and the respective state organizations in such cases. Under the plan, the SAR Coordinator—through an appropriate Rescue Coordination Center—coordinates all SAR operations in any one area. Although the National SAR Plan does not encompass relief activities for earthquakes, tornados, floods, or other public disasters, the SAR organization and its facilities are utilized to the maximum extent feasible in connection with these activities.

During actual or potential SAR operations, control of participating forces is exercised through an On-Scene-Commander who is the official responsible for coordinating and directing the operations of facilities committed to a SAR mission. When airborne fire control operations are being conducted by the U.S. Forest Service, the Fire Air Officer is responsible for coordinating and directing the activities. The FAA provides assistance in these emergencies through the use of its ATC and communications facilities.

Therefore, in establishing the need for airspace restrictions, Fire Air Officers

would forward their recommendations to the air route traffic control (ARTC) center concerned. Military commanders responsible for security of "Broken Arrow" aircraft, On-Scene-Commanders, and State or local SAR agencies, would forward their recommendations to the appropriate Rescue Coordination Center. The Rescue Coordination Center would, in turn, forward its recommendations to the ARTC center. The recommendation to the ARTC center would include a clear definition of the area by geographical coordinates or other appropriate references.

In consideration of such recommendation, or at any other time such action is considered necessary in the interest of safety, the ARTC center concerned would issue an appropriate NOTAM. NOTAMs which might be originated by the ARTC center would include particularly newsworthy incidents which would generate a high degree of public interest and tend to cause the congregation of sight-seeing aircraft even though relief aircraft were not being utilized. These NOTAMs would be broadcast periodically on the voice channels of appropriate navigation aids. They would also be delivered to individual pilots during pre-flight and in-flight briefings.

It would be incumbent on any pilot, intending to conduct flight over a disaster,, to contact an ATC facility and determine whether a NOTAM concerning the incident had been issued. If such NOTAM were in effect, pilots of news gathering-aircraft, or of other aircraft on official business pertaining to the disaster, would be required to forward the necessary flight plan information before conducting flight within the area. ATC would forward information at this time concerning altitudes being utilized by relief aircraft. Pilots of other itinerant aircraft having a bona fide need to transit the area would be required to obtain prior approval from ATC.

This proposal is subject to the FAA Recodification Program, recently announced in Draft Release No. 61–25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form, however, the recodification itself will not alter the substantantive contents proposed herein.

In view of the foregoing, it is proposed that Part 60 of the Civil Air Regulations be amended by adding § 60.28 to read as follows:

§ 60.28 Avoidance of disaster areas.

Whenever the Administrator determines it to be necessary, the airspace below 2,000 feet above the surface and within five statute miles of an aircraft or train accident, forest fire, earthquake, flood or other disaster of substantial magnitude will be designated a disaster area. The designation will be made in a Notice to Airmen. When a disaster area has been so designated, an aircraft may not be flown within such area except under the following conditions:

(a) Aircraft participating in airborne relief activities may be flown under the direction of the agency responsible for relief activities.

(b) When prior notice has been given to air traffic control, and when flight is conducted in accordance with § 60.17 and other applicable provisions of the Civil Air Regulations, aircraft of properly accredited news representatives or other aircraft on official business pertaining to the disaster may be flown:

(1) Above the altitudes being utilized by relief aircraft;

(2) At altitudes being utilized by relief aircraft, with the approval of, and under the direction of, the agency responsible for relief activities; or

(3) When relief aircraft are not being utilized.

(c) Aircraft may be operated to or from an airport within the area, provided they are flown so as not to hamper or endanger relief operations being conducted therein.

(d) When circumnavigation of the area or flight above the area is not practicable, due to weather, terrain, or other considerations, en route aircraft may be operated through the area if prior approval has been obtained from air traffic control.

(e) Prior to operating in accordance with paragraph (b) of this section, an abbreviated flight plan shall be filed with air traffic control. Such flight plan shall contain at least the following information unless otherwise authorized by air traffic control:

(1) Aircraft identification and radio call sign;

(2) Type of aircraft;

(3) Radio transmitting and receiving frequencies to be used;

(4) Proposed time of entry into area;

(5) Estimated elapsed time of flight within area;

(6) Name of news media or other purpose of flight.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, U.S.C. 1348).

Issued in Washington, D.C., on April 6, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–3861; Filed, Apr. 19, 1962; 8:48 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1156]

PRATT AND WHITNEY AIRCRAFT JT3D SERIES ENGINES

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring rework of the fourth stage turbine rotor blades of Pratt and Whitney Aircraft JT3D Series engines. This proposed action is deemed necessary since failure of the blades has resulted in several inflight engine shutdowns.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 22, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT3D–1, JT3D–1–MC6, JT3D–1–MC7 and JT3D–3 turbofan engines equipped with fourth stage turbine rotor blades P/N 395304 change H or earlier and P/N 434104 change C or earlier.

Compliance required at first engine overhaul after the effective date of this AD unless already accomplished.

As the result of fourth stage turbine rotor blade failures, the following is required.

Rework all P/N 395304 Change C or earlier, and P/N 434104 Change C or earlier, fourth stage turbine rotor blades as follows:

(a) Rework these blades to incorporate a 55° tip shroud lock angle in accordance with P&WA telegraphic message dated August 17, 1961, to all JT3D operators.

(b) Rework the first serration of the blade root at both rear corner radii and the entire trailing edge of the airfoil section in accordance with Pratt & Whitney Aircraft Service Department letters dated March 6, 1962, and March 16, 1962, to all JT3D operators, and their attached sketch SL–52552 Change A–7 and gage drawing TL–52609 together with P&WA telegraphic message dated March 15, 1962, to all JT3D operators. Each blade must be fluorescent penetrant inspected prior to and after rework. Blades exhibiting any indications must be rejected.

(c) After completion of inspection, stress relieve all reworked blades at 1500° F. plus or minus 25° for four (4) hours. Glass bead peen the reworked area of the airfoil trailing edge in accordance with AMS–2430 to an intensity of 15N2.

NOTE: This AD does not apply to engines equipped with blades P/N 395304 Change J or later, P/N 434104 Change D or later, or P/N 434104 which carry the inscription PL–5651 or PL–5670 on the blade root.

(Pratt & Whitney Aircraft Service Department letters dated March 6, 1962, and March 16, 1962, to all JT3D operators and attached sketch SL–52552 Change A–7 and gage print TL–52609 and P&WA telegraphic messages dated August 17, 1961, March 15, 1962, and March 21, 1962, to all JT3D operators, cover the same subject.)

Issued in Washington, D.C., on April 13, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–3835; Filed, Apr. 19, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62–WA–33]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.200 of the Regulations of the Administrator, the substance of which is stated below.

Jet Route No. 17 extends in part from the Amarillo, Tex., VORTAC via the Pueblo, Colo., VORTAC to the Denver, Colo., VORTAC. The FAA has under consideration a proposal by the Air Transport Association of America for the designation of an en route radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of this segment of J–17.

Scheduled air carrier turbojet service is to be inaugurated between Amarillo and Denver on or about July 1, 1962, and the designation of the above described jet advisory area would provide a route for civil air carrier turbojet flights between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 13, 1962.

W. THOMAS DEASON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–3836; Filed, Apr. 19, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 981]

RULES GOVERNING ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

Extension of Time for Submitting Comments

Notice is hereby given that the time for submitting comments with respect to the regulations proposed in this proceeding is hereby extended to and including May 25, 1962.

By order of the Federal Maritime Commission.

Dated: April 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–3883; Filed, Apr. 19, 1962; 8:50 a.m.]

[46 CFR Ch. IV]

[Docket No. 982]

RULES COVERING THE RIGHT OF INDEPENDENT ACTION IN AGREEMENTS

Extension of Time for Submitting Comments

Notice is hereby given that the time for submitting comments with respect to the regulations proposed in this proceeding is hereby extended to and including May 25, 1962.

By order of the Federal Maritime Commission.

Dated: April 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–3884; Filed, Apr. 19, 1962; 8:50 a.m.]

[46 CFR Ch. IV]

[Docket No. 983]

RULES GOVERNING CONTRACT RATE SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Extension of Time for Submitting Comments

Notice is hereby given that the time for submitting comments with respect to the regulations proposed in this proceeding is hereby extended to and including May 25, 1962.

By order of the Federal Maritime Commission.

Dated: April 16, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–3885; Filed, Apr. 19, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 14502; RM–166]

POWER, PETROLEUM, AND FOREST PRODUCTS RADIO SERVICES

Availability of Certain Frequencies

In the matter of amendment of Part 11, Subparts F, G, and H, of the Commission's rules, to effect certain changes in the availability of certain frequencies in the Power, Petroleum, and Forest Products, Radio Services.

The Commission has before it for consideration a request for extension of time in which to file Reply Comments in the above referenced docket by Forest Industries Radio Communications (FIRC).

On the basis of the representations set forth in the above request the Commission concludes that the public interest would be served by an extension of the reply comment date to May 2, 1962.

In view of the foregoing, and pursuant to section 0.291(b)(4) of the Commission's rules: *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended to May 2, 1962.

Adopted: April 16, 1962.

Released: April 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3887; Filed, Apr. 19, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 14]

DEPUTY ADMINISTRATOR WALTER L. LINGLE, JR.

Delegation of Authority

APRIL 10, 1962.

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, The Deputy Administrator of the Agency for International Development is hereby designated to serve as full deputy and alter ego to the Administrator and is responsible under my general direction for all aspects of the Agency's activities. In accordance with the foregoing, and to the extent consistent with law, The Deputy Administrator is authorized to represent, and to exercise the authority of the Administrator with respect to all functions now or hereafter conferred upon or held by the Administrator of the Agency for International Development by Delegation of Authority No. 104, or by or under any Agency regulation, manual order, directive, notice or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me as Administrator or as head of an agency by law or by regulation of any competent authority.

The Deputy Administrator may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this order, and may authorize such officers to whom such functions are delegated or assigned successively to redelegate or reassign any of such functions.

Delegation of Authority No. 2 and paragraph (5) of Delegation of Authority No. 3 are hereby rescinded.

This Delegation of Authority shall be effective immediately.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-3840; Filed, Apr. 19, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARETHE THERESE POELCHAU

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Margarethe Therese Poelchau, Fontenay 1, Hamburg, Germany; Claim No. 60733; $5,357.40 in the Treasury of the United States. Vesting Order No. 16830.

Executed at Washington, D.C., on April 12, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-3847; Filed, Apr. 19, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ADMINISTRATOR OF GENERAL SERVICES

Delegation of Authority To Establish and Maintain a Program To Stabilize the Mining of Lead and Zinc by Small Domestic Producers

1. Pursuant to the provisions of section 5 of Public Law 87-347, 75 Stat. 766, approved October 3, 1961, an Act to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes (hereinafter referred to as the "Act"), authority is hereby delegated to the Administrator of General Services to perform all the functions authorized by the Act except that of making the annual reports to the Congress that are required by section 8 thereof. However, no regulations or amendments thereto shall be established and promulgated by the Administrator of General Services pursuant to this delegation of authority without my concurrence therein.

2. The Administrator of General Services shall submit to me a report as of the end of each quarter and calendar year and such other reports on operations under the Act as, from time to time, may be requested by me or my designee.

3. The Department of the Interior will, on the basis of estimates submitted by the General Services Administration, make provision in its budget requests for, and transfer to General Services Administration, appropriations adequate to enable it to make the stabilization payments provided for in the Act and otherwise to carry out the functions hereby delegated.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 19, 1962.

[F.R. Doc. 62-3962; Filed, Apr. 19, 1962; 11:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 3171 and 3569) for March and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Est. No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)	(*)	(*)	(*)		
Do.	21F	(*)				(*)	
The Sperry and Barnes Co.	27C	(*)	(*)			(*)	
City Packing Co.	80	(*)					
Armour and Co.	100					(*)	
Waldock Packing Co.	209	(*)	(*)				
Estes Packing Co.	319	(*)	(*)			(*)	
The Hull and Dillon Packing Co.	510	(*)	(*)		(*)		
Ebner Bros. Packers	533	(*)					
Vogt Packing Co.	730	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Vernon Calhoun Packing Co.	897	(*)					

12 establishments reported.

Done at Washington, D.C., this 13th day of April 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-3845; Filed, Apr. 19, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions:
Hartfield Stores.
H & B American Corp.
Eastern Gas & Fuel Associates.
B. Additions:
General Telephone & Electronics.
Klion, Inc.
Westinghouse Electric Corp.
Crose United Corp.
Wood Newspaper Machinery.
Cinerama, Inc.
Rohr Corp.
E. F. McDonald.

This statement is made as of April 6, 1962.

WILLIAM M. FIRSHING.

APRIL 6, 1962.

[F.R. Doc. 62-3848; Filed, Apr. 19, 1962; 8:46 a.m.]

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 9, 1962.

CARL W. HASEK, Jr.

APRIL 9, 1962.

[F.R. Doc. 62-3849; Filed, Apr. 19, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12944]

EASTERN NEW HAVEN SUSPENSION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 8, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., April 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-3863; Filed, Apr. 19, 1962; 8:48 a.m.]

[Docket 13100]

SERVICE OF TWA AT READING AND WILLIAMSPORT

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearings in the above-entitled proceeding are assigned to be held before Examiner Joseph L. Fitzmaurice at the following cities, on the dates and at the time and places stated:

April 24, 1962, at 10 a.m. (local time), in Courtroom 2, United States Post Office Building, Williamsport, Pennsylvania.

April 26, 1962, at 10 a.m. (local time) in Courtroom 4, Berks County Courthouse, Sixth and Court Streets, Reading, Pa.

Dated at Washington, D.C., April 16, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62-3864; Filed, Apr. 19, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14567, 14568]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Order Designating Application for Consolidated Hearing on Stated Issues; Correction

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Tex., requests: 1540 kc, 1 kw, Day, Docket No. 14567, File No. BP-14442; Great State Broadcasters, Inc., San Antonio, Tex., requests: 1540 kc, 10 kw, DA, Day, Docket No. 14568, File No. BP-15032; for construction permits.

In F.R. Doc. 62-3764 appearing at page 3703 of the FEDERAL REGISTER for April 18, 1962, the word "insignificant" in the sixth line of the paragraph designated "2." is hereby corrected to read "significant".

Released: April 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3865; Filed, Apr. 19, 1962; 8:48 a.m.]

[Docket Nos. 14603, 14604]

WKLM-TV, INC. AND CAPE FEAR TELECASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3, assigned to Wilmington, North Carolina; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

The proposal of WKLM-TV, Inc. (BPCT-2905):

1. Based on information contained in the application approximately $116,500 will be required for down payment on equipment, buildings, miscellaneous, and initial working capital. The applicant proposes to finance the construction and initial operation from stock subscriptions in the amount of $100,000. Thus, assuming that all funds from stock subscriptions were available, a deficiency of $16,500 would remain. However, it cannot be determined that WCOG, Inc. has current and liquid assets, in excess of current liabilities, sufficient to meet its subscription agreement. Therefore, it cannot be determined that WKLM-TV, Inc., is financially qualified.

2. No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

It further appearing that in the event of a grant of the WKLM-TV, Inc. application, such grant would be subject to a special condition as a result of the proposal to support the TV antenna atop the WKLM(AM) radiator; and

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that WKLM-TV is legally qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to the issues specified below; and that Cape Fear Telecasting, Inc., is legally, financially and technically and otherwise qualified to

construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether WKLM–TV, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by WKLM–TV, Inc., would constitute a menace to air navigation.

3. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-mentioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals as set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3866; Filed, Apr. 19, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8866, between American President Lines, Ltd. and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan, Korea, China (including Hong Kong), Philippines, South Vietnam, Federation of Malaya, Colony of Singapore, Cambodia, Thailand, Indonesia, Ceylon, India and Pakistan to the Virgin Islands, with transhipment at New York or Baltimore. Agreement 8866, upon approval, will supersede and cancel approved Agreement 7716, between the same parties in the trade from Japan, China (including Hong Kong), Federation of Malaya, Colony of Singapore and Indonesia to the Virgin Islands via New York.

Agreement 8867, between Black Star Line, Limited, and Farrell Lines Incorporated, covers a through billing arrangement on certain commodities in the trade between U.S. Atlantic ports and Liberian ports of Harbel, Grand Bassa, Sinoe and Cape Palmas, with transhipment at Monrovia, Liberia, under terms and conditions as set forth in said agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3868; Filed, Apr. 19, 1962; 8:48 a.m.]

GALLAGHER & ASCHER CO. AND WESTFELDT BROTHERS FORWARDERS, INC.

Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8771 is between Gallagher & Ascher Co. of Chicago, and Westfeldt Brothers Forwarders, Inc. of New Orleans, each of whom has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The agreement provides for the division of work in connection with shipments of the Chicago forwarder moving through New Orleans. The duties of each party are defined. Brokerage received on shipments of miscellaneous merchandise will be divided equally. Westfeldt will also receive half the forwarding fee charged by Gallagher & Ascher.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their positions as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3869; Filed, Apr. 19, 1962; 8:48 a.m.]

PAUL A. BOULO ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Paul A. Boulo (Mobile):
W. L. Richeson & Sons, Inc. (8842) (New Orleans).
Marine Forwarding Company, Inc. (8857) (New York).
George M. Leininger Co., Inc. (New Orleans):
Le Mare Transport, Inc. (8847) (New York).

Each of the parties has been assigned an application number as ocean freight forwarder, as indicated pursuant to Public Law 87–254. All three agreements are cooperative working arrangements under which the parties will perform forwarding services for each other. The party performing the service will retain the entire forwarding fee. Ocean freight brokerage will be divided equally (50%/50%) between the parties. Cancellation will be effected 30 days after written notice has been given by one party to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3870; Filed, Apr. 19, 1962; 8:48 a.m.]

GLOBE SHIPPING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8723 between Globe Shipping Co., Inc. (New York) and Norman G. Jensen, Inc. (Minneapolis).

Agreement No. 8777 between Paul A. Boulo (Mobile) and Florida International Forwarders (Miami).

All four parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87–254. The agreements are cooperative working arrangements under which the parties perform freight forwarding services for each other. The terms are the same except that under Agreement No. 8723 the parties will divide the forwarding fee equally, and under Agreement No. 8777 the party performing the service retains the entire fee. Brokerage is to be divided equally in both agreements. Cancellation may be effected by either party giving written notice to the other of its desire to terminate the agreement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3871; Filed, Apr. 19, 1962; 8:49 a.m.]

T. J. HANSON ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

8824 between T. J. Hanson (Beaumont, Tex.) and W. R. Zanes & Company (Houston, Tex.).

8844 between T. J. Hanson and Universal Transport Corp. (New York, N.Y.).

8843 between Steven Spencer Davids (Washington, D.C.) and Wall Shipping Co., Inc. (New York, N.Y.).

8846 between Steven Spencer Davids and N. D. Cunningham & Co., Inc. (Mobile, Ala.).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of all four agreements are identical.

The parties will perform freight forwarding services for each other, dividing the forwarding fees on the basis of the service performed, and brokerage as agreed upon. Written notice by one party to the other of its desire to terminate the arrangement will cancel the agreement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3872; Filed, Apr. 19, 1962; 8:49 a.m.]

GEORGE M. LEININGER CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8724 between George M. Leininger Co., Inc. (New Orleans) and Globe Shipping Co., Inc. (New York).

No. 8727 between Farrell Shipping Co., Inc. (New Orleans) and H. E. Schurig & Company (Beaumont).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of the two agreements are identical.

The parties will perform freight forwarding services for each other, dividing the ocean freight brokerage equally; the party performing the service will retain the entire forwarding fee. The agreements may be cancelled by one party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days from the date of such notice.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3873; Filed, Apr. 19, 1962; 8:49 a.m.]

GEORGE M. LEININGER CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

George M. Leininger Co., Inc. of New Orleans, Louisiana, is party to all three agreements. The other parties, all of whom are located in New York City, are: Matthew Shipping Co., Inc. (8774); Hilton & Son (8779); and Fabius & Co., Inc. (8781). Each of the four parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. The party performing the service will retain the entire forwarding fee; ocean freight brokerage will be divided equally. Cancellation will be effected 30 days after written notice has been given by one party to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3874; Filed, Apr. 19, 1962; 8:49 a.m.]

LORETZ & CO. AND H. W. ROBINSON & CO., INC.

Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8801 is between Loretz & Company, Los Angeles, Calif., and H. W. Robinson & Co., Inc., New York, N.Y. Both parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87–254.

The parties will perform freight forwarding services for each other, dividing the forwarding fees on the basis of the services performed. When ocean freight brokerage is divided, the parties will share equally. Termination of the agreement shall be effected by either party giving written notice to the other.

Interested persons may inspect this agreement and obtain copies thereof

tive, notice or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me as Administrator or as head of an agency by law or by regulation of any competent authority.

The Deputy Administrator may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this order, and may authorize such officers to whom such functions are delegated or assigned successively to redelegate or reassign any of such functions.

Delegation of Authority No. 2 and paragraph (5) of Delegation of Authority No. 3 are hereby rescinded.

This Delegation of Authority shall be effective immediately.

FOWLER HAMILTON,
Administrator

[F.R. Doc. 62-3840; Filed, Apr. 19, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARETHE THERESE POELCHAU

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

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small domestic producers on public, Indian, and other lands, and for other purposes (hereinafter referred to as the "Act"), authority is hereby delegated to the Administrator of General Services to perform all the functions authorized by the Act except that of making the annual reports to the Congress that are required by section 8 thereof. However, no regulations or amendments thereto shall be established and promulgated by the Administrator of General Services pursuant to this delegation of authority without my concurrence therein.

2. The Administrator of General Services shall submit to me a report as of the end of each quarter and calendar year and such other reports on operations under the Act as, from time to time, may be requested by me or my designee.

3. The Department of the Interior will, on the basis of estimates submitted by the General Services Administration, make provision in its budget requests for, and transfer to General Services

have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 3171 and 3569) for March and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Est. No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2F	(*)	(*)	(*)	(*)		
The Sperry and Barnes Co.	27C					(*)	
City Packing Co.	80	(*)	(*)			(*)	
Armour and Co.	100	(*)					
Waddock Packing Co.	299					(*)	
Estes Packing Co.	319	(*)	(*)				
The Hull and Dillon Packing Co.	510	(*)	(*)			(*)	
Ebner Bros. Packers	633	(*)	(*)		(*)		
Vogt Packing Co.	730	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Vernon Calhoun Packing Co.	897	(*)					

12 establishments reported.

Done at Washington, D.C., this 13th day of April 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-3845; Filed, Apr. 19, 1962; 8:46 a.m.]

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A Deletions No change.
B Additions No change

This statement is made as of April 9, 1962.

CARL W. HASEK, JR.

APRIL 9, 1962.

[F.R. Doc. 62-3849; Filed, Apr. 19, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12944]

EASTERN NEW HAVEN SUSPENSION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 8, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Hearing Examiner.

[F.R. Doc. 62-3864; Filed, Apr. 19, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14567, 14568]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Order Designating Application for Consolidated Hearing on Stated Issues; Correction

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Tex., requests: 1540 kc, 1 kw, Day, Docket No. 14567, File No. BP-14442; Great State Broadcasters, Inc., San Antonio, Tex., requests: 1540 kc, 10 kw, DA, Day, Docket No. 14568, File No. BP-15032; for construction permits.

In F.R. Doc. 62-3764 appearing at page 3703 of the FEDERAL REGISTER for April 18, 1962, the word "insignificant" in the sixth line of the paragraph designated "2." is hereby corrected to read "significant".

Released: April 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3865; Filed, Apr. 19, 1962; 8:48 a.m.]

convenience and necessity; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

The proposal of WKLM-TV, Inc. (BPCT-2905):

1. Based on information contained in the application approximately $116,500 will be required for down payment on equipment, buildings, miscellaneous, and initial working capital. The applicant proposes to finance the construction and initial operation from stock subscriptions in the amount of $100,000. Thus, assuming that all funds from stock subscriptions were available, a deficiency of $16,500 would remain. However, it cannot be determined that WCOG, Inc. has current and liquid assets, in excess of current liabilities, sufficient to meet its subscription agreement. Therefore, it cannot be determined that WKLM-TV, Inc., is financially qualified.

2. No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

It further appearing that in the event of a grant of the WKLM-TV, Inc. application, such grant would be subject to a special condition as a result of the proposal to support the TV antenna atop the WKLM(AM) radiator; and

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that WKLM-TV is legally qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to the issues specified below; and that Cape Fear Telecasting, Inc., is legally, financially and technically and otherwise qualified to

construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether WKLM–TV, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by WKLM–TV, Inc., would constitute a menace to air navigation.

3. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-mentioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals as set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3866; Filed, Apr. 19, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8866, between American President Lines, Ltd. and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan, Korea, China (including Hong Kong), Philippines, South Vietnam, Federation of Malaya, Colony of Singapore, Cambodia, Thailand, Indonesia, Ceylon, India and Pakistan to the Virgin Islands, with transhipment at New York or Baltimore. Agreement 8866, upon approval, will supersede and cancel approved Agreement 7716, between the same parties in the trade from Japan, China (including Hong Kong), Federation of Malaya, Colony of Singapore and Indonesia to the Virgin Islands via New York.

Agreement 8867, between Black Star Line, Limited, and Farrell Lines Incorporated, covers a through billing arrangement on certain commodities in the trade between U.S. Atlantic ports and Liberian ports of Harbel, Grand Bassa, Sinoe and Cape Palmas, with transhipment at Monrovia, Liberia, under terms and conditions as set forth in said agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3868; Filed, Apr. 19, 1962; 8:48 a.m.]

GALLAGHER & ASCHER CO. AND WESTFELDT BROTHERS FORWARDERS, INC.

Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8771 is between Gallagher & Ascher Co. of Chicago, and Westfeldt Brothers Forwarders, Inc. of New Orleans, each of whom has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The agreement provides for the division of work in connection with shipments of the Chicago forwarder moving through New Orleans. The duties of each party are defined. Brokerage received on shipments of miscellaneous merchandise will be divided equally. Westfeldt will also receive half the forwarding fee charged by Gallagher & Ascher.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their positions as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3869; Filed, Apr. 19, 1962; 8:48 a.m.]

PAUL A. BOULO ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Paul A. Boulo (Mobile):
W. L. Richeson & Sons, Inc. (8842) (New Orleans).
Marine Forwarding Company, Inc. (8857) (New York).
George M. Leininger Co., Inc. (New Orleans):
Le Mare Transport, Inc. (8847) (New York).

Each of the parties has been assigned an application number as ocean freight forwarder, as indicated pursuant to Public Law 87–254. All three agreements are cooperative working arrangements under which the parties will perform forwarding services for each other. The party performing the service will retain the entire forwarding fee. Ocean freight brokerage will be divided equally (50%/50%) between the parties. Cancellation will be effected 30 days after written notice has been given by one party to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3870; Filed, Apr. 19, 1962; 8:48 a.m.]

GLOBE SHIPPING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8723 between Globe Shipping Co., Inc. (New York) and Norman G. Jensen, Inc. (Minneapolis).
Agreement No. 8777 between Paul A. Boulo (Mobile) and Florida International Forwarders (Miami).

All four parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87–254. The agreements are cooperative working arrangements under which the parties perform freight forwarding services for each other. The terms are the same except that under Agreement No. 8723 the parties will divide the forwarding fee equally, and under Agreement No. 8777 the party performing the service retains the entire fee. Brokerage is to be divided equally in both agreements. Cancellation may be effected by either party giving written notice to the other of its desire to terminate the agreement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3871; Filed, Apr. 19, 1962; 8:49 a.m.]

T. J. HANSON ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

8824 between T. J. Hanson (Beaumont, Tex.) and W. R. Zanes & Company (Houston, Tex.).
8844 between T. J. Hanson and Universal Transport Corp. (New York, N.Y.).
8843 between Steven Spencer Davids (Washington, D.C.) and Wall Shipping Co., Inc. (New York, N.Y.).
8846 between Steven Spencer Davids and N. D. Cunningham & Co., Inc. (Mobile, Ala.).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of all four agreements are identical.

The parties will perform freight forwarding services for each other, dividing the forwarding fees on the basis of the service performed, and brokerage as agreed upon. Written notice by one party to the other of its desire to terminate the arrangement will cancel the agreement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3872; Filed, Apr. 19, 1962; 8:49 a.m.]

GEORGE M. LEININGER CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8724 between George M. Leininger Co., Inc. (New Orleans) and Globe Shipping Co., Inc. (New York).
No. 8727 between Farrell Shipping Co., Inc. (New Orleans) and H. E. Schurig & Company (Beaumont).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of the two agreements are identical.

The parties will perform freight forwarding services for each other, dividing the ocean freight brokerage equally; the party performing the service will retain the entire forwarding fee. The agreements may be cancelled by one party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days from the date of such notice.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3873; Filed, Apr. 19, 1962; 8:49 a.m.]

GEORGE M. LEININGER CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

George M. Leininger Co., Inc. of New Orleans, Louisiana, is party to all three agreements. The other parties, all of whom are located in New York City, are: Matthew Shipping Co., Inc. (8774); Hilton & Son (8779); and Fabius & Co., Inc. (8781). Each of the four parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The terms of the agreements are identical.

The agreements are cooperative working arrangements under which the parties will perform freight forwarding services for each other. The party performing the service will retain the entire forwarding fee; ocean freight brokerage will be divided equally. Cancellation will be effected 30 days after written notice has been given by one party to the other of its desire to terminate the arrangement.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3874; Filed, Apr. 19, 1962; 8:49 a.m.]

LORETZ & CO. AND H. W. ROBINSON & CO., INC.

Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8801 is between Loretz & Company, Los Angeles, Calif., and H. W. Robinson & Co., Inc., New York, N.Y. Both parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87–254.

The parties will perform freight forwarding services for each other, dividing the forwarding fees on the basis of the services performed. When ocean freight brokerage is divided, the parties will share equally. Termination of the agreement shall be effected by either party giving written notice to the other.

Interested persons may inspect this agreement and obtain copies thereof

at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3875; Filed, Apr. 19, 1962; 8:49 a.m.]

MOHEGAN INTERNATIONAL CORP. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Mohegan International Corp. of Louisiana, New Orleans, La., is party to each agreement.

No. 8808 with N. D. Cunningham & Co. (Mobile).
No. 8811 with H & H Shipping Co. (New York).
No. 8849 with H. S. Thielen, Inc. (Lake Charles).
No. 8861 with Atlas Agencies, Inc. (Jacksonville).

Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the agreement are identical.

The agreements are cooperative working arrangements only and are not exclusive agreements and that any of the above parties may engage or be engaged by other forwarders. Forwarding fees are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage may be divided equally. These agreements may be cancelled by either party giving written notice to the other of its desire to terminate the arrangements.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3876; Filed, Apr. 19, 1962; 8:49 a.m.]

MOHEGAN INTERNATIONAL CORP. AND H. S. THIELEN, INC.

Agreement Filed for Approval

Notice is hereby given that Agreement No. 8813 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

This agreement is a cooperative working arrangement between Mohegan International Corp. of New York, and H. S. Thielen, Inc., Lake Charles, Louisiana. under which each will perform forwarding services for the other. Forwarding fees are subject to negotiation, and agreement on each transaction depending on the services to be performed. Ocean freight brokerage may be divided equally. This agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangements.

Each party was registered under General Order 72 and has been assigned an application number for a freight forwarder license pursuant to Public Law 87-254.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3877; Filed, Apr. 19, 1962; 8:49 a.m.]

STONE FORWARDING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Stone Forwarding Co., Inc. (Houston):
Tidewater Forwarding Co. (No. 8803) (New York)
James Loudon & Co., Inc. (No. 8807) (Los Angeles).
Steven Spencer Davids (Washington, D.C.):
F. J. Herbelin-Bay Transfer Co., Inc. (8863) (Houston).
Arthur J. Fritz & Co. of L.A. (8864) (Los Angeles).
T. J. Hanson with A. V. Berner & Co., Inc. (No. 8862) (Beaumont) (New York).

Each of the parties has been assigned an application number as an independent ocean freight forwarder, pursuant to Public Law 87-254. All five agreements are cooperative working arrangements under which the parties will perform forwarding services for each other. Each provides that forwarding fees shall be subject to negotiation, the amount to be determined by the service performed. The two Stone agreements provide for an equal division of brokerage; under the other three agreements division of brokerage is to be by agreement between the parties.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3878; Filed, Apr. 19, 1962; 8:49 a.m.]

WESTFELDT BROTHERS FORWARDERS, INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

8817 between Westfeldt Brothers Forwarders, Inc. (New Orleans) and Natural, Nydegger Transport Corporation (New York).
8818 between Westfeldt Brothers Forwarders, Inc., and A. E. Nydegger & Company, Inc. (New York).

Under each agreement Westfeldt shall perform all freight forwarding services on shipments moving through the port of New Orleans, referred to it by the other party. Westfeldt shall be compensated according to the time, work and effort expended upon each shipment.

All three of the parties have been assigned application numbers as independent ocean freight forwarders pursuant to Public Law 87-254.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3879; Filed, Apr. 19, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5679]

HALTONE RENTAL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 16, 1962.

I. Haltone Rental Corporation, 350 Seventh Avenue, New York 1, New York, filed a notification of Form 1-A and an offering circular on December 18, 1961, relating to an offering of $300,000 of its common stock, $.10 par value, for the purpose of obtaining an exemption from the registration requirements under section 3(b) of the Securities Act of 1933, pursuant to Regulation A.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer failed to comply with Rule 255 in that the notification on Form 1-A failed to disclose a predecessor and an affiliate of the issuer.

2. The issuer failed to make effective escrow arrangements, pursuant to Rule 253(c)(2), with respect to 200,000 shares of its common stock issued to and held by directors, officers, and promoters of the issuer and by the underwriter.

B. Regulation A is not available to the issuer because 200,000 shares of its common stock held by officers, directors, and promoters of the issuer and by the underwriter, are not effectively escrowed.

C. The notification and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that Haltone Fashions, Inc. is a predecessor of the issuer and Ralph Hakim, secretary and manager of Fashions, is an affiliate of the issuer.

2. The statements in the offering circular which imply that Haltone Fur Rentals is an active company whereas that company is inactive and is not carrying on a business.

3. The failure to disclose the background of Ralph Hakim and his prior experience in the fur business.

4. The failure to disclose accurately and adequately in the offering circular the financial condition of Haltone Fashions, Inc.

5. The statement that a contract for the rental of furs between Consolidated Laundries Corporation and Haltone Fur Rentals was assigned to the issuer.

6. The statement in the offering circular that the issuer sub-leases its premises at 350 Seventh Avenue from Haltone Fur Rentals.

D. The offering would be made in violation of section 17 of the Act because the offering circular contains false and misleading statements.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3841; Filed, Apr. 19, 1962; 8:45 a.m.]

[File No. 24D-2457]

HAZE-A-WAY PRODUCTS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 16, 1962.

I. Haze-A-Way Products, Inc. (issuer), a Colorado corporation, with offices at 185 South 35th Street, Boulder, Colo., filed with the Commission on June 15, 1960, a notification on Form 1-A, and an offering of 140,000 shares of its $1 par value common stock, 4,998 of such shares to be offered pursuant to options at $1.75 per share, and the balance of such 140,000 shares, including those not purchased pursuant to options, to be offered at $2 per share for an aggregate minimum of $278,750.50 and aggregate maximum of $280,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause of believe that:

A. The issuer has failed to comply with the terms and conditions of Regulation A in that

1. Issuer has failed to file a revised offering circular as required by Rule 256(e);

2. Issuer has failed to file a report of sales for the six-month period ended September 19, 1961, as required by Rule 260; and

3. Issuer has failed to cooperate in connection with this filing in that it has failed to respond to the several requests from the staff with respect to the filing of a revised offering circular and a report of sales on Form 2-A.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-3842; Filed, Apr. 19, 1962; 8:46 a.m.]

[File No. 24D-2566]

PROSPER OIL AND MINING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 16, 1962.

I. Prosper Oil and Mining Company (issuer) a Utah corporation, Milford, Utah, filed with the Commission on February 16, 1962 a notification on Form 1-A and an offering circular relating to a public offering of 350,000 shares of its 10 cents par value common stock at 50 cents per share, for an aggregate of $175,000 and 170,000 shares of its 10 cents par value common stock offered for property and equipment for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that

A. The terms and conditions of Regulation A have not been complied with in that:

1. The amount of the offering when computed in accordance with the requirements of Rules 253 and 254 exceeds the $300,000 limitation under Regulation A.

2. The issuer failed to furnish the information required pursuant to Item 6(d) of Form 1-A.

3. The issuer failed to disclose the sale of unregistered securities of the issuer sold within one year prior to the filing of the notification by or for the account of persons who at the time were directors, officers, promoters or principal security holders, or an underwriter of the securi-

ties as required by Item 9(b) of Form 1–A.

4. The issuer failed to disclose adequately, pursuant to the requirements of Item 9(c) of Form 1–A, the section of the Act or rule or regulation of the Commission under which an exemption from registration is claimed with respect to unregistered securities issued and sold within one year, and the facts relied upon to establish the availability of an exemption.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

1. The failure to disclose adequately the method by which the securities are to be offered, the name and address of each underwriter, and the amount of the participation of each such underwriter, and the nature of any material relationship between the issuer and such underwriter.

2. The failure to disclose that, since the offering is on a best-efforts basis, no assurance can be given that the total amount of the offering, or any part thereof, will be sold.

3. The failure to disclose the price range for at least the last full calendar year, the interim period and the latest practical date for the securities being offered.

4. The failure to set forth the speculative features of the offering in a clear and prominent manner under an appropriate heading and in summary form near the forepart of the offering circular.

5. The failure to disclose adequately that the issuer's accumulated deficit as of January 31, 1962 was $103,082.62; its net loss for the year ended December 31, 1960 was $21,659.12; its net loss for the year ended December 31, 1961 was $21,729.34; its loss for the month of January 1962 was $2,352.17, and its current assets on January 31, 1962 was $10,772.52 as compared to current liabilities of $65,196.37.

6. The failure to disclose adequately the risks involved in the mining, oil and gas and real estate business.

7. The failure to disclose adequately the extent to which the issuer's properties will be explored and developed.

8. The failure to disclose adequately the pertinent terms of the leases on the mining and oil and gas properties, and the issuer's interest therein.

9. The failure to state with respect to the 1,500 acres of oil and gas leases held by the issuer the following:

a. The township and range in which such leases are located.

b. The expiration date of such leases.

c. The annual rental to which such leases are subject.

d. The distance from such leases to the nearest commercial oil production and to the nearest commercial natural gas production, as well as the relative importance of such production.

e. The distance to the nearest dry hole of consequential depth in each general direction together with the respective depths.

f. That the U.S. Geological Survey consistently has failed to classify the area in which such leases are located as being in the more favorable categories with respect to the likelihood of its yielding commercial quantities of crude oil.

10. The failure to include a map showing the location of issuer's oil and gas leases together with the location, depth and present status of all wells drilled for oil and gas within a reasonable distance from such leases.

11. The inference that oil and gas leases acquired in exchange for stock have a value of $171,640.25.

12. The statement that the principal metallic constituents of the deposits on the mining property are low grade probable gold and silver ore.

13. The failure to submit sample assay maps and other supporting data required by paragraph 8A(d) of Schedule I.

14. The failure to disclose the limited extent of exploration on the issuer's mining properties previously accomplished and the apparent lack of work thereon for approximately 35 years.

15. The failure to disclose that no body of commercial ore is known to exist on the issuer's properties.

16. The failure to disclose adequately royalties payable by the issuer.

17. The failure to disclose pertinent information concerning properties to be acquired in Arizona and its proposed development.

18. The failure to disclose clearly the amount of the public proceeds to be paid officers, and the names of such persons.

19. The failure to disclose adequately that approximately 30 percent of the cash proceeds from the public will be used for underwriting commission, expenses and payments to officers.

20. The failure to disclose whether any arrangements have been made for the return of funds to subscribers.

21. The failure to discuss adequately the issuer's properties in San Bernardino, California, the location thereof, the issuer's interest therein and its proposed use.

22. The failure to disclose accurately and adequately type and amount of oil well drilling equipment which will be acquired by the issuer in exchange for stock.

23. The valuation of properties held and to be acquired by the issuer.

24. The failure to describe the pertinent terms of the note executed by an officer on behalf of the issuer.

25. The failure to include appropriate financial statements of the issuer in the offering circular.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–3843; Filed, Apr. 19, 1962; 8:46 a.m.]

[File No. 24S–1651]

PRYOR MINING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 16, 1962.

I. Pryor Mining Company (issuer), a Montana corporation, with its principal offices at 207 Hedden Building, Billings, Montana, filed with the Commission on January 8, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of common stock (10¢ par) at $1 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A. The aggregate sum of $300,000 was reduced by amendment of May 12, 1959 to an offering of 250,000 shares at the same offering price.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A as required by Rule 260 of Regulation A.

B. The issuer through Robert B. Spizzo, an officer, director and underwriter of the issuer, has failed to cooperate with the Commission in an investigation of the case.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–3844; Filed, Apr. 19, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

AUGUST W. KOEHLER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958) during the six months' period ended March 14, 1962.

Disposed of Axe-Houghton stock and invested proceeds in Massachusetts Investors Trust, Boston, Mass. I already held a number of shares in Massachusetts Investors Trust, so this is an addition, rather than a new investment.

Dated: April 6, 1962.

A. W. KOEHLER.

[F.R. Doc. 62–3854; Filed, Apr. 19, 1962; 8:47 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958) during the six months' period ended March 14, 1962.

No change.

Dated: March 14, 1962.

JOHN V. LAWRENCE.

[F.R. Doc. 62–3855; Filed, Apr. 19, 1962; 8:47 a.m.]

No. 77——6

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958) during the six months' period ended March 11, 1962.

No change.

Dated: March 11, 1962.

A. W. WUERKER.

[F.R. Doc. 62–3856; Filed, Apr. 19, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37682: *T.O.F.C.—Class rates between WTL and southern territories.* Filed by Western Trunk Line Committee, Agent (No. A–2238), for interested rail carriers. Rates on various commodities moving on class rates loaded in or on trailers and transported on railroad flat cars, between Clarksville and Springfield, Tenn., Decatur, Ala., Crystal Spring, Greenville, Laurel, and Meridian, Miss., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 17 to Western Trunk Line Committee tariff I.C.C. A–4379.

FSA No. 37683: *Brick and related articles from Buckhannon, W. Va.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2615), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, from Buckhannon, W. Va., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 55 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A–917 (Boin series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–3857; Filed, Apr. 19, 1962; 8:47 a.m.]

[Notice No. 627]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64584. By order of April 13, 1962, the Transfer Board approved the transfer to James Glasgow, Glenside, Pennsylvania, of the operating rights in Certificate No. MC 8497, issued by the Commission January 6, 1955, to Samuel Glasgow, Glenside, Pa., authorizing the transportation, over irregular routes, of contractors' equipment and building materials, except liquid commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. G. Donald Bullock, 10–C, 211 East 51st Street, New York 22, N.Y., applicants' attorney.

No. MC–FC 64626. By order of April 12, 1962, the Transfer Board approved the transfer to E. Bonabel Davis a partnership, doing business as Davis Transport, Gilcrest, Colo., of Certificates Nos. MC 116645 and MC 116645 Sub-1, issued by the Commission March 30, 1959, and January 4, 1962, respectively, to Rosina A. Bethke and E. Bonabel Davis, doing business as Davis Transport, Gilcrest, Colo., and to Rosina A. Bethke, E. Bonabel Davis, administratrix, and E. Bonabel Davis, a partnership, doing business as Davis Transport, Gilcrest, Colo., respectively, authorizing the transportation of liquid sugar and syrups, in bulk, in tank vehicles, from Johnstown, Colo., to points in Utah, Wyoming, Nebraska, Kansas, and New Mexico; vinegar, in bulk, in tank vehicles, from Denver, Colo., to points in Utah, Nebraska, Kansas, and New Mexico; milk and milk products, in bulk, in tank vehicles, from Topeka, Kans., to Denver, Colo.; dry sugar, in bulk, from Brighton, Eaton, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, Sterling, and Windsor, Colo., to points in Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming (except from Fort Morgan and Ovid, to Omaha, Nebr.), liquid and invert sugar, and syrups (except molasses), in bulk, from Johnstown, Colo., to points in Minnesota, Missouri, Oklahoma, and Texas. Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo., attorney for applicants.

No. MC–FC 64714. By order of April 12, 1962, the Transfer Board approved the transfer to W. A. Burch,

Denver, Colo., of a portion of the operating rights in Certificate No. MC 44605 Sub-13, issued March 28, 1960, to Milne Truck Lines, Inc., Salt Lake City, Utah, authorizing the transportation of: Packinghouse products and dairy products, from Denver, Colo., to Tucson, Ariz., serving the intermediate points of Colorado Springs and Pueblo, Colo., and Prescott and Phoenix, Ariz., and fresh, frozen, or dried fruits and vegetables, from Yuma, Ariz., to Denver, Colo., serving the intermediate points of Prescott, Phoenix, and Tucson, Ariz. Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, and Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo., attorneys for applicants.

No. MC–FC 64753. By order of April 13, 1962, the Transfer Board approved the transfer to Clyde W. Porter, doing business as West End Transfer, Huntington, W. Va., of Certificate No. MC 76768, issued May 10, 1949, to Will Rankin, doing business as Rankin Transfer Co., Huntington, W. Va., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Huntington, W. Va., on the one hand, and, on the other, points in Ohio and Kentucky. Pianos, new and used, between Huntington, W. Va., on the one hand, and, on the other, points in that part of Lawrence County, Ohio, south of Ohio Highways 141 and 217. Charles E. Anderson, P.O. Box 3164, Charleston 32, W. Va., attorney at law.

No. MC–FC 64756. By order of April 12, 1962, the Transfer Board approved the transfer to W. G. Dempsey, Lubbock, Tex., of Certificate No. MC 113851, issued August 27, 1958, to R. O. Baker, Seminole, Texas, authorizing the transportation of: Houses, except knocked-down houses, between points in Texas, New Mexico, Oklahoma, and that part of Kansas west of U.S. Highway 283, from the Kansas-Oklahoma State line to Dodge City, Kans., and thence south of a line extending along U.S. Highway 50 (formerly U.S. Highway 50S) from Dodge City, Kans., to Garden City, Kans., and thence along U.S. Highway 50 to the Kansas-Colorado State line. Leo S. Hay, 1701 Avenue Que, Lubbock, Tex., attorney at law.

No. MC–FC 64808. By order of April 12, 1962, the Transfer Board approved the transfer to Tri State Carriers, Inc., Providence, R.I., of portion of Certificate MC 106544, issued July 3, 1961, to W. J. Halloran Trucking Co., a corporation, Providence, R.I., authorizing the transportation of: Construction and industrial materials, machinery, and equipment, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, and that part of Massachusetts on and east of U.S. Highway 5. Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton, Mass., attorney for applicants.

No. MC–FC 64898. By order of April 13, 1962, the Transfer Board approved the transfer to Harold J. Hill, doing business as Hill's Jitney Service, Elkton, Md., of the operating rights in Certificates Nos. MC 113264 and MC 113264 Sub 2, issued January 19, 1953, and April 22, 1953, respectively, to Hill's Jitney Service, Inc., doing business as Delmar Coach Service, Elkton, Md., authorizing the transportation, over regular routes, of passengers and their baggage in the same vehicle with passengers, between Cecilton, Md., and Newark, Del., and passengers and their baggage, between Newark, Del., and the site of Dupont Office building, near Thompson Station, Del., between junction Maryland Highways 316 and 279, and Elk Mills, Md., between Elkton, Md., and the site of Elkton Company Property at junction Maryland Highway 545 and Triumph Road, and between Elkton, Md., and the site of the plant of American Powder Co. Walter M. Baker, 109 E. Main Street, Elkton, Md., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3858; Filed, Apr. 19, 1962; 8:47 a.m.]

OPERATING RIGHTS REVIEW BOARD

Assignment of Work, Business, and Functions

APRIL 16, 1962.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991, and 12789 and 27 F.R. 1234, 1747, and 2500), in the following particulars:

Under the heading *Assignments to Boards*, paragraph (c) of Item 7.11, Operating Rights Boards, has been amended, effective April 21, 1962, to read as follows:

(c) *Operating Rights Review Board.* Determination of matters, as referred to the board for consideration and disposition by the individual members of Division I, in proceedings under the provisions of law set forth in Item 4.2 hereof, in cases or types of cases specified from time to time by the Chairman of Division I, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–3859; Filed, Apr. 19, 1962; 8:47 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 9]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.309 **Valencia Orange Regulation 9.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 19, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 22, 1962, and ending at 12:01 a.m., P.s.t., April 29, 1962, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 225,000 cartons;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 20, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4011; Filed, Apr. 20, 1962; 8:51 a.m.]

[Lemon Reg. 17]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.317 **Lemon Regulation 17.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 17, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 22, 1962, and ending at 12:01 a.m., P.s.t., April 29, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 251,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3910; Filed, Apr. 20, 1962; 8:51 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 38]

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

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AUTHORITY: §§ 1038.0 to 1038.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1038.0 Findings and Determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (iii) subject to the proviso of § 1038.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rock River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1038.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1038.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1038.3 Department.

"Department" means the United States Department of Agriculture.

§ 1038.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1038.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1038.6 Rock River Valley marketing area.

"Rock River Valley marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Rock County, Wisconsin; the Illinois counties of Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, Winnebago and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County; including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1038.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1038.8 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1038.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1038.9 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1038.10 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1038.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler or a nonpool plant pursuant to § 1038.65: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

§ 1038.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant or that of a producer-handler) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1038.13 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant; or

(b) A distributing plant which is a nonpool plant.

§ 1038.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants;

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1038.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1038.16 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1038.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer or a handler pursuant to § 1038.14(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of August through January, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1038.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1038.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order

through June 1962 all producer milk received at a pool plant in such period shall be base milk.

§ 1038.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1038.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1038.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1038.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1038.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1038.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1038.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1038.35 and 1038.36, nor payments pursuant to §§ 1038.64, 1038.70, 1038.74, 1038.76, 1038.77 and 1038.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1038.51(a) and the Class I butterfat differential pursuant to § 1038.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1038.51(b) and the Class II butterfat differential pursuant to § 1038.52(b), both for the preceding month;

(2) The 11th day after the end of each month of July through February the uniform price pursuant to § 1038.62 and the butterfat differential pursuant to § 1038.71; and

(3) The 11th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1038.63 and the butterfat differential pursuant to § 1038.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1038.35 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1038.14(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1038.14(c);

(2) Fluid milk products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1038.17; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1038.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler pursuant to § 1038.14(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 8th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1038.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1038.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1038.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1038.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1038.41 through 1038.46.

§ 1038.41 Classes of utilization.

Subject to the conditions set forth in § 1038.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1038.17) in shrinkage allocated pursuant to § 1038.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1038.14(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1038.14(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1038.42(b)(2).

§ 1038.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1038.17), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1038.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1038.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1038.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1038.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1038.46(a)(4) and the corresponding step of § 1038.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section; and

(d) As Class II milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Janesville, Wisconsin and Sterling, Illinois: *Provided*, That:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1038.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And: provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1038.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical

and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1038.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1038.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1038.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1038.14(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1038.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1038.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1038.14(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1038.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1038.46 in:

(a) The remainder after the subtraction pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1038.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1038.51 Class prices.

Subject to the provisions of §§ 1038.52 and 1038.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1038.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1038.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1038.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1038.14(c) at a fluid milk plant 115 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1038.46(a)(6) and the corresponding step of § 1038.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1038.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1038.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1038.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1038.46(a)(9) and the corresponding step of § 1038.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1038.46(a)(3) and (4) and the corresponding steps of § 1038.46(b) by the rate of payment on unpriced milk pursuant to § 1038.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(c) by the rate of payment on unpriced milk pursuant to § 1038.55.

§ 1038.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total the values obtained pursuant to § 1038.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1038.35 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent the amount obtained by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1038.72; and

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1038.62 Computation of uniform price.

For each month of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1038.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1038.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation of value pursuant to § 1038.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1038.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure rounded to the nearest cent shall be the uniform price for base milk.

§ 1038.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except a nonpool plant pursuant to § 1038.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1038.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 18th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1038.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1038.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 18th day after the end of the month to dairy farmers or handlers pursuant to § 1038.14(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1038.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1038.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order. The operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1038.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1038.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1038.62 or § 1038.63 adjusted pursuant to §§ 1038.71, 1038.72 and 1038.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 15th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section;

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1038.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1038.62 and 1038.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of

such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1038.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1038.72 Location differentials to producers.

The uniform price pursuant to § 1038.62 and the uniform price for base milk pursuant to § 1038.63 for producer milk received at a pool plant 115 miles or more from the Chicago City Hall shall be decreased two cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area.

§ 1038.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1038.64, 1038.74, 1038.75 and 1038.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1038.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1038.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1038.60.

§ 1038.75 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1038.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1038.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1038.76 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

(b) Any unpaid obligations of a handler shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1038.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1038.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1038.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1038.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1038.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation:

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(b) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15)(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1038.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1038.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option;

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferee must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family;

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply;

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers; and

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1038.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1038.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1038.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1038.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1038.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1038.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: June 1, 1962.

Signed at Washington, D.C., on April 18, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3930; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Internal Control

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is added, as set forth below, a new § 107.717 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851 and 1720).

Information and effective date. There was published in the FEDERAL REGISTER on March 2, 1962 (27 F.R. 2054) a notice of intention to add a new § 107.717 and to amend § 107.713 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. After consideration of all such relevant matter as was presented by interested persons § 107.717, with changes resulting from such consideration, is hereby adopted as set forth below; the proposed amendment of § 107.713 is being further considered and is not being adopted at this time. Because of the necessity of promptly applying the amendment set forth below to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232–8242), as amended, is hereby further amended by:

1. Adding a new § 107.717 following § 107.716 which reads as follows:

§ 107.717 Internal control.

(a) Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) With the exception provided for hereinafter, each Licensee shall establish and maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements of funds from bank accounts of a Licensee shall be made only by means of checks requiring the signatures of two or more officers of the Licensee, covered by the Licensee's fidelity bond, as drawers of such checks: *Provided, however,* A Licensee may establish and maintain a separate imprest bank account to be drawn upon for the payment of operating expenses. Such imprest bank account shall have an aggregate balance not in excess of $25,000 or the amount of fidelity bond coverage carried by the Licensee, whichever is the lesser; such account shall be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on Licensee's general funds bank account, covering disbursements made from the imprest bank account which have had the post-approval of the two signers of the reimbursement check. Checks drawn upon such imprest bank account in amounts of $1,000 or less may be signed by any authorized bonded officer of the Licensee. Checks drawn on such account for amounts in excess of $1,000 or any check drawn upon any other account maintained by the Licensee shall require the signatures of two or more bonded officers of the Licensee as drawers thereof. Two or more bonded officers or one bonded officer and one bonded employee of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe deposit boxes a certified copy of the resolution adopted by its board of directors placing the foregoing control procedures in effect.

Dated: April 17, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-3925; Filed, Apr. 20, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1085; Amdt. 428]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Model 47J Helicopters

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and modification of the elevator on Bell Model 47J helicopters was published in 27 F.R. 2053.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BELL. Applies to all Model 47J helicopters Serial Numbers 1420 through 1802 with Rollpins P/N 49–040–187–1750 or clevis pins P/N MS 20392–2–49 installed in elevator spar, and with end rib P/N 47–267–453–1 (0.025-inch thick) installed; except those helicopters that have Bell Kit No. 47–3746–1 or 47–3746–2 installed. Compliance required as indicated.

Numerous reports have been received of fatigue cracking of the tubular spar of both the right and left elevator at the Rollpin hole at B.L. 7.0, and fatigue cracking of the inboard rib of the elevators. To preclude failure of the elevator, the following shall be accomplished:

(a) Within 25 hours' time in service after the effective date of this AD:

(1) Remove the elevators from the tail boom in accordance with the Bell Maintenance Manual.

(2) Clean the area around the Rollpin hole and remove any zinc chromate putty from any plugged hole in the tubular spar at B.L. 7.0 for both right and left elevators.

(3) Inspect for cracks in the tubular spar of both elevators at the Rollpin hole at B.L. 7.0 using a 5-power or higher magnifying glass.

(4) Inspect the inboard rib for cracks using a 5-power or higher magnifying glass.

(b) If cracks are found in the tubular spar modify the elevator with Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator," or FAA engineering approved equivalent prior to further flight.

(c) If no cracks are found in the tubular spar, install clevis pin in accordance with Subparagraphs (1) through (4) or Bell Service Letter No. 56 and reinspect in accordance with Subparagraph (5).

(1) Position coupling assembly P/N 47–267–453–1 on elevators and line drill through Rollpin holes with a "D" (0.2460-inch diameter) drill. Remove sharp edges from holes. Install MS 20392–3–49 clevis pins, AN 960–4162 washers, and AN 381–3–6 cotter pins. A finger tight slip fit of the clevis pins is desired, approximately 0.0005 inch loose.

(2) Reinstall the elevator on the helicopter, shim as required to prevent preload or end play at bearings.

(3) Check clearance between skin and end of clevis pins. Trim skin, if necessary, to obtain clearance.

(4) Rerig elevator in accordance with the Bell Maintenance Manual.

(5) Reinspect in accordance with (a)(1) through (a)(3) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator", or FAA approved equivalent is installed.

(d) If cracks are found in the inboard rib, repair the elevator as specified below, or modify with Bell Helicopter Kit. No. 47–3746–1 or 47–3746–2, or FAA engineering approved equivalent prior to further flight.

(1) Remove the inboard rib by drilling out the rivets and remove the Bell P/N 47–267–404–7 shoulder from the rib by drilling out the rivets.

(2) Add a doubler of 0.032 thickness, or a new rib of 0.032 thickness, material aluminum alloy 2024–0, or a Bell rib P/N 47–267–453–7 (one required per elevator).

(3) Rivet Bell P/N 47–267–404–1 shoulder to the old rib and new doubler or the new rib. Use the rivet pattern in the shoulder with AN 470–AD3 or –4 rivets.

(4) Install the rib assembly, using the rivet pattern in the elevator skin with MS 20600 AD4 or –5 rivets.

(e) If no cracks are found in the inboard rib:

(1) Reinstall the elevator on the helicopter in accordance with Bell Maintenance Manual.

(2) Reinspect rib for cracks in accordance with (a)(4) within each succeeding 50 hours' time in service until Bell Helicopter Kit. No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator", or FAA engineering approved equivalent is installed.

(f) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Bell Service Bulletin No. 135 SB dated July 27, 1961, covers this same subject. Bell's Service Letter No. 56 covers an acceptable fix for paragraphs (c)(1) through (c)(4) of this AD.)

This amendment shall become effective May 22, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3891; Filed, Apr. 20, 1962; 8:45 a.m.]

[Reg. Docket No. 1094; Amdt. 429]

PART 507—AIRWORTHINESS DIRECTIVES

Graviner Mark 2 Fire Extinguisher Cartridges

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive superseding Amendment 241, 26 F.R. 161 (AD 61–2–1), which requires inspection of the Graviner Mark 2 fire extinguisher cartridges every 550 hours' time in service was published in 27 F.R. 2292.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GRAVINER. Applies to aircraft equipped with automatic fire extinguisher cartridge Mark 2, A–716, A–717, A–718, A–719 and Fenwal P/N 690202–3, A–716, A–717, A–718, A–719. (The Fenwal installations noted are Graviner systems. Some Mark 2 cartridges modified to Mark 3 have "–3" added to the number on the flat plate, i.e., A–716–3 etc. This AD does not apply to Mark 3 cartridges.) Compliance required as indicated.

As a result of instances of the igniter wire in extinguisher cartridges becoming corroded in service, the following shall be accomplished:

(a) Within the next 275 hours' time in service or the next 60 days, whichever occurs first after effective date of this AD, unless already accomplished within the past 275 hours' time in service or the past 60 days conduct a continuity inspection of the cartridge circuits using a safety ohmmeter which restricts the current used to 13 milliamperes. A resistance reading of between 5 and 6 ohms indicates a serviceable fuse wire. A resistance reading not between 5 and 6 ohms indicates a defective fuse wire. Repetitive inspection of all cartridge circuits shall be accomplished within each succeeding 550 hours' time in service or 120 days, whichever occurs first after the last inspection.

(b) Replace defective Mark 2 cartridges with either serviceable Mark 2 cartridges or with Mark 3 cartridges which have an improved fuse wire. If Mark 2 cartridges are installed the repetitive inspection specified in (a) shall be continued. If Mark 3 cartridges are installed the repetitive inspections specified in (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Graviner Technical Notice No. 2 covers this subject.)

This supersedes Amendment 241, 26 F.R. 161 (AD 61–2–1).

This amendment shall become effective May 22, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3892; Filed, Apr. 20, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–104]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Designation of Control Zones

On January 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 304) stating that the Federal Aviation Agency (FAA) proposed to revoke the Baltimore (Harbor Field), Md., control zone (§ 601.2003) and to alter the Baltimore (Friendship International Airport) control zone (§ 601.2267).

The Aircraft Owners and Pilots Association (AOPA) concurred with the revocation of the Baltimore (Harbor Field) control zone but questioned the need for either the present extension or the proposed extension of the Baltimore (Friendship International Airport) control zone beyond the ILS outer marker.

The controlled airspace requirements for aircraft executing instrument approach procedures west of the outer marker is under review by the FAA. Therefore, action to lengthen the existing control zone extension to the west and to designate an extension based on the VORTAC 280° True radial as proposed in the notice is being deferred pending completion of the review of the Baltimore terminal area requirements.

No other adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, a revision in the final approach course alignment of the prescribed instrument approach procedures based on the Baltimore VORTAC was effected. Accordingly, action is taken herein to align the control zone extension based on the Baltimore VORTAC on the 088° True radial instead of on the 089° True radial as proposed.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 601.2003 [Revocation]

1. Part 601 (14 CFR Part 601) is amended by revoking the following § 601.2003 *Baltimore, Md., control zone.*

2. Section 601.2267 (14 CFR 601.2267) is amended to read:

§ 601.2267 Baltimore, Md., control zone.

Within a 5-mile radius of the Friendship International Airport (latitude 39°-10'25" N., longitude 76°40'15" W.); within 2 miles either side of the Baltimore ILS localizer E. course extending from the 5-mile radius zone to 6 miles E. of the localizer; within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E.; and within 2 miles either side of the ILS localizer W. course extending from the 5-mile radius zone to 10 miles W. of the OM.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3893; Filed; Apr. 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the Raleigh, N.C., control zone (§ 601.2164).

The Raleigh control zone is designated within a 5-mile radius of the Raleigh-Durham Airport and within 2 miles either side of the southeast course of the Raleigh radio range, extending 10 miles southeast of the radio range.

The control zone extension based on the southeast course of the Raleigh radio range is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronau-

tical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by revoking § 601.2164 *Raleigh, N.C., control zone.*

2. In the text of § 601.1984 (14 CFR 601.1984) the following is added:

Raleigh, N.C.: Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.).

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-3894; Filed, Apr. 20, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter VIII—Office of Business Economics, Department of Commerce

PART 803—REPORTS ON FOREIGN INVESTMENT AND ON INTERNATIONAL RECEIPTS AND PAYMENTS OF ROYALTIES AND FEES

Introduction. Quarterly and annual reports giving data on United States direct business investments in foreign countries, foreign direct business investments in the United States, and international receipts and payments of royalties, licensing fees, rentals, and other service payments, are being collected by the Department of Commerce to provide information needed in the preparation and compilation of aggregate statistics used in the balance of international payments statements of the United States.

Since the volume and importance of these transactions has continuously risen in the post-war period, the need for accurate statistics in these fields makes it necessary to collect this information on a mandatory basis. Information obtained from these reports will provide data on the flow of United States and foreign private direct-investment capital, on the income payments to parents and net earnings of these direct investment organizations, and the receipts from, and payments to, foreign countries of royalties, fees, rentals, etc.

The report forms used to collect data on United States foreign business investments are Forms BE–577, BE–577S, BE–577A, BE–35, BE–578, BE–578B and BE–578I. The forms used for data on foreign direct business investments in the United States are Forms BE–605, BE–606, BE–606B and BE–606I. Form BE–93 is used for data on international receipts and payments of royalties, license fees, rentals, etc. (other than those between direct investment organizations and parent companies). These forms are described in detail in § 803.2 of these instructions.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F.R. 661), issued under section 8 of the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286f), the National Advisory Council on International Monetary and Financial Problems, after consultation with the Director of the Bureau of the Budget, has determined that the collection of current data on international investment, licensing and related service transactions of U.S. business firms is essential in order that the United States Government may continue to comply with official requests from the International Monetary Fund for balance-of-payments information.

In accordance with section 2 (b) and (c) of Executive Order 10033, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect the required data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

Reports on Forms BE–577, BE–577S, BE–577A, BE–35, BE–578, BE–578B, BE–578I, BE–605, BE–606, BE–606B, BE–606I and BE–93 are therefore mandatory under section 8(b) of the Bretton Woods Agreements Act cited above.

This collection of data has been approved by the Bureau of the Budget under the Federal Reports Act (56 Stat. 1078, 5 U.S.C. 139–139f). All replies will be held in confidence and used only in the preparation of aggregates for balance of payments and related tabulations, under the provisions of section 4(b) of that act and section 8(c) of the Bretton Woods Agreements Act.

Inasmuch as the reports involve a foreign affairs function of the United States, section 4 of the Administrative Procedure Act does not apply. In any event it is found that because of the nature of the reports, the fact that they are required under the Bretton Woods Agreements Act upon appropriate request, and that, consequently, the Instructions and Forms are merely declaratory of that Act and Executive Order above mentioned, no useful purpose would be served by notice and public procedure thereon, the same being impracticable and unnecessary. Inasmuch as the required reports will not be due for 30 days from publication of these instructions, there is no need for postponement of their effective date, and such instructions are, therefore, effective upon publication in the FEDERAL REGISTER.

A new Part 803 is added to Chapter VIII, Title 15, to read as follows:

GENERAL INSTRUCTIONS

Sec.
803.1 Who must report.
803.2 Forms to be used and frequency of reports.
803.3 Reporting by banks and insurance companies.
803.4 Exemptions.
803.5 General definitions.
803.6 Specific definitions.
803.7 Estimates.
803.8 Space not needed.
803.9 Special filing procedures.
803.10 Number of reports.
803.11 Time and place of filing reports.
803.12 Information regarding preparation of reports.

AUTHORITY: §§ 803.1 to 803.12 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 8, 59 Stat. 515; 22 U.S.C. 286f, E.O. 10033, 14 F.R. 561, 3 CFR, 1949 Supp.

GENERAL INSTRUCTIONS

§ 803.1 Who must report.

(a) *United States business investments abroad*—(1) *Basic requirement.* A report is required from every corporation, partnership, individual, or any other person or closely related group of persons subject to the jurisdiction of the United States and ordinarily residing within the United States having:

(i) Ownership of 25 percent or more of the voting stock of foreign corporations, either directly or together with domestic or foreign affiliates (Forms BE–577 and BE–577S). See § 803.2(a)(1) for further detail.

(ii) Ownership of at least 10 percent, but less than 25 percent, of the voting stock of foreign corporations, or the equivalent interest in an unincorporated foreign enterprise, held either directly or together with domestic affiliates (Form BE–577A). See § 803.2(a)(1) for further detail.

(iii) Unincorporated foreign branches, or other direct foreign operations conducted by a United States incorporated enterprise or other business organization in its own name in a foreign country. This includes mining claims, oil concessions, exploration and development activities or other property held by United States persons directly or jointly with others (Form BE–578). See § 803.2(a)(1) for further detail.

(2) *Estates and trusts.* Direct foreign investments held by a domestic estate or trust, i.e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof.

(3) *Persons beneficially interested in property.* If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specifically provided above regarding domestic estates and trusts.

(4) *More than one person owning an interest in the same foreign organization.* Each owner is required to report if the aggregate ownership of the affiliated persons in the foreign organization totals 25 percent or more of the voting securities. However, combined reports may be filed to cover the transactions of more than one owner. Where combined reports are filed, all owners other than the reporter(s) filing the full report remain liable for the report.

(5) *Insurance companies.* Reports for foreign branches or subsidiaries are required on Form BE–578I.

(6) *Motion picture companies.* United States producers or distributors of motion pictures operating in foreign countries through subsidiaries, affiliates or branches, may file quarterly reports on Form BE–35 in lieu of Forms BE–577 and BE–578; however, Forms BE–577S and BE–577A must be filed annually, if applicable.

(b) *Foreign business investment in the United States*—(1) *Basic requirement.* A report is required to be filed with respect to every business enterprise subject to the jurisdiction of the United States in which foreign persons, either as individuals or as affiliates hold a controlling interest, or which is controlled in the manner indicated in subparagraph (2) of this paragraph directly or indirectly by a foreign person or persons. Such business enterprises shall include, but not be limited to, corporations, partnerships, investments in real property, leaseholds, estates, trusts, and sole proprietorships or other forms of outright individual ownership.

(2) *Foreign beneficial interest.* If the foreign controlling interest in a United States business enterprise, including commercial real property, is held, exercised or administered by a United States estate, trust (including irrevocable trusts), nominee, agent, representative, custodian, or other intermediary of the foreign beneficial owners, such intermediary shall be responsible for reporting for the business enterprise the required information on Form BE–605, BE–606, BE–606B or BE–606I, or shall instruct the United States business enterprise in question to submit the required information. This does not relieve the United States business enterprise of responsibility for reporting if such business enterprise has knowledge of the direct or indirect foreign controlling interest, but only one report should be filed for each such enterprise. For the purposes of this report, accounts or transactions of a United States business enterprise with a United States estate, trust, nominee or other intermediary of foreign beneficial owners shall be considered as accounts or transactions with such beneficial owners.

(3) *Insurance companies.* Reports for U.S. branches or subsidiaries of foreign insurance companies are required on Form BE–606I.

(4) *Consolidated reports.* If a reporter held a controlling interest in other United States enterprises engaged in the same type of business and is required to report, the information requested in the reporting forms may be consolidated for such reporter and enterprises, provided all accounts are fully consolidated. A list of the enterprises included in the consolidations must be provided.

(c) *International receipts and payments of royalties, license fees, rentals, etc.* United States individuals and firms who have entered into agreements with residents or governments of foreign countries to sell or buy outright or provide or be provided with the use of intangible assets or rights such as patents, techniques, processes, formulae, designs, trademarks, copyrights, franchises, manufacturing rights, and other similar intangible property or rights shall report on Form BE–93.

NOTE: Film royalties, oil royalties, and other natural resources (mining) royalties are not reportable on this form.

Companies leasing or renting machinery, equipment, etc., should also respond on this form.

§ 803.2 Forms to be used and frequency of reports.

(a) *Each reporter is required to submit reports on the following forms, as applicable.* (1) United States direct investments abroad:

Form BE–577. One Form BE–577 is to be filed quarterly for each foreign corporation directly owned by the reporter and/or its domestic and foreign affiliates to the extent of at least 25 percent of total outstanding voting stock. Where more than one domestic affiliate has transactions with, or interests in, the same foreign corporation, consolidated reports should be filed; consolidated reports may also be filed where several foreign subsidiaries operate in the same country and industry. Reports are also required for direct transactions with foreign enterprises in which 25 percent or more of the voting stock is held through primary foreign enterprises.

Form BE–578. One Form BE–578 is to be filed quarterly for each foreign branch and other direct foreign operations of American reporters, including mining claims, oil concessions held directly or jointly with others and other property such as real estate but excluding branches of banks or insurance companies which are reportable on Forms BE–578B and BE–578I respectively. Separate reports should be filed for each foreign branch. Where a reporter, or several affiliated American corporations, has (or have) branches operating in the same country, or a joint interest in one or more branches, consolidated reports may be filed.

Form BE–35. United States motion picture producers or distributors may elect to file one Form BE–35 quarterly for each foreign subsidiary, affiliate or branch, in lieu of Forms BE–577 or 578, as applicable. The instructions as to ownership and consolidations listed for Forms BE–577 and 578 also apply to filing on Form BE–35.

Form BE–578B. One Form BE–578B is to be filed quarterly for each foreign branch of a United States banking institution. Separate reports should be filed for each foreign branch; consolidated reports may however be filed where a United States bank has several branches operating in the same country.

Form BE–578I. One Form BE–578I is to be filed annually for each foreign branch or subsidiary of a United States insurance firm. Separate reports should be filed for each foreign branch; consolidated reports may however be filed where a United States insurance company has several branches operating in the same country.

Form BE–577A. One Form BE–577A is to be filed annually covering the foreign organizations in which the reporter and its domestic affiliates own in excess of 10 percent, but less than 25 percent, of voting stock, or equivalent ownership in unincorporated foreign enterprises.

Form BE–577S. Reports covering transactions between primary and secondary foreign corporations (see § 803.6(a) for definitions) are to be filed on an annual basis. Separate reports should be filed for each secondary foreign corporation owned through a primary foreign corporation and its foreign affiliates for which the United States equity amounts to 25 percent or more of its voting securities. However, a reportable interest is deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign organization. Transactions of domestic affiliated companies directly with such secondary foreign corporations should be treated as primary relationships, and are reportable on Form BE–577 on a quarterly basis. Combined reports may be filed where several secondary foreign corporations operating in the same country are owned by the same primary foreign corporation. (See also § 803.6(a)(2)).

(2) Foreign direct investments in the United States.

Form BE–605. One Form BE–605 is to be filed quarterly for each United States corporation 25 percent or more of whose voting stock is owned directly or indirectly by a foreign person(s) or organization(s) and its United States or foreign affiliates.

Form BE–606. One Form BE–606 is to be filed quarterly for each United States branch of a foreign business organization, or for leaseholds; real property or other United States unincorporated business property owned directly by a foreign person or organization but excluding branch operations in the United States of foreign banks or insurance companies.

Form BE–606B. One Form BE–606B is to be filed quarterly for each United States branch of a foreign banking institution. Where a foreign bank has more than one United States branch, consolidated reports may be filed.

Form BE–606I. One Form BE–606I is to be filed annually for each United States branch of a foreign insurance firm, or for United States insurance companies 25 percent or more of whose voting stock is held by foreign owners.

(3) International payments of royalties, fees, etc.

Form BE–93. One Form BE–93 is to be filed annually by each United States person or firm receiving from foreigners, or paying to foreigners, royalties, licensing fees, rentals, etc., arising from the use, purchase or sale of intangible assets or rights.

(b) *Frequency of reports.* Reports on Forms BE–577S, BE–577A, BE–578I, BE–606I and BE–93 must be filed annually beginning with a report covering the calendar or fiscal year 1961; reports on Forms BE–577, BE–578, BE–35, BE–578B, BE–605, BE–606 and BE–606B must be filed quarterly beginning with a report for the first calendar or fiscal quarter of 1962.

§ 803.3 Reporting by banks and insurance companies.

(a) *United States banks, including agencies of foreign banks, reporting on Forms BE–577, 577A, 577S, 578B, 605 or 606B.* In order to avoid duplication of claims or liabilities reported on Treasury Foreign Exchange Forms B–1 and B–2, intercompany or branch accounts reported on the Commerce forms listed above should exclude accounts with or investments in foreign branches or subsidiaries or accounts with a foreign parent organization and its affiliates, to the extent they are included in the Treasury foreign exchange forms. However, data covering earnings, income, fees or other charges remitted or credited, or permanent investments not includible in the Treasury forms, should be reflected in the Commerce forms.

(b) *United States insurance companies.* United States insurance companies should file annual reports on

Form BE–578I covering their transactions with their foreign subsidiaries or branches, or on Form BE–606I, covering their transactions with their foreign parent companies or head offices.

§ 803.4 Exemptions.

(a) *United States direct investments abroad.* (1) Exemption based on value of property. A reporter whose property in foreign countries otherwise subject to reporting has an aggregate value of less than $2,000,000, at the beginning of the current calendar year based on the value of holdings of securities, equity in surplus accounts, and intercompany indebtedness or net branch investment in foreign countries, is not required to report. Value is to be determined by the book value as carried on the books of the foreign organization converted into United States dollars. Reports for individual foreign subsidiaries, affiliates, or branches (other than banks) which are inactive, or have a book value of less than $25,000 at the beginning of the calendar year, can be omitted with a note to that effect. For foreign branches of banks, reports are required if either (i) the book value exceeds $25,000, or (ii) the total assets exceed $2,000,000.

(2) Certain persons exempted regardless of the amount or kind of property. Report need not be made by any person who is within any of the following categories.

(i) Members of the Armed Forces of the United States serving outside continental United States;

(ii) Citizens of the United States who permanently reside in a foreign country;

(iii) Officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States;

(iv) Religious bodies, charitable organizations and other nonprofit organizations, except for the interests of such groups in foreign organizations conducting business for profit.

(b) *Foreign direct investments in the United States*—(1) *Exemption based on value.* If the value of a business organization (other than a U.S. branch or agency of a foreign bank) otherwise required to report is less than $2,000,000 at the beginning of the current calendar year, such a person or business organization is not required to report. The value is to be determined by the book value of the foreign owner's holdings in the securities, surplus accounts, and liability accounts of the reporter. For banks, reports are required if total assets exceed $3,000,000.

(2) *Certain property exempted.* Reports are not required for foreign-owned assets in the United States not employed in connection with a United States business enterprise controlled abroad. Assets of religious bodies, charitable organizations or other non-profit organizations are exempt from reporting, except for the interest of such groups in United States enterprises primarily conducting business for profit. Real or personal property acquired for personal use or occupancy by a foreign owner is exempt from reporting. However, interests in real property in the United States acquired for business purposes by a foreign owner must be reported, except as otherwise exempted by this section.

(c) *International receipts and payments of royalties, license fees, etc.* Reports on Form BE–93 are not required if the respondent's annual foreign receipts and payments, combined, of the types covered by the form, are less than $25,000 in the year covered by the report.

§ 803.5 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *Person.* "Person" shall include an individual, partnership, association, corporation, estate or trust or other organization.

(b) *Person subject to the jurisdiction of the United States.* (1) Any person ordinarily residing in the United States.

(2) Any corporation or other organization created or organized under the laws of the United States or any State, territory, district, or possession thereof.

(3) Any other resident of the United States including branches of foreign organizations, real property, leaseholds, sole proprietorships and partnerships.

(c) *United States.* United States shall mean the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) *Foreign.* Foreign shall mean subject to the jurisdiction of a country other than the United States, and when applied to persons shall also mean not ordinarily residing within the United States.

(e) *Affiliates.* (1) Any group of persons who ordinarily exercise their voting rights in a business organization as a unit.

(2) In relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities thereof.

(3) As to any other organization, any person who owns or controls 10 percent or more of the comparable ownership rights therein.

Any corporation or other business organization of which a person was an affiliate also shall be deemed to be affiliates of each other.

(f) *Control or controlling interest.* Control or controlling interest shall mean, for the statistical purposes of these reports, the direct ownership and/or indirect ownership through intermediaries or affiliates of 25 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. Indirect control should be deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign corporation.

(g) *Parent.* Parent shall mean any person or affiliated group of persons directly owning 25 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. In some cases there may be more than one parent.

§ 803.6 Specific definitions.

(a) *Terms relating to the reporting of United States direct investments abroad.* (1) Primary foreign organizations shall include the following organizations located in or under the jurisdiction of a foreign country:

(i) Any foreign corporation of which—

(*a*) The reporting organization owns 25 percent or more of the voting securities, or

(*b*) The reporting organization owns less than 25 percent of the voting securities but affiliates, either domestic or foreign, of the reporting organization own additional voting securities which when added to the amount owned by the reporting organization total 25 percent or more, or

(*c*) The reporting organization owns none of the voting securities but does own bonds, notes, or other certificates of indebtedness or has direct dealings by exchange of merchandise or rendering services, and 25 percent or more of the voting securities are owned by affiliates (domestic or foreign) of the reporting organization.

(ii) Any partnership in which a person subject to the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

(iii) Branch: The interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside of the United States maintained by such person for the transaction of any of his business. Foreign operations conducted by United States corporations in their own names and not through foreign incorporated companies are to be reported as branch operations.

(iv) Any business enterprise or real property owned outright by a resident of the United States.

(2) "Secondary foreign organization" shall include the following organizations:

(i) A foreign organization allied with the reporter through the ownership of at least 50 percent of its voting securities or other certificates of ownership by a primary foreign organization, which in turn is owned by the reporting organization to the extent of at least 50 percent of its voting stock, giving the U.S. reporter an ownership of at least 25 percent of the secondary foreign organization.

(ii) Branches of primary foreign organizations located in countries other than the primary organization have to be reported separately. However, branches or subsidiaries of a primary foreign organization located in the same country and engaged in the same type of business as the primary organization may be combined and one report submitted covering the activities of all of these organizations. The report must be a consolidated report showing the total activities of all

organizations and not a report of the primary organization showing only the investment of the primary in the secondary organizations. Provide a list of all organizations included in such consolidations.

(3) "Associated" foreign organization: The ownership of at least 10 percent but less than 25 percent of the voting securities of a corporation, or an equivalent interest in an unincorporated foreign organization, held directly by the reporter and its United States affiliates, shall constitute association with that organization for the purposes of these reports. Note that separate reports are required for each "associated foreign organization." (When the ownership of the foreign organization is 25 percent or more, either entirely by the reporter or in conjunction with affiliates, the foreign organization must be reported on Form BE–577.)

(b) *Terms relating to the reporting of foregoing direct investment in the United States.* (1) "Branch" shall mean an unincorporated business enterprise subject to the jurisdiction of the United States controlled by a foreign person or organization, including all assets or liabilities connected with the operations of such a branch.

(2) "Reporter" shall mean the business enterprise for which a report is required. If the enterprise is in the nature of a leasehold or real property not identifiable by name, the report may be filed on behalf of the reporter by an agent or representative of the foreign beneficial owner or by such owner.

§ 803.7 Estimates.

Every question on the reporting forms which a reporter is required to use in rendering his report must be answered. If the information is not available as specified in the form, a reasonable estimate should be entered, labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation. However, if and when the information becomes available, a supplementary report must be filed promptly with a full explanation.

§ 803.8 Space not needed.

Space not needed or inapplicable for supplying requested information should be left entirely blank. When there is nothing to report under any question state "no" or "none."

§ 803.9 Special filing procedures.

When data specified on the reporting forms are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply to the Balance of Payments Division of the Office of Business Economics, United States Department of Commerce, for consideration of the specific problem.

§ 803.10 Number of reports.

Only the original report should be filed.

§ 803.11 Time and place of filing reports.

Reports on Forms BE–577, BE–578, BE–35, BE–578B, BE–605, BE–606 and BE–606B shall be filed on a quarterly basis within 30 days of the close of the calendar or fiscal period used by the reporter except for the final quarter of the calendar or fiscal year when reports may be filed within 45 days. Reports on Form BE–577S, BE–577A, BE–578I, BE–606I and BE–93 shall be filed on an annual basis within 90 days of the close of the calendar or fiscal year. Reports should be sent to the Department of Commerce, Office of Business Economics, BE–50, Washington 25, D.C. If additional time is needed to prepare the reports, a request for an extension of time should be addressed to the above office.

§ 803.12 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, may apply directly to the United States Department of Commerce, Office of Business Economics, BE–50, Washington 25, D.C. Each reporting form contains the specific instructions needed for completion.

EDWARD GUDEMAN,
Acting Secretary of Commerce.

[F.R. Doc. 62–3946; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7616 o.]

PART 13—PROHIBITED TRADE PRACTICES

Lifetime, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–30 *Connections or arrangements with others;* § 13.15–225 *Personnel or staff;* § 13.15–250 *Qualifications and abilities;* § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–10 *Bait;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence;* § 13.175 *Quality of product or service;* § 13.225 *Services.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lifetime, Inc., et al., Philadelphia, Pa., Docket 7616, Dec. 1, 1961]

In the Matter of Lifetime, Inc., a Corporation, Youngstown Homes, Inc., a Corporation, and Sam Leonard and Samuel Moskowitz, Individually and as Officers of Each of Said Corporations

Order requiring two associated companies engaged in home construction and improvement in Philadelphia—acting as a sales and financing organization and subcontracting construction and installation work to other parties—to cease using bait advertising in newspapers and other publications to get leads to prospective customers, which made false representations as to the costs and quality of their services and materials, guarantees, their connections with well-known concerns, and professional status of their salesmen; and to cease securing purchasers' signatures to negotiable promissory notes deceptively.

The order to cease and desist is as follows:

It is ordered, That respondents Lifetime, Inc., a corporation, and its officers, and Youngstown Homes, Inc., a corporation, and its officers, and Sam Leonard and Samuel Moskowitz, individually and as officers of each of the said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of houses, garages, or building materials and supplies, including simulated stone fronts, roofs, bathrooms, heating equipment, and basement waterproofing or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that merchandise or service is offered for sale when such offer is not a bona fide offer to sell the merchandise or service so offered, or that merchandise or service is offered for sale at a specified price unless the price so represented is in fact the price of the merchandise or service offered for sale;

2. Representing, directly or indirectly, that said products or services are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed and respondents do in fact fulfill all of their requirements under the terms of the said guarantee;

3. Representing, directly or indirectly, that respondents are a part of or affiliated with Youngstown Kitchens, or Youngstown Industries, Inc., a Pennsylvania corporation; or misrepresenting respondents' connection or affiliation with any other person, firm or corporation;

4. Representing, directly or indirectly, that respondents' salesmen are sales managers or owners of Youngstown Kitchens, or otherwise misrepresenting the business or professional status which respondents' salesmen occupy;

5. Representing, directly or indirectly, that respondents' so-called "glass-lined" roofing will outlast any other kind or form of roofing; or otherwise misrepresenting the lasting or performance qualities of the aforesaid products in relation to any other product or kinds of products or misrepresenting the performance qualities of said products in any other manner;

6. Representing, directly or indirectly, that respondents' simulated or so-called stone is natural stone; or otherwise misrepresenting the grade, quality or composition of any of said products;

7. Representing, directly or indirectly, that respondents will or can make all basements waterproof from the exterior without digging;

8. Representing, directly or indirectly, that respondents' products or services which are defective or deficient sold or performed by respondents are of first-class quality;

9. Procuring the signature of purchasers on negotiable promissory notes without revealing to such purchasers that they are signing a negotiable promissory note and revealing the amount, terms and conditions of the promissory note; or representing, directly or indirectly, that respondents themselves finance the contractual indebtedness assumed by purchasers of the aforesaid goods and services.

By "Final Order," report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: December 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3905; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. C-35]

PART 13—PROHIBITED TRADE PRACTICES

Pacific Coast Fur Co. et al.

Subpart—Advertising falsely or misleading: § 13.155 *Prices:* § 13.155-15 *Comparative;* § 13.180 *Quantity:* § 13.-18-35 *Offered.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 Fur Products Labeling *Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* § 13.-1745-70 *Place.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Pacific Coast Fur Company et al., Los Angles, Calif., Docket C-35, Nov. 30, 1961]

In the Matter of Pacific Coast Fur Company, a Corporation, and Venus Furs, a Corporation, and Ralph J. Nymer, and Moe Basner, Individually and as Officers of the Said Corporations, and Milton Corb, Individually and as General Manager of the Said Corporations

Consent order requiring associated furriers in Los Angeles, Calif., to cease violating the Fur Products Labeling Act by failing, on invoices and labels, to show the true animal name of the fur used in fur products and to disclose when fur was dyed; failing to show the country of origin of imported furs and when fur products contained flanks, and falsely representing mink as from the Aleutian Islands, on invoices; by newspaper advertising which failed to disclose the names of the fur-producing animals, represented prices as reduced without giving the time of compared higher prices, and falsely represented "$200,000 worth of precious furs" offered for sale; failing to keep adequate records for price and value claims; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Pacific Coast Fur Company, a corporation, and Venus Furs, a corporation, and Ralph J. Nymer and Moe Basner, individually and as officers of the said corporations and Milton Corb, individually and as general manager of the said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) The term "blended" as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices a false geographic origin of the animal that produced the fur.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

B. Uses previous higher prices as comparatives without giving the time of such higher compared prices.

C. Represents, directly or by implication, that the volume of merchandise offered for sale is higher than is the fact.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 30, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-3906; Filed, Apr. 20, 1962; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF UNITED STATES EMPLOYMENT SERVICE

Service to Minority Groups

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49K), reorganization plan No. 2 of 1949 (3 CFR, 1949-1953 Comp., p. 998), and 29 CFR 602.21, I hereby revoke paragraphs (c) and (d) of 20 CFR 604.8 and establish in their place a new paragraph (c) of 20 CFR 604.8 to read as set forth below. The purpose of this amendment is to adapt the policy of the United States Employment Service regarding service to minority groups to Executive Order 10925 (26 F.R. 1977).

As this amendment merely provides a statement of general policy, notice of proposed rule making, public participation in its adoption, and delay in its effective date are excepted from the requirements of section 4 of the Administrative Procedure Act. Accordingly, it shall become effective upon publication in the FEDERAL REGISTER.

The new paragraph (c) shall read as follows:

§ 604.8 **Service to minority groups.**

It is the policy of the United States Employment Service:

* * * * *

(c) To assist the President's Committee on Equal Employment Opportunity in effectuating Executive Order 10925 by not accepting discriminatory job orders from Federal establishments or from employers on Federal contracts, and by cooperating with procurement agencies and other appropriate agencies of the Government in their efforts to secure compliance with nondiscrimination clauses in Government contracts.

(48 Stat. 117, as amended; 29 U.S.C. 49K)

Signed at Washington, D.C., this 13th day of April 1962.

ROBERT C. GOODWIN, *Administrator, Bureau of Employment Security.*

[F.R. Doc. 62-3909; Filed, Apr. 20, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS

Pyrrolidinomethyl Tetracycline; Order Changing Name to Rolitetracycline

No comments nor objections having been filed to a notice of proposed rule making published in the FEDERAL REGISTER of February 13, 1962 (27 F.R. 1322), the name "pyrrolidinomethyl tetracycline" or "*N*-(pyrrolidinomethyl) tetracycline" is changed to "rolitetracycline," wherever it occurs in Parts 141c, 146, 146c, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), as follows:

1. Section 141c.248, section heading; paragraph (a).

2. Section 141c.249, section heading.

3. Section 141c.250, section heading; paragraph (f), paragraph heading.

4. Section 146.1(b)(7), three places.

5. Section 146.1(c)(2)(vi), three places.

6. Section 146.1(d)(9), two places.

7. Section 146c.248, section heading; introduction to paragraph (a), one place; paragraph (a)(5); introduction to paragraph (c); paragraph (c)(2); paragraph (d)(3), first sentence.

8. Section 146c.249, section heading; paragraph (a), first sentence (2 places), and eighth sentence; paragraph (b), third sentence; paragraph (c)(1)(ii); paragraph (d)(1), first sentence, two places; paragraph (d)(2)(ii); paragraph (d)(3)(ii); paragraph (d)(4)(ii).

9. Section 146c.250, section heading; paragraph (a), first sentence, two places, and sixth sentence; paragraph (b), third sentence; paragraph (c)(1)(ii); paragraph (d)(1); first sentence, two places; paragraph (d)(2)(ii); paragraph (d)(3)(ii); paragraph (d)(4)(ii).

Effective date. This order shall become effective for all batches of rolitetracycline received for certification after May 15, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 16, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-3918; Filed, Apr. 20, 1962; 8:48 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Oral Drops

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371 and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.262, 146c.262) are amended as follows:

1. Section 141c.262 is amended by changing the section heading to read:

§ 141c.262 **Tetracycline-amphotericin B syrup; tetracycline-amphotericin B oral drops.**

2. The introductory text and paragraph (a) of § 146c.262 are amended to read as follows:

§ 146c.262 **Tetracycline-amphotericin B syrup; tetracycline-amphotericin B oral drops.**

Tetracycline-amphotericin B syrup and tetracycline-amphotericin B oral drops conform to all requirements and procedures prescribed by § 146c.257 for tetracycline-amphotericin B for oral syrup and tetracycline-amphotericin B for oral drops that have been reconstituted as directed in the labeling, except § 146c.257(b), and except that:

(a) Its pH is not less than 4.0 nor more than 5.0.

In the promulgation of this order, I find that notice and public procedure and delayed effective date would be contrary to the public interest. I further find that the conditions for the certification of tetracycline-amphotericin B oral drops, concerning its safety and efficacy of use, have been complied with.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: April 16, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-3919; Filed, Apr. 20, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Duluth-Superior Harbor, Minn. and Wis.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the cross reference notation following § 203.640 is hereby deleted; § 203.640a is hereby prescribed describing signals for opening certain bridges across Duluth-Superior Harbor, Minnesota and Wisconsin; § 203.641 is hereby amended with respect to paragraph (f) redesignating subparagraphs (1)-(4) as (2)-(5) and prescribing a new subparagraph (1) to govern the operation of all drawbridges across Duluth-Superior Harbor during certain months; and § 207.400 is hereby amended revising the title and revoking paragraph (b), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.640 Red River of the North, Minnesota and North Dakota; bridges.

* * * * *

CROSS REFERENCE: [Deleted]

§ 203.640a Duluth-Superior Harbor, Minnesota, and Wisconsin; bridges (highway and railroad).

(a) The regulations in this section shall govern the opening of the draws in the Duluth Ship Canal, Northern Pacific Railway, Grassy Point and Arrowhead bridges from March 16 to December 31.

(b) The owners of or agencies controlling the bridges shall provide necessary tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draws for the passage of vessels. The tender's house shall be high enough to clear trains, buses, trucks, or other vehicles, and allow the tender to see readily the channels in all directions.

(c) *Signals*—(1) *Call signals.* Call signals for opening of bridges are:

Duluth Ship Canal Bridge: 1 long, 1 short, 1 long, 1 short.
Northern Pacific Railway Bridge:
Minnesota Draw: 1 long, 2 short.
Wisconsin Draw: 2 long, 2 short.
Grassy Point Bridge: 2 short, 1 long.
Arrowhead Bridge (Twin Ports): 3 long.
The duration of a long blast should not exceed 3 seconds, and a short blast should not exceed 1 second.

(2) *Acknowledging signals by bridge tenders.* (i) Each of the bridges listed in subparagraph (1) of this paragraph must be provided with a signal of sufficient strength of sound to be heard distinctly three-fourths of a mile in any condition of weather.

(ii) Upon receiving a signal for opening the draw the tender shall at once answer with a return signal, which shall be the same as the signal for opening, to indicate that the vessel signal has been heard. The tender shall take note of the vessel's position and speed, and open the bridge in time to allow the vessel to pass through. (See, however, subdivision (iii) of this subparagraph.)

(iii) In case the bridge, other than the Duluth Ship Canal Bridge (see subdivision (iv) of this subparagraph), is not ready to open at the time of receiving a signal or very soon thereafter for any cause, as for instance when a train is passing over or in case the bridge should be so disabled that it cannot be opened at all, the tender will answer the vessel with five short blasts given in quick succession, as a signal to check down and stop. As soon as the bridge is ready to open, he will give the return signal stated in subdivision (ii) of this subparagraph.

(iv) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal. At all other times the bridge tender must lift the bridge promptly on receiving signal to do so. In case of a sudden breakdown during the lifting operation, five short blasts shall be given as a danger signal.

(v) Vessels must be given precedence over highway or railway traffic. When a signal is given by a vessel to open the bridge, a railroad train or any vehicle that may be approaching to cross the bridge must be required to wait for the vessel to pass: *Provided, however,* That except at the Duluth Ship Canal bridge, vessels of 100 gross tons or under may be held for a short period in case a first-class passenger train carrying United States mails is ready to cross the bridge.

§ 203.641 Great Lakes Tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

(1) Duluth-Superior Harbor, Minn. and Wis.; all drawbridges. During the winter months from January 1 to March 15, at least 24 hours' advance notice required except for the Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Swing Bridge. Also from March 16 to December 31 at least 3 hours' advance notice is required for opening the Duluth Missabe and Iron Range Railway Company Bridge (Transfer Bridge). The Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Bridge will remain in an open position at all times, except for the passage of trains. When this bridge is locked in a open position, a continuous amber light will be visible.

(2) Ontonagon Harbor, Mich. [Redesignated]

(3) Black River at Port Huron, Mich. [Redesignated]

(4) Calumet River, Chicago, Ill. [Redesignated]

(5) Chicago River, North Branch, Chicago, Ill. [Redesignated]

§ 207.400 Duluth-Superior Harbor, Minnesota and Wisconsin; use, administration, and navigation.

* * * * *

(b) *Bridge regulations.* [Revoked]

[Regs., Apr. 5, 1962, 285/112 (Duluth-Superior Harbor)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-3888; Filed, Apr. 20, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2657]

[2141236]

OHIO

Revoking Public Land Order No. 426 of December 1, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 426 of December 1, 1947, transferring jurisdiction over the oil and gas deposits in two parcels of acquired lands in Ohio of about 70 acres and 50 acres, respectively, from the Department of the Navy to the Department of the Interior, is hereby revoked.

The lands are described generally as (1) a part of the N½NW¼ of sec. 18, T. 10 (Canton), R. 8 Stark County, and (2) a part of the S½NW¼ of sec. 18 T. 10 (Canton), R. 8 Stark County. They comprise the site of the former Naval Industrial Ordnance Plant at Canton, Ohio. Jurisdiction of the deposits of oil and gas was transferred to the Department of the Interior to prevent loss to the United States by reason of drainage or threatened drainage. Subsequently, it was determined that no protective action was necessary.

The Department of the Navy has declared the lands to the General Services Administration as excess to its needs.

The lands and their minerals will be administered by the General Services Administration pending their disposal as surplus to the United States, pursuant to provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 472) as amended.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 18, 1962.

[F.R. Doc. 62-3940; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Miscellaneous Amendments

The Commission, having under consideration the amendment of Part 12, Amateur Radio Services, to effect the editorial changes described below; and

It appearing that the Geneva 1959 Radio Regulations were ratified by the United States on October 4, 1961, superceding the Atlantic City 1947 Radio Regulations; and

It further appearing that the Commission amended Part 2 of its rules to conform to the Geneva 1959 regulations to the extent practicable in Docket 13928, adopted October 18, 1961, and effective December 1, 1961; and

It further appearing that the amendments of Part 12 ordered herein conform without any substantive change to prior actions of the Commission and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 16th day of April 1962, that, effective April 16, 1962, Part 12 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 12.90(a) is amended to read as follows:

§ 12.90 Requirements for portable and mobile operation.

(a) Within the continental limits of the United States or its possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Notice of such operation in accordance with the provisions of § 12.91 shall be given to the Engineer in Charge of the radio district in which operation is intended.

2. Section 12.111 is amended to read as follows:

§ 12.111 Frequencies and types of emisions for use of amateur stations.

(a) Subject to the limitations and restrictions set forth in paragraph (b) of this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation:

Band	Emission(s)	Limitations
kc/s		
1800 to 2000	A1, A3	1, 2, 3, 4
3500 to 4000	A1, A3, F1, F3	5
7000 to 7300	A1, A3, F1, F3	6
14000 to 14350	A1, A3, F1, F3	7
Mc/s		
21.0 to 21.45	A1, A3, F1, F3	8
28.0 to 29.7	A1, A3, F1, F3	9
50.0 to 54.0	AØ, A1, A2, A3, A4, FØ, F1, F2, F3.	10
144 to 148	AØ, A1, A2, A3, A4, FØ, F1, F2, F3.	11
220 to 225	AØ, A1, A2, A3, A4, FØ, F1, F2, F3, F4.	12, 13
420 to 450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12, 14
1215 to 1300	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12
2300 to 2450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12, 15
3300 to 3500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12
5650 to 5925	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12, 15
10000 to 10500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12
21000 to 22000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	
Above 40000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	

(b) Explanation of the limitations appearing in the frequency tabulation of paragraph (a) of this section:

(1) Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever band, 1800–1825 or 1975–2000 kc/s, is not required for Loran in that area. The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Bands (kc/s)	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia.	1800–1825	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington).	1975–2000	500	200
State of Washington	1975–2000	200	50
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W. or North of 32° N.).	1800–1825	200	50
	1975–2000	500	200
State of Hawaii			
Texas (East of 99° W. and South of 32° N.) Louisiana, Mississippi, Alabama, Alaska, Georgia, Florida, Puerto Rico, Virgin Islands, Guam, and other Possessions of the U.S. not listed in this table		None	No operation

(4) Subparagraphs (1), (2), and (3) of this paragraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(5) 3500 to 4000 kc/s, type A1 emission; 3500 to 3800 kc/s, type F1 emission; 3800 to 4000 kc/s, type A3 emission and narrow band frequency or phase modulation for radiotelephony; except that frequencies 3900 to 4000 kc/s are not available to stations located within the following United States possessions in Region 3, as defined in the Geneva 1959 Radio Regulations: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

(6) 7000 to 7300 kc/s, type A1 emission; 7000 to 7200 kc/s, type F1 emission; 7200 to 7300 kc/s, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(7) 14,000 to 14,350 kc/s, type A1 emission; 14,000 to 14,200 kc/s, type F1 emission; 14,200 to 14,350 kc/s, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(8) 21.00 to 21.45 Mc/s, type A1 emission; 21.00 to 21.25 Mc/s, type F1 emission; 21.25 to 21.45 Mc/s, type A3 emission and narrow band frequency or phase modulation for telephony.

(9) 28.0 to 29.7 Mc/s, type A1 emission; 28.5 to 29.7 Mc/s, type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7 Mc/s, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(10) 50.0 to 54.0 Mc/s, type A1 emission; 50.1 to 54.0 Mc/s, type A2, A3, A4 and narrow band F1, F2 and F3 emissions; 51.0 to 54.0 Mc/s, type AØ emission; 52.5 to 54.0 Mc/s, type FØ, F1, F2, and F3 emission.

(11) 144.0 to 148.0 Mc/s, type A1 emission; 144.0 to 147.9 Mc/s, type AØ, A2, A3, A4, FØ, F1, F2, and F3 emission.

(12) In this band the amateur service shall not cause harmful interference to the government radiolocation service.

(13) In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc/s is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc/s shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth in this subparagraph may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

(14) The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts.

(15) Operations in the frequency bands 2300 to 2450 Mc/s and 5650 to 5925 Mc/s are subject to such interference between 2400 and 2450 Mc/s and between 5775 and 5925 Mc/s, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5800 Mc/s, respectively.

3. Section 12.201(i)(2) is amended to read as follows:

§ 12.201 Definitions.

* * * * *

(i) * * *

(2) The plan must have been approved by the state and federal civil defense

authorities having jurisdiction of the area affected.

4. Section 12.212(c) is amended to read as follows:

§ 12.212 Approval of civil defense communications plans.

* * * * *

(c) Written certification of approval by the competent state and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications which are submitted to the Commission in accordance with the provisions of this part.

5. Section 12.213(b) is amended to read as follows:

§ 12.213 Certification of civil defense radio officer.

* * * * *

(b) FCC Form 482, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

6. Section 12.231(d) is amended to read as follows:

§ 12.231 Frequencies available.

* * * * *

(d) In the band 220 to 225 Mc/s, stations operating in the Radio Amateur Civil Emergency Service shall not at any time cause harmful interference to the government radiolocation service.

[F.R. Doc. 62-3932; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Special Regulations; Hunting and Sport Fishing

Pursuant to the authority vested in the Secretary of the Interior by section 10 of the act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and section 161 of the Revised Statutes (5 U.S.C. 22), Part 60 of 50 CFR is amended by the addition of new § 60.11. The purpose of this amendment is to provide a note of reference to the special or temporary regulations for this part which are not codified in Title 50 CFR. The List of Sections Affected appearing in Title 50, makes reference to these special or temporary regulations by listing the pages on which the notice of issuance appeared in the daily issue of the FEDERAL REGISTER. Heretofore reference to such regulations for Patuxent Wildlife Research Center was not included in the List of Sections Affected.

Notice and public procedure concerning this amendment are deemed unnecessary as it is of a minor nature and of limited public interest.

The amendment to the regulations is hereby adopted as set forth below and will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

A new section is added to Part 60, to read as follows:

§ 60.11 Special regulations; hunting and sport fishing.

NOTE: For FEDERAL REGISTER pages of regulations affecting temporary and special regulations, see List of Sections Affected.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 16, 1962.

[F.R. Doc. 62-3907; Filed, Apr. 20, 1962; 8:47 a.m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953.

Sec.
301.1 Regulatory areas.
301.2 Length of halibut fishing seasons.
301.3 Closed seasons.
301.4 Catch limits in Areas 2 and 3A.
301.5 Size limits.
301.6 Licensing of vessels.
301.7 Retention of halibut taken under permit.
301.8 Conditions limiting validity of permits.
301.9 Statistical return by vessels.
301.10 Statistical return by dealers.
301.11 Dory gear prohibited.
301.12 Nets prohibited.
301.13 Retention of tagged halibut.
301.14 Responsibility of master.
301.15 Supervision of unloading and weighing.
301.16 Sealing of fishing equipment.
301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

§ 301.1 Regulatory areas.

(a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in November 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17'' N., longitude 124°04'15'' W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57'' N., longitude 136°38'18'' W.; thence south one-quarter east.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08'' N., longitude 159°36'00'' W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(e) Area 3B South (Shumagin Islands to Cape Sagak, Umnak Island not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running southwest by west from Cape Sagak, the southwestern extremity of Umnak Island, at a point approximately latitude 52°49'20'' N., longitude 169°07'00'' W. and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00'' N., longitude 163°21'36'' W.; thence to Scotch Cap Light at the western end of Unimak Island, which light is approximately latitude 54°23'48'' N., longitude 164°44'30'' W.; thence to Brundage Head on Unalaska Island, which head is approximately latitude 53°56'00'' N., longitude 166°12'36'' W.; thence to Cape Aiak on Unalaska Island, which cape is approximately latitude 53°15'45'' N., longitude 167°29'30'' W.; thence to Cape Sagak. The positions of Cape Kabuch Light, Scotch Cap Light and Brundage Head were determined from Chart 8860, published 1942 (12th Edition), and the positions of Cape Sagak and Cape Aiak were determined from Chart 8861, published in May 1942, revised April 1959, both charts as published by the U.S. Coast and Geodetic Survey.

(f) Area 3B North (Bering Sea and Aleutian Islands west of Cape Sagak) shall include all convention waters which are not included in Areas 1, 2, 3A, and 3B South.

§ 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 6:00 p.m. on the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under § 301.4(b).

(c) In Area 3A, the halibut fishing season shall commence at 6:00 p.m. of the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under § 301.4(b).

(d) In Area 3B South, the halibut fishing season shall commence at 6:00 p.m. of the 19th day of April and terminate at 6:00 p.m. of the 30th day of September, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(e) In Area 3B North, the halibut fishing season shall commence at 6:00 p.m. of the 28th day of March and terminate at 6:00 p.m. of the 15th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(f) All hours of opening and closing of areas in this section and other sections of the regulations in this part shall be Pacific standard time.

§ 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 6:00 p.m. of the 30th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 Catch limits in Areas 2 and 3A.

(a) The quantity of halibut to be taken during the halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1962 shall be limited to 28,000,000 pounds and 33,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A.

§ 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission: *Provided*, That vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license; *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 3B South or Area 3B North when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B South prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B South or in Area 3B North prior to the date of closure of Area 3A may continue to fish in said areas until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Areas 3B North and 3B South.

(g) The halibut license of any vessel departing from Area 3B South into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at a port or place in Area 3B South subsequent to fishing and prior to such departure.

(h) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(j) A halibut license shall not be valid for halibut fishing in more than one of Areas 1, 2, or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(k) A halibut license may be validated for halibut fishing in more than one of Areas 3A, 3B South or 3B North except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f), and (g) of this section and to any other applicable provisions of the regulations in this part.

(l) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (o) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any

species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.16, if applicable.

(m) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(n) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated for halibut fishing while halibut taken under such permit is on board.

(o) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B South and Area 3B North shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(p) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this section for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the master or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut: *Provided*, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1962 shall become invalid at 6:00 p.m. of the 15th day of November of said year or at such earlier date as the Commission shall determine.

§ 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish halibut in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in § 301.7(a).

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operater is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under § 301.7(a).

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with § 301.7(c). Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B South as required in § 301.6 (e) and (g) and unless the vessel has complied with the provisions of § 301.16, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 307.12 Nets prohibited.

It is prohibited to retain halibut taken in any convention waters with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

§ 301.13 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.14 Responsibility of master.

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.15 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.16 Sealing of fishing equipment.

Any fishing vessel, prior to departing from Area 3B South into Area 3A with any halibut on board when Area 3A as defined in § 301.1 is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until such time as said officer removes the seal or seals and grants permission to unload.

§ 301.17 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

HAROLD E. CROWTHER,
Chairman.
WILLIAM M. SPRULES,
Vice-Chairman.
WILLIAM A. BATES.
HAROLD S. HELLAND.
MATTIAS MADSEN.
RICHARD NELSON.
H. A. DUNLOP,
Secretary.

Approved: March 27, 1962.

JOHN F. KENNEDY.

[F.R. Doc. 62-3913; Filed, Apr. 20, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 143-A3]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Notice of Hearing With Respect to Proposed Amendments to the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Elks Lodge, Northwest corner of Bliss and Jackson Streets, Indio, California, at 10 a.m., P.d.t., May 24, 1962, with respect to proposed further amendments to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in Arizona; in Imperial County, California; and in that part of Riverside County, California, situated South and East of White Water, California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order, were proposed by the Administrative Committee, the Administrative Agency established pursuant to the marketing agreement and order:

1. Add a new § 909.32 as follows:

§ 909.32 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and developments projects designed to assist, improve, or promote the maketing, distribution and consumption of grapefruit, the expense of such projects to be paid from funds collected pursuant to this part.

§ 909.41 [Amendment]

2. Revise the first sentence of § 909.41 (a) to read as follows: "Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses, including inspection expenses, which the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning during each fiscal period."

§ 909.51 [Amendment]

3. Revise the second sentence of § 909.51(a) to read as follows: "Whenever the committee finds that such conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes thereof deemed advisable by it to be handled during such period; and any such recommendation may include a proposal that size limitations shall be different for any variety or varieties handled to any one or more of the marketing zones established in § 909.56, and in export including Alaska, Canada, and Hawaii."

§ 909.53 [Amendment]

4. Revise the first sentence of § 909.53 to read as follows: "Whenever the Secretary shall find from the recommendation and information submitted by the Administrative Committee or from other available information that to limit the handling of any variety or varieties of grapefruit to particular grades or sizes thereof would tend to effectuate the declared policy of the act he shall so limit the handling of such variety or varieties during a specified period; and any such limitation may provide that size limitations shall be different for any variety or varieties handled to any one or more of the marketing zones established in § 909.56, and in export including Alaska, Canada, and Hawaii."

5. Add a new § 909.56 as follows:

§ 909.56 Marketing zones.

The Continental United States is divided into the following marketing zones:

(a) Zone 1 shall consist of the States of California and Arizona.

(b) Zone 2 shall consist of the States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(c) Zone 3 shall consist of all of the States which are not enumerated in zones 1 and 2.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: April 18, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-3929; Filed, Apr. 20, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 747) has been filed by Humble Oil & Refining Company, Houston 1, Texas, proposing the issuance of a regulation to provide for the safe use of silicon dioxide polymermetallic zinc matrix coatings as the food-contact surface of articles intended for use in contact with food.

Dated: April 13, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3914; Filed, Apr. 20, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 713) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee 1, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin in feed for sheep, at a level of 10 milligrams per pound, for growth promotion and feed efficiency.

Dated: April 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3915; Filed, Apr. 20, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 749) has been filed by The Upjohn Company, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of novobiocin in chicken and turkey feeds, as follows:

Quantity	Limitations	Indications for use
Grams per ton		
200	For chickens and turkeys; feed 5 to 7 days; withdraw 3 days prior to slaughter.	Prevention of staphylococcal infections, including synovitis and breast blisters.
350	do	Treatment of staphylococcal infections including synovitis.

Dated: April 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3916; Filed, Apr. 20, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 758) has been filed by United States Rubber Company, Naugatuck, Connecticut, proposing the issuance of a regulation to provide for the safe use of tri(nonylphenyl) phosphite as a stabilizer in synthetic rubber and plastics used in the fabrication of articles for handling and packaging of food.

Dated: April 13, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3917; Filed, Apr. 20, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SO-14]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1503 and 600.1677 of the Regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1503 is designated in part as a 12-mile wide airway from the Wilmington, N.C., VOR to the intersection of the Wilmington VOR 014° and the Cofield, N.C., VOR 209° True radials; thence as a 14-mile wide airway to the intersection of the Cofield VOR 209° and the Rocky Mount, N.C., VOR 112° True radials; thence as a 10-mile wide airway via the Cofield VOR; the intersection of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° True radials to the Cape Charles VOR.

Intermediate altitude VOR Federal airway No. 1677 is designated in part as a 16-mile wide airway from the Wilmington, N.C., VOR to the intersection of the Wilmington VOR 352° and the Rocky Mount, N.C., VOR 191° True radials; thence as a 14-mile wide airway to the intersection of the Rocky Mount VOR 191° and the Raleigh-Durham, N.C., VOR 116° True radials; thence as a 16-mile wide airway to the Rocky Mount VOR.

The existing configuration of Victor 1503 between the Wilmington VOR and the intersection of the Cofield VOR 046° and Cape Charles VOR 200° True radials (overlies the Norfolk, Va., VOR) was necessary to bypass R–5307 as previously designated. The existing configuration of Victor 1677 between the Wilmington VOR and the Rocky Mount VOR was necessary to provide lateral separation with Victor 1503.

On January 11, 1962, (Airspace Docket No. 60–WA–277, 26 F.R. 10876) the designated altitudes of R–5307 were changed "from 6,000 feet MSL to flight level 550", to "from flight level 350 to flight level 550" thereby permitting redesignation of Victor 1503 from the Wilmington VOR direct to the Norfolk VOR. This alteration of Victor 1503 will permit the redesignation of Victor 1677 from the Wilmington VOR direct to the Rocky Mount VOR. The movement of intermediate altitude traffic would be facilitated by these direct airway alignments.

Accordingly, the Federal Aviation Agency proposes the following airspace actions.

1. Redesignate the Wilmington-Cape Charles segment of Victor 1503 as a 16-mile wide airway from the Wilmington VOR to the intersection of the Norfolk VOR 209° and the Cofield VOR 101° True radials; thence as a 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence as a 10-mile wide airway to the Cape Charles VOR.

2. Redesignate the Wilmington-Rocky Mount segment of Victor 1677 as a 16-mile wide airway from the Wilmington VOR direct to the Rocky Mount VOR.

The reduction of route width on the east side of Victor 1503 would provide lateral separation from high altitude approach procedures at NAS Oceana.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency; Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 16, 1962.

CLIFFORD P. BURTON,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-3890; Filed, Apr. 20, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[General Order 4, Amdt. 2]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Notice of Proposed Rule Making

Pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); notice is hereby given that the Federal Maritime Commission is considering the promulgation of the regulations set forth hereinafter affecting the practices of independent ocean freight forwarders.

Interested persons may submit such written data, views, or arguments as they desire. Communications should be submitted in original and fifteen copies to the Secretary, Federal Maritime Commission, Washington 25, D.C. For good cause found, all communications received within ten days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Federal Maritime Commission.

Dated: April 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

A new paragraph (g) is added to § 510.5 of Chapter IV of this title reading as follows:

§ 510.5 Requirements for licensing.

(g)(1) The purpose of this paragraph is to prescribe a temporary bonding rule and establish the form and amount of a surety bond to be filed with the Federal Maritime Commission by applicants for licenses as independent ocean freight forwarders, who on September 19, 1961 were not operating under a registration number issued by the Commission or who were so operating but failed to file an application for license in the prescribed form on or before January 17, 1962. This requirement is not applicable to other ocean freight forwarders.

(2) A rulemaking proceeding will be instituted at a later date for the promulgation of a bond in such form and amount as the Commission may require for industry-wide applicability. All applicants temporarily licensed upon the basis of the bond prescribed herein will be required to comply with any future bonding regulations adopted by the Commission.

(3) No license shall be issued to a person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of $10,000 and in the following form:

FEDERAL MARITIME COMMISSION

Bond No. ------
License No. ------

INDEPENDENT OCEAN FREIGHT FORWARDER'S BOND

(Section 44, Shipping Act of 1916, as added by Public Law 87–254, September 19, 1961.)

Know all men by these presents, That we ----------, as Principal (hereinafter called Principal), and ----------, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America in the sum of ------ dollars ($------) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied, or is about to apply, for a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, as amended by Public Law 87–254 of September 19, 1961, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the Condition of this obligation is such that if the Principal shall, while this bond is in effect supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the ------ day of ------, 196--, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Secretary, Federal Martime Commission, Washington 25, D.C., of any levies against this bond.

Signed and sealed this ---------- day of ----------, 196--.

(Please type name of signer under each signature.)

---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Corporate principal)		[Affix corporate seal]
---------- (Business address)		
By ---------- ---------- (Title)		
---------- (Corporate surety)		[Affix corporate seal]
---------- (Business address)		
By ---------- ---------- (Title)		

(Secs. 43, 44, Shipping Act, 1916 (75 Stat. 522, 523, 766); sec. 204, Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114))

[F.R. Doc. 62–3927; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–200]

CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS; STATEMENTS OF GENERAL POLICY

Notice of Extension of Time

APRIL 16, 1962.

Additions to the Commission's statements of general policy as to certificate applications, rate filings, pipeline quality gas standards, delivery conditions and certain price adjustments (§§ 2.60 and 2.61).

On May 22, 1961, the Commission issued a notice in the above-entitled matter (26 F.R. 4614) proposing, inter alia, the prescription of a standard for "pipeline quality" gas, as that term is used in our Statement of General Policy No. 61–1 (25 F.R. 13969; 24 FPC 818; 18 CFR 2.56). The Statement established area price levels for purposes of determining the acceptability of initial price proposals and increased rate filings by independent producers. Further comment to be submitted by December 20, 1961, was invited by notice issued November 28, 1961 (26 F.R. 11459) and the time enlarged to January 4, 1962, by notice of December 18, 1961 (26 F.R. 12304).

The Commission has not taken any action with respect to the proposals made in the initial notice. However, almost a year has passed since we originally invited comments and we believe that the public interest requires us to give a further opportunity for the expression of new or additional views on the proposals. Accordingly,

Take notice that any interested person, whether or not he has already responded, may submit to the Federal Power Commission on or before May 15, 1962, data, views, and comments concerning the proposals described in the notice herein issued May 22, 1961 (26 F.R. 4614). An original and nine (9) copies of any such submittal should be filed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3903; Filed, Apr. 20, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT OTTENSOOSER AND HANS LEURER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kurt Ottensooser, Jerusalem, Israel; Dr. Hans Leurer, Jerusalem, Israel; Claim No. 66524, Vesting Order No. 5879; $1,520.05 cash in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D.C., on April 17, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–3886; Filed, Apr. 20, 1962; 8:45 a.m.]

WILLEM JACOBUS CORNELIS VERWOERD

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willem Jacobus Cornelis Verwoerd, Gravelandseweg 69, Bussum, The Netherlands; Claim Nos. 61065 and 61066, Vesting Order No. 15827; $3,202.91 in the Treasury of the United States.

Executed at Washington, D.C., on April 17, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–3887; Filed, Apr. 20, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2864]

BONNEVILLE POWER ADMINISTRATION

Negotiation of Contracts for Experimental Supplies and Equipment for Direct-Current Test Line and Terminals

Section 1. *Determination.* The Bonneville Power Administration is investigating the construction and operation techniques of high voltage direct-current power transmission lines for regional interconnections or long distance energy transmission. Many of the items of apparatus or accessory hardware of the standard types developed for use with alternating-current line techniques are either not suitable or of doubtful economy for use on direct-current lines. In order to pursue the investigation, the Administration must contract for the manufacture and furnishing of supplies and equipment for use in constructing a direct-current test line approximately five miles in length and terminating facilities. Accordingly, I determine that contracts for supplies and equipment which (1) are made for the foregoing purpose in the exercise of the authority granted by this order, and (2) are for supplies or equipment of types or designs not commonly used in alternating-current power transmission, are contracts for the manufacture and furnishing of property for experimentation within the meaning of section 302(c)(11) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. sec. 252(c)(11)).

SEC. 2. *Delegation.* The Bonneville Power Administrator is authorized, subject to section 3 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate without advertising, under section 302(c)(11) of the Federal Property and Administrative Services Act of 1949, as amended, contracts for supplies or equipment of types or designs not commonly used in alternating-current power transmission but required for the construction of a direct-current test line and terminating facilities.

SEC. 3. *Exercise of Authority.* The authority delegated by section 2 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the act.

SEC. 4. *Redelegation.* The Bonneville Power Administrator may, in writing, redelegate or authorize written redelegation to a subordinate official or employee of the authority granted in section 2 of this order. Each such redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 16, 1962.

[F.R. Doc. 62–3908; Filed, Apr. 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FARMERS LIVESTOCK CO.

Posted Stockyard

The stockyard formerly known as the Farmers Livestock Auction Company, Mayfield, Kentucky, was originally posted on December 9, 1959 (25 F.R. 685), as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). On September 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8820) a notice concerning the deposting of such stockyard for the reason that it was no longer being conducted as a public market. Subsequent to the publication of such notice and prior to the taking of the further steps required by section 302(b) of the Act (7 U.S.C. 202(b)) for the deposting of a stockyard, it was ascertained that operation of such livestock market, under the name of Farmers Livestock Company, would be continued as a stockyard within the definition of that term contained in section 302(a) of the Act (7 U.S.C. 202(a)).

Notice is hereby given, therefore, that the livestock market presently known as the Farmers Livestock Company, Mayfield, Kentucky, originally posted on December 9, 1959, remains posted as a stockyard within the definition of that term contained in section 302 of the Act and remains subject to the provisions of the Act.

Done at Washington, D.C., this 17th day of April 1962.

JOHN R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–3920; Filed, Apr. 20, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published on November 1, 1961 (26 F.R. 10246), pursuant to said Act, I have determined that a First Quarter 1962 Survey of selected multiunit companies is needed to collect information for the 1962 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail on Form 941, "Employers Quarterly Federal Tax Report," or in the special Bureau of Old Age and Survivors Insurance survey on Forms CBP–1 and CBP–2, "Report of Employment and Taxable Wages, First Quarter 1962," will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 62–3923; Filed, Apr. 20, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF MISSISSIPPI

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Mississippi for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the Mississippi program submitted to the Commission is set forth below as an appendix to this notice. A copy of the complete text of the Mississippi program, including proposed Mississippi regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 4th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of Mississippi Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI. The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This agreement shall become effective on June 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

APPENDIX A

Policies and Procedures of the State of Mississippi for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

Authority. (1) The Attorney General by letter dated January 16, 1961, has rendered an opinion to the effect that the Governor has necessary authority to enter into an agreement with the Atomic Energy Commission. (Opinion from Attorney General, dated Jan. 16, 1961.)

(2) The Governor, by letter order (Aug. 27, 1960), designated the State Board of Health as the Agency to administer the licensing and regulatory responsibilities.

(3) The Attorney General has rendered an opinion to the effect that the Mississippi State Board of Health has necessary authority to make and publish such rules and regulations necessary to discharge its duties. (Opinion from Attorney General, dated Aug. 8, 1961.)

The radiation control program. The radiation control program will be conducted by the Radiological Health Unit, which is directly responsible to the Executive Officer of the State Board of Health. In addition to an environmental monitoring program which exists around nuclear industries, an extensive X-ray inspection program is now in progress. This program was initiated on January 1, 1961, and to date over 1,400 inspections have been performed. At present, pertinent radiological repairs are made by the Agency at the discretion of the owner of X-ray equipment, and materials and labor are currently being provided at no charge.

The State program is designed to control all sources of ionizing radiation. In addition to byproduct, source, and special nuclear materials, regulations require specific licensing of naturally occurring radioactive materials such as radium, and registration of radiation producing machines. The right of inspection is granted to the Agency by regulations.

An agreement with the Atomic Energy Commission will result in radiation control activities in the following fields:

(1) Licensing and regulation of byproduct materials, source materials, special nuclear materials in less than a critical mass, naturally occurring and accelerator-produced isotopes.

(2) Registration and evaluation of machines which produce ionizing radiation.

(3) Environmental monitoring.

Licensing and registration. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency may require specific radioactive materials licenses for other naturally occurring radioactive materials such as radium.

The responsibility for evaluating applications and issuing licenses rests with the Radiological Health Unit. Provisions have been made for a Radiation Advisory Board which will assist in evaluations that are unique and require technical consultation. When possible, this Board will consist of physicians, a nuclear physicist, nuclear technologists, engineers, metallurgists, certified radiation physicists, and health physicists.

Prelicensing inspections will be an integral part of the evaluation procedure. In cases where individuals may be affected by procedures or decisions of the Agency, provisions allow for a hearing, and any interested party may be heard.

With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each 6 months, and the remainder on a less-frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the preinspections. It is expected that all licensed activities will be inspected at least once in 2 years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

Enforcement. Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available.

It is expected that most of the enforcement functions will be administratively consummated by the Radiological Health Unit. In cases where this is not successful, the Radiological Health Unit will refer the matter to the Executive Officer of the State Board of Health, who may issue an order to show cause why the license should not be modified or terminated.

Pursuant to Mississippi Law, Section 7031, Code of 1942, which allows the State Board of Health to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and carry out the purposes and objects of its creation, an injunction or other court order may be obtained prohibiting any violation of any provision of the regulations of the State Board of Health or any order issued thereunder. Any person who willfully violates any of the provisions of the regulations adopted by the State Board of Health, or any order issued thereunder, may be guilty of a crime, and upon conviction may be punished by fine or imprisonment or both, as provided by law.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Transfer of material. Byproduct, source, special nuclear materials in quantities not sufficient to form a critical mass, or other radioactive materials including radon, radium, polonium, and accelerator-produced isotopes, may not be transferred except as authorized pursuant to regulations of the State Board of Health.

The transfer of the above sources of radiation may be made to: (1) The State Board of Health, (2) the U.S. Atomic Energy Commission, or any successor thereto authorized to receive such material, (3) any person exempt from these regulations pertaining to the transfer of radioactive materials to the extent permitted under such exemption, (4) any person licensed to receive such material under terms of a general or specific license issued by the State Board of Health, the U.S. Atomic Energy Commission, or any successor thereto, or any other state having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the State Board of Health, or any other State having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, (5) as otherwise authorized by the State Board of Health in writing.

Reciprocal recognition of licenses. Persons who use, transfer, possess, or receive source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass within this State, pursuant to a license issued by the U.S. Atomic Energy Commission or any State having an agreement with the U.S. Atomic Energy Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended, may be excepted from the requirement for a license under this regulation: *Provided that,* Such persons notify the Agency immediately of the presence of such materials within this State.

Maintaining compatibility. It is recognized that frequent modifications are necessary in a program of this nature. The State Board of Health is cognizant of the responsibility which it assumes in accepting direction of this program, and will make every effort to maintain the existing compatible relationship with the Atomic Energy Commission. It is further realized that a close working relationship will have to be

maintained between the State and the Atomic Energy Commission, and the State Board of Health is willing to participate in various programs sponsored by the Commission or others.

[F.R. Doc. 62-3384; Filed, Apr. 6, 1962; 8:47 a.m.]

NOTICE OF AGREEMENT WITH THE STATE OF CALIFORNIA

Notice is hereby given that the Chairman of the Atomic Energy Commission and the Governor of the State of California have signed the attached Agreement for the discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150), which was published in the February 14, 1962, issue of the FEDERAL REGISTER. (27 F.R. 1351).

Dated at Washington, D.C., this 18th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Between the United States Atomic Energy Commission and the State of California for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of California is authorized under section 25830, Chapter 7.6, Division 20 of the California Health and Safety Code to enter into this Agreement with the Commission, subject to its ratification by the State Legislature; and

Whereas the Governor of the State of California certified on December 15, 1961, that the State of California (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on February 26, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

ARTICLE VII

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement, upon ratification by law of the State, shall become effective on the ninety-first day after the adjournment of the First Extraordinary Session of the 1962 California Legislature or on September 1, 1962, whichever is later, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in triplicate, this 9th day of March 1962.

For the United States Atomic Energy Commission.

[SEAL] GLENN T. SEABORG,
Chairman.

Done at Sacramento, State of California, in triplicate, this 12th day of March 1962.

For the State of California.

[SEAL] EDMUND G. BROWN,
Governor.

[F.R. Doc. 62-3926; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-6]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The LBJ Broadcasting Company, Austin, Texas, proposes to construct an array of four antenna structures near Austin, Texas, at latitude 30°14'14" north, longitude 97°37'44" west. The overall height of each structure would be 830 feet above mean sea level (400 feet above ground).

The antenna array would be located approximately 5.4 miles southeast of the approach end of Runway 30L at the Robert Mueller Municipal Airport, Austin, Texas, and would be situated within the radio signal pattern of the outer marker of the Instrument Landing System serving the above runway. The antenna array would extend 199 feet above the elevation of Robert Mueller Municipal Airport, and would be outside the Airport Traffic Area.

Objections were made in response to the circularization by the Air Transport Association of America on the basis that the proposed structures would require an increase in ceiling minimums for Instrument Approach Procedure AL-30-ILS-RWY 30L (with glide path inoperative) and Instrument Approach Procedure AL-30-ADF to Robert Mueller Municipal Airport.

At the Fort Worth Informal Airspace Meeting the ATA reiterated its objection on the basis stated above, but indicated that if a waiver were granted resulting in no increase in instrument approach procedure minimums it would reconsider its position. The National Business Aircraft Association objected on the basis that the proposed structures would have an adverse effect upon instrument approach procedure minimum altitudes.

Any structure of the overall height above mean sea level specified in this proposal which would be located within the final approach area for Runway 30L would normally require an increase in ceiling minimums for instrument approach procedures AL-30-ILS-RWY 30L (with glide path inoperative) from 300 to 500 feet, and for AL-30-ADF from 400 to 500 feet. However, due to the proximity of the proposed antenna array to the final approach facility (ILS outer marker and compass locator), aircraft on final approach at the approach fix would have a vertical clearance over the proposed structures of approximately 1,370 feet and 870 feet, respectively, in these procedures and therefore, safety would not be adversely affected. This conclusion is reached in view of the fact that the distance on final approach course from the final approach fix to a point abeam the proposed site is approximately 600 feet and, therefore, a highly improbable rate of descent would be required in order for an aircraft to descend to the height of the proposed structures within this distance after crossing the final approach fix at the final approach altitude. Therefore, if the proposed structures were built, the Agency would issue a Non-Standard Treatment Form for the Robert Mueller Municipal Airport instrument approach procedures noted above and would retain the present ceiling minimums. ATA and NBAA have been advised of the Agency position in this matter and as a consequence, they have withdrawn their objections.

The Agency study revealed that with the retention of the affected instrument approach ceiling minimums the proposed antenna structures would have no substantial adverse effect upon aeronautical operations at the Robert Mueller Municipal Airport. No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the erection of the proposed antenna array at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, and it is hereby determined that these structures would not be a hazard to air navigation, provided that the structures be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (26 F.R. 5292). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on April 10, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-3889; Filed, Apr. 20, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14597-14599; FCC 62-393]

KWEN BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627, Requests: 1510 kc, 1 kw, Day; Petty Durwood Johnson tr/as Radio Orange, Orange, Texas, Docket No. 14598, File No. BP-13739, Requests: 1510 kc, 1 kw, Day; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619, Requests: 1510 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposed stations, that the KWEN Broadcasting Company and the Vidor Broadcasting Company, Inc., are financially qualified, but, for the reasons hereinafter indicated, it cannot be determined that Petty Durwood Johnson is financially qualified; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals involve mutually prohibitive interference.

2. Felix Joynt and James Joynt, partners and co-owners with each having a 50 percent interest in KWEN Broadcasting Company, are also partners with each having a 50 percent interest in Station KWLD, Liberty, Texas. KWLD is located 54 miles from the site of the KWEN application, and a grant of the latter application would involve substantial overlap of the 0.5 mv/m contours.[1] Due to the proximity of Liberty and Port Arthur, it will be necessary to determine in the hearing ordered below whether a grant of the KWEN Broadcasting Company application would be in contravention of § 3.35(a) of the Commission's rules on multiple ownership. In considering the Port Arthur proposal and § 3.35(a) of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other facts as will tend to demonstrate that the overlap will or will not be in contravention of § 3.35(a) of the Commission's rules.

3. It cannot be determined whether Petty Durwood Johnson will have sufficient funds available to construct and meet initial operating expenses (for a three month period) of the proposed facility. Commission records disclose that Johnson has commitments in addi-

[1] Approximately 40 percent and 65 percent of the primary service areas (0.5 mv/m contours) of the subject application and KWLD, respectively, would be affected.

tion to the subject application which will require cash expenditures. One commitment is to purchase $33,000 worth of property from his brother (BP–13573). The other is to expend $26,056 for the construction of another broadcast facility (BP–13836). If these commitments are fulfilled, it would appear that Johnson's cash resources will be reduced to an amount insufficient to meet the needs of his proposed station at Orange, Texas. While Johnson's net worth exceeds the total of his commitments, there is some question as to the liquidity of his assets. Under these circumstances, it cannot be determined that the applicant is financially qualified.

4. Commission records disclose that Johnson may have overstated the value of his interests in Station KVWC, Vernon, Texas and Station KTEO (formerly KTXL), San Angelo, Texas. Johnson has valued his interests in these stations at figures which after a check of data on file raises a question as to whether these evaluations are realistic. This question appears even more pertinent since available information indicates that the Internal Revenue Service recently filed two tax liens in the amount of $3,902 against Burkhart Broadcasting Corporation, licensee of Station KTEO, for non-payment of 1961 taxes. Commission records further disclose that on June 28, 1958, Johnson acquired Station KWEL, Midland, Texas for a consideration of $60,000 and a little over a year later (July 26, 1959) filed an application to assign the license of Station KWEL to others for a consideration that was twice the purchase price. When Johnson acquired KWEL, he stated his reasons for said purchase were that: "This assignment will satisfy applicant's desire to operate a station to serve the public interest in Midland, Texas." However, his reasons for the assignment of license were: "Although this station is making a profit, assignor's other financial interests require him to take too much money from the station. Assignor feels that the public interest can better be served by a licensee with more fluid finances and assignor after this sale will be better able to operate another station for the public interest." When the aforementioned statement was made, Johnson owned a two-thirds interest in KVWC. During 1960 Johnson purchased KTEO; in March 1960, BTC–3398 was filed by Johnson to acquire a two-thirds interest and in December, 1960 a 323 Report was filed showing that Johnson had purchased the remaining one-third interest. Shortly after Johnson assigned the license of KWEL, he filed the subject application on December 16, 1959, as well as applications for new stations at Spring Valley, New York (BP–13778) December 29, 1959 (now dismissed), and Niles, Ohio (BP–13836), January 21, 1960. Under these circumstances, it appears appropriate to determine whether or not Johnson filed information with the Commission to mislead it as to his true financial position and to determine Johnson's intentions with respect to broadcast licenses held and proposed to be held by him.

5. Commission records also indicate that Johnson has made substantially similar program proposals in three independent applications: Spring Valley, New York (BP–13778), now dismissed; Niles, Ohio (BP–13836); and the instant proposal at Orange, Texas. Such similarity raises a question as to whether Johnson has, in fact, made appropriate investigation of the separate needs of the individual communities which he proposes to serve. In view of these facts, it cannot be determined that the applicant has fully considered the needs and interests of the area to be served and has proposed a schedule which will meet such needs and interests.

6. The instant applications involve some mutual interference with respect to the following proposals:

Instant Applicant and Other Proposals Not Consolidated

KWEN Broadcasting Co.:
BP–13809, Higson-Frank Radio Enterprises, Houston, Tex.
BP–14609, George Leon Gossage, Robstown, Tex.
BP–14632, SSB Corporation, Houston, Tex.
BMP–9060 (KXKW), General Communications, Inc., Lafayette, La.
Radio Orange: BP–13809, BP–14609.
Vidor Broadcasting Co., Inc.: BP–13809, BP–14609, BP–14632.

The interference noted will not render any of the proposals in violation of any Commission rule. Accordingly, the "other proposals" above have not been consolidated herein and any grant of a subject application will be appropriately conditioned.

It further appearing that in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to presunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas affected by interference from any of the instant proposals.

3. To determine whether a grant of the instant proposal of KWEN Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

4. To determine whether Petty Durwood Johnson is financially qualified to construct his proposal herein, taking into consideration his existing financial status and such capital commitments as he may have undertaken.

5. To determine what efforts have been made by Petty Durwood Johnson to ascertain the programming needs and interests of the area he proposes to serve, and the manner in which he proposes to meet such needs and interests.

6. To determine whether Petty Durwood Johnson has filed information with the Commission which was intended to mislead it as to his financial qualifications and as to his intentions with respect to broadcast licenses held and proposed to be held by him.

7. To determine, in light of evidence adduced pursuant to the foregoing issues, whether Petty Durwood Johnson is qualified to be a broadcast licensee.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of KWEN Broadcasting Company, permittee shall accept any interference resulting from a subsequent grant of the application of George Leon Gossage, (BP–14609); the application of General Communications, Inc., (BMP–9060); and either one of the applications of Higson-Frank Radio Enterprises (BP–13809) or SBB Corporation., (BP–14632).

It is further ordered, That, in the event of a grant of the application of Radio Orange, permittee shall accept any interference that may result from a subsequent grant of the application of George Leon Gossage or from the application of Higson-Frank Radio Enterprises.

It is further ordered, That, in the event of a grant of the application of Vidor Broadcasting Company, Inc., permittee shall accept any interference that may result from a subsequent grant of the application of George Leon Gossage and either one of the applications of Higson-Frank Radio Enterprises or the SBB Corporation.

It is further ordered, That, in the event of a grant of the application of KWEN Broadcasting Company, permittee shall submit a complete proof-of-performance to show that an effective field strength at one mile of approximately 180 mv/m/kw has been achieved as proposed.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants consolidated herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3931; Filed, Apr. 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4769 etc.]

EL PASO NATURAL GAS CO.

Order Approving Presiding Examiner's Continuance for More Than 30 Days

APRIL 17, 1962.

El Paso Natural Gas Company, Docket Nos. G–4769, G–12948, G–17929 and RP60–3.

The Presiding Examiner's certification of a continuance of the hearing for more than 30 days was submitted April 6, 1962 pursuant to § 1.13(e) of the Commission's rules of practice and procedure.

At the conclusion of the session of the hearing held herein on April 6, 1962, counsel for El Paso Natural Gas Company requested a continuance of the hearing herein for a period of 45 days which was said to be required for the preparation of its rebuttal evidence. Staff counsel objected to such a postponement. Whereupon, the Presiding Examiner recessed the hearing to reconvene on May 15, 1962, with the proviso that all rebuttal evidence be served by all parties proposing to offer such evidence on May 7, 1962.

The Commission finds: Good cause has been shown herein for the approval of the continuance of the hearing for more than 30 days.

The Commission orders: Continuance of the hearing until May 15, 1962, in Washington, D.C., at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., as fixed by the Presiding Examiner is approved.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3895; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket Nos. RI62–389—RI62–391]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 17, 1962.

Humble Oil & Refining Company, Docket No. RI62–389; Johntom Oil Company, Inc., et al. Docket No. RI62–390; Kenneth J. Rich (Operator), et al. Docket No. RI62–391.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62–389...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	257	15	Texas Eastern Transmission Corp. (Helen Gohlke "B" Sand Field, DeWitt and Victoria Counties, Tex.) (R.R. District No. 2).	$539	3–19–62	[1] 4–19–62	9–19–62	15.3765	[2] [3] 15.7099	RI61–126
RI62–389...	Humble Oil & Refining Co.	258	14	Texas Eastern Transmission Corp. (Helen Gohlke "A" Sand Field, Victoria County, Tex.) (R.R. District No. 2).	992	3–19–62	[1] 4–19–62	9–19–62	15.3765	[3] [4] 16.0432	RI61–130
RI62–390...	Johntom Oil Co., Inc., et al., 734 Meadows Bldg., Dallas 6, Tex.	1	1	Natural Gas Pipeline Co. of America (Boonsville (Bend) Field, Jack and Wise Counties, Tex.) (R.R. District No. 9).	3,244	3–19–62	[1] 4–19–62	9–19–62	13.91	[5] [6] 14.70	----------
RI62–391...	Kenneth J. Rich (Operator), et al., 734 Meadows Bldg., Dallas 6, Tex.	1	1	Natural Gas Pipeline Co. of America (Ken-Rich Field, Jack County, Tex.) (R.R. District No. 9).	4,740	3–26–62	[7] 5–1–62	10–1–62	13.91	[5] [6] 14.70	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Favored-nation rate increase.
[3] Includes 0.5 cent per Mcf for dehydration charged by seller (except gas from C. T. Hensley No. 2–1 well and M. G. Hensley Unit No. 2 well).
[4] Includes 0.5 cent per Mcf for dehydration charged by seller.
[5] Periodic increase of 1.0 cent per Mcf less 0.21 cent for upward Btu adjustment for 1,050 Btu gas in lieu of 1,070 Btu gas.
[6] Includes 0.70 cent per Mcf for upward Btu adjustment based on 1,050 Btu gas.
[7] The stated effective date is the effective date proposed by respondent.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3896; Filed, Apr. 20, 1962; 8:46 a.m.]

[Project No. 2309]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Application for License

APRIL 16, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Jersey Central Power & Light Company (correspondence to J. E. Logan, Vice President, Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey) for license for a proposed pumped storage hydroelectric development, designated Project No. 2309, to be located on Yards Creek in Warren County, New Jersey, in the vicinity of Pahaquarry and Blairstown Townships, and to consist of Lower Reservoir, created by a main earth dam located 3¾ miles upstream from the mouth of Yards Creek, an earth saddle dam and a concrete uncontrolled spillway; the reservoir with a maximum water surface of 818.5 feet, a surface area of 300 acres and usable power storage of 4,650 acre-feet; and outlet works under the main dam; Auxiliary Reservoir, created by a low earth dam located on a small tributary of Yards Creek, an excavated spillway having a concrete sill and the dam provided with outlet works; the reservoir with 480 acre-feet of seasonal storage to be released into the Lower Reservoir as needed; and Upper Reservoir, created by a main earth dam located across an intermittent tributary of Yards Creek near the top of Kittatinny Mountain and earth dikes following the limits of the watershed of the tributary; the reservoir with maximum water surface of 1,555 feet, a surface area of about 164 acres and usable capacity of 4,650 acre-feet; a water passage between the Upper and Lower Reservoirs comprised of an intake channel, a pressure tunnel and a penstock; a powerhouse with three reversible pump-turbines, each having a rated capacity of 150,500 horsepower when generating and 186,000 horsepower when pumping and connected to a 112,500-kilowatt generator (125,000 kva at 0.90 P.F.); step-up transformers and switch gear; a short 230-kilovolt transmission line to applicant's Kittatinny Substation (non-project); and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 24, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3897; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-16913 etc.]

MAXSON OIL & GAS CO. ET AL.

Notice of Severance

APRIL 17, 1962.

W. H. Mossor d.b.a. Maxson Oil & Gas Co. et al., Docket No. G-16913 et al.; Oil Reserves Corporation (Operator), Docket No. CI61-468; Stanton A. Hall, Docket No. CI61-520.

Notice is hereby given that the matters of Oil Reserves Corporation (Operator), Docket No. CI61-468, and Stanton A. Hall, Docket No. CI61-520, heretofore scheduled for a hearing to be held on April 24, 1962, at 9:30 a.m. (EST), in the consolidated proceeding entitled W. H. Mossor d.b.a. Maxson Oil & Gas Co., et al., Docket Nos. G-16913, et al., are severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3898; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-16913 etc.]

MAXSON OIL & GAS CO. ET AL.

Notice of Severance

APRIL 16, 1962.

W. H. Mossor d.b.a. Maxson Oil & Gas Co. et al., Docket No. G-16913, et al.; K. D. Owen, et al., d.b.a. Owen and Moss, Docket No. CI61-1579; Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1591.

Notice is hereby given that the matters of K. D. Owen, et al., d.b.a. Owen and Moss, Docket No. CI61-1579, and Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1591, heretofore scheduled for a hearing to be held on April 24, 1962, at 9:30 a.m., e.s.t., in the consolidated proceding entitled W. H. Mossor d.b.a. Maxson Oil & Gas Co., et al., Docket Nos. G-16913, et al., is severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3899; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-14288, etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 16, 1962.

Sunray Mid-Continent Oil Company, Docket Nos. G-14288, G-15199, G-15468, G-15520, G-16010, G-16134, G-16716, G-17032, G-17489, G-17558, G-18294, G-18614, G-19060, G-19409, G-20092, CI60-42, CI60-84, CI60-85, CI60-205, CI60-239, CI60-377, CI60-800, CI61-133, CI61-1088, CI61-1103, CI61-1229, CI61-1385, CI61-1395, CI61-1819, CI62-286, CI62-462; Rodney B. Belknap d.b.a. Belknap Gas Company, Docket No. CI62-617; George W. Moses d.b.a. Byron A. Woofter No. 1, Docket No. CI62-618; John G. McMillian, Jr., et al., Docket No. CI62-631; Edward M. Hartman, Docket No. CI62-637; Durell Nealy (Operator), et al., d.b.a. Marie Engle Farm Account, Docket No. CI62-640; William B. Rezek, et al., d.b.a. Mid Eastern Oil & Gas Company, Docket No. CI62-641; Don W. Hardman d.b.a. Clay Bailey Oil & Gas Company, Docket No. CI62-645; Kincaid Oil & Gas Company, Docket No. CI62-646; W. L. McKnight d.b.a. Arrowhead Exploration Company, Docket No. CI62-647; Delbert Goff, et al., Docket No. CI62-648; T. H. McElvain, Docket No. CI62-650; Ashland Oil & Refining Company, Docket No. CI62-652; Shell Oil Company, Docket No. CI62-653; Paul H. Ash, et al., d.b.a A. & C. Oil & Gas Company, Docket No. CI62-655; Bert T. Combs, Docket No. CI62-659; James C. Sherrill, et al., Docket No. CI62-660; Claude Drake d.b.a. Ellyson Gas Company, Docket No. CI62-661; Manuel Alvarez, Jr. d.b.a. Red Lick Gas & Oil Company, Docket No. CI62-662; W. H. Mossor, et al., d.b.a. Freed Oil & Gas Company, Docket No. CI62-663; W. H. Mossor d.b.a. Hurst Oil & Gas Company, Docket No. CI62-664; Philip Lemon, et al., Docket No. CI62-665; I. C. Houck d.b.a. ADDCO, Docket No. CI62-666; Glenn L. Haught, et al., d.b.a. Gibson Gas Company, Docket No. CI62-667; Lu-Ray Land, Inc., Docket No. CI62-668; C. E. Hall d.b.a. Brady Oil & Gas Company, Docket No. CI62-669; Virgil E. Daugherty d.b.a. Adams-Deel Gas Company, Docket No. CI62-670; W. H. Mossor d.b.a. Rinehart Oil & Gas Company, Docket No. CI62-671; Skylark Gas Company, Docket No. CI62-673; Emmett Cronin, Agent for White Rocks Oil & Gas Company, Docket No. CI62-678; W. H. Mossor d.b.a. E. G. Waugh Oil & Gas Company, Docket No. CI62-679; J. L. Coats d.b.a. William E. Allen, et al., Docket No. CI62-680; Maxwell Oil Company (Operator), et al., Docket No. CI62-685; Toto Gas Company, Docket No. CI62-692; Toto Gas Company (Operator), et al., Docket No. CI62-699; A. A. Kelly, Docket No. CI62-700; Skelly Oil Company, Docket No. CI62-701; Humble Oil & Refining Company, Docket No. CI62-704; Perry R. Bass (Operator), et al., Docket No. CI62-705; R. J. Hunter, et al., Docket No. CI62-708; Jas. F. Smith (Operator), et al., Docket No. CI62-710; Sunset International Petroleum Corporation (Operator), et al., Docket No. CI62-711; N. G. Clark, et al., d.b.a. Grundy Associates, Docket No. CI62-715; Jackson & Yaste Oil & Gas Company, Docket No. CI62-716; Trio Oil & Gas Company, Inc., Docket No. CI62-717; W. C. Blewster and Joe F. Rushton, Docket No. CI62-718; Hayden Simmons Oil & Gas Company, et al., Docket No. CI62-719; E. A. Ballengee d.b.a. Eddy Farm Gas & Oil Company, Docket No. CI62-722; Sinclair Oil & Gas Company, Docket No. CI62-723; Brookside Oil & Gas Company, Docket No. CI62-727; Holly Nester, Agent for Optimist Oil & Gas Company, et al., Docket No. CI62-728; T. F. Hodge (Operator), et al., Docket No. CI62-733; Calder, N. Bruce & Curtis E., Jr.,[1] Docket No. CI62-734; Oil Property Management, Inc. (Operator), et al., Docket No. CI62-735; The Pure Oil Company, Docket No. CI62-736; Service Gas Products Company, Docket No. CI62-739; Francis E. Cain, et al., d.b.a. Jane Blosser Oil & Gas Company, Docket No. CI62-740; Pioneer Petroleum, Inc., Docket No. CI62-741; Clarence Powell, et al., d.b.a. P. & J. Gas Company, Docket No. CI62-743; Holly Nester d.b.a. Shartiger Gas Company, Docket No. CI62-744; Charles E. Clowe, Jr., et al., Docket No. CI62-746; W. H. Peachee d.b.a. Oil Property Management, Inc., Docket No. CI62-748; W. H. Peachee d.b.a. Oil Property Management, Inc., Docket No. CI62-749; P. & J. Development Co., Inc., Docket No. CI62-754; James I. Shearer d.b.a. Worldwide Petroleum Corporation, et al., Docket No. CI62-755; B. E. Talkington, Docket No. CI62-756; Trio Oil and Gas Company, Inc., Docket No. CI62-757; A. M. Carlson d.b.a. Tower Service Company, Docket No. CI62-766; W. H. Mossor d.b.a. Stout Oil & Gas Company, Docket No. CI62-767; Trio Oil and Gas Company, Inc., Docket CI62-768; Homer P. Queen, et al., Docket No. CI62-769; Jackson and Bowers, Docket No. CI62-770; R. J. Braden, et al., Docket No. CI62-772; W. E. Smith d.b.a. E. W. Gainer Well No. 1, Docket CI62-773; Brookside Oil & Gas Company, Docket No. CI62-774; D. A. Dorward d.b.a. D. A. Dorward, et al., Docket No. CI62-775; Walter E. Smith, d.b.a. George Bigler Well No. 1, Docket No. CI62-776; Carl E. Smith, Inc., Docket No. CI62-777; Stelbar Oil Corporation, Inc., Docket No. CI62-781; Santiago Oil and Gas Company (Operator), et al., Docket No. CI62-784; George Longfellow d.b.a. Hunter Bennett No. 5, Docket No. CI62-786; P. & J. Development Co., Inc., Docket No. CI62-787; Dale Cottrill d.b.a. D. & E. Oil Company, Docket No. CI62-788; Fred Snyder Co., Docket No. CI62-789; LuRay Land, Inc., Docket No. CI62-791; T. F. Hodge (Operator), et al., Docket No. CI62-793; Rodney P. Calvin, Docket No. CI62-802.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, Purchaser, and Price/Mcf

G-14288; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G-15199 (as Supp.); Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G-15468; Nena Lucia Field, Noland County, Tex.; West Lake Natural Gasoline Co.; 10.0 cents at 14.65 psia.

G-15520; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.0 cents at 14.65 psia.

G-16010; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

G-16134; Hogoton Field, Texas County, Okla.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 psia.

G-16716; Carlton Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 16.5 cents at 15.025 psia.

G-17032; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.4 cents at 14.65 psia.

G-17489; E. Capeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Co.; 6.0 cents at 14.65 psia.

G-17558 (as Supp.); Murray-Rust Field, Tom Green County, Tex.; Sinclair Oil & Gas Co.; 8.25 cents at 14.64 psia.

G-18294; Blackburn Field, Claiborne and Webster Parishes, La.; Texas Gas Transmission Corp.; 16.5 cents at 15.025 psia.

G-18614; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.5 cents at 14.65 psia.

G-19060; Bijou Field, Morgan County, Colo.; N. C. Ginther; 12.0 cents at 15.023 psia.

G-19409 (as Supp.); South Hopewell Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G-20092; Rocky Mount Field, Bossier Parish, La.; Arkansas Louisiana Gas Co.; 11.721 cents.

CI60-42; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 14.0 cents at 14.65 psia.

CI60-84; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.

CI60-85; Calhoun Field, Ouachita Parish, La.; United Gas Pipe Line Co.; 17.0 cents at 15.025 psia.

CI60-205 (as Supp.); East Kremlin Field, Garfield County, Okla.; Arkansas Louisiana Gas Co.; 11.0 cents at 14.65 psia.

CI60-239; Woodward Field, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60-377; Cypress Creek Field, Newton County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.

CI60-800; Calhoun Field, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61-133; Dower Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61-1088; Tecula Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61-1103; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61-1229; Troup Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61-1385 (as Supp.); Dower Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61-1395; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61-1819; Mocane Chester Zone, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI62-286; Hugoton Field, Kearny and Finney Counties, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62-462; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62-617; Otter District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-618; Freemans Creek District, Lewis County, W. Va.; Columbian Carbon Co. (for resale to Hope Natural Gas Co.); 16.0 cents at 15.325 psia.

CI62-631; Azalea Field, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permian Basin Pipeline Co.); 12.5 cents at 14.65 psia.

CI62-637; Bloomfield Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62-640; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-641; Grant and Jefferson Districts, Ritchie and Pleasants Counties, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-645; Leatherbark Field, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-646; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-647; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI62-648; Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-650; Ignacio Blanco Field, La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62-652; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI62-653; Southwest Helen Gohlke Field, Victoria County, Tex.; Coastal Transmission Corp.; 17.0 cents at 14.65 psia.

CI62-655; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62-659; Lotts Creek Field, Perry County, Ky.; Kentucky-West Virginia Gas Co.; 18.0 cents at 15.225 psia.

CI62-660; West Panhandle Field, Potter County, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI62-661; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-662; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-663; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-664; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-665 (as Supp.); Murphy District Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-666; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62-667; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

[1] D.b.a. Horizon Oil & Gas Co.

CI62–668; Clark District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–669; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–670; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–671 (as Supp.); Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–673; Acreage in Grant, Elk, Warren, and Hackers Creek Districts, Lewis, Upshur, and Harrison Counties, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–678; Acreage in Murphy District, Ritchie County, W. Va.; Cabot Corp.; 15.2 cents at 15.325 psia.
CI62–679; Little Brannon Lease, Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–680; Acreage in Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–685; Jack Herbert (Fusselman) Field, Upton County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.
CI62–692; Southeast Autwine Field, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–699; Southeast Autwine Field, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–700; Clay District, Ritchie County, W. Va.; Barron Kidd; 17.0 cents at 15.325 psia.
CI62–701; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–704; NE. Loma Novia and S. Lundell Fields, Duval County, Texas.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.
CI62–705; Brown-Bassett Field, Terrell County, Tex.; El Paso Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–708; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–710; Mocane Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–711; Hansford Field, Hansford County, Tex.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–715; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–716; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–717; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–718; Court House and Collins Settlement Districts, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–719; Spencer District, Roane County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
CI62–722; Murphy District, Ritchie County, W. Va.; Sam T. Mallison, et al., Trustees for Penova Interests; 19.0 cents at 15.325 psia.
CI62–723; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–727; Center & Otter Districts, Gilmer & Braxton Counties, W. Va.; Hope Natural Gas Co; 25.0 cents at 15.325 psia.
CI62–728; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–733; South Karon Field, Live Oak and Bee Counties, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI62–734; Hansford Field, Hansford County, Tex., Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.
CI62–735; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–736; South Sterling Field, Comanche County, Okla.; Cities Service Gas Co.; 15 cents at 14.65 psia.
CI62–739; Acreage in Garvin County, Okla.; Lone Star Gas Co.; 15 cents at 14.65 psia.
CI62–740; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–741; Hackers Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–743; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–744; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–746; North Nellie Field, Stephens County, Okla.; Lone Star Gas Co.; 15 cents at 14.65 psia.
CI62–748; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–749; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–754; Eagle District, Harrison County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–755; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–756; McClellan District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–757; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–766; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–767; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–768; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–769 (as Supp.); Skin Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–770; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–772; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–773; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–774; Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–775; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–776; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–777; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–781; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–784; Crawar Field, Crane County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI62–786; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–787; Eagle District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–788; Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–789; Church District, Wetzel County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.
CI62–791; Union District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–793; Rudman Field, Bee County, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI62–802; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3900; Filed, Apr. 20, 1962; 8:46 a.m.]

[Project 2276 etc.]

ROBERT P. WILSON AND NATIONAL YOUTH FOUNDATION

Order Consolidating Proceedings and Fixing Hearing

APRIL 16, 1962.

Robert P. Wilson, Project Nos. 2276 and 2279 and National Youth Foundation, Project Nos. 2125 and 2126.

By order issued April 13, 1962, on application for rehearing, the Commission granted a request by Robert P. Wilson for a hearing on his application for a preliminary permit for proposed Project No. 2279.

Robert P. Wilson also has an application pending for a preliminary permit for a proposed Project No. 2276. In addition, Robert P. Wilson is President of National Youth Foundation which has two incomplete applications pending for licenses for proposed Project Nos. 2125 and 2126. Proposed Hydroelectric Project Nos. 2125, 2126, 2176 and 2279 would be located on streams in Plumas County, California, ultimately tributary to North Fork of Feather River, and would affect lands of the United States within the Plumas National Forest.

It is appropriate and in the public interest that the proceedings on the pending applications in Projects Nos. 2125, 2126, 2276 and 2279 be consolidated for purpose of a hearing thereon, and that the time and place of hearing be fixed as hereinafter provided.

The Commission orders:

(A) The proceedings on the aforesaid applications in Projects Nos. 2125, 2126, 2276 and 2279 are consolidated for purpose of a hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 31, 1962 at 10:00 a.m. (San Francisco time) at the Commission's Regional Office, 555 Battery Street, San Francisco, California, respecting the matters involved and issues presented by the aforesaid applications in Project Nos. 2125, 2126, 2276, and 2279.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3901; Filed, Apr. 20, 1962; 8:46 a.m.]

LAND WITHDRAWN IN PROJECT NO. 1165

Vacation of Withdrawal Under Section 24 of the Federal Power Act

APRIL 16, 1962.

The Forest Service, Department of Agriculture, has requested that we revoke the power withdrawal of 141 acres of lands of the United States, comprising lots 1, 2, 3, NW¼NE¼ section 31, T. 39 N., R. 108 W., 6th P.M., Wyoming, and located within the Wyoming—now Bridger National Forest.

The above-described land was withdrawn for power purposes pursuant to the filing on May 4, 1931 of an application for license by Green River Lake Lodge for minor Project No. 1165. The license, which was issued September 19, 1931, expired on September 18, 1956. Notice of the withdrawal was given by Commission letter dated June 3, 1931.

By letter dated July 18, 1961, the Forest Service has advised that the licensee does not wish renewal of the license and has dismantled the project structures associated with the hydroelectric development. The Service advises further that the lands have been restored to a condition satisfactory to it.

Our records show that the project works comprising Project No. 1165 involved the use of only approximately 5 acres of the 141 acres of the withdrawn lands, that the power potential of the site is of little or no appreciable value, and that the further retention of the 141 acres of lands in the power site withdrawal serves no beneficial use.

The Commission finds: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Power Act serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The above-mentioned existing power withdrawal is vacated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3902; Filed, Apr. 20, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 989]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Certain Tariff Practices

On March 28, 1962, the Federal Maritime Commission entered the following order:

Whereas, Sea-Land Service, Inc., Puerto Rican Division, on February 23, 1962, filed with the Federal Maritime Commission, a 13th Revised Page No. 34 to its Homeward Freight Tariff No. 4, FMC–F No. 2 (Pan Atlantic Steamship Corporation series), naming single-factor through rates on "Sugar, Refined or Turbinated, in Bags", from inland points in the Commonwealth of Puerto Rico to Port Newark, New Jersey; and

Whereas, the Commission believes that the question of the lawfulness of the filing of said rates should be made the subject of a proceeding limited to the legal issue involved;

Now therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, as amended, a proceeding be instituted on the Commission's own motion to determine whether the Commission has jurisdiction to accept, and should accept, the filing of said single factor through rates from inland points in Puerto Rico to Port Newark, New Jersey; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners; that the hearing be held at a date and place to be determined and announced by the presiding examiner; that Sea-Land Service, Inc., Puerto Rican Division, be made a respondent in this proceeding; and that a copy of this order be served upon said respondent and published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: April 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3928; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Marine Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 16,000 (80 percent) or more of the voting shares of Marine National Bank of Waukesha, Waukesha, Wisconsin, a proposed new bank.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 16th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3904; Filed, Apr. 20, 1962; 8:46 a.m.]

TARIFF COMMISSION

[TC Publication 54; AA1921-23]

PORTLAND CEMENT FROM DOMINICAN REPUBLIC

Determination of No Injury

APRIL 18, 1962.

On January 18, 1962, the United States Tariff Commission was advised by the Assistant Secretary of the Treasury that portland cement, other than white, nonstaining portland cement, from the Dominican Republic, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on March 1, 1962. Notice of the investigation and hearing was published in the FEDERAL REGISTER (27 F.R. 680).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of portland cement, other than white, nonstaining portland cement, from the Dominican Republic, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The imports of portland cement from the Dominican Republic that were purchased at less than fair value were entered during the period March–July 1961, inclusive, at the port of New York City, and during the period January–July 1961, inclusive, at the port of San Juan, Puerto Rico. The imports entered at New York City were sold or otherwise disposed of almost exclusively in the metropolitan area of New York City. The imports entered at San Juan were sold exclusively in Puerto Rico. Each of said geographic areas represents a "competitive market area" for purposes of this determination. The domestic portland cement plants that have historically supplied such cement in either "competitive market area" and that have in recent years sold substantial quantities of such cement there, are, in each case, considered to constitute "an industry" for the purposes of the Antidumping Act. Entries of the above-mentioned imports into each "competitive market area" were of short duration and the supplies thereof have been sold or otherwise disposed of. Any injury to the pertinent domestic industries that may have been attributable to these imports was inconsequential.

When the importers became fully aware of the method by which their purchase prices were determined by the Treasury Department to be at less than fair value, they and the exporter took prompt steps to adjust existing contracts so as to avoid future sales at less than fair value. Setting aside the claims and counterclaims regarding the affiliations with the Trujillo Government of the several importers and exporters involved during the course of the Government's investigation of this case, but taking into account the changes that have occurred in the Dominican Republic with respect to the operation of its portland cement industry, the Commission believes that continued effort is being made on behalf of the parties concerned to avoid future sales at less than fair value. The evidence does not indicate any predatory motivation on the part of the importers. Accordingly, there is no sufficient evidence to indicate that a domestic industry is likely to be injured by reason of the importation of portland cement from the Dominican Republic that is sold below its fair value.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

Issued: April 18, 1962.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-3924; Filed, Apr. 20, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3008]

CAPITAL MANAGEMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Thereof, and Notice of Opportunity for Hearing

APRIL 17, 1962.

I. Capital Management Corporation (issuer), 44 East Indian School Road, Scottsdale, Arizona filed with the Commission on December 27, 1961, a notification and offering circular relating to an offering of 60,000 shares of its $2.50 par value common stock at $5.00 per share for an aggregate offering of $300,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that a person (as specified in Rule 252(d)) who is an officer, director, promoter and controlling person of issuer, and the owner of all the shares and an officer of underwriter has been indicted for crimes and offenses (as specified in Rule 252(d)(1)) involving the purchase or sale of securities and arising out of such person's conduct as an underwriter, broker or dealer.

III. *It is ordered,* Pursuant to Rule 261(a)(6) of the general rules and regulations under the Securities Act of 1933, as amended, that an exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-3911; Filed, Apr. 20, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37684: *Substituted service—central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 76), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in central territory, and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 258.

FSA No. 37685: *Acrylonitrile to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-8191), for interested rail carriers. Rates on acrylonitrile, in tank-car loads, from Texas City, Tex., and New Orleans, La., to Cincinnati, Ohio.

Grounds for relief: Barge and market competition.

Tariffs: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4435 and supplement 237 to Southern Freight Association tariff: I.C.C. 452 (Marque series).

FSA No. 37687: *Rubber, guayule, natural and crude from Dowling, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8193), for interested rail carriers. Rates on rubber, guayule, natural and crude, in carloads, from Dowling, Tex., to points in official (including Illinois), southern, southwestern, and western trunk-line territories, also Colorado.

Ground for relief: Carrier competition.

FSA No. 37688: *Cleaning compounds to points in Alabama and Georgia.* Filed by Seatrain Lines, Inc., Agent (No. 21), for itself and interested rail carriers. Rates on cleaning, scouring and washing compounds, as described in the application, in carloads, from Edgewater, N.J. (Proportional rates), to specified points in Alabama and Georgia.

Grounds for relief: Rail competition.

Tariff: Supplement 66 to Seatrain Lines, Inc. tariff I.C.C. 159.

FSA No. 37689: *Sal soda to points in Georgia.* Filed by Seatrain Lines, Inc., Agent (No. 22), for itself and interested rail carriers. Rates on sal soda, in carloads, from Edgewater, N.J. (Proportional rates), to specified points in Georgia.

Grounds for relief: Rail competition.

Tariff: Supplement 66 to Seatrain Lines, Inc. tariff I.C.C. 159.

AGGREGATE OF INTERMEDIATES

FSA No. 37686: *Acrylonitrile to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-8192), for interested rail carriers. Rates on acrylonitrile, in tankcar loads, from Texas City, Tex., and New Orleans, La., to Cincinnati, Ohio.

Grounds for relief: Maintenance of depressed rates published to meet barge and market competition without use of such rates as factors in constructing combination rates.

Tariffs: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4435 and supplement 237 to Southern Freight Association tariff I.C.C. 452 (Marque series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-3921; Filed, Apr. 20, 1962; 8:48 a.m.]

[Notice 628]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64905. By order of April 12, 1962, the Transfer Board approved the transfer to Richard R. Johncox, Williamson, N.Y., of Certificate No. MC 117916, issued November 3, 1961, to Alex Buchholz and Samuel Buchholz, a partnership, doing business as B & S Trucking and A. Buchholz Trucking, New York, N.Y., authorizing the transportation of: Frozen fruits and frozen vegetables, from points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to Mt. Vernon and New York, N.Y., and Jersey City and Newark, N.J., with no transportation for compensation on return except as otherwise authorized. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney at law.

No. MC-FC 64907. By order of April 12, 1962, the Transfer Board approved the transfer to Ace Line, Inc., Plainfield, N.J., of the operating rights in Certificate No. MC 112719, issued September 6, 1951, to A. H. Tompkins, Plainfield, N.J., authorizing the transportation, over irregular routes, of household goods, between Plainfield, N.J., and points in Union, Morris, Somerset, and Middlesex Counties, N.J., within 10 miles of Plainfield, on the one hand, and, on the other, points in New York, Connecticut, and Pennsylvania. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., applicants' attorney.

No. MC-FC 64926. By order of April 13, 1962, the Transfer Board approved the transfer to Charles F. Rust, doing business as Rust Moving & Storage Service, 272 Grove Street, Northampton, Mass., of Certificate No. MC 78451, issued April 8, 1958, to Armand P. Deshais and Joseph B. Deshais, a partnership, doing business as Deshais Bros., 45 Farnsworth Street, Springfield, Mass., authorizing the transportation of: Canned goods and seafoods, from Boston, Mass., to Springfield, Mass., and points in Massachusetts within 10 miles of Springfield; and empty canned goods and seafoods containers, from Springfield, Mass., and points in Massachusetts within 10 miles of Springfield to Boston, Mass., and household goods, between Springfield, Mass., and points within 10 miles of Springfield, on the one hand, and, on the other, points in Vermont, Connecticut, New York, New Jersey, and Rhode Island.

No. MC-FC 64944. By order of April 12, 1962, the Transfer Board approved the transfer to Henry C. Bungie doing business as Washington-Solomons Freight Line, Washington, D.C., of Certificate No. MC 80243, issued November 8, 1957, to The Whittington Lines, Inc., Baltimore, Md., acquired by Wilbert Arnold Ridgley, Baltimore, Md., pursuant to No. MC-FC 64478, approved September 27, 1961, and consummated October 31, 1961, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Maryland within 6 miles of Baltimore, Md., including Baltimore, and ink in cans, and paper, from Baltimore, Md., to Ilchester, Cedarhurst, and Westminster, Md., and Washington, D.C. Henry C. Bungie, 4408 Sheriff Road NE., Washington 19, D.C.; Wilbert Arnold Ridgley, 718 Bartlett Ave., Baltimore 18, Md.

No. MC-FC 64950. By order of April 13, 1962, the Transfer Board approved the transfer to Ferguson Transportation Co., a corporation, Bloomsburg, Pa., of Certificates Nos. MC 15881, MC 15881 Sub 1, and MC 15881 Sub 8, issued May 31, 1941, August 3, 1948, and September 24, 1951, to Fred Ferguson, Theodore H. Ferguson, Administrator, Bloomsburg, Pa., authorizing the transportation over irregular routes, of potato chips, from Berwick, Pa., to New York, N.Y., Baltimore, Md., Richmond, Va., and Passaic, N.J.; household goods, between Bloomsburg, Pa., and points within 15 miles of Bloomsburg, on the one hand, and, on the other, points in Maryland, New York, New Jersey, Ohio, Delaware, Virginia, West Virginia, and the District of Columbia; potato chips and advertising materials and machinery used in the manufacture, sale, and packing of potato chips, from Berwick, Pa., to all points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia (except potato chips from Berwick to New York, N.Y., Baltimore, Md., Richmond, Va., and Passaic, N.J.; packing materials, machinery, and equipment used in the manufacture and packing of potato chips, from all points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia to Berwick; and bakery products, from Kinston, Pa., to Hornell, Jamestown, Binghampton, Elmira, Buffalo, Rochester, and Olean, N.Y., New Brunswick, Camden, Trenton, and Atlantic City, N.J., Frederick and Hagerstown, Md., and Wilmington, Del. James W. Hagar, P.O. Box 432, Commerce Building, Harrisburg, Pa., attorney for applicants.

No. MC-FC 64954. By order of April 12, 1962, the Transfer Board approved the transfer to Marvin L. Fair, doing business as Fair Piano Movers, Toledo, Ohio, of Certificate No. MC 119597, issued January 3, 1961, to Minnie R. Fair, doing business as Fair Piano Movers, Toledo, Ohio, authorizing the transportation of pianos and electronic organs, from Toledo, Ohio, to points in Monroe, Lenawee, Hillsdale and Washtenaw Counties, Mich., and traded-in merchandise of the above-specified commodities, from points in Monroe, Lenawee, Hillsdale and Washtenaw Counties, Mich., to Toledo, Ohio; such commodities, as are dealt in by retail electrical appliance

stores, restricted to transportation in retail delivery service, from Toledo, Ohio, to points in Michigan within 45 miles of Toledo, Ohio (except Detroit, Mich.) and empty containers and such other incidental facilities as are used in transporting the commodities described immediately above, from points in Michigan within 45 miles of Toledo, Ohio, (except Detroit, Mich.) to Toledo, Ohio. Arthur R. Cline, 420 Security Building, Toledo 4, Ohio, attorney for applicants.

No. MC–FC 64961. By order of April 12, 1962, the Transfer Board approved the transfer to McFarren Cartage Co., Inc., Detroit, Mich., of Permit No. MC 109223 issued November 9, 1959, to Stanley Kubicki doing business as McFarren Cartage Co., Detroit, Mich., authorizing the transportation of meats, meat products, and meat byproducts, as described in section A of the appendix in Modification of Permits—Packing House Products, 46 MCC 23, over irregular routes, from Detroit, Mich., to points in Michigan on and south of Michigan Highway 55; and rejected shipments of the above-described commodities, from points in Michigan on and south of Michigan Highway 55 to Detroit, Mich. Earl H. Victorson, 2925 Cadillac Tower, Detroit 26, Mich., attorney at Law.

No. MC–FC 64965. By order of April 12, 1962, the Transfer Board approved the transfer to Harold Paekel, doing business as DeVries Transfer Co., Orange City, Iowa, of Certificate No. MC 22291 issued June 25, 1957, to Stephen DeVries and Harold Paekel, a partnership, doing business as DeVries Transfer Co., Orange City, Iowa, authorizing the transportation of household goods, over irregular routes, between points in Iowa and South Dakota; and between points in Iowa and South Dakota, on the one hand, and, on the other, points in Illinois, Michigan, Minnesota, Nebraska, New York and Wisconsin. R. W. Wigton, 710 Badgerow Building, Sioux City 1, Iowa, ICC practitioner.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-3922; Filed, Apr. 20, 1962; 8:49 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for peanut crop insurance for the 1962 crop year. The types of peanuts on which insurance is offered in each county is shown opposite the name of the county.

NORTH CAROLINA

Halifax—Virginia Type.
Northampton—Virginia Type.

VIRGINIA

Nansemond—Virginia Type.
Southampton—Virginia Type.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3948; Filed, Apr. 23, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby designated for potato crop insurance for the 1962 crop year.

IDAHO

Bingham.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3949; Filed, Apr. 23, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 16, 1961, and April 4, 1962, respectively and which were designated for cotton crop insurance for the 1962 crop year.

NORTH CAROLINA

Halifax.
Northampton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3950; Filed, Apr. 23, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published February 16, 1961, and April 4, 1962, respectively, and which were designated for tobacco crop insurance for the 1962 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

NORTH CAROLINA	
Halifax	12
Northampton	12
Pender	12
VIRGINIA	
Smyth	31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-3951; Filed, Apr. 23, 1962; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in San Luis Obispo County, California. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Paragraph (b) of § 728.1145 is amended to change the date of May 15 to June 1 for San Luis Obispo County, California.

(Secs. 374, 375, 52 Stat. 65, 66 as amended, 68 Stat. 904; 7 U.S.C. 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3966; Filed, Apr. 23, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 16, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is

based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.316 (Lemon Regulation 16, 27 F.R. 3588) are hereby amended to read as follows:

(ii) District 2: 260,400 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–3952; Filed, Apr. 23, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation

The purpose of these amendments to Part 600 of the regulations of the Administrator is to designate VOR Federal airways Nos. 802 and 804 between the Kansas City, Mo., Metropolitan Area and the New York, N.Y., Metropolitan Area.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with existing low altitude VOR Federal airways. It has been determined that 800 series airways are necessary for the segregation of opposite direction traffic between the Kansas City, Mo., and the New York, N.Y., terminal areas. Therefore, action is taken herein to designate Victor 802 from Kansas City to New York and Victor 804 from New York to Kansas City. These routes coincide with existing low altitude VOR Federal airways.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 600 (14 CFR 600) is amended by adding the following sections:

§ 600.6802 VOR Federal airway No. 802 (Kansas City, Mo., Metropolitan Area to the New York, N.Y., Metropolitan Area); normal traffic flow eastbound.

From the Blue Springs, Mo., VOR via the Blackwater, Mo., VOR; Readsville, Mo., VOR; Maryland Heights, Mo., VORTAC; Troy, Ill., VORTAC; Bible Grove, Ill., VOR; Lewis, Ind., VOR; Shelbyville, Ind., VOR; Richmond, Ind., VOR; Dayton, Ohio, VORTAC; Appleton, Ohio, VORTAC; Newcomerstown, Ohio, VOR; Wheeling, W. Va., VOR; Pittsburgh, Pa., VORTAC; Johnstown, Pa., VOR; INT of the Tower City, Pa., VORTAC 279° and the Harrisburg, Pa., VORTAC 312° radials; Selinsgrove, Pa., VORTAC; INT of the Selinsgrove VORTAC 083°; and the Tower City VORTAC 040° radials; Allentown, Pa., VORTAC; to the Solberg, N.J., VORTAC.

§ 600.6804 VOR Federal airway No. 804 (New York, N.Y., Metropolitan Area to the Kansas City, Mo., Metropolitan Area); normal traffic flow westbound.

From the Stillwater, N.J., VORTAC via the Thornhurst, Pa., VORTAC; Williamsport, Pa., VORTAC; INT of the Williamsport VORTAC 246° and the Keating, Pa., VOR 99° radials; Keating VOR; Fitzgerald, Pa., VOR; Clarion, Pa., VOR; Imperial, Pa., VORTAC; Tiverton, Ohio, VOR; Rosewood, Ohio, VORTAC; INT of the Rosewood, VORTAC 261° and the Indianapolis, Ind., VORTAC 069° radials; Indianapolis VORTAC; Terre Haute, Ind., VOR; Vandalia, Ill., VOR; St. Louis, Mo., VORTAC; Hallsville, Mo., VOR; Marshall, Mo., VORTAC; to the Kansas City, Mo., VORTAC.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-3933; Filed, Apr. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 61–LA–75]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway and Associated Control Areas

On January 25, 1962, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 752) stating that the Federal Aviation Agency proposed to revoke low altitude VOR Federal airway No. 212 and its associated control areas from Ukiah, Calif., to Williams, Calif.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 600 (14 CFR 600) § 600.6212 VOR Federal airway No. 212 (Ukiah, Calif., to Williams, Calif.) is revoked.

2. In Part 601 (14 CFR 601) § 601.6212 VOR Federal airway No. 212 control areas (Ukiah, Calif., to Williams, Calif.) is revoked.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62–3934; Filed, Apr. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Point

The purpose of these amendments to Part 600 and 601 of the regulations of the Administrator is to revoke VOR Federal airway No. 504 and its associated control areas and the Fairbanks VOR reporting point.

Effective February 8, 1962, VOR Federal airway No. 504 and its associated control areas were designated from Nenana, Alaska, to Fairbanks, Alaska (Airspace Docket No. 60–AN–26, 25 F.R. 12172, 26 F.R. 712, 6708). In addition, the Fairbanks VOR was designated as a reporting point. Subsequent to this action, flight check data attendant to the commissioning of the Fairbanks VOR indicated that the facility performance is not satisfactory at this location. Accordingly, relocation of the Fairbanks VOR is required and, as presently programmed, the facility will not be operational until 1964. Therefore, action is taken herein to revoke VOR Federal airway No. 504 and its associated control areas and the Fairbanks VOR as a reporting point.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, the following actions are taken:

1. In Part 600 (14 CFR 600, 26 F.R. 712, 6708) § 600.6504 VOR Federal airway No. 504 (Nenana, Alaska, to Fairbanks, Alaska), is revoked.

2. In Part 601 (14 CFR 601; 26 F.R. 712, 6708) § 601.6504 VOR Federal airway No. 504 control areas (Nenana, Alaska, to Fairbanks, Alaska) is revoked.

3. In § 601.7001 (14 CFR 601.7001, 26 F.R. 712, 6708), "Fairbanks, Alaska, VOR," is deleted.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62–3935; Filed, Apr. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 61–FW–20]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Revocation of Control Area Extensions

On September 14, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 8600) stating that the Federal Aviation Agency proposed to designate a control area extension within 5 miles either side of the 132° True bearing from the Key West, Fla., radio range extending from the radio range to the Marathon, Fla., control area extension (§ 601.1234) excluding the portion below 2,000 feet MSL.

On February 7, 1962, a Supplemental Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 1118) stating that the Federal Aviation Agency proposed to redesignate the Key West, Fla., control area extension 1233 (§ 601.1233) as that airspace bounded on the north by the Key West control area extension (§ 601.1319) and low altitude VOR Federal airway No. 35, on the east by a line 5 miles east of and parallel to the 186° True bearing from the Marathon radio beacon, on the south by Lat. 24°00'00" N., and on the west by a line 5 miles west of and parallel to the southwest course of the Key West radio range, excluding the portion below 2,000 feet MSL and excluding the portion which would coincide with the Key West Warning Area (W–465).

This proposal included the airspace under consideration in the original proposal and the airspace now encompassed by the Marathon, Fla., and Sombrero Key, Fla., control area extensions (§§ 601.1234 and 601.1475).

The intent of the bearing (186° True) used in the description of the eastern boundary of the proposal was to indicate the direct course from the Marathon, Fla., radio beacon to the Varadero, Cuba, radio beacon. Upon re-evaluation the Federal Aviation Agency has determined that the bearing used to describe the eastern boundary should be the 187° True from the Marathon radio beacon. Accordingly, this change is made in the rule herein adopted. In addition, the description of the Tadpole Intersection (26 F.R. 7328) is being altered herein to reflect this change of bearing.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the Notice, the following actions are taken:

1. The text of § 601.1233 (26 F.R. 7328) is amended to read:

That airspace bounded on the N by the Key West control area extension (§ 601.1319) and VOR Federal airway No. 35, on the E by a line 5 miles E and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by latitude 24°00'00" N., and on the W by a line 5 miles W and parallel to the SW course of the Key West RR, excluding the portion below 2,000 feet MSL and excluding that portion which lies within the Key West Warning Area (W–465).

2. In the text of § 601.5001 (26 F.R. 7328) "Tadpole INT: INT of the 186° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N." is deleted and "Tadpole INT: INT of the 187° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N." is substituted therefor.

3. Section 601.1234 (26 F.R. 7328) is revoked.

4. Section 601.1475 (26 F.R. 7328) is revoked.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62–3936; Filed, Apr. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 61–FW–103]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas and Control Area Extension

On January 27, 1962, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 836) stating that the Federal Aviation Agency proposed to extend the Clovis control area extension to include the Melrose, N. Mex., Restricted Areas R–5104 and R–5105 for joint use and to promote more efficient airspace utilization. In addition, it was proposed to delete the present reference to weather conditions in R–5105 to establish a more stable time designation during which planned operations can be more readily accomplished.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In § 608.51 New Mexico, R–5104 Melrose, N. Mex. (26 F.R. 8808) is amended to read:

R–5104 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°28'-00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°-55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Cannon AFB, N. Mex.

2. In § 608.51 New Mexico, R–5105 Melrose, N. Mex. (26 F.R. 7198) is amended to read:

R–5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'-00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°-43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Alburquerque ARTC Center.

Using agency. Commander, Cannon AFB, N. Mex.

3. In § 601.1399 (14 CFR 601.1399) control area extension (Clovis, N. Mex.) is amended to read:

§ 601.1399 Control area extension (Clovis, N. Mex.).

The airspace within a 30-mile radius of Cannon Air Force Base (latitude 34°-23'01" N., longitude 103°18'58" W.) including the airspace west of Cannon AFB bounded on the S by latitude 34°-10'00" N., on the W by longitude 103°-55'00" W., on the N by latitude 34°39'00" N., and on the E by the arc of the Cannon AFB 30-mile radius circle. The portion of this control area extension within R–5104 and R–5105 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62–3937; Filed, Apr. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-221]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On February 3, 1962, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 1034) stating that the Federal Aviation Agency proposed to designate additional terminal radar jet advisory areas at Tampa, Fla.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

In § 602.300 Terminal jet advisory areas (26 F.R. 7083) under Tampa, Fla., jet advisory area—Radar, the following is added:

i. St. Petersburg, Fla., to Ocala, Fla.

j. St. Petersburg, Fla., via St. Petersburg 320° radial to the boundary of the continental control area.

k. Gainesville, Fla., via INT Gainesville 231° and St. Petersburg, Fla., 350° radials; thence S via St. Petersburg 350° radial to the boundary of the continental control area.

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3938; Filed, Apr. 23, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Food; Labeling; Exemption From Declaration of Markers

The Commissioner of Food and Drugs has been approached from time to time by manufacturers of food who express concern about being able to maintain the quality of their products even after the products involved have left the direct control of the manufacturer. They have pointed out the desirability of including in their products small quantities of safe food ingredients which could serve as markers for a particular manufacturer's product, so that in checking his product as it is in the channels of trade he may readily determine whether there has been some substitution of or tampering with his product. Obviously, if the label of the manufacturer's product is required to declare the presence of the substance added as a marker, it would no longer serve its purpose; therefore, requests are made for exemption from the requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act, which requires the declaration of the common or usual name of the ingredient where such a situation prevails. The Commissioner is convinced that in many instances the inclusion of such a marker without label declaration of its presence would be in the public interest and that authority should be granted where such a finding is possible.

The proviso under section 403(i) of the act states: "*Provided*, That, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, exemption shall be established by regulations promulgated by the Secretary." Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 403(i)(2), 52 Stat. 1048; 21 U.S.C. 343(i)(2)) and delegated to the Commissioner by the Secretary (25 F.R. 8625), Part 1 is amended by adding thereto the following new section:

§ 1.11a **Food; labeling; exemption from declaration of markers.**

The label declaration of a harmless marker used to identify a particular manufacturer's product may result in unfair competition through revealing a trade secret. Exemption from the label declaration of such a marker is granted, therefore, provided that the following conditions are met:

(a) The person desiring to use the marker without label declaration of its presence has submitted to the Commissioner of Food and Drugs full information concerning the proposed usage and the reasons why he believes label declaration of the marker should be subject to this exemption; and

(b) The person requesting the exemption has received from the Commissioner of Food and Drugs a finding that the marker is harmless and that the exemption has been granted.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the statute provides for such labeling exemptions under certain conditions.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 403(i)(2), 52 Stat. 1048; 21 U.S.C. 343(i)(2))

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3953; Filed, Apr. 23, 1962; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

AMPROLIUM IN DRINKING WATER OF CHICKENS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following amendment to the food additive regulations should issue with respect to amprolium in the drinking water of chickens, for the treatment of coccidiosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.210(a) (21 CFR 121.210; 27 F.R. 2799) is amended by adding thereto a new subparagraph (3), reading as follows:

§ 121.210 **Amprolium (1-(4-Amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride).**

* * * * * *

(a) * * *

(3) In drinking water for chickens, as follows:

Percentage of amprolium in drinking water	Limitations	Indications for use
0.006–0.024	As the sole source of amprolium; not for laying hens.	Treatment of coccidiosis.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3954; Filed, Apr. 23, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CASTOR OIL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Baker Castor Oil Company, 40 Avenue A, Bayonne, New Jersey, and other relevant data, has concluded that the following amendment to § 121.1028 should issue to provide for the safe use of the food additive castor oil as a lubricant in the production of hard candy. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1028 (21 CFR 121.1028) is revised to read as follows:

§ 121.1028 **Castor oil.**

The food additive castor oil may be safely used in accordance with the following conditions:

(a) The additive meets the specifications of the United States Pharmacopeia (XVI).

(b) The additive is used or intended for use as follows:

Use and Limitations

Hard candy production—Lubricant for processing machinery.

Vitamin and mineral tablets—Component of protective coatings.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3955; Filed, Apr. 23, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT AND BHA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Morningstar-Paisley, Inc., 630 West Fifty-first Street, New York 19, New York, and other relevant material, has concluded that the following amendments to the food additive regulations should issue with respect to BHA and BHT as antioxidants in sweetpotato flakes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.1034 and 121.1035 (21 CFR 121.1034, 121.1035; 26 F.R. 1984) are amended as set forth below:

1. Section 121.1034(b) is amended by adding thereto a new subparagraph (5), reading as follows:

§ 121.1034 **BHT (butylated hydroxytoluene) as an antioxidant.**

* * * * * *

(b) * * *

(5) In sweetpotato flakes, with or without BHA (butylated hydroxyanisole), whereby the maximum amount of the additives alone or in combination does not exceed 50 parts per million (0.005 percent) of the weight of the sweetpotato flakes.

2. Section 121.1035(b) is amended by adding thereto a new subparagraph (7), reading as follows:

§ 121.1035 **BHA (butylated hydroxyanisole) as an antioxidant.**

* * * * * *

(b) * * *

(7) In sweetpotato flakes, with or without BHT (butylated hydroxytoluene), whereby the maximum amount of the additives alone or in combination does not exceed 50 parts per million (0.005 percent) of the weight of the sweetpotato flakes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3956; Filed, Apr. 23, 1962; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Fees

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic sensitivity discs (21 CFR 147.2) are amended by changing § 147.2(e)(1) to read as follows:

§ 147.2 **Antibiotic sensitivity discs; certification procedure.**

* * * * * *

(e) * * *

(1) $0.30 for each disc in the sample submitted in accordance with paragraph (d)(3) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment lowers the fees presently charged for certification of antibiotic sensitivity discs, and the order relaxes existing requirements.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C 357)

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3957; Filed, Apr. 23, 1962; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart M—Rules of Procedure for Contract Financing

The procedures of the Post Office Department in Part 201 are hereby amended by striking out Subpart M and inserting in lieu thereof the following:

Sec.
201.130 Progress payments.
201.131 Partial payments.

AUTHORITY: §§ 201.130 and 201.131 issued under R.S. 161, as amended, sec. 305, 63 Stat. 396, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 41 U.S.C. 255.

§ 201.130 Progress payments.

(a) *Scope.* This section prescribes basic policies and procedures in providing contract financing in the form of progress payments in Post Office Department contracts.

(b) *Definitions.* (1) "Progress payment" means a payment made from time to time during the performance of a contract on the basis of costs to the contractor in connection with which the Government takes title to property acquired and work performed under the contract.

(2) "Eligible contractors" includes all persons awarded contracts covered by these instructions, except a person who is determined by the contracting officer to be in such unsatisfactory financial or technical condition, or has disregarded his obligations with respect to progress payments under other Government contracts to such a degree as to endanger recoupment of progress payments under the current contract.

(3) "Unliquidated progress payments" means the aggregate sum of all progress payments made less the aggregate sum of amounts applied to reduce progress payments.

(4) The word "bid" includes "offer," the word "bidder" includes "offeror," and the words "Invitation for Bids" also includes "Request for Proposals."

(c) *Policy.* (1) To the maximum practicable extent, the need for progress payments shall not be treated as a handicap in awarding contracts to concerns which qualify as responsible suppliers. A prospective contractor deemed reliable, competent, and otherwise responsible will not be regarded as any less responsible because of the need for progress payments.

(2) Normally, contracts under $10,000 will not be considered for progress payments. If subsequent to award of a contract under $10,000 or of a contract which does not include a provision for making progress payments, it develops that progress payments are required by the contractor and it would be in the interest of the Government to allow such progress payments, then the contract may be amended to provide for such progress payments provided the Government receives adequate consideration therefor.

(3) The Post Office Department does not contemplate providing advance payments as a financial aid to its existing or potential contractors.

(d) *Applicability.* The policies and procedures of this section are applicable only to fixed price contracts other than research and development contracts. They do not apply to contracts for engineering, architectural, or similar services related to construction, research and development contracts or to management and study contracts.

(e) *Requirement for use of progress payments.* (1) The contracting officer shall include in the Invitation for Bids the provision set forth in paragraph (f) of this section unless he determines that progress payments would be impractical or not reasonably necessary. Ordinarily, it shall be considered practical or reasonably necessary to make progress payments unless one or more of the following factors are present:

(i) The procurement is not expected to result in a contract of $10,000 or more.

(ii) The contracting officer determines that the time between starting performance (usually immediately following the date of award) and delivery of the first end items is of such short duration (180 days or less) as to obviate the need for progress payments.

(iii) The contract provides for the placing of orders and the making of payments by more than one office.

(2) In unusual conditions, progress payments may be considered practical or reasonably necessary even though one or more of the exceptions of subparagraph (1) (i) through (iii) of this paragraph may be applicable.

(f) *Provision for invitation for bids.* The following provision shall be included in the Invitation for Bids under the circumstances set forth in paragraph (e) of this section.

Availability of progress payments. The Government may make provision for progress payments in any contract resulting from this Invitation for Bids by including an appropriate clause in the contract if:

(a) The period of time between starting performance and delivery of the first end items will exceed six (6) months; or

(b) Contract performance is likely to involve expenditures prior to delivery of the first end items, having a material impact on the contractor's working funds, or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact; and

(c) The bidder, or contractor, makes a written request for progress payments and is found eligible for such payments under applicable regulations.

The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts.

If a bidder desires progress payments, the bidder shall check the appropriate box below:

☐ Progress payments are desired but bid is not conditioned on receiving progress payments.

☐ Bid is conditioned on receiving progress payments.

NOTES. 1. If bid is conditioned on the availability of progress payments and bidder is found ineligible for progress payments, the bid will be rejected.

2. Failure to check the appropriate box will preclude approval of progress payments.

3. If the bidder has indicated prior to award that progress payments are desired or that his bid is conditioned upon the receipt of progress payments, the contracting officer may require such bidder to furnish such financial information as the contracting officer deems necessary to enable the contracting officer to make a determination whether the contractor is eligible for progress payments.

4. If progress payments are to be made under the contract to be awarded as a result of this invitation the attached progress payments "total costs" clause will be applicable and shall be a part of the contract.

(g) *Progress payment clause for use in contracts.* (1) When progress payments are to be authorized, the attached total costs clause shall be included in all contracts covered by this section. (See Exhibit A immediately following § 201.131.)

(2) If the procurement action does not contemplate progress payments, the invitation shall include the following:

This procurement does not contemplate progress payments and provision for progress payments will not be included in this contract.

(h) *Unusual progress payments.* Whenever in the judgment of the contracting officer, exceptional circumstances exist, the contracting officer may consider an application by the contractor for additional progress payments in excess of the usual 75 percent limitation. Upon receiving the application, the contracting officer shall, with the concurrence of the Bureau of Finance, determine whether additional progress payments should be allowed. If it is determined that such additional payments should be allowed, the contract shall be amended, provided the Government receives adequate consideration; and, provided further, that such additional payments shall not cause the aggregate amount of the progress payments to exceed 90 percent of the total contract price. The Office of General Counsel shall be requested to advise whether the proposed consideration is legally sufficient.

(i) *Determination as to eligibility.* The eligibility of a contractor for progress payments must be determined prior to the authorization of progress payments. Where progress payments are requested prior to contract award, the determination of eligibility for progress payments should be made in conjunction with any required determination necessary by the Post Office Department of the prospective contractor's capacity and credit. Whenever the contracting officer considers it necessary, he may:

(1) Request the Bureau of Finance for advice and recommendation whether a bidder is financially responsible and whether the contractor's accounting system is adequate for identification and accumulation of costs and proper administration of progress payments. Financial statements and other data sufficient to enable determination of these factors should be made available to the Bureau of Finance for evaluation along with information obtained through independent sources. If necessary, the Bureau of Finance may, with the concurrence of the contracting officer, request the Internal Audit Division to perform on-site reviews and evaluations to obtain additional information needed to make a determination as to financial condition and adequacy of the accounting system.

(2) In the absence of a certificate of competency from the Small Business Administration, request the Office of Research and Engineering for advice and recommendation whether a bidder has the necessary technical, engineering, inspection and manufacturing procedures and facilities to satisfactorily perform the contract.

(3) Authorize progress payments despite unfavorable findings in evaluations of the contractor's financial condition, or technical ability, provided a performance bond in an amount equal to the maximum amount of progress payments payable under the contract, was required in the Invitation for Bid. Such bond shall be in the form prescribed by the Government.

(j) *Administration of progress payments.* Progress payment clauses are not self-executing. They require careful administration to insure against overpayments and losses. The extent of supervision and checks made should depend on the nature of the procurement, amount of financing by the Department, technical and financial ability, and character of the contractor.

(1) At least semiannually the Bureau of Finance will furnish the contracting officer with a report showing by contractor and contract number the unliquidated progress payments outstanding.

(2) From time to time the cognizant bureau or office will furnish to the contracting officer an evaluation of the physical progress of the contractor's work to assure that requests for progress payments are properly supported thereby.

(3) The contracting officer may, whenever he considers it necessary to determine whether payments should be continued:

(i) Request the Office of Research and Engineering to inspect work in process at contractor's plants or at job site to verify physical progress under the contract and the continued technical responsibility of the contractor;

(ii) Request the Bureau of Finance for further advice as to the continuing financial responsibility of the contractor. The contractor may be required to furnish such additional information as is deemed necessary. The Bureau of Finance may, with the concurrence of the contracting officer, request the Internal Audit Division to perform onsite audits of contract costs. Ordinarily, such audit is not intended to preclude payment of current invoices.

(4) Despite unfavorable findings in evaluations of the contractor's continuing financial condition, technical ability, or physical progress, the contracting officer may authorize the continuance of progress payments if the contractor furnishes such additional security as is deemed good and sufficient.

§ 201.131 Partial payments.

(a) *Scope.* This section prescribes basic policies and procedures for providing contract financing in the form of partial payments.

(b) *Definition.* "Partial payment" means a payment made for invoiced supplies delivered and accepted, or services rendered and approved, where such supplies or services are only a part of the total contract requirements.

(c) *Policy.* It is the policy of the Department to make maximum practical use of partial payments as a financial aid to business concerns in participating in Government procurement. A liberal policy in the making of partial payments should minimize the need for contractors to request progress payments.

(d) *Provision for partial payments in Post Office Department contracts.* The provisions of paragraph 7 of Standard Form 32, "General Provisions, Supply Contract," September 1961 edition, are deemed sufficient for making partial payments under Post Office Department contracts where that form is used.

EXHIBIT A

Progress Payments—"Total Costs" Clause. Progress payments shall be made to the contractor as work progresses, from time to time upon request, in amounts approved by the contracting officer upon the following terms and conditions:

a. *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be:

(a) 75 percent of the amount of the contractor's total costs incurred under this contract plus

(b) The amount of the progress payments made by the contractor to its subcontractors as provided in paragraph j below; all less the sum of previous progress payments.

(2) The contractor's total costs shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include:

(a) Any costs incurred by subcontractors or suppliers, or,

(b) Any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the contractor has acquired title, and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the contractor has acquired title, or

(c) Costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of:

(a) 75 percent of the costs mentioned in a(1)(a) above, plus any unliquidated progress payments mentioned in a(1)(b) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or

(b) 75 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 75 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph a, the contractor shall pay the amount of such excess to the Government upon demand.

b. *Liquidation.* Except as may be provided in a clause in this contract entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 75 percent of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after recalculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

c. *Reduction or suspension.* The contracting officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in paragraph b above, or both, whenever he finds upon substantial evidence that the contractor:

(1) Has failed to comply with any material requirement of this contract,

(2) Has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract,

(3) Has allocated inventory to this contract substantially exceeding reasonable requirements,

(4) Is delinquent in payment of the costs of performance of this contract in the ordinary course of business,

(5) Has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or

(6) Is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph b, if that liquidation percentage is less than the percentage stated in paragraph a(1).

d. *Title.* When any progress payment is made under this contract, title to all parts; materials; inventories; work in process; nondurable (i.e., noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as the default clause and paragraph h of this clause, and any applicable "Termination for Convenience of the Government" clause. Current production scrap may be sold by the contractor without approval of the contracting officer and the proceeds shall be credited against the costs of contract performance. With the consent of the contracting officer and on terms approved by him, the contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

e. *Risk of loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated

progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

f. Control of costs and property. The contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

g. Reports—access to records. Insofar as pertinent to the administration of this clause, the contractor will:

(1) Furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the contracting officer, and

(2) Give the Government reasonable opportunity to examine and verify its books, records and accounts.

h. Special provisions regarding default. If this contract is terminated pursuant to the clause entitled "Default,"

(1) The contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, and

(2) With respect to all property of which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

i. Reservation of rights. The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the contractor from performance of its obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power, or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

j. Progress payments to subcontractors. (1) The amount mentioned in paragraph a(1)(b) above shall be the sum of:

(a) All the progress payments made by the contractor to his subcontractors and remaining unliquidated, and

(b) Unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to subparagraph (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph a. of this clause shall contain subcontract progress payment provisions which:

(a) Are substantially similar to and as favorable to the Government as this "Progress Payments" clause (and no more favorable to the subcontractor than this clause is to the contractor), and

(b) Make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the contractor under this contract. In the event the contractor fully liquidates such progress payments made by the Government to it hereunder and there are progress payments to any subcontractors which are unliquidated, the contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the contractor.

(4) The billings described in j(1)(b) above shall be paid promptly by the contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the contractor.

k. Method of invoicing. All invoices for progress payments on contracts containing the Progress Payment clause shall be supported by the contractor's request for progress payment on DD Form 1195 (dated February 1, 1960) or on such other form as may be prescribed by the Post Office Department with any supporting information that may be reasonably required.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-3985; Filed, Apr. 23, 1962; 8:51 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

Miscellaneous Amendments

1. Section 21.28 of Part 21, Title 42, Code of Federal Regulations is amended as follows:

§ 21.28 Age requirements, Regular Corps, senior assistant grade and below.

No candidate for appointment to the Regular Corps, except in the nurse category, shall be appointed (a) after age 31 to the permanent junior assistant grade, (b) after age 34 to the permanent assistant grade, or (c) after age 37 to the permanent senior assistant grade: *Provided*, That the Surgeon General may waive these age limitations, subject to other provisions of law, in the case of any officer of the Reserve Corps who is recommended for appointment to the Regular Corps by the Chief of the Bureau to which he is assigned and who has been on continuous active duty for at least two years immediately preceding the date of such recommendation. The age limitations for candidates who have had prior active service in the Commissioned Corps of the Public Health Service shall be increased by the period of such service.

2. Section 21.203 of such part is amended as follows:

§ 21.203 Payment of tuition and fees.

When an officer is assigned to an educational institution or training program, the institution or training program shall be paid for tuition and other fees and charges, including student health service fees, registration fees, laboratory and library fees, and diploma fees, in the same amounts as are applicable to other students and in such manner as may be agreed upon by the institution or training program and the Surgeon General.

3. Section 21.204 of such part is amended as follows:

§ 21.204 Other necessary expenses.

An officer assigned to an educational institution or training program shall be entitled to reimbursement for other necessary expenses incident to his attendance incurred for (i) purchase or rental of books, materials and supplies, and (ii) other necessary services or facilities incident to such training. Such reimbursement shall be made upon the submission of proper receipt for each item.

[SEAL] LUTHER L. TERRY,
Surgeon General.

APRIL 13, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-3958; Filed, Apr. 23, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 62-5]

NUMBERING OF UNDOCUMENTED VESSELS

Commonwealth of Puerto Rico, the Virgin Islands and Guam

The Act of August 30, 1961 (Public Law 87-171), amended the Federal Boating Act of 1958 so that its provisions now apply in the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Therefore, those undocumented vessels of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable waters in the Commonwealth of Puerto Rico, the Virgin Islands, and Guam are required to be numbered. This document contains amendments and additions to the regulations in Parts 26, 170, 171 and 173 in Title 46 of the Code of Federal Regulations so that the wording of certain regulations will be in agreement with the Federal Boating Act of 1958, as amended, as well as to establish special procedures for the United States Coast Guard to number certain undocumented vessels of more than 10 horsepower in the Territory of Guam.

These changes to the Coast Guard regulations for the numbering of undocumented vessels incorporate and establish requirements for numbering of such vessels by Coast Guard field activities as these activities may assume the numbering function. At present, the Federal (Coast Guard) numbering is being administered by Coast Guard Headquarters in Washington, D.C. The amendments in this document, which will become effective on July 1, 1962, will cover what will be known as the "decentralized numbering system." The first of the Coast Guard field activities to assume the numbering function under this system will be the U.S. Coast Guard, Marine Inspection Office, Guam. The existing regulations remain unchanged except for changes in titles of certain sections necessary to distinguish their application from that of the sections being added.

The basic requirements of the numbering regulations are being retained and adapted to the decentralized numbering system. The forms presently used in the administration of the Federal numbering program will continue to be used in the decentralized numbering system. The application fee and the duplicate certificate fee will be the same as that presently charged. The principal change introduced by the decentralized numbering system, insofar as the public is concerned, is that the applicants for numbers to be issued by the Coast Guard field activities will apply to those activities rather than the Post Offices. At present this decentralized numbering system is applicable only to Guam.

The procedures for numbering certain undocumented vessels in the Commonwealth of Puerto Rico and the Virgin Islands are not included in this document. Pending the approval of the State Numbering System or the establishment of procedures for the Coast Guard to perform numbering functions regarding such vessels in the Commonwealth of Puerto Rico and the Virgin Islands, and pursuant to the provisions of section 7(b) of the Federal Boating Act of 1958 (46 U.S.C. 527d(b)), the undocumented vessels which may be principally used in the navigable waters of the Commonwealth of Puerto Rico or the Virgin Islands shall be temporarily exempted from the numbering requirements.

Because the changes to the regulations carry out the effect of the Act of August 30, 1961, to show applicability of regulations to the Commonwealth of Puerto Rico, the Virgin Islands and Guam, as well as to provide special procedures for handling the numbering functions in Guam, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, and public rule making procedures thereon) is unnecessary or exempted by specific provisions in section 4 of the Arministrative Procedure Act (5 U.S.C. 1003).

By virtue of the authority transferred to me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-32, dated September 23, 1958 (23 F.R. 7605), I hereby promulgate the following amendments and new regulations, pursuant to the laws cited therewith, and these regulations shall be in effect on and after July 1, 1962:

SUBCHAPTER C—UNINSPECTED VESSELS

PART 26—OPERATIONS

Subpart 26.15—Boarding

Section 26.15-1(a) is amended by changing the quotation of subsection 8(c) of the Federal Boating Act of 1958 to include the amendment in the Act of August 30, 1961 (P.L. 87-171), so this section reads as follows:

§ 26.15-1 May board at any time.

(a) In addition to any other authority provided by law, the boarding of vessels is authorized by subsection 8(c) of the Federal Boating Act of 1958 (46 U.S.C. 527e(c)), which reads as follows:

Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this Act at any time such vessel is found upon the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this Act, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Interpret or apply sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

PART 170—GENERAL PROVISIONS

Subpart 170.05—Application

1. In order that these regulations will agree with the Federal Boating Act as amended by the Act of August 30, 1961 (P.L. 87-171), § 170.05-1 is amended by striking out the words "its Territories" and substituting the words "the Commonwealth of Puerto Rico, the Virgin Islands, Guam" in place thereof so this section reads as follows:

§ 170.05-1 Scope.

The regulations in this subchapter are applicable in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(Secs. 13, 17, 54 stat. 166, as amended, sec. 7, 72 Stat. 1757; 46 U.S.C. 526*l*, 526p, 527d)

Subpart 170.10—Definitions of Terms Used in This Subchapter

2. Section 170.10-50 is amended by redefining the word "State" to include the amendment to the Federal Boating Act in the Act of August 30, 1961 (P.L. 87-171), so this section reads as follows:

§ 170.10-50 State.

As set forth in subsection 2(5) of the Federal Boating Act of 1958, as amended (46 U.S.C. 527(5)), this term "means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia."

(Secs. 13, 17, 54 Stat. 166, as amended, sec. 7, 72 Stat. 1757; 46 U.S.C. 526*l*, 526p, 527d)

PART 171—STANDARDS FOR NUMBERING

Subpart 171.01—General

1. Section 171.01-1(a) is amended by changing the quotation of subsection 3(a) of the Federal Boating Act to include the amendments in the Act of August 30, 1961 (P.L. 87-171), so that this paragraph reads as follows:

§ 171.01-1 Vessels to be numbered.

(a) Certain undocumented vessels are required to be numbered by subsection 3(a) of the Federal Boating Act of 1958 (46 U.S.C. 527a(a)), which reads as follows:

Every undocumented vessel propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and every such vessel owned in a State and using the high seas, shall be numbered in accordance with this Act, except—

(1) Foreign vessels temporarily using the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;

(2) Public vessels of the United States;

(3) State and municipal vessels;

(4) Ships' lifeboats; and

(5) Vessels designated by the Secretary under section 7(b) of this Act.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

Subpart 171.05—Vessel Identification

§ 171.05-1 [Amendment]

2. In § 171.05-1 *Numbering pattern to be used*, paragraph (c) is amended by inserting in the list of abbreviations of the States the names "Guam—GM" to follow "Georgia," "Puerto Rico—PR" to follow "Pennsylvania," and "Virgin Islands—VI" to follow "Vermont."

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

Subpart 171.10—Application for Number

3. Section 171.10-1(a) is amended to read as follows:

§ 171.10-1 To whom made.

(a) The owner of any vessel required to be numbered in a State which has not assumed the functions of numbering under the Federal Boating Act of 1958 shall prior to its use apply to the Coast Guard for a number for such vessel.

(1) Those States in which applications shall be submitted to the Coast Guard through the Post Offices are as follows:

Alaska.	New Jersey.
District of Columbia.	Pennsylvania.
Hawaii.	Tennessee.
Maine.	Washington.
New Hampshire.	Wyoming.

(2) Those States in which applications shall be submitted directly to the Coast Guard are as follows:

Guam.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

§ 171.10-2 Procedures for making application to the Coast Guard through Post Offices.

4. The headnote for § 171.10-2 is amended to read as set forth above.

5. Subpart 171.10 is amended by inserting after § 171.10-2 a new § 171.10-3 reading as follows:

§ 171.10-3 Procedures for making application to the Coast Guard directly.

(a) The Coast Guard offices issuing applications for number in the States listed in § 171.10-1(a)(2) are as follows:

Guam: U.S. Coast Guard, Marine Inspection Office, Guam.

(b) The application for an original number to be issued by the Coast Guard

is a two-part form designated CG–3876 and CG–3876A. The owner of any undocumented vessel required to be numbered by a Coast Guard office shall complete the application (Form CG–3876) and the temporary certificate (Form CG–3876A) in accordance with instructions set forth on the back of the forms and submit them to the appropriate Coast Guard office listed in paragraph (a) of this section together with the $3.00 numbering fee. No special fee stamp shall be affixed in the space provided on the back of the forms, but in its stead the Coast Guard office shall authenticate both forms (CG–3876 and CG–3876A) and indicate thereon the date upon which applications are made.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

§ 171.10–25 Lost or destroyed certificate of number for vessels numbered in States listed in § 171.10–1(a)(1).

6. The headnote for § 171.10–25 is amended to read as set forth above.

7. Subpart 171.10 is amended by inserting after § 171.10–25 a new § 171.10–26 reading as follows:

§ 171.10–26 Lost or destroyed certificate of number for vessels numbered by the Coast Guard in States listed in § 171.10–1(a)(2).

(a) If a certificate of number is lost or destroyed, the owner within 15 days shall notify the appropriate Coast Guard office listed in § 171.10–3(a). The notification shall be in writing and shall describe the circumstances of the loss or destruction.

(b) If an application for a duplicate certificate of number (Form CG–3919) (see § 171.10–31) is submitted without delay, it may also provide the written notification required by paragraph (a) of this section.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

§ 171.10–30 Duplicate certificate of number for vessels numbered in States listed in § 171.10–1(a)(1).

8. The headnote for § 171.10–30 is amended to read as set forth above.

9. Subpart 171.10 is amended by inserting after § 171.10–30 a new § 171.10–31 reading as follows:

§ 171.10–31 Duplicate certificate of number for vessels numbered by the Coast Guard in States listed in § 171.10–1(a)(2).

(a) The application for a duplicate certificate of number to be issued by the Coast Guard is a two-part form designated CG–3919 and CG–3919A. This form is available upon request at the appropriate Coast Guard office listed in § 171.10–3(a). The instructions for filling in these forms are set forth on the back of the forms. Space is provided on the application to describe the circumstances of the loss or destruction of the certificate of number so that, when submitted without delay, it may also provide the written notification required by § 171.10–26.

(b) The owner shall complete the application for a duplicate certificate of number (Form CG–3919) and the temporary duplicate certificate of number (Form CG–3919A) and submit them to the appropriate Coast Guard office listed in § 171.10–3(a), together with the $1.00 fee. No special fee stamp shall be affixed in the space provided on the back of the forms, but in its stead the Coast Guard office shall authenticate both forms (CG–3919 and CG–3919A) and indicate thereon the date upon which applications are made.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 526d)

Subpart 171.15—Certificate of Number

§ 171.15–1 Information required on certificates issued for vessels numbered in States listed in § 171.10–1(a)(1).

10. The headnote for § 171.15–1 is amended to read as set forth above.

11. Subpart 171.15 is amended by inserting after § 171.15–1 a new § 171.15–2 reading as follows:

§ 171.15–2 Information required on certificate issued for vessels numbered by the Coast Guard in States listed in § 171.10–1(a)(2).

The certificate of number shall include the following:

(a) Name and address of owner.
(b) State in which the vessel is principally used.
(c) Hull material (wood, steel, aluminum, plastic, other).
(d) Type of propulsion (outboard, inboard, other).
(e) Type of fuel (gas, diesel, other).
(f) Length of vessel.
(g) Make and year built (if known).
(h) Statement as to use (pleasure, livery, dealer, manufacturer, commercial—passenger, commercial—fishing, commercial—other).
(i) A certificate of ownership by the applicant.
(j) Signature of owner.
(k) Number awarded to vessel.
(l) Expiration date of certificate.
(m) Notice to the owner that he shall report within 15 days changes of ownership or address, and destruction or abandonment of vessel.
(n) Notice to the owner that the operator shall:
(1) Always carry this certificate on vessel when in use.
(2) Report to the Coast Guard every accident involving personal injury or death or property damage over $100.
(3) Stop and render aid or assistance if involved in boating accident.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

§ 171.15–10 Temporary certificate and temporary duplicate certificate issued for vessels numbered in States listed in § 171.10–1(a)(1).

12. The headnote for § 171.15–10 is amended to read as set forth above.

13. Subpart 171.15 is amended by inserting after § 171.15–10 a new § 171.15–11 reading as follows:

§ 171.15–11 Temporary certificate and temporary duplicate certificate issued for vessels numbered by the Coast Guard in States listed in § 171.10–1(a)(2).

(a) Pending the issuance of the Certificate of Number, the owner of the vessel will be furnished a Temporary Certificate of Number valid for 90 days from date of issue. This temporary certificate shall be carried on board when the vessel is being operated.

(b) For Form CG–3876A (Temporary Certificate of Number) to be a valid temporary certificate, it shall be completely filled out by the applicant at the same time as he completes the attached application (Form CG–3876) and it shall bear an authentication identical to that on the application.

(c) For Form CG–3919A (Temporary Duplicate Certificate of Number) to be a valid temporary certificate, the form shall be completely filled out by the applicant at the same time as he completes the attached application (Form CG–3919) and it shall bear an authentication identical to that on the application.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

§ 171.15–20 Notification of changes required by owners of vessels numbered in States listed in § 171.10–1(a)(1).

14. The headnote for § 171.15–20 is amended to read as set forth above.

15. Subpart 171.15 is amended by inserting after § 171.15–20 a new § 171.15–21 reading as follows:

§ 171.15–21 Notification of changes required by owners of vessels numbered by the Coast Guard in States listed in § 171.10–1(a)(2).

(a) When the owner of a Coast Guard numbered vessel changes the State in which the vessel is principally used, he shall within 90 days surrender the certificate of number to the appropriate Coast Guard office listed in § 171.10–3(a). The owner shall also apply for another original number in accordance with the section of Subpart 171.10 which applies to the State in which the vessel is used.

(b) When the owner of a Coast Guard numbered vessel changes his address from that shown on his certificate, but does not change the State in which the vessel is principally used, he shall notify in writing the appropriate Coast Guard office listed in § 171.10–3(a). This written notification may be on Form CG–3920 (Change of Address Notice), which is available upon request from that office.

(c) When a Coast Guard numbered vessel is lost, destroyed, abandoned, or transferred to another person, the certificate of number issued for the vessel shall be surrendered to the appropriate Coast Guard office listed in § 171.10–3(a) within 15 days after such event. When the numbered vessel is lost, destroyed, abandoned, or transferred to another person, the owner shall within 15 days notify that office in writing. This written notification may be on Form CG–3921 (Notification of Change in Status of Vessel), which is available upon request from that office. If the certificate of number is lost or destroyed, a description of such circumstances shall be reported as required by § 171.10–26.

(d) The application for number by a new owner of a vessel shall, for purposes of fee, be regarded as an original application for number, but where the vessel will continue in use in the same State of principal use, the new number shall be identical with the previous one, except where a lienholder acquires title and lawful possession by virtue of his lien, in which case a new number shall be issued.

(e) A change of motor is not required to be reported to the Coast Guard.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

Subpart 171.17—Fees and Charges

§ 171.17–5 Method of payment of fee in States listed in § 171.10–1(a)(1).

16. The headnote for § 171.17–5 is amended to read as set forth above.

17. Subpart 171.17 is amended by inserting after § 171.17–5 a new § 171.17–6 reading as follows:

§ 171.17–6 Method of payment of fee in States listed in § 171.10–1(a)(2).

(a) The fee for original numbering shall be paid by the owner in cash or by money order at the appropriate Coast Guard office listed in § 171.10–3(a).

(b) The fee for reissue of lost or destroyed certificate of number (duplicate certificate of number) shall be paid in cash or by money order at the appropriate Coast Guard office listed in § 171.10–3(a).

(c) No application for an original certificate of number or for a duplicate certificate of number will be processed without the prescribed authentication described in § 171.10–3(b).

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d)

PART 173—BOATING ACCIDENTS, REPORTS, AND STATISTICAL INFORMATION

Subpart 173.01—Boating Accidents

In order that these regulations will agree with the Federal Boating Act of 1958, as amended by the Act of August 30, 1961 (Public Law 87–171), § 173.01–1 (b) is amended by striking out the words "its Territories" and substituting the words "the Commonwealth of Puerto Rico, the Virgin Islands, Guam" in place thereof so that the paragraph reads as follows:

§ 173.01–1 General.

* * * * *

(b) The provisions in this subpart are applicable in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, as well as to every such vessel which is owned in a State, and using the high seas.

(Secs. 13, 17, 54 Stat. 166, as amended, secs. 7, 10, 72 Stat. 1757; 46 U.S.C. 526l, 526p, 527d, 527g)

Dated: April 20, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62–4012; Filed, Apr. 23, 1962; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14500; FCC 62–406]

PART 11—INDUSTRIAL RADIO SERVICES

Frequency Stability

In the matter of amendment of § 11.102(a) of the Commission's rules governing the Industrial Radio Services to align that section with the Geneva (1959) Radio Regulations, and to effect certain editorial changes therein, Docket No. 14500.

1. A reduction in the frequency tolerance of Base and Fixed station transmitters operating in the Industrial Radio Services on frequencies below 25 Mc/s, with a transmitter input power in excess of 300 watts from 0.01 percent to 0.005 percent of the station's assigned frequency, shall be required by reason of the rule amendment ordered in this document.

2. Comments responsive and favorable to the above-noted amendment, when it was in proposed rule form, were timely received from the Central Committee on Communication Facilities of the American Petroleum Institute, and the National Committee for Utilities Radio.

3. The Commission's action in this proceeding is predicated on an improvement in the radio art which enables radio stations to operate with a tighter frequency tolerance, and thereby conduce to a more efficient utilization of the radio spectrum.

4. The instigative factor in this proceeding was the ratification, by the President, of the Geneva (1959) Radio Regulations on October 4, 1961. These regulations specify that frequency tolerances be maintained within the percentages ordered herein.

5. Our notice of proposed rule making in this proceeding may be found in the February 14, 1962, edition of the FEDERAL REGISTER (27 F.R. 1365). March 16 and 26, were the final filing dates for Comments and Reply Comments, respectively. Only those parties noted above in paragraph 2 saw fit to comment. No reply comments were received.

6. Pursuant to the notation contained in paragraph 4 of our notice in this proceeding, existing licensees will be given a period of 90 days within which to comply with the new tolerance. This 90-day period will commence on the effective date of the rule amendment. New systems will be required to comply upon the effective date of the amendment.

7. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered,* That effective May 28, 1962, § 11.102(a) of Part 11 of the Commission's rules is amended in the manner set forth below; and the proceedings in this Docket No. 14500 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: April 18, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 11, Industrial Radio Service, is amended as follows:

The Table in § 11.102(a) is amended to read as follows:

§ 11.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*	*Percent*
Below 25 Mc/s	0.005	0.01	0.01	0.02
25 to 50 Mc/s	.002	.002	.002	.005
50 to 1000 Mc/s	.0005	.0005	.0005	.005
Above 1000 Mc/s	(1)	(1)	(1)	(1)

[1] For microwave fixed equipment, see § 11.111. For other equipment, tolerances will be specified in the station authorization.

[F.R. Doc. 62–3983; Filed, Apr. 23, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of order regulating the handling of milk in the Inland Empire marketing area is being considered.

The provisions proposed to be suspended are § 1133.71 (c) and (d), relating to the take-out and pay-back provision of the seasonal pricing plan for the current calendar year.

This action has been requested by the principal cooperative associations in the market to offset the decreased income to producers which would result from the combined effect of the take-out provision and the recent decrease in support prices.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on April 18, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3964; Filed, Apr. 23, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 756) has been filed by Union Carbide Corporation, Post Office Box 65, Tarrytown, New York, proposing the issuance of a regulation to provide for the safe use of triethylene glycol in ink employed in printing food-packaging materials and in printing other materials that contact food.

Dated: April 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-3959; Filed, Apr. 23, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42, 44]

[Reg. Docket No. 1167; Draft Release No. 62-18]

OPERATION OF CERTAIN TRANSPORT CATEGORY AIRPLANES IN CARGO SERVICE AT INCREASED ZERO FUEL AND LANDING WEIGHTS

Proposed Special Civil Air Regulation

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposed Special Civil Air Regulation authorizing the operation of specified transport category airplanes in cargo service at increased zero fuel and landing weights.

Special Civil Air Regulation No. SR-411A which authorized the trial operation of transport category airplanes in cargo service at increased zero fuel and landing weights will terminate on June 30, 1962, unless sooner superseded or rescinded.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 8, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Trial operations of cargo airplanes (Douglas DC-6A) at increased weights were first authorized in waivers issued by the Civil Aeronautics Board to individual air carriers. The first such waiver was issued on July 21, 1954. The weights involved were the zero fuel weight (i.e., the maximum weight of the airplane with no disposable fuel and oil, which has the effect of limiting the weight of the fuselage contents) and the structural landing weight. The weight increases were limited to not more than 5 percent of the zero fuel weight approved for passenger operations, and their use was made contingent upon certain findings by the Administrator of Civil Aeronautics and upon certain conditions of operation, inspections, and reporting. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. Based upon the trial operations under the waivers, the Board determined that a more extensive background of operating experience was necessary. This led to the promulgation of Special Civil Air Regulation No. SR-411 (20 F.R. 4765) which permitted any number of any type of transport category airplane to be operated by any air carrier at increased weights in cargo service.

From the data submitted by the operators in accordance with SR-411, the Board concluded that the scope of operations under SR-411 had been such that substantiation of the conditions for these operations for inclusion in the regulations on a permanent basis would entail a long-range program. The Board, therefore, extended the trial operations by adopting SR-411A on June 28, 1957 (22 F.R. 4684), with a termination date of June 30, 1962.

SR-411A differs from SR-411 in that SR-411A is limited to those airplanes certificated under the transport category airworthiness requirements effective before March 13, 1956. This limitation was made because the Board believed it advisable to gain some experience with the airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956, at the normal transport category weights before permitting such airplanes to operate at increased weights. In arriving at this conclusion, the Board took into consideration the new concept of structural design requirements as well as other related changes in these requirements which were introduced in Part 4b on March 13, 1956.

As the preambles to both SR-411 and SR-411A indicated, the purpose in permitting the trial operation of transport category airplanes in cargo service at the arbitrary increased zero fuel and landing weights was to determine through operating experience whether the conditions governing the trial operations would provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. During the approximately six years that these trial operations have been conducted, a substantial amount of data has been amassed concerning the aircraft approved for operation under these Special Civil Air Regulations.

The data submitted and the operating experience gained under SR-411 and SR-411A indicate that the airplanes currently approved for and operating at the increased weights can be operated at such increased weights under certain conditions without adverse effect upon safety of the aircraft. The inspection reports submitted by the operators under SR-411 and SR-411A have not indicated any serious structural difficulties resulting from operation at the increased weights. The service history of these airplanes with respect to fatigue cracks and other damage is similar to that for airplanes of the same type operated in passenger service. Therefore, since the cargo operators have expressed a need to continue operation of these airplanes at the increased weights in their cargo operations, the Agency proposes to extend the provisions of SR-411A indefinitely to the three types of airplanes that have been qualified and operated at such weights; i.e., the DC-6A, DC-7 series, and Lockheed 1049 series. The Agency does not believe that it would be in the interest of safety at this time to extend this indefinite authority to other types of airplanes certificated under the transport category airworthiness requirements effective before March 13, 1956, for which operating experience at increased weights has not been obtained.

Several operators and manufacturers have requested that the provisions of SR-411A be made applicable to airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956. These airplanes also lack the necessary operating experience and statistics to justify the extension of this authority to such types of airplanes. In this respect, it is noted that the operating statistics for several types of transport category airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956, indicate that higher landing impact velocities are experienced on those types than on the types operated under SR-411A. In addition, several of the types certificated under the requirements effective on and after March 13, 1956, are certificated with landing gear parts made of high stress materials which are more critical with respect to fatigue damage.

It should also be noted, with respect to airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956, that these provisions relaxed the previous structural requirements concerning the zero fuel flight loads conditions and the landing gear energy absorption requirement. For example, amended § 4b.210(c) permits the basic flight load factors to be met with "structural reserve fuel" on board, and permits reduced load factors for the zero fuel condition. Amended § 4b.332(b)(2) further permits the limit landing gear energy absorption to be based on wing lift equal to 100 percent instead of 67 percent of the airplane weight. As a result, it is possible under these later requirements of Part 4b to realize a weight benefit not available to airplanes type certificated under the earlier requirements. This weight benefit which depends upon the design of the particular airplane with respect to fuel location, landing gear design, etc., is considered more rational than the arbitrary weight increase permitted by SR-411A for the older airplanes. Although the later requirements also included rational gust criteria which may result in more severe gust loads for some airplane designs, and thus diminish the possible weight benefit for these airplanes, the rational gust criteria were considered necessary to take into account the increased operating speeds and altitudes of such airplanes.

In view of the foregoing, it is proposed to promulgate a new special regulation which would permit only those airplane types which were approved for trial operations under SR-411A to be used in the carriage of cargo with the arbitrary increased weights.

In addition, this proposed special regulation would relax the provisions of SR-411A to the extent that the proposal would also apply to foreign air carriers operating the specified airplanes. The provisions of SR-411A were made applicable only to United States air carriers because the conditions for the trial operations required close cooperation between the manufacturer, operator, and the Civil Aeronautics Administration during the initial technical evaluation and in the inspection and reporting procedures. However, since this proposal would permit the continued use of increased weights only for those type airplanes now operating under SR-411A, for which the necessary data and procedures are already available, the increased weights can now be made applicable to any foreign air carrier using airplanes of the specified types in the carriage of cargo only.

As required under SR-411A, this proposal would require that airplanes used by air carriers at the increased weights be operated in accordance with the passenger-carrying transport category operating limitations of Part 40, 41, or 42, as the case may be. In addition, foreign air carriers would be permitted to operate airplanes under the authority of this regulation if the country of registry of the airplanes requires such airplanes to be operated in accordance with the performance operating limitations applicable to air carriers or the equivalent thereof. The requirement that air carriers must operate their airplanes under the provisions of the regulation in accordance with the passenger carrying performance operating limitations prescribed in Part 40, 41, or 42 is considered necessary in the interest of safety. Therefore, in order to assure an equivalent level of safety for operations by foreign air carriers, it is considered appropriate to permit such carriers to operate airplanes under the authority of this regulation only on the condition that the country of registry of the airplanes requires that such airplanes be operated in accordance with similar performance operating limitations.

The proposal would continue the special inspection procedures initiated in accordance with SR-411A. However, in view of the volume of data now available for the eligible airplane types, the proposal would no longer require special reports and records with respect to operations at increased weights.

The proposal would also continue the provisions of SR-411A which require a special inspection prior to returning an airplane from cargo to passenger service. Based on experience gained under SR-411 and SR-411A, it is believed that intermittent cargo-passenger operations can now be permitted provided the special inspection is made each time the airplane is returned to passenger service.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier or foreign air carrier may operate DC-6A, DC-7 series, and L-1049 series airplanes certificated under the provisions of Part 4b, effective before March 13, 1956, for the carriage of cargo only, at increased zero fuel and landing weights, under the following conditions:

(1) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maxima approved in full compliance with the applicable Civil Air Regulations: *Provided*, That any increase in the zero fuel weight shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in zero fuel weight. All other weight limitations established in accordance with the Civil Air Regulations applicable to the type airplane shall apply.

(2) Each airplane shall be inspected in accordance with the special inspection procedures for operations at increased weights established and issued by the manufacturer of the particular type airplane and approved by the Administrator.

(3) Each airplane operated by an air carrier under this regulation shall be operated in accordance with the passenger carrying transport category performance operating limitations prescribed in Part 40, 41, or 42. Operation of airplanes by a foreign air carrier is not permitted under the authority of this regulation unless the country of registry requires the airplanes to be operated in accordance with such performance operating limitations or the equivalent thereof.

(4) The Airplane Flight Manual for each airplane operated under the provisions of this regulation shall be appropriately revised to include the operating limitations and information required for operation with the increased weights.

(5) An airplane operated at increased weights under the provisions of this regulation shall be inspected in accordance with the special inspection procedures for return to passenger service established and issued by the airplane manufacturer and approved by the Administrator, before it is used in passenger service, except as provided for the carriage of persons under Special Civil Air Regulation No. SR-432A.

This regulation is proposed under the authority of sections 313(a), 601, 603, 604, and 610 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778, 780; 49 U.S.C. 1354, 1421, 1423, 1424, 1430).

Issued in Washington, D.C., on April 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-3963; Filed, Apr. 23, 1962; 8:49 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-42]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Revocation and Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.663, 600.6072, 601.663, and 601.6072 of the Regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 72 presently extends from Fayetteville, Ark., to Lafayette, Ind., and from Findlay, Ohio, to Williamsville, Vt. (intersection of the Albany, N.Y., VORTAC 075° and the Cambridge, N.Y., VOR 094° True radials). The Federal Aviation Agency has under consideration the designation of an additional segment of Victor 72 and its associated control areas from the Concord, N.H., VOR to the intersection of the Concord VOR 011° and the Lebanon, N.H., VOR 103° True radials (site of the Laconia, N.H., radio beacon). This would provide a route for VOR equipped aircraft operating between Concord and Laconia.

Blue Federal airway No. 63 presently extends, in part, from Concord to Laconia. The Federal Aviation Agency is considering revoking this segment of Blue 63. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Concord to Laconia would be adequately served by the segment of Victor 72 proposed for designation herein. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Blue 63 and its associated control areas from Concord to Laconia. Adoption of this proposal would not result in discontinuance of the Concord radio range which is associated with this segment of Blue 63. Any proposal to discontinue this aid would be circularized separately and interested persons would be afforded an opportunity to comment. Concurrently with this action, the caption to § 601.4663, relating to the reporting points associated with Blue 63, would be altered to reflect the change in the extent of the airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 18, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3939; Filed, Apr. 23, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Delegation of Authority No. 63-C]

CERTAIN OFFICIALS

Authority To Sign and Issue U.S. Government Bills of Lading

By virtue of the authority vested in the Secretary of State by Public Law 73, 81st Congress (63 Stat. 111, 5 U.S.C. 151c), and by virtue of the authority vested in me by section 720 of the Organization Manual of the Department of State, there is hereby delegated to the officials listed below (and to any other officials designated to act for one of the enumerated officials during the absence or incapacity of the latter) authority to sign and issue U.S. Government Bills of Lading and Certificates in Lieu of Lost U.S. Government Bills of Lading. The authority hereby delegated is subject to any specific limitations indicated below and to all instructions, regulations and directives which are now in effect or which may be issued hereafter by the Department of State or by any other Government agency of competent jurisdiction governing the signing and issuing of U.S. Government Bills of Lading.

a. *Division of Supply Management—Office of Operations.*

Division of Supply Management: Chief.
Procurement Branch: Chief, Procurement Officer, and Purchase Agents.
Supply Branch: Chief, Warehouse Superintendent, and Assistant Warehouse Superintendent.
Limitation: Chargeable to any funds available to the Department of State.

b. *Division of Transportation Management, Office of Operations.*

Division of Transportation Management: Chief.
Travel and Transportation Branch: Chief and Chief, Travel Arrangements Section and Travel Arrangers.
Despatch Agency, Washington: Chief United States Despatch Agent.
New York: Despatch Agent, Assistant Despatch Agent, and Supervisory Freight Traffic Officers.
Baltimore: Despatch Agent and Supervisory Freight Traffic Officers.
San Francisco: Despatch Agent and Freight Traffic Officer.
New Orleans: Despatch Agent.
Limitation: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

c. *Diplomatic Communication Services, Operations.*

Diplomatic Mail Branch: Chief and Assistant Chief.
Pouch Section: Chief.
Limitation: Chargeable to funds available for diplomatic pouch and courier operations.

d. *Office of Foreign Buildings.*

Office of Foreign Buildings: Deputy Director and Management Officer.
Interior Design Services: Chief.
Limitation: Chargeable to funds available to the Office of Foreign Buildings.

e. *Executive Staff, Bureau of Educational and Cultural Affairs.*

Executive Staff: Director and Chief, Transportation Unit.
Limitation: Chargeable to funds available to the Department of State.

f. *Foreign Service Posts.*

Foreign Service Posts: Principal Officer, Administrative Officer, or such other officer as designated in writing by the Principal officer.
Limitation: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

This delegation of authority supersedes and cancels Delegation of Authority No. 63-B, dated May 6, 1960. (Public Notice No. 169; 25 F.R. 4433, May 19, 1960.)

Dated: April 9, 1962.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 62-3984; Filed, Apr. 23, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 0220340 Withdrawal]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 13, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number NM 0220340 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining, but not the mineral leasing laws; and prohibiting occupancy upon and use thereof. The applicant desires the land for protection of scenic values of the roadside zone adjacent to the Cloudcroft Road (State Highway No. 83), within the Lincoln National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

A strip of land 500 feet wide on each side of the center line of the Cloudcroft Road (State Highway No. 83), within the Lincoln National Forest, through the following-described legal subdivisions:

T. 15 S., R. 13 E.,
Sec. 31, S½S½;
Sec. 32, S½SW¼, SW¼SE¼.
T. 16 S., R. 12 E.,
Sec. 3, Lots 1, 2, 3, 4, 6, 8, 9, 11;
Sec. 4, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 5, Lots 1, 8, 28, 31.

Area within the roadside zone 412.00 acres, more or less.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-3941; Filed, Apr. 23, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order No. 177]

ASSISTANT SECRETARY OF COMMERCE FOR SCIENCE AND TECHNOLOGY

Authorities, Duties, Responsibilities

APRIL 13, 1962.

The following order was issued by the Secretary of Commerce on April 13, 1962.

SECTION 1. *Purpose.* The purpose of this order is to define the authorities, duties and responsibilities of the Assistant Secretary of Commerce for Science and Technology.

SEC. 2. *Administrative designation.* Pursuant to the authority vested in the Secretary of Commerce by law, the position of Assistant Secretary of Commerce established by Public Law 87-405 of February 16, 1962, is hereby designated as the Assistant Secretary of Commerce for Science and Technology.

SEC. 3. *Authority.* .01 All authority vested in and exercised by the heads of the National Bureau of Standards, Coast and Geodetic Survey, Weather Bureau, Patent Office and the U.S. Science Exhibit—Century 21 Exposition are hereby made subject to the policy direction and coordination of the Assistant Secretary for Science and Technology.

.02 The Assistant Secretary of Commerce for Science and Technology shall serve as adviser to all Departmental officials with respect to matters of science and technology and in this capacity shall have cognizance over the research and development activities carried out in the fields of science and technology by all organization units of the Department.

SEC. 4. *Duties and responsibilities* .01 The Assistant Secretary of Commerce for Science and Technology shall serve

as the principal adviser to the Secretary on all scientific and technological matters of concern to the Department and shall be responsible for:

1 The coordination and evaluation of existing programs of the Department in the fields of science and technology;

2 The expansion of such programs where deemed desirable to meet the national needs;

3 The development and implementation of new research and development programs in furtherance of the Department's objectives;

4 Representating the Department on top policy level scientific committees and groups, including the Federal Council for Science and Technology; and

5 The coordination of the Department's scientific and technological activities with other agencies of Government.

.02 The Assistant Secretary of Commerce for Science and Technology shall consult with the Under Secretary of Commerce, the Under Secretary of Commerce for Transportation, the Assistant Secretary for International Affairs and the Assistant Secretary for Domestic Affairs on matters of common interest in their area of responsibility.

JOHN PRINCE,
Deputy Assistant Secretary, for Administration.

[F.R. Doc. 62-3945; Filed, Apr. 23, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANEB

Notice of Establishment of Temporary Tolerances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (§ 120.31 (c), (d)), notice is given that at the request of Rohm and Haas Company, 222 West Washington Square, Philadelphia, Pennsylvania, temporary tolerances are established for residues of maneb at 2 parts per million on the grain and straw of barley, oats, rice, rye, and wheat, and at 7 parts per million on plums (prunes). Conditions under which these temporary tolerances are established include the following:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amounts to be used under experimental permits will not exceed 20,000 pounds of the finished product containing 53 percent maneb on the product containing 80 percent maneb on plums.

This temporary tolerance expires April 6, 1963.

Dated: April 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3960; Filed, Apr. 23, 1962; 8:49 a.m.]

DRIED EGG YOLKS DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Marketing Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Seymour Foods, Inc., 101 North Kansas Avenue, Topeka, Kansas, to cover interstate marketing tests of dried egg yolks deviating from the requirements of the standard of identity for that food (21 CFR 42.60). The product will contain not more than 2 percent sodium silicoaluminate as an anti-caking agent, and this fact will be shown on the label. The product will contain the minimum of 95 percent egg solids required by the standard. This permit expires April 1, 1963.

Dated: April 17, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-3961; Filed, Apr. 23, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 1]

HYBRID CORN AND HYBRID SORGHUM SEED

Section 32 Diversion Program

The regulations published in 27 F.R. 2812 are hereby amended to extend the dates for filing applications and invoices and for completing diversion of seed.

A. Paragraph 4 *Period of program* is amended to read as follows:

4. *Period of program.* Applications for participation in the program must be received in the ASC County Office no later than June 30, 1962. Diversion of seed must be begun no earlier than the date of approval of the application and must be completed no later than August 31, 1962. Invoices for final payment must be postmarked no later than September 30, 1962.

B. Paragraph 11(b) *Invoice for final payment* is amended by changing the grains and 1,500 pounds of the finished date for submission of invoices for final payment from July 31, 1962, to September 30, 1962.

Dated: April 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-3965; Filed, Apr. 23, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13385]

AMERICAN-EASTERN MERGER

Application for Approval

In the matter of the application of American Airlines, Inc., and Eastern Air Lines, Inc., for approval of merger.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 401(h), 408, and 412 thereof, that the above-entitled proceeding is hereby assigned for hearing on May 10, 1962, at 10 a.m., e.d.s.t., in room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

(1) Whether the proposed merger will not be consistent with the public interest or the conditions of section 408 will not be fulfilled.

(2) What terms, conditions, and modifications will be required in connection with any approval of the merger.

(3) Will the merger result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the merger.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered herein, the documents filed by the parties, the examiner's report of prehearing conference served February 26, 1962, the supplemental report of prehearing conference served March 8, 1962, and the second supplemental report of prehearing conference served March 22, 1962, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before May 7, 1962, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., April 19, 1962.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 62-3967; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 13335]

SERVICE TO OGDENSBURG, N.Y., CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held before Examiner H. G. Moorhead at the following city, on the date and at the time and place stated:

May 8, 1962, at 9:30 a.m., local time, second floor, United States Post Office Building, Ogdensburg, New York.

Dated at Washington, D.C., April 18, 1962.

[SEAL] H. G. MOORHEAD,
Hearing Examiner.

[F.R. Doc. 62-3968; Filed, Apr. 23, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14600; FCC 62M-569]

BIRCH BAY BROADCASTING CO., INC. (KARI)

Order Scheduling Hearing and Conference

In re application of Birch Bay Broadcasting Company, Inc. (KARI), Blaine, Washington, Docket No. 14600, File No. BP-14075; for construction permit.

It is ordered, This 18th day of April 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1962, in Washington, D.C., *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, May 24, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3969; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14595; FCC 62M-566]

BOOTHEEL BROADCASTING CO.

Order Scheduling Hearing and Conference

In re application of William L. Miller, tr/as Bootheel Broadcasting Company, Kennett, Missouri, Docket No. 14595, File No. BP-14158; for construction permit.

It is ordered, This 18th day of April 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 12, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, May 22, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3970; Filed, Apr. 23, 1962; 8:50 a.m.]

[Dockets Nos. 14601, 14602; FCC 62M-570]

CHRISTIAN BROADCASTING ASSOCIATION OF NEW ENGLAND, INC., AND NORTH ATTLEBORO BROADCASTING CO.

Order Scheduling Hearing and Conference

In re applications of Christian Broadcasting Association of New England, Inc., Providence, Rhode Island, Docket No. 14601, File No. BPH-3462; Joseph A. Morin and Rose L. Morin, d/b as North Attleboro Broadcasting Company, North Attleboro, Massachusetts, Docket No. 14602, File No. BPH-3514; for construction permits.

It is ordered, This 18th day of April 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 12, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, May 22, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3971; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket Nos. 14567, 14568; FCC 62M-565]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Order Scheduling Hearing and Conference

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Texas, Docket No. 14567, File No. BP-14442; Great State Broadcasters, Inc., San Antonio, Texas, Docket No. 14568, File No. BP-15032; for construction permits.

It is ordered, This 18th day of April 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, May 24, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3972; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 13313 etc.; FCC 62M-560]

IOWA CITY BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order on Hearing

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP-13877; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP-13902; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP-14618; for construction permits.

1. The Hearing Examiner has for consideration the joint petition of Iowa City Broadcasters, Inc., WKAI Broadcasting Company, and Iowa Falls Broadcasting Corporation, filed on April 9, 1962, for cancellation of certain dates. No pleadings were filed in response to the subject petition.

2. Joint petitioners state that negotiations are now underway looking to the dismissal of the Iowa City application, and that if such negotiations reach fruition and are approved by the Commission, the presently designated hearing issues will be rendered moot. Under these circumstances, the public interest would be better served by a hiatus in the presently contemplated hearing procedure than by the prompt holding of a hearing which subsequent events may render a nullity.

Accordingly, it is ordered, This 17th day of April 1962, that the subject petition is granted and the presently specified dates for exchange of exhibits and notification of witnesses are cancelled pending further order of the Hearing Examiner;

And, it is further ordered, That the hearing session now scheduled for May 8, 1962, will be confined to a discussion of the status of the applications.

Released: April 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3973; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14596; FCC 62M-567]

KDOK BROADCASTING CO. (KDOK)

Order Scheduling Hearing and Conference

In re application of KDOK Broadcasting Company (KDOK), Tyler, Texas, Docket No. 14596, File No. BP-13815; for construction permit.

It is ordered, This 18th day of April 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding offi-

cer at 9:00 a.m., Wednesday, May 23, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3974; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14597-14599; FCC 62M-568]

KWEN BROADCASTING CO. ET AL.

Order Scheduling Hearing and Conference

In re applications of Felix Joynt and James Joynt, d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Petty Durwood Johnson, tr/as Radio Orange, Orange, Texas, Docket No. 14598, File No. BP-13739; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619; for construction permits.

It is ordered, This 18th day of April 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, May 23, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3975; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14043; FCC 62M-561]

MELODY MUSIC, INC.

Order Continuing Hearing

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Florida.

The Chief Hearing Examiner having under consideration a petition in behalf of the applicant herein, filed April 17, 1962, requesting a continuance of hearing in the above-entitled proceeding and an extension of the period for the exchange of exhibits among the parties;

It appearing, that the petition is supported by a showing of good and sufficient cause, and that the Commission's Broadcast Bureau, the only other party to the proceeding, consents to the granting of the relief herein sought;

It is ordered, This 18th day of April 1962, that the petition is granted; that the period within which the parties to the above-entitled proceeding shall exchange exhibits is hereby extended from April 30 to May 21, 1962; and that the formal hearing in the proceeding is continued from May 8 to May 28, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3976; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14563; FCC 62M-564]

MULLINS & MARION BROADCASTING CO. (WJAY)

Order Continuing Hearing

In re application of The Mullins & Marion Broadcasting Company (WJAY), Mullins, South Carolina, Docket No. 14563, File No. BP-14308; for construction permit.

A prehearing conference in the above-entitled matter having been held on April 18, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order;

It is ordered, This 18th day of April 1962, that:

(1) The direct affirmative case of the applicant shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all of the applicant's exhibits shall be supplied the other parties hereto on or before May 18, 1962, but such proposed exhibits may be amended or reformed at any time prior to June 1, 1962;

(3) Copies of all of the applicant's exhibits in final form shall be supplied the other parties hereto on or before June 1, 1962;

(4) In the event any party other than the applicant wishes to present evidence in exhibit form, copies of such exhibits shall be supplied the other parties hereto on or before June 11, 1962;

(5) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party shall give notification thereof on or before June 18, 1962;

It is further ordered, That the hearing herein heretofore scheduled to commence on May 15, 1962, is continued to June 27, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3977; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket No. 14562; FCC 62M-555]

POTOMAC BROADCASTING CORP.

Order on Hearing

In re application of Potomac Broadcasting Corporation (WPIK), Alexandria, Virginia, Docket No. 14562, File No. BP-11400; for construction permit.

It appearing, at a prehearing conference held this date in the above-entitled matter, that the entire proceeding may be rendered moot after the applicant files a contemplated engineering amendment (providing the petition for leave to amend is granted and the amendment is accepted).

It is ordered, This 17th day of April 1962, that the hearing in this matter now scheduled for May 17, 1962, be converted into a further prehearing conference and that the date for hearing, if necessary, be determined at the said further prehearing conference on May 17, 1962.

Released: April 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3978; Filed, Apr. 23, 1962; 8:50 a.m.]

[Docket Nos. 14605, 14606; FCC 62M-572]

GEORGE VORON CO. AND NEWHOUSE BROADCASTING CORP.

Order Scheduling Hearing and Conference

In re applications of George Voron Co., Harrisburg, Pennsylvania, Docket No. 14605, File No. BPH-3543; Newhouse Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 14606, File No. BPH-3634; for construction permits.

It is ordered, This 18th day of April 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, May 24, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3979; Filed, Apr. 23, 1962; 8:51 a.m.]

[Docket Nos. 14603, 14604; FCC 62M-571]

WKLM-TV, INC., AND CAPE FEAR TELECASTING, INC.

Order Scheduling Hearing and Conference

In re applications of WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new television broadcast stations (Channel 3).

It is ordered, This 18th day of April 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on June 18, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, May 25, 1962.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-3980; Filed, Apr. 23, 1962; 8:51 a.m.]

[List No. 33]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

APRIL 19, 1962.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on May 28, 1962, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 25, 1962, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on May 25, 1962, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications From the Top of the Processing Line

BP-10494	New, Olney, Tex. Olney Broadcasting Co. Req: 540 kc, 250 w, DA, Day.
BMP-8358	WCAW, Charleston, W. Va. Capitol Broadcasting Corp. Has: 680 kc, 250 w, DA-1, U. Req: 680 kc, 250 w, 10 kw-LS, DA-N, U.
BP-12837	New, North Atlanta, Ga. North Atlanta Broadcasting Co. Req: 680 kc, 5 kw, DA-1, U.
BMP-8439	WFLI, Lookout Mountain, Tenn. WFLI, Inc. Has: 1070 kc, 1 kw, 10 kw-LS, DA-2, U. Req: 1070 kc, 1 kw, 50 kw-LS, DA-2, U.

Applications From the Top of the Processing Line—Continued

BP-12851	WDBC, Escanaba, Mich. Delta Broadcasting Co. Has: 680 kc, 1 kw, DA-2, U. Req: 680 kc, 1 kw, 10 kw-LS, DA-2, U.
BP-12902	WNAR, Norristown, Pa. Norristown Broadcasting Co., Inc. Has: 1110 kc, 500 w, Day. Req: 1110 kc, 50 kw, DA, Day.
BP-13097	New, Houston, Tex. Lake Huron Broadcasting Corp. Req: 1070 kc, 10 kw, DA-1, U.
BP-13662	WOAP, Owosso, Mich. Owosso Broadcasting Co. Has: 1080 kc, 250 w, Day. Req: 1080 kc, 1 kw, Day.
BP-13756	New, Gowanda, N.Y. James Broadcasting Co., Inc. Req: 1430 kc, 500 w, Day.
BP-14305	New, Boardman, Ohio. Louis W. Skelly. Req: 1570 kc, 1 kw, DA, Day.
BP-14333	New, Hershey, Pa. Hershey Broadcasting Co., Inc. Req: 1540 kc, 5 kw, DA, Day.
BP-14806	New, Alisal, Calif. KRKC, Inc. Req: 1570 kc, 250 w, Day.
BP-14837	New, Warner Robins, Ga. Mary M. Jarrard. Req: 1600 kc, 1 kw, Day.
BP-14838	WLSE, Wallace, N.C. Duplin Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.
BP-14839	KAHI, Auburn, Calif. Donnelly C. Reeves. Has: 950 kc, 1 kw, DA, Day. Req: 950 kc, 5 kw, Day.
BP-14841	New, Wauchula, Fla. Brush Broadcasting Co. Req: 1600 kc, 500 w, Day.
BP-14842	KEEN, San Jose, Calif. United Broadcasting Co. Has: 1370 kc, 1 kw, 5 kw-LS, DA-2, U. Req: 1370 kc, 5 kw, DA-2, U.
BP-14843	New, Jacksonville, Ark. Jacksonville Broadcasting Co., Inc. Req: 1500 kc, 1 kw, Day.
BP-14845	New, Superior, Wis. Twin Ports Christian Broadcasting Corp. Req: 1270 kc, 5 kw, Day.
BP-14848	WNVY, Pensacola, Fla. Radio Pensacola, Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14849	KCOK, Tulare, Calif. KCOK, Inc.. Has: 1270 kc, 1 kw, DA-N, U. Req: 1270 kc, 1 kw, 5 kw-LS, DA-N, U.
BP-14850	WMRE, Monroe, Ga. Walton Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.
BP-14851	WCBG, Chambersburg, Pa. Reese Broadcasting Corp. Has: 1590 kc, 5 kw, Day. Req: 1590 kc, 1 kw, 5 kw-LS, DA-N, U.
BP-14852	WMNB, North Adams, Mass. Northern Berkshire Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14853	New, Keyser, W. Va. Glacus G. Merrill. Req: 1390 kc, 1 kw, Day.
BP-14854	KBEA, Mission, Kans. Radio Station KBEC, Inc. Has: 1480 kc, 1 kw, DA, Day. Req: 1480 kc, 500 w, 1 kw-LS, DA-2, U.

Applications From the Top of the Processing Line—Continued

BP-14860	New, Grand Haven, Mich. Quality Broadcasting Co. Req: 1500 kc, 250 w, Day.
BP-14861	KYSM, Mankato, Minn. Southern Minnesota Supply Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14862	KOPR, Butte, Mont. Copper Broadcasting Co. Has: 550 kc, 1 kw, DA-N, U. Req: 550 kc, 1 kw, 5 kw-LS, DA-N, U.
BP-14863	New, Pompton Lakes, N.J. Upper Passaic County Radio. Req: 1500 kc, 500 w, DA, Day.
BMP-9516	KGEE, Bakersfield, Calif. KGEE, Inc. Has Lic: 1230 kc, 250 w, U. Has CP: 1230 kc, 250 w, 500 w-LS, U. Req MP: 1230 kc, 250 w, 1 kw-LS, U.
BP-14865	New, Mississippi City, Miss. South Mississippi Broadcasting Co. Req: 1520 kc, 5 kw, 1 kw (CH), DA, Day.
BP-14867	WPGA, Warner Robins, Ga. Radio Perry. Has: 980 kc, 500 w, Day (Perry, Ga.). Req: 980 kc, 500 w, Day (Warner Robins, Ga.).
BP-14869	KLTR, Blackwell, Okla. Star Broadcasting Co. Has: 1580 kc, 250 w, Day. Req: 1580 kc, 1 kw, Day.
BP-14870	KATE, Albert Lea, Minn. Albert Lea Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-14878	New, Park Rapids, Minn. DeLaHunt Broadcasting Co. Req: 1240 kc, 100 w, U.
BP-14880	KRRR, Ruidoso, N. Mex. Quenton K. Crandall, tr/as Lincoln County Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.
BP-14882	WTCS, Fairmont, W. Va. Fairmont Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.
BP-14884	WNAB, Bridgeport, Conn. WNAB, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-14886	New, Warren, Ohio. Daniel Enterprises, Inc. Req: 1570 kc, 500 w, DA, Day.
BP-14888	New, Valparaiso, Ind. Valparaiso Broadcasting Co. Req: 1500 kc, 500 w, 250 w (CH), Day.
BP-14906	WNUE, Fort Walton Beach, Fla. Smith Radio, Inc. Has: 950 kc, 1 kw, Day. Req: 1400 kc, 250 w, 1 kw-LS, U.
BP-14907	KLIC, Monroe, La. Dr. Frank P. Cerniglia. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14914	KTLD, Tallulah, La. Howard E. Griffith. Has: 1360 kc, 500 w, Day. Req: 1390 kc, 1 kw, Day.
BP-14921	New, Melbourne, Fla. Dowdy, Vaughn & Co. Req: 1560 kc, 5 kw, DA, Day.
BP-14923	KSIX, Corpus Christi, Tex. Corpus Christi Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

Applications From the Top of the Processing Line—Continued

BP–14924 WJPA, Washington, Pa.
Washington Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–14925 New, Brainerd, Minn.
Greater Minnesota Broadcasting Corp.
Req: 1340 kc, 250 w, U.

BP–14927 KBTM, Jonesboro, Ark.
Patteson Brothers.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–14931 WTHR, Panama City, Fla.
Gulfcoast Radio, Inc.
Has: 1480 kc, 500 w, Day (Panama City Beach, Fla.).
Req: 1480 kc, 500 w, Day (Panama City, Fla.).

Application Deleted From Public Notice of December 9, 1960 (FCC 60–1471) (25 F.R. 12849)

BP–13660 KOPR, Butte, Mont.
Copper Broadcasting Co.
Has: 550 kc, 1 kw, DA–N, U.
Req: 5550 kc, 1 kw, 5 kw–LS, DA–N, U.
(Assigned new file number: BP–14862.)

Applications Deleted From Public Notice of May 5, 1961 (FCC 61–600) (26 F.R. 4026)

BP–13839 WAIR, Winston-Salem, N.C.
Forsyth Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.
(Assigned new file number: BP–14937.)

BP–13861 New, Minden, La.
Champion Broadcasters, Inc.
Req: 1380 kc, 500 w, Day.
(Assigned new file number: BP–14933.)

BP–13878 KWBE, Beatrice, Nebr.
Mia Enterprises, Inc.
Has: 1450 kc, 250 w, U.
Req: 1590 kc, 1 kw, 5 kw–LS, DA–2, U.
(Assigned new file number: BP–15372.)

BP–13884 KFIV, Modesto, Calif.
Modesto Broadcasting Co.
Has: 1360 kc, 1 kw, DA–N, U.
Req: 1360 kc, 1 kw, 5 kw–LS, DA–2, U.
(Assigned new file number: BP–15033.)

Application Deleted From Public Notice of July 11, 1961 (FCC 61–866) (26 F.R. 6316)

BP–14059 WJOE, Ward Ridge, Fla.
Little Joe Enterprises.
Has: 1570 kc, 250 w, Day.
Req: 1530 kc, 1 kw, Day.
(Assigned new file number: BP–15326.)

Application Deleted From Public Notice of September 11, 1961 (FCC 61–1084) (26 F.R. 8605)

BP–14245 New, Napoleon, Ohio.
The Downriver Broadcasting Assn.
Req: 1540 kc, 500 w, DA, Day.
(Assigned new file number: BP–15412.)

[F.R. Doc. 62–3961; Filed, Apr. 23, 1962; 8:51 a.m.]

[Docket No. 14536]

STATE OF COLORADO

Request for Waiver; Order Scheduling Oral Argument

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of April 1962;

The Commission having under consideration its Order of February 21, 1962, setting the above-entitled matter for Oral Argument; and

It appearing that Notices of Appearance have been filed by the State of Colorado and by the Safety and Special Radio Services Bureau of the Federal Communications Commission; and

It further appearing that no other party has sought to participate in this proceeding; and

It further appearing that the time specified in the Order of February 21, 1962, for filing a Notice of Appearance has passed; and

It further appearing that the State of Colorado has requested that this Oral Argument be held in Denver, Colorado, so that oral testimony, evidence, or an inspection of the State's communications system might be readily undertaken; and

It further appearing that although Oral Argument is not for the purpose of establishing an evidentiary record, and thus evidence or testimony, as such, may not be introduced at the time of, and in connection with, such a proceeding, yet accommodation of the State of Colorado warrants designating Denver, Colorado, rather than Washington, D.C., as the place of Oral Argument.

It is ordered, That Oral Argument in this matter of the above-referenced issues be held on the 1st day of October 1962 at 10:00 a.m. in Denver, Colorado, before a Commissioner or Commissioners to be specified;

It is further ordered, That each party be permitted thirty minutes to present its arguments on the specified issues.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–3982; Filed, Apr. 23, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MEMBER LINES OF GREECE, TURKEY, SYRIA AREA WESTBOUND TOBACCO CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8350–2, between the member lines of the Greece, Turkey, Syria Area Westbound Tobacco Conference, modifies the basic agreement of that Conference (8350), which covers the trade from Greek, Turkish and Syrian ports to U.S. Atlantic ports in the Wilmington, North Carolina-Portland, Maine, range. The purpose of this modification is to change the provisions of the agreement with respect to conference meetings.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 19, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–3947; Filed, Apr. 23, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

APRIL 18, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 19, 1962 to April 28, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3942; Filed, Apr. 23, 1962; 8:46 a.m.]

[File No. 812–1500]

LAZARD FUND, INC.

Notice of Filing of Application for Order for Exemption To Permit Purchase of Securities During an Underwriting

APRIL 17, 1962.

Notice is hereby given that The Lazard Fund, Inc., New York, New York, ("Applicant"), an open-end, diversified, management investment company which is not currently offering its shares to the public and which is registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) the proposed purchase by the Applicant of up to 20,000 shares of common stock, $5 par value, of Ford Motor Company ("Ford"), which is a portion of a 2,250,000 share offering of common stock expected to be offered to the public as soon as the registration statement Form S–1 of Ford filed March 23, 1962, shall be made effective pursuant to section 8(a) of the Securities Act of 1933.

Lazard Freres & Co., investment adviser of Lazard, plans to be an underwriter of the issuer but Applicant will make no purchases from it. Applicant submits that to the extent the purchase exceeds $1,210,520 (1 percent of its net assets on March 31, 1962) it would not be exempt under Rule 10f–3 of the general rules and regulations under the Act and the transaction would be prohibited by section 10(f) of the Act. The foregoing amount would purchase approximately 12,643 shares of Ford common stock at the maximum public offering price of $95.75 per share given on the cover of the Ford Registration Statement.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an investment adviser of such registered company or is a person of which any such investment adviser is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase will comply with the provisions of the Act in all respects except the provision of section 10(f) and Rule 10f–3 discussed above. The size of the gross commission to the principal underwriters was not known to the Applicant at the time of filing the application. The Applicant submits that the granting of the exemption is consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–3943; Filed, Apr. 23, 1962; 8:46 a.m.]

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Washington, Wednesday, April 25, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11015

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY, THE FORMER CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY, NOW A PART OF THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY BY MERGER, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Chicago and North Western Railway Company, the former Chicago, St. Paul, Minneapolis, and Omaha Railway Company, now a part of the Chicago and North Western Railway Company by merger, and certain of their employees represented by the Order of Railroad Telegraphers; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to these disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers, or by their employees, in the conditions out of which these disputes arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 23, 1962.

[F.R. Doc. 62-4083; Filed, Apr. 23, 1962; 2:02 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1962 through March 1963, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein:

§ 430.240 Price support program for milk and butterfat.

(a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1962 through March 31, 1963 at $3.11 per hundredweight for manufacturing milk and 57.2 cents per pound for butterfat.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk and cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock, Dairy and Poultry Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. CCC will consider offers of such products at the following prices:

Commodity and location	*Price per pound*
Butter:	
U.S. Grade A or higher:	
New York, N.Y., Jersey City and Newark, N.J.	$0.5875
Seattle, Wash., and San Francisco, Calif.	.5800
California, Alaska, Hawaii	.5800
Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine	.5875
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.5775
U.S. Grade B	(1)
Cheddar cheese (standard moisture basis)	.3460
Nonfat dry milk, Spray process	.1440

[1] $0.02 less than U.S. Grade A price.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco or Seattle) named by the seller, less 80 percent of the lowest published railroad carlot freight rate per pound gross weight in effect when the offer is accepted from such location to such designated market.

(3) For cheese offered on a dry basis the price per pound shall be that indicated below according to the percentage of moisture.

Percent moisture:	*Price*
37.8–39.0 [1]	$0.3460
37.3–37.7	.3545
36.8–37.2	.3573
36.3–36.7	.3602
35.8–36.2	.3630
35.3–35.7	.3658
34.8–35.2	.3687
34.3–34.7	.3715
33.8–34.2	.3744
33.3–33.7	.3772
32.8–33.2	.3800

[1] Standard moisture.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra grade (except that maximum moisture content shall be 3½ percent and the direct microscopic clump bacteria count shall be not more than 250 million per gram as determined by U.S. Department of Agriculture test). The cheddar cheese shall be U.S. Grade A or higher.

(d) The foregoing purchasing prices apply to bulk butter, cheddar cheese, and nonfat dry milk in 100-lb. bags, packaged in accordance with specifications set forth in announcements issued by the Department of Agriculture. Products in other containers may be purchased at prices determined by competitive offers. Products meeting other specifications may be purchased at prices stated in the respective purchase anouncements for such products or by competitive offers.

(e) The products purchased shall be produced and located in the United States. Purchases will be made in carlots. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies Sec. 5, 62 Stat. 1072, 15 U.S.C. 714c; Sec. 201, 63 Stat. 1052, as amended and reenacted by 68 Stat. 899, and as amended by 70 Stat. 596, 7 U.S.C. 1446)

Signed at Washington, D.C., on April 19, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-4009; Filed, Apr. 24, 1962; 8:47 a.m.]

[1962 Honey Bulletin 1]

PART 434—HONEY

Subpart—1962 Honey Price Support Program

This bulletin (hereinafter called subpart) contains the regulations applicable to the 1962 Honey Price Support Program whereby the Secretary of Agriculture makes price support for extracted honey available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (referred to in this subpart as CCC and ASCS, respectively).

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434.1301 Administration.
434.1302 Availability of price support.
434.1303 Eligible honey.
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434.1327 Delegation of authority.

AUTHORITY: §§ 434.1301 to 434.1327 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 434.1301 Administration.

This subpart will be administered by the Sugar Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by State and County Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees) and by ASCS commodity offices. Producers interested in participating in the program should contact their county office through which the price support documents will be distributed. A producer with whom the county office has experienced difficulties in settling a loan shall be ineligible for a honey loan but he shall be eligible to enter into a purchase agreement. Approval of documents shall be by the county office manager or other employee designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all honey price support documents shall be retained in the county office. County office managers, State and county committees, and ASCS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 434.1302 Availability of price support.

(a) *Method of support.* Price support will be available through loans and purchase agreements.

(b) *Area.* Loans and purchase agreements will be available wherever eligible honey is produced in the continental United States.

(c) *Where to apply.* Application for price support should be made at the county office serving the county in which the honey is stored.

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1962, through December 31, 1962. Applicable documents must be signed by the producer and delivered to the county office not later than December 31, 1962.

(e) *Eligible producer.* (1) An eligible producer shall be any individual or other legal entity, including a partnership, association, or corporation, who, in 1962, extracts honey produced by bees owned by him. Executors, administrators, trustees, or receivers, who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid.

(2) A bona fide producer-owned and producer-controlled cooperative marketing association of honey producers operating in good faith as a cooperative marketing association of producers which satisfies the following conditions shall be deemed an eligible producer and shall be eligible for loans and purchase agreements on all eligible honey received from eligible producer-members:

(i) The major portion of the honey handled by the association is delivered to the association by producer-members;

(ii) The producer-members delivering eligible honey to the association shall be bound by contract to deliver such honey free from all liens and encumbrances;

(iii) The producer-members must share proportionately in the proceeds from marketings of eligible honey according to the grade and quantity of such honey each delivers to the association.

(iv) The association must have authority to obtain a loan on the security of the eligible honey and to give a lien thereon as well as authority to sell such honey.

(3) All determinations with respect to the eligibility of cooperative marketing associations of producers shall be made by or under the direction of the State committee.

§ 434.1303 Eligible honey.

Any honey, except that described in § 434.1304, which meets the following requirements at the time it is placed under loan or tendered for purchase under a purchase agreement is eligible for price support.

(a) The honey shall be of the 1962 crop produced and extracted in the continental United States by an eligible producer.

(b) The honey shall be packed in metal containers of a capacity of not less than 5 gallons nor greater than 70 gallons and of a style used in normal commercial practice in the honey industry. The 5-gallon containers shall contain 60 pounds of honey and larger containers shall be filled to their rated capacities.

(1) The 5-gallon containers shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container shall be firm and strong enough to permit carrying the filled can. The cap liner and the threads on both the cap and the can opening shall not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) Steel drums shall be new, or used drums which have been reconditioned inside and outside. They shall be clean, treated to prevent rusting, and fitted with gaskets which provide a tight seal.

(c) The beneficial interest in the honey shall be in the producer tendering it for a loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and in a former producer whom he succeeded as owner of the bees before the honey was extracted. In the case of a cooperative marketing association these requirements as to beneficial interest shall apply to each producer-member whose honey is placed under loan or tendered for purchase under a purchase agreement by the association.

(d) The honey shall be equal to or better than Grade C of the United States Standards for Grades of Extracted Honey, effective April 16, 1951: *Provided, however,* That in areas in which the State committee determines that existing conditions make fermentation of high moisture honey probable during the period of storage, the maximum moisture content allowable may be reduced by such committee from 20 percent to 18.6 percent for any or all floral sources.

(e) The honey offered for a farm-storage loan shall have been stored in containers specified in paragraph (b) of this section for at least 15 days prior to the drawing of samples by the loan inspector. The containers shall be stacked upright in a manner which will prevent damage to them and be so arranged and marked as to be readily accessible and identifiable for inspection and sampling purposes.

§ 434.1304 Ineligible honey.

Andromeda, Athel, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Hollyhock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Rabbit Brush, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionably flavored honeys or blends of honey as determined by the Director, Sugar Division, ASCS, shall not be eligible for price support, regardless of whether they meet other eligibility requirements.

§ 434.1305 Approved storage.

Loans shall be made only on honey in approved storage. Purchase agreements may be made without regard to whether the honey is in approved storage.

(a) *Farm-storage.* Farm-storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and so substantially and permanently constructed as to afford safe storage for honey. Structures shall be clean, dry, weather proof, and lockable. Structures used to house honey other than that covered by a single price support loan shall be partitioned to preserve the identity of the honey covered by each price support loan, and to segregate the collateral honey from any other honey in the storage structure. Collateral honey shall be so marked as to be readily identifiable as such.

(b) *Cooperative storage.* Approved storage for cooperative marketing associations shall meet the requirements stated in paragraph (a) of this section. If the storage structure is used to house honey other than that which secures a single price support loan, the structure shall be partitioned to preserve the identity of the honey covered by each price support loan, and to segregate the collateral honey from any other honey in the storage structure: *Provided,* That preservation of the identity of each individual producer's honey in the lot which secures the price support loan will not be required. However, collateral honey shall be so marked as to be readily identifiable as such.

§ 434.1306 Disbursement of loans.

Disbursement of loans will be made by financial institutions which are subject to separate regulations published in the FEDERAL REGISTER or by means of sight drafts drawn on CCC by county offices. No disbursement shall be made after January 15, 1963, unless recommended by the State committee and approved by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the issuance of a check or draft, shall constitute disbursement. The producer shall not present the loan documents for disbursement of funds unless the honey is in existence, in good condition, and in approved storage. The disbursement received by the producer shall be promptly refunded by him if the honey was not in existence in good condition and in approved storage at the time of disbursement.

§ 434.1307 Financial institutions.

As used in this subpart, a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a Production Credit Association.

§ 434.1308 Applicable forms and other requirements.

The approved forms consist of the loan and purchase agreement forms and such other forms and documents as are specified in this subpart and which, together with the provisions of this subpart, govern the rights and responsibilities of the producer. The note and supplemental loan agreements, chattel mortgages, and purchase agreements, must be dated, signed by the producer, and delivered to the county office on or before the final date of availability of loans or purchase agreements.

(a) *Loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, secured by Commodity Chattel Mortgage, Commodity Delivery Notice, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement and Purchase Agreement Settlement signed by the producer and approved by the county office manager, the Commodity Delivery Notice issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* The Producer's Note and Supplemental Loan Agreements and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto when required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

§ 434.1309 Liens.

If there are any liens or encumbrances on honey tendered for a loan or for delivery under purchase agreement, waivers that will fully protect the interests of CCC as determined by the county committee must be obtained.

§ 434.1310 Service charges.

Producers shall pay the following service charges on the quantity of honey placed under a loan or specified in a purchase agreement. Loan service charges shall be collected at the time of disbursement except for any prepayment made pursuant to paragraph (b) of this section. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a loan. Service charges on a purchase agreement shall be collected at the time the purchase agreement form is completed.

(a) Service charges shall be computed at the rates shown in the following table:

Method of price support	Rate (per 100 pounds net)	Minimum charge
Farm-storage loan	$0.05	$3.00
Purchase agreement	.025	1.50

(b) State committees are authorized to require prepayment of $3.00 of the service charge on a loan at the time of application.

(c) No refund of authorized service charges shall be made.

§ 434.1311 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 434.1312 Determination of quantity.

(a) The quantity of honey for loan purposes shall be computed on the basis of 11 pounds for each gallon of rated capacity of the containers.

(b) At the time of acquisition by CCC of honey under loan or purchase agreement the quantity shall be determined by or under the direction of the State committee. The quantity determination of honey acquired in 5-gallon cans shall be the number of cans times the average net weight of honey per can rounded to the nearest whole pound or 60 pounds per can whichever is lower. The quantity determination of honey acquired in larger containers shall be the actual net weight of the honey.

§ 434.1313 Determination of grade and color.

(a) When application for a loan is made the county office shall draw samples of the honey and transmit them prepaid to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, for grade and color determination. The quantity of honey drawn for samples shall be furnished by the producer at no cost to CCC. At the time the samples are drawn the county office shall collect the inspection fee for the account of the Processed Products Standardization and Inspection Branch.

(b) When honey is delivered to CCC the samples for grade and color determination shall be drawn by representatives of the Process Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, and CCC will pay the fees for sampling and inspection. The weight of the honey delivered to CCC, determined in accordance with § 434.1312 shall include the quantity of honey drawn for samples.

(c) Table honey shall, insofar as is practicable, be segregated into lots by color to conform with the color categories stated in § 434.1325. If a lot of honey is not segregated so that it can be certified as one color in accordance with the U.S. Standards for Grades of Extracted Honey, effective April 16, 1951, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of the darkest color shown on the inspection certificate: *Provided,* That if the inspection certificate at time of delivery to CCC shows that the lot of honey contains more than two colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color shown in § 434.1325.

(d) Table honey shall, insofar as is practicable, be segregated from nontable honey. The loan, settlement for the loan, or purchase under purchase agreement shall be made on the basis of nontable honey if the honey is not segregated so that it can be classified as table honey in accordance with § 434.1325.

(e) In the case of blends of table and nontable honeys, the loan, settlement for the loan or purchase under purchase agreement shall be made on the basis of nontable honey. If any blends of honey contain ineligible honey, the lot as a whole shall be considered ineligible for a loan or for delivery under a purchase agreement.

§ 434.1314 Maturity of loans.

Unless demand is made earlier, loans shall mature on April 30, 1963, in all States.

§ 434.1315 Interest rate.

Loans shall bear interest at the rate of 3½ per centum per annum from the date of disbursement of the loan except as provided in § 434.1320.

§ 434.1316 Transfer of producer's interest.

(a) *Loans.* The producer shall not transfer either his remaining interest in nor his right to redeem honey pledged as security for a loan, nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey, must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the honey from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the county office.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 434.1317 Safeguarding the honey.

The producer obtaining a loan is obligated to maintain the storage structure in good repair and to keep the mortgaged honey in storage and in good condition until the loan is liquidated.

§ 434.1318 Insurance.

CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 434.1319 Loss or damage to honey.

If the honey is going out of condition or is in danger of going out of condition the producer shall notify the county office thereof. The producer is responsible for any loss in quantity, quality, or change in color of the honey placed under loan. Notwithstanding the foregoing, physical loss or damage to honey occur-

ring after disbursement of the loan will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity destroyed, or in an amount equivalent to the extent of the damage, as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value: *Provided*, The producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer; (b) the physical loss or damage resulted solely from an external cause other than insect infestation, vermin, or animals; (c) the producer gave the county office immediate notice confirmed in writing of such loss or damage; and (d) the producer made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage which occurred prior to disbursement to the producer will be assumed by CCC. Where disbursement was by sight draft or check, the date of the draft or check shall constitute the date of disbursement.

§ 434.1320 Personal liability of the producer for the honey.

(a) The making of any fraudulent representation by the producer (1) in loan or purchase agreement documents or (2) in obtaining the loan or purchase agreement or (3) in connection with settlement or deliveries under a loan or purchase agreement or documents applicable thereto, or the conversion or unlawful disposition of any portion of the honey by him, shall render the producer personally liable, aside from any additional liability under criminal and civil fraud statutes, for the amount of the loan or, in the case of a purchase agreement, the price paid to the producer under the purchase agreement, for any additional amounts paid to the producer with respect to the honey and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation, conversion or unlawful disposition, together with interest at the rate of 6 percent per annum from the date of disbursement of the loan or payment under the purchase agreement less the market value of any honey acquired by CCC as provided in paragraph (b) of this section.

(b) For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representations, conversions or unlawful dispositions referred to in paragraph (a) of this section, the value of any honey acquired by CCC as a result of a loan or purchase agreement shall be its market value, as determined by CCC, on the date of delivery or removal from storage of such honey or the sales price received by CCC if such honey is sold by CCC to determine its market value.

§ 434.1321 Release of the honey under loan.

The producer may at any time obtain release of the honey under loan by paying to CCC the principal amount of the note plus applicable charges and accrued interest. The county office shall arrange for the release of the chattel mortgage upon payment of the note. Partial release of the honey prior to the loan maturity date may be arranged with the county office after making payment for the quantity of the honey to be released, plus applicable charges and accrued interest.

§ 434.1322 Liquidation of loans and delivery under purchase agreements.

(a) *Loans.* The producer is obligated to pay off his loan on or before maturity or to deliver the honey in accordance with the instructions of the county office. The producer shall, prior to loan maturity date, give the county office written notice of his intention to deliver the honey. However, the county committee may permit the producer to pay off all or part of his loan and redeem the proportionate quantity of his honey at any time prior to delivery to CCC or removal by CCC. Only the quantity in the containers included in the lot placed under loan may be delivered. Delivery points for honey under loan shall be limited to those recommended by the State Committee and approved by the Director, Sugar Division, ASCS. If the farm is sold or there is a change of tenancy before the loan maturity date the honey under loan may be delivered upon approval by the county office, or it may be delivered before the loan maturity date for other reasons if approved by the the Executive Vice President, CCC. Settlement will be made at the applicable support rate in effect at the approved point of delivery, subject to the provisions of the Producer's Note and Supplemental Loan Agreement and this subpart, based upon the quantity, floral source, color, and grade at the time of delivery as determined in accordance with §§ 434.1312(b) and 434.1313 (b), (c), (d), and (e). If honey is delivered to CCC prior to the loan maturity date upon request of the producer and with the approval of CCC, the loan settlement shall be reduced at the rate of one-twentieth of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county office, whichever is earlier, to and including the loan maturity date. The settlement value for honey acquired by CCC which does not meet requirements with respect to grade, shall be determined at the support rate for the honey placed under loan less the estimated cost, as determined by CCC, for conditioning such honey to conform to the grade of honey described in the loan documents. The settlement value for honey acquired by CCC which does not meet requirements because of floral source, or which cannot be conditioned to meet grade requirements, shall be the actual market value, if any, of such honey as determined by CCC. The producer shall pay CCC for any deficiency in quantity, floral source, grade or color. Any payment due the producer may be made by sight draft drawn on CCC by the county office.

(b) *Handling small amounts on settlement.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

(c) *Purchase agreements.* The producer, who signs a purchase agreement, shall not be obligated to sell any quantity of the honey to CCC. However, the quantity stated in the purchase agreement shall be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the honey to CCC, he shall have a 30-day period prior to the loan maturity date during which he must notify the county office of his intention to sell. Deliveries shall not be accepted before the loan maturity date, or such earlier date as may be prescribed by the Executive Vice President, CCC. The producer may be required to retain the honey for a period of 60 days after the loan maturity date without any cost to CCC. Delivery under purchase agreements shall be made in accordance with instructions issued by the county office. Delivery points for purchase agreements shall be limited to those recommended by the State Committee and approved by the Director, Sugar Division, ASCS. Honey delivered under a purchase agreement must meet the requirements for eligible honey as set forth in §§ 434.1303 and 434.1313(e). Payment for eligible honey delivered to CCC under purchase agreements shall be at the applicable support rate in effect at the approved delivery point, on the basis of the quantity, floral source, color, and grade at the time of delivery as determined in accordance with §§ 434.1312(b), and 434.1313 (b), (c), (d), and (e). Such payment will be made to the producer by sight draft drawn on CCC by the county office.

§ 434.1323 Foreclosure.

If the loan (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity by payment or by delivery of the honey, the holder of the note is authorized to remove the honey from storage; and also to sell, assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the honey. Any such disposition may similarly be effected without removing the honey from storage. If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election title to the unredeemed honey securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (a) Any amount by which the settlement value of the collateral honey may exceed the principal amount of the loan, or (b) the amount by which the proceeds of the sale may exceed the loan indebtedness if the collateral honey is sold to third parties rather than CCC acquiring full title to such collateral honey. If honey removed by CCC from storage is sold at less than the amount due on the loan (excluding interest), and if the quantity, floral source, grade, or color of the honey as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the honey removed by CCC, plus interest.

§ 434.1324 Charges not to be assumed by CCC.

CCC will not pay or assume any insurance charges, storage charges, inspection charges to determine eligibility for a loan, or any handling or processing charges necessary to make the honey meet the grade requirements.

§ 434.1325 Support rates.

Loans will be made, and honey delivered under purchase agreements shall be purchased, at the support rates for the respective class and color set forth below:

For States of Montana, Wyoming, Colorado, New Mexico and States west thereof:

	(*Cents per pound*)
1. White and lighter table honey	12.0
2. Extra Light Amber table honey	11.0
3. Light Amber table honey	9.5
4. Other table honey and nontable honey	7.5

For all States east of Montana, Wyoming, Colorado, and New Mexico:

	(*Cents per pound*)
1. White and lighter table honey	12.9
2. Extra Light Amber table honey	11.9
3. Light Amber table honey	10.4
4. Other table honey and nontable honey	8.4

(a) "Table honey" means honey having the predominant flavor of a floral source which can be readily marketed for table use in all parts of the country. Such sources include Alfalfa, Bird's-foot Trefoil, Blackberry, Brazil Brush, Catsclaw, Clover, Cotton, Fireweed, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar mild-flavored honeys, or blends of mild-flavored honeys, as determined by the Director, Sugar Division, ASCS.

(b) "Nontable honey" means honey having a predominant flavor of limited national acceptability for table use but considered to be suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Ti-ti, Toyoa (Christmas Berry), Tulip-Popular, Wild Cherry, and similarly-flavored honeys, or blends of such honeys, as determined by the Director, Sugar Division, ASCS.

§ 434.1326 ASCS commodity offices.

The ASCS commodity offices and the areas served by them are:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas.

Kansas City 41, Missouri, 560 Westport Road (P.O. Box 205): Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 10, Minnesota, 6400 France Avenue, South: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington.

§ 434.1327 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date: Date of signature.

Signed at Washington, D.C., on April 19, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-4006; Filed, Apr. 24, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraphs (27), (28), and (29) of paragraph (a) of § 6.302 are amended, and subparagraph (31) is added to paragraph (a) as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(27) One Personal Assistant to the Director, Food for Peace, Office of the Under Secretary.

(28) One Personal Assistant and one Private Secretary to the Under Secretary for Political Affairs.

(29) One Deputy Director, Food for Peace, Office of the Under Secretary.

• • • • • •

(31) Two Special Assistants to the Under Secretary for Political Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4042; Filed, Apr. 24, 1962; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (b) of § 6.302 is revoked and subparagraph (6) is added to paragraph (q) as set out below.

§ 6.302 Department of State.

• • • • • •

(q) *Office of the Deputy Under Secretary for Administration.* • • •

(6) The Director, Office of Security.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4043; Filed, Apr. 24, 1962; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Securities and Exchange Commission

Effective upon publication in the FEDERAL REGISTER, paragraphs (f), (g), and (h) of § 6.326 are revoked and paragraph (i) is added as set out below.

§ 6.326 Securities and Exchange Commission.

• • • • • •

(i) One Executive Assistant to the Chairman.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4044; Filed, Apr. 24, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of March 23, 1961 (26 F.R. 2451) and June 22, 1961 (26 F.R. 5555) are amended to: (1) Provide that the regular member of the community committee shall also

be second alternate delegate to the county convention, and (2) improve the regulations by eliminating unnecessary administrative detail. The regulations in this subpart are, therefore, amended as follows:

§ 7.11 [Amendment]

1. In § 7.11 the fourth sentence in paragraph (a) is amended to read, "Except where there is only one community in the county, election as chairman, vice chairman, and regular member of the community committee shall constitute respectively, election as delegate, first alternate delegate, and second alternate delegate to the county convention: *Provided, however,* That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election."

§ 7.28 [Amendment]

2. In § 7.28 the third sentence in paragraph (b) is amended by deleting the phrase, "notwithstanding the provisions of § 7.38".

3. Sections 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, and 7.41 are deleted and the following added in place thereof:

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.31 Custody.

All books, records, and documents used by the county committee in the administration of programs assigned to it by the Secretary of Agriculture or the Congress shall be the property of the Department of Agriculture and shall be maintained in good order in the county office.

§ 7.32 Use.

The books, records, and documents referred to in this subpart shall be available for use:

(a) At all times to authorized representatives of the Secretary of Agriculture, State committeemen and their employees, county committeemen, community committeemen and employees of the county office in the performance of duties assigned to them under the regulations in this subpart;

(b) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected; and

(c) To any other person only in accordance with instructions issued by the Deputy Administrator.

GENERAL PROVISIONS

§ 7.33 Administrative operations.

The administrative operations of county committees such as, but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with instructions issued by the Deputy Administrator:

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.34 Implementation.

The Deputy Administrator is authorized to issue instructions implementing these regulations.

§ 7.35 Applicability.

The regulations in this subpart shall apply to the States of the Union.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 19, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-4048; Filed, Apr. 24, 1962; 8:54 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

TRANSFER OF PRODUCER RICE ALLOTMENTS

On pages 2770 and 2771 of the FEDERAL REGISTER of March 24, 1962, there was published a notice of proposed rule making to issue an amendment to the regulations pertaining to the determination of acreage allotments for the 1959 and subsequent crops of rice. Interested persons were given 10 days from the date of such publication in which to submit written data, views or recommendations with respect to the proposed amendment. The data, views or recommendations that were received have been duly considered. The amendment is hereby adopted for the 1962 and subsequent crop years, subject to the changes set forth below:

1. Paragraph (b) (4) of § 730.1025 is amended.

2. An effective date provision is added immediately following the amendment.

Signed at Washington, D.C., on April 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

Section 730.1025 is amended to read as follows:

§ 730.1025 Succession of interest in producer allotments.

(a) If a producer dies or withdraws from the production of rice, his rice acreage allotment and related history acreages during the applicable base period may be transferred under the provisions of this section to another person or persons. Each such transfer shall be contingent upon the furnishing of certain information to the county committee and will be subject to the approval of a representative of the State committee. A producer who withdraws in whole from the production of rice under the provisions of paragraph (b) (2) of this section, or who withdraws from the production of rice under the provisions of paragraph (b) (3) of this section, or who transfers his entire interest in the production of rice to the remaining partner(s) under the provisions of paragraph (b) (4) of this section when the partnership is dissolved, shall not be eligible for a producer rice acreage allotment for any year subsequent to such transfer, except to the extent that he may become eligible for an allotment on the basis of rice history acquired in a year (subsequent to the transfer) for which rice acreage allotments are not in effect.

(b) (1) If a producer dies his current rice acreage allotment and related rice history acreage during the applicable base period shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue, or have continued, his farming operations. The heirs or devisees, or their representative, shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the heirs or devisees and the extent each will continue the farming operations of the deceased. The percentage of the total allotment of the deceased that each will receive shall be determined on the basis of the information furnished by the heirs or devisees and any other pertinent information. The rice history acreages credited to the deceased during the applicable base period shall be divided among the heirs or devisees in the same proportion that the allotment is divided.

(2) If a producer withdraws in whole or in part from the production of rice in favor of a member or members of his family who will succeed to his farming operations, that portion of his current allotment and related rice history acreage during the applicable base period as may be ascribed to such withdrawal, may be transferred to such family member or members. For the purposes of this subparagraph (2) of this paragraph, a member of the transferee's family shall be limited to his wife, father, mother, brother, sister, son, daughter, grandson, granddaughter, nephew or niece. The transferor shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the transferees, their relationship to him and the extent to which he is to be succeeded in his farming operations by them. The current allotment and related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferor, when applicable, and the transferees in accordance with the transferor's request.

(3) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his current allotment and related rice history acreage during the applicable base period may be transferred to another producer(s) who has had previous rice producing experience: *Provided,* That the transferee(s) acquires the transferor's entire rice farming operation, including all production and harvesting equipment, any eligible equipment not permanently attached to the land and any land owned by the transferor to which any of the transferred rice history acreage is ascribed. The transferor at the earliest practicable date, shall advise the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become applicable. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current rice acreage allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportion that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting and marketing one or more crops of rice as a producer. The minimum acreage of land to which history has been ascribed as referred to in this subparagraph (3) that must be transferred in order to effect a transfer of the allotment and related rice history acreages, shall be the smaller of the acreage of developed rice land owned by the transferor at the time of the transfer to which he allocated his producer rice acreage allotment (less any reapportioned allotment) in any one or more of the five years immediately preceding the current year, or the largest acreage of his producer rice acreage allotment (less any reapportioned allotment) allocated to such land by the producer in any year during such period. In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer rice acreage allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next four years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the current year in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

(4) If a partnership is dissolved, the partnership's current rice acreage allotment and related history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners: *Provided,* That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the rice allotment established for the partnership and rice history acreage credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed and the rice history acreage credited to the partnership for the remaining years of the applicable base period shall revert to the person to whom it was originally credited.

Effective date. Since rice is already being planted in areas in which there are producers who will be interested in the provisions of this amendment for the 1962 crop, compliance with the effective date requirements of section 4 of the Administrative Procedure Act is hereby found to be contrary to the public interest. Therefore, this amendment shall become effective upon publication in the FEDERAL REGISTER.

[F.R. Doc. 62-4010; Filed, Apr. 24, 1962; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 5]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Non-Quota Purchase of Sugar Authorized

For the purpose of increasing the quantity of non-quota sugar authorized for purchase from 1,574,622 tons to 1,604,212 tons, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows:

§ 820.22 Non-quota purchase of sugar authorized.

* * * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the six-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,700,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the six-month period ending June 30, 1962, are 1,604,212 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 percentum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the six-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraphs (c) and (d) of this section a total of 1,604,212 short tons, raw value, of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations, based upon a proration in accordance with section 408(b) (2) of the Act to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three of such countries will be unable to supply the following portions of their prorations: Nicaragua 28,356 tons; Peru 209,950 tons and the Republic of the Philippines 56,204 tons. The prorations for Canada of 2,829 tons, for the United Kingdom of 2,309 tons and for Hong Kong of 18 tons may not be authorized for the reasons set forth in § 820.20(c). These quantities plus the shortfalls for Nicaragua, Peru and the Republic of the Philippines total 299,666 tons. Of this total 145,666 short tons, raw value, is authorized for purchase in paragraph (c) of this section from Belgium, Brazil, British Guiana and British West Indies, Colombia, Costa Rica, the French West Indies, India, Haiti, Netherlands, Panama and the Republic of China, in accordance with the proviso in section 408(b) (2) (iii). In authorizing the purchase of non-quota sugar from these latter ten countries, special consideration was given to countries of the Western Hemisphere and to those purchasing United States agricultural commodities. In paragraph (d) of this section an additional 154,000 short tons, raw value is authorized for purchase from Brazil, Colombia, El Salvador, Fiji Islands, Guatemala, India, Ireland and Republic of China, based upon proposals made by the governments of these respective foreign countries to purchase United States surplus agricultural commodities.

(c) The quantities of non-quota purchase sugar authorized for purchase and importation into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962 through June 30, 1962, are those shown below in this paragraph and those provided for in paragraph (d) of this section:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	8,163
Republic of the Philippines	162,401
Dominican Republic	431,041
Peru	275,739
Mexico	358,536
Nicaragua	42,126
Belgium	888
British Guiana and the British West Indies	10,514
Brazil	30,000
Colombia	25,000
India	50,000
French West Indies	5,000
Total	1,450,212

STATEMENT OF BASES AND CONSIDERATIONS

Of the total 1,604,212 tons of non-quota sugar that may be authorized for purchase during the first six months of 1962, authorization for the purchase of 1,574,622 tons was previously announced.

The additional 29,590 short tons, raw value of non-quota sugar authorized for purchase and importation by this amendment to § 820.22 of Part 820 is needed to assure adequate supplies of sugar at reasonable prices during the six-month period ending June 30, 1962.

The previous authorized allocation for the Republic of the Philippines was limited to 175,655 tons based on advice from the government of that country as to the quantity they could assure for this market before July 1, 1962. Based on information now available as to shipments expected to arrive on or before June 30, 1962, the quantity of non-quota sugar authorized for purchase from that country is herein increased to 182,401 tons.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408, 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Pub. Law 87–15, approved Mar. 31, 1961; Proclamation No. 3440 (26 F.R. 11714))

Effective date. To permit the nonquota sugar herein authorized for purchase to be marketed in an orderly manner, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1962.

CHARLES S. MURPHY,
Under Secretary.

Concurred in for the Secretary of State:

EDWIN M. MARTIN,
Assistant Secretary.

[F.R. Doc. 62–4049; Filed, Apr. 24, 1962; 8:54 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Suspension of Inspection Requirement

§ 918.301 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 918) as amended, regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this order is based became available and the time when this order must become effective in order to effectuate the declared policy of the act is insufficient and this order relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

(b) *Order.* During the period beginning at 12:01 a.m., e.s.t., May 1, 1962, and ending at 12:01 a.m., e.s.t., September 1, 1962:

(1) The inspection requirement contained in § 918.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets.

(2) When used herein, the terms "adjacent markets," "shipped," and "peaches in bulk" shall have the same meaning as when used in the aforesaid amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 20, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4045; Filed, Apr. 24, 1962; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 15,778]

PART 522—ORGANIZATION OF THE BANKS

Appointment and Election of Directors

APRIL 19, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 522 of the regulations for the Federal Home Loan Bank System (12 CFR Part 522) for the purpose of amending the regulations in said Part 522 relating to the appointment and election of directors of Federal Home Loan Banks, to wit §§ 522.20–522.45 (12 CFR 522.20–522.45), so as to conform to the provisions of section 7 of the Federal Home Loan Bank Act, as amended by Public Law 87–211, effective January 2, 1962, and, for the purpose of effecting such amendment, hereby amends the aforesaid Part 522 as follows, effective April 25, 1962:

Amend said Part 522 by revising and renumbering existing §§ 522.20–522.45, and amending the topical heading immediately preceding § 522.20, to read as follows:

APPOINTMENT AND ELECTION OF DIRECTORS

Sec.
522.20 Appointive directors.
522.21 Elective directors.
522.22 Report of stock investment.
522.23 Designation and nomination of elective directorships.
522.24 Election of directors.
522.25 Prohibition of actions influencing votes.
522.26 Saving clause.
522.27 Definition of "State".
522.28 General.

AUTHORITY: §§ 522.20 to 522.28 issued under sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

APPOINTMENT AND ELECTION OF DIRECTORS

§ 522.20 Appointive directors.

(a) The Board will appoint four directors for each Bank except that, in the case of the Federal Home Loan Bank of San Francisco, six directors will be appointed by the Board. Each director must be a citizen of the United States and a bona fide resident of the district in which the Bank is located.

(b) The term of each appointive director shall be four years. In the event of a vacancy in any appointive directorship, the Board shall appoint a director to fill such vacancy for the unexpired term thereof except that, if any director ceases to have the qualifications set forth in paragraph (a) of this section, the office held by such director shall immediately become vacant, but such director may continue to act as director until his successor assumes the vacated office or the term of such office expires, whichever shall first occur.

§ 522.21 Elective directors.

(a) There shall be eight elective directors on the board of directors of each Federal home loan bank except that, in the case of the Federal Home Loan Bank of San Francisco, there shall be thirteen elective directors. Notwithstanding the provisions of the preceding sentence, whenever the provisions of the second sentence of subsection (c) of section 7 of the act are applicable, the number of elective directors shall be increased by the Board to such number as may be necessary to comply with the provisions of the aforesaid second sentence of said subsection (c).

(b) The Board will designate the elective directorship or directorships for each particular State as representing the members located in such State, and any such directorship shall be filled only by a person who is an officer or director of a member located in that State who is a citizen of the United States and a bona fide resident of the district in which the Bank is located. For the purposes of §§ 522.21–522.28 of this Part 522, the word "member" (except as hereinafter otherwise indicated), in addition to the meaning set out in § 521.7 of this subchapter, shall mean a member of a Bank at the end of the calendar year next preceding the election; and any such member shall be deemed to be located in the State in which it has its principal place of business. In the event a member does not have its principal place of business located in a State, the Board will designate the State in which such member shall be deemed to be located but may, however, in its discretion change any such designation from time to time.

(c) The Board will designate not less than one nor more than six elective directorships for each State. The number of elective directorships so designated shall be determined in the approximate ratio of the percentage of the required stock of the members located in each State in a Bank district to the total required stock of all members in such Bank district. In the event, however, that the number of elective directorships so designated for any State would be less than the total number of such directorships filled by officers or directors of members whose principal places of business were located in such State on December 31, 1960, the Board will add to the board of directors of the Bank of the district in which the State is located such number of elective directorships that the total number of elective directorships for any such State will equal said total number as of December 31, 1960. Any elective directorship added pursuant to the provisions of the preceding sentence shall be for one term and shall expire at the end thereof. The word "member" as used in the third sentence of this subsection (c) shall have only the meaning set out in § 521.7 of this subchapter.

(d) The term of each elective directorship shall be two years. In the event of a vacancy in any elective directorship, the Board shall appoint a director to fill such vacancy for the unexpired term thereof except that, if any director ceases to have the qualifications set forth in subsection (b) of this section, the office held by such director shall immediately become vacant, but the director may continue to serve as director until his successor assumes the vacated office or the term of such office expires, whichever shall first occur.

(e) No person who has been elected to each of three consecutive full terms as an elective director of a Bank and has served all or part of each of said terms shall be eligible for election to an elective directorship in such Bank for a term which begins earlier than two years after the expiration of the last expiring of said three terms.

§ 522.22 Report of stock investment.

Each Bank shall, no later than May 31 of each year, report to the Board, on forms prescribed by the Board, the number of shares of stock in such Bank required to be held by each member of such Bank at the end of the calendar year next preceding the election. The number of shares so reported shall, for the purposes of §§ 522.20–522.28, be deemed conclusive.

§ 522.23 Designation and nomination of elective directorships.

(a) Not later than August 1 of each year, the Board will notify each member of the number of elective directorships it has designated for the State in which such member is located.

(b) Not later than August 1 of each year, the Board will also notify each member in each State for which an elective directorship is to be filled of its right to nominate any eligible person or persons, as the case may be, and will furnish each such member with a list of the members located in its State. The Board will also furnish a list of those holding directorships at that time in the Bank of which such member is a member containing the name of each director, the name and address of the member institution with which each director is affiliated, and the expiration date of the term of each director. At the same time each such member will be furnished with a copy of the regulations in this part governing the nomination and election of Bank directors and the necessary nominating certificate, and will be notified of the directorships to be filled.

(c) Each member, in each State that is entitled to participate in the election of directors pursuant to the provisions of these regulations, by resolution of its governing body, may nominate, or authorize one of its directors or one of its officers to nominate, a suitably qualified person for each directorship to be filled in its State. The certificate shall then be duly executed and mailed to the Secretary to the Board, so as to be received in his office in Washington, D.C., not later than September 4.

(d) A letter will be forwarded to each nominee by registered mail not later than September 18, informing him of his nomination: *Provided, however,* That no such letter shall be forwarded to any nominee then serving as an elective director whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding an appointive directorship, unless the Secretary to the Board has received from him, before September 4, notice of his intention to be a candidate for a directorship: And provided further, that no such letter shall be forwarded to any nominee determined by the Board to be ineligible for election because of the tenure of office restriction set out in § 522.21. With such letter each nominee will be forwarded a list of nominees, a copy of these regulations governing the nomination and election of Bank directors, and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for a directorship. Such questionnaire must be completely filled in and mailed to the Secretary to the Board so as to be received in his office not later than October 3 in order for the nominee to have his name placed on the election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name is placed on the election ballot pursuant to the provisions of this section.

(e) Notwithstanding the foregoing provisions of this section, if at any time when nominations are required the members of a Bank hold less than $1,000,000 of the capital stock of the Bank, the Board will, in accordance with subsection (h) of section 7 of the act, appoint a director or directors to fill the place or places for which nominations are required. The word "members" as used in this paragraph shall have only the meaning set out in § 521.7 of this subchapter.

§ 522.24 Election of directors.

(a) Not later than November 1, the Board will mail to each member in each State for which an elective directorship is to be filled a ballot, a voting certification envelope, a ballot envelope, and a self-addressed return envelope. The ballot will contain in alphabetical order the name of each candidate to represent the members located in such State who has complied with the provisions of § 522.23, the name and address of the member institution of which each candidate is an officer or director, the candidate's title in the member institution, and the number of votes the member may cast, which number shall be determined pursuant to the provisions of paragraph (b) of this section.

(b) The number of votes which each member may cast shall be determined upon the basis of the information furnished by the Bank pursuant to § 522.22 and shall be a number equal to the number of shares of stock in such Bank required by the act to be held by such member at the end of the calendar year next preceding the election, but not in excess of the average number of shares of stock in such Bank required by the act to be held at the end of such calendar year by the respective members of such Bank located in such State, as set forth in the first sentence of subsection (b) of section 7 of the act.

(c) Each member entitled to receive a ballot may, by resolution of its governing body, cast its votes or authorize one of its directors or one of its officers to cast its votes for one of the candidates for the directorship to be filled, and, if more than one directorship is to be filled, from the candidates whose names appear on the ballot, for each of as many candidates as there are directorships to be filled. After votes are properly recorded on the ballot opposite the name or names, as the case may be, of a candidate or candidates, the ballot shall be placed in the ballot envelope which shall be sealed and placed in the certificaton envelope. The certification on said envelope shall then be duly executed, and said envelope shall be sealed and mailed in the self-addressed return envelope to the Secretary to the Board so as to be delivered at his office in Washington, D.C., not later than December 3.

(d) Before December 15 the Board will determine the results of the election ballots. In each case where only one directorship is to be filled the Board will declare elected the candidate receiving the highest number of votes cast for such directorship. In the event two or more directorships are to be filled from the ballot, the Board will declare elected the candidate receiving the highest number of votes and will also declare elected each candidate receiving the next succeeding highest number of votes until the number of candidates equal to the number of directorships to be filled shall have been

declared elected. In the event a candidate for a directorship cannot be declared elected due to a tied vote, the Board will determine which of the candidates whose votes are tied shall be declared elected.

(e) Upon determining the results of the election as set out in paragraph (d) of this section, the Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank member the results of the election ballots, including the name of each candidate, the name and address of the institution with which he is affiliated and his title therein, the number of votes he received, the number of members eligible to cast votes for the directorship or directorships and the total eligible votes all such members were entitled to cast.

(f) All election material sent to members shall be forwarded by regular mail, except that such material sent to members in Guam, Puerto Rico, Virgin Islands, Alaska, and Hawaii shall be forwarded by airmail. Each Bank will also be furnished with copies of such election material as is forwarded to members.

(g) No election ballots will be opened until after 5 p.m., e.s.t., on December 3. No ballots will be considered except ballots executed on forms supplied by the Board. No change in any ballot will be permitted after it has been delivered to the Secretary to the Board. All ballots shall be preserved by the Secretary to the Board until the end of the ensuing calendar year and shall be subject to inspection only by members of the Board. In the event any date specified in §§ 522.21–522.24, other than December 31, 1960, falls on a Saturday, Sunday, or a holiday, the next business day shall be included in the time allowed. No nominating certificate, questionnaire, or ballot shall be considered unless received in the office of the Secretary to the Board, Washington, D.C., at or before the time specified.

§ 522.25 Prohibition of actions influencing votes.

Neither an officer, attorney, employee, or agent of the Board nor a Board of Directors, Executive Committee, officer, attorney, employee, or agent of a Bank shall take any action which would tend to influence votes for a directorship in a Bank. The use of any insignia denoting membership in the Bank system or in the Federal Savings and Loan Insurance Corporation by any person in any letter, literature, or other paraphernalia designed to be used in connection with the candidacy of any person for an elective directorship, or the inclusion in any such letter, literature, or paraphernalia of language indicating, directly or indirectly, that the candidacy of any person for a directorship has the support of the Board or of any Bank or of any officer, employee, or agent of either the Board or any Bank is hereby prohibited. The Board, after hearing, may consider a violation of the provisions of this section as grounds for dismissal from a directorship or may declare the directorship involved as vacant, or both.

§ 522.26 Saving clause.

Notwithstanding any other provision of §§ 522.20–522.25, any director of a Bank, appointive or elective, duly serving under the provisions of section 7 of the act as in effect prior to January 2, 1962, shall continue his term of office until the original date of expiration of such term. The Board may, in its discretion, shorten the next succeeding term of any such elective directorship to one year, and may fill such term by appointment.

§ 522.27 Definition of "State."

As used with respect to the election of directors for the Federal Home Loan Banks, the term "States" or "State" shall mean the States of the Union and the District of Columbia.

§ 522.28 General.

The Board will also determine in accordance with section 7 of the act any other matters concerning the election and appointment of directors which are not specifically provided for in §§ 522.21–522.27.

Resolved further that, inasmuch as affording notice and public procedures, and deferring the effective date of the amendment to Part 522 (12 CFR Part 522) revising and renumbering existing §§ 522.20–522.45 (12 CFR §§ 522.20–522.45) would make it impossible for the respective Federal Home Loan Banks under such revised sections of the regulations to collect, collate and forward not later than May 31, 1962, the data necessary for the Board to make the determinations and designations of elective directorships required pursuant to the provisions of Public Law 87–211, effective January 2, 1962, and since such lead time is essential to give effect to the provisions of said Public Law 87–211 requiring the Board to designate the number of elective directorships in each State on the basis of the approximate ratio of the percentage of required stock of members in each State at the end of the calendar year next preceding the election to the total required stock, prior to proceeding with the nomination and election of such directorships in each Bank district, and further, since the amendment of said regulations is essential to give effect to the provisions of said Public Law 87–211 for the purpose of conducting the election of directors for terms beginning January 1, 1963, the Board hereby finds and determines that notice and public procedure with respect to said amendments would be impracticable under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and, for the same cause, that deferment of the effective date of such amendments is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-4036; Filed, Apr. 24, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1156; Amdt. 430]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft With Rolls Royce Tyne Engines

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on April 11, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Canadair CL-44D4 aircraft with Rolls Royce Tyne engines. The directive requires inspection of the magnetic plug and the filter in the scavenge oil line from the high pressure turbine bearing for deposits of hard carbon.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Canadair CL-44D4 aircraft with Rolls Royce Tyne engines by individual telegrams dated April 11, 1962. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

CANADAIR. Applies to all Model CL-44D4 aircraft equipped with Rolls Royce Tyne engines.

Compliance required within next 15 hours' time in service and at each 15 hours' time in service thereafter.

To preclude further cases of bearing failure inspect the magnetic plug and the filter in the scavenge oil line from the high pressure turbine bearing for deposits of hard carbon. The engine is to be removed from service and repaired in accordance with approved maintenance procedures if such deposits are present.

Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 6, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 18, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-3986; Filed, Apr. 24, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-115]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1035) stating that the Federal Aviation Agency proposed to designate an additional terminal radar jet advisory area at Denver, Colo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.300 *Terminal jet advisory areas* (26 F.R. 7083), under Denver, Colo., jet advisory area—Radar, the following is added:

g. Denver, Colo., to Scottsbluff, Nebr.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 18, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-3987; Filed, Apr. 24, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides for Advertising Shell Homes

Purpose. Designed to encourage voluntary compliance with the law on an industry-wide basis, these Guides have been issued by the Commission to aid in accomplishing two objectives: (1) To prevent injury to competition, and (2) to prevent deception of consumers. Both of these objectives are of equal importance.

Application. These Guides apply to all manufacturers, builders or sellers of shell homes who are subject to the jurisdiction of the Federal Trade Commission. Appropriate action will be taken to prevent violations. Mandatory proceedings to enforce the requirements of the law outlined in the Guides will be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58). Briefly stated, that Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

Effective date. These Guides become effective immediately.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington 25, D.C.

§ 14.6 Guides for advertising shell homes.

(a) *Extent of completion.* (1) Since the typical shell home does not include such features as wiring, plumbing, heating, interior trim and finish, or other requisite components, an advertiser may not represent that the home is finished or completed to any degree inconsistent with the facts.

(2) For example, an advertiser may not claim that the home in its unfinished state is habitable, or that it has appliances, fixtures, equipment, material or services which are not actually included at the time it is accepted by the purchaser.

(3) In every case the advertiser must clearly and conspicuously disclose it is a shell home.

(b) *Size or dimensions.* (1) An advertiser shall not misrepresent, pictorially or through any other means, the overall size or dimension of the home or the rooms or space therein.

(2) The foregoing Guide prohibits misrepresentation through the use of picturizations, as well as the publication of figures which exaggerate the size or dimension.

(c) *Pictorial representations.* (1) All construction items featured in a pictorial representation, such as a porch, carport, chimney, steps, etc., must be included in the price quoted in the advertisement.

(2) An advertisement shall not feature the picture of a higher-priced home in conjunction with the price of a lower-priced home, thus leading prospective purchasers to believe the higher-priced home can be purchased at the lower price.

(3) If the price of any home other than the one pictured in the advertisement is quoted, the price of the pictured home must be disclosed and quoted with equal size and conspicuousness.

(d) *Savings.* (1) If savings claims are made (i) the basis for the comparison must be clearly disclosed, (ii) the savings must be factually true, and (iii) the advertising must clearly disclose: (*a*) That the buyer must furnish the remaining material and (*b*) that the saving, if any, is based upon the buyer completing the remainder of the work.

(2) For example, if the advertiser has a factually true savings claim to make in comparison either with a project type or custom-built home, he must disclose the type of home with which the comparison is being made.

(3) In determining whether the savings claim is factually true, the comparison must be based upon a home of like quality, material, size, design and workmanship in the same general locality where the shell home is to be built.

(4) If savings claims other than those outlined in subparagraphs (1), (2), and (3) of this paragraph, are utilized, the claim must meet the applicable provisions of the Commission's Guides Against Deceptive Pricing.

(e) *Financial terms.* (1) Installment purchase plans shall not be misrepresented in any manner. This Guide prohibits claims to the effect that loans are available from any particular lending institution or through a particular lending program, or that loans are federally insured, or that the seller will finance the purchaser's indebtedness, unless such is the fact.

(2) Down payments shall not be quoted in such a manner as to imply that the down payment constitutes the entire price.

(3) Claims such as "No Money Down" shall not be used unless factually true. Moreover, where such claims are predicated on the existence of other material conditions, such as the possession of a lot free and clear of encumbrances equal in value to 5 percent of the cost of the shell home, such condition or conditions must be clearly and conspicuously disclosed in the advertising.

(4) If a home is advertised at a quoted price under an installment plan which requires additionally the payment of interest, carrying charges, down payment, or premiums for credit life insurance, the fact that such costs are to be added to the advertised price must be clearly disclosed. If monthly payments are quoted, the duration of the payments must be disclosed. Additionally, if terminal payments significantly larger than the advertised monthly payments are required, this fact must also be clearly disclosed as well as the amount thereof.

(5) A seller shall not procure the signature of purchasers on negotiable promissory notes without revealing to such purchasers they are signing a negotiable promissory note which may be discounted and also revealing the amount, terms and conditions of such instrument.

(6) If an interest rate is quoted in advertising, it must be simple interest per annum calculated on the basis of the unpaid balance due as reduced after crediting installments as paid.

(f) *Bait advertising.* (1) An advertiser shall not offer a home for sale unless such offer is made in good faith for the purpose of selling the advertised home. Insincere offers to sell, made for the purpose of contacting prospective purchasers and switching them to a home other than the home advertised, shall not be used.

(2) Even though the true facts are subsequently made known to the buyer, the law is violated if the first contact or interview is secured by deception.

NOTE: The Guides Against Bait Advertising furnish specific guidance in regard to bait practices and are to be considered as supplementing this Guide.

(g) *Guarantees.* In general, any guarantee in advertising shall clearly and conspicuously disclose:

(1) The nature and extent of the guarantee. This includes disclosure of:

(i) What product or part of the product is guaranteed,

(ii) What characteristics or properties of the designated product or part thereof are covered by, or excluded from, the guarantee,

(iii) What is the duration of the guarantee,

(iv) What, if anything, any one claiming under the guarantee must do before the guarantor will fulfill his obligation under the guarantee, such as return of the product and payment of service or labor charges; and

(2) The manner in which the guarantor will perform. This consists primarily of a statement of exactly what the guarantor undertakes to do under the guarantee. Examples of this would be repair, replacement or refund. If the guarantor or the person receiving the guarantee has an option as to what may satisfy the guarantee this should be set out; and

(3) The identity of the guarantor. The identity of the guarantor should be clearly revealed in all advertising, as well as in any documents evidencing the guarantee. Confusion of purchasers often occurs when it is not clear whether the manufacturer or the builder is the guarantor.

NOTE: The Guides Against Deceptive Advertising of Guarantees furnish guidance respecting other guarantee representations and are to be considered as supplementing this Guide.

(h) *Model homes.* An advertiser shall not claim that a prospective buyer has been "selected" or that his home will be used as a "model" or "demonstration," or that the owner thereof will receive any amount of money, a reduction in price or other thing of value conditioned upon the sale of similar homes to others, unless such representation is factually true.

(i) *Delivery and installation.* (1) Advertised or quoted prices shall include all charges for delivery and installation of the home, unless the advertisement clearly and conspicuously discloses that delivery or installation charges are not included.

(2) Representations that a home will be delivered or installed within a specified period of time shall not be used unless factually true.

(Secs. 5, 6; 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: April 12, 1962.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-4007; Filed, Apr. 24, 1962; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 610—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF STATE AGENCIES

PART 611—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF THE PUERTO RICO AND VIRGIN ISLANDS AGENCIES

PART 614—REGULATIONS TO IMPLEMENT THE EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED

PART 615—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION, 1961

Disclosure of Information

Pursuant to authority contained in Title 15 of the Social Security Act (42 U.S.C. Chapter 7, subchapter XV) and the Temporary Extended Unemployment Compensation Act of 1961 (Pub. Law 87-6), the above entitled regulations are hereby amended as set forth below.

These amendments will permit the agencies which administer programs for the payment of unemployment compensation under the above entitled regulations to consider information received by them confidential to the same extent as information received in their administration of the unemployment compensation laws of their jurisdictions, and to disclose such information to the same extent as disclosure is permitted under such unemployment compensation laws.

As these regulations involve the conferring of benefits and these amendments to them relieve restrictions, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section four of the Administrative Procedure Act (5 U.S.C. 1003). Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. A new § 610.9 is added to 29 CFR Part 610 to read as follows:

§ 610.9 Disclosure of information.

Information received by the State agency in the course of the administration of the programs for the payment of unemployment compensation for Federal civilian employees under Title XV of the Social Security Act shall be considered confidential to the same extent as information received in the administration of the State unemployment compensation law, and disclosure of such information may be made to the same extent that disclosure of information is authorized under the State unemployment compensation law.

2. A new § 611.13 is added to 29 CFR Part 611 to read as follows:

§ 611.13 Disclosure of information.

Information received by the agency in the course of the administration of the program for the payment of unemployment compensation for Federal civilian employees under Title XV of the Social Security Act shall be considered confidential to the same extent as information received in the administration of the unemployment compensation laws of Puerto Rico and the Virgin Islands, and disclosure of such information may be made to the same extent that disclosure of information is authorized under such unemployment compensation laws.

3. A new § 614.18 is added to 29 CFR Part 614 to read as follows:

§ 614.18 Disclosure of information.

Information received by the State agency in the course of the administration of the program for the payment of unemployment compensation for Federal military employees under Title XV of the Social Security Act shall be considered confidential to the same extent as information received in the administration of the State unemployment compensation law, and disclosure of such information may be made to the same extent that disclosure of information is authorized under the State unemployment compensation law.

4. A new § 615.19 is added to 29 CFR Part 615 to read as follows:

§ 615.19 Disclosure of information.

Information received by the State agency in the course of the administration of the program for the payment of unemployment compensation under the Temporary Extended Unemployment Compensation Act of 1961 shall be considered confidential to the same extent as information received in the administration of the State unemployment compensation law, and disclosure of such information may be made to the same extent that disclosure of information is authorized under the State unemployment compensation law.

(68 Stat. 1135; 42 U.S.C. 1369; sec. 12, Pub. Law 87-6)

Signed at Washington, D.C., this 17th day of April 1962.

ARTHUR J. GOLDBERG, *Secretary of Labor.*

[F.R. Doc. 62-4004; Filed, Apr. 24, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 850 acres or 100 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, sauger, and other minor species permitted under States' regulations.

(b) Open season: May 1, 1962, through September 15, 1962; 4:30 a.m. to 10:00 p.m. daily.

(c) Daily creel limits:

Smallmouth and largemouth bass—10, combined or singly.
Sauger—10.

Creel limits for other minor species are as prescribed by States' regulations.

(d) Methods of fishing. (1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double or treble pointed hook. Spears, bows and arrows are not permitted. Trot lines are not permitted.

(2) Minnow traps are permitted for non-commercial use only during hours open to fishing. Such traps shall be constructed of one-fourth inch square mesh, with a length not to exceed twenty-four inches, and a diameter not to exceed sixteen inches, and with an opening in the throat not larger than one and one-half inches in diameter.

(3) The use of boats is permitted.

(4) See applicable States' regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1962.

R. W. BURWELL, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

APRIL 17, 1962.

[F.R. Doc. 62-4003; Filed, Apr. 24, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COPOLYMER OF 1,4-CYCLOHEXYLENE DIMETHYLENE TEREPHTHALATE AND 1,4-CYCLOHEXYLENE DIMETHYLENE ISOPHTHALATE

The Commissioner of Food and Drugs, having considered comments received with reference to an order published in the FEDERAL REGISTER of January 27, 1962, has concluded that § 121.2533 of the food additive regulations should, for the purpose of clarifying certain provisions, be amended as hereinafter provided. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 52 Stat. 1055 as amended; 72 Stat. 1786; 21 U.S.C. 348, 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2533 (21 CFR 121.2533; 27 F.R. 826) is amended by changing the introduction to the section to read as follows:

§ 121.2533 Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate.

Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate may be safely used as an article or component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment relaxes existing requirements.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 409, 701, 52 Stat. 1055, as amended, 72 Stat. 1786; 21 U.S.C. 348, 371)

Dated: April 18, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-4030; Filed, Apr. 24, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TETRAHYDROFURAN

The Commissioner of Food and Drugs, having evaluated the data submitted in petition (FAP 426) filed by Reynolds Metal Company, Tenth and Byrd Streets, Richmond 19, Virginia, and other relevant material, has concluded that the following regulation should issue with respect to the food additive tetrahydrofuran as a solvent in the casting of certain polymeric films used in food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2544 Tetrahydrofuran.

Tetrahydrofuran may be safely used in the fabrication of articles intended for packaging, transporting, or storing foods, subject to the provisions of this section.

(a) It is used as a solvent in the casting of film from a solution of polymeric resins of vinyl chloride, vinyl acetate, or vinylidene chloride that have been polymerized singly or copolymerized with one another in any combination.

(b) The residual amount of tetrahydrofuran in the film does not exceed 1.5 percent by weight of film.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C. written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 18, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-4031; Filed, Apr. 24, 1962; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Chloramphenicol-Paromomycin Ointment

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of chloramphenicol and chloramphenicol-containing drugs are amended by adding thereto as set forth below:

1. Part 141d is amended by adding thereto the following new section:

§ 141d.316 Chloramphenicol-paromomycin ointment.

(a) *Potency* — (1) *Chloramphenicol content* — (i) *Microbiological assay.* Proceed as directed in § 141d.303.

(ii) *Chemical assay*—(*a*) *Hydrocortisone standard.* Dissolve an accurately weighed sample of hydrocortisone acetate (30 milligrams to 50 milligrams) in sufficient methyl alcohol to give a concentration of 1 milligram per milliliter. Remove a suitable aliquot and dilute to a concentration of 20 micrograms per milliliter, using methyl alcohol. Determine the absorbance at 242 mμ and 274 mμ, respectively, and calculate the absorptivities, $^{a}hc242$, $^{a}hc274$.

(*b*) *Chloramphenicol standard.* Dissolve an accurately weighted sample (30 milligrams to 50 milligrams) of the chloramphenicol working standard in sufficient methyl alcohol to give a concentration of 1 milligram per milliliter. Remove a suitable aliquot and dilute to a concentration of 20 micrograms per milliliter, using methyl alcohol. Determine the absorbanee of 242 mμ and 274 mμ, respectively, and calculate the absorptivities, $^{a}ch242$, $^{a}ch274$.

(*c*) *Sample for assay.* Place the sample to be tested (approximately 1.0 gram of ointment, accurately weighed) into a 500-milliliter volumetric flask. Add 20 milliliters of cyclohexane and agitate until the ointment is thoroughly dispersed. Add 200 milliliters of methyl alcohol and mix. Make to mark with methyl alcohol. Mix well. Remove a suitable portion and centrifuge until clear. Determine its absorbance at 242 mμ and 274 mμ ($A242$, $A274$) against a blank prepared by diluting 2.0 milliliters of cyclohexane with methyl alcohol to give 50 milliliters. Read in a suitable spectrophotometer in a 1-centimeter cell, and calculate as follows:

$$\text{Hydrocortisone content (\% w/v)} = \frac{[(^{a}ch274)(A242)-(^{a}ch242)(A274)]\times 5\times 100}{[(^{a}hc242)(^{a}ch274)-(^{a}hc274)(^{a}ch242)]\times \text{weight of sample in grams}}$$

and

$$\text{Chloramphenicol content (\% w/v)} = \frac{[(^{a}hc242)(A274)-(^{a}hc274)(A242)]\times 5\times 100}{[(^{a}ch274)(^{a}hc242)-(^{a}ch242)(^{a}ch274)]\times \text{weight of sample in grams}}$$

where:

$^{a}hc242$ = absorptivity (1 cm., 1%) of hydrocortisone standard at 242 mμ.
$^{a}hc274$ = absorptivity (1 cm., 1%) of hydrocortisone standard at 274 mμ.
$^{a}ch242$ = absorptivity (1 cm., 1%) of chloramphenicol standard at 242 mμ.
$^{a}ch274$ = absorptivity (1 cm., 1%) of chloramphenicol standard at 274 mμ.
$A242$ = absorbance of sample at 242 mμ.
$A274$ = absorbance of sample at 274 mμ.

When assayed by either of the above methods, its chloramphenicol content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Paromomycin content.* Proceed as directed in paragraph (b)(1) of this section, except prepare the sample as follows: Place an accurately weighed representative sample (usually 1.0 gram of the ointment) in a blending jar containing 1 milliliter of concentrated polysorbate 80 and 248 milliliters of 0.1 *M* potassium phosphate buffer (pH 8.0). Using a high-speed blender, blend the mixture for 2 minutes and make the proper estimated dilutions in 0.1 *M* potassium phosphate buffer, pH 8.0.

Its paromomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Paromomycin sulfate used in making the ointment*—(1) *Potency.* Proceed as directed in § 141b.101 (a) through (i) of this chapter, or as directed in § 141c.231(c)(1) of this chapter, except that:

(i) In lieu of the directions in § 141b.101(b) of this chapter, prepare culture medium as follows: Using ingredients that conform to the standards prescribed by the U.S.P. or N.F., make nutrient agar for the base and seed layers:

Beef extract	3.0 gm.
Peptone	5.0 gm.
Agar	15.0 gm.
Distilled water q.s	1,000.0 ml.

pH 7.8–8.0 after sterilization.

(ii) Prepare the standard stock solution as described in subdivision (iv) of this subparagraph, and in lieu of the concentrations for the standard curve as prescribed in § 141b.101(d) of this chapter, prepare concentrations of 1.28, 1.6, 2.0, 2.5, and 3.12 micrograms per milliliter from this stock solution and use the 2.0 micrograms per milliliter concentration as the reference point.

(iii) In lieu of the directions in § 141b.101(e) of this chapter, dilute the sample to a final concentration of 2.0 micrograms per milliliter (estimated).

(iv) In lieu of the directions in § 141c.231(c)(1)(iii) of this chapter, prepare the standard as follows: Dissolve a suitable weighed quantity (usually 25 milligrams or less) of the working standard in sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to give a concentration of 1,000 micrograms of paromomycin per milliliter. This stock solution may be kept in the refrigerator for 3 weeks.

(v) In lieu of the directions in § 141c.231(c)(1)(iv) of this chapter, dilute the sample to a final concentration of 1.0 microgram per milliliter (estimated).

(vi) In lieu of the directions in § 141c.231(c)(1)(vi) of this chapter, use the agar described in subdivision (i) of this subparagraph for both the base and seed layers.

(vii) In lieu of the concentrations for the standard curve as prescribed in § 141c.231(c)(1)(vii) of this chapter, prepare concentrations of 0.64, 0.80, 1.00, 1.25, and 1.56 micrograms per milliliter. The 1.00 microgram per milliliter solution is the reference concentration.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using a 3.0 percent aqueous solution.

(3) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(4) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample into a 25-milliliter volumetric flask. Dissolve in a few milliliters of water, add water to volume, and mix. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using a sodium light or 5893 Angstrom filter, and calculate the specific rotation.

(5) *Ash content.* Place a 1-gram sample in a tared, heavy, metal-free evaporating dish, and add 2 milliliters of concentrated H_2SO_4. Completely char on low flame, raising the temperature gradually until fumes of SO_3 disappear. Ignite at dull-red heat or in a muffle furnace at 1,100° F.

2. Part 146d is amended by adding thereto the following new section:

§ 146d.316 Chloramphenicol-paromomycin ointment.

Chloramphenicol-paromomycin ointment conforms to all requirements and procedures prescribed by § 146d.303 for chloramphenicol ointment, except that:

(a) Each gram contains not less than 5 milligrams of paromomycin activity, as the sulfate salt of a kind of paromomycin produced by the growth of Streptomyces rimosus var. paromomycinus. It is a creamy-white to light-yellow powder. Its potency is not less than 635 micrograms per milligram on an anhydrous basis. Its pH in a 3 percent aqueous solution is not less than 5.0 and not more than 7.5. Its moisture content is not more than 5.0 percent. Its specific rotation in water is +50° to +55° on an anhydrous basis. Its ash content is not more than 2.0 percent.

(b) In addition to the labeling prescribed for chloramphenicol ointment by § 146d.303, each package shall bear on its label and labeling the number of milligrams of paromomycin activity in each gram of the batch. The expiration date of the drug shall be 24 months. Each package shall bear on a circular or other labeling within or attached to the package adequate directions and warnings for use of the drug by practitioners licensed by law to administer it.

(c) In addition to complying with § 146d.303(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the paromomycin sulfate used in making the batch for potency, pH, moisture, specific rotation, and ash content. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submittted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 500 milligrams of the paromomycin sulfate used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $5.00 for each immediate container in the sample of the batch.

(2) $5.00 for each immediate container in the sample of paromomycin sulfate used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the new antibiotic drug involved in this order has been determined to be safe and efficacious for use and since it would be against public interest to delay providing for tests and methods of assay and certification therefor.

Effective date. This order shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 18, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4032; Filed, Apr. 24, 1962; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Honolulu Harbor, Hawaii

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.900 is hereby prescribed to govern the operation of Kalihi Channel bridge, Honolulu Harbor, Hawaii, to be effective when the bridge is completed and placed in operation during the latter part of May 1962, as follows:

§ 203.900 Honolulu Harbor, Hawaii; Kalihi Channel bridge.

(a) The agencies controlling the bridge shall provide the necessary bridge tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draw for the passage of vessels during the scheduled hours of operation as follows:

Monday Through Friday, Except Legal Holidays

Open on signal	*Closed periods*
5:00 a.m. to 7:00 a.m.	7:00 a.m. to 8:00 a.m.
8:00 a.m. to 4:00 p.m.	4:00 p.m. to 5:00 p.m.
5:00 p.m. to 7:00 p.m.	7:00 p.m. to 5:00 a.m.

(b) From 5:00 a.m. on Saturdays to 5:00 a.m. on Mondays and on legal holidays, the bridge will be opened for traffic upon six (6) hours' advance notice to the Honolulu Harbor Pilot Station at Aloha Tower. In event of emergencies during the closed periods specified in paragraph (a) of this section, the Pilot Station will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances a minimum of one (1) hour prior to the reported time of arrival of the wave. The bridge shall remain in the open position until the Harbormaster, Port of Honolulu, declares the port safe for navigation.

(c) When a vessel or other watercraft intends to pass through the draw of the bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two (2) long blasts followed immediately by two (2) short blasts. If the draw can be opened immediately, the bridge tender shall reply by one (1) long blast. When the draw cannot be opened immediately, the bridge tender shall sound three (3) long blasts. If for any reason the draw cannot be opened after the tender has signified immediate opening by the one (1) long blast, he shall immediately sound the rescinding signal of three (3) long blasts. As soon as the exigency which prevented opening has been removed, the tender shall promptly sound the regular acknowledging signal of one (1) blast to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open the draw if there is a vessel waiting to pass through. No vessel shall attempt to navigate the draw when audible or visual signals indicate the bridge cannot be opened.

NOTE: As used in this section, the term "long blast" means a distinct blast of a whistle or horn of five (5) seconds duration, and the term "short blast" means a distinct blast of a whistle or horn of one (1) second duration. The whistle or horn shall be of a size and range to be heard on a still day a minimum of one-half (0.5) mile.

(d) When a vessel approaches the bridge and signals for the opening of the draw, the bridge tender shall reply by means of the prescribed sound signals and, in addition, he shall exhibit the following visual signals:

(1) A flashing green light to indicate that the draw can be opened immediately.

(2) A flashing red light to indicate that the draw cannot be opened immediately, or, being open, is to be closed immediately.

(3) The flashing green light shall be exhibited during the time the draw is opening and until the draw is to be closed.

(4) The flashing red light shall be exhibited during the time the draw is closing.

(5) The flashing red light shall be exhibited and the danger signal sounded if, for reasons of emergency, the bridge tender shall find that the draw cannot be operated for the safe passage of vessels.

(6) The flashing red and green lights shall be mounted on a mast on the bridge control tower at a height of 65 feet above the water plane at mean lower low water datum, shall be visible between 50 degrees and 245 degrees True from seaward and visible for a distance of approximately 3 miles.

(e) Vessels having a length greater than one hundred fifty (150) feet shall not pass through the opened bridge span at the same time going either in the same direction or approaching each other from opposite directions. When vessels having a length less than one hundred fifty (150) feet are approaching from opposite directions to pass through the bridge, each vessel shall give the call signal for opening the draw. The vessel approaching from seaward shall have the right of way. Both vessels shall then be navigated in accordance with the applicable pilot rule.

(f) Clearance gauges of a type to be approved by the District Engineer shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gauges shall consist of two board gauges painted white with black figures not less than nine inches high, which shall indicate the headroom clearances under the closed center of the span at all stages of the tide. These gauges shall be so placed, that they will be plainly visible to the operator of a vessel approaching the bridge either inbound or outbound, and shall be illuminated at night and during periods of decreased visibility caused by heavy rain or mist.

(g) At each opening of the draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(h) The agencies controlling the bridge shall keep a complete record of all openings of the draw and shall promptly report to the District Engineer all cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) The bridge shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes the bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(k) Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(l) The agencies controlling the bridge shall report to the District Engineer the names of any vessels requiring bridge openings considered to be in violation of this section. The District Engineer may at any time cause an inspection to be made of any craft using the waterway and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Engineer decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making the alterations. If the vessel owner is aggrieved by the decision of the District Engineer, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the District Engineer in writing. After receipt by the District Engineer, the appeal will be forwarded through channels to the Secretary of the Army. If the Secretary of the Army rules that an appurtenance is unessential to navigation, the District Engineer shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel on the waterway in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.

(m) All vessels when passing the bridge shall be moved as expeditiously as is consistent with safe navigation, and all towboats engaged in towing barges or other craft through the bridge shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(n) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower the same and pass under the bridge, if practicable, without signaling for the draw to open.

(o) Vehicles and pedestrians shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(p) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(q) The term District Engineer as used in this section shall mean the District Engineer, U.S. Army Engineer District, Honolulu.

(r) The agencies controlling the bridge shall keep a legible copy of the regulations in this section posted conspicuously under glass on both the harbor and channel sides of the bridge in such manner that it can be easily read at all times.

[Regs., Apr. 9, 1962, 285/112 (Honolulu Harbor, Hawaii)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-3996; Filed, Apr. 24, 1962; 8:45 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 192]

OPTICAL PRODUCTS INDUSTRY

Proposed Trade Practice Rules; Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Optical Products Industry, to present to the Commission their views concerning said rules and including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than May 14, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 9:30 a.m., e.d.t., on Monday, May 14, 1962, in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are being established through this proceeding consists of persons, firms, corporations and organizations engaged in the manufacture, sale, offering for sale or distribution of eyeglasses, or contact lenses, which are designed to provide correction and improvement of eyesight, and parts and accessories therefor. (See definition of the industry and its products which precedes the proposed rules hereinafter set forth.) [1]

The proceeding was instituted pursuant to an application from an industry association and has for its purpose the establishment of a set of trade practice rules for the industry which is designed to give guidance to the industry members as to the requirements of statutes administered by the Commission having application to their trade practices.

A general trade practice conference for the industry was held in Chicago, Illinois on January 19, 1962, and the announced hearing constitutes a further step in the proceeding.

Issued: April 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-4006; Filed, Apr. 24, 1962; 8:46 a.m.]

[1] Copies of the proposed rules are available at the Federal Trade Commission, Washington 25, D.C.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Undershipments; Notice of Proposed Addition

Notice is hereby given that the Department is considering a proposed addition, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR 912.120; 27 F.R. 92) currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 912 (7 CFR Part 912; 27 F.R. 87), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The addition to the said rules and regulations was proposed by the Indian River Grapefruit Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof. The addition would modify the carryover of allotment provision of § 912.51 *Undershipments*, as follows:

§ 912.140 Undershipments.

(a) Unless otherwise indicated, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 912.1 to 912.75).

(b) The regulatory provisions in § 912.51 are modified as follows: If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 912.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 5th day following publication of this notice in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 20, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4046; Filed, Apr. 24, 1962; 8:54 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1131]

[Docket No. AO-271-A5]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Phoenix, Arizona, on February 14–15, 1962, pursuant to notice thereof which was issued January 24, 1962 (27 F.R. 832).

The material issues on the record of the hearing relate to:

1. Marketing area;
2. Definition of producer-handler;
3. Pricing of milk used in cottage cheese;
4. Classification of milk disposed of to commercial food establishments;

5. Classification of milk solids used to fortify fluid milk products;
6. Basic butterfat content;
7. Basic formula price;
8. Class I milk price;
9. Butterfat differentials;
10. Location differentials;
11. Price announcement; and
12. Miscellaneous.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The proposals to include the counties of Apache, Coconino, Gila, Navajo, Mohave, Yavapai, and Santa Cruz in the marketing area of the Central Arizona milk order are denied.

The proponent of expanding the marketing area to include Apache, Navajo, Coconino, Yavapai, and Gila Counties modified his proposal to change the northern boundaries of the proposed area from the county lines in Coconino, Navajo, and Apache Counties to the Colorado, Little Colorado Rivers in Coconino County and the south boundary of the Navajo Indian Reservation in Navajo and Apache Counties. A proponent to include Yavapai, Mohave, Coconino, Gila, Navajo, and Santa Cruz Counties modified his proposal to include only Mohave County. There was no testimony supporting the inclusion of Santa Cruz County in the marketing area.

The competitive pattern of milk sales in the area proposed to be added was not clearly indicated. The inclusion of this area would bring five dairy plants and two producer-distributors under regulation. The five plants are small and together represent the production of about 12 dairy farmers. These plants are primarily fluid operations and handle little or no surplus. One handler who sells in the proposed area stated he was paying his producer $1.75 a pound butterfat or $6.65 per hundredweight for Class I milk testing 3.8 percent fat. This handler had about a 10 percent surplus so was paying his producer more than the Phoenix Class I price, even if the surplus milk had no value.

A proponent of adding Mohave County to the marketing area was concerned about competition from a nonregulated handler in Las Vegas, Nevada, who might sell milk in the area. The Las Vegas handler was reported to be paying a flat price of $1.65 a pound butterfat or $6.27 for milk of 3.8 percent butterfat content. The average Class I price at Phoenix in 1961 for milk of 3.8 percent butterfat was $5.72. No sales were being made in Mohave County by the Las Vegas handler.

The extension of the marketing area would increase fringe problems. The inclusion of this area would also increase administrative costs. Regulated handlers have experienced no loss of sales in the area proposed. The blend prices paid dairy farmers at the plants which would become regulated by the extension of the area were reported to be higher than the Phoenix Class I price. Hence, regulated handlers are at no disadvantage in paying minimum order prices on milk sold in competition with the handlers in this proposed area extension.

There was no evidence that the addition of any part of the seven counties would contribute to orderly marketing. Therefore, no change should be made in the marketing area definition.

2. *Definition of producer-handler.* The "producer-handler" definition should be revised to include a provision whereby such a handler would lose his exempt status if he received from other pool handlers in any month a quantity of milk in excess of five percent of his total Class I utilization for the month.

There are three producer-handlers selling milk in the Central Arizona marketing area. These handlers have received supplemental milk from other handlers but have seldom exceeded the five percent tolerance limitation herein proposed.

A producer-handler should be required to maintain his own reserve supply since he is exempted from pooling his Class I sales with other producers. The limitation on the amount of milk which an exempt producer-handler may purchase from pool plants will make it necessary for him to maintain herd production equal to his Class I sales plus a reserve to cover variations in production and sales.

Although producer-handlers' milk sales are currently a small percentage of the total Central Arizona milk market sales, they represent a potential threat to orderly marketing if producer-handlers are permitted to shift their excess burden to other producers. The Central Arizona market is composed of large producers with some producers delivering nearly one million pounds a month. If such large volume producers could market their own production entirely as Class I and buy their reserve milk to balance daily fluctuations in their production and sales, they would be a disturbing element in the market. Such producer-handlers presumably can deliver milk to their own plant at a cost no higher than the blend price which other producers on the market receive. In their handling operations this blend priced milk provides a strong incentive to cut selling prices and expand operations.

Although producer-handlers who do not pool their Class I sales with other producers supplying the market should carry their entire reserve supply of milk in their own herd production, they should be permitted to purchase a limited amount of milk from regulated pool plants to cover emergencies. The proposed five percent tolerance will permit a producer-handler to supplement his own production during temporary periods or in relatively insignificant quantities. This privilege will not adversely affect regular producers and handlers if the supplemental receipts are obtained from a pool plant at which such milk is classified as Class I.

A proposal was made at the hearing that producer-handler exempt status be retained if the producer-handler purchased milk in an amount up to 50 percent of his total Class I utilization. A producer-handler permitted to obtain up to 50 percent of his Class I utilization from pool plants would be placed in a position whereby the market would carry all the reserve for his Class I sales. This proposal would circumvent the intended purpose of this provision and is therefore denied.

It was proposed that producer-handler status be limited to a person whose principal source of income is from the production and sale of milk. This provision would be difficult to administer, would serve no useful purpose and is denied.

A proposal was made that a governmental institution which maintains a dairy herd and operates a milk plant automatically be exempt from regulation. The University of Arizona maintains such an operation and sells the milk in excess of its own needs to a pool plant.

A governmental institution that maintains a dairy herd and operates a milk plant should ordinarily be exempted from regulation but the institution should be given the option of electing to be considered as a pool plant. This would permit a State institution which produced milk beyond its own needs to have pool handler status and thus have its milk production pooled and priced uniformly with other producers. If the governmental institution elects to share its excess milk production, it should also be required to report and pool as a handler the Class I milk used by the institution.

In order to prevent frequent changes from nonpool to pool status the option to elect pool status should be permitted only on a year-round basis.

The privilege of pooling should be at the request of the institution and unless a request for pool handler status is made the institution should be considered a producer-handler. In such case, the Class I use by the institution is not pooled with the sales of other producer milk and milk which is received at other pool plants from the institution is considered a receipt of other source milk and allocated to the lowest class use.

3. *Pricing of milk used in cottage cheese.* Milk used to produce cottage cheese should be classified as Class II and priced 15 cents higher than Class III which would include other manufactured dairy products.

Cottage cheese is the principal manufactured dairy product made by handlers in the Central Arizona marketing area. More than 3 million pounds of milk per month was used to produce cottage cheese in 1961. The quantities used each month varied from a high of 3.9 million pounds in March to a low of 2.9 million pounds in December. The volume of milk used in cottage cheese has been increasing in recent years. This use in 1961 accounted for 19 percent more milk than it did in 1960.

The order price for skim milk used in cottage cheese has encouraged the use of milk in excess of fluid needs in this product. To the extent that supplies of skim milk are available, use in cottage cheese should be encouraged. However, the Central Arizona market does not always have a sufficient supply of milk to fill requirements for cottage cheese as well as fluid products sales. At such times, handlers must import cottage cheese or use nonfat dry milk to manufacture cheese.

If local skim milk is priced at less than the cost of alternative supplies of cheese or dairy products for making cheese, producers would not receive the full market value for their milk. On the other hand, if milk used in cottage cheese is priced higher than the alternative product cost, use of local skim milk in cottage cheese would be discouraged.

Cottage cheese can be made from manufacturing grade milk. However, there is practically no manufacturing grade milk in Arizona. In fact, a very large proportion of all the milk sold to plants in the state is sold to handlers regulated by the Central Arizona order. In 1960 the total quantity of milk delivered to plants in Arizona was 432 million pounds and the receipts at plants regulated by the Central Arizona order were 429 million pounds.

During a recent shortage the cooperative association supplied handlers with nonfat dry milk at 15.5 cents per pound which, at the rate of 8.5 pounds of nonfat solids per hundredweight of skim milk, was $1.32 per hundredweight of skim milk equivalent. The order price for skim milk in January 1962 was 79 cents per hundredweight. Although handlers used nonfat dry milk to make cottage cheese at a relatively high product cost on a temporary basis, it is reasonable to assume they would seek lower cost sources for their regular supply.

Large quantities of cottage cheese and cottage cheese curd have been received in the Central Arizona market from California. Some cottage cheese was being received in the area from California at the time of the hearing.

One handler testified that he manufactures cottage cheese in a California plant and ships it to Arizona. Skim milk used in this cottage cheese is mostly Grade A skim milk and costs 94 cents per hundredweight. Some ungraded skim milk at about 74 cents per hundredweight is also used in cheese making. The cost of shipping the cheese from California to Arizona is about one and a half cents per pound. This handler stated that the large volume cheese making operation in his California plant made manufacture in that area economical even though the cost of skim milk was higher than in Arizona.

Producers proposed that the cottage cheese price be set at 20 cents over the price for milk used in other manufactured dairy products. Several handlers claimed that the 20-cents higher price would discourage cottage cheese manufacturing in the area in favor of imports from California.

It is apparent that presently existing relative price levels in Arizona and California have encouraged handlers to increase the use of Arizona milk in cottage cheese. However, cheese made from ungraded milk in California with somewhat lower unit processing costs, even with the transportation cost added, might be less costly than cottage cheese made from Arizona milk if the price were increased as much as 20 cents. A lesser price increase will promote the continued use of available local skim milk in the manufacture of cottage cheese. Therefore, Class II price for milk used in making cottage cheese should be increased gradually, at this time only 15 cents over the Class III price (the present Class II price).

A new Class III should be defined to include manufactured products other than cottage cheese. Such Class III would be priced according to the formula now used for Class II.

4. *Classification of milk disposed of to commercial food establishments.* Skim milk and butterfat disposed of in bulk to commercial food establishments which process food for consumption off the premises should be classified as Class II. Such classification should apply only to bulk deliveries of 5 gallons or more per delivery.

Handlers stated they cannot sell milk to commercial food processing plants at the Class I price because such establishments can substitute manufactured dairy products in their food processing. Producers asked that milk disposed of to commercial food processing plants be priced no lower than Class II. Figures on the amount of bulk milk disposed of to commerical food processing plants were not available.

Since food manufacturing companies may serve, at times, as an outlet for the reserve milk carried for the market, milk disposed of to such establishments should be priced at a level approximating the cost of alternative substitutes. The Class II price proposed in this decision is calculated to reflect such alternative cost. Accordingly, milk disposed of for commercial food manufacturing should be classified and priced as Class II.

Only bulk sales to commercial food establishments of fluid milk products in lots of 5 gallons or more should be permitted the Class II classification. This will assure that small lots of packaged milk continue to bring the Class I price. Such sales cannot be considered an outlet for reserve milk.

5. *Classification of milk solids used to fortify fluid milk products.* "Dietary drinks" and other fluid milk products fortified with additional milk solids should be considered a Class I product up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be considered a Class III product.

Fortified milk products result from the addition of nonfat solids to a fluid products to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. The demand for fortified skim products has steadily increased in the past few years. This is due in part to the emphasis on low-fat diets and the high nutritional value of nonfat milk solids.

The Central Arizona order provides that the skim milk equivalent of fortified products be classified as Class I. Handlers proposed that the skim milk equivalent of nonfat solids used to fortify fluid milk products be assigned the lowest price class.

Nonfat milk solids and condensed milk are normally produced from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily made from producer milk and may be made from ungraded milk. The added milk solids do not replace producer milk and often will increase the palatability and sales of Class I products. Hence, the fluid equivalent of added nonfat solids should be classified in Class III rather than Class I.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Accordingly, fortified milk products should be classified as Class I only to the extent of the weight of an unmodified product of the same nature and butterfat content. The difference between the volume assigned to Class I and the total skim milk equivalent of the added milk solids in the product should be assigned to Class III. Flavoring materials, not including their water content, should be excluded from the total skim milk and butterfat to be accounted for in the fluid milk product.

This method of accounting for fluid milk products to which nonfat solids have been added will assure that reconstituted milk and skim milk are classified in Class I including all of the water associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

6. *Basic butterfat content.* The basic butterfat content at which prices are computed and announced should be changed from 3.8 to 3.5 percent. Most Federal milk orders provide for the announcement of prices for milk of 3.5 percent butterfat. Hence, the computation and announcement of prices in the Central Arizona market at the same basic fat test will facilitate price comparisons.

The average butterfat content of milk received in the Central Arizona market from producers in 1961 was 3.58 percent. The average butterfat content of Class I milk disposed of by handlers in the market was 3.48 percent in 1961.

There was no opposition to the proposal to change the basic butterfat content at which prices are announced from 3.8 to 3.5 percent but producers asked that the change be made without affecting price levels.

The effect of changing the basic butterfat content for price computations has been considered in determining the Class I price differential to be added to the basic formula price.

The change in basic butterfat content also affects the Class II and Class III pricing formulas. Since butterfat in milk of basic test is priced at the rate of 1.2 times the wholesale price of butter and butterfat in excess of the basic content is priced at 1.15 times the same fac-

tor, the change in the basic butterfat content reduces slightly the price for Class II milk at the average test of such milk. The reduction, however, is less than one cent per hundredweight and producers' total returns for reserve milk will be increased slightly as the result of proposed changes in the pricing of milk used in cottage cheese. Therefore, no compensating change should be made in the Class II and Class III pricing formulas along with the change in basic butterfat content.

The computation of uniform prices to producers for milk of 3.5 percent butterfat with differentials for milk of other butterfat tests will make no change in individual producer's prices as compared to a basic computation at 3.8 percent.

7. *Basic formula price.* The basic formula price from which the Class I milk price is computed should be the monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on or about the 5th day following the month (adjusted to a 3.5 percent butterfat content).

The Central Arizona Class I price is now based on a basic formula price representing a manufacturing value of milk plus a price differential which is adjusted by supply-demand conditions in the market. The basic formula price is currently the higher of the average Midwest condensery price or the price obtained from a butter-powder formula computation.

The effective formula in most months has been the Midwest condensery price. The Midwest condensery series was originally based on reports of 18 plants. From time to time individual plants have ceased operations. Recently only 7 plants (5 in Wisconsin, 2 in Michigan) are reporting prices. In addition to the deficiency of basing the Class I price on such a small number of plants, the number of business concerns operating these plants is even fewer. Consequently, the Midwest condensery price is less representative of manufacturing milk values than previously.

The formula based on prices of butter and powder contains a rigid cost factor which does not respond to changes in efficiency. Also, this formula represents milk values for these particular uses rather than the general value in all major uses represented by Minnesota-Wisconsin manufacturing milk prices. In 1961 the butter-powder formula averaged 13 cents below the condensery pay price and was the lower of the two formulas in all 12 months.

In view of the disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, it is imperative that a sounder basis for determining basic formulas be provided. Furthermore, uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. It is, therefore, important that the basic formula to be used in the Central Arizona market be a formula which is acceptable and used in a large number of markets.

The average price of manufacturing grade milk in Minnesota and Wisconsin is now used in 36 Federal order markets in the determination of Class I prices. This series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the basic butterfat test (3.5 percent) must be adopted. For this purpose a generally recognized value of butterfat, .12 times the average wholesale price for 92-score butter at Chicago, should be used. Such a method of adjustment is used in adjusting the price series to a 3.5 percent basis in Federal order markets where this basic formula has been adopted.

In 1961 the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat) exceeded by 3 cents the basic formula effective in establishing Class I prices in the Central Arizona area adjusted to 3.5 percent butterfat content by the Class I butterfat differential. The lower basic formula price in the Central Arizona market reflected the weaknesses in the Midwest condensery price during recent months. Accordingly, the Class I price differetial should not be reduced in adopting the Minnesota-Wisconsin series as the basic formula.

Since the Minnesota-Wisconsin manufacturing milk price adjusted to 3.5 percent butterfat content as proposed herein has reflected an almost identical price level on the average during the past three years as the average Midwest condensery price for 3.5 percent milk, it should be substituted directly with no adjustment.

8. *Class I milk price.* The mechanics of the Class I pricing formula in the Central Arizona order should be revised but the combined effect of these changes and other proposed changes which affect returns for Class I milk should not result in any increase or decrease in the price level.

The Class I price level which has prevailed in the Central Arizona market has been effective in providing an adequate supply of pure and wholesome milk. Producers delivered enough milk in 1961 to cover all Class I sales plus a 30 percent reserve. In 1960 producers' deliveries exceeded Class I sales by 25 percent and in 1959 the excess of deliveries over sales was 30 percent. This margin of reserve supply is somewhat greater than would ordinarily be needed to assure an adequate supply at all times for Class I sales. Producers proposed a standard maximum reserve of 122.5 percent. Some reduction in the milk supply may be expected as the result of a lower basic formula price. The price for manufacturing grade milk (basic formula price) will reflect the reduction in Government supported prices for dairy products which was announced March 31, 1962. Official notice is taken of the announcement of prices at which the Commodity Credit Corporation will purchase butter, nonfat dry milk and cheddar cheese during the year April 1, 1962, through March 31, 1963.

While the price level has been adequate on an annual average basis, large variations in monthly prices have occurred. These variations were caused by the supply-demand adjustor factor of the pricing formula which automatically adjusts prices to reflect changes in receipts of milk relative to Class I sales in the market.

The supply-demand adjustor factor in the Class I pricing formula should be amended to reduce the amount of price change resulting from that factor. This should be done by substituting a new table of standard utilization percentages and reducing the rate of adjustment for each percentage above or below the applicable standard utilization from one cent to one-half cent.

These changes in the supply-demand adjustor should be accompanied by other changes so that the price level is neither increased or decreased by the combined changes. The increase which would result from the proposed supply-demand adjustor is offset primarily by a reduc- of 15 cents in the differential added to the basic formula price. The proposed classification of the skim milk equivalent of nonfat milk solids used to fortify fluid milk products in Class III rather than Class I also reduces the returns from Class I milk. The proposed change in the basic formula would increase returns for Class I milk slightly. All of these proposed changes affect the producers' returns for Class I milk and taken as a whole if they had been in effect in 1961 would have maintained the same level of return for Class I milk as prevailed in that year.

There has been a negative supply-demand adjustment applicable to the Central Arizona Class I price each month since May 1959. The amount of adjustment ranged from 3 cents to the maximum of 50 cents. These adjustments reflect the increasing supply of producer receipts in relation to Class I sales.

Producers recognized that Class I price reductions were necessary to reflect the increasing supply relative to Class I sales. However, witnesses claimed the present type of adjustment caused contraseasonal, erratic, and relatively large month-to-month adjustments.

The present supply-demand provisions have, in fact, produced some erratic contraseasonal pricing. In 1961, during the months when the percentage of producer milk used in Class I was lowest, April, May, and June, the supply-demand adjustor reduced the Class I price 13, 20 and 30 cents. During the months of September, October and November, the period of highest Class I utilization, the supply-demand adjustor reduced the Class I price 42, 42 and 39 cents, respectively, or about twice the reduction effective earlier in the year.

The supply-demand provisions have also tended to cause relatively large month-to-month changes in the Class I price. During the three-month period of April–June 1961, the supply-demand adjustment went from —13 to —30 cents; and during the three-month period of October–December 1961, it went from —39 to —12 cents.

A new supply-demand adjustor which incorporates the half-cent rate of adjustment and a new table of standard utilization percentages would tend to eliminate the contraseasonal pricing and relatively large month-to-month adjustments. The supply-demand adjustor as proposed herein was recommended by the cooperative association representing the majority of the producers supplying the market. A 15-cent reduction in the Class I differential along with other changes affecting the Class I price should result in a level of returns to producers for milk used in Class I essentially identical to that which results from present provisions of the order. The cooperative association proposed a 10-cent reduction in the Class I differential to offset the supply-demand changes. The cooperative witness testified, however, that if a figure other than 10 cents was needed to retain the present Class I price level such other figure should be adopted.

A different adjustor was proposed by another representative of producers. That proposed adjustor would have raised the Class I price by about 23 cents and no plan was offered for making offsetting reductions in other pricing factors. Since the present Class I price level is obtaining an adequate supply of milk for the market the proposed adjustor which would effect an increase in the Class I price is denied.

9. *Butterfat differentials.* The butterfat differential formulas should not be changed and the present Class II butterfat differential formula should be used to compute both the Class II and Class III butterfat differentials.

Producers asked that the Class I butterfat differential rate be reduced from .135 times the wholesale butter price to .13 times such price. They proposed also that the differential applicable to the uniform price be changed from a weighted average of the Class I and Class II butterfat differentials to a rate .13 times the butter price. The change in the method of computing the producer butterfat differential would result in a rate about the same as the weighted average when the Class I differential is computed at .135 times the butter price.

The average butterfat content of milk delivered by producers is about equal to the average butterfat content of whole milk sold. This balance has been achieved under the present butterfat pricing system. Changing the Class I differential rate without an accompanying change in the producer butterfat differential would tend to disrupt this balance.

The present Class II butterfat differential formula should be used to compute both the Class II and Class III butterfat differentials. The new Class II price is intended to reflect the higher value of skim milk used in that class. Hence, the butterfat differentials for both classes should be the same.

10. *Location differentials.* The proposal to change the location differentials applicable to Class I and uniform prices for milk received at plants located over 260 miles from Tucson, Arizona is denied. It was proposed that the rate be reduced from one cent to one-half cent for each additional 10 miles or fraction thereof.

Handlers and a producers' cooperative witness opposed the proposal, stating that the one-half cent rate does not properly reflect the cost of transporting milk. No evidence was entered showing that the one-half cent rate is indicative of current milk hauling costs. Since location differentials should approximate the actual costs of moving milk, this proposal is denied.

The schedule of location differentials should be revised to measure distances from the Maricopa and Graham County courthouses rather than from the City of Tucson in line with the proposal to announce basic prices at Phoenix. This revision should result in no changes in the applicable prices for plants now supplying the market.

11. *Price announcements.* The order prices are currently announced f.o.b. Tucson. The City of Phoenix and the adjacent cities of Mesa, Scottsdale, and Tempe have an aggregate population, according to the 1960 census, of 507,865. The City of Tucson has a population of 212,892. Phoenix is the population center of Arizona and accordingly is where the majority of the market milk sales are made. There are only two milk plants in Tucson whereas there are six pool plants located in Phoenix.

Announcing the price f.o.b. Phoenix, in lieu of Tucson, will not affect the level of price at either location. There is a 30-cent location differential between these two cities which results in a 30-cent lower price at Phoenix than at Tucson. This differential should be retained. This can be accomplished by establishing a basic zone price at Phoenix and a price 30 cents higher for plants located in Pima County (Tucson).

Location differentials for plans located other than in Phoenix, Safford, or Tucson, Arizona, should be determined according to the distance of the plant from Phoenix or Safford rather than from Tucson. Since Phoenix and Safford are about 125 miles from Tucson and are nearer potential milk supplies for the area, the schedule of location differentials should be adjusted to maintain about the same prices at distances measured from Phoenix and Safford as are presently established by the system of differentials measured from Tucson.

Handlers located in Phoenix and Safford presently have the same class prices. By determining location differentials from both of these locations this pricing relationship will continue. Tucson handlers have been required to pay their producers 30 cents more than Phoenix or Safford handlers. Accordingly, a separate pricing zone, 30 cents above the announced Phoenix price should be established for handlers in the Tucson area. This will preserve the pattern of location pricing which is effective under present provisions of the order.

12. *Miscellaneous.* The provisions which describe the obligations under the Central Arizona order of a plant which is also subject to regulation under another order issued pursuant to the Act should be clarified. This clarification should preserve the present application of such provisions.

A proposal to change the classification of shrinkage by changing the words in § 1131.41(b)(4)(v) from "other milk plants" to "other pool plants" was not supported. The proposal, therefore, is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Change that part of § 1131.8 which precedes paragraph (a) to read as follows:

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

2. Change § 1131.11 to read as follows:

§ 1131.11 Producer-handler.

(a) "Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of on routes in the marketing area, but who receives no milk from other dairy farmers or from any source other than a pool plant and who does not receive from pool plants an amount representing more than 5 percent of his total Class I utilization for the month: *Provided*, That such person provides proof satisfactory to the market administrator that (1) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be elegible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1131.22 [Amendment]

3. Change § 1131.22(k) (1) and (2) and add (3) to read as follows:

(1) The 6th day of each month, the Class I price and butterfat differential for the current month;

(2) The 6th day of each month, the Class II and Class III prices and the butterfat differentials for the preceding month; and

(3) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

4. Change § 1131.41 as follows:

§ 1131.41 Classes of utilization.

Subject to the conditions set forth in § 1131.42 through § 1131.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) Any product classified pursuant to paragraphs (b)(2) and (c)(3) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce cottage cheese; and

(2) Disposed of in fluid milk products in bulk form (minimum 5 gallons) to any commercial food processing establishment for use in food products prepared for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of in the form of fluid milk products for livestock feed;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to subdivision (a)(1)(i) of this section; and

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1131.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1131.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1131.10(c), unless the exception provided in subdivision (ii) of this subparagraph applies: *Provided*, That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to subdivision (iv) of this subparagraph bears to the total computed pursuant to subdivisions (i) through (vi) of this subparagraph and the remainder shall be assigned to producer milk.

§ 1131.42 [Amendment]

5. Delete the period at the end of § 1131.42 and add the following: "or as Class III milk."

6. Change § 1131.43 to read as follows:

§ 1131.43 Transfers.

(a) Skim milk and butterfat transferred to a pool plant of another handler in the form of fluid milk products shall be classified so as to result in the maximum assignment of producer milk of both handlers to the highest value use classification of the producer milk of both handlers. Except as provided in paragraph (f) of this section skim milk and butterfat shall be classified to the highest value use classification unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1131.30: *Provided*, That the skim milk or butterfat so assigned to Class II or Class III shall be limited to the respective amounts thereof remaining at the pool plant(s) of the receiving handler after the computation pursuant to § 1131.45(a)(5) and the corresponding step of (b);

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless:

(1) The handler claims classification in another class in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer occurred;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class III utilization any cream moved under the conditions specified in paragraph (c)(2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class III if (1) the handler claims classification as Class III milk in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment; and

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1131.10(c) or which operates a pool plant described in § 1131.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1131.45(a)(6) and the corresponding step of (b).

§ 1131.44 [Amendment]

7. In § 1131.44 change the words "Class I milk and Class II milk" to "Class I milk, Class II milk and Class III milk".

§ 1131.45 [Amendment]

8. In § 1131.45(a) (1), (2), (3), (5), and (8) change "Class II" wherever it appears to "Class III".

9. In § 1131.45(a)(1) change "§ 1131.41(b)" to "§ 1131.41(c)(5)".

10. Change § 1131.45(a)(4) to read as follows:

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

11. Change § 1131.50 to read as follows:

§ 1131.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1131.51 [Amendment]

12. Change that part of § 1131.51(a) which precedes subparagraph (1) to read as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

13. Change the table of standard utilization percentages in § 1131.51(a)(2)(iii) as follows:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	113	120
February	November–December	115	122
March	December–January	116	123
April	January–February	116	123
May	February–March	117	124
June	March–April	117	124
July	April–May	118	125
August	May–June	118	125
September	June–July	116	123
October	July–August	114	121
November	August–September	113	120
December	September–October	113	120

14. In § 1131.51(a)(3) change the words "one cent" wherever they appear to "one-half cent".

15. In § 1131.51(a)(3) add subdivision (iv) as follows:

(iv) Less one-half cent, if necessary, to round down to a whole cent.

16. Change § 1131.51(b) and add (c) to read as follows:

(b) *Class II milk price.* The price for Class II milk shall be the Class III price for the month, plus 15 cents.

(c) *Class III milk price.* The price for Class III milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

17. Change § 1131.52 to read as follows:

§ 1131.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1131.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.135;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115; and

(c) *Class III price.* Multiply the Chicago butter price for the current month by 0.115.

18. Change § 1131.53 to read as follows:

§ 1131.53 Location differentials to handlers.

(a) For milk received from producers at a pool plant located outside Pima County and more than 30 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Maricopa and Graham Counties, Arizona, whichever is nearer and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be reduced by 10 cents if such plant is located not more than 130 miles from the Maricopa or Graham County courthouses, whichever is nearer, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Maricopa or Graham County courthouses, whichever is nearer, exceeds 130 miles;

(b) For milk received from producers at a plant located in Pima County and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be increased 30 cents.

19. Change § 1131.61 to read as follows:

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted; and

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

20. Change that part of § 1131.62 which precedes paragraph (a) to read as follows:

§ 1131.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 1131.80 through § 1131.86, each handler, except a producer-handler or a handler exempt pursuant to § 1131.61, who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1131.30 to have his obligations computed pursuant to paragraph (b) of this section;

21. In § 1131.62(b)(1) change the words "Class II" to "Class III".

22. Change § 1131.70 as follows:

§ 1131.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1131.45 by the applicable class price, and total the resulting amounts;

(b) Add the amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1131.45 (a)(8) and (b) by the applicable class price;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class III price for the preceding month and the applicable Class I price for the current month by the pounds of skim milk and butterfat remaining in Class III after the calculations pursuant to § 1131.45 (a)(4) and (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1131.45 (a)(4) and (b) for the current month whichever is less; and

(2) Multiply the difference between the applicable Class III price for the preceding month and the Class II price for the current month by the pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1131.45 (a)(4) and (b) for the preceding month, less that subtracted from Class I pursuant to § 1131.45 (a)(4) and (b), or the pounds of skim milk and butterfat, subtracted from Class II milk pursuant to § 1131.45 (a)(4) and (b) for the current month, whichever is less; and

(d) Add the amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to § 1131.45 (a)(2) and (b) by the difference between the Class III price and the Class I price each adjusted by the respective butterfat differential.

§ 1131.71 [Amendment]

23. In § 1131.71 change "3.8 percent" wherever it appears to "3.5 percent".

24. Change § 1131.71(c) and add (d) to read as follows:

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1131.73(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1131.73(b);

25. Renumber §§ 1131.71(d), 1131.71 (e), and 1131.71(f) as §§ 1131.71(e), 1131.71(f), and 1131.71(g).

§ 1131.72 [Amendment]

26. In § 1131.72 change "3.8 percent" to "3.5 percent".

27. Change § 1131.73 to read as follows:

§ 1131.73 Location differential to producers.

The applicable uniform prices computed pursuant to § 1131.71 to be paid for producer milk received at a plant located 30 miles or more from the Maricopa or Graham County courthouse, whichever is nearer, as determined by the market administrator, shall be:

(a) Decreased according to the location of the plant where such milk was received at the applicable rates set forth in § 1131.53(a); and

(b) Increased in the case of milk received at plants located in Pima County at the rate set forth in § 1131.53(b).

§ 1131.80 [Amendment]

28. In §§ 1131.80(a)(1) and 1131.80(d)(1) change "Class II price" where it appears to "Class III price".

Signed at Washington, D.C., on April 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-4050; Filed, Apr. 24, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat, 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 676) has been filed by Esso Research and Engineering Company, Post Office Box 172, Linden, New Jersey, proposing the issuance of a regulation to amend paragraph (b)(3)(iii) of § 121.2514 *Resinous and polymeric coatings* of the food additive regulations by adding an additional polymer "Butadiene and styrene copolymer, blown (air oxidized)".

Dated: April 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4027; Filed, Apr. 24, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 755) has been filed by Onyx Chemical Corporation, 190 Warren Street, Jersey City 2, New Jersey, proposing the issuance of a regulation to amend paragraph (c) of § 121.2505 *Slimicides* of the food additive regulations by changing the item "*N*-Alkyl (C_{12}-C_{16}) dimethylbenzyl ammonium chloride" to read "*n*-Alkyl (C_{12}-C_{16}) dimethyl benzyl ammonium chloride."

Dated: April 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4028; Filed, Apr. 24, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 766) has been filed by The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing the issuance of a regulation to amend § 121.2520(c)(5) *Adhesives* by changing the item "Polyurethane resin * * *" to read: "Polyurethane resin (toluene diisocyanates and diphenylmethane diisocyanates reacted with one or more of the unmodified glycols named in this subparagraph, or with butanediol-1,4 modified with adipic acid."

Dated: April 18, 1962.

J. K. KIRK,
Assistant Commisioner of Food and Drugs.

[F.R. Doc. 62-4029; Filed, Apr. 24, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SW-4]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1537 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1537 extends in part from the Waco, Texas, VOR as a 16-mile wide airway to the Dallas, Texas, VOR. The Federal Aviation Agency has under consideration redesignating this segment of Victor 1537 from the Waco VOR as a 16-mile wide airway to the intersection of the Waco, VOR 022° and the Mineral Wells, Texas, VOR 131° True radials; thence as a 13-mile wide airway (5 miles to the west and 8 miles to the east of the centerline) to the intersection of the Waco VOR 022° and the Mineral Wells VOR 117° True radials; thence as a 16-mile wide airway to the Dallas VOR. This would provide lateral separation between aircraft operating on Victor 1537 and aircraft utilizing the TACAN approach procedure based on the Dallas, NAS TACAN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 18, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3989; Filed, Apr. 24, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-SW-8]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §600.1711 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1711 extends from the Houston, Texas, VOR as a 16-mile wide airway via the Leona, Texas, VOR to the Dallas, Texas, VOR. The Federal Aviation Agency has under consideration alteration of Victor 1711. It is proposed to realign Victor 1711 from the Houston VOR as a 16-mile wide airway via the Leona VOR; intersection of the Leona VOR 353° and the Dallas VOR 155° True radials to the Dallas VOR. This would align the segment of Victor 1711 north of Leona to overlie Low altitude VOR Federal airway No. 477 east alternate, the preferred inbound route between Leona and Dallas. This alignment would facilitate the transitioning of arrival air traffic operating from Houston to Dallas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 18, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3988; Filed, Apr. 24, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-21]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6129 and 601.6129 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 129 extends from Polo, Ill., to Eau Claire, Wis.

The Federal Aviation Agency has under consideration the designation of a low altitude VOR Federal airway from Duluth, Minn., to International Falls, Minn. It is proposed to number this VOR Federal airway segment No. 129 and establish its lateral extent as 10 statute miles wide from Duluth to a point 45 nautical miles northwest, 13 statute miles wide from that point to a point 45 nautical miles from International Falls and 10 statute miles wide from that point to International Falls. International Falls is a permanently scheduled air carrier stop and is served by Transair Limited and North Central Airlines.

Under Agency Airway Planning Standard No. 2 dated September 1960, the area qualifies for air traffic service. The proposed airway segment, together with additional controlled airspace in the vicinity of International Falls described in Airspace Docket No. 62-CE-20, will permit the extension of such service to this locality. The expansion of the airway to 13 statute miles beyond 45 nautical miles from the VOR facilities will enable the pilot to remain within controlled airspace while operating under Instrument Flight Rules weather conditions on the proposed airway segment.

The control area associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 18, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3990; Filed, Apr. 24, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-51]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-

13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Mercury, Nev. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface bounded on the east by the Las Vegas control area extension (§ 601.1455); on the north by latitude 36°41'00" N.; on the northwest by a line extending from latitude 36°41'00" N., longitude 116° 26'30" W., to latitude 36°38'30" N., longitude 116°24'00" W. to latitude 36°37'00" N., longitude 116°27'00" W.; on the west by VOR Federal airway No. 105; and on the south by latitude 36°16'-00" N. This transition area would provide protection for aircraft executing prescribed instrument approach, departure and holding procedures at the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.), and while operating between the en route and terminal environment.

The Federal Aviation Agency is considering an amendment to the definition of the term "transition area" in Civil Air Regulations, Part 60, Air Traffic Rules which would provide for segmenting floors of transition areas associated with airports with no control zones. If this change is adopted prior to final rulemaking action on this docket, appropriate action to adjust the floors in the Mercury area will be taken.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 18, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-3991; Filed, Apr. 24, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-14]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. In this document are listed the approvals which have been terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with Coast Guard requirements; or (5) the Coast Guard approval has expired. The effective date for a termination of an approval is the date the manufacturer shall be notified by the Coast Guard. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment may be continued in use so long as such equipment is in good and serviceable condition.

3. The purpose of this document is to notify all concerned that certain terminations of approvals were made, as described in this document, during the period from March 5, 1962 to March 12, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

4. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Termination of Approval No. 160.-003/15/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Washington, effective March 12, 1962. (Manufacturer no longer in business.)

Termination of Approval No. 160.-003/16/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Washington, effective March 12, 1962. (Manufacturer no longer in business.)

LIFE FLOATS

Termination of Approval No. 160.-027/46/0, 5.17' x 3.0' (8" x 8" body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 6-person capacity, L.S. Baier & Associates dwg. No. 455, Alt. 2, dated April 14, 1958, and specification dated March 11, 1958, manufactured by Sunde & D'Evers Co., Colman Dock, Seattle, Washington. (Approved in the FEDERAL REGISTER September 27, 1958. Manufacturer no longer in business.)

LIFEBOATS

Termination of Approval No. 160.-035/250/0, 14.0' x 5.29' x 2.17' aluminum, square stern, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 3283, dated May 18, 1949, and revised August 5, 1949, manufactured by Welin Davit & Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, New Jersey, effective March 5, 1962. (Approved in the FEDERAL REGISTER April 10, 1957. Terminated due to expiration of 5-year period.)

Dated: April 20, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62-4013; Filed, Apr. 24, 1962; 8:47 a.m.]

[CGFR 62-12]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination, or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from February 3, 1962 to March 2, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b),

sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/57/1, Rottmer Type B–10 releasing gear, approved for maximum working load of 20,000 pounds per set (10,000 pounds per hook), identified by assembly dwg. No. 30411, Rev. C dated September 13, 1960, manufactured by Lunn Laminates, Inc., Huntington Station, New York, effective February 9, 1962. (It supersedes Approval No. 160.033/57/0 dated February 3, 1961.)

LIFEBOATS

Approval No. 160.035/423/0, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, motor-propelled (Diesel) lifeboat, 74-person capacity, identified by general arrangement dwg. No. 30050, Rev. A dated January 29, 1962, manufactured by Lunn Laminates, Inc., Huntington Station, New York, effective February 8, 1962.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/538/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Hazlehurst, Ga.; and Crystal Lake, Ill., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective February 3, 1962.

Approval No. 160.047/539/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Hazlehurst, Ga.; and Crystal Lake, Ill., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective February 3, 1962.

Approval No. 160.047/540/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Hazlehurst, Ga.; and Crystal Lake, Ill., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective February 3, 1962.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/218/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Ero Manufacturing Co., McKinney, Texas; Hazlehurst, Ga.; and Crystal Lake, Ill., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective February 3, 1962.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/31/3, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions with vinyl dip coatings, sizes to be as per Table 160.049–4(c)(1) and dwgs. No. 1, dated September 15, 1960, and No. 1–A, dated January 18, 1962, with Bill of Material dated February 13, 1962, manufactured by Jones & Yandell Division, American Tent Co., P.O. Box 270, Canton, Mississippi, effective February 26, 1962. (It supersedes Approval No. 160.049/31/2 dated October 21, 1960.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/153/0, type II, Model PVAII–3180, adult, unicellular plastic foam buoyant vest, dwg. 1000 dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Georgia, effective February 26, 1962.

Approval No. 160.052/154/0, Type II, Model PVCMII–3185, child, unicellular plastic foam buoyant vest, dwg. 1001 dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Georgia, effective February 26, 1962.

Approval No. 160.052/155/0, Type II, Model PVCSII–3190, child, unicellular plastic foam buoyant vest, dwg. 1002 dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Georgia, effective February 26, 1962.

Approval No. 160.052/156/0, Type II, Model No. 501–U–15.5, Sea Master, adult unicellular plastic foam buoyant vest, dwg. list 62F 910–2, dated January 3, 1962, and Bill of Materials dated January 9, 1962, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective February 15, 1962.

Approval No. 160.052/157/0, Type II, Model No. 502–U–11, Sea Scamp, child unicellular plastic foam buoyant vest, dwg. list 62F 910–1, dated January 3, 1962, and Bill of Materials dated January 9, 1962, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective February 15, 1962.

Approval No. 160.052/158/0, Type II, Model No. 503–U–7, Sea Tot, child unicellular plastic foam buoyant vest, dwg. list 62D 909, dated January 3, 1962, and Bill of Materials dated January 9, 1962, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective February 15, 1962.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/40/2, telephone station relay, non-locking type, splash-proof, dwg. 18, Alt. 3 dated July 10, 1961, for use with sound powered telephone station to control externally powered audible signal, 115 volts maximum, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, New York, effective February 12, 1962. (It supersedes Approval No. 161.005/40/1 dated January 18, 1960, and published in the FEDERAL REGISTER March 16, 1960.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/57/0, Model 4–4–125–6 backfire flame arrester for carburetors, dwg. No. F–1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective March 2, 1962.

Approval No. 162.015/58/0, Model 4–4–10 backfire flame arrester for carburetors, dwg. No. F–1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective March 2, 1962.

Approval No. 162.015/59/0, Model 101A–2 backfire flame arrester for carburetors, flame arrester assembly, marine layout 100A Series, dated May 5, 1961, change (G) dated February 13, 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective March 2, 1962.

Approval No. 162.015/60/0, Model 102A–2 backfire flame arrester for carburetors, flame arrester assembly, marine layout 100A Series, dated May 5, 1961, change (G) dated February 13, 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective March 2, 1962.

Approval No. 162.015/61/0, Model 102A–2LV backfire flame arrester for carburetors, flame arrester assembly, marine layout 100A Series, dated May 5, 1961, change (G) dated February 13, 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective March 2, 1962.

Approval No. 162.015/62/0, Model 108A–2 backfire flame arrester for carburetors, flame arrester assembly, marine layout 100'' Series, dated May 5, 1961, change (G) dated February 13, 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective March 2, 1962.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/91/0, 6'' Pilot-operated relief valve (pressure only), Fig. 4154–04, for propane, butane and ammonia, at a minimum temperature of —50° F. and maximum pressure of 4 p.s.i.g., manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective February 26, 1962.

GAUGING DEVICES, LIQUID, LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/27/0, Model 10000/2014–02 liquid level gauge for ammonia, propane and butane at a minimum temperature of —50° F. and maximum pressure of 4 p.s.i.g. with ST–6245 Single Selsyn transmitted and ST–6405 Single Selsyn receiver unit; ST–6405 receiver is satisfactory for non-watertight locations only, may be used in watertight locations when provided with suitable watertight canvas cover (this approval does not cover ST–6230 receiver), manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective February 28, 1962.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED

Approval No. 162.026/1/0, Clayton Steam Generator, Model RO–110, 150 p.s.i. maximum 110 boiler horsepower, automatically controlled packaged auxiliary boiler, oil fired, without heavy oil heater, Specification Subpart 162.026, manufactured by Clayton Manufacturing Co., P.O. Box 550, El Monte, California, effective February 26, 1962.

DECK COVERINGS

Approval No. 164.006/41/0, "Plastic-Stone" magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1840:FP3139, dated May 20, 1952, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness, manufactured by Mortrude Floor Company, 8701 15th Avenue NW., Seattle 7, Washington, effective February 13, 1962. (It supersedes Approval No. 164.006/41/0 dated July 17, 1957 to show change in name of manufacturer.)

BULKHEAD PANELS

Approval No. 164.008/48/0, "Turnall Asbestos Ships Board", asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 7421, Project No. 1002–30–10627, dated January 25, 1962, approved as meeting Class B–15 requirements in a ⅞-inch thickness, 36 pounds per cubic foot density, manufactured by Turners Asbestos Cement Co., Ltd., Trafford Park, Manchester 17, England, effective February 26, 1962.

Approval No. 164.008/49/0, "Turnall Asbestos Ships Board", asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 7421, Project No. 1002–30–10627, dated January 25, 1962, approved as meeting Class B–15 requirements in a ⅞-inch thickness, 30 pounds per cubic foot density, manufactured by Turners Asbestos Cement Co., Ltd., Trafford Park, Manchester 17, England, effective February 26, 1962.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/35/0, "Microlite 6# density", glass fiber insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1972: FP3358, dated March 3, 1956, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective March 1, 1962. (It supersedes Approval No. 164.009/35/0 dated May 15, 1961, to show change in designation of product.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Termination of Approval No. 160.002/86/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.002/87/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Termination of Approval No. 160.003/23/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Arkansas, effective February 14, 1962. (Company no longer in business.)

Termination of Approval No. 160.003/24/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Arkansas, effective February 14, 1962. (Company no longer in business.)

Termination of Approval No. 160.003/25/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.003/26/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Termination of Approval No. 160.004/13/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Arkansas, effective February 14, 1962. (Company no longer in business.)

Termination of Approval No. 160.004/14/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Arkansas, effective February 14, 1962. (Company no longer in business.)

Termination of Approval No. 160.004/21/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.004/22/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/369/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/370/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/371/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/399/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, for Herter's, Inc., Waseca, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/400/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, for Herter's, Inc., Waseca, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/401/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, for Herter's, Inc., Waseca, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.047/414/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Box 626, Swainsboro, Georgia, effective February 1, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.047/415/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Box 626, Swainsboro, Georgia, effective February 1, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.047/416/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Box 626, Swainsboro, Georgia, effective February 1, 1962. (Item no longer manufactured.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/157/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.048/158/0, special approval for 14" x 17" x 2" rectangular, ribbed-type, four compartment kapok buoyant cushions, 21-oz. kapok, Airubber Div. dwg. No. 1 dated June 23, 1959, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.048/159/0, special approval for 14" x 19" x 2" rectangular, ribbed-type, four compartment kapok buoyant cushion, 24-oz. kapok, Airubber Div. dwg. No. 1 dated June 23, 1959, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.048/176/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

Termination of Approval No. 160.048/185/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minnesota, for Herter's, Inc., Waseca, Minnesota, effective February 7, 1962. (Approved in the FEDERAL REGISTER June 21, 1960. Manufacturer no longer in business.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.052/81/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.052/82/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Termination of Approval No. 160.052/83/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Georgia, effective February 1, 1962. (Approved in the FEDERAL REGISTER September 3, 1959. Item no longer manufactured.)

Dated: April 20, 1962.

[SEAL] E. J. ROLAND,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 62–4014; Filed, Apr. 24, 1962; 8:48 a.m.]

POST OFFICE DEPARTMENT

GENERAL COUNSEL

Redelegation of Authority With Respect to Settlement of Claims

Pursuant to the authority delegated to me by the Postmaster General in section 823.2g of the Postal Manual, as published in 25 F.R. 6532, I hereby make the following redelegations of authority:

I. *Tort claims.* The attorneys in the Damages and Claims Division are authorized to sign adjudications of claims filed under the provisions of the Federal Tort Claims Act (28 U.S.C. 2672 et seq.) where the amount of the damages does not exceed $2,500.

II. *Claims under 39 U.S.C. 2409.* The Assistant or Acting Assistant General Counsel, Damages and Claims Division, is authorized to unjust and settle claims under the provisions of 39 U.S.C. 2409, in an amount not exceeding $500.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–4026; Filed, Apr. 24, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1962.

The Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service has filed an application, Serial Number Los Angeles 0166694, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mineral laws, the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 601–604), as amended, subject to existing withdrawals and valid existing rights. The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Mojave-Dry Canyon Land and Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 1 W., SBM,
Sec. 3, Lots 13 through 132;
Sec. 4, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, SW¼, W½SE¼;
Sec. 5, Lots 1, 2, 6, 7, 8, 9, 10, 11, and 12, SW¼, N½SE¼, E½SE¼SE¼;
Sec. 6, Lots 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, SE¼.
T. 3 N., R. 2 W., SBM,
Sec. 1, All;
Sec. 2, All (except patented mining claims—41.28 acres);
Sec. 3, All;
Sec. 4, All;

Sec. 5, Lots 1, 2, 3, 4, 5, 6, 7, and 8, S½NW¼, S½;
Sec. 6, Lots 1, 2, 6, 7, 8, 9, 10, and 11, S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 7, Lots 1, 2, 3, and 4, E½NE¼, NW¼NE¼, E½NW¼, SE¼, E½SW¼;
Sec. 8, W½W½, NE¼NW¼, SE¼SW¼, W½SE¼.
T. 3 N., R. 3 W., SBM,
Sec. 1, Lots 1, 2, 3, 4, 7, 9, and 10, S½;
Sec. 2, Lots 1, 2, 3, and 4, SW¼;
Sec. 3, Lots 1, 2, 3, 4, 5, 6, 11, and 12, S½;
Sec. 4, Lots 1, 2, 3, 4, 5, 6, 7, and 8, S½;
Sec. 5, S½;
Sec. 7, E½NE¼, E½NE¼SW¼NE¼, SE¼SW¼NE¼, SE¼;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, N½N½, S½S½;
Sec. 12, All.
T. 4 N., R. 2 W., SBM,
Sec. 32, NE¼, NE¼NW¼, S½NE¼, S½;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All.
T. 4 N., R. 3 W., SBM,
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, Lots 3, 7, and 8, E½E½;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, Lots 4 and 5, N½SW¼, NW¼.

The above described area contains approximately 20,153.56 acres of Federal land. The lands are located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–3997; Filed, Apr. 24, 1962; 8:45 a.m.]

[Classification Order No. 16]

NEVADA

Small Tract Classification; Amendment

1. Effective April 16, 1962, Federal Register Document 49–791 filed February 2, 1949, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
Sec. 13, Lot 15.

The area described aggregates 5.18 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on May 21, 1962, to the operation of the public land laws, subject to any valid existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

APRIL 16, 1962.

[F.R. Doc. 62–3998; Filed, Apr. 24, 1962; 8:46 a.m.]

[Classification Order No. 62]

NEVADA

Small Tract Classification; Amendment

1. Effective April 16, 1962, Federal Register Document 51–14506 filed December 6, 1951, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 3, Lots 46, 47, 48, 57, 58, 65 and 66;
Sec. 4, Lots 49, 50, 67, 69, 70 and 99.

The area described aggregates 69.3 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on May 21, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

APRIL 16, 1962.

[F.R. Doc. 62–3999; Filed, Apr. 24, 1962; 8:46 a.m.]

[Classification Order No. 77]

NEVADA

Small Tract Classification; Amendment

1. Effective April 16, 1962, Federal Register Document 52–948 appearing on page 778 of the issue for January 25, 1952, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,
Sec. 28, Lots 19, 33, 34, 124, 131 and 132.

The area described aggregates 15 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on May 21, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

APRIL 16, 1962.

[F.R. Doc. 62–4000; Filed, Apr. 24, 1962; 8:46 a.m.]

[Classification Order No. 79]

NEVADA

Small Tract Classification; Amendment

1. Effective April 16, 1962, Federal Register Document 52–1888 appearing in the issue for Friday, February 15, 1952, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 11, Lots 19, 20, 46, 47 and 50.
T. 22 S., R. 61 E.,
Sec. 8, W½NW¼NE¼SW¼, E½SW¼NE¼SW¼, W½SW¼NE¼SW¼, E½NW¼SE¼SW¼, W½NW¼SE¼SW¼, E½NE¼SW¼SW¼.

The area described aggregates 55 acres.

2. The land included in this amendment is located in Greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on May 21, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

APRIL 16, 1962.

[F.R. Doc. 62–4001; Filed, Apr. 24, 1962; 8:46 a.m.]

NEVADA

Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN

[Nevada 053624, 056037, 056038]

T. 27 N., R. 18 E.,
Sec. 24, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 27, SE¼SW¼;
Sec. 33, W½NE¼, SE¼NE¼;
Sec. 34, NW¼.
T. 31 N., R. 19 E.,
Sec. 12, SE¼NE¼, NE¼SE¼.
T. 33 N., R. 20 E.,
Sec. 10, W½ SE¼;
Sec. 15, W½NE¼.

[Nevada 056258, 056269]

T. 17 N., R. 23 E.,
Sec. 13;
Sec. 23, E½NE¼.
T. 14 N., R. 26 E.,
Sec. 34, NW¼NW¼.

[Nevada 056263, 056279]

T. 6 N., R. 30 E.,
Sec. 2, SW¼, S½NW¼, SW¼NE¼, W½SE¼, SE¼SE¼, except that portion of SW¼NE¼ owned by Nevada State Highway Department for highway purposes containing 0.029 acre, more or less;

Sec. 3, Lots 1, 2, 3, 4, S½NE¼, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, W½SW¼;
Secs. 10 and 11;
Sec. 12, SW¼, W½NW¼, SE¼NW¼, except that portion of SE¼NW¼ owned by Nevada State Highway Department for highway purposes containing 1.566 acres, more or less;
Sec. 13, NW¼;
Sec. 14, NE¼, N½NW¼, SE¼NW¼;
Sec. 15, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼.

[Nevada 053707, 054829, 056768]

T. 31 N., R. 31 E.,
Sec. 7, S½NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 9, 11 and 13;
Sec. 15, N½, N½SW¼;
Sec. 17, S½SW¼NW¼, W½SW¼.
T. 32 N., R. 32 E.,
Sec. 3, Lot 1 of NW¼, S½;
Sec. 5, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, SW¼, N½SE¼, W½SW¼ SE¼.

[Nevada 056277, 056278]

T. 7 N., R. 35 E.,
Sec. 7, SE¼NW¼, NE¼NE¼.

[Nevada 054826, 054829, 056274, 056276]

T. 34 N., R. 40 E.,
Sec. 35, W½.
T. 31 N., R. 41 E.,
Sec. 13, SE¼;
Sec. 15, E½;
Sec. 23, N½;
Sec. 25.
T. 19 N., R. 42 E.,
Sec. 25, NW¼NW¼;
Sec. 26, SW¼SE¼, SE¼NE¼.
T. 30 N., R. 42 E.,
Sec. 5, SE¼;
Sec. 9, E½, NW¼;
Secs. 11 and 13;
Sec. 15, E½, NW¼;
Sec. 23, E½, NW¼;
Sec. 25, N½, SW¼.
T. 31 N., R. 42 E.,
Secs. 25, 27 and 29;
Sec. 33, NW¼.

[Nevada 055594, 056040, 057448]

T. 31 N., R. 46 E.,
Sec. 20.
T. 28 N., R. 47 E.,
Sec. 6, Lot 8, N½ of Lot 10.
T. 9 N., R. 49 E.,
Sec. 3, W½NW¼;
Sec. 4, E½NE¼.

[Nevada 053626, 056041]

T. 32 N., R. 55 E.,
Secs. 1 and 13.
T. 33 N., R. 55 E.,
Secs. 5 and 17;
Sec. 21, SW¼;
Sec. 27;
Sec. 29, NE¼.
T. 34 N., R. 55 E.,
Sec. 29, Those portions of NE¼NE¼, SW¼NE¼, NE¼SW¼, SW¼SW¼ lying southeasterly of the southeasterly line of railroad right-of-way conveyed to Western Pacific Railroad Company by deed, dated November 27, 1903, SE¼NE¼, SE¼SW¼, SE¼.

[Nevada 056041, 056252, 057588, 057836]

T. 25 N., R. 56 E.,
Sec. 6, SE¼SE¼.
T. 32 N., R. 56 E.,
Sec. 1, Lots 3, 4, S½NW¼, SW¼;
Secs. 3 and 11;
Sec. 13, N½;
Sec. 15.
T. 33 N., R. 56 E.,
Sec. 17, S½.
T. 34 N., R. 56 E.,
Sec. 15.
T. 38 N., R. 61 E.,
Sec. 9, N½.
T. 39 N., R. 62 E.,
Secs. 23 and 25.

[Nevada 055595]

T. 17 N., R. 64 E.,
Sec. 7, NE¼SE¼;
Sec. 8, NW¼SW¼, excepting therefrom a 150' right-of-way conveyed by White Pine County to the State of Nevada for highway purposes.

[Nevada 056265, 056268, 056271]

T. 19 S., R. 61 E.,
Sec. 19, S½SE¼.
T. 12 S., R. 65 E.,
Sec. 23, E½NE¼, NE¼SE¼;
Sec. 24, NW¼NW¼, except a 100' strip conveyed to the San Pedro, Los Angeles, and Salt Lake Railroad Company by deed, recorded in A–1 Real Estate Deeds, page 323, Lincoln County, Nevada, records, in the NW¼ sec. 24, embracing about 3.03 acres.
T. 2 S., R. 67 E.,
Sec. 17, W½NW¼.
T. 2 S., R. 68 E.,
Sec. 17, NE¼SW¼.

The above tracts aggregate 26,892.76 acres, more or less.

2. The conveyances to the United States included the minerals in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 24, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 27, SE¼SW¼;
Sec. 33, W½NE¼, SE¼NE¼;
Sec. 34, NW¼.
T. 31 N., R. 19 E.,
Sec. 12, SE¼NE¼, NE¼SE¼.
T. 33 N., R. 20 E.,
Sec. 10, W½SE¼;
Sec. 15, W½NE¼.
T. 17 N., R. 23 E.,
Sec. 13;
Sec. 23, E½NE¼.
T. 14 N., R. 26 E.,
Sec. 34, NW¼NW¼.
T. 6 N., R. 30 E.,
Sec. 2, SW¼, S½NW¼, SW¼NE¼, W½SE¼, SE¼SE¼, except that portion of SW¼NE¼ owned by Nevada State Highway Department for highway purposes containing 0.029 acres, more or less.
Sec. 3, Lots 1, 2, 3, 4, S½NE¼, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, W½SW¼;
Secs. 10 and 11;
Sec. 12, SW¼, W½NW¼, SE¼NW¼, except that portion of SE¼NW¼ owned by Nevada State Highway Department for highway purposes containing 1.566 acres, more or less;
Sec. 13, NW¼;
Sec. 14, NE¼, N½NW¼, SE¼NW¼;
Sec. 15, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼.
T. 7 N., R. 35 E.,
Sec. 7, SE¼NW¼, NE¼NE¼.
T. 34 N., R. 40 E.,
Sec. 35, W½.
T. 19 N., R. 42 E.,
Sec. 25, NW¼NW¼;
Sec. 26, SW¼SE¼, SE¼NE¼.
T. 28 N., R. 47 E.,
Sec. 6, Lot 8, N½ of Lot 10.
T. 9 N., R. 49 E.,
Sec. 3, W½NW¼;
Sec. 4, E½NE¼.
T. 25 N., R. 56 E.,
Sec. 6, SE¼SE¼.
T. 17 N., R. 64 E.,
Sec. 7, NE¼SE¼;
Sec. 8, NW¼SW¼, excepting therefrom a 150' right-of-way conveyed by White Pine County to the State of Nevada for highway purposes.
T. 12 S., R. 65 E.,
Sec. 23, E½NE¼, NE¼SE¼;
Sec. 24, NW¼NW¼, except a 100' strip conveyed to the San Pedro, Los Angeles, and Salt Lake Railroad Company by deed, recorded in A–1 of Real Estate Deeds, page 323, Lincoln County, Nevada, records, in the NW¼ of sec. 24, embracing about 3.03 acres.
T. 2 S., R. 67 E.,
Sec. 17, W½NW¼.
T. 2 S., R. 68 E.,
Sec. 17, NE¼SW¼.

3. The land in T. 27 N., R. 18 E., is located approximately two to four miles west and northeast of Flanigan, Nevada, in Honey Lake Valley. The land is flat with an elevation of about 4,000 feet with soils ranging from sandy loam to clay. Vegetation consists of greasewood, sage and annual grasses and weeds. The lands do not appear valuable for agricultural purposes.

4. The lands in T. 31 N., R. 19 E.; and T. 33 N., R. 20 E. lie 20 to 24 miles northwest of Gerlach, Nevada, respectively; and, are accessible only by jeep roads. The lands vary from flat with elevation of 4,000 feet to rolling with elevation of 5,500 feet. Vegetation ranges from greasewood, saltgrass and other salt tolerant species in the lower elevations to sage, bittersweet, and an understory of annual grasses in the higher elevations with soils from sandy loam to clay. Agricultural development of this land does not appear feasible.

5. The land in T. 17 N., R. 23 E.; and T. 14 N., R. 26 E. is located in Lyon County some 40 miles northwest, and 6 miles northeast of Yerington, Nevada, respectively. Topography varies from nearly flat to mountainous with elevations from 4,300 to 5,300 feet. Vegetation supports sparse growths of shadscale and greasewood at lower elevations to cheatgrass, Indian ricegrass, Russiona-thistle, big sage, bitterbrush and ephedra at higher elevations with soils ranging from alkaline silty clay to detritus and rocks on the upper slopes. The lands do not appear valuable for agricultural development.

6. The lands in T. 6 N., R. 30 E. lie approximately 10 miles south of Hawthorne, Nevada, in Mineral County, Nevada. The lands are extremely rough and mountainous with slopes from 30 to 50 percent and elevations from 5,900 to 8,000 feet. The topography consists of pinon pine, mountain mahagony, big sage, and a sparse growth of cheatgrass and other annual and perennial grasses. The soil is generally poor and rocky. The land has no apparent agricultural possibilities.

7. The lands in T. 31 N., R. 31 E.; T. 32 N., R. 32 E.; T. 31 N., R. 41 E.; and, T. 30 N., R. 42 E. are located in Pershing County about 25 miles north of Lovelock, Nevada, and astride the Lander-Pershing County boundary in Buffalo Valley, some 20 to 25 miles southwest of Battle Mountain, Nevada. The elevation varies from 4,500 to 5,200 feet with vegetation of big sage, white sage, greasewood, with sparse understory of annual and perennial grasses at higher elevations. Agricultural development does not appear feasible as the lands are not susceptible of economic dry farming and indicated depths to ground water preclude profitable reclamation by irrigation.

8. The land in T. 7 N., R. 35 E. is located some four miles east of Luning, Nevada in Mineral County. The land is sandy with a gentle slope to the northwest. Vegetation includes shadscale, greasewood, saltbush and a sparse assortment of annual weeds and grasses.

9. The land in T. 34 N., R. 40 E. lies some 12 miles south of Golconda, Nevada, in Broad Flat Valley, sloping gently to the south, with an elevation of approximately 4,300 feet. Vegetation consists of the desert shrub type, characterized by shadscale, budsage, saltbush, rabbitbush and annual forbs with soil of sandy loam.

10. The land in T. 19 N., R. 42 E. is located on the Reese River approximately seven miles southwest of Austin, Nevada, in Lander County and is not accessible by roads. The land is generally flat to gently rolling brush with an elevation of about 5,700 feet and soil is a deep sandy clay loam containing considerable salts with the vegetation consisting of saltbrush, sagebrush, rabbitbrush, hop sage, horsebrush, scattered saltgrass, Indian ricegrass and squirreltail grasses.

11. The lands in T. 31 N., R. 46 E.; and T. 28 N., R. 47 E. are located some 12 to 23 miles southeast of Battle Mountain, Nevada, in Lander County. Topography is rolling to nearly level with vegetation consisting of saltbrush, big sage, rabbitbrush, with an understory of perennial and annual grasses.

12. The land in T. 9 N., R. 49 E. lies in Fish Lake Valley approximately 70 miles northeast of Tonopah, Nevada. Elevation of this land is 6,500 to 6,600 feet and is covered with brush. Due to the short growing season caused by the high altitude any agricultural development would be inhibited.

13. The lands in Tps. 32, 33, and 34 N., Rs. 55 and 56 E. are located in Elko County and are approximately two to 16 miles east and south of Elko, Nevada. Lands in Tps. 33 and 34 N., R. 55 E. are practically inaccessible except for a few unimproved roads. The same applies to land in T. 34 N., R. 56 E. The topography of these lands varies from flat to rolling, to mountainous with elevations from 5,200 to 6,000 feet and are subject to moderate sheet erosion. Vegetation cover is sagebrush, rabbitbrush, some juniper, cheatgrass and bluegrass. The area has no potential value for agricultural development.

14. The land in T. 25 N., R. 56 E. is located about 45 miles northeast of Eureka, Nevada, in White Pine County, and is situated in the north end of Newark Valley in the foothills of the Ruby Mountains. The topography is gently sloping foothills, sloping to the southwest and dissected by shallow ravines, and, the soil is rocky with fair accumulations of sandy loam in part. The vegetation consists chiefly of sagebrush, rabbitbrush, saltbrush, cheatgrass, saltgrass and scattered wheatgrass. Due to the irregular terrain of this tract, the land has no apparent value for agricultural development.

15. The lands in T. 38 N., R. 61 E.; and, T. 39 N., R. 62 E. are located 10 miles north and slightly west of Wells, Nevada. The elevations for T. 39 N., R. 62 E. vary from 5,800 to 7,300 feet with soils of rocky loam, shallow with a clay layer 4 to 8 inches beneath the surface. This land supports a vegetation of sagebrush and some grass with scattered juniper on the higher elevations. Land in T. 38 N., R. 61 E. is a big sagebrush flat with rabbitbrush and grass in a larger wash that bisects the area. Soils are dark and moderately productive, subject to moderate sheet erosion. The land does not appear to have any value for agricultural development due to lack of irrigation water.

16. The land in T. 17 N., R. 64 E. is located on the floor of the Steptoe Valley about three miles southwest of McGill, Nevada. The land is flat, lying at an elevation of about 6,000 feet and is covered with a mixture of sagebrush, greasewood, shadscale, and a lesser growth of white sage.

17. The land in T. 19 S., R. 61 E. is located about 15 miles northwest of Las Vegas, Nevada, in the northwest portion of Las Vegas Valley at an elevation varying from 2,100 to 2,500 feet, where the only access is by foot. The vegetation is a desert shrub dominated by creosote bush with varying percentages of saltbush, mesquite, and, in years of abnormal precipitation, short-lived strands of annual brome grass. The topography is generally level and soil is light textured, fine sandy loam.

18. The land in T. 12 S., R. 65 E. is located at the settlement of Rox, in southern Lincoln County, Nevada, about 70 miles north of Las Vegas and is situated in the southern end of Meadow Valley Wash at an elevation of 3,000 feet. The Mormon Range is on the east and the Meadow Valley Range lies immediately to the west. The topography varies from level to rolling and broken on an elevated mesa which occupies all the land in sec. 23 and part of sec. 24. Access is difficult and several steep walled drainage canyons traverse the land. On the mesa the land is gravelly and rocky but is chiefly fine sand in the lowest elevations. Vegetation consists of creosote brush and Mormon tea, associated with other low growing desert shrubs and a sparse stand of annual brome grass.

19. The lands in T. 2 S., Rs. 67 and 68 E. are located 6 miles west and 1 mile southwest of Panaca, Nevada, respectively. The parcel in T. 2 S., R. 67 E. is located in the foothills of the Highland Range with an elevation of 5,200 feet and the soil is an eroded, unconsolidated gravelly loam. The parcel in T. 2 S., R. 68 E. is a nearly level valley floor with soil of an alkaline clay and supports a nearly pure stand of greasewood. None of these lands have any potential value for agricultural development.

20. Pursuant to the authority delegated to me by order No. 684, section 2.5, of the Assistant Director, Bureau of Land Management, of August 28, 1961, the public lands affected by this order are hereby restored to the operation of the public land laws subject to any valid existing rights; and the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

21. Applications and offers for all of the lands in paragraph 2 received under the mineral leasing laws prior to 10:00 a.m. on April 16, 1962, will be considered as simultaneously filed as of that date and hour, and all lands in these same parcels will be open to mining location at that date and hour.

22. Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, P.O. Box 1551, Reno, Nevada.

R. M. ZUNDEL
Acting Manager.

APRIL 16, 1962.

[F.R. Doc. 62–4002; Filed, Apr. 24, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on March 15, 1961 (20 A.D. 206), authorizing the respondent, St. Louis National Stockyards Company, National Stock Yards, Illinois, to assess the current temporary schedule of rates and charges to and including June 30, 1963, unless modified or extended by further order before the latter date.

On April 5, 1962, a petition was filed on behalf of the respondent requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including June 30, 1964.

Yardage Charges	Rate Per Head	
	Present	Proposed
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	$1.10	$1.15
Calves (400 pounds or under)	.62	.64
Hogs (except boars)	.39	.41
Sheep and goats	.28	.29
Bulls weighing 800 pounds or over	1.80	1.90
Boars	1.15	1.20
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 pounds or over)	.55	.58
Calves (400 pounds or under)	.31	.32
Hogs (except boars)	.20	.21
Sheep and goats	.14	.15
Bulls weighing 800 pounds or over	.90	.95
Boars	.58	.60

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 20th day of April 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-4047; Filed, Apr. 24, 1962; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13560 etc.; Order E-18236]

DELTA AIR LINES, INC., ET AL.

Coach Excursion Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1962.

In the matter of coach excursion fares proposed by Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Docket 13560 et al.

By tariff revisions marked to become effective April 30, 1962, Eastern Air Lines, Inc. (Eastern) has proposed coach excursion fares between major cities on and north of Eastern's routes between Washington and St. Louis, on the one hand, and Florida points, on the other.[1] The proposed excursion fares will be approximately 135 percent of existing one-way jet daycoach fares between April 30 and June 15 and between September 3 and December 7. During the period between June 18 and August 31, round trip excursion fares will be about 160 percent of one-way jet daycoach fares or equivalent to twice the one-way night coach fare.[2] The excursion fares will apply from April 30 through December 7, 1962, on both jet and propeller coach flights scheduled to depart between 4:00 a.m., Monday and 4:00 a.m., Friday, and they will be available only on round trips completed within not less than six nor more than 21 days after travel commences. Half fares for children accompanied by adults will be applicable to children through the age of 16, inclusive.

Tariff revisions proposing to establish similar coach excursion fares to compete with fares of Eastern have been filed by Delta Air Lines, Inc. (Delta), Northwest Airlines, Inc. (Northwest), and United Air Lines, Inc. (United). Northwest's tariffs name fares for DC-8 or B-720B equipment, and fares for aircraft "other than DC-8 or B-720B equipment," which are approximately 135 percent and 160 percent of the one-way propeller coach fares for the applicable periods. National Airlines, Inc. (National) has also filed a round trip coach excursion tariff. The tariff contains round trip fares for propeller daycoach service, jet night coach service, jet deluxe night coach service and propeller night coach service from and to Florida points at fares varying from approximately 135 percent to approximately 160 percent of the one-way fares for the corresponding regular service. Northeast Airlines, Inc. (Northeast) and Trans World Airlines, Inc. (TWA) have filed tariffs to match their competitors' tariffs.[3] All revised tariffs will expire with December 7, 1962, except Northwest's which expire with December 14, 1962.

In support of its tariff filing, Eastern states that it expects that its proposal will stimulate traffic and smooth out seasonal and weekly traffic peaks, thereby achieving better utilization of equipment, that the seasonal variation corresponds to the differentials charged by Florida resort hotels, that increasing the maximum age for accompanied children from 11 to 16 years will encourage families to take their summer vacation by air, and that the proposal will increase revenues.

Complaints requesting investigation and suspension of Eastern's original tariffs and subsequent revisions have been filed by Delta, National, Northeast, Northwest, TWA, and United. Other complaints have also been lodged; Northeast against National's filing; Northwest against Delta; and Eastern vs. National and Northwest. The complaints allege, inter alia, that the proposed fares will not generate a significant volume of additional traffic needed to maintain the carriers' revenues, that the minimum stay of six days is not sufficient to avoid diversion of business travel to the excursion fares, and that Eastern has not presented sufficient data to support its proposal. Eastern has complained against National's and Northwest's propeller local coach excursion fares which are lower than those now urged by Eastern for application to coach service with both propeller and jet equipment. Eastern alleges that such fares will not ameliorate the problem of night coach peaking or produce as much additional revenue. Northwest has answered Eastern's complaint urging that if excursion fares are to be permitted, existing fare differentials between propeller and jet aircraft services should be maintained.

On the basis of our consideration of the tariff proposals filed by Eastern and the complaints thereto, we conclude that those complaints do not set forth facts which warrant investigation and, accordingly, those complaints will be dismissed. Conversely, we find that the complaints lodged against the propeller excursion fare proposals of National and Northwest do present matters which require investigation. Our order of investigation will also include the defensive filing of TWA.

Summer excursion fares to Florida have been offered during most of the last 10 years, although many of such fares related to first class services in the east coast markets. In our view, the concept of summer excursion fares to Florida is well established and we are not persuaded by the vigorous attacks by most of the complainants herein. Although we had serious doubts about the economic validity of Eastern's original proposal (110 percent and 135 percent of the one-way jet daycoach fares in the two seasons, respectively), the modified tariff presents substantially higher fares. This adjustment, in our opinion, has sufficiently reduced the economic risks involved in this program to the extent that we do not find Eastern's proposal prima facie unreasonable.

Although the Board has followed a policy of permitting fare differentials as between jet and other types of aircraft, we would not in this instance permit the establishment of excursion fares for travel on propeller aircraft lower than those proposed by Eastern. We view Eastern's excursion fares as the lowest which the Board should now permit to become effective irrespective of equipment type in order to maintain the carriers' revenues. In view of the questionable economic validity of the proposed propeller aircraft coach excursion fares, we have concluded to suspend the use of these fares pending investigation, as well as the defensive tariff of TWA.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *it is ordered*, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto,[4] are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A, hereto[4] are suspended and their use deferred to and including July 27, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints are dismissed except to the extent granted herein.

4. The complaints in Dockets 13456, 13458, 13459, 13460, 13461, 13462, 13528, 13529, 13530, 13533, 13534, 13537, and 13544 to the extent granted, are consolidated herein.

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariffs and shall be served upon Eastern Air Lines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4033; Filed, Apr. 24, 1962; 8:52 a.m.]

[1] Eastern's original tariff (CAB No. 101) was filed on February 28, 1962, for effect March 30, 1962, but the effective date was postponed to April 7 and more recently was revised for effect April 30, 1962. The original filing will be canceled by the revised tariff now before us.

[2] The original tariff provided for fares of approximately 110 percent of one-way jet daycoach fares during the low season and 135 percent during the high summer season (June 16-August 31).

[3] The TWA tariff was filed to be competitive with the original tariff mentioned in footnotes 1 and 2.

[4] Appendix filed as part of original document.

[5] Joint concurrence and dissent of Mr. Murphy, vice chairman, and Mr. Minetti, member, filed as part of original document.

[Docket Nos. 12471, 12472]

EMPRESA GUATEMALTECA DE AVIACION, S.A. (AVIATECA)

Notice of Oral Argument

In the matter of the applications of Empresa Guatemalteca de Aviacion, S.A., to renew its foreign air carrier permit and for authority to operate between Guatemala and New York City.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 16, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 20, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4034; Filed, Apr. 24, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14608, 14609; FCC 62-420]

GOODWILL STATIONS, INC., AND LAKE HURON BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Goodwill Stations, Inc., Flint, Michigan, for renewal of license of Television Station WJRT (including TV auxiliary Stations KD-9611, KE-4899, KQK-47 Main and Alternate Main, KQK-52 and KQK-53), Docket No. 14608, File No. BRCT-505; Lake Huron Broadcasting Corporation, Flint, Michigan, Docket No. 14609, File No. BPCT-2954; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of April 1962;

The Commission having under consideration the above-captioned applications, that of The Goodwill Stations, Inc., requesting renewal of its license for Television Broadcast Station WJRT, Channel 12, Flint, Michigan, and that of Lake Huron Broadcasting Corporation, requesting a construction permit for a new television broadcast station to operate on Channel 12, Flint, Michigan; and

It appearing that the application of The Goodwill Stations, Inc., and Lake Huron Broadcasting Corporation, are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that on September 5, 1961, Lake Huron filed a Petition for Partial Reconsideration of the Report and Order released in Docket 13340, proposing the reallocation of Channel 11 from Alpena to the Saginaw-Flint-Bay City area for use in that market as a third VHF frequency by WKNX-TV; and

It further appearing that on November 27, 1961, The Goodwill Stations, Inc., filed a "Petition to Deny or Dismiss" the application (BPCT-2954) of Lake Huron Broadcasting Corporation, alleging, in substance, that the application should be dismissed or denied pursuant to the provisions of §§ 1.308 and 1.310 of the Commission's rules, or in accordance with its policy not to entertain contingent applications in the television service; that the basis of the requested dismissal or denial is the inconsistency or conflicting nature of the pending rule making proposal and the subject application; and, that on December 6, 1961, the Commission denied the petition of Lake Huron Broadcasting Corporation, thus rendering the contentions of The Goodwill Stations, Inc.'s petition moot; and

It further appearing that Lake Huron Broadcasting Corporation is licensee of Television Broadcast Station WKNX-TV, Channel 57, Saginaw-Bay City, Michigan: that in the event of a grant of the instant application Lake Huron Broadcasting Corporation will discontinue operation of WKNX-TV in Saginaw-Bay City, Michigan; and

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that The Goodwill Stations, Inc. is legally, financially, technically and otherwise qualified to own and operate Station WJRT as proposed; and, that Lake Huron Broadcasting Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

2. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the Petition to Deny or Dismiss filed by The Goodwill Stations, Inc., is hereby denied.

It is futher ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4038; Filed, Apr. 24, 1962; 8:52 a.m.]

[Docket Nos. 14516, 14517; FCC 62-409]

JOHN E. GRANT AND ALLEN C. BIGHAM, JR.

Memorandum Opinion and Order Amending Issues

In re applications of John E. Grant, Salinas, California, Docket No. 14516, File No. BP-13911; Allen C. Bigham, Jr., Salinas, California, Docket No. 14517, File No. BP-14891; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed March 2, 1962, by Allen C. Bigham, Jr., and pleadings properly filed in response thereto.

2. Grant proposes an 84-hour per week operation, and would use a directional antenna. He proposes 12.5 per-

cent live programming. Petitioner requests an issue to determine whether Grant, in view of his staff proposal, is qualified to operate his proposed station.

3. Grant proposes, at most, two first class engineers, who, unlike the situation in Martin Karig, 20 RR 1019 (1960), will also have extensive non-technical duties. Under the proposal, these two engineers and two other persons would operate the station, arrange for all programming (including live programming), and do all the announcing. Two full-time salesmen are also proposed. In light of these facts, we think addition of the issue adopted below is warranted. Birney Imes, Jr. (WMOX), 17 RR 419 (1959).

Accordingly, it is ordered, This 18th day of April 1962, that the petition to enlarge issues, filed March 2, 1962, by Allen C. Bigham, Jr., is granted; that present Issues 3 and 4 are renumbered Issues 4 and 5; and that the following issue is added:

3. To determine whether John E. Grant, in view of his proposal as to staff, is qualified to operate his station in the manner proposed by his application.

It is further ordered, That the burden of proceeding with the introduction of evidence and burden of proof under Issue 3 shall be on John E. Grant.

Released: April 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4040; Filed, Apr. 24, 1962; 8:52 a.m.]

[Docket No. 14380; FCC 62M-578]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcast Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

The Hearing Examiner having under consideration a "Motion for Continuance" filed in the above-entitled matter by the Secretary of the Army, through his duly authorized counsel, The Judge Advocate General, on April 17, 1962, and

It appearing that the Motion for Continuance includes the following:

By letter dated 30 March 1962 Mr. Grant R. Wrathall submitted three alternative proposals to the Secretary of the Army. If one of these proposals is accepted by the Secretary, there will be no necessity for a hearing on the issues presently designated. However, before Mr. Wrathall's proposals can be presented to the Secertary, they must be staffed through various agencies within the Department of the Army. This staffing is presently in progress but it is evident that the Secretary's decision cannot be obtained prior to the presently scheduled hearing date.

Counsel for Mr. Wrathall and the Broadcast Bureau have no objection to a grant of this extension. Under these circumstances it is requested that the hearing in this matter be continued from 30 April 1962 to 17 July 1962 and that the date for exchange of exhibits be extended to 3 July 1962.

and

It further appearing that the Hearing Examiner has had oral communications with the Chief of the Hearing Division of the Commission's Broadcast Bureau and counsel representing The Judge Advocate General for the Secretary of the Army, and

It further appearing that as a result of these communications the Hearing Examiner is convinced that a hearing in San Francisco and the attendant expenses of a trip to that city will most likely be obviated, and

It further appearing that if any issues shall be remaining after reconciliation of the issues involving the licensee and the Secretary of the Army such issue or issues can be resolved by a hearing in Washington, D.C.,

It is ordered, This 19th day of April 1962, that the aforesaid Motion for Continuance be granted and that, accordingly, the hearing is continued from April 30, 1962 to July 17, 1962, and that the date for exchange of exhibits be extended to July 3, 1962, and

It is further ordered, That if a hearing is required on July 17, 1962, the place and time of day therefor shall be specified in a further hearing order.

Released: April 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4039; Filed, Apr. 24, 1962; 8:52 a.m.]

[Docket Nos. 14211, 14212; FCC 62-412]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Putnam Broadcasting Corporation, Brewster, New York, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, Docket No. 14212, File No. BP-14572; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed November 30, 1961 by Putnam Broadcasting Corporation, (2) an opposition thereto by Port Chester Broadcasting Company, filed January 12, 1962, after extensions of time granted, (3) a statement in support of petition to enlarge issues timely filed by party respondent Long Island Broadcasting Corporation on January 15, 1962, (4) a reply by petitioner, filed February 9, 1962, after extensions of time granted, (5) a statement in support of the petition, by the Broadcast Bureau, filed on February 12, 1962, and (6) a motion to strike and a request for oral argument, filed by Port Chester on February 16, 1962.

2. Petitioner requests that issues be added as to Port Chester Broadcasting relating to the following matters: (a) Location of the transmitter site; (b) site availability; (c) site sufficiency; and (d) financial qualifications. It is further requested that these issues be added on the Commission's own motion in the event petitioner's plea of good cause for the late filing of the petitions is not accepted.

3. Petitioner has not shown good cause for filing its petition nearly three months after designation. Though petitioner alleges that the investigation giving rise to its request was time-consuming, it offers no persuasive reasons for delaying the investigation until after designation. But even if good cause had been shown for late filing, three of the requested issues would in any event be denied. Thus, the first of the requested issues has been rendered moot by the Hearing Examiner's allowance of an amendment to Port Chester Broadcasting's application. See Putnam Broadcasting Corporation, FCC 62M-253, Mimeo No. 16586, released February 16, 1962. None of the petitioner's allegations in support of the financial qualification issue are directed to the availability of funds; they are, instead, directed solely to the sufficiency of funds. A request for an issue as to sufficiency of funds should be directed to the Hearing Examiner instead of to the Commission, and the request for the financial issue would therefore be denied. In view of this disposition, Port Chester Broadcasting's motion to strike certain information in a reply pleading relating to this issue will be dismissed. The site sufficiency issue has been requested primarily to resolve any doubts as to the scope of existing Issue 5. This existing issue requires a determination as to whether "the antenna system proposed by Port Chester Broadcasting Company can be adjusted and maintained as proposed, and whether a satisfactory proof-of-performance can be made in view of water areas involved, especially along bearings through null areas of the radiation pattern." This issue is sufficiently broad to encompass evidence which petitioner would like to introduce relevant to the questions of whether physical conditions on and near the proposed site may destroy or alter the ground system, cause variations in the directional pattern, and affect the stability of the proposed array. For this reason, the request for the site sufficiency issue would be denied even if the petition therefor had been timely filed.

4. An issue will, however, be added on the Commission's own motion as to site availability. Part of the land is owned by the State of New York. Port Chester Broadcasting has received no assurance from the State of New York that this land can be acquired. It relies, instead, upon the assurance of the Village of Port Chester that the land, which is now used as part of the Village's dump, will be made available by the State upon request by the Village. The affidavits of the mayor and of the corporation counsel of the Village state that this can be accomplished "by following a fixed procedure." The procedure is not, however, described. Under the circumstances, it cannot be concluded that Port Chester Broadcasting has reasonable assurance of acquiring the land owned by the State of New York.

5. Port Chester Broadcasting requests oral argument to permit it to reply to the Bureau pleading. It asserts, without offering any details, that the Broadcast Bureau's opposition "makes allegations and takes positions to which Port Chester has obviously had no opportunity to reply." It is contrary to Commission practice to hear oral argument on interlocutory requests, and the request for oral argument will therefore be denied.

Accordingly, it is ordered, This 18th day of April 1962, that the petition to enlarge issues, filed November 30, 1961, by Putnam Broadcasting Corporation, is denied on grounds of untimely filing; and

It is further ordered, That the motion to strike, filed February 16, 1962, by Port Chester Broadcasting Company, is dismissed; and

It is further ordered, That the request for oral argument, filed February 16, 1962, by Port Chester Broadcasting Company is denied; and

It is further ordered, That Issues 6 and 7 in the above-captioned proceeding are renumbered as Issues 7 and 8, respectively, and the following new issue is added on the Commission's own motion:

6. To determine whether the applicant, Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Company, has reasonable assurance of being able to secure its proposed transmitter site.

Released: April 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4041; Filed, Apr. 24, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8882, between American President Lines, Ltd., States Steamship Company, Pacific Far East Line, Inc., Waterman Steamship Corporation and the carriers comprising the States Marine Lines joint service (American-Flag Carriers), and Nippon Yusen Kaisha, Osaka Shosen Kaisha, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui Steamship Co., Ltd., Mitsubishi Kaiun Kaisha, Ltd., Daido Kaiun Kaisha, Ltd., Shinnihon Steamship Co., Ltd., Yamashita Kisen Kaisha, Iino Kaiun Kaisha, Ltd., and Nitto Shosen Co., Ltd. (Japanese Flag Carriers), all members of the Pacific Westbound Conference (Agreement 57, as amended), covers an arrangement for the division of revenues on raw cotton in the trade from California ports of the United States to ports in Japan; and

Agreement 8881, between American President Lines, Ltd., States Steamship Company, Pacific Far East Line, Inc., Waterman Steamship Corporation and the carriers comprising the States Marine Lines joint service, the American-Flag carriers parties to Agreement 8882, described above, covers the understanding of said carriers that upon commencement of operations by States Marine and Waterman under their operating-differential subsidy contracts, presently under consideration, the participation of all said five (5) parties under Agreement 8881, in the fifty (50) percent allocation of cargo to such American-Flag carriers under Agreement 8882, shall be equitably adjusted consistent with the number of sailings authorized by the operating-differential subsidy contracts of the American-Flag carriers.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4037; Filed, Apr. 24, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-79]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

Notice of Application and Date of Hearing

APRIL 18, 1962.

Take notice that on September 27, 1961, as supplemented on October 9, 1961, and December 8, 1961, Natural Gas Storage Company of Illinois (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain storage facilities at the Herscher Storage Field, Kankakee County, Illinois, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The additional facilities required for the proposed operation are:

(1) One additional 6,500 BHP gas turbine centrifugal compressor unit at Compressor Station No. 201;

(2) Approximately 6,200 feet of 20-inch gathering lines, of which approximately 3,400 feet will be used to replace existing 10-inch and 12-inch gathering lines that will be retired;

(3) Approximately 2,200 feet of 10-inch, 2,600 feet of 12-inch, and 1,900 feet of 30-inch gathering lines;

(4) Six injection-withdrawal Galesville Reservoir wells;

(5) One Galesville Reservoir observation well;

(6) Three Mt. Simon Reservoir observation wells; and

(7) Additional cushion gas, and miscellaneous facilities necessary or convenient to the operation of the above-described facilities.

The total estimated cost of Applicant's proposed facilities is $3,360,860.

The application states that the proposed facilities will be used to provide maximum peak-hour withdrawal capacity of 40,000 Mcf and to increase the maximum daily withdrawal from storage by 75,000 Mcf to a total of 800,000 Mcf of natural gas by using all three reservoirs, namely, the Galesville and Mt. Simon Reservoirs at the Herscher Field and the Cooks Mill Field. Such gas will be stored for the accounts of existing customers of Natural Gas Pipeline Company of America.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3992; Filed, Apr. 24, 1962; 8:45 a.m.]

[Docket Nos. RI62-392—RI62-406]

J. P. OWEN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 18, 1962.

J. P. Owen et al., Docket No. RI62-392; Humble Oil & Refining Company (Operator), et al., Docket No. RI62-393; Home-Stake Production Company (Operator), Docket No. RI62-394; Lario Oil & Gas Company, Docket No. RI62-395; Champlin Oil & Refining Company, Docket No. RI62-396; Sun Oil Company, Docket No. RI62-397; The Atlantic Refining Company (Operator), et al., Docket No. RI62-398; E. H. Adair d/b/a E. H. Adair Oil Company, Docket No. RI62-399; Phillips Petroleum Company, Docket No. RI62-400; Humble Oil & Refining Company, Docket No. RI62-401; N. Bruce Calder and Curtis E. Calder, Jr. d/b/a Horizon Oil & Gas Company, Docket No. RI62-402; Cabot Corporation (SW), Docket No. RI62-403; Shell Oil Company, Docket No. RI62-404; Midhurst Oil Corporation (Operator), et al., Docket No. RI62-405; Peake Petroleum Company, Docket No. RI62-406.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-392...	J. P. Owen et al., 1423 Oil Center Station Lafayette, La.	5	3	United Gas Pipe Line Co. (St. Martinville Field, St. Martin Parish, La.).	$9,097	3-27-62	[4] 4-27-62	9-27-62	20.0	[2] 22.0	----------
RI62-393...	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	149	4	United Gas Pipe Line Co. (Northeast Gibson Field, Terrebonne Parish, La.).	24,515	3-26-62	[4] 5-27-62	10-27-62	20.25	[2] 22.25	----------
RI62-394...	Home-Stake Production Co. (Operator), Phillips Bldg., Tulsa 3, Okla.	4	5	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	616	3-19-62	[4] 6-1-62	11-1-62	15.0	[4] [7] 17.0	----------
RI62-395...	Lario Oil & Gas Co., 301 South Market St., Wichita 2, Kans.	11	12	....do....	760	3-19-62	[4] 6-1-62	11-1-62	16.83	[4] [8] 18.97	----------
RI62-396...	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth 7, Tex.	69	2	Panhandle Eastern Pipe Line Co., (Hugoton Field, Morton County, Kans.).	499	3-19-62	[4] 5-1-62	10-1-62	12.0	[1] 13.0	----------
RI62-397...	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa.	107	3	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	150	3-21-62	[4] 5-8-62	10-8-62	16.6	[2] 16.8	RI61-484
RI62-397...	Sun Oil Co.	116	3	....do....	170	3-21-62	[4] 5-8-62	10-8-62	16.6	[2] 16.8	RI61-484
RI62-398...	The Atlantic Refining Co. (Operator), et al., P.O. Box 2819, Dallas 21, Tex.	133	16	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.).	3,103	3-21-62	[4] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-448
RI62-399...	E. H. Adair d/b/a E. H. Adair Oil Co., 1005 East Second St., Wichita 14, Kans.	1	2	Cities Service Gas Co. (Aetna and Hardtner Fields, Barber County, Kans.).	5,075	3-23-62	[4] 4-23-62	9-23-62	12.0	[2] 13.0	----------
RI62-400...	Phillips Petroleum Co., Bartlesville, Okla.	380	2	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	900	3-26-62	[4] 5-1-62	10-1-62	11.0	[2] [9] 12.5	----------
RI62-401...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	200	5	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	443	3-26-62	[4] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-392
RI62-401...	Humble Oil & Refining Co.	207	4	Colorado Interstate Gas Company (Adams Ranch Field, Meade County, Kans.).	13,044	3-30-62	[4] 6-1-62	11-1-62	15.0	[4] [7] 17.0	----------
RI62-401...	....do....	197	11	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	37,770	3-30-62	[4] 6-1-62	11-1-62	15.0	[4] [6] 17.0	----------
RI62-402...	N. Bruce Calder and Curtis E. Calder, Jr. d/b/a Horizon Oil & Gas Co., 1818 Republic Bank Bldg., Dallas 1, Tex.	5	3	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	6,000	3-27-62	[4] 5-1-62	10-1-62	16.5	[2] 17.5	----------
RI62-403...	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	34	8	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Beaver County, Okla.).	28	3-30-62	[4] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-453
RI62-404...	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	218	3	Colorado Interstate Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.).	950	3-29-62	[4] 6-1-62	11-1-62	16.47	[4] [10] 18.67	----------
RI62-405...	Midhurst Oil Corp. (Operator), et al., 1030 Bank of the Southwest Bldg., Houston 2, Tex.	11	3	El Paso Natural Gas Co. (Pecos Valley South Field, Pecos County, Tex.) (R.R. District No. 8).	32,837	3-19-62	[4] 4-19-62	9-19-62	10.64175	[8] [11] 15.70925	----------
RI62-406...	Peake Petroleum Co., 1310 Williamson Bldg., 215 Euclid Ave., Cleveland 14, Ohio.	1	8	Hope Natural Gas Co. (Raleigh, Boone, and Wyoming Counties, W. Va.).	609	3-30-62	[4] 4-30-62	9-30-62	26.65	[11] [12] 26.78	----------
RI62-406...	Peake Petroleum Co..	2	6	Hope Natural Gas Co. (Wyoming and Logan Counties, W. Va.).	658	3-30-62	[4] 4-30-62	9-30-62	26.65	[11] [12] 26.78	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15,025 psia.
[4] The stated effective date is the effective date proposed by respondent.
[5] Subject to Btu adjustment above or below 1000 Btu's per cubic foot (rate does not include Btu adjustment).
[6] Renegotiated rate increase.
[7] Pressure base is 14.65 psia.
[8] Includes upward Btu adjustment for gas containing 1116 Btu per cu. ft.
[9] Rates shown pertain to gas produced from formations above base of the Chase Series only.
[10] Includes upward Btu adjustment for gas containing 1,098 Btu per cubic foot (1.47 cents per Mcf for 15-cent rate and 1.67 cents per Mcf for 17.0-cent rate).
[11] Redetermined revenue-sharing rate increase as per contract.
[12] Pressure base is 15.325 psia.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changes rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3993; Filed, Apr. 24, 1962; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. G-14682 etc.]

CITIES SERVICE OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 19, 1962.

Cities Service Oil Company,[1] Docket No. G-14682; W. R. Fairchild & Associates, Inc.,[2] Docket No. G-20090; Charles W. Louchery, Docket No. CI60-606; Gunn & Stevens, Docket No. CI60-761; Pontiac Refining Corporation,[3] Docket No. CI61-423; Texaco Inc., Docket No. CI61-937; Meredith & Company, Docket No. CI61-1314; Hassie Hunt Trust, Docket No. CI61-1515; Socony Mobil Oil Company, Inc.,[3] Docket No. CI61-1603; Phillips Petroleum Company, Docket No. CI61-1657; Superior Oil & Gas, Inc., Docket No. CI61-1671; E. C. Wilson, Docket No. CI61-1694; Tidewater Oil Company, Docket No. CI61-1728; Delbert Goff, et al., Docket No. CI61-1753; Paul E. Heinselman,[4] Docket No. CI61-1754; General American Oil Company of Texas, Docket No. CI62-111; Gulf Oil Corporation, Docket No. CI62-133; Haines Gas Company, Docket No. CI62-245; Carter-Jones Drilling Company, Inc. (Operator), et al., Docket No. CI62-246; Orville Eberly, Agent, Docket No. CI62-282; Sunray Mid-Continent Oil Company (Operator), et al., Docket No. CI62-368; Wysong Gas Co., Docket No. CI62-392; The Superior Oil Company, Docket No. CI62-399; Pratt Gas Company, Docket No. CI62-403; Plymouth Gas Company, Docket No. CI62-404; G. Scott Hammonds, Agent, et al., Docket No. CI62-413; Sinclair Oil & Gas Company, Docket No. CI62-430; Butterworth & Lemann,[5] Docket No. CI62-441; The Superior Oil Company, Docket No. CI62-448; Jenova Bissett, Docket No. CI62-449; Murphy Corporation, Docket No. CI62-478; Alice M. Vandergrift, et al. d.b.a. Discoverer Oil & Gas Co., Docket No. CI62-528; Phillip Fowler, et al. (Sutton Producing Company, Agent), Docket No. CI62-529; Gulf Oil Corporation, Docket No. CI62-556; Weir Walker, et al.[6] Docket No. CI62-643; Earlsboro Oil & Gas Company, Inc. (Operator), et al., Docket No. CI62-747; Lu Ray Land, Inc., Docket No. CI62-758; Lu Ray Land, Inc., Docket No. CI62-759; Phillips Petroleum Company, Docket No. CI62-795; Socony-Mobil Oil Company, Inc.,[3] Docket No. CI62-800; Orville Eberly, Agent, Docket No. CI62-807; Great Western Drilling Compay,[7] Docket No. CI62-814; Ben J. Taylor, Docket No. CI62-832; Lario Oil & Gas Company, Docket No. CI62-924; Southwestern Exploration Consultants, Inc. (Operator), et al., Docket No. CI62-925; Southwestern Exploration Consultants, Inc. (Operator), et al., Docket No. CI62-926; Ira J. Cox, Docket No. CI62-935; Amerada Petroleum Corporation, Docket No. CI62-945; Stonetex Oil Corporation, Docket No. CI62-975; Pan American Petroleum Corporation, Docket No. CI62-985; Baker & Taylor Drilling Company, Docket No. CI62-1006; Point Corporation (Operator), et al., Docket No. CI62-1069; State Gas Company, Inc., Docket No. CI62-1083.

Take notice that each of the above Applicants seeks permission and approval to abandon natural gas service, pursuant to section 7(b) of the Natural Gas Act, as hereinafter described, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

In each case, except in Docket Nos. CI61-1780, CI62-111, CI62-449, and CI62-924, the volume of gas available for delivery under the respective contracts has declined to the point where it is no longer economically feasible to continue the operations. In Docket Nos. CI61-1780 and CI62-449 the Applicants' interests in the producing properties have been sold to the gas purchasers. In Docket No. CI62-111 the application states that there is no longer any residue gas available from the gasoline plant from which the subject sales were made.

In Docket No. CI62-924 Applicant states that gas can no longer be delivered into the lines of the purchaser without compression; and since neither party desires to install compression equipment, the gas purchase contract has been cancelled.

The pertinent facts in each application are as follows:

Docket No.; Location; Purchaser; and Docket No. in which Sale was Authorized

G-14682; Payne "D" Lease, Cruce Field, Stephens County, Okla.; Lone Star Gas Co.; G-4579.
G-20090; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Co.; Application for 7(c) authorization presently pending in Docket No. G-20090.
CI60-606; Harrison County, W. Va.; Hope Natural Gas Co.; G-5454.
CI60-761; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; Application for 7(c) authorization presently pending in Docket No. CI60-761.
CI61-423; Goree Field, Bee County, Tex.; Transcontinental Gas Pipe Line Corp.; G-5200.
CI61-937; North Fitzsimmons Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.; G-18078.
CI61-1314; East Mayes Field, Chambers County, Tex.; Texas Gas Corp.; G-3602.
CI61-1515; Outside Island Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corp.; G-4421.
CI61-1603; Clayton Ranch Field, Crockett County, Tex.; Pioneer Gathering System, Inc.; G-15185.
CI61-1657; May Sutton Lease, Calallen Field, Nueces County, Tex.; Tennessee Gas Transmission Co.; G-2628.
CI61-1671; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; Application for 7(c) authorization presently pending in Docket No. CI61-1671.
CI61-1694; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-8192.
CI61-1728; Second Bayou Field, Cameron Parish, La.; American Louisiana Pipe Line Co.; G-15707.
CI61-1753; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-13165.
CI61-1754; Jefferson District, Pleasants County, W. Va.; Hope Natural Gas Co., G-5607.
CI61-1780; Poca District, Putnam County, W. Va.; Cabot Corp.; [10] G-3895.
CI62-111; Happy Valley Gasoline Plant No. 11, Lincoln County, Okla.; Cities Service Gas Co.; G-12488.
CI62-133; Southeast Aylesworth Pool, Bryan County, Okla.; Lone Star Gas Co.; G-6843.
CI62-245; Curry District, Putnam County, W. Va.; South Penn Oil Co.; [11] G-8263.
CI62-246; Tobasco Field, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; G-14641 and G-17805.
CI62-282; Mount Pleasant Park, Garrett County, Md.; Cumberland and Allegheny Gas Co.; G-7695.
CI62-368; Wyrick Field, Refugio County, Tex.; Tennessee Gas Transmission Co.; G-5124.
CI62-392; Lincoln County, W. Va.; South Penn Oil Co.; [11] G-8259.
CI62-399; Rhodes Field, Barber County, Kans.; Cities Service Gas Co.; G-11004.
CI62-403; McComas District, Cabell County, W. Va.; South Penn Oil Co.; [11] G-8236.
CI62-404; McComas District, Cabell County, W. Va.; South Penn Oil Co.; [11] G-8237.
CI62-413; W. S. Ford No. 1 Well, Texas Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Co.; G-6296.
CI62-430; Divide Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G-10502.

[1] Now Cities Service Petroleum Company.
[2] Successor to Lars Oil & Gas Company, Inc., et al.
[3] Successor to Magnolia Petroleum Company.
[4] Certificate issued in name of Powell Farm Gas & Oil Company.
[5] Successor to Columbian Carbon Company.
[6] Successor to C. H. Spriggs, et al.
[7] Successor to Loffland Brothers Company, Agent (Operator), et al.
[8] *Supra.*
[9] Consolidated with AR61-2 proceedings.
[10] Successor to Godfrey L. Cabot, Inc.
[11] Successor to South Penn Natural Gas Co.

CI62–441; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; G–7076.
CI62–448; Ewing Field, San Patricio County, Tex.; United Gas Pipe Line Co.; CI61–809.
CI62–449; Grant District, Wetzel County, W. Va.; Equitable Gas Co.; G–15194.
CI62–478; South Rangely Field, Rio Blanco County, Colo.; El Paso Natural Gas Co.;[12] G–13872.
CI62–528; C. W. Duval, et al., Lease, Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; CI60–204.
CI62–529; Tynan Area, Bee County, Tex.; Transcontinental Gas Pipe Line Corp.; G–29102.
CI62–556; Southeast Rayne Field, Lafayette Parish, La.; Transcontinental Gas Pipe Line Corp.; G–18433.
CI62–643; Cass and Grant District, Monongalia County, W. Va.; Hope Natural Gas Co.; G–9949.
CI62–747; Witerock Field, Noble County, Okla.; Cities Service Gas Co.; G–10123.
CI62–758; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; CI60–631.
CI62–759; Engel and Lively Leases, Braxton County, W. Va.; Hope Natural Gas Co.; G–20165.
CI62–795; Brittain Lease, Cruce Field, Stephens County, Okla.; Lone Star Gas Co.; G–3445.
CI62–800; Southeast Fulton Field, Beauregard Parish, La.; Trunkline Gas Co.; G–15017.
CI62–807; Summit Field, Fayette County, Pa.; The Manufacturers Light and Heat Co.; G–7583 and G–7696.
CI62–814; Pawnee County, Kans.;[13] Northern Natural Gas Co.; G–12935.[14]
CI62–832; No. 1 Birney Well, Pleasant Valley Field, Ford County, Kans.; Panhandle Eastern Pipe Line Co.; G–16950.
CI62–924; Kammerer Gas Unit, Morgan County, Colo.; Kansas-Nebraska Natural Gas Co.; G–20493.
CI62–925; West Dilworth Field, Kay County, Okla.; Arkansas Louisiana Gas Co.; G–14413.
CI62–926; West Dilworth Field, Kay County, Okla.; Arkansas Louisiana Gas Co.; G–14412.
CI62–935; Shamrock Farms Area, Fayette County, Pa.; The Manufacturers Light and Heat Co.; G–5296.
CI62–945; Richard Kornfuehrer and Gustave L. Ideus Leases, Gottschalt Field, Goliad County, Tex.; United Gas Pipe Line Co.; G–4785.
CI62–975; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Co.; G–3051.
CI62–985; Shield Field, Nueces County, Tex.; Transcontinental Gas Pipe Line Corp.; G–4302.
CI62–1006; Johnson Estate Nos. 1 and 5 Leases, West Pampa Field, Gray County, Tex.; Phillips Petroleum Co.; G–5994.
CI62–1069; North William Field, San Patricio County, Tex.; Coastal States Gas Producing Co.;[15] G–10076.

In each case, except in Docket Nos. CI61–1314, CI62–935, and CI62–945, the respective Applicants filed notices of cancellation of their related FPC Gas Rate Schedules.

[12] Successor to Pacific Northwest Pipeline Corp.
[13] Applicant acquired the subject acreage from Lofland Brothers Co. by assignment dated June 8, 1959, and effective July 1, 1959, but made no filings for authorization to continue the sale herein proposed to be abandoned.
[14] Certificate granted to Lofland Brothers Co.
[15] Successor to Gas Gathering Co.
CI62–1083; Vernon Field, Kay County, Okla.; Consolidated Gas Utilities Corp.; G–3950.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commision's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request thereof is made.

GORDEN M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3994; Filed, Apr. 24, 1962; 8:45 a.m.]

[Docket No. G–9262 etc.]

FLORIDA GAS TRANSMISSION CO.

Order Redesignating Proceedings, Accepting Amendment To Bond, and Substituting Name of Party

APRIL 18, 1962.

Florida Gas Transmission Company (formerly Houston Texas Gas and Oil Corporation), Docket Nos. G–9262, G–18615, CP61–94, CP61–117, CP61–126, CP61–135, CP61–218, CP62–74, CP62–106, CP62–151, RP61–3, RP61–4 and RP62–4.

On March 19, 1962, Florida Gas Transmission Company (Florida Gas) filed with the Commission its motion to amend applications and certificates of public convenience and necessity and to substitute name of party in the above listed proceedings.[1] Concurrently, Florida Gas submitted for filing an amendment to a surety bond, filed pursuant to Commission's order issued January 16, 1961, in Docket Nos. RP61–3, et al., to change the name of Houston Texas Gas and Oil Corporation (Houston Texas), to Florida Gas.

In support of its motion Florida Gas states that (1) on March 16, 1962, pursuant to a resolution of its Board of Directors, Houston Texas filed with the Secretary of State of the State of Delaware, the State of Incorporation of Houston Texas, an amendment to its corporate charter, changing the name of the corporation; (2) no other corporate changes have been made; and (3) it is the same corporate entity for all purposes and in all respects as Houston Texas, except the name thereof. Florida Gas states further that the amendment filed with the State of Delaware is self-executing, and no order of authorization or other action by the Secretary of the State of Delaware is required to make the change of name effective.

The proceedings in Docket Nos. CP62–151, C–9262, RP61–3 and RP62–4, have not been concluded nor have decisions been rendered therein.

Florida Gas states that the certificate authorizations heretofore granted to Houston Texas by the Commission are as follows: Docket Nos. G–9262, G–18615, CP61–94, CP61–117, CP61–126, CP61–135, CP61–218, CP62–74, CP62–106.

The Commission finds:

(1) The proceedings in Docket Nos. CP62–151, G–9262, RP61–3 and RP62–4 should be redesignated Florida Gas Transmission Company.

(2) The name of Florida Gas Transmission Company should be substituted for that of Houston Texas in the certificate authorizations heretofore granted to Houston Texas by this Commission.

(3) The amendment to the surety bond heretofore filed by Houston Texas in Docket No. RP61–3 should be accepted for filing.

The Commission orders:

(A) The motion of Florida Gas Transmission Company filed March 19, 1962, is granted and proceedings in Docket Nos. G–9262, RP61–3, CP62–151, and RP62–4 are redesignated Florida Gas Transmission Company, and the name of Florida Gas Transmission Company is hereby substituted for that of Houston Texas in the certificate authorizations heretofore granted to Houston Texas by this Commission.

(B) The amendment changing the name of Houston Texas to Florida Gas Transmission Company on the surety bond filed in Docket No. RP61–3, is accepted for filing.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3995; Filed, Apr. 24, 1962; 8:45 a.m.]

[Docket No. G–16417[1]]

NORTHWEST PRODUCTION CORP.[2]

Order Substituting Respondent, Accepting Successor's Undertaking and Redesignating Proceeding

APRIL 19, 1962.

Barnhart Hydrocarbon Corporation (Barnhart) under merger agreement dated March 30, 1961, was merged into Northwest Production Corporation (Northwest). By Commission letter of May 31, 1961, Northwest was advised (1) its notice of succession and related merger agreement were accepted for filing to become effective as of March 30, 1961, and (2) Barnhart's FPC Gas Rate Schedule No. 1 and Supplements thereto have been redesignated as Northwest's FPC Gas Rate Schedule No. 2 and Supplements Nos. 1 through 5 thereto. Northwest in Docket No. CI61–1542 is seeking authorization to continue the sales of natural gas to El Paso Natural Gas Company.

Northwest on April 20, 1961, filed a motion in the above-designated docket to be substituted in lieu of Barnhart as the party respondent in the said proceeding. In connection therewith Northwest filed on April 20, 1961, an agreement and undertaking in compliance with paragraph (C) of the Commission's order issued July 20, 1959, in Docket No. G–16417, agreeing to refund as provided by paragraph (B) thereof such portion of the increased rate or charge provided for by Supplement No. 4 to Barnhart's FPC Gas Rate Schedule No. 1 (effective April 17, 1959) which may hereafter be found by the Commission not justified in this proceeding.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Northwest be substituted for Barnhart as respondent in the above-designated proceeding, that said proceeding be redesignated accordingly, and that the agreement and undertaking submitted by Northwest be accepted for filing.

The Commission orders:

(A) Northwest Production Corporation is hereby substituted for Barnhart Hydrocarbon Corporation as Respondent in the proceeding in Docket No. G–16417, and the proceeding is accordingly redesignated.

(B) The agreement and undertaking filed in this proceeding on April 20, 1961 by Northwest Production Corporation assuming the rights and liabilities under the undertaking heretofore filed by Barnhart is hereby accepted for filing.

(C) Northwest shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4020; Filed, Apr. 24, 1962; 8:48 a.m.]

[Docket Nos. G–19633, RI60–250]

RUSSELL MAGUIRE ET AL.

Order Redesignating Proceedings and Requiring Filing of Bond

APRIL 19, 1962.

Russell Maguire and Jack P. Rayzor (Operator), et al. (formerly: Russell Maguire), Docket No. G–19633; Republic National Bank of Dallas, Trustee of the Wirt Davis Estate, and Jack P. Rayzor (Operator), et al. (formerly: Republic National Bank of Dallas, Trustee of the Wirt Davis Estate), Docket No. RI60–250.

On January 25, 1962, Jack P. Rayzor (Operator), et al. (Rayzor) filed a motion requesting to be made parties to the proceedings of Russell Maguire (Maguire) and Republic National Bank of Dallas, Trustee of the Wirt Davis Estate (Republic) in Docket Nos. G–19633 and RI60–250, respectively. In support of their motion, Rayzor state that they have acquired by outright purchase for cash the gas wells located in the Pelican Field, Liberty County, Texas, known as the Russell Maguire-No. 1 Quinn Well and the Mississippi River Fuel Company and Republic National Bank-No. 1 Wirt Davis Well, together with related acreage, the sales from such wells being involved in the said proceedings.

On April 10, 1961, Rayzor filed an application in Docket No. CI61–1470 for certificate authorization to continue, among others, the sales of natural gas to Tennessee Gas Transmission Company made by the above predecessors in interest. Concurrently therewith, Rayzor filed as a proposed related rate schedule the basic contract with Tennessee, as amended, covering both of said predecessors' sales. By letter dated January 5, 1962, authorization to continue the sales was granted and the rate schedule accepted for filing, subject to the conditions enumerated in said letter. The rate schedule has been designated as Jack P. Rayzor (Operator), et al., FPC Gas Rate Schedule No. 6 and Supplement Nos. 1, 2 and 3 thereto (Supersedes Russell Maguire's FPC Gas Rate Schedule No. 1 and Republic National Bank of Dallas', Trustee of the Wirt Davis Estate, FPC Gas Rate Schedule No. 1, among others).

It would appear that the proceedings in Docket Nos. G–19633 and RI60–250 should be redesignated so as to make both assignor and assignee parties to the proceedings and to require a bond to be filed by Rayzor to assure refunds of any excess charges that may be ultimately determined to have been collected subsequent to Rayzor's acquisition of the above-described property. Maguire's and Republic's responsibilities for the refund of excess charges that may be determined to have been collected prior to Rayzor's acquisition will, of course, continue.

The Commission finds: Good cause exists for redesignating the proceedings in Docket Nos. G–19633 and RI60–250 as indicated in the heading of this order subject to Rayzor filing a corporate surety bond as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G–19633 and RI60–250 are hereby redesignated and entitled as shown in the heading of this order.

(B) Within 30 days from the issuance of this order, Rayzor shall file a corporate surety bond in the amount of $4,800 to assure such refund of any excess charges as may ultimately be ordered in these proceedings, except that Maguire and Republic shall be responsible for any refunds found necessary as to sales prior to the acquisition by Rayzor, and Rayzor as to sales thereafter.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4021; Filed, Apr. 24, 1962; 8:48 a.m.]

[Docket No. G–17268]

FRANKFORT OIL CO.[1]

Order Redesignating Proceeding, Substituting Respondent, and Requiring Filing of Undertaking To Assure Refund of Excess Charges

APRIL 19, 1962.

Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Company (Seagram), by assignment effective as of November 1, 1960, acquired leases from Anderson-Prichard Oil Corporation (Anderson-Prichard), which had been conveyed to it by Union Texas Natural Gas Corporation (Union Texas) successor in interest to Union Oil and Gas Corporation of Louisiana (Union Oil). Union Texas, by Commission order issued September 16, 1960, was substituted as Respondent for Union Oil in the matter of Union Oil and Gas Corporation of Louisiana (Operator), et al., Docket No. G–17268.[2] Union Texas continued to collect subject to refund rates and charges under agreement and undertaking of Union Oil and Gas Corporation of Louisiana (Operator), et al., Docket No. G–17268, accepted by the Commission on July 20, 1959, relating to suspended Supplement No. 1 of Union Oil FPC Gas Rate Schedule Nos. 6 and 7[3] (suspended December 17, 1958), covering sales of natural gas to Tennessee Gas Transmission Company from the West Rock Island Field in Colorado County, Texas.

On March 29, 1961, Seagram filed a motion requesting substitution of Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Company, as Respondent in lieu of Union Texas Natural Gas Corporation in the above-designated docket. In connection therewith, movant states it adopts, ratifies and makes its own the corporate undertaking previously filed by Union Oil, the corporate predecessor of Union Texas.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Company, be substituted for Union Texas Natural Gas Corporation in the above-entitled proceeding, that said proceeding be redesignated accordingly, and that the substituted re-

[1] Formerly Union Texas Natural Gas Corporation.
[2] Effective March 3, 1960, Union Oil and Gas Corporation of Louisiana and Texas Natural Gasoline Corporation were merged into one corporation, the surviving corporation being Union Oil and Gas Corporation of Louisiana under the new name of Union Texas Natural Gas Corporation.
[3] The Commission has redesignated said rate schedules as Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Company, FPC Gas Rate Schedule Nos. 7 and 8.

[1] For the reasons indicated below, the motion is considered as a motion to redesignate proceedings and substitute name of party. Docket No. RP61–4, designated Coastal Transmission Corporation, was inadvertently included in the instant motion filed by Florida Gas.

[1] Formerly Barnhart Hydrocarbon Corporation.
[2] This proceeding is consolidated in the area rate proceeding in Docket No. AR61–1.

spondent file an appropriate agreement and undertaking in conformity with the provisions of paragraph (C) of our order issued June 24, 1959, to secure refunds as directed by paragraph (B) thereof.

The Commission orders:

(A) Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Company, is hereby substituted for Union Texas Natural Gas Corporation as Respondent in the proceeding in Docket No. G–17268, and the proceeding is accordingly redesignated.

(B) The substituted Respondent in (A) above shall file in this proceeding an agreement and undertaking in the form required by paragraph (C) of the Commission order issued June 24, 1959, to secure refunds provided for by paragraph (B) thereof, within thirty days from the date of issuance of this order. Unless notified to the contrary by the Secretary of the Commission within thirty days from the date of filing, such undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) The substituted Respondent shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder. The undertaking required by paragraph (B) above shall remain in full force and effect until discharged by the Commission.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4022; Filed, Apr. 24, 1962; 8:48 a.m.]

[Docket No. G–11751 etc.]

COLUMBIAN CARBON CO.

Order Substituting Respondent and Accepting Corporate Undertaking

APRIL 19, 1962.

Columbian Carbon Company (formerly Cities Service Carbon Corporation which is successor in interest to CBN Corporation, formerly Columbian Carbon Company), Docket Nos. G–11751, G–14101, G–15972, G–17157, G–19942, RI61–238, RI61–395, RI62–79.

On November 27, 1961, Cities Service Carbon Corporation now Columbian Carbon Company (Cities Service Columbian), filed a petition to be substituted as successor in interest for Columbian Carbon Company, now CBN Corporation (CBN Columbian), in the above-entitled proceedings. In addition, Cities Service Columbian submitted a corporate agreement and undertaking and requests that it be accepted in lieu of the corporate agreements and undertakings heretofore filed by CBN Columbian in all of said proceedings except Docket No. RI62–79.[1]

Concurrently with its petition to be substituted as respondent, Cities Service Columbian filed a petition for amendment of CBN Columbian's certificates of public convenience and necessity in Docket Nos. G–3872, et al. In said petition in Docket Nos. G–3872, et al., Cities Service Columbian sets forth the manner in which, through a pooling of interests, all assets and liabilities of CBN Columbian were to be acquired and assumed by Cities Service Columbian.[2] By letter dated February 9, 1962, Cities Service Columbian has advised that with the exception of the distribution of stock and dissolution of CBN Corporation, the transaction has taken place as planned on January 31, 1962.

By letter dated January 16, 1962, the Commission granted temporary authorization for the continuance of CBN Columbian's sales by Cities Service Columbian and redesignated all of the former's active rate schedules as rate schedules of the latter, but with no change in numerical designation.

The Commission finds: Good cause exists for substituting Cities Service Columbian for CBN Columbian as respondent in the above-captioned proceedings and for accepting Cities Service Columbian's corporate agreement and undertaking in lieu of those heretofore filed by CBN Columbian.

The Commission orders:

(A) Columbian Carbon Company (formerly Cities Service Carbon Corporation) is hereby substituted as respondent in the above entitled proceedings in place of Columbian Carbon Company (now CBN Corporation).

(B) The corporate agreement and undertaking filed by Columbian Carbon Company (formerly Cities Service Carbon Corporation) concurrently with its petition to be substituted is accepted in lieu of those heretofore filed by Columbian Carbon Company (now CBN Corporation).

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4023; Filed, Apr. 24, 1962; 8:49 a.m.]

[Docket No. RI61–473]

CONTINENTAL OIL CO.

Order Substituting Respondent, Accepting Successor's Undertaking, Making Rate Effective Under Undertaking, and Redesignating Proceeding

APRIL 19, 1962.

Continental Oil Company (successor to John M. Kelly (Operator) et al.), Docket No. RI61–473.

On February 15, 1962, Continental Oil Company (Continental) filed a motion to be substituted for John M. Kelly (Operator) et al. (Kelly) in the above-designated rate proceeding. The motion states that Continental has acquired all of Kelley's interest in the leases, lands, gas production, and gas sales contract subject to this proceeding.

The increased rate was suspended but has not been made effective. Continental also filed a motion to place in effect as of February 15, 1962, the suspended rate contained in Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 214.[1] Continental has submitted its agreement and undertaking to comply with any refund obligation in this proceeding.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Continental be substituted for Kelly in the above-designated proceeding, that the proceeding be redesignated accordingly, that the successor's undertaking and agreement submitted by Continental be excepted for filing, and that the rate suspended in Docket No. RI61–473 be made effective subject to refund as of February 15, 1962.

The Commission orders:

(A) Continental Oil Company is substituted for John M. Kelly (Operator) et al. in the proceeding in Docket No. RI61–473, and the proceeding is redesignated in the name of Continental Oil Company.

(B) The agreement and undertaking submitted by Continental Oil Company on February 15, 1962, to assume any and all refund obligations in this proceeding, is accepted for filing.

(C) The rate, charge, and classifications set forth in Supplement No. 10 to Continental Oil Company's FPC Gas Rate Schedule No. 214 is effective, subject to refund, as of February 15, 1962.

(D) The effective rate set forth in Supplement No. 10 to Continental Oil Company's FPC Gas Rate Schedule No. 214 shall be charged and collected commencing on February 15, 1962, subject to any future orders of the Commission in this proceeding.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4024; Filed, Apr. 24, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–2236, 7–2237]

SUNSHINE MINING CO. AND VULCAN MATERIALS CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 19, 1962.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Sunshine Mining Company, file 7–2236.
Vulcan Materials Company, file 7–2237.

Upon receipt of a request, on or before May 14, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–4005; Filed, Apr. 24, 1962; 8:46 a.m.]

[1] Suspended until April 1, 1962. No motion has been filed by CBN Columbian to place the suspended rate in effect.

[2] Under the pooling agreement, the following steps would be taken: (1) The name of Columbian Carbon Company would be changed to CBN Corporation; (2) the name of Cities Service Carbon Corporation would be changed to Columbian Carbon Company; and (3) Columbian Carbon Company, now CBN, would transfer all of its assets to Cities Service Carbon, now Columbian Carbon, in exchange for shares of stock of the parent company, Cities Service Company. Upon such exchange, CBN was to be dissolved and the aforesaid stock distributed to its equity owners.

[1] Formerly Kelly's Rate Schedule No. 1. Kelly's rate schedule has been redesignated in Continental's name by letter from the Secretary of the Commission dated March 27, 1962.

INTERSTATE COMMERCE COMMISSION

[Notice 629]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 20, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64820. By order of April 17, 1962, the Transfer Board approved the transfer to Suelzer Moving & Storage, Inc., Fort Wayne, Ind., of Certificates Nos. MC 74755, MC 74755 Sub 1, and MC 74755 Sub 2, issued October 3, 1940, October 10, 1939, and September 27, 1941, respectively, to Herman J. Suelzer, doing business as Suelzer Trucking Company, Fort Wayne, Ind., authorizing the transportation of: Household goods, over irregular routes, between Fort Wayne, Ind., on the one hand, and, on the other, points in Illinois; between Fort Wayne, Ind., and points in Indiana within 40 miles of Fort Wayne, on the one hand, and points in Ohio, on the other; and between Fort Wayne, Ind., and points within 40 miles of Fort Wayne, on the one hand, and, on the other, points in the lower peninsula of Michigan; between points within 40 miles of Fort Wayne, Ind., on the one hand, and, on the other, points in Illinois. Robert S. McCain, 403 Standard Building, Fort Wayne, Ind., attorney for applicants.

No. MC–FC 64922. By order of April 17, 1962, the Transfer Board approved the transfer to Wayne Barnett, doing business as Moran Truck Line, Moran, Kansas, of Certificate in No. MC 705, issued April 11, 1955, to Floyd Kinzle, Iola, Kansas, authorizing the transportation of: Livestock, from La Harpe, Kans., to Kansas City, Mo., with service from the intermediate and off-route points within 10 miles of La Harpe; farm machinery, feed, and livestock, from Kansas City, Mo., to La Harpe, Kans.; livestock, feed, and seeds, between Iola, Kans., and points in Allen County, Kans., east of U.S. Highway 169 except Humboldt, Kans., on the one hand, and, on the other, points in Kansas City, Kans., and Kansas City, Mo.; hardware, paint oils and greases, and farm implements, from Kansas City, Kans., and Kansas City, Mo., to Iola, Kans.; threshers and thresher repair parts, from Des Moines, Iowa, to Iola, Kans.; farm machinery, from Iola, Kans., to points in Missouri.

No. MC–FC 64930. By order of April 17, 1962, the Transfer Board approved the transfer to Alan P. Hunter, doing business as Hunter's Express Line, 52 Salina Street, Baldwinsville, N.Y., of Certificate No. MC 59824, issued July 6, 1949, to Ora B. Hunter and Alan P. Hunter, a partnership, doing business as Hunter's Express Line, 3 Hotaling Street, Baldwinsville, N.Y., authorizing the transportation of: general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Syracuse, N.Y., and Oswego, N.Y.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–4015; Filed, Apr. 24, 1962; 8:48 a.m.]

[Notice 207]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 20, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 117 (Deviation No. 1), O. K. HEILMAN, INC., Fourth Avenue and 14th Street, Ford City, Pa., filed April 10, 1962. Attorney Edward M. Larkin, 1221 Grant Building, Pittsburgh 19, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Cleveland, Ohio, over U.S. Highway 322 to Brookville, Pa., (B) from Cleveland, Ohio, over U.S. Highway 21 to junction Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction of the Allegheny Valley Interchange of the said Turnpike, with Pennsylvania Highway 28, near Cheswick, Pa., (C) from Cleveland, Ohio, over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to Akron, Ohio, and (D) from Akron, Ohio, over U.S. Highway 224 to New Castle, Pa., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over U.S. Highway 422 to Kittanning, Pa., thence over Pennsylvania Highway 28 to Brookeville; from Cleveland over U.S. Highway 422 to Kittanning, Pa., thence over Pennsylvania Highway 28 to junction of the Allegheny Valley Interchange of the Pennsylvania Turnpike with the said highway, near Cheswick, Pa.; from Youngstown, Ohio, over Ohio Highway 18 to Akron, thence over Ohio Highway 8 to Cleveland; and from New Castle, over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 18 to Akron, and return over the same routes.

No. MC 27970 (Deviation No. 3), CHICAGO EXPRESS, INC., Third and Adams Streets, Kearny, N.J., filed April 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From the junction of U.S. Highways 30 and 202, near Paoli, Pa., over U.S. Highway 202 to junction Pennsylvania Highway 43 (Schuylkill Expressway), thence over Pennsylvania Highway 43 to Philadelphia, Pa., and (B) from the junction of Ohio Highways 14 and 82, at Twinsburg, Ohio, over Ohio Highway 82 to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same routes, for operating convenience only,

serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over Ohio Highway 14 to Deerfield, Ohio, thence over Ohio Highway 14A, via Salem, Ohio, to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Pittsburgh, Pa., thence over U.S. Highway 30 to Philadelphia, thence over U.S. Highway 1 to Boston, Mass.; and from Twinsburg over Ohio Highway 14 to Cleveland and return over the same routes.

No. MC 59680 (Deviation No. 16), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex., filed April 9, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 66 and 40, and Illinois Highway 3, in East St. Louis, Ill., over Illinois Highway 3 to junction By-Pass U.S. Highway 50, thence over By-Pass U.S. Highway 50 to junction U.S. Highway 67, at Mehlville, Mo.; and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East St. Louis over U.S. Highway 66 to St. Louis, Mo., thence over U.S. Highway 67 to Mehlville, and return over the same route.

No. MC 104004 (Deviation No. 25), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed April 10, 1962. Carrier's representative John P. Tynan, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 350 and 1 over U.S. Highway 350 (Henry Shirley Memorial Highway), to Washington, D.C., and return over the same route, for operating convenience only, serving no intermediate, points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Raleigh, N.C., over U.S. Highway 1, via Oxford, Pa., to New York, N.Y., and return over the same route.

No. MC 109265 (Deviation No. 5), W. L. MEAD, INC., P.O. Box 31, Cleveland Road, Norwalk, Ohio, filed March 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over U.S. Highway 224 to junction unnumbered highway at Delphi, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 20, via Worcester, Mass., Albany, Waterloo, and Depew, N.Y., and Cleveland, Ohio, to Norwalk, Ohio, thence over unnumbered highway to North Fairfield, Ohio, thence over unnumbered highway to Delphi, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to Marion, Ohio, thence over U.S. Highway 23 to Columbus, Ohio; and from Boston to Cleveland, as specified above, thence over Ohio Highway 8 to Akron, thence over Ohio Highway 18 to Norwalk, Ohio, thence to Columbus, Ohio, as specified above, and return over the same routes.

No. MC 111651 (Deviation No. 1), MIDDLEWEST FREIGHTWAYS, INC., 507 South Theresa Avenue, St. Louis 3, Mo., filed April 9, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill. and St. Louis, Mo. over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 to Chicago, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4016; Filed, Apr. 24, 1962; 8:48 a.m.]

[Notice 439]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 20, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 107107 (Sub-No. 186) (CORRECTION), filed November 27, 1961, published FEDERAL REGISTER, issue of April 4, 1962, and republished as corrected this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed* by meatpacking houses, as described in Appendix A and C, ex parte MC 45, and (2) *equipment, materials, and supplies, used by and in the manufacture, sale, and distribution of meat, meat products, meat byproducts and articles distributed by meatpacking houses*, from Momence, Ill., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida.

NOTE: The purpose of this republication is to show the correct origin point as *Momence* in lieu of Monroe as shown in previous publication in error.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4017; Filed, Apr. 24, 1962; 8:48 a.m.]

[Notice 438]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 20, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 14), filed March 26, 1962. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common control*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of Indiana Highway 64 and Indiana Highway 145, at or near Eckerty, Ind., and the junction of Indiana Highway 64 and U.S. Highway 460, at or near Edwardsville, Ind., over Indiana Highway 64, as an alternate route, for operating convenience only, serving no intermediate points.

HEARING: June 22, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 1540 (Sub-No. 15), filed March 26, 1962. Applicant: JOSEPH DANIEL LEONARD, 242 North George Street, York, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and utility cabinets*, from New York, N.Y., to points in Pennsylvania, and points in Ohio, on and east of a line beginning at the Kentucky-Ohio State Line near Portsmouth, Ohio, and extending along U.S. Highway 23 to Columbus, Ohio, thence along U.S. Highway 71 to junction with U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, Ohio, and *rejected, damaged and returned shipments*, on return.

HEARING: May 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 2202 (Sub-No. 225), filed January 8, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Bowling Green, Ky., and Junction of U.S. Highway 79 and U.S. Highway 70 near Memphis, Tenn.; from Bowling Green over U.S. Highway 68 to junction of U.S. Highway 68 and U.S. Highway 79, thence over U.S. Highway 79 to junction of U.S. Highway 79 and U.S. Highway 70, and return over the same route, serving no intermediate points and with service at junction points for purpose of joinder only as an alternate route for operating convenience only.

HEARING: June 12, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 2229 (Sub-No. 109), filed February 12, 1962. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 10837, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Denver, Colo., and Oklahoma City, Okla., as follows: From Denver, Colo., over U.S. Highway 287 to Boise City, Okla., thence over U.S. Highway 64 to Guymon, Okla., and thence over U.S. Highway 270 to Oklahoma City, and return over the same route, serving no intermediate points, *as an alternate route for operating convenience only*, in connection with its presently authorized regular route operations between Denver, Colo., and Oklahoma City, Okla.

NOTE: Applicant states that the present service route of Red Ball Motor Freight, Inc., between Denver, Colo., and Oklahoma City, Okla., is from Denver, Colo. over U.S. Highway 287 to Amarillo, Tex., thence over U.S. Highway 60 to junction with Texas State Highway 152, thence over Texas State Highway 152 to the Texas-Oklahoma State line, thence over Oklahoma State Highway 152 to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Oklahoma City, Okla. (Certificate MC-2229 (Sub-No. 102)).

HEARING: June 21, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 86.

No. MC 2229 (Sub-No. 110), filed February 14, 1962. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Tex. Applicant's attorney: Charles D. Mathews, 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Amarillo, Tex., and Santa Fe, N. Mex., as follows: From Amarillo, Tex., over U.S. Highway 66 to Clines Corner, N. Mex., and thence over U.S. Highway 285 to Santa Fe, N. Mex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with its presently authorized regular route operations between Amarillo, Tex., and Santa Fe, N. Mex.

HEARING: July 2, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 7381 (Sub-No. 10), filed March 28, 1962. Applicant: WEBB'S TRANSFER, INC., P.O. Box 824, Suffolk, Va. Applicant's attorney: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to Swedesboro, N.J., and *damaged, refused* and *rejected shipments* of the above-specified commodities, on return.

HEARING: May 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 11723 (Sub-No. 7), filed March 12, 1962. Applicant: ARVIE J. BOWERS, doing business as BOWERS TRUCK COMPANY, 146 West Elm, Albion, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds*, (2) *animal and poultry sanitation supplies and medicines*, manufactured, distributed, or sold by Ralston Purina Mills, Inc., only when shipped in mixed loads with animal and poultry feeds, from Louisville, Ky., to points in Gibson County, Ind., and *exempt commodities*, on return.

NOTE: The applicant states the proposed service will be under contract with Ralston Purina Mills, Inc., St. Louis, Mo.

HEARING: June 18, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 155.

No. MC 13123 (Sub-No. 27), filed March 5, 1962. Applicant: WILSON FREIGHT FORWARDING COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between South Charleston, Ohio, on the one hand, and on the other, points located in an area in Ohio bounded as follows: By U.S. Highway 23 from Chillicothe, Ohio, to Delaware, Ohio; U.S. Highway 36 from Delaware, Ohio, to Piqua, Ohio; U.S. Highway 25 from Piqua, Ohio, to Dayton, Ohio; U.S. Highway 35 from Dayton, Ohio, to Xenia, Ohio; U.S. Highway 68 from Xenia, Ohio, to Wilmington, Ohio; U.S. Highway 22 from Wilmington, Ohio, to junction with Ohio Highway 73; Ohio Highway 73 from junction with U.S. Highway 22 and Ohio Highway 73 to New Vienna, Ohio; Ohio Highway 28 from New Vienna, Ohio, to junction with U.S. Highway 50; U.S. Highway 50 from junction of Ohio Highway 28 and U.S. Highway 50 to Chillicothe, Ohio; including points on the portions of the highways named.

NOTE: Applicant states that this application "seeks no authority to serve points it is not already authorized to serve. The purpose of this application is to conduct pick-up and delivery operations between its authorized service points in said area and its new terminal located at South Charleston, Ohio, over more practical routes solely for applicant's operating convenience."

HEARING: June 8, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 13235 (Sub-No. 8), filed April 2, 1962. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, Ill. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), A. OVER IRREGULAR ROUTES: Between Chicago, Ill., on the one hand, and, on the other, points on U.S. Highway 50 between St. Louis, Mo., and Vincennes, Ind., including St. Louis (but not including Vincennes).

NOTE: The purpose of this portion of the application is to eliminate the necessity of operating through Hoffman and Posey, Ill., in connection with operations between Chicago and points on the named highway.

B. OVER REGULAR ROUTES, as alternate or connecting routes for operating convenience only, serving on intermediate points, (1) between Mount Vernon, Ill., and Fairfield, Ill.; from Mount Vernon over Illinois Highway 15 to Fairfield, and return over the same, (2) between Fairfield, Ill. and Albion, Ill.; from Fairfield over Illinois Highway 15 to Albion, and return over the same route, (3) between Albion, Ill. and Mount Carmel, Ill.; from Albion over Illinois Highway 15 to Mount Carmel, and return over the same route, (4) between Olney, Ill. and Albion, Ill.; from Olney over Illinois Highway 15 to Albion, and return over the same route, (5) between Albion, Ill. and the junction of Illinois Highways 1 and 130; from Albion over Illinois Highway 130 to the junction of Illinois Highways 1 and 130, and return over the same route, (6) between Fairfield, Ill., and the junction of U.S. Highway 45 and U.S. Highway 460 (also Illinois Highway 14), from Fairfield over U.S. Highway 45 to the junction of U.S. Highway 45 and U.S. Highway 460, and return over the same route, (7) between Mount Vernon, Ill., and McLeansboro, Ill.; from Mt. Vernon over U.S. Highway 460 to McLeansboro, and return over the same route, (8) between Mount Vernon, Ill., and Benton, Ill.; from Mount Vernon over Illinois Highway 37 to Benton, and return over the same route, (9) between Benton, Ill., and McLeansboro, Ill.; from Benton over Illinois Highway 14 to McLeansboro, and return over the same route, (10) between Pinckneyville, Ill., and the junction of Illinois Highway 154 and U.S. Highway 51; from Pinckneyville over Illinois Highway 154 to the junction of Illinois Highway 154 and U.S. Highway 51, and return over the same route, (11) between Freebury, Ill., and the junction of U.S. Highway 460 and Illinois Highway 15; from Freebury over U.S. Highway 460 to the junction of U.S. Highway 460 and Illinois Highway 15; (12) between Okawville, Ill., and New Minden, Ill.; from Okawville over Illinois Highway 177 to New Minden, and return over the same route, and (13) as a connecting route, between Carlyle, Ill., and Pinckneyville, Ill.; from Carlyle over Illinois Highway 127 to Pinckneyville, and return over the same route, serving the intermediate points of Posey, New Minden, and Nashville, Ill.

HEARING: June 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 160.

No. MC 23939 (Sub-No. 130), filed March 2, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, rocket propellant fuels,* and *helium*, in bulk, in specially designed tank vehicles, and the *empty vehicles*, between points in Washington, Idaho, Nebraska, Colorado, Arkansas, Kansas, Oklahoma, Texas, Arizona, New Mexico, California, Wyoming, and South Dakota.

HEARING: June 26, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 30209 (Sub-No. 5), filed April 2, 1962. Applicant: JOHN O'SHEA, INC., Foot of Birch Street, Ridgefield Park, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, between Englewood, N.J., on the one hand, and, on the other, points in Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed operation will be performed under contract with John Sexton & Co.

HEARING: June 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 35484 (Sub-No. 49), filed April 12, 1962. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving New Johnsonville, Tenn., and points within five (5) miles thereof as an intermediate and off-route point in connection with applicant's regular-route operations.

HEARING: June 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 41309 (Sub-No. 17), filed January 29, 1962. Applicant: JEFFRIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex. Applicant's attorney: Donovan N. Hoover, P.O. Box 897, Sante Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size, or weight, require the use of special equipment and handling, between the Nevada Test Site of the U.S. Atomic Energy Commission located near Mercury, Nev., on the one hand, and, on the other, Albuquerque and Los Alamos, N. Mex., using all available gateways, including Needles, Calif., and Hoover Dam, Ariz.

HEARING: June 22, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 42261 (Sub-No. 66), filed March 30, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 8, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refining catalyst* (dry), in bulk, in tank or hopper-type vehicles, from Baltimore, Md., and Kearny, N.J., to Marcus Hook, Pa., and *rejected shipments of specified commodity*, on return.

HEARING: May 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 42329 (Sub-No. 151), filed March 5, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 Sixteenth Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) serving Toone, Tenn., as an off-route point in connection with applicant's presently authorized regular-route operations between Nashville, Tenn. and Memphis, Tenn., and between Selmer, Tenn., and Jackson, Tenn., and (2) between junction Tennessee Highway 18 and U.S. Highway 45 (5 miles south of Jackson, Tenn.) and Bolivar, Tenn.; from junction Tennessee Highway 18 and U.S. Highway 45 over Tennessee Highway 18 to Bolivar, and return over the same route, serving all intermediate points and the off-route point of Toone, Tenn.

NOTE: Applicant states it now holds authority over the requested route between junction Tennessee Highway 18 and U.S. Highway 45 and Bolivar over Tennessee Highway 18 as an alternate route serving no intermediate points. Common control may be involved.

HEARING: June 12, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 42487 (Sub-No. 541), filed February 15, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading) between the junction of U.S. Highways 60 and 70 and Arizona State Highway 71 (approximately two (2) miles east of Aguila, Ariz.), on the one hand, and, on the other, the junction of Arizona State Highway 71 and U.S. Highway 89 (at or near Congress, Ariz.) as follows: From the junction of U.S. Highways 60 and 70 and Arizona State Highway 71 over Arizona State Highway 71 to the junction of Arizona State Highway 71 and U.S. Highway 89, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that it is a wholly owned subsidiary of Consolidated Freightways, Inc., a non-carrier, and owns all of the outstanding stock of New York Consolidated Freightways Corporation, Foster Freight Lines, Inc., Wheeler Transfer and Storage Company, and Canadian Freightways, Ltd. (of Canada).

HEARING: June 20, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 42487 (Sub-No. 547), filed April 9, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, rocket propellant fuels,* and *helium*, in bulk, in specially designed government or shipper owned tank vehicles, loaded or empty, and *empty vehicles*, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Washington, and Wyoming.

HEARING: June 26, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 50544 (Sub-No. 51), filed January 25, 1962. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a corporation, Ninth Floor, Fidelity Union Tower, 1507 Pacific Avenue, Dallas, Tex. Applicant's attorney: M. D. Sampels, Eighth Floor, Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plant site of Climax Chemical Co. near Monument, N. Mex., as an off-route point in connection with applicant's existing authority.

NOTE: Applicant states it is a wholly owned subsidiary of The Texas and Pacific Railway Company.

HEARING: July 5, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 52709 (Sub-No. 153), filed December 15, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Colorado.

NOTE: Applicant states it controls United Freight Inc., and Inter State Express, Inc., both of which are wholly owned by applicant.

HEARING: June 15, 1962, at the Albany Hotel, Denver, Colo., before Examiner James A. McKiel.

No. MC 52709 (Sub-No. 163), filed March 1, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, animal oils or fats, vegetable oils and blends of animal oils* or *fats and vegetable oils*, in bulk, in tank vehicles, from points in Nebraska, Minnesota, South Dakota, and Iowa to points in Colorado.

NOTE: Common control may be involved.

HEARING: June 13, 1962, at the Albany Hotel, Denver, Colo., before Examiner James A. McKiel.

No. MC 52953 (Sub-No. 24), filed March 22, 1962. Applicant: E.T. & W.N.C. TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Knoxville, Tenn., on the one hand, and, on the other, Whiteville and Jackson, Tenn., as follows: From Knoxville over Interstate Highway 40 to Kingston, Tenn.; thence over U.S. Highway 70 to Crossville, Tenn.; thence over U.S. Highway 70–S to Sparta, Tenn.; thence over Tennessee Highway 26 to Lebanon, Tenn. (also from Crossville to Lebanon over U.S. Highway 70–N); thence over U.S. Highway 70–N to Nashville, Tenn.; and thence over Tennessee Highway 100 to Whiteville, Tenn.; and also between Henderson, Tenn. (junction of Tennessee Highway 100 and U.S. Highway 45) and Jackson, Tenn., as follows: From Henderson over U.S. Highway 45 to Jackson (with authority to deviate to Interstate Highway 40 from Kingston to Jackson, upon completion thereof, or to segments thereof when opened), returning over the same routes and serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Applicant states that it controls the East Tennessee and Western North Carolina Railroad Company through stock ownership.

HEARING: June 8, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 61401 (Sub-No. 3), formerly assigned No. MC 123413 (REPUBLICATION), filed February 6, 1961, and republished FEDERAL REGISTER, issue of February 22, 1961, and republished this issue. Applicant: ROBERT L. MARX, WALLACE A. MARX AND DON T. MARX, a partnership, doing business as MARX TRUCK LINE, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 314 Security Building, Sioux City, Iowa. By application filed February 6, 1961, Robert L. Marx, "a partnership" doing business as Marx Truck Line, of Sioux City, Iowa, sought a permit authorizing operation in interstate or foreign commerce as a contract carrier by motor vehicle over irregular routes, transporting packinghouse products and other commodities dealt in by packinghouses, and packinghouse equipment, material and supplies, from Sioux City, Iowa, to points in the Commercial Zone of Madison, Wis., and points in the Commercial Zone of Milwaukee, Wis., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, on return, and assigned No. MC 123413. The application was referred to the Examiner for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 8, 1961, at Sioux City, Iowa, Hearing Examiner Gordon McLean Callow presiding. At the outset of the Hearing it became apparent that the application, as filed was incomplete, and that this had lead to the assignment of a new docket number, rather than that which had been assigned to the contract carrier operations of three brothers, Robert L. Marx, Wallace A. Marx and Don T. Marx, a partnership, doing business as Marx Truck Line. If the application had been completed when filed, the Docket No. MC–123413 would not have been used to designate what was apparently extended to be an application for extension of contract carrier authority by the Marx partnership. This report will treat the application as being filed on behalf of the three brothers named above, and as an application for extension of their existing contract carrier authority. Upon consideration of all evidence of record, the Examiner finds that applicants are fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicants as a *contract carrier* by motor vehicle over irregular routes, under continuing contracts with Armour and Company and Sioux City Dressed Pork Company, transporting *meats, packinghouse products and other commodities distributed*

by meatpacking houses, as described in paragraphs (A), (B) and (C) of Appendix I to Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, from Sioux City, Iowa, to Madison and Milwaukee, Wis., will be consistent with the public interest and the national transportation policy. The Examiner further finds that this application, and the authority herein recommended, should be republished in the FEDERAL REGISTER, showing the substitution of Robert L. Marx, Wallace A. Marx and Don T. Marx as parties-applicant, and the substitution of this docket number for MC–123413. Issuance of authority herein shall be withheld until 30 days have elapsed following the republication of such notice in the FEDERAL REGISTER, during which period any proper party in interest may file a petition for further hearing.

No. MC 66836 (Sub-No. 9), filed March 16, 1962. Applicant: SUN MOTOR LINE, INC., 1300 West Reno, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, P.O. Box 5114, Oklahoma City 7, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases, in containers, grease guns and pumps, insecticides and advertising signs*, from Oklahoma City, Okla., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: June 21, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Donald R. Sutherland.

No. MC 69833 (Sub-No. 62), filed April 12, 1962. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household good as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) serving the junction of U.S. Highway 127 and U.S. Highway 30 at Van Wert, Ohio, as a joinder point for operating convenience only, and (2) serving the junction of U.S. Highway 25 and U.S. Highway 30S at Lima, Ohio, as a joinder point for operating convenience only.

NOTE: Applicant presently holds restricted authority to serve Van Wert, and Lima, Ohio, and seeks no additional authority on traffic moving to and from these points.

HEARING: June 8, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 73165 (Sub-No. 169), filed April 13, 1962. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Good Hope (Saint Charles County), La., to points in Alabama, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *damaged and rejected shipments*, on return.

HEARING: April 30, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Allen W. Hagerty.

No. MC 95222 (Sub-No. 2), filed November 13, 1961. Applicant: RANDALL C. MORTENSEN, Box 553, Alamosa, Colo. Applicant's attorney: Raphael J. Moses, Alamosa, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, (2) *fuel oil*, in bulk, in tank vehicles, and (3) *coal*, in bulk, from points in Colorado to the plant site of Molybdenum Corp. of America Mine located near Red River, N. Mex., (4) *Molybdenum ore*, (5) *mining machinery and parts therefor*, from the plant site of Molybdenum Corp. of America Mine located near Red River, N. Mex., to points in Colorado.

HEARING: July 3, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 95350 (Sub-No. 4), filed February 26, 1962. Applicant: R. W. JONES TRUCKING COMPANY, a corporation, P.O. Box 291, Vernal, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between points in Colorado and Utah.

HEARING: June 4, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 95540 (Sub-No. 412), filed March 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat and packinghouse products, meat byproducts, dairy products* and *articles distributed by meatpacking houses*, and *frozen foods*, from points in Colorado east of the Continental Divide, to points in Idaho, Oregon, Utah, and Washington, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states it is under common control with Artic Express, Inc. through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: June 27, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 103880 (Sub-No. 255), filed April 4, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Dallas, Tex., to Midland, Mich.

HEARING: May 28, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 105461 (Sub-No. 40), filed April 2, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop, in rolls, metal stove shovels, and building materials*, made of sheet metals, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Delaware, Maryland (except points in Garrett and Allegany Counties, Md.), and Washington, D.C.

HEARING: June 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 106456 (Sub-No. 39), filed April 16, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., P.O. Box 180, Nashville, Tenn. Applicant's attorney: J. R. Browder, Fessler Lane, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the General Electric Company, located approximately two (2) miles southwest of Mount Vernon, Ind., as an off-route point, in connection with applicant's regular-route operations to and from Evansville, Ind.

HEARING: May 4, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 106603 (Sub-No. 66), filed March 22, 1962. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, between Brookville, Ind., on the one hand, and on the other, points in Kentucky and points in Ohio on and south of U.S. Highway 33.

HEARING: June 19, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 208.

No. MC 106920 (Sub-No. 15) filed, March 26, 1962. Applicant: RIGGS DAIRY EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus, Ohio; Carroll V. Lewis, Ohio Building, Sydney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Elmira, N.Y., to points in Pennsylvania (except points east of U.S. Highway 219), and points in Ohio, Indiana, Illinois, Missouri, and Michigan.

NOTE: Applicant states that it controls Foodway Express, Inc. (MC–F–7178) and refers to MC–F–7894 regarding sale and disposal of those operating rights.

HEARING: May 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 107475 (Sub-No. 51), filed March 7, 1962. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plant site of Kingsport Press, Inc., located on U.S. Highway 11W near Church Hill, Tenn., as an off-route point in connection with carrier's otherwise authorized operations.

HEARING: June 14, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 107475 (Sub-No. 52), filed March 20, 1962. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Otis E. Stovall, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between La Follette, Tenn., and junction U.S. Highway 25E and Tennessee Highway 63, near Harrogate, Tenn.; from La Follette over Tennessee Highway 63 to junction U.S. Highway 25E near Harrogate, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: June 11, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 107475 (Sub-No. 53), filed March 20, 1962. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Otis E. Stovall, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Knoxville, Tenn., and Chattanooga, Tenn.; from Knoxville over Interstate Highway 40 to junction Tennessee Highway 58 at Kingston, Tenn., thence over Tennessee Highway 58 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (b) between Knoxville, Tenn., and Chattanooga, Tenn.; from Knoxville over Interstate Highway 40 to Kingston, Tenn., thence over U.S. Highway 70 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: June 13, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 238.

No. MC 107527 (Sub-No. 41), filed February 19, 1962. Applicant: POST TRANSPORTATION COMPANY, a corporation, 3152 26th Street, Los Angeles 23, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium hydrosulphide*, in bulk, in tank vehicles, from Dominquez, Calif., to points in Arizona and New Mexico. (2) *Liquid aluminum sulphate*, in bulk, in tank vehicles, from Vernon, Calif., to points in Arizona.

HEARING: June 20, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 108053 (Sub-No. 36), filed March 9, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant states it is under common control with Midwest Emery Freight System, Inc.

HEARING: May 22, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 108068 (Sub-No. 40), filed March 14, 1962. Applicant: U.S.A.C. TRANSPORT, INC., Dover, Del. Mailing address: 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which, because of size or weight, require the use of special equipment and handling*, between the Nevada Test Site of the U.S. Atomic Energy Commission, located near Mercury, Nev., on the one hand, and, on the other, Albuquerque and Los Alamos, N. Mex.

HEARING: June 22, 1962, at the Arizona Corporation Commission, Phoenix, Arizona, before the Joint Board No. 411, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 108053 (Sub-No. 37), filed April 9, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 310, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts*, as described in paragraphs (a) and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, from Arkansas City, Kans., to points in Arizona and California.

HEARING: April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 108589 (Sub-No. 9), filed March 5, 1962. Applicant: EAGLE EXPRESS COMPANY, a corporation, P.O. Box 679, Somerset, Ky. Applicant's attorney: Fritz Krueger, 118 North Main Street, Somerset, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Lexington, Ky., to Cincinnati, Ohio, over U.S. Highway 25, serving no intermediate points.

NOTE: Applicant states that the above will be subject to a restriction excluding all traffic moving through the Knoxville, Tenn., gateway, and further restricted to interchange traffic only, originating at Lexington, Ky. Applicant further states it holds the return rights.

HEARING: June 5, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 108651 (Sub-No. 13), filed March 7, 1962. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, Tenn. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kingsport, Tenn., on the one hand, and, on the other, the plant site of Kingsport Press, Inc., located on U.S. Highway 11W near Church Hill, Tenn.

HEARING: June 14, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 279.

No. MC 108884 (Sub-No. 8), filed April 2, 1962. Applicant: ROGERS & KASPER, INC., Great Meadows, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood (fish and shell fish)*, exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported at the same time in the same vehicle with regulated commodities, in mechanically refrigerated vehicles, from Boston, Gloucester, and Worcester, Mass., New York, N.Y., and Jersey City, N.J., to Great Meadows, N.J.

HEARING: June 8, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 109584 (Sub-No. 100), filed December 13, 1961. Applicant: ARIZONA PACIFIC TANK LINES, 717 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in packages, from Chandler, Ariz. (and points within ten (10) miles thereof) to points in Colorado, Idaho, Illinois, Montana, Nevada, Oregon, New Mexico, Utah, Washington, and Texas on and west of U.S. Highway 81.

NOTE: Applicant indicates affiliation with Ringsby Truck Lines, Inc. (MC-52709), United Freight, Inc. (Docket FF 102), Fortier Transportation Company (MC 108398), Colonial & Pacific Frigidways, Inc. (MC 111138), and Converse Trucking Service (MC 41601).

HEARING: June 18, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 109584 (Sub-No. 103), filed February 19, 1962. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit juice concentrates*, in bulk, in tank vehicles, from points in California to points in Utah.

NOTE: Common control may be involved.

HEARING: June 7, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 109584 (Sub-No. 107), filed March 26, 1962. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California, to points in Utah.

NOTE: Common control may be involved.

HEARING: June 22, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 109637 (Sub-No. 201), filed March 5, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, between the Terminal of Kentucky Asphalt Terminal, Inc., at or near Louisville, Ky., on the one hand, and, on the other, Louisville, Ky.

HEARING: June 6, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 109708 (Sub-No. 20), filed March 28, 1962. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh orange juice*, in bulk, in tank vehicles, from points in Florida (except Brooksville, Dade City, Eustis, Lakeland, Orlando, and Fort Pierce), to Glen Roy, Pa.

HEARING: May 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 110390 (Sub-No. 1), filed March 26, 1962. Applicant: BULK TRANSPORT CORP., 4482 West Dunes Highway, Michigan City, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, other than for human consumption, in bags and in blocks, from Chicago, Ill., to points in Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified above, on return.

HEARING: June 22, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21.

No. MC 111170 (Sub-No. 73), filed April 6, 1962. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Arkansas to Greenville, Miss., and Helena, Ark.

HEARING: June 19, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109.

No. MC 111812 (Sub-No. 149), filed January 15, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

HEARING: May 22, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 111812 (Sub-No. 158), filed March 29, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Maine (except points in Aroostook County and Portland, Maine), to points in New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, Kansas, Oklahoma, and Baltimore, Md., and Washington, D.C.

NOTE: Mrs. Jane A. Lewis, wife of applicant's president holds a 50 percent interest in Dakota Express, Inc., a motor common carrier.

HEARING: June 19, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo A. Riegel.

No. MC 111862 (Sub-No. 4), filed March 19, 1962. Applicant: HENNES TRUCKING CO., a corporation, 320 South 19th Street, Milwaukee 3, Wis. Applicant's attorney: Jack B. Jasselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland and mortar), in bags and in bulk, from the plant site of Columbia Cement Corporation located at Nitro, W. Va., to points in Ohio and Kentucky, and *rejected and returned shipments*, on return.

NOTE: Applicant states "The officers and directors of both companies, John Hennes Trucking Co. and Hennes Trucking Co. are the same", therefore, common control and dual operations may be involved.

HEARING: June 5, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 111956 (Sub-No. 6) (REPUBLICATION), filed July 3, 1961, published FEDERAL REGISTER, issue of October 4, 1961, and republished this issue. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. By application filed July 3, 1961, applicant sought authority to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Cleveland, Ohio, and the sites of motor carrier terminal facilities operated by various motor carriers on U.S. Highway 21, approximately two (2) to five (5) miles south of the Ohio Turnpike, serving no intermediate points, but serving such terminals for the purpose of interchange only; and (2) between Akron, Ohio, and the sites of motor carrier terminal facilities operated by various motor carriers on U.S. Highway 21, approximately two (2) to five (5) miles south of the Ohio Turnpike, serving no intermediate points, but serving such terminals for the purpose of interchange only.

At the hearing, held December 1, 1961, before Joint Board No. 117, composed of C. J. Moriarty of Ohio, the application was amended to broaden the application. A Report and Order served March 21, 1962, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the sites of motor carrier terminal facilities located on U.S. Highway 21 and within 10 miles of the Ohio Turnpike, as off-route points, limited to interchange only, in connection with applicant's regular route operations to and from Cleveland and Akron, Ohio, and that the amended application be republished in the FEDERAL REGISTER in order that any interested parties not heretofore apprised of the present scope of the application may have an opportunity to protest if they so desire.

No. MC 112266 (Sub-No. 3), filed March 19, 1962. Applicant: CRAYCRAFT TRUCKING INC., P.O. Box 222, Upper Sandusky, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, hollow building tile, lead or zinc glazed, and clay products*, from points in Franklin and Weller Townships, Richland County, Ohio, to points in Michigan and Indiana, and *empty containers*, on return.

HEARING: June 7, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 112446 (Sub-No. 34), filed March 30, 1962. Applicant: REFINERS TRANSPORT, INC., 1300–51st Avenue North, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils* and *blends thereof*, and *petroleum* and *petroleum products*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Louisville, Ky., and points in the Commercial Zone thereof, on the one hand, and, on the other, points in Jefferson County, Ky., and (2) *commodities*, in bulk, between the site of the terminal of Kentucky Asphalt Terminal, Inc., located near Louisville, Ky., on the one hand, and, on the other, Louisville, Ky.

HEARING: June 7, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 112617 (Sub-No. 113), filed March 26, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between the site of the Terminal of Kentucky Asphalt Terminal, Inc., located near Louisville, Ky., on the one hand, and, on the other, Louisville, Ky.

HEARING: June 6, 1962, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 113255 (Sub-No. 35), filed April 9, 1962. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* and *vinegar stock*, in bulk, in tank vehicles, from points in Michigan to St. Paul, Minn., and *exempt commodities*, on return.

NOTE: Applicant states common control may be involved.

HEARING: May 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James O'D Moran.

No. MC 113267 (Sub-No. 66), filed April 2, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meatpacking houses, frozen and prepared foods*, when transported in vehicles equipped with mechanical temperature controlled units, between points in Arkansas.

NOTE: Common control may be involved.

HEARING: June 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215.

No. MC 113267 (Sub-No. 70), filed April 17, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *packinghouse products* as described by the Commission in Ex Parte No. MC 43, from Booneville, Miss., to points in Alabama, Florida, Georgia, Connecticut, Delaware Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, West Virginia, Virginia, Rhode Island, and the District of Columbia.

NOTE: Applicant states its "officers are officers and stockholders in the following motor carriers of passengers, their baggage and express, Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Lines Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Line, Inc. MC 110845."

HEARING: April 27, 1962, in Room 1620–A, 1115 Market Street, St. Louis, Mo., before Examiner William J. Cave.

No. MC 113855 (Sub-No. 64), filed March 1, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, attachments*, and *parts*, from Parma, Burley, and Boise, Idaho, and Ogden, Utah, to points in the United States (except Hawaii).

HEARING: June 19, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Donald R. Sutherland.

No. MC 113855 (Sub-No. 65), filed March 2, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power Brooms, Gravel Spreaders and Road Rollers*, from points in Power and Bannock Counties, Idaho, to points in the United States, (except Hawaii).

HEARING: June 18, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Donald R. Sutherland.

No. MC 114019 (Sub-No. 85), filed April 3, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products and blends thereof, and chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan and Wisconsin.

NOTE: Common control may be involved.

HEARING: June 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 114019 (Sub-No. 87), filed April 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fats, oil products* and *chemicals*, in bulk, in tank vehicles, between Cincinnati, Ohio, on the one hand, and on the other, Chicago, Ill.

HEARING: May 8, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 115322 (Sub-No. 31), filed April 19, 1962. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Daniel B. Johnson, 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food materials, advertising, promotional and display materials, and premiums*, from points in Massachusetts to points in Florida.

NOTE: Common control may be involved.

HEARING: May 9, 1962, at the New Post Office & Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 115841 (Sub-No. 107), filed April 16, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Pennsylvania (except points east of U.S. Highway 219), and points in Ohio, Indiana, Illinois, Missouri, and Michigan.

HEARING: May 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 116004 (Sub-No. 6), filed February 15, 1962. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 1017 South Akard, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Ft. Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between El Reno and Woodward, Okla., from El Reno, over U.S. Highway 66 to intersection of U.S. Highway 270, thence over U.S. Highway 270 to Woodward, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: June 22, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 116077 (Sub-No. 126), filed April 17, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, rendering a call and demand service in the transportation of *Sulphur*, in bulk, from points in Karnes County, Tex., to points in Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Texas.

HEARING: May 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner J. Thomas Schneider.

No. MC 116459 (Sub-No. 29), filed February 23, 1962. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Airport Road, Chattanooga, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Georgia.

HEARING: June 13, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 238.

No. MC 117344 (Sub-No. 89), filed March 5, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulfate* from points in Butler County, Ohio, to points in Kentucky and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity above, on return trips.

NOTE: Dual operations may be involved.

HEARING: June 6, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 118876 (Sub-No. 12), filed April 3, 1962. Applicant: GRAVES TRANSFER CO., Gravel Hill, R.D., Georgetown, Del. Applicant's attorney: H. James Conaway, Jr., 1400 Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scrap and other feed ingredients*, in bulk and in bags, for use and consumption only in animal and poultry feeds and in fertilizer, (1) from Philadelphia, and Bristol, Pa., to points in Cecil, Kent, Wicomico, Dorchester, Queen Annes, Talbot, Caroline, Worcester, and Somerset Counties, Md., points in Accomack and Northampton Counties, Va., and to points in Delaware, (2) from Baltimore, Md., to points in Accomack and Northampton Counties, Va., and points in Delaware, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: June 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 121173. Applicant: COLORADO MIDLAND TRANSPORT COMPANY, 3229 South Franklin Street, Denver 2, Colo. Applicant's attorney: John R. Barry, 728 Majestic Building, Denver 2, Colo. Assigned for hearing to determine whether the motor vehicle operations of Colorado Midland Transport Company are and will be managed and operated in common interest, management, and control with those of Convoy Company, a multiple-State carrier holding certificates under No. MC-52858, and whether Colorado Midland Transport Company is eligible to engage in operations in interstate or foreign commerce within the State of Colorado under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: June 12, 1962, at the Albany Hotel, Denver, Colorado, before Examiner James A. McKiel.

No. MC 121172. Applicant: THE UTAH CO., 1515 Beck Street, Salt Lake City, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Assigned for hearing to determine whether the motor vehicle operations of The Utah Co. are and will be managed and operated in a common interest, management, and control with those of Convoy Company, a multiple-State carrier holding certificates under No. MC-52858, and whether The Utah Co. is eligible to engage in operations in interstate or foreign commerce within the State of Utah under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: June 8, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James A. McKiel.

No. MC 123075 (Sub-No. 4), filed January 25, 1962. Applicant: HARVEY D. SHUPE AND HOWARD YOST, a partnership, doing business as SHUPE & YOST, 2721 Eighth Avenue, Greeley, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of the Leslie Salt Company at or near Lake Point, Utah, to points in Colorado (except points in Yuma, Washington, Adams, Denver, Jefferson, Clear Creek, Summit, Eagle, Grand, Jackson, Sedgwick, Phillips, Logan, Weld, Morgan, Larimer, Boulder, Fremont, Pueblo, El Paso, and Gilpin Counties, Colo.), points in that part of South Dakota on and west of U.S. Highway 83, and points in Wyoming (except points in Albany, Platte, Goshen, and Laramie Counties, Wyo.).

NOTE: Applicant proposes to transport exempt commodities on return. Applicant states the proposed service will be performed for the account of the Leslie Salt Company.

HEARING: June 11, 1962, at the Albany Hotel, Denver, Colo., before Examiner James A. McKiel.

No. MC 123075 (Sub-No. 5), filed January 29, 1962. Applicant: HARVEY D. SHUPE AND HOWARD YOST, a partnership, doing business as SHUPE & YOST, 2721 Eighth Avenue, Greeley, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of the Solar Salt Company in Tooele County, Utah, to points in Colorado west of the Continental Divide, points in Kansas, and points in Wyoming (except points in Albany, Platte, Goshen, and Laramie Counties, Wyo.).

NOTE: Applicant proposes to transport exempt commodities on return. Applicant states the proposed service will be performed for the account of Carey Salt Company.

HEARING: June 11, 1962, at the Albany Hotel, Denver, Colorado, before Examiner James A. McKiel.

No. MC 123165 (Sub-No. 1), filed March 29, 1962. Applicant: ROBERTS TRADING CORP., 116 Buffalo Street, Canandaigua, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from Canandaigua, N.Y., to points in Maine, New York, New Jersey, Pennsylvania, West Virginia, Georgia, Florida, Mississippi, Louisiana, Ohio, Arkansas, Alabama, and points in Connecticut on and east of Connecticut Highway 104, and *materials and supplies used in the manufacture, distribution and sale of the above-specified commodity*, on return.

HEARING: June 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 123681 (Sub-No. 2), filed April 12, 1962. Applicant: WIDING TRANSPORTATION, INC., 3347 Northwest St. Helens Road, Portland 10, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in tank vehicles, from Chico, Calif., and points within ten (10) miles thereof, to points in Curry, Douglas, Jackson, Josephine, Klamath, and Lake Counties, Oreg.

HEARING: April 26, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 123969 (Sub-No. 1), filed January 2, 1962. Applicant: LaVERNE N. OLSON, doing business as OLSON MOTORS, 1515 East Van Buren, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles* between points in Arizona on the one hand, and on the other, points in the United States, excepting Alaska and Hawaii.

HEARING: June 19, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 123976 (AMENDMENT), filed October 9, 1961, published in the FEDERAL REGISTER, issue of March 21, 1962, republished as amended, this issue. Applicant: DANIEL E. BUOP, doing business as DAN BUOP SERVICE, 10100 Springfield Pike, Woodlawn, Ohio. Applicant's attorney: William T. Sheffield, 808 Second National Building, Ninth and Main Streets, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, "power unit by wrecker," over irregular routes, transporting: (1) *Wrecked, damaged, and disabled motor vehicles*, "except vehicles shipped by the United States Government or any of its agencies," (except new trailers designed to be drawn by passenger vehicles), by use of wrecker only, from points in Indiana, Kentucky, and Tennessee, to Cincinnati, Ohio; and (2) *replacement vehicles for wrecked, damaged, and disabled motor vehicles*, in secondary movements, by the truckaway method with wrecker equipment, from Cincinnati, Ohio, to points in Indiana, Kentucky, and Tennessee. The purpose of this amendment is to add the words given in quotes in (1) above.

HEARING: Remains as assigned, May 11, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Frank R. Saltzman.

No. MC 124115, filed December 26, 1961. Applicant: CHRIS L. CHRISTENSEN, doing business as VALLEY AUTO WRECKERS, P.O. Box 1310, Kingman, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in Mohave County, Ariz., Clark County, Nev., and San Bernardino County, Calif.

HEARING: June 21, 1962, at the Arizona Corporation Commission, Phoenix, Arizona, before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 124160, filed January 22, 1962. Applicant: CLYDE REAVELEY, doing business as REAVELEY TRUCKING CO., 1330 Beck Street, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from Devils Slide and Salt Lake City, Uath, and all rail sidings in Utah, to points in Sweetwater, Sublette, Uinta, Lincoln, and Teton Counties, Wyo., points in Elko, Eureka, Lander, and White Pine Counties, Nev., and points in Uintah and Daggett Counties, Utah.

HEARING: June 6, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 416, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 124163, filed January 22, 1962. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida SE., Albuquerque, N. Mex. Applicant's attorney: Russell Rager, Grantham, Spann and Sanchez, 914 Bank of New Mexico Building, P.O. Box 1031, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packing houses*, as described in subsections A, B, and C of Appendix 1, *Descriptions in Motor Carrier* Certificates, 61 M.C.C. 209, as modified in 61 M.C.C. 766, in vehicles equipped with temperature control devices, on traffic originating outside New Mexico, (1) from Santa Fe, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to Albuquerque, N. Mex., (2) from Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85, through Santa Fe, N. Mex., to Las Vegas, N. Mex., (3) from Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, N. Mex., thence over unnumbered New Mexico Highway to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction unnumbered New Mexico Highway, thence over said unnumbered New Mexico Highway to Los Alamos, N. Mex., (5) from Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to Aztec, N. Mex., thence over U.S. Highway 550 to Shiprock, N. Mex., thence over U.S. Highway 666 to Gallup, N. Mex., thence over U.S. Highway 66 to Albuquerque, N. Mex., serving the off-route points of St. Michael's, Fort Defiance, Window Rock, Ganado, and Chinle, Ariz., (6) from Albuquerque, N. Mex., over U.S. Highway 66 to Gallup, N. Mex., thence over U.S. Highway 666 to junction New Mexico Highway 68, thence over New Mexico Highway 68 to the Arizona-New Mexico State Line, thence over unnumbered Arizona Highway westerly through St. Michael's and Ganado, Ariz., to junction unnumbered Arizona Highway, thence over said unnumbered Arizona Highway northerly to Chinle, Ariz., serving the off-route points of Window Rock and Fort Defiance, Ariz., via unnumbered Arizona Highway. Serving all intermediate points on the above-described routes 2 through 6 for delivery only.

NOTE: Applicant states the purpose of this application is to convert its contract carrier authority in Permit MC 119219 and subs thereunder, which is identical to the operations described above, to common carrier operations. And is agreeable to the revocation of the contract authority if and when, the subject application is granted.

HEARING: July 6, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 124224, filed February 16, 1962. Applicant: E. E. WILLIAMS, doing business as BUTCH'S HOT SHOT SERVICE, 622 North Mulberry, Kermit, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilwell Electronic Logging and Perforating Equipment, Instruments and Supplies*, in specially designed pickup trucks, limited to shipments weighing 1,500 pounds or less, between points in Eddy, Chaves, Roosevelt, Otero, and Lea Counties, N. Mex., and points in Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos, Reeves, Loving, Winkler, Ward, Crane, Crockett, Upton, Reagan, Irion, Sterling, Glasscock, Midland, Ector, Andrews, Martin, Howard, Mitchell, Gaines, Dawson, Borden, Yoakum, Terry, Lynn, Cochran, and Hockley Counties, Tex.

HEARING: July 3, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its

right to participate before Examiner Donald R. Sutherland.

No. MC 124230 (Sub-No. 2), filed March 30, 1962. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore* and *ore concentrates*, from points in Dolores, San Miguel, Montrose, La Plata, and San Juan Counties, Colo., to railheads at Gallup, N. Mex., and *rejected shipments of above commodities* on return.

NOTE: Applicant states that Don Ward owns 50% of its voting stock, and also has majority stock control of Don Ward, Inc., and Boyd E. Richner, Inc.

HEARING: June 15, 1962, at the Albany Hotel, Denver, Colo., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 124289, filed March 21, 1962. Applicant: ROGER A. WRIGHT, doing business as RITEWAY TRUCK LINE, Hopewell Junction, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron*, loose (not bailed), from North East (including the Village of Millerton in said town), Dutchess County, N.Y., to Port of Newark, Jersey City, Mahwah, and Florence, N.J.

HEARING: May 23, 1962, at the Federal Building, Albany, N.Y., before Examiner Theodore M. Tahan.

No. MC 124299, filed March 29, 1962. Applicant: JOEL JOEL, doing business as JOEL TRUCKING, 42 Chernucha Avenue, Merrick, L.I., N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except Classes A and B explosives, household goods (uncrated) as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between the sites of assembly and break bulk terminals of A.B.C. Freight Forwarding Corp., Midland Forwarding Corp. and Blue Ribbon Express Co., Inc., in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed service is to be restricted to shipments having an immediate prior or subsequent movement on freight forwarder bills of lading.

HEARING: June 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 124332, filed April 4, 1962. Applicant: S & K TRUCKING, INC., 466 10th Avenue, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies*, used in or incidental to the manufacture and shipping of wearing apparel on hangers, from New York, N.Y., and Newark, N.J., to points in North and South Carolina, (2) *wearing apparel on hangers*, from points in North and South Carolina, to New York, N.Y., and points in Nassau, Rockland and Westchester Counties, N.Y., and those points in Bergen, Essex and Hudson Counties, N.J.

HEARING: June 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 124345, filed April 6, 1962. Applicant: NELS POULSEN, 86th and Harlem Avenue, Oak Lawn, Ill. Applicant's attorney: Otto F. Weiner, 134 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products* and *syrups*, between points in Cook, Du Page, Kane, Lake, McHenry, and Will Counties, Ill., and Lake County, Ind.

HEARING: June 14, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 124352, filed April 9, 1962. Applicant: DONALD LaCOST, INC., 603 Wood Court, Kankakee, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, cement, mortar, gravel, stone, shale, slag, rock, rock lime, lime, ready-mix cement and ingredients used in the manufacture of concrete blocks and ready-mix cement*, in bulk and in bags, from points in Jasper, Newton, and Lake Counties, Ind., to points in Kankakee County, Ill.

HEARING: June 13, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 36) (AMENDMENT), filed February 20, 1962, published in FEDERAL REGISTER issue of April 4, 1962, amended April 12, 1962, and republished, as amended, this issue. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip, sightseeing and pleasure tours, beginning and ending at points in Orange, Sullivan, Ulster, Delaware, and Broome Counties, N.Y. and points in Rockland County, N.Y., which are located west of a line which begins at a point on the southerly boundary line of Rockland County, where it is intersected by East Saddle River Road, thence running along East Saddle River Road to its intersection with the New York Thruway, thence running in a straight line to the junction of New York Highways 306 and 59, thence running along New York Highway 306 to its junction with U.S. Highway 202, thence running along U.S. Highway 202, to its junction with Palisades Interstate Parkway, thence running along Palisades Interstate Parkway to the Rockland-Orange County boundary line; and extending to points in the United States, including Alaska. RESTRICTION: No tours shall be operated from West Point Military Reservation, Bear Mountain Inn, Highland Falls, and Fort Montgomery, to New York City.

NOTE: This is a restrictive amendment and is being republished for information purposes.

HEARING: Remains as assigned May 7, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 228 (Sub-No. 38), filed March 20, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between New York City, and Babylon, N.Y., from New York City, over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Boulevard, in Mineola, N.Y., thence over Mineola Boulevard, to its junction with Franklin Avenue, thence over Franklin Avenue thru Garden City, N.Y., to its junction with No. Franklin Street, thence over No. Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A thru East Meadow, Levittown, Plainedge and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except from Guinea Woods Road to New York Highway 24 using access roads provided for use in such reverse direction), serving all intermediate points.

NOTE: Common control may be involved.

HEARING: June 12, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 228 (Sub-No. 39), filed April 3, 1962. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Franklin Lakes, N.J., and Paramus, N.J.; from junction Franklin Avenue and Colonial Road in Franklin Lakes, N.J., over Colonial Road to its junction with High Mountain Road, thence over High Mountain Road to its junction with Squaw Brook Road in North Haledon, N.J., thence over Squaw Brook Road to its junction with North Haledon Avenue, thence over North Haledon Avenue to its junction with Rea Avenue Extension, thence over Rea Avenue Extension to its junction with Rea Avenue in Hawthorne, N.J., thence over Rea Avenue to its junction with Goffle Road, thence over Goffle Road to its junction with Diamond Bridge Avenue, thence over Diamond Bridge Avenue to its junction with Lincoln Avenue, thence over Lincoln Avenue to its junction with Harristown Road, thence over Harristown Road to its junction with New Jersey Highway 208 in Fair Lawn, N.J., thence over New Jersey Highway 208 to its junction with access roads leading to New Jersey Highway 4, in Fair Lawn, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to its junction with access roads leading to New Jersey Highway 17, in Paramus, N.J., thence over access roads to New Jersey Highway 17, in Paramus, N.J., and return over the same route, except using access roads provided for use in such reverse direction leading from New Jersey Highway 17 to New Jersey Highway 4, in Paramus, N.J., and leading from New Jersey Highway 4 to New Jersey Highway 208 in Fair Lawn, N.J., serving all intermediate points, and (2) between points in Fair Lawn, N.J.; from junction Harristown Road and Elm Avenue, in Fair Lawn, N.J., over Elm Avenue to its junction with Maple Avenue, thence over Maple Avenue to its junction with River Road, thence over River Road to its junction with Fairlawn Avenue, thence over Fairlawn Avenue to its junction with New Jersey Highway 208 in Fair Lawn, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states "David Rukin, who manages and controls applicant, also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456."

HEARING: June 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119.

No. MC 668 (Sub-No. 76), filed March 26, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (1) between Lake Huntington, N.Y. and Narrowsburg, N.Y., from Lake Huntington (a point on applicant's present route), over N.Y. Highway 52, to junction N.Y. Highway 97, in the Town of Tusten, N.Y., thence over N.Y. Highway 97, to its junction with U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg, and return over the same route, serving all intermediate points, (2) between junction N.Y. Highway 97 and N.Y. Highway 52, in the Town of Tusten, N.Y., on the one hand, and, on the other, unnumbered highway leading to Neweiden, N.Y. (Ten Mile River Boy Scout Camps), from junction of N.Y. Highway 97, and N.Y. Highway 52, in the Town of Tusten, over N.Y. Highway 97 to its junction with unnumbered Highway, over unnumbered Highway to Neweiden, N.Y. (Ten Mile River Boy Scout Camps), and return over the same route, serving all intermediate points.

NOTE: The above-described service is restricted to the season beginning June 15th and ending September 15th, inclusive, annually. It is further noted that common control may be involved.

HEARING: June 14, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 668 (Sub-No. 78) (AMENDMENT), filed March 26, 1962, published FEDERAL REGISTER issue of April 11, 1962, corrected April 6, 1962, republished as corrected, April 18, 1962, amended April 13, 1962, and republished, as amended, this issue. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between Oakland, N.J. and New York, N.Y.; from the junction of U.S. Highway 202 and New Jersey Highway 208 in Oakland, thence over N.J. Highway 208 to junction New Jersey Highway 4 in Fairlawn, N.J., thence over New Jersey Highway 4 to junction New Jersey Highway 17 in Paramus (alternate route between junction of Passaic Street and New Jersey Highway 4 in Fairlawn, over Passaic Street to junction New Jersey Highway 17 in Rochelle Park), thence over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 through the Lincoln Tunnel to New York, N.Y., and return over the same route, serving the following intermediate points: Paramus on New Jersey Highway 4 only, Fairlawn, Glen Rock, Hawthorne, Wyckoff, and Franklin Lakes, (2) between Oakland, N.J., and Franklin Lakes, N.J.; from the junction of U.S. Highway 202 and New Jersey Highway 208, over U.S. Highway 202 to junction Long Hill Road, thence over Long Hill Road to the Franklin Lakes-Oakland Municipal boundary line, when such Long Hill Road becomes Franklin Lake Road, to the junction of Colonial Road, thence over Colonial Road to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (3) between points in Franklin Lakes, N.J.; from the junction Franklin Lake Road and Colonial Road, over Franklin Lake Road to junction Ewing Avenue, thence over Ewing Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (4) between Franklin Lakes, N.J., and Wyckoff, N.J.; from the junction Franklin Lake Road and Ewing Avenue to the municipal boundary line of Wyckoff, at which point Franklin Lake Road becomes Sicomac Avenue, thence over Sicomac Avenue to junction Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (5) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Sicomac Avenue and Russell Avenue, over Sicomac Avenue to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (6) between Midland Park, N.J. and Wyckoff, N.J.; from junction Central Avenue and Godwin Avenue in Midland Park, over Central Avenue to junction Newtown Road at the Wortendyke Station, thence over Newtown Road to junction Wyckoff Avenue, thence over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (7) between Midland Park, N.J., and Wyckoff, N.J.; from junction of Central Avenue and Newtown Road at the Wortendyke Station, over Maple Drive to junction Cedar Hill Avenue, thence over Cedar Hill Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, (8) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to junction Grand View Avenue, thence over Grand View Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points, and (9) between Wyckoff, N.J., and Wyckoff, N.J.; from junction Cedar Hill Avenue and Wyckoff Avenue, over Wyckoff Avenue to Russell Avenue, thence over Russell Avenue to junction New Jersey Highway 208, and return over the same route, serving all intermediate points.

NOTE: Applicant states "the President of the applicant herein owns and controls Northeast Coach Lines, a corporation authorized in Docket No. MC 110373, MC-F-4231, to transport passengers and their baggage via regular routes between New York, N.Y., and Culvers Lake, N.J. In MC-F-7645, consummated March 30, 1961, the President has also been authorized to acquire stock control of Warwick-Greenwood Lake and New York Transit, Inc., providing regular route service between Warwick, N.Y. and New York, N.Y., via New Jersey. Neither of the above companies serve points involved in the instant application. Both the applicant and such other companies, however, have the same New York, N.Y., terminus."

NOTE: Applicant further states "it presently has authority to operate over New Jersey Highway 208 from the junction of Goffle Road and New Jersey Highway 208 in Hawthorne, via New Jersey Highway 208 to the junction of New Jersey Highway 4 in Fairlawn, N.J., and thence with closed doors via New Jersey Highways 4, 17, and 3 to New York, MC 668, Sub No. 71. It also has existing authority (MC 668, Sub No. 46), to provide service via Passaic Street and New Jersey Highway 17 at Glen Rock, N.J., but restricted to service on N.J. Highway 208 and Saddle River Road in Fairlawn. The purpose of this amendment (in routes 1 and 2 above) is to remove any problem of segmentation of the proposed extensions of route in Fairlawn, Glen Rock, Hawthorne, Wyckoff, Franklin Lakes, and Oakland, N.J., to applicant's existing authority from Hawthorne, N.J., and

in order that the applicant may provide service in Fairlawn and Paramus on New Jersey Highway 4 between the junction of New Jersey Highway 4 and New Jersey Highway 208 in Fairlawn and the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J."

HEARING: Remains assigned May 15, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 96318 (Sub-No. 4), filed January 22, 1962. Applicant: YELLOW COACH LINES, INC., 99 New West Street, Pittsfield, Mass. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than seven (7) passengers in any one vehicle, not including the driver thereof and not including children under ten (10) years of age who do not occupy a separate seat or seats, between points in Berkshire County, Mass., on the one hand, and, on the other, New York, N.Y.

HEARING: June 4, 1962, at the Federal Building, Albany, N.Y., before Examiner Edith H. Cockrill.

No. MC 116921 (Sub-No. 2), filed March 15, 1962. Applicant: WEST FORDHAM TRANSPORTATION CORP., 439 West 203d Street, New York 34, N.Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* in the same vehicle with passengers, (1) between New Rochelle, N.Y., and Stamford, Conn., as follows: From New Rochelle over New England Thruway to its junction with the Connecticut Turnpike at the New York-Connecticut state boundary line, thence over the Connecticut Turnpike to Stamford, returning over the same route and serving all intermediate points; and (2) between points in Greenwich, Conn., as follows: From junctions of Connecticut Turnpike and Turnpike Exit No. 3 exit roads in Greenwich, over exit roads to their junctions with Arch Street, thence over Arch Street to its junction with Railroad Avenue, and return from junction of Railroad Avenue and Greenwich Avenue, over Greenwich Avenue to its junction with Steamboat Road, thence over Steamboat Road to its junction with Arch Street, thence over Arch Street to its junctions with Connecticut Turnpike Entrance No. 3 access roads, thence over access roads to the Connecticut Turnpike in Greenwich, Conn., serving all intermediate points.

NOTE: Applicant states that David Rukin, who manages and controls this applicant, also manages and controls Hudson Transit Lines, Inc., and Limousine Rental Service, Inc.

HEARING: June 11, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 124246 (AMENDMENT), filed February 28, 1962, published FEDERAL REGISTER, issue of April 11, 1962, amended April 11, 1962, and republished as amended this issue. Applicant: BRUCE VANDERBROOK AND LOUIS VANDERBROOK, doing business as WESTERN HOLIDAY LINES, 73 Mountain Road, Manchester, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, all-expense, escorted pleasure and sightseeing tours, in seasonal operations between June 1 and October 1, inclusive, annually, beginning and ending at Manchester, Conn., and extending to points in New York, New Jersey, Pennsylvania, Ohio, Kentucky, Missouri, Kansas, Colorado, Utah, Arizona, California, Nevada, Wyoming, South Dakota, Iowa, Illinois, Indiana, West Virginia, Idaho, and Montana.

NOTE: The purpose of this republication is to add the State of Montana, and to show that the above-described operations will be limited to persons in the age group 15 through 19 years.

HEARING: Remains as assigned May 21, 1962, at the Bond Hotel, Hartford, Conn., before Examiner Francis A. Welch.

No. MC 124286 (CORRECTION), filed March 19, 1962, published in FEDERAL REGISTER issue of April 11, 1962, corrected April 13, 1962, and republished, as corrected, this issue. Applicant: RAYMOND J. BARREDO, Boston Post Road, Westbrook, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asiyum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in door-to-door service, in special operations, between Westbrook and Old Saybrook, Conn., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Rockland, and Nassau Counties, N.Y., and points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J.

NOTE: The purpose of this republication is to show the town of "Old Saybrook, Conn." in lieu of "Saybrook, Conn." as shown in previous publication.

HEARING: Remains as assigned May 23, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12801, filed March 26, 1962. Applicant: RAY HAMILTON, SR., doing business as RAY HAMILTON & CO., 2101 Ross Avenue, Cincinnati 2, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. For a license (BMC 4) to engage in operations as a *broker* at Cincinnati, Ohio, and Washington, D.C., in arranging for transportation of *commodities or properties*, which are parts of the contents of Government agency buildings, industrial plants, office buildings, or institutions, to be moved as units in interstate commerce (rail, motor or water) between points in the United States, including Alaska and Hawaii.

HEARING: May 29, 1962, at the Offices of the Interstate Commerce Commission Washington, D.C., before Examiner Richard H. Roberts.

MOTOR CARRIERS OF PASSENGERS

No. MC 12624 (Sub-No. 1), filed March 22, 1962. Applicant: HARRY VALLIN, doing business as SCANDINAVIAN SKI & SPORT SHOP, 45 East 59th Street, New York, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage and ski equipment*, in round-trip all expense ski tours, during the season extending from October 1 to June 1 of each year, beginning and ending at Garden City, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut.

HEARING: June 13, 1962, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 12798, filed March 19, 1962. Applicant: DENVER-BOULDER BUS COMPANY, a corporation, doing business as DENVER TRAVEL AGENCY, 1805 Broadway, Denver 2, Colo. Applicant's attorney: David Butler, 500 Equitable Building, Denver 2, Colo. For a license (BMC 5) to engage in operations as a *broker* at Denver, Colo., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle, both as individuals and in groups, in round-trip, all expense tours, from Denver, Colo., to points throughout the United States, and return.

HEARING: June 25, 1962, at the Albany Hotel, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate before Examiner Donald R. Sutherland.

No. MC 12800 filed March 23, 1962. Applicant: ANNA JIROUSEK, doing business as CORLETT TRAVEL AGENCY, 3517 East 131st Street, Cleveland, Ohio. Applicant's attorney: Lody Huml, 802 Engineers Building, Cleveland 14, Ohio. For a license (BMC 5) to engage in operations as a *broker* at Cleveland, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups, in pleasure tours, for sightseeing of historical and scenic places, between points in Ohio, Pennsylvania, Michigan, and Maryland.

HEARING: June 4, 1962, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 548), filed April 16, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except liquid petroleum products, in bulk), between the junction of U.S. Highway 12 and U.S. Highway 10 at Forsyth, Mont., on the one hand, and, on the other, the junction of Montana Highway 3 and U.S. Highway 12 near Lavina, Mont., with specific authority for joinder with applicant's existing alternate route at the junction of Montana Highway 3 and U.S. Highway 12 near Lavina, Mont., as an alternate route for operating convenience only, as follows: from the junction of U.S. Highways 10 and 12 at Forsyth, Mont. over U.S. Highway 12 to the junction of U.S. Highway 12 and Montana Highway 3, near Lavina, and return over the same route, serving no intermediate points.

No. MC 66562 (Sub-No. 1884), filed April 6, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service. (1) Between junction of U.S. Highway 2 with Michigan Highway 77, near Blaney Park, Mich., and junction of Michigan Highway 28 with Highway 2, near Dafter, Mich., as follows: From junction of U.S. Highway 2 over Michigan Highway 77 to junction with Michigan Highway 28; thence over Michigan Highway 28 to junction with Michigan Highway 117; (thence over Michigan Highway 117 to Newberry, and return over Michigan Highway 117 to junction with Michigan Highway 28) thence over Michigan Highway 28 to U.S. Highway 2; and return over the same route, serving the intermediate points of Newberry and Seney, Mich. (2) Between junction of Michigan Highway 28 and Engadine, Mich., as follows: From junction of Michigan Highway 28 and Michigan Highway 117 over Michigan Highway 117 to Engadine, and return over the same route, serving no intermediate points. (3) Between junction of Michigan Highway 28 with Michigan Highway 123 and Trout Lake, Mich., as follows: From junction of U.S. Highway 28 with Michigan Highway 123, over Michigan Highway 123 to Trout Lake, and return over the same route, serving no intermediate points. RESTRICTIONS: Applicant states that the proposed service will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on through bills of lading or express receipts, covering, in addition to the motor carrier movements by applicant, immediately prior or immediately subsequent movements by rail or air.

NOTE: It is further stated that the proposed service will be an extension of service in connection with authority under applicant's Sub 1689 between Gladstone, Mich. and Sault Ste. Marie, Mich.

No. MC 110525 (Sub-No. 495), filed April 11, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, food grade, dry, in bulk, in tank vehicles, from Bell, W. Va., to Huron, Ohio, Shiremanstown, Pa., and Wilmington, Del.

No. MC 110525 (Sub-No. 496), filed April 11, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile*, in bulk, in tank vehicles, from Lima, Ohio, to Washington, W. Va.

No. MC 111383 (Sub-No. 11), filed April 12, 1962. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street, El Paso, Tex. Applicant's representative: M. Lane Johnson, P.O. Box 9518, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houston, Texas, and the site of the National Aeronautics and Space Administration Manned Spacecraft Center (near Houston), serving the aforesaid National Aeronautics and Space Administration Manned Spacecraft Center as an off-route point in connection with applicant's presently authorized regular route operations to and from Houston, Texas: From Houston over U.S. Highway 75 to its intersection with Farm-Market Road 528, thence over Farm-Market Road 528 to the site of the above-specified Center, and return over the same routes, serving no intermediate points.

NOTE: Applicant states that it controls Braswell Freight Lines (MC-F-6007 and MC-F-6154).

No. MC 117501 (Sub-No. 2), filed April 12, 1962. Applicant: HAROLD L. NELSON, 1215 Boone Street, Boone, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cattle oilers* and *cattle oil*, in containers, from Boone, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

No. MC 124034 (Sub-No. 4), filed April 16, 1962. Applicant: SCHWERMAN TRUCKING CO., of N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Hudson, N.Y., to points in New Jersey (except Linden, N.J.).

NOTE: Applicant holds contract carrier authority under MC 117538 (Subs-No. 3 and 5) thereunder, dual operations may be involved. Common control may also be involved.

No. MC 124351, filed April 10, 1962. Applicant: I. W. BAGWELL III, Onancock, Va. Applicant's attorney: James J. Williams, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Onancock, Va., to points in Somerset and Worcester Counties, Md.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 274), filed April 5, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard, 140 South Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, parcel express, newspapers*, and *U.S. mail*, in the same vehicle with passengers. (1) Between the junction of U.S. Highway 40 with Interstate Highway 70 and Salina, Kans. as follows: From the junction of U.S. Highway 40 with Interstate Highway 70 east of Junction City, over Interstate Highway 70 to its junction with U.S. Highway 81; thence over U.S. Highway 81 so Salina, Kans; also from the eastern Interchange of Interstate Highway 70 and unnumbered highway north of Chapman over unnumbered highway to Chapman, Kans; also from the Interchange of Interstate Highway 70 and Kansas Highway 15 over Kansas Highway 15 to Abilene, Kans., and return over the same route serving all intermediate points. (2) Between Junction City, Kans., and Abilene, Kans.—*Redesignation and Partial Revocation*, as follows: The Kansas Highway Department has redesignated that segment of applicant's authorized route between Junction City, Kans., and Abilene, Kans., as Kansas Highway 206 (formerly U.S. Highway 40), and applicant requests that "said redesignation be reflected in its Certificates No. MC–1501 Subs 77 and 158."' Applicant further requests that "that segment of Kansas Highway 206 (formerly U.S. Highway 40) be deleted between Junction City, Kans. and Chapman, Kans. There are no fare points on applicant's present route between Junction City and Chapman."

No. MC 1501 (Sub-No. 275), filed April 13, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between points within the State of California in both directions over routes as hereinafter set forth. PROPOSALS: (1) *Change the*

regular-route operating authority over Calif. Route No. 72 between Tahoe Junction, Calif., and Tahoe Valley Junction, Calif., over California Highway 89, from all-year to summer-season authorization, retaining the authority to conduct special operations thereover during the remainder of the year. REQUESTED AUTHORIZATION: "72. Between Tahoe Junction and Tahoe Valley Junction.—From Junction U.S. Highway 40 with California Highway 89 (Tahoe Junction), over California Highway 89 to junction U.S. Highway 50 (Tahoe Valley Junction). Regular service is authorized to be conducted during the season extending approximately from June 10 to September 10 of each year. During that part of the year when regular service is not performed, service is authorized to be conducted in special operations only." (2) *Change the regular-route operating authority over Calif., Route No. 77 between Squaw Valley Junction, Calif., and Squaw Valley, Calif., over unnumbered highway, from all-year to summer-season authorization, retaining authority to conduct special operations thereover during the remainder of the year.* REQUESTED AUTHORIZATION: "77. Between Squaw Valley Junction and Squaw Valley.—From Squaw Valley Junction over unnumbered highway to Squaw Valley. Regular service is authorized to be conducted during the season extending approximately from June 10 to September 10 of each year. During that part of the year when regular service is not performed, service is authorized to be conducted in special operations only."

NOTE: Applicant requests that the changes sought be reflected on revised sheets of its Certificate MC–1501 (Sub-No. 138), issued in loose-leaf form.

NOTICE OF FILING OF PETITIONS

No. MC 30319 (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT RUSK, MAYDELLE, AND PALESTINE, TEXAS), filed April 9, 1962. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Petitioner conducts operations as a common carrier by motor vehicle operating in Louisiana and Texas. It is a wholly-owned subsidiary of Southern Pacific Company. The routes here involved are between Jacksonville and Rusk, and from Rusk to Palestine over U.S. Highways 69 and 84 respectively. The only stations with which this petition is concerned are Rusk, Maydelle, and Palestine, Texas. The interstate authority over which operations have regularly been conducted over said routes is set forth in Consolidated Certificate MC–30319 issued February 13, 1956. The route from Jacksonville to Rusk is found on Sheet 4, Route 1; the Rusk-to-Palestine route is found on Sheet 3, Route 6, under the Nacogdoches-Palestine authority in such Consolidated Certificate. Several restrictions appear in that certificate, which are found on revised Sheet No. 6 issued November 3, 1960, including the following: "1. The Service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the railroad, except at Sublime and Hallettsville, Texas." "2. The carrier shall not render any service to or from any point not a station on the line of the railroad except Coldspring, Texas, and except the site of the Southern Production Company near Pledger, Texas, and the site of the Freeport Sulphur Plant near Damon, Texas, and except Sublime and Hallettsville, Texas." Those are the only two restrictions as they relate to Rusk, Maydelle, and Palestine, Texas, that are involved in this petition. Pursuant to authority granted in F.D. 21261, in a Report and Order dated September 12, 1961, Texas and New Orleans Railroad Company was merged with Southern Pacific Company. Southern Pacific Company presently has pending before the Commission an application (F.F. 21985) to abandon its railroad operations at Rusk, Maydelle, and Palestine, Texas. The rail route in question extends from Jacksonville to Palestine. Rusk and Maydelle are intermediate points on that route. Rail service at Jacksonville would be continued. If the application in F.D. Docket No. 21985 is granted, these three towns will no longer be points on the Southern Pacific Railroad. Hence it will be practical for Petitioner to continue serving such points under the two restrictions mentioned. Petitioner is ready, willing, and able to continue serving them as a motor carrier, in conjunction with Southern Pacific Company or other carriers. Petitioner seeks modification of the above-referred to restrictions so as to read: "1. The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of rail service of the Southern Pacific Company, hereinafter called the railroad, except at Sublime, Hallettsville, Rusk, Maydelle, and Palestine, Texas. "2. The carrier shall not render any service to or from any point not a station on the line of the railroad except Coldspring, Texas, and except the site of the Southern Production Company near Pledger, Texas, and the site of the Freeport Sulphur Plant near Damon, Texas, and except Sublime, Hallettsville, Rusk, Maydelle, and Palestine, Texas." Any person or persons desiring to oppose the relief sought may within 30 days from the date of publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 30319 (Sub-No. 63) (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT ARNAUDVILLE, LA.), filed April 9, 1962. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Petitioner conducts operations as a common carrier, by motor vehicle by virtue of a certificate issued in No. MC 30319 (Sub-No. 63), operating in Louisiana and Texas. It is a wholly-owned subsidiary of Southern Pacific Company. By the instant petition it requests the Commission to modify two restrictions in its operating rights as such restrictions apply at Arnaudville, La. The route here involved is between Breaux Bridge and Arnaudville, La., over Louisiana Highway 31. This authority is set forth in Certificate MC–30319 (Sub-No. 63), sheet No. 3, sixth route, issued April 18, 1960. This certificate contains restrictions on Sheet No. 7 that provide: "(1). The motor carrier service is to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Texas and New Orleans Railroad Company, except Leonville, Louisiana. (2) The carrier shall not serve any point not a station on the rail lines of the Texas and New Orleans Railroad Company, except Bowie, Brousville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Port Barre, Shuteston, Talieu, and Leonville, Louisiana, and points between Houma, Louisiana, on the one hand, and, on the other, Montegut, Dulac, and Thereiot, Louisiana." Petitioner presently has pending before the Commission an application (F.D. No. 21970) to abandon trackage between Breaux Bridge and Arnaudville, La. Petitioner requests that the particular restrictions referred to be modified to read as follows: "1. The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Southern Pacific Company, except Leonville, Cecelia, and Arnaudville, Louisiana. 2. Carrier shall not serve any point not a station on the rail lines of the Southern Pacific Company, except Bowie, Brousville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Port Barre, Shuteston, Talieu, Leonville, and *Arnaudville*, Louisiana, and points between Houma, Louisiana, on the one hand, and, on the other, Montegut, Dulac, and Thereiot, Louisiana." Any person or persons desiring to oppose the relief sought, may, within 30 days from the publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 116004 (Sub-No. 7) (AMENDMENT), filed April 9, 1962, published FEDERAL REGISTER issue April 18, 1962, amended 16, 1962, and republished as amended this issue. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 1017 South Akard Street, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious to other lading); (1) Between Tulsa, Okla., and Enid, Okla., over Oklahoma Highway 11 to Pawhuska, Okla., thence over Oklahoma Highway 11 and U.S. Highway 177, South to the intersection of Oklahoma Highway 15; thence over Oklahoma Highway 15 to its intersection with U.S. Highway 64; thence over Oklahoma Highway 15 and U.S. Highway 64 to Enid, and return over the above described routes, restricted as follows: Service is authorized only between Tulsa, Okla., on the one hand, and Tonkawa, Garber, Billings, and Enid, Okla., on the other; and between any two of the following points: Ponca City, Tonkawa, Garber, Billings, and Enid, Okla., and (2) Between Enid, Okla., and Fairview, Okla., via Meno, Lahoma, and Ringwood, Okla., serving all points on route, and between Fairview, Okla., and Woodward, Okla., via Cestos, Vici, and Sharon, Okla., over U.S. Highway 60 to Vici, thence Oklahoma Highway 34 to Woodward, serving towns named, only. Between Enid, Okla., and Woodward, Okla., over U.S. Highway 60; Enid, Okla., to Orienta, Okla., thence over Oklahoma Highway 15; Orienta to Woodward, serving all points on route, and serving the off-route points of Belva and Quilan, Okla.

NOTE: The purpose of this republication is to delete route (2) from the authority previously sought. This application is directly related to MC–F 8126.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8112 (CORRECTION) (LOOMIS ARMORED CAR SERVICE INC. OF CALIFORNIA—PURCHASE (PORTION)—LOOMIS ARMORED CAR SERVICE, INC.), published in the April 4, 1962, issue of the FEDERAL REGISTER on page 3226. The correct name of vendee's affiliate should have been shown as LOOMIS ARMORED TRANSPORT, INC.

No. MC–F–8126 (TEXAS-OKLAHOMA EXPRESS, INC.—PURCHASE—CENTRAL OKLAHOMA FREIGHT LINES, INC.), published in the April 18, 1962, issue of the FEDERAL REGISTER on page 3722. Amendment filed April 16, 1962, to show the following operating rights sought to be transferred under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, covering the transportation of: *General commodities*, between Tulsa, Okla., and Enid, Okla., via Oklahoma Highway 11 to Pawhuska, Okla., thence via Oklahoma Highway 11 and U.S. Highway 177, South to the intersection of Oklahoma Highway 15; thence via Oklahoma Highway 15 to its intersection with U.S. Highway 64; thence via Oklahoma Highway 15 and U.S. Highway 64 to Enid, Okla., and return over the above described routes, restricted as follows: Service is authorized only between Tulsa, Okla., on the one hand, and Tonkawa, Garber, Billings, and Enid, Okla., on the other hand; and between any two of the following points: Ponca City, Tonkawa, Garber, Billings, and Enid, Okla., between Enid, Okla., and Fairview, Okla., via Meno, Lahoma and Ringwood, Okla., serving all points on route, and between Fairview, Okla., and Woodward, Okla., via Cestos, Vici and Sharon, Okla., over U.S. Highway 60 to Vici, thence Oklahoma Highway 34 to Woodward, serving towns named, only, and between Enid, Okla., and Woodward, Okla., via U.S. Highway 60; Enid, Okla., to Orienta, Okla., thence Oklahoma Highway 15; Orienta to Woodward, serving all points on route, and serving the off-route points of Belva and Quilan, Okla.

No. MC–F–8129. Authority sought for control and merger by GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Creek Road, Cheektowaga 25, N.Y., of the operating rights and property of S. & S. TRANSPORTATION, INC., 600 Cayuga Creek Road, Cheektowaga 25, N.Y., and for acquisition by EUGENE W. ADAMS and HELEN V. ADAMS, also of Cheektowaga of control of such rights and property through the transaction. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, 407 South Warren Street, Syracuse 2, N.Y. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Buffalo, N.Y., on the one hand, and, on the other, points in Erie and Wayne Counties, N.Y., from New York, N.Y., to points in Cortland, Erie, Monroe, and Wayne Counties, N.Y., and from points in Monroe, Orleans, and Wayne Counties, N.Y., to New York, N.Y.; *frozen fruits, frozen berries* and *frozen vegetables*, from New York, N.Y., to Syracuse, N.Y., and from Jersey City, N.J., to Dunkirk, Cortland, Buffalo, Rochester and Syracuse, N.Y.; *refrigerated products*, between New York and Buffalo, N.Y., on the one hand, and, on the other, points in New York; authority applied for by S. & S. TRANSPORTATION, INC., in pending application (Docket No. MC–98980 Sub 3), covering the transportation of *refrigerated products* consisting of commodities of a perishable nature, such as fish, meat, meat products, fruits, juices, beverages, vegetables and dairy products, when transported in insulated devices or with mechanical temperature controlling devices from Rochester, Moyers Corners, Syracuse, and Binghamton, N.Y., to all points in New York, and between Albany, N.Y., on the one hand, and, on the other, points in New York. GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, Massachusetts, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Petition filed simultaneously with above application for substitution of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., in lieu of S. & S. TRANSPORTATION, INC., in (No. MC–98980 Sub 3, pending application).

No. MC–F–8131. Authority sought (A) for purchase by MERCHANTS FAST MOTOR LINES, INC., P.O. Drawer 270, Abilene, Tex., of the operating rights and property of R. A. WRIGHT, an individual, doing business as WRIGHT MOTOR FREIGHT LINES, Route 1, Box 820, La Porte, Tex., and (B) for MERCHANTS FAST MOTOR LINES, INC., P.O. Drawer 270, Abilene, Tex., to control and merge UNION TRUCK LINES, INC., 3701 Calhoun Street, P.O. Box 18286, Houston 23, Tex., and for acquisition by GENE WHITEHEAD, P.O. Drawer 270, Abilene, Tex., and C. L. WHITEHEAD, 1440 Oaklawn Avenue, Dallas, Tex., of control of such rights and property through the transactions. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth, Tex., and Jerry Prestridge, Brown Building, Austin, Tex. Operating rights sought to be transferred (A): *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Houston, Tex., and Cedar Bayou, Tex., between Houston, Tex., and Goose Creek, Tex., and between Houston, Tex., and Mount Belvieu, Tex., serving all intermediate points and certain off-route points; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Texas, as more specifically described in Docket Nos. MC–43278 (Subs 1, 4, 8, 9, 10, and 12). Operating rights sought to be controlled and merged (B): *General commodities*, with the same exceptions listed above, as a *common carrier* over regular routes between Houston, Tex., and Brenham, Tex., serving the intermediate point of Chapel Hill, Tex., between Houston, Tex., and Bay City, Tex., serving certain intermediate points, between Houston, Tex., and Bay City, Tex., between Houston, Tex., and Boling, Tex., and between Brenham, Tex., and Bellville, Tex., serving all intermediate points, between Houston, Tex., and Wharton, Tex., serving certain intermediate points, and between Houston, Tex., and Louise, Tex., serving all intermediate points; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Texas, as more specifically described in Docket Nos. MC–19636 (Subs 6, 7, 8, 11, 12, 13, and 14). MERCHANTS FAST MOTOR LINES, INC., is authorized to operate as a *common carrier* in Texas, and under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Texas. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8130. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1334 Albany St., Schenectady, N.Y., of a portion of the operating rights of INTERSTATE BUSSES CORPORATION, P.O. Box 1513, Providence, R.I., and for acquisition by T. MILEN RHODES, 1475 Broadway, New York, N.Y., of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington 5, D.C.

Operating rights sought to be transferred: *Passengers* and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes between Albany, N.Y., and Schenectady, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4018; Filed, Apr. 24, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37690: *Woodpulp from southern points to Fair Haven, Vt.* Filed by O. W. South, Jr., Agent (No. A4184), for interested rail carriers. Rates on woodpulp, not powdered, noibn, in carloads, from specified points in southern territory, to Fair Haven, Vt.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 22 to Southern Freight Association tariff I.C.C. S-143.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4019; Filed, Apr. 24, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD LARSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 11, 1962.

HAROLD LARSEN.

APRIL 11, 1962.

[F.R. Doc. 62-4035; Filed, Apr. 24, 1962; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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Washington, Thursday, April 26, 1962

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Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1169; Amdt. 431]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA–24 Aircraft

There have been reported cases of restricted aileron travel in Piper PA–24 aircraft due to Rubatex blocks becoming detached from the inside of the wing skin. These blocks were installed in some aircraft to prevent oil canning of the wing skin. Since their presence in the aileron counterweight bay can create an unsafe condition, an airworthiness directive requiring their removal is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Models PA–24 and PA–24 "250" aircraft, Serial Numbers 24–1 through 24–2264.

Compliance required within the next 50 hours' time in service after the effective date of this AD.

Inspect the aileron counterweight bays on both wings for the presence of Rubatex blocks. If any of these blocks, whether loose or attached, are found they must be removed from the aircraft in order to prevent possible restriction of aileron travel.

(Piper Service Letter No. 364A, dated March 14, 1962, pertains to this subject.)

This amendment shall become effective April 26, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4054; Filed, Apr. 25, 1962; 8:45 a.m.]

[Reg. Docket No. 1171; Amdt. 432]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT4A Series Turbojet Engines

There have been several cases of third stage turbine rotor blade failure on Pratt & Whitney JT4A Series turbojet engines. In one case the failed blade damaged a wing flap. An airworthiness directive is considered necessary requiring inspection of the third stage turbine rotor blades for looseness or rattling.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all JT4A Series turbojet engines.

Compliance required within the next 85 hours' time in service after the effective date of this directive and thereafter at periods not to exceed 85 hours' time in service from the last inspection.

Inspect third stage turbine rotor blades, P/N 405903, 411803 or 411903, for looseness or rattling in accordance with Pratt & Whitney Aircraft telegraphic message of November 15, 1961. If any blade looseness or rattling is found, remove the engine for blade replacement prior to further flight.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft telegraphic messages of November 15, 1961, and January 29, 1962, cover the same subject.)

This amendment shall become effective April 26, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4055; Filed, Apr. 25, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–79]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On February 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1220) stating that the Federal Aviation Agency (FAA) proposed to extend Intermediate altitude VOR Federal airway No. 1748 from the Las Vegas, Nev., VOR to the intersection of the Las Vegas VOR 266° and the Beatty, Nev., VOR 142° True radials.

The Air Transport Association of America concurred with the proposal. The Department of the Air Force also concurred in the proposal with the provision that the current Los Angeles, Calif., Air Route Traffic Control Center; Las Vegas, Nev., Control Tower and the Nellis, Nev., AFB agreement for the segregation of air traffic under VFR conditions remains in effect.

This agreement was signed on October 12, 1961, and established procedures for segregating VFR traffic in the Nellis AFB area to the maximum extent feasible by specifying certain areas and altitudes within which local VFR flying in the vicinity of Nellis AFB will be conducted. The Agency has no present intention to terminate this agreement.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.1748 (26 F.R. 8937) is amended to read:

§ 600.1748 VOR Federal airway No. 1748 (Hidden Hills, Nev., to Prescott, Ariz.).

From the intersection of the Las Vegas, Nev., VOR 266° and the Beatty, Nev., VOR 142° radials via the Las Vegas VOR to the Prescott, Ariz., VOR.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4056; Filed, Apr. 25, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 637, Revised, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

REGULATED AREAS

Pursuant to § 301.48–2 of the regulations supplemental to notice of quarantine No. 48 relating to the Japanese beetle (7 CFR 301.48–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), the administrative instructions in 7 CFR 301.48–2a are hereby amended by delet-

ing from the list of States, counties, and other civil divisions therein, all present references to the designation of regulated areas in North Carolina, Virginia, and West Virginia, and substituting therefor, in their proper alphabetical order, the following:

North Carolina. The entire State.
Virginia. The entire State.
West Virginia. The entire State.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.48–2)

This amendment shall be effective April 26, 1962.

This amendment has the effect of extending the regulated area in the quarantined States of North Carolina, Virginia, and West Virginia to the respective State lines. The action is taken with the concurrence of plant quarantine officials of each of the States concerned.

The present amendment is independent of any proposals that may be made as a result of testimony offered at a public hearing held at Memphis, Tenn., on December 5, 1961, to consider the advisability of quarantining the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee.

This amendment imposes restrictions supplementing Japanese beetle quarantine regulations already effective. It must be made effective promptly in order to permit an orderly administration of the seasonal restrictions invoked each summer under authority of § 301.48–3 (b). Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of April 1962.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62–4067; Filed, Apr. 25, 1962; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1963 crop year.

CALIFORNIA

Kern.	San Luis Obispo.
Los Angeles.	Tulare.

COLORADO

Boulder.	Phillips.
Larimer.	Sedgwick.
Logan.	Weld.
Morgan.	

IDAHO

Bingham.	Lewis.
Bonneville.	Lincoln.
Cassia.	Madison.
Fremont.	Minidoka.
Gooding.	Nez Perce.
Idaho.	Power.
Jerome.	Teton.
Latah.	Twin Falls.

MARYLAND

Kent.	Queen Annes.

MINNESOTA

Becker.	Pope.
Chippewa.	Red Lake.
Clay.	Roseau.
Grant.	Stearns.
Kandiyohi.	Stevens.
Kittson.	Swift.
Mahnomen.	Traverse.
Marshall.	West Polk.
Norman.	West Otter Tail.
Pennington.	Wilkin.

MONTANA

Cascade.	Pondera.
Chouteau.	Sheridan.
Daniels.	Teton.
Fergus.	Toole.
Hill.	Valley.
Judith Basin.	

NORTH DAKOTA

Barnes.	Pembina.
Benson.	Ramsey.
Bottineau.	Ransom.
Burleigh.	Renville.
Cass.	Richland.
Cavalier.	Sargent.
Dickey.	Sheridan.
Eddy.	Stark.
Foster.	Steele.
Grand Forks.	Stutsman.
Griggs.	Towner.
Hettinger.	Traill.
Kidder.	Walsh.
La Moure.	Ward.
McLean.	Wells.
Nelson.	Williams.

OREGON

Gilliam.	Sherman.
Jefferson.	Umatilla.
Linn.	Union.
Malheur.	Wallowa.
Morrow.	Wasco.

PENNSYLVANIA

Chester.	Lebanon.
Lancaster.	York.

SOUTH DAKOTA

Beadle.	Hamlin.
Brown.	Kingsbury.
Clark.	Lake.
Codington.	McCook.
Day.	McPherson.
Deuel.	Marshall.
Edmunds.	Miner.
Faulk.	Roberts.
Grant.	Spink.

WASHINGTON

Adams.	Garfield.
Asotin.	Klickitat.
Benton.	Lincoln.
Columbia.	Spokane.
Douglas.	Walla Walla.
Franklin.	Whitman.
Grant.	

WISCONSIN

Dodge.	Fond du Lac.

WYOMING

Goshen.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62–4078; Filed, Apr. 25, 1962; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1963 crop year.

CALIFORNIA

Kern.	San Luis Obispo.
Los Angeles.	Tulare.

COLORADO

Adams.	Logan.
Arapahoe.	Morgan.
Cheyenne.	Phillips.
Elbert.	Sedgwick.
Kit Carson.	Washington.
Larimer.	Weld.
Lincoln.	Yuma.

IDAHO

Benewah.	Latah.
Bingham.	Lewis.
Bonneville.	Lincoln.
Camas.	Madison.
Cassia.	Minidoka.
Fremont.	Nez Perce.
Gooding.	Oneida.
Idaho.	Power.
Jerome.	Teton.
Kootenai.	Twin Falls.

ILLINOIS

Adams.	Madison.
Bond.	Mason.
Cass.	Menard.
Christian.	Monroe.
Clinton.	Montgomery.
Douglas.	Morgan.
Effingham.	Pike.
Fayette.	St. Clair.
Fulton.	Sangamon.
Greene.	Schuyler.
Hancock.	Scott.
Jasper.	Shelby.
Jersey.	Tazewell.
McDonough.	Vermilion.
McLean.	Washington.
Macoupin.	

INDIANA

Allen.	Madison.
Blackford.	Marshall.
Boone.	Miami.
Carroll.	Montgomery.
Clay.	Noble.
Clinton.	Pulaski.
Decatur.	Randolph.
DeKalb.	Ripley.
Delaware.	Rush.
Fountain.	Shelby.
Howard.	Sullivan.
Huntington.	Vigo.
Jackson.	Wayne.
Johnson.	Wells.
Kosciusko.	Whitley.

KANSAS

Allen.	Linn.
Anderson.	Logan.
Atchison.	Lyon.
Barber.	McPherson.
Barton.	Marion.
Bourbon.	Marshall.
Brown.	Meade.
Butler.	Miami.
Chase.	Mitchell.
Chautauqua.	Montgomery.
Cherokee.	Morris.
Cheyenne.	Nemaha.
Clark.	Neosho.
Clay.	Ness.
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Crawford.	Ottawa.
Decatur.	Pawnee.
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Doniphan.	Pottawatomie.
Douglas.	Pratt.
Edwards.	Rawlins.
Elk.	Reno.
Ellis.	Republic.
Ellsworth.	Rice.
Finney.	Riley.
Ford.	Rooks.
Franklin.	Rush.
Geary.	Russell.
Gove.	Saline.
Graham.	Scott.
Grant.	Sedgwick.
Gray.	Seward.
Greeley.	Shawnee.
Greenwood.	Sheridan.
Hamilton.	Sherman.
Harper.	Smith.
Harvey.	Stafford.
Haskell.	Stanton.
Hodgeman.	Stevens.
Jackson.	Sumner.
Jefferson.	Thomas.
Jewell.	Trego.
Johnson.	Wabaunsee.
Kearny.	Wallace.
Kingman.	Washington.
Kiowa.	Wichita.
Labette.	Wilson.
Lane.	Woodson.
Lincoln.	

KENTUCKY

Christian.	

MARYLAND

Kent.	Queen Annes.

MICHIGAN

Bay.	Jackson.
Branch.	Kalamazoo.
Calhoun.	Lenawee.
Clinton.	Monroe.
Eaton.	Saginaw.
Gratiot.	St. Clair.
Hillsdale.	St. Joseph.
Huron.	Sanilac.
Ingham.	Shiawassee.
Ionia.	Washtenaw.

MINNESOTA

Becker.	Norman.
Big Stone.	West Otter Tail.
Chippewa.	Pennington.
Clay.	Polk, East.
Grant.	Polk, West.
Kandiyohi.	Red Lake.
Kittson.	Roseau.
Mahnomen.	Traverse.
Marshall.	Wilkin.

MISSOURI

Andrew.	Copper.
Audrain.	Daviess.
Bates.	DeKalb.
Buchanan.	Franklin.
Callaway.	Gentry.
Carroll.	Henry.
Cass.	Holt.
Chariton.	Howard.
Jasper.	Nodaway.
Johnson.	Pettis.
Lafayette.	Pike.
Lawrence.	Ralls.
Lincoln.	St. Charles.
Macon.	Saline.
Marion.	Shelby.
Monroe.	Vernon.

MONTANA

Blaine.	Phillips.
Cascade.	Pondera.
Chouteau.	Richland.
Daniels.	Roosevelt.
Dawson.	Sheridan.
Fergus.	Stillwater.
Hill.	Teton.
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Banner.	Jefferson.
Box Butte.	Keith.
Butler.	Kimball.
Cass.	Lancaster.
Chase.	Morrill.
Cheyenne.	Nemaha.
Dawes.	Pawnee.
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Gosper.	Scotts Bluff.
Hamilton.	Seward.
Harlan.	Thayer.
Hayes.	Washington.
Hitchcock.	York.

NORTH CAROLINA

Cleveland.	Mecklenburg.
Iredell.	Rutherford.
Lincoln.	

NORTH DAKOTA

Adams.	McLean.
Barnes.	Mercer.
Benson.	Morton.
Bottineau.	Mountrail.
Bowman.	Nelson.
Burke.	Oliver.
Burleigh.	Pembina.
Cass.	Pierce.
Cavalier.	Ramsey.
Dickey.	Ransom.
Divide.	Renville.
Dunn.	Richland.
Eddy.	Rolette.
Emmons.	Sargent.
Foster.	Sheridan.
Golden Valley.	Sioux.
Grand Forks.	Slope.
Grant.	Stark.
Griggs.	Steele.
Hettinger.	Stutsman.
Kidder.	Towner.
La Moure.	Traill.
Logan.	Walsh.
McHenry.	Ward.
McIntosh.	Wells.
McKenzie.	Williams.

OHIO

Allen.	Knox.
Ashland.	Licking.
Auglaize.	Marion.
Clinton.	Medina.
Delaware.	Mercer.
Erie.	Montgomery.
Fayette.	Morrow.
Greene.	Paulding.
Hancock.	Pickaway.
Hardin.	Preble.
Henry.	Putnam.
Highland.	Sandusky.
Huron.	Seneca.
Stark.	Van Wert.
Tuscarawas.	Wayne.
Union.	Williams.

OKLAHOMA

Alfalfa.	Kay.
Beckham.	Kingfisher.
Blaine.	Kiowa.
Caddo.	Logan.
Canadian.	Major.
Comanche.	Mayes.
Cotton.	Noble.
Craig.	Nowata.
Custer.	Osage.
Delaware.	Ottawa.
Dewey.	Pawnee.
Ellis.	Texas.
Garfield.	Tillman.
Grant.	Washington.
Greer.	Washita.
Harmon.	Woods.
Harper.	Woodward.
Jackson.	

OREGON

Baker.	Sherman.
Gilliam.	Umatilla.
Jefferson.	Union.
Linn.	Wallowa.
Malheur.	Wasco.
Morrow.	

PENNSYLVANIA

Chester.	Lebanon.
Lancaster.	York.

SOUTH DAKOTA

Beadle.	Jones.
Bennett.	Kingsbury.
Bon Homme.	Lake.
Brown.	Lyman.
Campbell.	McCook.
Clark.	McPherson.
Codington.	Marshall.
Corson.	Mellette.
Day.	Miner.
Deuel.	Perkins.
Dewey.	Potter.
Edmunds.	Roberts.
Faulk.	Spink.
Grant.	Sully.
Hamlin.	Tripp.
Hand.	Walworth.
Hutchinson.	

TENNESSEE

Obion.	Robertson.

TEXAS

Baylor.	Gray.
Castro.	Grayson.
Collin.	Hale.
Cooke.	Jones.
Denton.	Lipscomb.
Floyd.	Wilbarger.
Foard.	

UTAH

Box Elder.	Cache.

WASHINGTON

Adams.	Grant.
Asotin.	Klickitat.
Benton.	Lincoln.
Columbia.	Spokane.
Douglas.	Walla Walla.
Franklin.	Whitman.
Garfield.	

WYOMING

Goshen.	Platt.
Laramie.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 39]

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

Order Amending Order

Sec.

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AUTHORITY: §§ 1039.0 to 1039.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1039.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk (including a handler's own farm production) and (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a) (3) and (4) and the corresponding steps in § 1039.46 (b).

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1039.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1039.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1039.3 Department.

"Department" means the United States Department of Agriculture.

§ 1039.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1039.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1039.6 Milwaukee, Wisconsin, marketing area.

"Milwaukee, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory in the State of Wisconsin which is within the boundaries of the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun in Fond du Lac County; including piers, docks and wharves and territory wholly or partly within such boundaries occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments.

§ 1039.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1039.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1039.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1039.10 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section, except that of a producer-handler or a nonpool plant pursuant to § 1039.63.

(a) A distributing plant from which Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes in the marketing area on not less than 8 days or is in the aggregate more than 45,000 pounds.

(b) A supply plant from which in December through July Grade A milk received from dairy farmers at such plant is shipped as fluid milk products during the month to pool plants qualified pursuant to paragraph (a) of this section or from which in August through November such shipments during the month are made on not less than 8 days or are in the aggregate more than 45,000 pounds.

§ 1039.11 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1039.12 Handler.

"Handler" means any person in his capacity as the operator of a pool plant.

§ 1039.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1039.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from a pool plant to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted.

§ 1039.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1039.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1039.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1039.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1039.18 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at a pool plant which first became subject to regulation by this order in such period shall be base milk.

§ 1039.19 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1039.20 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1039.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1039.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1039.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1039.75 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1039.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1039.30 and 1039.31, or payments pursuant to §§ 1039.70 through 1039.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1039.51(a) and the Class I butterfat differential pursuant to § 1039.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1039.51(b) and the Class II butterfat differential pursuant to § 1039.52(b), both for the preceding month;

(2) The 12th day after the end of each month of July through February, the uniform prices pursuant to § 1039.61 and the butterfat differentials pursuant to § 1039.71; and

(3) The 12th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1039.62 and the butterfat differentials pursuant to § 1039.71.

(k) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1039.30 Monthly reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each pool plant in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1039.14, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1039.31 Other reports.

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 19th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1039.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat, and other content of all milk, and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1039.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1039.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1039.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1039.41 through 1039.46.

§ 1039.41 Classes of utilization.

Subject to the conditions set forth in § 1039.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to other plants pursuant to § 1039.14) and other source milk in bulk but not in excess of:

(i) 2.0 percent of the skim milk and butterfat, respectively, in such receipts;

(ii) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from pool plants; and

(iii) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants.

§ 1039.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to other plants pursuant to § 1039.14), plus bulk fluid milk products received from other pool plants and less transfers of bulk fluid milk products to other plants;

(2) Other source milk.

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§ 1039.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1039.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1039.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1039.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1039.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the pool plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1039.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1039.30 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1039.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1039.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk (except that in other source milk) classified as Class II milk pursuant to § 1039.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1039.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1039.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1039.51 Class prices.

Subject to the provisions of §§ 1039.52 and 1039.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1039.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1039.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1039.53 Location differentials to handlers.

The Class I price for producer milk received at a pool plant less than 70 miles from the City Hall in Chicago, Illinois, as determined by the market administrator, shall be increased 4 cents and the Class I price for producer milk received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1039.46(a)(6) and the corresponding step of § 1039.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1039.54 Use of equivalent prices.

If for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PRICES

§ 1039.60 Computation of value of milk at pool plants.

The value of producer milk received by a handler during each month at each of his pool plants shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1039.46(a)(9) and the corresponding step of § 1039.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the quantities of skim milk and butterfat in producer milk classified in Class II (less shrinkage pursuant to § 1039.41(b)(6) (except that in other source milk) during the preceding month or (2) the quantities of skim milk and butterfat subtracted from Class I pursuant to § 1039.46(a)(6) and the corresponding step in § 1039.46(b).

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1039.61 Computation of uniform prices.

For each of the months of July through February, the market administrator shall compute the uniform price for each handler as follows:

(a) To the amount computed pursuant to § 1039.60, add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 1039.71 and multiplying the result by the hundredweight of such producer milk;

(b) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1039.72(a);

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1039.72(b);

(d) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(e) Divide the resulting amount by the hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be the handler's uniform price.

§ 1039.62 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices for base milk and excess milk for each handler as follows:

(a) From the reports submitted by handlers pursuant to § 1039.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1039.60 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1039.60;

(e) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1039.72(a);

(f) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1039.72(b); and

(g) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(h) Divide the amount obtained in paragraph (a) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section. The quotient, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1039.63 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1039.10 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1039.30) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1039.70 Time and method of payment.

(a) Each handler, on or before the 15th day after the end of each month, shall pay each producer for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, an amount computed at not less than the uniform prices pursuant to § 1039.61 or § 1039.62, adjusted pursuant to §§ 1039.71 through 1039.74.

(b) Each handler, on or before the 13th day after the end of each month, shall make payment to a cooperative association for producer milk received during such month which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraph (a) of this section.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1039.71 Butterfat differentials to producers.

The uniform prices of each handler for producer milk pursuant to §§ 1039.61 and 1039.62 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (adjusted to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1039.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1039.72 Location differentials to producers.

(a) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator.

(b) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant less than 70 miles from the Chicago City Hall, as determined by the market administrator, shall be increased 4 cents.

§ 1039.73 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1039.74 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1039.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1039.75 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hunderdweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production) and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a)(3) and (4) and the corresponding steps in § 1039.46(b).

§ 1039.76 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1039.70 through 1039.75 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1039.77 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1039.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days on which such milk is received from such producer: *Provided,* That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further,* That if no milk is received from a producer at a pool plant during the months of August through November or if milk is received on less than 75 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further,*

That any producer for whom a base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of August through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1039.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during August through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1039.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1039.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1039.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1039.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1039.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1039.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: June 1, 1962.

Signed at Washington, D.C., on April 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4080; Filed, Apr. 25, 1962; 8:50 a.m.]

[Milk Order No. 51]

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

Order Regulating Handling of Milk

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AUTHORITY: §§ 1051.0 to 1051.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1051.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Madison, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in § 1051.46(b), and (iii) subject to the proviso of § 1051.78, receipts at a nonpool fluid milk plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than May 1, 1962, and fully effective not later than June 1, 1962. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued December 22, 1961, and the decision of the Under Secretary containing all the provisions of this order was issued March 23, 1962. This order will initiate a new regulatory program in the market. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective May 1, 1962, and fully effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Madison, Wisconsin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1051.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1051.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1051.3 Department.

"Department" means the United States Department of Agriculture.

§ 1051.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1051.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1051.6 Madison, Wisconsin, marketing area.

"Madison, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk and Vernon, all in the State of Wisconsin, including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1051.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer whose milk is received at the plant of a state educational institution during the month, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1051.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1051.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1051.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1051.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section (except that of a producer-handler, the plant of a state educational institution or a nonpool plant pursuant to § 1051.65): *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph during each of the immediately preceding months of September through November, shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section: *Provided*, That such plant shall not be a pool plant pursuant to this paragraph during any month in which less than 50 percent of the Grade A milk of producers of such cooperative association is received at pool plants pursuant to paragraphs (a) and (b) of this section: *And provided further*, That if written application is filed with the market administrator on or before the first day of January of any year, such plant shall be designated a nonpool plant for each month in such year during which it would not otherwise qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

§ 1051.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1051.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants (except a state educational institution),

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association, or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1051.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1051.15 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer (except one whose milk is received at the plant of a state educational institution during the month) or a handler pursuant to § 1051.13(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of July through December, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1051.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1051.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined

with another product in the plant during the month.

§ 1051.18 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1051.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1051.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at pool plants shall be base milk.

§ 1051.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1051.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1051.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1051.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1051.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1051.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1051.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1051.35 and 1051.36, nor payments pursuant to §§ 1051.64, 1051.70, 1051.74, 1051.76, 1051.77 and 1051.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1051.51(a) and the Class I butterfat differential pursuant to § 1051.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1051.51(b) and the Class II butterfat differential pursuant to § 1051.52 (b), both for the preceding month;

(2) The 10th day after the end of each month of July through February the uniform price pursuant to § 1051.62 and the butterfat differential pursuant to § 1051.71; and

(3) The 10th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1051.63 and the butterfat differential pursuant to § 1051.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1051.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1051.13(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1051.13(c),

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1051.15, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1051.36 Other reports.

(a) Each producer handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1051.13(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms pre-

scribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1051.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1051.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1051.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1051.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1051.41 through 1051.46.

§ 1051.41 Classes of utilization.

Subject to the conditions set forth in § 1051.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively, (except in milk diverted to a nonpool plant pursuant to § 1051.15) in shrinkage allocated pursuant to § 1051.42 (b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1051.13(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1051.13(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants.

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1051.42(b)(2).

§ 1051.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1051.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1051.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1051.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1051.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1051.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1051.46(a)(4) and the corresponding step of § 1051.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of La Crosse and Madison, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1051.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk

plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1051.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1051.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1051.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1051.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1051.13(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1051.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1051.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1051.13(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1051.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1051.46(a)(6) and the corresponding step of § 1051.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1051.46 in:

(a) The remainder after the subtraction pursuant to § 1051.46(a)(6) and the corresponding step in § 1051.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1051.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1051.51 Class prices.

Subject to the provisions of §§ 1051.52 and 1051.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November, $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1051.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1051.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1051.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1051.13(c) at a fluid milk plant less than 70 miles from the Chicago City Hall shall be increased 4 cents and at a fluid milk plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall be not more than 8 cents at a plant in the marketing area: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1051.46(a)(6) and the corresponding step in § 1051.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1051.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1051.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and lo-

cation differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1051.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1051.46(a)(9) and the corresponding step of § 1051.46 (b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps of § 1051.46(b) by the rate of payment on unpriced milk pursuant to § 1051.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified, and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(c) by the rate of payment on unpriced milk pursuant to § 1051.55.

§ 1051.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total, the values computed pursuant to § 1051.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1051.35 for such month, except those in default of payments required pursuant to § 1051.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1051.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1051.72(b); and

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1051.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1051.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1051.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation pursuant to § 1051.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1051.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1051.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except the plant of a state educational institution or a nonpool plant pursuant to § 1051.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1051.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1051.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1051.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers or handlers pursuant to § 1051.13(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1051.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1051.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1051.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1051.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 15th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1051.62 or § 1051.63 adjusted pursuant to §§ 1051.71, 1051.72 and 1051.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 13th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section:

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall

furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;

(6) The net amount of payment to such producer or cooperative association.

§ 1051.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1051.62 and 1051.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1051.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1051.72 Location differentials to producers.

The uniform price pursuant to § 1051.62 and the uniform price for base milk pursuant to § 1051.63 for producer milk received at a pool plant shall be:

(a) Increased 4 cents at a plant less than 70 miles from the Chicago City Hall, as determined by the market administrator; and

(b) Decreased 2 cents at a plant 145 miles or more from the Chicago City Hall for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this paragraph shall be not more than 8 cents at a plant in the marketing area.

§ 1051.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1051.64, 1051.74, 1051.75 and 1051.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1051.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1051.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1051.60.

§ 1051.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1051.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1051.60.

§ 1051.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1051.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1051.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1051.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in § 1051.46 (b), and (c) receipts at a fluid milk plant which is a nonpool plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1051.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1051.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was re-

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1051.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1051.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1051.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1051.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1051.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1051.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: §§ 1051.0 through 1051.46 and 1051.90 through 1051.101 shall be effective on and after May 1, 1962, and the remaining provisions shall be effective on and after June 1, 1962.

Signed at Washington, D.C., on April 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4061; Filed, Apr. 25, 1962; 8:50 a.m.]

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June each producer having an interest in a jointly held base shall share the base during each delivery period in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

DETERMINATION OF BASE

§ 1051.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1051.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1051.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1051.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1051.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1051.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1051.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1051.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: §§ 1051.0 through 1051.46 and 1051.90 through 1051.101 shall be effective on and after May 1, 1962, and the remaining provisions shall be effective on and after June 1, 1962.

Signed at Washington, D.C., on April 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4061; Filed, Apr. 25, 1962; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

REFERENCE PAPER FOR TEAR TEST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from April 9, 1962.

1. A new paragraph (hh) *Reference paper for tear test*, is added to § 230.11 *Descriptive list* to read as follows:

(hh) *Reference paper for tear test.*

Sample No.	Description	Quantity	Price per sample
704	Reference paper for tear test.	Approx. 120 6" x 9" sheets per package.	$4.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-4052; Filed, Apr. 25, 1962; 8:45 a.m.]

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for service, publications, and punched cards.

(a) Services:

(1) Synoptic Maps and Charts (Ozalid, Bruning, etc.):
Sizes:
Up to 360 sq. inches $0.28 per copy.
361 to 510 sq. inches $0.29 per copy.
511 to 800 sq. inches $0.30 per copy.
801 to 1,000 sq. inches $0.31 per copy.
1,001 to 1,220 sq. inches $0.33 per copy.
Above 1,220 sq. inches $0.34 for first 1,220 sq. inches and $0.01 for each additional 144 sq. inches.

(2) Other than Synoptic Maps and Charts (Ozalid, Bruning, etc.):
8 x 10½ (per print) $0.10
Over 8 x 10½ (per sq. ft.) ..... .07

(3) Photocopy Prints (Photostat, etc.):
8½ x 11 or smaller $0.35
9 x 12 to 12 x 17 ..... .50
12 x 17 to 18 x 24 ..... .85

(4) Thermofax copies or direct contact prints:
8½ x 11 ..... .11
Larger than 8½ x 11 (per sq. ft.) ..... .16

(5) Transcopy Prints:
8½ x 10 ..... .40
10 x 12 ..... .40

(6) Photography:
Negatives:
8 x 10 (or smaller) 1.50
10 x 12 ..... 1.60
11 x 14 ..... 1.75
14 x 17 ..... 2.25
16 x 20 ..... 3.00
20 x 24 ..... 3.75
28 x 34 ..... 4.00
30 x 40 ..... 5.00
When film positives are required from above negatives, charge will be twice that shown.
Prints (black and white):
Contact:
8 x 10 ..... .35
11 x 14 ..... .50
14 x 17 ..... .70
16 x 20 ..... 1.00
20 x 24 ..... 1.25
30 x 40 ..... 2.25
Enlargements:
5 x 7 ..... .45
8 x 10 ..... .60
11 x 14 ..... 1.00
Enlargements from available microfilm:
8 x 10 or smaller ..... .22
11 x 14 or larger ..... .35

(7) Lantern Slides:
Slide, including negative 1.75
Slide only (when negative is available) ..... .75

(8) Microfilm:
Negative film (one or two pages to exposure on panchromatic contrast film) per frame or exposure:
35 mm ..... .05
16 mm ..... .04
Positive film (when negative is of uniform density), per ft.:
35 mm ..... .10
16 mm ..... .08
Aniline dye (when negative is of uniform density), per ft.:
35 mm ..... .06
16 mm ..... .05
Metal spool and box (for 35 mm or 16 mm microfilm) ..... .40

(9) Time spent by field station and National Weather Records Center employees in performing the following services will be charged at the rate of $3.60 per hour if services are performed during normal working hours, or at the rate of $4.65 per hour if performed on overtime.

(i) Hand transcritpion of official meteorological records.

(ii) Searching map or record files to assemble material.

(iii) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photocopy, or other reproductions.

(b) Publications of the Bureau will be charged as listed in the current edition of "Weather Bureau Publications", except that no charge will be made for those furnished to an individual or agency that participates with the Weather Bureau on a continuing basis in making weather information available.

(c) Reproduction of punched cards will be charged on the basis of actual costs, including those of selection, inventory, duplication, refiling, and packing. Requests for estimates should be directed to Director, National Weather Records Center, Asheville, North Carolina. Shipments of punched cards will be made shipping charges collect, FOB duplication point.

A minimum charge of $2.00 will be made for a single order on any of the above items.

(59 Stat. 1067, Sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

F. W. REICHELDERFER,
Chief of Bureau.

[F.R. Doc. 62-4053; Filed, Apr. 25, 1962; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

President Kennedy on March 2, 1962, authorized the Atomic Energy Commission and the Department of Defense to begin nuclear tests in late April unless the Soviet Union signs an effective test ban treaty before that time.

On April 4, 1962, the Joint Task Force–8 issued public notice of the danger area to be established April 15, 1962 in connection with the DOMINIC nuclear test series planned to be conducted in the area surrounding Christmas Island. On April 9, 1962, the Joint Task Force–8 issued public notice of additional danger areas to be established April 30, 1962, in connection with the same test series. The efficient and early completion of this test series is of major importance to the defense of the United States and of the free World.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission is issuing the following regulations which will be effective upon filing with the FEDERAL REGISTER.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter any of the danger areas, and the early starting date planned for the tests, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d session, the following rules are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER.

Sec.
112.1 Purpose.
112.2 Scope.
112.3 Definitions.
112.4 Prohibition.

AUTHORITY: §§ 112.1 to 112.4 issued under sec. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921,

as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121.

§ 112.1 Purpose.

The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91a. of the Atomic Energy Act of 1954, as efficiently and expeditiously as possible with a minimum hazard to the health and safety of the public.

§ 112.2 Scope.

This part applies to all United States citizens and to all other persons subject to the jurisdiction of the United States, its territories and possessions.

§ 112.3 Definitions.

As used in this part:

(a) "Danger area" means any of the following:

(1) That area established, effective April 15, 1962, until a date to be announced, encompassing Christmas Island and which is bound by a line joining the following coordinates:

06°50′ N., 149°20′ W.
03°10′ S., 149°20′ W.
03°10′ S., 162°40′ W.
06°50′ N., 162°40′ W.

(2) That area established, effective April 30, 1962, until a date to be announced, bound by a line joining the following coordinates:

06°50′ N., 147°20′ W.
02°50′ N., 147°20′ W.
02°50′ N., 149°20′ W.
06°50′ N., 149°20′ W.

(3) That area established, effective April 30, 1962, until a date to be announced, encompassing Johnston Island and which is a circle of 470 nautical miles radius at the surface gradually extending to a circle of 700 nautical miles radius at an altitude of 30,000 feet and above, centered at the following geographic coordinates:

16°45′ N., and 169°31′ W.

(b) "DOMINIC test series" means that series of nuclear tests to be conducted by the Atomic Energy Commission and the Department of Defense in the areas surrounding Christmas Island and Johnston Island, within the danger areas as defined in paragraph (a) of this section, which tests are planned to begin in April 1962 and to end at an announced time during the calendar year 1962.

§ 112.4 Prohibition.

No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in any of the defined danger areas (§ 112.3(a)) during the effective period of the regulations in this part, except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

Dated at Germantown, Md., this 24th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-4119; Filed, Apr. 25, 1962; 12:00 m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4475]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Acceleration of Registration Statements

The work load of the Securities and Exchange Commission has greatly increased in recent years due in part to the substantial increase each year in the number of filings under the Securities Act of 1933. The constant increase in the number of registration statements filed is due in large measure to the fact that a majority of such registration statements have been filed by issuers which never before have been subjected to the registration process. This has resulted in a significant increase in the period between the filing and effective dates of a substantial volume of registration statements. Proposals for meeting this problem have been under constant study by the Commission and its staff and certain steps taken from time to time to that end. It is essential, however, that the statutory standards of disclosure be maintained.

On March 23, 1962, the Commission released an announcement of additional steps taken to deal with the problem. In that announcement the necessity for the full cooperation of the financial community and the bar was emphasized. In this connection we suggested that certain procedures be followed.

The Commission expects to publish from time to time expressions of its views which may be of assistance to issuers, their counsel and others preparing registration statements. The following paragraphs reflect action which the Commission has taken from time to time in its consideration of requests that registration statements be ordered effective under section 8(a) of the Securities Act.

I. *Identification of board members selected by underwriters.* Schedule A of the Securities Act of 1933 requires disclosure in registration statements of the names and addresses of directors and certain officers, chosen or to be chosen. Section 11(a) of the Act imposes civil liabilities upon certain persons named in a registration statement and upon every person who, with his consent, is named as being or about to become a director or person performing similar functions. It is generally the position of the Commission that where any person has the right to designate a director of a registrant, the registration statement should identify him and include his consent.

The Commission has refused to accelerate the effective date of a registration statement where the person to be so named by an underwriter may be a director, officer, partner, employee or affiliate of the underwriter, unless such person is identified in the prospectus and his consent is filed in accordance with Rule 438 (§ 230.438). If, however, the person to be named is not to be so related to the underwriter and the underwriter is not in a position to identify such person, the omission of the name of the prospective director will not act as a bar to acceleration.

II. *Requests for later financial statements and related data.* The following is furnished as a guide for determining the need for "updating" financial statements and related data in Securities Act of 1933 registration statements:

A. *Financial statements.* 1. Form S-1 (Listed and described at § 239.11).

a. Companies presently subject to the reporting requirements of the Securities Exchange Act of 1934 and unlisted companies with a substantial record of earnings which publish financial information on a regular basis, should be prepared to add later information as to sales and net income in a paragraph following the summary of earnings when such later information has been published or is to be published in an interim report prior to the effective date of the filing. Whether or not such a report is published, later sales and net income information on current and comparable prior year bases should be included in paragraph form when an adverse trend is shown. Such disclosure is necessary regardless of the certified or non-certified status of the financial statements in the prospectus. It should be understood that when a fiscal year ends within 90 days prior to the date of filing and certified financial statements for the year are normally available for publication before the proposed effective date, that such statements should be substituted for the interim statements in the registration statement as originally filed.

b. New registrants with no previous record of publicity for financial information should be prepared to furnish such later data or to extend the summary of earnings so as to include current data compared with a similar period of the preceding year, when the company has an established record of earnings and is in sound financial condition but the amendment when effective would otherwise include data over four months old.

c. New registrants with no established record of earnings and old registrants currently showing losses or a weak financial condition should be prepared to bring the financial statements up to the latest practicable date not more than 90 days prior to filing the amendment upon which it is expected the filing will become effective. If delay carries the date beyond the close of the fiscal year and by applying due diligence the registrant can have an audit completed prior to the planned effective date, certified statements for the fiscal year should be substituted for interim statements whether or not the interim financial statements have been certified.

When later interim financial statements are to be furnished to supplement either fiscal year or interim statements which have been certified, the later statements would in the usual case be unaudited. However, when numerous or involved financial transactions have been effected since the date of the financial statements furnished or it is recognized that unusual conditions affect the determination of earnings, the later financial statements may be requested on a certified basis as a condition to acceleration under section 8(a).

2. Forms S-2 and S-3 (Listed and described, §§ 239.12, 239.13). All financial statements on these forms are required to be certified. In all cases of extended delay later statements should be prepared so that at the expected effective date the statements are not over four months old.

3. Forms S-4, S-5, and S-6 (Listed and described §§ 239.14, 239.15, and 239.16). Wherever practicable, filings on these forms should be scheduled so that interim statements other than mid-year will not be necessary.

4. Forms S-8 and S-9 (Listed and described, §§ 239.16b, 239.22). In cases of unusual delay of effectiveness of the registration statement, consideration should be given to presenting such later financial statements as may be appropriate.

5. Form S-11 (Listed and described, § 239.18). Principles set forth above for Form S-1 should be applied to filings on this form as appropriate.

B. *Financial data.* Volume statistics, loss experience in insurance companies, bad debt and collection experience in finance, real estate and small loan companies, and similar data should be brought up to date when later financial statements are furnished.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 13, 1962.

[F.R. Doc. 62-4060; Filed, Apr. 25, 1962; 8:46 a.m.]

[Release 34-6778, 33-4476]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Short Sales of Securities

The Securities and Exchange Commission has announced that during recent months it has received numerous complaints from customers that they have encountered considerable delay in receiving securities they purchased from broker-dealers. Inquiry indicates that in a number of these cases the dealers sold the customers securities which they did not own (short-sales), and did not, for a substantial period of time, effect the off-setting purchase transactions for purposes of delivery. This release is being published to caution broker-dealers that this practice generally involves violations of the antifraud provisions of the Federal securities laws.

In substance, the antifraud provisions of the Federal securities laws prohibit any act, practice or course of business which operates as a fraud or deceit, and any untrue statement or misleading omission of a material fact, in connection with the purchase or sale of a security.[1] The courts and the Commission have consistently held that a dealer impliedly represents that he will deal fairly with the public,[2] and that this implied representation of fair dealing includes an implied representation that the transaction will be consummated promptly unless there is a clear understanding to the contrary.[3] In Lewis H. Ankeny, 29 S.E.C. 514, at p. 516, the Commission stated:

> Inherent in the relationship between a dealer and his customer is the vital representation that the customer will be dealt with fairly, and in accordance with the standards of the profession. Duker & Duker, 6 S.E.C. 386, 388 (1939). At a minimum, he represents that he will act in accordance with reasonable trade custom. Trade custom requires a dealer to consummate transactions with customers promptly, and in every transaction an implied representation to this effect is made, unless there is a clear understanding to the contrary. If a dealer intends not to consummate a transaction promptly, and fails to disclose this intention to his customer, he omits to state to that customer a material fact necessary to make the above representation not misleading, in violation of the antifraud provisions of the Securities Act and the Exchange Act.

The misrepresentation inherent in the above situation is aggravated when the dealer recommends the security and sells it to the customer in a short-sale, but delays effecting the covering transaction to acquire the security. Under these circumstances it is not unreasonable to assume that the dealer delayed the execution of his covering transaction because he believed that by postponing such transaction he would be able to acquire it at a cheaper price; and the failure to disclose this material fact compounds the violation.

Dealers who sell securities to customers should exercise diligence to deliver the securities promptly, and if they have any reason to believe they will be unable to deliver promptly, they should disclose to the customer all material facts with respect thereto before the transaction is entered into.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 16, 1962.

[F.R. Doc. 62-4061; Filed, Apr. 25, 1962; 8:46 a.m.]

[1] Section 17(a) of the Securities Act of 1933, section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 (§ 240.10b-5 of Title 17, CFR) thereunder, and section 15(c)(1) of the Securities Exchange Act of 1934 and Rule 15c1-2 (§ 240.15c1-2 of Title 17, CFR) thereunder.

[2] Charles Hughes & Co., Inc., v. S.E.C., 139 F. 2d 434 (CA-3, 1943); Norris & Hirschberg, Inc., 21 S.E.C. 685 (1946), aff'd 177 F. 2d 228; Duker & Duker, 6 S.E.C. 386 (1939).

[3] Lewis H. Ankeny, 29 S.E.C. 514 (1949); Jesse S. Lockaby, 29 S.E.C. 271 (1949); W. F. Coley & Company, Inc., 31 S.E.C. 722 (1950); Carl J. Bliedung, 38 S.E.C. 578 (1958); Ned J. Bowman, SEA Rel. 6257 (1960); and Miller, Smith & Co., Inc., SEA Rel. 6663 (1961); cf. Stephens v. United States, 41 F. 2d 440 (CA-9, 1930), cert. denied 282 U.S. 880 (1930).

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

A notice was published in the FEDERAL REGISTER on September 7, 1961 (26 F.R. 8421), setting forth the substance of regulations proposed under section 14 of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1961 (sec. 11, Pub. Law 87-30; 75 Stat. 66), permitting the employment of full-time students outside of their school hours in retail or service establishments at special minimum wages under certain specified conditions. Interested persons were given an opportunity to submit written data, views, and arguments relating to the proposal.

Full consideration has been given to all the relevant matter submitted. Pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) as amended by the Fair Labor Standards Amendments of 1961 (sec. 11, Pub. Law 87-30; 75 Stat. 66), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, Chapter V of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 519, which is hereinafter set forth.

The regulations contained in the new 29 CFR Part 519 shall become effective 45 days after their publication in the FEDERAL REGISTER. In the period prior to the effective date, applications may be made for certificates which may be issued under the regulations. Forms will be available for this purpose at the regional offices of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor. No enforcement action will be taken with respect to the employment of full-time students without certificates from September 3, 1961 (the effective date of the Fair Labor Standards Amendments of 1961), and the time that action is taken on an application properly completed and filed prior to the effective date of these regulations so long as the employment of such full-time students is otherwise in compliance with the requirements of §§ 519.2, 519.5, and 519.6 of this Part 519, the requirements for the enforcement policy announced when the proposed regulation on full-time students was published (26 F.R. 8421) or, in any particular, the lesser of either.

The provisions of the new part will be reappraised in 1963, and any changes as are appropriate in the light of experience in its application will be issued before September 3, 1963.

The new 29 CFR Part 519 reads as follows:

Sec.
519.1 Applicability of the regulations in this part.
519.2 Definitions.
519.3 Application for a full-time student certificate.

Sec.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates.
519.7 Records to be kept.
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this part.

AUTHORITY: §§ 519.1 to 519.10 issued under sec. 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; 29 U.S.C. 214. Additional authority is cited in parentheses following the sections affected.

§ 519.1 Applicability of the regulations in this part.

Under section 14 of the Fair Labor Standards Act of 1938, the Administrator or his representatives are authorized, to the extent necessary in order to prevent curtailment of opportunities for employment, to issue certificates at wages lower than the minimum wage applicable under section 6 of the Act for the employment of full-time students outside of their school hours in any retail or service establishment, provided that such employment is not of the type ordinarily given to a full-time employee. Such certificates shall be subject to the requirements prescribed in this part.

§ 519.2 Definitions.

(a) *"Full-time students."* A "full-time student," for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution below the college or university level, in accordance with the institution's accepted definition of a full-time student, and who is between 14 and 19 years of age (i.e., the student has reached the 14th but not the 19th anniversary of his birth). A full-time student retains that status during Christmas, summer, and other vacations until graduation from high school or the completion of the grade in any other such institution corresponding to the senior year in high school or until he discontinues that status. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include a student-learner covered by a certificate issued under Part 520 of this chapter.

(b) *"Bona fide educational institution."* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *"Outside of their school hours."* "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) *"Retail or service establishment."* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment, an application for a certificate authorizing such employment may be filed by their employer with the authorized representative of the Administrator. Such application shall be signed by an authorized representative of the employer. It shall be filed at the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions, except that for North Carolina, the application shall be filed with the Commissioner, North Carolina Department of Labor, Raleigh, North Carolina; for the Hawaiian Islands, Guam and American Samoa, with the Field Office Supervisor, Honolulu, Hawaii; and for Puerto Rico, the Virgin Islands, and the Canal Zone, with the Director of the Wage and Hour and Public Contracts Divisions at Santurce, Puerto Rico.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The application must contain the information as to the type of products sold or services rendered by the establishment, the number of persons employed in the establishment, and such other information as may be necessary to meet the terms and conditions governing the issuance of full-time student certificates and employment thereunder.

(c) Separate application must be made for each establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same form as described in this section. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and received by the appropriate office specified in paragraph (a) of this section not less than fifteen nor more than thirty days prior to the expiration date. A final determination means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data and views on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for fifteen (15) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not tend to displace full-time employees.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the establishment for which a full-time student certificate is requested.

(d) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupation Orders published in Part 4 of this title) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than one year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c)(1) The maximum number of hours of employment of full-time students that may be compensable at special minimum wages in any calendar or fiscal month is generally limited by the past practice of the establishment during the corresponding calendar or fiscal month in the year from May 1960 through April 1961, which will be the base year until after reappraisal of this part in 1963. The corresponding calendar or fiscal month in the base year is the so-called "base period," except that, due to the variable date of Easter, the March–April base may be combined.

(2) During any calendar or fiscal month in which full-time students are to be employed at special minimum wages, the percentage derived by (the total number of hours worked by full-time students at special minimum wages ÷ the total number of hours worked by all employees) shall not exceed the lesser of the following percentages: (i) The percentage derived by the total number of hours worked by full-time students (as defined in § 519.2(a)) at wages below $1.00 an hour ÷ the total number of hours worked by all employees during the base period); or (ii) ten percent except as provided in paragraph (k) of this section. For example, in Establishment A, full-time students employed at less than $1.00 worked 900 hours in July 1960 and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than $1.00 an hour to all hours of employment is therefore 9 percent. In July 1962, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be paid for at special minimum wages to full-time students.

(3)(i) An overestimate of total hours of employment of all employees in the establishment for the current calendar or fiscal month resulting in the employment of the full-time students in the excess of the hours authorized in this section may be corrected in the manner prescribed in either subdivision (ii) or (iii) of this subparagraph.

(ii) The full-time students may be compensated for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday covering the period in which the last of the month falls.

(iii) If the number of such full-time student hours does not exceed by 15 percent of the number of the hours that may be compensable at special minimum wages and this condition is infrequent and inadvertent, the number of full-time student hours of employment at special minimum wages allocated to the succeeding calendar or fiscal month's quota may be reduced by the number of full-time student excess hours.

(d) An establishment coming into existence after May 1, 1960, may be authorized in specific instances to employ full-time students at special minimum wages on the basis of the prior practice in the base period of: (1) Similar establishments of the same employer in the same general metropolitan area in which the new establishment is located; (2) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in its community or the nearest comparable community.

(e) The employment of full-time students between 14 and 16 years of age shall be subject to regulations prescribed in §§ 4.31 to 4.37 of this title (Child Labor Regulation No. 3).

(f) Full-time students who are 16 years of age or older (as defined in § 519.2(a)) shall not be permitted to work at special minimum wages for more than 8 hours a day, nor more than 40 hours a week when school is not in session, nor more than 24 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 24 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(g) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students (as defined in § 519.2(a)) at wages below $1.00 in the period beginning May 1960 and ending April 1961, except as provided in paragraph (k) of this section.

(h) In the case of an establishment coming into existence subsequent to May 1, 1960, the employment of full-time students may be authorized at special minimum wages in occupations of the same general classes as those used for the employment of full-time students below $1.00 an hour in the base period (see paragraph (c)(1) of this section) in: (1) Similar establishments of the same employer in the same general metropolitan area in which the new establishment is located; (2) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area; or; (3) other establishments of the same general character operating in its community or the nearest comparable community.

(i) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lock-out, exist in the establishment.

(j) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under any other Federal law, State law or local ordinance, or union or other agreement.

(k) Where unusual conditions are demonstrated, an establishment may be authorized by certificate to exceed the limitations contained in paragraphs (c), (d), (g), and (h) of this section.

§ 519.7 Records to be kept.

In addition to the records required under Part 516 of this chapter and § 519.6(f), the employer shall keep the following records specifically relating to full-time students employed at special minimum wage rates.

(a) The payroll records kept by the employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages.

(b) The employer shall also obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student.

(c) The employer shall maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than $1.00 per hour and the total hours of employment of all employees in the establishment during any base periods used under § 519.6(c). They shall be based on payroll or other available records such as those used for social security and withholding of income taxes.

(d) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of three years at the place and made available for inspection both as provided in § 516.5 and paragraph (a) of this section.

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in 29 CFR Part 528) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects on the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 15 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations in this part.

Signed at Washington, D.C., this 17th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4065; Filed, Apr. 25, 1962; 8:47 a.m.]

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF STUDENT LEARNERS, APPRENTICES, LEARNERS, MESSENGERS, HANDICAPPED PERSONS, STUDENT WORKERS, AND FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGE RATES

Employment of Full-Time Students in Retail or Service Establishments at Special Minimum Wages

Pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214; sec. 11, Pub. Law 87-30), I hereby amend 29 CFR Part 528 as set forth herein.

The amendments will make the procedures now applicable to the annulment or withdrawal of certificates for the employment of learners, apprentices, handicapped persons, student workers, student learners, and messengers at special minimum wage rates applicable to the annulment or withdrawal of certificates issued in accordance with 29 CFR Part 519 for the employment of full-time students in retail or service establishments at special minimum wages. The amendments will also change the definition of "Regional Director" in accordance with changes in agency terminology.

Because these amendments involve rules of agency procedure, they shall become effective without public participation in their formulation on April 26, 1962.

1. The title of 29 CFR Part 528 is amended to read as set forth above.

2. Section 528.1 of 29 CFR Part 528 is amended to read as follows:

§ 528.1 Applicability of the regulations in this part.

The regulations in this part shall govern the annulment or withdrawal of any certificate except a temporary certificate issued pending final action on an application, issued pursuant to Parts 519, 520, 521, 522, 523, 524, and 527 of this chapter, and having effect under section 14 of the Fair Labor Standards Act of 1938.

3. Paragraphs (c) and (d) of 29 CFR 528.2 are amended to read as follows:

§ 528.2 Definition of terms.

As used in the regulations contained in this part, the term:

* * * * *

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions, the Director for Puerto Rico and the Virgin Islands, the Field Office Supervisor, Honolulu, Hawaii, and the Federal Representative for the Wage and Hour and Public Contracts Divisions in the State of North Carolina;

(d) "Supervising Investigator" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title, and officers designated for this purpose by the Commissioner of the North Carolina Department of Labor.

(Sec. 14, 52 Stat. 1068, 29 U.S.C. 214; sec. 11, Pub. Law 87-30)

Signed at Washington, D.C., this 19th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4066; Filed, Apr. 25, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Certain Wildlife Refuges; North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,270 acres or 39 percent of the total water area of the refuge are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p., is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 400 acres or 45 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artifical lures are considered as single hooks.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,800 acres or 13 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p., is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 880 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours only from May 5, 1962, through December 31, 1962, in all fishing areas (Numbers I through IX) south of the Westhope-Landa Road; May 5, 1962, through September 14, 1962, in all fishing areas (Numbers X and XI) north of the Westhope-Landa Road. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) Boats. The use of boats is not permitted in Fishing Areas I, II, IV, V, VII, VIII, and IX. The use of boats, without motors, is permitted in Areas III and VI. The use of boats, with motors not to exceed 7½ h.p., is permitted in Areas X and XI.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,220 acres or 80 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through December 31, 1962. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) Boats. The use of boats is not permitted in Fishing Areas I, II, IV, V, VII, VIII, and IX. The use of boats, without motors, is permitted in Areas III and VI. The use of boats, with motors not to exceed 7½ h.p., is permitted in Areas X and XI.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,970 acres or 26 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962, in Lake Darling proper; from May 5, 1962, through December 31, 1962, in those fishing areas along public road crossings, as designated on available map; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in Fishing Areas I, II, III, and VI, which lie north of the Lake Darling Dam. Minnows may be used in Areas IV, V and VII, which are south of the Dam.

(3) The use of boats, with motors not to exceed 7½ h.p., is permitted in Fishing Areas I, II, and III.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4070; Filed, Apr. 25, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois; Addition

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

In the special regulations submitted December 5, 1961, and published in the FEDERAL REGISTER, Volume 26, Issue Number 239, issued on December 13, 1961, page 11910, paragraph (d) should have the following statement included as method number (7):

(d) Methods of fishing. * * *

(7) The use of minnows or fish, or parts thereof, either dead or alive, for

bait is not permitted in the waters of Devils Kitchen Lake.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4071; Filed, Apr. 25, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 32 acres or 0.3 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 1, 1962, through September 30, 1962, daylight hours only.

(c) Daily creel limits: Northern pike—5; bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

(4) No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

(5) The use of boats is not permitted.

(6) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4072; Filed, Apr. 25, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 2.3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, bluegill, crappie, and bullhead.

(b) Open season: July 1, 1962, through September 15, 1962, and November 15, 1962, through March 31, 1963. Fishing hours: 5 a.m. to 10 p.m.

(c) Daily creel limits: Bass—15 fish not to exceed 15 pounds and 1 fish. Other species—no limit.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in hand or immediate control.

(2) Bait: Sculpin (Cottus) may be used for bait. Other live or dead fish prohibited.

(3) Boats: Boats with or without motors may be used for fishing.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to April 1, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4073; Filed, Apr. 25, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,900 acres or 77 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the National Bison Range, Moiese, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout, perch, bullhead, and bass.

(b) Open season: July 16, 1962, through February 28, 1963, except closed during waterfowl hunting season. Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—ten fish not to exceed 10 pounds and one fish. Minor species as prescribed by State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used for bait. Other fish, live or dead, prohibited.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to March 1, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4074; Filed, Apr. 25, 1962; 8:48 a.m.]

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 25 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and grayling.

(b) Open season. (1) May 20, 1962, through November 30, 1962, for all species; Culver Pond (Widow's Pool), MacDonald Pond, and Shambow Pond.

(2) Closed Entire Year: Upper Red Rock Lake, Lower Red Rock Lake, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes, and all waters within 100 yards of the above listed areas. Red Rock Creek above Upper Red Rock Lake within the refuge.

(3) June 24, 1962, through November 30, 1962, for all species; those waters on the refuge not designated in 1 or 2 above. Fishing hours: 5 a.m. to 12:00 p.m.

(c) Daily Creel limits: 10 fish not to exceed 10 pounds and 1 fish.

(d) Methods of fishing. (1) Tackle: One line with hook or hooks with or without pole in hand or immediate control.

(2) Bait: Sculpin (Cottus) may be used for bait. Other live or dead fish prohibited.

(3) Boats: Boats without motors may be used for fishing.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to December 1, 1962.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4075; Filed, Apr. 25. 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge and Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 40 acres or 7 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, crappies, and other minor species permitted under State regulations.

(b) Open season: May 12, 1962 through September 30, 1962, for all species except bass; for bass the season is June 9, 1962, through September 30, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3; Walleyed pike—6; Crappies—15. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing. (1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,260 acres or 59 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyed pike, bass, crappies, and other minor species permitted under State regulations.

(b) Open season: May 12, 1962, through September 30, 1962, for all species except bass; for bass the season is June 9, 1962, through September 30, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—3; Walleyed pike—6; Bass—6; Crappies—15. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing. (1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.

(2) The use of boats is not permitted on Chippewa Lake; the use of boats, without motors, is permitted on Lost and Wauboose Lakes.

(3) The use of minnows or fish, or parts thereof, either dead or alive, for bait is not permitted.

(4) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4076; Filed, Apr. 25, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres or 5 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads, northern pike, and other minor species permitted by State regulations.

(b) Open season: May 15, 1962, through September 15, 1962; daylight hours only.

(c) Daily creel limits: Bullheads—50; Northern pike—6. Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing. (1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

(2) The use of boats is not permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1962.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4077; Filed, Apr. 25, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

GREENVILLE, MISSISSIPPI

Notice of Proposed Designation as a Customs Port of Entry

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II) and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to designate the city of Greenville, Mississippi, as a customs port of entry in Customs Collection District No. 20, and to amend § 1.1(c) of the Customs regulations to reflect this designation.

Data, views, or arguments with respect to the proposed designation of Greenville, Mississippi, as a customs port of entry may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: April 18, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-4086; Filed, Apr. 25, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1170]

NAVION AND TWIN NAVION AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose gear retract link assembly on Navion and Twin Navion aircraft and replacement of cracked parts with a redesigned assembly.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 28, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

NAVION AND TWIN NAVION. Applies to all Navion Serial Numbers NAV-4-2 and up and all Twin Navion aircraft, Camair Model 480, Dauby, Riley, and Temco Models D-16 and D-16A.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service and thereafter every 100 hours' time in service from the last inspection.

Inspect by magnetic particle method or FAA approved equivalent, the nose gear retract link assembly P/N 145-34106 or 145-34106-10, for cracks in or near end fitting welds. Replace all cracked parts prior to further flight with Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent, incorporating a longer lap weld center section that completely covers the turned down part of the end fitting. The inspection required by this AD may be discontinued after Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent is installed.

Issued in Washington, D.C., on April 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4058; Filed, Apr. 25, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

JEWISH AGENCY FOR ISRAEL, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621(a) of the Foreign Assistance Act of 1954, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Jewish Agency for Israel, Inc.,
515 Park Avenue,
New York 22, N.Y.

WALTER L. LINGLE, Jr.,
Acting Administrator.

APRIL 18, 1962.

[F.R. Doc. 62-4064; Filed, Apr. 25, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 107; Rev. 8]

CERTAIN OFFICIALS

Authority to Affix Seal of the Treasury Department

By virtue of the authority vested in me as Secretary of the Treasury, including the authority conferred by section 161 of the Revised Statutes, it is hereby ordered that:

1. Except as provided for in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:
(1) Director of Administrative Services;
(2) Chief, General Services Division;
(3) Chief, Printing and Procurement Division;
(4) Chief, Directives Control and Distribution Branch.
(b) In the Internal Revenue Service:
(1) Commissioner of Internal Revenue;
(2) Director, and Assistant Director, Collection Division;
(3) Chief, and Assistant Chief, Operations Branch, Collection Division;
(4) Chief, and Assistant Chief, Miscellaneous Services Section, Operations Branch, Collection Division.
(c) In the Bureau of Customs:
(1) Commissioner of Customs;
(2) Assistant Commissioner of Customs;
(3) Deputy Commissioner, Division of Management and Controls;
(4) Deputy Commissioner, Division of Investigations and Enforcement;
(5) Deputy Commissioner, Division of Appraisement Administration.
(d) In the Bureau of the Public Debt:
(1) Commissioner of the Public Debt;
(2) Deputy Commissioner in Charge of the Chicago Office;
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.
(e) In the U.S. Coast Guard:
(1) Commandant;
(2) Assistant Commandant;
(3) Administrative Aide to the Commandant.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, the Commissioner of the Public Debt, and the Commandant of the U.S. Coast Guard are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: April 16, 1962.

[SEAL] HENRY H. FOWLER,
Acting Secretary.

[F.R. Doc. 62-4051; Filed, Apr. 25, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 0263399]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands From Operation of the Mining, Mineral Leasing and Materials Disposal Laws

APRIL 19, 1962.

The National Park Service, United States Department of the Interior, has filed an application, Serial Number NM 0263399 for the withdrawal of the lands described below, from all forms of appropriation under the general mining, mineral leasing, and materials disposal laws, the surface rights thereto having been previously patented with a reservation of minerals in the United States. The applicant desires the land for protection of archeological and paleontological values, and scientific study under the provisions of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), Preservation of American Antiquities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 35 E.,
Sec. 12, E½SE¼.
T. 1 S., R. 36 E.,
Sec. 7, Lots 3, 4, E½SW¼;
Sec. 8, N½, SE¼.

The areas described above contain, in the aggregate, 711.21 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-4068; Filed, Apr. 25, 1962; 8:47 a.m.]

Bureau of Mines

ASSISTANT DIRECTOR—HELIUM

Delegation of Authority

The following material is a portion of the Bureau of Mines Manual, and the numbering system is that of the Manual:

PART 215—BUREAU OF MINES

CHAPTER 4—HELIUM ACTIVITY

215.4.1 *Delegation of Authority—Helium Act.* The authority delegated to the Director, Bureau of Mines in paragraph D215.4.1 (26 F.R. 2095), is redelegated to the Assistant Director—Helium subject to the limitations in paragraph D215.4.2, subparagraph 205.2.4A (1) and subparagraph 215.4.1A, below.

A. *Limitation.* No contracts under subsection (a)(2) of section 3 of the Helium Act (Public Law 86-777) shall be entered into without the approval of the Secretary, the Under Secretary, or the Assistant Secretary—Mineral Resources.

B. *Redelegation.* The above authority may be redelegated by written order published in the FEDERAL REGISTER.

215.4.2 *Delegation of Authority To Execute Contracts for the Production and Distribution of Helium Gas.* Pursuant to the authority delegated to the Director, Bureau of Mines, by Secretary's Order No. 2785 of January 18, 1955 (20 F.R. 552), the Assistant Director—Helium, is hereby redelegated the authority to make negotiated purchases or contracts for supplies and services necessary for the production and distribution of helium gas, provided that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (10), (11), (13), (14), or (15), of section 302(c) of the Federal Property and Administrative Services Act of 1949 as amended (41 U.S.C., sec. 251 et seq.) and to make written determinations that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (10), (14), or (15), of section 302(c) of the Act.

A. *Limitation.* The above authority is subject to the fiscal limitation stated in subparagraph 205.2.4A(1) (21 F.R. 1205) (see subparagraphs 215.1.1D and 215.1.1E).

B. *Redelegation.* The above authority may be redelegated by written order published in the FEDERAL REGISTER.

Actions taken prior to this publication are hereby ratified.

Dated: April 18, 1962.

MARLING J. ANKENY,
Director, Bureau of Mines.

[F.R. Doc. 62-4069; Filed, Apr. 25, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

FLUE-CURED TOBACCO IN UNTIED FORM

Notice of Price Support

The notice published March 31, 1962, at 27 F.R. 3143, announcing that the Secretary of Agriculture proposes to amend the terms and conditions of price support operations to make price support available on a limited and experimental basis on untied tobacco marketed in the South Carolina-Border Belt, is hereby amended to extend the time for the receipt of the views and comments of interested persons to May 15, 1962.

Effective date: Date of publication.

Signed at Washington, D.C., on April 20, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-4082; Filed, Apr. 25, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 561]

CERTAIN DESIGNATED OFFICIALS

Authorization to Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-1953 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor thereunder (41 CFR Parts 50-201 and 202), I hereby:

A. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50-201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the Field Office Supervisor, Honolulu, Hawaii, (3) the Director and the Deputy Director for Puerto Rico and the Virgin Islands, and (4) the Commissioner, North Carolina Department of Labor, North Carolina:

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50-202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Research, (2) the Director of the Division of Wage Determinations, (3) and the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Director and Deputy Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 524 (24 F.R. 9274).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

29 CFR Part 528 which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527 is unaffected by this administrative order.

Signed at Washington, D.C., this 19th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4067; Filed, Apr. 25, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-2]

CROSSROADS MARINE DISPOSAL CORP.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following filing of notice of the proposed amendment of License No. 20-685-2 held by Crossroads Marine Disposal Corporation, 201 Victory Road, Dorchester, Massachusetts. The Atomic Energy Commission has this date issued Amendment No. 5 to License No. 20-685-2. This amendment is in the form set forth in the notice of proposed amendment filed with the Federal Register Division March 29, 1962, and published in the FEDERAL REGISTER on March 30, 1962, 27 F.R. 3014.

Dated at Germantown, Md., April 19, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4059; Filed, Apr. 25, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10914 etc.]

ALBERT GACKLE ET AL.

Notice of Applications and Date of Hearing

APRIL 19, 1962.

Albert Gackle (Operator), et al., Docket No. G-10914; Albert Gackle (Operator), et al., Docket No. G-10915; Albert Gackle (Operator), et al., Docket No. G-10916; Albert Gackle (Operator), et al., Docket No. G-10917; T. L. James & Company, Inc., Docket No. G-14854; W. K. Byrom (Operator), et al., Docket No. G-18049; W. K. Byrom (Operator), et al., Docket No. G-18050; W. K. Byrom (Operator), et al., Docket No. G-18051; Sinclair Oil & Gas Company, Docket No G-19036; Socony Mobil Oil Company, Inc., Docket No. G-19289; Coastal States Gas Producing Company (Operator), et al., Docket No. CI60-421; Fred Scandola, Docket No. CI61-405; Sohio Petroleum Company, Docket No. CI61-780; Socony Mobil Oil Company, Inc., Docket No. CI61-801; Cricket Oil Company (Operator), et al., Docket No. CI61-896; Northern Natural Gas Producing Company, Docket No. CI61-986; E. M. J. Oil Company (Operator), et al., Docket No. CI61-1202; David Fasken, et al., Docket No. CI61-1228; Wiley W. Singleton Drilling Co., Inc. (Operator), et al., Docket No. CI61-1390; Allerton Miller, Docket No. CI61-1392; Allerton Miller, Docket No. CI61-1402; W. K. Byrom (Operator), et al., Docket No. CI61-1549; Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1578; W. H. Mossor d.b.a. Dawson Oil and Gas Company, Docket No. CI61-1637; Johnson & French Oil Company, Docket No. CI61-1680; Petroleum, Inc., Docket No. CI62-41; Horace F. McKay, Jr., Docket No. CI62-49; Claude Drake, Jr., d.b.a. Hall Gas Company, Docket No. CI62-56; Edwin L. Cox (Operator), et al., Docket No. CI62-67; W. E. Burchett, et al., Docket No. CI62-168; Bodcaw Company (Operator), et al., Docket No. CI62-174; Texas Gas Exploration Corporation, Docket No. CI62-204; Ralph C. Halbert (Operator), et al., Docket No. CI62-207; William K. Davis, Docket No. CI62-236; A. G. Hill, Docket No. CI62-252; Bill Ferguson d.b.a. Ferguson Oil Company, et al., Docket No. CI62-401; Ashland Oil & Refining Company, Docket No. CI62-419; Ridgeway & Morrison (Operator), et al.,

Docket No. CI62–445; Caulkins Oil Company, Docket No. CI62–455; John J. Eisner, et al., Docket No. CI62–467; Victor Hale, et al., Docket No. CI62–482; L. W. Prunty, Docket No. CI62–506; Ira S. Hardman, Jr., Docket No. CI62–507; C. C. Spikes d.b.a. Spikes Gas & Oil Production Co., Docket No. CI62–512; LuRay Land, Inc., Docket No. CI62–515; Charles A. Haynes (Operator), et al., Docket No. CI62–518; Texaco Inc., Docket No. CI62–519; Milton F. Shaffer (Operator), et al., Docket No. CI62–523; Ronald L. Hooser d.b.a. Hooser Gas Company, Docket No. CI62–558; Phillips Petroleum Company, Docket No. CI62–575; Compass Exploration, Inc., Docket No. CI62–579; Blewster & Rushton, et al., Docket No. CI62–587; Compass Exploration, Inc., Docket No. CI62–598; Alfred E. McLane Estate, Docket No. CI62–609; Ferrell L. Prior, Docket No. CI62–611; Clark Oil Company, Docket No. CI62–674; Toto Gas Company, Docket No. CI62–689; S. F. Bradley, Docket No. CI62–763; Roy G. Hildreth d.b.a. Four H Drilling Company, Docket No. CI62–797; McNeill Oil & Gas Company, Docket No. CI62–798; Robert B. Stallworth, Jr. d.b.a. Dominion Oil & Gas Company, Docket No. CI62–804; Apache Corporation, Docket No. CI62–809; Robert F. Roberts, Docket No. CI62–816; W. H. Mossor d.b.a. Colvin Oil & Gas Company, Docket No. CI62–817; W. H. Mossor d.b.a. Knapp Oil & Gas Company, Docket No. CI62–819; Mayflo Oil Company, Docket No. CI62–820; United Producing Company, Inc., Docket No. CI62–821; Katz Oil Company (Operator), et al., Docket No. CI62–826; National Producers, Inc., et al., Docket No. CI62–828; Don W. Hardman d.b.a. John Wright Oil & Gas Company, Docket No. CI62–829; Southwest Production Company, Docket No. CI62–830; Southwest Production Company, Docket No. CI62–831; A. M. Snider d.b.a. Hundred Gas Company, Docket No. CI62–835; O. W. Gerwig, et al., Docket No. CI62–836; Elkhurst Producing Company, Docket No. CI62–837; Blaine Hart, et al., Docket No. CI62–838; Louie A. Condry, Trustee, Docket No. CI62–839; Texaco Inc., Docket No. CI62–842; Glenn F. Thomas and George W. Brewer, Jr. d.b.a. Thomas & Brewer (Operator), et al., Docket No. CI62–845; Durl Fluharty and Ralph Gerber d.b.a. Laurel Fork Oil & Gas Company, Docket No. CI62–849; Arthur L. Nicholson d.b.a. E. Blaine Gas Company, Docket No. CI62–853; G. F. Hedges, Jr., et al. d.b.a., Osborne Gas Company, Docket No. CI62–854; Shaff Minerals Associates Inc., et al., Docket No. CI62–855; Fireball Oil Company, Docket No. CI62–856; Mid-America Trust Inc., et al., Docket No. CI62–857; Winnie Fae Morris, et al., d.b.a. Lowther Oil and Gas Company, Docket No. CI62–858; Samedan Oil Corporation, Docket No. CI62–862; D. A. Dorward, et al., Docket No. CI62–863; Robert J. Sipoha, et al., d.b.a. Eastern Interior Oil Company, Docket No. CI62–864; Neven H. Veail, et al., Docket No. CI62–865; Hays and Company, Agent d.b.a. M. & M. Oil & Gas Associates, Docket No. CI62–866; Roy B. Rollins d.b.a. Kincheloe Associates, Docket No. CI62–867; Olin B. Wetzel, Agent d.b.a. Minnie Burton Well Number 1, Docket No. CI62–868; D. D. Roberts d.b.a. S. & S. Lease, Docket No. CI62–869; Holly Nester, Agent for Optimist Oil & Gas Company, et al., Docket No. CI62–873; Petroleum Drilling Corporation, et al., Docket No. CI62–874; Mosey Johnson & George W. Hall, Docket No. CI62–875; A. C. Radford, Docket No. CI62–876; George W. Miller, et al., d.b.a. Collins Oil & Gas Company, Docket No. CI62–877; Stanley R. Jaynes, et al., d.b.a. Four Star Oil & Gas Company, Docket No. CI62–878; Trio Oil & Gas Company, Inc., Docket No. CI62–879; John R. Robinson, et al., d.b.a. Chlories Bennett, et al. No. 1, Docket No. CI62–880; T. H. McElvain, Docket No. CI62–882; Mary Barillare d.b.a. Perkins & McCutchan, Docket No. CI62–886; Southern Triangle Oil Company, Inc., Docket No. CI62–887; Van-Grisso Oil Company, Docket No. CI62–890; George E. Willett, Docket No. CI62–909; Roy L. Cook, Docket No. CI62–919; Phillips Petroleum Company, Docket No. CI62–929; Western Oil Refining Company, Docket No. CI62–936; Tidewater Oil Company, Docket No. CI62–987; Wilshire Oil Company of Texas (Operator), et al., Docket No. CI62–988; National Cooperative Refinery Association, Docket No. CI62–1001; National Cooperation Refinery Association, Docket No. CI62–1002.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf

G–10914 (as Supp.); George Etz Lease, Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–10915 (as Supp.); R. W. Cowden "B" Lease, Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–10916 (as Supp.); R. W. Cowden "C" Lease, Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–10917 (as Supp.); Sinclair-State Lease, Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.5 cents at 14.65 psia.

G–14854; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 11.37 cents at 15.025 psia.

G–18049; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–18050; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–18051; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–19036 (as Supp.), East Camrick Field, Beaver County, Oklahoma, and Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–19289 (as Supp.); Carterville Field, Bossier and Webster Parishes, La.; Texas Gas Transmission Corp.; 16.25 cents at 15.025 psia.

CI60–421; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

CI61–405; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

CI61–780 (as Supp.); Northeast Waynoka Pool, Woods County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–801; East Panhandle Field, Collingsworth County, Tex.; Warren Petroleum Corp. (for resale to Transwestern Pipeline Co.); 9.0 cents at 14.65 psia.

CI61–896 (as Supp.); Hansford Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–986; Fellsburg Field, Edwards County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI61–1202 (as Supp.); Normanna Field Area, Bee County, Tex.; Natural Gas Pipeline Co. of America; 18.0 cents at 14.65 psia.

CI61–1228; Azalea Devonian and Azalea Strawn Fields, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permain Basin Pipeline Co.; 12.5 cents at 14.65 psia.

CI61–1390; LaGarto Field, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI61–1392 (as Supp.); Acreage in Warren District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1402; Acreage in Buckhannon District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1549; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

CI61–1578; Tom Graham Field, Jim Wells County, Tex.; The Altex Corp. (for resale to Tennessee Gas Transmission Co.); 13.8452 cents at 14.65 psia.

CI61–1637; Acreage in Freemans Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–1680 (as Supp.); Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

CI62–41; Brillhart Upper Morrow Field, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI62–49; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62–56; Acreage in Smithfield District, Roane County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.

CI62–67 (as Supp.); Acreage in Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI62–168; Acreage in Mingo and McDowell Counties, W. Va.; United Fuel Gas Co.; 26.0 cents at 15.325 psia.

CI62–174 (as Supp.); Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Co.; 11.26876 cents at 15.025 psia.

CI62–204 (as Supp.); Sligo Field, Bossier Parish, La.; Texas Gas Transmission Corp.; 15.4583 cents at 15.025 psia.

CI62–207; Acreage in Elk, Big Sandy and Union Districts, Kanawha County, W. Va.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.

CI62–236; Southeast Alice Field, Jim Wells County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 psia.

CI62–252; Acreage in Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–401; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI62–419; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI62–445 (as Supp.); Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI62–455; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI62–467; Hansford Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI62–482; Middle Creek Field, Floyd County, Ky.; Columbian Fuel Corp.; 18.0 cents at 15.325 psia.

CI62–506; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–507; Hackers Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–512; Hugoton Gas Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–515; Clark District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–518; South Santa Rosa Devonian Gas Field, Pecos County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.

CI62–519; Hugoton Field, Kearney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–523; Farnsworth Lower Missouri Gas Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI62–558; Grant District, Wayne County, W. Va.; United Fuel Gas Co.; 15.0 cents at 15.325 psia.

CI62–575; Northeast Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–579; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI62–587; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–598 (as Supp.). Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI62–609; Bloomfield Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62–611; Holly District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–674; Putnam (Wolfcamp) Field, Pecos County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI62–689; Lucien Field, Logan County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI62–763; Big Sandy River Field, Floyd County, Ky.; Kentucky West Virginia Gas Co.; 18.0 cents at 15.225 psia.

CI62–797; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–798; Murphy and Union Districts, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–804; Salt Lick, Glenville and Collins Settlement Districts, Braxton, Gilmer and Lewis Counties, W. Va.; Hope Natural Gas Co.; 27.0 cents at 15.325 psia.

CI62–809; Northeast Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI62–816; Sligo Field, Bossier Parish, La.; United Gas Pipe Line Co.; 12.5252 cents at 15.025 psia.

CI62–817; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–819; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–820; Northeast Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI62–821; Elk District, Kanawha County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.

CI62–826; Lopeno Field Area, Zapata County, Tex.; Tennessee Gas Transmission Co.; 17.2 cents at 14.65 psia.

CI62–828; Greenbrier District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–829; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–830; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI62–831; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI62–835; Clay District, Monogalia County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.

CI62–836; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

CI62–837; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–838; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–839; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–842; Hugoton Field, Stevens County, Kans.; Panhandle Eastern Pipe Line Co.; 11.0 cents at 14.65 psia.

CI62–845; Acreage in Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 12.0816 cents at 14.65 psia.

CI62–849; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–853; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–854; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–855; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–856; Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–857; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–858; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–862; Stage Stand Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.

CI62–863; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–864; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–865; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–866; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–867; Union District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–868; Cove District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–869; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–873; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–874; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–875; Acreage in Pike County, Ky.; United Fuel Gas Co.; 23.0 cents at 15.225 psia.

CI62–876; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–877; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–878; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–879; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–880; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–882; Ignacio Blanco Field, LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI62–886; Central District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–887; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15. 325 psia.

CI62–890; Laverne Field, Harper County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–909; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI62–919; Aztec-Fruitland Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI62–929; Azalea Field, Spraberry Area, Midland County, Tex.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–936; North LaBarge Field, Sublette County, Wyo.; El Paso Natural Gas Co.; 15.0 cents at 15.025 psia.

CI62–987; Yates Casinghead Gas Plant, Pecos County, Tex.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.

CI62–988; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62–1001; Byron Area, Big Horn County, Wyo.; Montana-Dakota Utilities Co.; 11.65 cents at 15.025 psia.

CI62–1002; Wallace Creek Area, Natrona County, Wyo.; North Central Gas Co.; 10.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the in-

termediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4025; Filed, Apr. 25, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37691: *Common lime to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-8188), for interested rail carriers. Rates on lime, common, hydrated, in bags, in carloads, from specified points in Arkansas, Missouri, Oklahoma, and Texas to specified points in Louisiana.

Grounds for relief: Market competition.

Tariffs: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4377 and other schedules named in the application.

FSA No. 37692: *Invert or liquid sugar (returned) to Texas and Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-8194), for interested rail carriers. Rates on invert or liquid sugar (returned shipments), in tankcar loads, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Texas and Wisconsin, also Memphis, Tenn., to points in Texas and Louisiana.

Grounds for relief: Carrier competition.

Tariff: Supplement 118 to Southwestern Freight Bureau tariff I.C.C. 4088.

FSA No. 37693: *Screened gravel from Montezuma, Ind., to Decatur, Ill.* Filed by Illinois Freight Association, Agent (No. 169), for The Baltimore and Ohio Railroad Company. Rates on screened gravel, in carloads, from Montezuma, Ind., to Decatur, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 125 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 24048.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4064; Filed, Apr. 25, 1962; 8:50 a.m.]

[Notice 630]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 23, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64761. By order of April 20, 1962, the Transfer Board approved the transfer to Myrl N. McComb, doing business as Mac Transfer & Storage Company, P.O. Box 1678, Corpus Christi, Texas, of Certificate No. MC 102486 issued December 9, 1941, to David McComb, doing business as Mac Transfer, Corpus Christi, Tex., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Corpus Christi, Tex., on the one hand, and, on the other, points within 3 miles of Corpus Christi, and between Corpus Christi, Tex.; 3 miles of Corpus Christi on the one hand, and, on the other, Flour Bluff, Tex., and between points in Corpus Christi, Tex., in a collection and delivery service. Mrs. Myrl N. McComb, P.O. Box 1678, 622 Power Street, Corpus Christi, Tex.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4065; Filed, Apr. 25, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

APRIL 20, 1962.

In the matter of trading on the American Stock Exchange in the common stock, par value $1.00 of Precision Microwave Corp., File No. 1-4583.

The common stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 24, 1962, to May 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4062; Filed, Apr. 25, 1962; 8:46 a.m.]

[File No. 70-4036]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of $22,000,000 Principal Amount of Bonds and $12,000,000 Aggregate Par Value of Preferred Stock

APRIL 18, 1962.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, Salt Lake City 10, Utah, a registered holding company and a public-utility company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $22,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1962. The interest rate (which shall be a multiple of ⅛ of 1 percent and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust, dated December 1, 1943, as heretofore supplemented, and as to be further supplemented by a Thirteenth Supplemental Indenture, dated June 1, 1962.

Utah also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, 480,000 shares of its authorized but unissued $25 par value preferred stock, designated $_____ Cumulative Preferred Stock, Series B. The annual dividend rate (which shall be a multiple of 2 cents) and the price, exclusive of accrued dividends, to be received for the preferred stock (which shall be not less than $25 nor more than $25.70 per share) are to be determined by competitive bidding.

A part of the proceeds from the sale of the bonds and preferred stock will be used to pay $22,000,000 face amount of notes payable to banks and the balance, together with cash generated in the business, will be applied to the payment of the cost of Utah's construction program.

The declaration states that the Public Service Commission of Wyoming and the Idaho Public Utilities Commission have jurisdiction over the proposed issuance and sale of securities, and appropriate orders of those commissions are to be obtained and made a part of the record by amendment. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Utah in connection with the proposed transactions are estimated to aggregate $105,000 including auditor's fees of $5,000 and company counsel fees of $8,500 and $4,500 for services rendered in respect of the issuance and sale of bonds and preferred stock, respectively. The fees of counsel for the underwriters, estimated at $6,750 for the bonds and $3,250 for the preferred stock, are to be paid by the successful bidder.

Notice is further given that any interested person may, not later than May 11, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as it will be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4063; Filed, Apr. 25, 1962; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

MOLYBDENUM HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 5,000,000 pounds of molybdenum.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), of the quantity of molybdenum to be stockpiled. As a result of that revised determination, said quantity of molybdenum is no longer needed for stockpiling purposes.

Since the revised determination is not by reason of obsolescence of the molybdenum for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said molybdenum to other Government agencies, to offer the material for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition but not earlier than six months after the date of publication of this notice in the FEDERAL REGISTER. The initial quantity to be offered for sale will not exceed 1,000,000 pounds. Subsequent offerings will be scheduled for sale at intervals of not less than 45 days.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: April 24, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-4156; Filed, Apr. 25, 1962; 11:49 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961, February 2, 1962, and March 9, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding, in the proper alphabetical order, to the respective "Two-Hour" and "Three-Hour" lists therein, the following ports:

TWO HOURS

Columbia City, Oreg. (served from Portland, Oreg.).
Edmonds, Wash. (served from Seattle, Wash.).
Fernandina, Fla. (served from Jacksonville, Fla.).
Manchester, Wash. (served from Seattle, Wash.).
Point Wells, Wash. (served from Seattle, Wash.).
Port Blakely, Wash. (served from Seattle, Wash.).
Winslow-Creosote, Wash. (served from Seattle, Wash.).

THREE HOURS

Bradwood, Oreg. (served from Portland, Oreg.).
Kalama, Wash. (served from Portland, Oreg.).
Newport, Oreg. (served from Portland, Oreg.).
Westport, Oreg. (served from Portland, Oreg.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective April 27, 1962.

Done at Washington, D.C., this 24th day of April 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-4136; Filed, Apr. 26, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 960; Amdt. 24-4]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

Time Limit for Completion of Mechanic Examinations

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 10571) and circulated as Civil Air Regulations Draft Release No. 61-24 dated November 1, 1961, a proposal to amend Part 24 of the Civil Air Regulations to require an applicant for a mechanic certificate and rating to complete successfully all parts of the prescribed written, oral, and practical examinations within a period of 24 consecutive calendar months before he could obtain the certificate and rating.

As stated in Draft Release 61-24, the current provisions of Part 24 do not provide a specific period of time in which an applicant for a mechanic certificate and rating must complete successfully all parts of the prescribed examinations. In this respect, the Agency, in considering and justifying the proposed amendments, took into account the many occasions where applicants have taken a portion of the prescribed examinations, then either delayed completing the remaining parts for several years or, on many occasions, never completed the remaining parts.

Accordingly, to assure that the knowledge and skill of an applicant is current, § 24.18 is amended to require that all parts of the prescribed examinations must be completed successfully by the applicant within a period of 24 consecutive calendar months before he can obtain a mechanic certificate and rating, or an additional rating. Moreover, provision is made to credit an applicant with any part of the prescribed examinations passed by him before the effective date of this amendment. That credit will be good for 24 consecutive calendar months after the effective date of this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The majority of comments received in response to Draft Release 61-24 concurred in the adoption of the rule as it was proposed. However, in response to certain comments received, the proposed amendment has been revised to make it clear that the amendment applies to both an applicant for a mechanic certificate and rating, and to the holder of a mechanic certificate who applies for an additional rating. There were several comments which expressed the view that the 24-month period was too long and suggested a shorter period such as 12 months. On the other hand, a few comments suggested that the time limit was too short and, further, that some provision should be made to recognize those instances where an applicant would be unable to complete all parts of the prescribed mechanic examinations because of illness or military service.

The Agency has carefully evaluated all of the comments received, and believes that the time limit of 24 months to be the most reasonable period of time within which an applicant should be able to complete successfully all parts of the prescribed examinations. In addition, the 24-month period parallels the current provisions of Part 24 with respect to recent experience requirements which must be met by a certificated mechanic before he may exercise the privileges of his certificate. Furthermore, any increase in the proposed time limitation would be inconsistent with the Agency's stated objective of imposing a time limitation to require that the knowledge and skill of an applicant is current at the time he obtains a mechanic certificate and appropriate rating.

In consideration of the foregoing, Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) is hereby amended as follows, effective May 29, 1962:

1. By amending § 24.1 by adding in proper alphabetical order a new definition to read as follows:

§ 24.1 Definitions.

* * * * * *

Calendar month. Calendar month means that period of time extending from the first day of any month delineated by the calendar through the last day thereof.

NOTE: For example, a period of 24 consecutive calendar months beginning in July would end on July 31 two years later.

2. By amending § 24.18 to read as follows:

§ 24.18 Examinations.

(a) Examinations are conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

(b) Except as provided in paragraph (c) of this section, no applicant may obtain a mechanic certificate and rating, or an additional rating, unless all prescribed examinations have been completed successfully within a period of 24 consecutive calendar months.

(c) An applicant who, prior to May 29, 1962, has completed successfully any part of the prescribed examinations for a mechanic certificate and rating, or for an additional rating, may receive credit for such part for 24 consecutive calendar months after that date.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on April 20, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4093; Filed, Apr. 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1000; Amdt. 60-29]

PART 60—AIR TRAFFIC RULES

Definition of Controlled Airspace

Draft Release No. 62-8, published as a notice of proposed rule making in the FEDERAL REGISTER on March 7, 1962 (27 F.R. 2183), gave public notice that the Federal Aviation Agency proposed to amend the definition of "transition area" contained in CAR 60.60. Under this proposal, transition areas designated to complement control zones would extend upward from 700 feet or higher above the surface in lieu of 1,200 feet or higher above the surface. The reasons for the amendment were outlined in detail in the draft release. All comments received in response to the draft release have been reviewed and have been given due consideration. No comments received indicated opposition to the proposal; however, several persons suggested specific modifications to the phrasing of the definition.

The Aircraft Owners and Pilots Association (AOPA) and three individuals, while concurring with the proposal, recommended that the definition specify that such areas normally be ten statute miles in radius. The AOPA contended that this would preclude the designation of unnecessarily large transition areas and that a circular configuration would simplify charting and promote ease of understanding. The Agency agrees that unnecessarily large transition areas must be avoided and it shall be the policy of the Agency to designate transition areas of minimum lateral dimensions consistent with the requirements of Instrument Flight Rules (IFR) operations. Criteria for use in determining the lateral dimensions of transition areas have been developed. However, since many significant local factors, such as an airport elevation, adjacent terrain and the minimum en route IFR altitudes must be considered, it is not feasible to establish in the definition that transition areas will normally be of a circular configuration and ten miles in radius. A circular configuration would, in some cases, result in the designation of more controlled airspace than is actually needed for IFR operations.

While the position of the AOPA is appreciated, the size and shape of transition areas should be based solely upon the operational considerations unique to specific locations. Sufficient flexibility must be retained for the efficient designation of controlled airspace; however, this policy does not preclude the designation of a circular configuration in those cases where considered practicable. For this reason, the amendment adopted herein does not establish specific lateral limits or configurations for transition areas.

In the implementation of Civil Air Regulations Amendment 60-21 a secondary, though significant, problem has arisen. Application of a transition area overlying an airport without a control zone but for which an instrument approach procedure has been prescribed revealed that, in some cases, the existing definition required the designation of more controlled airspace than required by IFR operations. The definition now provides that the "floor" of such controlled airspace may be designated only at a level of 700 feet above the surface. In certain cases, it has been found that by designating the perimeter portions of the transition area with a floor at 1,200 feet above the surface, significant additional uncontrolled airspace may be released for the use of Visual Flight Rules (VFR) operations with no adverse impact on the IFR user.

In consonance with its policy to designate only that controlled airspace required by IFR operations, the Agency concluded that provision should be made for the designation of transition area floors at higher levels. Accordingly, this proposal was coordinated informally with representatives of the following interested user groups:

Air Transport Association.
Aircraft Owners & Pilots Association.
Air Line Pilots Association.
Air Traffic Control Association.
Department of the Air Force.
Department of the Army.
Department of the Navy.
General Aviation Council.
National Association of State Aviation Officials.
National Aviation Trades Association.
National Business Aircraft Association.
National Pilots Association.

The representatives of all these organizations endorsed this change, with the exception of the National Aviation Trades Association, which did not choose to comment. The Air Transport Association (ATA) expressed concern regarding the retention of the base of the transition area at 700 feet above the surface when required to encompass instrument approach procedures, recommending that the definition provide a specific statement to this effect. A review of the proposed wording indicated it could be interpreted to eliminate the flexibility necessary for the efficient designation of controlled airspace. It is not necessary in all cases to designate the entire transition area with a floor of 700 feet to encompass the instrument approach procedure. It shall be the policy of the Agency to designate the floor of transition areas in conjunction with airports at 700 feet above the surface to the lateral extent dictated by the appropriate criteria for the instrument procedures and then raise the floor to 1,200 feet or higher as appropriate. Since the amendatory language adequately expressed the Agency intent, it is not considered necessary to adopt the specific language recommended by the ATA. This additional change is, therefore, being adopted in conjunction with the proposal contained in Draft Release No. 62-8.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60) is amended as follows:

By amending the definition of transition area as it appears in § 60.60 to read as follows:

Transition area. Transition areas extend upward from 700 feet or higher above the surface when designated in conjunction with an airport for which an instrument approach procedure has been prescribed, or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

This amendment shall become effective May 1, 1962.

(Sec. 307, 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on April 24, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4122; Filed, Apr. 26, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-AL-8]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas; Revocation and Designation of Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter VOR Federal airway No. 438 and its associated control areas, revoke the Fairbanks, Alaska, ILS localizer reporting point, and designate the Fairbanks, Alaska, ILS middle marker reporting point.

VOR Federal airway No. 438 presently extends, in part, from the Anchorage, Alaska, VOR via the intersection of the Anchorage VOR direct radial to the Nenana, Alaska, VOR and the southwest course of the Fairbanks, Alaska, ILS localizer to the Fairbanks ILS localizer, including a west alternate from the intersection of the Anchorage VOR direct radial to the Nenana VOR with the southwest course of the Fairbanks ILS localizer to the Fairbanks ILS localizer via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its west alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS localizer. It has been determined that utilization of the Fairbanks ILS middle marker compass locator will provide more precise navigational guidance for aircraft en route to the terminating point of the airway and its west alternate than as designated at present. Accordingly, action is taken herein to extend Victor 438 from its present termination at the Fairbanks ILS localizer to the Fairbanks ILS middle marker, and to realign the portion of the west alternate between Nenana and Fairbanks to terminate at the Fairbanks ILS middle marker. In addition, the Fairbanks ILS localizer is being revoked as a reporting point, and the Fairbanks ILS middle marker designated in lieu thereof.

Since these changes are minor or procedural in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6438 (27 F.R. 561), "to the Fairbanks, Alaska, ILS localizer, including a W alternate from the INT of the Anchorage VOR direct radial to the Nenana VOR with the SW course of the Fairbanks ILS localizer to the Fairbanks ILS localizer via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS localizer." is deleted and "Fairbanks ILS localizer; to the Fairbanks ILS MM, including a W alternate from the INT of the Anchorage VOR direct radial to the Nenana VOR with the Fairbanks ILS localizer SW course, to the Fairbanks ILS MM via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS MM." is substituted therefor.

2. In § 601.7001 (14 CFR 601.7001, 27 F.R. 562) "Fairbanks, Alaska, ILS localizer." is deleted and "Fairbanks, Alaska, ILS MM." is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4094; Filed, Apr. 26, 1962; 8:45 a.m.]

[Airspace Docket No. 60-AN-33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On February 28, 1961, there were published in the FEDERAL REGISTER (26 F.R. 1715) amendments to the regulations of the Administrator which extended Blue Federal airway No. 26 and its associated control areas from Fairbanks, Alaska, to Fort Yukon, Alaska, and designated the Fort Yukon radio beacon as a reporting point. These amendments were to become effective July 26, 1962.

Because of a delay in delivery of equipment for the Fort Yukon RBN, the installation of this facility will not be completed until January 1963. Accordingly, action is taken herein to alter Airspace Docket No. 60-AN-33 by postponing the effective date until January 10, 1963. Appropriate adjustments in this will be made if developments prior to effective date merits them.

Since more than thirty days will elapse from the time of publication of the rule as initially adopted to the new effective date, these changes are in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, Airspace Docket No. 60-AN-33 (26 F.R. 1715) is amended as follows: "Effective 0001, e.s.t., July 26, 1962" is deleted and "Effective 0001, e.s.t., January 10, 1963" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4095; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-21]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1202 of the regulations of the Administrator is to alter the Tucumcari, N. Mex., control area extension.

The Tucumcari control area extension is designated within 5 miles either side of the Tucumcari radio range north and south courses extending from 25 miles north to 25 miles south of the radio range and within 11 miles north and 8 miles south of the Tucumcari VOR 267° and 087° True radials extending from 7 miles east to 24 miles west of the VOR.

The portion of this control area extension based on the Tucumcari radio range is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the portion of the Tucumcari control area extension based on this navigational aid.

Since this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective immediately. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1202 (26 F.R. 12287) is amended to read:

§ 601.1202 Control area extension (Tucumcari, N. Mex.).

That airspace within 11 miles N and 8 miles S of the Tucumcari, N. Mex, VOR 267° and 087° radials extending from 7 miles E to 24 miles W of the VOR.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4097; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-32]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the Long Beach, Calif., control zone.

The Long Beach, Calif., control zone (§ 601.2178) is presently designated, in part, within a 5-mile radius of the NAS Los Alamitos, Calif. This portion of the control zone presently passes through the center of the Sunset Beach Airport. It has been determined that the air traffic procedures at Long Beach and NAS Los Alamitos would not be adversely affected if the Sunset Beach Airport were excluded from the description of the Long Beach control zone. Therefore, action is taken herein to exclude the Sunset Beach Airport from the Long Beach control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582),

§ 601.2178 (14 CFR 601.2178) is amended to read:

§ 601.2178 Long Beach, Calif., control zone.

Within a 5-mile radius of Long Beach, Calif., Municipal Airport (latitude 33°49'07'' N., longitude 118°09'04'' W.); within a 5-mile radius of the NAS Los Alamitos, Calif., (latitude 33°47'30'' N., longitude 118°02'50'' W.), excluding the portion within a 1-mile radius of the Sunset Beach, Calif., Airport (latitude 33°43'10'' N., longitude 118°02'10'' W.).

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4096; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-18]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2263 of the regulations of the Administrator is to alter the Lafayette, La., control zone.

The Lafayette control zone is designated, in part, on the Lafayette radio beacon.

The control zone extension based on this navigational aid is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Lafayette radio beacon.

Since this change effected by this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2263 (26 F.R. 6236) is amended to read:

§ 601.2263 Lafayette, La., control zone.

Within a 5-mile radius of the Lafayette, La., Airport (latitude 30°12'00'' N., longitude 91°59'40'' W.); within 2 miles either side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to the ILS OM and within 2 miles either side of the 172° radial of the Lafayette VOR extending from the 5-mile radius zone to 12 miles S of the VOR.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4098; Filed, Apr. 26, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COMBUSTION PRODUCT GAS

The Commissioner of Food and Drugs, having evaluated the data submitted by the Vitagen Corporation, 354 South Spring Street, Los Angeles 13, California, and other relevant material, has concluded that the following amendment to § 121.1060 should issue with respect to the food additive combustion product gas used for the displacing and removal of oxygen in the processing and packaging of fresh leafy vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1060 of the food additive regulations is amended by adding to paragraph (c) the words "fresh leafy vegetables". As amended, paragraph (c) reads as follows:

§ 121.1060 Combustion product gas.

* * * * *

(c) It is used or intended for use to displace or remove oxygen in the processing, storage, or packaging of citrus products, coffee, fresh leafy vegetables, vegetable fats and vegetable oils, and wine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 20, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4127; Filed, Apr. 26, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated data submitted in a petition filed by W. R. Grace and Company, Cambridge 40, Massachusetts, and other relevant material, has concluded that § 121.2531 of the food additive regulations should be amended as hereinafter provided. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations (21 CFR 121.2531; 26 F.R. 11800) are amended as set forth below:

Section 121.2531(c) is changed to read:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

Tert.—Butyl alcohol.
Castor oil.
Cottonseed oil monoglyceride.
Dipropylene glycol.
Isopropyl alcohol.
Mineral oil.
Myristic acid.
Oleic acid.
Paraffin, refined.
Polyoxyethylene (20) sorbitan monolaurate.
Polyvinyl alcohol.
Sorbitan monolaurate.
Stearic acid.
Triethanolamine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 23, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4128; Filed, Apr. 26, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Internal cross references in this subchapter are changed to read as indicated in the following tabulation:

Location of reference	From—	To—
Section	*Section*	*Section*
1.1503(b)(3)	3.405-5(c)	3.409-3
2.104-2	3.403-1	3.404-2
2.104-3	3.403-2	3.404-3
2.104-4(a)	3.405-5(a)	3.409-1
2.104-4(b)	3.405-5(b)	3.409-2
2.104-4(c)	3.405-5(c)	3.409-3
3.303(b)	3.403-4	3.404-4
3.303(b)	3.404	3.405
3.303(b)	3.404-3	3.405-5
3.303(b)	3.404-4	3.405-4
3.304(b)	3.403-4	3.404-4
3.304(b)	3.404	3.405
3.304(b)	3.404-3	3.405-5
3.304(b)	3.404-4	3.405-4
3.803(a)	3.402 lists	3.403 and 3.403 list.
3.808-3	3.403-4	3.404-4
3.808-3	3.404-4	3.405-4
3.808-3	3.406	3.407
3.808-5	3.404-3(c)	3.405-5(c)
7.102	3.403	3.404
7.106	3.403-4(a)(2)	3.404-4(a)(2)
7.109-2(a)	3.403-3(b)(1)	3.404-5
7.109-4(a)	3.403-3(b)(3)	3.404-6
7.109-6(a)	3.403-3(b)(5)	3.404-7
7.202	3.404	3.405
7.203-4(b)	3.404-4	3.405-4
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8.702	3.404	3.405
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15.102(a)	3.405-1(d)	3.405-1(d)
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15.601(b)	3.403-2	3.404-3
15.601(c)	3.403-3	3.404-5, 3.404-6 and 3.404-7.
15.601(d)	3.403-4	3.404-4
15.601(e)	3.405-1	3.406-1
15.601(f)	3.405-2	3.406-2
16.303-2(d)(1)	3.405-5	3.409

PART 3—PROCUREMENT BY NEGOTIATION

2. Revise Subpart D to read as follows:

Subpart D—Types of Contracts

Sec.
3.400 Implementation.
3.401 Types of contracts.
3.402 Basic principles for use of contract types.
3.403 Negotiation of contract type.
3.404 Fixed-price contracts.
3.404-1 General.
3.404-2 Firm fixed-price contract.
3.404-3 Fixed-price contract with escalation.
3.404-4 Fixed-price incentive contracts.
3.404-5 Prospective price redetermination at a stated time or times during performance.
3.404-6 Retroactive and prospective price redetermination at a stated time during performance.
3.404-7 Retroactive price redetermination after completion.
3.405 Cost reimbursement type contracts.
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3.405-2 Cost contract.
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3.405-4 Cost-plus-incentive-fee contract.
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3.406 Other types of contracts.
3.406-1 Time and materials contracts.
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3.407 Additional incentives.
3.407-1 General.
3.407-2 Contracts with performance incentives.
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3.408 Letter contract.
3.409 Indefinite delivery type contracts.
3.410 Other types of agreements.
3.410-1 Basic agreement.

AUTHORITY: §§ 3.400 to 3.410-1 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

Source: ASPR, Rev. 8, March 15, 1962.

§ 3.400 Implementation.

In order to provide maximum uniformity in application, implementations of §§ 3.401 through 3.405 and 3.407-2 shall not be issued. In the event need exists for more detailed coverage of the subjects contained in the sections referred to, appropriate recommendations should be submitted to the ASPR Committee.

§ 3.401 Types of contracts.

(a) To provide the flexibility needed in the purchase of the large variety and volume of military supplies and services, a wide selection of types of contracts is available to the contracting parties. The respective contract types vary as to (1) the degree and timing of responsibility assumed by the contractor for the costs of performance, and (2) the amount and type of profit incentive offered the contractor to achieve or exceed specified standards or goals. With regard to degree of cost responsibility, the various types of contracts may be arranged in order of decreasing contractor responsibility for the costs of performance. At one end is the firm fixed-price contract under which the parties agree that the contractor assumes full responsibility in the form of profits or losses, for all costs under or over the firm fixed price. At the other end of this range is the cost-plus-a-fixed-fee contract where profit, rather than price, is fixed and the contractor's cost responsibility is therefore minimal. In between are the various incentive contracts which provide for varying degrees of contractor cost responsibility, depending upon the degree of uncertainty involved in contract performance.

(b) Pursuant to the authority of 10 U.S.C. 2306, a contract negotiated under this part may be of any type or combination of types described herein which will promote the best interests of the Government, subject to the restrictions described below. Types of contracts not described herein shall not be used, unless pursuant to a deviation under § 1.109 of this chapter. The cost-plus-a-percentage-of-cost system of contracting shall not be used. Accordingly, all prime contracts (including letter contracts) on other than a firm fixed-price basis shall prohibit cost-plus-a-percentage-of-cost subcontracts by an appropriate clause.

§ 3.402 Basic principles for use of contract types.

(a) *General.* (1) Profit, generally, is the basic motive of business enterprise. Both the Government and its defense contractors should be concerned with harnessing this motive to work for the truly effective and economical contract performance required in the interest of national defense. To this end, the parties should seek to negotiate and use the contract type best calculated to stimulate outstanding performance. The objective should be to insure that outstandingly effective and economical performance is met by high profits, mediocre performance by mediocre profits, and poor performance by low profits or losses. The proper application of these objectives on a contract by contract basis should normally result in range of profit rates.

(2) Success in harnessing the profit motive begins with the negotiation of sound performance goals and standards. This objective is met if the contractor either benefits or loses in relation to achieving or failing to achieve realistic targets. Where award is based on effective price competition, there is reasonable assurance that the contract price represents a realistic pricing standard, including a profit factor which reflects an appropriate return to the contractor for the financial risk assumed in undertaking performance at the competitive price. In the absence of competitive forces, however, the contract type selected should provide for a profit factor that will tie profits to the contractor's efficiency in controlling costs and meeting desired standards of performance, reliability, quality, and delivery. Therefore, in noncompetitive situations, the degree to which available cost estimates are realistic should be carefully considered in determining which type of contract should be selected and how it should be used, especially where the contractor is to assume substantial cost responsibility, since it is to his advantage to maximize the difference between esti-

mated costs and actual costs in price negotiation as well as in contract performance. If estimated costs are negotiated on the basis of reliable cost or pricing at the time of negotiation in accordance with Subpart H of this part, a contract type providing a high profit potential and concomitant contractor risks, may be entirely appropriate even though there is a possibility that actual costs will vary widely from the estimate.

(3) The policies in subparagraphs (1) and (2) of this paragraph require that the contractor assume a reasonable degree of cost responsibility as early in contract performance as is possible. This can be achieved only through vigorous contract administration and effort on the part of both parties to assure timely pricing. Particularly in fixed-price type contracts providing for price revisions, delays in pricing actions by either party may distort the type of contract which has been agreed upon, and such delays must be avoided.

(4) Where a contract type providing for a reasonable degree of contractor cost responsibility cannot be negotiated on a timely basis, due to the contractor's unwillingness to assume reasonable risk, profits should be negotiated so as to reflect this fact (see § 3.808–2(b)).

(b) *Preferred contract types.* (1) The firm fixed-price contract is the most preferred type because the contractor accepts full cost responsibility, and the relationship between cost control and profit dollars is established at the outset of the contract. Accordingly, whenever a reasonable basis for firm pricing exists (see § 3.404–2), the firm fixed-price contract shall be used, because its use under these circumstances will provide the contractor with a maximum profit incentive to control the costs of performance. Similarly, a profit incentive to control costs can be achieved through use of the fixed-price incentive contract, and to a lesser degree, the cost-plus-incentive-fee contract, where appropriate target costs and incentive arrangements can be negotiated.

(2) In many procurement situations objectives other than cost control, for example, performance and time goals in the case of development projects, may also be significant. Such objectives may be (i) performance with a view toward a better or more reliable product; (ii) delivery when it is necessary to obtain supplies or services with the utmost speed to meet military needs; or (iii) a combination of any of the objectives of cost, performance, and delivery (see § 3.407). A contractual arrangement can be used to provide incentive to obtain these objectives in addition to effective cost control. Thus, by providing for increased profit for exceeding predetermined target levels and decreased profit for falling to meet target levels, an additional incentive is credited for maximum effort on the part of the contractor to accomplish the desired objectives. When additional objectives are made a part of the various types of incentive contracts described in this subpart (§§ 3.404–4 and 3.405–4), particular care must be taken by the contracting officer to maintain an appropriate balance between the various incentives, by weighting incentive objectives to apportion the total incentive profits or fee in accordance with the emphasis desired by, and maximum benefit to, the Government. Without proper balancing of the incentive objectives, the Government may receive at unwarranted expense, a product of greater quality than desired or delivery before needed.

§ 3.403 Negotiation of contract type.

(a) *General.* The selection of contract type is generally a matter for negotiation and requires the exercise of judgment. Type of contract and pricing are interrelated and should be considered together in negotiation in accordance with § 3.803. Because the type of contract affects the resulting price to the Government, use of an appropriate type is of primary importance in obtaining fair and reasonable prices. Each contract file shall include documentation to show why the particular contract type was used, except for the following: First, small purchases (Subpart F of this part); second, repetitive types of procurement usually accomplished on a firm fixed-price basis, such as subsistence procurement; or third, awards made on the set-aside portion of formally advertised procurements partially set aside for either small business, labor surplus or disaster areas. Although no absolute rules can be laid down, there are many factors which should be considered in the use of an appropriate type of contract, including those which follow:

(1) *Price analysis.* See § 3.807–3. Price analysis may provide a basis for selection of contract type. The degree to which price analysis can provide a realistic pricing standard should be carefully considered, even where there may not be full and free competition.

(2) *The cost estimate.* In the absence of effective price competition and where price analysis if not sufficient, the cost estimates of the offeror and of the Government are the bases for negotiation of many pricing arrangements. As a minimum, the uncertainties involved in performing at the cost estimated, and their possible impact on costs, must be identified and evaluated so that a pricing arrangement can be negotiated which imposes a reasonable degree of cost responsibility upon the contractor. The following are some of the considerations which may influence the estimate and hence, the selection of contract type:

(i) Type and complexity of the item;

(ii) Stability of design, which in turn may influence such subordinate considerations as the adequacy and firmness of specifications, and the availability of relevant historical pricing data and prior production experience;

(iii) Prospective period of contract performance and length of production run at the time of negotiation;

(iv) Extent and nature of subcontracting contemplated;

(v) Adequacy of the contractor's estimating system; and

(3) *Urgency of the requirement.* In certain procurements the best interests of the Government may dictate that the urgency of the requirement be a primary consideration in selection of contract type.

(4) *Technical capability and financial responsibility of the contractor.*

(5) *Adequacy of the contractor's accounting system.* Before reaching agreement on price and contract type, determination should be made that the contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated. This may be particularly critical where the contract type requires revision of price while performance is in progress, or where a cost-reimbursement type of contract is being considered and all current or past experience with the contractor has been on a fixed-price basis (see § 3.809).

(6) *Other concurrent contracts.* If performance under a proposed procurement involves operations which concurrently are required in performance of other work, the nature of the pricing arrangements on the other work may be important in selecting the contract type for the proposed procurement. This factor may not be so important where close controls exist that will assure proper allocation of costs.

(b) *Research.* In the majority of research programs, including preliminary explorations and studies, the work to be performed cannot be described precisely. Hence, the negotiation of cost-plus-a-fixed-fee or cost-sharing contracts frequently is necessary. However, where the level of contractor effort desired can be identified and agreed upon in advance of performance, negotiation of a firm fixed-price contract should be considered.

(c) *Development and test.* Where possible, a final commitment to undertake specific product development and test should be avoided until preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion. As a result, the Government should be able to make such desired objectives known to prospective contractors in advance of source selection. In all major system developments, and in other development programs where use of cost and performance incentives are considered desirable and administratively practicable, the request for proposals should describe the Government's desired performance and schedule completion objectives and the type of contract contemplated. The request for proposals should also include the relative weights which the Government attaches to these objectives, and to cost factors. Where such relative weights are included in the request, proposals should be required to include proposed targets for the accomplishment of the Government's desired performance and schedule completion objectives, together with an estimate of the cost of doing so. Then, to the extent practical, performance and schedule completion targets proposed by each prospective contractor in meeting the Government's desired objectives, together with the estimated cost thereof, should be considered by the Government in the competitive contractor selection process. Where this approach to contractor selection has been used, the resulting development program should be performed under an incentive contract which includes performance, schedule completion, and cost targets, the requisite test procedures against which attainment of performance targets will be measured, and provisions for varying profits to the extent targets are or are not met. In order to provide the maximum incentive, the range of profit variation should, in each case, be as wide as practical (see § 3.405–4(b)). The introduction of incentives into development is of such compelling importance that, to the extent practicable, firms not willing to negotiate appropriate incentive provisions may be excluded from consideration for the award of development contracts.

§ 3.404 Fixed-price contracts.

§ 3.404–1 General.

Fixed-price contracts are of several types so designed as to facilitate proper pricing under varying circumstances. The fixed-price type contracts provide for a firm price, or under appropriate circumstances may provide for an adjustable price, for the supplies or services which are being procured. In providing for an adjustable price, the contract may fix a ceiling price, target price (including target cost), or minimum price. Unless otherwise provided in the contract, any such ceiling, target, or minimum price is subject to adjustment only if required by the operation of any contract clause which provides for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or a contingency.

§ 3.404–2 Firm fixed-price contract.

(a) *Description.* The firm fixed-price contract provides for a price which is not subject to any adjustment by reason of the cost experience of the contractor, in the performance of the contract. This type of contract, when appropriately applied as set forth below, places maximum risk upon the contractor. Because the contractor assumes full responsibility, in the form of profits or losses, for all costs under or over the firm fixed-price, he has a maximum profit incentive for effective cost control and contract performance. Use of the firm fixed-price contract imposes a minimum administrative burden on the contracting parties.

(b) *Application.* The firm fixed-price contract is suitable for use in procurements when reasonably definite design or performance specifications are available and whenever fair and reasonable prices can be established at the outset, such as where:

(1) Adequate competition has made initial proposals effective;

(2) Prior purchases of the same or similar supplies or services under competitive conditions or supported by valid cost or pricing data provide reasonable price comparisons;

(3) Cost or pricing information is available permitting the development of realistic estimates of the probable costs of performance;

(4) The uncertainties involved in contract performance can be identified and reasonable estimates of their possible impact on costs made, and the contractor is willing to accept a firm fixed price at a level which represents assumption of a reasonable proportion of the risks involved; or

(5) Any other reasonable basis for pricing can be used consistent with the purpose of this type of contract.

The firm fixed-price contract is particularly suitable in the purchase of standard or modified commercial items, or military items for which sound prices can be developed.

§ 3.404–3 Fixed-price contract with escalation.

(a) *Description.* The fixed-price contract with escalation provides for the upward and downward revision of the stated contract price upon the occurrence of certain contingencies which are specifically defined in the contract. The risks in a fixed-price contract are reduced by the inclusion of escalation provisions in which the parties agree to revise the stated price upon the happening of a prescribed contingency. Where escalation is agreed upon, upward adjustments shall be limited by the establishment of a reasonable ceiling, and provisions will be included for downward adjustments in those instances where the prices or rates fall below the base levels provided in the contract. In the establishment of the base levels from which escalation will operate, contingency allowances shall be eliminated from the base to be set forth in the contract to the extent that escalation is provided for any paricular contingency. Generally, escalation provisions are of two broad types:

(1) Price escalation provides for adjustment of the contract price on the basis of increases or decreases from an agreed upon level in published or established prices of specific items or in price levels of the contract end items.

(2) Labor and material escalation provides for adjustment of the contract price on the basis of increases or decreases from agreed standards or indices in wage rates, specific material costs, or both.

(b) *Application.* Use of this type of contract is appropriate where serious doubt exists as to the stability of market and labor conditions which will exist during an extended period of production and where contingencies which would otherwise be included in a firm fixed-price contract are identifiable and can be covered separately by escalation. Its usefulness is limited by the difficulties inherent in its administration. To the extent possible, escalation should be restricted to industrywide contingencies and labor and material escalation should be limited to contingencies beyond the normal control of the contractor.

§ 3.404–4 Fixed-price incentive contracts.

(a) *Description*—(1) *General.* The fixed-price incentive contract is a fixed-price type contract with provision for adjustment of profit and establishment of the final contract price by a formula based on the relationship which final negotiated total cost bears to total target costs.

(2) *Firm target.* Under this type of incentive contract there is negotiated at the outset a target cost, a target profit, a price ceiling (but not a profit ceiling or floor), and a formula for establishing final profit and price. After performance of the contract, the final cost is negotiated and the final contract price is then established in accordance with the formula. Where the final cost is less than target cost, application of the formula results in a final profit greater than the target profit; conversely, where final cost is more than target cost, application of the formula results in a final profit less than the target profit, or even a net loss. Thus, within the price ceiling, the formula provides for the Government and the contractor to share the responsibility for costs greater or less than those originally estimated, as determined by a comparison of negotiated final cost with target cost. Because the profit resulting from application of the formula is in inverse relationship to costs, the formula provides the contractor in advance with a calculable profit incentive to control costs. To provide an incentive consistent with the circumstances, the formula should reflect the relative risks involved in contract performance. Thus, it is appropriate in certain procurements to establish a formula which provides for contractor assumption of a considerable or major share of total cost responsibility. In such circumstances, when a major share of total cost responsibility is assumed by the contractor, every consideration will be given to establishing target profits which reflect assumption of such responsibility.

(3) *Successive targets.* Under this type of incentive contract there is negotiated at the outset an initial target cost, an initial target profit, a price ceiling, a formula for fixing the firm target profit, and a production point at which the formula will be applied. Generally, the production point will be prior to delivery or shop completion of the first item. This formula does not apply for the life of the contract but simply is used to fix the firm target profit for the contract. The initial formula shall also provide for a ceiling and floor on the firm target profit. To provide an incentive consistent with the circumstances, the formula for fixing the firm target profit should reflect the relative risk involved in establishing an incentive arrangement where cost and pricing information were not sufficient to permit the negotiation of firm targets at the outset (see paragraph (b)(3) of this section). Thus, it normally will not provide for as great a degree of contractor cost responsibility as would a formula for establishing final profit and price. When the production point for applying the formula is reached, the firm target cost is then negotiated, consideration being given to experienced cost and all other pertinent factors, and the firm target profit is automatically determined in accordance with the formula. At this

point, two alternatives are possible. First, a firm fixed price may be negotiated using as a guide the firm target cost plus the firm target profit. Second, if use of the firm fixed price is determined to be inappropriate, a formula for establishing final profit and price may be negotiated, using the firm target profit and the firm target cost. As in the firm target type of contract described in subparagraph (2) of this paragraph, the final cost is negotiated at the completion of the contract and the final contract price is then established in accordance with the formula for establishing final profit and price.

(4) *Billing price.* In either of the above types of contract, a billing price will be established as an interim basis for payment. This billing price may be adjusted within the ceiling limits, upon request of either party to the contract, when it becomes apparent that final negotiated costs will be substantially different from the target cost.

(b) *Application.* (1) Fixed-price incentive contracts are appropriate when use of the firm fixed-price contract is inappropriate, and the supplies or services being procured are of such a nature that assumption of a degree of cost responsibility by the contractor is likely to provide him with a positive profit incentive for effective cost control and contract performance. It may also be appropriate to negotiate additional incentive provisions covering performance levels and more timely delivery (see § 3.407–2). Contract performance requirements must be such that there is reasonable opportunity for the incentive provisions to have a meaningful impact on the manner in which the contractor manages the work.

(2) The firm target type of incentive contract, described in paragraph (a) (2) of this section, is appropriate for use whenever a firm target and a formula for establishing final profit and price can be negotiated at the outset which will provide a fair and reasonable incentive.

(3) The successive targets type of incentive contract, described in paragraph (a) (3) of this section, is appropriate for use whenever available cost and pricing information is not sufficient to permit the negotiation of realistic firm targets at the outset. However, enough information should be available to permit negotiation of initial targets, and there should be reasonable assurance that additional reliable information will be available at an early point in the performance of the contract so as to permit negotiation of either a firm fixed price, or firm targets and a formula for establishing final profit and price, which will provide a fair and reasonable incentive. The additional information need not in all cases come from experience under the contract itself, but may be drawn from experience on any other contracts for the same or similar items.

(c) *Limitations.* Fixed-price incentive contracts shall not be used unless the contractor's accounting system is adequate for price revision purposes and permits satisfactory application of the profit and price adjustment formulas. In no case should such contracts be used where cost or pricing information adequate for firm targets is not available at the time of initial contract negotiation or at a very early point in performance, or the sole or principal purpose is to shift substantially all cost responsibility to the Government. In no case shall the firm target profit or the formula for final profit and price be established prior to the negotiation of the firm target cost. Neither type of fixed-price incentive contract shall be used unless a determination has been made, in accordance with the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.404–5 Prospective price redetermination at a stated time or times during performance.

(a) *Description.* This type of contract provides for a firm fixed price for an initial period of contract deliveries or performance and for prospective price redetermination either upward or downward at a stated time or times during the performance of the contract. It also may provide for a price ceiling, where appropriate. Once established, ceiling prices are subject to adjustment only by reason of the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements calling for quantity production or services where it is possible to negotiate fair and reasonable firm fixed prices for an initial period, but not for subsequent periods of contract performance. This initial period should be the longest period for which it is possible to establish fair and reasonable firm fixed prices at the time of original negotiation. The length of the prospective pricing periods should depend on the circumstances of each case and should generally be at least twelve months each. Ceiling prices, where appropriate, should be based on an evaluation of the uncertainties involved in contract performance, and their possible impact on cost, and should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless:

(1) It has been established through negotiation that a firm fixed-price contract does not fulfill the requirements established by the conditions surrounding the procurement;

(2) The contractor's accounting system is adequate for price redetermination purposes;

(3) The prospective pricing period can be made to conform with the operation of the contractor's accounting system; and

(4) Reasonable assurance exists that price redetermination action will be taken promptly at the time or times specified.

§ 3.404–6 Retroactive and prospective price redetermination at a stated time during performance.

(a) *Description.* This type of contract provides for a price ceiling and for retroactive and prospective redetermination of prices either (1) upward or downward, or (2) downward only, at a designated time early in the contract performance. The designated time for redetermination may be expressed in terms of delivery, shop completion, percentage of total contract performance on a cost incurred basis or any other reasonable basis. Under a followon contract, it may be timed to coincide with price revision under a preceding contract if both contracts together cover continuing production of similar supplies. In any event, the time designated as the cutoff point for price redetermination should be as early as practicable. The redetermination price may apply to all supplies or services delivered under the contract. Once established, ceiling prices are subject to adjustment only by reason of the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements where it is established at the time of negotiation that a fair and reasonable firm fixed price cannot be negotiated, but the contracting parties are reasonably certain that a fair and reasonable firm fixed price can be negotiated prior to the performance of forty percent (40%) of the contract on a cost incurred basis. Based on an evaluation of the uncertainties involved in contract performance, and their possible impact on cost, ceiling prices should be negotiated at a level which represents contractor assumption of a reasonable degree of risk. Additional cost or pricing information necessary to redetermination early in contract performance need not in all cases come from experience under the contract itself, and should be drawn from experience under any earlier contracts for the same or similar items.

(c) *Limitations.* This contract type shall not be used on and after January 1, 1963, and until then, only when:

(1) It has been determined through negotiation that use of a fixed-price incentive contract, of either the firm or successive targets type, or a fixed-price contract providing for prospective redetermination only, is impracticable;

(2) The estimated value of the procurement is in excess of $500,000;

(3) The initial negotiated price is a reasonable estimate sufficient to establish a billing price;

(4) There is sufficient time of contract performance to accomplish the price redetermination prior to completion of forty percent (40%) of the contract on a cost incurred basis;

(5) The contractor's accounting system is adequate for price redetermination purposes;

(6) Reasonable assurance exists that price redetermination action will be taken at the time specified;

(7) A ceiling price is established; and

(8) Written approval has been received from the Office of the Deputy Chief of Staff for Logistics or Offices of the Heads of the Technical Services, for the Army; Office of Naval Material, for the Navy; Headquarters, Air Force Systems Command or Headquarters, Air Force Logistics Command, for the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency.

§ 3.404–7 Retroactive price redetermination after completion.

(a) *Description.* This type of contract provides for a ceiling price and retroactive price redetermination after completion of the contract. The redetermined price should be negotiated so as to give weight to the management effectiveness and ingenuity exhibited by the contractor during performance, and the basis for such negotiation should be fully discussed with the contractor when this type of contract is negotiated. Because the price is redetermined on a completely retroactive basis, this contract type (except for the price ceiling) does not provide the contractor with a calculable incentive for effective cost control. Once established, the ceiling price is subject to adjustment only if required by the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements where it is established at the time of negotiation that a fair and reasonable firm fixed price cannot be negotiated and the amount involved is so small or the time for performance so short that use of any other type of contract is impracticable. Even in these situations, however, it should be used only after negotiation of a billing price as fair and reasonable as the circumstances of the particular procurement permit. Based on an evaluation of the circumstances involved in contract performance, and their possible impact on cost, the ceiling price should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless the procurement is for research and development at an estimated cost of $100,000 or less, or until January 1, 1963, the procurement is of an urgent nature and the total period of contract performance is six months or less; and in either case:

(1) The contractor's accounting system is adequate for price redetermination purposes;

(2) Reasonable assurance exists that price redetermination action will be taken promptly at the time specified;

(3) A ceiling price is established; and

(4) Until January 1, 1963, written approval has been received from the Office of the Deputy Chief of Staff for Logistics or Offices of the Heads of the Technical Services, for the Army; Office of Naval Material, for the Navy; Headquarters, Air Force Systems Command or Headquarters, Air Force Logistics Command, for the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency.

(5) After January 1, 1963, written approval has been received from a level above the Head of a Procuring Activity.

§ 3.405 Cost-reimbursement type contracts.

§ 3.405–1 General.

(a) *Description.* The cost-reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of (1) obligation of funds, and (2) establishing a ceiling which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the contracting officer.

(b) *Application.* The cost-reimbursement type contract is suitable for use only when the uncertainties involved in contract performance are of such magnitude that cost of performance cannot be estimated with sufficient reasonableness to permit use of any type of fixed-price contract. In addition, it is essential that (1) the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and (2) appropriate surveillance by Government personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used. While cost-reimbursement contracts are particularly useful for procurements involving substantial amounts, e.g., estimated cost of $100,000 or more, the parties may agree in a given case to use this type of contract to cover transactions in which the estimated costs are less than $100,000.

(c) *Limitations.* The cost-reimbursement type contract may be used only after a determination, in accordance wtih the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.405–2 Cost contract.

(a) *Description.* The cost contract is a cost-reimbursement type contract under which the contractor receives no fee.

(b) *Application.* The following are illustrative situations in which the use of this type of contract may be appropriate:

(1) Research and development work, particularly with nonprofit educational institutions or other nonprofit organizations; and

(2) Facilities contracts.

§ 3.405–3 Cost-sharing contract.

(a) *Description.* A cost-sharing contract is a cost-reimbursement type contract under which the contractor receives no fee and is reimbursed only for an agreed portion of his allowable costs.

(b) *Application.* A cost-sharing contract is suitable for use for those procurements which cover production or research projects that are jointly sponsored by the Government and the contractor with benefit to the contractor in lieu of full monetary reimbursement of costs. In consideration of this benefit, the contractor agrees to absorb a portion of the costs of performance. The following are illustrative situations in which this type of contract is generally desirable:

(1) Jointly sponsored research and development work with nonprofit educational institutions or other nonprofit organizations; and

(2) Other research and development work where the parties agree that the results of the contract may have commercial benefit to the contractor.

§ 3.405–4 Cost-plus-incentive-fee contract.

(a) *Description.* The cost-plus-incentive-fee contract is a cost-reimbursement type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target cost. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the fee payable to the contractor is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed to provide an incentive for maximum effort on the part of the contractor to manage the contract effectively.

(b) *Application.* The cost-plus-incentive-fee contract is suitable for use primarily for development and test when a cost-reimbursement type of contract is found necessary in accordance with § 3.405–1(b), and when a target and a fee adjustment formula can be negotiated which are likely to provide the contractor with a positive profit incentive for effective management. In particular, where it is highly probable that the development is feasible and the Government generally has determined its desired performance objectives, the cost-plus-incentive-fee contract should be used in conjunction with performance incentives in the development of major systems, and in other development programs where use of the cost and performance incentive approach is considered both desirable and administratively practical (see §§ 3.403(c) and 3.407–2(b)). Range of fee and the fee adjustment formula should be negotiated so as to give appropriate weight to basic procurement objectives. For example, in an initial product development contract, it generally is appropriate to negotiate a cost-plus-incentive-fee contract providing for relatively small increases or decreases in fee tied to the cost incentive feature, balanced by the inclusion of performance incentive provisions providing for significant upward or downward fee adjustment as an incentive for the contractor to meet or surpass negotiated performance targets. Conversely, in subsequent development and test contracts, it may be more appropriate to negotiate an incentive formula where the opportunity to earn additional

fee is based primarily on the contractor's success in controlling costs. With regard to the cost incentive provisions of a contract, the minimum and maximum fees, and the fee adjustment formula, should be negotiated so as to provide an incentive which will be effective over variations in costs of at least twenty-five percent (25%) from the target. Whenever this type of contract, with or without the inclusion of performance incentives, is negotiated so as to provide incentive up to a high maximum fee, the contract also shall provide for a low minimum fee, which may even be a "zero" fee or, in rare cases, a "negative" fee.

(c) *Limitations.* The target fee shall be subject to the administrative limitations and approvals stated in § 3.405–5 (c) (2), and the maximum fee shall not exceed the statutory limitations stated therein.

§ 3.405–5 Cost-plus-a-fixed-fee contract.

(a) *Description.* The cost-plus-a-fixed-fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee once negotiated does not vary with actual cost, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract. Because the fixed fee does not vary in relation to the contractor's ability to control costs, the cost-plus-a-fixed-fee contract provides the contractor with only a minimum incentive for effective management control of costs.

(b) *Application.* The cost-plus-a-fixed-fee contract is suitable for use when:

(1) A cost-reimbursement type of contract is found necessary in accordance with § 3.405–1(b);

(2) The parties agree that the contract should be fee bearing;

(3) The contract is for the performance of research, or preliminary exploration or study, where the level of effort required is unknown; or

(4) The contract is for development and test where the use of a CPIF is not practical.

(c) *Limitations.* (1) This type of contract normally should not be used in the development of major weapons and equipment, once preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion (see § 3.405–4).

(2) 10 U.S.C. 2306(d) provides that in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed ten percent (10%) of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary concerned at the time of entering into such contract (except that a fee not in excess of fifteen percent (15%) of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's cost and not in excess of six percent (6%) of the estimated cost, exclusive of fees, as determined by the Secretary concerned at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility projects). The Head of a Procuring Activity in the Departments of the Army, Navy, and DSA, and the Commander of a Major Command in the Department of the Air Force, or their duly authorized representatives, are authorized to approve fixed fees not in excess of (i) ten percent (10%) of the estimated costs, exclusive of fee, of any contract for experimental, developmental, or research work or, (ii) seven percent (7%) of the estimated cost, exclusive of fee, of any other contract except that in contracts for architectural or engineering services the fixed fee shall not exceed that authorized by the terms of the law as set forth above. In appropriate cases, fees above the prescribed limits in the authorizations granted herein but within the limitations of the law may be authorized by the Secretary concerned or his designee. (As to fee limitations in subcontracts see § 3.807–5(d).)

§ 3.406 Other types of contracts.

§ 3.406–1 Time and materials contracts.

(a) *Description.* The time and materials type of contract provides for the procurement of supplies or services on the basis of (1) direct labor hours at specified fixed hourly rates (which rates include direct and indirect labor, overhead, and profit) and (2) material at cost. Material handling costs may be included in the charge for "material at cost," to the extent they are clearly excluded from any factor of the charge computed against direct labor hours. This type of contract may establish either a price ceiling, or a ceiling amount which the contractor may not exceed (except at his own risk). This type of contract does not afford the contractor with any positive profit incentive to control the cost of materials or to manage his labor force effectively.

(b) *Application.* The time and materials contract is used only where it is not possible at the time of placing the contract to estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. Particular care should be exercised in the use of this type of contract since its nature does not encourage effective management control. Thus it is essential that this type of contract be used only where provision is made for adequate controls, including appropriate surveillance by Government personnel during performance, to give reasonable assurance that inefficient or wasteful methods are not being used. This type of contract may be used in the procurement of (1) engineering and design services in connection with the production of supplies; (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges, and special machine tools; (3) repair, maintenance or overhaul work; and (4) work to be performed in emergency situations.

(c) *Limitation.* Because this type of contract does not encourage effective cost control and requires almost constant Government surveillance, it may be used only after determination that no other type of contract will suitably serve.

(d) *Optional method of pricing material.* When the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, the contract may provide for charging material on a basis other than at cost if;

(1) The total estimated contract price does not exceed $25,000 or the estimated price of material so charged does not exceed twenty percent (20%) of the estimated contract price;

(2) No element of profit on material so charged is included in the profit in the fixed hourly labor rates; and

(3) The contract provides that the price to be paid for such material shall be on the basis of an established catalog or list price, in effect when material is furnished, less all applicable discounts to the Government, provided that in no event shall such price be in excess of the contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 3.406–2 Labor-hour contract.

(a) *Description.* The labor-hour type of contract is a variant of the time and materials type contract differing only in that materials are not involved in the contract or are not supplied by the contractor.

(b) *Application.* The labor-hour type contract is applicable in those procurements described for the time and materials contract, but in situations in which contractor-furnished materials are not involved in the contract or are not supplied by the contractor.

(c) *Limitations.* Because this type of contract does not provide the contractor with a positive profit incentive to manage his labor force effectively, it may be used only after determination that no other type of contract will suitably serve.

§ 3.407 Additional incentives.

§ 3.407–1 General.

In addition to the profit incentives to control costs, inherent in many of the contract types, and combinations thereof, described in §§ 3.404 through 3.406, there are other means of providing profit incentives to contractors, which are described below, to obtain extra management attention and effort. Increases in profits or fees resulting from the use of incentive provisions are made only because cost, performance, or other contractual goals or standards have been surpassed.

§ 3.407–2 Contracts with performance incentives.

(a) *Description.* A contract with a performance incentive is one which incorporates an incentive to the contractor to surpass stated performance targets by providing for increases in the fee or profit to the extent that such targets are surpassed and for decreases to the extent that such targets are not met. Salient features and consideration in the use of this type of contract are as follows:

(1) "Performance," as used in this section, refers not only to the performance of the article being procured, but to the performance of the contractor as well. Performance which is the minimum which the Government will accept shall be mandatory under the terms of the contract and shall warrant only the minimum profit or fee related thereto. Performance which meets the stated targets will warrant the "target" profit or fee. Performance which surpasses these targets will be rewarded by additional profit or fee. The incentive feature (providing for increases or decreases, as appropriate) is applied to performance targets rather than performance requirements.

(2) The incentive, when applied to the product, should relate to specific performance characteristics, such as range of a missile, speed of an aircraft or ship, thrust of an engine, maneuverability of a vehicle, and fuel economy. However, high overall performance of the end item is the primary objective of such contracts. Accordingly, the incentive feature should reflect a balancing of the various characteristics which together account for overall performance, so that no one characteristic will be exaggerated to the detriment of the end item as a whole. When applied to the performance of the contractor, the incentive should relate to specific performance areas or milestones, such as delivery or test schedules, quality controls, maintenance requirements, and reliability standards.

(3) Since performance tests generally are essential in order to determine the degree of attainment of performance targets, the contract must be as specific as possible in establishing test criteria, such as conditions of testing, precision of instrumentation, and interpretation of test data.

(4) It is essential that there be explicit agreement between the Government and the contractor as to the effect on performance of contract changes (e.g., pursuant to the Changes clause).

(5) Care must be exercised, in establishing performance criteria, to give recognition to the fact that the contractor should not be rewarded or penalized for attainments of Government-furnished components.

(6) In establishing incentives in connection with delivery schedules, it is important to determine the Government's primary objectives in a given contract. In some instances, earliest possible delivery is of paramount importance. In others, early quantity production is essential. On the other hand, it may be that maintaining an established delivery schedule is all that is desired, and that a bettering of such schedule may disrupt continuity of production or run counter to funding limitations.

(b) *Application.* Contracts with performance incentives are suitable for use in procurements where it is desired to provide the contractor with an incentive in the form of financial reward for surpassing stated performance targets, counterbalanced by a penalty in the form of decreased profit or fee for failure to achieve such targets. Performance incentives are particularly appropriate for inclusion in contracts for major weapons and equipment, both in development when desired performance objectives are known and the fabrication of prototypes for test and evaluation is required, and in production where there is potential for improved performance that would be highly desirable to the Government. Effort always should be made in these procurement situations to include a performance incentive in the contract. Performance incentives present complex problems in contract administration and should be negotiated and administered by contracting officers with the full cooperation of Government engineering and pricing specialists.

(c) *Limitations.* (1) Performance incentives, when related to the performance of the product, may result in increased costs and should always be coupled with a balancing of range of fee or profit on the cost and performance aspects, negotiated so as to give appropriate weight to basic procurement objectives. Where incentives relating to the performance of the product are included in a contract, and earliest possible delivery is of considerable importance to the Government, and contract normally should include a performance incentive relating to time of performance or for expedited delivery schedules.

(2) In the case of cost-reimbursement type contracts involving a fee, the maximum fee shall not exceed the statutory limitations in § 3.405–5(c) (2).

§ 3.407–3 Contracts with value engineering incentives.

(a) *Description.* Value engineering incentive provisions may either require or encourage the contractor to maintain a staff devoting time and effort to "value engineering studies" to reduce costs under the contract in return for which the contractor receives a stated percentage of the resulting savings. A "value engineering study" is an intensive appraisal of all the elements of the design, manufacture or construction, procurement, inspection, installation, and maintenance of an item and its components, including the applicable specifications and operational requirements, in order to achieve the necessary performance, maintainability, and reliability of the item at minimum cost. The purpose of value engineering is to make certain that every element of cost (e.g., labor, material, supplies, styling, and services) contribute proportionately to the function of the item. The Government shall make reasonable efforts to expedite the analysis of each study submitted by the contractor. Where a change recommended by a study is adopted, a change order is issued under the Changes clause, together with a reduction in the contract price corresponding to the agreed percentage of the cost reduction. The Government does not have to adopt any study and failure to do so is not subject to the Disputes clause of the contract.

(b) *Application.* Value engineering incentive provisions are suitable primarily where the items being procured are covered by firm Government specifications, and where there is a reasonable likelihood that time and effort devoted to value engineering studies will result in reduced costs.

(c) *Limitations.* Value engineering incentive provisions shall be used only upon the written approval of the Head of a Procuring Activity.

§ 3.408 Letter contract.

(a) *Description.* A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of manufacture of supplies, or performance of services, including, but not limited to, reproduction planning, and the procurement of necessary materials.

(b) *Application.* A letter contract may be entered into when (1) the interests of national defense demand that the contractor be given a binding commitment so that work can be commenced immediately, and (2) negotiation of a definitive contract in sufficient time to meet the procurement need is not possible, as, for example, when the nature of the work involved prevents the preparation of definitive requirements, specifications, or cost data.

(c) *Limitations.* (1) A letter contract shall be used only after a determination in accordance with Departmental procedures that no other type of contract is suitable.

(2) A letter contract shall not be entered into without competition when competition is practicable. Where a letter contract award is based on price competition an overall price ceiling shall be included in the letter contract.

(3) A letter contract shall be superseded by a definitive contract at the earliest practicable date. This date shall be prior to:

(i) The expiration of 180 days from the date of the letter contract; or

(ii) Forty percent (40%) of the production of the supplies, or the performance of the work, called for under the contract, whichever occurs first. In extreme cases, an additional period may be authorized in accordance with Departmental procedures.

(4) The maximum liability of the Government stated in the letter contract generally shall not exceed fifty percent (50%) of the total estimated cost of the procurement, but this liability may be increased in accordance with Departmental procedures.

(d) *Content.* Letter contracts shall be specifically negotiated and, as a minimum, shall include agreement as to the following:

(1) The immediate commencement of performance of the contract by the contractor, including procurement of necessary materials;

(2) The extent and method of payments in the event of termination either for the convenience of the Government or for default;

(3) The fact that the contractor is not authorized to expend moneys or incur obligations in excess of the maximum liability of the Government as stated in the letter contract;

(4) The type of definitive contract anticipated at the time of letter contract award;

supplies or for the performance of specified services for a fixed period, with deliveries or performance at designated locations upon order. Depending on the situation, the contract may provide for: (i) Firm fixed-prices; (ii) price escalation; or (iii) price redetermination.

(2) *Applicability.* This type of contract is particularly suitable for use where it is known in advance that a definite quantity of supplies or services will be required during a specified period and are regularly available or will be available after a short lead time. Advantages of this type of contract are that it permits stocks in storage depots to be maintained at minimum levels and permits direct shipment to the user.

(b) *Requirements contract*—(1) *Description.* This type of contract provides for filling all actual purchase requirements of specific supplies or services of designated activities during a specified contract period with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed prices; (ii) price escalation; or (iii) price redetermination. An estimated total quantity is stated for the information of prospective contractors, which estimate should be as realistic as possible. The estimate may be obtained from the records of previous requirements and consumption, or by other means. Care should be used in writing and administering this type of contract to avoid imposition of an impossible burden on the contractor. Therefore, the contract shall state, where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, shall also contain appropriate provision limiting the Government's obligation to order. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* A requirements contract may be used for procurements where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed Generally, the requirements contract is appropriate for use when the item of service is commercial or modified commercial in type and when a recurring need is anticipated.

(c) *Indefinite quantity contract*—(1) *Description.* This type of contract provides for the furnishing of an indefinite quantity, within stated limits, of specific supplies or services, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed prices; (ii) price escalation; or (iii) price redetermination. The contract shall provide that during the contract period the Government shall order a stated minimum quantity of the supplies or services and that the contractor shall furnish such stated minimum and, if and as ordered, any additional quantities not exceeding a stated maximum which should be as realistic as possible. The maximum may be obtained from the records of previous requirements and consumption, or by other means. When large individual orders or others from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* An indefinite quantity contract may be used where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time and it is not advisable for the Government to commit itself for more than a minimum quantity. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) The obligation of the Government is limited; and

(iv) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

price, delivery, and additional matters peculiar to the requirements of the specific procurement involved, and shall incorporate by reference or append the contract clauses agreed upon in the basic agreement as required or applicable.

(b) *Applicability.* (1) Basic agreements are appropriate for use when (i) past experience and future plans indicate that a substantial number of separate contracts may be entered into with a contractor during the term of the basic agreement, and (ii) substantial recurring negotiating problems exist with a particular contractor.

(2) A basic agreement shall be modified only by a modification of the basic agreement itself and shall not be modified or superseded by individual contracts or purchase orders entered into under and subject to the terms of such basic agreement. To minimize modification, revisions to this subchapter involving changes in authorized contract clauses utilized in basic agreements will provide appropriate direction with respect to any required modifications of basic agreements and to the extent possible, modifications will be required only in matters resulting from changes in statutes, or executive orders. As a minimum, basic agreements shall be reviewed annually before the anniversary of their effective date and revised to conform with the current requirements of this subchapter. Modifications shall not have retroactive effect.

(3) Basic agreements shall provide for discontinuance of their future application upon 30 days written notice by either party. Discontinuance of basic agreement will not affect any individual contract referencing the basic agreement (or the clauses appended thereto) entered into prior to the effective date of discontinuance.

(c) *Limitations.* (1) Basic agreements shall neither cite appropriations to be charged nor be used alone for the purpose of obligating funds.

(2) Basic agreements shall not in any manner provide for or imply any agreement on the part of the Government to place future orders or contracts with the contractor involved, nor shall they be used in any manner to restrict competition.

(3) Basic agreements generally shall be utilized only in connection with negotiated contracts.

[Revoked]

§ 7.109–7 Modified retroactive and prospective price redetermination for follow-on contracts. [Revoked]

§ 7.301 Applicability.

As used throughout this subpart, the term "fixed price research and development contract" means any contract (other than a letter contract, a notice of award, or a modification not affecting new procurement) which (a) is entered into at a fixed price in an amount exceeding $2,500 (with or without any provision for price redetermination, escalation, or other form of price revision as covered in § 3.404 of this chapter), and (b) is for experimental, developmental, or research work. See § 3.403 (b) and (c) for use of types of contracts for research and developmental work.

[ASPR Rev. 8, Mar. 15, 1962] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–4089; Filed, Apr. 26, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

St. Johns River, Fla.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.73 is hereby prescribed designating special anchorage areas in St. Johns River, Florida, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication after completion. [Redesignation]

[Regs., Apr. 13, 1962, 285/112 (St. Johns River, Fla.)—ENGCW–ON] (Sec. 1, 28 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–4088; Filed, April. 26, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraph (i) is amended and paragraph (o) is added to read as follows:

§ 3.1 Definitions.

* * * * * * *

(i) "State" means each of the several States, Territories and possessions of the United States, the District of Columbia, and Commonwealth of Puerto Rico.

* * * * * * *

(o) "Political subdivision of the United States" includes the jurisdiction defined as a State in paragraph (i) of this section, and the counties, cities or municipalities of each.

2. In § 3.3, paragraphs (b)(2)(ii), (c)(1) and (2) and (d) are amended to read as follows:

§ 3.3 Pension.

* * * * * * *

(b) *Service pension; Indian and Spanish-American Wars.* * * *

(2) *Spanish-American War.* Basic entitlement exists if the veteran:

* * * * * * *

(ii) Was discharged or released from such service for a disability service connected without benefit of presumptive provisions of law. (38 U.S.C. 512)

(c) *Disability pension; World War I and later wars.* Basic entitlement exists if the veteran:

(i) Had 90 days or more active service during the Spanish-American War; or

(ii) Was discharged or released from such service for a disability service-connected without benefits of presumptive provisions of law. (38 U.S.C. 536, 537)

(3) *World War I and later wars.* Basic entitlement exists for the widow or child of a deceased veteran of World War I if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay based on a service-connected disability. Effective July 1, 1960, basic entitlement exists under the provisions of this subparagraph for the widow or child of a deceased veteran of World War II or the Korean conflict. (38 U.S.C. 541, 542)

3. In § 3.6(b), subparagraph (6) is amended to read as follows:

§ 3.6 Duty periods.

* * * * * * *

(b) *"Active duty."* This means:

* * * * * * *

(6) A person discharged or released from a period of active duty, shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him to proceed to his home by the most direct route, and, in all instances, until midnight of the date of such discharge or release. (38 U.S.C. 106(c)) This provision is effective:

(i) January 1, 1957, for service-connected death benefits where the discharge or release occurred on or after that date.

(ii) January 1, 1959, for service-connected disability compensation where the discharge or release occurred on or after January 1, 1957.

(iii) July 21, 1961, for compensation or pension, where the discharge or release occurred prior to January 1, 1957.

4. In § 3.7, paragraphs (b), (u)(1), and (v) are amended to read as follows:

§ 3.7 Persons included.

* * * * * * *

(b) *Aliens.* Effective July 28, 1959, a veteran discharged for alienage during a period of hostilities unless evidence affirmatively shows he was discharged at his own request. A veteran who was discharged for alienage after a period of hostilities and whose service was honest and faithful is not barred from benefits if he is otherwise entitled. A discharge changed prior to January 7, 1957, to honorable by a board established under authority of section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended (now 10 U.S.C. 1552 and 1553), will be considered as evidence that the discharge was not at the alien's request. (38 U.S.C. 3103(c)) (See § 3.12.)

* * * * * * *

(u) *Women's Army Auxiliary Corps and Women's Army Corps.*—(1) *Women's Army Auxiliary Corps.* A member of the Women's Army Auxiliary Corps who had 90 days or more service in such corps and who prior to October 1, 1943, was honorably discharged for disability

mination of active service. This rule does not apply to certifications for loan guaranty benefits, entitlement to which is based on each period separately.

8. In § 4.14, paragraph (a) is amended to read as follows:

§ 3.14 Validity of enlistments.

* * * * * * *

(a) *Enlistment not prohibited by statute.* Where an enlistment is voided by the service department for reasons other than those stated in paragraph (b) of this section, service is valid from the date of entry upon active duty to the date of voidance by the service department. Benefits may not be paid, however, unless the discharge is held to have been under conditions other than dishonorable. Generally discharge for concealment of a physical or mental defect except incompetency or insanity which would have prevented enlistment will be held to be under dishonorable conditions.

9. Section 3.15, is revised to read as follows:

§ 3.15 Computation of service.

for the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government. The act applies only to civil actions and proceedings commenced as a result of incidents occurring on or after March 21, 1962.

(b) Any Veterans Administration employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Government (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall im-

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES

Part 2 of Title 44 of the Code of Federal Regulations is revised to read as follows:

GENERAL PROVISIONS

Sec.
2.0 Scope.
2.1 Meaning of terms.
2.2 Legal custody.
2.3 Availability of records in general.
2.4 Access to classified and restricted records.
2.5 Photography in the National Archives Exhibition Hall.

PERMISSION TO EXAMINE RECORDS

2.10 Application for permission to examine

§ 2.3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this part, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be as well served by a public library.

(2) Persons wishing to examine records, will, as a rule, be required to do so in the research rooms of the National Archives Building.

(3) The National Archives and Records Service will also render services with regard to reproductions, information, motion pictures, and sound recordings in accordance with the provisions of this part.

§ 2.4 Access to classified and restricted records.

§ 2.11 Granting and withdrawal of permission to examine records.

If an application is approved, a card of permission to examine records will be issued. This card will be valid for a period not longer than one year but may be renewed upon application. It is not transferable and must be produced when required. Possession of this card does not entitle a researcher to examine records whose use is restricted. The Archivist of the United States may withdraw the privilege of permission to use records from any one who violates the regulations in this part or disregards the instructions of a research room supervisor.

§ 2.12 Hours of admission to research rooms.

The research rooms and the library will be open to persons authorized to use them from 8:45 to 5:00 p.m. Monday through Friday, Federal holidays excepted. The central research room will also remain open from 5:15 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5:00 p.m. on Saturdays. Federal

§ 3.7 Persons included.

• • • • •

(b) *Aliens.* Effective July 28, 1959, a veteran discharged for alienage during a period of hostilities unless evidence affirmatively shows he was discharged at his own request. A veteran who was discharged for alienage after a period of hostilities and whose service was honest and faithful is not barred from benefits if he is otherwise entitled. A discharge changed prior to January 7, 1957, to honorable by a board established under authority of section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended (now 10 U.S.C. 1552 and 1553), will be considered as evidence that the discharge was not at the alien's request. (38 U.S.C. 3103(c)) (See § 3.12.)

• • • • •

(u) *Women's Army Auxiliary Corps and Women's Army Corps.*—(1) *Women's Army Auxiliary Corps.* A member of the Women's Army Auxiliary Corps who had 90 days or more service in such corps and who prior to October 1, 1943, was honorably discharged for disability incurred in line of duty. Effective August 7, 1959, service rendered in the Women's Army Auxiliary Corps by a member who was discharged or released under conditions other than dishonorable and who also had active service in the Armed Forces subsequent to September 29, 1943, is included for purposes of Veterans Administration benefits. (38 U.S.C. 106(a); 10 U.S.C. 1038)

• • • • •

(v) *Women's Reserve of Navy, Marine Corps, and Coast Guard.* Same benefits as members of the Officers Reserve Corps or enlisted men of the United States Navy, Marine Corps or Coast Guard.

5. Immediately following § 3.7, a new cross reference is added to read as follows:

CROSS REFERENCE: Bureau of Employees' Compensation. See § 3.708.

6. In § 3.12, paragraphs (b)(7) and (c) are amended to read as follows:

§ 3.12 Character of discharge.

• • • • •

(b) • • •

(7) As an alien during a period of hostilities where it is affirmatively shown he requested his release. (See § 3.7(b).)

• • • • •

(c) Discharge because of homosexual acts generally will be considered a discharge under dishonorable conditions.

7. In § 3.13, paragraphs (a)(1) and (b) are amended to read as follows:

§ 3.13 Discharge to change status.

(a) • • •

(1) World War I; prior to November 11, 1918. As to reenlistments, this subparagraph applies only to Army and National Guard. No involuntary extension or other restrictions existed on Navy enlistments.

• • • • •

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service. This rule does not apply to certifications for loan guaranty benefits, entitlement to which is based on each period separately.

8. In § 4.14, paragraph (a) is amended to read as follows:

§ 3.14 Validity of enlistments.

• • • • •

(a) *Enlistment not prohibited by statute.* Where an enlistment is voided by the service department for reasons other than those stated in paragraph (b) of this section, service is valid from the date of entry upon active duty to the date of voidance by the service department. Benefits may not be paid, however, unless the discharge is held to have been under conditions other than dishonorable. Generally discharge for concealment of a physical or mental defect except incompetency or insanity which would have prevented enlistment will be held to be under dishonorable conditions.

9. Section 3.15, is revised to read as follows:

§ 3.15 Computation of service.

For non-service-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural, or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, while undergoing sentence of court-martial or a period following release from active duty under the circumstances outlined in § 3.9. Time spent in a hospital on sick furlough or as a prisoner-of-war is included. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

10. Immediately following § 3.15, a new cross reference is added to read as follows:

CROSS REFERENCE: Duty periods. See § 3.6(b)(6).

11. Section 3.1551 is revoked.

§ 3.1551 Payment of benefits to certain veterans who were discharged as aliens and to their dependents. [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective April 27, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-4121; Filed, Apr. 26, 1962; 8:48 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Defense of Suits Against Veterans Administration Employees Arising Out of Operation of Motor Vehicles

In Part 14, § 14.514a is added to read as follows:

§ 14.514a Defense of suits against Veterans Administration employees arising out of operation of motor vehicles.

(a) Public Law 87-258 (28 U.S.C. 2679), effective March 21, 1962, provides for the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government. The act applies only to civil actions and proceedings commenced as a result of incidents occurring on or after March 21, 1962.

(b) Any Veterans Administration employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Government (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the Chief Attorney by telephone or telegraph. The Chief Attorney shall promptly upon receipt thereof furnish the United States Attorney for the district embracing the place wherein the action or proceeding is brought information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein. Two copies of all process and pleadings along with information concerning the commencement of the action or proceeding shall be submitted immediately to the General Counsel.

(c) The Chief Attorney shall submit a report containing all available data bearing upon the question whether the employee was acting within the scope of his office or employment with the Federal Government, at the time of the incident out of which the suit arose, to the United States Attorney, with two copies of the report to the General Counsel, at the earliest possible date, or within such time as shall be fixed by the United States Attorney upon request. The report should include factual information bearing upon the nature of the employee's duties, his authorized destination, the conveyance authorized, whether he had departed from the route authorized or disobeyed the instructions given him, whether at the time of the incident he was engaged in the furtherance of his own personal interests, and any other relevant data. The Chief Attorney will render all practicable assistance requested by the United States Attorney.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective April 27, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-4120; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES

Part 2 of Title 44 of the Code of Federal Regulations is revised to read as follows:

GENERAL PROVISIONS

Sec.
2.0 Scope.
2.1 Meaning of terms.
2.2 Legal custody.
2.3 Availability of records in general.
2.4 Access to classified and restricted records.
2.5 Photography in the National Archives Exhibition Hall.

PERMISSION TO EXAMINE RECORDS

2.10 Application for permission to examine records.
2.11 Granting and withdrawal of permission to examine records.
2.12 Hours of admission to research rooms.
2.13 Admission to National Archives Theater.

RESEARCH ROOM RULES

2.20 Register of researchers.
2.21 Researcher's responsibility.
2.22 Protection of records.
2.23 Keeping records in order.
2.24 Night and Saturday use.
2.25 Removal or mutilation of records.
2.26 Disturbances.
2.27 Smoking and eating.

REPRODUCTION SERVICES

2.30 Reproduction fees.
2.31 Reproduction equipment and personnel.
2.32 Authentication and attestation.

INFORMATION SERVICE

2.35 Information about records.
2.36 Information derived from records.

LEGAL DEMANDS

2.40 Compliance with subpoena or other legal demand.

AUTHORITY: §§ 2.0 to 2.40 issued under sec. 205, 63 Stat. 389, as amended; 40 U.S.C. 486. Interpret or apply secs. 507, 509, 64 Stat. 587, as amended, 588; 44 U.S.C. 397, 399.

GENERAL PROVISIONS

§ 2.0 Scope.

The provisions of this part apply to the public use of records deposited with the National Archives of the United States.

§ 2.1 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, as amended; 40 U.S.C. 472, 44 U.S.C. 391).

§ 2.2 Legal custody.

The Administrator has legal custody of all records deposited with the National Archives of the United States.

§ 2.3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this part, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be as well served by a public library.

(2) Persons wishing to examine records, will, as a rule, be required to do so in the research rooms of the National Archives Building.

(3) The National Archives and Records Service will also render services with regard to reproductions, information, motion pictures, and sound recordings in accordance with the provisions of this part.

§ 2.4 Access to classified and restricted records.

Access to records bearing security classification will be governed by the terms of Executive Order 10501, as amended by Executive Order 10816 and Executive Order 10964. Access to records subject to other forms of restriction will be governed by the conditions set forth by the Archivist in the pertinent Restriction Statements.

§ 2.5 Photography in the National Archives Exhibition Hall.

Visitors are permitted to take photographs in the National Archives Exhibition Hall without restriction if flash equipment or other special photo-lighting devices are not used and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo-lighting devices or for commercial purposes must obtain special permission from the Archivist. Application for such permission should be made to the Exhibits and Publications Branch.

PERMISSION TO EXAMINE RECORDS

§ 2.10 Application for permission to examine records.

Persons desiring permission to examine records in the National Archives Building must make application on a form provided for that purpose, on which they will clearly state the subject or nature of their research. The application must show a definite and serious purpose. Permission to examine records will not be given to persons under the age of 16 years unless accompanied by an adult who will undertake in writing to remain with the applicant while records are in use, and to be responsible for the applicant's compliance with all National Archives and Records Service regulations. Officers or employees of foreign governments who wish to examine records must apply for permission through the Department of State. Forms will be provided and applications received at any of the research rooms in the National Archives Building.

§ 2.11 Granting and withdrawal of permission to examine records.

If an application is approved, a card of permission to examine records will be issued. This card will be valid for a period not longer than one year but may be renewed upon application. It is not transferable and must be produced when required. Possession of this card does not entitle a researcher to examine records whose use is restricted. The Archivist of the United States may withdraw the privilege of permission to use records from any one who violates the regulations in this part or disregards the instructions of a research room supervisor.

§ 2.12 Hours of admission to research rooms.

The research rooms and the library will be open to persons authorized to use them from 8:45 to 5:00 p.m. Monday through Friday, Federal holidays excepted. The central research room will also remain open from 5:15 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5:00 p.m. on Saturdays, Federal holidays excepted. In special circumstances, by direction of the Archivist of the United States, the research rooms may be closed during any of the hours specified in this section or may be opened at other times.

(c) Each application for the use of the theater will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to General Services Administration, National Archives and Records Service, Administrative Officer, The National Archives Building, Washington 25, D.C. and shall include the following information:

(1) The name of the governmental agency or private organization requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;

(3) A brief description of the program of the scheduled meeting or performance;

(4) The approximate number of persons expected to attend the meeting or performance (the capacity of the National Archives theater is 216 persons);

(5) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and whether the film to be shown, if any, is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(d) No program will be permitted to continue beyond 10:00 p.m.

(e) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days or at hours during which the building is normally closed.

(f) No admission fee will be charged, no indirect assessment will be made for

admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving or consumption of food or beverages within the theater will be prohibited.

(h) Smoking will be prohibited within the theater.

(i) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(j) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the theater which is on the fifth floor of the building. No one will be admitted to other parts of the building closed to the general public.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services (Part 100 of this title).

RESEARCH ROOM RULES

§ 2.20 Register of researchers.

Each day that a researcher uses records in a research room he must sign the register maintained there.

§ 2.21 Researcher's responsibility.

When a researcher has completed his use of records or leaves the research room for more than a short period of time, he must notify the supervisor. A researcher is responsible for all records delivered to him until he returns them to the supervisor. The researcher must at no time leave loose or unprotected papers on desks or tables while he is absent from the room.

§ 2.22 Protection of records.

Researchers must exercise all possible care to prevent damage to the records delivered to them. They must not use ink at desks upon which there are records, except when a supervisor authorizes the use of a fountain pen or a ball point pen. Bottled liquids may not be placed on desks where there are records. Records may not be leaned on, written on, folded anew, traced, or handled in any way likely to damage them. Application to the records of paper clips, rubber bands, or other fasteners not on them when they are delivered to a researcher is prohibited. The use of records of exceptional value or in fragile condition will be subject to such special safeguards as the supervisor may deem necessary.

§ 2.23 Keeping records in order.

The researcher must keep unbound papers in the order in which they are delivered to him. If records appear to be in disorder, the researcher must not attempt to restore them to order but should call the fact to the attention of a supervisor. The supervisor may place a limitation on the use of records from more than one container at one time and may limit the quantity of records delivered to a researcher at one time.

§ 2.24 Night and Saturday use.

Requests for records or library books to be used at night must be submitted to the supervisor in charge of the central research room before 4:00 p.m. on the day on which they are to be used, and those for records or books to be used on Saturdays must be submitted before 3:00 p.m. on the preceding Friday.

§ 2.25 Removal or mutilation of records.

No records or other property of the National Archives and Records Service may be taken from the research rooms except by members of the Service staff acting in their official capacities or by others having written authorization from a research room supervisor. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (62 Stat. 695; 18 U.S.C. 2071).

§ 2.26 Disturbances.

Loud talking and other actions likely to disturb researchers are prohibited. Persons desiring to use typewriters, to read proof aloud, or to do other work that may disturb others in the research rooms will, where possible, be assigned desks in a room designated for such purposes.

§ 2.27 Smoking and eating.

Smoking and eating in the research rooms are prohibited, and food may not be brought into the research rooms except in sealed containers.

REPRODUCTION SERVICES

§ 2.30 Reproduction fees.

The National Archives and Records Service will, for a fee, furnish reproductions of records in its custody to which no restriction has been attached. Fees must be paid in advance except in cases where the Chief of a Reference Branch approves an order for handling them on an "accounts receivable basis." Fees may be paid to the National Archives and Records Service in coin or currency of the United States, by postal money order, by check drawn on a bank in the United States or one of its possessions and made payable to the General Services Administration, or by international money order or check drawn in United States dollars on a bank in the United States and payable to the General Services Administration.

§ 2.31 Reproduction equipment and personnel.

Insofar as practicable the reproduction of records in the National Archives Building will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. Exceptions to this rule may be made by the Chief of a Reference Branch only when it has been determined by proper authority that the equipment proposed to be used is safe for use in the place and manner intended: *And provided*, That the equipment is used under the supervision of responsible personnel of the Service.

§ 2.32 Authentication and attestation.

Upon request and the payment of appropriate fees, authentication certificates in the name of the Archivist of the United States will be prepared and attached to reproductions of records deposited with the National Archives. Authority to issue such certificates is redelegated to the Director, Office of the Federal Register; the Assistant Archivists for Civil and Military Archives; the Director, World War II Records Division; the Chief, Central Research Room Branch; and the Chief of any Reference Branch of the Offices of Civil and Military Archives.

INFORMATION SERVICE

§ 2.35 Information about records.

Upon request, information about the over-all holdings of the National Archives and Records Service or information about the presence of specific records among its holdings will be furnished, provided that the time required to service such requests is not excessive.

§ 2.36 Information derived from records.

Information contained in the records will not ordinarily be furnished by the National Archives and Records Service except in the form of photo-copies of the records themselves subject to the provisions of § 2.4.

LEGAL DEMANDS

§ 2.40 Compliance with subpoena or other legal demand.

When a subpoena duces tecum or other legal demand for the production of records or other material deposited with the National Archives is served upon the Administrator of General Services, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records or material, or the original records or material if necessary, unless he determines that disclosure of the information contained therein is contrary to law or Executive order or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the grounds that he does not have legal custody thereof; that he is without authority under these regulations to produce the same; and that the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4203; Filed, Apr. 26, 1962; 11:39 a.m.]

PART 6—DWIGHT D. EISENHOWER LIBRARY

The following new Part 6 is added to Title 44 of the Code of Federal Regulations:

Sec.
6.0 Scope.
6.1 Definitions.
6.2 Legal custody.
6.3 General conduct.
6.4 Photography by visitors.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

6.10 Inquiries regarding use.
6.11 Restricted materials.
6.12 Admission card. [Reserved]
6.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

6.50 Service of subpoena, or other legal demand; compliance.

AUDITORIUM

6.60 Primary uses.
6.61 Standards for assigned uses.
6.62 Application procedure.
6.63 General provisions.

AUTHORITY: §§ 6.0 to 6.63 issued under sec. 205, 63 Stat. 389; 40 U.S.C. 486 and 69 Stat. 695; 44 U.S.C. 397 (e), (f), (j).

§ 6.0 Scope.

The provisions of this part apply to historical material in the Dwight D. Eisenhower Library.

§ 6.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "act" means section 507 of the Federal Records Act of 1950, 44 U.S.C. 397.

(b) The term "Library" means the Dwight D. Eisenhower Library, Abilene, Kansas.

(c) The term "building" means the building occupied by the Library at Abilene, Kansas.

(d) The term "Administrator" means the Administrator of General Services.

(e) The term "Archivist" means the Archivist of the United States.

(f) The term "Director" means the Director of the Dwight D. Eisenhower Library.

(g) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 6.2 Legal custody.

The Administrator has legal custody of historical material in the Library.

§ 6.3 General conduct.

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator (44 CFR 100).

§ 6.4 Photography by visitors.

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photolighting devices are not used, and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods, or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

§ 6.10 Inquiries regarding use.

Historical material in the Library, except for items displayed in the exhibit rooms, will not be available for use until restricted material has been identified and segregated. Notice will be published when unrestricted materials are opened to research, and this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director.

§ 6.11 Restricted materials.

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397(f)(3)), materials on which availability and use restrictions have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 6.12 Admission card. [Reserved]

§ 6.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

§ 6.50 Service of subpoena or other legal demand; compliance.

When a subpeona duces tecum or other legal demand for the production of historical material in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

AUDITORIUM

§ 6.60 Primary uses.

The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

§ 6.61 Standards for assigned uses.

(a) When the auditorium is not required for library purposes, assignments may be made upon application, for the following uses:

(1) For meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations that are sponsored by or related to the activities of the Library.

(3) For the presentation to the public of lectures, concerts, and similar performances sponsored by the Library or in which its employees participate.

(4) For other uses at the discretion of the Director.

(b) Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprise or commodities, or those having political, sectarian, or a similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

§ 6.62 Application procedure.

Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director and should include the following information:

(a) The name of the organization requesting the assignment;

(b) The date on which assignment is requested, and the hours of contemplated use;

(c) A brief description of the scheduled meeting or performance;

(d) The approximate number of persons expected to attend (capacity of the auditorium is 165);

(e) A statement as to whether or not it is the intention to exhibit at the meet-

ing or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base; and

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

§ 6.63 General provisions.

(a) No program will be permitted to continue beyond 10 p.m.

(b) No admission fee may be charged, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is prohibited.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director of the Library.

(g) The posting of any material about the premises is subject to the approval of the General Services Administration's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one shall be admitted to other parts of the building closed to the general public.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4204; Filed, Apr. 26, 1962; 11:39 a.m.]

SUBCHAPTER C—REAL PROPERTY MANAGEMENT

PART 100—PUBLIC BUILDINGS AND GROUNDS

Revision and Transfer of Section

Section 100.37 is rescinded because it has been revised, renumbered and transferred as § 2.13 of Part 2 of this chapter.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4205; Filed, Apr. 26, 1962; 11:39 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 1]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of midnight, June 7, 1962, G.m.t., Part 308 is hereby amended to reflect the following changes:

1. Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, June 7, 1963, G.m.t."

2. Amend § 308.200 *Amount of insurance for which application may be made*, § 308.201 *Form of application*, § 308.203 *Sum which will be insured under interim binder*, and § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, by changing the amounts contained therein to read "$750.00."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: April 17, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-4118; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Second Deadline for Applications With Respect to Funds Available During Fiscal Year 1962

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, 26 F.R. 2688, March 30, 1961, and 26 F.R. 9777, October 18, 1961), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967) 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.27) in order to establish a second deadline date for filing applications with respect to funds available during the fiscal year 1962. The new section reads as follows:

§ 114.27 Second deadline for applications with respect to funds available during fiscal year 1962.

For the purposes of sections 3 and 14 of the Act, June 25, 1962, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: April 19, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-4125; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Fort Peck Game Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

FORT PECK GAME RANGE

Sport fishing on the Fort Peck Game, Montana, is permited only on the areas designated by signs as open to fishing. This open area, comprising 180,000 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, P.O. Box 819, Lewistown, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: Open entire year as prescribed by State regulations.

(c) Daily creel limits: Trout: 10 fish not to exceed 10 pounds and 1 fish. Pike and sauger: 15 fish not to exceed 15 pounds and 1 fish. Plus minor species as prescribed by State regulations.

(d) Methods of fishing. (1) Tackle: As prescribed by State regulations.

(2) Bait: As prescribed by State regulations.

(3) Boats: Boats with or without motors may be used for fishing.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to May 21, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4107; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,200 acres or 59 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters at the National Bison Range, Moiese, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, perch, bullhead and sunfish.

(b) Open season. (1) All waters are closed from March 1, 1962, through July 15, 1962, except that portion of Ninepipe Refuge from and including the main dike along the north shore to the Allentown bridge and that portion of the refuge east of Highway 93.

(2) All waters open to fishing July 15, 1962, through September 3, 1962 (Labor Day).

(3) All waters closed to fishing except main dike as posted from September 4, 1962, to the beginning of migratory waterfowl hunting season.

(4) All waters closed to fishing during migratory waterfowl hunting season.

(5) All waters open to fishing day following migratory waterfowl hunting season through February 28, 1963.

Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Bass: 15 fish not to exceed 15 pounds and 1 fish. Minor species as per State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used. Other fish, live or dead, may not be used for bait.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to March 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 20, 1962.

[F.R. Doc. 62-4108; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,500 acres or 47 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the Benton Lake National Wildlife Refuge, 302 Rocky Mountain Building, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport Fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: June 2, 1962, through February 28, 1963, except closed during waterfowl hunting season. Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—10 fish not to exceed 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used for bait. Other live or dead fish prohibited.

(3) Boats: Boats prohibited on West Lake. Boats with motors up to 10 h.p. may be used for fishing on East Lake.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to March 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 20, 1962.

[F.R. Doc. 62-4109; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Willow Creek National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,420 acres or 44 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the Benton Lake National Wildlife Refuge, 302 Rocky Mountain Building, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species as prescribed by State regulations.

(b) Open season: June 2, 1962, through February 28, 1963, except closed during migratory waterfowl hunting season. Fishing hours 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—10 fish not to exceed 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used. Other live or dead fish may not be used for bait.

(3) Boats: Boats with motors up to 10 h.p. may be used for fishing.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to March 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 20, 1962.

[F.R. Doc. 62-4110; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Cape Romain National Wildlife Refuge, South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Cape Romain National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising

580 acres or 1.67 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass; bream and other minor species permitted by State regulations.

(b) Open season: May 1 through September 30. Daylight hours only.

(c) Daily creel limits: Black bass: 10; game fish other than bass: 25; other minor species as permitted by State regulations.

(d) Methods of fishing. (1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes, and other floating devices without motors permitted.

(3) Fishing from dikes, dams and water control structures prohibited.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Rowboats, canoes, and other floating devices without motors may be placed in Jack's Creek only at points designated by posting by the officer in charge but must be removed from the refuge at the close of each day's fishing.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to October 1, 1962.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4111; Filed, Apr. 26, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend 36 CFR 7.14 as set forth below. The purpose of this amendment is to close additional waters to general fishing and to provide special fishing streams for the exclusive use of children under age twelve. Special creel limits and rules governing lures are provided for this purpose.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

FRED J. OVERLY,
Superintendent, Great Smoky Mountains National Park.

Paragraph (a) of § 7.14 is amended to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *Open and closed waters.* All park waters are open to fishing except the following:

* * * * *

(ii) Tennessee: All waters of the Middle Prong of Little Pigeon River above the point where Ramsey Prong enters it; and that portion of LeConte Creek (also known as Mill Creek) as posted through the residential area of Twin Creeks.

* * * * *

(4) *Restrictions as to use of bait.* Fishing is permitted only with artificial flies or lures with one hook. Possession of insect adults, pupae and larvae, earthworms, amphibians or mammals, or parts thereof, along any stream while in possession of fishing tackle shall be considered prima facie evidence of violation of this section, except as noted in subparagraph (7)(i)(c) of this paragraph.

* * * * *

(6) *Limit of catch and in possession.* Five fish is the maximum number of trout or bass, or combination thereof, which an angler may catch and retain in any one day or have in his possession at any time, except upon portion of streams designated as waters reserved for children, where limit shall be two (2) fish per child fishing per day with one day's catch in possession. Immediately upon retention of the fifth fish, the fisherman must disassemble his fishing tackle and cease fishing. There is no creel limit on other species of fishes.

(7) *Restrictions and exceptions in certain waters of the park.* The following waters are designated as "Sport Fishing Streams" and subject to the following restrictions:

(i) * * *

(c) Waters reserved for children. That portion of the Little River in Tennessee which lies between the stone bridge at the entrance to the Appalachian Club downstream to the lower boundary of Millsaps Picnic Area, and that portion of the Oconaluftee River in North Carolina which lies between the junction of the Bradley Fork with the Oconaluftee River to the steel bridge where Tow String Road crosses the Oconaluftee River, shall be reserved for children under the age of 12 during the regular fishing season as permitted under subparagraph (3) of this paragraph. Children may use artificial flies and lures, worms, grasshoppers, or other live insects, on single hook.

[F.R. Doc. 62-4112; Filed, Apr. 26, 1962; 8:47 a.m.]

[36 CFR Part 7]

MAMMOTH CAVE NATIONAL PARK, KENTUCKY

Limitation on Load and Weight of Vehicles

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend 36 CFR 7.36 as set forth below. The purpose of this amendment is to control load and weight limitations on roads and ferries within Mammoth Cave National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Mammoth Cave National Park, Kentucky, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new paragraph (e) is added to § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

* * * * *

(e) *Limitation on load and weight of vehicles.* (1) Vehicles with a gross weight in excess of 8 tons (16,000 pounds) are prohibited from using the roads or ferries within Mammoth Cave National Park, except that vehicles in excess of 8 tons carrying passengers and/or their luggage, camping equipment and related items for vacation or recreational purposes may use park roads.

(2) The Superintendent may, in his discretion and when it has been administratively determined to be in the best interest of the government, issue a special permit for the moving of vehicles with a gross weight in excess of 8 tons over park roads, but in no case may the 8 ton load limit on the ferries be exceeded.

PERRY E. BROWN,
Superintendent, Mammoth Cave National Park.

[F.R. Doc. 62-4113; Filed, Apr. 26, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 748) has been filed by Mobay Chemical Company, 812 Monsanto Avenue, Springfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of polycarbonate plastics as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry food.

Dated: April 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4129; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 603) has been filed by J. E. Siebel Sons' Company, Inc., 4055 West Peterson Avenue, Chicago 46, Illinois, proposing the issuance of a regulation to establish a tolerance of 3 parts per million for residues of cobalt in fermented malt beverages from use of cobaltous sulfate, cobaltous chloride, and cobaltous acetate to improve foam adhesion, foam stability, and to prevent gushing.

Dated: April 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4130; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 754) has been filed by Tokai Rubber Industries, Ltd., 9, Suehiro-cho, Yokkaichi, Mie, Japan, proposing the issuance of a regulation to provide for the safe use of conveyor belting composed of cotton and synthetic fabrics and covered with chloroprene polymer and acrylonitrile butadiene polymer formulations. The belting is used for conveying food.

Dated: April 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4131; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 178) has been filed by The Dietene Company, Highway 100 at West 23d Street, Minneapolis 16, Minnesota, proposing the amendment of § 121.1009 of the food additive regulations to provide for the safe use of polysorbate 80 as a solubilizing and dispersing agent of fats in foods for special dietary use.

Dated: April 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4132; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; U.S.C. 348(b)(5)), notice is given that a petition (FAP 774) has been filed by Hercules Powder Company, 910 Market Street, Wilmington, Delaware, proposing the issuance of a regulation to provide for the safe use of hydroxyethylcellulose in the manufacture of paper, and paperboard for food packaging, and for its use as an ingredient of resinous and polymeric coatings that contact food.

Dated: April 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4133; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 521) has been filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing the issuance of a regulation to provide for the safe use of the following substances as components of textile processing adjuvants employed in the manufacture of textiles and textile fibers intended for use as articles or components of articles that contact dry food only:

List of substances:
Aluminum stearate.
Anise oil.
Butyl-acetyl ricinoleate.
Di-*tert*-butyl hydroquinone.
Dimethylpolysiloxane.
Ethylenediaminetetraacetic acid, sodium salt.
Eugenol.
Fats, oils, fatty acids, and fatty alcohols derived from castor, coconut, cottonseed, fish, mustard-seed, palm, peanut, rapeseed, ricebran, soybean, sperm, and tall oils.
Fats, oils, fatty acids, and fatty alcohols described in the preceding item reacted with:
n-Butyl and isobutyl alcohol.
Diethylene glycol.
Diethanolamine.
Glycerin.
Hydrogen.
Methyl alcohol.
Oxygen.
Polyethylene glycol.
Potassium hydroxide.
Propylene glycol.
Sodium hydroxide.
Sulfuric acid.
Formaldehyde.
Glyceryl mono-12-hydroxystearate.
Isobutyl alcohol.
Kerosene.
Methyl ester of sulfated rice bran oil.
Mono- and diisopropylated meta- and para-cresols (isothymol derivative).
Mineral oil.
N - oleyl,*N'* - acetyl,*N'* - beta - *hydroxyethyl* ethylenediamine.
Petroleum sulfonate.
Pine oil.
Polyoxyethylene (5–15 mols of ethylene oxide) ether of nonyl- or octylphenol.
Potassium soap of a saponified sulfated castor oil.
Sodium hydrosulfite.
Sodium dioctylsulfosuccinate.
Sodium lauryl sulfate.
Sodium 2-mercaptobenzothiasole.
Sulfated propyl, butyl, and isobutyl oleate.
Ultramarine blue.
Wax, petroleum.
Zinc hydrosulfite.

Dated: April 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4134; Filed, Apr. 26, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1173]

DE HAVILLAND MODEL D.H. 104 DOVE AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 104 Dove aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 29, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a) 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DE HAVILLAND. Applies to all Model D.H. 104 Dove aircraft.
Compliance required as indicated.
As a result of instances where cracks have occurred in the aileron lever, P/N 4WA315, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight is the aileron is removed for any reason.
(a) Visually inspect the aileron lever, P/N 4WA315 for cracks at the lugs for the attachment of the connecting rod and in the counter-bored portion which receives the mass balance arm. If evidence of cracks is found, verify using dye penetrant or other FAA approved equivalent method.
(b) Replace cracked aileron levers prior to further flight.
(c) When de Havilland Dove Modification 967, which incorporates a forged lever, P/N 4WA491, is installed, the inspections in (a) are no longer required.
(De Havilland Technical News Sheet CT (104) No. 151, Issue 3 dated January 1, 1962, covers this subject.)

Issued in Washington, D.C., on April 23, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4099; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1174]

DE HAVILLAND MODEL D.H. 114 HERON AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 114 Heron aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 29, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DE HAVILLAND. Applies to all Model D.H. 114 Heron aircraft.
Compliance required as indicated.
As a result of instances where cracks have occurred in the aileron lever P/N 14WA199, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight if the aileron is removed for any reason.
(a) Visually inspect the aileron lever, P/N 14WA199 for cracks at the lugs for attachment of the connecting rod, in the region of the attaching pins for the mass balance weight tube and at the lower end of the lever counter bore. If evidence of cracks is found, verify using dye penetrant or other FAA approved equivalent inspection method.
(b) Replace cracked aileron levers prior to further flight.
(c) When de Havilland Heron Modification 662 which incorporates a new forged lever P/N 14WA245, is installed, the inspections in (a) are no longer required.
(De Havilland Technical News Sheet Heron (114) No. W3 Issue 2 dated January 1, 1962, covers this subject.)

Issued in Washington, D.C., on April 23, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4100; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WA-29]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6440 and 601.6440 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 440 is designated in part from Yakutat, Alaska, to Biorka Island, Alaska. The Federal Aviation Agency has under consideration a proposal by the Canadian Department of Transport to extend Victor 440 and its associated control areas from the Biorka Island VORTAC direct to a VOR to be installed in the vicinity of Sandspit, B.C., Canada, at latitude 53°15'09" N., longitude 131° 48'19" W., approximately October 11, 1962. It is also proposed to designate the United States portion of VOR Federal airway No. 317 and its associated control areas from the Sandspit VOR direct to the Annette Island, Alaska, radio range station.

Designation of the United States portion of Victor 440 would provide a route for VOR equipped aircraft between Vancouver, B.C., Canada, and Anchorage, Alaska. Designation of the United States portion of Victor 317 would provide a segment of a planned VOR airway between Vancouver and Fairbanks, Alaska. Both airways would follow the general alignment of low frequency airways.

The control areas associated with the United States portions of these airway segments would extend upward from 700 feet above the surface. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 20, 1962.

J. R. BAILEY,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-4101; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SW-20]

CONTROL AREA EXTENSION

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1367 of the regulations of the Administrator, the substance of which is stated below.

The Wink, Texas, control area extension (§ 601.1367) is designated as that airspace bounded on the south by a line extending from latitude 31°27'00" N., longitude 103°02'00" W., to latitude 31°27'00" N., longitude 103°30'00" W., on the southwest by a line extending from latitude 31°27'00" N., longitude 103°30'00" W. to latitude 31°41'30" N., longitude 103°30'00" W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the south boundary of VOR Federal airway No. 16 south alternate east of Wink and on the southeast by the east boundary of VOR Federal airway No. 79.

The Federal Aviation Agency has under consideration the alteration of the Wink control area extension by adding the airspace northeast of Wink bounded on the north by a line 5 miles north of and parallel to the Midland, Texas, VOR 283° True radial, on the east by a line extending from latitude 32°07'00" N., longitude 102°48'40" W., to latitude

32°13'10" N., longitude 102°54'30" W., on the southeast by VOR Federal airway No. 16, on the southwest by the Wink control area extension 20-mile radius area, and on the northwest by VOR Federal airway No. 79. This would provide protection for arriving and departing civil jet aircraft, scheduled to begin operations at the Midland Air Terminal approximately July 15, 1962, while conducting a portion of their flight between Midland and Jet Route No. 15 northwest of Wink at altitudes below the continental control area.

The proposal contained herein is being issued at this time in advance of the implementation of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules, to permit fulfillment of the urgent airspace requirements in the Midland terminal area at the earliest practicable date. Upon completion of the review of the airspace requirements attendant to the implementation of Amendment 60–21 in the Midland area, separate airspace action will be taken proposing the conversion of the control area extensions in this area to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 20, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–4102; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–WE–25]

CONTROL ZONES

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Fresno, Calif., control zone is presently designated within a 5-mile radius of Fresno Air Terminal; within a 3-mile radius of Fresno/Chandler Municipal Airport and within 2 miles either side of the west and southeast courses of the Fresno radio range extending from the radio range station to points 10 miles west and southeast.

The Federal Aviation Agency has under consideration the alteration of the Fresno control zone by deleting reference to Chandler Municipal Airport, revoking the extensions to the west and southeast, designating a control zone extension extending from the 5-mile radius zone to the Fresno VOR and designating a separate control zone at Chandler Municipal Airport.

The Fresno (Fresno Air Terminal), Calif., control zone would be designated within a 5-mile radius of Fresno Air Terminal (latitude 36°46'25" N., longitude 119°42'35" W.), and within 2 miles either side of the 149° True radial of the Fresno VOR extending from the 5-mile radius zone to the VOR. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Fresno Air Terminal.

The Fresno (Chandler Municipal Airport), Calif., control zone would be designated from 0700–2300 hours local time, daily, within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.), and within 2 miles either side of the southeast course of the Fresno, Calif., radio range extending from the 5-mile radius zone to 8 miles southeast of the radio range, excluding the portion which would coincide with the Fresno (Fresno Air Terminal) control zone as proposed above. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Chandler Airport. Communication and weather reporting service would be provided to aircraft operating within the proposed control zone by the Federal Aviation Agency control tower scheduled to be commissioned approximately May 1, 1962. The control zone would be designated on a part-time basis to coincide with the hours of operation of the control tower.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 20, 1962.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–4103; Filed, Apr. 26, 1962; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

GENERAL COUNSEL

Redelegation of Authority With Respect to Settlement of Claims

Correction

In F.R. Doc. 62–4026, appearing at page 3936 of the issue for Wednesday, April 25, 1962, the phrase reading "to unjust and settle claims" in paragraph II should read "to adjust and settle claims".

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE WAGES AND PRICES IN FLORIDA

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in sections 301 (c)(1) and (c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held in Canal Point, Florida, in the Community Building at Canal Point on May 9, 1962, beginning at 10 a.m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act whether the wage rates established for Florida sugarcane fieldworkers in the wage determination, which became effective August 22, 1961 (7 CFR 863.13), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1962 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices for sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on April 24, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–4137; Filed, Apr. 26, 1962; 8:50 a.m.]

[Amdt. 1]

HYBRID CORN AND HYBRID SORGHUM SEED

Section 32 Diversion Program

Correction

In F.R. Doc. 62–3965, appearing at page 3894 of the issue for Tuesday, April 24, 1962, the third line of the paragraph designated "B." should be deleted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANEB

Notice of Establishment of Temporary Tolerances

Correction

In F.R. Doc. 62–3960, appearing at page 3894 of the issue for Tuesday, April 24, 1962, paragraph 2 should read as follows:

2. The total amounts to be used under experimental permits will not exceed 20,000 pounds of the finished product containing 53 percent maneb on the grains and 1,500 pounds of the finished product containing 80 percent maneb on plums.

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cutoff Date for Filing Applications for Federal Capital Contributions

As previously indicated in a memorandum dated March 26, 1962, to the concerned colleges and universities, May 10, 1962, is the date on or before which all applications for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Pub. Law 85–864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed by institutions of higher education in order to be considered for payments from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1963.

All applications shall be submitted to: Student Assistance Branch, Division of College and University Assistance, Bureau of Educational Assistance Programs, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: April 12, 1962.

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: April 19, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62–4126; Filed, Apr. 26, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB–48(Rev.), to include San Juan, Puerto Rico, and St. Thomas, Virgin Islands as privilege ports of call for the "SS Argentina" and "SS Brasil" on voyages on Trade Route No. 1, but not to carry domestic passengers or cargo between United States ports and San Juan, Puerto Rico.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on May 11, 1962, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: April 24, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–4135; Filed, Apr. 26, 1962; 8:50 a.m.]

Office of the Secretary

JEROME L. KLAFF

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Booth & Flynn Company, Washington Steel Corp., and Baltimore Investment Association.

B. Additions: American Telephone & Telegraph and Standard Oil Co. of New Jersey.

This statement is made as of April 16, 1962.

JEROME L. KLAFF.

APRIL 16, 1962.

[F.R. Doc. 62-4116; Filed Apr. 26, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or a petition to intervene is filed as provided by the Commission's rules of practice (Title 10, CFR, Ch. I, Part 2), the Commission proposes to issue an amended Facility License No. CX-17, as set forth below. The license authorizes North American Aviation, Incorporated to operate its separable-half type critical experiment facility located in Ventura County, California. The amended license would also (1) incorporate into the license the licensee's existing procedures during operations which could involve changes in core reactivity when the reactor is shut down, (2) Authorize the receipt and use in the facility of additional amounts of certain source materials, (3) authorize certain changes in the operating procedures, interlock systems, equipment and material specifications for the facility, and (4) incorporate into the license technical specifications and change procedures as contemplated by the Commission's proposed amendment to Part 50 of its regulations. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2).

For further details see (a) the application for license and amendments thereto submitted by North American Aviation, Inc., and (b) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-17; Amdt.]

1. This license applies to the separable-half type critical experiments facility (hereinafter referred to as "the reactor") which is owned by North American Aviation, Incorporated (hereinafter referred to as "the licensee") and located on the licensee's site in Ventura County, California, and described in the "Final Safeguards Report" which is hereinafter defined.

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. There is reasonable assurance that the reactor will be operated in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession, and use of the source material, byproduct material, and special nuclear material in the manner proposed will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has filed with the Commission proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Ch. I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Ventura County, California.

B. Pursuant to the Act and Title 10, CFR, Ch. I, Part 70, "Special Nuclear Material," to receive, possess and use special nuclear material as follows:

(1) 25 kilograms of uranium-233, and 110 kilograms of uranium-235 as fuel for the reactor;

(2) 135 grams of uranium-233, 1,135 grams of uranium-235, and 135 grams of plutonium-239 in foils and capsules for use in connection with operation of the reactor;

(3) 0.5 grams each of uranium-233, uranium-235 and plutonium-239 in fission counters for use in connection with operation of the reactor; and

(4) 32 grams of plutonium in encapsulated neutron sources for use in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Ch. I, Part 40, "Control of Source Material," to receive, possess and use source material as follows:

(1) 1500 kilograms of thorium-232 for use in the core and buffer regions of the reactor;

(2) 700 grams of natural uranium and thorium 232 in foils and capsules for use in connection with operation of the reactor; and

(3) 0.5 gram each of thorium 232, depleted uranium, uranium 234, and uranium 236, in fission counters for use in connection with operation of the reactor.

D. Pursuant to the Act and Title 10, CFR, Ch. I, Part 30, "Licensing of Byproduct Material," to receive and use 0.5 gram of neptunium-237 in fission counters for use in connection with operation of the reactor and to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 40.41 of Part 40, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Ch. I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The steady-state power level of the reactor shall not exceed 200 watts thermal.

B. The licensee is not authorized under this license to conduct the separation chemistry experiments described in Item 14 of Section II of Supplement B to Epithermal Critical Experiments Safeguards Report.

C. Technical specifications: The technical specifications shall consist of the Final Safeguards Report as defined in paragraph 4H of this license. Except as hereinafter provided, the licensee shall operate the reactor only in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission.

D. Authorization of changes and experiments:

(1) The licensee may (a) make changes in the reactor, (b) make changes in the procedures, and (c) conduct tests or experiments, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, as defined in paragraph (2) of this section. The licensee shall promptly file with the Commission a report of each change, test or experiment carried out pursuant to the authorization granted in this paragraph. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless authorized by the Commission pursuant to the procedures set forth in this section.

(2) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question if (a) the probability of occurrence of a type of accident analyzed in the Final Safeguards Report may be increased; or (b) if consequences of any type of accident analyzed in the Final Safeguards Report may be increased; or (c) if such change, test or experiment may create a credible probability of a nuclear accident of a different type than any analyzed in the Final Safeguards Report.

(3) With respect to any change, test or experiment which must be authorized by the Commission pursuant to paragraph (1) of this section, the licensee shall submit a request for such authorization accompanied by an appropriate hazards analysis. Each such submittal should be filed with the Atomic Energy Commission, Attention: Division of Licensing and Regulation. Each such submittal should be executed in three signed originals by the licensee or duly authorized officer thereof under oath or affirmation, and 19 additional copies should be filed.

(4) The Commission may authorize the proposed change, test or experiment upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(5) Any report or request for authorization submitted by the licensee, and any determination by the Commission, or authorization issued by the Commission, pursuant to this section, shall be made a part of the public record of the licensing proceeding.

E. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. The licensee shall immediately report to the Commission in writing any substantial variance disclosed by operation of the reactor from performance specifications of the reactor contained in the technical specifications.

H. As used in this license, the term "Final Safeguards Report" means collectively the "Preliminary Safeguards Report—AI-4120" dated August 12, 1959, with the exception of Rule 13 set forth on page 77 which is considered to be deleted, the application amendment dated April 20, 1960, Supplement "A" to the Preliminary Safeguards Report, the application amendment dated January 27, 1961, Supplement B to Epithermal Critical Experiments Safeguards Report and the licensee's letters to the Commission dated October 23, 1961, and December 6, 1961.

5. This license is effective as of the date of issuance and shall expire at midnight December 24, 1979.

Dated at Germantown, Md., this -- day of ------ 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4090; Filed, Apr. 26, 1962; 8:45 a.m.]

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R-58, set forth below. The license authorizes West Virginia University to operate its Model AGN-211 reactor located in Morgantown, West Virginia. The amendment adds certain conditions regarding procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity.

The Commission had requested that each utilization facility licensee provide a description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed this submittal by West Virginia University for its reactor and believes that there is little likelihood of an inadvertent criticality under the conditions described. In the interest of greater safety and to further minimize the possibility of an accident, however, the additional conditions have been imposed by Amendment No. 4 to License No. R-58.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as proposed does not adversely change the hazards to the health and safety of the public from those presented by the previously authorized operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within fifteen days after publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see the application for license submitted by West Virginia University on file at the Commission's Public Document Room.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-58; Amdt. 4]

License No. R-58, as amended, which authorizes West Virginia University (hereinafter "the licensee") to operate its reactor Model AGN-211, Serial No. 103, located on its campus in Morgantown, West Virginia, is amended by adding the following conditions thereto:

"With respect to operations which could involve changes in core reactivity when the reactor is shut down, including those described in Items VII (a), (b), and (d) listed in the licensee's letter to the Commission dated October 26, 1961:

1. During such operations the licensee shall maintain attended and closely observed nuclear instrumentation in operation.

2. Such operations shall be conducted under the direct and personal supervision of the Reactor Director or a technically qualified supervisor designated by the Reactor Director.

3. Such operations shall be conducted in accordance with appropriate written procedures prepared and approved by the licensee."

This amendment is effective as of the date of issuance.

Date of issuance: April 23, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4091; Filed, Apr. 26, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13329]

AIR BUS REFUND

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1962, at 10 a.m., e.d.s. time, in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before May 4, 1962, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of position of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., April 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4123; Filed, Apr. 26, 1962; 8:48 a.m.]

[Docket No. 13564; Order E-18246]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation and Route Realignment; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of April 1962.

The Board in the past three and one-half years has made extensive awards to local service carriers subject to its "use it or lose it" policy. This policy contemplates an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal

investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve months period. The minimum standard in this regard required an average passenger load of seven passengers per flight during the trial period, and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense may dictate the contrary. Seven States Area Investigation, Order E–13254, dated December 8, 1958; Southeastern States Area Investigation, Order E–14754, dated December 18, 1959.

As indicated by Appendix B to this order,[1] Southern's segments 1(b), 9 and 11 have not met our traffic standards for segment passenger loads. However, in all three cases, we believe that there are circumstances which warrant our decision herein not to include the issue of suspension or deletion for each of these segments. With respect to segment 1 (b), the more recent monthly traffic loads are such that we believe that, in the very near future, the traffic results for a 12-month period should exceed seven passengers per mile. Additionally, the traffic produced on segment 1 between Birmingham/Tuscaloosa and Atlanta on flights which operate over segment 1(b) is in large part the result of service to points on segment 1(b). The traffic over this portion of segment 1 between Birmingham/Tuscaloosa and Atlanta in the calendar year 1961 averaged 10.2 passengers per mile.

Insofar as segment 9 is concerned, the traffic produced in a rather substantial volume[2] is due in part to the integrated operations of segment 9 and segment 6 between Huntsville and Memphis. The same is true with respect to operations over segment 11 between Memphis and Nashville and with operations over segment 8 between Nashville and Bristol.[3]

[1] Filed as part of original document.

[2] Excluding Bristol/Knoxville-Memphis traffic, which could utilize segments 9 and 6 or segments 8 and 11, the cities on segment 9, in the first six months of 1961, generated 500 passengers to cities on segment 6.

[3] An indication of the traffic integration can be found in the 2d quarter 1961 edition of "Competition Among Domestic Air Carriers," wherein the only intermediate point on segment 11, Jackson, Tennessee, generated 23 percent of its total passengers to segment 8 points. In the 1st Quarter of 1961, the same source reveals that Jackson exchanged 28 percent of its total traffic with segment 8 points.

Additionally, the outcome of the Board's decision in the Competitive Trunkline Investigation, Docket 13296, will have a substantial and meaningful effect on Southern's services in Tennessee. Consequently, we believe that the issue of deletion or suspension of Southern's service over segments 9 and 11 should not be consolidated with the instant case. Should, however, Southern's loads over these segments start to diminish, a traffic result we do not anticipate, we would immediately reassess our decision herein.

National Airlines, Inc., (National), stating that Southern's authority at Valdosta is permanent in nature, and that National's authority to serve Valdosta is suspended so long as Southern serves Valdosta, requested the Board, in due course, to amend National's certificate so as to delete Valdosta therefrom. We believe that this is the time and case to try the issue.

Delta Air Lines, Inc.'s (Delta) authority to serve Selma and Hattiesburg is currently suspended during the period of Southern's service at those cities. In view of the fact that Southern's service may be deleted at Selma and Hattiesburg in this proceeding, and in order to give the Board the widest latitude possible in its decision, we believe that the issue of deletion of Delta's authority at these two points should be considered. In view of the fact that Hattiesburg, Mississippi, may lose its only air service, Southern's segment 1 service, and the fact that Laurel, some 28 miles northeast of Hattiesburg, may lose its air service on segment 4, we believe that it would be appropriate that the issue of service to a single airport serving both these cities be heard in this proceeding. It may be that the traffic generated at Laurel and Hattiesburg over segment 1 may be of sufficient importance to the segment that the retention of this traffic through service at a single airport is necessary in order to assure the continued economic operation of the segment. Consequently, we believe that such an issue should be included.

We will not consider new or previously filed route applications of any carrier nor possible certificate modifications, except as contemplated herein, and we intend that this investigation shall be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing for a decision upon an adequate record. We will, however, consolidate Docket 11237, wherein the City of Crossville, Tennessee, seeks service to Nashville, Knoxville, Chattanooga and Oak Ridge. In considering the issue of Crossville's alleged need for certificated air service through its own airport, we will also consider the feasibility of providing service to Crossville through an airport which might jointly serve Rockwood. For the guidance of the parties in presenting their respective cases, we note that data reflecting traffic, service, and costs will be of particular significance in reaching our decision in this investigation, and we expect Southern to submit as direct exhibits in this case data which reflect the quality, quantity, and other characteristics of service it has provided over the segments and at the points here in issue or subsquently placed in issue by the Board: *Accordingly, it is ordered:*

1. That an investigation be and hereby is instituted pursuant to section 401(g) of the Act to determine (a) whether the public convenience and necessity require the continuation, and if so, for what period, of suspension or elimination of the authority of Southern to serve:

Clarksville, Tennessee.
Corinth, Mississippi.
Dyersburg, Tennessee.
Hattiesburg, Mississippi.
Morristown, Tennessee.
Paris, Tennessee.
Pascagoula, Mississippi.
Selma, Alabama.
Shelbyville/Tullahoma, Tennessee.
Union City, Tennessee.
Segment 4: Memphis-New Orleans.
Segment 10: Nashville-New Orleans.
Segment 12: Nashville-Memphis.

(b) in the event the termination of any point results in nonstop service between points which some other carrier is already authorized to serve on a nonstop basis, whether the public convenience and necessity require the suspension or elimination of the entire segment or a portion thereof, or change in the limitations contained in Southern's certificate;

2. That an investigation be and hereby is instituted, Docket 13564, wherein the following issues shall be heard:

a. Does the public convenience and necessity require the elimination of Delta's authority to serve Selma and Hattiesburg;

b. Does the public convenience and necessity require the elimination of National's authority to serve Valdosta; and

c. Does the public convenience and necessity require service to a single airport serving both Hattiesburg and Laurel;

3. That Docket 11237 be and hereby is consolidated herein;

4. That the investigation instituted herein shall include the issue of whether Crossville, Tennessee, shall be certificated for scheduled air service, and, if so, whether such service shall be provided through its own airport, or through an airport which would also serve Rockwood, Tennessee;

5. That a copy of this order shall be served on Southern Airways, Inc., Delta Air Lines, Inc., National Airlines, Inc., and the cities of New Orleans, Louisiana; Gulfport, Biloxi, Pascagoula, Hattiesburg, Laurel, Meridian, Jackson, Columbus, Corinth, Mississippi; Memphis, Nashville, Shelbyville, Tullahoma, Dyersburg, Union City, Paris, Clarksville, Morristown, Crossville, Rockwood, Tennessee; and Selma, Alabama, who are hereby made parties to this proceeding;

6. That a copy of this order shall be served on American Airlines, Inc., Braniff Airways, Inc., and Eastern Air Lines, Inc.; and

7. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–4124; Filed, Apr. 26, 1962; 8:48 a.m.]

[4] Appendices A and C filed as part of original document.

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS–1130–12	Public Utilities Specialist (Electric Power Marketing and Sales).	Bureau of Reclamation, Boulder City, Nev.	Jan. 12, 1962
GS–1712–6	Trainee Instructor (Vietnamese Language).	Army Language School, Presidio of Monterey, Calif.	Mar. 6, 1962
GS–111–18	Chief Economist	Federal Power Commission, Washington, D.C.	Feb. 7, 1962
GS–15	Assistant Executive Director, for which qualifications requirements include extensive and significant experience in the field of low rent public housing.	National Capital Housing Authority, Washington, D.C.	Feb. 8, 1962
GS–5 and 7	Statistician positions. Under the Classification Act, these positions are identified in series GS–1530–0. Comparable positions not subject to the Classification Act are also included.	Washington, D.C., metropolitan area.	Mar. 20, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4117; Filed, Apr. 26, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 829]

OREGON

Vacation of Withdrawal Under Section 24 of the Federal Power Act

APRIL 23, 1962.

The Forest Service, United States Department of Agriculture, has requested that the Commission vacate the withdrawal pertaining to the lands which were reserved pursuant to the filing on August 5, 1927, of the application for a preliminary permit for proposed Project No. 829, which application was rejected June 30, 1930.

The lands are located within the Deschutes National Forest and were described in the Commission's September 14, 1927 withdrawal notification letter as follows:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 12 E.,
Sec. 33, SE¼NE¼;
Sec. 34, lot 2, S½NW¼.

The proposed project contemplated the construction of a diversion dam on Paulina Creek at the outlet of Paulina Lake, a pipeline approximately 3000 feet in length and a powerhouse at the terminus of the pipeline. Applicant proposed to use the power generated for public-utility purposes in the area and for irrigation pumping.

The drainage of Paulina Lake is small and the lake and the outflowing stream are fully utilized for irrigation purposes. The Forest Service has informed the Commission that the area is served with power by Midstate Electric Cooperative, Inc.

The Commission finds: Inasmuch as the above-described lands have negligible or no value for purposes of power development, the existing power withdrawal pertaining to the lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 829 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 829 is vacated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4104; Filed, Apr. 26, 1962; 8:46 a.m.]

[Docket Nos. CP62–104, G–18313]

AMERICAN GAS COMPANY OF WISCONSIN, INC., AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Date of Hearing

APRIL 20, 1962.

Notice of the application of American Gas Company of Wisconsin, Inc. (American), in Docket No. CP62–104 and of the motion of Midwestern Gas Transmission Company (Midwestern) in Docket No. G–18313 to amend the Commission's order in said docket issued on October 31, 1959, accompanying Opinion No. 331 was issued by the Secretary of the Commission on March 1, 1962, and published in the FEDERAL REGISTER on March 8, 1962 (27 F.R. 2258).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP62–104 and also by the motion to amend in Docket No. G–18313.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4105; Filed, Apr. 26, 1962; 8:46 a.m.]

[Docket No. CP62–161]

UNITED GAS PIPE LINE CO.

Notice of Postponement of Hearing

APRIL 23, 1962.

Upon consideration of the motion filed April 17, 1962, by Counsel for United Gas Pipe Line Company for postponement of the hearing now scheduled for May 7, 1962, in the above-designated matter;

The hearing now scheduled for May 7, 1962, is hereby postponed to May 14, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4106; Filed, Apr. 26, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37694: *Fresh meats and packinghouse products from Rochelle, Ill.* Filed by Illinois Freight Association, Agent (No. 170), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from

Rochelle, Ill., to specified points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 20 to Illinois Freight Association tariff I.C.C. 950.

FSA No. 37695: *Asphalt to points in North Dakota.* Filed by Northern Pacific Railway Company (No. 122), for itself and the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil, and petroleum wax tailings, in tank-car loads, from Billings, East Billings, and Laurel, Mont., to specified points in North Dakota.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 12 to Northern Pacific Railway Company tariff I.C.C. 9977.

FSA No. 37696: *Liquid caustic soda to Port Rayon, Tenn.* Filed by Western Trunk Line Committee, Agent (No. A-2237), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Wichita, Kans., to Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 29 to Western Trunk Line Committee tariff I.C.C. A-4396.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4114; Filed, Apr. 26, 1962; 8:47 a.m.]

[Sec. 5a; Application 49]

CENTRAL AND SOUTHERN MOTOR CARRIERS

Application for Approval of Amendments to Agreement

APRIL 24, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 18, 1962, by: R. L. Weck, 2722 Crittenden Drive, Louisville 9, Ky.

Amendments involved: Change the Association's bylaws so that (1) paragraph 1 of Article X will provide clearly that no member or commonly controlled members shall have more than one representative on the Board of Directors, and (2) subparagraph 2(B)(e) of Article XIV will specify the conditions under which voting representation on the North-South General Rate Committee shall be exercised by any one carrier representative of a commonly controlled carrier group.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4115; Filed, Apr. 26, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

ORGANIZATIONAL STATEMENT AND DELEGATIONS OF AUTHORITY

The introductory phrase of subsection 22(b) of the "Organizational Statement and Delegations of Authority" which was dated January 9, 1961 and was published in the FEDERAL REGISTER of January 13, 1961 (26 F.R. 271), is amended by inserting "Delegation of Authority No. 410" in lieu of "Delegation of Authority No. 363" and "March 26, 1962" in lieu of "March 10, 1959."

Dated: April 12, 1962.

EDWARD A. McDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 62-4092; Filed, Apr. 26, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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Now Available

CFR SUPPLEMENTS

(As of January 1, 1962)

The following Supplements are now available:

Title 7 (Parts 945–980) (Revised) $1.00
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Title 7 (Parts 1000–1029) (Revised) 1.00
Title 7 (Parts 1030–1059) (Revised) 1.50
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Title 15 1.25
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Title 32 (Parts 800–999) .50
Title 39 (Revised) 5.25
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Title 49 (Parts 1–70) 1.00

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VOLUME 27 NUMBER 83

Washington, Saturday, April 28, 1962

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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.2, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Six-Month Period Ending June 30, 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.2 (26 F.R. 12679), which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the 6-month period ending June 30, 1962.

This amendment of S.R. 815.2 is necessary to give effect to the amendment of Sugar Regulation 811 (27 F.R. 3733) which established for the six-month period ending June 30, 1962, the direct-consumption portion of the mainland quota for Puerto Rico of 71,867 short tons, raw value, a quantity greater than the 70,342 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and to substitute final 1961 data on entries of direct-consumption sugar for estimates of such quantities.

The substitution of final data for estimates of 1961 direct-consumption entries results in the 1957–61 average annual marketings set forth below, which are used herein in determining the allotments:

[Short tons, raw value]

Allottee:	*Average annual marketings 1957–61*
Central Aguirre Sugar Co.	5,800
Central Roig Refining Co.	21,212
Central San Francisco	1,544
Puerto Rican American Sugar Refy, Inc.	95,666
Western Sugar Refining Co.	23,909
Total	148,131

Findings heretofore made by the Secretary in the course of this proceeding (26 F.R. 12679) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. Allotments established by this amendment are larger than the allotments previously established in S.R. 815.2 (26 F.R. 12679). To afford allottees adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That paragraph (a) of § 815.2 be amended to read as follows:

§ 815.2 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The direct-consumption portion of the sugar quota for Puerto Rico for the 6-month period ending June 30, 1962, amounting to 71,867 short tons, raw value, is hereby allotted as follows:

[Short tons, raw value]

Allottee:	*Direct-consumption allotment*
Central Aguirre Sugar Co., a trust	2,795
Central Roig Refining Co.	10,202
Central San Francisco	750
Puerto Rican American Sugar Refinery, Inc.	46,496
Western Sugar Refining Co.	11,604
Liquid sugar reserve for persons other than named above	20
Total	71,867

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119, Sec. I, Public Law 87–15)

Done at Washington, D.C., this 24th day of April 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4186; Filed, Apr. 27, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 10]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.310 Valencia Orange Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 26, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 29, 1962, and ending at 12:01 a.m., P.s.t., May 6, 1962, are hereby fixed as follows:

(i) District 1: 375,000 cartons;

(ii) District 2: 225,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4236; Filed, Apr. 27, 1962; 11:30 a.m.]

[Lemon Reg. 17; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.317 (Lemon Regulation 17, 27 F.R. 3835) are hereby amended to read as follows:

(ii) District 2: 297,600 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4183; Filed, Apr. 27, 1962; 8:49 a.m.]

[Lemon Reg. 18]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.318 Lemon Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 24, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 29, 1962, and ending at 12:01 a.m., P.s.t., May 6, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 297,600 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 25, 1962

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4182; Filed, Apr. 27, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 4]

PART 1004—MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

Order Amending Order

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary of Agriculture was issued March 9, 1962 and the decision of the Assistant Secretary of Agriculture containing all amendment provisions of this order was issued April 6, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the second proviso of § 1004.7 (b) (formerly § 961.7(b)) and substitute therefor the following proviso: "*And provided further*, That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within such system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefor: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)".

3. Delete § 1004.44(c) (formerly § 961.44(c)) and substitute therefor the following:

(c) As Class I milk if transferred in bulk to a nonproducer milk plant, or refrigerated holding facility unless:

(1) The handler claims a Class II utilization;

(2) The receiver maintains books and records showing the utilization and disposition of all milk and skim milk at his plant, or refrigerated holding facility, which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of milk or skim milk was:

(i) Actually utilized in the nonproducer milk plant or disposed of from such plant as Class II milk; or

(ii) In the case of a refrigerated holding facility, actually disposed of therefrom as Class II milk or transferred to a nonproducer milk plant: *Provided*, That the market administrator is permitted, on request, to verify from the books and records of milk utilization and disposition at such nonproducer milk plant that not less than an equivalent quantity of milk or skim milk was utilized in, or disposed of from, such plant as Class II milk.

4. Change the period at the end of § 1004.46 (formerly § 961.46) to a colon and add the following proviso: "*Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

5. Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk:

(i) In the form of cream containing 18 percent or more butterfat;

(ii) Utilized in reconstituted and fortified products; and

(iii) In other Class II products which are reprocessed or converted to another product during the month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1962.

Signed at Washington, D.C., on April 26, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–4198; Filed, Apr. 27, 1962; 8:49 a.m.]

[Milk Order No. 10]

PART 1010—MILK IN WILMINGTON, DELAWARE, MARKETING AREA

Order Amending Order

§ 1010.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary of Agriculture was issued March 9, 1962 and the decision of the Assistant Secretary of Agriculture containing all amendment provisions of this order was issued April 6, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Replace the period at the end of § 1010.7 with a colon and add the following proviso: "*Provided*, That in the case of a systemic operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under paragraph (a) of this section and one or more receiving plant(s), any such receiving plant(s) as the handler may designate shall be included within his system upon written notice to the market administrator setting forth the receiving plant(s) to be included and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

2. Delete the first parenthetical clause of § 1010.41(a) and substitute therefor the following: "(including reconstituted milk or skim milk on the basis of the milk or skim milk equivalent of nonfat milk solids used for such purpose and milk and skim milk in any fortified Class I product in an amount equal to the weight of milk or skim milk in the same volume of unfortified product of like nature and butterfat content)."

3. Change the period at the end of § 1010.45 to a colon and add the following proviso: "*Provided*, That if any of the water contained in the milk or skim milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of such product shall be considered to be an amount equivalent to the nonfat milk solids therein plus all the water originally associated with such solids."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1962.

Signed at Washington, D.C., on April 26, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4199; Filed, Apr. 27, 1962; 8:49 a.m.]

[Milk Order No. 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1044.0 to 1044.101 issued under secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of the United States Department of Agriculture was issued February 7, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 13, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the order as amended and as hereby further amended:

DEFINITIONS

§ 1044.1 Act.

"Act" means Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1044.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1044.3 Department.

"Department" means the United States Department of Agriculture.

§ 1044.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1044.5 Michigan Upper Peninsula marketing area.

(a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section;

(b) "Zone I(a)": The city of Menominee and the townships of Menominee, Mellen and Ingalliston, in Menominee

County, Michigan; the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin;

(c) "Zone I": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon and all territory in Menominee County not included in Zone I(a), all in the State of Michigan; the town of Niagara and the Village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin;

(d) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1044.6 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1044.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1044.8 Fluid milk plant.

"Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area except as provided in § 1044.81; or

(b) From which milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 10 or more days in any of the months of July through December or on three or more days in any of the months of January through June.

§ 1044.9 Handler.

"Handler" means a person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1044.10 Producer.

"Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

§ 1044.11 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1044.12 Producer milk.

"Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1044.10.

§ 1044.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except: (1) Receipts from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1044.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, as defined in § 1044.10, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1044.15 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1044.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1044.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1044.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1044.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those under § 1044.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1044.30 through 1044.33, or (2) payments pursuant to §§ 1044.70, 1044.71 and 1044.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1044.50 and the Class I butterfat differential pursuant to § 1044.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1044.51 and the Class II butterfat differential pursuant to § 1044.52(b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1044.61 and the producer butterfat differential computed pursuant to § 1044.62.

REPORTS, RECORDS AND FACILITIES

§ 1044.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1044.31 Payroll reports.

On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1044.32 Producer-handler reports.

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1044.33 Exempt handler reports.

Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1044.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1044.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1044.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1044.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1044.41 through 1044.45.

§ 1044.41 Classes of utilization.

Subject to the conditions set forth in §§ 1044.42 and 1044.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products (except as provided in paragraph (b) (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in shrinkage allocated to producer milk, but not to exceed 2 percent of such receipts; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1044.42 Shrinkage.

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1044.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1044.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1044.81, shall be Class I utilization; and

(c) A nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1044.30 for the month,

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for fluid disposition of such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess, and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1044.44 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1044.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1044.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage classified pursuant to § 1044.41(b)(5);

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

§ 1044.61 Computation of uniform price.

For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 1044.60, subtract, if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1044.62 multiplied by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1044.60(a) and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at whose plant or plants a single Class I price is applicable pursuant to §§ 1044.50 and 1044.53; and

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1044.50 and 1044.53, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by uniform price, pursuant to paragraph adding the value of all applicable producer location adjustments pursuant to § 1044.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat in other source milk received during the month in the form of fluid milk products from a plant subject to another marketing agreement or order issued pursuant to the Act as follows:

(1) From Class I, the pounds of such butterfat received in a consumer-packaged form not so packaged in the plant during the month, and disposed of without further processing or packaging; and

(2) In series beginning with Class II utilization, the remaining pounds of such butterfat;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1044.41 and 1044.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II utilization.

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1044.46.

§ 1044.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1044.46 and 1044.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1044.50 Class I milk price.

Subject to the provisions of § 1044.52, the price per hundredweight for Class I milk shall be the price pursuant to § 1045.51(a) of this chapter (Northeastern Wisconsin) plus 11 cents for plants located in Zone 1(a), 21 cents for plants located in Zone 1, and 41 cents for plants located in Zone 2. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 2.

§ 1044.51 Class II milk price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1044.52 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1044.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply the butter price for the preceding month by 0.125;

(b) For Class II milk, multiply the butter price for the current month by 0.115.

§ 1044.53 Handler location adjustments.

(a) For milk received at a fluid milk plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For milk received at a fluid milk plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan the applicable Zone 2 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(c) Any distance used to determine location adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

§ 1044.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1044.60 Value of producer milk.

The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1044.48, by the applicable respective class prices (adjusted pursuant to §§ 1044.52 and 1044.53), and add together the resulting amounts;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1044.46(g) and the corresponding step of § 1044.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1044.46(d) and the corresponding step of § 1044.47; or

§ 1044.62 Producer butterfat differential.

The applicable uniform prices to be paid pursuant to § 1044.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1044.52, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1044.63 Producer location adjustments.

In making payments pursuant to § 1044.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1044.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be reduced by an amount equal to the difference between the applicable Class I prices.

§ 1044.64 Notification.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant or such handler pursuant to §§ 1044.61 and 1044.63 and the butterfat differential computed pursuant to § 1044.62; and

(c) The amounts to be paid by such handler pursuant to §§ 1044.71 and 1044.72.

PAYMENT FOR MILK

§ 1044.70 Time and method of payment.

(a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1044.61 adjusted by the butterfat differential pursuant to § 1044.62 and the location adjustment pursuant to § 1044.63.

(b)(1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

§ 1044.71 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1044.46(b) and the corresponding step of § 1044.47.

§ 1044.72 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1044.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1044.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1044.73 Errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1044.74 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1044.71, 1044.72 and 1044.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1044.75 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administra-

tor, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1044.80 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1044.32, 1044.34, and 1044.35.

§ 1044.81 Exempt handler.

A handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1044.33 through 1044.35.

§ 1044.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1044.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1044.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision of this part.

§ 1044.92 Continuing obligation.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1044.93 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1044.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1044.101 Separability of provisions.

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: May 1, 1962.

Signed at Washington, D.C., on April 26, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4200; Filed, Apr. 27, 1962; 8:49 a.m.]

[Milk Order No. 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1045.0 to 1045.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of the United States Department of Agriculture was issued February 7, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 13, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the order as amended and as hereby further amended:

DEFINITIONS

§ 1045.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

§ 1045.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1045.3 Department.

"Department" means the United States Department of Agriculture.

§ 1045.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1045.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1045.6 Northeastern Wisconsin marketing area.

The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wisconsin; (e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and (f) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin.

§ 1045.7 Producer.

"Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county or municipal authority, whose milk is received at a pool plant.

§ 1045.8 Pool plant.

"Pool plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A except as provided in §§ 1045.80, 1045.81, and 1045.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

§ 1045.9 Handler.

"Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 1045.10 Producer-handler.

"Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

§ 1045.11 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to nonpool plants shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through November, the quantity of milk of any producer which is diverted from pool plants to nonpool plants that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1045.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1045.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products, except receipts from other pool plants or producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1045.14 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1045.15 Base milk.

"Base milk" means producer milk during each of the months of March, April, May, and June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the pricing and classification provisions of another order issued pursuant to the Act.

§ 1045.16 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each of the months of March, April, May, and June which is in excess of the base milk received from such producer during such month.

§ 1045.17 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1045.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1045.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1045.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1045.74 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1045.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 1045.30 through 1045.33, or payments pursuant to §§ 1045.70 through 1045.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1045.51 and the Class I butterfat differential pursuant to § 1045.53(a), both for the current month; the minimum price for Class II milk pursuant to § 1045.52 and the Class II butterfat differential pursuant to § 1045.53(b), both for the preceding month;

(2) On or before the 14th day after the end of each of the months of July through February, the uniform price pursuant to § 1045.62 and the butterfat differential pursuant to § 1045.64; and

(3) On or before the 14th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1045.63 and the butterfat differential pursuant to § 1045.64.

REPORTS, RECORDS, AND FACILITIES

§ 1045.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month for each pool plant in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk) or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1045.31 Payroll reports.

On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

(a) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the percentage of butterfat contained therein or the pounds of milk received from each dairy farmer producing Grade A milk and the percentage of butterfat contained therein; and

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1045.32 Producer-handler reports.

Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1045.33 Exempt-handler reports.

Each handler exempt pursuant to §§ 1045.81 and 1045.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1045.34 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1045.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1045.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1045.30 shall be classified (separately as skim milk and butterfat) pursuant to §§ 1045.41 through 1045.45.

§ 1045.41 Classes of utilization.

Subject to the conditions set forth in §§ 1045.42 and 1045.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products (except as provided in paragraphs (b) (3) and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in shrinkage allocated to producer milk, but not to exceed 2 percent of such receipts; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1045.42 Shrinkage.

(a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1045.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless the operators of both plants in their reports

MINIMUM PRICES

§ 1045.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1045.51 Class I milk price.

Subject to the provisions of § 1045.53, the price per hundredweight for Class I milk shall be as follows:

(a) The basic formula price for the preceding month plus $0.54 during the months of March, April, May and June, $0.74 during January, February, July and December, and $0.94 during all other months plus or minus a supply-demand adjustment of not more than 24 cents. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding inter-handler transfers) disposed of from pool plants under the terms of this order and the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (Part 1044 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage"; and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus net deviation percentage the Class I price shall be decreased by two cents for each percentage point of net deviation: *Provided*, That for each of the first 12 months from the effective date hereof, the supply-demand adjustment shall differ by not more than four cents from that calculated for the second preceding month and thereafter by not more than four cents from that calculated for the first preceding month.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1045.52 Class II milk price.

The price per hundredweight for Class II milk shall be the basic formula price for the month.

§ 1045.53 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1045.48 is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price by the applicable factor listed and rounding to the nearest one-tenth cent:

(a) For Class I milk multiply the butter price for the preceding month by 0.125; and

(b) For Class II milk, multiply the butter price for the current month by 0.115.

§ 1045.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1045.60 Computation of value of producer milk.

The value of producer milk received by each handler shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1045.48, by the applicable class prices;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1045.46(g) and the corresponding step of § 1045.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1045.46(d) and the corresponding step of § 1045.47; or

(2) The hundredweight of producer milk classified as Class II during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class II price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 1045.46(b) and the corresponding step of § 1045.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1045.46(d) and the corresponding step of § 1045.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1045.46(c) and the pounds of butterfat shrinkage classified pursuant to § 1045.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1045.41 and 1045.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II.

§ 1045.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1045.46.

§ 1045.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1045.46 and 1045.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

§ 1045.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1045.60;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the producer butterfat differential, and multiplying the result by the hundredweight of such producer milk;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1045.65; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-equalization fund.

§ 1045.62 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1045.61 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.

§ 1045.63 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, as follows:

(a) From the reports submitted by handlers pursuant to § 1045.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1045.61 and the total hundredweight of such milk that is base milk and that is excess milk.

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1045.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 1045.64 Producer butterfat differential.

The uniform prices pursuant to §§ 1045.62 and 1045.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1045.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

§ 1045.65 Producer location adjustments.

The uniform price pursuant to § 1045.62 and the uniform price for base milk pursuant to § 1045.63 shall be increased 10 cents for producer milk received at a pool plant in the Wisconsin Counties of Florence, Forest, Marinette, Oneida or in the State of Michigan.

§ 1045.66 Notification.

On or before the 14th day after the end of each month, the market administra-

submitted pursuant to § 1045.30 claim Class II utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(2) The greatest possible total quantity of skim milk and butterfat in producer milk in the two plants is allocated to Class I;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1045.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in Class II is claimed by the transferor-handler in his report submitted pursuant to § 1045.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat in Class II after the prior deduction from Class II utilization of receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of Class II use is made under paragraph (c)(1) of this section shall be subject to the following further conditions:

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided*, That when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants: *And provided further*, That if the transferor nonpool plant also has receipts of ungraded milk which are commingled with the receipts from the pool plant, transfers of cream from such nonpool plant to another nonpool plant which is located in Wisconsin shall be allocated first to Class II utilization available after making the deduction pursuant to paragraph (c)(2) of this section at the transferee nonpool plant.

§ 1045.44 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1045.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1045.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization the

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	123	128
February	November–December	128	133
March	December–January	130	135
April	January–February	133	138
May	February–March	135	140
June	March–April	140	145
July	April–May	145	150
August	May–June	150	155
September	June–July	145	150
October	July–August	130	135
November	August–September	123	128
December	September–October	123	128

tor shall mail to each handler at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform prices pursuant to §§ 1045.62 or 1045.63 adjusted by the butterfat differential pursuant to § 1045.64 and the location adjustment pursuant to § 1045.65; and

(c) The amount due such handler pursuant to § 1045.73 and the amounts to be paid by such handler pursuant to §§ 1045.72, 1045.74 and 1045.75.

PAYMENT FOR MILK

§ 1045.70 Time and method of payment.

(a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler shall pay each producer for producer milk received from him during the month the uniform prices provided in § 1045.62 or § 1045.63 adjusted by the butterfat differential pursuant to § 1045.64 and the location adjustment pursuant to § 1045.65: *Provided*, That if by such date a handler has not received full payment pursuant to § 1045.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month, including, for the months of March through June, the pounds of base and excess milk;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which such milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) The payment and submission of information pursuant to subparagraph (1) of this paragraph shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each request and promise to reimburse pursuant to subparagraph (1) of this paragraph and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1045.71 Producer-equalization fund.

The market administrator shall maintain a separate fund known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1045.72 and 1045.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1045.76) and out of which he shall make all payments pursuant to § 1045.73 (including any adjustments thereto pursuant to § 1045.76).

§ 1045.72 Payments to the producer-equalization fund.

On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1045.60 shall pay to the market administrator any amount by which such value for such month is greater than the amount required to be paid by him pursuant to § 1045.70.

§ 1045.73 Payments out of the producer-equalization fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1045.60 is less than the amount required to be paid by him pursuant to § 1045.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1045.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1045.74 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1045.46(b) and the corresponding step of § 1045.47; and

(c) The applicable amount specified in § 1045.83(a) (2) or (b) (2).

§ 1045.75 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1045.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1045.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1045.76 Errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses adjustments to be made, for any reason, which result in monies due to the market administrator from such handler, to such handler from the market administrator, or to any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1045.77 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1045.72 through 1045.76 shall be increased one-half of one percent of the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1045.78 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handlers' last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISION

§ 1045.80 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1045.32, 1045.34 and 1045.35.

§ 1045.81 Exempt handler.

A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on routes shall be exempt from all provisions of this part except §§ 1045.33 through 1045.35.

§ 1045.82 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1045.83 Handlers operating a nonpool distributing plant.

Each handler other than a producer-handler or one exempt pursuant to §§ 1045.81 or 1045.82, who during the month operates a Grade A milk nonpool plant from which fluid milk products are distributed on a route in the marketing area, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1045.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1045.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-equalization fund the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1045.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1045.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1045.74 had such plant been a pool plant.

DETERMINATION OF BASE

§ 1045.85 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the month of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent for the month of March, 55 percent for the month of April and by 50 percent for the months of May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base calculated pursuant to the immediately preceding proviso of this section.

§ 1045.86 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base making purposes.

§ 1045.87 Announcement of established bases.

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1045.90 Effective time.

The provisions of this part or any amendment to this part, shall be effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1045.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part on any such provision of this part.

§ 1045.92 Continuing obligation.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1045.93 Liquidation.

(a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office or the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

§ 1045.101 Separability of provisions.

If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: May 1, 1962.

Signed at Washington, D.C., on April 26, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4201; Filed, Apr. 27, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-71]

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Fish Flour, Identity; Stay of Order and Notice of Public Hearing

In the matter of fixing and establishing a definition and standard of identity for fish flour:

In the FEDERAL REGISTER of January 25, 1962 (27 F.R. 740), there was published an order establishing a standard of identity for fish flour under authority of section 401 of the Federal Food, Drug, and Cosmetic Act. Within the statutory period, formal objections to this order were received from Honorable Paul H. Douglas, United States Senate; Mr. Harold Putnam, on behalf of VioBin Corporation, Monticello, Illinois; and Mr. Vincent A. Kleinfeld of Bernstein, Kleinfeld and Alper, on behalf of Gulf Menhaden Company, Cameron, Louisiana, the members of Industrial Products Division, National Fisheries Institute, Inc., Washington, D.C., the members of Virginia Fishermen's Association, Reedville, Virginia, and Fish Products Company, Lewes, Delaware.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(e)(2), 70 Stat. 919; 21 U.S.C. 371(e)(2)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following order is promulgated.

A. The order establishing a standard of identity for fish flour (21 CFR 37.5 (27 F.R. 740)), published in the FEDERAL REGISTER of January 25, 1962, is stayed in its entirety.

B. On the basis of objections accompanied by reasonable grounds, the following issues are presented for consideration at a public hearing:

1. Whether the inclusion of heads, tails, fins, viscera, and intestinal contents of fish would result in a finished product that is filthy or otherwise unfit for food as defined in section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act.

2. Whether it would promote honesty and fair dealing in the interest of consumers to promulgate a standard of identity for fish flour prepared from whole fish, including heads, tails, fins, viscera, and intestinal contents.

3. Whether the restriction of raw material for fish flour to "edible species of fish" was proper.

4. What processing steps are required for manufacturing fish flour that is defatted, odorless, and tasteless, and has the necessary storage stability and bacterial count, and whether the process employs any food additive that is unsafe (whether or not heads, tails, fins, viscera, and intestinal contents are included).

5. What name is proper (whether or not heads, tails, fins, viscera, and intestinal contents are included).

6. Whether the requirement for a minimum of 70 percent protein is proper, or whether a lower figure should be set.

7. Whether the requirement of a maximum of 6 percent moisture is proper, or whether a higher figure should be set.

8. Whether the standard of identity as issued on January 25, 1962, will promote honesty and fair dealing in the interest of consumers.

Notice is given that a public hearing will be held for the purpose of receiving evidence relevant and material to the issues set forth above. The hearing will begin at 10:00 a.m., Monday, June 18, 1962, in Room 5131, North Building, Department of Health, Education, and Welfare, Third Street and Independence Avenue SW., Washington, D.C., and will continue thereafter at such times and places as directed by the hearing examiner. A hearing examiner will be appointed to conduct the hearing, and the appointment will be announced in the FEDERAL REGISTER.

All persons interested are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor. A prehearing conference for the simplification of the issues, exchange of documentary evidence, the scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held on Tuesday, June 12, 1962, beginning at 10:00 a.m., eastern daylight time, in Room 5131, at the address set forth in the preceding paragraph. All interested persons who will attend the hearing are urged to appear or to send a representative. Any interested person intending to introduce documentary evidence at the hearing is requested to bring five copies of such documentary evidence to the prehearing conference or to send five copies to the hearing examiner in advance of the conference. Only those persons expecting to actively participate at the hearing should attend the prehearing conference. All persons expecting to attend the prehearing conference should notify the hearing examiner in advance.

The hearing officer is authorized to conduct the hearing with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. Upon conclusion of the hearing, and as soon as practicable thereafter, the hearing examiner shall file a report, together with suggested findings, conclusions, and order, and shall certify the entire record of the proceedings to the Commissioner of Food and Drugs for action.

(Sec. 701(e)(2), 70 Stat. 919; 21 U.S.C. 371(e)(2))

Dated: April 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-4165; Filed, Apr. 27, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CERTAIN NYLON RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, and other relevant material, has concluded that the food additive regulations should be amended as hereinafter provided, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625):

1. Section 121.2502 is amended as follows:

a. The introduction to the section is changed to read:

§ 121.2502 66 Nylon resin.

66 Nylon resin (polyhexamethylene adipamide), as defined in paragraph (b) of this section, and subject to the conditions prescribed in this section, may safely be used to produce articles intended for use in processing, handling, and packaging food.

b. Paragraph (b)(2) is amended by changing the extractability limitations to read:

(b) * * *

(2) * * *

66 Nylon:	*Percent*
Water	1.5
95% ethyl alcohol	1.5
Ethyl acetate	0.2
Benzene	0.2

c. Paragraph (c) is amended to read:

(c) The procedure for determining the material extractable from nylon resins by selected solvents is as follows:

(1) Film should be cut with ordinary scissors into pieces of a convenient size such as ¼-inch squares, for the extraction tests described in this section. The granules of nylon molding powders are in the proper form for the extraction tests. Samples of fabricated articles such as pipe, fittings, and other similar articles must be cut to approximately the size of the molding powder. This can be done conveniently by using a small-scale commercial plastics granulator and cutting the sample through a screen having ¼-inch mesh. Fine particles should be separated from the cut resin by screening through a 20-mesh screen. The material retained on the screen is suitable for the extraction tests.

(2) The organic solvents must be of American Chemical Society analytical reagent grade; distilled water is used. Approximately 30 grams of the prepared sample is weighed to the nearest milligram. The weighed resin is transferred to a 500-milliliter round-bottom flask equipped with a reflux condenser. Approximately 300-milliliters of solvent is added to the flask and the contents re-

fluxed gently for 8 hours with a heating mantle. The solvent is then filtered off immediately while still hot, using a Buchner funnel approximately 5 inches in diameter, a suction flask, and a hardened filter paper (Whatman No. 50 or equivalent). The paper is wet with the solvent and a slight suction applied just before starting the filtration. The resin is washed twice with approximately 100-milliliter portions of solvent and the combined filtrate and washings are reduced to approximately 25 milliliters by evaporation at reduced pressure (50 millimeters to 100 millimeters of mercury, absolute), heating as necessary. The contents of the flask are transferred to an evaporation dish (which has been held in a vacuum desiccator over anhydrous calcium sulfate until constant weight has been attained) and carefully evaporated to dryness. The weight of the solid residue is determined by difference after holding in a vacuum desiccator over anhydrous calcium sulfate until constant weight has been attained. The percent of solids extracted is calculated by dividing the weight of the solid residue by the weight of the sample and multiplying by 100.

2. Section 121.2503 is amended as follows:

a. The introduction to the section is changed to read:

§ 121.2503 610 Nylon resin.

610 Nylon (polyhexamethylene sebacamide) as defined in paragraph (a) of this section, and subject to the further conditions prescribed in this section, may safely be used to produce articles intended for use in processing, handling, and packaging food.

b. Paragraph (b)(2) is amended by changing the extractability limitations to read:

(b) * * *

(2) * * *

610 Nylon:	*Percent*
Water	1.0
95% ethyl alcohol	2.0
Ethyl acetate	1.0
Benzene	1.0

3. Section 121.2504 is amended as follows:

a. The introduction to the section is changed to read:

§ 121.2504 66/610 Nylon resin.

Copolymer 66/610 nylon, as defined in paragraph (a) of this section, and further subject to the conditions prescribed in this section, may safely be used to produce articles intended for use in processing, handling, and packaging food.

b. Paragraph (b)(2) is amended by changing the extractability limitations to read:

(b) * * *

(2) * * *

Nylon copolymer 66/610:	*Percent*
Water	1.5
95% ethyl alcohol	2.0
Ethyl acetate	1.0
Benzene	1.0

4. Part 121 is amended by adding to Subpart F the following new section:

§ 121.2543 6/66 Nylon resins.

Copolymer 6/66 nylon, as defined in paragraph (a) of this section and further subject to the conditions prescribed in this section, may safely be used to produce articles intended for use in processing, handling, and packaging food.

(a) Copolymer 6/66 nylon is manufactured by polymerizing 66 monomeric salts and caprolactam monomer under controlled conditions whereby the caprolactam monomer content does not exceed 0.7 percent of the weight of the polymer, and it meets the specifications and tests prescribed in paragraphs (b) and (c) of this section.

(b) Specifications: (1) Qualitative test: (i) Infrared identification: Copolymer 6/66 nylon has characteristic infrared spectra useful for identification purposes.

(ii) Other properties for identifying copolymer 6/66 nylon:

(*a*) Specific gravity---------- 1.13±0.015

Determined by weighing a 1-gram to 5-gram specimen first in air and then in freshly boiled distilled water at 23° C. ±2° C.

(*b*) Melting point-------- 440° F.–460° F.

The melting point is determined as follows: Use a hot-stage apparatus. The use of crossed nicol prisms with a microscope hot stage and reading of the thermometer when the birefringence disappears increase the accuracy. If the crossed nicol apparatus is not available, use the lowest temperature at which the sample becomes transparent or the sharp edges or corners of the sample become rounded as the melting point. In case of doubt as to onset of melting, the sample is prodded with a sharp instrument. If it sticks to the heating block, it is considered to have melted. If the melting point is low, dry the sample in an oven at 85° C. for 24 hours in a nitrogen atmosphere.

(*c*) Solubility in boiling 4.2 *N* HCl: Dissolves in 1 hour.

(2) Extractability limitations:

Nylon copolymer 6/66:	*Percent*
Water	2.0
95% ethyl alcohol	2.0
Ethyl acetate	1.5
Benzene	1.5

(c) Procedure for determining the material extractable from nylon resins by selected solvents is described in § 121.2502(c).

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: April 24, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-4166; Filed, Apr. 27, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-KC-7]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Modification of Amendment

On April 4, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3195) an amendment to § 608.34 of the Regulations of the Administrator which increased the time of designation of the Jefferson Proving Ground, Indiana, Restricted Area R-3403 from "0700 to 1900 CST" to "0800 to 2400 CST."

Subsequent to the publication of this amendment, it was determined that personnel employed at Jefferson Proving Ground operate under Eastern Standard Time and the time of designation under Central Standard Time as published in the amendment would preclude their conducting activities within the normal scheduled workday. Therefore, it is necessary to change the time of designation from Central Standard Time to Eastern Standard Time. Such action is taken herein.

Since thirty days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 62-KC-7 is hereby modified as follows:

Time of designation. 0800 to 2400 c.s.t. is deleted and *Time of designation.* 0800 to 2400 e.s.t., is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4161; Filed, Apr. 27, 1962; 8:46 a.m.]

[Reg. Docket No. 1129; Amdt. 266]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Abilene VOR	AI-LFR	Direct	3100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. Radar control must provide 1000′ clearance within a 3-mile radius or 500′ clearance within a 3- to 5-mile (inclusive) radius of radio/TV towers located 2032′ msl 2.6 mi WNW; 2225′ msl 8.7 mi E; 2115′ msl 5.2 mi NW; 2007′ msl 6.8 mi NW; 2085′ msl 8.2 mi SSE; 2778′ msl 7.9 mi SSW.
Procedure turn E side N crs, 001° Outbnd, 181° Inbnd, 3100′ within 10 miles (nonstandard due ATC).
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 172°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplish within 2.8 miles, climb to 3800′ on S crs within 20 miles or, when directed by ATC, turn left, climb to 3200′ on E crs within 20 mi.
Other change: Deletes transitions from Phantom Hill Int and Holland Int.
City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., SBMRAZ; Ident., AI; Procedure No. 1, Amdt. 5; Eff. Date, 5 May 62; Sup. Amdt. No. 4; Dated, 23 May 59

PROCEDURE CANCELLED, EFFECTIVE MAY 5, 1962.
City, Philipsburg; State, Pa.; Airport Name, Black Moshannon-State; Elev., 1933′; Fac. Class., SBRAZ; Ident., PP; Procedure No. 1, Amdt. 5; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 4; Dated, 13 Aug. 60

PROCEDURE CANCELLED, EFFECTIVE MAY 5, 1962.
City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., SBRAZ; Ident., RO; Procedure No. 2, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 18 Apr. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Charleston VOR	CHS RBn	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 102°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, climb to 2000′, on 102° crs within 20 miles or, when directed by ATC, turn right, climb to 1400′, returning to CHS RBn.
CAUTION: 1049′ MSL tower 10 mi SE.
City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., SABH; Ident., CHS; Procedure No. 2, Amdt. 2; Eff. Date, 5 May 62; Sup. Amdt. No. 1; Dated, 21 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP VOR	CP RBn	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar coverage extends from the radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 216°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn left, climb to 1400′ on the 030° brng from CP RBn within 20 mfles or, when directed by ATC, turn right and climb to 1800′ on brng 231° within 20 mi.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BH; Ident., CP; Procedure No. 2, Amdt. 1; Eff. Date, 5 May 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

				T-dn	500–1	500–1	500–1
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Kwajalein Radio Beacon (USN).
Instrument approach to be conducted in accordance with U.S. Navy procedure as published on Chart AL-2152-ADF-1.

City, Kwajalein Island; State, Marshall Islands; Airport Name, PMFR Kwajalein; Elev., 7′; Fac. Class., H; Ident., NDJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 May 62

PROCEDURE CANCELLED, EFFECTIVE MAY 5, 1962.

City, Lumberton; State, N.C.; Airport Name, Lumberton; Elev., 126′; Fac. Class., BMH; Ident., LBT; Procedure No. 1, Amdt. 5; Eff. Date, 10 Sept. 54; Sup. Amdt. No. 4; Dated, 3 July 51

Moline VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Moline LFR	LOM	Direct	2100	C-dn	600–1	600–1	600–1½
Nichols Int	Stockton Int*	Direct	2000	S-dn-9	600–1	600–1	600–1
CVA VOR	LOM	Direct	2600	A-dn	800–2	800–2	800–2
Stockton Int*	LOM (Final)	Direct	1900				
Buffalo Int	LOM	Direct	2000				

Procedure turn S side of W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 086°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, climb to 2100′ on crs of 086° within 20 mi or, when directed by ATC, (1) make left climbing turn, climb to 2000′ and proceed to E crs MI-LFR, (2) make right climbing turn to 2800′ and proceed to MLI-VOR.
*Stockton Int: Int MLI-VOR-R-310 and brng 266° from LOM.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 9; Eff. Date, 5 May 62; Sup. Amdt. No. 8; Dated, 7 Jan. 61

Philipsburg VOR	Philipsburg RBn	Direct	4000	T-dn	500–1	500–1
				C-d*	600–1	700–1
				C-n*	600–2	700–2
				S-d-16	600–1	700–1
				S-n-16	600–2	700–2
				A-dn	1000–2	1000–2

Procedure turn W side of final approach crs 349° Outbnd, 169° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 169°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing Philipsburg RBn, make left climbing turn, proceed direct to Philipsburg RBn at 3500′.
Hold NW of Philipsburg RBn 1-minute right turns, 166° Inbnd.
*CAUTION: 2300′ msl unlighted hills 2 miles S and SE of airport. Maneuvering will be accomplished N and W of the airport.

City, Philipsburg; State, Pa.; Airport Name, Black Moshannon-State; Elev., 1933′; Fac. Class., HW; Ident., PP; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 May 62, or upon conversion of LFR to H facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CP RBn	CRP VOR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn left, climb to 1500′ on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on R-227 CRP-VOR within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 5; Eff. Date, 5 May 62; Sup. Amdt. No. 4; Dated, 18 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CHS RBn	CHS VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn#	600–1	600–1	600–1½
				S-dn-33#	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
Minimum altitude at 9-mile radar fix, 1200′; at 5-mile radar fix, 800′#.
Crs and distance, breakoff point to Runway 33, 329°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R-322 within 15 miles or, when directed by ATC, turn left and climb to 2000′ on R-142 within 20 miles.
NOTE: Do not descend below 2000′ until established on R-322 inbound.
*Descent below 1200′ msl not authorized unless 9-mile radar fix is received.
#Descent below 800′ msl not authorized unless final approach 5-mile radar fix is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-33, Amdt. Orig.; Eff. Date, 5 May 62

Fort Myers RBn	FMY-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn*	400–1	400–1	500–1½
				S-dn-4*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1500′ within 10 mi.
Minimum altitude over FMY RBn on final approach crs, 600′; over FMY-VOR*, 400′.
Crs and distance, FMY RBn to breakoff point 034°—3.3 mi; breakoff point to approach end of runway, 046°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, intercept R-069 FMY-VOR, climb to 1500′ within 20 mi.
*If FMY RBn not identified on final, descent below 600′ msl NA.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BVOR; Ident., FMY; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 5 May 62

				T-dn	300–1	300–1	
				C-d	400–1	500–1	
				C-n	400–2	500–2	
				S-d-31	400–1	400–1	
				S-n-31	400–2	400–2	
				A-dn*	NA	NA	

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 31, 310°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing INL-VOR, make left climbing turn to 2700′ on R-128 within 10 mi.
*A-dn 800–2 authorized for those air carriers having approved weather reporting service.

City, International Falls; State, Minn.; Airport Name, International Falls Municipal; Elev., 1180′; Fac. Class., VOR; Ident., INL; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 1 May 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wilkes-Barre-Scranton VOR	Wilkes-Barre-Scranton RBn	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-21	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 201° Outbnd, 021° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 021°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Wilkes-Barre-Scranton RBn, climb to 2000′ on crs of 021° within 20 mi or, when directed by ATC, (1) make left climbing turn, climb to 2000′ and proceed to E crs MI-LFR, (2) make right climbing turn to 2800′ and proceed to MLI-VOR.
*Stockton Int: Int MLI-VOR-R-310 and brng 266° from LOM.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 9; Eff. Date, 5 May 62; Sup. Amdt. No. 8; Dated, 7 Jan. 61

Philipsburg VOR	Philipsburg RBn	Direct	4000	T-dn	500–1	500–1	
				C-d*	600–1	700–1	
				C-n*	600–2	700–2	
				S-d-16	600–1	700–1	
				S-n-16	600–2	700–2	
				A-dn	1000–2	1000–2	

Procedure turn W side of final approach crs 349° Outbnd, 169° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 169°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing Philipsburg RBn, make left climbing turn, proceed direct to Philipsburg RBn at 3500′.
Hold NW of Philipsburg RBn 1-minute right turns, 166° Inbnd.
*CAUTION: 2300′ msl unlighted hills 2 miles S and SE of airport. Maneuvering will be accomplished N and W of the airport.

City, Philipsburg; State, Pa.; Airport Name, Black Moshannon-State; Elev., 1933′; Fac. Class., HW; Ident., PP; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 May 62, or upon conversion of LFR to H facility

5. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(d) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CP RBn	CRP VOR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn left, climb to 1500′ on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on R-227 CRP-VOR within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 5; Eff. Date, 5 May 62; Sup. Amdt. No. 4; Dated, 18 Nov. 61

6. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CHS RBn	CHS VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn#	600–1	600–1	600–1½
				S-dn-33#	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
Minimum altitude at 9-mile radar fix, 1200′; at 5-mile radar fix, 800′#.
Crs and distance, breakoff point to Runway 33, 329°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R-322 within 15 miles or, when directed by ATC, turn left and climb to 2000′ on R-142 within 20 miles.
NOTE: Do not descend below 2000′ until established on R-322 inbound.
*Descent below 1200′ msl not authorized unless 9-mile radar fix is received.
#Descent below 800′ msl not authorized unless final approach 5-mile radar fix is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-33, Amdt. Orig.; Eff. Date, 5 May 62

Fort Myers RBn	FMY-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn*	400–1	400–1	500–1½
				S-dn-4*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1500′ within 10 mi.
Minimum altitude over FMY RBn on final approach crs, 600′; over FMY-VOR*, 400′.
Crs and distance, FMY RBn to breakoff point 034°—3.3 mi; breakoff point to approach end of runway, 046°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, intercept R-069 FMY-VOR, climb to 1500′ within 20 mi.
*If FMY RBn not identified on final, descent below 600′ msl NA.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BVOR; Ident., FMY; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 5 May 62

				T-dn	300–1	300–1	
				C-d	400–1	500–1	
				C-n	400–2	500–2	
				S-d-31	400–1	400–1	
				S-n-31	400–2	400–2	
				A-dn*	NA	NA	

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 31, 310°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing INL-VOR, make left climbing turn to 2700′ on R-128 within 10 mi.
*A-dn 800–2 authorized for those air carriers having approved weather reporting service.

City, International Falls; State, Minn.; Airport Name, International Falls Municipal; Elev., 1180′; Fac. Class., VOR; Ident., INL; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 1 May 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
			#1500	T-dn	300–1	300–1	200–½
				C-dn*	500–1	500–1	500–1½
				S-dn-7°	500–1	500–1	500–1
				A-dn*	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs 255° Outbnd, 075° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs 600′.
Crs and distance, Sherwen Int# to breakoff point, 075°—4.4 mi.
Crs and distance, breakoff point to end of Runway 7, 070°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 2000′ on R-098° within 20 mi of ORL VOR.
*If Sherwen Int# not identified on final, descent below 1100′ msl NA.
#Sherwen Int: Int ORL-VOR R-255 and 199° brng to LOM, or 5.0 mi DME Fix on ORL-VOR R-255.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. TerVOR-7, Amdt. 1; Eff. Date, 5 May 62; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61

				T-dn	300–1	300–1	200–½
				C-dn*	500–1	500–1	500–1½
				S-dn-13°	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 314° Outbnd, 134° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs 600′.
Crs and distance, Fairview Int# to breakoff point, 134°—3.6 mi.
Crs and distance, breakoff point to end of Runway 13, 130°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn left and climb to 2000′ on R-098 within 20 mi of ORL VOR.
*If Fairview Int# not identified on final, descent below 800′ msl NA.
#Fairview Int: Int ORL-VOR R-314 and 199° brng to LOM, or 4.6 mi DME Fix on ORL-VOR R-314.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. TerVOR-13, Amdt. 1; Eff. Date, 5 May 62; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61

Cajon Int*	Sweetwater Int**	Direct	3600	T-dn#	300–1	300–1	200–½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs inbnd, 271°.
Minimum altitude over Encanto Int on final approach crs, 1500′.
Crs and distance, facility to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500′ on SAN-VOR R-323 to Mount Dad Int or, when directed by ATC, climb to 1500′ on SAN-VOR R-272 to Sargo Int.
Caution: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi E of airport.
*Cajon Int: Int MNB R-076 and JLI R-203.
**Sweetwater Int: Int SAN R-091 and JLI-VOR R-203 or 331° brng to NKX RBn.
***Encanto Int: Int SAN-VOR R-091 and JLI-VOR R-203 or 352° brng to NKX RBn.
#500–1 required for takeoff Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindberg; Elev., 16′; Fac. Class., VOR; Ident., SAN; Procedure No. TerVOR (R-091), Amdt. 2; Eff. Date, 5 May 62; Sup. Amdt. No. 1; Dated 18 Nov. 61

SNS-VOR	Lick Int	Direct	4500	T-dn*	300–1	300–1	300–1
Morgan Int	Lick Int	Direct	4000	C-dn	700–1	700–1	700–1½
SJC-VOR	Lick Int	Direct	4000	A-dn	800–2	800–2	800–2
Lick Int	Int R-120 SJC-VOR and 043° brng to EVG RBn or EVG FM (Final).	Direct	2000				
Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM.	SJC-VOR (Final)	Direct	700				

Radar transitions and vectoring using Moffett Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000′ within 10 miles of Lick Int. NA beyond 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′; over Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM, 2000′.
Crs and distance, Int SJC-VOR R-120 and 043° brng to EVG RBn or EVG FM to airport, 300°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on R-310 within 10 miles.
CAUTION: 4100′ MSL terrain 3 mi W of W boundary procedure turn area. 375′ MSL tower 1.7 mi SE of airport. 404′ MSL tower 3 mi E of airport.
NOTES: Sliding scale NA. Aircraft may not depart Lick Int below 4000′ when inbound on final approach to airport.
*500–1 required for takeoff on Runway 12R–L.

City, San Jose ,State, Calif.; Airport Name, San Jose Municipal; Elev., 62′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-30, Amdt. 2; Eff. Date, 5 May 62; Sup. Amdt. No. 1; Dated, 16 Dec. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
5-mile DME fix on R326	JST-VOR (Final)	146°—5 mi	2700	T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn-16°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of final approach crs, 326° Outbnd, 146° Inbnd, 3900′ within 10 mi.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, breakoff point to end of runway, 150°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 3900′ on R-146 within 10 miles of JST-VOR, reverse course to JST VOR, maintain 3900′.
Hold JST-VOR 1-minute right turns, 146° Inbnd.
*Maintain 3300′ until after passing 5-mile DME fix. If aircraft is not DME equipped, minimums of 1000–2 applicable for landing.

City, Johnstown; State, Pa.; Airport Name, Johnstown-Cambria County; Elev., 2284′; Fac. Class., BVOR; Ident., JST; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. Date, 5 May 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GGG VOR	Cherokee Int*	Direct	1800	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 126° Outbnd, 306° Inbnd, 1800′ within 10 mi.
No glide slope.
Minimum altitude over Cherokee Int* on final approach crs, 1400′.
Crs and distance, Cherokee Int* to airport, 306°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Cherokee Int,* climb to 2000′ on NW crs GGG ILS within 20 miles.
CAUTION: 644′ msl tower 5 miles NW of airport.
*Cherokee Int: Int GGG ILS SE crs (306° Inbnd) and Marshall VOR R-243.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365′; Fac. Class., ILS; Ident., I-GGG; Procedure No. ILS-31, Amdt. 1; Eff. Date, 5 May 62; Sup. Amdt. No. Orig.; Dated, 7 Apr. 62

Salt Lake City LFR	LMM	Direct	6100	T-dn#%	300–1	300–1	200–½
Salt Lake City VOR	LMM	Direct	6100	C-dn	500–1	500–1	600–1½
Provo VOR	Riverton FM	Direct	9000	S-dn-34L*	200–½	200–½	200–½
Riverton FM	LOM (Final)	Direct	6100	S-dn-34R	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2
				A-dn	600–2	600–2	600–2

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbdn, 6100′ within 10 miles of LMM. Beyond 10 miles NA. Altitude of glide slope and distance to approach end of runway at Riverton FM, 9340′—14.9 mi; at LOM, 6028′—5.5 mi; at LMM, 4457′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a climbing left turn, climb to 9000′ on R-248 SLC-VOR or W crs SC-LFR within 20 miles or, when directed by ATC, climb to 10,000′ in a right-hand 1-minute holding pattern on R-329 or N crs SC-LFR within 12 miles.
NOTES: (1) Aircraft executing missed approach shall not climb above 6500′ until past SLC-VOR or SC-LFR. (2) Narrow localizer course 4 degrees. (3) Procedure turn based on LMM.
CAUTION: Terrain 11,253′ msl approximately 8 mi E of localizer crs at Riverton FM.
#500–2 required for takeoff Runway 7. Takeoff of aircraft of more than 65 knots NA on Runway 7/25.
*400–¾ required when glide slope not utilized.
#Runway Visual Range 2600′ authorized for landing on Runway 34L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 4426′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
%Runway Visual Range 2600′ also authorized for takeoff on Runway 34L in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Salt Lake City; State, Utah; Airport Name Salt Lake City No. 1; Elev., 4226′; Fac. Class., ILS; Ident., I-SLC; Procedure No. ILS-34L, Amdt. 20; Eff. Date, 5 May 62; Sup. Amdt. No. 19; Dated, 28 Oct. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cajon Int*	Sweetwater Int**	Direct	3000	T-dn#	300–1	300–1	200–½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs, inbound 271°.
Minimum altitude over Encanto Int on final approach crs, 1500'.
Crs and distance, Encanto Int to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500' on SAN VOR R-223 to Mount Dad Int, or when directed by ATC, climb to 1500' on SAN VOR R-272 to Sargo Int.
CAUTION: 281' trees and terrain between LOM and LMM. Buildings and terrain 467' MSL 0.5 mi E of airport.
*Cajon Int: Int MNB R-076 and JLI R-203.
**Sweetwater Int: Int E crs SAN ILS and JLI-VOR R-203 or 331° brng to NKX RBn.
***Encanto Int: Int E crs SAN ILS and JLI-VOR R-203 or 352° brng to NKX RBn.
#500–1 required for takeoff Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15'; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-27, Amdt. 2; Eff. Date, 5 May 62; Sup. Amdt. No. 1; Dated, 18 Nov. 61

Long Lake Int	Elkhart Int	Via GSH R-018 and E crs ILS.	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
North Liberty Int	LOM	Direct	3000	S-dn-27*	200–½	200–½	200–½
South Bend LFR	LOM	Direct	2200	A-dn	600–2	600–2	600–2
South Bend VOR	LOM	Direct	2200				
Bristol Int	Elkhart Int#	Via E crs ILS	2200				
Goshen LFR	Elkhart Int#	Via 144° brng to GH-LFR.	2200				
Elkhart Int#	LOM (Final)	Direct	2000				
Goshen VOR	E crs loc	Via R-345 GSH-VOR.	2400				
Int GSH R-345 and E crs loc	LOM (Final)	Direct	2000				

Procedure turn N side of final approach crs, 089° Outbnd, 269° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM—1900'—3.8 mi; at MM—975'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2300' and proceed direct to the SBN-VOR or, when directed by ATC, climb to 2200' and proceed direct to the SN LFR.
CAUTION: 2019' msl tower 5.6 mi S of LOM.
*500–1 required when glide slope inoperative.
#Elkhart Int: Int E crs SBN ILS and R-360 GSH-VOR or 144° brng to GH-LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778'; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS-27, Amdt. 15; Eff. Date, 5 May 62; Sup. Amdt. No. 14; Dated, 14 Apr. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE MAY 5, 1962.							

City, Adak; State, Alaska; Airport Name, Adak Naval Station; Elev., 17'; Fac. Class. and Ident., Adak Radar; Procedure No. 1, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 6 May 61

		Within:		Surveillance approach			
000°	360°	0–10 mi	#2100				
000°	259°	10–25 mi	#2200	T-dn	300–1	300–1	200–½
260°	360°	10–25 mi	#2700	C-dn	400–1	500–1	500–1¼
				S-dn-18, 36, 5, 23.*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from radar antenna site on Douglas Municipal Airport with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 36 and 5: Climb to 2600' on R-007 FML-VOR and proceed to Mount Holly Int.
Runway 18: Climb to 2500' and proceed direct to FML-VOR. Hold S on R-186, 1-minute right turns.
Runway 23: Climb to 2200' and proceed direct to CLT LOM. Hold SW on 230° brng, 1-minute left turns.
#Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of the following towers: 1322', 5 mi NNE; 1932', 10 mi NE; 1866', 10 mi NW.
*Maintain 1300' or above until 2.5 miles from approach end of Runway 23 on final.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748'; Fac. Class. and Ident., Charlotte Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 May 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions		Within:		Precision approach			
065°	185°	0–10 mi	2000				
185°	290°	10–20 mi	2000	S-dn-13R	300–¾	300–¾	300–¾
290°	065°	10–20 mi	2300	A-dn	600–2	600–2	600–2
		10–20 mi	2500	Surveillance approach			
				T-dn-All#	300–1	300–1	200–½
				C or S-d#	600–1	600–1	600–1¼
				C or S-n#	600–1½	600–1½	600–1½
				A-dn#	800–2	800–2	800–2
				C or S-d##	400–1	500–1	500–1½
				C or S-n##	400–1½	500–1½	500–1½
				A-dn#	800–2	800–2	800–2

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of towers 1504' 8 mi NE, 1260' 11 mi W, 1120' 12 mi NW and 1080' 12 mi W of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right or left turn as appropriate, climb to 2300' and proceed to EON VOR inbnd on R-001.
NOTES: Radar vectors will be transmitted on localizer frequency. MTI feature of ground radar equipment required for all surveillance approaches. Departures westbound on V-6 at 2000' will be released within 8 miles to climb to 2300'. Approaches to Runway 4 will cross MDW LOM and proceed on a crs of 195° from MDW LOM to Harlem Int.*
Minimum altitude, MDW LOM to Harlem Int,* 1800'.
#Runway 22R&L.
##Runways 4R and L, 9R, 13R and L, 18, 27L, 31R and L, 36.
*Harlem Int: Int 195° brng from MDW LOM and API VOR R-090.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class. and Ident., Midway Radar; Procedure No. 1, Amdt. 7; Eff. Date, 5 May 62; Sup. Amdt. No. 6; Dated, 21 Feb. 69

000°	360°	Within 25 mi	1800	Surveillance approach			
				T-dn*	300–1	300–1	200–½
				C-dn#	500–1	500–1	500–1¼
				S-dn-27, 3, 9, and 21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3-mi or 1000' vertical separation; or 3- to 5-mi and 500' vertical separation from following towers: 1349' msl 11.2 mi NE, 1340' msl 9.2 mi NE, 975' msl 10.6 mi NE and 1333 msl 10 mi NE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 27 and 21: Turn left, climb to 1800' on R-220 MEM-VOR within 15 mi.
Runway 17: Climb to 1800' on R-220 MEM-VOR within 15 mi.
Runway 3: Turn right, climb to 1800' on R-124 MEM-VOR within 15 mi.
Runway 9: Climb to 1800' on crs 067° from LOM (BXS MHW) within 15 mi.
*AIR CARRIER NOTE: Takeoffs with less than 200–½ NA on Runway 14–32.
#Radar approach NA on Runways 14–32, 17–35.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291'; Fac. Class. and Ident., Memphis Radar; Procedure No. 1, Amdt. 4; Eff. Date, 5 May 62; Sup. Amdt. No. 3; Dated, 21 Apr. 62

All directions	Radar site	Within 20 mi	*1500	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn–7, 13	500–1	500–1	500–1¼
				C-dn–25, 31	400–1	500–1	500–1½
				S-dn–7, 13	500–1	500–1	500–1½
				S-dn–25, 31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*Radar control will provide 1000' vertical clearance within a 3-mile radius of 749' tower 6.5 miles WSW, 687' tower 3.7 mi W, and 620' tower 6.5 mi WNW of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 7 and 13: Climb to 1300' on ORL-VOR R-098 within 20 miles.
Runways 25 and 31: Climb to 1600' on ORL-VOR R-308 within 20 miles of airport.
CAUTION: Radio tower 687' MSL 3.7 mi W of airport.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113'; Fac. Class. and Ident., Orlando Radar; Procedure No. 1, Amdt. 4; Eff. Date, 5 May 62 Sup. Amdt. No. 3; Dated, 12 Aug. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on March 29, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-3298; Filed, Apr. 27, 1962; 8:45 a.m.]

[Reg. Docket No. 1145; Amdt. 267]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN-VOR	DN LFR	Direct	6600	T-dn	300-1	300-1	200-½
Bennett Int	DN LFR	Direct	7000	C-dn	400-1	500-1	500-1½
Titan Int	DN LFR	Direct	7000	S-dn-17	400-1	400-1	400-1
Parker Int	DN LFR	Direct	7700	A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn E side N crs, 348° Outbnd, 168° Inbnd, 6600′ within 10 mi (nonstandard due to terrain).
Minimum altitude over facility on final approach crs, 5900′.
Crs and distance, facility to airport, 162°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 8000′ on S crs DN-LFR within 20 miles or, when directed by ATC, climb to 6600′ on E crs DN-LFR within 20 miles.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
*600-1 required for circling south of airport due to 5570′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., SABMRAZ; Ident., DN; Procedure No. 1, Amdt. 12; Eff. Date, 12 May 62; Sup. Amdt. No 11; Dated, 12 Aug. 61

Midland VOR	MF-LFR	Direct	4200	T-dn	300-1	300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of SW crs, 229° Outbnd, 049° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 049°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 4000′ on SE crs of LFR within 20 miles.
NOTE: This procedure not approved for ADF approach.
*AIR CARRIER NOTE: 300-1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2867′; Fac. Class., BMRLZ; Ident., MF; Procedure No. 1, Amdt. 10; Eff. Date, 12 May 62; Sup. Amdt. No. 9; Dated, 10 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE MAY 12, 1962.

City, Salt Flat; State, Tex.; Airport Name, FAA Intermediate; Elev., 3727′; Fac. Class., MRLZW; Ident., SQ; Procedure No. 1, Amdt. 5; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 4; Dated, 28 Apr. 56

Waterville VOR	TOL-LFR	Direct	2000	T-d	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				S-d-32	500-1	500-1	500-1

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 204° Outbnd, 024° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 344°—7.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 mi, climb to 2100′ on N crs within 10 mi, return to LFR, hold on S crs right turns 1-minute.
Other changes: Deletes all night minimums. Deletes alternate minimum entries.

City, Toledo; State, Ohio; Airport Name, Municipal; Elev., 622′; Fac. Class., SBMRAZ; Ident., TOL; Procedure No. 1, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 17 Mar. 62

YKM-VOR	YM-LFR	Direct	4000	T-dn#	500-1	500-1	500-1
				C-dn	800-2	800-2	800-2
				A-dn	900-2	900-2	900-2

Procedure turn S side SE crs, 106° Outbnd, 286° Inbnd, 4000′ within 10 mi (nonstandard due to more favorable terrain).
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 266°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, make right climbing turn and return to YM-LFR, climbing to 4000′ on SE crs within 10 miles.
All turns on S side SE crs.
ADF approach NA.
CAUTION: High terrain extends from NE to NW YM-LFR.
Other change: Deletes transition from Selah Int.
#Takeoff minimums Runways 22/4 and 34/16: 800-2 night.

City, Yakima; State, Wash.; Airport Name, Yakima; Elev., 1082′; Fac. Class, BMRLZ; Ident., YM; Procedure No. 1, Amdt. 11; Eff. Date, 12 May 62; Sup. Amdt. No. 10; Dated, 20 May 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cotulla VOR	Cotulla RBn	Direct	1900	T-dn	300-1	300-1	
				C-dn	600-1	600-1	
				A-dn	800-2	800-2	

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1900′ on crs of 130° within 20 miles.
CAUTION: 560′ msl unlighted water tower 0.9 mile WSW, 860′ msl tower 5.5 miles ESE of airport.

City, Cotulla; State, Tex.; Airport Name, Municipal; Elev., 471′; Fac. Class., BMH; Ident., COT; Procedure No. 1, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 3 Sept. 55

Aurora "H"	LOM	Direct	7000	T-dn	300-1	300-1	200-½
Denver LFR	LOM	Direct	7000	C-dn	500-1	500-1	500-1½
Denver VOR	LOM	Direct	7000	S-dn-26L/R	500-1	500-1	500-1
Dupont Int	LOM	Direct	7000	A-dn	800-2	800-2	800-2
Strasburg Int	LOM	Direct	7000				
Kiowa VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (Final)	Direct	7000				
Westminster Int	LOM	Direct	7000				
Titan Int	LOM	Direct	7000				
Bennett Int	LOM	Direct	7000				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 076° Outbnd, 256° Inbnd, 7000′ within 10 mi.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 256°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 6600′ on North crs DN-LFR within 20 miles or, when directed by ATC, turn right, climb to 6600′ on East crs DN-LFR within 20 miles, or right turn climbing to 6500′ direct to DEN-VOR.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi south of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 24; Eff. Date, 12 May 62; Sup. Amdt. No. 23; Dated, 15 Apr. 61

VIH VOR	TBN RBn	Direct	2600	T-dn	300-1	300-1	200-½
Maples VOR	TBN RBn	Direct	2600	C-d	500-1	500-1	500-1½
TBN VOR	TBN RBn	Direct	2300	C-n	500-2	500-2	500-2
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 142° Outbnd, 322° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 320°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, make right climbing turn and climb to 2300′ direct to TBN RBn and contact Forney Tower.
CAUTION: 1. No control area. Air Traffic advisory issued through Forney Tower. 2. Active small arms ranges located SE of field. Lighted water tower 0.4 mi E of field, and 2.4 mi N of field.
NOTES: Airport lies within Restricted Area 4501. Do not proceed closer than 10 mi of Fort Leonard Wood unless contact has been established with Forney Tower.
Authorized for military use only except by prior arrangement.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., H; Ident., TBN; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 May 62

GLS-VOR	GLS RBn	Direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 123°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1300′ on crs of 123° within 15 mi.
CAUTION: 231′ MSL radio tower 7000′ NE of airport. 157′ MSL water tank ESE side of airport.

City, Galveston; State, Tex.; Airport Name, Scholes Field; Elev., 7′; Fac. Class., BHH; Ident., GLS; Procedure No. 1, Amdt. 4; Eff. Date, 12 May 62; Sup. Amdt. No. 3; Dated, 21 Oct. 61

Lufkin VOR	LFK-RBn	Direct	1600	T-dn	300-1	*300-1	
				C-dn	600-1	*600-1½	
				A-dn	800-2	*800-2	

Procedure turn South side of crs, 296° Outbnd, 116° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, climb to 1500′ on crs of 116° within 20 mi of LFK RBN.
CAUTION: Radio tower 548′ MSL located 3 mi SW of airport.
*Heavier aircraft use caution due runway load bearing ability.

City, Lufkin; State, Tex.; Airport Name, Angelina County; Elev., 290′; Fac. Class., BMH; Ident., LFK; Procedure No. 1, Amdt. 6; Eff. Date, 12 May 62; Sup. Amdt. No. 5; Dated, 14 Jan 54

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–1	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs, 040° Outbnd, 220° Inbnd, 2000′ msl within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1800′ msl on 220° brng within 8 mi, then right climbing turn to 2000′, proceed to GVI RBn, hold NE on 040° brng, 1-minute left turns, 2000′ 220° Inbnd.
CAUTION: This facility must be monitored aurally throughout approach. 999′ antenna tower 5.5 mi SW of GVI RBn.

City, Schenectady; State, N.Y.; Airport Name, Schenectady County; Elev., 378′; Fac. Class., MHW; Ident., GVI; Procedure No. 2, Amdt. Orig.; Eff. Date, 12 May 62

SZI RBn	LOM	Direct	2000	T-dn	300–1	300–1	200–½
SEA-VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
SJ-LFR	LOM	Direct	2000	S-dn-34	400–1	400–1	400–1
Hobart FM	LOM	Direct	4000	A-dn	800–2	800–2	800–2
Puyallup Int*	LOM (Final)	Direct	2000				
TM-LFR	LOM	Direct	2000				
Burton Int	LOM	Direct	2000				
Vashon Int	LOM	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 338°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2000′ direct to Park RBn. Continue climb on crs 338° Outbnd, 158° Inbnd within 10 mi of Park RBn or, when directed by ATC, turn left, climb to 2000′ on crs 224° from SJ-LFR to Vashon Int.
CAUTION: Terrain and trees to 501′ MSL located immediately N and NE of airport.
*Transition to Puyallup Int authorized from TM LFR on 020° crs, 2000′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident, SE; Procedure No. 1, Amdt. 19; Eff. Date, 12 May 62; Sup. Amdt. No. 18; Dated, 13 May 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cotulla RBn	Cotulla VOR	Direct	1900	T-dn	300–1	300–1	
				C-dn	400–1	500–1	
				A-dn	800–2	800–2	

Procedure turn N side crs, 075° Outbnd, 255° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 255°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, turn left, climb to 1900′ on R-185 within 20 miles.
CAUTION: 560′ msl unlighted water tower 0.9 mile WSW, 860′ msl tower 5.5 miles ESE of airport.

City, Cotulla; State, Tex.; Airport Name, Municipal; Elev., 471′; Fac. Class., MBVOR; Ident., COT; Procedure No. 1, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 11 Mar. 61

Bennett Int	DEN VOR	Direct	7000	T-dn	300–1	300–1	200–½
Kiowa VOR	Watkins Int	Direct	7500	C-d	700–1	700–1	700–1½
Watkins Int	DEN VOR	Direct	7000	C-n	700–2	700–2	700–2
Titan Int	DEN VOR	Direct	7000	A-dn	800–2	800–2	800–2
Aurora "H"	DEN VOR	Direct	7000				
Westminster Int	DEN VOR	Direct	7000				
DN LFR	DEN VOR	Direct	6600				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 6500′ within 10 mi.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 211°—9.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing DEN VOR, climb to 8000′ on crs of 189° within 15 mi of DEN VOR or, when directed by ATC, left turn climbing to 6500′ direct to DEN VOR.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., BVOR; Ident., DEN; Procedure No. 1, Amdt. 2; Eff. Date, 12 May 62; Sup. Amdt. No. 1; Dated, 15 May 54

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Galveston RBn	GLS-VOR	Direct	1100	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 2200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1100′; minimum altitude abeam GLS RBn on final approach crs, *600′.
Crs and distance, facility to airport, 111°—7.5 mi; abeam GLS RBn, 111°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 mi, climb to 1300′ on R-111 within 15 mi.
CAUTION: 231′ MSL radio tower 7000′ northeast of airport. 157′ MSL water tank ESE of airport.
*Descent below 600′ NA until position abeam GLS RBn (011° brng to GLS RBn) identified.

City, Galveston; State, Tex.; Airport Name, Scholes Field; Elev., 7′; Fac. Class., BVOR; Ident., GLS; Procedure No. 1, Amdt. 4; Eff. Date, 12 May 62; Sup. Amdt. No. 3; Dated, 21 Oct. 61

Lufkin RBN	LFK-VOR	Direct	1600	T-dn	300–1	*300–1	
				C-dn	400–1	*500–1	
				S-dn-33	400–1	*400–1	
				A-dn	800–2	*800–2	

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 329°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, turn left, climb to 1700′ on R-310 within 10 mi.
NOTE: Radio tower 558′ MSL 3 mi ENE of airport. 548′ radio tower 3 mi SW of airport 3 mi W final approach crs. 731′ radio tower 4.5 mi NE of airport.
*Heavier aircraft use caution due runway load bearing ability.

City, Lufkin; State, Tex.; Airport Name, Angelina County; Elev., 290′; Fac. Class., BVOR; Ident., LFK; Procedure No. 1, Amdt. 8; Eff. Date, 12 May 62; Sup. Amdt. No. 4; Dated, 25 Feb. 61

MJ LFR	MKG VOR	Direct	2000	T-dn	300–1	300–1	200–½
Bailey Int*	MKG VOR (Final)	Direct	2000	C-d	700–1	700–1	700–1½
Sparta Int**	MKG VOR (Final)	Direct	2000	C-n	700–2	700–2	700–2
MKG LOM	MKG VOR	Direct	2000	A-dn	800–2	800–2	800–2
				The following minimums apply for VOR and ADF equipped aircraft and Int MKG R-272 and 007° brng from MKG LOM identified:			
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 092° Outbnd, 272° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′; over Int MKG R-272 and 007° brng from MKG LOM, 1300′.
Crs and distance, facility to airport, 272°—8.4 mi; Int MKG VOR R-272 and 007° brng from MKG LOM, 272°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing MKG VOR, make climbing left turn to 2300′ and proceed to Bullfrog Int via MKG-VOR R-253 or, when directed by ATC, climb to 2500′ on MKG-VOR R-272, then reverse course and return to MKG-VOR.
*Bailey Int: Int MKG-VOR R-076 and HIC-VOR R-200.
**Sparta Int: Int MKG-VOR R-115 and HIC-VOR R-200.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 1; Eff. Date, 12 May 62; Sup. Amdt. No. Orig.; Dated, 25 July 59

Nashville LFR	BNA-VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 312°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 3000′ on R-335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Mun.; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA; Procedure No. 1, Amdt. 12; Eff. Date, 12 May 62; Sup. Amdt. No. 11; Dated, 18 Jan. 62

PB-LFR	PUB-VOR	Direct	6600	T-dn*	300–1	300–1	200–½
COS LOM	PUB-VOR	Direct	7800	C-dn	600–1	600–1	600–1½
HNR RBn	PUB-VOR	Direct	7000	S-dn-26	400–1	400–1	400–1
PU LOM	PUB-VOR	Direct	6800	A-dn	800–2	800–2	800–2
Midway Int	PUB-VOR	Direct	7300				
Ordway Int	PUB-VOR	Direct	6300				
Mustang Int	PUB-VOR	Direct	6300				
Cedarwood Int	PUB-VOR	Direct	7000				
Valley Int#	PUB-VOR	Direct	7000				

Procedure turn S side of crs, 067° Outbnd, 247° Inbnd, 6300′ within 10 mi. (Procedure turn South for more favorable terrain.)
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 247°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, make left climbing turn to 135° heading, intercept R-163 PUB-VOR, climbing to 7000′ outbound on R-163 within 10 miles or, when directed by ATC, make left climbing turn, return to PUB-VOR, continue climb to 7000′ on R-350 PUB-VOR within 15 miles.
CAUTION: Tower 6322′ 5.5 miles NW of field.
Other change: Deletes transition from Ellicott "H" facility.
*Takeoff below 300–1 not authorized on Runways 26 and 35.
#Valley Int: Int PUB-VOR R-216, COS-VOR R-170 and TBE-VOR R-300.

City, Pueblo; State, Colo.; Airport Name, Pueblo Memorial; Elev., 4725′; Fac. Class., BVORTAC; Ident., PUB; Procedure No. 1, Amdt. 8; Eff. Date, 12 May 62; Sup. Amdt. No. 7; Dated, 17 Dec. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
YM-LFR	YKM-VOR	Direct	4000	T-dn#	500-1	500-1	500-1
Gleed Int	YKM-VOR	Direct	4000	C-dn	800-2	800-2	800-2
				A-dn	900-2	900-2	900-2

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 4000′ within 10 miles (nonstandard due to terrain).
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 244°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, right climbing turn and return to VOR, climbing to 4000′ on R-108 within 20 mi. All turns S side R-108.
CAUTION: High terrain extends from NE to NW of YKM-VOR.
#Takeoff minimums Runways 22/4 and 34/16: 800-2 night.

City, Yakima; State, Wash.; Airport Name, Yakima Municipal; Elev., 1082′; Fac. Class., BVOR; Ident., YKM, Procedure No. 1, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 20 May 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
VIH-VOR	TBN-VOR	Direct	2600	T-dn	300-1	300-1	200-½
Maples Vor	TBN-VOR	Direct	2600	C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-14	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 317° Outbnd, 137° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, breakoff point to approach end of Runway 14, 142°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left climbing turn and climb to 2300′ on R-090 TBN-VOR within 10 miles, and contact Forney Tower.
CAUTION: No control area. Air traffic advisory issued through Forney Tower.
Active small arms ranges located SE of field. Lighted water towers 0.4 mile E of field, and 2.4 miles N of field.
NOTE: Airport lies within Restricted Area 4501. Do not proceed closer than 10 mi of Fort Leonard Wood unless contact has been established with Forney Tower.
Authorized for military use only except by prior arrangement.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., VOR; Ident., TBN; Procedure No. TerVOR-14, Amdt. Orig.; Eff. Date, 12 May 62

VIH VOR	TBN VOR	Direct	2600	T-dn	300-1	300-1	200-½
Maples VOR	TBN VOR	Direct	2600	C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-32	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				If aircraft is equipped with ADF as well as VOR and the Big Piney Int# is received, the following minimums are authorized:			
				S-dn-32	500-1	500-1	500-2

Procedure turn East side of crs, 142° Outbnd, 322° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Big Piney Int#, 1800′.
Crs and distance, breakoff point to Runway 32, 319°—0.3 mi; Big Piney Int# to airport, 319°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left climbing turn and climb to 2300′ on R-090 from TBN-VOR within 10 miles and contact Forney Tower.
CAUTION: 1. No control area. Air Traffic advisory issued through Forney Tower. 2. Active small arms ranges located SE of field. Lighted water towers 0.4 mile E of field, and 2.4 mi N of field.
NOTES: Airport lies within Restricted Area 4501. Do not proceed closer than 10 miles of Fort Leonard Wood unless contact has been established with Forney Tower.
Authorized for military use only except by prior arrangement.
#Big Piney Int: Int R-142 Forney VOR and 055° crs to TBN RBn.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., VOR; Ident., TBN; Procedure No. TerVOR-32, Amdt. Orig.; Eff. Date, 12 May 62

OKK-VOR	MZZ-VOR	Direct	2400	T-dn	300-1	300-1	200-½
OKK RBn	MZZ-VOR	Direct	2400	C-dn	700-1	700-1	700-1½
				S-dn-22	700-1	700-1	700-1
				A-dn#	NA	NA	NA
				%If aircraft dual omni equipped and Int* received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1

Procedure turn South side of crs, 042° Outbnd, 222° Inbnd, 2400′ within 10 miles of Int* or MZZ-VOR.
Minimum altitude over MZZ-VOR on final approach crs, 1600′; over % Int* on final approach crs, 1700′.
Crs and distance, Int* to airport, 222°—2.1 mi.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2400′ and return to MZZ-VOR.
NOTE: All aircraft except scheduled air carrier obtain Bunker Hill AFB or Fort Wayne, Ind., current weather prior to IFR approach.
*Int: Int MZZ-VOR R-042 and OKK-VOR R-090.
#800-2 alternate minimums authorized for air carrier with approved weather service at this airport.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850′; Fac. Class., BVOR; Ident., MZZ; Procedure No. TerVOR-22, Amdt. 1; Eff. Date, 12 May 62; Sup. Amdt. No. Orig.; Dated, 7 Apr. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Victoria Int	FCM VOR	Direct	2700	T-dn	300-1	300-1	200-½
Prior Int	FCM VOR	Direct	2700	C-dn	500-1	500-1	500-1½
FGT VOR	FCM VOR	Direct	2700	S-dn-36	500-1	500-1	500-1
MSP VOR	FCM VOR	Direct	2700				
MP LFR	FCM VOR	Direct	2700	Following minimums apply after passing Dean Int:*			
				C-dn	400-1	500-1	500-1½
				S-dn-36	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn East side of crs, 173° Outbnd, 353° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2600′ on R-300 FCM-VOR within 20 mi.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
*Dean Int: Int FCM-VOR R-173 and FGT-VOR R-291.

City, Minneapolis; State, Minn.; Airport Name, Flying Cloud; Elev., 909′; Fac. Class., VOR; Ident., FCM; Procedure No. TerVOR-36, Amdt. Orig.; Eff. Date, 12 May 62

PROCEDURE CANCELLED, EFFECTIVE MAY 12, 1962.

City, Salt Flat; State, Tex.; Airport Name, FAA Intermediate; Elev., 3727′; Fac. Class., VORW; Ident., SFL; Procedure No. TerVOR-16, Amdt. 5; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 4 (VOR Proc. No. 1); Dated, 28 Apr. 56

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Beaumont VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
Marsh Int	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Mitchell Int	LOM (Final)	Direct	1400	S-dn-11	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Procedure turn S side NW crs 293° Outbnd, 113° Inbnd, 1400′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at OM, 1400′—4.8 mi; at MM, 215′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on SE crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1400′ on R-067 BPT-VOR.

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16′; Fac. Class., ILS; Ident., I-BPT; Procedure No. ILS-11, Amdt. 4; Eff. Date, 12 May 62; Sup. Amdt. No. 3; Dated, 18 Nov. 61

Marsh Int*	Groves Int (Final)*	Direct	1000	T-dn	300-1	300-1	200-½
BPT-VOR	Groves Int*	Direct	1400	C-dn	400-1	500-1	500-1½
ILS LOM	Groves Int*	Direct	1400	S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs ILS, 113° Outbnd, 293° Inbnd, 1400′ within 10 mi of Groves Int*.
No glide slope. Minimum altitude over Groves Int* on final approach crs, 1000′.
Crs and distance, Groves Int* to Runway 29, 293°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Groves Int*, climb to 1400′ on NW crs BPT-ILS within 20 mi or, when directed by ATC, turn left and climb to 1600′ on R-247 BPT-VOR within 20 mi.
*Groves Int: Int SE crs ILS & R-083 BPT-VOR.

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16′; Fac. Class., ILS; Ident., I-BPT; Procedure No. ILS-29, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 24 Dec. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN VOR	LOM	Direct	7000	T-dn##	300–1	300–1	200–½
Westminister Int	LOM	Direct	7000	C-dn	#400–1	500–1	500–1½
Aurora "H"	LOM	Direct	7000	S-dn–26L%*	200–½	200–½	200–½
Strasburg Int	LOM	Direct	7000	A-dn	600–2	600–2	600–2
Kiowa VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (Final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Titan Int	LOM	Direct	7000				
Parker Int	LOM	Direct	7700				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn North side E crs, 7000′ within 10 miles, 076° Outbnd, 256° Inbnd.
Minimum altitude at glide slope int inbnd, 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 6974′—5.5 mi; at MM, 5551′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to at least 5800′ before turning right climbing to 7000′ on OLL-VOR R-188 within 20 miles or, when directed by ATC, turn right, proceed to DEN VOR climbing to 6500′ on R-031, or turn right and climb to 7000′ on north crs DN LFR within 20 mi.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport
NOTE: Narrow localizer course —4°.
#500–1 required for circling south of airport due to 5579′ MSL tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport.
*400–1 required when glide slope not used.
%Runway Visual Range 2600′ also authorized for landing on Runway 26L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 5531′ msl shall not be made unless visual contact with the approach lights has been established for the aircraft is clear of clouds.
##Runway Visual Range 2600′ also authorized for takeoff on Runway 26L in lieu of 200–½ when 200–⅛ is authorized; provided that high intensity runway lights are operational.
Other changes: Deletes transitions from DN-LFR and Dupont Int.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 25; Eff. Date, 12 May 62; Sup. Amdt. No. 24; Dated, 25 Mar. 61

GRB–VOR	Stadium Int*	Direct	1900	T-dn	300–1	300–1	200–½
Int GRB R-164 and SW crs ILS	Stadium Int*	Direct	2300	C-dn	400–1	500–1	500–1½
Int GRB R-130 and NE crs ILS LOM	Stadium Int*	Direct	1900	S-dn–24	400–1	400–1	400–1
Int GRB R-204 and SW crs ILS	Stadium Int*	Direct	2300	A-dn	800–2	800–2	800–2
Int GRB R-181 and SW crs ILS	Stadium Int*	Direct	2300				
Green Bay LOM	Stadium Int*	Direct	2300				

Procedure turn North side of crs, 059° Outbnd, 239° Inbnd, 1900′ within 10 miles of Stadium Int.*
No glide slope.
Minimum altitude over Stadium Int* on final approach crs, 1400′.
Crs and distance, Stadium Int* to airport, 239°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing Stadium Int*, climb to 2000′ on SW crs GRB ILS, proceed to LOM or, when directed by ATC, make right climbing turn to 2100′, proceed direct to GRB-VOR.
CAUTION: 2049′ msl tower 7 mi SE of airport.
NOTE: Due to 2049′ msl tower 7 mi SE of airport, aircraft departing on Runway 18 which are SE-bnd, climb to 2500′ on runway heading before proceeding on course. Aircraft departing Runway 12 which are SE-bnd, turn left after takeoff, climb to above 2500′ on an 075° brng from the GR LOM before proceeding on course.
*Stadium Int: Int NE crs ILS and R-115 GRB-VOR.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., ILS; Ident, I-GRB; Procedure No. ILS-24, Amdt. Orig.; Eff. Date, 12 May 62

Midland VOR	Radio Int#	Direct	4200	T-dn*	300–1	300–1	200–½
Int NE crs ILS and R-249 BGS–VOR	Tank Farm Int##	Direct	5000	C-dn	400–1	500–1	500–1½
Tank Farm Int##	Radio Int (Final)	Direct	3900	S-nd–22	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of NE crs of ILS, 043° Outbnd, 223° Inbnd, 4400′ within 10 of Radio Int#.
No glide slope. Altitude over Radio Int, 3900′; crs and distance, Radio Int to airport, 223°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb to 4500′ on SW crs ILS within 20 miles or, when directed by ATC, climb to 4000′ on R-150 MAF or climb to 4000′ on SE crs of MF-LFR within 30 mi.
*300–1 required Runways 16L and 34R.
#Radio Int: Int NE crs ILS and R-117 MAF.
##Tank Farm Int: Int NE crs ILS and R-073 MAF VOR.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS–22, Amdt. 6; Eff. Date, 12 May 62; Sup. Amdt. No. 5; Dated, 25 Nov. 61

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–16R	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.
Procedure turn NA.
Minimum altitude over Lake Radar Fix, 6000′.
Crs and distance Lake Radar Fix to airport, 158°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Lake Radar Fix, make a climbing right turn, climb on SLC-VOR R-248 or on W crs SC LFR to 9000′ within 20 mi.
NOTES: Glide slope use not authorized. If radar contact not established or radar inoperative, execution of this procedure not authorized.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4226′; Fac. Class. ,ILS; Ident., I-SLC; Procedure No. ILS-16R ,Amdt. Orig.; Eff. Date, 12 May 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SJ LFR	LOM	Direct	2000	T-dn##	300–1	300–1	200–½
SEA VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Vashon Int	LOM	Direct	2000	S-dn–34#	200–½	200–½	200–½
Hobart FM	LOM	Direct	4000	A-dn	600–2	600–2	600–2
TM LFR	LOM	Direct	2000				
Puyallup Int*	LOM (Final)	Direct	2000				
SZI RBn	LOM	Direct	2000				
Burton Int	LOM	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn E side of S crs, 158° Outbnd, 338° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope interception inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1700′—4.3 mi; at MM, 600′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ direct to Park RBn. Continue climb on crs 338° Outbnd, 158° Inbnd within 10 mi Park RBn or, when directed by ATC, turn left, climb to 2000′ on R-225 SEA-VOR to Burton Int, or climb to 2000′ on S crs SJ-LFR within 10 mi.
CAUTION: Terrain and trees to 591′ MSL immediately N and NE of airport.
Narrow localizer crs 4°.
*Transition to Puyallup Int authorized from TM-LFR on crs 020°, 2000′.
#Runway visual range (RVR) 2600′ also authorized for landing on Runway 34, provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I-SEA; Procedure No. ILS–34, Amdt. 19; Eff. Date, 12 May 62; Sup. Amdt. No. 18; Dated, 13 May 61

Tyler RBn	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Mount Sylvan Int	LOM (Final)	Direct	1800	C-dn	400–1	500–1	500–1½
Fruitvale Int	LOM	Via NW crs ILS	1800	S-dn–13	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1800′—4.6 mi, at MM, 720′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on SE crs ILS (127°) within 20 miles.
Other changes: Deletes note regarding minima when glide slope not utilized. Deletes note regarding approach lights.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., ILS; Ident., I-TYR; Procedure No. ILS–13, Amdt. 3; Eff. Date, 12 May 62; Sup. Amdt. No. 2; Dated, 30 May 59

YM LFR	LOM	Direct	4000	T-dn#	300–1	300–1	300–¾
YKM–VOR	LOM	Direct	4000	C-dn	800–2	800–2	800–2
Gleed Int	LOM	Direct	4000	S-dn–27	300–¾	300–¾	300–¾
White Swan Int	LOM	Direct	4000	A-dn	900–2	900–2	900–2
Toppenish Int	LOM	Direct	4000				
Int SE crs YM LFR and Brng 325° to YK LOM.	LOM	Direct	4000				

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4000′ within 10 miles.
Minimum altitude at glide slope int inbnd, 4000′.
Altitude of glide slope and distance to approach end of runway at OM, 3334′—6.9 mi; at MM, 1262′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn and climb to 4000′ on E crs ILS within 10 mi of LOM.
NOTE: All components of the ILS and related airborne equipment must be fully operational and used when executing this approach.
CAUTION: High terrain extends from NE to NW of YKM-VOR.
Other change: Deletes transition from Sawmill Int.
#Takeoff minimums Runways 22–4 and 34–16: 500–1 Day, 800–2 Night.

City, Yakima; State, Wash.; Airport Name, Yakima Municipal; Elev., 1082′; Fac. Class., ILS; Ident., I-YKM; Procedure No. ILS–27, Amdt. 7; Eff. Date, 12 May 62; Sup. Amdt. No. 6; Dated, 20 May 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes													
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.
325	020	0–5	5000										
355	065	15–20	12000	20–25	10000								
355	075	5–10	11000	10–15	12000	25–30	10000						
020	150	0–3	6800	3–5	8100								
065	100	15–28	9000										
075	100	10–15	9000	25–30	9000								
075	122	5–10	9600										
100	150	10–15	11000										
100	160	15–20	11000										
100	165	20–30	11000										
122	355	5–10	7000										
150	325	0–5	6400										
150	355	10–15	7000										
160	355	15–20	7000										
165	290	20–25	7000										
165	220	25–30	7000										
220	240	25–30	8000										
240	290	25–30	7000										
290	355	20–30	7500										

Ceiling and visibility minimums			
Condition	2-engine or less		More than 2-engine, more than 65 knots
	65 knots or less	More than 65 knots	
Surveillance approach			
T–dn	300–1	300–1	200–½
C–dn	400–1	500–1	500–1½
S–dn–35, 17	400–1	400–1	*400–1
S–dn–8, 3	400–1	400–1	**400–1
A–dn	800–2	800–2	800–2
Precision approach			
S–dn–8	300–¾	300–¾	**400–1
A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runways 35, 8, and 3: Turn left and climb to 8000′ on 260° crs direct to ABQ–VOR or, when directed by ATC, turn left and climb to 8000′ on W crs AQ–LFR within 20 miles.

Runway 17: Climb straight ahead to AQ–LFR and climb to 7000′ or, when directed by ATC, (1) turn right, climb to 8000′ on W crs AQ–LFR within 20 miles or (2) make right climbing turn to 8000′ on 260° crs direct to ABQ–VOR.

NOTE: No approach lights.

CAUTION: Terrain exceeding 8000′ msl in East quadrants.

*Runway 17–35 restricted to aircraft gross weight of 33,000 pounds or less.

**300–1½ required for jet aircraft.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352′; Fac. Class. and Ident., Kirtland Radar; Procedure No. 1, Amdt. 7; Eff. Date, 12 May 62; Sup. Amdt. No. 6; Dated, 7 Apr 62

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within 30 mi	8000	**Precision approach**			
				T–dn*	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn# 34/16	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn#	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn 34/16	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Seattle-Tacoma Radar authorized in accordance with approved radar patterns and sector altitudes.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runway 34: Climb to 2000′ direct to Park RBn. Continue climb on crs 338° Outbnd, 158° Inbnd within 10 mi Park RBn or, when directed by ATC, turn left, climb to 2000′, intercept R–225 of Seattle VOR, thence to Burton Int.

Runway 16: Climb to 2000′ on R–158 of Seattle VOR to Seattle LOM or, when directed by ATC, turn right, climb to 2000′, intercept R–225, thence to Burton Int.

Alternate missed approach (all runways): Climb to 2000′ direct to Seattle LFR.

CAUTION: Terrain and trees to 591′ MSL located immediately N and NE of airport.

#Runway visual range (RVR) 2600′ also authorized for landing on Runway 34; provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

*Run visual range 2600′ also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ is authorized; provided high intensity lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class. and Ident., Seattle-Tacoma Radar; Procedure No. 1, Amdt. 6; Eff. Date, 12 May 62; Sup. Amdt. No. 5; Dated, 13 May 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on April 6, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–3588; Filed, Apr. 27, 1962; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6598]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Real Estate Investment Trusts

On January 20, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 603) regarding amendment of the Income Tax Regulations (26 CFR Part 1) prescribing regulations under part II, subchapter M, chapter 1 of the Internal Revenue Code of 1954 as added by section 10 of the Act of September 14, 1960 (Public Law 86–779, 74 Stat. 1003), and to reflect amendments to sections 11, 34, 116, 243, 318, 443, 852, 855, and 1504 of the Code made by such Act. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted subject to the following changes:

PARAGRAPH 1. Section 1.856–1 as set forth in the notice of proposed rule making is changed by revising subparagraph (2) of paragraph (b) and subparagraphs (1) and (2) of paragraph (d).

PAR. 2. Section 1.856–2 as set forth in the notice of proposed rule making is changed by revising paragraph (b), subdivisions (i) (*d*) and (ii) (*c*) of paragraph (c) (1), subparagraph (2) of paragraph (c), subparagraph (3) and example (4) of subparagraph (4) of paragraph (d), and by adding a new example (5) at the end of subparagraph (4) of paragraph (d).

PAR. 3. Section 1.856–3 as set forth in the notice of proposed rule making is changed by revising paragraphs (b), (c), (d), and (f).

PAR. 4. Section 1.856–4 as set forth in notice of proposed rule making is changed by revising paragraph (a) and subparagraphs (1), (2), (3) (i), and so much of subparagraph (3) (iii) as precedes subdivision (*a*) of paragraph (b).

PAR. 5. Section 1.857–6 as set forth in the notice of proposed rule making is changed by revising paragraph (e).

PAR. 6. Section 1.857–7 as set forth in the notice of proposed rule making is revised.

PAR. 7. Section 1.852 as set forth in the notice of proposed rule making is changed by revising the historical note at the end of section 852.

(Sec. 852 as amended by sec. 2, Act of July 11, 1956 (Public Law 700, 84th Cong., 70 Stat. 530); secs. 39, 101, Technical Amendments Act 1958 (72 Stat. 1638, 1674); sec. 10 (b), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1009)

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 24, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to prescribe regulations under part II, subchapter M, chapter 1 of the Internal Revenue Code of 1954, as added by section 10 of the Act of September 14, 1960 (Public Law 86–779, 74 Stat. 1003), and to reflect amendments to sections 11, 34, 116, 243, 318, 443, 852, 855, and 1504 of the Code made by such Act.

PARAGRAPH 1. There is inserted immediately after § 1.855–1 the following new sections:

REAL ESTATE INVESTMENT TRUSTS

Sec.

1.856 Statutory provisions; definition of real estate investment trust.
1.856–1 Definition of real estate investment trust.
1.856–2 Limitations.
1.856–3 Definitions.
1.856–4 Rents from real property.
1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.
1.857–1 Taxation of real estate investment trusts.
1.857–2 Method of taxation of real estate investment trusts.
1.857–3 Real estate investment trust taxable income.
1.857–4 Method of taxation of shareholders of real estate investment trusts.
1.857–5 Earnings and profits of a real estate investment trust.
1.857–6 Records to be kept by a real estate investment trust.
1.857–7 Information required in returns of shareholders.
1.857–8 Information returns.
1.858 Statutory provisions; dividends paid by real estate investment trust after close of taxable year.
1.858–1 Dividends paid by real estate investment trust after close of taxable year.

REAL ESTATE INVESTMENT TRUSTS

§ 1.856 Statutory provisions; definition of real estate investment trust.

SEC. 856. *Definition of real estate investment trust*—(a) *In general.* For purposes of this subtitle, the term "real estate investment trust" means an unincorporated trust or an unincorporated association—

(1) Which is managed by one or more trustees;

(2) The beneficial ownership of which is evidenced by transferable shares, or by transferable certificates of beneficial interest;

(3) Which (but for the provisions of this part) would be taxable as a domestic corporation;

(4) Which does not hold any property primarily for sale to customers in the ordinary course of its trade or business;

(5) The beneficial ownership of which is held by 100 or more persons;

(6) Which would not be a personal holding company (as defined in section 542) if all of its gross income constituted personal holding company income (as defined in section 543); and

(7) Which meets the requirements of subsection (c).

(b) *Determination of status.* The conditions described in paragraphs (1) to (4), inclusive, of subsection (a) must be met during the entire taxable year, and the condition described in paragraph (5) must exist during at least 335 days of a taxable year of 12 months, or during a proportionate part of a taxable year of less than 12 months.

(c) *Limitations.* A trust or association shall not be considered a real estate investment trust for any taxable year unless—

(1) It files with its return for the taxable year an election to be a real estate investment trust or has made such election for a previous taxable year which began after December 31, 1960;

(2) At least 90 percent of its gross income is derived from—

(A) Dividends;

(B) Interest;

(C) Rents from real property;

(D) Gain from the sale or other disposition of stock, securities, and real property (including interests in real property and interests in mortgages on real property); and

(E) Abatements and refunds of taxes on real property;

(3) At least 75 percent of its gross income is derived from—

(A) Rents from real property;

(B) Interest on obligations secured by mortgages on real property or on interests in real property;

(C) Gain from the sale or other disposition of real property (including interests in real property and interests in mortgages on real property);

(D) Dividends or other distributions on, and gain from the sale or other disposition of, transferable shares (or transferable certificates of beneficial interest) in other real estate investment trusts which meet the requirements of this part; and

(E) Abatements and refunds of taxes on real property;

(4) Less than 30 percent of its gross income is derived from the sale or other disposition of—

(A) Stock or securities held for less than 6 months; and

(B) Real property (including interests in real property) not compulsorily or involuntarily converted within the meaning of section 1033, held for less than 4 years; and

(5) At the close of each quarter of the taxable year—

(A) At least 75 percent of the value of its total assets is represented by real estate assets, cash and cash items (including receivables), and Government securities; and

(B) Not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)) for purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 percent of the value of the total assets of the trust and to not more than 10 percent of the outstanding voting securities of such issuer.

A real estate investment trust which meets the requirements of this paragraph at the close of any quarter shall not lose its status as a real estate investment trust because of a discrepancy during a subsequent quarter between the value of its various investments and such requirements unless such discrepancy exists immediately after the acquisition of any security or other property and is wholly or partly the result of such acquisition. A real estate investment trust which does not meet such requirements at the close of any quarter by reason of a discrepancy existing immediately after the acquisition of any security or other property which is wholly or partly the result of such acquisition during such quarter shall not lose its status for such quarter as a real estate

investment trust if such discrepancy is eliminated within 30 days after the close of such quarter and in such cases it shall be considered to have met such requirements at the close of such quarter for purposes of applying the preceding sentence.

(6) For purposes of this part—

(A) The term "value" means, with respect to securities for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the trustees, except that in the case of securities of real estate investment trusts such fair value shall not exceed market value or asset value, whichever is higher.

(B) The term "real estate assets" means real property (including interests in real property and interests in mortgages on real property) and shares (or transferable certificates of beneficial interest) in other real estate investment trusts which meet the requirements of this part.

(C) The term "interests in real property" includes fee ownership and co-ownership of land or improvements thereon and leaseholds of land or improvements thereon, but does not include mineral, oil, or gas royalty interests.

(D) All other terms shall have the same meaning as when used in the Investment Company Act of 1940, as amended.

(d) *Rents from real property defined.* For purposes of paragraphs (2) and (3) of subsection (c), the term "rents from real property" includes rents from interests in real property but does not include—

(1) Any amount received or accrued, directly or indirectly, with respect to any real property, if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property (except that any amount so received or accrued shall not be excluded from the term "rents from real property" solely by reason of being based on a fixed percentage or percentages of receipts or sales);

(2) Any amount received or accrued directly or indirectly from any person if the real estate investment trust owns, directly or indirectly—

(A) In the case of any person which is a corporation, stock of such person possessing 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total number of shares of all classes of stock of such person; or

(B) In the case of any person which is not a corporation, an interest of 10 percent or more in the assets or net profits of such person; and

(3) Any amount received or accrued, directly or indirectly, with respect to any real property, if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income. For purposes of this paragraph, the term "independent contractor" means—

(A) A person who does not own, directly or indirectly, more than 35 percent of the shares, or certificates of beneficial interest, in the real estate investment trust, or

(B) A person, if a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose stock), or, if not a corporation, not more than 35 percent of the interest in whose assets or net profits is owned, directly or indirectly, by one or more persons owning 35 percent or more of the shares or certificates of beneficial interest in the trust.

For purposes of paragraphs (2) and (3), the rules prescribed by section 318(a) for determining the ownership of stock shall apply in determining the ownership of stock, assets, or net profits of any person; except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2).

[Sec. 856 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1004 through 1006)]

§ 1.856–1 Definition of real estate investment trust.

(a) *In general.* The term "real estate investment trust" means an unincorporated trust or unincorporated association which (1) meets the status conditions in section 856(a) and paragraph (b) of this section, and (2) satisfies the gross income and asset diversification requirements under the limitations of section 856(c) and § 1.856–2.

(b) *Qualifying conditions.* To qualify as a "real estate investment trust", an unincorporated organization must be one—

(1) Which is managed by one or more trustees,

(2) The beneficial ownership of which is evidenced by transferable shares or by transferable certificates of beneficial interest,

(3) Which would be taxable as a domestic corporation but for the provisions of part II, subchapter M, chapter 1 of the Code,

(4) Which does not hold any property primarily for sale to customers in the ordinary course of its trade or business,

(5) The beneficial ownership of which is held by 100 or more persons, and

(6) Which would not be a personal holding company (as defined in section 542) if all of its gross income constituted personal holding company income (as defined in section 543).

(c) *Determination of status.* The conditions described in subparagraphs (1) through (4) of paragraph (b) of this section must be met during the entire taxable year and the condition described in subparagraph (5) of paragraph (b) of this section must exist during at least 335 days of a taxable year of 12 months or during a proportionate part of a taxable year of less than 12 months. The days during which the latter condition must exist need not be consecutive. In determining the minimum number of days during which the condition described in paragraph (b)(5) of this section is required to exist in a taxable year of less than 12 months, fractional days shall be disregarded. For example, in a taxable year of 310 days, the actual number of days prescribed would be $284\frac{35}{73}$ days ($\frac{310}{365}$ of 335). The fractional day is disregarded so that the required condition in such taxable year need exist for only 284 days.

(d) *Rules applicable to status requirements.* For purposes of determining whether an unincorporated organization meets the conditions and requirements in section 856(a), the following rules shall apply.

(1) *Trustee.* The term "trustee" means a person who holds legal title to the property of the real estate investment trust, and has such rights and powers as will meet the requirement of "centralization of management" under paragraph (c) of § 301.7701–2 of this chapter. Thus, the trustee must have continuing exclusive authority over the management of the trust, the conduct of its affairs, and (except as limited by section 856(d)(3) and § 1.856–4) the management and disposition of the trust property. For example, such authority will be considered to exist even though the trust instrument grants to the shareholders any or all of the following rights and powers: To elect or remove trustees; to terminate the trust; and to ratify amendments to the trust instrument proposed by the trustee. The existence of a mere fiduciary relationship does not, in itself, make one a trustee for purposes of section 856(a)(1). The trustee will be considered to hold legal title to the property of the trust, for purposes of this subparagraph, whether the title is held in the name of the trust itself, in the name of one or more of the trustees, or in the name of a nominee for the exclusive benefit of the trust. Furthermore, a trustee of a real estate investment trust may not be an officer or employee of, or have any direct or indirect proprietary interest in, any independent contractor which furnishes or renders services pertaining to the trust property, or manages or operates such property. See section 856(d)(3) and § 1.856–4 for definition of independent contractor.

(2) *Beneficial ownership.* Beneficial ownership shall be evidenced by transferable shares, or by transferable certificates of beneficial interest, and (subject to the provisions of paragraph (c) of this section) must be held by 100 or more persons, determined without reference to any rules of attribution. Provisions in the trust instrument which permit the trustee to redeem shares or to refuse to transfer shares in any case where the trustee, in good faith, believes that a failure to redeem shares or that a transfer of shares would result in the loss of status as a real estate investment trust will not render the shares "nontransferable." For purposes of the regulations under part II of subchapter M, the terms "stockholder," "stockholders," "shareholder," and "shareholders" include holders of beneficial interest in a real estate investment trust and the terms "stock," "shares," and "shares of stock" include certificates of beneficial interest.

(3) *Unincorporated organization taxable as a domestic corporation.* The determination of whether an unincorporated organization would be taxable as a domestic corporation, in the absence of the provisions of part II of subchapter M, shall be made in accordance with the provisions of section 7701(a)(3) and (4) and the regulations thereunder and for such purposes an otherwise qualified real estate investment trust is deemed to satisfy the "objective to carry on business" requirement of paragraph (a) of § 301.7701–2 of this chapter (Regulations on Procedure and Administration).

(4) *Property held for sale to customers.* A real estate investment trust may not hold any property primarily for sale to customers in the ordinary course of its trade or business. Whether property is held for sale to customers in the ordinary course of the trade or business of a real estate investment trust depends upon the facts and circumstances in each case.

(5) *Personal holding company.* An unincorporated organization, even though it may otherwise meet the requirements of part II of subchapter M, will not be a real estate investment trust if, by considering all of its gross income as personal holding company income under section 543, it would be a personal holding company as defined in section 542. Thus, if at any time during the last half of the trust's taxable year more than 50 percent in value of its outstanding stock is owned (directly or indirectly under the provisions of section 544) by or for not more than 5 individuals, the stock ownership requirement in section 542(a)(2) will be met and the trust would be a personal holding company. See § 1.857–6, relating to record requirements for purposes of determining whether the trust is a personal holding company.

(e) *Other rules applicable.* To the extent that other provisions of chapter 1 of the Code are not inconsistent with those under part II of subchapter M thereof and the regulations thereunder, such provisions will apply with respect to both the real estate investment trust and its shareholders in the same manner that they would apply to any other unincorporated trust which would be taxable as a domestic corporation. For example:

(1) Taxable income of a real estate investment trust is computed in the same manner as that of a domestic corporation;

(2) Section 301, relating to distributions of property, applies to distributions by a real estate investment trust in the same manner as it would apply to a domestic corporation;

(3) Sections 302, 303, 304, and 331 are applicable in determining whether distributions by a real estate investment trust are to be treated as in exchange for stock;

(4) Section 305 applies to distributions by a real estate investment trust of its own stock;

(5) Section 311 applies to distributions by a real estate investment trust;

(6) Except as provided in section 857(d), earnings and profits of a real estate investment trust are computed in the same manner as in the case of a domestic corporation;

(7) Section 316, relating to the definition of a dividend, applies to distributions by a real estate investment trust; and

(8) Section 341, relating to collapsible corporations, applies to gain on the sale or exchange of, or a distribution which is in exchange for, stock in a real estate investment trust in the same manner that it would apply to a domestic corporation.

§ 1.856–2 Limitations.

(a) *Effective date.* The provisions of part II, subchapter M, chapter 1 of the Code, and the regulations thereunder apply only to taxable years of a real estate investment trust beginning after December 31, 1960.

(b) *Election.* Under the provisions of section 856(c)(1), a trust, even though it satisfies the other requirements of part II of subchapter M for the taxable year, will not be considered a "real estate investment trust" for such year, within the meaning of such part II, unless it elects to be a real estate investment trust for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1960. The election shall be made by the trust by computing taxable income as a real estate investment trust in its return for the first taxable year for which it desires the election to apply, even though it may have otherwise qualified as a real estate investment trust for a prior year. No other method of making such election is permitted. An election once made is irrevocable for such taxable year and all succeeding taxable years.

(c) *Gross income requirements.* (1) Section 856(c)(2), (3), and (4) further provides that a trust shall not be considered a "real estate investment trust" for a taxable year unless for such year:

(i) At least 90 percent of its gross income is derived from—

(*a*) Dividends;

(*b*) Interest;

(c) Rents from real property;

(*d*) Gain from the sale or other disposition of stock, securities, real property, and interests in mortgages on real property; and

(*e*) Abatements and refunds of taxes on real property;

(ii) At least 75 percent of its gross income is derived from—

(*a*) Rents from real property;

(*b*) Interest on obligations secured by mortgages on real property;

(c) Gain from the sale or other disposition of real property and interests in mortgages on real property;

(*d*) Dividends or other distributions on, and gain from the sale or other disposition of, transferable shares in another qualified real estate investment trust which is so qualified for its taxable year to which the dividends or other distributions relate or during which the gain was realized; and

(*e*) Abatements and refunds of taxes on real property; and

(iii) Less than 30 percent of its gross income is derived from the sale or other disposition of—

(*a*) Stock or securities held for less than 6 months; and

(*b*) Real property, not compulsorily or involuntarily converted within the meaning of section 1033, held for less than 4 years.

All three of the gross income requirements in section 856(c) and this subparagraph must be met for the taxable year. Thus, at least 75 percent of gross income must be derived from the sources described in section 856(c)(3) and another 15 percent of gross income must likewise be derived from such sources or from the sources described in section 856(c)(2), or from a combination of such sources. A maximum of 10 percent of gross income is not restricted as to source.

(2) In determining whether the gross income of a real estate investment trust satisfies the percentage requirements in section 856(c) and subparagraph (1) of this paragraph, the term "gross income" has the same meaning as that term has under section 61 and the regulations thereunder for purposes of the denominator in the computation of the specified percentages, but for purposes of the various numerators in such computations the following rules shall apply:

(i) *Dividends.* The 90-percent requirement in section 856(c)(2)(A) permits the inclusion of dividends generally, while the 75-percent requirement in section 856(c)(3)(D) includes dividends only to the extent that they represent dividends or other distributions on transferable shares in other qualified real estate investment trusts.

(ii) *Interest.* In computing the percentage requirements in section 856(c)(2)(B) and (3)(B) there shall be included as interest only the amount which constitutes lawful interest for the loan or forbearance of money. Thus, for example, usurious or illegal interest, or fees imposed upon borrowers which are in fact a charge for services in addition to the charge for the use of borrowed money, shall not be included as interest. To the extent limited by this subdivision, the 90-percent requirement in section 856(c)(2)(B) permits the inclusion of interest generally, while the 75-percent requirement in section 856(c)(3)(B) includes interest only to the extent that it relates to obligations secured by mortgages on real property. Where a mortgage covers both real and other property an apportionment of the interest income must be made for purposes of the 75-percent requirement.

(iii) *Rents from real property.* See § 1.856–4 for the definition of rents from real property.

(iv) *Gain from sale or other disposition of property.* The 90-percent requirement in section 856(c)(2)(D) permits the inclusion of net gain from the sale or other disposition of stock, securities, and real property, while the 75-percent requirement in section 856(c)(3)(C) limits the includible amount to the net gain from the sale or other disposition of only real property and transferable shares in other qualified real estate investment trusts.

(v) *Gross income from sale or other disposition of property.* For purposes of the 30-percent limitation in section 856(c)(4), a loss from the sale or other disposition of the property described in such section is not netted with gain from the sale or other disposition of such property. A determination of the period for which such property has been held shall be governed by the provisions of section 1223 and the regulations thereunder.

(d) *Diversification of investment requirements*—(1) *75-percent test.* Section 856(c)(5)(A) requires that at the close of each quarter of the taxable year at least 75 percent of the value of the total assets of the trust be represented by one or more of the following:

(i) Real estate assets;

(ii) Government securities; and

(iii) Cash and cash items (including receivables).

For purposes of this subparagraph the term "receivables" means only those receivables which arise in the ordinary course of the trust's operation and does not include receivables purchased from another person. Subject to the limitations in section 856(c)(5)(B) and subparagraph (2) of this paragraph, the character of the remaining 25 percent (or less) of the value of the total assets is not restricted.

(2) *Limitations on certain securities.* Under section 856(c)(5)(B), not more than 25 percent of the value of the total assets of the trust may be represented by securities other than those described in section 856(c)(5)(A). The ownership of securities under the 25-percent limitation in section 856(c)(5)(B) is further limited in respect of any one issuer to an amount not greater in value than 5 percent of the value of the total assets of the trust and to not more than 10 percent of the outstanding voting securities of such issuer. Thus, if the real estate investment trust meets the 75-percent asset diversification requirement in section 856(c)(5)(A), it will also meet the first test under section 856(c)(5)(B) since it will, of necessity, have not more than 25 percent of its total assets represented by securities other than those described in section 856(c)(5)(A). However, the trust must also meet two additional tests under section 856(c)(5)(B), i.e. it cannot own the securities of any one issuer in an amount (i) greater in value than 5 percent of the value of the trust's total assets, or (ii) representing more than 10 percent of the outstanding voting securities of such issuer.

(3) *Determination of investment status.* The term "total assets" means the gross assets of the trust determined in accordance with generally accepted accounting principles. In order to determine the effect, if any, which an acquisition of any security or other property may have with respect to the status of a trust as a real estate investment trust, section 856(c)(5) requires a revaluation of the trust's assets at the end of the quarter in which such acquisition was made. A revaluation of assets is not required at the end of any quarter during which there has been no acquisition of a security or other property since the mere change in market value of property held by the trust does not, of itself, affect the status of the trust as a real estate investment trust. A change in the nature of "cash items", for example, the prepayment of insurance or taxes, does not constitute the acquisition of "other property" for purposes of this subparagraph. A real estate investment trust shall keep sufficient records as to investments so as to be able to show that it has complied with the provisions of section 856(c)(5) during the taxable year. Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(4) *Illustrations.* The application of section 856(c)(5) and this paragraph may be illustrated by the following examples:

Example (1). Real Estate Investment Trust M, at the close of the first quarter of its taxable year, has its assets invested as follows:

	Percent
Cash	6
Government securities	7
Real estate assets	63
Securities of various corporations (not exceeding, with respect to any one issuer, 5 percent of the value of the total assets of the trust nor 10 percent of the outstanding voting securities of such issuer)	24
Total	100

Trust M meets the requirements of section 856(c)(5) for that quarter of its taxable year.

Example (2). Real Estate Investment Trust P, at the close of the first quarter of its taxable year, has its assets invested as follows:

	Percent
Cash	6
Government securities	7
Real estate assets	63
Securities of Corporation Z	20
Securities of Corporation X	4
Total	100

Trust P meets the requirement of section 856(c)(5)(A) since at least 75 percent of the value of the total assets is represented by cash, Government securities, and real estate assets. However, Trust P does not meet the diversification requirements of section 856(c)(5)(B) because its investment in the voting securities of Corporation Z exceeds 5 percent of the value of the trust's total assets.

Example (3). Real Estate Investment Trust G, at the close of the first quarter of its taxable year, has its assets invested as follows:

	Percent
Cash	4
Government securities	9
Real estate assets	70
Securities of Corporation S	5
Securities of Corporation L	4
Securities of Corporation U	4
Securities of Corporation M (which equals 25 percent of Corporation M's outstanding voting securities)	4
Total	100

Trust G meets the 75-percent requirement of section 856(c)(5)(A), but does not meet the requirements of section 856(c)(5)(B) because its investment in the voting securities of Corporation M exceeds 10 percent of Corporation M's outstanding voting securities.

Example (4). Real Estate Investment Trust R, at the close of the first quarter of its taxable year (i.e. calendar year), is a qualified real estate investment trust and has its assets invested as follows:

Cash	$5,000
Government securities	4,000
Receivables	4,000
Real estate assets	68,000
Securities of Corporation P	4,000
Securities of Corporation O	5,000
Securities of Corporation U	5,000
Securities of Corporation T	5,000
Total assets	100,000

During the second calendar quarter the stock in Corporation P increases in value to $60,000 while the value of the remaining assets has not changed. If Real Estate Investment Trust R has made no acquisition of stock or other property during such second quarter it will not lose its status as a real estate investment trust merely by reason of the appreciation in the value of P's stock. If, during the third quarter, Trust R acquires stock of Corporation S worth $2,000, such acquisition will necessitate a revaluation of all of the assets of Trust R as follows:

Cash	$3,000
Government securities	4,000
Receivables	4,000
Real estate assets	68,000
Securities in Corporation P	50,000
Securities in Corporation O	5,000
Securities in Corporation U	5,000
Securities in Corporation T	5,000
Securities in Corporation S	2,000
Total assets	146,000

Because of the discrepancy between the value of its various investments and the 25-percent limitation in section 856(c)(5), resulting in part from the acquisition of the stock of Corporation S, Trust R, at the end of the third quarter, loses its status as a real estate investment trust. However, if Trust R, within 30 days after the close of such quarter, eliminates the discrepancy so that it meets the 25-percent limitation, the trust will be considered to have met the requirements of section 856(c)(5) at the close of the third quarter, even though the discrepancy between the value of its investment in Corporation P and the 5-percent limitation in section 856(c)(5) (resulting solely from appreciation) may still exist. If instead of acquiring stock of Corporation S, Trust R had acquired additional stock of Corporation P, then because of the discrepancy between the value of its investments and both the 5-percent and the 25-percent limitations in section 856(c)(5) resulting in part from this acquisition, Trust R, at the end of the third quarter, would lose its status as a real estate investment trust, unless within 30 days after the close of such quarter both of the discrepancies are eliminated.

Example (5). If, in the previous example, the stock of Corporation P appreciates only to $10,000 during the second quarter and, in the third quarter, Trust R acquires stock of Corporation S worth $1,000, the assets as of the end of the third quarter would be as follows:

Cash	$4,000
Government securities	4,000
Receivables	4,000
Real estate assets	68,000
Securities in Corporation P	10,000
Securities in Corporation O	5,000
Securities in Corporation U	5,000
Securities in Corporation T	5,000
Securities in Corporation S	1,000
Total assets	106,000

Because the discrepancy between the value of its investment in Corporation P and the 5-percent limitation in section 856(c)(5) results solely from appreciation, and because there is no discrepancy between the value of its various investments and the 25-percent limitation, Trust R, at the end of the third quarter, does not lose its status as a real estate investment trust. If, instead of acquiring stock of Corporation S, Trust R had acquired additional stock of Corporation P worth $1,000, then, because of the discrepancy between the value of its investment in Corporation P and the 5-percent limitation resulting in part from this acquisition, Trust R, at the end of the third quarter, would lose its status as a real estate investment trust, unless within 30 days after the close of such quarter this discrepancy is eliminated.

§ 1.856–3 Definitions.

For purposes of the regulations under part II, subchapter M, chapter 1 of the Code, the following definitions shall apply.

(a) *Value.* The term "value" means, with respect to securities for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the trustees of the real estate investment trust. In the case of securities of other qualified real estate investment trusts, fair value shall not exceed market value or asset value, whichever is higher.

(b) *Real estate assets.* The term "real estate assets" means real property, interests in mortgages on real property (including interests in mortgages on leaseholds of land or improvements thereon), and shares in other qualified real estate investment trusts. The term "mortgages on real property" includes deeds of trust on real property.

(c) *Interests in real property.* The term "interests in real property" includes fee ownership and co-ownership of land or improvements thereon and leaseholds of land or improvements thereon. Such term does not, however, include mineral, oil, or gas royalty interests, as, for example, a retained economic interest in coal with respect to which the special provisions of section 631(c) apply.

(d) *Real property.* The term "real property" means land or improvements thereon, such as buildings or other inherently permanent structures thereon (including items which are structural components of such buildings or structures). In addition, the term "real property" includes interests in real property. Local law definitions will not be controlling for purposes of determining the meaning of the term "real property" as used in section 856 and the regulations thereunder. The term includes, for example, the wiring in a building, plumbing systems, central heating or central air-conditioning machinery, pipes or ducts, elevators or escalators installed in the building, or other items which are structural components of a building or other permanent structure. The term does not include assets accessory to the operation of a business, such as machinery, printing press, transportation equipment which is not a structural component of the building, office equipment, refrigerators, individual air-conditioning units, grocery counters, furnishings of a motel, hotel, or office building, etc., even though such items may be termed fixtures under local law.

(e) *Securities.* The term "securities" does not include "interests in real property" or "real estate assets" as those terms are defined in section 856 and this section.

(f) *Qualified real estate investment trusts.* The term "qualified real estate investment trust" means a real estate investment trust within the meaning of part II of subchapter M which is taxable under such part as a real estate investment trust. For purposes of the 75-percent requirement in section 856(c)(5)(A), the trust whose stock has been included by another trust as "real estate assets" must be a "qualified real estate investment trust" for its full taxable year in which falls the close of each quarter of the trust's taxable year for which the computation is made. For example, Real Estate Investment Trust Z for its taxable year ending December 31, 1963, holds as "real estate assets" stock in Real Estate Investment Trust Y, which is also on a calendar year. If Trust Y is not a qualified real estate investment trust for its full taxable year ending December 31, 1963, Trust Z may not include the stock of Trust Y as "real estate assets" in computing the 75-percent requirement as of the close of any quarter of its taxable year ending December 31, 1963.

(g) *Partnership interest.* In the case of a real estate investment trust which is a partner in a partnership, as defined in section 7701(a)(2) and the regulations thereunder, the trust will be deemed to own its proportionate share of each of the assets of the partnership and will be deemed to be entitled to the income of the partnership attributable to such share. For purposes of section 856, the interest of a partner in the partnership's assets shall be determined in accordance with his capital interest in the partnership. The character of the various assets in the hands of the partnership and items of gross income of the partnership shall retain the same character in the hands of the partners for all purposes of section 856. Thus, for example, if the trust owns a 30-percent capital interest in a partnership which owns a piece of rental property the trust will be treated as owning 30 percent of such property and as being entitled to 30 percent of the rent derived from the property by the partnership. Similarly, if the partnership holds any property primarily for sale to customers in the ordinary course of its trade or business, the trust will be treated as holding its proportionate share of such property primarily for such purpose. Also, for example, where a partnership sells real property or a trust sells its interest in a partnership which owns real property, any gross income realized from such sale, to the extent that it is attributable to the real property, shall be deemed gross income from the sale or disposition of real property held for either the period that the partnership has held the real property or the period that the trust was a member of the partnership, whichever is the shorter.

§ 1.856–4 Rents from real property.

(a) *In general.* Subject to the limitations of section 856(d) and paragraph (b) of this section, the term "rents from real property" means, generally, the gross amounts received for the use of, or the right to use, real property of the real estate investment trust. Where an amount of rent is received with respect to property consisting of both real and other property, such as a furnished apartment building, hotel, or motel, an apportionment of the rent is required. Only that part of the rent which is attributable to "real property" shall be included for purposes of the gross income requirements in section 856(c) (2) and (3) and paragraph (c) of § 1.856–2.

(b) *Amounts not includible as rent.* Section 856(d) contains restrictions and limitations under which certain amounts, although received or accrued for the use of, or the right to use, real property of the trust, will not be includible as "rents from real property" for purposes of the gross income requirements in section 856(c) (2) and (3) and paragraph (c) of § 1.856–2. Thus, section 856(d) specifically excludes the following:

(1) *Where amount of rent depends on income or profits of any person.* Any amount received or accrued, directly or indirectly, with respect to any real property if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property. However, any amount so accrued or received shall not be excluded from the term "rents from real property" *solely* by reason of being based on a fixed percentage or percentages of receipts or sales (whether or not receipts or sales are adjusted for returned merchandise, or Federal, State or local sales taxes). Thus, for example, "rents from real property" would include rents where the lease provides for differing percentages of receipts or sales from different departments or from separate floors of a retail store so long as each percentage is fixed at the time of entering into the lease. However, where a trust leases real property to a tenant under terms other than solely on a fixed sum rental (i.e., for example, a percentage of the tenant's gross receipts), and the tenant subleases all or a part of such property under an agreement which provides for a rental based in whole or in part on the income or profits of the sublessee, the entire amount of the rent received by the trust from the prime tenant with respect to such property is disqualified as "rents from real property". Where in accordance with the terms of an agreement an amount received or accrued as rent for the taxable year includes both a fixed rental and a percentage of the lessee's income or profits in excess of a specific amount (usually determined before deducting the fixed rental and sometimes called "overage rents"), neither the fixed rental nor the additional amount will qualify as "rents from real property." However, where the amount received or accrued for the taxable year under such an agreement includes only the fixed rental, the determination of which does not depend in whole or in part on the income or profits derived by the lessee, such amount may qualify as "rents from real property." In any event, an amount will not qualify as "rents from real property" if, considering the lease and all the surrounding circumstances, the arrangement does not conform with normal business practices but is in reality used as a means of basing the rent on income or profits.

(2) *Ownership of person from whom trust receives rent.* Any amount received or accrued, directly or indirectly, from any person in which the real estate investment trust owns at any time during its taxable year the specified percentage or number of shares of stock (or interest in the assets or net profits) of such person. Any amount received from such person will not qualify as "rents from real property" if such person is a corporation and the trust owns 10 percent or more of the total combined voting

power of all classes of its stock entitled to vote or 10 percent or more of the total number of shares of all classes of its outstanding stock, or if such person is not a corporation and the trust owns a 10-percent-or-more interest in its assets or net profits. For example, a trust leases an office building to a tenant for which it receives rent of $100,000 for the taxable year 1962. The lessee of the building subleases space to various subtenants for which it receives gross rent of $500,000 for the year 1962. The trust owns 15 percent of the total assets of an unincorporated subtenant. The rent paid by this subtenant for the taxable year is $50,000. Therefore, $10,000 (50,000/500,000×$100,000) of the rent paid to the trust does not qualify as "rents from real property". Where the real estate investment trust receives, directly or indirectly, any amount of rent from any person in which it owns any proprietary interest, the trust shall submit, at the time it files its return for the taxable year (or before June 1, 1962, whichever is later), a schedule setting forth—

(i) The name and address of such person and the amount received as rent from such person; and

(ii) If such person is a corporation, the highest percentage of the total combined voting power of all classes of its stock entitled to vote, and the highest percentage of the total number of shares of all classes of its outstanding stock, owned by the trust at any time during the trust's taxable year; or

(iii) If such person is not a corporation, the highest percentage of the trust's interest in the assets or net profits of such person, owned by the trust at any time during its taxable year.

(3) *Trust furnishing services or managing property through an independent contractor*—(i) *In general*—(a) *General rule.* Any amount received or accrued, directly or indirectly, with respect to any real property if the real estate investment trust furnishes or renders services to the tenants of such property or manages or operates such property other than through an independent contractor from whom the trust itself does not derive or receive any income. Thus, for example, the trust may not receive any dividends from the independent contractor.

(b) *Customary services for which no separate charge is made.* Under section 856(d)(3), the trust (through its trustees or its own employees) may not directly furnish or render any services to the tenants of its property and may not directly manage or operate the property. However, for purposes of part II, subchapter M, chapter 1 of the Code, an amount will not be disqualified as "rent" if services, such as are usually or customarily furnished or rendered in connection with the mere rental of real property, are furnished or rendered to tenants of the property through an independent contractor. The independent contractor must not, however, be an employee of the trust (i.e., the manner in which he carries out his duties as independent contractor must not be subject to the control of the trust). The supplying of water, heat, and light; the cleaning of windows, public entrances, exits, and lobbies; the collection of trash; and the furnishing of elevator service, telephone answering service, unattended parking lots, and watchman or guard services are examples of services which may or may not (depending upon the circumstances) be customary or incidental to the mere rental of multiple-occupancy real estate. Although the cost of such incidental services may be borne by the trust, the services must, nevertheless, be furnished or rendered through an independent contractor. Furthermore, the facilities through which such services are furnished must be maintained and operated by an independent contractor. For example, if a heating plant is located in the building, it must be maintained and operated by an independent contractor. Where no separate charge is made for such services, no apportionment is required to be made between rents from real property and compensation for these services.

(c) *Services for which a separate charge is made.* Under section 856(d)(3), the trust may not derive or receive any income from an independent contractor who furnishes or renders services to the tenants of the trust property or who manages or operates such property, regardless of the source from which such income was derived by the independent contractor. To the extent that services, other than those usually or customarily rendered in connection with the mere rental of real property, are rendered to the tenants of the property by the independent contractor, the cost of such services must be borne by the independent contractor, a separate charge must be made therefor, and the amount thereof must be received and retained by the independent contractor; no amount attributable to such services shall be included in the gross income of the trust. In any event, the independent contractor must be adequately compensated for such services. Also, if a separate charge is made for the customary services described in (b) of this subdivision, such charge must be made, and the amount thereof must be received and retained, by the independent contractor rather than by the real estate investment trust. The furnishing of hotel, maid, boarding house, motel, attended parking lot, warehouse, or storage services are examples of services which are not usually or customarily furnished or rendered in connection with the mere rental of real estate, and the trust must not receive any income which is attributable to the furnishing or rendering of such services to tenants of the trust property. Furthermore, where electric current is purchased and then sold to the tenants at a price in excess of the purchase price (for example, submetered), such purchase and sale must be made by the independent contractor and no income therefrom may inure, directly or indirectly, to the trust.

(ii) *Trustee functions.* The requirement that the trust not receive any income from an independent contractor requires that the relationship between the two be an arm's-length relationship. In furtherance of this objective, the term "independent contractor" is specifically defined in subdivision (ii) of this subparagraph. The independent contractor must be adequately compensated for any services which are performed for the trust. Compensation to an independent contractor determined by reference to an unadjusted percentage of gross rents will generally be considered to be adequate where such percentage is reasonable taking into account the going rate of compensation for managing similar property in the same locality, the services rendered, and other relevant factors. The trustees of the real estate investment trust are not required to delegate or contract out their fiduciary duty to manage the trust itself, as distinguished from rendering or furnishing services to the tenants of its property or managing or operating the property. Thus, the trustees may do all those things necessary, in their fiduciary capacities, to manage and conduct the affairs of the trust itself. For example, the trustees may establish rental terms, choose tenants, enter into and renew leases, and deal with taxes, interest, and insurance, relating to the trust's property. The trustees may also make capital expenditures with respect to the trust's property (as defined in section 263) and may make decisions as to repairs of the trust's property (of the type which would be deductible under section 162), the cost of which may be borne by the trust.

(ii) *Independent contractor defined.* The term "independent contractor" means—

(*a*) A person who does not own, directly or indirectly, at any time during the trust's taxable year more than 35 percent of the shares in the real estate investment trust, or

(*b*) A person—

(*1*) If a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose stock), or

(*2*) If not a corporation, not more than 35 percent of the interest in whose assets or net profits

is owned, directly or indirectly, at any time during the trust's taxable year by one or more persons owning at any time during such taxable year 35 percent or more of the shares in the trust.

(iii) *Information required.* The real estate investment trust shall submit with its return for the taxable year (or before June 1, 1962, whichever is later) a statement setting forth the name and address of each independent contractor; and

(*a*) The highest percentage of the outstanding shares in the trust owned at any time during its taxable year by such independent contractor and by any person owning at any time during such taxable year any shares of stock or interest in the independent contractor.

(*b*) If the independent contractor is a corporation such statement shall set forth the highest percentage of the total combined voting power of its stock and the highest percentage of the total number of shares of all classes of its stock owned at any time during its taxable year by any person owning shares in the trust at any time during such taxable year.

(*c*) If the independent contractor is not a corporation such statement shall set forth the highest percentage of any interest in its assets or net profits owned at any time during its taxable year by any person owning shares in the trust at any time during such taxable year.

(4) *Attribution rules.* Paragraphs (2) and (3) of section 856(d) relate to direct or indirect ownership of stock, assets, or net profits by the persons described therein. For purposes of determining such direct or indirect ownership, the rules prescribed by section 318(a) (for determining the ownership of stock) shall apply except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2).

§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.

SEC. 857. *Taxation of real estate investment trusts and their beneficiaries*—(a) *Requirements applicable to real estate investment trusts.* The provisions of this part (other than subsection (d) of this section) shall not apply to a real estate investment trust for a taxable year unless—

(1) The deduction for dividends paid during the taxable year (as defined in section 561, but without regard to capital gains dividends) equals or exceeds 90 percent of its real estate investment trust taxable income for the taxable year (determined without regard to subsection (b)(2)(C)), and

(2) The real estate investment trust complies for such year with regulations prescribed by the Secretary or his delegate for the purpose of ascertaining the actual ownership of the outstanding shares, or certificates of beneficial interest, of such trust.

(b) *Method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest*—(1) *Imposition of normal tax and surtax on real estate investment trusts.* There is hereby imposed for each taxable year on the real estate investment trust taxable income of every real estate investment trust a normal tax and surtax computed as provided in section 11, as though the real estate investment trust taxable income were the taxable income referred to in section 11. For purposes of computing the normal tax under section 11, the taxable income and the dividends paid deduction of such real estate investment trust for the taxable year (computed without regard to capital gains dividends) shall be reduced by the deduction provided by section 242 (relating to partially tax-exempt interest).

(2) *Real estate investment trust taxable income.* For purposes of this part, the term "real estate investment trust taxable income" means the taxable income of the real estate investment trust, adjusted as follows:

(A) There shall be excluded the excess, if any, of the net long-term capital gain over the net short-term capital loss.

(B) The deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received, etc.) shall not be allowed.

(C) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends.

(D) The taxable income shall be computed without regard to section 443(b) (relating to computation of tax on change of annual accounting period).

(E) The net operating loss deduction provided in section 172 shall not be allowed.

(3) *Capital gains*—

(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every real estate investment trust a tax of 25 percent of the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss; and

(ii) The deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only.

(B) *Treatment of capital gain dividends by shareholders.* A capital gain dividend shall be treated by the shareholders or holders of beneficial interests as a gain from the sale or exchange of a capital asset held for more than 6 months.

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders or holders of beneficial interests at any time before the expiration of 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the trust (including capital gain dividends paid after the close of the taxable year described in section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated.

(4) *Loss on sale or exchange of stock held less than 31 days.* If—

(A) Under subparagraph (B) of paragraph (3) a shareholder of, or a holder of a beneficial interest in, a real estate investment trust is required, with respect to any share or beneficial interest, to treat any amount as a long-term capital gain, and

(B) Such share or interest is held by the taxpayer for less than 31 days,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in subparagraph (A) of this paragraph, be treated as loss from the sale or exchange of a capital asset held for more than 6 months. For purposes of this paragraph, the rules of section 246(c)(3) shall apply in determining whether any share of stock or beneficial interest has been held for less than 31 days; except that "30 days" shall be substituted for the number of days specified in subparagraph (B) of section 246(c)(3).

(c) *Restrictions applicable to dividends received from real estate investment trusts.* For purposes of section 34(a) (relating to credit for dividends received by individuals), section 116 (relating to an exclusion for dividends received by individuals), and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

(d) *Earnings and profits.* The earnings and profits of a real estate investment trust for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for such taxable year. For purposes of this subsection, the term "real estate investment trust" includes a domestic unincorporated trust or association which is a real estate investment trust determined without regard to the requirements of subsection (a).

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1006)]

§ 1.857-1 Taxation of real estate investment trusts.

(a) *Requirements applicable thereto.* Section 857(a) denies the application of the provisions of part II, subchapter M, chapter 1 of the Code (other than section 857(d), relating to earnings and profits) to a real estate investment trust for a taxable year unless—

(1) The deduction for dividends paid for such taxable year as defined in section 561 (computed without regard to capital gains dividends) is equal to at least 90 percent of its real estate investment trust taxable income for such taxable year (determined without regard to the provisions of section 857(b)(2)(C) and paragraph (c) of § 1.857-3); and

(2) The trust complies for such taxable year with the provisions of § 1.857-6 (relating to records required to be maintained by a real estate investment trust).

See section 858 and § 1.858-1, relating to dividends paid after the close of the taxable year.

(b) *Failure to qualify.* If a real estate investment trust does not meet the requirements of section 857(a) and paragraph (a) of this section for the taxable year, it will, even though it may otherwise be classified as a real estate investment trust, be taxed in such year as an ordinary corporation and not as a real estate investment trust. In such case, none of the provisions of part II of subchapter M (other than section 857(d)) will be applicable to it. For the rules relating to the applicability of section 857(d), see § 1.857-5.

§ 1.857-2 Method of taxation of real estate investment trusts.

(a) *Imposition of normal tax and surtax.* Section 857(b)(1) imposes a normal tax and surtax, computed at the rates and in the manner prescribed in section 11, on the "real estate investment trust taxable income", as defined in section 857(b)(2) and § 1.857-3, for each taxable year of a real estate investment trust. The tax is imposed as if the real estate investment trust taxable income were the taxable income referred to in section 11. In computing the normal tax under section 11, the real estate investment trust taxable income and the dividends paid deduction (computed without regard to capital gains dividends) shall both be reduced by the deduction for partially tax-exempt interest provided by section 242.

(b) *Taxation of capital gains.* Section 857(b)(3)(A) imposes a tax of 25 percent for each taxable year on the excess, if any, of the net long-term capital gain of a qualified real estate investment trust over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only. For the definition of capital gains dividend paid by a real estate investment trust, see section 857(b)(3)(C) and paragraph (e) of § 1.857-4. See section 858 and § 1.858-1 for rules relating to dividends paid after the close of the taxable year.

§ 1.857-3 Real estate investment trust taxable income.

Section 857(b)(2) requires certain adjustments to be made to convert taxable income of the real estate investment trust to "real estate investment trust taxable income" as follows:

(a) The excess, if any, of the net long-term capital gain over the net short-term capital loss shall be excluded;

(b) The special deductions provided in part VIII, subchapter B, chapter 1 of the Code (except the deduction under section 248), shall not be allowed. Those not allowed are the deduction for partially tax-exempt interest provided by section 242, the deductions for dividends received provided by sections 243, 244, and 245, and the deduction for certain dividends paid provided by section 247. However, the deduction provided by section 248 (relating to organizational expenditures), otherwise allowable in computing taxable income, shall likewise be allowed in computing "real estate investment trust taxable income". See section 857(b)(1) and paragraph (a) of § 1.857–2 for treatment of the deduction for partially tax-exempt interest (provided by section 242) for purposes of computing the normal tax under section 11;

(c) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends (as defined in section 857(b)(3)(C) and paragraph (e) of § 1.857–4);

(d) The taxable income shall be computed without regard to section 443(b). Thus, the taxable income for a period of less than 12 months shall not be placed on an annual basis even though such short taxable year results from a change of accounting period; and

(e) The net operating loss deduction provided in section 172 shall not be allowed.

§ 1.857–4 Method of taxation of shareholders of real estate investment trusts.

(a) *Ordinary income.* Except as otherwise provided in paragraph (b) of this section (relating to capital gains), a shareholder receiving dividends from a real estate investment trust shall include such dividends in gross income for the taxable year in which they are received. See section 858(b) and paragraph (c) of § 1.858–1 for treatment by shareholders of dividends paid by a real estate investment trust after the close of its taxable year in the case of an election under section 858(a).

(b) *Capital gains.* Under section 857(b)(3)(B), shareholders of a real estate investment trust who receive capital gains dividends (as defined in paragraph (e) of this section), in respect of the capital gains of an investment trust for a taxable year for which it is taxable under part II of subchapter M as a real estate investment trust, shall treat such capital gains dividends as gains from the sale or exchange of capital assets held for more than six months and realized in the taxable year of the shareholder in which the dividend was received.

(c) *Special treatment of loss on the sale or exchange of real estate investment trust stock held less than 31 days*—(1) *In general.* Under section 857(b)(4), if any person with respect to a share of real estate investment trust stock held for a period of less than 31 days, is required by section 857(b)(3)(B) to include in gross income as a gain from the sale or exchange of a capital asset held for more than six months the amount of a capital gains dividend, then such person shall, to the extent of such amount, treat any loss on the sale or exchange of such share as a loss from the sale or exchange of a capital asset held for more than six months.

(2) *Determination of holding period.* The rules contained in section 246(c)(3) (relating to the determination of holding periods for purposes of the deduction for dividends received) shall be applied in determining whether, for purposes of section 857(b)(4)(B) and this paragraph, a share of real estate investment trust stock has been held for a period of less than 31 days. In applying those rules, however, "30 days" shall be substituted for the number of days specified in subparagraph (B) of such section.

(3) *Illustration.* The application of section 857(b)(4) and this paragraph may be illustrated by the following example:

Example. On December 15, 1961, A purchased a share of stock in the S Real Estate Investment Trust for $20. The S trust declared a capital gains dividend of $2 per share to shareholders of record on December 31, 1961. A, therefore, received a capital gain dividend of $2 which, pursuant to section 857(b)(3)(B), he must treat as a gain from the sale or exchange of a capital asset held for more than six months. On January 5, 1962, A sold his share of stock in the S trust for $17.50, which sale resulted in a loss of $2.50. Under section 857(b)(4) and this paragraph, A must treat $2 of such loss (an amount equal to the capital gain dividend received with respect to such share of stock) as a loss from the sale or exchange of a capital asset held for more than six months.

(d) *Dividend received credit, exclusion, and deduction not allowed.* Any dividend received from a real estate investment trust which, for the taxable year to which the dividend relates, is a qualified real estate investment trust, shall not be eligible for the dividend received credit under section 34(a), the dividend received exclusion under section 116, or the dividend received deduction under section 243.

(e) *Definition of capital gain dividend.* A capital gain dividend, as defined in section 857(b)(3)(C), is any dividend or part thereof which is designated by a real estate investment trust as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year (including capital gain dividends paid after the close of the taxable year pursuant to an election under section 858) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate of the amount so designated. For example, a real estate investment trust making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1961, that of a distribution of $500,000 made December 15, 1961, $200,000 constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year and that such excess was $100,000 instead of $200,000. In such case, each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share.

§ 1.857–5 Earnings and profits of a real estate investment trust.

(a) Any real estate investment trust, whether or not such trust meets the requirements of section 857(a) and paragraph (a) of § 1.857–1 for any taxable year beginning after December 31, 1960, shall apply paragraph (b) of this section in computing its earnings and profits for such taxable year.

(b) In the determination of the earnings and profits of a real estate investment trust, section 857(d) provides that such earnings and profits for any taxable year (but not the accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for the taxable year. Thus, if a trust would have had earnings and profits of $500,000 for the taxable year except for the fact that it had a net capital loss of $100,000, which amount was not deductible in determining its taxable income, its earnings and profits for that year if it is a real estate investment trust would be $500,000. If the real estate investment trust had no accumulated earnings and profits at the beginning of the taxable year, in determining its accumulated earnings and profits as of the beginning of the following taxable year, the earnings and profits for the taxable year to be considered in such computation would amount to $400,000 assuming that there had been no distribution from such earnings and profits. If distributions had been made in the taxable year in the amount of the earnings and profits then available for distribution, $500,000, the trust would have as of the beginning of the following taxable year neither accumulated earnings and profits nor a deficit in accumulated earnings and profits, and would begin such year with its paid-in capital reduced by $100,000, an amount equal to the excess of the $500,000 distributed over the $400,000 accumulated earnings and profits which would otherwise have been carried into the following taxable year.

§ 1.857–6 Records to be kept by a real estate investment trust.

(a) *In general.* Under section 857(a)(2) a real estate investment trust is required to keep such records as will disclose the actual ownership of its outstanding stock . Thus, every real estate investment trust shall maintain in the internal revenue district in which it is required to file its income tax return permanent records showing the information relative to the actual owners of its stock contained in the written statements required by this section to be demanded from its shareholders. Such records shall be kept at all times available for inspection by any internal revenue officer or employee, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(b) *Actual owner of stock.* The actual owner of stock of a real estate investment trust is the person who is required to include in gross income in his return the dividends received on the stock. Generally, such person is the shareholder of record of the real estate investment trust. However, where the shareholder of record is not the actual owner of the stock, the stockholding record of the real estate investment trust may not disclose the actual ownership of such stock. Accordingly, the real estate investment trust shall demand written statements from shareholders of record disclosing the actual owners of stock as required in paragraph (d) of this section.

(c) *Stock ownership for personal holding company determination.* For the purpose of determining under section 856(a)(6) whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544.

(d) *Statements to be demanded from shareholders.* The information required by paragraphs (b) and (c) of this section shall be set forth in written statements which shall be demanded from shareholders of record as follows:

(1) In the case of a trust having 2,000 or more shareholders of record of its stock on any dividend record date, from each record holder of 5 percent or more of its stock; or

(2) In the case of a trust having less than 2,000 and more than 200 shareholders of record of its stock on any dividend record date, from each record holder of 1 percent or more of its stock; or

(3) In the case of a trust having 200 or less shareholders of record of its stock on any dividend record date, from each record holder of one-half of 1 percent or more of its stock.

(e) *Demands for statements.* The written statements from shareholders of record shall be demanded by the real estate investment trust in accordance with paragraph (d) of this section within 30 days after the close of the real estate investment trust's taxable year (or before June 1, 1962, whichever is later). When making demand for such written statements, the trust shall inform each such shareholder of his duty to submit at the time he files his income tax return (or before July 1, 1962, whichever is later) the statements which are required by § 1.857–7 if he fails or refuses to comply with such demand. A list of the persons failing or refusing to comply in whole or in part with the trust's demand for statements under this section shall be maintained as a part of the trust's records required by this section. A trust which fails to keep such records to show, to the extent required by this section, the actual ownership of its outstanding stock shall be taxable as an ordinary corporation and not as a real estate investment trust.

§ 1.857–7 Information required in returns of shareholders.

(a) *In general.* Any person who fails or refuses to submit to a real estate investment trust the written statements required under § 1.857–6 to be demanded by such trust from its shareholders of record shall submit at the time he files his income tax return for his taxable year which ends with, or includes, the last day of the trust's taxable year (or before July 1, 1962, whichever is later) a statement setting forth the information required by this section.

(b) *Information required*—(1) *Shareholder of record not actual owner.* In the case of any person holding shares of stock in any trust claiming to be a real estate investment trust who is not the actual owner of such stock, the name and address of each actual owner, the number of shares owned by each actual owner at any time during such person's taxable year, and the amount of dividends belonging to each actual owner. The requirements of this subparagraph will be met if the person holding such shares submits a copy of Form 1087, pursuant to paragraph (c)(1) of § 1.6042–1, setting forth such information.

(2) *Actual owner of shares.* In the case of an actual owner of shares of stock in any trust claiming to be a real estate investment trust—

(i) The name and address of each such trust, the number of shares actually owned by him at any and all times during his taxable year, and the amount of dividends from each such trust received during his taxable year;

(ii) If shares of any such trust were acquired or disposed of during such person's taxable year, the name and address of the trust, the number of shares acquired or disposed of, the dates of acquisition or disposition, and the names and addresses of the persons from whom such shares were acquired or to whom they were transferred;

(iii) If any shares of stock (including securities convertible into stock) of any such trust are also owned by any member of such person's family (as defined in section 544(a)(2)), or by any of his partners, the name and address of the trust, the names and addresses of such members of his family and his partners, and the number of shares owned by each such member of his family or partner at any and all times during such person's taxable year; and

(iv) The names and addresses of any corporation, partnership, association, or trust, in which such person had a beneficial interest of 10 percent or more at any time during his taxable year.

§ 1.857–8 Information returns.

Nothing in §§ 1.857–6 and 1.857–7 shall be construed to relieve a real estate investment trust or its shareholders from the duty of filing information returns required by regulations prescribed under the provisions of subchapter A, chapter 61 of the Code.

§ 1.858 Statutory provisions; dividends paid by real estate investment trust after close of taxable year.

SEC. 858. *Dividends paid by real estate investment trust after close of taxable year*—(a) *General rule.* For purposes of this part, if a real estate investment trust—

(1) Declares a dividend before the time prescribed by law for the filing of its return for a taxable year (including the period of any extension of time granted for filing such return), and

(2) Distributes the amount of such dividend to shareholders or holders of beneficial interests in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration,

the amount so declared and distributed shall, to the extent the trust elects in such return in accordance with regulations prescribed by the Secretary or his delegate, be considered as having been paid during such taxable year, except as provided in subsections (b) and (c).

(b) *Receipt by shareholder.* Amounts to which subsection (a) applies shall be treated as received by the shareholder or holder of a beneficial interest in the taxable year in which the distribution is made.

(c) *Notice to shareholders.* In the case of amounts to which subsection (a) applies, any notice to shareholders or holders of beneficial interests required under this part with respect to such amounts shall be made not later than 30 days after the close of the taxable year in which the distribution is made.

[Sec. 858 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1008)]

§ 1.858–1 Dividends paid by real estate investment trust after close of taxable year.

(a) *General rule.* In—

(1) Determining under section 857(a) and paragraph (a) of § 1.857–1 whether the deduction for dividends paid during the taxable year (without regard to capital gains dividends) by a real estate investment trust equals or exceeds 90 percent of its real estate investment trust taxable income (determined without regard to the provisions of section 857(b)(2)(C)),

(2) Computing its real estate investment trust taxable income (under section 857(b)(2) and § 1.857–3), and

(3) Determining the amount of capital gains dividends (as defined in section 857(b)(3) and paragraph (e) of § 1.857–4) paid during the taxable year,

any dividend (or portion thereof) declared by the real estate investment trust either before or after the close of the taxable year but in any event before the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the trust so elects in such return, be treated as having been paid during such taxable year. This rule is applicable only if the entire

amount of such dividend is actually distributed to the shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

(b) *Election*—(1) *Method of making election.* The election must be made in the return filed by the trust for the taxable year. The election shall be made by the real estate investment trust by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year of the trust in computing its real estate investment trust taxable income, or if the dividend (or portion thereof) to which such election applies is to be designated by the trust as a capital gains dividend, in computing the amount of capital gains dividends paid during such taxable year. The election provided in section 858(a) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 857(d) and § 1.857–5) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which an election has been made for a prior year under section 858(a)). The dividend or portion thereof, with respect to which the real estate investment trust has made a valid election under section 858(a), shall be considered as paid out of the earnings and profits of the taxable year for which such election is made, and not out of the earnings and profits of the taxable year in which the distribution is actually made.

(2) *Irrevocability of the election.* After the expiration of the time for filing the return for the taxable year for which an election is made under section 858(a), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

(c) *Receipt by shareholders.* Under section 858(b), the dividend or portion thereof, with respect to which a valid election has been made, will be includible in the gross income of the shareholders of the real estate investment trust for the taxable year in which the dividend is received by them.

(d) *Illustrations.* The application of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). The X Trust, a real estate investment trust, had taxable income (and earnings and profits) for the calendar year 1961 of $100,000. During that year the trust distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1962, the trust declared a dividend of $37,000 payable to shareholders on March 20, 1962. Such dividend consisted of the first regular quarterly dividend for 1962 of $25,000 plus an additional $12,000 representing that part of the taxable income for 1961 which was not distributed in 1961. On March 15, 1962, the X Trust filed its Federal income tax return and elected therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1962, as having been paid during the taxable year 1961. Assuming that the X Trust actually distributed the entire amount of the dividend of $37,000 on March 20, 1962, an amount equal to $12,000 thereof will be treated for the purposes of section 857(a) as having been paid during the taxable year 1961. Upon distribution of such dividend the trust becomes a qualified real estate investment trust for the taxable year 1961. Such amount ($12,000) will be considered by the X Trust as a distribution out of the earnings and profits for the taxable year 1961, and will be treated by the shareholders as a taxable dividend for the taxable year in which such distribution is received by them. However, assuming that the X Trust is not a qualified real estate investment trust for the calendar year 1962, nevertheless, the $12,000 portion of the dividend (paid on March 20, 1962) which the trust elected to relate to the calendar year 1961, will not qualify as a dividend for purposes of section 34, 116, or 243.

Example (2). The Y Trust, a real estate investment trust, had taxable income (and earnings and profits) for the calendar year 1964 of $100,000, and for 1965 taxable income (and earnings and profits) of $125,000. On January 1, 1964, the trust had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1964 the trust distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1965, the trust declared a dividend of $65,000 payable to shareholders on March 31, 1965. On March 15, 1965, the Y Trust filed its Federal income tax return in which it included $40,000 of the total dividend of $65,000 payable to shareholders on March 31, 1965, as a dividend paid by it during the taxable year 1964. On March 31, 1965, the Y Trust distributed the entire amount of the dividend of $65,000 declared on March 5, 1965. The election under section 858(a) is valid only to the extent of $15,000, the amount of the undistributed earnings and profits for 1964 ($100,000 earnings and profits less $85,000 distributed during 1964). The remainder ($50,000) of the $65,000 dividend paid on March 31, 1965, could not be the subject of an election, and such amount will be regarded as a distribution by the Y Trust out of earnings and profits for the taxable year 1965. Assuming that the only other distribution by the Y Trust during 1965 was a distribution of $75,000 paid as a dividend on October 31, 1965, the total amount of the distribution of $65,000 paid on March 31, 1965, is to be treated by the shareholders as taxable dividends for the taxable year in which such dividend is received. The Y Trust will treat the amount of $15,000 as a distribution of the earnings or profits of the trust for the taxable year 1964, and the remaining $50,000 as a distribution of the earnings or profits for the year 1965. The distribution of $75,000 on October 31, 1965, is, of course, a taxable dividend out of the earnings and profits for the year 1965.

(e) *Notice to shareholders.* Section 858(c) provides that, in the case of dividends with respect to which a real estate investment trust has made an election under section 858(a), any notice to shareholders required under part II, subchapter M, chapter 1 of the Code, with respect to such amounts, shall be made not later than 30 days after the close of the taxable year in which the distribution is made. Thus, the notice requirement of section 857(b)(3)(C) and paragraph (e) of § 1.857–4 with respect to capital gains dividends may be satisfied with respect to amounts to which section 858(a) and this section apply if the notice relating to such amounts is mailed to the shareholders not later than 30 days after the close of the taxable year in which the distribution is made. If the notice under section 858(c) relates to an election with respect to any capital gains dividends, such capital gains dividends shall be aggregated by the real estate investment trust with the designated capital gains dividends actually paid during the taxable year to which the election applies (not including such dividends with respect to which an election has been made for a prior year under section 858) for the purpose of determining whether the aggregate of the designated capital gains dividends with respect to such taxable year of the trust is greater than the excess of the net long-term capital gain over the net short-term capital loss of the trust. See section 857(b)(3)(C) and paragraph (e) of § 1.857–4.

PAR. 2. The principal heading for the regulations under subchapter M, chapter 1 of the Code is stricken and the following new heading is inserted in lieu thereof: REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

REGULATED INVESTMENT COMPANIES

PAR. 3. Paragraph (a) of § 1.851–2 is amended by revising the first and second sentences. This amended provision reads as follows:

§ 1.851–2 Limitations.

(a) *Election to be a regulated investment company.* Under the provisions of section 851(b)(1), a corporation, even though it satisfies the other requirements of part I, subchapter M, chapter 1 of the Code, for the taxable year, will not be considered a regulated investment company for such year, within the meaning of such part I, unless it elects to be a regulated investment company for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1941. The election shall be made by the taxpayer by computing taxable income as a regulated investment company in its return for the first taxable year for which the election is applicable. No other method of making such election is permitted. An election once made is irrevocable for such taxable year and all succeeding taxable years.

PAR. 4. Section 1.851–4 is amended by revising the first sentence. This amended provision reads as follows:

§ 1.851–4 Determination of status.

With respect to the effect which certain discrepancies between the value of its various investments and the requirements of section 851(b)(4) and paragraph (c) of § 1.851–2, or the effect that the elimination of such discrepancies will have on the status of a company as a regulated investment company for purposes of part I, subchapter M, chapter 1 of the Code, see section 851(d). A company claiming to be a regulated investment company shall keep sufficient records as to investments so as to be able to show that it has complied with the provisions of section 851 during the taxable year. Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

PAR. 5. Section 1.852 is amended by revising subsection (a) and by revising subsection (b)(3)(C) of section 852 and by revising the historical note. These amended provisions read as follows:

§ 1.852 Statutory provisions; taxation of regulated investment companies and their shareholders.

SEC. 852 *Taxation of regulated investment companies and their shareholders*—(a) *Requirements applicable to regulated investment companies.* The provisions of this part (other than subsection (c) of this section) shall not be applicable to a regulated investment company for a taxable year unless—

(1) The deduction for dividends paid during the taxable year (as defined in section 561, but without regard to capital gains dividends) equals or exceeds 90 percent of its investment company taxable income for the taxable year (determined without regard to subsection (b)(2)(D)), and

(2) The investment company complies for such year with regulations prescribed by the Secretary or his delegate for the purpose of ascertaining the actual ownership of its outstanding stock.

(b) *Method of taxation of companies and shareholders.* • • •

(3) *Capital gains.* • • •

(C) *Definition of capital gain dividend.* For purposes of this part, a capital gain dividend is any dividend, or part thereof, which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including capital gains dividends paid after the close of the taxable year described in section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated.

• • • • • •

[Sec. 852 as amended by sec. 2, Act of July 11, 1956 (Pub. Law 700, 84th Cong., 70 Stat. 530); secs. 39, 101, Technical Amendments Act 1958 (72 Stat. 1638, 1674); sec. 10(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 6. Section 1.852–1 is amended by revising first sentence in subparagraph (1) and revising subparagraph (2) in paragraph (a), and the second sentence in paragraph (b). These amended provisions read as follows:

§ 1.852–1 Taxation of regulated investment companies.

(a) *Requirements applicable thereto*—(1) *In general.* Section 852(a) denies the application of the provisions of part I, subchapter M, chapter 1 of the Code (other than section 852(c), relating to earnings and profits), to a regulated investment company for a taxable year beginning after February 28, 1958, unless—

(i) The deduction for dividends paid for such taxable year as defined in section 561 (computed without regard to capital gain dividends) is equal to at least 90 percent of its investment company taxable income for such taxable year (determined without regard to the provisions of section 852(b)(2)(D) and paragraph (d) of § 1.852–3); and

(ii) The company complies for such taxable year with the provisions of § 1.852–6 (relating to records required to be maintained by a regulated investment company).

See section 853(b)(1)(B) and paragraph (a) of § 1.853–? for amounts to be added to the dividends paid deduction, and section 855 and § 1.855–1, relating to dividends paid after the close of the taxable year.

(2) *Special rule for taxable years of regulated investment companies beginning before March 1, 1958.* The provisions of part I of subchapter M (including section 852(c)) are not applicable to a regulated investment company for a taxable year beginning before March 1, 1958, unless such company meets the requirements of section 852(a) and subparagraph (1) (i) and (ii) of this paragraph.

(b) *Failure to qualify.* If a regulated investment company does not meet the requirements of section 852(a) and paragraph (a)(1) (i) and (ii) of this section for the taxable year, it will, even though it may otherwise be classified as a regulated investment company, be taxed in such year as an ordinary corporation and not as a regulated investment company. In such case, none of the provisions of part I of subchapter M (other than section 852(c) in the case of taxable years beginning after February 28, 1958) will be applicable to it. For the rules relating to the applicability of section 852(c), see § 1.852–5.

PAR. 7. Paragraph (b) of § 1.852–2 is amended by—revising subparagraph (1) and subdivision (i) of subparagraph (2). These amended provisions read as follows:

§ 1.852–2 Method of taxation of regulated investment companies.

• • • • • •

(b) *Taxation of capital gains*—(1) *In general.* Section 852(b)(3)(A) imposes a tax of 25 percent for each taxable year on the excess, if any, of the net long-term capital gain of a regulated investment company (subject to tax under part I, subchapter M, chapter 1 of the Code) over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only. For the definition of capital gain dividend paid by a regulated investment company, see section 852(b)(3)(C) and paragraph (c) of § 1.852–4. See section 855 and § 1.855–1, relating to dividends paid after the close of the taxable year.

(2) *Undistributed capital gains*—(i) *In general.* A regulated investment company (subject to tax under part I of subchapter M) may, for taxable years beginning after December 31, 1956, designate under section 852(b)(3)(D) an amount of undistributed capital gains to each shareholder of the company. For the definition of the term "undistributed capital gains" and for the treatment of such amounts by a shareholder, see paragraph (b)(2) of § 1.852–4. For the rules relating to the method of making such designation, the returns to be filed, and the payment of the tax in such cases, see paragraph (a) of § 1.852–9.

PAR. 8 Paragraph (b) of § 1.852–4 is amended by revising subparagraph (1), and subdivision (i) of subparagraph (2). These amended provisions read as follows:

§ 1.852–4 Method of taxation of shareholders of regulated investment companies.

• • • • • •

(b) *Capital gains*—(1) *In general.* Under section 852(b)(3)(B), shareholders of a regulated investment company who receive capital gain dividends (as defined in paragraph (c) of this section), in respect of the capital gains of an investment company for a taxable year for which it is taxable under part I, subchapter M, chapter 1 of the Code, as a regulated investment company, shall treat such capital gain dividends as gains from the sale or exchange of capital assets held for more than 6 months and realized in the taxable year of the shareholder in which the dividend was received.

(2) *Undistributed capital gains.* (i) A person who is a shareholder of a regulated investment company at the close of a taxable year of such company for which it is taxable under part I of subchapter M shall include in his gross income as a gain from the sale or exchange of a capital asset held for more than 6 months any amount of undistributed capital gains. The term "undistributed capital gains" means the amount designated as undistributed capital gains in accordance with paragraph (a) of § 1.852–9, but such amount shall not exceed the shareholder's proportionate part of the amount subject to tax under section 852(b)(3)(A). Such amount shall be included in gross income for the taxable year of the shareholder in which falls the last day of the taxable year of the regulated investment company in respect of which the undistributed capital gains were designated. For certain administrative provisions relating to undistributed capital gains, see § 1.852–9.

PAR. 9. Section 1.855 is amended by—revising section 855(c), and adding a historical note. These amended and added provisions read as follows:

§ 1.855 Statutory provisions; dividends paid by regulated investment company after close of taxable year.

SEC. 855. *Dividends paid by regulated investment company after close of taxable year.* • • •

(c) *Notice to shareholders.* In the case of amounts to which subsection (a) is applicable, any notice to shareholders required under this part with respect to such amounts shall be made not later than 30 days after the close of the taxable year in which the distribution is made.

• • • • • •

[Sec. 855 as amended by sec. 10(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009)]

PAR. 10. Section 1.11 is amended by—revising section 11(d)(3), and the historical note. These amended provisions read as follows:

§ 1.11 Statutory provisions; tax imposed.

SEC. 11. *Tax imposed.* • • •

(d) *Exceptions.* Subsection (a) shall not apply to a corporation subject to a tax imposed by—

• • • • •

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts), or

• • • • •

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 10(d), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 11. Section 1.34 is amended by—revising paragraphs (1) and (2)(B) and adding paragraph (3) in section 34(c), and revising the historical note. These amended and added provisions read as follows:

§ 1.34 Statutory provisions; dividends received by individuals.

SEC. 34. *Dividends received by individuals.* • • •

(c) *No credit allowed for dividends from certain corporations.* Subsection (a) shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941);

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies; or

(3) A real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (sec. 856 and following).

• • • • •

[Sec. 34 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(e), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 12. Paragraph (b) of § 1.34-3 is amended by adding the following new subparagraph (4) at the end thereof:

§ 1.34-3 Dividends to which the credit and exclusion apply.

• • • • •

(b) *Dividends from certain corporations.* • • •

(4) See section 857(c) and paragraph (d) of § 1.857-4 for special rules which deny a credit under section 34 and exclusion under section 116 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

PAR. 13. Section 1.116 is amended by revising paragraphs (1) and (2)(B) and adding paragraph (3) in section 116, and revising the historical note. These amended and added provisions read as follows:

§ 1.116 Statutory provisions; partial exclusion of dividends received by individuals.

SEC. 116. *Partial exclusion of dividends received by individuals.* • • •

(b) *Certain dividends excluded.* Subsection (a) shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941);

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies; or

(3) A real estate investment trust which, for the taxable year of the trust in which the distribution is made, qualifies under part II of subchapter M (sec. 856 and following).

• • • • •

[Sec. 116 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(f), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 14. Section 1.243 is amended by adding paragraph (3) in section 243(c), and revising the historical note. These added and amended provisions read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

SEC. 243. *Dividends received by corporations.* • • •

(c) *Special rules for certain distributions.* For purposes of subsections (a) and (b)—

• • • • •

(3) Any dividend received from a real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (sec. 856 and following) shall not be treated as a dividend.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645); sec. 10(g), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 15. Section 1.243-2 is amended by adding paragraph (c). This added provision reads as follows:

§ 1.243-2 Special rules for certain distributions.

• • • • •

(c) *Dividends received from real estate investment trusts.* See section 857(c) and paragraph (d) of § 1.857-4 for special rules which deny a deduction under section 243 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

PAR. 16. Section 1.246-1 is amended by revising paragraph (c), and adding paragraph (d). These amended and added provisions read as follows:

§ 1.246-1 Deductions not allowed for dividends from certain corporations.

The deductions provided in sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), are not allowable with respect to any dividend received from:

• • • • •

(c) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year; or

(d) A real estate investment trust which, for its taxable year in which the distribution is made, is taxable under part II, subchapter M, chapter 1 of the Code. See section 243(c)(3), paragraph (c) of § 1.243-2, section 857(c), and paragraph (d) of § 1.857-4.

PAR. 17. Section 1.318 is amended by revising paragraphs (4) and (5) and adding paragraph (6) in section 318(b), and adding a historical note. These amended and added provisions read as follows:

§ 1.318 Statutory provisions; constructive ownership of stock.

SEC. 318 *Constructive ownership of stocks.*

• • • • •

(b) *Cross references.* For provisions to which the rules contained in subsection (a) apply, see—

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers); and

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts).

[Sec. 318 as amended by sec. 10(h), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 18. Section 1.318-1 is amended by revising subparagraphs (4) and (5) and adding subparagraph (6) in paragraph (a), and revising subparagraphs (2)(ii) and (3) and adding subparagraph (4) in paragraph (b). These amended and added provisions read as follows:

§ 1.318-1 Constructive ownership of stock; introduction.

(a) For the purposes of certain provisions of subchapter C, chapter 1 of the Code, section 318(a) provides that stock owned by a taxpayer includes stock constructively owned by such taxpayer under the rules set forth in such section. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and by or for his children, grandchildren, and parents. Under section 318(a)(2), constructive ownership rules are established for partnerships and partners, estates and beneficiaries, trusts and beneficiaries, and corporations and stockholders. If any person has an option to acquire stock, such stock is considered as owned by such person. The term "option" includes an option to acquire such an option and each of a series of such options.

The rules of section 318(a) are applicable to the following sections:

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers); and

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts).

Stock constructively owned by a person by reason of the application of paragraph (1), (2), or (3) of section 318(a) is, for purposes of applying paragraph (1), (2), or (3) treated as actually owned by such person, except as provided in section 318(a)(4)(B) and § 1.318-4.

(b) In applying section 318(a) to determine the stock ownership of any person for any one purpose—

(1) A corporation shall not be considered to own its own stock by reason of section 318(a)(2)(C)(ii),

(2) In any case in which an amount of stock owned by any person may be included in the computation more than one time—

(i) Such stock shall be used in such computation only once, and

(ii) Such stock shall be used in such computation in the manner in which it will impute to the person concerned the largest total stock ownership,

(3) In determining the 50-percent requirement of section 318(a)(2)(C) all of the stock owned actually and constructively by the person concerned shall be aggregated, and

(4) Under section 856(d) (relating to rents received by a real estate investment trust) "10 percent" shall be substituted for "50 percent" in subparagraph (C) of section 318(a)(2) in determining actual and constructive ownership of stock, assets, or net profits.

PAR. 19. Section 1.443 is amended by adding paragraph (5) under section 443(d), and a historical note. These added provisions read as follows:

§ 1.443 Statutory provisions; returns for a period of less than 12 months.

SEC. 443. *Returns for a period of less than 12 months.* • • •

(d) *Cross references.* For inapplicability of subsection (b) in computing—

• • • • •

(5) The taxable income of a real estate investment trust, see section 857(b)(2)(d).

[Sec. 443 as amended by sec. 10(i), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 20. Paragraph (d) of § 1.443-1 is amended by revising subparagraphs (3) and (4) and adding subparagraph (5). These amended and added provisions read as follows:

§ 1.443-1 Returns for periods of less than 12 months.

• • • • •

(d) *Cross references.* For inapplicability of section 443(b) and paragraph (b) of this section in computing—

(1) Accumulated earnings tax, see section 536 and the regulations thereunder;

(2) Personal holding company tax, see section 546 and the regulations thereunder;

(3) Undistributed foreign personal holding company income, see section 557 and the regulations thereunder;

(4) The taxable income of a regulated investment company, see section 852(b)(2)(E) and the regulations thereunder; and

(5) The taxable income of a real estate investment trust, see section 857(b)(2)(D) and the regulations thereunder.

PAR. 21. Section 1.1504 is amended by revising paragraph (6) in section 1504(b), and the historical note. These amended provisions read as follows:

§ 1.1504 Statutory provisions; definitions.

SEC. 1504. *Definitions.* • • •

(b) *Definition of "includible corporation".* As used in this chapter, the term "includible corporation" means any corporation except—

• • • • •

(6) Regulated investment companies and real estate investment trusts subject to tax under subchapter M of chapter 1.

• • • • •

[Sec. 1504 as amended by sec. 5, Act of March 13, 1956 (Pub. Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 2(c), Act of Sept. 23, 1959 (Pub. Law 86-376, 73 Stat. 699); sec. 10(j), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009)]

PAR. 22. Paragraph (b) of § 1.1502-2 is amended by revising subdivision (vi) in, and the last sentence of, subparagraph (1). These amended provisions read as follows:

§ 1.1502-2 Definitions.

• • • • •

(b) *Affiliated group.* (1) The term "affiliated group" is defined in section 1504 and includes the common parent corporation and every other corporation for the period during which such corporation is a member of the affiliated group within the meaning of such section. It does not include any corporation which is not an "includible corporation" as defined by section 1504(b). An includible corporation is defined by such section to mean any corporation, except—

(i) A corporation exempt under section 501 from the taxes imposed by subtitle A;

(ii) An insurance company subject to taxation under section 802 or 821 (except as provided in section 1504(c));

(iii) A foreign corporation (except as provided in section 1504(d));

(iv) A corporation entitled to the benefits of section 931 by reason of receiving a large percentage of its income from sources within possessions of the United States;

(v) A corporation organized under the China Trade Act of 1922;

(vi) A regulated investment company or a real estate investment trust subject to tax under subchapter M, chapter 1 of the Code;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) For periods before September 24, 1959, an electing small business corporation as defined in section 1371(b).

The consolidated income tax return must include every includible corporation which, under the provisions of section 1504, is a member of the affiliated group. No corporation which is connected by stock ownership with an affiliated group of includible corporations through a nonincludible corporation may be included in the consolidated return of such group. In no case may a consolidated return be filed by subsidiary corporations as an affiliated group unless the common parent corporation through which the subsidiaries are connected is a member of the group. For instance, there will not be recognized as an affiliated group two domestic industrial corporations, the common parent corporation of which is a regulated investment company subject to tax under part I, subchapter M, chapter 1 of the Code.

PAR. 23. Paragraph (a) of § 1.61-9 is amended by revising the third sentence. This amended provision reads as follows:

§ 1.61-9 Dividends.

(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. As to distributions made by real estate investment trusts, see sections 856 through 858, and the regulations thereunder. See section 116 for the exclusion from gross income of $50 of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals, and under section 37, relating to retirement income.

PAR. 24. Paragraph (a) of § 1.561-1 is amended by revising the first sentence. This amended provision reads as follows:

§ 1.561-1 Deduction for dividends paid.

(a) The deduction for dividends paid is applicable in determining accumulated taxable income under section 535, undistributed personal holding company income under section 545, undistributed foreign personal holding company income under section 556, investment company taxable income under section 852, and real estate investment trust taxable income under section 857. The deduction for dividends paid includes—

(1) The dividends paid during the taxable year;

(2) The consent dividends for the taxable year, determined as provided in section 565; and

(3) In the case of a personal holding company, the dividend carryover computed as provided in section 564.

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Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program CMD 3a

EXTENSION OF PERIOD OF DIVERSION

The provisions of the Fresh Irish Potatoes—Livestock Feed Diversion Program CMD—3a (26 F.R. 8589) are hereby revised to extend the period of diversion. Section 519.209 is revised to read as follows:

§ 519.209 Period of diversion.

The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before May 31, 1962.

Dated: April 25, 1962.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 62-4184; Filed, Apr. 27, 1962; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 305—RETRAINING SUBSISTENCE PAYMENTS

The regulations of the Area Redevelopment Administration, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933–9943), are amended to add the following new part:

Subpart A—Introduction

Sec.
305.1 Definitions.
305.2 Effective period of program.

Subpart B—General Rules

305.10 Eligibility for retraining payment.
305.11 Conditions of certification, participation, selection and attendance.
305.12 Weekly retraining payment.
305.13 Claims for retraining payments.
305.14 Determination of eligibility for retraining payments.
305.15 Appeals from determinations of ineligibility.

AUTHORITY: §§ 305.1–305.15 issued under sec. 17, Public Law 87–27.

Subpart A—Introduction

§ 305.1 Definitions.

As used in this part, unless the context clearly indicates otherwise:

(a) "Act" means the Area Redevelopment Act, Public Law 87–27, 87th Congress, approved May 1, 1961.

(b) "Agreement" means an agreement entered into by the Secretary of Labor and a State pursuant to section 17 of the Act.

(c) "Occupational Training" means any occupational training or retraining approved under the Act including: Vocational training, apprenticeship, and other on-the-job training; and related instruction which is a part of a training program approved pursuant to section 16 of the Act.

(d) "Redevelopment Area" means an area designated as a redevelopment area pursuant to the Act.

(e) "Residing" means dwelling within a redevelopment area, including intermittent or seasonal dwelling elsewhere necessitated by an individual's occupation, not less than six (6) months prior to selection for occupational training under the Act.

(f) "Retraining payments" means the retraining subsistence payments authorized under the provisions of section 17 of the Act.

(g) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(h) "State agency" means the agency designated by the State to act as agent of the United States for the purposes of section 17 of the Act.

(i) "Unemployed individual" means an individual who is able to work and is available for full-time employment and who has no job.

(j) "Underemployed individual" means an employed individual who is able to work full-time and is available for full-time employment and who is (1) working substantially less than full-time; (2) working at a level of skill substantially below his demonstrated level; or (3) is engaged in subsistence farming.

(k) "Week" means a calendar week, except that with respect to training programs established on the basis of a seven consecutive-day period other than a calendar week, then "week" shall mean such seven consecutive-day period.

(l) "Weekly" means once each week.

§ 305.2 Effective period of program.

Retraining payments shall be payable in accordance with the terms of section 17 of the Act for any week beginning on or after May 1, 1961 or on or after the date of the agreement with the State whichever is later, and ending on or before June 30, 1965; provided that a retraining payment shall be payable to an individual for a week ending after June 30, 1965 if: (a) During such week the individual has attended the course of occupational training which he had been attending on June 30, 1965 pursuant to a referral under section 16 of the Act and which he has been attending without interruption since then; and (b) the individual is otherwise eligible for a retraining payment for the week (sec. 29, Public Law 87–27).

Subpart B—General Rules

§ 305.10 Eligibility for retraining payment.

Except as otherwise provided in this part, an individual who has been referred for training pursuant to section 16 of the Act shall be eligible for a retraining payment for a week if he:

(a) Has made a claim for such payment in accordance with § 305.13 of this subpart;

(b) Has been certified by the Secretary of Labor in accordance with § 305.11 of this subpart, as having received occupational training during the week;

(c) Has not received and is not seeking unemployment compensation under any Federal or State unemployment compensation law with respect to the week or any part thereof for which claim for a retraining payment is made, but if the appropriate State or Federal agency finally determines that the individual was not entitled to unemployment compensation under any such unemployment compensation law with respect to such week, the individual shall not, if otherwise eligible, be deemed ineligible for a retraining payment for such week;

(d) Has not received more than 15 previous weekly retraining payments under the Act; and

(e) Has not earned income during such week for the performance of personal services (whether in employment, self-employment, or as an independent contractor) in excess of 50 percent of the retraining payment: *Provided*, That for any week that his earned income as described above, exceeds 50 percent of the retraining amount payable, he shall be eligible for a reduced retraining payment equal to the difference between the amount that such income exceeds 50 percent of the retraining payment and the amount of the retraining payment: *Provided further*, That such reduced retraining payment, if not an exact dollar amount, shall be rounded to the next higher dollar.

§ 305.11 Conditions of certification, participation, selection and attendance.

A weekly certification in the form prescribed by the Secretary of Labor shall be made as to any individual who is undergoing occupational training approved under section 16 of the Act: (a) That he is undergoing occupational training, and (b) that he has during such week satisfactorily attended the occupational training sessions scheduled for such week.

§ 305.12 Weekly retraining payment.

Before April 1 of each calendar year, each State shall compute the amount of the average weekly unemployment compensation payment for total unemployment (including dependents' allowances where provided by State law) made in the State during the preceding calendar year; provided that such amount, if not an exact dollar amount, shall be rounded to the next higher dollar. Such amount shall be the retraining payment payable in the State with respect to a week which begins within the period starting on April 1 of the calendar year and ending on the following March 31.

§ 305.13 Claims for retraining payments.

(a) *Furnishing of claim form.* A claim for a retraining payment shall be made on a form in accordance with instructions issued by the Secretary of Labor. The form shall be furnished by the duly designated training facility to each individual undergoing occupational training at the conclusion of each week of training: *Provided*, That in the event the training facility fails to provide the claim forms promptly, the person authorized to select trainees shall furnish the trainee with a form for late filing.

(b) *Completion and mailing of claim.* The trainee will complete his portion of the claim and return it to the training facility. The training facility will complete its portion of the claim and mail it promptly to the State agency.

§ 305.14 Determination of eligibility for retraining payments.

(a) *Procedure.* Determinations of eligibility for retraining payments shall be made by a person duly appointed by the head of the State agency. Such determinations shall be made in accordance with the Act, the regulations of this part, any instructions issued pursuant thereto, and the agreement between the State and the Secretary of Labor.

(b) *Notice of determination.* The State agency shall give notice to the individual affected thereby of any determination denying him any retraining payment for a week, and such notice shall be in writing stating clearly the reason(s) for such denial. Notice of such determination shall be given by personal delivery to the individual or by mailing to his last known address.

(c) *Notice of right to appeal.* With every notice of determination given under paragraph (b) of this section, the State agency shall give the individual a notice of his right to appeal stating the manner and time within which such appeal may be perfected.

§ 305.15 Appeals from determinations of ineligibility.

(a) *All states except the Virgin Islands.* Any individual who has been referred for training under the provisions of section 16 of the Act, whose claim for a retraining payment has been denied or reduced, shall be afforded a fair hearing upon appeal. His appeal shall be heard and determined by the tribunal designated by, and in accordance with, the State's unemployment compensation law and rules and regulations prescribed thereunder relating to the first stage of administrative appeal from determinations with respect to entitlement to unemployment compensation. The determination by said tribunal shall be final and not subject to further appeal or review.

(b) *The Virgin Islands.* In the case of such an appeal from a determination by the State agency of the Virgin Islands, the appellant shall be entitled to a hearing and decision in accordance with §§ 611.7, 611.8 (except paragraphs (b) and (i)), and § 611.10, Chapter V, Title 20, Code of Federal Regulations, insofar as such sections apply to the Virgin Islands in regard to appeals under title XV of the Social Security Act. Notice of the decision, and the reason(s) therefor, shall be given to the individual, the State agency, and the Secretary of Labor as provided in § 611.8(i) of such regulations.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the foregoing Part 305 of Chapter III of Title 13 of the Code of Federal Regulations is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this part of Chapter III of Title 13 are effective October 24, 1961.

Dated: April 24, 1962.

LUTHER H. HODGES,
Secretary of Commerce.
ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4151; Filed, Apr. 27, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2658]

[Idaho 011901]

IDAHO

Partly Revoking Stock Driveway Withdrawal (SDW No. 157, Idaho No. 9, as Enlarged)

By virtue of the authority vested in the Secretary of the Interior by Section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of March 31, 1942, enlarging Stock Driveway Withdrawal No. 157, Idaho No. 9, as created by the Departmental order of March 31, 1942, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 7 S., R. 43 E.,
Sec. 24, S½S½;
Sec. 25, N½NW¼.

The areas described aggregate 240 acres.

2. The lands released from a withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that until 10:00 a.m. on October 22, 1962, the State of Idaho shall have a preferred right of application to select the lands in accordance with Subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35, 185.36.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 23, 1962.

[F.R. Doc. 62-4152; Filed, Apr. 27, 1962; 8:45 a.m.]

[Public Land Order 2659]

[Idaho 08932]

IDAHO

Withdrawing Lands for Reclamation Purposes; Partly Revoking Public Land Order No. 2588 of January 15, 1962 (Snake River Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation in connection with the Mountain Home Division, Snake River Project:

BOISE MERIDIAN

T. 2 N., R. 4 W.,
Sec. 25, SE¼NE¼.
T. 1 S., R. 3 W.,
Sec. 13, SE¼NW¼.

Containing approximately 80 acres.

2. Public Land Order No. 2588 of January 15, 1962, which withdrew lands for reclamation purposes in connection with the Mountain Home Division, Snake River Project, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 2 N., R. 4 W.,
Sec. 35, NE¼SE¼.
T. 1 S., R. 3 W.,
Sec. 13, SW¼NW¼.
T. 5 S., R. 6 E.,
Sec. 30, lot 4.

The areas described, including the public and nonpublic lands, aggregate 116.70 acres, of which the lands in Section 13 are public lands.

3. The public lands released from withdrawal by Paragraph 2 of this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on October 22, 1962, the State of Idaho shall have a preferred right of application to select the lands in accordance with Subsection (c) of

section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the

[Sacramento 069115]

ments of applicable law, rules and regu-

that time the public lands shall be

section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on October 22, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 23, 1962.

[F.R. Doc. 62-4153; Filed, Apr. 27, 1962; 8:46 a.m.]

[Public Land Order 2660]

[Wyoming 087095]

WYOMING

Revoking Stock Driveway Withdrawal (SDW No. 248, Wyoming No. 45)

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of January 27, 1938, which withdrew the public lands in the following-described areas in Wyoming for stock driveway purposes is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 78 W.,
Sec. 22, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 27, E½W½.

The areas described aggregate approximately 320 acres.

2. The lands are located in Carbon County, in the vicinity of the community of Woodedge. Elevation varies from 8,000 to 8,500 feet above sea level. Vegetative cover is typical lodgepole pine.

3. Subject to any valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on October 22, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of Subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on October 22, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of January 29, 1929 (45 Stat. 1144), and the regulations in 43 CFR 185.35.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 23, 1962.

[F.R. Doc. 62-4154; Filed, Apr. 27, 1962; 8:46 a.m.]

[Public Land Order 2661]

[Oregon 010763]

OREGON

Withdrawing Lands for Reclamation Purposes; Revoking Executive Order No. 5900 of August 10, 1932

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the development, operation and maintenance of the Bully Creek Reservoir, Vale Project:

[Oregon 010763]

WILLAMETTE MERIDIAN

T. 18 S., R. 43 E.,
Sec. 4, SE¼SW¼ and W½SE¼;
Sec. 10, NW¼NE¼ and N½NW¼.

Containing 240 acres.

The lands withdrawn by Paragraph 1, of this order, shall be administered by the Bureau of Land Management, Department of the Interior, under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

3. Executive Order No. 5900 of August 10, 1932, which withdrew the following-described public lands for classification and in aid of legislation is hereby revoked:

[Oregon 011659]

WILLAMETTE MERIDIAN

T. 17 S., R. 13 E.,
Sec. 27, SW¼SW¼SW¼.

Containing 10 acres.

4. The lands released from withdrawal by Paragraph 3, hereof, are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on October 22, 1962, the State of Oregon shall have a preferred right of application to select the lands in accordance with Subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m. on October 22, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 23, 1962.

[F.R. Doc. 62-4155; Filed, Apr. 27, 1962; 8:46 a.m.]

[Public Land Order 2662]

[Sacramento 066470]

[Sacramento 065033]

[Sacramento 069115]

CALIFORNIA

Power Site Restoration No. 548; Power Site Cancellation No. 155; Revoking Certain Power Withdrawals; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determinations of the Federal Power Commission, it is ordered as follows:

1. In an order issued April 10, 1961, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a license for Project No. 678 affecting the following-described lands:

[Sacramento 066470]

MOUNT DIABLO MERIDIAN

T. 12 N., R. 18 E.,
Sec. 3, lots 2 and 3.
T. 12 N., R. 19 E.,
Sec. 30, lots 3, 4, E½SW¼ and SW¼SE¼;
Sec. 31, NW¼NE¼ and NE¼NW¼.

The areas described aggregate 394.63 acres of national forest lands in the Tahoe National Forest.

2. The Executive order of August 12, 1910, creating Power Site Reserve No. 149, and the order of the Geological Survey dated October 22, 1947, establishing Power Site Classification No. 389, are hereby revoked so far as they affect the following-described lands:

a. Power Site Reserve No. 149:

[Sacramento 069115]

MOUNT DIABLO MERIDIAN

T. 10 N., R. 20 E.,
Sec. 1, lots 4 and 6;
Sec. 2, lots 6, 8, 9, E½ of lot 10, W½SE¼, and SW¼;
Sec. 10, SE¼;
Sec. 11, NW¼, N½SW¼, and SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SE¼NE¼, and E½SE¼;
Sec. 22, E½E½ and SW¼SE¼;
Sec. 23, S½SW¼;
Sec. 25, S½SW¼;
Sec. 26, W½NE¼, N½NW¼, and SE¼;
Sec. 27, N½NE¼.
T. 9 N., R. 21 E.,
Sec. 34, lots 1, 2, N½NE¼, and NE¼SE¼.

The areas described aggregate 2,315.05 acres.

b. Power Site Classification No. 389:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 13 E.,
Sec. 21, S½NE¼;
Sec. 22, W½NW¼NW¼ and W½W½SW¼NW¼.

The areas described aggregate 110 acres.

3. In DA-998, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended; subject to the use by the Oakdale Irrigation District and the South San Joaquin Irrigation District and their successors of those portions of said lands lying at and below the 515-foot contour in connection with the Tulloch Reservoir; and subject to the condition that by means of substantial dikes or other adequate structures, mine tailings and other debris shall be confined in such manner that they shall not be carried by storm waters or otherwise into the Stanislaus River or its tributaries:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 13 E.,
Sec. 21, N½NE¼SE¼.

The tract described contains approximately 20 acres.

4. Until 10:00 a.m. on October 23, 1962, the State of California shall have (1) a preferred right of application to select the lands described in Paragraphs 2 and 3 of this order in accordance with Subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto, of any of the public and national forest lands described in this order required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of Section 24 of the Federal Power Act.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on October 23, 1962. At that time the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the national forest lands being opened to such other forms of disposition as may by law be made of national forest lands.

6. Any disposals of the lands described in Paragraph 2b of this order shall be subject to the condition that, by means of substantial dikes or other adequate structures, mine tailings and other debris shall be confined in such manner that they shall not be carried by storm waters or otherwise into the Stanislaus River or its tributaries.

7. Any disposals of the lands described in Paragraph 3, hereof, shall be subject to the provisions of Section 24 of the Federal Power Act, *supra*, and to the further provisions and conditions recited in said Paragraph 3, as specified by the Federal Power Commission in its determination.

8. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), Lots 2 and 3, Section 3, T. 12 N., R. 18 E., having been open subject to the general determination of the Federal Power Commission issued April 17, 1922, respecting withdrawals for transmission line purposes.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 24, 1962.

[F.R. Doc. 62-4143; Filed, Apr. 27, 1962; 8:45 a.m.]

[Public Land Order 2663]

[Montana 023908]

MONTANA

Withdrawing Public Lands for Preservation of Recreational Values, for Public Access, and for Forest Service Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Bureau of Land Management for preservation of recreational values and public access to waters of the Madison River, and for use as an administrative site by the Forest Service and such other Federal agencies as may have a need therefor for such time and under such conditions as may be prescribed by the Bureau of Land Management:

PRINCIPAL MERIDIAN

T. 6 S., R. 1 W.,
Sec. 20, N½NW¼.

Containing 80 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 24, 1962.

[F.R. Doc. 62-4144; Filed, Apr. 27, 1962; 8:45 a.m.]

[Public Land Order 2664]

[995553]

[561426]

ARKANSAS

Opening Lands Subject to Section 24 of the Federal Power Act

1. In Docket No. DA-58-Arkansas, issued January 9, 1961, the Federal Power Commission determined as follows:

a. That the value of the following-described lands, withdrawn in Power Site Reserve No. 514, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

FIFTH PRINCIPAL MERIDIAN

T. 15 N., R. 17 W.,
Sec. 3, NE¼NE¼.
T. 15 N., R. 18 W.,
Sec. 3, SW¼NE¼ and NW¼SW¼.
(123.13 acres.)

b. That the value of the following-described lands, withdrawn in Power Site Classification No. 5, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act as amended, and subject to the condition that in the event said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

FIFTH PRINICIPAL MERIDIAN

T. 9 N., R. 7 W.,
Sec. 26, Fractional W½SE¼.
(39.57 acres.)

2. Until 10:00 a.m. on October 23, 1962, the State of Arkansas shall have (1) a preferred right of application to select the lands described, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any

statute or regulation applicable thereto

statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of Section 24 of the Federal Power Act.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on October 23, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

4. Any disposals of the lands described in this order shall be subject to the provisions of Section 24 of the Federal Power Act, supra, disposition of any of the lands described in Paragraph 1b, hereof, to be further subject to the condition recited in Paragraph 1b, as specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

APRIL 24, 1962.

[F.R. Doc. 62-4142; Filed, Apr. 27, 1962; 8:45 a.m.]

[Public Land Order 2665]

[Montana 040002(ND)]

NORTH DAKOTA

Withdrawing Lands for Use of the Department of the Army for Flood Control

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation, and maintenance of the Bowman-Haley Dam Reservoir Project:

FIFTH PRINCIPAL MERIDIAN

T. 129 N., R. 101 W.,
Sec. 11, SW¼ and W½SE¼;
Sec. 13, SW¼NW¼, SW¼, and S½SE¼;
Sec. 14, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 15, S½N½ and N½S½;
Sec. 23, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, and SE¼;
Sec. 24;
Sec. 25, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 26, E½, E½NW¼, and SW¼NW¼;
Sec. 35, W½NE¼, S½NW¼, and N½SW¼.

The areas described aggregate approximate 3,280 acres.

JOHN A. CARVER,
Assistant Secretary of the Interior.

APRIL 24, 1962.

[F.R. Doc. 62-4145; Filed, Apr. 27, 1962; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 38, 43]

[Reg. Docket No. 1176; Draft Release No. 62-19]

NONEMERGENCY PARACHUTE JUMPING

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to adopt a new Part 38 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 30, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Nonemergency parachute jumping has expanded rapidly within the past five years. Most of the expansion has been due to the large and growing number of exhibition and sport parachute jumps. In the year 1956, the number of such jumps were estimated to be 238. By 1958, they had increased to over 5,000. In 1960, there were an estimated 60,000 jumps. In addition, a large number of jumps were made that year by military personnel. The number of sport parachute or "sky diving" clubs has also grown rapidly; in 1961, an estimated 217 of them were active.

About 80 percent of sport parachute jumps are made within an altitude range from 2,500 to 7,200 feet above the ground. Some jumps, however, are made at altitudes above 20,000 feet. Many of the high jumps involve free falls and include "sky diving" activities during the descent.

Section 43.47(b) of Part 43 and § 25.80 of Part 25 of the Civil Air Regulations are the only current rules which apply to nonemergency parachute jumping. Their application is limited to civil aircraft in the United States. Section 43.47(b) provides that no person piloting an aircraft shall permit a parachute jump to be made over the congested areas of cities, towns, or settlements, or an open-air assembly of persons, except in an emergency or under the terms of an authorization issued by the Administrator.

Section 25.80 applies to the packing, repair, maintenance, alteration, and inspection of parachutes. Experience with these rules has shown that they are no longer adequate to provide the proper control of nonemergency parachuting which the Agency believes necessary for the protection of air traffic, persons or property on the surface, and the parachutists themselves. Therefore, the Agency believes that a new part of the Civil Air Regulations should be issued containing the present nonemergency parachute jumping rules and additional rules considered necessary.

The rules proposed herein would, in some respects, apply to pilots and parachutists of the United States military services. For example, the rules would apply to parachute jumps made by members of the armed forces at civil airports. However, jumps by members of the armed forces at military facilities, such as an airbase or station, or within a restricted area controlled by a military agency, would not, unless the jumps were made in controlled airspace. The proposed rules would not apply to any parachute equipment of the armed forces when used by members of the armed forces.

The proposed rules encompass three main subjects of nonemergency parachute jumping. The first concerns jumps made over or within the congested areas of cities, towns, or settlements, or an open-air assembly of persons; the second concerns jumps made within controlled airspace; and the third concerns parachute equipment requirements. The rules are discussed in the following paragraphs.

1. *Responsibility of the parachutist.* Section 43.47(b) of Part 43 prohibits the pilot of an aircraft from permitting a parachute jump to be made under certain conditions, but does not apply to the parachutist himself. When jumps are made to a target, the jumper often determines the best position of the aircraft in relation to the target for making the jump, and gives directional guidance to the pilot to such position during the final approach to the target. Thus, the parachutist is responsible for the aircraft's location when the jump is made. Moreover, after opening his parachute, he has considerable directional control over it to maneuver to his selected target. A skilled parachutist also has a large degree of control during a free fall. For these reasons the jumper, as well as the pilot, should be responsible for not creating a hazard to other aircraft in the area and to persons and property on the surface.

2. *Jumps requiring authorization.* Parachute jumps over the congested areas of cities, towns, or settlements, or an open-air assembly of persons, should continue to be prohibited except under the terms of an authorization issued by the Administrator or his authorized representative. Since the term "over" (an assembly of persons or congested area) has caused misunderstanding, it is defined in Subpart A of the new part. The proposed rule is not designed to prohibit jumps over congested areas or an open-air assembly of persons but to insure that only experienced jumpers make them, and under conditions which the Administrator determines will provide adequate safety.

3. *Parachute jumps in controlled airspace.* Where air traffic is congested, as in some metropolitan areas, the Agency believes that jumping cannot be carried on safely except under restrictions. Accordingly, jumps at airports or in control zones which have a functioning control tower should require authorization from the control tower operator. Jumps made in other controlled airspace, such as the Federal airways, should require authorization from the appropriate air traffic control facility. Where the appropriate air traffic control facility is not convenient to the jumping site or is unknown to the pilot or jumper, the request for authorization may be made to the nearest air traffic control facility or the nearest Flight Service Station of the Federal Aviation Agency. These requirements are not intended to discourage jumping in controlled airspace but will enable the Agency to achieve a higher level of safety.

4. *Jumps at airports.* Jumps at airports should not be made unless approved by the airport management. Jumping should not be permitted where it will interfere with or be a hazard to aircraft activities on the airport or in its traffic pattern.

5. *Visibility requirements for parachute jumps.* The Agency believes that the present visual flight rule requirements of Part 60 of the Civil Air Regulations for the operation of aircraft are generally satisfactory for nonemergency parachute jumping except the requirement of only one mile minimum flight visibility for flight in uncontrolled airspace. Accordingly, the minimum weather requirements in the proposed rules are similar to the VFR rules currently contained in Part 60, except that a minimum of three miles flight visibility is required. This requirement should not be an undue burden on parachutists.

6. *Jumps at night.* Between sunset and sunrise a parachutist should have a means for producing a light bright enough to be visible to pilots of aircraft operating in the vicinity. The rule, as proposed, is broad enough to include reflecting-type lights as well as those which can be seen from any direction. It is believed that such a light should be visible for at least three miles.

7. *Jumps through clouds.* The Agency believes that jumps from within or through clouds present a danger to aircraft which might be flying under the clouds and aircraft which might be flying IFR through the clouds. Consequently, jumps from within or through clouds are prohibited in the proposed rule.

8. *Parachute equipment requirements.* The proposed rules would apply to parachute equipment used by persons in making nonemergency jumps, other than members of the armed forces. The rules provide for the use of a single harness dual parachute pack assembly, consisting of either an approved or nonapproved main parachute and an approved auxiliary parachute. The Agency believes this combination represents the minimum equipment for safety in nonemergency jumping.

(a) *Main parachute.* The proposed rules provide that the main parachute may be packed by a certificated parachute rigger or master parachute rigger or the person making the jump but shall have been packed within 60 days prior to its use. The Agency believes that the provision for permitting the jumper to pack his own main parachute is desirable in the interest of sport parachuting activities, and that the requirement for packing within 60 days of jumping is necessary in the interest of safety.

(b) *Auxiliary parachute.* The proposed rule provides that the auxiliary parachute shall be packed only by a certificated and appropriately rated parachute rigger or master parachute rigger, within 60 days prior to its use. The Agency believes that the 60-day packing requirement is reasonable as it is the same as that required under § 43.49 of Part 43 for other than a chair-type (canopy in back) parachute.

9. *Parachute repairs, maintenance, alterations, and inspections.* The proposed rule in respect to parachute repairs, maintenance, alterations, and inspections, is similar to the present § 25.80 of Part 25 of the Civil Air Regulations. It provides that no individual shall repair, maintain, alter, or inspect any personnel-carrying parachute, whether it is for emergency or nonemergency use, unless he is a certificated parachute rigger or master parachute rigger.

The proposed new part includes rules applying to nonemergency parachute jumps over the congested areas of cities, towns, or settlements, or an open-air assembly of persons, which are somewhat different from the provisions of § 43.47(b) of Part 43. Accordingly, this paragraph should be amended to be compatible with the proposed new part.

In consideration of the foregoing, it is proposed to promulgate Part 38 of the Civil Air Regulations in its entirety, as it appears below, and to amend § 43.47(b) of Part 43 of the Civil Air Regulations.

These regulations are proposed under the authority of sections 307, 313(a), 601 of the Federal Aviation Act of 1958 (72 Stat. 749, 752, 775; 49 U.S.C. 1348, 1354, 1421).

Issued in Washington, D.C., on April 24, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

1. A new Part 38—Nonemergency Parachute Jumping, is proposed to read as follows:

Subpart A—Applicability and Definitions

Sec.
38.1 Applicability.
38.2 Definitions.

Subpart B—Parachute Jumping

38.10 General.
38.11 Authorization for jumps over congested areas or an assembly of persons.
38.12 Authorization for jumps in controlled airspace.
38.13 Weather conditions for parachute jumps.
38.14 Jumps through or from within clouds.
38.15 Parachute jumps at night.
38.16 Inspection authority.

Subpart C—Parachute Equipment

38.20 Parachute requirements.
38.21 Approved parachutes.
38.22 Repairs, maintenance, alteration, and inspection requirements.

Subpart A—Applicability and Definitions

§ 38.1 Applicability.

The provisions of this part apply to the following:

(a) Parachute jumps within the United States, except:

(1) Jumps necessary because of an emergency in flight, and

(2) Jumps made by members of the armed forces of the United States over or within areas under the control of the armed forces, unless such jumps are made in controlled airspace, in which case the requirement in § 38.10 for obtaining prior authorization for jumps in controlled airspace shall be applicable; and

(b) Parachute equipment, but not including equipment used because of an emergency in flight and parachute equipment of the armed forces of the United States when used by members of the armed forces.

§ 38.2 Definitions.

"Administrator" means the Administrator of the Federal Aviation Agency or any person to whom he has delegated his authority in the matter concerned.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities.

"Air traffic control" means a service operated to promote the safe, orderly, and expeditious flow of air traffic.

"Continental control area" means the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) The State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Part 601 of Chapter III of this title.

"Control zone" means a zone extending upward from the surface. A control zone may include one or more airports and is normally a circular area of 5 statute miles in radius with extensions where necessary to include instrument approach and departure paths.

"Controlled airspace" means airspace of defined dimensions designated in Part 601 of Chapter III of this title as continental control area, control area, control zone or transition area, within which air traffic control is exercised.

"FAA" means the Federal Aviation Agency.

"Flight visibility" means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Over" (a congested area or open air assembly of persons) means a jumping location in the airspace where the jumper would fall into the congested area or open air assembly of persons in the event his parachute failed to open.

"Parachute" means a device used or intended to be used to retard the fall of a body or object through the air.

"Parachute jump" means the descent of a person to the surface from an aircraft in flight, using a parachute during all or part of the descent.

"Pilot in command" means the pilot responsible for the operation and safety of an aircraft during flight time.

"Positive control area" means the airspace, within the continental control area, as designated in Subpart J of Part 601 of Chapter III of this title.

"Positive control route segment" means the airspace, within the continental control area, as designated in Subpart I of Part 601 of Chapter III of this title.

"Sunset and sunrise" mean the solar times of sunset and sunrise as published in the Nautical Almanac converted to local standard time for the locality concerned, except within the State of Alaska.

NOTE: The Nautical Almanac containing sunshine tables may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Information is also available from the sunshine tables in the offices of the Federal Aviation Agency or the United States Weather Bureau.

Subpart B—Parachute Jumping

§ 38.10 General.

A person shall not make a parachute jump from an aircraft, nor shall the pilot of an aircraft permit a jump to be made from the aircraft:

(a) Over or within the congested area of cities, towns, or settlements, or an open-air assembly of persons, or within controlled airspace, without prior authorization by the Administrator; and

(b) If over, or within the traffic pattern of, an airport, without prior approval of the management of such airport.

§ 38.11 Authorization for jumps over congested areas or an assembly of persons.

(a) *Application.* Application for authorization to jump over congested areas of cities, towns, or settlements, or an open-air assembly of persons, is made on Form FAA-400, "Application for Certification of Waiver." This form is obtained from any General Aviation District Office of the Federal Aviation Agency. Upon completion, the application is delivered to the district office having jurisdiction over the area where the jump is to be made, at least 7 days before the day the jump is to be made.

(b) *Issuance.* Upon application, and if the Administrator determines that the jump can be conducted safely and without hazard to air traffic and to persons or property on the ground, a certificate of authorization may be issued and may contain conditions and limitations necessary in the interest of safety.

(c) *Display of certificate.* The certificate of authorization shall be made available by the jumper or the pilot in command of the aircraft for inspection, upon request, by an authorized representative of the Administrator, or by any state or local official.

§ 38.12 Authorization for jumps in controlled airspace.

(a) *In control zones with a functioning FAA air traffic control tower.* A request for authorization to make a parachute jump in a control zone in which there is a functioning FAA air traffic control tower is made to the control tower before takeoff of the aircraft from which the jump is to be made. The jump shall be made in accordance with any instructions given by the control tower.

(b) *In other controlled airspace.* A request for authorization to make a parachute jump in controlled airspace, other than a control zone in which there is a functioning FAA air traffic control tower, is made to the nearest FAA air traffic control facility or FAA Flight Service Station at least 24 hours before the intended time of making the jump.

(c) *Required information.* The request for authorization under paragraphs (a) and (b) of this section shall include at least the following information:

(1) Date and time the jumping will begin;

(2) Location of the jumping site or drop zone in reference to the nearest city or town, and airport;

(3) Altitudes above the surface where jumping will take place;

(4) Duration of jumping activity; and,

(5) Name, address, and telephone number of the person requesting the authorization.

§ 38.13 Weather conditions for parachute jumps.

A person shall not make a parachute jump from an aircraft nor shall the pilot of an aircraft permit a jump to be made from the aircraft in weather conditions contrary to the provisions of this section.

(a) *Clearance from clouds*—(1) *Within continental control area.* A parachute jump shall not be made within the continental control area less than 1,000 feet vertically and 1 mile horizontally from any cloud formation.

(2) *Outside continental control area.* A parachute jump shall not be made outside the continental control area less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation.

(b) *Flight visibility*—(1) *Within continental control area.* A parachute jump shall not be made within the continental control area when the flight visibility is less than 5 miles.

(2) *Outside continental control area.* A parachute jump shall not be made outside the continental control area when the flight visibility is less than 3 miles.

§ 38.14 Jumps through or from within clouds.

A person shall not make a parachute jump from an aircraft, nor shall the pilot of an aircraft permit a jump to be made from the aircraft, through or from within clouds.

§ 38.15 Parachute jumps at night.

A person shall not make a parachute jump from an aircraft, nor shall the pilot of an aircraft permit a jump to be made from the aircraft, between sunset and sunrise unless the jumper is equipped wth a means for producing a light visible for at least 3 miles. The light shall be displayed between the time the parachute canopy is opened and the jump is completed.

§ 38.16 Inspection authority.

An authorized representative of the Administrator shall be permitted to make inspections, including inspections at the jump site, of any operations authorized by the provisions of this part, to determine compliance with the Civil Air Regulations and the terms and conditions of any certificate of authorization which may have been issued pursuant to § 38.11.

Subpart C—Parachute Equipment

§ 38.20 Parachute requirements.

A person shall not make a parachute jump from an aircraft, nor shall the pilot of an aircraft permit a jump to be made from the aircraft, unless the jumper is equipped with a single harness pack consisting of at least one approved or nonapproved main parachute and one approved auxiliary parachute, which shall have been packed in accordance with the requirements of paragraphs (a) and (b) of this section.

(a) The main parachute shall have been packed by a certificated parachute rigger or master parachute rigger, or by the person making the jump, within 60 days prior to its use.

(b) The auxiliary parachute shall have been packed by a certificated and appropriately rated parachute rigger or master parachute rigger within 60 days prior to its use.

§ 38.21 Approved parachutes.

The following parachutes are approved:

(a) Parachutes manufactured under the terms of a Type Certificate or Technical Standard Order No. C-23 series designation.

(b) Military personnel-carrying parachutes identified by an NAF, AAF, or AN drawing number, an AAF order number, or other military designation or specification number, except high-altitude, high-speed, or ejection types of parachutes.

§ 38.22 Repairs, maintenance, alternation, and inspection requirements.

All repairs, maintenance, alternations, or inspections of any personnel-carrying parachutes shall be performed only by certificated parachute riggers or master parachute riggers in accordance with the applicable requirements of Part 25 of this chapter.

2. In Part 43—General Operation Rules, § 43.47(b) is amended to read as follows:

§ 43.47 Dropping objects or persons.

* * * * *

(b) Except in an emergency, no person piloting an aircraft shall permit a parachute jump to be made from the aircraft unless made in conformity with the provisions of Part 38 of this chapter.

[F.R. Doc. 62-4169; Filed, Apr. 27, 1962; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1175]

VICKERS VISCOUNT MODELS 745D AND 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding Amendment 156, 25 F.R. 4543 (AD 60-11-11), which requires inspection of the landing gear jack assembly fork ends on Vickers Viscount 745D and 810 Series aircraft. Since the issuance of this AD, which provides for continuance in service of those fork ends found crack free, additional cases of failed parts have been reported. It is proposed to supersede Amendment 156 (AD 60-11-11), with a new directive to require repetitive inspections.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 29, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons at any time. The proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354 (a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

Applies to all Vickers Viscount Models 745D and 810 Series aircraft.

Any parts showing evidence of cracks after

any interested person upon request

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Because of failures of the main landing gear retraction jack fork ends, the following is required.

(a) *Fork ends Part Numbers 74450–95 and 74450–411*—(1) Fork ends which have not been reworked in accordance with (e) and have accumulated 3,500 or more landings as of the effective date of this AD shall be inspected in accordance with (d):

(i) Within the next 50 landings if no inspection has been conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(ii) Within the next 50 landings if 750 or more landings have been made since the last inspection conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(iii) Prior to the accumulation of 800 landings if less than 750 landings have been made since the last inspection conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(2) Fork ends which have not been reworked in accordance with (e) and have accumulated between 3,450 and 3,500 landings as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and thereafter within each 800 landings.

(3) Fork ends which have not been reworked in accordance with (e) and have accumulated less than 3,450 landings as of the effective date of this AD shall be inspected in accordance with (d) prior to the accumulation of 3,500 landings and thereafter within each 800 landings.

(b) *Fork ends Part number 74450–499*—(1) Fork ends which have not been reworked in accordance with (e) and have accumulated 5,750 or more landings as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and thereafter within each 800 landings.

(2) Fork ends which have not been reworked in accordance with (e) and have accumulated less than 5,750 landings as of the effective date of this AD shall be inspected in accordance with (d) prior to the accumulation of 5,800 landings and thereafter within each 800 landings.

(3) If two successive 800 landing inspections are accomplished without evidence of cracks, subsequent inspections may be made at intervals not exceeding 1,600 landings.

(c) All fork ends which have been reworked in accordance with (e) shall be inspected in accordance with (d) within each 800 landings after rework, except that reworked fork ends which have accumulated more than 750 landings as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and each 800 landings thereafter. If two successive 800 landing inspections are accomplished without evidence of cracks, subsequent inspections may be made at intervals not exceeding 1,600 landings.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to this AD may be estimated.

(d) Remove and inspect using magnetic particle inspection or FAA approved equivalent in accordance with Vickers-Armstrong PTL 171 Issue 6 (for 745D) or PTL 31 Issue 6 (for 810) for Viscount aircraft. Parts showing evidence of cracks shall be replaced or reworked in accordance with (e) prior to further flight.

(e) Parts showing evidence of cracks may be reworked once in accordance with Vickers-Armstrong PTL 171 Issue 6 (for 745D) or PTL 31 Issue 6 (for 810) for Viscount aircraft. Any parts showing evidence of cracks after reworking must be rejected.

Upon request of the operator an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA International Division, Washington, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Vickers-Armstrongs Preliminary Technical Leaflets (PTL's) No. 171, (700 Series) and No. 31, (800/810 Series) cover this subject.)

This supersedes Amendment 156, 25 F.R. 4543 (AD 60–11–11).

Issued in Washington, D.C., on April 23, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62–4139; Filed, Apr. 27, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34013]

[49 CFR Ch. I]

ASSEMBLING AND PRESENTING OF COST EVIDENCE

Notice of Proposed Rule Making

APRIL 16, 1962.

The matter of facilitating the assembly, presentation, and evaluation of cost data in proceedings before this Commission being under consideration, and

It appearing that development and approval of one or more methods or formulas for assembling and presenting cost data in such proceedings should, among other things, result in improvement in the quality and in reduction in the quantity of such evidence, eliminate controversy concerning the admissibility of cost data prepared in an approved manner, obviate or shorten cross-examination of witnesses as to the methods used in preparing such cost studies, and in general assist in prompt resolution of the issues;

Notice is hereby given, pursuant to the provisions of section 4(a) of the Administrative Procedure Act, that the Commission has under consideration the matter of approving, and adopting as its own, certain cost formulas, and cost studies derived therefrom, which heretofore have been developed and published by the Cost Finding Section of the Commission's Bureau of Accounts including questions of whether the same should be amended prior to approval, and if so in what manner; also the matter of formulating and adopting special rules governing the evidentiary use of said cost formulas and cost studies in Commission proceedings including a rule whereby such formulas and studies would be accepted as prima facie proof of the facts which they purport to establish.

The cost formulas, and the cost studies derived therefrom, being considered for approval and adoption, are listed in the appendix hereof. Water carrier cost formulas for the barge lines and the coastal and intercoastal carriers have not been included in the appendix for the reason that these two formulas have not yet been completed. It is anticipated, however, that these formulas will be completed prior to the termination of this proceeding and that they will be considered for approval and adoption in the same general manner as the cost formulas listed in the appendix.

The proposed rule. The precise wording has not been determined, but in general the proposed rule would approve and suggest the use, in assembling and presenting cost evidence in Commission rate proceedings, of the methods set forth in the formulas listed in the appendix. Cost studies offered in evidence which have been prepared in accordance with the approved formulas shall include a verified statement indicating compliance, or the extent of compliance, with the methods of said formulas. Where there are departures from the approved methods, the party introducing the cost study shall justify the use of such method. Where any party introduces a cost study prepared in accordance with the approved formula, or adopts a Commission approved cost study derived from an approved formula, or introduces a study which has been prepared in accordance with the approved formula and from figures contained in quarterly, annual and related reports on file with this Commission, cross-examination will be limited to the mathematical accuracy of the computations. The opposing party or parties shall have the burden of overcoming such prima facie showing, but the ultimate burden of proof shall remain as heretofore.

Explanatory statement. An issue of particular importance in competitive rate cases is whether a given rate or charge is compensatory in the sense that it more than covers out-of-pocket or full costs. The simplification of assembling and presenting cost data in rate proceedings is desirable if the decisional process is to be expedited. The contemplated approval and adoption of the Cost Finding Section's formulas and cost statements, and adoption of a rule along the lines indicated, will, it is hoped, result in an improvement in the quality, and in a reduction in the quantity, of cost evidence. As previously indicated costs developed by the use of the formulas and published in the statements listed in the appendix, or as amended annually or periodically, would be admissible and presumptively valid in Commission proceedings. The opposing party, of course, would have an opportunity to rebut the prima facie showing by submitting evidence that the general data did not reflect the costs of the particular traffic under consideration.

Representations. Any interested party may file on or before July 2, 1962, with the Secretary of the Interstate Commerce Commission, Washington 25, D.C., an original signed copy and 25 additional copies of statements of fact or opinions or argument to be considered in these matters. A copy shall be furnished to any interested person upon request addressed to party filing the statement. Twenty-five copies of the replies to statements may be filed on or before August 20, 1962. Any written statements so filed shall be verified, and shall conform to the specifications in § 1.15 of the Commission's general rules of practice.

After consideration of responses so received, a tentative report will be issued by Division 2 followed, on request, by oral argument before the entire Commission. Thereafter an appropriate order will be entered, pursuant to the provisions of the Interstate Commerce Act (sec. 17, 24 stat. 385, as amended, sec. 205, 49 stat. 550; 49 U.S.C. 17, 305).

Any interested person desiring to receive notice by mail of hearing or other procedures, or copies of notices, reports or orders in this proceeding, shall file requests therefor in writing with the Secretary of the Commission.

Notice. Notice to the public shall be given by posting a copy of this notice, and a copy of each of the publications listed in the appendix below, in the office of the Secretary of the Commission for public inspection, and by filing a copy of this notice with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX

Formulas proposed for Commission approval and adoption:

Rail Form A, Statement No. 2–57, "Formula for Use in Determining Rail Freight Service Costs."

Rail Terminal Form F, Statement No. 3–54, "Formula for Use in Determining Rail Terminal Freight Service Costs."

Highway Form A, Statement No. 4–55, "Formula for the Determination of the Costs of Motor Carriers of Property."

Highway Form B, Statement No. 3–59, "Simplified Procedure for Determining Cost of Handling Freight by Motor Carriers."

Highway Form F, Statement No. 1–58, "Formula for Determining the Cost of Transporting Liquid Petroleum Products by Tank Truck Carriers."

Statements containing published cost data, and proposed for approval and adoption:

Statement No. 2–61, "Distribution of the Rail Revenue Contribution by Commodity Groups—1959."

Statement No. 3–61, "Rail Carload Cost Scales by Territories for the Year 1960."

Statement No. 4–57, "Cost of Transporting Freight by Class I Motor Common Carriers of General Commodities—Eastern-Central Territory—1956."

Statement No. 3–58, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, New England Region—1957, Group I—Within New England Region."

Statement No. 4–58, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, New England Region—1957, Group II—Between New England and New York City Area and Beyond."

Statement No. 7–58, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Southern Region—1957."

Statement No. 8–58, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, East-South Territory—1957."

Statement No. 9–58, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, South-Central Territory—1957."

Statement No. 2–60, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Middlewest Territory."

Statement No. 3–60, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Southwest Region."

Statement No. 6–60, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Rocky Mountain Region—1959."

Statement No. 7–60, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities Performing Transcontinental Service—1959."

Statement No. 8–60, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Pacific Region—1959."

Statement No. 1–61, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Central Region—1959."

Statement No. 1–62, "Cost of Transporting Freight by Class I and Class II Motor Common Carriers of General Commodities, Middle Atlantic Region—1960."

[F.R. Doc. 62–4160; Filed, Apr. 27, 1962; 8:46 a.m.]

Notices

pertinent radiological repairs are made by the Agency at the discretion of the owner

see's premises, he will meet with management to discuss the results of his inspection.

The transfer of the above sources of radiation may be made to: (1) The State

Notices

ATOMIC ENERGY COMMISSION

STATE OF MISSISSIPPI

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Mississippi for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the Mississippi program submitted to the Commission is set forth below as an appendix to this notice. A copy of the complete text of the Mississippi program, including proposed Mississippi regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 4th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of Mississippi Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI. The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This agreement shall become effective on June 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

APPENDIX A

Policies and Procedures of the State of Mississippi for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

Authority. (1) The Attorney General by letter dated January 16, 1961, has rendered an opinion to the effect that the Governor has necessary authority to enter into an agreement with the Atomic Energy Commission. (Opinion from Attorney General, dated Jan. 16, 1961.)

(2) The Governor, by letter order (Aug. 27, 1960), designated the State Board of Health as the Agency to administer the licensing and regulatory responsibilities.

(3) The Attorney General has rendered an opinion to the effect that the Mississippi State Board of Health has necessary authority to make and publish such rules and regulations necessary to discharge its duties. (Opinion from Attorney General, dated Aug. 8, 1961.)

The radiation control program. The radiation control program will be conducted by the Radiological Health Unit, which is directly responsible to the Executive Officer of the State Board of Health. In addition to an environmental monitoring program which exists around nuclear industries, an extensive X-ray inspection program is now in progress. This program was initiated on January 1, 1961, and to date over 1,400 inspections have been performed. At present, pertinent radiological repairs are made by the Agency at the discretion of the owner of X-ray equipment, and materials and labor are currently being provided at no charge.

The State program is designed to control all sources of ionizing radiation. In addition to byproduct, source, and special nuclear materials, regulations require specific licensing of naturally occurring radioactive materials such as radium, and registration of radiation producing machines. The right of inspection is granted to the Agency by regulations.

An agreement with the Atomic Energy Commission will result in radiation control activities in the following fields:

(1) Licensing and regulation of byproduct materials, source materials, special nuclear materials in less than a critical mass, naturally occurring and accelerator-produced isotopes.

(2) Registration and evaluation of machines which produce ionizing radiation.

(3) Environmental monitoring.

Licensing and registration. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency may require specific radioactive materials licenses for other naturally occurring radioactive materials such as radium.

The responsibility for evaluating applications and issuing licenses rests with the Radiological Health Unit. Provisions have been made for a Radiation Advisory Board which will assist in evaluations that are unique and require technical consultation. When possible, this Board will consist of physicians, a nuclear physicist, nuclear technologists, engineers, metallurgists, certified radiation physicists, and health physicists.

Prelicensing inspections will be an integral part of the evaluation procedure. In cases where individuals may be affected by procedures or decisions of the Agency, provisions allow for a hearing, and any interested party may be heard.

With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each 6 months, and the remainder on a less-frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the preinspections. It is expected that all licensed activities will be inspected at least once in 2 years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

Enforcement. Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available.

It is expected that most of the enforcement functions will be administratively consummated by the Radiological Health Unit. In cases where this is not successful, the Radiological Health Unit will refer the matter to the Executive Officer of the State Board of Health, who may issue an order to show cause why the license should not be modified or terminated.

Pursuant to Mississippi Law, Section 7031, Code of 1942, which allows the State Board of Health to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and carry out the purposes and objects of its creation, an injunction or other court order may be obtained prohibiting any violation of any provision of the regulations of the State Board of Health or any order issued thereunder. Any person who willfully violates any of the provisions of the regulations adopted by the State Board of Health, or any order issued thereunder, may be guilty of a crime, and upon conviction may be punished by fine or imprisonment or both, as provided by law.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Transfer of material. Byproduct, source, special nuclear materials in quantities not sufficient to form a critical mass, or other radioactive materials including radon, radium, polonium, and accelerator-produced isotopes, may not be transferred except as authorized pursuant to regulations of the State Board of Health.

The transfer of the above sources of radiation may be made to: (1) The State Board of Health, (2) the U.S. Atomic Energy Commission, or any successor thereto authorized to receive such material, (3) any person exempt from these regulations pertaining to the transfer of radioactive materials to the extent permitted under such exemption, (4) any person licensed to receive such material under terms of a general or specific license issued by the State Board of Health, the U.S. Atomic Energy Commission, or any successor thereto, or any other state having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the State Board of Health, or any other State having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, (5) as otherwise authorized by the State Board of Health in writing.

Reciprocal recognition of licenses. Persons who use, transfer, possess, or receive source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass within this State, pursuant to a license issued by the U.S. Atomic Energy Commission or any State having an agreement with the U.S. Atomic Energy Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended, may be excepted from the requirement for a license under this regulation: *Provided that,* Such persons notify the Agency immediately of the presence of such materials within this State.

Maintaining compatibility. It is recognized that frequent modifications are necessary in a program of this nature. The State Board of Health is cognizant of the responsibility which it assumes in accepting direction of this program, and will make every effort to maintain the existing compatible relationship with the Atomic Energy Commission. It is further realized that a close working relationship will have to be maintained between the State and the Atomic Energy Commission, and the State Board of Health is willing to participate in various programs sponsored by the Commission or others.

[F.R. Doc. 62-3384; Filed, Apr. 6, 1962; 8:47 a.m.]

[Docket No. 50-190]

AMF ATOMICS

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following publication in the FEDERAL REGISTER on September 1, 1961, (26 F.R. 8262) of a notice of receipt of the application, the Atomic Energy Commission has issued License No. XR-46 to AMF Atomics, A Division of American Machine & Foundry Company authorizing the export of a five megawatt thermal pool type nuclear research reactor to the Pakistan Atomic Energy Commission, Rawalpindi, Pakistan.

The Bilateral Agreement between the United States and Pakistan pursuant to which the reactor was to have been exported expired while action on the license was pending. Subsequently, a Project Agreement between Pakistan and the International Atomic Energy Agency (IAEA) was signed and the IAEA requested that the Atomic Energy Commission authorize the export of the reactor to Pakistan pursuant to the Agreement

for Co-operation between the United

April 23, 1962 be continued to May 7,

New York; that considerable 0.5 mv/m

at the hearing in the above-entitled pro-

for Co-operation between the United States and the IAEA. AMF Atomics' application was amended on April 6, 1962 to provide that the reactor would be exported pursuant to the Agreement for Co-operation between the United States and the IAEA.

The Commission has found that the reactor proposed to be exported is a utilization facility as defined in the Atomic Energy Act of 1954, as amended and the Commission's regulations.

The Commission has further found that the issuance of a license for the export of the reactor is within the scope of and is consistent with the terms of the Agreement for Co-operation between the United States and the International Atomic Energy Agency.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4138; Filed, Apr. 27, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14548; FCC 62M-591]

ANDRES CALANDRIA

Order Scheduling Hearing

In the matter of Andres Calandria, New Orleans, Louisiana, Docket No. 14548; suspension of Amateur Radio Operator License—K5MVP.

It is ordered, This 24th day of April 1962, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 22, 1962, in New Orleans, Louisiana.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4170; Filed, Apr. 27, 1962; 8:47 a.m.]

[Docket No. 14488 etc.; FCC 62M-584]

DOVER BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Dover Broadcasting Company, Richmond, Virginia, Docket No. 14488, File No. BP-13831; 1540 Radio, Inc., Richmond, Virginia, Docket No. 14489, File No. BP-14813; Homer C. Eliades and Plato G. Eliades, d/b as Eliades Broadcast Company, Hopewell, Virginia, Docket No. 14491, File No. BP-14820; for construction permits.

The Hearing Examiner is in receipt of a letter filed in the office of the Secretary on April 19, 1962, which was written on behalf of each of the three above-entitled applicants requesting that the hearing scheduled to begin on Monday, April 23, 1962 be continued to May 7, 1962, and the date for the exchange of the 307(b), exhibits scheduled for April 30, 1962 be continued.

The letter states that the three applicants are presently conducting negotiations with a view toward a final merger which would eliminate the necessity for a hearing and that the negotiations appear to be sufficiently promising to warrant further opportunity for exploration and discussion.

While the pleading is deficient in the fact that it is not in proper form and sufficient number of copies have not been filed to constitute compliance with Commission Rules, the letter nevertheless advises the Hearing Examiner of facts which would warrant the granting of the relief requested. The Hearing Examiner, accordingly, will treat the letter as an informal request for continuance which request meets the approval of all parties to the proceeding.

It is ordered, This the 20th day of April 1962, that the informal request for continuance of the hearing and for the exchange of the 307(b) exhibits is granted and the date for the start of the evidentiary hearing is continued from April 23, 1962, to May 7, 1962, and the date for the exchange of the 307(b) exhibits is continued from April 30, 1962, to a date to be announced at the rescheduled May 7, 1962 hearing.

Released: April 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4171; Filed, Apr. 27, 1962; 8:47 a.m.]

[Docket No. 14166 etc.; FCC 62-379]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, et al., Docket No. 14166, File No. BP-13017, et al.; for construction permits.

1. The Commission has before it for consideration George F. O'Brien's petition to enlarge issues filed January 8, 1962, together with pleadings properly filed in response thereto.

2. Petitioner requests addition of a 3.35 issue to the designation Order (FCC 61-971) as to Blair A. Walliser who, like petitioner, is proposing a standard broadcast station on 940 kc, 1 kw, D, at New Milford, Connecticut.

3. Though the petitioner's allegations do not warrant addition of the issues,[1] they will be added on our own motion. Thus, it appears that considerable overlap would occur between the 0.5 mv/m contours of Walliser's New Milford proposal, and Station WEOK, Poughkeepsie, New York; that considerable 0.5 mv/m overlap would also occur between Walliser's New Milford proposal and his Milford proposal (BP-14106); and that the 2 mv/m contour of the New Milford would overlap some of the 0.5 mv/m contours of Station WEOK and of the Milford proposal. It further appears that within a radius of approximately fifty miles, Walliser has interests in two standard broadcast stations (WEOK, Poughkeepsie, New York, and WNTA, Newark, New Jersey), and proposes two additional standard broadcast stations (at New Milford, and at Milford, both in Connecticut). Walliser also has interests in WACE, Chicopee, Massachusetts; WKST, New Castle, Pennsylvania; and BP-13850 at Pittsburgh, Pennsylvania.

4. Should it ultimately be determined that the grant of the instant proposal would be consistent with § 3.35 of the Commission's rules except for the pendency of one or more Walliser's other proposals, the grant of its instant application will be made subject to the condition that program tests will not be authorized until he divests himself of his interests in such other proposal or proposals.

Accordingly, it is ordered, This 12th day of April 1962, That George F. O'Brien's petition to enlarge issues, filed January 8, 1962, is denied; and

It is further ordered, That on the Commission's own motion the issues in the designation Order corrected June 28, 1961 (FCC 61-791) are further amended by renumbering Issue 15 as Issue 16 and by the addition of the following issue:

15. To determine whether a grant of Blair A. Walliser's New Milford, Connecticut, proposal (BP-13673) would result in substantial overlap or in concentration of control in violation of § 3.35 of the Commission's rules.

Released: April 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4172; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. 14608, 14609; FCC 62M-590]

GOODWILL STATIONS, INC., AND LAKE HURON BROADCASTING CORP.

Order Scheduling Hearing and Conference

In re applications of the Goodwill Stations, Inc., Flint, Michigan, for Renewal of License of Television Station WJRT (including TV auxiliary Stations KD-9611, KE-4899, KQK-47 Main and Alternate Main, KQK-52 and KQK-53), Docket No. 14608, File No. BRCT-505; Lake Huron Broadcasting Corporation, Flint, Michigan, for construction permit for new television broadcast station (Channel 12), Docket No. 14609, File No. BPCT-2954.

It is ordered, This 23d day of April 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 20, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, May 25, 1962.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4173; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket No. 8716 etc.; FCC 62M-587]

GREENWICH BROADCASTING CORP. ET AL.

Order Scheduling Conference and Continuing Hearing

In re applications of the Greenwich Broadcasting Corporation, Greenwich, Connecticut, et al., Docket No. 8716, File No. BP-6315; Docket Nos. 14569, 14571, 14573, 14574, 14575, 14576; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter.

It is ordered, This 23d day of April 1962, that:

1. There shall be an exchange of engineering measurements among the parties on or before May 28, 1962;

2. There shall be an informal engineering conference among the parties on June 4, 1962 at an hour and place for the parties to determine among themselves;

3. There shall be an exchange of formal engineering exhibits by June 18, 1962; and

4. There shall be a further prehearing conference in this matter commencing at 9:00 a.m., June 26, 1962 in the Commission's offices in Washington, D.C.; and

It is further ordered, That the June 4, 1962, informal engineering conference may be limited or eliminated if the parties jointly agree; and

It is further ordered, That the hearing in this matter now scheduled for June 6, 1962, is postponed to a date to be determined at the June 26, 1962, prehearing conference.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4175; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. 14552-14556; FCC 62M-576]

LARAMIE COMMUNITY TV CO. AND ALBANY ELECTRONICS, INC.

Order Scheduling Hearing and Conference

In re applications of Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming, Docket No. 14552, File No. BPTTV-78; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Tie Siding, Wyoming, Docket No. 14553, File No. BPTTV-79; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming, Docket No. 14554, File No. BPTTV-80; Albany Electronics, Inc., Laramie, Wyoming, Docket No. 14555, File No. BPTTV-539; Albany Electronics, Inc., Laramie, Wyoming, Docket No. 14556, File No. BPTTV-540; for construction permits for VHF translator stations.

It is ordered, This 20th day of April 1962, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 20, 1962, in Laramie, Wyoming; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, May 9, 1962, in Washington, D.C.

Released: April 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4176; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. 12666-12668; FCC 62M-595]

PUBLIX TELEVISION CORP. ET AL.

Order Continuing Hearing

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2392; South Florida Amusement Company, Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

The Hearing Examiner having under consideration the petition for continuance of hearing filed on April 23, 1962, by the Commission's Broadcast Bureau;

It appearing that all parties have consented to immediate consideration and grant of the said petition and that good cause for a grant thereof is present;

It is ordered, This 23d day of April 1962, that the said petition is granted and the hearing herein presently scheduled for May 1, 1962, is continued to May 8, 1962, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4177; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. 14493, 14494; FCC 62M-583]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Order Continuing Hearing

In re applications of Hayward F. Spinks, Hartford, Kentucky, Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company, Greenville, Kentucky, Docket No. 14494, File No. BP-15005; for construction permits.

On the oral request of counsel for Greenville, and without objection by counsel for the other parties: *It is ordered*, This 20th day of April 1962, that the hearing is rescheduled from May 1 to Monday, May 14, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4174; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket No. 14577; FCC 62M-589]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Continuing Hearing

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

Pursuant to agreement of counsel for all parties on the record at the prehearing conference held on April 23, 1962: *It is ordered*, This 23d day of April 1962, that the following procedural dates are established:

Submission of applicant's direct written engineering exhibits to all parties with copies to the Hearing Examiner	May 11, 1962
Informal engineering conference	May 18, 1962
Hearing on applicant's engineering case	May 23, 1962

It is further ordered, That the hearing in this proceeding, now scheduled to commence on May 21, 1962, is continued to 10:00 a.m., May 23, 1962.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4178; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. 14537-14545; FCC 62M-588]

W.W.I.Z., INC., ET AL.

Order Continuing Hearing

In re applications of W.W.I.Z., Inc., Lorain, Ohio, et al., Docket No. 14537, File No. BR-3707; Docket Nos. 14538-14545; for renewal of license of Station WWIZ, Lorain, Ohio, etc.

The Hearing Examiner having under consideration the record of a prehearing conference in the above-entitled matter held on April 23, 1962;

It is ordered, This 23d day of April 1962, That the hearing herein heretofore scheduled to commence on May 8, 1962, is continued to June 11, 1962, com-

[1] Petitioner's request based upon Walliser's actual and proposed interest in more than seven standard broadcast stations has been rendered moot by the subsequent abandonment of two proposals.

[1] Commissioner Hyde dissenting.

mencing at 10:00 a.m., in the offices of

practice and procedure (18 CFR 1.8 or

and 15 of the Natural Gas Act, and the Commission's rules of practice and pro-

the various communities. The gas re-

to residential and commercial consumers

its principal place of busi-

mencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: April 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4179; Filed, Apr. 27, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16011]

NEW YORK STATE NATURAL GAS CORP. AND THE MANUFACTURERS LIGHT AND HEAT CO.

Notice of Petition To Amend

APRIL 24, 1962.

Take notice that on February 12, 1962, New York State Natural Gas Corporation (New York), 2 Gateway Center, Pittsburgh 22, Pennsylvania, and The Manufacturers Light and Heat Company (Manufacturers), 800 Union Trust Building, Pittsburgh 19, Pennsylvania (sometimes hereinafter referred to jointly as Petitioners), filed in Docket No. G-16011 a joint petition to amend the Commission's order issued February 20, 1959, in Docket No. G-16011, all as more fully set forth in the joint petition on file with the Commission and open to public inspection.

The order of February 20, 1959, issued a certificate of public convenience and necessity authorizing Petitioners to exchange natural gas, pursuant to an exchange agreement dated July 28, 1958, and to construct and to operate facilities necessary therefor. Presently New York delivers natural gas produced in the Armagh Section, Nolo Field, Indiana County, to Manufacturers, and Manufacturers delivers to New York equivalent volumes of gas produced in the Benezette Field, Elk County, and the Rockton Field, Clearfield County, all in Pennsylvania.

Under the subject proposal, New York will construct 2,200 feet of 2-inch pipeline from its Learn Well No. 1 in the Jacksonville Field, Indiana County, Pennsylvania, to connect with Manufacturers' 3-inch pipeline near the Learn Well, and Manufacturers will construct and operate a measuring station at the point of interconnection. The Learn Well is not in the Armagh Section and is not, therefore, part of the presently authorized exchange arrangement. Petitioners seek herein to have the February 20, 1959, order amended so as to include said Learn Well production in the exchange arrangement. Petitioners have entered into an amendatory agreement, dated January 29, 1962, to provide for the Learn Well production.

The estimated cost of New York's and Manufacturers' proposed facilities is $3,000 and $1,600, respectively.

Protests, request for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4180; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket Nos. G-12499, G-17814, G-20513]

NORTH PENN GAS CO.

Notice of Postponement of Hearing

APRIL 24, 1962.

Upon consideration of the motion filed April 19, 1962, by Counsel for North Penn Gas Company for postponement of the hearing now scheduled for April 30, 1962, in the above-designated matter;

The hearing now scheduled for April 30, 1962, is hereby postponed to June 4, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4181; Filed, Apr. 27, 1962; 8:48 a.m.]

[Docket No. CP62-142]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

APRIL 23, 1962.

Take notice that on December 8, 1961, Texas Eastern Transmission Corporation (Applicant), Texas Eastern Building, Houston, Texas, filed in Docket No. CP62-142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Texas Gas Transmission Corporation (Texas Gas) from four of Applicant's units in the Calhoun Field, Ouachita Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The gas proposed to be sold will be Applicant's share of the Clara Hodge, J. B. Brown No. 1, R. R. Fuller No. 1 and T. A. Grant No. 1 Units in the Calhoun Field.

The application shows that the sale will be made pursuant to a gas sales contract, dated September 3, 1958, between Texas Gas and Southwestern Gas Producing Company, Inc. By agreement, dated November 22, 1961, Applicant ratified the foregoing contract to provide for the sale herein proposed, as its basic contract in subject Docket No. CP62-142.

The proposed sale will be made at an initial price of 16.5 cents per Mcf at 15.025 psia plus 1.75 cents per Mcf tax reimbursement, or a total initial price of 18.25 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4140; Filed, Apr. 27, 1962; 8:45 a.m.]

[Docket No. CP62-208]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

APRIL 23, 1962.

Take notice that on March 5, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-208 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of new delivery points and the sale and delivery of natural gas to United Gas Corporation for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) A 2-inch tap valve at approximate Milepost 100 at a point in Section 12, Township 3 North, Range 2 East, on Applicant's 30-inch South-to-North Louisiana line to serve the communities of Effie and Center Point, Avoyelles Parish, Louisiana;

(2) A 2-inch tap valve at approximate Milepost 109.23 at a point in Section 31, Township 5 North, Range 2 East, on Applicant's 30-inch South-to-North Louisiana line to serve the communities of Buckeye, Deville, and Holloway, Rapides Parish, Louisiana; and

(3) A 2-inch tap valve at approximate Milepost 111.64 at a point in Section 12, Township 5 North, Range 2 East, on Applicant's 30-inch South-to-North Louisiana line to serve the community of Hickory Grove, Rapides Parish, Louisiana.

United Gas Corporation will construct and operate the distribution systems in the various communities. The gas requirements in Mcf at 14.9 psia are stated to be as follows:

	Annual	Peak day
First year	72,818	725
Third year	76,625	770

Applicant estimates that the cost of the proposed facilities will be $1,470, which will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4141; Filed, Apr. 27, 1962; 8:45 a.m.]

[Docket No. E-7036]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Application

APRIL 27, 1962.

Take notice that on April 26, 1962, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Columbus and Southern Ohio Electric Company (Applicant), a corporation organized under the laws of the State of Ohio and doing business in that State, with its principal business office at Columbus, Ohio, seeking an order authorizing acquisition by Applicant of certain electric facilities of Ohio-Midland Light and Power Company (Midland) and the transfer to Midland of certain of Applicant's electric facilities. Midland is a corporation organized under the laws of the State of Ohio, with its principal business office in Canal Winchester, Ohio. Applicant and Midland supply electricity to residential and commercial consumers in the same general locality in Franklin, Pickaway and Ross Counties, Ohio. Applicant states that Applicant and Midland have agreed that Midland will transfer to Applicant its electric utility properties located in Groveport, Ohio and Obetz Junction, Ohio, in exchange for certain of the electric utility properties of Applicant located west of Circleville, Ohio and in and around Ashville, Ohio; and Midland will sell to Applicant other of its electric utility properties located in the City of Columbus, Ohio, in the City of Circleville, Ohio, in and adjacent to Hilliards, Ohio, and Reynoldsburg, Ohio, and north of Chillicothe, Ohio. Under the terms of the agreement between Applicant and Midland, Midland will receive as consideration for its facilities to be transferred and sold to Applicant $6,359,840 plus $180,000 adjustment for delay plus the value of the facilities being transferred from Applicant to Midland. Applicant states that the facilities to be transferred by Applicant to Midland are valued, for the purposes of this transaction, at $504,560.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 8th day of May 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4235; Filed, Apr. 27, 1962; 10:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1493]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction

APRIL 24, 1962.

Notice is hereby given that American Research and Development Corporation ("Applicant") Boston, Massachusetts, a Massachusetts corporation and a registered closed-end nondiversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed amendment in the terms of a 6 percent Note in the principal amount of $300,000 issued by The Geotechnical Corporation ("Geotech"). All interested persons are referred to the application on file with the Commission for a complete statement of the transactions which are summarized below.

Geotech is a Delaware corporation organized on March 3, 1936, and having its principal place of business at Garland, Texas. Geotech's business is primarily concerned with the earth sciences and their application to meet the needs of industry and Government. It has filed a registration statement under the Securities Act of 1933 in contemplation of a public offering of 80,000 shares of Geotech common stock to be issued by Geotech and 10,000 shares to be sold by William B. Heroy, ("Heroy"), Chairman of the Board, director and a principal stockholder of Geotech.

On June 30, 1960, Applicant purchased from Geotech at par, a $300,000 principal amount 6 percent Note payable in five annual installments beginning June 30, 1963. The Note is now valued by Applicant at par. At the time of such purchase, Applicant entered into a General Agreement with Geotech and Heroy by which Heroy agreed (so long as the loan remained outstanding) to vote his stock in favor of electing two directors to the Geotech Board of Directors who are nominees of Applicant. Under separate instrument Applicant also acquired an option to purchase 1,091 shares of Geotech common stock at $275 per share. On November 9, 1961, Applicant exercised such option to purchase the Geotech common stock, and in contemplation of the public offering referred to above, Geotech split its common stock 100 for 1, resulting in Applicant's present holding of 109,100 shares, or approximately 29 percent of the common stock outstanding prior to the offering and 24 percent of the common stock outstanding after completion of the offering. Applicant's book cost for such stock is $300,025 and it has been appraised by Applicant's Directors at $22 per share or an aggregate of $2,400,200.

The application states that an increase in the volume of Geotech's business has required an increase in working capital funds which can be provided by the proceeds of the contemplated public offering. The underwriter of the Geotech public offering, Geotech and Applicant believe that it will facilitate the success of the offering if certain restrictive covenants contained in the 1960 Note held by Applicant were eliminated, except for covenants prohibiting mortgaging or pledging assets (other than in connection with property acquisitions) and prohibiting the sale of substantially all its assets or merging or consolidating with another organization. Accordingly, Applicant has agreed that, in order to ensure the success of the public offering and the obtaining of the necessary working capital, and upon the effectiveness of the Geotech's registration statement filed under the Securities Act of 1933, it will amend the 1960 Note to eliminate covenants that, without Applicant's prior consent, Geotech will not: Declare or pay cash dividends on its common stock; purchase the assets or a majority of the voting stock of another corporation or permit any subsidiary to do so; purchase any of its then outstanding capital stock except to collect on business indebtedness then outstanding; increase the aggregate of the salaries of its officers more than a specific amount or permit any subsidiary to do so; pay or distribute bonuses to officers or employees, put into effect any

[File No. 94D-18]

profit-sharing, pension or deferred compensation plan for any of its officers or employees, or permit any subsidiary to do so; amend its Charter or Bylaws; issue additional shares of common stock (except under the option held by Applicant and options of employees) or issue any other securities ranking on a parity with or over its common stock, or permit any subsidiary to do so.

Section 17(a) of the Act, among other things, prohibits the sale of securities to a registered investment company or the borrowing of money from a registered investment company by an affiliated person thereof unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the registered investment company concerned, and consistent with the general purposes of the Act. By reason of the 29 percent stock ownership of Geotech by Applicant, Applicant and Geotech are affiliated persons of one another as that term is defined in section 2(a)(3) of the Act. Applicant states that the amendment of the present Note evidencing Geotech's debt to Applicant may be a purchase of an outstanding security by Geotech and the sale of a new security to Applicant.

In support of the application, Applicant states that although the restrictive covenants to which Geotech is presently subject were appropriate for a closely held company in which its investment of $300,000 in the 1960 Note represented the only long term debt and provided a substantial part of the working capital, once the Geotech common stock becomes publicly owned and the public investors have furnished substantial new working capital Applicant considers that its debt as to the $300,000 loan will be adequately protected by the remaining covenants against substantial corporate change as contained in the amended note. It is further stated that a successful offering will have interposed a substantial amount of new working capital represented by common stock to provide a "cushion" for Applicant's holding of debt. Accordingly, Applicant is willing to amend the Note as described in order to ensure the offering. Applicant states that the negotiations between Geotech, the underwriter and Applicant were at arm's-length and Applicant has agreed to the amendment subject to effectiveness of the registration statement in order to induce the underwriter to proceed with the offering to furnish the needed new capital funds.

Notice is further given that any interested person may, not later than May 7, 1962 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4146; Filed, Apr. 27, 1962; 8:45 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

APRIL 24, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 25, 1962, to May 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4147; Filed, Apr. 27, 1962; 8:45 a.m.]

[File No. 94D-18]

BONNEVILLE RESOURCES, INC.

Notice and Order for Hearing

APRIL 24, 1962.

I. Bonneville Resources, Inc. (issuer), 17 East Oakland Avenue, Salt Lake City, Utah, formerly known as Bonneville Basin Uranium Corporation, a Utah corporation, on October 24, 1961, filed with the Commission a notification on Form 1-F and sales material relating to a proposed assessment of $0.05 per share on 6,000,000 shares of its outstanding stock for an aggregate of $300,000, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation F promulgated thereunder.

II. The Commission on March 9, 1962, issued an order pursuant to Rule 656 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation F and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., m.s.t., on May 17, 1962, at the Salt Lake City Branch Office of the Commission, Room 1119, 10 Exchange Place, Salt Lake City, Utah, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation F have been complied with in that:

1. Use has been made of sales material without its first having been filed with the Commission pursuant to Rule 654 of Regulation F.

2. Use has been made of sales material which failed to comply with the requirements of Rule 653 of Regulation F.

B. Whether the sales material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The forecast of profits which are based on conjecture.

2. The failure to disclose that monies advanced by officers to Jonlee Manufacturing Company, which liabilities were assumed by the issuer, are evidenced by 8 percent notes payable to the officers and due January 1, 1963.

3. The representation that after the assessment there will be a definite value to the issuer's stock.

4. The price at which the stock "is being listed."

5. The representation that "a market is now being developed" in the issuer's stock.

C. Whether the offering has been made and would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Frederick Zazove, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Bonneville Resources, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before May 15, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Bonneville Resources, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Bonneville Resources, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II hereinabove.

Notice is hereby given that if Bonneville Resources, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Bonneville Resources, Inc. by the Commission upon consideration of this notice and order for hearing and said allegations in Section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4148; Filed, Apr. 27, 1962; 8:45 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

APRIL 24, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 25, 1962, to May 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4149; Filed, Apr. 27, 1962; 8:45 a.m.]

[File No. 24NY-5209]

ANTHONY PARELLA AND THE WHOLE DARN SHOOTING MATCH CO.

Order Permanently Suspending Exemption

APRIL 24, 1962.

Anthony Parella, on behalf of The Whole Darn Shooting Match Co., a New York limited partnership to be formed in connection with the production of a play entitled "The Whole Darn Shooting Match," filed with the Commission on July 21, 1960 a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("Act"), pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a proposed public offering of pre-formation limited partnership interests in the amount of $125,000 at $2,500 per unit.

The Commission, on May 24, 1961, issued an order temporarily suspending the aforesaid exemption pursuant to Rule 261 of Regulation A, and at Parella's request a hearing was held to determine whether to vacate that order or to enter an order permanently suspending the exemption.

At such hearing, Parella admitted the allegations of fact in the temporary suspension order but denied that any fraudulent intent was involved, requested withdrawal of the notification, and waived a recommended decision by the hearing examiner.

The Commission has considered the record and makes the following findings:

1. The terms and conditions of Regulation A were not complied with in that Parella made a written offer of limited partnership interests without delivering the offering circular as required by Rule 256(a)(1), and used sales literature which was not filed with the Commission prior to its use as required by Rule 258.

2. The notification failed to disclose that the offering would be made in jurisdictions other than those specified therein.

3. Parella sold a total of 1½ units of limited partnership interests to two persons to whom an offering circular was delivered. One purchaser was a resident of a state not specified in the notification, and the other was a resident of a state which was specified but in which a document had been filed by counsel for Parella attesting that the security would not be offered in that state.

Parella testified that he considered the offering circular lengthy and therefore, after unsuccessfully attempting to contact his lawyer, prepared and used a short sales brochure.

The Commission having concluded that under all the circumstances, including the fact that Parella in numerous instances employed the brochure rather than the offering circular contrary to the specific requirements of Regulation A, a sufficient showing had not been made to warrant withdrawal of the notification and the suspension should be made permanent,

It is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering by Anthony Parella on behalf of The Whole Darn Shooting Match Co., a limited partnership to be formed, be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4150; Filed, Apr. 27, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37697: *Propylene glycol from Plaquemine, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8195), for interested rail carriers. Rates on propylene glycol, in tankcar loads, from Plaquemine, La., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Market competition.

Tariff: Supplement 232 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37698: *Barytes from Arkansas and Missouri.* Filed by Southwestern

such application without further or formal hearing.

No. MC-FC 64880. By order of April 20, 1962 the Transfer Board approved

CUMULATIVE CODIFICATION GUIDE—APRIL

FSA No. 37698: *Barytes from Arkansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-8196), for interested rail carriers. Rates on barite (barytes), not ground, not precipitated or refined by chemical process, in carloads, from specified points in Arkansas and Missouri, to Corpus Christi and Houston, Tex.

Grounds for relief: Carrier competition.

Tariff: Supplement 15 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37699: *Vermiculite to Willoughby, Ohio.* Filed by O. W. South, Jr., Agent (No. A4185), for interested rail carriers. Rates on vermiculite, broken, crushed or ground, dried or not dried, not expanded, in carloads, from Kearney and Travelers Rest, S.C., to Willoughby, Ohio.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 44 to Southern Freight Association tariff I.C.C. S-126.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4157; Filed, Apr. 27, 1962; 8:46 a.m.]

[Section 5a Application No. 12]

INTERSTATE FREIGHT CARRIERS' CONFERENCE, INC.

Application for Approval of Amendments to Agreement

APRIL 25, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 20, 1962, by: Russell & Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif.

Amendments involved: Change the agreement so as to (1) clarify procedures involving Government quotations and provide that notices relating to such matters be given to the Government agency involved, and (2) remove the provisions requiring publication of notices of regular and special rate meetings, and of subjects docketed and actions taken thereon, in a transportation trade periodical, but continue such publication in the Conference's Bulletin.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4158; Filed, Apr. 27, 1962; 8:46 a.m.]

[Notice 631]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 25, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35371. By order of April 20, 1962, the Transfer Board approved a lease to Thompson Bros., Inc., P.O. Box 457, Toronto, S. Dak., of Certificates Nos. MC 113879 Sub 1, MC 113879 Sub 2, and MC 113879 Sub 4, issued August 30, 1954, April 26, 1955, and July 31, 1957, respectively, to Eugene C. Fischer, doing business as Fischer Transportation Company, 520 First Avenue SE., Watertown, S. Dak., authorizing the transportation of bulk salt, over irregular routes, from Lyons, Kans., to 22 specified points in Montana; salt, from Lyons, Kans., and Hutchinson, Kans., and points within 5 miles of each to a specified area in Montana; and from Kanapolis, Kans., to points in North Dakota and a specified area of Montana.

No. MC-FC 35373. By order of April 20, 1962, the Transfer Board approved the lease to Ed Rubright, doing business as ABC Trailer Towing, Yuma, Ariz., of Certificate in No. MC 119117, issued June 20, 1961, to Charles Wyatt and George McCormick, doing business as M & W Trailer Sales, Yuma, Ariz., authorizing the transportation of: Mobile homes, in secondary movements, in truckaway service, from points in Yuma County, Ariz., to points in California. Mr. Peter C. Byrne, Byrne & Green, 152 First Avenue, Yuma, Ariz., attorney for applicants.

No. MC-FC 64700. By order of April 20, 1962, the Transfer Board approved the transfer to Thomas Robert Eidell, Pottstown, Pa., of Permit No. MC 108059 Sub 1, issued July 24, 1959, to Edward Zedeker, Xenia, Ohio, authorizing the transportation, over irregular routes, of meats, from Esterville, Iowa, to Philadelphia, Pa., and meat hooks and racks used in transporting meats, from Philadelphia, Pa., to Esterville, Iowa. Alvin L. Weiss, 41 High Street, Pottstown, Pa., applicants' attorney.

No. MC-FC 64880. By order of April 20, 1962, the Transfer Board approved the transfer to C. Norman Mattson, Danbury, Conn., of Certificate in No. MC 117536 Sub-1, issued April 14, 1959, to Marcus L. Dingee, New Milford, Conn., authorizing the transportation of: Bituminous concrete, in bulk, in dump trucks, from New Milford, Conn., to points in Westchester, Putnam, and Dutchess Counties, N.Y. Louis A. DeFabritis, 77 West Street, Danbury, Conn., attorney for applicants.

No. MC-FC 64935. By order of April 20, 1962, the Transfer Board approved the transfer to James Erickson, doing business as Friday Harbor Freight, Friday Harbor, Washington, of Certificate No. MC 112234, issued October 25, 1951, to Barney Mordhorst, doing business as Mordhorst Trucking, Friday Harbor, Wash., authorizing the transportation of general commodities, except commodities in bulk and other specified commodities, between Anacortes, Bellingham, and Mount Vernon, Wash., on the one hand, and, on the other, points on San Juan Island, Wash. Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash., applicants' representative.

No. MC-FC 64957. By order of April 20, 1962, the Transfer Board approved the transfer to Bivins' Freight Service, Inc., Millville, New Jersey, of Certificates Nos. MC 73618 and MC 73618 Sub 3, issued February 6, 1950, and September 15, 1952, to Wilbert P. Bivins, doing business as Wilbert P. Bivins Freight Service, Millville, N.J., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Millville, N.J., and Philadelphia, Pa., and over irregular routes, of sand and gravel, silex, silica, glass, foundry, mould wash, and blasting, building material, brick, feed, grain, and meat scraps, fertilizer and fertilizer material, airplane engines, airplane engine parts, and airplane accessories, boat building equipment, materials, and supplies, and seed, from, to and between specified points in Maryland, New Jersey, Delaware, Connecticut, New York, Pennsylvania, and the District of Columbia, varying with the commodities transported. William Gallner, 119 West Broad Street, Bridgeton, N.J., applicants' attorney.

No. MC-FC 64989. By order of April 20, 1962, the Transfer Board approves the transfer to Paul F. Medved, doing business as Medved Transfer, Masontown, Pa., of Certificate No. MC 64571, issued January 25, 1949, to Louis C. Wheeler, Masontown, Pa., authorizing the transportation of household goods, over irregular routes, between points in Fayette County, Pa., on the one hand, and, on the other, points in New York, Maryland, West Virginia, and Ohio, traversing Delaware for operating convenience only. Ben F. Wright, 7 Court Street, Uniontown, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4159; Filed, Apr. 27, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 83

Washington, Saturday, April 28, 1962

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1010, 1014, 1015, 1016]

[Docket Nos. AO–14–A 31, AO–71–A 41, AO–160–A 23, AO–302–A 5, AO–203–A 13, AO–312–A 2, AO–293–A 4, AO–204–A 13, AO–276–A 3, AO–305–A 5]

MILK IN GREATER BOSTON, MASS.; NEW YORK-NEW JERSEY; PHILADELPHIA, PA.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS.; UPPER CHESAPEAKE BAY; WASHINGTON, D.C.; WORCESTER, MASS.; WILMINGTON, DEL.; AND CONNECTICUT MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City during the periods June 19–30 and July 10–August 2, 1961, pursuant to notice thereof issued on June 2, 1961 (26 F.R. 5075).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Secretary of Agriculture on January 22, 1962 (27 F.R. 799; F.R. Doc. 62–901) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The statement of material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 799; F.R. Doc. 62–901) are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under subheading "preliminary statement" the 10th paragraph is changed.

2. Under Issue No. 1 subheading "Other testimony relating to milk handling and processing costs", paragraphs 18, 20, and 22 are changed.

3. Under Issue No. 1, subheading "Competitive pay prices as the appropriate basis for establishing the general level of the Class III price in the New York-New Jersey market" paragraphs 3, 4, 8, 24, 30, 32, 46, and 57 are changed.

4. Under Issue No. 2 following paragraph 20 is an insert.

5. Under Issue No. 2 paragraphs 28, 31, and 40 are changed.

6. Under Issue No. 3 paragraph 22 is changed.

The hearing, which lasted 28 days and consisted of over 5200 pages of testimony accompanied by 110 exhibits, was concerned primarily with the problem of establishing appropriate prices for reserve milk in the ten Federally-regulated fluid milk markets in the Northeastern section of the United States. From this general problem three central issues arose.

The first issue related to the propriety of the existing relationship between reserve milk prices in the Northeastern Federally-regulated markets and prices paid dairy farmers for milk of manufacturing grade at Midwestern plants. This was the dominant issue at the hearing, with a variety of price formula proposals presented for establishing appropriate price relationships.

The several proposals offered, and the testimony presented in support thereof, ranged from suggestions to lower the Class III milk price under Order No. 2[1] for the New York-New Jersey market, including the reinstatement of the butter-cheese differential at four cents per pound of butterfat during all months of the year, and to reduce Class II milk prices in the five New England Federal order markets, to proposed increases in the prices of such respective classes and in the comparable classes of the other Northeastern markets up to at least the level of the prices paid dairy farmers for manufacturing grade milk in the Midwest as reflected by the "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series" (compiled by the Agricultural Estimates Division, U.S.D.A.). The focal point of the controversy involved in this issue was a proposal to use such Minnesota-Wisconsin price series as the basis for Class III milk prices under Order No. 2.

It was the general position of Midwestern representatives of processors, cooperatives and others, including representatives of the States of Minnesota and Wisconsin, testifying at the hearing, that prices resulting from the present Class III price formula in Order No. 2 are too low in relation to prices paid farmers for manufacturing grade milk at Minnesota and Wisconsin plants, producing competitive disadvantage to Midwestern processors in the sale of the "hard" products of milk, such as butter, nonfat dry milk and cheddar cheese, in Eastern seaboard markets.

Such representatives contended further that the profitability to New York-New Jersey market processors of manufacturing products in Class III milk tends to depress the manufactured products market generally by adding to the national surplus, to the detriment of all farmers producing for this market. An appeal was made that the Federal Government should revise price levels in the Northeastern markets, particularly in the New York-New Jersey market, to insure a pricing policy for milk over and above fluid requirements more consistent with the price aims of the national dairy price support program and to provide equitable pricing to Midwestern dairy farmers.

Although not adhering to any specific price formula to attain these ends, Midwestern representatives proposed rather that the Northeastern markets' minimum prices for surplus milk "be fixed at the highest level that a handler with reasonably efficient operations could afford to pay for such milk, who processes said milk into so-called hard products, so that such handler would not have a competitive advantage in the marketing of such hard products in the domestic market." They recommended, in this connection, careful consideration of the Minnesota-Wisconsin pay price series to obtain the desired result.

Three of the four major producer cooperative groups in the New York-New Jersey market and representatives of handlers of milk in that market strongly

[1] Formerly Order No. 27.

opposed the use of such series for pricing Class III milk in the New York-New

New York-New Jersey handlers and New England-based cooperatives.

(d) Use of the average price of spray process nonfat dry milk minus one cent,

Findings and conclusions. The following findings and conclusions on the ma-

and directly reflected in the formula.

The principal skim milk products

opposed the use of such series for pricing Class III milk in the New York-New Jersey market. In support of their general position they testified that the series is based on dairy farmer pay prices in an area approximately 1,000 miles from the New York-New Jersey milkshed where the seasonality of production, ratio of supply to demand, and other competitive factors differ substantially from conditions in the New York-New Jersey milkshed. They seriously questioned the use of a price series which, at the time of the hearing, had not yet been established statistically and under which no experience had been gained to test its effects on price levels under Order No. 2. They maintained that the pricing of over $200 million worth of surplus milk per year in Northeastern markets, where a one-cent change in the price can amount to $60,000 per month in milk value, is too important a matter for reliance upon an untested price series.

The second issue involved the relative levels of reserve milk (manufacturing class) prices in the ten Northeastern fluid milk markets, particularly in respect of problems of competition among processors in the sale of such products as cream, ice cream, ice cream mix, and condensed skim milk in these markets and adjacent areas. Although there were differences in the methods proposed for bringing about price alignment, all witnesses except one, who testified in regard to this issue, supported close alignment of the manufacturing class prices in the ten orders.

There also was testimony by several New York-New Jersey market handler representatives to the effect that extreme emergency conditions existed in the New York-New Jersey milkshed while the hearing was in progress and that immediate action should be taken to suspend the seasonal factors in the Class III formula of Order No. 2 for the fall months of 1961. A representative of several New England producer cooperative associations testified that the seasonal factors in the Class II price formula of the respective New England orders should be suspended, if necessary, to a level which would provide uniformity of surplus prices on a month-to-month basis as between the New England and the New York-New Jersey markets during the remainder of 1961. The suspension proposals on which this testimony was offered were denied by determination issued August 11, 1961, and no further findings are necessary on this matter.

The third main issue was concerned with the proposition that at certain times more milk will be produced than handlers operating under the classified pricing system will be willing to accept at the specified minimum class prices in an order. Certain cooperative associations in the New York-New Jersey market, supporting this view, submitted a proposed plan to handle such "excess surplus" milk through a cooperative marketing agency and to price this milk under the orders on the basis of the return for the products of the milk as disposed of under the Federal dairy products price support program, less the expenses of handling and processing. The plan developed considerable opposition from New York-New Jersey handlers and New England-based cooperatives.

More briefly described, the material issues on the record of the hearing relate to:

(1) The establishment of pricing provisions for Class III milk under the New York-New Jersey order and for Class II milk under, respectively, the Greater Boston, Massachusetts; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Wilmington, Delaware, and Connecticut orders which are appropriately related: (a) to the value of milk in the Midwest for manufacturing uses and (b) to each other (discussed below as Issues Nos. 1 and 2); This involves consideration of the type and kind of formula or formulas to be used under the respective orders, including the continued applicability of the butter-cheese adjustment presently contained in the New York-New Jersey order;

(2) Provision for the separate and flexible pricing of "excess" surplus milk marketed by or for the account of an incorporated cooperative marketing agency under the Federal government's price support program for dairy products (discussed below as Issue No. 3).

The hearing was called following the submission of amendment proposals applicable to the ten orders by the principal cooperative associations of producers in the several New England, the New York-New Jersey, and the Philadelphia and Wilmington markets, and by certain cooperatives operating in the states of Wisconsin and Minnesota. Certain handlers individually, and the principal handler associations, in the New York-New Jersey market and certain processors of milk produced in Wisconsin and Kansas also submitted amendment proposals affecting one or more of the subject orders.

The proposals submitted, and the testimony presented by proponents and others in support thereof, were directed to the following types of pricing formulas for the respective reserve classes of milk under such orders:

(1) A formula (of the general type in current use in the New York-New Jersey market) based on central market prices for Grade A (92-score) butter at New York City and nonfat dry milk at Chicago area manufacturing plants or at New York City, minus an allowance for handling, including several variations as follows:

(a) Provision for a "basic" manufacturing price formula containing separate fat and skim values [(92-Score butter, New York City +2 cents×3.5—29 cents)+(average price of spray process nonfat dry milk at Chicago area plants —6 cents×7.8)]. Seasonal adjustments to the class price would be made whenever the percentage of total producer receipts allocated to Class I exceed a specified amount.

(b) Revision of the relative production weights given to roller and spray process nonfat dry milk and an increase in the yield factor for nonfat dry milk.

(c) Elimination of seasonal adjustments in the pricing of reserve milk.

(d) Use of the average price of spray process nonfat dry milk minus one cent, with preference to prices reported in "The Producers Price-Current".

(e) Adoption of offsetting plus and minus seasonal differentials in the Class III price formula.

(f) Addition of one cent to the monthly average price of Grade A butter at New York.

(g) The following proposals relating to the differential pricing of milk for butter and cheese within the reserve class (at present only the New York-New Jersey order results in such differential pricing) were offered:

(i) Establish a differential of four cents per pound of butterfat to be applicable in all months, except August through November if a seasonal adjustment, as explained in (a) above, is added to the class price during those months.

(ii) Make the differential applicable during the months of August through November, when the percentage of Class III milk during the month exceeds 35 percent of total receipts.

(iii) Provide a differential of three cents per pound of butterfat during the months of July through February and four cents during the months of March through June.

(iv) Provide in the New York-New Jersey order only, a differential of four cents per pound of butterfat in all months of the year.

(2) The "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series".

(3) The "U.S. Average Manufacturing Grade Milk-Price Series".

(4) A "reverse" supply-demand adjustment factor for the Philadelphia and Wilmington Class II price formulas to operate as follows: Increase or decrease the surplus class price as the proportion of the receipts allocated to such class increases, or decreases, respectively, from the necessary quantity of reserve milk over the immediately preceding 12 months (proponent suggested a like adjustment for the New York-New Jersey order also), with a maximum price deviation of plus or minus 25 cents per hundredweight from the New York-New Jersey Class III price.

(5) A revised method, made with reference to the Philadelphia and Wilmington orders only, of computing the average price of cream at Philadelphia as used in such orders, and addition of a "sub-Class II" price during the spring months for milk in certain products.

Much of the testimony adduced at the hearing centered around the question of the type of formula most appropriate for fixing the minimum level of price for Class III milk in the New York-New Jersey market. Because of the dominant position of the New York-New Jersey market in the controversies involved, major emphasis is given first to the establishment of an appropriate formula for determination of the Class III milk price in Order No. 2 (Issue No. 1). A discussion of testimony relating to the need for appropriate alignment of prices among all ten Northeastern markets is set forth below under the heading Issue No. 2.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

ISSUE No. 1

Testimony of proponents of the product price minus handling allowance type of formula. At the present time minimum prices to producers for Class III milk in the New York-New Jersey Federal milk order are based upon the market prices of butter and nonfat dry milk. Basically, the price each month is determined by first adding two cents to the monthly average price of U.S. Grade A (92-Score) butter in New York City. This value is then multiplied by 1.22 to determine the value of one pound of butterfat, which is then multiplied by 3.5 to arrive at the value of butterfat in 3.5 percent milk. To this value is added the product of multiplying the weighted average price of nonfat dry milk made by the roller (weighted 70) and spray (weighted 30) process, f.o.b. manufacturing plants in the Chicago area, by 7.8. From this total is deducted a "make (processing) allowance" of 80 cents. A seasonal adjustment is then added.

The above computation, except for an additional 3 cents added to the average butter price when Class III utilization is relatively low during August through February, is the formula used each month to determine the monthly price of Class III milk in Order No. 2. During December through July, however, butterfat in milk used in the manufacture of butter and certain types of cheese is priced at certain specified differentials below such Class III price.

New York-New Jersey market proponents of the "product price minus handling allowance" type of formula maintained that this type of formula is the one better adapted to pricing milk for manufacturing in the Northeast, and more particularly in the New York-New Jersey milkshed, than any series of prices paid dairy farmers at milk manufacturing plants located several hundred miles away in the Midwest. They testified that their receiving and manufacturing costs for Class III milk products are higher than in the Midwest because practically all milk in the supply area is eligible for fluid use, with the alleged consequence that seasonal variations in the quantities of milk available for manufacturing in Class III are much greater than in the Midwest, causing the cost of maintaining standby manufacturing facilities to be relatively high in terms of per unit output. It was contended from this that the use of a pay price series, such as the proposed "Minnesota-Wisconsin" price series, does not reflect marketing conditions in the Northeast and thus would not result in Class III prices at a level which would "clear the market".

In supporting the use of the product price minus processing allowance type of formula, proponents claimed that this formula reflects the prices that handlers under the order actually receive for the finished products, and that it is most appropriate that the processing costs of such handlers should be specifically and directly reflected in the formula. It was testified that large quantities of reserve milk in the Northeast are used in the manufacture of ice cream and that high quality, unsalted butter and nonfat dry milk can be substituted readily for pool milk in its production, to wit., the Class III price should be based directly on the market prices of butter and nonfat dry milk.

Additional testimony was presented to show how conditions affecting the manufacture of milk in the Northeast differ from those in the Midwest. It was maintained that the Northeast and the Midwest are distinct and separate production areas. It was testified in this regard that (a) a hundredweight of milk of similar butterfat content yields less cheddar-cheese in New York State than in Wisconsin, and (b) Wisconsin milk is delivered directly from the farm to the cheese plant whereas in New York State receiving (feeder) stations receive much of the milk before it is transferred to the manufacturing plant, thus increasing delivery costs from farm to manufacturing plant.

It was stressed that butter and cheese are relatively more important uses for manufacturing milk in the Midwest while ice cream and other frozen products are the important uses of manufacturing milk in the Northeast. New York plants must maintain fluid market health approval, with resulting higher field and inspection expenses. From this it was argued that if a price series such as the "Minnesota-Wisconsin" series had been used during the fall and winter months of 1960 and 1961, any increase that would have resulted from it would have aggravated a difficult surplus situation.

One handler witness presented statistical data to show that prices paid for Class III milk in the New York-New Jersey market compare favorably with prices paid for milk for manufacturing into different specified products in nearby states. Prices paid at condensaries, creameries and cheese factories decline as distances from the states of Minnesota and Wisconsin increase. Comparisons were made for Minnesota-Wisconsin and (a) states to the East toward the Atlantic seaboard, (b) states to the South toward the deficit milk production areas in the Southeast, and (c) states to the Southwest.

The principal competitive sources of supplies for Class III milk uses were stated to be surplus quantities from unregulated markets in the Northeast, cream from states outside the Northeast and butter (as a source of fat for ice cream). From this it was concluded that since ice cream and fluid cream are the largest outlets for reserve milk in the Northeast, it is essential that the method of pricing used should keep reserve milk prices in the Northeastern Federally-regulated markets closely in line with those of competitive sources of butterfat. To accomplish this, it was proposed that any formula for the price of butterfat in reserve milk adopted be based on the price of Grade A (92-Score) butter, with preference for butter prices reported for the New York market.

The principal skim milk products manufactured from producer milk in the 11 Northeastern states are nonfat dry milk, cottage cheese, curd, and unsweetened condensed skim milk. In 1959 these products accounted for nearly 98 percent of all of the skim products produced. Nonfat dry milk can be and is sometimes used in lieu of fluid skim milk in making cottage cheese. Nonfat dry milk can be used also as a substitute for plain condensed skim milk. Proponents conclude that the market prices of nonfat dry milk are the best available measure of changes in the value of nonfat solids in reserve producer milk, and therefore, in the return to be received by producers for such milk.

In addition to such general support given to the product price minus handling allowance type of formula, each proponent presented further testimony in support of individual proposals.

The proposals to adopt a "basic" manufacturing price formula containing separate butterfat and skim milk values was supported at the hearing by one of the principal cooperatives in the new York-New Jersey market. Seasonal adjustments would be applicable when reserve milk is relatively low and a butter-cheese differential would be included in all months except August through November if seasonal adjustment is applied in the latter months. It was testified that confusion in regard to butterfat and skim milk values has resulted from the formula because they are not computed separately. Proponent claimed this confusion should be removed to reduce the number of controversies that exist in the buying and selling of manufactured dairy products. The proposed change from an average value of roller (weighted 70) and spray (weighted 30) nonfat dry milk to the average value of spray nonfat dry milk only was based on the relative importance of skim milk for nonfat dry milk manufacture in the milkshed and the fact that the bulk of nonfat dry milk being produced is spray process type. In 1960, 92 percent of the nonfat dry milk manufactured in the United States was made by the spray process.

Testimony was presented to the further effect that the seasonal adjustment factors contained in the present Class III formula should be applicable to all ten markets only during those months when the Class I utilization in the markets exceeds a specified percentage. The amount of the seasonal adjustment would be changed to 5 cents during March through June, and 10 cents during the remaining months of the year. If the seasonal adjustment factors were to be applicable during the months of August through November, then no butter-cheese adjustment would be applied during those months; however, a butter-cheese adjustment of four cents per pound of butterfat would be applicable during the remaining eight months of the year.

Another of the large producer groups testified that the present New York-New Jersey Class III price, with changes made in the relative weights given to roller and spray process nonfat dry milk

and an increase in the yield factor, should be applied as the Class II price

handler representative claimed that the price quotations which most nearly re-

Other testimony relating to milk handling and processing costs. Re-

plant, the following total handling and

The unit operating costs for this model

regions. Their testimony may be typi-

and an increase in the yield factor, should be applied as the Class II price formula under the other Northeastern orders. This proponent testified that the relative weight given to spray process nonfat dry milk should be increased while the weight given to roller process nonfat dry milk should be decreased. To support this change statistics were cited to indicate that of the total amount of nonfat dry milk manufactured, between 80 and 90 percent is by the spray process. This proponent also recommended an increase in the yield factor from the present factor of 7.8 to a factor of 8.2.

Several witnesses representing certain New York-New Jersey handlers testified that the plus seasonal factors contained in the present Class III price formula of Order No. 2 are no longer applicable in view of the general supply condition in the market during the summer and fall months. One such witness maintained there is no relationship between these differentials and production seasonality, and no attempt is made to synchronize them with either the total monthly production of pool milk or actual Class III utilization. This witness claimed also that seasonal pricing should not be used to yield producers additional returns, but rather should balance out (plus=minus) on a yearly basis.

Another witness, representing the principal handler association, concluded from a number of comparisons of pay prices for manufacturing milk for various states that an increase in the Class III price would be unwarranted and that, to the contrary, such price should be lowered to prevent further hardship to handlers. His proposals would eliminate the seasonal differentials in the Class III price formula whenever the utilization adjustment percentage in the Class I–A price formula falls below a certain level and would employ the average price of spray process nonfat dry milk minus one cent in the formula. He indicated the belief that spray quotations for the New York market in "The Producers Price-Current" would be more appropriate for use in the formula than quotations for manufacturing plants in the Chicago area. These proposals were supported on the basis that during those months in 1960 when no butter-cheese differential was applicable about three times as much milk was utilized in butter and cheese as during the corresponding months of 1959. In regard to the use of spray quotations only, he stated that because of the expansion of spray nonfat dry milk manufacture throughout the nation, it has become difficult to get representative quotations for roller nonfat dry milk. He contended also that roller nonfat dry milk prices have been more erratic in relation to the support level than in the case of spray nonfat dry milk prices, that open market roller prices recently have been higher than support prices, and that there has been a decline in the spread between spray prices and the weighted average nonfat dry milk price used in the present Class III price formula. In recommending use of the spray prices reported in "The Producers Price-Current", this handler representative claimed that the price quotations which most nearly reflect competitive conditions in the market where handlers sell the finished milk products should be used.

A witness for New York-New Jersey ice cream manufacturers testified that recent increases in the volume of whole milk deliveries by farmers in major butter-producing areas have increased the quantities of high quality butter available, and that New York ice cream manufacturers have been able to obtain high-grade, unsalted butter for about one-half cent to one cent over the 92-score butter price at New York. He concluded that the amount added to the "butter" price average in the formula should be reduced to no more than one cent.

A representative of a major producer association in the Philadelphia market suggested that as the proportion of milk in a market disposed of in the manufacturing class increases, the class price should be increased. The need for this, it was claimed, is to discourage the addition of additional supplies above necessary current reserves and thus tend to increase the percentage of Class I utilization. Without making a specific formula proposal, he stated that the maximum Class II price deviation for the Philadelphia and Wilmington markets above or below the Order No. 2 Class III price should not be more than 25 cents per hundredweight. This witness proposed, however, that the cream price used in the Class II price formula of Orders 4[2] and 10[3] (Philadelphia and Wilmington) should be a "weighted average" instead of a simple average of weekly "midpoint" prices of cream, in order to be more representative of actual cream values during the month.

Another recommendation of this witness, made with specific reference to Orders 4 and 10, was that milk moved to unregulated plants for manufacture into certain manufactured products, particularly butter and cheese (other than cottage or creamed), during the months of March through June should be priced at not more than 10 cents per hundredweight below the regular Class II price. It was maintained that this would produce the maximum competitive return for the milk consistent with its orderly movement into reserve uses.

Each of several proposals relating to the butter-cheese differential would have the effect of increasing the number of months each year that it could be applicable. Certain proponents testified in regard to its use in the New York-New Jersey order only, while others discussed its applicability, along with the proposed changes, to all ten markets. The basic reason given for increasing the number of months in which it could be applicable was that there are increasing quantities of milk which must go into butter and cheese during the months of August through November (the differential currently applies in the New York-New Jersey market during December through July).

[2] Formerly Order No. 61.
[3] Formerly Order No. 110.

Other testimony relating to milk handling and processing costs. Research studies on milk processing costs at New York State "cream-nonfat dry milk" plants and at "butter-nonfat dry milk" plants in the State of Minnesota were presented by witnesses from Cornell University and the University of Minnesota.

In the New York study, 8 plants engaged in the manufacture of cream and spray process nonfat dry milk were selected. All but one of the plants were units of multiple-plant organizations operating both fluid milk plants and manufacturing plants. Daily receipts during the month of average volume averaged 250,000 pounds for the 8 plants, with a range in average daily receipts for the 8 plants of 420,000 pounds during the month of highest volume and 151,000 pounds for the month of lowest volume.

Average plant operating costs per hundredweight of milk processed at the 8 New York manufacturing plants were as follows: Month of average volume, $0.576; high-volume month, $0.415; and low-volume month, $0.862. These costs included, however, only the costs of processing together with certain allocated overhead costs for the central office expenses of each of the multiple-plant firms. The additional costs for related handling functions not investigated in this study were estimated by the authors to approximate 50.5 cents per hundredweight of milk in a typical situation. The 50.5 cent estimate included the following: Feeder plant operation, 15 cents; transportation, 15 cents; plant losses, 8.5 cents; packing material, 3.5 cents; use and risk of capital, 7 cents; and selling services, 1.5 cents. Combining the average operating cost of the 8 plants for the month of average volume of 57.6 cents, and the costs associated with the related functions estimated at 50.5 cents, the total handling and processing cost would amount to $1.081.

In the Minnesota study, data were presented regarding the operations of five typical butter-nonfat dry milk plants in Minnesota. Although data for the five plants were not shown in terms of an average, one of the plants received an average 217,000 pounds of milk per day, an amount nearly the same as the average of quantities handled by the 8 plants in the New York study. The average cost of receiving and processing milk from producers was 39.9 cents per hundredweight at this Minnesota plant.

In another case, the costs of receiving milk at a creamery, separation of the milk, processing the butterfat into butter and shipping the skim milk to a central drying plant were shown through a budgetary cost study of four creameries of varying sizes. These data included the average cost of transporting the skim milk from creameries to central drying plants plus the cost of manufacturing nonfat dry milk by spray process. Combining the costs for an average size creamery (receiving 65,000 pounds of milk per day) and at the central drying plant, including the cost of transporting the skim milk to the central drying plant, the following total handling and processing costs were shown: Creamery processing, 23.31 cents; transportation, 8.2 cents; and central drying plant processing, 26.08 cents, making a total of 57.59 cents per hundredweight of whole milk.

Thus, the average cost of receiving and processing whole milk into cream and nonfat dry milk at 8 manufacturing plants, disclosed in the New York State study, including estimates for feeder plant handling and transportation, was about $1.08 per hundredweight, while in Minnesota the average receiving and processing cost at a plant comparable in size to the average of the 8 New York plants, but manufacturing butter and nonfat dry milk, was about 40 cents per hundredweight, or approximately 68 cents per hundredweight less than in New York. The cost of receiving and processing butter and nonfat dry milk in the two-plant (creamery and central drying plant) combination in Minnesota amounted to about 58 cents, or about 50 cents less than in the case of the New York plants. Since butter ordinarily is more costly to process than cream, these differences presumably would be greater if the New York plants were to manufacture butter rather than cream.

It was testified further by the author witness on the Cornell University study that even with only limited changes in physical facilities, such as rearrangement of plant equipment and the introduction of additional labor saving devices, important cost savings can be realized in New York manufacturing plants.

This was illustrated by other data presented in the study which related to specifications and cost estimates for a series of model plants of different capacities for the New York-New Jersey milkshed. Of the four model plants presented, receipts at Model Plant A, the first of the four general types indicated, were the closest, but somewhat lower than, the weighted average of receipts for the 8 actual manufacturing plants. Receipts at Model Plant C were the nearest to, but larger than, the receipts at the largest of the 8 plants studied. It was testified that as the quantity of milk handled at these model plants increases the per-unit processing cost decreases.

The reported unit operating costs at Model Plants A and C (bulk tank operation assumed) during the average volume month were 50.4 cents and 28.1 cents, respectively. The operating costs for the actual plants during the average volume month were 57.6 cents and 54.3 cents, respectively. Unit costs at the two model plants, therefore, were 7.2 cents and 26.2 lower, respectively, than costs for the actual manufacturing plants. It is recognized, however, that any precise comparison between total processing costs per hundredweight of milk at actual plants and at theoretical plants, unit operating costs for Model Plant A would decrease somewhat and conversely operating costs for Model Plant C would increase to some extent.

The largest of the four general types of model plants (Plant D) could receive up to 1,200,000 pounds of milk per day. The unit operating costs for this model plant were only 24.9 cents per hundredweight of milk during the average volume month.

The data presented for Minnesota plants also reflected theoretical model plant operations. From a comparison between processing costs for theoretical model plants and for actual plants, actual operations were found to be in close conformity (within 2 cents per hundredweight) with the hypothetical operations at model plants.

Presented also for the record was a six-part study entitled "Class III milk in the New York Milkshed." This study was referred to at the hearing as the "Clarke Study." It was a comprehensive analysis of the utilization and pricing of Class III milk under Order No. 2. The subject matter of the separate parts of the study was identified under the following titles:

(1) Manufacturing Operations; (2) Economic Description of the Manufactured Dairy Products Industry; (3) Costs of Manufacturing Dairy Products; (4) Processing Margins for Manufactured Dairy Products; (5) Processors' Decisions on Utilization; and (6) Economic Aspects of Class III Pricing.

This study was prepared as a marketing research project conducted under the general supervision of the Marketing Economics Research Division, Agricultural Marketing Service, U.S. Department of Agriculture. Direct responsibility for the collection and interpretation of data used in the study was assigned to a member of the faculty of the University of California, who testified in detail on the study at the hearing.

The study includes estimates of yields, processing costs and "partial net margins" relative to various combinations of Class III milk products. The study does not attempt, however, to break down processing costs or "partial net margins" for combinations of products into separate costs and margins for individual products or to make any allocation of input costs between individual products made at the same plant from the same milk.

The cost data used as an input in the determination of "partial net margins" for several different combinations of products were designed only for this purpose, and did not purport to represent complete cost data for any product or product combination. They were not designed to reflect average processing costs in New York milkshed plants. Marketing and administrative costs, which were determined to be similar for all Class III products, were excluded from consideration since this study was concerned only with those costs which differ among the several Class III products manufactured. The research was intended to provide information on the possible marketing effects of changes in Class III prices but was not designed as the basis for a determination of an appropriate Class III formula or price level.

Several witnesses presented testimony on relative yields of cheese in Wisconsin and in New York State, and on differences in processing costs between the two regions. Their testimony may be typified by the following references.

A witness from Cornell University reviewed reported milk receipts and data relating to cheese production at three large cheese manufacturing firms in Northern New York State during the cheese-manufacture seasons in 1959 and 1960. From this the average cheese yield for these firms for the two seasons was computed to be 9.02 pounds (37 percent moisture) per hundredweight of 3.5 percent milk.

This yield of 9.02 pounds, based on data reported by the plants, was then compared with yields of cheese of similar moisture content from 3.5 percent milk reported for 12 Wisconsin cheese factories in a research study made at the University of Wisconsin. The Wisconsin study cited an average cheese yield of 9.84 pounds per hundredweight. Cheese yields in Wisconsin, therefore, were found to be 0.82 pounds per hundredweight greater than in New York. No specific reason was given for the stated difference in cheese yields.

Several manufacturers of Cheddar cheese and other cheeses in New York State presented additional data designed to demonstrate higher costs of manufacturing cheese in New York State than in the Midwest. One such manufacturer also operates a cheese plant in Vermont where milk priced at the Boston Class II milk price is the source of supply for cheese manufacture. Cheese yields from Vermont milk were compared with cheese yields from northern New York milk, which comparison involved higher butterfat content in Vermont and varying moisture content of the cheese manufactured in the two states.

The company made no complaint about the cost of milk for cheese in the Vermont plant although in 1960 the level of the Boston Class II price exceeded the butter-cheese differential price under order No. 2 by an average of 24 cents per hundredweight and was computed in a manner quite comparable to the formula.

The bulk cheese production manager for the Eastern Division of this company also testified that it predetermines how much New York Cheddar cheese it will need during the year, and once that volume has been produced their New York State plants are closed regardless of the prevailing price of milk for this use. Further, that even if the butter-cheese differential under order No. 2 were extended to include more months (causing a price reduction), they would not manufacture more cheese in New York State during the year, but would only extend their operations to include more months.

The Director of the Bureau of Accounts and Statistics of the Pennsylvania Milk Control Commission also testified at this hearing. This witness recommended that the open market fluid cream quotations, which are announced for the Philadelphia market by the Agricultural Marketing Service, U.S.D.A., be changed to include only cream that is actually used as bottling cream or in producing ice cream in the Philadelphia market. He stated that this could increase the price of Class II milk by an amount equivalent to 11.76

cents per hundredweight to Pennsylvania

dry milk. Such testimony (Minnesota research study) was discussed previously

in excess of 2 cents over the New York butter price.

facturing operations in the New York-New Jersey milkshed provides the basis

It would be difficult, indeed, to conclude

that in the existing highly competitive

cents per hundredweight to Pennsylvania producers and would be a method of making manufacturing prices more realistic throughout the region. He recommended also that nonfat dry milk prices be quoted for the spray process only.

Testimony of proponents of the competitive pay price type of formula. Although discussed later in more detail, the general considerations by proponents of competitive pay prices as a proper basis for pricing Class III milk are cited in the following paragraphs.

The major reasons presented by those supporting a competitive pay price series for pricing reserve milk in Northeastern markets were that (1) it would remove the Secretary from the role of "rate-making" and eliminate the need for making several judgments concerning the particular products (price quotations), the yield factors for such products, and appropriate "make allowances" to be used in the formulas, (2) competitive pay prices provide for automatic adjustments over time concerning needed changes in processing and marketing allowances resulting from dynamic competitive conditions and improved technology in the industry, and (3) such a series goes directly to current market values of milk as received from farmers for manufacturing use, is determined from current competitive conditions in milk procurement, and makes possible avoidance of problems involved in determining the separate values of the butterfat and skim milk ingredients in milk delivered by farmers.

Testimony was presented by representatives of Midwestern milk manufacturers to the effect that reserve milk in regulated markets of the Northeast, and particularly in the New York-New Jersey market, has not been priced competitively with Midwestern milk and that the relatively low Northeastern market prices of milk used for manufacture have damaged the competitive position of Midwest milk product manufacturers. They contend that the Federal government has conflicting policies with respect to its nation-wide price support program for dairy products on the one hand, and levels established for reserve milk prices in Northeastern Federal order markets on the other.

Midwest dairy interests also maintained that increases in the production of manufactured products in the Northeast has had a depressing effect on the national market for manufactured products, especially butter, nonfat dry milk and cheddar cheese. In support of this claim it was testified that manufacturers of milk products in the Midwest region had lost sales to lower-priced products manufactured from Class III milk in the New York-New Jersey market. They contended that an objective of pricing milk under a Federal order is to protect producer returns but not to maintain particular handler plants or cooperative associations which may not be able to withstand competition from other manufacturers of milk products. Testimony was presented to demonstrate the relative efficiency of Midwest manufacturers in the manufacture of butter and nonfat dry milk. Such testimony (Minnesota research study) was discussed previously in conjunction with other research studies presented for the record.

One such witness testified that the effect of maintaining a high Class I price in a Federal order market under classified pricing, while at the same time establishing a low reserve milk price which guarantees an ample margin to pool handlers of reserve milk, is, in effect, subsidization by the consumers of fluid milk of milk production for manufacturing uses. It was stated further that whenever the manufacturing milk price assures handlers under regulation a profitable margin, it follows that the amount of milk used in manufacturing increases and dilutes the effect of the Class I price on maintaining returns to producers through the medium of the uniform price.

One of the large producer cooperative associations in the New York-New Jersey market also testified in support of using a competitive pay price series. In support of its position five principles and objectives to achieve desirable reserve milk prices under Federal milk orders were set forth. These were to (1) promote adequate supply; (2) coordinate manufacturing operations with overall functions of the market (i.e., to balance and channel supplies and to process reserves); (3) influence procurement policies of handlers so that they do not procure additional milk from producers when the market reserve is unusually large; (4) facilitate the movement of milk between markets; and (5) promote efficiency in procurement, processing and marketing. This association proposed and supported adoption of the Minnesota-Wisconsin price series as the basis for pricing Class III milk (and Class II milk) in the Northeastern markets.

Representatives of the New England cooperatives and the largest proprietary handler of milk for manufacturing uses in the New England Federally-regulated markets proposed adoption of the "U.S. Average Manufacturing Grade Milk-Price Series" for pricing reserve milk under all ten Northeastern Federal orders, pointing out that such price series is used currently as the basis of pricing in the New England Federal order markets. These witnesses testified that the markets of New England and New York-New Jersey are highly competitive in respect to the sale of cream, ice cream, ice cream mix, cottage cheese and condensed milk. (This competition is further described in a subsequent part of this decision.)

A witness representing a major New England handler who manufactures large quantities of ice cream expressed a contrasting view from that expressed previously in this decision by the witness for New York ice cream manufacturers. This witness claimed that in the experience of his company prices for unsalted butter usually are about three cents above published butter market quotations. Another witness from New England testified that New England ice cream manufacturers have paid premiums for butterfat for use in ice cream in excess of 2 cents over the New York butter price.

Such representatives further testified that the pricing of reserve milk on competitive pay prices, as represented by the above-stated price series as the price mover, over a substantial period of time has assisted the New England markets to improve efficiency in the handling and processing of reserve milk supplies under regulation.

Competitive pay prices as the appropriate basis for establishing the general level of the Class III price in the New York-New Jersey market. The Secretary, in carrying out the responsibility placed on him by the statute to establish an appropriate method of fixing reserve milk prices, must decide, on the record evidence, between a "product price minus handling allowance" type of formula (involving the merits of the several variations in such formula as previously described) and a "competitive pay price series", which involves selection of the price series most appropriate in the circumstances as a "price mover" and determination of the amount of any differential that the minimum level of reserve milk prices under the orders should vary from the competitive pay price level.

The present butter-nonfat dry milk price formula contains two yield factors, two price series, and the manufacturing or processing allowance. Each affects the resulting price. In the case of a well-operated plant, using all of its milk in the manufacture of butter and creamery by-products, management should be able to ascertain, with a high degree of accuracy, yields of butter and nonfat dry milk per hundredweight of whole milk. In such cases figures would be available also on the average price received per pound of each product sold from the plant. With cost accounting procedures, receiving and processing costs at such a plant may be determined with accuracy.

The accurate determination of such data on a market-wide basis is complicated, however, by additional factors affecting handling and operational costs which are not, on the basis of the hearing evidence, susceptible of precise appraisal or measurement for the entire market. In the New York-New Jersey market substantial proportions of the producer milk received are shipped as milk, skim milk, or cream from country-located plants to fluid milk distributing plants during the year. Volumes of milk shipped from such country receiving stations, or feeder plants, to bottling plants vary substantially from day to day and from plant to plant. The fact that all milk received at a country receiving station, or feeder plant, is not used there, but is moved elsewhere for butter, cheese, or other Class III use, necessarily means that some allocation of cost between handling for the fluid market and handling for Class III processing must be made for such plants. This problem exists with respect to operations involving a large proportion of the milk supply available for Class III uses and none of the data submitted to show receiving and processing costs involved in manufacturing operations in the New York-New Jersey milkshed provides the basis for a reasonably accurate appraisal or reliable estimate of such cost allocation. Obviously, all costs of operating such stations should not be assessed to the manufacturing operation only sometimes served.

Although the apparent difference in processing costs between Minnesota and New York plants, as shown by the two studies cited previously, amounts to more than 50 cents per hundredweight of milk, handlers subject to the New York-New Jersey order have been paying prices for milk used in butter (and cheese) within a range of 13 to 20 cents less annually than prices in Minnesota for manufacturing grade milk of the same butterfat content. It is the latter differences in price that are the center of the controversy. If handlers subject to the New York-New Jersey order experience processing costs that are at least 2½ times greater than the difference in the prices of milk between the regions, a logical conclusion would be that from an economic standpoint they could not manufacture butter with order No. 2 milk. In 1958, however, nearly 605 million pounds of order No. 2 milk were utilized in the manufacture of butter. This amounted to 6.0 percent of the total producer milk classified under the order. In 1959 and 1960, the amounts so used were 460 million and 897 million pounds, respectively, or 4.5 and 8.4 percent of total producer receipts.

While proponents of the product-handling allowance type of formula maintained that the processor must be reimbursed for his costs, even those who suggested a reduction in the Class III price did not propose, and past acceptance of milk by handlers at the prices prevailing certainly denies, that the difference in processing costs between the regions, exceeding 50 cents per hundredweight, shown by the studies would be properly reflected in a Class III pricing formula. Further, there is wide disparity between the cost allowances contained in the specific proposals offered by proponents of the product-handling allowance type of formula and the cost data provided by the study covering New York State plants. The paradoxical circumstances present create substantial doubt that any cost allowance could be developed from the evidence that would give reasonable assurance of providing, over time, a fair value for producer milk under an administered pricing program.

The problem of securing specific data to properly determine the appropriate components of the formula, and particularly the make allowance to be reflected, is only one shortcoming of this method of pricing milk for manufacturing purposes in the New York-New Jersey milkshed under present conditions. Because a wide variety of products is included in Class III milk, a formula based only on the prices for butter and nonfat dry milk does not accurately reflect the full value of producer milk for all Class III uses. For example, the value of milk for cheese is not reflected in the present formula although much cheese is produced in the Northeast, and especially in the New York-New Jersey milkshed. It would be difficult, indeed, to conclude that New York-New Jersey Class III (butter-nonfat dry milk) formula fully compensated New York-New Jersey producers last winter when the market for milk for cheddar cheese was generally strong.

Another problem with the present type of Class III formula is the lag in its adjustment to cost and technological changes affecting the manufactured products industry. Technological changes have resulted in some significant cost reductions during recent years. Changes which reduce costs of assembling, processing, packaging or merchandising milk and milk products do not have automatic, or even necessarily prompt, reflection in such formula. Such changes are not reflected in formula prices until order amendments are made. With proper adherence to administrative rules and procedures, rapid action in this connection may not be assured for a particular market or group of markets.

When the Class III price formula is based primarily upon the market price of one of these products (e.g., butter) minus a specified processing allowance, handlers under the order are assured, regardless of current values of producer milk competitively procured for the several manufactured product uses in Class III, of a predetermined operating margin. On the other hand, unregulated processors handling manufacturing grade milk pay a price to dairy farmers to maintain milk supplies determined from competition with other processors. When sudden price changes occur in the butter market, for example, unregulated manufacturers of butter, buying in competition with unregulated manufacturers of other products are not necessarily able to effectuate an immediate offsetting adjustment in pay prices to their farmers. When prices under the order are based on butter prices handlers, however, have the benefit of an offsetting adjustment automatically reflected in the price they pay for the milk. This is an advantage not available to manufacturers purchasing unregulated milk.

Regardless of the immediate relationship of the open market prices of various manufactured products to the competitive values of raw milk at unregulated plants, regulated handlers obviously are not subjected, under the present formula, to the same pressure to adjust to cost and technological changes affecting the unregulated portions of the manufactured products industry. This situation could be self-perpetuating in regulated markets, such as in the Northeast, where in the supply areas involved there are relatively minor quantities of unregulated milk to be manufactured, and the prices of most milk so utilized are administered by public authority. Such circumstances make important, in the public interest, that the administered price be one which is reflective of and promptly responsive to competitive conditions generally prevailing in the manufactured products segment of the dairy industry. The competitive pay price method meets this requirement.

The competitive pay price method of pricing milk is based upon the premise that in the existing highly competitive dairy industry, concerns buying in competition tend to purchase milk from farmers at prices commensurate with the ability of the more efficient concerns to pay for milk. As shifts in the relationship between finished product prices are indicated, one group of processors may be able to pay higher prices than others. Other processors must meet or approximate these prices or risk loss of milk supply. If a dairy concern in the unregulated manufactured products market fails to make the necessary adjustments in procurement competition, it will, in time, be forced out of business.

Increasing labor and other costs may tend to reduce prices paid farmers for milk. The use of new assembling, processing, packaging and marketing techniques which reduce plant-operating costs, or increase product returns, will tend, on the other hand, to increase the demand for the farmers' milk and thus the prices paid for such milk. These upward and downward price adjustments resulting from procurement competition are directly and automatically reflected in reserve milk prices when based on average competitive pay prices, thus tending, at any given time, to reflect the full value of milk for the basic manufacturing uses.

Much of the evidence presented at the hearing on the use of competitive pay prices as the Class III price formula centered on the so-called "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series" (hereinafter referred to as the "Minnesota-Wisconsin series"). Principal questions raised in connection with this price series were whether the Department would be in position to announce within 5 days after the end of a given month a price which would be satisfactorily representative of prices paid to dairy farmers by manufacturing plants in the two-state area, and whether such a series, even if representative of conditions in such states, would be appropriate for pricing milk under conditions prevailing in the New York-New Jersey milkshed. Opponents of the series contended that a period of time should elapse before any such price series is employed in the pricing of over 7 billion pounds of milk per year, the approximate amount of milk in manufacturing uses under regulation in the Northeast, since the series had not yet been published (at the time of the hearing) and therefore had not been subject to appraisal over time.

The States of Minnesota and Wisconsin represent the two large areas of predominately "manufacturing grade" milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the U.S. is produced in these two States. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade while in Wisconsin it amounts to 65 percent of the milk produced. There are approximately 900 plants in Wisconsin that buy manufacturing grade milk, and in Minnesota there are about 425 such plants. Competition among processors for supplies of manufacturing milk is generally strong in both States.

Starting in January 1959 the Agricul-

average for all milk of manufacturing

milk going into such uses. The weights

Boston Class II price increased to a level

During the three-year period from

(simple) average level 5.4 cents higher

Starting in January 1959 the Agricultural Estimates Division of the Department began publication of a series of prices for manufacturing grade milk, by States, each month in the Department's regular publication, "Agricultural Prices". At the time of the hearing, preliminary estimates of prices paid in each State for a given month were being published near the end of the following month. The prices, so published, are not available in time for use in determining minimum class prices under Federal orders. It is officially noticed, however, that beginning with September 1961 the two-State "Minnesota-Wisconsin series" has been published on or before the 5th day of the month following that for which the price is computed. This series is available for use in pricing milk under Federal orders and was adopted for this purpose in the milk order for the Chicago marketing area (official notice taken) effective September 1, 1961.

Manufacturing grade milk price information for Wisconsin and Minnesota is collected through the facilities of the Federal-State Crop Reporting Office in Madison and St. Paul, respectively. This information is obtained by mail questionnaire. Representatives of the Agricultural Estimates Division, although not proponents of the series for use in pricing milk under any of the ten Federal orders, described on the record a new statistical technique which in their judgment as statisticians would result in a representative price estimate which could be announced within five days after the end of the month for which computed. Reports from 200–220 plants that purchase from 20 to 22 percent of all manufacturing milk in the State of Wisconsin are available each month, while in Minnesota reports covering about 70 percent of all producer sales are similarly available. These prices, as reported for the preceding month, serve as the "benchmark" for computing a combined Minnesota-Wisconsin average price of manufacturing milk for the "current" month (month for which the minimum class price is computed).

The price change from the "benchmark" month to the current month is then measured. This involves collecting available current month data from a "sample" of about 100 plants in the two-State area. These data include quantities of milk being purchased, pounds of butterfat and total dollars paid for milk delivered the first half of such month. For the last half, to the extent possible, individual plant estimates are furnished by plant managers. On the basis of these data, current month price and butterfat test estimates are prepared.

For plants in each state separately, prices and tests are weighted within each product group (butter-nonfat dry milk, cheese, evaporated milk, etc.) by the quantities of milk purchased from farms to obtain weighted averages by product groups. This is done both for the current month and the benchmark month.

Product group averages are then weighted by their relative importance in the state total to obtain a statewide average for all milk of manufacturing grade. The average prices and butterfat tests for the two states are then combined into a weighted average price and test for the two-State area.

Industry proponents of this particular series of competitive pay prices were satisfied that such techniques would result in a representative manufacturing milk price series for Minnesota and Wisconsin plants. They maintained further that purely local conditions are no longer an adequate basis for pricing milk in manufacturing uses and that interregional relationships of prices, which must be recognized, would be recognized properly through use of such series for reserve milk pricing in the Northeastern markets.

It is concluded, however, that although the Minnesota-Wisconsin series is satisfactorily representative of the pay prices in the two-State area and has been adopted already for Class III pricing purposes under the Chicago milk order, it should not be used to determine the price of Class III milk in the New York-New Jersey market at the present time. Although there is no apparent reason why it could not be adapted to the pricing of reserve milk in the Northeastern markets with equitable results, there is no urgency which should deny the industry its request for an opportunity to examine the series in use and to compare its results with other price series and formulas which are available for pricing under regulation.

The "U.S. Average Manufacturing Grade Milk-Price Series" (hereinafter called the "U.S. average price"), on the other hand, has been published continuously since 1946 by the Department and is a widely known and accepted series of competitive pay prices. It is published by the Agricultural Estimates Division in "Agricultural Prices" on a preliminary basis near the end of each month. In computing this average price, separate prices are first determined for each of the three principal uses covered, i.e., butter-nonfat dry milk, cheese and evaporated milk. These prices are then volume weighted according to the relative quantities of manufacturing grade milk going into such uses. The weights used in 1960 were: Butter, 43 percent; American cheese, 39 percent; and evaporated milk, 18 percent.

It is the "national average" price series which is used in establishing the parity equivalent for manufacturing milk and therefore is directly involved in the determination of support prices for dairy products. The use of this series in computing the reserve milk prices in the Northeastern markets should provide, therefore, a reasonable and equitable basis for determining appropriate monthly price changes.

The use of the U.S. average price as the basis for pricing reserve milk in some of the fluid milk markets in the Northeastern area is well established. It has been the basis for determining the value of producer milk for Class II uses under Federal regulation in the New England markets regularly (except for two months) since May 1, 1957. Between 1951 and 1957 the U.S. average price shared with the "Boston weighted average cream price" in the performance of such price function.

In the New England markets, the annual level of the Class II price, including seasonal adjustments, averages (simple) 6.4 cents per hundredweight over the U.S. average price.

On the basis of the seasonal price pattern adopted below an annual level of price 5.4 cents higher than the U.S. average price in the 201–210 mile zone will produce an annual return for Class II milk in such markets equivalent to that resulting from the present formula. New England producers have disposed of Class II milk at such price level over a substantial period but have met difficulty in the disposition of surplus supplies when such price exceeded substantially the Class III price effective in the New York-New Jersey market which provides competition for outlets. The U.S. average price, the Minnesota-Wisconsin series, the Boston Class II prices, the announced New York-New Jersey Class III prices and the Philadelphia Class II prices per hundredweight may be compared as follows on a 3.5 percent butterfat basis:

	Annual averages				
	1960	1959	1958	1957	1956
Minnesota-Wisconsin series [1]	$3.12	$3.01	$2.99	$3.10	$3.06
Boston Class II prices [1 2]	3.10	3.01	2.98	3.05	2.96
U.S. Average Price Series [1]	3.04	2.93	2.91	3.01	2.98
New York-New Jersey Class III [1 3]	2.94	2.96	2.94	3.06	2.99
Philadelphia Class II [1 4]	2.84	2.96	2.90	3.14	2.99

[1] Adjusted to 3.5 percent butterfat test by Boston order butterfat differential.
[2] For plants located 201–210 miles from the basing point in the marketing area.
[3] Class III price without butter-cheese differential.
[4] Adjusted to 3.5 percent by Philadelphia order butterfat differential.

The annual U.S. average price averages approximately 8 cents below the Minnesota-Wisconsin series. The New York-New Jersey annual average Class III price, on the other hand, was higher than the U.S. average price by one cent in 1956, by five cents in 1957, by three cents in 1958, and by three cents in 1959. In 1960, however, the U.S. average price averaged 10 cents higher than the New York-New Jersey Class III price for the year.

The Boston annual average Class II price was lower than the New York-New Jersey Class III price by three cents and one cent in 1956 and 1957, respectively, but in 1958 and 1959 the Boston Class II price averaged four cents and five cents, respectively, over the New York-New Jersey Class III price. In 1960, the Boston Class II price increased to a level 16 cents over the New York-New Jersey Class III price.

The annual average Class II price in the Philadelphia market was equal to the New York-New Jersey Class III price in 1956 and 1959, was higher in 1957 by eight cents, and was lower in 1958 and 1960 by four and ten cents, respectively. The Philadelphia Class II price, like New York-New Jersey Class III price, was higher than the U.S. average price during the period from 1956 through 1959, except for 1958 when it was one cent lower. In 1960, however, it declined to a level 20 cents below the U.S. average price.

During the four years 1956–59 Class III prices in the New York-New Jersey market averaged about 3 cents over the U.S. average prices. Only in 1960 did the Class III price fall substantially below U.S. average price plus the 6.4-cent differential used in the Boston formula.

Use of the U.S. average price as the price mover will tend to keep Class III prices in consistent relationship to the general level of prices being paid to farmers for manufacturing milk. Since the U.S. average price has been fairly consistently 8 cents lower than the Minnesota-Wisconsin series on an annual basis, the resulting New York-New Jersey Class III prices in the 201–210 mile zone should move in reasonable relationship to prices in Minnesota and Wisconsin.

It is appropriate, nevertheless, to continue seasonality in the pricing of reserve milk in the New York-NewJersey market. During the late winter and spring months when relatively greater quantities of reserve milk are available and must be utilized in the hard or storable products, the Class III price should be such that manufacturers of storable products share in the utilization of the available supplies. Manufacturers of butter and cheddar cheese should not receive a preferential price, however, with the effect that much of the competition in procurement from manufacturers of soft products is minimized or eliminated. The latter manufacturers, who provide a year-round outlet for reserve milk should not be disadvantaged in the months of seasonally heavy production by being required to pay a higher price than butter and cheese manufacturers during these months.

More seasonality in the pricing of reserve milk than is contained in the U.S. average price is needed in the Northeastern markets for the added reason that it will encourage handlers to dispose of the maximum amount of milk in Class I uses. Prices during the fall months should not be so high as to prohibit the necessary operating reserves of milk from going into manufacturing uses, but nevertheless should be at such a level that handlers will seek Class I sales rather than to use the milk in manufacturing. Further, during the fall months of the year, when the supply of milk available for manufacturing is used to a greater extent in the production of nonstorable (soft) products, the reserve milk price under the orders should reflect also this higher-valued use.

During the three-year period from January 1958 through December 1960, the New York-New Jersey Class III price (other than butter and cheese) deviation between the highest average monthly price and lowest average monthly price was 26 cents. The month with the lowest three-year average price was June with an average price of $2.80 per hundredweight. November was the month with the highest three-year average price of $3.06. If the seasonal variation in the price of milk for butter and cheese is reflected in the regular Class III price (an additional 14 cents per cwt.) it would increase the seasonality of the Class III price to 40 cents. A range in the Class III price of 40 cents from the month of highest price to the month of lowest price compares with the current seasonal range of 46 cents in the Boston Class II prices during the same three-year period. The monthly seasonal adjustments to the U.S. average price as contained in the current Boston Class II formula range from minus 12 cents during the month of May to plus 17 cents during the months of August, November, and December. To bring monthly reserve milk prices in the northeastern markets more nearly in line with the monthly U.S. average prices and the prices of manufacturing milk in the Midwest than has been the case in the past, a small reduction in such ranges is appropriate. It is concluded that the seasonal adjustments to be applied to the monthly U.S. average prices (which result in an annual (simple) average level 5.4 cents higher than such price) should be as follows:

Jan	$+0.08	July	$+0.08
Feb	+.07	Aug	+.15
Mar	.00	Sept	+.11
Apr	−.04	Oct	+.11
May	−.07	Nov	+.11
June	−.06	Dec	+.11

These seasonal adjustments, applied to the three-year period 1958 through 1960, would have resulted in a seasonal variation in prices averaging 37 cents. The resulting monthly prices, on the three-year average, would have varied from the average of Minnesota-Wisconsin prices by the following amounts:

Jan	$0.00	July	$+0.02
Feb	+.03	Aug	+.09
Mar	−.04	Sept	.00
Apr	−.09	Oct	−.01
May	−.15	Nov	.00
June	−.14	Dec	+.02

These monthly variations between the reserve milk prices in the Northeast and the Minnesota-Wisconsin pay prices are reasonable in view of the greater seasonality of reserve milk available in the northeastern markets and the need for channeling milk to Class I uses when needed.

The U.S. average prices adjusted by the monthly seasonal adjustments may be compared with the monthly Class III prices which have existed in the New York-New Jersey market. In the following table are shown the proposed monthly prices and the announced Class III prices for the three-year period 1958 through 1960, for 3.5 percent milk, f.o.b. plants in the 201–210 mile zone.

	1958			1959			1960		
	Proposed price, including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.	Proposed price, including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.	Proposed price including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.
January	$3.11	$3.07	$0.04	$3.00	$2.87	$0.13	$3.07	$2.92	$0.15
February	3.09	3.07	.02	3.03	2.87	.16	3.12	2.91	.21
March	3.00	3.02	−.02	2.94	2.85	.09	3.04	2.88	.16
April	2.79	2.88	−.09	2.87	2.84	.03	2.97	2.88	.09
May	2.75	2.79	−.04	2.80	2.82	−.02	2.87	2.83	.04
June	2.76	2.78	−.02	2.80	2.80	.00	2.87	2.82	.05
July	2.92	2.87	.05	2.96	2.91	.05	3.02	2.89	.13
August	3.03	2.91	.12	3.05	3.00	.05	3.14	2.94	.20
September	3.03	3.00	.03	3.03	3.12	−.09	3.21	3.03	.18
October	3.03	2.94	.09	3.06	3.12	−.06	3.24	3.04	.20
November	3.01	2.93	.08	3.13	3.18	−.05	3.29	3.08	.21
December	3.07	2.97	.10	3.12	3.09	.03	3.28	3.04	.24
Annual average	2.97	2.94	.03	2.98	2.96	.02	3.09	2.94	.15

[1] Does not include butter-cheese differential. Butter-cheese differential prices are 14 cents less than class III prices during the months of March through June and 10 cents less during the months of July and December through February. In 1958 only, the month of August also had a 10-cent butter-cheese differential.

The monthly seasonal adjustments adopted result in Class III prices nearly identical with the present Class III prices (other than butter and cheese) during the months of May and June over the three-year period. For the months of April and July, over the same period, the new formula yields a level of prices closely related to prices under the present Class III formula.

During the late summer, fall and winter months, the new formula results in prices which, on the average during this three-year period, exceeded actual Class III prices by somewhat greater amounts. It is during these months, however, when Class III milk should be priced at a somewhat higher level since it is used mostly in higher-valued products and competitive milk and milk products also carry higher prices. The higher level is needed also to encourage handlers to utilize the milk in Class I outlets.

The new formula will have the greatest effect in the New York-New Jersey market upon the prices for milk utilized in the manufacture of butter and cheese during April through July. During April, May, and June the price of milk used in butter and cheese will be increased 14 cents per hundredweight and in July, 10 cents per hundredweight plus any increases that apply in connection with regular Class III milk. Over the three-

year period 1958–1960, the average increase in the regular Class III price

most desirable to have an adequate production under close sanitary supervision

ducers or at least to discourage further increases in deliveries

could be returned to farmers. Under

substituted for it, should be given pref-

the major supply area for the Greater

year period 1958–1960, the average increase in the regular Class III price would have been April, $0.01; May, $0.01; June, $0.01; and July, $0.04.

The U.S. average price, as so adjusted seasonally, will reasonably reflect monthly changes in the value of milk for the particular "product mix" of reserve milk in the Northeast.

While the "product mix" reflected in the U.S. average price represents a lower-valued "product mix" than that generally prevailing in the Northeast, such competitive pay price, which reflects the value of milk used in the manufacture of "hard products", will also reasonably reflect changes in the value of milk used in, or to manufacture products competitive with, the "soft products" made from manufacturing milk in the Northeast.

The U.S. average price is based to a substantial degree on the use of milk for butter-nonfat dry milk and cheese. This, however, is a lower-valued "product mix" than the "product mix" of the Northeastern markets, which consists largely of ice cream, ice cream mix, cottage cheese and other "soft products", generally considered to represent higher-valued outlets. Manufacturers of "soft products" and handlers of cream in the major production areas of Minnesota and Wisconsin are in competition with manufacturers of the "hard products" for their milk supplies. It may not be reasonably concluded that "soft product" manufacturers in either the Northeast or Midwest can procure milk for less than competitive "hard product" manufacturers.

It is butter-nonfat dry milk and cheese that are considered the residual, or marginal, uses of milk both nationally and in the Northeast, into which milk must find a market when the demands for the higher-valued products have been satisfied. As previously indicated, the U.S. average price is the basis for computation of the support prices for butter, nonfat dry milk and cheese as the residual products of milk nationally.

In opposing competitive pay prices for formula uses, New York-New Jersey handlers maintained that it is the local supply and demand conditions in the regulated market that are the controlling statutory factors in establishing prices for Class III milk as well as the prices of other classes under the order.

In its decision in the "United States v. Rock Royal Co-operative, Inc., et al." case relating to the New York order and the classified pricing plan provided therein (official notice of which is taken), the Supreme Court of the United States recognized that the products made from reserve milk in the New York-New Jersey market not only are affected by, but also affect, the national market for such products:

"It is generally recognized that the chief cause of fluctuating prices and supplies is the existence of a normal surplus which is necessary to furnish an adequate amount for peak periods of consumption. This results in an excess of production during the troughs of demand. As milk is highly perishable, a fertile field for the growth of bacteria, and yet an essential item of diet, it is most desirable to have an adequate production under close sanitary supervision to meet the constantly varying needs. The sale of milk in metropolitan New York is ringed around with requirements of the health departments to assure the purity of the supply. Only farms with equipment approved by the health authorities of the marketing area and operated in accordance with their requirements are permitted to market their milk. More than sixty thousand dairies located in the states of New York, Connecticut, Massachusetts, Maryland, New Jersey, Pennsylvania and Vermont hold certificates of inspection and approval from the Department of Health of the City of New York. More than five hundred receiving plants similarly scattered have been approved for the receiving and shipping of grades A and B milk. Since all milk produced cannot find a ready market as fluid milk in flush periods, the surplus must move into cream, butter, cheese, milk powder and other more or less nonperishable products. Since these manufacturers are in competition with all similar dairy products, the prices for the milk absorbed into manufacturing processes must necessarily meet the competition of low-cost production areas far removed from the metropolitan centers. The market for fluid milk for use as a food beverage is the most profitable to the producer. Consequently, all producers strive for the fluid milk market. It is obvious that the marketing of fluid milk in New York has contacts at least with the entire national dairy industry. The approval of dairies by the Department of Health of New York City, as a condition for the sale of their fluid milk in the metropolitan area, isolates from this general competition a well recognized segment of the entire industry. Since these producers are numerous enough to keep up a volume of fluid milk for New York distribution beyond ordinary requirements, cut-throat competition even among them would threaten the quality and in the end of the quantity of fluid milk deemed suitable for New York consumption. Students of the problem generally have apparently recognized a fair division among producers of the fluid milk market and utilization of the rest of the available supply in other dairy staples as an appropriate method of attack for its solution. Order No. 27 was an attempt to make effective such an arrangement under the authority of the Agricultural Marketing Agreement Act."

Concern was expressed also by New York-New Jersey handlers that any increase in the Class III price would tend to raise uniform, or blended, prices to producers, stimulating a production response and therefore an increase in the quantity of milk to be used in Class III products. The percentage of Class III utilization is such that for any given change in the level of the Class III prices a corresponding change in uniform prices of approximately 40 percent of the change in the Class III price will result. It was contended that reserve milk prices might well be reduced somewhat, rather than increased, in order to encourage a reduction in deliveries of milk by producers or at least to discourage further increases in deliveries.

The above contention of handlers is not persuasive, however, in the present situation. Certainly it may not be concluded that a price for milk for manufacturing use only slightly above the national level of prices for ungraded milk would be sufficient to encourage an adequate supply of high quality milk as needed for the New York-New Jersey fluid market. An equitable price for manufacture cannot be denied simply because it might result in some increase in the blended price, and particularly so when an outlet for any increased supply is available under the price support program.

Further testimony was presented to the effect that Midwestern milk production has generally contributed far more to the national milk surplus than has Northeastern milk production since milk used in manufactured dairy products, other than ice cream, in the eleven Northeast states amounts to only 5 percent of the total for the United States. From this New York-New Jersey handler representatives argued that complete discounting of the butter, cheese and nonfat dry milk produced in the Northeast would leave in excess nationally an overwhelming percentage of each of the surplus commodities purchased by the Government for price support purposes, and therefore, that the national price level for manufactured milk products is little affected by the prevailing prices for manufacturing milk in the Northeastern markets, particularly the New York-New Jersey market.

Under the dairy products price support program, the Federal government offers to purchase butter, cheese and nonfat dry milk at specified prices. These prices are established at a level which will reflect, on the nationwide average, a specified percentage of parity to dairy farmers deemed reasonable under national policy. The need for this program arises from an excess of milk and milk products produced in the United States over the amounts that can be sold through commercial outlets and still return the appropriate percentage of parity prices to farmers. This is a nationwide program as equally applicable to dairy farmers of the Northeast as to those in any other part of the United States. Products such as butter, cheese and nonfat dry milk, purchased under the support price program, are produced in sizeable quantities in the Northeast and are sold in the national market in direct competition with similar products from other parts of the nation, particularly the Midwest.

Government support purchases during the 5-year period from 1956 through 1960 amounted to only 3.5 percent (on a milk equivalent basis) of the total milk produced in the United States during this period. (Official notice taken of the November 1961 issue of "The Dairy Situation" published by Economic Research Service, USDA, page 41.)

This was the average percentage of the national milk production in surplus which indicated the need for support prices in order that reasonable prices

could be returned to farmers. Under the support program, it is immaterial where the largest quantities, or percentages, of dairy products are produced. It is of great significance to dairy farmers, however, that surpluses of dairy products do exist and that these surpluses can undermine the entire structure for the milk used in their production.

While New York-New Jersey handler representatives maintained that manufactured products made from Class III milk under Order No. 2 are a relatively insignificant proportion of the national surplus, and therefore do not depress prices to other processors or to Midwestern dairy farmers, such handlers nevertheless complained strongly concerning competition in ice cream mix from a plant regulated under the Washington, D.C., order which sells, in terms of the entire New York-New Jersey ice cream market, a very minor percentage of ice cream mix in such market, contending that sales from this plant demoralize the price structure for all ice cream mix sales in Metropolitan New York and Northern New Jersey.

Both grounds cannot be accepted as proper basis for the proposition that no substantial change should be made in the New York-New Jersey Class III price level. The national competition in manufactured dairy products is not, in our view, dissimilar to the kind of competition in Class III milk products which is found to prevail among markets in the Northeast.

The New York-New Jersey handler proponents of the continuance of the butter-nonfat dry milk formula requested that certain prior decisions of the Department on Order No. 2 amendments be taken into account as further evidence supporting their proposals and for denying the use of a competitive pay price series for pricing Class III milk. Official notice was taken at the hearing of all previous decisions and order amendments, as they affected Class III pricing, back to and including the decision leading to the amendment of April 1, 1949.

Review of these decisions has been made, particularly with respect to (a) level of Class III prices; and (b) importance and justification of employing butter and nonfat dry milk prices as the monthly movers in the Class III price formula.

In several of these previous decisions, it was found, on the particular evidence under review, that while the prices paid at unregulated plants were a reliable guide for determining the level of the Class III price, the product prices (butter and nonfat dry milk) were preferred to reflect month-to-month changes in the value of products made from Class III milk, or which could be substituted for producer milk in the manufacture of certain Class III products.

The value of competitive pay prices as an appropriate method of fixing Class III prices under the regulation was repeatedly recognized, but in the particular circumstances shown by the testimony, it was concluded in the several decisions that prices of products which could be made from Class III milk, or substituted for it, should be given preference as the basis of the formula. It is noted, however, that in the decision of June 10, 1957, the Acting Secretary concluded that, "Dairy product prices and yield factors employed in the Class III formula are designed primarily to reflect changes in the market value of products made from Class III milk, *and purport to constitute only an approximation of the actual returns to handlers from the sale of products made from Class III milk*" (emphasis supplied). It is clear from review of past decisions that although the product price type of formula was retained in use, the trend and level of price which it had produced, or was expected to produce, had been checked against the "reliable guide" of prices paid by unregulated plant operators.

It is noted that in most of the decisions since 1949 relating to the Class III price formula in Order No. 2 the Secretary, in determining the appropriate level of the Class III price, compared it specifically with the U.S. average price. The U.S. average milk price series, therefore, has been used in the past either directly or indirectly in determining the level of the reserve milk prices for more than 85 percent of the producer milk involved in this hearing.

In the present hearing, the evidence presented, taken in its entirety, represented a broad, almost nationwide, viewpoint concerning the implications on the national markets for dairy products when prices in the Northeastern markets for milk in manufacturing uses tend to depart from the general level and trend of prices to dairy farmers generally for milk in these uses. The milk used in manufactured products under these orders, and particularly Order No. 2, represents significant quantities. The large urban areas of the Northeast represent principal markets for manufactured dairy products such as butter and cheese produced in other parts of the nation. Thus, on the basis of the evidence presently before the Secretary, the pricing of reserve milk to producers in the Northeastern Federal order markets is no longer a matter of local economic interest only and therefore cannot be dealt with simply in local terms.

Issue No. 2

There is substantial competition among the 10 regulated markets of the Northeast, both in the procurement of milk supplies and in the marketing of milk products into which reserve supplies of the individual markets are manufactured.

Handlers regulated under several New England orders procure producer milk in Eastern New York State in competition with handlers regulated by the New York-New Jersey order. Located in Washington County, New York, for example, are plants regulated by the New York-New Jersey, Greater Boston, and Connecticut milk orders which draw milk from substantially a common supply area. In the past a Southeastern New England pool handler also has procured milk in this county. New York-New Jersey handlers procure milk in Vermont, the major supply area for the Greater Boston market.

In Pennsylvania there are five counties in which there are plants regulated by the Philadelphia and New York-New Jersey orders. Handlers regulated by the Philadelphia, Wilmington, and New York-New Jersey orders are in direct procurement competition with Upper Chesapeake Bay handlers. Three New York-New Jersey pool plants which receive milk from producers are located in Maryland and Delaware and 74 such plants are located in Pennsylvania. Six Philadelphia producer milk (regulated) plants are located in Maryland and Delaware. The eastern shore of Maryland, all of which is included in the Upper Chesapeake Bay marketing area, is part of the regular supply area for the Philadelphia and New York-New Jersey markets as well as for the Upper Chesapeake Bay market.

This results in considerable overlapping of procurement (milkshed) areas for the 10 Northeastern markets.

Handlers regulated by the various Northeastern market orders compete in the distribution of most products manufactured from the markets' reserve supplies of producer milk, although the principal competition is in the so-called "soft products" (principally cream, condensed milk, ice cream, ice cream mix and cottage cheese). The markets for these products are highly competitive, with a considerable degree of overlapping of sales territories among markets.

Products manufactured from New York-New Jersey pool milk in the plants of a New York-New Jersey handler are distributed from New York City to Florida, with added distribution therefrom throughout the major cities of the Northeast. These include cottage cheese, cream cheese, and yogurt.

A manufacturer of American-type cheese operates several plants in New York State at which New York-New Jersey pool milk is utilized. The same manufacturer also operates a plant in Vermont which utilizes Boston order pool milk. Cheese manufactured at all these plants is marketed through a central distribution facility at Philadelphia under common brand both in conjunction with, and in competition with, other cheese manufactured from reserve milk priced under Northeastern orders and cheese manufactured in Midwestern states.

A principal Boston handler distributes manufactured milk products from its Boston-regulated plant in New York State in direct competition with products manufactured from New York-New Jersey pool milk. Several New England handlers regularly purchase butterfat and milk solids from New York-New Jersey pool plants for Class II milk uses. Also, New England handlers sometimes depend on manufacturing facilities in New York State as an outlet for seasonal surpluses of milk.

A manufacturing milk plant at Laurel, Maryland, regulated by the Washington, D.C., order, distributes manufactured products in Metropolitan New York and New Jersey in direct competition with New York-New Jersey handlers. The

products distributed from this plant are mainly for use in the ice cream trade.

A New York-New Jersey regulated handler operates an unregulated ice cream plant at Woburn, Massachusetts, in the Greater Boston marketing area. The principal sources of butterfat for this plant are New York-New Jersey order pool plants.

New York State plants are regular sources of fluid cream (from Class III milk) for both the Philadelphia and Boston markets. Philadelphia and New York-New Jersey handlers compete for sales in a common market for manufactured milk products in southeastern Pennsylvania and in southern New Jersey.

The record does not indicate that local or state regulations affecting the quality of the raw milk used in manufactured milk products in the markets of the Northeast, operate to reduce intermarket competition to any substantial degree. Some manufacturers compete in products which have "national" markets (customarily supplied to a major extent with products made from ungraded milk). Insofar as health requirements are concerned milk from other fluid markets or processed milk products, such as butter, condensed milk, or nonfat dry milk purchased in the open market, can be substituted in manufacturing milk operations, such as ice cream processing.

Several regulated plants manufacturing reserve supplies of producer milk in these fluid markets are located in close proximity to the large population centers of the Northeast; particularly is this true of plants regulated by the New England and the New York-New Jersey orders. Also, the manufacturing plant at Laurel, Maryland, near Washington, D.C., and regulated by the Washington order, is as near to New York City and northern New Jersey as are many manufacturing plants regulated by the New York-New Jersey order.

The marketing problems which result when reserve milk prices in these fluid markets are out of line were clearly illustrated. In late 1960 and early 1961 an unusually strong "national" market for cheddar cheese increased the U.S. average prices, and consequently Class II prices in New England in relation to reserve milk prices in other Northeastern markets which employ formulas based on the market prices for butter or cream and nonfat dry milk in pricing reserve milk.

During this period New York-New Jersey handlers were successful in obtaining outlets in New England for Class III products, particularly fluid cream and ice cream, which had previously been supplied by New England handlers. During this period also, competition from New York-New Jersey handlers resulted in substantial price reductions on such products in New England markets and placed New England regulated handlers, accounting for milk at the Class II price under their respective orders, at a serious competitive disadvantage in the marketing of manufactured dairy products in their local markets.

At other times, particularly in the months of flush production, when New England Class II prices have been seasonally low in relation to the New York-New Jersey Class III price, a reverse competitive condition exists. Also, New York manufacturers sometimes turn at such times to sources in New England for manufacturing milk. A New York manufacturer testified that in the spring months of the year, New England cooperatives are an important source of cream for his cream cheese plant in Upper New York State. Use of New England cream in New York manufacturing plants in these circumstances tends, of course, to force New York-New Jersey order producer milk into the lowest-valued butter and cheese uses, thereby reducing returns to New York-New Jersey producers.

Under these conditions the orderly marketing of reserve supplies of producer milk calls for close alignment of surplus prices in the Northeastern regulated markets. Except for representatives of the Philadelphia handler association, all interested parties who presented testimony at the hearing, supported a high degree of uniformity among reserve milk prices under the 10 Northeastern orders.

Because of the varying distances of major locations of procurement competition to the basing points in the respective marketing areas, and because of somewhat different transportation rates per mileage zone contained in the orders, an identical price for each location in each milkshed in respect of the basing point at which the price is announced may not be achieved for each of the markets. This, however, is not as significant as achieving at this time relatively close alignment of prices at the principal locations of procurement competition.

The New York-New Jersey market represents the largest market in the Northeast. Also, the New York-New Jersey market is the only market which is in direct competition for supplies with nearly all of the 9 other markets under consideration. The alignment of reserve milk prices under the five New England orders, the Philadelphia and Wilmington orders, and the Upper Chesapeake Bay and Washington orders should be fixed, therefore, in relation to Class III prices under the New York-New Jersey order.

Class III prices under the New York-New Jersey order are announced, on the basis of milk of 3.5 percent butterfat content, at plants located in the 201–210 mile zone. Class II prices for the Boston order also are announced for plants located in the 201–210 mile zone, but on 3.7 percent butterfat basis. These are the markets with the largest volumes of reserve milk for manufacture. The respective Class III and Class II prices under these orders should be similar at such location when adjusted to a common butterfat test.

In the exceptions attention was called to the bulk tank amendments which became effective December 1, 1961 to the New York-New Jersey order and the relationship of such amendments to the coordination and alignment of prices among the Northeastern markets. The price level recommended here applies f.o.b. plant in all markets, with the exception of its application to bulk tank milk in the New York-New Jersey market. By the bulk tank amendments effective December 1, 1961, the point of pricing for bulk tank milk was shifted from the plant where the milk is received to the location of the farm, the point at which the milk is delivered by the individual producer to the handler. (Bulk tank milk delivered to a plant by a cooperative handler continues to be priced at the plant.) Handlers who so receive bulk tank milk from individual producers are required to pay for the farm-to-plant haul. In certain instances this would result in a somewhat higher minimum cost of Class III milk to the New York-New Jersey handler relative to minimum Class II milk costs in the other nine markets.

On the other hand, a similar situation exists within the terms of the present New York-New Jersey order. Some handlers currently purchase their milk for Class III use f.o.b. the plant, while others purchase such milk in bulk tanks and pay the haul from the farm. The level of Class III prices adopted herein is related to Class II prices in the other Northeastern markets for locations of plants since this is the customary basis for pricing milk in all the markets, and even in the New York-New Jersey market the major portion of supplies is so priced. Any cost adjustment which may be appropriate in the New York-New Jersey market relative to bulk tank milk received at the farm may be considered in terms of proposed changes to the bulk tank provisions of the order.

The Class II prices under the four other New England orders (Connecticut, Southeastern New England, Springfield, and Worcester) presently are announced f.o.b. either city plants or other basing points in the respective marketing areas. The announced Class II price under each of these orders is the Boston Class II price plus 5.8 cents. Practically all the manufacturing facilities associated with these four orders are located within their marketing areas. The current alignment of prices among these orders, and between these orders and the Boston order, have not resulted in disruptive marketing conditions and no reason was presented to alter this relationship.

The transportation differential for Class II milk under the Connecticut, Southeastern New England, Springfield, and Worcester orders (specified in the orders as "zone price differentials") reduces the Class II prices under those orders 7 cents per hundredweight for plants located in the 201–210 mile zone. This compares with an 8-cent differential for such distance in the New York-New Jersey market. A plant regulated under the Connecticut order and in the 121–130 mile zone, but also so located that if it were subject to the New York-New Jersey order it would be in the 126–130 mile zone, would have a 1.7 cents lower Class II price under the Connecticut order than it would have Class III price if the plant were regulated by the New York-New Jersey order.

The major handler association in the Philadelphia market maintained that Class II prices under the Philadelphia order should not be aligned necessarily with Class III prices under the New York-New Jersey order and contended that local marketing conditions in Philadelphia dictate a different price structure. It was argued that Philadelphia is essentially a fluid milk market, with Class I sales amounting to 74 to 76 percent of producer receipts each year from 1949 through 1959. Because of this high Class I utilization, they contended that the seasonality of available Class II milk in the market is high, increasing the cost of manufacture under order No. 4.

The price relationship between the New York-New Jersey Federal order and the Philadelphia Federal order has varied by amounts up to 10 cents per hundredweight from year to year. The five-year average price (1956–1960) of Class II milk under the Philadelphia order, however, was less than the New York-New Jersey Class III price by only 1.5 cents per hundredweight. Over time, therefore, annual price differences between these orders have tended to balance out so that the long-term differences have been small.

There are five counties in Southeastern Pennsylvania (i.e., Chester, Berks, Cumberland, Franklin, and York), in which there are both Philadelphia and New York-New Jersey pool plants. These plants are located mainly in the 70.1–140 mile zone as set forth in the Philadelphia order. The plants in this area subject to the New York-New Jersey order are located in the 151–170 mile zone from the basing point in the New York-New Jersey marketing area.

Philadelphia price announcements are issued by the market administrator f.o.b. plants in the marketing area for 3.7 percent milk. The applicable location differential to handlers on Class II milk in the 70.1–140 mile zone is a minus 6 cents. The comparable price under the New York-New Jersey order at plants in the 151–170 mile zone is the Class III price in the 201–210 mile zone, plus two cents. To continue the close price alignment between these markets the price for Class II milk under order No. 4, as announced f.o.b. plants in the marketing area, for 3.7 percent milk should be the order No. 2 Class III price as announced for plants in the 201–210 mile zone for 3.5 percent milk (adjusted to a 3.7 percent basis), plus eight cents.

The announced Class II prices for the adjacent Wilmington market are identical with the announced Class II prices under the Philadelphia order. Appropriate changes made herein would maintain that same relationship on the findings previously made in this decision as to the need for aligning all the markets of the Northeast.

There are two order No. 2 plants located in the marketing area of the Upper Chesapeake Bay order. These plants are located in the 151–170 mile zone from the basing point in the New York-New Jersey marketing area. This mileage zone has a transportation differential on Class III milk of plus two cents over the 201–210 mile zone price. It is appropriate, therefore, that the Class II price under the Upper Chesapeake Bay order be set at two cents over the Class III price for 3.5 percent milk in the 201–210 mile zone under the New York-New Jersey order.

The Class II price formula effective in the Upper Chesapeake Bay order (also effective in the Washington, D.C., order) yielded Class II prices which, on the annual average in 1960, were two cents per hundredweight more than the New York-New Jersey Class III prices in the 201–210 mile zone.

Thus, it is reasonable that the Class II price level for the Upper Chesapeake Bay market continue in about the same relationship to New York-New Jersey Class III prices as in the past. In view of the direct and close competition in procurement between the Upper Chesapeake Bay market and the Washington, D.C., market, and the absence of indication in the record that the past price relationship between such adjacent markets has caused procurement or marketing difficulties, the same price formula should be adopted also for the Washington, D.C., market.

While a close alignment of prices among the 10 markets is appropriate, it is recognized that minor price differences among the markets will continue because of the varying location adjustment, or transportation, rates contained in the respective orders (the Upper Chesapeake Bay and Washington, D.C., orders do not provide for any plant location adjustment for Class II milk). Alignment within the limits provided by the evidence represents a substantial narrowing of past price differences among the markets, however, and will tend to promote the orderly marketing of milk. It would not be reasonable to delay the action proposed on the basis that minor differences resulting from variations in location adjustments, which were not under consideration at the hearing, would be disruptive of orderly marketing.

In the interest of maintaining the closest possible alignment of reserve milk prices in the 10 Northeastern markets, the attached amendments have deleted all references to "cream prices" in the computation of Class II prices under the five New England orders and the Philadelphia, Wilmington, Upper Chesapeake Bay and Washington orders.

The U.S. average price is reported on the basis of the average butterfat content of the milk covered. This butterfat test varies from month to month. Since the class prices under Federal orders are announced on a specified percentage of butterfat content, the U.S. average price should be adjusted to that butterfat test on which the price is announced in the particular market.

Prices under order No. 2 are based upon milk containing 3.5 percent butterfat content. The method to be used in converting the U.S. average price to a 3.5 percent basis should be as follows: Subtract for each one-tenth of one percent of average butterfat content above 3.5 percent, or add for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture.

A similar method should be used in converting the U.S. average price as applied to the nine other Federal orders involved. In those markets, which base their announced prices on 3.7 percent butterfat, "3.7" should be used in the above method of computation in lieu of "3.5".

The butterfat differentials used in adjusting the prices of reserve milk vary considerably among the 10 markets. For example, the Boston, Springfield and Worcester Federal orders provided for an annual average butterfat differential of 7.5 cents per point 1/10 percent of butterfat) in 1958. The New York-New Jersey butterfat differential was 7.1 cents, and the Philadelphia and Wilmington butterfat differentials averaged 7.0 cents, per point for the same year. Between such three New England orders and the Philadelphia and Wilmington orders there was a difference of 0.5 cent per point. In 1959, the difference between the high and the low annual average butterfat differentials in such markets was 0.6 cent, and in 1960 it was 0.7 cent.

The monthly variations among the orders have been greater than the yearly average differences. For February 1961, the month in which the largest variation occurred, the Connecticut butterfat differential was 8.0 cents per point while the butterfat differential under each of the Philadelphia, Upper Chesapeake Bay, Washington, D.C., and Wilmington orders amounted to 6.8 cents, a difference of 1.2 cents per point.

Establishing uniformity in butterfat differentials on milk for manufacturing uses in Federal order markets in the Northeast also will assist in minimizing differences in prices to handlers under the different orders.

It will assist also in future comparisons of class prices among the markets, reducing confusion as to the proper basis for such comparisons. Today, price comparisons may vary depending upon which butterfat differentials are used in adjusting individual market prices to a common butterfat test. Prices compared may vary by as much as one or two cents per hundredweight depending upon the particular butterfat differentials used. An example of this is that for May and June 1960, conversion of the Boston Class II prices from 3.7 percent to 3.5 percent by use of the Boston butterfat differential results in Boston Class II prices lower than the New York-New Jersey Class III prices (May—Boston $2.822, New York-New Jersey $2.83; June—Boston $2.814, New York-New Jersey $2.82). If, however, New York-New Jersey Class III prices are converted from a 3.5 percent basis to 3.7 percent, using the New York-New Jersey butterfat differential, the Boston Class II prices exceed the New York-New Jersey Class III prices for such months (May—Boston $2.97, New York-New Jersey $2.966; June—Boston $2.96, New York-New Jersey $2.954). Although the differences in the prices arrived at by the two methods are relatively small in this example, such comparisons were used in

the testimony to reach divergent conclusions.

The time period used in computing the average of the daily prices for Grade A

(1) The handler has refused to receive milk because he is unwilling to account

milk as might be induced by a higher Class III price level which might not be

the products made from such milk would be acceptable for purchase by the gov-

cient Midwestern plants processing butter and nonfat dry milk.

the testimony to reach divergent conclusions.

The recommended decision provided, in the interest of price alignment, that "• • • the Class III butterfat differential under the New York-New Jersey order and the Class II butterfat differentials under the Philadelphia, Pennsylvania, Upper Chesapeake Bay, Wilmington, Delaware, and Washington, D.C., orders should be computed in the same manner as the producer butterfat differential contained in the Boston, Southeastern New England, Springfield, and Worcester orders. Such differential is within the range of differentials currently in effect in the 10 markets. This is also the same butterfat differential used to convert the U.S. average price to a 3.5 percent butterfat basis under the respective orders".

Exceptions were received to the use of the New England butterfat differential on the ground it would result in a butterfat differential which would be relatively high as compared to its value in other areas. On review it is concluded that such differential (monthly average price of Grade A (92-score) butter in New York City multiplied by .125) yields a butterfat differential which is relatively high in relation to butterfat values in the 10 markets as they have affected reserve milk prices in these markets in the past. Such a differential likewise is high relative to butterfat values for manufactured products generally. It is therefore concluded that the butterfat differentials in the 10 markets should be computed by multiplying the monthly average price of Grade A (92-score) butter in New York City by .120.

It has been determined that the price formula set forth in the recommended decision is appropriate. In order that the new computation of butterfat differentials will not change the effect of this formula in the Philadelphia, Pennsylvania; Wilmington, Delaware and New England markets, where prices are announced on a 3.7 percent butterfat test, the U.S. average price will be adjusted to a 3.5 percent basis in these markets, using the butterfat differential value as provided in the recommended decision. This price then will be converted to a price for 3.7 percent milk by the revised butterfat differential applied to Class II milk. Reserve milk prices for all the markets thus would be comparable at all butterfat tests.

In the New England markets, the revised butterfat differential will affect also, to a minor extent, the Class I and blended price values at butterfat tests other than 3.7 percent. However, the butterfat adjustments to these prices as well as to Class II prices have customarily reflected the surplus value of butterfat because of the ready access of outside cream to most areas in New England. In such areas cream is not required to be derived from locally inspected producer milk supplies. Since the purpose here is to provide a reasonable level and alignment of surplus milk values, it is appropriate to apply the change adopted for all pricing purposes under these orders.

The time period used in computing the average of the daily prices for Grade A (92-score) butter at wholesale, under the New York-New Jersey, Philadelphia, Wilmington, Upper Chesapeake Bay, and Washington orders has been changed from a monthly basis to "the period between the 16th day of the preceding month to the 15th day, inclusive, of the current month". This conforming change is desirable to make the butterfat differentials for reserve milk under all 10 of the orders the same.

A further conforming change is necessary to insure that the butterfat differential provision of the Connecticut order will be aligned with those in the other markets. The Connecticut order, like the four other New England orders, does not contain butterfat differentials for the separate classes of milk as such but provides for a single (producer) butterfat differential which, in effect, is applicable to each of the classes. Unlike the other New England markets, however, the present Connecticut producer butterfat differential is rounded to the nearest cent rather than to the nearest tenth of a cent. In order to make all butterfat differentials affecting the value of reserve milk identical, the Connecticut butterfat differential would be rounded to the nearest one-tenth of a cent rather than to the nearest full cent. This is appropriate since the difference in such "rounding" methods could result in a possible maximum difference, up or down, of 0.5 of a cent per point of butterfat (5 cents per pound of butterfat) changing the relative butterfat and skim milk values in producer milk by as much as 2.5 cents per hundredweight of the skim milk portion of the producer milk when the butterfat content varies 5 points from the standard. Such change thus will place the Connecticut market on equal terms with the other markets in the month-to-month disposition of reserve milk. Over time there should be little difference in the average butterfat differential value resulting from the two methods of rounding.

The provisions of the Springfield and Worcester, Massachusetts, orders regarding Class II prices and butterfat differentials do not contain specific formula language, but instead, refer to the appropriate provisions of the Boston order since the formula language would be identical with that of the Boston market. It is not necessary, therefore, to amend these two orders as a result of this hearing. The new formula, however, carries to these orders on the basis of their present relationship to the Boston order.

ISSUE No. 3

It is concluded that the proposed separate pricing of "excess" surplus milk utilized in manufactured dairy products by or for the account of an "incorporated marketing agency" of producer cooperative associations, and sold to the Commodity Credit Corporation under the national price support program, should not be adopted.

Three of the major producer groups operating primarily in the New York-New Jersey market submitted a proposal for the separate pricing of milk marketed under the following conditions:

(1) The handler has refused to receive milk because he is unwilling to account for it at the minimum prices under the order;

(2) The milk has been marketed by or for the account of an incorporated marketing agency formed, controlled and operated by cooperatives, either qualified for cooperative payments under the New York-New Jersey order or qualified for marketing services under one of the other Northeastern orders (at the hearing, this was modified to include cooperatives qualified under the orders for voting purposes); and

(3) The milk is marketed for such agency under the Government price support program for dairy products.

Such milk was described by proponents as "excess" surplus milk and is so termed for the discussion herein.

The classification price for the producer milk, so marketed, would be computed at the net price received by the agency after deduction of its expenses.

The general objectives of such proposals, as stated by proponents, are: (1) to clear the market of all "excess" surplus by utilizing the product outlets of the national dairy price support program, (2) to obtain higher returns for milk in other Class III uses, and (3) to improve the bargaining position of the cooperative associations.

Although the general objectives apply to all the proposals, the method or approach differed. Proponents of proposals 3 and 5 in the notice would provide only for enabling language in the orders to establish and operate such a marketing agency. Proposal 3 would apply to all the Northeastern Federal milk orders and complementary New York and New Jersey State orders. Proposal 5 would apply to all the Northeastern Federal milk orders, companion New York and New Jersey State orders, and other Northeastern state milk orders as well. Proposal 14 would limit the agency's operation to the New York-New Jersey market and it also specifies more detailed operating conditions which such an agency would be required to meet.

In order to achieve the general objectives outlined, an additional use-category without a specific price or price formula is proposed for the disposition of producer milk under the above-described conditions. The marketing agency would market the excess surplus milk and would compute a "net" price after processing, and handling costs are deducted. Such net price would be used each month in computing the pool obligation on such milk. By being marketed in this manner it was contended that the milk would be insulated from competition with milk marketed in normal commercial channels.

The marketing agency proposals were prompted by certain other proposals which would change the basis and level of pricing surplus milk in the New York-New Jersey and other Northeastern Federal order markets. It was contended that if Class III milk prices under Order No. 2 are to be increased, there is need to provide additional mechanics for the disposal of both "tail-end" quantities of surplus milk which handlers do not accept and of such increased quantities of

milk as might be induced by a higher Class III price level which might not be wanted by proprietary handlers. It was the position of proponents of proposals 3 and 5 that the expense associated with a "guaranteed" alternative market for excess surplus milk should be shared by producers of all regulated markets in the Northeast region.

Proponents generally envisage a marketing agency established and incorporated by those cooperative associations which meet any of the following conditions: are qualified for "cooperative payments" under Order No. 2, are qualified to receive deductions from monies due producer members as provided by the marketing services provisions contained in the other Federal milk orders of the Northeast where such provisions are effective, or meet the requirements of the "Capper-Volstead" Act.

As described by proponents, the organizational structure of the marketing agency would be determined entirely by the participating cooperatives. Each participating cooperative would be represented on the governing board of the agency as a matter of right. Voting representation of the participating cooperatives on the board would be left to the by-laws adopted by the agency. It was the expressed intent, particularly as to proposals 3 and 5, to keep the jurisdictional powers of the Secretary at a minimum in the formation and operations of the agency.

The cooperative marketing agency would establish an office apart from those of participating cooperatives. The agency, in disposing of excess-surplus milk, presumably would guarantee an "alternative" market for producers. However, at least one proponent testified that a cooperative marketing agency of this kind should not be required to accept all the milk referred to it.

Handlers who are unwilling to account for a quantity of Class III milk at the minimum (formula) Class III price established by the order could utilize the agency to market such milk. In practice, a handler would notify the cooperative marketing agency in advance that certain milk is not wanted. The cooperative marketing agency would negotiate with the handler to process the milk, or would arrange for its delivery to another plant for processing. In the first instance, the cooperative marketing agency and the handler would negotiate a handling allowance to the handler for services performed in receiving, weighing and testing the milk. Certain of the proponents would limit this allowance to not more than 17 cents per hundredweight of milk. To the extent that this amount would be insufficient to cover the actual cost of these services at a particular plant, such plant would make a contribution to the cost of the "rescue" operation performed by the cooperative marketing agency. Another proponent would limit the handling allowance to the actual costs involved plus 6 percent, or 17 cents per hundredweight, whichever is less. Any plant accepting milk from the cooperative marketing agency would contract to take it for a stated period of time with the guarantee that the products made from such milk would be acceptable for purchase by the government under the national price support program. Full processing and transport costs would be allowed in addition to the negotiated allowance for receiving and testing.

Certain basic operating conditions stated in connection with proposal 14 in the hearing notice were (1) the cooperative marketing agency must market all the milk offered to it if the handler certifies to the market administrator that his handling of the milk involved would be unprofitable at prevailing order prices, and (2) the market administrator could not approve such certification if the handler increased his total volume by adding producers to his payroll or by otherwise obtaining milk from producers who had delivered previously to other markets. The latter condition would require the market administrator to verify the alleged unprofitability in handling by the proprietary handler. The obligation on the cooperative marketing agency to take the milk from such handler would be dependent on such determination and verification. It is not clear from the testimony, however, whether such unprofitability has reference to the total operations of the handler, or to certain aspects of handling.

Having negotiated a handling charge, and arranged for milk to be processed at a plant, the cooperative marketing agency would notify the handler from whom the milk was taken of the "net" price at which the milk should be accounted for under the order. Unless the cooperative marketing agency, or "clearing house", operated facilities of its own as a handler, accountability to the pool would be accomplished through the handler for whom the milk is marketed. Such net price would be the amount received by the agency less handling, transportation and overhead expense. The net price necessarily would be a preliminary figure subject to subsequent adjustment depending on the overhead expense of the cooperative marketing agency, as finally determined by the agency.

The proposals recognized the desirability of disclosure of the financial operations of the cooperative marketing agency. One proposal would vest accounting responsibility in the market administrator. The specific means for auditing agency operations were not indicated in connection with the other proposals.

Proponents contend that existing milk manufacturing facilities are sufficient in the New York-New Jersey market and in other markets of the Northeast to accommodate all quantities of milk likely to be handled by the cooperative marketing agency. Proponents do not preclude, however, the acquisition by the agency of its own processing facilities for the specified purposes. At least one proponent stated the position that the operations of the cooperative marketing agency could generate the funds therefor if such facilities were deemed necessary. The main objective of such an acquisition would be to place producers in position to compete favorably with efficient Midwestern plants processing butter and nonfat dry milk.

The principal effects of the proposals would be to (1) establish a limited use-classification for "excess" surplus milk without a corresponding fixed minimum price, or specific method for fixing minimum prices, which all handlers shall pay, (2) create a cooperative marketing agency to market the milk accounted for in such use, (3) permit handlers to avoid payment of the prevailing Class III milk price on a portion of their receipts, and (4) assess to all producers in the market the costs incurred in marketing excess surplus milk.

The concept of equalizing among producers the returns from the sale of their milk is contained in all the Federal milk marketing orders in the Northeast either by marketwide pooling or through individual-handler pools, as provided by the statute. Such equalization is dependent upon the minimum value of the milk utilized by handlers. This minimum value is determined from the specific methods for fixing the minimum class prices established by the respective orders. Classified pricing is fundamental to such equalization.

Since the proposed cooperative marketing agency would arrive at prices for milk disposed of from time to time as individual quantities of "excess" surplus milk on the basis of negotiation of the receiving and processing costs associated therewith, such prices under Order No. 2, or any of the other orders in the Northeast, normally would not be uniform among all handlers because of the variations resulting from separate negotiations. An "open-end" plan of negotiating different prices with various handlers for individual lots of milk does not provide assurance of uniform applicability to all handlers.

The preliminary nature of the net price which the proposed agency would determine could prevent or unduly delay the fixing of a specified time at which payment shall be made for milk. In large measure, the success of equalization revolves around a "producers" fund which is solvent and to which all contribute in accordance with a formula equitably determined and of uniform applicability. Failure by handlers to meet their obligations promptly would threaten the whole scheme. Even temporary defaults by some handlers could work unfairness to others, encourage wider noncompliance, and engender doubt and distrust which could dislocate delicate economic arrangements. None of the proposals under consideration contemplated full payment for the milk involved within the periods for payment provided by the several Northeast orders.

Discussion of the problems of determining appropriate Class III milk prices under Order No. 2 is contained in exhibits 14–19 of the record. These exhibits have been referred to earlier as the "Clark study", a marketing research project sponsored by the Department. This study concludes, among other things, that the price-making agency might find it feasible and desirable to control the physical handling of "excess" surplus milk by operating its own proc-

essing facilities, or by designating one or more firms within the industry to act

tions were raised to the Presiding Officer's ruling upon the following: (1)

and determinations may be in conflict

regulating the handling of milk in the

such agent shall be transmitted to the

(3) The said order as hereby amend-

essing facilities, or by designating one or more firms within the industry to act in its behalf to dispose of milk not wanted by handlers, so that the pricing agency in setting the general price level for Class III milk under Order No. 2 would not need to be concerned with the possibility of some milk remaining unsold. We believe this suggestion was predicated on the assumption that the pricing agency would have the authority and responsibility of assuring that all the milk produced finds a market.

While such authority and responsibility are not provided, the Secretary is required, on the other hand, to fix classification prices or methods of pricing which, in meeting specific criteria, must be at a level in the public interest. The problem involved in achieving this result when delegation of such responsibility is involved was described in a final decision issued August 13, 1954, by the Assistant Secretary relating to proposed amendments to Order No. 2, official notice of which is taken. At that time the proposal was a "flexible" pricing plan, with a general objective somewhat similar to that underlying the present marketing agency proposal. The proposal at that time would have authorized the market administrator to establish, within prescribed limits, handling allowances to handlers in connection with the disposition of surplus milk. A condition of the 1954 proposal was that such allowances could be revoked by the Secretary within a specified time period. In view of this proposed "veto" it was found that the prospect of obtaining different decisions than might be arrived at by the Secretary would be indeed remote in any situation where the proposed delegation of authority tended to preclude the Secretary from effectively discharging the responsibilities for the fixing of minimum prices to producers imposed upon him by the statute. Thus, the 1954 decision correctly observed that the price-making responsibility vested in the Secretary by the Act must not be rendered ineffective by delegation. In denial of the proposal, it was found that such an arrangement was not an acceptable method of increasing flexibility in the pricing of Class III milk. A difficulty similar in principle is involved in the present proposal.

It is concluded that none of the proposals to establish a cooperative marketing agency to market "excess" surplus milk under the conditions contemplated may be adopted.

Rulings on proposed findings and conclusions and on motions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings of the presiding officer to which specific objections were taken in the briefs have been reviewed. Objections were raised to the Presiding Officer's ruling upon the following: (1) denial of cross-examination of a cooperative association representative as to the circumstances now present which had not been considered previously by the Secretary in prior decisions on Class III price formula proposals; and (2) the exclusion of testimony in support of revision of transportation (location) differential rates for Class II or III milk in the respective orders as not being within the scope of the notice of hearing.

In compliance with § 900.9(b) of the rules of practice, a brief was filed in which it was maintained that the Presiding Officer was in error in his ruling on the admission of testimony as described in (1) above. The findings and conclusions contained herein are based necessarily upon the evidence adduced at this hearing. Official notice was taken of the findings and conclusions in previous decisions (as cited in the hearing record) by the Secretary, however, and the content thereof taken into account in relation to the other evidence adduced at this hearing.

The motion on the second objection cited above was supported by an offer of proof under § 900.8(d)(6) of the rules of practice (7 CFR Part 900). In compliance with § 900.9(b) of the rules of practice, a brief was filed by the interested party which requested review of the ruling made by the Presiding Officer to exclude testimony on a proposal contained in the Hearing Notice which referred to coordination of transportation, or plant location, differentials in all Northeastern Federal orders.

Specifically, this proposal would establish a new method of rate determination to result in revised zone rate schedules for each order currently containing such a schedule and providing a schedule where not so provided by the present order. In ruling on the admission of testimony on such proposal, the Presiding Officer stated his view that the notice would permit consideration of the coordination of transportation rates now in effect in the respective orders in relation to any changes made in the pricing formulas under review, but that the notice did not permit consideration of new bases for the determination of rates. The Presiding Officer granted the motion of those interested parties who complained that the notice was inadequate for the receipt of evidence on such matter. As further discussed in this decision, the relationship of reserve milk prices to be established by the amendments proposed herein takes into account price adjustments based on location.

A review of the supporting statements offered and rulings of the Presiding Officer on these motions has been made. Such rulings are hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such respective prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are 8 documents entitled respectively, "Marketing agreement regulating the handling of milk in the Greater Boston, Mass., marketing area", and "Order amending the order regulating the handling of milk in the Greater Boston, Mass., marketing area", "Marketing agreement regulating the handling of milk in the New York-New Jersey marketing area", and "Order amending the order regulating the handling of milk in the New York-New Jersey marketing area", "Marketing agreement regulating the handling of milk in the Southeastern New England marketing area", and "Order amending the order regulating the handling of milk in the Southeastern New England marketing area", "Marketing agreement regulating the handling of milk in the Connecticut marketing area", and "Order amending the order regulating the handling of milk in the Connecticut marketing area", "Marketing agreement regulating the handling of milk in the Philadelphia, Pa., marketing area", and "Order amending the order regulating the handling of milk in the Philadelphia, Pa., marketing area", "Marketing agreement regulating the handling of milk in the Wilmington, Del., marketing area", and "Order amending the order regulating the handling of milk in the Wilmington, Del., marketing area", "Marketing agreement regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area", and "Order amending the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area", "Marketing agreement regulating the handling of milk in the Washington, D.C., marketing area", and "Order amending the order regulating the handling of milk in the Washington, D.C., marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum orders; determination of representative period; and designation of referendum agents. It is hereby directed that referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the marketing areas affected by this decision are approved or favored by the producers, as defined under the terms of the respective orders, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas, respectively.

The month of January 1962 is hereby determined to be the representative period for the conduct of each referendum.

The following are hereby designated agents of the Secretary to conduct the referenda, as indicated below, in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued:

Agent and Marketing Area

Richard D. Aplin, Greater Boston, Mass.
Robert W. Cherry, Southeastern New England.
D. O. Hammerberg, Connecticut.
L. S. Iverson, Philadelphia, Pa.
L. S. Iverson, Wilmington, Del.
E. Hickman Greene, Upper Chesapeake Bay.
Edward L. St. Clair, Washington, D.C.

C. J. Blanford is hereby designated agent of the Secretary to conduct the referendum for the New York-New Jersey marketing area in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), except: (1) Such designated agent shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented; and (2) the time within which the complete detailed report of such agent shall be transmitted to the Secretary is hereby extended to five days after the close of the referendum.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, and by the Secretary and the Director of the New Jersey Office of Milk Industry in a memorandum of agreement dated June 30, 1955, the designated agent of the Secretary for the New York-New Jersey marketing area shall, at the same time he transmits his report to the Secretary, also transmit a similar report to the Commissioner of Agriculture and Markets of the State of New York, and to the Director of the Office of Milk Industry of the State of New Jersey.

Signed at Washington, D.C., on April 25, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Mass. Marketing Area

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Mass., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture on January 22, 1962 and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1001.41(a), and 1001.63.

1. Delete § 1001.41 and substitute therefor the following:

§ 1001.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1001.63.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
Jan	+08	July	+08
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

2. Delete § 1001.44 and renumber §§ 1001.45 and 1001.46 as §§ 1001.44 and 1001.45.

3. Delete present § 1001.46(b) and substitute therefor the following as new § 1001.45(b):

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

4. Replace the semicolon in § 1001.50 (c) with a period, delete from such paragraph the word "and", and delete § 1001.50(d).

5. Delete § 1001.63 and substitute therefor the following:

§ 1001.63 Butterfat differential.

Each handler, in making payments to each producer for milk received from him, shall add for each one-tenth of one percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of one percent of average butterfat below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 1.20 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1002.40(b), 1002.41, and 1002.42.

1. Amend the opening paragraph of § 1002.40 by deleting the cross-reference "1002.44" wherever it appears and substitute therefor "1002.43."

2. Amend § 1002.40(b) by deleting "1002.46" wherever it appears and substitute therefor "1002.45". Also, in § 1002.40(b)(3) change the section reference "1002.46(b)(9)" to "1002.45(b)(6)".

3. Delete § 1002.40(e) and substitute therefor the following:

(e) For Class III milk, the price shall be the net amount determined pursuant to this paragraph:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+08	July	+06
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

4. Amend § 1002.41 by deleting the words "and Class III" immediately following the words "Class II", and adding a new sentence at the end of the section to read as follows: "The minimum price for Class III milk shall be plus or minus, for each one-tenth of one percent of butterfat therein above or below 3.5 percent, an amount computed as follows: Multiply by 0.120 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market."

5. Amend § 1002.42 by deleting "1002.44" in the first sentence and substitute therefor "1002.43".

6. Delete § 1002.43 in its entirety and renumber §§ 1002.44, 1002.45 and 1002.46 as §§ 1002.43, 1002.44 and 1002.45, respectively.

7. Amend present § 1002.45 by deleting "1002.46" immediately following the words "§§ 1002.40 through" and substituting therefor "1002.45".

8. Amend present § 1002.46(b) by deleting subparagraphs (3), (7), and (8); by renumbering subparagraphs (4), (5), (6), (9), and (10) as (3), (4), (5), (6), and (7); and in present subparagraph (4) by deleting "1002.44" and substituting therefor "1002.43".

9. Amend the opening paragraph of § 1002.65 by deleting "1002.43" immediately preceding "1002.66"; by deleting paragraph (e); and by renumbering paragraphs (f), (g) and (h) as (e), (f), and (g).

10. Amend § 1002.82 by deleting paragraph (b) and renumbering paragraph (c) as (b).

11. Amend § 1002.83(b) by deleting "1002.44" wherever it appears and substituting therefor "1002.43"; and in subparagraph (3) by deleting the reference to "§ 1002.46(b)(9)" and substituting therefor "§ 1002.45(b)(6)".

12. Amend § 1002.84(b)(3) by deleting "1002.44" and substituting therefor "1002.43".

Order[1] Amending the Order Regulating the Handling of Milk in the Philadelphia, Pa., Marketing Area

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pa., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962 and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1004.50(b) and 1004.51(b).

1. Delete § 1004.50(b) and substitute therefor the following:

(b) The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1004.51(b),

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+16	July	+16
Feb	+15	Aug	+23
Mar	+08	Sept	+19
Apr	+04	Oct	+19
May	+01	Nov	+19
June	+02	Dec	+19

2. Delete § 1004.51 and substitute therefor the following:

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.7 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 37 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 9.19: *Provided*, That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18 cents.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

3. Amend § 1004.81 by deleting all the words following the word "respectively" and substituting therefor the following "by the butterfat value computed pursuant to § 1004.51(a) and rounded to the nearest full cent."

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1014.40(b), and 1014.61.

1. Amend § 1014.40(b) by deleting subparagraphs (1), (2), (3) and that part of (4) immediately preceding subdivision (i); and renumbering subdivisions (i) and (ii) as subparagraphs (1) and (2). In such renumbered subparagraph (1) change the figure "3.7" wherever it appears therein to "3.5". Replace the period at the end of such subparagraph (1) with a semicolon and add the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

following: "and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1014.61."

2. Amend subdivision (ii) of § 1014.40 (b)(4) (renumbered to be subparagraph (2)) by deleting the words "subdivision (i) of this subparagraph" and substitute therefor "subparagraph (1) of this paragraph", and by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	Amount	Month:	Amount
Jan	+$0.138	July	+$0.138
Feb	+.128	Aug	+.208
Mar	+.058	Sept	+.168
Apr	+.018	Oct	+.168
May	−.012	Nov	+.168
June	−.002	Dec	+.168

3. Amend § 1014.61 by deleting the language which begins "as follows: Subtract 52.5 cents" ____ through and including the words "the butterfat differential shall be determined". In the same section delete the figure "1.25" and substitute therefor "1.20".

Order[1] Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision: A change is made in § 1016.51(b).

1. Delete § 1016.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount	Month:	Amount
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sep	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1016.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

Order[1] Amending the Order Regulating the Handling of Milk in the Washington D.C. Marketing Area

§ 1003.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision: A change is made in § 1003.51 (b).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Delete § 1003.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount	Month:	Amount
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sept	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1003.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department or Agriculture for Grade A (92-score) butter in the New York City market.

Order[1] Amending the Order Regulating the Handling of Milk in the Wilmington, Del., Marketing Area

§ 1010.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wilmington, Del., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1010.51, and 1010.81.

1. Delete § 1010.50(b) in its entirety and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight shall be the Class II price determined each month pursuant to § 1004.50(b) of the Federal order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

2. Delete § 1010.51 in its entirety and substitute therefor the following:

§ 1010.51 Butterfat differential to handlers.

The amount per hundredweight determined for each month pursuant to § 1004.51 of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

3. Delete § 1010.81 and substitute therefor the following:

§ 1010.81 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1010.80 shall be increased or decreased, for each one-tenth of 1.0 percent which the average butterfat content of his milk is above or below 3.7 percent, respectively, by the butterfat value computed pursuant to § 1004.51(a) of the order regulating the handling of milk in the Philadelphia, Pa., marketing area and rounded to the nearest full cent.

Order[1] Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Secretary of Agriculture, on January 22, 1962, and published in the FEDERAL REGISTER on January 26, 1962 (27 F.R. 799; F.R. Doc. 62-901) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1015.40(b), and 1015.61.

1. Amend § 1015.40 by deleting paragraph (b) and renumbering paragraph (c) as (b).

Change in subparagraph (1) of the same paragraph as relettered the figure "3.7" wherever it appears therein to "3.5". Change the period at the end of such subparagraph (1) to a semicolon and add the following: "and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1015.61."

2. Amend present § 1015.40(c) preceding subparagraph (1) to read as follows:

The Class II price per hundredweight shall be computed for each month as follows:

3. Amend present § 1015.40(c)(2) by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	*Amount*	Month:	*Amount*
Jan	+$0.138	July	+$0.138
Feb	+.128	Aug	+.208
Mar	+.058	Sept	+.168
Apr	+.018	Oct	+.168
May	−.012	Nov	+.168
June	−.002	Dec	+.168

4. Amend § 1015.61 by deleting the language which begins as follows: "Subtract 52.5 cents"____through and including the words "the butterfat differential shall be determined" and by deleting the last two words in the section, "nearest cent" and substituting therefor the following "nearest one-tenth cent". In the same section delete the figure ".125" and substitute therefor ".120".

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Title 3—THE PRESIDENT

Executive Order 11016

AUTHORIZING AWARD OF THE PURPLE HEART

WHEREAS General George Washington, at Newburg-on-the-Hudson, on August 7, 1782, during the War of the Revolution, issued an Order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart; and

WHEREAS the award of that decoration ceased with the closing of the War of the Revolution and was revived on February 22, 1932, out of respect to the memory and military achievements of General George Washington, by War Department General Orders No. 3:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. The Secretary of a military department, or the Secretary of the Treasury with regard to the Coast Guard when not operating as a service in the Navy, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, to any member of an armed force under the jurisdiction of that department and any civilian national of the United States who, while serving under competent authority in any capacity with an armed force of that department, has been, or may hereafter be, wounded—

(a) in any action against an enemy of the United States;

(b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(d) as the result of an act of any such enemy or opposing armed force; or

(e) as the result of an act of any hostile foreign force.

2. The Secretary of a military department, or the Secretary of the Treasury, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, posthumously, to any person covered by, and under the circumstances described in, paragraph 1 who, after April 5, 1917, has been, or may hereafter be, killed, or who has died or may hereafter die after being wounded.

3. A wound for which the award is made must have required treatment by a medical officer.

4. The Purple Heart shall be forwarded to the next of kin of any person entitled to the posthumous award, without respect to whether a previous award has been made to such person, except that if the award results from service before December 7, 1941, the Purple Heart shall be forwarded to such next of kin upon his application therefor to the Secretary of the department concerned.

5. Except as authorized in paragraph 4, not more than one Purple Heart shall be awarded to any person, but for each subsequent award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations to be issued by the Secretary of the department concerned.

6. When authorized by the Secretary of the department concerned, the award of the Purple Heart may be made by subordinate military commanders, or such other appropriate officers as the Secretary concerned may designate.

7. The Secretary of the department concerned may prescribe such regulations as he considers appropriate to carry out this order. The regulations of the Secretaries of the departments with respect to the award of the Purple Heart shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

8. This order supersedes Executive Order No. 10409 of November 12, 1952, entitled "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast Guard of the United States". However, existing regulations prescribed pursuant to that order, together with regulations prescribed under the authority of General Orders No. 3, War Department, February 22, 1932, shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed by the Secretary of the department concerned under this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 25, 1962.

[F.R. Doc. 62-4281; Filed, Apr. 30, 1962; 9:50 a.m.]

Executive Order 11017

PROVIDING FOR COORDINATION WITH RESPECT TO OUTDOOR RECREATION RESOURCES AND ESTABLISHING THE RECREATION ADVISORY COUNCIL

WHEREAS it is necessary, through the conservation and wise use of resources, to preserve, develop, and make accessible to all our people outdoor recreation of such quantity and quality as will make possible the individual enjoyment of, and will assure the physical, cultural, and spiritual benefits of, such recreation; and

WHEREAS the Federal Government has major nationwide responsibilities with respect to outdoor recreation resources; and

WHEREAS it is necessary to improve the effectiveness of Federal participation in the field of outdoor recreation; and

WHEREAS a new Bureau of Outdoor Recreation has recently been established in the Department of the Interior; and

WHEREAS improvements in the development of national outdoor recreation policies and the carrying out of national outdoor recreation programs will be facilitated by the provision of more adequate interagency consultation and advice:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Recreation Advisory Council.* (a) There is hereby established the Recreation Advisory Council (hereinafter referred to as the Council). The Council shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Health, Education, and Welfare, and the Administrator of the Housing and Home Finance Agency. The chairmanship of the Council shall rotate among these officials in the order named and for terms of two years each. Each of the foregoing officers may appoint a delegate to represent him in Council activity. When matters affecting the interests of Federal agencies (including, as used in this order, executive departments and other executive agencies) the heads of which are not members of the Council are to be considered by the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council.

(b) The Secretary of the Interior, in consultation with the other members of the Council, shall be responsible for developing methods and procedures for improved interagency coordination in the development and carrying out of national outdoor recreation policies and programs.

SEC. 2. *Functions of the Council.* (a) The Council shall provide broad policy advice to the heads of Federal agencies on all important matters affecting outdoor recreation resources and shall facilitate coordinated efforts among the various Federal agencies.

(b) As far as may be practical, the Council, in carrying out the provisions of subsection (a) of this section, shall include advice to the Federal agencies concerned with respect to the following aspects of outdoor recreation resources: (1) the protection and appropriate management of scenic areas, natural wonders, primitive areas, historic sites, and recreation areas of national significance, (2) the management of Federal lands for the broadest possible recreation benefit consistent with other essential uses, (3) the management and improvement of fish and wildlife resources for recreational purposes, (4) cooperation with and assistance to the States and local governments, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) vigorous and cooperative leadership in a nationwide recreation effort.

SEC. 3. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 4. *Assistance and cooperation.* (a) The Federal agencies headed by the officers composing the Council shall furnish necessary assistance to the Council in consonance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) In respect of duties of the Council and of the chairman of the Council, respectively, under this order, and insofar as practical, all Federal agencies shall upon request furnish information, data, and reports to, and shall otherwise cooperate with, the said Council and chairman.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 27, 1962.

[F.R. Doc. 62-4282; Filed, Apr. 30, 1962; 9:59 a.m.]

Executive Order 11018

INCREASING FROM THREE TO FOUR THE NUMBER OF VICE CHAIRMEN OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

By virtue of the authority vested in me as President of the United States, it is ordered that the first sentence of Section 1(b) of Executive Order No. 10994 of February 14, 1962, be, and it is hereby, amended to read as follows: "The Committee shall be composed of a Chairman and not more than four Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee upon the advice of the Executive Committee (hereinafter provided for) from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee."

JOHN F. KENNEDY

THE WHITE HOUSE,
April 27, 1962.

[F.R. Doc. 62-4283; Filed, Apr. 30, 1962; 9:59 a.m.]

Executive Order 11019

AMENDING EXECUTIVE ORDER NO. 10873 [1] TO PROVIDE FOR AN EXCEPTION TO THE INTER-AMERICAN DEVELOPMENT BANK'S IMMUNITY FROM SUIT SPECIFIED IN THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288–288f), and as President of the United States, it is hereby ordered that Executive Order No. 10873 of April 8, 1960, be amended by substituting a semicolon for the period at the end of the last sentence and by adding the following:

"*Provided*, That such designation shall not be construed to affect in any way the applicability of the provisions of Section 3, Article XI, of the Articles of Agreement of the Bank as adopted by the Congress of the United States in the Inter-American Development Bank Act (73 Stat. 299; 22 U.S.C. 283–283i)."

JOHN F. KENNEDY

THE WHITE HOUSE,
April 27, 1962.

[F.R. Doc. 62-4284; Filed, Apr. 30, 1962; 9:59 a.m.]

[1] 3 CFR, 1960 Supp., p. 68; 25 F.R. 3097.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Schedule Step Increases

Effective July 1, 1962, paragraph (a) of § 25.152 is amended as set out below.

§ 25.152 Schedule waiting period.

(a) For full-time and non-full-time employees with a prearranged regularly scheduled tour of duty, the waiting period for a schedule step increase (hereinafter called "schedule waiting period") is the 52 or 78 weeks of creditable service as prescribed in the Act and the regulations in this subpart. For non-full-time employees with no prearranged regularly scheduled tour of duty, the waiting period shall be 260 days in a pay status over a period of not less than 52 calendar weeks, or 390 days in a pay status over a period of not less than 78 calendar weeks. For purposes of this section a calendar week is any period of seven consecutive calendar days.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4168; Filed, Apr. 30, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestation of the khapra beetle has been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestation of the khapra beetle has been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

The Red Barn Pet Shop, 4250 Speedway Boulevard, Tucson.

Rocking Chair Ranch, located 3 miles east of Patagonia on Harshaw Road, P.O. Box 301, Patagonia.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 6, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective May 1, 1962, when they shall supersede P.P.C. 612, effective March 1, 1962 (27 F.R. 1963).

Subsequent to the issuance of P.P.C. 612, effective March 1, 1962, infestation of the khapra beetle was discovered on the premises of Bill Alcaida Farm, located on Colorado River Indian Reservation 8 miles south of Parker and 2 miles west of Parker-Ehrenberg Highway, P.O. Box 1716, Parker, Ariz. Movement of regulated articles from this property was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, this property is not being included as a regulated area in the present instructions.

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestation has been determined to exist, as regulated areas under the khapra beetle quarantine and regulations. They also have the effect of revoking the designation as a regulated area of Southlake Farms Warehouse, Central Valley Highway, Angiola, Calif. (formerly listed as Angiola Elevator and Warehouse), since it has been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of a certain regulated area. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of April 1962.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F.R. Doc. 62-4212; Filed, Apr. 30, 1962; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.2, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area; Six-Month Period Ending June 30, 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 813.2 (26 F.R. 12678; 27 F.R. 2448) which established allotments of the sugar quota for the six-month period ending June 30, 1962, for the Domestic Beet Sugar Area totaling 1,032,931 short tons, raw value.

This amendment is necessary to substitute final data and revised estimated data for estimated data on the processings of sugar from 1961-crop beets, marketings of sugar in 1961, and January 1, 1962, inventories of sugar used in the determination of allotments and to allot the larger quota for the area established by Sugar Regulation 811, Amendment 1 (27 F.R. 3733) which established continental sugar requirements of 9,700,000 short tons, raw value, for the calendar year 1962, and established a quota of 1,063,162 short tons, raw value, for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. Such quota for the area, 30,231 tons greater than the quantity previously allotted, is allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of (1) substituting revised estimates or final data for estimated data used in the determination of allotments, and (2) revising allotments to give effect to any increase or decrease in the quota for the area made pursuant to sections 201, 202, 204, or 408 of the Act.

In the following table, as provided for in the hearing record, revised estimated or final data are used in the method of allotment applied to the Domestic Beet Sugar Area quota of 1,063,162 short tons, raw value, for the six-month period ending June 30, 1962:

Processors	Processings from 1961-crop to which proportionate shares pertained		Average marketings within the quota 1957–61		Base allotments		January 1 effective inventories, hundredweight refined			Adjustments to base allotments[1]	
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2×0.75+ col. 4× 0.25)	Short tons, raw value (col. 5× quota)	1962	1957–61 average adjusted to col. 7 total	1962 inventory imbalances	Annual, hundredweight refined	Six-month (col. 10× 0.0535× ½—Short tons, raw value
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Amalgamated Sugar Co., The	6,395,302	13.9946	5,781,241	13.6632	13.9118	147,905	5,090,222	4,796,340	+293,882	0	0
American Crystal Sugar Co	5,799,893	12.6917	5,477,149	12.9446	12.7549	135,605	4,292,929	4,595,719	−302,790	−41,932	−1,122
Buckeye Sugars, Inc	231,138	.5058	215,792	.5100	.5068	5,388	138,149	155,411	−17,262	−2,391	−64
Great Western Sugar Co., The	10,912,723	23.8799	10,496,066	24.8061	24.1114	256,343	8,822,238	9,102,571	−280,333	−38,822	−1,038
Holly Sugar Corp	6,649,965	14.5519	6,605,129	15.6104	14.8165	157,523	4,886,722	5,406,543	−519,821	−71,988	−1,926
Layton Sugar Co	215,578	.4717	228,094	.5391	.4886	5,195	188,402	212,005	−23,603	−3,269	−87
Menominee Sugar Co	189,484	.4147	232,151	.5487	.4482	4,765	107,813	134,581	−26,768	−3,707	−99
Michigan Sugar Co	1,483,386	3.2460	1,496,108	3.5359	3.3185	35,281	1,072,979	1,165,855	−92,876	−12,862	−344
Monitor Sugar Div., Robert Gage Coal Co	807,692	1.7674	675,143	1.5956	1.7244	18,333	627,969	511,642	+116,327	+16,291	+436
National Sugar Manufacturing Co	[2] 205,443	.4496	182,324	.4309	.4449	4,730	[2] 118,192	131,200	−13,008	−1,801	−48
Northern Ohio Sugar Co	603,223	1.3200	602,035	1.4228	1.3457	14,307	341,372	361,459	−20,087	−2,782	−74
Spreckels Sugar Co	5,200,805	11.3807	4,859,537	11.4849	11.4068	121,273	2,723,042	3,240,928	−517,886	−71,720	−1,919
Union Sugar Division of Consolidated Foods Corp	2,159,987	4.7266	1,561,140	3.6896	4.4674	47,496	1,785,816	1,301,655	+484,161	+88,499	+2,367
Utah-Idaho Sugar Co	4,843,724	10.5994	3,990,467	9.2182	10.2841	109,018	4,261,321	3,341,257	+920,064	+146,484	+3,918
Total	45,698,343	100.0000	42,312,376	100.0000	100.0000	[3] 1,063,162	34,457,166	34,457,166	±1,814,434	±251,274	±6,721

[1] Plus (+) adjustments in Col. 10=(Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8)×(25 percent); minus (−) adjustments in Col. 10=the total of (+) adjustments in Col. 10, amounting to 251,274 cwt., prorated to processors on the basis of minus (−) quantities in Col. 9.

[2] Prior to the application of the "hardship" provision, 1961-crop processings were 172,989 hundredweight and Jan. 1, 1962, effective inventories were 85,738 cwt. for The National Sugar Manufacturing Co.

[3] The quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962.

The allotments set forth herein have been established on the same basis as those in Sugar Regulation 813.2, Amendment 1, except that final or revised estimated data have been substituted for estimated data, and have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding. Such allotments afford a fair, efficient and equitable distribution of the quota as required by section 205(a) of the Act.

Effective date. Allotments established by this order are larger than the allotments established in S.R. 813.2, Amendment 1. To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That paragraph (a) of § 813.2 as amended, be further amended to read as follows:

§ 813.2 Allotment of the domestic beet sugar area quota for the six-month period ending June 30, 1962.

(a) *Allotments.* The Domestic Beet Sugar Area quota of 1,063,162 short tons, raw value, for the six-month period ending June 30, 1962, for consumption within the continental United States is hereby allotted to the following processors in the quantities which appear opposite their respective names.

Processors	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	147,905	2,764,580
American Crystal Sugar Co	134,483	2,513,701
Buckeye Sugars, Inc	5,324	99,514
Great Western Sugar Co., The	255,305	4,772,056
Holly Sugar Corp	155,597	2,908,356
Layton Sugar Co	5,108	95,477
Menominee Sugar Co	4,666	87,215
Michigan Sugar Co	34,937	653,028
Monitor Sugar Division, Robert Gage Coal Co	18,769	350,822
National Sugar Manufacturing Co	4,682	87,514
Northern Ohio Sugar Co	14,233	266,037
Spreckels Sugar Co	119,354	2,230,916
Union Sugar Division, Consolidated Foods Corp	49,863	932,019
Utah-Idaho Sugar Co	112,936	2,110,953
Total	1,063,162	19,872,187

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 24th day of April 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4185; Filed, Apr. 30, 1962; 8:45 a.m.]

[Sugar Reg. 815.3, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Six-Month Period Ending June 30, 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of revising Sugar Regulation 815.3 (27 F.R. 3275), which allots the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Revision of Sugar Regulation 815.3 is necessary to allot the increase of 17,641 short tons, raw value, in the mainland quota for the area established by Sugar Regulation 811, Amendment 1 (27 F.R. 3733) and to substitute in the determination of allotments revised estimated data for the estimated data on 1961 marketings used in determining the allotments in effect prior to this amendment. Such data are reflected in the following table together with the measures of the three factors, "processings * * * from proportionate shares * * *," "past marketings," and "ability to market":

Processor	Processings—Average 1959–60 and 1960–61 crop year production		Past marketings—Average annual mainland and local marketings, 1957 through 1961		Ability to market—Highest annual production, 1959–60 and 1960–61 crops		Combined allotments of mainland and local quotas		Average 1960 and 1961 local marketings—
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Percent of total	Short tons, raw value	Short tons, raw value
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Antonio Roig Sucesores, S. en C	40,125	3.770	41,888	4.065	41,484	3.717	3.904	26,758	25,116
Asociacion Azucarera Cooperativa	29,525	2.774	28,084	3.726	30,835	2.763	2.747	18,828	0
Central Aguirre Sugar Co., a Trust	119,684	11.246	118,596	11.510	129,637	11.615	11.470	78,616	366
Central Coloso, Inc	73,998	6.953	66,638	6.468	74,852	6.707	6.649	45,572	172
Central Eureka, Inc	38,325	3.601	36,454	3.538	41,567	3.724	3.600	24,674	666
Central Guamani, Inc	13,311	1.251	13,286	1.289	13,702	1.228	1.264	8,663	0
Central Igualdad, Inc	46,704	4.389	44,181	4.288	49,672	4.451	4.354	29,842	21,645
Central Juanita, Inc	27,848	2.617	31,905	3.097	28,167	2.523	2.834	19,424	206
Central Mercedita, Inc	84,718	7.960	77,104	7.483	89,442	8.014	7.735	53,016	37,645
Central Monserrate, Inc	27,286	2.564	24,431	2.371	27,906	2.500	2.452	16,806	0
Central San Francisco	13,852	1.302	12,626	1.225	14,495	1.299	1.263	8,657	2,048
Central San Vicente, Inc	39,542	3.715	42,698	4.144	41,088	3.682	3.921	26,875	0
Compania Azucarera del Camuy, Inc	17,118	1.608	14,506	1.408	17,893	1.603	1.507	10,329	0
Compania Azucarera del Toa	22,856	2.148	24,326	2.361	23,599	2.114	2.246	15,394	0
Cooperativa Azucarera Los Canos	33,476	3.146	31,907	3.097	33,924	3.040	3.095	21,213	14
C. Brewer Puerto Rico, Inc	166,033	15.601	170,844	16.581	171,221	15.341	16.026	109,842	17,564
Land Authority of Puerto Rico	65,550	6.159	62,772	6.092	65,736	5.890	6.058	41,522	0
Mario-Mercado e Hijos	30,627	2.878	29,382	2.840	33,523	3.004	2.891	19,813	509
Plata Sugar Company	53,504	5.027	50,849	4.935	53,659	4.808	4.926	33,763	0
Soller Sugar Company	13,827	1.299	13,174	1.279	13,862	1.242	1.275	8,739	0
So. Puerto Rico Sugar Corp	106,343	9.992	94,819	9.203	119,814	10.735	9.783	67,053	17,616
Total	1,064,250	100.000	1,030,350	100.000	1,116,078	100.000	100.000	685,401	123,567

It was found after notice and public hearing that this order shall be revised without further notice or hearing for the purpose of substituting revised estimated or final data for estimated data which are applicable in the determination of allotments and revising allotments to give effect to any increase, or decrease, in mainland or local quotas due to action pursuant to sections 201, 202(a), or 203 of the Act or from the proration of a deficit in the quota for any area pursuant to section 204(a) or section 408(b)(2) of the Act. The revised allotments are determined by the same method used in the initial order, Sugar Regulation 815.3, effective April 6, 1962.

Since a number of allottees have already brought in or marketed a large portion of their initial allotments, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That paragraph (a) of § 815.3 be amended to read as follows:

§ 815.3 Allotment of sugar quotas for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Allotments	
	Mainland (1)	Local (2)
Antonio Roig Sucesores, S. en C	13,546	13,212
Asociacion Azucarera Cooperativa	18,828	0
Central Aguirre Sugar Co., a Trust	78,423	193
Central Coloso, Inc	45,481	91
Central Eureka, Inc	24,324	350
Central Guamani, Inc	8,663	0
Central Igualdad, Inc	18,456	11,386
Central Juanita, Inc	19,316	108
Central Mercedita, Inc	33,214	19,802
Central Monserrate, Inc	16,806	0
Central San Francisco	7,580	1,077
Central San Vicente, Inc	26,875	0
Compania Azucarera del Camuy, Inc	10,329	0
Compania Azucarera del Toa	15,394	0
Cooperativa Azucarera Los Canos	21,206	7
C. Brewer Puerto Rico, Inc	100,603	9,239
Land Authority of Puerto Rico	41,522	0
Mario Mercado e Hijos	19,547	268
Plata Sugar Company	33,763	0
Soller Sugar Company	8,739	0
So. Puerto Rico Sugar Corp	57,786	9,267
All other persons, liquid sugar only	20	0
Total	620,421	65,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Pub. Law 87-15)

Done at Washington, D.C., this 24th day of April 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4187; Filed, Apr. 30, 1962; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1961–62 Fiscal Year

Notice was published in the April 12, 1962, daily issue of the FEDERAL REGISTER (27 F.R. 3519) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1961–62 fiscal year under the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (establishd pursuant to said marketing agreement and order, as amended), it is hereby found and determined that:

§ 908.201 Expenses and rate of assessment for the 1961–62 fiscal year.

The expenses necessary to be incurred by the Valencia Orange Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, as amended, to enable such committee to perform its functions, in accordance with the provisions thereof, during the 1961–62 fiscal year (November 1, 1961, through October 31, 1962), will amount to $175,000; and the rate of assessment, which each handler who first handles oranges shall pay

as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, as amended, is hereby fixed at eleven mills ($0.011) per carton of oranges handled by such handler as the first handler thereof during the 1961–62 fiscal year.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Valencia oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable Valencia oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4211; Filed, Apr. 30, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1178; Supp. No. 34]

PART 60—AIR TRAFFIC RULES

Emergency Descent

The provision currently contained in § 60.21–2 of Civil Aeronautics Manual 60 delineates a procedure to be used by pilots in the event an aircraft executes an emergency descent through other traffic. In this procedure, the pilots of aircraft at altitudes below the emergency aircraft are instructed by Air Traffic Control to leave specified courses or radials immediately to expedite clearance of the emergency descent flight path.

At the time this policy was adopted, the functions associated with control of air traffic were primarily accomplished by relay through an intermediate communications channel. The traffic density was considerably lighter, little or no radar was available, and the use of direct communications was practically nonexistent except in terminal areas. Consequently, relatively little time was available to issue individual instructions to affected pilots and the procedure to provide for emergency descent was considered the most suitable alternative.

The current air traffic density and airway structure in most cases prevent the application of this procedure since it could very possibly result in the creation of a more hazardous situation than the emergency itself. Additionally, with the advent of improved communications capability and expanded radar coverage, continuation of this published procedure is no longer necessary. In fact, air traffic controllers rarely implement the procedure since the circumstances of an emergency are usually so variable that proper control cannot be effected under its provisions. Therefore, the companion procedure has been deleted from the controller's manual, and in lieu thereof, emphasis is placed on flexibility, clarity of instructions, effective use of available air traffic control equipment, and the controller's exercise of good judgment in determining the most feasible course of action. Accordingly, there is no further requirement to retain CAM 60.21–2 as an established pilot procedure.

Inasmuch as this action rescinds an existing policy and imposes no additional burden on any person, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary and good cause exists to make this amendment effective without delay.

In consideration of the foregoing § 60.-21–2 of Civil Aeronautics Manual 60 is hereby revoked.

This revocation shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307, Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–4193; Filed, Apr. 30, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Federal Airway

The purpose of these amendments to §§ 600.6286 and 608.66 of the regulations of the Administrator is to alter VOR Federal airway No. 286 and the Camp Hill, Va., Restricted Area R–6601.

The Department of the Army has stated that R–6601 is excess to their actual needs in its present size, altitude and time of designation as a result of transferring the artillery activities formerly conducted therein to the Camp Pickett, Va., Restricted Area R–6602. Therefore, the present size, altitude and time of designation of R–6601 is unjustified as an assignment of airspace and reduction thereof will be in the public interest. Such action is taken herein.

Although these alterations result in an overall reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R–6601 of a small amount of airspace bordering the southern edge of the present area. This additional area will not affect current aeronautical operations.

In altering R–6601 the present overlap in VOR Federal airway No. 286 is eliminated. Therefore, the present requirement to obtain prior approval for the use of that portion of VOR Federal airway No. 286 within R–6601 is also removed.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective upon publication. However, the effective date will be May 31, 1962, so as to be concurrent with other proposed airspace actions.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6286 (14 CFR 600.6286, 26 F.R. 573) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp A. P. Hill Restricted Area (R–40) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control." is deleted.

2. In § 608.66 *Virginia* (26 F.R. 7203) the Camp Hill, Va., Restricted Area R–6601 is amended to read:

R–6601 Camp Hill, Va.:

Boundaries. Beginning at latitude 38°07'47" N., longitude 77°13'25" W.; to latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°03'15" N., longitude 77°09'20" W.; to latitude 38°02'15" N., longitude 77°11'15" W.; to latitude 38°01'17" N., longitude 77°16'45" W.; to latitude 38°05'13" N., longitude 77°17'15" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0700 to 2300 e.s.t., June 1 through September 8 annually.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

This amendment shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4246; Filed, Apr. 30, 1962; 8:47 a.m.]

[Airspace Docket No. 61–NY–14]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Federal Airway

On March 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2808), stating the Federal Aviation Agency was considering an amendment to § 608.66 to increase the size of the Camp Pickett, Va., Restricted Area R–6602 to contain additional firing activities transferred from the Camp Hill, Va., Restricted Area R–6601. It was also stated that a change in the time of designation was being considered from "continuous" to "continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times as published by NOTAMs at least 48 hours in advance." It was further stated in the notice that R–6602 would be utilized on a joint-use basis with the Federal Aviation Agency, Washington ARTC Center as the controlling agency.

Although not mentioned in the Notice, the segment of VOR Federal airway No. 1505 between Raleigh-Durham, N.C., and Richmond, Va., should be realigned from the Raleigh-Durham VOR as a 16-mile wide airway to the intersection of the Richmond VOR 214° and the Cofield, N.C., VOR 298° True radials; thence as a 10-mile wide airway to the Richmond VOR. This would align Victor 1505 to overlie low altitude VOR Federal airway No. 157 and would facilitate the transitioning of aircraft between the two airway systems. In enlarging R–6602 to contain additional firing activities, it was noted that the portion of R–6602 which slightly overlaps low altitude VOR Federal airway No. 157 is no longer required and the exclusion of R–6602 now appearing in the description of this airway may be deleted. Since these changes are minor in nature and impose no additional burden on anyone, action is taken herein to accomplish such changes simultaneously.

The Air Transport Association of America in commenting on the Notice concurred in the enlargement of R–6602 provided the Camp Hill, Va., Restricted Area R–6601 is reduced simultaneously. Such action is taken in Airspace Docket No. 61–NY–13 to become effective on May 31, 1962.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.66 *Virginia* (14 CFR 608.66) the Camp Pickett, Va., Restricted Area R–6602 is amended to read:

R–6602 Camp Pickett, Va.:

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°00'56" N., longitude 77°50'55" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to the point of beginning.

Designated altitudes. Surface to 22,000 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

2. In the text of § 600.1505 (26 F.R. 1081, 10875) "Raleigh-Durham VOR; to the INT of the Richmond, Va., VOR 213° and the Cofield, N.C., VOR 298° radials; thence 10-mile wide airway to the Richmond VOR" is deleted and "Raleigh-Durham VOR; to the INT of the Richmond, Va., VOR 214° and the Cofield, N.C., VOR 298° radials; thence 10-mile wide airway to the Richmond VOR" is substituted therefor.

3. In the text of § 600.6157 (26 F.R. 573, 1754, 2344, 3462, 6810, 10,588) (27 F.R. 562) "The portions of this airway which coincide with R–6602 and R–6612 are excluded during the times of designation of the restricted areas." is deleted and "The airspace within R–6612 is excluded during the time of designation of this restricted area." is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4247; Filed, Apr. 30, 1962; 8:47 a.m.]

[Airspace Docket No. 62–WE–46]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.23 of the regulations of the Administrator is to increase the designated altitudes of the Ajo, Ariz., Restricted Area R–2301 from "Surface to flight level 400" to "Surface to flight level 600".

R–2301 is presently designated to provide special use airspace in which the Department of the Air Force and the Department of the Navy can conduct air-to-air and air-to-ground gunnery. A large portion of R–2301 has been established by the Air Force and the Navy as a supersonic range in which air-to-air gunnery, night intercept exercises and hooded instrument flying can be conducted at speeds approaching mach 2. Recently the Navy deployed its first operational F4H squadron on the west coast to the Yuma, Ariz., MCAAS for the purpose of conducting high speed, high altitude gunnery and intercept training in R–2301. Because of the higher speed and altitude capabilities of the F4H, it has been determined that the present ceiling of R–2301, flight level 400, seriously hampers the effective training of the air crews assigned to these aircraft. Inasmuch as R–2301 does not encroach upon any airway or jet route structure and because little or no civil air operations are conducted above flight level 400, the increase in ceiling of R–2301 from flight level 400 to flight level 800 will not affect current civil aeronautical operations.

Since this amendment imposes no burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 608.23 (14 CFR 608.23), R–2301, Ajo, Ariz., "Designated altitudes. Surface to flight level 400." is deleted and "Designated altitudes. Surface to flight level 800." is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 24, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4194; Filed, Apr. 30, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2666]

[Los Angeles 0157654]

CALIFORNIA

Reserving Lands in Inyo National Forest as Ancient Bristlecone Pine Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Department of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Inyo National Forest, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as a botanical area for the protection of an ancient species of bristlecone pine and as an area for study in the fields of plant physiology and dendrochronology:

T. 5 S., R. 34 E. (unsurveyed),
Secs. 14, 23, 24, 25, 26, 35, and 36.
T. 6 S., R. 34 E. (unsurveyed),
Secs. 1, 12, and 13;
Sec. 24, N½N½.
T. 5 S., R. 35 E. (unsurveyed),
Secs. 17, 19, 20, 29, 30, 31, and 32.
T. 6 S., R. 35 E.,
Sec. 5, lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, S½NE¼, NW¼NE¼, E½W½, and SE¼;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, and N½S½;

Sec 9, S½;
Secs. 16, 17, 18, 19, and 20;
Sec. 21, E½ and W½W½;
Secs. 28, 29, and 30;
Sec. 31, N½N½SW¼ and SE¼;
Sec. 33, NW¼.
T. 7 S., R. 35 E.,
Sec. 5;
Sec. 6, NE¼.

The areas described contain 21,320 acres, of which 1,360 acres are nonpublic.

This order shall attach to the nonpublic land in the areas described upon acquisition of title thereto or any interest therein by the United States.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4196; Filed, Apr. 30, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

Proposed Election of Certain Small Business Corporations as to Taxable Status

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to reflect the amendment to section 1372 of the Internal Revenue Code of 1954 made by section 2 of the Act of May 4, 1961 (Public Law 87-29, 75 Stat. 64), and to make clarifying changes.

PARAGRAPH 1. Section 1.1372 is amended by adding a new subsection (g) at the end of section 1372 and by revising the historical note at the end of the section. These amended provisions read as follows:

§ 1.1372 Statutory provisions; election by small business corporation.

Sec. 1372. *Election by small business corporation.* • • •

(g) *Consent to election by certain shareholders of stock held as community property.* If a husband and wife owned stock which was community property (or the income from which was community income) under the applicable community property law of a State, and if either spouse filed a timely consent to an election under subsection (a) for a taxable year beginning before January 1, 1961, the time for filing the consent of the other spouse to such election shall not expire prior to May 15, 1961.

[Sec. 1372 as added by sec. 64(a), Technical Amendments Act of 1958 (72 Stat. 1650); amended by sec. 2, Act of May 4, 1961 (Pub. Law 87-29, 75 Stat. 64)]

PAR. 2. Paragraph (a) of § 1.1372-3 is amended to read as follows:

§ 1.1372-3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may not be withdrawn after a valid election is made by the corporation. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the district director with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before the date of publication of this regulation in the FEDERAL REGISTER as a Treasury decision, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960,

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

[F.R. Doc. 62-4209; Filed, Apr. 30, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY BIRDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments will specify open seasons, certain closed seasons, hunting methods, shooting hours, bag and possession limits, and possession, importation, and transportation controls for migratory game birds.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves and pigeons in Puerto Rico and the Virgin Islands will be proposed for final adoption not later than June 1, 1962, to become effective on or about July 1, 1962. Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coot), woodcock, Wilson's snipe, waterfowl and coot in Alaska, and certain sea ducks in open coastal waters along certain northeastern States will be proposed for final adoption not later than August 1, 1962, to become effective on or about September 1, 1962. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1962, to become effective on or about October 1, 1962. On the basis of decisions to be reached at the conclusion of studies now in progress, and having due consideration for any views or

data submitted by interested parties, other amendments to Part 10 may be proposed for final adoption.

At the present time amendments to the regulations governing hunting methods and possession, importation, and transportation controls are being proposed as set forth below. The purposes of these proposed amendments are as follows:

1. Section 10.2 is amended to enlarge the definition of "Take", delete the definition of "Bag", and add a definition of "Sinkbox" in the interests of clarification and explanation.

2. Section 10.3 is amended to delete the description of a sinkbox from paragraph (a)(2); to revise paragraphs (a)(3) and (b)(4) to clarify the application of the regulations as they pertain to sailboats; and to add cranes to the list of species to which paragraph (b)(8) applies.

3. Section 10.4(b) is amended to eliminate that provision which applies to hired hunting guides or persons who for hire assist a hunter in taking birds.

4. Section 10.7(a) is amended for clarity and to include a restriction on the numbers of all species of doves and pigeons which may be legally imported from foreign countries.

5. Section 10.9 is amended by revising the wording to clarify the conditions under which migratory game birds held in possession or custody must be tagged.

6. Section 10.10 is amended by revising the wording to authorize the disposal of birds by gift.

7. Section 10.14 is amended by adding the words "or cripple" following the word "kill" to require that a reasonable effort be made to retrieve crippled as well as dead birds.

8. A new § 10.31 is added to replace the old § 10.31 which was revoked in connection with a revision of the migratory bird permit regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments set forth below to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraphs (c) and (h) of § 10.2 are amended to read as follows:

§ 10.2 Definitions of terms.

* * * * *

(c) *Take.* Pursue, hunt, shoot, capture, collect, kill, trap, or attempt to pursue, hunt, shoot, capture, collect, kill, or trap.

* * * * *

(h) *Sinkbox.* A raft or any type of low floating device having a depression which affords the hunter a means of concealing himself below the surface of the water.

2. Subparagraphs (2) and (3) of paragraph (a), and subparagraphs (4) and (8) of paragraph (b) of § 10.3 are amended to read as follows:

§ 10.3 Hunting methods.

* * * * *

(a) *Permitted methods.* Migratory game birds may be taken only:

* * * * *

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water;

(3) From any floating craft except a sinkbox, and excluding any boat or other craft having a motor attached or any sailboat unless such boat or other craft with motor attached or such sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind: *Provided*, That rails (but not including coots or gallinules) may be taken from a boat with motor attached when (i) the source of power has been completely shut off; (ii) the forward progress of the boat due to the automotive power has ceased; and (iii) the boat is immobile or is being propelled by paddle, oars, or pole;

* * * * *

(b) *Prohibited methods.* Migratory game birds may not be taken:

* * * * *

(4) From or by means of any boat or other craft having a motor attached or any sailboat unless such boat or other craft with motor attached or such sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, or is used solely as a means of picking up dead or injured birds;

* * * * *

(8) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of water-fowl, coots, or cranes; or

3. Paragraph (b) of § 10.4 is amended to read as follows:

§ 10.4 Open seasons, limits, and other provisions.

* * * * *

(b) No person may take in any one day more than the daily bag limit or aggregate daily bag limit, whichever applies. No person may possess more birds lawfully taken in the United States than the possession limit or the aggregate possession limit, whichever applies. No person on the opening day of the season may possess any freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies, and no person may possess any freshly killed migratory game birds during the closed season.

4. Paragraph (a) of § 10.7 is amended to read as follows:

§ 10.7 Importations from Canada, Mexico, or other foreign country.

* * * * *

(a) The following listed birds shall be limited as to the numbers permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, as follows:

From—	*Not to exceed—*
Provinces of Alberta, Manitoba, or Saskatchewan, Canada.	10 ducks and 10 geese per season.
Province of British Columbia, Canada	12 ducks and 10 geese per season.
Province of Ontario, Canada	10 ducks and 10 geese per calendar week.[1]
Any other province of Canada	12 ducks and 10 geese per calendar week.[1]
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.[1]
Any foreign country or subdivision thereof:	
Pigeons (all species)	10 of each species per calendar week.[1]
Doves (all species)	25, singly or in the aggregate of all species, per calendar week.[1]
Rails (except sora and coot)	30, singly or in the aggregate of all species, per calendar week.[1]
Coots	25 per calendar week.[1]
Sora rails	25 per calendar week.[1]
Wilson's snipe	8 per calendar week.[1]
Woodcock	8 per calendar week.[1]
Brant	6 per calendar week.[1]

[1] A calendar week begins on Sunday.

5. Section 10.9 is revised to read as follows:

§ 10.9 Possession for purposes of processing, transportation, or storage.

(a) No hunter who legally takes and possesses any migratory game birds shall place or leave any such birds in the custody of any other person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds, and the date such birds were killed.

(b) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraph (a) of this section.

(c) No hunter who legally takes and possesses any migratory game birds shall place or leave such birds at any place for storage (including temporary storage) other than at his personal abode unless such birds are tagged as required under paragraph (a) of this section. Legally possessed migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be deemed to be in storage or temporary storage.

(d) Any commercial picking establishment or cold-storage or locker plant receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such establishments or plants at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment or cold-storage or locker plant is located.

6. Section 10.10 is amended to read as follows:

§ 10.10 Termination of possession by hunters.

For the purposes of this part, the possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial cold-storage or locker plant for transportation by the postal service or a common carrier to some person other than the hunter.

7. Section 10.14 is amended to read as follows:

§ 10.14 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

8. A new § 10.31 is added to Part 10 to read as follows:

§ 10.31 State laws for the protection of migratory birds.

Nothing in this part shall be construed to authorize the taking, possession, exchange, or transportation of migratory game birds or parts thereof in any State contrary to the laws and regulations of that State: *Provided*, That such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4202; Filed, Apr. 30, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-WE-47]

CONTROL ZONE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2175 of the regulations of the Administrator, the substance of which is stated below.

The El Centro, Calif., control zone is presently designated within a 5-mile radius of the Naval Air Station extending to and including a 2-mile radius of the El Centro radio range station and 2 miles either side of the east course of the El Centro radio range extending to a point 10 miles east of the radio range.

The Federal Aviation Agency (FAA) has under consideration the following alterations to the El Centro control zone:

1. Revoke the control zone extension based on the east course of the El Centro radio range. The El Centro VORTAC, a more modern and reliable navigational facility, is available for navigational guidance to aircraft executing instrument approach and departure procedures at the Imperial county Airport and NAF El Centro Airport. Therefore, it is proposed to designate an extension within 2 miles either side of the El Centro VORTAC 327° True radial extending from the 5-mile radius zone to the VORTAC.

2. Designate, in addition to the 5-mile radius zone at NAF El Centro, that airspace within a 5-mile radius of El Centro (Imperial County) Airport.

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at NAF El Centro and the Imperial County Airports. Communications and weather reporting service will be furnished by the FAA Flight Service Station at the Imperial County Airport. In addition, a control tower is in operation 24 hours, daily, at NAF El Centro with adequate communications to the Flight Service Station at the Imperial County Airport.

If this action is taken, the El Centro, Calif., control zone would be redesignated within a 5-mile radius of NAF El Centro, Calif. (latitude 32°49'20" N., longitude 115°40'15" W.) and within a 5-mile radius of El Centro (Imperial County) Airport, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); including the airspace within 2 miles either side of the El Centro VORTAC 327° True radial extending from the El Centro (Imperial County) 5-mile radius zone to the VORTAC.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 24, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4192; Filed, Apr. 30, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 6]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Hollis S. Haggard, First Deputy Comptroller of the Currency.

(2) Griffith W. Garwood, Deputy Comptroller of the Currency.

(3) Chapman C. Fleming, Deputy Comptroller of the Currency.

(4) William B. Camp, Deputy Comptroller of the Currency.

(5) Arnold E. Larsen, Administrative Assistant to the Comptroller of the Currency.

(6) Chief National Bank Examiner.

(7) District Chief National Bank Examiner at Richmond, Va.

(8) District Chief National Bank Examiner at Philadelphia, Pa.

(9) District Chief National Bank Examiner at New York, N.Y.

(10) District Chief National Bank Examiner at Cleveland, Ohio.

(11) District Chief National Bank Examiner at Atlanta, Ga.

(12) District Chief National Bank Examiner at Boston, Mass.

(13) District Chief National Bank Examiner at Chicago, Ill.

(14) District Chief National Bank Examiner at St. Louis, Mo.

(15) District Chief National Bank Examiner at Kansas City, Mo.

(16) District Chief National Bank Examiner at Minneapolis, Minn.

(17) District Chief National Bank Examiner at Dallas, Tex.

(18) District Chief National Bank Examiner at San Francisco, Calif.

2. In the event of an enemy attack on the continental United States, all District Chief National Bank Examiners, including any Acting District Chief National Bank Examiners, are authorized in their respective districts to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order 5 is hereby repealed.

Dated: April 25, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-4210; Filed, Apr. 30, 1962; 8:46 a.m.]

Foreign Assets Control

IMPORTATION OF RAW MEDICINAL HERBS DIRECTLY FROM KOREA

Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Herbs, medicinal, raw.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-4311; Filed, Apr. 30, 1962; 11:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 164]

NEVADA

Small Tract Classification; Amendment

Effective April 19, 1962, F.R. Doc. 58-8759 appearing on page 8163 of the issue for October 23, 1958, is amended to read as follows:

1. Pursuant to the authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216) and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, in Ormsby County, Nevada, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 1, SE¼NE¼, E½SE¼
Sec. 12, E½NW¼NE¼, SW¼NE¼, E½SW¼NW¼, SE¼NW¼, E½W½SW¼, E½SW¼, S½SE¼.
T. 14 N., R. 20 E.
Sec. 5, SE¼NW¼, NE¼SW¼, W½NW¼, W½W½SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, E½SW¼SW¼.
Sec. 6, E½ of Lot 2 of NE¼, S½NE¼, SE¼
Sec. 7, N½NE¼, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, N½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, SW¼SE¼.

Containing 1267.5 acres of which approximately 275 acres are covered by 55 applications from persons entitled to preference under 43 CFR 257.5(a).

The following paragraph will be added to the above classification order:

4. All valid applications filed prior to April 19, 1962 will be granted as soon as possible, the preference right provided by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of
Lands and Minerals Management.

APRIL 19, 1962.

[F.R. Doc. 62-4195; Filed, Apr. 30, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Lee County, Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-4213; Filed, Apr. 30, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

RECOMMENDATIONS FOR APPOINTMENTS TO ADVISORY COUNCIL

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of thirteen members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans," may submit recommendations to the Office of the Secretary of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., on or before May 14, 1962. The recommendation may be in the form of a letter, resolution or petition signed by an authorized official of the organization. It shall identify each candidate by name, occupation or position, and address. It shall specify the field or group which he would represent for purposes of Section 14 of the Act. Recommendations submitted to the Secertary of Labor before the issuance of this notice need not be resubmitted if they contain the information required by this notice.

Signed at Washington, D.C., this 26th day of April 1962.

JAMES J. REYNOLDS,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 62-4285; Filed, Apr. 30, 1962; 10:33 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 10 set forth below to Facility License No. R-46. The license authorizes Industrial Reactor Laboratories, Inc., and The Trustees of Columbia University in the City of New York to operate the Industrial Reactor Laboratories, Inc. research reactor located in Plainsboro Township, Middlesex County, New Jersey. The amendment authorizes changes in the method of controlling and preventing the release of fission product activity arising from the hold-up tank in the primary coolant circulating system.

The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiment would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy of the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment by Industrial Reactor Laboratories, Inc., and The Trustees of Columbia University in the City of New York, and (b) a hazards analysis of the changes in the reactor prepared by the Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-46; Amdt. 10]

License No. R-46, as previously amended, is further amended as follows:

In addition to the activities previously authorized by the Commission at the Industrial Reactor Laboratories, Inc., reactor facility under License No. R-46, as amended, Industrial Reactor Laboratories, Inc., and The Trustees of Columbia University in the City of New York are hereby authorized to modify the method of controlling and preventing the release of fission product activities arising from the hold-up tank in the primary coolant circulating system in accordance with the application amendment dated July 24, 1961, as amended on January 2, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: April 23, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch Division of Licensing and Regulation.

[F.R. Doc. 62-4214; Filed, Apr. 30, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

T. J. HANSON ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8854 between T. J. Hanson, Beaumont, Tex., and Universal Transport Corp., New York.

Agreement No. 8868 between International Expediters, Inc., New York, and The Hipage Co., Inc., Norfolk, Va.

The terms of the two agreements are identical. Each of the four parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254.

Under these cooperative working arrangements one party will represent the other in regard to forwarding and brokerage services. The parties agree that forwarding and service fees will be negotiated upon each transaction, dependent upon the services performed. Ocean freight brokerage, for those shipments handled on behalf of each other, will be divided as agreed. Each agreement shall be valid until one party notifies the other in writing of his desire to terminate. Either of the parties may engage or be engaged by other forwarders.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4207; Filed, Apr. 30, 1962; 8:46 a.m.]

STONE FORWARDING CO., INC., AND PROGRESSIVE FORWARDING CO.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8804 between Stone Forwarding Co., Inc., Houston, Tex., and Progressive Forwarding Co., New York, N.Y., provides for a cooperative working arrangement by which one party will represent the other in regard to forwarding and brokerage services. Each party has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. Both parties agree that forwarding fees will be negotiated upon each transaction, dependent upon the services performed. Ocean freight brokerage, for those shipments handled on behalf of the other, will be divided equally when agreed. The agreement shall be valid until one party notifies the other in writing of his desire to terminate. Either party may engage or be engaged by other forwarders.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4208; Filed, Apr. 30, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34046]

PRESCRIPTION OF MINIMUM WEIGHT LIMITS

APRIL 26, 1962.

Notice is hereby given that the New England Motor Rate Bureau, Inc., by their attorney, Herman Matthei, 125 Lincoln Street, Boston 11, Massachusetts, has filed a petition (Docket No. 34046) with the Interstate Commerce Commission praying that the Commission enter an order or orders, as may be required, to effectuate for a reasonable period, a stabilization of the system of less than truckload weight breakdowns and truckload minimum weights applicable in connection with the commodity rate structure in the New England Territory as outlined in New England Motor Carrier Rates, Ex Parte No. MC-22, 8 MCC 287/330-331, and Motor Carrier Rates in New England, Ex Parte No. MC-22, 49 MCC 196. Copies of the petition may be obtained from said attorney.

Any persons interested in any of the matters in said petition, may, on or before May 31, 1962, file replies to the petition supporting or opposing the relief sought. An original and 14 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioner's attorney at the above address.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4206; Filed, Apr. 30, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

HAROLD M. BOTKIN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last statement, published in the FEDERAL REGISTER September 30, 1961 (26 F.R. 9249).

Dated: April 24, 1962.

HAROLD M. BOTKIN.

[F.R. Doc. 62-4189; Filed, Apr. 30, 1962; 8:45 a.m.]

JOHN H. TOLAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last statement, published in the FEDERAL REGISTER May 9, 1961 (26 F.R. 4007).

Dated: October 3, 1961.

JOHN H. TOLAN.

[F.R. Doc. 62-4191; Filed, Apr. 30, 1962; 8:45 a.m.]

MORRIS A. LIEBERMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Same as prior statement except:
Deletion: Montgomery Ward & Co.
Additions: Consolidated Foods; Real Estate Research Corp.

This amends statement previously published in the FEDERAL REGISTER, September 30, 1961 (26 F.R. 9249).

Dated: April 6, 1962.

MORRIS A. LIEBERMAN.

[F.R. Doc. 62-4190; Filed, Apr. 30, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

APRIL 25, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 26, 1962, to May 5, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4197; Filed, Apr. 30, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANITA AMELIA THYSSEN DE ZICHY

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Countess Anita Amelia Thyssen de Zichy, 650 Liniers Street, Tigre, Buenos Aires, Argentina. $22,889.03 in the Treasury of the United States. Claim No. 43049. Vesting Order No. 351.

Executed at Washington, D.C., on April 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-4163; Filed, Apr. 27, 1962; 8:46 a.m.]

MARIA RATAJCZK ET AL.

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Maria Ratajczyk, 80 Wiertnica Street, Warsaw, Poland. $262.88 in the Treasury of the United States.

Maria Zaniewska, nee Falkowska, 5 Folwarczna Street, Apt. 6, Warsaw, Poland. $43.81 in the Treasury of the United States.

Franciszek Tomasz Falkowski, 7 Perec Street, Warsaw, Poland. $43.81 in the Treasury of the United States.

Janina Galazka, nee Falkowska, 20 Narbutta Street, Apt. 37, Warsaw, Poland. $43.81 in the Treasury of the United States.

Lucja Skladanowska, nee Falkowska, 12 Noakowski Street, Apt. 52, Warsaw, Poland. $43.81 in the Treasury of the United States.

Stanislaw Narcys Falkowski, 1 Zachariasz Street, Apt. 10, Warsaw, Poland. $21.91 in the Treasury of the United States.

Alicja Irena Rajchert, nee Falkowska, 11 Berezynska Street, Apt. 3, Warsaw, Poland. $21.91 in the Treasury of the United States.

Henryk Marian Falkowski, 2 Sukcesorska Street, Apt. 8, Warsaw, Poland. $43.81 in the Treasury of the United States.

Henryka Mlynska, nee Czerwinska, Village of Mainow, County of Ostrow Mazowiecka, District of Warsaw, Poland. $262.88 in the Treasury of the United States.

Claim No. 57135.

Executed at Washington, D.C., on April 24, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-4164; Filed, Apr. 27, 1962; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 85

MAY 3 1962

Washington, Wednesday, May 2, 1962

THE UNIVERSITY OF MICHIGAN

MAIN READING ROOM

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, paragraph (m), subparagraphs (1), (2), and (3), are added to § 6.310 as set out below.

§ 6.310 **Department of the Interior.**

* * * * * *

(m) *Bureau of Outdoor Recreation.*
(1) The Director.
(2) One Associate Director.
(3) One Confidential Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4215; Filed, May 1, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1156; Amdt. 433]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL–44D4 Aircraft With Rolls Royce Tyne Engines

Amendment 430, 27 F.R. 3916 (AD 62–9–2), requires periodic inspection of the magnetic plugs and filters in the scavenge oil lines of Canadair CL–44D4 aircraft equipped with Rolls Royce Tyne engines. Subsequent to the issuance of this directive a service bulletin was provided by the manufacturer specifying the plugs and filters to be inspected. Since one United States operator already has raised a question relative to the accomplishment of the inspection, Amendment 430, is being amended to specify that the inspection is to be performed in accordance with Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79–12.

Since this amendment clarifies an existing requirement and since it imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 430, 27 F.R. 3916, Canadair CL–44D4 aircraft with Rolls Royce Tyne engines, is amended by

1. Changing the first sentence of the first paragraph to read as follows: "To preclude further cases of bearing failure inspect the magnetic plug and the filter in the scavenge oil line from the high pressure turbine bearing for deposits of hard carbon as specified in the note under paragraph 2B of Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79–12."

2. Adding the following reference statement at the end of the AD:

(Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79–12 dated March 30, 1962, covers this same subject.)

This amendment shall become effective May 2, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–4252; Filed, May 1, 1962; 8:50 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 949), stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 51 by designating an east alternate and its associated control areas from the Bakerton Intersection (intersection of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° True radials) to the Louisville, Ky., VORTAC.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6051 [Amendment]

1. In the text of § 600.6051 (14 CFR 600.6051, 26 F.R. 8246, 10723), "Louisville, Ky., VORTAC;" is deleted and "Louisville, Ky., VORTAC, including an E alternate from the INT of the London, Ky., VORTAC 260° and the New Hope VOR 163° radials to the Louisville VORTAC via the INT of the Lexington, Ky., VORTAC 213° and the Louisville VORTAC 148° radials;" is substituted therefor.

2. Section 601.6051 (14 CFR 601.6051) is amended to read as follows:

§ 601.6051 **VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).**

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its E alternate between the INT of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° radials and the Louisville, Ky., VORTAC.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4222; Filed, May 1, 1962; 8:47 a.m.]

[Airspace Docket No. 61–NY–108]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1495) stating that the Federal Aviation Agency (FAA) proposed the extension of low altitude VOR Federal airway No. 246 from the Mansfield, Ohio, VORTAC, via the Mansfield VORTAC 066° True radial to the intersection of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° True radials.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and

due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6246 (14 CFR 600.6246) is amended to read:

§ 600.6246 VOR Federal airway No. 246 (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

From the Rosewood, Ohio, VOR via the Mansfield, Ohio, VOR; via the Mansfield, Ohio, VORTAC 066° of the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials.

2. The caption of § 601.6246 (14 CFR 601.6246) is amended to read:

§ 601.6246 VOR Federal airway No. 246 control areas (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4223; Filed, May 1, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTRYLS

The Commissioner of Food and Drugs having evaluated the data submitted in a petition filed by Kimberly Clark Corporation, Neenah, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to the food additive textryls used as articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2545 Textryls.

Textryls identified in this section may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, subject to the provisions of this section.

(a) Textryls are nonwoven sheets prepared from natural or synthetic fibers, bonded with fibryl (Fibryl consists of a polymeric resin in fibrous form commingled with fiber to facilitate sheet formation and subsequently heat cured to fuse the fibryl and effect bonding).

(b) Textryls are prepared from the fibers, fibryls, and adjuvants identified in paragraph (c) of this section, and subject to limitations prescribed in that paragraph; *Provided, however*, That any substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation for that substance as a component of polymeric resins used as food contact surfaces, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(c) The fibers, fibryls, and adjuvants permitted are as follows:

Substances	Limitations
(1) Fibers prepared from polyethylene terephthalate resins.	Conforming with § 121.2524.
(2) Fibryls prepared from vinyl chloride-vinyl acetate copolymer.	As the basic polymer.
(3) Adjuvant substance, dimethylformamide.	As a solvent in the preparation of fibryl.

(d) Textryls meeting the conditions of test prescribed in subparagraph (1) of this paragraph are used as prescribed in subparagraph (2) of this paragraph.

(1) *Conditions of test.* Textryls, when extracted with distilled water at reflux temperature for 1 hour, yield total extractives not to exceed 1.0 percent.

(2) *Uses.* Textryls are used for packaging or holding food at ordinary temperatures and in the brewing of hot beverages.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-4238; Filed, May 1, 1962; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Order Changing Name of Streptomycylidene Isonicotinyl Hydrazine Sulfate to Streptonicozid Sulfate

One objection was filed to a notice of proposed rule making published in the FEDERAL REGISTER of February 17, 1962 (27 F.R. 1501), with regard to changing the name of streptomycylidene isonicotinyl hydrazine sulfate to streptonicozid sulfate. The Commissioner of Food and Drugs has concluded, however, that the name change would be in the public interest. Therefore, pursuant to the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered:

In Part 141b and Part 146b, the name "streptomycylidene isonicotinyl hydrazine sulfate" is changed to read "streptonicozid sulfate" in the following instances:

1. In § 141b.121, the section heading is changed to read as follows:

§ 141b.121 Streptonicozid sulfate.

2. In § 141b.121(a)(1), third sentence.

3. In § 141b.121(a)(2)(ii), first sentence.

4. In § 146b.116, the section heading is changed to read as follows:

§ 146b.116 Streptonicozid sulfate.

5. In § 146b.116(a), first sentence.

6. In § 146b.116(c).

7. In § 146b.116(d), first sentence.

Effective date. This order shall become effective for all batches received for certification by the Food and Drug Administration after June 1, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-4239; Filed, May 1, 1962; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

Employment in Retail Establishments

In the September 6, 1961, issue of the FEDERAL REGISTER (26 F.R. 8399) notice was given to interested persons of opportunities to present oral or written data, views, and arguments regarding what changes, if any, should be made in the above entitled subpart in its application to the employment of 14- and 15-year-old minors in retail establishments. After careful consideration of the information presented pursuant to this notice, I hereby determine that the occupations performed by persons employed by retail, food service, and gasoline service establishments which are permitted by virtue of the amendments to the Code of Federal Regulations provided herein do not involve conditions which interfere with the health or well-being of 14- and 15-year-old minors.

Accordingly, pursuant to authority contained in section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) and Reorganization Plan No. 2 of 1946 (3 CFR 1943–1948; Comp., p. 1064), I hereby amend 29 CFR Part 4, Subpart C, effective June 1, 1962, as hereinafter set forth.

1. The following changes are hereby made in the numbering of sections contained in 29 CFR Part 4, Subpart C:

Section 4.34 is redesignated as § 4.35.
Section 4.35 is redesignated as § 4.36.
Section 4.36 is redesignated as § 4.37.
Section 4.37 is redesignated as § 4.38.

2. A new § 4.34 is hereby added to read as follows:

§ 4.34 Occupations in retail, food service, and gasoline service establishments.

(a) This subpart shall apply to the following permitted occupations for minors between the ages of 14 and 16 employed by retail, food service, and gasoline service establishments.

(1) Office and clerical work, including the operation of office machines;

(2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;

(3) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;

(4) Bagging and carrying out customers' orders;

(5) Errand and delivery work by foot, bicycle, and public transportation;

(6) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;

(7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to, dish-washers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;

(8) Work in connection with cars and trucks if confined to the following: Dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(9) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in paragraph (b)(7) of this section is performed;

(b) Paragraph (a) of this section shall not be construed to permit the application of this subpart to any of the following occupations in retail, food service, and gasoline service establishments;

(1) All occupations listed in § 4.33 except occupations involving processing, operation of machines and work in rooms where processing and manufacturing take place which are permitted by paragraph (a) of this section.

(2) Work performed in or about boiler or engine rooms;

(3) Work in connection with maintenance or repair of the establishment, machines or equipment;

(4) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

(5) Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;

(6) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, and cutters, and bakery-type mixers;

(7) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in paragraph (a)(9) of this section;

(8) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(9) All occupations in warehouses except office and clerical work.

(52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4261; Filed, May 1, 1962; 8:52 a.m.]

PART 12—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941) requires every employer as defined in that Act to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered by the Act and to install, furnish, maintain, and use the devices and safeguards with particular reference to equipment used by and working conditions established by such employers prescribed by the Secretary of Labor to be reasonably necessary to protect life, health, and safety of his employees and to render safe such employment and places of employment, and to prevent injury to his employees. Such devices and safeguards are prescribed in 29 CFR Parts 8 and 9. Section 41 also authorizes the Secretary of Labor to enforce its provisions by holding hearings, issuing orders, and making decisions upon findings of fact. These regulations are intended to furnish rules of practice for any enforcement proceedings conducted under this authority.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 72 Stat. 835, 33 U.S.C. 941) and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is amended by adding thereto a new part, designated as Part 12, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required by the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 12 reads as follows:

Subpart A—Applicability of Rules: Definitions

Sec.
12.1 Applicability of rules.
12.2 Definitions.

Subpart B—Prehearing Procedures

12.3 Complaints.
12.4 Answer.
12.5 Motions and requests.
12.6 Intervention.
12.7 Stipulation of compliance.
12.8 Consent findings and order.
12.9 Prehearing conferences.

Subpart C—Hearing and Related Matters

Sec.
12.10 Appearances.
12.11 Postponement or change of place of hearing.
12.12 Hearing.

Subpart D—Decision and Order

12.13 Decision of the hearing examiner.
12.14 Exceptions.
12.15 Transmittal of record.
12.16 Decision and order of the Director.

Subpart E—Miscellaneous

12.17 Service; copies of documents and pleadings.
12.18 Witnesses and fees.
12.19 Depositions.
12.20 Subpoenas.
12.21 Hearing examiner.
12.22 Computation of time.

AUTHORITY: §§ 12.1 to 12.22 issued under sec. 41, 44 Stat. 1444, 72 Stat. 835, R.S. 161; 5 U.S.C. 22, 33 U.S.C. 941.

Subpart A—Applicability of Rules; Definitions

§ 12.1 Applicability of rules.

This part provides rules of practice for administrative hearings relating to the enforcement of section 41 of the Longshoremen's and Harbor Workers' Compensation Act and the safety regulations promulgated thereunder which are published in Parts 8 and 9 of this subtitle. This part applies only to proceedings held under section 41(b)(5) of the Act. It does not apply to any other administrative proceedings held under section 41 of the Act.

§ 12.2 Definitions.

(a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.

(b) "Chief Hearing Examiner" means the Chief Hearing Examiner, United States Department of Labor, Washington 25, D.C.

(c) "Respondent" means the person or organization proceeded against.

(d) "Director" means the Director of the Bureau of Labor Standards, United States Department of Labor.

Subpart B—Prehearing Procedures

§ 12.3 Complaints.

(a) *Issuance.* The Deputy Solicitor of Labor shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the respondent.

(b) *Contents.* The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the types of acts or practices alleged to have occurred and to violate section 41 of the Act or the provisions of Parts 8 and 9 of this subtitle.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.

(d) *Notice of hearing.* The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 12.4 Answer.

(a) *Filing and service.* Within 14 days after the service of the complaint, the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing examiner without further hearing shall prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision, and to file briefs in support of the exceptions.

§ 12.5 Motions and requests.

Motions or requests shall be filed with the Chief Hearing Examiner, except that those made during the course of the hearing shall be filed with the hearing examiner or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The hearing examiner is authorized to rule upon all motions or requests filed or made prior to the filing of his report.

§ 12.6 Intervention.

At any time after the institution of proceedings and before the hearing examiner makes his decision, the hearing examiner may, upon petition in writing and for good cause shown, permit any interested person, including an employer, employee, labor or trade organization, or Federal or State agency, to intervene therein. The petition shall state with precision and particularity: (a) The petitioner's relationship to the matters involved in the proceedings, (b) the nature of any material he intends to present in evidence, (c) the nature of any argument he intends to make, and (d) any other reason that he should be allowed to intervene.

§ 12.7 Stipulations of compliance.

At any time prior to the issuance of a complaint in the proceeding, the Assistant Solicitor in charge of trial litigation may in his discretion, enter into stipulations with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the Act or Parts 8 and 9 of this subtitle. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding in law or equity or under these regulations against such person.

§ 12.8 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to the reception of evidence in any proceeding, the respondent may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide: (1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the hearing examiner or the Director; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration; or

(2) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing examiner within 30 days thereafter shall accept such agreement by issuing his decision based upon the agreed findings.

§ 12.9 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the hearing examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

Subpart C—Hearing and Related Matters

§ 12.10 Appearances.

(a) *Representation.* The parties may appear in person or by counsel. The term "counsel" means a member in good standing of the bar of a Federal Court or of the highest court of any State or Territory of the United States.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's decision and to file exceptions thereto.

§ 12.11 Postponement or change of place of hearing.

If in the judgment of the hearing examiner convenience or necessity so requires, he may postpone the time or change the place of the hearing.

§ 12.12 Hearing.

(a) *Order of proceeding; burden of proof.* Except as may be determined otherwise by the hearing examiner, counsel supporting the complaint shall proceed first at the hearing. The Assistant Solicitor of Labor in charge of trial litigation, supporting the complaint, shall have the burden of proof. The burden of proof shall be satisfied by a preponderance of the evidence.

(b) *Evidence—(1) In general.* The testimony of witnesses shall be upon oath or affirmation administered by the hearing examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceeding.

(3) *Exceptions.* Formal exception to an adverse ruling is not required.

(4) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the hearing examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(c) *Oral argument before the hearing examiner.* Oral argument before the hearing examiner may be allowed. However, such argument may be limited by the hearing examiner to any extent that he finds necessary for the expeditious disposition of the proceeding.

(e) *Transcript.* Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement between the Director and the reporter.

Subpart D—Decision and Order

§ 12.13 Decision of the hearing examiner.

(a) *Filing of transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the Chief Hearing Examiner the copies of the transcript of the testimony and the exhibits introduced in evidence at the hearing except such copies of the transcript and exhibits as are forwarded to the hearing examiner.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the hearing examiner may allow, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and order, together with a supporting brief including the reasons for any proposals. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

(c) *Decision of the hearing examiner.* Within a reasonable time after the termination of the time allowed for the filing of proposed findings of fact, conclusions of law, and orders, or after the date of submission of an agreement containing consent findings and order, the hearing examiner shall prepare his decision, which shall become the decision of the Director 20 days after service thereof unless exceptions are filed thereto, as provided in § 12.14 except in cases dealt with in 12.8(b). Except in cases under § 12.8(b) the decision of the hearing examiner shall include a statement of (1) findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record, and (2) an appropriate order. Except in cases under § 12.8(b), the decision of the hearing examiner shall be based upon a consideration of the whole record and supported by reliable, probative, and substantial evidence and upon the basis of the preponderance of the evidence.

§ 12.14 Exceptions.

Within 20 days after the date of the decision of the hearing examiner, the parties may file exceptions thereto with supporting reasons. Any party who desires to take exception to any matter set out in that decision shall transmit his exceptions in writing to the Chief Hearing Examiner, referring to the specific findings of fact, conclusions of law, or order excepted to, and the specific pages of transcript relevant to the exceptions, and suggesting corrected findings of fact, conclusions of law, or order.

§ 12.15 Transmittal of record.

Immediately following the period allowed for filing exceptions, the hearing examiner shall transmit the record of the proceeding to the Director. The record shall include: the pleadings, motions, and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions of law, and orders, and supporting reasons, as may have been filed in connection with the hearing; the hearing examiner's decision; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 12.16 Decision and order of the Director.

Upon the basis of and after due consideration of the whole record, the Director shall render his decision, which shall adopt, modify, or set aside the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of the reasons or bases for the action taken. With respect to the findings of fact, the Director shall upset only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties.

Subpart E—Miscellaneous

§ 12.17 Service; copies of documents and pleadings.

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. If the person upon whom service is made by mail resides 500 miles or more from the party effecting service, such mailing must be by airmail. When a party is represented by an attorney the service may be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service of the pleading or other document.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, whether to the Assistant Solicitor in charge of trial litigation, the hearing examiner, or the Director, as the case may be.

§ 12.18 Witnesses and fees.

Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 12.19 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition in any proceeding, when a complaint has been filed, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given for the taking of a deposition, but this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 15 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 12.20 Subpoenas.

All applications for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the hearing examiner. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

§ 12.21 Hearing examiners.

(a) *Who presides.* All hearings shall be presided over by a hearing examiner appointed under section 11 of the Administrative Procedure Act.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Secretary or the Chief Hearing Examiner.

(c) *Powers.* Hearing examiners shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas upon proper applications as provided in § 12.20;

(3) To rule upon offers of proof and receive relevant evidence;

(4) To take or cause to be taken depositions and to determine their scope;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon procedural requests;

(8) To make and file decisions in conformity with this part.

(9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act.

(d) *Consultation.* The hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(e) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record directed to the Chief Hearing Examiner.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Hearing Examiner a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Hearing Examiner shall rule upon the motion.

(f) *Contemptuous conduct; failure or refusal of a witness to appear or answer.* In the event of contemptuous conduct, including the failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper, the hearing examiner may take any action reasonable under 41 CFR 50–203.8(1), promulgated under section 5 of the Act of June 30, 1936 (41 U.S.C. 39).

§ 12.22 Computation of time.

Sundays and holidays shall be included in computing the time allowed for filing any document or paper under this part. When such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–4262; Filed, May 1, 1962; 8:52 a.m.]

PART 13—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), authorizes the Secretary of Labor in administering the provisions of that section to make investigations with respect to safety provisions and the causes and prevention of injuries in employments covered by the Act. The regulations hereinafter promulgated provide for the use of investigational hearings in connection with such investigations whenever there is loss of life or serious injury resulting from accidents in the employments covered by the Act and in any other appropriate circumstances, and prescribe the manner in which such hearings shall be conducted.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part, designated Part 13, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required under the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 13 reads as follows:

Sec.
13.1 Definitions.
13.2 Purpose and scope.
13.3 Composition of the Board.
13.4 Responsibilities of the Board; voting.
13.5 Notice of investigational hearings.
13.6 Investigational hearings.

AUTHORITY: §§ 13.1 to 13.6 issued under R.S. 161, sec. 41, 44 Stat. 1444, 72 Stat. 835; 5 U.S.C. 22, 33 U.S.C. 941.

§ 13.1 Definitions.

(a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.

(b) "Board" means the Board of Investigation.

(c) "Bureau" means the Bureau of Labor Standards, United States Department of Labor.

(d) "Director" means the Director of the Bureau.

(e) "Injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.

§ 13.2 Purpose and scope.

Whenever any serious injury results from the employments covered by the Act or whenever it is otherwise appropriate, the Director may appoint a Board of Investigation to hold an investigational hearing during the course of any investigation made under section 41 of the Act. This part prescribes the manner in which any investigational hearings shall be conducted. This part does not apply to any adjudicative proceedings held under section 41(b)(5) of the Act.

§ 13.3 Composition of the Board.

The Board shall be composed of three members appointed by the Director, one of whom shall be designated as Chairman. All members shall be employees of the United States Department of Labor, and shall have experience in the field of maritime safety.

§ 13.4 Responsibilities of the Board; voting.

(a) *Determinations and recommendations.* To the extent possible, the Board shall determine the facts, conditions, and circumstances relating to any injury or condition which is the subject of investigation, the probable cause thereof, and shall recommend measures which will provide the best means of preventing future injuries or conditions of similar character. The determinations and recommendations shall be made after hearing such witnesses and receiving such documents and other data relating to the subject or subjects of investigation as may be found available as a result of preliminary investigation.

(b) *Report.* Upon completion of the investigational hearing, the Board shall file a report of its investigation with the Director. The report shall contain the determinations and recommendations required under paragraph (a) of this section. Any member may file a separate report in order to express determinations, recommendations, or reasons for determinations or recommendations which differ from those of a majority of the Board.

(c) *Voting.* Actions of the Board, including the determinations and recommendations required under paragraph (a) of this section, shall require a vote of a majority of its members.

§ 13.5 Notice of investigational hearings.

The Chairman of the Board shall give reasonable notice of the time and place of any investigational hearing to any person whose conduct is or may be pertinent to the subjects of investigation; to any prospective witnesses; and to any Federal or State agency engaged in similar investigative work.

§ 13.6 Investigational hearings.

The Chairman shall regulate the course of the hearing; dispose of procedural requests, objections, and related matters; and confine the hearing to the matters for which the Board is responsible. In the performance of these duties, the Chairman may be assisted by counsel assigned by the Solicitor of Labor. In the discretion of the Board, the hearing may be stenographically reported. When the hearing is so reported, copies of the transcript may be obtained upon such terms as the Chairman may provide.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–4263; Filed, May 1, 1962; 8:52 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order V–7 (Rev.) Amdt. 1]

DMO V–7—GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING

Disposals

By virtue of the authority vested in me by Reorganization Plan No. 1 of 1958 and Executive Order 10773, it is hereby ordered that Defense Mobilization Order V–7, Revised, dated December 10, 1959, is amended by striking section 14 and substituting therefor the following:

14. *Disposals.* The Director of the Office of Emergency Planning will authorize the disposal of excess materials whenever possible under the following conditions: (a) Avoidance of serious disruption of the usual markets of producers, processors and consumers, (b) avoidance of adverse effects on the international interests of the United States, (c) due regard to the protection of the United States against avoidable loss, (d) avoidance of adverse effects upon domestic employment and labor disputes, and (e) except when materials are channeled to other agencies for their direct use, consultation with the Departments of the Interior, Commerce, State, Agriculture, Defense, Labor, and other governmental agencies concerned, and consultation as appropriate with the industries concerned. If within 30 days after such consultation either the Department of State or the Department of the Interior indicates an objection to the proposed plan which, after discussion, the Director does not support, he shall so notify the President and present the issue to him for decision. To the extent possible disposals should be made in accordance with long-run disposal plans which have been worked out in consultation with the interested departments and which take into account probable trends in supply and price both at home and abroad.

In making such disposals preference shall be given to materials in the DPA inventories.

Disposals of materials that deteriorate, that are likely to become obsolete, that do not meet quality standards, or that do not have stockpile objectives, are to be expedited.

The Administrator of General Services shall be responsible for conducting negotiations for the sale of materials and will consult with and advise the agencies concerned.

Dated: April 25, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62–4253; Filed, May 1, 1962; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3–75—DELEGATIONS OF AUTHORITY

Subpart B—Delegatees and Specific Limitations

OFFICE OF FIELD ADMINISTRATION

Section 3–75.8(a), following the introductory text, is amended to read as follows:

§ 3–75.8 Office of Field Administration.

* * * * * * *

(a) * * *

(1) Director of Field Administration.

(2) Associate Director of Field Administration.

(3) Chief, Division of Field Management.

(4) Regional Directors.

(5) Assistant Regional Directors or Regional Executive Officers.

(6) Supervisors, Regional Office Services Sections.

Dated: April 17, 1962.

RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 62–4240; Filed, May 1, 1962; 8:48 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES

Correction

In F.R. Doc. 62–4203, appearing at page 4025 of the issue for Friday, April 27, 1962, the section heading and paragraphs (a) and (b) of § 2.13 were inadvertently omitted. They should be inserted following § 2.12, to read as follows:

§ 2.13 Admission and use of the National Archives Theater.

(a) Applications for admission to the National Archives Theater for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives and Records Service shall be made to the Chief, Audio-Visual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman, who in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified.

(b) As indicated in paragraph (a) of this section, the theater in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theater is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theater by either a Federal or District of Columbia agency or a private organization will be approved unless the

purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theater shall not in any event be sponsored by profitmaking organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—UNINSPECTED VESSELS

[CGFR 62-10]

PART 24—GENERAL PROVISIONS

Subpart 24.10—Definition of Terms Used in This Subchapter

MEASURING LENGTH OF MOTORBOATS; INTERPRETIVE RULING

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to IX, inclusive, and the first proposal in Item VIII was "measuring length of motorboats." This document is the third of a series covering the regulations and actions considered at this Public Hearing and annual session of the Merchant Marine Council.

The amendment to 46 CFR 24.10-17 in this document is intended to standardize the method of measurement of motorboats, without regard to decks, by stating the measurement will be a straight line measurement of the overall length from the foremost part of the vessel to the aftermost of the vessel, measured parallel to the centerline; however, bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in such measurement. The proposed interpretive ruling regarding "measuring length of motorboats" in Item VIII is accepted as proposed in the Agenda. It was also described in the notice published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 664). In addition, the informal interpretations and sketches in the Coast Guard pamphlet "Recreational Boating Guide," CG-340, pages 6 and 7 are hereby superseded. In the next edition this information will be appropriately revised.

The initial problem intended to be resolved by the interpretive ruling in this document was to have uniformity in the manner for taking the measurements, and to have the same guidelines followed by all concerned. It should be noted that the Customs rules followed in admeasuring vessels to obtain gross tonnage are different, and must necessarily be based on "inside" dimensions because a basic problem in admeasurement is to obtain the "volume" inside capacity of the vessel. In view of the fact that many existing vessels may have been measured to different guidelines than that described in the interpretive ruling, it is not contemplated that a major program will be undertaken to remeasure all existing vessels. Therefore, unless an existing motorboat is altered or required to be remeasured by some other action, the present measurement described in official Federal or State document will be accepted as the length of the motorboat for determining required equipment, etc.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-32, dated September 23, 1958 (23 F.R. 7605), to promulgate rules and regulations in accordance with the statutes cited with the rule below, the following amendment to § 24.10-17 is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

§ 24.10-17 Motorboat.

(a) This term means any vessel indicated in column 6 of Table 24.05-1(a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the act of April 25, 1940, as amended (46 U.S.C. 526-526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

(b) The expression "length shall be measured from end to end over the deck excluding sheer" means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not to be included in the measurement. Length shall be stated in feet and inches.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

Dated: April 24, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62-4249; Filed, May 1, 1962; 8:50 a.m.]

[CGFR 62-8]

MISCELLANEOUS VESSEL INSPECTION AMENDMENTS

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-665), and February 27, 1962 (27 F.R. 1801), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. In general the Commandant, United States Coast Guard, has accepted proposed changes to the vessel inspection regulations as recommended by the Merchant Marine Council at its Annual Session held March 12-14, 1962. The recommendations are based on proposals contained in a Merchant Marine Council Public Hearing Agenda (CG-249), dated March 12, 1962, consisting of 9 items, an addendum to Item V, and the oral and written comments submitted by the public in conjunction with the public hearing on March 12, 1962.

The proposals considered were: I, rules and regulations for military explosives and hazardous munitions; II, dangerous cargoes; III, vessel operations and inspection; IV, lifesaving and fire protection; V, tank vessels; VI, marine engineering; VII, electrical engineering; VIII, uninspected vessels (motorboats); and IX, artificial islands and fixed structures on the Outer Continental Shelf. The Commandant accepted the proposed changes to the regulations, with certain changes from the Agenda which reflect views expressed in comments received, for Items I, II, IV, VII and IX, as well as the majority of proposals in Items III, V, and VI.

This document is the first of a series covering the regulations considered at the March 12, 1962 Public Hearing and Annual Session of the Merchant Marine Council. It includes the actions taken with respect to "marine casualty investigations," and "automatic lift toilet seats" in Item III; "painting of lifeboat interiors" and "distress signals on passenger vessels under 100 gross tons" in Item IV; "emergency lighting and power systems" for tank ships in Item V; and "miscellaneous electrical engineering amendments" in Item VII. These changes as proposed in the Agenda except for minor changes in 46 CFR 35.10-15 regarding emergency lighting and power systems on tank ships in Item V are adopted. Other documents containing changes in the regulations as recommended by the Merchant Marine Council will be published in the FEDERAL REGISTER as soon as possible. However, certain proposals on the Agenda were controversial and the actions recommended by the Merchant Marine Council, which are concurred in, are described briefly in succeeding paragraphs for the information of those concerned.

The proposals regarding "immediate reporting of spillages, etc., of dangerous materials or liquids" in Item III are withdrawn as regulatory material. In lieu thereof, publicity will be given to the problems and suggested practices and procedures will be published as articles in the Proceedings of the Merchant Marine Council or Navigation and Vessel Inspection Circulars.

Many comments were received concerning "portable containers for combustible liquid cargoes" indicating a need for a further study of this subject. Therefore, these proposals and comments are being studied by a special committee before taking final action.

With respect to "gas freeing, inspection and testing required when making alterations, repairs, etc., involving hot work," certain comments indicated there were a number of important changes occurring regarding certified gas chemists. Therefore, the final actions on proposals and comments are deferred until after June 15, 1962.

Requests were received asking for additional time for submitting comments regarding the two proposals for inspection and certification of "seagoing barges." An additional 90-day extension of time is granted, and final actions on proposals and comments are deferred until after June 15, 1962.

The comments received concerning "oxygen type breathing apparatus (liquid chlorine and anhydrous ammonia)" indicate a need to resolve corollary problems concerning alternate places for keeping this equipment and possible use of alternate types of equipment. Therefore, exploratory discussions with those who submitted certain comments on this will be held. An additional 90-day extension of time is granted for submittal of comments, and final actions on proposals and comments are deferred until after June 15, 1962.

The proposal regarding "portable fire extinguishers" in Item IV was controversial. Many comments indicate that problems exist with regard to the inspection of dry chemical extinguishers with disposable containers without pressure gages. The proposals and comments concerning the inspection and labelling of these extinguishers are being studied by a special committee and final action will be taken shortly.

The proposals regarding "venting of cofferdams," as described in Item V and the Addendum to Item V, dated February 5, 1962, and published in the FEDERAL REGISTER on February 27, 1962 (27 F.R. 1801), were withdrawn for further study. The comments received indicate a divergence in opinions on the proposals and problems involved, and further discussions with those who submitted comments will be held.

At the Public Hearing a verbal request was made for 10 days additional time in which to submit written comments regarding "valves and fittings" in the proposals on "pressure vessels, dished heads, malleable iron, piping, bilge pumps and valves" in Item VI. This additional 10-day extension of time for submitting comments on "valves and fittings" is granted, and final actions on proposals and comments are deferred until after April 2, 1962.

With respect to "vent opening closures" in Item VI, after considering the comments and proposals, the Merchant Marine Council rejected the proposals as set forth in the Agenda and stated the present regulations shall continue in effect. These proposals concerned the meaning of the term "satisfactory means" for closing openings of vent pipes in 46 CFR 55.10-60 of the marine engineering regulations and for closing openings of air pipes in 46 CFR 43.10-80 and 45.10-77 of the load line regulations.

The proposals in Item VIII concerned motorboats. The comments concerning the interpretation of the expression "length shall be measured from end to end over the deck excluding sheer" were, for the most part, very favorable to the proposal. Therefore, this interpretation as set forth in the Agenda is adopted. This will be in a separate document, the third in this series. The proposals concerning "portable fire extinguishers for all motorboats" and "ventilation" were commented on extensively, and a few set forth proposed modifications. Therefore, final actions are deferred until after further study is completed by the Coast Guard and also by two advisory panels to the Merchant Marine Council, namely, the Motorboat and Yacht Advisory Panel, and the Advisory Panel of State Officials. Until this study is completed and the recommendations of these two panels are considered, the existing regulations concerning fire extinguishers and ventilation for uninspected motorboats will remain unchanged.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and the regulations in this document may be complied with on and after the date of publication of this document in the FEDERAL REGISTER in lieu of existing requirements; however, the new or revised requirements in this document shall be in full effect on and after July 1, 1962:

SUBCHAPTER D—TANK VESSELS

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.40—Accommodations

Section 32.40-1(d)(10) is amended to read as follows:

§ 32.40-1 Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.

* * * * * * *

(d) * * *

(10) All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

Subpart 33.25—Markings, Care and Inspection

Section 33.25-5 is amended by revising paragraph (d) and adding a new paragraph (e) reading as follows:

§ 33.25-5 Numbering and marking of lifeboats—TB/ALL.

* * * * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"Danger—Lever Drops Boat," or the words—"Danger—Lever Releases Hooks."

PART 35—OPERATIONS

Subpart 35.07—Logbook Entries

1. Section 35.07-10(b) is amended by adding a new subparagraph (8) reading as follows:

§ 35.07-10 Actions required to be logged—TB/ALL.

* * * * * * *

(b) * * *

(8) Operation and inspection of the emergency lighting and power systems. Once in each week that the vessel is navigated. See § 35.10-15.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 35.10—Fire and Emergency Requirements

2. Subpart 35.10 is amended by inserting after § 35.10-10 a new § 35.10-15 reading as follows:

§ 35.10-15 Emergency lighting and power systems—T/ALL.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are tested and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be

tested under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for 6 hours.

(d) The date of the tests required by this section and the condition and performance of the apparatus shall be noted in the vessel's Official Logbook or in logs or records considered to take the place of the Official Logbook.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 72—CONSTRUCTION AND ARRANGEMENT

Subpart 72.20—Accommodations for Officers and Crew

1. Section 72.20–25(e)(1) is amended to read as follows:

§ 72.20–25 Washrooms and toilet rooms.

* * * * * * *

(e) * * *

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

2. Section 72.20–90(d)(2)(iv) is amended to read as follows:

§ 72.20–90 Vessels contracted for prior to November 19, 1952.

* * * * * * *

(d) * * *

(2) * * *

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4481, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 75—LIFESAVING EQUIPMENT

Subpart 75.90—Ship's Distress Signals

Section 75.90–5 is amended to read as follows:

§ 75.90–5 Vessels in ocean or coastwise service.

(a) All vessels in ocean service and all vessels in coastwise service shall carry within the pilothouse or on the navigator's bridge, 12 approved handheld rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) All vessels under 100 gross tons in coastwise service may carry in lieu of signals required by paragraph (a) of this section within the pilothouse or in other locations considered suitable by the Officer in Charge, Marine Inspection, pyrotechnic signals as follows:

(1) Six hand red flare distress signals and 6 hand orange smoke distress signals; constructed in accordance with Subpart 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(c) All pyrotechnic signals shall be stowed in a portable watertight container.

(d) The service use of the distress signals shall be limited to a period of 3 years from the date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

Section 78.47–60(f) is amended to read as follows:

§ 78.47–60 Lifeboats.

* * * * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a constrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 92—CONSTRUCTION AND ARRANGEMENT

Subpart 92.20—Accommodations for Officers and Crew

1. Section 92.20–25(e)(1) is amended to read as follows:

§ 92.20–25 Washrooms and toilet rooms.

* * * * * * *

(e) * * *

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefore.

2. Section 92.20–90(d)(2)(iv) is amended to read as follows:

§ 92.20–90 Vessels contracted for prior to November 19, 1952.

* * * * * * *

(d) * * *

(2) * * *

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426 as amended 4488, as amended, 4490, as amended, 41 Stat. 405, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 97—OPERATIONS

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

Section 97.37–37(f) is amended to read as follows:

§ 97.37–37 Lifeboats.

* * * * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Subpart 111.50—Distribution and Circuit Loads

1. Section 111.50–20(c) is amended by revising subparagraphs (2), (3)(ii), (4)(ii), and (5) (but not subdivisions (i) and (ii)) so that they read as follows:

§ 111.50–20 Circuit loads and demand factors.

* * * * * * *

(c) * * *

(2) *15-ampere lighting branch circuits.* The connected load on a lighting branch circuit shall not exceed 12 amperes, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamp shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc., will be connected, need not be counted as a connected load.

(3) * * *

(ii) The connected load shall not exceed 16 amperes.

(4) * * *

(ii) The connected load shall not exceed 24 amperes.

(5) *Multi-lamp fixtures.* Multi-lamp fixtures employing a large number of low-wattage lamps, where the total load of the fixture exceeds 12 amperes, may be supplied by a polyphase branch circuit provided all the conditions covered in this subparagraph are complied with.

* * * * * * *

(iii) The current in any conductor of the polyphase branch circuit does not exceed 12 amperes.

Subpart 111.60—Wiring Methods and Materials

2. Section 111.60–10(b)(8) is amended to read as follows:

§ 111.60–10 Wire and cable installation.

* * * * * * *

(b) * * *

(8) *Feeder and branch circuit cables.* Cable of every description shall be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered as well as spaces where they may be exposed to damage such as exposed sides of deck houses. Electrical conductors shall not enter oil tanks and shall avoid cofferdams adjacent to and extending below the tops of oil tanks except as permitted by §§ 111.70–10 and 111.60–40.

Subpart 111.65—Special Requirements for Certain Locations and Systems

3. Section 111.65–45(b)(1) is amended to read as follows:

§ 111.65–45 Special requirements for electric air heaters.

* * * * * * *

(b) *General requirements.* (1) Electric heaters shall be so constructed that the risk of fire is reduced to a minimum. Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Electric Space-Heating Equipment.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

Subpart 136.07—Investigations

1. In § 136.07–40 *Coast Guard vessels involved in marine casualties*, paragraphs (a) and (b) are canceled.

2. In § 136.07–42 *Marine casualties occurring within the scope of Coast Guard rescue operations*, paragraphs (a) and (b) are canceled.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.035—Lifeboats for Merchant Vessels

Section 160.035–2(c)(1) is amended to read as follows:

§ 160.035–2 General requirements for lifeboats.

* * * * * * *

(c) * * *

(1) The thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange in accordance with Federal Specification TT–P–59a. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be aproximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

Section 167.35–25 is amended by revising paragraph (d) and adding a new paragraph (e), reading as follows:

§ 167.35–25 Numbering and marking of lifeboats.

* * * * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control shall be painted or otherwise colored white, to provide a contrasting background for the control.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–22, 54 Stat. 163–167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: April 24, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62–4248; Filed, May 1, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62–424]

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration certain amendments and additions to its rules of practice and procedure; and

It appearing that § 1.18(g), concerning the computation of time, should be amended for purposes of clarity and, in particular, to specify that the additional time allowed under paragraph (g) for filing responses is not allowed in the case of violation notices served under § 1.76 of the Commission's rules; and

It further appearing that § 1.56 should specify the time within which service is to be made; that it should more clearly state the manner in which service upon Commission counsel is to be effected; that it should more clearly indicate its applicability to the service of Commission documents; and that it should be revised generally to more clearly state the requirements for service of documents; and

It further appearing that orderly and efficient administration in the public interest requires that the Commission be able to contact its licensees promptly, and that the rules should specify the licensee's obligation in this respect; and

It further appearing that § 1.76(a) should be conformed to section 9(b) of the Administrative Procedure Act and section 312(e) of the Communications Act, upon which it is based, and that the public interest may in some circumstances warrant or require immediate action by the Commission consistent with those statutory provisions; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

It is ordered, Effective May 4, 1962, That the Commission's rules of practice

and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 1.18(g), 1.56, and 1.76(a) are amended, and § 1.57 is added to read as follows:

§ 1.18 Computation of time.

* * * * *

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.56(f)), and where the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.76 or 1.193(c).

§ 1.56 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however,* That formal complaints, including supplemental, cross, and amended complaints, filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served, or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the person effecting service, such mailing must be by airmail.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgment of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

§ 1.57 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.76 Notice of violations.

(a) Except in cases of wilfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

[F.R. Doc. 62-4278; Filed, May 1, 1962; 8:54 a.m.]

[FCC 62-426]

PART 13—COMMERCIAL RADIO OPERATORS

Examination Elements

In the matter of amendment of Part 13 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) with regard to the qualifications of radio operators.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration the provisions of Article 23 of the Geneva Radio Regulations (1959), "Operators Certificates for Ship and Aircraft Station"; and

It appearing that under sections B and C of Article 23, candidates for the Second Class Radiotelegraph Operator's Certificate and the Radiotelegraph Operator's Special Certificate are required, among other matters, to give proof of ability to send correctly by hand and to receive correctly by ear in the Morse Code a plain language text at a speed of twenty words a minute; and

It further appearing that the Commission's Radiotelegraph Second Class Operator License and its Radiotelegraph Third Class Operator Permit correspond, respectively, to the aforementioned Certificates; and

It further appearing that Part 13 should be amended to bring it into conformity with Article 23 with respect to Morse Code requirements and that this may be done by adding a plain language requirement to § 13.22 (c) and (f) of Part 13; and

It further appearing that the changes are interpretative, and hence that compliance with section 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(*l*), and 303(r) of the Communications Act of 1934, as amended.

It is ordered, That effective June 25, 1962, Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 13.22, paragraphs (c) and (f) are amended to read as follows:

§ 13.22 Examination elements.

* * * * *

(c) *Radiotelegraph second-class operator license.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

* * * * *

(f) *Radiotelegraph third-class operator permit.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, and 5.

[F.R. Doc. 62-4277; Filed, May 1, 1962; 8:54 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, 43, 61 [New], 63 [New], 65 [New], 67 [New]]

[Special Civil Air Regulations SR-428 and SR-434]

[Reg. Docket No. 1179, Draft Release No. 62-20]

AIRMEN [NEW]

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35, certain associated sections of Part 43 of the Civil Air Regulations, and Special Civil Air Regulations SR-428 and SR-434. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter D—Airmen [New] containing the proposed recodified regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All comments received on or before June 25, 1962, will be considered before taking action on the proposed recodification. The proposal may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new subchapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in proposed Part 1 [New], published in the FEDERAL REGISTER on February 21, 1962 (27 F.R. 1654), would apply to proposed Subchapter D [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of the notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

This proposal reflects recent amendments, to the present parts, issued for clarification purposes in connection with the recodification project. For example, present Part 20 had included two classes of airmen—"limited flight instructors" and "flight instructors" and had referred to both classes together as "flight instructors." Present Part 25 had included two classes of airmen—"parachute riggers" and "master parachute riggers" and had referred to both classes together as "parachute riggers." It is thus readily seen that there was ample ground for confusion and misunderstanding as to the applicability of certain specific rules contained in those parts. One basic purpose of the recodification project is to eliminate this type of confusion by never referring to the whole by the name of one of its parts and by not adopting two meanings for the same word. The clarification amendments to Parts 20 and 25 have permitted the recodifiers to freely reword the affected sections of the regulations in the interest of clarity, brevity, and understanding.

A number of inconsistencies in the present regulations have been eliminated. Proposed § 61.9(g) merges the requirements concerning the return of invalid airline transport and lighter-than-air pilot certificates so as to make them identical, but without increasing the burden on either type of certificate holder (see present §§ 21.24(c), 22.21(e), and 22.32(b)).

Similarly, it was determined that the written test requirements for both lighter-than-air (see present § 22.11(f)) and heavier-than-air (see present §§ 20.33, 20.63, and 20.93) private pilot certificates are essentially the same and they have been consolidated in proposed § 61.83. A companion consolidation was effected in § 61.133 governing written test requirements for commercial pilot certificates. Unnecessary regulations, such as present §§ 20.10-3, 20.11-1, and 21.24-1 governing the voluntary surrender of certificates, have been dropped. It is emphasized that the elimination of unnecessary and inconsistent regulatory material has been done only in a manner which results, not in any increased regulatory burden on the public, but in lessening that burden.

In view of the foregoing, it is proposed to amend Chapter 1 of Title 14 of the Code of Federal Regulations by deleting Parts 20, 21, 22, 24, 25, 26, 27, 29, 34, 35; §§ 43.40-43.42, 43.52-43.63, 43.64 (b), (c), and (d), 43.65, 43.68 of Part 43; and Special Civil Air Regulations SR-428 and SR-434 and further amend that chapter by adding Subchapter D [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on April 25, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER D—AIRMEN [NEW]

Part
61 Certification: Pilots and Flight Instructors [New].
63 Certification: Flight Crew Members Other Than Pilots [New].
65 Certification: Airmen Other Than Flight Crew Members [New].
67 Medical Standards and Certification [New].

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

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Subpart A—General

§ 61.1 Applicability.

This part prescribes the requirements for issuing the following certificates and ratings, the conditions under which those certificates or ratings are necessary, and the general operating rules for the holders of those certificates and ratings:

(a) Student, private, and commercial pilot (airplane, rotorcraft, glider, and lighter-than-air aircraft) certificates.

(b) Airline transport pilot certificates.

(c) Flight instructor certificates.

(d) Free balloon pilot certificates.

(e) Aircraft and instrument ratings.

[Revision note: Based on § 20.1]

§ 61.3 Certificates and ratings required.

(a) No person may, within the United States, act as pilot in command of a civil aircraft of United States registry unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part.

(b) No person may, within the United States, act as pilot in command of a civil aircraft of foreign registry that is eligible to operate in the United States, unless he has in his personal possession a current pilot certificate (with appropriate ratings) issued to him under this part or issued to him or validated for him by the country in which the airplane is registered.

(c) No person may act as pilot in command of an aircraft under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(d) Each person who holds a pilot certificate described in paragraph (a) or (b) of this section shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer. An airline transport or lighter-than-air pilot must present his pilot certificate for inspection upon the request of any passenger. In addition, an airline transport pilot must present his pilot certificate for inspection upon the reasonable request of any other person.

(e) No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating or an airline transport pilot certificate.

[Revision note: Combines §§ 21.23; 22.32(a) (less (1)), 43.40, 43.41 (first sentence), and 43.65]

§ 61.5 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate pilot or flight instructor certificate with appropriate aircraft ratings. Additional aircraft category, class, and type ratings, and instrument ratings for which the applicant is qualified are added to his certificate.

(c) An applicant for a pilot certificate who holds a medical certificate under § 67.19 of this chapter with special limitations on it and who meets all other requirements for that pilot certificate, is entitled to a pilot certificate containing such operating limitations as the Administrator determines are necessary because of the applicant's physical deficiency.

(d) A person whose pilot certificate (other than an airline transport or lighter-than-air) has been revoked may not apply for a certificate under this part unless the Administrator authorizes it.

(e) Unless the order of revocation provides otherwise, a person whose airline transport or lighter-than-air pilot certificate is revoked may not apply for any pilot or flight instructor certificate for at least 1 year after the date of the revocation.

[Revision note: Combines §§ 20.10 (less (d)); 20.10–1, 20.10–6; 21.21, 21.22 (introductory paragraph); and 22.20]

NOTE: §§ 20.10(b) (last sentence) and 20.10–6(b) are omitted as obsolete and unnecessary.

§ 61.7 Temporary certificate.

A pilot certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

[Revision note: Combines §§ 20.11(c), 20.11–3; 21.22(a), 21.24(b); 22.21(d), and 22.21–2]

§ 61.9 Duration of certificates.

(a) A student pilot certificate expires at the end of the 24th month after the month in which it is issued.

(b) A limited flight instructor certificate expires at the end of the 24th month after the month in which it is issued, but may, at any time before it expires, be exchanged for a flight instructor certificate with appropriate ratings without a further showing of the holder's ability to give flight instruction. After it expires, it may be exchanged for a flight instructor certificate with appropriate ratings upon a showing by the holder of his continued ability to give flight instruction. A flight instructor certificate is effective until it is surrendered, supended, or revoked. In addition, each flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.171 (a).

(c) An airline transport or lighter-than-air pilot certificate that is issued to a person who is not a citizen of the United States is effective for a period of not more than 12 months after the month in which it is issued, but may be reissued without further proof of technical ability.

(d) A special purpose pilot certificate issued under § 61.33 is effective only during the period it is used for the specific purpose for which it was issued, but not longer than 12 months.

(e) Any pilot certificate issued under this part and not covered by paragraphs (a) through (d) of this section is issued without a specific expiration date.

(f) Any pilot certificate issued under this part ceases to be effective if it is surrendered, suspended, or revoked.

(g) The holder of an airline transport or lighter-than-air pilot certificate that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

[Revision note: Combines §§ 20.11 (less (c)), 20.11–2, 20.112 (last sentence), and 20.131; 21.24 (a) and (c), 21.27; 22.21 (less (d)), and 22.32(b)]

§ 61.11 Exchange of certificate.

The holder of a pilot certificate issued under this part may apply for a pilot certificate of a lower grade. If he so applies, he must include the following statement or its equivalent:

> This request is made for my own reasons, with full knowledge that my [insert name of certificate] may not be reissued to me unless I again pass the tests prescribed for its issue.

[Revision note: Combines §§ 20.10–3, 20.11–1; 21.24–1; and 22.27]

NOTE: § 20.11–1 is omitted as unnecessary.

§ 61.13 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Chief, Aircraft and Airman Record Branch, Federal Aviation Agency, Oklahoma City, Oklahoma. The letter must—

(1) Contain a brief statement of the circumstances of the loss or destruction;

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued and the ratings on it; and

(3) Be accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for $2.00.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

[Revision note: Combines §§ 20.10–4, 20.10–5; 21.6; and 22.28]

§ 61.15 Aircraft ratings.

(a) The category ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Airplanes;
(2) Rotorcraft;
(3) Glider; and
(4) Lighter-than-air.

A helicopter rating that was placed on a pilot certificate before March 1, 1957, is treated as if it were a rotorcraft rating.

(b) Where applicable the class ratings to be placed on private, commercial, and airline transport pilot certificates are—

(1) Single-engine land;
(2) Multiengine land;
(3) Single-engine sea; and
(4) Multiengine sea.

For the purposes of subparagraphs (1) and (3) of this paragraph, an airplane with multiple jet engines in the fuselage or wing roots is treated as a single-engine airplane, since the failure of one engine does not require multiengine flight control techniques to control the airplane.

(c) In addition to the category and class ratings in paragraphs (a) and (b) of this section, the name of each type of large aircraft for which a pilot is rated, is placed on his certificate. In the case of airline transport pilots, a helicopter type rating is issued for each type of helicopter.

[Revision note: Combines §§ 20.120, 20.120–1, 20.120–2; 21.34, and 21.35]

NOTE: The class rating "unconventional" is omitted as obsolete and unnecessary.

§ 61.17 Additional aircraft ratings after original issue of certificate.

(a) To be eligible for an additional aircraft rating after his certificate is issued to him, an applicant must meet the requirements of paragraphs (b) to (f) of this section, performing the procedures, maneuvers, and techniques specified in those sections, as applicable, that are not required for the certificates and ratings that he already holds.

(b) A pilot holding an airplane rating who applies for a rotorcraft rating must have a total of at least 25 hours of dual instruction and solo flight time in rotorcraft, at least 5 of which were solo, and must pass an appropriate flight test.

(c) A pilot holding an airplane or rotorcraft rating who applies for a glider rating must have a total of at least 2 hours of dual instruction and solo flight time in gliders, including at least 10 solo glider flights in which he made 360° right and left approaches, and must pass an appropriate flight test.

(d) A pilot holding a glider rating who applies for an airplane or rotorcraft rating must meet the requirements for the original issue of a certificate with an airplane or rotorcraft rating, including the flight test.

(e) A pilot holding a rotorcraft rating who applies for an airplane rating must have the flight time required for the original issue of a certificate with an airplane rating, including at least 5 hours of solo flight time in airplanes and must pass an appropriate flight test.

(f) An applicant for an additional class or type rating must—

(1) Have made at least five takeoffs and landings in an aircraft of the class or type for which he seeks a rating, in solo flight or as the only manipulator of the controls accompanied by a pilot rated for that aircraft, or, for an aircraft that required more than one pilot, as pilot in command or as second in command performing the duties of a pilot in command while the instructor or check pilot performed the duties of a second in command; and

(2) Pass an appropriate flight test.

(g) This section does not apply to airline transport pilot or lighter-than-air pilot certificates.

[Revision note: Combines §§ 20.121, 20.121–1, and 20.121–2]

§ 61.19 Tests: general procedure.

Tests prescribed by or under this part are given at times and places, and by persons, prescribed by the Administrator.

[Revision note: Combines §§ 20.10(d); 21.32; and 22.24 (less (b)–(d))]

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating, under this part the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part; and

(c) Hold a medical certificate appropriate to the certificate he seeks.

Notwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, an air carrier or commercial operator may take the flight test for that certificate as long as he continues in that employment and training program.

[Revision note: Combines §§ 20.14; 21.15–1, 21.17–1(a); 22.11–3 (1st and last sentences), 22.12–4(b), and 22.13–6]

NOTE: § 21.15–1 (less (e)) is omitted as obsolete.

§ 61.23 Flight tests: general procedures.

(a) The examiner of an applicant for a private or commercial pilot certificate or an instrument rating judges the applicant's performance of the procedures and maneuvers on the flight test on the basis of judgment, knowledge, smoothness, and accuracy. For this purpose, competent performance of a procedure or maneuver requires the pilot to be the obvious master of the aircraft, with the successful outcome of the maneuver never seriously in doubt.

(b) If an applicant fails any required item in a phase of the flight test he fails that phase and the entire test, and must pass that phase in any later retesting.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required item makes passing the test impossible. In such a case, the applicant is entitled to

credit for only those entire phases that he passed.

(d) This section does not apply to airline transport or lighter-than-air pilot certificates.

[Revision note: Combines §§ 20.35–1 (a) (1) (less 1st sentence) and (2), and (b); 20.45–1 (a) (1) (less 1st sentence) and (2), and (b); 20.65–1 (a) (1) (less 1st sentence) and (2), and (b); 20.75–1 (a) (1) (less 1st sentence) and (2), and (b); 20.95–1 (a) (1) (less 1st sentence) and (2), and (b); 20.105–1 (a) and (1) (less 1st sentence) and (2), and (b); and 20.128–1 (a) (2) (less 1st sentence) and (3), and (b) (1st sentence)]

§ 61.25 Flight tests: required aircraft.

(a) An applicant for a certificate or rating under this part must furnish, for each flight test that he is required to take, an appropriate aircraft of United States registry. However, the applicant may, in the examiner's discretion, furnish an aircraft of foreign registry that is properly certificated by the country of registry, or a military aircraft in an operational status if its use is allowed by an appropriate military authority.

(b) An aircraft furnished under paragraph (a) of this section for any flight test (other than an airline transport pilot or lighter-than-air pilot certificate) must have functioning dual controls, unless, after considering all of the factors, the examiner determines that the flight test can be conducted safely without them.

(c) An aircraft furnished under paragraph (a) of this section for an airline transport pilot test must have a suitable hood that excludes the applicant from outside forward vision but does not unduly restrict the examiner's vision, must have functioning dual controls, and must accommodate the applicant and the examiner. For the purposes of this paragraph, an aircraft that has only one elevator and aileron control for two seats or is so arranged that all flight and engine controls cannot be handled in a normal manner from either seat, is not considered to have dual controls. If the applicant is employed by an air carrier, the air carrier may have a check pilot on the aircraft during a flight test under this subsection. In such a case, the aircraft must provide adequate vision for the pilot and the check pilot.

(d) An aircraft furnished under paragraph (a) of this section for a flight test for an instrument rating must—

(1) Be one in which instrument flight is authorized by this chapter and by its equipment and operating limitations;

(2) Have functioning dual controls; and

(3) Have a hood, slats, polarized material, or other effective means (satisfactory to the examiner) of excluding outside visual reference by the pilot taking the test.

[Revision note: Combines §§ 20.15, 20.15–1, 20.15–2, 20.128–1(a)(1); 21.30, 21.33, and 21.33–1 and 22.24(d)]

NOTE: § 20.15–2 is omitted as unnecessary.

§ 61.27 Retesting after failure.

(a) An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test;

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and now considers that he is ready for restesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with a rating for the subject failed.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating or a certificated ground instructor with a rating for the subject failed.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(b) An applicant for a certificate or rating under this part (other than an airline transport or lighter-than-air pilot certificate or associated rating) who fails a flight test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from a certificated flight instructor with an appropriate rating, certifying that he has given additional instruction to the applicant and now considers that the applicant is ready for retesting.

(c) An applicant for an airline transport pilot certificate or associated rating who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least 5 additional hours of instruction, from a person employed by an airline to instruct in that subject, or from whichever of the following is appropriate:

(i) A certificated airline transport pilot.

(ii) A certificated ground instructor for the subject failed.

(iii) A person qualified to instruct in instrument flight theory.

(d) An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting after he presents satisfactory evidence that he has—

(1) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of dual flight instruction with a certificated flight instructor or airline transport pilot; or

(2) Received such part of the practice or instruction prescribed in subparagraph (1) of this paragraph as, in the Administrator's opinion, warrants retesting.

However, an applicant is not retested on the maneuvers that he passed on his original flight test. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(1).

(e) An applicant covered by paragraph (c)(2) or (d) of this section must present a statement from his instructor certifying that he has given the additional instruction to the applicant and considers that he is ready for retesting.

(f) An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a written test under this part may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) After he has received at least five hours of instruction on each subject that he failed, from a ground instructor certificated for that subject and presents a statement from that instructor showing the amount of instruction given and stating that he considers that the applicant is ready for retesting.

(g) An applicant for a private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate who fails a flight test under this part may apply for retesting after he has logged at least three additional hours of flight time.

[Revision note: Combines §§ 20.13, 20.13–1; 21.28; 21.28–1, 21.28–2, and 22.24(c)]

§ 61.29 Graduates of certificated flying schools: special rules.

(a) A graduate of a flying school that is certificated under Part ---- of this chapter [Present Part 50] is considered to meet the requirements of §§ 61.85, 61.89, 61.115, or 61.119 relating to aeronautical experience, if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115.

(b) An applicant for a certificate or rating under this part may be considered to meet the requirements of § 61.83 or § 61.113 relating to aeronautical knowledge, or of §§ 61.87, 61.91, 61.117, or 61.121 relating to aeronautical skill, or both, for that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part ---- of this chapter [Present Part 50] and is authorized by the Administrator to test applicants on aeronautical knowledge, or skill, or both.

[Revision note: Based on § 20.110]

§ 61.31 Military pilots or former military pilots: special rules.

(a) An applicant for a private or commercial pilot certificate is entitled to that certificate if he passes a written test on the parts of this chapter relating to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents satisfactory documents showing that—

(1) He is a member of an Armed Force of the United States and is either on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months before the date he applies), or has, within the 12 months before the date he applies, been graduated from, and rated as a pilot by, a military flying school; or

(2) He has been honorably discharged or released from such an Armed Force and was, at the time of the discharge or release, on solo flying status as a rated pilot or the equivalent (or, in the case of an applicant for a lighter-than-air pilot certificate, has been in such a status for a period of at least 6 consecutive months).

However, a person covered by subparagraph (2) of this paragraph who was discharged or released more than 12 months before the date he applies must also pass the prescribed flight test and physical requirements, or in the case of an applicant for a private lighter-than-air pilot certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period.

(b) A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the flight test prescribed in § 61.17 (b) or (f). However, this subsection does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(c) A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this part.

(d) For the purposes of this section—

(1) An official identification card issued by the armed force concerned showing that the holder is a member is satisfactory evidence of membership;

(2) An official order to solo flight status, an appropriate Air Force form or Navy flight logbook endorsed to show solo flight status, official order showing graduation from, and rating as a pilot by, a military flying school, or a copy of orders showing duty involving flying as a rated pilot, is satisfactory evidence of flight status;

(3) An appropriate Air Force form or a summary of it, or a certified military logbook, is satisfactory evidence of pilot flight time, but pilot-in-command flight time in an aircraft normally having two pilots must be substantiated by official checkout records; and

(4) An original or photostatic copy of a certificate of discharge or release from an armed force is satisfactory evidence of discharge or release.

However, a person who was discharged from an Armed Force or removed from flight status because of flight deficiency is not eligible for a pilot certificate under this section.

[Revision note: Combine §§ 20.111, 20.111–1, 20.111–2, 20.111–3; 22.11(i), 22.11–9, 22.11–10, 22.11–11, 22.12(j), 22.12–11, 22.12–12, and 22.12–13]

NOTE: §§ 20.111–1(c) (16th through 29th words) and 22.11–11 (16th through 29th words) are omitted as operationally obsolete and as surplusage.

§ 61.33 Special purpose pilot certificates: foreign citizens.

(a) An applicant for a pilot certificate who is a citizen of a foreign country, who holds a current pilot certificate issued by that country, and who meets the requirements of this section, may have a pilot certificate issued to him stating the operations it authorizes and containing ratings based on the ratings on his foreign pilot certificate. If he has no ratings on that certificate, the certificate issued under this section is limited to operating aircraft that he has flown for at least 10 hours, as pilot in command, during the preceding 12 months. However, no instrument rating may be placed on a certificate issued under this section.

(b) An applicant for a certificate under this section must submit satisfactory evidence of his aeronautical experience and must pass a test on Part ---- of this chapter [Present Part 60]. In addition, he must either submit satisfactory evidence that he currently meets the physical requirements for the foreign certificate that he holds or present an appropriate current medical certificate issued under Part 67 of this chapter.

(c) Each certificate issued under this section must show the basis upon which it was issued and may be used only for the specific purpose for which issued. If the applicant cannot read, speak, and understand the English language, the certificate may contain additional limitations that the Administrator considers necessary for air safety.

(d) This section does not apply to airline transport pilot certificates.

[Revision note: Combines §§ 20.112 (less last sentence); 20.112–2; and 22.29]

§ 61.35 Instrument rating; experience requirements.

An applicant for an instrument rating must—

(a) Hold at least—

(1) A commercial pilot certificate; or

(2) A private pilot certificate and meet the requirements of § 61.115(a) (1) and (2);

(b) Pass a written test on—

(1) This subchapter as it applies to flight under IFR conditions;

(2) Radio navigation systems and procedures, instrument landing systems and procedures, and radio communication procedures; and

(3) Meteorology, including the characteristics of air masses and fronts and the weather associated with them, elementary principles of forecasting, and the availability, evaluation, and utilization of meteorological reports; and

(c) Have at least 40 hours of instrument time under instrument weather conditions or simulated instrument conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight and at least 10 hours were instrument flight instruction given by a person holding a flight instructor certificate with an instrument rating.

[Revision note: Combines §§ 20.125, 20.126, 20.127, and 20.127–1]

§ 61.37 Instrument rating: skill requirements.

(a) An applicant for an instrument rating must pass a practical test on the procedures and maneuvers listed in paragraph (c) of this section. The test is given in three phases, an oral operational test, an instrument flying test, and a radio navigation and approach procedures test. The applicant must perform the flight maneuvers solely by reference to instruments.

(b) Any significant error of a dangerous nature is disqualifying. Any error that makes it necessary for the examiner to take over the controls to avoid violating the aircraft's operating limitations, a loss of control, or a collision with the ground is disqualifying.

(c) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Instrument flight planning.

(ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(2) Phase II—instrument flying test.

(i) Straight and level flight, using needle, ball, and airspeed only.

(ii) Turns, climbs, and descents, using needle, ball, and airspeed only.

(iii) Stalls, and maneuvering at approach speeds.

(iv) Steep turns.

(v) Recovery from unusual attitudes, using needle, ball, and airspeed only.

(vi) Engine-out procedures, if test is in multiengine airplane.

(3) Phase III—radio navigation and approach procedures test.

(i) Radio navigation, including orientation using LF, OMNI range, or ADF.

(ii) Using radio for voice communication.

(iii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.

(iv) Missed approach procedures.

(v) Emergencies, such as radio or instrument malfunctions.

(vi) Compliance with air traffic control instructions and procedures.

[Revision note: Combines §§ 20.128 and 20.128–1 (a) (2) (1st sentence) and (4), and (b) (less 1st sentence)]

§ 61.39 Pilot logbooks: except airline transport pilots.

(a) The flight time used to meet the experience requirements for any pilot certificate or rating, or to meet the recent flight experience requirements of § 61.47 or § 61.177(c), must be shown by a reliable record. The logging of other flight time is not required. The instructor of a lighter-than-air pilot shall certify each entry on flight instruction that he gave to that pilot. Each pilot who keeps a logbook under this section shall enter into it the following information as to each flight:

(1) *General.* (i) Date;
(ii) Duration;
(iii) Points of departure and arrival; and
(iv) Identification mark of the aircraft.
(2) *Type of piloting time.* (i) Pilot in command or solo;
(ii) Second in command;
(iii) Synthetic trainer; or
(iv) Dual instruction (or in the case of lighter-than-air pilots, flight instruction), including procedures and maneuvers.
(3) *Conditions of flight.* (i) Day or night;
(ii) Actual instrument flight; or
(iii) Simulated instrument flight.
(4) If, in the case of a lighter-than-air pilot, the flight resulted in serious damage to the aircraft, an entry to that effect.

(b) A student pilot may log as solo only that flight time during which he is the only occupant of the aircraft.

(c) A private or commercial pilot may log as pilot in command only the flight time during which he is the only manipulator of the controls of an aircraft for which he is rated. A flight instructor may log as pilot in command time all flight time during which he is serving as a flight instructor.

(d) A private or commercial pilot may log as second in command that flight time during which he is performing the duties of a second in command. He may be credited with not more than 50 percent of that kind of flight time toward the total flight time required for a higher certificate or rating. However, a private pilot may not be credited with more than 50 hours of flight time under this paragraph.

(e) A private or commercial pilot may log as dual instruction that flight time during which he is receiving flight instruction from a certificated flight instructor on board the aircraft.

(f) The pilot manipulating the controls of an aircraft during the time it is flown solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions may log that time as instrument flight time.

(g) A lighter-than-air pilot who keeps a logbook under this section shall present it for inspection upon the request of, and after reasonable notice by, the Administrator, an authorized representative of the Civil Aeronautics Board, or any State or local law enforcement officer.

(h) This section does not apply to airline transport pilots.

[Revision note: Combines §§ 20.16, 20.16–1, 20.17, and 22.32(f)]

§ 61.41 Logbooks: airline transport pilots.

(a) Each airline transport pilot shall keep an accurate and legible record, in ink or indelible pencil, of his flying time in a bound logbook that is arranged for easy reference. Such a pilot must certify his solo flying time entries and the entries on instruction must be certified to by his instructor.

(b) Each person who is required to keep a logbook under this section shall enter into it the following information as to each flight—
(1) The date.
(2) The category, class, and type of the aircraft he flew.
(3) The aircraft certificate number.
(4) The type of piloting time—pilot in command, dual instruction, on instruments, or night flying time.
(5) The duration.
(6) The points of arrival and departure.
(7) If the flight resulted in serious damage to the aircraft, a statement to that effect.

Dual instruction time is logged in the same manner, and the instructor must make complete entries in the logbook of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor must attest each entry with his initials, pilot certificate number, and pertinent rating. The pilot shall present the logbook for inspection upon the demand and reasonable notice of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement office.

(c) An airline transport pilot may log all flight time during which he acts as pilot in command or second in command.

(d) An airline transport pilot may log instrument flight time as such only when he flies the aircraft solely by reference to instruments under instrument weather conditions or simulated instrument flight conditions. He may not log over-the-top flying as instrument flight time.

(e) Each airline transport pilot shall furnish to the authorized airline medical examiner at the time of each physical examination a report of the amount and type of his aeronautical experience and any other information the Administrator may require covering the period since the last report of that pilot. Reports under this paragraph shall be forwarded to the Administrator.

[Revision note: Based on § 21.44]

§ 61.43 Medical certificates: duration.

(a) A first-class medical certificate is valid until the first day of—
(1) The seventh month after the month in which it is issued, for operations requiring an airline transport pilot certificate;
(2) The 13th month after the month in which it is issued, for operations requiring only a commercial pilot certificate; and
(3) The 25th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(b) A second-class medical certificate is valid until the first day of—
(1) The 13th month after the month in which it is issued, for operations requiring a commercial pilot certificate, except in the case of a person who holds an airline transport pilot certificate; and
(2) The 25th month after the month in which it is issued, for operations requiring only a private or student pilot certificate.

(c) A third-class medical certificate is valid until the first day of the 25th month after the month in which it is issued, for operations requiring a private, student, or free balloon pilot certificate.

[Revision note: Combines §§ 21.40(c), 21.40–1 (last sentence); 22.31(e), 22.32(a)(1); 43.41 (less 1st sentence), and 43.41–1]

§ 61.45 Operations during physical deficiency.

No person may act as pilot in command of an aircraft, and no person holding an airline transport pilot certificate may operate an aircraft, when he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

[Revision note: Combines §§ 21.26; 22.32(c) and 43.42]

§ 61.47 Recent flight experience.

(a) No person may act as pilot in command of an aircraft carrying passengers unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop in an aircraft of the same category, class, and type. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(b) No person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, he has made at least five takeoffs and five landings to a full stop during that period of the day.

(c) An airline transport pilot may not pilot an aircraft in operations for which an airline transport pilot certificate is required, if it carriers any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

(d) A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions. Not more than 3 hours in a synthetic instrument trainer acceptable to the Administrator may be substituted for 3 of the 6 hours of instrument flight time required. This section does not apply to operations requiring an airline transport pilot certificate.

(e) An airline transport pilot who has not had at least 2 hours of instrument flight time under instrument weather conditions or simulated instrument flight conditions within the preceding 6 months may not pilot an aircraft under those conditions in operations for which an airline transport pilot certificate is required until he has had at least 2 hours of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rating for the aircraft concerned and an instrument rating.

(f) No person may act as pilot in command of a glider carrying passengers in aero-tow flight unless, within the preceding 12 months, he has made at least six aero-tow flights totaling at least 1 hour, during which he met the requirements of paragraph (a) of this section.

[Revision Note: Combines §§ 21.41, 21.42; 22.22; and 43.68 (less (c))]

NOTE: §§ 22.22 (a), (b), and (c) are omitted as superseded by §§ 43.56 and 43.68; § 22.32(d) is omitted as surplusage. The words "90 days" are substituted for the words "3 calendar months" in § 21.42(a), for uniformity.

§ 61.49 Cooperation during inspection or test.

Each applicant for an airline transport or lighter-than-air pilot certificate, and each person who holds such a certificate, shall cooperate fully in any inspection or tests made of him by the Administrator.

[Revision note: Combines §§ 21.36 and 22.32 (d)]

§ 61.51 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a pilot or instructor certificate shall notify the FAA Aircraft and Airman Records Branch, Oklahoma City, Okla., in writing, of his new address.

[Revision note: Combines §§ 20.18; 21.29 and 22.25]

Subpart B—Student Pilots

§ 61.61 Eligibility requirements: general.

(a) To be eligible for a student pilot certificate, a person must—
(1) Be at least 14 years of age for a certificate authorizing him to pilot a glider, or at least 16 years of age for a certificate authorizing him to pilot any other aircraft.
(2) Be able to read, speak, and understand the English language, or have such operating limitations on his student pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language; and
(3) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months, or in the case of glider operations, certify that he has no known physical defect that makes him unable to pilot a glider.

(b) An unmarried applicant under 21 years of age who is not a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force, must submit with his application the written consent of either parent or his guardian. No consent is required for a married male applicant under 21 years of age. A married female applicant under 21 years of age must submit the written consent of her husband, regardless of his age.

(c) An applicant under 21 years of age who is a member of an Armed Force of the United States or enrolled in an ROTC or other training program of such an Armed Force must state his membership and serial number on the application or attach to it a written statement from his commanding officer stating that he is a member of that Armed Force or is enrolled in that training program.

[Revision note: Combines §§ 20.20, 20.20–2, 20.20–3, 20.21, 20.21–1, 20.22, 20.22–1, 20.50, 20.50–1, 20.51, 20.51–1, 20.52, 20.52–1, 20.80, 20.80–1, 20.80–2, 20.81, 20.81–1, 20.82, 20.82–1, 22.10, 22.10–2, 22.10–3, and 22.10–4]

NOTE: §§ 22.10(e) (proviso) and 22.10–4 are omitted as superseded by §29.5.

§ 61.63 Requirements for solo flight.

(a) A student pilot may not operate an aircraft in solo flight until—
(1) He is familiar with the general and visal flight rules of Part ____ of this chapter [Present Part 60];
(2) He has had—
(i) In the case of an airplane category, dual instruction in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; in taxiing, takeoff, landing, and parking; in traffic pattern procedures; level flight, turns, climbs, and glides; and in stalls and emergency landings;
(ii) In the case of a rotorcraft category, dual instruction, in preparatory and flight procedures such as preflight inspection, starting, warming up, and operating and stopping the engine; taxiing, takeoff, hovering, landing, and parking; in traffic pattern procedures; and in emergency procedures including engine failure; or
(iii) In the case of a glider category, flight instruction in takeoff, landing, glide, and gliding turns; and in recovery from stalls entered into from all normally anticipated attitudes; and
(3) An appropriately rated flight instructor (or a commercial pilot with a glider rating in the case of gliders), finds that the student has complied with this section and is otherwise able to make solo flights, and has endorsed his student certificate to that effect.

(b) This section does not apply to student lighter-than-air pilots.

[Revision note: Combines §§ 20.23, 20.53, and 20.83]

§ 61.65 Airplane operations: flight area limitations.

A student pilot may not operate an airplane in solo flight outside of a local area designated by his flight instructor until—
(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;
(b) He has received dual instruction in—
(1) Crosswind and simulated soft field takeoffs and landings;
(2) Climbing and gliding turns at minimum safe speeds;
(3) Cross-country navigation by reference to aeronautical charts;
(4) Safe operating procedures in simulated emergencies such as engine failure, loss of flying speed, marginal visibility, deteriorating weather, getting lost, and similar critical situations;
(5) Conforming with air traffic control instructions by radio and lights; and
(6) The proper use of two-way radio communications and VFR navigational procedures and techniques; and
(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

If ground electronic equipment and navigation aids are not available within 100 miles of the base of operations, a synthetic trainer may be used for training in air traffic procedures, phraseology, and radio navigation.

[Revision note: Based on § 20.24]

§ 61.67 Rotorcraft operations: flight area limitations.

A student pilot may not operate a rotorcraft in solo flight outside of a local area designated by his flight instructor until—
(a) He is familiar with flight-planning elements such as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;
(b) He has received dual instruction in pilotage by reference to aeronautical charts; conforming to air traffic control instructions furnished by radio or lights, as appropriate; and safe operating practices in simulated emergencies that might occur due to engine failure, deteriorating weather, getting lost, and similar situations; and
(c) His student pilot certificate is endorsed by an appropriately rated flight instructor who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

[Revision note: Based on § 20.54]

§ 61.69 Glider operations: flight area limitations.

A student pilot may not operate a glider in solo flight outside of a local area designated by his flight instructor until—
(a) He is familiar with obtaining and evaluating weather reports;
(b) He has received flight instruction in cross-country navigation by reference to aeronautical charts; and
(c) His student pilot certificate is endorsed by an appropriately rated flight instructor, or a commercial pilot with a glider rating, who finds that the student has complied with this section and is otherwise able to make solo cross-country flights.

[Revision note: Based on § 20.84]

§ 61.71 Lighter-than-air operations: flight limitations.

(a) A student pilot (lighter-than-air) may not pilot an airship in solo flight until—
(1) He is familiar with, and passes a written test on as much of Part ____ [Present Part 60] of this chapter as relates to VFR flying, as certified to on his pilot certificate by his instructor;

(2) He has had six instruction flights of at least 1 hour each in free balloons and has logged at least 1 hour of solo flight in a free balloon, as certified to on his certificate by his instructor;

(3) He has had at least 35 hours of flight instruction in an airship, including level flight, right and left turns, landings and takeoffs, and is able to make a flight as pilot in command, as certified to on his certificate by his instructor.

Subparagraph (2) of this paragraph does not apply to a student pilot who has a free balloon pilot certificate.

(b) A student pilot (lighter-than-air) may not pilot a lighter-than-air aircraft carrying any person other than a commercial lighter-than-air pilot, a crewmember, or another student lighter-than-air pilot whose presence in the aircraft is authorized by the instructor under whose direction the flight is being made.

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he has—

(1) Passed a written test on so much of Part ____ [Present Part 60] of this chapter as relates to VFR flying; and—

(2) Had at least six instruction flights, of at least 1 hour each, in free balloons.

[Revision note: Based on § 22.31(a)]

§ 61.73 General limitations.

(a) Except as provided in paragraph (b) of this section, a student pilot may not act as pilot in command of an aircraft—

(1) That is carrying a passenger;

(2) That is on an international flight;

(3) For compensation or hire;

(4) In furtherance of a business; or

(5) Other than the make and model endorsed on his certificate by his certificated flight instructor.

(b) Notwithstanding paragraph (a) (2) of this section, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, or Juneau Airports, Alaska, to White Horse, Yukon Territory, over the Province of British Columbia, and return.

(c) A student pilot who has not acted as pilot in command of a powered aircraft within the preceding 90 days, may not pilot such an aircraft in solo flight until he has passed a flight check given by a certificated flight instructor who so endorses his student pilot logbook.

[Revision note: Combines §§ 43.52, 43.55, 43.56, and SR 428]

Subpart C—Private Pilots

§ 61.81 Eligibility requirements: general.

To be eligible for a private pilot certificate, a person must—

(a) Be at least 16 years of age for a glider rating, at least 18 years of age for a lighter-than-air rating, and at least 17 years of age for any other rating;

(b) Be able to read, speak, and understand the English language, or have such operating limitations placed on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter within the preceding 24 months or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 20.30, 20.31, 20.31–1, 20.32, 20.32–1, 20.60, 20.61, 20.61–1, 20.62, 20.62–1, 20.90, 20.90–1, 20.91, 20.91–1, 20.92, 20.92–1; 22.11 (a)–(e), 22.11–1, 22.11–2, and 22.24(b) (less (2))]

NOTE: §§ 22.11(e) (proviso) and 22.11–2 are omitted as superseded by § 29.5.

§ 61.83 Aeronautical knowledge.

An applicant for a private pilot certificate must pass a written test on—

(a) The regulations of this chapter governing private pilot privileges and limitations, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(b) Practical cross-country flying including, for airplane or rotorcraft rating, flight planning, map reading, pilotage, and radio communication procedures, and for airplane rating, radio navigation and emergency procedures;

(c) Recognizing dangerous weather conditions and evaluating weather reports; and

(d) General safety practices in operating airplanes, rotorcraft, or gliders, as the case may be.

[Revision note: Combines §§ 20.33, 20.63, 20.93; 22.11(f) and 22.11–3 (less 1st and last sentences)]

§ 61.85 Airplane rating: aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must hold a student pilot certificate endorsed for solo and cross-country flights and must have had—

(1) A total of at least 40 hours of dual instruction and solo flight time;

(2) At least 20 hours of solo flight time of which at least 15 were in an airplane;

(3) At least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure, and, except as provided in paragraph (b) of this section, during which at least one flight included a landing at a place more than 100 miles from the place of departure;

(4) At least 3 hours of dual instruction, after his first solo cross-country flight, including a review of procedures and maneuvers previously learned and additional instruction in preparation for the private pilot flight test; and

(5) Dual instruction, from a certificated flight instructor with an airplane rating, in controlling an airplane by instruments only, in an airplane with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight.

The instrument instruction required by subparagraph (5) of this paragraph must be integrated with the dual flight instruction in primary flight maneuvers given before and after solo.

(b) That part of paragraph (a)(3) of this section requiring a flight including a landing at a place more than 100 miles from the place of departure does not apply to an applicant who shows, on the Island of Okinawa, Ryukyu Islands, that he is otherwise entitled to a private pilot certificate and has completed a solo cross-country flight between those airports on the Island of Okinawa that are the farthest apart. However, the pilot certificate issued to a person who qualifies under this paragraph must contain the following limitation:

The holder may not pilot any aircraft carrying passengers except on flights over the Island of Okinawa, within a radius of 40 miles of the airport of takeoff.

(c) The holder of a private pilot certificate with the limitation prescribed in paragraph (b) of this section, is entitled to have that limitation removed if he passes the test prescribed by § 61.87(b)(3) and presents satisfactory evidence to an FAA inspector that he has complied with the 100-mile flight requirements of paragraph (a)(3) of this section.

[Revision note: Combines § 20.34 and SR 434]

§ 61.87 Airplane rating: aeronautical skill.

(a) An applicant for a private pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operation test, a basic piloting technique test, and a cross-country test.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic piloting technique test.

(i) Preflight operations.

(ii) Taxiing or sailing and docking.

(iii) Normal and crosswind takeoffs and landings.

(iv) Climbs, level flight, and descents at normal speeds and at minimum controllable speeds.

(v) Stalls from all normally anticipated flight attitudes, with and without power.

(vi) 720° steep turns about a point.

(vii) Wheel landings in tailwheel-type airplanes, and full stall landings in tricycle-type airplanes.

(viii) Short field takeoff and power approach and landing.

(ix) Soft field takeoff and landing.

(x) Slips and a slip to a landing (if a three control airplane is used).

(xi) Emergency operation of airplane equipment.

(xii) Engine-out emergencies, if a multiengine airplane is used, including—

(*a*) Maneuvering with one engine out (feathered if possible);

(*b*) Engine-out minimum control speed demonstration;

(*c*) Use of engine-out best rate-of-climb speed;

(*d*) Effect on engine-out performance of failing to feather, extension of gear and flaps, and combinations of them; and

(*e*) Approach and landing with an engine set for zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—cross-country test.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country emergencies (lost, weather, overheating engine, power failure, etc.).

(iv) Use of radio aids to VFR navigation.

[Revision note: Combines §§ 20.35 and 20.35–1(a) (1) (1st sentence) and (3)]

§ 61.89 Rotorcraft rating: aeronautical experience.

An applicant for a private pilot certificate (rotorcraft) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) A total of 40 hours of dual instruction and solo flight time;

(b) 15 hours of solo flight time in rotorcraft; and

(c) 3 hours of solo cross-country flying, including a landing at an airport that is more than 25 miles from the place of departure.

[Revision note: Based on § 20.64]

§ 61.91 Rotorcraft rating: aeronautical skill.

(a) An applicant for a private pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques, and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic technique.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (if rotorcraft equipped to taxi on the surface).

(iv) Normal and crosswind takeoffs and landings.

(v) High altitude takeoffs and roll-on landings.

(vi) Climbs and descents.

(vii) Emergencies, including autorotative approaches.

(2) Phase II—precision maneuvers.

(i) Hovering—upwind, downwind, and crosswind.

(ii) Hovering turns—180° and 360°, right and left.

(iii) Turns with medium banks.

(iv) S turns.

(v) Pattern flying with constant heading.

(vi) Rapid flying decelerations (quick stops).

[Revision note: Combines §§ 20.65 and 20.65–1(a) (1) (1st sentence) and (3)]

§ 61.93 Glider rating: aeronautical experience.

An applicant for a private pilot certificate (glider) must hold a student pilot certificate that is endorsed for solo and cross-country flights and must have had at least—

(a) 1 hour of flight instruction in a powered airplane or a glider in recovery from stalls entered into from all normally anticipated flight attitudes; and

(b) At least one of the following:

(1) 100 glider flights, including 25 flights during which a 360° turn was made;

(2) 10 hours of glider flight time, including 50 glider flights, or 30 glider flights in which aero tows were used; or

(3) 3 hours of instruction from a flight instructor in light airplanes directed toward glider training and seven hours of glider flight time including 50 gliding flights.

If the instruction required by subparagraph (1) of this paragraph was received in a powered airplane, it must have been given by a flight instructor with an airplane instructor rating.

[Revision note: Combines §§ 20.94 and 20.94–1]

§ 61.95 Glider rating: aeronautical skill.

(a) An applicant for a private pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is in two phases, basic techniques and special maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques;

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow; or airplane tow.

(iv) 360° approaches, right and left, landing within 200 feet beyond a line or mark.

(2) Phase II—stalls and slow flight in a glider.

[Revision note: Combines §§ 20.95 and 20.95–1(a) (1) (1st sentence) and (3)]

§ 61.97 Lighter-than-air rating: aeronautical experience.

An applicant for a private pilot certificate (lighter-than-air) must hold a student pilot certificate (lighter-than-air) and must have at least 50 hours of flight time at the controls of an airship, including at least 5 hours as pilot in command, at least 5 hours of cross-country flight, and at least 5 hours of flight time at the controls of an airship within the 60 days before the date he applies.

[Revision note: Based on §§ 22.11(g), 22.11–4, and 22.11–5]

§ 61.99 Lighter-than-air rating: aeronautical skill.

An applicant for a private pilot certificate (lighter-than-air) must—

(a) Exercise smoothness in required flight maneuvers and exercise reasonable judgment in them by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(b) Pass a flight test on the following maneuvers;

(1) Ground handling and mooring.

(2) Preflight checks.

(3) Runups.

(4) Takeoffs.

(5) Ascents.

(6) Turns (right and left) and figure eights.

(7) Straight and level flight.

(8) Descents.

(9) Landings (positive static balance).

(10) Landings (negative static balance).

[Revision note: Combines §§ 22.11(b), 22.11–6, and 22.11–7]

§ 61.101 General privileges and limitations.

(a) Except as provided in paragraph (f) of this section, a private pilot may not act as pilot in command of an aircraft for compensation or hire. However, an aircraft salesman who is a private pilot with at least 200 hours of flight time may demonstrate aircraft in flight to a prospective buyer.

(b) A private pilot may act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire.

(c) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(1) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the Office requests;

(2) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(3) He has logged at least 200 hours of flight time;

(4) No acrobatic or formation flights are conducted;

(5) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § ____ of this chapter [Present § 43.22]; and

(6) The flight is made under VFR rules during the day. For the purposes of this paragraph, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section

170(c) of the Internal Revenue Code of 1954", as amended.

(d) A private pilot may not serve as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(e) Unless other limitations on his certificate prohibit it, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is not carrying passengers or for which he receives no remuneration.

(f) A private pilot (lighter-than-air) may not give flight or instrument instruction in an airship. However, he may pilot a free balloon for compensation or hire and give instruction therein.

[Revision note: Combines §§ 22.31(b); 43.60, and 43.63 (as applicable to private pilots)]

Subpart D—Commercial Pilots

§ 61.111 Eligibility requirements: general.

To be eligible for a commercial pilot certificate, a person must—

(a) Be at least 18 years of age;

(b) Be able to read, speak, and understand the English language, or have such operating limitations on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter during the preceding 12 months, or, in the case of a glider rating, certify that he has no known physical defect that makes him unable to pilot a glider; and

(d) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 20.40, 20.41, 20.41–1, 20.42, 20.42–1, 20.70, 20.71, 20.71–1, 20.72, 20.72–1, 20.100, 20.101, 20.101–1, 20.102, 20.102–1; 22.12 (a)–(e), 22.12–1, 22.12–2 and 22.24(b)(2)]

NOTE: §§ 22.12(e) (proviso) and 22.12–2 are omitted as superseded by § 29.5.

§ 61.113 Aeronautical knowledge.

(a) An applicant for a commercial pilot certificate must pass a written test on—

(1) The regulations in this chapter relating to the privileges and limitations of a commercial pilot, the general operating and air traffic rules, and the rules of the Civil Aeronautics Board governing accident reporting;

(2) Meteorology, including recognizing basic weather conditions and trends, and acquiring and using weather information furnished by the U.S. Weather Bureau, such as hourly sequence reports, terminal forecasts, winds aloft reports, and reading and interpreting weather maps;

(3) Navigation, including pilotage and—

(i) For an airplane rating, dead reckoning, using instruments and radio aids to air navigation, proper radio frequency utilization, radiotelephone procedures and techniques, flight planning, emergency procedures, preflight and inflight services for pilots, and notices to airmen;

(ii) For a rotorcraft rating or lighter-than-air rating, dead reckoning, and using instruments and radio aids to air navigation;

(iii) For a glider rating, using navigational instruments; and

(4) Principles of safe flight operations, including flight theory, operating and maintaining airplanes, rotorcraft, gliders, or lighter-than-air aircraft, as the case may be, and (except for glider rating) general safety practices and procedures for emergencies and critical situations.

(b) An applicant for a commercial pilot certificate (lighter-than-air) must pass the written test prescribed in paragraph (a) of this section before taking the flight test required by § 61.129(a). However, an applicant who holds a heavier-than-air commercial pilot certificate is required to pass only that part of the test relating to instruments and the general servicing and operation of airships, or, if he also holds an instrument rating, he is required to pass only that part relating to the general servicing and operation of airships.

[Revision note: Combines §§ 20.43, 20.73, 20.103; 22.12(f), 22.12–3, 22.12–4 (less (b)), and 22.12–5]

§ 61.115 Airplane rating: aeronautical experience.

(a) An applicant for a commercial pilot certificate (airplane) must have at least 200 hours of flight time, including at least—

(1) 100 hours of flight time in powered aircraft, including 50 hours in airplanes of which at least 15 hours were solo;

(2) 100 hours of flight time as pilot in command, including—

(i) 50 hours of cross-country, each flight including a landing more than 25 miles from the place of departure;

(ii) Takeoffs and landings from at least two different airports under two-way radio instruction from an airport control tower; and

(iii) One cross-country flight of at least 350 miles including landings at three points, one of which is at least 150 miles from the place of departure;

(3) 10 hours of dual instruction, preparing for the commercial pilot flight test, within the six months immediately before the flight test, in addition to any dual instruction received before his private pilot certificate was issued to him; and

(4) 10 hours of instruction in operating an airplane by instruments only, including at least 5 hours of dual instruction given by a rated instrument flight instructor and the remaining hours if any, by a flight instructor with an airplane rating.

The holder of a commercial pilot certificate who did not meet the requirements of subparagraph (4) of this paragraph, and whose certificate was endorsed to that effect, is entitled to have that endorsement removed if he presents written evidence showing that he has met those requirements and has passed the skill test prescribed by § 61.17(c).

(b) If an applicant for a commercial pilot certificate has not had at least 5 hours of flight time at night, including at least 10 takeoffs and 10 landings as pilot in command and as the only manipulator of the controls, his pilot certificate will be endorsed as follows:

Holder does not meet the night flight requirements of ICAO.

[Revision note: Combines §§ 20.44, 20.44–2, 20.44–3, and 20.44–4]

§ 61.117 Airplane rating: aeronautical skill.

(a) An applicant for a commercial pilot certificate (airplane) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in three phases, an oral operational test, basic techniques, and precision maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—oral operational test.

(i) Airplane registration, airworthiness, and equipment documents.

(ii) Airplane logbooks and airworthiness inspection reports.

(iii) Airplane performance, range, and operation.

(iv) Airplane loading, including fuel, oil, and baggage capacities.

(v) Airplane line check.

(vi) Use of radio for voice communication.

(2) Phase II—basic techniques.

(i) Preflight operations.

(ii) Taxiing.

(iii) At least three takeoffs with three accuracy landings beyond and within 200 feet of a mark, including—

(*a*) A slip to a landing, if a three-control airplane is used;

(*b*) Crosswind takeoff and landing;

(*c*) Short field takeoff and power approach and landing;

(*d*) Soft field takeoff and landing; and

(*e*) Wheel landings in tailwheel-type airplanes, or full stall landings in tricycle-type airplanes.

(iv) Airport traffic patterns.

(v) Forced landings (single-engine only) and simulated emergencies.

(vi) Emergency operation of airplane equipment.

(vii) Engine-out emergencies, if a multiengine airplane is used, including—

(*a*) Engine-out minimum control speed demonstration;

(*b*) Use of engine-out best rate-of-climb speed;

(*c*) Maneuvering with one engine out (feathered if possible, otherwise cut off and windmilling);

(*d*) Effect on engine-out performance of failure to feather, extension of gear and flaps, and various combinations of these; and

(*e*) Approach and landing with one engine set to zero thrust, or the drag of a feathered propeller, as applicable.

(3) Phase III—precision maneuvers.

(i) Gliding spirals about a point on the ground.

(ii) Three consecutive shallow on-pylon eights.

(iii) Three consecutive steep on-pylon eights.

(iv) One right and one left 720° steep power turn.

(v) Lazy eights.

(vi) Chandelles.

(vii) Maneuvering at minimum controllable airspeed.

(viii) Stalls from all normally anticipated flight attitudes with and without power.

(c) In addition, the applicant must demonstrate in simulated instrument flight his ability to safely control an aircraft manually solely by reference to instruments, including the following:

(1) Recovery from a well-developed power-on moderate turn spiral in a medium banked attitude.

(2) Recovery from a high angle climb in a turn.

(3) Standard rate turns of 180° and 360° duration to within ±10° and ±20°, respectively, of proper heading and ±150 feet of altitude.

(4) Maximum safe performance climbing turns of 180° duration followed by continued straight climb to predetermined altitude requiring not less than one minute straight climb performed with ±10 knots of airspeed and ±10° of proper heading.

(5) Two consecutive descending 90° turns using normal approach power for reducing altitude performed within ±10° of proper heading and at completion of first 90° turn continue straight descent for 1 minute, then complete second 90° descending turn and continue straight descent for 1½ minutes.

(6) Straight and level flight performed within ±10° of proper heading, 100 feet of altitude and 10 knots of airspeed.

[Revision note: Combines §§ 20.45 and 20.45–1(a) (1) (1st sentence) and (3)]

§ 61.119 Rotorcraft rating: aeronautical experience.

(a) An applicant for a commercial pilot certificate (rotorcraft) must have at least 150 hours of flight time, including at least—

(1) 100 hours in powered aircraft, including 50 hours in rotorcraft of which at least 15 hours were solo;

(2) 100 hours as pilot in command, including 20 hours of cross-country; and

(3) 10 hours of instruction, from a certificated flight instructor, in rotorcraft preparing for the commercial pilot flight test.

(b) A commercial pilot certificate (rotorcraft) issued under this part to a pilot who either does not have at least 200 hours of flight time or has not graduated from an approved commercial rotorcraft pilot training course, will be endorsed as follows:

Holder does not meet the flight time requirements of ICAO.

[Revision note: Based on §§ 20.74 and 20.74–2]

§ 61.121 Rotorcraft rating: aeronautical skill.

(a) An applicant for a commercial pilot certificate (rotorcraft) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and precision maneuvers. An applicant for a flight test in an autogiro is required to perform competently the maneuvers required for the practical test in airplanes.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic technique.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (in rotorcraft equipped to taxi on the surface).

(iv) Normal takeoffs and landings.

(v) Crosswind takeoffs and landings.

(vi) High altitude takeoff and roll-on landing.

(vii) Climbs and descents.

(viii) Emergencies, including autorotative approaches (landing optional, as appropriate).

(2) Phase II—precision maneuvers.

(i) Hovering upwind, downwind, and crosswind.

(ii) Pattern flying with constant and with changing headings.

(iii) Hovering turns—180° and 360°, right and left.

(iv) S turns.

(v) Turns with medium banks.

(vi) Rapid decelerations (quick stops).

[Revision note: Combines §§ 20.75 and 20.75–1(a) (1) (1st sentence) and (3)]

§ 61.123 Glider rating: aeronautical experience.

An applicant for a commercial pilot certificate (glider) must have at least 25 hours of flight time, including at least—

(a) 20 hours of flight time in gliders;

(b) 2 hours of dual instruction preparing for the commercial pilot flight test;

(c) 100 flights in gliders as pilot in command; and

(d) 25 glider flights with 360° right and left approaches.

[Revision note: Based on § 20.104]

§ 61.125 Glider rating: aeronautical skill.

(a) An applicant for a commercial pilot certificate (glider) must pass a practical test on the procedures and maneuvers listed in paragraph (b) of this section. The test is given in two phases, basic techniques and special maneuvers.

(b) The applicant must perform the following procedures and maneuvers competently:

(1) Phase I—basic techniques.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow.

(iv) Airplane tow; above, below and to one side of slipstream.

(v) 360° aproaches, right and left, landing within 100 feet beyond a line or mark.

(2) Phase II—special maneuvers.

(i) Three-turn spirals, right and left, with bank at least 45°.

(ii) Stalls and slow flight (must be demonstrated in a glider).

[Revision note: Combines §§ 20.105 and 20.105–1(a) (1) (1st sentence) and (3)]

§ 61.127 Lighter-than-air rating: aeronautical experience.

An applicant for a commercial pilot certificate (lighter-than-air) must have at least 200 hours of flight time at the controls of an airship including—

(a) At least 5 hours within the 60 days before the date he applies;

(b) At least 50 hours as pilot in command;

(c) At least 10 hours of cross-country;

(d) At least 10 hours at night;

(e) At least 20 hours of instrument instruction and practice in flight, including, when approved by the Administrator, not more than 10 hours of instruction and practice under simulated conditions not in flight; and

(5) In place of not more than 50 hours of the 200-hour total flight requirement, an equal or greater amount of flight time as a crewmember, upon approval by the Administrator.

[Revision note: Combines §§ 22.12(g) and 22.12–6]

§ 61.129 Lighter-than-air rating: aeronautical and radio skills.

(a) An applicant for a commercial pilot certificate (lighter-than-air) must—

(1) Exercise reasonable judgment in performing flight maneuvers by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations that require corrective action by the person giving the test to maintain safe operations, and observing accepted good operating practices for flight conditions encountered; and

(2) Pass a flight test on the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight check.

(iii) Runups.

(iv) Takeoffs.

(v) Ascents.

(vi) Turns (right and left) and figure eights.

(vii) Precision turns (180° and 360°).

(viii) Straight and level flight.

(ix) Climbing turns.

(x) Diving turns.

(xi) Descents.

(xii) In-flight ETA computations.

(xiii) Radio operation and tuning.

(xiv) Radio orientation.

(xv) Beam bracketing and tracking.

(xvi) Locating cone of silence.

(xvii) Traffic control and approach procedure.

(xviii) Landings (positive and negative static balance).

(b) In performing the maneuvers required by paragraph (a)(2) of this section that involve radio skills, the applicant need not follow final approach procedures for airplanes. He may elect to consider his initial approach as a final approach and go directly to the airport, if that procedure does not require more than 90° of turn over the station. He may make his orientation and approach using either LF or VHF range facilities.

[Revision note: Combines §§ 22.12 (h) and (i), 22.12–7, 22.12–8, and 22.12–10]

§ 61.131 General privileges and limitations.

(a) Subject to paragraph (b) of this section, a commercial pilot may act as pilot in command of an aircraft for compensation or hire.

(b) A commercial pilot may not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than one of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated.

(c) Unless prohibited by a limitation on his certificate, a commercial pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers or remuneration.

(d) A commercial glider pilot may give flight instruction in gliders. A commercial lighter-than-air pilot may give flight instruction in lighter-than-air aircraft.

[Revision note: Combines §§ 22.31(c); 43.61, and 43.63 (as applicable to commercial pilots)]

Subpart E—Airline Transport Pilots

§ 61.141 Eligibility requirements: general.

To be eligible for an airline transport pilot certificate, a person must—

(a) Be at least 23 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language and speak it without accent or impediment of speech that would interfere with two-way radio conversation;

(d) Be a high school graduate, or its equivalent in the Administrator's opinion, based on the applicant's general experience and aeronautical experience, knowledge, and skill;

(e) Have a first-class medical certificate issued under Part 67 of this chapter within the 6 months before the date he applies; and

(f) Comply with the sections of this part that apply to the rating he seeks.

[Revision note: Combines §§ 21.9, 21.10, 21.11, 21.12, 21.13, 21.14 and 21.31]

§ 61.143 Airplane rating; aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 and 61.145, make a grade of at least 70 percent on a written test on—

(a) The sections of this part relating to airline transport pilots and Parts ____, ____, ____, ____, and ____ of this chapter [Present Parts 1, 27, 40, and 60] and so much of Parts ____ and ____ of this chapter [Present Parts 4a and 4b] as relate to the operations of air carrier aircraft;

(b) The fundamentals of air navigation and use of formulas, instruments, and other navigational aids, both in aircraft and on the ground, that are necessary for navigating aircraft by instruments;

(c) The general system of weather collection and dissemination;

(d) Weather maps, weather forecasting, and weather sequence abbreviations, symbols, and nomenclature;

(e) Elementary meteorology, including knowledge of cyclones as associated with fronts;

(f) Cloud forms;

(g) Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations", as amended;

(h) Weather conditions, including icing conditions and upper-air winds, that affect aeronautical activities;

(i) Air navigation facilities used on Federal airways, including rotating beacons, course lights, radio ranges, and radio marker beacons;

(j) Information from airplane weather observations and meteorological data reported from observations made by pilots on air carrier flights;

(k) The influence of terrain on meteorological conditions and developments, and their relation to air carrier flight operations;

(l) Radio communication procedure in aircraft operations; and

(m) Basic principles of loading and weight distribution and their effect on flight characteristics.

[Revision note: Based on § 21.15]

§ 61.145 Airplane rating: aeronautical experience.

(a) An applicant for an airline transport pilot certificate with an airplane rating must hold a commercial pilot certificate or a foreign airline transport pilot or commercial pilot license without limitations, issued by a member state of ICAO, or he must be a pilot in an Armed Force of the United States whose military experience qualifies him for a commercial pilot certificate under section 61.31 of this chapter.

(b) An applicant must have had—at least 250 hours of flight time as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which were cross-country time and 25 hours of which were night flight time; and at least 1,200 hours of flight time as a pilot within the 8 years before the date he applies, including at least—

(1) 5 hours within the 60 days before the date he applies;

(2) 500 hours of cross-country flight time;

(3) 100 hours of night flight time; and

(4) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

(c) If an applicant with less than 250 hours of pilot-in-command time otherwise meets the requirements of the introductory clause of paragraph (b) of this section, his certificate will be endorsed "Holder does not meet the pilot-in-command flight experience requirements of ICAO", as prescribed by article 39 of the "Convention on International Civil Aviation." Whenever he presents satisfactory written evidence that he has accumulated the 250 hours of pilot-in-command time, he is entitled to a new certificate without the endorsement.

[Revision note: Based on §§ 21.16, 21.16–1 (less (b)), 21.16–2, and 21.16–3]

NOTE: § 21.16–3 is omitted as surplusage and as covered by revised paragraph (b).

§ 61.147 Airplane rating: aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a single engine or multiengine class rating must pass a flight test involving the following maneuvers:

(1) Equipment test (oral).
(2) Preflight check.
(3) Taxiing, or sailing and docking.
(4) Runups.
(5) Takeoffs.
(6) Climbs and climbing turns (if he does not hold an instrument rating).
(7) Maneuvering at slow speed.
(8) Stalls (single engine rating only) or approaches to stalls (multiengine rating only).
(9) Airport traffic pattern.
(10) Accuracy approaches and spot landings (single engine rating only).
(11) Landing technique.
(12) Cross-wind takeoff and landing.
(13) Traffic control procedure.
(14) Steep turns.
(15) Timed turns (if he does not hold an instrument rating).
(16) Recovery from unusual attitudes.
(17) Use of radio equipment.
(18) Orientation.
(19) Beam bracketing.
(20) Cone (station) identification.
(21) Instrument approach procedures.
(22) Missed approach procedures.
(23) Use of directional radio.
(24) Rapid descent and pullup.
(25) Engine(s)-out procedure (multiengine rating only).
(26) Maneuvering with engine(s) out (multiengine rating only).
(27) Maneuvering for landing at weather minimums.
(28) Takeoff and landing with simulated engine(s) failure (multiengine rating only).
(29) Emergencies.
(30) Smoothness and coordination.
(31) Judgment.

The maneuvers described in subparagraphs (6), (7), (8), (14), (15), (16), (18), (19), (20), (21), (22), (23), (24), and (26) of this paragraph must be performed solely by reference to instruments.

(b) An applicant for an additional type rating to his airline transport pilot certificate with a multiengine rating must pass a flight test involving the maneuvers listed in paragraph (a) (1) to (5), (7) to (9), (11) to (14), (16), (17), (21), (22), and (24) to (31) of this section.

(c) Any maneuver required by this section may be modified by the examining inspector as necessary for the reasonable and safe operation of the aircraft being used.

[Revision note: Combines §§ 21.16–1(b), 21.17, 21.17–1 (less (a)), and 21.18]

NOTE: §§ 21.17(a) and 18(b) (1st sentence) are omitted as surplusage since §§ 21.16 and 21.16–1(b) require an applicant to have a commercial pilot certificate or the equivalent before he is eligible for an airline transport pilot certificate. See note to present § 21.17(a).

§ 61.149 Rotorcraft rating: general requirements.

An applicant for an airline transport pilot certificate with a rotorcraft rating authorizing the piloting of rotorcraft under VFR only, must meet the requirements of §§ 61.151 to 61.155 in place of those in §§ 61.143 to 61.147.

[Revision note: Based on § 21.19]

NOTE: § 21.19 (proviso) is omitted as obsolete.

§ 61.151 Rotorcraft rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with a rotorcraft rating must pass a written test on—

(a) So much of this chapter as relates to air carrier rotorcraft operations;

(b) Rotorcraft design, components, systems, and performance limitations;

(c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;

(d) Air traffic control systems and procedures relating to rotorcraft;

(e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions; and

(f) Flight theory as applicable to rotorcraft.

[Revision note: Based on § 21.19a]

§ 61.153 Rotorcraft rating: aeronautical experience.

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating must hold a commercial pilot certificate, or its equivalent as determined by the Administrator.

(b) In addition, such an applicant must have had at least 1,200 hours of flight time as a pilot within the 8 years before the date he applies including at least—

(1) 5 hours in rotorcraft within the 60 days before that date;

(2) 500 hours of cross-country flight time;

(3) 100 hours at night including, at least 15 hours in rotorcraft; and

(4) 200 hours in rotorcraft, including at least 75 hours as pilot in command or as second in command performing the duties and functions of a pilot in command, or any combination thereof.

[Revision note: Based on § 21.19b]

§ 61.155 Rotorcraft rating: aeronautical skill.

An applicant for an airline transport pilot certificate with a rotorcraft rating must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

(a) Normal takeoffs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.

(b) Simulated emergency procedures, including failure of an engine, or other component or system, fire, ditching, evacuation, and operating emergency equipment.

(c) Autorotative approaches and landings with simulated one engine inoperative.

(d) Any other maneuvers considered necessary to show his ability.

[Revision note: Based on § 21.19c]

§ 61.157 Additional category ratings.

(a) The holder of an airline transport pilot certificate (airplane rating) who applies for a rating authorizing him to pilot a rotorcraft under VFR only, must comply with §§ 61.151 and 61.155 and—

(1) Have at least 100 hours, including at least 15 hours at night, of rotorcraft flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate rotorcraft rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of rotorcraft flight time as pilot in command, second in command, or as dual instruction, or any combination thereof, including at least 15 hours of night flight time.

(b) The holder of an airline transport pilot certificate (rotorcraft rating) who applies for an airplane rating, must comply with §§ 61.143 to 61.147 [§§ 21.15 to 21.18] and—

(1) Have at least 100 hours, including at least 15 hours at night, of airplane flight time as pilot in command or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command who holds an airline transport pilot certificate with an appropriate airplane rating, or any combination thereof; or

(2) Complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane flight time as pilot in command, second in command, or as dual instruction, or any combination thereof, including at least 15 hours of night flight time.

[Revision note: Based on § 21.19d]

§ 61.159 Aircraft ratings.

The category and class of aircraft and type, if it is a large aircraft, that an applicant for an airline transport pilot certificate is authorized to pilot shall be placed on his certificate. For unconventional planes the description must clearly define the aircraft that the applicant is authorized to pilot. He must show that he is able to pilot aircraft of the category and class and, if appropriate, the type, for which he seeks a rating, by performing the maneuvers listed in § 61.147(b) [§ 21.17–1(d)].

[Revision note: Combines §§ 21.20 and 21.20–1]

§ 61.161 Tests.

(a) Each applicant for an airline transport pilot certificate must pass each practical and theoretical test to the satisfaction of the Administrator. The minimum passing grade in each subject is 70 percent. Each flight maneuver is graded separately. Other tests are graded as a whole.

(b) Information collected incidentally to such a test shall be treated as a confidential matter by the persons giving the test and by employees of the FAA.

[Revision note: Combines §§ 21.37 and 21.38]

§ 61.163 Instruction in air transportation service.

An airline transport pilot may instruct other pilots in air transportation service in aircraft of the category, class, and type for which he is rated. However, he may not instruct for more than 8 hours in one day nor more than 36 hours in any 7-day period. He may instruct under this section only on aircraft with functioning dual controls. Unless he has a flight instructor certificate, an airline transport pilot may instruct only as provided in this section.

[Revision note: Combines §§ 21.22 (less introductory paragraph and less (d)) and 21.43]

NOTE: § 21.22(b) is omitted as obsolete, since the special ratings to which it referred are no longer effective.

§ 61.165 General privileges and limitations.

(a) An airline transport pilot has the privileges of a commercial pilot with an instrument rating. The holder of a commercial pilot certificate who qualifies for an airline transport pilot certificate retains the ratings on his commercial pilot certificate, but he may exercise only the privileges of a commercial pilot with respect to them.

(b) An airline transport pilot may not operate any aircraft other than in accordance with the rating limitations on his pilot certificate. However, he may pilot an airplane as a—

(1) Second in command, without a class or type rating for that airplane; or

(2) Pilot in command, without a class or type rating for that airplane, if the airplane does not carry any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that airplane.

[Revision note: Combines §§ 21.40 (less (c)), 21.40–1 (less last sentence), and 43.62]

NOTE: § 21.40(b) is omitted as surplusage and covered by § ____ [§ 43.41]

Subpart F—Flight Instructors

§ 61.171 Flight instructor certificate: requirements.

(a) An applicant for a flight instructor certificate with an airplane, rotorcraft, glider, or instrument rating must—

(1) Hold an airline transport pilot or commercial pilot certificate, or hold a private pilot certificate and meet the aeronautical knowledge, skill, and experience requirements of this part for a commercial pilot certificate;

(2) Pass a written test on the fundamentals of flight instruction and the performance and analysis of flight train-

ing maneuvers, appropriate to the rating sought; and

(3) Pass the tests listed in paragraph (d) of this section, to show his ability to give accurate, effective flight instruction, appropriate to the rating sought.

A certificate issued under this section bears the same number as the applicant's pilot certificate.

(b) The holder of a flight instructor certificate may obtain additional category ratings on his flight instructor certificate by passing a written test on the performance and analysis of flight training maneuvers, and the tests listed in paragraph (d) of this section, appropriate to the rating he seeks.

(c) A limited flight instructor certificate that is valid on the date this part becomes effective is equal to a flight instructor certificate until it expires or is exchanged, as provided in § 61.9.

(d) The applicant must pass the following oral and applicable flight tests:

(1) Oral test, all ratings.

(i) Application of effective flight instruction methods.

(ii) Knowledge of safe flying practices and principles.

(iii) Correctness and clarity of explanations.

(iv) Recognition of student errors (in flight and in postflight discussion).

(v) Cross-country flight planning.

(2) Flight test, airplanes.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing, or sailing and docking.

(iv) Straight flight and turns in climbs, glides, and level flight.

(v) Normal takeoffs and accuracy landings.

(vi) Crosswind takeoffs and landings.

(vii) Short-field takeoff and power approach with landing.

(viii) Soft-field takeoff and landing.

(ix) Slips to landings.

(x) Wheel landings in tailwheel type airplanes, or full stall landings in tricycle types.

(xi) Stalls from all normally anticipated flight attitudes, with and without power.

(xii) Maneuvering at minimum controllable airspeed.

(xiii) Spins, right and left.

(xiv) 720° power turns.

(xv) Chandelles.

(xvi) Lazy eights, shallow and steep.

(xvii) Pylon eights, shallow and steep.

(xviii) Airport traffic patterns-rectangular courses and S-turns.

(xix) Using radio for voice communication-traffic control procedures.

(xx) Emergency operation of airplane equipment; forced landings.

(3) Flight test, rotorcraft.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Taxiing (if rotorcraft used is appropriately equipped).

(iv) Normal takeoffs and landings.

(v) Crosswind takeoffs and landings.

(vi) High altitude takeoffs and roll-on landings.

(vii) Climbs and descents.

(viii) Hovering upwind, crosswind, and downwind.

(ix) Hovering 360° turns.

(x) Pattern flying with constant and with changing headings.

(xi) S-turns.

(xii) Rapid decelerations.

(xiii) Autorotative landings.

(xiv) Emergency operation of rotorcraft equipment.

(4) Flight test, gliders.

(i) Preflight check and oral equipment test.

(ii) Preflight operations.

(iii) Auto, pulley, or winch tow.

(iv) Airplane tow, above, below, and to one side of slipstream.

(v) 360° approaches, right and left, landing within 100 feet beyond a line.

(vi) Three-turn spirals, right and left, at banks of at least 45°.

(vii) Stalls and slow flight.

(viii) Spins, right and left.

(5) Flight test, instrument.

(i) Instrument flight planning.

(ii) Preparing and filing an instrument flight plan.

(iii) Aircraft performance, range, and fuel requirements.

(iv) Required instruments and equipment, and their proper use.

(v) Straight and level flight.

(vi) Turns, climbs and descents.

(vii) Stalls and maneuvering at approach speeds.

(viii) Steep turns.

(ix) Recovery from unusual attitudes.

(x) Engine-out procedures, if test is given in multiengine airplane.

(xi) Radio navigation, including orientation using LF, OMNI range, or ADF.

(xii) Using radio for voice communication.

(xiii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile) including holding procedures.

(xiv) Missed approach procedures.

(xv) Emergencies, such as radio or instrument malfunctions.

(xvi) Compliance with air traffic control instructions and procedures.

[Revision note: Combines §§ 20.130 and 20.130–1]

§ 61.173 Flight instructor records.

Each flight instructor shall—

(a) Sign each student pilot's record for each period of flight instruction that he gives;

(b) Record the name of each student pilot to whom he has given flight instruction and whose certificate he has endorsed, the type of each endorsement, and the date of each endorsement or flight instruction period;

(c) Record the name of each student pilot for whom he has signed a recommendation for a flight test under this part, the kind of test, and the date of the recommendation; and

(d) Keep each record required by paragraph (b) or (c) of this section separately, or in his logbook, for as long as he continues to be a flight instructor, or for 3 years, whichever is shorter.

[Revision note: Combines §§ 20.136 and 20.136–1]

§ 61.175 Flight instructor ratings.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may exchange it for a flight instructor certificate if he passes the appropriate test prescribed in § 61.171(d).

[Revision note: Combines §§ 20.138 and 20.138–1]

NOTE: §§ 20.138 (1st sentence) and 20.138–1(a) are omitted as executed.

§ 61.177 Limitations.

(a) A flight instructor may endorse the certificate of a student pilot for solo flight or flight in a different make or model of aircraft only if he determines that the student can make the flight safely. He may endorse such a certificate for cross-country flight only if he determines that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass.

(b) A flight instructor may instruct only in the category of aircraft for which he is rated.

(c) A flight instructor may not exercise the privileges of his certificate unless, within the preceding 12 months, he has—

(1) Given at least 10 hours of flight instruction while appropriately rated; or

(2) Shown his continued proficiency to the Administrator.

(d) A flight instructor may not give more than 8 hours of dual instruction in a day nor more than 36 hours in any 7-day period.

[Revison note: Based on §§ 43.64 (b), (c), and (d) and 43.68(c)]

Subpart G—Free Balloon Pilot Certificate

§ 61.181 General requirements.

(a) To be eligible for a free balloon pilot certificate, a person must—

(1) Hold a student lighter-than-air pilot certificate;

(2) Be at least 17 years of age;

(3) Be able to read, speak, and understand the English language;

(4) Hold at least a third-class medical certificate issued under Part 67 of this chapter;

(5) Within 24 months before his certificate is issued, pass a written test on the following by answering 45 out of 50 questions correctly within 1 hour:

(i) So much of Parts ____ and ____ of this chapter [Present Parts 1 and 60] as relate to his certificate.

(ii) Prevailing weather conditions in the United States that are met in flying and the forecasting thereof.

(iii) Analyzing weather maps and sequence reports furnished by the U.S. Weather Bureau.

(iv) Practical air navigation problems using maps.

(v) Navigation by terrain and by dead reckoning, including using instruments and other aids to navigation in visual contact flying.

(vi) The general servicing and operation of airships;

(6) Have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of a certificated free balloon pilot, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent;

(7) Successfully perform the following maneuvers:

(i) Ground handling and mooring.

(ii) Preflight checks.

(iii) Takeoffs.

(iv) Ascents.

(v) Descents.

(vi) Landings (positive static balance); and

(8) Show his ability to satisfactorily pilot and maneuver a free balloon in solo flight.

Subparagraphs (5), (6), (7), and (8) of this paragraph do not apply to an applicant for a certificate that is limited to operating hot air balloons.

(b) The applicant must show his ability to exercise reasonable judgment in the flight maneuvers required by paragraph (a) (7) and (8) of this section, by complying with Part ____ of this chapter [Present Part 60], avoiding critical situations, and observing accepted good operating practices for the flight conditions encountered.

[Revision note: Combines §§ 22.13, 22.13–1, 22.13–2, 22.13–3, 22.13–4, and 22.13–5]

§ 61.183 Limitations and privileges.

The holder of a free balloon pilot certificate may not pilot any lighter-than-air aircraft except a free balloon. He may pilot a free balloon for hire carrying passengers or property and may give flight instruction in a free balloon.

[Revision note: Based on § 22.31(d)]

PART 61—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
20.1	61.1	20.24	61.65
20.2	(1)	20.30	61.81
20.5	(2)	20.31	61.81
20.10(d)	61.19	20.31–1	61.81
20.10 (less (d))	61.5	20.32	61.81
20.10–1	61.5	20.32–1	61.81
20.10–3	61.11	20.33	61.83
20.10–4	61.13	20.33–1	(4)
20.10–5	61.13	20.34	61.85
20.10–6	61.5	20.34–1	(4)
20.11(c)	61.7	20.35	61.87
20.11 (less (c))	61.9	20.35–1(a) (1) (1st sentence) and (3)	61.87
20.11–1	61.11	20.35–1 (a) (1) (less 1st sentence) and (2), and (b)	61.23
20.11–2	61.9	20.40	61.111
20.11–3	61.7	20.41	61.111
20.12	(3)	20.41–1	61.111
20.13	61.27	20.42	61.111
20.13–1	61.27	20.42–1	61.111
20.14	61.21	20.43	61.113
20.15	61.25	20.43–1	(4)
20.15–1	61.25	20.44	61.115
20.15–2	61.25	20.44–1	(4)
20.16	61.39	20.44–2	61.115
20.16–1	61.39	20.44–3	61.115
20.17	61.39	20.44–4	61.115
20.18	61.51	20.45	61.117
20.20	61.61	20.45–1 (a) (1) (1st sentence) and (3)	61.117
20.20–1	(4)		
20.20–2	61.61		
20.20–3	61.61		
20.21	61.61		
20.21–1	61.61		
20.22	61.61		
20.22–1	61.61		
20.23	61.63		

PART 61—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
20.45–1 (a) (1) (less 1st sentence) and (2), and (b)	61.23	20.102–1	61.111
20.50	61.61	20.103	61.113
20.50–1	61.61	20.103–1	(4)
20.51	61.61	20.104	61.123
20.51–1	61.61	20.105	61.125
20.52	61.61	20.105–1(a) (1) (1st sentence) and (3)	61.125
20.52–1	61.61	20.105–1(a) (1) (less 1st sentence) and (2), and (b)	61.23
20.53	61.63	20.110	61.29
20.54	61.67	20.111	61.31
20.60	61.81	20.111–1	61.31
20.61	61.81	20.111–2	61.31
20.61–1	61.81	20.111–3	61.31
20.62	61.81	20.112 (last sentence)	61.9
20.62–1	61.81	20.112 (less last sentence)	61.33
20.63	61.83	20.112–1	(5)
20.63–1	(4)	20.112–2	61.33
20.64	61.89	20.120	61.15
20.64–1	(4)	20.120–1	61.15
20.65	61.91	20.120–2	61.15
20.65–1(a) (1) 1st sentence) and (3)	61.91	20.121	61.17
20.65–1(a) (1) (less 1st sentence) and (2), and (b)	61.23	20.121–1	61.17
20.70	61.111	20.121–2	61.17
20.71	61.111	20.125	61.35
20.71–1	61.111	20.126	61.35
20.72	61.111	20.126–1	(4)
20.72–1	61.111	20.127	61.35
20.73	61.113	20.127–1	61.35
20.73–1	(4)	20.127–2	(4)
20.74	61.115	20.128	61.37
20.74–1	(4)	20.128–1(a) (1)	61.25
20.74–2	61.119	20.128–1(a) (2) (less 1st sentence and (3), and (b) (1st sentence)	61.23
20.75	61.121	20.128–1(a) (2) (1st sentence and (4), and (b) (less 1st sentence)	61.37
20.75–1(a) (1) (1st sentence) and (3)	61.121	20.130	61.171
20.75–1(a) (1) (less 1st sentence and (2), and (b)	61.23	20.130–1	61.171
20.80	61.61	20.130–2	(4)
20.80–1	61.61	20.131	61.9
20.80–2	61.61	20.136	61.173
20.81	61.61	20.136–1	61.173
20.81–1	61.61	20.138	61.175
20.82	61.61	20.138–1	61.175
20.82–1	61.61	21.1	(3)
20.83	61.63	21.5	(3)
20.84	61.69	21.6	61.13
20.90	61.81	21.9	61.141
20.90–1	61.81	21.10	61.141
20.91	61.81	21.11	61.141
20.91–1	61.81	21.12	61.141
20.92	61.81	21.13	61.141
20.92–1	61.81	21.14	61.141
20.93	61.83	21.15	61.143
20.93–1	(4)	21.15–1	61.21
20.94	61.93	21.16	61.145
20.94–1	61.93	21.16–1 (less (b))	61.145
20.95	61.95	21.16–1(b)	61.147
20.95–1(a) (1) (1st sentence) and (3)	61.95	21.16–2	61.145
20.95–1(a) (1) (less 1st sentence) and (2), and (b)	61.23	21.16–3	61.145
20.100	61.111	21.17	61.147
20.101	61.111	21.17–1(a)	61.21
20.101–1	61.111	21.17–1 (less (a))	61.147
20.102	61.111	21.18(a)	61.149
		21.18(b) (1st sentence)	61.149

PART 61—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
21.19(b) (less 1st sentence)	61.147	22.12(f)	61.113
21.19	61.149	22.12(g)	61.127
21.19a	61.151	22.12 (h) and (i)	61.129
21.19b	61.153	22.12(j)	61.31
21.19c	61.155	22.12–1	61.111
21.19d	61.157	22.12–2	61.111
21.20	61.159	22.12–3	61.113
21.20–1	61.159	22.12–4(b)	61.21
21.21	61.5	22.12–4 (less (b))	61.113
21.21–1	(4)	22.12–5	61.113
21.21–2	(4)	22.12–6	61.127
21.22 (introductory paragraph)	61.5	22.12–7	61.129
21.22(a)	61.7	22.12–8	61.129
21.22 (less introductory paragraph and less (a))	61.163	22.12–9	(4)
21.22–1	(4)	22.12–10	61.129
21.23	61.3	22.12–11	61.31
21.24 (a) and (c)	61.9	22.12–12	61.31
21.24(b)	61.7	22.12–13	61.31
21.24–1	61.11	22.13	61.181
21.25	(3)	22.13–1	61.181
21.26	61.45	22.13–2	61.181
21.27	61.9	22.13–3	61.181
21.28	61.27	22.13–4	61.181
21.28–1	61.27	22.13–5	61.181
21.28–2	61.27	22.13–6	61.21
21.29	61.51	22.20	61.5
21.30	61.25	22.20–1	(4)
21.31	61.141	22.21 (less (d))	61.9
21.32	61.19	22.21(d)	61.7
21.33	61.25	22.21–1	(4)
21.33–1	61.25	22.21–2	61.7
21.34	61.15	22.22	61.47
21.35	61.15	22.23	(4)
21.36	61.49	22.24(b) (less (2))	61.81
21.37	61.161	22.24(b) (2)	61.111
21.38	61.161	22.24(c)	61.27
21.40 (less (c))	61.165	22.24(d)	61.25
21.40(c)	61.43	22.24 (less (b)–(d))	61.19
21.40–1 (last sentence)	61.43	22.24–1	(4)
21.40–1 (less last sentence)	61.165	22.25	61.51
21.41	61.47	22.26	(4)
21.42	61.47	22.27	61.11
21.43	61.163	22.28	61.13
21.44	61.41	22.29	61.33
22.1	(3)	22.31(a)	61.71
22.10	61.61	22.31(b)	61.101
22.10–1	(4)	22.31(c)	61.131
22.10–2	61.61	22.31(d)	61.183
22.10–3	61.61	22.31(e)	61.43
22.10–4	61.61	22.32(a) (1)	61.43
22.11 (a)–(e)	61.61	22.32(a) (less (1))	61.3
22.11(f)	61.83	22.32(b)	61.9
22.11(g)	61.97	22.32(c)	61.45
22.11(h)	61.99	22.32(d)	61.49
22.11(i)	61.31	22.32(e)	(4)
22.11–1	61.81	22.32(f)	61.39
22.11–2	61.81	22.40	(3)
22.11–3 (1st and last sentences)	61.21	22.41	(3)
22.11–3 (less 1st and last sentences)	61.83	22.42	(3)
22.11–4	61.97	22.43	(3)
22.11–5	61.97	22.44	(3)
22.11–6	61.99	22.45	(3)
22.11–7	61.99	43.40	61.3
22.11–8	(4)	43.41 (less 1st sentence)	61.43
22.11–9	61.31	43.41 (1st sentence)	61.3
22.11–10	61.31	43.41–1	61.43
22.11–11	61.31	43.42	61.45
22.12 (a)–(e)	61.111	43.52	61.73
		43.55	61.73
		43.56	61.73
		43.60	61.101
		43.61	61.131
		43.62	61.165
		43.63 (as applicable to private pilots)	61.101

See footnotes at end of table.

PART 61—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
43.63 (as applicable to commercial pilots)	61.131	43.65	61.3
		43.68(c)	61.179
43.64 (b), (c), and (d)	61.177	43.68 (less (c))	61.47
		SR 428	61.73
		SR 434	61.85

[1] Executed.
[2] Transferred to Part 1.
[3] Surplusage.
[4] Not a rule.
[5] Obsolete.
[6] Transferred to Part 91.

PART 63—CERTIFICATION: FLIGHT CREW MEMBER OTHER THAN PILOTS [NEW]

Subpart A—General

Sec.
63.1 Applicability.
63.3 Certificates required.
63.11 Application and issue.
63.13 Temporary certificate.
63.15 Duration of certificates.
63.17 Tests: general procedure.
63.19 Operations during physical deficiency.
63.21 Change of address.

Subpart B—Flight Engineers

63.31 Eligibility requirements: general
63.33 Knowledge requirements.
63.35 Experience requirements.
63.37 Skill requirements.
63.39 Re-testing after failure.
63.41 Limited certificates.

Subpart C—Flight Navigators

63.51 Eligibility requirements: general.
63.53 Knowledge requirements.
63.55 Experience requirements.
63.57 Skill requirements.
63.59 Re-testing after failure.
63.61 Flight navigator courses.

Subpart A—General

§ 63.1 Applicability.

This part prescribes the requirements for issuing flight engineer and flight navigator certificates and the general operating rules for holders of those certificates.

[Revision note: Combines §§ 34.1 and 35.1]

§ 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a current second-class (or higher) medical certificate issued to him under Part 67 of this chapter.

(c) Each person who holds a flight engineer or flight navigator certificate shall present it or his medical certificate, or both, for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 34.41, 34.42, 34.43, 35.41, 35.42, and 35.43]

§ 63.11 Application and issue.

(a) An application for a certificate under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate.

[Revision note: Combine §§ 34.5, 34.6 (a), 35.5, and 35.6(a)]

§ 63.13 Temporary Certificate.

A certificate effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate for which he applied.

[Revision note: Combines §§ 34.6 (less (a)), 34.7(b), 34.6–1; 35.6 (less (a)), and 35.7(b)]

§ 63.15 Duration of certificates.

(a) A certificate issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked. A certificate issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date it is issued, but may be reissued without further proof of technical ability.

(b) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon request of the Administrator, return it to the Administrator.

[Revision note: Combines §§ 34.7 (less (b)), and 35.7 (less (b))]

§ 63.17 Tests: general procedure.

(a) Tests prescribed by or under this part are given at times and places and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

[Revision note: Combines §§ 34.24 and 35.24]

§ 63.19 Operations during physical deficiency.

No person may serve as a flight engineer or flight navigator during a period of known physical deficiency, or increase in physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

[Revision note: Combines §§ 34.44 and 35.44]

§ 63.21 Change in address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Aircraft and Airman Records Branch, Oklahoma, City, Okla., in writing of his new address.

[Revision note: Combines §§ 34.8 and 35.8]

Subpart B—Flight Engineers

§ 63.31 Eligibility requirements: general.

To be eligible for a flight engineer certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his flight engineer certificates;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.33, 63.35, and 63.37.

[Revision note: Combines §§ 35.22, 35.23, and 35.27]

NOTE: § 35.27 (proviso) is omitted as superseded by § 29.5.

§ 63.33 Knowledge requirements.

(a) An applicant for a flight engineer certificate must pass a written test on the following, with respect to transport category aircraft with four or more engines or aircraft with four or more engines and a flight engineer station:

(1) The regulations of this chapter that apply to the duties of a flight engineer.

(2) The theory of flight and elementary aerodynamics.

(3) Aircraft performance and aircraft engine operation with respect to limitations.

(4) Mathematical computations of engine operation and fuel consumption.

(5) Basic meteorology with respect to engine operations.

(6) Aircraft loading and center of gravity computations.

(7) General aircraft maintenance and operating procedures.

(8) Emergency procedures.

(b) An applicant may take the test prescribed by this section before acquiring the 5 hours of training required by § 63.35.

[Revision note: Based on § 35.32]

§ 63.35 Experience requirements.

An applicant for a flight engineer certificate must present satisfactory documentary evidence of one of the following:

(a) At least 3 years of diversified practical experience in aircraft and aircraft engine maintenance (of which at least 1 year was in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(b) Graduation from at least a 2-year specialized aeronautical training course in maintaining aircraft and aircraft engines (of which at least 6 calendar months were in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft), and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(c) A degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school; at least 6 calendar months of practical experience in maintaining multiengine aircraft with engines rated at least at 800 horsepower each, or the equivalent in turbine-powered aircraft; and at least 5 hours of flight training in flight engineer duties on aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(d) At least 200 hours of flight time as pilot in command, of aircraft with four or more engines rated at least at 800 horsepower each, or the equivalent power in turbine-powered aircraft.

(e) At least 100 hours of flight experience in the duties of a flight engineer.

(f) Within the 90 days before the date he applies, successful completion of an approved course of instruction adequate for the training of a flight engineer.

[Revision note: Combines §§ 35.26 and 35.31]

§ 63.37 Skill requirements.

An applicant for a flight engineer certificate must pass a practical test on the duties of a flight engineer on a transport category aircraft with four or more engines, or on an aircraft with four or more engines and a flight engineer station, on the preflight inspection, servicing, starting, and pretakeoff run-up, of aircraft. In addition, he must—

(a) In flight, show that he can satisfactorily perform normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer that accurately simulates the flight characteristics and performance of the aircraft, show that he can satisfactorily perform emergency duties and procedures, and recognize and take appropriate action for, malfunctioning of aircraft, aircraft engines, propellers, and appliances.

[Revision note: Based on § 35.33]

§ 63.39 Retesting after failure.

An applicant for a flight engineer certificate who fails a written or practical test for that certificate may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a signed statement from a certificated flight engineer or an appropriately rated ground instructor, certifying that, in the case of a failure of a written test, he has given the applicant at least 5 hours of additional instruction in each of the subjects failed, or that, in the case of a failure of a practical test, he has given the applicant such additional instruction as the Administrator requires, and in either case, certifying that he considers that the applicant is ready for retesting.

[Revision note: Based on § 35.25]

§ 63.41 Limited certificates.

(a) A flight engineer certificate for an aircraft with less than four engines may be issued to an applicant if—

(1) The aircraft has a satisfactory flight engineer station;

(2) He complies with §§ 63.31, 63.33, 63.35, and 63.39, except that his experience does not have to include flight time in aircraft with more than two engines; and

(3) He passes a practical test as required by § 63.37 in an aircraft with less than four engines.

(b) Each certificate issued under this section contains an appropriate limitation that may be removed whenever the holder of the certificate passes the practical test prescribed in § 63.37 for an aircraft with four or more engines.

[Revision note: Based on § 35.34]

Subpart C—Flight Navigators

§ 63.51 Eligibility requirements: general.

To be eligible for a flight navigator certificate, a person must—

(a) Be at least 21 years of age;

(b) Be able to read, write, speak, and understand the English language;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(d) Comply with §§ 63.53, 63.55, and 63.57.

[Revision note: Combines §§ 34.22, 34.23, 34.27 and 37.27–1]

NOTE: §§ 34.27 (proviso) and 34.27–1 are omitted as superseded by § 29.5.

§ 63.53 Knowledge requirements.

(a) An applicant for a flight navigator certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of a flight navigator;

(2) The fundamentals of flight navigation, including flight planning and cruise control;

(3) Practical meteorology, including analysis of weather maps, weather reports, and weather forecasts; and weather sequence abbreviations, symbols, and nomenclature;

(4) The types of air navigation facilities and procedures in general use;

(5) Calibrating and using air navigation instruments;

(6) Navigation by dead reckoning;

(7) Navigation by celestial means;

(8) Navigation by radio aids;

(9) Pilotage and map reading; and

(10) Interpretation of navigation aid identification signals.

(b) The test prescribed by paragraph (a) of this section is a multiple choice test in four sections—

(1) The regulations of this chapter;

(2) Fundamentals of air navigation;

(3) Meteorology; and

(4) Plotting and computing.

Each section is graded separately and the passing grade for each section is 70.

(c) An applicant is not required to take section 3 of the test (meteorology), if he has—

(1) An airline transport pilot certificate;

(2) An instrument rating; or

(3) Satisfactorily completed, within the 24 months before the test, the subject of meteorology for such a certificate or rating.

(d) A report of the test is mailed to the applicant. A passing grade is evidence, for a period of 24 months after the test, that the applicant has complied with this section.

[Revision note: Combines §§ 34.32 and 34.32–1]

§ 63.55 Experience requirements.

(a) An applicant for a flight navigator certificate must be a graduate of a flight navigator course approved by the Administrator or present satisfactory documentary evidence of—

(1) Satisfactory determination of his position in flight at least 25 times by night by celestial observations and at least 25 times by day by celestial observations in conjunction with other aids; and

(2) At least 200 hours of satisfactory flight navigation, including celestial and radio navigation and dead reckoning.

A pilot who has logged 500 hours of cross-country flight time, of which at least 100 hours were at night, may be credited with not more than 100 hours for the purposes of subparagraph (2) of this paragraph.

(b) Flight time used exclusively for practicing long-range navigation methods, with emphasis on celestial navigation and dead reckoning, is considered to be satisfactory navigation experience for the purposes of paragraph (a) of this section. It must be substantiated by a logbook, by records of an armed force or a certificated air carrier, or by a letter signed by a certificated flight navigator and attached to the application.

[Revision note: Combines §§ 34.26, 34.31, 34.31–1, 34.31–2, 34.31–3, 34.31–4, and 34.31–5(a)]

§ 63.57 Skill requirements.

(a) An applicant for a flight navigator certificate must pass a practical test in operating flight navigation equipment, and must pass a practical test in navigating aircraft by—

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

(b) An applicant must pass the written test prescribed by § 63.53 before taking the test under this section. However, if a delay in taking the test under this section would inconvenience the applicant or an air carrier, he may take it before he receives the result of the written test, or after he has failed any part of the written test except the section on plotting and computing.

(c) The test requirements for this section are set forth in Appendix B [1] of this part.

[Revision note: Combines §§ 34.33 and 34.33–1(a)]

[1] For the purposes of this circulation, Appendix B has not been printed. It will state present § 34.33–1 (less (a)) without change.

§ 63.59 Retesting after failure.

(a) An applicant for a flight navigator certificate who fails a written or practical test for that certificate may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a signed statement, from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and considers that the applicant is ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is accepted, for the purposes of paragraph (a)(2) of this section, for all sections of the written test and for the ground and flight tests. A statement from a certificated ground instructor is accepted for section 1 of the written test if he is rated on the regulations in this chapter, and for section 3 of the written test if he is rated on meteorology. A statement from a supervising or check navigator with the armed forces is acceptable for sections 2, 3, and 4 of the written test and for the practical tests.

(c) If the applicant failed the flight test, the 5 hours of additional instruction must have been in flight.

[Revison note: Combines §§ 34.25, 34.25–1, and 34.25–2]

§ 63.61 Flight navigator courses.

An applicant for approval of a flight navigator course must submit a letter to the Administrator requesting approval, and must also submit three copies of the course outline, a description of his facilities and equipment, and a list of the instructors and their qualifications. Requirements for the course are set forth in Appendix A [1] to this part.

[Revison note: Based on § 34.31–5(b)]

PART 63—DISTRIBUTION TABLE

Present section	*Revised section*	*Present section*	*Revised section*
34.1	63.1	34.31–4	63.55
34.2	[2]	34.31–5(a)	63.55
34.5	63.11	34.31–5(b)	63.61
34.6(a)	63.11	34.31–5 (less (a) and (b))	[3]
34.6 (less (a))	63.13	34.32	63.53
34.6–1	63.13	34.32–1	63.53
34.7(b)	63.13	34.33	63.57
34.7 (less (b))	63.15	34.33–1(a)	63.57
34.8	63.21	34.33–1 (less (a))	[4]
34.21	[3]	34.41	63.3
34.22	63.51	34.42	63.3
34.23	63.51	34.43	63.3
34.24	63.17	34.44	63.19
34.25	63.59	35.1	63.1
34.25–1	63.59	35.2	[2]
34.25–2	63.59	35.5	63.11
34.26	63.55	35.6(a)	63.11
34.27	63.51	35.6 (less (a))	63.13
34.27–1	63.51	35.7(b)	63.13
34.31	63.55	35.7 (less (b))	63.15
34.31–1	63.55	35.8	63.21
34.31–2	63.55	35.21	[2]
34.31–3	63.55	35.22	63.31
		35.23	63.31
		35.24	63.17
		35.25	63.39
		35.26	63.35
		35.27	63.31
		35.31	63.35
		35.32	63.33
		35.33	63.37
		35.34	63.41
		35.41	63.3
		35.42	63.3
		35.43	63.3
		35.44	63.19

See footnotes at end of table.

[1] For the purposes of this circulation, Appendix A has not been printed. It will state present § 34.31–5 (less (a) and (b)) without change.

[1] Transferred to Part 1.
[2] Surplusage.
[3] Appendix A.
[4] Appendix B.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS [NEW]

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65.125 Certificates: privileges.
65.127 Facilities and equipment.
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Subpart A—General

§ 65.1 Applicability.

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

(a) Air-traffic control-tower operators.
(b) Aircraft dispatchers.
(c) Mechanics.
(d) Repairmen.
(e) Parachute riggers.

[Revision note: Combines §§ 24.0; 25.0; and 27.1]

§ 65.11 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

[Revision note: Combines §§ 24.5, 24.6 (a), 24.101; 25.5, 25.6(a); 27.5, and 27.6(a)]

§ 65.13 Temporary certificate.

A certificate and ratings effective for a period of not more than 90 days may be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate and ratings for which he applied.

[Revision note: Combines §§ 24.6 (less (a)), 24.7 (less (a)); 25.6 (less (a)), 25.7 (c); 26.19; 27.6 (less (a)), and 27.7(b)]

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, a certificate or rating issued under this part to a U.S. citizen is effective until it is surrendered, suspended, or revoked.

(b) Except for repairman certificates, a certificate or rating issued under this part to any person other than a U.S. citizen is effective for a period of not more than 12 months after the date on which it is issued, but may be reissued without further proof of technical ability. However, an applicant for the reissue of a mechanic certificate and associated ratings must satisfactorily prove that he meets the recent experience requirements of § 65.83.

(c) The holder of a certificate that is revoked shall return it to the Administrator. The holder of a certificate that is suspended shall, upon the request of the Administrator, return it to the Administrator.

(d) Unless it is sooner surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which he was employed and certificated. The holder of such a certificate that is no longer effective shall return it to the Administrator.

[Revision note: Combines §§ 24.7(a), 24.7–1, 24.102; 25.7 (less (c)); 26.18; and 27.7 (less (b))]

§ 65.17 Tests: general procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

[Revision note: Combines §§ 24.18(a); 25.24; 26.12; and 27.24]

§ 65.19 Retesting after failure.

An applicant who fails a written or practical test for a certificate and rating, or an additional rating, under this part may apply for retesting—

(a) After 30 days after the date he failed the test; or

(b) Upon presenting a statement from whichever of the following persons is applicable, certifying that he has given the applicant at least 5 hours of additional instruction in each of the subjects failed and now considers that the applicant is ready for retesting:

(1) For the air-traffic control-tower operator certificate—a certificated and appropriately rated ground instructor or air-traffic control-tower operator.

(2) For the aircraft dispatcher certificate—a certificated and appropriately rated ground instructor or a certificated aircraft dispatcher.

(3) For the mechanic certificate—a certificated and appropriately rated mechanic or ground instructor, or a certificated repairman who is experienced in the subject failed.

(4) For any parachute rigger certificate—a certificated and appropriately rated master parachute rigger or a person holding an appropriate military rating.

[Revision note: Combines §§ 24.19; 24.19–1; 25.25; 26.14; and 27.25]

§ 65.21 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the FAA Aircraft and Airman Records Branch, Oklahoma City, Okla., in writing, of his new address.

[Revision note: Combines §§ 24.11, 24.105; 25.10; 26.20; and 27.8]

Subpart B—Air-Traffic Control-Tower Operators

§ 65.31 Eligibility requirements: general.

To be eligible for an air-traffic control-tower operator certificate, a person must—

(a) Be at least 21 years of age or, in the case of a member of the Armed Forces of the United States, at least 18 years of age;

(b) Be of good moral character;

(c) Be able to read, write, and understand the English language, and speak it without accent or impediment of speech that would interfere with two-way radio conversations;

(d) Hold at least a second-class medical certificate issued under Part 67 of this chapter within the 12 months before the date he applies; and

(e) Comply with § 65.33.

A certificate that is held by a member of an Armed Force who is less than 21 years of age is valid only while he is serving as a member in a control tower operated by an Armed Force.

[Revision note: Combines §§ 26.1, 26.2, and 26.13]

§ 65.33 Knowledge requirements.

(a) Each applicant for a certificate must pass a test on—

(1) The air traffic rules in Part ---- of this chapter [Present Part 60];

(2) Airport traffic control procedures, and this subpart;

(3) En route traffic control procedures;

(4) Radio frequencies and procedures used for airport traffic control;

(5) Using radio aids to air navigation;

(6) The making of weather observations; and

(7) Applicable regulations of the Federal Communications Commission.

Subparagraph (7) of this paragraph does not apply to a person who has a restricted radio telephone operator license, or higher grade of radio telephone operator license, issued by the Federal Communications Commission.

(b) This section does not apply to a person who has passed the written test for an Air Traffic Control Specialist Certificate.

[Revision note: Combines §§ 26.3, 26.3–2]

§ 65.35 Ratings.

The holder of an air-traffic control-tower operator certificate is entitled to a junior or senior rating, based on his qualifications to perform the duties of an operator at a particular airport.

[Revision note: Based on § 26.6]

§ 65.37 Skill requirements: junior rating.

For a junior rating, an air-traffic control-tower operator must pass a practical test on—

(a) The control tower, including equipment, its use, and hazards to operations;

(b) The airport, including rules, facilities and their use, and hazards to operations;

(c) The control zone, including prominent objects, reporting points, traffic patterns, and hazards to operations;

(d) Notices to airmen;

(e) Weather facilities and procedures, including weather stations, sequence reports, forecasts, and visibility check points; and

(f) Controlling air traffic under VFR conditions.

[Revision note: Combines §§ 26.7, 26.7–1]

§ 65.39 Skill requirements: senior rating.

(a) For a senior rating, an air-traffic control-tower operator must pass the test for a junior rating, meet the requirements of paragraphs (b) and (c) of this section, and pass a practical test on—

(1) The tower, the center, and the airways serving the airport;

(2) Air navigation facilities, including beacons, ranges, fan markers, compass locators, and instrument landing systems and ground controlled approach if these procedures or facilities have been established;

(3) Using the Airman's Guide;

(4) Using the Flight Information Manual;

(5) Holding procedures;

(6) The standard instrument approach procedures and tower approach control procedures, if approach control has been established;

(7) Missed approaches;

(8) Alternate airports;

(9) Search and rescue procedures; and

(10) Controlling air traffic under IFR conditions.

(b) An applicant for a senior rating must have satisfactorily served—

(1) As an operator with a senior rating for at least 6 months;

(2) As an operator with a junior rating, for at least the 6 months before the date he applies for the rating, at the airport for which he seeks a rating;

(3) As an air-traffic control trainee for at least 6 months in the service of the United States; or

(4) As an operator with a junior rating, at an airport other than the one for which he seeks a rating or as an operator at a landing area under the jurisdiction of an Armed Force of the United States, for at least 1 of the 2 years before the date he applies for the rating.

(c) An applicant for a senior rating must show that he can satisfactorily supervise and manage all activities of the airport control tower, including preparing such reports as may be required by the airport manager or the Administrator.

[Revision note: Combines §§ 26.8 and 26.8–1]

§ 65.41 Performance of duties.

(a) An air-traffic control-tower operator shall perform his duties in accordance with the limitations in his certificate and rating and the procedures and practices prescribed in air traffic control manuals of the FAA, to provide for the safe, orderly, and expeditious flow of air traffic.

(b) Whenever weather conditions are at least as good as the basic minimums prescribed for VFR flight by Part ----, of this chapter [Present Part 60], an operator with either a senior or junior rating may control traffic at the airport concerned. However, if the character or volume of the air traffic, the type and equipment of aircraft using the airport, or the airport facilities, require that an operator with a junior rating be supervised, an operator with a senior rating shall supervise the controlling of all air traffic at the airport.

(c) Whenever weather conditions are below the basic minimums prescribed for VFR flight by Part ------ of this chapter [Present Part 60], an operator with a senior rating shall supervise the controlling of all air traffic at the airport concerned. However, he may not issue an air traffic clearance for flight

without advance authority from the appropriate air route traffic control center.

(d) In an emergency, an operator with a senior rating may delegate his authority to an operator with a junior rating.

[Revision note: Combines §§ 26.25, 26.26, and 26.27]

§ 65.43 Maximum hours.

Except in an emergency, a certificated air-traffic control-tower operator must be relieved of all duties for at least 24 consecutive hours at least once during each 7 consecutive days. Such an operator may not serve or be required to serve—

(a) For more than 10 consecutive hours; or

(b) For more than 10 hours during a period of 24 consecutive hours, unless he has a rest period of at least 8 hours at or before the end of the 10 hours of duty.

[Revision note: Based on § 26.28]

§ 65.45 General operating rules.

(a) The holder of an air-traffic control-tower operator certificate shall keep it readily available when performing duties under it, and must show it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(b) No person may act as an air-traffic control-tower operator under a certificate issued to him under this part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter.

(c) An air-traffic control-tower operator may not perform duties under his certificate during any period of known physical deficiency that would make him unable to meet the physical requirements for his current medical certificate. However, if the deficiency is temporary, he may perform duties that are not affected by it whenever another certificated and qualified operator is present and on duty.

(d) A certificated air-traffic control-tower operator may not control air traffic with facilities that the Administrator has found to be inadequate.

(e) The holder of an air-traffic control-tower operator certificate, or an applicant for one, shall, upon the reasonable request of the Administrator, cooperate fully in any examination that is made of him.

[Revision note: Combines §§ 26.29, 26.30, 26.31, 26.32, 26.34, and 26.35]

§ 65.47 Recent experience.

The holder of an air-traffic control-tower operator certificate may not perform any duties under that certificate unless—

(a) in the case of a junior operator, he has served for at least 3 of the preceding 12 months as an operator at the airport to which his rating applies;

(b) in the case of a senior operator, he has served for at least 3 of the preceding 6 months as an operator at the airport to which his rating applies; or

(c) he has shown to the satisfaction of the Administrator that he meets the standards for his certificate and rating.

[Revision note: Based on § 26.36]

Subpart C—Aircraft Dispatchers

§ 65.51 Certificate required.

(a) No person may serve as an aircraft dispatcher (exercising responsibility with the pilot in command in the operational control of a flight) in connection with any civil aircraft in air commerce unless he has in his personal possession a current aircraft dispatcher certificate issued under this subpart.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 27.41 and 27.42]

§ 65.53 Eligibility requirements: general.

To be eligible for an aircraft dispatcher certificate, a person must—

(a) Be at least 23 years of age;

(b) Be able to read, speak, and understand the English language, or have an appropriate limitation placed on his certificate;

(c) Comply with §§ 65.55, 65.57, and 65.59.

[Revision note: Combines §§ 27.21, 27.22, and 27.23]

§ 65.55 Knowledge requirements.

(a) An applicant for an aircraft dispatcher certificate must pass a written test on—

(1) The regulations of this chapter that apply to the duties of an aircraft dispatcher;

(2) The general system of collecting and disseminating weather information;

(3) Interpreting aviation weather reports, including abbreviations and symbols, as prescribed in Department of Commerce Weather Bureau Circular N, "Manual of Surface Observations," as amended;

(4) The fundamentals of meteorology as applied to aircraft operations, particularly as to—

(i) Surface and upper air weather maps and general characteristics of air masses, pressure systems, and frontal systems, including their symbols and nomenclature;

(ii) Cloud forms and their significance; and

(iii) Icing, turbulence, thunderstorms, fog and low ceilings, winds aloft, pressure pattern flying, the influence of terrain on meteorological conditions, and general principles of forecasting and analysis;

(5) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(6) Communications facilities and procedures;

(7) Air navigation facilities and procedures; and

(8) Air traffic control procedures.

(b) A report of the test is sent to the applicant. A passing grade is evidence, for a period of 24 months after the date the test is given, that the applicant has complied with this section.

[Revision note: Combines §§ 27.32 and 27.33–1(a) (less 1st 3 sentences)]

§ 65.57 Experience requirements.

An applicant for an aircraft dispatcher certificate must present documentary evidence satisfactory to the Administrator that he has the experience prescribed in any one of the following clauses:

(a) A total of at least 2 of the 3 years before the date he applies, in scheduled air carrier operations, scheduled military aviation operations, or any other aircraft operations that the Administrator finds provides equivalent experience—

(1) As a pilot member of a flight crew;

(2) As a flight radio operator or ground radio operator;

(3) As a flight navigator;

(4) As a meteorologist;

(5) Performing the duties of an aircraft dispatcher or his assistant; or

(6) Performing other duties that the Administrator finds provide equivalent experience.

(b) A total of at least 2 of the 3 years before the date he applies, as an air route traffic controller or a certificated air-traffic control-tower operator.

(c) A total of at least 1 of the 2 years before the date he applies, as an assistant in dispatching scheduled air carrier aircraft performing the duties of an aircraft dispatcher under the direct supervision of a certificated dispatcher.

(d) Within 90 days before the date he applies, successfully completing a course of instruction approved by the Administrator as adequate for the training of an aircraft dispatcher.

An applicant is entitled to credit any combination of experience in subparagraph (1), or subparagraphs (1) and (2), of this paragraph, if the aggregate of that experience is at least 2 years.

[Revision note: Combines §§ 27.26 and 27.31]

§ 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test—

(a) With respect to any one type of large aircraft used in air carrier operations, on—

(1) Weight and balance limitations;

(2) Performance operating limitations;

(3) Using cruise control charts;

(4) Fuel and oil capacities and rates of consumption; and

(5) Using the operations manual;

(b) On the characteristics of air routes and airports with particular reference to—

(1) Landing areas;

(2) Lighting facilities; and

(3) Approach and landing facilities and procedures;

(c) On the uses and limitations of sensitive-type altimeters;

(d) On applying available weather forecasts and reports to determine whether a flight can be made safely;

(e) On using the Airman's Guide and the Flight Information Manual;

(f) On dispatching and assisting a flight under adverse weather conditions; and

(g) On emergency procedures.

[Revision note: Combines §§ 27.33 and 27.33–1 (a) (1st 3 sentences), and (b)]

§ 65.61 Aircraft dispatcher courses.

An applicant for approval of an aircraft dispatcher course shall submit a letter to the Administrator requesting approval, and shall also submit three copies of the course outline, a description of his equipment and facilities, and a list of the instructors and their qualifications. Requirements for the course and the outline are set forth in Appendix A[1] to this part.

[Revision note: Based on § 27.31–1]

Subpart D—Mechanics

§ 65.71 Eligibility requirements: general.

(a) To be eligible for a mechanic certificate and associated ratings, a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a U.S. air carrier, have his certificate endorsed "Valid only outside the United States";

(3) Have passed all of the prescribed tests within a period of 24 months; and

(4) Comply with the section of this subpart that apply to the rating he seeks.

(b) A certificated mechanic who applies for an additional rating must meet the requirements of § 65.77 and, within a period of 24 months, pass the tests prescribed by §§ 65.75 and 65.79 for the additional rating sought.

(c) Notwithstanding paragraphs (a) and (b) of this section, an applicant for any certificate or rating under this subpart who, before May 29, 1962, has passed any part of the prescribed tests for that certificate or rating, may be credited with passing that part for a period of 24 months after that date.

[Revision note: Combines §§ 24.15, 24.16, 24.17, 24.17–1, 24.18 (less (a)), and 24.20]

§ 65.73 Ratings.

(a) The following ratings are issued under this subpart:

(1) Airframe.

(2) Powerplant.

(b) A mechanic certificate with an aircraft or aircraft engine rating, or both, that was issued before, and was valid on, June 15, 1952, is equal to a mechanic certificate with an airframe or powerplant rating, or both, as the case may be, and may be exchanged for such a corresponding certificate and rating or ratings.

[1] For the purposes of this circulation Appendix A has not been printed. It will state present § 27.31–1(b)(2) without change.

[Revision note: Combines §§ 24.8, 24.8–1, 24.8–2, and 24.22]

§ 65.75 Knowledge requirements.

(a) Each applicant for a mechanic certificate or rating must pass a written test covering the construction and maintenance of aircraft appropriate to the rating he seeks, the regulations in this subpart, and the applicable provisions of Parts ____ and ____ of this chapter [Present Parts 18 and 43]. The basic principles covering the installation and maintenance of propellers is included in the powerplant test. A study guide for the written tests is contained in the "Airframe and Powerplant Mechanics Examination Guide" available from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at a price of 20 cents.

(b) The applicant must pass each section of the test before applying for the oral and practical tests prescribed by § 65.79. A report of the test is sent to the applicant.

[Revision note: Combines §§ 24.5–1, 24.30, 24.30–1, and 24.32–1]

§ 65.77 Experience requirements.

Each applicant for a mechanic certificate or rating must present either an appropriate graduation certificate from a certificated mechanic school or documentary evidence, satisfactory to the Administrator, of—

(a) At least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in constructing, maintaining, or altering airframes, or powerplants appropriate to the rating sought; or

(b) At least 30 months of practical experience concurrently performing the duties appropriate to both the airframe and powerplant ratings.

[Revision note: Combines §§ 24.21, 24.31, and 24.32]

NOTE: § 24.32 (proviso) is omitted as surplusage.

§ 65.79 Skill requirements.

Each applicant for a mechanic certificate or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant's basic skill in performing practical projects on the subjects covered by the written test for that rating. An applicant for a powerplant rating must show his ability to make satisfactory minor repairs to, and minor alterations of, propellers.

[Revision note: Combines §§ 24.33 and 24.33–1]

§ 65.81 General privileges and limitations.

(a) A certificated mechanic may perform or supervise the maintenance or alteration of an aircraft or appliance, or a part thereof, for which he is rated (but excluding major repairs to, and alterations of, propellers, and any repair to, or alteration of, instruments), and may perform additional duties in accordance with §§ 65.85, 65.87, 65.91, 65.95 and _____ [Present §§ 18.10, 18.11, 18.12]. However, he may not supervise the maintenance or alteration of, or approve and return to service, any aircraft or appliance, or part thereof, for which he is rated unless he has satisfactorily performed the work concerned at an earlier date. If he has not so performed that work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation concerned.

(b) A certificated mechanic may not exercise the privileges of his certificate and rating unless he understands the current instructions of the manufacturer, and the maintenance manuals, for the specific operation concerned.

[Revision note: Combines §§ 24.40, 24.40–1, and 24.50]

NOTE: The parenthetical clause in paragraph (a) is inserted to reflect § 18.10(a).

§ 65.83 Recent experience requirements.

A certificated mechanic may not exercise the privileges of his certificate and rating unless, within the preceding 24 months—

(a) The Administrator has found that he is able to do that work; or

(b) He has, for at least 6 months—

(1) Served as a mechanic under his certificate and rating;

(2) Technically supervised other mechanics;

(3) Supervised, in an executive capacity, the maintenance or alteration of aircraft; or

(4) Been engaged in any combination of subparagraph (1), (2), or (3) of this paragraph.

[Revision note: Based on § 24.51]

§ 65.85 Airframe rating; additional privileges.

A certificated mechanic with an airframe rating may approve and return to service an airframe, or any related part or appliance, after he has performed, supervised, or inspected its maintenance (excluding major repairs) or minor alteration. In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on an airframe, or any related part or appliance, and approve and return it to service.

[Revision note: Based on § 24.41]

§ 65.87 Powerplant rating; additional privileges.

A certificated mechanic with a powerplant rating may approve and return to service a powerplant or propeller or any related part or appliance, after he has performed, supervised, or inspected its maintenance (excluding major repairs) or minor alteration. In addition, he may perform the 100-hour inspection required by Part ____ of this chapter [Present Part 43] on a powerplant or propeller, or any part thereof, and approve and return it to service.

[Revision note: Based on § 24.42]

§ 65.89 Display of certificate.

The holder of a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present

it for inspection upon request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement office.

[Revision note: Combines §§ 24.9 and 24.9–1]

§ 65.91 Inspection authorization.

(a) An application for an inspection authorization is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this section is entitled to an inspection authorization.

(c) To be eligible for an inspection authorization, an applicant must—

(1) Be a certificated mechanic who has held both an airframe rating and a powerplant rating for at least 3 years before the date he applies;

(2) Have been actively engaged, for at least the 2-year period before the date he applies, in maintaining aircraft certificated and maintained in accordance with this chapter;

(3) Have a fixed base of operations at which he may be located in person or by telephone during a normal working week, but it need not be the place where he will exercise his inspection authority;

(4) Have available to him the equipment, facilities, and inspection data necessary to properly inspect airframes, powerplants, propellers, or any related part or appliance; and

(5) Pass a written test on his ability to inspect according to safety standards for returning aircraft to service after major repairs and alterations and periodic and progressive inspections performed under Part ____ of this chapter [Present Part 18].

The procedures for the test are set forth in Appendix C.[1] An applicant who fails the test prescribed in subparagraph (5) of this paragraph may not apply for retesting until at least 90 days after the date he failed the test.

(d) Each inspection authorization expires on March 31 of each year.

[Revision note: Combines §§ 24.43(b) and 24.43–1 (less (c) and (e))]

§ 65.93 Inspection authorization: renewal.

(a) To be eligible for renewal of an inspection authorization for a one-year period an applicant must present evidence at an FAA General Aviation District Office or an International Field Office during the month of March that he still meets the requirements of § 65.91 (c)(1)–(4), and by showing that during the current period that he held the inspection authority he—

(1) Has performed at least one periodic inspection for each 90 days that he held the current authority; or

(2) Has performed inspections of at least two major repairs or alterations for each 90 days that he held the current authority; or

[1] For the purpose of this circulation Appendix C has not been printed. It will state present Appendix C to Part 24.

(3) Has performed or supervised and approved at least one progressive inspection in accordance with standards prescribed by the Administrator.

(b) The holder of an inspection authorization that, on the date it must be renewed, has been in effect for less than 90 days need not comply with paragraph (a) (1) to (3) of this section.

[Revision note: Based on § 24.43–1(e)]

§ 65.95 Inspection authorization: privileges and limitations.

(a) The holder of an inspection authorization may—

(1) Inspect and approve and return to service any aircraft, or related part or appliance (except aircraft operated under Parts ____, ____, or ____ of this chapter [Present Parts 40, 41, or 46], or large aircraft operated under Part ____ of this chapter [Present Part 42]) after a major repair or an alteration to it in accordance with Part ____ of this chapter [Present Part 18]; and

(2) Perform a periodic, or perform or supervise a progressive inspection according to § ____ of this chapter [Present § 18.30].

(b) When he exercises the privileges of an inspection authorization, the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), the Administrator, or an authorized representative of the Civil Aeronautics Board.

(c) If the holder of an inspection authorization changes his fixed base of operation, he may not exercise the privileges of the authorization until he has notified the FAA General Aviation District Office or International Field Office for the area in which the new base is located, in writing, of the change.

[Revision note: Combines §§ 24.43 (less (b)), 24.43–1(c) and 24.43–2]

Subpart E—Repairmen

§ 65.101 Eligibility requirements: general.

To be eligible for a repairman certificate a person must—

(a) Be at least 18 years of age;

(b) Be specially qualified to perform maintenance on aircraft or components thereof, appropriate to the job for which he is employed;

(c) Be employed for a specific job requiring those special qualifications by a certificated repair station or by a certificated air carrier that is required by its operating certificate or approved operations specifications to provide a continuous airworthiness maintenance program according to its maintenance manuals;

(d) Be recommended for certification by his employer, to the satisfaction of the Administrator, as able to satisfactorily maintain aircraft or components, appropriate to the job for which he is employed;

(e) Have at least 18 months of practical experience in procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which he is to be employed and certificated; and

(f) Be able to read, write, speak, and understand the English language, or, in the case of an applicant who does not meet this requirement and who is employed outside of the United States by a certificated repair station or by a certificated United States air carrier described in paragraph (c) of this section, have his certificate endorsed "Valid only outside the United States".

[Revision note: Combines §§ 24.100, 24.110, 24.111, 24.112, 24.120, and 24.121]

§ 65.103 Repairman certificate: privileges and limitations.

(a) A certificated repairman may perform or supervise the maintenance of aircraft or components thereof, appropriate to the job for which he was employed and certificated, but only in connection with duties for the repair station or air carrier by whom he was employed and recommended.

(b) A certificated repairman may not perform or supervise duties under his certificate unless he understands the current instructions of the air carrier or manufacturer of the article on which he is to perform or supervise those duties and the maintenance manuals relating to the specific operation concerned.

[Revision note: Combines §§ 24.130 and 24.140]

§ 65.105 Display of certificate.

The holder of a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

[Revision note: Combines §§ 24.103 and 24.103–1]

Subpart F—Parachute Riggers

§ 65.111 Certificate required.

(a) No person may pack, maintain, or alter any personnel-carrying parachute intended for emergency use in connection with civil aircraft of the United States (including the auxiliary parachute of a dual parachute pack to be used for intentional jumping) unless he holds an appropriate current certificate and type rating issued under this subpart and complies with §§ 65.127–65.133.

(b) No person may pack, maintain, or alter any main parachute of a dual parachute pack to be used for intentional jumping in connection with civil aircraft of the United States unless he has an appropriate current certificate issued under this subpart. However, a person who does not hold such a certificate may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

(c) The holder of a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(d) The following parachute rigger certificates are issued under this part:

(1) Senior parachute rigger.

(2) Master parachute rigger.

(e) This subpart does not apply to parachutes packed, maintained, or altered for the use of the armed forces.

[Revision note: Combines §§ 25.9 and 25.80 (less last proviso of (b))]

§ 65.113 Eligibility requirements: general.

(a) To be eligible for a parachute rigger certificate a person must—

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language, or, in the case of a citizen of Puerto Rico, or a person who is employed outside of the United States by a U.S. air carrier, and who does not meet this requirement, be issued a certificate that is valid only in Puerto Rico or while he is employed outside of the United States by that air carrier, as the case may be; and

(3) Comply with the sections of this subpart that apply to the certificate and type rating he seeks.

(b) Except for a master parachute rigger certificate, a parachute rigger certificate that was issued before, and was valid on, the date this revised subpart becomes effective, is equal to a senior parachute rigger certificate, and may be exchanged for such a corresponding certificate.

[Revision note: Combines §§ 25.21, 25.22, and 25.23]

NOTE: Paragraph (b) is added to reflect the change in name of the parachute rigger certificate.

§ 65.115 Senior parachute rigger certificate: experience, knowledge, and skill requirements.

(a) Except as provided in § 65.117, an applicant for a senior parachute rigger certificate must—

(1) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of each type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating;

(2) Pass a written test on the following, with respect to one type of parachute in common use:

(i) Its construction, packing and maintenance.

(ii) Its use.

(iii) The manufacturer's instructions.

(iv) The regulations of this subpart; and

(3) Pass an oral and practical test showing his ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating he seeks.

[Revision note: Combines §§ 25.28, 25.40, 25.41, 25.42, and 35.43]

§ 65.117 Military riggers or former military riggers: special certification rule.

In place of the procedure in § 65.115, an applicant for a senior parachute rigger certificate is entitled to it if he passes a written test on the regulations of this subpart and presents satisfactory documentary evidence that he—

(a) Is a member or civilian employee of an Armed Force of the United States, is a civilian employee of a regular armed force of a foreign country, or has, within the 12 months before he applies, been honorably discharged or released from any status covered by this clause;

(b) Is serving, or has served within the 12 months before he applies, as a parachute rigger for such an Armed Force; and

(c) Has the experience required by § 65.115.

[Revision note: Based on § 25.44]

§ 65.119 Master parachute rigger certificate: experience, knowledge, and skill requirements.

An applicant for a master parachute rigger certificate must—

(a) Present evidence satisfactory to the Administrator that he has had at least 5 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use;

(b) Pass an oral test on the following, with respect to two types of parachutes in common use:

(1) Their construction, packing, and maintenance.

(2) Their use.

(3) The manufacturers' instructions; and

(c) Pass a practical test showing his ability to pack and maintain two types of parachutes in common use, and showing that he can satisfactorily supervise other persons in these operations.

[Revision note: Combines §§ 25.26, 25.60, 25.61, 25.62, and 25.63]

§ 65.121 Type ratings.

(a) The following type ratings are issued under this subpart:

(1) Seat.

(2) Back.

(3) Chest.

(4) Lap.

(b) The holder of a senior parachute rigger certificate who qualifies for a master parachute rigger certificate is entitled to have placed on his master parachute rigger certificate the ratings that were on his senior parachute rigger certificate.

[Revision note: Based on § 25.26]

NOTE: Paragraph (b) is added for clarity.

§ 65.123 Additional type ratings: requirements.

A certificated parachute rigger who applies for an additional type rating must—

(a) Present evidence satisfactory to the Administrator that he has packed at least 20 parachutes of the type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated master parachute rigger holding a rating for that type or a person holding an appropriate military rating; and

(b) Pass a practical test, to the satisfaction of the Administrator, showing his ability to pack and maintain the type of parachute for which he seeks a rating.

[Revision note: Combines §§ 25.27 and 25.28]

§ 65.125 Certificates: privileges.

(a) A certificated senior parachute rigger may pack or maintain (except for major repair) any type of parachute for which he is rated.

(b) A certificated master parachute rigger may—

(1) Pack, maintain, or alter any type of parachute for which he is rated; and

(2) Instruct or supervise other persons in the proper methods and procedures of constructing, packing, maintaining, altering, and using the type of parachutes for which he is rated.

(c) A certificated parachute rigger need not comply with §§ 65.127 to 65.133 (relating to facilities, equipment, performance standards, records, recent experience, and seal) in packing, altering, or maintaining the main parachute of a dual parachute pack to be used for intentional jumping.

[Revision note: Combines §§ 25.45, 25.64, and 25.80 (last proviso of (b))]

§ 65.127 Facilities and equipment.

No certificated parachute rigger may exercise the privileges of his certificate unless he has at least the following facilities and equipment available to him:

(a) A smooth top table at least three feet wide by 40 feet long.

(b) A compartment for hanging parachutes vertically for drying and airing.

(c) Enough packing tools and other equipment to pack and maintain the types of parachutes that he services.

(d) Adequate housing facilities to perform his duties and to protect his tools and equipment.

[Revision note: Based on § 25.81]

§ 65.129 Performance standards.

No certificated parachute rigger may—

(a) Pack, maintain, or alter any parachute unless he is rated for that type;

(b) Pack a parachute that is not safe for emergency use;

(c) Pack a parachute that has not been thoroughly dried and aired;

(d) Alter a parachute in a manner that is not specifically authorized by the Administrator or the manufacturer;

(e) Pack, maintain, or alter a parachute in any manner that deviates from procedures approved by the Administrator or the manufacturer of the parachute; or

(f) Exercise the privileges of his certificate and type rating unless he understands the current manufacturer's instructions for the operation involved and has—

(1) Performed duties under his certificate for at least 90 days within the preceding 12 months; or

(2) Shown the Administrator that he is able to perform those duties.

[Revision note: Based on §§ 25.82 and 25.85]

§ 65.131 Records.

(a) Each certificated parachute rigger shall keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him. He shall keep in that record, with respect to

each parachute worked on, a statement of—

(1) Its type and make;

(2) Its serial number;

(3) The name and address of its owner;

(4) The kind and extent of the work performed;

(5) The date when and place where the work was performed; and

(6) The results of any drop tests made with it.

(b) Each person who makes a record under paragraph (a) of this section shall keep it for at least 2 years after the date it is made.

(c) Each certificated parachute rigger who packs a parachute shall write, on the parachute packing record attached to the parachute, the date and place of the packing and a notation of any defects he finds on inspection. He shall sign that record with his name and the number of his certificate.

[Revision note: Based on § 25.84]

NOTE: § 25.84(a) (3d sentence) is omitted as operationally obsolete.

§ 65.133 Seal.

Each certificated parachute rigger must have a seal with an identifying mark prescribed by the Adminstrator, and a seal press. After packing a parachute he shall seal the pack with his seal in accordance with the manufacturer's recommendation for that type of parachute.

[Revision note: Based on § 25.83]

PART 65—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
24.0	65.1	24.43 (less (b))	65.95
24.1	(1)	24.41–1 (less (c) and (e))	65.91
24.5	65.11	24.43–1(c)	65.95
24.5–1	65.75	24.43–1(e)	65.93
24.6(a)	65.11	24.43–2	65.95
24.6 (less (a))	65.13	24.50	65.81
24.7(a)	65.15	24.51	63.83
24.7 (less (a))	65.13	24.100	65.101
24.7–1	65.15	24.101	65.11
24.8	65.73	24.102	65.15
24.8–1	65.73	24.103	65.105
24.8–2	65.73	24.103–1	65.105
24.9	65.89	24.105	65.21
24.9–1	65.89	24.110	65.101
24.11	65.21	24.111	65.101
24.15	65.71	24.112	65.101
24.16	65.71	24.120	65.101
24.17	65.71	24.121	65.101
24.17–1	65.81	24.130	65.103
24.18(a)	65.17	24.140	65.103
24.18 (less (a))	65.71	25.0	65.1
24.19	65.19	25.1	(1)
24.19–1	65.19	25.5	65.11
24.20	65.71	25.6(a)	65.11
24.21	65.77	25.6 (less (a))	65.13
24.22	65.73	25.7(c)	65.13
24.30	65.75	25.7 (less (c))	65.15
24.30–1	65.75	25.9	65.111
24.31	65.77	25.10	65.21
24.32	65.77	25.21	65.113
24.32–1	65.75	25.22	65.113
24.33	65.79	25.23	65.113
24.33–1	65.79	25.24	65.17
24.40	65.81	25.25	65.19
24.40–1	65.81	25.26	65.121
24.41	65.85	25.27	65.123
24.42	65.87		
24.43(b)	65.91		

[1] Transferred to Part 1.

PART 65—DISTRIBUTION TABLE—Continued

Present section	Revised section	Present section	Revised section
25.28	65.115	26.25	65.41
	65.119	26.26	65.41
	65.123	26.27	65.41
25.40	65.115	26.28	65.43
25.41	65.115	26.29	65.45
25.42	65.115	26.30	65.45
25.43	65.115	26.31	65.45
25.44	65.117	26.32	65.45
25.45	65.125	26.34	65.45
25.60	65.119	26.35	65.45
25.61	65.119	26.36	65.47
25.62	65.119	27.1	65.1
25.63	65.119	27.2	(1)
25.64	65.125	27.5	65.11
25.80 (less last proviso of (b))	65.111	27.6(a)	65.11
		27.6 (less (a))	65.13
25.80 (last proviso of (b))	65.125	27.7(b)	65.13
25.81	65.127	27.7 (less (b))	65.15
25.82	65.129	27.8	65.21
25.83	65.133	27.21	65.53
25.84	65.131	27.22	65.53
25.85	65.129	27.23	65.53
26.1	65.31	27.24	65.17
26.2	65.31	27.25	65.19
26.3	65.33	27.26	65.57
26.3–2	65.33	27.31	65.57
26.6	65.35	27.31–1	65.61
26.7	65.37	27.32	65.55
26.7–1	65.37	27.33	65.59
26.8	65.39	27.33–1(a) (less 1st 3 sentences)	65.55
26.8–1	65.39	27.33–1(a) (1st 3 sentences) and (b)	65.59
26.12	65.17	27.41	65.51
26.13	65.31	27.42	65.51
26.14	65.19		
26.18	65.15		
26.19	65.13		
26.20	65.21		

PART 67—MEDICAL STANDARDS AND CERTIFICATION [NEW]

Sec.
67.1 Applicability.
67.11 Issue.
67.13 First-class medical certificate.
67.15 Second-class medical certificate.
67.17 Third-class medical certificate.
67.19 Special issue: operational limitations.

§ 67.1 Applicability.

This part prescribes the medical standards for issuing medical certificates for airmen.

[Revision note: Supplied for uniformity]

§ 67.11 Issue.

An applicant who meets the medical standards prescribed in this part, based on medical examination and evaluation of his history and condition is entitled to an appropriate medical certificate.

[Revision note: Based on § 29.1]

§ 67.13 First-class medical certificate.

(a) To be eligible for a first-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Near vision of at least v=1.00 at 18 inches with each eye separately, with or without corrective glasses.

(3) Normal color vision.

(4) Normal fields of vision.

(5) No acute or chronic pathological condition of either eye or adenexae that might interfere with its proper function, might progress to that degree, or might be aggravated by flying.

(6) Bifoveal fixation and vergence-phoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoris, six prism diopters of esophoris, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-phoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to—

(i) Hear the whispered voice at a distance of at least 20 feet with each ear separately; or

(ii) Demonstrate a hearing acuity of at least 50 percent of normal in each ear throughout the effective speech and radio range as shown by a standard audiometer.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) If the applicant has passed his thirty-fifth birthday but not his fortieth, he must, on the first examination after his thirty-fifth birthday, show an absence of myocardial infarction on electrocardiographic examination.

(3) If the applicant has passed his fortieth birthday, he must annually show an absence of myocardial infarction on electrocardiographic examination.

(4) Unless the adjusted maximum readings apply, the applicant's reclining blood pressure may not be more than the maximum reading for his age group in the following table:

Age group	Maximum readings (reclining blood pressure in mm)		Adjusted maximum readings (reclining blood pressure in mm)[1]	
	Systolic	Diastolic	Systolic	Diastolic
20–29	140	88		
30–39	145	92	155	98
40–49	155	96	165	100
50 and over	160	98	170	100

[1] For an applicant at least 30 years of age whose reclining blood pressure is more than the maximum reading for his age group and whose cardiac and kidney conditions, after complete cardiovascular examination, are found to be normal.

(5) If the applicant is at least 40 years of age, he must show a degree of circulatory efficiency that is compatible with the safe operation of aircraft at high altitudes.

An electrocardiogram, made according to acceptable standards and techniques within the 90 days before an examination for a first-class certificate, is accepted at the time of the physical examination as meeting the requirements of subparagraphs (2) and (3) of this paragraph.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

[Revision note: Based on § 29.2]

§ 67.15 Second-class medical certificate.

(a) To be eligible for a second-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/50 in each eye separately corrected to 20/20 or better with corrective glasses, in which case the applicant may be qualified only on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) Enough accommodation to pass a test prescribed by the Administrator based primarily on ability to read official aeronautical maps.

(3) Normal fields of vision.

(4) No pathology of the eye.

(5) Ability to distinguish aviation signal red, aviation signal green, and white.

(6) Bifoveal fixation and vergence-phoria relationship sufficient to prevent a break in fusion under conditions that may reasonably occur in performing airman duties.

Tests for the factors named in subparagraph (6) of this paragraph are not required except for applicants found to have more than one prism diopter of hyperphoria, six prism diopters of exophoria, or six prism diopters of exophoria. If these values are exceeded, the Civil Air Surgeon may require the applicant to be examined by a qualified eye specialist to determine if there is bifoveal fixation and adequate vergence-phoria relationship. However, if the applicant is otherwise qualified, he is entitled to a medical certificate pending the results of the examination.

(c) Ear, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 8 feet with each ear separately.

(2) No acute or chronic disease of the middle or internal ear.

(3) No disease of the mastoid.

(4) No unhealed (unclosed) perforation of the eardrum.

(5) No disease or malformation of the nose or throat that might interfere with, or be aggrevated by, flying.

(6) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular: No established medical history or clinical diagnosis of—

(1) Myocardial infarction; or

(2) Angina pectoria or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control.

(2) No other organic, functional, or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

[Revison note: Based on § 29.3]

§ 67.17 Third-class medical certificate.

(a) To be eligible for a third-class medical certificate, an applicant must meet the requirements of paragraphs (b) to (f) of this section.

(b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective glasses, the applicant may be qualified on the condition that he wears those glasses while exercising the privileges of his airman certificate.

(2) No serious pathology of the eye.

(3) Ability to distinguish aviation signal red, aviation signal green, and white.

(c) Ears, nose, throat, and equilibrium:

(1) Ability to hear the whispered voice at 3 feet.

(2) No acute or chronic disease of the internal ear.

(3) No disease or malformation of the nose or throat that might interfere with, or be aggravated by, flying.

(4) No disturbance in equilibrium.

(d) Nervous system:

(1) No established medical history or clinical diagnosis of any of the following:

(i) A character or behavior disorder that is severe enough to have repeatedly manifested itself by overt acts.

(ii) A psychotic disorder.

(iii) Chronic alcoholism.

(iv) Drug addiction.

(v) Epilepsy.

(vi) A disturbance of consciousness without satisfactory medical explanation of the cause.

(2) No other disease of the nervous system, mental abnormality, or psychoneurotic disorder that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the

privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(e) Cardiovascular:

(1) No established medical history or clinical diagnosis of—

(i) Myocardial infarction; or

(ii) Angina pectoris or other evidence of coronary heart disease that the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(f) General medical condition:

(1) No established medical history or clinical diagnosis of diabetes mellitus that requires insulin or any other hypoglycemic drug for control;

(2) No other organic, functional or structural disease, defect, or limitation that the Civil Air Surgeon finds—

(i) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(ii) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

[Revision note: Based on § 29.4]

§ 67.19 Special issue: operational limitations.

(a) A medical certificate of the appropriate class may, in the discretion of the Civil Air Surgeon, be issued to an applicant who does not meet the medical standards of this part, if the applicant shows to the satisfaction of the Civil Air Surgeon by operational experience, special practical testing, flight testing, or as otherwise required, that he can perform his duties under the airman certificate he holds, or for which he is applying, in a manner that will not endanger safety in air commerce during the period the certificate would be in effect.

(b) Any operational limitation on, or limit on the duration of, a certificate issued under this section that the Civil Air Surgeon determines is needed for safety shall be specified on the airman or medical certificate held by, or issued to, the applicant.

(c) An applicant who has taken a practical or flight test for a medical certificate under this section, and who has had a medical certificate issued to him under this section as a result of that test, need not take the test again during later physical examinations unless the Civil Air Surgeon determines that his physical deficiency has become enough more pronounced to require such an additional test.

(d) This section does not apply to an applicant who fails to meet the requirements of §§ 67.13 (d) (1), (e) (1), or (f) (1), 67.15 (d) (1), (e), or (f) (1), or 67.17 (d) (1), (e), or (f) (1).

[Revision note: Based on § 29.5]

PART 67—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
29.1	67.11	29.4	67.17
29.2	67.13	29.5	67.19
29.3	67.15		

[F.R. Doc. 62-4162; Filed, May 1, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-SW-2]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6013, 600.6020 and 600.6222 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 13 east alternate is designated in part from the Houston, Texas, VORTAC via the intersection of the Houston VORTAC 044° and the Lufkin, Texas, VOR 177° True radials (DAISETTA Intersection); to the Lufkin VOR. Low altitude VOR Federal airway No. 20 north alternate is designated in part from the Houston VORTAC via the intersection of the Houston VORTAC 044° and the Beaumont, Texas VOR 273° True radials; to the Beaumont VOR and from the Beaumont VOR via the intersection of the Beaumont VOR 058° and the Lake Charles, La., VOR 273° True radials to the Lake Charles VOR. Low altitude VOR Federal airway No. 222 north alternate is designated in part from the Houston VORTAC via the intersection of the Houston VORTAC 044° and the Lake Charles VOR 273° True radials; to the Lake Charles VOR.

The Federal Aviation Agency has under consideration the following actions:

1. Redesignate Victor 13 east alternate in part from the Houston VORTAC via a VOR to be installed approximately July 15, 1962 near Daisetta, Texas, at latitude 30°11'20'' N., longitude 94°-38'38'' W., to the Lufkin VOR.

2. Redesignate Victor 20 north alternate in part from the Houston VORTAC via the intersection of the Houston VORTAC 045° and the Beaumont VOR 273° True radials; to the Beaumont VOR and from the Beaumont VOR via the intersection of the Beaumont VOR 058° and the Lake Charles VOR 272° True radials; to the Lake Charles VOR.

3. Redesignate Victor 222 north alternate in part from the Houston VORTAC via the Daisetta VOR to the Lake Charles VOR.

The proposed realignment of Victor 13 east alternate and Victor 222 north alternate via the Daisetta VOR in lieu of the Daisetta intersection would provide better navigational guidance along these airway segments. The proposed realignment of Victor 20 north alternate is necessary so that the segments of this airway which presently coincide with segments of Victor 13 east alternate and Victor 222 north alternate would coincide with the realigned segments of these airways.

The control areas associated with the airway segments under consideration are so designated that they would automatically conform to the realigned airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4216; Filed, May 1, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-76]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 466 and its associated control areas from the Columbus, Miss., VOR to the Jackson, Miss., VORTAC. This airway and its associated control areas would extend upward from 700 feet above the surface to and including 9,000 feet MSL, except the segment between the intersection of the Columbus to Jackson en route radial and the Meridian, Miss., VOR 347° True radial and the intersection of the Columbus to Jackson en route radial and the Greenwood, Miss., 141° True radial, which would have a floor of 1,200 feet above the surface. The segmented floor of the proposed airway would make the controlled airspace compatible with the adjoining control area extensions and airways, and the nearby Meridian Miss., transition area which will become effective on May 31, 1962 (Airspace Docket No. 60-FW-72, 27 F.R. 2890). The proposed ceiling of 9,000 feet MSL would suffice for normal airway traffic and would permit Navy aircraft to perform essential flight training maneuvers from 10,000 to 20,000 feet MSL to remain clear of the new airway. Navy flight training activities from the Meridian Naval Air Station are contained primarily in an area bounded by Meridian, Miss., Jackson, Miss., Greenwood, Miss., Columbus, Miss., Birmingham, Ala., and Tuscaloosa, Ala.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4217; Filed, May 1, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601, 602]

[Airspace Docket No. 62-WA-24]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS; JET ROUTE AND JET ADVISORY AREA

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 602 and §§ 600.6300 and 601.6300 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 300 and its associated control areas is designated in part from St. Johns, Quebec, Canada, via Sherbrooke, Quebec, Canada, to Millinocket, Maine, excluding the portion outside the United States. The Federal Aviation Agency is considering a request by the Canadian Department of Transport for the designation of the United States portion of a north alternate to Victor 300 from the St. Johns VOR to the Millinocket VOR via the intersection of the St. Johns VOR 071° and the Millinocket VOR 279° True radials. This would provide an alternate route between St. Johns and Millinocket for VOR equipped aircraft.

Also under consideration is a request by the Canadian Department of Transport for the designation of the United States portion of Jet Route No. 560 and associated radar jet advisory area from the Plattsburgh, N.Y., VOR direct to Sherbrooke VOR. This would facilitate air traffic management and improve flight planning by providing an interconnecting high altitude route between Plattsburgh and Quebec, Canada. This jet route number would be the same number assigned to the interconnecting Canadian high-level airway.

The control areas associated with the United States portion of Victor 300 would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4221; Filed, May 1, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-16]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 39 presently extends in part from the Nashville, Tenn., VORTAC via the Louisville, Ky., VORTAC to the Dayton, Ohio, VORTAC. The Federal Aviation Agency has under consideration the designation of an en route radar jet advisory area within 16 statute miles either side of this segment of Jet Route No. 39 from flight level 240 to flight level 390 inclusive. The radar jet advisory area proposed herein would provide a defined area along this route wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4218; Filed, May 1, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-25]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 13 extends in part from the Albuquerque, N. Mex., VORTAC via the Las Vegas, N. Mex., and the Pueblo, Colo., VORTACs to the Denver, Colo., VORTAC. The FAA has under consideration a proposal by the Air Transport Association of America for the designation of an en route radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of this segment of J-13.

Scheduled air carrier turbojet service is to be inaugurated between Albuquerque and Denver on or about July 15, 1962, and the designation of the above described jet advisory area would provide a route for civil air carrier turbojet flights between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 26, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4219; Filed, May 1, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-34]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to §§ 602.200 and 602.300 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 15 extends in part from the Wink, Tex., VOR via the Roswell, N. Mex., VOR to the Albuquerque, N. Mex., VORTAC. The FAA has under consideration a proposal by the Air Transport Association of America for the designation of an en route radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of this segment of J-15. Additionally, the FAA has under consideration the designation of a terminal radar jet advisory area from flight level 240 to flight level 390, inclusive, and within 16 miles either side of the 283° True radial of the Midland, Tex., VOR from the VOR to the intersection of the 283° True radial with J-15.

Scheduled air carrier turbojet service is to be inaugurated between Albuquerque and Midland on or about July 15, 1962, and the designation of the above described jet advisory areas would provide a route for civil air carrier turbojet flights between these terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4220; Filed, May 1, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

EXCISE TAX ON TOILET PREPARATIONS

Notice of Hearing on Proposed Regulations

The revised proposed regulations under section 4021 of the Code relating to excise tax on toilet preparations, were published in the FEDERAL REGISTER for March 20, 1962.

A public hearing on the provisions of these proposed regulations will be held on Friday, May 18, 1962, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by May 14, 1962.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F.R. Doc. 62-4279; Filed, May 1, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[44 CFR Part 401]

[Foreign Excess Property Order No. 1]

IMPORTATION INTO THE UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

Notice of Proposed Rule Making

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed revision of Foreign Excess Property Order No. 1 (Revised), 24 F.R. 366, as from time to time amended, 24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7031.

The purposes of the proposed revision are:

1. In the interest of public and governmental convenience, to incorporate into a single document all amendments issued since the last prior general revision of the Order.

2. To correct typographical and editorial errors in prior issuances.

3. In the light of operating experience gained since the last general revision of the Order, to improve and simplify operating procedures for the benefit of both the public and the Government.

4. To modify the criteria for the admission of certain kinds of foreign excess property in order to give greater recognition than heretofore to the statutory criterion "benefit to the economy of this country".

5. To establish separate geographic areas of competition, based upon recognition of economic factors, for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the remaining continental United States.

6. To modify criteria applied to determinations of existence of domestic shortages to give greater recognition to distinctions in kinds and conditions of property.

It is proposed to designate the revised Order "Foreign Excess Property Order No. 1".

It is proposed to make Foreign Excess Property Order No. 1 effective upon the date of its publication in the FEDERAL REGISTER which will be not less than 30 days subsequent to the date of publication of this notice.

It is proposed to publish Foreign Excess Property Order No. 1 in substantially the following form:

Pursuant to the Administrative Procedure Act, insofar as it may be applicable hereto, Foreign Excess Property Order No. 1 is hereby published and is made effective upon the date of publication hereof in the following form:

Sec.
401.1 What this part does.
401.2 Definitions.
401.3 Office of Foreign Excess Property Officer (FEPO).
401.4 Criteria and principles.
401.5 General determinations.
401.6 Small lot procedure.
401.7 Importations for public and quasi-public use.
401.8 Metal scrap.
401.9 Entries in bond for reexport.
401.10 Entries in bond other than for reexport.
401.11 Applications.
401.12 Issuance of FEP Import Determinations.
401.13 Issuance of FEP Import Authorizations.
401.14 Transfer of FEP Import Authorizations.
401.15 Time extensions.
401.16 Finality of decisions.
401.17 Appeals.
401.18 Exemption of Government-owned property.
401.19 Violations and penalties.
401.20 Cancellation of certain determinations.
401.21 Communications.
401.22 Transitional provisions.
401.23 Revocations of previous delegations and orders.

AUTHORITY: §§ 401.1 to 401.23, issued under secs. 402, 404(b), 601, Act of June 30, 1949, 63 Stat. 398, 399, 64 Stat. 583, 40 U.S.C. 512, 514(b) and 473; Foreign Liquidation Commissioner's Reg. 8, 44 CFR 308.15; Commerce Department Order No. 152 (Revised), 26 F.R. 7977.

§ 401.1 What this part does.

This part prescribes procedures for making applications for determinations as to whether importation of foreign excess property, as defined in this part, would relieve domestic shortages or otherwise be beneficial to the economy of this country. It prescribes procedures for the issuance of FEP Import Determinations and FEP Import Authorizations, as defined in § 401.2 (h) and (i). It sets forth subsidiary criteria and principles to be applied in determining whether importation of foreign excess property would relieve domestic shortages or otherwise be beneficial to the economy of this country and provides for the making of General Determinations by the Administrator of the Business and Defense Services Administration, with respect to the importation of particular kinds of foreign excess property. It provides for liaison with the Bureau of Customs, Treasury Department, in connection with such importations. It delegates authority to the Commissioner of Customs with respect to certain matters pertaining to importations in bond and otherwise. It establishes procedures for appeals from actions of the Foreign Excess Property Officer. It provides administrative measures for enforcement of the Order. It supersedes Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366), as amended (24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013).

§ 401.2 Definitions.

For the purposes of this part:

(a) "Foreign excess property" means any property (except any agricultural commodity, food, or cotton or woolen goods) located outside the United States, under the control of any Federal agency, which is not required for its needs and the discharge of its responsibilities as determined by the head thereof. It includes any such property after it has been disposed of by such Federal agency, notwithstanding any subsequent change of ownership. The importation of surplus property sold by the Government or any agency thereof in foreign areas before July 1, 1949, is governed by Foreign Liquidation Commissioner's Reg. 8, which delegates to the Secretary of Commerce jurisdiction over some but not all of such property (§ 308.15 of this title). To the extent that such jurisdiction over such property is delegated to the Secretary of Commerce, such property shall be deemed to be foreign excess property, and is governed by the provisions of this part. All persons owning or acquiring property disposed of by the Government in foreign areas before July 1, 1949, are referred to the said Foreign Liquidation Commissioner's Reg. 8, § 308.15 of this title, for the rules applicable to the importation of any such property which is not subject to the jurisdiction of the Secretary of Commerce. Property of lend-lease origin (unless such property has been reacquired by an agency of the United States Government and subsequently disposed of under the Act of June 30, 1949, 63 Stat. 398, 399, 40 U.S.C. 512, 514(b)) is not regarded as foreign excess property nor is the importation of such property prohibited or otherwise limited by Foreign Liquidation Commissioner's Reg. 8.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of BDSA.

(d) "Foreign Excess Property Officer (FEPO)" means the Officer appointed by the Administrator to administer this Order.

(e) "Appeals Board" means the Appeals Board for the United States Department of Commerce.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(g) "United States" means the states of the Union, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

(h) "FEP Import Determination" (Form FEPF-2) means a document issued by the FEPO stating that the importation of specified and identified foreign excess property would, or would not, relieve domestic shortages or otherwise be beneficial to the economy of this country. An FEP Import Determination is not an authorization to import foreign excess property.

(i) "FEP Import Authorization" (Form FEPF-4) means a document issued by the FEPO to the owner of specified and identified foreign excess property authorizing such person to import such foreign excess property into the United States within the period stated therein.

§ 401.3 Office of Foreign Excess Property Officer (FEPO).

(a) The Office of Foreign Excess Property Officer (FEPO) is hereby established.

(b) Under the general direction and supervision of the Administrator, the FEPO is authorized to carry out the functions assigned to him in this part.

§ 401.4 Criteria and principles.

(a) The basic criteria to be applied in making FEP Import Determinations are contained in section 402 of the Federal Property and Administrative Services Act of 1949. These are, whether "the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country." These are broad and general concepts and require particularization in their application. More detailed criteria and principles, subsidiary to and consistent with those laid down in the statute, are contained in this Order, and will be observed by all concerned.

(b) *Shortages.* In general, a shortage in the market for any particular type or class of goods or materials exists when the demand is greater than the supply. Shortages may be temporary or seasonal in nature and may also be chronic or of long duration. Shortages may be caused by inadequate productive capacity to supply the market; by shortage in raw materials or component parts; by labor shortage or work stoppage; or by lack of sufficient demand to support economic production.

(c) *"Beneficial to the economy of this country."* The importation of foreign excess property must have special benefits over and beyond any benefits to be derived in the market place by an added supply of goods and materials through imports. Although the importation of foreign excess property of various qualities may make available additional supplies of products and materials, it is not considered that this situation constitutes the type of benefit to the economy contemplated in the law.

(d) *Detailed criteria and principles.* A finding of the existence of a domestic shortage which would be relieved by im-

portation of foreign excess property, or of other benefits to the domestic economy, must take the following elements into consideration:

(1) *Affirmative finding required.* It is not sufficient to find that an importation would not be harmful. It must affirmatively appear that it would specifically relieve a shortage, or otherwise be beneficial to the economy.

(2) *Unused versus used property.* Unused foreign excess property will be regarded as competitive exclusively with new property of domestic manufacture. Used foreign excess property will be regarded as competitive exclusively with used property of domestic manufacture.

(3) *Price.* The price at which foreign excess property is acquired, or the price at which it can be sold in the domestic market, will not be considered as an adequate benefit to the economy to justify importation, nor will the possibility of domestic sale of such property at abnormally low prices be regarded as evidence of domestic shortage.

(4) *Area of competition.* A product of specific grade, quality, capacity or dimension, or having particular performance characteristics, may be considered to be in short supply if alternative domestically produced products of equivalent grade, quality, capacity, dimension or performance characteristics are not generally available in the domestic market.

(5) *Time of determination of shortage.* Shortages shall be determined as of the date of receipt of application for FEP Import Determination, or as near thereto as shall be practicable. In the case of applications involving kinds of property which are customarily assembled from stock components to customers' orders, the normal period for domestic delivery of such products shall be taken into consideration in determining whether a shortage exists.

(6) *Geographical basis for determinations.* Shortages and benefits to the economy shall be determined on a basis of designated geographic areas of competition. For this purpose, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the remaining continental United States as a single unit, are severally designated as separate geographic areas of competition.

(7) *Outstanding FEP Import Determinations.* If determinations have been issued for the importation of a product, the quantities covered thereby should be assumed to be included in the domestic supply for the purpose of determining whether a shortage exists.

(8) *Unique articles.* Unique items, including museum and collection pieces, articles of historical value, antiques, and items of special sentimental value may be considered beneficial to the economy.

(9) *Expenditures in connection with importation.* A need for substantial expenditures for labor, materials, parts, storage, transportation, and similar items may be taken into consideration, together with other relevant factors, in determining benefit to the economy.

(10) *Net benefit.* Every importation presumably confers some benefit upon some segment of the economy; otherwise it would not be applied for. This is obviously not the benefit intended by the statute. For the purposes of the law, the benefit to the economy resulting from an importation must outweigh the detriment.

§ 401.5 General determinations of shortage or benefit.

(a) Upon application of any interested person or on his own motion, the Administrator may make a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country. At least 30 days prior to making any such General Determination, the Administrator will publish in the FEDERAL REGISTER notice of intention to make such a General Determination and will state in such notice in what manner and for what period comments on such proposed General Determination may be submitted. At the expiration of the 30-day period and after consideration of comments timely and properly submitted, the Administrator may make such General Determination, within the scope of the notice of intention, as he may consider appropriate, and shall publish notice thereof in the FEDERAL REGISTER.

(b) Upon the publication in the FEDERAL REGISTER of Notice of a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or would otherwise be beneficial to the economy of this country, and until such General Determination is withdrawn by notice of withdrawal published in the FEDERAL REGISTER, any such property may be imported into the United States without any application being made to, or FEP Import Authorization issued by, the FEPO.

(c) General Determinations that importations of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country may be amended or withdrawn by the Administrator in the same manner in which such General Determinations are made.

§ 401.6 Small lot procedure.

(a) Small Lots of foreign excess property, as defined in the following paragraph, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of $10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.11. In lieu of the information required in Item 5 of Part I of the application, Form FEPF–1, the application must include the following statement:

> This application is filed in accordance with and subject to the provisions of § 401.6 *Small lot procedure.*

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property. Such evidence of acquisition cost shall consist of the United States Government acquisition cost of the property as set forth on an actual or estimated basis in the Invitation for Bids; or, if no such actual or estimated acquisiton cost is set forth in the Invitation for Bids, the acquisition cost shall, for the purposes of this section, be deemed to be equal to ten times the applicant's bid or ten times the United States Government's sale price of the property whichever shall be applicable.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than $10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued pursuant to this section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property, a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added conditions:

> There is incorporated in and made a part of the bond No. ------ dated ----------, in the amount of $------, executed by ---------, as principal, and ---------, as surety, the following added condition:
>
> Whereas, the principal named in the said bond has been permitted, in accordance with § 401.6 of Foreign Excess Property Order No. 1, to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,
>
> Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;
>
> Now, therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Customs officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;
>
> Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds and for the enforcement thereof.

§ 401.7 Importations for public and quasi-public use.

The importation of foreign excess property:

(a) Which is the subject of a firm contract of sale and delivery to the Federal Government, or

(b) Which is the subject of a firm contract of sale and delivery to, or is offered for importation by, any State or any agency of a State, or a tax-supported or other nonprofit medical institution, hospital, clinic, health center, school system, school, college or university, for purposes of education or public health, or for research for either of such purposes, or for civil defense purposes

shall be deemed to be beneficial to the economy of the United States. No application need be filed with the FEPO for such importation, but the importer of such property shall submit evidence acceptable to the Collector of Customs at the port of entry of such property either: (1) That the importer of such property has entered into a firm contract of sale and delivery thereof to a purchaser designated as an eligible purchaser thereof in this section, or (2) that the importer of such property is itself an eligible purchaser of such property.

§ 401.8 Metal scrap.

(a) The determination made on August 23, 1950 (15 F.R. 5847, 5849) that no authorization is required for importation of foreign excess property in the form of metal scrap has been revoked (24 F.R. 366). Except as provided in paragraph (b) of this section, applications for the importation of metal scrap should be made to the FEPO in accordance with the provisions of this part.

(b) No application need be filed with the FEPO for the importation of foreign excess property in the form of metal scrap which is exempt from import duty or duties or with respect to which all import duties imposed by or pursuant to the Tariff Act of 1930, as amended, are, at the time of such importation, suspended by law.

(c) The Collector of Customs at the port of entry may require, as a condition precedent to such importation, that the importer furnish an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as metal scrap in those instances where the property imported is in a form that it could be diverted to use as a product. Importers of metal scrap pursuant to paragraph (b) of this section may be required to furnish like undertakings.

§ 401.9 Entries in bond for reexport.

(a) Applications for importations of foreign excess property in bond for reexport will not be entertained by the FEPO. The procedures set forth in this section shall be applicable to such applications and importations.

(b) The Bureau of Customs, Treasury Department, shall have authority to permit the entry into the United States of foreign excess property in bond for reexport. Bonds accepted for this purpose by the Bureau of Customs shall conform to Bureau of Customs Forms 7551 or 7555, with the added condition:

> There is incorporated in and made a part of the bond No. ------ dated ---------- in the amount of ------, executed by ----------, as principal, and ----------, as surety, the following added condition:
>
> Whereas, the principal named in the said bond has been permitted to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, which has been imported for reexport:
>
> The obligors named in the above-mentioned bond stipulate and agree that there shall be delivered to the Collector of Customs at the port of entry named in this bond or to the Collector of Customs at another port of entry, in accordance with the provisions of law and regulations pertaining to the entry and exportation of merchandise, all the above-described merchandise for customs inspection and identification prior to exportation; and if such merchandise shall not be used for any gainful purpose in the United States; and if all the merchandise shall be actually so exported within two years from the date of importation, or within any lawful extension of such period, and if the said merchandise shall not be relanded in the United States; or, in default thereof, the obligors shall pay to the Collector of Customs such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation.
>
> Then this added condition shall be void, otherwise to remain in full force and effect.

(c) No extensions of time for reexportation shall be granted by the Bureau of Customs without the prior written approval of the FEPO.

(d) The Commissioner of Customs may promulgate such regulations not inconsistent herewith as he deems appropriate with respect to applications for importation of foreign excess property in bond for reexport, and procedures of the Bureau of Customs in respect to such applications.

(e) Persons making applications to import foreign excess property in bond for reexport shall comply with regulations promulgated by the Commissioner of Customs. The provisions of § 401.11 shall not apply thereto.

§ 401.10 Entries in bond other than for reexport.

(a) If an applicant for an FEP Import Determination or FEP Import Authorization elects to do so, he may specify in his application that the foreign excess property which he proposes to import will be processed, reprocessed, disposed of, or otherwise dealt with in a stated manner. If the FEPO determines that importation of the property under the specified conditions would relieve a domestic shortage or otherwise be beneficial to the economy of this country, but that importation of such property for any different use or purpose would not satisfy these criteria, he may authorize importation of such property upon condition that the applicant, prior to or concurrently with entry of the property, furnish a bond with sufficient surety to the Collector of Customs at the port of entry of such property. Such bond shall conform to Bureau of Customs Forms 7551 or 7555, and shall contain such added special condition or conditions as may be appropriate to the case. The penal sum of any such bond shall be three times the value of the property to be imported.

(b) The special condition or conditions of each different type bond proposed to be authorized under paragraph (a) of this section shall be submitted by the FEPO to the Commissioner of Customs for his concurrence. No conditional FEP Import Determination or conditional FEP Import Authorization shall be issued with respect to any property unless and until the concurrence of the Commissioner of Customs with respect to the special condition or conditions of the bond applicable thereto shall have been received by the FEPO.

(c) Upon receipt of concurrence of the Commissioner of Customs in the special condition or conditions of a proposed bond, the FEPO may issue a conditional FEP Import Determination or conditional FEP Import Authorization as provided in this section. Such conditional FEP Import Determination or conditional FEP Import Authorization shall specify the condition or conditions under which the foreign excess property described therein may be imported into the United States, and shall set forth the special condition or conditions of the bond provided for in this section. The property described therein may thereupon be imported only upon presentation of a conditional FEP Import Authorization in due form, accompanied by an appropriate surety bond, to the Collector of Customs at the port of entry of such property.

(d) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds, and for the enforcement thereof.

§ 401.11 Applications.

(a) Any person proposing to import foreign excess property (other than property exempted from the requirement of an FEP Import Authorization pursuant to § 401.5, 401.7, 401.8, or 401.9 of this Order), shall make application in duplicate to the FEPO for an FEP Import Determination with respect to the property involved. Such application shall be made on Form FEPF–1 set forth below as Annex 1. Form FEPF–1 may be obtained from the FEPO, Department of Commerce Field Offices, Collectors of Customs, or it may be reproduced by an applicant. The instructions contained in Form FEPF–1 are made a part of this Order. Where the applicant is the owner of the foreign excess property which is the subject of the application, and submits proof of ownership thereof as prescribed in § 401.13, the application shall also be treated as a request for an FEP Import Authorization.

(b) An application which is incomplete in any material respect, or which is not executed in the manner prescribed in the Instructions contained in Form FEPF–1, or which does not lie within the jurisdiction of the FEPO, shall be returned without action by the FEPO to the applicant.

(c) In order to permit time for adequate consideration, ten days will ordinarily be required for processing applications.

§ 401.12 Issuance of FEP Import Determination.

(a) The determination made by the FEPO that importation of foreign excess property would or would not relieve domestic shortages or otherwise be beneficial to the economy of this country shall be issued on FEPF–2, "FEP Import Determination". An FEP Import Determination is not an authorization for the importation of foreign excess property.

(b) FEP Import Determinations shall be serially numbered, and shall be dated and signed by the FEPO. FEP Import Determinations shall remain in effect for a period of six months from the date thereof.

(c) A copy of each FEP Import Determination shall be transmitted to the original applicant and to any other person upon request.

§ 401.13 Issuance of FEP Import Authorization.

(a) Upon presentation to the FEPO of a Request for FEP Import Authorization (Form FEPF–3), or of Application for FEP Import Determination (Form FEPF–1) completely executed including Part II thereof, and proof of ownership of foreign excess property described therein concerning which the FEPO has made a determination that its importation would relieve domestic shortages or otherwise be beneficial to the economy of this country, the FEPO shall issue an FEP Import Authorization (Form FEPF–4). The original of the FEP Import Authorization shall be transmitted to the owner of the property and two copies of each FEP Import Authorization shall be furnished to the Collector of Customs at the proposed port of entry.

(b) Proof of ownership shall consist of a photocopy of bill of sale of the property involved or other evidence of title satisfactory to the FEPO.

(c) FEP Import Authorizations shall expire upon the expiration date of the FEPO Import Determination with respect to the same property, and shall constitute the sole authority for the importation thereof into the United States within such period.

(d) Each original FEP Import Authorization shall be presented to the Collector of Customs for his indorsement at the time of entry of any property described therein.

§ 401.14 Transfer of FEP Import Authorizations.

(a) The holder of an FEP Import Authorization may transfer it to a transferee of the foreign excess property specified therein. If such transfer shall be of all of the foreign excess property specified in the FEP Import Authorization, the FEP Import Authorization may be transferred by assignment to the transferee of the property. If such transfer shall be of a part of the foreign excess property specified in the FEP Import Authorization, the holder of the FEP Import Authorization shall return the original FEP Import Authorization to the FEPO together with photocopy of bill of sale of the property transferred and Request for an FEP Import Authorization executed by the transferee. The FEPO shall thereupon cancel the original FEP Import Authorization and issue new FEP Import Authorizations to the original holder and the transferee as their respective interests appear.

(b) The FEPO shall notify the Collector of Customs at the proposed port of entry of any such cancellation of an FEP Import Authorization, and shall furnish to such Collector copies of new FEP Import Authorizations issued as a result of any such transfer and Request.

§ 401.15 Time extensions.

A person who has received from the FEPO an FEP Import Authorization may file with the FEPO, prior to the expiration date thereof, a request for an extension of time. Such request shall state any reasons why the extension is needed, and the duration of the extension requested. The FEPO may allow or deny the request in whole or in part. In determining whether a time extension should be granted, the FEPO shall consider whether the importation of the property applied for would relieve domestic shortages or otherwise be beneficial to the economy of this country during the period of such extension. He shall promptly notify the applicant of his decision, and, if he grants an extension of time, he shall promptly inform the Collector of Customs at the proposed port of entry.

§ 401.16 Finality of decisions.

Decisions of the FEPO are final when issued. Requests for reconsideration must be in writing and may be entertained by the FEPO in his discretion, but no request for reconsideration shall extend the period within which an appeal must be taken to the Appeals Board from a decision by the FEPO.

§ 401.17 Appeals.

(a) A person aggrieved by the issuance of an FEP Import Determination that the importation of specified and identified foreign excess property would not relieve domestic shortages or otherwise be beneficial to the economy of this country may appeal to the Appeals Board for the Department of Commerce as provided in this section. The Appeals Board shall also have jurisdiction to decide appeals from persons to whom an application has been returned without action pursuant to § 401.11(b), from persons whose Request for FEP Import Authorization shall have been denied, and from persons whose request for an extension of time pursuant to § 401.15 has been denied.

(b) The only grounds for appeal which the Appeals Board will consider are that the FEPO erred:

(1) In determining that an application should be returned without action (§ 401.11(b)).

(2) In applying the criteria and principles prescribed in § 401.4 to the facts of the case.

(3) In failing or refusing to issue an FEP Import Authorization as provided in § 401.13.

(4) In determining that a request for a time extension pursuant to § 401.15 should not be granted.

(5) In determining that an applicant under the Small Lot Procedure established by § 401.6 has failed to meet the conditions specified therein.

(c) The Appeals Board shall have jurisdiction of appeals with respect to actions taken pursuant to § 401.19(a).

(d) Appeals from actions of the FEPO must be filed within 30 days of the date of the action appealed from. Such appeals shall be by letter in triplicate addressed to the Appeals Board, Department of Commerce, Washington 25, D.C., Ref: FEP Order No. 1. If the applicant so requests, the Appeals Board shall grant him a hearing at the office of the Board at the Department of Commerce, Washington, D.C.

(e) Decisions of the Appeals Board shall be communicated in writing to the FEPO and to the appellant and shall be carried out by an appropriate action of the FEPO.

§ 401.18 Exemption of Government-owned property.

Nothing in this part shall be construed as limiting the authority of any Government agency to import Government-owned property into the United States.

§ 401.19 Violations and penalties.

(a) Any person who imports, or attempts to import, foreign excess property into the United States and who fails to comply, both before and after such importation or attempted importation, with the provisions of this part is subject to administrative action terminating his right to submit applications to the FEPO and cancelling any FEP Import Determinations and FEP Import Authorizations issued to such person.

(b) Any person who fraudulently or knowingly imports into the United States any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, shall upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both. Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction. Merchandise introduced into the United States in violation of this provision, or the value thereof, to be recovered from any person described in this paragraph, shall be forfeited to the United States (18 U.S.C. 545).

(c) Any person who knowingly and wilfully makes any false, fictitious or fraudulent statement or representation to an employee of the Department of Commerce or of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

§ 401.20 Cancellation of certain determinations.

(a) All authorizations, permits, determinations, licenses, and approvals issued on or before December 31, 1955 by the FEPO for the importation of foreign excess property are hereby canceled, rescinded and revoked.

(b) Nothing contained in this part shall be construed as extending the validity of any authorization, permit, license, or approval for the importation of foreign excess property which shall have expired in accordance with the terms thereof.

§ 401.21 Communications.

All communications concerning this part shall, unless otherwise stated, be addressed to the Foreign Excess Property Officer, Business and Defense Services Administration, Department of Commerce, Washington 25, D.C.

§ 401.22 Transitional provisions.

(a) All FEP Import Determinations and FEP Import Authorizations heretofore issued which are in effect at the time of entry into force of this Order shall remain in force in accordance with their terms.

(b) All applications pending before the FEPO at the time of entry into force of this Order shall be considered in accordance with the provisions hereof.

§ 401.23 Revocation of previous delegations and orders.

This Order supersedes Foreign Excess Property Order No. 1 (Revised) 24 F.R. 366, as amended 24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013, and all Orders and delegations prior thereto. The supersession of prior orders and delegations hereby does not revive any rights, privileges, licenses, or permits heretofore issued which have expired by passage of time or have been terminated pursuant to any such prior Order or delegation.

ANNEX 1

Form Approved, Budget Bureau No. 41–R–1959

Form FEPF–1 (1–7–59)	DATE	APPLICATION NO. (Do not write in this space)

U.S. DEPARTMENT OF COMMERCE
BUSINESS AND DEFENSE SERVICES ADMINISTRATION

APPLICATION FOR FEP IMPORT DETERMINATION

To: Foreign Excess Property Officer
Business and Defense Services Administration
U.S. Department of Commerce
Washington 25, D.C.

GENERAL INSTRUCTIONS. All information required in Part I of this form must be supplied. Applications not completely filled out or which are not executed as required in these instructions will be returned to applicant without action. This application must be limited to property acquired or to be acquired in a single transaction. Application must be executed by owner or by proposed owner of property. It may not be executed by a broker or agent. When applicant is a partnership, firm, or corporation, application must be signed personally by a partner or duly authorized officer. If sufficient space is not provided for any answer, additional sheets shall be attached and referred to. Exhibits, letters, etc. shall be similarly attached. Part II of this form is to be completed only when the applicant is the owner of the property and is requesting an FEP Import Authorization to import such property into the United States. This application must be submitted in duplicate to the Foreign Excess Property Officer, Business and Defense Services Administration, U.S. Department of Commerce, Washington 25, D.C.

PART I—ALL ITEMS IN PART I MUST BE COMPLETED

The undersigned hereby applies to the Foreign Excess Property Officer for a determination with respect to the importation of the foreign excess property described in Item 3 of this application.

1. NAME OF APPLICANT	2. BUSINESS ADDRESS (Street, City, Zone, State)

3. DESCRIPTION OF PROPERTY. (A detailed description of the property must be furnished, giving as far as practicable for each item the make, type, and quantity, and any identifying marks and serial numbers. If the property has been purchased or is to be purchased from a U.S. Government Agency pursuant to an invitation, to bid, auction or other means of disposal, the item number and the description of the property in the sale catalog must be included or a statement must be made that no such sale catalog has been published.)

(Continue with Part I on reverse side)

CERTIFICATION. The undersigned company and the official executing this certification on its behalf hereby certifies that the information contained in this application is correct and complete to the best of their knowledge and belief.

NAME OF COMPANY	SIGNATURE OF APPLICANT	DATE

The U.S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Any person who knowingly and wilfully makes any false, fictitious, or fraudulent statement or representation to the FEPO or to an employee of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

COMPLETE FORM BEFORE SIGNING CERTIFICATION

4. PRESENT OWNERSHIP OF PROPERTY (If applicant checks Item C, submits proof of ownership of property described together with other identifying information required, and completes Part II of this form, this application will also be accepted in lieu of Form FEPF–3, Request for FEP Import Authorization.)

A. United States Government. Supply following information:

(1) Date of proposed sale	(2) Name of selling agency	(3) Present location of property
(4) Invitation to Bid No.	(5) Item No.	

B. Owner other than U.S. Gov't. or Applicant. Supply following information:

(1) Name of present owner	(2) Address of present owner	(3) Present location of property
(4) Name of U.S. Gov't. Agency that originally owned property	(5) Location of sale by U.S. Gov't. Agency	(6) Date of sale by U.S. Gov't. Agency

C. Applicant (Attach proof of ownership, i.e., photocopy of bill of sale or other evidence of title). Supply the following information.

(1) Location of sale by U.S. Gov't. Agency	(2) Date of Sale by U.S. Gov't. Agency	(3) Name of selling agency (U.S. Gov't.)
(4) Present location of property	(5) Name and address of seller if property purchased from other than U.S. Gov't. Agency	

5. Domestic shortage of property or other benefit to the economy of this country (State whether importation of the property would relieve domestic shortages, or whether, and in what respects, importation would benefit the domestic economy. Such statements must be accompanied by all available supporting evidence, including, for example, supply-demand data, production and consumption statistics, statement of inability to obtain the type of property domestically, statements of manufacturers that production has been discontinued and no substitutes are reasonably available, and the like.)

PART II—TO BE COMPLETED ONLY IF APPLICANT IS OWNER OF PROPERTY, HAS CHECKED ITEM 4C, AND HAS ATTACHED PROOF OF OWNERSHIP

The undersigned, as owner of the foreign excess property described in Item 3 above, hereby requests the Foreign Excess Property Officer to issue an FEP Importation Authorization for the importation of such property into the United States

1. Proposed date and port of importation		2. Name of ship or other carrier, if known
Date	Port	

3. Bureau of Customs Data (If property is held in a U.S. Customs warehouse, or otherwise in control of the Bureau of Customs, give full particulars regarding the following):

(a) Status of property	(b) Type of Customs entry
	(c) Identifying Customs numbers and symbols

(Sign Certification on Face of Form)

Interested persons may submit to the Foreign Excess Property Officer, Room 4324, Department of Commerce, Washington 25, D.C., data, views or arguments in writing, but not orally, relative to the proposed issuance of Foreign Excess Property Order No. 1. All relevant material received within 20 days following the date of publication of this notice will be considered.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 62-4266; Filed, May 1, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 10, 11, 16, 19]

[Docket No. 14503]

PROPOSED ALLOCATION OF ASSIGNABLE FREQUENCIES

Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of Parts 2, 10, 11, 16, and 19 of the Commission's rules regarding the allocation of assignable frequencies in the 25–42 Mc/s band.

The Commission has before it petitions filed by the International Municipal Signal Association (IMSA) and the International Association of Fire Chiefs (IAFC); by the Forestry-Conservation Communications Association (FCCA); and by the Associated Public-Safety Communications Officers, Inc. (APCO), all requesting an extension of time for the filing of comments in the above-entitled matter from May 1, 1962, to August, 1, 1962. The latter requested an additional extension for reply comments to September 25, 1962.

It appearing that the matter of reallocating the Police, Fire, Forestry-Conservation, and other services will require extensive surveys by the licensee associations affected; and

It further appearing that in order to complete these surveys and to assess the data collected, additional time will be needed; and

It further appearing that since the notice of proposed rule making bears directly on the Police, Fire, and Forestry-Conservation Radio Services, the comments of IMSA, IAFC, FCCA, and APCO will be helpful to the Commission in resolving the issues in this proceeding; and

It further appearing that the granting of additional time will not affect adversely any users and will be in the public interest, and that an extension of 90 days will be ample to enable the petitioners to prepare their comments; and

It further appearing that an extension of more than an additional 30 days for reply comments would delay unduly Commission action for those users to be assigned new available frequencies; and

It further appearing that the Commission is keenly aware of the urgent need for additional frequencies among the various Safety and Special Radio Services and desires to resolve this matter as expeditiously as possible;

It is ordered, This 20th day of April 1962, pursuant to section 0.291(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, that the time for the filing of comments in this proceeding is extended to August 1, 1962, and that the time for the filing of reply comments is extended to August 31, 1962.

Released: April 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4273; Filed, May 1, 1962; 8:54 a.m.]

[47 CFR Part 3]

[Docket No. 14613 (RM-313); FCC 62-451]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN ANDERSON AND RICHMOND, IND.

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition of James A. Chase and William J. Wheat requesting the institution of rule making to assign UHF Channel 26 to Anderson, Indiana. Channel 26 was shifted from Anderson to Richmond, Indiana, by Report and Order adopted on June 21, 1961, in Docket No. 14050 (FCC 61-802, Mimeo 5961), but may be returned to Anderson in compliance with the Commission's mileage separation requirements. Petitioners seek to have the channel returned to Anderson so that they may apply for a construction permit for a commercial television station using that channel and the technical equipment and site of former UHF station WCBC-TV. Channels 61 and 83 are available for use in Anderson but petitioners state that they prefer a lower UHF channel.

3. There is no outstanding license or construction permit for Channel 26 in Richmond, and no applications are pending for the channel. Petitioners suggest the substitution of Channel 83 for 26 at Richmond, Indiana. Although such an assignment would be in accordance with the mileage separation requirements of the Commission, we are of the opinion that, unless an active interest is manifested, action to make available a substitute UHF channel for Richmond should be deferred until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

4. The Commission is of the view that rule making should be instituted to effect the following change in the Table of Assignments:

City	Channel No.	
	Present	Proposed
Anderson, Ind.	61, 83+	26+, 61
Richmond, Ind.	26+	----

5. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules and regulations, interested persons may file comments on or before May 25, 1962, and reply comments on or before June 5, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), and 303 and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the rules and regulations of the Commission, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4275; Filed, May 1, 1962; 8:54 a.m.]

[47 CFR Part 3]

[Docket No. 14612 (RM-316); FCC 62-450]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN HUNTSVILLE, ALABAMA AND PULASKI, TENNESSEE

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the document filed March 15, 1962, by the Alabama Educational Television Commission acting for the Huntsville City Board of Education requesting amendment of § 3.606 of the Commission's rules and regulations so as to assign and reserve for non-commercial use UHF Channel 44— at Huntsville, Alabama. We construe it as a Petition for Rule Making. The changes proposed to be made are as follows:

City	Channel No.	
	Present	Proposed
Huntsville, Ala.	19, 25+, 31+	19, 25+, 31+, *44—
Pulaski, Tenn.	44—	----

3. The Alabama Educational Television Commission assigns reasons for adding another television channel at Huntsville with a non-commercial educational reservation, as follows: Civic groups have shown an interest in a local educational television service; such service in the area from WBIQ, Channel 10, Birmingham, and WCIQ, Channel 7, Mount Cheaha, does not avail Huntsville because of terrain problems[1]; the community's recent growth in the last decade (which we noted in the Report and Order in Docket No. 14120, RM 241, 253, and 280, adopted February 6, 1962) has manifested itself in classroom and teacher shortages. An educational channel, it is felt, would alleviate the latter problems.

4. The Commission is of the view that rule making should be instituted.

5. Authority for adoption of the proposed amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before June 4, 1962, and reply comments on or before June 22, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4276; Filed, May 1, 1962; 8:54 a.m.]

[47 CFR Part 4]

[Docket No. 14614; FCC 62-452]

FREQUENCY ASSIGNMENT

Notice of Proposed Rule Making

In the matter of amendment of § 4.602 of the Commission rules and regulations to prohibit the assignment of more than one channel to provide duplicate television STL or intercity relay circuits between the same point of origin and destination.

1. The Commission is receiving an increasing number of inquiries and applications for the assignment of two channels for the operation of duplicate program circuits between the studio and transmitter of television broadcasting stations. The purpose of such proposed operation is to improve the reliability of program circuits either by operating the two circuits simultaneously so that if one circuit fails the other will continue to be available, or to operate only one circuit at any given time but maintain the other circuit in a "ready" condition so that it may be switched in immediately if the circuit in use fails. It is claimed that the simultaneous operation of two circuits on different frequencies offers the added advantage of frequency diversity to minimize loss of signal due to fading.

2. While we recognize the commendable desire of TV station licensees to maintain the highest possible degree of program continuity, the use of duplicate program circuits is unjustifiably wasteful of TV auxiliary channels and if unrestricted could result in a substantial reduction in the availability of TV auxiliary channels. We are aware of the fact that the presently available channels are not saturated in some areas of the country. However, the spectrum space allocated for this service is not intended to merely meet current needs but must accommodate the future needs of an expanding service.

3. The worthwhile objectives sought though the use of two channels can be achieved in one channel. Our rules will permit the licensing of more than one television STL or intercity relay station on the same channel to a single licensee. One of the transmitters could be kept in a "ready" condition with its output dissipated in a dummy load or otherwise inhibited to the extent necessary to maintain a favorable desired to undesired signal ratio at the receiving point. If the transmitter in use failed, the output of the standby transmitter could be quickly switched to its transmitting antenna. Equipment failures are not a frequent occurrence with modern microwave transmitters and the few seconds which might be required to switch transmitters at such infrequent intervals would not justify the occupancy of a separate channel for transmissions which are unnecessary most of the time. In cases where signal fading is a problem, the advantages of frequency diversity can be obtained with space diversity. The coincidence of fading at two spaced receiving installations tuned to the same channel is reduced to a very small value. The cost of two receivers for single channel operation should be less than the cost of two transmitters and two receivers for dual channel operation.

4. In view of the fact that the major objectives of dual channel operation can be achieved through the use of a single channel, we are not persuaded that there is a valid need for such operation. Therefore, in order to clearly set forth the Commission policy in that regard, we propose to amend § 4.602 of our rules by rewording paragraph (d) and adding a new paragraph (h) as follows:

§ 4.602 Frequency assignment.

* * * * * *

(d) A television broadcast station licensee will normally be limited to the assignment of no more than three channels in Bands A and B combined for use in a single area. No limit is imposed on the number of channels in Bands C and D which may be assigned to a single licensee in the same area. More than one channel will not be authorized for the operation of duplicate STL or intercity relay circuits between the same point of origin and destination. Upon a satisfactory showing of need, an exception may be made to the limit of three channels in Bands A and B if it can be determined that such additional channels are not likely to be required to meet the current or prospective requirements of other television broadcasting stations in the same area.

* * * * * *

(h) The restrictions on the assignment and use of channels as set forth in the preceding paragraphs of this section apply only to a single area of operation. In cases where a single licensee operates television auxiliary stations in more than one area, the restrictions are applied to each area separately. For the purpose of this rule, the area of operation of a television pickup, STL or intercity relay station may be defined as the area in which the operation of one such station on a given channel would preclude the use of the same channel by another such station because of interference.

5. Interested parties may comment on the proposed amendments on or before June 4, 1962. Replies to such comments may be filed on or before June 14, 1962. Since this is a matter of general rule making, the Commission is not limited to consideration of comments of record but may take into consideration all perti-

[1] The distances from Huntsville are: 85 miles (Birmingham) and 100 miles (Mount Cheaha).

nent information obtained from informed sources.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and 303(c) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4274; Filed, May 1, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 753) has been filed by Moorman Manufacturing Company, Quincy, Illinois, proposing the issuance of a regulation to amend § 121.209 for ronnel (O,O-dimethyl-O-(2,4,5-trichlorophenyl) phosphorothioate) to permit its use at a level of 5.5 percent in block or granular form feed for free-choice feeding or for controlled feeding mixed with grains or protein feeds for cattle, to control cattle grubs.

Dated: April 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4237; Filed, May 1, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-207]

PIPELINE COMPANIES; CHANGES IN RATE SCHEDULES AND TARIFFS

Notice of Further Extension of Time for Filing Comments

APRIL 25, 1962.

Changes in Rate Schedules and Tariffs—Filings by Pipeline Companies—Revision of § 154.63, Docket No. R-207.

Upon consideration of the motion filed April 19, 1962 by the Independent Natural Gas Association of America for a further extension of time within which to file submittals to the notice of proposed rulemaking issued February 20, 1962, in the above-designated matter;

A further extension is hereby granted to and including May 31, 1962, within which interested persons may submit data, views and comments concerning the proposed amendments. Paragraph (6) of said notice issued February 20, 1962 is amended accordingly.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4224; Filed, May 1, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WARM SPRINGS INDIAN RESERVATION, WARM SPRINGS-THE DALLES UNIT AND BURNS-PAIUTE PUBLIC DOMAIN ALLOTMENT LAND RECORDS

Transfer to Portland Area Office

APRIL 26, 1962.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Warm Springs Indian Reservation in the State of Oregon and to trust or restricted Indian-owned lands included in the Dalles Unit allotments and the Burns-Paiute Public Domain allotments, State of Oregon, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holiday Street, Portland 8, Oregon.

Effective May 1, 1962, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-4225; Filed, May 1, 1962; 8:45 a.m.]

Bureau of Land Management

[NM 0245455]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The United States Department of the Air Force has filed an application, Serial Number NM 0245455 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining, but not the mineral leasing laws, or grazing upon other than excepted areas. The applicant desires the land for the purpose of providing Atlas Missile Site restrictive perimeter easements to accommodate technical installations, to be constructed and operated by the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

Site 1 (H)

T. 8 S., R. 25 E.,
Sec. 24, E½SE¼SE¼SE¼;
Sec. 25, E½E½NE¼NE¼.
T. 8 S., R. 26 E.,
Sec. 19, Lot 4, SE¼SW¼, S½S½ Lot 3, S½N½S½ Lot 3, S½S½NE¼SW¼, S½N½S½NE¼SW¼.

Site 3 (O)

T. 14 S., R. 28 E.,
Sec. 27, S½S½NW¼NE¼, SW¼NE¼, W½W½SE¼NE¼, E½SW¼SE¼NE¼, S½S½NE¼NW¼, SE¼NW¼, NW¼SE¼, W½W½NE¼SE¼, W½E½W½NE¼SE¼.

Site 4 (P)

T. 14 S., R. 27 E.,
Sec. 17, NW¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼.

Site 6 (B)

T. 11 S., R. 19 E.,
Sec. 14, SW¼ Lot 3, S½ Lot 4, Lots 5, 6, N½ Lot 11, Lot 12;
Sec. 15, NE¼SE¼, N½SE¼SE¼.

Site 7 (A)

T. 11 S., R. 21 E.,
Sec. 7, Lots 1, 2, 3, N½N½ Lot 4, E½NW¼, NE¼SW¼.
T. 11 S., R. 20 E.,
Sec. 12, E½NE¼, NE¼SE¼, N½NE¼SE¼SE¼.

Site 8 (D)

T. 8 S., R. 23 E.,
Sec. 23, S½NE¼SE¼, S½NE¼NE¼SE¼, E½E½SW¼SE¼, SE¼SE¼;
Sec. 26, NE¼NE¼, N½NE¼SE¼NE¼.

The area above described aggregates 1,096.31 acres.

CHESTER P. SEELY,
State Director.

[F.R. Doc. 62-4228; Filed, May 1, 1962; 8:47 a.m.]

[W-078855]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 25, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 078855, for withdrawal of lands described below from location and entry under the general mining laws of the United States, subject to existing valid rights.

The applicant desires the land for use as administrative sites for ranger stations and lookout stations.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SHOSHONE NATIONAL FOREST

Rennerberg Administrative Site

T. 46 N., R. 102 W.,
Sec. 16: Lot 5, SE¼SW¼;
Sec. 21: Lots 1 and 2.

Dead Indian Point Administrative Site

T. 55 N., R. 104 W.,
Sec. 10: NE¼SW¼.

Windy Mountain Lookout Administrative Site

T. 56 N., R. 106 W. (unsurveyed),
Sec. 35: NE¼.

Clay Butte Lookout Administrative Site

T. 57 N., R. 106 W. (unsurveyed),
Sec. 2: SE¼SE¼.

Horse Creek Ranger Station Administrative Site

T. 43 N., R. 107 W.,
Sec. 24: SE¼;
Sec. 25: N½NE¼.

Clayton Mountain Lookout Administrative Site

T. 51 N., R. 107 W. (unsurveyed),
Sec. 3: S½.

Warm Springs Mountain Lookout Administrative Site

T. 42 N., R. 108 W.,
Sec. 35: NW¼SW¼.

Sheridan Creek (Addition) Administrative Site

T. 42 N., R. 109 W.,
Sec. 3: Lots 3, 4, N½SE¼NW¼, NE¼SW¼NW¼.

Containing approximately 1077.56 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-4229; Filed, May 1, 1962; 8:47 a.m.]

Office of the Secretary

PUBLIC LANDS: COLORADO, KANSAS, NEBRASKA, AND WYOMING

Modification of Moratorium on Applications and Petitions

1. Pursuant to the authority granted to the Secretary of the Interior by sections 453 and 2478 of the Revised Stat-

utes (43 U.S.C. 2 and 1201), as amended, and otherwise, the moratorium on applications and petitions directed by the Secretary of the Interior on February 14, 1961, and published on page 1382 of the FEDERAL REGISTER for February 16, 1961, is hereby modified to exclude from its provisions public lands in the States of Colorado, Kansas, Nebraska, and Wyoming.

2. Beginning at 10:00 a.m. on April 30, 1962, the Manager of the land office at 2002 Capital Avenue, Cheyenne, Wyoming, who has jurisdiction over public lands in the States of Wyoming, Kansas, and Nebraska, and the Manager of the land office in the Gas and Electric Building, 910 15th Street, Denver, Colorado, who has jurisdiction over public lands in the State of Colorado will, for public lands in their respective jurisdictions, resume pursuant to and subject to the regulations in Title 43 of the Code of Federal Regulations, the receipt of petitions for classification and applications for rights and privileges, acceptance of which was temporarily suspended by the moratorium referred to in Section 1 of this order.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4226; Filed, May 1, 1962; 8:47 a.m.]

CONSERVATION POLICY FOR PUBLIC LANDS

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

PART 600—PUBLIC LANDS

CHAPTER 2—CONSERVATION POLICY

600.2.1 Wise conservation of the water resources of the arid and semi-arid lands of the United States must now be a paramount objective of resource management.

600.2.2 In many areas of the West existing water supplies are being used to capacity. In some places water is being "mined" from underground reserves far beyond annual replenishment. In the long run, disregard for the conservation of this vital national resource can only jeopardize existing water uses and limit future growth.

600.2.3 The Department of the Interior recognizes the important impact which its public land management programs have on the Nation's water resources. Such recognition in no way infringes on the obligations of the respective States and of citizens themselves to manage and conserve water resources.

600.2.4 In all of its public land management programs, the Department of the Interior will adopt policies which encourage the management of water as a renewable natural resource.

600.2.5 Henceforth, wherever possible, the Department of the Interior will conduct its public land management activities in a manner to promote the conservation of water supplies. In its land disposition programs, the Department will avoid actions which would endanger the supply of adequate water for existing users or encourage the unwise dissipation of water reserves.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 25, 1962.

[F.R. Doc. 62-4227; Filed, May 1, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on April 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after April 1, as using humane methods on April 1 or a later date in April, will be listed in a supplemental list. Previously published lists represented establishments reported in March or April 1962 as humanely slaughtering and handling the designated species of livestock on March 1 or some later date in March 1962 (27 F.R. 3171, 3569, and 3822). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

HUMANE SLAUGHTER

[Report No. 1]

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION

APRIL 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD		(*)	(*)			
Do.	2AG						
Do.	2AT					(*)	
Do.	2AU						
Do.	2C						
Do.	2E						
Do.	2F				(*)		
Do.	2H					(*)	
Do.	2HT						
Do.	2LT						
Do.	2WN						
Swift and Co.	3AC						
Do.	3AE						
Do.	3AF						
Do.	3AN						
Do.	3AW						
Do.	3B						
Do.	3C						
Do.	3CC						
Do.	3D						
Do.	3E						
Do.	3F						
Do.	3FF						
Do.	3H						
Do.	3K						
Do.	3L						
Do.	3N						
Do.	3NN						
Do.	3R						
Do.	3S						
Do.	3T						
Do.	3W						
Do.	3Z						
Do.	6C						
Lykes Bros., Inc.	8						
Do.	8B						
Pauly Packing Co., Inc.	10						
Hyyrade Food Products Corp.	12						
Do.	12A						
Do.	12C						
Do.	12D						
Do.	12G						
Do.	12F						
Mickelberrys Food Products Co.	16						
John Morell and Co.	17						
Do.	17A						
Do.	17D						
The Cudahy Packing Co.	19						
The Cudahy Packing Co of Nebraska	19E						
Wilson and Co., Inc.	20N						
Do.	20Q						
Do.	20Y						
Swift and Co.	23						
Brander Meat Co.	25						
The Sperry and Barnes Co.	27C						
Patrick Cudahy, Inc.	28						
Kreinberg and Krasny, Inc.	30						
Roegglein Provision Co.	32						
Valleydale Packers, Inc.	34						
Montana Packing Co., Inc.	37						
Pocomoke Provision Co.	39						
Armour and Co.	40						
Sunnyland Packing Co.	43						

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Hyyrade Food Products Corp.	224						
Do.	224B						
Gold Medal Packing Co., Inc.	232						
Raskin Packing Co.	237						
Armour and Co.	238		(*)	(*)		(*)	
P. D. and J. Meats.	240						
Greenwood Packing Plant.	242						
Iowa Beef Packers, Inc.	243						
John Morrell and Co.	245						
Harget Realty Corp.	246						
Swift and Co.	247						
Frosty Morn Meats, Inc.	249						
Seibert, Inc.	250						
Hillsboro Packing Co, Inc.	257						
The Jones Dairy Farm	258		(*)				
Pacific Meat Co., Inc.	263						
Houston Packing Co.	267						
Top Packing Co., Inc.	271						
Elliott Packing Co.	273			(*)		(*)	
Collison and Co., Inc.	274		(*)				
Armour and Co.	275						
Bookey Packing Co.	280			(*)			
Agar Packing Co., Inc.	281						
Figge and Hutzweiler Co.	282						
Western Packing Co.	283						
Arbogast and Bastian Co.	286						
Joe L. Meyer Packing Co.	289			(*)			
Sioux City Dressed Pork, Inc.	292						
Gus Juengling and Son Inc.	298						
Waldock Packing Co.	299		(*)				
Crest Falls Meat Co.	301						
Commercial Packing Co., Inc.	302		(*)				
Union Packing Co.	305						
Do.	305A						
Star Packing Co.	306						
Sunrall Packing Co.	307						
Melton Provision Co.	311						
Ideal Packing Co., Inc.	312						
Rudys Farm Co.	315		(*)	(*)		(*)	
Greater North York Packing Co., Inc.	317A						
Estes Packing Co.	319		(*)			(*)	
Stadler Packing Co., Inc.	320						
Frisco Packing Co.	327		(*)			(*)	
C. and M. Meat Packing Corp.	329						
Royal Packing Co.	331						
Shapiro Packing Co., Inc.	331A		(*)				
Shapiro Packing Co., Inc.	332						
Crest Western Packing Co., Inc.	334		(*)			(*)	
Nobles Independent Meat Co.	335						
Chino Valley Meat Packing Co., Inc.	336		(*)			(*)	
Sam Kane Packing Co.	337						
Des Moines Packing Co.	340		(*)				
Peter Eckrich and Sons, Inc.	341						
State Packing Co., Inc.	344		(*)			(*)	
Anna Packing Co.	345						
Union Packing Co.	351						
Samuels E. Tex Packing Co.	353						
Fresno Meat Packing Co.	354		(*)			(*)	
Hoff Packing Co.	363						
Mountain Provision Co.	367						
Bowling Provision Co., Inc.	372					(*)	
Fischer Packing Co.	374						
Cross Bros Meat Packers, Inc.	376		(*)			(*)	
Emge Packing Co., Inc.	380						
Smithfield Packing Co., Inc.	382						
American Beauty Co.	384		(*)				
Dugdale Packing Co.	390						
Roth Packing Co.	394		(*)	(*)		(*)	
Robert L. Runis, Inc.	395						
Dubuque Packing Co.	396						
Logan Packing Co.	397						
Nebraska Beef Inc.	406		(*)			(*)	
English Packing Co., Inc.	410						
The Lundy Packing Co.	413						

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Stark Wetzel and Co., Inc.	44						
Do.	44A						
Consolidated Dressed Beef Co., Inc.	47		(*)				
Lackawanna Beef and Provision Co.	49						
Midwestern Beef, Inc.	53						
Glover Packing Co. of Amarillo.	60						
Wilson Packing Co., Inc.	61						
Selkirk Packing Co.	64						
Somerville Packing Co.	66						
The Quaker Oats Co.	67E						(*)
Armour and Co.	75		(*)	(*)	(*)	(*)	
The Braun Brothers Packing Co.	79						
City Packing Co.	80		(*)			(*)	
Plankinton Packing Co.	81		(*)			(*)	
Edgar Packing Co.	84						
Excel Packing Co., Inc.	85						
Uiles Veal Co., Inc.	86		(*)	(*)		(*)	
The E. Kahns Sons Co.	90						
Hygrade Food Products Corp.	90		(*)	(*)		(*)	
Sugardale Provision Co.	92						
Superior Packing Co.	93		(*)	(*)	(*)	(*)	
The Val Decker Packing Co.	95						
John Engelhorn and Sons	97		(*)	(*)		(*)	
A. Kocha Sons.	98						
Liberty Packing Co.	101						
H. Graver & Co.	103		(*)	(*)		(*)	
Swift and Co.	104						
Jerome Cowell, Inc.	107						
Wilson and Co., Inc.	111		(*)	(*)		(*)	
Hoffman Packing Co., Inc.	112						
Morris Packing Co.	113		(*)	(*)		(*)	
Wilson and Co., Inc.	119						
Marhoefer Packing Co., Inc.	121						
Rath Packing Co.	122						
City Dressed Beef.	125						
Peyton Packing Co., Inc.	126		(*)				
Superior Packing Co.	127			(*)		(*)	
John Roth and Son, Inc.	130						
Tobin Packing Co., Inc.	133			(*)	(*)	(*)	
Armour and Co.	139						
Morrell and Kinner, Inc.	142		(*)				
Cornland Dressed Beef, Inc.	157						
Armour and Co.	158						
Joel E. Harrell and Son, Inc.	162						
New York State College of Agriculture.	163						
Swift and Co.	166A						
K. Shapiro, Inc.	172						
Armour and Co.	179		(*)			(*)	
Peerless Packing Co.	180						
Montrose Beef Co.	181						
The Rath Packing Co.	186		(*)	(*)		(*)	
Do.	186C						
Do.	186F						
Seattle Packing Co.	191		(*)	(*)		(*)	
Krey Packing Co.	192						
John Morrell and Co.	196		(*)	(*)		(*)	
Hynes Packing Co.	197						
United Fryer and Stillman, Inc.	198		(*)	(*)		(*)	
George A. Hormel and Co.	199						
Do.	199D						
Do.	199N						
Mid Valley Beef Co., Inc.	200						
Cudahy Packing Co.	201						
Emge Packing Co., Inc.	205						
Heinis Riverside Abattoir, Inc.	206		(*)				
P. A. Bergner Packing Co.	211		(*)			(*)	
Eilburn Packing Co.	212						
Fred Dold and Sons Packing Co.	214		(*)				
Lincoln Meat Co.	217						
York Packing Co., Inc.	220						
Cudahy Packing Co.	221A						
Armour and Co.	222		(*)			(*)	
De Jong Packing Co.	223						

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Auburn Packing Co., Inc.	636.	○					
R and C. Packing Co.	643.					○	
Bird Provision Co.	645.						
Spencer Packing Co.	646.	○	○	○		○	
John Schnitzler, T. J. Kurtle Co.	649.						
Nagle Packing Co.	650.	○	○	○		○	
Milwaukee Dressed Beef Co.	653.						
Wilson and Co., Inc.	654.	○	○	○			
Baums Bologna, Inc.	655.						
St. Louis Dressed Beef Co.	657.	○		○			
Quality Meat Packing Co.	659.						
Globe Packing Co.	660.		○			○	
Crown Packing Co.	663.						
Scottsbluff Packing Co.	666.						
San Joaquin Packing Co.	667.			○		○	
E. S. Reed and Sons, Inc.	671.						
Jacob Bauers Sons, Inc.	672.		○				
Wyoming Packing Co.	673.						
Colville Meats, Inc.	679.						
Armour and Co.	680.	○	○	○		○	○
Haas Davis Packing Co., Inc.	682.						
Nations Brothers Packing Co.	684.						
The William Fockes Sons Co.	685.				○		
The Stahl Packing Co.	689.			○			
Marco Packing Co.	692.						
Bryan Meat Co.	694.						
Kramer Beef Co.	695.						
Central Nebraska Packing Co.	713E						
Davenport Packing Co., Inc.	716.	○				○	
Farmbest, Inc.	717.						
Producers Rice Co.	719.	○	○			○	
Coast Packing Co.	724.						
Swift and Co.	726.		○	○		○	
Decker and Son.	727.						
The Quaker Oats Co.	734E						
Jacob Schlachters Sons Co.	739.			○		○	
Pioneer Provision Co.	742.						
Hormel Cheero and Co.	747.						
Luck Brothers Cooperative Packing Co.	749.						
Monroe Packing Co., Inc.	753.						
Seitz Packing Co., Inc.	756A.						
Philadelphia Dressed Beef Co.	758.					○	
The American Meat Packing Corp.	760.					○	
Sheridan Meat Co., Inc.	761.						
Earl C. Gibbs, Inc.	770.					○	
Cadwell Martin Meat Co.	773.						
Modern Meat Packing Co.	774.						
Atlas Packing Co., Inc.	775.						
The Cudahy Packing Co.	777.					○	
Diamond Meat Co., Inc.	783.						
Granite State Packing Co.	785.						
Aurora Packing Co., Inc.	788.						
Wimp Packing Co.	791.						
Baums Meat Packing	792.						
Mt. Hood Meat Packers	793.						
The Goerhardt Sons, Inc.	800.						
Rochester Independent Packer, Inc.	810.						
Henry Meyers Sons, Inc.	817.						
Home Packing Co.	822.						
Hibbs Packing Co.	823.					○	
Benford Packing Co.	827.						
Rath Packing Co.	828.						
Norman Peters Packing Co.	829.						
White Packing Co., Inc.	834.			○		○	
Frederick County Products, Inc.	835.						
Herman Kempers Sons.	838.			○		○	
Reelfoot Packing Co.	839.						
Shoulund Dressed Beef Co.	840.						
Jordan Meat & Livestock Co.	843.			○			
Sam McDaniel and Sons, Inc.	857F			○		○	
	858.						
	859.						

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Frosty Morn Meats	414.						
Philadelphia Boneless Beef Co.	418.	○	○	○		○	
Nuss Packing Co.	421.						
The Collins Packing Co.	422.						
Hebron Packing Co., Inc.	425.		○				
Lone Star Packing Co.	433.						
Monarch Meat Packing Co.	435.						
Queen Packing Corp.	436.	○					
Schaefer Packing Co.	439.		○				
Prime Packing Co., Inc.	444.						
Peerless Packing Co., Inc.	448.						
Dewitt Packing Corp.	456.		○			○	
Swift and Co.	459.						
Norris Hipkin and Sons, Inc.	460.						
Little Rock Packing Co.	462.						
Beswar Packing Co.	466.		○			○	
Corn Husker Packing Co.	467.						
Eckert Packing Co.	469.					○	
Middletown Beef Co., Inc.	471.						
St. Cloud Meat Packing Co.	483.						
Mt. Hood Meat Packers	485.		○			○	
Nebraska Beef Co.	487.						
Goldring Packing Co., Inc.	490.		○	○			
Mid state Packers, Inc.	494.						
Greenlee Pack Co.	501.						
B. Rothschild and Co.	505.						
Frosty Morn Meats	507.						
Arnold Meat Packing Co.	508.						
Armour and Co.	509.		○	○		○	
The Hull and Dillon Packing Co.	510.						
Sben Valley Meat Packers, Inc.	511.						
Capitol Packing Co.	513.			○		○	
Charles Miller and Co.	517.						
Illini Packing Co.	521.						
Pearl Packing Co., Inc.	524.						
Armour and Co.	528.		○	○		○	
Smallwood Packing Co., Inc.	529.						
Omaha Packing Co.	532.			○		○	
Rosenthal Packing Co., Inc.	535.						
Pepper Packing Co.	536.					○	
Otoe Mayer and Co., Inc.	537A.		○	○		○	
Do.	537C.						
Midwest Packing Co.	539.						
Greendell Packing Corp.	542.						
United Dressed Meats, Inc.	546.						
Swift and Co.	548.					○	
Pride Packing Co., Inc.	549.						
Plankinton Packing Co.	550.			○			
Salter Packing Co.	551.						
Black Hills Packing Co.	554.						
Springfield Rendering Co.	555D.				○	○	
The Cudahy Packing Co.	559.						
D. and W. Packing Co.	560.						
Emery Land Co.	561.						
Packers Meat Supply Co., Inc.	562.		○			○	
John Morrell and Co.	564.			○			
Elmer Binder & Son, Inc.	569.						
Perretta Packing Co., Inc.	571.					○	
Frosty Morn Meats, Inc.	576.		○				
Kingsford Packing Co., Inc.	581.						
Empire Packing Co., Inc.	586.						
Swift and Co. Municipal Abattoir	590.						
Harman Packing Co.	593.			○			
Central Packing Co.	606.						
National Tea Co.	613.					○	
Donner Packing Co.	614.			○		○	
Kummer Packing Co.	617.						
Illini Packing Co., Inc.	618.		○				
Big Foot Packing Co., Inc.	622.						
E. A. Miller and Sons Packing Co., Inc.	628.		○				
General Meat Co.	632.						
Ebner Bros. Packers	633.					○	
Zipron Bro., Inc.	635.						

HUMANE SLAUGHTER—Continued

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION—continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Sierra Meat Co.	862.						
Gunsberg Beef Co.	867.						
Genesee Packing Co.	868.						
Samuels & Co., Inc.	878.		(*)	(*)	(*)		
Pahler Packing Corp.	880.						
Vermont Dressed Beef Co., Inc.	883.						
Aleo Packing Co.	885.		(*)				
Walden Packing Co., Inc.	886.						
William Davies Co., Inc.	888A.					(*)	
O'Neill Packing Co.	889.						
Tobin Packing Co., Inc.	893.					(*)	
Vernon Calhoun Packing Co.	897.						
Meats, Inc.	899.						
Sigman Meat Co., Inc.	901.						
Sigman Meat Co. of Montana	901A.						
Hoosier Veterinary Laboratories, Inc.	912.						
National Meat Packers, Inc.	917.					(*)	
Valleydale Packers, Inc., of Bristol	922.					(*)	
South Philadelphia Willowbrook, Inc.	923.						
Wisconsin Packing Co.	924.						
Kerber Packing Co.	929.					(*)	
Tarpoff Packing Co.	931.						
McKenney Meat Co.	932.		(*)				
E. B. Manning and Son.	934.						
Volz Packing Co.	938.						
Cappellino Abatoir, Inc.	939.						
Gentner Packing Co., Inc.	941.						
Delrich Meat Packers, Inc.	944.						
Whitehall Packing Co.	946.		(*)	(*)		(*)	
M. Briser & Co.	948.						
Joe Doctorman and Son Packing Co., Inc.	949.		(*)	(*)			
Armour and Co.	950.					(*)	
Reliable Packing Co., Inc.	959.					(*)	
Greater Omaha Packing Co., Inc.	960.						
Virginia Packing Co., Inc.	963.						
Earl Flick Wholesale Meats, Inc.	965.						
T. L. Lay Packing Co.	967.					(*)	
Monfort Packing Co.	969.						
Hawaii Meat Co., Ltd.	970.						
Perlin Packing Co., Inc.	974.			(*)	(*)		
National Food Stores, Inc.	983.						
Hospers Packing Co.	985.						
Eagle Packing Co.	987.						
Everett C. Horlein and Son, Inc.	988.						
The Klarer Co.	998.						
Armour and Co.	1055.						
Landy Packing Co.	1171.						
The Harris Packing Co.	1175.					(*)	
A. F. Moyer and Sons, Inc.	1311.						
McCabe Packing Plant	1312.						
P. & H. Packing Co., Inc.	1313.						
H. and H. Packing Co.	1315.					(*)	
Nebraska Iowa Dressed Beef Co.	1318.						

423 establishments reported.

Done at Washington, D.C., this 26th day of April 1962.

R. K. SOMERS,
Acting Director,
Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-4280; Filed, May 1, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 18, 1962.

RALPH F. STARZ.

APRIL 20, 1962.

[F.R. Doc. 62-4250; Filed, May 1, 1962; 8:50 a.m.]

GEORGE L. WILSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 20, 1962.

GEORGE L. WILSON.

APRIL 20, 1962.

[F.R. Doc. 62-4251; Filed, May 1, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-97]

CORNELL UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to August 1, 1962 the latest completion date specified in Construction Permit No. CPRR-31 for the construction by Cornell University of the pool-type nuclear reactor to be located at Ithaca, New York.

Copies of the Commission's order and of the application by Cornell University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of April 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4259; Filed, May 1, 1962; 8:52 a.m.]

[Docket Nos. 50-172, 50-173, 50-176, 50-177]

UNITED STATES AIR FORCE AND LOCKHEED AIRCRAFT CORP.

Notice of Applications for Utilization Facility Licenses

Please take notice that the United States Air Force and the Lockheed Aircraft Corporation, under section 104c of the Atomic Energy Act of 1954, as amended, have resubmitted applications for licenses to possess and to operate, respectively, the following facilities, which are located at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia:

1. One Megawatt Radiation Effects Nuclear Reactor
2. Eighty Watt Critical Experiment Nuclear Reactor

These applications were previously submitted but subsequently were withdrawn. The notice of withdrawal of the applications was published in the FEDERAL REGISTER on June 29, 1961 (26 F.R. 5843).

Lockheed presently manages Air Force Plant No. 67, including the Radiation Effects and Critical Experiment Reactors, under lease with the Air Force. Lockheed previously operated this facility including the Radiation Effects Reactor and the Critical Experiment Reactor for the Air Force pursuant to the provisions of section 91(b) of the Atomic Energy Act of 1954, as amended, and therefore facility licenses have not heretofore been required.

Since exclusive utilization of the reactor facilities is not required for military purposes, the Air Force has agreed, under a lease agreement, to permit Lockheed to operate the facilities under contracts with other U.S. Government agencies and commercial and educa-

tional institutions, provided appropriate licenses are obtained from the AEC.

Effective upon the issuance of the licenses to Lockheed, the Air Force will transfer to Lockheed and Lockheed will accept exclusive responsibility to safely manage, operate and control the facilities. However, the Air Force will retain ownership of the facilities and will be licensed to possess the facilities.

Copies of the applications are available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4260; Filed, May 1, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13329 etc.; Order No. E-18262]

EASTERN AIR LINES, INC.

Proposed Air Bus Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of April 1962.

In the matter of the air bus fares proposed by Eastern Air Lines, Inc., Docket 13329, et al., 13543, 13546.

On March 28, 1962, Eastern Air Lines, Inc. (Eastern) filed revisions to its air bus tariff[1] marked to become effective April 29, 1962, for the purpose of establishing a jet air bus one-way fare between Boston and Philadelphia, and to add propeller air bus one-way fares from and to Charlotte, Chicago, Cincinnati, Columbus, Ft. Lauderdale, Minneapolis, Philadelphia, Providence, St. Louis, St. Paul, Syracuse, Toledo, and Washington. The proposed propeller air bus fares are approximately equal to Eastern's propeller night coach fares. The proposed jet air bus fare is equal to the propeller air bus fare between the same points plus the jet surcharge. Eastern also proposes to add a rule that excursion fare tickets will be honored for transportation on air bus flights without any additional fare collection; and to operate in addition to 90-seat propeller aircraft currently used in the air bus service, DC-7B and DC-8 combination first-class and air bus aircraft. The air bus fares will be applicable to service in the coach compartment of these combination planes. The proposed fares are marked to expire with December 14, 1962.

Delta Air Lines, Inc., and Northwest Airlines, Inc. have filed complaints requesting investigation and suspension of Eastern's air bus tariff contending that the proposed fares are unjust and unreasonable, unduly preferential, unjustly discriminatory, and otherwise unlawful. The carriers allege, inter alia, that Eastern's proposal is an attempt to offer air bus service without providing high density seating; that the use of combination aircraft for air bus service is discriminating against the coach passengers who are required to pay higher fares for like and contemporaneous accommodations and services; and that the use of such aircraft at the low air bus fare is uneconomic. Delta contends, furthermore, that the operation of dual-class aircraft in bus service is totally unproven, has had no historical testing, and is a practice which, if once authorized, will spread throughout the entire industry.

The Board has heretofore permitted "bus" type tariffs between various points to become effective, including tariffs of Eastern and National between points in Florida and Boston, over objection of Northeast.[2] It was felt that these proposals were consistent with the Board's policy of encouraging the offering of "no frill" services at reduced fares designed to promote air travel, particularly the low fare type of service designed to enable air transportation to penetrate more effectively into a larger market. A few months ago Northeast proposed to provide bus type service between Boston and Miami with DC-6B aircraft having two-and-two abreast seating configuration and a total of 76 seats. In that case complaints were filed by Eastern and National; however, the Board concluded not to suspend Northeast's proposed bus type tariff pending investigation.[3]

Eastern's air bus flights have heretofore been operated with Constellation and DC-7B aircraft having 90 or more seats; however, Eastern now proposes to apply air bus fares to the coach compartment of the DC-8 and the DC-7B combination aircraft in addition to its high density piston aircraft. Eastern's competitors object to the changes. The aircraft configurations of the three carriers offering single-cabin air bus service have varied considerably. Eastern's propeller and jet combination aircraft seating configurations and seat pitch do not appear substantially different from those of National's and Northeast's aircraft.

In accordance with our decision in the case of Northeast, the Board has concluded to permit to become effective the instant Eastern proposal to extend the application of its air bus fares to additional points and the application of such fares in both propeller and jet dual configuration aircraft.

With respect to the requests for investigation, Order E-17917, dated January 9, 1962, instituted an investigation, inter alia, of the fares in Eastern Air Lines, Inc., C.A.B. No. 78, including subsequent revisions and reissues thereof. By Order of Investigation and Consolidation, E-18205,[4] dated April 11, 1962, the Board effected a consolidation into Docket 13329 of all of the investigations instituted with respect to bus type tariffs. The consolidated investigation, Docket 13329 et al., will therefore encompass the extension of air bus fares proposed by Eastern for effectiveness April 29, 1962. The complaints of Delta in Docket 13546 and Northwest in Docket 13543, with respect to their request for investigation, will be consolidated into Docket 13329 et al.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, 407, and 1002 thereof.

Accordingly, it is ordered, That:

1. The complaints of Delta Air Lines, Inc., in Docket 13546 and Northwest Airlines, Inc., in Docket 13543, to the extent they request investigation of provisions in Eastern Air Lines, Inc., tariff C.A.B. No. 78 are consolidated into Docket 13329, et al.

2. Except to the extent granted herein, the complaints of Delta Air Lines, Inc. in Docket 13546, and Northwest Airlines, Inc., in Docket 13543, are dismissed.

3. The consolidated proceeding in Docket 13329 et al. has been assigned for prehearing conference before an examiner of the Board on May 10, 1962, at 10:00 a.m., e.d.s.t. in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

4. Copies of this order shall be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Transportation Corporation of America, Trans World Airlines, Inc., and the Commonwealth of Puerto Rico, parties to this proceeding.

5. Eastern Air Lines, Inc., is directed to report the following information by class of service, by type of aircraft, for all air bus flights operated in each of the months of May through December 1962:

Air bus segment	Southbound			Northbound		
	Passengers	Seats	Load factor	Passengers	Seats	Load factor
Chicago-Miami						
Chicago-Fort Lauderdale						

6. Eastern Air Lines, Inc. is directed to file such reports in ten copies with the Docket Section of the Board not later than 20 days after the close of the month covered by the report.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4264; Filed, May 1, 1962; 8:53 a.m.]

[1] Eastern's Local Air Bus Tariff C.A.B. No. 78.

[2] Order E-17808, adopted Dec. 7, 1961, and Order E-17834, adopted December 13, 1961.

[3] Order E-17917, adopted Jan. 9, 1962.

[4] In this Order of Investigation and Consolidation the Board instituted an investigation of the bus type refund rules contained in tariffs of Eastern, Pan American, and Trans Caribbean Airways for application in service to Puerto Rico, as well as an investigation of the domestic bus type tariffs filed by Trans World Airlines.

[Docket 13576; Order No. E-18268]

LOCAL SERVICE CARRIERS ET AL.

No-Show Penalty Exception; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of April 1962.

By tariff revisions marked to become effective May 1, 1962, the eleven domestic trunkline carriers have revised their local and joint passenger rules tariff to implement their No-Show and Oversale Penalty Plan.[1] The purpose of this plan is to alleviate a problem of unused space arising from failure of passengers to use or cancel a confirmed reservation by assessing such pasengers a so-called no-show penalty (with a similar penalty assessed against the air carriers which oversell space and are therefore unable to accommodate ticketed passengers). Thirteen of the local service and helicopter carriers have filed an exception to the no-show penalty provision which purports to modify the tariff provision agreed upon by the trunklines by providing that the trunklines will not be eligible for compensation if the no-show passenger's ticket is refunded or rerouted by these local service or helicopter carriers.[2]

The Board's approval of the No-Show and Oversale Penalty Plan was greatly influenced by the unsatisfactory financial condition of the domestic trunklines and the need for finding ways and means to reduce carrier costs and increase revenues without undue burden on the traveling public.[3] The proposed exception by the local service and helicopter carriers may destroy the efficacy of the trunklines' plan. Thus, it appears that under the proposed exception a trunkline no-show passenger could escape the penalty provisions of the rule by giving the ticket to a local service carrier for refund or rerouting. The proposed exception may therefore be unjust and unreasonable and the local service and helicopter carriers' practices thereunder may result in unjust discrimination and undue preference and prejudice.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Exception (5) to Rule 10(C)(1) on 1st and 2d Revised Pages 10-B of Agent C. C. Squire's C.A.B. No. 43 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions.

2. Pending hearing and decision by the Board, Exception (5) to Rule 10(C)(1) on 1st and 2d Revised Pages 10-B of Agent C. C. Squire's C.A.B. No. 43 is suspended and its use deferred to and including July 29, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the tariffs and shall be served upon Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Los Angeles Airways, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., New York Airways, Inc., Ozark Airlines, Inc., Pacific Air Lines, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4265; Filed, May 1, 1962; 8:53 a.m.]

[1] Rule 10 of Agent Squire's C.A.B. No. 43. An agreement adopting this plan has been approved by the Board pursuant to section 412 of the Act. Order E-18064, adopted Mar. 1, 1962.

[2] Exception (5) to Rule 10(C)(1) of Agent Squire's C.A.B. No. 43.

[3] Order E-17914, adopted Jan. 8, 1962. The Board stated therein that it was aware of the long-standing economic and service problem to the airlines and air travelers alike resulting from the failure of ticketed passengers to cancel or use reserved seat space. Thus, a fully booked flight may actually depart with unoccupied seats that could have been used by other passengers, because prior seat reservations were made by persons who failed to use or cancel their reservations. This problem has resulted in a handicap on the earning power of the air carriers and has often resulted in a denial of available air transportation to the public.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14579; FCC 62M-600]

WARREN J. CURRENCE

Order Scheduling Hearing

In the matter of Warren J. Currence, Elkins, West Virginia, order to show cause why there should not be revoked the License for Radio Station 4W0152 in the Citizens Radio Service.

It is ordered, This 25th day of April 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence June 6, 1962, in Elkins, West Virginia.

Released: April 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

F.R. Doc. 62-4267; Filed, May 1, 1962; 8:53 a.m.]

[Docket No. 14547; FCC 62M-606]

BILL S. LAHM

Order Continuing Hearing

In re application of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 14547, File No. BMP-9407; for additional time to construct Radio Station WRNE.

The Hearing Examiner having under consideration the record of a prehearing conference in the above-entitled matter held on April 20, 1962;

It appearing that the applicant did not appear at the prehearing conference which had been continued from April 3, 1962, at the informal request of the respondent, William F. Hoffman Radio, Inc.;

It further appearing that counsel for the respondent agreed to contact counsel for the applicant informally in an effort to determine a hearing schedule which would suit the convenience of all parties hereto;

It is ordered, This 26th day of April 1962, that the hearing herein heretofore scheduled to commence on May 2, 1962, is continued pending further order of the Hearing Examiner;

It is further ordered, That the parties shall advise the Hearing Examiner on or before May 4, 1962, as to the results of their informal attempts to agree upon a hearing schedule.

Released: April 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4268; Filed, May 1, 1962; 8:53 a.m.]

[Docket Nos. 13227, 13251; FCC 62M-601]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia; Docket No. 13251; File No. BP-13153; for construction permits.

It is ordered, This 25th day of April 1962, on the Chief Hearing Examiner's own motion and with the consent of all parties to the proceeding, that the prehearing conference in the above-entitled proceeding, which was heretofore scheduled for May 2, 1962, is continued to May

10, 1962, in the offices of the Commission, Washington, D.C., commencing at 1 p.m.

Released: April 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4269; Filed, May 1, 1962; 8:53 a.m.]

[Docket Nos. 14559—14561; FCC 62M-604]

WPOW, INC. (WPOW) ET AL.

Order Continuing Hearing Conference

In re applications of WPOW, Inc. (WPOW), New York, New York, Docket No. 14559, File No. BR-263; Rensselaer Polytechnic Institute (WHAZ), Troy, New York, Docket No. 14560, File No. BR-267; Debs Memorial Radio Fund, Inc. (WEVD), New York, New York, Docket No. 14561, File No. BR-270; for renewal of licenses and for additional hours of operation.

The Hearing Examiner having under consideration an informal request from counsel for WPOW, Inc., for a continuance of the prehearing conference now scheduled for April 30, 1962;

It appearing that the conference is scheduled for 2:00 p.m. on April 30 and the request is for a continuance to May 7, 1962; and

It further appearing that the purpose of the continuance is to afford the parties additional time to explore possible solutions satisfactory to all parties and that counsel for all applicants and for the Broadcast Bureau have consented to the requested extension;

It is ordered, This 26th day of April 1962, that the prehearing conference scheduled for April 30 at 2:00 p.m. is continued to May 7, 1962, at 2:00 p.m.

Released: April 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4270; Filed, May 1, 1962; 8:53 a.m.]

[List No. 34; FCC 62-447]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 27, 1962.

The following application is mutually exclusive with the application of Station WHDF, Houghton, Michigan for renewal of license. Thus, in order to expedite action on these applications, the Commission on its own motion waived § 1.354 (c) of its rules in order that the WMPL application may be placed at the top of the processing line. Accordingly, notice is hereby given that on June 4, 1962, the following application:

BP-15410 WMPL—Hancock, Mich.
Copper Country Broadcasting Co.
Has: 920 kc, 1 kw, Daytime.
Req: 1400 kc, 250 w, 1 kw-LS, U.

will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with this application or with any other application on file by the close of business on June 1, 1962 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 1, 1962 or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4271; Filed, May 1, 1962; 8:53 a.m.]

[List No. 35; FCC 62-448]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 27, 1962.

By Commission action March 16, 1962, the license of Station KLFT, Golden Meadow, Louisiana (1600 kc, 1 kw, Day) was revoked effective April 16, 1962. On April 13, 1962, the Commission by Board action stayed the effective date of the revocation until June 15, 1962. Since this station was the only local broadcast station serving Golden Meadow, the Commission has waived § 1.354(c) of its rules to permit early consideration of the following application. Accordingly, notice is hereby given that on June 4, 1962, this application:

BP-15478 New—Golden Meadow, La.
John A. Egle.
Req: 1600 kc, 1 kw, Day.

will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with this application or with any other application on file by the close of business on June 1, 1962 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 1, 1962 or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4272; Filed, May 1, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8760, between American Mail Line, Ltd., American President Lines, Ltd., and the carriers comprising the Java Pacific & Hoegh Lines joint service, covers an arrangement whereby the parties may from time to time confer with each other, discuss, and agree with respect to rates, charges, classifications, practices, and related tariff matters to be charged or observed by them in the trade from the West Coast of the United States and Canada to India, Pakistan, Burma, and Ceylon, but with reservation of the right by each of them to alter for itself any rate, charge, classification, practice or related tariff matter thus agreed upon or about which there is no agreement, upon giving the other parties at least forty-eight (48) hours advance notice thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4254; Filed, May 1, 1962; 8:51 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreements 7840-47 and 7840-48, between the member lines of the Atlantic Passenger Steamship Conference modify the basic agreement of that Conference (No. 7840), which governs all trans-Atlantic passenger traffic between European, Mediterranean, Black Sea, Moroccan, Madeiran and Azorian ports and ports of the East Coast of North America (including Gulf ports, Canada and Newfoundland) in the following respects:

(1) Agreement 7840-47, expands the scope of the basic agreement to include ports on the St. Lawrence River and Great Lakes; and

(2) Agreement 7840-48, amends the present terms and conditions under which party organizers and/or party conductors may be granted free or reduced passage.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Marine Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4255; Filed, May 1, 1962; 8:51 a.m.]

NORWAY/NORTH ATLANTIC CONFERENCE AND NEW YORK FREIGHT BUREAU (HONG KONG)

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 5300-4, between the member lines of the Norway/North Atlantic Conference, modifies the basic agreement of that Conference in the trade from Norway to U.S. North Atlantic ports. The purpose of the modification is to provide that decisions under the agreement shall be by majority vote, rather than unanimous vote as presently provided.

Agreement 5700-5, between the member lines of the New York Freight Bureau (Hong Kong), modifies the basic agreement of that Conference (5700, as amended), which covers the trade from Hong Kong to U.S. Atlantic and Gulf ports. The purpose of the modification is to impose a 1,000 revenue-ton ceiling as the maximum tonnage per sailing that any line would be permitted to lift in the trade served.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4256; Filed, May 1, 1962; 8:51 a.m.]

STONE FORWARDING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8828 between Stone Forwarding Company, Inc. (Houston) and International Traffic Company (Los Angeles).

No. 8831 between Loretz & Company (Los Angeles) and Dumont Shipping Co., Inc. (New York).

No. 8837 between H. S. Thielen, Inc. (Lake Charles) and Universal Transport Corp. (New York).

Each of the parties to these agreements has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87-254. The terms of the three agreements are similar. They provide for a cooperative working arrangement between the parties for the performance of freight forwarding services and the division of forwarding fees and ocean freight brokerage.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: April 27, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4257; Filed May 1, 1962; 8:51 a.m.]

[Docket No. 954]

ATLANTIC-GULF PUERTO RICAN TRADE

Investigation of Rates and Practices

On April 19, 1962, the Federal Maritime Commission entered the following Thirteenth Supplemental Order to the original order in this proceeding dated July 17, 1961.

It appearing that there is currently pending in this proceeding an investigation into and a hearing concerning certain rates and practices from, to and/or between Atlantic and Gulf ports of the United States on the one hand and ports in the Commonwealth of Puerto Rico on the other which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing that Sea-Land Service, Inc., Puerto Rican Division, has been named a respondent in this proceeding; and

It further appearing that there has been filed with the Federal Maritime Commission by Sea-Land Service, Inc., Puerto Rican Division, certain revised pages, hereinafter designated, to its Outward Freight Tariff No. 2, FMC-F No. 3 (Pan Atlantic Steamship Corporation Series), to become effective April 21, 1962, and later, which said pages publish increased rates on commodities prefixed with the increase symbol:

2d Revised Page 33.
3d Revised Page 34.
5th Revised Page 35.
6th Revised Page 36.
10th Revised Page 38.
8th Revised Page 40.
9th Revised Page 40.
Original Page 40-A.
2d Revised Page 42.
6th Revised Page 43.
5th Revised Page 44.
1st Revised Page 45-A.
4th Revised Page 37.
7th Revised Page 46.
5th Revised Page 48.
8th Revised Page 51.
3d Revised Page 52.
6th Revised Page 53.
8th Revised Page 54.
1st Revised Page 56.
2d Revised Page 57.
4th Revised Page 58.
11th Revised Page 60.
6th Revised Page 62.
2d Revised Page 63.
6th Revised Page 64.
3d Revised Page 66.
4th Revised Page 67.
2d Revised Page 68.
8th Revised Page 72.
3d Revised Page 76.
20th Revised Page 77.
1st Revised Page 78.
4th Revised Page 79.
1st Revised Page 81.
1st Revised Page 82.
6th Revised Page 85.
7th Revised Page 85.
6th Revised Page 86.
2d Revised Page 87.
5th Revised Page 88.
3d Revised Page 89.
3d Revised Page 90.
2d Revised Page 91.
4th Revised Page 95.
2d Revised Page 98.
2d Revised Page 99.
2d Revised Page 101.
3d Revised Page 101.
2d Revised Page 102.
2d Revised Page 104.
3d Revised Page 105.
1st Revised Page 106.
5th Revised Page 107.
8th Revised Page 108.
2d Revised Page 109
3d Revised Page 111.
1st Revised Page 115.
5th Revised Page 116.
2d Revised Page 117 and
1st Revised Page 31-A containing the Commodity Group Rates.

and

It further appearing that upon consideration of the said schedules, the Commission is of the opinion that the

rate increases contained therein should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That this proceeding be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and a hearing concerning the lawfulness of the increased rates contained in the said tariff schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced, to receive evidence which together with the evidence heretofore received in Docket No. 954, will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon Sea-Land Service, Inc., Puerto Rican Division, and all others heretofore named protestants or respondents hereto; (III) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: April 27, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4258; Filed, May 1, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37700: *Sugar beet or cane to West Chicago, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2236), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, as described in the application, in carloads, from points in California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Oregon, South Dakota, Utah, Washington and Wyoming, to West Chicago, Ill.

Grounds for relief: Market competition.

Tariffs: Supplement 91 to Western Trunk Line Committee tariff I.C.C. A-4099, and other schedules named in the application.

FSA No. 37701: *Class and commodity rates from and to Brookwood, Ga.* Filed by O. W. South, Jr., Agent (No. A4186), for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads, between Brookwood, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

HAROLD D. McCOY,
Secretary.

[SEAL]

[F.R. Doc. 62-4241; Filed, May 1, 1962; 8:49 a.m.]

[Notice 208]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 27, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. 2202 (Deviation 37), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed April 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From San Antonio, Tex., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex.; and (B) from the junction of Interstate Highways 35 and 35W, over Interstate Highway 35W to Fort Worth, Tex., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denton, Tex., over U.S. Highway 77 to Fort Worth, Tex., thence over U.S. Highway 81 to Hillsboro, Tex.; from Oklahoma City, Okla., over U.S. Highway 77 to Hillsboro, Tex.; and from Hillsboro, Tex. over U.S. Highway 81 to San Antonio, and return over the same routes.

No. MC 35469 (Deviation No. 2), MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Streets, Allentown, Pa., filed April 18, 1962. Applicant's representative, Thomas L. McClelland, Jr., same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Newburgh and Schenectady, N.Y., over the New York Thruway, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Allentown, Pa., over Pennsylvania Highway 987 to Bath, Pa., thence over Pennsylvania Highway 512 to junction Pennsylvania Highway 12, thence over Pennsylvania Highway 12 to junction U.S. Highway 209, thence over U.S. Highway 209 to Wurtsboro, N.Y., thence over New York Highway 17K to Newburg, thence over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to Schenectady; and from Netcong, N.J., over U.S. Highway 206 to junction New Jersey Highway 565, thence over New Jersey Highway 565 to Sussex, N.J., thence over New Jersey Highway 84 to the New Jersey-New York State line, thence over New York Highway 84 to Slate Hill, N.Y., thence over U.S. Highway 6 to junction New York Highway 207, thence over New York Highway 207 to Newburgh, thence over U.S. Highway 9W to Albany, N.Y., and thence over New York Highway 5 to Schenectady, and return over the same routes.

No. MC 55843 (Deviation No. 2), SAGINAW TRANSFER COMPANY INC., 2130 Midland Road, Saginaw, Mich., filed April 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 94 to Detroit, Mich., (B) from Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., and (C) from the junction of Interstate Highway 75, U.S. Highway 23 and Michigan Highway 78, near Flint, Mich., over Interstate Highway 75 to Bay City, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 12, via Battle Creek, Mich., to junction unnumbered highway (formerly U.S. Highway 12) east of Galesburg, Mich., thence over unnumbered highway to Galesburg, thence over Michigan Highway 96 (formerly U.S. Highway 12) to Kalamazoo, Mich., thence over U.S. Highway 12 to Chicago; from Detroit over U.S. Highway 16 to Lansing, thence over Michigan Highway 78 to Battle Creek, Mich., and thence to Chicago as specified above; and from Chicago over U.S. Highway 12 to Kalamazoo, Mich., thence over Michigan Highway 96 (formerly U.S. Highway 12) to Galesburg, Mich., thence over unnumbered highway (formerly U.S. Highway 12), to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., thence over Michigan Highway 78, via Lansing, Mich., to Flint, thence over U.S. Highway 23 to Bay City, and return over the same routes.

No. MC 59680 (Deviation No. 17), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed April 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill.; and from Eola, Ill., over irregular routes to Aurora, Ill., thence over Illinois Highway 25 to Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis; also from Oswego, Ill., over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to Gibson City, Ill., thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to Junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, and return over the same routes.

No. MC 62499 (Deviation No. 1), HAGERSTOWN MOTOR EXPRESS, CO., INC., P.O. Box 1121, Middleburg Pike, Hagerstown, Md., filed April 13, 1962. Applicant's representative, J. Robert Shingleton, 208 Earle Building, Hagerstown, Md. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Hagerstown and Baltimore, Md., over U.S. Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hagerstown over Maryland Highway 60 to Leitersburg, Md., thence over unnumbered highways and Pennsylvania Highway 316 to Rouzerville, Pa., thence over Pennsylvania Highway 16 to the Pennsylvania-Maryland State line, thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Baltimore, and return over the same route.

No. MC 109972 (Deviation No. 3), HARRIS EXPRESS, INC., 1425 North Tryon Street, Charlotte 1, N.C., filed April 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 1 and 50, at Washington, D.C., over U.S. Highway 50 to junction Maryland Highway 3, approximately 21 miles east of Washington, thence over Maryland Highway 3 to Baltimore, Md., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Henderson, N.C., over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40 to junction U.S. Highway 13, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 77), THE GREYHOUND CORPORATION, 1400 West Third Street, Cleveland 13, Ohio, filed April 17, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highways 40 and 522, at Hancock, Md., over U.S. Highway 522 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to junction U.S. Highway 30, at Breezewood, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Gettysburg, Pa., over Pennsylvania Highway 116 to junction Pennsylvania Highway 16, thence over Pennsylvania Highway 16 to McConnellsburg, Pa.; from Ardmore, Pa., over U.S. Highway 30, via Paoli, Pa., to junction unnumbered highway two miles southeast of Latrobe, Pa., thence over unnumbered highway, via Latrobe, to junction U.S. Highway 30, two miles southwest of Latrobe, thence over U.S. Highway 30 to Pittsburgh, Pa.; from Middlesex, Pa., over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa.; from Harrisburg, Pa., over U.S. Highway 11, via Carlisle and Shippensburg, Pa., to Winchester, Pa.; from Washington, Pa., over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, northwest of Frederick, Md., and from Uniontown, Pa., over Pennsylvania Highway 51 to junction unnumbered highway, thence over unnumbered highway (formerly Pennsylvania Highway 51), via Perryopolis, Pa., to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51, via West Elizabeth, Pa., to Pittsburgh, Pa., and return over the same routes.

No. MC 2890 (Deviation No. 16), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed April 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Purcell and Oklahoma City, Okla., over Interstate Highway 35, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Oklahoma City over U.S. Highway 77 to Dallas, Tex., and return over the same route.

By the Commission.

HAROLD D. McCOY,
Secretary.

[SEAL]

[F.R. Doc. 62-4242; Filed, May 1, 1962; 8:49 a.m.]

[Notice 440]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 55896 (Sub-No. 12), filed April 19, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue,

Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and commodities distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies*, used in the conduct of such business, and *refused and rejected shipments of commodities above*, to serve Momence, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations from and to Chicago, Ill.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 115180 (Sub-No. 4), filed April 23, 1962. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 345 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Momence, Ill., to points in Pennsylvania.

HEARING: May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 117815 (Sub-No. 8) (AMENDMENT), filed December 18, 1961, published FEDERAL REGISTER issue of April 11, 1962, amended April 18, 1962, and republished, as amended, this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I, Lists A and C to the report in 61 M.C.C. 272, 273, (1) from Momence, Ill., to points in Iowa on and east of U.S. Highway 69, and (2) from Des Moines and Marshalltown, Iowa, to Momence, Ill.

NOTE: The purpose of this republication is to add (2) above.

HEARING: Remains assigned May 23, 1962, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-4243; Filed, May 1, 1962; 8:49 a.m.]

[Notice 441]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 27, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 229), filed April 16, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston and Freeport, Tex., (a) from Houston over Texas Highway 288, and (b) from Houston over Texas Highway 35 to junction of Texas Highway 35 and Texas Highway 288 thence over Texas Highway 288, to Freeport and return over the same routes serving no intermediate or off-route points.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77.

No. MC 10761 (Sub-No. 118), filed March 30, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Jetero, Tex., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, Maine, New Hampshire, and the District of Columbia, and *refused and rejected shipments* of the above-specified commodities, on return.

HEARING: June 11, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before an examiner to be designated later.

No. MC 22229 (Sub-No. 31), filed February 15, 1962. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., to Birmingham, Ala.

HEARING: June 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 98.

No. MC 23939 (Sub-No. 133), filed March 21, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank trailers, loaded and empty, between West Palm Beach, Fla., and points within 50 miles thereof, on the one hand, and, on the other, points in Virginia, New York, New Jersey, Colorado, Massachusetts, and Tennessee.

HEARING: June 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 30374 (Sub-No. 11) (AMENDMENT), filed March 15, 1962, published in the FEDERAL REGISTER, issue of April 18, 1962, republished this issue as amended April 24, 1962. Applicant: MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenue, Vineland, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers, and *materials and supplies used in the manufacture of wearing apparel*, between points in Atlantic, Cumberland, and Gloucester Counties, N.J., on the one hand, and on the other, Baltimore, Md., and Washington, D.C.

NOTE: This republication is for the purpose of adding "and in containers" to the description of the wearing apparel to be transported.

HEARING: Remains as assigned May 16, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner James C. Cheseldine.

No. MC 31389 (Sub-No. 50), filed April 3, 1962. Applicant: McLEAN TRUCKING COMPANY, a corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Winston-Salem, N.C., and Washington, D.C.; from Winston-Salem over U.S. Highway 158 to junction U.S. Highway 29, thence over U.S. Highway 29 to Washington, D.C. (also from junction U.S. Highway 29 and Virginia Highway 236 over Virginia Highway 236 to junction Virginia Highway 350, thence over Virginia Highway 350 to Washington, D.C.), and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Applicant states it controls Hayes Freight Lines, Inc.

HEARING: June 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 52709 (Sub-No. 162) (CORRECTION), filed February 23, 1962, published FEDERAL REGISTER issue of April 18, 1962, and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prune juice concentrate*, in bulk, in tank vehicles, from San Jose, Calif., to New York, N.Y., Buffalo, and Rochester, N.Y., Philadelphia, Pa., Boston, Mass., and Portland, Maine.

NOTE: Common control may be involved. The purpose of this republication is to correctly set forth the route description as shown above.

HEARING: Remains as assigned June 14, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 58212 (Sub-No. 23), filed November 14, 1961. Applicant: MAAS TRANSPORT, INCORPORATED, U.S. No. 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* from Williston, N. Dak., and points within 10 miles thereof, to ports of entry on the International Boundary Line between the United States and Canada located in North Dakota; and *refused or rejected shipments of the above commodities* on return.

HEARING: May 21, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 274, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 59894 (Sub-No. 22), filed November 13, 1961. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Van Horn, Tex., and Alpine, Tex.; from Van Horn over U.S. Highway 90 to Alpine, and return over the same route, serving all intermediate points except Valentine, Tex., (2) between Kent, Tex., and Alpine, Tex.; from Kent over Texas Highway 118 to Alpine, and return over the same route, serving all intermediate points and off-route points of McDonald Observatory, (3) between Toyahvale, Tex., and the United States-Mexico International Boundary at or near Presidio, Tex.; from Toyahvale over Texas Highway 17 to Marfa, Tex., thence over U.S. Highway 67 to the United States-Mexico International Boundary at or near Presidio, and return over the same route, serving all intermediate points.

HEARING: June 21, 1962, at the Hotel Paisano, Marfa, Tex., before Joint Board No. 77.

No. MC 59894 (Sub-No. 25), filed February 23, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives): (1) Between Alpine, Tex., and points in Brewster County, Tex., over irregular routes; and (2) between Fort Stockton, Tex., and points in Brewster County, Tex.; from Fort Stockton over U.S. Highway 385 to the Pecos County-Brewster County line, serving all intermediate points, thence over irregular routes to points in Brewster County, and return over the same routes.

NOTE: Applicant states it is controlled through ownership of 75 percent of its outstanding capital stock by Rogers Cartage Company of Indiana, Inc.

HEARING: June 20, 1962, at the Hotel Paisano, Marfa, Tex., before Joint Board No. 77.

No. MC 59894 (Sub-No. 26), filed April 16, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), between Houston, Tex., and Freeport, Tex., as follows: (a) From Houston over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points; and (b) from Houston over Texas Highway 35 to junction of Texas Highways 35 and 288, thence over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points.

NOTE: Applicant states that through ownership of 75 percent of its outstanding capital stock, it is controlled by Rogers Cartage Company of Indiana, Inc.

HEARING: June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77.

No. MC 76065 (Sub-No. 11) (AMENDMENT), filed March 5, 1962, published FEDERAL REGISTER issue of March 21, 1962, amended April 18, 1962, and republished, as amended, this issue. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York 1, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments*, on hangers, and *materials and supplies used in the manufacture of garments*, (1) between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and (2) between points in the Washington, D.C., Commercial Zone, on the one hand, and, on the other, points in Atlantic and Cumberland Counties, N.J.

NOTE: The purpose of this republication is to add (2) above.

HEARING: June 5, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner James C. Cheseldine.

No. MC 95540 (Sub-No. 399), filed February 5, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, citrus products, meats, meat products, meat byproducts, prepared foods, fruit and vegetable juices*, with or without additives, from points in Florida to points in Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states that it is affiliated "with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: June 19, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 95540 (Sub-No. 405), filed February 23, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Louisiana, Mississippi, and from Mobile, Ala., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc., through stock ownership.

HEARING: June 4, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before an examiner to be designated later.

No. MC 95540 (Sub-No. 407) (REPUBLICATION), filed March 2, 1962, published FEDERAL REGISTER issue April 4, 1962, republished as corrected April 18, 1962, and republished this issue to show additional hearing information.

Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: Remains as assigned May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall. This assignment is for applicant's presentation and such protestants as desire to submit their evidence at Washington. A continued hearing for the submission of other protestants' evidence is contemplated at a point to be selected by the presiding examiner after considering the requests of the parties.

No. MC 95540 (Sub-No. 409), filed March 7, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: June 27, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before an examiner to be designated later.

No. MC 95540 (Sub-No. 416), filed April 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Waycross, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is under common control with Arctic Express, Inc.

HEARING: June 15, 1962, at the Mayflower Hotel, Jacksonville, Fla., before an examiner to be designated later.

No. MC 97664 (Sub-No. 4), filed March 2, 1962. Applicant: FLORIDA TANK LINES, INC., 2400 West Collins Road, Fort Lauderdale, Fla. Applicant's attorney: James F. Minnet, Suite 412, Blount Building, 29 East Las Olas Boulevard, Ford Lauderdale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk and in bag; *tallow; flour; lime; lumber; steel; glass; machinery; chemicals; petroleum; petroleum products; molasses; commodities requiring the use of special equipment; liquid sugar; all other liquids in bulk and in tank trucks;* between points in Florida, and (2) *cement*, in bulk and in bag, from points in Florida, to points in Alabama and Georgia, and *empty equipment and pallets or such other type of container incidentally used in transporting cement*, on return.

NOTE: Applicant states it presently conducts operations under the second proviso of section 206(a)(1) by virtue of a Form BMC 75 Statement assigned Docket No. MC 97664 and Subs thereunder.

HEARING: June 25, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla., before Joint Board No. 99.

No. MC 100666 (Sub-No. 36) (REPUBLICATION-CORRECTION), filed October 16, 1959, published FEDERAL REGISTER, issue of January 13, 1960, republished April 11, 1962, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., Crossett, Ark. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. The purpose of this correction is to show that the above-numbered application was filed October 16, *1959*, in lieu of October 16, *1962*, as shown in previous publication.

No. MC 103378 (Sub-No. 232), filed April 23, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from Atlanta, Ga., and points within ten (10) miles thereof, to points in Alabama, Georgia, Florida, and Tennessee, west of U.S. Highway 27.

HEARING: May 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 107107 (Sub-No. 203), filed March 5, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., to points in Florida and Georgia.

HEARING: June 4, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard., Miami, Fla., before Examiner James I. Carr.

No. MC 107295 (Sub-No. 71) (CORRECTION), filed August 7, 1961, published in FEDERAL REGISTER issue of December 20, 1962, amended February 2, 1962, and republished, as amended, April 11, 1962, corrected April 16, 1962, and republished, as corrected, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe* (other than iron and steel) *attachments, parts*, and *fittings therefor*, from the plant site of the Orangeburg Manufacturing Co., Division of Flintkote Co., in Rootstown Township, Portage County, Ohio, to points in West Virginia, Pennsylvania, New Jersey, New York, Mississippi, Alabama, Minnesota, Kansas, and Louisiana.

NOTE: The purpose of this republication is to include "*attachments, parts* and *fittings therefor*" as commodities to be transported instead of exceptions as previously published.

CONTINUED HEARING: Remains assigned May 16, 1962, at the Midland Hotel, Chicago, Ill., Before Examiner Warren C. White, on a consolidated record with MC 111398 (Sub-No. 2) Fischback Trucking Co., a corporation, Akron Ohio, and MC 60014 (Sub-No. 8), Aero Trucking, Inc., Oakdale, Pa., and MC 117574 (Sub-No. 60), Daily Express, Inc., Carlisle, Pa.

No. MC 107515 (Sub-No. 390), filed April 4, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelled nuts*, in vehicles equipped with mechanical refrigeration, from San Antonio, Tex., to points in Florida, Alabama, Georgia, South Carolina, Tennessee, North Carolina, Kentucky, Virginia, West Virginia, Indiana, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

NOTE: Applicant states J. L. Lawhon, President of Refrigerated Transport and owner of one-half of the stock holds permits as a contract carrier (MC 104589); therefore, dual operations may be involved.

HEARING: June 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 108449 (Sub-No. 137) (CORRECTION), filed December 11, 1961, published in the FEDERAL REGISTER issue of April 11, 1962, and republished as corrected, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, between points in Iowa, Illinois, Indiana, Missouri, and Kentucky.

NOTE: The purpose of the republication is to clarify the commodities proposed to be transported.

HEARING: Remains as assigned, May 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 109397 (Sub-No. 56), filed April 19, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation which due to their size and weight require the use of special equipment or special handling*, and *explosives and radioactive materials*, between the site of A.E.C. Test site located near Mercury, Nev., on the one hand, and, on the other, Los Alamos and Albuquerque, N. Mex.

HEARING: June 22, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 411, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 110420 (Sub-No. 310), filed April 25, 1962. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bulk commodities* from the plant site of the Archer-Daniels-Midland Co., located near Mapleton, Ill., to points in Alabama, Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 110988 (Sub-No. 68), filed April 11, 1962. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hammond, Ind., to the plant site of the Des Plaines Chemical Company, at or near Morris, Ill., and (2) *chemicals*, in bulk, including *phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company, at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 111812 (Sub-No. 163), filed April 23, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in paragraphs A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Arkansas City, Kans., to points in Arizona and California.

NOTE: Since this publication is effected after the hearing on the subject application, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing, may file a protest against the application within 20 days from the date of this publication in the FEDERAL REGISTER.

HEARING: April 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Joseph A. Reilly.

No. MC 112520 (Sub-No. 72), filed February 5, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from (a) points in Florida, west of the eastern boundary of Jefferson County, Fla., and (b) points in Decatur County, Ga., to points in Alabama, Florida, and Georgia.

HEARING: June 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99.

No. MC 114019 (Sub-No. 88), filed April 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers* from Joliet, Ill., and points within five (5) miles thereof, including Rockdale, Ill., to points in Indiana, Ohio, Lower Peninsula of Michigan, Iowa, Missouri, Kentucky, West Virginia, Pennsylvania, Minnesota, Wisconsin, Nebraska, and Kansas.

NOTE: Applicant states that Little Audrey's Transportation, Inc., is under its control.

HEARING: June 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 115499 (Sub-No. 12), filed April 9, 1962. Applicant: LOWER LAKES CARRIER, INC., P.O. Box 712, Ashtabula, Ohio. Applicant's attorneys: James H. Nacey and D. G. Dottore, 502 Park Building, Public Square, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, dry, in bulk, in tank vehicles, from Ashtabula, Ohio, to Niagara Falls, N.Y., and (2) *lime hydrate*, dry, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Ashtabula and Lake Counties, Ohio.

HEARING: June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 115595 (Sub-No. 3), filed March 22, 1962. Applicant: A. G. OGDEN, doing business as OGDEN TRUCKING COMPANY, 27340 South Federal Highway, Naranja, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fungicides, herbicides, pesticides* and *fertilizer*, from points in Texas to points in Florida.

HEARING: June 21, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 115841 (Sub-No. 108), filed April 23, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee (except Nashville).

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 116544 (Sub-No. 21), filed April 4, 1962. Applicant: WILSON BROTHERS TRUCK LINE INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md., and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *mixed bananas and coconuts*, in same vehicles, from Tampa, Fla., to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Wyoming, Minnesota, Wisconsin, and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities.

HEARING: June 22, 1962, at the U.S. Court Rooms, Tampa, Fla., before an examiner to be designated later.

No. MC 116544 (Sub-No. 22), filed April 4, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md., and Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas and coconuts, mixed*, in same vehicles, from Houston, Texas, to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Wyoming, Minnesota, Wisconsin, and Illinois.

HEARING: June 18, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before an examiner to be designated later.

No. MC 117119 (Sub-No. 49), filed April 23, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, N.Y., including points in the Commercial Zone, and points in Rhode Island, to points in Arizona, California,

Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, and *empty containers or other incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 117686 (Sub-No. 12), filed March 26, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACK MOTOR LINES, 3324 U.S. Highway 75–N, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from points in Mississippi and Louisiana to points in Arkansas (except Fort Smith, Little Rock, Fayetteville, and Rogers), Iowa, Kansas (except Coffeyville, Independence, and Kansas City), Minnesota, Missouri (except Joplin, Carthage, Webb City, Monett, Springfield, Neosho, and Kansas City), Nebraska, North Dakota, South Dakota, and Oklahoma.

HEARING: June 7, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before an examiner to be designated later.

No. MC 123405 (Sub-No. 5), filed April 4, 1962. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Fron Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases, petroleum wax, and petrolatums*, all in containers or on pallets, from points in Beaver, Venango, and McKean Counties, Pa., to points in Mississippi.

HEARING: June 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 124074 (Sub-No. 2), filed April 6, 1962. Applicant: BEST TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the site of the Lehigh Portland Cement Company plant located in Whitestone, Queens County, N.Y., to points in Fairfield County, Conn., and *rejected and returned shipments* of the above-specified commodity, on return.

NOTE: Applicant states common control may be involved. Applicant further states it holds temporary contract carrier authority in MC 117295 Sub 1 TA, therefore, dual operations may be involved.

HEARING: June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124123 (Sub-No. 2), filed April 6, 1962. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Dixon, Ill., to points in Illinois, Wisconsin, Indiana, and Iowa.

NOTE: Applicant states it has contract carrier authority under MC 115577 (Sub-No. 8), therefore, dual operations may be involved. It is also noted that common control may be involved.

HEARING: June 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 124186 (Sub-No. 1), filed March 26, 1962. Applicant: J-WAYS TRUCKING CO., INC., 533 McClaine Street, P.O. Box 237, Silverton, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduits, fittings*, and *accessories in connection therewith*, from Corvallis, Oreg., to points in Washington, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Texas; and *rejected shipments* and *exempt commodities* on return trips.

HEARING: June 8, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before an examiner to be designated later.

No. MC 124257 (Sub-No. 1), filed April 5, 1962. Applicant: J. A. DADY, 610 Main Street, Sisseton, S. Dak. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt and carbonated beverages, carbon dioxide gas, advertising and display materials, bottle and can openers, glasses, pitchers, detergents*, and *beer dispensing equipment* from St. Paul, Minn., to Pierre, S. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities, on return.

NOTE: Applicant indicates that the proposed operation will be under a continuing contract with Torvik Distributing Co.

HEARING: June 21, 1962, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26.

No. MC 124280, filed March 16, 1962. Applicant: J. D. HIERS, SR., AND J. D. HIERS, JR., doing business as, STATEWIDE SPREADERS, P.O. Box 576, Newberry, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Adel, Cordele, and Savannah, Ga., to points in Florida.

HEARING: June 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64.

No. MC 124300, filed March 26, 1962. Applicant: M. E. TOMPKINS, doing business as M. E. TOMPKINS TRANSFER, 811 East Washington Street, Lake City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia.

HEARING: June 14, 1962, at the Mayflower Hotel, Jacksonville, Fla., before an examiner to be designated later.

No. MC 124308, filed March 27, 1962. Applicant: MARSHALL SMITH AND JOHN R. COPE, a partnership doing business as SMITH AND COPE, Bryson City, N.C. Applicant's attorney: Robertson Wall, Church Street, Asheville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mica*, in bags, boxes and bulk, and (2) *furniture*, between points in Macon County, N.C., on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: June 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124359, filed April 12, 1962. Applicant: W. R. STEVENS, doing business as B–LINE, 1409 16th Avenue, Greeley, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Siding, roofing, insulating and flooring materials and supplies, wall tile, and related items*, (a) from Chicago, Ill., New York, N.Y., South Bend, Ind., Sandusky, Canton, and East Sparta, Ohio, South Plainfield and Trenton, N.J., and Marcus Hook and Lancaster, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., and Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and (b) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and (2) *Pitch*, from Casper, Wyo., to Denver, Colo.

NOTE: Applicant states the proposed service will be performed on behalf of Wholesale Flooring, Inc., and Wholesale Ceramic Tile, Inc.

HEARING: June 29, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

No. MC 108136 (Sub-No. 9) (AMENDMENT), filed February 8, 1962, published FEDERAL REGISTER issue of April 11, 1962, amended April 19, 1962, and republished, as amended this issue. Applicant: VALLEY CAB COMPANY, INCORPORATED, Main Street, Moodus, Conn. Applicant's attorney: Sidney Axelrod, 326 State Street, New London, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in the towns of Old Saybrook and Branford, Conn., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

NOTE: The purpose of this republication is to delete "between May 28th and September 10th" as previously published.

HEARING: Remains as assigned May 22, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 1649 (Sub-No. 73), filed April 6, 1962. Applicant: RAILWAY EXPRESS MOTOR TRANSPORT, INC., 101 Union Station Building, Indianapolis 25, Ind. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency, Inc., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Indianapolis, Ind., and Union City, Ind., as follows: From Indianapolis over Indiana Highway 67 to junction with Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Union City, and return over the same route, serving Fortville, Pendleton, Anderson, Yorktown, Muncie, Parker City, and Winchester, Ind., as intermediate points.

NOTE: Applicant states it has authority to transport general commodities, except dangerous explosives, moving in express service, between Indianapolis, Ind., and Anderson, Ind., serving no intermediate points. Applicant further states it is a wholly owned subsidiary of Railway Express Agency, Inc.

No. MC 68478 (Sub-No. 1) EX, filed April 16, 1962. Applicant: EXPLOSIVES SUPPLY COMPANY, INC., P.O. Box 207, Spruce Pine, N.C. A certificate of exemption sought under section 204(a)(4a), Part II, in the conduct of operations as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric blasting caps*, wholly within the State of North Carolina, between the railroad station at Spruce Pine, N.C., and an explosives magazine located approximately four (4) miles from Spruce Pine, N.C.

NOTE: Applicant presently holds Certificate MC 68478. If and when this certificate of exemption is granted applicant will surrender such authority.

No. MC 110388 (Sub-No. 29), filed April 18, 1962. Applicant: UNION PACIFIC MOTOR FREIGHT CO., 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: F. J. Melia, Union Pacific RR. Co., 1416 Dodge Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Plymouth, Wash., and Prosser, Wash., over an alternate route in connection with its authorized regular route, as follows: From Plymouth, Wash., over Washington Highway 8 to Paterson, Wash., thence over Washington Highway 8 to Prosser, Wash., and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states that the operation is to be restricted to service which is auxiliary to, or supplemental of rail service of the Union Pacific Railroad Co.; no service shall be rendered to or from any points not stations on the rail lines of the railroad; and shipments transported by carrier shall be limited to those which are received from or delivered to the railroad on through bills of lading covering, in addition to a movement by carrier, a prior or subsequent movement by rail. Applicant further states that its entire stock is owned by Union Pacific Railroad Co.

No. MC 110525 (Sub-No. 498), filed April 13, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent nitrating acid*, in bulk, in tank vehicles, from Indian Head, Md., to Kenvil, N.J.

No. MC 113024 (Sub-No. 18), filed April 19, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Control panels and related control equipment*, from Burbank, Calif., to Waynesboro, Martinsville, and Amphill, Va., Wilmington and Seaford, Del., Chattanooga and Old Hickory, Tenn., Graingers, N.C., and Lugoff, S.C.

NOTE: Applicant states the proposed operation will be performed for the account of E. I. du Pont de Nemours & Co., Wilmington, Del.

No. MC 113410 (Sub-No. 34), filed April 17, 1962. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states common control may be involved.

No. MC 114704 (Sub-No. 1), filed April 20, 1962. Applicant: A. & A. TRUCKING CO., a corporation, East Pearl Street, Waukesha, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal culvert pipe*, from Waukesha, Wis., to points in that part of Illinois lying on and north of a line extending from the Illinois-Indiana State line along U.S. Highway 6 to Joliet, Ill., thence along U.S. Highway 52 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, and *undelivered and damaged shipments of corrugated metal culvert pipe*, from the above-described Illinois territory to Waukesha, Wis.

No. MC 119530 (Sub-No. 4) (CORRECTION), filed April 2, 1962, published in the FEDERAL REGISTER issue of April 11, 1962, republished this issue to correct territory description. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as, MAY TRUCKING CO., P.O. Box 398 Payette, Idaho., Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *cement products*, in containers or in bulk, from Lime, Oreg., to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County, Nev.).

NOTE: The purpose of this republication is to show the correct U.S. Highway involved as No. *40* instead of *30* as in the original publication.

No. MC 124128 (Sub-No. 1), filed March 30, 1962. Applicant: KEITH B. SNOWDEN, doing business as SERVICE TRANSFER, Box 178, 321 Lincoln Street, Sitka, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points on Baranof Island, Alaska, on the one hand, and, on the other, points in Southeastern Alaska lying south of the Alaska-Canadian Border north of Haines, Alaska, and including ports of entry on the international boundary line between Alaska and British Columbia, Canada, at Prince Rupert, British Columbia.

MOTOR CARRIERS OF PASSENGERS

No. MC 110306 (Sub-No. 4) (AMENDMENT), filed February 14, 1962, published FEDERAL REGISTER issue March 23, 1962, amended April 19, 1962, and republished this issue. Applicant: BLUE BUS LINES, a corporation, 50 North Johnston Avenue, Trenton, N.J., Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in

the same vehicle, (1) Between Trenton, N.J., and Yardley, Pa.; from Trenton over U.S. Highway 1 to Morrisville, Pa., thence over Pennsylvania Highway 732 to Yardley, and return over the same route, serving all intermediate points, (2) Between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Co. plant in Falls Township, Pa.; from junction South Pennsylvania Avenue and Tyburn Road over Tyburn Road to junction Ford Mill Road, thence over Ford Mill Road to junction Tullytown-Bordentown Road, and thence over Tullytown-Bordentown Road to the site of the United States Steel Co. plant, and return over the same route, serving all intermediate points, (3) Between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; from junction Pennsylvania and Philadelphia Avenue over Philadelphia Avenue to boundary of Falls Township, thence over Ford Mill Road to junction Tyburn Road, and return over the same route, serving all intermediate points, (4) Between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Co. plant in Falls Township, Pa.; from junction Ford Mill Road and Lower Penn Valley Road over Lower Penn Valley Road to the site of the United States Steel Co. plant, and return over the same route, serving all intermediate points, (5) Between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road; from junction Pennsylvania Highway 732 and Arborlea Avenue, over Arborlea Avenue to Pine Grove Road, thence over Pine Grove Road to Big Oak Road, thence over Big Oak Road to Makefield Road, and thence over Makefield Road to Pennsylvania Highway 732, and return over the same route, serving all intermediate points, and (6) Between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Upper River Road and Pennsylvania Highway 732; from junction Pennsylvania Highway 732 and Afton Avenue, over Afton Avenue to River Road, thence over River Road to Lower Makefield Township, Pa., thence along River Road to Mount Airy Road, thence over Mount Airy Road to Upper River Road, and thence over Upper River Road to junction Pennsylvania Highway 732, and return over the same route, serving all intermediate points; (7) Between Morrisville and Lower Makefield, Pa.; from junction Trenton Avenue and Pennsylvania Avenue (also known as Pennsylvania Highway 732) in Morrisville, over Trenton Avenue to junction Alden Avenue in Falls Township, thence over Alden Avenue to junction Valley Road to junction Louise Drive, thence over Louise Drive to junction Hedgerow Drive, thence over Hedgerow Drive to junction Makefield Road, thence over Makefield Road to junction Morrisville Yardley Road (also known as Pennsylvania Highway 732), and return over the same routes, serving all intermediate points, and (8) Between Morrisville and Falls Township, Pa.; from junction Pennsylvania Avenue and Bridge Street in Morrisville, over Pennsylvania Avenue to junction Tyburn Road in Falls Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to tack and combine operations over the above-described segments of routes for the purpose of providing service between Trenton, N.J., on the one hand, and, on the other, the service points in Pennsylvania. An amendment received April 19, 1962, broadens the application to add two additional routes. The hearing assigned May 1, 1962, has been cancelled and publication of the application as amended is scheduled for publication in the FEDERAL REGISTER as a matter to be handled under no-hearing.

No. MC 124293, filed March 19, 1962. Applicant: LLOYD BUCCANERO, LOUIS BUCCANERO, AND DAVID BUCCANERO, doing business as BUCCANERO'S TRANSPORTATION, Box 106, Iron Belt, Wis. Applicant's attorney: Alex J. Raineri, Box 186, Hurley, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers with their baggage*, and *newspapers* in the same vehicles with passengers, between Iron Belt, Wis., and White Pine, Mich., as follows: From Iron Belt over Wisconsin Highway 77 to Hurley, Wis., thence over U.S. Highway 2 to Bessemer, Mich., thence over U.S. Highway 2 to Wakefield, Mich., thence over Michigan Highway 28 to Bergland, Mich., thence over Michigan Highway 64 to White Pine, Mich., and return over the same route, serving all intermediate points.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12705 (Sub-No. 1), filed April 20, 1962. Applicant: MARGARET B. LUND, doing business as MARGARET LUND TOURS, 74 East Fourth South, P.O. Box 2065, Salt Lake City, Utah. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. For a license (BMC 5) to engage in operations as a *broker* at Salt Lake City, Utah, and Boise, Idaho, in arranging transportation in interstate or foreign commerce, by motor vehicle of *Passengers and their baggage*, both as individuals and groups, in special and charter operations, in round-trip all-expense tours, beginning and ending at points in Idaho and extending to points in the United States, including Alaska.

NOTE: Applicant states that also included will be personally conducted all-expense package tours.

NOTICE OF FILING OF PETITIONS

No. MC 74120 (Sub-No. 8) (PETITION TO REVISE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed April 9, 1962. Petitioner: STRICKLAND MOTOR FREIGHT LINES, INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. Petitioner's attorney W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 2, Okla. Certificate No. MC 74120 Sub-No. 8, reads, in part, as follows: "*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cleveland, Ohio, and the site of the Strickland Transportation Co., Inc., terminal located at the first corner of the intersection of Brush Road and Massilon Road, approximately one mile north of Richfield, Ohio, serving no intermediate points: From Cleveland over U.S. Highway 21 to the Strickland Transportation Co., Inc., terminal, and return over the same route. RESTRICTION: The authority granted herein shall provide no service to local shippers at Richfield, Ohio." Petitioner seeks correction and revision of the certificate to remove confusion and doubt as to the operation which it should conduct into and through its terminal located approximately one mile north of Richfield, Ohio, and requests the following language for such revision: "*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Strickland Motor Freight Lines, Inc. terminal located at the first corner of the intersection of Brush Road and Massilon Road, approximately one mile north of Richfield, Ohio, as an off-route point in connection with its otherwise authorized authority to serve Cleveland, Ohio. The authority granted herein is for convenience of the carrier in providing its otherwise authorized service to and from Cleveland, Ohio, and no service shall be performed for local shippers and consignees at Richfield, Ohio, for any purpose other than interline with other authorized carriers." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109262 (SUPPLEMENT TO PETITION), filed April 9, 1962. Petitioner: KOERNER MOTOR EXPRESS, INC., 55 East 28th Street, Chicago, Ill. Petitioner states that a petition was filed on February 13, 1962, requesting the revocation of Certificate No. MC 109262, which authorizes the transportation of certain property between Chicago, Ill., on the one hand, and, on the other, Watseka and Springfield, Ill. Said request was submitted in order to relieve the petitioner from the right and the duty to accept transportation to or from points in the Chicago commercial zone, lying within the State of Indiana, to enable the petitioner to engage in operations solely within the State of Illinois under the second proviso of section 206(a)(1) of the Interstate Commerce Act. Since the filing of said petition, it has come to the attention of petitioner that the Commission can and, on many occasions, has modified the certificates of carriers so as to eliminate authority to serve points in commercial zones that are outside of the carrier's State of actual operations, in order to permit said "second proviso" operations. Petitioner prays that, in order to enable it to operate under the second proviso of section 206(a)(1), the Commission, as an alternative to revoking the petitioner's Certificate in No. MC 109262, modify said certificate by eliminating therefrom the right and duty to serve either (a) the points in the Chicago Commercial Zone lying outside the State of Illinois, or (b) the points in the Chicago Commercial Zone other than the city of Chicago, Ill. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8110 (CLARK TANK LINES CO.—PURCHASE—THOMPSON TRANSPORTATION, INC.), published in the March 28, 1962, issue of the FEDERAL REGISTER on page 2876. Application filed April 18, 1962, for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4244; Filed, May 1, 1962; 8:49 a.m.]

[Notice 632]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64720. By order of April 24, 1962, the Transfer Board approved the transfer to Westbury Transport, Inc., New Cassel, N.Y., of permit in No. MC 115818 Sub 1, issued November 14, 1961, to Emanuel J. Casamassima, New Cassel, N.Y., authorizing the transportation of: Such merchandise as is dealt in by retail furniture stores, from New Cassel, N.Y., to points in Monmouth, Middlesex, Somerset, Morris, Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., and Litchfield, Fairfield, and New Haven Counties, Conn., and returned shipments, from points in the counties specified above to New Cassel, N.Y. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64721. By order of April 24, 1962, the Transfer Board approved the transfer to Acres Transport Inc., Pennsauken, N.J., of permit in No. MC 115818 Sub 2, issued September 1, 1961, to Emanuel J. Casamassima, New Cassel, N.Y., authorizing the transportation of: Such merchandise as is dealt in by retail furniture stores, from Pennsauken, N.J., to points in Delaware, Pennsylvania, and New Cassel, N.Y., and returned (reshipped) shipments of the above-described commodities from points in Delaware, Pennsylvania, and New Cassel, N.Y., to Pennsauken, N.J. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64827. By order of April 24, 1962, the Transfer Board approved the transfer to Perkins Express, Incorporated, South Braintree, Mass., of Certificate No. MC 120854 Sub 1 issued February 12, 1962, to H. Bruce Hallett, doing business as Perkins Express, Braintree, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Braintree, Mass., and Boston, Mass., serving all intermediate points. Howard B. Hallett, president, Perkins Express, Inc., 410 Grove Street, South Braintree 85, Mass.

No. MC-FC 64937. By order of April 24, 1962, the Transfer Board approved the transfer to A. P. Whelen & Son Trucking Corp., Seacliff, N.Y., of Certificate No. MC 60505, issued June 23, 1942, to Lawrence O'Pezio, Victor O'Pezio, Joseph O'Pezio, and John O'Pezio, a partnership, doing business as Lawrence O'Pezio & Sons, Bay Shore, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between points in Long Island, New York, west of New York Highway 112 on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC-FC 64941. By order of April 24, 1962, the Transfer Board approved the transfer to Walter D. Jones, doing business as New Canaan Express Company, New Canaan, Conn., of Certificate No. MC 107429, issued April 26, 1960, to Charles T. Jones and Walter D. Jones, a partnership, doing business as New Canaan Express Company, New Canaan, Conn., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between New Canaan, Conn., on the one hand, and, on the other, points in Pound Ridge, Lewisboro, and Bedford Townships, in Westchester County, N.Y. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., applicants' attorney.

No. MC-FC 64945. By order of April 24, 1962, the Transfer Board approved the transfer to Service Bus Company, Inc., Yonkers, N.Y., of Certificate No. MC 94858, issued May 5, 1959, to Joseph Acciavatti, doing business as Service Bus Co., Yonkers, N.Y., authorizing the transportation, over irregular routes, of passengers and their baggage, in charter operation, from New York, N.Y., to Savin Rock, and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y., applicants' attorney.

No. MC-FC 64993. By order of April 24, 1962, the Transfer Board approved the transfer to Ingram Bus Lines, Inc., Tallassee, Ala., of Certificates Nos. MC 58719 Sub-1 and MC 58719 Sub-8, issued April 25, 1955 and August 29, 1961, to Effie D. Ingram, A. R. Ingram, E. D. Ingram, C. T. Ingram, and W. S. Ingram, a partnership, doing business as Ingram Bus Lines, Tallassee, Ala., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over regular routes, between Opelika, Ala., and Columbus, Ga., serving all intermediate points; and passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga., serving all intermediate points between Opelika and Marvyn, Ala., unrestricted, Marvyn, and points between Marvyn, and Columubs, restricted against traffic being transported over the route hereinafter described which originates at Opelika and is destined to Columbus or which originates at Columbus and is destined to Opelika; between Opelika, Ala., and Anniston, Ala., serving all intermediate points; between Roanoke, Ala., and Lagrange, Ga., serving all intermediate points, and the off-route points of Rock Mills, Ala., and Glen, Ga.; between Lafayette, Ala., and Columbus, Ga., serving all intermediate points between Lafayette and junction unnumbered highway and U.S. Highway 241, inclusive; between Wedowee, Ala., and Bowdon, Ga., serving all intermediate points in Ala.; between Columbus, Ga., and Auburn, Ala., serving all intermediate points except Phenix City, Ala.; between Montgomery, Ala., and Alexander City, Ala.; between Eclectic, Ala., and Opelika, Ala. W. S. Ingram, DBA Ingram Bus Lines, 313 Jordan Avenue, Tallassee, Ala., for applicants.

No. MC-FC 64998. By order of April 24, 1962, the Transfer Board approved the transfer to Samuel E. Nutile, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., of Permits Nos. MC 116075 and MC 116075 Sub 1, issued February 27, 1957, and May 11, 1959, respectively, in the name of Samuel E. Nutile and Leo Rabinowitz, a partnership, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., authorizing the transportation of used baking pans, over irregular routes, between Fair Lawn, N.J., on the one hand, and, on the other, specified areas in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., Counsellor at law.

No. MC-FC 65001. By order of April 24, 1962, the Transfer Board approved the

transfer to George Joseph, doing business as Southwide Trucking Service, Birmingham, Ala., of Certificate No. MC 118369, issued October 12, 1960, to W. H. Snelling, Jacksonville, Fla., authorizing the transportation of bananas, over irregular routes, from Tampa, Fla., to Jacksonville, Fla., Birmingham, Ala., Columbia, S.C., Raleigh, N.C., and Atlanta, Ga. William Reece Smith, Jr., P.O. Box 3239, Tampa, Fla., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4245; Filed, May 1, 1962; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-21]

MANAGER, DISASTER FIELD OFFICE, MIDDLETOWN, N.J.

Delegations Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby delegated to the Manager of the Disaster Field Office, Middletown, New Jersey, the authority:

A. *Financial Assistance.*

1. To approve direct and participation Disaster Loans.

2. To disburse approved loans.

3. To enter into Disaster Loan Participation Agreements with Banks.

4. To execute Loan Authorizations for Washington approved loans and for loans approved under Delegated Authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

5. To cancel, reinstate, modify, and amend Authorizations for Disaster Loans.

6. To extend the disbursement period on Disaster Loan Authorizations or undisbursed portions of Disaster Loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

IV. All previous authority delegated by the Regional Director to the Manager of this office (Delegation No. 30-II-18, 25 F.R. 9628) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: March 12, 1962.

CHARLES H. KRIGER, *Regional Director.*

[F.R. Doc. 62-4231; Filed, May 1, 1962; 8:47 a.m.]

[Delegation of Authority No. 30-X-34]

MANAGER, DISASTER FIELD OFFICE, TEXAS CITY, TEXAS

Recision of Delegation of Authority

Notice is hereby given that this delegation (26 F.R. 10719) is rescinded in its entirety. (Disaster Field Office closed effective April 6, 1962).

Effective date: April 6, 1962.

JAMES R. WOODALL, *Acting Regional Director.*

[F.R. Doc. 62-4232; Filed, May 1, 1962; 8:47 a.m.]

[Declaration of Disaster Area 377]

MISSISSIPPI

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Lee County in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about April 11 and 12, 1962.

Offices:

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, U.S. Post Office & Courthouse Building, Room 322, Capital and West Streets, Jackson 1, Miss.

2. A temporary field office will be established at Tupelo, Mississippi, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1962.

Dated: April 13, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-4233; Filed, May 1, 1962; 8:47 a.m.]

DELAWARE VALLEY SCIENTIFIC CORP.

Approval To Operate as Small Business Research and Development Pool, Request To Operate as Defense Production Pool, and Request to Certain Companies To Participate in Operations of Such Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394), and Section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint programs of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and as a defense production pool, are in the public interest as contributing to the national defense, will maintain and strengthen the free enterprise system and economy of the United States, and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation as a research and development pool and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to Delaware Valley Scientific Corporation.

Request to Delaware Valley Scientific Corporation, Folcroft, Pennsylvania. Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with these sections, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the Pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request.

With kind regards, I am

Sincerely,

(Signed) John E. Horne,
JOHN E. HORNE,
Administrator.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to the following members of the Delaware Valley Scientific Corporation.

1. Ludwig Honold Manufacturing Co., Chester Pike and Folcroft Avenue, Folcroft, Pa.

2. Samuel P. Sadtler and Son, Inc., 1517 Vine Street, Philadelphia 2, Pa.

3. Nichols Products Co., 325 West Main Street, Moorestown, N.J.

4. F. H. Mackenzie, 307 Owen Avenue, Lansdowne, Pa.

5. American Electronic Laboratories, Inc., 121 North Seventh Street, Philadelphia 6, Pa.

Request to Members of Delaware Valley Scientific Corporation. Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of the Delaware Valley Scientific Corporation to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the Pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kind regards, I am

Sincerely,

(Signed) John E. Horne,
JOHN E. HORNE,
Administrator.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

The Pool and the above five members accepted the requests to participate.

Dated: April 23, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-4234; Filed, May 1, 1962; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 86

Washington, Thursday, May 3, 1962

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Title 3—THE PRESIDENT

Proclamation 3468

CARRYING OUT CERTAIN AGREEMENTS NEGOTIATED AT THE 1960–61 TARIFF CONFERENCE AND FOR OTHER PURPOSES

By the President of the United States of America
A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), the President entered into the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), of October 30, 1947 (61 Stat. (pt. 5) A11), including a Schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1947)"), and by Proclamation No. 2761A, of December 16, 1947 (61 Stat. (pt. 2) 1103), as supplemented by subsequent proclamations including Proclamation No. 2764, of January 1, 1948 (62 Stat. (pt. 2) 1465), and Proclamation No. 2769, of January 30, 1948 (62 Stat. (pt. 2) 1479), he proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States (hereinafter referred to as "modifications and continuance") as were found to be required or appropriate to carry out the General Agreement;

2. WHEREAS, the General Agreement has been supplemented by several agreements including:

(a) Protocol of Provisional Application of the General Agreement, of October 30, 1947 (61 Stat. (pt. 6) A2051),

(b) Annecy Protocol of Terms of Accession to the General Agreement, of October 10, 1949 (64 Stat. (pt. 3) B141), including a schedule to the General Agreement of United States concessions (hereinafter referred to as "Schedule XX (Annecy 1949)"),

(c) Torquay Protocol to the General Agreement, of April 21, 1951 (3 UST (pt. 1) 615), including a schedule to the General Agreement of United States concessions (hereinafter referred to as "Schedule XX (Torquay—1951)"),

(d) Protocol of Terms of Accession of Japan to the General Agreement, of June 7, 1955 (6 UST (pt. 5) 583), including a schedule to the General Agreement of United States concessions (hereinafter referred to as "Schedule XX (Japan—1955)"),

(e) Sixth Protocol of Supplementary Concessions to the General Agreement, of May 23, 1956 (7 UST (pt. 2) 1076), including a schedule to the General Agreement of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1956)"),

(f) Agreement between the Kingdom of Belgium, Acting for the Belgo-Luxemburg Economic Union, the Kingdom of the Netherlands, and the United States of America Supplementary to the General Agreement, of June 27, 1957 (8 UST (pt. 1) 934), including a schedule of United States concessions (hereinafter referred to as "U.S. Schedule (Benelux Supp.—1957)"),

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CARRYING OUT CERTAIN AGREEMENTS NEGOTIATED AT THE 1960–61 TARIFF CONFERENCE AND FOR OTHER PURPOSES

By the President of the United States of America
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2. WHEREAS, the General Agreement has been supplemented by several agreements including:

(a) Protocol of Provisional Application of the General Agreement, of October 30, 1947 (61 Stat. (pt. 6) A2051),

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(g) Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America Supplementary to the General Agreement, of June 27, 1957 (8 UST (pt. 1) 890), including a schedule of United States concessions (hereinafter referred to as "U.S. Schedule (U.K. Supp.—1957)"), and

(h) Agreement Supplementary to the General Agreement between the United States and Sweden, of September 15, 1961 (TIAS 4847);

3. WHEREAS by the following proclamations the President proclaimed agreements specified in the second recital of this Proclamation:

(a) The first proclamation specified in the first recital of this Proclamation proclaimed that the General Agreement should be applied subject to the agreement specified in clause (a) of the second recital of this Proclamation,

(b) Proclamation No. 2867, of December 22, 1949 (64 Stat. (pt. 2) A380), as supplemented by subsequent proclamations including Proclamation No. 2884, of April 27, 1950 (64 Stat. (pt. 2) A399), and Proclamation No. 3211, of November 9, 1957 (72 Stat. (pt. 2) C14), proclaimed such modifications and continuance as were required or appropriate to carry out the agreement specified in clause (b) of the second recital hereof,

(c) Proclamation No. 2929, of June 2, 1951 (65 Stat. C12), proclaimed such modifications and continuance as were required or appropriate to carry out the agreement specified in clause (c) of the second recital hereof,

(d) Proclamation No. 3105, of July 22, 1955 (69 Stat. C44), in Part I proclaimed such modifications and continuance as were required or appropriate to carry out the agreement specified in clause (d) of the second recital hereof,

(e) Proclamation No. 3140, of June 13, 1956 (70 Stat. C33), in Part I proclaimed such modifications and continuance as were required or appropriate to carry out the agreement specified in clause (e) of the second recital hereof,

(f) Proclamation No. 3191, of June 29, 1957 (71 Stat. C49), proclaimed such modifications and continuance as were required or appropriate to carry out the agreements specified in clauses (f) and (g) of the second recital hereof, and

(g) Proclamation No. 3431, of September 18, 1961 (26 F.R. 8931), proclaimed such modifications and continuance as were required or appropriate to carry out paragraph (2) of the agreement specified in clause (h) of the second recital hereof;

4. WHEREAS I have found as a fact (a) that certain existing duties and other import restrictions of the United States of America, including tariff action referred to in the fifth, seventh, and ninth recitals of this Proclamation, of other contracting parties to the General Agreement, including the Republic of Austria, the Kingdom of Belgium, Canada, the Kingdom of Denmark, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Republic of Italy, Japan, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Peru, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland, of Israel, of Portugal, and of the Swiss Confederation are unduly burdening and restricting the foreign trade of the United States, that the effect of the common external tariff of the European Economic Community (an instrumentality of the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands) is to unduly burden and restrict the foreign trade of the United States, and (b) that the purposes declared in section 350 of the Tariff Act of 1930, as amended, will be promoted by one or more trade agreements between the Government of the United States and the Governments of some or all of the other countries, or the instrumentality of governments, referred to in this recital;

5. WHEREAS the United States has completed renegotiations under Article XXVIII of the General Agreement for the modification or withdrawal of the following concessions:

(a) The concessions on waterproof cloth provided for in the second item 907 in Part I of Schedule XX (Geneva—1947), in the second item 907 in U.S. Schedule (Benelux Supp.—1957), and in the second item 907 in U.S. Schedule (U.K. Supp.—1957) in order to conform such concessions to the provisions of section 2 of Public Law 86-795 (74 Stat.1052),

(b) The concessions on woolen and worsted fabrics provided for in items 1108 and 1109(a) in Part I of Schedule XX (Geneva—1947), and in item 1109(a) in Part I of Schedule XX (Torquay—1951), whose modification was proclaimed by Proclamation No. 3387, of December 28, 1960 (25 F.R. 13945),

(c) The concessions on rubber-soled footwear provided for in second item 1530(e) in Part I of Schedule XX (Geneva—1947), and in item 1530(e) in Part I of Schedule XX (Japan—1955) in order to conform such concessions to the provisions of section 1 of Public Law 85-454 (72 Stat. 185), and

(d) The concessions on spring clothespins provided for in the first item 412 in Part 1 of Schedule XX (Annecy—1949);

6. WHEREAS Article XXVIII of the General Agreement provides that a contracting party may, pursuant to procedures provided for therein, modify or withdraw concessions in its Schedule to that Agreement, while at the same time endeavoring to maintain the general level of reciprocal and mutually advantageous concessions;

7. WHEREAS, acting under and by virtue of the authority vested in him by section 350 of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364(c)), and in accordance with Article XIX of the General Agreement, the President proclaimed the following action:

(a) By Proclamation No. 3212, of November 29, 1957 (72 Stat. (pt. 2) C16), the modification of the concessions on safety pins provided for in item 350 in Part I of Schedule XX (Geneva—1947),

(b) By Proclamation No. 3235, of April 21, 1958 (72 Stat. (pt. 2) C35), the withdrawal of the concessions on clinical thermometers provided for in item 218(a) in Part I of Schedule XX (Torquay—1951),

(c) By Proclamation No. 3323, of October 20, 1959 (74 Stat. C15), the modification of the concessions on stainless-steel table flatware provided for in item 339 and item 355 in Part I of Schedule XX (Geneva—1947), in item 355 in Part I of Schedule XX (Annecy—1949), in item 355 in Part I of Schedule XX (Torquay—1951), and in item 339 in Part I of Schedule XX (Geneva—1956), and

(d) By Proclamation No. 3365, of August 23, 1960 (74 Stat. C85), the modification of the concessions on typewriter ribbon cloth provided for in the first and second items 904(a), item 904(b), and item 904(c) in Part I of Schedule XX (Geneva—1947) and in the first and second items 904(a), item 904(b), and item 904(c) in Part I of Schedule XX (Japan—1955);

8. WHEREAS Article XIX of the General Agreement provides for consultation with other contracting parties thereto having a substantial interest as exporters of the articles with respect to which action is being taken with a view to agreement being reached among all interested contracting parties;

9. WHEREAS judicial or administrative authorities of the United States have taken tariff classification action of the kind envisaged by paragraph 5 of Article II of the General Agreement which provides that, if as a result of judicial or administrative interpretation an imported article cannot be accorded the treatment which it had been contemplated such article would receive under the General Agreement, negotiations shall be conducted for compensatory adjustment;

10. WHEREAS reasonable public notice was given of the intention to conduct trade agreement negotiations under the General Agreement with foreign Governments which were contracting parties to that agreement and with other specified Governments, which contracting parties and other Governments include the Governments of all the countries referred to in the fourth recital of this Proclamation, or with instrumentalities of any such foreign Governments, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations was sought and obtained from the Department of State, Agriculture, Commerce, and Defense, and from other sources;

11. WHEREAS, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), I transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with the Governments referred to in the tenth recital of this Proclamation, and the Tariff Commission made investigations in accordance with section 3 and thereafter reported to me its determinations made pursuant to that section within the time specified therein;

12. WHEREAS, the period for the exercise of the authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended, having been extended by section 2 of the Trade Agreements Extension Act of 1958 (72 Stat. 673) until the close of June 30, 1962, as a result of the findings set forth in the fourth recital of this Proclamation, I, through my duly authorized representative, included paragraphs (1) and (3) in the agreement specified in clause (h) of the second recital hereof and entered into the following trade agreements,[1] each of which includes a schedule of United States concessions:

(a) Agreement between the United States and the Federal Republic of Germany providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of January 29, 1962, a copy of which is annexed to this Proclamation as Annex A,

(b) Agreement between the United States and Belgium, Luxembourg, and the Netherlands providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of January 29 and February 1, 1962, a copy of which is annexed to this Proclamation as Annex B,

(c) Agreement between the United States and Japan providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of February 9, 1962, a copy of which is annexed to this Proclamation as Annex C,

(d) Agreement between the United States and Denmark providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of January 26 and February 12, 1962, a copy of which is annexed to this Proclamation as Annex D,

(e) Agreement between the United States and the United Kingdom providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of January 26 and February 16, 1962, a copy of which is annexed to this Proclamation as Annex E,

(f) Interim Agreement between the United States and Denmark, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex F,

(g) Interim Agreement between the United States and Finland, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex G,

(h) Interim Agreement between the United States and Israel, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex H,

(i) Interim Agreement between the United States and New Zealand, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex I,

[1] The agreements contained in Annexes J, N, S, and T have been published in House Document 358, 87th Congress, 2d Session, at pages 225, 232, 14, and 159, respectively. The general provisions of, and schedules of United States concessions to, the agreements contained in all the annexes will be published in Treasury Decisions (Customs). These agreements will be published by the Department of State in Treaties and Other International Acts Series (TIAS) and United States Treaties (UST) after the United States schedules of concessions have taken effect.

(j) Interim Agreement between the United States and Norway, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex J,

(k) Interim Agreement between the United States and Pakistan, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex K,

(l) Interim Agreement between the United States and Peru, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex L,

(m) Interim Agreement between the United States and Portugal, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex M,

(n) Interim Agreement between the United States and Sweden, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex N,

(o) Interim Agreement between the United States and Switzerland, of March 5, 1962, a copy of which is annexed to this Proclamation as Annex O,

(p) Interim Agreement between the United States and Austria, of March 6, 1962, a copy of which is annexed to this Proclamation as Annex P,

(q) Agreement between the United States and Italy providing compensatory concessions under the General Agreement for certain tariff action taken by the United States, of December 8 and 9, 1961, and March 7, 1962, a copy of which is annexed to this Proclamation as Annex Q,

(r) Interim Agreement between the United States and Canada, of March 7, 1962, a copy of which is annexed to this Proclamation as Annex R,

(s) Interim Agreement between the United States and the European Economic Community, of March 7, 1962, a copy of which is annexed to this Proclamation as Annex S, and

(t) Interim Agreement between the United States and the United Kingdom, of March 7, 1962, a copy of which is annexed to this Proclamation as Annex T;

13. WHEREAS, under the authority of section 350(a)(3)(D) of the Tariff Act of 1930, as amended, I have determined that, in the case of those modifications of existing duties proclaimed in this Proclamation which, within the limitations of that section, reflect decreases in duties exceeding the limitations specified in section 350(a)(4)(A) or 350(a)(4)(B), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned;

14. WHEREAS I have made the determination regarding the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate) and regarding the representative period, under the authority of section 350(a)(3)(D) or 350(a)(4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) thereof, in the case of each modification of an existing duty proclaimed in this Proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402);

15. WHEREAS each agreement specified in clauses (f) to (p), inclusive, and (r) to (t), inclusive, of the twelfth recital of this Proclamation provides that the concessions set forth in the schedule of United States concessions shall, except as otherwise provided for in that schedule, take effect thirty days after the date upon which the United States has notified the other party to the agreement of its intention to put such concessions into effect, subject to the right of the United States to suspend or withdraw in whole or in part the concessions set forth in such schedule until the other party to the agreement gives such a notification with respect to its schedule of concessions;

16. WHEREAS I find that the modifications of existing duties and other import restrictions of the United States and the continuance of existing customs and excise treatment of articles imported into the United States (a) provided for in each agreement specified in clauses (f) to (p), inclusive, and (r) to (t), inclusive, of the twelfth recital of this Proclamation will be required or appropriate to carry out that agreement, except that it will be required or appropriate that the agreement specified in clause (1) of the twelfth recital be applied as though the words "for consumption" were inserted following the word "Entered" in item 765 in the United States Schedule to that agreement, on and after the thirtieth day following the date of the notification thereunder by the United States referred to in the fifteenth recital hereof, and (b) provided for in paragraphs (1) and (3) of the agreement specified in clause (h) of the second recital hereof and in each of the agreements specified in clauses (a) to (e), inclusive, and (q) of the twelfth recital hereof will be required or appropriate to carry out that agreement on and after July 1, 1962, or such earlier date as may be notified by the President to the Secretary of the Treasury and published in the FEDERAL REGISTER;

17. WHEREAS I determine that, either as a result of the proclamation hereinafter of the modifications and continuance required or appropriate to carry out agreements specified in the twelfth recital of this Proclamation, or because of the need for greater accuracy, it will be required or appropriate to carry out the General Agreement and agreements supplementary thereto that on and after the following dates the lists set forth in the sixteenth recitals of the proclamations specified in clauses (d) and (e) of the third recital hereof be modified as follows:

(a) Modifications of the list set forth in the sixteenth recital of the proclamation specified in clause (d) of the third recital of this Proclamation:

(i) On and after the date of this Proclamation:

Item	*Modification of List*
397 [added by Part II(b)(ii) of Proclamation specified in clause (e) of third recital hereof]	Modification of Description of Products to read: "Articles or wares not specially provided for, whether partly or wholly manufactured, plated with, but not in chief value of, gold",

(ii) On or after the date specified in clause (b) of the sixteenth recital of this Proclamation:

Item	*Modification of List*
412	Deletion of the item.

(iii) On or after the date specified in clause (b) of the sixteenth recital of this Proclamation, unless the modification provided for in (iv) of this clause has by then become effective:

Item	*Modification of List*
1551 [second]	Insertion at the end of the Description of products of: "(except feature films of 4,000 linear feet or more)",

(iv) On and after the thirtieth day following the notification by the United States referred to in clause (a) of the sixteenth recital hereof made under the agreement specified in clause (t) of the twelfth recital hereof:

Item	*Modification of List*
1551 [first]	Deletion of: "Exposed and developed 2.7¢ per lin. ft."
1551 [second]	Deletion of this item, and

(b) Modification of the list set forth in the sixteenth recital of the proclamation specified in clause (e) of the third recital hereof on and after the thirtieth day following the notification by the United States referred to in clause (a) of the sixteenth recital hereof made under the agreement specified in clause (n) of the twelfth recital hereof:

Item	*Modification of List*
1406	Deletion of "labels and flaps 21¢ per lb.";

18. WHEREAS on and after the day specified in clause (b) of the sixteenth recital of this Proclamation, as a result of the proclamation hereinafter of the modifications and continuance required or appropriate to carry out paragraphs (1) and (3) of the agreement specified in clause (h) of the second recital of this Proclamation and of the agreements specified in clauses (b) and (d) of the twelfth recital hereof, the first and second proclamations specified in clause (b) of the third recital of this Proclamation, insofar as they give effect to the concessions provided for in item 412 in Part I of the agreement specified in clause (b) of the second recital hereof, and the proclamation specified in clause (g) of the third recital hereof will no longer be required or appropriate to carry out a trade agreement;

19. WHEREAS the modification of the concessions provided for in the item specified in clause (d) of the fifth recital of this Proclamation, hereinafter proclaimed to carry out item 412 in the schedule annexed to the agreement specified in clause (d) of the twelfth recital hereof, will provide for articles specified in such items the same rate of duty as was found by the President in the seventh recital of the third proclamation specified in clause (b) of the third recital hereof to be necessary to remedy serious injury to the domestic industry producing like products, and consequently, on and after the day specified in clause (b) of the sixteenth recital hereof that proclamation will no longer be required to remedy such serious injury; and

20. WHEREAS section 350(a)(6) of the Tariff Act of 1930, as amended, authorizes the President to terminate, in whole or in part, any proclamation made pursuant to that section:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, do proclaim:

PART I.

To the end that foreign trade agreements, including particularly the General Agreement and the agreements specified in clause (h) of the second recital of this Proclamation and in the twelfth recital hereof, may be carried out:

1. Subject to the provisions of paragraph 2 of this Part, and to the exception, with respect to item 765 in the United States schedule to the agreement specified in clause (1) in the twelfth recital, set forth in clause (a) of the sixteenth recital hereof, such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as are specified or provided for in paragraphs (1) and (3) of the agreement specified in clause (h) of the second recital of this Proclamation and in the general provisions of, and schedules of United States concessions to, the agreements specified in the twelfth recital of this Proclamation, effective as to articles entered for consumption or withdrawn from warehouse for consumption as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in a schedule of the United States to an agreement specified in this paragraph or, in any case in which there are two such rates in column A, the first such rate:

(i) In the case of a rate specified in the schedule to an agreement specified in clause (h) of the second recital of this Proclamation or in clause (a), (b), (c), (d), (e), or (q) of the twelfth recital hereof, on and after the date specified in clause (b) of the sixteenth recital hereof, and

(ii) In the case of a rate specified in any other agreement specified in the twelfth recital hereof, on and after the date referred to in the fifteenth recital hereof with respect to such agreement, which date shall be notified by the President to the Secretary of the Treasury and published in the FEDERAL REGISTER, and

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in a schedule of the United States to an agreement specified in this paragraph and, in any case in which there are two rates specified in column A at the right of the description, the second such rate: on and after the appropriate date determined in accordance with the provisions of the General Notes at the end of that schedule.

2. The application of the provisions of paragraph 1 of this Part shall be subject to:

(a) The applicable terms, conditions, and qualifications set forth in the agreements specified in clause (h) of the second recital of this Proclamation and in the twelfth recital hereof, including the rights of suspension or withdrawal of concessions referred to in the fifteenth recital hereof, in Parts I, II, and III of the General Agreement, in Annexes D, H, and I thereof and Schedules XX thereto, and in the agreement specified in clause (a) of the second recital hereof, including such supplementations of the foregoing as may be in effect with respect to the United States.

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered for consumption or withdrawn from warehouse for consumption, more favorable customs treatment is prescribed for the article by (i) a proclamation pursuant to section 350 of the Tariff Act of 1930, as amended, or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to March 7, 1962.

3. On and after the applicable dates provided for in the seventeenth recital of this Proclamation the lists set forth in the sixteenth recitals of the proclamations specified in clauses (d) and (e) of the third recital hereof shall be modified as provided for in the seventeenth recital hereof.

PART II.

On and after the day specified in clause (b) of the sixteenth recital of this Proclamation the proclamations specified in the eighteenth and nineteenth recitals hereof shall be terminated in whole or in part to the extent it is stated in such recitals that their continuation will no longer be required or appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of April in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4386; Filed, May 2, 1962; 11:26 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1112; Amdt. 434]

PART 507—AIRWORTHINESS DIRECTIVES

General Electric Engines Models CJ805-3, -3A and -3B

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement or modification of the thrust reverser pump in General Electric CJ805-3, -3A and -3B engines was published in 27 F.R. 2573.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to all CJ805-3, -3A and -3B engines equipped with GE P/N 105R684P5 or 105R684P6 thrust reverser actuating pumps.

Compliance required at next engine overhaul.

Instances of thrust reverser pump failure have occurred causing the reverser to be inoperative and resulting in asymmetric power conditions upon application of reverse thrust during the aircraft landing roll. To correct this unsafe condition replace reverser pumps GE P/N's 105R684P5 and 105R684P6 with GE P/N 105R684P10 reverser pump, or modify the reverser pumps to conform to the P/N 105R684P10 by reducing the width of the pump drive gears and enlarging the size of the pump shaft oil seal vent in accordance with GE Service Bulletins Nos. (3B)78-1 and (3)78-16. Pumps so modified shall be reidentified as P/N 105R684P10.

This amendment shall become effective June 4, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4289; Filed, May 2, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1193) stating that the Federal Aviation Agency proposed to realign a segment of VOR Federal airway No. 68 from the San Antonio, Tex., VORTAC via the intersection of the Alice, Tex., VOR 350° and the Corpus Christi, Tex., VORTAC 313° True radials to the Corpus Christi VORTAC.

The Department of the Army and the Air Transport Association of America offered no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In the text of § 600.6068 (14 CFR 600.6068) "San Antonio, Tex., omnirange station intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 321° True radials; Corpus Christi, Tex., omnirange station;" is deleted and "San Antonio, Tex., VORTAC; INT of the Alice, Tex., VOR 350° and the Corpus Christi, Tex., VORTAC 313° radials; Corpus Christi VORTAC;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4290; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 61-SW-108]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 20, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1566) stating that the Federal Aviation Agency was considering the extension of Intermediate altitude VOR Federal airway No. 1746 from the Texico, Tex., VOR to the Anton Chico, N. Mex., VOR and the realignment of Intermediate altitude VOR Federal airway No. 1532 to overlie the Anton Chico VOR.

No adverse comments were received regarding the proposed alterations.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.1532 [Amendment]

1. In the text of § 600.1532 (26 F.R. 1084, 8626, 9155) "Albuquerque VOR; Tucumcari, N. Mex., VOR;" is deleted and "Albuquerque VOR; Anton Chico, N. Mex., VOR; Tucumcari, N. Mex.;" is substituted therefor.

2. Section 600.1746 (26 F.R. 1093) is amended to read:

§ 600.1746 VOR Federal airway No. 1746 (Anton Chico, N. Mex., to Bridgeport, Tex.).

From the Anton Chico, N. Mex., VOR 12-mile wide airway to the Texico, Tex., VOR; thence 10-mile wide airway to the INT of the Texico VOR 117° and the Lubbock, Tex., VOR 008° radials; thence via the Guthrie, Tex., VOR to the Bridgeport, Tex., VOR.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4291; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-67]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1074) stating that the Federal Aviation Agency proposed to realign VOR Federal airway No. 210 from the Farmington, N. Mex., VORTAC via the intersection of the Farmington VORTAC 086° and the Alamosa, Colo., VOR 232° True radials; to the Alamosa VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6210 (14 CFR 600.6210, 26 F.R. 8626, 11727) "INT of the Farmington VORTAC 090° and the Alamosa, Colo., VOR 232° radials;" is deleted and "INT of the Farmington VORTAC 086° and the Alamosa, Colo., VOR 232° radials;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4292; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-23]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways

The purpose of these amendments is to change the name of the Tri City, Tenn., VOR to the Holston Mountain, Tenn., VOR wherever it appears in Parts 600 and 601. This VOR is located on Holston Mountain at a site 2841 feet above the airport elevation and is designated for en route navigation and not for approaches to Tri City Airport. Pilots unfamiliar with the surrounding terrain and using the VOR for locating Tri City Airport during marginal weather conditions could conceivably not see Holston Mountain in time to avoid it. Therefore, this action is taken to disassociate the VOR from Tri City Airport.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In the caption and/or text of the following sections "Tri City" is deleted wherever it appears and "Holston Mountain" is substituted therefor.

1. Section 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852).
2. Section 600.6035 (14 CFR 600.6035).
3. Section 600.6053 (14 CFR 600.6053).
4. Section 600.6259 (26 F.R. 8628).
5. Section 600.6875 (26 F.R. 21, 8246).
6. Section 600.6881 (26 F.R. 8169).
7. Section 600.1511 (26 F.R. 1082).
8. Section 600.1548 (26 F.R. 1086, 4052).
9. Section 600.1667 (26 F.R. 1090).
10. Section 601.7001 (14 CFR 601.7001).

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4293; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-54]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2500 of the regulations of the Administrator is to alter the Miles City, Mont., control zone.

The Miles City control zone is presently designated, in part, based on the Miles City radio range. The Federal Aviation Agency has scheduled the conversion of the Miles City radio range to a nondirectional radio beacon on May 31, 1962. Accordingly, action is taken herein to substitute the 254° True bearing from the Miles City radio beacon for the southwest course of the Miles City radio range in the description of the control zone.

Since the change effected by this amendment is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2500 (14 CFR 601.2500) is amended to read:

§ 601.2500 Miles City, Mont., control zone.

Within a 5-mile radius of the Miles City, Mont., Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles either side of a 254° bearing from the Miles City RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles either side of the Miles City VORTAC 225° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4294; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-230]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On February 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1324) stating that the Federal Aviation Agency (FAA) proposed to designate an en route radar jet advisory area from flight level 310 to flight level 390 inclusive, and within 16 miles either side of the segment of Jet Route No. 91 from the Knoxville, Tenn., VORTAC to the Charleston, W. Va., VORTAC.

The Air Transport Association of America strongly endorsed the proposal and stated that it was their understanding that as soon as additional radar coverage becomes available the base of the radar advisory area on this segment of J-91 will be lowered to flight level 240. As soon as additional radar coverage is available the FAA will propose lowering the base of this radar advisory area to flight level 240. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.200 *Enroute jet advisory areas* (26 F.R. 7082) is amended by adding the following:

Jet Route No. 91 jet advisory area.

Radar—Knoxville, Tenn., to Charleston, W. Va., excluding the airspace below flight level 310.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4295; Filed, May 2, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-104]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area/Military Climb Corridor

On February 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1659), stating the Federal Aviation Agency was considering an amendment to § 608.40 to increase the lateral dimensions of the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor, R-4003 to provide for a scramble procedure via the 051° True radial of the Andrews AFB TACAN. This alteration will provide protection for both TACAN and VOR equipped air defense aircraft while operating within the restricted area/military climb corridor.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In § 608.40 *Maryland* (14 CFR 608.40) the Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor R-4003 is amended to read:

R-4003 Camp Springs, Md. (Andrews AFB):

Boundaries. The area based on the 053° True radial of the Andrews AFB VOR extending from 5 miles NE of the airbase (latitude 38°48'40" N., longitude 76°52'05" W.) to 32 miles NE of the airbase, having a width of 2 miles SE and 2.3 miles NW of the 053° True radial at the beginning and a width of 2.3 miles either side of the 053° True radial at the outer extremity.

Designated altitudes. 2,280 feet MSL to 15,280 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase. 2,280 feet MSL to flight level 243 from 6 to 7 miles NE of the airbase. 2,280 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase. 6,280 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase. 10,280 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase. 15,280 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase. 19,280 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Andrews Approach Control.

Using agency. Commander, Andrews AFB, Md.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4296; Filed, May 2, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55609]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Miscellaneous Amendments

APRIL 23, 1962.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the limits of the customs port of entry of Sitka, Alaska, in Customs Collection District No. 31 (Alaska), which now comprise the corporate limits of the city of Sitka, Alaska, are hereby extended to include all of the area within the boundaries of the Sitka Townsite, together with the shores and waters of Starrigavan Bay lying adjacent to such boundary on the north, and all that area lying west of such boundary bounded by a line beginning at the intersection of Sitka Highway and the Sitka Townsite boundary; thence northeast along Sitka Highway and Sawmill Creek to intersection with Blue Lake; thence in a direct line south to Light Station Pluto at north latitude 57°02'05", west longitude 135°11'50"; thence in a direct line west to point of beginning.

This extension is effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting the parenthesis and period at the end of the parenthetical material appearing after "*Sitka" in the column headed "Ports of Entry" in District No. 31 (Alaska), and adding "; including territory described in T.D. 55609)."

Public Law 86-362, approved September 22, 1959, provides that if a holiday falls on a Saturday, the day immediately preceding such Saturday shall be observed. In order to correctly reflect this fact, the last sentence of footnote 7 to Part 1 of the Customs Regulations is deleted and the following substituted therefor:

If a holiday falls on Saturday the day immediately preceding such Saturday will be observed (5 U.S.C. 87c). Other days may be designated as national holidays by Executive Order of the President.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-4312; Filed, May 2, 1962; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 881—PERSONNEL REVIEW BOARDS

Air Force Discharge Review Board; Air Force Disability Review Board

Sections 881.16 to 881.25 and 881.30 to 881.38 (14 F.R. 6946, November 16, 1949, as amended at 14 F.R. 7620, December 21, 1949, 20 F.R. 3026, May 5, 1955, 20 F.R. 7215, September 28, 1955, and 22 F.R. 667, February 1, 1957) are rescinded and §§ 881.100 to 881.109 and 881.200 to 881.208 respectively, are inserted in lieu thereof:

AIR FORCE DISCHARGE REVIEW BOARD

Sec.
881.100 Constitution and purpose.
881.101 Jurisdiction and authority.
881.102 Application for review.
881.103 Convening of Board.
881.104 Hearings.
881.105 Findings and conclusions.
881.106 Disposition of proceedings.
881.107 Action upon proceedings.
881.108 Consideration on the Board's own motion.
881.109 Rehearings.

AUTHORITY: §§ 881.100 to 881.109 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 301, 302, 58 Stat. 286, as amended, 287, as amended; 38 U.S.C. 693h, 693i.

SOURCE: AFR 14-9, Aug. 31, 1949; AFR 14-9A, Dec. 6, 1949; 14-9A, July 26, 1955.

§ 881.100 Constitution and purpose.

The Air Force Discharge Review Board (hereinafter referred to as the Board) is an administrative agency established within the Department of the Air Force pursuant to section 301 of the Serviceman's Readjustment Act of 1944, as amended (58 Stat. 286, as amended; 38 U.S.C. 693h), Transfer Order 16 (13 F.R. 3461), to review, upon its own motion or upon application by or on behalf of the individual concerned, the type and nature of his discharge or dismissal, except a discharge or dismissal by reason of the sentence of a general court-martial.

§ 881.101 Jurisdiction and authority.

(a) The Board has jurisdiction and authority in cases of former personnel who, at the time of their separation from the service, were members of the Aviation Section, Signal Corps, United States Army; the Air Service, United States Army; the Air Corps, United States Army; the Army Air Forces; or the United States Air Force. However, Army personnel of other arms and services who, at the time of their separation from the service, were assigned to duty with the Army Air Force or the United States Air Force, are excluded from such jurisdiction and authority.

(b) The scope of the inquiry of the Board will be to determine whether the type of discharge received was equitably and properly given. When the Board determines in an individual case that the type of discharge was not equitably given, it is authorized, in the manner herein prescribed, to direct the Air Adjutant General or the Director of Military Personnel to change, correct, or modify any discharge or dismissal; such direction being subject to review and modification by the Secretary of the Air Force. The remedial action is intended primarily to insure that no discharged or dismissed former member will be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(c) The Board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

§ 881.102 Application for review.

(a) Application for review will be submitted in writing by the former member on DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the United States) which may be obtained from the Air Adjutant General, Headquarters, United States Air Force, Attention: Publishing Division, Washington 25, D.C. The application will be accompanied by a copy of the certificate of discharge in question, together with such other affidavits and evidence as the applicant desires to present. The application will reveal the full name, grade, and service number of the applicant; his organization or assignment at date of discharge; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what conclusive action is desired of the Board; whether the applicant desires to appear personally before the Board; whether the applicant desires to be represented before the Board by counsel; the name and address of designated counsel; and the address to which all correspondence in connection with the review is to be forwarded.

(b) If the former member is deceased, the application may be signed by the surviving spouse, next of kin, or legal representative, but proof of death must accompany the request. If the former is mentally incompetent, his or her spouse, next of kin, or legal guardian may execute the application form but the request must be accompanied by proof of the mental incompetency.

(c) No application for review will be granted unless received by the Department of the Air Force prior to June 22, 1959, or within 15 years after the effective date of the discharge or dismissal of the former service man or woman concerned, whichever date is the later.

(d) Former enlisted personnel will forward the application for review to:

Demobilized Personnel Records Branch,
4300 Goodfellow Boulevard,
St. Louis 20, Mo.

(e) Former officer personnel will forward the application for review to:

Director of Military Personnel,
Headquarters, United States Air Force,
Washington 25, D.C.

(f) Upon receipt of an application for review, the appropriate agency will assemble the originals or official copies of all available military records pertaining to the former service man or woman named in the application. The records, together with the application and any supporting documents, will be transmitted to the Board.

§ 881.103 Convening of Board.

(a) The Board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(b) Unless otherwise directed by its president, the Board will convene in Washington, D.C., at the time and place indicated by him.

(c) The board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to the Board, including any briefs submitted by or on behalf of the applicant.

§ 881.104 Hearings.

(a) An applicant for review, upon request, is entitled by law to appear before the Board in open session either in person or by counsel of his own selection. As used in the regulations contained in §§ 881.100 to 881.109, the term "counsel" will be construed to include members in good standing of the Federal bar and/or the bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (49 Stat. 2031, 38 U.S.C. 101), and any other person who, in the opinion of the Board, is considered to be competent to present equitably and comprehensively the claim of the applicant. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(b) In every case in which a hearing is requested the Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. The notice will be mailed at least 30 days prior to the date of hearing. The applicant may waive the time limit and an earlier hearing date may be set by the Board. The record will contain evidence that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(c) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present.

(d) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, as above described, the appropriate official, at the request of the Board, will prepare a summary of or extract from the document, deleting those references to sources of information and other matter the disclosure of which, in his opinion would be detrimental to the public interest. The summary then may be made available, with or without classification to the applicant or his counsel.

(e) In the conduct of its inquiries, the Board will not be limited by the restrictions of common law rules of evidence.

(f) The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he will be subject to examination by members of the Board.

(g) The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted, in the Board's discretion, if a continuance appears necessary to insure a full and fair hearing.

(h) The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his request for review without prejudice at any time before the Board begins its deliberations.

(i) Expenses incurred by the applicant or his witnesses will not be paid by the Government.

§ 881.105 Findings and conclusions.

(a) The Board will make written findings in closed session in each case.

(b) On the basis of its findings in each case the Board, in closed session, will prepare written conclusions as to whether corrective action should be taken by the Department of the Air Force with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the Board, as defined in § 881.101, will be taken.

(c) The findings and conclusions of a majority of the Board will constitute the findings and conclusions of the Board.

§ 881.106 Disposition of proceedings.

(a) When the Board has concluded its proceedings in any case, the recorder will prepare a complete record thereof. Such record will include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the Board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the Board; the directions of the Board; any minority report prepared by dissenting members of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president and authenticated by the recorder as being true and complete. In the event of the absence or incapacity of the recorder, the record may be authenticated by a voting member of the Board.

(b) Normally all records of proceedings of the Board will be without classification and will be open to perusal by the Administrator of Veterans Affairs or his duly authorized representative.

(c) Upon written request from the applicant, his guardian or legal representative, the Air Adjutant General or Director of Military Personnel will furnish a copy of the proceedings of the Board, including the findings and conclusions of the Board. If it should appear that furnishing such information would prove injurious to the physical or mental health of the applicant, the information will be furnished only to the guardian or legal representative of the applicant.

§ 881.107 Action upon proceedings.

The record of proceedings in each case, including a transcript of the testimony before the Board, will be transmitted in duplicate by the Board to the Air Adjutant General (cases involving enlisted personnel) or to the Director of Military Personnel (cases involving officer personnel) for appropriate Department of the Air Force action to carry out the directions of the Board. The Air Adjutant General or Director of Military Personnel will perform such administrative acts as may be necessary and thereafter will notify the applicant and his counsel, if any, of the action taken.

§ 881.108 Consideration on the Board's own motion.

The Board may on its own motion consider a case, which appears on the face of the record likely to result in a favorable decision without the knowledge or presence of the individual concerned. If consideration results in a favorable decision the Air Adjutant General or Director of Military Personnel will be directed to notify the former member at his last known address. If such a case does not result in a decision favorable to the individual, it will be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the individual.

§ 881.109 Rehearings.

After the Board has reviewed a case and its findings and decision have been rendered, the case normally will not be reconsidered except on the basis of new, pertinent, and material evidence, which might reasonably be expected to cause findings and decision other than those rendered as the result of the original review. An application for rehearing must be made within a reasonable time after the discovery of the new evidence, mentioned above, and the request for rehearing must be accompanied by such new evidence and by a showing that the applicant was duly diligent in attempting to secure all available evidence for presentation to the Board when his case was reviewed previously and that the reason for the delay in discovering such new evidence was not due to fault or neglect on the part of the applicant. Application for rehearing may be submitted in letter form.

AIR FORCE DISABILITY REVIEW BOARD

Sec.
881.200 Constitution and purpose.
881.201 Jurisdiction and authority.
881.202 Application for review.
881.203 Convening of Review Board.
881.204 Hearings.
881.205 Findings and conclusions.
881.206 Disposition of proceedings.
881.207 Action upon proceedings.
881.208 Rehearings.

AUTHORITY: §§ 881.200 to 881.208 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 301, 302, 58 Stat. 286, as amended, 287, as amended; 38 U.S.C. 693h, 6931.

SOURCE: AFR 36-29, Sept. 29, 1943, and AFR 36-29B, Aug. 16, 1956.

§ 881.200 Constitution and purpose.

The Air Force Disability Review Board (referred to in this part as the Review Board) is an administrative agency established within the Department of the Air Force pursuant to section 302 of the Serviceman's Readjustment Act of 1944, as amended (58 Stat. 287, as amended; 38 U.S.C. 6931), Transfer Order 16 (13 F.R. 3461), to review, at the request of an officer retired or released from active service, without pay for physical disability pursuant to the decision of a retiring board, disposition board or physical evaluation board, the findings and decisions of such board.

§ 881.201 Jurisdiction and authority.

(a) The Review Board has jurisdiction and authority in cases of officers who, at the time of their separation or release from active service, were members of the Aviation Section, Signal Corps, United States Army; the Air Service, United States Army; the Air Corps, United States Army; the Army Air Forces; or the United States Air Force. However, Army personnel of other arms and services who, at the time of their separation from the service, were assigned to duty with the Army Air Forces or the United States Air Force, are excluded from such jurisdiction and authority.

(b) Upon timely application therefor, the Review Board is authorized to review the proceedings and findings of boards referred to in § 881.200 and to receive additional evidence bearing thereon. The Review Board is charged with the duty, in cases within its jurisdiction, of ascertaining whether an applicant for review, who was separated from the service or released to inactive service without pay for physical disability, incurred physical disability in line of duty or as an incident of the service. When the Review Board determines in an individual case within its jurisdiction that physical disability was so incurred, it is authorized to reverse prior findings in the case and to make such findings in lieu thereof as are warranted by the evidence or pertinent regulations. Such remedial action is intended primarily to insure that no officer separated from the service or returned to an inactive status without pay, for disability, will be deprived unjustly of retirement pay benefits, or retired status and retired pay, as the case may be, by reason of erroneous findings.

(c) In carrying out its duties the Review Board will have the same powers as exercised by, or vested in, the board whose findings and decisions are being reviewed.

§ 881.202 Application for review.

(a) Any officer desiring a review of his case will make a written application therefor on AF Form 436, "Application for Review of Department of the Air Force Retiring Board Proceedings," and AF Form 436a, "Supplement to Application for Review of the Department of the Air Force Retiring Board Proceedings."

(b) An application for review will not be granted unless received by the Department of the Air Force prior to June 22, 1959, or within 15 years after the date on which the officer was separated from the service or released to inactive service, without pay, for physical disability, whichever date is later.

(c) Upon receipt of an application for review, the Director of Military Personnel will note thereon the time of receipt thereof and, in cases where the jurisdiction for review by the Review Board is established, will assemble the originals or certified copies of all available service and/or other records pertaining to the health and physical condition of the applicant, including the record of the proceedings and findings of all retiring, disposition, and physical evaluation boards in question and the records of all administrative and/or executive action taken thereon. The records, together with the application and any supporting documents submitted therewith, will be transmitted to the president of the Review Board.

§ 881.203 Convening of Review Board.

(a) The Review Board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(b) Unless otherwise directed by its president, the Review Board will convene in Washington, D.C., at the time and place indicated by him.

(c) The Review Board will assemble in open session for the consideration and determination of cases presented to it. After the conclusion of the hearing, the Review Board, as soon as practicable, will convene in closed session for determination.

§ 881.204 Hearings.

(a) An applicant for review, upon request, is entitled by law to appear before the Review Board in open session either in person or by counsel of his own selection. Witnesses will be permitted to present testimony either in person or by affidavit. As used in the regulations contained in §§ 881.200 to 881.208, the term "counsel" will be construed to include members in good standing of the Federal bar and/or the bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (49 Stat. 2031; 38 U.S.C. 101), and any other person who, in the opinion of the Review Board, is considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(b) In every case in which a hearing is authorized, the Review Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice by registered mail stating the time and place of hearing. The notice will be mailed at least 30 days in advance of the date on which the case is set for hearing except in cases in which the applicant waives the right of personal appearance and/or representation by counsel. The notice will constitute compliance with the requirement of notice to applicant and his counsel.

(c) An applicant may waive his right to a personal hearing in writing or by his failure to appear in person or by counsel at the appointed time and place. In the event of a waiver of appearance, the board will nevertheless consider the case on the record.

(d) In the conduct of its inquiries, the Review Board will not be limited by the restrictions of rules of evidence.

(e) In a case wherein it is advisable and practicable, the Review Board, upon its own motion, may request any Armed Forces medical facility to detail one or more medical officers to make a physical examination of the applicant, if available, and report the examination results either in person or by affidavit. When testifying in person at a hearing, such medical witnesses will be subject to cross examination. Similarly, the medical members of the Review Board may examine the applicant, if available, and testify as witnesses concerning the results of the examination.

(f) Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person, by affidavit or by deposition, will not be paid by the Government.

(g) The Review Board may continue a hearing on its own motion. A request for continuance by the examiner or by or on behalf of the applicant may be granted, if in the Review Board's discretion, a continuance appears necessary to insure a full and fair hearing.

§ 881.205 Finding and conclusions.

(a) The Review Board will make findings in closed session in each case. Such findings will include a finding affirming or reversing the findings of the retiring, disposition, or physical evaluation board under review and of the administrative action taken subsequent thereto, specifying which of the findings and administrative actions are affirmed and which are reversed.

(b) In the event the Review Board reverses any of such original findings, the Review Board will then make substitute findings for those reversed so that the affirmed and substituted findings will aggregate the following complete findings:

(1) Whether the applicant was permanently disabled for active service at the time of his separation from the service or released to inactive service.

(2) The cause or causes of the disability.

(3) The approximate date of origin of each disabling defect.

(4) The date the officer become disabled for active service.

(5) Whether the cause or causes of the disability was or was not an incident of the service.

(6) Whether the cause or causes of the disability had been permanently aggravated by military service.

(7) Whether the disability for active service was or was not the result of an incident of the service.

(8) Whether the officer's disability was incurred in combat with an enemy of the United States.

(9) Whether the officer's disability, if incurred prior to January 1, 1951, resulted from an explosion of an instrumentality of war in line of duty, or whether the disability, if incurred subsequent to January 1, 1951, was caused by an instrumentality of war in line of duty.

(c) In the event the Review Board finds the officer permanently incapacitated for active service and that the incapacity was an incident of the service, it will make an additional finding specifying the grade in which the officer is entitled to be retired or to be certified for retirement pay benefits or the benefits provided by the Career Compensation Act of 1949 as amended (63 Stat. 802).

(d) The findings and conclusions of a majority of the Review Board will constitute the findings and conclusions of the Review Board, and when made, will be signed by the president of the Review Board and authenticated by the recorder.

§ 881.206 Disposition of proceedings.

(a) When the Review Board has concluded its proceedings in any case, the recorder will prepare a complete record thereof. The record will include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the Review Board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the Review Board; any minority report prepared by dissenting members of the Review Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the Review Board and authenticated by its recorder as being true and complete. In the event of the absence or incapacity of the recorder, the record may be authenticated by a participating member of the Review Board.

(b) Normally, all records of the proceedings of the Review Board will be without classification. Upon written request from the applicant, a copy of the proceedings of the Review Board, less any exhibits which may be impractical to reproduce, will be furnished by the custodian of the master personnel records. In cases where there is possible harm to the mental health of the applicant, a copy of the proceedings of the Review Board will be furnished to the guardian or legal representative upon written request. The copy of the proceedings furnished will include as a minimum the following:

(1) A copy of the order appointing the Review Board.

(2) The findings of the retiring board or physical evaluation board affirmed.

(3) The findings of the retiring board or physical evaluation board reversed.

(4) The findings of the Review Board.

(5) The conclusions which were made by the Review Board. Subject to the foregoing restrictions and upon request of the applicant or, in cases where there is possible harm to the mental health of the applicant, upon request of the guardian or legal representative, the custodian of the master personnel records will make available for inspection a record of the proceedings of any case reviewed by the Review Board.

§ 881.207 Action upon proceedings.

When the Review Board has completed the proceedings and has arrived at its decision, the proceedings, together with the Review Board's decision, will be transmitted to the Director of Military Personnel for appropriate Department of the Air Force action. The Director of Military Personnel, in the name of the President of the United States, will indicate on the record of such proceedings and decision the President's approval or disapproval of the action of the Review Board, will perform the necessary administerial acts, and thereafter will notify the applicant and/or his counsel of the action taken.

§ 881.208 Rehearings.

(a) After the Review Board has reviewed a case and its findings and decision have been approved, the case normally will not be reconsidered, except on the basis of new, pertinent, and material evidence which might reasonably be expected to cause findings and decision other than those rendered as the result of the original review.

(b) Any officer desiring a rehearing of his case will make a written application therefor on AF Form 437, "Application for Review of Findings of the Department of the Air Force Disability Review Board."

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-4287; Filed, May 2, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-378]

PART 1—PRACTICE AND PROCEDURE

PART 19—CITIZENS RADIO SERVICE

Miscellaneous Amendments

In the matter of revision of FCC Form 505[1] to limit its use to applications for license of Class B, Class C, or Class D stations in the Citizens Radio Service; requiring applications for Class A station licenses to be made on FCC Form 400; and amendment of Parts 1 and 19 of the Commission's rules to conform them with the above changes.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned matters;

It appearing that the information required for the processing of applications for Class A station licenses in the Citizens Radio Service is in many ways similar to that necessary for processing applications for station licenses, other than microwave, in the Public Safety, Industrial and Land Transportation Radio Services, and is considerably more and different from that required to process applications for Class B, Class C or Class D station licenses in the Citizens Radio Service; and

It further appearing that it is therefore desirable to have applications for Class A station license filed on the FCC Form 400 which is used to apply for station licenses, other than microwave, in the Public Safety, Industrial, and Land Transportation Radio Services; and

It further appearing that, it is also desirable to revise FCC Form 505 in order to simplify and clarify it for use by applicants for Class B, Class C or Class D station licenses only; and

It further appearing that these changes will result in more efficient processing of applications for licenses in the Citizens Radio Service, and hence, in the public interest; and

It further appearing that certain nonsubstantive changes are necessary in Parts 1 and 19 of the Commission's rules to reflect the changes in the forms and use thereof; and

It further appearing that since there are thousands of the existing FCC Forms 505, dated September 1958 and printed by both the government and private companies, now in the hands of the public, equipment manufacturers or packed with equipment on the dealers' shelves, a transition period during which both the old and the new revised forms will be accepted is necessary to avoid the return of numerous applications as defective; and

It further appearing that the matters herein ordered do not involve any substantive rule changes requiring compliance with the public notice and rule making procedures provisions of section 4 (a) and (b) of the Administrative Procedure Act; and

It further appearing that authority for the matters herein ordered is contained in sections 4(i), 303, and 309(h) of the Communications Act of 1934, as amended;

It is ordered, That effective June 30, 1962;

1. The revised FCC Form 505 "Application for Class B, C, or D Station License in the Citizens Radio Service" is hereby adopted.

2. The use of the FCC Form 400 "Application for Radio Station Authorization in the Safety and Special Radio Services" when filing for a Class A station license in the Citizens Radio Service is hereby required.

3. Parts 1 and 19 of the Commission's rules are amended, as set forth below.

4. Applicants for Class B, C or D station licenses may use the revised FCC Form 505 as soon as it becomes available but applications for such station licenses filed on the September 1958 version of the form will continue to be accepted until December 31, 1962. Applications received by the Commission after such date, on other than the revised FCC Form 505, will be considered defective and returned to the applicant.

5. Applications for Class A station licenses may be filed on the FCC Form 400 immediately. Any application for such a station license filed after September 1, 1962 not on a Form 400, will be considered defective and returned to the applicant.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; sec. 309, 48 Stat. 1085, 47 U.S.C. 303, 309)

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Amendment to Part 1, Practice and Procedure.

1. Section 1.502 is amended by redesignating the present paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 1.502 Where the applications are to be filed.

* * * * *

(d) All formal applications for Class B, Class C, or Class D station licenses in the Citizens Radio Service shall be mailed to, or filed in person at, the Commission's office at 334 York Street, Gettysburg, Pennsylvania. Any special requests or applications for special temporary authority concerning a Class B, C, or D station and all applications for Class A station licenses shall be filed in accordance with paragraph (e) of this section.

§ 1.522 [Amendment]

2. Section 1.522 is amended by deleting from the table of forms the entry "505—Application for Citizens Radio License" and by inserting a new entry in lieu thereof to read "505—Application for Class B, C, or D Station License in the Citizens Radio Service."

3. Section 1.524(b) (2) (iv) is amended to read as follows:

§ 1.524 Assignment or transfer of control voluntary and involuntary.

* * * * *

(b) * * *
(2) * * *

(iv) FCC Form 505 "Application for Class B, C, or D Station License in the Citizens Radio Service" for consent to transfer of control of corporation holding a Class B, Class C, or Class D station license in the Citizens Radio Service. FCC Form 400 "Application for Radio Station Authorization in the Safety and Special Radio Services" for consent to transfer of control of corporation holding a Class A station license in the Citizens Radio Service.

4. Section 1.526(b)(10) is amended and a new subparagraph (11) is added to read as follows:

§ 1.526 Application for renewal of license.

* * * * *

(b) * * *

(10) Application for renewal of Class B, Class C, or Class D station license in the Citizens Radio Service shall be submitted on FCC Form 505.

(11) Application for renewal of Class A station license in the Citizens Radio Service shall be submitted on FCC Form 400.

5. Section 1.531(b) is amended to read as follows:

§ 1.531 Application for extension of construction permit.

* * * * *

(b) Application for extension of time within which to construct a station in Public Safety, Industrial and Land Transportation Radio Service shall be submitted on FCC Form 400–A; in the Aviation Services on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the case of Class A stations in the Citizens Radio Service on FCC Form 400; and in all other services on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

B. Amendments to Part 19, Citizens Radio Service.

1. Section 19.13(b) is amended to read as follows:

§ 19.13 Filing of applications.

* * * * *

(b) All formal applications for Class B, Class C, or Class D station authorizations shall be submitted to the Commission's office at 334 York Street, Gettysburg, Pennsylvania. Applications for Class A station authorizations, requests for special temporary authority or other special requests, and correspondence relating to an application for any class citizens radio station authorization shall be submitted to the Commission's office at Washington 25, D.C., and should be directed to the attention of the Secretary. Applications involving Class C or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and methods employed in testing it to determine compliance with the technical requirements set forth in subpart C of this part.

2. Section 19.15 is amended to read as follows:

§ 19.15 Standard forms to be used.

(a) *FCC Form 505, Application for Class B, C, or D Station License in the Citizens Radio Service.* This form shall be used when:

(1) Application is made for a new Class B, Class C, or Class D station authorization for any required number of transmitters to be operated as a group in a single radiocommunication system in a particular area. A separate appli-

[1] Filed as part of original document. Copies will be available from Federal Communications Commission, Washington 25, D.C., on or about Sept. 3, 1962.

cation shall be submitted for each proposed class of station.

(2) Application is made for modification of any existing Class B, Class C, or Class D station authorization in those cases where prior Commission approval of certain changes is required (see § 19.24).

(3) Application is made for renewal of an existing Class B, Class C, or Class D station authorization, or for reinstatement of such an expired authorization.

(4) Application is made for consent to transfer of control of a corporation holding a Class B, Class C, or Class D station authorization.

(b) *FCC Form 400, Application for Radio Station Authorization in the Safety and Special Radio Services.* This form shall be used when:

(1) Application is made for a new Class A base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed station at different fixed locations; however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new Class A station authorization for any required number of mobile units (including hand-carried and pack-carried units) to be operated as a group in a single radiocommunication system in a particular area. An application for Class A mobile station authorization may be combined with the application for a single Class A base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any Class A base station or fixed station upon completion of construction or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station, or application for extension of time within which to construct such a station.

(4) Application is made for modification of any existing Class A station authorization in those cases where prior Commission approval of certain changes is required (see § 19.24).

(5) Application is made for renewal of an existing Class A station authorization, or for reinstatement of such an expired authorization.

(6) Application is made for consent to transfer control of a corporation holding a Class A station authorization.

(c) *FCC Form 401–A, Description of Proposed Antenna Structure.* This form shall be submitted in triplicate when specifically requested by the Commission in a particular case. Situations in which FCC Form 401–A may be required include, but are not necessarily limited to, the following:

(1) Where the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, or

(2) Where the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of any such landing area.

3. In § 19.24(a), the introductory text is amended by deletion of the phrase "on FCC Form 505" to read as follows:

§ 19.24 Changes in authorized stations.

* * * * *

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for a new station, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding authorization. Any of the following changes to the authorized stations may be made only upon approval by the Commission.

4. Section 19.25(a)(2) is amended to read as follows:

§ 19.25 Limitation on antenna structures.

(a) * * *

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure of natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 400, unless specifically requested by the Commission to be filed on FCC Form 401–A.

[F.R. Doc. 62–4318; Filed, May 2, 1962; 8:49 a.m.]

[FCC 62–453]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Special Requirements for Pre-existing VHF Repeaters

In the matter of amendment of § 4.790 (f) of the Commission's rules to extend until July 31, 1962 the time during which temporary authorizations issued under this section of the rules will be valid.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

On July 27, 1960, the Commission adopted a Report and Order in Docket No. 12116 (FCC 60–697) amending its rules to provide for the licensing of VHF television translators. Pursuant to legislation adopted by Congress, the Commission provided for issuance of temporary operating authorizations to these unlicensed operations upon appropriate application therefor, with the understanding that such facilities would be brought into conformity with the newly adopted rules by October 31, 1961.

The aforementioned provision was contained in § 4.790 of the new rules and required, among other things, that all operators of the unauthorized stations must apply for the temporary operating authority by October 31, 1960 and that such modifications in the equipment as might be necessary to bring it into conformity with the new rules would not be made until a valid construction permit has been issued by the Commission. It was expected that the required application for construction permit would be filed in time to permit Commission action to issue the permit upon the completion of construction by October 31, 1961.

Unavoidable delays were encountered in securing needed equipment by permittees and in the processing of the hundreds of applications submitted to the Commission. Accordingly, by Order dated October 11, 1961 we amended § 4.790 of our rules to extend the expiration date to April 30, 1962, on all outstanding authorizations issued by the Commission pursuant to the provisions of § 4.790 of our rules for temporary authorization of VHF television repeaters for which a construction permit had been issued to make such changes as necessary to bring the facility into conformity with our rules, or for which a properly executed application for a construction permit to make such changes was on file with the Commission on or before October 31, 1961.

It now appears doubtful that the Commission will be able to complete the processing of pending applications prior to April 30, 1962, or that those who receive such grants will be able to complete construction before such date, due to delays in installation as a result of severe weather conditions which rendered many of the sites almost inaccessible. The Commission does not wish the people to be deprived of service in those areas where a sincere effort has been made to comply with the rules.

Therefore, we are amending § 4.790 of our rules to extend the expiration date to July 31, 1962, on all outstanding authorizations which have been issued by the Commission pursuant to the provisions of § 4.790 of our rules, for temporary operation of VHF television repeaters and for which a construction permit has been issued to make such changes as may be necessary to bring the facility into conformity with our rules, or for which a properly executed application for a construction permit to make such changes has been on file with the Commission on or before October 31, 1961.

The amendment herein ordered is procedural in nature and effects a relaxation of the rules. Therefore, the requirements of section 4 of the Administrative Procedure Act are not applicable.

Authority for the amendment adopted herein is contained in sections 303 (f) and (r) and section 4(i) of the Communications Act of 1934, as amended.

Therefore, it is ordered, That, effective April 30, 1962, § 4.790 (a) and (f) of the Commission's rules is amended to read as follows:

§ 4.790 Special requirements for pre-existing VHF repeaters.

(a) Until July 31, 1962, the provisions of this section shall apply to repeater stations which are rebroadcasting TV signals on VHF Channels 2–13, and which were constructed on or before July 7, 1960. The term "repeater station" is used in this section to refer to low power devices for the reception, amplification and retransmission of television signals, irrespective of whether the output channel is the same as the input channel, or is a different channel as in the case of VHF translators.

* * * * *

(f) Temporary authorizations issued under this section will be valid until July 31, 1962, provided that the holder of such authorization has filed on or before October 31, 1961, an application on FCC Form 346 for authority to replace or modify the facility for which the temporary authority is held, so as to conform in all respects with the requirements of §§ 4.701 through 4.784. The replacement or modification authorized under the construction permit so issued shall be completed by July 31, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4317; Filed, May 2, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2589]

[Colorado 048805]

COLORADO

Withdrawing Lands for Use of Forest Service as Recreation Areas and Campgrounds

Correction

In F.R. Doc. 62–651, appearing at page 628 of the issue for Saturday, January 20, 1962, a comma should be deleted from the first line of the Section 1 land description under Routt National Forest, *Lower Bear River Recreation Area,* so that the line reads as follows: "Sec. 1, S½SE¼NE¼, N½NE¼SE¼, SW¼".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to fishing. This open area, comprising 6 acres or 1 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minn. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Smallmouth and largemouth bass, bullheads, yellow perch, and other minor species permitted by State regulations.

(b) Open season: May 26, 1962, through September 30, 1962; daylight hours only.

(c) Daily creel limits:

Smallmouth and largemouth bass—five, singly or combined.
Bullheads—no limit.
Yellow perch—15.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines, with one hook on each line, may be used for fishing; one hook means a single, double, or treble pointed hook.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted.

(3) The use of boats is not permitted.

(4) See State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 27, 1962.

[F.R. Doc. 62–4307; Filed, May 2, 1962; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 10, 40, 41, 42]

[Reg. Docket No. 308; Reference Draft Release 60-4; SR-422, SR-422A, SR-422B]

EXPANDING LATERAL OBSTACLE CLEARANCE DURING TAKEOFF FOR TURBINE-POWERED AIRPLANES

Notice of Withdrawal of Proposed Rule

The Flight Standards Service of the Federal Aviation Agency has had under consideration a proposal to amend § 40T.82, Takeoff Obstacle Clearance Limitations, in Special Civil Air Regulations Nos. SR-422, SR-422A, and SR-422B to provide expanding lateral obstacle clearance commensurate with the takeoff performance characteristics of turbine-powered airplanes. The reasons therefor were set forth in the explanatory statement of a notice of proposed rule making which was published in the FEDERAL REGISTER (25 F.R. 2270) and circulated to the public as Civil Air Regulations Draft Release No. 60-4, dated March 11, 1960. The Flight Standards Service desires that all persons affected by the requirements of this proposal be fully informed as to the status of the proposal and the developments associated therewith.

The current provisions of § 40T.82 of SR-422, SR-422A, and SR-422B, require that all turbine-powered air carrier airplanes clear all obstacles within the boundaries of the airport by at least 200 feet horizontally and beyond the airport by at least 300 feet horizontally or by a specified height vertically. The 300-foot horizontal distance is known as the lateral obstacle clearance and now results in an obstacle clearance corridor which is 600 feet wide, its centerline being the intended track of the airplane. It was proposed to amend these rules to prescribe an expanding lateral clearance from 300 feet to a maximum of 1,000, 2,000, or 3,000 feet depending on the meteorological conditions existing at the time of takeoff, on local navigational aids, and on whether or not a turn was scheduled.

Of the major issues raised by the comments, it appears that the primary concern of operators was the retroactive application of the proposed rules to current operations of turbine-powered airplanes. It appears that the proposed rules, if made mandatory, would have severe economic implications on current operations of some aircraft from certain airports, affecting particularly the two-engine turbine-powered transport airplane. On the other hand, a review of the operating experience with turbine-powered transport airplanes indicates no particular experience of an adverse nature with respect to obstacle clearance.

Formulation of the proposed rules was based on the premise that it was unrealistic to assume that a pilot could at all times navigate an airplane for distances as long as 20 miles within a corridor as narrow as the 600 feet presently prescribed. This premise appeared to be justified by consideration of the likely area the airplane could traverse taking account of the airplane's speed, variations in piloting techniques, meteorological conditions, accuracy of airplane instruments and ground navigational aids, and variations in other operational parameters.

There appeared to be no real issue taken with the logic of the expanding lateral clearance concept. However, notwithstanding this, practical aspects of the matter indicate that the related experience has been satisfactory and does not appear to justify fully the application of the proposed rules to current operations.

In view of the foregoing, the proposed rules will not be recommended for adoption at this time. However, the Service intends to monitor closely the operations of turbine-powered transport airplanes and, if indicated by future service experience, will be prepared to take appropriate action.

Constructive comments of which we have taken note were received on the proposed rules. In view of this and in light of other considerations supporting the proposal, the Service will consider incorporating for future application the concept of expanding lateral clearance in proposed revisions to Special Civil Air Regulation SR-422B which are currently under study.

In consideration of the foregoing, the notice of proposed rule making, entitled "Expanding Lateral Obstacle Clearance During Takeoff For Turbine-Powered Airplanes" (25 F.R. 2270) and circulated as Draft Release No. 60-4, dated March 11, 1960, is hereby withdrawn.

Issued in Washington, D.C., on April 26, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-4288; Filed, May 2, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1183; Draft Release No. 62-21]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

Hydraulic Hose Assemblies; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the Regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order establishes minimum performance standards for hydraulic hose assemblies to be used on civil aircraft of the United States.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 18, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.81:

§ 514.81 Hydraulic hose assemblies—TSO-C75.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for hydraulic hose assemblies which are to be used on civil aircraft of the United States. New models of hydraulic hose assemblies, manufactured on or after the effective date of this section which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Hydraulic Hose Assemblies", dated March 15, 1962.[1] Hydraulic hose assemblies approved prior to the effective date of this section may continue to be manufactured under the provisions of their prior approval.

(b) *Marking.* The markings required are specified in § 514.3 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) Size, type, and maximum operating pressure of the hose assembly shall be shown in lieu of the weight in paragraph (d)(3) of § 514.3.

(3) Part number shall be shown.

(4) Date of manufacture in terms of month and year is to be shown and serial number omitted.

(5) In lieu of paragraph (d)(2) of § 514.3 hose assemblies suitable for use with synthetic base fluids shall be marked with the letter "S" immediately following the type designation. Assemblies suitable for use with petroleum base fluids shall be marked with the letter "P". Assemblies suitable for use with both synthetic and petroleum base fluids shall be marked with "S/P", i.e., Type II-B-S, Type II-B-P, or Type II-B-S/P.

(6) Hose assemblies complying with the fire resistant requirements shall be identified by the letter "F" immediately following the type and fluid designation, i.e., Type II-B-S/P-F.

(c) *Data requirements.* (1) Six copies of a tabulation containing the following data shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance:

(i) Type.
(ii) Size.
(iii) Maximum operating pressure.
(iv) Part number.

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4313; Filed, May 2, 1962; 8:48 a.m.]

[1] Copies may be obtained upon request addressed to: Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 759) has been filed by Can Manufacturers Institute, Inc., 821 Fifteenth St. NW., Washington 5, D.C., proposing the issuance of a regulation to provide for the amendment of § 121.2514 *Resinous and polymeric coatings* to permit the safe use of additional substances in coatings for metal substrates that contact food. The substances are as follows:

Cerium.
Diatomaceous earth.
Ethylene-vinyl acetate copolymer.
Mono-dibutylamide pyrophosphate.
Tin chloride.
Tin sulfate.

Dated: April 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4299; Filed, May 2, 1962; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 762) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the use of 0.0125 to 0.025 percent amprolium with 0.0004 percent ethopabate (methyl-4-acetamido-2-ethoxy benzoate) in medicated feeds for chickens, as an aid in preventing coccidiosis.

Dated: April 27, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4300; Filed, May 2, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 12]

[Docket No. 14610 (RM-304); FCC 62-425]

POWER RESTRICTIONS IN THE AMATEUR RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Parts 2 and 12 of the Commission's rules and regulations to remove the power restrictions in the Band 420-450 Mc/s in the Amateur Radio Service, Docket No. 14610, (RM-304).

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The American Radio Relay League (hereinafter referred to as ARRL) has filed a petition requesting the Commission to amend § 12.111(k) of its rules in order to remove or modify the power restrictions in the 420-450 Mc/s amateur band. Although not stated in the petition the proposed amendment would also require a change in § 12.131 and in Footnote US7 to the Table of Frequency Allocations contained in Part 2 of the rules and regulations. Section 12.111(k) is now § 12.111(b)(14).

3. Footnote US7 to Part 2 and the above-mentioned Section of Part 12 restricts the power of amateur stations to 50 watts d.c. plate power input to the final stage of the transmitter in the amateur band 420-450 Mc/s. This power limitation originated with the temporary postwar use by radio altimeters in the band 420-460 Mc/s as specified in Footnote US6 contained in Part 2. In 1955 the amateur power limitation of 50 watts peak to the antenna was modified to read 50 watts d.c. plate input power to the final stage. In 1958 § 12.111(k) was amended to include the following additional restriction: "In the band 420-450 Mc/s the amateur radio service shall not cause harmful interference to the Government radiopositioning service".

4. Footnote US6 to Part 2 and § 9.312 (l) of Part 9 of the Commission's rules provides that radio altimeters will not be permitted to use the band 420-460 Mc/s after February 15, 1963.

5. Petitioner states that the 420-450 Mc/s amateur band is unique and most important to amateur radio because it is the "jumping off" place from VHF to UHF. It is the lowest frequency amateur band where coaxial and cavity tank circuits normally replace the familiar coils and capacitors. Petitioner further contends that removal of the present power limitation will greatly stimulate amateur experimentation and, undoubtedly will develop most important propagation data. The ARRL believes that the power limitation now may be removed from the entire 420-450 Mc/s band without causing interference to any other present or possible future users of the band.

6. The Commission, in negotiation with appropriate Government agencies, has reached an agreement whereby the amateur radio service will be authorized to use the maximum input power permitted in this service except in certain areas which are defined in the proposed amendments to Part 2 Footnotes and § 12.111(b)(14) which are set forth below.

7. Public comment is invited on the proposed amendments to Parts 2 and 12 of the Commission's rules as set forth below, issued pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

8. All interested persons are invited to file, on or before June 15, 1962, comments supporting or opposing the proposals set out in this notice, or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted by June 25, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 25, 1962.

Released: April 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.106 [Amendment]

1. Footnote US7 to § 2.106 is amended to read as follows:

US7 In the band 420-450 Mc/s and within the following areas, the d.c. plate power input to the final stage of the transmitter shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°53' N., on the east by longitude 105°40' W., on the north by latitude 33°24' N., and on the west by longitude 106°40' W.;

(b) The entire State of Florida, including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida, and within a 200-mile radius of Eglin Air Force Base, Florida;

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°30' N., and the areas enclosed within a 200 mile radius of the U.S. Naval Missile Center, Point Mugu, California.

2. Section 12.111(b)(14) is amended to read as follows:

§ 12.111 Frequencies and types of emission for use of amateur stations.

• • • • • •

(b) • • •

(14) Within the following areas, the d.c. plate power input to the final stage of the transmitter shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(i) Those portions of Texas and New Mexico bounded on the south by latitude 31°53′ N., on the east by longitude 105°40′ W., on the north by latitude 33°24′ N., and on the west by longitude 106°40′ W.;

(ii) The entire State of Florida, including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida, and within a 200-mile radius of Eglin Air Force Base, Florida;

(iii) The entire State of Arizona;

(iv) Those portions of California and Nevada south of latitude 37°30′ N., and the areas enclosed within a 200-mile radius of the U.S. Naval Missile Center, Point Mugu, California.

3. Section 12.131 is amended to read as follows:

§ 12.131 Maximum authorized power.

Except for power restrictions as set forth in § 12.111, each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

[F.R. Doc. 62-4319; Filed, May 2, 1962; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 14419 (RM-268); FCC 62-454]

PRE-SUNRISE OPERATIONS BY STANDARD BROADCAST STATIONS

Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C. this 25th day of April 1962;

The Commission on April 17 in testimony before the Communications and Power Subcommittee of the House Interstate and Foreign Commerce Committee concerning bills to extend the hours of operation of daytime standard broadcast stations stated in part:

• • • [We] have determined that, because of the extreme importance of this matter and the difficult questions involved, we will on our own motion consider again the whole question of extended hours of operation for daytime stations. To this end, we have directed our staff to explore all the possible courses of action which might offer hope of permitting additional hours of operation by daytime stations consistent with the public interest. Special attention is being given to a possible limited easing of pre-sunrise restrictions on those daytime stations located on Class III regional channels in communities which have no unlimited time station. It is anticipated that such study will result in early rulemaking.

While the details of the contemplated rulemaking have not yet been formulated, it is clear that the problem of presunrise operation constitutes an important facet of whatever further study is undertaken. Because this aspect of the problem will be explored in the further rule making, and because the additional rule making will probably not be forthcoming before the date set for comments herein, it seems desirable that the time for filing comments pursuant to the original notice of proposed rule making be extended indefinitely pending issuance by the Commission of a further notice. This will enable parties desiring to comment on the matter to direct their specific attention to whatever further proposals evolve.

Accordingly, it is ordered, That the time for filing comments and reply comments herein is extended indefinitely pending issuance of a further notice of proposed rule making in this Docket.

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4320; Filed, May 2, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HORSE MANE HAIR; IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

Applications for Licenses

Under the program announced on December 23, 1960, licenses were issued in 1961 under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) authorizing the importation of approximately 651,600 pounds of horse mane hair from the U.S.S.R. Only part of the total amount licensed has been imported or purchased for importation and the Treasury Department has decided it will consider applications from persons who held such 1961 licenses for licenses to import the balance of the 651,600 pounds. Accordingly, any such person who wishes to, and can reasonably expect to, purchase prior to May 31 an additional quantity of horse mane hair may file an application for the necessary license, stating in the application the additional quantity of U.S.S.R. horse mane hair for which authorization to purchase on or before May 31, 1962, is requested and the names and addresses of all persons who it is contemplated will be involved as suppliers, agents, and shippers.

To receive consideration, applications must be filed by May 8, 1962.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D.C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-4352; Filed, May 2, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 23, 1962.

The Federal Aviation Agency has filed an application, Serial No. F. 029320 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use as an Air Navigation Site in connection with the installation of a VORTAC facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BETTLES AREA

Beginning at Corner No. 3 of Air Navigation Site Withdrawal (ANSW) No. 268, as amended by Public Land Order No. 2116, dated June 9, 1960; thence go north 32°12′15″ E., 1,299.15 feet to the true point of beginning of this description; thence south 57°47′45″ E., 1,400.00 feet; thence south 32°12′15″ W., 3,998.29 feet; thence north 57°50′00″ W., 1,898.83 feet to a point on the easterly boundary line of ANSW No. 268 between Corners Nos. 4 and 5 as originally established; thence north 32°10′00″ E., 1,799.86 feet to Corner No. 4; thence north 32°12′15″ E., 900.00 feet; thence south 57°49′00″ E., 500.00 feet to Corner No. 3, as amended; thence north 32°12′15″ E., 1,299.15 feet to the true point of beginning of this description, containing 164.5 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-4301; Filed, May 2, 1962; 8:47 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1962.

Notice of an application Serial No. A. 044765, for withdrawal and reservation of lands was published as F.R. Doc. No. 59-1923 on page 1653 of the issue for March 5, 1959. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on June 7, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

KEYSTONE CANYON AND WORTHINGTON GLACIER AREA

Beginning at a point 10 chains N of VABM 288 (Camp 13) Valdez A-6 USGS 1952 Corner No. 1; thence northerly parallel with centerline of Richardson Highway approximately 3 miles to Corner No. 2 located 10 chains west of center of south end of tunnel; thence west 10 chains to Corner No. 3; thence continuing easterly parallel with center line of Richardson Highway approximately 9.25 miles to Corner No. 4 located 15 chains W of VABM 2771 Thompson Pass Valdez A-5 USGS 1952; thence continuing easterly approximately 5.2 miles parallel with centerline of Richardson Highway to Corner No. 5 located at VABM 2491 (Drop) Valdez A-5 USGS 1952; thence south 40 chains to Corner No. 6; thence continuing southwesterly parallel with centerline of Richardson Highway approximately 5.2 miles to Corner No. 7 located approximately 25 chains E of VABM 2771 (Thompson Pass) Valdez A-5 USGS 1952; thence continuing approximately 9.25 miles easterly and southerly parallel to centerline of Richardson Highway to Corner No. 8 located 20 chains SE of center of south end of tunnel; thence NW 10 chains to Corner No. 9; thence continuing southerly parallel with centerline of Richardson Highway approximately 3 miles to Corner No. 10; thence N 20 chains to point of beginning.

Containing approximately 4,500 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-4302; Filed, May 2, 1962; 8:47 a.m.]

COLORADO

Redelegation of Authority by Land Office Manager

APRIL 26, 1962.

By authority contained in section 2.1 Bureau Order Number 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Mineral Adjudication Section, authority to take action for the Manager in matters listed in section 2.6 of Part II, to the Chief, Land Adjudication Section, authority to take action for the Manager in matters listed in section 2.9 of Part II, and to the Operations Manager authority in matters listed in Part II as follows:

SEC. 2.2 *General and miscellaneous matters.* • • •
(c) Copies of records.

SEC. 2.3 *Fiscal affairs.* • • •
(c) Repayment.

SEC. 2.4 *Cadastral engineering.* • • •
(a) • • •
(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

The redelegation to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

DALE R. ANDRUS,
Land Office Manager,
Colorado Land Office.

[F.R. Doc. 62-4303; Filed, May 2, 1962; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1962.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 071591, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, picnic grounds, recreation areas, and administrative sites located in the Gunnison National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910—15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Cement Creek Recreation Area

T. 14 S., R. 84 W.,
Sec. 19, Lot 1.
T. 14 S., R. 85 W.,
Sec. 24, NE¼NE¼, N½SE¼NE¼, SW¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼NW¼, SE¼NW¼, E½SW¼NW¼.
Total area 252.39 acres.

Dyke Creek Campground

T. 11 S., R. 91 W. (unsurveyed),
Sec. 4, W½NW¼SE¼, E½NE¼SW¼.
Total area 40.00 acres.

Emerald Lake Campground

T. 12 S., R. 86 W. (unsurveyed),
Sec. 18, SW¼NE¼SE¼, SE¼SE¼, NE¼SW¼SE¼, SE¼NW¼SE¼.
Total area 70.00 acres.

Gothic Campground

T. 12 S., R. 86 W. (unsurveyed),
Sec. 28, N½SWSE¼, S½NW¼SE¼.
Total area 40.00 acres.

High Point Recreation Area

T. 14 S., R. 82 W.,
Sec. 9, E½;
Sec. 16, E½.
Total area 640.00 acres.

Mirror Lake Campground

T. 15 S., R. 81 W.,
Sec. 15, NE¼SW¼, N½SE¼SW¼, NE¼NW¼SW¼, SE¼NW¼, E½SW¼NW¼.
Total area 130.00 acres.

Panorama Recreation Area

T. 14 S., R. 82 W.,
Sec. 19, Lots 2, 3 and 4, W½SW¼NE¼, W½SW¼SE¼, W½NW¼SE¼, E½SW¼, SE¼NW¼.
Total area 303.42 acres.

River's End Recreation Area

T. 14 S., R. 82 W.,
Sec. 6, All.
T. 14 S., R. 83 W.,
Sec. 1, SE¼;
Sec. 12, E½.
Total area 1132.48 acres.

Spring Creek Campground

T. 15 S., R. 84 W.,
Sec. 15, SE¼NW¼.
Total area 40.00 acres.

Willow Creek Recreation Area

T. 14 S., R. 82 W.,
Sec. 21, SE¼SE¼SE¼, W½SE¼SE¼, SW¼SE¼;
Sec. 22, SW¼SW¼SW¼.
Total area 80.00 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Agate Campground

T. 48 N., R. 5 E.,
Sec. 2, W½SW¼SE¼, SW¼NW¼SE¼, SE¼NE¼SW¼, W½NE¼SW¼, SE¼SW¼, E½SW¼SW¼, E½NW¼SW¼;
Sec. 11, NW¼NE¼NW¼, NW¼NW¼.
Total area 190.00 acres.

Cebolla Campground

T. 44 N., R. 2 W.,
Sec. 21, N½NE¼SW¼, S½SE¼NW¼.
Total area 40.00 acres.

Comanche Campground

T. 50 N., R. 3 E.,
Sec. 13, W½NW¼NW¼;
Sec. 14, E½NE¼NE¼.
Total area 40.00 acres.

Comissary Campground

T. 50 N., R. 4 W.,
Sec. 30, W½SE¼NE¼.
Total area 20.00 acres.

Deer Lakes Recreation Area

T. 44 N., R. 3 W.,
Sec. 34, SE¼NE¼, NE¼SE¼, SW¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, SE¼SE¼SW¼;
Sec. 35, W½NW¼SW¼, W½SW¼NW¼.
Total area 200.00 acres.

Gold Creek Recreation Area

T. 51 N., R. 3½ E.,
Sec. 25, E½E½;
Sec. 36, Lot 1.
T. 51 N., R. 4 E.,
Sec. 30, Lots 34 and 35;
Sec. 31, Lot 21.
Total area 285.16 acres.

Quartz Campground

T. 51 N., R. 4 E.,
Sec. 36, SW¼NE¼, S½NW¼NE¼.
Total area 60.00 acres.

Roosevelt Picnic Ground

T. 50 N., R. 4 E.,
Sec. 20, W½E½SW¼NE¼, W½SW¼NE¼.
Total area 30.00 acres.

Slumgullion Campground

T. 43 N., R. 3 W.,
Sec. 17, SE¼NW¼, E½SW¼NW¼.
Total area 60.00 acres.

Soap Creek Campground

T. 50 N., R. 4 W.,
Sec. 32, W½NW¼SE¼, E½NE¼SW¼.
Total area 40.00 acres.

Spruce Campground

T. 44 N., R. 2 W.,
Sec. 20, S½SW¼NE¼, N½NW¼SE¼.
Total area 40.00 acres.

Long Branch Administrative Site

T. 47 N., R. 5 E.,
Sec. 4, Lot 1, NW¼SE¼NE¼.
T. 48 N., R. 5 E.,
Sec. 33, NE¼NE¼SE¼;
Sec. 34, NW¼ lot 6, E½ lot 6, NW¼SW¼.
Total area 127.48 acres.

Soap Creek Administrative Site

T. 49 N., R. 4 W.,
Sec. 8, S½SW¼NE¼, N½NW¼SE¼.
Total area 40.00 acres.

The above described areas aggregate 3900.93 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62-4304; Filed, May 2, 1962; 8:47 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1962.

The Department of Agriculture has filed an application, Serial No. Idaho 013139 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws. The applicant desires the land for five recreation areas, one summer home area and three administrative sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Elk Bar Recreation Area

Beginning at a point on the mean high waterline of the west bank of the Middle Fork of the Salmon River, north 69°02' E., 46.5 feet from a brass capped Forest Service monument which bears approximately north 19° E., 1.4 miles from the mouth of Big Creek and south 7° W., 4.2 miles from the mouth of Ship Island Creek; thence south 3°13' W., 377.7 feet along the said mean high waterline; thence north 66°47' W., 309.6 feet; thence north 15°57' E., 814.7 feet; thence south 8°49' E., 534.7 feet again along the said mean high waterline, to the point of beginning and located within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 21 N., R. 14 E.,
Sec. 34: E½SW¼, W½SE¼.
Totaling 3.9 acres, more or less.

Fourth of July Summer Home Area

T. 14 N., R. 5 W.,
All or any portions of the following subdivisions which lie south of Fourth of July Creek:

Sec. 18: E½E½SW¼NW¼, SW¼NW¼SE¼NW¼, S½SE¼NW¼, N½N½N½NE¼SW¼, N½NE¼NE¼NW¼SW¼, N½NW¼NW¼NW¼SE¼.
Totaling 27 acres, more or less.

Brownlee Forest Camp Administrative Site

T. 16 N., R. 4 W.,
Sec. 3: S½S½SE¼SW¼;
Sec. 10: NE¼NW¼, S½SW¼SW¼NW¼, NE¼SE¼SW¼NW¼, SW¼SE¼SW¼NW¼, E½NW¼SE¼NW¼.
Totaling 65 acres.

Brownlee Radio Remote Administrative Site

T. 16 N., R. 4 W.,
Sec. 12: SW¼SW¼NW¼NE¼, W½SE¼SW¼NW¼NE¼, SE¼SE¼NE¼NW¼.
Totaling 6.25 acres.

Middle Fork Brownlee Recreation Area

T. 16 N., R. 5 W.,
Sec. 26: E½E½SW¼SW¼, E½W½SE¼SW¼SW¼, W½SE¼SW¼;
Sec. 35: N½NW¼NE¼NW¼, N½S½NW¼NE¼NW¼, NE¼NE¼NW¼NW¼, E½NW¼NE¼NW¼NW¼, NE¼SW¼NE¼NW¼NW¼, N½SE¼NE¼NW¼NW¼.
Totaling 45.625 acres.

Monroe Butte Administrative Site

T. 14 N., R. 6 W.,
Sec. 26: S½SW¼SW¼NE¼, SE¼SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, N½NW¼NW¼SE¼.
Totaling 15 acres.

SALMON NATIONAL FOREST

Wilson Creek Recreation Area

Beginning at a point at the intersection of Wilson Creek with the mean high waterline of the east bank of the Middle Fork of the Salmon River, said point being north 63°32' W., 185.3 feet from a brass capped Forest Service monument; thence south 15°49' E., 315 feet along the mean high waterline of said Middle Fork; thence north 43°21' E., 692.6 feet; thence north 78°50' W., 667.4 feet; thence south 15°49' E., 342 feet again along said mean high waterline to the point of beginning and located within the following surveyed and unsurveyed subdivisions:

T. 20 N., R. 14 E.,
Sec. 34: Lots 4, 5.
Unsurveyed,
Sec. 35: SW¼NW¼, NW¼SW¼.
Totaling 4.5 acres, more or less.

Rattlesnake Creek Recreation Area

Beginning at a point at the intersection of Rattlesnake Creek with the mean high waterline of the east bank of the Middle Fork of the Salmon River, said point bearing south 31°55' E., 148.5 feet from a brass capped Forest Service Monument; thence south 2°41' W., 214 feet along the mean high waterline of said river; thence north 34°26' E., 521.5 feet; thence south 81°30' W., 279.7 feet; thence south 2°41' W., 175 feet along said mean high waterline to the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 20 N., R. 14 E.,
Sec. 23: SW¼SW¼.
Totaling 1.0 acre, more or less.

Otter Bar Recreation Area

Beginning at a point on the mean high waterline of the east bank of the Middle Fork of the Salmon River, north 10°48' E., 202 feet from a brass capped Forest Service monument which bears approximately north 40° E., 0.6 mile from the mouth of the Stoddard Creek and approximately south 40° W., 5 miles from the mouth of the Middle Fork of the Salmon River; thence south 33°11' W., 614 feet along said mean high waterline; thence south 81°47' E., 427.5 feet; north 8°35' W., 581.3 feet to the point of beginning and located wholly within the following described unsurveyed subdivisions which will be when surveyed:

T. 22 N., R. 15 E.,
Sec. 13: SW¼NE¼NW¼SW¼.
Totaling 2.8 acres, more or less.

The areas described aggregate 171 acres more or less within Lemhi, Valley and Washington Counties, Idaho.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-4305; Filed, May 2, 1962; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1962.

The Department of Agriculture has filed an application, Serial No. Idaho 012983 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws. The applicant desires the land for the proposed Swan Valley administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Swan Valley Administrative Site

T. 1 N., R. 43 E.,
Sec. 1: Lots 80, 81, 82, 83.

The areas described aggregate 5 acres.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-4306; Filed, May 2, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Dimmit County, Tex., natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-4310; Filed, May 2, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SE-287]

RONALD H. CONWAY

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 15, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

The appellant is allotted 30 minutes and the Administrator 30 minutes for oral argument; to be heard in that order. The appellant may reserve not to exceed one-quarter of his allotted time for rebuttal.

Dated at Washington, D.C., April 30, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4315; Filed, May 2, 1962; 8:48 a.m.]

[Docket No. 11879; Order E-18261]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority April 30, 1962.

In the matter of an agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 11879, Agreement C.A.B. 14827, R-93

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA Memorandum TC1/Rates 1376, names a specific commodity rate as follows:

Item 4411—Radio and broadcasting equipment; 119 cents per kilogram, minimum weight 100 kilograms, from Miami to Santiago.

Pursuant to authority duly delegated by the Board in the Board's regulations,

14 CFR 385.14, it is not found that the above-described agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That:

Agreement C.A.B. 14827, R-93, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4316; Filed, May 2, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13067, 13068; FCC 62-437]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Charles A. Bell, George J. Helmer III, Wayne H. Lewis, and Edward Bleier, d/b as Newton Broadcasting Co., Newton, Mass., Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Mass., Docket No. 13068, File No. BP-12901; for construction permits.

1. The Commission has before it for consideration two moving petitions, namely: (1) "Motion to Dismiss Application of Newton Broadcasting Co.", filed December 18, 1961, by Transcript Press, Inc. ("Transcript"), and (2) "Petition to Amend", filed January 26, 1962, by Newton Broadcasting Co. ("Newton"), together with the responsive pleadings addressed to each.

2. The applications of Charles A. Bell, George J. Helmer III, Wayne H. Lewis, and Edward Bleier, d/b as Newton Broadcasting Co., and Transcript Press, Inc., are mutually exclusive, each requesting a construction permit for a new class II standard broadcast station to operate on 1550 kilocycles, daytime hours only. Newton proposes to operate with a power of 10 kilowatts in Newton, Mass., and Transcript proposes to operate with a power of 5 kilowatts in Dedham, Mass. The hearing examiner released an initial decision on May 3, 1961 (FCC 61D-62), recommending, on comparative grounds, a grant of the Newton application and a denial of the Transcript application.

3. Subsequently, the applicants entered into merger negotiations during the course of which the time for filing exceptions was extended continuously either on the joint request of the parties, or upon request of one and consent of the other. During the course of negotiations, Bleier (one of the Newton principals) sent a registered letter to the Commission advising that, effective immediately, he was withdrawing from the Newton partnership and from the prosecution of its application. Newton now seeks leave to amend its application to reflect Bleier's withdrawal and the formation of a new partnership, consisting of the three remaining partners. Transcript opposes the petition for leave to amend and requests dismissal of Newton's application.

4. Leave to amend an application after it has been designated for hearing is predicated inter alia upon a showing of good cause. The question of whether Newton had good cause for the late amendment of its application can be decided only after a determination has been made of facts which, in the pleadings before us, are in sharp dispute. Bleier's withdrawal also raises a question as to the financial qualifications of the Newton applicant. Thus, it appears that Newton is dependent upon a loan commitment which was made on the condition that Bleier as well as the other Newton partners would personally guarantee repayment of the loan. With the withdrawal of Bleier, the status of the loan commitment appears to be in doubt.

5. In view of the questions of fact presented by the petition for leave to amend, and the additional question as to the financial qualifications of the applicant for Newton, the entire matter will be remanded to the examiner (1) to determine whether the petition for leave to amend should be granted; (2) to determine the financial qualifications of the applicant for Newton in view of Bleier's withdrawl; and (3) to issue a supplemental initial decision.

Accordingly, it is ordered, This 25th day of April 1962, that the record in the above-entitled proceeding is reopened, the proceeding is remanded to the hearing examiner, and the petition for leave to amend, filed by Newton Broadcasting Co. on January 26, 1962. is referred to the hearing examiner; and

It is further ordered, That the issues in this proceeding are enlarged by adding the following issue: "To determine whether in view of Edward Bleier's withdrawal, Newton Broadcasting Co. is financially qualified to construct and operate the proposed station at Newton, Mass.;" and

It is further ordered, That in light of the foregoing, a supplemental initial decision shall be issued; and

It is further ordered, That in view of the determinations herein, the motion to dismiss filed by Transcript Press, Inc., on December 18, 1961, is rendered moot and therefore is dismissed.

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4321; Filed, May 2, 1962; 8:49 a.m.]

[Docket Nos. 13525, 14478; FCC 62-440]

SIMON GELLER AND RICHMOND BROTHERS, INC. (WMEX)

Memorandum Opinion and Order Amending Issues

In re applications of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-14330; Richmond Brothers, Inc. (WMEX), Boston, Massachusetts, Docket No. 14478, File No. BP-13760; for construction permits.

1. The Commission has before it for consideration a Petition to Enlarge Issues filed March 5, 1962, by the Broadcast Bureau. The petition is unopposed.

2. The Bureau requests that we add the issue below with reference to the proposal of Simon Geller. The Bureau alleges that Geller's directional antenna proposal raises a question as to whether Geller can effectuate his proposal. The Bureau attaches the affidavit of its engineer in support of its allegation.

3. We note that the hearing record of March 12, 1962, supports the facts alleged by the Bureau in its petition. Thus, on March 19, 1962, Geller requested leave to amend his application with respect to his directional antenna proposal to eliminate certain alleged deficiencies. By Order (FCC 62M-509), released April 5, 1962, the Hearing Examiner denied Geller's request, finding that Geller had not demonstrated good cause for acceptance of the amendment, as required by § 1.311 of our rules.

4. The Bureau has failed to allege good cause sufficient to justify the late filing of its petition, and its petition will, for this reason, be denied. In view of the necessity of accurate disclosures as to directional antenna proposals, we will, on our own motion, add the issue set forth below.

Accordingly, it is ordered, This 25th day of April 1962, that the Petition to Enlarge Issues, filed March 5, 1962, by the Broadcast Bureau is denied; and

It is further ordered, That Issues 5, 6, 7, and 8 be renumbered as Issues 6, 7, 8, and 9, respectively; and that the following issue is added;

5. To determine whether Simon Geller will be able to adjust and maintain the directional antenna system as proposed in the instant application.

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4322; Filed, May 2, 1962; 8:49 a.m.]

[Docket No. 14611; FCC 62-444]

PROGRESS BROADCASTING CORP. (WHOM)

Order Designating Application for Hearing on Stated Issues

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; Has: 1480 kc, 5 kw, DA-2, U, Requests: Changes in DA and ground systems; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the proposed operation of WHOM will cause objectionable nighttime interference to existing Station WSAR, Fall River, Massachusetts; and

It further appearing that by letter addressed to the Commission dated June 14, 1961, counsel for K & M Publishing Company, Inc., licensee of Station WSAR has requested that WSAR be made a party in a hearing with the applicant to determine the nature and extent of the aforementioned nighttime interference; and

It further appearing that the applicant's proposed antenna structure has not yet been approved by the FAA and accordingly, an appropriate hearing issue is included herein. The Federal Aviation Agency will be made a party respondent for the purposes of this issue; and

It further appearing that on March 15, 1962, the license of WHOM was renewed subject to the condition hereinafter set forth and, therefore, it is deemed appropriate to include the same condition in the event that the instant application is granted; and

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHOM and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable nighttime interference to Station WSAR, Fall River, Massachusetts, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Progress Broadcasting Corporation would constitute a menace to air navigation.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That K & M Publishing Company, Inc., licensee of Station WSAR, Fall River, Massachusetts, and the Federal Aviation Agency are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

This action is without prejudice to whatever action, if any, the Commission may deem appropriate at such time as any of the charges of the Report of the State of New York Commission of Investigation are judicially determined by any state or federal court.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4323; Filed, May 2, 1962; 8:49 a.m.]

[Docket Nos. 14411, 14412; FCC 62M-612]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CO.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration the oral request of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, for temporary continuance, due to an emergency situation, and informal agreement of the parties;

It is ordered, This 27th day of April 1962, that the hearing session, presently scheduled for today, is continued to a date to be announced as soon as counsel can confer and advise the Hearing Examiner of a convenient date.

Released: April 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4324; Filed, May 2, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

B. R. ANDERSON & CO. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following corporations have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Protests to the granting of any application should be filed in writing with the Acting Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

No.	Name and address	Officers
524	B. R. Anderson & Co., 314-20 Colman Bldg., Seattle 4, Wash.	Webster B. Anderson, pres.; Mildred W. Anderson, vice pres.; Kenneth L. Davis, vice pres.; Roy B. Anderson, treas.; Burroughs B. Anderson, sec.
145	Arncam Shipping Co., Inc., 11 Broadway, New York 4, N.Y.	Donald T. Cameron, pres.; Arnold Spitz, sec.-treas.
237	Atlas Agencies, Inc., P.O. Box 3175, Jacksonville, Fla.	E. A. Brown, pres.; Julo Kaufmann, Jr., sec.-treas.
91	Atlas Forwarding Co., Inc., 241 Church St., New York 13, N.Y.	John H. Mangels, pres.-treas.; Wm. E. Christiansen, vice pres.-sec.
306	W. C. Auger & Co., 545 Saonsome St., San Francisco 26, Calif.	W. C. Auger, pres.-director; John E. Coleman, vice pres.-director; Areta Auger, director; Chas. A. Pinkham, sec.-treas., director.
111	Edward R. Bacon Grain Co., 177 Milk St., Boston, Mass.	Robert C. Bacon, pres.; Robert C. Bacon, Jr., vice pres.-treas.; George Boyajian, asst. vice pres.; Louise G. Cassidy, export mgr.; Olyn Darling, Portland representative.
202	Baltimore Dispatch Corp., 33 South Gay St., Baltimore 2, Md.	Frank M. Jones, pres.-treas.; Ethel M. Jones, sec.-vice pres.; Vincent R. Dempsey, member of board.
317	Baltimore Steamship Agency, Inc., 235 East Redwood St., Baltimore, Md.	G. Douglas Wise, pres.-director; Thos. B. Harrison, vice pres.-director; Norman P. Hartung, vice pres.-director; Norman A. Schaefer, sec.-treas.
293	Barco International Corp., 5425-35 N.W. 36th St., Miami 48, Fla.	Louis Irizarry, pres.; Gerald Papkoff, sec.-treas.; Barbara Papkoff, director.
528	Guy B. Barham Co., 405 N.W. Hellman Bldg., 354 South Spring St., Los Angeles 13, Calif.	Patricia A. Barham, pres.-director; Jessica G. Barham, director; J. Russell Surbert, director; Elmer L. Higgs, treas. and vice pres.; Mabel L. Usher, sec.
689	Barnett Int'l Forwarders, Inc. of California, 6364 Santa Monica Blvd., Hollywood 38, Calif.	Hector M. Santiestevan, pres.; Lewis J. Barnett, treas., vice pres.; Kathryn M. Santiestevan, sec.; Robert M. Ritterband, director.

No.	Name and address	Officers
109	Bartz Forwarding Co., Inc., 1007 East Washington St., Brownsville, Tex.	W. S. Bartz, pres.; J. K. Brittain, vice pres.; H. Z. Harper, sec.; L. E. Bartz, treas.; Irvin Kibbe, director.
474	F. J. Herbelin-Bay Transfer Co., Inc., 809 37th St., Galveston, Tex.	A. L. Clardy, pres.; R. L. Debner, sec.-treas.; E. H. Thornton, Jr., vice pres.
212	Peter A. Bernacki, Inc., 222 Spring Garden St., Philadelphia 23, Pa.	Peter A. Bernacki, pres.; Anthony P. Bernacki, treas.; Mary McVeigh, sec.; Wm. Bernacki, director; Helen Bernacki, director; Dudolph Berk, director; Morton Gorelick, director; Jack Shusterman, director.
451	Caldwell & Co., Inc., 17 Battery Place, New York 4, N.Y.	Daniel W. Hickey, pres.-director; Jay E. Bowlby, exec. vice pres.; Anthony V. Biegen, vice pres.; John J. McCulloch, sec.; Quentin C. Biegen, treas.; Maude R. Hickey, director; Terrance W. Hickey, director; Elkan Turk, Sr., director-Irving Zion, director.
533	Cambell & Gardiner, Inc., 27 Whitehall St., New York 4, N.Y.	Francis J. Barry, president; Armond A. Grazidei, vice pres.; Wm. J. McGarry, treas.; Emil F. Benja, sec.
417	Canadian Gulf Line of Fla., Inc., Municipal Pier No. 2, Miami 32, Fla.	Carl Matusek, pres.-treas.-director; John Fitzsimmons, sec.-director; Gordon N. Kimmel, exec. vice pres.; Raymond F. Shanahan, vice pres.; P. L. Copeland, vice pres.; Virginia G. Matusek, director.
772	Carib Wide Forwarding Co., 1795 Coral Way, Miami 45, Fla.	Maurice H. Shorago, pres.-treas.; Fannie P. Reid, sec.-vice pres.
52	Carmichael Forwarding Service, 406 South Main St., Los Angeles 13, Calif.	R. F. Lazier, pres.; Omar A. Slayter, vice pres.; Marjorie L. Lazier, sec.-treas.; R. A. Lazier, director.
69	Helde & Co., Inc., P.O. Box 300, Wilmington, N.C.	W. S. R. Beane, pres.-director; Louis B. Finberg, vice pres.-director; E. Mayo Holmes, sec.-treas., director.
69	Carolina Forwarding Corp., P.O. Box 300, Wilmington, N.C.	W. S. R. Beane, pres.-director; Louis B. Finberg, vice pres.-director; E. Mayo Holmes, sec.-treas., director.
407	John V. Carr & Son, Inc., 409 Griswold St., Detroit 26, Mich.	C. D. Carr, pres.; R. E. Lowrie, vice pres.; R. B. Marr, vice pres.; Ferna Enright, sec.-treas.; Mrs. C. D. Carr, director.

Dated: April 27, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4325; Filed, May 2, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7026]

WISCONSIN MICHIGAN POWER CO.

Notice of Hearing

APRIL 26, 1962.

Pursuant to the Commission's order issued March 29, 1962, notice is hereby given that the hearing in the above-designated matter will be held at 10:00 a.m., e.d.s.t., June 4, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4297; Filed, May 2, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following filing of the notice of proposed action with the Office of the Federal Register on April 10, 1962, the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R-66 authorizing the University of Virginia to use an atmospheric concentration reduction factor of 500 in the computation of the concentrations of gaseous radioactive isotopes released from the stack of its research reactor at Charlottesville, Va. The notice of proposed issuance was published in the FEDERAL REGISTER on April 11, 1962, 27 F.R. 3473.

Dated at Germantown, Md., this 26th day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4286; Filed, May 2, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

GENERAL BANCSHARES CORP.

Order Approving Applications

In the matter of the applications of General Bancshares Corporation for prior approval of acquisition of up to 100 percent of the voting shares of Commercial Bank of St. Louis County, Olivette, Missouri, and Lindbergh Bank, Hazelwood, Missouri.

There have come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), applications on behalf of General Bancshares Corporation, St. Louis, Missouri, for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of Commercial Bank of St. Louis County, Olivette, Missouri, and of Lindbergh Bank, Hazelwood, Missouri; a Notice of Receipt of Applications has been published in the FEDERAL REGISTER on October 27, 1961 (26 F.R. 10115), which provided an opportunity for submission of comments and views regarding the proposed acquisitions; and such comments and views as were received have been considered by the Board. Accordingly,

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are granted, provided that the acquisitions approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 27th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4298; Filed, May 2, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of St. Louis. Dissenting statement of Governors Robertson and Mitchell also filed as part of the original document and available upon request.

SECURITIES AND EXCHANGE COMMISSION

BLACK BEAR INDUSTRIES, INC.

[File No. 1-3842]

Order Summarily Suspending Trading

APRIL 27, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 29, 1962 to May 8, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4308; Filed, May 2, 1962; 8:48 a.m.]

[File 7-2233]

UNILEVER, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 26, 1962.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Unilever Limited (ADR's for Ordinary Shares) File 7-2233.

Upon receipt of a request, on or before May 11, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4309; Filed, May 2, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Burlington Manufacturing Co., 2200 North Main, Miami, Okla.; effective 4-3-62 to 4-2-63 (men's denim dungarees, work pants, and overalls).

Cater Frock Co., New Braunfels, Tex.; effective 4-9-62 to 4-8-63 (children's dresses).

Femwear Manufacturing Co., 701 Whaley Street, Columbia, S.C.; effective 4-15-62 to 4-14-63 (ladies' dresses).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; effective 4-7-62 to 4-6-63 (men's pajamas).

Globe Manufacturing Co., Inc., Vidalia, Ga.; effective 4-5-62 to 4-4-63 (men's and boys' pants).

Kane Manufacturing Co., Leitchfield, Ky.; effective 4-5-62 to 4-4-63 (men's and boys' cossack type jackets).

Lavonia Industries, Inc., Lavonia, Ga.; effective 4-20-62 to 4-19-63 (house dresses).

Leco Manufacturing Corp., Mountain City, Tenn.; effective 4-17-62 to 4-16-63 (women's and children's cotton and flannelette sleepwear).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 4-5-62 to 4-4-63 (men's trousers and outdoors jackets).

Little Star Frocks, Inc., Walnut and Orchard Streets, Bridgeton, N.J.; effective 4-18-62 to 4-17-63 (children's dresses).

New Hebron Manufacturing Co., Inc., New Hebron, Miss.; effective 4-3-62 to 4-2-63 (boys' shirts and pants set; cotton staple work clothing).

N. Nirenberg Sons, Inc., 750 Second Avenue, Troy, N.Y.; effective 4-5-62 to 4-4-63 (men's shirts).

Perry Manufacturing Co., Mount Airy, N.C.; effective 4-14-62 to 4-13-63 (ladies' blouses, shorts, and slacks).

Sharlan Co., Fountain Inn, S.C.; effective 4-4-62 to 4-3-63 (boys' and men's shirts).

Stone Manufacturing Co., Poinsett Highway, Greenville, S.C.; effective 4-9-62 to 4-8-63 (children's and ladies' cotton and nylon slips).

Sunbright Shirt Corp., Sunbright, Tenn.; effective 4-2-62 to 4-1-63 (boys' shirts).

Wellington Manufacturing Co., Okolona, Miss.; effective 4-10-62 to 4-9-63 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dan-Dee Apparel Corp., Main and Locust Streets, Gallitzin, Pa.; effective 4-9-62 to 4-8-63; 10 learners (children's tennis sets, blouses, and smocks).

Piedmont Garment Co., Inc., Harmony, N.C.; effective 4-7-62 to 4-6-63; 10 learners (ladies' blouses, smocks, etc.).

Saf-T-Bak, Inc., 1715 11th Avenue, Altoona, Pa.; effective 4-10-62 to 4-9-63; 10 learners (men's and boys' duck hunting clothes; men's poplin fishing clothes).

San-Dar Dress Co., 618-620 Washington Avenue, Jermyn, Pa.; effective 4-4-62 to 4-3-63; three learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Co. of Jackson, Inc., Scotts Hill, Tenn.; effective 4-9-62 to 10-8-62; 60 learners (ladies' wash dresses and dusters).

Brewton Fashions, Ltd., East Rankin Street, Brewton, Ala.; effective 4-6-62 to 10-5-62; 30 learners (ladies' blouses).

Ely and Walker, a division of Burlington Industries, Inc., Canton, Miss.; effective 4-5-62 to 10-4-62; 25 learners (men's and boys' sport shirts).

Paul Manufacturing Co., Scotland Neck, N.C.; effective 4-9-62 to 10-8-62; 45 learners (women's woven nightwear).

Scottsdale Fashions, Inc., 230 West Fifth Street, Tempe, Ariz.; effective 4-9-62 to 10-8-62; 20 learners (women's blouses and dresses).

Smart Style, Inc., Country Club Drive, Asheboro, N.C.; effective 4-5-62 to 10-4-62; 20 learners (girls' sportswear—shorts, bermudas, pedal pushers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

DWG Cigar Corp., 214 Broadway, Findlay, Ohio; effective 4-4-62 to 4-3-63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Antilles Electronics Corp., Centro Industrial Bo. Hato, San Lorenzo, P.R.; effective 3-13-62 to 6-6-62; 100 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Electronic assembly; mechanical assembly; and machine operations for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (tape recorders and related products) (replacement certificate).

Atlantic Industries, Inc., Mayaguez, P.R.; effective 3-26-62 to 3-25-63; 15 learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 65 cents an hour (carpet yarn).

Becton Dickinson, Inc. of Puerto Rico, Juncos, P.R.; effective 3-1-62 to 2-28-63; 10 learners for normal labor turnover purposes, in the occupations of first test tubes; shakedown and rack for point; run through for point; point and unrack; chart and second machine test; grade; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run through for certify; certify; repair defective engraving, each for a learning period of 480 hours at the rate of 80 cents an hour for the period March 1-12, 1962, and at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours, effective March 13, 1962 (thermometers).

Cameo Lingerie, Inc., 229 Igualdad Street, Fajardo, P.R.; effective 2-19-62 to 8-18-62; 88 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (panties).

Cameo Lingerie, Inc., 229 Igualdad Street, Fajardo, P.R.; effective 2-19-62 to 2-18-63; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (panties).

The Carib Co., Inc., Aibonito, P.R.; effective 3-26-62 to 3-25-63; 14 learners for normal labor turnover purposes, in the occupations of machine sewer and layer off, each for a learning period of 480 hours at the rates

of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's gloves).

Clairex Corp. of Puerto Rico, Villa Prades Industrial Division, Rio Piedras, P.R.; effective 2–14–62 to 8–13–62; 25 learners for plant expansion purposes, in the occupations of photocell assembler, inspector and tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (photoelectric cells).

Edro Corp., Anasco, P.R.; effective 3–12–62 to 3–11–63; 12 learners for normal labor turnover purposes, in the occupations of sewing machine operator and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves).

Electrospace Corp. of Puerto Rico, Naguabo, P.R.; effective 3–13–62 to 5–5–62; 72 learners for plant expansion purposes, in the occupations of assembler of electronic parts, cable assembler, operator of automatic wire cutting machines and inspector, each for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (electronic signal equipment) (replacement certificate).

Euphonics Acoustics, Inc., Barbosa Avenue corner Carolina Street, Rio Piedras, P.R.; effective 3–12–62 to 3–11–63; 10 learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: machine operator, cable preparer, solderer, assembler, tester, and inspector, for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (microphones).

Euphonics Acoustics, Inc., Barbosa Avenue corner Carolina Street, Rio Piedras, P.R.; effective 3–12–62 to 9–11–62; 90 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: machine operator, cable preparer, solderer, assembler, tester and inspector, for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (microphones).

General Enterprises, Inc., Lajas, P.R.; effective 2–19–62 to 2–18–63; 11 learners for normal labor turnover purposes, in the occupations of: (1) Machine embroidery and reembroidery operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspector of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (embroidered ladies' underwear).

General Enterprises, Inc., Lajas, P.R.; effective 2–19–62 to 8–18–62; 24 learners for plant expansion purposes, in the occupations of: (1) Machine embroidery and reembroidery operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspector of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (embroidered ladies' underwear).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 2–21–62 to 6–15–62; 30 learners for plant expansion purposes, in the occupations of: (1) Knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours; (3) winder, for a learning period of 240 hours at the rate of 78 cents an hour (full-fashioned sweaters).

International Shoe Corp. of Puerto Rico and/or Island Shoe Co. and Manati Shoe Co., Manati, P.R.; effective 2–13–62 to 2–12–63; 60 learners for normal labor turnover purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lip-wetter; floorboy or floorgirl; insole presser; rack changer, shover or pusher; sock lining getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (shoes).

International Shoe Corp. of Puerto Rico and/or Island Shoe Co. and Manati Shoe Co., Manati, P.R.; effective 2–13–62 to 8–12–62; 60 learners for plant expansion purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lip-wetter; floorboy or floorgirl; insole presser; rack changer, shover or pusher; sock lining getter; or any nonproductive factory occupation, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (shoes).

Midland Knitting Mills, Inc., San German, P.R.; effective 2–19–62 to 8–18–62; 60 learners for plant expansion purposes, in the occupations of: (1) Knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Puritana Manufacturing Corp., Bo. Bairoa—Aguas Buenas-Caguas Road, Aguas Buenas, P.R.; effective 2–19–62 to 2–18–63; 27 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

Puritana Manufacturing Corp., Bo. Bairoa—Aguas Buenas-Caguas Road, Aguas Buenas, P.R.; effective 2–19–62 to 8–18–62; 42 learners for plant expansion purposes, in the occupations of: (1) Knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

Tropical Corp., Mayaguez, P.R.; effective 2–12–62 to 2–11–63; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

Tropical Corp., Mayaguez, P.R.; effective 2–12–62 to 8–11–62; 60 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

Virginia Garment Co., San Sebastian, P.R.; effective 3–26–62 to 9–25–62; 36 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear—panties).

Willida, Inc., Pueblo Norte, Juana Diaz, P.R.; effective 2–12–62 to 2–11–63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (swim suits).

Willida, Inc., Pueblo Norte, Juana Diaz, P.R.; effective 2–12–62 to 8–11–62; 10 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (swim suits).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provision of 29 CFR 522.9.

Signed at Washington, D.C., this 23d day of April 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–4230; Filed, May 1, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 87

Washington, Friday, May 4, 1962

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MAY 8 1962
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3469

UNITED NATIONS DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS the United Nations' vigor and effectiveness have increased over the years; and

WHEREAS the United Nations has become the principal forum for open discussion of world affairs; and

WHEREAS the United Nations is now an effective instrument against hunger, illiteracy, disease, and despair; and

WHEREAS the United Nations is a main avenue for cooperation in the peaceful uses of outer space; and

WHEREAS the United Nations' peacekeeping potential provides a key to world disarmament; and

WHEREAS the United Nations' activities have been beneficial to the national interests of the United States; and

WHEREAS the United Nations' authority depends on the moral and financial support of the world's nations and people; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the citizens of this Nation to observe Wednesday, October 24, 1962, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations and other organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4389; Filed, May 2, 1962; 3:19 p.m.]

Proclamation 3470

NATIONAL MARITIME DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS 1962 is the year in which the world's first nuclear-powered merchant ship, the N.S. *Savannah*, first went to sea; and

WHEREAS the N.S. *Savannah* will visit many of the ports of our Nation during the remainder of this year; and

WHEREAS, in the years to come, this nuclear-powered merchant ship will demonstrate to the peoples of the world the intent of the United States of America to use the atom for peaceful purposes; and

WHEREAS the citizens of this Nation may take justifiable pride in the building of this ship and in its future dedication to our peaceful trade and world commerce; and

WHEREAS it is in the service of our trade and commerce that the American Merchant Marine provides a vital link between this Nation and the other nations of the free world; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 at National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the citizens of the United States to honor our American Merchant Marine on Tuesday, May 22, 1962, by displaying the flag of the United States at their homes and other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day.

I also request that all ships sailing under the American flag dress ship on Tuesday, May 22, in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4395; Filed, May 2, 1962; 4:36 p.m.]

Proclamation 3471

TERMINATING IMPORT QUOTA ON TUNG OIL AND TUNG NUTS

By the President of the United States of America
A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), on October 27, 1960 the President issued Proclamation No. 3378 imposing quantitative limitations on imports of tung oil and tung nuts during each of the three 12-month periods beginning November 1, 1960, November 1, 1961, and November 1, 1962 (3 CFR, 1960 Supp., p. 44);

WHEREAS, at my request, the United States Tariff Commission has made a supplemental investigation under the authority of subsection (d) of the said section 22 of the Agricultural Adjustment Act, to determine whether the circumstances requiring the imposition of the said limitations no longer exist so that the said Proclamation 3378 may therefore be terminated;

WHEREAS the said Commission has transmitted to me a report of its supplemental investigation and of findings made in connection therewith:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby find and proclaim that the circumstances requiring the said Proclamation No. 3378 no longer exist. Accordingly, I hereby terminate the said proclamation, effective on the day following the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE in the City of Washington this first day of May in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

George W. Ball,
Acting Secretary of State.

[F.R. Doc. 62-4390; Filed, May 2, 1962; 3:19 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Christmas Trees

On February 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1321) regarding a proposed revision of United States Standards for Grades of Christmas Trees.

Statement of considerations. The revision as set forth herein embodies one change in the proposal as published in the FEDERAL REGISTER under notice of proposed rule making.

Representatives of the grades committee of the National Christmas Tree Growers Association requested that the word "undesirable" be inserted between "other" and "foreign" in §§ 51.3095 and 51.3101. This change was requested so that matter such as a clean bird's nest, or a piece of fresh laurel, holly or mistletoe would not be considered scorable foreign material. The presence of such material will add to the natural attractiveness or the usefulness of the tree.

The grades committee and other interested parties suggested some additional minor changes. However, to make certain that this revision may become official as soon as possible the grades committee requested that no more changes be considered at this time. It has been suggested that additional changes be discussed at the 1962 National Christmas Tree Growers Convention for consideration at a later date.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Christmas Trees are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GENERAL

Sec.
51.3085 General.

GRADES

51.3086 U.S. Premium.
51.3087 U.S. No. 1 or U.S. Choice.
51.3088 U.S. No. 2 or U.S. Standard.

CULLS

51.3089 Culls.

TOLERANCES

51.3090 Tolerances.

HANDLE LENGTH

51.3091 Handle length.

SIZE

51.3092 Size.

BASIS FOR CALCULATING PERCENTAGES

51.3093 Basis for calculating percentages.

DEFINITIONS

51.3094 Fresh.
51.3095 Clean.
51.3096 Healthy.
51.3097 Well trimmed.
51.3098 Density.
51.3099 Taper.
51.3100 Face.
51.3101 Fairly clean.
51.3102 Handle.
51.3103 Height.
51.3104 Damage.

AUTHORITY: §§ 51.3085 to 51.3104 issued under sec. 202–208, 60 Stat. 1087, as amended; (7 U.S.C. 1621–1627).

GENERAL

§ 51.3085 General.

The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees. The large majority of the Christmas trees marketed are one of the following species: Douglas fir (Pseudotsuga Menziesii); Balsam fir (Abies balsamea); Black spruce (Picea mariana); Eastern Red cedar (Juniperus virginiana); White spruce (Picea glauca); Scotch pine (Pinus sylvestris); Norway spruce (Picea excelsa); Red pine (Pinus resionsa); Eastern White pine (Pinus strobus); and Red spruce (Picea rubens).

GRADES

§ 51.3086 U.S. Premium.

"U.S. Premium" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper, and with each of the four faces free from damage by any cause.

§ 51.3087 U.S. No. 1 or U.S. Choice.

"U.S. No. 1 or U.S. Choice" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper, and with three faces which are free from damage by any cause.

§ 51.3088 U.S. No. 2 or U.S. Standard.

"U.S. No. 2 or U.S. Standard" consists of trees possessing the characteristics typical of the species, which are fresh, fairly clean, healthy, well trimmed, of light or better density, candlestick, normal or flaring taper, and with two adjacent faces which are free from damage by any cause.

§ 51.3089 Culls.

"Culls" consist of individual Christmas trees which fail to meet the requirements of the U.S. No. 2 or U.S. Standard Grade.

§ 51.3090 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by count, shall apply when a lot of Christmas trees is required to meet a specified grade.

(a) *Defects.* 10 percent for trees which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

§ 51.3091 Handle length.

Unless otherwise specified, the length of the handle shall approximate one inch for each foot of the tree height.

SIZE

§ 51.3092 Size.

(a) Size of trees shall be stated in terms of height in feet. The following are examples of size designations:

4 feet or less.
4–6 feet.
6–7 feet or 6–8 feet.
7–8 feet.
8–10 feet.
10 feet and up.

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the trees in any lot may fail to meet the height specified.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3093 Basis for calculating percentages.

Percentages shall be calculated on the basis of count using the individual tree as the unit.

DEFINITIONS

§ 51.3094 Fresh.

"Fresh" means that the needles are pliable and generally firmly attached with not more than slight shattering.

§ 51.3095 Clean.

"Clean" means that the tree is practically free from moss, lichen growth, vines or other undesirable foreign material.

§ 51.3096 Healthy.

"Healthy" means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

§ 51.3097 Well trimmed.

"Well trimmed" means that all barren branches below the first whorl of branches shall have been removed, and that the butt of the trunk has been smoothly cut at approximately right angles to the trunk.

§ 51.3098 Density.

"Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and

arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density is judged on the basis of species characteristics.

§ 51.3099 Taper.

"Taper" means the relationship of the width of the tree to its height. "Flaring", "normal", and "candlestick" taper are the terms used to describe degrees of taper. Flaring taper means, for trees other than the genus Pinus, that the general shape of the tree judged from its best side, forms a cone the base of which is more than 70 percent of its height, and for the genus Pinus, the base of the cone is more than 90 percent of its height. If the base of the cone, of trees other than the genus Pinus, is from 40 to 70 percent, and for the genus Pinus, is from 40 to 90 percent, the tree has normal taper. If the base of the cone is less than 40 percent of its height, the tree has candlestick taper.

§ 51.3100 Face.

"Face" means the visible surface area of a tree as viewed from a distance of 8 to 10 feet from the tree. A tree shall be considered as having four faces, each consisting of one-quarter of the surface area of the tree.

§ 51.3101 Fairly clean.

"Fairly clean" means that the tree is moderately free from moss, lichen growth, vines or other undesirable foreign material.

§ 51.3102 Handle.

"Handle" means that portion of the trunk between the butt or base of a tree and the lowest complete whorl of foliated branches.

§ 51.3103 Height.

"Height" for all trees means the distance from the butt or base of the trunk to the top of the main leader or stem.

§ 51.3104 Damage.

"Damage" means any specific noticeable defect described, or listed in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or shipping quality of the Christmas trees.

(a) The following are noticeable defects which generally affect one or more faces and are usually readily observed by casual observation of a tree:

(1) Decided gap (abnormal space between whorls of branches).
(2) Unduly long branches.
(3) Uneven density.
(4) Weak branches.
(5) Broken branches.
(6) Barren lower whorl (no needles on branches of bottom whorl).
(7) Curved stems.
(8) Hole in tree (lack of branches or foliage and appears as an opening of considerable size).
(9) Excessively long main leader (when the main leader or stem above the top whorl of branches is not proportionate to the over-all tree height.
(10) Incomplete whorl of branches.
(11) Handle not proportionate to height of tree.

(b) The following are defects which individually or in combination with other defects may materially detract from the appearance or shipping quality of a tree to the same degree as the noticeable defects listed above.

(1) Multiple leaders.
(2) Crows nest (cluster of short branches which forms a compact nest type whorl arrangement).
(3) Multiple main stems.
(4) Goose neck. (Greater than usual distance between 2 whorls of branches).
(5) Noticeable presence of galls on the branches.
(6) Abnormal loss of needles.
(7) Abnormal curling of needles.
(8) Noticeable presence of dead twigs.
(9) Moss, lichen and vines.
(10) Foreign material.

The United States Standards for Grades of Christmas Trees contained in this subpart shall become effective June 15, 1962, and will thereupon supersede the United States Standards for Christmas Trees which have been in effect since November 1, 1957 (7 CFR §§ 51.3085 to 51.3103).

Dated: May 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-4366; Filed, May 3, 1962; 8:49 a.m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year 1962

The funds available for purposes of the National School Lunch Act (42 U.S.C. 1751–1760) for food assistance for the fiscal year ending June 30, 1962, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the Act.

State	Total	State agency	Withheld for private schools
Alabama	$2,792,395	$2,694,755	$97,640
Alaska	92,150	92,150	
Arizona	810,942	740,882	70,060
Arkansas	1,589,983	1,548,239	41,744
California	6,173,006	6,173,006	
Colorado	877,098	797,909	79,189
Connecticut	930,522	930,522	
Delaware	139,478	129,174	10,304
District of Columbia	216,489	216,489	
Florida	2,684,280	2,534,032	150,248
Georgia	3,002,159	3,002,159	
Guam	52,103	38,177	13,926
Hawaii	355,753	294,966	60,787
Idaho	467,188	446,541	20,647
Illinois	3,996,075	3,996,075	
Indiana	2,414,105	2,414,105	
Iowa	1,574,379	1,371,667	202,712
Kansas	1,166,943	1,166,943	
Kentucky	$2,353,772	$2,353,772	
Louisiana	2,512,788	2,512,788	
Maine	881,937	495,206	386,731
Maryland	1,379,920	1,212,415	167,506
Massachusetts	2,089,625	2,089,625	
Michigan	3,900,484	3,280,667	579,817
Minnesota	1,918,963	1,574,503	344,460
Mississippi	2,414,791	2,414,791	
Missouri	2,058,734	2,058,734	
Montana	407,598	360,541	47,057
Nebraska	737,676	630,265	107,411
Nevada	105,349	101,474	3,875
New Hampshire	314,084	314,084	
New Jersey	2,275,352	1,829,539	445,713
New Mexico	700,328	700,328	
New York	5,862,679	5,862,679	
North Carolina	3,615,488	3,615,488	
North Dakota	432,443	380,175	52,268
Ohio	4,572,957	3,844,217	728,740
Oklahoma	1,412,807	1,412,807	
Oregon	897,484	897,484	
Pennsylvania	5,206,671	4,112,394	1,094,277
Puerto Rico	3,690,208	3,690,208	
Rhode Island	396,496	396,496	
South Carolina	2,281,123	2,231,788	49,335
South Dakota	428,094	428,094	
Tennessee	2,698,629	2,600,250	98,379
Texas	5,847,006	5,493,194	353,813
Utah	602,686	592,864	9,822
Vermont	238,577	238,577	
Virginia	2,471,476	2,335,561	135,915
Virgin Islands	37,717	37,717	
Washington	1,399,101	1,293,119	105,982
West Virginia	1,372,142	1,329,627	42,515
Wisconsin	2,073,192	1,570,660	502,532
Wyoming	176,375	176,375	
Total	98,760,000	93,056,537	5,703,463

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U.S.C. 1751–1760)

Dated: April 30, 1962.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 62-4346; Filed, May 3, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1033) stating that the Federal Aviation Agency proposed to revoke low altitude Red Federal airway No. 8, its associated control areas and reporting points from Lock Haven, Pa., to Crystal Lake, Pa.

No adverse comments were received regarding the amendments proposed in the Notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matters presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.208 *Red Federal airway No. 8 (Lock Haven, Pa., to Crystal Lake, Pa.)*, is deleted.

2. In Part 601 (14 CFR Part 601) § 601.208 *Red Federal airway No. 8 control areas (Lock Haven, Pa., to Crystal Lake, Pa.)* is deleted.

3. In Part 601 (14 CFR Part 601), § 601.4208 *Red Federal airway No. 8 (Lock Haven, Pa., to Crystal Lake, Pa.)*, is deleted.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4331; Filed, May 3, 1962; 8:45 a.m.]

[Airspace Docket No. 62-PC-7]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas, Reporting Points, Control Zone and Control Area Extension

The purpose of these amendments to the regulations of the Administrator is to change the name of the Kahului, Hawaii, VOR to the Maui, Hawaii, VOR wherever it appears in Parts 600 and 601. This action is taken due to misunderstandings resulting from the phonetic similarity in the names Kahului and Honolulu when used in radio voice communications. In addition, action is taken herein to alter Hawaiian VOR Federal airway No. 6 by deleting reference to the Mokuhoonike Restricted Area (R-326) from the airway description since this restricted area has been revoked.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

§§ 600.6401, 600.6405, 600.6411, 600.6412, 600.6415, 601.7002 [Amendments]

1. In the text of the following sections "Kahului" is deleted wherever it appears and "Maui" is substituted therefor.

a. Section 600.6401 (26 F.R. 2549, 9207).
b. Section 600.6405 (26 F.R. 2549, 9207).
c. Section 600.6411 (26 F.R. 2549, 9207).
d. Section 600.6412 (26 F.R. 2549, 9207).
e. Section 600.6415 (26 F.R. 2549, 9207).
f. Section 601.7002 (14 CFR 601.7002).

2. The text of § 600.6406 (14 CFR 600.6406) is amended to read:

§ 600.6406 Hawaiian VOR Civil Airway No. 6.

From the INT of the Molokai, Hawaii VOR 067° and the Maui, Hawaii VOR 331° radials via the Maui VOR; INT of the Maui VOR 080° and the Hilo, Hawaii VOR 334° radials; to the Hilo VOR.

3. The text of § 601.1438 (14 CFR 601.1438) is amended to read:

§ 601.1438 Control area extension (Kahului, Maui, T.H.).

The airspace N of Kahului within a 25-mile radius of the Maui, Hawaii VOR bounded on the S by Hawaiian VOR Federal airway No. 6.

4. The text of § 601.2193 (14 CFR 601.2193) is amended to read:

§ 601.2193 Kahului, Hawaii, control zone.

Within a 5-mile radius of the Kahului Airport (latitude 20°54'00'' N., longitude 156°26'00'' W.), within 2 miles either side of the N course of the Maui, Hawaii RR extending from the 5-mile radius zone to the RR, and within 2 miles either side of the Maui VOR 038° and 204° radials extending from the 5-mile radius zone to 12 miles NE and SW of the VOR.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4332; Filed, May 3, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-30]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zones

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Sacramento, Calif., control zone, the Sacramento, Mather AFB, Calif., control zone and designate the Sacramento, McClellan AFB, Calif., control zone.

The Sacramento, Calif., control zone (§ 601.2185) is designated, in part, within a 5-mile radius of McClellan AFB, Calif., with an extension within 2 miles either side of a line bearing 358° True extending from the McClellan AFB, to Red Federal airway No. 76. The Federal Aviation Agency proposes to alter the Sacramento control zone by deleting reference to the 5-mile radius of McClellan AFB, the extension to the north and to designate a separate control zone for McClellan AFB. Under present designation the operations for both airports are based on the weather report at Sacramento Municipal Airport. Due to varying weather conditions in this area it is deemed advisable to separate this function to obtain the maximum operational capability at McClellan AFB. Weather and communications services will be furnished by Air Force Tower personnel at McClellan AFB. In addition, due to the alteration of the Sacramento control zone (§ 601.2185) and the designation of a separate control zone for McClellan AFB the Mather AFB control zone is redescribed herein to exclude those portions which coincide with Sacramento and McClellan control zones.

Since the total amount of controlled airspace is being reduced and the changes effected by these amendments are less restrictive in nature than present requirements, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2185 (14 CFR 601.2185) is amended to read:

§ 601.2185 Sacramento, Calif., control zone.

Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45'' N., longitude 121°29'33'' W.); including a one-mile radius of Reed AAF (latitude 38°31'00'' N., longitude 121°23'45'' W.); within 2 miles either side of the SW course of the Sacramento RR extending from the 5-mile radius zone to the Clarksburg FM; and within 2 miles either side of the Sacramento ILS localizer backcourse extending from the 5-mile radius zone to the McClellan AFB control zone (§ 601.2504).

2. Section 601.2369 (14 CFR 601.2369) is amended to read:

§ 601.2369 Sacramento, Mather AFB, Calif., control zone.

Within a 5-mile radius of the Mather AFB (latitude 38°33'10'' N., longitude 121°18'05'' W.) and within 2 miles either side of the 239° radial of the Mather VOR extending from the 5-mile radius zone to the VOR, excluding the portion NW of a line from latitude 38°37'25'' N., longitude 121°19'20'' W., to latitude

38°35'20" N., longitude 121°22'55" W., and excluding the portion which coincides with the Sacramento control zone (§ 601.2185).

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2504 Sacramento, McClellan AFB, Calif., control zone.

Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.) and within 2 miles either side of the 183° radial of the McClellan VOR extending from the 5-mile radius zone to the VOR, excluding the portion SE of a line from latitude 38°37'25" N., longitude 121°19'20" W., to latitude 38°35'20" N., longitude 121°22'55" W.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4333; Filed, May 3, 1962; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-214; Order No. 245]

PART 3—ORGANIZATION

APRIL 30, 1962.

On April 29, 1959, the Commission, acting pursuant to section 3(a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), issued Order No. 213, Statement of Organization (21 FPC 601, 24 F.R. 3654) which described the then current central and field organization, including delegations of final authority and other information required by the Administrative Procedure Act.

Since the issuance of Order No. 213, the Commission has reorganized its staff in numerous respects and has issued additional delegations of final authority.

It thus appears that it is desirable and in the public interest to issue a revised statement describing our current organization and cumulating currently effective delegations of final authority.

The Commission finds. The amendment to its general rules adopted hereby involves matters of agency organization and procedure which do not require notice and hearing under section 4(a) of the Administrative Procedure Act and good cause exists to make the amendment effective forthwith. The Commission, acting pursuant to authority granted by section 309 of the Federal Power Act and section 16 of the Natural Gas Act (16 U.S.C. 825h; 15 U.S.C. 717o) and in accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002), orders:

(A) Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new Part 3 to read as set forth below.

(B) Order No. 213, issued April 29, 1959 (21 FPC 601, 24 F.R. 3654), is hereby superseded.

(C) The new Part 3 prescribed hereby shall become effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Sec.
3.1 Purpose.
3.2 Nature and responsibilities of Commission.
3.3 Functions.
3.4 Organization.
3.5 Delegations of final authority.
3.6 Offices of Commission; information and submittals.

AUTHORITY: §§ 3.1–3.6 issued under sec. 16 of the Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o and sec. 309 of the Federal Power Act, 49 Stat. 858, 16 U.S.C. 825h; sec. 3 of the Administrative Procedure Act, 5 U.S.C. 1002.

§ 3.1 Purpose.

This part describes the central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. The statement of organization adopted by the Commission in its Order No. 213, dated April 29, 1959 (24 F.R. 3654–3656) is hereby superseded.

§ 3.2 Nature and responsibilities of the Commission.

The Federal Power Commission, established as an independent agency of the Federal Government by the Act of June 23, 1930 (46 Stat. 797), is responsible for: Administration and enforcement of the Federal Power Act and the Natural Gas Act; certain duties under the Flood Control Act of 1938 and subsequent Flood Control Acts, the River and Harbor Act of 1945 and subsequent River and Harbor Acts, and a number of other statutes, pertaining principally to Federal power projects; and certain functions pursuant to Executive Order 10485 (18 F.R. 5397, 3 CFR 1948–1953 Comp., p. 970) relating to electric power and natural gas facilities located on the borders of the United States.

§ 3.3 Functions.

The principal functions of the Commission are:

(a) *Hydroelectric resources.* Licensing hydroelectric power projects on waters over which the Congress has jurisdiction, or on Federal lands, or utilizing surplus water or water power from Federal dams; determining original costs and making analysis of reserve requirements of hydroelectric licensees; collecting and recording data concerning developed and undeveloped water power resources of the Nation; making surveys and studies, including power market surveys, of the requirements for comprehensive development of river basins for hydroelectric power and other purposes; analyzing plans for and making recommendations concerning hydroelectric power installations at Federal river development projects; and making determinations of payments for benefits provided by headwater improvements to downstream power projects.

(b) *Electric energy.* Regulating the rates, accounts, depreciation practices, security issues, property dispositions, mergers, consolidations, exportation of electric energy and border facilities therefor, interconnections, and coordination of facilities, of public utilities engaged in the transmission and sale for resale of electric energy in interstate commerce; gathering, compiling, and publishing statistical and other information concerning electric power and the electric power industry in the United States; and analyzing and serving as the central source of information concerning national and regional power supply and requirements.

(c) *Natural gas.* Issuing certificates of public convenience and necessity for the construction and operation of facilities for the transportation or sale for resale of natural gas in interstate commerce; granting import, export, and border permits; ordering extensions of facilities or service; authorizing abandonment of such facilities or service; regulating the rates, accounts, and depreciation practices of certificated natural gas companies; compiling and publishing statistical and other information concerning the natural gas industry in the United States. These activities embrace full consideration of all aspects of the public interest in balancing natural gas exploration, conservation, supply, interstate transport, storage and ultimate consumption on a national scope.

(d) *Federal power rates.* Allocating costs, and approving accounts, rates, and related matters, for certain Federal hydroelectric power projects.

§ 3.4 Organization.

The Federal Power Commission as an agency of Government consists of: The five-man Commission; the immediate offices of the individual Commissioners; the Chairman as executive and administrative head of the agency; the Executive Director; and the technical and administrative staff.

(a) *The Commission.* Except as provided below with respect to executive and administrative functions, the Commission is responsible for all plans, programs, and actions of the agency. The members of the Commission are appointed by the President, by and with the consent of the Senate. The Chairman is designated by the President. A Vice Chairman is elected annually by the members of the Commission. Any three members of the Commission constitute a quorum for the transaction of business.

(b) *Commissioners' offices.* Each Commissioner's immediate office is subject to his exclusive jurisdiction. Persons employed there regularly and full time are selected by him, perform such duties as he may assign, and are responsible to him alone.

(c) *Chairman.* The Chairman is the principal executive officer of the agency, responsible for all executive and administrative functions except those reserved to the Commission by Reorganization Plan No. 9 of 1950 (64 Stat. 1265).

(d) *Executive Director.* The Executive Director, under the direction of the Commission on substantive matters, and as the Chairman's delegate on executive and administrative matters, is responsible for and takes action to insure the effectiveness and efficiency of staff operations.

(e) *The staff.* The Commission's staff is comprised of eleven bureaus and offices, as follows:

(1) The Bureau of Natural Gas, responsible for all staff activities pertaining to the natural gas industry, except: Legal matters; the uniform systems of accounts; original cost and reclassification studies; financial and related statistical matters, including rate-of-return studies; and other matters responsibility for which is assigned to other elements of the staff. The Bureau consists of the Office of the Chief, the Pipeline Division, the Producer Division, the Planning and Control Division and a field office in Houston, Texas (under the administrative control of the Planning and Control Division). The field office performs work assigned by the Pipeline and Producer Divisions including field audits, engineering, geological, and accounting investigations arising from the production and transportation of natural gas for sale in interstate commerce for resale.

(2) The Bureau of Power, responsible for all staff activities pertaining to water resources, hydroelectric power, and the electric power industry, except: Legal, accounting, financial, and related statistical matters; and other matters responsibility for which is assigned to other elements of the staff. The Bureau is divided into a headquarters office at Washington and five regional offices. The headquarters office consists of the Chief of the Bureau of Power and his immediate staff, a Division of Licensed Projects, a Division of Electric Resources and Requirements, and a Division of River Basins. The Regional offices, at New York, Atlanta, Chicago, Fort Worth, and San Francisco, are responsible within their respective geographic areas for Bureau functions which can be done most effectively and efficiently in the field, including field investigations and studies, consultations, and inspections.

(3) The Office of Accounting and Finance, responsible for all staff activities pertaining to accounting, financial and related statistical matters (including rate-of-return studies), except: Legal matters; accounting investigations relating to rates and charges for electric power and natural gas; statistics on hydroelectric resources, power systems, power supply and requirements, power production and capacity, fuel consumption and stocks, electric utility systems loads, and electric plant construction costs and production expenses; and other matters responsibility for which is assigned to other elements of the staff. The office consists of the Chief Accountant and his immediate staff, a Division of Accounts and a Division of Finance and Statistics. The Division of Accounts includes field units with headquarters in San Francisco, California and Houston, Texas. The Chief Accountant, in addition to his duties as head of the office, has personal responsibility for the overall correlation and adequacy of the accounting and related functions of all bureaus and offices of the staff.

(4) The Office of the General Counsel, responsible for the legal phases of all Commission functions, including litigation in the courts.

(5) The Office of the Secretary, responsible for the secretariat functions of the Commission, including the duties of the Secretary as set forth in this chapter, and for action on behalf of the Commission pursuant to the delegations of final authority described in § 3.5 hereof.

(6) The Office of Hearing Examiners, responsible for discharging the functions and exercising the powers of presiding officers in hearings, in accordance with the provisions of sections 7 and 8 of the Administrative Procedure Act and § 1.27 of this chapter.

(7) The Office of Special Assistants to the Commission, responsible for assisting the Commission in the preparation of opinions, orders, and other legal documents, and for analyzing exceptions, preparing summaries of facts and issues, and performing related duties, as assigned. The Office is under the direction of the Commission or individual members thereof on substantive matters, but is under the administrative supervision of the General Counsel.

(8) The Office of Economics, responsible for obtaining and evaluating economic and statistical information necessary in the administration of the Federal Power Act and the Natural Gas Act; appraising the economic implications of proposed policies, and assisting the Commission in the formulation of economic policies required in the administration of the Federal Power Act and the Natural Gas Act.

(9) The Office of Administration, responsible on a Commission-wide basis for budget and fiscal activities, general administrative services, and management services, including administration of the automatic data processing program and services. The Office consists of the Director of Administration and his immediate office, the Division of Budget and Finance, the Division of General Services, and the Division of Management Assistance.

(10) The Office of Personnel, responsible for the Commission's personnel management activities and the personnel security program.

(11) The Office of Public Information, responsible for the public information activities of the agency, including issuance of press releases, sale and distribution of publications, and public reference service.

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) The Secretary, or in his absence, the Acting Secretary, to:

(1) Sign official correspondence on behalf of the Commission.

(2) Prescribe the time for filing by electric utilities, licensees, natural gas companies, and other persons, answers to complaints, petitions, motions, and other pleadings and documents, provided that no answers shall be required to be filed in less than ten days after the date of service of the pleading or document to which answer is made.

(3) Schedule hearings and issue notices thereof.

(4) Accept for filing, subject to the order of the Commission, notices of intervention and petitions to intervene by State commissions and Federal agencies.

(5) Reject petitions to intervene filed in a period later than ten days next preceding the date the matter is set for hearing, unless good cause is shown for the late filing.

(6) Consolidate proceedings for hearing simultaneously on a record, and sever proceedings which have been consolidated.

(7) Deny motions or requests for extensions of time filed later than the time prescribed by the rules unless good cause is shown for the late filing.

(8) Reject pleadings, briefs, and other documents filed later than the time prescribed by an order, rule, or regulation of the Commission unless good cause is shown for the late filing.

(9) Waive requirements of the Commission's rules and regulations, when consistent with the public interest in a particular case.

(10) Pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data, and information and to do other acts required or allowed to be done at or within a specific time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of six months beyond the time or period originally prescribed.

(11) Accept service of process upon behalf of the Commission.

(12) Accept for filing bonds or agreements and undertakings submitted in rate suspension proceedings when they are found to be satisfactory.

(13) Take the following action on rate schedule and certificate filings submitted by independent producer natural gas companies prior to issuance on September 27, 1956, of Order No. 190 (16 FPC 492, 21 F.R. 7616, October 4, 1956) involving non-signatory parties or percentage sales which may be found to be in conflict with said order: Vacate the orders previously issued granting certificates of public convenience and necessity, and cancel the prior acceptances of, and reject, the related rate schedules, after the applicant or filing party has been advised that such action is contemplated and given 15 days for filing a response to the letter of notification, or upon request of an independent producer who is a non-operating signatory party, cancel the prior acceptance of and reject the rate schedules where certificate applications have been or are concurrently being rejected; advise the

filing party of final action by appropriate letter.

(14) Take the following actions on certificate and rate schedule filings of independent producers, where the sales involved are not of an interstate character, or where proposed interstate sales were never made: (i) Upon request of the filing party, vacate the order previously issued granting a certificate of public convenience and necessity; and (ii) cancel the prior acceptance of and permit withdrawal of the related rate schedule upon request of the filing party or where the certificate application is concurrently being or has been previously withdrawn.

(15) Publish Notice of Land Withdrawals under section 24 of the Federal Power Act.

(16) Approve, with respect to particular parcels of land within the project area of a licensed water-power project, the conveyance by the licensee to another legal entity of an interest therein for use for a non-project purpose, subject to the right of the licensee, its successors and assigns to use the land for all project purposes contemplated by the license for the project.

(17) Accept for filing initial rate schedules and rate changes submitted by natural gas companies and electric utilities where no rate increase other than for state gathering, production, or similar tax is involved and where no waiver of statutory notice is required and advise the filing party of such acceptance, the designation of the rate schedule and effective date thereof.

(18) Issue notices of applications filed under the Federal Power and Natural Gas Acts, fixing the time for filing comments, protests on petitions to intervene and schedule hearings on such applications when apropriate or required by law.

(19) Accept for filing rate schedules and supplements thereto, if any, submitted in compliance with conditions in certificates of public convenience and necessity, both temporary and permanent, issued under section 7 of the Natural Gas Act, when they meet the requirements prescribed by such certificates and advise the filing party of such acceptance, the designation of the rate schedule and effective date thereof.

(20) Pass upon, when appropriate, applications, petitions, and requests submitted under General Instruction No. 12 of the Uniform System of Accounts prescribed for natural gas companies for approval to group certain gathering systems, or certain transmission mains, or certain compressor stations for the purpose of complying with that portion of General Instruction No. 12 (formerly covered by General Instruction No. 11 prior to January 1, 1961) requiring a segregation of the cost of operating and maintaining each plant.

(21) Accept for filing amendments to agreements and contracts or rate schedules submitted in compliance with Commission orders accepting offers of rate settlements if such filings are in satisfactory compliance with such orders.

(22) Issue notices requiring that the rates under suspension be charged where a motion to make such a rate effective is filed by the independent producer concerned, and to accept for filing the bond or agreement and undertaking when deemed to be satisfactory.

(23) Reject a rate filing in accordance with § 1.14(a)(2) of this chapter, if it fails to comply with applicable statutory requirements, Commission rules or regulations, or Commission orders.

(24) Accept for filing data and reports required by Commission orders and presiding examiner's initial decisions when such filings are considered to be in satisfactory compliance with the orders or decisions, and when appropriate, to notify the filing party of such acceptance.

(b) The Chief Accountant, or in his absence the Acting Chief, to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies.

(c) Regional Engineers of the Bureau of Power, or, in the absence of a regional engineer, the Acting Regional Engineer, to grant 30-day extensions of time for filing Power System Statements (Forms 12, 12A, etc.).

(d) The Chief Examiner, and the examiners designated to preside at hearings, to exercise the functions and powers stated and enumerated for presiding officers in the Commission's rules of practice and procedure, particularly § 1.27 of this chapter (18 CFR 1.27).

§ 3.6 Offices of the Commission; information and submittals.

(a) Headquarters of the Federal Power Commission are in the General Accounting Office Building, 441 G Street NW., Washington, D.C. Information concerning matters for which the Commission is responsible may be obtained in person at that office, or by written request addressed to the Federal Power Commission, Washington 25, D.C. All formal requests, filings, and submittals should be addressed to the principal office of the Commission, pursuant to § 1.1(g) of this chapter.

(b) Regional offices of the Bureau of Power, to which should be submitted all prescribed Power System Statements and from which may be obtained information concerning power matters assigned to them, are located as follows:

(1) New York Regional Office, at 346 Broadway, New York 13, N.Y., serving: Connecticut; Delaware; District of Columbia; part of Kentucky; Maine; Maryland; Massachusetts; New Hampshire; New Jersey; New York; part of Ohio; Pennsylvania; Rhode Island; Vermont; and parts of Virginia and West Virginia.

(2) Atlanta Regional Office, at Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta 23, Georgia, serving: Alabama; Florida; Georgia; parts of Kentucky and Mississippi; North Carolina; South Carolina; Tennessee; and parts of Virginia and West Virginia.

(3) Chicago Regional Office, in the United States Custom House, 610 South Canal Street, Chicago 7, Illinois, serving: Illinois; Indiana; Iowa; part of Kansas; Michigan; Minnesota; parts of Missouri, Montana, and Nebraska; North Dakota; parts of Ohio and South Dakota; Wisconsin; and part of Wyoming.

(4) Fort Worth Regional Office, at 289 University Plaza Building, 100 North University Drive, Fort Worth 7, Texas, serving: Arkansas; Colorado; part of Kansas; Louisiana; parts of Mississippi, Missouri, Nebraska and New Mexico; Oklahoma; part of South Dakota; Texas; and part of Wyoming.

(5) San Francisco Regional Office, in the United States Custom House, 555 Battery Street, San Francisco 11, California, serving: Alaska; Arizona; California; Hawaii; Idaho; part of Montana; Nevada; part of New Mexico; Oregon; Utah; Washington; and part of Wyoming.

(c) Public files and records, described in § 1.36 of this chapter are available are available for public inspection in the Office of Public Information at agency headquarters.

[F.R. Doc. 62-4354; Filed, May 3, 1962; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Projects

In § 213.261 new paragraphs (c) and (d) are added as follows:

§ 213.261 Termination of mortgage insurance; adjusted premium and termination charge.

* * * * *

(c) No adjusted premium or termination charge shall be collected where the mortgage is paid in full prior to maturity or the mortgage insurance is terminated after the tenth anniversary of the date the mortgage was first endorsed for insurance.

(d) The provisions of paragraph (c) of this section shall not apply to an investor project.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., April 30, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-4362; Filed, May 3, 1962; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 and paragraph (C) of proviso (1) of subsection 6(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205; 75 Stat. 68), the Secretary of Labor by Administrative Order No. 560 (27 F.R. 666) appointed and convened Review Committee No. 3-B, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the leather, leather goods, and related products industry in Puerto Rico, as that industry is defined in Administrative Order No. 560.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938 (75 Stat. 69; 52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order revising 29 CFR 602.2 effective June 10, 1962, to read as follows:

§ 602.2 Wage rates.

(a) Wages at a rate of not less than 92 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the belt classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(b) Wages at a rate of not less than $1.09 an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hide curing classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the salting and other curing of hides and skins and operations incidental thereto, except when such operations are performed as an integral and continuous part of leather tanning.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sporting and athletic goods classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of sporting and athletic goods, including sport and athletic gloves and mittens and baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(d) Wages at a rate of not less than 73 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather tanning and finishing classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing classification, as defined herein and except the processing of such material in the course of the fabrication of products therefrom.

(e) Wages at a rate of not less than 69 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products and activities included in the leather, leather goods, and related products industry except those included in any other classification in this industry.

(f) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c), Proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, and related products new coverage classification of the leather, leather goods, and related products industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the leather, leather goods, and related products industry in Puerto Rico.

(52 Stat. 1064, as amended; 29 U.S.C. 208; 75 Stat. 69)

Signed at Washington, D.C., this 30th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4342; Filed, May 3, 1962; 8:46 a.m.]

PART 657—TOBACCO INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 and paragraph (C) of proviso (1) of subsection 6(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205; 75 Stat. 68), the Secretary of Labor by Administrative Order No. 560 (27 F.R. 666) appointed and convened Review Committee No. 4, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the tobacco industry in Puerto Rico, as that industry is defined in Administrative Order No. 560.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938 (75 Stat. 69; 52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order revising 29 CFR 657.2 effective June 24, 1962, to read as follows:

§ 657.2 Wage rates.

(a) Wages at a rate of not less than 40 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the filler tobacco processing classification of the tobacco industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of all filler tobaccos including, but without limitation, the grading, fermenting, hand stemming, packing, storing, drying and handling of filler tobaccos prior to their use in the manufacture of cigars or other finished products, and including all activities performed as a necessary incident to such processing in the place of employment where such processing is carried on: *Provided, however,* That this classification shall not include such activities when they are performed as part of an integrated machine processing operation and, provided further, that this classification shall not include the shredding, chopping, threshing, or stemming of such tobaccos by machine and operations immediately incidental thereto.

(b) Wages at a rate of not less than 83 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wrapper type tobacco processing classification of the tobacco industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of

goods for commerce, and this classification shall be defined as the processing of cigar wrapper type tobacco including, but without limitation, the bulking, dampening, sorting, sizing, tying, mulling, or fermenting, drying, packing, storing, and handling of such tobacco prior to its use in the manufacture of cigars or other finished tobacco products, and including all activities performed as a necessary incident to such processing in the place of employment where such processing is carried on: *Provided, however,* That the shredding, chopping, threshing, or stemming of such tobacco by machine and operations immediately incidental thereto shall not be included.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine threshing, other operations classification of the tobacco industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all processing of tobacco preceding and subsequent to the shredding, chopping, or threshing of all types of tobacco by machine and drying and inspection operations immediately incidental thereto, when such preceding and subsequent processing is performed as a part of an integrated operation of machine shredding, chopping or threshing, and including all activities performed as a necessary incident to such processing in the place of employment where such processing is carried on.

(d) Wages at a rate of not less than 99 cents an hour shall be paid under section 6(c), proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the tobacco industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the shredding, chopping, or threshing of all types of tobacco by machine and drying and inspection operations immediately incidental thereto, and all other products and activities in the tobacco industry in Puerto Rico, except products and activities included in any other classification in this industry.

(e) Wages at a rate of not less than 70 cents an hour shall be paid under section 6(c), Proviso (2) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the tobacco new coverage classification of the tobacco industry in Puerto Rico, who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the tobacco industry in Puerto Rico.

(52 Stat. 1064, as amended; 29 U.S.C. 208; 75 Stat. 69)

Signed at Washington, D.C., this 30th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4343; Filed, May 3, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Gulf of Maine, Maine

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.4 is hereby prescribed establishing and governing the use of a sonobuoy test area or "Foul Area" in the Gulf of Maine off Pemaquid Point, Maine, effective on publication in the FEDERAL REGISTER in order that the area may be used as soon as possible for testing sonobuoys, as follows:

§ 207.4 Gulf of Maine off Pemaquid Point, Maine; Naval Sonobuoy Test Area.

(a) *The area.* The test area or "Foul Area" encompasses a circular area one nautical mile in radius, the center of which is located 7.9 nautical miles, bearing 187° magnetic from Pemaquid Light.

(b) *The regulations.* (1) Sonobuoy drops will be made only in the designated area and when visibility is at least three miles.

(2) Sonobuoy drop tests will normally be conducted at intermittent periods on a 5-day week basis, Monday through Friday. However, on occasion tests may be conducted intermittently on a seven-day week basis.

(3) Prior to and during the period when sonobuoys are being dropped, an escort vessel from the U.S. Naval Air Station will be in the vicinity to insure that no vessels are in the testing area. Vessels may be requested to veer off when sonobuoys are about to be dropped; however, drops will be made only when the area is actually clear of vessels as ascertained by the project aircraft and the surface vessel.

(4) The sonobuoys drops will be made in connection with the production and experimentation of sonobuoys.

(5) No live ammunition or explosives will be involved.

(6) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Brunswick, Maine, or such agencies as he may designate.

[Regs., April 20, 1962, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-4327; Filed, May 3, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Pomme de Terre Reservoir Area, Mo.; Canyon Reservoir Area, Tex.; Oahe Reservoir Area, North Dakota and South Dakota

The Secretary of the Army having determined that the use of Pomme de Terre Reservoir Area, Pomme de Terre River, Missouri, Canyon Reservoir Area, Guadalupe River, Texas, and Oahe Reservoir Area, North Dakota and South Dakota, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266), adding to the lists in §§ 311.1 and 311.6, as follows:

§ 311.1 Areas covered.

* * * * *

MISSOURI

* * * * *

Pomme de Terre Reservoir Area, Pomme de Terre River.

* * * * *

NORTH DAKOTA

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Oahe Reservoir Area, Missouri River.

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SOUTH DAKOTA

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Oahe Reservoir Area, Missouri River.

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TEXAS

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Canyon Reservoir Area, Guadalupe River.

§ 311.6 Hunting and fishing.

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(b) * * *

NORTH DAKOTA

* * * * *

Oahe Reservoir Area, Missouri River.

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SOUTH DAKOTA

* * * * *

Oahe Reservoir Area, Missouri River.

[Regs., April 20, 1962, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-4326; Filed, May 3, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Subpart M—Rules of Procedure for Contract Financing

PROGRESS PAYMENTS; METHOD OF INVOICING

The procedures of the Post Office Department in Subpart M of Part 201, as published in 27 F.R. 3883-3886 are amended by revising paragraph k of Exhibit A which immediately follows § 201.131 to reflect the use of Form 4737. As so amended paragraph k reads as follows:

EXHIBIT A

Progress Payments—"Total Costs" Clause

* * * * *

k. *Method of invoicing.* All invoices for progress payments on contracts containing the Progress Payment clause shall be supported by Form 4737, Contractor's Request for Progress Payment, and any other supporting information that may be reasonably required.

(R.S. 161, as amended; sec. 305, 63 Stat. 396, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 41 U.S.C. 255)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-4344; Filed, May 3, 1962; 8:47 a.m.]

No. 87——3

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Hunting and Sport Fishing

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 60.11 Special regulations; hunting and sport fishing.

Sport fishing will be permitted on the Patuxent Wildlife Research Center, Maryland. The open area is confined to Snowden Pond, comprising 7 acres as delineated on a map available at the Center headquarters and from the office of the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass and sunfish.

(b) Open season: June 1, 1962, through September 30, 1962; sunrise to sunset only.

(c) Daily creel limits: Black bass, 5; sunfish, no limit.

(d) Methods of fishing:

(1) Hook and line tackle and baits permitted by Maryland law, except that no live minnows or other fish may be used for bait.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted. Launching of boats is permitted only in the area designated by signs.

(e) Other provisons:

(1) The provisions of this special regulation supplement the regulations which govern fishing on the Patuxent Wildlife Research Center which are set forth in Title 50, Code of Federal Regulations, Part 60.

(2) A Federal permit is required to fish. A total of 300 permits will be issued in order of receipt of requests. Application should be made to the Director, Patuxent Wildlife Research Center, Laurel, Maryland. Each permit shall authorize the holder and members of his immediate family to fish.

(3) Each permittee is required to complete a fishing report form for each day fished, which will show the name of permittee, date of fishing, hours fished, type of bait used, and fish taken by species and size.

(4) The provisions of this special regulation are effective to October 1, 1962.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 30, 1962.

[F.R. Doc. 62-4341; Filed, May 3, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1047]

[Docket No. AO-33-A25]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Wayne, Indiana, on February 5, 1962, pursuant to notice thereof issued on December 29, 1961 (27 F.R. 121).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture, on April 13, 1962 (27 F.R. 3683; F.R. Doc. 62-3775) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Class II milk price;
3. Revision of obligations of a handler operating a nonpool distributing plant;
4. Modification of provisions regarding pool plants which also meet the pooling requirements of another Federal order; and
5. Administrative and conforming changes.

The record evidence urges that amendatory action with respect to Issues 3 and 4 be made effective on April 1 if at all possible. Since it would be impossible to make effective, by that date, an amendment dealing with all the above mentioned issues, this decision is confined to Issues 3 and 4 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issues 3 and 4 are based on evidence presented at the hearing and of the record thereof:

3. The order should be amended to provide that the obligation of a partially regulated handler who elects the type of regulation generally known as the "Wichita" plan should be adjusted by the seasonal incentive plan in the order to the same extent as the obligation of a fully regulated handler.

The operation of the order since it was last amended has demonstrated that the present provisions with respect to partially regulated handlers, when taken in conjunction with the seasonal incentive plan in the order, present a situation which could lead to disorderly marketing conditions. The seasonal incentive plan provides that the market administrator, in computing the uniform price for the months of April, May and June, shall deduct an amount per hundredweight equal to eight percent of the Class I price. One-third of the amount so withheld is added back in computing the uniform price for each of the months of September, October and November.

A distributing plant may be partially instead of fully regulated either because it fails to distribute fifty percent of its receipts of Grade A milk as Class I milk on routes or because it fails to distribute as much as ten percent of its Grade A receipts as Class I milk on routes in the marketing area. It is the former type of plant which could be most disruptive of orderly marketing conditions.

The reserve supply for this market is concentrated in a few plants. During April, May and June when production is seasonally high, these plants, in the past, have exceeded the fifty percent Class I on routes, required for pooling by only a small margin. If the present trend toward increased production continues it is not unlikely that at least one of these plants may fall below the fifty percent requirement during one or more of the coming flush months. Under such circumstances the plant would not be a pool plant during such month or months but would again be subject to full regulation as soon as the peak production had passed.

Such a plant choosing the "Wichita" plan rather than the compensatory payment would be in a position to pay its producers during April, May and June at the use value of milk in the plant. Because of the deduction made in computing the marketwide uniform price it is likely that the price paid farmers by such plant would exceed the marketwide uniform price received by producers at plants retaining pool status. This could cause unrest among producers and interfere with the procurement of milk by regulated handlers. Since the plant would be subject to full regulation again during the fall months, its farmers would share in the distribution, through the producer-settlement fund, of the moneys withheld from producers shipping to fully regulated plants during the April, May and June period. This would reduce the uniform price and lessen the effectiveness of the seasonal incentive.

In the case of plants which are partially regulated during the months of April, May and June because of their failure to distribute as much as ten percent of their receipts of Grade A milk on routes in the marketing area, the same situation exists but in a lesser degree. It is possible that such a plant which procured milk in the same general area as fully regulated plants would obtain a procurement advantage during the spring take-out period. If such a plant became a fully regulated plant in the fall months its producers would share in the distribution of the moneys withheld from other producers during the spring take-out months which would further lessen the effectiveness of the program of providing a seasonal production incentive.

Adoption of the proposal recommended herein, and which is discussed in detail below, in addition to protecting the integrity of the marketwide pool, would be of benefit to the plant which is partially regulated during both the spring and fall months, since its obligation in the spring months would be identical to that which it has at the present time to pay class prices for milk according to its utilization. The distribution to its dairy farmers in the fall months of moneys which were withheld in the months of spring take-out would stabilize its procurement practices and would make it unnecessary for such a plant to pay its dairy farmers at a rate higher than the use value of its milk at order prices in the fall months to be competitive with regulated handlers when the uniform price under the order is increased as a result of the distribution of the moneys withheld in the spring months.

The obligation of a partially regulated handler who elects to pay a compensatory payment will in no way be affected by this amendment. The obligation of the partially regulated handler who does not elect to pay a compensatory payment will be affected, if at all, only during the months of April, May and June, and then only to the extent that his obligation will be equal to the value of his milk according to its utilization at order prices.

During these months, however, instead of having the option of paying the entire amount to his dairy farmers he would be required to pay into the producer-settlement fund, as a part of the seasonal pricing incentive plan, an amount per hundredweight equal to eight percent of the Class I price. This is the same amount withheld in computing the uniform price under the order.

As a further safeguard to the integrity of the pool it should also be provided that a handler who elects the compensatory payment in April, must also elect it in May and June. Likewise the handler who did not pay a compensatory payment in April may not exercise such election in May or June.

For each of the months of September, October and November, a partially regulated handler's obligation at the classified use value of his milk would then be increased by an amount equal to one-third of the amount paid by such handler to the producer-settlement fund for the immediately preceding months of April, May, and June. The market administrator would pay such amount from the producer-settlement fund to such handler provided that such payments were made to dairy farmers. In the event such handler did not so pay his dairy farmers, the moneys would be an obligation of such handler to the producer-settlement fund and would be included in the fall incentive payments to be made to all producers serving the market.

Dairy farmers of such a partially regulated handler would automatically receive fall production incentive payments by participating in the marketwide pool if such handler should become fully regulated for the months of September, October and November.

In the event a handler is no longer associated with the market or has become a fully regulated handler during any of the months of September, October and November, the market administrator would, in lieu of payments to such handler, deposit such moneys in the producer-settlement fund to be paid to all producers as fall production incentive payments. Payments made to the producer-settlement fund in April, May and June by such a handler are an integral part of his obligation to the producer-settlement fund as a partially regulated handler in such months and should be paid to producers in the event such handler is no longer associated with the market.

Provision should also be made to avoid duplication of such a handler's obligation in the event he were also partially regulated by another order issued pursuant to the Act. A handler's obligation under this order would be reduced by any payments made to the producer-settlement fund under another order as a partially regulated handler.

A partially regulated handler participating in the "Louisville" plan should make payments to the producer-settlement fund on or before the 17th day after each of the months of April, May and June. Such moneys would be paid by the market administrator from the producer-settlement fund to such handler by the 17th day after each of the months of September, October and November. To facilitate participation in the "Louisville" plan by a partially regulated handler the date for reporting by such a handler should be changed from the 25th day after the end of the month to the 15th day.

4. The pooling provisions of the order should be modified to permit a distribution plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, a handler operating a distributing plant which meets the pooling requirements of this order is exempt from the provisions of this order (except reporting) if a greater portion of his milk is disposed of as Class I in another Federal order marketing area and such milk is classified and priced under such other order.

Producers and handlers alike testified that the shifting back and forth of plants between Federal orders can create instability in this market, particularly during the months of the "Louisville" plan operation. There are regulated handlers under this order whose distribution on routes in this marketing area is only a little greater than in the Indianapolis market. There are likewise handlers regulated under the Indianapolis order whose sales in Fort Wayne are almost equal to their sales in Indianapolis. A very minor change in the proportion of distribution between the two markets could result in shifting the regulation of such handler from one order to the other and back again every month or two.

Such shifts in regulation would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the variations in the "Louisville" plan of fall incentive payments in the two orders.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribution. However, recognition should be given to the adverse effects of inadvertent shifting from month to month by a plant regularly associated with the Fort Wayne market. This situation can be substantially improved by adoption of the changes herein recommended. A handler operating a pool distributing plant which has been subject to regulation under this order and continues to meet the pool plant standards provided herein, generally should not become subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Fort Wayne marketing area for three consecutive months. This will afford the handler reasonable notice that the onus of regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

Provision should also be made to exempt from regulation under this order a plant which may, for one or two months, dispose of a greater portion of milk in this marketing area than in the area of the order to which it has been subject to regulation if such other order contains a provision similar to that recommended herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the

attached order which will be published with this decision.

Determination of representative period. The month of January 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 30, 1962.

JOHN P. DUNCAN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1047.31 [Amendment]

1. Delete in § 1047.31(b) the "25th day" and substitute therefor the "15th day".

2. Delete § 1047.61 and substitute therefor the following:

§ 1047.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a) and (b) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing areas unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant meeting the requirements of § 1047.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area.

3. Delete § 1047.62 and substitute therefor the following:

§ 1047.62 Obligations of a handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1047.80 through 1047.85, each handler, other than a producer-handler or one exempt pursuant to § 1047.61, who operates a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) A handler who so elects at the time of filing his report pursuant to § 1047.30 (except that a handler who elects such option for the month of April must also elect such option for the months of May and June, and that a handler may not exercise such option for May or June if he failed to elect such option for April or if his plant was a pool plant in April) shall pay the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month as his pro rata share of expenses of administration, the rate specified in § 1047.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, he shall receive payments and shall pay such amounts, as the case may be, as follows:

(1) On or before the 17th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation: *Provided,* That, except during April, May and June, such amount shall not exceed that specified in paragraph (a)(1) of this section:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1047.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant: *Provided,* That for each of the months of April, May and June an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant shall be subtracted from the amount computed pursuant to this subdivision: *And provided further,* That during each of the months of September, October and November, an amount equal to one-third of the total amount paid to the producer-settlement fund by such handler pursuant to subparagraph (2) of this paragraph in the immediately preceding months of April, May and June shall be added to the amount computed pursuant to this subdivision;

(ii) Deduct the sum of the gross payments made by the handler to dairy farmers for milk received at such plant for such month and any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other order: *Provided,* That gross payments to dairy farmers to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1047.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer: *And provided further,* That payments made to the producer-settlement fund of another order issued pursuant to the Act shall include any payments made pursuant to a provision in such order similar to subparagraph (2) of this paragraph;

(2) On or before the 17th day after the end of each of the months of April, May and June for the producer-settlement fund an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant;

(3) On or before the 17th day after the end of each of the months of September, October and November, the market administrator shall pay from the producer-settlement fund to each handler pursuant to this paragraph an amount equal to one-third of the total amount received from such handler pursuant to subparagraph (2) of this paragraph during the immediately preceding months of April, May and June: *Provided,* That if during any of the months of September, October and November the provisions of this paragraph are not applicable to such handler's plant, the market administrator shall in lieu of the payments pursuant to this subparagraph, include such moneys in the amounts added in computing the uniform price pursuant to § 1047.71(c); and

(4) On or before the 13th day after the end of the month, an amount equal to that which would have been computed pursuant to § 1047.86 had such plant been a pool plant, except that if such plant is also partially regulated under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payment under the other order.

§ 1047.86 [Amendment]

5. Delete in § 1047.86(c) the reference "(b)(2)" and substitute therefor "(b)(4)".

[F.R. Doc. 62-4367; Filed, May 3, 1962; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1130]

[Docket No. AO 259-A5]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on April 21, 1961, pursuant to notice thereof issued on March 28, 1961 (26 F.R. 2756).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on November 24, 1961 (26 F.R. 11294; F.R. Doc. 61-11322) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issues on the record of the hearing relate to:

1. The classification and accounting for dietary products and other fortified fluid milk products.

2. Classification of sour cream and related products.

3. Pooling requirements for fluid milk plants also meeting the pooling requirements of another Federal order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products, including dietary products, should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The existing order provisions provide for full skim milk equivalent accounting. Hence, when nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Since the order provides for individual-handler pooling there is no provision for any compensatory payments on other source milk. Producer milk is given priority of assignment in Class I and to the extent that producer receipts are available in the plant, producers are credited a Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. Where nonmilk products such as salt, sugar, flavoring, etc., are used in making any milk product, the weight of such additives is deducted before reconciliation of the pounds of skim and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products places them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products and distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a Class II classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. This they contended would serve to increase over-all returns to producers because less milk would be disposed of necessarily in Class II-A (Cheddar cheese). They further contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and unduly increases handlers' cost.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the various health ordinances in effect in the marketing area. Regardless of the intent of the ordinances it is apparent that the local health authorities are not so interpreting their ordinances. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortification of fluid milk products customarily is accomplished by the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed milk or skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer

milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure to be followed in cases where flavoring and other nonmilk additives are used in processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

2. *Classification of sour cream and related products.* The classification provisions should be revised to provide, in the case of sour cream, that only sour cream and those sour cream products which are disposed of under a Grade A label shall be classified as Class I. Such products disposed of without a Grade A label should be classified as Class II.

Handlers proposed revision of the classification provisions to provide a Class II classification for all sour cream and sour cream derivatives such as sour cream dressings, dips, toppings, etc. They pointed out that they compete for sales of such products with handlers from an adjacent Federal order market where such products are classified as Class II and also such products processed in distant unregulated markets sold through grocery and dairy stores throughout the marketing area.

Producers opposed any change from the present Class I classification, pointing out that the applicable health regulations in the local market require that sour cream carry a Grade A label and that while sour cream products are not required to be so labeled, nevertheless, regulated handlers use only local Grade A producer milk in processing such products.

The products required to be made from locally approved milk supplies are classified as Class I. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market. However, it is not necessary that sufficient producer milk be available to supply the market's requirements for sour cream products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economical utilization should be encouraged.

Local handlers currently rely on local producers to furnish their skim milk and butterfat requirements for sour cream products, primarily to assure a quality product. Handler witnesses stated that they had sought other sources of supply but to date had found no assured supply of suitable quality. Notwithstanding, products derived from sour cream and originating in distant unregulated markets are now being distributed generally in the marketing area in direct competition with locally made products. In addition, regulated handlers under the San Antonio order, where sour cream products are classified as Class II, are disposing of such products in the local market. None of these products is marketed under a Grade A label, however.

It is likely that local handlers are operating at a competitive disadvantage in the distribution of sour cream products, by virtue of their higher product costs under a Class I classification. Under the circumstances, it is desirable that the classification of sour cream products not distributed under a Grade A label be changed to Class II. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations such products should continue to be classified in Class I.

3. *Pooling requirements for fluid milk plants also meeting the pooling requirements of another Federal order.* The present order provisions should be revised to exempt from regulation, except for reporting and verification, any plant meeting the pooling requirements of both this order and another Federal order and which retains pooling status under such other Federal order.

Under the present order provisions a distributing plant which disposes of more than three percent of its receipts, or an average of 1,000 pounds per day (whichever is less), as Class I milk in the marketing area during the month is subject to full regulation, unless a greater volume of Class I milk is disposed of on routes in another marketing area and the plant would be fully regulated under such other order. A supply plant is regulated in any month of February through July in which milk, skim milk or cream is shipped to a regulated distributing plant and in any month of August through January in which such shipments exceed 5,000 pounds per day. No provision is made for exempting a supply plant which is regulated under another order.

A regulated handler under the North Texas order proposed that the order be amended to preclude regulation under this order of a plant meeting the pooling requirements of both this order and another Federal order unless such plant's sales in this market exceeded its sales in the other market over an extended period of time. He contended that with recent technological improvements in processing and distribution, milk now moves great distances from plant to consumer. It is possible that a plant could in a short run period increase its sales in the local market to such an extent as to bring it under full regulation under the order and then by virtue of the loss of a few accounts or by an increase in accounts in the other market change back and forth between orders on a month-to-month basis. This, he contended, would not be in the best interest of either the handler or producers involved.

The proposal was opposed by both regulated handlers and by producers. They pointed out that proponent had no sales in the local market and the nature of the market was such that there was little likelihood of the situation referred to occurring. They further pointed out that regulation of a plant under the Corpus Christi order, with individual-handler pooling, when such plant did more business in another Federal order market could under certain circumstances provide the plant a significant competitive advantage.

A similar proposal was considered at recent hearings in each of the other Texas markets. It is recognized that the shifting of distributing plants back and forth on a month-to-month basis between two different regulations could have a serious detrimental effect on the stability of the market. However, as opponents point out there is no apparent situation presently existing in the market which might produce this result. San Antonio is the nearest federally regulated market and it is significantly larger than the Corpus Christi market in both producer receipts and Class I sales. Under the circumstances there appears to be no need for the proposed provision at this time. However, recognition should be given to the fact that the San Antonio order presently provides that a plant meeting the pooling requirements of that order and which was regulated in the most recent month under that order shall continue to be so regulated until the third month in which greater sales are made in another Federal order market.

As previously indicated, there is no reason at this time to expect that a plant regulated under the San Antonio order, or any other order under a similar provision might dispose of a greater proportion of its Class I milk in the Corpus Christi marketing area. Nevertheless, it is desirable that provision be made to exempt such a plant from regulation under this order, in such event, since it would be neither necessary nor appropriate to subject a plant to full regulation under two orders. Since Federal orders generally provide that distributing plants meeting the pooling requirements of more than one order shall be regulated under that order covering the marketing area in which the greater volume of Class I milk is disposed of, modification of the order to exempt any plant regulated under another Federal order would have significance only under circumstances in which a plant retained pooling status under another order for a temporary period under a provision intended to give the operator reasonable time to make sales adjustments as between markets and thus avoid a change from one regulation to another if such change was not contemplated nor intended. Accordingly, this revision should be made.

As previously indicated, the present order provides no direction as to where a supply plant performing under two orders should be regulated. This deficiency can be corrected by providing that any plant meeting the requirements for regulation both under this order and another Federal order shall be pooled under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months, when milk of supply plants is least likely to be needed for fluid uses, many Federal orders provide automatic pooling status for supply plants which have been closely associated with the market in previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under another order to be regulated under this order during the flush production months on the basis of casual shipments could be expected to have an adverse effect on returns to the dairy farmers delivering to such plant since their normal market would likely be operating under a marketwide pooling arrangement and regulation under an individual-handler pool (as provided in this order) likely would deny them any significant share of the market's Class I sales. It would therefore be more appropriate to permit such a plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1962, is hereby determined to be representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 30, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

§ 1130.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1130.41 [Amendment]

1. Delete paragraph (a) of § 1130.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, but-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

termilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk, and milk products contained in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk or Class II–A milk.

2. Renumber subparagraphs (4) and (5) of § 1130.41(b) as subparagraphs (5) and (6), respectively, and add a new subparagraph (4) as follows:

(4) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph;

3. Delete § 1130.61 and substitute therefor the following:

§ 1130.61 Plants subject to other Federal order.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a), (b) or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A fluid milk plant pursuant to § 1130.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area.

(b) A fluid milk plant pursuant to § 1130.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A fluid milk plant pursuant to § 1130.7(b) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order, or (2) retains automatic pooling status under another Federal order.

[F.R. Doc. 62–4368; Filed, May 3, 1962; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO–335]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, New Mexico, on December 11–14, 1961, pursuant to notice thereof issued on November 9, 1961 (26 F.R. 10691), upon a proposed marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Under Secretary, on March 23, 1962 (27 F.R. 2841; F.R. Doc. 62–2964), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 2841; F.R. Doc. 62–2964) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under *"Producer"*, the third paragraph is changed and a new paragraph is added at the end.

2. Under *"Producer-handler"*, the third and last paragraphs are changed and after each revised paragraph a paragraph is added.

3. Under *"Allocation"*, a paragraph is added following the eighth paragraph.

4. Under *"Class I price"*, the fourth paragraph is changed.

5. Under *"Location differentials"*, two paragraphs are added at the end.

6. Under *"Payment on unpriced milk"*, a paragraph is added following the ninth paragraph.

7. Under *"Payments to producers"*, a paragraph is added following the second paragraph.

8. Under *"Records and reports"*, a paragraph is added at the end.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The Rio Grande Valley marketing area as herein defined contains 28 counties in New Mexico, three counties in Colorado, and one county in Texas.

Milk handled in the marketing area moves in many forms over state lines. Fluid milk products processed and packaged at plants located in New Mexico are regularly distributed in the Colorado and Texas portions of the proposed marketing area. Milk packaged in Texas, Colorado and Oklahoma is sold regularly in the New Mexico portion of the proposed area. Bulk milk is shipped to plants in the proposed area from Kansas, Utah, Iowa, and Arkansas.

Milk and cream in excess of local fluid requirements is sold to milk manufacturing plants for use in dairy products such as butter, cheese, evaporated milk and condensed milk. These products are moved over a wide area in the stream of interstate commerce.

(2) *Need for an order.* Marketing conditions in the Rio Grande Valley marketing area are such that the issuance of a marketing agreement or order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

Producers who sell milk to handlers for distribution in the area have suffered substantial loss of income due to unwarranted price reductions. Several retail price wars occurred in the area during 1961. In each instance the retail price reductions were accompanied by a reduction in the prices paid producers.

Just prior to the hearing held in early December 1961, the reported price for base milk of 3.5 percent butterfat content delivered to Albuquerque and Santa Fe, New Mexico, was $4.35 per hundredweight, about one dollar less than the Class I milk price in the Federally regulated Texas Panhandle market. The base price (3.5 percent butterfat) paid at El Paso, Texas, was $5.15, at Portales, New Mexico, $4.40, and at Durango, Colorado, $4.65. The base price applied to only a part of the milk purchased from producers. Milk in excess of the base quantity (assigned by the handler) was paid for as excess milk at prices ranging from $2.45 to $3.50 for milk of 3.5 percent butterfat.

The depressed price situation was engendered by the lack of an overall plan whereby farmers supplying milk to the market are assured payment for their milk in accordance with its use. There are 22 handlers distributing milk in the area and each handler purchases milk from farmers according to his own pricing system. There is no uniformity in the types of pricing plans used in the area and prices are not related to the use of milk. Since milk has a greater value when used in fluid products than it has when used for manufactured dairy products the absence of a pricing system based on utilization creates disparities in handlers' costs of milk. Handlers have attempted to shift the burden of such disparities to producers through lower prices.

Milk which one handler had in excess of his fluid sales was reported sold to another handler at the so-called excess price which in November 1961 was $3.60 for milk of 4 percent butterfat content. This "excess" milk could be used for fluid sales in the absence of a system of audited class prices.

The Dairy Farmers' Association, a cooperative of approximately 275 producer members represents about two-thirds of the producers supplying milk to handlers in the area. This cooperative was organized to give farmers a voice in price-making and to bargain in their behalf with handlers. The cooperative has not been successful in making effective a single marketing plan for the area.

The cooperative has not been able to institute a system for auditing the use of milk by handlers and thus assuring that payments are made according to the actual use of milk. The cooperative association contends that a Federal milk marketing order is the only means whereby a uniform plan for pricing milk in the area can be achieved.

A uniform pricing plan applicable to all handlers buying milk for sale in the area would stabilize and improve marketing conditions in the area. Such a plan can be made effective in the area under the terms of a milk order issued pursuant to the provisions of the Agricultural Marketing Agreement Act, as amended. An order which establishes a system of uniform prices, publicly announced and verified by an impartial government agency will eliminate the uncertainty about prices which has contributed to disorderly marketing conditions in the area.

A Federal milk order regulating the handling of milk in the Rio Grande Valley marketing area would contribute to the improvement of milk marketing conditions in the area by providing:

1. A regular and dependable procedure through public hearings for determining prices to producers at levels contemplated by the Agricultural Marketing Agreement Act, as amended;

2. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market, and an equitable sharing among all producers of the lower returns for the sale of reserve milk which cannot be marketed in the Class I category; and

6. Market-wide information on receipts, sales, prices and other data relating to milk marketing conditions in the area.

(3) *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "marketing area", "producer", "handler", "pool plant", and "other source milk" and such other definitions as are necessary to describe the incidence of order regulation.

1. *Marketing area.* The Rio Grande marketing area should include all the territory within the boundaries of Bernalillo, Chavez, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, and Valencia Counties, New Mexico; El Paso County, Texas; and Archuleta, Montezuma and La Plata Counties, Colorado.

The 1960 population of the recommended marketing area was 1,259,329. The 1960 population of Albuquerque, New Mexico, was 201,189; and that of El Paso, Texas, was 276,687. These are the principal cities in the proposed area.

The sanitary requirements relative to the production, processing and sale of milk for fluid consumption are substantially the same throughout the area. Health regulations administered by State and local health authorities are substantially similar and based upon the recommended code of the United States Public Health Service, 1953 edition. The three states, Colorado, New Mexico, and Texas accept milk approved as Grade A milk in other states under the terms of the Inter-State Milk Shippers Agreement.

The proposed marketing area circumscribes a continuous territory within which handlers compete for the sale of milk to consumers. About 27 million pounds of milk are distributed on routes in the area each month. There are 22 handlers who probably would become fully regulated under the proposed order. These handlers have substantial sales in all the counties included in the marketing area. Four handlers in El Paso distribute milk in 9 counties of the proposed marketing area, four handlers in Albuquerque distribute in 15 counties, one handler in Santa Fe has sales in 14 counties, one in Clovis distributes in 9 counties, one in Farmington has sales in 5 counties, and one in Durango, Colorado, distributes milk in 4 counties.

Milk distribution routes of handlers overlap within the entire proposed marketing area. Handlers in Santa Fe County, New Mexico, in the north central part of the area, compete with El Paso handlers in Dona Ana, Chavez, and Lea counties, New Mexico, and in El Paso County, Texas, in the southern edge of the area. A handler whose plant is located in Curry County on the eastern border of the proposed area competes with Santa Fe handlers in Lea and Chavez counties, with Albuquerque handlers in Lincoln and Roosevelt counties and with El Paso handlers in Lea, Chavez, and Eddy counties.

Albuquerque handlers compete with Santa Fe handlers, with El Paso handlers and with operators of plants located in San Juan, Taos, San Miguel, Quay, Curry, Chavez, and Dona Ana counties. The plant in San Juan County, in addition to competition with Albuquerque and Santa Fe handlers, also competes for sales with a handler whose plant is located in La Plata County, Colorado.

The plants of handlers who would be regulated under the proposed order represent alternative outlets for the milk of dairy farmers who supply them. The milk of several producers located in Eastern New Mexico has at times moved to plants in El Paso and at other times to plants in Albuquerque and Santa Fe. One producer delivers milk to an Albuquerque plant on certain days of the week and to an El Paso plant on other days. Nine producers shifted their market just prior to the hearing from an Albuquerque plant to one in Durango, Colorado.

Approximately 95 percent of the sales of handlers who would be subject to full regulation under the Rio Grande order are made within the confines of the proposed area. Sales made outside the proposed area by handlers who would be regulated are largely in competition with handlers who buy milk under the terms of some other Federal milk order. All sales in the marketing area are made by handlers who would be regulated under the proposed order or by handlers regulated by other Federal orders issued pursuant to the Act.

Handlers who would be regulated under this order have approximately 92 percent of the sales in El Paso County, Texas, and have from 75 to 100 percent of the sales in the counties of Bernalillo, Chavez, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lincoln, Luna, Los Alamos, McKinley, Mora, Otero, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Torrance, and Valencia, New Mexico. In other New Mexico counties, handlers who would be regulated have in excess of 55 percent of the sales in Curry County, 50 percent in Roosevelt County, 65 percent in Quay County, 60 percent in Taos County, 55 percent in De Baca County, and 57 percent in Lea County. Handlers who would be regulated under the order have sales in Colorado counties amounting to approximately 85 percent of the total sales in Archuleta, 60 percent in La Plata and about 45 percent in Montezuma. The remaining sales in each of these counties are made by handlers regulated under other Federal milk orders.

The counties of San Juan, Colorado, and Colfax County, New Mexico, should not be included in the marketing area. Handlers under the Western Colorado order have at least 70 percent of the sales in San Juan County and 65 percent of the sales in Colfax County. The inclusion of these two counties is not necessary to effectuate orderly marketing in the Rio Grande marketing area since the milk sold in these counties would be priced either under this order or under another order.

The Western Colorado Milk Producers Association has filed a proposal with the

Department of Agriculture to consider expanding the Western Colorado marketing area. A part of the expanded marketing area proposed for Western Colorado includes the four Colorado counties which proponents of the Rio Grande order asked to be included in the Rio Grande Valley marketing area.

The handler who operates a plant at Durango, Colorado, asked that the Colorado counties and San Juan County, New Mexico, not be included in the marketing area defined by a Rio Grande Valley milk order. He testified that his sales were made in competition with handlers regulated under the Western Colorado order and that if he were to be regulated it should be by the Western Colorado order.

Although this handler does compete with handlers regulated under the Western Colorado order his sales in La Plata and Montezuma Counties, Colorado, and in San Juan and McKinley Counties, New Mexico, are made in competition with handlers who would be regulated under the Rio Grande Valley order as proposed.

The producers who deliver milk to this handler are located in Colorado and New Mexico in an area where there are other producers supplying the Farmington and Albuquerque plants. Nine producers who previously delivered milk to an Albuquerque plant transferred their sales to the Durango plant just prior to the hearing. No milk from this production area moves to the Western Colorado market.

Since the producers supplying the Durango plant must sell their milk either to the Durango plant or to New Mexico plants their sales should be included in the market pool established by the Rio Grande order. Thus they will share the Class I utilization in the market where their milk is available for sale. If a hearing is held on the Western Colorado area proposal, the Colorado counties now included in the Rio Grande order can be reconsidered for exclusion from the Rio Grande Valley marketing area as well as inclusion in the Western Colorado area. Meanwhile, the inclusion of Archuleta, Montezuma and La Plata Counties in the Rio Grande Valley marketing area will assure that all milk sold in the 4-county area is priced under either the Rio Grande Valley or the Western Colorado order.

The Rio Grande marketing area should include all territory within such area which is occupied by Government (Municipal, State, or Federal), reservations, institutions, installations, or other establishments.

2. *Producer.* The term "producer" should include dairy farmers who regularly deliver Grade A milk to plants which are primarily supplying fluid milk to the marketing area. (Such plants are hereinafter defined as "pool plants"). Accordingly, the term "producer" should distinguish between farmers who meet the sanitary requirements for the production of Grade A milk from other dairy farmers whose milk may be qualified only for use in the manufacture of dairy products. Grade A milk intended for fluid consumption in the marketing area is required to be produced in compliance with sanitary standards of the State of Colorado, the State of New Mexico, the State of Texas, or the regulations of Federal establishments in the marketing area and of the municipal, county, or other health jurisdictions in the area.

Although a producer establishes his affiliation with the market through delivery of milk to a pool plant his milk, occasionally, particularly on weekends, may not be needed at pool plants. Such milk can sometimes be used efficiently by diverting it directly from the farm to a nonpool manufacturing plant.

When a producer's milk is not needed for Grade A purposes in the market, the movement of such milk to a nonpool plant should be facilitated. Provision should be made whereby a dairy farmer retains his producer status with respect to milk diverted for the account of a handler to a nonpool plant in an amount not to exceed nine days' production. Diversions for six to nine days were recommended by witnesses. The nine day provision will accommodate the weekend drop in bottling plant receipts during each month. Should more than nine days' production of a particular dairy farmer be diverted during a month, all milk diverted would be considered as nonproducer milk.

Milk delivered to a nonpool plant would be considered as received by the diverting handler at the plant from which it was diverted for the purpose of location differentials and for determining pool plant status.

In order to preclude duplicate regulation of milk, provision should be made for excluding as producers, persons whose milk is diverted to a plant at which such milk is subject to the pricing and payment provisions of any other order.

Exceptions were taken to the provision which permits milk to be considered as producer milk and included in the pool when it is diverted to nonpool plants. Some handler exceptors claimed the diversion privilege was too lenient; another handler that it should be permitted on a broader basis. Producers endorsed the proposed provision. The proposed provision will accommodate the relatively few diversions which may be made under present market conditions.

3. *Pool plants.* The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from producers at plants primarily engaged in supplying fluid milk and fluid milk products for sale to consumers in the marketing area. Such plants would be defined as "pool plants".

Milk may be disposed of for fluid consumption in the marketing area from plants not meeting any reasonable standard of regular and customary service to the market. It is necessary, therefore, to establish in the order standards of delivery performance to determine which plants and what milk constitute the regular and normal supplies which would become subject to full regulation. These performance standards should apply uniformly to all plants regardless of location. The decision as to how a plant shall be operated in relation to the order, that is, whether it is brought under regulation by meeting the performance standard or kept outside the scope of regulation can be made by the plant operator with knowledge of the announced standards. The operator is thus able to make his decision in the light of these standards and the economic circumstances with which he is confronted such as prices, transportation costs and alternative markets.

Performance standards should be such that any plant which uses a substantial proportion of its Grade A receipts for Class I sales in the Rio Grande Valley marketing area should share in the marketwide equalization. Plants which are only casually associated with this market should not come under full regulation of this order. Neither should they be required to equalize their sales with all plants under the order. This prevents plants, which are not genuinely associated with the market, from shipping milk into the market when their Class I utilization is below the Rio Grande Valley area Class I utilization to obtain equalization payments from the pool. Also, performance standards relieve a plant from sharing its Class I sales revenues with pooled producers when such Class I sales are made primarily outside the regulated area.

Separate performance standards are required for distributing plants and supply plants, because of their different marketing practices. A "distributing plant" is defined under the order as any plant which distributes packaged Grade A products on routes during the month in the marketing area. A "supply plant" is defined as a plant which ships milk to a distributing plant which is qualified as a pool plant.

A distributing plant to qualify as a pool plant under this order should use at least half of its milk for Class I purposes each month, with at least 15 percent of such Class I distribution or a daily average of 10,000 pounds, whichever is less, being made on routes in the marketing area. If a plant utilizes in excess of 50 percent of its milk for manufacturing purposes it is not primarily a fluid milk distributing plant. A plant making daily average sales of 10,000 pounds in the area, about one percent of the total sales in the market, is an important competitor for market sales even though such amount is not equal to 15 percent of such plant's total route sales. If a plant distributes less than 15 percent of its total Class I route sales in the marketing area, such a plant is obviously selling substantially more milk in other fluid milk markets than in the Rio Grande Valley area. A distributing plant having more than 85 percent of its Class I sales outside the marketing area is not essentially associated with this market and should not come under the full regulation of this order.

All plants distributing Class I milk in the marketing area at this time are expected to meet the minimum requirements for pool status with the exception of those plants at which milk is priced and pooled under the terms of another Federal order. However, a plant may at some time distribute a small quantity of milk on routes in the area but might not meet the pool plant performance requirements. Such a plant should be required to submit reports, make its records available for audit by the market administrator, and make the required payments if it is determined to be in a nonpool status.

A supply plant, to qualify as a pool plant under this order, should be required ordinarily to ship in any month not less than 50 percent of its dairy farm supply to a distributing pool plant in fluid milk form. If less than half of a supply plant's volume is needed in the marketing area, such plant should not be considered as primarily associated with this market. There is one plant in the market at this time which functions as a supply plant. That plant has shipped in excess of 70 percent of its receipts to distributing plants.

If there is any demand for milk from a supply plant it normally is greatest during the months of short production. September through January, August through November and September through February were proposed by various witnesses as representative of the short production period. Since this market is relatively short of milk during most months of the year, a supply plant should be required to ship half its milk to the market during at least the months of August–February.

During the flush production months the supplies of milk at local plants may be sufficient to meet the Class I demands. It is economically desirable that local milk be used for Class I purposes and the more distant milk be left at supply plants for manufacturing use. The performance provisions should not force a supply plant to transport milk to distributing plants during peak production months merely to maintain pool status.

Provision is therefore made whereby a supply plant may maintain pool status during the months of March through July if it meets the supply plant qualifications for the months of August through February. Pool plant status would automatically be given such pool plant during the months of March through July, unless the operator of the plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through July period.

Certain handlers recommended more exacting performance requirements than those proposed herein. It was proposed that a pool distributing plant be required to use in Class I the following percentages of Grade A milk:

	Percent
August through November	70
December through April	65
May through July	60

The same handlers proposed that supply pool plants be required to move to distributing pool plants 60 percent of their Grade A milk receipts from farms during the months August through November and 50 percent of such receipts December through July.

Although shipments in the past from the one supply plant which serves the area have been as high as those recommended, it is likely that such shipments may not be required to as great an extent at all times. The efficient handling of milk in the area can be promoted by providing that a supply plant which has demonstrated its association with the market by making the required shipments in the short season may continue its pool status in the high production season without making specified shipment which would not be needed at distributing plants.

Handlers operating distributing plants are currently meeting the higher performance standards recommended by the group of handlers. However, such standards should not be set so high that they might deter the efficient marketing of milk in the future. Because of the limited manufacturing facilities available in the area some distributing plants might need to expand their manufacturing to handle the necessary reserve for the market. If performance standards are too high, such plants would be prevented from utilizing excess milk even though it might be economically efficient to use such milk in local plants rather than ship it to a distant manufacturing plant. At any rate the standards set forth herein will describe those plants which are sufficiently associated with the market so that they should be fully regulated.

A proposal whereby a supply plant's qualification under the order would be based upon the Class I utilization that was made of its milk at distributing plants is not needed for this order. There currently is but one supply plant in the marketing area and this plant would qualify as a supply plant under the proposed order provisions. The proposed order provision for supply plants is more practical in that a supply plant operator can determine his pool status without knowing the available Class I utilization of milk at distributing plants.

For the purposes of this order, a plant is considered the structure and premises at which stationary holding tanks for milk and other facilities for receiving, handling or processing milk are maintained. A point where milk is only transferred from one transport vehicle to another is not a plant, nor should a facility used merely to store packaged fluid milk products be considered as a plant.

Some fluid milk products are disposed of in the marketing area from plants fully regulated under another order. It is not necessary to subject such plants to full regulation under this order if they distribute a major portion of their receipts in another marketing area. To do so would subject such plant to duplicate regulation. Provision should be made to exempt such a plant from this order. Such a plant should file reports to the market administrator, however, in such manner as the market administrator may require and allow verification of the reports by him.

4. *Handler.* The term "handler" should be defined to include (1) any person in his capacity as the operator of a pool plant; (2) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area; (3) a cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for its own account.

The term "handler" is used to identify those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay minimum prices established. Such persons include plant operators and cooperative associations of producers under certain circumstances.

Efficient marketing of milk will be promoted in this market by providing a means whereby a cooperative association may divert its members' milk not needed by pool plants to nonpool plants and assume the responsibility for the accounting and pooling of such milk. If the association is defined as a handler for such milk even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

It was proposed that a cooperative association be permitted to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association of producers in this market has no facilities nor contract trucking operations for transporting the milk of its members. Hence, there is no need for such a provision at this time. Should these marketing conditions change, the proposal can be reconsidered at another hearing.

5. *Producer-handler.* The term "producer-handler" should include a person who processes and packages milk from his own production, who distributes any portion of such milk on routes in the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than "pool plants". The term "producer-handler" should include a producer-handler of certified milk who delivers packaged certified milk to another handler.

Most producer-handlers in the area are relatively small and engage in family-type operations. Their sales have not had a disrupting influence on the orderly marketing of milk in the area. Accordingly, it is not necessary to establish minimum prices for milk handled by such persons to effectuate the declared policy of the Act.

There are several producers in the area who produce large volumes of milk for sale to handlers. Such large producers might prefer to become producer-handlers rather than pool their returns for milk with other producers. The order should not hinder a producer from making such a choice. However, producer-handlers should not be permitted to purchase supplemental needs through Class I transfers from pool plants to the extent that the pool of producer milk would carry the reserve for such producer-handlers' sales. On the other hand, a producer-handler may occasionally need a small amount of milk due to an emergency with respect to his own supply. A limit on the purchases of milk by a producer-handler from pool plants will accommodate the emergency situa-

tion and protect the producer milk pool. Accordingly, a producer-handler who purchases milk from pool plants in an amount more than 11,000 pounds should lose his producer-handler status and become regulated as a pool plant.

In the recommended decision a limitation of 20,000 pounds or 10 percent of a producer-handler's own production, whichever is less, was proposed. The producers' cooperative pointed out in exceptions that there are some very small producer-handlers in the market for whom a limitation on purchases of 10 percent of their own production would be a very small amount. In the case of one producer-handler, the quantity would be only 190 pounds per month. Producer-handlers having such small sales are not likely to affect market conditions and their regulation would create a burden in administering the order. The largest producer-handler operating in the market distributes about 107,500 pounds of milk per month. Hence, the recommended provision would have set a maximum on purchases for this producer-handler of about 11,000 pounds. The purpose of this provision can be achieved by adopting a maximum for all producer-handlers of 11,000 pounds per month without an alternative limit in terms of the handler's own production.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. To maintain producer-handler status the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing, packaging, and distribution of the milk must be the personal enterprise and risk of the person involved.

Milk, skim milk, or cream transferred from a pool plant to the plant of a producer-handler should be classified as Class I milk. Any supplies of milk which may be needed by a producer-handler may, by virtue of the type of operation involved, be presumed to be needed for fluid purposes and should therefore be classified as Class I in the supplying handler's plant. Any milk which a handler receives from a producer-handler should be classified as other source milk. A producer-handler would not sell his milk to a pool plant unless such milk was in excess of his fluid needs. This milk should be allocated to the lowest class utilization at the pool plant of a handler in the same manner as other source milk.

The producer-handler should be required to make reports of his receipts, utilization, and other information as the market administrator deems necessary to verify the continuing status of such person, and to facilitate accounting and verification of transactions which may involve other handlers.

There is one producer-handler having sales in the marketing area who handles only certified milk. This certified milk is obtained from his own certified dairy herd and is processed in his certified milk plant. His operation differs from that of other producer-handlers only in that he does not distribute the certified milk on routes. He sells the packaged certified milk to the operator of a distributing plant for sale on routes. Although the producer-handler of certified milk does not distribute such milk on routes to consumers he is required to absorb and balance in his plant operation the fluctuations in the daily supply and sales of the product. This is because no supplemental source of certified milk exists. Such milk is sold to the distributing plant operator in the amount required for each day's sales according to orders received for this specialty product. Since the producer-handler of certified milk, must, by the nature of the product handled, maintain his own reserve, he should be considered as a producer-handler and be regulated only to the extent that producer-handlers are regulated.

A milk plant operated by a state or local governmental agency should be considered a producer-handler unless the governmental agency elects to have its plant considered a pool plant. Government institutions which process milk for their own use need not be regulated since they do not compete on a commercial basis with other handlers for sales in the marketing area. In some cases, government institutions, such as universities, maintain dairy herds and milk plants as an auxiliary of their teaching program. If the dairy herd production is much in excess of the milk processed and used by the governmental agency, the institution should be permitted the opportunity to pool its production along with that of other dairy farmers supplying the market. However, if such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant, it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months. The limitation on re-entry to the pool is necessary to protect other producers from carrying the seasonal reserve for the governmental agency without sharing its Class I sales in other months.

An exception was filed to the exemption of plants operated by governmental agencies as producer-handlers in the case of an agency which sold milk off the premises owned by the agency. The New Mexico State University milk plant was the only plant mentioned at the hearing which might be affected by this provision. The record does not disclose the extent to which sales may be made off the University premises from this plant. There was no evidence that competition from the University sales was a disturbing element in the market. Hence, the proposed exemption is appropriate on the basis of this record.

6. *Producer milk.* The term "producer milk" should be defined to include the skim milk and butterfat received by a handler at pool plants from producers, or diverted to nonpool plants under the conditions specified in the "producer" definition. The term identifies the milk of each handler which is to be priced and pooled. A definition of such kind provides convenient reference for use in construction of order provisions.

7. *Other source milk.* Other source milk should be defined as skim milk or butterfat in fluid milk products, other than producer milk, fluid milk products received from other pool plants and opening inventory. It should include Class II products from any source which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. It should also include milk distributed in the marketing area from nonpool plants. Other source milk is not priced or pooled as is producer milk, but it must be considered in the classification and allocation provisions if producer milk is to be properly classified and if proper payments to producers are to be computed.

8. *Fluid milk products.* Those products to be classified as Class I milk, as described elsewhere in the decision, should be defined as fluid milk products. This definition is provided to facilitate reference in subsequent sections of the order.

9. *Route.* The term "route" is used to encompass certain types of milk distribution which determine whether a plant is subject to the order regulation. The term includes any delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store of any fluid milk product, other than a delivery to other plants, or a delivery to a distributing point. The route delivery of milk passing through a distribution point shall be considered to be made at its ultimate delivery to a place other than a plant.

10. *Additional definitions.* Additional definitions as "Act", "Secretary", "Person", "Cooperative Association", "Department", and "Nonpool plant" should be included in the order for clarity and brevity in the application of various other provisions.

(b) *Classification and allocation.* Since skim milk and butterfat are not used in the various milk products in the same proportions as contained in producer milk, they must be classified separately as Class I or Class II according to their respective use. Class prices, however, should apply to each hundredweight of milk and be adjusted by butterfat differentials according to the percentage of butterfat in the milk, skim milk or cream in each class.

1. *Milk classes.* Milk should be classified in two classes which reflect the principal differences in the quality and value of milk required for different uses. In general, Class I should include milk and milk products which are required to be produced from Grade A milk and Class II should include milk used for manufacturing purposes where graded milk is not required.

The products which should be included in Class I are those for which the health authorities having jurisdiction in the marketing area require the use of Grade A milk. The extra cost of obtaining a regular, dependable supply of Grade A quality milk makes it necessary to provide a price for such milk higher than for milk eligible only for use in manufactured dairy products. In order that products which must be made from Grade A milk contribute uniformly to the extra cost of such milk needed in the market, all such products should be included in Class I.

Class I milk should include products which are required to be made from Grade "A" milk produced in accordance with the requirements of health authorities having jurisdiction in the marketing area. More specifically, Class I milk should consist of milk, skim milk, buttermilk, flavored milk, plain or flavored milk drinks, reconstituted milk or skim milk, fortified milk (including dietary milk products), concentrated milk, sweet cream, and any mixture of milk, skim milk or sweet cream. Yogurt, sour cream and sour cream mixtures which are labelled Grade A should also be included in Class I. Frozen cream, frozen dessert mixes, ice cream mix, aerated cream products and sterilized products in hermetically sealed containers would not be Class I.

Yogurt, sour cream and sour cream mixtures sold in the area as Grade A products must be made from Grade A milk. However, if they are not labelled as Grade A they may be made from non-Grade A milk. Since such specialty products may be, and are, sold in the area as non-Grade A products, they should not be included in Class I unless labelled Grade A.

Any nonfat fluid milk products added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such a product. Class I classification should apply, however, only to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The nonfat milk solids used to fortify fluid milk products do not displace producer milk for Class I use. Therefore, the portion of the fluid milk product represented by added milk solids should be classified as Class II.

Reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk and, if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid originally associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

All skim milk and butterfat used to produce products other than Class I should be classified as Class II. Such products (primarily manufactured dairy products) are not required to be made from milk approved for fluid consumption. Hence, approved milk used in such products must be priced so that handlers who use milk in such products can sell their manufactured products at prices competitive with products made from ungraded milk.

Specifically, Class II should include frozen cream, frozen dessert mixes, ice cream, ice cream mix, aerated cream products, butter, cheese (including cottage cheese), dried milk products (whole and nonfat), condensed or evaporated milk and skim milk, other products not specified as Class I milk and the following products unless such products are sold under a Grade A label: Sour cream, cultured sour cream mixes, eggnog, and yogurt. Class II should also include plant loss (within certain limits), skim milk and butterfat dumped, milk disposed of as livestock feed or to a commercial food processing establishment, and milk accounted for as inventories of fluid milk products on hand at the end of any month.

Frozen cream should be Class II since it is designed primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II product added to a fluid milk product, at the time of such use, should be designated as other source milk and assigned to the utilization in the plant accordingly.

Milk disposed of to commercial food processing establishments should be classified as Class II. There is no milk distribution from such establishments and the milk they use is not required to be from Grade "A" sources. In order that handlers may use this outlet for surplus milk, it should be classified as Class II milk.

Milk in fluid products dumped or used as livestock feed should be classified as Class II. Due to the lack of manufacturing facilities in the marketing area, such outlets sometimes represent the most efficient method of disposing of small quantities of surplus milk. Transportation and handling costs make it uneconomical to haul small quantities of milk to trade outlets for surplus milk. On the other hand, the handler should pay producers for all milk he receives from them. He has the alternative of not accepting milk he cannot use. Therefore, no deduction from the Class II price should be allowed on milk dumped.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents the disappearance of milk for which the handler must account but receives no direct return, it should be allocated to Class II milk in a quantity that is reasonable.

The maximum shrinkage of skim milk and butterfat allowed in Class II should be 2.0 percent of producer milk (excluding milk diverted to a nonpool plant) plus 1.5 percent of all milk received from other pool plants and less 1.5 percent of all milk transferred to other pool plants. No shrinkage should be allowed on milk diverted to a nonpool plant since it is not physically received at a pool plant. Shrinkage on other source milk would not be limited.

Handlers have inventories of milk and milk products at the beginning and end of each month which must be classified and accounted for. The ending inventory of fluid milk products should be classified as Class II milk. This insures that handlers pay only the Class I price for milk so utilized during the month. Both packaged and bulk milk products in ending inventory should be Class II milk. Manufactured milk products would not be included in inventory accounting because they are accounted for in the month when manufactured. Handlers would need to maintain stock records of such products, however, to permit audit of their utilization records by the market administrator.

Since closing inventory would be accounted for as Class II, it is necessary to provide a method for reclassifying in the following month, the milk in ending inventory which is used for Class I purposes. This should be done in accordance with the procedure whereby preference in Class I classification is given to producer receipts received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk. If other source milk was an inventory item in the previous month, the amount of such beginning inventory assigned to Class I but not covered by the reclassification charge would be subject to compensatory payments (except that such payments would not apply to any milk priced as Class I under another Federal order).

Inventories of fluid milk products on hand at the beginning of any month in which a plant qualifies as a pool plant for the first time should be assigned to any available Class II utilization of the plant during the month. This permits the assignment of current producer receipts to current Class I use.

Each handler must be held responsible for a full accounting of all his receipts of skim milk and butterfat in any form. A handler who first receives milk from dairy farmers should be held accountable for establishing the classification of and making payments for such milk. Fixing responsibility in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage which may be classified as Class II, all skim milk and butterfat for which the handler cannot establish Class II usage should be classified as Class I. This provision is necessary to prevent any advantage which might accrue to a handler due to incomplete or inaccurate records and to assure dairy farmers they shall receive payment for their milk in accordance with its usage. Accordingly, the burden of proof of Class II utilization should rest with the handler.

Goat's milk should not be regarded as milk in the application of this order. Goat's milk which has special uses is not intermingled with or substituted for cow's milk.

(2) *Transfers.* It is necessary to establish rules for the classification of skim milk and butterfat which may be transferred or diverted to another plant.

Skim milk and butterfat in fluid bulk form transferred to another pool plant should be Class I unless utilization in Class II is mutually indicated by each handler in his report to the market administrator and there is sufficient Class II usage at the transferee plant according to the allocation provisions. Skim milk or butterfat should be classified at both plants so as to assign the greatest possible Class I utilization to producer milk.

Skim milk or butterfat transferred to a nonpool plant should be classified as Class I unless the following provisions are met: (i) The transferring handler claims Class II utilization in his report

to the market administrator, (ii) the operator of the nonpool plant keeps adequate records showing the utilization of all milk receipts received at such plant and the market administrator is permitted to examine such books and records to verify Class II usage; and (iii) the transferee plant does not have Class I usage in excess of the milk received during the month from dairy farmers who are approved to supply Grade "A" milk and who constitute the regular supply for such plant. If Class I milk disposed of by a nonpool plant exceeds the sum of receipts from regular dairy farmers, provision should be made whereby this excess quantity is assigned to Class I from pool plants. Such Class I sales, however, should not result in duplication in the case of milk transferred to the nonpool plant from pool plants under this order and other Federal orders. In such case, the quantity of bulk milk shipped by a pool plant and classified as Class I should be not less than such plant's pro rata share of the remaining Class I sales at the nonpool plant.

The proposed method of classification will promote orderly disposal of excess milk in the market and provide an equitable classification of milk shipped to a nonpool plant. The provision for verification by the market administrator is necessary and reasonable to insure proper application of the classification procedures prescribed in the order.

There is no need for a mileage limitation to describe a surplus disposal area beyond which bulk shipments of fluid milk products would be automatically classified as a Class I product. Producers proposed a surplus disposal area of 200 miles extending from named points in the marketing area. Handlers proposed an area within 625 miles of the plant from which such milk was transferred. Both producers and handlers proposed no mileage limitation on cream sold and labelled for manufacturing use only.

Certain Rio Grande Valley handlers are supplied by farms a considerable distance from their plants. If a producer's milk is not needed at the plant on a certain day, the most economical and feasible method of handling such milk would be to divert it to a nonpool manufacturing plant as near as possible to the farmer. The nearest plants to which Rio Grande handlers may dispose of surplus are located a considerable distance from Rio Grande plants. The facilities for handling surplus milk in the marketing area have limited capacity. Should the receiving nonpool plant be located beyond the surplus disposal limit the automatic Class I classification would preclude its sale to the nonpool plant for manufacturing purposes.

(3) *Allocation.* The order provides for determining the value of Grade A milk received from producers at a plant each month on the basis of its classification. It is necessary, therefore, if a plant has receipts from other sources to determine the order of assignment of milk from all sources to each classification.

In general, the milk from dairy farmers primarily engaged in supplying the needs of the market should receive priority in the allocation to the Class I utilization at regulated plants. This is necessary to make effective the classified pricing of producer milk. The allocation of receipts from different sources to Class I or Class II utilization as set forth in the order will accomplish this general objective. It will provide also for prior Class I assignment of certain products received in packaged form and for a small reserve of producer milk to be assigned to Class II milk ahead of other source milk which has been priced as Class I under another Federal order.

Packaged fluid milk products subject to pricing under another Federal order should be allocated to Class I milk. Some handlers receive certain speciality fluid milk products as packaged products from plants at which milk is priced under another order. In the case of such packaged products, the farmers supplying the plant regulated under the other order provide the reserve for such products. Therefore, producer milk in this area should not displace such packaged Class I sales.

Milk received and disposed of as packaged certified milk or packaged certified nonfat milk should also be allocated to Class I ahead of producer milk.

Certified milk differs from Grade A milk in that the cows, the premises on which the milk is handled, and the health of employees must be certified. A producer of certified milk must process his own milk in his own plant and should therefore be treated as a producer-handler in that he should be required to make reports of his utilization as the market administrator deems necessary and the excess production which is received by a pool plant should be considered other source milk, and be allocated to the lowest class.

There is one producer-handler of certified milk in the proposed Rio Grande Valley marketing area. This producer-handler sells the packaged certified milk to a handler, who in turn distributes this milk on routes. Normally, receipts of milk by a handler from a producer-handler represent the producer-handler's surplus. This is not the case with respect to packaged certified milk of a producer-handler. Such a producer must maintain his own reserve for this special packaged product.

A reserve of 5 percent of producer milk should be allocated to Class II before milk priced as Class I under another order is allocated to Class II use. The supply of milk available to handlers from producers may not be sufficient at all times to meet their requirements for fluid sales. Nevertheless, since the receipts and use of milk are reported and allocated on a monthly basis, some producer milk may be available at one period during the month but not in another period. In order to reconcile the monthly accounting system (which is administratively practical) with the actual daily availability of milk, some tolerance of assignment of producer milk to Class II in such situations is needed. Therefore, an assignment of 5 percent of producer milk should be made to Class II before allocating to Class II, milk priced as Class I under another Federal order.

In the allocation of a handler's receipts, other source milk which is priced and pooled under another order should receive preference in Class I use over other source milk which is not so priced. This will minimize compensatory payments for Rio Grande handlers on unpriced milk purchases.

On the basis of exceptions the sequence of assignment has been revised slightly from that contained in the recommended decision to accommodate the calculation of location differentials allowable on Class I milk in the case of milk transferred between pool plants.

The sequence of assignment to Class I and Class II utilization as specified in the proposed order will provide equity in the assignment of special types of receipts and will achieve the proper assignment of producer milk to available Class I use.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Rio Grande Valley marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and assure the maintenance of a supply of quality milk adequate for the needs of the market.

Class I prices should be established at a level which, together with an appropriate Class II price will bring forth the required supply of fluid milk for Class I needs plus a reasonable reserve supply. Class I prices established too low will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, Class I prices which are too high will bring to the market more milk than is needed to supply the demand for Class I milk, including the necessary reserve. Such over-attraction of milk supplies would tend to shift agricultural resources into the production of unnecessary and uneconomic surpluses which would depress the blend price to producers.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs in the market. Such prices should not encourage the development of milk supplies for use in Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5 percent butterfat content. Some handlers in the area now quote prices for milk of 3.5 percent butterfat, others announce prices for milk of 4 percent butterfat and some list prices in terms of a price per pound of butterfat. The announcement of prices for the entire market on a 3.5 percent basis will facilitate comparison of prices within the area. The proponent cooperative proposed that prices be announced on a 4 percent butterfat basis but a witness testifying for the cooperative said no objection would be raised to the announcement of prices at 3.5 percent butterfat. Several handlers supported the use of 3.5 percent as the basic butterfat content of announced prices.

The Class I and Class II pricing methods adopted herein are similar, in principle, to those used in other areas where

Federal milk orders regulate minimum prices paid by handlers to producers for milk.

(1) *Class I price.* For the first 18 months the Class I price for milk of 3.5 percent butterfat content at plants within 100 miles of the courthouses in Bernalillo and Santa Fe Counties, New Mexico, should be determined by adding to a basic formula price $2.35, July–February and $2.05, March–June. The price should be adjusted also by the simple average of the supply-demand adjusters used in computing Class I prices for the same month under the North Texas, Oklahoma Metropolitan, and Wichita, Kansas, Federal milk orders. The price at plants within 100 miles of El Paso, Texas, should be 10 cents higher in each month.

The basic formula price proposed herein is the Minnesota-Wisconsin manufacturing milk price series and is the same as that recommended for use in 36 Federal order markets. Official notice is taken of a final decision issued February 21, 1962 (27 F.R. 1802) in which that series is recommended for use as the basic formula in 36 markets.

The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured dairy products is nationwide, prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price to be used in establishing the Class I price should be the average price for the preceding month paid for manufacturing grade milk in Minnesota and Wisconsin. This price series reflects about the same level of prices as those reported paid at selected Midwest condenseries. This condensery price series, as proposed, would have been the effective basic formula in each month of 1961. The number of plants reporting prices for the condensery average has been reduced to seven. Three of these plants are operated by one business concern. Any further reductions in the number of reporting plants could result in the discontinuance of this price reporting. (Official notice is taken of the closing of the Borden Company plant at Orfordville, Wisconsin and the Pet Milk Company plant at New Glarus, Wisconsin, since the hearing.)

The Minnesota-Wisconsin price series reflects prices paid by a large number of plants in these states and therefore provides a more representative basic price. Furthermore, since the series is to be used in many other Federal order markets, its use will facilitate alignment of prices in this market with prices in these other markets. Since the Minnesota-Wisconsin price series has reflected price changes similar to the changes in the condensery price average, this basic price will also maintain general alignment of prices with markets where the condensery price is used.

The differential added to the basic formula price should be $2.35, July–February and $2.05, March–June. This price would apply at plants within 100 miles of the courthouses in Bernalillo and Santa Fe Counties, New Mexico. Hereafter, such price will be referred to as the Albuquerque-Santa Fe price. The El Paso price should be 10 cents higher in each month. (See findings in connection with location differentials.)

Reported prices paid for "base" milk during 1961 ranged from $5.55 (3.5 percent butterfat content) to $5.10 at El Paso and from $5.35 to $4.35 at Albuquerque and Santa Fe. The December 1961 price at Portales, New Mexico, was $4.40, at Roswell, New Mexico, $4.83 and at Durango, Colorado, $4.65 for milk at 3.5 percent butterfat. Producers were paid for only a portion of their milk at these "base" prices. Other milk was designated as surplus and priced as low as 70 to 80 cents per pound butterfat.

The wide swings in prices in the market during the past year and the lack of a classified plan for buying milk make it impossible to appraise the existing price levels in relation to the supply and demand for milk in the market. With the issuance of a Federal order and the establishment of a classified price plan such as exists in other markets operating with Federal milk orders, we may reasonably assume that the level of Class I price in the Rio Grande Valley area should bear an appropriate relationship to Class I prices in other markets.

The order proponents proposed a Class I price 35 cents over the Texas Panhandle price at Albuquerque and Santa Fe and 45 cents over the Panhandle price at El Paso. Although a handler regulated under the Texas Panhandle order distributes milk in Eastern New Mexico in several counties to be included in the proposed Rio Grande Valley marketing area, the Class I price in that market is not under present conditions an appropriate basing point for calculating an alternative supply cost price for the entire Rio Grande Valley area. Class I prices in other markets plus the cost of transporting milk from such other markets to Rio Grande Valley markets are less than the proposed price based on the Texas Panhandle price.

Milk transported over long distances is being hauled to the Rio Grande Valley area in 5,500 gallon tanks for 50 cents per loaded truck mile. This is translated into a transportation cost factor of 1.06 cents per hundredweight per 10 miles between plants. Large quantities of milk have been received in the Rio Grande Valley during the past year from a plant at Wichita, Kansas, and a plant at Waterloo, Iowa. Milk at the Wichita plant is priced under the Wichita order and milk at the Waterloo plant is priced under the North Central Iowa order. The cost of transporting milk from Wichita to Albuquerque and Santa Fe is 61 cents per 100 pounds. The cost of transporting milk from Waterloo calculated on the same basis is $1.22. The Class I price at Albuquerque should not, therefore, exceed Class I prices in these two markets over any extended period by more than about these transportation costs.

The Wichita Class I price is established at $1.57 over a basic formula price. This differential plus freight cost would support an annual average differential of $2.18 at Albuquerque-Santa Fe. The North Central Iowa differential (as it is established relative to the Chicago Class I price) of $1.05 (annual average) plus $1.22 transportation cost would indicate an annual average differential at Albuquerque-Santa Fe of $2.17. However, the Wichita and North Central Iowa prices are further adjusted by supply-demand factors which, in December 1961, reduced the Wichita Class I price 12 cents and the North Central Iowa price 24 cents. Official notice has been taken of the Wichita, Chicago and North Central Iowa Federal milk orders and the Class I price announcements issued by the market administrators of such orders for December 1961.

Since the Class I prices established in these markets from which the Rio Grande Valley market draws milk are currently reduced because of large milk supplies relative to sales is these areas, the appropriate Class I price for the Rio Grande Valley must reflect this condition to some degree.

This reflection could be accomplished by establishing a Class I price differential based on the net Class I prices in these markets at the present time. There is no assurance, however, that current supply conditions in those areas will continue indefinitely. On the other hand, it is hardly necessary to align the Class I prices for the Rio Grande Valley market with precision each month to the prices in those markets which are 600–1100 miles distant.

Ideally, Class I prices in the Rio Grande Valley market should reflect local milk supply and sales relationships as well as a reasonable alignment with other market prices. Since complete data with respect to receipts and sales of milk in the Rio Grande Valley area are not available, this approach is not practical at this time. Furthermore, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than they have been in recent months.

Several Federal order markets in the region use supply-demand adjusters in their Class I pricing formulas. To the extent that these adjusters in each market reflect economic conditions of supply relative to sales common to the region they would give some reflection of similar conditions in the Rio Grande Valley. Hence, during the first 18 months the Rio Grande Valley order is effective the Class I price should be adjusted by the simple average of the supply-demand adjustments effective for the same month in the Wichita, Oklahoma Metropolitan and North Texas markets. In December 1961 the Class I prices in these markets were reduced by supply-demand adjusters as follows: Wichita, minus 12 cents, Oklahoma Metropolitan, minus 7 cents and North Texas, 31 cents. The simple average adjustment would have been minus 17 cents.

Each of these markets has a supply-demand adjuster independently calculated. The influence of these adjusters extends beyond the limits of each market in that the Wichita Class I price affects the Southwest Kansas price, the Oklahoma Metropolitan Class I price determines the Red River Valley price and the Class I prices in Central West Texas, Austin-Waco, San Antonio and Corpus Christi are based on the North Texas prices. Official notice is taken of the provisions of these orders and the Wichita, Oklahoma Metropolitan, North Texas, Central West Texas and Texas Panhandle announced Class I prices for December 1961.

The supply of milk of Rio Grande Valley producers needed for Class I sales in the area will be affected by the amount of Class I milk from these markets which is moved to the Rio Grande area. The price alignment among these markets will influence such movements. Bulk milk is now moving from Wichita plants to plants in the Rio Grande Valley. Milk packaged in the Oklahoma Metropolitan area is disposed of on routes in the Rio Grande Valley area. Rio Grande Valley handlers compete with Texas handlers for the milk supply in eastern New Mexico. If prices paid in Texas markets rise relative to the price paid in the Rio Grande area that supply might be taken from the Rio Grande market even though it is needed in the Rio Grande area. The proposed supply-demand adjustment in the Rio Grande Valley price will prevent disparity in prices in the Rio Grande area as compared to these other markets during the initial period in which the order is effective. After 18 months the entire Class I pricing method should be reviewed on the basis of facts available at that time.

This proposed supply-demand adjustment with a fluid differential of $2.35 would have established a price $2.18 above the basic formula in December 1961 at Albuquerque-Santa Fe whereas the price in the nearby Central West Texas market was $2.19 over the basic formula at Abilene. In the Texas Panhandle market where no supply-demand adjuster is used the December 1961 price was $2.15 over the basic formula.

The proposed basic formula price, that paid at Minnesota-Wisconsin manufacturing plants, was $3.31 in November. That price plus $2.35, less 17 cents would have established a Class I price at Albuquerque and Santa Fe of $5.49 for December 1961. These factors would have set an annual price level of $5.39.

(2) *Class II price.* The minimum Class II price each month per hundredweight of milk containing 3.5 percent butterfat should be a butter-powder formula for the months of July through April, and for the months of March through June such price less 13 cents per hundredweight.

Some milk in excess of Class I requirements is required to maintain an adequate supply of milk on an annual basis. The price of this reserve should be maintained at the highest level consistent with facilitating its use for manufacturing purposes when necessary.

The pricing of reserve milk herein recommended will reflect the competitive value of surplus milk used for manufacturing purposes in the Rio Grande Valley area. There are limited facilities for manufacturing milk located in or near the proposed marketing area. Milk is used by distributing plants in the marketing area for making ice cream, cottage cheese and such products as sour cream and eggnog. There is a supply plant located at Portales, New Mexico, which processes sour cream, cottage cheese, butter, ice cream mix and condensed milk. One handler whose plant is located at Clovis, New Mexico, listed his nearest outlets for surplus milk would be at Munster, Texas; Mangum, Oklahoma and Sanford, Colorado. Another handler whose plant is located at Durango, Colorado, stated that he moved surplus milk to a plant in Murray, Utah. The recommended Class II price is similar to the Class II price in the Texas Panhandle order, when that price is adjusted to 3.5 percent butterfat content, and is slightly lower than the Western Colorado and Colorado Springs Class II prices. Since Rio Grande Valley handlers must dispose of surplus milk in plants to which handlers regulated under these other orders move surplus milk, the Class II price in the Rio Grande area must be generally in line with prices in these areas.

The cooperative association proposed that the Class II price be the same as their proposed basic formula price for the Rio Grande order. This basic formula was the higher of the Midwest condensery series or a butter-powder formula. The adoption of this proposal would price Rio Grande surplus milk somewhat higher than in surrounding markets. If the Class II price is too high, Rio Grande producers could have difficulty in marketing their entire production. Handlers would refuse to accept it unless it could be used without sustaining a substantial loss.

The butter-powder price proposed herein per hundredweight for 3.5 percent milk is comprised of a butter factor related to the price of 92-score butter at Chicago, less three cents, multiplied by 4.2, and a skim milk factor equal to the average of the prices for spray and roller process nonfat dry milk at Chicago area plants, less 5.5 cents, multiplied by 8.16. This formula price would have yielded an average price of $3.10 for the year 1961 and $3.20 during the last six months of the year. The higher price in the last half of the year was due, in part, to an increase in the Federal Government purchase prices for nonfat dry milk which were increased July 18, 1961.

A 13-cent reduction from the butter-powder formula price during the months of March through June is needed in view of the increased surplus which needs to be moved from the market at this time. The lower price will assure that the larger supplies in this period will be accepted by handlers. The 13-cent seasonally lower price is effective in the Texas Panhandle market.

The prices being paid for surplus milk in the Rio Grande Valley market were depressed during 1961 by the disorderly marketing conditions in the area. The surplus prices paid by handlers in the area varied, but a rate of 80 cents per pound of butterfat was common in most areas except El Paso, Texas, and Las Cruces, New Mexico, where prices were higher. The 80-cent butterfat price, equivalent to $2.80 per hundredweight for 3.5 percent Class II milk, was lower than the price paid by some handlers in 1960 even though manufacturing milk prices increased generally from the previous year because Government purchase prices for price supported dairy products were increased.

The Class II formula price proposed herein was supported by a group of handlers who would be regulated by the proposed order.

(3) *Equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainly with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and will thereby prevent unnecessary interruption in the operation of the order.

(4) *Butterfat differentials.* The class prices and uniform prices to producers which are proposed herein for milk of 3.5 percent butterfat content should be adjusted for each variation of one-tenth of one percentage of butterfat from 3.5 percent by the following differential rates:

Class I, at the Chicago wholesale butter price times 0.125.

Class II, at the Chicago wholesale butter price times 0.115.

Uniform price, at the Class I and Class II differentials times the respective quantities of butterfat from producer milk used in each class.

Butterfat differentials used by handlers in the area have varied, with different rates applying to adjustments for butterfat content above and below the basic butterfat content at which prices were quoted. The differentials for milk above basic butterfat content were in recent months seven and eight cents. Adjustments below basic were made at rates from nine to fourteen cents. The proposed differential based on the 1961 average butter price of 60.5 cents would give a differential of 7.6 cents. This proposed differential is within the range of differentials used in the market and should be used at least until more detailed information is available concerning the relative proportions of butterfat and skim milk used in Class I products in the area.

The cooperative association proposed that the Class II butterfat differential as well as the Class I differential be established by the factor 0.12 times the butter price. Several handlers proposed that the factor be 0.11.

Most handlers in the market have priced excess milk in terms of a price per pound of butterfat. In some cases handlers have not attempted to recover any value from excess skim milk. Thus, surplus milk pricing has been reflective of the value of excess fat disposed of as cream.

The pricing system proposed herein will require handlers to pay for both skim milk and butterfat in Class II. If the handlers' proposal were adopted, too much of the Class II price might be associated with the skim milk which heretofore has borne no part of the surplus milk price. On the other hand, the proposal made by the cooperative might price butterfat too high to facilitate its disposition. A rate midway between the handlers' and producers' proposals, 0.115 times the Chicago butter price, will result, at current butter prices in a 7-cent differential. This 0.115 factor should be adopted.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

(5) *Location differentials.* Location differentials should be incorporated in the order to provide appropriate adjustment in the Class I price based upon the location of any plant at which producer milk is received. Class I milk because of its bulky and perishable nature incurs high transportation costs if moved a considerable distance. Milk delivered directly by farmers to handlers' plants located close to the area where such milk is distributed to consumers is therefore more valuable to the handler than milk obtained at a plant many miles from the market.

El Paso, Texas, and the Albuquerque-Santa Fe area are the two principal metropolitan areas in the proposed marketing area. They represent the points where there is the largest concentration of population and therefore are the areas of largest milk sales to consumers. The two metropolitan areas are separated by 270 miles with El Paso being directly south of the Albuquerque-Santa Fe area.

Both El Paso handlers and Albuquerque-Santa Fe handlers receive milk from producers located in the counties adjacent to such cities but each area also receives milk from producers' farms located in eastern New Mexico. About half the dairy farmers in New Mexico having Grade A permits have farms in the row of counties on the eastern border.

There are plants located in eastern New Mexico (Tucumcari, Clovis, and Roswell) from which milk is distributed on routes in the proposed marketing area. There is also a plant at Portales, near the eastern boundary of New Mexico which receives Grade A milk and ships such milk to plants in Roswell, El Paso and Albuquerque when it is needed for fluid sales.

The location differentials should be established so that handlers whose plants are located in eastern New Mexico are required to pay Class I prices which are less than the El Paso and Albuquerque-Santa Fe prices by about the cost of transporting milk from that area to said cities as compared to hauling it to local plants. The cost of transporting milk from this reserve supply area is about 10 cents greater to El Paso than the cost to Albuquerque-Santa Fe. Therefore, the Class I price at El Paso should be 10 cents higher than the price at Albuquerque-Santa Fe. This will permit El Paso handlers to pay net farm prices to eastern New Mexico producers equivalent to the prices paid by Albuquerque and Santa Fe handlers.

Location differentials should also reduce Class I prices at plants 100 miles or more from Albuquerque, Santa Fe and El Paso. The Class I milk price at a plant 100–110 miles from the county courthouses in El Paso County, Texas, Bernalillo County (Albuquerque), New Mexico, or Santa Fe County, New Mexico, should be reduced 15 cents and 1 cent more for each 10 miles or fraction thereof that such plant is more than 110 miles from the nearest of the respective courthouses. The differential shall be computed from Albuquerque or Santa Fe, New Mexico, unless the resulting cost of milk is as great or greater if computed from El Paso, Texas. Distances should be measured by highway mileage since milk moves over such highways and hauling rates vary with distance milk is hauled.

The reported costs of hauling milk from farms to different plant locations has varied in some instances by more than the amounts proposed herein for location price differentials. The excessive hauling rates reported in some instances may be attributed to some extent to the disorderly price situation which has existed.

The rates provided herein reflect approximate costs of moving milk to city plants by efficient means. Transportation costs per mile are normally greater for short hauls than for longer hauls. Exhibits indicated that milk could be hauled distances of 500 miles or more for approximately 1 cent per hundredweight per mile whereas, on shorter hauls from farm to plant rates were considerably higher. Accordingly, a differential of approximately 1.5 cents per ten miles is made for the first 100 miles with a rate of 1 cent for each ten miles or fraction thereof, beyond 100 miles.

The location differentials, as proposed, will establish prices at each pool plant which will not only permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs but will also establish prices at such plants which are aligned with minimum prices effective at plants regulated under nearby Federal milk orders.

No location differential should apply to Class II milk. Such milk need not be moved to the area centers of population to be sold. Handlers should not be encouraged to move milk long distances for Class II purposes at the expense of dairy producers since Class II products incur little freight cost and prices for such products vary little with location. The Class II milk should be manufactured as near as possible to the source of production and the product should be transported rather than the milk.

A method is provided for determining, if necessary, the priority of milk from various plants allocated to Class I for the purpose of computing the aggregate location differential to be allowed.

In line with the economic considerations which affect the value of milk for fluid milk uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the uniform price paid producers delivering milk to plants to which location differentials apply also should be reduced by the rate applicable to the Class I price to reflect the lower value of such milk, f.o.b. the point of actual delivery.

Exceptions were filed protesting that the recommended schedule of differentials provided prices too low at other pricing points, relative to the basic zone price at Albuquerque and Santa Fe. Other exceptors claimed that the location differentials set prices too high at points other than Albuquerque and Santa Fe. One handler excepted to the recommendation that the Albuquerque and Santa Fe prices be identical. The producer proponents of the order took no exception to the recommended price structure.

The schedule of proposed price differentials for plants located 100 miles or more from Albuquerque and Santa Fe will encourage the efficient movement of milk from farms to milk plants in the area. No differential should be allowed at plants within 100 miles of Albuquerque and Santa Fe. The cost of hauling milk from farms to plants within this area varies with the size of the truckload and whether the shipment is bulk or in cans. There is no indication that hauling rates vary according to the location of the plant to which milk is delivered. Similarly, in the area within 100 miles of El Paso the class prices and uniform price should be the same as at plants in El Paso. A handler located about 60 miles from El Paso was reported to be paying his producers f.o.b. the farm a price higher than the El Paso price for milk delivered to plants.

(6) *Payment on unpriced milk.* Provision should be made for payments into the producer-settlement fund with respect to other source milk which is not priced under this or another Federal order and which may be disposed of in the marketing area as Class I milk either on routes by a nonpool plant or by receipt at a pool plant and disposition from such plant. The rate of payment on such other source milk which is utilized as Class I milk in the marketing area should be the difference between the Class I and Class II prices. However, the operator of a nonpool distributing plant should be given the opportunity to pay his own dairy farmer suppliers an amount of money equivalent to his pool obligation had his plant been a pool plant. If his payments are less than such obligation he should be required to pay into the producer-settlement fund an amount which when added to his payments to dairy farmers equals the obligation he would have sustained as a pool plant.

Essentially, all other source milk which might be utilized for Class I milk

in the marketing area would be produced as part of the supply intended primarily to meet the demand for milk for fluid consumption in some area other than the Rio Grande Valley area but not used in the area for which it was produced. All milk which is eligible for sale as Class I milk in the area must be of Grade A quality and such Grade A milk is normally marketed for consumption in fluid products. Since such milk would be excess to the plant operator's needs for fluid sales in his primary sales area, it would have a surplus milk value to him.

If unregulated handlers were permitted to dispose of surplus milk in the marketing area, either through sales to a pool plant or route distribution, without any offsetting charges, regulated handlers would be placed at a competitive disadvantage. Such competitive disadvantage to regulated handlers would circumvent the intended purpose of the Agricultural Marketing Agreement Act of 1937, as amended, which is to return a reasonable level of prices to producers who constitute the regular supply for plants serving a regulated milk market.

Inefficiency of marketing would be encouraged if the advantage of unregulated milk were not neutralized by order provisions which require compensatory payments of unregulated handlers. Pool plants would be encouraged to obtain milk for their Class I needs from distant points, rather than the normal and dependable supply, because of the price advantage that could be offered by unregulated handlers on their surplus milk. Hence, provision to require payments which offset the advantage of unregulated milk is essential for the proper functioning of this order.

In some situations plant operators may find it economical or desirable to make small shipments of milk into the area. This would be true with respect to shipments of milk to pool plants for manufacturing purposes. Compensatory payments are required to provide a means by which full regulation of the handling of milk under these conditions may be avoided and at the same time the integrity of the classified pricing system and marketwide equalization of returns which are necessary for the maintenance of orderly marketing in this area may be preserved.

The potential sources of Grade A milk which are not regulated and are available at the surplus price (approximately the Class II price under this order) needs to be taken into consideration in determining the compensatory payment rate. Grade A milk in the region surrounding the Rio Grande Valley marketing area is associated with fluid milk markets and is available to the Rio Grande area only when it is produced in excess of the fluid needs in its regular sales area. The price at which such milk is available is the price at which it can otherwise be sold—the surplus or Class II price. Therefore, the rate of payment on other source milk allocated to Class I should be the difference between the Class I price and the Class II price adjusted (by the same rate as applicable to pool plants) to the location of the plant at which such other source milk was received from farmers.

Other source milk in the form of concentrated milk products should be considered to be from a source at the same location as the plant where used. It would not be administratively feasible to do otherwise because concentrated milk products may be obtained from so many sources it is often not possible to determine where such products originated.

All funds collected from such compensatory payment should be paid into the producer-settlement fund. A handler who receives other source milk on which payment is due shall be the person responsible for making such payments to the market administrator. There would be no difference in the amount paid whether the payments were required of the operator of the pool plant or of the plant from which the other source milk originated. Because the pool handler is the one making the distribution in the area and because he is the one who submits reports to the market administrator, it is administratively practical that he should be the one required to make the payments.

No compensatory payment should be required on milk classified and priced under another Federal milk marketing order. The minimum prices for Class I milk under Federal orders from which Rio Grande handlers might obtain supplemental supplies are generally aligned with the recommended Class I price of this order, adjusted for location. Since handlers under other orders must pay for milk on a utilization basis, there is no opportunity for them to sell their surplus milk as Class I in the Rio Grande Valley marketing area at less than Class I prices.

When the Rio Grande Valley market does not have an adequate supply of milk to meet the requirements for sales of fluid milk products, no compensatory change should be required on other source milk received in the form of fluid milk products. Compensatory payments on such milk should not be effective in months when the total producer deliveries of milk are less than 110 percent of total Class I sales.

Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool distributing plants should be given an opportunity to choose between two types of payments into the producer-settlement fund: (1) An amount determined by multiplying the hundredweight of Class I milk disposed of in the marketing area by the difference between the Class I and Class II prices or (2) the amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

If the nonpool plant operator elects to make payments under the first option, the regulation would be protected in the same manner as is provided with respect to compensatory payments on other source milk at pool plants. If he chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler.

Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. There are no known handlers in a position to use this option. In view of this there is little likelihood that handlers who might exercise this option would be located where their milk procurement would have an unstabilizing effect upon the procurement by fully regulated handlers.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular source of supply of milk for the nonpool plant. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant.

It is possible that nonpool plants from which milk is distributed in the Rio Grande Valley market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the Rio Grande Valley order should credit such handlers with payments made under similar provisions of another Federal order.

(d) *Distribution of proceeds among producers.* The proposed order should contain provisions which describe the means whereby the payments made by handlers for milk at class prices are to be converted to uniform prices to be paid producers. The provisions should specify also the terms under which such payments must be made.

1. *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization of the required payments for milk by all handlers.

Payments by handlers to producers have been made without regard to the utilization of milk by the handler and prices paid by different handlers have varied considerably. When a handler did not need milk for his fluid sales he could reduce his supply by discontinuing purchases from certain producers. The insecurity of market and the depressed price situation prompted the organization of the producers' cooperative, The Dairy Farmers Association. This cooperative was organized to market the milk of its members jointly, to bargain for prices on behalf of its membership and to share among its members the risk entailed in any loss of market by a member.

The cooperative is committed to share uniformly among its members the Class I utilization by handlers of milk of its members. The cooperative, representing about 275 of the 400 producers supplying the market, is thus obligated to pool the returns to its producers on a marketwide basis.

The adoption of an individual-handler pool (as proposed by one handler) could create differences in prices paid member producers compared to nonmembers. Such price differences, if favorable to nonmembers, could create strong economic pressure to weaken the cooperative association and thwart its efforts to promote orderly marketing of milk in the area.

Marketwide equalization is especially needed in this market because some handlers operate large milk production units. Under an individual-handler pool system, such handlers would be encouraged to buy from producers only enough milk to supply, with their own production, their Class I sales. By this means, the handler's own herd production would all be priced at Class I. A handler who had 100 percent Class I utilization could easily add a producer whenever he needed more milk and could discontinue purchases from the producer when he did not need milk for Class I sales. This adding and dropping producers would create unstable marketing and shift the burden of carrying the necessary market reserve to other producers in the market.

A marketwide pool will insure that each producer supplying the order market will receive a return based on his pro rata share of Class I and Class II sales of handlers disposing of milk in the marketing area. Each producer will receive a "blend" price for his milk which will reflect the average utilization in the market. Each handler, however, will pay for milk according to the class prices. The utilization of all pool plants will be averaged to derive a uniform "blend" price for all producers.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. In order to have an adequate amount of milk to supply the fluid requirements of the market plus ample reserves, even during relatively short production periods of the year, there will be some surplus in all months and a more pronounced surplus during relatively flush production months. This surplus milk must be moved into manufacturing or Class II use by some party who undertakes the responsibility to market it. Some plants disposing of milk in the proposed area have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I sales in the flush production season and procure supplemental supplies of milk for Class I sales during short production periods. Other plants in the area have some manufacturing facilities or outlets available to market surplus to enable them to carry adequate supplies of milk throughout the year.

A marketwide pool enables a handler or a cooperative association to handle the reserve supplies and to pay such producers the same price as paid by handlers who do not carry the necessary reserve. The lower return for the reserve milk in the market is thereby apportioned equally among all producers in the market. Under an individual-handler pool this burden would be carried by individual groups of producers.

A marketwide pool would facilitate the equalization among producers of Class I sales made under contract for large quantities of Class I products. There are several large military bases in the area which let contracts on a bid basis. A marketwide pool would permit a handler to bid on the contract business of military installations and other public institutions and to obtain supplies for such sales without upsetting the market when the business might shift from one handler to another.

Under the circumstances which exist in the Rio Grande Valley milk marketing area, a system of marketwide pooling of required payments to producers is necessary to maintain efficient and orderly marketing of milk.

2. *Producer - settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, some method of balancing these differences is necessary. A handler who is required to pay more according to his utilization than he is required to pay his producers should pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund. Amounts paid in and out of the producer-settlement fund for this purpose will equate except for minor differences due to rounding.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month. This fund is necessary to cover such contingencies as a failure of a handler to pay his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the order as not less than four cents nor more than five cents per hundredweight of producer milk in the market each month.

Compensatory payments received by the market administrator should be added to the producer-settlement fund. This money should be used in computing the uniform price and thus all producers would share in the proceeds of compensatory payment money.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator shall uniformly reduce payments per hundredweight to such handlers. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments, and producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would be eliminated in the computation of the uniform price.

3. *Payments to producers.* Each handler should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, the applicable uniform price no later than the 16th day after the end of each month. Since it is the practice in the market to pay producers twice each month provision should be made that on or before the last day of the month each producer should receive payment for milk delivered during the first 15 days of the month at not less than the uniform price for the preceding month, less 30 cents in March and plus 30 cents in July and less authorized deductions. The 30-cent adjustment compensates for the seasonal increase and decrease in the Class I price. A producer who had discontinued shipping milk to such handler before the 28th day of the month would not qualify for a partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk of its members which is received by a pool plant. The collection of payments for milk of its members and the reblending of proceeds from the sale of such milk will tend to facilitate the transfer of milk from handler to handler and the diversion of surplus milk to nonpool plants so as to obtain the maximum use of producer milk in Class I and will assist the cooperative association in discharging its responsibilities to its members and the market. The Act provides for the payment from handlers to cooperative associations of producers for milk delivered by them and permits the reblending of all proceeds from the sale of member milk. The cooperative association in the area has contracts with its members which allow the association to collect payment for members' milk. Therefore, each handler, if so requested, should pay the cooperative association, in lieu of paying the producer, the full amount due for such producer's milk. The association's request should provide for reimbursement of any loss incurred because of an improper claim. Handlers should be required to pay the association 2 days before payment is required to be made to individual producers so that the cooperative will have time to reblend its receipts and pay its members on the

same date nonmembers are required to be paid.

Certain handlers excepted to the proposed procedure whereby the cooperative association files with the handler and the market administrator a list of its member producers for whom it is entitled to collect payments. The exceptors asked that such list be furnished by the market administrator with his certification that the cooperative member list is accurate. The proposed order language provides several safeguards to assure that handlers are not required to pay a cooperative association for milk delivered by a producer who is not a member of such cooperative association. First, the cooperative association must file with its claim a promise to reimburse the handler for any funds collected on milk which was not delivered by members. Second, the list of claimed members must be filed simultaneously with the market administrator. Finally, the handler (or any producer) may take exception to the claimed membership of any of the claimed members. When such exception is taken, the market administrator is required to determine the accuracy of the claim. Thus, the proposed language provides the protection against erroneous claims which the exceptors seek.

At the time final settlement is made by the handler he should submit to the producer (or his cooperative association) a supporting statement. Such statement should contain the identity of each producer; the total pounds and average butterfat content of milk; the rate used in making the payment; the rate and nature of each deduction claimed by the handler; and the net amount of payment to each producer.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of regulation certain other terms and definitions are desirable in the sake of brevity and to assure that each usage of the term implies the same meaning. Other terms as defined in the proposed order are common to most Federal orders.

(2) *Market administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties required by the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk.

Handlers' reports of receipts and use of milk should cover operations for the calendar month. Some handlers requested that reports be made for two accounting periods within a month if the handler so requested. The two accounting periods were said to be needed in December and possibly May and September since daily Class I sales vary most in those months. The use of two accounting periods would be exercised in order to allocate producer milk to Class II in a month when other source milk might be received from plants at which such milk was priced under another order. Provision should be made for such accounting by handlers but since accounting for two periods doubles the cost of verifying the handler's use of milk, a handler who elects such accounting should pay the extra cost of such verification. Also each accounting period should be not less than seven days and not more than two accounting periods per month should be permitted.

It is essential that handler reports be submitted to the market administrator on or before the 8th of each month for the preceding months' sales. The market administrator should announce uniform prices for the market by the 12th day of each month. Dates on which payments should be made to producers were discussed earlier. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class by each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be pro rated in the proportion that producer milk was utilized by that handler. These reports are necessary for the cooperative association to market its milk so that available producer milk is channeled to available Class I uses.

The order should also provide for a specific period of time that handlers are required to retain these books and records and the time in which such obligations expire. The provision made in this order is identical in principle to all milk orders in operation on July 30, 1947, following the Secretary's decision on January 26, 1949 (14 F.R. 444). The decision covering the retention of records and claims is equally applicable in this situation and is adopted as a part of this decision.

Exceptions were filed to the proposed provisions regarding reports which handlers are required to file and records and facilities which must be made available to the market administrator to verify such reports. The provisions proposed herein are those which have been used for some time in several Federal milk orders to describe the market administrator's responsibilities in administering the order and the obligations of handlers. The language is explicit in that it places responsibility on the market administrator to prescribe reports and records which are necessary to carry out the terms of the order. Exceptors asked that the term "reasonably necessary" be inserted for the term "necessary". The testimony in support of the substitute language infers that the addition of the word "reasonably" would transfer the immediate responsibility for determining what records and reports are necessary from the market administrator to some unknown person. This would leave uncertainty in regard to such matters and thus hamper effective administration of the order. Hence, the proposed change in the description of the market administrator's duties should not be adopted. The handler is not, of course, precluded from seeking administrative correction of any demands of the market administrator which he claims are unreasonable.

(4) *Expenses of administration.* The Agricultural Marketing Agreement Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administrating the order, four cents, or such lesser amount as the Secretary may prescribe, on (a) producer milk (including a handler's own production), (b) other source milk received at a pool plant and classified as Class I milk (except milk assessed under another Federal order); and (c) nonpool distributing plants on the quantities specified in accordance with the conclusions previously stated.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing services.* Provision should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved, location of handlers' plants and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Several consumers in Albuquerque, New Mexico filed exceptions to the proposed order on the assumption that it would increase their cost of milk, it would prevent milk produced in other states from being sold in New Mexico and it would establish prices to farmers in New Mexico at a level inconsistent with milk prices in other areas. The proposed order does not set minimum prices which handlers or other retail distributors may charge consumers. As required by the authorizing statute, the proposed order does not prohibit the marketing in the proposed marketing area of milk produced in any production area in the United States. The minimum class prices which would be established by the order are set at levels which are generally aligned with prices in areas from which alternative supplies of milk might be obtained.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Rio Grande Valley Marketing Area," and "Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 30, 1962.

JOHN P. DUNCAN, Jr.
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

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AUTHORITY: §§ 1138.0 to 1138.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1138.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the quantities of milk specified in § 1138.88.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1138.1 to 1138.101, of the proposed order contained in the recommended decision issued by the Under Secretary, on March 23, 1962 (27 F.R. 2841; F.R. Doc. 62–2964) shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1138.8 (a) and (c), 1138.10 (a) and (b), 1138.22(i)(3), 1138.30, 1138.31(a)(1), 1138.41(b) (5), (6), and (7), 1138.42 (a) and (b), 1138.44 (a) and (d), 1138.46, 1138.47, 1138.51, 1138.52 (a) and (c), 1138.61(a), 1138.62, 1138.70, 1138.72(b), 1138.80(c)(1), and 1138.88.

DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1138.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1138.6 Rio Grande Valley marketing area.

"Rio Grande Valley marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, Montezuma, and La Plata, in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant except a plant at which such milk is classified and priced under the provisions of another order issued pursuant to the Act, for the account of the handler operating a pool plant or of a cooperative association, subject to the following conditions:

(1) The days of production of such person for which milk is diverted during the month shall not exceed 9 days' production. If milk is diverted in excess of 9 days' production, all milk of such person diverted during the month shall not be considered a receipt from a producer.

(2) For the purposes of the requirements of § 1138.10, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

§ 1138.8 Producer-handler.

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and receipts from pool plants shall not be in excess of 11,000 pounds per month or, any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except his certified herd: *Provided*, That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

(b) In the case of a producer-handler of certified milk, the certified dairy herd and the milk plant in which the certified milk is handled shall be considered one business unit and shall not include milk which is delivered to other handlers' plants from a non-certified herd maintained on the same farm.

(c) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or from which Grade A milk is shipped to a pool plant pursuant to § 1138.10(a).

(b) A cooperative association with respect to the milk of any member producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less: *Provided*, That any supply plant which has qualified (or would have qualified had the order been in effect) as a pool plant for each of the months of August through February shall be a pool plant for each of the months of March through July following such August–February period unless written request for nonpool status is furnished in advance to the market administrator. Such nonpool status will be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant, or a plant operated by a producer-handler.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plant, (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.33, or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1138.71, and the butterfat differential computed pursuant to § 1138.82, for the preceding month;

(j) On or before the 13th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler

receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1138.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month each cooperative association which is a handler pursuant to § 1138.9(b), each handler who operates pool plant(s) and each handler who operates nonpool plant(s) and has elected to make payments pursuant to § 1138.62 (b), shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products in the marketing area on routes;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(h) Each handler making payments pursuant to § 1138.62(b) shall report to the market administrator the information required pursuant to this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.31 Payroll reports.

(a) On or before the 20th day of each month, each handler who operates pool plant(s) and each handler who operates nonpool plants and has elected to make payments pursuant to § 1138.62(b) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(1) The name and the days of delivery of each producer with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(3) The amount of payment to each producer and cooperative association;

(4) The nature and amount of any deduction or charges involved in such payments; and

(5) Each handler making payments pursuant to § 1138.62(b) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.32 Other reports.

Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1138.62(b), and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1138.80(c) shall report on or before the 8th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 1138.86.

§ 1138.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1138.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1138.35 Accounting periods.

A handler may account for receipts, utilization and classification of milk at his pool plant(s) for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not less than twenty-four hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 through 1138.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 through 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to subparagraphs (2), (3), (5), and (6) of paragraph (b) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is exempted from Class I pursuant to paragraph (a)(1)(ii) of this section;

(6) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of: (i) 2 percent of receipts of milk received directly from producers; plus (ii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; less (iii) 1.5 percent of milk disposed of in bulk tank lots to other pool plants; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1138.41 (b)(7) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk.

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1138.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk subject to § 1138.52 (c) if transferred in the form of a fluid milk product to another pool plant unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred and the skim milk or butterfat so assigned to any class is not in excess of the amount thereof remaining in such class in the plant of the transferee-handler after the computation made pursuant to § 1138.46(a)(5) and the corresponding computation in § 1138.46(b): *Provided*, That if either or both plants have received other source milk (except other source milk assigned to Class I pursuant to § 1138.46(a)(2)) the skim milk or butterfat so transferred shall be classified at both plants as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages; and

(d)(1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant unless the following conditions are met:

(i) The transferring handler claims Class II utilization in his report submitted pursuant to § 1138.30;

(ii) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(iii) The skim milk and butterfat so transferred or diverted is not in excess of the Class I classification remaining after subtracting in series beginning with the Class I classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk;

(iv) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

(2) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45 the market administrator shall determine the classification of producer milk received at each pool plant of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1138.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk:

(i) That are subject to the Class I pricing provisions of another order issued pursuant to the Act and were received as packaged fluid milk products and disposed of in the same form as received; and

(ii) That were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(3) Subtract from the pounds of skim milk the remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph:

(i) First subtract other source milk received in a form other than as a fluid milk product; and

(ii) Next subtract other source milk received in the form of a fluid milk product;

(4) Subtract from the remaining pounds of skim milk in Class II an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk in fluid milk products received from other pool plants according to its classification as determined pursuant to § 1138.44(a); and

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 1138.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 1138.46(a)(8) and the corresponding step in § 1138.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 1138.46 (a)(8) and the corresponding step of § 1138.46(b); and

(b) That subtracted from Class II pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b).

MINIMUM PRICES

§ 1138.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States De-

partment of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52 and 1138.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

(b) *Class II milk.* For the months of July through February, the price per hundredweight for Class II milk shall be obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such total less 13 cents:

(1) Subtract 3 cents from the average butter price specified in § 1138.50 and multiply the remainder by 4.2; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department, deduct 5.5 cents, and multiply the remainder by 8.16.

§ 1138.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Bernalillo and Santa Fe Counties, New Mexico, and which is classified as Class I milk, the price computed pursuant to § 1138.51(a), subject to the limitations in paragraph (c) of this section, shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from the courthouse in El Paso, Texas, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Bernalillo or Santa Fe County Courthouse, whichever is nearer, exceeds 110 miles: *Provided*, That if a rate similarly calculated from the El Paso County Courthouse minus 10 cents is a lower rate, such lower rate shall apply;

(b) For milk received from producers at a plant located within 100 miles by the shortest highway distance as determined by the market administrator from the El Paso County Courthouse and which is classified as Class I milk, the price computed pursuant to § 1138.51(a) shall be increased 10 cents;

(c) For purposes of calculating this differential, bulk transfers of fluid milk products between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1138.46(a)(5) and the corresponding step in § 1138.46(b) for such plant, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential credit is applicable.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1138.50 for the preceding month by 1.25 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price specified in § 1138.50 by 1.15 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1138.60 Producer-handlers.

Sections 1138.40 through 1138.47, 1138.50 through 1138.54, 1138.70 through 1138.72, and 1138.80 through 1138.88 shall not apply to a producer-handler.

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order; and

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1138.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1138.80 to 1138.88, each handler, other than a producer-handler or one exempt pursuant to § 1138.61, who operates during the month a nonpool plant from which Class I milk is disposed of in the marketing area on routes shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1138.30 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1138.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1138.70 if such handler had operated a pool plant the sum of (i) the gross payments for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant, (ii) any payment with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other orders; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1138.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 1138.70 Computation of the obligation of each pool handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler by making the computations provided in paragraphs (a) through (e) of this section for each of his pool plants, and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class computed pursuant to

§ 1138.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 1138.46(a)(10) and, the corresponding step of § 1138.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 1138.47(a); and

(2) Any plus amount remaining after the calculation pursuant to § 1138.47(b);

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1138.46(a)(3)(i) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount computed by multiplying such quantity by the rate determined by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(e) In any month in which the total receipts of producer milk at all pool plants are more than 110 percent of Class I sales at such plants, for any skim milk and butterfat subtracted from Class I milk pursuant to § 1138.46(a)(3)(ii) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount computed by multiplying such quantity by the rate determined by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and by the location differential applicable at the nearest plant or plants from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 1138.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for the producer milk of all handlers who submitted reports prescribed in § 1138.30 and who are not in default of payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 1138.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1138.81(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1138.81(b);

(e) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section;

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants located within 100 miles of the county courthouses in Bernalillo and Santa Fe Counties, New Mexico.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84, 1138.86, 1138.87, and 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts and less authorized deductions;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1138.81 Location differential to producers.

(a) For producer milk received at pool plants located more than 100 miles, as determined by the market administrator, from the county courthouses in El Paso County, Texas, and Bernalillo and Santa Fe Counties, New Mexico, there shall be deducted an adjustment for each plant for all milk at rates com-

parable to those established pursuant to § 1138.52(a); and

(b) For producer milk received at pool plants located within 100 miles, as determined by the market administrator, of the El Paso County Courthouse there shall be added 10 cents per hundredweight.

§ 1138.82 Butterfat differential to producers.

In making payments pursuant to § 1138.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1138.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1138.70 is greater than the amount owed by him for such milk at the appropriate uniform prices specified in § 1138.80.

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1138.70 is less than the amount owed by him for such milk at the appropriate uniform price specified in § 1138.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expenses of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe as follows: (a) Each handler operating a pool plant(s) on receipts of producer milk during the month, including such handler's own farm production, and other source milk allocated to Class I milk pursuant to § 1138.46(a) (2)(ii) and (3) and the corresponding step of § 1138.46(b): *Provided*, That if such handler elects pursuant to § 1138.35 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administrating the additional accounting period; and (b) Each handler operating a nonpool distributing plant(s) on the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1138.62(a)(2) or (b)(2).

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secertary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-4369; Filed, May 3, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-EA-13]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6423 and 601.6423 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 423 is designated from Ithaca, N.Y., to Syracuse, N.Y. The Federal Aviation Agency has under consideration a proposal by the Air Transport Association of America to extend Victor 423 and its associated control areas southeastward from the Ithaca VOR direct to the Binghamton, N.Y., VORTAC. This would provide a route for VOR equipped aircraft operating direct between Ithaca and Binghamton.

The control areas associated with this segment of Victor 423 would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on April 27, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4334; Filed, May 3, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 13518]

STATEMENTS OF GENERAL POLICY; NON-TRANSPORT ACTIVITIES OF SUBSIDIZED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

APRIL 30, 1962.

The Board, in 27 F.R. 3295 and by circulation of a notice of proposed rule making dated April 2, 1962, gave notice that it had under consideration a proposed addition to Part 399, Statements of General Policy, which would express the Board's policy of considering nontransport activities of subsidized air carriers as prima facie contrary to the public interest.

In its notice, the Board requested interested parties to submit such comments as they might desire not later than May 7, 1962. Requests have been received by the Board asking for an extension of time in which to file comments on the proposed addition to Part 399.

The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown and that it will be in the public interest to grant an extension of time for the filing of comments with respect to the proposed addition to Part 399.

Therefore, pursuant to the authority delegated under section 7.3 C of Public Notice PN 15 and redelegated under section 7.6 thereof, the undersigned hereby extends the date for comments on PSDR-4 until June 15, 1962. All relevant matter in communications received on or before June 15, 1962, will be considered by the Board before taking final action on the proposed addition to Part 399. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

(Sections 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

[SEAL] ROSS I. NEWMANN,
Associate General Counsel,
Rules and Legislation.

[F.R. Doc. 62-4365; Filed, May 3, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–w]

PORTLAND CEMENT FROM NORWAY

Notice That There is Reason To Believe or Suspect Purchase Price is Less or Likely To Be Less Than Foreign Market Value

APRIL 30, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of portland cement, other than white, nonstaining portland cement, imported from Norway is less or likely to be less than the foreign market value, as defined by sections 203 and 205 respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of portland cement, other than white, nonstaining portland cement from Norway pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of Covington and Burling on behalf of the following domestic cement producers:

Allentown Portland Cement Co.
Coplay Cement Manufacturing Co.
Dragon Cement Company
Giant Portland Cement Co.
Glens Falls Portland Cement Co.
Hercules Cement Co.
Keystone Portland Cement Co.
National Portland Cement Co.
Nazareth Cement Co.
North American Cement Corp.
Standard Lime and Cement Co.
The Whitehall Cement Mfg. Co.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62–4353; Filed, May 3, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Claim No. 60808]

ANNA-MARIA DE JONG

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Meyer de Jong, which was published in the FEDERAL REGISTER on September 14, 1960 (25 F.R. 8833), is hereby amended by deleting therefrom, as claimant, the name and address of

Meyer de Jong, Brussels, Belgium.

who is now deceased, and substituting in place thereof the following:

Anna-Maria de Jong, nee Tielen, Huizingen, Belgium.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on April 30, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc 62–4351; Filed, May 3, 1962; 8:48 a.m.]

POST OFFICE DEPARTMENT

VARIOUS BUREAUS AND OFFICES

Delegation of Authority To Negotiate Contracts Over $2,500

The following is an excerpt from Headquarters Circular No. 62–9, signed by the Deputy Postmaster General, delegating authority to the various bureaus and offices:

b. The authority is delegated to each bureau and office to negotiate contracts over $2,500 for services and/or products which affect or concern their operation when the furnishing of such services and/or products can be secured only satisfactorily by such negotiations.

c. Each bureau or office which negotiates contracts over $2,500 under this delegation of authority will be responsible for the negotiation, preparation, consummation, and administration of such contracts, assisted by a contract negotiating team.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–4345; Filed, May 3, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to License No. R–23 issued to The Texas Agricultural and Mechanical College System. The amendment authorizes the licensee to conduct critical experiments in its nuclear reactor Model AGN–201, Serial No. 106, located on its campus in College Station, Texas, in accordance with the procedures described in its applications for license amendment dated January 5, 1962, March 2, 1962, March 20, 1962, and March 26, 1962. The Commission has found that operation of the reactor, including the conduct of the critical experiments, in accordance with the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within fifteen days after publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the applications for license amendment submitted by the licensee and (b) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–23; Amdt. 5]

In addition to the activities previously authorized by the Commission in License No. R–23, as amended, the Texas Agricultural and Mechanical College System is authorized to conduct critical experiments in its nuclear reactor Model AGN–201, Serial No. 106, located on its campus in College Station, Texas, as requested by its applications for license amendment dated January 5, 1962, March 2, 1962, March 20, 1962, and March 26, 1962.

These experiments shall be conducted in accordance with the procedures and subject to the limitations contained in License No. R–23, as amended, and in the licensee's applications for license amendment dated January 5, 1962, March 2, 1962, March 20, 1962, and March 26, 1962. No critical experiment shall be conducted in the reactor unless the interlock described in the application for license amendment dated March 26, 1962 is installed and operable.

This amendment is effective as of the date of issuance.

Date of issuance: April 27, 1962.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–4328; Filed, May 3, 1962; 8:45 a.m.]

[Docket No. 27–35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Byproduct and Source Material License

Please take notice that pursuant to the Intermediate Decision of the Hearing Examiner dated March 16, 1962, the Atomic Energy Commission has this date issued License No. 31–8360–1 to Long Island Nuclear Service Corp., 35 New Mill Road, Smithtown, N.Y.

The license authorizes the receipt of packaged solid low-level byproduct and source material waste at a facility located at Lakeland Avenue and Wilson Street, Bohemia, Long Island, N.Y., for transfer to AEC-designated land burial sites at Oak Ridge, Tenn., and Idaho Falls, Idaho.

The text of the license is set forth below. Copies of the Intermediate Decision are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington 25, D.C.

Dated at Germantown, Md., April 27, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[License No. 31–8360–1]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material," and 10 CFR Part 40, "Licensing of Source Material," and in reliance upon the statements and representations contained in the application dated August 21, 1961, and amendment thereto dated October 4, 1961 (hereinafter referred to as "the application") a license is hereby issued to Long Island Nuclear Service Corp., 35 New Mill Road, Smithtown, N.Y., to receive, store and transfer solid byproduct and source material waste to the AEC-designated sites at the National Reactor Testing Station, Idaho Falls, Idaho, and Oak Ridge National Laboratory, Oak Ridge, Tenn., for land burial.

The license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 100 curies of any byproduct material having Atomic Nos. between 3 and 83.

C. 1,000 pounds of source material.

2. Byproduct and source material shall be received, and transferred by, or in the physical presence of, John LaGrua.

3. The licensee shall only receive byproduct and source material which has been previously packaged in containers in compliance with applicable Interstate Commerce Commission regulations or with condition 5 of this license. The containers shall not be opened by the licensee.

4. Except as specifically provided otherwise in this license the licensee shall receive, store and transfer byproduct and source material in accordance with the statements and procedures described in the application.

5. The transportation of AEC-licensed material to and from the location designated in condition 6 shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in the standard license form to be Appendix A attached hereto: [1]

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192 or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no removable radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation. This licensee shall inform each shipper delivering waste disposal containers to the licensee that licensee is not authorized to receive any liquid radioactive materials and that the containers must not contain any liquid radioactive materials.

(2) Materials containing radioisotopes of strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.[1]

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5) and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission and should contain sufficient information to support such a request.

6. The licensee shall store packaged byproduct and source material only at its facilities located at Lakeland Avenue and Wilson Street, Bohemia, Long Island, N.Y., as described in the application.

7. Byproduct and source material received under this license shall be disposed of within 6 months from the date on which Long Island Nuclear Service Corp. first takes possession of such material.

8. The licensee shall not receive any byproduct or source material until the facility for storing such material has been erected and completed in accordance with the application. Upon completion of the facility the licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, of the fact of such completion.

This license shall be effective as of the date of issuance and shall expire two (2) years from the last day of the month in which the license is issued.

Date of issuance: April 27, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62–4314; Filed, May 3, 1962; 8:50 a.m.]

[1] Appendix filed as part of original document. Copies are available at Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

CIVIL AERONAUTICS BOARD

[Docket 13329 etc.]

AIR-BUS TARIFFS CASE

Notice of Postponement of Prehearing Conference

At the request of the Commonwealth of Puerto Rico, the prehearing conference in the above-entitled proceeding assigned to be held May 10, 1962, before the undersigned Examiner is postponed until May 14, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., May 1, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-4363; Filed, May 3, 1962; 8:49 a.m.]

[Docket 13367; Order No. E-18285]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Application for Foreign Air Carrier Permit; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of May 1962.

On January 31, 1962, Caledonian Airways (Prestwick) Ltd. (Caledonian) filed an application for a permit to engage in foreign air transportation limited solely to charter-type operations.[1]

Caledonian requests a foreign air carrier permit authorizing it to engage in planeload charter foreign air transportation of persons and their accompanied baggage "between any point or points in the United Kingdom of Great Britain and Northern Ireland on the one hand, and any point or points in the United States of America on the other hand." Caledonian has submitted exhibits to the Board in support of its application.[2]

In view of the request for expeditious handling and the nature of the request, i.e., for a foreign air carrier permit solely for charter operations, the Board has decided to issue an order to show cause, setting forth its tentative conclusions, and to provide a limited period within which interested parties may file objections thereto.[3]

The application is governed by sections 402 and 801 of the Federal Aviation Act of 1958, as amended. Paragraph (b) of section 402 empowers the Board to issue a permit to a foreign air carrier if it finds that the carrier is fit, willing and able properly to perform the foreign air transportation to be authorized, and to conform to the provisions of the Act, and the rules, regulations and requirements of the Board thereunder, and that such transportation will be in the public interest. Paragraph (e) adds that the Board may prescribe the duration of any permit and may attach to such permit such reasonable terms, conditions or limitations as, in its judgment, the public interest may require. Section 801 provides, in part, that the issuance of, and the terms, conditions and limitations contained in, any permit issuable to any foreign air carrier under section 402 shall be subject to the approval of the President.

Aside from the section 402 and section 801 requirements, the grant of rights by the United States to a foreign air carrier is determined primarily in accordance with bilateral agreements between the United States and the foreign country involved. Where, as in this case, the application is not based on a bilateral agreement, the issue of whether the grant of a permit to conduct such operations is in the public interest becomes essentially a consideration of reciprocity.

Caledonian is quite similar to a U.S. supplemental air carrier in its structure, operations, and financial base.[4] The Board, therefore, in determining the scope of reciprocity as to Caledonian's charter operations has reviewed the manner in which the British Government has treated requests to conduct charter operations by U.S. supplemental air carriers. Such review indicates that the supplementals' requests to either bring a charter into the United Kingdom or to carry one from the United Kingdom are rarely denied.

With respect to fitness and ability to perform the transportation for which the application is made, the following facts are pertinent. Caledonian is a British stock corporation, incorporated in Scotland in April 1961. Flight operations commenced in November 1961. It holds an Air Operators Certificate (limited only in that it cannot conduct polar flights) and a Class E license (a license which is not restricted to flights between places named in the license) for charter operations from the competent air transportation regulatory authorities of the British Government. Such authority allows the operation of transatlantic charters (among other charter rights) as far as the British Government is concerned. Caledonian is on the Ministry of Aviation's list of Approved Air Carriers and the Air Ministry's list of Approved Operators, making Caledonian eligible to carry Government dignitaries and military force personnel, respectively.

Caledonian's authorized capital is 250,000 pounds sterling ($2.80 equal 1 pound) of which it has issued 3,900 Class "A" 10-pound voting shares (39,000 pounds) and 1,503 Class "B" 10-pound nonvoting shares (15,030 pounds), totaling 54,030 pounds. Caledonian has submitted a balance sheet as of December 31, 1961, showing total current assets of $118,870 and total current liabilities of $84,243.

Caledonian has performed 21 planeload charters in its first 2 months of operations, representing over 7,600,000 revenue passenger miles. Its exhibits show that it had been selected by the Air Ministry to perform 4 charter trips in March of this year, and show that it has already concluded arrangements and been granted authority by the Ministry to perform 62 round-trip, inclusive-tour charter flights during 1962.

Caledonian has leased for 2 years two DC-7C aircraft from Sabena Belgian World Airlines with further aircraft available if required.[5] Caledonian's exhibit states that it contemplates expanding its fleet to three or four DC-7C aircraft in the next 2 to 3 years. The competence and experience of the pilots, crew, and ground staff as listed in the Caledonian exhibits have been established by the appropriate British authority.

Based on the foregoing, the Board tentatively finds that Caledonian is fit, willing and able to perform charter operations. Moreover, on the basis of reciprocity, it appears that Caledonian should be permited to perform charter operations. However, though the Board feels that it is in the public interest to grant a foreign air carrier permit for charter operations to Caledonian, it believes that the permit should be granted under the following conditions:

Caledonian has requested a permit to conduct charter operations "Between any point or points in the United Kingdom of Great Britain and Northern Ireland on the one hand, and any point or points in the United States of America on the other hand." A permit granted with such a "route" description would be exceptionally far reaching. However, it is believed that by conditioning the permit as hereinafter set forth, the route can be granted substantially as requested.

1. We believe that an award of authority to Caledonian should be conditioned in such a way as to assure that its business energies are devoted primarily to traffic development in the United Kingdom, rather than in the United States. In this connection, it must be recognized that the Board's records indicate that the U.S. market for charters is better developed and, therefore, more attractive than that of the United Kingdom. On the other hand, though we do not find any requirement for supplementation of service by a foreign flag operator for U.S.-originated groups, considerations of comity and the interests of permitting a sound economic operation warrant the authorization of certain traffic rights in this country.

Based upon the foregoing, we have tentatively concluded that an authorization which seeks to limit uplift rights for U.S.-originated groups in relationship to British originated groups should serve fully the interests of the United Kingdom with due regard to our own national demands. We propose, therefore, that Caledonian's charter trips originating in the United States shall not exceed those originating in the United Kingdom. In order to permit operational flexibility, the Board believes that Caledonian should be required to maintain this 1:1 ratio on a quarterly basis. Thus, in any given calendar quarter, the charter trips from the United States to the United Kingdom shall not exceed those from the United Kingdom to the United States. For purposes of computation of limitations on U.S.-originated groups, the Board would recognize any charter originating in one country and flown to the other, whether one way or round trip, as one charter. As indicated below, Caledonian will be subject to Part 295 of the Board's Economic Regulations and will not be authorized to operate charters for some other carrier except under the limited exceptions of Part 295.

2. To insure adequate monitoring of these charter flights, Caledonian's permit will be made subject to the provisions of Part 295 of the Board's Economic Regulations (Transatlantic Charter Trips) and any amendments thereto.[6] We will, of course, except certain provisions of Part 295 (such as § 295.13 relating to exemptions) which are clearly inapplicable. Although we will not at this time require advance approval of individual charter trips, we will specifically provide in the permit that the Board by order or regulation, and without hearing, may require advance approval if such action is found to be required by the public interest.

3. The permit would be temporary. Since this is a new type of authority for a foreign air carrier, the Board desires to observe its operation over a certain period of time looking toward a more permanent grant, a modification or discontinuance. Moreover, the final decision in the Transatlantic Charter Investigation, Docket 11908, now in progress, may indicate a need for revision of the "ground rules" applicable to foreign air carrier charter operations. Under the circumstances, but still realizing the need for some degree of stability for financing, etc., a 3-year permit seems appropriate.

4. The holder of this permit shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in the United Kingdom, nor shall it hold out to the public that it provides such service.[7]

Based on the foregoing, the Board tentatively finds that the granting to Caledonian of a foreign air carrier permit for charter operations, subject to the conditions described, is in the public interest and that within the meaning of section 402 of the Act, Caledonian is fit, willing and able to perform such transportation and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

Accordingly, it is ordered:

1. That Caledonian and all other persons having an interest herein show cause why the tentative decision herein shall not become final subject to the approval of the President pursuant to section 801 of the Act, and why a foreign air carrier permit, substantially in the form set forth below, should not be issued;

2. That any interested person desiring to file a protest, memorandum of opposition or exceptions to the proposed findings and conclusions of this tentative decision, or to the issuance of the proposed foreign air carrier permit, shall file such objections within 15 days from the date hereof; and that such objections specify by separately numbered paragraphs the part of the tentative decision or permit excepted to, and state the grounds thereof, and such objections shall be accompanied by a petition to intervene in the form prescribed by Rule 15 of the rules of practice;

3. That any objection to the tentative decision or the proposed foreign air carrier permit not made within the 15-day period or in the form specified herein shall be deemed waived;

4. That, on the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an Examiner of this Board, and the hearing shall be limited to consideration of issues raised by the objections filed;

5. That this order be served upon Caledonian Airways (Prestwick) Ltd., Pan American World Airways, Inc., and Cunard Eagle Airways Ltd.; and

6. That this order shall be published in the FEDERAL REGISTER.

Since our order herein makes specific provision for the filing of objections to the order, separate petitions for reconsideration will not be entertained.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

PROPOSED PERMIT TO FOREIGN AIR CARRIER

Caledonian Airways (Prestwick), Ltd., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations issued hereunder, to engage in planeload charter foreign air transportation of persons and their accompanied baggage as follows:

Between any point or points in the United Kingdom of Great Britain and Northern Ireland (U.K.), on the one hand, and any point or points in the United States of America (U.S.), on the other hand.

The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in the United Kingdom, nor shall it hold out to the public that it provides such service.

Within any given calendar quarter, charter trips originating in the United States shall not exceed those originating in the United Kingdom. Any charter originating in one country and flown to the other, whether one way or round trip, will be considered one charter for these purposes.

The exercise of the privileges granted hereby shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board. Until such time as the Board adopts rules or regulations prescribing terms, conditions, and limitations applicable to foreign air carrier permits authorizing the holder to engage only in planeload charter foreign air transportation of persons, the exercise of the privileges granted hereby shall be subject to the provisions of Part 295 of the Board's Economic Regulations, and all amendments or revisions thereto, except the provisions of said part relating to initial applications seeking authorization to conduct charter operations. The Board by order or regulation, and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted hereby, if it finds such action to be required in the public interest.

Prior to performing any charter transportation pursuant to the authorization granted hereby, the holder shall have on file with the Board a tariff showing all its rates, fares, and charges for the use of the entire capacity of one or more aircraft in foreign air transportation and all its rules, regulations, practices and services in connection therewith.

The holder shall not operate charters for, or on behalf of, any other carrier except as may be permitted by Part 295 of the Board's Economic Regulations, or by the provisions of any rule or regulation to which this permit may hereafter become subject in lieu of Part 295.

The holder hereof shall conform to the airworthiness and airman competency requirements prescribed by the British Government for British international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the British Government shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective from the date of its approval by the President of the United States. This permit shall terminate 3 years thereafter: *Provided, however,* That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement, to which the United States and the British Government are or shall have become parties, then, and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the —.

[SEAL] ——— ———,
Secretary.

Approved:

THE WHITE HOUSE.

[F.R. Doc. 62-4364; Filed, May 3, 1962; 8:49 a.m.]

[1] The application was accompanied by a letter from the British Government which requested that such authority be granted as speedily as possible.

[2] These exhibits are open for public inspection.

[3] Pan American World Airways, Inc., and Cunard Eagle Airways, Ltd. have petitioned for leave to intervene.

[4] Statistical information concerning Caledonian is discussed below.

[5] Though Caledonian lost one of these aircraft when it crashed near Douala in the French Cameroon Republic, Africa, on March 4, 1962, a supplemental exhibit filed by Caledonian indicates that it is to be replaced by a similar plane under the same lease arrangements with Sabena.

[6] Since the Board at a future date may embody provisions similar to those of Part 295 in a general rule or regulation applicable not only to Caledonian but to any other foreign air carrier who may be issued a permit authorizing it to engage exclusively in planeload charter transportation, we will, as a technical matter, provide that Caledonian's permit shall be subject to all rules and regulations that may be adopted by the Board relating to charter trips by such foreign air carriers, but that until such general rules are adopted the permit shall be subject to the provisions of Part 295.

These provisions will be applicable to charters originating within the United Kingdom as well as to those originating in the United States. Should the United Kingdom establish different criteria for charters originating in the United Kingdom, by foreign as well as home flag carriers, we would consider further our prescription of Part 295 rules for United Kingdom originated groups.

[7] In issuing foreign air carrier permits, the Board has customarily described routes extending only to the homeland of the foreign carrier. However, it has construed those permits as authorizing the carrier to serve points beyond the homeland (even though not specifically named), provided the flights operate via, and land at, the designated homeland terminal. The provision we are including will make it clear that Caledonian is not being granted any "beyond homeland" authority.

FEDERAL POWER COMMISSION

[Docket No. CP62-234]

CIMARRON TRANSMISSION CO.

Notice of Application and Date of Hearing

APRIL 30, 1962.

Take notice that on April 2, 1962, Cimarron Transmission Co. (Applicant), National Bank of Tulsa Building, Tulsa 3, Okla., filed in Docket No. CP62-234 an application pursuant to section 7(c) of the National Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1962 of field facilities and the operation thereof to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities would not exceed $75,000, with no single project to exceed a cost of $15,000. The subject facilities would be financed from cash on hand, from cash generated from normal operations and internal sources, and from financing already arranged.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4355; Filed, May 3, 1962; 8:48 a.m.]

[Docket No. CP62-231]

COASTAL TRANSMISSION CORP.

Notice of Application and Date of Hearing

APRIL 27, 1962.

Take notice that on April 2, 1962, Coastal Transmission Corporation (Applicant), 520 Bank of Commerce Building, Houston, Texas, filed in Docket No. CP62-231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1962, and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $1,500,000 and no single project will exceed a cost of $300,000. The application states that the proposed facilities will be financed from short term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4338; Filed, May 3, 1962; 8:46 a.m.]

[Docket No. CP61-199]

EAST TENNESSEE NATURAL GAS CO.

Order Permitting Intervention and Resetting Date of Hearing

APRIL 30, 1962.

Notice was issued on October 27, 1961, to the effect that East Tennessee Natural Gas Company (East Tennessee) P.O. Box 10245, Knoxville 19, Tennessee, filed an application on January 24, 1961, as supplemented on July 7, 1961 and August 18, 1961, in Docket No. CP61-199, for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act. East Tennessee seeks authorization to construct and operate facilities in order to render additional service to an existing customer, Volunteer Natural Gas Company (Volunteer), at a proposed new delivery point near Johnson City, Tennessee, and to initiate new service to The Unicoi County Utility District (Unicoi), all as more fully set out in the notice as issued and the application as supplemented, filed herein. Hearing was set for November 4, 1961.

On November 24, 1961, by notice of the secretary, the hearing herein was postponed to a date to be fixed by further notice.

A joint petition to intervene in the above captioned proceeding was filed on November 21, 1961, by Fuels Research Council, Inc., National Coal Association and the United Mine Workers of America (Coal Petitioners). The Coal Petitioners state that the proposed sale and delivery of natural gas could cause the replacement of coal produced and transported by members of their organizations thereby depriving them of revenue and wages contrary to their interest and the public interest. The Coal Petitioners further allege that the projects contemplated by the application "may be economically and financially infeasible, unsupported by an adequate gas supply and otherwise inimical to the public convenience and necessity.

The Commission finds: The Participation of Fuels Research Council, Inc., National Coal Association and the United Mine Workers of America in this proceeding may be in the public interest.

The Commission orders:

(A) Fuels Research Council, Inc., National Coal Association and the United Mine Workers of America are hereby permitted to intervene in the above captioned proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said petitioners as interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene, and, provided, further, that the admission of said petitioners as interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 23, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4356; Filed, May 3, 1962; 8:48 a.m.]

[Docket Nos. G-4769, G-12948, G-17929 and RP60-3]

EL PASO NATURAL GAS CO.

Order Fixing Date for Oral Argument

APRIL 30, 1962.

The Commission's order issued December 27, 1961, in these proceedings directed that the issue of rate of return be determined under the interim order procedure. The order further provided for determination of that issue by the Commission and omission of intermediate decision by the Presiding Examiner and fixed dates for the filing of main and reply briefs. The hearing record to date has been certified to us by the Presiding Examiner and all main and reply briefs have now been filed. In addition El Paso has requested the opportunity to present oral argument.

The Commission does not deem it necessary to hear argument as to the legality of the interim order procedure. However, it is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission on the issue of rate of return in these proceedings as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument before the Commission on the issue of rate of return shall be held on May 24, 1962 at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Those parties to these proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before May 10, 1962, of the time requested for presentation of their argument.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4357; Filed, May 3, 1962; 8:49 a.m.]

[Docket No. G-8166 etc.]

F. F. McINTOSH, ET AL.

Notice of Severance

APRIL 27, 1962.

F. F. McIntosh, et al., Docket Nos. G-8166 and G-12123 et al.; Tidewater Oil Company, Docket No. G-6274 and G-13824; Graham-Michaelis Drilling Company, Docket No. G-8533 and CI61-170.

Notice is hereby given that the matters of Tidewater Oil Company, Docket Nos. G-6274 and G-13824, and Graham-Michaelis Drilling Company, Docket Nos. G-8533 and CI61-170, heretofore the subject of Notice of Applications entitled F. F. McIntosh, et al., Docket Nos. G-8166 and G-12123, et al., issued March 30, 1962, (published April 6, 1962, at 27 F.R. 3302), are severed from that consolidated proceeding for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4339; Filed, May 3, 1962; 8:46 a.m.]

[Docket Nos. CP62-144, CP62-145]

NATURAL GAS STORAGE COMPANY OF ILLINOIS AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Applications and Date of Hearing

APRIL 27, 1962.

Take notice that on December 11, 1961, as supplemented on January 8, 1962 Natural Gas Storage Company of Illinois (Storage), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-144 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of underground storage rights and the construction and operation of facilities for the evaluation of the characteristics and capabilities of an underground natural gas storage reservoir, described as the Cairo Storage Area, in Louisa County, Iowa, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant states that the proposed storage project would be utilized to meet storage requirements of its customers in addition to or supplementary to the service now provided. Authorization to commence the supplementary service will be requested when the capabilities of the reservoir are determined.

Storage estimates the cost of the proposed project to be $2,637,150. The application states that Storage presently contemplates financing the project with funds borrowed from The Peoples Gas Light and Coke Company or with funds borrowed from banks. No plan for permanently funding these loans has yet been determined. The application further states that Storage desires to reserve the right to make changes in its proposed plan of financing.

Storage proposes to inject approximately 2,800,000 Mcf of gas into the Lower St. Peter formation in the Cairo Storage Area during 1962 which gas would be purchased from Natural Gas Pipeline Company of America.

Take further notice that on December 11, 1961, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-145 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a side tap and meter station on its existing transmission facilities in Louisa County, Iowa, for the sale and delivery of approximately 2,800,000 Mcf of natural gas to Natural Gas Storage Company of Illinois.

Natural estimates the cost of the proposed facilities to be $18,300, which will be financed from funds on hand.

The proposed sale would be made under Natural's FPC Gas Rate Schedule X-1. Natural proposes to make the gas available to Storage during off-peak periods when deliveries to other customers would not be affected and also during other than off-peak periods when gas may be available by reason of curtailment by customers of Natural of their purchase of gas for interruptible sales.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4336; Filed, May 3, 1962; 8:46 a.m.]

[Docket No. CP62-207]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

APRIL 27, 1962.

Take notice that on March 2, 1962, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP62-207 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place 35.1 miles of 18-inch pipeline east of its Otis compressor facilities in Barton and Ellsworth Counties, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the Otis gas field which the subject facilities

served is depleted and that Applicant therefore has no further use for the pipeline. The application further states that service to certain farm tap customers served from this pipeline will be abandoned.

The subject facilities were authorized by Applicant's "grandfather certificate" issued in Docket No. G–280.

Applicant states that the line has no salvage value.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the procedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4337; Filed, May 3, 1962; 8:46 a.m.]

[Docket No. CP62–210]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

APRIL 27, 1962.

Take notice that on March 8, 1962, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62–210 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon four 1,320 horsepower compressor units at its Pembrook Station located in Upton County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that due to a decline in the volumes of gas delivered at the Pembrook Station, the subject four 1,320 horsepower units can be removed and relocated at Applicant's proposed Eunice Compressor Station in Lea County, New Mexico (Docket No. CP61–186). Applicant states that no sales or services will be abandoned and that the relocation of the four units will avoid an expenditure of approximately $600,000 in new equipment at the Eunice Station.

The subject four compressor units were originally certificated by the Commission's order accompanying Opinion No. 249 issued on May 1, 1953, in Docket No. G–1928, et al.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4340; Filed, May 3, 1962; 8:46 a.m.]

[Docket No. CP61–213]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

APRIL 30, 1962.

Take notice that on March 2, 1962, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska, filed a petition to amend the Commission's order issued November 6, 1961, in Docket No. CP61–213, so as to authorize Petitioner to sell and deliver to Public Service Corporation of Texas (Public Service) up to 3,500 Mcf of natural gas per day, on an interruptible basis, rather than the 1,500 Mcf per day, on an interruptible basis, authorized by said order, all as more fully set forth in the Petition on file with the Commission and open to public inspection.

The 1,500 Mcf per day authorized in the order of November 6, 1961, was to assist Public Service in meeting the increasing peak period requirements of its customers. The subject Petition indicates that the authorized volumes have proved inadequate and that in order to alleviate future peak day deficiencies in gas supply, Public Service has requested Petitioner to supply up to 3,500 Mcf per day in lieu of 1,500 Mcf per day.

Petitioner and Public Service have entered into an amendatory agreement, dated February 9, 1962, providing for the increased service. Such service is to be rendered under the same terms and price as the presently authorized service.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4358; Filed, May 3, 1962; 8:49 a.m.]

[Docket No. G–7671 etc.]

SOUTHERN UNION PRODUCTION CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 30, 1962.

Southern Union Production Company and Southern Union Production Company, Operator (Successor to Southern Union Gas Company and Southern Union Gas Company, Operator), Docket Nos. G–7671, G–8299, G–12412, G–12916, G–13102, G–14331, G–15004, G–16761, G–20232, CI61–1265, CI61–1267, and CI61–1268; Southern Union Production Company (Successor to Southern Union Gas Company), Docket Nos. G–18580 and CI61–1266; Southern Union Production Company (Successor to Southern Union Gas Company), Docket No. CI60–782; Southern Union Production Company, Operator, Docket Nos. CI61–1626, CI62–152 and CI62–408; Aztec Oil and Gas Company, Docket No. G–7241.

Take notice that on February 24, 1961, Southern Union Production Company (Production Co.) filed four applications for certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket Nos. CI61–1265, CI61–1266, CI61–1267, and CI61–1268 covering the following proposals:

(1) Production Co. proposes, in Docket Nos. CI61–1265, CI61–1267 and CI61–1268, to continue certain services previously authorized to Southern Union Gas Company (Gas Co.) in

(a) Permanent certificates issued in Docket Nos. G–7671, G–8299, G–12412, G–12916, G–13102, G–14331, G–15004, G–16781, and G–20232,

(b) Temporary authority issued in Docket No. CI60–782, covering a sale to Southern Union Gathering Company (Gathering Co.) from acreage in the Blanco (Mesaverde) Field, San Juan County, New Mexico, and

(c) Temporary authorizations issued in Docket Nos. G–12916 and G–16781[1] covering three petitions to amend the existing authorizations to include additional dedications.

Production Co. also lists Gas Co.'s Docket Nos. G–17903, G–18230 and G–18788; however, the applications in these dockets were handled as petitions to amend in Docket No. G–7671 and the three listed docket numbers were cancelled. Gas Co.'s Docket No. G–7671 authorized inter alia, sales of gas purchased from Aztec Oil and Gas Company (Aztec). Gas Co. conveyed all purchasing rights to this gas to Gathering Co., as hereinafter discussed. Therefore, Production Co. does not propose to continue the sale of Aztec's gas.

(2) Production Co. proposes, in Docket No. CI61–1266, to continue a sale of natural gas covered by Gas Co.'s pending certificate application in Docket No. G–18580. Said sale is presently being made to El Paso Natural Gas Company (El Paso) from the American Petrofina—Campbell No. 1 Well located in the Aztec (Pictured Cliffs) Field, San Juan County, New Mexico.

By various instruments of assignment dated January 1, 1961, Gas Co. conveyed the above-discussed services to its wholly-owned subsidiary, Production Co.

Concurrently with the submittal of Production Co.'s certificate applications, Gas Co. filed petitions for vacation of the certificates issued to Gas Co. in Docket Nos. G–7671, G–8299, G–12412, G–12916, G–13102, G–14331, G–15004, G–16781, G–20232 and CI60–782, and of its application pending in Docket No. G–18580.

On May 11, 1961, in Docket No. CI61–1626, and on August 7, 1961, in Docket No. CI62–152, Production Co. filed certificate applications covering proposed sales of natural gas to El Paso from the Blanco (Mesaverde) Field, La Plata County, Colorado. On October 20, 1961, in Docket No. CI62–408, Production Co. filed a certificate application covering a proposed sale to Gathering Co. from the Undesignated (Dakota) Field, San Juan County, New Mexico. These proposed sales will be made under amendatory agreements adding acreage to basic contracts which were the subject of certificate authorization issued to Gas Co. in Docket No. G–7671. The aforesaid applications of Production Co. are, therefore, in effect, applications to amend the order issuing the certificate to Gas Co. in said Docket No. G–7671 and should be treated as such by including them among the services which Production Co. seeks to continue under its application in Docket No. CI61–1265 described in proposal (1) above.

On February 24, 1961, Aztec filed a petition to amend the order issuing certificate authorization to it in Docket No. G–7241 so as to reflect a change in purchaser from Gas Co. to Gathering Co., inasmuch as Gas Co. by instrument dated January 1, 1961, conveyed its purchasing rights to Aztec's gas to Gathering Co. Gas Co. originally received authorization in Docket No. G–7671 to resell such gas to Gathering Co.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications aforesaid: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4359; Filed, May 3, 1962; 8:49 a.m.]

[Docket No. CP62–185]

TRANSWESTERN PIPELINE CO.

Notice of Application and Date of Hearing

APRIL 30, 1962.

Take notice that on February 9, 1962, Transwestern Pipeline Company (Applicant), First City National Bank Building, Houston, Texas, filed in Docket No. CP62–185 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a direct interruptible sale of natural gas to Climax Chemical Company (Climax) in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed sale would be made from Applicant's 10-inch Monument lateral in daily volumes of up to 2,000 Mcf of gas pursuant to an agreement between the parties dated January 24, 1962. The contract is for one year with a provision for continuation of service on a year to year basis. The gas would be used for fuel in the Climax plant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1962 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–4360; Filed, May 3, 1962; 8:49 a.m.]

[Docket Nos. RI62–407—RI62–416]

UNION OIL COMPANY OF CALIFORNIA, ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

APRIL 27, 1962.

Union Oil Company of California, Docket No. RI62–407; N. Bruce Calder & Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company, Docket No. RI62–408; Monsanto Chemical Company (Operator), et al., Docket No., RI62–409; Texaco Inc. (Operator), et al., Docket No. RI62–410; Humble Oil & Refining Company (Operator), et al., Docket No. RI62–411; Keating-Parker Drilling Company (Operator), et al., Docket No. RI62–412; Edwin L. Cox, Docket No. RI62–413; Midhurst Oil Corporation, Docket No. RI62–414; Humble Oil & Refining Company, Docket No. RI62–415; Texaco Inc., Docket No. RI62–416.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales made by Texaco Inc. under Supplement No. 5 to its FPC Gas Rate Schedule No. 275 which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

[1] Portion of subject acreage acquired from Val R. Reese & Associates, Inc. and covered by certificate authorization issued in Docket No. G–18112.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-407...	Union Oil Co. of Calif., P.O. Box 7600, Los Angeles 54, Calif.	16	10	Natural Gas Pipeline Co. of America (Camrick SE. Field, Beaver County, Oklahoma).	$17	4- 2-62	[1] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-416
RI62-407...	Union Oil Co. of Calif.	23	5	do.	229	4- 2-62	[1] 5- 8-62	10- 8-62	16.6	[2] 16.8	RI61-416
RI62-408...	N. Bruce Calder & Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co., 1818 Republic Bank Bldg., Dallas 1, Tex.	17	2	Panhandle Eastern Pipe Line Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	2,400	4- 4-62	[1] 5- 5-62	10- 5-62	16.0	[2] 17.0	
RI62-409...	Monsanto Chemical Co. (Operator), et al., 1401 South Coast Bldg., Houston 2, Tex.	18	3	Colorado Interstate Gas Co. (Mocane and NE. Forgan Fields, Beaver County, Okla.).	732	4- 4-62	[3] 6- 1-62	11- 1-62	15.72	[4] 16.77	
RI62-410...	Texaco Inc. (Operator) et al., P.O. Box 2332, Houston, Tex.	133	32	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas and Beaver Counties, Okla.).	404	3-29-62	[1] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-407
RI62-411...	Humble Oil & Refining Co. (Operator) et al., P.O. Box 2180, Houston 1, Tex.	256	2	Natural Gas Pipeline Co. of America (NW. Dower Field, Beaver County, Okla.).	154	4- 6-62	[1] 5- 7-62	10- 7-62	17.0	[2] 17.2	
RI62-412...	Keating-Parker Drilling Co. (Operator) et al., 510 National Bank of Tulsa Bldg., Tulsa 3, Okla.	2	1	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	1,114	4- 9-62	[1] 5-31-62	10-31-62	16.485	[5] 17.584	
RI62-413...	Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.	10	9	Natural Gas Pipeline Co. of America (Beaver County, Okla.).	305	4- 9-62	[1] 5-10-62	10-10-62	17.0	[2] 17.2	RI61-479
RI62-413...	Edwin L. Cox	21	6	Natural Gas Pipeline Co. of America Texas County, Okla.).	207	4- 9-62	[1] 5-10-62	[2] 10-10-62	17.0	[2] 17.2	RI61-479
RI62-413...	do	22	7	do.	126	4- 9-62	[1] 5-10-62	[2] 10-10-62	17.0	[2] 17.2	RI61-479
RI62-414...	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex. Attn.: Jesse H. Foster.	[7] 12	1	Texas Eastern Transmission Corp. (Mud Flats Field, Aransas County, Tex.) (R.R. District No. 4).	1,944	4- 3-62	[1] 5- 4-62	[2] 10- 4-62	14.4	[6] 15.2	
RI62-415...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex. Attn.: John J. Carter.	302	14	El Paso Natural Gas Co. (Spraiberry Area, Midland and Upton Counties, Tex.) (R.R. District Nos. 8 & 7c).	2,653	4- 6-62	[1] 5- 7-62	[2] 10- 7-62	10.0	[2] 11.1056	
RI62-416...	Texaco Inc., P.O. Box 2332 Houston, Tex. Attn.: W. V. Vietti.	275	5	United Gas Pipe Line Co. (Maurice Field, Lafayette and Vermilion Parishes, La.) (South Louisiana Area).	30,267	4-12-62	[1] 5-19-62	[2] 10-19-62	20.25	[2] 22.25	

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] Includes upward Btu adjustment for gas containing 1,048 Btu's per cubic foot.
[5] Includes upward Btu adjustment for gas containing 1,099 Btu's per cubic foot.
[6] Four-step period rate increase.
[7] Midhurst Oil Corporation succeeded to Slick Oil Corporation's interest under the rate schedule involved.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before June 11, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4335; Filed, May 3, 1962; 8:46 a.m.]

[Docket No. G-16584, etc.]

UNITED PRODUCING CO., INC., ET AL.

Notice of Severance

APRIL 30, 1962.

United Producing Company, Inc., et al., Docket No. G-16584 et al.; Tidewater Oil Company, Docket No. G-17578; H. J. Mosser, Docket No. CI61-694; Lamar Hunt, Docket No. CI61-730; Gulf Oil Corporation, Docket No. CI61-838; Bradco Properties, Inc., et al., Docket No. CI61-1363; Standard Oil Company of Texas, a division of California Oil Company, Docket No. CI61-1377; Tenneco Oil Company (formerly Tennessee-Texan Oil Company), Docket No. CI61-1494; Bright and Schiff, Docket No. CI61-1541; W. L. Cotton (Operator), et al., Docket No. CI61-1572; Sun Oil Company, Docket No. CI61-1584; Mayfair Minerals, Inc., Docket No. CI61-1661; George R. Brown, Docket No. CI61-1688; Jake L. Hamon, Docket No. CI61-1745; MPS Production Company (Operator), et al., Docket No. CI62-726; MPS Production Company (Operator), et al., Docket No. CI62-738.

Notice is hereby given that the fifteen above-entitled matters, heretofore scheduled for a hearing to be held in Washington, D.C., on May 8, 1962, at 9:30 a.m. e.d.s.t. in the consolidated proceeding entitled United Producing Company, Inc., et al., Docket Nos. G-16584, et al. are severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4361; Filed, May 3, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN BANK

Order Denying Application for Approval of Merger of Banks

In the matter of the application of The Chase Manhattan Bank for approval of merger with Hempstead Bank. There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)), an application by The Chase Manhattan Bank, New York, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Hempstead Bank, Hempstead, Long Island, New York, with and into The Chase Manhattan Bank, under the charter and title of the latter. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said section 18(c).

Upon consideration of all relevant materials in the light of the factors set forth in said section 18(c), including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger and the information received at and in connection with the public proceeding which was ordered in this matter (26 F.R. 12312) pursuant to the Board's rules of procedure (12 CFR 262.2(f)(3)).

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 30th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4348; Filed, May 3, 1962; 8:47 a.m.]

CHEMICAL BANK NEW YORK TRUST CO.

Order Denying Application for Approval of Merger of Banks

In the matter of the application of Chemical Bank New York Trust Co., for approval of merger with Long Island Trust Co.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Chemical Bank New York Trust Co., New York, N.Y., a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Long Island Trust Co., Garden City, Nassau County, Long Island, N.Y., with and into Chemical Bank New York Trust Co., under the charter and title of the latter. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said section 18(c).

Upon consideration of all relevant materials in the light of the factors set forth in said section 18(c), including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger and the information received at and in connection with the public proceeding which was ordered in this matter (26 F.R. 12312) pursuant to the Board's rules of procedure (12 CFR 262.2(f)(3)).

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 30th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4349; Filed, May 3, 1962; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governor Mills also filed as part of the original document and available upon request.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority To Designate Acting Regional Administrator and Other Acting Regional Officers

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized within his Region to designate the regional officer(s) or employee(s) who shall serve as Acting Regional Administrator during the absence of the Regional Administrator, or as Acting head of an organizational unit of the Regional Office during the absence of the head of the unit, with all the powers, functions, and duties delegated or redelegated or assigned to the position of Regional Administrator or head of the unit, respectively.

This delegation supersedes the delegation to Regional Administrators effective April 1, 1960 (25 F.R. 3488, April 20, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 4th day of May 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-4350; Filed, May 3, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 1, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37702: *Joint rail-motor rates from and to western trunk line territory.* Filed by Middlewest Motor Freight Bureau, Agent (No. 327), for interested carriers. Rates on various commodities, moving on class rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in western trunk line territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Rail-truck competition.

FSA No. 37703: *Sand from Bruceton, Tenn., to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8198), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Bruceton, Tenn., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 160 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37704: *Sand from Iantha, Mo., to points in Illinois and official territories.* Filed by Southwestern Freight Bureau, Agent (No. B-8199), for interested rail carriers: Rates on sand, ground or pulverized, in carloads, from Iantha, Mo., to specified points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Kentucky, New York, Ohio, and Pennsylvania.

Grounds for relief: Market competition.

Tariff: Supplement 160 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37705: *Sand from Wekiwa, Okla., to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8200), for interested rail carriers. Rates on sand, in carloads, from Wekiwa, Okla., to points in Arkansas, Kansas, Missouri, and Oklahoma.

Grounds for relief: Market competition.

Tariff: Supplement 160 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37706: *Iron or steel pipe from Minnequa and Pueblo, Colo.* Filed by Southwestern Freight Bureau, Agent

(No. B–8197), for interested rail carriers. Rates on wrought iron or steel pipe, oil country tubular goods (drill pipe, casing, tubing) and line pipe, in carloads, from Minnequa and Pueblo, Colo., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 271 to Southwestern Freight Bureau tariff I.C.C. 4116.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4347; Filed, May 3, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (a) of § 6.111 as set out below.

§ 6.111 Department of Agriculture.

(a) *General.* * * *

(8) Not to exceed 10 Program Assistants, at or above the GS–13 level, who have acquired specialized knowledge and experience in agricultural programs at the State level of the Department, which is needed by the Department for the more efficient administration of its programs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4449; Filed, May 4, 1962; 10:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 11]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.311 Valencia Orange Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 3, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 6, 1962, and ending at 12:01 a.m., P.s.t., May 13, 1962, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 250,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 4, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4464; Filed, May 4, 1962; 12:01 p.m.]

[Lemon Reg. 19]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.319 Lemon Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 1, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and

Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 6, 1962, and ending at 12:01 a.m., P.s.t., May 13, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 320,850 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4396; Filed, May 4, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all counties in the State of South Dakota lying west thereof;

(3) The following counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, KeyaPaha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add specified counties in the State of Nebraska to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these specified counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will not apply to these counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of May 1962.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-4397; Filed, May 4, 1962; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 4—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION

In order to establish uniform procedures for determining the eligibility for access to Restricted Data or defense information under the Government and industrial security programs of the AEC, the Commission is revoking 10 CFR Part 4, "Criteria and Procedures for Determining Eligibility for Security Clearance," and issuing the following amendments to 10 CFR Part 10, "Criteria and Procedures for Determining Access to Restricted Data or Defense Information Within Industry." The amendments to 10 CFR Part 10 establish the criteria and procedures for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with AEC contractors, agents, access permittees, and licensees of the AEC, individuals who are AEC employees or applicants for AEC employment, and other persons designated by the General Manager of the Atomic Energy Commission, for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, or for access to defense information, and are published to implement Executive Orders 10865, 25 F.R. 1583 (February 24, 1960), and 10450, 18 F.R. 2489 (April 27, 1954).

Because these regulations relate to the performance of AEC functions as described in section 4(2) of the Administrative Procedure Act of 1946, 5 U.S.C. section 1003(2), the Commission has found that general notice of proposed rulemaking and public procedure thereon are not required and that good cause exists why these rules should be made effective immediately without the customary period of prior notice.

Because of the important nature of the regulations contained herein, the Commission invites written comments from interested members of the public. These comments should be mailed to the General Counsel, U.S. Atomic Energy Commission, Washington 25, D.C.

Pursuant to the Administrative Procedure Act, the following rules are published as a document subject to codification, to be effective immediately upon publication in the FEDERAL REGISTER.

1. Part 4, "Criteria and Procedures For Determining Eligibility For Security Clearance," is hereby revoked.

2. Part 10 is amended so that the title thereof shall read as set forth above.

3. Part 10 is amended so that the first paragraph of the Preamble thereof shall read as follows:

The following regulations of the Commission establishing the criteria and procedures for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with AEC contractors, agents, access permittees, and licensees of the AEC, individuals who are AEC employees or applicants for AEC employment, and other persons designated by the General Manager of the Atomic Energy Commission, for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, or for access to defense information, are published to implement Executive Orders 10865, 25 F.R. 1583 (February 24, 1960), and 10450, 18 F.R. 2489 (April 27, 1954).

4. 10 CFR Part 10 is amended so that the center heading preceding § 10.10 shall read as follows:

CRITERIA FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION

5. Part 10, § 10.1 is amended to read as follows:

§ 10.1 Purpose.

This part establishes the criteria, procedures and methods for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with AEC contractors, agents, access permittees, and licensees of the AEC, individuals who are AEC employees or applicants for AEC employment, and other persons designated by the General Manager of the AEC, for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, or for access to defense information, and is published to implement Executive Order 10865, 25 F.R. 1583 (February 24, 1960), and 10450, 18 F.R. 2489 (April 27, 1954).

6. Part 10, § 10.2 is amended so that paragraph (c) thereof is redesignated as paragraph (d), and the following new paragraph (c) is inserted:

(c) Employees (including consultants) of, and applicants for employment with, the AEC.

7. Part 10, § 10.3 which sets forth section 145 of the Atomic Energy Act of 1954, as amended, is hereby amended by deleting subsections (d), (e), and (f), redesignating subsection (c) as subsection (d) and subsection (g) as subsection (h) and adding the following subsections:

(c) In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection (b) of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

* * * * * *

(e) If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections (a), (b), and (c) of this section be made by the Federal Bureau of Investigation.

(f) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity, and upon such certification, the investigation, and reports required by such provisions shall be made by the Federal Bureau of Investigation.

(g) The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination, pursuant to subsections (a), (b), and (c) of this section, that permitting a person access to Restricted Data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

8. Part 10, § 10.5(a) is amended to read as follows:

(a) "Access authorization" means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with AEC contractors, agents, access permittees and licensees of the AEC is eligible for access to Restricted Data or defense information; and an individual (including a consultant) who is an AEC employee or applicant for AEC employment and other persons designated by the General Manager of the Atomic Energy Commission is eligible for security clearance.

9. Part 10, § 10.20 is amended to read as follows:

§ 10.20 Purpose of the procedures.

These procedures establish methods for the conduct of Personnel Security Board hearings and administrative review of questions concerning an individual's eligibility for access authorization pursuant to the Atomic Energy Act of 1954, as amended, and Executive Orders 10450 and 10865, when it has been determined that such questions cannot be favorably resolved by interview or other investigation.

10. Part 10, § 10.26(c) is amended to read as follows:

(c) The personnel of the Board shall be selected from a panel of individuals possessing the highest degree of integrity, ability, and good judgment. Such panel may include employees of the AEC or its contractors but no employee of an AEC contractor shall serve as a member of a Personnel Security Board hearing the case of an employee of, or an applicant for employment with, that contractor; nor shall any employee of the AEC serve as a member of a Personnel Security Board hearing the case of an employee of, or an applicant for employment with, the AEC.

Dated at Germantown, Md. this 30th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-4371; Filed, May 4, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Federal Airway

The purpose of these amendments to §§ 600.6279 and 601.2090 of the regulations of the Administrator is to alter the descriptions of the Columbus, Ohio, control zone and VOR Federal airway No. 279 which extends from Columbus to Findlay, Ohio.

The Columbus control zone and Victor 279 are designated, in part, on the Columbus radio range station. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Columbus radio beacon for the Columbus

radio range in the description of the Columbus control zone and Victor 279.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6279 (14 CFR 600.6279) is amended to read:

§ 600.6279 VOR Federal airway No. 279 (Columbus, Ohio, to Findlay, Ohio).

From the Columbus, Ohio, RBN to the Findlay, Ohio, VORTAC.

§ 601.2090 [Amendment]

2. In the text of § 601.2090 (14 CFR 601.2090) "Columbus RR" is deleted and "Columbus RBN" is substituted therefor.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4373; Filed, May 4, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SO-25]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2491 of the regulations of the Administrator is to alter the Mobile, Ala. (Brookley AFB), control zone.

The Mobile control zone is designated, in part, on the Brookley AFB VOR. The FAA will commission the Brookley VORTAC, a new navigation facility located slightly more than 1 mile southeast of the Brookley AFB VOR, on or about May 31, 1962. Therefore, action is taken herein to designate the Mobile control zone, in part, on this new facility. This will result in a reduction of approximately 3 miles in the length of the control zone extension to the southeast of the Air Force Base.

Since the change effected by this amendment imposes no additional burden on any person, notice, and public procedure hereon are unnecessary and it may be made effective May 31, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2491 (26 F.R. 8807) is amended to read:

§ 601.2491 Mobile, Ala. (Brookley AFB), control zone.

Within a 5-mile radius of Brookley AFB (latitude 30°37'40" N., longitude 88°04'15" W.); and within 2 miles either side of the Brookley, Ala., VORTAC 150° radial extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

This amendment shall become effective 0001, e.s.t., May 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4384; Filed, May 4, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Reporting Point

The purpose of this amendment to § 601.5001 of the regulations of the Administrator is to revoke the East Norfolk Intersection as a designated reporting point.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic service and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. The action taken herein reflects this changing need on the part of air traffic control.

Since this amendment is of a procedural nature and will not assign or reassign the use of navigable airspace, notice, and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.5001 (14 CFR 601.5001) "East Norfolk Intersection: Intersection of the east course of the Norfolk, Va. (Navy), radio range and the northeast course of the Weeksville, N.C. (Navy), radio range." is deleted.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4375; Filed, May 4, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-51]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On March 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2250), stating that the Federal Aviation Agency was considering amendments to §§ 601.7101 and 608.51 to establish a joint use restricted area in the vicinity of McGregor, N. Mex., and to include this area within the continental control area with the Federal Aviation Agency, El Paso ARTC Center as controlling agency.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.51 New Mexico (26 F.R. 7204) the following is added:

R-5110 McGregor, N. Mex.

Boundaries. Beginning at latitude 33°13'00" N., longitude 105°17'35" W.; thence counterclockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex. (latitude 33°18'00" N., longitude 104°31'20" W.), to latitude 32°52'30" N., longitude 105°06'55" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 33°13'00" N., longitude 105°27'00" W.; to point of beginning.

Designated altitude. 31,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commanding General, Fort Bliss, Tex.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-5110 McGregor, N. Mex.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4374; Filed, May 4, 1962; 8:46 a.m.]

[Airspace Docket No. 62-PC-6]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Transition Area

The purpose of these amendments to §§ 601.10019 and 608.31 is to alter the Kaneohe, Oahu, Hawaii, transition area and the Kahuku Point Restricted Area R-3106.

The Department of the Navy has advised the Federal Aviation Agency that the portion of R-3106 infringing upon the Kaneohe, Oahu, Hawaii, transition area can be revoked. This will preclude the necessity of prior coordination before using the portion of the transition area coincident with R-3106. Since the Navy has stated that no derogation of activities will result from this reduction, a portion of R-3106 is therefore unjustified as an assignment of airspace and the reduction in size will be in the public interest. Such action is taken herein.

Since these amendments reduce a burden on the public, notice, and public procedure hereon are unnecessary, and they may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.10019 (27 F.R. 509) "The portion of this transition area which coincides with R-3106 shall be used only after obtaining prior approval from appropriate authority." is deleted.

2. In § 608.31 Hawaii (14 CFR 608.31), R-3106 Kahuku Point, Oahu, Hawaii is amended to read:

R-3106 Kahuku Point, Oahu, Hawaii.

Boundaries. Beginning at latitude 21°43'40" N., longitude 157°55'05" W.; to latitude 21°39'30" N., longitude 157°51'40" W.; thence 3 nautical miles from the shoreline to latitude 21°36'50" N., longitude 157°50'30" W.; to latitude 21°35'00" N., longitude 157°49'40" W., to latitude 21°35'00" N., longitude 157°51'30" W.; to latitude 21°36'30" N., longitude 157°53'45" W.; to latitude 21°41'30" N., longitude 157°56'20" W.; thence clockwise along the arc of a circle with a 1.5-nautical mile radius centered at latitude 21°43'00" N., longitude 157°56'30" W.; to the point of beginning.

Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55'05" W.; and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southwest of this line, surface to 6,000 feet MSL.

Time of designation. 0800 to 1600 Hawaiian standard time, Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commander, Fleet Air Hawaii, NAS Barbers Point, Hawaii.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4376; Filed, May 4, 1962; 8:46 a.m.]

[Reg. Docket No. 1184, Amdt. 87]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.279 *Red Federal airway 79* is amended to read in part:

From Nean Bay, Wash., LFR; to Port Angeles, Wash., LF/RBN; MEA 6,000.

From Port Angeles, Wash., LF/RBN; to Dungeness INT, Wash.; MEA 3,000.

Section 610.303 *Red Federal airway 103* is amended to read in part:

From Cleare INT, Alaska; to Middleton Island, Alaska, LF/RBN; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Baton Rouge, La., LFR; to Lake Charles, La., LFR; MEA 1,500.

From Daisetta INT, Tex.; to Int. LCA-VOR 263 and BPT-VOR 052; MEA *5,000. *1,800—MOCA.

From West Palm Beach, Fla., VOR; to *Perch INT, Fla., via Control 1,150; MEA 2,000. *4,000—MRA.

From Perch INT, Fla.; to *Mackerel INT, Fla., via Control 1,150; MEA 2,000. *5,000—MRA.

From Pine Bluff, Ark., LF/RBN; to Stuttgart, Ark., LFR; MEA 1,500.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Heflin INT, Ala., to Int. 097 M rad Anniston VOR and 345 M rad LaGrange, VOR; MEA 2,600.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Corpus Christi, Tex., VOR; to *Clegg INT, Tex.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Lockhart INT, Tex.; to Bergstrom INT, Tex.; MEA *2,500. *2,100—MOCA.

From Elroy INT, Tex.; to Bergstrom INT, Tex.; MEA *3,000. *2,500—MOCA.

From Bergstrom INT, Tex.; to Austin, Tex., VOR; MEA 2,500.

From Leming INT, Tex.; to Elemendorf INT, Tex.; northeastbound, MEA *3,000; southwestbound, MEA *2,500. *2,100—MOCA.

From West Palm Beach, Fla., VOR; to *Mackerel INT, Fla., via Control 1,150 MEA 2,000. *5,000—MRA.

From San Luis Obispo, Calif., VOR; to Fillmore, Calif., VOR; MEA 9,500.

From Int. 128 M rad Huntsville VOR and 345 M rad LaGrange VOR; to Int. 275 M rad Fayetteville VOR and 357 M rad LaGrange VOR; MEA *5,000. *2,500—MOCA.

From Julian, Calif., VOR; to Int. 242 M rad Julian VOR and 106 M rad Oceanside VOR; MEA 8,000.

From Int. 242 M rad Julian VOR and 106 M rad Oceanside VOR; to Int. 242 M rad Julian VOR and 162 M rad Oceanside VOR; westbound, MEA 3,500; eastbound, MEA 5,000.

From Oceanside, Calif.; to Int. 106 M rad Oceanside VOR and 242 M rad Julian VOR; northwestbound, MEA 4,000; southeastbound, MEA 5,000.

From Int. 106 M rad Oceanside VOR and 242 M rad Julian VOR; to Campo INT, Calif.; MEA 8,000.

From Mission Bay, Calif., VOR; to Border INT, Calif.; MEA 6,000.

From Farallon Island, Calif., LF/RBN; to Woodside, Calif., VOR; MEA 5,000.

From Farallon Island, Calif., LF/RBN; to Sausalito, Calif., VOR; MEA 4,000.

From Farallon Island, Calif., LF/RBN; to Napa, Calif., VOR; MEA 8,000.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Drummond, Mont., VOR; to Garrison INT, Mont.; MEA 9,000.

From Garrison INT, Mont.; to Helena, Mont., VOR; MEA 9,500.

From Muskegon, Mich., VOR; to *Lowell INT, Mich.; MEA 2,000. *4,000—MRA.

From Rochester, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 2,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Topeka, Kans., VOR via S alter.; to Bonner Springs, Mo., VOR via S alter.; MEA 2,400.

From Centralia, Ill., VOR; to Mount Vernon INT, Ill.; MEA 2,200.

From Mount Vernon INT, Ill.; to Evansville, Ind., VOR; MEA 2,100.

From Centralia, Ill., VOR via S alter.; to New Haven INT, Ill., via S alter.; MEA 2,200.

From New Haven INT, Ill., via S alter.; to Evansville, Ind., VOR via S alter.; MEA 2,100.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Mansfield, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

From Briggs, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Lewisburg INT, Miss.; to Memphis, Tenn., VOR; MEA 1,600.

From Greenwood, Miss., VOR via E alter.; to Sardis INT, Tenn., via E alter.; MEA *3,000. *1,600—MOCA.

From Sardis INT, Tenn., via E alter.; to Memphis, Tenn., VOR via E alter.; MEA 1,600.

From Savage INT, Miss., via W alter.; to Memphis, Tenn., VOR via W alter.; MEA 1,600.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Tucumcari, N. Mex., VOR; to Adrian INT, Tex.; MEA 6,000.

From Adrian INT, Tex.; to Tower INT, Tex.; MEA *6,000. *5,400—MOCA.

From Tower INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From *Duluth, Minn., VOR; to U.S.-Canadian Border; MEA **4,000. *3,000—MCA Duluth VOR, northeastbound; **3,300—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Roswell, N. Mex., VOR; to *Dora INT, N. Mex.; MEA **6,500. *8,000—MCA Dora INT, eastbound; **5,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Barclay INT, Tex., via W alter.; to *Bostic INT, Tex., via W alter.; MEA 2,700. *2,700—MCA Bostic INT, southbound.

From Bostic INT, Tex., via W alter.; to Waco, Tex., VOR via W alter.; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Pine Bluff, Ark., VOR; to *Walls INT, Ark.; MEA **2,500. *2,500—MRA. **1,500—MOCA.

From Pine Bluff, Ark., VOR via N alter.; to *Haynes INT, Ark., via N alter.; MEA **4,000. *4,000—MRA. **1,600—MOCA.

From Norfolk INT, Miss., via S alter.; to Memphis, Tenn., VOR via S alter.; MEA 1,600.

From Tampico INT, Tenn., via N alter.; to Yuma INT, Va., via N alter.; MEA 4,000.

From Yuma INT, Va., via N alter.; to Blackford, Va., VOR via N alter.; MEA 6,000.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Barclay INT, Tex., via E alter.; to *Bostic INT, Tex., via E alter.; MEA 2,700. *2,700—MCA Bostic INT, southbound.

From Bostic INT, Tex., via E alter.; to Waco, Tex., VOR via E alter.; MEA 2,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Conyers INT, Ga., via N alter.; to *Madison INT, Ga., via N alter.; MEA **3,000. *3,000—MRA. **2,200—MOCA.

From Madison INT, Ga., via N alter.; to Raytown INT, Ga. via N alter.; MEA *3,000. *2,200—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Cheyenne, Wyo., VOR; to Douglas, Wyo., VOR; MEA 9,000. Bear Creek INT, Wyo.; to Cheyenne, Wyo., VOR; eastbound only; MEA 8,000.

From Cimarron, N. Mex., VOR; to Ludlow INT, Colo.; MEA *11,000. *10,000—MOCA.

From Lewistown, Mont., VOR via W alter; to *Great Falls, Mont., VOR via W alter; MEA 11,000. *7,400—MCA Great Falls VOR, southeastbound.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

From Cascade, Mont., FM; to Great Falls, Mont., VOR; northeastbound only, MEA 5,500.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Horn INT, Miss.; to Brookley, Ala., VOR; MEA 1,400.

From Brookley, Ala., VOR; to *Dale INT, Ala.; MEA **2,000. *2,500—MRA. **1,700—MOCA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Eel INT, Calif.; to Ventura, Calif., VOR; MEA 5,000.

From Ventura, Calif., VOR; to Henderson INT, Calif. MEA *6,000. *4,000—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Huron, S. Dak., VOR; to *Oakwood INT, S. Dak.; MEA **4,000. *4,000—MRA. **2,900—MOCA.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Eel INT, Calif.; to Ventura, Calif., VOR; MEA 5,000.

From Ventura, Calif., VOR; to Henderson INT, Calif.; MEA *6,000. *4,000—MOCA.

Section 610.6029 *VOR Federal airway 29* is amended to delete:

From Massena, N.Y., VOR; to U.S.-Canadian Border; MEA 2,000.

Section 610.6033 *VOR Federal airway 33* is amended to read in part:

From Coles Point INT, Va.; to *Benedict INT, Md.; MEA 1,300. *1,500—MRA.

From Benedict INT, Md.; to Nottingham, Md., VOR; MEA 1,300.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

From Briggs, Ohio, VOR; to Imperial, Ohio, VOR; MEA 2,500.

Section 610.6043 *VOR Federal airway 43* is amended to read in part:

From Tiverton, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

From Briggs, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From Centralia, Ill., VOR; to Samsville, Ill., VOR; MEA *2,300. *2,200—MOCA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,300—MRA. **2,000—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR via S alter.; to *Miller INT, Miss., via S alter.; MEA 1,600. *2,000—MRA.

Section 610.6060 *VOR Federal airway 60* is amended to read in part:

From Otto, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA *10,000. *9,200—MOCA.

From Texico, N. Mex., VOR; to *Hale INT, Tex.; MEA **7,000. *7,000—MRA. **5,000—MOCA.

Section 610.6061 *VOR Federal airway 61* is amended to read in part:

From Bridgeport, Tex., VOR; to Postoak INT, Tex.; MEA 2,100.

From Postoak INT, Tex.; to Wichita Falls, Tex., VOR; MEA 3,000.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Texico, N. Mex., VOR; to *Hale INT, Tex.; MEA **7,000. *7,000—MRA. **5,000—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Gila Bend, Ariz., VOR; to *Flier INT, Ariz.; MEA 7,000. *8,000—MRA.

From Flier INT, Ariz.; to Tucson, Ariz., VOR; MEA *8,000. *7,000—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Corona, N. Mex., VOR; to Hondo INT, N. Mex.; MEA *9,000. *7,900—MOCA.

From *Hagerman INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA **6,000. *6,500—MRA. **5,900—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lafayette, La., VOR; to *Rose INT, La.; MEA 1,500. *2,500—MRA.

From Rose INT, La.; to Baton Rouge, La., VOR; MEA 1,500.

From Lafayette, La., VOR via N alter.; to Baton Rouge, La., VOR via N alter.; MEA 1,500.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Maples, Mo., VOR; to *Cuba INT, Mo.; MEA 2,500. *4,500—MRA.

From *Arcola INT, Ill.; to State Line INT, Ind.; **3,500. *3,000—MRA. **2,200—MOCA.

From Albany, N.Y., VOR; to Hoosick INT, N.Y.; MEA 5,000.

From Hoosick INT, N.Y.; to Bennington INT, N.Y.; MEA 6,000.

Section 610.6075 *VOR Federal airway 75* is amended to read in part:

From Kilgore INT, Ohio; to Briggs, Ohio, VOR; MEA 2,500.

From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Lubbock, Tex., VOR; to *Welch INT, Tex.; MEA 5,100. *6,000—MRA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Abilene, Tex., VOR; to *Westover INT, Tex.; MEA 3,100. *5,000—MRA.

From Westover INT, Tex.; to *Dundee INT, Tex.; MEA 3,000. *5,000—MRA.

From Dundee INT, Tex.; to Wichita Falls, Tex., VOR; MEA 3,000.

From Abilene, Tex., VOR via E alter.; to *Woodson INT, Tex., via E alter.; MEA **3,800. *4,000—MRA. **3,100—MOCA.

From Woodson INT, Tex., via E alter.; to *Archer INT, Tex., via E alter.; MEA **3,800. *4,000—MRA. **3,100—MOCA.

From Archer INT, Tex., via E alter.; to Wichita Falls, Tex., VOR via E alter.; MEA 3,000.

Section 610.6079 *VOR Federal airway 79* is amended to read in part:

From Hobbs, N. Mex., VOR; to *Welch INT, Tex.; MEA **6,000. *6,000—MRA. **5,300—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Pat INT, Tex.; to *Welch INT, Tex.; MEA 5,100. *6,000—MRA.

From Lubbock, Tex., VOR; to *Hale INT, Tex.; MEA 4,500. *7,000—MRA.

From Hale INT, Tex.; to *Plainview INT, Tex.; MEA 4,500. *6,000—MRA.

From Amarillo, Tex., VOR via E alter.; to Dalhart, Tex., VOR via E alter.; MEA 5,200.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Carlsbad, N. Mex., VOR; to Nelson INT, N. Mex.; MEA *5,000. *4,800—MOCA.

From Nelson INT, N. Mex.; to Roswell, N. Mex., VOR; MEA 5,000.

From Hondo INT, N. Mex.; to Corona, N. Mex., VOR; MEA *9,000. *7,900—MOCA.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Mansfield, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,500.

From Briggs, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Waterhole INT, Tex.; to Mayfield INT, Tex.; MEA 9,000.

From Mayfield INT, Tex.; to *McConnell INT, Tex.; MEA **10,500. *10,500—MRA. **9,000—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Castle INT, Ariz.; to Farmington, N. Mex., VOR; MEA *#12,000. *11,500—MOCA. #Continuous navigational signal coverage does not exist below 13,000'. A 30-mile gap exists at 12,000'.

Section 610.6098 *VOR Federal airway 98* is amended to read in part:

From U.S.-Canadian Border; to Massena, N.Y., VOR; MEA *2,000. *1,600—MOCA.

From Massena, N.Y., VOR; to U.S.-Canadian Border; MEA *2,000. *1,200—MOCA.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From *Santa Rosa INT, Tex.; to **Beaver INT, Tex.; MEA 2,300. *4,000—MRA. **3,000—MRA.

From Beaver INT, Tex.; to Wichita Falls, Tex., VOR; MEA 2,300.

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA **8,500. *7,500—MRA. **5,500—MOCA.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Kilgore INT, Ohio; to Briggs, Ohio, VOR; MEA 2,500.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Tucson, Ariz., VOR; to *Keystone INT, Ariz.; MEA 7,000. *8,000—MRA.

From Keystone INT, Ariz.; to Casa Grande, Ariz., VOR; MEA 7,000.

From *Prescott, Ariz., VOR; to Mount Hope INT, Ariz.; southeastbound, MEA 9,000; northwestbound, MEA 12,000. *9,000—MCA Prescott VOR, northwestbound.

From Mount Hope INT, Ariz.; to *Tipton INT, Ariz.; MEA **10,000. *8,300—MCA Tipton INT, southeastbound. **9,000—MOCA.

From Tipton INT, Ariz.; to Las Vegas, Nev., VOR; MEA 8,000.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From Bay INT, Calif., via W alter.; to Ventura, Calif., VOR via W alter.; MEA 5,000.

From Ventura, Calif., VOR via W alter.; to Fillmore, Calif., VOR via W. alter.; MEA 5,000.

Section 610.6112 *VOR Federal airway 112* is amended by adding:

From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.

From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.

From Pendleton, Oreg., VOR via W alter.; to Pasco, Wash., VOR via W. alter.; MEA 4,000.

From Pasco, Wash., VOR via W alter.; to Spokane, Wash., VOR via W. alter.; MEA 5,000.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Amarillo, Tex., VOR via N alter.; to Finley INT, Tex., via N alter.; MEA 4,700.

From Finley INT, Tex., via N alter.; to Childress, Tex., VOR via N alter.; MEA *4,700. *4,500—MOCA.

From Childress, Tex., VOR; to Vernon INT, Tex.; MEA 3,600.

From Vernon INT, Tex.; to Wichita Falls, Tex., VOR; MEA 2,600.

From *Santa Rosa INT, Tex., via S alter.; to **Beaver INT, Tex., via S alter.; MEA 2,300. *4,000—MRA. **3,000—MRA.

From Beaver INT, Tex., via S alter.; to Wichita Falls, Tex., VOR via S alter.; MEA 2,300.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From *Simms INT, Mont.; to Great Falls, Mont., VOR; westbound, MEA 10,000; eastbound, MEA 7,000. *9,500—MRA.

Section 610.6138 *VOR Federal airway 138* is amended to read in part:

From Medicine Bow, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500.

From Millbrook INT, Wyo.; to Cheyenne, Wyo., VOR; southeastbound only; MEA 9,000.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Orlando, Fla., VOR via S alter.; to Oak Hill INT, Fla., via S alter.; MEA 1,300.

From Orlando, Fla. VOR via N alter.; to *Paola INT, Fla., via N alter.; MEA 1,700. *2,000—MRA.

From Paola INT, Fla., via N alter.; to Woodruff INT, Fla., via N alter.; MEA 2,000.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From *Cypress INT, Fla.; to Seminole INT, Fla.; MEA **1,200. *1,400—MRA. **1,100—MOCA.

From Seminole INT, Fla.; to La Belle, Fla., VOR; MEA 1,400.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Lometa, Tex., VOR; to *Caradan INT, Tex.; MEA 2,800. *5,000—MRA.

From Caradan INT, Tex.; to *Mill INT, Tex.; MEA **4,000. *3,500—MRA. **2,800—MOCA.

From Alice, Tex., VOR via W alter.; to *Clegg INT, Tex., via W alter.; MEA 1,800. *2,000—MRA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From *Fort Morgan INT, Colo.; to **Sterling INT, Colo.; MEA ***10,000. *8,000—MRA. **13,000—MRA. ***7,000—MOCA.

From Sterling INT, Colo.; to *Holyoke INT, Colo.; MEA **1,300. *7,000—MRA. **7,000—MOCA.

From Neola, Iowa, VOR; to Avoca INT, Iowa; MEA 2,400.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR via S alter.; to *Miller INT, Miss., via S alter.; MEA 1,600. *2,000—MRA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From *Billings, Mont., VOR; to Ryegate INT, Mont.; southeastbound, MEA 7,000; northwestbound, MEA 8,000. *8,000—MCA Billings VOR, southbound.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Ponca City, Okla., VOR; to Bartlesville, Okla., VOR; MEA 2,500.

From *Albuquerque, N. Mex., VOR; to Rencona INT, N. Mex., MEA **13,000. *11,500—MCA Albuquerque VOR, northeastbound. **12,900—MOCA.

From *Hayden INT, N. Mex.; to Dalhart, Tex., VOR; MEA **7,000. *7,500—MCA Hayden INT, westbound. **6,500—MOCA.

Section 610.6192 *VOR Federal airway 192* is amended to read in part:

From Hickman INT, N. Mex., to *Socorro, N. Mex., VOR; MEA **13,000. *10,000—MCA Socorro VOR, westbound. **11,000—MOCA.

Section 610.6193 *VOR Federal airway 193* is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 3,100.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Lafayette, La., VOR; to *Rose INT, La.; MEA 1,500. *2,500—MRA.

From Rose INT, La.; to Baton Rouge, La., VOR; MEA 1,500.

Section 610.6203 *VOR Federal airway 203* is amended to read in part:

From Albany, N.Y., VOR; to Porter INT, N.Y.; MEA 3,800.

Section 610.6203 *VOR Federal airway 203* is amended by adding:

From Massena, N.Y., VOR; to U.S.-Canadian Border; MEA 1,500.

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From *Bolivar INT, Mo.; to Blue Springs, Mo., VOR; MEA 2,400. *5,500—MRA.

Section 610.6208 *VOR Federal airway 208* is amended to read in part:

From Vista INT, Calif.; to Julian, Calif., VOR; MEA 8,000.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From *Union Pass INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000. *8,500—MCA Union Pass INT, eastbound.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Brooke, Va., VOR; to *Benedict INT, Md.; MEA **1,500. *1,500—MRA. **1,200—MOCA.

From Benedict INT, Md.; to Nottingham, Md., VOR; MEA 1,300.

Section 610.6226 *VOR Federal airway 226* is amended by adding:

From Ellwood City, Pa., VOR; to Keating, Pa., VOR; MEA 4,000.

Section 610.6242 *VOR Federal airway 242* is amended to read:

From Mobile, Ala., VOR; to Brookley, Ala., VOR; MEA 1,400.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From *Butte, Mont, VOR; to Garrison INT, Mont.; MEA 9,000. *10,200—MCA Butte VOR, southbound.

From Garrison INT, Mont.; to Wolf Creek INT, Mont.; MEA 9,500.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,500—MCA Great Falls VOR, southwestbound.
From Cascade, Mont., FM; to Great Falls, Mont., VOR; northeastbound only; MEA 5,500.
From Drake, Ariz., VOR; to *Anita INT, Ariz.; MEA **11,000. *11,000—MRA. **9,000—MOCA.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Orlando, Fla., VOR; to *Paola INT, Fla.; MEA 1,700. *2,000—MRA.
From Paola INT, Fla.; to Barberville INT, Fla.; MEA 2,000.
From Barberville INT, Fla.; to *Roy INT, Fla.; MEA **2,500. *2,500—MRA. **1,200—MOCA.
From Roy INT, Fla.; to Shand INT, Fla.; MEA *2,500. *1,200—MOCA.
From Shand INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.
From Daytona Beach, Fla., VOR via E alter.; to *Roy INT, Fla., via E alter.; MEA **1,500. *2,500—MRA. **1,100—MOCA.
From Roy INT, Fla., via E alter.; to Shand INT, Fla., via E alter.; MEA *2,500. *1,200—MOCA.
From Shand INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA 1,500.

Section 610.6276 *VOR Federal airway 276* is amended to read in part:

From Briggs, Ohio, VOR; to Ellwood City, Pa., VOR; MEA 2,600.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Vera INT, Tex.; to *Westover INT, Tex.; MEA **5,000. *5,000—MRA. **2,500—MOCA.
From Westover INT, Tex.; to *Archer INT, Tex.; MEA **5,000. *4,000—MRA. **2,500—MOCA.
From Archer INT, Tex.; to Bridgeport, Tex., VOR; MEA *4,000. *2,500—MOCA.
From Texico, N. Mex., VOR; to *Plainview INT, Tex.; MEA **6,000. *6,000—MRA. **5,300—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Pinon, N. Mex., VOR; to *Hope INT, N. Mex.; MEA **8,800. *7,000—MCA Hope INT, southwestbound. **8,000—MOCA.
From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA **8,500. *7,500—MRA. **5,500—MOCA.
From Texico, N. Mex., VOR; to Amarillo, Tex., VOR; MEA *6,000. *5,400—MOCA.

Section 610.6281 *VOR Federal airway 281* is amended to delete:

From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.
From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.
From Pendleton, Oreg., VOR via E alter.; to *Pine City INT, Wash., via E alter.; MEA 6,000. *6,500—MRA.
From Pine City INT, Wash., via E alter.; to Spokane, Wash., VOR via E alter.; MEA 6,000.

Section 610.6281 *VOR Federal airway 281* is amended by adding:

From Pendleton, Oreg., VOR; to Walla Walla, Wash., VOR; MEA 4,000.
From Pendleton, Oreg., VOR via E alter.; to Walla Walla, Wash., VOR via E alter.; MEA 4,000.
From Walla Walla, Wash., VOR; to Spokane, Wash., VOR; MEA *6,000. *5,000—MOCA.

Section 610.6282 *VOR Federal airway 282* is amended to read:

From *Brandon INT, N.Y.; to **West Bangor INT, N.Y.; MEA ***7,000. *7,000—MRA. **4,500—MRA. ***4,500—MOCA.
From West Bangor INT, N.Y.; to *Malone INT, N.Y.; MEA **4,500. *3,500—MRA. **3,400—MOCA.
From Malone INT, N.Y.; to U.S.-Canadian Border; MEA *3,500. *2,800—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike Int, Fla.; to *Kingfish INT, Fla.; MEA **2,500. *2,500 — MRA. **1,000 — MOCA.
From Kingfish INT, Fla.; to Bonita INT, Fla.; MEA *2,000. *1,000—MOCA.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From *South Kauai, Hawaii, VOR; to Lihue, Hawaii, VOR; MEA 5,000. *5,000—MCA South Kauai VOR, eastbound.

Section 610.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

From *Hilo, Hawaii, VOR; to **Unnamed INT, Hawaii; MEA 2,000. *3,000—MCA Hilo VOR, southbound. **12,000—MRA.
From Unnamed INT, Hawaii; to *Grass Shack INT, Hawaii; MEA 2,000. *3,000—MRA.

Section 610.6408 *Hawaii VOR Federal airway 8* is amended to read in part:

From Windward INT, Hawaii; to *Tuna INT, Hawaii; MEA 4,000. *4,000—MRA.

Section 610.6411 *Hawaii VOR Federal airway 11* is amended to read in part:

From Int. 138 M rad Lanai VOR and 200 M rad Upolu Point VOR; to *Kona INT, Hawaii; MEA 5,000. *6,000—MRA.
From Kona INT, Hawaii; to Upolu Point, Hawaii, VOR; MEA 5,000.

Section 610.6414 *Hawaii VOR Federal airway 14* is amended to read in part:

From *South Kauai, Hawaii, VOR; to Orchid INT, Hawaii; MEA 4,000. *5,000—MCA South Kauai VOR, westbound.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *South Kauai, Hawaii, VOR; to Int. 097 M rad South Kauai VOR and 119 M rad Lihue VOR; eastbound, MEA 4,000; westbound, MEA 5,000. *5,000—MCA South Kauai VOR, westbound.

Section 610.6427 *VOR Federal airway 427* is amended to read in part:

From Newcomerstown, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,600.
From Briggs, Ohio, VOR; to Kent INT, Ohio; MEA 2,500.

Section 610.6430 *VOR Federal airway 430* is amended to read:

From Williston, N. Dak., VOR; to Minot, N. Dak., VOR; MEA *4,500. *3,800—MOCA.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,300—MRA. **2,000—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From *Pine Mountain INT, Ga.; to McDonough, Ga., VOR; MEA 3,400. *3,100—MCA Pine Mountain INT, northeastbound.

Section 610.6462 *VOR Federal airway 462* is amended to read in part:

From Houghton, Mich., VOR; to *Williams INT, Mich.; MEA **3,000. *4,300—MRA. **2,500—MOCA.
From Williams INT, Mich.; to Off Shore INT, Mich.; MEA *3,000. *2,500—MOCA.

Section 610.6470 *VOR Federal airway 470* is amended to read in part:

From Marquette, Mich., VOR; to Harvey INT, Mich.; MEA 2,800.
From Harvey INT, Mich., to *Williams INT, Mich.; MEA **4,300. *4,300—MRA. **2,000—MOCA.

Section 610.6482 *VOR Federal airway 482* is amended to read in part:

From Las Vegas, N. Mex., VOR; to Clayton, N. Mex., VOR; MEA 9,000.

Section 610.6483 *VOR Federal airway 483* is amended to read in part:

From Rockdale, N.Y., VOR; to *Peterboro INT, N.Y.; MEA 4,000. *3,700—MCA Peterboro INT, southbound.

Section 610.6485 *VOR Federal airway 485* is amended to read in part:

From Ventura, Calif., VOR; to Henderson INT, Calif.; MEA *6,000. *4,000—MOCA.

Section 610.6520 *VOR Federal airway 520* is added to read:

From Prosser INT, Wash.; to Pasco, Wash., VOR; MEA 4,000.
From Pasco, Wash., VOR; to Walla Walla, Wash., VOR; MEA 3,000.

Section 610.6536 *VOR Federal airway 536* is added to read:

From Walla Walla, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA 9,000.

Section 610.6809 *VOR Federal airway 809* is amended to read in part:

From Eugene, Oreg., VOR; to Curtin INT, Oreg.; northbound, MEA 4,000; southbound, MEA 8,000.
From Curtin INT, Oreg., to Milo INT, Oreg.; MEA 8,000.
From Milo INT, Oreg.; to *Medford, Oreg., VOR; southbound, MEA 6,500; northbound, MEA 8,000. *8,000—MCA Medford VOR, southbound.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Larkin INT, Fla.; to Webster INT, Fla.; MEA 1,200.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Pine Bluff, Ark., VOR; to *Walls INT, Tenn.; MEA **2,500. *2,500—MRA. **1,500—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Watch Hill INT, R.I.; to Lafayette INT, R.I.; MEA **2,500. *2,500 — MRA. **1,500—MOCA.
From Lafayette INT, R.I.; to Providence, R.I., VOR; MEA 1,600.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Newcommerstown, Ohio, VOR; to Briggs, Ohio, VOR; MEA 2,600.
From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Avoca INT, Iowa; to Neola, Iowa, VOR; MEA 2,400.

Section 610.6855 *VOR Federal airway 855* is amended to read in part:

From Kilgore INT, Ohio; to Briggs, Ohio, VOR; MEA 2,500.
From Briggs, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Memphis, Tenn., VOR; to *Walls INT, Tenn.; MEA 1,500. *2,500—MRA.

Section 610.1501 *VOR Federal airway 1501* is added to read:

From Cape Charles, Va., VOR; to Snow Hill, Md., VOR; MEA 14,500. MAA 24,000.
From Snow Hill, Md., VOR; to Sea Isle, N.J., VOR; MEA 14,500. MAA 24,000.
From Sea Isle, N.J., VOR; to Hampton, N.Y., VOR; MEA 14,500. MAA 24,000.

Section 610.1508 *VOR Federal airway 1508* is amended to delete:

From Selinsgrove, Pa.,VOR; to Tower City, Pa., VOR; MEA 14,500. MAA 24,000.
From Tower City, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500. MAA 24,000.
From Yardley, Pa., VOR; to Monmouth, INT, N.J.; MEA 14,500. MAA 24,000.

Section 610.1508 *VOR Federal airway 1508* is amended by adding:

From Selinsgrove, Pa., VOR; to Int. 111 M rad Selinsgrove VOR and 198 M rad Allentown VOR; MEA 14,500. MAA 24,000.

Section 610.1509 *VOR Federal airway 1509* is amended to read in part:

From Parkersburg, W. Va., VOR; to Briggs, Ohio, VOR; MEA 14,500. MAA 24,000.
From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA---------- MAA----------.

Section 610.1516 *VOR Federal airway 1516* is amended to read in part:

From Tiverton, Ohio, VOR; to Briggs, Ohio, VOR; MEA 14,500. MAA 24,000.
From Briggs, Ohio, VOR; to Tyrone, Pa., VOR; MEA 14,500. MAA 24,000.

Section 610.1517 *VOR Federal airway 1517* is amended to read in part:

From Bowling Green, Ky., VOR; to Lewis, Ind., VOR; MEA 14,500. MAA 24,000.

Section 610 1518 *VOR Federal airway 1518* is amended to read in part:

From Attica, Ohio, VOR; to Briggs, Ohio, VOR; MEA 14,500. MAA 24,000.
From Briggs, Ohio, VOR; to Pittsburgh, Pa., VOR.

Section 610.1540 *VOR Federal airway 1540* is amended to delete:

From Herndon, Va., VOR; to Int. Herndon, Va., VOR 038 T rad and Martinsburg, W. Va., VOR 081 T rad; MEA 14,500. MAA 24,000.

Section 610.1540 *VOR Federal airway 1540* is amended by adding:

From Herndon, Va., VOR; to West Chester, Pa., VOR; MEA 14,500. MAA 24,000.
From West Chester, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500. MAA 24,000.

Section 610.1646 *VOR Federal airway 1646* is amended to read in part:

From Springfield, Ill., VOR; to Indianapolis, Ind., VOR; MEA 14,500. MAA 24,000.
From Charleston, W. Va., VOR; to Elkins, W. Va., VOR; MEA 14,500. MAA 24,000.

Section 610.1681 *VOR Federal airway 1681* is amended by adding:

From Raleigh-Durham, N.C., VOR; to Flat Rock, Va., VOR; MEA 14,500. MAA 24,000.
From Flat Rock, Va., VOR; to Int. 031 M rad Flat Rock VOR and 064 M rad Gordonsville VOR; MEA 14,500. MAA 24,000.

Section 610.1723 *VOR Federal airway 1723* is amended by adding:

From Int. 359 M rad Pittsburgh VOR and 263 M rad Keating VOR; to Keating, Pa., VOR; MEA 14,500. MAA 24,000.
From Keating, Pa., VOR; to Williamsport, Pa., VOR; MEA 14,500. MAA 24,000.

Section 610.1776 *VOR Federal airway 1776* is added to read:

From Las Vegas, Nev., VOR; to Peach Springs, Ariz., VOR; MEA 14,500. MAA 24,000.
From Peach Springs, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,700. MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective May 31, 1962.

Issued in Washington, D.C., on April 26, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-4330; Filed, May 4, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Revised [1] Standard "Push Money" Trade Practice Rule

The Federal Trade Commission has approved a revised standard "Push Money" trade practice rule. The revised rule will be included in all future trade practice rules for industries in which there is found to be a need for a rule of this character, and the administration of existing rules on this subject previously approved by the Commission will be in accord with the provisions of the revised rule.

The form of the revised rule is as follows:

§ 14.7 Rule ____—Push Money.

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a sales person employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the sales person in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the sales person's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the sales person or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to sales persons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a sales person of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the sales person to the customer, or is to result in a corresponding decrease in the sales person's salary, are not to be considered within the purview of this Rule ____, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

(Secs. 5, 6; 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: April 25, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-4420; Filed, May 4, 1962; 8:47 a.m.]

[1] Original rule not published in FEDERAL REGISTER.

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF U.S. EMPLOYMENT SERVICE

Service to Minority Groups

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49k), reorganization plan No. 2 of 1949 (3 CFR 1949–53 Comp., p. 998), and 29 CFR 602.21, I hereby establish a new paragraph (d) of 20 CFR 604.8 to read as set forth below.

As this amendment provides a statement of general policy, notice of proposed rule making, public participation in its adoption, and delay in its effective date are excepted from the requirements of section 4 of the Administrative Procedure Act. It shall become effective upon publication in the FEDERAL REGISTER.

§ 604.8 Service to minority groups.

It is the policy of the U.S. Employment Service:

* * * * *

(d) To make no indication of an applicant's race, creed, color, or national origin, on any office record.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 1st day of May 1962.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 62-4379; Filed, May 4, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Salt Bayou, La. and Pacific Ocean, Calif.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking subparagraph (i) (22) governing the operation of the Louisiana Department of Highways bridge across Salt Bayou near Slidell, La., effective on publication in the FEDERAL REGISTER since the drawbridge has been replaced with a fixed structure, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • •

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* • • •

(22) Salt Bayou, La.; Louisiana Department of Highways bridge near Slidell. [Revoked]

[Regs., April 19, 1962, 285/112 (Salt Bayou, La.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.219 establishing and governing the use and navigation of a naval aircraft operating area in the Pacific Ocean, California, is hereby revoked effective on publication in the FEDERAL REGISTER since the area is no longer required for aerial mining practice, as follows:

§ 204.219 Naval aircraft operating area, Pacific Ocean off Tomales Point, Calif.; Naval Air Station, Alameda. [Revoked]

[Regs., April 20, 1962, 285/111 (Pacific Ocean, California.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-4370; Filed, May 4, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

LETTUCE

United States Standards for Grades; Extension of Time for Filing Comments

A proposal for amendment of the United States Standards for Grades of Lettuce (§§ 51.2510 to 51.2531) was set forth in the notice which was published in the FEDERAL REGISTER on March 28, 1962 (27 F.R. 2840).

In consideration of comments and suggestions received indicating the need for further study of the proposed amendment, notice is hereby given of an extension of time, until May 15, 1962, within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed amendment of the United States Standards for Grades of Lettuce. Written data, views or arguments for consideration in connection with the proposed amendment should be filed with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C.

Dated: May 2, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-4398; Filed, May 4, 1962; 8:47 a.m.]

[7 CFR Part 928]

[Docket No. AO-340]

HANDLING OF APRICOTS GROWN IN YOLO COUNTY AND DESIGNATED PART OF SOLANO COUNTY IN CALIFORNIA

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Winters, Calif., February 15-16, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 781), on a proposed marketing agreement and order for regulating the handling of apricots grown in Solano and Yolo Counties in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed, on April 4, 1962, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-3421; 27 F.R. 3391).

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-3421; 27 F.R. 3391) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the time prescribed, by Roy I. Hoskins, Vacaville, Calif., and H. C. Gustafson, Richmond, Calif. Such exceptions were carefully and fully considered, in conjunction with the evidence in the record and the recommended decision pertaining thereto, in arriving at the findings and conclusions set forth in this decision.

Exception is taken to the findings and conclusions of the recommended decision, and the effectuating provisions set forth in the proposed order, pertaining to the marketing research and development provision. It is contended that, in view of the relatively small volume of apricots to which assessments could be applied to finance such research and development projects, that the conduct of such projects under the proposed order would prove too expensive. However, the proposed order authorizes no specific research and development projects. It authorizes establishment of such projects on a permissive basis and provides in §§ 928.45 and 928.40, respectively, that the plans and expenses of any such projects which are to be recommended by the committee are subject to the prior approval of the Secretary. Under the proposed program, the committee and the Secretary are obliged to examine carefully the costs of any item of expense in relation to expected benefits; and it does not appear likely that members of the committee who, as members of the apricot industry would have the same obligation of bearing the expenses as any other industry member, would recommend, or that the Secretary would approve, the establishment of research and development projects which would constitute an undue burden to those affected under the order. This exception is therefore denied.

Exception was taken to the findings and conclusions with respect to the effect of mismarking of containers as to size of fruit therein, and the effect of small and immature fruit on the prices of larger mature fruit. However, the evidence of record clearly supports the findings and conclusions in this regard and the exception does not point to any evidence in the record which may be construed otherwise. Hence, this exception is denied.

Exception also was taken to the provisions of the proposed order which would authorize the establishment of different size regulations for the different districts on the basis that such provision should specifically provide that the minimum size for District 4 shall be one size smaller than the size prescribed for the remainder of the production area. It is recognized that the primary need shown for different size regulation by districts was to permit the shipment of the smaller sized apricots from District 4 which, because of the lack of irrigation facilities, normally grows fruit smaller in size than the irrigated areas. However, it can not be concluded that, under any and all circumstances, District 4 should always be permitted to ship apricots of a smaller size than any other district. The authorization of different size regulation for any district, as proposed to be provided, would permit the establishment of such different size requirements as are warranted to maintain equity among the various districts, including the establishment of a smaller minimum size for District 4 in recognition of any need for separate size regulation that may be created by lack of irrigation facilities. Therefore, this exception is denied.

Exception was taken to the findings and conclusions with respect to the need for the proposed order, on the basis that recently the proportion of total apricot production shipped fresh has been smaller than that cited in the recommended decision. Evidence of record for a shorter more recent period than that cited in the recommended decision was cited to prove this. However, both the evidence cited in the exception and that cited in the recommended decision support the findings and conclusions of the recommended decision as to the need for the proposed marketing agreement and order. Likewise, data were submitted with respect to the time early shipments are made from various parts of the production area and the proportion of apricots transhipped from terminal points within the State of California which, although differing somewhat from the evidence of record, would have supported the findings and conclusions of the recommended decision had it been introduced in the record, as is necessary under the rules of the Department for such data to be considered.

To the extent that any exception filed is at variance with the findings and conclusions contained herein, such exception is denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exception refers.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Apricots Grown in Yolo County and Designated Part of Solano County in California," and "Order Regulating the Handling of Apricots Grown in Yolo County and Designated Part of Solano County in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1961, through February 28, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Yolo County, Calif., and that portion of Solano County, Calif., north of the first standard parallel north of the Mount Diablo Base and Meridian, in the production of apricots for market to ascertain whether such producers favor the issuance of the said annexed order regulating the handling of apricots grown in the Yolo County and designated part of Solano County in California. W. B. Blackburn, and G. P. Muck, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 650 Capitol Avenue, Room 8518, Sacramento 14, Calif., are hereby designated agents of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35). The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] *Regulating the Handling of Apricots Grown in Yolo County and Designated Part of Solano County in California*

Sec.

928.0 Findings and determinations.

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AUTHORITY: §§ 928.0 to 928.71, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 928.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Winters, Calif., February 15–16, 1962, upon a proposed marketing agreement and a proposed marketing order regulating the handling of apricots grown in Solano and Yolo Counties in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of apricots grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of apricots grown in the production area; and

(5) All handling of apricots grown in the production area, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, the handling of apricots grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 928.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 928.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Production area.

"Production area" means Yolo County, Calif., and that portion of Solano County, Calif., north of the first standard parallel north of the Mt. Diablo Base and Meridian.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 928.5 Apricots.

"Apricots" means all varieties of Prunus armeniaca, commonly called apricots, grown in the production area.

§ 928.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of Prunus armeniaca.

§ 928.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 928.8 Committee.

"Committee" means the Apricot Administrative Committee established pursuant to § 928.20.

§ 928.9 Grade.

"Grade" means any one of the officially established grades of apricots as defined and set forth in the United States Standards for Apricots (21 F.R. 9935), or admendment thereto, or modifications thereof, or variations based thereon.

§ 928.10 Size.

"Size" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 928.11 Grower.

"Grower" is synonymous with producer and means any person who produces apricots for market in fresh form, and who has a proprietary interest therein.

§ 928.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apricots owned by another person) who handles apricots in fresh form.

§ 928.13 Handle.

"Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apricots or cause the sale, consignment, delivery or transportation of apricots or in any other way to place apricots, or cause apricots to be placed, in the current of the commerce from any point within the production area to any point outside thereof: *Provided,* That the term handle shall not include the sale of apricots on the tree.

§ 928.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31(m):

(a) "District 1" shall include that portion of the Apricot-Winters School District which formerly comprised the Apricot School District of Yolo County;

(b) "District 2" shall include that portion of Yolo County not included in District 1.

(c) "District 3" shall include the Wolfskill and Dixon Unified School Districts of Solano County and that portion of the Olive-Pleasants Valley School Districts of Solano County which was included in the former Olive School District and which is north of a line drawn due east and west through the intersection of Putah Creek Road and Pleasants Valley Road.

(d) "District 4" shall include that portion of Solano County which is north of the first Standard Parallel north of the Mt. Diablo Base and Meridian and is not included in District 3.

§ 928.15 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of apricots in a particular type and size of container, or any combination thereof.

§ 928.16 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of apricots.

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established an Apricot Administrative Committee consisting of seven members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Each member and his alternate shall be a producer of apricots in the district he is chosen to represent as established pursuant to section 14. Three of the members and their respective alternates shall be producers of apricots in District 1; one member and his alternate shall be producers of apricots in District 2; two members and their respective alternates shall be producers of apricots in District 3; and one member and his alternate shall be producers of apricots in District 4.

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February: *Provided,* That the terms of the initial members and their alternates shall end on the last day of February 1964. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 928.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held not later than February 15 of each year (excluding the initial term) a meeting or meetings of growers for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedures as shall be reasonable and fair to all persons concerned.

(2) Only growers, including duly authorized employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in any district in which he produces apricots.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

§ 928.23 Selection.

From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the seven members of the committee and an alternate for each such member.

§ 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

§ 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after

such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

§ 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member to serve in such member's place and stead.

§ 928.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 928.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apricots;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in apricot production for fresh market within the districts and the production area.

§ 928.32 Procedure.

(a) Five members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least four members: *Provided*, That any action of the committee to recommend regulations pursuant to §§ 928.50 to 928.55 shall require at least five concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 928.33 Reimbursement for expenses.

The members of the committee and alternates, when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

§ 928.34 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

§ 928.37 Shippers' Advisory Committee.

(a) A Shippers' Advisory Committee, consisting of five members who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the Shippers' Advisory Committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve during the fiscal year for which they are elected. Such meeting shall be supervised by the Apricot Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers. Each such member shall select an alternate from the organization with which he is affiliated.

(c) The Shippers' Advisory Committee may attend each meeting of the Apricot Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the Apricot Administrative Committee on matters relating to such recommendations, but shall have no vote with such committee in any matter. Members of the Shippers' Advisory Committee may be reimbursed for expenses necessarily incurred in attendance of meetings of the Apricot Administrative Committee.

EXPENSES AND ASSESSMENTS

§ 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

§ 928.41 Assessments.

(a) Each person who first handles apricots in fresh form shall, with respect to the apricots so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all fresh apricots handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance and may also borrow money for such purpose.

§ 928.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used by the committee to defray any or all expenses authorized pursuant to this part. In the event of termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 928.45 Marketing Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots. The expense of such projects shall be paid from funds collected pursuant to § 928.41.

REGULATIONS

§ 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 928.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apricots within the production area;

(2) The expected general quality and size of apricots in the production area and in other areas;

(3) The expected demand conditions for apricots in different market outlets;

(4) The expected shipments of apricots produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apricots; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apricots, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 928.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apricots in the manner provided in § 928.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apricots during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 928.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of apricots whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment in fresh form of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of apricots grown in the production area;

(2) Limit the sizes, of any variety or varieties of fresh apricots grown in and shipped from any district or districts differently from such size limitations on the same variety or varieties grown in and shipped from other districts.

(3) Limit the shipment of fresh apricots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(4) Fix, during any period or periods, the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of fresh apricots.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 928.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apricots in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. In like manner the Secretary may terminate any such modification or suspension.

§ 928.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, handle apricots (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 928.41, 928.52, 928.53, or 928.55, the handling of apricots for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45, or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apricots handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apricots pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apricots will not be used for any purpose not authorized by this section.

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of apricots is regulated pursuant to §§ 928.52 or 928.53, each handler who handles fresh apricots shall, prior thereto, cause such apricots to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for apricots which previously have been so inspected and certified only if such apricots have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apricots.

(b) The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not avail-

able: *Provided*, That all shipments made under such waiver shall otherwise comply with all regulations in effect.

(c) The committee may enter into an agreement with the Federal or Federal-State Inspection Services, with respect to the costs of the inspection required by paragraph (a) of this section, and shall collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 928.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of apricots as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(d) Each handler shall maintain for at least 2 succeeding years such records of the apricots received, and of apricots disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

Except as provided herein, no person shall handle apricots, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apricots except in conformity with the provisions of this part.

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 928.64.

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of apricots for fresh market: *Provided*, That such majority has produced for fresh market during such period more than 50 percent of the volume of apricots produced for fresh market in the production area; but such termination shall be effective only if announced before the last day of February of the then current fiscal period.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1963, and ending February 1, 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same two-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 928.71 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 62-4399; Filed, May 4, 1962; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1045]

[Docket No. AO-334-A5]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Conway Motor Hotel, Appleton, Wis., beginning at 10:00 a.m., local time, May 16, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the northeastern Wisconsin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Consolidated Badger Cooperative, Pure Milk Products Cooperative and Fairmont Foods Co., Inc.:

Proposal No. 1. Amend § 1045.8 (a) (2) and (b) to read as follows:

(2) Total disposition on routes of fluid milk products labeled Grade A is 40 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 40 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of July through November immediately preceding shall be a pool plant for the months of December through June unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 790 West Foster Street, Appleton, Wis., or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on May 1, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service

[F.R. Doc. 62-4400; Filed, May 4, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Proposed Minimum Piece Rates Payable to Homeworkers

A minimum wage order has recently been published in the FEDERAL REGISTER pursuant to the recommendations of Review Committee 3-A increasing the minimum hourly wage rates payable in the fabric and leather glove industry in Puerto Rico (27 F.R. 3514). Section 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), provides that homeworkers in Puerto Rico be paid at not less than the minimum piece rates prescribed by regulation or order, and that such piece rates are required to be commensurate with, and to be paid in lieu of, the minimum hourly wage rates applicable under section 6 to employees in Puerto Rico.

Now, therefore, pursuant to section 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), notice is hereby given that I propose to amend Schedule C of 29 CFR 545.13 by increasing the minimum piece rates for homeworkers in the fabric and leather glove industry in Puerto Rico, commensurate with the increases in the minimum hourly wage rates for that industry, as set forth below.

Any interested person may file a written statement of data, views, or arguments in regard to this proposal with the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

§ 545.13 Piece rates established in accordance with § 545.9.

* * * * *

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves	Leather gloves [2]		Unit of payment
			Ladies'	Men's	
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			66.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			88.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.365			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.604		Do.
192	Feather stitch, 5 to 6 stitches per inch	.438	.759		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.543	Do.
194	Regular stitch, 5 to 6 stitches per inch	.286	.569	.543	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.186	.389	.389	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine		.389	.389	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.286	.569	.543	Do.
198	Whip stitch, 5 to 6 stitches per inch	.286	.569	.543	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 1st day of May 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4380; Filed, May 4, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46, 47, 52]

[Reg. Docket No. 1186; Draft Release No. 62-22]

ALTIMETER SYSTEM REQUIREMENTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration proposed new altimeter system requirements as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 5, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

The current transport category airworthiness requirements concerning altimeter system accuracy prescribe specific limits for errors at low altitudes and airspeeds associated with instrument approach and landing. The accuracy of the systems up to approximately 10,000 feet and at speeds well below the threshold of compressibility effects has been kept within reasonable limits by the combination of these requirements, the current static pressure source requirements associated with the airspeed indicator, and the instrument accuracy requirements of the applicable technical standard orders.

While altimeter systems complying with these various regulations have been satisfactory in service at lower altitudes, it has been recognized that the accuracy of the systems is adversely affected at higher altitudes and higher speeds. In recognition of the fact that altimeter errors increase with altitude, it was necessary to establish traffic separation above 29,000 feet, at 1,000 feet for mixed VFR and IFR traffic, and 2,000 feet when only IFR traffic is involved. Furthermore, establishment of the base of the continental control area at 14,500 feet, as well as anticipated future refinements envisaged in Project Beacon which would affect operations within controlled airspace, suggest that improvements in altitude indication for operations involving altitudes at least as low as 14,500 feet will be necessary. Therefore, proposals are also being considered which would apply to aircraft operating between 14,500 and 29,000 feet as well as those operating above 29,000 feet.

Higher speeds also reduce the time available for maneuvering to avoid collisions. Although many aircraft may not travel at extremely high speed, low-speed traffic is likely to be intermixed with high-speed traffic under VFR and IFR operations. Therefore, accurate altitude indication is important for all aircraft as one means of avoiding collisions as well as being necessary for terrain clearance.

For the foregoing reasons, the Agency is now considering regulations which would require either improved altimeter system performance, or compliance with an alternate procedure which would provide equivalent safety. The basic requirements for improved altimeter systems among other things would specify performance standards and tolerances for the static pressure system as well as instrument standards for the altimeter. Under the alternate procedure, errors in altitude indication would be identified and applied as corrections to an altitude indicating system that would not, of itself, satisfy the altimeter system performance provisions. For such a procedure to be effective, the errors would have to be identified; they would have to be consistent and repeatable (that is, the error under any particular set of conditions would always have to be very nearly the same); information would have to be presented to the pilot in a form enabling him to make use of it; and the corrections would have to be applied universally. To make the application of this procedure practicable, it is considered that, where necessary and until further calibrations could be accomplished, the static pressure system error determined during type certification and provided in the aircraft handbooks or flight manuals, if available, could be used as a basis for preparing the initial data cards for the use of the operators.

It is recognized that uniformity in the determination of calibration data is desirable and consideration is being given to the development of such a procedure. However, until a standard calibration procedure for the static pressure system becomes available, calibration by any of the accepted methods currently in use would provide data which could be used to achieve satisfactory altimeter system calibrations. Consistency demands that recalibrations, where needed, must be accomplished using the same procedure that was used in the initial calibration.

The requirements applicable to operations at and above 14,500 feet may not be necessary for operations at lower altitudes where errors corresponding with a higher percentage of the altitude are tolerable. However, there is little information now available concerning the actual performance of the altimeter systems of other than transport aircraft operated at lower altitudes. To provide information needed to establish the basic systemworthiness of aircraft of all categories, altimeter system calibration requirements are specified herein for all new type aircraft.

For all aircraft operating in the altitude ranges above 14,500 feet where altitude accuracy becomes more critical, a periodic recheck of altimeter system performance is considered to be necessary, since system accuracy might be adversely affected by such service factors as minor skin deformations. Incident to this program of checking altimeters and altimeter system performance, instrument repair stations will need to have the accuracy of their reference barometric standard used in altimeter instrument calibrations checked at specified intervals.

Flight technical error contributes a significant portion of the total magnitude of unwanted deviations from intended flight altitudes. This error is introduced by the time lag in recognizing changes in altitude indication and applying the necessary flight path corrections. To minimize this source of error, a proposal is included which would require autopilots with height locks for operations above 29,000 feet.

The steps necessary to bring about improvements in system accuracy will involve closely interrelated requirements covering original airworthiness, continued airworthiness, and operations. It is expected that considerable time will be needed to put such improvements into effect. While the proposals contained herein are presented in rather specific language, this is done primarily to provide interested persons with the best possible basis upon which to prepare comments. It is anticipated that on the basis of comments received and after further study of this problem it may be appropriate to prepare a subsequent notice of proposed rule making or undertake other steps affording interested persons an opportunity to present additional pertinent information.

In view of the foregoing, notice is hereby given that the Federal Aviation Agency, in recognition of the problems covered in the foregoing discussion, has under consideration proposed new requirements for altimeter systems which will affect Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46, 47, and 52 of the Civil Air Regulations. The following proposals contain the substance of the requirements now being considered.

1. All aircraft for which a type certificate is issued subsequent to the effective date of this regulation shall have the static pressure system error determined throughout the altitude, speed ranges, and aircraft configurations for which the aircraft is to be certificated. The determination of this error shall be based upon an in-flight calibration of not less than three production aircraft. If these calibrations indicate that there is a difference exceeding ±50 feet between the value of any point determined in the calibration of any one of these aircraft and the corresponding point of the mean calibration curve determined from the performance of the static pressure systems of all of the aircraft of that type calibrated in compliance with this section, a calibration of each production aircraft shall be required.

NOTE: Until a standardized procedure is specified, any calibration methods now used during certification programs which are acceptable to the Administrator may be used in showing compliance with this and other requirements wherein a calibration is necessary.

2. All aircraft certificated for operation at or above 14,500 feet but less than 29,000 feet shall be shown to comply with paragraphs (a) through (d) of this section.

(a) The aircraft shall be equipped with an approved altimeter having an operating range at least equal to the maximum certificated operating altitude of the aircraft. This instrument shall be calibrated throughout the operating altitude range of the aircraft.

(b) An initial altimeter instrument calibration check and static pressure system flight check shall be performed:

(1) Prior to the issuance of an airworthiness certificate in the case of aircraft for which an initial airworthiness certificate is issued subsequent to the effective date of this regulation, or

(2) Prior to a date 1 year after the effective date of this regulation for all other aircraft.

(c) The performance of the altimeter instrument and static pressure system shall be rechecked at intervals of not more than 2 years after the initial check, and whenever any surface damage or deformation occurs or any modification is accomplished such that the performance of the system is likely to be altered.

(d) The flight checks of static pressure system performance required by paragraph (b) and (c) of this section shall include a check of not less than three different points. These points shall include at least the normal landing configuration and the normal cruise configuration and speed. If any of these points differ from the corresponding points of the calibration data established during the aircraft certification program by more than one-fourth percent of the altitude of the point plus 30 feet, recalibration sufficient to establish the magnitude of pressure system error throughout the altitude and operational speed range of the aircraft shall be performed.

(e) Means shall be provided to correct the altitude indications of each required altimeter system if the total error (instrument plus static pressure) exceeds ±100 feet. The correction means shall be either an automatic computer-corrector device or a calibration card. Correction shall be provided, as needed, throughout the normal operating altitude and speed ranges of the aircraft. The correction shall be used in the determination of altitude.

3. All aircraft which are certificated for operations at or above 29,000 feet shall comply with paragraphs (a) through (c) of this section.

(a) Compliance with paragraphs (b), (c), and (d) of section 2 of this regulation shall be required. In addition, compliance with the following shall be required:

(1) Means shall be provided to apply corrections automatically to the indication of each required altimeter if the total error (instrument plus static pressure) exceeds ±100 feet at altitudes below 29,000 feet or ±200 feet at or above 29,000 feet, except that, for aircraft type certificated prior to the effective date of this regulation, it shall be acceptable to use calibration cards in lieu of the automatic device.

(2) If the automatic correction device is utilized, the altitude information presented to the crew shall be within the limits of error specified in subparagraph (1) of this paragraph.

(3) If an automatic correction device is provided, it shall either be designed and installed so that, in the event of a malfunction, it may be bypassed, or an alternate system shall be provided. If necessary to meet the error limits specified in subparagraph (1) of this paragraph, a calibration card for the uncorrected bypass or alternate system shall be provided and shall be used when the automatic correction device is inoperative.

(4) If an automatic correction device is provided, it shall be equipped with a positive means of indicating any reasonably probable malfunction including power failure. Such means shall be effective under all cockpit lighting conditions likely to occur.

(b) The aircraft shall be equipped with an automatic pilot with the capability of holding the aircraft in flight at any selected indicated pressure altitude within ±50 feet. Such aircraft shall not be dispatched unless the altitude hold function is operative.

(c) One altimeter provided for each pilot shall meet the requirements of TSO C10b (effective September 1, 1959). The operating range of these altimeters shall at least equal the maximum certificated operating altitude of the aircraft.

4. If altimeter calibration cards or placards are provided in showing compliance with this regulation, each card or placard shall be located near the instrument requiring the use of the data contained thereon, and shall present the combined instrument and static system errors for at least each 5,000-foot increment up to the maximum operational altitude of the aircraft.

5. The static air pressure system(s) supplying ambient atmospheric pressure to aircraft instruments, which perform measurement and/or control functions, shall be in compliance with paragraphs (a) through (c) of this section.

(a) The piping system shall be so designed and installed that:

(1) The pressure in the system responds to changes in pressure at the static source with a minimum lag;

(2) Positive free drainage of moisture is provided;

(3) The tubing is securely fastened to the aircraft structure; and

(4) The angle and radius of the bends in the tubing shall be such that distortion and restrictions are avoided.

(b) Proof tests of the system, excluding the instruments, shall be conducted to demonstrate the adequacy and integrity of the system with respect to leakage under pneumatic pressure.

(c) For aircraft approved for IFR operations, the ambient atmospheric pressure vent(s) shall be designed or located so that their performance is not adversely affected when the aircraft encounters icing conditions. It shall be acceptable to use anti-icing means in showing compliance with this requirement.

6. Barometers used as standards for altimeter instrument calibrations shall be calibrated against a primary standard at intervals of not more than 1 year. The initial calibration shall be accomplished within 1 year of the effective date of this regulation.

NOTE: A primary standard barometer is a barometer which requires no comparison test with another barometer to determine its errors, and which measures absolute pressure with an accuracy greater than that required of the barometer or instrument to be tested. The TSO for altimeters will prescribe the accuracy requirements applicable to barometers used in altimeter calibration. To provide acceptable accuracy, the primary standard barometer should be maintained in the operating condition necessary to obtain such accuracy, and the techniques employed in its use should be such as to insure that this accuracy is consistently obtained.

This regulation is proposed under the authority of sections 313(a), 601, 603, 604, and 607 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778, 779; 49 U.S.C. 1354, 1421, 1423, 1424, 1427).

Issued in Washington, D.C., on April 27, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-4377; Filed, May 4, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 9–62]

3¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B–1963

Offering of Certificates

APRIL 30, 1962.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of the United States, designated 3¼ percent Treasury Certificates of Indebtedness of Series B–1963, in exchange for any of the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

3 percent Treasury Certificates of Indebtedness of Series A–1962, maturing May 15, 1962;

4 percent Treasury Notes of Series E–1962, maturing May 15, 1962; or

2¼ percent Treasury Bonds of 1959–62, maturing June 15, 1962.

Interest will be adjusted in the case of the 2¼ percent Treasury Bonds of 1959–62 as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on April 30 through May 2, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3⅝ percent Treasury Notes of Series B–1966, or 3⅞ percent Treasury Bonds of 1971, which offerings are set forth in Department Circulars, Public Debt Series—No. 10–62 and No. 11–62, respectively, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated May 15, 1962, and will bear interest from that date at the rate of 3¼ percent per annum, payable semiannually on November 15, 1962, and May 15, 1963. They will mature May 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of certificates allotted hereunder must be made on or before May 15, 1962, or on later allotment, and may be made only in securities of the three issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription.

2. 3 percent certificates of indebtedness of Series A–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 3 percent certificates of indebtedness.

3. 4 percent notes of Series E–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 4 percent notes, in bearer form. In the case of registered notes, the final interest due on May 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

4. 2¼ percent bonds of June 15, 1962: Coupons dated June 15, 1962, must be attached to the 2¼ percent bonds due June 15, 1962, in bearer form when surrendered. Accrued interest from December 15, 1961, to May 15, 1962 ($9.33379 per $1,000) on the bonds of 1959–62 will be paid to subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered securities.* 1. Treasury Notes of Series E–1962 and Treasury Bonds of 1959–62 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B–1963 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The securities must be delivered at the expense and risk of the holder.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–4392; Filed, May 4, 1962; 8:47 a.m.]

[Dept. Circular Public Debt Series—No. 10–62]

3⅝ PERCENT TREASURY NOTES OF SERIES B–1966

Offering of Notes

APRIL 30, 1962.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.80 percent of their face value, from the people of the United States for notes of the United States, designated 3⅝ percent Treasury Notes of Series B–1966, in exchange for any of the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

3 percent Treasury Certificates of Indebtedness of Series A–1962, maturing May 15, 1962;

4 percent Treasury Notes of Series E–1962, maturing May 15, 1962; or

2¼ percent Treasury Bonds of 1959–62, maturing June 15, 1962.

The cash payment due subscribers on account of the issue price of the new notes will be paid as set forth in section IV hereof. Interest will be adjusted in the case of the 2¼ percent Treasury Bonds of 1959–62 as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on April 30 through May 2, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3¼ percent Treasury Certificates of Indebtedness of Series B–1963, or 3⅞ percent Treasury Bonds of 1971, which offerings are set forth in Department Circulars, Public Debt Series—No. 9–62 and No. 11–62, respectively, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated May 15, 1962, and will bear interest from that date at the rate of 3⅝ percent per annum, payable on a semiannual basis on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be alloted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1962, or on later allotment, and may be made only in securities of the three issues enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription.

2. 3 percent certificates of indebtedness of Series A–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 3 percent certificates of indebtedness. The cash payment of $2.00 per $1,000 on account of the issue price of the new notes will be made to subscribers following acceptance of the certificates.

3. 4 percent notes of Series E–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 4 percent notes, in bearer form. The cash payment of $2.00 per $1,000 on account of the issue price of the new notes will be made to subscribers, in the case of bearer notes following acceptance of the maturing notes, and in the case of registered notes following discharge of registration. In the case of registered notes, the final interest due on May 15, 1962, together with the cash payment of $2.00 per $1,000 due subscribers, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

4. 2¼ percent bonds of June 15, 1962: Coupons dated June 15, 1962, must be attached to the 2¼ percent bonds due June 15, 1962, in bearer form when surrendered. Accrued interest from December 15, 1961, to May 15, 1962 ($9,33379 per $1,000) on the bonds of 1959–62 together with the cash payment ($2.00 per $1,000) on account of the issue price of the new notes will be paid to subscribers. The payments will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered securities.* 1. Treasury Notes of Series E–1962 and Treasury Bonds of 1959–62 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Notes of Series B–1966"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Notes of Series B–1966, in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅝ percent Treasury Notes of Series B–1966 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–4393; Filed, May 4, 1962; 8:47 a.m.]

[Dept. Circular; Public Debt Series—No. 11–62]

3⅞ PERCENT TREASURY BONDS OF 1971

Offering of Bonds

APRIL 30, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.50 percent of their face value, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1971, in exchange for any of the following securities:

3 percent Treasury Certificates of Indebtedness of Series A–1962, maturing May 15, 1962;

4 percent Treasury Notes of Series E–1962, maturing May 15, 1962; or

2¼ percent Treasury Bonds of 1959–62, maturing June 15, 1962.

The cash payment due subscribers on account of the issue price of the new bonds will be paid as set forth in section IV hereof. Interest will be adjusted in the case of the 2¼ percent Treasury bonds of 1959–62 as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on April 30 through May

2, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 3¼ percent Treasury Certificates of Indebtedness of Series B–1963, or 3⅝ percent Treasury Notes of Series B–1966, which offerings are set forth in Department Circulars, Public Debt Series—No. 9–62 and No. 10–62, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds will be dated May 15, 1962, and will bear interest from that date at the rate of 3⅞ percent per annum, payable semiannually on November 15, 1962, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before May 15, 1962, or on later allotment, and may be made only in securities of the three issues enumerated in Section I hereof; which will be accepted at par, and should accompany the subscription.

2. 3 percent certificates of indebtedness of Series A–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 3 percent certificates of indebtedness. The cash payment of $5.00 per $1,000 on account of the issue price of the new bonds will be made to subscribers following acceptance of the certificates.

3. 4 percent notes of Series E–1962: Coupons dated May 15, 1962, should be detached and cashed when due by holders of the maturing 4 percent notes, in bearer form. The cash payment of $5.00 per $1,000 on account of the issue price of the new bonds will be made to subscribers, in the case of bearer notes following acceptance of the maturing notes, and in the case of registered notes following discharge of registration. In the case of registered notes, the final interest due on May 15, 1962, together with the cash payment of $5.00 per $1,000 due subscribers, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

4. 2¼ percent bonds of June 15, 1962: Coupons dated June 15, 1962, must be attached to the 2¼ percent bonds due June 15, 1962, in bearer form when surrendered. Accrued interest from December 15, 1961, to May 15, 1962 ($9.33379 per $1,000) on the bonds of 1959–62 together with the cash payment ($5.00 per $1,000) on account of the issue price of the new bonds will be paid to subscribers. The payments will be made in the case of bearer bonds following their acceptance and, in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered securities.* 1. Treasury Notes of Series E–1962 and Treasury Bonds of 1959–62 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1971"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1971 in the name of ----------"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1971 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–4394; Filed, May 4, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–2]

PIQUA, OHIO, POWER DEMONSTRATION REACTOR PROJECT

Notice of Hearing on Provisional Operating Authorization for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 115, 10 CFR, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Rules," and Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on June 7, 1962, in the Auditorium of the Atomic Energy Commission Headquarters at Germantown, Maryland, to consider the issuance of a provisional operating authorization to North American Aviation, Inc., to operate the Piqua nuclear power facility (PNPF) for a period not to exceed one year from the date of issuance thereof, the period requested by the applicant. Authority for any further operation of the PNPF will be subject to a subsequent hearing. The PNPF is an organic cooled and moderated nuclear reactor designed to operate at 45.5 thermal megawatts and is located at the southeastern edge of the City of Piqua on the eastern bank of the Miami River. The application and the record of the prior proceedings in this matter are available for public inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C.

The following issues will be considered at the hearing:

1. Whether the technical information omitted from, and required to complete, the application for a provisional operating authorization has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed in conformity with the construction authorization and the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance (i) that the activities authorized by the provisional operating authorization can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

4. Whether North American Aviation, Inc., is technically qualified to engage in the activities authorized by the provisional operating authorization in accordance with the rules and regulations of the Commission;

5. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety (90) days from the date of issuance of such provisional authorization.

Notice is hereby given that the Final Hazards Report submitted by Atomics International with respect to the operation of the PNPF and the report of the AEC's Advisory Committee on Reactor Safeguards in this matter are available for public inspection at the AEC's Public Document Room. The report of the Division of Licensing and Regulation in this matter will be available approximately twenty (20) days prior to the hearing and a copy thereof may be obtained by a request to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's "Rules of Practice" must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the Atomic Energy Commission's Public Document Room, 1717 H Street N.W., Washington 25, D.C., not later than May 28, 1962 or, in the event of postponement of the hearing date specified above, at such time as the presiding officer may provide.

An answer to this notice, pursuant to § 2.705 of the Commission's "Rules of Practice," shall be filed on or before May 25, 1962, by North American Aviation, Inc.

Papers required to be filed with the Atomic Energy Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person by delivery to the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street N.W., Washington, D.C. Pending further order of the presiding officer, pursuant to § 2.708, parties shall file fifteen (15) conformed copies of each such paper with the Atomic Energy Commission.

The provisions of Subpart G of the Commission's "Rules of Practice," 10 CFR Part 2, shall apply to the same extent as in a proceeding concerning licensing and licenses.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 3d day of May 1962.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 62–4401; Filed, May 4, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–0195854]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1962.

The Corps of Engineers, U.S. Army Engineer District, Omaha, Nebraska, has filed on behalf of the Department of the Air Force an application, serial number Wyoming 0915854, for withdrawal of lands described below from the mineral leasing laws and the general mining laws of the United States.

The Department of the Air Force desires the land for a safety zone around the Nuclear Power Station, Sundance Air Force Station.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 63 W.,
Sec. 19: E½E½E½;
Sec. 20: Lots 1, 2, 4, NE¼, S½NW¼NW¼, SW¼NW¼, W½SW¼;
Sec. 29: Lot 2.

Total area aggregates 494.86 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62–4378; Filed, May 4, 1962; 8:46 a.m.]

Office of the Secretary

PUBLIC LANDS: COLORADO, KANSAS, NEBRASKA, AND WYOMING

Modification of Moratorium on Applications and Petitions

Correction

In F.R. Doc. 62–4226, appearing at page 4211 of the issue for Wednesday, May 2, 1962, the following language in the second paragraph should be deleted: "petitions for classification and".

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 78]

MOBILE HOUSING CARRIERS CONFERENCE

Application for Approval of Agreement

MAY 2, 1962.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed April 26, 1962, by: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H St. NW., Washington 6, D.C.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Mobile Housing Carriers Conference, relating to the joint consideration, initiation, or establishment of rates, rules, regulations, classifications, and practices applicable to the transportation of mobile homes and/or trailers designed to be drawn by passenger automobiles between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–4387; Filed, May 4, 1962; 8:46 a.m.]

[No. 33976]

VARIOUS COMMODITIES—BETWEEN EXPRESS STATIONS IN THE U.S.

Notice of Hearing and Special Procedure To Be Followed

APRIL 23, 1962.

At a prehearing conference conducted on April 17, 1962, pursuant to notice, the following special procedure was agreed upon:

1. On or before June 1, 1962, respondent and any intervenors in support to serve upon all parties and the examiner (two copies) opening statements of testimony (need not be verified) and supporting exhibits and to make the underlying working papers available for inspection at room 6132 in the Offices of the Interstate Commerce Commission, Washington 25, D.C.

2. On or before July 2, 1962, protestants to respond in a similar manner.

3. On or before July 23, 1962, respondent and intervenors in support to serve and make available in a similar manner any rebuttal evidence and working papers.

4. On July 31, 1962, at the Office of the Interstate Commerce Commission, Washington, D.C., at 8:30 a.m., U.S. standard time (9:30 a.m., District of Columbia daylight saving time), hearing will be held which will be confined primarily to cross-examination on the above-specified statements and exhibits.

This constitutes Notice of hearing as required by § 1.55 of the general rules of practice.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4388; Filed, May 4, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4037]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Filing Regarding Issuance and Sale of Common Stock Pursuant to a Rights Offering to Common Stockholders and to Employees

APRIL 30, 1962.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston 16, Mass., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transactions which are summarized as follows:

NEES proposes to issue and sell 872,786 additional shares of its authorized $1 par value common stock pursuant to a rights offering to its common stockholders on the basis of 1 additional share for each 15 shares held on the record date, which will be the effective date of the registration statement with respect to the proposed issuance and sale of the additional common stock. The rights to subscribe are to be evidenced by transferable warrants on the basis of one warrant for each share held. No fractional shares will be issued. A shareholder with one or more warrants but less than the number of warrants entitling him to a full share will be entitled to subscribe for one additional share in lieu of any fraction, for which purpose NEES will issue additional shares, if necessary, in excess of the proposed 872,786 shares.

NEES proposes to offer at the subscription price any shares not subscribed by its stockholders to all full time employees of NEES and its subsidiaries who have had 3 years of continuous service and who have attained the age of 25 years. Eligible employees may subscribe for not less than 20 shares nor more than 300 shares, subject to proration in the event that there are not sufficient shares to satisfy all requests. Up to 90 percent of the total subscription price may be paid through a personal loan from a bank to be arranged by NEES, such loan to be repaid with interest through payroll deductions over not more than an 18 months' period beginning with July 1962, provided that the principal amount of the loans may not exceed 15 percent of the subscribing employee's annual base rate of pay at May 29, 1962.

NEES proposes to invite bids for the unsubscribed shares pursuant to Rule 50 promulgated under the Act at least 6 days before entering into any underwriting agreement. At least 20 hours prior to the time to submit bids, NEES will set the subscription price for the offers to stockholders and to employees, and such subscription price will also be the price for the unsubscribed shares, if any, to the underwriters. NEES will inform qualified bidders of such subscription price which will be not more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 10 percent. NEES shares are currently selling at approximately $26 per share on the New York Stock Exchange.

Prior to the offering NEES may, if it is considered desirable, stabilize the price of its common stock by the purchase of not more than 43,639 shares of its common stock on the New York Stock Exchange, the Boston Stock Exchange, in the open market, or otherwise on the 3 business days preceding and on the day on which bids are opened, up to and until a bid is accepted or all bids are rejected. Under the underwriting agreement any such shares, together with the unsubscribed shares, will be taken up by the underwriters at the subscription price.

The proceeds to be derived by NEES from the proposed sale of the additional shares of common stock will be applied in furtherance of the construction programs of its subsidiaries either through loans or the purchase of additional shares of their capital stocks; any balance is to be used for general corporate purposes of NEES.

The fees and expenses of the proposed issuance and distribution are estimated by NEES at $285,000, including $60,000 for incidental services to be performed at cost by New England Power Service Company, an affiliated service company, $65,000 for service of the transfer agent and Registrar, $70,000 for services of the subscription agents, and the balance for advertising, filing fees, printing, taxes, and miscellaneous items. The fees and expenses of Messrs. Simpson, Thacher and Bartlett, counsel for the underwriters, which are to be supplied by amendment, are to be paid by the successful bidders.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 62-4382; Filed, May 4, 1962; 8:46 a.m.]

[File No. 70-4039]

GEORGIA POWER CO. AND SOUTHERN CO.

Notice of Proposed Issuance and Sale of Common Stock by Subsidiary Company; Acquisition of Subsidiary Companies' Common Stocks by Holding Company; and Issuance of Notes to Banks by Holding Company

APRIL 30, 1962.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and Georgia Power Company ("Georgia"), an electric utility subsidiary company of Southern, 1330 West Peachtree Street, NW., Atlanta 9, Ga., have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Georgia proposes to issue and sell to Southern in June 1962 an aggregate of 60,000 shares of its authorized no par value common stock, and Southern proposes to acquire these shares for a cash consideration of $100 per share or a total consideration of $6,000,000. All of Georgia's presently outstanding common stock is owned by Southern. Georgia intends to use the proceeds from the sale of said 60,000 shares of its common stock for construction.

Southern also proposes to acquire in May 1962 an aggregate of 80,000 shares of the authorized no par value common stock of Alabama Power Company ("Alabama") for a cash consideration of $100 per share or a total consideration of $8,000,000. The issuance and sale of these shares of common stock by Alabama is included in a separate filing which is presently before this Commission. (See File No. 70-4038.) All of Alabama's presently outstanding common stock is owned by Southern.

To provide funds to acquire the common stocks to be issued by Georgia and Alabama, Southern further proposes to issue to a group of thirteen banks, from time to time during 1962, up to an aggregate of $11,000,000 of promissory notes. The company presently contemplates that $6,000,000 will be borrowed on May 28, 1962, and $5,000,000 on June 13, 1962. The notes will be dated in each case as of the date of the borrowing and will mature not more than 2 years after the date of the initial borrowing thereunder and in any event not later than June 1, 1964. They will bear interest from the date thereof at the then current prime credit rate in effect at Morgan Guaranty Trust Company of New York (presently 4½ percent per annum) and are prepayable at any time, in whole or in part, without penalty or premium.

The names of the 13 banks, the maximum amounts to be borrowed from each bank, and the approximate dates of the proposed borrowings are as follows:

Bank	Amount to be borrowed on or about—	
	May 28, 1962	June 13, 1962
Morgan Guaranty Trust Co. of New York, New York, N.Y.	$2,000,000	$500,000
Bankers Trust Co., New York, N.Y.	2,000,000	
The Citizens & Southern National Bank, Atlanta, Ga.		1,000,000
The First National Bank of Atlanta, Atlanta, Ga.	1,000,000	
Chemical Bank New York Trust Co., New York, N.Y.		800,000
First National City Bank, New York, N.Y.		800,000
Trust Company of Georgia, Atlanta, Ga.		600,000
The Chase Manhattan Bank, New York, N.Y.	500,000	
The First National Bank of Birmingham, Birmingham, Ala.		500,000
Irving Trust Co., New York, N.Y.	500,000	
Continental Illinois National Bank and Trust Co. of Chicago, Chicago, Ill.		300,000
The Fulton National Bank of Atlanta, Atlanta, Ga.		300,000
Birmingham Trust National Bank, Birmingham, Ala.		200,000
Totals	6,000,000	5,000,000

Southern presently intends to repay the principal of the proposed notes at or before maturity out of the proceeds of the sale of additional shares of its common stock in 1963 or 1964, which will be subject to a later filing with this Commission.

Southern expects to incur legal expenses in an amount not to exceed $1,500 and miscellaneous expenses estimated at $500 in connection with the proposed transactions. Georgia estimates miscellaneous expenses of not more than $500 and, in addition, will pay for the cost of the documentary tax stamps on its common stock. The issuance and sale of the shares of common stock by Georgia are subject to the jurisdiction of the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the transactions proposed herein.

Notice is further given that any interested person may, not later than May 21, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 62-4383; Filed, May 4, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 27]

U.S. PACIFIC/AUSTRALIA—NEW ZEALAND

Notice of Conclusions and Determinations Regarding the Essentiality and U.S. Flag Service Requirements

Notice is hereby given that on April 27, 1962, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and U.S. flag requirements of U.S. foreign Trade Route No. 27 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 27 as described below is affirmed as an essential foreign trade route of the United States:

Trade Route No. 27—U.S. Pacific/Australia—New Zealand. Between U.S. ports in California, Washington, Oregon, and Hawaiian Islands, and ports in Australia, New Zealand, New Guinea, and South Sea Islands.

2. Requirements for U.S. flag operations on Trade Route No. 27 are between one and two sailings per month with combination (passenger-cargo) ships and approximately one sailing per month with cargo ships.

3. Existing combination (P2-S1-1K) passenger-cargo ships are suitable for operation on Trade Route No. 27. Existing C-3-type freight ships are suitable for operation on the route, pending replacement due to age.

4. Replacement freighters should be superior in speed and carrying capacity to the present C-3-type ships and should have adequate refrigerated capacity for the needs of the service on the route.

Dated: April 27, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 62-4372; Filed, May 4, 1962; 8:46 a.m.]

Office of the Secretary

ROBERT deS. COUCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: None.

B. Additions: Union Pump, Smith, Kline & French, Miles Laboratories, Jackson Minit Markets, and The Gillette Co.

This statement is made as of April 20, 1962.

ROBERT deS. COUCH.

APRIL 21, 1962.

[F.R. Doc. 62-4391; Filed, May 4, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524

(24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 4 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Albany Manufacturing Co., Albany, Ky.; effective 4–14–62 to 4–13–63 (boys' shirts and girls' blouses).

Blackwelder Manufacturing Co., Yadkinville Road, Mocksville, N.C.; effective 4–21–62 to 4–20–63 (men's sport shirts).

Blue Bell, Inc., Columbia City, Ind.; effective 5–1–62 to 4–30–63 (men's and boys' dungarees).

Burlington Manufacturing Co.; 111 West Third Street, Chanute, Kans.; effective 4–11–62 to 4–10–63 (men's overalls, jackets and masteralls).

Burlington Manufacturing Co., Concordia, Mo.; effective 4–20–62 to 4–19–63 (pants, shirts, and jackets).

Cal-Crest Outerwear, Inc., 1500 North Grace Street, Murphysboro, Ill.; effective 4–12–62 to 4–11–63 (men's and boys' cloth windbreakers, jackets, and parkas).

Carolina Blouse Co., Laurens Road, Greenville, S.C.; effective 4–13–62 to 4–12–63 (women's blouses).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; effective 4–25–62 to 4–24–63 (children's boxer shorts and longies).

Dickson Manufacturing Co., Plant No. 2, Dickson, Tenn.; effective 4–21–62 to 4–20–63 (men's work jackets and shirts).

Ecru Manufacturing Co., Ecru, Miss.; effective 5–1–62 to 4–30–63 (men's cotton work shirts).

Ely & Walker Manufacturing Co., Ilimo, Mo.; effective 4–30–62 to 4–29–63 (men's and boys' dungarees, overalls, and jeans).

Formflex Foundations, Inc., 2 John Street, Haledon, N.J.; effective 4–10–62 to 4–9–63 (girdles).

McEwen Manufacturing Co., McEwen, Tenn.; effective 4–22–62 to 4–21–63 (overalls, playsuits, and dungarees).

The Newton Co., Newton, Miss.; effective 5–1–62 to 4–30–63 (men's and ladies' slacks).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 4–13–62 to 4–12–63 (men's cotton work pants and boys' cotton pants).

Salem Sportswear Co., Salem, Mo.; effective 4–13–62 to 4–12–63 (men's and boys' jackets).

Sandye Shirt Corp., Portland, Tenn.; effective 4–20–62 to 4–19–63 (men's and boys' sport shirts and pajamas).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; effective 4–25–62 to 4–24–63 (children's sport shirts).

Tompkinsville Garment Co., Tompkinsville, Ky.; effective 4–25–62 to 4–24–63 (men's woven cotton trousers and dungarees).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Ridge Sportswear, Fifth and Franklin Streets, Palmerton, Pa.; effective 4–11–62 to 4–10–63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses and slacks).

Brandon Shirt Co., Inc., Jasper Street, Brandon, Miss.; effective 4–10–62 to 4–9–63; 10 learners (men's and boys' sport shirts).

Brooks Seas Manufacturing Co., 151–153 Park Avenue, Wilkes Barre, Pa.; effective 4–11–62 to 4–10–63; 10 learners (children's dresses and blouses).

Bur-Mac Corp., 364 North Thomas Street, Athens, Ga.; effective 4–20–62 to 4–19–63; 10 learners (men's sport slacks and shorts).

Hampton Apparel Co., 809 East Elm Street, Hampton, S.C.; effective 4–12–62 to 4–11–63; 10 learners (ladies' dresses).

Heflin Chenille Manufacturing Corp., Heflin, Ala.; effective 4–20–62 to 4–19–63; 10 learners (chenille and printed housecoats).

Hy-Grade Pants Co., 403 South Main Street, Taylor, Pa.; effective 4–11–62 to 4–10–63; 10 learners (men's trousers).

North State Garment Co., Inc., Farmville, N.C.; effective 4–13–62 to 4–12–63; 10 learners (children's and boys' pants).

Planet Shirt Manufacturing Co., 449 Chapel Street, New Haven, Conn.; effective 4–16–62 to 4–15–63; eight learners (men's sport shirts and ladies' blouses).

Washco Manufacturing Co.; Millry, Ala.; effective 4–10–62 to 4–9–63; 10 learners (boy's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Gem Manufacturing Co., Stoneville, N.C.; effective 4–12–62 to 10–11–62; 25 learners (boys' and misses' dungarees).

Blue Ridge Manufacturers, Inc., Petersburg, Va.; effective 4–11–62 to 10–10–62; 30 learners (men's twill pants and women's twill and denim pants).

Columbia Manufacturing Co., Park Place Station, Henry St., Greenville, S.C.; effective 4–11–62 to 10–10–62; 50 learners (men's and boys' pajamas).

Petersburg Manufacturing Corp., Petersburg, W. Va.; effective 4–16–62 to 10–15–62; 50 learners (children's sportswear).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 4–16–62 to 10–15–62; 60 learners (men's and boys' single pants).

I. Taitel and Son, Drew, Miss.; effective 4–12–62 to 10–11–62; 15 learners (men's and boys' work jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Cardinal Glove Co., Inc., 158 Summit Street, Newark, N.J.; effective 4–11–62 to 4–10–63; 10 learners for normal labor turnover purposes (cotton work gloves).

Newton Glove, Inc., Newton, N.C.; effective 4–21–62 to 4–20–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton and leather work gloves).

Seattle Glove Co., 519 12th Avenue South, Seattle, Wash.; effective 4–21–62 to 4–20–63; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Kayser-Roth Hosiery Co., Inc., Concord Division, Concord, N.C.; effective 4–11–62 to 10–10–62; 40 learners for plant expansion purposes (seamless).

Lenoir Hosiery Mills, Inc., Lenoir, N.C.; effective 4–17–62 to 4–16–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned; seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Huntley Knitting Mills, Inc., York, S.C.; effective 4–11–62 to 10–10–62; 40 learners for plant expansion purposes (men's and ladies' sweaters).

Russell Manufacturing Corp., Lebanon, Va.; effective 4–10–62 to 4–9–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' underwear, whole and half slips).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Sparta Pipes, Inc., Sparta, N.C.; effective 4–11–62 to 10–10–62; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the single occupations of basic hand and machine production operation for a learning period of 240 hours at the rate of $1.00 an hour (smoking pipes).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of April 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-4381; Filed, May 4, 1962; 8:46 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3472

UNITED STATES DEPARTMENT OF LABOR FIFTIETH ANNIVERSARY YEAR

By the President of the United States of America
A Proclamation

WHEREAS March 4, 1963, marks the fiftieth anniversary of the establishment of the United States Department of Labor, "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment"; and

WHEREAS the success of our economy and the well-being of our Nation are dependent upon the skills, energies, talents, and security of the individual American wage earner; and

WHEREAS the Department has striven faithfully over the years to shape sound policies for meeting the Nation's manpower needs and for developing and utilizing the potentials of all our labor force in productive and satisfying employment; and

WHEREAS the Department has judiciously used the instruments of law and custom to safeguard individual workers' rights, to protect and improve the Nation's labor standards, to provide free and equal opportunity for all Americans, and to fight the economic hazards of industrial life; and

WHEREAS the Department, as a guardian of the public interest, has proven its dedication to sound labor-management relations, has clearly recognized its responsibility to assist the business and industrial community to achieve economic growth and stability, and has, for a half a century, kept the Nation abreast of vital changes in our dynamic economy; and

WHEREAS the Department has accepted a crucial and responsible role in cultivating understanding among labor organizations throughout the world and in fostering free labor institutions in other nations:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the year 1963 as United States Department of Labor Fiftieth Anniversary Year, and I hereby establish a committee to be known as the President's Committee for the Department of Labor Fiftieth Anniversary Year. The Committee shall be composed of the following:

1. The President of the United States as Honorary Chairman;

2. The Vice President of the United States and the Speaker of the House of Representatives as Honorary Vice Chairmen;

3. The Secretary of Labor, all living former Secretaries of Labor, and the President of the AFL–CIO, as Co-Chairmen;

4. Other representatives of labor, management, and government, and other distinguished persons in public life who shall be appointed, on my behalf, by the Secretary of Labor; and

5. Members of the Senate and Members of the House of Representatives who shall be invited to serve, on my behalf, by the Secretary of Labor after consultation with the President of the Senate or the Speaker of the House of Representatives, as may be appropriate.

Persons appointed or invited to serve by the Secretary of Labor, acting on my behalf, may be designated as additional Honorary Vice Chairmen by the Secretary of Labor.

The Committee shall take the lead in planning and carrying out appropriate activities for the celebration of the Department of Labor Fiftieth Anniversary Year, and I request appropriate State labor offices, labor, management, and other interested groups to join with the Committee to the end that such activities may serve as an occasion to commemorate the contributions of the Department of Labor of the United States to the welfare of our workers and their families and to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of May in the year of our Lord nineteen hundred and sixty-two, and of
[SEAL] the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4498; Filed, May 7, 1962; 10:20 a.m.]

Rules and Regulations

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 92 (Rev.) 6th Amdt.]

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

Participation Certificates of the Export-Import Bank of Washington; Correction

In paragraph (m) added to § 203.7 of Part 203, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 92, Revised, 14 F.R. 7058, November 23, 1949, as amended), published in the FEDERAL REGISTER of April 18, 1962, at page 3656, the phrase "which evidence a participation in the Eximbank Portfolio Fund" was inadvertently omitted. Paragraph (m) should read as follows:

(m) *Participation Certificates of the Export-Import Bank of Washington.* Participation Certificates issued by the Export-Import Bank of Washington which evidence a participation in the Eximbank Portfolio Fund at face value (principal amount less payments made thereon).

(Sec. 8, 40 Stat. 291, as amended; 31 U.S.C. 771)

Dated: May 3, 1962.

[SEAL] J. DEWEY DAANE,
Acting Fiscal Assistant Secretary.

[F.R. Doc. 62-4422; Filed, May 7, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-352]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders

MAY 3, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1962.

The Board, by publication of a notice of proposed rule making in 26 F.R. 4211 and by issuance of Economic Draft Release, EDR-28, dated May 11, 1961, Docket 12412, proposed new rules with respect to the preparation of airwaybills and manifests by air freight forwarders engaged indirectly in the interstate transportation of property.

In response to the notice, comments were received from air freight forwarders, shippers, a trade association, and other interested persons. The majority of the comments were in favor of the proposal. One forwarder commented favorably on the proposal, but stated that it conducted a specialized type of operation which precluded technical compliance with the proposed rule. One forwarder opposed the proposal for the reason that it was borrowed from procedures used in air express operations which are not used, and are unnecessarily costly in regular air freight operations. A shipper in its comments suggested that the Board adopt a rule which would standardize the format of all airwaybills.

The Board has reviewed all of the comments and concludes that it should finalize the rule as proposed in the notice, except that § 296.70(a)(2)(x), the transportation tax provision, has been deleted as unnecessary, and minor editorial changes have been made in the note following subparagraph (5) of § 296.70 (b).

The Board is aware that certain forwarders provide a specialized service requiring specialized documentation which may not fully comply with § 296.70. In addition, the Board recognizes that forwarders may develop new and improved methods of documentation which may not fully comply with this section. In such cases forwarders may request an exception from § 296.70. A note to this effect has been included at the end of § 296.70(b)(5). The Board as a matter of policy will grant such exceptions provided that the proposed method of documentation does not (1) mislead or confuse the shipping public, or (2) hamper the Board in carrying out its investigative and policing function.

The contention that the contents of the proposal were taken from practices in air express operations rather than regular air freight operations is erroneous. The proposal was largely patterned after the documentation rule presently applicable to international air freight forwarders, which has been in force for a number of years.

A shipper suggested that the Board adopt rules which would standardize the format of all airwaybills. It was the view of this shipper that such standardization would reduce many of the problems experienced by the shipper in the administrative processing of airwaybills. This suggestion may have merit and the Board intends to make a more comprehensive study of the matter. However, pending such study, the Board is of the opinion that the subject proposal should be finalized.

Interested persons have been afforded an opportunity to participate in the formulation of this rule, and due consideration has been given to all relevant matter presented. In consideration of the foregoing, the Civil Aeronautics Board hereby revises Subpart H of Part 296 of the Economic Regulations, 14 CFR Part 296, effective June 6, 1962, as follows:

Subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders

Sec.
296.70 Preparation of airwaybills and manifests.
296.71 Record-retention requirements.
296.72 Reporting requirements.

AUTHORITY: §§ 296.70 to 296.72 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sections 407 and 101(3) of the Act, 72 Stat. 766, 737; 49 U.S.C. 1377, 1301.

Subpart H—Preparation and Retention of Records and Reporting Requirements: Air Freight Forwarders

§ 296.70 Preparation of airwaybills and manifests.

(a) Each holder of an operating authorization as an air freight forwarder shall prepare an accurate airwaybill for each shipment consigned for transportation to a direct air carrier by such holder in the capacity of an air freight forwarder and a copy thereof shall be supplied to the consignor and to the consignee of each such shipment. Each such airwaybill shall contain:

(1) The following information:
(i) Name and address of consignor, consignee, and air freight forwarder.
(ii) A limitation of liability statement.
(iii) Number of packages in shipment.
(iv) Total weight (both actual and dimensional, where applicable).
(v) Description of commodities.
(vi) Point of origin and destination of shipment.
(vii) Declared value of shipment.
(viii) Date of airwaybill preparation.
(ix) Name of employee or agent preparing airwaybill.

(2) The following charges, when applicable:
(i) Commodity rate applied.
(ii) Total weight-rate charge.
(iii) Pick-up and/or delivery.
(iv) Excess valuation.
(v) Charges advanced.
(vi) Assembly or distribution.
(vii) Other accessorial charges (specify).
(viii) Insurance (liability).
(ix) C.O.D. fee.

(x) Total charges and an indication as to whether charges are prepaid or collect.

(b) Each holder of an operating authorization as an air freight forwarder shall prepare an accurate manifest showing every individual shipment included in each consolidated shipment consigned for transportation to a direct air carrier by such holder. There shall be set forth in each such manifest the following information:

(1) The number of the air freight forwarder's individual airwaybill for each individual shipment within a consolidated shipment.

(2) Name of the direct air carrier transporting the shipment and the number of the direct air carrier's airwaybill under which the shipment is transported.

(3) Date of shipment.

(4) Weight of each individual shipment and the total weight of consolidated shipment.

(5) When a consolidated shipment consists of a combination of shipments to be transported to points in the United States and foreign points outside thereof, a clear statement that shipments with a foreign destination are included in the consolidated shipment.

NOTE: Where a forwarder desires to conduct an operation which entails the use of documentation different from that required herein, it is the responsibility of such forwarder to secure from the Board in advance, permission to deviate from the requirements of this section.

§ 296.71 Record-retention requirements.

Each holder of an operating authorization as an air freight forwarder shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

§ 296.72 Reporting requirements.

Each holder of an operating authorization as an air freight forwarder shall comply with the applicable reporting provisions of Part 244 of this subchapter, as amended.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-4431; Filed, May 7, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1014; Amdt. 88]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Subpart D—Designated Mountainous Areas

In a notice of proposed rule making contained in Draft Release No. 61-28 and published in the FEDERAL REGISTER January 3, 1962 (27 F.R. 14) the Agency gave notice that it has under consideration an amendment to §§ 610.3 and 610.8 of the regulations of the Administrator.

Under Part 610, certain areas of the United States have been designated by the Administrator as mountainous areas. In these areas, it is necessary to establish, with appropriate exceptions, minimum IFR altitudes of 2,000 feet above the highest obstacles on the airway or off-airway route because of the accompanying weather phenomena, pressure differentials, and disturbed air flow attending the passage of strong winds over the mountains. Since these conditions exist in the mountainous areas of the Aleutian Group of the State of Alaska and the State of Hawaii, it was deemed advisable to designate these areas as mountainous areas. Consideration was also given to including the Commonwealth of Puerto Rico as a designated mountainous area. Accordingly, the Agency proposed (1) deletion of § 610.8 (c) (2) (v) which excepts the Aleutian Group from that portion of Alaska presently designated as mountainous area, (2) including the State of Hawaii and the Commonwealth of Puerto Rico as designated mountainous areas and (3) excepting from the designated mountainous area of Alaska a small coastal area in Northern Alaska where mountainous terrain does not exist.

The proposal also contained an exception to the criteria used in the establishment of minimum en route altitudes to permit the designation of specific routes at altitudes less than 2,000 feet for the mountainous areas in Puerto Rico and Hawaii.

In response to the notice, the Agency has received comments generally in favor of the proposal. Objections were received regarding the designation of Puerto Rico and Hawaii as mountainous area. The objection to Puerto Rico was that the routes in the Puerto Rico area were primarily over water and the terrain was not sufficiently mountainous to justify the raising of the MEA as would be necessary if the new criteria were applied. Consideration was given to this objection and the Puerto Rico area was revised by designating only the interior portion of Puerto Rico as mountainous area. This change and the exception which will permit designation of specific routes at altitudes less than 2,000 feet will provide a degree of flexibility commensurate with prescribed standards for the type of terrain.

The objection to designation of the State of Hawaii as mountainous area was that such designation would result in unreasonably high MEAs due to the unusual airways route structure in the area and the short route segments with airports at near sea level which would extend flight time for climb and letdown. Consideration has been given to these comments and the exception has been revised to permit designation of altitudes on specific routes providing only 1,200 feet obstruction clearance. Thus each route would be subject to evaluation of all factors prior to designation of altitudes less than 2,000 feet and the lower altitudes would be authorized commensurate with safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated by the Administrator (24 F.R. 5662), Part 610 of the regulations of the Administrator (14 CFR 610) is amended as follows to become effective June 7, 1962:

1. By amending the introductory paragraph of § 610.3(b) (2) (i) to read as follows:

(i) *Exceptions.* Altitudes may be established providing only 1,200 feet obstruction clearance in the designated mountainous areas of the Eastern United States, the Commonwealth of Puerto Rico and the State of Hawaii and 1,600 feet obstruction clearance in the designated mountainous areas of the Western United States and the State of Alaska: *Provided,* That consideration will be given to the following items before altitudes providing less than 2,000 feet obstruction clearance in these areas are established:

2. By amending § 610.8(c) (2) (v) to read as follows:

(v) Beginning at a point where latitude 69°30′ intersects the northwest coast of Alaska and eastward along the 69°30′ parallel to the 150° Meridian; thence northward along the 150° Meridian to 69°50′ north latitude; thence eastward along the 69°50′ parallel to a point where 69°50′ intersects the northeast coastline of Alaska; thence westward along the northern coastline of Alaska to the intersection of latitude 69°30′, point of beginning.

3. By substituting the accompanying map of designated mountainous area, Alaska, for the present map of designated mountainous terrain, Alaska, and adding the accompanying maps of designated mountainous area, Hawaii and Puerto Rico, following § 610.8.

4. By amending § 610.8 by adding new paragraphs (d) and (e) to read as follows:

(d) *Hawaii.*[11] The following islands of the State of Hawaii: Kauai, Oahu, Molokai, Lanai, Kehoolawe, Maui, and Hawaii.

(e) *Puerto Rico.*[12] The area bounded by the following coordinates:

Beginning at latitude 18°22′ N., longitude 66°58 W.; thence to latitude 18°19′ N., longitude 66°06′ W.; thence to latitude 18°20′ N., longitude 65°50′ W.; thence to latitude 18°20′ N., longitude 65°42′ W.; thence to latitude 18°03′ N., longitude 65°52′ W.; thence to latitude 18°02′ N., longitude 65°-51′ W.; thence to latitude 17°59′ N., longitude 65°55′ W.; thence to latitude 18°05′ N., longitude 65°57′ W.; thence to latitude 18°-11′ N., longitude 67°07′ W.; thence to latitude 18°22′ N., longitude 66°58′ W.; the point of beginning.

(Secs. 307(c), 313(a), 601; 72 Stat. 749, 752, 775; 49 U.S.C. 1348, 1354, 1421)

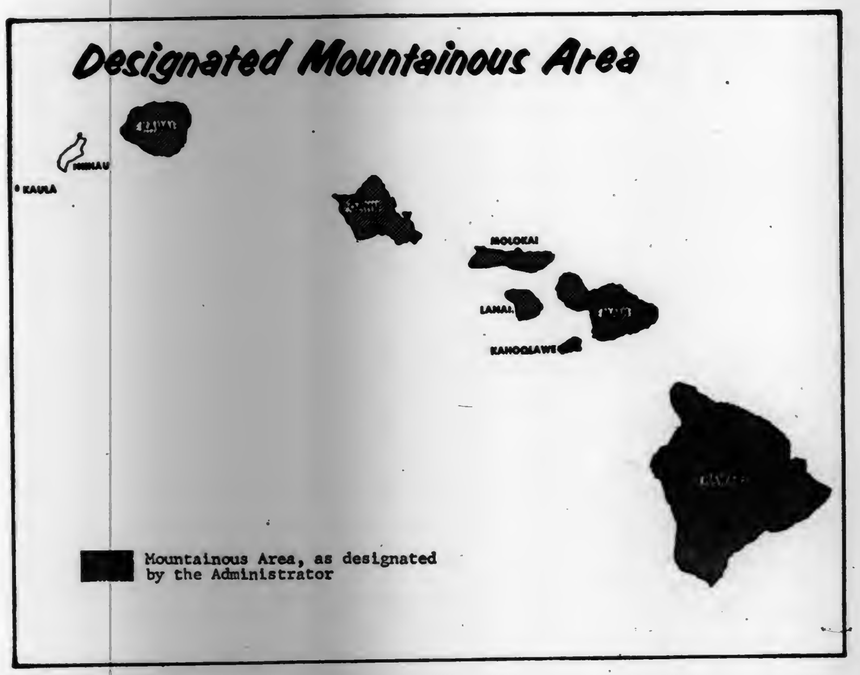
Issued in Washington, D.C., on May 1, 1962.

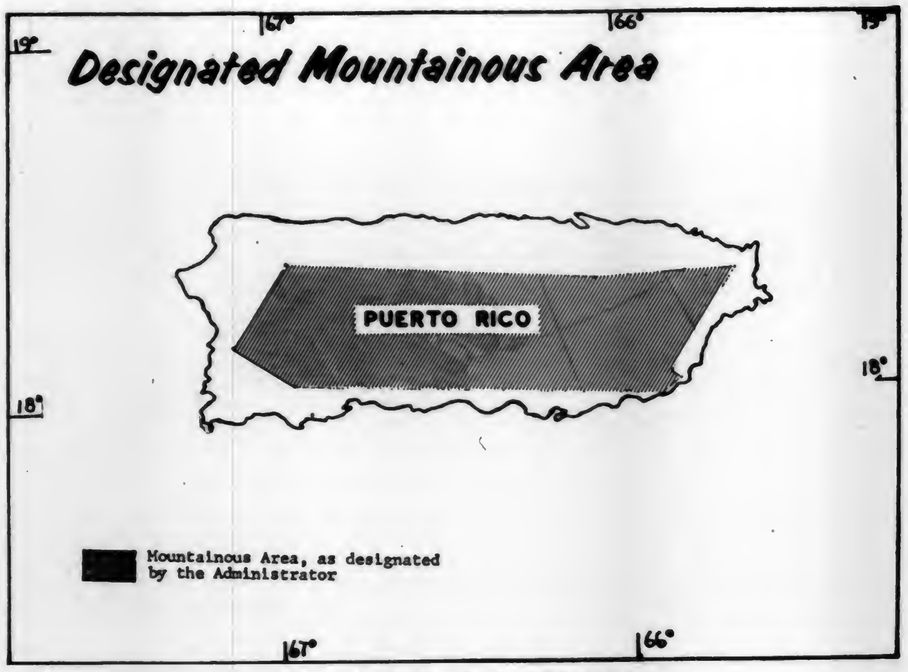
GEORGE C. PRILL, *Director, Flight Standards Service.*

[11] See map of mountainous area, Hawaii.

[12] See map of mountainous area, Puerto Rico.







[F.R. Doc. 62-4385; Filed, May 7, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 577, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BARBERRY, MAHOBERBERIS AND MAHONIA PLANTS

Pursuant to § 301.38–5 of the regulations supplemental to the black stem rust quarantine (7 CFR 301.38–5), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.38–5a are hereby revised to read as follows:

§ 301.38–5a Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.

(a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

SCIENTIFIC NAME
Berberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dasystachya.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird".
B. thunbergi atropurpurea "Zebra".
B. thunbergi aurea.
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "thornless".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. japonica.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. piperiana.
M. pumila.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.38–5)

These instructions shall become effective on May 8, 1962, when they shall supersede P.P.C. 577, fifth revision, effective July 15, 1959 (7 CFR 301.38–5a).

The purpose of this revision is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following five additional species and varieties: Berberis dasystachya, B. thunbergi atropurpurea "Zebra", Mahonia japonica, M. piperiana, and M. pumila.

The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties.

The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure concerning this revision are impracticable, and since it relieves restrictions it may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of May 1962.

E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62-4441; Filed, May 7, 1962; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 18, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.318 (Lemon Regulation 18, 27 F.R. 4046) are hereby amended to read as follows:

(ii) District 2: 390,600 cartons;

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4419; Filed, May 7, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 39]

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

Order Amending Order; Correction

In the order amending the Milwaukee, Wisconsin, milk order issued April 20, 1962, and published in the FEDERAL REGISTER on April 26, 1962 (27 F.R. 3974), the following correction is made: The first reference in § 1039.62(h) to "paragraph (a)" should read "paragraph (g)".

Signed at Washington, D.C., on May 3, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4446; Filed, May 7, 1962; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Power Commission

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.325 is amended as set out below.

§ 6.325 Federal Power Commission.

(a) Two Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary and one Confidential Assistant to each Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4426; Filed, May 7, 1962; 8:49 a.m.]

Chapter II—Employment and Compensation in the Canal Zone

PART 204—COMPENSATION AND ALLOWANCES

General Pay Adjustments

Effective upon publication in the FEDERAL REGISTER, § 204.14 is amended to read as follows:

§ 204.14 General pay adjustments.

For positions for which the basic rate of compensation has been established in relation to rates for the same or similar work in the continental United States, rates of pay shall be adjusted by heads of departments with reference to changes in the corresponding rates in the United States. For all other positions, rates of pay shall be adjusted under administrative policies jointly determined by the heads of departments concerned.

ELVIS J. STAHR, JR.,
Secretary of the Army.

[F.R. Doc. 62-4415; Filed, May 7, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55610]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Entry and Sampling of Ores and Crude Metals Not for Smelting in Bond

The purpose of the extra copy of the entry for ores and crude metals required to be filed by § 8.46(a) of the Customs Regulations was to provide a document upon which collectors of customs could

report changes in entered quantities and value to the Bureau of the Census which would reflect the results of the analysis of the samples of the imported merchandise. Under the examiner verification program which went into effect on January 1, 1962, this extra copy is no longer required. Therefore, § 8.46(a), is amended to read as follows:

§ 8.46 Entry and sampling of ores and crude metals not for smelting in bond.

(a) When ores or crude metals are entered for consumption or warehousing at the port of first arrival, they shall be sampled for assay and moisture purposes in accordance with commercial methods under the supervision of customs officers, as provided for in § 8.48. They shall be transported under bond to the place of sampling if proper sampling facilities are not available at the port of entry.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

Approved: April 27, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-4421; Filed, May 7, 1962; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1016—PROCUREMENT FORMS

Subpart A—Forms for Advertised Supply Contracts

§ 1016.150 [Deletion]

Delete § 1016.150.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart B—Forms for Negotiated Procurement

Delete Subpart B and insert the following:

CROSS REFERENCE: See Subpart B, Part 16, Subchapter A, Chapter I of this title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314; 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart C is revised to read as follows:

Subpart C—Purchase and Delivery Order Forms

Sec.
1016.300 Scope of subpart.
1016.301 Receipt for cash-subvoucher (Standard Form 1165).
1016.302 Purchase Order — Invoice — Voucher (Standard Form 44).
1016.303 Order for supplies or services. (DD Forms 1155, 1155r, 1155c, 1155c–1 and 1155s).
1016.303–1 General.
1016.303–2 Conditions for use.
1016.303–51 Payment and discount provisions.
1016.304 Blanket purchase order.

AUTHORITY: §§ 1016.300 to 1016.304 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1016.300 Scope of subpart.

See § 16.300 of this title.

§ 1016.301 Receipt for cash-subvoucher (Standard Form 1165).

AF procurement activities will use AF Form 385, "Cash Purchase Receipt," and AF Form 763, "Interim Receipt for Cash," in lieu of Standard Form 1165. See § 1003.604 of this chapter.

§ 1016.302 Purchase Order—Invoice—Voucher (Standard Form 44).

See § 3.605 of this title and 1003.605 of this chapter.

§ 1016.303 Order for Supplies or Services. (DD Form 1155, 1155r, 1155c, 1155c–1 and 1155s).

§ 1016.303–1 General.

See § 16.303–1 of this title.

§ 1016.303–2 Conditions for use.

(a) *General.* See § 16.303–2(a) of this title.

(b) *Use as a purchase order of not more than $2,500.* Section 16.303–2(b)(2) of this title will be interpreted as prohibiting the addition of any clause covering the subject matter of any ASPR clause, except as authorized therein, and the following:

(1) When effecting purchases outside the United States, its possessions, and Puerto Rico, DD Form 1155 will be amended according to Subpart PP, Part 1007 of this chapter.

(2) When required, a provision substantially as follows will be inserted on the schedule portion: "A variation in quantity not to exceed ____ percent is authorized subject to the conditions of General Provisions No. 2 on the reverse hereof."

(3) When the DD Form 1155 is used in procurements of food products, the following clause will be added when applicable. (See § 16.303 of this title.)

PREFERENCE FOR DOMESTIC FOOD PRODUCTS (AUG. 1958)

The Contractor agrees that there will be delivered under this contract only such articles of food as have been grown or produced in the United States, its possessions, or Puerto Rico; provided this clause shall have no effect to the extent that the Secretary has determined as to any such articles that a satisfactory quality and sufficient quantity cannot be procured as and when needed at United States market prices; provided further that nothing herein shall preclude the delivery of foods under this contract which have been manufactured or processed in the United States, its possessions, or Puerto Rico.

(4) The delivery schedule will be stated in terms of specific dates on or before which delivery will be made (e.g., Item 1 is to be delivered on or before November 1, 1960). These specific dates will make allowances for the approximate number of days required for distribution and the time required for receipt by the contractor of DD Form 1155.

(5) When DD Form 1155 is used for central procurement of supplies the appropriate clause in § 1007.4014 of this chapter, "Certificate of Conformance," will be added.

(6) When DD Form 1155 is used in central procurements the clause in § 7.105–7 of this title, "Material Inspection and Receiving Report," will be added.

(c) *Use of DD Form 1155s.* See § 16.303–2(c) of this title.

(d) *Use as a delivery order.* See § 16.303–2(d) of this title.

(e) *DD Form 1155c (Continuation Sheet).* When Standard Form 36, "Continuation Sheet (Supply Contract)," is used in lieu of DD Form 1155c a column designated "Quantity Accepted" will be added to the Standard Form 36, to permit the completion of the Inspection and Acceptance Certificate on the face of DD Form 1155.

(f) *Use in the purchase of commissary resale items.* When the DD Form 1155 is used to purchase commissary resale items, sufficient space will be allowed in the "Supplies or Services" column between the descriptions of the items and the "Quantity (No. Units)" column to permit the commissary officer to manually insert the unit and total selling prices of each item.

§ 1016.303–51 Payment and discount provisions.

Under the Payments Clause on the reverse of DD Form 1155, payments for partial deliveries accepted by the Government may be made when the amount due on such deliveries warrants payment. To reduce administrative costs in preparing separate payment vouchers and checks, the following procedures may be followed:

(a) When only one delivery is contemplated, the purchase order may specify that only one payment will be made and that the discount period, if any, will commence upon receipt of complete delivery or invoice, whichever is later.

(b) Where multiple deliveries are contemplated, the purchase order may specify that payment will be made and that the discount period will commence after final delivery or receipt of invoices on the entire order, whichever is later.

(c) If contractors are reluctant to wait until final delivery, and it is considered more practicable to pay upon the accumulation of several partial deliveries rather than on each delivery or on final delivery, the purchase order may provide for a partial payment when invoices for deliveries received equal or exceed a specific dollar amount or percentage of the total amount. For example, when invoices for accepted partial deliveries exceed either $1,000 or 50 percent of the total amount of the order. The purchase order may further provide that in such instances the discount period will commence upon receipt of both the specified amount of deliveries and the invoice covering the deliveries.

§ 1016.304 Blanket purchase order.

See § 1003.606 of this chapter.

Subpart D—Construction Contract Forms

§§ 1016.450—1016.451–3 [Deletion]

Sections 1016.450 through 1016.451–3 are deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart E—Special Contract and Order Forms

1. Revise §§ 1016.501–50 through 1016.502 as follows:

§ 1016.501–50 Formats.

The format of Utility Service Contract (Long Form) is set forth in Subpart KK, Part 1007 of this chapter. DD Form 671, "Negotiated Utilities Service Contract," is available through normal publications distribution channels. Utility Service Contract (Long Form) is not available and local reproduction is authorized.

§ 1016.501–51 Procurement outside the United States, its possessions and Puerto Rico.

When effectuating procurements outside the United States, its possessions and Puerto Rico, DD Form 671 and Utility Service Contract (Long Form) will be amended according to Subparts KK and PP, Part 1007 of this chapter.

§ 1016.502 Negotiated Contract Form for Stevedoring Services (DD Form 674).

2. Add § 1016.502–1 as follows:

§ 1016.502–1 General.

When DD Form 674 is used, Clause 11, Liability and Insurance, will be amended by inserting the following under Clause 23, Alterations in Contract:

Subparagraph a of Clause 11—Liability and Insurance, is hereby deleted and the following substituted therefor.

a. The Contractor

(1) shall be liable to the Government for loss of or damage to property, real and personal, owned by the Government or for which the Government is liable; and

(2) shall be responsible for and hold the Government harmless from loss or damage to property not included in (1) above; and

(3) shall be responsible for and hold the Government harmless from bodily injury and death of persons,

occasioned either in whole or in part by the negligence or the fault of the Contractor, its officers, agents or employees in the performance of work under this contract. For the purpose of this Clause, all cargo loaded or unloaded under this contract is agreed to be property owned by the Government or property for which the Government is liable. The amount of the loss or damage as determined by the Contracting Officer will be withheld from payments otherwise due the Contractor until the actual loss or damage is ascertained, at which time the Contractor shall be paid the difference, if any, between the amount withheld and the amount of the actual loss or damage sustained by the Government. Determinations of liability and responsibility by the Contracting Officer will constitute questions of fact within the meaning of the Clause of this contract entitled "Disputes." The general liability and responsibility of the Contractor under this Clause are subject only to the following specific limitations.

3. Revise § 1016.503 and add § 1016.504–50 as follows:

§ 1016.503 Master Contract for Repairs and Alteration of Vessels (DD–ASPR Form 731 and DD Form 731–1).

ASPR Form No. 1, July 1, 1961 will be used until stocks have been exhausted by changing the form designation to read "DD–ASPR Form 731, July 15, 1961, supersedes DD Form 731, Jan. 1, 1959, and ASPR Form No. 1, July 1, 1961."

§ 1016.504–50 Miscellaneous forms used in the procedure required to advertise in newspapers.

AFPI Form 25, "Request for Authority to Advertise." See § 1001.1005 of this chapter.

§ 1016.505–2 [Amendment]

4a. In paragraph (a) amend the final words: "(MCPC)____Hq AMC" to read: (AFLC or AFSC, as appropriate)."

b. In paragraph (c) amend the final words: "to the Commander, AMC, Attn: "MCPP–3" to read: "to AMC (MCPP)".

§ 1016.505–51 [Amendment]

5. In § 1016.505–51, delete paragraphs (b) and (c) and the designation "(a)".

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 2301–2314)

Subpart H—Miscellaneous

1. Delete subparagraphs (4) and (5) of § 1016.810–50(a), and amend subparagraph (3) to read as follows:

§ 1016.810–50 Processing bidders' mailing list application form.

* * * * *

(a) * * *

(3) Send applications and AFPI Form 24, "Commodity List Data," to the cognizant procurement district (small business specialist), when applications are intended for AFLC central procurement activities and AFSC systems divisions.

2. Revise § 1016.814–1 to read as follows:

§ 1016.814–1 Architect-Engineer Experience Data (DD Form 1071).

DD Form 1071 to be used in lieu of AF Forms 194 and 284.

§§ 1016.853—1016.854–2 [Deletion]

3. §§ 1016.853 through 1016.854–2 are deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 2301–2314)

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

§§ 1017.000, 1017.001 [Deletion]

Sections 1017.000 and 1017.001 are deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 2301–2314)

Subpart B is revised to read as follows:

Subpart B—Requests for Contractual Adjustment

Sec.
1017.202 Contract Adjustment Boards.
1017.203 Authority of other officers and officials.
1017.205 Limitations upon exercise of authority.
1017.205–2 Additional limitations upon authority below Secretarial level.
1017.207 Submission of requests by contractors.
1017.207–1 Filing requests.
1017.208 Processing cases.
1017.208–1 Investigation.
1017.208–2 Disposition below Secretarial level.
1017.208–50 Implementing documents.
1017.208–51 Letters of denial.

AUTHORITY: §§ 1017.202 to 1017.208–51 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1017.202 Contract Adjustment Boards.

See § 17.202 of this title.

§ 1017.203 Authority of other officers and officials.

The authority delegated as listed in § 17.203(b)(3) of this title has been redelegated as follows:

(a) The Commander, AFLC, has redelegated his authority to the Director of Procurement and Production, to the Deputy for Procurement, and, while he is acting as Director of Procurement and Production, to the Deputy for Production, Hq AFLC.

(b) The Commander, AFSC, has redelegated his authority to the Deputy Chief of Staff, Procurement and Materiel, to the Director of Procurement, and, while he is so acting as the Director of Procurement, to the Deputy Director of Procurement, Hq AFSC. However, the Commanders, AFSC and AFLC have agreed that requests for contractual adjustment arising under contracts of the Air Force Systems Command will be treated in the same manner as requests under paragraph (c) of this section.

(c) Requests for contractual adjustment arising under contracts of commands to which authority has not been delegated will be transmitted for appropriate action to the Air Force Logistics Command.

§ 1017.205 Limitations upon exercise of authority.

See § 17.205 of this title.

§ 1017.205–2 Additional limitations upon authority below Secretarial level.

In addition to the limitations in § 17.205–2 of this title, officers and officials below the Secretarial level will not approve contractors' requests, regardless of dollar amount, if implementation of the approval would require action at the Secretarial level; for example, if a determination and findings under 5 U.S.C. 55a (P.L. 600, 79th Cong.) would be required. Such requests may be denied or submitted to the Air Force Contract Adjustment Board (see § 17.203(a) (1) and (3) of this title).

§ 1017.207 Submission of requests by contractors.

§ 1017.207–1 Filing requests.

(a) The filing of a request does not relieve the contractor of its obligation to continue performance according to the terms of its contract.

(b) When a person files a request directly with cognizant contracting officer or his duly authorized representative, the contracting officer will, without delay, notify AFLC (MCPKA) by letter or electrically transmitted message. The notification will contain information necessary to prepare the preliminary record required by § 17.207–3 of this title and described in § 17.401 of this title.

§ 1017.208 Processing cases.

§ 1017.208–1 Investigation.

(a) *General.* Except for requests filed pursuant to § 17.204–2(a) of this title, "Loss however caused," the contracting officer will check the adequacy of the contractor's request and investigate the accuracy of the information supplied. Requests indicating circumstances set forth in § 17.204–2(a) of this title as a basis for adjustment will be forwarded immediately to the approving authority without investigation. Contracting officers will: (1) Make use of available AF personnel in their investigation, (2) not request an audit be performed by AF personnel in respect to the contractor's request, which if deemed necessary will be requested by AFLC (MCPKA), and (3) obtain, as a part of his investigation, such of the additional facts and evidence described in § 17.207–4 of this title, which he considers will be necessary in making a determination of the case.

(b) *Forwarding to approving authority.* Upon completion of the investigation the contracting officer will forward the request for relief, all documents and correspondence relating thereto, and the contract file, together with his comments and specific recommendation to AFLC (MCPKA).

(c) *Contract file.* The contract file submitted according to paragraph (b) of this section will in all cases include:

(1) A copy of the contract and all change orders and supplemental agreements.

(2) A copy of the IFB or RFP.

(3) An abstract of bids or proposals received and a copy of any applicable findings and determination.

(d) *Contracting officer's recommendation and comments.* The contracting officer's recommendation should state whether, in his opinion, the contractor's request should be approved, in whole or in part, or denied. If the contracting officer recommends approval involving a change in the contract price or other payment to the contractor, the recommendation should specify the dollar amount which the contracting officer considers fair and reasonable with supporting evidence. Contracting officer's comments will include:

(1) A statement of the facts based on the contracting officer's knowledge of the circumstances involved.

(2) A statement as to whether the contractor has submitted the information required in § 17.207–2 of this title, or requested by the contracting officer pursuant to § 17.207–4 of this title, and commenting on the accuracy and completeness of information so received.

(3) A statement, when approval is recommended, of why the subject matter of the request could not be resolved under the terms of the contract itself. (A Public Law 85–804 request should not be a substitute for appealing a decision to the Armed Services Board of Contract Appeals, or for negotiating settlements under the Changes Clause, Termination Clause, or any other clause in the contract which specifies a method for settling claims under the contract. A small Disputes claim, however, may be considered with a larger claim which can be handled only under Public Law 85–804.)

(4) A statement of the extent of performance and whether performance to date has been satisfactory.

(5) Whether contractor is a small or large business, if not stated in the contract.

(6) Where the contractor has alleged a mistake, a statement of when the alleged mistake was first brought to the contracting officer's attention, whether he believes that a mistake actually occurred, and, if so, how it occurred; for example, through clerical or mathematical error in the contractor's office, through an error in the bid, etc. (and whether in advertised procurements, he requested verification of the bids).

(7) Where the contractor has alleged an informal commitment, a statement of the action taken by the Government, whether the Government actually received supplies or services as a result of that action, and evidence to support or preclude a finding that at the time the informal commitment, if any, was made it was impracticable to use normal procurement procedures.

(8) Such additional evidence as the contracting officer considers pertinent.

§ 1017.208–2 Disposition below Secretarial level.

(a) *Disposition.* Authority to deny contractors' requests has not been delegated to contracting officers at any level. All contractors' requests must be forwarded for action as directed by § 1017.208–1.

(b) *Records.* See § 17.208–2(b) of this title.

§ 1017.208–50 Implementing documents.

If a decision of approval is to be implemented by a contractual document to be issued by a field office of any major command, the command rendering the decision as listed in § 17.203(b)(3) of this title should prepare a contractual document in draft form containing all the mandatory requirements of § 17.206 of this title and forward to the field office to enable it to issue a proper contractual document.

§ 1017.208–51 Letters of denial.

Where a contractor's request is denied at or below the Secretarial level, a letter informing the contractor that its request has been denied, and by whom, will be prepared and sent by the appropriate command listed in § 17.203(b)(3) of this title, or by the contracting officer at the request of that command.

Subpart C is revised to read as follows:

Subpart C—Residual Powers

Sec.
1017.300 Scope.
1017.301 Delegations of authority.
1017.302 Standards for using residual powers.
1017.303 Procedures.
1017.304 Maintenance of records.

AUTHORITY: §§ 1017.300 to 1017.304 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1017.300 Scope.

See § 17.300 of this title.

§ 1017.301 Delegations of authority.

Authority to make or approve contracts for sales of Government property, subject to the standards specified in § 1017.302, has been delegated to the Deputy Chief of Staff, Systems and Logistics, and, while he is so acting, to the person acting for the time being as Deputy Chief of Staff, Systems and Logistics, and has been redelegated to the Director, Procurement Management, Office, Deputy Chief of Staff, Systems and Logistics.

§ 1017.302 Standards for using residual powers.

(a) Sales of Government property pursuant to the delegations of authority described in § 1017.301 will be subject to the limitations in § 17.205–1 of this title and in addition:

(1) Such sales will be based on a finding that it is made in connection with and will facilitate or expedite performance of a specific contract or subcontract for military procurement.

(2) The property sold under this authority must not be obtainable by the contractor or subcontractor without unreasonable delay through commercial sources or through the exercise of other Government sale or property disposal authority, and it must be impracticable to furnish such property as Government property according to Part 13 of this title.

(3) Except as provided in subparagraph (4) of this paragraph, sales under this authority will provide for cash payments; will be made at prices that are fair and reasonable under the circumstances of the case.

(4) Sales of property to be repaid in kind will be made only when the property is needed by the contractor or subcontractor to maintain or expedite the production rate under a contract with the Government, or subcontract thereunder, and only when the contractor or subcontractor has made arrangements to obtain or produce identical articles which can be used to replace the property loaned.

(b) All contracts for sales of Government property made pursuant to this authority will contain a statement of the facts and circumstances on which the action is based.

(c) This authority does not apply to the disposition of (1) Excess or surplus property, unless and until such property has been withdrawn from such excess or surplus category according to applicable regulations, or (2) property subject to priorities or allocation under the Defense Production Act, except where such transfer is authorized under the aforesaid Defense Production Act or applicable regulations or orders thereunder.

§ 1017.303 Procedures.

All proposals for the exercise of residual powers to make contracts for the sale of Government property will be sent through channels to Hq USAF (AFSPM).

§ 1017.304 Maintenance of records.

Two copies of each Memorandum of Approval signed by any officer or official to whom authority has been delegated as stated in § 1017.301 will be forwarded promptly to the Air Force Contract Adjustment Board, Office of the Assistant Secretary of the Air Force (Materiel).

Subpart D—Records of Requests and Dispositions

Subpart D is revised to read as follows:

Sec.
1017.400 Scope of subpart.
1017.402 Final records.
1017.403 Sample format for preliminary and final records.

AUTHORITY: §§ 1017.400 to 1017.403 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1017.400 Scope of subpart.

See § 17.400 of this title.

§ 1017.402 Final records.

Final record on contractor's request will be prepared promptly when request is: (a) Withdrawn, (b) denied and letter of denial is forwarded to contractor, and (c) approved in whole or in part after the action authorized by the Memorandum of Decision has been taken.

§ 1017.403 Sample format for preliminary and final records.

The sample format in § 17.403 of this title has been established as AFPI Form 48, "Record of Request for Adjustment, Public Law 85–804." AFPI Form 48 will be used by AF activities for the preparation and maintenance of prescribed records.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

§ 1030.4 Appendix D—Rules for notice and hearing under gratuities clause in § 7.104–16 of this title.

D–1 through D–14 see Subchapter A, Chapter I of this title and Subpart T, Part 1001 of this chapter.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1052—PRE-AWARD SURVEYS

Part 1052 is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

1. Revise §§ 1053.404, 1053.404–2, 1053.404–3, 1053.404–5, and 1053.407–9 as follows:

§ 1053.404 Assignment of office of administration and designation of accounting and finance officer.

§ 1053.404–2 Definitions.

(a) *Office of administration.* The AF activity having overall responsibility for the administration of contract as stipulated therein.

(b) *AF Contract Management District (AFCMD).* A component of a contract management region (CMR). It is responsible for surveillance of contractors within an assigned geographical area, excluding contractors at whose facilities AF plant representative offices are established. This includes administration of contracts, industrial property, production and industrial resources analysis, product quality and reliability assurance, industrial security, and accounting and disbursing.

(c) *AF Plant Representative Office (AFPRO).* A component of a CMR. It is responsible for surveillance of a designated contractor at whose facility a plant residency is established and for other contractors as assigned within its area. This includes the functions and responsibilities as listed in paragraph (b) of this section.

(d) *AF Contract Management Office (AFCMO).* A component of an AFCMD or AFPRO. In a geographical area or for a number of assigned plants, the air procurement office is responsible for designated functions of the AFCMD/AFPRO such as administration of contracts and industrial property, production and industrial resources analysis, product quality and reliability assurance, and industrial security.

(e) *Plant office.* A plant office is a component of the parent APD or AFPRO and is responsible for specified functions of the parent organization such as administration of contracts and industrial property, production and industrial resources analysis, product quality and reliability assurance, and industrial security. The plant office is responsible for surveillance of a designated AF contractor at whose facility it is established. The individual in charge of a plant office is the "Officer in Charge"; except in a plant where only quality control inspectors are assigned, in which case the individual in charge is the "AF Quality Control Representative."

(f) *Home office.* The contractor's office which has authority to negotiate, submit bids or proposals, execute and administer AF contracts, and perform purchasing, billing, subcontracting, expending, and recording under AF contracts.

(g) *Secondary administration.* The performance of certain administrative responsibilities which have been delegated from the office of administration to another AF office of administration.

(h) *Accounting and finance officer.* The individual having the overall responsibility for paying or receiving all funds and moneys passing between the Government and the contractor according to the terms of the contract.

(i) *Comptroller Service Division.* The accounting and finance activity, within an APD/AFPRO; (1) Designated to make payments on certain contracts and (2) assigned fund accounting responsibility on certain central procurement contracts when administration is assigned to APDs/AFPROs.

(j) *AFSC test site office (AFSCTSO).* An AFSC test site office is a component of the CMR in whose geographical area it is located. The AFSCTSO is responsible for performing secondary contract administration at an AF test site as delegated by offices of primary administration (APDs/AFPROs).

(k) *Contract Support Detachment.* A Contract Support Detachment (CSD) is under the administrative jurisdiction of the WCMR. A CSD executes the contract management responsibility for WCMR, including appropriate secondary assignments of contract administration, at a specific missile site. It supports the site commander in performing his responsibilities of site activation, installation and check out, and test. The CSD receives technical guidance and staff surveillance from the AFPR located at the facility of the missile contractor, except that Ogden APD provides this support to the CMR detachments responsible for the Minuteman.

NOTE: The following apply to paragraphs (b) through (c) of this section, as appropriate:

(1) AF personnel on official business to APDs/AFPROs or to contractors' facilities under the cognizance of these activities are required to give prior notice and/or to report to one of the following (in order named): APD, AFPRO, air procurement office, AF officer in charge, or AF quality control representative for registering and coordinating the business to be conducted.

(2) AF personnel will address official correspondence intended for an AF contractor through appropriate APD/AFPRO.

(3) Electrically transmitted messages may be addressed directly to the contractor with an information copy to APD/AFPRO.

NOTE: The following apply to paragraphs (j) and (k) of this section, as appropriate:

(1) AF personnel on official business are required to give prior notice and report to AFSCTSO before visiting a contractor work site.

(2) All personnel desiring to visit missile sites will obtain clearance from the Commander BSD/DCAS, Air Force Unit Post Office, Los Angeles, California (DCQIP–1/Visitor Control), prior to visit.

§ 1053.404–3 Responsibility.

The procuring contracting officer will determine, according to procedures herein, the office of administration and the accounting and finance office for a contract. The designated office of administration will assign secondary administrative responsibility where necessary.

§ 1053.404–5 Geographical areas of CMRs, AFCMDs and AFPROs.

(a) *CMRs.*

(1) *Eastern Contract Management Region (ECMR).* The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Pennsylvania, District of

Columbia, West Virginia, Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida and the Caribbean area, Iceland, Greenland, Bermuda, Bahama Islands, and Ascension Islands.

(2) *Central Contract Management Region (CCMR).* North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, and the Canadian Provinces.

(3) *Western Contract Management Region (WCMR).* Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, Alaska, and Hawaii.

(b) *AFCMDs.*

(1) *Atlanta AF Contract Management District (ECMR).* Georgia, South Carolina, and North Carolina.

(2) *Boston AF Contract Management District (ECMR).* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut (less Fairfield County), Iceland, and Greenland.

(3) *Chicago AF Contract Management District (CCMR).* Iowa, and that portion of Illinois north of the northern boundaries of the following counties: Adams, Brown, Cass, Douglas, Edgar, Macon, Menard, Moultrie, and Sangamon.

(4) *Cleveland AF Contract Management District (CCMR).* Beginning at western boundary of the Ohio State Line, that portion of Ohio north of Highways 30 and 30S and the cities located thereon (excluding the city of Lima), to the western boundary of Marion County and that portion of Ohio north of the southern boundary of the following counties: Marion, Morrow, Knox, Muskingum, Noble, and Monroe.

(5) *Dallas AF Contract Management District (CCMR).* Texas and Louisiana.

(6) *Dayton AF Contract Management District (CCMR).* Kentucky Tennessee; and beginning at the western boundary of the Ohio State Line, that portion of Ohio south of Highways 30 and 30S exclusive of cities on said highway lines (but including Lima), to the western boundary of Marion County and that portion of Ohio south of the southern boundaries of the following counties: Marion, Morrow, Knox, Muskingum, Noble, and Monroe.

(7) *Detroit AF Contract Management District (CCMR).* Michigan and Dominion of Canada.

(8) *Indianapolis AF Contract Management District (CCMR).* Indiana.

(9) *Los Angeles AF Contract Management District (WCMR).* Kern, San Luis Obispo, San Bernardino, Los Angeles, Orange, Riverside, Santa Barbara, Ventura Counties in California, and Clark County, Nevada.

(10) *Milwaukee Air Procurement District (CCMR).* Wisconsin, Minnesota, North Dakota, and South Dakota.

(11) *Newark Air Procurement District (ECMR).* Richmond County in New York State and following counties in New Jersey: Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren.

(12) *New York Air Procurement District (ECMR).* Fairfield County in Connecticut; and the following counties in New York State: Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rockland, Suffolk, Ulster, and Westchester.

(13) *Ogden Air Procurement District (WCMR).* Utah, Idaho, Montana, and Wyoming.

(14) *Orlando Air Procurement District (ECMR).* Florida and the Caribbean area, Bermuda, Bahamas Islands, and the Ascension Islands.

(15) *Philadelphia Air Procurement District. (ECMR).* Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and the following counties in New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

(16) *Phoenix Air Procurement District (WCMR).* Arizona and New Mexico.

(17) *Rochester Air Procurement District (ECMR).* That portion of New York State north and west of, but not including, Ulster, Orange, Greene, and Columbia Counties.

(18) *San Diego Air Procurement District (WCMR).* Imperial and San Diego Counties in California.

(19) *San Francisco Air Procurement District (WCMR).* Nevada less Clark County, all of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, and Hawaii.

(20) *St. Louis Air Procurement District (CCMR).* Missouri, Nebraska, Oklahoma, Kansas, Arkansas, and that portion of Illinois south of the northern boundaries of the following counties: Cass, Adams, Brown, Douglas, Edgar, Macon, Menard, Moultrie, and Sangamon.

(c) *AFPROSs (Those with geographical areas).*

(1) *Boeing, Seattle (WCMR).* Oregon, Washington, and Alaska.

(2) *Martin, Denver (WCMR).* Colorado.

(3) *Hayes, Birmingham (ECMR).* Alabama and Mississippi.

§ 1053.407–9 Contracts for food of animal origin.

Contracts for foods of animal origin will have placed in each contract file prior to distribution of the contract, the following certificate:

CERTIFICATION FOR FOOD CONTRACT

I certify that the contractor's establishment supplying the item being procured by Contract No. ------ has been inspected and is approved as a local source of supply or is currently listed as an approved source of supply by other governmental agencies as provided in Section II, AFR 160–7, as amended.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart R—Preparation and Use of Certain Kinds of Base Procurement Contracts

§ 1053.1802 [Amendment]

1. In § 1053.1802 (a)(3) and (b)(2), the specification number is amended to read: "MIL–C–9876A (USAF)", and in the material following paragraph (b)(2)(ii), delete the words: "and specifications (Part III)".

§ 1053.1803 [Amendment]

2. In § 1053.1803(b)(5), subdivision (i) is amended to read as follows:

(i) Prepare a single supplemental service order, on reproducible master, for each contractor involved, listing all service orders by order number, owner's name and lot number, with that particular firm, authorizing extension of services.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–4403; Filed, May 7, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.105, paragraphs (d) and (e) are amended to read as follows:

§ 3.105 Revision of decisions.

• • • • •

(d) *Severance of service connection.* Subject to the limitations contained in § 3.957, service connection will be severed only where evidence establishes that it is clearly and unmistakably erroneous (the burden of proof being upon the Government). A change in diagnosis may be accepted as a basis for severance action if the examining physician or physicians or other proper medical authority certifies that, in the light of all accumulated evidence, the diagnosis on which service connection was predicated is clearly erroneous. This certification must be accompanied by a summary of the facts, findings, and reasons supporting the conclusion. When severance of service connection is considered warranted, a rating proposing severance will be prepared setting forth all material facts and reasons and submitted to Central Office for review without notice to claimant or representative. Ratings for carious or missing teeth, pyorrhea, or Vincent's disease will not be submitted. If the proposal is approved on review by Central Office, the claimant will be notified of the contemplated action and furnished detailed reasons therefor and will be given a reasonable period, not to exceed 60 days from the date on which notice is mailed to his last address of record, for the presentation of additional evidence.

(e) *Reduction in disability evaluation.* Where the reduction in evaluation of a service-connected disability is considered warranted and the lower evaluation would result in a reduction or discontinuance of payments currently being made, the reduction will not be effected for 60 days from date of rating to permit submission of additional evidence. The letter of notification to the veteran will bear the same date as the rating.

2. Following § 3.105, two new cross references are added so that the cross references read as follows:

CROSS REFERENCES: Effective dates. See § 3.400. Reductions and discontinuances. See § 3.500. Protection; service connection. See § 3.957.

3. Section 3.113 is revised to read as follows:

§ 3.113 Signature by mark.

All signatures by mark or thumbprint must be:

(a) Witnessed by two persons who can write and who have signed their names and addresses; or

(b) Certified by a notary public or other person having authority to administer oaths for general purposes; or

(c) Certified by a Veterans Administration employee under authority of Veterans Administration Form 4505 series.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective May 8, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–4423; Filed, May 7, 1962; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—COMPLAINTS

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 32—PRECANCELED STAMPS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 5.2 *Postal law violations,* make the following changes in the alphabetical listing of postal inspectors in charge who receive information and complaints on postal law violations from the various jurisdictions:

A. Amend the column *"If you live in the State of ----"* to read *"If mailer lives in the State of ----".*

B. Opposite "Atlanta 2, Ga.", delete "Puerto Rico" and the "Virgin Islands".

C. Opposite "New York 1, N.Y." insert "Puerto Rico" and the "Virgin Islands" immediately following "Fishers Island;".

D. In the address of the postal inspector in charge at "St. Louis", strike out postal zone "1" and insert in lieu thereof postal zone "99".

NOTE: The corresponding Postal Manual section is 115.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

II. In § 31.5 *Exchange of stamps,* make the following changes:

A. In paragraph (c), subparagraph (2) is amended to show that all aerogrammes (air-letter sheets) presented for redemption by the public are exchangeable for postage stamps or other stamped paper at their postage value less one cent for each aerogramme redeemed. As so amended, subparagraph (2) reads as follows:

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* • • •

(2) Unmutilated aerogrammes (air-letter sheets) for postage value less one cent for each aerogramme redeemed.

B. In paragraph (c), amend the second sentence of subparagraph (6) by inserting "aerogrammes" immediately following "or"; and by enclosing "air-letter sheets" in parentheses.

C. In paragraph (d), amend subparagraph (2) for the purpose of clarification as follows:

(d) *Nonexchangeable.* • • •

(2) Stamps cut from postal cards, stamped envelopes, or aerogrammes (air letter sheets).

NOTE: The corresponding Postal Manual sections are 141.53 and 141.54.

(R.S. 161, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 501, 2501)

III. In § 32.2 *Sale and use of precanceled stamps,* amend paragraph (e) by striking out the figures "9–54" immediately following "A. B. Co." in the first sentence therein, and inserting in lieu thereof "4–62".

NOTE: The corresponding Postal Manual section is 142.25.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–4427; Filed, May 7, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular No. 2079]

PART 192—OIL AND GAS LEASES

Description of Lands in Offer

On page 11911 of the FEDERAL REGISTER of December 13, 1961, there was published a notice of proposed amendments of §§ 192.42a and 192.140. The purpose of the proposed amendment of § 192.42a was to permit oil and gas leasing of portions of protracted sections where entire protracted sections are not available for lease. The proposed amendment of § 192.140 required that assignments out of oil and gas leases covering lands within protracted surveys be for entire protracted sections only, except where the lease includes less than entire protracted sections.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revisions. After careful consideration of the comments received, the proposed amendment of § 192.140 has been withdrawn. The proposed amendment of § 192.42a has been changed, as set forth below, and is hereby adopted. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Section 192.42a(c) is amended to read as follows:

§ 192.42a Description of lands in offer.

• • • • •

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all offers to lease lands shown on such protracted surveys, filed on or after such effective date, must, except as provided below, include only entire sections described according to the section, township, and range shown on the approved protracted surveys.

(1) An offer may include less than an entire protracted section where only a portion of such a section is available for lease. In such case the offer must describe all the available lands by subdivisional parts in the same manner as provided in paragraph (a) of this section for officially surveyed lands. If this is not feasible, as e.g., in the case of an irregular section, the offer must describe the entire section and contain a statement that it shall be deemed to include all of the land in the described section which is available for lease.

STEWART L. UDALL,
Secretary of the Interior.

MAY 1, 1962.

[F.R. Doc. 62–4408; Filed, May 7, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14120; FCC 62–488]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments for Television Broadcast Stations; Further Report and Order

In the matter of amendment of § 3.606 Table of Assignments Television Broadcast Stations (Huntsville, Fort Payne, Guntersville, Tuskegee, and Sheffield, Alabama; Humboldt and Murfreesboro, Tennessee; Dalton and Fort Valley, Georgia; and Corbin, Kentucky; Jasper and Hamilton, Ala.; Starkville, Mississippi), Docket No. 14120 (RM–241, RM–253, RM–280).

1. The Georgia State Board of Education on March 8, 1962, filed a timely Petition for Reconsideration seeking relief from so much of the Report and Order in this proceeding, adopted February 6, 1962 (FCC 62–161), dealing with the removal of Channel 25+ from Dalton, Georgia (see RM–253).

2. The following of the chronology before the Commission is pertinent:

(a) The Commission's notice of proposed rule making, based on petitions toward that end, adopted May 11, 1961 (FCC 61–640) looked toward the addition of two channels at Huntsville, one being Channel 25+;

(b) The Georgia State Board of Education opposed this as conflicting with its need for a station in or near Dalton, for which it had already authorized studies for selection of a transmitter site in anticipation of filing an application for such a station;

(c) The petitioner in RM–253 then suggested alternatives to afford a satisfactory channel assignment for Dalton, Channel 18— or Channel 16, which were noticed for rule making by the further notice, adopted September 27, 1961 (FCC 61–1156);

(d) The Georgia Board in its Comments supported the Channel 18— alternative and then petitioned for a Statewide plan of 8 UHF channels for noncommercial educational purposes and, as significant here, Channel 18— for Dalton (Docket No. 14409, RM–290; FCC 61–1043).

3. The Commission concluded that there was no urgency to replace the channel deleted from Dalton and that this matter could therefore be more appropriately dealt with in the rule making proceeding on the statewide plan. It appears, however, that the Board is ready and willing to proceed promptly with a station in or near Dalton. In fact, a transmitter site has been selected, and the necessary air space clearance has assertedly been given by the Federal Aviation Agency. The Board could proceed to apply for a construction permit if an assignment were available at Dalton. No objections have been voiced as to the deletions of channels at Fort Valley, Georgia; Murfreesboro, Tennessee; and Burnsville, N.C.,[1] requisite to assignment of Channel 18 to Dalton (see Plan II in the further notice). In the circumstances, we believe that the public interest would be served by now assigning Channel 18— to Dalton as a noncommercial educational channel.

4. Authority for the amendments adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

[1] In deleting this assignment, we take cognizance of the circumstance that the proposal is part of the proceeding in Docket No. 14409 and that the time for filing comments has expired without objection having been taken.

5. In view of the foregoing: *It is ordered*, That effective June 11, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, to (1) add the following entry under the State of Georgia:

	Channel No.
Dalton	*18—

and (2) delete the entries for Fort Valley, Georgia; Murfreesboro, Tennessee; and Burnsville, North Carolina.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: May 2, 1962.

Released: May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4440; Filed, May 7, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Klamath Forest National Wildlife Refuge, Oregon

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Klamath Forest National Wildlife Refuge, Oregon, to the list of wildlife refuge areas open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Klamath Forest National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

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OREGON

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Klamath Forest National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

MAY 1, 1962.

[F.R. Doc. 62–4406; Filed, May 7, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 723, 725, 727]

TOBACCO

Notice of Formulation of Regulations Relating to the Marketing of Tobacco, Collection of Marketing Penalties, and Records and Reports, 1962–63 Marketing Year

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1311–1315, 1372–1375), the Agricultural Act of 1949 (63 Stat. 1051), as amended, and the Agricultural Act of 1956 (70 Stat. 188), as amended, marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price-support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, Virginia sun-cured tobacco and Maryland tobacco for the 1962–63 marketing year.

It is contemplated that the regulations for the 1962–63 marketing year will be substantially the same as those issued for the 1961–62 marketing year (26 F.R. 5112, cigar-binder and cigar-filler and binder; 26 F.R. 4915; 5207, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured; 26 F.R. 5208; 8097, Maryland) except for the proposed changes set forth herein.

The changes presently being considered, other than changes made solely for clarification, are as follows:

1. The definition of "nonwarehouse sale" contained in § 725.1231(j) of the 1961–62 regulations would be revised to exclude the small quantities of tobacco in excess of the 700-pound basket limitation in the case of burley tobacco, and the 300-pound basket limitation in the case of flue-cured tobacco, provided that the number of pounds of such small overage quantities are recorded on the same floor sheet as the parent basket of which such small quantities would otherwise be a part. Sales of such small amounts of tobacco would be considered as auction sales of tobacco.

2. The definition of discount variety tobacco contained in § 725.1231(t)(1) of the 1961–62 regulations would be revised to read as follows:

(1) "Discount Variety" or "Limited Support Variety" means any of the flue-cured tobacco seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244: *Provided*, That where there is growing in a field off-type plants of not more than 2 percent, such off-type plants shall not be considered in determining the flue-cured tobacco variety being produced. Flue-cured tobacco which is not determined to be discount variety, shall be considered as "acceptable variety." For the purpose of these regulations, any breeding line of flue-cured tobacco identified as having appearance and growth characteristics similar to Coker 139, Coker 140, or Dixie Bright 244, shall be considered to have the quality characteristics of Coker 139, Coker 140, or Dixie Bright 244.

3. A change would be made in the provisions now contained in §§ 723.1231(m)(2), (3); 725.1231(t)(2), (3); and 727.1231(t)(1), (2) of the 1961–62 regulations to provide for all tobacco grown on a farm in an area in which quota tobacco is produced being subject to marketing quotas until the county committee is furnished satisfactory proof by the producer that the tobacco was not subject to marketing quotas and was marketed or was to be marketed as a nonquota kind.

4. The provisions contained in § 725.1235(f) of the 1961–62 regulations, which concern the identification of discount varieties of flue-cured tobacco, would be revised (a) to give a producer an opportunity to appear at a hearing before the county committee to present evidence that tobacco produced by him is not of a discount variety, (b) to provide for the State committee reviewing any determination of the county committee that tobacco is of a discount variety if requested to do so by a producer, and (c) to give the State committee the right to review and change any decision by a county committee that tobacco is or is not of a discount variety.

5. A new provision would be included in § 725.1235 of the 1961–62 regulations to provide that the farm operator would be allowed 7 days in which to comply with a request of the county committee (a) to file a report showing whether or not he had discount variety tobacco, or (b) to permit plants to go to flower, or (c) to permit photographing or sampling of his tobacco plants. Failure to comply with such a request of the county committee would result in a card being issued identifying such tobacco when sold as discount variety tobacco.

6. The provisions contained in § 725.1253(l) of the 1961–62 regulations would be changed to require each warehouseman who is engaged in the business of holding sales of flue-cured, burley, fire-cured, dark air-cured or Virginia sun-cured tobacco at a public auction, to make all reports on a daily basis, including those now made on a weekly and seasonal basis. Reports heretofore required to be made in § 725.1253 (h), (i), (j), and (k) which would be eliminated, are: (i) Form MQ–80 (Tobacco), Auction Warehouse Report (season report); (ii) Form MQ–81 (Tobacco), Report of Penalties (weekly report); (iii) Form MQ–86 (Tobacco), Report of Resales (daily report); and (iv) MQ–83 (Tobacco), Field Assistant Report (daily report). Similar changes would also be contained in the 1962–63

Maryland Tobacco Marketing Quota Regulations.

7. A provision would be added to §§ 725.1253 and 727.1253 of the 1961–62 regulations which, for the purpose of insuring eligible tobacco the opportunity of proper price support, would require the marketing card serial number and prefix letter to be recorded by the warehouseman on the warehouse floor sheet covering any sale of producer tobacco. A provision would also be included requiring the warehouse bill number covering any sale of producer tobacco to be recorded by the field assistant or the warehouseman on the inside front cover of the marketing card.

8. The provisions now contained in §§ 725.1246 and 727.1246 which provide for the word "scrap" to be plainly written on any memorandum of sale, bill of nonwarehouse sale, or Form MQ–82 (Tobacco), Sale Without Marketing Card, to cover sales of scrap tobacco would be withdrawn.

All persons who desire to submit written data, views, and recommendations in connection with the above proposals, or wish to suggest other changes in the present regulations, should file the same with the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–4445; Filed, May 7, 1962; 8:52 a.m.]

[7 CFR Part 1073]

[Docket No. AO–173–A13]

MILK IN WICHITA, KANSAS, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kans., on March 13, 1962, pursuant to notice thereof issued on March 5, 1962 (27 F.R. 2290).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on April 13, 1962 (27 F.R. 3740; F.R. Doc. 62–3806) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were received.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 3740; F.R. Doc. 62–3806) are hereby approved and adopted and set forth in full herein.

The material issues on the record of the hearing relate to:

1. Class I milk price; and
2. Classification of solids used to fortify fluid milk products.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I milk price.* The provision in the order which would discontinue the Class I order price May 31, 1962, should be terminated. Such termination would retain the present Class I pricing provisions in the order.

Effective June 1, 1961, an amendment to the Wichita, Kansas, milk order modified the supply-demand adjustor, deleted the base-excess plan and changed the Class I differential. Because of the difficulty in projecting the overall effect of these changes, due to the dynamics of the milk industry, the Class I pricing provisions were made effective for only a twelve-month period. This provided a period of time in which to evaluate the effectiveness of the price level established by the pricing formula.

The Class I price which has been in effect since June 1, 1961, has been effective in maintaining the proper price relationship with surrounding markets and in maintaining prices responsive to supply and demand conditions in the market. Since June 1961 the supply-demand adjustor has varied from a low of minus 12 cents to a high of minus 36 cents. During the same period a year earlier (June 1960 through March 1961), the supply-demand adjustment varied from a low of minus 2 cents to a high of minus 90 cents. The effect of the minus 90 cents was reduced to minus 29 cents by the proviso which sets a floor price in relation to the Kansas City Class I price. The Class I price since June 1961 has varied 27 cents, ranging from a high of $4.93 to a low of $4.66. The Class I price variation during the same months of the previous year was 63 cents.

The Wichita Class I price has a floor and a ceiling based on the Kansas City Class I price. Since June 1961 this floor or ceiling price has been effective only once. This was in March 1962 and was due largely to a change in the basic formula price used to determine the Kansas City Class I price. No change was made at the same time in the basic formula used in Wichita. During 1960 the Kansas City floor price, effective in four months, offset the supply-demand adjustments by 4 cents in August, 33 cents in September, 61 cents in October and 16 cents in November.

The producers' cooperative proposed the continuation of the present Class I price provisions. Handlers had no objections to maintaining this price. The Class I price level has produced an adequate supply of milk and promoted orderly marketing in the area. Accordingly, such Class I price should be retained.

2. *Classification of solids used to fortify fluid milk products.* Fluid milk products fortified with additional milk solids should be considered a Class I product up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be considered a Class III product.

Fortified milk products result from the addition of nonfat solids to a fluid product to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Hence, the fluid equivalent of added nonfat solids should be classified in Class III rather than Class I. The demand for fortified skim products has increased steadily in the past few years. This is due in part to the emphasis on low-fat diets and the high nutritional value of nonfat milk solids.

The Wichita order provides that the skim milk equivalent of fortified products be classified as Class I. Handlers proposed that the skim milk equivalent of nonfat solids used to fortify fluid milk products be assigned the lowest price class.

Nonfat milk solids and condensed milk are normally produced from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily made from producer milk and may be made from ungraded milk. The added milk solids do not replace producer milk and often will increase the palatability and sales of Class I products.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Accordingly, fortified milk products should be classified as Class I only to the extent of the weight of an unmodified product of the same nature and butterfat. The difference between the volume assigned to Class I and the total skim milk equivalent of the added milk solids in the product should be assigned to Class III. Flavoring materials, not including their water content, should be excluded from the total skim milk and butterfat to be accounted for in the fluid milk product.

This method of accounting for fluid milk products to which nonfat solids have been added will assure that reconstituted milk and skim milk classified in Class I include all of the water associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

In 1961, the skim equivalent of milk solids used in fortifying fluid products was 0.46 percent of the total Class I milk sales and 0.29 percent of the total producer milk sales. Effective June 1, 1961, an amendment was issued which changed the classification of the skim equivalent of solids added to dietary products from Class I to Class III. From June through December 1961, the skim equivalent of milk solids added to fluid products was 0.35 percent of the Class I sales.

A proposal was made to increase the norms in the supply-demand adjustor to offset any possible increase in the price reduction caused by the supply-demand adjustor which may result from changing the classification of milk solids added to fluid products from Class I to Class III. The quantity of the skim equivalent of milk solids used in fortifying fluid products in relation to the total quantity of Class I sales is so minute it does not justify changing the supply-demand adjustor norms. Accordingly, such proposal is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Wichita, Kans., marketing area", and "Order amending the order regulating the handling of milk in the Wichita, Kans., marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Wichita, Kans., marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 3, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Wichita, Kans., Marketing Area

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kans., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kans., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, on April 13, 1962, and published in the FEDERAL REGISTER on April 19, 1962 (27 F.R. 3740; F.R. Doc. 62–3806), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. Change § 1073.41(a) to read as follows:

(a) Class I milk should be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) Not specifically accounted for as Class II or Class III utilization.

2. Change § 1073.41(c)(5) to read as follows:

(5) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

3. Revoke the following words in the first sentence of § 1073.51(a) "for each of the 12 months immediately following the effective date of this amendment".

[F.R. Doc. 62–4444; Filed, May 7, 1962; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1094]

[Docket No. AO 108–A19]

MILK IN NEW ORLEANS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area, which was issued April 13, 1962 (27 F.R. 3689), is hereby extended to May 4, 1962.

Dated: May 3, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4443; Filed, May 7, 1962; 8:51 a.m.]

[7 CFR Part 1120]

[Docket No. AO 328]

MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lubbock, Texas, on June 6–10, 1961, pursuant to notice thereof issued on May 11, 1961 (26 F.R. 4198), upon a proposed marketing agreement and order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Secretary, United States Department of Agriculture, on March 13, 1962 (27 F.R. 2512; F.R. Doc. 62–2591), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 2512; F.R. Doc. 62–2591) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under Issue No. 3 *Order Provisions:*

1. The first sentence under the subtitle *Producer-handler* is revised.

2. The seventh and eighth sentences in the fourth paragraph under the subtitle *Handler* are revised.

3. The fifth sentence in the second paragraph under the subtitle *Producer* is revised.

4. Two new paragraphs are added after the seventh paragraph under the subtitle *Classification of milk.*

5. The second paragraph under the subtitle *Allocation* is revised.

6. Add two new paragraphs after the eleventh paragraph under the subtitle *Class I price.*

7. Add two new paragraphs after the ninth paragraph under the subtitle *Location differentials.*

8. Add two new paragraphs after the fifth paragraph under the subtitle *Payments on other source milk.*

9. Add a new paragraph after the third paragraph, under the subtitle *Payments to individual-producer and cooperative associations.*

10. Add a new paragraph after the sixth paragraph under the subtitle *Administrative provisions.*

11. Add a new paragraph after the eighth paragraph under the subtitle *Administrative provisions.*

12. The twelfth paragraph under the subtitle *Administrative provisions* is revised.

13. Add a new paragraph after the third paragraph under the subtitle *Marketing services.*

The material issues of record related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued, what its provision should be with respect to:

(a) The scope of regulation,

(b) The classification and allocation of milk,

(c) The determination and level of class prices,

(d) The distribution of proceeds to producers, and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the proposed Lubbock-Plainview marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

Although the marketing area, as hereinafter proposed to be defined, is located entirely within the State of Texas, a substantial proportion of the regular milk supply of the market originates on farms in the adjacent State of New Mexico. In addition, a New Mexico handler distributes milk processed at his Roswell and Carlsbad, New Mexico, bottling plants, in two counties of the proposed marketing area in direct competition with local handlers. Milk produced in the State of Oklahoma and processed in an Oklahoma City plant regulated under the Oklahoma Metropolitan order is regularly distributed through stores in both Lubbock and Plainview.

Handlers who would be fully regulated under this order regularly distribute milk, both within the local market and in the adjacent Texas Panhandle and Central West Texas markets, in direct competition with handlers regulated under the Panhandle and Central West Texas Federal orders. A large proportion of the regular supply for the Panhandle market originates on farms in the State of Oklahoma and dairy farmers in the State of New Mexico constitute a significant part of the regular supply for the Central West Texas market. In addition, local handlers rely on Panhandle handlers for supplemental milk supplies.

Milk in excess of the fluid requirements of the local market is transferred from local plants, or diverted directly from farms, to unregulated manufacturing plants in New Mexico and Oklahoma and to manufacturing plants regulated under the North Texas order for manufacturing uses. Products processed at such plants are disposed of on the national market in direct competition with similar products from all parts of the country.

From the foregoing it is concluded that the handling of all milk in the proposed marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

2. *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the Act.

The market has experienced a long history of disorder and unrest and producers have periodically manifested interest in Federal regulation. To this end numerous organizational attempts have been made by producers and several previous requests for a Federal order have been presented to the Department of Agriculture. However, those organizational efforts were not successful and the matter of Federal regulation has not previously been considered at a hearing because of the lack of unified producer support. During the past several years the majority of the producers on the market have joined one or the other of the two proponent cooperatives and these two cooperatives, on behalf of their producer members, have jointly requested Federal regulation.

It is apparent that producers generally lack confidence in the existing marketing system. Much of this lack of confidence stems from the fact that producers do not have access to the necessary market information which would permit them to market their milk most efficiently, that they have no voice in establishing market prices, and no opportunity of checking the butterfat tests of their milk.

Milk for the local market is secured in direct competition with milk moving to the adjacent Texas Panhandle and Central West Texas Federal order markets. Producers are aware that their neighbors shipping to these markets have assurance that their returns reflect the actual utilization value of their milk and actual butterfat content thereof at the specified order prices. While producers do not have access to utilization data of either individual handlers, or the market as a whole, they recognize that local handlers have a higher average Class I utilization than that of regulated handlers in adjacent markets. While local producer returns are related to returns in these adjacent markets they obviously do not reflect fully the value of the market's higher Class I utilization.

Handlers generally have maintained their producer receipts in close alignment with their fluid requirements and rely on adjacent Federal order markets for supplemental supplies. To this end, at least two of these handlers have established base plans. However, once bases were established they have not been consistently applied. Since January 1958, only one handler, and for two months only, has actually paid his producers uniformly on the basis of base and excess prices. On occasion individual producers or groups of producers have been paid base and excess prices while other dairy farmers delivering to the same plant have received a flat price for all of their deliveries.

One handler, drawing a substantial part of his supply from New Mexico producers, has followed the practice of diverting milk in excess of his fluid requirements directly to the Portales, New Mexico, receiving station of a handler distributing milk in the local market. Producers are generally paid for such milk by the New Mexico handler at a price of 75 or 80 cents per pound of butterfat. Such milk is then moved to the Carlsbad or Roswell bottling plants of the New Mexico handler who distributes milk from such plants in a portion of the local market in direct competition with local handlers.

The existing market situation constitutes a continuing threat to the maintenance of an adequate, dependable supply of pure and wholesome milk for the local market. The issuance of a marketing order will contribute to greater market stability and assure orderly marketing and hence will tend to effectuate the declared policy of the Act. Under a uniform plan for the classification and pricing of milk according to its use and with provision for the verification and audit of each handler's records, producers will share equitably the total Class I sales of the market as well as the burden of carrying the market's reserve supply. The order will provide the means whereby producers will have access to the market information necessary for the efficient marketing of their milk and all interested parties will have opportunity to participate, through the public hearing procedure, in the formulation of and amendment of the several order provisions.

3. *Order provisions. Scope of regulation.* The type of regulation effectuated by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing an appropriate definition for the term "marketing area," and describing the categories of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Lubbock-Plainview marketing area should include all of the territory within the 17 Texas counties of Bailey, Castro, Cochran, Cottle, Crosby, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Terry, and Yoakum, including all territory therein which is occupied by Government (municipal, State or Federal) installations, institutions, and other establishments.

The marketing area herein proposed is somewhat in excess of 16,000 square miles in area and has a population of 350,601. The principal cities and towns in the area include the cities of Lubbock, with a population in 1960 of nearly 130,000, Plainview with approximately 19,000 inhabitants and Brownfield and Levelland. Lubbock and Hale counties (Plainview is in the latter county) form the most important centers of population in the marketing area, counting 156,000 and 37,000 inhabitants, respectively. In these two counties are found the most important institutions in the marketing area. These include Texas Technological College and Lubbock Christian College at Lubbock, Wayland College at Plainview, and Reese Air Force Base at Lubbock.

The counties of Lamb and Hockley, adjacent to Lubbock and Hale, are populated by about 22,000 inhabitants each. Elsewhere the area is essentially rural in character and population density is relatively low. Nevertheless, each segment of the area represents a substantial area of sales for handlers who will be regulated.

The sale of milk for fluid consumption in all counties in the marketing area is subject to essentially the same standards of health regulation. The marketing area lies entirely within the State of Texas and the health regulations concerning milk sold there are authorized under the Texas Milk Grading and Labeling Law and the specifications and requirements issued pursuant to it. The Texas law and regulations in turn are based on the 1953 edition of the United States Public Health Code.

Within the marketing area there are three health authorities which administer regulations concerning minimum health standards for milk sold within their jurisdictions: those of the City of Lubbock, the City of Plainview and of a five-county area which operates out of Brownfield (Terry county). These regulations and ordinances are issued and auhorized under the State law and may not vary significantly from its terms. All handlers operating processing facilities in the area distribute milk within the jurisdictions of each of the health authorities. Hence, it is evident that fluid milk processed for sale moves freely within the area and that there are no obstacles to such movement.

Although none of the three handlers whose plants would be fully regulated under the terms of the recommended order does business in each of the counties recommended for inclusion in the marketing area, each county represents a substantial area of distribution for one or more of these handlers. All three handlers generally compete in the eleven counties of Baily, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Terry, and Lynn. In addition, Bell Dairy Products Company and the Borden Company, both of Lubbock, have substantial sales in Gaines and Yoakum counties and the Borden Company also has general distribution in Dickens county. Cloverlake Dairy Foods of Plainview has extensive sales in Castro, Cottle and Motley counties.

Within the recommended area, the three handlers generally compete with each other and/or with regulated handlers under the Central West Texas, Texas Panhandle, North Texas, Red River Valley and Oklahoma Metropolitan Federal orders. Only in Yoakum and Gaines counties is there any distribution in the proposed area by a handler who either is not already fully regulated under another Federal order or who would not be fully regulated under this proposed order. Price's Creamery, Inc., operating bottling plants at Roswell and Carlsbad, New Mexico and a receiving and manufacturing plant at Portales, New Mexico, proposed that these two counties be excluded from the marketing area.

Gaines and Yoakum counties contain 2.3 and 3.5 percent, respectively, of the population of the marketing area. Seven percent of the Borden Company's total sales and one percent of Bell Dairy Products Company's total sales are made in these two counties whereas less than 2 percent of the combined sales of Price's Roswell and Carlsbad plants are made there. On the basis of data presented on the record the Borden Company has approximately 30 percent of the total sales in Yoakum county and from 20 to 30 percent of the total sales in Gaines county. Bell Dairy Products Company's sales are something in excess of 5 percent of the total sales in both counties. Except for Price's sales, which represent roughly 10 percent of the total, the remaining sales are made by regulated handlers from other Federal markets, primarily Central West Texas.

It is clear that handlers who will be fully regulated under the terms of the recommended order or who are presently regulated under nearby Federal orders have at least 80 percent of the total Class I sales in Yoakum county and 90 percent of such sales in Gaines county. It must be concluded therefore that these two counties constitute an integral part of the Lubbock-Plainview market and they therefore are included in the recommended marketing area.

It is intended that the marketing area shall include all territory occupied by Government reservations, institutions or other such establishments, whether municipal, State or Federal, within the boundaries of the area as defined. The quality requirements for milk for such installations are similar to those for milk sold in other parts of the marketing area. These, by location and past performance, represent logical areas of distribution for dealers who are in substantial competition with one another in the

marketing area. Unless they are included, regulated handlers will be placed at a serious competitive disadvantage in competing with unregulated dealers for such sales. The inclusion of these areas will tend to assure uniform and equal minimum prices for milk among handlers.

The marketing area as herein defined comprises a contiguous territory which is generally served by the same handlers. It is in reality a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, which constitutes a practicable unit for the proposed regulation.

In addition to the seventeen counties herein recommended for inclusion in the marketing area proposals considered at the hearing also would have included Parmer and Kent counties. While handlers supported the inclusion of these counties it is apparent that none of the three handlers have any distribution there. Under the circumstances there is no basis for their inclusion in the marketing area.

Milk to be priced. The minimum class prices under the order should apply to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants primarily engaged in the fluid milk business and which process milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by providing appropriate definitions of the terms "plant", "distributing plant", "supply plant", "pool plant", "handler", "producer", "producer handler", "producer milk", "other source milk", and "route".

These definitions are designed to identify the supplies of milk on which the market regularly and normally depends. Under the terms of the order herein recommended milk may be disposed of for fluid consumption in the market under a wide variety of circumstances. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and what milk constitute the regular sources of supply and therefore becomes fully subject to regulation. Such standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus whether a plant will be fully or partially regulated or unregulated is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and/or packaging milk and milk products are operations of the plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another, or as a distribution depot for storage of packaged fluid milk products in transit on routes would not itself constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a route definition is provided. A route is defined as any delivery of a fluid milk product from a plant to wholesale and retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine is treated as a route disposition of the bottling plant supplying the milk for such disposition.

Plants may be regulated on the basis of their performance either as distributing plants or as supply plants. To qualify as a distributing plant, a plant must dispose of Grade A fluid milk products on routes in the marketing area. A plant acting as a supplier of Grade A milk, skim milk or cream to a distributing plant is termed a supply plant. It is not necessary, however, that all distributing and supply plants be subjected to full regulation. Performance standards should be sufficiently flexible to permit intermittent shipments from supply plants not regularly identified with the local market, and direct distribution on routes from distributing plants which have only a minor part of their over-all fluid milk business in the marketing area, without subjecting such plants to full regulation. Full regulation of such plants is unnecessary to accomplish the purpose of the order and might result in placing such plants at a competitive disadvantage in supplying the unregulated but primary market with which they are normally associated.

A distributing plant, other than that of a producer-handler, is qualified as a pool plant in any month in which Class I milk equal to not less than 50 percent of Grade A milk received directly from dairy farmers (including receipts from a cooperative association acting as the handler on farm tank milk which it causes to be picked up at the farm and delivered to the plant) is disposed of in the form of Class I milk on routes, if the lesser of 15 percent of such receipts or a daily average of 1,500 pounds is disposed of on routes in the marketing area. A plant which distributes less than 50 percent of its receipts from dairy farmers as Class I milk should not be considered as primarily in the fluid milk business and any plant which distributes the lesser of 15 percent of such receipts or 1,500 pounds on a daily average on routes in the marketing area should not be considered as substantially associated with this market.

Distributing plants in the market rely primarily on direct producer receipts as a source of milk supply and there is no reason to expect a change in this situation. Nevertheless, the order should make provisions whereby supply plants may qualify for pooling. It is therefore provided, that a supply plant may be qualified as a pool plant in any month in which 50 percent of its receipts of Grade A milk direct from dairy farmers (including receipts from a cooperative association acting as the handler on bulk tank milk which it causes to be picked up at the farm and delivered to the plant) is moved to a distributing plant(s) which disposes of 50 percent or more of its total receipts of Grade A milk and at least 15 percent or 1,500 pounds on a daily average, whichever is less, on routes in the marketing area. A plant shipping 50 percent or more of its Grade A receipts from dairy farmers to distributing plants substantially associated with the local market has demonstrated its primary association with the market for the month. Any plant meeting this shipping requirement in each of the months of September through November, on its election, should be permitted to retain pooling status during the months of March through June, regardless of shipments.

The months of March through June are the months of flush production when it would be expected that the regular direct receipts would most likely exceed fluid requirements. In such cases it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants for the purpose of maintaining pooling eligibility. Accordingly, supply plants which have demonstrated their association with the market during the months of September through November, when milk supplies are normally shortest, should be permitted to retain pooling status during the flush production months. However, there is no reason why such plant should be required to pool during any period in which it does not meet the shipping requirements. To avoid any misunderstanding between the operator and the market administrator as to the plant's status during the flush production months, the plant operator must notify the administrator in writing prior to the first day of any month of March through June if he does not wish to exercise his option for automatic pooling status for the remainder of the period through June.

Proponents proposed that a supply plant be required to meet a 75 percent shipping requirement during the months of September through November to qualify for automatic pooling during March through June. A plant meeting the regular shipping requirements for pooling in each of the short production months has sufficiently demonstrated its association with the market and it would be inappropriate, and it is unnecessary, to provide greater requirements for qualification for automatic pooling during the flush production months.

One handler in the market maintains an ungraded manufacturing operation in the same building as his Grade A plant. The manufacturing operation is not approved by any health authority for receiving, processing or packaging any Grade A fluid milk product and the applicable health regulations do not permit transfer of milk from the ungraded to the Grade A operations. If Grade A milk is moved to the ungraded operation it loses its status as Grade A milk. The ungraded operation has no facilities for receiving fluid milk and there is no pipeline connecting the two plants. Under such circumstance there is no reason for restricting the operation of the ungraded facilities to any greater degree than is the case in the operation of any other ungraded plant. However, proper safeguards must be provided to insure that the ungraded and graded portions of any pool handler are maintained as separate entities. It is concluded, therefore, that if a portion of a pool plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing or packaging any fluid milk product for Grade A disposition, it should not be considered a part of the pool plant. However, if the graded and ungraded operations are not maintained separately, the entire operation of the plant would be considered that of a pool plant and all ungraded milk received at such plant would be considered as other source receipts.

Some milk is distributed in the marketing area from plants which also distribute milk in other Federal order markets. Such distributing plants may meet the pooling requirements of both this order and another Federal order. Since it is not necessary that a plant be fully regulated under each of two orders, standards are needed whereby the market administrator may ascertain whether such a plant should be regulated under this order.

Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made and this is concluded to be an appropriate standard under this order. It should be recognized, however, that with recent technological improvements in the production, processing and distribution, routes have been greatly extended. It is not improbable that a plant could have virtually the same volume of distribution in each of two markets and with a relatively inconsequential change in the proportion of distribution as between these markets, regulation of the plant could shift back and forth between the two orders on a month to mohth basis. Such a situation would not be in the best interest of orderly marketing. It is possible, due to a management error or error on the part of an employee or a route salesman, that an inadvertent sale might result in an unintended change in pooling. It is also possible that a change in classification during audit might produce the same result.

Any uncertainty as to the market in which a plant is to be pooled in any particular month will be substantially eliminated if a distributing plant meeting the pooling requirements of both this order and another Federal order and having a greater proportion of its Class I disposition in the marketing area regulated by such other order but which was pooled under this order in the most recent month is permitted to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. It should be recognized, however, that the provisions of such other order may require the plant to be pooled under that order, in which case the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification.

Official notice is taken of the fact that the other Texas orders have recently been amended to include similar provisions to those herein proposed to deter plants from changing back and forth between orders on a month-to-month basis. To assure that the provisions of the several orders are compatible, provision also should be made to exempt a distributing plant doing a greater proportion of its Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order.

Under the provisions as herein recommended, a supply plant would be regulated under this order in any month in which 50 percent of receipts from dairy farmers are shipped to the market. It is, therefore, unnecessary to make provision for supply plants meeting the pooling requirements of two orders. Any plant shipping 50 percent of its receipts to the local market should be considered as primarily associated with the market and should therefore be fully regulated.

At least one State institution operates a processing facility in the marketing area. Where such operations are confined to the distribution of milk processed and packaged on the premises, or on the premises of other State institutions, such institutions should be exempted from regulation under the order. There is no need to regulate the activities of States in supplying the needs of their own institutions. However, such institutions should not be permitted to deliver milk in excess of their fluid requirements to a pool plant(s) as producer milk. Neither should they be permitted to receive fluid milk products from pool handlers as other than Class I milk. The order provides, therefore, that receipts at a pool plant from a State institution which processes or packages milk for distribution only on its premises or on the premises of other State institutions shall be treated as other source milk and any receipts by such institution of fluid milk products from a pool handler shall be classified as Class I.

Producer-handler. A producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no milk products for Class I use from other dairy farmers or from sources other than pool plants.

There is only one known producer-handler operation in the market and there is no indication that this operation has been a disturbing factor in this market. A producer-handler conducts an integrated operation—processing, packaging, and distributing milk of his own farm production. Full regulation of such individuals would provide considerable administrative difficulty and is not considered necessary under the existing market situation.

It is intended that the exemption from pricing and pooling of such operations shall be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that producer-handler status shall be conditioned on satisfactory proof that the maintenance, care and management of the dairy herd and other resources necessary to produce milk and the processing, packaging, and distribution operations are the personal enterprises and conducted at the risk of the person involved.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to receipts from pool handlers, the order provides that a producer-handler shall make reports at such time and in such manner as the market administrator shall require.

Handler. A "handler" should be defined as any person in his capacity as the operator of a pool plant or any nonpool distributing or supply plant and any cooperative association with respect to producer milk diverted for the account of such association to a nonpool plant and, at its election, any cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such association.

The handler who receives milk from producers is held responsible under the terms of the order for reporting receipts and utilization of such milk and for proper payment to producers and to the pool. Inclusion in the handler definition of the operator of any nonpool distributing or supply plant is necessary in order that the market administrator may require reports as he deems necessary to determine the continuing status of such individuals. In the case of a distributing plant which does not acquire pool status because of insufficient sales in the marketing area, such reports are further necessary to determine the amount of compensatory payment to be made by the operator of such plant on the milk distributed in the marketing area.

Besides the possibility that a cooperative association may be a handler with respect to a plant operation, two other types of operations also may qualify it as a handler. One of these is the diversion of the milk of producers associated with the market to nonpool plants for its account. This arrangement will facilitate the disposal of milk surplus to the fluid needs of the market by cooperative associations.

The second role of the cooperative association as a handler without a plant is with respect to its operations in delivering the milk of its producer members directly from the farm to pool plants. Under the current arrangements for marketing the milk of producers using farm milk tanks, the amount of milk received and the butterfat tests thereof are determined by measurement at the farm and from butterfat samples taken at the farm. After the milk has been pumped into the tank truck, and commingled with the milk of other producers, there is no further opportunity to measure or sample or reject the milk of an individual producer except as the operator of the pool plant measures, samples or accepts the entire lot of milk. When such operations are

conducted at the behest and under the supervision of a cooperative association, it is the association who has control over the operations with respect to individual producers. Accordingly, the association should be considered to be the responsible handler for reporting, accounting and payment for the milk. However, in order to allow flexibility in the marketing arrangements between cooperative associations and operators of pool plants, the order should make provision for the transferee handler to be the responsible handler upon notification by the association. Where the cooperative association is the responsible handler, the milk is treated as a receipt of producer milk by the cooperative association at a pool plant in the same location as the pool plant at which the milk was physically received. The milk is then treated as a transfer by the cooperative association to the plant operator and is classified according to the interhandler transfer terms of the order.

Producer. The term "producer" is intended to distinguish those dairy farmers who constitute the regular source of Grade A milk supply for the market to whom the minimum prices specified under the order must be paid. Under the definition a producer is any person, other than a producer-handler or a State institution (pursuant to § 1120.63) who produces Grade A milk which milk is received at a pool plant.

When producer milk is not needed in the market for Class I use the movement of such milk to nonpool plants for manufacturing uses should be facilitated. Allowing for unlimited diversion during those months when supplies are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when milk of producers is most needed to supply the Class I needs of the market. It is necessary, however, to recognize the fact that there are day-to-day variations in both production and sales, particularly since bottling operations are not conducted seven days a week. To accommodate efficient handling of the regular milk supply, therefore, it is provided that during any month of July through February, not more than 15 days' production of any producer may be diverted to a nonpool plant. Milk diverted in excess of 15 days would not be included as a receipt of producer milk.

Proponents asked that cooperative associations be permitted the right of unlimited diversions and that diversions by proprietary handlers be restricted to not more than 15 days in any month. It would not be appropriate to permit cooperative associations greater diversion privileges than are provided for other handlers. As has been previously indicated, local handlers generally have maintained a very high Class I utilization. It is intended that the order shall assure an adequate, but not excessive supply of milk for the fluid market. The order provisions should not be drawn so as to encourage an excess volume of milk to associate with the pool. During the months of July through February it is not necessary to accommodate diversions to nonpool plants except insofar as may be necessary to assure orderly handling of weekend surpluses.

Milk disposed of to Government installations under contract sales must meet specified standards patterned after the U.S. Public Health standards which are similar to those in effect in other parts of the area. It is intended that dairy farmers whose milk is received at a plant supplying contracts for Government installations in the marketing area shall be considered as qualified producers in any month when their milk is so disposed of, if the plant at which their milk is first received is a fully regulated pool plant during the month.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at a pool plant directly from such producers or by a cooperative association in its capacity as a handler on bulk tank milk which it causes to be picked up at the farm. As previously indicated the latter milk is treated as a receipt by the cooperative at a pool plant at the location of the pool plant where physically received. The term also includes any diverted milk of producers within the limitation prescribed in the producer definition. Such milk is treated as a receipt of producer milk at the location of the pool plant from which diverted.

Other source milk. The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operations except fluid milk products received from pool plants, and from cooperative associations acting as the handler on bulk tank milk, inventory in the form of fluid milk products and current receipts of producer milk. The term also should include all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under the compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

Classification of milk. A classified use plan must be established to insure that all milk and milk products are fully accounted for by the handler responsible for accounting and reporting to the market administrator and for making payments to producers. Accounting for milk and milk products on a skim milk equivalent and butterfat basis and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat are used or disposed of either as Class I milk or Class II milk, is the most appropriate means of securing complete accounting of all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms representing different proportions of butterfat and skim milk components of milk which may be greatly changed from the proportions of such butterfat and skim milk in milk as it is first received. Because intermarket transfers of milk are necessarily included in the accounting procedure it is essential that the accounting procedure employed conform with that used in other Federal order markets. The skim milk and butterfat accounting system provided for in the order recognizes the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved.

Only producer milk is intended to be priced and pooled under the order. However, milk may be received at pool plants not only from producers but also from other handlers and other sources and commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk and milk products in a plant to properly establish the classification of producer milk and to apply the provisions of a classified pricing plan to such milk.

To implement the drafting of the classification provisions of the order a definition of "fluid milk products" is provided. The term is intended to include those products which are generally required to be derived from milk and milk products from approved sources of supply. These are the products which are classified as Class I milk under the classification herein provided.

The extra cost incurred by producers in producing quality milk and getting it delivered to the market in the condition and in the quantities needed by the market necessitates price for milk used in Class I products somewhat above the price of milk used in manufactured products. This higher price should be established at a level which will provide sufficient incentive to producers, through the blended price returns, to encourage the production of those quantities of milk needed for Class I use plus a necessary reserve to accommodate fluctuations in the market demand.

Milk not needed for Class I uses is disposed of in the manufacture of various dairy products which compete in a national market with similar products made from unapproved milk. Milk so used is classified as Class II milk and priced in accordance with its value in such outlets.

Under the proposed classification scheme Class I milk would be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, concentrated milk, flavored milk drinks, cream (except aerated cream products), cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except that disposed of to bakeries and other commercial food processing plants, or as ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers. Skim milk and butterfat not specifically accounted for in Class II would also be classified as Class I.

Exception was taken to the failure of the order to provide that frozen cream be included as a Class II product. The classification of frozen cream, as such, was not considered at the hearing. Proponents initially proposed a Class II classification for storage cream but revised their proposal at the hearing in favor of a Class I classification.

The recommended order specifically provides that cream transferred to a nonpool plant and labeled and invoiced "for manufacturing use only" shall be Class II. Cream held in storage by a pool handler would be included in inventory of fluid milk products and would be classified in Class II pending final disposition. Accordingly, there is no need for a specific Class II classification for storage cream.

When fortification of fluid milk products is involved it is intended that the extent of classification as Class I shall be only the weight of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

When nonfat milk solids are added to a fluid milk product for the purpose of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstance can it be concluded that the solids displace producer milk beyond the minor increases in volume which result.

When reconstitution, rather than fortification, is involved it is essential that the full skim equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute wherever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses wherever it was advantageous to do so, while producer milk was utilized in Class II, it would not be effective in carrying out the purpose of the Act and the market would be deprived of a dependable milk supply.

When flavoring and other nonmilk additives are used in processing any milk product, it is intended that the dry weight of such additives shall be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure employed in adjacent Federal order markets and will implement the accounting for all skim milk and butterfat utilized.

All skim milk and butterfat received for which the handler cannot establish utilization should be classified as Class I milk except for that shrinkage for which a Class II classification is provided, as hereinafter discussed. This procedure is necessary to remove any advantage which might occur to handlers who fail to maintain complete and accurate records and will assure producers full value for their milk according to use.

All skim milk and butterfat used to produce products other than those which are classified as Class I should be classified in Class II. This classification would encompass all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from milk from approved sources of supply, including fluid milk products disposed of to bakeries and other food product manufacturing establishments for manufacturing uses.

Handlers maintain inventories of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing that end-of-month inventories of Class I products shall be classified as Class II milk, regardless of whether such products are in bulk or packaged form. Inventories of such products under the allocation procedure hereinafter set forth are subtracted from any available disposition in the following month after the prior allocation of other source receipts to the lowest available use class. The higher use value of any fluid milk product in inventory, but which is allocated to Class I milk in the following month, should be reflected in returns to producers. This procedure will deter any handler from obtaining a pricing advantage by manipulation of inventories on a month-to-month basis and at the same time generally preserves the principle that producer milk shall have prior claim on Class I utilization. To implement these conclusions, inventories of fluid milk products on hand at a pool plant at the beginning of the month in which a plant is first pooled shall be treated as a receipt of other source milk at such plant during the month.

Losses of skim milk and butterfat experienced in plant operations must be considered in a full accounting procedure, although the handler realizes no return on such losses. Such disappearance is termed "shrinkage" and should be considered as Class II disposition to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

Plants which are operated in a reasonably efficient manner and in which accurate records are maintained should not experience a normal shrinkage loss of more than 2 percent. Any shrinkage in excess of this amount should be classified in Class I. This procedure is reasonable and necessary to implement the classified pricing plan and will encourage maintenance of adequate records and efficient handling of milk.

To implement the division of the maximum 2-percent shrinkage allowance between handlers where interhandler transfers are involved, and particularly in recognition of the fact that the order herein recommended provides that a cooperative association shall be the responsible handler for milk picked up at the farm in tank trucks under its control and delivered to the plants of other handlers, it is desirable that the order provide the basis of allocating shrinkage as between handlers.

There is no question but that under normal circumstance losses connected with processing and packaging exceed those of the receiving operations. Experience in other Federal order markets indicate a one-half of 1 percent shrinkage allowance for a receiving operation to be appropriate. Such an allowance is considered to be a reasonable allowance and gives assurance to the receiving handler that he will be able to account for his actual shrinkage experience within this limit as Class II milk. The remaining 1.5 percent shrinkage allowance assures the transferee handler of a reasonable share of the total allowable shrinkage. Where the transferor handler is a cooperative association delivering bulk tank milk and the transferee handler is purchasing such milk on the basis of farm weights and the tests of farm-drawn samples the cooperative, of course, experiences no shrinkage. In such case the order provides that the entire 2-percent shrinkage allowance goes to the transferor handler.

Since handlers may use both pool milk and other source milk in their plant operations, provision must be made for a division of plant shrinkage among the various sources of receipts. This may be accomplished by providing that other source milk shall be assigned a pro rata share of total plant shrinkage on the basis of the percentage that other source receipts are of total plant receipts.

All shrinkage on other source milk should be classified as Class II. The classification procedure herein recommended gives adequate protection in the classification of producer milk and it is unnecessary to limit the classification of shrinkage on other source milk in Class II.

Under normal circumstances handlers experience some spoilage of fluid milk products, particularly in route returns, for which there is no return other than as animal feed. Skim milk and butterfat disposed of for animal feed should be classified as Class II milk. The returns to the handler on such disposition are significantly less attractive than for other Class II disposition (except dumpage). Further, such disposition can be verified by the market administrator and hence there is no need for any limitation on such disposition.

Dumped skim milk and butterfat should be classified as Class II provided that the market administrator is provided opportunity to witness the dumping, if he so desires. Clearly, dumpage is distinguishable from shrinkage in that it is a disposition which may be accounted for. Since it results in no financial return to the handler, however, such disposition should be considered a Class II

usage. However, since it would be impossible to verify dumpage other than by witnessing, or on the basis of handlers' records, safeguards must be provided to prevent handlers from constructing dumpage records to offset excess shrinkage experience or unreported Class I disposition. Provision for advance notice to the market administrator will provide such a safeguard since the administrator then will have opportunity to witness dumpage for verification purposes.

Skim milk and butterfat used to produce Class II products should be considered to be disposed of when the product is made. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product should be treated as a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all of his receipts of skim milk and butterfat in any form. The handler who first receives milk from dairy farmers is held responsible for establishing the classification thereof, and for making payments to producers. This principle is fundamental to effective administration of the order and is consistent with the practice followed in other federally regulated markets.

Transfers. Skim milk and butterfat in fluid milk products transferred between pool plants should be classified as Class I unless both handlers indicate in their reports to the market administrator that classification should be as Class II. However, sufficient Class II utilization must be available in the transferee plant to cover any claimed Class II classification after the prior allocation of other source receipts and inventory as provided in the allocation procedure. In the event that the transferor handler has received other source milk, the classification of milk at both the transferor and the transferee plant should be conditioned on allocation of the largest possible Class I utilization to producer milk at both plants under the prescribed allocation procedure.

Skim milk and butterfat in packaged fluid milk products transferred from a pool plant to a nonpool plant should be classified as Class I and should not be subject to reclassification. Milk so moved is intended for disposition for fluid consumption and the Class I value thereof should logically accrue to the Lubbock-Plainview producers supplying such milk.

All skim milk and butterfat in fluid milk products transferred to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. Producer-handlers operate essentially only a Class I business. Any supplemental supplies of milk obtained from pool handlers may be presumed to be needed by the producer-handler for fluid use and should be classified as Class I milk. Under any circumstances, producer-handlers do not participate in the marketwide pooling procedure, and if they rely on other handlers for balancing supplies, producers should be compensated through a Class I return on any fluid milk products so transferred.

Fluid milk products transferred in bulk to any nonpool plant which is a fully regulated plant under another Federal order should be classified in the class in which assigned under such other order. This procedure will insure compatibility of classification as between orders and at the same time provide assurance to producers that their milk is being priced in accordance with its actual use value. It should be recognized that the transferee plant may be receiving milk from several plants regulated under other orders. To assure equity for local producers when milk from more than one order is involved it is provided that the classification of the transfers shall be a pro rata share of other Federal order milk classified in each class at the transferee plant under the provisions of the other order.

Fluid milk products transferred in bulk to a nonpool distributing plant, not regulated under any Federal order, should be classified as Class I to the extent of such plant's Class I sales in the marketing area, if such nonpool plant has elected to make the regular compensatory payment rather than payment of any amount by which his payment to his regular dairy farmers is less than the classification value of his milk. This procedure protects the integrity of regulation and at the same time minimizes the application of compensatory payment on such a plant.

Cream which is transferred to a nonpool plant without a Grade A certificate and which is appropriately labeled to indicate its suitability for manufacturing use only should be classified as Class II. Such cream is not disposed of by the transferee handler for Class I uses and accordingly, a Class II classification is appropriate.

Except as previously discussed skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant either by transfer or diversion should be Class I unless specified conditions are met. The transferring handler must claim classification as other than Class I. The transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, for verification purposes. In addition, at least an equivalent Class II utilization of skim milk and butterfat, respectively, must have been available in such plant and the classification of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant may not be less than a pro rata share of the available Class I utilization assignable to Federal order receipts at such plant after the prior assignment to Class I of receipts from Grade A dairy farmers who the market administrator determines constitute the regular source of supply for Grade A milk for such plant.

Proponents proposed a mileage limitation beyond which fluid milk products could not be transferred or diverted except under a Class I classification. Such a limitation was intended for administrative convenience and conservation of administrative funds. In recognition of the widespread nature of the Federal order program and the fact that the market administrator may rely on his counterparts in other regulated markets to perform audits at distant plants with appropriate reimbursement for such service, the auditing at distant plants need be no more costly than the auditing at local plants. Hence, there is no need for the proposed mileage limitation on transfers. However, to protect the integrity of regulation it is desirable that some limitation be placed on diversions under other than a Class I classification. Unless this is done, milk produced for other markets could be associated with this market on the basis of even a single day's delivery for purposes of establishing status as producer milk and thereafter be reported as a diversion to its normal plant of receipt throughout the months of unlimited diversion. In consideration of the location of available manufacturing facilities there should be no need to divert milk for manufacturing uses in excess of 300 miles. Accordingly, it is provided that milk diverted to a nonpool plant located in excess of 300 miles from Lubbock shall be classified as Class I.

Allocation. The order class prices apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant shall be assigned to producer milk. The milk from producers who constitute the regular supplies of the market should be given priority in the assignment of Class I utilization at pool plants. When milk is received from other sources it should be assigned first to Class II. Unless this procedure is followed there can be no assurance that such other source milk will not be used to displace producer milk in Class I whenever it is advantageous to the purchasing handler. If this were permitted, the order would not be effective in carrying out the purpose of the Act.

Much of the supplemental milk for the market has in the past been brought in from other Federal order markets. When such supplemental milk is actually needed and is obtained under conditions which assure that it was paid for at Class I prices under another order, it is appropriate that the need be recognized in the allocation of such milk. The Acting Secretary in his recommended decision concluded that following the assignment of unpriced other source milk to the lowest available use class and prior to the assignment of bulk receipts from other Federal order plants, 5 percent of producer receipts and receipts from cooperative associations pursuant to § 1120.17(c)(2) should be assigned to any remaining Class II use. Producers excepted to the assignment of producer milk to Class II prior to milk received from plants under other Federal orders when receipts of local producer milk were adequate to meet Class I requirement. It was their position that this procedure should apply only when producer receipts are less than 110 percent of Class I sales. The recommended limited assignment of producer milk to Class II, would permit a handler whose regular milk supplies at anytime run short to bring in milk from other Federal order markets and have it assigned to Class I. In view of the variation in local supplies and in the quantities of milk bottled on different days within a week, an assignment of 5 percent of producer receipts to Class II is a reasonable amount of surplus for assignment to local producer milk when a handler purchases other Federal order milk. Moreover, the Class I prices in this market are aligned with prices in other Federal orders and hence there will be no occasion for handlers to exploit this provision.

It is intended that the order shall recognize the principle of free movement of packaged fluid milk products between Federal order markets. Accordingly, the allocation provisions provide that receipts of packaged fluid milk products from fully regulated plants under another Federal order shall be assigned to Class I.

The pricing under the several orders from which such movements of milk might occur is such that no pricing advantage would likely be gained by the movements of packaged milk between markets. However, efficiencies in scale of operation resulting from concentration of specialized packaging operations in a single plant may be advantageous to multiple plant operations. This unrestricted competition for sales among all handlers where milk is priced and regulated on a uniform basis will provide flexibility in daily operations of handlers and a better balance of milk supplies between markets will be gained by permitting the free movement of packaged fluid milk products.

Following the allocation of other Federal order receipts, the 5 percent of producer receipts deducted prior to the allocation of such other source milk is added to the remaining available Class II utilization. Inventories of fluid milk products on hand at the beginning of the month are then allocated to the lowest available use. The procedure of allocation and the computation of obligations provided will permit final classification of opening inventory in the current month and it is intended that there shall be a reclassification payment on any part of the opening inventory which is allocated to Class I. An exception to this procedure is provided in the payment provisions of the order to insure that such reclassification payment will not be applicable to milk which has previously been priced as Class I milk under another Federal order and which is carried in the handler's plant in opening inventory.

The only remaining receipts not yet allocated are producer receipts and receipts from pool plants. Receipts from other pool plants (including a cooperative association pursuant to § 1120.17(c)(2)) are allocated to the class in which assigned under the transfer provisions and the remaining utilization is presumed to represent producer receipts.

If after making the assignments prescribed in the allocation procedure, the total of all Class I and Class II milk assignable to producer milk exceeds the amount of producer milk reported by the handler such overage is assigned to the lowest available utilization and is billed to the handler at the applicable class price. In the allocation procedure recognition is taken of all reported receipts of other source milk. Hence, when utilization records indicate a disposition greater than receipts it must be presumed that the handler has underreported his receipts of producer milk.

Determination and level of class prices. To restore and maintain orderly marketing in the Lubbock-Plainview, Texas, marketing area it is essential that the class prices established be at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the local fluid market and at the same time assure the orderly disposition of the necessary market reserve supply.

Most of the Federal orders now in effect provide for the computation of prices at a basic test of 3.5 percent butterfat content and it is desirable for the purpose of implementing price comparisons as between Federal order markets, that a uniform standard be used in all orders. However, official notice is taken of the fact that the other Texas Federal orders presently provide for the announcement of prices at a 4.0 percent basic test. It is anticipated that the Department will be requested at an early date to change all of the Texas orders to provide pricing on the basis of a 3.5 percent butterfat test in general conformity with other Federal orders. In the meantime, it is desirable to maintain uniformity among the several Texas orders and accordingly, provision is made under this order for pricing at a basic test of 4.0 percent butterfat.

Class I price. The price for Class I milk should be established on the basis of the Class I price effective under Federal Order 126 regulating the handling of milk in the North Texas marketing area, but at a level 10 cents higher than such price.

In providing a method by which to establish the local Class I price, consideration must be given to the prices of alternative sources of whole milk and to the national level of prices for milk used to produce manufacturing milk products. The Class I price should be expressed as a differential over manufacturing milk values. The use of manufacturing milk values will give appropriate consideration to those (national) factors underlying seasonal and secular changes in the general level of prices for milk and for manufactured dairy products. A differential over manufacturing milk values is necessary to cover the additional costs of marketing and meeting sanitation and health requirements governing the production of Grade A milk for fluid consumption in the local market. Such differential should provide returns to producers, after the proceeds from the Class I and Class II sales of the market are blended, sufficient to assure the maintenance of an adequate supply of milk to meet the markets fluid needs.

Proponents of regulation, while subscribing to the principles set forth above, were divided as to the specific terms for a Class I pricing formula. The spokesman for one group of producers, pointing out the substantial sales in the marketing area by a Central West Texas regulated handler and the competition for producers between regulated handlers under that order and local handlers, proposed that the Class I price be set at the level identical with the Class I price under the Central West Texas order applicable at Abilene, Texas. The spokesman for another producer group proposed a level of price 18 cents over the Texas Panhandle Federal order price. Local handlers, while not supporting regulation, pointed out the competition between local handlers and Panhandle regulated handlers.

The Lubbock-Plainview marketing area lies between the Texas Panhandle and the Central West Texas marketing areas and directly west of the Red River Valley marketing area. To a large extent milk for the local market is produced in direct competition with milk produced for the Texas Panhandle and Central West Texas markets. Substantial volumes of milk priced under the Central West Texas and Texas Panhandle orders are distributed on routes in the Lubbock-Plainview market. In addition, milk priced under the Oklahoma Metropolitan and North Texas orders is regularly distributed in the local market. Because of this relationship of the local market with adjacent federally regulated markets, it is essential that the prices established by the order be closely related to prices in these adjacent markets.

The Class I price under the Central West Texas order is established on the basis of the North Texas price plus 25 cents (40 cents in the Midland area). The North Texas Class I price is determined by the addition of specified differentials to a basic formula price reflecting the higher of the Midwest condensary pay price adjusted to a 4.0 percent butterfat test or a butter-powder formula. The resulting price is further adjusted to reflect the combined supply-demand situation in the North Texas, Central West Texas, Austin-Waco, San Antonio and Corpus Christi markets. The Texas Panhandle Class I price is computed on the identical basic formula as the North Texas Class I price but with seasonal differentials averaging 6 cents less than those provided in the North Texas order and with no supply-demand adjustment mechanism. As a result the Panhandle price, which for the period January 1958, through December 1960, averaged approximately 3 cents under the North Texas price and 28 cents under the Central West Texas price, averaged in 1961, 12 cents over the North Texas price.

For the purpose of ascertaining current order price relationships, producer receipts and Class I sales, official notice is taken of the price and pool statistics released by the respective market administrators of the North Texas and Texas Panhandle Federal orders for the period April through December 1961.

It is apparent that for an extended period immediately prior to 1961 both the North Texas and Texas Panhandle markets had at least an adequate milk supply. During 1961 the volume of producer milk in the Panhandle market increased approximately 14 percent over that of the previous year while Class I sales declined about 1.5 percent. In the North Texas market producer receipts increased about 8.4 percent while Class I sales increased slightly.

All of the Federal orders in the Southwest, other than the Texas Panhandle, provide for automatic Class I price adjustments to reflect current supply-demand conditions. Hence, if general interorder price alignment is to be maintained the increase in the Panhandle Class I price during 1961 in relation to the price in adjacent Federal order markets must be considered an aberration.

A Class I price for the Lubbock-Plainview market, therefore, should be based on the more normal price relationships existing among the adjacent Federal order markets in the most recent years preceding 1961. Accordingly, it is concluded appropriate that the Lubbock-Plainview price be established at a level 10 cents over the North Texas Class I price and 15 cents under the Central West Texas price. Under this level of pricing the Lubbock-Plainview Class I price during the years 1958, 1959, and 1960 would have exceeded the Texas Panhandle price by an average of 15.9 cents, 8.6 cents, 15.2 cents, respectively.

Milk under the Texas Panhandle order is priced at Amarillo which lies 124 miles north of Lubbock, while milk under the Central West Texas order is priced at Abilene, 166 miles southeast of Lubbock. Hence, the proposed pricing at Lubbock appropriately reflects the differences in distance between Lubbock and those points.

In general, prices for milk for fluid use in the Lubbock-Plainview market have reflected the average returns to producers under the Central West Texas and Panhandle markets. While the utilization of local handlers cannot be specifically determined on the basis of the hearing record, it is apparent that these handlers have attempted to tailor their producer receipts to their fluid milk requirements and have relied on adjacent markets for balancing supplies. It would appear, therefore, that the Class I price herein proposed would not have changed significantly producer returns during 1958 and 1959. However, since local producers prices during 1960 declined slightly from those paid during 1959 and Class I prices and blend prices in adjacent Federal order markets increased roughly 20 cents per hundredweight, it is concluded that had the order herein recommended been in effect during 1960, producer returns would have been increased by at least this amount. Information relative to local producer returns during 1961 is not available. Accordingly, the effect of the recommended Class I price on their returns for 1961 cannot be ascertained. Blend prices in adjacent Federal order markets, other than the Panhandle, in 1961, declined from those of 1960 as a result of the actions of supply-demand adjustment mechanism on the Class I price. Under the pricing mechanism herein recommended a similar price change would have been effected in the Lubbock-Plainview market.

Proponents of regulation filed exceptions to the level of Class I prices under the proposed order. Exceptors claimed the recommended level of Class I prices would cause misalignment of Class I prices among Federal orders in this area.

After review of the record evidence, it is concluded that the recommended Class I price is aligned with Class I prices under other Federal order markets from which milk can be expected to move to this market. Contrary to exceptors position, there is no evidence to suggest that producer returns under the recommended order would be reduced to an extent which would threaten the supply of milk for the market. As previously pointed out returns during 1961 would have been increased at least 20 cents per hundredweight. The proposed price level, it is concluded, will assure the maintenance of an adequate milk supply for the local market and accordingly, exceptors' request for a higher pricing is denied.

Class II price. The price for milk disposed of for other than Class I uses should be established on the same basis and at the identical level of the Class II price under the Texas Panhandle order.

Some milk in excess of Class I requirements is necessary to assure an adequate milk supply for the fluid requirements of the market at all times. This excess milk must be disposed of in manufactured products which would be Class II under the proposed classification system. The price for such milk should be maintained at the maximum level consistent with facilitating its orderly movement to manufacturing outlets. The Class II price should not be at so low a level, however, as to encourage procurement of milk supplies by handlers for the sole purpose of converting such milk into Class II products.

Three levels of Class II prices were proposed at the hearing. One group of producers originally proposed the identical level herein recommended. Another group originally proposed the identical pricing mechanism, but with no adjustment during the flush months of production. (This is the present basis of pricing Class II milk under the Central West Texas order and results in any average price approximately 4 cents over that herein recommended.) At the hearing spokesmen for both groups supported a Class II level approximately 14 cents higher than that herein recommended. However, in their briefs each group suggested adoption of its original proposal.

Local handlers have only limited facilities for handling milk for other than Class I use. Such facilities as do exist provide limited outlets for milk in the manufacture of ice cream and cottage cheese. Hence, outside manufacturing plants must be largely relied upon to handle the markets reserve supply. While it is not clear on the basis of this record what facilities will likely be used in the future, much of the reserve supply in the past has been disposed of through a receiving station and manufacturing facility located at Portales, New Mexico, at prices of 75 and 80 cents per pound of butterfat ($3.00 or $3.20 per hundredweight for 4.0 percent milk). It is not clear, however, to what extent this milk was actually used for manufacturing purposes and hence to what extent the outlet will be available when milk is priced in accordance with its use value under the order.

While the Central West Texas Class II price is 15 cents higher than the price herein proposed during the months of March through June, it must be recognized that that order also provides a year-round Class II–A price applicable to milk disposed of for Cheddar cheese. In 1960, for example, the Class II–A price averaged 23 cents below the regular Class II prices. A large part of the market's reserve supply is regularly disposed of at this lower price. In recognition of the limited manufacturing facilities available to the local market, therefore, use of the Central West Texas regular Class II price is not appropriate.

Since excess milk generally must be disposed of outside the market it is apparent that the Class II price cannot be established at a level higher than that at which milk can be disposed of to such outlets. A higher price would tend to deter association of the necessary reserve supply of milk with this market. Handlers would likely find it more economical to continue to rely on adjacent markets for balancing supplies. Under such circumstances producers in those markets would carry the burden of this market's necessary reserve milk supply. To assure equity among producers as between markets, therefore, it is desirable that the Class II price be set by the identical formula and at the same level as the Panhandle Class II price. This price has generally accommodated the orderly disposition of excess milk in that market and the procedure by which the excess milk of this market would necessarily be handled is substantially similar to that in the Panhandle market.

The formula as herein proposed would base the butterfat value on the average Grade A (92-score) butter price at Chicago as reported by the United States Department of Agriculture for the month less 3 cents. This arrangement will provide assurance to local producers that the Class II price will continuously reflect competitive butterfat values on the national market.

The skim milk value under the recommended formula is based on the average Chicago daily market quotations for roller and spray nonfat dry milk as reported by the Department for the period from the 26th day of the preceding month through the 25th day of the pricing month and reflects a make allowance of five and one-half cents per pound of nonfat dry milk. The formula as herein proposed would have yielded an average Class II price of $3.26 in 1960, and $3.45 in 1961, a hundredweight for milk of 4.0 percent butterfat test. This level of pricing should assure the orderly disposition of milk in excess of the fluid needs of the market and at the same time will return to producers a competitive use value for such milk.

Butterfat differentials. The classification system hereinbefore set forth provides for a full accounting of all skim milk and butterfat handled. While milk is priced to handlers at a basic test of 4.0 percent it is intended that handlers' costs for milk shall reflect the actual use value of all skim milk and butterfat in each class. This can be accomplished by adjusting the class prices to each handler by appropriate butterfat differentials to the level that the per hundredweight cost of milk in each class for such handler reflects the actual test of milk used in such class.

The value resulting from multiplying the Chicago butter price by 0.125 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. The use of the Chicago butter price as a basis of establishing butterfat differentials will provide assurance to both producers and handlers that such differentials reflect changes in butterfat value in the national market. The differentials herein recommended were generally supported by proponents and will implement continuing price alignment with prices in adjacent Federal order markets.

Location differentials. Location differentials should be established for milk received at plants located a substantial distance from the market. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the difference in cost of transporting it to the marketing area. No advantage can be afforded any particular group of producers if the location differentials established reflect only differences in transportation cost.

As has been previously indicated there are no supply plants presently associated with the market and in view of the structure of the market, it is doubtful that any such plant will be associated in the foreseeable future. Nevertheless, should a plant located outside of the normal area of direct delivery become associated with the market, an appropriate location differential would be necessary to assure equity as between handlers under the order.

Any application of location differentials under the present market structure would likely accrue to a distributing plant. However, the distributing plants presently primarily associated with this market are located in Lubbock or in Plainview—46 miles north of Lubbock. The only information on transportation costs presented on the record of the hearing was given by one of the proponent cooperatives. The rates charged by that association for hauling the milk of its producer members from the farm to Plainview and to Lubbock varied somewhat but not significantly. Spokesmen for that cooperative opposed any location differential at Plainview.

The handler whose plant is located at Plainview requested that the location of his plant in relation to the Panhandle market and the competitive situation existing between the two markets be recognized. To this end he proposed that the order prices be established at the identical level of the Panhandle price, or that a location differential be provided at Plainview to assure such alignment. As has been previously indicated, it is not possible to establish the Class I price in the market solely on the basis of the Panhandle price. Because the Panhandle order does not provide an adjustment mechanism for reflecting the supply-demand situation in the Class I price, that price may be either higher or lower than the price herein proposed and the prices in adjacent Federal order markets. It is expected, however, that the prices will generally be in close alignment. The establishment of a location differential at Plainview would provide the Plainview handler a competitive advantage in his competition with other regulated handlers in this market.

The location of the market in relation to other Federal order markets prescribes a very delicate pricing alignment. The level of Class I prices established f.o.b. the market is 10 cents over the North Texas price, 15 cents under the Central West Texas price and approximately 13 cents over the Panhandle price under a normal situation. Under these circumstances it is impractical to apply location differentials in most of the State of Texas since prices which would be applicable at a plant regulated under this order would be significantly under those applicable if the plant was regulated under another Texas order. Opportunity for a lower pricing would be likely to encourage manipulation of route operations by some plants now regulated under other Texas orders for the purpose of gaining a pricing advantage in their normal markets.

It is concluded that Class I location differentials should apply only at plants located at least 100 miles from Lubbock and outside of the State of Texas or within the State but north of a line represented by the northern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress counties. The differential at any plant so located and 100–110 miles from the City Hall in Lubbock should be 10 cents with an additional 1.5 cents to be applicable for each 10 miles or fraction thereof in excess of 110 miles.

Under the location differentials proposed the price applicable at a plant located in Amarillo during the period 1958 through 1960 would have averaged exactly the same as the Panhandle price. In addition, the price would have been in appropriate alignment with the Oklahoma City and Red River Valley Federal order prices.

Milk may be received at a plant directly from producers or from other plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I use. It is provided, therefore, that for the purpose of computing allowable Class I location differentials for each handler, the Class I disposition of a plant shall first be assigned to direct receipts at such plant and any remaining Class I use shall be assigned to receipts from other pool plants in the order of their nearness to Lubbock.

The value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving and processing such milk. Milk received at country plants need not be transported to the market for utilization in Class II. Accordingly, no location differentials are provided for milk utilized in Class II.

One handler took exceptions to the failure to provide a 10-cent location adjustment for his plant at Plainview. Exceptions filed by this handler reflected the same position taken at the hearing and outlined in his brief. He pointed out that his producer's farms are located at points where hauling rates to his plant at Plainview are 10 to 15 cents less than to plants at Lubbock.

The proposed marketing area represents one market for all handlers who would be fully regulated by this order. No one handler has a location advantage over another in the distribution of Class I milk in the market. Some milk moves from Lubbock to Plainview and other milk moves from Plainview to Lubbock. Under these circumstances, no differential value of milk between the two cities can be recognized. Moreover, the marginal supplies of milk for both cities will be obtained in Roosevelt County, New Mexico, and Bailey, Cochran and Parmer Counties, Texas, where hauling rates to both cities are about the same. Therefore, a location differential for a plant at Plainview would not be appropriate.

Payments on other source milk. As previously pointed out, the minimum class prices established under the order apply only on producer milk received at plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation under the order. Such unregulated plants may sell milk in bulk form to pool plants that in turn use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein, including sales to Government installations.

The role of the classification system and the minimum prices as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the minimum pricing and pooling program of the order is applicable only to fully regulated plants, it is necessary in order to assure continuing market stability, to remove any advantage unregulated plants may attain with respect to sales in a regulated market. Such plants have an incentive to sell their excess milk at any price which exceeds the value of the milk for manufacturing uses. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, it is clear that the disposi-

tion of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. A classified pricing program under regulation cannot be successful in the long run in insuring returns to producers at rates contemplated by the Act if it is possible for some handlers to purchase other source milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same method, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is possible that regular sources of regulated milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded that provision must be made to insure against the displacement of producer milk for the purpose of cost advantage. In the case of fully regulated handlers a compensatory payment on any unpriced other source milk allocated to Class I should be required. Such payment should be at the difference between the order Class II and Class I prices applicable at the location of the plant from which such other source milk was initially received from dairy farmers. As previously indicated the use value in its normal market would be its value for manufacturing uses. The Class II price established by the order is a fair and economic measure of the value of milk for manufacturing uses in this area and hence, appropriately represents the actual value of such milk in its normal market.

Nonfluid milk products compete on a national market and may be received in the local market from a number of sources and under varied circumstances. It is not administratively feasible to trace such products to their plant of origin. Accordingly, when the other source milk on which compensatory payment is required was received in a form other than a fluid milk product the payment should be on the basis of the difference between the Class II price and the Class I price effective at the location of the pool plant where used.

Exception was taken to the failure to provide for the waiver of compensatory payments on other source milk allocated to Class I when the supply of producer milk was insufficient to fill Class I milk requirements. It was exceptor's position, that in such an event it would be necessary to purchase unpriced milk from outside sources and such milk would not displace producer milk.

When total market receipts of producer milk are less than 110 percent of total Class I sales handlers likely would need to purchase other source milk for fluid uses. Under such circumstances, such purchases would not displace producer milk in Class I and hence a compensatory payment on unpriced milk allocated to Class I is unnecessary. Accordingly, it is provided that no compensatory payments will be applicable to a pool handler for unpriced other source milk in the form of fluid milk products allocated to Class I in any month in which producer receipts are less than 110 percent of total Class I sales.

Milk may be distributed in the marketing area from plants which have insufficient market area sales to qualify for pooling. In such event, to preserve the integrity of regulation, it is necessary to assure that the plant operator has no product cost advantage over regulated handlers because of his ability to use unpriced milk. This may be accomplished by permitting the handler to pay into the pool any amount by which the use value of his milk, computed as though he were a pool handler, exceeds his payments to dairy farmers, or in the alternative, to make a compensatory payment to the pool of the difference between the Class I price and the Class II price on the hundredweight of his market area sales which are in excess of his purchases of Federal order milk classified and priced as Class I.

There is only one handler distributing milk in the marketing area who would not be fully regulated under this order or who is not presently fully regulated under another Federal order. While this handler buys milk in Eastern New Mexico in competition with other handlers who would be fully regulated under the order, his methods of operation are such that his producer pay price would reflect a percentage of reserve milk at least equal to that of the local market. Hence, he could have no procurement advantage over regulated handlers if he should elect to pay the use value of his milk to his producers. Permitting the nonpool handler to choose which payment procedure he wishes to use will permit him flexibility in meeting the competitive situation in his local market without infringing on the integrity of regulation.

Distribution of proceeds to producers. The order should provide for the distribution of returns to producers through a marketwide equalization pool. Under this type of pooling all producers receive a uniform price which varies only to reflect the differences in butterfat content of milk delivered and the location of the plant of receipt. This pooling procedure will implement the orderly disposition of the market's reserve supply in manufacturing outlets. As has been previously indicated, manufacturing facilities in the market are limited and the bulk of the reserve supply of the market will necessarily be disposed of through distant manufacturing plants. Most of the producers are members of one or the other of the two proponent cooperative associations and it is likely that those associations will necessarily assume the responsibility of disposing of the market's excess supplies. The marketwide pool will facilitate the marketing of the market reserve by cooperatives by apportioning equitably among all producers the lower returns accruing from the disposition of such reserve supplies for manufacturing uses.

Producer-settlement fund. Payments to producers under the marketwide pool will require a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of milk received by him at the prices specified by the order. Under this pooling arrangement handlers whose obligations, computed on the basis of the class prices, exceed the uniform price will pay the difference to the producer-settlement fund. Handlers whose obligations to producers at the uniform price exceed the classification value of their milk will receive the difference from the producer-settlement fund.

Provision is made whereby the market administrator, in making payment to any handler from the producer-settlement fund shall offset such payments by any amounts due such fund from such handlers. This is sound business practice and without the provision the market administrator might be required to make payment to a handler who owes money to the fund but who is not financially able to make full payment of all of his debts.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers, provision is made whereby payments to handlers shall be reduced uniformly. The handler in turn may then reduce his payments to producers by an equivalent amount. Under the procedure prescribed the market administrator would complete payments as soon as the necessary funds became available and handlers in turn would complete payment to producers not later than the regular date for payment of producers next following.

Base-excess plan. In order to encourage an even pattern of production throughout the year the order should provide for the payment to producers under a base and excess plan as an adjunct to the seasonal pricing pattern. The price paid for base milk delivered should be determined by dividing the residual value of the pool, after deducting the value of excess milk by the total hundredweight of base milk. The price for excess milk should be the lowest use price. Provisions should be made to assure that the base price shall not exceed the Class I price. In the event this result is indicated, the order provides that the amount of such excess shall be included in the computation of the excess price.

Under the plan herein recommended, and which was generally supported at the hearing, bases would reflect each individual producer's average daily deliveries during the months of September through December and would be effective for the subsequent months of March through June. Each producer would receive payment at the base price for all

milk delivered during the March–June period which was not in excess of his established base. Milk delivered in such months in excess of his established base would be paid for at the excess price.

The computation of a daily base for each producer would be made by the market administrator. The order provides that producers shall be notified of their established bases on or before the 15th day of February each year. The daily base of each producer would be determined by dividing his total deliveries of milk during the base-forming months by the number of days of production but by not less than 112 days. Provision is made whereby producers delivering to a pool plant during the months of March through June, which plant was not a pool plant during the entire base forming months, would have their bases computed as though such plant had been a pool plant throughout such period.

Since much of the base-operating period necessarily will have lapsed prior to the effective date of the order, the specific provisions are drafted to delay the operation of the base plan until after June 1962.

Operation of the base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. A base computed for a producer on the basis of his deliveries to a nonpool plant during any part of the base-forming period should not be permitted to be transferred. In all other situations a base should be permitted to be transferred but only in its entirety and with appropriate notification to the market administrator. When a base is transferred to a producer already holding a base, a new base is computed for such producer, using the same procedure provided for computing his original basis.

Since the base-excess plan herein proposed is to be effective in determining producer payments in only four months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases are necessary.

Payments to individual-producers and cooperative associations. The order should provide that each handler pay individual producers not later than the 1st day after the end of the month for milk received from such producer during the first 15 days of the month an amount per hundredweight not less than the Class II price for the preceding month. Final payment should be made on or before the 15th day after the end of the month. These dates are the dates on which payment is customarily made to producers in the area. However, producers will, in fact, be receiving payment for each delivery 15 days later than they are at present. This delay is necessary to provide a reasonable time for the filing of reports, computation and announcement of the uniform price and/or the base and excess prices and for preparing individual checks and payments. The reporting, announcement and payment dates herein provided are synchronized to permit final payment on the 15th day after the end of the month.

The advance payment on or before the 1st day after the end of the month should be required only for those producers still delivering to the handler at the end of the month. This procedure together with the payment rate presented will assure producers a reasonable advance payment and at the same time fully protect the handler from possible overpayment.

The order should provide that a cooperative association of producers which is determined by the Secretary to be authorized to collect payments otherwise due its members, shall be paid by the handler the amounts due such producer-members on request. Such request to collect payments for its producer-members must be made in writing to both the handler and the market administrator prior to the 1st day of the month and must specify those producers for which membership and authority to collect payment is claimed. Such association should also submit a written promise to reimburse the handler against any actual monetary losses that he may incur as a result of any improper claim of membership on the part of the association.

One handler excepted to the proposed procedure whereby the cooperative association files with the handler and the market administrator a list of its member producers for whom it is entitled to collect payments. The exceptor asked that such list be furnished by the market administrator with his certification that the cooperative member list is accurate. The proposed order language provides several safeguards to assure that handlers are not required to pay a cooperative for milk delivered by a producer who is not a member of such cooperative association. First, the cooperative association must file with its claim a promise to reimburse the handler for any funds collected on milk which was not delivered by members. Second, the list of claimed members must be filed simultaneously with the market administrator. Finally, the handler (or any producer) may take exception to the claimed membership of any of the claimed members. When such exception is taken, the market administrator is required to determine the accuracy of the claim. Thus, the proposed language provides the protection against erroneous claims which the exceptor seeks.

Provision also should be made to require that a handler shall pay a cooperative association for all milk purchased from such association in its capacity as a handler pursuant to § 1120.17(c) (2) at not less than the use value of such milk computed at the specified order prices. A cooperative association may not sell milk to any handler at less than the specified order prices and this provision will implement the enforcement of this requirement.

Where payment is being made directly to the cooperative association such payments should be made on the 26th day of the month and the 13th day after the end of the month rather than on the 1st and 15th days after the end of the month. Earlier payment to a cooperative association is necessary to provide sufficient time whereby the cooperative association may in turn pay its members on the same days on which other producers are paid.

In the event a handler has received milk from producers or from a cooperative association as the handler on bulk tank milk which has an average butterfat content of more or less than 4.0 percent, the returns to such producers (or association) should be adjusted by a differential which reflects the weighted average value of butterfat in producer milk utilized in the respective classes. This follows the same principle as the payment of a uniform price to all producers.

In making payments to producers for milk received at plants located 100–110 miles from Lubbock and outside the State of Texas or beyond the northern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress Counties in the State of Texas the uniform price and the uniform base price should be reduced 10 cents plus 1.5 cents for each additional 10-mile distance or fraction thereof which such plant is located from Lubbock. Such a location differential will reflect the cost of hauling milk to market by an efficient means and hence will distribute returns to producers in accordance with the location value of their milk.

No location differential should be applicable in making payments for excess milk. Excess milk normally may be expected to be priced at approximately the Class II price which reflects the value of milk for manufacturing uses in the production area. Producers should not be expected to receive a lesser price for their milk than its value for manufacturing uses.

Administrative provisions. The order should provide the general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to definitions discussed earlier in these findings, certain other definitions, common to all other orders issued pursuant to the Act, are included. Such definitions are included in the interests of brevity, to assure that each usage of the term denotes a definite meaning. These include the terms "Act", "Secretary", "Department", "Person" and "Cooperative association".

Provision should be made for the appointment of a market administrator by the Secretary and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed for making computations required by the order and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are those provided in section 8c(7) (C) of the Act, as amended, and the language included is essentially that of the statute.

The duties of the market administrator as provided in the order are neces-

sary to define his responsibilities and are similar to those found in other orders issued pursuant to the Act.

The order provides that handlers be required to make and keep adequate records of their operations, and to submit the reports necessary to establish the classification of producer milk, and payments due for such milk. Time limits must be established for the filing of such reports and making such payments. Reports of the amount and classification of milk received by each handler from producers who are members of cooperative associations should be made to such associations as request them. For the purposes of this report, the utilization of the milk of association members by each handler should be proportioned to the total utilization of producer milk by such handler.

Provisions similar to those contained in other Federal orders, provide for the public announcement of the name of any person who fails to make reports or payments on the specified dates as required under this part. A handler maintained his position established on the record and in his brief that this announcement should be made five days after the date reports or payments are due. The dates established under the order provide reasonable time for the performance by handlers of the acts prescribed. Therefore, the requested five-day period of grace should not be adopted.

Detailed and verified reports are used to determine which plants are qualified as pool plants and the classification and pricing of producer milk at such plants. Reports and records of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are used to compute the money payable to the producer-settlement fund on such unpriced milk.

Handlers should keep and make available to the market administrator complete records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator. The market administrator should also have access to any other information upon which the classification of producer milk depends or which is related to payments to producers. Specifically, the market administrator should have the access necessary to check the accuracy of weight and tests of milk and milk products received and handled so that he may verify classification, pricing and payments required under the order.

Exceptions were filed to the proposed provisions regarding reports which handlers are required to file, and books, records and facilities which must be made available to the market administrator to verify such reports. The provisions proposed herein are those which have been used for some time in Federal milk orders to describe the market administrator's responsibilities in administering the order and the obligations of handlers. The language is explicit in that it places responsibility on the market administrator to prescribe reports and records which are necessary to carry out the terms of the order. Exceptor asked that the term "reasonably necessary" be inserted for the term "necessary". The testimony in support of the substitute language infers that the addition of the word "reasonably" would transfer the immediate responsibility for determining what records and reports are necessary from the market administrator to some unknown person. This would leave uncertainty in regard to such matters and thus hamper effective administration of the order. Hence, the proposed change in the description of the market administrator's duties should not be adopted. The handler is not, of course, precluded from seeking administrative corrections of any demands of the market administrator which he claims are unreasonable.

It is necessary that handlers maintain records to prove the utilization of milk received from producers and the accuracy of payments made for such milk. Because the books of all handlers associated with the market cannot be completely audited immediately after the milk has been received at a plant, such records must be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the orders should terminate. The provision included in the order is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, based on the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitations of claims, is equally applicable in this situation and is adopted as a part of this decision.

Provision is made whereby a handler may in any month elect two accounting periods, in lieu of accounting on a monthly basis, provided that no elected period may be less than seven days. This provision was requested by a handler for the purpose of reducing his potential obligation under the order in circumstances where production and/or Class I sales vary significantly from one part of the month to another and imports of other source milk are received from other Federal order plants. Under such circumstances producer receipts over the month as a whole might be sufficient to cover total Class I sales. Without the opportunity for two accounting periods, necessary imports of federally regulated milk would be allocated to Class II and some producer receipts would take priority in Class I even though such receipts were not available when needed. Producers should not expect a Class I return on milk which is not available when needed. Permitting the handlers opportunity to split the normal accounting period under such circumstances is both appropriate and equitable.

Since splitting of an accounting period would require audit of receipts, sales, inventories and shrinkage for each period within a month, the administrative workload is comparable to that involved in a full month. Little, if any, experience has been gained in the administrative cost of this provision under practical order operations. Therefore, it is concluded that any handler electing two accounting periods in any month should pay an administrative assessment of twice the rate otherwise applicable or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

Expense of administration. Each pool handler should be required to pay to the market administrator as his share of the cost of administering the order a rate not to exceed 5 cents a hundredweight on milk received from producers (including his own farm production, if any), milk caused to be delivered to his pool plant by a cooperative association directly from the producer's farm (§ 1120.17(c)(2)), and other source milk in his pool plant(s) allocated to Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that the cost of the administration be financed through an assessment on handlers. One of the duties of the market administrator is to verify receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by the above means.

To avoid double assessment, a cooperative association which is a handler should be exempt from paying the administrative assessment on milk which it receives from producers with farm milk tanks and subsequently transfers directly to pool plants of other handlers. A cooperative association may be the responsible handler on such farm tank milk to implement the efficient administration of the order. If provision is not made whereby the proprietary handler is required to pay the administrative assessment on such milk, the association might be reluctant to assume the role of the responsible handler. Furthermore, this procedure is necessary to preserve equity between member and nonmember producers. It would be inappropriate to require member producers to bear the administrative cost solely because their milk is delivered from farm tanks rather than in cans.

It is intended that each handler bear an equitable share of the cost of administering the order. Accordingly, the operator of the pool plant where such milk is first received bears the administrative expense.

Plants not fully subject to the classification and pricing provisions of a Federal order may distribute limited quantities of Class I milk in the marketing area. As previously indicated the operator of such plant may choose to make a compensatory payment on his unpriced market area sales or to pay to the pool the difference between the use value of his milk computed as though he were a pool handler and the value actually paid to his dairy farmers. Where the latter option is elected the market administrator must perform essentially the identical audit that he would perform if the plant were a pool plant. In such case the handler's obligation to the administrative fund should be computed on the same basis as though he were a pool handler. When the handler elects to make a compensatory payment on his market area sales the audit procedure is likely to be less extensive and hence less costly. Hence, a payment of the rate of assessment on only the amount of his marketing area sales will more appropriately reflect such handler's fair share of the cost of administration; to enable the Secretary to reduce the rate of assessment below the five-cent per hundredweight maximum without the necessity of holding an amendment hearing should be included. Such a reduction should take place when experience in the market shows that a rate less than 5 cents a hundredweight will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be included in the order for furnishing marketing services to producers. Such services include the verification of weights and tests of individual producers and the preparation and dissemination of information for the market. The market administrator should perform or supervise the performance of such services, the cost of which should be borne by the producers receiving such services. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own services with respect to such producers.

A marketing service program is needed in connection with the order. Orderly marketing will be promoted by assuring each producer that his milk has been accurately weighed and tested. To give full assurance of this, it is necessary that the test and weights of individual-producer deliveries as reported by the handler be verified for accuracy. Orderly marketing will be further promoted if producers are provided complete, detailed and current market information.

To enable the market administrator to furnish these services, provision should be made for a maximum deduction of 6 cents a hundredweight with respect to milk received during the month from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

In addition to the previously listed changes in order language, certain other nonsubstantive changes for clarification purposes have been made.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Lubbock-Plainview, Texas, Marketing Area," and "Order Regulating the Handling of Milk in the Lubbock-Plainview, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962, is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on May 3, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Lubbock-Plainview, Texas, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1120.0 to 1120.95 issued under secs. 1–19 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1120.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, as follows: (i) Each pool handler for skim milk and butterfat contained in producer milk, milk received from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and in other source milk allocated to Class I pursuant to § 1120.46(a)(2) and (3) and the corresponding steps in § 1120.46(b): *Provided*, That if such handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine as demonstrated as appropriate in terms of the particular cost of administering the additional accounting period; and (ii) each handler operating a nonpool distributing plant pursuant to § 1120.62 to the extent provided in such § 1120.62.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lubbock-Plainview, Texas, marketing area shall be in conformity to, and in compliance with the following terms and conditions:

The provisions of §§ 1120.1 to 1120.95, both inclusive, of the proposed order contained in the recommended decision issued by the Acting Secretary, United States Department of Agriculture, on March 13, 1962 (27 F.R. 2512; F.R. Doc. 62–2591), shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1120.9, 1120.12 (a), 1120.14, 1120.30 (a) and (a)(1)(i), 1120.31(a)(1)(i), 1120.44(a), 1120.45, 1120.52, 1120.70 and 1120.86(a).

DEFINITIONS

§ 1120.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1120.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1120.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1120.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1120.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1120.6 Lubbock-Plainview, Texas, marketing area.

"Lubbock-Plainview, Texas, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of:

Bailey.
Castro.
Cochran.
Cottle.
Crosby.
Dickens.
Floyd.
Gaines.
Garza.
Hale.
Hockley.
Lamb.
Lubbock.
Lynn.
Motley.
Terry.
Yoakum.

all within the State of Texas, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1120.7 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers.

§ 1120.8 Route.

"Route" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to a plant.

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1120.10 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product is disposed of during the month on a route(s) in the marketing area.

§ 1120.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream acceptable for distribution under a Grade A label is moved during the month to a distributing plant.

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1500 pounds on a daily average: *Provided*, That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is transferred during the month to a distributing plant from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided*, That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

§ 1120.13 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1120.14 Producer.

"Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant either directly or by a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) or (b) diverted from a pool plant to a nonpool plant (other than the plant of a producer-handler) for the account of either the operator of the pool plant or a cooperative association: (1) Any day during the months of March through June, and (2) not more than 15 days' production during any month of July through February: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

§ 1120.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in: (a) Milk received at a pool plant directly from producers; (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1120.14(b); or (c) milk received by a cooperative association pursuant to § 1120.17(c)(2): *Provided*, That such milk shall be deemed to have been received by such cooperative association at a pool plant at the location of the pool plant to which it was delivered.

§ 1120.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) Fluid milk products received from a pool plant, (2) producer milk, (3) receipts from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or for which other utilization is not established pursuant to § 1120.32.

§ 1120.17 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant(s); and

(c) A cooperative association with respect to the milk of any producer which it causes: (1) To be diverted for its account to a nonpool plant; or (2) to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association notifies the market administrator and the operator of the pool plant in writing prior to the time of delivery that the transferee handler is to be the responsible handler on such milk.

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

§ 1120.19 Base milk.

"Base milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1120.65 multiplied by the number of days in such month.

§ 1120.20 Excess milk.

"Excess milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received (or diverted pursuant to § 1120.14(b)) during such month from a producer for whom no base can be computed pursuant to § 1120.65.

§ 1120.21 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1120.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1120.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1120.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as the Secretary may prescribe, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1120.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1120.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon the Secretary's request, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler, by audit or such other investigation as may be necessary of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means, as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The sixth day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The tenth day of each month, the uniform price(s) and the producer butterfat differential, both (all) for the preceding month;

(k) On or before the tenth day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(l) On or before the 11th day after the end of each month, mail to each handler at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class and the total thereof; and

(2) The amount to be paid by such handler pursuant to §§ 1120.82, 1120.85, and 1120.86 and the amount due such handler pursuant to § 1120.83.

REPORTS RECORDS AND FACILITIES

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own farm production), and after March 1, 1963, for the months of March through June, the aggregate quantities of base and of excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator, shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section, each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1120.31 Other reports.

(a) Each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2), and each handler with respect to each of his pool plants shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month, which shall show for each producer:

(i) His name and address, if not previously reported;

(ii) The total pounds of milk received from such producer, including for the months of March through June his total pounds of base and excess milk;

(iii) The average butterfat content of such milk;

(iv) The number of days of production received from such producer if less than the entire month; and

(v) The net amount of the handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at any of his pool plants his intention to receive such product, and on or before the last day such product is received his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his sources and utilization of skim and butterfat as the market administrator may prescribe.

§ 1120.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all skim milk and butterfat handled;

(c) The pounds of skim milk and butterfat contained in or represented by fluid milk products and other milk products on hand at the beginning and at the end of each month; and

(d) Payments to producers and cooperative associations.

§ 1120.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of milk at any of his pool plants for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1120.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1120.30(a) shall be classified by the market administrator pursuant to the provisions of §§ 1120.41 through 1120.46.

§ 1120.41 Classes of utilization.

Subject to the conditions set forth in §§ 1120.42 through 1120.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in the form of fluid milk products, except as provided in paragraph (b) (2), (3), and (4) of this section; *Provided*, That when any fluid milk product is fortified by the addition of nonfat milk solids, the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content; and (2) not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) disposed of for animal feed; (3) contained in fluid milk products dumped: *Provided*, That the handler shall give the market administrator such advance notice of intent to dump as the market administrator may require; (4) contained in fluid milk products disposed of to commercial bakeries, soup factories and similar establishments other than a plant pursuant to § 1120.9; (5) contained in inventory of fluid milk products on hand at the end of the month, and (6) contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows: (i) 2 percent of receipts directly from producers (excluding milk diverted pursuant to § 1120.14(b)); plus (ii) 1.5 percent of bulk receipts of milk from other plants except that if the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less (iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph the applicable percentage shall be 2.0); plus (iv) shrinkage in other source milk determined pursuant to § 1120.42; and (7) skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I pursuant to the proviso of paragraph (a)(1) of this section.

§ 1120.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage in other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents of the total receipts of skim milk and butterfat, respectively, at such plant.

§ 1120.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that classification should be as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1120.44 Transfers.

Skim milk and butterfat disposed of during the month by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of any fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted pursuant to § 1120.30(a) for the month and an equivalent Class II utilization is available in the transferee plant following step (9) in the allocation procedure provided in § 1120.46: *Provided*, that if either or both plants have receipts of other source milk, the skim milk and butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk at both plants except Class I utilization assigned to other source milk pursuant to § 1120.46 (a)(4) and the corresponding step of (b);

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of any fluid milk product;

(c) Except as provided in paragraph (f) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided*, That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), (e), and (f) of this section as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1120.62;

(e) As Class II milk if transferred to a nonpool plant in the form of cream if the handler establishes that such cream was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were ungraded products suitable for manufacturing use only, and that the shipment was so invoiced;

(f) As Class I milk if diverted to a nonpool plant located in excess of 300 miles from the City Hall at Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator;

(g) Except as provided in paragraphs (b) through (f) of this section as Class I milk if transferred or diverted to a nonpool plant in bulk in the form of any fluid milk product; unless

(1) The transferring or diverting handler claims classification in Class II in his report submitted for the month pursuant to § 1120.30(a);

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act; *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such plant's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plants which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1120.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler pursuant to

this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler and for a cooperative association in its capacity as a handler pursuant to § 1120.12(c): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1120.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1120.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1120.41 (b)(6) (i) through (iii);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk in a form other than as a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and classified and priced as Class I under such other order;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to either 5 percent of producer receipts and receipts from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2), or the amount of skim milk remaining in Class II, whichever is less;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and not assigned pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in Class II milk in excess of the pounds of skim milk contained in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, the difference shall be subtracted from the remaining pounds of skim milk in Class I milk;

(9) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) in the form of any fluid milk product according to the classification thereof as determined pursuant to § 1120.44(a);

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in receipts of producer milk, subtract the excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1120.50 Class prices.

Subject to the provisions of §§ 1120.51 and 1120.52, class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be the price for Class I milk established under part 1126 of this chapter regulating the handling of milk in the North Texas marketing area, plus 10 cents.

(b) *Class II price.* The price for Class II milk for the months of July through February shall be the sum of the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such sum minus 13 cents, rounded in each case to the nearest full cent:

(1) Subtract 3 cents from the Chicago butter price and multiply by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pounds of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1120.51 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat the class prices for the month calculated pursuant to § 1120.50 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1120.52 Location differentials to handlers.

For producer milk which is received at a pool plant located either outside of the State of Texas, or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall, and Childress and 100 miles or more from the City Hall, Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator, and which is assigned to Class I pursuant to the proviso of this section or otherwise classified as Class I milk, the price specified in § 1120.50(a) shall be reduced at the rate set forth in the following table according to the location of the pool plant where such milk is received from producers.

Miles from Lubbock City Hall	*Rate per hundredweight (cents)*
100 miles but less than 110 miles	10
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1120.46(a)(9) and the corresponding step in § 1120.46(b) for such plant, such assignment to the transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1120.53 Rate of payment on unpriced milk.

The rate of compensatory payment per hundredweight during any month shall be the difference between the Class I price adjusted by the Class I butterfat differential and the Class I location differential applicable at the location of the plant at which the milk was received from farmers, and the Class II price adjusted by the Class II butterfat differential.

§ 1120.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1120.60 Producer-handlers.

Sections 1120.40 through 1120.46, 1120.50 through 1120.53, 1120.65 through 1120.67, 1120.70 through 1120.75, and 1120.80 through 1120.88 shall not apply to a producer-handler.

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof, with respect to total receipts of skim milk and butterfat and the utilization thereof, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

§ 1120.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operations of a plant exempted pursuant to § 1120.61 (a) or (b), who during the month operates a nonpool distributing plant, in lieu of payments required pursuant to § 1120.80 through § 1120.85 shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1120.30 to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 13th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area from such plant during the month, less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1120.53: *Provided*, That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, the rate specified in § 1120.86, multiplied by the total hundredweight of Class I milk disposed of on routes in the marketing area; or

(b) On or before the 20th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1120.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1120.12(b)) which serves as a source of milk for such nonpool plant, if such plants were pool plants;

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a)(1) of this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1120.86 had such plant(s) been a pool plant(s): *Provided*, That such amount shall be reduced by any amounts paid as an administrative expense assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act.

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at a pool plant shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF BASE

§ 1120.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1120.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the preceding months of September through December by the number of days from the first day of delivery of such producer through the last day of December, inclusive, but by not less than 112; *Provided*, That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purposes of computing the base of such producer.

§ 1120.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to receipts of milk from a producer for whose account such milk was received during the base forming period;

(b) A base which is assigned pursuant to the proviso of § 1120.65 shall be nontransferable; and

(c) Except as provided in paragraph (b) of this section an entire base shall be transferred from a person holding such base to any other person, effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder or his heirs and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon receipt of such application signed by all joint holders or their heirs: *And provided further*, That if one or more bases is transferred to a producer already holding a base which was either earned by such producer, or transferred to him, a new base shall be computed by adding together the total producer milk received during the base-forming period from all persons in whose name such bases were earned and dividing the total by the number of days in the base-forming period from the earliest day producer milk was received from any such persons through the last day of such period, inclusive, but by not less than 112.

§ 1120.67 Announcement of established bases.

(a) On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base computed for such producer pursuant to § 1120.65.

DETERMINATION OF PRICES TO PRODUCERS

§ 1120.70 Computation of the obligations of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants, and adding together the resulting totals: *Provided*, That in any month in which the total receipts of producer milk are less than 110 percent of the total Class I utilization at all pool plants, the computation pursuant to paragraph (c) of this section shall not be applicable:

(a) Multiply the pounds of producer milk in each class computed pursuant to §§ 1120.40 through 1120.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(2) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the location of the pool plant;

(c) Add an amount computed by multiplying the skim milk and butterfat

subtracted from Class I pursuant to § 1120.46(a)(3) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products; and

(d) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step of § 1120.46(b); or

(2) The skim milk and butterfat in producer milk classified as Class II milk (except shrinkage) in the preceding month;

(e) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step in § 1120.46(b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1120.46(a)(6) and the corresponding step in § 1120.46(b) for the previous month and which was classified and priced as Class I under another Federal order;

(f) Add the amount computed by multiplying the skim milk and butterfat subtracted pursuant to § 1120.46(a)(11) and the corresponding step of § 1120.46(b) by the applicable class prices.

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight of producer milk of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for such month, except those in default of payments required pursuant to §§ 1120.80 and 1120.82 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the producer butterfat differential computed pursuant to § 1120.74 and multiplying the resulting figures by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deduction to be made from producer payments for location differentials pursuant to § 1120.75; and

(d) Add an amount equal to not less than one-half the unobligated balance on hand in the producer-settlement fund.

§ 1120.72 Computation of uniform price.

For each of the months of July through February, and the months from the effective date of this part through June 1962, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat, as follows:

(a) Divide the aggregate value computed pursuant to § 1120.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1120.73 Computation of uniform prices for base and excess milk.

For each of the months of March through June, beginning with March 1963, the market administrator shall compute the uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71 to producer milk in each class in series beginning with Class II;

(2) Multiply by the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. The result shall be the "uniform price for excess milk."

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1120.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71: *Provided*, That if the resulting price is greater than the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base and excess milk on the basis of the respective volumes of base and excess milk used in the computation of the base and excess prices; and

(3) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (2) of this paragraph. The result shall be the "uniform price for base milk."

§ 1120.74 Butterfat differential to producers.

The applicable uniform price or prices to be paid each producer pursuant to § 1120.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in producer milk allocated to Class I milk and to Class II milk pursuant to § 1120.46 by the Class I and Class II butterfat differentials, respectively, computed pursuant to § 1120.51, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1120.75 Location differentials to producers.

The uniform price determined pursuant to § 1120.72 and the uniform price for base milk determined pursuant to § 1120.73 to be paid for milk which is received from producers at pool plants located either outside the State of Texas or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall and Childress and 100 miles or more from the City Hall of Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the table contained in § 1120.52 according to the location of the pool plant at which such milk was received from producers.

PAYMENTS

§ 1120.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the last day of each month, to each producer from whom milk is currently being received, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(2) On or before the 15th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price(s) per hundredweight pursuant to §§ 1120.72 and 1120.73 subject to the butterfat differential pursuant to § 1120.74; and less

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Location differential deductions pursuant to § 1120.75;

(iii) Marketing service deductions pursuant to § 1120.85; and

(iv) Proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment for such month pursuant to § 1120.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator, and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Each handler shall pay to a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk on or before the 26th day of the month and the 13th day of the month following, respectively, the amounts otherwise payable pursuant to paragraph (a) of this section, for milk received from producers whom such association certifies are its members: *Provided*, That such cooperative association submits to the handler and to the market administrator before the first day of the month for which it is to receive such payment, a written request for such payment for milk received from such certified members who are producers together with a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of such association. Such request shall be honored with respect to milk received until the first day of the month in which it receives from such association, in writing, notice either of termination of membership, or of withdrawal of the original request. Exceptions, if any, to the accuracy of certification of membership by the cooperative association, by a producer who is claimed to be a member or by a handler shall be made in writing to the market administrator and shall be subject to his determination;

(c) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices less the amounts paid pursuant to subparagraph (1) of this paragraph; and

(d) In making payments to producers pursuant to paragraph (a)(2) of this section and to a cooperative association pursuant to paragraph (b) of this section each handler shall furnish each producer from whom he has received milk, or each such cooperative association with respect to each producer member, whichever is applicable, with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The applicable month;

(2) The identity of the handler, the Federal milk order under which the producer's milk was priced, and the producer;

(3) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base and excess milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to this part;

(5) The rate which is used in making the payment;

(6) The amount or the rate per hundredweight, and the nature of each deduction made by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.62, 1120.82 and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1120.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk as computed pursuant to § 1120.70 for such month, is greater than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform price or prices adjusted by the producer butterfat and location differentials.

§ 1120.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his milk computed pursuant to § 1120.70 for such month is less than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform price or prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments due pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1120.84 Adjustment of errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records, or account discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1120.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1120.80(a)(2) shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator no later than the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received by handlers from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by or responsible to him.

(b) In the case of a producer for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in said paragraph (a), such deductions from payments to be made directly to such producers pursuant to § 1120.80(a)(2) as are authorized by such producers and on or before the 15th day after the end of each month pay such deductions to the cooperative association rendering such services.

§ 1120.86 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, as follows:

(a) Each pool handler for skim milk and butterfat contained in producer milk, milk received from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and in other source milk allocated to Class I pursuant § 1120.46(a)(2) and (3) and the corresponding steps in § 1120.46(b): *Provided*, That if such handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period; and

(b) Each handler operating a nonpool distributing plant pursuant to § 1120.62 to the extent provided in such § 1120.62.

§ 1120.87 Adjustment of overdue accounts.

There shall be added to any balance due to the market administrator pursuant to §§ 1120.62, 1120.82, 1120.84, 1120.85, and 1120.86 an amount equal to one-half of one percent of such balance for each month or portion thereof that payment of such balance is overdue.

§ 1120.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such

two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the last day of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1120.90 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1120.91.

§ 1120.91 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1120.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1120.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers, respectively, in an equitable manner.

§ 1120.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1120.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-4442; Filed, May 7, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 62-WA-50]

TEMPORARY RESTRICTED AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.60 of the regulations of the Administrator, the substance of which is stated below.

The Department of the Air Force has requested designation of a temporary restricted area of approximately 2,640 square miles in South Carolina from the surface to 2,500 feet MSL during daylight hours from August 8 through August 18, 1962, to contain hazardous activities to be conducted in conjunction with a military exercise known as "Swift Strike II".

This exercise, involving approximately 500 military aircraft and 50,000 personnel in an air assault with paradrops by troop carrier aircraft and close support activities by jet aircraft, would be hazardous to nonparticipating aircraft.

The area will be bounded where possible by prominent landmarks, rivers, highways and railroads, and will exclude the Florence, S.C. (§ 601.2142) and the Sumter, S.C. (§ 601.1984) control zones and the airspace from the surface to 2,500 feet MSL within a 3-mile radius centered on the following civil airports:

a. Brown, S.C.
b. Sumter, S.C.
c. Huggins, S.C.
d. Moore, S.C.
e. Darlington County, S.C.
f. Bishopville, S.C.
g. Hartsville, S.C.

This temporary restricted area will be joint use with the Federal Aviation Agency Jacksonville ARTC Center designated as controlling agency and "CINCAFSTRIKE" as using agency. The Shaw AFB RAPCON, Shaw AFB, S.C. will be the liaison station for relay of information concerning release of the area between the controlling agency and using agency.

If this action is taken, Temporary Restricted Area Swift Strike II would be designated as follows:

Boundaries. Beginning at latitude 34°-42'30" N., longitude 79°52'40" W.; thence via the Pee Dee River to latitude 34°17'50" N., longitude 79°37'05" W.; to latitude 34°-15'10" N., longitude 79°41'00" W.; thence counterclockwise around the Florence, S.C. control zone (§ 601.2142) to latitude 34°-08'25" N., longitude 79°39'45" W.; to latitude 34°06'00" N., longitude 79°32'00" W.; thence via the Pee Dee River to latitude 33°54'05" N., longitude 79°26'00" W.; thence via United States Highway No. 378 to latitude 33°55'00" N., longitude 79°44'50" W.; thence via United States Highway No. 52 to latitude 33°39'28" N., longitude 79°52'25" W.; thence via South Carolina State Highway No. 261 to latitude 33°44'20" N., longitude 80°27'40" W.; thence via the Atlantic Coast Line Railroad to latitude 33°45'00" N., longitude 80°27'20" W.; to latitude 33°-45'00" N., longitude 80°25'00" W.; to latitude 33°54'45" N., longitude 80°25'00" W.; thence counterclockwise around the Sumter, S.C. (Shaw AFB) control zone (§ 601.1984) to latitude 34°00'00" N., longitude 80°33'00" W.; to latitude 34°00'00" N., longitude 80°-42'00" W.; thence via United States Highway No. 601 to latitude 34°13'18" N., longitude 80°41'00" W.; thence via United States Highway No. 1 to point of beginning, excluding the airspace within a 3-mile radius centered on the following civil airports.

a. Brown, S.C.
b. Sumter, S.C.
c. Huggins, S.C.
d. Moore, S.C.
e. Darlington County, S.C.
f. Bishopville, S.C.
g. Hartsville, S.C.

Designated altitude. Surface to 2,500 feet MSL.

Time of designation. Sunrise to sunset, August 8 through August 18, 1962.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. CINCAFSTRIKE, Shaw AFB, S.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4448; Filed, May 7, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 14628; FCC 62-489]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 4, Subpart E of the Commission's rules and regulations to permit the simultaneous operation of two STL transmitters in a single aural broadcast STL channel for the transmission of stereophonic broadcast material from the studio to the transmitter of an FM broadcast station, Docket No. 14628.

1. The Commission has received a number of inquiries from licensees of FM broadcast stations as to the possibility of securing two STL (studio-transmitter link) assignments for the purpose of transmitting stereophonic broadcast program material from the studio to the transmitter of an FM broadcast station. The reason offered for the need of two channels is that the second aural channel cannot be multiplexed on a single channel with sufficient quality to meet the prescribed standards for stereophonic broadcasting.

2. In the broadcast auxiliary services where the total number of channels available is limited, it has been our policy to prohibit the use of more than one program channel between the same two points to serve a single broadcast station. Such use would substantially reduce the availability of these channels. While it is recognized that in many parts of the country the channels are not currently saturated, it must be noted that the present allocation of frequency space for this service is designed to accommodate future needs as well as current demands for the service. Only the most compelling reasons would warrant abandonment of our present policy.

3. The ultimate stereophonic broadcast is accomplished in a 200 kc/s FM broadcast channel. It is not clear why this program material cannot be delivered from the studio to the transmitter in a 500 kc/s STL channel. It is possible that some technique other than multiplexing may require exploration. At the request of the Commission, Moseley Associates, Inc., of Santa Barbara, California, conducted tests with two STL transmitters operating within a single 500 kc/s STL channel. The report of these tests indicates that such operation is feasible and the program material so transmitted is likely to be of suitable quality for an FM station to meet the performance standards prescribed for stereophonic broadcasting. Also, the technique of frequency translation, similar to that used for re-broadcasting television signals, is worth investigating as a suitable means for getting program material from the studio to the transmitter.

4. Therefore, pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, comments are invited on a proposal to provide for the assignment of two STL transmitters within a single 500 kc/s aural broadcast STL channel in the 942-952 Mc/s band for use by the licensee of an FM broadcast station to provide two aural channels for the delivery of stereophonic broadcast program material. The two frequencies assigned would be approximately 125 kc/s above and below the channel center frequency now specified in § 4.502 of the rules for aural broadcast STL and intercity relay stations. Frequency modulation would be employed with the maximum excursion of the carrier on either side of the assigned frequency limited to 75 kc/s for 100 percent modulation. Interested parties may submit comments and data on other methods which might be employed to accomplish the delivery of stereophonic broadcast program material within a single 500 kc/s channel in the 942-952 Mc/s band. All comments must be submitted on or before June 11, 1962, and reply comments on or before June 21, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: May 2, 1962.

Released: May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4439; Filed, May 7, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 22B]

CERTAIN CLASSES AND TYPES OF NAVAL VESSELS

Navigational Light Waivers

Certificate of the Secretary of the Navy under sections 143a and 360, Title 33 of United States Code.

Whereas 33 United States Code, sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights, and

Whereas a recent study indicates that the military design characteristics of the nuclear-powered submarines, known as the SSB(N) 608 and SSB(N) 616 classes of vessels, preclude installation of anchor lights in conformance with the currently existing waiver on such lights or with Rule 11 of the Regulations for Preventing Collisions at Sea (33 United States Code, section 1451).

Now, therefore, I, Fred Korth, Secretary of the Navy, hereby certify that these submarines are naval vessels of special construction and, with respect to the position of the anchor lights, it is not possible to comply with the requirements relating to such lights.

Further, I hereby find that it is feasible to locate the said anchor lights as follows: The forward anchor light shall be carried at a height not less than 6 feet above the hull, and the after anchor light may be carried at a greater height.

Further, I hereby certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

I further direct that item (f), table 2 of Waiver Certificate Number 22 published in the FEDERAL REGISTER, Volume 25, Number 122 of June 23, 1960 (25 F.R. 5791) be rescinded, substituting therefor:

(f) The forward anchor light is carried at a height not less than 6 feet above the hull, and the after anchor light may be carried at a greater height.

Further, I hereby specify that this Certificate shall be effective in addition to Waiver Certificates Numbers 22 (25 F.R. 5791) and 22A (26 F.R. 11505).

And further, I hereby specify that the effective date of this certificate is June 1, 1962.

Dated at Washington, D.C., this 23d day of April 1962.

[SEAL] FRED KORTH,
Secretary of the Navy.

[F.R. Doc. 62-4425; Filed, May 7, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 9A-56]

VICTOR HERNANDEZ RODRIGUEZ ET AL.

Temporary Order Denying Export Privileges

In the matter of Victor Hernandez Rodriguez, and EMDA Import and Export Co., Inc., 10434 Burbank Boulevard, North Hollywood, Calif., and Aero Distribuidora S.A., Boulevard de Aviacion Civil 485, Mexico, D.F., Mexico, with branch offices at Torreon, Sinaloa and Los Mochis, Mexico, and Dr. Ramon Alvarez Gutierrez, Refacciones y Accesories, S.A., Colorado 79, Mexico, D.F., Mexico, respondents, File 9A-56.

The Temporary Order in this matter issued December 19, 1961 was extended March 19, 1962 for an additional 45 days. This order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs because of reports and evidence, which justified a reasonable belief that the respondents had for some time been obtaining substantial quantities of U.S. origin aircraft parts and equipment shipped from the United States to Mexico for use in Mexico, but thereafter sold by the respondents for the purpose of transshipment to Cuba, which was in fact done with knowledge that such actions were contrary to the U.S. Export Control Law.

The Investigations Staff, Bureau of International Programs, has applied under § 382.11 of the export regulations for a further extension of the provisions of the Temporary Order of December 19, 1961, as to the above named respondents, to be effective until the final disposition of administrative compliance proceedings in the Bureau of International Programs involving the said respondents.

This matter has been considered by the Compliance Commissioner who, being fully advised thereof, has reported his recommendations to me that the present Temporary Order should be extended until the final disposition of administrative compliance proceedings involving the said respondents, since such will be in the public interest and necessary for effective enforcement of the law. I do so find: *It is therefore ordered:*

(1) The respondents, Victor Hernandez Rodriguez, his firms Aero Distribuidora, S.A., and EMDA Import & Export Co., Inc., and Dr. Ramon Alvarez Gutierrez and his firm Refaccion y Accesories, S.A., and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect until the completion of any administrative compliance proceedings that may be initiated by the Investigations Staff, unless sooner vacated or extended.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the export regulations, any respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: May 1, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-4404; Filed, May 7, 1962; 8:45 a.m.]

[Files I.S. 23-733, I.S. 23-811]

TRANSCONTINENTAL, S.A., ET AL.

Extension of Temporary Order Denying Export Transactions

In the matter of Transcontinental, S.A., Inversiones Mexicanas, S.A. (successor to Transcontinental, S.A.), Ramon Cortes Buenrostro, also known as: Raimundo Cortes, Ramon B. Cortes, Ramon B. Cortez, Ignacio Hernandez Garcia, all of Avenida Morelos 98, Mexico, D.F., Mexico, or Reforma 87-404, Mexico, D.F., Mexico, File I.S. 23-773; Lorenzo L. Saunders, 1720 Montrose Drive, Tyler, Tex., Cia. Impulsora Mexicana, S.A., Armando Arroyo Vasquez, Pople 44, Apartado Postal 21264, Mexico, D.F., Mexico, File I.S. 23-811; respondents.

A temporary Order issued in this matter on December 19, 1961, for a period of 90 days, was extended on March 19, 1962, for an additional 45 days. This order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs, into purchases by the above named respondents of large quantities of U.S. origin automotive trucks, and engine parts, tractor parts, and equipment which they caused to be exported from the United States to Mexico, where they sold and disposed of the goods and participated in and made arrangements whereby the U.S. goods were to be, and in part actually were, on-shipped or transshipped from Mexico to Cuba in violation of the U.S. Export Control Law.

The Investigations Staff, Bureau of International Programs, has applied under § 382.11 of the export regulations for a further extension of the provisions of the Temporary Order of December 19, 1961, as to the above named respondents, to be effective until the final disposition of proceedings in the Bureau of International Programs or elsewhere involving the said respondents.

This matter has been considered by the Compliance Commissioner who, being fully advised thereof, has reported his recommendations to me that the present Temporary Order should be extended until the final disposition of administrative compliance or other proceedings involving the said respondents, since such will be in the public interest and necessary for effective enforcement of the law. I do so find: *It is therefore ordered:*

(1) The respondents, their affiliates, and their agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as a party to or representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to each of said respondents, but also to any other person, firm, corporation, or business organization with which any respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect until the completion of any administrative compliance or other proceedings that may be initiated, unless sooner vacated or extended.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity or technical data exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the export regulations, any respondent may move at any time to vacate or modify this Temporary Denial Order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: May 1, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-4405; Filed, May 7, 1962; 8:45 a.m.]

Office of the Secretary

GLENN E. CARTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of April 20, 1962.

GLENN E. CARTER.

APRIL 23, 1962.

[F.R. Doc. 62-4424; Filed, May 7, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Operation of Plum Brook Reactor

Please take notice that pursuant to provisions of paragraph IVB of Provisional Operating License No. TR-3, the National Aeronautics and Space Administration has been authorized to operate the Plum Brook Reactor located near Sandusky, Ohio, past the level of 1 kilowatt thermal.

Based upon a report of inspection by a representative of the Division of Compliance and an evaluation of this report by the Test and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that:

1. The chute valve structure mounted into the reactor tank described in Item 27 (Fuel Chute Installation) in Category I of the amendment to the application filed by NASA on October 17, 1960, has been completed.

2. The portions of Item 8 (Quadrant and Canal Pumpout) in Category I of amendment to the application filed by NASA on October 17, 1960, required to fill quadrants, A, C, and D are completed.

Notice of issuance of Provisional Operating License No. TR-3 was issued on March 14, 1961.

Dated at Germantown, Md., this 1st day of May 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4402; Filed, May 7, 1962; 8:45 a.m.]

[Docket No. 50-170]

NATIONAL NAVAL MEDICAL CENTER

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 1, 1962, the latest completion date specified in Construction Permit No. CPRR-61 for the construction of the National Naval Medical Center's TRIGA Mark F nuclear reactor to be located in Bethesda, Md.

Copies of the Commission's order and of the application by National Naval Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 2d day of May 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4416; Filed, May 7, 1962; 8:47 a.m.]

[Docket No. 50-170]

NATIONAL NAVAL MEDICAL CENTER

Notice of Proposed Transfer of Construction Permit and Issuance of Construction Permit Amendment

Please take notice that unless within fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, a request by the licensee for a formal hearing or a petition to intervene pursuant to the Commission's "Rules of Practice" (10 CFR Part 2) has been filed with the Commission, the Atomic Energy Commission proposes to (1) authorize the transfer of Construction Permit No. CPRR-61, issued on November 28, 1960, for the construction of a TRIGA Mark F tank-type nuclear reactor on the grounds of the National Naval Medical Center, Bethesda, Maryland, from the National Naval Medical Center to the Armed Forces Radiobiology Research Institute pursuant to § 50.80 of Title 10, Code of Federal Regulations, Part 50 and (2) issue Amendment No. 1, set forth below to Construction Permit No. CPRR-61 changing the name of the licensee from the National Naval Medical Center to the Armed Forces Radiobiology Research Institute. In a letter to the Commission dated March 19, 1962, the Armed Forces Radiobiology Research Institute filed application for the transfer to it of Construction Permit No. CPRR-61. The National Naval Medical Center in an endorsement dated March 21, 1962, to the above letter approved and consented to the transfer of Construction Permit No. CPRR-61 to the Armed Forces Radiobiology Research Institute.

The Commission proposes to authorize the transfer of Construction Permit No. CPRR-61 on the basis that the Armed Forces Radiobiology Research Institute is qualified to be the holder of said permit and the transfer of said permit is consistent with the applicable provisions of law, and regulations and orders issued by the Commission pursuant thereto.

A request for a hearing by the licensee or petitions for leave to intervene by persons whose interest may be affected by this proposed action may be filed with the Commission by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or by delivery to the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or to the Office of the Secretary, at the Commission's Headquarters, Germantown, Maryland.

For further details see the application for transfer by the Armed Forces Radiobiology Research Institute on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 2d day of May 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch Division of Licensing and Regulation.

[Proposed Construction Permit No. CPRR-61; Amdt. 1]

Construction Permit No. CPRR-61 is revised in its entirety to read as follows:

1. By application dated June 24, 1960, and amendments thereto dated September 23, 1960, and September 30, 1960, August 17, 1961, September 5, 1961, and April 24, 1962 (hereinafter collectively referred to as the "Application") the National Naval Medical Center requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities," Title 10, Chapter I, CFR, authorizing construction and operation of a TRIGA Mark F tank-type nuclear reactor (hereinafter referred to as the "reactor") on a site on the grounds of the National Naval Medical Center, Bethesda, Maryland. Construction Permit No. CPRR-61 was issued to the National Naval Medical Center on November 8, 1960. By application amendment dated March 19, 1962, submitted with the approval and consent of the National Naval Medical Center, the Armed Forces Radiobiology Research Institute requested that Construction Permit No. CPRR-61 be transferred to the Armed Forces Radiobiology Research Institute.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Armed Forces Radiobiology Research Institute is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Armed Forces Radiobiology Research Institute and its contractor, General Atomic Division of General Dynamics Corporation, are technically qualified to design and construct the reactor;

E. Armed Forces Radiobiology Research Institute has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Armed Forces Radiobiology Research Institute will not be inimical to the common defense and security or the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Armed Forces Radiobiology Research Institute to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is March 15, 1962. The latest completion date of the reactor is July 1, 1962. The term "completion date," as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material, and

B. The reactor shall be constructed and located on the National Naval Medical Center's site in Bethesda, Maryland, as specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Armed Forces Radiobiology Research Institute has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Armed Forces Radiobiology Research Institute pursuant to section 104c of the Act, which license shall expire ten years after the date of this construction permit.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Armed Forces Radiobiology Research Institute for use in connection with the operation of the reactor four kilograms of contained uranium-235.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-4417; Filed, May 7, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13562; Order No. E-18290]

PACIFIC NORTHERN AIRLINES, INC.

Proposed B-720 Passenger Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May, 1962.

Pacific Northern Airlines, Inc., has filed tariff revisions marked to become effective May 6, 1962, proposing passenger charter rates for B-720 aircraft of $3.75 per live mile and $2.75 per ferry mile, and layover charge of $150 per hour, with a minimum charge of $1,500.

Northwest Airlines, Inc., has filed a complaint against Pacific Northern's tariff stating that the proposed jet charter rates are unduly low; that they do not meet the statutory criteria of section 404 of the Act; and that the revenue yield which would be obtained by Pacific Northern under the proposed rates would not be sufficient to cover the cost of operation.

The proposed rates appear to be below the general pattern of rates established for B-720 and B-707 type aircraft and significant question is raised as to their lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal with respect to passenger charter rates for B-720 aircraft may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of jet aircraft charter rates, and in accordance with the action of the Board in similar cases involving reduced charter rates,[1] the Board has concluded to suspend the operation of such B-720 tariff proposal and the use thereof pending investigation, insofar as it involves interstate and overseas air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof, *It is ordered*, That:

1. An investigation is hereby instituted to determine whether the rates, charges, and provisions on 2d Revised Page 6 of Pacific Northern Airlines, Inc., C.A.B. No. 8 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions.

2. Pending hearing and decision by the Board, all rates, charges, and provisions on 2d Revised Page 6 of Pacific Northern Airlines, Inc. C.A.B. No. 8 are suspended and their use deferred to and including August 3, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon Pacific Northern Airlines, Inc. and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4428; Filed, May 7, 1962; 8:49 a.m.]

[1] Overseas National Airways, Order E-16462 dated Mar. 2, 1961; The Flying Tiger Line, Inc., Order E-17789, Dec. 1, 1961, and Order E-18037, Feb. 19, 1962; Trans International Airlines, Inc., Order E-18060, Mar. 1, 1962; Alaska Airlines, Inc., Order E-18133, Mar. 21, 1962.

[Docket No. 13394, etc.]

FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 29, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before May 15, 1962, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., May 2, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4429; Filed, May 7, 1962; 8:50 a.m.]

[Docket No. 1706 etc.]

REOPENED TRANSATLANTIC FINAL MAIL RATE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 11, 1962, at 10 a.m., d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 2, 1962.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 62-4430; Filed, May 7, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1962.

The Forest Service has filed an application, serial No. Nevada 058294 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws.

The applicant desires the land for the location of a district ranger's headquarters. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box No. 1551, Reno, Nev.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 36 N., R. 38 E.,
Sec. 15, SW¼NE¼SE¼.

The area described contains 10 acres.

H. CURT HAMMIT,
Land Office Manager.

[F.R. Doc. 62-4447; Filed, May 7, 1962; 8:52 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

PART 270—SOUTHWESTERN POWER ADMINISTRATION

CHAPTER 3—COORDINATION AGREEMENTS

270.3.1 *Delegation of Authority.* The Administrator, Southwestern Power Administration, is delegated the authority of the Secretary of the Interior to negotiate and conclude agreements under section 2 of the Act of July 6, 1954 (68 Stat. 450), relating to coordination of the power operations of the Grand River Dam Authority, an instrumentality of the State of Oklahoma, and the power operations of the Federal projects in the area.

STEWART L. UDALL,
Secretary of the Interior.

MAY 1, 1962.

[F.R. Doc. 62-4407; Filed, May 7, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14341–14344; FCC 62M–622]

COLLIER ELECTRIC CO.

Order for Further Prehearing Conference

In re applications of Collier Electric Company: for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848–C1–R–61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849–C1–R–61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670–C1–R–61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710–C1–R–61.

The Hearing Examiner having under consideration:

(a) His Order following prehearing conferences herein released March 26, 1962 (FCC 62M–434);

(b) Memorandum Opinion and Order of the Commission In re Applications of Laramie Community TV Company, et al, Docket Nos. 14552–14556, released March 5, 1962 (FCC 62–250) designating that matter for hearing on specified issues;

(c) The Order of the Chief Hearing Examiner In re Applications of Laramie Community TV Company, et al, released April 20, 1962 (FCC 62M–576);

It appearing that the Examiner has been assigned to preside at both the aforementioned proceedings;

It further appearing that with one exception the same parties and counsel are involved in both proceedings;

It further appearing that the hearings herein are presently scheduled to commence on July 9, 1962, at the Offices of the Commission in Washington, D.C.;

It further appearing that the hearings In re Applications of Laramie Community TV Company, et al., are presently scheduled to commence on June 20, 1962, in Laramie, Wyoming;

It further appearing that it would be conducive to the prompt and orderly dispatch of the Commission's business to hold a further prehearing conference in the instant proceeding jointly with the prehearing conference In re Applications of Laramie Community TV Company, et al., which is now scheduled to be held at the Offices of the Commission in Washington, D.C., beginning at 9:00 a.m., Wednesday, May 9, 1962;

It is ordered, This 1st day of May 1962, that a further prehearing conference shall be held jointly with the prehearing conference now scheduled In re Applications of Laramie Community TV Company, et al., at the Offices of the Commission in Washington, D.C., at 9:00 a.m., Wednesday, May 9, 1962.

Released: May 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4432; Filed, May 7, 1962; 8:50 a.m.]

[Docket No. 14479; FCC 62M–614]

DeKALB BROADCASTING CO.

Order Continuing Hearing

In re application of Samuel C. Chafin and N. W. Griffin d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479, File No. BP–14133, for construction permit.

The Hearing Examiner having under consideration the informal request of the applicant, DeKalb Broadcasting Co., for an extension of each of the dates specified in the Hearing Examiner's order of April 10, 1962, herein, and the applicant's representation that the other parties hereto have consented to such extension; and

It appearing, that, a grant of the subject request may result in a material shortening of the hearing record to be made herein;

It is ordered, This 30th day of April 1962, that:

(1) The date for exchange of written exhibits is continued from April 30, 1962, to May 15, 1962; and

(2) The date for notification of witnesses to be called for cross-examination is continued from May 7, 1962, to May 21, 1962; and

It is further ordered, That the hearing herein heretofore scheduled to commence on May 15, 1962, is continued to May 29, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4433; Filed, May 7, 1962; 8:50 a.m.]

[Docket No. 14518; FCC 62M–624]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Order Continuing Hearing Conference

In re application of Dolph-Pettey Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP–14324; for construction permit.

Upon written request of counsel for Dolph-Pettey Broadcasting Company, and with the consent of the other parties, because of engineering difficulties:

It is ordered, This 1st day of May 1962, that the formal exchange of engineering exhibits scheduled to take place on May 1, 1962, be, and the same is, hereby continued to June 4, 1962; and

It is further ordered, That the prehearing conference in the above-entitled matter presently scheduled for May 14, 1962, be, and the same is, hereby continued to June 14, 1962 at 9:00 a.m.

Released: May 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4434; Filed, May 7, 1962; 8:50 a.m.]

[Docket No. 13313, etc.; FCC 62M–630]

IOWA CITY BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP–13877; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP–13902; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. B–14618; for construction permits.

The Hearing Examiner having under consideration his orders of March 19 and April 17, 1962, wherein the commencement of hearing in this proceeding was set for May 8, 1962;

It appearing that on April 30, 1962, the applicants herein filed a joint petition before the Chief Hearing Examiner contemplating the dismissal of the application of Iowa City Broadcasters, Inc., and the grant without further hearing of the applications of WKAI Broadcasting Company and Iowa Falls Broadcasting Corporation;

And, it further appearing, that a grant of the said joint petition may obviate the necessity for a hearing in this proceeding, but that under the Commission's rules the petition may not be eligible for consideration by the Chief Hearing Examiner until a date subsequent to that presently set for the commencement of hearing;

It is ordered, This 2d day of May 1962, That the hearing herein heretofore scheduled to commence on May 8, 1962, is continued pending further order.

Released: May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4435; Filed, May 7, 1962; 8:51 a.m.]

[Docket No. 14584; FCC 62M–615]

DON H. MARTIN (WSLM)

Order Continuing Hearing

In re application of Don H. Martin (WSLM), Salem, Indiana, Docket No. 14584, File No. BP–13712; for construction permit.

A prehearing conference in the above-entitled matter having been held on April 30, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order;

It is ordered, This 30th day of April 1962, that:

(1) The direct affirmative case of the applicant shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all of the applicant's exhibits shall be supplied the other parties hereto on or before June 4, 1962, but such proposed exhibits may be amended or reformed at any time through June 18, 1962;

(3) Copies of all of the applicant's exhibits in final form shall be supplied the other parties hereto on or before June 18, 1962;

(4) In the event any party other than the applicant wishes to present evidence in exhibit form, copies of such exhibits shall be supplied the other parties hereto on or before July 9, 1962;

(5) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party shall give notification thereof on or before July 16, 1962;

It is further ordered, That the hearing herein heretofore scheduled to commence on May 28, 1962, is continued to July 23, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4436; Filed, May 7, 1962; 8:51 a.m.]

[Docket No. 14425 etc.; FCC 62M–623]

SAUL H. MILLER ET AL.

Order on Procedural Dates

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP–13844; et al., Docket Nos. 14427, 14430, 14431, 14433, 14434, 14435, 14438, 14439, 14440, 14441, 14442, for construction permits.

To formalize agreements reached on the record at a prehearing conference held on April 30, 1962 in the above-entitled proceeding;

It is ordered, This 1st day of May 1962, that the dates of May 1, 2, 3, 7 and 14, 1962, presently scheduled to govern proceedings in this matter, be, and the same are, hereby cancelled and the following dates scheduled in place thereof:

Group III—14431 and 14434:	
Exchange of Exhibits in Final Form	5–11–62
Hearing	5–17–62
Group II—14427, 14430 and 14433:	
Exchange of Engineering Exhibits	5–14–62
Exchange of Lay Exhibits	5–21–62
Notification of Witnesses	5–28–62
Hearing	6– 6–62
Group IA—14435 and 14438:	
Exchange of Engineering Exhibits	5–14–62
Exchange of Lay Exhibits	5–25–62
Notification of Witnesses	6– 1–62
Hearing	6–18–62
Group IA—14441 and 14442:	
Exchange of Engineering Exhibits	5–21–62
Exchange of Lay Exhibits	6– 1–62
Notification of Witnesses	6– 8–62
Hearing	6–18–62
Group IB—14425, 14439 and 14440:	
Exchange of Engineering Exhibits	6–18–62
Exchange of Lay Exhibits	6–25–62
Notification of Witnesses	6–29–62
Hearing	7– 9–62

It is further ordered, That the agreements reached on the record at the prehearing conference on April 30, 1962, be, and the same are, hereby incorporated by reference to govern the future conduct of this proceeding.

Released: May 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4437; Filed, May 7, 1962; 8:51 a.m.]

[Docket No. 14611; FCC 62M–617]

PROGRESS BROADCASTING CORP. (WHOM)

Order Scheduling Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP–13915; for construction permit.

It is ordered, This 30th day of April 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 29, 1962, in Washington, D.C.;

And it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 1, 1962.

Released: May 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4438; Filed, May 7, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI61–644]

J. M. HUBER CORP.

Notice of Date of Hearing

MAY 2, 1962.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in the above-entitled proceeding: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice of the application filed herein was published in the FEDERAL REGISTER on September 16, 1961 (26 F.R. 8687), and notice of the postponement of the hearing originally scheduled was published on October 11, 1961 (26 F.R. 9607). The final date for filing protests or petitions to intervene herein was September 29, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4409; Filed, May 7, 1962; 8:46 a.m.]

[Docket No. CP62–174]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application and Date of Hearing

MAY 2, 1962.

Take notice that on January 25, 1962, as supplemented on March 5, 1962, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago 3, Ill., filed in Docket No. CP62–174 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of a side tap and approximately 13.6 miles of 10-inch lateral pipeline replacing an equivalent length of 4-inch lateral pipeline, on the DeKalb-Sycamore lateral pipeline in DeKalb County, Ill., all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The lateral being replaced is part of 16 miles of 4-inch lateral pipeline extending from Applicant's 20-inch pipeline in Illinois to a point of connection with the facilities of Northern Illinois Gas Co. (Northern), serving the communities of DeKalb and Sycamore, Ill. The purpose of this replacement is to increase the capacity of pipelines serving these communities in order to meet expected increased requirements.

The application states that the described facilities have been constructed and were placed in operation October 17, 1961. The actual cost of construction is stated to be $349,415, which cost is being financed from funds on hand.

Applicant does not propose herein any change in its presently authorized daily contract quantities for Northern.

The application further states that it is being filed by reason of Commission Order No. 241 issued January 12, 1962 at Docket No. R–205, amending § 2.55 of the Commission's rules and regulations under the Natural Gas Act.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application; *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4410; Filed, May 7, 1962; 8:46 a.m.]

[Docket No. E-7035]

NORTHERN STATES POWER CO.

Notice of Application

MAY 2, 1962.

Take notice that on April 26, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Co. (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota, and South Dakota, with its principal business office at Minneapolis, Minn., seeking an order authorizing the issuance and sale at competitive bidding of $15,000,000, principal amount of First Mortgage Bonds, Series due June 1, 1992. Applicant proposes to issue the aforementioned bonds under a Trust Indenture dated February 1, 1937, from Applicant to Harris Trust and Savings Bank, Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Trust Indenture dated as of June 1, 1962. The interest rate of the First Mortgage Bonds will be determined under the principal of competitive bidding, and it is expected that the new bonds will be issued on June 19, 1962. Applicant states that the proceeds from the sale of the bonds will be used to pay, in part, the cost of Applicant's 1962 construction program, estimated at $39,300,000. The principal items of expenditure in 1962 are: $3,876,000 as Applicant's contribution to research and development costs of a 66,000-kilowatt atomic powerplant near Sioux Falls, S. Dak.; $1,446,000 for continuing installation of the 200,000-kilowatt Unit No. 8 at Applicant's Riverside steam electric generating plant in Minneapolis; $1,539,000 for continuing construction of a 230-kilovolt interconnection with Minnesota Power & Light Co.; $669,000 for construction of 115-kilovolt interconnections with Otter Tail Power Co. and Minnesota Power & Light Co.; $2,182,000 for rebuilding steam heating plant, mains and feeder line in St. Paul; $20,583,000 for additions and improvements generally to electric plant; $6,943,000 for additions and improvements to gas plant; and, $508,000 for additions and improvements to steam, telephone, water, and common utility plant.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 22d day of May 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4411; Filed, May 7, 1962; 8:46 a.m.]

[Docket Nos. CP62-14, CP61-155]

TENNESSEE GAS TRANSMISSION CO. AND MANUFACTURERS LIGHT & HEAT CO.

Order Fixing Date for Hearing and Defining Issues

MAY 1, 1962.

On March 22, 1962, Tennessee Gas Transmission Co. (Tennessee), filed in the above-entitled proceeding a motion for reconsideration or in the alternative for prompt hearing with defined issues.

Tennessee alleges that it filed an application in the above-captioned proceeding for authorization to transfer the deliveries of 35,000 Mcf of natural gas per day that is presently being delivered to United Fuel Gas Co. (United) in Tennessee's eastern rate zone to The Manufacturers Light & Heat Co. (Manufacturers) for the account of United in Tennessee's northern rate zone. Tennessee proposes that its transfer of deliveries will take place during the 6-month period commencing on November 1, 1961, and ending on April 30, 1962, and for each 6-month period thereafter that commences on November 1 and ends on April 30, for the term of years coextensive with the term of the presently effective gas sales contract between Tennessee and United.

Tennessee alleges that pursuant to temporary authorization issued August 18, 1961, to transfer said deliveries as proposed in its application, Tennessee and United entered into a gas sales contract dated October 10, 1961, which, Tennessee alleges, provides for "the transfer or deliveries as proposed and temporarily authorized for a term of years ending on November 1, 1979." Tennessee further alleges that this contract was permitted to take effect on November 1, 1961, the date upon which the deliveries of natural gas to Manufacturers for the account of United was commenced.

Tennessee alleges that at the hearing hereon held December 18, 1961, the only issue raised was "that of the proper sharing, between United and Manufacturers, of the increased rate which United pays to Tennessee for deliveries made in Tennessee's northern rate zone over the rate United pays for deliveries in Tennessee's eastern rate zone." No party, it is alleged, raised any question as to the term of the transfer. Tennessee further alleges that all parties stipulated that: (1) Manufacturers should reimburse United for the net amount of such increased costs; (2) a condition with respect to such reimbursement should be included in the order issuing a certificate of public convenience and necessity to Tennessee and Manufacturers; (3) on or before January 2, 1962, staff counsel would serve upon all parties a copy of a draft of the proposed order containing such reimbursement condition; and, (4) the hearing should reconvene on January 15, 1962, for the purpose of offering the parties an opportunity to comment on the proposed order and to submit same to the examiner.

Tennessee states that at the reconvened hearing no party objected to the provisions of the proposed order; that subsequent to the conclusion of the hearing the Pennsylvania Public Utility Commission requested the Commission to modify the proposed order so as to provide that United and Manufacturers would share the additional zone differential charges from Tennessee in proportion to their estimated costs, as if Manufacturers had constructed the facilities which were originally proposed, but which were rendered unnecessary by the proposed transfer of deliveries. It is pointed out that the Pennsylvania Commission did not urge a reopening nor raise a question as to the term of the transfer service.

Tennessee asserts that unless such transfer is authorized on a long-term basis as proposed, Manufacturers will still be required to construct additional duplicate facilities.

The Commission in its order of February 20, 1962, said that it appeared to the Commission that there was a serious question as to whether the granting of the applications would not place Manufacturers in the position of making payments to United for a service which United did not render and that it would not be appropriate for United to make a charge for a service it did not render.

Tennessee has submitted no new facts which would warrant issuance of permanent authorization to it at this time. However, for the purpose of clarification of the issues, the Commission will indicate in the ordering paragraph herein the issues to be tried at the hearing to determine the propriety of the charge to be made by United.

The Commission finds: Good cause has been shown for the granting of Tennessee's motion for reconsideration or in the alternative for prompt hearing with defined issues to the extent that the proceeding will be set for hearing and the issues defined as hereinafter ordered.

The Commission orders: The above-docketed proceedings be and the same are hereby set for further hearing on June 4, 1962, and the issues to be developed upon such hearing shall include the following:

(1) Does United in fact render a service for which it should be reimbursed? (2) If United renders a service, is the proposed basis of reimbursement just and reasonable? (3) Does the arrangement properly fall within the scope of a volume No. 2 tariff filing, or is it in conflict with section 154.52 of the Commission's regulations? (4) Does the arrangement improve the reliability of service and offer additional flexibility in operating techniques to the integrated Columbia System? (5) Does the arrangement represent an accommodation to the Columbia System, resulting in benefiting the system as a whole, rather than primarily benefiting Manufacturers?

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4412; Filed, May 7, 1962; 8:46 a.m.]

[Docket No. CP62-213]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

MAY 2, 1962.

Take notice that on March 14, 1962, United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, La., and Tennessee Gas Transmission Co. (Tennessee), P.O. Box 2511, Houston 1, Tex. (hereinafter sometimes referred to jointly as Applicants), filed in Docket No. CP62-213 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to deliver natural gas to United up to and including March 31, 1963, in return for equivalent volumes of natural gas delivered to United during the period January 16 to January 29, 1962, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

Applicants state that United made the temporary delivery of natural gas to Tennessee as a result of an emergency existing on Tennessee's system and that Applicants seek herein authorization permitting Tennessee to return such gas up to and including March 31, 1963.

No new facilities will be required to make the proposed deliveries.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 7, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 28, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4413; Filed, May 7, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE UNION BANK

Order Approving Merger of Banks

In the matter of the application of Commerce Union Bank for approval of merger with Broadway National Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Commerce Union Bank, Nashville, Tenn., a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Broadway National Bank, Nashville, Tenn., with and into Commerce Union Bank, under the charter and title of the latter, the two offices of Broadway National Bank to be operated as branches of Commerce Union Bank.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been received from the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be, and hereby is approved, provided that said merger shall not be consummated (a) sooner than 7 calendar days after the date of this order or (b) later than 3 months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 2d day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4414; Filed, May 7, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 633]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64586. By order of April 27, 1962, the Transfer Board approved the transfer to Victor Douglas and Frances L. Douglas, a partnership, doing business as Lincoln Stage Line, Lincoln, Mont., of Certificate No. MC 35251, issued February 23, 1962, to Earl A. Foster, doing business as Lincoln-Helena Transportation Line, Lincoln, Mont., and a portion of Certificate No. MC 35252 issued June 11, 1942, to George J. Stoner, doing business as Lincoln Helena Transportation Line, Lincoln, Mont., acquired by transferor herein pursuant to MC-FC 63999, approved March 30, 1961, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, over regular routes, between Helena, Mont., and Lincoln, Mont.; serving all intermediate points; and off-route points within 5 miles of Lincoln; and general commodities, except Class A and B explosives, over a regular route, between Helena, Mont., and Lincoln, Mont., with service authorized to and from all intermediate points; and the off-route points within 20 miles of the above-specified route. Edwin S. Booth, P.O. Box 1686, Helena, Mont., attorney at law.

No. MC-FC 64594. By order of April 27, 1962, the Transfer Board approved the transfer to John J. Monaco and Albert P. Monaco, a partnership, doing business as Monaco Tours, Niagara Falls, N.Y., of Certificate No. MC 116678, issued August 4, 1958, to William A. Shirer, Niagara Falls, N.Y., authorizing the transportation of: Passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to seven passengers, not including

driver, and children under 10 years of age who do not occupy a seat or seats, in seasonal operations, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada Boundary Line at Niagara Falls, and Lewiston, N.Y. Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y., attorney for applicants.

No. MC–FC 64601. By order of April 27, 1962, the Transfer Board approved the transfer to Frank Rotondo, doing business as Frank & Brothers Moving & Storage, Bronx, N.Y., of Certificate No. MC 5466, issued September 10, 1942, to Liberty Return Loads Association, New York, N.Y., authorizing the transportation, over irregular routes, of household goods, between points in New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Ohio, Pennsylvania, Rhode Island, Virginia, Illinois, and the District of Columbia. David Brodsky, 1776 Broadway, New York 19, N.Y., applicants' attorney.

No. MC–FC 64663. By order of April 24, 1962, the Transfer Board approved the transfer to 88 Transit Lines, Inc., Monessen, Pa., of a portion of Certificate No. MC 1501 Sub-110, issued December 23, 1955, to The Greyhound Corporation, Chicago, Ill., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Pittsburgh, Pa., and Brownsville, Pa., serving all intermediate points on the regular route specified; and between Monongahela, Pa., and Charleroi, Pa., serving all intermediate points on the regular routes specified. Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio, attorney for transferor. Harry H. Frank, Esq., Commerce Building, Harrisburg, Pa., attorney for transferee.

No. MC–FC 64741. By order of April 24, 1962, the Transfer Board approved the transfer to Chicago Pittsburgh Express, Inc., Chicago, Ill., of Certificate No. MC 36988, issued September 24, 1942, to American Transportation Co., Inc., Chicago, Ill., authorizing the transportation of: General commodities, except livestock, between Chicago, Ill., and Joliet, Ill., and between Chicago, Ill., on the one hand, and, on the other, Chicago Heights, Ill., and points in Illinois in the Chicago, Ill., Commercial Zone. Edward A. Biggs, 139 North Clark Street, Chicago 2, Ill., attorney for applicants.

No. MC–FC 64790. By order of April 27, 1962, the Transfer Board approved the transfer to Compton Transfer & Storage Co., a corporation, Boise, Idaho, of Certificate No. MC 3486, issued May 19, 1949, to M. A. Compton, doing business as Compton Transfer & Storage Co., Boise, Idaho, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within 150 miles of Boise, Idaho, in Idaho, Oregon, and Nevada, and household goods, as defined by the Commission, between points in Idaho, Oregon, Washington, and Utah. Kenneth G. Berquist, Sonna Building, Boise, Idaho, attorney for applicants.

No. MC–FC 64793. By order of April 27, 1962, the Transfer Board approved the transfer to Dewey Long Cartage, Inc., Cleveland, Ohio, of Permit No. MC 3977, issued December 6, 1956, to Dewey Long, doing business as Long Cartage, Cleveland, Ohio, authorizing the transportation of: Paper products and materials, supplies, and machinery used in the productions thereof, from the site of Hinde and Dauche Paper Co., plant at or near Cleveland, Ohio, to points in Pennsylvania on and west of U.S. Highway 219 (except Erie, Union City, Connellsville, and Pittsburgh), with no transportation from compensation on return except as otherwise authorized and between Cleveland, Ohio, on the one hand, and, on the other Erie, Union City, Connellsville, and Pittsburgh, Pa. G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio, representative for applicants.

No. MC–FC 64875. By order of April 27, 1962, the Transfer Board approved the transfer to Lewis W. Groom, doing business as L. & N. Transfer, Route 1, Cassville, Wisconsin, of Certificate No. MC 59383, issued September 11, 1950, to Edward J. Neisius, doing business as C & H Transfer, 427 North Minnesota Street, Prairie du Chien, Wisconsin, authorizing the transportation of household goods, between points in Wisconsin within 50 miles of Dubuque, Iowa, on the one hand, and, on the other, points in Illinois and Iowa.

No. MC–FC 64890. By order of April 27, 1962, the Transfer Board approved the transfer to J. W. Trammell, Jr., doing business as Western Distributors, P.O. Box 5001, Dallas, Tex., in Certificate No. MC 117921, issued December 16, 1960, to Lloyd Jeter, 2524 Boca Chica Boulevard, Brownsville, Tex., authorizing the transportation, over irregular routes, of bananas, from Brownsville, Tex., to Fort Worth, Houston, Corpus Christi, San Antonio, and Austin, Tex., from New Orleans, La., to Fort Worth, Corpus Christi, Brownsville, and Harlingen, Tex., and from Galveston, Tex., to Fort Worth, Tex.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–4418; Filed, May 7, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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Title 7 (Parts 1120 to end) (Revised)	1.00
Title 19	.35
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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11020

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON ARMED SERVICES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1946 to 1962, inclusive, shall, during the Eighty-seventh Congress, be open to inspection by the Senate Committee on Armed Services or any duly authorized subcommittee thereof, in connection with its investigation of the acquisition, storage, and disposal of strategic and critical materials, pursuant to Senate Resolution 295, 87th Congress, agreed to February 22, 1962, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 7, 1962.

[F.R. Doc. 62–4555; Filed, May 8, 1962; 9:39 a.m.]

Executive Order 11021

ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS BY THE SECRETARY OF THE INTERIOR

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by mean of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except the Island of Rota and the Secretary of Interior is responsible for the civil administration of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

SECTION 1. *Responsibility of Secretary of the Interior.* The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative, and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: *Provided however*, That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further*, That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

SEC. 2. *Redelegation of authority.* The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. *Cooperation with Department of the Interior.* The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

SEC. 4. *Prior orders.* To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded:

(1) Executive Order No. 10265 of June 29, 1951.

(2) Executive Order No. 10408 of November 10, 1952.

(3) Executive Order No. 10470 of July 17, 1953.

SEC. 5. *Saving provisions.* (a) Existing laws, regulations, orders, appointments, or other acts promulgated, made, or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect immediately prior to the effective date of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligation of the United States under the provisions of the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

SEC. 6. *Effective date.* The provisions of this order shall become effective on July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 7, 1962.

[F.R. Doc. 62-4556; Filed, May 8, 1962; 9:39 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

MATURITY OF LOANS

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 7248 and 2551, containing the specific requirements for the 1961-crop corn price support program, are hereby amended as follows:

Section 421.242 is amended by the addition of paragraph (e) to provide for the acceptance of voluntary early delivered farm-stored purchase agreement corn prior to the close of the availability period.

§ 421.242 Maturity of loans.

* * * * * *

(e) Notwithstanding the provisions in paragraph (c) of this section, when authorized by the Executive Vice President, Commodity Credit Corporation, voluntary early delivery of farm-stored corn under purchase agreement may be accepted prior to the close of the availability period of loans and purchase agreements, in areas where the State committee has determined there is imminent danger of flooding and early delivery is requested by the producer and approved by the county committee.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 4, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-4497; Filed, May 8, 1962; 8:51 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1962-Crop Price Support Programs for Grains and Related Commodities

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable to 1962-crop price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (referred to in this subpart and supplements hereto as CCC and ASCS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

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421.1101 Administration.
421.1102 Commodities covered by this subpart.
421.1103 Methods of price support.
421.1104 Eligible producer.
421.1105 Program availability, maturity dates, and disbursement of loans.
421.1106 Financial institutions.
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421.1115 Insurance on farm-storage loans.
421.1116 Loss or damage to the commodity.
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421.1126 Quantity of barley, corn, and grain sorghums eligible for price support; and establishment of normal yield.
421.1127 Compliance requirements for rice.
421.1128 Effect of unknowingly exceeding the farm barley or corn and grain sorghum maximum permitted acreage or the farm rice or wheat acreage allotment; method of determination.
421.1129 Application for review and request for reconsideration—rice and wheat.
421.1130 Definitions.
421.1131 Delegation of authority.
421.1132 ASCS commodity offices and Data Processing Center.

AUTHORITY: §§ 421.1101 to 421.1132 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425.

§ 421.1101 Administration.

(a) The programs to which this subpart applies will be administered by ASCS under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by Agricultural Stabilization and Conservation State committees and Agricultural Stablization and Conservation county committees (hereinafter called State and county committees) and ASCS commodity offices.

(b) Producers interested in participating in any program should contact their county office through which the price support documents will be distributed.

(c) All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office.

(d) Copies of all price support documents shall be retained in the county office.

(e) County office managers, State and county committees, and ASCS commodity offices, and the ASCS Data Processing Center do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.1102 Commodities covered by this subpart.

The provisions of this subpart shall apply to 1962-crop price support programs for barley, corn, dry edible beans, flaxseed (except direct purchases), grain sorghums, oats, rice, rye, soybeans, wheat, and any other 1962-crop price support program for which a commodity supplement to this subpart is issued. Commodities produced in violation of restrictive leases on federally owned land shall not be eligible for price support. Commodities produced on land which is owned by the Federal Government and which is occupied without a lease, permit, or other right of possession shall not be eligible for price support.

§ 421.1103 Methods of price support.

Price support will be made available through farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.1104 Eligible producer.

(a) An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof producing the commodity in 1962 as landowner, landlord, tenant, or sharecropper and in the case of rice shall include an irrigation company, or other legal entity, furnishing water for a share of the rice crop.

(b) In the case of corn, grain sorghums, barley, rice and wheat, a producer shall not qualify as an eligible producer unless he is in compliance with the applicable requirements for eligibil-

ity for price support prescribed in §§ 421.1123 to 421.1130.

(c) Receivers of an insolvent debtor's estate, executors, and administrators of a deceased person's estate, guardians of an estate of a ward or an incompetent person, and trustees of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust respectively, and the production of the receivers, executors and administrators, guardians, and trustees shall be considered to be the production of the persons they represent, provided the loan or purchase agreement documents executed by them are legally valid.

(d) A minor shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings, (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(e) Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm-storage facility or, in the case of a warehouse-storage loan, if the warehouse receipt is issued jointly. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and under this subpart.

(f) If the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that the producer is not eligible for farm-storage loans and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives a farm-storage loan. If an otherwise eligible producer is denied a farm-storage loan, he shall be eligible to obtain a warehouse-storage loan or sign a purchase agreement.

(g) If a producer has made a fraudulent representation in connection with past warehouse-storage or farm-storage loans or purchase agreements, he shall be denied further price support unless he furnishes such evidence as establishes to the satisfaction of the county committee that both he and the commodity offered for price support meet all eligibility requirements.

(h) Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

§ 421.1105 Program availability, maturity dates, and disbursement of loans.

(a) *Availability and maturity dates.* Availability and maturity dates will be those specified in the applicable commodity supplements to this subpart except that whenever the final date of availability or the maturity date falls on a nonwork day for ASCS county offices, the applicable final date shall be extended to include the next work day.

(b) *Disbursement of loans.* (1) Disbursement of loans will be made to producers (i) by financial institutions under separate regulations published in the FEDERAL REGISTER, or (ii) by ASCS county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement.

(2) The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

(c) *Final date for disbursement.* Disbursements shall not be made later than 15 days after the applicable final date of availability of loans unless authorized by the Executive Vice President, CCC. Notwithstanding the foregoing, disbursement may be made no later than the applicable maturity date if with the prior approval of the county committee the producer repays a farm-storage loan, transfers the commodity to an approved warehouse, and obtains a warehouse-storage loan on the same commodity. If the final date of disbursement as determined above falls on a nonwork day for ASCS county offices, such final date shall be extended to include the next work day.

§ 421.1106 Financial institutions.

A financial institution as used in this subpart means a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 421.1107 Approved storage.

(a) *Loans.* Loans will be made only on commodities in approved storage as defined below:

(1) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee under the supervision and direction of the State committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(2) *Warehouse storage.* Approved warehouse storage shall consist of (i) public warehouses for which a CCC uniform storage agreement for the commodity is in effect and which are approved by CCC for price support purposes, or (ii) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from ASCS commodity offices or State and county offices.

(b) *Purchase agreements.* Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in existence in approved warehouse storage and is in good condition at the time the warehouse receipt is tendered.

§ 421.1108 Applicable forms and requirements.

(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, Commodity Delivery Notice, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement and such other forms and documents as may be required by CCC.

(c) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement, the Commodity Delivery Notice, the Purchase Agreement Settlement, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in each commodity supplement to this subpart.

(e) *Other requirements.* (1) Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law.

(2) Loan and purchase agreement documents executed by an administrator, executor, guardian, receiver, or trustee, will be acceptable only where legally valid.

(3) All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse.

(4) Farm-storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except (i) where the county committee has determined that a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan, or (ii) where the producer applies for a loan on part of the commodity and a purchase agreement on the remaining quantity of the commodity stored commingled in the same bin or crib. In any event, the mortgage shall cover all of the commodity stored in the bin or crib.

(5) Approval of a loan on part of the commodity stored in a bin or crib as provided in subparagraph (4) of this paragraph shall not be granted in the event the State committee has determined that such partial loans shall not be made. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis.

§ 421.1109 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interests of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 421.1110 Service charges.

(a) *Loans.* Producers shall pay service charges on the quantity placed under loan at the rates set forth in the table in paragraph (d) of this section. Such service charges shall be computed at the rate shown in column (2) of the table for commodities on which the quantity is determined on the basis of bushels and at the rate shown in column (3) for commodities on which the quantity is determined on the basis of 100 pounds.

(1) The service charges shall be deducted from the proceeds of the loan at the time the loan is disbursed, except in the case of farm-storage loans and identity-preserved and modified-commingled warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges shown in column (4) of the table at the time the producer applies for a loan.

(2) An additional service charge shall be paid for any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

(b) *Purchase agreements.* Producers shall pay service charges on the quantity specified in the purchase agreement at the rates set forth in the table in paragraph (d) of this section. Such service charges shall be computed at the rate shown in column (2) of the table for commodities on which the quantity is determined on the basis of bushels and at the rate shown in column (3) for commodities on which the quantity is determined on the basis of 100 pounds.

(c) *Refunds.* No refund of service charges shall be made except if the amount collected is in excess of the correct amount.

(d) *Table of Service Charges.*

Method of price support	Service charges		
	Per bushel	Per 100 pounds	Minimum charges
(1)	(2)	(3)	(4)
	Cents	*Cents*	
Farm-storage loans	1	2	[1] 3.00
Warehouse-storage loans	1/2	[2] 1	[2] 1.50
Purchase agreements	1/2	1	1.50

[1] On rice, State committees are authorized to require payment of a minimum charge of $5.00 for each lot sampled.

[2] On rice, the service charge for warehouse-storage loans shall be computed on a warehouse receipt basis and shall be 2 cents per 100 pounds with a minimum charge of $3.00 for each warehouse receipt.

§ 421.1111 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable under the provisions of the note evidencing such loan, out of any amount due the producer under the programs provided for in this subpart the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lien holders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the programs provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 421.1112 Interest rate.

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 421.1113 Transfer of producer's interest.

(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall anyone acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.1118.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.1118 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.1114 Safeguarding the commodity.

The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.1115 Insurance on farm-storage loans.

CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.1116 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, physical loss or damage on farm-stored or identity-preserved warehouse-stored commodities, and loss in quality of modified-commingled warehouse-stored commodities occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other acts of God; (c) the producer has given the county office immediate notice confirmed in writing of such loss or damage; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 421.1117 Personal liability of the producer.

(a) The making of any fraudulent representation by a producer in the loan documents, or in obtaining the loan, or the unlawful disposition of any portion of the commodity by him, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs that CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts.

(b) If a producer has made any such fraudulent representation or any unlaw-

ful disposition, the amount for which he will be credited will be the market value of the commodity as determined by CCC, on the date of delivery to, or removal by CCC in the case of farm-storage loans, or the market value of the commodity at the close of the market on the final date for repayment as determined by CCC in the case of warehouse-storage loans, except that if the unlawful disposition of loan collateral is determined by CCC not to have been wilful conversion, the value of the commodity or part thereof delivered to CCC or removed by CCC shall be the settlement value determined by the provisions of § 421.1119 and of the applicable commodity supplement.

(c) A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animal which are inadvertently accepted by CCC.

(d) If the amount disbursed under a loan or purchase agreement exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(e) In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 421.1118 Release of the commodity under loan.

(a) A producer may at any time obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer.

(b) After repayment of a loan, the county office manager shall, in the case of a farm-storage loan, execute such release or otherwise make such arrangements as the law may require for the release of the chattel mortgage.

(c) Warehouse receipts redeemed by repayment of a loan shall be released only to the producer-borrower or his agent. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of warehouse receipts by repayment.

(d) Subject to the conditions set forth in subparagraphs (1) and (2) of this paragraph, the producer may arrange with the county office for partial release of the commodity prior to maturity after making payment of the amount of the loan made with respect to the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval in writing by the county office.

(1) Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined that partial redemption of loans and releases of the commodity will not be permitted. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis.

(2) In the case of warehouse-storage loans, each partial release must cover all of the commodity represented by one warehouse receipt.

§ 421.1119 Liquidation of loans and delivery under purchase agreements.

(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county office; he may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC.

(2) If the producer desires to deliver the commodity he should, prior to maturity, give the county office notice in writing of his intention to do so.

(3) If the producer does not repay his loan or deliver the commodity as provided above, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and § 421.1120.

(4) If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 421.1116 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and in accordance with the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(5) In the event the farm is sold, there is a change of tenancy, the producer dies, or the commodity is threatened with damage by flood, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(6) Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(7) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county office which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(8) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon shall be paid to CCC, except as provided in § 421.1116, and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* (1) If the producer does not repay his loan by maturity, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Loan Agreement and § 421.1120.

(2) Where loans are called prior to maturity solely for the benefit or protection of CCC (as determined by the ASCS commodity office serving the area) and storage has been deducted or prepaid through the maturity date and the period of the unearned storage can be determined by CCC, refunds of the prepaid storage for such period shall be made to the producer by the appropriate ASCS commodity office. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be computed at the lower of (i) the rate prepaid or (ii) the rate under the applicable CCC storage agreement or the rate applicable to the eastern common carrier involved. If storage charges were deducted from the loan rate, the amount to be refunded shall be the amount of the storage deduction less storage charges accrued on the commodity. Refunds of prepaid handling charges shall be made by the appropriate county office.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the commodity eligible for delivery not in excess of the quantity stated in the purchase agreement.

(2) If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county office in writing of his intention to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such other date as may be prescribed by the Executive Vice President, CCC.

(3) Provisions for the inspection, delivery, and settlement on commodities under purchase agreements will be contained in the commodity supplements to this subpart.

(d) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 421.1120 Foreclosure.

(a) If the loan (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage, and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity.

(b) If upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan or (2) the amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(d) (1) If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest.

(2) The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 421.1121 Settlement value and charges.

(a) *Settlement value.* The term "settlement value" as used in this subpart is the price support value of the mortgaged or pledged commodity or the commodity under purchase agreement and shall be determined in accordance with the provisions concerning settlement for commodities delivered by the producer to CCC as contained in the applicable commodity supplement and in the Producer's Note and Supplemental Loan Agreement, or Producer's Note and Loan Agreement, or Purchase Agreement, whichever is applicable.

(b) *Charges.* The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing of the commodity and otherwise protecting the interest in the loan collateral of any holder of the note or the producer, including foreclosure costs.

§ 421.1122 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or purchase agreement, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1151 to 472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, February 1, 1962), upon proper application to the office of the county committee which made the loan or purchase agreement. Application forms may be obtained from the office of the county committee.

§ 421.1123 Compliance requirements for wheat.

(a) Except as otherwise provided in this section, a producer in the commercial wheat producing area shall not be eligible for price support on wheat produced in 1962 unless (1) an acreage on the farm on which the wheat is produced has been diverted from the production of wheat in 1962 equal to at least 10 percent of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, and (2) the producer is otherwise eligible for a payment on such farm under the 1962 Wheat Stabilization Program Regulations (26 F.R. 11347, December 1, 1961) and any amendments thereto.

(b) Any producer who has an interest in the 1962 wheat crop produced on any farm other than the farm on which the wheat tendered for price support is produced shall not be eligible for price support unless he meets the requirements of this paragraph in addition to the other requirements of this section. If the producer has an interest in the 1962 wheat crop produced on any other farm in the same county, he must be entitled to receive a marketing certificate for each such farm. If the producer is engaged in the production of wheat in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 728.1157 (26 F.R. 4716) and any amendments thereto to such multiple farm producers, he must be entitled to receive a marketing certificate for each such farm wherever situated.

(c) A producer in the non-commercial wheat producing area shall not be eligible for price support.

(d) A producer shall not be eligible for price support on a farm on which a new wheat acreage allotment has been established for the 1962 crop unless (1) an acreage on the farm on which the wheat is produced of at least 11.11 percent of the new wheat acreage allotment is devoted in 1962 to one or more of the approved conservation uses specified in 7 CFR 776.6 of the 1962 Wheat Stabilization Program Regulations and complies with the limitation on uses specified in 7 CFR 776.7 of such program regulations, (2) in addition to such acreage and the acreage diverted under the 1962 Feed Grain Program, an acreage equal to the normal conserving acreage for the farm is devoted to an approved conservation use on the farm in 1962 and complies with the requirements of the 1962 Wheat Stabilization Program Regulations applicable to normal conserving acreage, and (3) a Form ASCS–654 has been filed for the farm in accordance with such regulations.

(e) A producer on any farm producing durum wheat which received an increased acreage allotment under section 334(e) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1334) shall not be eligible for price support unless the 1962 wheat acreage on the farm on which such wheat is produced is not in excess of the increased wheat acreage allotment and the 1962 acreage of durum wheat (class II) is in excess of the average durum wheat (class II) acreage during the years 1960 and 1961. For the purpose of this paragraph, the 1960–61 average acreage of durum wheat (class II) shall be considered to be the smaller of the actual 1960–61 average acreage of durum wheat (class II) or the 1962 original allotment (i.e., the 1962 allotment after the reduction as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended). A producer on a farm producing durum wheat which received a conditional increased allotment shall be deemed to meet the requirements of this paragraph if the 1962 acreage of durum wheat (class II) is in excess of the 1960–61 average acreage of durum wheat (class II) and the only reason the farm did not receive a final increased allotment was that the total of all wheat acreage for 1962 on the farm did not exceed the 1962 original allotment.

(f) Wheat produced on any farm which received an increased allotment under the provisions of section 334(i) of the Agricultural Adjustment Act of 1938,

as amended, 7 U.S.C. 1334(i), in Modoc and Siskiyou Counties in California shall not be eligible for price support.

§ 421.1124 Compliance requirements for feed grains.

(a) Corn and grain sorghums: A producer shall not be eligible for price support on corn and grain sorghums unless the producer is eligible for a payment under the corn and grain sorghums program as provided in the 1962 Feed Grain Program Regulations (27 F.R. 146, January 6, 1962) on the farm on which the commodity tendered for price support is produced.

(b) Barley: A producer shall not be eligible for price support on barley unless the producer is eligible for a payment under the barley program, as provided in the 1962 Feed Grain Program Regulations, on the farm on which the barley tendered for price support is produced. The requirements of this paragraph shall not apply to a producer of malting barley as described in 7 CFR 775.111 of the 1962 Feed Grain Program Regulations and any amendments thereto, provided the corn and grain sorghums feed grain base established for the farm has not been knowingly exceeded as provided in 7 CFR 775.110 of said regulations.

(c) Farms with no history of barley, corn, and grain sorghums in 1959 and 1960: If a producer does not qualify for a payment under the 1962 Feed Grain Program Regulations because there was no acreage of corn and grain sorghums or of barley on the farm in 1959 and 1960, the producer shall not be eligible for price support on the applicable commodity or commodities unless (1) a feed grain base is established for the commodity or commodities under 7 CFR 775.113(c) of the 1962 Feed Grain Program Regulations for cross-compliance purposes, and (2) the producer would be eligible for a payment on the commodity or commodities under such regulations, except for the fact he had no acreage of the applicable commodity or commodities in 1959 and 1960.

(d) The requirements of this section shall not be applicable to corn, grain sorghums and barley produced in Alaska or in any other area of the United States where the 1962 Feed Grain Program is not applicable because of an emergency created by drought or other disaster or in order to prevent or alleviate a shortage in the supply of the commodity.

§ 421.1125 Miscellaneous compliance provisions for wheat, corn, grain sorghums, and barley.

(a) A producer shall not be considered ineligible for price support on wheat, corn, grain sorghums, and barley because he has not received a payment under the 1962 Wheat Stabilization Program or the 1962 Feed Grain Program, as applicable, if he would be eligible for a payment under the applicable program except for the fact that (1) he has elected not to apply for a payment, or (2) he and the other producers on the farm have agreed that he shall not share in the payment earned on the farm, or (3) the commodity has been produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of the commodity.

(b) Wheat, corn, grain sorghums, and barley produced on a farm on which a conservation reserve contract has been cancelled since January 1, 1960, as a result of a scheme or devise to exceed the $5,000 payment limitation under the Conservation Reserve Program shall not be eligible for price support: *Provided*, That in any such case where the Deputy Administrator determines that participation in the price support program would not be against the public interest, the commodity shall be eligible for price support if the producer complies with the applicable requirements of this program.

(c) A producer shall not be eligible for price support on wheat, corn, grain sorghums or barley if there is grazing or harvesting on designated diverted acreage on the farm on which the commodity is produced which is not authorized by the 1962 Wheat Stabilization Program Regulations or the 1962 Feed Grain Program Regulations, as applicable, and which results in a forfeiture or refund of the entire payment earned by the producer or which would result in forfeiture or refund of the entire payment had the producer received a payment under the program.

§ 421.1126 Quantity of barley, corn and grain sorghums eligible for price support; and establishment of normal yield.

(a) *Quantity eligible for price support.* An eligible producer may receive price support on his share as producer of a quantity of barley, corn and grain sorghums produced on a farm in 1962 which does not exceed the farm normal yield established for the commodity multiplied by the barley, corn, or grain sorghums acreage, as applicable, on the farm. If the 1962 crop of the commodity was produced on both irrigated and nonirrigated land, the quantity of the commodity eligible for price support shall be the sum of the following:

(1) The irrigated farm normal yield multiplied by the irrigated barley, corn, or grain sorghum acreage, as applicable, or the irrigated portion of the feed grain base for the farm, which ever is the smaller, and

(2) The nonirrigated farm normal yield for the commodity multiplied by the amount, if any, that the barley, corn or grain sorghum acreage exceeds the smaller of the irrigated barley, corn or grain sorghum acreage, as applicable, or the irrigated portion of the feed grain base for the farm. If an acreage of the applicable commodity was not irrigated on a farm in 1959 and 1960, but an acreage of such commodity will be irrigated on the farm in 1962, the quantity of the commodity eligible for price support shall be determined on the basis of the nonirrigated farm normal yield.

(b) *Farm normal yield.* The farm normal yield for barley, corn and grain sorghums means the average adjusted yield per acre for the 1959 and 1960 crop acreage of the commodity established by the county committee for the commodity on the farm on the basis of the productivity index for the farm and the county average yield for the commodity, as determined pursuant to the 1962 Feed Grain Program Regulations and Supplement 1 to said regulations (27 F.R. 146, 155) and any amendments thereto. To the extent a request for reconsideration, an appeal, or correction under the 1962 Feed Grain Program Regulations results in an adjustment in the yield per acre or to the extent that a producer proves the actual yields for the farm for the 1959 and 1960 crop years prior to the receipt of a notice of his yield on Form ASCS-471 or pursuant to request for reconsideration or appeal, such adjustments and such yields subject to adjustments authorized under said regulations shall be used in making determinations.

§ 421.1127 Compliance requirements for rice.

A producer shall not be eligible for price support on rice produced in 1962 unless the 1962 rice acreage on the farm on which such rice is produced is not in excess of the rice acreage allotment; *Provided*, That if a producer has an interest in the 1962 rice crop produced on any other farm in the same county he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. If a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 730.967(c) (23 F.R. 2897), and any amendments thereto, to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm, wherever situated, in order to be eligible for price support on his 1962 crop of rice.

§ 421.1128 Effect of unknowingly exceeding the farm barley or corn and grain sorghum maximum permitted acreage or the farm rice or wheat acreage allotment; method of determination.

(a) The acreage of the commodity on a farm shall not be deemed to be in excess of (1) the maximum permitted acreage (hereinafter referred to in this section as "permitted acreage") for barley or for corn and grain sorghums, (2) the permitted acreage in the case of wheat, or (3) the acreage allotment in the case of rice, unless the operator knowingly exceeded such permitted acreage or allotment. If the permitted acreage or acreage allotment is in fact exceeded, such permitted acreage or allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (b), (c), or (d) of this section that he has not knowingly exceeded his permitted acreage or allotment and the determination of the county committee is approved on review by the State executive director.

(b) Erroneous notice of permitted acreage or acreage allotment: The permitted acreage or acreage allotment for the farm will not be considered to be knowingly exceeded in any case where, through error in a county or State office, the farm operator was officially notified in writing of the permitted acreage for the 1962 crop which was larger than the finally approved permitted acreage, or of an acreage allotment for the 1962 crop of rice which was larger than the finally approved acreage allotment, and the farm operator or any producer on the farm acting solely in reliance on the information contained in the erroneous notice, planted an acreage in excess of the finally approved permitted acreage or acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the permitted acreage or the acreage allotment contained in the erroneous notice; and if the acreage planted on the farm is adjusted to the permitted acreage or allotment contained in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR Part 718 (22 F.R. 3747) in the case of barley, corn, and grain sorghums, in 7 CFR 730.955 (23 F.R. 2897) in the case of rice, and in 7 CFR 728.1145 (26 F.R. 4716) in the case of wheat, and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the permitted acreage or acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount customarily planted, and all other pertinent facts shall be taken into consideration.

(c) Erroneous notice of measured acreage: The permitted acreage or the acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(d) Failure to measure acreage or notify operator: The permitted acreage or acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) through no fault of the farm operator or any producer on the farm the acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of the excess acreage; (2) the excess acreage was relatively small; and (3) the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the acreage was in excess of the permitted farm acreage or farm acreage allotment. Nothing in this paragraph shall affect any producer's liability for penalties (i) on excess rice determined under the rice marketing quota regulations for 1958 and subsequent crop years (7 CFR 730.950 to 730.955; 23 F.R. 2897), and (ii) on excess wheat determined under the wheat marketing quota regulations for 1961 and subsequent crop years (7 CFR 728.1140 to 728.1186; 26 F.R. 4716), and any amendments thereto.

§ 421.1129 Application for review and request for reconsideration—rice and wheat.

Any producer who is dissatisfied with any determination with respect to compliance with his acreage allotment may, within 15 days after the date of mailing to him Form MQ-24-1, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ-93—Rice, "Notice of Farm Marketing Quota and Farm Marketing Excess of Rice," in the case of rice; and Form MQ-30 "Notice of Farm Acreage Allotment and Marketing Quota," Form MQ-30 "Notice of Revised Farm Acreage Allotment and Marketing Quota," or Form MQ-93—Wheat, "Notice of Farm Marketing Quota and Farm Marketing Excess of Wheat," in the case of wheat, file a written application for review of such determination by a review committee: *Provided*, That such application for review shall not be granted unless it is based on a determination which the producer has the right to have reviewed under 7 CFR Part 711 (26 F.R. 10204, November 1, 1961), and any amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

§ 421.1130 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "person", "operator", "State committee", "State executive director", "county committee", and "Farm", respectively, shall have the same meaning as the definitions of such term in the regulations pertaining to Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, 7 CFR Part 719 (23 F.R. 6731) and any amendments thereto.

(b) *Words and phrases used in reference to wheat.* (1) "Wheat acreage allotment" shall have the same meaning as the definition of such term in the regulations pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat, 7 CFR Part 728 (24 F.R. 2475; March 31, 1959), and any amendments thereto.

(2) "Wheat acreage", "excess wheat acreage", and "wheat cover crop", respectively, shall have the same meaning as the definition of each term in the regulations pertaining to wheat marketing quotas for 1961 and subsequent crops of wheat, 7 CFR Part 728 (26 F.R. 4716; May 30, 1961), and any amendments thereto.

(c) *Words and phrases used in reference to feed grains.* The words or phrases, "barley acreage", "corn acreage", "grain sorghum acreage", "maximum permitted acreage", "permitted acreage", "intended diverted acreage", and "feed grain base", respectively, shall have the same meaning as the definitions of such term in the 1962 Feed Grain Program Regulations (27 F.R. 146), and amendments thereto.

(d) *Words and phrases used in reference to rice.* "Rice acreage allotment", "rice acreage", and "excess rice acreage", respectively, shall have the same meaning as the definitions of such term in the Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice, 7 CFR Part 730 (23 F.R. 8528), and any amendments thereto.

§ 421.1131 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office.

§ 421.1132 ASCS commodity offices and Data Processing Center.

The ASCS commodity offices and the area served by them are as follows:

Evanston, Ill.; 2201 Howard Street: Connecticut, Delaware, Illinois (except rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Tex.; 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (rice only), Louisiana, Mississippi, Missouri (rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 41, Mo.; Post Office Box 205: Colorado, Kansas, Missouri (except rice), Nebraska, Wyoming.

Minneapolis 10, Minn.; 6400 France Avenue, South: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oreg.; 1218 Southwest Washington Street: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington.

Accounting, recording, and reporting for all States will be through the Data Processing Center, Kansas City 41, Missouri, Post Office Box 205.

Effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on May 4, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-4499; Filed, May 8, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

DETERMINATION BY STATE EXECUTIVE DIRECTOR

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to authorize the State executive director to take all actions and make all determinations under §§ 722.1 to 722.51 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops in certain cases.

Since there are a number of cases now pending in several States, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to marketing quotas for upland cotton of the 1961 and succeeding crops (26 F.R. 3672, 5489, 7755, 8069, 9899) are hereby amended as follows:

Section 722.46 is amended by addition of a new paragraph (c) which reads as follows:

(c) *Determinations by the State executive director.* The State executive director may make any determination under §§ 722.1 to 722.51 which the county committee is authorized to make under §§ 722.1 to 722.51 and the State executive director may take any action under §§ 722.1 to 722.51 which the county committee is authorized to take under §§ 722.1 to 722.51. In any case where the State executive director elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued by the State executive director hereunder shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of §§ 722.1 to 722.51 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced on the farm for which the notice is given.

(Secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, 62, 63–65, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1307, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., May 7, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4557; Filed, May 8, 1962; 9:44 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-PC-7]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

Correction

In F.R. Doc. 62-4332, appearing at page 4275 of the issue for Friday, May 4, 1962, the word "Civil" in the section heading for § 600.6406 should read "Federal", so that the section heading reads as follows: "§ 600.6406 *Hawaiian VOR Federal Airway No. 6.*".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Over-the-Counter Preparations for Minor Sore Throats; Warning Statement

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 3.510 (21 CFR 3.510) and 131.15 (21 CFR 131.15) are amended as follows:

1. Section 3.510 is amended by changing the warning statement to read as follows:

§ 3.510 Over-the-counter drugs for minor sore throats; suggested warning.

* * * * *

"Warning—Severe or persistent sore throat or sore throat accompanied by high fever, headache, nausea, and vomiting may be serious. Consult physician promptly. Do not use more than 2 days or administer to children under 3 years of age unless directed by physician."

2. Section 131.15 is amended by changing the warning statement in the item "Throat Preparations for Temporary Relief * * *" to read as follows:

§ 131.15 Drugs for human use; recommended warning and caution statements.

* * * * *

Warning—Severe or persistent sore throat or sore throat accompanied by high fever, headache, nausea, and vomiting may be serious. Consult physician promptly. Do not use more than 2 days or administer to children under 3 years of age unless directed by physician.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments serve only to clarify existing regulations.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 2, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4469; Filed, May 8, 1962; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Ethion; Pesticide and Food Additive Residues

1. A petition was filed with the Food and Drug Administration by Niagara Chemical Division, FMC Corp., Middleport, N.Y., requesting the establishment of a tolerance of 2 parts per million for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on lemons, tangelos, and tangerines, and an increase from 1 part per million to 2 parts per million in tolerances for residues of ethion in or on beans, grapefruit, oranges, strawberries, and tomatoes. The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing § 120.173 (21 CFR 120.173 (26 F.R. 9909)) to read as follows:

§ 120.173 Tolerances for residues of ethion.

Tolerances for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on raw agricultural commodities are established as follows:

5 parts per million in or on almond hulls.

2 parts per million in or on beans, citrus fruits, strawberries, tomatoes.

1 part per million in or on apples, eggplants, grapes, melons, onions, peaches, pears, peppers, pimentos, plums, prunes.

0.1 part per million in or on almonds.

Zero in meat and milk.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Niagara Chemical Division, FMC Corp., Middleport, N.Y., and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to residues of the insecticide ethion in or on dehydrated citrus pulp for cattle feed. Such residues have been shown to occur from application of the pesticide chemical to the growing agricultural crop under agricultural uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by changing § 121.211 (21 CFR 121.211) to read as follows:

§ 121.211 Ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate).

A tolerance of 10 parts per million is established for residues of the insecticide ethion in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 409, 68 Stat. 512 as amended; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(4))

Dated: May 2, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4470; Filed, May 8, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Chewing Gum Base

There was published in the FEDERAL REGISTER of February 14, 1962 (27 F.R. 1362), notice of a proposal to amend § 121.1059 *Chewing gum base* for the purpose of making editorial changes and to permit the safe use of certain additional ingredients. One comment was filed within the 30-day period stipulated in the above-identified notice, but it did not furnish reasonable grounds for changing the published proposal. Accordingly, the amendment set out in the FEDERAL REGISTER of February 14, 1962 (27 F.R. 1362), is effective upon publication of this order, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

The following corrections of printer's errors occurring in original document are made:

1. In paragraph (a), item "Leche de vaca", the word "Lacmellae" in the second column should read "Lacmellea".

2. In paragraph (a), item "Synthetic resin", the word "β-pinena" in the second column should read "β-pinene."

(Secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371)

Dated: May 1, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

§ 121.1059 Chewing gum base.

The food additive chewing gum base may be safely used in the manufacture of chewing gum in accordance with the following prescribed conditions:

(a) The food additive consists of one or more of the following substances that meet the specifications and limitations prescribed in this paragraph, used in amounts not to exceed those required to produce the intended physical or other technical effect.

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

Family	*Genus and species*
Sapotaceae:	
Chicle	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Chiquibul	Manilkara zapotilla Gilly.
Crown gum	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Gutta hang kang	Palaquium leiocarpum Boerl. and Palaquium oblongifolium Burck.
Massaranduba balata (and the solvent-free resin extract of Massaranduba balata).	Manilkara huberi (Ducke) Chevalier.
Massaranduba chocolate	Manilkara solimoesensis Gilly.
Nispero	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Rosidinha (rosadinha)	Micropholis (also known as Sideroxylon) spp.
Venezuelan chicle	Manilkara williamsii Standley and related spp.
Apocynaceae:	
Jelutong	Dyera costulata Hook. F. and Dyera lowii Hook. F.
Leche caspi (sorva)	Couma macrocarpa Barb. Rodr.
Pendare	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Perillo	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Moraceae:	
Leche de vaca	Brosimum utile (H.B.K.) Pittier and Poulsenia spp.; also Lacmellea standleyi (Woodson), Monachino (Apocynaceae).
Niger gutta	Ficus platyphylla Del.
Tunu (tuno)	Castilla fallax Cook.
Euphorbiaceae:	
Chilte	Cnidoscolus (also known as Jatropha) elasticus Lundell and Cnidoscolus tepiquensis (Cost. and Gall.) McVaugh.
Natural rubber (smoked sheet and latex solids).	Hevea brasiliensis.

Synthetic	*Specifications*
Butadiene-styrene rubber	Basic polymer.
Isobutylene-isoprene copolymer (butyl rubber).	Do.
Polyethylene	Molecular weight 2,000–21,000.
Polyisobutylene (isobutylene resin).	Molecular weight 8,700–81,000.
Polyvinyl acetate	Molecular weight 2,000–5,000.

Plasticizing Materials (Softeners)	
Glycerin ester of partially hydrogenated wood rosin.	Esterified with glycerin to an acid number of 2–6.
Glycerin ester of polymerized rosin.	----------
Lanolin	----------
Stearic acid	Complying with § 121.1070.
Sodium and potassium stearates	Complying with § 121.1071.
Terpene Resins	
Synthetic resin	Consisting of polymers of β-pinene.
Natural resin	Consisting of polymers of α-pinene; softening point minimum 155° C., determined by U.S.P. closed-capillary method.
Antioxidants	
Butylated hydroxyanisole, Butylated hydroxytoluene, Propyl gallate	Not to exceed antioxidant content of 0.1% when used alone or in any combination.
Miscellaneous	
Sodium sulfate	----------
Sodium sulfide	Reaction-control agent in synthetic polymer production.

(b) In addition to the substances listed in paragraph (a) of this section, chewing gum base may also include substances generally recognized as safe in food.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the food additive shall bear the name of the additive, "chewing gum base." As used in this paragraph, the term "chewing gum base" means the manufactured or partially manufactured nonnutritive masticatory substance comprised of one or more of the ingredients named and so defined in paragraph (a) of this section.

[F.R. Doc. 62-4471; Filed, May 8, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Reserpine

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Ciba Pharmaceutical Products, Inc., Summit, N.J., and other relevant material, has concluded that the following amendment to the food additive regulations should issue to provide for the addition of chlortetracycline to reserpine-medicated feeds for chickens and turkeys, for growth promotion and feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.205 (21 CFR 121.205) is revised to read as follows:

§ 121.205 Reserpine.

The food additive reserpine may be safely used in accordance with the following prescribed conditions:

(a) In the feed of chickens or turkeys, as follows:

	Percentage of reserpine in feed	Limitations	Indications for use
(1) For chickens:			
(i)	0.0001	For broilers	Improve performance under stressful environmental conditions.
(ii)	0.0002	For laying hens	Improve productive performance under stressful environmental conditions.
(2) For turkeys:			
(i)	0.00002	Continuous use, if necessary, after 4 weeks of age.	Prevention of aortic rupture.
(ii)	.0001	Not to exceed 5 days, after 4 weeks of age.	Treatment of aortic rupture.

(3) With chlortetracycline added as an aid in stimulating growth and improving feed efficiency, in accordance with the amounts prescribed in § 121.225(f)(3)(i), as follows:

(i) In chicken feed as prescribed in paragraph (a)(1)(i) of this section.

(ii) In turkey feed, as prescribed in paragraph (a)(2) of this section.

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of the ingredients specified in paragraph (a) (1) and (2) of this section.

(3) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 *Animal feed containing penicillin* • • • is amended as indicated below.

Paragraph (b) is amended by adding thereto the following new subparagraph:

(49) It is a medicated chicken or turkey feed containing antibiotics and reserpine in the amounts and for the purposes indicated in § 121.205 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the Federal Register.

(Secs. 409(c)(1), 507; 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: April 30, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4472; Filed, May 8, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Single Service Assignment of Responsibility for Processing of Claims

Scope and purpose. The amendments deal with the processing of certain claims under $200 arising in foreign ports visited by the U.S. Forces afloat and conform with recent regulatory provisions of the Secretary of Defense.

1. Section 750.48(b) is revised to read as follows:

§ 750.48 Single service assignment of responsibility for processing of claims.

• • • • •

(b) *U.S. Forces afloat cases under $200.* Notwithstanding the provisions of paragraph (a) of this section, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $200 arising in foreign ports visited by the U.S. Forces afloat and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

2. Section 753.29(b) is amended by revising the text after the second itemization to read as follows:

§ 753.29 Claims arising in specified foreign countries.

• • • • •

(b) *Single service assignment of responsibility for processing of claims.* • • •

Notwithstanding the foregoing provisions of this paragraph, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $200 arising in foreign ports visited by the U.S. Forces afloat and may, subject to the concurrence of the authorities of the receiving State concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

(R.S. 161, secs. 1–4, 68 Stat. 1006–1007, secs. 2733, 2734, 5031, 70A Stat. 153, 154, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 2733, 2734, 5031, 31 U.S.C. 2241–2—2241–5)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

MAY 2, 1962.

[F.R. Doc. 62-4489; Filed, May 8, 1962; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

REPORT OF PHYSICAL EXAMINATION OR HOSPITALIZATION AS CLAIM FOR INCREASE OR TO REOPEN

1. In § 3.157(b), subparagraph (2) is amended to read as follows:

§ 3.157 Report of physical examination or hospitalization as claim for increase or to reopen.

• • • • •

(b) *Claim.* • • •

(2) *Evidence from a private physician or layman.* The date of receipt of such evidence will be accepted when the evidence furnished by or in behalf of the claimant is within the competence of the physician or lay person and shows the reasonable probability of entitlement to benefits. Except in claims for pension where the statement of a private physician meets the requirements of § 3.326 (c) or (d), the evidence must be verified by official examination prior to granting benefits.

2. The cross reference immediately following § 3.158 is amended to read as follows:

CROSS REFERENCE: Disappearance of veteran. See § 3.656.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective May 9, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-4465; Filed, May 8, 1962; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 55—GRANTS FOR WATER POLLUTION CONTROL

Subpart B—Grants for Construction of Treatment Works

Notice of proposed rule making having been published on March 3, 1962, at 27 F.R. 2124–2127, and no objections or public comments having been received, the proposed amendments to the regulations relating to grants for construction of treatment works, as set forth and published with said notice of proposed rule making, are hereby adopted without change and shall be effective immediately as provided in said notice.

Dated: May 1, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

Sec.
55.21 Definitions.
55.22 Allotments to States.
55.23 Availability of allotments.
55.24 Applications for grants.
55.25 Grant limitations.
55.26 Assurances from applicant.
55.27 Determining the desirability of projects.
55.28 Criteria for considering propriety of Federal aid.
55.29 Payments.
55.30 Expenditure of funds.
55.31 Labor Standards—Administration.
55.32 Labor Standards—Contract Provisions.
55.33 Labor Standards—Suspension of Payments.

AUTHORITY: §§ 55.21–55.33 issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 6, 70 Stat. 502, as amended; 33 U.S.C. 466e.

NOTE: Functions vested in the Secretary of Health, Education, and Welfare by Public Law 87–88 relating to grants for construction of treatment works were included in authorities delegated to the Surgeon General of the Public Health Service on February 7, 1962, 27 F.R. 1427.

§ 55.21 Definitions.

All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such Act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal Act" means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 466 et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State water pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority, charged wih the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that, in the absence of such satisfactory data, the per capita incomes of (1) Puerto Rico, (2) the Virgin Islands, and (3) Guam shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal or interstate agency which files an application for a grant of Federal funds under Section 6 of the Federal Act.

§ 55.22 Allotments to States.

(a) The funds appropriated for any fiscal year for expenditures for grants for construction of treatment works shall be allotted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sums of such quotients for all the States.

(b) Except as provided in § 55.25(a)(8), sums allotted to a State under paragraph (a) of this section which are not obligated within six months following the end of the fiscal year for which allotted because of a lack of projects which have been approved as provided in § 55.25(a)(3) and certified as entitled to priority as provided in § 55.25(a)(6) shall be reallotted in accordance with paragraph (c) of this section to States having projects approved by the State agency which have not been certified for priority only because of lack of funds.

(c) Reallotment of unobligated funds under paragraph (b) of this section will be made on the basis of the ratio which the current year's allotment of each State which is to receive funds bears to the current year's allotments of all such States: *Provided*, That no such reallotment for any State shall be in excess of amounts necessary to satisfy requests for grants contained in applications on hand in the State agency which, except for lack of funds, are eligible for immediate certification as provided in § 55.25(a)(6).

§ 55.23 Availability of allotments.

The allotment of a State, including reallotments, shall be available, in accordance with the provisions of this Subpart, for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Surgeon General.

§ 55.24 Applications for grants.

Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

§ 55.25 Grant limitations.

(a) Grants under this Subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must result in an operable treatment works, or part thereof, which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control or prevent water pollution. In addition, where a project or a portion thereof provides for the treatment or stabilization of sewage or industrial wastes of a liquid nature, such treatment or stabilization shall consist of at least primary treatment, or its equivalent, resulting in the substantially complete removal of settleable solids.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to the Federal Act.

(4) Except as provided in subparagraph (8) of this paragraph, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost of the project as determined by the Surgeon General, or in an amount exceeding $600,000, whichever is smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That in the case of a project which will serve more than one municipality, the Surgeon General shall allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project on the basis of its estimated relative utilization of the facilities to be constructed, and shall then apply the foregoing limitations to each such share as if it were a separate project to determine the maximum amount of grant entitlement for each such share, and the total of all amounts so determined or $2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made on account of such project.

(5) No grant shall be made until the Applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 of the Federal Act and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs: Except that in the case of an additional grant as provided in subparagraph (8) of this paragraph, no additional State certification of priority shall be required for the project receiving such additional grant.

(7) No grant shall be made for any project in any State in an amount exceeding $250,000 until a grant has been made for each project in such State for which an application was filed with the appropriate State water pollution control agency prior to July 20, 1962, and which the Surgeon General determines met the requirements of the Act and Regulations in effect prior to July 20, 1961, except that they had not been certified by the State agency as entitled to priority for a grant solely because of lack of funds: *Provided*, That in the case of a project serving more than one municipality, the limitation of this section shall apply only to the individual share of each participating municipality as determined under subparagraph (4) of this paragraph.

(8) Whenever a State has funds subject to reallotment under § 55.22(b), prior to such reallotment additional grants may be made for any projects in that State where the Surgeon General finds that the need for the projects is due in part to any Federal institutions or Federal construction activity which have added to the Applicants' requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institutions or Federal construction activity. No additional grant may be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost.

(b) At least 50 per centum of the funds appropriated for such grants for each fiscal year shall be used for grants for the construction of treatment works serving municipalities of 125,000 population or under. In the case of projects serving more than one municipality, the share of each municipality so served shall be considered as a separate grant for the purpose of this paragraph.

§ 55.26 Assurances from applicant.

No grant shall be made until the Surgeon General has received assurances from the Applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty per centum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance;

(d) That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General will be submitted to the Surgeon General for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;

(f) That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the Contractor will provide proper facilities for such access and inspection;

(g) That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That adequate accounting and fiscal records shall be maintained to reflect the receipt and expediture of funds for the purpose of this project, and all funds, however provided for the payment of the cost of the project, shall be credited promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;

(i) That the declarations, assurances, representations, and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;

(j) That the Applicant will submit to the Surgeon General such documents and information as he may require;

(k) That construction contracts in excess of $2,000 will prescribe the minimum rates of pay for laborers and mechanics engaged in the construction of the project as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act, (40 U.S.C. 276a through 276a-5); that construction contracts in excess of $2,000 shall contain the stipulations and provisions contained in section 55.32 hereof; and that all construction contracts, regardless of amount, will require the Contractor to comply with the Regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, (40 U.S.C. 276c), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions from the requirements thereof;

(l) That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;

(m) That the Applicant will demonstrate to the satisfaction of the Surgeon General that he has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure undisturbed use and possession for the purposes of construction and operation for the estimated life of the project; and in the case of projects serving more than one municipality, that the participating communities have such interests or rights as the Surgeon General finds sufficient to assure their undisturbed utilization of the project for the estimated life of the project.

(n) The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General: *Provided*, That none of these Assurances except paragraphs (a) through (d) required under this section may be waived by the Surgeon General. Paragraphs (a) through (d) of this section may be waived in whole or in part (and subject to such conditions as he deems necessary) if the Surgeon General finds that the purpose of such Assurance is fulfilled.

§ 55.27 Determining the desirability of projects.

In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Surgeon General shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is reasonably assured;

(e) The feasibility of utilizing available facilities; and

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 55.28 Criteria for considering propriety of Federal aid.

The propriety of Federal aid pursuant to section 6(c) of the Act will be determined by the Surgeon General on the basis of one or more of the following criteria:

(a) *Interstate, navigable, coastal, and Great Lakes waters.* Whether the project is required to control pollution of interstate or navigable waters, coastal waters or waters of the Great Lakes (including tributaries of such waters contributing materially to the pollution of such waters), and such pollution is inimical to public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, or agricultural, industrial, or other legitimate water uses.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem substantially and adversely affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national defense; (3) a Federal water resource development; or (4) an influx of population to carry out Federal activities.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a serious public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of needed sewage treatment works involves an extraordinary and excessive financial burden in relation to its economic resources.

§ 55.29 Payments.

(a) Installment payments of the grant shall be made at the request of the Applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and may be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and

(4) A fourth installment when the project is completed and final inspection by a representative of the Department is made.

(b) Upon written request and a showing of necessity by the Applicant, the Surgeon General may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the approved grant or 30 per centum of the actual reasonable cost thereof as determined by the Surgeon General at completion of construction of the treatment works, whichever is the smaller, except that this limitation shall not apply to additional grants made for projects, as provided in § 55.25(a)(8).

(d) Where the Applicant fails to comply substantially with the requirements of the Federal Act or the Regulations in this Subpart or with the assurances con-

tained in § 55.26, the Surgeon General may, upon giving reasonable notice and opportunity for hearing to the Applicant, withhold, in whole or in part, further payments to the Applicant pending action based on such hearing or until there is no longer any failure to comply.

§ 55.30 Expenditure of funds.

Amounts paid to an Applicant shall be expended solely for the carrying out of the purposes for which the grant was approved.

§ 55.31 Labor standards—Administration.

(a) In accordance with § 55.26(k), the Applicant shall include or cause to be included in contracts for the construction of the project for which a grant has been made under the Act the stipulations required by § 55.32. No payment of funds shall be approved by the Surgeon General after the beginning of construction unless there is on file with the Applicant a certification by the Contractor that he and his subcontractors have complied or that there is an honest dispute with respect to the required provisions.

(b) (1) Whenever any Contractor or subcontractor is found by the Surgeon General to be in aggravated or willful violation of the prevailing wage provisions of the Federal Act, such Contractor or subcontractor or any firm, corporation, partnership, or association in which such Contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed three years (from the date of publication by the Comptroller General of the United States of the name or names of said Contractor or subcontractor on the Consolidated List of Debarred Bidders he issues) to receive any contracts subject to any of the statutes administered by the Department of Health, Education, and Welfare.

(2) The Surgeon General shall furnish to the Comptroller General of the United States, for distribution to all Departments of the Government, the names of the persons or firms who have been found to have disregarded their obligations to employees in a willful or aggravated manner.

(c) The Surgeon General shall make or cause to be made such examination of the certified payrolls and statements as may be necessary to assure compliance with the labor standards stipulations required by the Regulations contained in this part. In connection with such examination particular attention will be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and statements shall be preserved by the Applicant for a period of three years from the date of completion of the contract and shall be produced at the request of the Surgeon General at any time during the three-year period.

(d) An addition to the examination of payrolls and statements required by paragraph (c) of this section, the Surgeon General shall cause investigations to be made as may be necessary to assure compliance with the labor standards stipulations required by the Regulations contained in this part. Projects where the contract is of short duration (six months or less) shall be investigated before the work is accepted if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations may include interviews with employees and examinations of employment records to determine the correctness of classifications and disproportionate employment of laborers, helpers, or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

§ 55.32 Labor standards—Contract provisions.

The following stipulations are prescribed for inclusion in construction contracts in accordance with §§ 55.31 and 55.26(k):

(a) The schedule contained in the Wage Determination Decision of the Secretary of Labor which is made part of these specifications furnishes the minimum hourly rates of wages required to be paid to the various laborers and mechanics employed directly upon the site of the work embraced by this specification, these rates having been determined by the Secretary of Labor to be the prevailing local wage rates for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended. The wage rates contained in this Decision are straight hourly wage rates. In some areas management and labor organizations in the construction industry have collectively bargained for health and welfare fund contributions. Such contributions are not included in wage rates determined by the Secretary of Labor for construction projects unless so specified in the determination.

(b) No classifications of laborers or mechanics may be employed except those designated in the schedule above mentioned. In the event that wage rates are desired for classifications not requested, or classifications requested but not furnished, application or reapplication for such classifications and rates shall be made to the Surgeon General for transmission to the Secretary of Labor.

(c) While the wage rates shown are the minimum rates required by these specifications to be paid during the life of the contract, this is not a representation that labor can be obtained at these rates. It is the responsibility of bidders to inform themselves as to local labor conditions and prospective changes or adjustments of wage rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

(d) All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Anti-Kickback Regulations (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the Wage Determination Decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics; and the Wage Determination Decision shall be posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(e) The Owner, or his representative, may withheld or cause to be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by the contract, the Owner or his representative, may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(f) (1) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Surgeon General, and will permit such representatives to interview employees during working hours on the job.

(2) The Contractor will in addition submit weekly a certified copy of all payrolls to the Owner, or his representative. Such copies shall be retained, in accordance with instructions, by the Owner for a period of three years from the date of completion of the contract, and shall be available for inspection by authorized representatives of the Surgeon General. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and the classifications set forth for each laborer or mechanic conform with the work he performed.

(g) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(h) The Contractor will comply with the Regulations (a copy of which is attached) of the the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof. In lieu of mailing statements required by 29 CFR 3.3 and 3.4 (Kickback Regulations) to the Federal Agency furnishing financial aid on this project, the Contractor shall submit all such statements promptly, as specified, to the Owner or to a representative designated by the Owner. The Owner, or his representative, shall check the completeness of such statements and their compliance with forms prescribed in the Kickback Regulations. Such statements shall be preserved for a period of three years from the date of completion of the contract and shall be available for inspection by authorized representatives of the Surgeon General of the Public Health Service and the Secretary of Labor.

(i) The Contractor will insert in each of his subcontracts the provisions set forth in paragraphs (b), (d), (e), (f), (g), (h), and (j) of this section, and such other stipulations as the Surgeon General of the Public Health Service may by appropriate instructions require.

(j) A breach of paragraphs (b) and (d) through (i) of this section may be grounds for termination of the contract. If the Contractor fails to correct any such breach to the satisfaction of the Surgeon General of the Public Health Service within ten days after the Owner's demand for such correction, then the Owner may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been a breach of the aforesaid stipulations and prosecute the work to completion by contract or otherwise, and the Contractor and his Sureties shall be liable to the Owner for any excess cost occasioned the Owner thereby.

§ 55.33 Labor standards—Suspension of payments.

In the event the Surgeon General has reason to believe there is a failure or refusal of the Contractor or any subcontractor to comply with the labor standards stipulations required by the regulations in this subpart the Surgeon General may, after reasonable notice and opportunity for hearing to the Applicant, withhold payments to the Applicant pending action based on such hearing, until such time as the violations are discontinued or until sufficient funds are withheld to compensate the employees for the wages to which they were entitled.

[F.R. Doc. 62-4468; Filed, May 8, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2667]

ALASKA

Withdrawing Lands at Whittier for Alaska Railroad and Department of Army; Partly Revoking Certain Prior Orders

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the hereinafter described public lands at the port of Whittier are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved as follows:

[Anchorage 047336]

(a) For use of the Alaska Railroad for storage and warehousing purposes:

Parcel No. 1

Beginning at a point from which U.S.L.M. 2559 bears S. 00°25'21" W., 509.35 feet, thence by metes and bounds; thence:

N. 11°09' E., to the line of mean high tide, which is point for Corner No. 2;

Northwesterly, along the line of mean high tide to point for Corner No. 3;

S. 11°09' W., to a point 120 feet from the centerline of the Alaska Railroad main line, measured at right angle, which is point for Corner No. 4;

S. 78°51' E., 380 feet to point for Corner No. 5;

N. 11°09' E., 110 feet to a point for Corner No. 6 on the north side of the access road between the Alaska Railroad tracks and Passage Canal;

S. 62°15' E., 115 feet to the point for Corner No. 7;

N. 33°51' W., 60 feet to the point of beginning.

Containing approximately 3.30 acres.

Parcel No. 2

Beginning at the northwest corner of lot 1, Block 2, Whittier Townsite, U.S. Survey No. 2559, Alaska; thence:

S. 78°50' E., 375.68 feet to the northeast corner of lot 7, Block 2;

S. 11°10' W., 165.00 feet, along the east lines of lots 7 and 24, Block 2, to a point that is the midpoint of the east line of said lot 24;

S. 78°50' E., 409.40 feet to the midpoint of the east line of lot 16, Block 2;

S. 17°30' W., 422.57 feet, along the east line of lot 16, Block 2, lots 14 and 15, Block 3 and lot 12, Block 4, to the midpoint of the east line of said lot 12, Block 4;

N. 78°50' W., 622.98 feet to the midpoint of the west line of lot 1, Block 4;

North, 596.29 feet, along the west line of lot 1, Block 4, lots 27 and 1, Block 3, lots 30 and 1, Block 2, to the point of beginning.

Containing 7.99 acres.

[Anchorage 047159 & 027696]

(b) For use of the Department of the Army in connection with its operations at the port of Whittier:

Parcel No. 1

Commencing at Corner No. 8 of U.S. Survey No. 2559, Whittier Townsite; thence N. 32°04'20" E., for a distance of 356.25 feet to a point, said point being the southwest corner of the enlarged approach to the Whittier Wharf and the true point of beginning for this description; thence:

N. 34°21' W., 28.00 feet to a point on the dock access road right-of-way;

S. 55°39' W., 652.85 feet along said right-of-way and extension thereto;

N. 34°21' W., 60.00 feet, more or less;

N. 55°39' E., 652.85 feet;

S. 34°21' E., 0.88 of a foot to a point, said point being the northwest corner of the approach to the original Whittier Wharf;

N. 55°39' E., 406.00 feet;

N. 78°24' E., 1,164.41 feet;

S. 11°36' E., 41.00 feet;

S. 36°54' W., 63.00 feet;

S. 78°24' W., 24.00 feet;

S. 11°36' E., 12.00 feet;

S. 78°24' W., 24.81 feet;

N. 11°36' W., 38.74 feet;

S. 78°24' W., 216.00 feet;

S. 11°36' E., 64.00 feet;

S. 78°24' W., 48.00 feet;

S. 11°36' E., 28.00 feet;

S. 78°24' W., 848.00 feet;

S. 73°30'44" W., 80.20 feet;

S. 63°26'14" W., 116.20 feet;

S. 55° 39' W., 120.00 feet to the point of beginning.

Containing 5.10 acres, more or less.

Parcel No. 2

Commencing at Corner No. 14 of The Alaska Railroad Terminal Reserve at Whittier; thence S. 32°00' E., 1,615 feet, more or less, to the true point of beginning for this description, thence:

N. 40°30' E., 535 feet, more or less, to a point on the mean high tide line of the Passage Canal;

Following the meanders of said high tide line in generally southerly direction to a point that is S. 35°15' E. from the point of beginning;

N. 35°15' W., 135 feet, more or less, to a point;

S. 58°00' W., 200 feet to a point;

S. 35°15' W., 1,720 feet, more or less, to a point on a boundary line of Parcel No. 3 of Public Land Order No. 587;

N. 62°01'10" E., 245 feet, along said boundary line, more or less, to a point that is 100 feet from the preceding course when measured at right angle thereto;

N. 35°15' E., 1,475 feet, more or less, to a point;

N. 58°00' E., 175 feet, more or less, to a point that is S. 35°15' E., 255 feet, more or less, from the point of beginning;

N. 35°15 W., 255 feet, more or less, to the point of beginning.

Containing 8.75 acres, more or less.

Parcel No. 3

Beginning at Corner No. 16 of The Alaska Railroad Terminal Reserve at Whittier; thence due south 25 feet more or less, to a point on the northerly side of the existing West Camp access road; thence:

Westerly, 1,250 feet, more or less, along said road to a point, said point being directly opposite Station 79+00 of the main line of The Alaska Railroad when measured at right angle thereto;

N. 18°42' E., 130 feet, more or less, to the mean high water line of the southerly bank of O'Neal Creek;

Following said water line in a northeasterly direction to its intersection with the mean high tide line of the Passage Canal;

Following said tide line in a generally easterly and southerly direction to a point that is due north of the point of beginning;

South to the point of beginning.
Containing 9.18 acres, more or less.

Parcel No. 4

Beginning at Corner No. 1, U.S. Survey No. 2559, Whittier Townsite, Alaska; thence:

S. 78°51' E., 990.46 feet along the north line of said survey to Corner No. 2, said corner being the northeast corner of lot 19, Block 13, Whittier Townsite;

S. 16°00' W., 42.25 feet, between lots 19 and 20, Block 13, to Corner No. 3, a point on the northerly right-of-way line of First Street;

S. 74°00' E., 10.39 feet along said right-of-way line to Corner No. 4, a point on the easterly right-of-way line of Midway Avenue, extended;

S. 17°30' W., 427.57 feet along the easterly right-of-way line of Midway Avenue and Midway Avenue extended, to Corner No. 5, being the southwest corner of lot 32, Block 11;

S. 74°00' E., 300.80 feet to Corner No. 6, being the southeast corner of lot 27, Block 11;

S. 16°00' W., 271.56 feet to Corner No. 7, being the southeast corner of lot 20, Block 10;

S. 74°00' E., 434.20 feet to Corner No. 8, a point on the 4–5 line U.S. Survey No. 2559;

S. 48°00' W., 414.60 feet to Corner No. 9, along said 4–5 line, said corner being common to Corner No. 4, U.S. Survey No. 2559;

S. 36°00' W., 510.04 feet to Corner No. 10, said corner being common to Corner No. 3, U.S. Survey No. 2559;

N. 78°50' W., 881.87 feet to Corner No. 11, said corner being common to Corner No. 2, U.S. Survey No. 2559;

North, 1,625.78 feet to the point of beginning, excluding from this parcel, however, the tract described as Parcel No. 2 in paragraph 1(a) of this order, withdrawn for use of the Alaska Railroad, together with the right of ingress thereto and egress therefrom.

The area reserved as Parcel No. 4 of this paragraph contains about 31.81 acres.

2. Public Land Order No. 587 of May 23, 1949, withdrawing lands at Whittier for use of the Department of the Army, is hereby revoked, so far as it affects 4.1 acres described in Public Land Order No. 587 as "Parcel No. 6." The lands are the same as those described in Parcel No. 1 in paragraph 1(a) of this order, plus a fraction of an acre lying below mean high tide of Passage Canal.

3. Public Land Order No. 396 of August 19, 1947, reserving lands for use of the Alaska Railroad as a terminal reserve, is hereby revoked so far as it affects the lands described in paragraph 1(b) of this order.

4. The withdrawals made by this order shall take precedence over but not otherwise affect existing withdrawals for townsite purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 2, 1962.

[F.R. Doc. 62-4455; Filed, May 8, 1962; 8:45 a.m.]

[Public Land Order 2668]

[Oregon 010194]

OREGON

Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas, as indicated:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Applegate Campground

T. 40 S., R. 3 W.,
Sec. 5, SW¼SW¼.

SISKIYOU NATIONAL FOREST

Bolan Lake Recreation Area

T. 41 S., R. 6 W.,
Sec. 6, lot 4 and SE¼SW¼;
Sec. 7, lots 1 to 4, inclusive, and E½W½.
T. 41 S., R. 7 W.,
Sec. 1, SE¼SE¼;
Sec. 12, E½NE¼ and NE¼SE¼.

Lower Rogue River Recreation Area

T. 33 S., R. 10 W.,
Sec. 17, lots 3, 7, SW¼NE¼, SE¼NW¼, and NW¼SE¼.

The areas described aggregate 824.84 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 3, 1962.

[F.R. Doc. 62-4456; Filed, May 8, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14476; FCC 62-459]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Radio Astronomy Observatories and Frequencies Involved

In the matter of amendment of Part 2 of the Commission's rules and regulations to insert provisions for the notification of the International Telecommunication Union relative to radio astronomy observatories and frequencies involved.

1. The Commission issued a notice of proposed rule making in the above-entitled matter on January 3, 1962, which was duly published in the FEDERAL REGISTER on January 10, 1962 (27 F.R. 258), looking toward the amendment of Subpart B of Part 2 so as to adopt, in part, Recommendation 32 of the International Radio Regulations (Geneva 1959) for the Radio Astronomy Service. Interested parties were invited to file comments on or before February 16, 1962, and reply comments on or before February 26, 1962. This time was subsequently extended to March 13, 1962, for comments concerning use of the frequencies 13.56 and 40.68 Mc/s, and the time for filing comments in reply was extended to March 23, 1962.

2. Comments received from Associated Universities, Inc., University of Illinois and Yale University were in support of this proposal and indicated willingness to supply the necessary report to the Commission for transmittal to the International Telecommunication Union. Other comments received included those from Mann-Russell Electronics, Inc. and Forest Industries Radio Communications which were more specifically directed towards the use of frequencies designated for industrial, scientific and medical (ISM) devices, which subject is being considered in associated Dockets Nos. 14475 and 14477. Comments submitted by the user groups supported those of Mann-Russell and Forest Industries Radio Communications and were confined to the proposed reallocation of the 40.68 Mc/s ISM frequency. No reply comments were received.

3. This report and order completes rule making with regard to the Commission's proposal in Docket No. 14476 to amend Subpart B of Part 2 of the rules to insert provisions for the notification of the International Telecommunication Union relative to radio astronomy observatories and frequencies involved. The attached Appendix contains appropriate amendments to Part 2.

4. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, that effective June 11, 1962, Part 2 of the Commission's rules is amended as set forth below.

Adopted: May 2, 1962.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Subpart B of Part 2 of the Commission's rules and regulations is amended as follows:

The provisions of §§ 2.104 and 2.105 are incorporated into amended § 2.105, and a new § 2.104 is added, as follows:

§ 2.104 Radio astronomy notification.

Pursuant to paragraph 4 of Recommendation 32 of the International Radio Regulations (Geneva, 1959), radio astronomy observatories in the United States are requested to file an annual report with the Federal Communications Commission, Washington 25, D.C. The annual report should be filed during January and should reflect the activities and plans of the observatory as of January 1. Information thus furnished will be forwarded to the International Telecommunications Union for distribution to its members and associate members. The annual report should contain the following information:

(a) Location of observatory (nearest city, town, or recognizable hamlet).

(b) Geographic coordinates of observatory.

(c) Frequencies allocated nationally to the radio astronomy service on which observations are being made, and a brief statement of the purpose(s) of the observations.

(d) Frequencies allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

(e) Frequencies not allocated nationally to the radio astronomy service on which observations are being made, and a brief statement of the purpose(s) of the observations.

(f) Frequencies not allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

§ 2.105 Application and format of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 Mc/s, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.

(2) Fixed (in U.S. possessions and Alaska).

(3) International fixed public.

(b) In the Table of Frequency Allocations between 5,000 and 25,000 kc/s, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.

(2) Maritime mobile.

(c) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a worldwide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(d) In Column 6 (above 25 Mc/s) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(e) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(f) In Column 11 "SERVICES" are in large block print and "stations" in small print.

(g) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in subparagraph (2) of this paragraph, but not italicized (example: Mobile); these are called "secondary" services, which are on a noninterference basis to the primary and permitted services.

NOTE 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

NOTE 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(h) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote consisting only of digits, e.g., (170), denotes a paragraph in the Geneva (1959) Radio Regulations. Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3, or 4.

(2) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

[F.R. Doc. 62-4491; Filed, May 8, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers

At a general session of the Interstate Commerce Commission held at its offices in Washington, D.C., on the 24th day of April A.D. 1962.

It appearing, that on April 3, 1962, the United States District Court for the Southern District of California, entered its judgment in the case entitled Movers Conference of America et al., plaintiffs v. United States of America and Interstate Commerce Commission, defendants, Civil Action File No. 1108-61 HW, enjoining the Interstate Commerce Commission from enforcing its order dated June 19, 1961, in the above-entitled proceeding;

It is ordered, That the order of the Commission herein dated June 19, 1961, be, and it is hereby vacated and set aside, and the said proceeding be, and it is hereby, reopened for further consideration.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.D. Doc. 62-4482; Filed, May 8, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXCEPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diphenylamine; Notice of Proposal to Modify Tolerance

An order was published in the FEDERAL REGISTER of January 31, 1962, establishing a tolerance for residues of diphenylamine at 10 parts per million in or on apples, to cover residues from preharvest spray or use of impregnated wraps, and a zero tolerance in meat and milk. The purpose of these uses on apples is for scald control during storage. Residue studies made available after the tolerance was established in or on apples show that residues from the use of certain postharvest sprays or postharvest dips would also be within the established tolerance.

Accordingly, notice is given that the Commissioner of Food and Drugs, on his own initiative, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 348(e)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend § 120.190 (21 CFR 120.190; 27 F.R. 883) to read as follows:

§ 120.190 Tolerances for residues of diphenylamine.

Tolerances for residues of diphenylamine are established as follows:

10 parts per million in or on apples from preharvest or postharvest use, including use of impregnated wraps, for scald control.

Zero in milk and meat.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing diphenylamine may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: May 1, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4473; Filed, May 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 612) has been filed by Davison Chemical Company, Division of W. R. Grace and Company, Baltimore 3, Maryland, proposing the issuance of a regulation to provide for the safe use of silica gel in food and feed, as follows:

Silica gel	Limitation	Use
Percent by weight:		
0.5	Vitamin for human use.	Anticaking agent.
.75	Dietetic use	Do.
3.0	Spices	Do.
3.0	Meat-curing compounds.	Do.
3.0	Vitamins for cattle	Do.

Dated: May 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4474; Filed, May 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 745) has been filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing the amendment of § 121.2536 *Filters, resin-bonded* (21 CFR 2536; 27 F.R. 1254) by adding to paragraph (d)(2) the following substances used in fiber finishing:

BHT (butylated hydroxytoluene).
Butyl (or isobutyl) palmitate or stearate.
Diethylene glycol monolaurate.
Dimethylpolysiloxane.
Di-*tert.*-butylhydroquinone.
Fatty acid (C_{10}–C_{18}) diethanolamide condensates.
Fatty (C_{10}–C_{18}) mono- and diesters of polyoxyethylene glycol (molecular weight 400–3,000).
Methyl esters of fatty acids (C_{10}–C_{18}).
Mineral oil.
Peanut oil.
Polyoxyethylene (4 mols) ethylenediamine monolauramide.
Polyoxyethylene (9–10 mols) ether of isooctylor nonylphenol.
Polyoxypropylene (40–50 mols) polyoxyethylene (20–30 mols) ethylenediamine.
Ricebran oil.
Salts of fatty acids (C_{10}–C_{18}) (potassium, sodium, triethanolamine).

Dated: May 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4475; Filed, May 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 785) has been filed by The Ottawa Chemical Company, 700 North Wheeling Street, Toledo 5, Ohio, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by adding thereto the item "4-Chloro-3,5-dimethylphenol (*p*-chloro-*m*-xylenol)."

Dated: May 3, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4476; Filed, May 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 650) has been filed by Adhesives Manufacturers Association of America, 441 Lexington Avenue, New York 17, New York, proposing the revision of certain portions of § 121.2520 *Adhesives* as set forth below.

1. By changing paragraph (b) to read:

§ 121.2520 Adhesives.

* * * * *

(b) To assure safe usage of adhesives, the label of the finished adhesives container shall bear the statement "Food-packaging adhesive."

2. By amending paragraph (c)(5) as follows:

a. By changing the item "Diethanolamine stearate" to read "Diethanolamine condensed with animal or vegetable fatty acids."

b. By changing the item "Dihydroxy abietyl phthalate" to read "Dihydroabietyl phthalate."

c. By changing the item "1-1'-Isopropylidene-bis(*p*-phenyleneoxy)-di-2-propanol" to read "4,4'-Isopropylidenebis(*p*-phenyleneoxy)-di-2-propanol."

d. By changing the item "Ketone dimers of palmitic and stearic acids mixture" to read "Alkyl ketene dimers as described in § 121.2538."

e. By changing the item "Pentaerythritol tetraacetate" to read "Pentaerythritol tetrastearate."

f. By changing the item "Phenol-formaldehyde resin" to read "Phenolic resins as described in § 121.2514(b)(3)(vi)."

g. By adding to the item "Polymers: Homopolymers and copolymers * * *" the following additional monomers:

Butene.
Diallyl fumarate.
Dibutyl fumarate.
Dibutyl itaconate.
Dibutyl maleate.
Ethylene.
Isobutylene.
Propylene.
Vinyl ethyl ether.
Vinyl methyl ether.

h. By changing the item "Polyoxyethylene (molecular weigh 200–6,000)" to read "Polyethylene glycol (molecular weight 200–6,000)."

i. By deleting the items "Polyoxyethylene (molecular weight 200) monooleate" through "Polyoxyethylene (molecular weight 600) mono- or dioleate," inclusive, and substituting therefor the item "Polyoxyethylene (molecular weight 200–600) esters of fatty acids derived from animal or vegetable fats and oils (including tall oil)."

j. By changing the item "Polyoxypropylene (molecular weight 150–3,000)" to read "Polypropylene glycol (molecular weight 150–3,000)."

k. By deleting the items "Polyoxypropylene (molecular weight 1,501–1,800) * * *" and "Polyoxypropylene-polyoxyethylene copolymer polyethers * * *" and substituting therefor the item "Polyoxypropylene-polyoxyethylene condensate (molecular weight 1,900–9,000).

l. By deleting the item "Rosin, decarboxylated" through "Rosin and rosin derivatives * * * Triethylene glycol", inclusive, and substituting therefor the following items:

Rosin (wood, gum, and tall oil rosin), rosin dimers, decarboxylated rosin (including rosin oil), disproportionated rosin, and these substances as modified by one or more of the following reactants:
Alkyl (C_1–C_9) phenol-formaldehyde.
Ammonia.
Ammonium caseinate.
p-Cyclohexylphenol-formaldehyde.
Diethylene glycol.
Dipentaerythritol.
Ethylene glycol.
Formaldehyde.
Fumaric acid.
Glycerin.
Hydrogen.
Isophthalic acid.
4,4'-Isopropylidenediphenol-epichlorohydrin (epoxy).
4,4'-Isopropylidenediphenol-formaldehyde.
Maleic anhydride.
Methyl alcohol.
Pentaerythritol.
Phthalic anhydride.
Polyethylene glycol.
Phenol-formaldehyde.
Phenyl o-cresol-formaldehyde.
p-Phenylphenol-formaldehyde.
Sulfuric acid.
Triethylene glycol.
Xylenol-formaldehyde.
Rosin salts (salts of rosin, wood, gum and tall oil, and the dimers thereof, decarboxylated rosin, disproportionated rosin):
Aluminum.
Ammonium.
Calcium.
Magnesium.
Potassium.
Sodium.
Zinc.
Rosin, gasoline-insoluble fraction.

m. By changing the item "Sodium lauryl sulfate" to read:

Lauryl sulfate salts:
Ammonium.
Magnesium.
Potassium.
Sodium.

n. By changing the item "Starch, packaging" to read "Starch or starch modified by one or more of the treatments described in §§ 121.1031 and 121.2506."

o. By changing the item "Stearyl dimethyl benzyl ammonium chloride" to read "Alkyl (C_{16}–C_{20}) dimethylbenzyl ammonium chloride."

p. By changing the item "Tallow, sulfated" to read "Tallow, sulfated or sulfonated."

q. By changing the item "Terpene resins * * *" to read "Terpene resins (*alpha-* and *beta*-pinene), homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene."

r. By changing the item "Urea-formaldehyde copolymer" to read "Urea-formaldehyde resins as described in § 121.2514(b)(3)(xii)."

s. By adding to paragraph (c) the following new items:

Aluminum di(2-ethylhexoate).
Ammonium bifluoride.[2]
Ammonium silico-fluoride.[2]
Asphalt, paraffinic and naphthenic.
Barium acetate.
BHA (butylated hydroxyanisole).
BHT (butylated hydroxytoluene).
Butoxy polyethylene polypropylene glycol (molecular weight 900–4,200).
Castor oil, polyoxyethylated (4–84 mols ethylene oxide).
Chinawood oil (tung oil).
Cyclohexane.
2,5-Di-*tert.*-butyl hydroquinone.
Dicumyl peroxide.
Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride.
Diisopropylbenzene hydroperoxide.
Dimethyl hexynol.
Dimethyl octynediol.
N,N'-Diphenyl-*p*-phenylenediamine.
Fatty acids derived from animal or vegetable fats and oils.
Fluosilicic acid (hydrofluosilicic acid).[2]
Glycerides, di- and mono-esters.
Hydrofluoric acid.[2]
Hydrogen peroxide.
7-Hydroxy coumarin.
Hydroxyethyl urea.
Hydroxylamine sulfate.
Isopropyl-*m*- and *p*-cresol (thymol derived).
Magnesium fluoride.[2]
Maleic anhydride-diisobutylene copolymer, sodium salt.
p-Methane hydroperoxide.
Methylcellulose.
Monochloracetic acid.
Nitric acid.
Octylphenoxypolyethoxy-polypropoxethanol (13 mols of ethylene oxide and propylene oxide).
Paraffin (C_{12}–C_{20}) sulfonate.
2,4-Pentanedione.
Polyoxyethylene (15 mols) ester of rosin.
Polyoxyethylene (4-5 mols) ether of phenol.
Polyoxyethylene (25 mols)—glycerol adduct.
Potassium phosphates (mono-, di-, tribasic).
beta-Propiolactone.
Salts of fatty acids derived from animal or vegetable fats and oils, single or mixed, as follows: aluminum, ammonium, calcium, magnesium, potassium, sodium, and zinc.
Sodium carboxymethylcellulose.
Sodium di(2-ethylhexyl) pyrophosphate.
Sodium fluoride.[2]
Sodium polymethacrylate.
Strontium salicylate.
Tall oil, methyl ester.
Tall oil pitch.
Tetramethyl decanediol.
Tetramethyl decynediol.
Tetramethyl decynediol plus 1-30 moles of ethylene oxide.
p-Toluene sulfonic acid.
Triazine-formaldehyde resins as described in § 121.2514(b)(3)(xiii).
Triethylene glycol polyester of benzoic acid and phthalic acid.
Trimethyl dihydroquinoline, polymerized.
Trimeric aromatic amine resin from diphenylamine and acetone of molecular weight approximately 500.
Wax, petroleum, chlorinated (40% to 70% chlorine).
Zinc dibenzyl dithiocarbamate.
Zinc naphthenate and dehydroabietylamine mixture.

Dated: April 30, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4477; Filed, May 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 530) has been filed by American-Marietta Company, 3400 Thirteenth Avenue SW., Seattle, Washington, proposing the issuance of a regulation to provide for the safe use of polyamide epichlorohydrin resin as a wet-strength agent in the manufacture of paper and paperboard used in food packaging. It will be used in amounts not to exceed 1.5 percent.

Dated: May 1, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4478; Filed, May 8, 1962; 8:49 a.m.]

[2] For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 548) has been filed by Ferro Corporation, 4150 East Fifty-sixth Street, Cleveland 5, Ohio, proposing the issuance of a regulation to provide for the safe use of the following substances as colorants for polymeric films that contact food:

Aluminum oxide.
Chromium oxide.
Cobalt oxide.
Magnesium oxide.
Zinc oxide.

Dated: May 1, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4479; Filed, May 8, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 787) has been filed by Hercules Powder Company, 910 Market Street, Wilmington 99, Delaware, proposing the issuance of a regulation to amend § 121.1031 *Food starch—modified* of the food additive regulations to provide for the safe use in food of food starch, modified by multiple treatment with sodium hypochlorite, hydrogen peroxide, and propylene oxide, to impart stability and desired texture characteristics.

Dated: May 1, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4480; Filed, May 8, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-NY-10]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS, JET ROUTE AND CONTROL AREA EXTENSION REVOCATION OF REPORTING POINT

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6030, 600.6046, 600.6885, 600.1510, 600.1682, 601.6030, 601.1169, 601.7001, and 602.100 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 30 and its associated control areas extend in part from the Idlewild, N.Y., VOR via the intersection of the Idlewild VOR 083° and the Nantucket, Mass., VOR 252° True radials to the Nantucket VOR excluding the airspace below 2,000 feet MSL outside the United States. Low altitude VOR Federal airway No. 46 and its associated control areas extend in part from the Hampton, N.Y., VOR via the intersection of the Hampton VOR 079° and the Nantucket VOR 257° True radials to the Nantucket VOR excluding the airspace below 2,000 feet MSL outside the United States. Low altitude VOR Federal airway No. 885 extends in part from the intersection of the Idlewild VORTAC 083° and the Riverhead VORTAC 218° True radials via the intersection of the Riverhead VORTAC 146° and the Hampton VOR 223° True radials to the Hampton VOR.

Intermediate altitude VOR Federal airway No. 1510 extends in part from the Idlewild VOR as a 10-mile wide airway via the intersection of the Idlewild VOR 083° and the Nantucket VOR 252° True radials to the Nantucket VOR. Intermediate altitude VOR Federal airway No. 1682 extends in part from the Idlewild VOR as a 10-mile wide airway via the intersection of the Idlewild VOR 083° and the Hampton VOR 239° True radials; Hampton VOR; intersection of the Hampton VOR 059° and the Providence, R.I., VOR 212° True radials to the Providence VOR. The Idlewild control area extension No. 1169 is designated as that airspace within 5 miles either side of a direct line extending from the intersection of the southeast course of the Hempstead, N.Y., radio range and the Riverhead, N.Y., VOR 223° True radial to the Nantucket CONSOLAN monitor site at latitude 41°15'35" N., longitude 70°09'19" W., excluding the airspace below 2,000 feet MSL. Jet Route No. 62 is designated from the Idlewild VOR via the intersection of the Idlewild VOR 075° and the Albany, N.Y., VOR 149° and the Nantucket VOR 259° True radials to the Nantucket VOR.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

1. Alter Victor 30 from the Idlewild VORTAC as a 10-mile wide airway to the intersection of the Idlewild VORTAC 083° and the Riverhead VORTAC 154° True radials; thence expanding to a width of 13 miles to the intersection of the Idlewild VORTAC 083° and the Hampton VOR 223° True radials; thence as a 10-mile wide airway to the Hampton VOR at which point it would terminate. The control areas associated with the proposed altered segment of Victor 30 would be designated to exclude the portions outside the United States below 2,000 feet MSL and below 3,000 feet MSL south of a line extending from latitude 40°40'00" N., longitude 72°30'00" W., to latitude 40°38'20" N., longitude 72°38'35" W.

2. Alter Victor 46 from the Hampton VOR as a 10-mile wide airway to the intersection of the Hampton VOR 083° and the Nantucket VOR 255° True radials; thence expanding to a width of 14 miles to the intersection of the Nantucket VOR 255° and the Providence VOR 153° True radials; thence as a 10-mile wide airway to the Nantucket VOR. The control areas associated with the proposed altered segment of Victor 46 are so designated that they would automatically conform to the altered airway. Accordingly, no amendment to such control areas would be necessary.

3. Alter the segment of Victor 885 from the intersection of the Riverhead VORTAC 218° and the Idlewild VORTAC 083° True radials as a 10-mile wide airway to the intersection of the Idlewild VORTAC 083° and the Riverhead VORTAC 154° True radials; thence expanding to a width of 13 miles to the intersection of the Idlewild VORTAC 083° and the Hampton VOR 223° True radials; thence as a 10-mile wide airway to the Hampton VOR, excluding the portions outside the United States below 2,000 feet MSL and the portion below 3,000 feet MSL south of a line extending from latitude 40°-40'00" N., longitude 72°30'00" W., to latitude 40°38'20" N., longitude 72°38'-35" W.

4. Alter the segment of Victor 1510 from the Idlewild VOR as a 10-mile wide airway via the intersection of the Idlewild VOR 080° and the Nantucket VOR 255° True radials to the Nantucket VOR, including the additional airspace between lines diverging from the Idlewild VOR to points of tangency to a circle with a 9.5 statute mile radius centered at the intersection of the Idlewild VOR 080° and the Nantucket VOR 255° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Nantucket VOR.

5. Alter the segment of Victor 1682 from the Idlewild VOR as a 10-mile wide airway to the intersection of the Idlewild VOR 080° and the Riverhead VOR 127° True radials; thence 14-mile wide airway via the intersection of the Idlewild VOR 080° and the Hampton VOR 223° True radials to the Hampton VOR; thence as a 10-mile wide airway via the intersection of the Hampton VOR 059° and the Providence VOR 212° True radials to the Providence VOR.

6. Alter the Idlewild control area extension No. 1169 to include the airspace within 5 miles either side of a line extending from the Idlewild VOR via the intersection of the Idlewild VOR 080° and the Nantucket VOR 255° True radials to the Nantucket VOR, and the area within lines diverging from the Idlewild VOR to points of tangency to a circle with a 9.5 statute mile radius centered at the intersection of the Idlewild VOR 080° and the Nantucket VOR 255° True radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VOR, excluding the airspace below, 2,000 feet MSL outside the United States.

7. Alter Jet Route No. 62 to extend from the Idlewild VORTAC via the intersection of the Idlewild VORTAC 080° and the Nantucket VOR 255° True radials to the Nantucket VOR. The En-route Jet Radar Advisory Areas associated with Jet Route No. 62 are so designated that they would automatically conform to the altered jet route. Accordingly, no amendment to such advisory areas is necessary.

8. Revoke the Newport, R.I., Intersection (intersection of the Norwich, Conn., VORTAC 127° and the Nantucket VOR 257° True radials) as a Domestic VOR reporting point.

These proposed airway/route and control area extension alignments with their associated width alterations would provide a refinement of the route structures between Idlewild and Nantucket. This would permit expeditious routing and transition of International air traffic operating between the New York and European terminals.

The increased width to airways and control area extension proposed herein would assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment, could result in more than 5 statute miles deviation from the airway or route centerline.

The vertical extent of the control areas associated with Victors 30 and 46 would remain as proposed pending review of the adjacent airspace. Separate actions will be implemented on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 2, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4450; Filed, May 8, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WE-29]

JET ADVISORY AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Secondary radar from the air route surveillance radar at a site near North Platte, Nebr., is expected to be commissioned in June 1962, which will make additional radar jet advisory service possible from the Denver, Colo., Air Route Traffic Control Center. The Federal Aviation Agency has under consideration the alteration of jet advisory areas in the vicinity of North Platte as follows:

1. Extend the radar jet advisory area associated with Jet Route No. 94 to include flight levels 240 to 390 inclusive from 15 nautical miles west of the Scottsbluff, Nebr., VORTAC to 20 nautical miles southwest of the O'Neill, Nebr., VORTAC.

2. Extend the radar jet advisory area associated with Jet Route No. 84 to include flight levels 240 to 390 inclusive from 15 nautical miles west of the Scottsbluff VORTAC to 50 nautical miles west of the Wolbach, Nebr., VORTAC.

3. Extend the radar jet advisory area associated with Jet Route No. 30 from 177 nautical miles northeast of the Denver, Colo., VORTAC to 40 nautical miles southwest of the O'Neill VORTAC from flight level 240 to flight level 390 inclusive.

4. Extend the radar jet advisory area associated with Jet Route No. 60 from 174 nautical miles east-northeast of the Denver VORTAC to 50 nautical miles west-southwest of the Wolbach VORTAC from flight level 240 to flight level 390 inclusive.

The extension of these radar advisory areas would provide additional areas wherein jet radar advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 2, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4451; Filed, May 8, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13852 (RM-102 and RM-183)]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (AUGUSTA, BANGOR, CALAIS AND PRESQUE ISLE, MAINE)

Order Extending Time for Filing Reply Comments

1. In a "Request for Continuance" filed jointly on May 3, 1962, by Dirigo Broadcasting, Inc., and Downeast Television, Inc., both of whom are parties to this proceeding, it was stated that due to the press of other business, including recent participation in hearings, the petitioners had been unable to complete the study of engineering material or to prepare reply comments due on May 4, 1962.

2. For the reasons stated it is requested that a ten-day extension of time be granted for the filing of reply comments herein. It is further stated that all other parties to this proceeding have consented to the requested extension.

3. It appears that under the circumstances such a request is reasonable and that it is in the public interest to extend the time as requested.

4. In view of the foregoing: *It is ordered*, This 3d day of May, 1962, That the "Request for Continuance" filed jointly by Dirigo Broadcasting, Inc., and Downeast Television, Inc., is granted and that the time for filing reply comments in this proceeding is extended from May 4, 1962, to and including May 14, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission rules.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4493; Filed, May 8, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-212]

LICENSEES OF PRIVATELY OWNED MAJOR UTILITY AND INDUSTRIAL PROJECTS

Notice of Extension of Time for Submission of Comments

MAY 2, 1962.

Promulgation of a new annual report form prescribed for all licensees of privately owned major projects (Utility and Industrial) Subject to the Federal Power Act, F.P.C. Form No. 9.

In the publication of the Notice of Proposed Rule Making, issued April 5, 1962 (27 F.R. 3470), in the above-entitled matter, the page containing the General Instructions and Excerpts from the Law was inadvertently omitted.

A copy of the omitted page is transmitted herewith and set forth below.

In view of the delay in the publication of omitted page, the time allowed for the submission to the Federal Power Commission, Washington 25, D.C., of data, views, comments, and suggestions in writing concerning the proposed revised report form and regulations is extended to May 18, 1962.

JOSEPH H. GUTRIDE,
Secretary.

GENERAL INSTRUCTIONS

1. A report on this form is required to be filed annually by each privately owned licensee for major projects and shall cover all major projects owned by the licensee.

2. An original and two conformed copies of this report, properly verified, shall be filed with the Federal Power Commission, Washington 25, D.C., on or before the last day of the third month following the close of the year ended December 31, unless otherwise authorized or directed by the Commission. With respect to any scheduled covering less than an entire calendar year a prominent notation should be made showing the beginning and ending dates of the period covered and in a footnote the reason the period covered is other than a full calendar year. If the licensee owns a project or projects west of the western boundary of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, two additional conformed copies, properly verified, shall be filed with the Regional Accountant, Federal Power Commission, San Francisco, Calif.

3. The period to be covered by this report is a calendar year. If for any reason a shorter or different period applies with respect to any schedule, a notation should be made thereon showing prominently the beginning and ending dates of the period covered and in a footnote the reason the period covered is other than the full calendar year.

4. The original copy of reports on this form shall be made out in permanent black ink or with permanent black typewriter ribbon or such reproduction means as result in a permanent record. The conformed copies may be made with hectograph impression or similar means of reproduction, provided the impressions are sharp and accurately aligned as to line numbers and columns.

5. The information called for by each schedule shall be made on the form provided for that purpose. If insert pages are necessary, they shall be of durable paper and conform to this report in size and width of margin and columnar rulings.

6. The account classifications shall be in conformity with the Uniform System of Accounts prescribed by the Commission for public utilities and licensees.

7. The term "project" as used herein means all the property covered by a single license number. The terms "development" or "plant" as used herein refers to: (a) a single reservoir and its related dam where there is no specifically related generating station; or (b) a single reservoir and its related dam or dams that are specifically related to more than one generating station; or (c) a generating station and its specifically related dams and reservoirs and waterways, transmission facilities, and general plant; or (d) a transmission line or lines not related specifically with a single generating plant.

EXCERPTS FROM THE LAW

SEC. 4. The Commission is hereby authorized and empowered • • •

(b) To determine the actual legitimate original cost of and the net investment in a licensed project, and to aid the Commission in such determinations, each licensee shall, upon oath, within a reasonable period of time to be fixed by the Commission, after the construction of the original project or any addition thereto or betterment thereof, file with the Commission in such detail as the Commission may require, a statement in duplicate showing the actual legitimate original cost of construction of such project, addition, or betterment, and of the price paid for water rights, rights-of-way, lands or interest in lands. The licensee shall grant to the Commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto. The statement of actual legitimate original cost of said project, and revisions thereof as determined by the Commission, shall be filed with the Secretary of the Treasury.

SEC. 304(a). Every licensee and every public utility shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this Act. The Commission may prescribe the manner and form in which such reports shall be made, and require from such pesons specific answers to all questions upon which the Commission may need information. The Commission may require that such reports shall include, among other things, full information as to assets and liabilities, capitalization, net investment, and reduction thereof, gross receipts, interest due and paid depreciation, and other reserves, cost of project and other facilities, cost of maintenance and operation of the project and other facilities, cost of renewals and replacement of the project works and other facilities, depreciation, generation, transmission, distribution, delivery, use, and sale of electric energy. The Commission may require any such person to make adequate provision for currently determining such costs and other facts. Such reports shall be made under oath unless the Commission otherwise specifies.

(b) It shall be unlawful for any person willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this Act or any rule, regulation or order thereunder.

SEC. 309. The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this Act. Among other things, such rules and regulations may define accounting, technical, and trade terms used in this Act; and may prescribe the form or forms of all statements, decalarations, applications, and reports to be filed with the Commission, the information which they contain, and the time within which they shall be filed: • • •

SEC. 315(a). Any licensee or public utility which willfully fails, within the time prescribed by the Commission, to comply with any order of the Commission, to file any report required under this Act or any rule or regulation of the Commission thereunder, to submit any information or document required by the Commission in the course of an investigation conducted under this Act, • • • shall forfeit to the United States an amount not exceeding $1,000 to be fixed by the Commission after notice and opportunity for hearing. • • •

GENERAL PENALTIES; • • •

SEC. 316(b). Any person who willfully and knowingly violates any rule, regulation, restriction, condition, or order made or imposed by the Commission under authority of this Act, or any rule or regulation of Part I of this Act shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine not exceeding $500 for each and every day during which such offense occurs.

[F.R. Doc. 62-4453; Filed, May 8, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Releases 33-4483; 34-6794]

FORMS FOR CURRENT REPORTS

Extension of Time for Comments on Proposed Rule Making

The Securities and Exchange Commission today announced an extension to time, from May 7 to June 7, 1962, within which comments on its proposed amendments to Form 8-K and to § 249.308 of Title 17, CFR, may be submitted. The proposals were published in the FEDERAL REGISTER of April 18, 1962 (27 F.R. 3695). Form 8-K is prescribed for use in filing current reports pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

The extension was granted at the request of persons who desire additional time to study the proposals and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 27, 1962.

[F.R. Doc. 62-4460; Filed, May 8, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD Directive 5122.7, April 17, 1962]

NEW YORK WORLD'S FAIR, 1964-1965

Appointment of Department of Defense Coordinator for Armed Forces Participation

The Deputy Secretary of Defense approved the following on April 17, 1962:

I. *Purpose.* This Directive appoints the Assistant Secretary of Defense (Public Affairs) as the representative of the Secretary of Defense for all matters affecting Armed Forces' participation in the New York World's Fair to be held in 1964 and 1965.

II. *Policy.* A. Until a final determination of the extent and character of Federal participation in the New York World's Fair has been made by the President and the Congress, no decision concerning Armed Forces participation will be made.

B. When authorized by the Secretary of Defense, the Assistant Secretary of Defense (Public Affairs) shall coordinate Armed Forces participation and support at the New York World's Fair, and shall be responsible for negotiating in behalf of the Department of Defense with other Federal departments, agencies or committees and with the World's Fair authorities concerning this participation and support.

C. The Assistant Secretary of Defense (Public Affairs) shall insure that appropriate information concerning this event is brought to the attention of all components of the Department of Defense.

D. Components of the Department of Defense shall keep the Assistant Secretary of Defense (Public Affairs) informed of all proposals or requests for Armed Forces participation and support of the New York World's Fair, making no commitments until so authorized by the Assistant Secretary of Defense (Public Affairs).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-4488; Filed, May 8, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 355]

ARIZONA

Notice of Filing of Plats of Survey

MAY 1, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on June 6, 1962:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 24 W.,
Sec. 32, lot 1;
Sec. 33, lot 7;
T. 9 S., R. 24 W.,
Sec. 5, lots 11, 12, 13 and 14;
Sec. 8, lot 6;
Sec. 18, lots 15, 16 and 17;
Sec. 19, lots 24 and 25;
T. 10 S., R. 25 W.,
Sec. 2, lots 22, 23, 24, 25, 26 and 27;
Sec. 10, lots 1 and 2;
Sec. 11, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16;
Sec. 14, lots 7, 8 and 9;
Sec. 15, lots 5, 6, 7, and NE¼NE¼;
Sec. 26, lots 5 and 6;
Sec. 27, lots 2, 3, and SE¼SE¼;
Sec. 34, lots 6, 7, 8, 9 and 10.

The areas described aggregate 1,426.99 acres of public lands.

2. The lands in T. 8 S., R. 24 W., are nearly level bottom lands, and the soils are sandy loam.

3. Lot 1 sec. 32 and lot 7 sec. 33, T. 8 S., R. 24 W., were withdrawn by Secretary's Orders of July 2, 1902, and January 31, 1903, for the Colorado River Project. Lot 7 sec. 33 was withdrawn by Secretary's Order of July 20, 1905, for the Yuma Project.

4. The lands in T. 9 S., R. 24 W., are nearly flat with an elevation varying between 105 and 120 feet above sea level. The soil is all river bottom silt loam and sandy loam.

5. All of the lands described in T. 9 S., R. 24 W., are embraced in Secretary's Order of July 20, 1905, which withdrew these lands for the Yuma Project.

6. Lots 22, 23, 24, 25, 26 and 27 sec. 2; lots 7, 8 and 9 sec. 14; lots 5, 6, 7, and NE¼NE¼ sec. 15; lots 5 and 6 sec. 26; lots 2, 3, and SE¼SE¼ sec. 27; lots 6, 7, 8, 9 and 10 sec. 34, T. 10 S., R. 25 W., were withdrawn by Secretary's Order of July 20, 1905, for the Yuma Project. Lots 1 and 2 sec. 10; and lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 sec. 11, T. 10 S., R. 25 W., were withdrawn by Secretary's Orders of January 31, 1903, and July 2, 1902.

Any of the lands heretofore described that lie within a strip of land 60 feet wide along the Mexican boundary line and along the shore where a water line forms the boundary, are reserved from all disposition by Proclamation of May 27, 1907.

7. In view of the above, none of the lands described in this notice will be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-4457; Filed, May 8, 1962; 8:45 a.m.]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

Plats of survey of lands described below will be officially filed at the Land Office, Reno, Nevada, effective at 10:00 a.m. on the 31st day following the publication of this notice.

MOUNT DIABLO MERIDIAN, NEVADA

1. T. 19 N., R. 19 E. (group 210),
Sec. 16, lots 10, 11, 12.

The area described aggregates 5.91 acres. The plat was accepted February 9, 1950.

a. Available data indicates the lands in this plat are 3 small islands in the Truckee River. Soils are gravelly and unsuited for agriculture.

b. The above described lands were patented on August 10, 1961 and are not subject to disposition under the general public land laws by reason of official filing of this plat.

2. T. 30 N., R. 26 E. (group 210),
Secs. 1 through 36.

The area described aggregates 21,394.86 acres. The plat was accepted April 14, 1950.

a. Available data indicates the lands included in this plat are rolling to steep hills with shallow to medium depth medium textured soils.

b. The above described lands are withdrawn by Public Land Order 1632, dated May 7, 1958 from all forms of appropriation under the public land laws including the mining and mineral leasing laws for military purposes. In view of this withdrawal the lands described will not be subject to disposition under the general public land laws by reason of official filing of this plat.

3. T. 29 N., R. 27 E. (group 210),
Secs. 1 through 36.

The area described aggregates 22,893.34 acres. The plat was accepted December 9, 1953.

a. Available data indicates the lands included in this plat are steep to rolling with shallow to medium depth medium textured soils.

b. The above described lands are withdrawn by Public Land Order 1632, dated May 7, 1958 from all forms of appropriation under the public land laws including the mining and mineral leasing laws for military purposes. In view of this withdrawal the lands described will not be subject to disposition under the general public land laws by reason of official filing of this plat.

4. T. 30 N., R. 27 E. (group 210),
Secs. 1 through 36.

The area described aggregates 21,100.49 acres. The plat was accepted April 14, 1950.

a. Available data indicates the lands described in this plat are steep to rolling, with medium textured soils.

b. The above described lands are withdrawn by Public Land Order 1632, dated May 7, 1958 from all forms of appropriation under the public land laws including the mining and mineral leasing laws for military purposes. In view of this withdrawal the lands described will not be subject to disposition under the general public land laws by reason of official filing of this plat.

5. T. 28 N., R. 28 E. (group 210),
Secs. 2 through 10; secs. 16 through 20; sec. 30.

The area described aggregates 9,280.26 acres. The plat was accepted December 9, 1953.

a. Available data indicates the lands included in this are rough steep hills to flats with shallow to deep medium and fine textured soils.

b. The following lands are withdrawn by Public Land Order 1632, dated May 7, 1958 from all forms of appropriation under the public land laws including the mining and mineral leasing laws for military purposes, and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 28 N., R. 28 E.,
Secs. 4 through 9; secs. 16 through 20; sec. 30.

6. T. 29 N., R. 28 E. (group 210),
Secs. 1 through 24; sec. 25, W½; secs. 26 through 35; sec. 36, W½.

The area described aggregates 21,908.57 acres. The plat was accepted December 9, 1953.

a. Available data indicates the lands included in this plat are rough steep hills to rolling valleys with shallow to deep medium textured soils.

b. The following lands are withdrawn by Public Land Order 1632, dated May 7, 1958 from all forms of appropriation under the public land laws including the mining and mineral leasing laws for military purposes, and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 29 N., R. 28 E.,
Secs. 4 through 9; secs. 16 through 21; secs. 28 through 33.

7. T. 7 N., R. 43 E. (group 260),
Secs. 1 through 16; sec. 17, E½, NE¼ NW¼, W½NW¼, lots 1 through 5;
Secs. 18 through 36.

The area described aggregates 23,003.19 acres. The plat was accepted April 6, 1954.

a. Available data indicates the lands described in this plat are rough steep mountains and hills with shallow medium textured soils.

b. The following lands were withdrawn by Presidental Proclamation of December 10, 1910 for inclusion in the (now) Toiyabe National Forest and are not subject to disposition under general public land laws by reason of official filing of this plat:

T. 7 N., R. 43 E.,
Secs. 1 through 5, sec. 6, SE¼, sec. 7, E½, secs. 8 through 17, sec. 20, E½, secs. 21, 22, sec. 23, N½, sec. 24, N½.

8. T. 8 N., R. 43 E.,
Sec. 1, sec. 2, E½, sec. 11, E½NE¼, lots 1 through 9, SE¼SE¼, sec. 12, sec. 13, N½, lots 1 through 9, sec. 14, sec. 15, E½, SW¼, sec. 22, sec. 23, lots 1 through 9, N½NW¼, SW¼NW¼, NW¼SW¼, S½SE¼, NE¼SE¼, sec. 24, lots 1 through 3, NE¼NE¼, S½N½, S½, sec. 25, sec. 26, lots 1 through 6, E½, S½SW¼, secs. 27, 28, sec. 29, E½, sec. 32, E½, SW¼, secs. 33, 34, 35, sec. 36, lots 1 through 6, W½NW¼, SW¼, SW¼NE¼, NW¼SE¼, S½SE¼.

The area described aggregates 11,084.94 acres. The plat was accepted April 6, 1954.

a. Available data indicates the lands included in this plat are rough steep hills with shallow medium textured soils.

b. The following lands were withdrawn by Presidential Proclamation of December 10, 1910 for inclusion in the (now) Toiyabe National Forest and are not subject to disposition under general public land laws by reason of official filing of this plat:

T. 8 N., R. 43 E.,
Sec. 1; sec. 2, E½; sec. 11, E½; secs. 12 through 14; secs. 25 through 28, secs. 33 through 36.

9. T. 8 N., R. 45 E. (group 252),
Sec. 2, W½, SE¼; secs. 3 through 36.

The area described aggregates 20,145.23 acres. The plat was accepted July 13, 1951.

a. Available data indicates the lands included in this plat are rough hills and rolling valleys with shallow to deep medium textured soils.

b. The following lands were withdrawn by Presidential Proclamation of December 10, 1910 for inclusion in the (now) Toiyabe National Forest and are not subject to disposition under general public land laws by reason of official filing of this plat:

T. 8 N., R. 45 E.,
Sec. 2, W½, SE¼; secs. 3 through 7; sec. 10; sec. 11, lots 3, 4, S½SW¼; sec. 18, W½; sec. 19, W½.

10. T. 9 N., R. 45 E. (group 260),
Sec. 1, SW¼; secs. 2 through 5; sec. 6, lots 1 through 10, S½NE¼, SE¼ NW ¼, SE¼; secs. 7 through 11; sec. 12, W½; secs. 14 through 17; sec. 18, lots 1 through 7, NE¼, E½NW¼, NE¼SW¼, E½SE¼; sec. 19, lots 1 through 7, NE¼NE¼, S½NE¼, E½SW¼, SE¼; secs. 20 through 22; sec. 23, N½, SW¼; sec. 26, lots 6 through 9; secs. 27 through 29; sec. 30, lots 1 through 10, NE¼, N½SE¼, SE¼SE¼; sec. 31, lots 1 through 6, NE¼NE¼, S½NE¼, SE¼ NW¼, E½SW¼, SE¼; secs. 32 through 34.

The area described aggregates 18,346.35 acres. The plat was accepted April 6, 1954.

a. Available data indicates the lands included in this plat are rough steep mountains with shallow medium textured soils.

b. The following lands were withdrawn by Presidential Proclamation of December 10, 1910 for inclusion in the (now) Toiyabe National Forest and are not subject to disposition under general public land laws by reason of official filing of this plat:

T. 9 N., R. 45 E.,
All of township except SE¼ of sec. 36.

11. The lands described above in paragraphs 1 through 10 inclusive have been subject to operation of the United States mining laws and mineral leasing laws at all times, except as noted above.

12. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on the 31st day following publication, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

13. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nev.

H. CURT HAMMIT,
Manager, Land Office.

[F.R. Doc. 62-4458; Filed, May 8, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 6, 1961 (20 A.D. 1102), authorizing the respondents, Market Agencies at St. Louis National Stock Yards, National Stock Yards, Illinois, to assess the current temporary schedule of rates and charges to and including May 31, 1962, unless modified or extended by further order before the latter date.

On April 25 and April 27, 1962, petitions were filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

SECTION B—SELLING CHARGES

	Rate per head	
Cattle	*Proposed*	*Present*
Consignments of one head and one head only	$1.58	$1.50
Consignments of more than one head:		
First 5 head in each consignment	1.43	1.35
Next 10 head in each consignment	1.38	1.30
Each head over 15 in each consignment	1.33	1.25
• • • • •		
Hogs		
Consignments of one head and one head only	.65	.60
Consignments of more than one head:		
First 10 head in each consignment	.50	.47
Next 15 head in each consignment	.45	.42
Each head over 25 in each consignment	.40	.37
• • • • •		

SECTION C—RESALES

• • • • •		
Cattle	$1.23	$1.15
Hogs	.38	.35
• • • • •		

SECTION D—BUYING CHARGES

Hogs		
Consignments of one head and one head only	$0.58	$0.55
Consignments of more than one head:		
First 10 head in each consignment	.47	.44
Next 15 head in each consignment	.42	.39
Each head over 25 in each consignment	.37	.34

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 3d day of May 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-4463; Filed, May 8, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7973 etc.; Order E-18296]

HOWARD J. MAYS AND WILLIAM S. MUNZ

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of May 1962.

In the matter of Board proceedings to determine whether certain authority heretofore granted to Howard J. Mays, and to William S. Munz should not be terminated, Docket 7973 etc.

In October 1942, the Board, in the Alaska Air Service Investigation (3 C.A.B. 804), issued a certificate of public convenience and necessity to William S. Munz d/b/a Munz Airways (Munz),[1] authorizing transportation between Nome and Kotzebue, Alaska, via Taylor, Candle and Deering. In addition, Munz was authorized to operate over an irregular route to points on the Seward Peninsula. In January 1955, the Board authorized Munz to transfer his certificate to Howard J. Mays (Mays). In May 1956, Munz filed an application for an emergency exemption allowing him to operate the airline of Mays pending filing of a formal application. Munz represented that Mays had left his business, had assigned all his interests to Munz, and that the exemption was necessary in order to continue operation and protect the interests of the airline. Shortly thereafter, in Docket 8016, a joint application was filed for transfer and the repurchase of all of the assets of Mays by Munz, and the transfer of Mays' certificate to Munz. The Board granted the exemption application[2] temporarily until such time as final decision was reached by the Board on the application in Docket 8016.

At that time, there was in issue in the Intra-Alaska Case, Docket 6093, the question of what route adjustment actions, if any, should be taken with respect to the certificate of Mays. In that proceeding Munz, represented by his general manager, outlined plans for future service. However, after the hearing, the general manager was killed and the carrier's main aircraft destroyed. These facts led the Board to decide that the best means of determining what adjustments might be made in the certificate held by Mays to be by an investigation consolidated in the aforesaid Docket 8016. Accordingly, no action was taken with regard to Mays' certificate in Docket 6093.

The Board is informed that since May 1961, Munz has held an air carrier operating certificate as an air taxi operator pursuant to the provisions of Part 298 of the Board's Economic Regulations. Since that time, therefore, no service has been operated pursuant to the certificate held by Mays. The reports filed by Munz with the Board, up to the spring of 1961, indicate that except for an insignificant number of flights, all service performed by Munz was between points other than those listed in his regular route certificate. Further, at no time were aircraft utilized having a gross weight in excess of that permissible for air taxi operators. Finally, the Board notes also that two carriers[3] hold authority from the Board to operate between Nome and Kotzebue via intermediate points.

Upon consideration of the above matters, the Board tentatively finds and concludes that no useful purpose will be served by continuing the exemption order permitting Munz to operate the services described in the Mays' certificate nor, for that matter, in the continued existence of an unused certificate. Unused authorizations have traditionally caused numerous problems for the Board, both of an administrative nature dealing with record keeping and reporting requirements, as well as those arising from possible "trafficking" in unused Board authorizations. So far as certificated regular route service is concerned, the Board does not anticipate any diminution of such service in view of the existing authorizations of Wien Alaska Airlines and Alaska Airlines in the area. This is buttressed by the fact that regular route service pursuant to the Mays' certificate has been virtually nonexistent. So far as the effect upon Munz is concerned, the proposed action herein would not appear to have any significant adverse effect since the operations which Munz has been providing pursuant to the exemption apparently can similarly be provided under his authority as an air taxi operator.

Accordingly, it is ordered:

1. That Munz, or any other interested person, shall show cause why the exemption held by Munz, pursuant to Order E-10299, dated May 17, 1956, in Docket 7973, should not be revoked.

2. That Mays, or any other interested person, shall show cause why the certificate of public convenience and necessity held, pursuant to Order E-8905, dated December 22, 1954, should not cease to be effective or be otherwise suspended or revoked, Docket 13583.

3. That Munz, Mays, or any other interested person, shall show cause why the proceeding in Docket 8016 should not be dismissed.

4. That if there is any objection to the actions proposed herein, such objection must be filed within 15 days after service of this order.

5. That this order shall be served on Munz, Mays, the Mayor of each community named in the regular route certificate held by Mays, the Alaska Public Service Commission, and the Governor of the State of Alaska.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4487; Filed, May 8, 1962; 8:50 a.m.]

[1] The certificate was later issued to "William S. Munz d/b/a Munz Airways".

[2] Order E-10299, May 17, 1956, Docket 7973.

[3] Wien Alaska Airlines, Inc., and Alaska Airlines, Inc.

FEDERAL COMMUNICATIONS COMMISSION

DOUBLE BILLING

Practice Contrary to Public Interest

MARCH 9, 1962.

The Commission has received complaints that some broadcast stations have been engaging in the practice of double billing, i.e., submitting to a local advertiser two bills, one in the amount agreed upon for advertising material broadcast, the other in a larger amount to be submitted by the local advertiser to a manufacturer or national advertiser to support a claim for reimbursement pursuant to a cooperative advertising agreement. The issuance of the second false bill is part of a scheme to defraud the manufacturer or national advertiser.

The engaging in the practice by broadcasters, without whose participation the scheme to defraud could not be carried out, is reprehensible in itself. Further, it usually involves the use of the mails to defraud, and in many cases also involves unfair competition with other stations and other advertising media in the community that do not engage in the practice.

It is called to the attention of licensees that, independent of penalties that may be imposed elsewhere, the Commission regards the practice as contrary to the public interest, and that appropriate proceedings will be instituted in all cases where evidence of double billing by licensees is found to exist.

Adopted: March 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4494; Filed, May 8, 1962; 8:51 a.m.]

[Docket Nos. 14519-14521; FCC 62-469]

K & H TELEVISION STATION (KFUR-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR-TV), Santa Fe, New Mexico, Docket No. 14519, File No. BMPCT-5601; for modification of construction permit; Thunderbird Entertainment Enterprises, Incorporated, Santa Fe, New Mexico, Docket No. 14520, File No. BPCT-2898; New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico, Docket No. 14521, File No. BPCT-2927; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (a) a motion for clarification or change of issues filed March 1, 1962, by New Mexico Broadcasting Company, Inc., and (b) a response by the Commission's Broadcast Bureau filed March 13, 1962.

2. New Mexico Broadcasting petitions for a clarification of, or a change in, Issue 3(d) which would inquire into the engineering proposals of the applicants. Petitioner wishes to establish whether the parties may introduce evidence as to the availability of other Grade A or Grade B services in the corresponding service contours of the respective applicants. The Broadcast Bureau urges enlargement of issues to permit the introduction of such evidence.

3. In view of the uncertainty that exists as to the scope of Issue 3(d), the issues will be enlarged by the addition of the issue specified below.

Accordingly, it is ordered, This 2d day of May 1962, that the motion for clarification or change of issues filed March 1, 1962, by New Mexico Broadcasting Company, Inc., is granted; and

It is further ordered, That the designation order released February 9, 1962, (FCC 62-160) is amended by adding to Issue 3 the following:

(e) In the event the proof under issue (d) above shall establish that any or all of the three applicants will bring actual service in areas and populations not served by either or both of its competitors, to determine the number of services, if any, presently available to such areas and populations.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4495; Filed, May 8, 1962; 8:51 a.m.]

[Docket No. 14288 etc.; FCC 62-471]

RADIO ONE FIVE HUNDRED, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Radio One Five Hundred, Inc., Indianapolis, Indiana, Docket No. 14288, File No. BP-13922; Storer Broadcasting Company (WJBK), Detroit, Michigan, et al., Docket No. 14294, File No. BP-14275, etc.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed by the Broadcast Bureau on March 14, 1962, together with pleadings properly filed in reply thereto.

2. On April 16, 1962, by the Hearing Examiner's Order (FCC 62M-552) the application of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan (Docket No. 14085), was severed from this proceeding and the record in the severed proceeding closed.

3. The Bureau requests the enlargement in this proceeding of Issue 5 (interference to existing stations) to determine the interference which the above-captioned proposal of Storer Broadcasting Company would cause to the proposal of Community Service Broadcasters, Inc. (BP-13846), Ypsilanti, Michigan. The designation Order in this proceeding did not contemplate concurrent consideration of the WJBK and Community proposals but required that, in reference to WJBK's proposal, Community's proposal be treated as an existing station. Thus, lack of the requested issue forecloses a showing on the hearing record of the extent of such interference.

4. The Bureau has failed to allege good cause sufficient to justify the late filing of its petition, and its petition will, for this reason be denied. In order to permit the determination required by the designation Order, the Commission will, however, on its own motion, enlarge the issues as indicated below.

Accordingly, it is ordered, This 2d day of May 1962, That the Petition to Enlarge Issues, filed March 14, 1962, by the Broadcast Bureau is denied; and

It is further ordered, That Issue 5 is enlarged to include the following:

From—	*To*—
BP-14275	BP-13846, Ypsilanti, Mich., Community Service Broadcasters, Inc.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4496; Filed, May 8, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

UNITED STATES LINES CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8720, between the United States Lines Company and the carriers comprising the Ozean Stinnes Lines joint service (operating under approved joint service Agreement 8089), covers an arrangement whereby the parties will confer and agree with each other from time to time on the matter of rates, terms, and conditions of the carriage of cargo, in the trade from continental European ports in the Bordeaux/Hamburg range to U.S. Atlantic ports in the Cape Hatteras/Key West range.

Agreement 8884, between the carriers comprising the Barber-Fern-Ville Lines joint service (operating under approved joint service Agreement 8512) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan, Korea, Formosa, Hong Kong, Vietnam, Cambodia, Thailand, Philippines, State of Singapore, Federation of Malaya, Ceylon, Indonesia, Sarawak, British North Borneo, Burma, India, Pakistan, Aden, Djibouti, Port Said, and ports on the Red Sea to Puerto Rico, with transhipment at New York, Baltimore, Mobile, or New Orleans.

Agreement 8886, between the carriers comprising the Barber-Fern-Ville Lines joint service (operating under approved joint service Agreement 8512) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan, Korea, Formosa, Hong Kong, Vietnam, Cambodia, Thailand, Philippines, State of Singapore, Federation of Malaya, Ceylon, Indonesia, Sarawak, British North Borneo, Burma, India, Pakistan, Aden, Djibouti, Port Said, and ports on the Red Sea to the Virgin Islands, with transhipment at New York or Baltimore.

Agreement 8887, between the carriers comprising the Barber-Wilhelmsen Line joint service (operating under approved joint service Agreement 7749) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan and the Philippines to Puerto Rico, with transhipment at New York or Baltimore.

Agreement 8888, between the carriers comprising the Barber-Wilhelmsen Line joint service (operating under approved joint service Agreement 7749) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan and the Philippines to the Virgin Islands, with transshipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 3, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4490; Filed, May 8, 1962; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

WHITNEY HOLDING CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Whitney Holding Corporation for approval of its becoming a bank holding company by acquiring the stock of Crescent City National Bank, New Orleans, Louisiana, and Whitney National Bank in Jefferson Parish, Jefferson Parish, Louisiana.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of Whitney Holding Corporation, New Orleans, Louisiana, for the Board's prior approval of action whereby Whitney Holding Corporation would become a bank holding company by acquiring substantially all of the voting stock of

(1) the Crescent City National Bank, New Orleans, Louisiana (a proposed new bank), into which would be consolidated the existing Whitney National Bank of New Orleans, under the latter title, and (2) the Whitney National Bank in Jefferson Parish, Jefferson Parish, Louisiana (a proposed new bank). A Notice of Receipt of Application was published in the FEDERAL REGISTER on July 28, 1961 (26 F.R. 6792), which provided an opportunity for submission of comments and views regarding the proposed acquisitions, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it. Pursuant to Order published in the FEDERAL REGISTER on December 23, 1961 (26 F.R. 12312), a public proceeding with respect to the application was held before the Board on January 17, 1962, to provide a further opportunity for the expression of views and opinions by interested persons.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, provided that the acquisitions approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date, and provided further that Whitney National Bank in Jefferson Parish shall be opened for business within six months after said date.

Dated at Washington, D.C., this 3d day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4454; Filed, May 8, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3623 et al.]

J. R. WELCH ET AL.

Notice of Severance

MAY 2, 1962.

Notice is hereby given that the matter of Heritage Petroleum Corporation (Operator), et al., Docket Nos. G-18674 and CI61-1567, heretofore scheduled for a hearing to be held in Washington, D.C., on May 7, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled J. R. Welch et al., Docket Nos. G-3623, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4452; Filed, May 8, 1962; 8:48 a.m.]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Atlanta. Concurring statement of Governor Mitchell and dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 411]

SECRETARY OF DEFENSE

Delegation of Authority To Represent Interests of the Federal Government Regarding Proposed Rates for Centrex Service and Southern Bell Telephone and Telegraph Company

1. Pursuant to the provisions of sections 201(a)(4) and 205(d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Proposed Rates for Centrex Service, Southern Bell Telephone and Telegraph Company, before the Tennessee Public Service Commission, Docket No. U-4531, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective March 20, 1962.

Dated: May 2, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-4466; Filed, May 8, 1962; 8:46 a.m.]

[Delegation of Authority 412]

SECRETARY OF DEFENSE

Delegation of Authority To Represent Interests of the Federal Government Regarding Proposed Rates for Centrex Service and Southern Bell Telephone and Telegraph Company

1. Pursuant to the provisions of sections 201(a)(4) and 205(d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Proposed Rates for Centrex Service, Southern Bell Telephone and Telegraph Company, before the Alabama Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls pre-

scribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective March 18, 1962.

Dated: May 2, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-4467; Filed, May 8, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1487]

ATLAS CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction From Provisions of the Act

MAY 2, 1962.

Notice is hereby given that Atlas Corporation ("Atlas"), 80 Pine St., N.Y. 5, N.Y., a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the prohibitions of section 17(a) the proposed purchase by Hughes Tool Company ("Toolco") from Atlas of its interest in Northeast Airlines, Inc. ("Northeast"). All interested persons are referred to the application on file with the Commission for a complete statement of the transaction which is summarized below.

Atlas, a Delaware corporation, is the owner of 996,226 (56 percent) of the outstanding share of common stock of Northeast, and $16,251,744 principal amount of Northeast's 5½ percent subordinated promissory notes payable on demand (hereinafter collectively referred to as the "Atlas Interest"). Atlas has agreed to sell the Atlas Interest in Northeast to Toolco for $5,000,000 in cash, subject to certain terms and conditions, including the receipt of any necessary consents, approval or exemptions required to be obtained from governmental agencies.

According to the application, all of the outstanding capital stock of Toolco, which is engaged principally in the manufacture of oil field drilling equipment, is beneficially owned by Howard R. Hughes, who is also the beneficial owner of 1,060,179 shares of the common stock of Atlas. The Atlas stock owned by Hughes, which constitutes approximately 10 percent of the outstanding voting stock of Atlas, is deposited with a bank under a voting trust agreement which divests Hughes of voting rights in these shares. The voting trust agreement, dated November 1, 1958, was established pursuant to an order of the Civil Aeronautics Board (CAB) which directed that Hughes cease and desist from acquiring control of an air carrier in any manner whatsoever without prior action by the CAB.

Atlas' investment in the common stock of Northeast was initially acquired in August 1943, and has been increased periodically to January 1958. The application states that prior to 1956, Northeast was a regional carrier engaged primarily in local service type operations in the New England area. In September 1956, Northeast was temporarily certificated to provide service between northeastern cities and Florida. According to the application, Atlas was compelled to assume the principal burden of providing working capital needed by Northeast for the expansion in the operation of its Florida routes because of the temporary nature of its Florida certification and the consequent hampering of Northeast's ability to obtain conventional financing for working capital requirements. Accordingly, Atlas committed over $18,000,000 to Northeast subsequent to 1956. An application for a permanent certificate is now pending before the CAB and, if denied, the right to serve between northeastern cities and Florida will terminate.

In May 1960, Northeast borrowed $9,500,000 from Toolco in connection with Northeast's leasing of jet aircraft. It was contemplated that the inauguration of jet service to Florida by Northeast during the peak winter months would permit the accumulation of sufficient working capital to cover the company's needs for the rest of the year. However, the inauguration of full jet service as planned did not commence until March 1961, after the peak of the season, and the substantial expenses incurred in that connection severely drained Northeast's funds. Consequently, in August 1961, Northeast urgently required funds for current operating purposes. Atlas recognized the critical financial condition of Northeast but was not in a position to provide further financial assistance. In August 1961, Atlas requested that Toolco, as one of the large creditors of Northeast, consider emergency financial assistance to the latter company. Atlas was advised that Toolco would be willing to provide such aid if Atlas would negotiate in good faith for the sale of the Atlas Interest in Northeast. After prolonged negotiations between Atlas and Toolco, interrupted by discussions with other airlines with a view to solving Northeast's problems, three separate agreements were reached between Atlas and Toolco during December 1961.

Under a financial assistance agreement, Toolco agreed to provide a revolving credit of up to $1,000,000 to Northeast until March 15, 1962, to be repaid in three equal monthly installments commencing April 15, 1962. The agreement also amended the existing loan agreement under which Northeast is indebted to Toolco in the amount of $9,500,000 in that the maturity of such loan was extended, the price at which Toolco is entitled to exchange such indebtedness for common stock of Northeast was reduced from $5.25 to $3.625 a share, and antidilution and acceleration provisions were added to the loan agreement. Atlas and Toolco also entered into a waiver of interest agreement under which Atlas will waive interest for a period of two years on $16,251,744 principal amount of subordinated promissory notes of Northeast, and Toolco will waive interest for a period of twenty-one months on $9,500,000 principal amount of promissory notes of Northeast, each such period expiring December 31, 1962. Under a third agreement, which is the subject matter of this application, Atlas agreed to sell the Atlas Interest in Northeast to Toolco for $5,000,000 in cash.

All the agreements contain conditions relating to the effectuation of moratorium agreements between Northeast and its major creditors. Northeast has entered into a moratorium agreement with its equipment secured creditors, and a substantial proportion of its major trade creditors have agreed to accept payment of amounts owing to them as of December 1, 1961, in 20 equal monthly installments commencing July 1, 1962.

In support of the application, it is pointed out that at December 31, 1961, Northeast's books of account reflected a deficiency in net worth of $23,396,291, equivalent to a negative amount of $13.12 for each outstanding share of common stock. Its net loss for 1961 was $9,442,444. It is further stated that without the financial sponsorship of Northeast by Toolco it is very likely that Northeast would be forced into bankruptcy, in which event Northeast's entire turbine-powered fleet would be subject to repossession under section 116(5) of the Bankruptcy Act, notwithstanding rights otherwise conferred by law upon a trustee designated to act under Chapter X of the Bankruptcy Act. The application states that in bankruptcy or reorganization proceedings Northeast's common stock would have no value. According to the application, the only substantial fixed assets of Northeast are its aircraft, other than those which have been leased, the present market value of which is substantially less than the amount owed to the secured creditors who financed the purchase of such aircraft. Under the loan agreement between Northeast and Toolco, Northeast cannot pay any sums of money otherwise due to Atlas, other than interest thereon, unless and until the $9,500,000 of indebtedness of Northeast to Toolco has been paid in full. The application states that based upon the present financial condition of Northeast, the value of such notes is highly conjectural and on a liquidating basis such notes are virtually worthless.

Under section 2(a)(3) of the Act, when one person owns 5 percent or more of the outstanding voting securities of another person, each person is an affiliate of the other. Accordingly, Toolco is an affiliated person of an affiliated person (Howard R. Hughes) of Atlas. Section 17(a) of the Act, in general, prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company any security, with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 16, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to the Applicant, and to the Civil Aeronautics Board, Washington 25, D.C., that notice to all persons shall be given by publication of this notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4461; Filed, May 8, 1962; 8:46 a.m.]

[File No. 1-4563]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

MAY 3, 1962.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 4, 1962, to May 13, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4462; Filed, May 8, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 634]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 4, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64908. By order of April 27, 1962, the Transfer Board approved the transfer to Raymond H. Puffer, Inc., Brattleboro, Vt., of Certificates Nos. MC 77129 and MC 77129 Sub-5, issued January 27, 1950, and September 19, 1960, respectively, to Raymond H. Puffer, Brattleboro, Vt., authorizing the transportation of: General commodities, over irregular routes, between points in Windham County, Vt., on the one hand, and, on the other, New York, N.Y., points in that part of New Hampshire south of New Hampshire Highway 9, and those in Massachusetts, Rhode Island, and Connecticut, and general commodities, excluding commodities in bulk, and other specified commodities between New York, N.Y., on the one hand, and, on the other, points in specified counties in New Jersey. Bert Collins, 140 Cedar Street, New York, N.Y., representative for applicants.

No. MC-FC 64919. By order of April 27, 1962, the Transfer Board approved the transfer to Capitol Transit & Storage Co., Inc., Hartford, Conn., of Certificates Nos. MC 77202 and MC 77202 Sub-1, issued October 19, 1949, and February 28, 1950, to Edward Gagnon, doing business as Capitol Transit and Storage Co., Hartford, Conn., authorizing the transportation of: Household goods, as defined by the Commission, between Hartford, Conn., and points in Connecticut within 20 miles of Hartford, on the one hand, and, on the other, points in Massachusetts, New Hampshire, New York, New Jersey, Rhode Island, and Vermont; and between Salem, Mass., and points within 10 miles of Salem, on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, Connecticut, and New York, traversing Vermont for operating only. Joseloff, Murrett & Throwe, 410 Asylum Street, Hartford, Conn., attorneys for transferee. Korzenik & McLaughlin, 37 Lewis Street, Hartford, Conn., attorneys for transferor.

No. MC-FC 64928. By order of April 27, 1962, the Transfer Board approved the transfer to Hazel M. Trautmann, doing business as Admiral Moving & Storage Service, 1229 North 24th Place, Milwaukee, Wis., of the operating rights in Certificate No. MC 1871, issued February 27, 1961, to John B. Jeanpierre and Hazel M. Trautmann, a partnership, doing business as Admiral Moving and Storage Service, 1229 North 24th Place, Milwaukee, Wis., authorizing the transportation, over irregular routes, of household goods, between Milwaukee, Wis., and points within eight miles thereof, on the one hand, and, on the other, points in Illinois and between Milwaukee, Wis., on the one hand, and, on the other, points in Indiana, Minnesota, and Iowa.

No. MC-FC 64949. By order of April 27, 1962, the Transfer Board approved the transfer to Bell Transit Company, a corporation, Pittsburgh, Pa., of the operating rights in Permit No. MC 59527, issued December 3, 1958, to W. S. Willson, C. W. Bechberger, and D. W. Frederick, a partnership, doing business as Bell Transit Company, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of compresses gases and chemicals in steel cylinders, empty steel cylinders, and such materials, supplies, and equipment as are used, or useful, in the production or consumption of such gases and chemicals, between Toledo, Youngstown, and Cleveland, Ohio, Detroit, and Grand Rapids, Mich., Pittsburgh, Trafford, and Verona, Pa., Newark, N.J., and Fort Wayne, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan, and in a described portion of Pennsylvania, and between points in Mifflin Township, Allegheny County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan, and points in Allegheny County, Pa., and compressed gases in steel cylinders, and steel cylinders, between points in Armstrong County, Pa., located on the west bank of the Allegheny River within 1

mile of Kittanning, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan, and in a described portion of Pennsylvania. John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa., applicants' attorney.

No. MC–FC 64955. By order of April 27, 1962, the Transfer Board approved the transfer to W. F. Howell Co., Inc., Riverhead, N.Y., of Certificates Nos. MC 66121, MC 66121 Sub-5, MC 66121 Sub-8, MC 66121 Sub-9, MC 66121 Sub-11, MC 66121 Sub-13, issued October 6, 1947, January 30, 1947, September 9, 1949, January 26, 1951, May 27, 1954, and July 13, 1955, respectively, in the name of John Buchak, Marion M. Stark, and Mary L. Stark, a partnership, doing business as W. F. Howell Trucking Co., Riverhead, N.Y., authorizing the transportation of: Food, animal and poultry, from Nazareth, Pa., to points in Suffolk County, N.Y., and return; from Newton to Jersey City, N.J., to New York, N.Y., to points in Suffolk County, N.Y., to Weehawken, N.J., from Jersey City to Hoboken, N.J., thence by ferry to New York City and points in Suffolk County, N.Y., and return; fertilizer, seeds, insecticides, and burlap bags, over irregular routes, from points in six counties in New Jersey to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; poultry, from points in Nassau and Suffolk Counties, N.Y., to New York, N.Y.; agricultural commodities, from points in Nassau and Suffolk Counties, N.Y., to points in New Jersey, New York, Connecticut, and Providence, R.I., Boston and Springfield, Mass., Baltimore and Preston, Md., Philadelphia and Scranton, Pa., and Washington, D.C.; limestone and limestone products, from Newton, N.J., and Plymouth Meeting, Pa., to points in Nassau and Suffolk Counties, N.Y.; fertilizer materials, from points in six counties in New Jersey, and points in Nassau and Suffolk Counties, N.Y., and return; insecticides, in containers, from Bound Brook, N.J., to points in Nassau and Suffolk Counties, N.Y.; grease and oil in containers, from Bayonne and Sewaren, N.J., to Riverhead, N.Y.; empty containers for above-specified commodities from destination points to origin points; agricultural commodities, over irregular routes, from points in Nassau and Suffolk Counties, N.Y., to Norfolk, Va., and points in Massachusetts, except Boston and Springfield, R.I., except Providence, Delaware, and Pennsylvania, except Philadelphia and Scranton; fertilizer and fertilizer materials, over irregular routes, from Philadelphia, Pa., to points in Suffolk County, and return; lime, limestone, and limestone products, from Swedeland and Devault, Pa., to points in Nassau and Suffolk Counties, L.I., N.Y.; empty containers from above-specified destination point to origin points; agricultural insecticides, in containers, from Philadelphia and Bristol, Pa., to points in Nassau and Suffolk Counties, L.I., N.Y.; empty containers for insecticides, from points in Nassau and Suffolk Counties, L.I., N.Y., to Philadelphia and Bristol; Paper bags, from Hudson Falls, N.Y., to points in Suffolk County, N.Y.; fertilizer, from Camden, N.J., to Hicksville, Farmingdale, and Floral Park, N.Y.; fertilizer, in bulk, from Paulsboro, N.J., to Jamesport and Bridgehampton, N.Y.; agricultural insecticides, in containers, from Baltimore, Md., to points in Suffolk County, N.Y., empty agricultural insecticide containers, from points in Suffolk County, N.Y., to Baltimore, Md.; ammonium sulphate, from Bristol and Morrisville, Pa., to points in Nassau and Suffolk Counties, N.Y. Martin Werner, 2 West 45th Street, New York, N.Y., attorney for applicants.

No. MC–FC 64958. By order of April 27, 1962, the Transfer Board approved the transfer to P. G. Neville, Victor Fishell, and Corinne Hatvick, a partnership, doing business as Neville Transit Company, Plentywood, Mont., of the operating rights in Certificate No. MC 100610 Sub-1, issued August 11, 1942, to P. G. Neville, doing business as Neville Transit Company, Plentywood, Mont., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over a regular route, between the boundary of the United States and Canada and Glendive, Mont.

No. MC–FC 64966. By order of April 27, 1962, the Transfer Board approved the transfer to Irene H. Brindle and Florence B. Padule, a partnership, doing business as Ralph L. Brindle Motor Freight, Latrobe, Pa., of Certificate No. MC 24850, issued November 4, 1940, to Ralph L. Brindle, doing business as Ralph L. Brindle Motor Freight, Latrobe, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Latrobe, Pa., and Pittsburgh, Pa. Gene E. McDonald, 303 Mellon Bank Building, Latrobe, Pa., attorney for applicants.

No. MC–FC 64984. By order of April 27, 1962, the Transfer Board approved the transfer to Juan Trogani, Newark, N.J., of Certificate No. MC 117744, issued January 2, 1962, to Al Jacob, Newark, N.J., authorizing the transportation of bananas, over irregular routes, from New York, N.Y., to Rosenhayn, N.J., and Philadelphia and Harrisburg, Pa., from Weehawken, N.J., to Rosenhayn and Newark, N.J., and Philadelphia and Harrisburg, Pa., from Baltimore, Md., to New York, N.Y., and Philadelphia and Harrisburg, Pa., from Newark and Port Newark, N.J., to Philadelphia and Harrisburg, Pa., and from Philadelphia, Pa., to Newark, N.J., New York, N.Y., and Baltimore, Md. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

No. MC–FC 64999. By order of April 27, 1962, the Transfer Board approved the transfer to Joseph W. Van Vactor, Plymouth, Ind., of Certificate No. MC 18464, issued June 2, 1949, to Paul R. Brown, doing business as The Brown Transfer Co., Plymouth, Ind., authorizing the transportation of household goods, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Marshall County, Ind. Fred A. Wiecking, 130 East Washington Street, Indianapolis, Ind., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–4483; Filed, May 8, 1962; 8:49 a.m.]

[Notice 209]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 4, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1168 (Deviation No. 1), THE BALTIMORE TRANSFER COMPANY OF BALTIMORE CITY, Monument and Dean Streets, Baltimore 5, Md., filed April 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 350 (Shirley Highway) to junction U.S. Highway 1, thence over U.S. Highway 1 to Woodbridge, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Petersburg, Va., over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40, via Aberdeen, Md., to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y.; from Petersburg, Va. over U.S. Highway 1 to Bel Air, Md., thence over Maryland Highway 22 to Aberdeen, thence to New York as specified above; and from Petersburg over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40 to Pennsville, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same routes.

No. MC 22179 (Deviation No. 1), FREEMAN TRUCK LINE, P.O. BOX 467, Jackson Avenue, Oxford, Miss., filed April 23, 1962. Attorney Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Memphis, Tenn., over U.S. Highway 51 to junction Mississippi Highway 6, thence over Mississippi Highway 6, to Oxford, Miss., and (B) from Oxford, Miss., over Mississippi Highway 6 to junction U.S. Highway 51, at Batesville, Miss., thence over U.S. Highway 51 to junction Mississippi Highway 7, near Grenada, Miss., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis, over U.S. Highway 78 to Holly Springs, Miss., thence over Mississippi Highway 7 to Oxford; and from Oxford over Mississippi Highway 7 to junction U.S. Highway 51, thence over U.S. Highway 51 to Grenada, and return over the same routes.

No. MC 29988 (Deviation No. 11), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed April 20, 1962. Attorney Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Denver, Colo., and St. Louis, Mo., over Interstate Highway 70, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 40 to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., thence over U.S. Highway 83 to Oakley, Kans., thence over U.S. Highway 40 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City, Mo.; also from Topeka over U.S. Highway 40 to Kansas City, thence over U.S. Highway 40 to St. Louis, and return over the same routes.

No. MC 35320 (Deviation No. 8), T.I.M.E. FREIGHT, INC., P.O. Box 1120, Lubbock, Tex., filed April 20, 1962. Carrier's representative, John T. Coon, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Cincinanti, Ohio, over U.S. Highway 50 to Versailles, Ind., thence over U.S. Highway 421 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction Indiana Highway 62, thence over Indiana Highway 62 to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 to junction U.S. Highway 31W, at Louisville, and return over the same route.

No. MC 69116 (Deviation No. 12), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed April 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Benton Harbor and Detroit, Mich., over Interstate Highway 96, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Benton Harbor over U.S. Highway 31 to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids, Mich., thence over U.S. Highway 16 to Detroit, and return over the same route.

No. MC 78632 (Deviation No. 10), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed April 25, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Nashville, Tenn., over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to Evansville, Ind., thence over U.S. Highway 41 to junction U.S. Highway 50 and Illinois Highway 33, at Vincennes, Ind., thence over Illinois Highway 33 to junction Illinois Highway 1, at or near Robinson, Ill., thence over Illinois Highway 1 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Nashville over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to Evansville, Ind., thence over Indiana Highway 66 to the Indiana-Illinois State line, thence over Illinois Highway 14 to McLeansboro, Ill., thence over Illinois Highway 142 to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo.; from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind.; from Chicago over U.S. Highway 41 to junction U.S. Highway 136 (formerly Indiana Highway 34), thence over U.S. Highway 136 to Indianapolis, Ind.; also from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., thence over U.S. Highway 231 (formerly shown as Indiana Highway 42) to Crawfordsville, Ind., thence over U.S. Highway 136 to Indianapolis, Ind.; from Chicago to Indianapolis, as specified above, thence over Indiana Highway 431 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 252, thence over Indiana Highway 252 to Edinburg, Ind., thence over Indiana Highway 252 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 31 (formerly U.S. Highway 31), thence over Alternate U.S. Highway 31, via Columbus, Ind., to Seymour, Ind., thence east over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E, also from Sellersburg, over U.S. Highway 31W to Louisville; from Cincinnati, Ohio, over U.S. Highway 42 to Louisville, Ky., thence over U.S. Highway 31W to Nashville; from Louisville, Ky., over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line, thence over Tennessee Highway 56 to Red Boiling Springs, Tenn., thence over Tennessee Highway 52 to Westmoreland, Tenn., thence over U.S. Highway 31E to Nashville, and return over the same routes.

No. MC 78632 (Deviation No. 11), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed April 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to Racine, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to Milwaukee, Wis., thence over city streets to West Allis, Wis.; and from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, Wis., and return over the same routes.

No. MC 78632 (Deviation No. 12), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed April 20, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to Lebanon, Tenn., thence over U.S. Highway 231 to junction U.S. Highway 31E, at or near Bransford, Tenn., thence over U.S. Highway 31E to Hodgenville, Ky., thence over Kentucky Highway 61 to Elizabethtown, Ky., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cincinnati, Ohio, over U.S. Highway 42 to Louisville, thence over U.S. Highway 31W to Nashville; and from Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, thence over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line, thence over Tennessee Highway 56 to Red Boiling Springs, Tenn., thence over Tennessee Highway 52 to Westmoreland, Tenn.,

thence over U.S. Highway 31E to Nashville, and return over the same routes.

No. MC 78632 (Deviation No. 13), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed April 27, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction Wisconsin Highway 50, thence over Wisconsin Highway 50 to Kenosha, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to Milwaukee, Wis., thence over city streets to West Allis, Wis.; and from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, and thence over city streets to West Allis, Wis., and return over the same routes.

No. MC 79188 (Deviation No. 1), YULE TRUCK LINES, INC., 701 West Cleveland Avenue, Milwaukee 15, Wis., filed April 26, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From the junction of Interstate Highway 94 and U.S. Highway 41, south of the Illinois-Wisconsin State line, over Interstate Highway 94 to Chicago, Ill., and (B) from the junction of Interstate Highways 294 and 94, over Interstate Highway 294 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to Milwaukee, Wis., and return over the same route.

No. MC 108158 (Sub-No. 29) (Deviation No. 5), MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis 14, Minn., filed April 25, 1962. Attorney Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 69 to junction U.S. Highway 66, near Afton, Okla., thence over U.S. Highway 66 to Tulsa, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to Tulsa, and return over the same route.

No. MC 109972 (Deviation No. 4), HARRIS EXPRESS, INC., 1425 North Tryon Street, P.O. Box 10091, Charlotte 1, N.C., filed April 20, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 350 and 1, over U.S. Highway 350 (Henry Shirley Memorial Highway) to Washington, D.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Henderson, N.C., over U.S. Highway 1 to Baltimore, Md., and return over the same route.

No. MC 109972 (Deviation No. 5), HARRIS EXPRESS, INC., 1425 North Tryon Street, P.O. Box 10091, Charlotte 1, N.C., filed April 27, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 29 and Interstate Highway 85, at Greenville, S.C., over Interstate Highway 85 to junction U.S. Highway 29, approximately 2 miles east of Kings Mountain, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greenville over U.S. Highway 29 to Charlotte, N.C., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 17), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed April 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Fourth and Superior Interchange of Interstate Highway 80, near the northwestern city limits of Lincoln, Nebr., over Interstate Highway 80 to junction Nebraska Highway 15, approximately 4 miles north of Milford, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Lincoln over U.S. Highway 6 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34, via Seward, Utica, Waco, Hampton, and Murphy, Nebr., to junction U.S. Highway 281; also from Lincoln over U.S. Highway 34 to junction Nebraska Highway 15, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4484; Filed, May 8, 1962; 8:49 a.m.]

[Notice 443]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 4, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 4966 (Sub-No. 11), filed March 2, 1962. Applicant: JONES TRANSFER COMPANY, a corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Ford Motor Co. plant, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular-route operations to and from Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 10761 (Sub-No. 119), filed April 5, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 1210 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) serving the site of the plant of Ford Motor Co., located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as an offroute point in connection with carrier's regular route operations from and to Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 46280 (Sub-No. 45), filed March 2, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue, Grand Rapids 8, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), between the plant site of the Ford Motor Co., located at the intersection of 23 Mile Road, Macomb County, Mich., on the one hand, and, on the other, Omaha, Nebr., Louisville, Ky., St. Louis, Mo., Evansville and Vincennes, Ind., and points in that part of Indiana on and north of U.S. Highway 40, points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Illinois-Missouri State line, points in that part of Iowa on and east of U.S. Highway 65, points in that part of Minnesota on, east, and south of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, and points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line and extending along Wisconsin Highway 29, to Green Bay, Wis., and thence along U.S. Highway 141 to the shore of Lake Michigan, at Manitowoc, Wis.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Examiner William E. Messer.

No. MC 50034 (Sub-No. 29), filed March 1, 1962. Applicant: COURIER EXPRESS, INC., 710 Burlington Avenue, P.O. Box 358, Logansport, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Ford Motor Company plant located on 23 Mile Road in McComb County, Mich., approximately 3½ miles north of the City of Utica, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 55896 (Sub-No. 11), filed March 21, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Ford Motor Co., located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as an offroute point in connection with applicant's presently authorized regular route operations to and from Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 72420 (Sub-No. 5), filed March 2, 1962. Applicant: THE ACE MOTOR TRANSPORT, an Ohio corporation, 406 Melville Street, Sandusky, Ohio. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plant of Ford Motor Co., located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as an offroute point in connection with presently authorized regular route operations to and from Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 103435 (Sub-No. 111), filed April 25, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha Street, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Appendices A and C in *Descriptions in Certificates*, Ex Parte No. MC-45, *supplies, equipment* and *materials used in the conduct of such business*, and *refused and rejected shipments*, serving the site of the Agar Packing Co. plant at Momence, Ill., in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: May 23, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109450 (Sub-No. 4), filed March 2, 1962. Applicant: HUB CARTAGE CO., a corporation, 1675 Electric, Lincoln Park, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Ford Motor Co., located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as on offroute point in connection with applicant's presently authorized regular route operations to and from Detroit, Mich.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 115582 (Sub-No. 2), filed March 14, 1962. Applicant: DETROIT TERMINAL & CARTAGE COMPANY, a corporation, 1175 Piquette Street, Detroit, Mich. Applicant's attorney: Edward Sanders, 1657 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, assemblies, and materials used in the manufacture of motor vehicles* by Ford Motor Co., between the plant site of Ford Motor Co., at 23 Mile Road between Mound and Van Dyke Roads, Macomb County, Mich., on the one hand, and, on the other, Detroit, Mich., and the following places in Michigan owned, leased, or otherwise occupied by the Ford Motor Co.: A plant site at Ypsilanti; a plant site on Huron River Drive west of Romulus in Romulus Township, Wayne County; the site of the Research and Test Track at Fisher and Mack Roads in Bruce Township, Macomb County; a plant site located near the unincorporated village of Rawsonville, at the southwest intersection of Textile and McKean Road, in Washtenaw County; a plant site at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive north of U.S. Highway 16, in Novi Township, Oakland County; a plant site located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County; a plant site at Northville; a plant site at Milford; a plant site at Monroe; and a

plant site at Mt. Clemens, Clinton Township, Mich. RESTRICTION: Applicant states that no shipments shall be transported to or from the United States-Canadian Boundary Line between Michigan and the Province of Ontario, Canada, *interstate*.

NOTE: Since applicant holds common carrier authority under MC-61029 dual operations may be involved.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4485; Filed, May 8, 1962; 8:50 a.m.]

[Notice 442]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 4, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub-No. 14), (CORRECTION), filed March 26, 1962, published FEDERAL REGISTER issue April 25, 1962, corrected April 27, 1962, as corrected this issue. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Previous publication stated the authority sought to operate as a "Common control"—in error, correctly stated applicant seeks to operate as a *"common carrier"*.

HEARING: Remains as assigned, June 22, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 263 (Sub-No. 137), filed April 5, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading), between West Yellowstone, Mont., and Bozeman, Mont.; from West Yellowstone to Bozeman over U.S. Highway 191, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

HEARING: June 15, 1962, at the Board of R.R. Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 1827 (Sub-No. 40), filed March 29, 1962. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in driveaway service, from points in Minnesota, to points in Iowa (except automobiles and trucks from St. Paul, Minn., to points in that part of Iowa bounded by a line beginning at Council Bluffs, and extending along Iowa Highway 100 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 92, thence along Iowa Highway 92 to Muscatine, thence along U.S. Highway 61 to Davenport, thence along the Mississippi River to McGregor, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to the Iowa-South Dakota State line, thence along the Iowa-South Dakota State line to Sioux City, Iowa, and thence along the Missouri River to Council Bluffs, including points on the designated portions of the highways specified), Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin, and *damaged, defective and returned shipments of automobiles and trucks*, on return.

NOTE: Applicant states the proposed operation will be limited to a transportation service under a contract with Ford Motor Co. Applicant further states that General Beverages of Minnesota, Inc., is a wholly owned subsidiary.

HEARING: July 2, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essricks.

No. MC 2202 (Sub-No. 222), (REPUBLICATION), filed November 20, 1961, published FEDERAL REGISTER issue of January 24, 1962, and republished this issue. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. By application filed November 20, 1961, applicant, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over a regular route, of general commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Ky., and Chattanooga, Tenn., from Lexington over U.S. Highway 27 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations. The application was referred to Joint Board No. 388 for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 20, 1962, at Nashville, Tenn. At the hearing herein, applicant proposed to amend the application by changing the proposed alternate route to read as follows: From Lexington over U.S. Highway 27 to Harriman, Tenn., thence over Tennessee Highway 61 to Rockwood, Tenn., and thence over U.S. Highway 27 to Chattanooga, and return over the same route. In effect, the proposed amendment merely eliminates a jog in U.S. Highway 27 by operating a very short distance over Tennessee Highway 61 between Harriman and Rockwood. The effect of the amendment would be to shorten the proposed alternate route by another 3 miles. Inasmuch as the proposed amendment would constitute a broadening of the application as filed and published in the FEDERAL REGISTER, it was not allowed. However, with the permission of the board, evidence was introduced by applicant concerning operation over the routing covered by the proposed amendment. Upon consideration of all evidence of record, the joint board found that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of general commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lexington, Ky., and Chattanooga, Tenn., over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Harrisburg, Pa., and junction Interstate Highway 83 and U.S. Highway 83 at or near Baltimore, Md.; from Harrisburg over Interstate Highway 83 to junction of said highway with U.S. Highway 40, and return over the same route, serving no intermediate points, and serving Harrisburg for joinder purposes only, as an alternate route for operating convenience only in connection with carrier's regular-route operations.

NOTE: Applicant states it is controlled by Navajo Freight Lines, Inc.

HEARING: June 14, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Isadore Freidson.

No. MC 11185 (Sub-No. 121), filed April 12, 1962. Applicant: J-T TRANSPORT COMPANY, INC., 3936 Ewing Avenue, Kansas City 29, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wing panels and sections and wing skins and related parts, which because of their delicate nature require the use of special equipment and handling*, from Hagerstown, Md., to Wichita, Kans. Applicant states it is controlled by Jack and Thom Cooper who also control Jack Cooper Transport Co., and they operate as partners in J-T Transport Co. (MC 110077).

HEARING: June 18, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 17481 (Sub-No. 21), filed March 29, 1962. Applicant: MOORE MOTOR FREIGHT LINES, INC., 1947 West County Road "C," St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron's Lake, Fort Snelling, and State Fair Grounds, Minn., on the one hand, and on the other, the plant site of Armour and Company at or near Bradley, Ill.

NOTE: Applicant states that it already holds authority from the above-named origin points to points in that part of Illinois on and north of U.S. Highway 6 (except Chicago and points in the Chicago Commercial Zone) and wishes to extend its irregular route authority to include the plant site of Armour and Company at the location stated above. It is further stated that applicant is a wholly owned subsidiary of Indianhead Truck Line, Inc. (MC-108449).

HEARING: July 6, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

No. MC 20783 (Sub-No. 59), filed March 7, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), restricted to transportation in vehicles equipped with mechanical refrigeration, from Louisville, Ky., and points in its commercial zone, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *returned or rejected shipments of the above-named commodities* from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, to Louisville, Ky.

HEARING: June 12, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 25798 (Sub-No. 64), filed January 22, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including dry or powdered milk*, from points in Minnesota and Wisconsin to points in Alabama, Georgia, Florida, Mississippi, and Tennessee.

HEARING: June 19, 1962, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 27817 (Sub-No. 44), filed April 13, 1962. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, scrap iron, metal borings, and metal turnings*, from points in Maryland, to points in that part of Pennsylvania bounded on the east by U.S. Highway 219 and on the north by U.S. Highways 322 and 62, including points on said routes.

NOTE: Common control may be involved.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 30209 (Sub-No. 6), filed April 10, 1962. Applicant: JOHN O'SHEA, INC., Foot of Birch Street, Ridgefield Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, between Carlstadt, N.J., on the one hand, and, on the other, points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and points in Northampton, Lehigh, and Berks Counties, Pa.

NOTE: Applicant states the proposed service will be under a contract with Seeman Bros., Inc., or divisions, subsidiaries or affiliates, and that no duplicating authority is sought.

HEARING: June 29, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 41432 (Sub.-No. 86), filed April 17, 1962. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive, incendiary, or gas, smoke, or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities* (except those of unusual value, Classes A and B explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and Freeport, Tex.; (1) from Houston over Texas Highway 288 to Freeport; and (2) from Houston over Texas Highway 35 to junction with Texas Highway 288 at or near Angleton, thence over Texas Highway 288 to Freeport, and return over the same routes, serving no intermediate points and coordinating service with applicant's regular-route operations to and from Houston, Tex.

HEARING: June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before an Examiner to be designated later.

No. MC 42487 (Sub-No. 543), filed March 5, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, resin plasticizers*, and *synthetic resins*, in bulk, in tank vehicles, from Long Beach and Santa Clara, Calif., to St. Louis, Mo., and Akron and Cincinnati, Ohio.

NOTE: Applicant states it is a wholly-owned subsidiary of Consolidated Freightways, Inc., a noncarrier, as is Missouri Consolidated Corporation (MC 52746), and, in addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222). Applicant also owns all of the outstanding stock of Foster Freight Lines, Inc. (an Indiana intrastate carrier), Wheeler Transfer and Storage Company (a Wisconsin intrastate carrier), and Canadian Freightways, Ltd., a motor carrier operating in Canada.

HEARING: June 18, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before an examiner to be designated later.

No. MC 42919 (Sub-No. 4), filed January 10, 1962. Applicant: COASTAL TRUCKWAYS, INC., P.O. Box 495 Annex, Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from Rocky Mount, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

HEARING: June 18, 1962, at the U.S. Court Rooms, Uptown, Post Office Building, Raleigh, N.C., before Examiner M. Nicholson.

No. MC 50069 (Sub-No. 255), filed April 16, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gas, in cylinders*, from the plant site of National Cylinder Gas Co., at Evansville, Ind., to plant site of National Cylinder Gas Co., at Louisville, Ky., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 13, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 155, or if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 50307 (Sub-No. 28), filed April 3, 1962. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies used in the manufacture thereof*, between New York, N.Y., on the one hand, and on the other, Stanley, Va., Taneytown, Md., and Martinsburg, W. Va.

HEARING: June 28, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Friedson.

No. MC 52673 (Sub-No. 17), filed April 23, 1962. Applicant: FRED OLSON MOTOR SERVICE COMPANY, a corporation, 1228 West Bruce Street, Milwaukee 4, Wis. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Waukegan, Ill., to points in Dane, Green, Jefferson, Kenosha, LaFayette, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: May 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 52709 (Sub-No. 166), filed April 18, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, resin plasticizers*, and *synthetic resins*, in bulk, in tank vehicles, from Long Beach and Santa Clara, Calif., to St. Louis, Mo., and Akron and Cincinnati, Ohio.

NOTE: Applicant states common control may be involved.

HEARING: June 18, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before an examiner to be designated later.

No. MC 55236 (Sub-No. 59), filed April 26, 1962. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, and *returned and rejected shipments*, between points in Illinois, Iowa, Indiana, Kentucky, and Missouri.

NOTE: Applicant states service is to be restricted to shipments originating at consumer bulk plants or consumer storage facilities.

HEARING: May 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 55885 (Sub-No. 9), filed March 2, 1962. Applicant: HOMER H. JACKSON, doing business as JACKSON TRUCKING COMPANY, Otsego, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, from Cutlerville, Mich., to points in California, Connecticut, Florida, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, and *returned and rejected shipments*, on return.

HEARING: June 11, 1962, at the Federal Building, Lansing, Mich., before Examiner William E. Messer.

No. MC 56270 (Sub-No. 11), filed April 9, 1962. Applicant: LEICHT TRANSFER & STORAGE COMPANY, a corporation, 1401 State Street, Green Bay, Wis. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash and mineral filler*, in bulk and in containers, from Green Bay, Wis., to points in the Upper Peninsula of Michigan, and *damaged and rejected shipments* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 28, 1962, at the Federal Building, Milwaukee, Wis., before Joint Board No. 95, or if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC. 57591 (Sub-No. 7), filed March 29, 1962. Applicant: ALBERT L. EVANS, doing business as EVANS DELIVERY COMPANY, P.O. Box 268, Pottsville, Pa. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and pet foods*, between Allentown and Walbert, Pa., on the one hand, and, on the other, points in West Virginia.

HEARING: June 15, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 206, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 64808 (Sub-No. 5), filed April 25, 1962. Applicant: W. S. THOMAS TRANSFER, INC., 404 Auburn Street, Fairmont, W. Va. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Detroit, Mich., to points in Pennsylvania and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: June 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 68100 (Sub-No. 12), filed April 5, 1962. Applicant: D. P. BONHAM TRANSFER, INC, P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well-pumping units*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *materials, equipment, and supplies*, used in the installation, operation, and maintenance of such units, between Bartlesville, Okla., on the one hand, and, on the other, points in California.

HEARING: June 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 71219 (Sub-No. 3), filed April 18, 1962. Applicant: FRIEDMAN TRANSFER AND CONSTRUCTION CO., INC., 19 East Commerce Street, Youngstown, Ohio. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as building contractors' equipment, heavy and bulky articles, machinery and machine parts*, and *articles requiring specialized handling or rigging*, (1) between points in Ohio, and (2) between points in Ohio (except points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties), on the one hand, and, on the other, points in Maryland, those in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along U.S. Highway 111 to Harrisburg, Pa., thence north along Pennsylvania Highway 14 (formerly U.S. Highway 15) to Trout Run, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line, those in Erie County, N.Y., and those in Brooke, Hancock, Marshall and Ohio Counties, W. Va.

NOTE: Applicant states "It formerly operated to and from entire State of Ohio under claimed grandfather rights; this application is merely confirmatory of that situation. It presently operates to and from the five (5) excepted Counties, and seeks no duplicating rights."

HEARING: June 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 78170 (Sub-No. 9), filed January 22, 1962. Applicant: PARRISH DRAY LINE, INC., Fulton Street, Box 883, Sumter, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, rock wool, siding, roofing and roofing materials, stoves and ranges, cast iron hollow ware, cooling boxes*, and *steel, cast iron and cast aluminum furniture*, from Leeds, Ala., and points in Jefferson County, Ala., to points in North Carolina and South Carolina.

NOTE: Applicant states that at present it is rendering the service for which authority is sought by tacking separate grants of authority at the common point of Sumter, S.C.

HEARING: June 25, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 87861 (Sub-No. 5), filed March 8, 1962. Applicant: CONTRACTORS TRANSIT, INC., 1635 Gent Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal pipe, pipe fittings*, and *connections, including sections, segments* and *parts thereof*, from Shelbyville, Ind., and points within two (2) miles thereof, to points in Ohio, Michigan, Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kansas, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Georgia, South Carolina, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 26, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 88220 (Sub-No. 16), filed March 19, 1962. Applicant: WABASH VALLEY TRUCKING INC., Brazil, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, joint compound, and joint compound solvent*, from points in Clay County, Ind., to points in Missouri (except points in St. Louis, Mo., Commercial Zone, as defined by the Commission), and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 92983 (Sub-No. 405), filed April 5, 1962. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from points in Colorado, Kansas, and Nebraska, to Lecox, Okla.

HEARING: June 19, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 95540 (Sub-No. 396), filed January 18, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Watertown, S. Dak., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: June 21, 1962, at the Palmer House, Chicago, Ill., before Examiner Abraham J. Essrick.

No. MC 95627 (Sub-No. 41), filed March 8, 1962. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, salted, or frozen, when moving under refrigeration in vehicles equipped with mechanical refrigeration, from Cedar Rapids and Mason City, Iowa, Albert Lea and St. Paul, Minn., Momence and Rochelle, Ill., Wichita, Kans., to Smithfield, Va.

HEARING: June 12, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner Hugh M. Nicholson.

No. MC 95627 (Sub-No. 42), filed April 4, 1962. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt* and *salt mixtures*, and (2) *pepper* in mixed shipments with salt and salt mixtures, from Cleveland, Akron, Rittman, Fairport, and Fairport Harbor, Ohio, and Watkins Glen, Silver Springs, Ludlowville, and Retsof, N.Y., to points in North Carolina.

HEARING: June 11, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner Hugh M. Nicholson.

No. MC 95627 (Sub-No. 43), filed April 4, 1962. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, when moving in mixed shipments with salt and salt mixtures, from Cleveland, Akron, Rittman, Fairport, and Fairport Harbor, Ohio, and Watkins Glen, Silver Springs, Ludlowville, and Retsof, N.Y., to points in Virginia on and south of U.S. Highway 360 from the North Carroline State Line near Danville, Va., to and including Richmond, Va., and on and south of U.S. Highway 60 from Richmond, Va., to and including Virginia Beach, Va.

HEARING: June 11, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner Hugh M. Nicholson.

No. MC 102799 (Sub-No. 9), filed April 12, 1962. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical supplies and materials*, and *dental, optical, and photographic supplies, materials, and products*, in packages not exceeding 40 pounds in weight, from King of Prussia, Pa., to points in Mercer, Burlington, Gloucester, and Camden Counties, N.J., and points in New Castle County, Del.

NOTE: Applicant states the operations herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Upjohn Company, of King of Prussia, Pa.

HEARING: June 22, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 103993 (Sub-No. 154), filed September 21, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Wisconsin (except from Ashland, Marshfield, Spencer, Chilton, Madison, Stratford, Hurley, and Newton, Wis.), to points in the United States, including Alaska, but excluding Hawaii.

HEARING: June 25, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 105461 (Sub-No. 41), filed April 9, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furniture, wooden furniture, wooden toys*, and *wooden gates, ironing tables*, and *clothes dryers*, from Wellsville and Whitesville, N.Y., to points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties, Pa., points in New Castle County, Del., points in that part of New Jersey and on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa., and that part of Maryland within the Washington, D.C., Commercial Zone and Baltimore, Md., and points within eight (8) miles thereof, Washington, D.C., and points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

HEARING: June 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 105461 (Sub-No. 42), filed April 9, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials*, from the site of the Acme Manufacturing Company plant located at Philadelphia, Pa., to points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

HEARING: June 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 105813 (Sub-No. 59), filed January 31, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packing houses*, as defined by the Commission in Appendix I in *Ex Parte MC–45 Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, from Watertown, S. Dak., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

HEARING: June 21, 1962, at the Palmer House, Chicago, Ill., before Examiner Abraham J. Essrick.

No. MC 106398 (Sub-No. 187), filed October 16, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: W. R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Camper bodies*, from points in Wisconsin to points in the United States including Alaska, but excluding Hawaii; and (2) *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Wisconsin (except West Bend, Chilton, Newton, and Hurley, Wis.) to points in the United States including Alaska, but excluding Hawaii; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1) and (2) above, on return.

HEARING: June 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 107002 (Sub-No. 168) (AMENDMENT), filed January 15, 1962, published in FEDERAL REGISTER, issue of February 7, 1962, amended February 26, and March 19, republished this issue. Applicant: W. M. CHAMBERS TRUCK LINE, INC., P.O. Box 547, Kenner, La. Applicant's attorney: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, corn syrups, animal oils*, and *blends of each*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky.

NOTE: This republication is for the purpose of indicating that in addition to *vegetable oil*, for which authority was originally requested, authority is now sought to transport *corn syrups and animal oils, and blends of each of the three commodities*.

HEARING: June 18, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 107002 (Sub-No. 170), filed March 30, 1962. Applicant: W. M. CHAMBERS TRUCK LINE, INC., P.O. Box 547, Kenner, La. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, corn syrups, animal oil*, and *blends thereof*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Ohio and New York.

HEARING: June 18, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 107107 (Sub-No. 196), filed February 13, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, in Appendix I to Ex Parte MC–45 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Watertown, S. Dak., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

HEARING: June 21, 1962, at the Palmer House, Chicago, Ill., before Examiner Abraham J. Essrick.

No. MC 107107 (Sub-No. 210), filed April 10, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and meat byproducts*, as defined by the Commission, from Dodge City, Kans., to points in Tennessee (except Memphis), Alabama, North Carolina, South Carolina, Florida, and Georgia.

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 107541 (Sub-No. 9), filed March 26, 1962. Applicant: MAGEE TRUCK SERVICE, INC., P.O. Box 67, Klickitat, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *box shooks* from points in Klickitat County, Wash., to points in California lying south of the southern boundaries of Placer, Sutter, Yolo, Napa, and Sonoma Counties, Calif.; and *rejected shipments of above commodities* on return.

HEARING: June 5, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5.

No. MC 107544 (Sub-No. 46), filed April 23, 1962. Applicant LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene*, and *fuel oils*, in bulk, in tank vehicles, from Friendship, N.C., to points in Boone, Cabell, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, and Wayne Counties, W. Va.

NOTE: Applicant is also authorized to conduct contract carrier operations under MC 113959 and Subs thereunder; therefore dual authority may be involved.

HEARING: June 14, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 292, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 107643 (Sub-No. 57), filed March 8, 1962. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington, Portland 3, Oreg. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, from Tacoma, Wash., to Kent, Wash., and *empty containers, contaminated and rejected shipments, or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 15, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 80.

No. MC 107871 (Sub-No. 14), filed April 16, 1962. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weller Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in dump, hopper type and tank vehicles, from Solvay, N.Y., to points in Massachusetts, and *contaminated, refused and rejected shipments* of the above-specified commodities, on return.

HEARING: June 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 108053 (Sub-No. 38), filed April 25, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 709, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the *Report in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Wichita, Kans., to points in New Mexico and Arizona, and (2) from Arkansas City, Kans., to points in Arizona.

HEARING: May 14, 1962, at the Hotel Lassen, Wichita, Kansas, before Examiner William J. Cave.

No. MC 108068 (Sub-No. 40) (AMENDMENT), filed March 14, 1962, published FEDERAL REGISTER issue April 25, 1962, amended May 1, 1962, and republished as amended this issue. Applicant: U.S.A.C. TRANSPORT, INC., Dover, Del., mailing address: 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which, because of size or weight, require the use of special equipment and handling*, between the Nevada Test Site of the U.S. Atomic Energy Commission, located near Mercury, Nev., on the one hand, and, on the other, Albuquerque and Los Alamos, N. Mex., also over California routes, utilizing U.S. Highways 95 and 66 via Needles, Calif.

NOTE: The purpose of this republication is to show that applicant will operate via Needles, Calif.

HEARING: June 22, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 108068 (Sub-No. 41), filed March 20, 1962. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft, aircraft parts, related equipment, materials, fixtures* and *supplies*, between Van Nuys (part of Los Angeles) and Rancho Conejo (Newbury Park), Calif., and El Paso, Tex.

HEARING: June 21, 1962, at the Los Angeles Statler Hilton, Los Angeles, Calif., before an examiner to be designated later.

No. MC 109584 (Sub-No. 100) (CORRECTION), filed December 13, 1961, published in FEDERAL REGISTER, issue of April 26, 1962, republished this issue to correct description of commodities. Applicant: ARIZONA PACIFIC TANK LINES, 717 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chandler, Ariz. (and points within ten (10) miles thereof), to points in Colorado, Idaho, Illinois, Montana, Nevada, Oregon, New Mexico, Utah, Washington, and Texas on and west of U.S. Highway 81. The purpose of this republication is to change "in bulk in packages" as originally published to "in bulk, in tank vehicles."

HEARING: Remains as assigned June 18, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 109584 (Sub-No. 102), filed January 26, 1962. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from points in Oklahoma, Texas, and Louisiana to points in California.

NOTE: Applicant states that it is controlled by Ringsby Truck Lines, Inc., which also controls United Freight, Inc., Inter State Express, Inc., Fortier Transportation Company, Colonial & Pacific Fridgidways, and Converse Trucking Service.

HEARING: June 20, 1962, at the Los Angeles Statler Hilton, Los Angeles, Calif., before an examiner to be designated later.

No. MC 109637 (Sub-No. 196), filed January 2, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, between points in Kentucky, on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, and Rhode Island.

HEARING: June 14, 1962, at the Kentucky Hotel, Waltnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 110525 (Sub-No. 497), filed April 11, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals and dry cleaning compounds*, in bulk, in tank vehicles, from Fernald, Ohio, to points in Maryland, New Jersey, Pennsylvania, and New York.

HEARING: June 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 110525 (Sub-No. 499), filed April 16, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank and hopper-type vehicles, from Boston, Mass., to points in Massachusetts, Rhode Island, and New Hampshire, points in Tolland, Windham, and New London Counties, Conn., and those in York, Oxford, Cumberland, and Androscoggin Counties, Maine.

HEARING: June 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 111687 (Sub-No. 6), filed February 20, 1962. Applicant: BENJAMIN H. RUEGSEGGER, Route 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *empty containers*, or other such incidental facilities used in transporting malt beverages, between Frankenmuth, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin.

HEARING: June 11, 1962, at the Federal Building, Lansing, Mich., before Examiner William E. Messer.

No. MC 111069 (Sub-No. 26), filed April 18, 1962. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen or requiring refrigeration, from Allentown, Pa., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, and Vermont.

HEARING: June 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 111812 (Sub-No. 165), filed April 25, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fried onion rings and frozen fish dinners*, in mixed shipments with frozen seafoods, from Boston, Gloucester, Lowell, and Nabnasset, Mass., to points in Illinois, Indiana, Iowa,

Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states "Jane A. Lewis, wife of it's president, owns a 50% interest in Dakota Express, Inc. a motor common carrier."

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 112020 (Sub-No. 137), filed November 3, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends and products*, thereof, in bulk, in tank vehicles, from points in Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Missouri, South Dakota, and Kansas City, Kans., to points in Arizona, California, Nevada, Oregon, Utah, Washington, Idaho, Montana, and Wyoming.

HEARING: June 20, 1962, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 112617 (Sub-No. 103), filed December 11, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, between points in Kentucky, on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, and Rhode Island.

HEARING: June 14, 1962, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 112617 (Sub-No. 118), filed April 26, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 14, 1962, at 11:30 o'clock a.m., United States standard time, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Alton R. Smith.

No. MC 112750 (Sub-No. 100), filed April 26, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition) under a continuing contract or contracts with Eastman Kodak Company of Rochester, N.Y., (a) between Washington, D.C., on the one hand, and, on the other, points in Northumberland and Schuylkill Counties, Pa., and Berkeley and Jefferson Counties, W. Va., (b) between Chicago, Ill., on the one hand, and, on the other, points in Jefferson, Marathon, Portage, Waukesha, and Wood Counties, Wis., (c) between Boston, Mass., on the one hand, and, on the other, points in Berkshire, and Franklin Counties, Mass., and (d) between Findlay, Ohio, on the one hand, and, on the other, points in Boyd, Campbell, Greenup, and Kenton Counties, Ky., (2) *Used punch cards and business papers and records used or useful in the preparation of such punch cards and other business papers and records involving information obtained from the punch cards or pertaining to the use thereof* (excluding plant removals and supplies) under a continuing contract or contracts with The Service Bureau Corporation, between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harrison, Jefferson, Jessamine, Kenton, Lincoln, Madison, Mason, Montgomery, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott, and Woodford Counties, Ky., and points in Kanawha and Cabell Counties, W. Va., and (3) *Charge Sales Tickets, Cash Sales Tickets, Charge Credit Sales Tickets, refund slips, cash register tapes, application forms and accompanying documents*, under a continuing contract or contracts with the J. C. Penney Company, Inc., between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harrison, Jefferson, Jessamine, Kenton, Lincoln, Madison, Mason, Montgomery, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott, and Woodford Counties, Ky., points in Clark County, Ind., and points in Mingo, and Wood Counties, W. Va.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Meflen.

No. MC 113267 (Sub-No. 67), filed April 2, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, when transported in mechanically refrigerated vehicles, from Alton (Oregon County), Mo., to New Albany, Miss., and Memphis, Tenn.

NOTE: Common control may be involved.

HEARING: June 26, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 113267 (Sub-No. 69), filed April 9, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight and mixed shipments with coconuts and pineapples, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: June 27, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 113267 (Sub-No. 71), filed April 30, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from New Orleans, La., and Mobile, Ala., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin.

NOTE: Applicant states that its officers are officers and stockholders in Vandalia Bus Lines, Inc. and Industrial Bus Lines, Inc., and Oliver and Kathryn Anderson, president and sec-treas., respectively, are stockholders in Caseyville Bus Line, Inc.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 113267 (Sub-No. 72), filed April 30, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts* as defined by the Commission, from St. Joseph and South St. Joseph, Mo., to points in Florida.

NOTE: Applicant states that its officers are officers and stockholders in Vandalia Bus Line, Inc., and Industrial Bus Lines, Inc., and that Oliver and Kathryn Anderson, its president and sec.-treas., respectively, are officers and stockholders in Caseyville Bus Line, Inc.

HEARING: June 7, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner John L. York.

No. MC 113777 (Sub-No. 2), filed April 19, 1962. Applicant: JAMES MESSINA, doing business as MESSINA HAULAGE, 3351 Woodward Avenue, Wantagh, Long Island, N.Y. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, in packages, or in containers, and in bulk in tanktype vehicles or trailers, from Brooklyn, N.Y., to points in Fairfield County, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return.

HEARING: June 13, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 114019 (Sub-No. 79), filed January 16, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers*, and *accessories* therefor (including caps, covers, tops, and stoppers), and *paper cartons* used in the packing and shipping of glass articles, from Richmond, Ind., to points in Michigan, Missouri, Ohio, Wisconsin, Illinois, Iowa, New York, West Virginia, Indiana; points in that part of Kentucky on and north of U.S. Highway 60; and points in Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction with U.S. Highway 219 near DuBois, Pa., and thence along U.S. Highway 219 to the New York-Pennsylvania State line.

NOTE: Applicant states that it controls Little Audrey's Transportation, Inc., Chamberland's Express, Inc. (MC–F–6408) and Independent Truckers, Inc. (MC–F–8012).

HEARING: June 18, 1962, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner William E. Messer.

No. MC 114239 (Sub-No. 6), filed April 2, 1962. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle over *irregular routes*, transporting: (1) *Dry animal and poultry feed, feed ingredients*, and *supplements* in other than tank or hopper type vehicles, and *flour*, in bags when moving in mixed loads with shipments of feed, from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, St. Joseph, Mo., and points in its Commercial Zone, and Fort Lupton, Colo., to points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, Oklahoma, Arkansas, and Iowa, and (2) *damaged shipments of feed and flour*, and *refused and rejected shipments* from points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, Oklahoma, Arkansas and Iowa, to Fort Lupton, Colo., St. Joseph, Mo., and points in its Commercial Zone, and points in the Kansas City, Mo.-Kans., Commercial Zone (as defined by the Commission).

NOTE: Applicant states it proposes to transport exempt commodities, on return.

HEARING: June 20, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 114552 (Sub-No. 17), filed March 1, 1962. Applicant: SENN TRUCKING COMPANY, a corporation, R.F.D. No. 4, Box 283, Newberry, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated wood poles, posts, pilings*, and *cross arms*, (1) from points in Duval and Columbia Counties, Fla., points in Richmond, Fulton, and Bibb Counties, Ga., and points in Hamilton County, Tenn., to points in Delaware, Connecticut, Indiana, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and (2) from points in Duval and Columbia Counties, Fla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it proposes to traverse North Carolina, South Carolina, and Tennessee for operating convenience only, in (1) above.

HEARING: June 26, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 114569 (Sub-No. 49), filed May 1, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, frozen foods, fresh and frozen fruits, berries*, and *vegetables (including potatoes and apples)*, between points in Adams, Franklin, and York Counties, Pa., and Inwood, W. Va., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

HEARING: May 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 114699 (Sub-No. 16), filed August 25, 1961. Applicant: TANK LINES, INCORPORATED, P.O. Box 6415, Richmond 30, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate, sodium nitrate, fertilizer, and fertilizer materials*, dry, in bulk, in hopper-type vehicles, from Hopewell, Va., to points in Maryland and Delaware, and (2) *lubricating oils*, in bulk, from Emlenton and Farmers Valley, Pa., and St. Marys, W. Va., to points in Virginia.

HEARING: June 12, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner Hugh M. Nicholson.

No. MC 115194 (Sub-No. 3), filed April 17, 1962. Applicant: WILLIAM J. REINING, SR., MILDRED REINING, GERALD M. REINING AND FLOYD T. OLIVER, doing business as W. J. REINING & SONS, Beachlake, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood, and lumber and wood products, cinder and cement blocks*, between points in Wayne County, Pa., on the one hand, and, on the other, points in New York, Pennsylvania, and New Jersey.

HEARING: June 14, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 115669 (Sub-No. 23) (AMENDMENT), filed December 19, 1961, published in FEDERAL REGISTER issue of April 11, 1962, republished this issue as amended April 30 (third amendment). Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, and *other related items when shipped with feed*, including *fly spray, mange oil, empty bags and other containers, advertising matter, materials, and premiums*, from Burlington, Wis., to points in Kansas, Colorado, that portion of Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65 (except Saint Joseph), beginning at the Kansas-Missouri boundary line, thence continuing eastward on U.S. Highway 36 to the junction of U.S. Highways 36 and 65, thence northward on U.S. Highway 65 to the Missouri-Iowa boundary, and points in Adair, Adams, Audubon, Cass, Clarke, Dallas, Decatur, Fremont, Guthrie, Harrison, Madison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, and Warren Counties, Iowa; and (2) *other related items when shipped with animal and poultry feed, including fly spray, mange oil, empty bags and other containers, advertising matter, materials, and premiums*, from Burlington, Wis., to points in the counties in that portion of Nebraska south of a line beginning at the Wyoming-Nebraska boundary, extending eastward along the northern boundaries of Scottsbluff, Morrill, Garden, Arthur, McPherson, Logan, Custer, Valley, Greeley, Boone, Platte, Colfax, Dodge, and Washington Counties, and ending at the Iowa-Nebraska boundary; and (3) *rejected shipments* on return.

NOTE: The purpose of this republication is to add twenty (20) counties in Iowa as destination areas in (1) above.

HEARING: Remains as assigned, May 28, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 115841 (Sub-No. 106), filed April 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Brockport, Fairport, Ontario, Geneva, Marion, Red Creek, Morton, Hilton, Westfield, North Rose, Sodus, Wallington, Williamson, Wolcott, Marlboro, Cleremont, Claverack, Hudson, and Highland, New York, to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.

HEARING: June 25, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 115841 (Sub-No. 109), filed April 26, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, and *exempt commodities*, on return.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 115994 (Sub-No. 7), filed April 16, 1962. Applicant: JOHN P. FIDERAK AND STEVE J. FIDERAK, 202 Hunter Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder building blocks*, from Tamaqua, Pa., and points within thirty (30) miles thereof (except Allentown, Pa.), to points in the New York, N.Y., Commercial Zone.

HEARING: June 13, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 116363 (Sub-No. 3), filed February 16, 1962. Applicant: EMSLEY TRUCK RENTALS, INC., 16 Forrest Street, Gibbstown, N.J. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied carbon dioxide, moving in company-owned trailers and solidified carbon dioxide*, from the plant site of Cardox Division at Gibbstown, N.J., to depots operated by Cardox Division at Stratford, Conn.

HEARING: June 20, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 116514 (Sub-No. 14), filed January 23, 1962. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, namely, *lingerie, and cut piece goods and materials therefor*, between Hemingway, S.C., on the one hand, and, on the other, Bethlehem, Pa.

HEARING: June 25, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 116587 (Sub-No. 2), filed April 2, 1962. Applicant: EASTERN-WESTERN TRUCKING, INC., 37201 Military Road, North, Puyallup, Wash. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, cottonseed cake, cottonseed cake meal*, and *cottonseed meal*, from points in Arizona, to points in Oregon and Washington.

HEARING: June 6, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before an examiner to be designated later.

No. MC 116587 (Sub-No. 3), filed April 16, 1962. Applicant: EASTERN-WESTERN TRUCKING, INC., 37201 Military Road North, Puyallup, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Ferry and Stevens Counties, Wash., to points in Oregon.

HEARING: June 4, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45.

No. MC 116763 (Sub-No. 21), filed April 20, 1962. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Austin, Red Key, and Converse, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia.

HEARING: June 29, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 116858 (Sub-No. 4), filed April 12, 1962. Applicant: J. & M. LEASING CORP., 646 East 12th Street, New York, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is distributed by a premium stamp redemption center in redemption of premium stamps, and, in connection therewith; equipment, materials and supplies used in the conduct of such business*, from the site of the warehouse of Sperry & Hutchinson Co., in Metuchen, N.J., to stores of Sperry & Hutchinson Co., located in Maryland (except Baltimore) on and east of U.S. Highway 15, Delaware (except Wilmington), and Washington, D.C., and (2) *returned shipments* of the commodities specified above and *premium stamp books with stamps attached*, from stores of Sperry & Hutchinson Co., located at the destinations to the origin point specified above. RESTRICTION: The operations above to be performed under contract with Sperry & Hutchinson Co.

NOTE: Applicant states common control may be involved. Also dual operations have been authorized.

HEARING: June 12, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 116987 (Sub-No. 14), filed March 20, 1962. Applicant: ROBERT H. CARR AND SONS, INC., R.D. No. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrolyzed vegetable protein*, in bulk, in tank vehicles, from Harbor Beach, Mich., to points in Massachusetts, New York, and Pennsylvania; (2) *seawater*, in bulk, in tank vehicles, from Atlantic City, N.J., to Philadelphia, Pa.; and (3) *liquid sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in New York, Pennsylvania, and West Virginia.

HEARING: June 22, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 117119 (Sub-No. 48), filed April 18, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS CO., Elm Springs, Ark. Applicant's attorney: John J. Joyce, 26 North College, Fayette, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, in mechanically refrigerated equipment, in mixed shipments and lots in the same vehicles with exempt commodities, from points in Missouri, Kansas, Oklahoma, and Arkansas to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, and Wyoming.

NOTE: Applicant states it has authority under MC-F-7816 to lease the properties of Pellham Transportation Company, Inc.

HEARING: June 22, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 117119 (Sub-No. 49) (AMENDMENT), filed April 23, 1962, published FEDERAL REGISTER issue May 2, 1962, amended and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 25 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods* and *foodstuffs*, frozen and unfrozen, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved. It is further noted that since this publication is effected the day following the hearing on the subject applicant, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing, may file a protest against the application within 20 days from the date of this publication in the FEDERAL REGISTER.

HEARING: Remains as assigned May 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 117416 (Sub-No. 8), filed March 5, 1962. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Austin, Converse, and Red Key, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Mississippi.

NOTE: Applicant states it proposes to transport exempt commodities on return. Applicant further states it now holds authority to transport *canned goods* from Austin, Ind., to points in Georgia, Alabama, and Mississippi on and north of U.S. Highway 80. No duplication of authority is sought.

HEARING: June 29, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 117427 (Sub-No. 28), filed February 14, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods, including those shipped in metal, glass, and plastic containers*, in straight or mixed shipments with *exempt commodities* in the same trailer, from points in that part of North Carolina on and east of a line beginning at the South Carolina-North Carolina State line, near Rowland, N.C., and extending along U.S. Highway 301 to junction North Carolina Highway 41, thence along North Carolina Highway 41 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction North Carolina Highway 403, thence along North Carolina Highway 403 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line, to points in that part of Virginia on and west of U.S. Highway 220, points in West Virginia, points in Pennsylvania on and west of U.S. Highway 220, points in New York on and west of New York Highway 14, and those in Ohio, Indiana, Illinois, and Michigan; and (2) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-described destination points to point of origin.

NOTE: Applicant also has contract carrier authority in MC 116145; therefore dual authority may be involved.

HEARING: June 19, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Hugh M. Nicholson.

No. MC 117727 (Sub-No. 1), filed April 10, 1962. Applicant: FRANK AQUILINO, doing business as ROSS TRUCKING, 219 Mulberry Street, New York 12, N.Y. Applicant's attorney: John G. Lipsett, 40 Wall Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from port facilities in New Jersey and New York, located in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Westchester County, N.Y.

HEARING: June 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 117998 (Sub-No. 5), filed April 2, 1962. Applicant: RAY WILSON, INC., 1404 East Linwood Drive, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to DeKalb, Ill., St. Louis, Mo., Terre Haute, Ind., and Louisville, Ky.

HEARING: June 28, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 118142 (Sub-No. 5), filed March 22, 1962. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sterilized milk*, in cans and containers, from Arkansas City, Kans., to Los Angeles, San Francisco, San Diego, Long Beach, and Oakland, Calif., Seattle, Wash., New Orleans, La., and Gallup, N. Mex.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity above, on return trips.

NOTE: Applicant holds contract authority under MC-114191; therefore dual operations may be involved.

HEARING: June 27, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Charles J. Murphy.

No. MC 118142 (Sub-No. 6), filed April 5, 1962. Applicant: M. BRUENGER & CO., INC., 400 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California, to points in Kansas on and west of U.S. Highway 75, and *empty containers or other incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority under MC 124172 therefore, dual operations may be involved.

HEARING: June 26, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Charles J. Murphy.

No. MC 118288 (Sub-No. 1), filed January 30, 1962. Applicant: STEPHEN F. FROST, 14750 Boyle Avenue, Fontana, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Los Angeles, San Francisco, and Alameda Counties, Calif., to points in Montana, including the Port of Entry on the International Boundary line between the United States and Canada at Sweetgrass, Mont., and (2) *fresh and dried fruits and vegetables*, from points in California, to points in Montana, including the Port of Entry on the International Boundary line between the United States and Canada at Sweetgrass, Mont., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: June 22, 1962, at the Los Angeles Statler Hilton, Los Angeles, Calif., before an examiner to be designated later.

No. MC 118811 (Sub-No. 3), filed February 15, 1962. Applicant: LAWRENCE McKENZIE, doing business as McKENZIE TRUCKING, Route 2, Winchester, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (on flat bed equipment only), from points in Clark County, Ky., to points in Illinois, Indiana, Maryland, Michigan, North Carolina (except those in Buncombe, Caldwell, Catawba, Guilford, and Iredell Counties, N.C.), South Carolina, Virginia, West Virginia, and those in Pennsylvania (except Erie, Jamestown, Lawrence Park, North East, and Wesleyville, Pa.), points in New York, on and east of U.S. Highway 15, points in Ohio (except Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Delaware, Hamilton, Lebanon, Lodi, Mansfield, Massillon, Middletown, Springfield, Washington Courthouse, Wright-Patterson Field, and Xenia, Ohio), and points in Tennessee (except those on U.S. Highway 27, and U.S. Highway 25-W from Jellico to Knoxville and U.S. Highway 11 from Knoxville to Chattanooga).

NOTE: Applicant states "the exception of named points above shall also except from the authority sought all points within the Commercial Zone, of each." Applicant further states, the five North Carolina Counties are excepted because applicant is authorized to serve same in No. MC 118811.

HEARING: June 11, 1962, at 11:00 o'clock a.m., United States standard time, at the Kentucky Hotel, Waltnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 118831 (Sub-No. 20), filed February 26, 1962. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, East College Drive, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juices*, in bulk, in tank vehicles, from points in Florida to points North Carolina and South Carolina.

HEARING: June 20, 1962, at the U.S. Court Rooms, Uptown Post Office Build-

ing, Raleigh, N.C., before Examiner Hugh M. Nicholson.

No. MC 118846 (Sub-No. 2), filed March 5, 1962. Applicant: DALE JESSUP, R.R. No. 1, Camby, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unprinted printing paper*, other than newsprint, from Bangor, Brewer, and Rumford, Maine, Lawrence, Mass., and Glens Falls and Cohoes, N.Y., to points in Madison, Hendricks, Hamilton, Marion, Tippecanoe, Huntington, Clinton, Montgomery, Morgan, Monroe, Delaware, Henry, Shelby, Johnson, and Putnam Counties, Ind.

HEARING: June 26, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 119268 (Sub-No. 10), filed April 25, 1962. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from New Orleans, La., and Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, and *exempt commodities on return trips.*

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 119493 (Sub-No. 5), filed February 20, 1961. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea* (other than liquid): (a) from Plattsmouth, Nebr., Woodstock, Tenn., Pryor, Okla., El Dorado, Ark., Atlas and Joplin, Mo., Military, Kans., and Memphis, Tenn., to points in Iowa, Kansas, Oklahoma, Arkansas, Nebraska, and Missouri; (b) from points in Louisiana, Arkansas, Tennessee, and Mississippi, to points in Missouri, Iowa, Oklahoma, Kansas, Nebraska, and Illinois; (c) from points in Missouri, to points in Kansas, Oklahoma, Nebraska, Iowa, and Illinois; (d) from points in Nebraska, Iowa, Kansas, Oklahoma, and Missouri, to points in Arkansas, Louisiana, Mississippi, Illinois, and Tennessee; (e) from points in Nebraska, Iowa, Kansas, Oklahoma, and Illinois, to points in Missouri; (f) from points in Illinois, to points in Nebraska, Iowa, Missouri, Kansas, Oklahoma, and Arkansas; (g) between the plant site of the Spencer Chemical Company at or near Military, Kans., to points in Minnesota, North Dakota, and South Dakota; (h) between the plant site of the Spencer Chemical Company located approximately two miles from Henderson, Ky., and the plant site of Spencer Chemical Company at or near Military, Kans. (2) *Asphalt and composition shingles;* from Joplin, Mo., to points in Arkansas, Oklahoma, and Kansas. (3) *Empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *damaged, defective, rejected or returned shipments;* from points indicated as destinations back to points indicated as origins in the foregoing.

NOTE: Applicant states no duplicating authority is sought.

HEARING: June 11, 1962, at the St. Louis Statler Hilton, St. Louis, Mo., before Examiner Charles J. Murphy, on a consolidated record with No. M-C-C-3306 MONKEM COMPANY, INC., INVESTIGATION AND REVOCATION OF CERTIFICATES, and MC 119493 MONKEM COMPANY, INC., Joplin, Mo.

No. MC 119555 (Sub-No. 1), filed April 2, 1962. Applicant: OIL INDUSTRY SUPPLIERS, LIMITED, 400 Archibald Street, St. Boniface, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil, petro chemical, petroleum products* and *food products*, in bulk, in tank vehicles, from Belmond, Iowa, Minneapolis and St. Paul, Minn., Wood River, Ill., and Grand Forks, N. Dak., to the port of entry on the international boundary between United States and Canada at Noyes, Minn.

HEARING: July 6, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

No. MC 119974 (Sub-No. 3), filed October 20, 1961. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, and *packinghouse supplies;* (1) Between Albert Lea, Minn., and Cedar Rapids, Iowa, on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to Merrill, Wis., thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to Junction U.S. Highway 12 near Elk Mound, Wis., and thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; and (2) Between Rochelle, Ill., on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to Merrill, Wis., thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to Junction U.S. Highway 12 near Elk Mound, Wis., and those along U.S. Highway 12 to the Wisconsin-Minnesota State line, and those in St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Buffalo, Jrempealeau, Jackson, La Crosse, and Monroe Counties, Wis.

NOTE: Applicant states it does not seek duplicating operating rights.

HEARING: June 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 120292 (Sub-No. 1), filed April 13, 1962. Applicant: C. L. TYRRELL, doing business as LOU TYRRELL TRUCKING COMPANY, P.O. Box 426, Chase, Kans. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pressure tanks*, 12,000 gallon capacity and larger, from the plant site of the Consumers Co-op Association, at or near Pratt, Kans., to points in Kansas, Colorado, Nebraska, Wyoming, North Dakota, South Dakota, Missouri, and Iowa; and (2) (a) *oilfield equipment, oilfield machinery and materials, heavy machinery* and *buildings*, within and between oilfields, and between supply points and oilfields within Kansas, and (b) *Machinery, pipe* and *other materials used in the construction, operation and maintenance of pipe lines and refineries*, and *heavy machinery, heavy and cumbersome commodities, and parts thereof*, between points in Kansas.

NOTE: Applicant states that it is presently operating under the authority obtained under provisions of the Second Proviso of section 206(a)(1) of the Act, as to movements specified in Part (2) above (which will be cancelled upon the granting of authority sought herein).

HEARING: June 25, 1962, at the Hotel Lassen, Wichita, Kans., before Examiner Charles J. Murphy.

No. MC 123486 (Sub-No. 4), filed February 23, 1962. Applicant: CAROLINA-VIRGINIA COURIERS INC., 519 East Trade Street, Charlotte, N.C. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents* and *written instruments* (except coin, currency and negotiable securities) *ordinarily used in the business of banks, banking institutions and customers of banks and banking institutions*, (a) between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina, restricted to shipments originating at or destined to the Federal Reserve Bank of Richmond, Charlotte Branch, Charlotte, N.C., (b) between Roanoke, Va., on the one hand, and, on the other, Winston-Salem, N.C., and (2) *exposed and processed film, complimentary replacement film, incidental dealer handling supplies* and *advertising literature* (except motion picture film ordinarily used in the business of motion pictures houses), between points in South Carolina.

NOTE: Applicant states it proposes to traverse Rabun County, Ga., for operating convenience only in (2) above. Applicant also states it is controlled by Arthur De Bevoise who also controls Armored Carrier Corporation, a contract carrier operating under MC 112750.

HEARING: June 28, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 123922 (Sub-No. 3), filed April 23, 1962. Applicant: CONTINENTAL BULK SYSTEM, INC., 1060 Broad Street, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine*, in bulk, in tank and hopper type vehicles, from Wallingford, Conn., to Chicago, Ill., and Odenton, Md.

HEARING: May 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 123982 (Sub-No. 3), filed March 30, 1962. Applicant: HOMER W. WOODRUFF, doing business as BUTLER COAL & OIL CO., 40 Mechanic Street, Port Jervis, N.Y. Applicant's attorney: Jerome Markovits, 90 North Street, Middletown, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, from Port Jervis N.Y., to Port Newark, Phillipsburg, Trenton, Florence, Jersey City, and Elizabeth, N.J.; and (2) *Scrap rags*, and *scrap batteries*, from Port Jervis, N.Y., to Scranton, Pa.

HEARING: June 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 124026, filed November 3, 1961. Applicant: DRAYAGE, INC., 5639 Sunset Boulevard, Los Angeles, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock, live poultry, commodities in bulk, and those requiring special equipment), restricted to shipments having prior or subsequent movement by air, between points in the Los Angeles Basin Territory of California as follows: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway 118, approximately two miles west of Chatsworth; easterly along California Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to California Highway 74; westerly along California Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific to point of beginning.

HEARING: June 19, 1962, at the Los Angeles Statler Hilton, Los Angeles, Calif., before Joint Board No. 75.

No. MC 124078 (Sub-No. 9), filed April 6, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from points in the Minneapolis-St. Paul Commercial Zone, and points within 25 miles thereof, to points in Minnesota, Iowa, Wisconsin, North and South Dakota, and the Upper Peninsula of Michigan.

NOTE: Applicant has contract carrier authority under MC 113832 and Subs 10 thru 19, 21, 24, 57, 60, 63, thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: July 5, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

No. MC 124107 (AMENDMENT), filed December 21, 1961, published FEDERAL REGISTER, issue of January 17, 1962, amended March 12, 1962, and republished as amended, this issue. Applicant: V. F. LANASA, INC., 1817 East Franklin Street, Richmond, Va. Applicant's attorney: Richard D. Obenshain, Mutual Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to Norfolk, Va., and (2) from Charleston, S.C., to Norfolk, Va., and *empty containers or other such incidental facilites* (not specified) used in transporting the above-described commodity, on return in (1) and (2) above. The purpose of this republication is to add route (2) as shown above.

CONTINUED HEARING: June 15, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner Hugh M. Nicholson.

No. MC 124111 (Sub-No. 1), filed January 11, 1962. Applicant: SANDUSKY TRUCK AND TRAILER COMPANY, a corporation, Route 20 East, Norwalk, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carriers Certificate, 61 M.C.C. 209, and 706*, (1) from Watertown, S. Dak., Winona, Minn., and Marshalltown, Iowa, to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, and (2) from New York, N.Y., Philadelphia, Pa., Boston, Mass., Wilmington, Del., and Baltimore, Md. to points in Illinois, Iowa, Minnesota, and South Dakota.

HEARING: June 21, 1962, at the Palmer House, Chicago, Ill., before Examiner Abraham J. Essrick.

No. MC 124127 (Sub-No. 1), filed January 26, 1962. Applicant: ALLEN RUSSELL, doing business as ALLEN RUSSELL TRUCKING COMPANY, Franklin, Ky. Applicant's attorney: Robert H. Cowan, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid starch concentrate*, in metal drums, from Kansas City, Mo., to Franklin, Ky., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, and (3) *starch*, in pressurized cans, between Franklin, Ky., Kansas City and St. Louis, Mo.

NOTE: Applicant has common carrier authority under MC 119519, therefore, dual operations may be involved. It is further noted that the proposed service will be under continuing contract with Faultless Starch Company of Kansas City, Mo.

HEARING: June 13, 1962, at the Kentucky Hotel, Waltnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 124166 (Sub-No. 2), filed March 15, 1962. Applicant: WILSON D. PUTT, 515 Lehigh Street, Jim Thorpe,

Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: I. *Zinc Dust*, from Palmerton, Pa., to Carlstadt, N.J., and II. (a) *Zinc Hydrosulphite Residue*, in bulk, in dump-type vehicles, and (b) *empty containers*, new or used, from Carlstadt, N.J., to Palmerton, Pa.

NOTE: Under a continuing contract with New Jersey Zinc Company.

HEARING: June 20, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 124217, filed February 15, 1962. Applicant: CHM TRANSPORT, INC., 351 Northwest F Street, Richmond, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated burial caskets*, in specially constructed equipment, from Richmond, Ind., to points in Indiana, Illinois, Iowa, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, and *damaged, rejected, refused and returned shipments*, on return.

HEARING: June 25, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 124234, filed February 23, 1962. Applicant: FURNITURE TRANSPORTERS, INC., McGill Street, New Albany, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, crated and uncrated, from points in Union, Lafayette, Panola, Quitman, Tallahatchie, Yalobusha, Calhoun, Chickasaw, Itawamba, Lee, Okitbbeha, Lowndes, Webster, Grenada, Alcorn, Monroe, Clay, Prentiss, Tishomingo, Tippah, Benton, Marshall, DeSoto, Tate, Tunica, Montgomery, Leflore, Winston, and Noxubee Counties, Miss., points in Shelby, Fayette, Hardeman, McNairy, Hardin, Crittenden, Madison, Haywood, and Tipton Counties, Tenn., points in Monroe, St. Francis, Phillips, and Cross Counties, Ark., and points in Franklin, Marion, Lawrence, Colbert, Winston, Lamar, Fayette, Pickens, and Tuscaloosa Counties, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin and (2) *Material used in manufacturing, crating* and *packaging furniture*, from the above-named destination states to the above-named origin counties.

NOTE: Applicant states "all of its capital stock is owned by Paul D. Kitchens of 304 Cleveland Street, New Albany, Miss., and Ben A. Kitchens of 366 Cleveland Street, New Albany, Miss. Paul D. Kitchens and Ben A. Kitchens own 85% of the outstanding stock of Merchants Truck Line, Inc., New Albany, Miss., a common carrier by motor vehicle operating pursuant to authority issued in Docket MC 77972".

HEARING: June 20, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 124239, filed February 23, 1962. Applicant: AMERICAN VAN LINE, INC., 2457 West State Street, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture pads, dollies and equipment ordinarily used by furniture movers*, from points in California, to Milwaukee, Wis.

NOTE: Applicant holds common carrier authority in MC 26812, therefore, dual operations may be involved.

HEARING: June 28, 1962, at the Federal Building, Milwaukee, Wis., before Examiner Abraham J. Essrick.

No. MC 124284, filed March 19, 1962. Applicant: G. K. WALKER, doing business as WALKER'S TRANSFER, 200 Barnette Avenue, Roxboro, N.C. Applicant's attorney: Edward Goldberg, Law and Finance Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), from the plant site of Challenger Products, Inc. located in Person County, N.C., to points in North Carolina, South Carolina, Virginia, Kentucky, Illinois, Wisconsin, Ohio, Indiana, New York, New Jersey, Delaware, West Virginia, Maryland, Pennsylvania, Michigan, and the District of Columbia, and (2) *Steel, aluminum, glass, vynil, raw materials and refused, damaged and rejected merchandise*, from the above-described destination points to the plant site of Challenger Products, Inc. located in Person County, N.C.

NOTE: Applicant states the proposed operation will be under contract for Challenger Products, Inc.

HEARING: June 21, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Hugh M. Nicholson.

No. MC 124288, filed April 2, 1962. Applicant: ATLANTIC AIR FREIGHT, INC., Box 606, Ardsley, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the New York International (Idlewild) Airport, New York, N.Y., La Guardia Airport, New York, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and on the other, points and places in Orange and Ulster Counties, N.Y., on and east of the New York State Thruway and within one mile west thereof, and south of, and including, Kingston, N.Y.; points and places in Dutchess County, N.Y., on and west of Taconic State Parkway and within one mile east thereof, and on and south of New York Highway 199; and points and places in Westchester, Putnam and Rockland Counties, N.Y., and Fairfield County, Conn.

HEARING: June 26, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 124306, filed March 27, 1962. Applicant: KENAN TRANSPORT COMPANY, a corporation, 2907 Hillsboro Road, Durham, N.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the Dixie Pipe Line Terminal at or near Cheraw, S.C., to points in North Carolina.

HEARING: June 22, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 124329, filed April 5, 1962. Applicant: RIVER VIEW MARINE SERVICE, INC., 2403 Fairmont Avenue, New Albany, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 52 feet in length, with or without equipment and accessories therefor, between Louisville, Ky., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Florida and Kentucky.

HEARING: June 15, 1962, at the Kentucky Hotel, Waltnut Street at Fifth, Louisville, Ky., before Examiner Armin G. Clement.

No. MC 124340 (Sub-No. 1), filed April 9, 1962. Applicant: A–P–A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J., Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper, paper products, fiberboard, fiberboard products*, and *paper machine rolls*, from Delair, N.J., (1) to Philadelphia and Chester, Pa., (2) to points in New Jersey on and south of U.S. Highway 46 and points in that part of Pennsylvania on and east of U.S. Highway 122, and on and south of U.S. Highway 209, and (3) to points in Delaware and points in that part of Maryland on and south of U.S. Highway 40 from the Delaware-Maryland State Line to Elkton, Md., and thence on and east of the Chesapeake Bay, and (B) *rejected shipments* of the above-specified commodities and *waste paper, rags, woodpulp, mill supplies* and *raw materials used in the manufacture of paper* and paper products, from points in the above-specified areas to Delair, N.J.

NOTE: Applicant holds common carrier authority in MC 25399, therefore dual operations may be involved.

HEARING: June 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 124342, filed April 9, 1962. Applicant: FLOYD F. HINES, 1902 Mitchell Avenue, St. Joseph, Mo. Applicant's attorney: Vernon N. Kneib, 401 Corby Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* (*including tractors and trucks*), and *replacements therefor*, by means of wrecker equipment, between points in Kansas, Iowa, Nebraska, and Missouri, and St. Joseph, Mo.

HEARING: June 19, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 124343, filed April 9, 1962. Applicant: JOSEPH P. REARDON, Belt Highway and Charles Street, St. Joseph, Mo. Applicant's attorney: Vernon N. Kneib, 401 Corby Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* (*including tractors and trucks*) and *replacements therefor*, by use of wrecked equipment, between points in Kansas, Iowa, Missouri, Nebraska, Oklahoma, and Illinois, and St. Joseph, Mo.

HEARING: June 21, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 124349, filed April 10, 1962. Applicant: C. E. THOMAS, doing business as THOMAS TRUCKING COMPANY, 402 West Oakland, Sumter, S.C. Applicant's attorney: Heyward E. McDonald, 300 Barringer Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, from Sumter, S.C., to points in Georgia, Florida, North Carolina, Virginia, Maryland, Delaware, New Jersey, District of Columbia, Pennsylvania, Indiana, Ohio, Kentucky, West Virginia, and Tennessee, *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 27, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 124353, filed April 11, 1962. Applicant: B&S HAULERS INCORPORATED, Box 914, Sylva, N.C. Applicant's attorney: Robert R. Williams, Jr., Plaza Building, 4 South Pack Square, Asheville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, rough, sawed and planed*, from points in Macon, Jackson, and Transylvania Counties, N.C., to points in Cobb, Fulton, De Kalb, Douglas, Clayton, Gwinnett, Stephens, and Spalding Counties, Ga., and points in Scott, Morgan, Knox, Washington, Sullivan, and Hamblen Counties, Tenn., points in Sumter, Florence, Richmond, Spartanburg, Greenville, and Charleston Counties, S.C., and points in Pittsylvania, Campbell, and Washington Counties, Va., (2) *Fertilizer, limestone and agricultural chemicals*, in bags, from Atlanta, Athens, and Whitestone, Ga., and Charleston and Spartanburg, S.C., to points in Buncombe, Henderson, Madison, Transylvania, Haywood, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties, N.C., (3) *Livestock and poultry feeds*, from Atlanta, Ga., to points in Macon County, N.C., and (4) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above in (1), (2), and (3), on return.

HEARING: June 18, 1962, at the George Vanderbilt, Asheville, N.C., before Examiner James H. Gaffney.

No. MC 124359 (CORRECTION), filed April 12, 1962, published FEDERAL REGISTER, issue of May 2, 1962, and republished as corrected this issue. Applicant: W. R. STEVENS, doing business as B—LINE, 1409 16th Avenue, Greeley, Colo. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. The purpose of this republication is to show applicant's attorney as shown above, inadvertently omitted from previous publication.

HEARING: Remains as assigned June 29, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 124385, filed April 20, 1962. Applicant: DONALD H. POSTEMA, doing business as POSTEMA TRUCKING CO., 7625 South Division Street, Grand Rapids, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, prefabricated buildings and component parts thereof*, from Grand Rapids, Mich., to points in Indiana, Illinois, Wisconsin, Ohio, and Tennessee, and *returned, rejected or damaged shipments of above commodities*, on return.

NOTE: Applicant states that the proposed operations will be under continuing contracts with Lumbermen's Pick-up, Bouma Tile & Acoustical Co., and Service Home Manufacturing Co., located in Grand Rapids, Mich., and Blink Lumber Co., located in Marne, Mich.

HEARING: June 13, 1962, at the Federal Building, Lansing, Mich., before Examiner William E. Messer.

No. MC 124390, filed April 20, 1962. Applicant: JAMES A. BAILEY, 5300½ Hillsboro Street, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, crushed stone, quarried granite and stone, and cast-stone products*, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida.

NOTE: Applicant states, that on return movements *empty containers or other such incidental facilities* (not specified) will be used in transporting the commodities specified above. It is further noted that the proposed service will be from quarry or place of manufacture to construction sites within the states shown above.

HEARING: June 20, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Hugh M. Nicholson.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub-No. 79), filed April 5, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between junction New Jersey Highways 17 and 4 in Paramus, N.J., and New York, N.Y., from junction New Jersey Highways 17 and 4 over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Depressed Highway in North Bergen, N.J., thence over Depressed Highway to junction Elevated Highway in Weehawken, N.J., thence over the Elevated Highway to the Lincoln Tunnel Plaza, and thence through the Lincoln Tunnel to New York, and return over the same route, serving all intermediate points. RESTRICTION: The service herein authorized is subject to the condition that no passengers shall be picked up in New York, N.Y., for discharge at points in New Jersey south of the Ramsey-Mahwah Township, N.J. (Mahwah Township formerly being known as Hohokus Township), boundary line, except at the junction of Union Avenue Extension and New Jersey Highway 17 in East Rutherford, N.J., and no passengers shall be picked up in New Jersey south of the Ramsey-Mahwah Township, N.J. (Mahwah Township formerly being known as Hohokus Township) boundary line for discharge in New York, N.Y., except at the junction of Union Avenue Extension and New Jersey Highway 17, in East Rutherford and except as otherwise authorized.

NOTE: Common control may be involved.

HEARING: June 8, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 668 (Sub-No. 81), filed April 16, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Franklin Lakes, N.J., and New York, N.Y., from junction Colonial Road and New Jersey Highway 208 in the Crystal Lake area of Franklin Lakes, N.J., thence over Colonial Road to junction High Mountain Road, thence over High Mountain Road to the Franklin Lakes-North Haledon, N.J., Municipal boundary line when High Mountain Road also becomes known as Belmont Avenue, thence over High Mountain Road to Squaw Brook Road, thence over

Squaw Brook Road to junction North Haledon Avenue, thence over North Haledon Avenue to the North Haledon-Hawthorne, N.J., Municipal line where North Haledon Avenue becomes Rea Avenue Extension, thence over Rea Avenue Extension in Hawthorne until it becomes Rea Avenue, thence over Rea Avenue to junction Goffe Road, thence over Goffe Road to junction Diamond Bridge Avenue in Hawthorne, thence over Diamond Bridge Avenue to junction Lincoln Avenue, thence over Lincoln Avenue to junction Harristown Road, thence over Harristown Road to junction New Jersey Highway 208 in Fairlawn, N.J., thence over New Jersey Highway 208 to junction New Jersey Highway 4 in Fairlawn, N.J., thence over New Jersey Highway 4, to junction New Jersey Highway 17 in Paramus, N.J. (Alternate Route, from junction New Jersey Highway 4 and Passaic Street in Paramus, N.J., over Passaic Street to junction New Jersey Highway 17 in Rochelle Park, N.J.) thence over New Jersey Highway 17 to junction New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 and through the Lincoln Tunnel to New York, N.Y., and return over the same routes, serving the intermediate points of Paramus on New Jersey Highway 4 only, Fairlawn, Glen Rock, Hawthorne, and North Haledon; (2) between points in Fairlawn, N.J., from junction Harristown Road and Elm Avenue, in Fairlawn, over Elm Avenue to junction Maple Avenue, thence over Maple Avenue to junction River Road, thence over River Road to junction Fairlawn Avenue, thence over Fairlawn Avenue to junction New Jersey Highway 208, and return over the same routes, serving all intermediate points.

NOTE: Applicant states it "is already authorized to operate over N.J. 208, serving Glen Rock and Fairlawn, and is already authorized to operate on N.J. 4, Passaic Street, and N.J. 17, and N.J. 3 through the Lincoln Tunnel to New York, N.Y., with closed doors. The route descriptions are repeated in the proposed service in order to remove any problems of segmentation of the proposed extension into Hawthorne, North Haledon and Franklin Lakes to applicant's existing service from Fairlawn, N.J., to New York, N.Y.". It is further noted that common control may be involved.

HEARING: June 18, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 668 (Sub-No. 82), filed April 18, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Midland Park and Wyckoff, N.J., as follows: from junction Central Avenue and Godwin Avenue in Midland Park, over Godwin Avenue to Wyckoff Municipal boundary line; thence over Godwin Avenue to junction Franklin Avenue; thence over Franklin Avenue to junction Wyckoff Avenue; thence over Wyckoff Avenue to junction Main Street; thence over Main Street to the New York, Susquehanna & Western Railroad station. Return from the New York, Susquehanna & Western Railroad station over Main Street to junction Franklin Avenue; and thence over Franklin Avenue and Godwin Avenue as described above to the point of beginning, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: June 25, 1962, in Room 212 State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 2796 (Sub-No. 3), filed April 2, 1962. Applicant: FULLINGTON AUTO BUS COMPANY, INC., Rear 314 Cherry Street, Clearfield (Clearfield County), Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with the passengers, in special operations, beginning and ending in the Borough of Clearfield and the Township of Lawrence, Clearfield County, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

HEARING: June 11, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Isadore Freidson.

No. MC 3647 (Sub-No. 324), filed April 11, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Frying (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Wayne Township, N.J.; from junction Ratzer Road and Oakwood Drive, over Ratzer Road to junction New Jersey Highway 23 and Black Oak Ridge Road (U.S. Highway 202), thence over Black Oak Ridge Road to Jackson Avenue, and return over the same route, serving all intermediate points.

HEARING: June 11, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 118832 (Sub-No. 5), filed February 14, 1962. Applicant: ALASKA HYWAY TOURS, INC., Box 670, Empress Theater Building, Fairbanks, Alaska. Applicant's attorney: A. T. Wendells, 455 Olympic National Life Building, 920 Second Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Seattle, Wash. and Ports of Entry on the International Boundary between the United States and Canada located at or near Blaine, Lynden and Sumas, Wash.; (1) From Seattle over U.S. Highway 99 to Blaine (also from junction U.S. Highway 99 and Alternate U.S. Highway 99 at or near Burlington, Wash., over Alternate U.S. Highway 99 to junction U.S. Highway 99 at Bellingham, Wash.), and return over the same routes, serving no intermediate points; (2) From Seattle over the above-described routes to Bellingham, Wash., thence over Alternate U.S. Highway 99 to the Port of Entry north of Lynden, and return over the same routes, serving no intermediate points; (3) From Seattle to Bellingham, Wash., over the routes described above, thence over Washington Highway 1 to junction Washington Highway 1A, thence over Washington Highway 1A to junction Washington Highway 1B near Nooksack, Wash., thence over Washington Highway 1B to the Port of Entry at or near Sumas (also from Bellingham over Washington Highway 1 to Kendall, Wash., thence over unnumbered highway to the Port of Entry at or near Sumas), and return over the same routes, serving no intermediate points; (4) From Seattle over the routes described in (2) above to junction Washington Highway 1B north of Bellingham, Wash., thence over Washington Highway 1B to the Port of Entry at or near Sumas, and return over the same routes, serving no intermediate points; and (5) From Seattle over Washington Highway 1J to Bothell, Wash., thence over Washington Highway 2 to Woodinville, Wash., thence over Washington Highway 1A to junction Washington Highway 1B near Nooksack, Wash., thence over Washington Highway 1B to the Port of Entry at or near Sumas, and return over the same route, serving no intermediate points.

NOTE: Applicant states it proposes to connect by way of Canadian highways and Alaska Ferry System with its present operating authority on Alaska highways at Haines, Alaska, and at the Port of Entry on the International Boundary between the United States and Canada on Alaska Highway 2.

HEARING: June 11, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237.

No. MC 124233, filed February 21, 1962. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, from Ports of Entry on the International Boundary line between the United States and Canada in Washington to points in Washington, Oregon, California, Nevada, Utah, Arizona, and Colorado.

HEARING: June 14, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before an examiner to be designated later.

No. MC 124295, filed March 23, 1962. Applicant: OSCAR JOHANSON AND REX WELLAND, a partnership, doing business as CENTURY BUS LINES, LTD., Glen Lake Post Office, Glen Lake, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and *their baggage* in the same vehicle with passengers, between the port of entry, Port Angeles, Wash., on the international boundary between United States and Canada, and Seattle, Wash., as follows: From Port Angeles, Wash., over U.S. Highway 101 to Maynard, Wash., thence Washington State Highway 9E to and over the Hood Canal Toll Bridge, thence southward to Winslow, Wash., over U.S. Highways 21 and 21A, and thence to Seattle by way of Washington State Ferries across Puget Sound, and return over the same route, serving no intermediate points in either direction.

NOTE: Applicant states that the operation is restricted to serve only passengers whose travel originates or is destined to Vancouver Island, British Columbia.

HEARING: June 12, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237.

No. MC 124370, filed April 13, 1962. Applicant: ACE TRANSPORTATION CO., INC., 1407 St. John Avenue, Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip charter operations, beginning and ending at points in a territory bounded by a line commencing at the Iowa-Minnesota State line and following Minnesota Highway 22 to its junction with Minnesota Highway 30, thence over Minnesota Highway 30 to its junction with Minnesota Highway 56, thence over Minnesota Highway 56 to Rose Creek, thence due south of the Iowa-Minnesota State line, thence following the Iowa-Minnesota State line to the point of beginning, and extending to points in Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: July 3, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 50), filed April 26, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street, NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the intersection of U.S. Highway 82 and Georgia Highway 257 (near Albany, Ga.) and Cordele, Ga., serving all intermediate points; from the intersection of U.S. Highway 82 and Georgia Highway 257 over Georgia Highway 257 to Cordele, and return over the same route.

NOTE: Applicant states it presently holds authority to serve Albany, Ga., and Cordele, Ga., over other routes.

No. MC 66562 (Sub-No. 1880) (AMENDMENT), filed April 4, 1962, published in FEDERAL REGISTER issue of April 18, 1962, republished this issue as amended May 1, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, 21, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Idaho Falls, Idaho, and Victor, Idaho.

NOTE: The purpose of this republication is to indicate that in these operations the intermediate and off-route points of Ririe, Rigley, Menan, Roberts, Rexburg, St. Anthony, and Driggs will also be served.

No. MC 106965 (Sub-No. 187), filed April 25, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1625 Jefferson Place, NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potassium silicofluoride*, in bulk, in tank vehicles, from Greensboro, N.C., to Baltimore, Md.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C., to southern Virginia.

No. MC 112617 (Sub-No. 116), filed April 23, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *rejected shipments*, on return.

No. MC 112617 (Sub-No. 117), filed April 23, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and *rejected shipments of above commodities* on return.

No. MC 124047 (Sub-No. 2), filed April 26, 1962. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Ironton, Ohio, to points in Tazewell, Dickenson, and Buchanan Counties, Va.

NOTE: Applicant states that Schwerman Trucking Co. of Ohio holds contract carrier authority under MC 111623 and subs thereto, to transport cement and other products, therefore, dual operations may be involved.

No. MC 124396, filed April 18, 1962. Applicant: ROBERT A. KAVANAUGH, doing business as EVANSVILLE-ILLINOIS EXPRESS, Alma, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between Evansville, Ind. and Brubaker, Ill., serving the off-route points of Augburg, Fairman, Keysport, Iola, Omega, Oskaloose, Tonti, Sailor Springs, Ingraham, Bogota, Wakefield, Passport, Wedelin, Bible Grove, and Boulder, Ill., and points within ten (10) miles of each; (1) from Evansville over U.S. Highway 460 to junction of Illinois Highway 1, thence over Illinois Highway 1 to junction of Illinois Highway 130, thence over Illinois Highway 130 to junction of U.S. Highway 50, thence over U.S. Highway 50 to junction of Illinois Highway 37, thence north over Illinois Highway 37 to junction of unnumbered highway, thence east to Brubaker, and return over the same route, and (2) as an alternate route for convenience, from Evansville over U.S. Highway 460 to junction of Illinois Highway 37, thence north over Illinois Highway 37 to junction of unumbered highway, thence east to Brubaker, and return over the same route.

No. MC 124414, filed April 26, 1962. Applicant: BENTLEY TRANSPORT CORP., 70–32 83d Street, Brooklyn 27, N.Y. Applicant's attorney: Arthur Schenkein, 111 Broadway, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flat rolled steel products, such as hot rolled, cold rolled and galvanized and pickled steel sheets, coil and strip, tin plate and tin mill black plate*, between the site of the warehouse of Glendale Steel Corporation located in New York, N.Y., and points in New York and New Jersey, and *rejected and refused shipments*, on return.

No. MC 124416, filed April 30, 1962. Applicant: ROBERT E. WITHERELL, doing business as BOB'S KEYSTONE SERVICE, 80 Water Street, Fredonia, N.Y. Applicants' attorney: Donald C. Brandt, 24 Water Street Fredonia, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and other highway vehicles designed for general highway transportation, which are wrecked, disabled, abandoned, repossessed, stolen, or embezzled*, with or without cargo, by wrecker equipment only, and *dollies*, where said vehicles are in such condition that the vehicle cannot

be towed, and *replacement vehicles and equipment for wrecked or disabled vehicles*, by wrecker service only, between points in Chautauqua County, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, Indiana, Illinois, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, Maryland, Delaware, West Virginia, Virginia, and the District of Columbia.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12806, filed April 23, 1962. Applicant: EDWARD H. WELLS, doing business as SCENIC TOURS, 302 View Street, Decorah, Iowa. Applicant's attorney: Ira J. Melaas, Jr., 301 West Broadway, Decorah, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Decorah, Iowa, in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicles with passengers, as individuals, in special and charter operations, beginning and ending at Decorah, Iowa (and points within 50 miles thereof located in Mitchell, Howard, Winneshiek, Alamakee, Floyd, Chickasaw, Clayton, Bremer, Fayette, Blackhawk and Buchanan Counties, Iowa, Crawford, Vernon, and La Crosse Counties, Wis., and Fillmore and Houston Counties, Minn.) and extending to points in the United States.

NOTE: Applicant is a shareholder in Scenic Hawkeye Stages, Inc.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8133. Authority sought for purchase by DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y., of the operating rights of ARTHUR JOHNCOX and WILSON W. JOHNCOX, a partnership, doing business as ARTHUR JOHNCOX & SON, R.F.D. No. 2, Ontario, N.Y., and for acquisition by HAROLD L. FURNESS, also of Fredonia, of control of such rights through the purchase. Applicants' representative: Raymond A. Richards, Webster, N.Y. Operating rights sought to be transferred: *Frozen fruits, frozen berries*, and *frozen vegetables*, as a *common carrier* over irregular routes, from points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to New York, N.Y., Boston, Mass., Newark and Jersey City, N.J., East Hartford, Conn., and Boyertown, Pa., with the RESTRICTION that the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, West Virginia, Kentucky, Michigan, Illinois, Indiana, Connecticut, Massachusetts, Tennessee, Rhode Island, Maryland, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8134. Authority sought for purchase by U.S. VAN LINES, INC., 59642 South U.S. 31, South Bend 14, Ind., of the operating rights of HAWKES TRANSFER & STORAGE CO., INC., 848 South First Avenue, Pocatello, Idaho, and for acquisition by HAZEN H. STEVENS, 2909 Buford Highway, Atlanta, Ga., ALLEN A. METCALF, SR., and ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., and ARCHIBALD H. STEVENS, 121 South Niagara, Saginaw, Mich., of control of such rights through the purchase. Applicants' attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between points in Idaho, on the one hand, and, on the other, points in Montana and Washington. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8135. Authority sought for purchase by TIGER EXPRESS, INC., 300 Bailey Street, Buffalo, N.Y., of a portion of the operating rights of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC. (presently in the name of S. & S. TRANSPORTATION, INC., see MC–F–8129, published in the April 25, 1962, issue of the FEDERAL REGISTER on page 3965), 600 Cayuga Creek Road, Cheektowaga 25, N.Y., and for acquisition by H. LEON McBRIDE, 9 Wisner Terrace, Goshen, N.Y., FRANK H. McBRIDE, Parkway, Goshen, N.Y., and H. LEON McBRIDE, JR., Hilltop Road, Goshen, N.Y., of control of such rights through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, 207 South Warren Street, Syracuse 2, N.Y., and Martin Werner, 2 West 45th Street, New York 36, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Buffalo, N.Y., on the one hand, and, on the other, points in Erie and Wayne Counties, N.Y., from New York, N.Y., to points in Cortland, Erie, Monroe, and Wayne Counties, N.Y., and from points in Monroe, Orleans, and Wayne Counties, N.Y., to New York, N.Y. Vendee holds no authority from this Commission. However, H. LEON McBRIDE and FRANK McBRIDE, are affiliated with McBRIDE TRANSPORTATION, INC., 281 West Main Street, Goshen, N.Y., which is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Ohio, Massachusetts, Connecticut, Maryland, Vermont, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8136. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, P.O. Box 5976, Dallas, Texas, of a portion of the operating rights of BILL FRADY & CO., Odessa, Texas, and for acquisition by W. O. HARRINGTON, Coppell, Texas, of control of such rights through the purchase. Applicants' attorney and representative respectively: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 2, Okla., and Bill Frady, 1434 Baseline Road, Boulder, Colo. Operating rights sought to be transferred: *Such commodities*, as require the use of special equipment by reason of size or weight, other than oil industry (Mercer-description) commodities, as a *common carrier* over irregular routes between points in Colorado, on the one hand, and, on the other points in Oklahoma and points in Texas, on and west of U.S. Highway 281. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Utah, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, West Virginia, Wisconsin, North Dakota, South Dakota, Missouri, Arizona, Nebraska, Colorado, Nevada, Pennsylvania, Montana, Alabama, Wyoming, Tennessee, Ohio, Oregon, Washington, Florida, Minnesota, Michigan, Iowa, New Jersey, New York, and Georgia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8137. Authority sought for purchase by C. H. MILLER, an individual, doing business as C. H. MILLER TRANSPORTATION, Post Office Box 1027, Oroville, Calif., of the operating rights of G. W. THOMAS DRAYAGE & RIGGING CO., INC., 114 14th Street, San Francisco 3, Calif. Applicants' attorney: Daniel W. Baker, Handler, Baker & Mastoris, 625 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over irregular routes between points in San Francisco, Calif., and *commodities*, requiring special handling by reason of their unusual size or weight, and in connection therewith, *parts*, when included in the same shipment, between recognized water terminals located on San Francisco Bay, at or south of San Francisco and Richmond, Calif., on the one hand, and, on the other, points within 100 miles of San Francisco, including San Francisco, between railroad and inland water terminals within 100 miles of San Francisco, on the one hand, and, on the other, points within 50 miles of such terminals, and between points in San Francisco, San Mateo, Santa Clara, Solano, Marin, Contra Costa, Sonoma, and Alameda Counties, Calif. Vendee is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8138. Authority sought for merger into OLD DOMINION FREIGHT LINE, 903 Catherine Street, Richmond, Va., of the operating rights and property of BOTTOMS-FISKE TRUCK LINES, INC., Westchester Drive, High Point, N.C., and for acquisition by MRS. L. C. CROWDER, Westchester Drive, P.O. Box 1189, High Point, N.C., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerney, Macdonald and McInerny, 1000 16th Street NW., Washington 6, D.C. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Charlotte, N.C., and Martinsville and Norfolk, Va., between Weldon, N.C., and Emporia, Va., between Durham, N.C., and Murfreesboro, N.C., between Greensboro, N.C., and Franklin, Va., serving all intermediate points and all off-route points within 25 miles of the above-specified routes, between Charlotte, N.C., and Greenville, S.C., in truckload lots only, serving no intermediate points, and over an alternate route for operating convenience only. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–4486; Filed, May 8, 1962; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37707: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B–8201), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads, as described in the application, from Armant, La., to points in western trunkline territory, also Illinois, Indiana, and Canada.

Grounds for relief: Carrier competition.

Tariffs: Supplements 223 and 125 to Southwestern Freight Bureau tariffs I.C.C. 3985 and 4262, respectively.

FSA No. 37708: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 436), for interested rail carriers. Rates on iron water meter service boxes, cellulose film, plastic film or sheeting, and wallboard cement, in carloads, also triethylene glycol, in less-than-carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of routes from and to points in other states not subject to the same competition.

Tariff: Supplement 29 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37709: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 437), for interested rail carriers. Rates on iron water meter service boxes, cellulose film, plastic film or sheet, cement wallboard, and other commodities named in the application, in carloads and less-than-carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 29 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–4481; Filed, May 8, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Camp Hill Industries, Camp Hill, Ala.; effective 4–30–62 to 4–29–63; learners may not be employed at special minimum wage rates in the production of separate skirts (jamaica shorts).

Elberton Manufacturing Co., Elberton, Ga.; effective 4–18–62 to 4–17–63 (women's blouses).

Elder Manufacturing Co., Carl Junction, Mo.; effective 4–16–62 to 4–15–63 (boys' and juveniles' shirts and pajamas).

Flushing Shirt Manufacturing Co., Grantsville, Md.; effective 4–16–62 to 4–15–63 (men's uniform shirts).

Fountain Hill Mills, Bishopthorpe and Cherokee Streets, Bethlehem, Pa.; effective 4–19–62 to 4–18–63 (men's, women's and children's knitted sports shirts).

Georgetown Dress Corp., Route No. 17 South, Georgetown, S.C.; effective 4–17–62 to 4–16–63 (children's cotton dresses and sportswear).

S. A. Kott, Co., Belton, S.C.; effective 4–20–62 to 4–19–63 (men's sports shirts).

Linn Manufacturing Co., Linn, Mo.; effective 5–1–62 to 4–30–63 (men's trousers).

Mode O' Day Corp., Plant No. 3, 59 South First West, Logan, Utah; effective 4–24–62 to 4–23–63 (women's cotton dresses).

J. H. Rutter-Rex Manufacturing Co., Inc., Franklinton, La.; effective 4–22–62 to 4–21–63 (men's cotton work pants).

Sherman Manufacturing Co., 1200 Main Street, Darlington, S.C.; effective 4–20–62 to 4–19–63 (ladies' house dresses).

The Solomon Co., Leeds, Ala.; effective 4–18–62 to 4–17–63 (men's and boys' dress trousers).

Stone Manufacturing Co., North, S.C.; effective 4–19–62 to 4–18–63 (men's outerwear shorts).

Trousdale Manufacturing Co., Inc., Hartsville, Tenn.; effective 4–20–62 to 4–19–63 (men's and ladies' tailored shirts).

Wentworth Manufacturing Co., 148 East Darlington, Florence, S.C.; effective 5–1–62 to 4–30–63 (women's cotton house dresses).

Wilburton Manufacturing Co., Fourth and Orange Streets, Mount Carmel, Pa.; effective 4–18–62 to 4–17–63 (women's dresses and housecoats).

Russell Williams Co., 418–428 West Mahanoy Avenue, Mahanoy City, Pa.; effective 4–20–62 to 4–19–63 (ladies' dresses).

J. M. Wood Manufacturing Co., Inc., Waco, Tex.; effective 4–20–62 to 4–19–63 (men's and boys' casual pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Essex Foundations, Inc., 111 Essex Street, Hackensack, N.J.; effective 4–19–62 to 4–18–63; 10 learners (brassieres and girdles).

Lyn-Gai Garment Co., Inc., 207 East Franklin Street, Sesser, Ill.; effective 4–18–62 to 4–17–63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' lined dusters, dresses, skirts, and jackets).

Mel Rose Manufacturing Co., 712 Commerce Street, Dallas, Tex.; effective 4–23–62 to 4–22–63; 10 learners (men's and boys' slacks).

Prescott Manufacturing Corp., Prescott, Ark.; effective 4–19–62 to 4–18–63; 10 learners (men's and boys' pajamas).

Ronox Dress, Inc., Noxen, Pa.; effective 4–19–62 to 4–18–63; 10 learners (ladies' cotton and rayon dresses).

Steele Apparel Co., Steele, Mo.; effective 4–18–62 to 4–17–63; 10 learners (maternity sportswear and separates).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark.; effective 5–7–62 to 5–6–63; 10 learners (men's and boys' trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 4–18–62 to 10–17–62; 10 learners (infants' and children's polo shirts).

Essex Foundations, Inc., 111 Essex Street, Hacksensack, N.J.; effective 4–19–62 to 10–18–62; 10 learners (brassieres and girdles).

Greene Manufacturing Co., Inc., Church and Bernard Streets, Greeneville, Tenn.; effective 4–20–62 to 10–19–62; 30 learners (ladies' dresses).

Riviera Sportswear Co., 1207 South Seventh Street, La Crosse, Wis.; effective 4–20–62 to 10–19–62; 75 learners. Learners may not be employed in the production of mattress covers, barrack bags and ammo pouches (children's and women's cotton dresses).

Selro Cambridge Manufacturing Co., Crisfield, Md.; effective 4–23–62 to 9–20–62; 50 learners (women's coordinates, slacks, jamaicas, and pedal pushers).

Steele Apparel Co., Steele, Mo.; effective 4–18–62 to 10–17–62; 20 learners (maternity separates and sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Dapper Hosiery Mills Inc., 110 Henry Street, Clinton, S.C.; effective 4–18–62 to 4–17–63; five learners for normal labor turnover purposes (ladies' seamless).

Kale Knitting Mills, Inc., Mebane, N.C.; effective 4–21–62 to 4–20–63; five learners for normal labor turnover purposes (seamless).

Prim Hosiery Mills, Chester, Ill.; effective 4–23–62 to 4–22–63; five percent of the total number of factory production workers for normal labor turnover purposes (women's full-fashion and seamfree).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Devon Kitting Mills, Bechtelsville, Route No. 1, Eshbach, Pa.; effective 4–18–62 to 4–17–63; five learners for normal labor turnover purposes (men's tee-shirts and briefs).

Newperry Manufacturing Corp., 44 Penn Avenue, Newport, Pa.; effective 4–20–62 to 4–19–63; five learners for normal labor turnover purposes (ladies' slips and petticoats).

Rob Roy Co., Inc., Ridgely, Md.; effective 4–18–62 to 4–17–63; five learners for normal labor turnover purposes (boys' swim trunks).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 4–23–62 to 10–22–62; 30 learners for plant expansion purposes (ladies' cotton, acetate, tricot, and knit panties).

Russell Manufacturing Corp., Labanon, Va.; effective 4–23–62 to 10–22–62; 20 learners for plant expansion purposes (women's and misses' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 3d day of May 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–4459; Filed, May 8, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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Washington, Thursday, May 10, 1962

THE UNIVERSITY OF MICHIGAN
MAY 14 1962
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3473

NATIONAL APPRENTICESHIP MONTH

By the President of the United States of America

A Proclamation

WHEREAS, in this era of rapidly changing industrial techniques and new approaches to many aspects of our economic life, the development of this Nation's skilled craftsmen is of vital importance to the continued national security and economic growth of the United States; and

WHEREAS, as America moves deeper into the challenging era of the space age and the expanding economy that will accompany it, the need for broadening the versatility and increasing the competence of our skilled craftsmen will grow; and

WHEREAS the Bureau of Apprenticeship and Training of the United States Department of Labor seeks to help achieve, through cooperative effort, a skilled work force adequate to the Nation's economic and security needs; and

WHEREAS the Bureau of Apprenticeship and Training stimulates those responsible for training to provide equal opportunities for all qualified individuals to acquire skills without regard to race, creed, sex, age, or physical handicaps, thus increasing the job opportunities, earning ability, and economic security of the individual worker; and

WHEREAS the Congress recognized the importance of apprenticeship training by enacting the National Apprenticeship Act, approved August 16, 1937 (50 Stat. 664); and

WHEREAS further development, expansion, and strengthening of apprenticeship training would benefit employees, employers, and the Nation:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the month of August, 1962, as National Apprenticeship Month.

I urge employers and union organizations which are not now training apprentices to take appropriate steps to assure the development of skilled workers in every local community; and I urge those which are now training apprentices to strengthen and expand their apprenticeship programs.

I also request the Department of Labor and other appropriate Federal agencies, and I invite State and local governments and organizations, to participate actively in the observance of National Apprenticeship Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of May in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4609; Filed, May 8, 1962; 4:33 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Texas Flaxseed Bulletin, Supp. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Texas Flaxseed Purchase Program

PURCHASE PRICES, PREMIUMS AND DISCOUNTS

A purchase program has been authorized for 1962-crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1962 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979) constitutes the 1962 Texas Flaxseed Purchase Program.

§ 421.1701 Purchase prices, premiums, and discounts.

(a) *1962 county purchase prices.* Basic purchase prices per bushel of eligible flaxseed of the 1962-crop produced in the authorized counties listed below which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for flaxseed grading No. 1 and containing from 10.6 to 11.0 percent moisture are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Aransas	$2.71	Karnes	$2.65
Atascosa	2.60	Kimble	2.52
Bastrop	2.60	Kleberg	2.69
Bee	2.70	La Salle	2.53
Bell	2.57	Lavaca	2.60
Bexar	2.60	Lee	2.63
Blanco	2.57	Live Oak	2.67
Bowie	2.49	McCulloch	2.52
Brooks	2.62	McMullen	2.62
Brown	2.54	Mason	2.54
Burnet	2.54	Matagorda	2.66
Caldwell	2.60	Maverick	2.47
Calhoun	2.62	Medina	2.59
Cameron	2.57	Milam	2.59
Coleman	2.51	Mills	2.54
Collin	2.54	Nueces	2.72
Colorado	2.67	Real	2.52
Comal	2.60	Red River	2.49
Concho	2.51	Refugio	2.70
De Witt	2.61	Runnels	2.49
Dimmit	2.49	San Patricio	2.73
Duval	2.64	San Saba	2.54
Frio	2.57	Taylor	2.47
Galveston	2.71	Travis	2.60
Goliad	2.66	Uvalde	2.52
Gonzales	2.60	Victoria	2.64
Guadalupe	2.60	Webb	2.56
Hamilton	2.50	Wharton	2.68
Hays	2.60	Willacy	2.58
Hildalgo	2.56	Williamson	2.59
Jackson	2.60	Wilson	2.63
Jim Hogg	2.61	Zapata	2.52
Jim Wells	2.69	Zavala	2.49

(b) *1962 terminal market purchase prices.* (1) The basic purchase price shall be $2.92 per bushel for No. 1 flaxseed containing 10.6 to 11.0 percent moisture delivered by rail in carload lots to authorized dealers at the Corpus Christi and Houston, Tex., terminal markets.

(2) The basic purchase price for flaxseed of such grade and quality delivered by truck to authorized dealers at the above terminal markets will be purchased by CCC under this program on the basis of the terminal rate minus 4½ cents per bushel.

(c) *Grade discounts.* The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) *Premiums for low moisture content.* The following premiums for low moisture content are applicable to eligible flaxseed:

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

(Sec. 4, 62 Stat. 1070, as amended sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed on May 4, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-4535; Filed, May 9, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

RATE OF PENALTY

Basis and purpose. The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1962 wheat marketing quota program at 65 percent of the May 1, 1962, parity price of wheat as required by section 122 of Public Law 87-128.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) with respect to public notice, procedure, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.1162 is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1962 crop wheat shall be $1.59 per bushel, which is 65 per centum of the parity price per bushel of wheat as of May 1, 1962, which is determined to be $2.44."

(Sec. 375, 52 Stat. 66, as amended, sec. 122, 75 Stat. 296; 7 U.S.C. 1375, 1340)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 4, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4547; Filed, May 9, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—CARROTS GROWN IN SOUTH TEXAS

Determination Relative to Limitation of Shipments

Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in south Texas, grade, size, quality, pack, and container regulations were made effective for the period November 1, 1961, through June 30, 1962, upon recommendation of the South Texas Carrot Committee (26 F.R. 10124; 27 F.R. 335, 1007, 3318, 3651). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and the regulations were issued to effectuate the declared policy of this act.

Prices received by producers of carrots grown in the production area averaged $2.21 per hundredweight for the season through April 15, 1962. This is 109 percent of the Texas parity equivalent price of $2.02 per hundredweight. It is now believed that the season average price will exceed the Texas parity equivalent price since it is estimated that less than ten percent of the south Texas crop remains to be marketed.

It is hereby found and determined, in accordance with paragraph (5) of section 602 of the Agricultural Marketing Agreement Act, as amended, that it is necessary to continue the aforesaid regulations in effect in order to avoid a disruption of the orderly marketing of the remainder of the current south Texas

carrot crop, and the continuation of such regulations will be in the public interest.

Dated: May 7, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-4545; Filed, May 9, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act for the period through December 1962:

(1) In § 1133.71, paragraphs (c) and (d).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will eliminate the "take-out and pay-back" seasonal pricing plan in the order for the current calendar year. The deduction ("take-out") of 30 cents per hundredweight is not necessary in order to attain an appropriate seasonal price reduction this year because of the effect on class prices of the recent reduction in support prices. Seasonal production in the market is fairly well adjusted and suspension of this seasonal pricing plan for 1 year should not have a significant effect on the seasonality of supplies.

(4) This suspension action is based on written views submitted by interested parties in the market pursuant to a notice of proposed suspension issued April 18, 1962. Support was received from producers' associations representing more than 75 percent of the producers supplying the market and from many independent producers. No opposing views were filed.

Therefore, good cause exists for making this order effective upon issuance.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period from the effective date hereof through December 31, 1962.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon issuance.

Signed at Washington, D.C., on May 4, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4548; Filed, May 9, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETATIONS

National Banks; Investment in Mortgage Loans Guaranteed by Administrator of Veterans Affairs, and Purchase of Participation Certificates Issued and Guaranteed by the Export-Import Bank of Washington

Part 7, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new §§ 7.3 and 7.4 as follows:

§ 7.3 National banks; investment in mortgage loans guaranteed by Administrator of Veterans Affairs.

The Comptroller of the Currency has interpreted section 24 of the Federal Reserve Act (12 U.S.C. 371), 38 U.S.C. 1802 (f) and 38 CFR 36.4600, 27 F.R. 2686 as indicated in the following letter addressed to counsel for a national bank:

We have your letter of April 9, 1962, requesting our opinion as to whether or not your client, a national bank, may properly under the provisions of section 24 of the Federal Reserve Act purchase from the Veterans' Administration (VA) residential mortgage loans which will shortly be offered for sale by the VA pursuant to section 36.4600 of the VA regulations.

The loans in question arise in the following manner: The VA has accumulated various residential properties by foreclosure or assignment as a result of defaults on mortgages guaranteed by the VA for veterans. The VA disposes of these houses on the best terms and conditions it can obtain in the market without reference to whether or not the purchaser is a veteran. In order to dispose of these properties, the VA has taken purchase money mortgages. It is these purchase money mortgages which the VA now proposes under its new regulation, section 36.4600, to sell to national banks and other financial institutions with the 100 percent guarantee of the Veterans' Administration.

The guarantee will take the form of an agreement by the VA to repurchase the loan from the national bank in the event of default which continues for a designated period of time and in certain other events of default, all of which are set forth in detail in section 36.4600 of the VA regulations.

The regulations of the VA authorizing the Administrator to make these guarantees have been issued pursuant to the authority granted to the Administrator in section 1820, Chapter 37 of Title 38 of the United States Code. Section 1820 confers the power on the Administrator to purchase and sell "upon such terms and for such prices as he deems to be reasonable" any real or personal property which has come into his possession pursuant to the operation of the Veterans' Administration. It would appear that the undertaking of the Administrator to guarantee the mortgages in question would be within his authority to dispose of such mortgages on such terms as he deems to be reasonable.

Section 1802(f) of Chapter 37, Title 38 provides as follows:

"(f) Any loan at least 20 per centum of which is guaranteed under this chapter may be made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company, organized or authorized to do business in the District of Columbia. Any such loan may be so made without regard to the limitations and restrictions of any other law relating to—

(1) ratio of amount of loan to the value of the property;

(2) maturity of loan;

(3) requirement for mortgage or other security;

(4) dignity of lien; or

(5) percentage of assets which may be invested in real estate loans."

The five restrictions listed in section 1802 (f) Title 38 just quoted, refer to section 24, Federal Reserve Act (12 U.S.C. 371). Since it appears that section 36.4600 of the VA regulations has been issued pursuant to authority granted in Chapter 37 of Title 38, United States Code, and since under section 1802(f) any loan which is guaranteed in an amount over 20 percent by the Administrator pursuant to Chapter 37 of Title 38 may be held by a national bank without regard to the limitations and restrictions numbered 1 through 5, as listed in section 1802(f), we are of the opinion that a national bank may purchase these guaranteed residential mortgage loans without reference to the enumerated 5 restrictions of section 24 of the Federal Reserve Act.

§ 7.4 National banks; purchase without limitation of participation certificates issued and guaranteed by the Export-Import Bank of Washington.

The Comptroller of the Currency has ruled with respect to the purchase by national banks of participation certificates issued and guaranteed by the Export-Import Bank of Washington as indicated in the following letter addressed to the President and Chairman of the Export-Import Bank of Washington:

Reference is made to your letter dated April 10, 1962, concerning the Participation Certificates, Series "A" of 1962, dated May 1, 1962, payable in 20 semiannual principal installments beginning November 1, 1962, with 4½ percent interest to be issued and guaranteed by the Export-Import Bank of Washington.

You have submitted for our examination draft copies of the announcement offering certain commercial banks these participation certificates, and the form of certificate. You request our opinion on whether national banks will be permitted to purchase these participation certificates and to what extent.

We have examined the documents submitted and it is our opinion that since the certificates in question will be guaranteed by Export-Import Bank of Washington, which is an independent agency of the U.S. Government, under the applicable statutes and regulations national banks will be permitted to purchase these certificates without limitation.

Dated: May 4, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-4534; Filed, May 9, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 442; Reg. No. SR-403B]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Certification and Operation of Certain Airplanes for Department of the Interior in Trust Territory of the Pacific Islands; Rescission of Special Civil Air Regulation

Special Civil Air Regulation No. SR-403A waived certain provisions of Parts 4b and 42 of the Civil Air Regulations to permit certification and operation thereunder of three SA-16A airplanes owned or controlled by the Department of the Interior.

Upon the Grant of Exemption No. 207, dated April 20, 1962, to the Department of the Interior for the operation of SA-16A airplanes within the Trust Territory of the Pacific Islands, Special Civil Air Regulation No. 403A became unnecessary since the substance of SR-403A was included in the exemption.

Since the provisions of SR-403A are no longer needed for the conduct of the operations within the Trust Territory, the regulation has become obsolete and is rescinded. This regulatory action involves no substantive change or additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Special Civil Air Regulation No. SR-403A is hereby rescinded effective May 10, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on May 4, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4525; Filed, May 9, 1962; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-63]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Petitions for Rehearing, Reargument, Reconsideration, or Modification Based on New Matter, and Time Limitations for Responses to Papers Served by Mail

MAY 3, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1962.

Sections 301.48(a) and 301.50(d) presently do not specifically provide that an offer of proof be incorporated in petitions for rehearing, reargument, reconsideration or modification of a Board order which are based on the alleged discovery of new matter. The Board is of the opinion that these sections should be amended to require that such petitions based on new matter be supported by an offer of proof as an aid in their evaluation. In the case of new testimony which would be adduced, the contents thereof shall be set forth in an affidavit by the prospective witness. If the evidence is documentary, the documents, or copies thereof, duly authenticated, shall be submitted. In those instances where the above requirements cannot be met the petition shall explain why such substantiation is not available.

Under § 301.13(d) whenever a party has the right, or is required, to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice is served upon him by mail, 3 days are added to the prescribed period. The Board is of the opinion that the various periods set forth in the rules for air safety proceedings afford the parties ample time for action. Since service is usually made by mail, deletion of the subject 3-day allowance will expedite the processing of these cases.

Since these amendments are not substantive rules but rules of agency procedure, notice and public procedure hereon are unnecessary and the amendments may be made effective upon less than 30 days' notice after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301) as follows, effective May 10, 1962:

1. Amend § 301.13(d) to read:

(d) *Extension of time.* Upon good cause shown in motions filed and served upon all parties, the Board or the examiner may grant extensions of the periods which are prescribed in this part for procedural steps prior to the Initial decision.

2. Amend § 301.48(a) to read:

(a) Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order. Initial decisions which have become final, in the absence of a timely notice of intent (under § 301.45(a)) or petition for discretionary review or because the Board has declined to order review thereof, shall not be deemed orders for this purpose. An original and eight copies of the petition shall be filed with the Board, and a copy shall be served upon all other parties within 30 days after service of the Board's order. The petition shall state, briefly and specifically, the matters of record alleged to have been erroneously decided, the ground relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that would result from the Board's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matter, the petition shall set forth such new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall explain why such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. Repetitious petitions will not be entertained by the Board.

3. Amend § 301.50(d) to read:

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.11 (b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within 2 days after service of such initial decision. No exceptions shall be filed but within 5 days of the notice of appeal, each party shall file one brief with the Board. Such briefs shall comply with the requirements of § 301.46 (c) and (e). The Board will give 3 days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new matter has been discovered. Such petitions shall set forth the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall state that such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. The Board upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity will be afforded to the parties to submit argument thereon.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpet or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4554; Filed, May 9, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-63]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Alteration

On April 4, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3194) amendments to §§ 600.1505 and 600.1534 of the regulations of the Administrator which realigned VOR Federal airway No. 1505 and VOR Federal airway No. 1534 between the Pottstown, Pa., VOR and the Solberg, N.J., VOR.

Upon publication of the FEDERAL REGISTER on April 4, 1962, it was noted that width of the altered segment of Victor 1505 did not coincide with that of the altered segment of Victor 1534 between Pottstown, Pa., and Solberg, N.J., although these airways utilize common radials for this segment. Therefore, action is taken herein to alter the width

of Victor 1505 between Pottstown, Pa., and Solberg, N.J., to coincide with the width of Victor 1534 on that segment.

Since this change imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 61–NY–63 (27 F.R. 3194) is hereby modified by deleting item 3 and substituting the following therefor:

3. In the text of § 600.1505 (26 F.R. 1081, 10875) "thence 10-mile wide airway to the Solberg, N.J., VOR; thence via the INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials;" is deleted and "thence via the INT of the Pottstown VOR 058° and the Solberg, N.J., VOR 242° radials; Solberg VOR; INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4502; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WE–55]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zone

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Las Vegas, Nev., control zone and to designate a control zone at Nellis AFB, Las Vegas, Nev.

The Las Vegas control zone is presently designated, in part, with reference to the Las Vegas radio range. The Federal Aviation Agency is converting the Las Vegas radio range to a radio beacon with transcribed weather broadcast facilities and the prescribed instrument approach procedures based on the radio range are being converted to ADF approach procedures concurrently with the facility conversion. Therefore, the description of the Las Vegas control zone will be altered herein to delete reference to the radio range.

In addition, under present designation the operations for the airports at McCarran Field and Nellis AFB are based on the weather report at McCarran Field. It has been determined that separate weather, communications and control tower service are available at both airports, and it is deemed advisable to designate separate control zones to obtain the maximum operational capability at McCarran Field and Nellis AFB. Such action is taken herein and will not change the existing configuration of the controlled airspace.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 601.2177 (14 CFR 601.2177) is amended to read:

§ 601.2177 Las Vegas, Nev. (McCarran Field), control zone.

Within a 5-mile radius of McCarran Field, Nev. (latitude 36°05'05" N., longitude 115°09'00" W.); and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles NE of the VORTAC.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2509 Las Vegas, Nev. (Nellis AFB), control zone.

Within a 5-mile radius of Nellis AFB, Nev. (latitude 36°14'10" N., longitude 115°02'00" W.); and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.4 miles SW of the airport.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4503; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–42]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Control Zone

The purpose of these amendments to §§ 601.1287 and 601.2289 of the regulations of the Administrator is to alter the descriptions of the Houghton, Mich, control area extension and control zone.

The Houghton control area extension and control zone are presently designated, in part, with reference to the Houghton radio range. This facility is being converted to a combination transcribed weather broadcast station and radio beacon in June 1962, and the prescribed instrument approach procedure based on the radio range is being changed to an ADF approach procedure concurrently with the facility conversion. Therefore, action is taken herein to substitute the Houghton radio beacon for the Houghton radio range in the descriptions of the Houghton control area extension and control zone. This action will not alter the extent of presently designated controlled airspace in the Houghton area.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.1287 (14 CFR 601.1287) is amended to read:

§ 601.1287 Control area extension (Houghton, Mich.).

Within 5 miles either side of the 018° and 198° bearings from the Houghton, Mich., RBN extending from the RBN to 25 miles N and S of the RBN.

2. Section 601.2289 (14 CFR 601.2289) is amended to read:

§ 601.2289 Houghton, Mich., control zone.

Within a 5-mile radius of the Houghton County Airport, Houghton, Mich. (latitude 47°10'00" N., longitude 88°29'-20" W.); and within 2 miles either side of the 018° bearing from the Houghton RBN extending from the 5-mile radius zone to 10 miles N of the RBN.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4504; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61–SW–111]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On February 14, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1364) stating that the Federal Aviation Agency proposed to alter the Brownsville, Tex., control zone.

In response to the notice, the Air Transport Association of America (ATA) recommended that the limits of the control zone extensions, for the protection of VOR and ADF instrument approaches, be increased from 8 miles to 10 miles from each facility. The basis for this recommendation by ATA would be to provide control zone protection to the procedure turn area. In addition, the ATA could see no requirement for the control zone extension beyond the ILS outer marker.

It is the policy of the FAA to designate the minimum amount of airspace required to sufficiently encompass the flight operations being conducted at a particular location. The designation of the Brownsville control zone extensions

to the procedure turn maneuvering area, for the VOR and ADF approaches, is not required because of ample protection being provided in the procedure turn area by the Brownsville control area extension. A review of the airspace requirements associated with the ILS instrument approach procedure indicates that the proposed control zone extension based on the ILS localizer course, is not required. Action is taken herein to reflect this change.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, section 601.2026 (14 CFR 601.2026) is amended to read:

§ 601.2026 Brownsville, Tex., control zone.

Within a 5-mile radius of the Rio Grande Valley International Airport (latitude 25°54'31" N., longitude 97°25'-28" W.), Brownsville, Tex., within 2 miles either side of the Brownsville RBN 343° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VOR, excluding the portion outside the United States.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4505; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WE–57]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2066 of the regulations of the Administrator is to alter the Pueblo, Colo., control zone.

The Pueblo control zone, as presently designated, is based, in part, on the Pueblo radio range. It has been determined that this portion of the control zone is no longer required for air traffic control purposes and may be revoked. Such action is taken herein. The Pueblo control zone east extension, based on the Pueblo VORTAC 087° True radial does not coincide with the prescribed VOR instrument approach final approach course and provides only a portion of the protection required for aircraft executing prescribed ILS backcourse instrument approach procedures. It has also been determined that the extension is not required beyond 8 miles east of the VORTAC. Accordingly, action is taken herein to realign the east extension to base it on the Pueblo VORTAC 081° True radial, reduce its length to 8 miles east of the VORTAC, and designate a new extension within 2 miles either side of the Pueblo ILS localizer east course extending from the 5-mile radius zone to 11 miles east of the localizer. This action results in a reduction in the extent of controlled airspace associated with the Pueblo control zone, although increasing slightly the width of the east extension to accommodate the change in alignment, and the designation of an extension associated with the ILS east course.

Since the size of the control zone will be reduced and the change effected by this amendment is less restricted in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2066 (14 CFR 601.2066) is amended to read:

§ 601.2066 Pueblo, Colo., control zone.

Within a 5-mile radius of the Pueblo Memorial Airport, Colo., (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles either side of the Pueblo VORTAC 081° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC and within 2 miles either side of the Pueblo ILS localizer E course extending from the 5-mile radius zone to 11 miles E of the localizer.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4507; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61–AN–52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Control Area Extension and Designation of Restricted Area

On March 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2128) stating that the Federal Aviation Agency proposed to designate a new restricted area near Big Delta, Alaska, and modify the Fairbanks, Alaska, control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following actions are taken:

1. In § 608.22 *Alaska* (14 CFR 608.22) the following is added:

R–2209 Little Delta, Alaska.

Boundaries. Beginning at latitude 64°08'-51" N., longitude 146°37'53" W.; to latitude 63°56'25" N., longitude 146°02'46" W.; to latitude 63°51'02" N., longitude 146°12'16" W.; to latitude 64°03'28" N., longitude 146°-47'47" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. April 1 to September 30, as advertised by NOTAM.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using Agency. Commander, Alaskan Air Command.

2. In the text of § 601.1275 (26 F.R. 12284) "R–2207 and R–2208" is deleted and "R–2207, R–2208, and R–2209" is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4506; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61–WA–169]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 753) stating that the Federal Aviation Agency proposed to extend Jet Route No. 4 from Florence, S.C., to Wilmington, N.C., and to extend radar jet advisory service on J–4 from Dallas, Tex., to Wilmington.

The Department of the Air Force made the following statements regarding activities being conducted by units of the Tactical Air Command and requested that they be considered prior to extending J–4 to Wilmington:

The area to the north of Myrtle Beach AFB is the only area void of airways that can be utilized for acrobatics and an air combat maneuvering area for three squadrons of F–100 aircraft based at Myrtle Beach AFB. Altitudes involved are from 10,000 to 40,000 feet.

This same area is utilized by three squadrons of F–105 aircraft from Seymour-Johnson AFB as their acrobatic, flight test, and combat maneuvering area.

Action is being taken to provide a high altitude refueling area that would lie from southwest of Seymour-Johnson AFB to north-northeast of Charleston, S.C. This area is required to provide an overland area for single engine jet aircraft during refueling training operations.

The Department of the Air Force also stated that this area is considered minimum size to adequately handle two tactical operational wings of high speed jet fighter aircraft, and the routing of civil jet air carriers through this area, even though they are provided radar advisory service, would create an unnecessary flight safety hazard.

Although not mentioned by the Department of the Air Force, Warning Area 177 (W–177) which was designated for Air Force use was recently increased by 745 square miles to a total of 3,443 square miles. It is assumed that in the interest of safety, the majority of the acrobatics, air combat maneuvering, and flight test activity by Myrtle Beach AFB will be conducted in W–177. Also, the Federal Aviation Agency considers that there is sufficient airspace free of jet advisory areas in the immediate vicinity of Seymour-Johnson AFB to contain similar activities conducted by aircraft staging from that base. As to the action to provide a high altitude refueling area southwest of Seymour-Johnson AFB to northeast of Charleston, should such area be established, Air Route Traffic Control will not normally clear IFR traffic through high level refueling areas while in use unless adequate separation between such IFR traffic and tanker/receiver aircraft is provided by a Federal Aviation Agency facility. The Air Transport Association of America endorsed this proposal. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (27 F.R. 99) Jet Route No. 4 is amended as follows:

a. In the caption, "Florence, S.C." is deleted and "Wilmington, N.C." is substituted therefor.

b. In the text "Columbia, S.C., to Florence, S.C." is deleted and "Columbia, S.C.; Florence, S.C.; to Wilmington, N.C." is substituted therefor.

2. In § 602.200 *Enroute jet advisory areas* (14 CFR 602.200) Jet Route No. 4 jet advisory area is amended to read:

Jet Route No. 4 jet advisory area. Radar—Los Angeles, Calif., to Wilmington, N.C.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4508; Filed, May 9, 1962; 8:46 a.m.]

[Airspace Docket No. 61–LA–20]

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area

On March 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2158) stating that the Federal Aviation Agency had under consideration a proposal by the Department of the Army to designate a restricted area near Hermiston, Oreg., for ordnance demolition purposes.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.57 *Oregon* (14 CFR 608.57), the following is added:

R–5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'–00" N., longitude 119°31'30" W.; to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0800 to 2000 Pst, Monday through Friday.

Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4509; Filed, May 9, 1962; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6599]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Filing of Certain Information

On January 5, 1962, notice of proposed rule making with respect to the amendment of paragraphs (a), (7), (8), and (9), (b), (c), (d), and (e) of § 1.404(a)–2 of the Income Tax Regulations (26 CFR Part 1) under section 404 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (27 F.R. 106). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided, subject to the changes set forth below:

Paragraphs (a) (8) and (9), and (d) of § 1.404(a)–2 are revised.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: May 7, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to require the use of Form 2950 to supply certain information required under § 1.404(a)–2 of the Income Tax Regulations (26 CFR Part 1), to require that such information be filed with the income tax return, and to make certain other administrative changes, paragraphs (a) (7), (8), and (9), (b), (c), (d), and (e) of such section are hereby amended to read as follows:

§ 1.404(a)–2 Information to be furnished by employer claiming deductions.

(a) • • •

(7) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held.

(8) A statement of the applicable limitations under section 404(a) (1), (2), (3), or (7) and an explanation of the method of determining such limitations, a summary of the data, and a statement of computations necessary to determine the allowable deductions for the taxable year. Also, in the case of a pension or annuity plan, a summary of the costs or liabilities and adjustments for the year under the plan based on the application of the methods, factors, and assumptions used under the plan, in sufficient detail to permit ready verification of the reasonableness thereof.

(9) A statement of the contributions paid under the plan for the taxable year showing the date and amount of each payment. Also, a summary of the deductions claimed for the taxable year for the plan with a breakdown of the deductions claimed into the following components:

(i) For contributions paid in the taxable year before giving effect to the provisions of paragraph (7) of section 404(a).

(ii) For contributions paid in prior taxable years beginning after December 31, 1941, in accordance with the carryover provisions of paragraphs (1) and (3) of section 404(a), before giving effect to the provisions of paragraph (7) thereof, and in accordance with the carryover provisions of section 404(d).

(iii) Any reductions or increases in the deductions in accordance with the provisions of paragraph (7) of section 404(a). However, if the information in this subdivision is filed prior to the filing of the information required by subparagraph (8) of this paragraph, then, in determining the limit of deduction under paragraph (7) of section 404(a), the applicable percentage of the compensation otherwise paid or accrued during the year may be used.

(b) For taxable years subsequent to the year for which all of the applicable information under paragraph (a) of this section (or corresponding provisions of prior regulations) has been filed, information is to be filed only to the following extent:

(1) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraph (a)(1), (2), or (7) of this section are based, a detailed statement explaining the change and its effect is to be filed only for the taxable year in which the change is put into effect. However, if there is no such change, unless otherwise requested by the district director, merely a statement that there is no such change is to be filed.

(2) The information specified in paragraph (a)(3) of this section which has been filed for a taxable year, unless otherwise requested by the district director and so long as the plan and the method and basis of allocations are not changed, is to be filed for subsequent years only to the extent of showing in the tabulation such information with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

(3) The information specified in paragraph (a) (4), (5), (6), (8), and (9) of this section.

In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(c) If a deduction is claimed under section 404(a)(5) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other paragraphs of section 404(a), that the amount paid is an ordinary and necessary expense or an expense for the production of income, and that the employees' rights to, or derived from, such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid. In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(d) For the purpose of the information required by this section, contributions paid in a taxable year shall include those deemed to be so paid in accordance with the provisions of section 404(a)(6) and shall exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section, "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the district director, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year with respect to which deductions are being claimed provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. All the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed, except that, unless sooner requested by the district director, such information, other than that specified in paragraph (a) (4)(i) and (9) of this section, may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

(e) In any case all the information and data required by this section must be filed in the office of the district director in which the employer files his tax returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 401(a). The district director may, in addition, require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401. For taxable years ending on or before December 31, 1961, the district director may waive the filing of such information required by this section which he finds unnecessary in a particular case. For taxable years ending after December 31, 1961, the Commissioner may waive the filing of such information.

[F.R. Doc. 62–4536; Filed, May 9, 1962; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

On January 30, 1962, a notice of proposed rule making with respect to regulations designated Part 295 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (27 F.R. 860). The proposed regulations would revise the regulations, which relate to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States, in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275); to provide specific standards for the removal of such articles, without payment of tax, for use of the United States, and to make miscellaneous clarifying and conforming changes.

In accordance with the notice, interested persons were afforded an opportunity to submit for consideration any comments or suggestions pertaining thereto. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

1. Section 295.25 is changed by inserting after the word "removal" the phrase "under this part,".

2. Section 295.31 is changed by rewording the second sentence.

3. Section 295.46 is changed by striking the word "the" before the initials "U.S." in the second sentence of the quoted material.

Effective date. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

[SEAL] JOHN W. S. LITTLETON,
Acting Commissioner of Internal Revenue.

Approved: May 7, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of Part 295 of this Chapter as amended by T.D. 6379, effective July 1, 1959, and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275).

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

Subpart A—Scope of Regulations

Sec.
295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B—Definitions

295.11 Meaning of terms.

Subpart C—Administrative Provisions

295.21 Alternate methods or procedures.
295.22 Emergency variations from requirements.
295.23 Authority of internal revenue officers to enter premises.
295.24 Interference with administration.
295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Subpart D—Removals

295.31 Restrictions.
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295.34 Loss or shortage in shipment.
295.35 Liability for tax.
295.36 Payment of tax.
295.37 Assessment.

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295.41 Packages.
295.42 Mark for packages of tobacco products.
295.43 Notice for manufactured tobacco.
295.44 Notice for cigars.
295.45 Notice for cigarettes.
295.46 Tax-exempt label.

Subpart F—Records

295.51 Supporting record.

AUTHORITY: §§ 295.1 to 295.51 are issued under authority of section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

This part contains the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B—Definitions

§ 295.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Armed forces. The Army, Navy (including the Marine Corps), Air Force, and Coast Guard.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Charge of the United States. A patient in a hospital or similar institution, or a Federal prisoner, if the hospital, institution, or prison is operated by a Federal agency and the support or care of such person results in a charge on, or an expense to, the United States Government.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Federal agency. A department or agency of the United States Government, including the American National Red Cross, and the U.S. Soldiers Home, Washington, D.C.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Administrative Provisions

§ 295.21 Alternate methods or procedures.

A manufacturer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that:

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.22 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 295.24 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Any person who, with intent to defraud the United States, purchases, receives, possesses, offers for sale, or sells or otherwise disposes of tobacco products or cigarette papers or tubes which, after removal under this part, without payment of tax, have been diverted from the purpose or use specified in this part, shall be subject to the criminal penalties and provisions for forfeiture prescribed by law.

(72 Stat. 1424, 1425, 1426; 26 U.S.C. 5751, 5762, 5763)

Subpart D—Removals

§ 295.31 Restrictions.

Tobacco products and cigarette papers and tubes purchased by a Federal agency with funds appropriated by the Congress of the United States may be removed, without payment of tax, in accordance with this part, for delivery to such Federal agency for gratuitous distribution under the supervision of such agency. Such articles purchased by a donor from a manufacturer, or donated directly by a manufacturer, may also be removed, without payment of tax, in accordance with this part, for delivery to a Federal agency for gratuitous distribution under the supervision of such agency to (1) charges of the United States or (2) patients in a hospital or institution operated by the Government of a State or the District of Columbia where the Federal agency maintains a program for such distribution to members or veterans of the armed forces of the United States in such hospital or institution. Tobacco products and cigarette papers and tubes removed under the provisions of this part may not be sold subsequent to removal.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.32 Under manufacturer's bond.

Removals of tobacco products and cigarette papers and tubes under this part shall be made under the bond filed by the manufacturer of such articles to cover the operations of his factory as required by section 5711, I.R.C., and regulations issued thereunder.

(72 Stat. 1418, 1421; 26 U.S.C. 5704, 5711)

§ 295.33 Return of shipment to factory.

Tobacco products and cigarette papers and tubes which have been removed, under this part, may be returned to the factory without internal revenue supervision.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.34 Loss or shortage in shipment.

Immediately upon receipt of information of a loss of all or part of a shipment, or of a shortage therein, of tobacco products or cigarette papers or tubes removed under this part, the manufacturer shall notify the assistant regional commissioner for the region in which the factory from which the articles were removed is located, furnish all pertinent details with respect to the loss or shortage, and either pay the tax due thereon in accordance with the provisions of § 295.36, or file claim for remission of the tax liability under the provisions of Parts 270 or 285 of this chapter, as the case may be.

(72 Stat. 1417, 1419; 26 U.S.C. 5703, 5705)

§ 295.35 Liability for tax.

The manufacturer who removes tobacco products or cigarette papers or tubes under this part shall be liable for the taxes imposed thereon by section 5701, I.R.C., until such tobacco products or cigarette papers or tubes are received by the Federal agency. Any person who possesses tobacco products and cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 295.36 Payment of tax.

Any tax which becomes due and payable on tobacco products and cigarette papers and tubes removed under this part shall be paid to the district director, for the district in which the factory from which such articles were removed is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment: *Provided*, That a manufacturer of tobacco products or cigarette papers or tubes may pay any tax for which he becomes liable under this part by an appropriate adjustment in his current semimonthly tax return, Form 3071, or his monthly tax return, Form 2137, as the case may be. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778, 72 Stat. 1417; 26 U.S.C. 6313, 5703)

§ 295.37 Assessment.

Whenever any person required by law to pay tax on tobacco products and cig-

arette papers and tubes fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart E—Packaging Requirements

§ 295.41 Packages.

All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer in packages which shall be of such construction as will securely contain the articles therein and maintain the mark, notice, and label thereon, as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, or (b) any indecent or immoral picture, print, or representation.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.42 Mark for packages of tobacco products.

Every package of tobacco products shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of such factory from which such products are to be so removed: *Provided*, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed under this part from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.43 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.44 Notice for cigars.

Every package of cigars shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701(b)(2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.45 Notice for cigarettes.

Every package of cigarettes shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.46 Tax-exempt label.

Every package of tobacco products and cigarette papers and tubes removed under this part shall have the words "Tax-Exempt. For use of U.S. Not To Be Sold." adequately imprinted on the package or on a label securely affixed thereto.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F—Records

§ 295.51 Supporting record.

Every manufacturer who removes tobacco products and cigarette papers and tubes under this part shall, in addition to the records kept under Part 270 of this chapter, keep a supporting record of such removals and shall make appropriate entries therein at the time of removal. The supporting record shall show, with respect to each removal, the date of removal, the name and address of the Federal agency to which shipped or delivered, the quantity and, with respect to large cigars, the class, for tax purposes. Appropriate entries shall also be made in the supporting record of any tobacco products or cigarette papers or tubes removed under this part which are returned to the factory. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that such information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. The supporting record shall be retained by the manufacturer for 3 years following the close of the year covered therein and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

[F.R. Doc. 62-4537; Filed, May 9, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

REQUIREMENTS FOR LICENSING

Notice of proposed rule making appeared in the FEDERAL REGISTER issue of April 21, 1962 (27 F.R. 3859). Consideration was given to data received relative to the proposed rules. The rules published as aforesaid have been adopted without substantive change as set forth below:

A new paragraph (g) is added to § 510.5 of Chapter IV of this title reading as follows:

§ 510.5 Requirements for licensing.

(g)(1) The purpose of this paragraph is to prescribe a temporary bonding rule and establish the form and amount of a surety bond to be filed with the Federal Maritime Commission by applicants for licenses as independent ocean freight forwarders, who on September 19, 1961, were not operating under a registration number issued by the Commission or who were so operating but failed to file an application for license in the prescribed form on or before January 17, 1962. This requirement is not applicable to other ocean freight forwarders.

(2) A rulemaking proceeding will be instituted at a later date for the promulgation of a bond in such form and amount as the Commission may require for industry-wide applicability. All applicants temporarily licensed upon the basis of the bond prescribed herein will be required to comply with any future bonding regulations adopted by the Commission.

(3) No license shall be issued to a person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of $10,000 on Form FMC-59, in the following form:

FEDERAL MARITIME COMMISSION

Surety Co. Bond No. ------
FMC License No. ------

INDEPENDENT OCEAN FREIGHT FORWARDER'S BOND

(Section 44, Shipping Act of 1916.)

Know all men by these presents, That we ----------, as Principal (hereinafter called Principal), and ----------, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America in the sum of ------ dollars ($ ------) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied, or is about to apply, for a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the Condition of this obligation is such that if the Principal shall, while this bond is in effect supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the ------ day of ------ 196--, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Secretary, Federal Maritime Commission, Washington 25, D.C., of any claims against this bond.

Signed and sealed this ---------- day of ----------, 196--.

(Please type name of signer under each signature.)

---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Corporate principal)	[Affix corporate seal]	
---------- (Business address)		
By ---------- ---------- (Title)		
---------- (Corporate surety)	[Affix corporate seal]	
---------- (Business address)		
By ---------- ---------- (Title)		

(Secs. 43, 44, Shipping Act, 1916 (75 Stat. 522, 523, 766); sec. 204, Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114)

Effective date: The rule in this part shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 3, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4541; Filed, May 9, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14499; FCC 62-460]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

Substitution of Certain Frequencies

In the matter of amendment of Parts 2 and 11 of the Commission's rules and regulations to substitute frequencies in the 162–174 Mc/s band available for assignment to non-Government stations transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the amendment of Parts 2 and 11 in the above-captioned matter;

It appearing that notice of proposed rule making in the above-entitled matter was adopted on February 6, 1962; and

It further appearing that notice of proposed rule making, which made provision for filing comments by March 16, 1962, and comments in reply by March 26, 1962, was duly published in the FEDERAL REGISTER on February 16, 1962 (27 F.R. 1459); and

It further appearing that comments were received from the National Committee for Utilities Radio, and that no reply comments were received; and

It further appearing, that the comments favored the proposal and are in agreement that the substitute frequencies in the 162–174 Mc/s band be made available to the non-Government hydrological and meteorological licensees; and

It further appearing, that no reason appears why the amendments should not be adopted as proposed, and that the public interest would be served thereby; and

It further appearing, that the authority for the issuance of this order is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That Parts 2 and 11 of the Commission's rules are amended effective June 11, 1962, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Footnote US13 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

2. Section 11.254(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
• •	• •	•
169.425	Operational fixed	4
169.450	do	4
169.475	do	4
169.500	do	4
169.525	do	4
170.225	do	4
170.250	do	4
170.275	do	4
170.300	do	4
170.325	do	4
171.025	do	4
171.050	do	4
171.075	do	4
171.100	do	4
171.125	do	4
171.825	do	4
171.850	do	4
171.875	do	4
171.900	do	4
171.925	do	4
• •	• •	•

3. Section 11.304(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

4. Section 11.354(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4

5. Section 11.504(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

6. Section 11.554(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4

[F.R. Doc. 62-4492; Filed, May 9, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Docket No. 33959]

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Quarterly Report Forms

At a session of the Interstate Commerce Commission, Division 2, held in its office in Washington, D.C., on the 1st day of May A.D. 1962.

By petition filed December 15, 1961, the American Trucking Associations, Inc., ask amendment of the order of March 7, 1961, in Motor Carrier Quarterly Report Form QFR–I (Class I Carriers of Property), 49 CFR 205.12 *Quarterly reports of property revenues, expenses, and statistics*, so that the terms thereof will not apply to Class I motor carriers of general freight subject to the terms of the order of March 7, 1961, in Motor Carrier Quarterly Report Form QFR–I–GF (Class I Common Carriers of General Freight), 49 CFR 205.12a *Quarterly reports of revenues, expenses and statistics—Class I common carriers of general freight;* petitioner also requests amendment of the latter order, 49 CFR 205.12a, so that quarterly reports filed under its terms will be due within 30 days after the close of the period to which they relate, in lieu of the 45 days now required, stating that carriers should have no difficulty filing Form QFR–I–GF within such period of 30 days. In connection with the requested amendment, continued reporting of data presently filed under Form QFR–I will require the addition of certain statistical items and a schedule, "Report of Man-Hours Paid for and Compensation of Drivers and Helpers", to revised Form QFR–I–GF, which items and schedule will be included therein.

Upon full consideration of the matters and things involved in the above described petition, and, it appearing that the changes to be made herein will not impose additional reporting burdens on carriers subject to the terms hereof, other than the reduction of time for filing Form QFR–I–GF, acceptable to the petitioner, compliance with the rulemaking procedures of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, will be unnecessary:

It is ordered, That § 205.12 and 205.12a of the above-described orders of March 7, 1961, be, and they are hereby modified and amended, with respect to reports for the quarter ended September 30, 1962, and subsequent quarters, to read as shown below.

It is further ordered, That 49 CFR 205.12 and 205.12a be, and they are hereby, modified and amended to read as follows:

§ 205.12 Quarterly reports of property revenues, expenses and statistics.

Commencing with reports for the quarter ended September 30, 1962, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of property as defined in § 182.01–1 of this chapter, carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, except carriers of general freight subject to the terms of § 205.12a, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR–I (Property), which is attached to and made a part of this section.[1] Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

[1] Form filed as part of original document. Printed copies of the new quarterly report Form QFR–I–GF are not yet available. Copies will be served upon the carriers as soon as the supply is available.

§ 205.12a Quarterly reports of revenues, expenses, and statistics—Class I common carriers of general freight.

Commencing with reports for the quarter ended September 30, 1962, and for subsequent quarters thereafter, until further order, all Class I common carriers of general freight, included in Class I carriers, as defined in § 182.01–1 of this chapter, carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR–I–GF (General Freight), which is attached to and made a part of this section.[1] Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order, of Motor Carrier Quarterly Report Form QFR–I (Property), and of Form QFR–I–GF (General Freight), shall be served on all Class I common and contract motor carriers of property subject to the terms of the respective paragraphs thereof, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4532; Filed, May 9, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES

Prescription Drugs; Further Proposal To Amend Labeling Requirements

In the FEDERAL REGISTER of November 10, 1961 (26 F.R. 10601), there was published a notice of proposal to amend § 1.106 of the prescription drug regulations. That notice stated in part:

The full disclosure requirements of § 1.106(b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Such circulars, brochures, etc. have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque * * *.

In response to the invitation to comment on the proposal, interested persons supplied a large amount of very pertinent and helpful comment. After consideration of the views submitted it was determined that a change should be made in the original proposal and that comment should be invited on this as well. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations providing for proper labeling of drugs in accordance with section 502 (c) and (f) of the act (21 CFR 1.106; 26 F.R. 295), as set forth below:

It is proposed to amend § 1.106 *Drugs and devices; directions for use* in the following respects:

1. By adding to paragraph (b) the following new subparagraph (6):

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the drug.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines, the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

2. By adding to paragraph (c) the following new subparagraph (7):

(7) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the drug.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

3. By adding to paragraph (d) the following new subparagraph (6):

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the device.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: May 4, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4527; Filed, May 9, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 16, 17, 18]

MARKING, BRANDING AND IDENTIFYING MEAT, MEAT BY-PRODUCTS AND MEAT FOOD PRODUCTS; LABELING; REINSPECTION AND PREPARATION

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering amending §§ 16.13, 17.8, and 18.7 of the Federal Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7) pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306).

The proposed amendments would add soy protein concentrate and calcium reduced dried skim milk to the lists in §§ 16.13(c); 17.8(c)(16), (27), (32), and (48); and 18.7(g) of permitted ingredients of sausage and certain other meat food products.

Soy protein concentrate is produced from soya flour by removing carbohydrates resulting in a concentrate having a minimum of 70 percent protein on a dry weight basis.

Calcium reduced dried skim milk is produced by modifying nonfat dry milk so that approximately 70 percent of its calcium is replaced by sodium.

The proposed amendment would serve to allow soy protein concentrate and calcium reduced dried skim milk in the same amounts under the same controls as for soya flour and nonfat dry milk, respectively.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of May 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-4546; Filed, May 9, 1962; 8:49 a.m.]

[9 CFR Part 76]

HOG CHOLERA, AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

On March 7, 1962, there was published in the FEDERAL REGISTER (27 F.R. 2179) a notice with respect to a proposed amendment of Part 76, Title 9, Code of Federal Regulations. After due consideration of all data, views, and arguments submitted in connection with the proposed amendment, it has been determined that certain modifications should be made therein. Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of September 6, 1961 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 75 Stat. 481), it is now proposed that the amended Part 76 read as follows:

GENERAL PROVISIONS

Sec.
76.1 Definitions.
76.2 Notice relating to existence of hog cholera, quarantines, eradication States, and regulations.
76.3 General restrictions.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.
76.5 Interstate movement of swine treated with virulent virus prohibited, except as provided.

MOVEMENT OF DISEASED AND EXPOSED SWINE

76.6 Interstate movement of diseased and exposed swine prohibited, except as provided.

INTERSTATE MOVEMENTS OF SWINE AND SWINE PRODUCTS

76.7 Movements to recognized slaughtering centers, public stockyards, licensed establishments, or approved stockyards or livestock markets.
76.8 Interstate movement of swine for feeding, breeding, or stocking purposes prohibited, except as provided.
76.9 Movements from public stockyards, or approved stockyards or livestock markets.
76.10 Other movements for feeding, breeding, or stocking purposes.
76.11 Movement of swine and swine products from a quarantined area.
76.12 Movement of swine and swine products through a quarantined area.
76.13 Movement of swine and swine products for special processing.
76.14 Special processing of swine products.
76.15 Movement of specially processed swine products.
76.16 Approved stockyards and livestock markets.
76.17 Notice relating to spread of disease through raw garbage.
76.18 Movement of swine fed raw garbage and products from swine fed raw garbage.
76.19 Other movements.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

76.30 Disinfection of vehicles which have contained interstate movements of diseased swine.
76.31 Cleaning and disinfecting vehicles and facilities.
76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.
76.33 Disinfectants to be used.

GENERAL PROVISIONS

§ 76.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division.* The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Hog cholera.* The contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine.* Swine that have been in contact with animals known to be or suspected of being affected with hog cholera.[1]

(f) *Virulent hog cholera virus.* The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera.

(g) *Modified live virus vaccine.* A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of Chapter I, Title 9, Code of Federal Regulations.

(h) *Killed or inactivated hog cholera virus vaccine.* A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the

[1] Research studies have shown that exposed animals may harbor hog cholera virus for indefinite periods; therefore the control and eradication of hog cholera requires that all such animals be included within the definition of exposed swine.

Secretary of Agriculture, issued pursuant to Subchapter E of Chapter I, Title 9, Code of Federal Regulations.

(i) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premises.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(k) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(l) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(m) *Interstate.* From one State into or through any other State.

(n) *Quarantined area.* A State or area quarantined under this Part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Non-quarantined area.* Any State or area not quarantined under this Part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(p) *Person.* Any person, company, or corporation.

(q) *Moved or movement.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable disease. Such stockyards are listed in 9 CFR § 78.14(a).

(s) *Approved stockyard or livestock market.* Any place where swine are assembled for public auction or private sale which is under State or Federal supervision, with an accredited veterinarian performing inspection and treatment of swine as prescribed in the regulations in this part, and which has been approved by the Director of Division under § 76.16.

(t) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(u) *Swine product.* Any carcass, part or offal of swine.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Clean stockyard.* A public stockyard or approved stockyard or livestock market in a quarantined area which is found by the Director of Division to be free from hog cholera and other contagious, infectious, or communicable diseases of swine.

(x) *Official vaccinates.* Swine vaccinated against hog cholera by one of the methods prescribed in § 76.9(b) or 76.10 (b) under the supervision of a Federal or State veterinary official, permanently identified as such a vaccinate as specified in this Part, and reported at the time of vaccination to the appropriate State or Federal agency.

§ 76.2 Notice relating to existence of hog cholera; quarantines; eradication States; and regulations.

(a) Notice is hereby given that hog cholera exists in swine in each State.

(b) There are no areas presently quarantined under these regulations because of hog cholera or other contagious, infectious, or communicable disease of swine.

(c) There are no States presently designated as hog cholera eradication States under these regulations.

(d) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of virulent hog cholera virus, with the exceptions as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(e) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this Part are promulgated to govern the interstate movement of swine and swine products.

§ 76.3 General restrictions.

Swine or swine products referred to in this part may not be moved interstate except in accordance with the regulations in this part.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

§ 76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.

On and after January 1, 1963, virulent hog cholera virus shall not be moved interstate except that:

(a) In specific cases and under such conditions as he may impose, the Director of the Animal Disease Eradication Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for particular purposes, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Disease Eradication Division.

(b) In specific cases and under such conditions as he may impose, the Director of the Animal Inspection and Quarantine Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for export, research, or biologics production, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Inspection and Quarantine Division.

§ 76.5 Interstate movement of swine treated with virulent virus prohibited except as provided.

On and after July 1, 1963, swine treated with virulent hog cholera virus, shall not be moved interstate, except as provided in this section.

(a) Swine treated with virulent virus, and not known to be affected with hog cholera, may be moved interstate if:

(1) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate and are consigned for immediate slaughter; or

(2) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate; are accompanied by a permit from the appropriate official of the State of destination; are moved interstate under such conditions as may be imposed by the Director of Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Division specifying any such condition imposed regarding the specific movement.

(b) Swine treated with virulent hog cholera virus for research and biologics production, and not known to be affected with hog cholera, may be moved interstate if accompanied by a permit from the appropriate official of the State of destination and under such conditions as may be imposed by the Director of the Animal Inspection and Quarantine Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Animal Inspection and Quarantine Division specifying any such conditions imposed regarding the specific movement.

MOVEMENT OF DISEASED AND EXPOSED SWINE

§ 76.6 Interstate movement of diseased and exposed swine prohibited except as provided.

(a) No swine which are affected with hog cholera shall be moved interstate for any purpose.

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in paragraph (c) of this section or in § 76.11 or § 76.13.

(c) Swine known to be, or suspected of being, exposed to hog cholera and which were officially vaccinated prior to such exposure and remained healthy for not less than 30 days following the last evidence of hog cholera in the herd, may be moved interstate under a certificate issued by a representative of the appropriate State or Federal agency for immediate slaughter at a recognized slaughtering center operating under Federal, State, or local meat inspection requirements; except that such movement may not be made into States designated in § 76.2(c).

INTERSTATE MOVEMENTS OF SWINE AND SWINE PRODUCTS

§ 76.7 Movements to recognized slaughtering centers, licensed establishments, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate to a recognized slaughtering center for immediate slaughter, or to a licensed establishment as defined in 9 CFR 101.1(q) for biologics production, or to a public stockyard, or to an approved stockyard or livestock market, and shall not be diverted en route for any other purpose; except that feeder, breeder, or stocker swine moved interstate for feeding, breeding, or stocking purposes from a public stockyard or approved stockyard or livestock market to another public stockyard or approved stockyard or livestock market shall be subject to the provisions of § 76.9(a).

§ 76.8 Interstate movement of swine for feeding, breeding, or stocking purposes prohibited except as provided.

No swine shall be moved interstate for feeding, breeding, or stocking purposes, except as provided in §§ 76.9 and 76.10.[1]

§ 76.9 Movements from public stockyards, or approved stockyards or livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes from public stockyards or approved stockyards or livestock markets, to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than three weeks, if:

(1) The swine have not been treated with anti-hog cholera serum alone or antibody concentrate alone; and

(2) The swine are inspected by a Divison inspector or accredited veterinarian at such yard or market; and

(3) The swine, upon such inspection, are found free from symptoms of hog cholera, in a thrifty condition, and are treated by a competent veterinarian under Division supervision, or by an accredited veterinarian in an approved stockyard or livestock market, in a portion of the yard or market set aside for that purpose, in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That swine officially vaccinated with modified live virus vaccine and serum prior to inspection or officially vaccinated with killed or inactivated hog cholera vaccine not less than 21 days prior to inspection[2] are not required to be so treated but are subject to the other provisions of this paragraph; and

(4) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(5) The swine are accompanied by a health certificate issued by a Division inspector at the public stockyard, or the accredited veterinarian at the approved stockyard or livestock market, showing place and date of issue, destination of shipment, record of official vaccination, and the permanent identification of the swine, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases; with a copy of the certificate forwarded to the appropriate livestock sanitary official of the State of destination; and

(6) The swine are transported in a clean and disinfected vehicle: *Provided, however,* That if the vehicle is not regularly used to transport livestock disinfection is not required.

(b) *Simultaneous inoculation method.* Swine required under this section to be treated shall be given simultaneous inoculation with anti-hog cholera serum or antibody concentrate and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate used with modified live virus vaccine shall be as follows:

(1) The dosage of serum or antibody concentrate for the treatment of swine shall in no instance be less than the respective dosage specified in subparagraph (2) of this section. The dosage of modified live virus vaccine for the treatment of swine should be the respective dosage suggested in subparagraph (3) of this paragraph.

(2) *Dosage of anti-hog cholera serum or antibody concentrate.* Except for swine under 20 pounds in weight, the dosage of serum should not exceed one cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose antibody concentrate (cubic centimeters)
Under 60	20	10
60–120	30	15
Over 120	40	20

(3) *Dosage of modified live virus vaccine.* The dosage of modified live virus vaccine should be that recommended on the product label by the license manufacturer for use with the amounts of anti-hog cholera serum or antibody concentrate given in subparagraph (2) of this paragraph.

§ 76.10 Other movements for feeding, breeding, or stocking purposes.

Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes to any destination if:

(a) The swin have not been treated with anti-hog cholera serum alone or antibody concentrate alone; and

(b) The swine are officially vaccinated not less than 21 days nor more than 1 year prior to shipment with the simultaneous inoculation of modified live virus vaccine prepared under license from the Secretary of Agriculture and a minimum of 15 cc. of anti-hog cholera serum or 7.5 cc. of antibody concentrate; or are officially vaccinated not less than 21 days nor more than 6 months prior to shipment with killed or inactivated hog cholera virus vaccine prepared under license from the Secretary of Agriculture; [3] with the dosage of such vaccines to be that recommended on the product label by the licensed manufacturer; and

(c) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(d) The swine are accompanied by a health certificate issued by an accredited veterinarian specifying the permanent individual identification of the swine and showing consignee, consignor, record of official vaccination, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

§ 76.11 Movement of swine and swine products from a quarantined area.

(a) Movement of swine: Swine may be moved interstate under this Part from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of hog cholera or other contagious, infectious, or communicable disease.

(b) Movement of swine products: (1) Swine products may be moved interstate under this Part from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this part from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of hog cholera and other contagious, infectious, or communicable disease: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases; (ii) swine products derived from swine, permitted interstate movement

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

[2] A period of at least 21 days is required for the development of immunity following the administration of killed or inactivated hog cholera vaccine; therefore this product should be used only for swine that have not been exposed to hog cholera and which will not be in contact with other herds, or in transit, for at least 21 days following administration.

under this part, which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases, and, if required by said Director, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this Part, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.12 Movement of swine and swine products through a quarantined area.

Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.13 Movement of swine and swine products for special processing.

Swine which have been exposed to hog cholera, or other contagious, infectious, or communicable disease, and swine products derived from such swine, may be moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, if moved under Division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.14 Special processing of swine products.

All swine products required under the regulations in this Part to be specially processed shall be heated to an internal temperature of at least 147° F. for 30 minutes.

§ 76.15 Movement of specially processed swine products.

Except as provided in § 76.11 and § 76.18, swine products which have been specially processed may be moved interstate without restriction under this part.

§ 76.16 Approved stockyards and livestock markets.

(a) Notices containing lists of stockyards and livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to these stockyards and livestock markets may also be obtained from the Division.

(b) The Director of Division is hereby authorized to approve stockyards and livestock markets for the purpose of the regulations in this part when he determines that the inspection and handling of swine are adequate to effectuate the purposes of the regulations in this part; and to remove any stockyard or market from the approved list when he finds that the inspection or handling of swine at such stockyard or market is no longer adequate to effectuate the purposes of such regulations.

§ 76.17 Notice relating to spread of disease through raw garbage.

Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, or other contagious, infectious, or communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

§ 76.18 Movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part to a slaughtering establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U.S.C. 71 et seq.), which handles products of swine fed any raw garbage, but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of Division as adequate to prevent the spread of disease, may be moved interstate without other restriction under this section.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate under this section if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.19 Other movements.

The Director of Division may authorize the interstate movement of swine or swine products, not otherwise authorized under this Part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases. The appropriate livestock sanitary officials of the State involved shall be promptly notified of any such action.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

§ 76.30 Disinfection of vehicles which have contained interstate movements of diseased swine.

Any railroad car, boat, truck, or other vehicle which has contained an interstate movement of swine affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected as soon as possible after the swine are unloaded and before further use. Any vehicle that has contained an interstate movement of swine destined to a place where Division inspection is maintained shall not be moved from such place until a Division inspector has ascertained the condition of the animals and the vehicle has been released or has been cleaned and disinfected, as directed by the inspector, in accordance with §§ 71.4–71.11 of this subchapter.

§ 76.31 Cleaning and disinfecting vehicles and facilities.

(a) Any railroad car, boat, truck, or other vehicle, and its equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) The Director of Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(d) The cleaning and disinfecting required by this section shall be done without expense to the Division.

(e) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with disinfectants as prescribed in § 76.33. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with disinfectants as prescribed in § 76.33.

§ 76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any approved stockyard or livestock market, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or when the Director has reason to believe may have been so infected or exposed, which he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard or market, or any portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencings, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.33.

§ 76.33 Disinfectants to be used.

The disinfections required under the regulations in this Part shall be performed with one of the following; except that in disinfections required because of hog cholera such disinfections shall be performed with the disinfectant as specified under paragraph (d) of this section:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(d) Permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under 9 CFR 71.10 and 71.11.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 40 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of May 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–4526; Filed, May 9, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–CE–26]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6214 and 601.6214 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 214 and its associated control areas are designated from Columbus, Ohio, to Pittsburgh, Pa. The Federal Aviation Agency has under consideration the alteration of Victor 214 by designating a new segment from the Richmond, Ind., VOR eastward to the Liberty Intersection (intersection of the Richmond VOR 090° and the Rosewood, Ohio, VORTAC 202° True radials).

Improved traffic control procedures have recently been inaugurated in the Dayton, Ohio, terminal area. As a result of these revised procedures, aircraft inbound to Dayton Municipal Airport and Wright-Patterson Air Force Base from the west and south are routed to clearance fixes via the Richmond 090° True radial. The designation of this clearance route as a Federal airway would improve air traffic service by reducing air traffic clearance phraseology. This action would result in a break in the airway between Liberty and Columbus. However, in the interest of chart simplification, existing airway numbers are used wherever possible in lieu of adding additional airway numbers.

The control areas associated with this airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 3, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–4510; Filed, May 9, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-58]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6027, 600.6112, 600.1751, 600.1753, 601.6027, and 601.6112 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 27 presently extends, in part, from Newport, Oreg., via Hoquiam, Wash., to Seattle, Wash. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 27 and its associated control areas by realigning it from the Newport VOR via the Astoria, Oreg., VOR, the Olympia, Wash., VOR, intersection of the Olympia VOR 010° and the Seattle, Wash., VORTAC 247° True radials to the Seattle VORTAC, and designating a west alternate from the Astoria VOR via the Hoquiam VOR to the intersection of the Olympia VOR 010° and the Seattle VORTAC 247° True radials. The airspace between the main and alternate airway would not be designated as controlled airspace. The width of this airway between the Newport VOR and the Astoria VOR would be increased to 11 miles for a distance of about 5 nautical miles from a point 45 nautical miles north of Newport. Realignment of Victor 27 would provide a shorter route for aircraft operating along the coastal airway between Newport and Seattle, and would provide more precise navigational guidance for operations on the portion between Newport and Astoria. Designation of a west alternate to Victor 27 from Astoria via Hoquiam to its intersection with the main airway southwest of Seattle would provide dual route capability between the Seattle terminal area and the coastal airway system. The proposed increased airway width between the Newport VOR and the Astoria VOR would provide protection for aircraft utilizing these facilities for airway guidance at a distance greater than 45 miles from the respective VOR's.

Concurrently with these actions, intermediate altitude VOR Federal airway No. 1751, which presently extends from Newport to Seattle via Hoquiam, would be realigned to extend from the Newport VOR via the intersection of the Newport VOR 005° and the Hoquiam VOR 167° True radials (site of the Astoria VOR), and the Hoquiam VOR, to the Seattle VORTAC: intermediate altitude VOR Federal airway No. 1753, which presently extends from Newport to Olympia, would be realigned and extended from the Newport VOR via the intersection of the Newport VOR 005° and the Olympia VOR 220° True radials (site of the Astoria VOR), Olympia VOR, and the intersection of the Olympia VOR 010° and the Seattle VORTAC 247° True radials, to the Seattle VORTAC; and the segment of intermediate altitude VOR Federal airway No. 1762 between Olympia and Seattle would be realigned to extend from the Olympia VOR via the intersection of the Olympia VOR 010° and the Seattle VORTAC 247° True radials to the Seattle VORTAC. This would provide for transition between the intermediate altitude route structure and the low altitude route structure proposed for realignment herein.

The Federal Aviation Agency also has under consideration the westward extension of low altitude VOR Federal airway No. 112 and its associated control areas from its present originating point at the Portland, Oreg., VORTAC to the Astoria VOR. This would provide a low altitude route for the protection of aircraft operating between Portland and Astoria.

The control areas associated with the low altitude airway alterations proposed herein would extend from 700 feet above the surface to the base of the continental control areas. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4511; Filed, May 9, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-39]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a transition area at Port Angeles, Coast Guard Air Station, Wash. The proposed transition area would be designated to extend upward from 700 feet above the surface within a 5-mile radius of the Port Angeles CGAS, Wash. (latitude 48°08'30" N., longitude 123°24'45" W.). This transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Port Angeles CGAS Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4512; Filed, May 9, 1962; 8:46 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 13577; Order No. E-18301]

TRANSATLANTIC ROUTE RENEWAL CASE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1962.

With the exception of a select few points on either side of the Atlantic,[1] the authorizations of Pan American World Airways, Inc. (PAA) and Trans World Airlines, Inc. (TWA) for transatlantic all-purpose operations have thus far been temporary. The most recent of these temporary authorizations expired on July 4, 1959. Similarly, the temporary authorizations of Seaboard & Western Airlines, Inc. (now Seaboard World Airlines) (Seaboard) to engage in transatlantic all-cargo operations expired on August 15, 1960. Through timely filed applications[2] all three carriers seek permanent renewal of their temporary authorizations, as well as further amendments of their transatlantic certificates. In addition, certain other applications which fit within the appropriate scope of a transatlantic route proceeding are pending on the Board's docket.[3] Therefore, we have decided to initiate a proceeding at this time to determine the future transatlantic air route pattern. This proceeding will go forward entirely separate and distinct from the Transatlantic Charter Investigation, Docket 11908.[4]

In 1945, in the North Atlantic Route Case,[5] the competitive route pattern operated by U.S. carriers across the North Atlantic was largely determined by a proceeding which was substantially expedited and otherwise aided by a prior study of the problem by the Board. That decision limited directly duplicating U.S.-flag carrier competition to the major gateway points of London and Lisbon, and thereby fundamentally embraced the concept of area competition. In a similar fashion, the U.S.-flag route across the Atlantic to South Africa was established in 1946 in the South Atlantic Routes Case.[6] Although the identity of the carriers authorized to operate some of the transatlantic routes and the amount of direct point-to-point competition have changed, the pattern itself has, to a large extent, prevailed. Various new points have been added to the routes, as, for example, the U.S. West Coast points in the West Coast-Europe Case.[7] The only major alteration of the general pattern other than the expansion of direct point-to-point competition, was the addition of Seaboard as an all-cargo carrier across the Atlantic in 1954.[8]

The proceeding required at this juncture should not be limited to a consideration of renewal of existing services. For, while a full pattern of all-jet service is now being offered by our two all-purpose carriers, there has been a steady downward trend in U.S.-flag carriers' participation in the North Atlantic market through the years. In 1961 our carriers moved only 37 percent of the total passengers, a 3 percent decrease from what they carried in 1959 and 1960. TWA's international operation had a net loss of almost $3.0 million for the year ended September 30, 1961, the latest final statistics tabulated. Its operations over the past eleven years have resulted in a net loss after interest of $475,000 and an average rate of return on total investment of 2.17 percent. Although PAA has operated profitably during this 1951-61 period, its rate of return on total investment has averaged only 6.44 percent. For the year ended September 30, 1961, PAA showed only a $1.8 million profit, a decided drop from 1959 and 1960. The Board's determination of the last renewal proceeding in 1952 was tempered by the limited data of record,[9] reflecting the lack of adequate experience by which to judge the basic route pattern. The basic route pattern may now be assessed with the results of 16 years of aggressive, competitive all-purpose carrier operations, and 6 years of operation of an all-cargo service by Seaboard.

In view of the basic simplicity of the pertinent pending applications, which involve no extensive request for new authority, the relatively stabilized nature of the air markets involved, and the abundance of historical data, an expedited procedural approach appears feasible. Not only have the routes been firmly established, the permanent traffic centers determined, the gateways on both sides of the Atlantic fully tested, and the impact of all-jet service demonstrated, but more historic traffic data are immediately available in this area than in any other international area. For example, we have all the pertinent monthly traffic data available for every North Atlantic IATA carrier from 1950 through 1961. Accordingly, an exhaustive study has been prepared by the staff of the results of these operations by the transatlantic carriers (see staff report on proposed transatlantic route, together with Appendices A through M).[10] The analysis in the study raises a question as to whether point-to-point competition between U.S.-flag carriers in transatlantic services should be continued or further steps taken to retain a second U.S.-flag round-the-world service. We are, therefore, instituting an investigation to determine whether the Board should modify, amend, or renew in whole or in part the certificates of PAA, TWA, and Seaboard.

The staff study suggests: (1) PAA would have exclusive access to London, Shannon/Dublin, and Frankfurt; TWA to Lisbon,[11] Paris and Rome; (2) the second round-the-world experiment would be ended by terminating TWA's route at Cairo and transferring its deleted points to PAA; (3) all other existing authorizations of PAA and TWA would be renewed except for the following which would be deleted: (a) Madrid on PAA's South Atlantic route; (b) PAA's mid-Atlantic route (San Juan-Azores-Lisbon-Madrid-Rome); (c) Barcelona, Marseilles, and Nice on PAA's North Atlantic route and (d) Philadelphia on TWA's route; (4) certification of PAA at Lagos, Nigeria; (5) renewal of Seaboard's all-cargo authority for an indefinite period without subsidy, plus the addition of Rome; (6) basically permanent authorizations for PAA and TWA, defined by specific points rather than areas; and (7) a new and separate group of coterminals—New York, Los Angeles, and San Francisco—for PAA on its North Atlantic route, subject to a closed-door restriction, but with stopover authority.

In order to assure that this proceeding develops relevant and material facts for our decision, all carrier participants will be expected to show why and in what manner, if any, the proposals of the staff should be modified, as well as supporting any other course which they might advocate. We are also consolidating herein as many of the currently docketed filings as fall within the scope of this case.

In view of the urgency for prompt action, the Board seeks a speedy resolution of the issues set forth herein and, accordingly, sets the matter down for an expedited hearing.

Accordingly, it is ordered:

1. That an investigation be and it hereby is instituted to determine whether the public convenience and necessity re-

[1] New York, Los Angeles, San Francisco and Newfoundland for both PAA and TWA; Marseilles, Lisbon, London, Shannon, Dublin and the Azores for PAA only; and Paris, Rome and Ireland for TWA only.

[2] PAA—Dockets 10468, May 4, 1959, and Docket 12590, June 14, 1961; TWA—Docket 10290, Mar. 12, 1959; Seaboard—Docket 9025, Sept. 26, 1957; Docket 11200, Mar. 4, 1960, and Docket 12752, July 7, 1961.

[3] Alaska Airlines—Docket 5170, Oct. 12, 1951; Wien Alaska Airlines—Docket 5386, Feb. 1, 1952; U.S. Overseas Airlines—Docket 7926, Apr. 17, 1956; Madrid Airlines of Spain—Docket 8256, Oct. 15, 1956; and city of New Orleans and Chamber of Commerce of New Orleans—Docket 9324, Mar. 6, 1958.

[4] Orders E-16023, Nov. 14, 1960, and E-17190, July 18, 1961.

[5] 6 CAB 319 (1945).

[6] 7 CAB 285 (1946).

[7] Order E-11567, May 16, 1957.

[8] Transatlantic Cargo Case, 21 CAB 671.

[9] "The limited data of record do not afford a sound basis for final determination of the transatlantic route pattern." North Atlantic Certificate Renewal Case, 15 CAB 1053, 1054-5.

[10] Filed as part of the original document.

[11] PAA would still retain authority to serve Lisbon on its South Atlantic route, subject to a long-haul restriction.

quire, and the Board should order, the alteration, amendment, modification, suspension, termination, or renewal, in whole or in part, of the certificates of Pan American World Airways, Inc., for routes 132 and 133; Trans World Airlines, Inc., for route 147; and Seaboard World Airlines, Inc., for route 119, in accordance with the staff proposals set forth in the study;

2. That the proceeding instituted herein shall be known as the Transatlantic Route Renewal Case, Docket 13577, and shall be set down for prompt hearing before an Examiner of the Board in Washington, D.C., at a time to be hereafter determined;

3. That Pan American World Airways, Inc., Trans World Airlines, Inc., Seaboard World Airlines, Inc., Alaska Airlines, Inc., Wien Alaska Airlines, Inc., Madrid Airlines of Spain, and the city of New Orleans and the Chamber of Commerce of New Orleans are hereby made parties to this proceeding;

4. That copies of this order should be served upon the parties listed in paragraph 3 and the Department of State, the Department of Defense and the Postmaster General;

5. That, insofar as they fall within the scope of this proceeding as described in the attached study at pp. 3–5, the following dockets are consolidated herein (the remaining portions thereof are dismissed without prejudice): Dockets 5170, 5386, 7926, 8256, 9025, 9324, 10290, 10468, 11200, 12590 and 12752;

6. That motions to modify the issues herein and to consolidate applications shall be filed within 20 days of the date of service of this order; [12]

7. That persons seeking intervention herein are directed to file petitions to intervene within 15 days from the date of service of this order:

8. That the petitions to intervene filed by the city of Cleveland and the Cleveland Chamber of Commerce are hereby granted;

9. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4553; Filed, May 9, 1962; 8:50 a.m.]

[Docket No. 5482 et al.]

REOPENED KANSAS-OKLAHOMA LOCAL SERVICE CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be heard on May 10, 1962, is postponed to a date to be later assigned.

[12] Petitions seeking reconsideration of this order will not be entertained.

Dated at Washington, D.C., May 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4550; Filed, May 9, 1962; 8:50 a.m.]

[Docket No. 13284]

AMERICAN SUSPENSION OF SERVICE TO MIDLAND-ODESSA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on May 17, 1962 at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., May 7, 1962.

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4549; Filed, May 9, 1962; 8:50 a.m.]

[Docket No. 12026]

SOURDOUGH AIR TRANSPORT

Notice of Oral Argument

In the matter of the application of Sourdough Air Transport for renewal of its certificate as a supplemental air carrier.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on May 23, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4551; Filed, May 9, 1962; 8:50 a.m.]

[Docket No. 11214]

TRANS-TEXAS AIRWAYS; EXCURSION FARES

Postponement of Prehearing Conference

In the matter of excursion fares proposed by Trans-Texas Airways.

Notice is hereby given that the prehearing conference in the above-entitled proceeding, presently assigned to be held on May 9, 1962, is postponed indefinitely.

Dated at Washington, D.C., May 7, 1962.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-4552; Filed, May 9, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33977]

FREIGHT, ALL KINDS, L.C.L., CONTAINER CHARGES—U.S.A.

Notice of Hearing and Special Procedure To Be Followed

MAY 1, 1962.

At a prehearing conference conducted on April 17, 1962, pursuant to notice, the following special procedure was agreed upon:

1. On or before May 17, 1962, Respondent, Railway Express Agency, to serve upon all parties and the examiner (two copies) opening statements of testimony (need not be verified) and supporting exhibits and to make the underlying working papers (except the IBM cards) available for inspection. Working papers not already deposited at the Commission's offices at Washington, D.C., will be made available, on request, at respondent's office at New York City.

2. On June 11, 1962, hearing will be held (primarily for cross-examination) at Hotel Shelburne, 37th and Lexington Avenue, New York City, at 10 a.m., U.S. standard time (10 a.m., local daylight saving time if that time is observed).

3. On or before July 9, 1962, Protestants to respond in a manner similar to that outlined in 1 above. (Working papers will be deposited with the Commission.)

4. On July 23, 1962, hearing will be held at the time and place listed in 2 above at which respondents may offer rebuttal statements and exhibits and make underlying documents available. All cross-examination to be completed. Testimony of shippers' witnesses may be offered at either hearing but should be reduced to writing and served upon all parties in advance if time permits.

This constitutes notice of hearing as required by § 1.55 of the general rules and practices.

By the Commission, C. H. Johns, Hearing Examiner.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4531; Filed, May 9, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FORD, CALIFORNIA

Sale of Town Lots

APRIL 9, 1962.

1. *Authority.* Pursuant to the reservations made by Executive Order 4225 of May 16, 1925, and Executive Order 10075 of August 18, 1949 (14 F.R. 5213), certain lots in the townsite of Ford, Calif., will be sold under section 2381, U.S. Revised Statutes (43 U.S.C. 712). The Manager of the Sacramento Land Office is authorized by section 2.9(r) of Part II of Bureau of Land Management Order No. 684 (26 F.R. 8216), to take all actions required to accomplish the sale of said lots under the applicable provisions of Title 43, Code of Federal Regulations, Part 255. The lots to be sold are designated on the official plats of supplemental survey of the townsite of Ford which were accepted June 19, 1950, and September 14, 1959.

2. *Lots, areas, and minimum prices.* The lots which will be offered for sale, and the areas and minimum prices thereof, are shown in the schedule below. The lands here involved, prior to the date of the reservations above cited, were included within Naval Petroleum Reserve No. 2, California, and were not subject to any type of settlement or occupancy which could form the basis of private entry or preemption claim.

3. *Public sale.* The lots designated for sale will be offered for sale by the Manager of the Sacramento Land Office or his representative at public outcry to the highest bidder at "The Fort," Taft, Kern County, Calif., on May 16, 1962, beginning at 10 a.m., daylight saving time.

4. *Payment.* No lots will be sold for less than the appraised price. The entire purchase price of the lots must be paid on the date of the sale to the officer conducting the sale. Payment may be made by personal check.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation showing that it is a corporation organized under the laws of the United States or of any State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of California.

6. *Manner of sale.* Bids and payments may be made in person or by an agent, but may not be made by mail nor at any time or place other than that fixed by this notice. In the townsite of Ford, Lots 1 and 2 of Block 2 will be offered for sale as a single unit.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots to be sold have been offered, the sale will be adjourned or closed as the officer conducting the sale may deem proper; and if the sale is closed, any unsold lots shall be reappraised as a basis for private entry whenever it is found that the amounts bid or the appraised prices are inadequate.

8. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale shall be subject to private entry at the price fixed by any reappraisal pursuant to paragraph 7 hereof, or if not reappraised, then at their appraised price, and said lots may be purchased from the Manager, Sacramento Land Office, Bureau of Land Management, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

9. *Reservations.* Patents for lots, when issued, will contain a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

The oil and gas deposits in the lands subject to this sale have been retained as a part of Naval Petroleum Reserve No. 2, California, and patents for the lots, when issued, will contain a reservation of such deposits.

10. *Warning.* All persons are warned against bargaining in a manner, forming any combination, or ordering any agreements, which will prevent any lot from selling advantageously or which will, in any way, hinder or prevent the sale. Any person so offending will be subject to prosecution under 18 U.S.C. 1860.

[SEAL] WALTER E. BECK,
Manager.

SCHEDULE OF LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY IN ACCORDANCE WITH NOTICE ISSUED BY SACRAMENTO LAND OFFICE, BUREAU OF LAND MANAGEMENT

FORD TOWNSITE

Block	Lot	Area in square feet	Appraised value and minimum price
2	1 and 2	11,926	$1,925
2	3	7,000	1,275
2	4	7,000	1,275
2	5	7,000	1,275
2	6	7,000	1,275
6	3	7,000	1,500
6	4	7,000	1,500
6	10	7,000	1,500
6	11	7,000	1,500
6	12	7,000	1,500
29	16	7,018	1,125
29	17	7,021	1,125
29	18	7,024	1,125
29	19	7,027	1,125
29	20	7,031	1,250
34*	1 and 2	14,000	2,300
50	15	7,000	1,250
50	16	7,000	1,250
50	17	7,000	1,250
50	18	7,000	1,250
50	19	7,000	1,250

*The tract marked with an asterisk (*) is occupied by improvements belonging to the First Baptist Church. In the event the owners of these improvements are not successful in bidding for the tract, a reasonable period of time will be allowed during which a successful bidder may negotiate as to the disposition of the improvements remaining upon the land at the time of purchase. The owners have the right either to remove any improvements which can be removed without substantial damage to the land or to sell them to a successful bidder. A successful bidder will be required to pay the owner a price mutually agreed upon with him for any improvements which he decides to leave on the land and which are of value to the successful bidder. Proof of such agreement and payment must be filed within a reasonable time with the Land Office Manager, Bureau of Land Management, 4201 U.S. Courthouse and Federal Building, Sacramento 14, California. Upon a showing of inability to agree, the Bureau of Land Management will determine the fair and reasonable value of the improvements to be left upon the land for which compensation must be paid. Failure of a successful bidder within a reasonable time to file proof of full compensation to an owner, as herein provided, will lead to vacation of the sale of the tract involved and the return of the high bid.

[F.R. Doc. 62-4524; Filed, May 9, 1962; 8:46 a.m.]

[W-0195835]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

MAY 4, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Wyoming 0195835, for withdrawal of the lands described below from location and entry under the general mining laws of the United States, subject to existing valid claims.

The applicant desires the land for recreational facilities.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyo.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

MEDICINE BOW NATIONAL FOREST

Bobbie Thomson Campground

T. 14 N., R. 79 W.,
Sec. 22: SE¼SE¼SW¼;
Sec. 27: E½NE¼NW¼, W½NW¼NE¼, NE¼SE¼NW¼, NW¼SW¼NE¼.

Total area aggregates 70 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-4518; Filed, May 9, 1962; 8:46 a.m.]

CHIEF, DIVISION OF ENGINEERING

Redelegation of Authority With Respect to Cadastral Engineering Matters

MAY 4, 1962.

Pursuant to the authority contained in Order No. 684 of August 28, 1961, of the Director, Bureau of Land Management, and subject to the limitation contained therein the Chief, Division of Engineering, is hereby authorized to perform in accordance with the existing policies, regulations, and procedures of the Department of the Interior, the functions of the State director as provided herein.

(a) The Chief, Division of Engineering, may take the following actions.

(1) Perform functions pertaining to the survey or resurvey of public lands in Utah pursuant to sections 453 of the Revised Statutes (43 U.S.C., sec. 2), except the acceptance of plats of survey and resurvey.

(2) Issue mineral survey orders and approved plats and field notes of mineral surveys and certify expenditures pur-

suant to 45 CFR 280.3 made upon the claims in the State of Utah.

R. D. NIELSON,
Utah State Director.

[F.R. Doc. 62-4519; Filed, May 9, 1962; 8:46 a.m.]

[Classification No. 61]

NEW MEXICO

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 67.08 acres, in Socorro County, N. Mex.; as suitable for sale under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682A), as amended.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 2 S., R. 1 W.,
Sec. 13, Lots 17 to 42 inclusive.

Containing 67.08 acres which have been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682A), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedures.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated: April 25, 1962.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-4520; Filed, May 9, 1962; 8:46 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service has filed an application, Serial No. W-04290, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for public recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Cook's Lake Recreation Area

T. 33 N., R. 44 E., W.M., Washington,
Sec. 24: S½SE¼NE¼, N½NE¼SE¼.
40 acres.

North Skookum Lake Recreation Area

T. 34 N., R. 45 E., W.M., Washington,
Sec. 31: SW¼ of lot 1; NW¼ of lot 2.
26.6 acres.

Parker Lake Recreation Area

T. 34 N., R. 43 E., W.M., Washington,
Sec. 3: W½SE¼NW¼, SW¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼, SW¼NE¼NW¼, NE¼NW¼SW¼, NW¼NE¼SW¼.
120.1 acres.

South Skookum Lake Recreation Area

T. 33 N., R. 44 E., W.M., Washington,
Sec. 1: Lot 1, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼.
70.02 acres.

The aggregate area of these lands is 256.72 acres.

J. E. BURT, Jr.,
Officer-in-Charge.

[F.R. Doc. 62-4544; Filed, May 9, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NICKEL SULFATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (§ 120.31 (c), (d)), notice is given that at the request of Rohm & Haas Co., 222 West Washington Square, Philadelphia, Pa., a temporary tolerance of 45 parts per million is established for residues of nickel sulfate in or on the grain and straw of barley, oats, rice, rye, and wheat. Conditions under which these temporary tolerances are established include the following:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product containing 19 percent anhydrous nickel sulfate to be used under experimental permit will not exceed 20,000 pounds.

This temporary tolerance expires April 6, 1963.

Dated: May 4, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4517; Filed, May 9, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

NUCLEAR ADVISORS, INC.

Order Designating Time and Place for Hearing

Pursuant to § 2.207 of the Commission's rules of practice (10 CFR Part 2) and the provisions of Part VI of the Order to Show Cause issued in this proceeding on April 6, 1962, Nuclear Advisors, Inc., on April 25, 1962, filed a timely answer to the Order to Show Cause and demanded a hearing herein.

In view of the foregoing and pursuant to § 2.202(c) of the Commission's rules of practice (10 CFR Part 2): *It is hereby ordered*, That a hearing to consider the issues specified in the Order to Show Cause dated April 6, 1962, will be held at 10:00 a.m., e.d.t., on June 14, 1962, in New York, N.Y., before a Presiding Officer and at a specific location to be designated in a subsequent order.

Dated at Germantown, Md., this 4th day of May 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-4500; Filed, May 9, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14617-14621; FCC 62-479]

MARTIN R. KARIG ET AL.

Order To Show Cause and Order of Designation for Hearing

In the matter of revocation of construction permit of Martin R. Karig for standard broadcast station WIZR, Johnstown, N.Y., Docket No. 14617; in re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, N.Y., Docket No. 14618, File No. BR-2958, for renewal of license for standard broadcast station WSPN, Saratoga Springs, N.Y.; in re applications of Radio Station WRSA, Inc., Troy, N.Y., Docket No. 14619, File No. BP-13827, requests 900 kc, 250 w, day; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, N.Y., Docket No. 14620, File No. BP-13828, has 900 kc, 250 w, day, requests 1280 kc, 1 kw, day; Genkar, Inc., Gouverneur, N.Y., Docket No. 14621, File No. BP-13899, requests 1230 kc, 250 w, U; for contruction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May, 1962;

The Commission having before it for consideration the above-captioned construction permit, renewal application, and applications for standard broadcast construction permits;

It appearing, that, except as indicated by the issues set forth below, each of the parties to this proceeding is legally, technically, financially, and otherwise qualified to construct and operate its proposed facility or to operate its existing facility; and

It further appearing, that information in the possession of the Commission concerning the past and the present broadcast activities of Martin R. Karig and certain of his associates has indicated the necessity of this consolidated proceeding; and

It further appearing, that Martin R. Karig has owned interests in standard broadcast stations since 1942, and that those past interests pertinent to this proceeding and Karig's present interests, as shown in the Commission's files, are as set forth in the table below:

Station and Martin R. Karig's interest
WWSC, Glens Falls, N.Y.—Stockholder in licensee, Great Northern Radio, Inc., from 1947 to 1957. Owned 100 percent of stock from Mar. 30, 1957, to May 20, 1959. Assignment of license approved latter date.
WSPN, Saratoga Springs, N.Y.—Acquired 25 shares (12½%) of voting stock by transfer approved Dec. 22, 1954. Allegedly disposed of this stock on May 1, 1959, pursuant to condition imposed by Commission in approving Karig's acquisition of negative control of Station WRSA, Saratoga Springs, N.Y.
WRSA, Saratoga Springs, N.Y.—Owner of 50 percent of voting stock, vice president and treasurer of Radio Station WRSA, Inc. The license of WRSA was cancelled on Mar. 28, 1962, at the licensee's request.
BP-13827, Troy, N.Y.—Same as WRSA, above. This is an application to establish a new station in Troy, N.Y., which would replace the former WRSA in Saratoga Springs.
WIZR, (CP), Johnstown, N.Y.—Currently individual permittee for new station.
BP-13899, Genkar, Inc., Gouverneur, N.Y.—Application for a new station. Karig is vice-president and has purchased or agreed to purchase, 25.2 percent of voting stock.

It further appearing that Kenneth H. Freebern is currently president and 35 percent stockholder in Spa Broadcasters, Inc., licensee of Station WSPN, and a former business associate of Martin R. Karig in that licensee; and

It further appearing that the facts of record set forth above, other information available to the Commission, and materials contained in the applications under consideration have raised substantial questions concerning the character qualifications of the various parties to this proceeding and certain of their principals; and

It further appearing, from all information available to the Commission, that:

a. From a time prior to the filing of the original application for the station which later became WSPN, and until late 1954, Martin R. Karig was an undisclosed party in interest in the affairs of Station WSPN. Following Karig's ostensible divestiture of all ownership interest in WSPN on May 1, 1959, Karig retained a concealed interest in the station and participated actively in its affairs. Both Karig and WSPN failed to report Karig's interest in WSPN, in violation of §§ 1.342 and 1.343 of the Commission's rules. Following May 1, 1959, Karig was a participant in the operation of both Station WSPN and Station WRSA, also in Saratoga Springs, in violation of § 3.35(a) of the Commission's rules.

b. On July 28, 1960, in a hearing concerning his application for a new station at Johnstown, N.Y. (now WIZR), Martin R. Karig testified falsely under oath regarding (a) the sale of his stock in WSPN in 1959, and (b) the accuracy and completeness of a financial statement dated April 30, 1960 and notarized May 13, 1960. In connection with the same hearing, Karig submitted a financial statement as of July 1, 1959, and notarized May 13, 1960, which was false and incomplete.

c. The application of Radio Station WRSA, Inc., BP-13827, for a new station at Troy, N.Y., contains apparent false financial representations concerning the availability of funds necessary to construct and operate the proposed station. (Martin R. Karig is treasurer, vice-president, and 50 percent stockholder of Radio Station WRSA, Inc.).

d. In 1958 Karig encouraged, assisted, and was in part responsible for the filing of two successive applications for a new standard broadcast station at Hudson Falls, N.Y., the apparent purpose of which applications was to impede, obstruct, or delay an application filed by Vacationland Broadcasting Corp. for a new station at Glens Falls, N.Y. The first of these applications was filed by Kenneth Freebern, then a business associate of Karig's and currently 35 percent stockholder in Station WSPN, with full knowledge of its purpose. The second application was filed by Ralph Romano, then a salesman for Karig at Station WWSC in Glens Falls, apparently without knowledge by Romano, at that time, that the application was intended to be other than legitimate.

e. Martin R. Karig approved and directed an arrangement whereby, in 1958 and 1959, the premises of Station WSPN, Saratoga Springs, N.Y., in whose licensee (Spa Broadcasters, Inc.) Karig was an officer and stockholder at the time, were used for transmitting racing results, by means of telephone from the station, to a person or persons involved in gambling or bookmaking activities in the area of Albany, N.Y.

f. Spa Broadcasters, Inc., and its officers and directors, have been grossly derelict and negligent in the supervision and conduct of the affairs of Station WSPN, Saratoga Springs, New York, during the last license period.

It further appearing that the following additional matters are to be considered in connection with the proposal of Radio Station WRSA, Inc., BP-13827:

a. In addition to questions of financial misrepresentations with regard to this application, a corollary question exists as to the availability of the funds necessary to construct the proposed station and commence operation.

b. The proposed operation meets the criteria of section 1.351 of the Commission's rules, as amended January 31, 1962.

c. By letter submitted September 22, 1961, Black River Radio, Inc., licensee of Station WBRV, Boonville, N.Y., agreed to accept interference from the proposed operation of Radio Station WRSA, Inc., provided that the unattenuated radiation of the proposed station is limited to 90.5 mv/m. Any grant of the Radio Station WRSA, Inc., application will be so conditioned.

It further appearing, that, in view of the foregoing, the Commission is unable to find that grants of the above-captioned three applications for construction permits and the application for renewal of license for Station WSPN would serve the public interest, convenience and necessity; that the evidence to be adduced in the hearing on any such application would to a substantial degree be pertinent to the hearing on each of the other applications; that, therefore, said applications must be designated for hearing in a consolidated proceeding; and

It further appearing that in view of the foregoing, a substantial question exists as to whether Martin R. Karig possesses the requisite character qualifications to be a licensee or permittee of the Commission; that the evidence to be adduced in the hearing on the above-mentioned applications would to a substantial degree be pertinent to the question as to the qualifications of Martin R. Karig as permittee of Station WIZR; that, accordingly, Martin R. Karig should be directed to show cause why construction permit of Station WIZR should not be revoked; and that, therefore, the hearing on the order to show cause should be consolidated with the hearing on the above-mentioned applications for construction permits and for renewal of license; and

It further appearing, that, since we are consolidating a revocation matter in this hearing proceeding, procedural convenience requires that the burden of proceeding and the burden of proof with regard to all issues relating to the character qualifications of the parties shall be carried by the Commission.

Accordingly, it is ordered, Pursuant to the provisions of section 312(a) (1), (2), and (4) of the Communications Act of 1934, as amended, that Martin R. Karig is directed to show cause why an order revoking his Construction Permit for standard broadcast Station WIZR, Johnstown, N.Y., should not be issued, and to appear and give evidence with respect to issues herein specified, at a hearing [1] to be held at Saratoga Springs,

[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Saratoga Springs, N.Y., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause, See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief

N.Y., at a time and place to be specified by subsequent Order, said time in no event to be less than thirty days after receipt of this Order; and

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications for construction permits and for renewal of license for standard broadcast Station WSPN, Saratoga Springs, N.Y., are designated for hearing in a consolidated proceeding, at Saratoga Springs, N.Y., at a time and place to be specified in a subseqent Order, upon the following issues:

1. To determine whether, during the period June 4, 1948 to February 13, 1952, Martin R. Karig held an ownership interest in the application, BP–6808, for a new station at Saratoga Springs, N.Y. (later WSPN), and whether Karig actively participtaed in the prosecution of that application.

2. To determine whether, during the periods (a) February 13, 1952, to December 22, 1954, and (b) subsequent to May 1, 1959, Martin R. Karig held an ownership interest in Spa Broadcasters, Inc., permittee and later licensee of Station WSPN, Saratoga Springs; whether Karig participated in the operation of Station WSPN during the periods indicated; and, if so, the nature and extent of his ownership interest and/or his participation.

3. To determine whether the licensee of Station WSPN and Martin R. Karig have, jointly or severally, at any time, failed to file various reports and agreements required by §§ 1.342 and 1.343 of the Commission's rules or have, in any reports or representations to the Commission, knowingly misrepresented or omitted material facts.

4. To determine whether Martin R. Karig has directly or indirectly held an ownership interest in, or participated in the operation of two standard broadcast stations at Saratoga Springs, N.Y., simultaneously, in violation of § 3.35(a) of the Commission's rules, or the Commission's policy promulgated thereunder.

5. To determine whether, in prosecuting an application for a new standard broadcast station at Johnstown, N.Y. (now WIZR), Martin R. Karig (a) testified falsely under oath with respect to finances in a hearing held on July 28, 1960 (Docket No. 13179), and (b) knowingly misrepresented or omitted material facts in the financial statement submitted with that application.

6. To determine whether, in financial statements contained in the application of Radio Station WRSA, Inc., concerning the capacity of that applicant to construct and operate its proposal for Troy, N.Y., the applicant has knowingly misrepresented or omitted material facts.

7. To determine whether Radio Station WRSA, Inc., is financially qualified to construct and operate its subject proposal for Troy, New York.

8. To determine whether Martin R. Karig was instrumental in bringing about the filing and/or prosecution of two successive applications for a new station at Hudson Falls, New York (BP–11968, filed by Kenneth H. Freebern, and BP–12472, filed by Ralph N. Romano), and, if so, whether Karig's purpose in whole or in part was to impede, obstruct, or delay grant of the application of Vacationland Broadcasting Corporation, File No. BP–11624.

9. To determine whether Kenneth H. Freebern filed the application, File No. BP–11968, for a new station at Hudson Falls, N.Y., with the purpose, in whole or in part, of impeding, obstructing, or delaying grant of the application of Vacationland Broadcasting Corporation, File No. BP–11624.

10. To determine whether Spa Broadcasters, Inc., licensee of Station WSPN, Saratoga Springs, N.Y. (with or without the participation of Martin R. Karig), in 1958 and 1959 used the premises and facilities of said station for the purpose of transmitting horse racing results, by means of telephone from the station, to a person or persons in Albany, N.Y., involved in illegal gambling and/or bookmaking activities.

11. To determine whether the principal stockholders and officers of Spa Broadcasters, Inc., maintained adequate control or supervision over the operation of Station WSPN during the past license period.

12. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Martin R. Karig, Spa Broadcasters, Inc., Radio Station WRSA, Inc., Genkar, Incorporated, and Kenneth H. Freebern, or any of them, possesses the requisite character qualifications to be a licensee or permittee of the Commission.

13. To determine, in light of the evidence adduced with respect to the foregoing issues, (a) whether the construction permit for Station WIZR, Johnstown, N.Y., should be revoked; (b) whether the application of Spa Broadcasters, Inc., for renewal of license of Station WSPA, Saratoga Springs, N.Y., should be granted; and (c) which, if any, of the subject applications for construction permits should be granted.

It is further ordered, That the revocation proceeding concerning the construction permit for Station WIZR and the hearing proceeding concerning the other subject applications for construction permits and for renewal of license for Station WSPN, are consolidated in a single hearing proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be placed upon the Commission, with respect to all issues concerning the character qualifications of the parties.

It is further ordered, That in the event of a grant of the application of Radio Station WRSA, Inc., the construction permit shall contain the following condition: "Permittee shall submit sufficient field intensity measurement data, before program tests are authorized, to prove that the radiation efficiency of the antenna system is essentially 90.5 mv/m as proposed."

It is further ordered, That, in the event of a grant of the application of Radio Station WRSA, Inc., for a new station at Troy, New York, the construction permit shall contain the following condition: "This authorization is subject to compliance by permittee with any applicable procedure of the Federal Aviation Agency."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.40 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4538; Filed, May 9, 1962; 8:48 a.m.]

[Docket Nos. 13067, 13068; FCC 62M–634]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Scheduling Prehearing Conference

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Mass., Docket No. 13067, File No. BP–12884; Transcript Press, Inc., Dedham, Mass., Docket No. 13068, File No. BP–12901; for construction permits.

The Hearing Examiner having under consideration the reopening of the record herein and remand of proceeding to the Hearing Examiner;

It is ordered, This 3d day of May 1962, that a prehearing conference is scheduled herein for June 1, 1962, at 10:00 a.m.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4539; Filed, May 9, 1962; 8:48 a.m.]

[Docket Nos. 12666–12668; FCC 62M–638]

PUBLIX TELEVISION CORP. ET AL.

Order Continuing Hearing

In re applications of Publix Television Corporation, Perrine, Fla., Docket No. 12666, File No. BPCT–2393; South Florida Amusement Company, Inc., Perrine, Fla., Docket No. 12667, File No. BPCT–2410; Coral Television Corporation, South Miami, Fla., Docket No. 12668, File No. BPCT–2493; for construction permits for television broadcast stations.

The Acting Chief Hearing Examiner, in the absence of the Hearing Examiner, having under consideration the evidentiary hearing herein now scheduled for May 8, 1962;

It appearing that good cause exists why said hearing should be continued to a later date;

Accordingly, it is ordered, This 4th day of May 1962, that the hearing herein now scheduled for May 8, 1962, be and the same is hereby continued to a date to be hereinafter determined by the Hearing Examiner.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4540; Filed, May 9, 1962; 8:48 a.m.]

Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

FEDERAL MARITIME COMMISSION

INTERNATIONAL EXPEDITERS, INC. (NEW YORK), ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8873 between International Expediters, Inc. (New York) and J. R. Michels, Inc. (Houston).

No. 8874 between International Expediters, Inc. (New York) and Milton G. West (Baton Rouge).

No. 8883 between Arthur J. Fritz & Company of Los Angeles and Jahrett Shipping, Inc. (New York).

The terms of the agreements are identical. Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The agreements are cooperative working arrangements between the parties under which they will perform freight forwarding services for each other, dividing forwarding and service fees and ocean freight brokerage as agreed upon after negotiation.

No. 8876 between J. W. Allen & Co., Inc. (New Orleans) and Trans-International Forwarders, Inc. (New York).

No. 8879 between Paul A. Boulo (Mobile) and Cosmos Shipping Co., Inc. (New York).

The terms of these agreements are identical. Each of the parties has been assigned an application number as an independent ocean freight forwarder pursuant to Public Law 87–254. The agreements are cooperative working arrangements between the parties under which they will perform freight forwarding services for each other, dividing the ocean freight brokerage equally. The party performing the service will retain the entire forwarding fee.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: May 7, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–4543; Filed, May 9, 1962; 8:49 a.m.]

[Docket No. 979]

A. H. BULL STEAMSHIP CO.

Revision of Rates on Fresh Fruits and Vegetables Requiring Ventilation or Refrigeration From Ports in Puerto Rico to United States Atlantic and Gulf Ports

On April 30, 1962, the Federal Maritime Commission entered the following First Supplemental Order to the original order in this proceeding dated March 8, 1962.

It appearing that by order dated March 8, 1962, the Commission entered into an investigation concerning the lawfulness of revised rates on "Fresh Fruits and Vegetables Requiring Ventilation or Refrigeration from Ports in Puerto Rico to United States Atlantic and Gulf Ports" in tariff schedules designated therein, and suspended the operation of said schedules to and including July 11, 1962; and

It further appearing that the Commission having found good cause therefor has on April 3, 1962, granted the A. H. Bull Steamship Co. special permission authority to cancel such suspended matter on less than statutory notice under Special Permission No. 3983 and pursuant thereto, such matter has been properly cancelled;

Now therefore it is ordered, That the investigation of A. H. Bull Steamship Co. rates on "Fresh Fruits and Vegetables Requiring Ventilation or Refrigeration from Ports in Puerto Rico to United States Atlantic and Gulf Ports", instituted under Docket No. 979 be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: May 7, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–4542; Filed, May 9, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2311]

BROWN CO.

Notice of Application for License

MAY 3, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Brown Company (correspondence to: John W. Jordan, vice president and secretary, Brown Co., 650 Main Street, Berlin, N.H.) for license for constructed Project No. 2311, located on Androscoggin River in the Town of Gorham, Coos County, N.H.

The project, known as the Gorham Hydroelectric Development, consists of: a timber-crib rock-fill dam surmounted with five-foot flashboards, concrete wing walls and earth abutment sections; a gatehouse structure located adjacent to the timber dam at the head of the canal; a canal about 3,350 feet long with walls and bottom of riprap construction; a gatehouse and powerhouse located at the lower end of the canal with the powerhouse containing four 1,400-horsepower horizontal turbines each connected to a 1,200-kilowatt generator; a tailrace; step-up transformers; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 18, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4513; Filed, May 9, 1962; 8:46 a.m.]

[Docket No. CP62-121 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Severance

MAY 3, 1962.

Natural Gas Pipeline Company of America et al., Docket No. CP62-121, et al.; Gulf Oil Corporation, Docket No. CI62-607; Union Producing Company, Docket No. CI62-639.

Notice is hereby given that the matters of Gulf Oil Corporation, Docket No. CI62-607, and Union Producing Company, Docket No. CI62-639, heretofore scheduled for hearing to be held in Washington, D.C., on May 10, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Natural Gas Pipeline Company of America, et al., Docket Nos. CP62-121, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4514; Filed, May 9, 1962; 8:46 a.m.]

[Docket No. G-14562 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Notice of Postponement of Hearing

MAY 3, 1962.

Tennessee Gas Transmission Company, Docket No. G-14562; Continental Oil Company, Docket No. G-13680; Magnolia Petroleum Company (Socony Mobil Oil Company, Inc.), Docket No. G-13827; Newmont Oil Company, Docket No. G-13948.

Upon consideration of the telegraphic request filed April 30, 1962, by Counsel for Continental Oil Company for postponement of the hearing now scheduled to commence on May 22, 1962, in the above-designated matters;

The hearing now scheduled for May 22, 1962, is hereby postponed to June 5, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4515; Filed, May 9, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Marine Midland Corp., which is a bank holding company located in Buffalo, N.Y., for the prior approval of the Board of the acquisition by applicant of direct or indirect ownership or control of 100 percent of the voting shares of Security National Bank of Long Island, Huntington, Long Island, N.Y.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 4th day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4516; Filed, May 9, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

IDAHO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Idaho, dated March 3, 1962 (27 F.R. 2135) as amended March 8, 1962 (27 F.R. 2260) is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 14, 1962:

Butte.

Dated: May 3, 1962.

J. M. CHAMBERS,
Acting Director,
Office of Emergency Planning.

[F.R. Doc. 62-4501; Filed, May 9, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MAY 4, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corp., File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corp., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 6, 1962, to May 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4521; Filed, May 9, 1962; 8:46 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

MAY 4, 1962.

In the matter of trading on the National Stock Exchange in the class A stock, par value 5 cents per share of Automated Procedures Corp., File No. 1-4579.

The class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on the National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 5, 1962, to May 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4522; Filed, May 9, 1962; 8:46 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MAY 4, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common assessable stock, $1.00 par value of Industrial Enterprises, Inc., File No. 1-4597.

The common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 5, 1962, to May 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4523; Filed, May 9, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HEIDI BRUNNER AND TRUDI (GERTRUDE) BRUNNHOFER-BRUNNER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Heidi Brunner, Berne, Switzerland, $2,071.56 in the Treasury of the United States. Claim No. 62983.

Trudi (Gertrude) Brunnhofer-Brunner, Berne, Switzerland, $2,071.56 in the Treasury of the United States. Claim No. 62984.
Vesting Order No. 19268.

Executed at Washington, D.C., on May 2, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-4528; Filed, May 9, 1962; 8:47 a.m.]

BANK VAN VLOTEN EN DE GIJSELAAR N.V.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bank van Vloten en de Gijselaar N.V., Keizersgracht 121, Amsterdam, Holland, $18,663.31 in the Treasury of the United States. Claim No. 41484.
Vesting Orders Nos. 4159 and 6258.

Executed at Washington, D.C., on May 2, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-4529; Filed, May 9, 1962; 8:47 a.m.]

MARIA BERTHA (ANNEMARIE) SCHLEE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Bertha (Annemarie) Schlee, 7 Karolinengasse, Vienna IV, Austria; $134.25 in the Treasury of the United States. The right to receive two-thirds of twenty-five (25%) percent of the author's share of the royalties from the performances of the musical play entitled "Ein Walzertraum." The author's share is computed by deducting from the performance royalties due Felix Bloch Erben twenty percent thereof representing the Siliwinski share. This property represents the interests of Leopold Jacobsen which was vested by the Alien Property Custodian under Vesting Order No. 3504 (9 F.R. 6271, June 9, 1944) (9 F.R. 13772, November 17, 1944). Claim No. 45005.

Executed at Washington, D.C., on May 4, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-4530; Filed, May 9, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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VOLUME 27 NUMBER 92

Washington, Friday, May 11, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3474

WORLD TRADE WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS the people of the United States recognize expanding world trade as a vital force in fostering growth and unity among the countries of the free world; and

WHEREAS American business, labor, agriculture, and consumers benefit whenever there is a significant expansion of American exports and imports; and

WHEREAS the development of the European Common Market, the Alliance for Progress, and the economic advancement of underdeveloped areas are major free world economic developments which are of profound importance to us; and

WHEREAS it is appropriate to set aside a period to give special recognition and emphasis to the significance of international trade and commerce:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning May 20, 1962, as World Trade Week; and I request officials of the Federal, State, and local governments to plan appropriate ceremonies and activities in observance of that week.

I urge business, labor, agriculture, educational and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, and other activities designed to promote continuing awareness of the importance of world trade and our policies toward it in strengthening our economy and the unity of the free world, and a better understanding of the vital new problems now confronting us.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of May in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62–4645; Filed, May 9, 1962; 2:06 p.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 918—FRESH PEACHES GROWN IN GEORGIA

Determination Relative to Expenses and the Fixing of Rate of Assessment for 1962–63 Fiscal Period

Notice was published in the April 20, 1962 issue of the FEDERAL REGISTER (27 F.R. 3818) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1962–63 fiscal period under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 918.201 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the said amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1962, will amount to $17,415.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at one cent ($0.01) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (2) the current fiscal period began on March 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4587; Filed, May 10, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of paragraph (a) of § 6.111 is amended as set out below.

§ 6.111 Department of Agriculture.

(a) *General.* • • •

(8) Not to exceed 6 Program Assistants, at or above the GS–13 level, who have acquired specialized knowledge and experience in agricultural programs at the State level of the Department, which is needed by the Department for the more efficient administration of its program. This authority may not be used beyond May 5, 1964.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4586; Filed, May 10, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (b) of § 6.308 as set out below.

§ 6.308 Department of Justice.

• • • • • •

(b) *Office of the Deputy Attorney General.* • • •

(6) Head, Executive Office of U.S. Marshals.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4597; Filed, May 10, 1962; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following Counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all counties in the State of South Dakota lying west thereof;

(3) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPher-

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son, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section and they are hereby designated as infected areas.

§ 74.3 **Designation of eradication areas.**

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following Counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all Counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds to the free areas and deletes from the infected and eradication areas all of that part of the State of North Dakota lying east of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary, as sheep scabies is no longer known to exist in such part. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to the specified part of this State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of May 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-4610; Filed, May 10, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 903; Amdt. 20–16]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Addition of Rotorcraft Class Ratings for Pilot Certificates

Section 20.120 of the Civil Air Regulations provides for the classification of aircraft ratings issued to private and commercial pilots. At present all aircraft using rotating airfoils as a source of lift are grouped under the category "rotorcraft," with no further breakdown into classes of rotorcraft. The majority of such aircraft are helicopters; however, there are some gyroplanes, and indications are that there may be many others in the near future.

A gyroplane, including the autogiro, is a class of rotorcraft, the rotors of which are caused to rotate by the action of the air when the rotorcraft is in motion, with the propulsion system independent of the rotor system except for initial starting. The helicopter, on the other hand, is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes. The flight characteristics of helicopters and gyroplanes are substantially different.

In actual practice, under Federal Aviation Agency policies set forth in Civil Aeronautics Manual 20, an applicant for a rotorcraft rating has been required to accomplish the airplane flight maneuvers if he is examined in a gyroplane, and the helicopter maneuvers if he is examined in a helicopter. Therefore, an applicant who obtained a rotorcraft rating in a gyroplane would not have demonstrated ability to handle a helicopter, with its distinctive takeoff, flying, maneuvering, and hovering characteristics; and an applicant who obtained a rotorcraft rating in a helicopter would not have demonstrated ability to handle a gyroplane.

Civil Air Regulations Draft Release No. 61–19 proposed to add helicopter and gyroplane class ratings to the rotorcraft category. While all comments received support the objective, some comments suggested additional ratings. The need for additional ratings is still under study.

This amendment provides for the establishment of helicopter and gyroplane class ratings within the rotorcraft category. Other incidental changes include defining "helicopter" and "gyroplane" as defined in Parts 6 and 7 of the Civil Air Regulations, and redefining "rotorcraft" to read the same as in Parts 6 and 7. The present definition of "class (of aircraft)" is being changed to "class of airplane," and a new definition, "class of rotorcraft" is being added.

Since hovering cannot be performed in gyroplanes, § 20.53, involving requirements for solo flight in rotorcraft, is being amended by adding the words "applicable to helicopter class only" in parentheses after the word "hovering."

Section 20.121(a)(1) is also being amended. This section applies to a pilot holding an airplane category rating who applies for a rotorcraft category rating. Because there have been questions raised as to whether more than 5 solo hours could be counted toward the total hours of dual and solo required, the wording is being clarified to require "at least" 5 solo hours. The total hours required is reduced from 25 hours to 15 hours. This reduction in required hours provides relief from unnecessarily high hourly requirements for the more stabilized rotorcraft now in production.

An alternative is being added to the hours of dual and solo experience required in rotorcraft, by permitting in place of the specified experience, the submission of a written statement from an appropriately rated flight instructor recommending the applicant as qualified for the flight test. The alternative is a relief from what would otherwise be an unnecessary burden to applicants for a rotorcraft rating who already hold an airplane rating and who may require less than the specified times to reach a safe level of proficiency, particularly in certain types of rotorcraft.

Section 20.121(b)(1) is being clarified by specifying that the experience required of an applicant for an additional class or type rating must be in the class or type aircraft for which the rating is sought; and, by specifying that the accompanying pilot must be rated to carry passengers in the aircraft used. These changes are clearly within the intent of the regulation and have been complied with in the past without question.

Section 20.122 which is being added by this amendment provides a 6-month grace period for the continued validity of present rotorcraft category ratings. Provision is made to permit exchange of the superseded rotorcraft category rating for the new category and class ratings at any time after the effective date of this new section. The class of rotorcraft in which the certificate holder qualified initially will determine the class rating received. Where a certificate holder who qualified initially in a helicopter has had at least 10 hours as pilot in command of a gyroplane within the 12 months immediately preceding the effective date of this amendment, the gyroplane class rating may be added to the certificate.

This new section also provides for the exchange of certificates issued before September 1, 1957, bearing helicopter or autogiro category ratings. The exchange is necessary to establish a uniform system of aircraft rating classification. Upon presentation of their certificates for exchange, those persons who hold autogiro or helicopter category ratings will be issued rotorcraft category ratings with a helicopter or gyroplane class rating corresponding to the category rating held at the time of the exchange. No showing of recent experience or flight test is required for this exchange. Where the holder of a helicopter category rating has had at least 10 hours as pilot in command of a gyroplane within the 12 months immediately preceding the effective date of this amendment, the gyroplane class rating may be added to the certificate.

Possession of a current medical certificate is not needed for the exchange provisions of this section. Therefore, to clarify any ambiguity that may arise from the use of the words "valid pilot certificate," paragraph (c) of this section expressly states that a current medical certificate is not required to exchange a certificate.

Interested persons have been afforded an opportunity to participate in the making of this regulation, with the exception of—

(1) The clarification of §§ 20.121(a)(1) and 20.121(b)(1);

(2) The reduction of total hours required in § 20.121(a)(1) and

(3) The alternative provided in § 20.121(a)(1);

and due consideration has been given to all relevant matter presented. Since the amendments to §§ 20.121(a)(1) and 20.121(b)(1) are clarifications or relief from present restrictions and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

This amendment will be included in the recodification of the provisions of Part 20 under the Agency's Recodification Program announced in Civil Air Regulation Draft Release No. 61–25 (26 F.R. 10698).

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows, effective July 12, 1962:

1. By amending § 20.5 by adding in proper alphabetical order new definitions to read as follows:

§ 20.5 **Definitions.**

* * * * *

Class of rotorcraft. A class of rotorcraft is a classification of such aircraft differentiating between gyroplanes and helicopters.

* * * * *

Gyroplane. A gyroplane is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

Helicopter. A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

2. By amending § 20.5 by changing the word "aircraft" to "airplane" in the title of the definition "Class (of aircraft)" and by revising the definition to read as follows:

Class of airplane. A class of airplane is a classification of such aircraft differentiating between single-engine and multiengine and land and water configurations.

3. By amending § 20.5 by revising the definition "Rotorcraft" to read as follows:

Rotorcraft. A rotorcraft is any aircraft deriving its principle lift from one or more rotors.

§ 20.53 [Amendment]

4. By amending § 20.53(b) by inserting after the word "hovering" and before the comma, the parenthetical phrase "(applicable to helicopter class only)."

5. By amending § 20.120 by redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) so that § 20.120 reads as follows:

§ 20.120 **Aircraft ratings.**

Aircraft ratings issued to private and commercial pilots are classified as follows:

(a) *Category ratings.* (1) Airplane; (2) Rotorcraft; (3) Glider.

(b) *Airplane class ratings.* (1) Single-engine land; (2) Multiengine land; (3) Single-engine sea; (4) Multiengine sea.

(c) *Rotorcraft class ratings.* (1) Gyroplane; (2) Helicopter.

(d) *Type ratings.* Each type of aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.

6. By amending § 20.121(a)(1) and (b)(1) to read as follows:

§ 20.121 **Additional aircraft ratings.**

* * * * *

(a) *Category rating.* (1) A pilot holding an airplane category rating who applies for a rotorcraft category rating shall have acquired at least 15 hours of dual flight instruction and solo flight time in rotorcraft, at least 5 of which shall have been solo, or he shall submit a written recommendation from an appropriately rated flight instructor who has given him dual flight instruction and certifies him competent to meet the required skill standards for the rating sought. All applicants shall pass an appropriate flight test.

* * * * *

(b) *Class or type rating.* * * *

(1) Have made at least five takeoffs and landings in an aircraft of the class or type for which the rating is sought, either in solo flight or as sole manipulator of the controls when accompanied by a pilot rated to carry passengers in the aircraft.

7. By adding a new § 20.122 to read as follows:

§ 20.122 **Validity and exchange of rotorcraft, helicopter, or autogiro ratings issued prior to July 12, 1962.**

(a) The holder of a valid pilot certificate bearing a rotorcraft category rating issued prior to July 12, 1962, may exercise the privileges of such rating until January 31, 1963. At any time after July 12, 1962, such person may, without a further showing of competence, exchange his rotorcraft category rating for a rotorcraft category rating with a class rating determined by the class of rotorcraft in which he originally qualified for the issuance of the rotorcraft rating, whether by flight test or on the basis of military competence. A certificate holder who qualified initially in a helicopter may obtain a gyroplane class rating without a further showing of competence if he has had at least 10 hours as pilot in command of a gyroplane within the 12 months preceding July 12, 1962.

(b) The holder of a valid pilot certificate bearing a helicopter or autogiro category rating issued prior to September 1, 1957, may exercise the privileges of such rating or ratings until January 31, 1963. Such person may, without a further showing of competence, exchange his helicopter category rating for a rotorcraft category rating with helicopter class rating, and his autogiro category rating for a rotorcraft category rating with gyroplane class rating, at any time after the effective date of this amendment by presenting his certificate for exchange. The holder of a helicopter category rating may obtain a gyroplane class rating without a further showing of competence if he has had at least 10 hours as pilot in command of a gyroplane within the 12 months preceding July 12, 1962.

(c) Exchange of pilot certificates under the provisions of paragraphs (a) and (b) of this section will not require the holder of the certificate to possess a current medical certificate at the time of the exchange.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 7, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4595; Filed, May 10, 1962; 8:48 a.m.]

[Reg. Docket No. 1189; Reg. No. SR–451]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Requirements for Solo Flight in Single-Place Rotorcraft of Gyroplane Class by Holders of Student Pilot Certificates

The Federal Aviation Agency has received requests for relief from the presolo requirements for rotorcraft by individuals who (1) hold a student pilot

certificate; (2) have made many flights in gyrogliders while being towed by a surface vehicle or boat; (3) wish to obtain authority to solo gyroplanes during powered flight; (4) are unable to obtain instruction in gyroplanes capable of carrying at least two persons because at the present time there are but 12 such certificated gyroplanes in the country (manufactured and certificated as autogiros); and (5) find that dual flight instruction in a helicopter (which is a class of rotorcraft and consequently would count toward dual flight instruction requirements), is not significant with respect to gyroplane techniques, and is consequently an economic burden not related to safety.

When Part 20 was revised on August 23, 1956, it provided for a single rotorcraft category instead of previous category ratings designated as helicopter and autogiro. This was done because no autogiros had been built for many years. Since then, amateur-built gyrogliders have come into common use. They are single-place and flown by towline attached to a surface vehicle or boat. Some of these have been modified to incorporate a powerplant, and thus the amateur-built, single-place gyroplane has come into use.

The policy of the Agency until recently was to classify gyrogliders as kites when confined to flights at the end of a towline from the surface. On April 5, Part 48 was amended, effective June 4, 1962, by revising the definition of "kite" to include a gyroglider attached by towline to a vehicle on the surface. Therefore, under this policy and under Part 48 as amended (1) a pilot certificate is not required, and (2) the towed flights are subject to the requirements of Part 48.

Under the present regulations, a person who wishes to solo a gyroplane under the terms of a student pilot certificate has no means for qualifying, practically speaking, since there are so few gyroplanes available that are capable of carrying two persons. It is possible to meet the regulatory requirements by receiving dual instruction in a helicopter following which a certificated flight instructor with a rotorcraft rating could endorse the student pilot certificate for the particular make and model of gyroplane to be soloed, provided he has determined that the student is competent to exercise such privileges with safety as required by § 43.64(c).

Since the flight characteristics of helicopters and gyroplanes are different in fundamental respects, the flight instructor would still be obliged to use some means other than the dual instruction given in a helicopter to make this determination. It is thus apparent that the present requirements are impractical, and burdensome upon a person who holds a student pilot certificate.

Following the type certification of gyroplanes capable of carrying at least two persons, and because of the present interest in them, it is expected that their use may become sufficiently common so that it will be practical in the future for gyroplane student pilots to obtain dual flight instruction in gyroplanes. In the meantime, this special regulation will permit a certificated flight instructor holding a pilot certificate with an airplane or rotorcraft category rating to endorse a student pilot certificate for solo flight in a single-place gyroplane during powered flight if he has witnessed a certain number of towed flights and determined that the student pilot is familiar with the general and visual flights rules of Part 60. He would also be required to determine that the student pilot has been instructed in preparatory and flight procedures such as preflight inspection; starting, warming up, operating, and stopping the engine; and taxiing and parking.

In view of these standards for determining student pilot competence in single-place gyroplanes, it is believed that a flight instructor with either an airplane or rotorcraft rating would be equally competent to judge the proficiency of the student pilot.

Since this special regulations grants relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective June 12, 1962:

1. Contrary provisions of § 20.53 of Part 20 of the Civil Air Regulations notwithstanding, a student pilot may solo a particular make and model of the single-place gyroplane if his pilot certificate has been endorsed by a certificated flight instructor, holding a pilot certificate with either an airplane or rotorcraft rating, who has examined him and found that he has met the following requirements, and is otherwise competent to make a solo flight in such gyroplane:

(a) He is familiar with the general and visual flight rules of Part 60 of the Civil Air Regulations;

(b) He has received instruction from such flight instructor in preparatory and flight procedures such as preflight inspection; starting, warming up, operating, and stopping the engine; taxiing and parking; and emergency procedures, including engine failure;

(c) He has competently performed at least three takeoffs and landings to a full stop in a gyroglider or gyroplane attached by a towline to a vehicle on the surface, that have been observed by a certificated flight instructor holding an airplane or rotorcraft category rating, and the flights have been logged in the student pilot's logbook and certified by the flight instructor.

2. A gyroglider or a gyroplane not using its powerplant, attached by a towline to a vehicle on the surface, is a kite within the meaning of Part 48 of the Civil Air Regulations, and is subject only to the provisions of that part.

3. *Definitions.* As used in this regulation—

"Glider (or Gyroglider)" means a heavier-than-air aircraft the free flight of which does not depend principally upon a power-generating unit.

"Gyroplane" means a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

"Rotorcraft" means any aircraft deriving its principal lift from one or more rotors.

4. This special regulation shall terminate June 12, 1964, unless sooner superseded or rescinded.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 7, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4596; Filed, May 10, 1962; 8:48 a.m.]

[Reg. Docket No. 1190; Amdt. 21-3]

PART 21—AIRLINE TRANSPORT PILOT RATING

Change of Name; Replacement of Lost or Destroyed Certificate

Under the provisions of the manual material related to Part 20 of the Civil Air Regulations, a student, private, or commercial pilot may apply to have his name changed on his pilot certificate or to have a lost or destroyed pilot or medical certificate replaced. Although this privilege is also accorded to holders of air transport pilot certificates there is no express provision covering such privilege in Part 21. Therefore, for uniformity, Part 21 is being amended to include provisions similar to those contained in Part 20.

Since this amendment clarifies an existing Agency procedure and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

This amendment will be included in the recodification of the provisions of Part 21 under the Agency's Recodification Program announced in Civil Air Regulations Draft Release No. 61-25 (26 F.R. 10698).

In consideration of the foregoing, Part 21 of the Civil Air Regulations (14 CFR Part 21) is hereby amended by adding a new § 21.6 to read as follows, effective May 11, 1962:

§ 21.6 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed pilot certificate is made by letter to the Chief, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Oklahoma. The letter must:

(1) Contain a brief statement of the circumstances of the loss or destruction;

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued and the ratings on it; and

(3) Be accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a pilot certificate or medical certificate, or both, pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic pilot or medical certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 7, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4593; Filed, May 10, 1962; 8:48 a.m.]

[Reg. Docket No. 1191; Amdt. 24-5; Supp. 9]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

Mechanical Experience Requirements

Section 24.31 of Part 24 of the Civil Air Regulations sets forth the mechanical experience requirements which an applicant must meet in order to obtain a mechanic certificate and rating. This section states, in effect, that an applicant must have had at least 18 months of practical experience in the construction, inspection, maintenance, repair, and alteration of airframes or of powerplants including propellers, appropriate to the rating applied for. It has become evident that this requirement is unduly restrictive in that it prohibits a person from applying for a mechanic certificate and rating if he has not acquired cumulative experience in each type of work specified in this section.

In view of the fact that the experience requirement is a prerequisite for the mechanic examinations, the Agency believes, based upon its experience in the certification of mechanics, that an applicant should be permitted to take the prescribed examinations for a mechanic certificate and rating even though his experience with respect to airframes or powerplants is limited to the construction, or the alteration, or the maintenance (including inspection and repair) thereof, and his powerplant experience does not include experience on propellers.

Accordingly, § 24.31 is amended by permitting the required practical experience for a mechanic certificate and rating to be acquired in the construction, or the alteration, or the maintenance (including inspection and repair) of airframes or powerplants and by deleting the requirement for practical experience on propellers.

Section 24.32 specifies that a graduate of a certificated mechanic school shall be deemed to have met the experience requirements if he presents an appropriate certificate of graduation within 60 days after such graduation. The 60-day limitation with respect to experience for graduates of mechanic schools is inconsistent with the indefinite time limit permitted other applicants for mechanic certificates. The Agency believes that such a limitation for graduates of mechanic schools is no longer necessary and, § 24.32 is amended to delete the 60-day limitation. In view of this amendment to § 24.32, the manual material set forth in § 24.32-1 is no longer necessary and also is deleted.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

This amendment will be included in the recodification of the provisions of Part 24 under the Agency's Recodification Program announced in Civil Air Regulations Draft Release No. 61-25 (26 F.R. 10698).

In consideration of the foregoing, Part 24 of the Civil Air Regulations (14 CFR Part 24) is hereby amended as follows effective May 11, 1962:

1. By amending § 24.31 to read as follows:

§ 24.31 Mechanical experience.

An applicant for a mechanic certificate with either an airframe or powerplant rating shall have had at least 18 months of practical experience with the applicable procedures, practices, materials, tools, machine tools, and equipment generally used in the construction, alteration, or maintenance (including inspection and repair) of airframes or powerplants: *Provided*, That an applicant for an airframe and powerplant rating may be issued such rating, if he has performed concurrently the duties appropriate to both airframe and powerplant ratings for at least 30 months.

2. By amending § 24.32 to read as follows:

§ 24.32 Graduates of certificated mechanic schools.

A graduate of a certificated mechanic school shall be deemed to have met the experience requirements of this part for a mechanic certificate and rating upon presentation of an appropriate certificate of graduation from that school.

§ 24.32-1 [Deletion]

3. By deleting § 24.32-1.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 7, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4594; Filed, May 10, 1962; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-353]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Filing of Billing and Payment Practices of Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May, 1962.

The Board, by publication of a notice of proposed rule making in 26 F.R. 3897, and by circulation of Economic Draft Release, EDR-27, dated May 1, 1961, Docket 11509, proposed to amend pertinent provisions of Parts 221, 296, and 297 of the Board's Economic Regulations with respect to the billing of shippers of property by air carriers and foreign air carriers for transportation services and the payment of transportation charges by shippers.

Numerous comments were received in response to the notice. In the light of these comments the Board has decided to: (1) Adopt § 221.38(i) substantially as proposed in the notice, so as to require all carriers (direct, foreign, and indirect air carriers) to file as tariffs their practices pertaining to the billing of shippers of property and their rules pertaining to the payment of transportation charges by shippers, and (2) delete the presently effective rules requiring air freight forwarders and international air freight forwarders to pay their transportation charges within a specified period.

The Board is taking this action for the reason that the billing and payment practices of air carriers determine the extent to which they grant credit to shippers and hence affect the cost of transportation to the shippers. For example, a carrier may delay billing for an extended period of time, which in turn delays the payment date. This clearly constitutes the granting of credit to the shipper. At the other extreme a carrier may demand prepayment of transportation charges, which is a denial of credit. In Universal Air Travel Plan, 12 CAB 601 (1951), the Board found that the legal requirements of section 403 of the Act as well as public interest considerations required that credit plans be filed as tariffs. Although the Universal Case was applicable to credit plans involving passenger traffic, the basic findings and conclusions reached therein are equally applicable to billing and payment practices involving air freight. Section 403 of the Act authorizes the Board to require by regulation the filing by every carrier and every foreign air carrier of tariffs showing rules, regulations, practices, and services in connection with air transportation which affect the value of the service. See also section 1002(d). The billing and payment practices of air carriers, as in the case of credit plans, clearly fall within this statutory provision. The publication of these practices will be in the public interest. Shippers will have public notice of an air carrier's billing and payment

practices. The publication of these practices will discourage unduly discriminatory practices by air carriers with respect to individual shippers or classes of shippers. By the publication of these rules as tariff provisions, carriers can lawfully establish charges for late payment of bills or establish other methods designed to encourage more prompt payment of bills by shippers. Nothing herein constitutes a determination by the Board that any particular differentiation between shippers is or is not justified under the law.

The principal objections advanced in the filed comments for adopting § 221.38(i) were that the billing practices of air carriers are internal matters involving business discretion, and that publication of these practices would impede the exercise of this judgment, particularly in administering new accounting procedures, with a resulting loss of efficiency and economy. These arguments do not appear sound. Section 221.38(i) does not establish any specific billing or payment practices but only requires, that, after management has exercised its discretion and established such practices, these practices be published as tariff rules. Thus, air carrier management is free to establish any such practices that are compatible with its particular type of operation or accounting procedures. The only limitation on such practices is that they are just, reasonable and not unjustly discriminatory or preferential.

Consistent with the view that management should exercise its discretion in the establishment of billing and payment practices, the Board, in ER–354 and ER–355 issued simultaneously herewith, is deleting the presently effective § 296.5 which requires indirect air carriers to pay their transportation charges within 7 days after being billed and § 297.4 which requires international air freight forwarders to pay their bills within 30 days after being billed. The tariff rules filed by the direct carriers will take the place of these provisions.

Section 221.38(i) adopted herein will become effective 30 days after its publication in the FEDERAL REGISTER. All air carriers shall state their billing and payment practices in their tariffs in compliance with this provision not later than 15 days after the effective date of § 221.38(i).

Interested persons have been afforded an opportunity to participate in the formulation of this amendment to Part 221, and due consideration has been given to all relevant matter presented.

Accordingly, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations, 14 CFR Part 221, by the addition of the following new paragraph (i) to § 221.38, effective June 11, 1962:

§ 221.38 Carriers' billing and payment rules.

* * * * *

(i) All direct and indirect air carriers and foreign air carriers shall state in their tariffs governing transportation of property their rules, regulations, and practices relating to the billing of shippers (including the billing of indirect air carriers by direct air carriers) for transportation services rendered, and the payment of rendered bills by shippers for such services. Such statements, applicable to all shippers or any class of shippers, shall include the billing intervals, the period covered by each billing, the time within which the bills are payable, and any charges for late payment.

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404, 1002, 72 Stat. 758, 760, 788; 49 U.S.C. 1373, 1374, 1482)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–4605; Filed, May 10, 1962; 8:49 a.m.]

[Reg. ER–354]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Payment of Transportation Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1962.

The Board, by publication of a notice of proposed rule making in 26 F.R. 3897, and by circulation of Economic Draft Release EDR–27, dated May 1, 1961, Docket 11509, proposed to amend pertinent provisions of Parts 221, 296, and 297 of the Board's Economic Regulations with respect to the billing of shippers of property by air carriers and foreign air carriers for transportation services, and the payment of transportation charges by shippers.

In light of the comments received, the Board has decided not to amend § 296.5 as proposed, but in lieu thereof to delete the section in its entirety. The reasons for this action are fully explained in ER–353 issued simultaneously herewith.

Interested persons have been afforded an opportunity to participate in this rule-making proceeding, and due consideration has been given to all relevant matters presented.

Accordingly, the Civil Aeronautics Board hereby amends Part 296 of its Economic Regulations, 14 CFR Part 296, by the deletion of § 296.5, effective July 9, 1962, provided that this section shall remain in effect as to all billings of a carrier rendered for shipments not yet covered by an effective tariff filed pursuant to Amendment 11 to Part 221 (ER–353).

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737; 49 U.S.C. 1301)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–4606; Filed, May 10, 1962; 8:49 a.m.]

[Reg. ER–355]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

Payment of Transportation Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1962.

The Board, by publication of a notice of proposed rule making in 26 F.R. 3897, and by circulation of Economic Draft Release EDR–27, dated May 1, 1961, Docket 11509, proposed to amend pertinent provisions of Parts 221, 296, and 297 of the Board's Economic Regulations with respect to the billing of shippers of property by air carriers and foreign air carriers for transportation services, and the payment of transportation charges by shippers.

In light of the comments received, the Board has decided not to amend § 297.4 as proposed, but in lieu thereof to delete the section in its entirety. The reasons for this action are fully explained in ER–353 issued simultaneously herewith.

Interested persons have been afforded an opportunity to participate in this rule-making proceeding, and due consideration has been given to all relevant matters presented.

Accordingly, the Civil Aeronautics Board hereby amends Part 297 of its Economic Regulations, 14 CFR Part 297, by the deletion of § 297.4, effective July 9, 1962, provided that this section shall remain in effect as to all billings of a carrier rendered for shipments not yet covered by an effective tariff filed pursuant to Amendment 11 to Part 221 (ER–353).

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737; 49 U.S.C. 1301)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–4607; Filed, May 10, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–EA–23]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to Part 600, §§ 600.1674 and 600.1725 is to redesignate the segment of Intermediate altitude VOR Federal airway No. 1674 from Cleveland, Ohio, to Wellsville, N.Y., and the segment of Intermediate altitude VOR Federal airway No. 1725 from Imperial, Pa., to Wellsville, N.Y., and to designate a segment of Intermediate altitude VOR Federal airway No. 1778 from Erie, Pa., to Wellsville.

The above actions are taken to eliminate the problems of route ambiguity created by the existence of multiple junction points between Victor 1674 and Intermediate altitude VOR Federal airway No. 1727 at Erie and at Albany, N.Y.; and between Victor 1725 and Intermediate altitude VOR Federal airway No. 1516 at Tiverton, Ohio, and at the intersection of the Briggs, Ohio, VOR (formerly Navarre, Ohio, VOR) 089° and the Clarion, Pa., VOR 222° True radials. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. Accordingly, the segment of Victor 1674 between Cleveland and Erie would be revoked as it is a common airway segment with Intermediate altitude VOR Federal airway No. 1727. The segment of Victor 1674 between Erie and Wellsville would be replaced by the designation of Victor 1778 between these points, and the segment of Victor 1725 between Imperial and Wellsville would be redesignated as a segment of Victor 1674. These actions, in effect, will result in the redesignation of a segment of Victor 1674 from Imperial via Clarion; Bradford; to Wellsville; redesignation of Victor 1725 to extend from Tiverton, Ohio, to Imperial, Pa., and the designation of Victor 1778 from Erie to Wellsville. These actions do not involve the designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1778 VOR Federal airway No. 1778 (Erie, Pa., to Wellsville, N.Y.).

From the Erie, Pa., VOR via the INT of the Erie VOR 079° and the Wellsville, N.Y., VOR 277° radials; to the Wellsville VOR.

2. Section 600.1674 (26 F.R. 1090, 11289) is amended to read:

§ 600.1674 VOR Federal airway No. 1674 (Imperial, Pa., to Cambridge, N.Y.).

From the INT of the Tiverton, Ohio, VOR 088° and the Clarion, Pa., VOR 222° radials via the Clarion VOR, INT of the Clarion VOR 048° and the Bradford Pa., VOR 222° radials; Bradford VOR; Wellsville, N.Y., VOR; INT of the Wellsville VOR 090° and the Binghampton, N.Y., VOR 265° radials; Binghamton VOR; Rockdale, N.Y., VOR; Albany, N.Y., VOR; to the Cambridge, N.Y., VOR.

3. Section 600.1725 (26 F.R. 1092) is amended to read:

§ 600.1725 VOR Federal airway No. 1725 (Tiverton, Ohio, to Imperial, Pa.).

From the Tiverton, Ohio, VOR to the INT of the Tiverton VOR 088° and the Clarion, Pa., VOR 222° radials.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–4563; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61–LA–60]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1194) stating that the Federal Aviation Agency was considering the extension of Intermediate altitude VOR Federal airway No. 1506 from the Seattle, Wash., VOR via the Port Angeles, Wash., VOR to the Neah Bay, Wash., radio range.

The Air Transport Association of America concurred with the proposal. The Department of the Navy also concurred in the proposal with the recommendation that the portion of the proposed segment of Victor 1506 between the Seattle VOR and the Port Angeles VOR be reduced to a width of 10 miles or less.

The Federal Aviation Agency does not concur with this recommendation since no substantial reason exists for further airway width reduction at this time. Current Instrument Flight Rule procedures at Whidbey Island NAS do not conflict with the proposed extension of Victor 1506 with exception of the "Casey One Departure Procedure" and the "JAL 451–ADF Penetration Procedure". Further reduction of the segment of Victor 1506 between Seattle and Port Angeles would not eliminate these conflicts. Air traffic control procedures will be utilized by the Seattle Air Route Traffic Control Center to separate aircraft using these procedures from aircraft that would be utilizing the proposed extension of Victor 1506.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 600.1506 (26 F.R. 1081) is amended as follows:

In the caption "Seattle, Wash.," is deleted and "Neah Bay, Wash.," is substituted therefor.

In the text "From the Seattle, Wash., VOR via the Pendleton, Ore., VOR;" is deleted and "From the Neah Bay, Wash., RR 10-mile wide airway to the INT of the 112° bearing from the Neah Bay RR and the Port Angeles, Wash., VOR 282° radial; thence 8-mile wide airway to the Port Angeles VOR; thence 14-mile wide airway to the INT of the Port Angeles VOR 090° and the Seattle, Wash., VOR 322° radials; thence via the Seattle VOR; Pendleton, Oreg., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., an May 4, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–4564; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61–NY–91]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway and Associated Control Areas

On February 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1194) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 2 by adding a north alternate airway segment and associated control areas via the intersection of the Rochester, N.Y., VOR 064° and the Syracuse, N.Y. VORTAC 283° True radials.

The Department of the Air Force interposed no objection, provided the use of VOR Federal airway No. 2 would not derogate instrument departure service to Air Force flights operating from Hancock Field, Syracuse, N.Y. Derogation of instrument departure service from Hancock Field is not anticipated. The Air Transport Association of America concurred in the action proposed and no other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6002 (14 CFR 600.6002) the following is added. After "Syracuse, N.Y., VOR;" add, "including a north alternate via the Rochester, N.Y., VOR, 064° and the Syracuse VORTAC 283° radials;"

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–4568; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-72]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1194) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 62 by revoking the airway segment and its associated control areas from Prescott, Ariz., to Zuni, N. Mex.

The Aircraft Owners and Pilots Association endorsed the proposal. The Air Transport Association of America had no objections and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6062 (14 CFR 600.6062) is amended to read:

§ 600.6062 VOR Federal airway No. 62 (Zuni, N. Mex., to Abilene, Tex.).

From Zuni, N. Mex., VORTAC; INT of the Zuni VORTAC 066° and the Santa Fe VORTAC 268° radials; Santa Fe, N. Mex., VORTAC; Anton Chico, N. Mex., VOR; Texico, N. Mex., VOR; INT of the Texico VOR 122° and the Lubbock VORTAC 008° radials; Lubbock, Tex., VORTAC, including a south alternate from the Texico VOR direct to the Lubbock VORTAC; INT of the Lubbock VORTAC 101° and the Abilene VOR 327° radials; to the Abilene, Tex., VOR.

2. The caption of § 601.6062 (14 CFR 601.6062) is amended to read:

§ 601.6062 VOR Federal airway No. 62 control areas (Zuni, Ariz., to Abilene, Tex.).

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4565; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-100]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway and Associated Control Area

On February 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1424) stating that the Federal Aviation Agency (FAA) proposed to revoke low altitude VOR Federal airway No. 291 and its associated control area from Drake, Ariz., to Tuba City, Ariz.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

§ 600.6291 VOR Federal airway No. 291 (Drake, Ariz., to Tuba City, Ariz.). [Revoked]

§ 601.6291 VOR Federal airway No. 291 control areas (Drake, Ariz., to Tuba City, Ariz.). [Revoked]

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 308(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4566; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-70]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration of Federal Airways and Associated Control Areas

On February 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1494) stating that the Federal Aviation Agency (FAA) proposed the alteration of the DeLancy, N.Y., Rockdale, N.Y., Utica, N.Y., segment of low altitude VOR Federal airway No. 249 from DeLancy direct to Utica. It was also proposed to designate low altitude VOR Federal airway No. 449 and its associated control areas from DeLancy VOR via the Rockdale VOR to the intersection of the Rockdale VOR 348° and the Utica VOR 280° True radials.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following actions are taken:

§ 600.6249 [Amendment]

1. The text of § 600.6249 (14 CFR 600.6249) is amended to read:

From the Sparta, N.J., VOR via the Huguenot, N.Y., VOR; DeLancy, N.Y., VOR; to the Utica, N.Y., VOR.

2. In Part 600 (14 CFR Part 600) § 600.6449 the following section is added:

§ 600.6449 VOR Federal airway No. 449 (DeLancy, N.Y., to Utica, N.Y.).

From the DeLancy, N.Y., VOR via the Rockdale, N.Y., VOR; to the INT of the Rockdale VOR 348° and the Utica, N.Y., VOR 280° radials.

3. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.6449 VOR Federal airway No. 449 control areas (DeLancy, N.Y., to Utica, N.Y.).

All of VOR Federal airway No. 449.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4567; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-212]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On January 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 835) stating that the Federal Aviation Agency proposed to alter the Biloxi, Miss., control area extension.

This action involves the designation of navigable airspace outside of the United States. The Administrator has consulted with the Secretary of State and the Secretary of Defense.

No adverse comments were received regarding the proposed amendment.

The Notice proposed that the Biloxi control area extension be designated, in part, on the Keesler AFB radio beacon. Since low frequency navigational aids are undergoing a period of change, involving decommissioning or alteration, it is preferable that the Biloxi control area extension be designated on the geographical site of the Keesler radio beacon. Therefore, action is taken herein to designate this control area extension on latitude 30°27'08" N., longitude 88°53'-26" W.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1065 (14 CFR 601.1065) is amended to read:

§ 601.1065 Control area extension (Biloxi, Miss.).

That airspace within a 25-mile radius of latitude 30°27'08" N., longitude 88°-53'26" W., and that airspace bounded on the E by longitude 88°30'00" W., on the SE and S by a line 15 miles S of and parallel to VOR Federal airway No. 22, on the W by longitude 89°10'00" W., and on the N by the Biloxi control area extension 25-mile radius area, excluding the portion within Warning Area W-453.

This amendment shall become effective 0001 e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4561; Filed, May 10, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-60]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2374 of the regulations of the Administrator is to alter the Billings, Mont., control zone.

The Billings control zone is presently designated, in part, with reference to the Billings radio range. The Federal Aviation Agency has scheduled the Billings radio range to be converted to a radio beacon with transcribed weather broadcast facilities on July 26, 1962. Accordingly, action is taken herein to substitute the 071° True bearing from the Billings radio beacon for the northeast course of the Billings radio range in the description of the control zone.

Since the change effected by this amendment is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2374 (14 CFR 601.2374, 26 F.R. 6234) is amended to read:

§ 601.2374 Billings, Mont., control zone.

Within a 5-mile radius of Logan Field, Billings, Mont., (latitude 45°48'23" N., longitude 103°31'54" W.) and within 2 miles either side of the 071° bearing from the Billings RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4562; Filed, May 10, 1962; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Miscellaneous Amendments

Amendments to the regulations appearing on pages 7054-7056 of the August 5, 1961, issue of the FEDERAL REGISTER deleted § 404.1001 of the regulations and transferred the material formerly in §§ 404.1001 to 404.2 and § 404.1026(a)(9). Amendments to the regulations appearing on pages 11827 and 11828 of the December 9, 1961, issue of the FEDERAL REGISTER added Subpart Q to Part 404, deleted §§ 404.902 and 404.903 and transferred the material formerly contained therein to §§ 404.1601 and 404.1602 respectively. Because of the above amendments it is necessary to correct the references to former §§ 404.902 and 404.1001 appearing in certain sections of the regulations, and to add a new paragraph to § 404.1 reflecting the addition of Subpart Q to Part 404. Accordingly, Regulations No. 4 of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.1 is amended by adding at the end thereof paragraph (q) to read as follows:

§ 404.1 Introduction.

* * * * *

(q) Subpart Q of this part relates to the selection of a representative payee to receive benefits on behalf of a beneficiary and to the duties and responsibilities of a representative payee.

§ 404.906 [Amendment]

2. Section 404.906(c) is amended by changing "(see § 404.902)" to "(see § 404.1601)".

§ 404.937 [Amendment]

3. The second sentence of § 404.937(b) is amended by changing "§ 404.902" to "§ 404.1601".

§ 404.968 [Amendment]

4. Section 404.968 is amended by changing "(see § 404.902)" to "(see § 404.1601)".

§ 404.611 [Amendment]

5. Section 404.611(a) is amended by changing "(as defined in § 404.1001(t))" to "(as defined in § 404.2(a)(14))".

§ 404.1251 [Amendment]

6. Section 404.1251 is amended by changing "(see § 404.1001(l) relating to constructive payment of wages)" to "(see § 404.1026(a)(9) relating to constructive payment of wages)".

7. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 7, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-4600; Filed, May 10, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2080]

PART 160—GRAZING LEASES

Miscellaneous Amendments

On page 1556 of the FEDERAL REGISTER of February 20, 1962, there were published a notice and text of proposed amendments to § 160.14, the renumbering of § 160.22 and § 160.23 as § 160.23 and § 160.24, respectively, and the addition of a new § 160.22, of Title 43, providing regulations governing the issuance of crossing permits and adding regulations concerning grazing trespass. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

The proposed regulations prompted very little comment from the public. The objections that were raised questioned the need for the regulations rather than pointing out defects or undesirable characteristics of the proposal. The need for the regulation to assist in providing the necessary management, and conservation of the public lands involved has been established. Accordingly the amendments are adopted without change. The amendments shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 4, 1962.

1. The caption of § 160.14 is amended and a new paragraph (e) is provided as follows:

§ 160.14 Rentals; schedule of grazing fees; billing notices; effects of failure to pay; crossing permits.

* * * * *

(e) *Crossing permits.* Upon application filed with the authorized officer by any person showing the necessity for crossing the Federal land with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $10 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

2. Sections 160.22 and 160.23 are renumbered § 160.23 and § 160.24, respectively, and a new § 160.22 is added as follows:

§ 160.22 Trespass.

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this Part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts.

(b) A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated shall be in default and shall be subject to the provisions of § 160.19. In addition he may be subject to trespass action in accordance with the practices and procedures indicated in § 161.12 (a), (c) (1), (2), (3), (4), (d), and (g) of this chapter, modified so far as practicable and necessary to include Federal land outside of established grazing districts.

(c) When the alleged trespasser is not a lessee of lands under the regulations of this Part, the signing officer may take action against the trespasser in accordance with the practices and procedures in § 161.12 (a), (c) (1), (2), (3), (4), (d), and (g) of this chapter modified so far as practicable and necessary to include lands subject to lease under the provisions of this Part or within a stock driveway.

[F.R. Doc. 62-4574; Filed, May 10, 1962; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2669]

[Nevada 051863, 057049]

NEVADA

Partly Revoking the Executive Order of April 17, 1926; Public Water Reserve No. 107

By virtue of authority vested in the President by section 1 of the Act of June 25, 1910 (38 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 20 E.,
Sec. 35, SE¼SW¼.
T. 26 N., R. 53 E.,
Sec. 4, SW¼SW¼;
Sec. 29, SW¼NE¼ and W½SE¼.

Containing 200 acres.

2. Beginning at 10:00 a.m. on June 9, 1962, the lands shall be open to operation of the public land laws generally, subject to existing valid rights and equitable claims, and the requirements of applicable law, rules, and regulations.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on June 9, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4623; Filed, May 10, 1962; 8:50 a.m.]

[Public Land Order 2670]

ALASKA

Withdrawing Lands for Use of the Alaska Railroad; Revoking Certain Executive and Public Land Orders; Correcting Public Land Order No. 2455 of August 9, 1961

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Alaska Railroad, Department of the Interior, for railroad purposes:

[Anchorage 050042]

SEWARD WATERFRONT AREA

Beginning at a point 100 feet east of Meander Corner No. 2 of U.S. Survey 726 South, thence: North 2,772 feet to a point 100 feet east of Corner No. 1, U.S. Survey 726 North; East 41.77 feet to Meander Corner No. 1 of U.S. Survey 1116; Southerly along meander line to a point due east of Meander Corner No. 2, U.S. Survey 726 South; West to the point of beginning.

(Excepting therefrom all of U.S. Survey 606 and U.S. Survey 605, in part.)

Containing approximately 11.23 acres.

[Anchorage 053569]

2. The Executive Order of July 3, 1905, which reserved lands for use of the Signal Corps for a cable house and signal corps station, and Executive Order No. 3149 of August 16, 1919, which reserved lands for use of the Navy Department for erection of wharves, coal storage yards, and other naval purposes, as partly revoked by Executive Order No. 3828 of May 3, 1923, and as amended by Public Land Order No. 718 of May 4, 1951, are hereby revoked so far as they affect any of the lands described in Paragraph 1 of this order.

[Fairbanks 027546]

3. The reference to U.S. Survey 2670, in Public Land Order No. 2455 of August 9, 1961 (26 F.R. 7548), is hereby corrected to read "2760A" wherever it appears in the description for Tract 1, Fort Yukon Area.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4575; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2671]

[Wyoming 099514, 0142185, 0142186]

WYOMING

Partly Revoking Reclamation and Air Navigation Site Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The order of the Bureau of Reclamation of April 13, 1955, concurred in by the Bureau of Land Management on October 20, 1955, which withdrew lands for reclamation purposes in connection with the Missouri River Basin Project, and the departmental orders of December 27, 1937; June 21, 1940; July 16, 1942, and Public Land Order No. 235 of June 9, 1944, creating Air Navigation Site Withdrawals No. 116, No. 141, No. 185, and No. 215, respectively, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

a. Order of April 13, 1955:

T. 46 N., R. 92 W.,
Sec. 18, S½NE¼.

b. Departmental order of December 27, 1937:

T. 21 N., R. 86 W.,
Sec. 10, N½NE¼SW¼, W½SW¼, and S½SE¼SW¼.

c. Departmental order of June 21, 1940:

T. 20 N., R. 94 W.,
Sec. 16, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 22, W½SW¼NW¼ and NW¼NW¼SW¼.

d. Departmental order of July 16, 1942:

T. 19 N., R. 96 W.,
Sec. 16, N½SE¼NW¼NW¼ and SE¼SE¼NW¼NW¼.
T. 19 N., R. 99 W.,
Sec. 8, NW¼NE¼NE¼.

e. Public Land Order No. 235 of June 9, 1944:

T. 18 N., R. 106 W.,
Sec. 8, NE¼SE¼NE¼SE¼ and S½SE¼NE¼SE¼.
T. 15 N., R. 117 W.,
Sec. 24, NE¼NE¼NE¼.

The areas described aggregate approximately 345 acres.

2. Subject to any valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on November 2, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws, other than from the State of Wyoming, presented prior to 10:00 a.m. on November 2, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws; they will be open to location under the United States mining laws at 10:00 a.m. on November 2, 1962, excepting that all minerals, both leasable and locatable, in the lands described in section 16, T. 20 N., R. 94 W., were reserved to the State of Wyoming in an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, and such minerals are, therefore, not subject to the opening provisions of this order.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4576; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2672]

[Anchorage 054173]

ALASKA

Withdrawing Lands for an Administrative Site and as a Source of Materials

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, as an administrative site and as a source of materials for use in the construction and maintenance of Federal projects.

EKLUTNA AREA

SEWARD MERIDIAN

T. 16 N., R. 1 W.,
Sec. 23, lots 3 and 4;
Sec. 26, NW¼ and N½SW¼.

Containing approximately 310 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4577; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2673]

[Nevada 055593]

NEVADA

Partly Revoking Reclamation Withdrawal; Newlands Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of July 2, 1902, August 26, 1902, August 4, 1904, and any other order or orders which withdrew lands for reclamation purposes under provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 29 E.,
Sec. 9, SE¼.
T. 18 N., R. 30 E.,
Sec. 16, NE¼.

The areas described aggregate 320 acres.

2. The lands are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on June 9, 1962, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4578; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2674]

WYOMING

Withdrawing Lands for Reclamation Purposes; Revoking Air Navigation Site Withdrawal No. 92

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for development of the Flaming Gorge Reservoir:

[Wyoming 094260]

SIXTH PRINCIPAL MERIDIAN

T. 15 N., R. 108 W.,
Sec. 29, S½N½ and S½.

Containing approximately 480 acres.

2. The lands withdrawn by paragraph 1 of this order shall be administered by the Bureau of Land Management, Department of the Interior, under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

3. The departmental order of April 2, 1934, which withdrew the following described lands as Air Navigation Site Withdrawal No. 92, is hereby revoked:

[Wyoming 0142187, 1540463]

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 86 W.,
Sec. 12, S½.

Containing approximately 320 acres.

4. Subject to any valid existing rights and equitable claims, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by paragraph 3, hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Until 10:00 a.m. on November 2, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

b. All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on

November 2, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on November 2, 1962.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4579; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2675]

[Montana 044185 (SD)]

SOUTH DAKOTA

Withdrawal for Forest Service Administrative Site and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as an administrative site and a recreation area, as indicated:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

Nemo Work Center

T. 3 N., R. 5 E.,
Sec. 27, lot 7, exclusive of existing mining claims.

Strato Rim Scenic Strip

T. 1 S., R. 6 E.,
Sec. 12, lots 4, 5, 6, 8, E½NW¼SE¼ and E½W½NW¼SE¼, less patented portions;
Sec. 13, lot 1.

The areas described aggregate 132.90 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4580; Filed, May 10, 1962; 8:46 a.m.]

[Public Land Order 2676]

[1938795, 1930719, 1761619, 1655904]

ALASKA

Amending Certain Orders Which Withdrew Lands for Use of the War Department for Military Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 8102 of April 29, 1939; No. 8343 of February 10, 1940; No. 8755 of May 16, 1941; No. 8847 of August 8, 1941, and Public Land Orders No. 47 of October 12, 1942, and No. 95 of March 12, 1943, which withdrew public lands in Alaska for use of the War Department for military purposes, are hereby amended to the extent necessary to delete therefrom the following paragraph included therein, or added thereto by Executive Order No. 9526 of February 28, 1945, or Public Land Order No. 284 of June 12, 1945:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (58 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. The orders of withdrawal referred to in paragraph 1, above, are hereby further amended by substituting the words "Department of the Army" for the words "War Department" wherever they appear.

3. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

4. The Department of the Army may issue permits revocable at will for authorized use of the lands included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Army.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4581; Filed, May 10, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 250]

FISHERIES LOAN FUND PROCEDURES

Proposed Revision of Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121; 16 U.S.C. sec. 742c), it is proposed to revise 50 CFR Part 250 as set forth below. The purpose of the revision is to provide for procedural changes necessitated by transfer of certain acts formerly performed by the Small Business Administration to the Department of the Interior, to clarify the meaning of several sections, and to provide published standards that insurance underwriters furnishing insurance on property serving as collateral for a fisheries loan must meet. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire Part is revised.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 250 is revised to read as follows:

Sec.
250.1 Definition of terms.
250.2 Purposes of loan fund.
250.3 Interpretation of loan authorization.
250.4 Qualified loan applicants.
250.5 Basic limitations.
250.6 Applications.
250.7 Processing of loan applications.
250.8 Approval of loans.
250.9 Interest.
250.10 Maturity.
250.11 Security.
250.12 Books, records, and reports.
250.13 Insurance required.
250.14 Penalties on default.

AUTHORITY: §§ 250.1 to 250.14 issued under sec. 4, 70 Stat. 1121; 16 U.S.C. 742c.

§ 250.1 Definitions of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(c) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things;

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 250.3 Interpretation of loan authorization.

The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement. In order to be eligible for replacement, an abandoned, obsolete or inefficient vessel must be permanently removed from commercial fishing, and if sold, must be sold subject to an agreement that it will not reenter the commercial fishery.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 250.4 Qualified loan applicants.

(a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person:

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research;

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing loans that are not secured by the fishing vessel or gear, or debts which are not maritime liens as defined in the Ship Mortgage Act of 1920 (46 U.S.C. 971).

(3) Refinancing existing mortgages or secured loans on fishing vessels and gear, or debts secured by maritime liens, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than 2 years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20-percent interest in said fishing gear or vessel to be replaced or owned less than 20-percent interest in a corporation owning said fishing gear or vessel: *Provided,* That applications for a

replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing a new business venture in which the controlling interest is owned by a person or persons who are not currently engaged in commercial fishing.

§ 250.5 Basic limitations.

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 250.6 Application.

Any person desiring financial assistance from the fisheries loan fund shall make application to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C., on a loan application form furnished by that Bureau except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 250.7 Processing of loan applications.

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C.

§ 250.8 Approval of loans.

The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions for making the loan. Documents executed in connection with a loan shall be in a form approved by the Secretary. Any modification of the terms of a loan following its execution must be agreed to in writing by the borrower and the Secretary.

§ 250.9 Interest.

The rate of interest on all loans which may be granted is fixed at 5 percent per annum.

§ 250.10 Maturity.

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of 10 years.

§ 250.11 Security.

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 250.12 Books, records, and reports.

The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 250.13 Insurance required.

(a) If insurance of any type is required on property under the terms of a loan authorization or mortgage it must be in a form approved by the Secretary and obtained from an underwriter satisfactory to the Secretary and meeting at least one of the following requirements:

(1) An underwriter licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(2) A foreign insurance company or club operating in the United States that has deposited funds in an amount and manner satisfactory to the Secretary in a bank chartered under the laws of a State or the United States of America, which funds are solely for the payment of insurance claims of United States vessels.

(3) A reciprocal or interinsurance exchange licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(4) An insurance pool composed entirely of owners and operators of fishing vessels.

(b) Any underwriter (including a company, club, or pool) writing such insurance shall furnish such reasonable financial or operating data as the Secretary may require to determine the standing and responsibility of said underwriter.

§ 250.14 Penalties on default.

Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

JAMES K. CARR,
Under Secretary of the Interior.

MAY 4, 1962.

[F.R. Doc. 62-4573; Filed, May 10, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 14]

[332.1]

COAL-TAR PRODUCTS

Liability for Duties; Entry of Imported Merchandise; Appraisement

Rescission of proposal to amend Customs Regulations to require additional information on customs invoices for entries of certain coal-tar intermediates dutiable under paragraph 27 of the Tariff Act of 1930, as amended.

After thorough consideration of the arguments, data and views, including suggestions and counter-proposals made in communications received from, or on behalf of foreign producers, importers, domestic producers, associations and others, the Bureau of Customs, whose proposal was published in the FEDERAL REGISTER of March 11, 1961 (26 F.R. 2126), has decided not to amend § 8.13 (h), Customs Regulations (19 CFR 8.13 (h)), proposed for the object of requiring technical information, enumerated in the proposal, on or in connection with customs or commercial invoices for import entries of the class of coal-tar intermediates defined in the proposal, dutiable under paragraph 27 of the Tariff Act of 1930, as amended (19 U.S.C. 1001, paragraph 27), on the basis of the American selling price of any similar competitive article manufactured or produced in the United States, or, alternatively, United States value.

The Bureau will not amend § 14.5, Customs Regulations (19 CFR 14.5), concurrently proposed, in view of such negative disposition of the proposed additional invoicing requirement.

Notice is hereby given of the Bureau's rescission of the whole proposal.

The voluntary practice involving domestic producers of coal-tar intermediates, their products, and the Chief Chemist, Customs Laboratory, port of New York, N.Y., remains unaffected. The Chief Chemist there continues to accept from domestic producers and maintain the central reference file of technical specifications of coal-tar intermediates manufactured or produced in the United States.

Such file continues to be available to any customs laboratory during the process of making comparisons as between an imported coal-tar intermediate dutiable under paragraph 27 and any similar domestic product for the purpose of an eventual return of statutory value on the basis of the American selling price of a competitive domestic product reported by the chief chemist to be comparable to the import.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: May 4, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-4602; Filed, May 10, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[9 CFR Part 301]

TURKEYS

Correction and Amendment to Decision and Proposed Marketing Agreement and Order

The following corrections are made in F.R. Doc. 62-3438 filed April 6, 1962, and published on April 7, 1962. (27 F.R. 3326)

1. On F.R. page 3327, column 1, third full paragraph, line 6, change the word "effects" to "affects".

2. On F.R. page 3327, column 3, third full paragraph, line 5, change the word "effects" to "affects".

3. On F.R. page 3330, column 2, last sentence before first full paragraph, change "on the farmer would not." to "in the former would not.".

4. On F.R. page 3338, column 2, third full paragraph, lines 14, 15, and 16, change the phrase "highest quantity of turkeys produced and marketed by him in any three of the four" to "quantity of turkeys produced and marketed by him in the three".

5. On F.R. page 3339, column 2, line 20, change "5%" to "50%".

6. The following amendments are hereby made to the Referendum Order, Referendum Regulations, Determination of Representative Period, and Designation of Referendum Agent:

On page 3345, column 1, delete that portion of the last paragraph headed: "Referendum Order; Referendum Regulations, Determination of Representative Period, and Designation of Referendum Agent", and also, delete in its entirety column 2, column 3, and on page 3346, column 1, down to the words, "dated: April 4, 1962," and insert in lieu thereof, the following:

Referendum order: Referendum regulations, determination of representative period, and designation of referendum agent. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who during 1961 (which is hereby determined to be a representative period for the purpose of this referendum) were engaged in the production of turkeys in the production area to ascertain whether or not such producers favor the issuance of the annexed order regulating the handling of turkeys. The Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture is hereby designated agent of the Secretary to conduct such referendum.

The following procedure shall be applicable to the referendum in lieu of the procedure set forth in 15 F.R. 5176. The ballots used in the referendum shall contain a summary describing the terms and conditions of the order.

1. *Definitions.* For the purpose of the referendum, the following terms shall have the following meaning:

(a) *"ASC county committee"* means the group of persons elected within a county as the county committee pursuant to the regulations entitled Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7, Subtitle A, 7 CFR, as amended).

(b) "ASC State committee" means the group of persons designated in any State to act as the State Agricultural Stabilization and Conservation Committee.

(c) "ASCS State and county offices" means the State and county offices of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "Terms defined in order": The terms defined in §§ 301.1 to 301.20 of the annexed order shall have the meanings ascribed to those terms in that order.

2. *Eligible voter.* Each person who produced turkeys in the production area in the representative period shall be entitled to only one vote in the referendum. A cooperative association of producers, bona fide engaged in marketing turkeys, or in rendering services for or advancing the interest of the producers of turkeys, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association. No person who is an exempt producer as defined in § 301.15 or a producer-handler as defined in § 301.17 of the annexed order shall be entitled to a vote in the referendum.

3. *Volume of production.* Each ballot cast by, or on behalf of, a producer shall reflect the total quantity (liveweight) of turkeys marketed in 1961 of which he or it was the producer. If a contract-producer(s) and a producer-grower(s) are involved in the production of turkeys marketed from the same production facility, for the purposes of this referendum, the producer-grower's share in the turkeys shall be deemed to be a quantity (liveweight) of turkeys equal to one-half the total quantity (liveweight) of the production marketed during 1961 and the contract-producer's share shall be one-half of such production divided by the number of contract-producers thereof.

4. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Under the direction of the Deputy Administrator each ASC State committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

5. *Period of referendum.* The period for voting in this referendum shall be June 18, 1962, to close of business June 22, 1962. However, contract-producers and cooperative associations voting for producers must file a "Certification of Turkeys Marketed in 1961" not later than June 8, 1962, to be eligible to vote.

6. *Notice of referendum.* The ASCS State and county offices will provide full and accurate public notice, without incurring advertising expense, of the time and place of balloting in the referendum, the time for certifying 1961 marketings, and the rules governing the eligibility to vote, by means of newspapers, radio, etc., or any other method they may deem desirable.

7. *Place and manner of voting by producers.* Voting is to start on June 18, 1962. A ballot may be cast on Form ASCS-213 by personal delivery to the polling place on or before the close of business June 22, 1962, or mailing it to the polling place on or before June 22, 1962. The date of the postmark will be considered the date of mailing. Polling places for producers will be as follows:

(a) *Producer-growers.* The ASCS county office serving the county in which the producer-growers principal place of turkey production is located shall be the producer-grower's polling place.

(b) *Contract-producers.* Contract-producers doing business with producer-growers in more than one State or in more than one county within a State shall cast their ballot at the ASCS State office in the State in which the contract-producer's principal place of business is located. If a contract-producer does business in only one county the ballot

of such contract-producer shall be cast at the ASCS county office serving that county.

8. *Eligibility for voting*—(a) *Producer-grower.* A producer-grower, to be eligible to vote in the referendum, must file a "Certification of Turkeys Marketed in 1961" at the ASCS county office which is his polling place, prior to the close of business of such office on June 22, 1962.

(b) *Contract-producers.* To be eligible to vote in the referendum, a contract-producer must, not later than the close of business on June 8, 1962, file with the ASCS State or county office, which is his polling place, a "Certification of Turkeys Marketed in 1961" together with a list of producer-growers by county showing the name and address of each producer-grower with whom the contract-producer had a proprietary risk type contract for the production of turkeys in 1961, and each such producer-grower's volume of marketings of turkeys in 1961 which were produced under such contract.

Each ASCS State or county office shall mail "Certification of Turkeys Marketed in 1961" to all producers of whom the respective State or county office has knowledge. The mailing of the certification form is not a determination of the eligibility to vote. If a producer does not receive a certification form by mail he can obtain one from the ASCS State or county office upon request.

9. *Register of eligible voters.* Upon the receipt from the producer of the "Certification of Turkeys Marketed in 1961", the applicable ASC State or county committee shall determine the eligibility to vote of each producer and verify the volume of marketing in 1961 by each such producer. They shall maintain a Register of Eligible Voters and record thereon the names and addresses of each producer eligible to vote together with the verified volume of turkey marketings which each producer is eligible to vote.

10. *Issuance of ballots to eligible producers*—(a) *Verified ballots.* After a producer has been enrolled on the Register of Eligible Voters the ASCS State or county office shall issue such producer a ballot with the certified volume of marketings in 1961 inserted thereon. Along with the ballot the producer shall be given a plain envelope marked "BALLOT" and also a postage paid envelope addressed to the ASCS State or county office, whichever applies, marked again "Ballot" and containing the producer's name, address, and space for his signature. The producer shall mark the ballot "Yes" or "No", seal it in the plain envelope, enclose it in the addressed envelope, and then cast the ballot in the manner provided in section 7.

(b) *Unverified ballots.* In the event that the ASCS State or county office is unable to verify the eligibility of a producer or the quantity of marketings in 1961 which he is eligible to vote, or if there is a question as to the eligibility or volume of eligible marketings of the producer and such questions are not reconciled by mutual agreement of the producer and the ASCS State or county office, then the producer shall be issued a ballot on which is inserted the producer's claimed marketings together with the envelopes provided for in subparagraph (a) except that the postage paid envelope shall be marked "Ballot (C)".

11. *Place and manner of voting by cooperative associations.* A cooperative association voting for its producers, shall qualify with the ASCS State office in which the association's principal place of business is located. If all of the association's eligible producers are located in only one county, the ballot of such association shall be cast in the ASCS county office of such county, otherwise it shall cast its ballot at the ASCS State office in the State in which its principal place of business is located. Such association may cast one ballot for all eligible producers who on the date the vote is cast are members of, stockholders in, or are under contract to sell their turkeys through the association in 1962. In order to qualify for voting, the cooperative association must file with the ASCS State office, not later than June 8, 1962, each of the following: (1) A certified copy of the Articles of Incorporation and By-Laws of the Association, and (2) a certified copy of the resolution adopted by its Board of Directors authorizing it to vote for its producers. In addition, it will file with the ASCS State or county office, whichever is its polling place, a "Certification of Turkeys Marketed in 1961" and a list(s), by county, containing the name and address of the cooperative association, the name and address of each producer whose principal place of turkey production is in the county, and the quantity of turkeys marketed in 1961 which such producer is eligible to vote. If the cooperative association qualifies to vote, the ASCS State or county office, whichever is the association's polling place, will record on a ballot the number of producers for whom the association is eligible to vote and the total quantity (liveweight) of turkeys marketed by such producers in 1961. Such ballots shall then be sent to the cooperative association. The cooperative association shall return the marked ballot to its polling place by June 22, 1962, or if mailed, the ballot must be postmarked not later than June 22, 1962. In the event two cooperative associations have the same person as a producer, the ASCS State or county office shall try to obtain an agreement from the associations as to which will vote for the producer. If the associations cannot agree as to which will vote for the producer, such producer and his 1961 marketings shall not be included on the ballot furnished either cooperative association and such producer may file a "Certification of Turkeys Marketed in 1961" and cast his own ballot.

12. *Review of ballots.* The applicable ASC State and county committees shall review the ballots cast and shall not count any ballot that is marked in such a way that it cannot be determined how the voter intended to vote as well as any ballot in which the volume of marketings inserted by the State or county office has been altered. Upon receipt of ballots marked "Ballots (C)", the ASCS county office shall transmit them to the ASCS State office. The State office shall then make a determination of the eligibility of the producer to vote and/or of the producer's eligible marketings in 1961. If such producer is determined eligible to vote, the volume of turkey marketings in 1961 which he is eligible to vote shall be inserted on the ballot (if such volume is other than that claimed by the producer) and the ballot shall be counted. Unreconciled questions on the eligibility and volume of marketings of contract-producers and qualifications of cooperative associations and eligibility and volume of marketings of their producers shall also be handled under this procedure.

13. *Canvass of ballots.* The ASC State and county committees will make a count of the voters determining (a) the number of eligible producers favoring issuance of the order and their volume of production, and (b) the number of eligible producers disapproving issuance of the order and their volume of production. All certifications of turkeys marketed in 1961, all ballots and the Register of Eligible Voters shall be treated as confidential and the contents thereof shall not be divulged except as the Secretary may direct. Reports and summaries of the voting shall be sent to the Deputy Administrator through the ASCS State offices in accordance with instructions issued by the Deputy Administrator. The ASCS State and county offices shall not release any information as to voting in the State or county either before or after the announcement by the Secretary of the referendum results except as directed by the Secretary.

14. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms, not inconsistent with the provisions of this referendum order, to govern the procedure to be followed in the conduct of this referendum.

Copies of the text of the annexed order may be examined in the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. Certification of Turkeys Marketed in 1961 forms, and copies of the text of the proposed order may be obtained from any ASCS State or county office.

Issued in Washington, D.C., May 8, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-4612; Filed, May 10, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 760) has been filed by Archer-Daniels-Midland Company, Post Office Box 532, Minneapolis 40, Minn., proposing the issuance of a regulation to provide for the safe use of esters of fatty (C_{16}–C_{20}) acids and fatty (C_{16}–C_{18}) alcohols as plasticizers and/or lubricants employed in the manufacture of polystyrene intended for use in contact with food.

Dated: May 7, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4596; Filed, May 10, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 782) has been filed by Shell Chemical Company, Division of Shell Oil Company, 1700 K Street NW., Washington 6, D.C., proposing amendment of § 121.1020 (21 CFR 121.1020) to provide for the following tolerances for residues of inorganic bromides (calculated as Br) that may be concentrated in certain processed foods from application of 1,2-dibromo-3-chloropropane as a nematocide to the growing crops:

	Parts per million
Dried apricots	25
Dried peaches	30
Raisins	105
Dried figs	250
Concentrated tomato products	250

Dated: May 7, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4599; Filed, May 10, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-WE-45]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6006, 600.6138, and 600.1508 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 6 is designated in part from the Medicine Bow, Wyo., VOR via the intersection of the Medicine Bow VOR 108° and and the Sidney, Nebr., VOR 292° True radials; to the Sidney VOR. Low altitude VOR Federal airway No. 138 north alternate is designated in part from the Medicine Bow VOR via the intersection of the Medicine Bow VOR 108° and the Cheyenne, Wyo., VORTAC 323° True radials; to the Cheyenne VORTAC. Intermediate altitude VOR Federal airway No. 1508 is designated in part from the Medicine Bow VOR via the intersection of the Medicine Bow VOR 105° and the Sidney VOR 294° True radials; to the Sidney VOR. The Federal Aviation Agency has under consideration the alteration of Victor 6 from the Medicine Bow VOR via the intersection of the Medicine Bow VOR 106° and the Sidney VOR 292° True radials; to the Sidney VOR as a 10-mile wide airway for a distance of 45 nautical miles from the Medicine Bow VOR, thence expanding in graduated steps of one mile in width for every 5 nautical miles in length to the intersection of the Medicine Bow VOR 106° and the Sidney VOR 292° True radials, thence decreasing in width of one mile for every 5 nautical miles in length to 45 nautical miles from the Sidney VOR, thence as a 10-mile wide airway to the Sidney VOR. Also under consideration is the realignment of Victor 138 north alternate via the Medicine Bow VOR 106° in lieu of the 108° True radial. In addition, it is proposed to redesignate this segment of Victor 1508 via the alignment of Victor 6.

The proposed realignment of Victor 6 would improve air navigation by locating the intersection of the en route radials of the Medicine Bow and Sidney VOR's in proximity to both the midpoint and the navigation changeover point between these VOR's. It would also permit utilization of lower minimum en route altitudes along the airway. The increased airway width would provide protection for aircraft operating along this airway while at a distance greater than 45 nautical miles from either navigation facility. The realignment of Victor 138 north alternate would retain the alignment of a segment of this airway with Victor 6. The realignment of Victor 1508 via the alignment of Victor 6 would provide for orderly transition between the low altitude and intermediate altitude airway structures.

The control areas associated with these airway segments are so designated that they would automatically conform to the altered airways. The vertical extent of these airway segments would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 7, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4558; Filed, May 10, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-EA-18]

CODED JET ROUTE

Proposed Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Routes Nos. 26 and 30 are designated in part from Appleton, Ohio, to Gordonsville, Va. The Federal Aviation Agency is considering the revocation of these segments of J-26 and J-30 as they do not connect major terminals and they have no associated jet advisory areas. Also, the military use of these segments of J-26 and J-30 is very light and no increase is expected in the future. Therefore, it appears that the retention of these segments is unjustified as route assignments in the continental control area and they may be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with

this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4559; Filed, May 10, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-7]

JET ROUTES AND JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the Tulsa, Okla., VORTAC via the Flippin, Ark., VOR to the Nashville, Tenn., VORTAC. In addition it is proposed to designate a radar jet advisory area within 16 miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive. The jet route as proposed herein would provide a more direct route for civil turbojet aircraft operating between Tulsa and Nashville. The radar jet advisory area proposed herein would provide a defined area along the route wherein jet advisory service would be available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4560; Filed, May 10, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

ORGANIZATION AND FUNCTIONS AND DELEGATIONS OF AUTHORITY

I—*General.* The Agricultural Stabilization and Conservation Service (hereinafter sometimes referred to as ASCS) was established June 5, 1961 by the Secretary of Agriculture pursuant to the authority vested in him by Sec. 161, Revised Statutes (5 U.S.C. 22), and Reorganization Plan No. 2 of 1953. This Service is responsible for the planning, coordinating, and administering of agricultural stabilization and conservation policies and programs which include acreage allotment and marketing quota programs; programs of Commodity Credit Corporation to stabilize, support, and protect farm income and prices, to assist in the maintenance of balanced and adequate supplies of agricultural commodities, to sell in domestic outlets surplus commodities and to otherwise dispose of such commodities (except as authority is assigned to the Foreign Agricultural Service with respect to policies and programs for export sales and subsidies and barter and to the Agricultural Marketing Service for the distribution of food (19 F.R. 74, as amended by 26 F.R. 8403)), and to finance the commercial sale and exportation of surplus commodities; International Wheat Agreement; International Sugar Agreement; milk, tobacco, and other assigned commodity marketing agreements and orders; emergency feed assistance programs for the relief of agriculture from the effects of any major disaster; the agricultural conservation program and practices assigned ASCS under the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Act of 1961; the conservation reserve program; the land retirement program; and sugar programs and activities under the provisions of the Sugar Act of 1948, as amended. This Service also determines the surplus agricultural commodities in CCC inventory which are available for disposition, conducts procurement, processing, shipment, payment, and related service operations on surplus removal and supply operations directed by the Agricultural Marketing Service and by other agencies, performs commodity disposal, handling, shipment, payment and related services for the Foreign Agricultural Service with respect to export sale and subsidy and barter operations, and carries out assigned mobilization and defense activities. The principal office of the Agricultural Stabilization and Conservation Service is at Washington, D.C., in the Administration Building of the U.S. Department of Agriculture. It consists of offices and divisions listed in the following paragraph.

II—*Organization, Agricultural Stabilization and Conservation Service.* A. The following is a listing of the ASCS by reporting lines.

1. Administrator:

Associate Administrator.

2. Deputy Administrator, State and County Operations:

Bin Storage Division.
Compliance and Aerial Photography Division.
Defense Services Staff.
Disaster Livestock Feed Staff.
Area Directors.
ASCS State Offices.
ASCS County Offices.

3. Deputy Administrator, Price and Production:

Cotton Division.
Grain Division.
Livestock, Dairy, and Poultry Division.
Milk Marketing Orders Division.
Oils and Peanut Division.
Price Division.
Sugar Division.
Tobacco Division.

4. Deputy Administrator, Commodity Operations:

Inventory Management Division.
Transportation Services Division.
ASCS Commodity Offices: Cincinnati, Dallas, Evanston, Kansas City, Minneapolis, New Orleans, Portland.
Cotton Products and Export Operations Office, New York, N.Y.

5. Deputy Administrator, Conservation:

Conservation Analysis Division.
Conservation Programs Division.
Soil Bank Division.

6. Deputy Administrator, Management:

Investigation Division.[1]
Internal Audit Division.[1]
Administrative Services Division.
Budget Division.
Fiscal Division.
Information Division.[1]
Operations Analysis Staff.
Personnel Management Division.
Data Processing Center, Kansas City, Mo.

III—*Functional responsibilities.* The following are the responsibilities of the organizational units of the Agricultural Stabilization and Conservation Service, listed in accordance with reporting lines.

A. *Administrator.* The Administrator, who is also the Executive Vice President of the Commodity Credit Corporation, is responsible to the Assistant Secretary in charge of Agricultural Marketing and Stabilization for the general direction and supervision of programs assigned to the Agricultural Stabilization and Conservation Service.

Associate Administrator. The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of ASCS and CCC. The Associate Administrator is also Vice President of the CCC. In the absence or unavailability of the Administrator, the Associate Administrator exercises the powers and performs the duties of the Administrator of ASCS and the Executive Vice President of CCC.

B. *Deputy Administrator, State and County Operations.* The Deputy Administrator, State and County Operations, is primarily responsible for State and county office operations; CCC-owned storage facility operations; compliance with conservation, production adjustment programs and eligibility for price support and other related programs administered through State and county offices; disaster livestock feed programs; policy for implementing production adjustment programs and the payment and production aspects of the Sugar Act; and carries out defense activities including policy for implementing defense production goals and programs. The Deputy Administrator, State and County Operations, provides administrative direction and supervision to Area Directors and assigned Divisions, Staffs and Offices, namely: Bin Storage, Compliance and Aerial Photography, Disaster Livestock Feed Staff, Defense Services Staff, Area Directors, ASCS State and county offices, and the ASCS Caribbean Area Office. The Deputy Administrator, State and County Operations, is also Vice President of the Commodity Credit Corporation.

1. *Bin Storage Division.* The Bin Storage Division formulates and administers programs pertaining to CCC Bin storage operations including: managing the inventories within the bin sites; contracting for and maintaining of bin sites; the protection, quality maintenance and handling of commodities stored therein; and supervision of sales of grain by county offices.

2. *Compliance and Aerial Photography Division.* The Compliance and Aerial Photography Division formulates and administers an overall plan and policy to insure that State and county Committees determine each farm operator's compliance with acreage allotments, acreage bases, permitted acreages, sugar proportionate shares (when established in acres) and certain aspects of conservation practices under Soil Bank and Agricultural Conservation programs. It coordinates and develops complete policies, procedures, methods, and forms for determining compliance with conservation, production adjustment and eligibility for price support and other related programs administered through State and county offices; and it administers the aerial photography program for ASCS.

a. *Aerial Photography Laboratories.* The Compliance and Aerial Photography Division maintains two Aerial Photography Laboratories which plan, organize,

[1] See paragraphs F, F (1), (2), and (6) for policymaking authority.

and direct the photogrammetric service for ASCS and cooperating agencies. The Chiefs of Aerial Photography Laboratories report to the Director, Compliance and Aerial Photography Division.

3 *Disaster Livestock Feed Staff.* The Disaster Livestock Feed Staff is primarily responsible for the operations of emergency feed programs for the relief of agriculture from the effects of any major disaster. It establishes and maintains adequate working arrangements with State and county USDA Disaster Committees to investigate and support requests to the President for major disaster designation or to the Secretary for designation of an emergency area, and for other purposes. It reappraises conditions for recommending program termination or extension.

4. *Defense Services Staff.* The Defense Services Staff coordinate services to USDA State and County Defense Boards and USDA Regional Liaison Representatives. It coordinates the formulation and issuance of all handbooks, and instructions pertaining to USDA defense activities. It provides a centralized service on damage assessment of resources under USDA jurisdiction and carries out other defense activities as assigned.

5. *Area Directors.* The Area Directors have responsibility within specific geographic areas for the administration of assigned Agricultural Stabilization and Conservation programs within ASCS State and county offices and the ASCS Caribbean Area Office. The Area Directors also carry out assigned defense activities. The Area Directors report to the Deputy Administrator, State and County Operations.

a. *ASCS State Offices and ASCS Caribbean Area Office.* ASCS State and ASCS Caribbean Area Offices recommend and suggest agricultural program provisions applicable to the State or Area. They coordinate the execution of agricultural conservation and stabilization, production adjustment, price support, conservation reserve, sugar conditional payments programs, and other assigned programs, and participate in the establishment and administration of marketing agreements and orders, and carry out assigned defense activities. The ASCS State Offices direct and coordinate the activities of county offices. The ASC State Committee and the Director of the ASCS Caribbean Area Office report to the Area Director having responsibility for the geographic area to which the specific State or Area is assigned. The Hawaii ASC State Committee does not have any responsibility for the sugar conditional payments program. This program is carried out in Hawaii under the direction of the State Executive Director who, for this purpose, reports to the Southwest Area Director.

(1) *ASCS County Offices.* ASCS County Offices recommend and suggest to the ASC State Committee agricultural program provisions applicable to the county. They execute agricultural conservation and stabilization, production adjustment, price support, conservation reserve, sugar conditional payments programs and other assigned programs requiring direct dealings with the farmer, and participate in the establishment and administration of marketing agreements and orders. They also carry out assigned defense activities. The ASC County Committees report to their particular ASC State Committee. The Hawaii ASCS county offices do not have any responsibility for the sugar conditional payments program.

C. *Deputy Administrator, Price and Production.* The Deputy Administrator, Price and Production, is primarily responsible for program formulation, policy relating thereto, and interagency coordination of: milk, tobacco and other assigned commodity marketing agreements and orders; the determination of national and State acreage allotments and marketing quotas, and scope of other production adjustments; and price support, including acquisition of inventories, domestic sales programs, and other disposal programs assigned to ASCS, but excluding inventory management operations. The Deputy Administrator, Price and Production, has responsibility for coordinating assigned activities relating to surplus removal, purchase, diversion, and export sales and subsidy operations. He provides administrative direction and supervision to assigned international commodity agreements and to assigned divisions, namely: Cotton, Grain, Livestock, Dairy and Poultry, Milk Marketing Orders, Oils and Peanut, Price, Sugar, and Tobacco Divisions; and carries out assigned defense activities including: program and policy formulation relating to requirements and distribution of nonfood production requisites; analysis of on-farm production resources and capabilities, determination of scope of national and State defense production goals and programs for crops and livestock, salvage and storage of food on farms; and program and policy formulation relating to rehabilitation of facilities on farms. The Deputy Administrator, Price and Production, is also Vice President of the Commodity Credit Corporation.

1. *Commodity Divisions.* There are six Commodity Divisions each of which report to the Deputy Administrator, Price and Production. These divisions and the specific commodity assignments of each are as follows:

Commodity Division and Specific Assignments

Cotton—Upland cotton, extra long staple cotton, cotton products, cottonseed, linters, and other fibers.

Grain—Grain, grain products, and related commodities; and operations under the International Wheat Agreement. The Grain Division also carries out assigned responsibility for farm storage facility and mobile dryer loans.

Livestock, dairy, and poultry—Livestock, meat products, wool, mohair, poultry, poultry products, and milk, butterfat, and their products.

Oils and peanut—Peanuts, tung nuts, castor beans, fats, oils, and other assigned commodities.

Sugar—Sugar, sugarcane, sugar beets, honey, sugar-containing products, and other assigned commodities; also activities pertinent to the Sugar Act of 1948, and the International Sugar Agreement.

Tobacco—Tobacco, tobacco products and by-products, and naval stores. The Tobacco Division also formulates and administers policies and programs pertaining to tobacco marketing agreements and orders.

With respect to commodities assigned, general responsibilities of the Commodity Divisions include:

a. Formulating and administering policies and programs pertaining to marketing agreements and orders, as assigned, production, production adjustments, price support, foreign supply, purchase, domestic sale and other disposal operations assigned to ASCS performing services for AMS with respect to surplus removal and supply operations and for FAS with respect to export sale and subsidy operations and barter and carrying out assigned defense activities.

b. Preparing instructions and procedures for signature of appropriate Deputy Administrator with respect to programs carried out through ASCS State and county offices, ASCS Commodity Offices and agents of CCC; and reviewing the progress of such programs through inspection and reports.

2. *Milk Marketing Orders Division.* The Milk Marketing Orders Division formulates and administers policies and programs for milk marketing agreements and orders and related programs under the terms of the Agricultural Marketing Agreement Act of 1937; and carries out assigned defense activities.

3. *Price Division.* The Price Division administers a price program by developing guides and standards for use in establishing prices, differentials, and margins in connection with price support, inventory, sales, disposal, surplus removal, diversion, export payment, import control, foreign trade and related programs. The Division carries out assigned defense activities including: determination of requirements for manpower, equipment, supplies, and services; domestic distribution of farm equipment, feed, seed, and fertilizer, including the use of related facilities; and rehabilitation of on-farm facilities.

D. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations, is primarily responsible, within established policies, for all operations carried out by the ASCS Commodity Offices and the Cotton Products and Export Operations Office (NYC); and for the coordination of ASCS–CCC operations with other governmental and nongovernmental organizations participating in ASCS–CCC programs. The Deputy Administrator, Commodity Operations, formulates and interprets policy with respect to inventory management operations beginning at acquisition of inventory, excepting disposition. The Deputy Administrator, Commodity Operations, provides administrative supervision and direction to assigned divisions and offices; and carries out assigned defense activities including operations of defense programs relating to the stockpiling of CCC-owned commodities and furnishing data concerning CCC stocks for damage assessment. Assigned divisions and offices are: Inventory Management, Transportation Services, ASCS Commodity Offices, and Cotton Products and Export Operations Office (New York, N.Y.). The Deputy Administrator, Commodity Operations, is also Vice President of the Commodity Credit Corporation.

1. *Inventory Management Division.* The Inventory Management Division formulates and administers the inventory management program for ASCS–CCC including: policies and programs for storage, storage standards, storage and handling agreements, the examination and approval of warehouses, diversification and care of commodities; management of inventories considering program requirements and storage availability including reconcentration of loan or inventory stocks; emergency storage, such as the fleet storage program. It carries out assigned defense activities including furnishing data concerning CCC stocks to the Defense Services Staff for damage assessment.

2. *Transportation Services Division.* The Transportation Services Division formulates and recommends policies with respect to inland movements of ASCS–CCC commodities. Provides technical transportation advice and assistance on such commodities. Furnishes specialized services. Negotiates charters and books ocean shipping space for assigned programs. Carries out assigned responsibilities under the Cargo Preference Act; and carries out assigned defense activities.

3. *Cotton Products and Export Operations Office (New York, N.Y.).* The Cotton Products and Export Operations Office administers the export equalization payments program for cotton products. It has the responsibility on loss and damage claims arising on section 416 commodities while in transit from port of export or while in foreign storage. It acts as liaison with shipping agents and others for ASCS Commodity Offices on commodity exports.

4. *ASCS Commodity Offices.* There are seven ASCS Commodity Offices which report to the Deputy Administrator, Commodity Operations. For assigned programs, these offices conduct operations with respect to commodity loans, purchases, shipment, storage, sales, other disposals, and export financing; conduct necessary fiscal examination, payment, and accounting work as assigned; and carry out assigned defense activities. These Commodity Offices are located at the following addresses:

Cincinnati ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 222 East Central Parkway, Cincinnati 2, Ohio.

Dallas ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.

Evanston ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

Kansas City ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

Minneapolis ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.

New Orleans ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

Portland ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

E. *Deputy Administrator, Conservation.* The Deputy Administrator, Conservation, is primarily responsible for program policy formulation and interpretation of agricultural conservation, conservation reserve and other programs and practices under land retirement programs; and for the correlation of conservation activities of ASCS with those of other organizations within and outside of the Department. He provides administrative direction and supervision to assigned divisions, namely: Conservation Analysis Division, Conservation Programs Division, and Soil Bank Division; and carries out assigned defense activities including plans and programs for the rehabilitation of farmland.

1. *Conservation Analysis Division.* The Conservation Analysis Division formulates and administers an analysis program for the national agricultural conservation program and other programs and practices under land retirement or special programs; participates in the development and evaluation of national, regional and State needs for conservation of agricultural resources. It performs economic and statistical analyses; evaluates programs and practices; develops criteria for and projections of necessary intensity of programs; and determines farm participation and accomplishments with respect to conservation programs.

2. *Conservation Programs Division.* The Conservation Programs Division formulates and administers policies and programs relating to the agricultural conservation program authorized under sections 7 to 15, 16(a) and 17 of the Soil Conservation and Domestic Allotment Act of 1936, and the Emergency Conservation Measures, including defense plans and programs for rehabilitation of farmland.

3. *Soil Bank Division.* The Soil Bank Division formulates and administers conservation reserve policies and programs of the Soil Bank, including the development of annual rental provisions and the list of practices and rates of payments for practices approved for cost-sharing under the conservation reserve phase of the Soil Bank program.

F. *Deputy Administrator, Management.* The Deputy Administrator, Management, is primarily responsible for the overall management operations within established programs in ASCS–CCC. He provides administrative supervision and direction to assigned staffs, divisions and offices; and carries out assigned defense activities. Assigned staffs, divisions and offices are: Investigation, Internal Audit, Administrative Services, Budget, Fiscal, Information, and Personnel Management Divisions, the Operations Analysis Staff, and the Data Processing Center, Kansas City, Missouri. The Deputy Administrator, Management, is also Vice President of the Commodity Credit Corporation.

1. *Investigation Division.* The Investigation Division formulates and administers an investigations program for all operations of ASCS–CCC, in accordance with policies determined by the Administrator.

a. *Field Offices.* Field Offices of the Investigation Division develop and execute investigation practices, procedures and surveys within their geographic areas. The Chiefs of Field Offices, Investigation Division, report to the Director, Investigation Division. Field Offices are located at the following addresses and serve the States and area as shown:

Field Office, Investigation Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 1050, 80 Lafayette Street, New York 13, N.Y.	Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, New Jersey.
Field Office, Investigation Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 50 Seventh Street N.E., Atlanta 23, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and the Caribbean Area.
Field Office, Investigation Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 1212 North Lake Shore Drive, Chicago 10, Ill.	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.
Field Office, Investigation Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 4400 General Bruce Drive, Temple, Tex.	Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas.
Field Office, Investigation Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 314, 417 Market Street, San Francisco 5, Calif.	Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

2. *Internal Audit Division.* The Internal Audit Division formulates and administers a comprehensive internal audit program covering all operations of ASCS, CCC, their agents and contractors, in accordance with policies determined by the Administrator.

a. The Internal Audit Division, ASCS, Washington, D.C., conducts audits of divisions and offices of Agricultural

Field Office; Administrative Services Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

4. *Budget Division.* The Budget Division formulates and administers ASCS and CCC budget plans, policies, presentations, and procedures, covering all funds utilized, including administrative expense funds, corporate capital funds, funds appropriated for payments to farmers, funds allocated from other sources, and other funds and coordinates all activities related to legislation affecting ASCS and CCC programs. It exercises technical direction over budgetary activities of ASCS field offices.

5. *Fiscal Division.* The Fiscal Division formulates and administers fiscal and claims policies for ASCS and CCC; develops, implements and installs systems, accounts, methods, and procedures relating to CCC financing and to accounting for programs and program activities financed with ASCS, CCC and other funds, including administrative funds; analyzes financial and operating data and prepares financial statements; exercises technical direction over fiscal activities of ASCS offices and fiscal agents.

a. *Field Offices.* Field Offices of the Fiscal Division are responsible for the operation of accounting systems to provide control over appropriated and other funds of ASCS, including funds of other agencies made available to ASCS for activities within the jurisdictional area; and direct and coordinate assigned fiscal and claims work within their designated geographical areas.

Field Office (Washington), Fiscal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.	ASCS Divisions and Offices in Washington. ASCS State Offices and field offices of the Internal Audit Division, and Investigation Division located in the following States: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. The Eastern Aerial Photography Laboratory of the Compliance and Aerial Photography Division, Asheville, N.C., the ASCS Caribbean Area Office, San Juan, P.R., the Cotton Products and Export Operations Office (in New York City), and the ASCS Commodity Office located in Cincinnati, Ohio.
Field Office (Denver), Fiscal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Federal Center, Building 53, Denver 25, Colo.	ASCS State Offices and field offices of Internal Audit Division and Investigation Division located in the following States: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming. The Western Laboratory of the Compliance and Aerial Photography Division, the ASCS Commodity Offices located in Evanston, Ill., Dallas, Tex., Kansas City, Mo., Minneapolis, Minn., New Orleans, La., and Portland, Oreg., and the Data Processing Center, Kansas City, Mo.

Stabilization and Conservation Service and the Commodity Credit Corporation located in Washington, D.C. (including the Washington Field Office, Fiscal Division, ASCS and the Eastern Aerial Photography Laboratory, Compliance and Aerial Photography Division, ASCS). It also conducts audits of ASCS State and county offices in the following States: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Virginia (except agents and contractors under the peanut programs), and the Cotton Products and Export Operations Office, New York, N.Y.

b. *Field Offices.* Field Offices of the Internal Audit Division conduct audits within their geographical areas. The Chiefs of Field Offices, Internal Audit Division report to the Director, Internal Audit Division. Field Offices are located at the following addresses and audit ASCS State, county and commodity offices, and other offices as shown:

Field Office, Internal Audit Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 881 Peachtree Street NE., Atlanta 9, Ga.	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Caribbean Area, and agents and contractors under the peanut program in Virginia. ASCS Commodity Offices at Cincinnati, Ohio, and New Orleans, La.
Field Office, Internal Audit Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 4400 General Bruce Drive, Temple, Tex.	Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin. ASCS Commodity Offices at Evanston, Ill., and Minneapolis Minn.
Field Office, Internal Audit Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 1607 West Howard Street, Chicago 26, Ill.	Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming. ASCS Commodity Offices at Dallas, Tex., and Kansas City, Mo. Denver Field Offices, Administrative Services, Fiscal and Personnel Management Divisions, Denver, Colo.
Field Office, Internal Audit Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 821 Market Street, Room 324, San Francisco 3, Calif.	Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington. ASCS Commodity Office at Portland, Oreg. Western Aerial Photography Laboratory, Salt Lake City, Utah.

3. *Administrative Services Division.* The Administrative Services Division formulates and administers an administrative services program on records, procedures, reports, forms, communications, procurement, property, leasing, printing, and related office services; installs, maintains, operates or supervises the operation of administrative services in Washington and field offices, including ASCS county offices. The ASCS Caribbean Area Office and the following States are served by the Administrative Services Division, Washington, D.C.

Alabama.	Michigan.
Arkansas.	Mississippi.
Connecticut.	Missouri.
Delaware.	New Hampshire.
Florida.	New Jersey.
Georgia.	New York.
Illinois.	North Carolina.
Indiana.	Ohio.
Iowa.	Pennsylvania.
Kentucky.	Rhode Island.
Louisiana.	South Carolina.
Maine.	Tennessee.
Maryland.	Vermont.
Massachusetts.	Virginia.
	West Virginia.
	Wisconsin.

6. *Information Division.* The Information Division formulates and administers a comprehensive information service program, including current releases, background statements, technical and popular publications, educational services, annual and special reports, radio and television scripts, and other information material for authorized dissemination to the public and to the trade. Overall information policy is determined by the Administrator.

7. *Operations Analysis Staff.* The Operations Analysis Staff provides national leadership and coordination to agency efforts at achieving progressive management policies and operating systems with special emphasis on mechanization and data processing, organizational planning, work measurement, manpower utilization, management improvement, and related activities.

8. *Personnel Management Division.* The Personnel Management Division formulates and administers a personnel management program, including organization analysis. The Division installs, maintains, operates, coordinates or supervises the operation of the personnel management program in ASCS Washington and field offices. The ASCS Caribbean Area and the following States are served by the Personnel Management Division, Washington, D.C.:

Alabama.	Mississippi.
Arkansas.	Missouri.
Connecticut.	New Hampshire.
Delaware.	New Jersey.
Florida.	New York.
Georgia.	North Carolina.
Illinois.	Ohio.
Indiana.	Pennsylvania.
Iowa.	Rhode Island.
Kentucky.	South Carolina.
Louisiana.	Tennessee.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
Michigan.	Wisconsin.

a. *Field Office.* The Field Office of the Personnel Management Division in Kansas City, Mo., directs and coordinates the execution of position classification, employment, employee training, employee relations, incentives, information, safety, promotion, and related functions within the designated geographical area which comprises its territory. The field office is located at the following address and serves all ASCS offices in Kansas City, Mo., and all ASCS State and division field offices in the States shown:

Field Office, Personnel Management Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

9. *Data Processing Center, Kansas City, Mo.* The Data Processing Center, Kansas City, Mo., plans and conducts a centralized data processing and accounting function applicable for grain price-support loan, purchase agreement, and inventory programs and for other ASCS programs and activities as assigned.

IV—*Contracting and claims officers and representatives of the Secretary*—A. *CCC Contracting Officers.* CCC Contracting Officers are appointed by the Executive Vice President, CCC, or by Division and ASCS Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may to the extent authorized by their appointment execute contracts relating to activities of the Commodity Credit Corporation for which the Division or office is responsible. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

B. *Representatives of the Secretary.* Representatives of the Secretary are appointed by Division and ASCS Commodity Office Directors, subject to the written approval of the Administrator, Agricultural Stabilization and Conservation Service, and may, to the extent authorized by their appointment, execute contracts relating to the activities under commodity programs approved pursuant to section 32 of the act of August 24, 1935, as amended, or section 6 of the National School Lunch Act for which the division or office is responsible. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

C. *CCC Claims Officers.* CCC Claims Officers are appointed by the Executive Vice President, CCC; or by Division and ASCS Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may settle certain types of claims by and against the Commodity Credit Corporation. The names of such officers and information with respect to their authority may be obtained from the appropriate director.

D. *Contract Disputes Board for Commodity Credit Corporation.* The members of Contract Disputes Board for CCC are appointed by the Board of Directors of CCC with the approval of the Secretary of Agriculture. The Board has jurisdiction to act for and on behalf of CCC and its officers (a) to consider and determine appeals by claimants on contract claims against CCC involving doubtful or disputed questions of fact or law where settlement or adjustment cannot otherwise be effected under established policies and procedures, (b) upon request of the Executive Vice President or other officer of CCC, to exercise the authority of the Executive Vice President or other officer in connection with (1) any contract claim by or against CCC, including settlement and adjustment of any such claim, and (2) the suspension or debarment of any contractor, and (c) to act for the head of the agency or for any other officer of CCC to whom appeals may be taken from findings of fact by a contracting officer under any contract disputes provision which provides a method for final and conclusive determination of disputed questions of fact. The decisions of the Board on all matters falling within its jurisdiction are final for administrative purposes within the Department of Agriculture. The names of such members and information with respect to their authority may be obtained from the Secretary, Commodity Credit Corporation.

V—*Delegations of authority*—A. *Administrator.* The Administrator formulates and administers programs assigned to ASCS under delegated authority from the Secretary of Agriculture (19 F.R. 74, as amended). This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the ASCS, and take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary in charge of Agricultural Marketing and Stabilization and is subject to the general responsibilities of the Secretary to the President and to Congress.

In no case does any delegation of authority to the Administrator preclude the Secretary, Under Secretary, or the appropriate Assistant Secretary, from exercising any of the powers or functions so delegated. With the exception of authorities which are restricted from redelegation, the Administrator may delegate his authority and provide for the redelegation thereof to appropriate officers and employees. General delegations of authority are cited in paragraph V B and C.

B. *Members of the Administrator's Immediate Staff.* Subject to any restrictions on redelegation of authority by heads of agencies, the Administrator has delegated to the Associate Administrator authority to act for him in his absence or inability to act, including the exercise of all powers and authorities which he himself holds, and to the Deputy Administrator, State and County Operations, the Deputy Administrator, Price and Production, the Deputy Administrator, Commodity Operations, the Deputy Administrator, Conservation, and the Deputy Administrator, Management, authority to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other actions necessary to the performance of their assigned functions and responsibilities, as currently assigned or as hereafter assigned to them. Except when redelegation is specifically prohibited, this authority includes the power of redelegation.

In the absence of the Administrator, and the Associate Administrator, the Deputy Administrators shall serve as Acting Administrator in the order of precedence set forth above. In the absence of the Administrator, Associate Administrator, and all Deputy Administrators, the Executive Assistant to the Administrator shall serve as Acting Administrator.

c. *Directors of Divisions and ASCS Commodity Offices.* Under the general supervision and direction of the Admin-

istrator or of the Deputy Administrator who has been specifically assigned responsibility for direction of the programs and activities involved, the directors of all divisions of the ASCS and directors of all ASCS commodity offices are authorized, in connection with the performance of their assigned functions and responsibilities, to execute contracts, agreements, and other documents, to perform any other actions necessary thereto, and to settle and adjust CCC claims within limitations established by the Commodity Credit Corporation. All authorities shall be exercised within the confines of administrative and functional areas of jurisdiction and, in the case of commodity divisions and ASCS commodity offices, in accordance with commodity assignments. All authorities and responsibilities relating to Commodity Credit Corporation shall be exercised in accordance with the by-laws of Commodity Credit Corporation. Current functions and responsibilities are set forth in paragraph III C, D. With the exception of authorities which are restricted from redelegation, this authority includes the power of redelegation. This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations, or procedures.

VI—*Availability of records and information.* Any person desiring information or to make submittals or requests with respect to the programs and functions of this Service, should address his request to: Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., or to the Director of the particular division or office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. The records of the Service and its Divisions and Offices are available for examination in accordance with rules and designations of records issued by the Secretary.

VII—*Prior authorization and delegations.* The statement of Organization and Functions and Delegations of Authority of Commodity Stabilization Service issued November 9, 1960 (25 F.R. 10708), is hereby superseded. All subdelegations of authority relating to any function covered by such superseded statement or by this statement shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under previous delegations or subdelegations of authority or assignment of functions.

Signed at Washington, D.C., this 4th day of May 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

Approved: May 7, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-4611; Filed, May 10, 1962; 8:50 a.m.]

[Amdt. 2]

HYBRID CORN AND HYBRID SORGHUM SEED

Section 32 Diversion Program

The regulations published in 27 F.R. 2812 are hereby amended to clarify eligibility of sorghum seed.

Paragraph 7 *Seed eligible for diversion* is amended to read as follows:

7. *Seed eligible for diversion.* Only hybrid grain sorghum seed meeting minimum standards for pure seed and germination for certified seed in the State where it was grown is eligible for diversion under this program. Sorghum seed that has been tested and found to meet the standards and labelled as seed or eligible to be labelled as seed is eligible without new tests being made even if the first test is out of date. New tests for pure seed and germination do not have to be made at time of diversion unless such tests have not previously been made. Only flat grades of hybrid corn seed will be eligible for diversion under this program. For the purposes of this program, flat grades of corn seed shall be corn seed which passes through a $^{14}/_{64}$-inch by ¾-inch slot screen and remains on a $^{16}/_{64}$-inch round-hole screen. All seed must have been completely processed prior to diversion, except that it need not be sized, treated with fungicides or insecticides, or bagged, and must have been produced in the continental United States either (a) by the applicant on land owned or rented by the applicant or (b) for the applicant under contract between the applicant and farmers.

Dated: May 8, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4613; Filed, May 10, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 23-729]

INTERTECHNIK, G.m.b.H. ET AL.

Default Order Denying Export Privileges

In the matter of Intertechnik, G.m.b.H., Wilhelm Heinrich Schlachet, Fanica Schlachet, 1 Liliengasse, Vienna I, Austria; Deutsche Intertechnik, G.m.b.H., Neue Mainzerstrasse 14–16, Frankfurt, West Germany, Respondents, File 23-729.

The Director, Investigations Staff, Bureau of International Programs (formerly the Bureau of Foreign Commerce), U.S. Department of Commerce (hereinafter referred to as BIP), by charging letter dated December 6, 1961, charged the above named respondents with violations of the Export Control Act of 1949, as amended, and the regulations issued thereunder.

It was alleged in the said charging letter that Wilhelm Heinrich Schlachet and Fanica Schlachet, his wife, were managers and sole owners of Intertechnik, G.m.b.H. (They are collectively referred to herein as Intertechnik unless otherwise indicated. Deutsche Intertechnik was a related company managed by Wilhelm Schlachet.) It was alleged that Intertechnik placed an order with a U.S. exporting firm which filed with BIP on the basis of said order an application for a license to export 100 crystal diodes, Type IN 150, to Intertechnik as purchaser, and Friedrich Pfanhauser, of Vienna, as ultimate consignee, on the basis of a consignee-purchaser statement purportedly signed by Pfanhauser for the purposes of such application. But, as alleged, despite diligent check in Vienna by U.S. officials Pfanhauser could not be located in Vienna or elsewhere as being a person in business. From these facts it was alleged that Intertechnik was attempting to obtain a strategic commodity by submitting false and misleading statements to the U.S. supplier to be passed on to the BIP to obtain an export license.

It was further charged that Deutsche Intertechnik ordered from the Frankfurt, Germany subsidiary of a U.S. supplier one U.S. origin wave guide frequency meter with accessories. It was alleged that Wilhelm Schlachet had assured the Frankfurt subsidiary that the U.S. origin instrument and accessories were for the buyer's use in its own test laboratory, but it in fact intended to sell the U.S. commodities and dispose of them to unauthorized uses and destination without the required prior approval by the BIP.

It was also alleged that Wilhelm Schlachet sought the aid of another U.S. supplier to supply Intertechnik with a large number of strategic commodities of U.S. origin, for which validated export licenses could be obtained on the basis of false "end-use statements", supplied by Intertechnik, to state that the commodities shipped thereunder would be used in Austria, but would in fact be transshipped to Hungary or other bloc country in direct violation of the U.S. export control law.

The respondents were thereby alleged to have committed violations of the Export Control Act of 1949, as amended and the Export Regulations issued thereunder.

The charging letter was served on the respondents in accordance with the provisions of § 382.3 of the Export Regulations, and upon failure of all the respondents to answer the charging letter they were deemed to be in default and the matter was referred to the Compliance Commissioner in accordance with § 382.4 of the Export Regulations. The Compliance Commissioner held a default proceeding at which evidence and argument were presented in support of the charges on behalf of the Director of the Investigations Staff by a member of the Office of General Counsel, U.S. Department of Commerce. The Compliance Commissioner made findings, reached the conclusion that the violations as charged had been established and reported to me his findings and conclu-

sions, together with his recommendation that the respondents be denied all export privileges for the duration of the period of export controls.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereafter mentioned Wilhelm Heinrich Schlachet (also known as Wilhelm Schlachet) and Fanica Schlachet, his wife, were managers and owners of Intertechnik, G.m.b.H. (hereafter collectively referred to as Intertechnik). Deutsche Intertechnik, G.m.b.H., was a related company managed by Wilhelm Schlachet.

2. On the basis of an order received from Intertechnik, which was accepted by a U.S. supplier, the latter filed with BIP an application for a license to export 100 crystal diodes, Type IN 150, to Intertechnik with Friedrich Pfanhauser, 17 Gestettengasse, Vienna, designated in a Form FC 842 signed by him as ultimate consignee. Diligent efforts by U.S. officials in Austria through inquiry of Wilhelm Schlachet and otherwise failed to locate Pfanhauser at the Vienna address or to establish that such a person even existed. The export license was refused.

3. Intertechnik had knowingly attempted to obtain the crystal diodes from the U.S. supplier by submitting to it a false and misleading Form FC 842, to conceal the true interest in the proposed export transaction.

4. Deutsche Intertechnik ordered in Frankfurt, West Germany, from the West German subsidiary of a second U.S. supplier, one U.S. origin wave guide frequency meter with accessories. The order was accepted on the basis of assurances by Wilhelm Schlachet that the said instrument and accessories were for use by Deutsche Intertechnik in its own test laboratory, which in fact did not exist.

5. The pro forma invoice and the formal commercial invoice for the above transaction carried the destination control clause required by law to state that the shipment contained U.S. origin commodities licensed for use in West Germany and West Berlin only, and that unauthorized re-export of the same without prior BIP approval was prohibited by law.

6. Wilhelm Schlachet later claimed he had shipped the instrument and accessories to Friedrich Pfanhauser, previously mentioned herein, who then had only a postal box number in Hanover, West Germany. Despite diligent efforts by U.S. authorities to locate Pfanhauser in West Germany or elsewhere he has never been found or even shown to exist. Wilhelm Schlachet and Deutsche Intertechnik had received the above mentioned instrument and accessories of U.S. origin and disposed of them to unauthorized uses and destination in violation of the U.S. export control law as set forth in the destination control clauses.

7. Wilhelm Schlachet met in Vienna with a U.S. sales representative of a third U.S. supplier for export of U.S. origin commodities of a strategic nature, and Schlachet proposed a series of orders and transactions for U.S. origin commodities to be covered by validated export licenses to be supported by false end-use statements to be supplied the exporter by Intertechnik, with certifications that the end user and destination would be in Austria but with the intention that when received there by Intertechnik they would be transshipped and re-exported by it to Hungary without the prior BIP approval as required by the U.S. Export Regulations.

From these findings I have reached the following conclusions:

That by the foregoing actions, Intertechnik, G.m.b.H., Wilhelm Schlachet, Fanica Schlachet, and Deutsche Intertechnik, G.m.b.H.,

(a) Knowingly caused, aided, abetted, induced, procured, and permitted the doing of acts which were prohibited by the United States export control law and licenses and regulations issued thereunder, in violation of § 381.2 of the Export Regulations.

(b) Made directly and through third persons false and misleading statements to BIP and likewise concealed material facts from BIP concerning the ultimate destination and use of commodities in, and true parties in interest to, U.S. export transactions, in violation of § 381.5 of the Export Regulations.

(c) Solicited the commission of, and attempted to bring about violations of the export control law and regulations and licenses issued thereunder, in violation of § 381.3(a) of the Export Control Regulations.

(d) Engaged in unethical activities and demonstrated that they do not possess the required integrity and ethical standards, as provided in § 384.2(a) of the Export Regulations.

Having concluded that the recommended action is fair, just and necessary to achieve the effective enforcement of the law: *It is hereby ordered:*

I. All outstanding licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect all of the named respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. Should any respondent against whom this order has been issued in default desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof, to set aside his default and vacate the order against him entered herein. The application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements in § 382.4(b) of the Export Regulations and will be disposed of in accordance with the procedure set forth herein.

Dated: May 9, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-4608; Filed, May 10, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

MORGAN NEW YORK STATE CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Morgan New York State Corporation for prior approval of the acquisition of 100 percent of the voting shares of Morgan Guaranty Trust Company of New York and of six banking institutions in upstate New York.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of Morgan New York State Corporation, Albany, N.Y., for the Board's prior approval of action whereby Morgan New York State Corporation would become a bank holding company through acquisition of 100 percent of the voting shares of Morgan Guaranty Trust Company of New York; Manufacturers and Traders Trust Company, Buffalo; Lincoln Rochester Trust Company, Rochester; First Trust & Deposit Company, Syracuse; the State bank or trust company into which would be converted The National Commercial Bank and Trust Company of Albany; the State bank or trust company into which would be converted First-City National Bank of Binghamton, N.Y.; and the State bank or trust company into which would be converted The Oneida National Bank and Trust Company of Central New York, Utica.

A notice of receipt of application was published in the FEDERAL REGISTER on July 27, 1961 (26 F.R. 6751), which provided an opportunity for submission of comments and views regarding the proposed acquisition; following receipt of comments and views, the Board ordered a public oral presentation of views which was conducted before the Board on December 7, 1961, and at which all persons requesting opportunity to appear, and did so appear, were heard and were given opportunity to submit further written expressions of views; and all comments and views received in the course of these proceedings have been considered by the Board.

Accordingly, it is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 4th day of May, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4622; Filed, May 10, 1962; 8:50 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Concurring statement of Governor Mitchell also filed as part of the original document and available upon request.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-W]

LIGNIN VANILLIN FROM CANADA

Purchase Price; Foreign Market Value

MAY 7, 1962.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of lignin vanillin imported from Canada is less or likely to be less than the foreign market value as defined by sections 203 and 205 respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of lignin vanillin from Canada pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of Sharretts, Paley & Carter on behalf of Sterling Drug Inc.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 62-4601; Filed, May 10, 1962; 8:49 a.m.]

Comptroller of the Currency

NATIONAL BANK EXAMINATION OFFICES

Notice of New Regional Organization

On May 3, 1962, the Comptroller of the Currency announced a reorganization and expansion of the National Bank Examination Offices throughout the country to take effect August 1, 1962. Three new regional offices will be established at Denver, Colo.; Memphis, Tenn.; and Portland, Oreg. As a result of the announced reorganization there will be 14 Regional Offices, each to be headed by a Regional Chief National Bank Examiner, located as follows:

National Bank Region	Regional Office	Regional Chief National Bank Examiner
Number 1. Maine. New Hampshire. Vermont. Massachusetts. Rhode Island. Connecticut.	Boston, Mass.	Elmer J. Peterman.
Number 2. New York. New Jersey.	New York, N.Y.	Frank W. Krippel.
Number 3. Pennsylvania.	Philadelphia, Pa.	Marshall Abrahamson.
Number 4. Indiana. Ohio. Kentucky.	Cleveland, Ohio	Chalmer L. DeRemer.
Number 5. West Virginia. Maryland. Delaware. Virginia. North Carolina.	Richmond, Va.	Norman R. Dunn.
Number 6. South Carolina. Georgia. Florida.	Atlanta, Ga.	John D. Gwin.
Number 7. Illinois. Michigan.	Chicago, Ill.	Joseph G. Lutz.
Number 8. Arkansas. Tennessee. Louisiana. Mississippi. Alabama.	Memphis, Tenn.	William A. Robson.
Number 9. North Dakota. South Dakota. Minnesota. Wisconsin.	Minneapolis, Minn.	Cyril B. Upham.
Number 10. Nebraska. Kansas. Iowa. Missouri.	Kansas City, Mo.	Paul L. Ross.
Number 11. Oklahoma. Texas.	Dallas, Tex.	Clarence B. Redman.
Number 12. Wyoming. Colorado. Utah. New Mexico. Arizona.	Denver, Colo.	John R. Thomas.
Number 13. Washington. Oregon. Idaho. Montana. Alaska.	Portland, Oreg.	Kenneth W. Leaf.
Number 14. California. Nevada. Hawaii.	San Francisco, Calif.	James C. Osborn.

The new regional organization of the National Banking System will follow State boundaries, eliminate split States existing under the presently constituted arrangement, and will redistribute examination work on a more efficient basis. It will also provide better utilization of available personnel, more efficient management of all examining functions, and give long overdue recognition to the fast economic growth of the Northwestern States, the Rocky Mountain States, and the Southern States in the new Regions.

Mr. W. A. Robson, presently Chief National Bank Examiner at St. Louis, has been transferred to Memphis as Regional Chief National Bank Examiner.

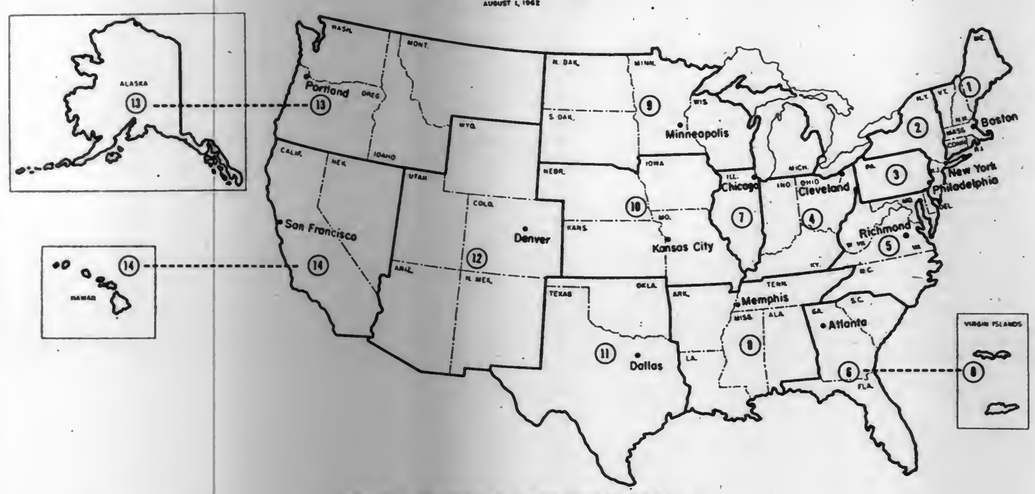
Mr. J. R. Thomas, presently Assistant Chief National Bank Examiner at the Washington Headquarters, has been transferred to the new Denver Region as Regional Chief National Bank Examiner.

Mr. Kenneth W. Leaf, presently Assistant Chief National Bank Examiner at the Washington Headquarters, has been transferred to the new Portland Region as Regional Chief National Bank Examiner.

Dated: May 4, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

COMPTROLLER OF THE CURRENCY
THE NATIONAL BANKING SYSTEM
Regional Organization
AUGUST 1, 1962



[F.R. Doc. 62-4533; Filed, May 10, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-18310; Docket No. 11582 etc.]

CAPITAL AIRLINES, INC.; COMPETITIVE TRUNKLINE SERVICE INVESTIGATION

Order Disposing of Motions for Dismissal or Deferral, Petition for Clarification and Reconsideration, and Petitions for Leave To Intervene

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May, 1962.

In the matter of the applications of Capital Airlines, Inc., Dockets Nos. 11582, 11583, 11584, 11585, for amendments of certificates of public convenience and necessity under Section 401 of the Federal Aviation Act of 1958, as amended.

In the matter of competitive trunkline service investigation, Docket 13296, on segments 1, 2, and 3 of United's Route 51.

Order E-17851, December 19, 1961, instituted an investigation known as the Competitive Trunkline Service Investigation, Docket 13296, and made certain carriers parties to the investigation.

United Air Lines, Inc. (United) requests that the Board dismiss the above-entitled proceeding or indefinitely defer further procedural steps therein. It alleges, inter alia, that: (1) The ability of the markets to support the services of Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern) and United was fully considered in the United-Capital Merger Case and the absence of any new unforeseen circumstances since then renders this case premature; (2) a meaningful record cannot be developed at this time, since it would be made without any opportunity for the markets in question to prove their traffic generating capabilities with service by three financially sound carriers operating modern equipment under normal conditions; (3) the investigation is untimely since carriers are discussing merger proposals which may change route patterns in this proceeding and the Board should create a favorable climate for mergers; (4) mandatory route deletions and modifications are injurious to both the carriers and the public and should be undertaken only as a last resort; (5) traffic will catch up to capacity as it has done before; therefore, a solution to excessive competition is the withholding of new competitive awards; and (6) the Board should set forth its full program to institute route alignment proceedings before processing any such proceedings. United also requests that Order E-17851 be clarified to specifically provide that the routes of United, American, Braniff, Eastern, Delta and National are in issue as in paragraph 1 thereof.

Eastern answered United's motion urging denial and that the proceeding go forward expeditiously. Delta requested denial of United's motion to dismiss or defer the proceeding, and, in the alternative, asked for deferral of further procedural steps until decision by the U.S. Court of Appeals for the District of Columbia in the appeals taken to that court from the United-Capital Merger Case.

The Raleigh-Durham Airport Authority (Raleigh-Durham) filed a reply in support of United's motion for dismissal or deferral. It also petitioned for clarification and reconsideration of Order E-17851, the order instituting this investigation. United filed an answer in opposition to Raleigh-Durham's petition for clarification. Eastern also filed an answer to this petition and suggested that the issues raised therein could best

be treated at the prehearing conference when the scope of the proceeding would be explored. The carrier did not support expansion of the issues, as suggested by Raleigh-Durham, because of the need for expedition and lack of showing of any justification for such expansion.

The Asheville and Hendersonville, North Carolina, Chamber of Commerce (Asheville and Hendersonville) also petitioned for dismissal of this proceeding. Petitions for leave to intervene were filed by Piedmont Aviation, Inc., Greensboro-High Point Airport Authority, Northeast Airlines, Inc., Southern Airways, Inc., Memphis Chamber of Commerce, the City of Memphis, Mayor and City Council of Baltimore, Baltimore Association of Commerce and the Greater Baltimore Committee, Inc., City of Philadelphia, Huntsville-Madison County Airport Authority, Peninsula Airport Commission, Asheville and Hendersonville, and the City of Charlotte and the Charlotte Chamber of Commerce.

We will deny United's motion to dismiss or defer this proceeding. Contrary to United's allegation, the Board did not consider, nor did the parties litigate, the public convenience and necessity issues respecting the operations of United, as successor to Capital, over the New York-Atlanta-New Orleans segment in the United-Capital Merger Case. We were not persuaded at that time that the public convenience and necessity did not require the continued certification of Capital on this segment. For that reason, in part, we declined to impose the nontransfer conditions urged by other carriers. We made it clear, however, that we would take another look at the matter in the future in the event of unforeseen circumstances developing with regard to these routes. United claims that no unforeseen circumstances have developed which require a need for the present investigation. We disagree. Thus, for example, United has accelerated its entrance into the key Route 51 markets to a degree not indicated by the carrier's representations in the Merger Case, with a resulting sizable increase in available seats due to the introduction of turbo-jet equipment.

United says that the industry has withstood other periods of excessive competition and there is no need for drastic route realignment proceedings. It claims that traffic will catch up with capacity as it has done before. United also believes that the Board should set forth its full program to institute route realignment proceedings before processing any such proceedings.

The poor earnings experience of the domestic airline industry during 1961 is a matter of public record. It emphasizes the need for a review of multiple trunkline competition, and reenforces our belief that we should move forward promptly with the proceeding. United has not convinced us that we should dismiss the proceeding or defer action until the Board has developed a full program for route realignment proceedings with the undue delay this would cause in disposition of the investigation. United will, of course, have every opportunity in the investigation to urge on the merits that adverse action should not be taken with respect to its routes.

Eastern's answer (at p. 11) states that it is clear that the investigation is directed toward United's Route 51 operations, and thus, the certificates of carriers other than United cannot be amended as a result of this proceeding. Eastern's understanding is incorrect. In Order E–17851, the Board stated that it "has become increasingly aware of the need for a review of multiple trunkline competition in various areas of the trunkline route structure" and that the review herein will encompass "all trunkline authorizations between New Orleans and the Northeast via Atlanta, and between Memphis and the Northeast." Likewise paragraph 1 of said Order refers specifically to the competitive trunkline authorizations on segments 1, 2, and 3 of United's Route 51. Thus, the routes of American, Braniff, Delta, Eastern, National, as well as that of United, are in issue.

Raleigh-Durham requests that the proceeding be expanded to include, in the event of suspension or deletion of any carrier on any route serving Raleigh-Durham, questions of redesignating that point on other routes of the suspended carrier or on routes of other trunkline parties to this case. In the order instituting this investigation we made it clear that requests for new or additional service other than between Huntsville and Washington/New York will not be considered herein. National defense considerations dictate the one exception. As now defined, the scope of this proceeding involves a multiplicity of issues relating to six carriers and numerous air markets. Grant of Raleigh-Durham's request would result in a whole series of new issues, including the public convenience and necessity for new and additional authorizations, and thereby unduly expand the scope of this investigation.

Our instant action, of course, will not deprive the city of a fair hearing. For the city, at the hearing, will have an opportunity to demonstrate the need for the service it now holds and the adverse impact upon it of any diminution of such service. Rather than await the prehearing conference to delimit the breadth of this investigation, as Eastern requests, we deem it more appropriate to dispose of Raleigh-Durham's request in the instant order.

As to Delta's request for deferral, on January 25, 1962, the United States Court of Appeals for the District of Columbia Circuit affirmed Order E–16605, the order approving the United-Capital Merger;[1] therefore, we shall deny Delta's motion.

As indicated above, Asheville and Hendersonville seek dismissal of this proceeding because of the alleged insufficient length of time the area has had to demonstrate what can result from adequate, dependable air service. These reasons, together with the others advanced, are not sufficient to dismiss this proceeding. Evidence in support of such allegations can be introduced at the hearing to establish the continuing need, if any, for the present pattern of air service to the area.

The petitions for leave to intervene allege adequate interest in this investigation and otherwise conform to the Board's rules of practice, and, therefore, will be granted.

Accordingly, it is ordered, That:

1. United Air Lines' request for dismissal or deferral; Delta Air Lines' request for deferral; Asheville's and Hendersonville's request for dismissal; and Raleigh-Durham's request for clarification and reconsideration of Order E–17851 be and they hereby are denied:

2. Piedmont Aviation, Inc.; Northeast Airlines, Inc.; Southern Airways, Inc.; Greensboro-High Point Airport Authority; Chambers of Commerce of Memphis, Asheville, Charlotte, and Hendersonville; the Cities of Memphis, Philadelphia and Charlotte; Mayor and City Council of Baltimore, Baltimore Association of Commerce and the Greater Baltimore Committee, Inc.; Huntsville-Madison County Airport Authority and the Peninsula Airport Commission be and they hereby are granted leave to intervene; and

3. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–4603; Filed, May 10, 1962; 8:49 a.m.]

[1] Northwest Airlines et al. v. Civil Aeronautics Board, C.A.D.C. Nos. 16355, 16356, and 16396.

[Docket 9767]

SERVICE TO SHEBOYGAN AND MANITOWOC, WIS., AREA

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204 and 401 thereof, that the above-entitled proceedings are hereby assigned for hearings on July 17, 1962, at 10:00 a.m. (local time) in Room 498, U.S. Post Office and Courthouse Building, 517 East Wisconsin Avenue, Milwaukee, Wis., before Examiner Edward T. Stodola.

Without limiting the scope of the issues raised by the pleadings in this proceeding or by the Board order remanding this matter for further hearings, particular attention will be directed to the following questions:

I. In addition to the issues of the original proceeding in Docket 9767, do the public convenience and necessity require, and should the Examiner and the Board order, the alteration, amendment, or modification of North Central's certificate of public convenience and necessity under section 401(g) of the Federal Aviation Act of 1958, as amended, so as (a) to designate Sheboygan and Manitowoc, Wis., as a single point on Segments 1 or 2 and/or 10 of North Central's Route 86; and (b) to authorize service through a single designated airport?

II. If the public convenience and necessity require that Sheboygan and Manitowoc, Wis., be served through a single airport to be designated by the Board, would the Sheboygan County Airport or the Manitowoc County Airport better serve the public need for service to Sheboygan-Manitowoc as a single certificated point?

For further details with respect to the issues involved in these remanded proceedings, interested persons are referred to the orders and notices entered herein, particularly Order E–18024, dated February 14, 1962, and the Examiner's Notice to Parties dated February 26, 1962, each of which is on file with the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person other than parties of record desiring to be heard in these remanded proceedings shall file with the Board on or before July 13, 1962, a statement setting forth the issues of fact or law raised by this case which he desires to controvert.

Dated at Washington, D.C., May 8, 1962.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 62–4604; Filed, May 10, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14622–14624; FCC 62–481]

FRANKLIN BROADCASTING CO., INC. (WCEF) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Franklin Broadcasting Co., Inc. (WCEF), Parkersburg, W. Va., Has: 1050 kc, 1 kw, Day, Requests: 1050 kc, 5 kw, Day, Docket No. 14622, File No. BP–14191; Oakland Radio Station Corporation, Oakland, Md., Requests: 1050 kc, 500 w, Day, Docket No. 14623, File No. BP–14413; Dennis A. Sleighter and Willard D. Sleighter, Everett, Pa., Requests: 1050 kc, 250 w, Day, Docket No. 14624, File No. BP–14580; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant applications involve varying degrees of interlinking interference. Mutually destructive interference exists between the applications of Oakland Radio Station Corporation (BP–14413) and that of Dennis A. Sleighter and Willard D. Sleighter (BP–14580).

2. The proposed operation of Station WCEF would cause interference to Station WBUT, Butler, Pennsylvania and WZIP, Cincinnati, Ohio, and the proposed operation of the Oakland Radio Station Corporation would cause interference to Station WBUT.

3. Simultaneous operation of the WCEF proposal and the Oakland proposal would result in interference to the Oakland proposal which would affect more than ten percent of the population in the primary service area in contravention of § 3.28(d)(3) of the Commission's rules.

4. Neither the antenna system of the proposal by Oakland Radio Station Corporation (BP–14413) nor that of Dennis A. Sleighter and Willard D. Sleighter (BP–14580) has been approved by the Federal Aviation Agency.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals requesting a new operation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCEF and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the following proposals would cause objectionable interference to the stations indicated, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Subject Proposal and Existing Station	
BP–14191	WBUT, Butler, Pa.
	WZIP, Cincinnati, Ohio.
BP–14413	WBUT, Butler, Pa.

5. To determine whether the interference received by the proposal of Oakland Radio Station Corporation or that of Dennis A. Sleighter and Willard D. Sleighter from any of the other proposals herein and any existing stations would affect more than ten percent of the population within their normally protected primary service areas in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a wavier of said section.

6. To determine whether there is a reasonable possibility that the tower heights and locations proposed by Oakland Radio Station Corporation and by Dennis A. Sleighter and Willard D. Sleighter would constitute a menace to air navigation.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That WBUT, Inc., Butler, Pa., and Greater Cincinnati Radio Inc., Cincinnati, Ohio, licensees of Stations WBUT and WZIP, respectively, are made parties to the proceeding.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Oakland Radio Station Corporation the construction permit shall contain the following conditions: "This authorization is subject to compliance by permittee with any applicable procedures of the FAA."

It is further ordered, That, in the event of a grant of the application of Dennis A. Sleighter and Willard D. Sleighter (BP–14580), the construction permit shall contain the following conditions:

The permittee shall submit sufficient field intensity measurement data to show that the radiation has been reduced to 175 mv/m/kw as proposed.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of a grant of the application of Franklin Broadcasting Co., Inc., the construction permit shall contain the following conditions: "The permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of

the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4614; Filed, May 10, 1962; 8:50 a.m.]

[Docket Nos. 14585, 14586; FCC 62M-646]

GROSSCO, INC., AND VALLEY BROADCASTING CO.

Order Continuing Hearing

In re applications of Grossco, Inc., West Hartford, Conn., Docket No. 14585, File No. BPH-3222; The Valley Broadcasting Company, Ansonia, Conn., Docket No. 14586, File No. BPH-3241; for construction permits (FM).

To formalize the agreements and rulings made on the record at a prehearing conference held on May 7, 1962, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 7th day of May 1962, that:

Engineering exhibits shall be exchanged on July 16, 1962;

Lay exhibits shall be exchanged on August 13, 1962;

Notification of Witnesses August 31, 1962; and

Hearing presently scheduled for May 31, 1962, is rescheduled for September 11, 1962.

Released: May 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4615; Filed, May 10, 1962; 8:50 a.m.]

[Docket No. 14625; FCC 62-483]

HAWKEYE BROADCASTING, INC. (KOEL)

Order Designating Application for Hearing on Stated Issues

In re application of Hawkeye Broadcasting, Inc. (KOEL), Oelwein, Iowa, Docket No. 14625, File No. BP-14012, Has: 950 kc, 500 w, 1 kw-LS, DA-2, U, Class III-B, Req: 950 kc, 500 w, 5 kw-LS, DA-2, U, Class III-B; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the above-captioned and described application:

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the instant proposal of Station KOEL will cause electrical interference to Station KRSI, St. Louis Park, Minnesota, and Station KIOA, Des Moines, Iowa; and

It further appearing, that, in view of the outstanding proposed rule-making proceeding in Docket No. 14419 with respect to presunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(c) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOEL and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station KOEL, would cause objectionable interference to Station KRSI and Station KIOA or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Radio Suburbia, Inc., St. Louis Park, Minn., and Swanco Broadcasting, Inc. of Iowa, Des Moines, Iowa, licensees of Stations KRSI and KIOA respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that the new construction and the adjustment of the daytime directional array has not adversely affected the operation of the nighttime directional array.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Relcased: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4616; Filed, May 10, 1962; 8:50 a.m.]

[Docket No. 14547; FCC 62M-645]

BILL S. LAHM

Order Scheduling Prehearing Conference

In re application of Bill S. Lahm, Wisconsin Rapids, Wis., Docket No. 14547, File No. BMP-9407; for additional time to construct Radio Station WRNE.

The Hearing Examiner having under consideration his order herein of April 26, 1962;

It is ordered, This 7th day of May 1962, that a further prehearing conference for the purpose of establishing the procedures and dates to govern this hearing will be held on May 17, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: May 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4617; Filed, May 10, 1962; 8:50 a.m.]

[Docket No. 14504; FCC 62M-642]

PIONEER STATES BROADCASTERS, INC.

Order Changing Place of Hearing

In re application of Pioneer States Broadcasters, Inc., West Hartford, Conn., Docket No. 14504, File No. BP-14060; for construction permit.

The Chief Hearing Examiner having under consideration a petition on behalf of the Commission's Broadcast Bureau, filed April 26, 1962, requesting a change in the place of hearing in the above-entitled proceeding from Washington, D.C., to Torrington, Conn., and an opposition by the applicant filed May 1, 1962;

It appearing, that, in its order of hearing designation herein, the Commission stated that although, in form, the instant application is for a new radio station at West Hartford, Conn., it is, in fact, a proposal to move the applicant's existing facility (WBZY) from Torrington to West Hartford, Conn.;

It appearing further, that, in support of its petition, the Bureau alleges that numerous persons and representatives of civic and school organizations desire to be heard on this application "which would have the effect of removing the only outlet available to them in certain of the areas presently served by the applicant";

It appearing further that the determination of the existence of "good cause" to warrant a field hearing in this proceeding is unaffected by the applicant's opposition thereto which is found to be without merit; and that it is appropriate and in the public interest to permit sessions of the hearings in this proceeding to be held in Torrington, Conn., in order that interested citizens and the representatives of local public service groups who desire to be heard upon the applicant's proposal may be accorded a full opportunity to present their testimony;

It is ordered, This 7th day of May 1962, that the petition is granted and that sessions of the hearings in the above-entitled proceeding will be held in Torrington, Connecticut.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4618; Filed, May 10, 1962; 8:50 a.m.]

[Docket Nos. 14626, 14627; FCC 62-487]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Redding-Chico Television, Inc., Redding, Calif., Docket No. 14626, File No. BPCT-2875; for a construction permit for a new Commercial Television Broadcast Station; Northern California Educational Television Association, Inc., Redding, Calif., Docket No. 14627, File No. BPCT-2890; for a construction permit for a new Non-Commercial Educational Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a television broadcast station to operate on Channel 9 assigned to Redding, Calif.; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

The proposal of Redding-Chico Television, Inc. (BPCT-2875).

(1) The cash requirements for construction and initial operation, based on information contained in the application, cannot be determined, since it is unknown what portion of the $50,000 for "miscellaneous and initial operation" will be available for the latter. In addition, the terms of repayment of the $25,000 note held by the bank cannot be determined. Applicant proposes to finance the construction and initial operation by means of loans from stockholders of $50,000, stock subscriptions of $90,000 and existing capital of $26,000; a total of $166,000. However, it cannot be determined that the parties who have entered into subscription and loan agreements have sufficient current and liquid assets, in excess of current liabilities, to meet their commitments (with the exception of Messrs. Goodwin and Smullin); nor can it be determined that Mr. Spight is financially qualified to construct the tower and transmitter building. Therefore, it cannot be determined that the applicant is financially qualified.

(2) Mr. William B. Smullin, Secretary-Treasurer and a Director of applicant, is (a) President, Director and a 78.5 percent stockholder of Redwood Broadcasting Company, Inc. (licensee of KIEM and KIEM-TV, Eureka, Calif.; KRED (FM), Eureka, California; 50 percent stockholder of Southern Oregon Broadcasting Company, and 50 percent stockholder of Oregon Broadcasting Company (CATV)—all stock holdings are voted by Mr. Smullin); (b) Secretary-Treasurer and a Director of Southern Oregon Broadcasting Company (licensee of KBES-TV, Medford, Oreg.; KOTI (TV), Klamath Falls, Oreg.; KGPO (FM), Grants Pass, Oregon; KAGI (AM), Grants Pass, Oregon; Television Broadcast Translator Stations K70AU, Cave Junction, Oreg., and K71AK and K73AK, Cow Creek, Oreg.; and, holds 50 percent of the stock of South West Oregon Television Broadcasting Corporation—the stock is voted by Mr. Smullin); (c) Vice-President, Secretary-Treasurer and a Director of South West Oregon Television Broadcasting Corporation (licensee of KPIC-TV, Roseburg, Oreg.); and, (d) Vice-President and a Director of Oregon Broadcasting Company (owns and operates community antenna television systems in Grants Pass, Klamath Falls, Medford, and Roseburg, Oreg.). Mr. G. Edward Goodwin, 12.5 percent stockholder of applicant, is Vice-President, Assistant Secretary, Director and 4 percent stockholder of Redwood Broadcasting Company, Inc. Mr. Earl D. Cothran, Assistant Secretary-Treasurer of applicant, is Treasurer of Redwood Broadcasting Company, Inc., and a Director of Southern Oregon Broadcasting Company. Redwood Broadcasting Company, Inc., 20 percent stockholder of applicant, is a 50 percent stockholder of both Southern Oregon Broadcasting Company and Oregon Broadcasting Company. In view of the above-mentioned interests, it appears appropriate to consider the size, extent and location of the areas served, the number of people served, and the extent of other competitive services to the areas in question; and such other factors as will tend to demonstrate that the concentration of control involved will or will not be in contravention of § 3.636(a)(2) of the Commission's rules.

(3) Redwood Broadcasting Company, Inc., is licensee of Television Station KIEM-TV, Eureka, Calif., and, in the event the subject application were to be granted, the City Grade field intensity contour of the proposed station would overlap the City Grade field intensity contour of KIEM-TV by approximately 12 miles; the Grade A field intensity contour of the proposed station would overlap the Grade A field intensity contour of KIEM-TV by approximately 29 miles; and, the Grade B field intensity of the proposed station would overlap the Grade B field intensity contour of KIEM-TV by approximately 81 miles. Southern Oregon Broadcasting Company is licensee of Television Station KBES-TV, Medford, Oreg., and, in the event the subject appliaction were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of KBES-TV by approxmiately 12 miles. Southern Oregon Broadcasting Company is also the licensee of Television Station KOTI (TV), Klamath Falls, Oreg., and, in the event the subject application were to be granted, the Grade A field intensity contour of the proposed station would overlap the Grade B field intensity of KOTI (TV) by approximately 11 miles; and, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of KOTI (TV) by approximately 24 miles. In view of the foregoing an issue is included with respect to a possible violation of § 3.636(a)(1) of the Commission's rules.

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Redding-Chico Television, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to issues "2" and "3" below; and that Northern California Educational Television Association, Inc., is

legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Redding-Chico Television, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of the Redding-Chico Television, Inc., application would be consistent with the provisions of § 3.636(a)(2) of the Commission's rules.

3. To determine whether a grant of the Redding-Chico Television, Inc. application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules.

4. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-mentioned applications.

5. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4619; Filed, May 10, 1962; 8:50 a.m.]

[Docket No. 14510 etc.; FCC 62-478]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Application for Consolidated Hearing on Stated Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company, Blauvelt, N.Y., Docket No. 14510, File No. BP-13477, Requests: 1300 kc, 500 w, DA-D; Delaware Valley Broadcasting Co. (WAAT), Trenton, N.J., Docket No. 14511, File No. BP-14054, Has: 1300 kc, 250 w, Day (Class IV), Requests: 1300 kc, 5 kw, DA-2, U (Class III); Rockland Radio Corporation, Spring Valley, N.Y., Docket No. 14512, File No. BP-14461, Requests: 1300 kc, 500 w, DA-D; Rockland Broadcasters, Inc., Spring Valley, N.Y., Docket No. 14513, File No. BP-14462, Requests: 1300 kc, 1 kw, DA-D; Asbury Park Press, Inc. (WJLK), Asbury Park, N.J., Docket No. 14514, File No. BP-14469, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, DA-D, U (Day: Class III; Night: Class IV); City of Camden (WCAM), Camden, N.J., Docket No. 14616, File No. BP-14638, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, U (Day: Class III; Night: Class IV); for construction permits.

1. The Commission has before it for consideration (a) a "Petition for Reconsideration and Other Relief", filed March 12, 1962 by The City of Camden, (WCAM or petitioner, hereinafter); (b) an opposition to the petition filed March 22, 1962, by Asbury Park Press, Inc. (WJLK, hereinafter); and (c) a reply to the opposition submitted March 29, 1962 by WCAM. Petitioner, licensee of Station WCAM, Camden, N.J., requests that the Commission reconsider its action of February 6, 1962, designating for hearing the first five applications captioned above. Upon such reconsideration, petitioner requests that its own application for an increase in the daytime power of Station WCAM be consolidated in the hearing proceeding and, additionally, that WCAM be made a party respondent in that hearing with regard to its existing operation.

2. The facts upon which petitioner bases its asserted right to have the WCAM application consolidated with that of WJLK are, briefly, as follows: On September 21, 1960, the Commission issued a public notice, commonly known as a "cut-off list," announcing that certain applications, including that of Rockland Broadcasting Company (Rockland, hereinafter) would be ready and available for study on November 4, 1960. The notice further stated, in relevant part, that any conflicting proposal "in order to be considered with any application appearing in the attached list", must be filed prior to the close of business on November 3, 1960. Petitioner's application, which was not filed until January 19, 1961, does not involve interference with the Rockland proposal. It does, however, involve slight interference with a proposal to increase the power of Station WAAT, Trenton, N.J., and extensive interference with a power increase application for Station WJLK, Asbury Park, N.J. The latter two proposals, which involve interlinking interference conflicts with the Rockland application, were filed on or before November 3, 1960, and were, therefore, consolidated for hearing with the Rockland proposal.[1] Petitioner's application, not having been timely filed with the Rockland application, was not consolidated in the hearing proceeding.

3. Petitioner contends that its proposal must be consolidated in the hearing involving the WAAT and WJLK applications, basing this claim upon the decision of the U.S. Court of Appeals for the District of Columbia in Ridge Radio Corporation v. F.C.C., 292 F. 2d 770, 21 R.R. 2060 (1961). Upon consideration of all factors involved, we are of the opinion that WCAM is correct in its contentions.

4. In Ridge Radio, supra, the Court held that a cut-off list, of the type here involved,[2] was inadequate to deprive the applicant in that case of the right to a consolidated hearing, inasmuch as the list failed to give notice that applications not themselves on a cut-off list, but in a chain of conflict with applications thereon, were entitled to "umbrella" protection of the cut-off order. We note that the WCAM application was filed prior to the time that either the WAAT application or the WJLK application appeared on a public notice as ready and available for processing. Petitioner's application was excluded from the hearing proceeding involving those applications only because it was not timely filed with the "lead" application, that of Rockland Broadcasting Company, with which the WCAM proposal involved no direct conflict. Since, under the holding in the Ridge case, the cut-off list upon which Rockland appeared was defective with respect to WCAM, and since WCAM has filed a timely petition for reconsideration of the order creating the hearing proceeding from which it was excluded, we hold that petitioner's request for consolidation must be granted.[3]

[1] FCC 62-151, Adopted Feb. 6, 1962; Released Feb. 12, 1962.

[2] The wording of the cut-off notices has subsequently been changed, but the wording involved in the Rockland cut-off list antedated substantial change.

[3] See also, Community Service Broadcasters, Inc., FCC 61-1204, released Oct. 17, 1961, involving substantially similar circumstances. Cf. Community Service Broadcasters, Inc., 22 RR 849, 851 (1962), in which consolidation was denied owing to the applicant's failure to file a petition for reconsideration of the hearing order within the thirty day period provided by § 1.191 of the rules and section 405 of the Communications Act.

[4] Petitioner has filed a concurrent "Petition to Intervene" in the Rockland hearing, pursuant to § 1.104 of the Commission's rules. Since petitioner would obtain no more rights as an intervenor than it will possess as a full party to the hearing, the petition to intervene may be regarded as moot.

5. Petitioner has also requested that WCAM be made a party respondent in the Rockland hearing because, it is argued, WCAM's existing operation will receive substantial interference from the proposed operation of WJLK and this interference would constitute a modification of petitioner's license under section 316 of the Communications Act. It is clear that to make WCAM a "party respondent"—with no enlargement of the designated issues in the proceeding—would give petitioner no further rights than those it obtained through consolidation as a full party in the hearing. What WCAM really seeks is enlargement of issues to include an issue regarding interference to its existing operation and it is in this sense that we have considered the WCAM request.[4]

6. Stations WCAM, WJLK and WAAT are Class IV facilties operating with a power of 250 watts on Class III (regional) channels. Upon an increase of power to one kilowatt daytime, over minimum power for a Class III operation, any one of these three stations would become a Class III facility with regard to its daytime operation. § 3.29 of the Commission's rules provides that Class IV stations presently authorized to operate on regional channels "will not be protected against interference from Class III stations." Accordingly, the existing operation of WCAM is not entitled to protection against Station WJLK, should the latter become a Class III operation. (Conversely, WJLK's existing operation is not protected against a WCAM proposal which would raise that station to Class III status.)

In view of the foregoing: *It is ordered*, This 2d day of May 1962, that the instant petition filed by The City of Camden is granted to the extent indicated herein, and is denied in all other respects.

It is further ordered, That the application of the City of Camden, BP-14638, for an increase in the daytime power of Station WCAM, Camden, New Jersey, is consolidated in the hearing proceeding involving the applications of Delaware Valley Broadcasting Co., Docket No. 14511, and Asbury Park Press, Inc., Docket No. 14514.

It is further ordered, That the issues in the above-mentioned hearing will not be changed or enlarged by reason of the addition of the City of Camden as a party to the proceeding, except that Issue No. 2 shall be amended to read as follows:

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WAAT, Station WJLK, and Station WCAM and the availability of other primary service to such areas and populations.

It is further ordered, That, in the event of a grant of the WCAM proposal, the authorization shall be subject to the following conditions:

(1) Permittee shall submit with the application for license measurement data to establish that the proposed transmitter complies with §§ 3.48 and 2.524 of the rules.

(2) Before program tests are authorized, permittee shall submit sufficient filed intensity measurement data to establish that the radiation has been reduced to essentially 175 mv/m/kw, as proposed.

It is further ordered, That, to avail itself of the opportunity to be heard, The City of Camden, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4620; Filed, May 10, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5656]

COMPANIA ELECTRICA MATAMOROS, S.A. AND CENTRAL POWER AND LIGHT CO.

Notice of Application

MAY 4, 1962.

Take notice that on April 9, 1962, Compania Electrica Matamoros, S.A. (Matamoros Company), incorporated under the laws of the Republic of Mexico, with its principal place of business at Matamoros, Tamaulipas, Mexico, and Central Power and Light Company (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Tex., filed a joint application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Matamoros Company and Central (Applicants) are presently authorized to transmit from the United States to Mexico.

By Commission order issued August 2, 1957, in the above docket, (18 FPC 110), Applicants were authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 80,000,000 kilowatt-hours per year at a rate of transmission not in excess of 26,000 kilowatts. Applicants now seek authorization to export up to 110,000,000 kilowatt-hours of electric energy per year at a rate not to exceed 35,000 kilowatts.

The amount of electric energy proposed to be exported, like that amount presently exported pursuant to the aforementioned authorization, is to be transmitted by Matamoros Company from points near Brownsville, Tex., to points near Matamoros, Tamaulipas, Mexico, over certain electric facilities specified in three Presidential Permits held by Matamoros Company and signed by the President of the United States on August 26, 1941 (Docket No. IT-5656), on February 18, 1948 (Docket No. IT-6053), and on April 14, 1951 (Docket No. E-6336). Central will continue to be the supplier of the energy to be exported.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 25, 1962, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4570; Filed, May 10, 1962; 8:45 a.m.]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO. AND TENNESSEE GAS TRANSMISSION CO.

Notice of Petition To Amend

MAY 4, 1962.

Take notice that on March 14, 1962, Southern Natural Gas Company (Southern), P.O. Box 1513, Houston 1, Tex., and Tennessee Gas Transmission Company (Tennessee), P.O. Box 2511, Houston 1, Tex., filed in Docket No. G-4715 a joint petition to amend the certificate of public convenience and necessity heretofore issued in said docket, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order of the Commission issued February 25, 1955, in the subject docket, Petitioners were authorized to exchange natural gas. Southern was authorized to deliver gas from production owned or controlled by it in the Franklin Field, St. Mary Parish, La., to Tennessee's lines in that field, and Tennessee was authorized to return gas by delivering equivalent quantities to Southern at a point approximately 12 miles south of the Franklin Field, near Tennessee's gas receiving station at the end of its Bayou Sale lateral line.

Petitioners request the Commission to amend the certificate issued to them in the subject docket as follows:

(1) To authorize a new delivery point in the immediate vicinity of Southern's existing Eloi Bay receiving station; and to authorize Tennessee to deliver to

Southern at the Eloi Bay delivery point, pursuant to the Franklin Exchange Agreement, up to 4,000 Mcf of gas per day, with a corresponding reduction in the amount of gas redelivered by Tennessee to Southern under the Franklin Exchange Agreement at the Bayou Sale delivery point; and

(2) To authorize Southern to tap its Eloi Bay lateral and to construct and operate measuring and receiving facilities at the Eloi Bay delivery point for the receipt of said gas from Tennessee.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4571; Filed, May 10, 1962; 8:45 a.m.]

[Docket No. G-16584 etc.]

UNITED PRODUCING CO., INC., ET AL.

Notice of Severance

MAY 4, 1962.

Notice is hereby given that the matter of Everard W. Marks, Sr., et al., Docket No. CI62-476, heretofore scheduled for a hearing to be held in Washington, D.C., on May 8, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled United Producing Company, Inc., et al., Docket Nos. G-16584, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4572; Filed, May 10, 1962; 8:45 a.m.]

[Docket No. E-6582]

U.S. DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

MAY 7, 1962.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), certain proposed rates and charges for the sale of electric power generated at the Whitney Project for the 5-year period beginning June 1, 1962, all such rates and charges having been set forth in an agreement dated November 17, 1953, between the United States of America, represented by SWPA, and Brazos Electric Power Cooperative, Inc. (Cooperative). The proposed rates and charges represent a continuation for an additional 5-year period of rates and charges herein approved by the Commission for an initial 5-year period commencing December 23, 1954 (13 FPC 1632), and subsequently extended for a period ending May 31, 1962 (23 FPC 310).

The agreement provides inter alia for the delivery to Cooperative of the entire output of the Whitney Project, which includes 30,000,000 kwh per year of primary energy and an average of 51,760,000 kwh per year of secondary energy. Cooperative will pay an annual charge of $441,000 in equal monthly payments of $36,750, and will receive credit at specified rates in the event that SWPA fails to deliver the scheduled primary energy or spills water through no fault of the Cooperative.

The agreement, which extends for 35 years from the date of the commencement of service, provides that the rates and charges contained therein shall remain in force for a period of five years from the date of initial approval by the Commission, at which time and at the end of each succeeding 5-year period thereafter they shall be reviewed and redetermined.

The Secretary of the Interior states that current repayment studies indicate that all costs associated with the Whitney Project power operation will be repaid within a 53-year period beginning with the fiscal year 1956.

The contract agreement in its entirety is on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rates and charges should submit the same in writing on or before May 21, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4590; Filed, May 10, 1962; 8:47 a.m.]

[Docket No. CP62-195]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

MAY 7, 1962.

Take notice that on February 16, 1962, as supplemented on February 27, 1962, and April 20, 1962, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Ky., filed in Docket No. CP62-195 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant expects to increase the contract demands of 49 of its existing customers by 92,639 Mcf per day and requests certificate authorization to construct and operate the following facilities therefor:

(1) Approximately 78.61 miles of 30-inch pipeline in Louisiana, Tennessee, and Kentucky;

(2) Approximately 18.64 miles of 26-inch pipeline in Louisiana, Indiana, and Ohio;

(3) Approximately 17.60 miles of 12-inch pipeline in Indiana;

(4) Approximately 46.20 miles of 10-inch pipeline in Kentucky;

(5) Approximately 1.47 miles of 8-inch pipeline in Kentucky;

(6) One 1,500 horsepower compressor unit at the Jeffersontown, Kentucky, compressor station;

(7) One 2,000 horsepower compressor unit at the Lake Cormorant, Mississippi, compressor station; and

(8) One 2,000 horsepower compressor unit at the Greenville, Mississippi, compressor station.

Applicant further seeks authorization to operate the Leesville Field, Lawrence County, Ind., as a gas storage field and, in connection therewith, to construct and operate a meter and control station and approximately 8.5 miles of 16-inch pipeline connecting existing facilities of Applicant with the Leesville Field. Applicant was authorized by the Commission's order of May 3, 1961, in Docket No. CP61-73 (25 FPC 916), to construct and operate facilities for the evaluation of the characteristics and capabilities of the field. Applicant states that such testing facilities have been constructed and that they are inadequate for the proposed storage service. Therefore, Applicant requests permission and approval to abandon by removal a test meter station, together with approximately five miles of 4-inch pipeline and approximately 2 miles of 2-inch pipeline.

The total estimated cost of the proposed facilities is $17,103,000, which Applicant proposes to finance through the issuance of long-term debt securities.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4591; Filed, May 10, 1962; 8:48 a.m.]

[Docket No. G-20270, etc.]

UNITED FUEL GAS CO. ET AL.

Order Setting Date for Hearing on Limited Issues, Granting and Denying Motions for Consolidation, and Permitting Intervention

MAY 7, 1962.

United Fuel Gas Company, Docket No. G-20270; Atlantic Seaboard Corporation, Docket No. G-20272; United Fuel Gas Company et al., CP61-107.

By orders issued December 29, 1961, and February 19, 1962, in Docket No. G-20272 and by order issued March 20, 1962, in Docket No. G-20270, the Commission conditionally approved proposed settlements in said proceedings and provided for hearings on certain reserved issues, namely, the issues of rate design for United Fuel and for Atlantic Seaboard, the depreciation rates for United Fuel's properties, and the Btu adjustment provision in Atlantic Seaboard's contract demand service rate schedules.

On January 17, 1962, Baltimore Gas and Electric Company (Baltimore), an intervener in the proceedings in Docket Nos. G-20270 and G-20272, moved that the Commission consolidate said proceedings for hearing and decision. Baltimore states that the hearing and decision on rate design for Atlantic Seaboard Corporation (Atlantic Seaboard) will be substantially affected by the hearing and decision in the matter of United Fuel Gas Company (United Fuel), Atlantic Seaboard's supplier. It therefore appears appropriate to consolidate said proceedings for hearing and decision.

On December 19, 1961, Lynchburg Gas Company (Lynchburg) moved that the Commission consolidate for hearing and decision the certificate proceeding in Docket No. CP61-107 with the rate proceedings in Docket Nos. G-20270 and G-20272. United Fuel, et al. and Washington Gas Light Company (Washington) filed answers opposing Lynchburg's motion. In support of its motion Lynchburg stated, among other things, that the application for transfers of property in Docket No. CP61-107 would, if approved, affect the cost of service of the applicants and should therefore be considered and determined with the related rate proceedings. United Fuel, et al. and Washington answered, among other things, that hearings in the certificate proceeding were near completion and should not be delayed for other matters. We note that hearings in the certificate proceeding are now concluded, briefs have been filed, and the matter is before the Presiding Examiner for decision. We further note that our orders in the rate proceedings now provide for reflection, in respondents' cost of service and rates of any approval of transfers in the certificate proceeding. It therefore appears unnecessary and inappropriate to consolidate the certificate proceeding with the rate proceedings.

On February 19, 1962, Washington moved that the Commission require (1) United Fuel and Atlantic Seaboard to serve their testimony and exhibits in the above rate proceedings within fifteen days after issuance of the order fixing the date of hearing therein, (2) require interveners favoring respondents' position to serve supporting testimony and exhibits within 15 days thereafter, and (3) require opposing interveners to serve testimony and exhibits within 15 days after cross-examination of previously served presentations. Several parties filed answers opposing Washington's motion and proposing alternative procedures. The procedures requested by Washington appear to allow too little time for a full development of the issues reserved for hearing in these rate proceedings and may be otherwise inappropriate. We shall instead require United Fuel and Atlantic Seaboard to serve their testimony and exhibits on or before May 28, 1962, and shall set a hearing for June 18, 1962, when the witnesses for United Fuel and Atlantic shall adopt their testimony and exhibits and shall be presented for cross-examination. The Presiding Examiner shall prescribe further appropriate procedures.

On February 28, 1962, the city of Charlottesville, Virginia, petitioned to intervene in the above rate proceedings. Charlottesville should be permitted to participate in these proceedings but only to the extent of the issues reserved for hearing.

The Commission finds:

(1) Good cause exists for granting Baltimore's motion to consolidate Docket Nos. G-20270 and G-20272 for hearing and decision.

(2) Good cause has not been shown for granting Lynchburg's motion to consolidate the above certificate proceeding with the rate proceedings or for granting Washington's motion for certain procedures in the rate proceedings.

(3) A date should be set for the hearing in the above rate proceedings and appropriate hearing procedures should be prescribed, as hereinafter provided.

(4) The participation of the city of Charlottesville, Virginia, in the above rate proceedings on the reserved issues may be in the public interest.

The Commission orders:

(A) The rate proceedings in Docket Nos. G-20270 and G-20272 are consolidated for hearing and decision.

(B) Lynchburg's motion to consolidate the proceeding in Docket No. CP61-107 with said rate proceedings is denied.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held in the proceedings in Docket Nos. G-20270 and G-20272 commencing on June 18, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Said hearing shall concern the issues reserved for hearing by order issued March 20, 1962 in Docket No. G-20270 and orders issued December 29, 1961, and February 19, 1962, in Docket No. G-20272.

(D) United Fuel and Atlantic Seaboard shall serve on or before May 28, 1962, upon all parties to the consolidated proceedings, their testimony and exhibits embodying their complete direct case-in-chief on the issues to be heard. At the beginning of the hearing the witnesses for said respondents shall adopt their testimony and exhibits and shall then be presented for cross-examination. The Presiding Examiner shall thereafter prescribe further appropriate procedures.

(E) Washington's motion for certain procedures in the above-consolidated rate proceedings is denied.

(F) The city of Charlottesville, Va., is permitted to intervene in the consolidated proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of Charlottesville shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition and shall be further limited to the issues reserved for hearing: *And provided, further,* That admission of said intervener shall not be construed as recognition by the Commission that Charlottesville might be aggrieved because of any order or orders of the Commission entered in the subject proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4592; Filed, May 10, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4038]

ALABAMA POWER CO.

Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding and Proposed Issuance and Sale of Common Stock to Holding Company

MAY 3, 1962.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham 2, Alabama, an electric utility subsidiary company of The Southern Co. ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $17,000,000 principal amount of First Mortgage Bonds, Series due 1992. The interest rate on the new bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by

competitive bidding. The bonds will be issued under the indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Co., as Trustee, as heretofore supplemented by various indentures supplemental thereto and as to be further supplemented by a supplemental indenture to be dated as of June 1, 1962.

Alabama also proposes to issue and sell to Southern in May 1962 an aggregate of 80,000 shares of its no par value common stock for a cash consideration of $100 per share or a total consideration of $8,000,000. All of Alabama's presently outstanding common stock is owned by Southern. The acquisition of said 80,000 shares by Southern is included in a separate filing which is presently before this Commission. (See File No. 70–4039.)

The proceeds from the sale of the new bonds and the shares of common stock are to be used by Alabama for the construction or acquisition of permanent improvements, extensions, and additions to its property and for the payment of short-term bank loans amounting to $20,500,000 made for such purposes. Construction expenditures by the company for the year 1962 are estimated at $55,051,000.

Information as to fees and expenses to be incurred by Alabama in connection with the issuance and sale of the new bonds is to be supplied by amendment. Alabama estimates miscellaneous expenses of $500 and the expenditure of $3,200 for documentary tax stamps with respect to the issuance and sale of the common stock. The application states that the issuance and sale of the new bonds and the issuance and sale of the shares of common stock have been expressly authorized by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business. It is further stated that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4582; Filed, May 10, 1962; 8:47 a.m.]

[File No. 37–60]

AMERICAN NATURAL GAS SERVICE CO.

Notice of Proposed Modifications in Organization and Conduct of Business of Subsidiary Service Company

MAY 4, 1962.

American Natural Gas Service Company ("Service Company"), Penobscot Building, Detroit 26, Michigan, a subsidiary service company which is wholly owned by American Natural Gas Company ("American Natural"), a registered holding company, has filed an amended declaration with this Commission pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder regarding proposed modifications in the organization and conduct of business of Service Company.

All interested persons are referred to said amended declaration, on file in the office of the Commission, for a statement of the transactions proposed therein which are summarized as follows:

American Natural also owns all of the common stocks of six operating subsidiary companies which are engaged principally in the production, purchase, transmission and storage of natural gas and in the distribution of gas at retail in the States of Michigan and Wisconsin. Consolidated operating revenues of the system amounted to $268,000,000 for the 12 months ended September 30, 1961. Service Company performs various technical and advisory services at cost for all associate companies in the American Natural holding company system. In the 12 months ended September 30, 1961, Service Company billed operating subsidiary companies $1,175,000 and American Natural $303,000 for services rendered.

Service Company was qualified as a subsidiary service company under the Act by an order of this Commission dated January 24, 1950 (American Natural Gas Service Company, 30 SEC 807). This order provides, among other things, that the salaries of officers of Service Company, who also are officers of American Natural, will be paid by Service Company in the first instance and will be charged entirely to American Natural, irrespective of the amount of time spent by such officers on subsidiary company matters; and that the salaries of the secretaries of such officers, together with the overhead and other expenses attributable to such officers and secretaries, will be paid and charged in like manner. At the present time, only one officer of Service Company also is an officer of American Natural, and he is the President of both companies. Such officer and his secretary are on the payroll of Service Company. American Natural has two other officers and two other employees all of whom are on the payroll of the company in its New York Office. All of the costs of that office are absorbed by American Natural. The total expenses of American Natural for the 12 months ended September 30, 1961, amounted to approximately $1,300,000 including the aforesaid service charges from Service Company.

In its amended declaration, Service Company requests that the 1950 order of the Commission be modified so as to permit Service Company to charge to all associate companies, including American Natural, on the basis of time actually spent, the salaries and related expenses of officers of Service Company, who also are officers of American Natural, and their secretaries, and the overhead expenses attributable to such officers and secretaries; provided, however, that at least 25 percent of the salaries and related expenses and overheads of the President of Service Company and his secretary will be charged to American Natural each month. The declaration also states that, with the possible exception of the election of one additional officer, no other changes are presently contemplated in the organization of American Natural.

Service Company states that the costs of services rendered to associate companies will be allocated among such companies in accordance with cost allocation procedures presently in effect. It is further stated that, if the proposed modifications had been in effect for the 12 months ended September 30, 1961, operating subsidiary companies would have been billed additional service charges of approximately $165,000, and that the service charges to American Natural would have been correspondingly lower. No charge will be made to associate companies for any of the costs of the New York Office of American Natural.

The amended declaration states that the President of Service Company and his secretary have devoted, and will continue to devote the great bulk of their time to the performance of services for operating subsidiary companies, that these services are primarily for the benefit of the subsidiary companies, and that such companies should bear an appropriate portion of the costs thereof.

The declaration further states that the proposed increase of $165,000 in service charges to the operating subsidiary companies is equivalent to approximately 0.06 percent of the consolidated gross operating revenues of the holding company system, and that such increase will not of itself serve as a basis for an increase in the present rates of any operating subsidiary company, although the additional charges will be included in the overall cost of utility service of such company in any future rate proceeding.

Service Company requests that the amended declaration be permitted to become effective forthwith, so as to allow temporary authority for the proposed modifications of Service Company's organization and conduct of business for a period of 18 months, or such longer period as the Commission may determine, subject to further order of the Commission. Service Company agrees that, if the requested authorization is allowed, the company will furnish the Commission during the period of temporary authority with such reports as the Commission may request with respect to the organization and conduct of business of Service Company.

Notice is further given that any interested person may, not later than May 28, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as further amended, may be granted and permitted to become effective or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4583; Filed, May 10, 1962; 8:47 a.m.]

[File No. 70–4040]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Filing Regarding Issuance and Sale of Unsecured Notes; Related Open Account Advances; Issuance and Sale of Long-Term Installment Notes and Common Stock

MAY 4, 1962.

In the matter of The Columbia Gas System, Inc., 120 East 41st Street, New York 17, N.Y.; United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corporation, Kentucky Gas Transmission Corporation, 1700 MacCorkle Avenue SE., Charleston, W. Va.; The Ohio Fuel Gas Company, The Ohio Valley Gas Company, 99 North Front Street, Columbus 15, Ohio; The Preston Oil Company, 1600 Dublin Road, Columbus, Ohio; The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company, Columbia Gas of New York, Inc., Columbia of Pennsylvania, Inc., Columbia of Maryland, Inc., 800 Union Trust Building, Pittsburgh 19, Pa.; Columbia Gulf Transmission Company, 1125 Brazos Street, Houston 2, Tex.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company and its wholly owned subsidiary companies, United Fuel Gas Company ("United Fuel"), Amere Gas Utilities Company ("Amere"), Atlantic Seaboard Corporation ("Seaboard"), Columbia Gas of Kentucky, Inc. ("Columbia of Kentucky"), Virginia Gas Distribution Corporation ("Distribution"), Kentucky Gas Transmission Corporation ("Kentucky Gas"), The Ohio Fuel Gas Company ("Ohio"), The Ohio Valley Gas Company ("Ohio Valley"), The Preston Oil Company ("Preston"), The Manufacturers Light and Heat Company ("Manufacturers"), Cumberland Allegheny Gas Company ("Cumberland"), Home Gas Company ("Home"), Columbia Gas of New York, Inc. ("Columbia of New York"), Columbia of Pennsylvania, Inc. ("Columbia of Pennsylvania"), Columbia of Maryland, Inc. ("Columbia of Maryland"), and Columbia Gulf Transmission Company ("Columbia Gulf"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 7, 9, 10, 12 (b) and (f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions which are summarized as follows:

The following subsidiary companies of Columbia plan to finance partially their construction requirements for 1962, estimated to aggregate $103,769,000, with funds available from internal sources. The balance will be financed through the issuance and sale to Columbia of installment notes, not to exceed the following amounts:

	Amount
Manufacturers	$8,600,000
United Fuel	5,000,000
Ohio	22,000,000
Ohio Valley	1,100,000
Amere	275,000
Seaboard	1,700,000
Distribution	750,000
Kentucky Gas	600,000
Columbia of Kentucky	2,000,000
Cumberland	450,000
Home	300,000
Columbia of New York	1,600,000
Columbia of Maryland	100,000
Columbia of Pennsylvania	5,800,000
Preston	4,400,000
Columbia Gulf	4,000,000
Total	58,675,000

In addition Preston proposes to issue and sell to Columbia shares of common stock at an aggregate par value of $1,000,000.

The installment notes are to be issued and sold periodically when funds are needed but not later than March 31, 1963. These notes will be unsecured, will be dated when issued, and will be due in 25 equal annual installments on January 15 of the years 1964 to 1988 inclusive. Interest will be payable semiannually at the rate which represents the approximate cost of money to Columbia on its next sale of debentures, scheduled for June, 1962. Any installment notes issued prior to such sale will bear interest at the rate of 5.1 percent per annum, the cost of money on Columbia's last sale of debentures.

To provide funds for five of its subsidiary companies to purchase inventory gas for storage, Columbia also proposes to issue and sell unsecured short-term notes to a group of commerical banks, for whom Morgan Guaranty Trust Company of New York will act as clearing agent, in an aggregate face amount not to exceed $75,000,000.

The notes are to mature as follows: $25,000,000 on February 28, 1963, $25,000,000 on March 28, 1963, and $25,000,000 on April 30, 1963. They will be dated as of the date of issuance, are to bear interest at the current prime rate of 4½ percent per annum and may be prepaid, on 5 days' notice, in whole or in part in order of maturity, without penalty, except prepayments cannot be made with funds borrowed from banks at a lower interest rate.

The names of the banks and the maximum participation of each bank are indicated below:

Morgan Guaranty Trust Company of New York	$26,000,000
Chemical Bank New York Trust Company	9,600,000
Mellon National Bank and Trust Company	7,500,000
The First National City Bank of New York	6,800,000
Bankers Trust Company	4,500,000
Irving Trust Company	4,500,000
Manufacturers Hanover Trust Company	6,800,000
Brown Brothers, Harriman & Company	1,200,000
Pittsburgh National Bank	2,400,000
The Cleveland Trust Company	1,200,000
The Union National Bank	750,000
The Ohio National Bank of Columbus	750,000
The Charleston National Bank	795,000
The First Huntington National Bank	390,000
First City National Bank of Binghamton	105,000
Huntington National Bank of Columbus	750,000
City National Bank and Trust Company	750,000
First & Merchants National Bank	210,000
Total	75,000,000

The proceeds from the sale of the short-term notes are to be advanced on open account to the subsidiary companies shown below from time to time as needed during 1962. The interest rate will be the same rate to be paid by Columbia on its short-term notes. The amounts of such advances shall not exceed those indicated below:

United Fuel	$20,000,000
Ohio	32,000,000
Manufacturers	14,400,000
Home	2,600,000
Seaboard	6,000,000
Total	75,000,000

The above advances, and Columbia's related notes to banks, are expected to be repaid from revenues collected by the subsidiary companies as the storage gas is withdrawn and sold during the coming winter heating season.

Approval of the issuance and sale of the installment notes is to be obtained by 10 of the subsidiary companies from

the regulatory commission of the States in which they are organized and doing business, as follows:

Columbia of Pennsylvania—Pennsylvania Public Utility Commission.
United Fuel[1]—Public Service Commission of West Virginia.
Amere—Public Service Commission of West Virginia.
Cumberland—Public Service Commission of West Virginia.
Ohio—Public Utilities Commission of Ohio.
Ohio Valley—Public Utilities Commission of Ohio.
Distribution—State Corporation Commission of Virginia.
Columbia of Kentucky—Kentucky Public Service Commission.
Home—Public Service Commission of New York.
Columbia of New York—Public Service Commission of New York.

It is stated that copies of the applicable State commission orders will be filed by amendment and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The estimated fees and expenses to be incurred by Columbia in connection with the proposed transactions aggregate $300. The aggregate fees and expenses to be paid by the several subsidiary companies in connection with their proposed transactions are estimated at $3,610 and consist of charges of the system service company of $1,300 and miscellaneous expenses of $2,310.

Notice is further given that any interested person may, not later than May 21, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4584; Filed, May 10, 1962; 8:47 a.m.]

[1] United Fuel is also required to obtain approval of the Public Service Commission of West Virginia of the advances to it on open account.

[File No. 812-1503]

MEDICAL SECURITIES FUND, INC.

Notice of Filing of Application

MAY 4, 1962.

Notice is hereby given that Medical Securities Fund, Inc. ("Fund"), 1 Chase Manhattan Plaza, New York 5, N.Y., a management investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from sections 15(a), 16(a), and 32(a) to the extent that such sections require approval by shareholders of investment advisory agreements, election of directors and selection of independent public accountants, respectively, such order to be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held on March 20, 1963.

The application states that the Fund presently has no stockholders. It intends to issue initially up to 2,000,000 shares of its common stock when its Registration Statement under the Securities Act of 1933 becomes effective. Prior to the effective date of the Registration Statement, the Fund proposes to enter into an investment advisory contract with Medical Funds Management Company, Inc. Since the Fund will not have any shareholders until after the effective date of the Registration Statement, it will not be possible to secure prior approval by the stockholders of the Fund of such advisory contract, as required by section 15(a) of the Act.

Similarly, the present directors of the Fund have not been elected by the stockholders as required by section 16(a) of the Act, and such election will not be possible prior to the proposed issuance of Common Stock of the Fund.

The application further states that the board of directors of the Fund has appointed Tait, Weller & Baker as its independent public accountants for its first fiscal year, ending December 31, 1962, such appointment having been in compliance with paragraph (1) of section 32(a) of the Act. It is expected that such appointment will be renewed, in compliance with such paragraph, for the fiscal year ending December 31, 1963. Such appointment and renewal thereof will be submitted for ratification at the first annual meeting of stockholders which is scheduled to be held on March 20, 1963. While the Fund believes that such submission for ratification will thus be made at the "next succeeding annual meeting of stockholders", within the meaning of section 32(a) of the Act, the fact that such submission will be made after the end of the Fund's first fiscal year may be deemed to be inconsistent with such section.

The Board of Directors of the Fund, the proposed investment advisory contract and the selection of independent public accountants for the Fund will, except as noted above, comply with the provisons of the Act in all respects. The present members of the Board of Directors are expected to stand for election, and the investment advisory contract and the selection of independent public accountants will be presented for approval and ratification at the first annual meeting of the stockholders which is scheduled to be held on March 20, 1963. The prospectus to be used by the Fund in connection with the sale of up to 2,000,000 shares of its Common Stock will contain full and appropriate disclosures concerning its directors, the investment advisory contract and its independent public accountants as of the effective date of the Registration Statement.

Notice is further given that any interested person may, not later than May 19, 1962 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of law or fact proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of your request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulation promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon such application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4585; Filed, May 10, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 635]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 8, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64813. By order of April 30, 1962, the Transfer Board approved the transfer to Trans-Universal Van Lines, 7320 South Chicago Avenue, Chicago 19, Ill., of the operating rights remaining in Certificate No. MC 88447, issued May 15, 1958, to Frank Jacob, doing business as Jacob Van Lines, 7627 Cottage Grove Avenue, Chicago 19, Ill., after transfer of a portion of the operating rights therein pursuant to MC-FC 64245, consummated January 25, 1962, the operating rights being transferred herein authorize the transportation of household goods, over irregular routes, between points in a described portion of Illinois, a described portion of Indiana, a described portion of Michigan, and a described portion of Wisconsin, on the one hand, and, on the other, points in Colorado, Connecticut, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and the District of Columbia, those in that part of Illinois south of U.S. Highway 36, and those in a described portion of Indiana.

No. MC-FC 64896. By order of May 1, 1962, the Transfer Board approved the transfer to Sartain Truck Line, Inc., Memphis, Tenn., of Certificate No. MC 85970 Sub-2, issued July 27, 1959, to W. D. Sartain, doing business as Sartain Truck Line, Memphis, Tenn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Memphis, Tenn., and Union City, Tenn., serving the intermediate points of Newbern, Trimble, Obion, Troy, and Templeton, Tenn., with restriction. Robert Edwin Lee, 1318 Exchange Building, Memphis, Tenn., attorney for applicants.

No. MC-FC 64979. By order of April 30, 1962, the Transfer Board approved the transfer to Harry Block Trucking Company, Inc., Brooklyn, N.Y., of Certificate No. MC 87617, issued August 15, 1942, to Harry Block, doing business as Harry Block Trucking Co., Brooklyn, N.Y., authorizing the transportation of: New furniture, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey; from points in Pennsylvania and New York, N.Y., to various points in New York, and New Jersey; and new furniture and furniture parts, over irregular routes, from New York, N.Y., to Hanover, Lewisburg, Montgomery, Picture Rocks, and Williamsport, Pa. Abraham Freundlich, 261 Broadway, New York, N.Y., representative for applicants.

No. MC-FC 65002. By order of May 3, 1962, the Transfer Board approved the transfer to Red Line Transfer and Storage Company, Inc., Pine Bluff, Ark., of Certificates Nos. MC 106163 and MC 106163 Sub 14, issued June 5, 1958, and July 14, 1961, respectively, to W. H. King, Harry E. King, and Francis A. King, a partnership, doing business as Red Line Transfer and Storage Company, Pine Bluff, Ark., authorizing the transportation of: Seed, newsprint, paper, paper bags, and paper cups, from Memphis, Tenn., to Altheimer, Ark., rice and rice products, from Stuttgart, Ark., to Memphis, Tenn., general commodities, with exceptions, between Pine Bluff, Ark., and Memphis, Tenn.; and between Pine Bluff, Ark., and Pine Bluff Municipal Airport, Ark.; between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, not including Pine Bluff; between Pine Bluff, Ark., and the site of the U.S. Arsenal Plant at Baldwin, Ark., on the one hand, and, on the other, points in Arkansas; meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, from Pine Bluff, Ark., to points in Arkansas; rejected shipments of the commodities specified immediately above, from destination points to Pine Bluff, Ark.; soap, soap products, and lard substitutes, from Pine Bluff, Ark., to points in Monroe County and 10 other counties in Arkansas; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greenville, Miss., on the one hand, and, on the other, Little Rock, Pine Bluff, the site of the U.S. Arsenal Plant, at Baldwin, Ark., and other specified points in Arkansas. Louis Tarlowski, 601 Rector Building, Little Rock, Ark., attorney for applicants.

No. MC-FC 65012. By order of April 30, 1962, the Transfer Board approved the transfer to Julian F. Duncan, doing business as Duncan Transfer, Riverton, Va., of the operating rights in Certificate No. MC 110422, issued December 28, 1949, to Julian F. Duncan and Victor J. Myers, a partnership, doing business as Duncan Transfer, Riverton, Va., authorizing the transportation, over irregular routes, of rock wool, mortar, lime, apples, coal, fertilizer, livestock, insulated pins and brackets, and household goods, from, to and between specified points in Virginia, Maryland, West Virginia, and the District of Columbia, varying with the commodities transported. Eston H. Alt, P.O. Box 81, Winchester, Va., representative for applicants.

No. MC-FC 65019. By order of April 27, 1962, the Transfer Board approved the transfer to Gamecock Horse Transport, Inc., Towson, Md., of Certificate No. MC 1814 issued March 25, 1955, to Black Transportation Co., a corporation, Jacksonville Road, Mount Holly, N.J., authorizing the transportation of livestock (other than ordinary livestock), and in connection therewith, personal effects of attendants, supplies, and equipment, including mascots, used in the care and/or exhibition of such animals, over irregular routes, between points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Francis N. Iglehart, Jr., 1445 Ten Ligh Street, Baltimore, Md., attorney for transferee.

No. MC-FC 65023. By order of April 27, 1962, the Transfer Board approved the transfer to Thomas C. Young and Helen Young, a partnership, doing business as Plateau Valley Stage Line, Collbran, Colo., of Certificate No. MC 10089, issued December 6, 1951, to Don Young and Thomas C. Young, a partnership, doing business as Plateau Valley Stage Line, Collbran, Colo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over a regular route, between Grand Junction, Colo., and Collbran, Colo., with service to and from the intermediate and off-route points of Plateau City, Molina, Palisade, and Mesa, Colo. Keith G. Mumby, Haynie, Golden & Mumby, P. O. Box 1349, Grand Junction, Colo., attorney for applicants.

No. MC-FC 65024. By Order of May 2, 1962, the Transfer Board approved the transfer to Van Brunt & Son, Inc., Matawan, N.J., of Certificates Nos. MC 1486 and MC 1486 Sub 2, issued December 23, 1940, and June 7, 1950, respectively, to Harvey Van Brunt, doing business as Van Brunt & Son, Matawan, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities; household goods, over irregular routes, between points in 13 counties in New Jersey, on the one hand, and, on the other, points in New York, Pennsylvania, and Delaware; and general commodities, except household goods, commodities in bulk, and other specified commodities between Matawan, N.J., and New York, N.Y. Edward W. Currie, 123 Main Street, Matawan, N.J., attorney for applicants.

No. MC-FC 65027. By order of April 30, 1962, the Transfer Board approved the transfer to Armour C. Smith, doing business as Stockton Transfer Co. and Dawsons Van and Storage Co., 630 North California Street, Stockton, Calif., of Certificate No. MC 7203, issued November 18, 1953, to Stockton Transfer Co., a corporation, doing business as Stockton Transfer Co. and Dawson's Van & Storage, Stockton, Calif., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Stockton, Calif., and points within 2 miles of Stockton; and household goods as defined by the Commission, over irregular routes, between Rio Vista, Calif., and points in specified counties and areas in California, including points on the indicated portions of specified highways and those on the specified county lines.

No. MC-FC 65032. By order of April 30, 1962, the Transfer Board approved the transfer to J. M. Inge Trucking Company, Inc., Richmond, Va., of Permit No. MC 115887 issued June 6, 1961, to J. M. Inge, doing business as Henderson & Jenkins Richmond, Va., authorizing the transportation of fertilizer and fertilizer materials, except in bulk, in tank vehicles, over irregular routes, from Norfolk, Va., to points in Monroe, Greenbrier, Pocahontas, Nicholas, Fayette, Raleigh, Summers, Mercer, McDowell, Wyoming, Mingo, Logan, Boone, Kanawha, Clay, Wayne, Lincoln, Mason, Cabell, Putnam, and Jackson Counties, W. Va., restricted to a transportation service to be performed under a continuing contract, or contracts, with Swift & Company, Baltimore, Md. Jno. C. Goddin, Insurance Building, 10 South 10th

Street, Richmond 19, Va., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4589; Filed, May 10, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37710: *Fertilizer and fertilizer materials to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2240), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, from points in Colorado and Utah, also Don and Georgetown, Idaho, to points in western trunk-line territory.

Grounds for relief: Carrier competition, modified short-line distance formula and grouping.

Tariff: Supplement 17 to Western Trunk Line Committee tariff I.C.C. A-4411.

FSA No. 37711: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2243), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to Plainfield and Lake Zurich, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Western Trunk Line Committee tariff I.C.C. A-4411.

FSA No. 37712: *Paper and paper articles from Ladysmith, Wis.* Filed by Western Trunk Line Committee, Agent (No. A-2241), for interested rail carriers. Rates on paper and paper articles, as described in the application, in carloads, from Ladysmith, Wis., to points in western trunk-line territory.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 27 to Western Trunk Line Committee tariff I.C.C. A-4389.

FSA No. 37713: *Wheat and flour from Texas points to Gulf Ports for export.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 438), for interested rail carriers. Rates on wheat and wheat flour, as described in the application, in carloads, from points in Texas on the Fort Worth and Denver Railway Company and the Panhandle and Santa Fe Railway Company, to Beaumont, Corpus Christi, Freeport, Galveston, Houston, Port Arthur, and Texas City, Tex., for export.

Grounds for relief: Unregulated motor-truck competition.

Tariff: Supplement 115 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 37714: *Alfalfa from and to points in Western Trunk Line territory.* Filed by Western Trunk Line Committee, Agent (No. 2244), for interested rail carriers. Rates on alfalfa, chopped or ground, as described in the application, in carloads, from points in Colorado, Kansas except Kansas City, Atchison, and Leavenworth), Nebraska (except Omaha and South Omaha) and South Dakota, to points in Illinois, Iowa, and Missouri, on traffic destined to points east of the Illinois-Indiana State Line.

Grounds for relief: Restore relationships and motor-truck competition.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4436.

FSA No. 37715: *Chemicals from Wichita, Kans., to points in Illinois and St. Louis, Mo.* Filed by Western Trunk Line Committee, Agent (No. A-2245), for interested rail carriers. Rates on carbon tetrachloride, perchloroethylene, trichloroethylene, ethylene, dichloride, methylene chloride, sodium perborate, and trichloroethane, as described in the application, in carloads, from Wichita, Kans., to St. Louis, Mo., East St. Louis, Flinton, Thebes, and Cairo, Ill.

Grounds for relief: Market competition.

Tariffs: Supplements 51 and 18 to Western Trunk Line Committee tariffs I.C.C. A-4335 and A-4298, respectively.

FSA No. 37716: *Screened gravel from Attica, Ind., to Oakley, Ill.* Filed by Illinois Freight Association, Agent (No. 172), for interested rail carriers. Rates on screened gravel, in carloads, from Attica, Ind., to Oakley, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 145 to Wabash Railroad Company tariff I.C.C. 7844.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4588; Filed, May 10, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 93

Washington, Saturday, May 12, 1962

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 20]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, including the amendments in section 125 of the Agricultural Act of 1961, relating to increased allotments for Durum wheat, and are for the purposes of (1) clarifying the provision specifying the final date by which written application by the producer must be made for such producer's farm to be assigned an increased allotment for the 1962 crop of wheat; and (2) adding a county to the list of approved counties in the States of California, Minnesota, Montana, North Dakota, and South Dakota which are capable of producing Durum wheat (Class II) and which have produced such wheat for commercial food products during 1 or more of the 5 years 1957 through 1961 in which increases in farm acreage allotments for the 1962 crop of wheat are authorized for increased production of Durum wheat (Class II).

Section 728.1027(b) provides that an increase in the 1962 wheat farm acreage allotment for the production of Durum wheat (Class II) will be given only upon "written application of the producer prior to the closing of the spring signup period under the 1962 wheat stabilization program, which will be March 30, 1962." The closing date for the signup period under the 1962 wheat stabilization program has been extended to April 14, 1962, for all the States in which the 1962 Durum wheat program is applicable except California. Amendment 1 is for the purpose of making it clear that the closing date for making application for increased 1962 wheat farm acreage allotments for the increased production of Durum wheat was also so extended.

Amendment 2 adds Walworth County, S. Dak., to the list of approved counties in § 728.1027(i) to which the 1962 Durum wheat program is applicable. The determination of the eligibility of Walworth County, S. Dak., to be added to the list of approved counties was based upon historical records of the Department and of the Bureau of the Census, wheat producers' records, and certification from State committees, which are determined to be the latest available statistics of the Federal Government.

With respect to Amendment 2, notice was given (26 F.R. 9912) that consideration would be given to written data, views, or recommendations with respect to the determination of eligible counties in which the 1962 Durum wheat program would be applicable, provided they were submitted not later than November 4, 1961. No data, views, or recommendations pursuant to such notice have been received. Amendment 1 is of a clarifying nature and with respect to it, compliance with the notice and a public procedure requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is hereby determined to be unnecessary and contrary to the public interest.

Since farmers who are eligible to receive increased 1962 wheat farm acreage allotments for the production of Durum wheat (Class II) are in the process of seeding their 1962 wheat crops and need to know the provisions of these amendments, it is imperative that the amendments become effective as soon as possible. Accordingly, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 728.1027(b) is amended by striking out in the first sentence the language "March 30, 1962" and inserting in lieu thereof the language "April 14, 1962 (March 30, 1962, in California)".

2. Section 728.1027(i) is amended by inserting "Walworth," between "Tripp," and "Washabaugh" in the list of approved counties in the State of South Dakota contained therein.

(Secs. 334, 375, 52 Stat. 54, as amended, 66, 75 Stat. 300; 7 U.S.C. 1334, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 9, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4656; Filed, May 11, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.323 Orange Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 8, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the

respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., May 14, 1962, and ending at 12:01 a.m., e.s.t., May 28, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{9}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4653; Filed, May 11, 1962; 8:47 a.m.]

[Grapefruit Reg. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.324 Grapefruit Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 8, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., May 14, 1962, and ending at 12:01 a.m., e.s.t., May 28, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3$^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any white seedless grapefruit, grown in the production area, which are smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any pink seedless grapefruit, grown in the production area, which are smaller than 3$^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4652; Filed, May 11, 1962; 8:47 a.m.]

[Valencia Orange Reg. 12]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.312 Valencia Orange Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 10, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 13, 1962, and ending at 12:01 a.m., P.s.t., May 20, 1962, are hereby fixed as follows:

(i) District 1: 300,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4712; Filed, May 11, 1962; 11:21 a.m.]

[Lemon Reg. 19, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.319 (Lemon Regulation 19, 27 F.R. 4323) are hereby amended to read as follows:

(ii) District 2: 413,850 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4654; Filed, May 11, 1962; 8:47 a.m.]

[Lemon Reg. 20]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.320 Lemon Regulation 20.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 8, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 13, 1962, and ending at 12:01 a.m., P.s.t., May 20, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4651; Filed, May 11, 1962; 8:47 a.m.]

[Peach Order 2]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 918.302 Peach Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making

procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 14, 1962. Shipments of the early varieties of the current crop of peaches have already begun and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., e.s.t., May 14, 1962, and ending at 12:01 a.m., e.s.t., September 1, 1962, no handler shall ship (except peaches in bulk to destinations in the adjacent markets):

(1) Any peaches which are smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than fifteen (15) percent, by count, of such peaches in any container in any such lot, may be smaller than 1¾ inches in diameter;

(2) Any peaches which do not meet the requirements of the U.S. No. 1 grade except as follows: (i) Not to exceed twenty-five (25) percent, by count, of the peaches contained in any bulk lot or any lot of packages may consist of peaches which do not meet the requirements of such grade, but not more than ten (10) percent, by count, of the peaches in any such lot shall consist of peaches with defects causing serious damage, and not more than one (1) percent, by count, of the peaches in any such lot shall consist of peaches which are not free from decay, and (ii) not to exceed thirty-five (35) percent, by count, of the peaches contained in any individual package in any lot may consist of peaches which do not meet the requirements of such grade, but not more than fifteen (15) percent, by count, of the peaches contained in any such individual package shall consist of peaches with defects causing serious damage and not more than two (2) percent, by count, of peaches contained in any such individual package shall consist of peaches which are not free from decay; or

(3) Any peaches which are smaller than 1⅞ inches in diameter which do not grade at least U.S. No. 1: *Provided,* That such grade requirement shall not apply to peaches in any bulk lot or any lot of packages if not more than ten (10) percent, by count, of such peaches in any such lot are smaller than 1⅞ inches in diameter, and not more than ten (10) percent, by count, of such peaches in any container in such lot are smaller than 1⅞ inches in diameter.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) of this section.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1," "serious damage," and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 10, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4701; Filed, May 11, 1962; 9:14 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1194; Amdt. 435]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Amendment 175, 25 F.R. 5827 (AD 60–13–2), as amended by Amendment 280, 26 F.R. 3957, and Amendment 405, 27 F.R. 2278, requires repetitive inspection of track of Aeroproduct A6441FN–606 propellers on Lockheed 188 Series aircraft. Since initiation of the inspections required by the amendments, the propeller manufacturer has inspected all of the blades and retired from service those having less than 0.140 inch minimum thickness. In addition, approximately 2,200,000 hours' time in service has been accumulated since initiation of the propeller track check and the results of approximately 19,000 track checks indicate that there is no longer any need for the repetitive inspections required by AD 60–13–2, as amended. Since the repetitive inspections impose a burden on operators of Lockheed 188 aircraft with Aeroproduct A6441FN–606 propellers, amendments 175, 280, and 405 are hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding amendment 175 (25 F.R. 5827), amendment 280 (26 F.R. 3957), and amendment 405 (27 F.R. 2278).

This amendment shall become effective May 12, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 7, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–4624; Filed, May 11, 1962; 8:45 a.m.]

[Regulatory Docket No. 1115; Amdt. 436]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Wasp Jr. and R–985 Series Engines

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of the cam reduction drive gear assembly on Pratt & Whitney Aircraft Wasp Jr. and R–985 Series engines was published in 27 F.R. 2703.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft Wasp Jr. and R–985 Series engines.

Compliance required at next engine overhaul.

To prevent failure of the cam reduction drive gear assembly and resultant loss of engine power, replace P/N 3965 cam reduction drive gear assembly incorporating six rivets with either P/N 3965 cam reduction drive gear assembly incorporating twelve rivets or P/N 331098 cam reduction drive gear assembly.

(Pratt & Whitney Aircraft Service Bulletin 1671 dated December 13, 1957, and Supplement No. 1, Revision A, dated Feb. 12, 1959, revised Nov. 24, 1959, cover this same subject.)

This amendment shall become effective June 12, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 7, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–4625; Filed, May 11, 1962; 8:45 a.m.]

[Regulatory Docket No. 1182; Amdt. 437]

PART 507—AIRWORTHINESS DIRECTIVES

General Electric Models CJ805–23, CJ805–23B, and CJ805–23C Engines

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on April 26, 1962, and made effective immediately as to all known U.S. operators of aircraft equipped with General Electric CJ805–23 Series turbofan engines.

This directive supersedes Amendment 423, 27 F.R. 3623, which required retirement from service of turbofan engine fan bluckets upon accumulation of 200 operating cycles because of low cycle fatigue failure. The new directive provides for an FAA approved inspection program which allows replacement when inspection dictates rather than at a specified number of cycles.

Since this amendment relaxed a requirement and imposed no additional burden on any person, notice and public procedure thereon were unnecessary and the airworthiness directive was made effective immediately as to all known U.S. operators of aircraft equipped with General Electric CJ805–23 Series turbofan engines by individual telegrams dated April 26, 1962. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

GENERAL ELECTRIC. Applies to all Models CJ805–23, CJ805–23B, and CJ805–23C turbofan engines.

Compliance required as indicated.

To preclude low cycle fatigue failure of the fan bluckets, remove GE P/N's 109R164P1, 107R392P1, 107R362P5, or 107R362P6 from engines and retire from further service upon accumulation of operating cycle life limit as scheduled in GE Alert Service Bulletins Nos. A/23/72–58 and A/23B/72–18, unless the engine is operated in conjunction with an inspection program approved by FAA Eastern Region Engineering and Manufacturing Branch. Under an approved inspection program, the bluckets shall be removed from service and replaced with new units when inspection dictates. For the purposes of this AD, an operating cycle is considered to be an excursion of engine operation from engine start to takeoff to shutdown. Restart in the air is also a cycle. Ground operations encompassing a start and operation to takeoff power is a cycle.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 26, 1962.

This supersedes Amendment 423, 27 F.R. 3623 (AD 62–9–3).

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 7, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–4626; Filed, May 11, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–52]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

The purpose of these amendments to § 602.200 of the regulations of the Administrator is to alter the en route jet advisory areas associated with the segment of Jet Route No. 32 between Duluth, Minn., and the United States/Canadian border, and the segment of Jet Route No. 500 from the United States/Canadian border east of Sault Ste. Marie, Mich., to the United States/Canadian border southeast of Lakehead, Ontario, to provide for the withdrawal of Federal Aviation Agency (FAA) employees assigned to the Calumet, Mich., Air Defense Command radar site.

Normally, radar jet advisory service is provided on these segments of J–32 and J–500 by FAA employees assigned to the Calumet radar site.

An analysis of air traffic using the segment of J–32 from Duluth, to the United States/Canadian border shows that only two civil turbojet air carrier aircraft operated on this route during the period from November 1, 1961, to January 30, 1962. Therefore, the FAA is converting the radar advisory area on this segment of J–32 to a nonradar jet advisory area from flight level 370 to flight level 390 inclusive.

An analysis of air traffic using the segment of J–500 from the United States/Canadian border east of Sault Ste. Marie to the United States/Canadian border southeast of Lakehead during the period from October 15, 1961, to November 18, 1961, showed an average of 10 flights daily. However, the operating altitudes of these aircraft were predominently flight level 310 and above. The FAA has determined that radar advisory service can be provided on this segment of J–500 at flight level 290 to flight level 390 inclusive from the Empire, Mich., Air Defense Command radar site, and is taking action herein to designate a floor of flight level 290 on the radar advisory area associated with this segment of J–500.

The agencies of primary interest in this airspace, the Departments of the Air Force and the Air Transport Association of America, have concurred in these actions.

Since the changes effected by these amendments are less restrictive in nature than the present requirements and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 602.200 en route jet advisory areas (26 F.R. 7083) is amended as follows:

1. Jet Route No. 32 is amended to read:

Jet Route No. 32 jet advisory area. Radar—Oakland, Calif., to 150 nmi NE of Malad City, Idaho; from 10 nmi NE of Crazy Woman, Wyo., to Duluth, Minn. Nonradar—from 150 nmi NE of Malad City, Idaho, to 10 nmi NE of Crazy Woman, Wyo.; from Duluth, Minn., to the United States/Canadian border only from flight level 370 to flight level 390, inclusive.

2. In the text of Jet Route No. 500 "NE of Millinocket RR." is deleted and "NE of Millinocket RR, excluding the airspace below flight level 290 from the United States/Canadian border SE of Lakehead, Ontario, Canada, RR to the United States/Canadian border E of Sault Ste. Marie, Mich." is substituted therefore.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4627; Filed, May 11, 1962; 8:45 a.m.]

[Airspace Docket No. 62–AL–7]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2704) stating that the Federal Aviation Agency proposed to alter the Clear, Alaska, Restricted Area R–2206 by extending the time of designation for an indefinite period.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.22 Alaska (14 CFR 608.22), R–2206 Clear, Alaska, is amended by deleting "Time of designation. Continuous, January 1, 1961, to June 30, 1962." and substituting "Time of designation. Continuous." therefor.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–4628; Filed, May 11, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 39–170]

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Amendment of Form

The Securities and Exchange Commission announced today that it has amended its Form T–3 under the Trust Indenture Act of 1939 (listed and described in § 269.3). This form is used for applications for the qualification of indentures in cases where the indenture securities are not required to be registered under the Securities Act of 1933.

The amendment requires that there be filed as an exhibit to such applications a cross reference sheet showing the location in the indenture of the provisions which the Trust Indenture Act requires to be included in all qualified indentures. The purpose of the amendment is to facilitate the examination of indentures to determine whether they meet the requirements of the Act.

The text of the amendment follows:

Exhibit T3F. A cross reference sheet showing the location in the indenture of the provisions inserted therein pursuant to sections 310 through 318(a), inclusive, of the Act.

The Commission finds that the amendment merely extends to applications on Form T–3 a requirement already in effect in cases where indenture securities are required to be registered under the Securities Act of 1933, that it is in the interest of issuers filing applications on Form T–3 to facilitate and expedite the examination of such applications and that notice and procedure pursuant to the Administrative Procedure Act is not necessary in the public interest.

The Commission also finds that, for the same reasons, it is desirable that the amendment become effective as soon as possible. Accordingly, the amendment shall be effective with respect to any application on Form T–3 which is filed or amended after May 7, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 7, 1962.

[F.R. Doc. 62–4633; Filed, May 11, 1962; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 515—CUBAN IMPORT REGULATIONS

Passenger Baggage General License

The Cuban Import Regulations, 31 CFR 515.201 to 515.801 are being amended as follows:

Section 515.503 of the Cuban Import Regulations is being amended so that after the effective date of such amendment, to wit, 12:01 a.m., e.s.t., May 21, 1962, this section will no longer authorize the importation of goods otherwise prohibited under this part which are brought into the United States as baggage by any citizen or alien resident of the United States.

Section 515.503 of the Cuban Import Regulations (31 CFR 515.503) is hereby amended to read as follows:

§ 515.503 Passengers baggage general license.

The importation of goods otherwise prohibited under this part which are brought into the United States as baggage by any person arriving in the United States other than a citizen or resident of the United States is hereby licensed, provided that such goods are not in commercial quantities and are not imported for resale.

Effective date 12:01 a.m., e.s.t., May 21, 1962.

(Sec. 620(a) Public Law 87–195; Proclamation 3447; sec. 5, 40 Stat. 415, as amended, 50 U.S.C., App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR 1943 Cum. Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4891, 3 CFR 1948 Supp.)

[SEAL] DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 62–4693; Filed, May 10, 1962; 4:25 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 61–41]

PART 33—APPOINTMENT OF CIVILIANS AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

Subpart 33.05—Appointments of Licensed Officers of the United States Merchant Marine as Commissioned Officers

The purpose for revising the regulations concerning the appointment of licensed officers of the U.S. merchant marine, as provided by Public Law 219, 80th Congress (sec. 225, 14 U.S.C. 225), is to have them reflect the current operational requirements for the Coast Guard officer complement.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167–17, dated June 29, 1955 (20 F.R. 4976) and the Coast Guard General Order 4, dated February 11, 1956 (21 F.R. 995), and pursuant to sections 92, 225 and 633 of Title 14, U.S. Code, the following changes are prescribed, which shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

1. The title for Subpart 33.05 is amended to read "Appointments of Licensed Officers of the U.S. Merchant Marine as Commissioned Officers" as set forth above.

2. The regulations in Subpart 33.05, consisting of §§ 33.05–1 to 33.05–25, are revised in their entirety and read as follows:

Sec.

33.05–1 Purpose.
33.05–3 General requirements.
33.05–6 Requirements for lieutenant, junior grade.
33.05–7 Requirements for lieutenant.
33.05–11 Application procedure.
33.05–13 Expenses.
33.05–15 Written examinations.
33.05–17 Interview.
33.05–19 Physical examinations.
33.05–21 Selections.
33.05–23 Appointments.
33.05–25 Precedence.

AUTHORITY: §§ 33.05–1 to 33.05–25 issued under secs. 92, 633, 63 Stat. 503, as amended, 545; 14 U.S.C. 92, 633; and Treasury Department Order 167–17 dated June 29, 1955 (20 F.R. 4976). Interpret or apply sec. 225, 63 Stat. 513, 14 U.S.C. 225; and Coast Guard General Order 4, dated February 11, 1956 (21 F.R. 995).

§ 33.05–1 Purpose.

(a) The regulations in this subpart govern the appointments of licensed officers of the U.S. merchant marine as commissioned officers in the U.S. Coast Guard.

§ 33.05–3 General requirements.

(a) Under this subpart, applicants must:

(1) Have served 4 or more years on board vessels of the United States in the capacity of licensed officers. Of this service, at least 3 years must have been served on board commercial merchant vessels of the United States.

(i) Sea service on board vessels of the Army Transportation Service, Military Sea Transportation Service, and Federal or State maritime academies, if such vessels, when underway, are manned by civilians, shall be considered as equivalent to service on board commercial merchant vessels. All other vessels of the U.S. Army, Navy, Air Force, Coast Guard, Corps of Engineers, and Coast and Geodetic Survey are considered public vessels.

(ii) Service on board public vessels of the United States, if it meets the Coast Guard equivalency standards used to determine eligibility for a merchant marine license or a raise of grade, may be credited as specified under the requirements for each grade.

(2) Meet the specific requirements of the grade for which considered as prescribed in other sections in this subpart.

(3) Be male citizens of the United States. Citizens who have been naturalized less than ten years may apply, but their appointments will depend upon determinations of eligibility to handle classified matter.

(b) The Commandant of the Coast Guard shall ascertain and be satisfied that applicants are of good moral character. No persons who have been convicted of a felony are eligible for appointment as commissioned officers.

§ 33.05–6 Requirements for lieutenant, junior grade.

(a) *Age.* Applicants must not reach their 32d birthday in the calendar year in which application is accepted. No applicant who has reached his 32d birthday will be tendered a commission in this grade.

(b) *License.* Applicants must hold one of the following licenses: Second Mate (unlimited)—Oceans or Coastwise; First Class Pilot (unlimited)—Great Lakes, Western Rivers, or other inland waters; Second Assistant Engineer (5,000 or more horsepower); First Assistant Engineer (2,000 or more horsepower); or higher.

(c) *Experience.* Applicants must have served 4 or more years on board vessels of the United States in the capacity of licensed officers. Credit for up to 1 year may be given for service on board public vessels of the United States, in addition to service on such vessels considered as equivalent to commercial merchant vessels.

§ 33.05–7 Requirements for lieutenant.

(a) *Age.* Applicants must not reach their 38th birthday in the calendar year in which application is accepted. No applicant who has reached his 38th birthday will be tendered a commission in this grade.

(b) *License.* Applicants must hold one of the following licenses: Chief Mate (unlimited)—Oceans or Coastwise; Master and First Class Pilot (unlimited)—Great Lakes; First Assistant Engineer (5,000 or more horsepower); Chief Engineer (2,000 or more horsepower); or higher.

(c) *Experience.* (1) Applicants must have served 6 or more years on board vessels of the United States in the capacity of licensed officers, of which not less than 1 year must have been served as Chief Mate or First Assistant Engineer or higher. Credit for up to 2 years of the required 6 may be given for service on board public vessels of the United States, in addition to service on such vessels considered as equivalent to commercial merchant vessels.

(2) Applicants who hold a degree from an accredited college, or who are graduates of a Federal or State maritime academy, may substitute such degree, diploma, or certificate of completion for 1 year of the required 6. Experience ashore as assistant port captain, assistant port engineer, marine surveyor, or higher, or comparable position may be substituted equally for up to 2 years of the required 6.

(3) A combination of substitutions of educational credit and experience ashore cannot serve to reduce actual sea service below the 4 years required by law. Credit for service on board public vessels not considered equivalent to commercial merchant vessels cannot reduce the required sea service on board commercial merchant vessels below 3 years. Substitution cannot be made for the required 1 year of service as Chief Mate or First Assistant Engineer, or higher.

§ 33.05–11 Application procedure.

(a) Persons who consider themselves eligible under the regulations in this subpart and desire to apply for appointment as commissioned officers in the U.S. Coast Guard should request application forms from the Commandant, U.S. Coast Guard, Washington 25, D.C. Requests should be in letter form and should include the applicant's name, address, date of birth, and a complete resume of background and experience. Applicants who meet the basic requirements will be furnished a set of application forms, including a list of the established examination centers.

(b) Completed applications should be mailed to the Commandant, U.S. Coast Guard, Washington 25, D.C. Each applicant should state on the application form the desired place and dates for the examinations and interview. Examinations cannot be authorized within 30 days of the date of receipt of the completed application forms.

(c) Upon receipt of the completed application at Coast Guard Headquarters, a determination will be made as to whether the applicant is eligible to participate in the entrance examinations. Eligible applicants will be administered the required preliminary physical and written examinations and will be interviewed on any 3 successive week days, exclusive of holidays, at such examination centers as shall be designated by the Commandant. In each case, applicants will be advised by the Commandant of the specific time and place for the examinations and interview. Sufficient notice will be given to arrange personal affairs for the time required for the examinations and interview.

§ 33.05–13 Expenses.

(a) All expenses in connection with the application including appearance for the examinations and interview, must be borne by the applicant.

§ 33.05–15 Written examinations.

(a) All eligible applicants shall be administered the following examinations:

(1) English: Principles of grammar, composition, spelling, and punctuation. These shall be demonstrated by writing an essay of approximately 500 words on either a work of literature or a current event selected from a list of approximately 10 works of literature and 10 current events offered at the time of examination.

(2) Personality: Aptitude, emotional stability, and background characteristic tests as may be administered.

(b) Eligible applicants who are licensed deck officers shall be administered a written examination in each of the following additional subjects:

(1) Navigation: Use and care of navigational instruments; definitions of nautical astronomy; buoyage system of the United States; piloting; principles of compass compensation; practical problems in determining latitude, longitude, azimuths, compass error, times of sunrise and sunset, and tides and currents.

(2) Seamanship: Types and characteristics of ships and boats; marlinspike seamanship; standing and running rigging; ground tackle; deck seamanship; signals; rules of the road; weather; ship handling; cargo handling and storage.

(3) Ship construction: Hull structure; fittings and equipment; stability; ship maintenance, preservation and repair; subdivision; damage control.

(4) Laws and regulations: Lifesaving apparatus; safety equipment; safety and comfort of passengers and crews; annual and special inspections; notices to be posted; drills; procedures in disputes and casualties.

(c) Eligible applicants who are licensed engineer officers shall be administered a written examination in each of the following additional subjects:

(1) Fire prevention and safety: Principles of use, operation, and construction of masks, lamps, and fire equipment; methods of firefighting and fire prevention; required equipment for merchant vessels.

(2) Steam engines: Construction, operation, and maintenance of reciprocating and turbine engines and their auxiliaries.

(3) Boilers: Construction, operation, and maintenance of fire tube and water tube boilers and their auxiliaries.

(4) Diesel engines: Construction, operation, and maintenance of diesel engines and their auxiliaries.

(5) Refrigeration: Construction, operation, and maintenance of refrigerating units and equipment.

(6) Electricity: Construction, operation, and maintenance on direct current systems, alternating current systems, and electrical equipment; basic electrical formulas and problems.

(7) Laws and regulations: Drills; tests of pressure vessels and inspection procedures; penalties for violations of required engineering reports, tests, and inspections.

(8) Mathematics: Engineering principles; solution of formulas used in piping, boiler, and pressure vessel calculations; problems in mensuration.

§ 33.05–17 Interview.

(a) Eligible applicants shall be interviewed by a board of Coast Guard officers at the time of the written examination.

(b) The Board of Interview shall consist of at least three Coast Guard officers of the rank of lieutenant or above.

§ 33.05–19 Physical examinations.

(a) Eligible applicants shall be administered a preliminary physical examination at a Public Health Service facility at the time of the written examination.

(b) Applicants who are recommended for appointment also shall be administered a preappointment physical examination within 30 days of actual acceptance of appointment.

(c) Applicants must meet the physical standards prescribed for original entry into the U.S. Coast Guard as prescribed in Subpart 33.10 of this part.

§ 33.05–21 Selections.

(a) Completed application files, including the results of the written examinations and the report of the Board of Interview, shall be evaluated by the Permanent Examining Board at Coast Guard Headquarters. The findings and recommendations of the Permanent Examining Board, when approved by the Commandant, shall be final.

(b) Applicants who are recommended for appointment will be so notified in writing. Each applicant will be requested to advise the Commandant as to the date and place where he desires to receive the pre-appointment physical examination and to accept appointment.

(c) Applicants who are not recommended for appointment will be so notified in writing.

§ 33.05–23 Appointments.

(a) Appointments will be made by the President, by and with the advice and consent of the Senate, in the grades of lieutenant, junior grade, or lieutenant according to the qualifications and experience of the applicants. Such appointments shall be subject to a proba-

tionary period of 2 years; during this period commissions of those appointees whose services are unsatisfactory may be revoked. However, such officers shall be subject to the same rules of conduct and performance of duty as are applicable to all other officers in the Coast Guard.

(b) Upon acceptance of the commission, appointees will be ordered immediately to active duty in the Coast Guard.

§ 33.05–25 Precedence.

(a) Officers appointed under this subpart shall take precedence in the grade in which appointed in accordance with the date of commission in such grade. Appointees whose dates of commission are the same shall take precedence with each other in the order recommended by the Permanent Examining Board as approved by the Commandant.

Dated: May 8, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 62–4646; Filed, May 11, 1962; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

Spacing of Working Storage Cars

The regulations of the Post Office Department in Part 92 under Comprehensive Plan A, as published in 27 F.R. 2339–2355, are amended by making the following changes:

I. In § 92.8 *Storage service, line haul,* amend paragraph (d)(1) by deleting the "Note" immediately following subdivision (ii).

II. In § 92.9 *Terminal and piece handling services,* amend paragraph (a)(4) by deleting the "Note" immediately following subdivision (ii).

III. In § 92.12 *Preparation and processing of forms for payment,* amend paragraph (c)(5) by deleting the last two sentences of subdivision (iv)(c)(2).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–4642; Filed, May 11, 1962; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

Partial Exemptions

Pursuant to section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40), 41 CFR 50–201 is hereby amended as set forth below.

The purposes of the amendments are to cause the regulations providing partial exemptions from the Walsh-Healey Public Contracts Act to reflect current agency organization, and to delete obsolete material.

Because the amendments do not change rights or obligations under the present regulations, I find notice of proposed rule making and opportunity for public participation to be unnecessary. Because the amendments merely reflect current conditions, I find good cause to, and do, make them effective upon publication in the FEDERAL REGISTER.

1. The note at the end of 41 CFR 50–201.1 is deleted.

2. A new paragraph (d) is added to 41 CFR 50–201.604 which shall read as follows:

§ 50–201.604 Partial administrative exemptions.

* * * * *

(d) Contracts with small business defense production pools approved by the Administrator of the Small Business Administration and contracts with small business research and development pools approved by the Administrator of the Small Business Administration are exempt from the requirement in section 1(a) of the Walsh-Healey Public Contracts Act and § 50–201.1 of this part, that the contractor is a manufacturer or regular dealer in the material, supplies, articles or equipment to be manufactured or used in the performance of the contract.

(Sec. 6, 49 Stat. 2038 as amended; 41 U.S.C. 40)

Signed at Washington, D.C., this 7th day of May 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–4632; Filed, May 11, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2647]

[Wyoming 0146198]

WYOMING

Withdrawing Lands for Use of Forest Service for Roadside Zones

Correction

In F.R. Doc. 62–3542, appearing at page 3518 of the issue for Thursday, April 12, 1962, the following correction is made in the land description under T. 56 N., R. 92 W.: In the Section 20 entry, "S¼" should read "S½", so that the entry for Section 20 reads "Sec. 20, SW¼NE¼, S½NW¼, and S½;".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Proposed Revision of Standards

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering revisions in the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR 28.401–28.481), also termed "Universal Standards for American Cotton", pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854), and for the purposes of both of said Acts.

Statement of considerations leading to the proposed revision. Studies and surveys conducted by the Department of recent cotton crops have shown that the current physical standards for grades of White, Spotted, and Tinged cotton do not represent adequately upland cotton as now being produced in the United States. Because of this condition the Department in March 1962 invited a small working group representing cotton producers, ginners, shippers, and manufacturers to meet with the cotton standards staff of the Department for the purpose of developing a set of proposed revised physical standards. This group developed a set of proposed revised physical standards that was acceptable to all members of the working group and the Department.

The proposed revised physical standards for grades of White, Spotted, and Tinged cotton reflect a change in the size of leaf contained in the standards currently in effect. Also, in the proposed revised physical standards for grades of Spotted and Tinged cotton the spots are blended throughout the lint which results in a creamy to yellow appearance. In the current standards the spots appear as definite spots in the lint.

The proposed revised standards were displayed and explained at public meetings held in eight central locations in the United States. These meetings were well attended by all segments of the cotton industry and practically all comments on the proposed standards were favorable. The proposed standards are also being displayed and explained to the oversea signatories to the Universal Cotton Standards Agreement and other importers of U.S. cotton at several meetings in Europe and Asia.

The proposed revised standards will also be considered at the 1962 Universal Cotton Standards Conference to be held at the U.S. Department of Agriculture, Washington, D.C., on May 24–25, 1962. All oversea signatories to the Universal Cotton Standards Agreement and all segments of the domestic cotton industry interested in standards have been invited to send representatives to this conference.

The Department is also proposing that the last sentence in § 28.475 *Below Grade Cotton* be amended to read as follows: "The term Below Good Ordinary, or Below Low Middling Light Spotted, or Below Low Middling Spotted, or Below Low Middling Tinged, or Below Middling Yellow Stained, or Below Strict Low Middling Gray and other additional explantory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates."

The Department proposes to make any revision of the standards effective on or about June 15, 1963.

Interested persons and organizations that will be represented at the 1962 Universal Cotton Standards Conference may present data, views, or arguments concerning the proposed revisions orally or in writing at the conference. All persons who desire to submit written data, views, or arguments should file the same with the Director, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than May 25, 1962. The proposed revised standards will be available for inspection by interested persons until May 25 at the U.S. Department of Agriculture, Room 609 of the Agriculture Annex Building, 12th and C Streets SW., Washington, D.C.

Dated: May 9, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62–4640; Filed, May 11, 1962; 8:46 a.m.]

[7 CFR Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning March 1, 1962, and ending February 28, 1963, to enable it to perform its functions in accordance with the provisions of the said marketing agreement and order, will amount to $137,495.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles nectarines shall pay during the fiscal period ending February 28, 1963, in accordance with the applicable provisions of said marketing agreement and order, the rate of assessment of $0.025 per standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk, so handled by such handler during such fiscal period.

(c) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ending Feburary 28, 1963, shall be carried over as a reserve in accordance with the applicable provisions of § 916.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

Dated: May 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–4641; Filed, May 11, 1962; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1133]

[Docket No. AO–275–A8]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of

marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, U.S. Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Spokane, Wash., on April 24, 1962, pursuant to notice thereof which was issued April 16, 1962 (27 F.R. 3755).

The material issues on the record of the hearing relate to:

(1) The classification and pricing of nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses;

(2) The formula used to price milk used in Classes II and III; and

(3) Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence received at the hearing and the record thereof:

1. *Nonfluid products used in Class II.* Skim milk and butterfat in nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses should be classified and priced as Class III milk rather than as Class II milk. Skim milk and butterfat in fluid milk products used to produce these items should continue to be classified and priced as Class II milk.

Under the present provisions of the order, all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (designated Class II products) are classified as Class II milk. Class II milk is priced at 25 cents per hundredweight more than Class III milk. Since Class II and Class III butterfat differentials are identical, the entire additional value is attributed to skim milk.

Any nonfluid products, including those processed at the plant, reprocessed or converted to another product in a handler's plant during the month are treated as a receipt of other source milk. The skim milk in such products is considered to be an amount equivalent to the nonfat milk solids content, plus all the water originally associated with such solids, and any products made therefrom are considered to contain an equal volume of skim milk. Under the allocation provisions of the order, current receipts of producer milk are assigned to the higher priced Class II uses in preference to other source milk.

Inland Empire handlers produce from pool milk substantial quantities of condensed skim milk used in the manufacture of ice cream and ice cream mix. There is no local source of uninspected milk that would provide a dependable alternative source of supply. There is, however, opportunity for regulated handlers to purchase condensed skim milk and nonfat dry milk solids produced in Washington and Oregon plants not subject to price regulation, or produced in plants subject to the order for the Puget Sound marketing area and priced at the level of the Inland Empire Class III price. Use of such sources of supply would result in diversion of substantial volumes of producer milk to nonpool plants for Class III uses. This would not be in the interest of orderly marketing.

The incentive for use of alternative supplies is not present with respect to the fluid milk products used to produce designated Class II products. To the extent that fluid skim milk may be used for such purposes, the milk solids it provides are competitive at the Class II price with those from alternative sources.

It is concluded that the skim milk and butterfat in Class II milk should be limited to that in fluid milk products used to produce designated Class II products and that the skim milk and butterfat in nonfluid products used to produce designated Class II products should be classified as Class III milk.

This method of classification will preserve the present method of accounting for nonfluid products as other source milk at the full skim milk equivalent of the solids content while relieving handlers of the possibility of being charged the higher Class II price with respect to use of nonfluid products in designated Class II products. All testimony at the hearing agreed that a change to that end should be made in the order. The proposal contained in the hearing notice provided for use of only two classes of milk with an additional charge of 25 cents per hundredweight for fluid milk products used in what are now designated Class II products. The same result can be achieved most directly by the classification change provided herein.

2. *Class II and III pricing formula.* No change should be made at this time in the formula used to determine the price for Class II milk and Class III milk.

The price for Class III milk under the order is presently determined by a formula using Chicago butter prices and prices of nonfat dry milk (spray and roller process) at manufacturing plants in the Chicago area. The Class II price is the Class III price plus 25 cents. As an incident to the proposal for only two classes of utilization, it was proposed that a similar formula that is used as an alternative basic formula price be used to price the milk now in Classes II and III. No substantive testimony was offered in support of this proposed change in formula prices.

Testimony was offered in support of using only the price of spray process nonfat dry milk, rather than the average of that produced by the spray and roller processes. Roller process nonfat dry milk is no longer purchased for price support purposes due to its limited production volume. There is some possibility that the price of this limited volume may become erratic without the offer of support purchases.

Opposition to deletion of the roller process price was expressed by a cooperative association which moves milk for manufacturing use to a plant regulated under the Puget Sound order. The Puget Sound Class II price is the same as the present Inland Empire Class III price, and represents the amount that can be realized on milk moved to the Puget Sound plant.

There has so far been no experience upon which to estimate the probable effect of the change in the support price program on the price of roller process nonfat dry milk. Many orders use this price quotation in price formulas. In view of these circumstances and the relationship to the Puget Sound area, it is concluded that no change should be made in the Class III price formula at this time.

3. *Clarifying and conforming changes.* Two clarifying changes should be made in order language.

It should be made clear that handlers operating pool plants, as well as cooperative associations, may have shrinkage computed on milk diverted to nonpool plants. Practically all milk in this market is moved from farms in bulk tanks. Handlers' shrinkage allowances are reduced by 1.5 percent of all milk (including that diverted) disposed of in bulk tanks to other milk plants, therefore, an allowance should be computed on the volume to which such reduction will apply. Proprietary handlers should be treated on the same basis as cooperative associations with respect to computation of the shrinkage allowance on diverted milk.

In the decision of the Assistant Secretary issued February 2, 1962, it was concluded that proration of shrinkage should be between a designated volume of pool milk and other source fluid milk products. The order language should be more specific in limiting the volume of other source milk to be included in this proration to that received in the form of fluid milk products.

These changes represent merely clarification of language with no substantive effect in the way in which the order is now interpreted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were received.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1133.41, paragraphs (b) and (c)(5)(i) are revised, and a new paragraph (c)(7) is added, as follows:

§ 1133.41 Classes of utilization.

* * * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat contained in fluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* * * *

(5) * * *

(i) Two percent of receipts at a pool plant of producer milk pursuant to § 1133.12(a) (1) and (2) and, with respect to a cooperative association, producer milk for which it is the handler pursuant to § 1133.15 (c) or (d); plus

* * * * * *

(7) In nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheese.

2. Section 1133.42(b)(2) is revised to read as follows:

§ 1133.42 Shrinkage.

* * * * *

(b) * * *

(2) Skim milk and butterfat in other source milk received in the form of fluid milk products.

Signed at Washington, D.C., on May 9, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4655; Filed, May 11, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 802) has been filed by the Dow Chemical Co., Midland, Mich., proposing amendment of the food additive regulations for zoalene, § 121.207(a)(1)(iii), to include manganese bacitracin with the other forms of bacitracin permitted therein.

Dated: May 8, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4639; Filed, May 11, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1193]

CERTAIN MODELS OF LOCKHEED 1049 SERIES AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the wing rear spar of Lockheed 1049 Series aircraft. There have been several instances of corrosion on the surfaces of the spar. As this condition is likely to occur on other such aircraft, an airworthiness directive is being proposed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 12, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 1049-54, 1049B, 1049C, 1049D, 1049E, 1049F, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As a result of corrosion found on the wing rear spar upper cap exposed surfaces which exceeded the negligible damage limits the following is required:

(a) Within the next 700 hours' time in service after the effective date of this AD, unless already accomplished, inspect the exposed surfaces of the rear spar upper caps from wing Station 80 to wing Station 458 using a wood or micarta pick as a probe and a good light source to illuminate the area.

(b) If no corrosion is found, coat the spar cap with zinc chromate primer. The aircraft may then be returned to service.

(c) If corrosion damage is found on the exposed surfaces of the rear spar upper cap, remove enough rivets from the aft upper surface skin to allow lifting the skin for the purpose of inspecting the aft outer surface of the rear spar upper cap in accordance with (a).

(d) Repair all corrosion damage in accordance with Lockheed Report 8882, figure 2-25 and paragraph 1-67N, or FAA approved equivalent. If no corrosion is found on the aft outer surface of the rear spar upper cap, coat it with zinc chromate.

(e) All rear spar upper caps which have been inspected and repaired in accordance with (a) through (d) shall be reinspected and repaired in accordance with (a) through (d) at periods thereafter not to exceed 5,000 hours' time in service or 2 calendar years, whichever occurs first. The first periodic reinspection of any rear spar upper cap which was inspected and repaired in the manner prescribed in (a) through (d) prior to the effective date of this AD, shall be accomplished within 5,000 hours' time in service or 2 calendar years, whichever occurs first, following the date of that inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letters FS/249582L dated November 4, 1960, and FS/25014IL dated December 20, 1960, cover this same subject.)

Issued in Washington, D.C., on May 7, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-4629; Filed, May 11, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 14615, RM-308; FCC 62-457]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Nationwide Two-Way Public Air-Ground Radiotelephone Service

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. In response to a petition filed January 31, 1962, by American Telephone & Telegraph Co. (A.T. & T.) (RM-308), the Commission is proposing amendment of its rules governing the Domestic Public Radio Services to permit establishment on a regular basis of a nationwide two-way public air-ground radiotelephone service in the bands 454.675–455.000 Mc/s and 459.675–460.000 Mc/s.

3. On February 17, 1960, the Commission adopted its Sixth Report and Order in Docket No. 11959. Among other things, this order amended Part 2 of the Commission's rules by adding footnote NG 19 (subsequently changed to NG 12) which provided that, "Frequencies in the bands 454.40–455 Mc and 459.40–460 Mc may be assigned to domestic public land and mobile stations to provide a two-way air-ground radiotelephone service." On January 31, 1961, the Commission adopted an order which amended Part 21 of the rules to make the frequency bands 454.675–455.00 Mc/s and 459.675–460.00 Mc/s available for the exclusive assignment to the public air-ground radiotelephone system. This order further provided that those stations in the Domestic Public Land Mobile and Rural Radio Services which were using those frequencies must begin to move to other frequencies available to those services effective July 1, 1961.

4. Development of an air-ground system was initiated in 1957 with stations in Chicago and Detroit. In 1960, additional developmental air-ground stations were authorized in the vicinity of Pittsburgh, Washington, D.C., and New York City. A.T. & T. now believes that development has progressed sufficiently to warrant initiation of the system on a regular basis.

5. The system proposed by A.T. & T. would operate initially with six pairs of frequency modulated communication channels in the 450 Mc/s mobile band with 50 kc/s channel spacing. An FM common signaling channel would be provided to signal the aircraft from the ground. A carrier assignment of 454.990 Mc/s with ±5 kc/s deviation is proposed for this purpose, using 600 and 1,500 c.p.s. sequential tone modulation of the transmitter. Each ground station would also, under the proposal, transmit a continuous dial tone when the assigned channel is idle which would aid the airborne station in selecting the most desirable channel. The tone would be transmitted at a level 15 to 20 decibels below the normal power output used for transmitting conversation. The person in the aircraft would select the channel providing the clearest tone for completion of the call.

6. For a ground originated call, the operator would dial the number assigned to the aircraft. The proper signaling code would be transmitted to the aircraft followed by an additional digit identifying the ground station talking channel. The airborne station upon receiving the signal would automatically indicate and/or select the channel designated by the identifying code, ring the bell and be available for communication.

7. On calls originating from the aircraft, the most desirable idle channel can be selected by listening for the clearest dial tone described above. The push-to-talk button may then be depressed and the call placed through the ground station operator.

8. The plan proposes establishment of ground stations approximately 200 miles apart and would assign one of the six ground frequencies to each location on a planned geographic basis. A 500-mile separation between cochannel stations is advocated. The airborne stations normally would be provided with all-channel (six) capability. Thus, the system as proposed is designed to provide single-channel enroute capability nationwide although multichannel capability would be available in some areas and under certain conditions. The system is designed for aircraft flying at an altitude 5,000 feet or more above average terrain, although lower altitude aircraft would have shorter communication range and access to the system would thereby be limited to the vicinity of major air terminals or along major air routes.

9. It is not possible at this time to determine the ultimate extent to which the proposed service will require frequency spectrum nor is it possible to foresee how additional spectrum would be made available if it is, in fact, required. Should additional channels become necessary and further allocation of spectrum not be possible, "split channel" operation appears to be the only logical solution. Therefore, the Commission proposes to impose, concurrent with the initiation of the system, standards of ±5 kc/s deviation and 0.0002 percent frequency stability on the 50 kc/s channels. It is believed that such standards are attainable at this time and the transition to 25 kc/s split channel operation can be made more readily in the future.

10. Generally, it would be necessary for the owner of the aircraft to provide his own airborne station equipment inasmuch as Petitioner intends not to provide such equipment for rental to the public. However, we believe that some ground station licensees may wish to do so, and our rule-making proposal herein would permit such latitude. Also, our proposal provides that airborne stations may be licensed separately to the subscriber to the service.

11. The rules and standards which we here propose are set forth below. The Commission is aware that we have very limited experience with this service and that the technique here proposed may not in fact be the most desirable. Accordingly, interested persons are encouraged to direct their comments to possible improvements in the system. It is noted that petitioner has predicated his recommendation, which we are here proposing, upon a scheme that would require all-channel equipment for aircraft with limited-access ground stations. Observations and suggestions with respect to other system configurations will be helpful to the Commission in selecting the system which will make maximum use of the spectrum space available to the service.

12. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

13. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before June 11, 1962, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before June 21, 1962. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

14. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 2, 1962.

Released: May 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 21.1 is amended by adding new definitions for "Airborne station", "Domestic public air-ground radio service", and "Ground station" and by modifying the definitions of "Domestic public radio service", "Auxiliary test station" and "General communication" to read as follows:

§ 21.1 Definitions.

* * * * *

Airborne station. A mobile station in the domestic public air-ground radio service aboard aircraft.

* * * * *

Auxiliary test station. A fixed station used for test transmissions only, operating on mobile station frequencies from a specified fixed location, for the purpose of determining the performance of fixed receiving equipment which is remotely located from the base or ground station with which it is associated, or where the receiving equipment is located with the base or ground station and both are remotely located from the control point of the station.

* * * * *

Domestic public air-ground radio service. A public two-way radiotelephone service for hire between an airborne station and ground stations which are located within the United States or its possessions.

* * * * *

Domestic public radio services. The domestic land mobile, air-ground, and fixed public services, the stations of which are open to public correspondence.[3]

* * * * *

General communication. Two-way voice communication, (1) through a base station, between a common carrier land mobile station and a landline telephone station connected to a public message landline telephone system, or between two common carrier land mobile stations via a base station and (2) through a ground station, between a common carrier airborne station and a landline telephone station connected to a public message landline telephone system or between two common carrier airborne stations via a ground station.

Ground station. A land station in the domestic public air-ground radio service carrying on a service with airborne stations.

[3] Parts 7 and 8 of this chapter are applicable to maritime services. Part 9 is applicable to aeronautical services; and Part 14 is applicable to certain Alaska services.

2. In § 21.15(i) the introductory text and subparagraph (2) are amended to read as follows:

§ 21.15 Content of applications.

* * * * *

(i) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station or ground station with which the mobile units will be associated in the Domestic Public Land Mobile Radio or Air-Ground Radio Services shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

* * * * *

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations or ground stations specifically identified in the application; and

3. Section 21.29 (a) and (b) are amended to read as follows:

§ 21.29 Forms to be used.

(a) *Application for construction permit for base, ground, auxiliary test, and fixed stations.* A separate application for construction permit shall be submitted for each base, each ground, each auxiliary test, and each fixed station on FCC Form 401: *Provided, however,* That in the case of fixed stations to be installed at temporary locations, as set forth hereinafter in the applicable subparts of this part, where the equipment utilized is of such design as to comprise a "packaged" unit which is ready for installation and use with only nominal construction, request may be made for waiver of the construction permit and for the immediate issuance of a license: *And provided further,* That an application for an auxiliary test station may be combined with that of the base station or ground station with which such auxiliary facility is to be associated when both are at the same location. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of applications in the Domestic Public Land Mobile Radio Service. Applications for mobile stations in the Domestic Public Land Mobile or Air-Ground Radio Services which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15(i).

4. Section 21.32(a) is amended to read as follows:

§ 21.32 License period.

(a) Licenses for stations in the Point-to-Point Microwave Radio and Local Television Transmission Services will be issued for a period not to exceed 5 years; licenses for stations in the Domestic Public Land Mobile Radio, Air-Ground Radio, and Rural Radio Services will be issued for a period not to exceed 3 years; except that licenses for developmental stations will be issued for a period not to exceed 1 year.[5] The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Domestic Public Air-Ground Radio Service shall be the first day of October in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

5. Section 21.101(a) is amended to read as follows:

[5] In the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

§ 21.101 Frequency stability.

(a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the reference frequency:

Frequency range	All fixed, base and ground stations	All mobile stations	
		Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*
25 to 50	0.002	0.002	0.005
50 to 1000 [1]	[2] 0.0005	[2] 0.000	0.005
Above 1000	[2]	[2]	[2]

[1] Equipment authorized to be operated between 890 and 940 Mc/s as of October 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

[2] To be specified in the station authorization but shall not be less than 0.05 percent between 1000 and 10,000 Mc/s and not less than 0.75 percent above 10,000 Mc/s.

[4] Stations in the domestic public air-ground radio service shall be required to maintain a frequency tolerance of 0.0002 percent.

6. Section 21.107 (b) and (c) are amended to read as follows:

§ 21.107 Transmitter power.

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation, except as otherwise limited by § 21.903:

Frequency range (Mc/s):	*Rated power output (watts)*
Below 30	50
30–50	350
50–76	50
76–500	250
500–10,000	100
Above 10,000	[1]

[1] Unlimited.

(c) The power of each transmitter shall be maintained as near as practicable to the power input or output, as the case may be, specified in the instrument of station authorization: *Provided,* That the power of each base station or ground station transmitter shall not deviate by more than 20 percent above and 25 percent below the authorized power. In the event it becomes impossible to operate within such limits of the authorized power, the station may be operated with reduced power for a period of 10 days or less, provided that if such operation continues longer than 10 days the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of normal power.

7. Amend § 21.108 (a) and (b) to read as follows:

§ 21.108 Directional antennas.

(a) Unless otherwise authorized upon specific request by the applicant, each station authorized under the rules of this part, other than base, ground, mobile and auxiliary test stations operating in the Domestic Public Land Mobile and Air-Ground Radio Services, shall employ a directional antenna adjusted with the center of the major lobe of radiation in the horizontal plane directed

toward the receiving station with which it communicates: *Provided, however,* Where a station communicates with more than one point, a multi- or omnidirectional antenna may be authorized, if necessary.

(b) Stations, other than base, ground, mobile and auxiliary test stations in the Domestic Public Land Mobile and Air-Ground Radio Services, which are required to operate with a directional antenna shall not radiate signals which exceed the following limits of beam width, measured in the horizontal plane at the half power points, for the major lobe of radiation:

Frequency range (Mc/s):	Maximum beam width (degrees)
Below 500	80
500–1,500	20
1,500–5,000	12
5,000–10,000	8
Above 10,000	3

8. Section 21.110 (a), (b), and (c) are amended to read as follows:

§ 21.110 Antenna polarization.

(a) Stations operating in the 72–76 Mc/s band, and each base, ground, mobile, dispatch, and auxiliary test station operating in the Domestic Public Land Mobile Radio and Air-Ground Radio Services shall employ an antenna which radiates a signal, the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc/s (other than base, ground, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio and Air-Ground Radio Services, and stations operating in the 72–76 Mc/s band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however,* That Rural Subscriber stations communicating with base stations may employ vertical polarization.

(c) Upon a satisfactory showing in each particular case that improved transmission will result and potentially harmful interference to other radio installations would be reduced, the Commission may authorize a station operating on frequencies below 500 Mc/s (other than base, ground, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio and Air-Ground Radio Services, and all stations operating in the 72–76 Mc/s band) to employ an antenna which radiates a signal, the electrical component of which is circularly or otherwise polarized.

9. Section 21.205(h) is amended to read as follows:

§ 21.205 Operator requirements.

. . . . . .

(h) Any person may, after obtaining permission from the station licensee, operate the following classes of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base or ground station in the Domestic Public Land Mobile Radio and Air-Ground Radio Services.

(2) A rural subscriber or mobile station in the Rural Radio Service.

(3) Central office stations, interoffice stations, auxiliary test stations, base stations, and ground stations, including radio control stations which may be associated therewith.

10. In § 21.213, paragraph (a) is amended and a new paragraph (b) (5) is added to read as follows:

§ 21.213 Station identification.

(a) Each station in these services, except as otherwise provided in this section, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations engaged in a public telephone message, telegram, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided,* That the requirement for transmission of station identification is waived for fixed stations automatically retransmitting by self-actuating means, for fixed stations employing continuous radiation with multichannel transmission and for the exclusive signaling channel common to all ground stations in the Domestic Public Air-Ground Radio Service.

(b) • • •

(5) An airborne station in the Domestic Public Air-Ground Radio Service shall identify itself by the official FAA registration number of the aircraft or by a word designating the name of the airline followed by the scheduled flight number of the aircraft, provided adequate records are maintained by the licensee to permit ready identification of the airborne station internationally.

11. In § 21.501, footnote 2 to the table in paragraph (b) is amended to read as follows:

§ 21.501 Frequencies.

. . . . . .

(b) • • •

[2] The 454.675–455.000 Mc/s and 459.675–460.000 Mc/s frequency bands are not available for new Domestic Public Land Mobile Radio Service facilities. After Jan. 1, 1963, these frequencies will not be available for Domestic Public Land Mobile Radio Service use.

12. In § 21.601, footnote 3 to the table in paragraph (a) is amended to read as follows:

§ 21.601 Frequencies.

(a) • • •

[3] The 454.675–455.000 Mc/s and 459.675–460.000 Mc/s frequency bands are not available for new Rural Radio Service facilities. After Jan. 1, 1963, these frequencies will not be available for Rural Radio Service use.

13. A new Subpart K to Part 21 is added to read as follows:

Subpart K—Domestic Public Air-Ground Radio Service

Sec.
21.900 Eligibility.
21.901 Frequencies.
21.902 Nationwide plan for assignment of ground station frequencies.
21.903 Power limitations and requirements.
21.904 Modulation requirements.
21.905 Bandwidth and emission limitations.
21.906 Antenna radiation characteristics.
21.907 Signaling system requirements for ground stations.
21.908 Airborne station receiver requirements.
21.909 Permissible communications.
21.910 Responsibility for operational control and maintenance of airborne stations.

§ 21.900 Eligibility.

Authorizations for ground stations and auxiliary test stations to be operated in this service will be issued only to existing and proposed communication common carriers who have made a factual showing that definite arrangements have been completed for direct interconnection of the ground station with the nationwide public message telephone system. Authorizations for airborne stations will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that:

(a) The applicant is legally, financially, technically, and otherwise qualified to render the proposed service;

(b) There are frequencies available to enable the applicant to render a satisfactory service; and

(c) The public interest, convenience, or necessity would be served by a grant thereof.

§ 21.901 Frequencies.

The following frequencies are available for assignment in the Domestic Public Air-Ground Radio Service for General Communications in accordance with the nationwide plan set forth in § 21.902:

Ground station frequencies (Mc/s)	Working channel designations	Airborne and Auxiliary test station frequencies (Mc/s)
454.70	1	459.70
454.75	2	459.75
454.80	3	459.80
454.85	4	459.85
454.90	5	459.90
454.95	6	459.95
454.99 [1]		

[1] This frequency is to be used exclusively as a signaling channel associated with each of the ground station channels listed herein (see §21.907).

§ 21.902 Nationwide plan for assignment of ground station frequencies.

(a) Ground stations for use in this service shall be authorized in accordance with the nationwide plan and shall be located within 25 statute miles of the location specified. This distance shall be measured from the intersection of the coordinates shown, or from the main post office where coordinates are not specified herein.

Location	Channel
Alabama, Troy	1
Arizona:	
Grand Canyon	5
Phoenix	2
Arkansas, Little Rock	2
California:	
E. of Fresno (36°44' N. latitude) (119°-17' W. longitude)	4
NE. of Los Angeles (34°20' N. latitude) (118°36' W. longitude)	3
N. of Redding (40°55' N. latitude) (122°27' W. longitude)	1
NE. of San Francisco (37°51' N. latitude) (122°11' W. longitude)	6
NE. of Santa Barbara (34°32' N. latitude) (119°58' W. longitude)	2
E. of San Diego (32°53' N. latitude) (116°25' W. longitude)	6
Colorado:	
Denver	5
Grand Junction	3
District of Columbia, Washington	6
Florida:	
Cocoa	2
Miami	5
Tampa	4
Georgia:	
Atlanta	3
Waycross	6
Idaho, Boise	3
Illinois:	
Alton	4
Chicago	6
Indiana, Vincennes	3
Iowa, Waterloo	2
Kansas:	
Colby	6
Salina	3
Kentucky, Middlesboro	2
Louisiana:	
New Orleans	4
Shreveport	1
Maine, Bangor	4
Massachusetts, Boston	3
Michigan, Detroit	5
Minnesota, Minneapolis	3
Mississippi, Jackson	5
Missouri, Kansas City	5
Montana:	
Billings	3
Glendive	4
Great Falls	5
Missoula	1
Nebraska:	
Alliance	2
North Bend	1
Nevada:	
Elko	2
Las Vegas	1
NW. of Reno (39°35' N. latitude) (119°56' W. longitude)	5
New Jersey, Newark	5
New Mexico:	
Albuquerque	1
Artesia	6
Silver City	4
New York:	
Elmira	2
SW. of Albany (42°38' N. latitude) (73°59' W. longitude)	1
North Carolina:	
Charlotte	5
Rocky Mount	1
North Dakota:	
Bismarck	6
Fargo	5
Ohio, Dayton	1
Oklahoma, Oklahoma City	4
Oregon:	
Pendleton	4
Salem	6
Pennsylvania, Pittsburgh	3
Tennessee, Columbia	6
Texas:	
Amarillo	2
Dallas	3
Harlingen	4
Houston	6
San Antonio	2
Sweetwater	5
Utah:	
Ogden	4
Richfield	6
Washington:	
Seattle	5
Spokane	2
West Virginia, Beckley	4
Wisconsin, Wausau	1
Wyoming, Casper	1

(b) The common signaling channel on 454.99 Mc/s is designated for use at all ground stations shown in paragraph (a) of this section.

§ 21.903 Power limitations and requirements.

(a) The rated output power of airborne station transmitters shall not exceed 25 watts.

(b) The rated output power of ground station transmitters shall not exceed 100 watts.

(c) The effective radiated power of an airborne station shall not be less than 10 watts nor more than 25 watts.

(d) The effective radiated power of a ground station or of an auxiliary test station shall not exceed 100 watts: *Provided, however,* That under idle traffic conditions, a ground station shall radiate continuously on its assigned working channel a carrier reduced in power by at least 15 decibels but not more than 20 decibels below its normal power (see also § 21.904(e)).

(e) The effective radiated power and the rated power output of a ground station standby transmitter shall not exceed that of the main transmitter of the ground station with which it is associated.

§ 21.904 Modulation requirements.

(a) The use of modulating frequencies higher than 3,000 cycles per second is not authorized.

(b) The deviation arising from modulation shall not exceed 5 kc/s.

(c) Each transmitter employed in this service shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraphs (a) and (b) of this section.

(d) Each transmitter employed in this service shall be equipped with a modulation limiter in accordance with the provisions of paragraph (c) of this section and shall be equipped with a low-pass filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kc/s and 15 kc/s, the filter shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than at 1 kc/s

(e) During idle traffic conditions, the working channel carrier of a ground station shall be modulated continuously with a distinctive tone except during periods required for voice identification of the station (see also § 21.903(d)).

(f) Each airborne station shall use suitable means to prevent impairment of transmission by the ambient noise present when the aircraft is in flight. Ambient noise in excess of 95 decibels Reference Acoustical Pressure (flat weighting) shall require use of a noise-canceling type of microphone, or suitable environmental acoustic treatment to reduce the ambient noise level to 95 decibels RAP or less.

§ 21.905 Bandwidth and emission limitations.

(a) Stations in this service shall be authorized to use only type F3 emission for radiotelephony and type F2 emission for selective signaling. The authorization to use type F3 emission at a ground station shall be construed to include the use of a tone signal to indicate idle traffic condition of the working channel.

(b) The maximum authorized bandwidth shall be 20 kc/s.

§ 21.906 Antenna radiation characteristics.

(a) Ground station antenna installations shall be designed for vertical polarization and for uniformly omnidirectional radiation in the horizontal plane.

(b) Airborne station antenna installations shall be designed for vertical polarization and, insofar as practicable, for uniformly omnidirectional radiation in the horizontal plane when the aircraft is in level flight attitude.

§ 21.907 Signaling system requirements for ground stations.

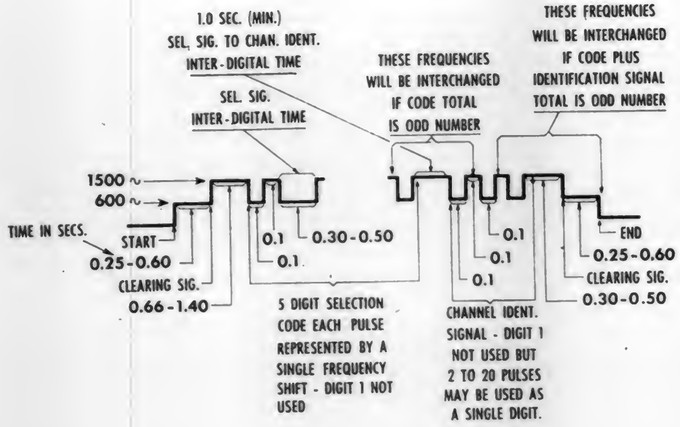
(a) Each ground station shall be equipped for two-tone selective signaling of airborne stations by means of a code comprised of seven basic elements, A through G, as follows:

A	B	C	D	E	F	G
Digit one (1)	Pause	Five digits (e.g., 29035).	Pause	One or more digits (e.g., 3).	Pause	Digit one (1).

A—A clearing pulse to reset selectors to zero.
B—An idle period of 0.66 to 1.4 seconds between the transmission of the clearing pulse and the time of start of transmission of the assigned selective signaling code.
C—The selective signaling code or "number" assigned to the airborne station. This always comprises five digits. The digit 1 is not used. The arithmetic sum of the 5 digits will be anything from 10 to 50, counting 0 as 10.
D—An idle period, 1.0 second (minimum) between the transmission of the five-digit code and element E, the channel designation number.
E—The channel designation number to indicate the working channel of the calling ground station. This may also be used to activate an audible ringing signal in the aircraft. It may be one or more digits, other than digit 1.
F—A 0.30 second period is provided prior to transmission of a clearing pulse.
G—A clearing pulse to enable the airborne station selective signaling receiver equipment to return the selective signaling selector to zero.

(b) The basic elements of the selective signaling system shall conform to the frequencies and time intervals illus-

TWO-TONE SIGNAL FOR GROUND-TO-AIR CALLING



trated. The times shown apply to automatic-pulsing selective-signaling equipments using digit counting circuitry at the ground station. If manual dialing is employed, the pauses and interdigit times will be dependent upon the speed of the operator.

§ 21.908 Airborne station receiver requirements.

(a) An airborne station desiring to receive calls originated by a ground station shall be equipped to receive and respond to its assigned telephone number when transmitted by the selective signaling system prescribed by § 21.907.

(b) Airborne stations desiring to receive calls originated by a ground station must employ a receiver designed to automatically revert to the signaling channel frequency upon completion of a call.

§ 21.909 Permissible communications.

(a) Airborne stations are authorized to communicate with and through ground stations only.

(b) Ground stations are authorized to communicate with airborne stations only.

(c) Auxiliary test stations in this service shall normally be operated upon airborne station frequencies only for the purpose of determining the performance of fixed receiving equipment remotely located from the ground station with which it is associated or where the receiving equipment is located with the ground station and both are remote from the control point of the station: *Provided, however,* That a transmitter used in an auxiliary test station may be used as a standby transmitter upon the frequency of the ground station with which it is associated whenever such ground station is out of service for maintenance or repair.

(d) Unless otherwise prohibited by agreements, laws, rules, regulations, etc., of the foreign country concerned, ground stations in this service are not prohibited from rendering transborder communication service for hire to airborne stations in that country which are properly licensed to operate in the common carrier air-ground radio service of either country.

§ 21.910 Responsibility for operational control and maintenance of airborne stations.

(a) The licensee of a ground station in this service shall be responsible for exercising effective operational control over all airborne stations with which it communicates. The proper installation and maintenance of such stations shall be the responsibility of the respective licensees thereof.

(b) Airborne stations in this service shall be subject to the effective operational control of the ground stations with which they communicate.

[F.R. Doc. 62-4621; Filed, May 11, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

CONTRACTS FOR EXPERIMENTAL SUPPLIES AND EQUIPMENT FOR DIRECT-CURRENT TEST LINE AND TERMINALS

Redelegations of Authority

The redelegations of authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), as amended May 24, 1961 (26 F.R. 4460), August 4, 1961 (26 F.R. 7019), October 7, 1961 (26 F.R. 9520), and March 27, 1962 (59 F.R. 2811), are hereby amended by adding a new section 17 thereto as follows:

17. Contracts for experimental supplies and equipment for direct-current test line and terminals. The Chief of Supply may exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services (24 F.R. 1921) and redelegated to the Bonneville Power Administrator by Secretary's Order No. 2864 (27 F.R. 3861) to negotiate without advertising, under section 302(c)(11) of the Federal Property and Administrative Services Act of 1949, as amended, contracts for supplies or equipment of types or designs not commonly used in alternating current power transmission but required for the construction of a direct-current test line and terminating facilities.

(Secretary's Order No. 2864, 27 F.R. 3861)

Dated: May 4, 1962.

CHARLES F. LUCE,
Administrator.

[F.R. Doc. 62-4631; Filed, May 11, 1962; 8:45 a.m.]

Bureau of Land Management

[BLM 063463]

MINNESOTA

Notice of Filing of Plat of Survey

MAY 8, 1962.

The plat of survey accepted January 7, 1962, of the lands described below will be officially filed in this office effective 10 a.m. on June 12, 1962.

FIFTH PRINCIPAL MERIDIAN

	Acres
T. 150 N., R. 27 W., Sec. 34,	
Lot 7	22.27
Lot 8	21.46
Lot 9	44.52
Lot 10	47.74
Lot 11	8.18

The area described aggregates 144.17 acres.

The survey was made as an administrative measure to identify certain lands found to have been omitted from the original survey pursuant to the request of the Chief, Forest Service, U.S. Department of Agriculture.

The omitted land area included in this survey is largely rolling upland with swampy areas along the creek west of Cuddington Lake and around Dispan Lake. All of the lots are over 50 percent upland in character and hence are not considered to be swamp and overflow land within the interpretation of the Swamp Land Grant Act of September 28, 1850 (9 Stat. 519). Accordingly, the land has the status of public land of the United States since it was in existence on January 21, 1883, when the original survey of the township was approved, and on May 11, 1858, when Minnesota was admitted into the Union.

Section 34 was added to the Chippewa National Forest by Proclamation No. 2216 of December 29, 1936. Therefore, on the effective date of this order the authority of Proclamation 2216 attaches, placing the above described lands under the administration of the Forest Service, U.S. Department of Agriculture, subject to valid existing rights.

H. K. SCHOLL,
Manager, Land Office.

[F.R. Doc. 62-4644; Filed, May 11, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are available for sale during May 1962 were also announced by the U.S. Department of Agriculture in a press release of April 30, 1962. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, corn, oats, barley, rye, grain sorghums, dry edible beans, and gum turpentine.

Dry edible beans (pinto and pea) are additions to the list for May.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, grain sorghums, and pea beans. This list is subject to change from time to time.

Interest rates per annum under the CCC export credit sales program for May 1962 are 3½ percent for periods up to 6 months, 4 percent for periods from over 6 and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Notice to buyers. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right

(i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington; Oregon and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33 as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic—unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price of such cotton, as determined by CCC. Export: CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Offices.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Wheat (commercial area)[2]	Bushel	*Cents* 26	*Cents* 22	Chicago	No. 1 RW	$2.31
				Minneapolis	No. 1 DNS	2.38
				Kansas City	No. 1 HW	2.31
				Portland	No. 1 SW	2.21

See footnotes at end of table.

Commodity	Sales price or method of sale	Unit	Received by—		Examples of minimum prices (exrail or barge)		
			Truck	Rail or barge	Terminal	Class and grade	Price
Barley, bulk	Domestic: Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[3] for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If grain is stored outside the area of production, applicable freight will be added to the above.						
		Bushel	*Cents* 13	*Cents* 11	Minneapolis	No. 2 or better	$1.32
	Available: At bin sites through ASCS county offices, except for county offices in the Minneapolis ASCS Commodity Office area, at other than bin sites through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of barley for such redemption, at any locations whenever such action is deemed necessary. Available: At other than bin site locations through the Evanston, Kansas City, Portland, and Minneapolis ASCS county offices, except for county offices in the Minneapolis ASCS Commodity Office area, at other than bin site locations through the Minneapolis area for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock and poultry, if such barley is stored in Livestock Feed Program emergency counties or in such other counties as may be designated by CCC. At bin site locations through Livestock Feed Program emergency counties have been designated. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on preceding page. Export: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Stocks at seaboard in Portland ASCS Commodity Office area and at Minneapolis and Minneapolis in the Minneapolis Commodity Office area are also available.						
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[3] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If grain is stored outside the area of production, applicable freight will be added to the above.						
		Bushel	*Cents* 14	*Cents* 11	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.42

Commodity	Sales price or method of sale	Unit	In store at—		Examples of minimum prices (exrail or barge)		
			Point of production	Other point	Terminal	Class and grade	Price
Wheat, bulk (continued)	Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (Revision 2, Jan. 9, 1961) or as flour under Announcement GR-212 (Revision 2, Jan. 9, 1961) or as flour under Announcement GR-261 (Revision 2, Jan. 9, 1961), for application to arrangements for barter which include exportation of wheat as flour and approved credit sales only at prices determined daily. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						
Corn, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC dispositions of storable corn for domestic unrestricted use and for export excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Export: Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale. Available: Evanston and Portland, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.						
Oats, bulk	Domestic: Storable—A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[4] for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.						
		Bushel	*Cents* 12	*Cents* 14	Chicago	No. 3	[5]$0.89½
	Available: At other than bin site locations through the Evanston, Dallas, Kansas City, and Minneapolis ASCS Commodity Offices. From bin sites through ASCS county offices for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock and poultry, if such oats are stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASCS State committee in States in which Livestock Feed Program emergency counties have been designated. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the class, grade, quality, and quantity of oats delivered in redemption of such rights. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Office. At other locations through the ASCS Commodity Offices indicated above.						

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk (continued)	Domestic, unrestricted use—Continued Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC throught the ASCS Commodity Offices indicated above. Export: Under Announcement GR-368 (revised Aug. 31, 1960), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis areas.
Grain sorghums, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC disposition of storable grain sorghums for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC stocks of grain sorghums held in California will not be available for such redemptions and CCC reserves the right to restrict the availability of grain sorghums at any other location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other Export sales:[3] Under Announcement GR-368 (revised Aug. 31, 1960), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales. CCC stocks of grain sorghums held in California export terminals are the only grain sorghums stored in California available for sale under these export announcements, except that such sorghums shall not be eligible for application to P.L. 480 Purchase Authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Dry edible beans, bagged (as available).	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. For other grade, adjust by market differentials. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Pinto	$6.86	Eastern Colorado.
Pea	7.63	Michigan.

Export: Under Announcement GR-409 the following minimum price per hundredweight basis for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Pinto	$6.37	Eastern Colorado.
Pea	7.03	Michigan.

Peanuts, shelled and unshelled, farmers' stock (as available).	Available: Pinto available at Kansas City and Portland ASCS Commodity Offices. Pea beans available at Evanston ASCS Commodity Office. Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Jan. 4, 1962), as amended.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin sites sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.
[3] The statutory minimum price for corn referred to in the price adjustment provisions of these export announcements are as follows for corn in-store: (a) For corn delivered at point of production such price is 105 percent of the applicable 1961 support price plus 11 cents per bushel. (b) For corn delivered at other than the point of production such price is 105 percent of the applicable 1961 support price at point of production plus 14 cents per bushel and the rail freight from the point of production to the delivery point. Approximate origin loan rates and approximate freight rates will be used by CCC if determined necessary.
[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored at other than the point of production.
[5] Includes paid in freight from Woodford County, Ill.
[6] The statutory minimum price for grain sorghums referred to in the price adjustment provisions of these export announcements is as follows for grain sorghums in-store: (a) For grain sorghums received by truck such price is 105 percent of the applicable 1961 support price plus 27 cents per hundredweight. (b) For grain sorghums received by rail or barge such price is 103 percent of the applicable 1961 support price plus 21 cents per hundredweight. If delivery is outside the area of production applicable freight will be added to the price for rail or barge received grain sorghums. Approximate freight rates will be used by CCC if determined necessary.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on May 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-4657; Filed, May 11, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13590; Order No. E-18314]

CONNER AIR LINES, INC.

Certificate of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1962.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Conner Air Lines, Inc. (Conner), a temporary certificate of public convenience and necessity for supplemental air service between any point in any State of the United States or in the District of Columbia and any other point in any State of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms was to expire on March 30, 1961.[1] Conner filed an application for renewal of its certificate on March 23, 1961, and its authority is continued by section 9(b) of the Administrative Procedure Act.

From records on file with the Board and other available information, it appears that Conner has conducted no operations since February 1959. Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Conner should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E-9744, adopted November 15, 1955, as amended by Order E-9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in oversea air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Conner has conducted no operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E-9744 this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[2] Conner will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E-9744 which render it contrary to the public interest for nonoperators to continue to hold economic authority granted under Order E-9744 are equally applicable to their rights under letters of registration. Accordingly, if a nonoperator is revoked under the provisions of Order E-9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny Conner's application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Conner Air Lines, Inc., be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 19 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E-9744, why its Letter of Registration No. 1627 should not be revoked; and why its application for individual exemption authority in Docket 5132 should not be denied; and,

2. That a copy of this order be served upon the carrier by certified mail at its last known address and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4647; Filed, May 11, 1962; 8:47 a.m.]

[1] By Order E-14509 adopted Oct. 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

[2] "15. An interim operating authorization shall be subject to revocation, after notice and opportunity for hearing, for:

• • • • •

"(ii) Failure to file the monthly and quarterly reports required by Part 242 of the Economic Regulations of the Board in two consecutive reporting periods or for failure to operate any revenue flights in two consecutive calendar quarters."

[Docket 9977]

MUTUAL AID PACT INVESTIGATION

Notice of Reconvened Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 407, 412, and 1002(b) thereof, that the adjourned hearing in this proceeding will be reconvened on June 25, 1962, at 10 a.m. in room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

In addition to the pending investigation of CAB Agreements 12633-A1 through A7 and 14622, pursuant to Board Orders E-15413, E-16081, E-16598, and E-16821, the reconvened hearing will include an investigation of CAB Agreement 12633-A8 filed on March 26, 1962, amending the basic Mutual Aid Pact, to determine whether such Pact, as amended, is consistent with the public interest and not in violation of the Act.

Dated at Washington, D.C., May 8, 1962.

[SEAL] S. THOMAS SIMON,
Hearing Examiner.

[F.R. Doc. 62-4648; Filed, May 11, 1962; 8:47 a.m.]

[Docket 13591; Order No. E-18315]

TRANSOCEAN AIR LINES

Certificate of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1962.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Transocean Air Lines (Transocean), a temporary certificate of public convenience and necessity for supplemental air service between any point in any State of the United States or in the District of Columbia and any other point in any State of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms is to expire on March 30, 1964.[1]

From records on file with the Board and other available information, it appears that Transocean has conducted no operations since June 1960. Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Transocean should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in oversea and foreign air transportation. Pursuant to Order E-9744, adopted November 15, 1955, as amended by Order E-9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Transocean has conducted no operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E-9744 this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[2] Transocean will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E-9744 which render it contrary to the public interest for nonoperators to continue to hold economic authority granted under Order E-9744, are equally applicable to their rights under letters of registration. Accordingly, if a nonoperator is revoked under the provisions of Order E-9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny Transocean's application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Transocean be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 44 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E-9744, why its Letter of Registration No. 803 should not be revoked; and why its application for individual exemption authority in Docket 5132 should not be denied; and,

2. That a copy of this order be served upon the carrier by certified mail at its last known address and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4649; Filed, May 11, 1962; 8:47 a.m.]

[1] By Order E-14509 adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

UNITED STATES COMMISSION ON CIVIL RIGHTS

STATE ADVISORY COMMITTEES

Statement of Operations and Functions

1. *Name and establishment.* Pursuant to section 105(c) of Public Law 85-315 of the 85th Congress, the "Civil Rights Act of 1957," as amended (hereinafter called the Act), there are established by the Commission on Civil Rights the State Advisory Committees to the Commission on Civil Rights (each of which is hereinafter called the State Committee).

2. *Functions.* By invitation of the Commission on Civil Rights (hereinafter called the Commission), the State Com-

mittee is authorized to exercise the following functions within the limits defined in paragraph 3 of this statement:

(a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, or national origin.

(b) Advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution.

(c) Advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(d) Advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.

(e) Receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee.

(f) Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied.

(g) Assist the Commission in matters in which the Commission shall request the assistance of the State Committee.

(h) Attend, as observers, any open hearing or conference which the Commission may hold within the State.

3. *Scope of subject matter.* The scope of subject matter to be dealt with by the State Committee shall be those subjects of inquiry or study with which the Commission itself is authorized to deal, pursuant to section 104(a) of the Act. The State Committee shall confine its studies to the State. It may, however, undertake to study subjects other than those chosen by the Commission for study, within the limits of the Act.

4. *Membership.* Subject to special exceptions made from time to time by the Commission to fit special circumstances, the State Committee shall consist of at least five members appointed by the Commission. Members of the State Committee shall serve at the pleasure of the Commission, subject to the duration of advisory committees prescribed by section 8 of Executive Order 11007 (Feb. 26, 1962).

5. *Officers.* (a) The officers of the State Committee shall be a chairman and vice chairman and such other officers as the State Committee deems advisable.

(b) The chairman shall be appointed by the Commission.

(c) The vice chairman and other officers shall be elected by the State Committee by a majority vote of the full membership of the State Committee.

(d) The chairman, or in his absence, the vice chairman, shall:

(1) Call meetings of the State Committee.

(2) Preside over all meetings of the State Committee.

(3) Appoint all subcommittees of the State Committee, with the approval of a majority of the State Committee.

(4) Appoint members of the State Committee to serve as chairmen of such special committees as shall from time to time be created by the State Committee.

(5) Perform such other functions as the State Committee may authorize or the Commission may request, within the limits of the Act.

6. *Subcommittees and special committees.* The State Committee may:

(a) Approve the establishment of subcommittees, composed of members of the State Committee, to study and report upon matters under consideration, and it may authorize such subcommittees to take specific action upon matters within the competence of the State Committee.

(b) Create, with the prior written approval of the Commission, special committees of the State Committee to study geographical or otherwise special subjects within the scope of subject matter defined in paragraph 3. The members of the special committees, with the exception of the chairman, need not be from the membership of the State Committee.

7. *Meetings.* (a) Meetings of the State Committee shall be called whenever it is deemed necessary or desirable by the chairman, or by a majority of the State Committee, or by the Commission, provided that the following conditions have been met:

(1) The Commission has given prior written approval of such meeting, and

(2) There is a quorum present. A quorum shall consist of one-half or more of the members of the State Committee.

(b) Summary minutes shall be prepared and made available as soon as practical after each meeting for distribution to the members of the State Committee and to the Commission.

(c) The State Committee shall not, in conjunction with its meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under sworn oath, issue subpenas, or conduct itself other than as an advisory body serving a Federal agency.

8. *Reimbursement of members.* (a) State Committee members may be reimbursed by the Commission by a per diem subsistence allowance and for travel expenses at rates not to exceed those prescribed by Congress for Government employees, for the following activities only:

(1) Attendance at meetings, as defined in paragraph 7(a).

(2) Any activity specifically requested and authorized by the Commission to be reimbursed.

(b) Members will be reimbursed for the expense of travel by private automobile on a mileage basis only to the extent such expense is no more than that of suitable public transportation for the same trip, unless special circumstances justify the additional expense of travel by private automobile.

(c) From time to time, the Commission may give prior authorization for the reimbursement of the State Committee for secretarial help and expenses of duplication and the like, for projects specifically requested by the Commission.

(d) No compensation of any kind shall be made to members of special committees who are not members of the State Committee, nor shall other appropriated funds be made available to the State Committee except for the reimbursements authorized in this paragraph.

JOHN A. HANNAH,
Chairman,
Commission on Civil Rights.

[F.R. Doc. 62-4635; Filed, May 11, 1962; 8:45 a.m.]

MEETINGS OF STATE ADVISORY COMMITTEES

Notice of Waiver of Compliance

Pursuant to the authority vested in me by Executive Order 11007, dated February 26, 1962, section 6(f) thereof, the following determinations are hereby made:

(1) That the compliance with the requirements of section 6, subsections (a), (b), and (c) of the aforesaid Executive order would interfere with the proper functioning of the State Advisory Committees of the Commission on Civil Rights, in that the assignment of a full-time salaried officer or employee of the Commission to each of the State Advisory Committee meetings would be impossible and impractical within the limitations of the staff and budget of the Commission, and

(2) That the Commission on Civil Rights has retained six Regional Consultants, on a part-time basis, to assist the Commission staff in attendance at State Advisory Committee meetings to the end that the intent of the aforesaid Executive order is complied with, and

(3) That adequate provisions have been otherwise made by the statement governing State Advisory Committees published herewith,[1] to insure that such committee operations are subject to Government control and in conformity with the proper purposes and functioning of the Commission, and

(4) That the nature of the function of the State Advisory Committees as set forth in the said statement governing the State Advisory Committees is such that the waiver of the aforesaid requirements specified in section 6, subsections (a), (b), and (c) of the said Executive order are in the public interest;

Therefore, the meeting of a State Advisory Committee shall not be subject to the requirements specified in section 6, subsections (a), (b), and (c) of Executive Order 11007, dated February 26, 1962.

JOHN A. HANNAH,
Chairman,
Commission on Civil Rights.

[F.R. Doc. 62-4636; Filed, May 11, 1962; 8:45 a.m.]

[1] F.R. Doc. 62-4635, *supra.*

FEDERAL MARITIME COMMISSION

SEAWAY STEVEDORING CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement numbered 8755-1, between Seaway Stevedoring Co., Inc., International Marine Terminals, Inc., and Calumet Harbor Terminals, Inc., modifies the basic agreement of the parties which is a cooperative working arrangement providing for the pooling of resources and facilities and the apportionment of earnings in the conduct of stevedoring and marine terminal operations at certain marine terminal facilities in Chicago, Ill. The purpose of the modification is to (1) delete that part of the agreement which provides that the executive committee approve rates to be charged by the parties; (2) provide that minutes of all meetings of the executive committee be filed with the Federal Maritime Commission; and (3) provide that future acquisitions of real property will not be included within the scope of the agreement prior to approval by the Federal Maritime Commission.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 10, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4662; Filed, May 11, 1962; 8:48 a.m.]

A TO Z EXPORT SHIPPING CO. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following individuals have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Protests to the granting of any application should be filed in writing with the Acting Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

INDIVIDUAL FIRMS

101 A to Z Export Shipping Co.,
Norman N. Kurz,
Philadelphia Bourse,
Philadelphia 6, Pa.

26 Advance Brokers, Ltd.,
Morris Katzman,
131 State Street,
Boston 9, Mass.

57 Advance Shipping Co.,
William M. Woods,
11 Broadway,
New York 4, N.Y.

33 Alaska Traffic Consultants,
William P. Stanley,
3466 East Marginal Way South,
Seattle 4, Wash.

485 Alexander, Edgar,
6 Winslow Avenue,
East Brunswick, N.J.

926 Alfaro, Sergio Oscar Pena,
268 West Street,
New York 13, N.Y.

2 Alger Company, W. F.,
William R. Alger,
344 Camp Street,
New Orleans, La.

380 All-Son International Co.,
J. L. Alicea,
80-82 Wall Street,
New York 5, N.Y.

428 All Nations Forwarding Co.,
Michael S. Batt,
1170 Broadway,
New York 1, N.Y.

40 Altieri, Jesus M.,
201-B Tetuan Street,
San Juan 8, P.R.

426 Ambrosio, D. J.,
32 Broadway,
New York 4, N.Y.

505 Amco Custom Brokerage Co.,
Frank A. Keegan, Jr.
208 South Third Street,
Philadelphia 6, Pa.

898 American Brokerage Corp.,
J. L. Westland, Jr.,
108 East Fourth Street,
Los Angeles 13, Calif.

578 American Forwarding Co.,
Fred Van Dover,
69 Gold Street,
New York 38, N.Y.

332 Anderson Shipping Co.,
Roy Lawrence Anderson,
7 Drayton Street,
Savannah, Ga.

47 Applebaum, Louis
8-10 Bridge Street,
New York 4, N.Y.

98 Atlas Shipping Co.,
Thomas Mottola,
95 Broad Street,
New York 4, N.Y.

20 Atwater Shipping Co.
James J. Davila,
11 Broadway,
New York 4, N.Y.

107 Austral Forwarding Agency,
Juan Carlos Tagliorettl,
96 Warren Street,
New York 7, N.Y.

445 Avila Trading Co.,
M. A. Trujillo,
44 Whitehall Street,
New York 4, N.Y.

610 Barrus, Philip A.,
25 Broadway,
New York 4, N.Y.

108 Bartel Co., The,
Bernard Baretela,
95 Broad Street,
New York 4, N.Y.

620 Bar-Zel Expediters,
Edward Rosenberg,
27 William Street,
New York 5, N.Y.

762 Beauseigneur Movers & Storage,
Emil Beauseigneur,
552 West 43d Street,
New York 36, N.Y.

56 Bergen Shipping Service,
Hymen I. Malatzky,
83-19 141st Street,
Jamaica 35, N.Y.

358 Black & Geddes,
Elizabeth M. Hegarty,
44 Whitehall Street,
New York 4, N.Y.

308 Blanco, Harry H.,
426 South Spring Street,
Los Angeles 13, Calif.

646 Blunstein, John W.,
P.O. Box 15184,
Broadview Station,
Baton Rouge 15, La.

788 Boulo, Paul A.,
116 North Royal Street,
Mobile, Ala.

575 Brauner & Co.,
Pan American Shipping Agency,
Curt A. H. Braeuner,
24 State Street,
New York 4, N.Y.

59 Brining, John M.,
104 St. Joseph Street,
Mobile, Ala.

123 Brito Forwarding Co.,
John L. Brito,
225 East 11th Street,
Brownsville, Tex.

243 Browning, W. J.,
103 Granby Street,
Norfolk 10, Va.

821 Brunet Brokerage Co.,
Guy Brunet,
120 Wall Street,
New York 5, N.Y.

695 Buccino, Raul A.,
39 Cortlandt Street,
New York 7, N.Y.

557 Burns, Joan,
890 West End Avenue,
New York 25, N.Y.

828 Byrnes & Lowery,
John C. Byrnes, Jr.,
116 Broad Street,
New York, N.Y.

434 Cabezas, Carlos H.,
1186 Broadway,
New York, N.Y.

256 Cady, Wm. V.,
17 Battery Place,
New York 4, N.Y.

776 Calartex Freight Forwarders,
L. E. Fickle,
A-9—Pier "A",
Long Beach, Calif.

875 Campbell & Associates, Thomas J.,
Thomas J. Campbell,
409 Washington Street,
San Francisco, Calif.

799 Campderros Co., Ramon M.,
Ramon M. Campderros,
6203 Ninth Street,
Tampa, Fla.

835 Capitol Shipping Co.,
Jack Rubin,
454 New York Avenue NW.,
Washington 1, D.C.

117 Carbonell Forwarding Co.,
Ricardo Carbonell,
1170 Broadway,
New York 1, N.Y.

478 Carlsen, H. R.,
26 Broadway,
New York 4, N.Y.

90 Carroll, W. G.,
503 Atlanta National Building,
Atlanta 3, Ga.

321 Cattano, Frank P.,
89-21 Elmhurst Avenue,
Elmhurst, Long Island 73, N.Y.

488 Cavanaugh Associates, William D.,
William Denis Cavanaugh,
15 East 40th Street,
New York 16, N.Y.

584 Central Shipping Co.,
David Swed,
575 Riverdale Avenue,
Brooklyn 7, N.Y.

302 Church Purchasing & Service Agency,
World-Wide Forwarding Co.,
Charles A. Pinkham,
417 Market Building,
San Francisco 5, Calif.

621 Ciur, Eugenio,
465 Washington Street,
New York 13, N.Y.

925 Coates Co., John J.,
John J. Coates,
8–10 Bridge Street,
New York 4, N.Y.

196 Cobal International,
Jack R. Wittkamp,
154 Nassau Street,
New York 38, N.Y.

75 Cohen & Mann,
Nathaniel Cohen,
One Broadway,
New York 4, N.Y.

626 Colamerica Co.,
Edward Currea,
141 Broadway,
New York 6, N.Y.

188 Collin & Gissel,
J. S. Gissel,
8201 East Erath Street,
Houston 12, Tex.

273 Comar, Robert B.,
10 Broad Street,
Charleston, S.C.

248 Comparato's Air Cargo,
Anthony J. Comparato,
631 Second Avenue,
New York 16, N.Y.

304 Compass Shipping Service,
Olive M. Reynolds,
200 Jackson Street,
San Francisco, Calif.

239 Commercial Marine Agency,
John K. Vilicich,
210 West Eighth Street,
San Pedro, Calif.

629 Conkey & Co., John A.,
Edmund A. Goodhue,
40 Central Street,
Boston 9, Mass.

696 Consolidated Forwarding Co.,
Alf. J. Geigel,
26 Broadway,
New York 4, N.Y.

380 Corcoran, Thomas A.,
545 85th Street,
Brooklyn 9, N.Y.

826 Corell Forwarding Co.,
Ludwig A. Conrad,
83–26 Lefferts Boulevard,
Kew Gardens 15, N.Y.

105 Cortina, Joseph,
416 Tampa Street,
Tampa 2, Fla.

337 Cosdel International Co.,
Cosmo S. Antista,
230 California Street,
San Francisco 11, Calif.

323 Cosimano, G.,
3110 M Street NW.,
Washington 7, D.C.

687 Cottam & Co., H. T.,
F. Patron, Jr.,
545 Tchoupitoulas Street,
New Orleans 12, La.

637 Coughlin Co., F. X.,
F. X. Coughlin,
4461 West Jefferson Avenue,
Detroit 9, Mich.

410 Craig & Co., Joseph,
Joseph Craig, Jr.,
24 Drayton Street,
Savannah, Ga.

313 Crescent Forwarding Service,
James G. Martl,
527 Canal Street,
New Orleans 16, La.

473 Davids, Steven Spencer,
2000 K Street NW.,
Washington 6, D.C.

486 Delmar Forwarding Co.,
Ramon Araujo,
95 Liberty Street,
New York 6, N.Y.

763 Devoy, Harry J.,
44 Whitehall Street,
New York, N.Y.

73 Dineen Shipping Service,
Frank Dineen,
44 Whitehall Street,
New York 4, N.Y.

414 Dixie Traffic,
Edward T. Cornell,
24 Oakland Avenue,
Mobile, Ala.

403 Donald, Edward J.,
10 Yeamans Street,
Revere 51, Mass.

630 DuPouey, M. M.,
520 Godchaux Building,
New Orleans 16, La.

552 Eastern Forwarding Service,
Heskel Saleh,
152–08 Jamaica Avenue,
Jamaica 32, N.Y.

199 Ebert Company, H. W.,
Hyman W. Ebert,
42 Broadway,
New York 4, N.Y.

688 Edimar,
Ermanne T. Di Marzio,
6100 Vicksburg Street,
New Orleans 24, La.

356 Elizabeth Forwarding Co.,
Elizabeth Lopez,
213 West 53d Street,
New York 19, N.Y.

482 Encargos International,
Abraham Hases,
135 Front Street,
New York 5, N.Y.

179 Edwards International, E. J.,
Edward J. Edwards,
53 West Jackson Boulevard,
Chicago 4, Ill.

561 Empire Forwarding Co.,
Charles L. Rini,
55 Broadway,
New York 6, N.Y.

423 Ellis Forwarding Co.,
Preston J. Ellis,
312 Fannin Street,
Houston 2, Tex.

721 Excelsior Shipping Co.,
Octacilio Gay,
33 Rector Street,
New York 6, N.Y.

694 Export Service & Trading Co.,
Cristian Lugo,
198 Broadway,
New York 38, N.Y.

785 Export Services Unlimited,
Edmond J. Hingle,
730 Gravier Street,
New Orleans 12, La.

207 Export Transportation Co.,
Isidor Greenberg,
550 Fifth Avenue,
New York 36, N.Y.

316 Express Package Shipping Co. of America,
Max Rosenthal,
79 Norfolk Street,
New York 2, N.Y.

21 Fahner, Albert,
8–10 Bridge Street,
New York 4, N.Y.

856 Farrell, Henry Wilson,
H. W. Farrell,
149 California Street,
San Francisco 11, Calif.

424 Fenton Co.,
William Philip Mulry,
11 Broadway,
New York 4, N.Y.

599 Figueroa, Juan B.,
300 Comercio Street,
San Juan, P.R.

191 Fleisig Co., The J. P.,
Jacob P. Fleisig,
24 Stone Street,
New York 4, N.Y.

300 Floch, Alexander Henry,
17 Battery Place,
New York 4, N.Y.

51 Florida International Forwarders,
Alas Ibero-Americanas Agency,
L. R. Gazitua,
West End NW. 36th Street,
Miami, Fla.

497 Florida Overseas Export Co.,
Juan J. Novales,
4509 NW. Seventh Street,
Miami, Fla.

549 Forwand Co., Sam,
Sam Forwand,
95 Broad Street,
New York 4, N.Y.

416 Friedman, Morris,
437 Chestnut Street,
Philadelphia 6, Pa.

518 Garcia Brothers,
Gilbert Garcia,
111 Northeast Second Avenue,
Miami 32, Fla.

517 General Shipping & Trading Co.,
Edwin Englert,
27 Whitehall Street,
New York 4, N.Y.

99 Glen Shipping Co.,
Raul Daniel Flores,
15 William Street,
New York 5, N.Y.

32 Goldstein, Severin,
354 South Spring Street,
Los Angeles 13, Calif.

166 Gonzalez-Colon, Jenaro Emilio,
Box 10526,
Caparra Heights,
San Juan, P.R.

784 Green, Jr. & Co., James A.,
James A. Green, Jr.,
903 Grand Avenue,
Kansas City 6, Mo.

899 Greene & Associates, J. Ashton,
J. Ashton Greene,
503 St. Ann,
New Orleans, La.

16 Grodwohl & Son, L.,
William Fischer,
33 Rector Street,
New York 6, N.Y.

331 Guitierrez, Eugene,
260 Kearny Street,
San Francisco 8, Calif.

19 H & H Shipping Co.,
Herbert Hellpern,
95 Broad Street,
New York 4, N.Y.

797 Hammond, Snyder & Co.,
Philip C. McIntyre,
17 Commerce Street,
Baltimore 2, Md.

396 Hampton, Jr. & Co. of Philadelphia, J. W., Dorothea E. Leake,
Northeast corner Fourth and Chestnut Streets,
Philadelphia 6, Pa.

521 Hamson, Raymond H.,
12 India Street,
Boston 9, Mass.

192 Hanson, T. J.,
307 Goodhue Building,
Beaumont, Tex.

120 Haras & Co.,
William G. Oberlander,
921 Bergen Avenue,
Jersey City 6, N.J.

691 Harden Agencies,
A. L. Harden,
309 West Eighth Street,
Jacksonville, Fla.

180 Hartnett Co., C. A.,
Clarence A. Hartnett,
177 State Street,
Boston 9, Mass.

824 Haynes & Co., C. A.,
William DiSalvio,
21–24 State Street,
New York 4, N.Y.

336 Hemisphere Shipping Service Co.,
Efrain V. Garcia,
129 South Second Street,
Philadelphia 6, Pa.

649 Hendricks Freight Forwarder Service,
Leslie G. Hendricks,
104–26 193d Street,
Hollis 12, N.Y.

756 Hilann Forwarding Co.,
Anthony Greco,
25 Broadway,
New York 4, N.Y.

45 Hilton & Son,
Edward M. Hilton,
15 Moore Street,
New York 4, N.Y.

783 Hoffman & Co., Allan R.,
Allan R. Hoffman,
2310 West Avenue,
Newport News, Va.

182 Hogan Co., J. E.,
Joseph E. Hogan,
26 Broadway,
New York 4, N.Y.

31 Hoxter, P. F.,
527 Canal Street,
New Orleans 16, La.

158 Hurley, Cornelius M.,
92 Liberty Street,
New York 6, N.Y.

27 Impex Services,
Y. Furuya,
25 California Street,
San Francisco 5, Calif.

327 Import & Export Service Co.,
Clarence Sieswerda,
1300 Burton Street, SE.,
Grand Rapids 7, Mich.

872 Inter Americas Shipping Co.,
M. Jorba,
44 Whitehall Street,
New York 4, N.Y.

115 Inter-Hemisphere Service Co.,
Manuel Sisto,
20 Vesey Street,
New York 7, N.Y.

501 International Express Co.,
S. B. Navarro,
348 Camp Street,
New Orleans 12, La.

35 International Shippers Co. of New York,
Harry Kaufman,
33 Whitehall Street,
New York 4, N.Y.

157 International Traffic Co.,
International Baggage Forwarding Co.,
354 South Spring Street,
Los Angeles 13, Calif.

18 International Transportation Co.,
Marcel G. Pichonnat,
17 Battery Place,
New York 4, N.Y.

13 Italian Shipping Co.,
China Far East European Shipping Co.,
Ralph F. Elia,
35 Pearl Street,
New York 4, N.Y.

150 James, John S.,
2 East Bryan Street,
Savannah, Ga.

600 Janed Forwarding,
Jacqueline E. Couret,
4711 Babylon Street,
New Orleans 26, La.

460 Jarett, Murray,
Stanley Jarett,
44 Whitehall Street,
New York 4, N.Y.

125 Jay Jay Forwarding Service,
John J. Minutoli,
167 Milk Street,
Boston 9, Mass.

539 Johnson, Joseph A.,
141 Broadway,
New York 6, N.Y.

639 Keller, Robert L.,
Municipal Pier No. 3,
Miami 38, Fla.

392 Kersten Shipping Agency, Inc.,
Argosies,
Ewald Kersten,
52 Broadway,
New York 4, N.Y.

114 Kilroy Co., John F.,
Victor J. Moldovan,
116 Broad Street,
New York 4, N.Y.

413 Kinzie, John E.,
J. E. Kinzie,
1032 East Jefferson Street,
Brownsville, Tex.

581 Klinger & Co., D. D.,
D. D. Klinger,
333 North Pennsylvania Street,
Indianapolis 4, Ind.

867 Lambert & Barrows,
Ellen K. Lennon,
26 Broadway,
New York 4, N.Y.

178 Lindo & Co., Stanley,
Stanley Lindo,
354 South Spring Street,
Los Angeles 13, Calif.

127 Lipinski Co., J. S.,
Joseph S. Lipinski,
35 West Capistrano Street,
Toledo 12, Ohio.

446 Lippelgoes, George G.,
29 Broadway,
New York 6, N.Y.

808 Littman Co., E. J.,
Edwin J. Littman,
1370 Ontario Street,
Cleveland 13, Ohio.

97 Lockwood Shipping Service,
Leo E. Cutroneo,
8 Bridge Street,
New York 4, N.Y.

147 Lopez Forwarding & Shipping Co.,
Justavo A. Lopez,
8–10 Bridge Street,
New York 4, N.Y.

809 Loveless & Co., B. H.,
Braman H. Loveless,
149 California Street.,
San Francisco 11, Calif.

632 McClary, D. H.,
911 Western Avenue,
Seattle 4, Wash.

185 McCoy, Robert M.,
121 West Forsyth Street,
Jacksonville, Fla.

853 McLennan, S. A.,
Stuart A. McLennan,
302 West First Street,
Duluth 2, Minn.

859 Mader & Co.,
H. J. Elmore,
Municipal Docks—Pier No. 1,
Miami, Fla.

34 Magnolia Forwarding Co.,
Alonso Andara,
522 Gravier Street,
New Orleans 12, La.

597 Maher & Co.,
Morris George Maher,
124 Camp Street,
New Orleans 12, La.

360 Manhattan Shipping Co.,
Ramon Diaz,
50 Broad Street,
New York 4, N.Y.

364 Maritime Shipping Co.,
Sherman J. Fromme,
8–10 Bridge Street,
New York 4, N.Y.

767 Markland-Landau Co.,
Robert A. Leff,
10 Bridge Street,
New York 4, N.Y.

454 Markwalter & Co., Frank J.,
Frank J. Markwalter,
24 Stone Street,
New York 4, N.Y.

328 Maurer Co., Albert F.,
Anna E. Kaegi,
353 Bourse Building,
Philadelphia 6, Pa.

62 Meisner Shipping Service,
Henry Meisner,
8–10 Bridge Street,
New York 4, N.Y.

373 Merit Shipping Co.,
Michael J. Fackover,
One Broadway,
New York 4, N.Y.

580 Meyer Shipping Co.,
Marianne Meyer,
8–10 Bridge Street,
New York 4, N.Y.

60 Mid-America Shipping Service,
Joseph C. Schreiber,
327 South LaSalle Street,
Chicago 4, Ill.

857 Miller, Gene O.,
224 West Eighth Street,
San Pedro, Calif.

693 Minon, G. R.,
79 Walker Street,
New York 13, N.Y.

268 Missionary Expediters,
Oscar Brasiaw,
Napoleon and The River,
New Orleans 12, La.

590 Mitchell, Samuel B.,
11 Broadway,
New York 4, N.Y.

408 Moler, Herbert B.,
514 Atlantic National Bank Building,
Jacksonville 1, Fla.

604 Moran, Francis J.,
406 South Main Street,
Los Angeles 13, Calif.

798 Morris & Co.,
M. G. Morris,
Port Marine Transportation Building,
Lake Charles, La.

484 Morse Shipping Co.,
Rebecca Ruth Morse,
166 Canal Street,
New York 13, N.Y.

676 Moylan & Co., John J.,
John J. Moylan,
354 South Spring Street,
Los Angeles 13, Calif.

379 Murray & Co., Joseph C.,
Walter R. Kallies,
44 Whitehall Street,
New York 4, N.Y.

650 Myca Shipping Co.,
Myrna L. C. de Dalto,
15 East 31st Street,
New York 16, N.Y.

617 Naar, Wm. J.,
95 Broad Street,
New York 4, N.Y.

300 Nachbur, Hans E.,
17 Battery Place,
New York 4, N.Y.

219 Nahrgang, V. G.,
155 West Congress,
Detroit 26, Mich.

719 Nazario, Augusto A.,
44 Whitehall Street,
New York 4, N.Y.

113 Nehls & O'Connell,
Joseph P. O'Connell,
42 Broadway,
New York, N.Y.

66 Newton, Jr., John W.,
211 General Finance Building,
Beaumont, Tex.

874 Niebrugge & Day Co.,
William F. Meyer,
8–10 Bridge Street,
New York 4, N.Y.

238 Nolan Shipping Co.,
W. A. Nolan,
404 St. Charles Avenue,
New Orleans 12, La.

5 Norsud Shipping Co.,
Albert J. Dooley,
24 Stone Street,
New York 4, N.Y.

130 North, East, West, South Shipping Co.,
Vincent Sparagna,
17 Battery Place,
New York 4, N.Y.

400 Northern Traffic Service,
James M. Skewes,
1124 Southwest Massachusetts Street,
Seattle 4, Wash.

558 Nucifora, Alberto,
268 West Street,
New York 13, N.Y.
149 Otero Co., M. G.
M. G. Otero,
354 South Spring Street,
Los Angeles 13, Calif.
297 Pacific Forwarders,
L. T. Burke,
214 Front Street,
San Francisco 11, Calif.
673 Pacific-Alaska Forwarders,
Rex Sears,
503 Colman Building,
Seattle 4, Wash.
807 Parish, L. A.,
P.O. Box 231,
Mobile, Ala.
432 Patco,
Morris Weissman,
75 West Street,
New York 6, N.Y.
593 Paxton, Jessie M.
623 Switzer Street,
San Diego 1, Calif.
324 Pendleton Shipping Co.,
Walker N. Pendleton, Jr.,
1518–19 Healey Building,
Atlanta, Ga.
771 Plunkett & Co., Walter,
Walter Plunkett,
149 Calforina Street,
San Francisco, Calif.
775 Polkinhorn, Bill,
232 First Street,
Calexico, Calif.
169 Portala Shipping Service,
Cesar A. Portala,
366 Broadway,
New York 13, N.Y.
184 Powers, D. J.,
205 American Building,
Savannah, Ga.
6 Priester, E. H.,
231 Carondelet Street,
New Orleans 12, La.
347 Provence & Co., T. A.,
Leslie H. Stuart,
56 St. Joseph Street,
Mobile, Ala.
811 Ran-Del Freight Co.,
Lewis R. Moats,
522 West 174th Street,
New York 33, N.Y.
133 Rankin, A. L.,
Rooms 721–722 Wilson Building,
Corpus Christi, Tex.
116 Rapido Shipping Co.,
J. Del Aguila,
11 Broadway,
New York 4, N.Y.
55 Raymond Shipping Co.,
Ramon De Arrigunaga,
344 Camp Street,
New Orleans, La.
818 Reiss Co., J. P.,
Josiah Reiss,
19 Rector Street,
New York 6, N.Y.
554 Reliable Shipping Co.,
Hyman N. Rezny,
396 Broadway,
New York 13, N.Y.
440 Reliance Overseas Co.,
William Rowland,
17 State Street,
New York 4, N.Y.
263 Republic Shipping Co.,
Julius Lopez,
8–10 Bridge Street,
New York 4, N.Y.
309 Richards, Frederick,
12 North Adgers Wharf,
Charleston, S.C.
880 Robbins Forwarding Co.,
Leo G. Robbins,
90 Broad Street,
New York 4, N.Y.
543 Rogers Company, I. F.,
Maria J. Gonzalez,
15 Moore Street,
New York 4, N.Y.
709 Rolnick, Jack,
598 Howard Avenue,
Brooklyn, N.Y.
728 Roman Co., A. P.,
Anthony Philip Romand,
24 Stone Street,
New York 4, N.Y.
849 Ross Co., J. S., The,
John S. Ross,
17 Battery Place,
New York 4, N.Y.
487 Royal Shipping Co.,
Russ E. Keiser,
10–31 Jackson Avenue,
Long Island City 1, N.Y.
61 Rue Forwarding Co.,
Rosario Antoniello,
82 Beaver Street,
New York 5, N.Y.
601 Ruiz, Ruben S.,
5435 Northwest 36th Street,
Miami Springs, Fla.
925 Ryder Co., Inc., C. C.,
John J. Coates,
8–10 Bridge Street,
New York 4, N.Y.
38 Safeway Shipping Co.,
Jorge H. Orozco,
660 West 39th Street,
New York, N.Y.
843 Salazar, Eduardo,
276 Fifth Avenue,
New York 1, N.Y.
816 Sanford Service Co.,
Curt J. Hanau,
95 Broad Street,
New York 4, N.Y.
186 Saratoga Forwarding Co.,
Orazio J. Freni,
131 State Street,
Boston 9, Mass.
562 Satz, Leonard,
11 Broadway,
New York, N.Y.
851 Schmid & Co., A. M.,
Baldwin R. Schmid,
17 State Street,
New York 4, N.Y.
181 Schor, Alexander,
125 Broad Street,
New York 4, N.Y.
526 Sciaroni Co., Charles D.,
Charles D. Sciaroni,
315 Montgomery Street,
San Francisco 4, Calif.
698 Sea-Land-Air Shipping Co.,
George Zambrana,
240 Franklin Street,
New York 13, N.Y.
404 Seifert Steamship Agency,
Mrs. Carrie J. Seifert,
327 South LaSalle Building,
Chicago 4, Ill.
786 Sekin & Co., Darrell J.,
Darrell J. Sekin,
206–A South Houston Street,
Dallas 2, Tex.
24 Sherman Steamship Co. and Agency, E. D.,
Edward D. Sherman,
40 Central Street,
Boston 9, Mass.
233 Ship Service Co.,
Alonzo H. Wright,
101 Ninth Street,
Astoria, Oreg.
72 Shipping Unlimited,
Leonard J. Policastro,
11 Broadway,
New York, N.Y.
502 Simon & Co., Carson M.,
Carson Maynard Simon,
Fourth and Chestnut Streets,
Philadelphia 6, Pa.
346 Smith & Co., R. W.,
R. W. Smith,
401 Main Street,
Houston 2, Tex.
449 Smolkin Associates, Murray M.,
Murray M. Smolkin,
911 Broadway,
New York 10, N.Y.
25 Sockrider Forwarding Co.,
Roy J. Sockrider,
3107 Ryan Street,
Lake Charles, La.
231 Sorensen Co., P. O.,
P. O. Sorensen,
One Broadway,
New York 4, N.Y.
910 South Ports Forwarding Co.,
Alan I. Newhouse,
1109 Scanlan Building,
Houston 2, Tex.
106 Southern Traffic Association,
David Knapp, Jr.,
118 North Royal Street,
Mobile, Ala.
1 Spedden, T. R.,
714 Whitney Bank Building,
New Orleans 12, La.
136 Stass Co., J. S.,
Joseph S. Stass,
55 Broadway,
New York 6, N.Y.
74 Steven Shipping Co.,
Ernest Hochstadt,
38 South Street,
New York 4, N.Y.
468 Stewart-Henderson Co.,
Matthew S. Stewart,
21 South Fifth Street,
Philadelphia 6, Pa.
443 Stone & Co., H.,
Harry J. Stone,
26 Broadway,
New York 4, N.Y.
572 Strauss Forwarding Co., Rudy,
Rudy W. Strauss,
170 Broadway,
New York 38, N.Y.
463 Sustek Co., Paul,
Paul Sustek,
21 South Fifth Street,
Philadelphia 6, Pa.
755 TMA Shipping Co.,
Jaime Moreno Gutierrez,
377 Broadway,
New York 13, N.Y.
718 Tepper, Max,
75 Beach Street,
New York 13, N.Y.
7 Terra Marine Shipping Co.,
K. E. Goedlin,
World Trade Center,
San Francisco 11, Calif.
119 Texas Gulf Forwarding Co.,
James T. Valliere,
1920 West Alabama,
Houston, Tex.
386 Thakar, Markand,
26 Broadway,
New York 4, N.Y.
195 Tideway Shipping Co.,
H. George Rediker,
1261 Broadway,
New York 1, N.Y.
616 Trans-Cosmic Travel & Shipping Co.,
Richard D. Hamilton,
233–239 West 42d Street,
New York 36, N.Y.
325 Trans-Marine Co.,
Grover Cleveland Williams, Jr.,
321 St. Charles Street,
New Orleans, La.
137 Transportelle Co.,
Max H. Elie,
80 Broad Street,
New York 4, N.Y.
144 Trans World International Service Co.,
William Hauser,
333 West 52d Street,
New York 19, N.Y.
430 Trio Shipping Co.,
Efren D. Astudillo,
11 Broadway,
New York 4, N.Y.
174 Turton & Son, C. E.,
Clarence E. Turton,
26 Broadway,
New York 4, N.Y.

791 United Forwarders Service,
Sig M. Glukstad,
1718 and 1719 Congress Building,
Miami 32, Fla.
362 Universal Forwarders Co.,
George R. Sotelo,
95 Liberty Street,
New York 6, N.Y.
326 Valle Forwarding Co.,
Rene P. Valle and Anna M. Valle,
228 Poydras Street,
New Orleans, La.
684 Vega, Juan A.,
151 Marina Street,
San Juan, P.R.
924 Vial Forwarding,
Eugenio Vial,
22 West 30th Street,
New York, N.Y.
720 Vima Shipping Co.,
Vincenzo Mastrolilli,
29 Broadway,
New York 6, N.Y.
671 Walker Services & Co.,
Herbert G. Davy,
222 Summer Street,
Boston, Mass.
77 Wall Traffic Service, W. D.,
W. D. Wall,
947 Park Avenue,
San Jose 26, Calif.
743 Wandembergh, Diaz,
John E. Diaz,
5435 Northwest 36th Street,
Miami Springs 66, Fla.
141 Watts, Tom J.
1416 Southeast Adams Street,
Brownsville, Tex.
730 Wehling Co., R. C.,
R. C. Wehling,
8–10 Bridge Street,
New York 4, N.Y.
608 Weiss Co., Murray H.,
Murray H. Weiss,
86 Valley View Road,
Fairfield, Conn.
54 West Indies Freight Service,
Joseph A. Byron,
345 East 99th Street,
New York, N.Y.
522 West, Milton G.,
3840 Scenic Highway,
Baton Rouge, La.
201 Wheeden, Lee C.
35 Custom House Avenue,
Baltimore 2, Md.
778 Wilcon Co., F. B.,
Frances B. Wilcon,
148 State Street,
Boston, Mass.
259 William Co., The,
Ramon E. Rodriguez,
32 Broadway,
New York 4, N.Y.
110 Wilson Mastrandrea Co.,
Wilson Mastrandrea,
50 Church Street,
New York 7, N.Y.
343 Wilk, Edward J.,
6 West Bay Street,
Jacksonville 2, Fla.
870 Williams, Clarke Co.,
James Clarke,
603 North Fries Avenue,
Wilmington, Calif.
151 Williams Exporters,
Hope Williams,
917 Southwest Oak Street,
Portland 5, Oreg.
399 Withrow & Co., Wayne M.,
Wayne M. Withrow,
408 South Spring Street,
Los Angeles 13, Calif.
411 World Wide Air Marine Freight Forwarders,
Mario Rodriguez,
111 Northeast Second Avenue,
Miami 32, Fla.
476 World Wide Freight Forwarding Co.,
Bernard A. Zweifach,
401 Broadway,
New York 13, N.Y.
36 Wyatt Co., T. W.,
Thaddeus W. Wyatt,
233 Sansome Street,
San Francisco 4, Calif.
208 York International Co.,
Albert M. Ruiz,
33 Rector Street,
New York 6, N.Y.
861 Young, George J.,
408 South Spring Street,
Los Angeles 13, Calif.
397 Zanelli & Co., Hugo,
Hugo Zanelli,
1 Main Street,
Houston 2, Tex.
365 Zarate, Maximino M.,
392 Central Park West,
New York 25, N.Y.

Dated: May 7, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4650; Filed, May 11, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

ASBURY PARK AND OCEAN GROVE BANK

Order for Public Proceeding

In the matter of the application of Asbury Park and Ocean Grove Bank, Asbury Park, N.J., for prior approval of proposed merger with The Central Jersey Bank and Trust Company, Freehold, N.J.

Asbury Park and Ocean Grove, Asbury Park, N.J., has filed an application under the provisions of section 18(c) of the Federal Deposit Insurance Act, as amended, for the Board's prior approval of the merger of The Central Jersey Bank and Trust Company, Freehold, N.J., into the Asbury Park and Ocean Grove Bank, under the charter of the latter and the title of The Central Jersey Bank and Trust Company. Notice of the filing of this application was published by the applicant pursuant to the requirement of section 18(c).

It now appears to the Board to be in the interest of the public, as well as the applicant, to afford an opportunity for the expression of views and opinions by persons in a public proceeding before the Board. Accordingly:

It is hereby ordered, That a public proceeding before the Board be held commencing at 10 a.m. on May 25, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before May 18, 1962, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4630; Filed, May 11, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MAY 8, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 9, 1962, to May 18, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4634; Filed, May 11, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 9, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37717: *Starch and dextrine from Muscatine, Iowa.* Filed by Illinois Freight Association, Agent (No. 171), for interested rail carriers. Rates on starch, dextrine, and related articles, in carloads, from Muscatine, Iowa, to specified points in Florida and Georgia, also Wilmington, N.C., Charleston and Georgetown, S.C.

Grounds for relief: Import competition.

Tariff: Supplement 22 to Illinois Freight Association tariff I.C.C. 979.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4637; Filed, May 11, 1962; 8:46 a.m.]

[Notice 636]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64953. By order of May 4, 1962, the Transfer Board approved the transfer to Dillie Motor Freight, Inc., Washington, Pa., of the operating rights in Certificates Nos. MC 105458, MC 105458 Sub-2, and MC 105458 Sub-3, issued July 20, 1949, December 20, 1949, and May 11, 1950, to Charles W. Dillie, doing business as C. W. Dillie, Washington, Pa., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Washington, Pa., and Clarksburg, W. Va., between Waynesburg, Pa., and Randall, W. Va., between Uniontown, Pa., and Wheeling, W. Va., between specified points in West Virginia, and between specified points in Pennsylvania, and between Blackville, W. Va., to Clarksburg, W. Va., and over irregular routes, of glass, glass products, and supplies and equipment used or useful in the production of glass, between Washington, Pa., and points within 2 miles of Washington, on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at Ceylon, and extending along Ohio Highway 61 to Sunbury, thence along Ohio Highway 3 to Columbus, and thence along U.S. Highway 33 to Pomery. John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa., and Samuel Goldfab, Washington Trust Building, Washington, Pa., applicants' attorneys.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4638; Filed, May 11, 1962; 8:46 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 116-56]

INTERNATIONAL UNION OF MINE, MILL, AND SMELTER WORKERS

Determination as a Communist-Infiltrated Organization

Robert F. Kennedy, Attorney General of the United States, Petitioner, v. International Union of Mine, Mill, and Smelter Workers, Respondent.

Pursuant to section 13A(g) of the Internal Security Act of 1950, 68 Stat. 778, notice is hereby given that the Subversive Activities Control Board on May 4, 1962, entered the following order:

The Board, after full hearing upon a petition of the Attorney General, having this day issued its findings as to the facts, and having determined that respondent is a Communist-infiltrated organization, it is

Ordered that the petition of the Attorney General be and it is hereby granted and the International Union of Mine, Mill, and Smelter Workers is declared to be a Communist-infiltrated organization within the meaning of section 3 of the Subversive Activities Control Act of 1950, as amended by the Communist Control Act of 1954.

By the Board (Chairman Lee not participating).

(Signed) Francis A. Cherry, Member,
(Signed) Thomas J. Donegan, Member,
(Signed) James R. Duncan, Member,
(Signed) Edward C. Sweeney, Member.

May 4, 1962,
Washington, D.C.

Pursuant to section 13A(f), the above order shall become final as provided in section 14(b) of the Act, as follows:

(1) upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a U.S. Court of Appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a U.S. Court of Appeals; or

(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed.

[SEAL] ROBERT K. THURBER, *Acting Executive Secretary.*

MAY 8, 1962.

[F.R. Doc. 62-4643; Filed, May 11, 1962; 8:47 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, § 6.205, paragraph (a), is added to Part 6 as set out below.

§ 6.205 Department of the Army.

(a) Not to exceed July 1, 1963, not more than 40 positions of Intergroup Relations Specialist at grades GS–12 through GS–15.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4694; Filed, May 14, 1962; 8:49 a.m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Appendix A—List of Officers Excluded From Coverage Pursuant to Section 202(c)(1)(C) of the Annual and Sick Leave Act of 1951, as Amended

DELAWARE RIVER BASIN COMMISSION

Effective upon publication in the FEDERAL REGISTER, the following position is added to Appendix A:

DELAWARE RIVER BASIN COMMISSION

1. The Alternate U.S. Commissioner.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–4695; Filed, May 14, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN–EX–10 (Rev. 1)]

PART 482—COTTON

Subpart—Cotton Products Export Program Regulations

REVISION AND EXTENSION OF PROGRAM

In order to incorporate pertinent provisions of previous amendments, to extend the program through July 31, 1963, to establish a new class of spinnable cotton waste in line with new trends in cotton waste production, and to clarify certain other provisions, the Cotton Products Export Program Regulations (Announcement CN–EX–10) dated April 19, 1960 (25 F.R. 3544), as amended, are hereby revised to read as follows:

Sec.
482.351 General statement.
482.352 Definitions.
482.353 Registration of sales.
482.354 Exporter's agreement with the Commodity Credit Corporation.
482.355 Cancellation of sale or failure to export.
482.356 Determination of base equalization payment rate.
482.357 Classes of cotton products and related equalization payment rates.
482.358 Equalization payment rates and amounts due exporters.
482.359 Export conditions.
482.360 Inspection.
482.361 Satisfactory evidence of exportation.
482.362 Application for payment.
482.363 Cotton products returned to the United States.
482.364 Records and reports.
482.365 Amendment or termination.
482.366 Good faith.
482.367 Persons not eligible.

AUTHORITY: §§ 482.351 to 482.367 issued under sec. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c.

§ 482.351 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC") will, upon the terms and conditions stated in this subpart, carry out a Cotton Products Export Program (referred to in this subpart as "the program") under which equalization payments will be made to exporters in connection with the exportation of cotton products which are made from upland cotton grown and wholly processed in the United States (referred to in this subpart as American upland cotton) and which have not been previously exported and returned to the United States. No payment will be made hereunder on cotton products purchased by U.S. Government agencies with appropriated funds. The program is administered through the ASCS Cotton Products and Export Operations Office, 80 Lafayette Street, New York 13, N.Y. (referred to in this subpart as the "New York office"). Additional information pertaining to the operation of the program may be obtained from the Director of the New York office.

§ 482.352 Definitions.

(a) *Cotton products.* "Cotton products," as used herein, means any cotton textiles or spinnable cotton waste as defined in paragraphs (b) and (c) of this section.

(b) *Cotton textiles.* "Cotton textiles," as used herein, means any new product or article which contains not less than 50 percent by weight of American upland cotton (not including cotton linters) and is processed or manufactured from lint cotton, card strips, or comber noil, including slivers, laps, rovings, yarns, fabrics, and manufactured articles processed or manufactured from any processed form thereof. (The phrase "new product or article" means a product or article which is undamaged, unimpaired, and in its original condition, which has not been used or worn, which has not been salvaged from a fire or other calamity, and which is not so old as to have deteriorated in strength, condition, or quality.) Fabrics must be at least one yard in length. The term "cotton textiles," as used herein includes such products only when exported as the principal product and does not include such products when used as containers, wrappers, packing, or protective coverings, or for similar purposes.

(c) *Spinnable cotton waste.* "Spinnable cotton waste," as used herein, means only card strips, comber noil, spinners laps, and roving waste, at least 85 percent by weight of which is processed from American upland cotton. The remainder may be composed of reworked waste (which is not eligible hereunder) or any non-American upland cotton materials.

(d) *Exporter.* "Exporter" shall mean the individual, partnership, corporation, association, or other business entity whose sale caused the export to be made even though he does not make arrangements for shipment of the cotton products. Exporters must be regularly engaged in the business of exporting cotton products, and for this purpose must maintain a bona fide business office in the United States, and therein have a person, principal, or resident agent upon whom service of process may be had.

(e) *United States.* "United States," as used herein, means the 50 States and the District of Columbia.

§ 482.353 Registration of sales.

All export sales of cotton products, to be eligible for payments hereunder, shall be registered by the exporter with the New York office by submitting, in triplicate, a properly executed Notice of Export Sale, Form CCC 832 (referred to in this subpart as "Form 832"). (Form CCC Cotton 32 may be used in lieu of Form CCC 832 until the supply is exhausted.) Form 832 must be submitted not later than 10 business days after the date of export sale, except that for sales for export after July 31, 1962, made on and after February 15, 1962, and prior to publication of this announcement in the FEDERAL REGISTER, Form 832 must be submitted within 10 business days of such publication. (Form 832 postmarked within such ten-day period will be accepted.) An extension of the period for registration may be granted by the Director of the New York office if he determines that additional time in which to submit the Form 832 is required by the exporter. Sales entered into prior to February 15, 1962, for export after July 31, 1962, are not eligible to be regis-

tered hereunder. Sales of cotton products falling within Class S of § 482.357 made prior to the date of publication of this announcement in the FEDERAL REGISTER are not eligible to be registered hereunder. Upon receipt of an acceptable Form 832, a registration number will be assigned by the New York office, and a copy showing such number will be returned to the exporter. The exporter shall promptly notify the New York office of any error in a Form 832 or of any amendment to an export sale contract. However, any such notice shall be effective to change the exporter's rights and obligations hereunder only if the Director of the New York office approves the amendment or correction. All correspondence relating to a sale previously registered with CCC for which a registration number has been assigned shall refer to the registration number.

§ 482.354 Exporter's agreement with the CCC.

The submission of a Form 832 by the exporter and the assignment of a registration number by CCC shall constitute an agreement by the exporter to export to eligible destinations the quantity of cotton products shown on such Form 832 and to submit satisfactory evidence of such exportation in accordance with this subpart in consideration of the undertaking by CCC to make an equalization payment hereunder.

§ 482.355 Cancellation of sale or failure to export.

(a) The exporter shall notify the New York office promptly in every case where, after filing Form 832 as required in § 482.353, a sale is canceled by the exporter or by the importer, stating fully the reason for such cancellation. The exporter shall also notify the New York office promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the prescribed period.

(b) If CCC determines that the exporter is prevented from exporting cotton products because of Acts of God, Acts of Governments, unavailability of exchange, or other causes occurring without his fault or negligence, the sales registration may be canceled in whole or in part.

(c) If an exporter files Form 832 and fails to file satisfactory evidence of exportation to eligible destinations, in accordance with this subpart, of the quantity of cotton products specified in such Form 832 (except to the extent that the sales contract or trade rules under which the sale was made provide for tolerances, or as otherwise approved by CCC), and if the sales registration is not canceled by CCC, as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any subsequent cotton products export program for such period as CCC may determine or until the exporter has complied with such terms as the Director of the New York office may prescribe and shall make future shipments not in excess of such quantity at a payment rate which is reduced by an amount equal to the difference between the rate in effect at the time the sale was registered and the highest rate thereafter prior to the date the exporter gives notice of cancellation of the sale or the final date for export, whichever is earlier.

§ 482.356 Determination of base equalization payment rate.

The base equalization payment rate will be based on the export payment rates in effect for cotton under the export programs for cotton. For sales made on and after February 15, 1962, and prior to the end of the month in which this announcement is published in the FEDERAL REGISTER, such rate will be 8.5 cents per pound. For sales made during each calendar month thereafter, such rate will be announced prior to the beginning of such month and will be in effect throughout that month.

§ 482.357 Classes of cotton products and related equalization payment rates.

The classes of cotton products eligible for payment under this subpart and the percentage of the base equalization payment rate applicable to each such class are shown below. This percentage will be used in calculating the rate of payment for each class. CCC's determination as to the class in which a cotton product belongs shall be final. No payments will be made in connection with any products containing less than 50 percent by weight of American upland cotton, and except as otherwise provided, all cotton products must be composed entirely of American upland cotton.

Class	Principal item of export	Percent of base equalization payment
A	Card strips, comber noil, spinners laps, and roving waste	90.0
B	Picker laps and cotton batting [1]	106.0
C	Silver, sliver laps, ribbon laps, roving and drawing silver	112.0
D	Yarn, thread, twine, cordage, and rope [1]	114.0
E	Gray fabrics and absorbent cotton [2]	112.0
F	Knitted articles [1]	119.0
G	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn) [2] [3]	118.0
H	Articles (excluding bags) manufactured from finished fabrics [3]	118.0
I	Coated rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, other fabrics, absorbent cotton, yarn, thread, twine, cordage, and rope, containing not less than 50 percent by weight of American upland cotton [1]	135.0
J	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, containing not less than 50 percent by weight of American upland cotton	70.0
K	Gray or finished fabrics 1 yard or more but less than 10 yards in length [4] or [1]	83.0
L	Coated, rubberized, and impregnated fabrics, and other fabrics, containing not less than 50 percent by weight of American upland cotton, 1 yard or more but less than 10 yards in length	85.0
M	Articles manufactured from gray fabrics; bags; and mops [3]	53.0
N	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn) [2] [4]	120.0
O	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn) [2] [5]	111.0
P	Articles (excluding bags) manufactured from finished fabrics [3]	116.0
Q	Coated, rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, other fabrics, absorbent cotton, yarn, thread, twine, cordage, and rope, containing not less than 70 percent by weight of American upland cotton [1]	133.0
R	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, containing not less then 70 percent by weight of American upland cotton	91.0
S	Card strips, comber noil, spinners laps, and roving waste, containing not less than 85 percent by weight of American upland cotton	105.0
		82.0

[1] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 8 percent.

[2] No payment will be made on any fabric less than ten yards in length, except as provided in Classes K and L.

[3] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 13 percent.

[4] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 20 percent.

[5] Can have (a) a noncotton (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.) and non-American upland cotton (i.e., foreign-grown and extra long staple cotton) content, other than material used in sizing and finishing, of not to exceed seven percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 11 percent.

If an article contains two or more cotton products, it shall be considered as being within the class of the cotton product constituting the largest portion by weight of such article.

§ 482.358 Equalization payment rates and amounts due exporters.

The equalization payment rates in cents per pound for each class of cotton products will be announced by CCC, and lists containing such rates will be available from the New York office. The amount due the exporter will be determined by multiplying the applicable rate of payment for the applicable class of cotton products in effect on the date of the export sales contract by the net weight of the cotton textiles or by the gross weight of the spinnable cotton waste exported under the sales contract. Payment will not be made for any quantity of cotton products exported in excess of the number of units sold as shown on the Form 832, except to the extent that the sales contract or the trade rules under which the sale was made provide for tolerances or as otherwise approved by CCC. No payments will be made on cotton products exported by mail. If more than one class of cotton products are exported in one package or container, the equalization payment will be made on the basis of the class having the lowest rate of payment. No payment will be made if packages

See footnotes at end of table.

contain a combination of cotton products and other than cotton products.

§ 482.359 Export conditions.

(a) *Eligible destinations.* An eligible destination to which cotton products may be exported under this subpart shall be any destination outside the United States, other than Puerto Rico, and other than a country covered in paragraph (d) of this section unless a license, if required, has been obtained from the Bureau of International Programs, U.S. Department of Commerce. It is the policy of CCC not to make equalization payments on the export of cotton products to countries or areas for which general or specific export licenses will not be issued by the Bureau of International Programs. Accordingly, in making application for an export payment under this subpart, the exporter makes the warranty contained in paragraph (d) of this section. No payments will be made in connection with cotton products exported for reentry into the United States or Puerto Rico.

(b) *Time for export.* To be eligible for payment hereunder, cotton products must be exported not later than July 31, 1963. An extension of the time for export may be granted by the Director of the New York office, before or after the expiration of such time for export, if he determines the exporter has been or will be delayed in exporting the cotton products by a cause occurring without the exporter's fault or negligence. If cotton products are exported, they shall be deemed to have been "exported" when loaded on board an ocean vessel, or if shipment to destination country is by other than ocean carrier, when the shipment clears U.S. Customs.

(c) *Evidence of exportation.* The exporter must submit to the New York office satisfactory evidence (as provided in § 482.361) of the exportation of cotton products from the United States in accordance with this subpart.

(d) *Warranty.* In making application for an equalization payment, the exporter represents and warrants that the cotton products covered by the application have not and will not be exported by anyone or transshipped by the exporter or caused to be transshipped by the exporter to any country or area for which an export license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau.[1]

§ 482.360 Inspection.

CCC reserves the right to examine at any time the contents of each package of cotton products delivered for export under the program. The New York office must receive, at least 24 hours prior to delivery of any such cotton products to carrier, a properly executed Notice of Intended Delivery to Carrier, Form CCC 833 (referred to in this subpart as "Form 833"), so that the necessary arrangements for inspection may be made. (Form CCC Cotton 33 may be used in lieu of Form CCC 833 until the supply is exhausted.) Form 833 must specify the location of the cotton products, and such products must be available for inspection at such location during the entire 24-hour period. If the cotton products are to be shipped by ocean carrier, Form 833 must be received at least 24 hours in advance of inauguration of movement to pier, unless the cotton products will be available for inspection at the pier for such period. Notice of intended delivery may be given by telegram received by the New York office not later than the applicable time limit for filing a Form 833, provided it is immediately confirmed by submitting an executed Form 833. The exporter shall notify the New York office of any change or correction which necessitates an amendment or correction to a Form 833. The exporter shall affix to each package of cotton products to be exported, except for spinnable cotton waste, a notice in form and size acceptable to CCC and containing substantially the following words:

NOTICE: The contents of this package are being exported under the Cotton Products Export Program and may be inspected by any officer of the U.S. Customs Service or any authorized agent of CCC. Registration No. ------ Class -------

(Form CCC 834 may be used for this purpose.) (Form CCC Cotton 34 may be used in lieu of Form CCC 834 until the supply is exhausted.)

If the exporter fails to submit a Form 833 to the New York office within the prescribed period or to affix the above notice to each package of cotton products to be exported as required, except for a cause occurring without the exporter's fault or negligence as determined by the Director of the New York office, CCC shall have the right to refuse to make payments to the exporter under the program with respect to such cotton products.

§ 482.361 Satisfactory evidence of exportation.

Evidence of exportation of the cotton products, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director of the New York office:

(a) Separate documents must be submitted to the New York office for each export shipment, and all documents covering any one shipment must be submitted at the same time. Each document must be identified with the registration number assigned by the New York office. Where exportation or transshipment has been made to any country or area for which a validated license issued by the U.S. Department of Commerce, Bureau of International Programs, is required, evidence of exportation shall identify by license number, in addition to the name and address of the consignee, the license issued by that Bureau.

(b) The exporter shall furnish a certified copy of the documents which constitute the sales for export contract. This may be a formal contract, exchange of cables, letters, or such other documents used in making the offer and acceptance, and must show a date prior to the dates on documents submitted as evidence of exportation. (If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.)

(c) The exporter shall furnish one copy of the Shipper's Export Declaration authenticated by the appropriate U.S. Customs official.

(d) For shipments by ocean carrier, there shall be submitted one nonnegotiable copy of either the ocean bill of lading or port or custody bill of lading, which must show date of loading on board vessel and signature of steamship representative. Such copy of the bill of lading must properly identify the lot of cotton products being exported, and show destination of shipment, names of consignor and consignee, name of vessel, and other pertinent data.

(e) For shipments by other than ocean carrier, there shall be submitted:

(1) One certified copy of the railroad, truck, or air bill of lading properly identifying the cotton products being exported, and showing destination of shipment, names of consignor and consignee, and other pertinent data; and

(2) A landing certificate or similar document issued by an official of the Government of the country to which the cotton products are exported identifying the cotton products and showing the destination of shipment, the names of the consignor and consignee, and date and place of entry.

(f) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director of the New York office.

(g) If the cotton products are loaded on board a vessel for shipment to an eligible destination and are destroyed or damaged while on board such vessel, and the cotton products or salvage therefrom does not reenter the United States and does not enter Puerto Rico, or countries covered in § 482.359(d) without a license, the cotton products shall be regarded as having been exported for the purpose of this subpart.

(h) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.359, shall constitute prima facie evidence of failure to export.

§ 482.362 Application for payment.

(a) *Application.* An Application for Equalization Payment, Form CCC 835, must be executed by the exporter and must be submitted to the New York office, in triplicate, together with evidence of exportation as prescribed in § 482.361. (CCC Cotton Form 35 may be used in lieu of Form CCC 835 until the supply is exhausted.) The application contains a certification under which the exporter certifies that the cotton products ex-

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton products exported pursuant to the terms of this announcement, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

ported were eligible under the program for the payment claimed.

(b) *Determination of payee.* Payments will be made to the person or firm registering the sale, and no assignment of amounts due exporters will be permitted. If the shipper or consignor named in the bill of lading or the Shipper's Export Declaration covering cotton products exported is other than the exporter named in the Form 832, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or Shipper's Export Declaration submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 832 nor the consignee identified with the sales contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as a seller or purchaser of the cotton products shown on the documents submitted to evidence exportation.

(c) *Minimum claim.* No payments will be made in connection with any one shipment of cotton products under an export sale unless the exporter is entitled to at least $30 on such shipment. For purposes of this paragraph, one shipment shall mean that part of the cotton products in one registered sale covered by one bill of lading.

(d) *Ineligible shipments.* No payment will be made on shipments supported by documents in contravention of the warranty in § 482.359(d), and any amounts paid to the exporter pursuant to this announcement on cotton products which it is determined later move in contravention of such warranty must be repaid to CCC.

§ 482.363 Cotton products returned to the United States.

(a) The exporter shall not be entitled to an equalization payment on any cotton products which have been returned in the same or different form to the United States or which have entered Puerto Rico, as a principal item of import.

(b) In all cases in which cotton products on which an equalization payment has been made hereunder reenter the United States, or enter Puerto Rico, in the same or different form as a principal item of import, the exporter shall immediately notify the New York office that the cotton products have been returned to the United States or have entered Puerto Rico giving full details of the reasons for the reentry or entry and shall promptly refund to CCC any amounts paid in connection with the export of such cotton products unless the exporter ships within the period specified in § 482.359, and without benefit of an equalization payment, as replacement for such cotton products, an amount of cotton products which would have entitled him to an equalization payment at least equal to the amount of equalization payment made on the cotton products which have been returned to the United States or have entered Puerto Rico. The cotton products shipped as replacement may include all or a part of the cotton products which have been returned to the United States or have entered Puerto Rico. Full information and documentation as prescribed by CCC shall be furnished the New York office for any cotton products shipped as replacement for cotton products returned to the United States or which have entered Puerto Rico.

(c) If any cotton products on which the exporter has claimed an equalization payment have been returned to the United States or have entered Puerto Rico, in the same or different form as the principal item of import, with the exporter's knowledge or consent, and the exporter has not notified the New York office promptly of such reentry or entry, the exporter may be denied any payments under this program until he has presented evidence satisfactory to the Director of the New York office that he did not intend to violate the terms of this announcement and has complied with any requirements established by the Director of the New York office for reinstatement of eligibility under the program.

§ 482.364 Records and reports.

The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts, and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of at least 3 years after date of last payment under any sales registration. Specific reporting requirements subsequently prescribed shall be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 482.365 Amendment or termination.

CCC reserves the right to amend or terminate any or all of the provisions of this announcement at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton products made before the effective date of such amendment or termination.

§ 482.366 Good faith.

If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under the program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.367 Persons not eligible.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

Effective date: The provisions hereof shall be applicable to export sales made on or after the date of publication of this announcement in the FEDERAL REGISTER and also, except as otherwise provided, to sales for export after July 31, 1962, which are entered into on or after February 15, 1962, and prior to the date of publication of this announcement in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

NOTICE TO EXPORTERS

(Revision of August 31, 1961)

The Department of Commerce, Bureau of International Programs, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East, including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea, or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC, the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 62-4700; Filed, May 14, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Area Deficits and Adjusted Quotas for Six-Month Period Ending June 30, 1962

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 is to determine and prorate a deficit in the quota for Hawaii pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87-15, approved March 31, 1961 (hereafter called the "Act").

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area is to be prorated to such other areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the Act, shall be prorated to other domestic areas on the basis of the quotas then in effect. On the basis of the quotas established in § 811.2 for domestic areas and the expected supply of sugar available for marketing in the continental United States from these areas for the six-month period ending June 30, 1962, it is hereby found that Hawaii will be unable to market 62,492 short tons, raw value, of its quota and that the Mainland Cane Area will be unable to market more sugar than the quota for that area. Accordingly, the deficit of 62,492 short tons, raw value, in the quota for Hawaii is herein prorated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (27 F.R. 3733). To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733) is hereby amended by amending § 811.4 to read as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the 6-month period ending June 30, 1962, Hawaii will be unable to fill 62,492 short tons, raw value, of its sugar quota as established in § 811.2.

(b) *Proration of deficits and quotas in effect.* The deficit in the quota determined in paragraph (a) of this section amounting to 62,492 short tons, raw value, is hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quota including prorations herein (2)
Domestic beet sugar	39,266	1,094,579
Mainland cane sugar	0	324,730
Hawaii	0	588,968
Puerto Rico	22,914	638,755
Virgin Islands	312	8,710

STATEMENT OF BASES AND CONSIDERATIONS

Receipts of Hawaiian sugar in 1962 through April 25 amounted to 205,000 tons. If the same rate of delivery is retained through June 30, there would be a deficit of 250,000 tons in the Hawaiian quota for the first half of 1962. If the rate of receipt is doubled for the balance of the period, a deficit of more than 100,000 tons would still occur. A deficit of 12,492 tons in the quota for Hawaii was declared April 13, 1962.

Recognizing the unsatisfied demand for sugar which is developing in the West because the California & Hawaiian Sugar Refinery in California is strikebound, the availability of additional quantities of beet sugar, and the need of beet sugar processors to adjust their sales plans as quickly as possible during the limited time remaining in the first half of the year, an additional deficit of 50,000 tons is declared at this time in the quota for Hawaii and reallocated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands. None of the deficit is prorated to the Mainland Cane Sugar Area as that Area is not expected to be able to market sugar in excess of its quota for the six-month period ending June 30, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 204; 61 Stat. 924; U.S.C. 1112, Public Law 87-15)

Done at Washington, D.C., this 9th day of May 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-4690; Filed, May 14, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302 Amdt. 5]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. In § 970.302 (26 F.R. 10124; 27 F.R. 335, 1007, 3318, 3651), delete paragraph (b) and in lieu thereof substitute a new paragraph (b) as set forth below.

§ 970.302 Limitation of shipments.

* * * * * *

(b) *Sizing requirements—(1) Medium-to-large.* 1 5/16 inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter, 5½ inches minimum length.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Dated May 10, 1962, to become effective May 10, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-4688; Filed, May 14, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 47]

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

Order Amending Order

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 16, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued April 13, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 30, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 16, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1047.31 [Amendment]

1. Delete in § 1047.31(b) the "25th day" and substitute therefor the "15th day".

2. Delete § 1047.61 and substitute therefor the following:

§ 1047.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a) and (b) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing areas unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant meeting the requirements of § 1047.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area.

3. Delete § 1047.62 and substitute therefor the following:

§ 1047.62 Obligations of a handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1047.80 through 1047.85, each handler, other than a producer-handler or one exempt pursuant to § 1047.61, who operates a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) A handler who so elects at the time of filing his report pursuant to § 1047.30 (except that a handler who elects such option for the month of April must also elect such option for the months of May and June, and that a handler may not exercise such option for May or June if he failed to elect such option for April or if his plant was a pool plant in April) shall pay the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month as his pro rata share of expenses of administration, the rate specified in § 1047.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, he shall receive payments and shall pay such amounts, as the case may be, as follows:

(1) On or before the 17th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation: *Provided,* That, except during April, May and June, such amount shall not exceed that specified in paragraph (a)(1) of this section:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1047.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant: *Provided,* That for each of the months of April, May and June an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant shall be subtracted from the amount computed pursuant to this subdivision: *And provided further,* That during each of the months of September, October and November, an amount equal to one-third of the total amount paid to the producer-settlement fund by such handler pursuant to subparagraph (2) of this paragraph in the immediately preceding months of April, May and June shall be added to the amount computed pursuant to this subdivision;

(ii) Deduct the sum of the gross payments made by the handler to dairy farmers for milk received at such plant for such month and any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other order: *Provided,* That gross payments to dairy farmers to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1047.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer: *And provided further,* That payments made to the producer-settlement fund of another order issued pursuant to the Act shall include any payments made pursuant to a provision in such order similar to subparagraph (2) of this paragraph;

(2) On or before the 17th day after the end of each of the months of April, May and June for the producer-settlement fund an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant;

(3) On or before the 17th day after the end of each of the months of September, October and November, the market administrator shall pay from the producer-settlement fund to each handler pursuant to this paragraph an amount equal to one-third of the total amount received from such handler pursuant to subparagraph (2) of this paragraph during the immediately preceding months of April, May and June: *Provided,* That if during any of the months of September, October and November the provisions of this paragraph are not applicable to such handler's plant, the market administrator shall in lieu of the payments pursuant to this subparagraph, include such moneys in the amounts added in computing the uniform price pursuant to § 1047.71(c); and

(4) On or before the 13th day after the end of the month, an amount equal to that which would have been computed pursuant to § 1047.86 had such plant been a pool plant, except that if such plant is also partially regulated under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payment under the other order.

§ 1047.86 [Amendment]

5. Delete in § 1047.86(c) the reference "(b)(2)" and substitute therefor "(b)(4)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 16, 1962.

Signed at Washington, D.C., on May 10, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-4702; Filed, May 14, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—DEFINITIONS [NEW]

[Reg. Docket No. 1150]

PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

This amendment adds Part 1—Definitions and Abbreviations [New] to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

During the life of the codification project, Chapter I of Title 14 may contain more than one part bearing the same numbers. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Part 1 [New] will apply only to new parts and subchapters of Chapter I of Title 14 that are published as a part of the recodification program. It does not apply to current "Civil Air Regulations" or to "Regulations of the Administrator". The definitions currently in each of those regulations will continue to apply to that regulation until it is recodified. Part 1 [New] places all needed definitions in one part and makes them apply across the board to all regulations in the recodification program.

Part 1 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on February 21, 1962, and circulated as Draft Release No. 62–7. In general, comments received concurred with the proposal as published and offered technical comments aimed at improving or perfecting certain definitions. Many comments were helpful in determining the necessity for and meanings of various included terms. A number of the definitions appearing in Draft Release No. 62–7 have been changed as a result of comments received and as a result of further FAA study.

Definitions, now contained in FAA Regulations, that do not appear in this part, have been omitted as surplusage or will be executed in revising the parts to which they apply. The fact that they do not appear in Part 1 [New] does not mean, in each case, that they have been dropped. Many of the terms previously defined will be used without definition since none is necessary. In other cases, the term will be used but spelled out so as to make definition unnecessary. Definitions which are actually rules will be positively stated as such in the appropriate part.

Many of the comments received proposed the addition of terms that are not justified for inclusion at this time. If later developments show a need for any of them, these comments will be reconsidered. It is impossible, at this beginning stage of the recodification project to foresee all of the implications of possible definition changes as there is yet no draft of the entire recodification. The entire field of definitions must be amenable to frequent change as implications become apparent when applied to specific regulations. For this reason it may be necessary during the course of the recodification project to make additions, deletions, or changes in the definitions to reflect solutions found to problems encountered in the course of the project. Therefore, while this part represents the considered judgments of the Agency and the comments received from its circulation as a notice, it is not considered to be all inclusive. It is published at this time to provide the necessary legal definitions for those parts of the recodification that have been or will soon be promulgated.

One new definition, "Armed forces", has been added to reflect the usage of that word in the regulations. It is based on the definition of that phrase now found in section 101 of Title 10 of the United States Code.

Six definitions have been eliminated. "Critical altitude" and "Passenger" have been deleted since they each have dual meanings that must be executed in the separate parts to which each of them applies. "Cruising altitude" has been deleted as unnecessary. "Solo flight time" has been eliminated since it has real meaning only in the area relating to student pilots, at which place it will be executed. For all other purposes it is equivalent to "pilot in command" time and will be treated as such in the recodified regualtions. "Air traffic control" and "Air traffic control clearance" have been deleted to permit further study by the FAA to determine whether they can be made more accurate and concise.

Several definitions have been perfected or corrected from a technical standpoint. The word "fixed" has been eliminated from the definition of "Airframe" so as to include all airfoil surfaces within that term. "Equivalent airspeed" has been corrected by adding the word "calibrated" before the word "airspeed" the first time it appears. The second sentence in the definition of "True airspeed" has been corrected to show the appro-

priate formula for its relationship to "Equivalent airspeed". The definition of "Propeller" has been changed to exclude therefrom main and auxiliary rotors and rotating airfoils of engines.

Other changes of a clarifying nature have been made in the definitions of "Brake horsepower", "Maintenance", "Route segment", and "Traffic pattern", without changing the proposed meanings of those terms.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by adding a Part 1 (New) as set forth below, effective May 15, 1962.

This amendment is made under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Issued in Washington, D.C., on May 9, 1962.

N. E. HALABY,
Administrator.

Sec.
1.1 General definitions.
1.2 Abbreviations and symbols.
1.3 Rules of construction.

AUTHORITY: §§ 1.1 to 1.3 issued under sec. 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

§ 1.1 General definitions.

As used in this chapter:

"Administrator" means the Administrator of the Federal Aviation Agency or any person to whom he has delegated his authority in the matter concerned.

"Aerodynamic coefficients" means nondimensional coefficients for aerodynamic forces and moments.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes engine appurtenances and accessories necessary for its functioning, but does not include propellers.

"Airframe" means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

"Airship" means an engine-driven lighter-than-air aircraft that can be steered.

"Air traffic" means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

"Alternate airport" means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved", unless used with reference to another person, means approved by the Administrator.

"Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Auxiliary rotor" means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

"Civil aircraft" means aircraft other than public aircraft.

"Controlled airspace" means airspace, designated as continental control area, control area, control zone, or transition area, within which some or all aircraft may be subject to air traffic control.

"Crewmember" means a person assigned to perform duty in an aircraft during flight time.

"Critical engine" means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

"Dual instruction" means flight instruction received during flight time from a person authorized by this chapter to give flight instruction.

"Equivalent airspeed" means the calibrated airspeed of an aircraft corrected for adiabatic compressible flow for the particular altitude. Equivalent airspeed is equal to calibrated airspeed in standard atmosphere at sea level.

"Extended over-water operation" means an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shore line.

"Fireproof":

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand heat at least as well as steel, in dimensions appropriate for the purpose for which they are used, under the most severe conditions of fire and duration likely to occur in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand heat at least as well as steel in dimensions appropriate for the purpose for which they are used.

"Fire resistant":

(1) With respect to sheet or structural members, means the capacity to withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, other flammable fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to withstand heat at least as well as aluminum alloy, in dimensions appropriate for the purpose for which they are used, under the heat and other conditions likely to occur at the place concerned.

"Flame resistant" means not susceptible to combustion to the point of propagating a flame, beyond safe limits, after the ignition source is removed.

"Flammable", with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

"Flap extended speed" means the highest speed permissible with wing flaps in a prescribed extended position.

"Flash resistant" means not susceptible to burning violently when ignited.

"Flight crewmember" means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

"Flight level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Each is stated in three digits that represent hundreds of feet. For example, flight level 250 represents a barometric altimeter indication of 25,000 feet; flight level 255, an indication of 25,500 feet.

"Flight plan" means specified information, relating to the intended flight of an aircraft, that is filed orally or in writing with air traffic control.

"Flight time" means the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. ("Block-to-block" time.)

"Flight visibility" means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Foreign air carrier" means any person other than a citizen of the United States, who undertakes directly, by lease or other arrangement, to engage in air transportation.

"Foreign air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce between

a place in the United States and any place outside of the United States, whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Glider" means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

"Ground visibility" means prevailing horizontal visibility near the earth's surface as reported by the United States Weather Bureau or an accredited observer.

"Gyrodyne" means a rotorcraft whose rotors are normally engine-driven for takeoff, hovering, and landing, and for forward flight through part of its speed range, and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Gyroplane" means a rotorcraft whose rotors are not engine-driven, except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

"Heliport" means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

"IFR conditions" means weather conditions below the minimum for flight under visual flight rules.

"Indicated airspeed" means the speed of an aircraft as shown on its pitot static airspeed indicator calibrated to reflect standard atmosphere adiabatic compressible flow at sea level uncorrected for airspeed system errors.

"Instrument" means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

"Interstate air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and another place in another State or the District of Columbia;

(2) Between places in the same State through the airspace of any place outside that State; or

(3) Between places in the same possession of the United States; whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Landing gear extended speed" means the maximum speed at which an aircraft can be safely flown with the landing gear extended.

"Landing gear operating speed" means the maximum speed at which the landing gear can be safely extended or retracted.

"Large aircraft" means aircraft of more than 12,500 pounds, maximum certificated takeoff weight.

"Lighter-than-air aircraft" means aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

"Mach number" means the ratio of true airspeed to the speed of sound.

"Main rotor" means the rotor that supplies the principal lift to a rotorcraft.

"Maintenance" means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"Major alteration" means an alteration:

(1) That might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Major repair" means a repair:

(1) That, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Manifold pressure" means absolute pressure as measured at the appropriate point in the induction system and usually expressed in inches of mercury.

"Maximum continuous power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed (i) in standard atmosphere at a specified altitude and (ii) under the maximum conditions of crankshaft rotational speed and engine manifold pressure that are approved for use of unrestricted duration; and

(2) With respect to turbine engines, means the brake horsepower that is developed (i) at a specified altitude, atmospheric temperature, and flight speed and (ii) under the maximum conditions of rotor shaft rotational speed and gas temperature that are approved for use of unrestricted duration.

"Maximum continuous thrust," with respect to turbine engines, means the jet thrust that is developed (1) at a specified altitude, atmospheric temperature, and flight speed and (2) under the maximum conditions of rotor shaft rotational speed and gas temperature that are approved for use of unrestricted duration.

"Medical certificate" means acceptable evidence of physical fitness on a form prescribed by the Administrator.

"Minor alteration" means an alteration other than a major alteration.

"Minor repair" means a repair other than a major repair.

"Navigable airspace" means airspace at and above the minimum flight altitudes prescribed by or under this chapter, including airspace needed for safe takeoff and landing.

"Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

"Operate", with respect to aircraft, means use, cause to use, or authorize to use aircraft for the purpose of air navigation, including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

"Operational control", with respect to a flight, means the exercise of authority over initiating, conducting, or terminating a flight.

"Oversea air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and a place in a possession of the United States; or

(2) Between a place in a possession of the United States and a place in another possession of the United States;

whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Parachute" means a device used or intended to be used to retard the fall of a body or object through the air.

"Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

"Pilot" means a person who holds a pilot certificate.

"Pilotage" means navigation by visual reference to landmarks.

"Pilot in command" means the pilot responsible for the operation and safety of an aircraft during flight time.

"Pitch setting" means the propeller blade setting as determined by the blade angle measured in a manner, and at a radius, specified by the instruction manual for the propeller.

"Positive control" means control of all air traffic, within designated airspace, by air traffic control.

"Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

"Public aircraft" means aircraft used only in the service of a government, or a political subdivision. It does not include any government-owned aircraft engaged in carrying persons or property for commercial purposes.

"Rating" means a statement that, as a part of a certificate, sets forth special conditions, privileges, or limitations.

"Reporting point" means a geographical location in relation to which the position of an aircraft is reported.

"Restricted area" means airspace designated under Part — [Present Part 608] of this chapter within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Route segment", means a part of a route. Each end of that part is identified by:

(1) A continental or insular geographical location; or

(2) A point at which a definite radio fix can be established.

"Second in command" means a pilot who is designated to be second in command of an aircraft during flight time.

"Small aircraft" means aircraft of 12,500 pounds or less, maximum certificated takeoff weight.

"Standard atmosphere" means atmosphere in which:

(1) The air is a dry perfect gas;

(2) The temperature at sea level is 59 degrees Fahrenheit;

(3) The pressure at sea level is 29.92 inches Hg.;

(4) The temperature gradient from sea level to the altitude at which the temperature is −69.7 degrees Fahrenheit is −0.003566 Fahrenheit per foot and zero above that altitude; and

(5) The density ρ_0 at sea level under the conditions described in subparagraphs (1) to (4) is 0.002377 lb. sec.^{2}/ft.^{4}.

"Takeoff power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed under standard sea level conditions, and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification; and

(2) With respect to turbine engines, means the brake horsepower that is developed under static conditions at a specified altitude and atmospheric temperature, and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

"Takeoff thrust", with respect to turbine engines, means the jet thrust that is developed under static conditions at a specific altitude and atmospheric temperature under the maximum conditions of rotorshaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

"Time in service", with respect to maintenance time records, means the time from the moment an aircraft leaves the surface of the earth until it touches it at the next point of landing.

"True airspeed" means the airspeed of an aircraft relative to undisturbed air. True airspeed is equal to equivalent airspeed multiplied by $(\rho_0/\rho)^{1/2}$.

"Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from, an airport.

"United States", in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.

"United States air carrier" means a citizen of the United States who undertakes directly by lease, or other arrangement, to engage in air transportation.

§ 1.2 Abbreviations and symbols.

In this chapter:

"ATC" means air traffic control.

"CAS" means calibrated airspeed.

"CONSOL or CONSOLAN" means a kind of low or medium frequency long range navigational aid.

"DME" means distance measuring equipment compatible with TACAN.

"FAA" means Federal Aviation Agency.

"FM" means fan marker.

"ICAO" means International Civil Aviation Organization.

"IFR" means instrument flight rules.

"ILS" means instrument landing system.

"INT" means intersection.

"LMM" means compass locator at middle marker.

"LOM" means compass locator at outer marker.

"MAA" means maximum authorized IFR altitude.

"MEA" means minimum en route IFR altitude.

"MM" means ILS middle marker.

"MSL" means mean sea level.

"OM" means ILS outer marker.

"RBN" means radio beacon.

"RR" means low or medium frequency radio range station.

"TACAN" means ultra-high frequency tactical air navigational aid.

"TVOR" means very high frequency terminal omnirange station.

"VFR" means visual flight rules.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

§ 1.3 Rules of construction.

(a) In this chapter, unless the context requires otherwise:

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

(b) In this chapter the word:

(1) "Shall" is used in an imperative sense;

(2) "May" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "no person may * * *" or "a person may not * * *" mean that no person is required, authorized, or permitted to do the act prescribed; and

(3) "Includes" means "includes but is not limited to".

[F.R. Doc. 62-4686; Filed, May 14, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1195; Amdt. 438]

PART 507—AIRWORTHINESS DIRECTIVES

Hughes Model 269A Helicopter

Because of changes in the camshaft of certain Lycoming O-360-C2D engines installed in Hughes Model 269A helicopters, the power rating of the engines has been reduced from 180 hp to 176 hp. This reduction necessitates a change in the operating limitations for the helicopters since operations under the original operating limitations creates an unsafe condition for hovering operations. A revision to the FAA approved Flight Manual has been prepared by the helicopter manufacturer and approved by the FAA covering the new operating limitations. An airworthiness directive is necessary to require incorporation of the new operating limitations in all Flight Manuals.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Model 269A helicopters equipped with Lycoming Model O-360-C2D engines of Serial Numbers L-3816-36 through L-4599-36 and L-4601-36 through L-4640-36.

Compliance required within 50 hours' time in service after the effective date of this directive.

Because of revisions to the operating limitations necessitated by changes in engine camshafts which resulted in a reduction in maximum horsepower, the FAA approved Flight Manual shall be revised to incorporate the new operating limitations as set forth in Hughes Model 269A Flight Manual revised page 24A.

When engines modified to incorporate a new camshaft in accordance with Lycoming Service Instructions are installed, the aircraft may be operated in accordance with original operating limitations.

This amendment shall become effective May 15, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 8, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4660; Filed, May 14, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-47]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 750) stating that the Federal Aviation Agency proposed to reduce the width of VOR Federal Airways Nos. 25, 27 and 485 in the vicinity of the Ventura, Calif. (formerly Oxnard) VOR, to 6 miles to permit simultaneous use of the airways and operations within R-2519 and R-2520.

The Air Transport Association of America concurred with the proposed amendments as an interim measure to lessen the restrictions on use of these airways and to decrease the frequency of alternate circuitous departure routings from Los Angeles. They felt that the proposed amendments fail to provide a satisfactory coastal route and they also felt that the Department of Navy requirement of the high angle rocket firings from Point Mugu, Calif., should be thoroughly reviewed and justified in view of the extensive facilities at Point Conception and Vandenberg AFB, Calif.

The Department of the Navy offered no objections to the proposed amendments provided that the airways be described in such a manner that would permit application of the recently consummated operations agreement with the Federal Aviation Agency. As a part of this agreement, the Department of the Navy has agreed to release the airspace within R-2519 from 5,000 feet MSL to 15,000 feet MSL within 3 miles west of the Ventura VOR 155° and 331° True radials for IFR air traffic when this portion of R-2519 is not being used for its designated purpose.

Subsequent to the publication of the notice it has been determined that the action proposed therein would not permit simultaneous use of the airways and operations within R-2519 because the airway reduction would not completely exclude R-2519. In consideration of this, the procedural agreement between the Navy and FAA mentioned above has been consummated. Since the MEA's on the airway segments are not lower than 5,000 feet MSL, and since the portion of R-2519 to be released is used infrequently, application of the Navy/FAA agreement would permit maximum use of both the airways and R-2519. Therefore action is taken herein to alter the airways to reflect application of the Navy/FAA agreement by excluding the airspace within R-2519 more than 3 miles west of the Ventura VOR 155° and 331° True radials and also permitting joint use of the remaining portion of R-2519 above 5,000 feet MSL. The airspace within R-2520 would be excluded altogether since the ceiling of R-2520 is below the lowest minimum en route altitude designated for the airway.

Low altitude VOR Federal airway No. 107 was redesignated effective April 5, 1962 (27 F.R. 1595) to exclude the portion which lies within R-2519. Action is also taken herein to redesignate Victor 107 by applying the Navy/FAA agreement to the segment in the vicinity of Point Mugu. This will avoid confusion by permitting operations along all airway segments designated via the Ventura VOR to be conducted in a like manner.

Interested persons have been afforded an opportunity to participate in the making of those rules adopted herein which were proposed in the notice, and due consideration has been given to all relevant matter presented.

The rule adopted herein which was not included in the original proposal is minor in nature and imposes no additional burden on any person, and therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727, 27 F.R. 1455, 3437), "The portions of this airway which coincide with the Camp Roberts, Calif., Restricted Area R-6714, the Fort Ord, Calif., Restricted Area R-2511, and the Point Mugu, Calif., Warning Area W-289 are excluded. The portions of this airway which coincide with the Point Mugu, Calif., Restricted Areas R-2519 and R-2520 and the Oxnard, Calif. (Oxnard AFB) Restricted Area/Military Climb Corridor R-2527 shall be used only after obtaining prior approval from appropriate authority." is deleted and "The airspace within R-2504, R-2511, R-2520, R-6714 and W-289 is excluded. That airspace within R-2519 more than 3 miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

2. In the text of § 600.6027 (14 CFR 600.6027, 26 F.R. 2221, 27 F.R. 3437) "The portions of this airway that coincide with the Hunter-Liggett, Calif., Restricted Area R-2513, the Naval Missile Facility, Point Arguello, Calif., Restricted Area R-2516, and the Point Mugu, Calif., Warning Area W-289 are excluded and the portion of this airway that coincides with the San Francisco, Calif., Warning Area W-283 is excluded below 5,000 feet MSL. The portions of this airway that coincide with the Point Mugu, Calif., Restricted Areas R-2519 and R-2520, the Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor R-6711, and the Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor R-2527 shall be used only after obtaining prior approval of appropriate authority." is deleted and "The airspace within R-2513, R-2516, R-2520 and W-289, the airspace below 5,000 feet MSL within W-283, the airspace within R-2519 more than 3 miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The airspace within R-2527, R-6711 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

3. The text of § 600.6485 (26 F.R. 2221, 27 F.R. 3437) is amended to read:

From the Ventura, Calif., VOR via the INT of the Ventura VOR 331° and the Fellows, Calif., VOR 142° radials; Fellows, VOR; Priest, Calif., VOR; INT of the Priest VOR 334° and the Oakland, Calif., VORTAC 131° radials; to the Oakland VORTAC, excluding the airspace within W-289 and R-2520, the airspace within R-2519 more than 3 miles west of the airway centerline and the airspace within R-2519 below 5,000 feet MSL. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority.

4. In the text of § 600.6107 (27 F.R. 1595, 27 F.R. 3437) "to the Oakland, Calif., VORTAC, excluding the portions which lie within R-2915 and R-2520." is deleted and "to the Oakland, Calif., VORTAC. The airspace within R-2519 more than 3 miles west of the Ventura VOR 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4661; Filed, May 14, 1962; 8:45 a.m.]

[Airspace Docket No. 61-EC-47]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 751) stating that the Federal Aviation Agency proposed to revoke the United States portion of Red Federal airway No. 23, its associated control areas and reporting points from Lakehead, Ontario, Canada, to Buffalo, N.Y.

The Air Transport Association of America concurred with the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and

due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.223 *Red Federal airway No. 23 (Lakehead, Ontario, Canada, to Buffalo, N.Y.)* is revoked.

2. In Part 601 (14 CFR Part 601) § 601.223 *Red Federal airway No. 23 control areas (Lakehead, Ontario, Canada, to Buffalo, N.Y.)* is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4223 *Red Federal airway No. 23 (Lakehead, Ontario, Canada, to Buffalo, N.Y.)* is revoked.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4662; Filed, May 14, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On February 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1494) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 2 from Seattle, Wash., to Ephrata, Wash., and to extend VOR Federal airway No. 25, and its associated control areas, from Ellensburg, Wash., to Wenatchee, Wash.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6002 (14 CFR 600.6002) "including a north alternate from the Seattle VOR direct to the Ephrata VOR;" is deleted and "including a N alternate from the Seattle VORTAC to the Ephrata VOR via the Wenatchee, Wash., VOR;" is substituted therefor.

2. Section 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727) is amended as follows:

a. In the caption "to Ellensburg, Wash." is deleted and "to Wenatchee, Wash." is substituted therefor.

b. In the text "to the Ellensburg, Wash., VORTAC." is deleted and "Ellensburg, Wash., VORTAC; to the Wenatchee, Wash., VOR." is substituted therefor.

3. In the caption of § 601.6025 (14 CFR 601.6025, 26 F.R. 4052) "to Ellensburg, Wash." is deleted and "to Wenatchee, Wash." is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4663; Filed, May 14, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-121]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration of Federal Airways and Associated Control Areas; Revocation of Reporting Point

On February 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1917) stating that the Federal Aviation Agency proposed to alter VOR Federal airways Nos. 40, 42, 58, 119, 210, 250 and 297 in the Pittsburgh, Pa., area. It was also proposed to designate VOR Federal airway No. 468 and its associated control areas from Newcomerstown, Ohio, to Ellwood City, Pa., and to revoke the East Liverpool, Ohio, Intersection as a reporting point.

Subsequent to publication of the notice, action has been initiated to change the name of the Navarre, Ohio, VORTAC to the Briggs, Ohio, VORTAC, effective May 31, 1962 (Airspace Docket No. 62-EA-16, 27 F.R. 3377). Action taken herein reflects this name change.

The Air Transport Association of America concurred with the proposed amendments. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6040 [Amendment]

1. The text of § 600.6040 (14 CFR 600.6040, 27 F.R. 3377) is amended to read: From the Cleveland, Ohio, VORTAC via the Briggs, Ohio, VORTAC; Imperial, Pa., VORTAC; to the Pittsburgh, Pa., VORTAC.

§ 600.6042 [Amendment]

2. In the text of § 600.6042 (26 F.R. 8486) "INT of the Imperial VORTAC 074° and the Ellwood City, Pa., VORTAC 122° radials;" is deleted and "INT of the Imperial VORTAC 074° and the Johnstown, Pa., VOR 296° radials;" is substituted therefor.

§ 600.6058 [Amendment]

3. In the text of § 600.6058 (26 F.R. 712) "INT of the Imperial VORTAC 074° True and the Carrolltown, Pa., VOR 274° True radials;" is deleted and "INT of the Imperial VORTAC 074° and the Carrolltown VOR 276° radials;" is substituted therefor.

§ 600.6119 [Amendment]

4. In the text of § 600.6119 (14 CFR 600.6119) "Imperial, Pa., omnirange station; Clarion, Pa., omnirange station;" is deleted and Imperial, Pa., VORTAC; INT of the Imperial VORTAC 045° and the Clarion, Pa., VOR 214° radials; Clarion VOR;" is substituted therefor.

§ 600.6210 [Amendment]

5. In the text of § 600.6210 (14 CFR 600.6210, 26 F.R. 826, 11727) "INT of the Imperial VORTAC 074° True and the Ellwood City, Pa., VOR 122° True radials;" is deleted and "INT of the Imperial VORTAC 074° and the Carrolltown, Pa., VOR 276° radials;" is substituted therefor.

6. Section 600.6250 (14 CFR 600.6250) is amended to read;

§ 600.6250 VOR Federal airway No. 250 (Old Concord, Pa., to Clarion, Pa.).

From the INT of the Pittsburgh, Pa., VORTAC 223° and the Imperial, Pa., VORTAC 193° radials via the Imperial VORTAC; Ellwood City, Pa., VORTAC; to the Clarion, Pa., VOR.

7. Section 600.6297 (14 CFR 600.6297) is amended to read:

§ 600.6297 VOR Federal airway No. 297 (Johnstown, Pa., to Akron, Ohio, and Mansfield, Ohio, to Carleton, Mich.).

From the Johnstown, Pa., VOR via the Ellwood City, Pa., VORTAC; INT of the Ellwood City VORTAC 282° and the Akron, Ohio, VOR 130° radials; to the Akron VOR. From the Mansfield, Ohio, VORTAC via the Sandusky, Ohio, VORTAC; INT of the Waterville, Ohio, VORTAC 058° and the Salem, Mich., VORTAC 140° radials; INT of the Salem VORTAC 140° and the Carleton, Mich., VORTAC 117° radials; to the Carleton VORTAC.

8. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6468 VOR Federal airway No. 468 (Newcomerstown, Ohio, to Ellwood City, Pa.).

From the Newcomerstown, Ohio, VOR via the INT of the Newcomerstown VOR 058° and the Wheeling, W. Va., VOR 306° radials; to the Ellwood City, Pa., VORTAC.

9. The caption of § 601.6250 (14 CFR 601.6250) is amended to read:

§ 601.6250 VOR Federal airway No. 250 control areas (Old Concord, Pa., to Clarion, Pa.).

10. The caption of § 601.6297 (14 CFR 601.6297) is amended to read:

§ 601.6297 VOR Federal airway No. 297 (Johnstown, Pa., to Akron, Ohio, and Mansfield, Ohio, to Carleton, Mich.).

11. In Part 601 (14 CFR Part 601) the following is added:

§ 601.6468 VOR Federal airway No. 468 control areas (Newcomerstown, Ohio, to Ellwood City, Pa.).

All of VOR Federal airway No. 468.

§ 601.7001 [Amendment]

12. In § 601.7001 (14 CFR 601.7001) the following is deleted: "East Liverpool INT: The INT of the Imperial, Pa., VOR 295° and the Ellwood City, Pa., VOR 241° radials."

These actions shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4664; Filed, May 14, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-84]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extensions

On February 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1773) stating that the Federal Aviation Agency proposed to revoke low altitude Red Federal airway No. 79, its associated control areas and reporting points from Neah Bay, Wash., to Everett, Wash. It was also proposed to alter the Neah Bay control area extension (§ 601.1445) and the Seattle, Wash., control area extension (§ 601.1133).

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.279 *Red Federal airway No. 79 (Neah Bay, Wash., to Everett, Wash.)* is revoked.

2. In Part 601 (14 CFR Part 601) § 601.279 *Control areas (Neah Bay, Wash., to Everett, Wash.)* is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4279 *Fed Federal airway No. 79 (Neah Bay, Wash., to Everett, Wash.)* is revoked.

4. Section 601.1445 (14 CFR 601:1445) is amended to read: The airspace south of the United States-Canadian border and the Vancouver Oceanic Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered on a point at latitude 48°40'00" N., longitude 125°17'30" W., excluding the portion below 5,000 feet MSL.

5. In the text of § 601.1133 (27 F.R. 2452) "on the NE by Amber Federal airway No. 1, on the N by Red Federal airway No. 79," is deleted and "On the N and NE by VOR Federal airway No. 4," is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4665; Filed, May 14, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Alteration of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter low altitude VOR Federal airway No. 14 (§ 600.6014), and revoke low altitude VOR Federal airway No. 186 and its associated control areas (§§ 600.6186 and 601.6186 respectively).

Low altitude VOR Federal airway No. 186 and its associated control areas are designated from St. Louis, Mo., to Vandalia, Ill. Low altitude VOR Federal airway No. 426 is designated in part from St. Louis, to the intersection of the St. Louis, Mo., VOR 062° T radial with the Troy, Ill., VOR direct radial to the Decatur, Ill., VOR. Low altitude VOR Federal airway No. 14 is designated in part from Vandalia to St. Louis. Only that segment of Victor 186 from Vandalia to its intersection with Victor 426 (Gillespie intersection) is utilized. Inbound aircraft from over Vandalia to St. Louis are routed via Vandalia, Victor 186, Gillespie intersection and Victor 426. Pilot controller communications could be reduced if these airway segments were numbered with one airway number. Therefore, action is taken herein to number the useful segments of Victor 186 and Victor 426 with a north alternate to Victor 14 and revoke Victor 186.

Since these alterations are minor or procedural in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.6186 is deleted.

2. In the text of § 600.6014 (14 CFR Part 600.6014) "St. Louis, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Vichy omnirange 069° True and the St. Louis omnirange 219° True radials; Vandalia, Ill., omnirange station," is deleted and, "St. Louis, Mo., VORTAC, including a north alternate and also a south alternate via the intersection of the Vichy VORTAC 069° and the St. Louis VORTAC 219° radials; Vandalia, Ill., VOR, including a north alternate via the intersection of the St. Louis VORTAC 062° and the Vandalia VOR 273° radials." is substituted therefor.

3. In Part 601 (14 CFR Part 601) § 601.6186 is deleted.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4666; Filed, May 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-FW-96]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 21, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1658) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 194 and its associated control areas from Norcross, Ga., to Fort Mill, S.C.

The Air Transport Association of America offered no objection to the proposed amendments. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6194 (14 CFR 600.6194) is amended to read:

§ 600.6194 VOR Federal airway No. 194 (Lafayette, La., to Meridian, Miss., and Norcross, Ga., to Cape Charles, Va.).

From the Lafayette, La., VOR via the Baton Rouge, La., VOR; McComb, Miss., VOR; to the Meridian, Miss., VORTAC. From the Norcross, Ga., VORTAC via the INT of the Norcross VORTAC 054° and the Royston, Ga., VOR 278° radials; Royston VOR; Greenwood, S.C., VOR; INT of the Greenwood VOR 060° and the Fort Mill, S.C., VOR 227° radials; Fort Mill VOR; INT of the Fort Mill VOR 069° and the Raleigh-Durham, N.C., VORTAC 240° radials; Raleigh-Durham VORTAC, including a N alternate from the Fort Mill VOR to the Raleigh-Durham VORTAC via the Liberty, N.C., VOR; Rocky Mount, N.C., VOR, including a N alternate via the INT of the Raleigh-Durham VORTAC 037° and the Rocky Mount VOR 283° radials; Cofield, N.C., VORTAC; Norfolk, Va., VORTAC, including a S alternate via the INT of the Cofield VORTAC 084° and the Norfolk VORTAC 209° radials; to the INT of the Norfolk VORTAC 001° and the Cape Charles, Va., VORTAC 313° radials.

§ 601.6194 [Amendment]

2. In the caption of § 601.6194 (14 CFR 601.6194) "Homer, Ga.," is deleted and "Norcross, Ga.," is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4667; Filed, May 14, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-1]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On March 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2157) stating that the Federal Aviation Agency proposed to alter the San Angelo, Tex., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2037 (14 CFR 601.2037) is amended to read:

§ 601.2037 San Angelo, Tex., control zone.

Within a 5-mile radius of Mathis Field (latitude 31°21'35" N., longitude 100°-29'40" W.), San Angelo, Tex.; within 2 miles either side of the San Angelo VOR 072° radial extending from the 5-mile radius zone to 10 miles NE of the VOR; and within 2 miles either side of the San Angelo ILS localizer SW course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4668; Filed, May 14, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-16]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2499 of the regulations of Administrator is to alter the time of designation of the Killeen, Tex., control zone.

The Department of the Air Force has stated that a reduction in the hours of operation of the Killeen control zone can be made and that the zone can be operated on a part-time basis. Because of a condition which requires expeditious action in the interest of national defense and safety, this control zone will be activated as specified by a Notice to Airmen issued no less than 24 hours in advance. Such action is taken herein to reflect this change.

Since this amendment is less restrictive in nature than present requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2499 (26 F.R. 10964) is amended to read:

§ 601.2499 Killeen, Tex., control zone.

Within a 5-mile radius of Gray AFB (latitude 31°04'20" N., longitude 97°49'-45" W.), and within 2 miles either side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the air base, excluding the portion that coincides with the Fort Hood, Tex., control zone. This control zone shall be effective as specified in a Notice to Airmen issued no less than 24 hours in advance.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4669; Filed, May 14, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-51]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

The purpose of these amendments to §§ 602.100 and 602.200 of the regulations of the Administrator is to designate a single numbered jet route and associated jet advisory area from San Diego, Calif., to the Chicago, Ill., metropolitan area.

In order to facilitate flight planning and Air Traffic Control clearances, the Federal Aviation Agency is assigning Jet Route No. 18 to coincide with existing segments of Jet Routes Nos. 2, 24 and 26 from San Diego to Joliet, Ill., and is designating a radar jet advisory area on J-18 so that civil turbojet air carrier aircraft may flight plan via the one route between the San Diego/Phoenix, Ariz., terminals and the Chicago metropolitan area.

In Airspace Docket No. 61-WA-191 (27 F.R. 3539) effective May 31, 1962, J-24 is being altered between Grants, N. Mex., and Las Vegas, N. Mex., and an associated radar jet advisory area is being designated on the segments of J-24 from Gila Bend, Ariz., to Phoenix, Ariz., and from Grants to Indianapolis, Ind. Therefore, as of the effective date of this docket, J-18 will coincide with the following segments of existing jet routes and their associated radar jet advisory areas: J-2 from San Diego to Gila Bend; J-24 from Gila Bend to Kansas City, Mo.; and J-26 from Kansas City to Joliet.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7080), the following is added:

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.):

From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; to Joliet, Ill.

2. In § 602.200 *En route jet advisory areas* (26 F.R. 7082), the following is added:

Jet Route No. 18 jet advisory area. Radar—San Diego, Calif., to Joliet, Ill.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4670; Filed, May 14, 1962; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 611—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF THE PUERTO RICO AND THE VIRGIN ISLANDS AGENCIES

Claims in the Virgin Islands

Pursuant to authority in Title XV of the Social Security Act (42 U.S.C. Chapter 7, Subchapter XV), 20 CFR 611.5(b) is hereby amended to read as set forth below.

The purpose of this amendment is to transfer responsibility for payment of claims in the Virgin Islands under Title XV of the Social Security Act and the Temporary Extended Unemployment Compensation Act of 1961 from the Puerto Rico Agency to the Virgin Islands Employment Service.

As these regulations relate to public benefits, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). They shall become effective upon publication in the FEDERAL REGISTER.

§ 611.5 Determination of entitlement.

• • • • •

(b) *Payment by Puerto Rico or Virgin Islands agency.* The Puerto Rico and Virgin Islands agencies shall each make payments to individuals entitled to compensation under this part in its territorial area.

(Sec. 1509, 68 Stat. 1135; 42 U.S.C. 1369; sec. 12, Pub. Law 87-6)

Signed at Washington, D.C., this 7th day of May 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4677; Filed, May 14, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Dry Ink Concentrate Capsules; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt dry ink concentrate capsules from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4) of the implementing regulations. The petition deals with dried paste inks that are toxic as defined in § 191.1(f)(1), having an LD_{50} single oral dose (lethal dose, median; lethal for 50 percent or more of test group) between 50 milligrams and 5 grams per kilogram of body weight in test animals, and that require special labeling under § 191.7(b)(4) because they contain 10 percent or more by weight of ethylene glycol. The individual dry ink capsules are designed to furnish a single filling of ink (after adding water) for a fountain pen of special construction. If ingested, such a capsule would not present a reasonably foreseeable occurrence of injury or illness because of its toxicity. The possibility of misuse of the ethylene glycol as a beverage is not present here.

The Commissioner concludes that because of the size of the package involved and the minor hazard presented, full compliance with the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4) of the regulations are not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (l), reading as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

• • • • • •

(l) Containers of dry ink intended to be used as a liquid ink after the addition of water are exempt from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(4), insofar as such requirements would be necessary because the dried ink contained therein is a toxic substance as defined in § 191.1(f)(1) and/or because the ink contains 10 percent or more ethylene glycol as defined in § 191.7(a)(3); *Provided*, That:

(1) When tested by the method described in § 191.1(f)(1), the dry ink concentrate does not have an LD_{50}[1] single oral dose of less than 1 gram per kilogram of body weight of the test animal.

(2) The dry ink concentrate enclosed in a single container does not weigh more than 75 milligrams.

(3) The dry ink concentrate does not contain over 15 percent by weight of ethylene glycol.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: May 8, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4691; Filed, May 14, 1962; 8:48 a.m.]

[1] Lethal dose, median (lethal for 50 percent or more of test group).

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 45]

CITY DELIVERY

Apartment House Mail Receptacles; Proposed Specifications for Construction

The Department proposes to amend the regulations in § 45.6(b) of Title 39, Code of Federal Regulations with respect to apartment house mail receptacles, to provide that, effective January 1, 1963, (1) the height or length, and capacity dimensions of these receptacles will be increased from 14¼ inches and 2½ inches, to 14½ inches and 3½ inches, respectively; and (2) that full-length door must be installed on each receptacle.

Although the proposed changes relate to the proprietary functions of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that the patrons of the Postal Service may have an opportunity to present written views concerning the proposed changes. Accordingly, such written views may be submitted to the Deputy Assistant Postmaster General, Field Operations, Bureau of Operations, Post Office Department, Washington 25, D.C., at any time prior to the expiration of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

In § 45.6 *Apartment house receptacles*, make the following changes in paragraph (b):

1. Amend subparagraph (2) to read as follows:

(b) *Specifications for construction of receptacles.* • • •

(2) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

NOTE: Effective January 1, 1963, these height or length, and capacity dimensions will be 14½ inches and 3½ inches respectively.

2. Amend subdivision (i) of subparagraph (3) to read as follows:

(b) *Specifications for construction of receptacles.* • • •

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant.

NOTE: Effective January 1, 1962, the preceding sentence will read: "Each individual receptacle must be equipped with a full-length door through which the mail may be removed by the tenant."

The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

NOTE: The corresponding Postal Manual Section is 155.622 and 155.623a.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-4678; Filed, May 14, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH BARTLETT PEARS, PLUMS, AND ALBERTA PEACHES GROWN IN CALIFORNIA

Proposed Expenses and Fixing of Rates of Assessment for 1962-63 Season

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674); as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season beginning March 1, 1962, and ending February 28, 1963, both dates inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committee established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $20,662.67;

(2) Early varieties of plums, $18,818.86;

(3) Late varieties of plums, $20,740.36; and

(4) Elberta peaches, $14,048.11.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 8 and ½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ½ mills ($0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 and ½ mills ($0.0085) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 4 and ½ mills ($0.0045) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 9, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4687; Filed, May 14, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-27]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6263 and 601.6263

of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 263 is designated from Cimarron, N. Mex., to Thurman, Colo. The Federal Aviation Agency has under consideration the designation of a new segment of Victor 263 from the Pierre, S. Dak., VOR to the Aberdeen, S. Dak., VOR as a 10-mile-wide airway for a distance of 45 nautical miles thence expanding to an 11-mile-wide airway to a point 45 nautical miles from the Aberdeen VOR, thence as a 10-mile-wide airway to the Aberdeen VOR.

Designation of this segment of Victor 263 would provide a route for VOR equipped aircraft operating between Pierre and Aberdeen. The increased airway width would provide protection for aircraft when operating along the airway more than 45 nautical miles from either navigation facility. It is realized that there would be a break in the airway between Thurman and Pierre. However, for chart simplification, existing airway numbers are assigned to new airway segments wherever possible in lieu of assigning new airway numbers to short airway segments.

The control areas associated with this airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 9, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4671; Filed, May 14, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-215]

[18 CFR Part 11]

ANNUAL CHARGES OF LICENSEES; PENALTY FOR DELINQUENCY

Notice of Proposed Rule Making

MAY 8, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to implement section 17(b) of the Federal Power Act by revising § 11.27 of Part 11 of the Commission's regulations under the Federal Power Act so as to provide that unless annual charges imposed in Commission licenses issued under Part I of the Act are paid within the periods specified in said § 11.27, the penalties provided for in section 17(b) of the Federal Power Act shall without further Commission action be added to such charges upon delinquency in their payment.

3. Section 11.27 would be amended by designating the paragraph now thereunder as paragraph (a) and by adding thereto the following new paragraph (b) to read as follows:

(b) In case of failure on the part of any licensee to pay annual charges within the periods specified in paragraph (a) of this section a penalty of 5 percent of the total amount so delinquent is assessed and will be added to the total charges which shall apply for the first month or part of month so delinquent with an additional penalty of 3 percent for each full month thereafter until the total of the charges and penalties are paid or until the license is canceled and the charges and penalties satisfied in accordance with law.

4. The new paragraph (b) is proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 17(b) and 309 thereof (41 Stat. 1072, 49 Stat. 845; 16 U.S.C. 810(b), 825h).

5. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than June 1, 1962, data, views, comments and suggestions in writing concerning the proposed new regulation. An original and nine conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed amendment.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4674; Filed, May 14, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 109]

NEVADA

Small Tract Classification: Amendment

1. Effective May 7, 1962 Federal Register Document 56-1699 appearing on pages 1453-55 of the issue of March 6, 1956, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 63 E.,
Sec. 1, NE¼.
T. 17 N., R. 63 E.,
Sec. 25, SW¼SE¼;
Sec. 36, SE¼SE¼.
T. 17 N., R. 64 E.,
Sec. 17, NW¼NW¼, NW¼SW¼NW¼, NW¼NE¼SW¼NW¼;
Sec. 18, NW¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼, S½NE¼NE¼NE¼, SE¼NE¼, S½SE¼, S½S½NE¼SE¼, N½N½NE¼SE¼, S½NW¼NE¼SE¼;
Sec. 19, E½NW¼, S½SW¼NE¼, NW¼NE¼, W½NE¼NE¼, N½N½SW¼NE¼, S½NE¼SW¼NE¼, E½SE¼NE¼SW¼SW¼.

The area described aggregates 681.25 acres.

2. The land included in this amendment is located in Steptoe Valley in White Pine County, Nev., between the towns of Ely and McGill. The topography is relatively flat with very little change of elevation. The land slopes to the north at less than 1 percent gradient. The soil varies from a loam to a sandy loam, underlain with sand and gravel. The elevation is about 6,200 feet. Vegetation consists of white sage, shadscale and rabbitbrush. The grazing capacity is about 10 acres per A.U.M.

3. The subject land affected by this order is hereby restored as of 10 a.m. on June 11, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

MAY 7, 1962.

[F.R. Doc. 62-4676; Filed, May 14, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 4212) for April and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table; nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	28D	○	○	(*)	(*)	○	
C. Finkbeiner, Inc.	18						
Brander Meat Co.	25	○	○	○		○	
Idaho Meat Packers	46				(*)		
Glover Packing Co.	60A	○	○	○		○	
Brown Thompson & Son	73						(*)
Eastern Packing Co.	74E	○	○				
McCandless Packing Co., Inc.	355						
E. W. Knelp, Inc., of Iowa	422						
Armour and Co.	477	○	○	○	○		
Memphis Butchers Association, Inc.	488					○	
Heim Brothers Packing Co.	495	○	○				
Texas Meat Packers, Inc.	565					(*)	
Armour and Co.	579	○	○	○			
Swift and Co.	608					○	
Eastern Oregon Meat Co., Inc.	611	○	○	○	○		
H. H. Keim Co.	630					○	
Carter Packing Co.	686	○	○				
Swift and Co.	726						
Vogt Packing Co.	730	○	○				
Karler Packing Co.	767					○	
Bryan Brothers Packing Co.	780	○	○				
Nat Buring Packing Co. of Ark., Inc.	837B					○	
Wells and Davies, Inc.	860	○	○				
City Packing Co.	891			(*)			
Chiapetti Packing Co.	916					(*)	
The Klarer Co.	995A						
Do.	995C	(*)					

28 establishments reported.

Done at Washington, D.C., this 7th day of May 1962.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-4689; Filed, May 14, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 301]

PAPIERMAYI EXPORTS AND ROBERTO DIAZ

Order Denying Export Privileges

In the matter of Ricardo A. Ursini, d/b/a, Papiermayi Exports, 389 Fifth Avenue, New York 16, New York and Roberto Diaz, Esperanza 1036, Buenos Aires, Argentina; respondents.

The Director, Investigations Staff, Bureau of International Programs (then the Bureau of Foreign Commerce), U.S. Department of Commerce, by charging letter alleged specific violations of the Export Control Act of 1949, as amended, and the Export Regulations issued thereunder, by the above named respondents, Ricardo A. Ursini, d/b/a, Papiermayi Exports (hereinafter collectively referred to as Ursini), and Roberto Diaz.

Service of the charging letter was made on Ursini and Diaz in accordance with § 382.3 of the Export Regulations. Ursini filed an answer in reply. Diaz did not respond in any manner, and accordingly, under the provisions of § 382.4 of the regulations, was found to be in default.

Respondent Ursini has since pursuant to § 382.10 of the Export Regulations consented by agreement with the Director, Investigations Staff, to the entry of a denial and probation order in substance as contained herein. In consenting to this order, and for said purpose only, Ursini admitted the allegations set forth in the charging letter, but stated that the violations were not willful.

The charging letter, answer, proposal for the consent order, together with evidentiary materials to substantiate the charging letter, were presented to the Compliance Commissioner in accord with the Regulations. The Compliance Commissioner having duly considered these materials, approved the consent proposal and reported the facts of the case with respect to all respondents to the undersigned Director, Office of Export Control, together with his recommendations.

After reviewing and considering the entire record of this case, I hereby make the following findings of fact:

(1) Beginning in June 1959 and continuing through September 1959, respondent Ursini caused to be exported from the United States by air a total of 6,500 sets of electronic components, each set consisting of 6 transistors and 1 diode, with a total value for export of $35,220. In all, there were 10 separate exportations. One of the shipments consisting of 300 sets, valued at $1,740, was apprehended and seized by the Collector of Customs at New York as being exported without a shipper's export declaration or export license, in violation of the Export Control Law.

(2) All of the foregoing shipments, including the seized shipment, were made pursuant to previous arrangements entered into between respondents Ursini and Diaz. Pursuant to these arrangements, six shipments by air (including the seized shipment) were effected by agents of Diaz, known as such by Ursini, which agents were either travelers to the United States or airline personnel. These persons not only acted as couriers transporting the electronic components from the United States to Argentina but also carried the purchase price from Diaz to Ursini.

(3) Also pursuant to these arrangements, Ursini caused to be made five shipments of such electronic items by air freight to Uruguay consigned to parties in said country whose names were furnished to Ursini by Diaz. However, both respondents knew that the named consignees in Uruguay were not the true purchasers and ultimate consignees, and that these shipments were actually intended to be delivered to Diaz in Argentina.

(4) In each instance where Ursini handed a shipment to Diaz's agent-courier, he had reason to know that the commercial electronic items were being taken from the United States as part of the courier's personal baggage, and that neither he nor the courier were submitting the required shipper's export declaration to the Collector of Customs nor obtaining the required validated export license from the Department of Commerce. Diaz also had reason to know from the arrangements and nature of the transactions that the goods were being exported from the United States under the aforesaid circumstances.

(5) With respect to the five air freight shipments to Uruguay, Ursini caused shipper's export declarations to be submitted to, and authenticated by, the Collector of Customs, which falsely declared that Montevideo, Uruguay was the place and country of ultimate destination, that the party in Uruguay named therein was the ultimate consignee, and that the commodities shipped were properly exportable under General License GRO. Ursini also failed to apply for and to obtain from the Bureau of Foreign Commerce (now the Bureau of International Programs) the validated export license which was required for four of the five shipments.

I have concluded therefrom that Ursini and Diaz:

A. Acted in concert together and with other persons to bring about, do, and attempt to do, acts which constituted violations of the Export Control Law and the regulations issued thereunder, in violation of § 381.3 of the Export Regulations.

B. Knowingly caused, aided, abetted, procured, and permitted the doing of acts prohibited by, and the omission of acts required by, the Export Control Law and the regulations issued thereunder, in violation of § 381.2 of the Export Regulations.

C. Bought, received, sold, disposed of, and transported exportations from the United States, knowing that violations of the Export Control Law and of the regulations issued thereunder had occurred, were about to occur, and were intended to occur with respect to such exportations, in violation of § 381.4 of the Export Regulations.

D. Made false and misleading representations to and concealed material facts from the Collector of Customs and indirectly the Bureau of Foreign Commerce (now the Bureau of International Programs), in connection with the preparation, submission and use of export control documents, and in connection with effecting exportations from the United States, in violation of § 381.5 of the Export Regulations.

E. Loaded and carried onto an exporting carrier for export, and exported, from the United States, commodities without the required validated licenses being obtained from the Department of Commerce and without duly executed shipper's export declarations therefor being presented to the Collector of Customs, in violation of §§ 371.8(a), 372.3, 379.1, and 399.1(f) of the Export Regulations.

Now after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered,*

I. For a period of 18 months from the date of this order, respondents Ursini and Diaz, their representatives, agents, and employees, hereby are and shall be denied all privileges of participating directly or indirectly in any manner or capacity in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in a transaction is deemed to include and prohibit participation directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general license or other export control document, (d) in the receiving, ordering, buying selling, delivering, or disposing in any foreign country of any commodities or technical data in whole or in part exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents and each of them, but also to any other person, firm, corporation, or business organization with which each of them now or hereafter may be related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade or services connected therewith.

III. Without further order of the Bureau of International Programs, six (6) months after the date hereof respondent Ursini shall have his export privileges restored to him upon the conditions set forth in Part IV hereof.

IV. The privileges so restored to respondent Ursini may be revoked summarily and without notice as to him upon a finding by the Director of the Office of Export Control, or such other official as may at that time be exercising the duties now exercised by him, that the respondent at any time within eighteen (18) months following the date hereof has knowingly failed to comply in any respect with this order or with any other requirement of the Export Control Act of 1949, as amended, and any regulation, license, or order issued thereunder. In that event, a supplemental order may be entered against the respondent denying to him all export privileges for the 12-month period which has been conditionally withheld or a lesser period. The entry of such supplemental order shall not limit the Bureau of International Programs from taking such other and further action based on such violations that it shall deem warranted. In the event that such supplemental order is issued, the respondent shall have the right to hearing and appeal thereupon, as provided in the Export Regulations.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of this order, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent

or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: May 10, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-4696; Filed, May 14, 1962; 8:49 a.m.]

Great Lakes Pilotage Administration

[A.O. No. 1, Amdt. 1]

APPLICANT PILOTS

Registration

The material appearing at 26 F.R. 11758 of December 7, 1961, is amended as follows:

Effective immediately section 1 is amended to read as follows:

1. *Number of applicant pilots authorized.* In order to assure an adequate number of registered pilots, the number of applicant pilots authorized to be in training by each association authorized to form a pool shall be as follows:

District 1-3.
District 2-5.
District 3-3.

Dated: April 9, 1962.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 62-4696; Filed, May 14, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 30-14]

NUCLEAR ADVISORS, INC.

Order Designating Place for Hearing and the Presiding Officer

In the matter of Nuclear Advisors, Inc., Docket No. 30-14, Byproduct Material License No. 31-4285-1.

On May 4, 1962, the Commission issued an order providing, in response to a request by Nuclear Advisors, Inc., for a hearing to be held at 10 a.m. on June 14, 1962, in New York, N.Y., at a location thereafter to be designated by subsequent order.

Wherefore, it is ordered, That the public hearing to be convened pursuant to the aforesaid order of the Commission in the above-entitled proceeding shall convene at 10 a.m. on June 14, 1962, in a courtroom to be assigned in the Federal Court Building, Foley Square, New York City, by the Clerk of Court located in Room 601 of the U.S. District Court, Foley Square, New York City, N.Y., and at which Room 601, information will be available on the day of the hearing respecting the courtroom assignment which is made.

In addition by the above-mentioned order, the Atomic Energy Commission provided that the hearing shall be conducted by a Presiding Officer designated by the undersigned. Pursuant to that provision, the undersigned will conduct the hearing as the Presiding Officer designated in the rules of practice of the Commission.

Issued: May 9, 1962, at Germantown, Md.

SAMUEL W. JENSCH,
Chief Hearing Examiner.

[F.R. Doc. 62-4692; Filed, May 14, 1962; 8:49 a.m.]

[Docket No. 27-36]

DRULLARD ENGINEERING CO., INC.

Notice of Receipt of Application for Byproduct Material License

Please take notice that an application for a byproduct material license has been filed by Drullard Engineering Company, Inc., 1026 Folsom Street, San Francisco 3, Calif.

The application proposes the receipt and disposal of radioactive wastes. The method and place of disposal have not been specified by the applicant. A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington 25, D.C.

The application for license has been denied without prejudice because of inadequate information in the application with respect to the applicant's proposed program.

Dated at Germantown, Md., May 8, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62-4658; Filed, May 14, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-211]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

MAY 8, 1962.

Take notice that on March 12, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas and the construction and operation of facilities therefor, in Rice County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver natural gas to The Gas Service Company (Gas Company) for resale in and about the City of Raymond, Kansas. Gas Company proposes to construct and operate a natural gas distribution system in the city of Raymond for which it received a Certificate of Convenience and Authority from the Kansas State Corporation Commission and a franchise from the City of Raymond. Gas Company estimates the natural gas requirements for the proposed distribution system to be as follows:

Year	Mcf at 14.73 psia	
	Peak day	Annual
1	76	7,200
2	95	9,000
3	114	10,800

Applicant proposes to construct and operate a meter and appurtenant regulator facilities to make the subject sale at an estimated cost of $1,610, which would be financed from treasury cash. The sale would be made under Applicant's FPC Gas Tariff on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 7, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however;* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 28, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4672; Filed, May 14, 1962; 8:46 a.m.]

[Docket No. CP62-131]

RATON NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 8, 1962.

Raton Natural Gas Company, 1115 South Second Street, Raton, N. Mex., filed on November 27, 1961, an application for an order, pursuant to section 7(a) of the Natural Gas Act, directing Colorado Interstate Gas Company to establish physical connection of its transportation facilities at a point in or near Trinidad, Colo., with facilities to be constructed by the applicant and to sell and deliver to the applicant natural gas for resale and distribution in the City of Raton, N. Mex. In the same application the applicant seeks a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing it to construct and operate facilities approximately 20.5 miles of 6" transmission line, which together with the construction of a distribution system in the City of Raton, will involve an estimated initial capital requirement of $826,750 including working capital.

The City of Raton is approximately 21 miles south of Trinidad, Colo., which is presently receiving gas service from Colorado Interstate. It is the county seat of Colfax County with a population of approximately 8,100 people. It does not now have any distribution system for the service of natural or manufactured gas.

The applicant says that a franchise covering the proposed distribution of natural gas in Raton has been granted to it, that it has also received a certificate of public convenience and necessity from the New Mexico Public Service Commission authorizing the sale and distribution of natural gas in Raton, and that upon issuance of the order and certificate requested in its application it would promptly begin construction, which it expects would be completed within four months thereafter.

The estimated volumes of natural gas required to meet Raton's requirements during the first three years of operations are as follows:

RATON'S ESTIMATED GAS REQUIREMENTS

[Mcf at 14.73 psia]

	Annual	Average day	Maximum day
1st year	162,822	435	1,721
2d year	209,036	572	2,197
3d year	248,648	680	2,614

A public hearing on the issues involved in said application will be held commencing October 2, 1962, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C.

Notices and petitions to intervene and protests may be filed with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before June 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4673; Filed, May 14, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order for Public Proceeding

In the matter of the application of United California Bank, Los Angeles, Calif., for prior approval of proposed merger with The First National Bank of Vista, Vista, Calif.

United California Bank, Los Angeles, Calif., has filed an application under the provisions of section 18(c) of the Federal Deposit Insurance Act, as amended, for the Board's prior approval of the merger of The First National Bank of Vista, Vista, Calif., into the United California Bank, under the charter and title of the latter. Notice of the filing of this application was published by the Applicant pursuant to the requirement of section 18(c).

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford an opportunity for the expression of views and opinions by persons in a public proceeding before the Board.

Accordingly, it is hereby ordered, That a public proceeding before the Board be held commencing at 2 p.m. on May 25, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to appear before the Board at this proceeding should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before May 21, 1962, a written request setting forth a brief statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4675; Filed, May 14, 1962; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE SUB-ZONE 7-A

Elimination of 50,000-Barrel Storage Tank

Mr. Ruben Sanchez, acting president and general manager of the Puerto Rico Industrial Development Co., Grantee, Foreign-Trade Sub-Zone 7-A, Penuelas, P.R., on April 24, 1962, advised the Foreign-Trade Zones Board of their desire to eliminate a proposed 50,000-barrel storage tank from the subzone arrangements. The storage tank was included within the subzone according to the plans (Exhibit 10) as approved by the Foreign-Trade Zones Board in Order No. 53 which granted permission to establish the subzone.

The committee of alternates has reviewed the circumstances in this case and unanimously recommend that the request to eliminate the proposed storage tank from the subzone plans be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following resolution:

The Foreign-Trade Zones Board, after consideration of the request from the Puerto Rico Industrial Development Co., Grantee of Foreign-Trade Sub-Zone 7-A, to eliminate the proposed 50,000-barrel storage tank from the subzone plans, hereby approves the request, subject to settlement locally of recommendations of the District Collector of Customs and the District Engineer relating thereto.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this memorandum, the letters from the Assistant Secretary of the Treasury, James A. Reed, dated May 3, 1962, and Col. Carl H. Bronn, Army member, committee of alternates, dated April 30, 1962, approving the foregoing resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing resolution in the FEDERAL REGISTER.

Dated: April 9, 1962.

LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F.R. Doc. 62-4697; Filed, May 14, 1962; 8:49 a.m.]

OFFICE OF EMERGENCY PLANNING

JOHN H. TOLAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published in the FEDERAL REGISTER May 1, 1962 (27 F.R. 4158).

JOHN H. TOLAN.

APRIL 2, 1962.

[F.R. Doc. 62-4659; Filed, May 14, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order and Notice of Hearing

MAY 8, 1962.

I. Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co. and hereinafter called "registrant"), a company organized and incorporated under the laws of the State of Nevada, filed an application on Form 10 for registration of its common stock, twenty cents ($0.20) par value, with the San Francisco Mining Exchange ("the Exchange") on December 31, 1954, pursuant to section 12 of the Securities Exchange Act of 1934 ("Exchange Act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission. The registration of such securities on the Exchange became effective on February 5, 1955.

II. The Commission has reason to believe that the registrant has failed to

comply with the provisions of section 13 of the Exchange Act and the rules and regulations adopted by the Commission thereunder in the following respects:

1. On March 2, 1959, the registrant filed its current report on Form 8–K for the month of June 1958, disclosing its acquisition of 51.83 percent of the outstanding common stock of Bolling Oil Corp., the principal asset of which is 68.44 percent of the outstanding common stock of Leche Oil Co. Registrant has failed to file with this report financial statements of either of these companies as required by the instructions contained in Form 8–K.

2. On March 26, 1962, the registrant filed its annual report on Form 10–K for the fiscal year ended May 31, 1960. The financial statements attached to this report are not certified by an independent public accountant as required by the instructions included in Form 10–K.

3. On March 26, 1962, the registrant filed its annual report on Form 10–K for the fiscal year ended May 31, 1961. The financial statements attached to this report are not certified by an independent public accountant as required by the instructions to Form 10–K.

III. *It is ordered,* That a public hearing pursuant to section 19(a)(2) of the 1934 Act, be held at 10 a.m., e.d.s.t., June 4, 1962, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Act and the rules and regulations adopted thereunder, as set forth in paragraph II above.

It is further ordered, That the registrant file an answer to the allegations contained in this order for proceedings on or before May 28, 1962, as provided by Rule 7 of the Commission's rules of practice (17 CFR 201.7). If registrant fails to file an answer as required by this rule within the time provided, the proceedings may be determined against registrant by the Commission upon consideration of this order for proceedings, the allegations of which may be deemed to be true.

It is further ordered, That an officer to to be designated and assigned as Hearing Officer in this proceeding is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the proctection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before May 28, 1962, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4679; Filed, May 14, 1962; 8:47 a.m.]

[File No. 24 NY–5482]

CHRISLIN PHOTO INDUSTRIES CORP.

Order Permanently Suspending Exemption

MAY 8, 1962.

On June 15, 1961, Chrislin Photo Industries Corp., a New York corporation ("Chrislin"), filed with the Commission a notification and offering circular and subsequently filed amendments thereto for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) and Regulation A, with respect to a public offering of 50,000 shares of its 5-cent par value Class A stock at $6.00 per share.

On August 31, 1961, the Commission issued an order temporarily suspending the exemption pursuant to Rule 261 of Regulation A. Chrislin and Lewis Wolf, Inc., the underwriter named in the offering circular ("Wolf, Inc."), requested a hearing to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption. Counsel for Chrislin appeared at the hearing and stated that Chrislin would consent to a permanent suspension order. Chrislin has executed a stipulation and consent in which it admits certain facts for the purpose of this proceding, waives post-hearing procedures, and consents to permanent suspension of the exemption.

The Commission has considered the stipulation and on the basis thereof makes findings as follows:

1. The offering circular was misleading in not disclosing all the material circumstances under which the offering was made, including the following facts: That no shares were to be sold at the $6 per share price until after a market was established at a level well above that price; that immediately prior to any sales at $6 per share there were transactions in the over-the-counter market at prices ranging from $17 to $22.50 per share; that a substantial number of shares were reserved for sale at $6 per share to persons related to or associated with the issuer and the underwriter; that a number of persons who acquired shares at $6 per share almost immediately resold them at substantially higher prices; and that there were persons who acted as underwriters although not named as such in the offering circular.

2. The offering circular also stated that a camera developed by the company was ready for marketing, that it would be in production within a reasonable time after the completion of the offering, and that the company was of the opinion that the camera with accessories could profitably be retailed for $20. These statements were false and misleading. In fact, the camera was not expected to be ready for marketing until March 1962 at which time additional funds would be required; the company contemplated that other firms would manufacture vital components but had made no contracts or arrangements with such firms; and there was no basis for the opinion concerning the retail price.

3. The terms and conditions of Regulation A were not complied with in that the issuer sold securities without furnishing an offering circular as required by Rule 256(a) and the aggregate offering price exceeded the $300,000 limitation prescribed by Rule 254.

It is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933 that the exemption from registration with respect to the above public offering by Chrislin Photo Industries Corp. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4680; Filed, May 14, 1962; 8:47 a.m.]

[File No. 24NY–5679]

HALTONE RENTAL CORP.

Notice and Order for Hearing

MAY 7, 1962.

I. Haltone Rental Corp., 350 Seventh Avenue, New York 1, N.Y., filed a notification on Form 1–A and an offering circular on December 18, 1961, relating to an offering of $300,000 of its common stock, $0.10 par value, for the purpose of obtaining an exemption from the registration requirements under section 3(b) of the Securities Act of 1933, pursuant to Regulation A.

II. The Commission, on April 16, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., e.d.s.t., on May 21, 1962, at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York 7, N.Y., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer failed to comply with Rule 255 in that the notification on Form 1–A failed to disclose a predecessor and an affiliate of the issuer.

2. The issuer failed to make effective escrow arrangements, pursuant to Rule 253(c)(2), with respect to 200,000 shares of its common stock issued to and held by directors, officers, and promoters of the issuer and by the underwriter.

B. Regulation A is not available to the issuer because 200,000 shares of its common stock held by officers, directors, and promoters of the issuer and by the underwriter are not effectively escrowed.

C. The notification and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that Haltone Fashions, Inc., is a predecessor of the issuer and Ralph Hakim, secretary and manager of Fashions, is an affiliate of the issuer.

2. The statements in the offering circular which imply that Haltone Fur Rentals is an active company whereas that company is inactive and is not carrying on a business.

3. The failure to disclose the background of Ralph Hakim and his prior experience in the fur business.

4. The failure to disclose accurately and adequately in the offering circular the financial condition of Haltone Fashions, Inc.

5. The statement that a contract for the rental of furs between Consolidated Laundries Corp. and Haltone Fur Rentals was assigned to the issuer.

6. The statement in the offering circular that the issuer subleases its premises at 350 Seventh Avenue from Haltone Fur Rentals.

D. The offering would be made in violation of section 17 of the Act because the offering circular contains false and misleading statements.

III. *It is further ordered,* That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Haltone Rental Corp.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before May 18, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Haltone Rental Corp., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Haltone Rental Corp. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given, That if Haltone Rental Corp. fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Haltone Rental Corp. by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4681; Filed, May 14, 1962; 8:47 a.m.]

TARIFF COMMISSION

[7–112]

VANILLIN

Notice of Postponement of Hearing

Notice is hereby given that the public hearings in connection with the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to Vanillin, heretofore scheduled for 10 a.m., e.d.s.t., May 22, 1962, has been rescheduled for 10 a.m., e.d.s.t., on May 31, 1962.

By order of the Commission, May 9, 1962.

Issued: May 9, 1962.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62–4683; Filed, May 14, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37718: *Brick from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, Agent (No. A–2239), for interested rail carriers. Rates on brick and related articles, in carloads, from specified points in Colorado, Illinois, and Minnesota to points in western trunkline and southern territories; also returned shipments from points in western trunkline territory to specified points in Colorado, Illinois and Minnesota.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariffs: Supplements 54 and 49 to Western Trunk Line Committee tariffs I.C.C. A–4338 and A–4339, respectively.

FSA No. 37719: *Salt cake from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, Agent (No. A–2242), for interested rail carriers. Rates on salt cake (crude sulphate of soda), in carloads, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 6 to Western Trunk Line Committee tariff I.C.C. A–4422.

FSA No. 37720: *Soda ash to points in Georgia.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2617), for interested rail carriers. Rates on soda ash, dense, in bulk, in carloads, from specified points in Michigan, New York, and Ohio, to Forest Park, Hapeville, and Howell's Transfer, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 231 and 75 to Traffic Executive Association-Eastern Railroads tariffs I.C.C. A–1079 and C–102, respectively.

FSA No. 37721: *Soda ash from official territory to Coronet, Fla.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2618), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from specified points in Michigan, New York, and Ohio, to Coronet, Fla.

Grounds for relief: Market competition.

Tariffs: Supplements 231 and 75 to Traffic Executive Association-Eastern Railroads tariffs I.C.C. A–1079 and C–102, respectively.

FSA No. 37722: *Soda ash to Hillsboro and Tampa, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B–8202), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, or in bulk in covered hopper cars, in carloads, from Lake Charles and West Lake Charles, La., also Corpus Christi, Freeport, and Houston, Tex., to Hillsboro and Tampa, Fla.

Grounds for relief: Carrier competition.

Tariffs: Supplements 853 and 34 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4450, respectively.

FSA No. 37723: *Cement and related articles from Milwaukee, Wis.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2620), for interested rail carriers. Rates on cement, cement clinker, concrete mix, and masonry cement, all as described in the ap-

plication, in carloads, from Milwaukee, Wis., to specified points in Kentucky.

Grounds for relief: Market competition.

Tariff: Supplement 52 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4688 (Hinsch series).

FSA No. 37724: *Petroleum oil (returned shipments) from Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8203), for interested rail carriers. Rates on petroleum oil (returned shipments) in tank car loads, from Houston, Tex., to Clairton, Karns City, Petrolia, and West Elizabeth, Pa.

Grounds for relief: Carrier competition.

Tariff: Supplement 26 to Southwestern Freight Bureau tariff I.C.C. 4339.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4684; Filed, May 14, 1962; 8:47 a.m.]

[Notice 637]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64866. By order of May 8, 1962, the Transfer Board approved the transfer to Comer Motor Express, Inc., Charlotte, N.C., of Certificate No. MC 123917, issued March 29, 1962, to James T. Comer, doing business as Comer Motor Express, Gastonia, N.C., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte, on the one hand, and, on the other, specified points in Virginia, West Virginia, Ohio, New York, and North and South Carolina. Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga., attorney for applicants.

No. MC-FC 64962. By order of May 8, 1962, the Transfer Board approved the transfer to Harold Fobert and Alfred Anderten, a partnership, doing business as Anderten and Fobert, Belleville, N.J., of the operating rights in Certificate No. MC 32324, issued October 12, 1949, to C. L. Place Trucking, Inc., Belleville, N.J., authorizing the transportation of electric field coils and cigarette vending machines, over irregular routes, between Belleville, N.J., on the one hand, and, on the other, New York City and Long Island, N.Y., and scaffolding, brick, and masonry supplies and materials, over irregular routes, between Belleville, N.J., and New York, N.Y. Muriel Finch, 7 Tappan Avenue, Belleville 9, N.J., applicants' attorney.

No. MC-FC 65010. By order of May 8, 1962, the Transfer Board approved the transfer to Harold M. Felty, Inc., Pine Grove, Pa., of Certificates Nos. MC 115181, MC 115181 Sub-1, MC 115181 Sub-2, MC 115181 Sub-3 and MC 115181 Sub-4, issued May 24, 1956, November 29, 1957, September 2, 1958, October 31, 1960, and June 7, 1961, respectively, to Harold M. Felty, Pine Grove, Pa., authorizing the transportation of: Coal, from points in Schuylkill County, Pa., to Baltimore, Md., fertilizer, from Baltimore, Md., to Hickory Corners, Pa., and points within 25 miles thereof; coal from points in Schuylkill and Northumberland Counties, Pa., to points in Maryland; damaged or refused shipments of coal from points in Maryland to points in Schuylkill and Northumberland Cunties, Pa.; fertilizer, from Baltimore, Md., to Harrisburg, Pa., as an alternate route in connection with regular route operation from Baltimore, Md., to Hickory Corners, Pa.; fertilizer and fertilizer materials (except liquid fertilizer, in bulk, in tank vehicles), from Baltimore, Md., to points in Scott Township, Columbia County, Pa., lumber from Philadelphia, Pa., Camden, N.J., Wilmington, Del., and Baltimore, Md., to points in Lancaster, Berks, Lebanon, York, and Dauphin Counties, Pa.; fertilizer, except liquid fertilizer in bulk in tank vehicles, from Baltimore, Md., to points in Lancaster, Berks, Lebanon, York, and Dauphin Counties, Pa., feed from Camden, N.J., and Baltimore, Md., to points in Lancaster, Berks, Lebanon, York, and Dauphin Counties, Pa., agricultural pulverized limestone, from points in Lancaster County, Pa., to points in Delaware and Maryland, and brick, from Shoemakersville, Pa., to points in New Jersey, New York, Delaware and Maryland. James D. Williamson, Schuylkill Trust Building, Seventh Floor, Pottsville, Pa., attorney for applicant.

No. MC-FC 65030. By order of May 8, 1962, the Transfer Board approved the transfer to Palmer Bros. Trucking, Inc., Peninsula, Ohio, of Certificates Nos. MC 111792 and MC 111792 Sub 1, issued March 14, 1951 and November 10, 1952, respectively, to Roderick D. Eyer, Erie, Pa., authorizing the transportation of: Concrete sewer pipe, requiring special equipment, and concrete pipe forms, cores, and pallets, from, to, or between specified points in Ohio, New York, and Pennsylvania. Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4685; Filed, May 14, 1962; 8:47 a.m.]

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Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

The following revisions in Title 16, Chapter I, of the Code of Federal Regulations shall become effective June 1, 1962 after publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 1.1 to 1.164 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

Subpart A—The Commission

§ 1.1 Laws administered.

The Federal Trade Commission exercises responsibilities under the Federal Trade Commission Act of 1914 (15 U.S.C. 41), as amended by Public Law 447, 75th Congress (the Wheeler-Lea Act), Public Law 459, 81st Congress (the Oleomargarine Act), Public Law 542, 82nd Congress (the McGuire Act), Public Law 909, 85th Congress, and other public laws; the Clayton Act of 1914 (15 U.S.C. 12), as amended by Public Law 692, 74th Congress (the Robinson-Patman Act), Public Law 899, 81st Congress (the Anti-merger Act), Public Law 107, 86th Congress, and other public laws; the Webb-Pomerene Export Trade Act of 1918 (15 U.S.C. 61); the Wool Products Labeling Act of 1939 (15 U.S.C. 68); Public Law 15, 79th Congress (1945), relating to the regulation of the business of Insurance (15 U.S.C. 1011); the Lanham Trade Mark Act of 1946 (15 U.S.C. 1051); the Fur Products Labeling Act of 1951 (15 U.S.C. 69); the Flammable Fabrics Act of 1953 (15 U.S.C. 1191); and the Textile Fiber Products Identification Act of 1958 (15 U.S.C. 70).

§ 1.2 Official address.

The principal office of the Commission is at Washington, D.C. All communications to the Commission should be addressed to the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington 25, D.C., unless otherwise specifically directed.

§ 1.3 Field offices.

(a) Field offices are maintained at Washington (Arlington, Virginia), New York, Cleveland, Chicago, San Francisco, Seattle, New Orleans, Kansas City, Atlanta, and Boston.

(b) Their addresses are: Federal Trade Commission, 958 North Monroe Street, Arlington 1, Virginia; Federal Trade Commission, U.S. Court House, Foley Square, New York 7, New York; Federal Trade Commission, Room 1128, Standard Building, Cleveland 13, Ohio; Federal Trade Commission, Room 1310, 226 West Jackson Boulevard, Chicago 6, Illinois; Federal Trade Commission, Room 306, Pacific Building, San Francisco 3, California; Federal Trade Commission, Room 811, U.S. Court House, Seattle 4, Washington; Federal Trade Commission, 413 Masonic Temple Building, 333 St. Charles Street, New Orleans, 12, Louisiana; Federal Trade Commission, 2806 Federal Office Building, Kansas City 6, Missouri; Federal Trade Commission, 915 Forsyth Building, 86 Forsyth Street, Atlanta 3, Georgia; Federal Trade Commission, Room 1001, 131 State Street, Boston 9, Massachusetts.

(c) Attorneys in Charge are available for conferences with attorneys and other members of the public on matters relating to the Commission's activities.

§ 1.4 Textile and fur offices.

(a) For the limited purpose of administering the Wool, Fur, Textile Products, and Flammable Fabrics Acts, additional offices are located at Charlotte, N.C., Dallas, Los Angeles, Philadelphia, Portland, Oregon, and St. Louis.

(b) Their addresses are: Federal Trade Commission, Room 204, 327 North Tryon Street, Charlotte 2, North Carolina; Federal Trade Commission, Room 1304, 114 Commerce Street, Dallas 2, Texas; Federal Trade Commission, Room 405, 215 West Seventh Avenue, Los Angeles 14, California; Federal Trade Commission, Room 3030–A, U.S. Court House, Philadelphia 7, Pennsylvania; Federal Trade Commission, Room 231, New Court House Building, Portland, Oregon; Federal Trade Commission, Room 1003–C,

U.S. Court and Custom House, St. Louis 1, Missouri.

§ 1.5 Hours.

Principal and field offices are open on each business day from 8:30 a.m. to 5:00 p.m.

§ 1.6 Sessions.

(a) The Commission may meet and exercise all its power at any place, and may, by one or more of its members or by such representatives as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

(b) Sessions of the Commission for hearings will be held as ordered by the Commission. Sessions of the Commission for the purpose of making orders and for transaction of other business will be held, unless otherwise ordered, at the principal office of the Commission at Pennsylvania Avenue and Sixth Street NW., Washington 25, D.C., on each business day at 10:00 a.m.

§ 1.7 Quorum.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

§ 1.8 Delegation of functions.

The Commission, under the authority provided by Reorganization Plan No. 4 of 1961, may delegate, by published order or rule, certain of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board. Delegations of functions by the Commission are published in the FEDERAL REGISTER.

Subpart B—Initiation of Investigative Proceedings

§ 1.11 How initiated.

Commission investigations and inquiries may be originated upon the request of the President, Congress, government agencies, or the Attorney General, upon referrals by the Courts, upon complaint by members of the public, or by the Commission upon its own initiative.

§ 1.12 Request for Commission action.

(a) Any individual, partnership, corporation, association or organization may request the Commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

(b) Such request should be in the form of a signed statement setting forth the alleged violation of law and the name and address of the party or parties complained of. No forms or formal procedure are required.

(c) The person making the request is not regarded as a party, for the Commission acts only in the public interest and its proceedings are for the purpose of vindicating public, not private, rights.

(d) It always has been and now is Commission policy not to publish or divulge the name of an applicant or complaining party, except as required by law.

Subpart C—Policy Regarding Private Controversies

§ 1.21 Policy as to private controversies.

The Commission acts only in the public interest, and it does not take action when the alleged violation of law is merely a matter of private controversy and does not tend adversely to affect the public.

Subpart D—Investigations

§ 1.31 Investigational policy.

The Commission encourages voluntary cooperation in its investigations. Where the public interest requires, however, the Commission may, in any matter under investigation, invoke any or all of the compulsory processes authorized by law.

§ 1.32 By whom conducted.

Inquiries and investigations are conducted, under the various statutes administered by the Commission, by Commission representatives designated and duly authorized for the purpose. Such representatives are "examiners" within the meaning of the Federal Trade Commission Act and are authorized to exercise and perform the duties of their office in accordance with the laws of the United States and the regulations of the Commission. Included among such duties is the administration of oaths and affirmations in any matter under investigation by the Commission.

§ 1.33 Notification of purpose.

Any party under investigation compelled to furnish information or documentary evidence shall be advised with respect to the purpose and scope of the investigation.

§ 1.34 Investigational hearings.

(a) Investigational hearings, as distinguished from hearings in adjudicative proceedings, may be conducted in the course of any investigation undertaken by the Commission, including inquiries initiated for the purpose of determining whether or not a respondent is complying with an order of the Commission or the manner in which decrees in suits brought by the United States under the antitrust acts are being carried out and cases referred by the courts to the Commission as a master in chancery.

(b) Investigational hearings may be held before the Commission, one or more of its members, or a duly designated representative, for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation. Such hearings shall be stenographically reported and a transcript thereof shall be made a part of the record of the investigation.

§ 1.35 Subpoenas in investigational hearings.

The Commission may issue a subpoena directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence relating to any matter under investigation, or both. Any motion to limit or quash such subpoena shall be filed within ten days after service thereof, or within such time as the Commission may allow.

§ 1.36 Depositions.

The Commission may order testimony to be taken by deposition in any investigation at any stage of such investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence as provided in § 1.35.

§ 1.37 Order requiring access.

The Commission may issue an order requiring any corporation being investigated or proceeded against to grant access to files for the purpose of investigation and the right to copy any documentary evidence. Any motion to limit or quash such an order shall be filed within ten days after service thereof, or within such time as the Commission may allow.

§ 1.38 Reports.

The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation.

§ 1.39 Noncompliance with investigational processes.

In case of failure to comply with Commission investigational processes, appropriate action may be initiated by the Commission or the Attorney General, including actions for enforcement, forfeiture of penalties or criminal actions.

§ 1.40 Rights of witnesses.

Any person required to testify or to submit documentary evidence shall be entitled to retain or, on payment of lawfully prescribed cost, procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of the person taking the deposition, except that in a nonpublic proceeding a witness may for good cause be limited to inspection of his testimony. Any person compelled to testify or to produce documentary evidence in a nonpublic hearing may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigational hearing. Any person compelled to testify or to produce documentary evidence in a public investigational hearing may be accompanied, represented, and advised by counsel: *Provided, however,* That such representation shall not include the right to call, examine or cross-examine witnesses, or adduce evidence.

§ 1.41 Nonpublic proceedings.

Unless otherwise ordered by the Commission, investigatory proceedings shall not be public.

§ 1.42 Disposition.

When the facts disclosed by the investigation indicate that corrective action is not warranted, the investigational files will be closed. Where warranted, remedial action will be initiated. If it appears that the public interest will be fully safeguarded thereby, the matter may be disposed of by informal administrative treatment, provided, however, that this will not be done in investigations involving alleged false advertising of food, drugs, devices or cosmetics which are inherently dangerous, the sale of fabrics and wearing apparel which are so highly flammable as to be dangerous, or the suppression or restraint of competition through conspiracy or discriminatory or monopolistic practices; or the individual, partnership or corporation being investigated may, at any time during the investigation, be afforded an opportunity to submit to the Commission through the Office of Consent Orders a proposed agreement conforming with the requirements of § 3.3 of this chapter containing an appropriate order to cease and desist, together with a proposed complaint drafted by the Commission's staff; or formal proceedings may be instituted pursuant to the provisions of Parts 3 and 4 of this chapter.

Subpart E—Industry Guides and General Regulations

TRADE PRACTICE RULES

§ 1.51 Purpose.

Trade practice rules are designed to eliminate and prevent trade practices which are violative of laws administered by the Commission, on a voluntary and industry-wide basis. The rules interpret legal requirements as applicable to the practices of a particular industry and provide the basis for voluntary and simultaneous abandonment of unlawful practices by industry members.

§ 1.52 When authorized.

Proceedings for the establishment of trade practice rules may be authorized by the Commission on its own motion or upon application therefor. Proceedings for the establishment of rules are authorized by the Commission whenever it appears to the Commission that such action would (a) constructively advance the best interests of industry on sound competitive principles in consonance with public policy, (b) bring about more adequate or equitable observance of those laws over which the Commission has jurisdiction, or (c) otherwise protect or advance the public interest.

§ 1.53 Applications for trade practice rules.

Application for trade practice rules may be filed with the Commission by any interested person, party or group. Such application shall be in writing and should set forth (a) a brief description of the industry, trade, or subject to be treated; (b) the kind and character of the products involved; (c) the size and extent and the divisions of the industry or trade groups concerned; (d) the approximate annual volume of production or sales of the commodities involved; (e) list of membership of the industry or trade groups concerned in the matter; and (f) a brief statement of the acts, practices, methods of competition or other trade practices desired to be considered, or drafts of suggested trade practice rules.

§ 1.54 Opportunity to present views.

Before trade practice rules are promulgated for an industry, opportunity is afforded industry members and other interested persons to submit their views on the subject of the proposed rules, in writing and also at such conferences or hearings as may be authorized by the Commission.

§ 1.55 Industry conferences.

Due notice of the time and place of any such authorized conference shall be issued by the Commission and published in the FEDERAL REGISTER. A member of the Commission or of its staff shall conduct the conference pursuant to the direction of the Commission and in such manner as will facilitate the proceeding and afford appropriate consideration of matters properly coming before the conference. A transcript of the proceeding shall be made, which, together with all rules, amendments or other pertinent matters offered, shall be submitted to the Commission for its consideration.

§ 1.56 Public hearing on proposed rules.

Public hearing on proposed rules, when authorized by the Commission, shall be preceded by notice of the time and place thereof published in the FEDERAL REGISTER and shall be conducted by a member of the Commission or of its staff. At the hearing industry members and all other interested parties, including consumers, may appear and express their views as to any proposed rules and may suggest such amendments, revisions and additions thereto as they may consider to be desirable and appropriate. A transcript of the proceeding shall be made. Suggestions and views of interested parties concerning the proposed rules may also be submitted in writing at any time prior to the scheduled public hearing.

§ 1.57 Amendment and repeal of rules.

Any interested person, party or group may petition for the amendment or repeal of trade practice rules. The application shall be in writing and set forth the reasons for the requested action. The Commission may, after notice to interested parties, amend or repeal rules on its own motion.

§ 1.58 Publication of rules.

When final trade practice rules are issued by the Commission they shall be published in the FEDERAL REGISTER and shall become operative thirty (30) days after the date of publication or at such other time as may be specified by the Commission upon good cause found and published with the rules.

§ 1.59 Violations of rules.

The use of any act, practice or method in violation of a rule may be brought to the attention of the Commission by any person. Corrective action regarding violations may also be undertaken by the Commission upon its own initiative. When formal complaint proceedings are instituted by the Commission concerning practices which are violative of trade practice rules, the complaint charges violation of the statutory provision on which the rules are premised.

GENERAL RULES AND REGULATIONS APPLICABLE TO UNFAIR TRADE PRACTICES

§ 1.61 Nature and authority.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is authorized to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations (hereinafter called "Trade Regulation Rules") express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

§ 1.62 Scope.

Trade Regulation Rules issued by the Commission may cover all applications of a particular statutory provision and may be nation-wide in effect, or they may be limited to particular areas or industries or to particular product or geographic markets, as may be appropriate.

§ 1.63 Effect of trade regulation rules in adjudicative proceedings.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon such rule, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

§ 1.64 Investigations.

In connection with any rulemaking proceeding, the Commission at any time may conduct such investigations, make such studies, and hold such conferences as it may deem necessary. Any such investigation may be conducted insofar as it is deemed necessary under the provisions of Subpart D of this part.

§ 1.65 How and when initiated.

Rulemaking proceedings may be initiated by the Commission upon its own motion or pursuant to petition therefor filed by an interested party.

§ 1.66 Notice.

(a) Notice of rulemaking proceedings shall be published in the FEDERAL REGISTER and, to the extent practicable, otherwise made available to interested parties.

(b) The notice shall include—

(1) A statement of the time, place and nature of the proceedings;

(2) References to the authority under which the rules are proposed;

(3) Either the terms or substance of proposed rules or a description of the subjects and issues involved; and

(4) A statement of the time within which interested parties may participate in the proceedings by presenting written data, views, and argument.

§ 1.67 Formulation of tentative rules.

The Commission, after consideration of all relevant matters of fact, law, policy and discretion, including all relevant matters presented by interested parties, may formulate tentative rules, together with a concise general statement of their basis and purpose. When formulated, such rules and statement shall be published in the FEDERAL REGISTER.

§ 1.68 Protest of tentative rules.

(a) Within a time fixed by the Commission in a notice which shall be published in the FEDERAL REGISTER, any interested party who filed data, views and argument pursuant to § 1.66(b)(4) and who feels aggrieved by the tentative rules and statement of basis and purpose, may protest said rules and statement in writing, setting forth any disagreement with any matters of fact, law, policy or discretion which the protestant believes to be involved in the proceeding. Contentions as to matters of fact must be presented by affidavits of persons having personal knowledge. The protest may be supported by written arguments and briefs.

(b) If the resolution of any disagreement with respect to any matter of fact shall appear to the Commission to require its further consideration, the issues shall be formulated by the Commission and noticed for further consideration or hearing to be had in accordance with the procedures contained in such a notice or supplements thereto.

§ 1.69 Promulgation of rules.

After the time for filing protests has elapsed, the Commission shall again consider all relevant matters of fact, law, policy and discretion, including all relevant matters presented by interested parties and the results of consideration of any protest; and it may then formulate and adopt rules, together with a concise general statement of their basis and purpose. When adopted, such rules and statement shall be published in the FEDERAL REGISTER.

§ 1.70 Effective date.

The effective date of any rule, or the amendment, suspension, or repeal of any rule shall be specified when it is published in the FEDERAL REGISTER, which date shall not be less than thirty (30) days after the date of such publication except as otherwise may be provided in accordance with law.

§ 1.71 Petitions.

Any interested party may petition for the issuance, amendment, repeal, or suspension of rules. No petition to amend, repeal, or suspend a rule shall have any effect pending Commission action on the petition. Proceedings for amendment, repeal, or suspension of rules shall be the same as for the issuance thereof.

GUIDES AND ADVISORY OPINIONS

GUIDES

§ 1.81 Purpose.

Guides are administrative interpretations of laws administered by the Commission for the use of the Commission's staff and guidance of businessmen in evaluating certain types of practices. An unlawful practice common to many industries may be the subject of guides or they may relate to specific practices of a particular industry.

§ 1.82 How promulgated.

Guides are promulgated by the Commission on its own motion or upon application therefor by any interested person, when it appears to the Commission that guidance as to the legal requirements applicable to particular practices would be beneficial in the public interest and would serve to bring about more widespread and equitable observance of laws administered by it.

ADVISORY OPINIONS

§ 1.91 Policy.

It is the policy of the Commission to afford businessmen assistance in determining, in advance, whether a proposed course of action, if pursued, may violate any of the laws administered by the Commission, and, where practicable, to give them the benefit of the Commission's views.

§ 1.92 Conferences.

Any person, partnership or corporation may request advice from the Commission as to whether a proposed course of action, if pursued, would probably violate any of the laws administered by the Commission. Such request for advice should be addressed to the Secretary and include full and complete information. Conferences with members of the Commission's staff may be held before or after submittal of the request. Submittals of additional information may be required.

§ 1.93 Advice.

On the basis of the facts submitted, as well as other information available to the Commission, and, where practicable, the Commission will advise the requesting party whether or not the proposed course of action, if pursued, would be likely to result in further action by the Commission. Any advice given is without prejudice to the right of the Commission to reconsider the questions involved and, where the public interest requires, to rescind or revoke the advice, but information submitted will not be used as the basis for a proceeding against the requesting party without prior notice and opportunity afforded for such party to discontinue the course of action pursued in good faith in reliance upon the Commission's advice.

Subpart F—Economic Surveys and Reports

§ 1.101 Authority and purpose.

General and special economic surveys and investigations are conducted by the Bureau of Economics under the authority of the various laws which the Federal Trade Commission administers, to aid the Commission in any of its functions, including the investigation of possible violations of law, the proof of such violations in adjudicative proceedings, rulemaking, and the preparation of published reports. The Commission may in any such survey or investigation invoke any or all of the compulsory processes authorized by law.

§ 1.102 Published reports.

The economic studies which appear as published reports of the Commission are made under its responsibility as a fact-finding and reporting agency. They may form part of a continuing series or they may be individual studies. These studies are directed to ascertaining the organization, business, conduct, practices, management, and relation to other businesses of corporations subject to the jurisdiction of the Federal Trade Commission. Such investigations are conducted at the request of the President, at the direction of the Congress, at the request of the Attorney General or other government agencies, or on the initiative of the Commission.

(a) *Financial reports.* A continuing financial reporting program is carried on in cooperation with and under the general sponsorship of the Office of Statistical Standards of the Bureau of the Budget and its interagency and industry advisory committees. Published reports present estimates of national aggregates of financial items of a consolidated income statement and balance sheet of all manufacturing corporations. These statistics are an authoritative source of current information about the financial characteristics of different groups of industries and of various classes of small, medium, and large manufacturing corporations.

(b) *Other reports.* Individual economic reports deal with competitive practices and competitive relationships in specific industries, or with specific competitive practices and relationships in a range of industries, or classify corporations in various ways as, for example, by asset size, sales patterns, or number of operating units. In general they deal with the status of competition and the prevalence of monopolistic or trade-restraining practices and trends found to exist in commerce, and suggest remedial measures. Where existing law is regarded as inadequate to protect the public interest, they are accompanied by suggestions for remedial legislation.

Subpart G—Administration of the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act and Textile Fiber Products Identification Act

§ 1.111 Administration.

The general administration of the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act, and of the respective rules and regulations thereunder is carried out by the Bureau of Textiles and Furs. Any interested person may obtain copies

of the several acts and rules and regulations upon request to the Commission.

(a) *Wool.* The Wool Products Labeling Act provides for a fiber content disclosure of all products containing or purporting to contain woolen fibers which are subject to its provisions. Products subject to the Act must carry labels showing the respective percentages of the fibers contained therein and the name or registered identification number of the manufacturer or concern responsible for such content disclosure. The Act also prohibits the use of false or deceptive labels. The manufacturer of wool products, in addition to labeling, is required to maintain records of fiber content.

(b) *Fur.* The Fur Products Labeling Act provides in substance that sellers of fur products shall label such products to show the true name of the animal that produced the fur as set forth in the Fur Products Name Guide established by the Commission as provided in the Act; that the fur or fur product is composed of used fur, when such is the fact; that the fur or fur product is bleached, dyed or otherwise artificially colored, when such is the fact; that the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact; the name or registered identification number of the manufacturer or distributor of the fur product; and the name of the country or origin of any imported fur used in a fur product. This Act also covers the advertising and invoicing of furs and fur products. Records are required to be maintained by manufacturers or handlers of furs and fur products.

(c) *Flammable fabrics.* The Flammable Fabrics Act prohibits the sale of articles of wearing apparel and fabrics intended or sold for use in wearing apparel which are, under the prescribed test set forth in the Act, found to be so highly flammable as to be dangerous when worn by individuals.

(d) *Textile fiber products.* The Textile Fiber Products Identification Act provides for the labeling of textile fiber products which are not required to be labeled under the Wool Products Labeling Act. Products subject to the Act must carry labels showing the respective percentages of the fibers contained therein and the name or registered identification number of the manufacturer or distributor thereof. Imported textile fiber products must show the name of the country where processed or manufactured. This Act also prohibits the false and deceptive advertising of textile fiber products. Manufacturers of textile fiber products are required to maintain records of fiber content.

§ 1.112 Rules.

Rulemaking procedures under these Acts are described in §§ 2.1 to 2.8 of this chapter.

§ 1.113 Injunction and condemnation.

Procedures are described in §§ 1.143 and 1.144.

§ 1.114 Registered identification numbers.

Registered identification numbers are issued by the Commission under the provisions of Rule 4 of the rules and regulations, as amended under the Wool Products Labeling Act (§ 300.4 of this chapter); Rule 26 of the rules and regulations under the Fur Products Labeling Act (§ 301.26 of this chapter); and Rule 20 of the rules and regulations under the Textile Fiber Products Identification Act (§ 303.20 of this chapter). Such numbers are for use as and in lieu of the name of the holder of the number in satisfying the name requirement in labeling under the respective Acts. Any person marketing wool or other textile fiber products, fur or fur products, in commerce may file an application with the Commission for issuance of a registered identification number. The Commission will furnish application forms upon request. Numbers are issued when, upon examination of the application, the applicant is found to come within the terms of the applicable rules and regulations. Numbers are subject to revocation for cause or upon a change in business status or discontinuance of business. The identity of holders of registered identification numbers issued by the Commission is confidential and is not available to the public.

§ 1.115 Continuing guaranties.

Continuing guaranties may be filed with the Commission under section 9 of the Wool Products Labeling Act and Rule 33 of the rules and regulations thereunder (§ 300.33 of this chapter); section 10 of the Fur Products Labeling Act and Rule 48 of the rules and regulations thereunder (§ 301.48 of this chapter); section 8 of the Flammable Fabrics Act and Rule 10 of the rules and regulations thereunder (§ 302.10 of this chapter); and section 10 of the Textile Fiber Products Identification Act and Rule 38 of the rules and regulations thereunder (§ 303.38 of this chapter). Upon receipt of continuing guaranties duly executed according to form and substance as prescribed in the applicable rules and regulations they are filed and made of public record. Necessary forms may be obtained from the Commission upon request.

§ 1.116 Inspections and counseling.

The Commission maintains a staff to carry on compliance inspection and industry counseling work among manufacturers and marketers of wool or other textile fiber products, fur or fur products as well as articles of wearing apparel and fabrics subject to the provisions of the Flammable Fabrics Act. Administrative action to effect correction of minor infractions on a voluntary basis is taken in those cases where such procedure is believed adequate to effect immediate compliance and protect the public interest. Where inspections reveal violations of a major nature appropriate corrective action will be taken.

Subpart H—Export Trade Act Administration

§ 1.121 Limited antitrust exemption.

The Webb-Pomerene Export Trade Act authorizes the organization and operation of export trade associations, and extends to them certain limited exemptions from the Sherman Act and the Clayton Act, and extends the jurisdiction of the Commission under the Federal Trade Commission Act to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States. The Export Trade Act is administered in the Bureau of Restraint of Trade.

§ 1.122 Prohibitions.

The Act provides that an export trade association, to maintain the exemptions extended, must engage solely in export trade and must not restrain the export trade of any domestic competitor of such association, restrain trade within the United States, artificially or intentionally enhance or depress prices within the United States of commodities of the class exported by such association, or substantially lessen competition within the United States.

§ 1.123 Notice to Commission.

To obtain the exemption afforded by the Act, an export trade association is required to file with the Commission, within thirty (30) days after creation, a verified written statement setting forth the location of its offices and places of business, names and addresses of its officers, stockholders or members, and copies of its documents of incorporation or association. On the first day of January of each year thereafter, each association must file a like statement.

§ 1.124 Special reports.

To retain the exemption, each export trade association shall furnish to the Commission such information as the Commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals.

§ 1.125 Recommendations.

Whenever the Commission has reason to believe that an association has violated the prohibitions of section 2 of the Act, it conducts an investigation. Upon investigation, if it concludes that the law has been violated, it may make to such association recommendations for the readjustment of its business. If the association fails to comply with the recommendations, the Commission will refer its findings and recommendations to the Attorney General for appropriate action.

Subpart I—Trade Mark Procedure

§ 1.131 Authority.

The Trade Mark Act of 1946 authorizes the Commission to institute proceedings before the Commissioner of

Patents for cancellation of the registration of marks where grounds for such action exist as specified in the Act. The functions delegated to the Commission by this Act are administered in the Office of the General Counsel.

§ 1.132 Applications.

Applications to the Commission for the institution of proceedings for the cancellation of registration of trade, service, or certification marks should be in writing, signed by or in behalf of the applicant, and should identify the registration concerned and contain a short and simple statement of the facts constituting the alleged basis for cancellation, the name and address of the applicant, together with all relevant and available information. No forms or formal procedure are required in making such an application. Such investigation as is required to secure the facts necessary for determining whether cancellation proceedings should be instituted will be made in appropriate cases.

§ 1.133 Procedure.

Applications from members of the public and governmental agencies seeking the intervention of the Commission under this Act are referred to the Office of the General Counsel for consideration, investigation and report to the Commission with recommendation. If, after consideration of the matter, the Commission concludes that application for cancellation of the mark is appropriate, it institutes proceedings before the Commissioner of Patents for cancellation of the registration.

§ 1.134 Patent Office rules of procedure.

Proceedings instituted by the Commission for cancellation of registration before the Commissioner of Patents are governed by Trade Mark Rules of Practice of the Patent Office (37 CFR §§ 2.11 to 2.136).

Subpart J—Injunctive and Condemnation Proceedings

§ 1.141 Injunctions pending Commission action.

In those cases arising under section 12 of the Federal Trade Commission Act where the Commission has reason to believe that it would be to the interest of the public, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in section 13 of the Act.

§ 1.142 Ancillary court orders pending review.

Where petition for review of an order to cease and desist has been filed in a United States Court of Appeals, the Commission may apply to the court for issuance of such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite.

§ 1.143 Injunctions: Wool, Fur, Textile and Flammable Fabrics cases.

In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act, where it appears to the Commission that it would be to the public interest for it to do so, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in such Acts.

§ 1.144 Condemnation proceedings.

In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act and especially the Flammable Fabrics Act where the public may be endangered, and where it appears to the Commission that the public interest requires such action, the Commission will apply to the courts for condemnation, pursuant to the authority granted in such Acts.

Subpart K—Cooperation With Other Agencies

§ 1.151 General policy.

(a) It is the policy of the Commission to cooperate with governmental agencies to avoid unnecessary overlapping or duplication of regulatory functions.

(b) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another Federal agency.

(c) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising.

Subpart L—Public and Confidential Information

§ 1.161 Requests.

(a) All written requests for information should be addressed to the Commission at its principal office.

(b) Where the request is for materials of which copies are not available and photostating or reproduction by other means is required, such service will be provided upon payment of the costs involved.

§ 1.162 Public information.

(a) Annually, subsequent to the end of the fiscal year, the Commission makes a report to Congress summarizing its work during the year. Such reports are available for inspection at the Commission and Government depositories, and copies thereof may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

(b) The Commission's rules of practice and procedure and a description of its organization and policies are published in the FEDERAL REGISTER. Copies thereof may be obtained from the Commission upon request.

(c) The decisions of the Commission in adjudicative proceedings and in proceedings disposed of by the entry of consent orders to cease and desist are published periodically in official reports under the title "Federal Trade Commission Decisions."

(d) Rules issued under the Wool Products Labeling Act, the Fur Products Labeling Act, the Flammable Fabrics Act, and the Textile Fiber Products Identification Act, pursuant to §§ 2.1 to 2.8 of this chapter; quantity limit rules issued under section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act, pursuant to §§2.11 to 2.18 of this chapter; trade practice conference rules, general rules and regulations applicable to unlawful trade practices, industry guides and other administrative interpretations, issued under §§ 1.51 to 1.82, are published in the FEDERAL REGISTER. Copies thereof may be obtained upon request to the Commission.

(e) The pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings, petitions for the issuance, amendment or repeal of rules and regulations under the Wool, Fur, Textile and Flammable Fabrics Acts, including petitions for exemptions, records of hearings in all rulemaking proceedings; continuing guaranties filed under the Wool, Fur, Textile and Flammable Fabrics Acts; agreements containing orders to cease and desist after acceptance by the Commission; and informal stipulations entered into prior to November 1, 1961, are available at the principal office of the Commission for inspection and copying at reasonable times. Where copies of such materials are desired, § 1.161(b) applies.

(f) After having been received and filed, reports of compliance filed under § 5.6 of this chapter, describing the manner and form in which respondents allege they have complied with the Commission's orders to cease and desist, are available at the principal office of the Commission for inspection and copying at reasonable times, unless in the opinion of the Director of the Bureau, through which the reports of compliance were originally submitted, they contain information of a confidential nature, in which case request for release may be made to the Commission pursuant to the provisions of § 1.164. Where copies are desired, § 1.161(b) applies.

(g) Additional information concerning the activities of the Commission is released from time to time through the Commission's Office of Information.

§ 1.163 Confidential information.

(a) The records and files of the Commission, and all documents, memoranda, correspondence, exhibits, and information of whatever nature, other than the documentary matters above described, coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except under the procedures set forth in § 1.164.

(b) Under section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall make public any information obtained by the Commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand ($5,000) dollars, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

§ 1.164 Release of confidential information.

(a) Upon good cause shown, the Commission may by order direct that certain records, files, papers, or information be made public or disclosed to a particular applicant.

(b) Application by a member of the public for such disclosure shall be in writing, under oath, setting forth the interest of the applicant in the subject matter; a description of the specific information, files, documents, or other material inspection of which is requested; whether copies are desired; and the purpose for which the information or material, or copies, will be used if the application is granted. Upon receipt of such an application the Commission will take action thereon, having due regard to statutory restrictions, its rules, and the public interest.

(c) In the event that confidential material is desired for inspection, copying, or use by some agency of the Federal or a State Government, a request therefor may be made by the administrative head of such agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of such agency and, if the production of documents or records or the taking of copies thereof is asked, the use of which is intended to be made of them. The Commission will consider and act upon such requests, having due regard to statutory restrictions, its rules, and the public interest.

(d) Any officer or employee who is served with a subpoena requiring the production of any documents or records or the disclosure of any information which is designated in § 1.163 as confidential shall promptly advise the Commission of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Commission will thereupon enter such order or give such instructions as it shall deem advisable. If the officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this rule.

PART 2—SPECIAL RULEMAKING PROCEDURES

Subpart A—Wool, Fur, Flammable Fabrics and Textile Identification Rules

Sec.
2.1 Authority.
2.2 How initiated.
2.3 Notice.
2.4 Participation by interested parties.
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Subpart B—Quantity Limit Rules

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Subpart C—Rules of Practice and Procedural Rules

2.21 Rules of practice and procedural rules.

AUTHORITY: §§ 2.1 to 2.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

Subpart A—Wool, Fur, Flammable Fabrics and Textile Identification Rules

§ 2.1 Authority.

Substantive rules are authorized under section 6 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68d), section 8 of the Fur Products Labeling Act (15 U.S.C. 69f), section 5 of the Flammable Fabrics Act (15 U.S.C. 1194), and section 7 of the Textile Fiber Products Identification Act (15 U.S.C. 70d). These rules have the force and effect of law.

§ 2.2 How initiated.

Proceedings for the promulgation of rules authorized by these Acts are initiated by the Commission.

§ 2.3 Notice.

General notice of the proposed promulgation of a rule shall be published in the FEDERAL REGISTER and shall include (a) a statement of the time, place and nature of public rulemaking proceedings, (b) reference to the authority under which the rule is proposed, and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

§ 2.4 Participation by interested parties.

The Commission affords interested parties an opportunity to participate in the rulemaking through submission of written data, views, or arguments. Oral argument thereon may be granted within the discretion of the Commission.

§ 2.5 Adoption of rules.

The Commission, after consideration of all relevant matters, formulates its rules, incorporating therein a concise general statement of their basis and purpose.

§ 2.6 Publication.

After adoption, rules are published in the FEDERAL REGISTER. Copies may be obtained from the Commission.

§ 2.7 Effective date.

Any rule, or amendment, or repeal thereof shall become effective not less than thirty (30) days after the required publication thereof in the FEDERAL REGISTER, except as otherwise provided by the Commission upon good cause found and published with such rule, amendment, or repeal.

§ 2.8 Petitions.

Any interested person may petition for the issuance, amendment or repeal of a rule. Proceedings for amendment or repeal shall be the same as for the issuance thereof.

Subpart B—Quantity Limit Rules

§ 2.11 Authority.

Quantity limit rules are authorized by section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act. These are substantive rules having the force and effect of law.

§ 2.12 How initiated.

Proceedings for the establishment of a quantity limit rule are initiated by resolution of the Commission either upon its own motion or pursuant to petition therefor.

§ 2.13 Petitions.

Any interested party may at any time file with the Commission in writing a petition for the establishment of a quantity limit rule for any commodity or class of commodities, or for the revision or repeal of a previously established rule. Such petition shall state the petitioner's interest and the facts showing the need for the action requested.

§ 2.14 Investigation.

If the Commission believes that consideration should be given to the fixing of quantity limits for a particular commodity or class of commodities, it will conduct an appropriate investigation of the matter. In any such investigation the Commission may invoke any or all of the compulsory processes authorized by law.

§ 2.15 Hearing on proposed quantity limit rule.

(a) *Formulation of proposed rule.* When, after due consideration of the facts and information so obtained, it shall appear to the Commission that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce, it shall formulate a proposed quantity limit rule.

(b) *Publication of proposed rule.* The proposed quantity limit rule shall be published in the FEDERAL REGISTER and otherwise, to the extent practicable, made available to interested parties, and the notice thereof shall include the following:

(1) The rule, amended rule, or repeal proposed;

(2) A statement of the purpose to be accomplished by the proposed rule, together with a reference to the authority under which the rule is proposed and the ultimate matters of fact in support thereof;

(3) A statement of the time within which any interested person may present to the Commission in writing, in accordance with paragraph (c)(1) of this section, any data, views or argument concerning the proposed rule and within which time to present, if desired, a request for opportunity to be heard orally thereon.

(c) *Method of presenting views, data and argument*—(1) *Written data.* Seven copies of such written views, data and argument shall be submitted to the Commission and shall conform to the requirements of § 5.2 of this chapter.

(2) *Oral hearing.* Oral hearing may be granted within the discretion of the Commission.

§ 2.16 Promulgation of quantity limit rule.

After the consideration of the results of its investigation or investigations and of the data, views and arguments presented by interested parties, the Commission will, if it deems such action warranted, promulgate a quantity limit rule. Such rule, which may be the proposed rule, or a modification or revision thereof, shall fix and establish maximum quantities of the particular commodity or class of commodites upon which differentials on account of quantity may thereafter be granted. Such quantity limit rule shall be published in the FEDERAL REGISTER, together with a reference to the authority or authorities therefor, a statement of its basis and purpose, and the effective date thereof, which shall be not less than thirty (30) days after the date of such publication.

§ 2.17 Amendment or repeal of quantity limit rule.

The procedure for the amendment or repeal of a quantity limit rule shall be the same as that for the establishment of a new quantity limit rule. Any interested party may at any time file a petition for the amendment or repeal of a rule.

§ 2.18 Enforcement of quantity limit rule.

Procedure in cases of violations of a quantity limit rule shall be in accordance with the Commission's applicable rules of practice.

Subpart C—Rules of Practice and Procedural Rules

§ 2.21 Rules of practice and procedural rules.

Rules of practice and procedural rules are formulated by the Commission with the help and advice of its Committee on Administrative Procedure and Rules and other advisory groups or parties. Any interested person, party or group may petition for the issuance, amendment, or repeal of any rule. Rules of practice and procedural rules are published in the FEDERAL REGISTER.

PART 3—CONSENT ORDER PROCEDURE

Sec.
3.1 Notice of proposed adjudicative proceeding.
3.2 Reply.
3.3 Agreement.
3.4 Disposition.

AUTHORITY: §§ 3.1 to 3.4 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 3.1 Notice of proposed adjudicative proceeding.

Where time, the nature of the proceeding and the public interest permit, the Commission may notify a person, a partnership or corporation of its determination to issue its complaint charging such party with having violated one or more of the statutes administered by the Commission. Such notice shall be served in the manner provided in § 5.4 (a) of this chapter of the Rules of Practice for Adjudicative Proceedings, and shall be accompanied by a complaint which the Commission intends to issue, together with a proposed form of order.

§ 3.2 Reply.

(a) Within ten days after service of such notice, the parties named may file a reply with the Secretary stating whether or not they are willing to have the proceeding disposed of by the entry of an order in substantially the form proposed.

(b) If the reply is in the negative or if no reply is filed within the time provided, the complaint will be issued and served forthwith.

(c) If the reply is in the affirmative, the files will be referred to the Office of Consent Orders, where the parties served and members of the Commission's staff may participate in the preparation and execution of an agreement containing a consent order. The parties may appear personally or be represented by an attorney of record who has entered an appearance under § 5.1 of this chapter. No representations on behalf of a party by other persons will be recognized.

§ 3.3 Agreement.

Every agreement shall contain, in addition to an order, an admission of all jurisdictional facts and express waivers of further procedural steps, of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, and of all rights to seek judicial review or to otherwise challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order; that the order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders; and that the agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any respondent that the law has been violated as alleged in the complaint.

§ 3.4 Disposition.

(a) *Submission of agreement.* Unless for good cause shown the time is extended by the Commission, an executed agreement containing a consent order shall be submitted to the Commission within thirty days after the date on which the files are referred to the Office of Consent Orders. If an agreement is not so submitted, or if at any time it appears to the Office of Consent Orders that the execution of a satisfactory agreement is unlikely, the files shall be returned to the Commission and the complaint will be issued and served forthwith. After a complaint is issued, the consent order procedure will not be available.

(b) *Decision.* Upon receiving an agreement containing a consent order, the Commission may accept it and issue its complaint, in such form as the circumstances require, and decision, including the order agreed upon, or reject it and issue its complaint and set the matter down for adjudication in regular course. Alternatively, the Commission may take such other action as may be appropriate.

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

Sec.
4.1 Scope of the rules in this part.
4.2 Nature of adjudicative proceedings.

Subpart B—Complaint, Answer, Default, and Motions

4.3 Commencement of proceeding.
4.4 Complaint.
4.5 Answer.
4.6 Motions.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

4.7 Amendments and supplemental pleadings.
4.8 Pre-hearing conferences.
4.9 Voluntary intervention.

Subpart D—Depositions; Admissions; Evidence

4.10 Depositions.
4.11 Admissions as to facts and documents.
4.12 Evidence.

Subpart E—Hearings

4.13 Presiding officials.
4.14 Hearings; transcripts.
4.15 Subpoenas.
4.16 Witnesses and fees.
4.17 Proposed findings, conclusions and order.
4.18 Interlocutory appeals.

Subpart F—Decision and Order

4.19 Initial decision.
4.20 Petition for review.
4.21 Commission review.
4.22 Decision on review.

AUTHORITY: §§4.1 to 4.22 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

§ 4.1 Scope of the rules in this part.

The rules in this part govern procedure in adjudicative proceedings before the Federal Trade Commission. It is the policy of the Commission that, to the extent practicable and consistent with requirements of law, such proceedings shall be conducted expeditiously. The hearing examiner and counsel for all parties shall be governed at all times by this policy, and every effort shall be made at each stage of a proceeding to avoid delay.

§ 4.2 Nature of adjudicative proceedings.

Adjudicative proceedings are those formal procedings conducted under one or more of the statutes administered by the Commission which are required by Statute to be determined on the record after opportunity for an agency hearing. The term does not include other proceedings such as negotiations for the entry of consent orders; investigational hearings as distinguished from discovery proceedings after the issuance of a complaint; hearings for the purpose of inquiring into the manner and extent of compliance with outstanding orders; trade practice conferences; proceedings for fixing quantity limits under section 2(a) of the Clayton Act (15 U.S.C. 13(a)); investigations under section 5 of the Export Trade Act (15 U.S.C. 65); or the promulgation of substantive rules and regulations, determinations of classes of products exempted from statutory requirements, the establishment of name guides, or inspections and industry counseling, under sections 4(d) and 6(a) of the Wool Products Labeling Act (15 U.S.C. 68(b) and 68(d)), sections 7, 8 (b) and 8(c) of the Fur Products Labeling Act (15 U.S.C. 69(e) and 69(f)), sections 5(c) and 5(d) of the Flammable Fabrics Act (15 U.S.C. 1194), and sections 7(c), 7(d) and 12(b) of the Textile Fiber Products Identification Act (15 U.S.C. 70).

Subpart B—Complaint, Answer, Default, and Motions

§ 4.3 Commencement of proceeding.

An adjudicative proceeding is commenced by the issuance and service of a complaint by the Commission.

§ 4.4 Complaint.

(a) *Form.* The Commission's complaint shall contain the following:

(1) Recital of the legal authority and jurisdiction for institution of the proceeding, with specific designation of the statutory provisions alleged to have been violated;

(2) A clear and concise factual statement sufficient to inform each respondent with reasonable definiteness of the type of acts or practices alleged to be in violation of the law;

(3) Where practical, a form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint.

(4) Notice of the time and place for hearing, the time to be at least thirty days after service of the complaint.

(b) *Motion for more definite statement.* If the statement in a complaint is so vague or ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing its answer. Such a motion shall be filed within ten days after service of the complaint and shall point out the defects complained of and the details desired.

§ 4.5 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the complaint within which to file an answer thereto; provided, however, that the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the hearing examiner: (1) If the motion is denied, the answer shall be filed within ten days after service of the order of denial; (2) if the motion is granted, in whole or in part, the more definite statement shall be filed within five days after service of the order granting the motion and the answer shall be filed within ten days after service of the more definite statement.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contesting allegations of complaint.* Such answer shall contain:

(i) A concise statement of the facts constituting each ground of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the complaint or, if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of complaint.* If the respondent elects not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the hearing examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 4.20.

(c) *Default.* Failure of the respondent to file answer within the time provided shall be deemed to constitute a waiver of its right to appear and contest the allegations of the complaint and to authorize the hearing examiner, without further notice to respondent, to find the facts to be as alleged and to enter an initial decision containing such findings, appropriate conclusions and order.

§ 4.6 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before a hearing examiner, all motions therein, except as provided in § 4.13(f), shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary of the Commission. All motions addressed to the Commission shall be in writing and shall be filed with the Secretary of the Commission.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Commission, the opposing party shall answer or shall be deemed to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Commission.

(d) *Motions for extensions.* As a matter of discretion, the hearing examiner or the Commission may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss a complaint or for other relief is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall make and file an initial decision in accordance with the provisions of § 4.19. If such a motion is granted as to all charges of the complaint in regard to some, but not all, of the respondents, or is granted as to any part of the charges in regard to any or all of the respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss is made at the close of the evidence offered in support of the complaint based upon the alleged failure to establish a prima facie case, the hearing examiner may, if he so elects, defer ruling thereon until the close of the case for the reception of evidence.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

§ 4.7 Amendments and supplemental pleadings.

(a) *Amendments*—(1) *By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings; provided, however, that an application for amendment of a complaint may be allowed by the hearing examiner only if the amendment is reasonably within the scope of the proceeding initiated by the original complaint. Applications for other amendments of complaints shall be certified to the Commission under the provision of § 4.13(c)(9).

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original complaint, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit

service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 4.8 Pre-hearing conferences.

(a) The hearing examiner upon motion of any party or upon his own motion may, and, in every case where it appears probable that the hearing will extend for more than three days, he shall, direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 4.7(a)(1);

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses;

(5) Matters of which official notice will be taken; and

(6) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishing for inspection or copying of non-privileged documents, papers, books or other physical exhibits which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody or control of any party to the proceeding.

(b) Pre-hearing conferences, in the discretion of the hearing examiner, need not be stenographically reported as provided in § 4.14(f), and whether reported or not shall not be public unless all parties so agree.

(c) The hearing examiner shall enter in the record an order which recites the results of the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying non-privileged documents, papers, books or other physical exhibits, the hearing examiner, in his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the hearing examiner's direction in respect of any of the foregoing shall be suspended or barred from participation in the proceeding in accordance with the provisions of § 5.1(e), of this chapter.

§ 4.9 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 5.4(b) of this chapter. A similar certificate shall be attached to the answer filed by any party, other than counsel in support of the complaint, showing service of such answer upon the applicant.

(b) The hearing examiner or the Commission may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper.

Subpart D—Depositions; Admissions; Evidence

§ 4.10 Depositions.

(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person having power to administer oaths and designated by the Commission or the hearing examiner.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such written notice as the hearing examiner may provide shall be given of the taking of a deposition. This shall not be less than five days when the deposition is to be taken within the United States, and not less than fifteen days when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the officer before whom the deposition is taken, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the hearing examiner, and, subject to appropriate rulings on such objections to the questions and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 4.11 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished or are known to be and in the notice are stated as being in the possession of the other party.

(b) Each requested admission shall be deemed made unless, within ten days after service of the request, or within such shorter or longer time as the hearing examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the hearing examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 4.12 Evidence.

(a) *Burden of proof.* Counsel supporting the complaint shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of a hearing examiner or of the Commission rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding official. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the hearing examiner upon request may, at his discretion, receive and report the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

Subpart E—Hearings

§ 4.13 Presiding officials.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner or by the Commission or one or more members of the Commission sitting as hearing examiner; and the term "hearing examiner" as used in this part means and applies to such members when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Director of Hearing Examiners, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, including motions to open defaults;

(8) To make and file initial decisions;

(9) To certify questions to the Commission for its determination; and

(10) To take any action authorized by these rules or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

(d) *Substitution of hearing examiner.* In the event of substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(e) *Interference.* In the performance of their adjudicative functions, hearing examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission, and all directions by the Commission to hearing examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(f) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Director of Hearing Examiners of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Commission a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Commission on the hearing examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the hearing examiner does not disqualify himself within ten days, then the Commission shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 4.14 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise ordered by the Commission.

(b) *Rights of parties.* Every party, except intervenors, shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the Commission otherwise orders upon a certificate of necessity therefor by the hearing examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, week end, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days' notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Commission under the supervision of the hearing examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the hearing examiner or agreed to in a written stipulation signed by all counsel, and approved by the hearing examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the hearing examiner. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary of the Commission shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 4.15 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before a designated hearing examiner or a person designated under § 4.10 to take depositions, at a specified time and place may be made to the hearing examiner or to the Commission.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before a designated hearing examiner or a person designated under § 4.10 to take depositions, at a specified time and place and produce specified documents shall be made in writing to the hearing examiner or to the Commission, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after service thereof, or within such shorter time as the hearing examiner or the Commission may allow.

(c) *Order requiring access.* Application for issuance of an order requiring any corporation being investigated or proceeded against to grant access to files for the purpose of examination and the right to copy documentary evidence shall be made in writing to the hearing examiner or to the Commission, and shall specify as exactly as possible the files to which access is requested, showing their general relevancy and reasonable scope. Any motion to limit or quash such an order shall be filed within ten days after service thereof, or within such time as the hearing examiner or the Commission may allow.

(d) *Service.* A subpoena or an order requiring access shall be served as provided in § 5.4(a) of this chapter.

(e) *Appeal.* An appeal to the Commission from the hearing examiner's ruling granting or denying a motion to issue, limit or quash any subpoena or order requiring access will be entertained by the Commission only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before

conclusion of the hearing will better serve the interests of justice.

§ 4.16 Witnesses and fees.

(a) Witnesses at formal hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositons, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 4.17 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the hearing examiner, any party may file with the Secretary for consideration of the hearing examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 4.18 Interlocutory appeals.

(a) Except as provided in § 4.15(e), and § 5.1(e) of this chapter, interlocutory appeals from rulings of a hearing examiner may be filed only after permission is first obtained from the Commission. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. Permission will not be granted except in extraordinary circumstances where an immediate decision by the Commission is clearly necessary to prevent detriment to the public interest.

(b) Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 4.15(e), or § 5.1(e) of this chapter, or within five days after notice of permission to file, in the case of appeals under § 4.18. Answer thereto may be filed within five days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Commission.

Subpart F—Decision and Order

§ 4.19 Initial Decision.

(a) *When filed and when effective.* Within ninety days after completion of the reception of evidence in a proceeding, or within such further time as the Commission may allow by order entered in the record, based upon the hearing examiner's written request, the hearing examiner shall file an initial decision which shall become the decision of the Commission thirty days after service thereof upon the parties, unless (1) within fifteen days after service of such initial decision a petition for review thereof shall be filed, or (2) within fifteen days after expiration of such fifteen-day period the Commission issues an order placing the case on its own docket for review. A copy of the initial decision shall be served upon each counsel or other representative who has appeared in the proceeding pursuant to § 5.1 of this chapter.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the hearing examiner who presided therein, except when he shall have become unavailable to the Commission.

(d) *Reopening: Termination of hearing examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Commission.

§ 4.20 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 4.19.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the Commission is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the Commission finds that the questions presented are substantial and that determination thereof by the Commission is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the hearing examiner shall thereupon become the decision of the Commission. No petition for review will be denied by the Commission where, in the opinion of two or more of its members, it should be granted.

§ 4.21 Commission review.

(a) Within thirty days after service of the Commission's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) Exceptions: Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding or conclusion, or to a provision of the order, which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) Brief: The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors as are intended to be urged; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the Commission in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the Commission.

(g) *Oral argument.* Oral arguments will be held in cases in which the Commission grants review, unless it otherwise orders (1) upon request of any party made at the time of filing its brief, or (2) upon the Commission's own motion. Oral arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 4.22 Decision on review.

(a) Upon review of an initial decision, the Commission will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Commission will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons or basis for its action.

(c) In any case where the Commission's decision contemplates the entry of an order against a respondent broader in its prohibitions than those, if any, contained in the initial decision, or where the Commission's decision differs from the initial decision in any substantial respect affecting the scope or content of the order which should properly be entered, the Commission will cause a copy of its decision, together with a proposed form of order, to be served upon all parties. Within twenty days after service upon it of the Commission's decision and proposed order, the respondent may file with the Commission its exceptions to any of the provisions of the proposed order, a statement of its reasons in support thereof, and a proposed alternative form of order appropriate to the Commission's decision. If no exceptions to the Commission's proposed order are filed within twenty days, such proposed order shall become the final order of the Commission. If exceptions to the proposed order are filed by the respondent, counsel supporting the complaint may within ten days after service of such exceptions upon him file a statement in reply thereto, supporting the proposed order. The Commission will thereafter enter its final order.

PART 5—MISCELLANEOUS RULES

Sec.
5.1 Appearances.
5.2 Requirements as to form and filing of documents other than correspondence.
5.3 Time.
5.4 Service.
5.5 Off-the-record communications.
5.6 Reports of compliance.
5.7 Reopening of proceedings.

AUTHORITY: §§ 5.1 to 5.7 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 5.1 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal court or of the highest court of any State or Territory of the United States may practice before the Commission.

(2) Any individual or member of a partnership named respondent in any proceeding before the Commission may appear on behalf of himself or of such partnership upon adequate identification. A respondent corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former members and employees.* No former member or employee of the Commission, and no partner, employer, employee or business associate of such former member or employee, shall appear as attorney or counsel in any proceeding which was pending in any manner or form in the Commission while such former member or employee was employed on or by the Commission, unless and until the Commission determines, upon the written statement of the former member or employee and a statement from the Secretary of the Commission, that the files of the proceeding did not come to the personal attention of such former member or employee during his employment on or by the Commission, and that he did not participate personally and substantially in the proceeding. For the purposes of this section, a former member of the Commission will be conclusively presumed to have personally and substantially participated in any proceeding, the files of which were sent to his office at any time for action of any kind.

(c) *Notice of appearance.* Any attorney desiring to appear before the Commission or a hearing examiner thereof, on behalf of a respondent in a particular proceeding, shall file with the Secretary of the Commission a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this rule. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Commission shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar, from participation in a particular proceeding, any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so suspended or barred shall have the right to appeal to the Commission from such action of the hearing examiner, whereupon the Commission will review the action of the hearing examiner and take such action as it deems warranted by the circumstances.

(2) The Commission, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Commission. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Commission will issue against such offender an order of reprimand, suspension or disbarment.

§ 5.2 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings before the Commission shall be addressed to and filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Twenty copies shall be filed of a petition for review and of all briefs; ten copies of all other documents shall be filed with the exception of reports of compliance under § 5.6, in which case only two copies need be filed, and notices of appearances under § 5.1, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the Commission on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the Commission on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document filed shall be signed by an attorney of record for the party, or, in the case of respondents not represented by counsel, by the respondent himself, or by a partner if a partnership, or by an officer of respondent if it is a corporation or an unincorporated association.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the proceeding may go foward as though the document had not been filed.

§ 5.3 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Commission or a hearing examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on

which the office of the Commission is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays and such holidays shall be excluded from the computation. When such period of time with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Commission or the hearing examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring Commission action. Except as otherwise provided by law, the Commission, for good cause shown, may extend any time limit prescribed by these rules or by order of the Commission or a hearing examiner; provided, however, that in a proceeding pending before a hearing examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 5.4 Service.

(a) *By the Commission.* (1) Service of complaints, orders and other processes of the Commission may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an executive officer or director of the corporation or unincorporated association to be served.

(2) Documents other than complaints, orders and other processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Commission or a hearing examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as complaints, orders and other processes of the Commission, or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Commission shall be by delivering copies thereof as follows: Upon the Commission, by personal delivery or delivery by first-class mail to the office of the Secretary of the Commission; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party other than the Commission means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than a complaint, order or other process of the Commission shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 5.5 Off-the-record communications.

(a) In an adjudicative proceeding, no person not employed by the Commission, and no employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding, shall communicate, except upon the record of the proceeding, directly or indirectly, with any member of the Commission, or the hearing examiner, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, no member of the Commission, hearing examiner or employee involved in the decisional process of such proceeding, shall communicate off the record of the proceeding, directly or indirectly, with any person not employed by the Commission, or with any employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any off-the-record communication is made to or by any member of the Commission, the hearing examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such member, hearing examiner or employee, as the case may be, shall promptly inform the Commission of the substance of such communication and the circumstances thereof.

(d) A request for information with respect to the status of an adjudicative proceeding shall not be deemed to be an off-the-record communication prohibited by this section.

§ 5.6 Reports of compliance.

In every proceeding in which the Commission has issued an order to cease and desist, each respondent named in such order shall file with the Commission, within sixty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic, which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether and how respondents intend to comply shall be filed within ten days after service of the order. Where court review of an order of the Commission is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination.

§ 5.7 Reopening of proceedings.

(a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(b) In any case where an order to cease and desist issued by the Commission has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Commission may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order therein whenever in the opinion of the Commission such action is required by said changed conditions or by the public interest.

(c) After an order dismissing a complaint has been issued, the Commission may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Commission, changed conditions of fact or of law or the public interest so require.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission on April 26, 1962, effective June 1, 1962.

Issued April 26, 1962.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-4734; Filed, May 15, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Nonalcoholic Carbonated Beverages; Extension of Effective Date for Termination of Exemption for Label Declaration of Ingredients

In the FEDERAL REGISTER of June 16, 1961 (26 F.R. 5368), the exemption from the labeling requirements of section 403 (i)(2) of the Federal Food, Drug, and Cosmetic Act, as applied to nonalcoholic carbonated beverages, was terminated as of June 15, 1962.

The American Bottlers of Carbonated Beverages has acquired a substantial amount of information in preparation for the filing of a petition for a standard of identity for the class of food, but additional data are still needed to enable full consideration of this approach. No such standard could be issued prior to June 15, 1962, and accordingly it is concluded that the June 15, 1962, effective date should be extended.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 3.1 *Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization* is amended by changing paragraph (b) to read:

(b) Effective June 15, 1963, the exemption from the label declaration of ingredients requirements of section 403 (i)(2) of the Federal Food, Drug, and Cosmetic Act is terminated for nonalcoholic carbonated beverages.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 11, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-4729; Filed, May 15, 1962; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides; Tolerances Resulting From Fumigation With Methyl Bromide

No comment having been received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of March 30, 1962 (27 F.R. 3012), with reference to the use of methyl bromide as a fumigant on avocados, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities be amended by inserting in § 120.123 (21 CFR 120.123) immediately following the item "75 parts per million in or on potatoes, sweetpotatoes" a new item reading as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * *

75 parts per million in or on avocados from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: May 11, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-4728; Filed, May 15, 1962; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHYL CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Morton Chemical Company, 110 North Wacker Drive, Chicago 6, Illinois, and other relevant material, has concluded that the following regulation should issue with respect to the food additive methyl chloride as a propellant for pesticide sprays used in food storage and processing areas. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1083 Methyl chloride.

The food additive methyl chloride may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as a propellant in pesticide formulations in a amount not to exceed 30 percent of the finished formulation.

(b) It is used or intended for use in food storage and processing areas whereby spray applications do not contact fatty foods.

(c) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-4726; Filed, May 15, 1962; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYAMIDE-EPICHLOROHYDRIN RESIN

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 383, 530) submitted by Hercules Powder Company, 910 Market Street, Wilmington, Delaware, and American Marietta Co., 3400 Thirteenth Avenue, SW., Seattle, Washington, and other relevant material, has concluded that the following regulation should issue with respect to the food additive polyamide-epichlorohydrin resin, used as a fiber-retention aid and to improve wet strength in paper and paperboard intended for use in food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2542 Polyamide-epichlorohydrin resin.

Polyamide-epichlorohydrin resin may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Polyamide-epichlorohydrin resin is prepared by reacting adipic acid with diethylenetriamine to form a basic polyamide and further reaction of the polyamide with epichlorohydrin to form a water-soluble thermo-setting resin.

(b) The resin is used in the manufacture of paper and paperboard under conditions such that the polyamide-epichlorohydrin resin does not exceed 1.5 percent by weight of the paper or paperboard.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4727; Filed, May 15, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Colistin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for antibiotic sensitivity discs (21 CFR 147.1 (26 F.R. 11213; 27 F.R. 827, 945)) are amended as set forth below:

1. In § 147.1, paragraph (c)(3) is amended by inserting in the table following the item "Chlortetracycline (hydrochloride)", the following new item:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * * * *

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
* * *				
Colistin (sulfate)	*Ml.* 1.0	7	F.	G.
* * *				

2. Paragraph (d) is amended by inserting in the table, following the item "Chlortetracycline (hydrochloride)", the following new item:

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
* * *	* * *	* * *
Colistin (sulfate)	Water	1.3, 2.4, 4.4, 8.1, 15.0 μg.
* * *	* * *	* * *

3. Paragraph (e)(1) is amended by changing the fourth sentence to read: "Incubate the plates overnight at 32° C.–35° C., except if it is polymyxin, novobiocin, mystatin, viomycin, or colistin, the incubation temperature is 37° C."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are noncontroversial in nature and provide for changes in tests and methods of assay and certification for sensitivity discs deemed necessary for the protection of the public health.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 11, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4725; Filed, May 15, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER J—PROCUREMENT

[CGFR 62-7]

PART 116—PROCEDURES FOR PURCHASING

Subpart 116.04—Appeals on Disputed Questions Arising Under Coast Guard Contracts

PROCEDURES AND ESTABLISHMENT OF BOARDS OF CONTRACT APPEALS

MAY 7, 1962.

Procurement by the Coast Guard for most items other than land is subject to the statutory provisions in Title 10, U.S. Code, sections 2301 to 2314, inclusive. Under the provisions in Title 40, U.S. Code, section 486(c), the Administrator, General Services Administration, has prescribed regulations concerning contracts, which are in Title 41, Code of Federal Regulations, and in addition this law requires " * * * the head of each executive agency shall cause to be issued such orders and directives as such head deems necessary to carry out such regulations." In 41 CFR Part 1-7, the administrator has set forth the contract clauses followed by executive agencies and stated how disputes in facts arising under contracts shall be handled.

The procedures and establishment of Coast Guard Boards of Contract Appeals are prescribed in order to give effect to the contract clause in 41 CFR 1-7.101-12 which is also printed in Coast Guard contracts.

By virtue of the authority vested in me as Secretary of the Treasury in Title 10, U.S. Code, sections 2301 to 2314, inclusive, and pursuant to the direction in Title 40, U.S. Code, section 486(c), the following rules and regulations are prescribed and added to Part 116, as a new Subpart 116.04, consisting of §§ 116.04-1 to 116.04-80, inclusive, which read as follows:

Sec.
116.04-1 Establishment and purpose.
116.04-5 Coast Guard Board of Contract Appeals.
116.04-10 Duties of the contracting officer.
116.04-15 Contractor's right of appeal.
116.04-20 Filing an appeal.
116.04-25 Appeal format.
116.04-30 Letter notice of appeal—when used.
116.04-35 Contracting officer's action in forwarding appeal.
116.04-40 Pre-hearing review by board.
116.04-45 Contractor's response to notification of results of pre-hearing review.
116.04-50 Review of appeal without oral hearing.
116.04-55 Review of appeal with oral hearing.
116.04-60 Receiving the evidence.
116.04-65 Contractor action subsequent to hearing.
116.04-70 Recommendations and findings of the Board.
116.04-75 Decision of the Secretary of the Treasury.
116.04-80 Maintenance of appeal case file.

AUTHORITY: §§ 116.04-1 to 116.04-80 issued under sec. 633, 63 Stat. 545, secs. 2301-2314, 70A Stat. 127-133, as amended; 14 U.S.C. 633, 10 U.S.C. 2301-2314. Interpret or apply sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 116.04-1 Establishment and purpose.

(a) These rules govern appeals on disputed questions arising under Coast Guard contracts.

(b) Except as otherwise provided in a specific contract, any dispute concerning a question of fact arising under a contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing.

§ 116.04-5 Coast Guard Board of Contract Appeals.

(a) *Appointment.* The Commandant will appoint annually a panel from Headquarters personnel for service on Boards of Contract Appeals. One member from the Office of the Comptroller will be designated permanent recorder. From this panel individual boards shall be selected by the Comptroller to hear assigned contractor appeals.

(b) *Constitution.* A board for a particular case will consist of:

(1) The Comptroller, or an officer selected by him from the panel, to act as chairman.

(2) Two additional members from the panel, one of whom shall be from the Office of the Comptroller and one from a Headquarters Division having no cognizance over the contract matter in dispute.

(3) A member of the Legal Division to be designated by the Chief Counsel.

(4) The permanent recorder or, in his absence, a member of the panel from the Office of the Comptroller to act as recorder.

(c) *Authority to request technical witnesses.* Upon request from the Comptroller, the Division having primary cognizance over the contract matter in question shall furnish technical witnesses.

§ 116.04-10 Duties of the contracting officer.

(a) The contracting officer will:

(1) Furnish a copy of his decision to the contractor.

(2) Indicate in writing that it is final and conclusive unless the contractor appeals it within 30 days of its receipt.

(3) Forward a copy of these procedures to the contractor.

§ 116.04-15 Contractor's right of appeal.

(a) As provided in the Dispute Clause of Coast Guard Contracts, the contractor may take an appeal to the Secretary of the Treasury from a decision of the contracting officer relating to disputed questions of fact, provided the appeal is within 30 days of the date of receipt of the contracting officer's decision.

§ 116.04-20 Filing an appeal.

(a) The appeal shall be in writing addressed to the Secretary of the Treasury and forwarded to the contracting officer.

§ 116.04-25 Appeal format.

(a) No particular format is prescribed. The appeal may be informal in type and a letter will suffice.

(b) The appeal should substantially:

(1) Describe by date and contract number the contract or contracts in connection with which the appeal arises.

(2) Summarize the decision of the contracting officer relative to each appealed item.

(3) State clearly and concisely each claim upon which the contractor relies, the reasons why the findings or decisions of the contracting officer are deemed erroneous, and relief requested.

(4) Furnish any documentary evidence desired as exhibits to support claims and identify the exhibits in the appeal.

(5) Furnish any brief or written argument in support of the appeal.

§ 116.04-30 Extension of time for perfecting appeal.

(a) In the event that the contractor cannot perfect his appeal with all the above required information within 30 days, he may forward via the contracting officer a brief letter notice of appeal clearly identifying the disputed issues and requesting additional time in which to perfect and forward his appeal. The Comptroller shall rule on the request and advise the contractor accordingly. No more than 30 days additional shall be granted as an extension of time.

§ 116.04-35 Contracting officer's action in forwarding appeal.

(a) The contracting officer, upon receiving the appeal of the contractor, shall forward to the Commandant (F), U.S. Coast Guard:

(1) A copy of the contract and specifications, plans, amendments and change orders.

(2) His findings of fact and decision.

(3) A detailed statement of the reasons for his decision.

(4) The appeal.

(5) A rebuttal of the contractor's appeal argument. A copy of this rebuttal shall be furnished by the contracting officer to the contractor.

(6) All documents relied on in making the decision.

(7) All correspondence between the parties relating to the dispute, including transcript of any testimony taken, any affidavits or statements of witnesses.

(8) Such additional information as the contracting officer may consider material.

(b) The contracting officer may forward certified true copies of information listed in paragraph (a) of this section.

§ 116.04-40 Pre-hearing review by board.

(a) In order to expedite the appeal and in an effort to eliminate unnecessary proceedings with respect thereto, the recorder of the Board of Contract Appeals, upon receipt of the appeal, shall set a date for and the board shall make, a pre-hearing review of the case.

(b) The recorder shall be charged with custody of all papers, documents, exhibits, and materials relating to the appeal and shall make them available to the board.

(c) The board shall:

(1) Consider the appeal on the record, which shall include all papers, documents, exhibits and materials submitted by the contractor and by the contracting officer.

(2) Determine which claims of the contractor in the board's judgment find support in the record and are allowable and in what amount.

(3) Note whether certain claims require clarification.

(4) Have the contractor informed regarding the following:

(i) Each claim referred to in paragraph (c)(2) of this section and the amount.

(ii) Further proceedings before the board with respect to any particular claim allowed in full shall not be had unless the contractor is of the view that further proceedings thereon are relevant and pertinent to his appeal as a whole.

(iii) Claims or portions of claims remaining in controversy.

(iv) Submittal of more definite particulars with respect to any specific claim or ground for it, and any additional supporting information he may wish to make a matter of record concerning the claims or portions thereof remaining in controversy.

§ 116.04–45 Contractor's response to notification of results of pre-hearing review.

(a) Upon receipt of the pre-hearing advice, the contractor will:

(1) Indicate whether further opportunity to present evidence and make oral argument is desired or a decision on the record is acceptable.

(2) Furnish the board any additional information requested and other information which he may desire to make a matter of record.

(3) Advise the estimated length of time required for contractor's presentation at an oral hearing before the board.

(4) Furnish the names, addresses and capacities of persons to be present in his behalf.

(5) Provide any additional substantiating matter relative to his appeal that he may wish to have reviewed prior to a hearing.

§ 116.04–50 Review of appeal without oral hearing.

(a) In the event that the contractor indicates that he does not want an opportunity to appear before the board, either in person or by counsel, and there to present evidence or make oral argument, the board, at a time fixed by the recorder, will consider the case on the record, which shall include any further or additional data, information, and materials and briefs and arguments submitted by the contractor and the testimony of any witnesses called by the board, and shall make its recommendation on the case to the Secretary.

§ 116.04–55 Review of appeal with oral hearing.

(a) *Delineation of issues.* The oral hearings will be limited to the issues not resolved in the pre-hearing proceedings.

(b) *Notice of proceedings.* The recorder will set a proceedings date and notify the contractor thereof and that the Secretary of the Treasury will afford him an opportunity to appear before the board personally or by counsel and there present his evidence and oral argument. The notice to the contractor will advise him that if he cannot appear on the scheduled date an attempt will be made to reschedule the proceedings to a mutually acceptable date suggested by him.

(c) *Hearing opening*—(1) *Record of persons present.* The identities of all members of the board, the recorder, the contractor and his representatives and counsel will be made known and entered in the record.

(2) *Rights of contractor explained.* The chairman will explain that the board is convened to consider whatever evidence the contractor desires to introduce and his arguments and briefs. He will verify the amount of time the contractor will require to present his appeal.

(3) *Citation of laws pertinent to claims against the United States.* The chairman will indicate whether or not testimony is to be under oath. He will warn the witnesses that statements made in these proceedings may be subject to the provisions of Title 18, U.S. Code, sections 287 and 1001; Title 41, U.S. Code, section 119 and any other provisions of law imposing penalties for knowingly making false statements in connection with claims against the United States.

(4) *Decision procedure explained.* The chairman will explain that the board, after executive session, will transmit to the Secretary of the Treasury for his consideration and disposition of the case, the whole record, including all papers, documents, exhibits, and materials submitted by, and the briefs and arguments of, the contracting officer and the contractor and the evidence presented and arguments adduced at the hearing, together with the board's recommendation thereon. The chairman will further explain that the contractor will be notified by the Secretary of the Secretary's decision.

(5) *Transcript of proceedings.* A verbatim record will be kept. Upon request and payment of the cost thereof, a copy of the transcript shall be made available to the contractor.

§ 116.04–60 Receiving the evidence.

(a) The burden of proof shall be on the contractor to show wherein the decision of the contracting officer is in error.

(b) The chairman will request the contractor to proceed with his appeal, presenting evidence, arguments and briefs to support his claim. Evidence will also be received from government witnesses as necessary. Under the direction of the chairman, the board members may ask questions of the contractor, his witnesses, and government witnesses in order to clarify their understanding of the evidence. Likewise, the contractor may ask questions of government witnesses.

(c) After receiving all evidence submitted, the contractor and his representative will be excused by the chairman. Then the board in executive session shall deliberate and formulate preliminary views or recommendations on the appeal. In the discretion of the chairman, the contractor and his witnesses may be requested to remain available while the board is in executive session so that if needed they may give further testimony or information deemed essential by the board in its deliberations.

§ 116.04–65 Contractor's action subsequent to hearing.

(a) Upon conclusion of the contractor's presentation to the board, a period of ten days will be allowed for the submittal by the contractor of a brief, if desired, of matters brought out in the course of the hearing.

§ 116.04–70 Recommendations and Findings of the Board.

(a) In executive session the board will consider each claim of the contractor. After review of the record, including all of the papers, documents, exhibits and materials submitted by the contracting officer and by the contractor, the evidence adduced at the hearing, and the briefs and arguments, the board shall recommend disposition of each claim. Each recommendation shall be supported by Findings of Fact.

(b) The board shall have forwarded the Recommendations, Findings of Fact, and the record (including the transcript of the hearing, and the contractor's final brief, if any), to the Secretary of the Treasury for his decision on the appeal.

§ 116.04–75 Decision of the Secretary of the Treasury.

(a) The Secretary of the Treasury or his designated representative may accept, accept in part or reject the Recommendations and Findings of the board.

(b) If the board's actions are accepted in part or rejected, the Secretary may indicate whether or not further board action is desired. The decision of the Secretary of the Treasury or his designated representative shall constitute the final administrative action on the appeal.

§ 116.04–80 Maintenance of appeal case file.

(a) The Coast Guard shall maintain an appeal record file for each case. In this record file will be placed the documents relating to the hearing, such as the original of the appeal, copy of the notification to the contractor of the hearing, copies of any pertinent correspondence on the case, copies of all documentary or other evidence submitted during the hearing, the transcript of the proceedings, the findings and recommendations submitted to the Secretary and a record of the Secretary's final action.

(b) This appeal record file will be available, upon request, for inspection by the contractor at Coast Guard Headquarters during usual working hours.

Dated: May 7, 1962.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–4716; Filed, May 15, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62–516]

PART 1—PRACTICE AND PROCEDURE

Interim Criteria To Govern Acceptance of Standard Broadcast Applications

1. The present rules governing assignment of standard broadcast facilities are virtually unchanged from those adopted two decades ago. Between 1945 and 1962, the number of authorized standard broadcast stations has grown from 955 to 3,871, and the fact of this tremendous growth coupled with the particular way in which the growth has occurred, has created problems which differ greatly from those anticipated when the present standard broadcast rules were adopted. As explained more fully in the paragraphs which follow, the Commission believes that an immediate need exists to examine the problems of standard broadcast assignment in fresh perspective. We believe that the time has come to restudy the standards under which we consider new and changed assignments and, as a first step toward this end, we find it necessary to bring a temporary, partial halt to our acceptance of applications for new and changed facilities.

2. To understand the difficulties we face today, it is necessary to refer, briefly, to the evolution of the standard broadcast service as it has developed since the Second World War. Pre-war radio service suffered from what the Commission recognized to be three principal deficiencies: lack of any local outlet in many communities of substantial size, absence of competing local stations in communities that did have a facility, and substantial "white" areas in the Northeast, Midwest, South, and Far West. Accordingly, the goals the Commission sought to achieve in bringing about the past-war growth of radio were specifically directed toward fulfillment of these three needs. It was always recognized that, to some degree, providing local outlets and fostering competition were objectives inconsistent with the Commission's third aim, that of eradicating "white" area, but, it was felt that a case-to-case balancing of the competing considerations would result in an assignment scheme reflecting relatively equal achievement in each area.

3. The hope for balanced achievement has not, however, been realized in fact. The standard broadcast service has grown so as to fulfill the Commission's first two objectives to an unexpected degree. A large majority of communities [1] of 10,000 and over (and many with a population of under 10,000) have their own local outlets. There are few counties in the United States which do not have a choice of multiple signals. Multistation communities have grown similarly, so that lack of competition in the standard broadcast band can no longer be regarded as a serious problem. At the same time, this tremendous proliferation of stations has occurred without significant reduction of "white" areas. The outlying areas which lacked primary service in 1946 have been reduced only a minute degree by the continual flow of new assignments. More than this, concentration upon the creation of multi-station markets has led to a derogation of engineering standards, so that service rendered by existing stations in the outermost regions of their normally protected service areas has been impaired, future power increases to extend the interference-free contour over growing suburban populations are often rendered impossible, and the available channels for the establishment of new stations in growing under-served areas have been continually reduced in number.

4. In the face of this mounting problem, it becomes necessary to ask ourselves whether the present rules governing assignment of new and changed facilities, and the substantial body of precedent which has become intertwined with many of the rules, frustrate implementation of a more efficient pattern of station assignment. Properly, this question forms the core of the thorough reappraisal of the standard broadcast rules which must become the subject of formal rule-making proceedings. It is possible at this time, however, to delineate at least two areas of major concern.

5. First, certain of the technical rules, entirely adequate when adopted, have lost their practical validity as the number of stations has grown. For example, presently employed RSS exclusion principles for calculating nighttime interference, which are effective if only a few stations enter the RSS limit, become progressively less precise as the number of interfering sources is increased. Again, levels of signal intensity required for residential and business areas of a particular community were predicated upon maintenance of a normally protected contour some distance from the center of the city served. When this contour is not maintained, it may no longer be said with certainty that the signal level required for city service is adequate to insure a sufficient signal under all conditions.

6. Second, and of greater importance, is the fact that, owing to intense concentration upon providing local outlets and competitive services, many of the most crucial standards have been impaired by built-in exceptions and by waivers. The two prime examples of this phenomenon are the rules most basically involved in the steady deterioration of the protected service area concept, i.e., the rules concerning interference which may be caused and which may be received by an applicant for new or changed facilities. Section 3.24(b) of the rules provides that a new facility must not cause interference to existing stations unless the need for the new service outweighs the need for the service to be lost. Unfortunately, neither of the factors to be weighed takes into consideration, except most indirectly, the values inherent in maintaining what is ordinarily considered to be an adequate separation between stations. Since, most often in an individual case, a proposed new station will provide a new service to a considerably greater number of persons than reside in the area of interference, interference to existing stations, unless extraordinary in amount, has not been a major factor leading to denial of applications. The rule concerning interference received by a proposed operation has more directly involved a weighing of engineering considerations against non-engineering factors, again to the detriment of the former. Section 3.28(d)(3) provides that a proposed facility may receive no more than ten percent population loss by reason of interference within its normally protected contour. However, § 3.28(d)(3) contains several significant exceptions which have permitted numerous grants of proposals receiving interference far in excess of ten percent. Beyond the exceptions, an ever-increasing number of non-engineering factors has been found to justify waiver of the Rule in individual cases, each of which has been added to the body of precedent that inextricably merges with the Rule itself as it is applied in subsequent cases. The result has been a developing system of assignments that may be justified in terms of each individual case, but which, on the whole, bears little relation to the rational assignment system represented by the protected contour concept in undiluted form.

7. The Commission is convinced that the problems discussed above compel us to re-examine, immediately, the standards employed in assigning new or changed standard broadcast facilities. We propose to issue a notice of proposed rule making which will propose deeper exploration in many of the areas we have mentioned here. We will seek to determine, among other points, whether many technical portions of the rules continue to be useful tools under present conditions; whether many of the rules have been impaired by their built-in exceptions; whether the body of precedent which has grown up about the practice of granting waivers of certain sections has eroded the sections involved; and, as a result of these determinations and others, to what extent revision of the rules and of our practices would be appropriate. It will be necessary to ask basic questions concerning such matters as the present limits employed to define the normally protected contour of the various classes of stations, and to re-examine the concept of what constitutes a "community" for the purposes of allocating local services. Most significantly, we will need to ask whether, under present-day conditions, our station assignment principles should provide at all for a weighing of engineering standards against subjective non-engineering factors.

8. We feel that the first step necessary to permit an undertaking of the magnitude here involved is a partial halt in our acceptance of standard broadcast applications. This step is essential so that we may avoid compounding present difficulties with a continual flow of new assignments based upon existing, possibly inadequate, standards. On the other hand, we believe that procedural fairness requires that we complete processing those applications currently on file, although we take occasion to note, our consideration of these applications must take into account what we have said here and will reflect our desire to avoid unnecessary aggravation of the problems we have discussed. We believe, moreover, that we may continue to accept for filing certain defined categories of applications which would not frustrate the ends we seek to achieve by our re-study, or for which there are strong public interest considerations weighing in favor of acceptance. Accordingly, the interim processing criteria we adopt today provide for the continued acceptance of certain applications which would bring service to "white" areas and which would cause no interference to existing stations. We will also accept applica-

[1] Suburban communities within standard metropolitan statistical areas are not considered separate communities for the purpose of this analysis.

tions for new Class II–A facilities as specified in § 3.22 of the rules since, in the Clear Channel Proceeding, we have determined that these new assignments would serve the public interest. Finally, the Commission feels that we must continue to accept most applications for Class IV power increases. Approximately 500 authorizations to increase the power of Class IV stations to one kilowatt have been granted to date, and, since the effectiveness of the general plan allowing Class IV power increases is dependent upon all such stations (except those restricted by international considerations) increasing power, it is essential that we continue to accept applications from those stations who have not yet increased power and which are, in many cases, suffering substantial interference from those Class IV stations which have been granted increases.

9. We also note at this time that the Commission's revision of the rules governing allocation in the FM broadcast service is nearing completion. The Commission suggests that potential applicants for facilities in the crowded standard broadcast band give serious consideration to the greater coverage possibilities provided, both day and night, in the FM band.

10. Since the interim procedures set forth in the appendix hereto relate to matters of practice and procedure before the Commission, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required. Authority for the adoption of the interim procedures is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, This 10th day of May 1962, that section 1.354 of the Commission's rules is amended as set forth below, effective May 10, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

Section 1.354 is amended to add the following note:

§ 1.354 Processing of standard broadcast applications.

* * * * *

NOTE: Pending the Commission's re-study of the rules pertaining to allocation of standard broadcast facilities, requests for standard broadcast authorizations will be considered as set forth in paragraphs (a) and (b) of this note, notwithstanding any provisions of this chapter to the contrary

(a) Applications for new standard broadcast stations or for major changes in the facilities of existing stations on the frequencies specified in §§ 3.25, 3.26, and 3.27 of this chapter, will be accepted for filing only when the applications fall within the following categories:

(1) Applications requesting authority to increase power of existing Class IV stations on local channels from 250 watts, not to exceed 1 kilowatt, or, from 100 watts to 250 watts or 500 watts.

(2) Applications for new Class II–A stations specified in § 3.22 of this chapter.

(3) Applications for other facilities, except new 100 watt Class IV proposals, where a showing has been submitted to demonstrate that the proposed operation (i) would bring a first interference-free primary service, day or night, to at least 25 percent of the area or 25 percent of the population within the proposed interference-free service contour; and (ii) would not cause any objectionable interference to existing stations, and would not involve prohibited overlap as specified in § 3.37 of the rules with existing stations.

(b) Applications for standard broadcast facilities now pending will be processed and acted upon in normal course. Applications for new stations or for major changes in existing stations tendered for filing after May 10, 1962, which are not consistent with the interim criteria, will be returned to the applicant.

[F.R. Doc. 62–4747; Filed, May 15, 1962; 8:48 a.m.]

[1] Dissenting statement of Commissioner Hyde filed as part of original document.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Issues of General Transportation Importance

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of May A.D. 1962.

There being under consideration paragraph (a) of § 1.101 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That subparagraph (3) of paragraph (a) of § 1.101 be amended to read as follows:

(3) *Limitations on petitions for review of division decisions.* Pursuant to authority granted in section 17(6) of the Interstate Commerce Act, the right to apply to the entire Commission for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division of the Commission in any proceeding shall be limited and restricted to those proceedings in which the entire Commission, on its own motion, determines and announces that an issue of general transportation importance is involved. In proceedings in which no such announcement has been made, but in which a division reverses, changes, or modifies a prior decision by a hearing officer or where the initial decision is made by a division, a petition to the same division for rehearing, reargument, or reconsideration of its decision will be permitted and will be considered and disposed of by such division in an appellate capacity and with administrative finality.

It is further ordered, That a new subparagraph (4) of paragraph (a) of § 1.101 is approved as follows:

(4) *Petitions seeking a finding that an issue of general transportation importance is involved; 3-page limitation; time for filing; no reply permitted.* In any proceeding which has involved the taking of evidence at oral hearing or by modified procedure in which the Commission has not noted the presence of an issue of general transportation importance, any party may, within 15 days after the service of a final decision, order, or requirement of a division or appellate division, as to which the filing of a petition for rehearing, reargument, or reconsideration is not permitted, file a petition requesting the Commission to find on its own motion that the proceeding is one involving an issue of general transportation importance. Any petition seeking such a finding shall not be considered an application for rehearing, reargument, or reconsideration within the meaning of section 17 of the act and shall not exceed 3 pages. No reply thereto may be filed and the ruling thereon will be final. Petitions seeking the relief specifically covered herein will not be entertained at any other stage of the proceeding.

It is further ordered, That present subparagraph (4) of paragraph (a) of § 1.101 be renumbered as § 1.101(a)(5), and, as renumbered, the subparagraph be amended to read as follows:

(5) *Copies of petitions and replies.* In cases in which it has been determined and announced that an issue of general transportation importance is involved, there shall be furnished for the use of the Commission the original and 14 copies of each petition filed under this section and of replies to such petitions. A like number of copies shall be furnished of petitions seeking a finding that the proceeding involves an issue of general transportation importance. In all other cases, the original and 6 copies of such petitions and replies shall be furnished for the use of the Commission.

It is further ordered, That this order shall become effective May 26, 1962.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4722; Filed, May 15, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and Purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), it is proposed to amend §§ 221.24, 221.26 and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1963 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26 and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1963 an assessment of $278,325.49 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 75,526.23 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1963 an assessment of $46,292.55 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,285.90 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1963 an assessment of $20,140.77 for the operation and maintenance of the irrigation system which served that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,492.44 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

M. A. JOHNSON, *Acting Area Director.*

[F.R. Doc. 62–4705; Filed, May 15, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 305]

[Docket No. 13593]

RULES OF PRACTICE IN INFORMAL INVESTIGATIONS BY THE BUREAU OF ENFORCEMENT

Notice of Proposed Rule Making

MAY 10, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the proposed enactment of new Part 305 of the Board's Procedural Regulations.

The principal features of the proposed part are explained in the attached Explanatory Statement, and the text of this new part is set forth in the attached Proposed Rule. This regulation is proposed under the authority of sections 202(a), 204(a), 411, 1001, 1002(b), 1004 and 1007 of the Federal Aviation Act of 1958 (72 Stat. 741, 743, 769, 788, 788, 792, 796; 49 U.S.C. 1322, 1324, 1381, 1481, 1482, 1484, and 1487).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before June 29, 1962 will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. In the course of enforcement of the Act and orders and regulations of the Board, it is frequently necessary to undertake an informal investigation of all relevant facts and circumstances for the purpose of determining whether the institution of a formal compliance proceeding is warranted. Such investigations can be conducted most efficiently and expeditiously if witnesses and persons whose activities are the subject of investigation voluntarily cooperate with the Board's investigative staff by disclosing facts and producing documents upon request. However, experience has shown that the Bureau of Enforcement has been severely handicapped in such preliminary informal investigations by the refusal of many such persons to cooperate in any manner or their insistence upon surrounding their voluntary disclosures with unreasonable restrictions and delays. Accordingly, while the Board will continue to adhere to its established policy of actively seeking and promoting such cooperation in the interests of all concerned, it also believes it necessary to establish appropriate procedures which can be used to compel the disclosure of information prior to the commencement of a formal enforcement proceeding when such information cannot otherwise be obtained, without undue delay, and the requested facts or documents appear to be relevant to the matter under investigation.

To this end, the Board proposes to adopt appropriate rules for the purpose of implementing its statutory powers to institute investigation, issue subpoenas calling for the attendance and testimony of witnesses and the production of documents and to seek judicial enforcement of such subpoenas. Numerous court decisions have sustained the reasonable exercise of such investigatory powers by the federal regulatory agencies.[1]

[1] United States v. Morton Salt Co., 338 U.S. 632 (1950); Oklahoma Press Co. v. Walling, 327 U.S. 186 (1946); Federal Trade Commission v. Hunt Foods and Industries, Inc., 178 F. Supp. 448, 453 (D.C. Cal. 1959).

The proposed new part would be applicable in all informal investigations, as distinguished from adjudicatory proceedings and from inquiries and investigations under sections 407 and 415 of the Act, undertaken by the Bureau of Enforcement. Informal investigations would be commenced by the issuance of an order of the Board which would be an internal Board document and, as such, not available to the general public. Such an order would designate an attorney on the staff of the Bureau of Enforcement as Investigation Attorney for the purpose of conducting a specified informal investigation in accordance with the provisions of this new part. The Investigation Attorney would preside over the investigational hearing, which would be informally conducted, for the purpose of receiving the testimony of witnesses and documents relating to any subject of investigation. Such hearings would either be tape-recorded or stenographically recorded, and a transcript of the proceedings, testimony and documents furnished would be made a part of the record of the investigation.

Investigation subpoenas directing a named person to appear before the Investigation Attorney and testify or disclose documentary evidence would be issued by a Member of the Board who has been duly designated to perform that function. Every subpoena will advise the person named therein of the purpose and scope of the investigation insofar as it pertains to the phase of the investigation to which the evidence required of him relates.

Any person subject to such a subpoena could, within seven days after the date of its service, file a motion to quash or modify the subpoena. Such motion would be supported by written evidence and argument but no oral argument would be heard thereon, unless the Board so orders. A subpoena would be quashed or modified when the Board believes that the evidence sought is not reasonably relevant to the matter under investigation or that the demand made does not specify in sufficient detail the information sought or that the subpoena is unlawful or unduly burdensome for any other reason. The filing of a motion to quash or modify an investigation subpoena will stay the return date of such subpoena until the Board grants or denies such motion. All orders initiating informal investigations, motions to quash or modify investigation subpoenas, orders disposing of such motions, documents and transcripts of testimony forming part of the record in such an informal investigation would become internal Board documents which are not open to inspection by the general public. Attendance at such investigations would normally be confined to witnesses and their respective counsel. Any person who has been compelled to testify or depose could obtain a copy of his own testimony and a person required to submit documentary evidence would be entitled to procure a copy of such document. Such persons could be accompanied and advised by counsel of their own choosing who would not, however, be otherwise entitled to participate in the investigation.

Since the purpose of informal investigations is to enable the Bureau of Enforcement to gather the information necessary to determine whether there is reason to believe that acts have been committed in violation of law and that such acts are within the jurisdiction of the Board, the record of each such completed investigation will be reviewed with a view to determining whether remedial action is appropriate. Consequently, if the facts indicate that no corrective action is warranted, the investigation files will be closed. On the other hand, if the law appears to have been violated, the Director of the Bureau will take appropriate steps to initiate formal compliance proceedings by issuance of a complaint and petition for enforcement under Part 302; negotiate a cease and desist stipulation or take other appropriate action.

Sec.
305.1 Applicability.
305.2 Definitions.
305.5 Initiation of investigation.
305.6 Conduct of investigational hearing.
305.7 Issuance of investigation subpoenas.
305.8 Investigation depositions.
305.9 Rights of witnesses.
305.10 Nonpublic character of proceedings.
305.11 Procedures after investigation.
305.12 Motions to quash or modify an investigation subpoena.

§ 305.1 Applicability.

The provisions of this part shall govern informal investigations, as distinguished from adjudicatory proceedings and inquiries or investigations under sections 407 and 415 of the Act, undertaken by the Bureau of Enforcement with a view to obtaining information from any person. While the Board seeks and encourages voluntary cooperation and believes that it is in the best interest of all parties concerned, it will utilize the procedures provided by this part to compel the disclosure of information from any person where the Board wishes to determine whether such person, or any other person, has been or is violating any provisions of Titles IV, VII, or Section 1108 of the Federal Aviation Act of 1958, as amended, or any rule, regulation, order, certificate, permit or letter of registration issued thereunder by the Board and when the information appears to be relevant to the matter under investigation.

§ 305.2 Definitions.

For the purpose of, and as used in, this part,

Deposition order means an order of the Board or the Director, Bureau of Enforcement, directing that an investigation deposition be taken in the course of an investigation.

Investigation means a non-adjudicatory, informal investigation, exclusive of inquiries under sections 407 and 415 of the Act.

Investigation deposition means the taking of the deposition of a witness, pursuant to a deposition order, before any person designated in the deposition order, other than an officer or attorney of the Board, who has power to administer oaths.

Investigational hearing means a non-adjudicatory hearing before a duly authorized officer or attorney of the Board, conducted in the course of an investigation, at which evidence is received.

§ 305.5 Initiation of investigation.

An informal investigation may be initiated by the issuance of an order of the Board. Each such order shall designate a staff attorney of the Bureau of Enforcement as Investigation Attorney for the purpose of conducting such investigation pursuant to the provisions of this part. Investigation Attorneys are hereby authorized to exercise and perform their duties and functions under this part in accordance with the provisions of the Federal Aviation Act of 1958, as amended, and the rules and regulations of the Board. They are authorized to administer oaths and affirmations.

§ 305.6 Conduct of investigational hearing.

Investigational hearings may be held before any designated Investigation Attorney for the purpose of receiving the testimony of witnesses or receiving documents or other data relating to any subject under investigation. Such hearings shall be recorded or stenographically recorded and a transcript thereof shall be made and incorporated in the record of the investigation.

§ 305.7 Issuance of investigation subpoenas.

Upon request of the Director, Bureau of Enforcement, any Member of the Board, when duly designated by the Board for such purpose, may issue a subpoena directing the person named therein to appear before a designated Investigation Attorney at a designated time and place to testify or to produce documentary evidence relating to any matter under investigation, or both. Each such subpoena shall advise the person required to testify or submit doucmentary evidence of the purpose and scope of the investigation insofar as it pretains to the phase of the investigation to which the evidence required therein relates. Witnesses summoned to attend an informal investigation shall be paid the fees and mileage prescribed in § 302.21 of this chapter. Service of such subpoenas shall be made in acordance with the provisions of § 302.8 of this chapter.

§ 305.8 Investigation depositions.

The Board or the Director, Bureau of Enforcement, may order an investigation deposition to be taken in any investigation at any stage thereof. Each such order shall designate a person who will, on behalf of the Bureau of Enforcement, ask questions of the witness. In addition, such order shall designate a person authorized to administer oaths and affirmations at the place of the deposition, before whom the deposition is to be taken. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence as provided in § 305.7.

§ 305.9 Rights of witnesses.

Any person required to testify or to submit documentary evidence shall be entitled to procure on payment of lawfully prescribed cost, a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of the person taking the deposition, except that in a confidential proceeding a witness may for good cause be limited to inspection of his testimony. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel, but counsel may not otherwise participate in the investigation.

§ 305.10 Nonpublic character of proceedings.

Unless otherwise directed by a Member of the Board, all investigatory proceedings shall be attended only by witnesses and their counsel. All orders initiating informal investigations, motions to quash or modify investigation subpoenas, orders disposing of such motions, documents and transcripts of testimony shall be part of the record in an informal investigation. The records of such proceedings shall constitute internal Board documents which shall not be available to the general public except as ordered by the Board. The use of such records in Board proceedings subject to Part 302 of the chapter shall be governed by §§ 302.19(g) and 302.39 of this chapter.

§ 305.11 Procedures after investigation.

Upon completion of investigation, where the Director, Bureau of Enforcement, determines that no corrective action is warranted, the investigation will be closed. Where remedial action is appropriate, the Director will proceed pursuant to Subpart B of Part 302 of this chapter.

§ 305.12 Motions to quash or modify an investigation subpoena.

Any person upon whom an investigation subpoena is served may within seven (7) days after such service or at any time prior to the return date thereof, whichever is earlier, file with the Board a motion to quash or modify such subpoena. Such motions shall be made in writing in conformity with §§ 302.3 and 302.4 of this chapter; shall state with particularity the grounds therefor and the relief sought; shall be accompanied by the evidence relied upon and all such factual matter shall be verified in accordance with the provisions of § 302.202 of this chapter. Written memoranda or briefs may be filed with the motions, stating the points and authorities relied upon. No oral argument will be heard on such motions, unless the Board directs otherwise. The Board will quash or modify a subpoena when it believes that the evidence whose production is required is not reasonably relevant to the matter under investigation, or that the demand made does not describe with sufficient particularity the information sought, or that said subpoena is unlawful or unduly burdensome. The filing of a motion to quash or modify an investigation subpoena shall stay the return date of such subpoena until the Board grants or denies such motion.

[F.R. Doc. 62-4732; Filed, May 15, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 799) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing the amendment of § 121.208 to provide for the safe use of chlortetracycline in turkey feeds, as follows:

Grams per ton	Limitations	Indications for use
200-300	In starter feed containing not more than 1 percent dietary calcium; feed continuously for first 4 weeks only.	Maintenance of weight gain in the presence of paratyphoid.
300-400	do	Reduction of poult mortality due to paratyphoid.

Dated: May 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4710; Filed, May 15, 1962; 8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 596) has been filed by Frank B. Ross Co., Inc., 6 Ash Street, Jersey City 4, New Jersey, proposing the issuance of a regulation to provide for the safe use of rice bran wax in coatings for candy, chewing gum, fresh fruits, and fresh vegetables.

Dated: May 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4711; Filed, May 15, 1962; 8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 801) has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting a tolerance of 5 parts per million for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate in or on pineapple bran for livestock feed, when present therein as a result of the application of this insecticide to the growing agricultural crop.

Dated: May 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4724; Filed, May 15, 1962; 8:46 a.m.]

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER ACTIVE PURCHASE REGULATIONS

MARCH 31, 1962.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter [1]		Cumulative purchases through end of quarter [1]	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Cong.:							
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	78	$43,046	3,108	$1,731,229
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	555	729,620	24,887	25,616,084

[1] Quantities represent deliveries.

BERNARD L. BOUTIN,
Administrator.

Dated: May 9, 1962.

[F.R. Doc. 62-4713; Filed, May 15, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14622-14624; FCC 62 M-664]

FRANKLIN BROADCASTING CO., INC. (WCEF), ET AL.

Order Scheduling Hearing

In re applications of Franklin Broadcasting Co., Inc. (WCEF), Parkersburg, West Virginia, Docket No. 14622, File No. BP-14191; Oakland Radio Station Corporation, Oakland, Maryland, Docket No. 14623, File No. BP-14413; Dennis A. Sleighter and Willard D. Sleighter, Everett, Pennsylvania, Docket No. 14624, File No. BP-14580; for construction permits.

It is ordered, This 9th day of May 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 18, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, June 13, 1962.

Released: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4737; Filed, May 15, 1962; 8:47 a.m.]

[Docket No. 13624 etc.; FCC 62-499]

FREDERICK COUNTY BROADCASTERS ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Ralph D. Epperson and Earlene S. Epperson d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; York-Clover Broadcasting Company, Inc. (WYCL), York, South Carolina, Docket No. 14384, File No. BP-13898; Risden Allen Lyon, Charlotte, North Carolina et al., Docket No. 14390, File No. BP-14661 et al.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed March 16, 1962, by York-Clover Broadcasting Company, Inc., and pleadings filed in response thereto. The petitioner seeks enlargement of the issues as to the above-captioned application of Lyon.

2. In requesting an issue to determine whether Lyon's program proposals are designed to and would be expected to serve the needs of Lyon's proposed service area, petitioner alleges that Lyon's program proposals are identical with those submitted by him in connection with an application for another community. In his opposition, Lyon does not deny the program similarities, nor does he state that he made any effort to ascertain the needs of Charlotte. On the contrary, he states that his program proposals are based upon a "thoroughly tested formula which he developed and has extensively used in the operation" of another station. Under these circumstances, it is clear that the issues should be enlarged. See *Suburban Broadcasters*, 20 RR 52 (1960), 20 RR 951 (1960) aff'd — U.S. App. D.C. —, decided March 29, 1962.

3. Petitioner's further request for overlap and concentration of control issues is without merit. Petitioner does not even allege any overlap between Lyon's Charlotte proposal and any other existing proposal or station owned by Lyon. The sole basis for the concentration issue is that if the Charlotte proposal is granted, Lyon will have an interest in three stations in North Carolina. Petitioner does not otherwise support its request with any allegations as to the paucity of other services in the areas involved, etc. See section 3.35(b) of the Commission's rules. The naked allegation of ownership of an interest in three stations is not in itself sufficient to warrant the addition of a concentration of control issue.

Accordingly, it is ordered, This 9th day of May 1962, that the petition to enlarge issues, filed March 16, 1962, is granted to the extent indicated herein and is in all other respects denied; and

It is further ordered, That Issues 13-18 are renumbered as Issues 14-19, respectively, and the following new issue is added:

13. To determine what efforts have been made by Risden Allen Lyon to ascertain the program needs and interests of the area he proposes to serve, and the manner in which he proposes to meet such needs and interests.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4738; Filed, May 15, 1962; 8:47 a.m.]

[Docket No. 14625; FCC 62M-665]

HAWKEYE BROADCASTING, INC. (KOEL)

Order Scheduling Hearing

In re application of Hawkeye Broadcasting, Inc. (KOEL), Oelwein, Iowa, Docket No. 14625, File No. BP-14012; for construction permit.

It is ordered, This 9th day of May 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 26, 1962, in Washington, D.C.: *And, It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 15, 1962.

Released: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4739; Filed, May, 15, 1962; 8:47 a.m.]

[Docket Nos. 14617-14621; FCC 62M-663]

MARTIN R. KARIG ET AL.

Order Scheduling Hearing

In the matter of revocation of construction permit of Martin R. Karig for Standard Broadcast Station WIZR, Johnstown, New York, Docket No. 14617; in re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; for renewal of license for Standard Broadcast Station WSPN, Saratoga Springs, New York; in re applications of Radio station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828, Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

It is ordered, This 9th day of May 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 16, 1962, in Saratoga Springs, New York: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, June 11, 1962, in the Offices of the Commission, Washington, D.C.

Release: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4740; Filed, May 15, 1962; 8:47 a.m.]

[Docket Nos. 14211, 14212; FCC 62M-660]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Putnam Broadcasting Corporation, Brewster, New York, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, Docket No. 14212, File No. BP-14572; for construction permits.

It is ordered, This 9th day of May 1962, that a hearing conference shall be held in the above-entitled proceeding on May 16, 1962, commencing at 9:00 a.m., and that hearing shall be resumed on May 28, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4741; Filed, May 15, 1962; 8:47 a.m.]

[Docket Nos. 14626, 14627; FCC 62M-666]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSN., INC.

Order Scheduling Hearing

In re applications of Redding-Chico Television, Inc., Redding, California, Docket No. 14626, File No. BPCT-2875; for a construction permit for a new commerical television broadcast station (Channel 9); Northern California Educational Television Association, Inc., Redding, California, Docket No. 14627, File No. BPCT-2890; for a construction permit for a new non-commercial educational television broadcast station (Channel 9).

It is ordered, This 9th day of May 1962, that Jay A. Kyle, will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1962, in Washington, D.C.: *And, It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, June 12, 1962.

Released: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4743; Filed, May 15, 1962; 8:47 a.m.]

[Docket No. 14510 etc.; FCC 62-478]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Application for Consolidated Hearing on Stated Issues; Corrections

In re applications of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477, Requests: 1300 kc, 500 w, DA-D; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054, Has: 1300 kc, 250 w, Day (Class IV), Requests: 1300 kc, 5 kw, DA-2, U (Class III); Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461, Requests: 1300 kc, 500 w, DA-D; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462, Requests: 1300 kc, 1 kw, DA-D; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, DA-D, U (Day: Class III; Night: Class IV); City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638, Has: 1310 kc, 250 w, U (Class IV), Requests: 1310 kc, 250 w, 1 kw-LS, U (Day: Class III; Night: Class IV); for construction permits.

The Commission's Order (FCC 62-478, Mimeo 18897) adopted herein on May 2, 1962 and released May 7, 1962, is hereby corrected as follows:

1. In F.R. Document 62-4620, the fifth paragraph, column 1, 27 F.R. 4537, is amended by deleting the words, "Issue Number 2" in line 6, substituting in lieu thereof the words, "Issues Number 2 and Number 14".

2. Insert the following additional subparagraph, following the subparagraph 2:

14. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which one of the proposals for Spring Valley, New York or the proposal for Trenton, New Jersey or the proposal for Asbury Park, New Jersey or the proposal for Camden, New Jersey or the proposal for Blauvelt, New York (should Issue No. 10 be decided favorably for Rockland Broadcasting Company) would best provide a fair, efficient and equitable distribution of radio service.

3. The last paragraph is deleted and the following paragraph substituted in lieu thereof:

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules. Such notice shall be given within the time and in the manner prescribed in the rule, except that the provisions of § 1.362(e) shall apply only to the extent that the applicant must publish:

(1) The name of the applicant and the fact that the application has been designated for consolidated hearing with other applications.

(2) The call letters of the publishing applicant and the frequency upon which the station is operating.

(3) The time and place of the hearing.

(4) All issues in the amended order applicable to the applicant.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4742; Filed, May 15, 1962; 8:47 a.m.]

[Docket Nos. 14493, 14494; FCC 62M-669]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Order Continuing Hearing

In re applications of Hayward F. Spinks, Hartford, Kentucky, Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company, Greenville, Kentucky, Docket No. 14494, File No. BP-15005; for construction permits.

On the oral request of counsel for the applicants, and without objection by

counsel for the Broadcast Bureau: *It is ordered*, This 10th day of May 1962, that the hearing is rescheduled from May 14 to Monday, May 28, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4744; Filed, May 15, 1962; 8:48 a.m.]

[Docket No. 14588; FCC 62M-652]

WIVY, INC. (WIVY)

Order Continuing Hearing

In re application of WIVY, Inc. (WIVY), Jacksonville, Florida, Docket No. 14588, File No. BP-13385; for construction permit.

Pursuant to a prehearing conference in this proceeding as of this date: *It is ordered* This 8th day of May 1962, that the hearing herein now scheduled for June 11, 1962, be and the same is hereby rescheduled for June 18, 1962, at 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: May 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4745; Filed, May 15, 1962; 8:48 a.m.]

[Docket No. 14559 etc.; FCC 62M-650]

WPOW, INC. (WPOW), ET AL.

Order Continuing Hearing

In re applications of WPOW, Inc. (WPOW), New York, New York, Docket No. 14559, File No. BR-263; Rensselaer Polytechnic Institute (WHAZ), Troy, New York, Docket No. 14560, File No. BR-267; Debs Memorial Radio Fund, Inc. (WEVD), New York, New York, Docket No. 14561, File No. BR-270; for renewal of licenses and for additional hours of operation.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that a prehearing conference was held on the date of this order, at which time matters were discussed which make it desirable to change the currently established date for commencement of hearing, which is May 21:

It is therefore ordered, This 7th day of May 1962, that the date for commencement of hearing is changed from May 21 to July 9, 1962.

Released: May 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4746; Filed, May 15, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11898; Order No. E-18326]

CUNARD EAGLE AIRWAYS, LTD.

Foreign Air Carrier Permit; Order Instituting Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1962.

The Board, on June 27, 1961, by Order E-17025, directed Cunard Eagle Airways, Ltd. to show cause why its application for authority to engage in planeload charter foreign air transportation of persons and property between the United States and the United Kingdom should not be denied. In that order, the Board stated that a grant of the application would accomplish an expansion of the off-route charter authority of the Cunard Eagle companies which already hold section 402 permits; that it was convinced its off-route charter policy was sound; and that it found nothing that would warrant a departure from it either by issuance of a section 402 permit or by changes in the policy itself. Cunard Eagle Airways, Ltd., duly filed objections to the show cause order and requested that its application be set for hearing.

Section 402(d) of the Federal Aviation Act of 1958, as amended, states that applications for permits to foreign air carriers shall be set for public hearing.

Accordingly, the Board is hereby ordering that the Cunard Eagle Airways, Ltd., application be set down for hearing before an Examiner of the Board.

On March 30, 1962, Cunard Eagle Airways, Ltd., filed a motion for expeditious hearing on its application and a motion for priority over an application for a foreign air carrier permit filed by Caledonian Airways, Ltd., Docket 13367. Upon consideration of the matters set forth in these motions, the Board finds that the matters submitted on behalf of petitioner do not show that the extraordinary relief requested is required by the public interest.

Accordingly, it is ordered,

1. That the Cunard Eagle Airways, Ltd., application for a foreign air carrier permit, Docket 11898 shall be set down for hearing before an Examiner of the Board at a time and place to be hereafter determined;

2. That the motions of Cunard Eagle Airways, Ltd., in regard to its application, Docket 11898, for expeditious hearing and for priority be, and they hereby are, denied; and

3. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4730; Filed, May 15, 1962; 8:46 a.m.]

[Docket 12876]

TULSA-DENVER RESTRICTION CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on June 5, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before examiner Robert L. Park.

Dated at Washington, D.C., May 11, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4731; Filed, May 15, 1962; 8:46 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS-701-12	Veterinarian, requiring experience in the examination of, and surgery on, chimpanzees.	National Aeronautics and Space Administration, Ames Research Center, Moffett Field, Calif.	Apr. 5, 1962
GS-609-0 All grades	Medical Record Librarian. Comparable positions not under the Classification Act of 1949, as amended, series code are also included.	Nationwide	May 8, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4723; Filed, May 15, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 994]

AMERICAN UNION TRANSPORT, INC.

Increased Rates on Sugar, Refined or Turbinated, in Bags

On the 30th day of April 1962, the Federal Maritime Commission entered the following order:

It appearing, that there have been filed with the Federal Maritime Commission tariff schedules naming increased rates on "Sugar, refined or turbinated, in bags", from ports in the Commonwealth of Puerto Rico to Atlantic ports of the United States to become effective May 2, 1962, designated as follows:

American Union Transport, Inc.

Inward Freight Tariff No. 7, FMC-F No. 7; 3d and 4th Revised Pages No. 20.

and

It further appearing, that upon consideration of the said schedules, there is reason to believe that the said increased rates, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, and

It further appearing, that the Commission is of the opinion that the new rates should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said rates should be suspended, pending such investigation:

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed "Sugar" rates contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rates be, and they are hereby, suspended and that the use thereof be, and it is hereby, deferred to and including September 1, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations, and/or practices heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by American Union Transport, Inc. a consecutively numbered supplement to the aforesaid tariff schedule, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 2d day of September 1962, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) American Union Transport, Inc., be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: May 11, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4736; Filed, May 15, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-53, 50-88, 50-103]

AEROJET-GENERAL NUCLEONICS

Notice of Termination of Utilization Facility Licenses

Please take notice that Licenses Nos. R-32, R-34, R-35, R-39, R-42, R-44, R-45 and R-50, previously issued to Aerojet-General Nucleonics, have been terminated.

Dated at Germantown, Md., this 8th day of May 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4699; Filed, May 15, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-417]

BILLY BRIDEWELL

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 9, 1962.

On April 13, 1962, Billy Bridewell (Bridewell) [1] tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 12, 1962.

Purchaser and Producing Area: Tennessee Gas Transmission Company (North Tidehaven Field, Matagorda County, Texas (R.R. District No. 3).

Rate Schedule Designation: Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 2.

Effective Date: May 14, 1962. (Effective date is the effective date proposed by Respondent.)

Proposed Rate: 16.16947. (Includes dehydration allowance of 0.21931¢ per Mcf charged by Seller.)

Effective Rate: 13.49751. (Includes dehydration allowance of 0.21931¢ per Mcf charged by Seller.)

Annual Increase: $4,649.

Pressure Base: 14.65 psia.

The redetermined rate increase is said to be based on the three highest prices paid by Tennessee Gas Transmission Company (Tennessee) for gas purchased in Texas Railroad Commission District No. 3. Bridewell submitted with his rate filing copies of Tennessee's rate redetermination letter.

The proposed increased rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rate may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it

[1] Address is: P.O. Box 33, Tyler, Texas.

is hereby suspended and the use thereof deferred until October 14, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 25, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4703; Filed, May 15, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

THE PEOPLE'S SAVINGS AND TRUST CO.

Order Approving Acquisition of Bank Assets

In the matter of the application of The People's Savings and Trust Company for approval of acquisition of assets of the First National Bank in Freeland.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The People's Savings and Trust Company, Hazleton, Pennsylvania, a member bank of the Federal Reserve System, for the Board's prior approval of the acquisition by that bank of the assets, and assumption of the liabilities, of the First National Bank in Freeland, Freeland, Pennsylvania, and, as an incident thereto, an application by The People's Savings and Trust Company, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the location occupied by the head office of the First National Bank in Freeland.

Pursuant to said section 18(c), notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are granted, provided that said acquisition of assets, assumption of liabilities, and establishment of a branch approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 10th day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-4704; Filed, May 15, 1962; 8:45 a.m.]

[1] Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Philadelphia.

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Revision

The Federal Trade Commission hereby issues the following revised statement of organization.

Sec.
1. The Commission.
2. The Chairman.
3. Organization structure.
4. Executive Director.
5. Office of the Secretary.
6. Office of the General Counsel.
7. Bureau of Industry Guidance.
8. Office of Hearing Examiners.
9. Bureau of Restraint of Trade.
10. Bureau of Deceptive Practices.
11. Bureau of Textiles and Furs.
12. Bureau of Field Operations.
13. Bureau of Economics.

SECTION 1. *The Commission.* The Commission is composed of five members appointed by the President and confirmed by the Senate for terms of seven years.

SEC. 2. *The Chairman.* The Chairman of the Commission is designated by the President, and, subject to the general policies of the Commission, is the executive and administrative head of the agency. He presides at meetings of and hearings before the Commission and participates with the other Commissioners in all Commission decisions.

SEC. 3. *Organization structure.* The Federal Trade Commission is comprised of the following principal units:
(a) Executive Director.
(b) Office of the Secretary.
(c) Office of the General Counsel.
(d) Bureau of Industry Guidance.
(e) Office of Hearing Examiners.
(f) Bureau of Restraint of Trade.
(g) Bureau of Deceptive Practices.
(h) Bureau of Textiles and Furs.
(i) Bureau of Field Operations.
(j) Bureau of Economics.

SEC. 4. *Executive Director.* The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the bureaus and the staff of the Commission. Immediately under his direction are the following staff units:

(a) *Program Review Officer.* It is the responsibility of the Program Review Officer to make reports and recommendations directly to the Commission with respect to how and where its functions should be exercised in order to best serve the public interest.

(b) *Office of Administration.* This office supervises management, organization, administrative services, and personnel programs. It has the following units:
(1) Management Staff.
(2) Division of Personnel
(3) Division of Administrative Services.

(c) *Office of Comptroller.* This office supervises budgetary and fiscal matters within the Commission and participates in the collection of data for the preparation of quarterly reports showing the financial characteristics of manufacturing corporations, and performs machine tabulations. The Divisions in the office are:

(c) *Division of Legislation.* This division advises the Commission on legislative matters, and prepares for its consideration drafts of and reports on proposed legislation.

SEC. 7. *Bureau of Industry Guidance.* With the assistance of this bureau, the Commission endeavors to secure voluntary compliance with the statutes it administers by informing and guiding businessmen as to the requirements of such statutes. The Bureau is comprised of three divisions:

(a) *Division of Trade Practice Conferences.* This division administers the trade practice conference program under which trade practice interpretative rules are promulgated for particular industries.

(b) *Division of General Rules and Regulations Applicable to Unlawful Trade Practices.* The duty of this division is to assist the Commission in promulgating rules and regulations applicable to unlawful trade practices which, where relevant to issues involved in subsequent adjudicative proceedings, may be relied upon by the Commission as provided in § 1.63 (Title 16, Chapter 1, CFR).

(c) *Advisory and Guides Division.* This division assists businessmen in obtaining advice from the Commission as to the legal requirements of the statutes it administers. Also, it is the duty of this division to prepare and recommend to the Commission appropriate guides dealing with the legality of widely used trade practices.
(1) Division of Budget and Finance.
(2) Division of Machine Tabulation.

(d) *Office of Information.* This office furnishes information concerning Commission activities to news media and the public.

SEC. 5. *Office of the Secretary.* The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. He signs Commission orders and coordinates all liaison activities with the Congress and Government departments and agencies.

SEC. 6. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. This office includes the following organizational units:

(a) *Division of Appeals.* Representing the Commission in the Federal courts, this division also aids in preparing memoranda, opinions and reports on questions of law and policy referred to the General Counsel.

(b) *Division of Consent Orders.* This office supervises the preparation and execution of agreements submitted to the Commission for the settlement of cases by the entry of consent orders.

SEC. 8. *Office of Hearing Examiners.* Hearing examiners are officials to whom the Commission, in accordance with law, delegates the initial performance of its adjudicative functions to be exercised in conformity with Commission policy directives and with its Rules of Practice. The Commission appoints its hearing examiners under the authority and subject to the prior approval of the Civil Service Commission in accordance with the provisions of section 11 of the Administrative Procedure Act.

SEC. 9. *Bureau of Restraint of Trade.* This bureau investigates, litigates, and secures compliance with orders to cease and desist in all cases arising under the Clayton Act and in all restraint of trade cases arising under section 5 of the Federal Trade Commission Act. It also administers the Webb-Pomerene (Export Trade) Act. The bureau functions through the following divisions:

(a) *Division of Mergers.* All cases involving corporate mergers or consolidations and interlocking corporate directorates are processed in this division.

(b) *Division of General Trade Restraints.* This division handles cases involving methods, acts, or practices which have a dangerous tendency unduly to hinder competition, such as price fixing, allocation of markets or customers, boycotts, tie-in selling, and full line forcing.

(c) *Division of Discriminatory Practices.* Within the jurisdiction of this division are cases alleging unlawful price discrimination, brokerage payments, discrimination in the payment for and in the furnishing of promotional services and facilities, and exclusive dealing or tying contracts.

(d) *Division of Compliance.* This division acts to obtain and maintain compliance with orders to cease and desist in restraint of trade cases.

(e) *Division of Accounting.* This division performs accounting services in connection with the investigating and trial of cases and with general economic investigations.

SEC. 10. *Bureau of Deceptive Practices.* This bureau is responsible for the investigation and trial of all cases involving acts or practices alleged to be deceptive and for obtaining and maintaining compliance with orders to cease and desist issued in such cases. This bureau functions through the following divisions:

(a) *Division of Food and Drug Advertising.* This division handles all cases involving allegedly false advertising of food, drugs, devices, cosmetics, and related products. It also monitors radio, television, and other advertising.

(b) *Division of General Advertising.* The responsibility of this division is the processing of cases involving allegedly false advertising of all products other than food, drugs, devices, cosmetics, and related products.

(c) *Division of General Practices.* The jurisdiction of this division covers all cases involving acts or practices alleged to be deceptive for reasons other than falsity of advertising.

(d) *Division of Compliance.* Obtaining and maintaining compliance with orders to cease and desist issued in deceptive practice cases is the duty of this division.

(e) *Division of Scientific Opinions.* This division furnishes advice, information and assistance to the Commission with respect to the composition, nature, effectiveness and safety of food, drugs, devices, cosmetics, and related commodities, and maintains liaison with other Federal agencies, private institutions, laboratories, and hospitals in connection with these matters.

SEC. 11. *Bureau of Textiles and Furs.* Four statutes are administered by this bureau: the Wool Products Labeling Act of 1939, the Fur Products Labeling Act of 1951, the Flammable Fabrics Act of 1953, and the Textile Fiber Products Identification Act of 1958. The functions of the bureau are performed by the following divisions:

(a) *Division of Regulation.* Inspections, industry counseling, and rules and regulations are the responsibility of this division.

(b) *Division of Enforcement.* This division investigates and litigates all cases within the jurisdiction of the bureau, and obtains and maintains compliance with orders to cease and desist which are issued in such cases.

SEC. 12. *Bureau of Field Operations.* This bureau supervises the investigational activities of the Commission's ten field offices.

SEC. 13. *Bureau of Economics.* All work in the field of economics is centered in this bureau which is composed of three divisions:

(a) *Division of Economic Evidence.* This division provides economic and statistical assistance to the enforcement bureaus in the investigation and trial of cases.

(b) *Division of Economic Reports.* The function of this division is to conduct general economic studies and investigations in response to requests by the President, the Congress, and the Commission.

(c) *Division of Financial Statistics.* This division, acting in cooperation with the Office of Statistical Standards of the Bureau of the Budget, carries on a continuing financial reporting program for the primary purpose of obtaining basic material for authoritative statistics concerning the financial characteristics of different groups of industries and of various classes of manufacturing corporations.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-4733; Filed, May 15, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2234]

UNILEVER N.V.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 10, 1962.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Unilever N.V., File 7-2234.

Upon receipt of a request, on or before May 25, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4707; Filed, May 15, 1962; 8:45 a.m.]

[File No. 70-4041]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures

MAY 9, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25,000,000 principal amount of its -- percent Debentures, due June 1, 1987. The interest rate on the new debentures (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to the company (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount) will be fixed by the competitive bidding. The new debentures will be issued under the provisions of an Indenture, dated June 1, 1961, as supplemented by the First Supplemental Indenture, dated June 1, 1962, to Morgan Guaranty Trust Company of New York, Trustee.

The net proceeds from the sale of the new debentures will be used to aid Columbia's subsidiary companies in financing their 1962 construction programs, presently estimated to aggregate approximately $100,000,000, and for other corporate purposes.

The intrasystem financing transactions by which the construction funds will be made available to the subsidiary companies, are the subject of a separate filing (See File No. 70-4040, Holding Company Act Release No. 14633).

The fees and expenses to be incurred by Columbia, and the fees and expenses of counsel for the successful bidders, to be paid by the purchasers of the debentures, are to be supplied by amendment.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 28, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 62-4706; Filed, May 15, 1962; 8:45 a.m.]

[File No. 7-2224]

UNILEVER N.V.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 10, 1962.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Unilever N.V., File 7-2224.

Upon receipt of a request, on or before May 25, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto,

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 62-4708; Filed, May 15, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

APPLIED RESEARCH ASSOCIATES, INC.

Withdrawal of Approval as Small Business Research and Development Pool and Small Business Defense Production Pool; Withdrawal of Request To Operate as Small Business Defense Production Pool

The approval of Applied Research Associates, Inc., as a small business research and development pool and a small business defense production pool, and request to operate as a small business defense production pool, and the request to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 24 F.R. 9297 (November 17, 1959) are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: April 30, 1962.

JOHN E. HORNE, *Administrator*.

[F.R. Doc. 62-4714; Filed, May 15, 1962; 8:45 a.m.]

SPEC PRODUCTS

Withdrawal of Approval as Small Business Research and Development Pool and Small Business Defense Production Pool; Withdrawal of Request To Operate as Small Business Defense Production Pool

The approval of SPEC Products as a small business research and development pool, and a small business defense production pool, and request to operate as a small business defense production pool, and the request to certain companies to participate in the operations of the pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 24 F.R. 8014 (October 3, 1959) are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: May 4, 1962.

JOHN E. HORNE, *Administrator*.

[F.R. Doc. 62-4715; Filed, May 15, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 210]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 11, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 38), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Dallas and Houston, Tex., over Interstate Highway 45, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 66 and 69, over U.S. Highway 69 to Denison, Tex., thence over U.S. Highway 75 to Houston, and return over the same route.

No. MC 22229 (Deviation No. 7), TERMINAL TRANSPORT COMPANY, INC., P.O. Box 1918, 180 Harriet Street SE., Atlanta 1, Ga., filed May 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Chicago, Ill., and Birmingham, Ala., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to junction Indiana Highway 53, thence over Indiana Highway 53 to Montmorenci, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31W, via Louisville, Ky. to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, and return over the same route.

No. MC 38541 (Deviation No. 1), WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, Nashville 6, Tenn., filed May 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to Lebanon, Tenn., thence over U.S. Highway 231 to junction U.S. Highway 31E, at or near Bransford, Tenn., thence over U.S. Highway 31E to Hodgenville, Ky., thence over Kentucky Highway 61 to Elizabethtown, Ky., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville over U.S. Highway 31W to Elizabethtown, thence over Kentucky Highway 61 to Hodgenville, thence over U.S. Highway 31E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Lafayette, Tenn., thence over Tennessee Highway 10 to junction Tennessee Highway 25, near Hartsville, Tenn., thence over Tennessee Highway 25 to junction U.S. Highway 231, thence over U.S. Highway 231 to Lebanon; also from Lafayette, Tenn., over Tennessee Highway 52 to Celina, Tenn., thence over Tennessee Highway 53 to Chestnut Mound, Tenn., thence over U.S. Highway 70N to junction unnumbered highway, near Chestnut Mound, Tenn., thence over unnumbered highway to junction Tennessee Highway 56, thence over Tennessee Highway 56 to Smithville, Tenn., thence over Tennessee Highway 26 to Lebanon, Tenn.; from Nashville over U.S. Highway 31E to junction Tennessee Highway 52, thence over Tennessee Highway 52 to Lafayette, Tenn.; and from Nashville over U.S. Highway 31E to Westmoreland, Tenn., and return over the same routes.

No. MC 39406 (Deviation No. 2), CENTRAL MOTOR LINES, INC., 324 North College Street, P.O. Box 1067, Charlotte, N.C., filed April 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 70 and 221, at Marion, N.C., over U.S. Highway 221, to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 70, at Old Fort, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hickory, N.C., over U.S. Highway 70 to Asheville, N.C., and return over the same route.

No. MC 43421 (Deviation No. 1), DOHRN TRANSFER COMPANY, Robinson Building, Rock Island, Ill., filed May 4, 1962. Attorney Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 20 and 51, at or near Rockford, Ill., over U.S. Highway 51 to junction Illinois Highway 75, thence over Illinois Highway 75 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highways 12 and 18, thence over combined U.S. Highways 12 and 18 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 12 (north of Lake Delton, Wis.), thence over U.S. Highway 12 to junction Interstate Highway 94 (west of Eau Claire, Wis.), thence over Interstate Highway 94 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 61, at St. Paul, Minn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 20 and 51, at or near Rockford, over U.S. Highway 20 to junction Illinois Highway 35, at or near East Dubuque, Ill., thence over Illinois Highway 35 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 35 to junction U.S. Highway 61, thence over U.S. Highway 61, via La Crosse, Wis., to junction U.S. Highway 12, at St. Paul, and return over the same route.

No. MC 46599 (Deviation No. 1), HEALZER CARTAGE CO., 301 South 11th Street, Fort Smith, Ark., filed April 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 294 over Interstate Highway 294 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Milwaukee over U.S. Highway 41 to Chicago, Ill.; and from Chicago, Ill. over U.S. Highway 66 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 9, thence over Illinois Highway 9 to Canton, Ill., thence over Illinois Highway 78 to junction U.S. Highway 24, and return over the same routes.

No. MC 59485 (Deviation No. 3), DARLING TRANSFER, INC., 1020 "J" Street, Auburn, Nebr., filed May 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dawson, Nebr., over U.S. Highway 75 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 73, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Falls City, Nebr., over U.S. Highway 73 to junction Nebraska Highway 67 (formerly Nebraska Highway 54), thence over Nebraska Highway 67 to junction Nebraska Highway 62 (formerly Nebraska Highway 54), thence over Nebraska Highway 62 to junction Nebraska Highway 54, thence over Nebraska Highway 54 to junction U.S. Highway 73, thence over U.S. Highway 73 to Omaha, Nebr.; from Auburn, Nebr., over U.S. Highway 73 to Dawson; from Falls City, Nebr., over U.S. Highway 73 to Atchison, Kans.; from St. Joseph, Mo., over U.S. Highway 36 to Hiawatha, Kans., thence over U.S. Highway 73 to

Falls City, Nebr.; and from Horton, Kans., over U.S. Highway 73, via Atchison, Kans., to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., and return over the same routes.

No. MC 68909 (Deviation No. 1), DECATUR SEAWAY MOTOR EXPRESS, INC., 3537 Broadway, Kansas City 11, Mo., filed April 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) Between Peoria and Morton, Ill., over Interstate Highway 74, (B) between Champaign and Danville, Ill., over Interstate Highway 74, (C) between Danville, Ill., and Veedersburg, Ind., over Interstate Highway 74, and (D) between Lizton and Speedway, Ind., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Peoria over U.S. Highway 150 to Danville; and from Danville over U.S. Highway 136 to Indianapolis, Ind., and return over the same routes.

No. MC 68909 (Deviation No. 2), DECATUR SEAWAY MOTOR EXPRESS, INC., 3537 Broadway, Kansas City 11, Mo., filed April 30, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction Ohio Highway 18, near Medina, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42, via Medina, to Cleveland, Ohio, and return over the same route.

No. MC 78632 (Deviation No. 14), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed May 3, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 43, thence over Indiana Highway 43 to junction U.S. Highway 421, at or near Reynolds, Ind., thence over U.S. Highway 421 to junction U.S. Highway 30, at or near Wanatah, Ind., thence over U.S. Highway 30 to Schererville, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis; from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 136 (formerly Indiana Highway 34), thence over U.S. Highway 136 to Indianapolis; and from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., thence over U.S. Highway 231 (formerly shown as Indiana Highway 43), to Crawfordsville, Ind., thence over U.S. Highway 136 to Indianapolis, and return over the same routes.

No. MC 108987 (Deviation No. 1), POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa, filed May 2, 1962. Attorney D. C. Nolan, Suite 405 Iowa State Bank Building, Iowa City, Iowa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From the junction of U.S. Highway 34 and Illinois Highway 47, over Illinois Highway 47 to junction East-West Tollway, thence over East-West Tollway to junction Congress Expressway, thence over Congress Expressway to Chicago, Ill., (B) from Muscatine, Iowa, over Iowa Highway 22 to junction Iowa Highway 76, thence over Iowa Highway 76 to junction U.S. Highway 6, and (C) from Owatonna, Minn., over Interstate Highway 35 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to St. Paul, Minn., thence over city streets to Minneapolis, Minn., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Muscatine over U.S. Highway 61 to Davenport, Iowa, thence over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34, via Oswego, Ill., to Chicago, Ill.; and from Muscatine, over Iowa Highway 38 to junction U.S. Highway 6, thence over U.S. Highway 6 to Iowa City, Iowa, thence over U.S. Highway 218, via Cedar Rapids and Waverly, Iowa, to Owatonna, thence over Minnesota Highway 218 to St. Paul, thence over city streets to Minneapolis, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4718; Filed, May 15, 1962; 8:46 a.m.]

[Notice 444]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 11, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1218 (Sub-No. 1), filed April 23, 1962. Applicant: LLOYD H. BOWSER AND STELLA CAMPBELL, doing business as BOWER AND CAMPBELL, Petrolia Street, Knox, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw materials used in the manufacture of glass products*, in bulk, in dump, tank, and hopper-type vehicles, from points in Lake and Summit Counties, Ohio, to points in Clarion, Venango, Forest, Armstrong, and Jefferson Counties, Pa.

HEARING: June 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 7555 (Sub-No. 42), filed March 26, 1962. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable baskets* and *hampers*, wooden, (1) from Dillon, S.C., to points in Florida, New York, and Pennsylvania, and (2) from Yemassee, S.C., to Belle Glade, Zellwood, Sarasota, Ruskin, Pompano Beach and Miami, Fla., and Hartville, Ohio.

HEARING: June 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 8989 (Sub-No. 200), filed April 26, 1962. Applicant: HOWARD SOBER, INC., 2400 West Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, from Framingham, Mass., to points in Maine.

NOTE: Applicant states that it has authority under Sub-191 of No. MC-8989, to transport automobiles in secondary movements in truckaway service from Springfield, Mass., to points in Maine, but it has now been determined that the shipper will not use Springfield as the rail destination for deliveries into the New England area, but, instead, Framingham, Mass., is the point from which motor carrier service will be used throughout the New England area. If the authority sought herein is granted, applicant states it will surrender the authority now held under Sub 191 to handle such movements from Springfield, Mass., to points in Maine.

HEARING: June 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 9153 (Sub-No. 1), filed April 20, 1962. Applicant: JOSEPH R. CHRISTONI, doing business as J. R. CHRISTONI, North Cherry Street Extension, Wallingford, Conn. Applicant's representative: John E. Fay, Litchfield Lane, New Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and steel*, between Wallingford, Conn., and points within 20 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey.

HEARING: June 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 27817 (Sub-No. 46), filed April 24, 1962. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan (except Benton Harbor, Detroit, and Muskegon), New York (except points on and south of U.S. Highway 6) and Maine, to the plant sites of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc., located at Orrtanna and Peach Glen, Adams County, Pa.

HEARING: June 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 27903 (Sub-No. 20), filed April 27, 1962. Applicant: CHARLES W. KARPER, 144 South Eighth Street, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insecticides, herbicides, fungicides,* and *weed killers* (except in tank vehicles), in seasonal operations between January and October of each year, between Malaga, N.J., on the one hand, and, on the other, points in Adams, Bedford, Blair, Cambria, Centre, Franklin, Fulton, Huntingdon, Juniata, Perry, Somerset, and York Counties, Pa.

HEARING: June 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 29116 (Sub-No. 11), filed March 15, 1962. Applicant: DIRECT TRANSPORTS, INCORPORATED, 801 East 17th Street, Kansas City, Mo. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Madison and Sioux Falls, S. Dak., and Estherville, Ottumwa, and Sioux City, Iowa, to Trenton, Mo.

HEARING: June 18, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 30844 (Sub-No. 63), filed March 9, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Iowa City, Iowa, to Downingtown, Pa., and (2) from Council Bluffs, Iowa, to Pittsburgh, Greensburg, Carbon, and Scranton, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 20, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 37656 (Sub-No. 9), filed April 27, 1962. Applicant: DOYLE TRUCKING CORPORATION, 24-16 Bridge Plaza South, Long Island City 1, N.Y. Applicant's attorney: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and such supplies, materials, machinery, and equipment, as are used in the manufacture, display, or sale or furniture and home furnishings*, between Elizabeth, Linden, Union, and Jersey City, N.J., on the one hand, and, on the other, points in Connecticut (except points in Fairfield County), points in New York on and south of New York Highway 5 from Syracuse to Troy, and on and south of New York Highway 2 from Troy to the New York-Massachusetts State Line, and those on and east of U.S. Highway 11 from Syracuse to the New York-Pennsylvania State Line, including points on the routes named, but (excluding points in Nassau, Suffolk, and Westchester Counties), points in Pennsylvania on and east of U.S. Highway 15 from the New York-Pennsylvania State Line to the Pennsylvania-Maryland State Line, points in Delaware, points in Maryland on and east of U.S Highway 15, and those in the Washington, D.C. Commercial Zone, as defined by the Commission.

HEARING: June 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 37926 (Sub-No. 11), filed May 1, 1962. Applicant: RUSSELL HARRISON WRIGHT, doing business as R. H. WRIGHT, Main Street, Greensboro, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, in bulk and in bags, in truckloads, from Lewes, Del., to Harmony and St. Michaels, Md., and (2) *crab meal*, in bulk and in bags, in truckloads, from Cambridge, Honga, Marion, and Tilghman, Md., to Bridgeville, Del., Bordentown, Lakewood, and Salem, N.J., and Philadelphia and Lebanon, Pa.

HEARING: June 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 52669 (Sub-No. 7), (REPUBLICATION), filed October 25, 1961, published FEDERAL REGISTER issue of December 13, 1961 and republished this issue. Applicant: CARGOCARE TRANSPORTATION COMPANY, INCORPORATED, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. By application filed October 25, 1961, applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between Norfolk, Portsmouth, Suffolk, and Hopewell, Va., and points within ten (10) miles of each, and points in North Carolina. The application was heard on February 2, 1962. At the hearing the application was amended to include Richmond, Va., and points within 10 miles thereof, which was inadvertently omitted from the original application. By a Report of the Commission, Operating Rights Review Board, dated April 30, 1962, and served May 7, 1962, it was found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *fertilizer and fertilizer materials*, in bags, from Richmond and Norfolk, Va., to points in North Carolina (except to Rocky Mount, N.C., and points within 50 miles thereof); and that an appropriate certificate should be issued, after the elapse of 30 days from the date of this publication in the FEDERAL REGISTER during which time any interested parties who might have relied upon the notice of hearing as heretofore published in the FEDERAL REGISTER, may have been prejudiced by the lack of notice of the proposal to serve Richmond, may file a petition for further hearing.

No. MC 56213 (Sub-No. 8), filed April 30, 1962. Applicant: WILLIAM H. BRILLHART, doing business as H. & B. TRUCKING COMPANY, Codorus, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from Reading and Spring Grove, Pa., to points in Florida, Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states duplicating authority is to be cancelled.

HEARING: June 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 70662 (Sub-No. 96), filed May 4, 1962. Applicant: CANTLAY & TANZOLA, INC., 2550 East 28th Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cyrogenic liquids, rocket propellant fuels* and *helium*, in bulk, in specially designed tank vehicles, and *empty tank vehicles*, between points in Washington, Idaho, Nebraska, Colorado, Arkansas, Kansas, Oklahoma, Texas, Arizona, New Mexico, California, Wyoming, and South Dakota, traversing the States of Oregon, Nevada, and Utah for operating convenience only.

NOTE: Applicant states that it is sole owner of Western Truck Lines, Ltd., which in turn, is sole owner of Gillette Motor Transport, Inc.

HEARING: June 26, 1962, at the Albany Hotel, Denver, Colorado, before Examiner Donald R. Sutherland.

No. MC 78687 (Sub-No. 19) filed April 19, 1962. Applicant: RUSSELL

LOTT, doing business as LOTT MOTOR LINES, R.D. 4, Tunkhannock, Pa. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral rock salt*, in bulk, and in packages, from Myers, N.Y., to points in New Jersey and Pennsylvania.

NOTE: Applicant states it "seeks no duplicate authority." It is further noted that applicant has contract carrier authority under MC 2505; therefore, dual operations may be involved.

HEARING: June 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 95540 (Sub-No. 422), filed April 20, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, Wisconsin, and New Orleans, La.

NOTE: Applicant states it is under common control with Arctic Express, Inc. through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: June 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 95540 (Sub-No. 426), filed April 30, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Elmira, N.Y., to points in Indiana, Illinois, Michigan, Missouri, Pennsylvania, Ohio, Virginia, Maryland, and the District of Columbia.

NOTE: Applicant indicates that it is affiliated with Arctic Express, Inc. through stock ownership.

HEARING: June 13, 1962, at the St. Louis Statler Hilton, St. Louis, Mo., before Examiner Charles J. Murphy.

No. MC 95540 (Sub-No. 427), filed April 30, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen or unfrozen, from Lake City, Pittsburgh, and Saltzburgh, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant indicates that it is affiliated with Arctic Express, Inc., through stock ownership.

HEARING: June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 103051 (Sub-No. 131), filed May 2, 1962. Applicant: WALKER HAULING CO., INC., P. O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank or hopper-type vehicles, from Augusta, Ga., and points within 15 miles thereof, to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: June 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 103880 (Sub-No. 248), filed February 5, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ethylene dibromide*, in bulk, in tank vehicles, from Filer City, Mich., to Des Moines, Iowa. (2) *Anhydrous dimethylamine*, in bulk, in tank vehicles, from Terre Haute, Ind., to Cincinnati, Ohio.

HEARING: June 26, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 105461 (Sub-No. 43), filed April 20, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials* from the plant site of the Acme Manufacturing Company, Philadelphia, Pa., to points in Massachusetts, New Hampshire, Rhode Island, Vermont, that part of Maine on and south of a line beginning at the United States-Canadian international boundary line near Calais, Maine, and extending along U.S. Highway 1 to junction with Maine Highway 9, thence along Maine Highway 9 to Bangor, Maine, and thence along U.S. Highway 2 to the Maine-New Hampshire State line near Gilead, Maine, and points in Hancock, Marshall, and Ohio Counties, W. Va.

HEARING: June 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 107002 (Sub-No. 168) (AMENDMENT), filed January 15, 1962, published in FEDERAL REGISTER, February 7, 1962, republished May 9, 1962, republished this issue in accordance with third amendment. Applicant: W. M. CHAMBERS TRUCK LINE, INC., P.O. Box 547, Kenner, La. Applicant's attorney: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Fatty acid esters, glycerides, vegetable oils, corn syrups, animal oils*, and *blends* of each, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky.

NOTE: This republication is for the purpose of adding "*fatty acid esters*" and "*glycerides*", and blends of each, as commodities to be transported.

HEARING: Remains as assigned June 18, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 107515 (Sub-No. 388), filed March 19, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Clyde W. Carver, 214 Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as described by the Commission, from Moultrie, Ga., to points in Florida, North Carolina, and South Carolina.

NOTE: Applicant states that its President and owner of half its stock, holds permits as a contract carrier under MC-104589 and subs thereunder, in the name of J. L. Lawhon.

HEARING: June 22, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 107515 (Sub-No. 389), filed March 29, 1962. Applicant: REFRIGERATED TRANSPORT, INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products* as defined by the Commission, from points in Sumter County, Ga., to points in Illinois, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Florida, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Vermont, Maine, and the District of Columbia.

NOTE: Applicant states that its President and owner of half its stock, holds permits as a contract carrier under MC-104589 and subs thereunder in the name of J. L. Lawhon.

HEARING: June 21, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 109397 (Sub-No. 57), filed May 2, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, supplies and agents*, between Washburn, Wis., and Ottawa, Ill., and points within fifteen (15) miles of each, on the one hand, and, on the other, points in California, Oregon, Washington, Arizona, Nevada, Utah, and Idaho.

HEARING: June 27, 1962, at the Federal Building, Los Angeles, Calif., before Examiner James A. McKiel.

No. MC 110525 (Sub-No. 500), filed April 20, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (except in bulk), from Painesville, Ohio, to points in Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: June 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 111862 (Sub-No. 5), filed April 23, 1962. Applicant: HENNES TRUCKING CO., a corporation, 320 South 19th Street, Milwaukee 3, Wis. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin.

NOTE: Applicant states the proposed service will be restricted to shipments having an immediately prior movement by rail, and further, to deliveries within a radius of forty (40) miles from points on the rail line at which such shipments are received by applicant. It is further noted that common control may be involved.

HEARING: June 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 111545 (Sub-No. 50), filed January 22, 1962. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery, equipment and parts*, as described in Appendix VIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (2) *commodities, the transportation of which, because of size or weight requires the use of special equipment*, and (3) *platform and lift trucks*, between points in Minnesota on the one hand, and on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, traversing the states of Iowa, Wisconsin, Illinois, Indiana, and Kentucky for operating convenience only.

HEARING: June 18, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 111812 (Sub-No. 156), filed March 8, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hart and Ludington, Mich., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin.

NOTE: Common control may be involved.

HEARING: June 21, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 111812 (Sub-No. 162), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Columbus and Jackson, Ohio, to points in Colorado, Nevada, Oregon, Utah, Idaho, Washington, Iowa, Nebraska, Minnesota, South Dakota, North Dakota, and Wisconsin.

NOTE: Common control may be involved.

HEARING: July 5, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Richard White.

No. MC 111812 (Sub-No. 166), filed April 27, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Dodge City, Kans., to points in Illinois, Wisconsin, Iowa, Minnesota, South Dakota, North Dakota, Montana, Idaho, Washington, Oregon, and Utah.

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 112750 (Sub-No. 91), (REPUBLICATION), filed January 3, 1962, published FEDERAL REGISTER issue of January 17, 1962, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. By application filed January 3, 1962, applicant seeks a Permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, as outlined in the notice of filing of the application published in the FEDERAL REGISTER, issue of January 17, 1962. Keene County, N.H., named in part (1) (b) of the application as published is non-existent. The application was amended by affidavit to substitute Cheshire County, N.H., in lieu of Keene County, N.H. Operating Rights Board No. 1 has found operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies and advertising literature (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) between Boston, Mass., on the one hand, and, on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H., limited to a transportation service to be performed under a continuing contract or contracts with Eastman Kodak Company of Rochester, N.Y., and (b) between Portland, Maine, on the one hand, and, on the other, points in Strafford, Rockingham, Hillsboro, Cheshire, Merrimack, and Sullivan Counties, N.H., limited to a transportation service to be performed under a continuing contract or contracts with Bicknell Photo Service of Portland, Maine; and (2) documents and records used in the auditing of cash and credit sales, including credit application forms, between Providence, R.I., on the one hand, and, on the other, points in Middlesex, Essex, and Bristol Counties, Mass., limited to a transportation service to be performed under a continuing contract or contracts with Cherry and Webb Company of Providence, R.I., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate permit should be issued; and that prior to the issuance of any permit herein, a proper notice of the complete scope of authority granted will be published in the FEDERAL REGISTER in order to allow a 30 day period during which any interested party, who may be affected by the broadened scope of the application may file an appropriate pleading.

No. MC 114019 (Sub-No. 90), filed May 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities that are usually sold in discount stores*, such as: *Candy and confectionery, cookies, costume jewelry, drugs, medicines and toilet preparation, leather goods, notions, paper and paper articles, greeting cards, gift wrapping paper, store displays, store and office fixtures, and watches*, between Norwood, Mass., on the one hand, and on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and North Carolina.

NOTE: Applicant states that it controls Little Audrey's Transportation, Inc.

HEARING: May 18, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 114098 (Sub-No. 35), filed April 30, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Ap-

plicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Diboll, Tex., and points within five (5) miles thereof, to points in Alabama, Arkansas, Colorado, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: June 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 114098 (Sub-No. 36), filed April 30, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden bottle carrying boxes*, from Jonesboro, Ark., and points within five (5) miles thereof, to points in Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: June 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 114604 (Sub-No. 4), filed March 82, 1962. Applicant: CAUDELL TRANSFER COMPANY, a corporation, 1230 Murphy Avenue SW., Atlanta, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products* and *meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined in paragraphs A, B, and C to Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, and *frozen foods*, between Chattanooga, Tenn., North Augusta, S.C., Phenix City and Lanett, Ala., on the one hand, and on the other, points in Georgia within 125 miles of Atlanta; (b) *butter, butter fat, buttermilk, cheese, cheese foods, cheese spreads, cream, eggs, margarine, milk, oleomargarine, dressed poultry*, and *fowl, packinghouse products, fresh and frozen meats, yeast, prepared dough, frozen foods, sea foods, frozen horse meat, frozen and fresh juices, frozen concentrates* and *candy*, in refrigerated equipment, between Chattanooga, Tenn., North Augusta, S.C., Phenix City and Lanett, Ala., on the one hand, and on the other, points in Georgia; (c) *delicatessen foods, specialties, products and condiments*, in refrigerated equipment, in mixed shipments in which the weight of the commodities not requiring refrigeration does not exceed 25 percent of the total weight of the shipment, between Chattanooga, Tenn., North Augusta, S.C., Phenix City and Lanett, Ala., on the one hand, and on the other, points in Georgia; (d) *agricultural products*, not further processed than cleaned, sorted, graded, ginned and packaged (not including frozen, dehydrated or canned), *cotton, fruits, grain, nuts* (in the shell) edible or not edible, *seed* and *vegetables, horticultural products*, not further processed than cleaned, sorted, graded and packaged, *nursery stock* (*plants, trees, roots, cuttings, bulbs, tubers, scions, seedlings, shrubs and vines*), *shelled peanuts*, and *empty returned milk and cream cans or containers*, between Chattanooga, Tenn., North Augusta, S.C., Phenix City and Lanett, Ala., on the one hand, and on the other, points in Georgia; and (e) *drugs or medicines requiring mechanical refrigeration in transit*, in mechanically refrigerated equipment, between Chattanooga, Tenn., North Augusta, S.C., Phenix City and Lanett, Ala., on the one hand, and on the other, points in Georgia within 125 miles of Atlanta; and (2) (a) *butter, butter fat, buttermilk, cheese, cheese foods, cheese spreads, cream, eggs, margarine, milk, oleomargarine, dressed poultry and fowl, packinghouse products, fresh and frozen meats, yeast, prepared dough, frozen foods, sea foods, frozen horse meat, frozen and fresh juices, frozen concentrates*, and *candy*, in refrigerated equipment, between points in Georgia; (b) *delicatessen foods, specialties, products*, and *condiments*, in refrigerated equipment, in mixed shipments in which the weight of the commodities not requiring refrigeration does not exceed 25 percent of the total weight of the shipment, between points in Georgia; (c) *agricultural products*, not further processed than cleaned, sorted, graded, ginned and packaged (not including frozen, dehydrated or canned), *cotton, fruits, grain, nuts* (in the shell), edible or not edible, *seed* and *vegetables, horticultural products*, not further processed than cleaned, sorted, graded, and packaged, *nursery stock* (*plants, trees, roots, cuttings, bulbs, tubers, scions, seedlings, shrubs and vines*), *shelled peanuts*, and *empty returned milk and cream cans or containers*, between points in Georgia; and (d) *drugs or medicines* requiring mechanical refrigeration in transit, in mechanically refrigerated equipment, between points in Georgia.

NOTE: Applicant states that the authority sought herein in (1) (a, b, c, d, and e) above is a new authority. The authority sought in (2) (a, b, c, and d) above is authority which applicant now holds under a second proviso registration by virtue of existing intrastate certificates, and it desires to certificate that authority because upon the granting of multi-state authority sought in (1) the registration would no longer be valid.

HEARING: June 27, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 115523 (Sub-No. 99), filed March 26, 1962. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, (a) from points in California, Oregon, and Washington to points in Idaho, Utah, Montana, Wyoming, Colorado, and Nevada; and (b) from points in Idaho and Utah to points in Montana, Wyoming, Colorado, Nevada, and Oregon.

HEARING: June 22, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Donald R. Sutherland.

No. MC 116254 (Sub-No. 8), filed May 4, 1962. Applicant: CHEM-HAULERS, INC., P.O., Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials, and fertilizer compounds*, in bulk, and in bags, from Sheffield, Ala., and points within twenty-five (25) miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, points in Missouri, on and south of U.S. Highway 66, and points in Illinois, and Indiana, on and south of U.S. Highway 50, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states it presently holds authority to transport liquid fertilizers, liquid fertilizer compounds, and liquid fertilizer solutions, in bulk and in tank vehicles, from Sheffield, Ala., and points within 15 miles thereof to all of the destination territory involved herein. Applicant also states it does not seek duplicating authority.

HEARING: June 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 116544 (Sub-No. 24), filed May 7, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from New Orleans, La. and Mobile, Ala., to points in Alabama, Louisiana, Arkansas, Illinois, Texas, Wisconsin, Tennessee, Kentucky, Georgia, Florida, North Dakota, Colorado, Indiana, and Mississippi.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 116763 (Sub-No. 21) (AMENDMENT), filed April 20, 1962, published FEDERAL REGISTER issue of May 9, 1962, amended May 8, 1962, and republished, as amended, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Austin, Red Key, and Converse, Ind., Covington, Defiance, Jackson, and Vermilion, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, and (2) *glass containers*, from Parkersburg, W. Va., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: The purpose of this republication is to broaden the scope of the authority sought and to add (2).

HEARING: Remains as assigned June 29, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 117119 (Sub-No. 51), filed April 30, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark. and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packing houses*, in vehicles equipped with mechanical refrigeration, from Bushnell, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and *exempt commodities*, on return.

HEARING: May 24, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Warren C. White.

No. MC 117344 (Sub-No. 85), filed February 21, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes, surface coating compounds, molding compounds, and styrene*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority under MC 50404 and Sub 87 thereunder, therefore, dual operations may be involved.

HEARING: July 3, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Richard White.

No. MC 117344 (Sub-No. 87), filed February 26, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes, surface coating compounds* and *molding compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: July 2, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Richard White.

No. MC 117883 (Sub-No. 15), filed March 12, 1962. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Columbus, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, Wisconsin, and the District of Columbia.

HEARING: July 5, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Richard White.

No. MC 119789 (Sub-No. 9), filed April 9, 1962. Applicant: ALTO DISTRIBUTORS, INCORPORATED, P.O. Box 155, Malden, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *coconuts* when moving in the same vehicle with bananas, from Mobile, Ala., to Cincinnati and Columbus, Ohio, Terre Haute, Indianapolis, and Evansville, Ind., Louisville, Ky., Nashville, Tenn., Huntington, W. Va., St. Louis and Kansas City, Mo., Omaha, Nebr., Topeka, Kans., and Grand Rapids, Mich., and *exempt commodities*, on return.

HEARING: May 21, 1962, at the Jung Hotel, New Orleans, La., before Examiner J. Thomas Schneider.

No. MC 120543 (Sub-No. 3), filed March 15, 1962. Applicant: FLORDIA REFRIGERATED SERVICE, INC., (Highway 301, North), P.O. Box 1252, Dade City, Fla. Applicant's attorney: McCarthy Crenshaw, 512 Barnett National Bank Building, P.O. Box 1086, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Alabama, Florida, and Georgia to points in Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington and (2) from Columbus and Jackson, Ohio, to points in Colorado, Nevada, Oregon, Utah, Washington, Idaho, Wyoming, and Montana; and (B) *frozen foods and potato products*, not frozen, in straight or mixed shipments, in vehicles equipped with mechanical refrigeration, from points in Idaho, Oregon, and Washington, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

NOTE: Applicant states "on east-bound trucks, it will transport exempt commodities", on return.

HEARING: July 5, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Richard White.

No. MC 123659 (Sub-No. 1), filed January 22, 1962. Applicant: DONALD G. AVERILL, doing business as BAKERY TRANSIT SERVICE, 2201 Tremont Boulevard, Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, (1) from Chicago, Ill., to points in Illinois, Indiana, Ohio, and the lower peninsula of Michigan, and (2) from Downers Grove, Ill., to points in Illinois, Indiana, Ohio, and the lower peninsula of Michigan; and *damaged* and *rejected merchandise* and *used, empty containers*, on return.

NOTE: Applicant states the proposed operation in (1) above will be restricted to service under a continuing contract for Kitchens of Sara Lee, Inc., and (2) above will be restricted to service under a continuing contract for Pepperidge Farms, Inc.

HEARING: June 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 124078 (Sub-No. 8), filed March 12, 1962. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit*, palletized and unpalletized, from Rockmart, Ga., to points in Georgia, Tennessee, Alabama, North Carolina, South Carolina, and Florida.

NOTE: Applicant states it has contract carrier authority involving the transportation of petroleum products under Docket MC 113832; it also has common carrier cement and concrete conduit applications pending under Docket MC 124078. Therefore, dual operations may be involved. Common control may also be involved.

HEARING: June 20, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 124196, filed January 26, 1962. Applicant: RACCO EXPRESS, INC., 2319 Grove Avenue, Racine, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engine cooling radiators*, (1) from Paducah, Ky., to Kenosha, Wis., and Indianapolis, Ind., and (2) from La Porte, Ind., to points in the Davenport, Iowa-Rock Island, and Moline, Ill., Commercial Zone as described in 83 M.C.C. 441, and *empty containers or other such incidental facilities* (*racks, dividers, skids*, and *pallets*) used in transporting the above-specified commodities, on return.

NOTE: Applicant states two of its stockholders are employed by Diamond Transportation System, Inc.

HEARING: June 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 124211, filed February 12, 1962. Applicant: HILT TRUCK LINE, INC., 3751 Sumner, Lincoln, Nebr. Appli-

cant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated* and *malt*, from Omaha, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and *empty containers and bottles*, on return.

HEARING: June 22, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 124302, filed March 26, 1962. Applicant: MILLIRONS GARAGE, INC., 2970 Lakewood Avenue, East Point, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, trailers, and automobiles and serviceable replacement trucks, trailers and automobiles*, between points in Georgia, Alabama, Florida, South Carolina, North Carolina, Tennessee, and Kentucky.

HEARING: June 21, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 124307, filed March 28, 1962. Applicant: MALCOLM SILVERS, Rocky Face, Ga. Applicant's attorney: Turner L. Smith, 808 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured textile products consisting mainly of rugs, carpets, spreads and yarn*, between points in Bartow, Catoosa, Murray, Chattooga, Whitfield, Walker, Gordon, and Floyd Counties, Ga., on the one hand, and, on the other, points in Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island.

NOTE: Applicant states it also proposes to transport exempt commodities.

HEARING: June 25, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 325), filed May 2, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Wyckoff, N.J., and Ridgefield Park, N.J.; from the junction of Wyckoff Avenue and Cedarhill Avenue, in Wyckoff thence over Wyckoff Avenue to the junction Lafayette Avenue; thence over Lafayette Avenue to junction Wagaraw Road, in Hawthorne, N.J.; thence over Wagaraw Road to junction River Road, in Fair Lawn, N.J.; thence over River Road to junction Fairlawn Avenue; thence over Fairlawn Avenue to junction New Jersey Highway 208; thence over New Jersey Highway 208 to junction New Jersey Highway 4, in Fair Lawn, N.J.; thence over New Jersey Highway 4 to junction New Jersey Highway 17, in Paramus, N.J.; thence over New Jersey Highway 17 to junction U.S. Highway 46, in Hasbrouck Heights, N.J.; thence over U.S. Highway 46 to junction New Jersey Turnpike, in Ridgefield Park, and return over the same route, serving all intermediate points between Wyckoff and junction Fairlawn Avenue and River Road, Fair Lawn, N.J.

HEARING: June 4, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 75320 (Sub-No. 94), filed May 2, 1962. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and Livestock), serving Galesburg, Kans., as an off-route point in connection with applicant's authorized regular-route operations over U.S. Highways 160 and 169, between Parsons and Cherryvale, Kans.

No. MC 81349 (Sub-No. 4), filed April 26, 1962. Applicant: W. C. FULLMER TRANSFER, INCORPORATED, 426 Water Street, Baraboo, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Circus wagons and related circus equipment, materials and supplies*, between points in Wisconsin and points in Illinois, Iowa, Minnesota, Michigan, Indiana, and Ohio.

NOTE: Applicant states that this operation will be exclusively for the Circus World Museum, Baraboo, Wis., which is owned and operated by the State Historical Society of Wisconsin. Dual operations may be involved.

No. MC 103051 (Sub-No. 130), filed May 3, 1962. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C and S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles from Chattanooga, Tenn., to Bristol, Va.

NOTE: Common control may be involved.

No. MC 103051 (Sub-No. 132), filed May 7, 1962. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424 C and S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends thereof*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Georgia.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 39), filed May 3, 1962. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed, ingredients and blends thereof*, in bulk, between East St. Louis, Ill., on the one hand, and on the other, Dupo, Ill.

No. MC 116886 (Sub-No. 14), filed May 7, 1962. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Part A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *candy, chocolate* and *confectionery*, in vehicles equipped with mechanical refrigeration in pool-car and pool-truck distribution service, between points in Tennessee on and east of U.S. Highway 27 and points in Virginia on and west of U.S. Highway 21.

No. MC 119670 (Sub-No. 3), filed April 30, 1962. Applicant: THE VICTOR TRANSIT CORPORATION, P.O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert H. Kinker, McLure Building, Franfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from St. Louis, Mo., Milwaukee, Wis., Detroit, Mich., Cleveland, Ohio, New York City, N.Y., and Peoria and Chicago, Ill., to Cincinnati, Ohio. (2) *Vinous beverages*, including but not limited to wine, in containers, from Chicago, Ill., Detroit, Mich., Newark, N.J., and Hammondsport, Lewiston, and New York City, N.Y., to Cincinnati, Ohio. (3) *Damaged, rejected and refused shipments, and empty containers*, on return, in connection with (1) and (2) above.

MOTOR CARRIERS OF PASSENGERS

No. MC 96007 (Sub-No. 18), filed May 7, 1962. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: C. Leo Moriarty, 70 Union Street, Medford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, between junction New Hampshire Highway 28 and Harvey Road (in the Town of Manchester Hillsboro County, N.H.), and junction New Hampshire Highway 28 and Goffs Falls Road (in the Town of Londonderry, Rockingham County, N.H.), from junction New Hampshire Highway 28 and Harvey Road, over Harvey Road to junction Goffs Falls Road, and thence over Goffs Falls Road to junction New Hampshire Highway 28, and return over the same route, serving the intermediate point of the U.S. Army Air Base, in the Town of Manchester, Hillsboro County, N.H.

NOTE: Common control may be involved.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12807, filed May 2, 1962. Applicant: JAMES R. LUCK, doing business as LUCK TOURS SERVICE, 311 West Union Street, Magnolia, Ark. Applicant's attorney: Oliver M. Clegg, McAlester Building, Magnolia, Ark. For a license (BMC 5) to engage in operations as a *broker* at Magnolia, Ark., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and chartered round-trip, all expense sightseeing, educational and pleasure tour operations, beginning and ending at Magnolia, Ark., and extending to points in the United States.

No. MC 119493 (PETITION FOR FORMAL INTERPRETATION), filed February 20, 1962. Petitioner: MONKEM COMPANY, INC., Joplin, Mo. Petitioner's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Petitioner is a common carrier operating in interstate commerce by virtue of a Certificate of Public Convenience and Necessity MC–119493 and sub numbers thereunder. Petitioner is authorized, among other things, to transport, fertilizer, commercial fertilizer, and animal feed (prepared) and ingredients thereof. Petitioner requests the Commission to interpret the authority held by applicant as relates to *Urea*, and that in such interpretation specifically authorized petitioner to transport *Urea* from, to and between these points wherein petitioner's Certificates now specify that transportation of Commercial Fertilizer and Animal and Poultry Feeds may be performed.

HEARING: June 11, 1962, at the St. Louis Statler Hilton, St. Louis, Mo., before Examiner Charles J. Murphy.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2153 (Sub-No. 31), filed May 4, 1962. Applicant: MIDWEST MOTOR EXPRESS, INC., 1207 Front Avenue, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) From Mandan and Bismarck, N. Dak., over U.S. Highway 10 to junction of U.S. Highway 83, thence over U.S. Highway 83 to Hazelton, N. Dak., thence over North Dakota Highway 34 to junction of North Dakota Highway 3, thence over North Dakota Highway 3 to Ashley, N. Dak., serving the intermediate points of Napoleon, Burnstad, Wishek and Danzig, N. Dak., and the off-route points of Braddock, Kintyre and Venturia, N. Dak., and return over the same route.

NOTE: Applicant states it presently has authority to serve all of these points, under its irregular authority and seeks a conversion to regular-route points. (2) Between Bismarck, Mandan, and Zeeland, N. Dak., over U.S. Highways 10 and 83 and North Dakota Highway 11 and various county roads, serving the intermediate points of Menoken, McKenzie, Sterling, Moffit, Hazelton, Temvik, Linton, Strasburg, Hull, Westfield, and Hague, N. Dak.

NOTE: Applicant states it presently serves all of these points regularly, except Zeeland.

NOTE: This application is directly related to MC–F 8144, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7809 (MURPHY MOTOR FREIGHT LINES, INC.—CONTROL & MERGER—G. & P. TRANSPORTATION CO., INC., and ROADWAY CARGO, INC.), published in the March 15, 1961, issue of the FEDERAL REGISTER on page 2209. Application filed May 4, 1962, for temporary authority under section 210a(b).

No. MC–F–7872. (HARPER MOTOR LINES, INC.—PURCHASE (PORTION)—STATE MOTOR LINES), published in the June 1, 1961 issue of the FEDERAL REGISTER on page 4874. By amendment to the application filed May 3, 1962, HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga., seeks authority to control and merge the operating rights and property of STATE MOTOR LINES, Old Society Hill Road, Hartsville, S.C. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of South Carolina, as a *common carrier* in the transportation of *general commodities* over regular routes, between Spartanburg, S.C., and Darlington, S.C., and a 15-mile radius of each, via Camp Croft, Pacolet, Jonesville, Kelly, Lockhart, Chester, Richburg, Fort Lawn, Lancaster, Funderburk, McBee, and Hartsville, over South Carolina Highways 9, 903 and 151, serving the off-route points of Great Falls and Rock Hill, and between the North Carolina-South Carolina State Line (located near Charlotte, N.C.), and Lancaster, over U.S. Highways 21 and 521; *general commodities*, over irregular routes between points in Chesterfield, Darlington, Dillon, and Marlboro Counties and points in South Carolina; *textile machinery, equipment and supplies*, between points in Spartanburg County and points in South Carolina; *unfinished cotton piece goods*, between points in South Carolina, and bleaching, dyeing and finishing plants in Aiken, Anderson, Darlington, Greenville, Greenwood, Spartanburg, and York Counties; *cotton in bales* and *livestock*, between points in South Carolina, and *fertilizer*, from points in Charleston County to points in Chesterfield, Darlington, Dillon, Marion, and Marlboro Counties. Application filed May 3, 1962, for temporary authority under section 210a(b).

No. MC–F–7977 (MAINE FREIGHTWAYS—PURCHASE—BORDER EXPRESS, INC.), published in the October 11, 1961, issue of the FEDERAL REGISTER on page 9621. By amendment to the application filed May 3, 1962, authority sought for merger into MAINE FREIGHTWAYS, 185 Washington Avenue, Portland, Maine, of the operating rights and property of BORDER EXPRESS, INC., 6 State Street, Brewer, Maine, in lieu of a purchase of assets.

No. MC–F–8139. Authority sought for purchase by PETROLEUM TRANSPORT COMPANY (formerly Basin Truck Company), 1700 Broadway, Denver 2, Colo., of the operating rights and certain property of M & M OIL AND TRANSPORTATION, INC., 6510 Brighton Boulevard, Denver, Colo., and the operating rights of BRYAN TANK LINES, INC., 909 East Fifth Street, Cheyenne, Wyo., and for acquisition by THE PERMIAN CORPORATION, 1509 West Wall, Midland, Tex., and in turn by JACK A. OLESON, 802 North Seventh Street, Sterling, Colo., CORTLANDT S. DIETTLER, Box 1646, Denver, Colo., W. R. DAVIS, Box 3119, Midland, Tex., GEORGE O. NOLLEY, 1504 Philtower Building, Tulsa, Okla., and EUNICE L. NOLLEY, 1504 Philtower Building, Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney: Marion F. Jones, Jones, Meiklejohn, Kilroy & Kehl, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: (M & M) *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes from Sinclair, Wyo., to Boulder, Colo., from Evansville, Wyo., to Boulder and Walden, Colo., and certain points in Colorado, *fuel oil*, in bulk, in tank vehicles, from Thermopolis, Wyo., to Scoville, Idaho, serving the intermediate points of Jackson, Wyo., and Idaho Falls, Idaho, and from Thermopolis, Wyo., to St. Anthony, Idaho, serving the intermediate points of Jackson, Wyo., and Idaho Falls and Rexburg, Idaho, *petroleum products*, in bulk, in tank vehicles, except aviation gasoline, over irregular routes from Denver, Colo., to Cheyenne, Rawlins, and Rock Springs, Wyo., restricted against the transportation of traffic to any airport, *petroleum products*, in bulk, in tank vehicles, from Evansville, Wyo., to Brush, Colo., and from Glenrock, Wyo., to certain points in Colorado, *petroleum products*, other than crude oil, between points in Wyoming, *crude oil*, in bulk, in tank vehicles, between points in Wyoming, *petroleum and petroleum products*, in bulk, in tank vehicles, from Williston, Dickinson, and Mandan, N. Dak., and points within 5 miles of each, to points in Wyoming, from Sidney and North Platte, Nebr., to Pierre and Mobridge, S. Dak., and points in that part of South Dakota west of the Missouri River, from Sidney and North Platte, Nebr., to points in Kansas on and north of U.S. Highway

40, and in seasonal operations during the period November 1 to April 30, inclusive, of each year, from Gilsonite, Colo., to Durango, Colo., and points in San Miguel County, Colo. (BRYAN) *Refined petroleum products*, in bulk, as a *common carrier* over regular routes from El Dorado, Kans., to points in Colorado, serving the intermediate point of Augusta, Kans., for pick-up only, and from Augusta, Kans., to Loveland and Boulder, Colo., serving no intermediate points, *damaged, defective, rejected, or returned shipments* of refined petroleum products, in bulk, from the above-specified destination points to their respective origin points, *refined petroleum products*, in bulk, in tank trucks, over regular and irregular routes, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Littleton, Colo., serving certain intermediate points for delivery only, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Denver, Colo., serving the intermediate point of Littleton, Colo., for delivery only, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Wiggins, Colo., serving the intermediate point of Wray, Colo., from the points listed directly above to Montrose, Colo., serving no intermediate points, *damaged, defective, rejected, or returned* shipments of refined petroleum products, in bulk, in tank trucks, from the destination points specified above to their respective origin points. The service authorized above is subject to the condition that carrier shall not also operate as a private carrier of property by motor vehicle in the transportation of refined petroleum products, in bulk, in interstate or foreign commerce, *petroleum products*, in bulk, in tank trucks, from Augusta, El Dorado, and Hutchinson, Kans., to Denver, Colo., serving no intermediate points, and *damaged, defective, rejected, or returned shipments* of petroleum products in bulk, in tank trucks, from the destination points specified immediately above, to their respective origin points, *refined petroleum products*, in bulk, over irregular routes, from petroleum refining points in Wyoming to certain points in Colorado, *refined petroleum products*, in bulk, in tank trucks, from Glenrock, Wyo., to certain points in Colorado, *damaged or rejected shipments* of refined petroleum products, in bulk, and refined petroleum products, in bulk, in tank trucks, from the above-specified destination points to their respective origin points, *petroleum products*, from El Dorado, Kans., to certain points in Colorado, *petroleum and petroleum products*, in bulk, in tank vehicles, between points in Park and Big Horn Counties, Wyo., on the one hand, and, on the other, points in Wyoming, and *crude oil*, in bulk, in tank vehicles, from points in the Ash Creek Oil Field in Big Horn County, Mont., and Sheridan County, Wyo., to Billings, Mont., and Midwest and Casper, Wyo. PETROLEUM TRANSPORT COMPANY (formerly Basin Truck Company), operates under the Second Proviso of section 206(a)(1), of the Interstate Commerce Act, in the State of Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8140. Authority sought for purchase by TRANSCOLD EXPRESS, INC., Finley and Belt Line Road, Irving, Tex., of the operating rights of MARQUIS REFRIGERATED LINE, INC., 7910 West Davis, Dallas, Tex., and for acquisition by R. L. MOORE and JAMES T. MOORE, also of Irving of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, Phinney, Hallman and Pulley, 617 First National Bank Bldg., Dallas, Tex. Operating rights sought to be transferred: Those rights claimed in application No. MC–118168, under section 7 of the Transportation Act of 1958, viz, *frozen fruits, frozen vegetables* and *frozen berries*, and of specified exempt commodities when moving in the same vehicle with the above named commodities, as a *common carrier* over irregular routes, from and to points in the States of California, Washington, Oregon, Idaho, Texas, Louisiana, Oklahoma, Arkansas, Tennessee, and Arizona, and the authority applied for in pending application Docket No. MC–118168 Sub-1, covering the transportation of (1) *frozen juices* and *juice concentrates*, from Ventura, Anaheim, and Corona, Calif., to Little Rock, Ark., Tulsa and Oklahoma City, Okla., and points in Louisiana and Texas, subject to the restriction that no transportation shall be performed in connection with these commodities unless they are transported in mixed loads with frozen vegetables, frozen fruits, and frozen berries, or other commodities which ultimately may be granted in the "grandfather" proceeding (No. MC–118168), and (2) *frozen french fried potatoes*, from Burley, Boise, and Idaho Falls, Idaho, to Little Rock and Fort Smith, Ark., Albuquerque, and Portales, N. Mex., Shreveport, Jennings, Baton Rouge, and New Orleans, La., and points in Texas. Vendee is authorized to operate as a *common carrier* in Arkansas, Virginia, Maryland, New Jersey, New York, Pennsylvania, Louisiana, Oklahoma, Texas, Massachusetts, Kentucky, Connecticut, Rhode Island, West Virginia, Delaware, Indiana, Georgia, Alabama, Ohio, Illinois, Michigan, Missouri, Kansas, Colorado, New Mexico, Tennessee, New Hampshire, Maine, Arizona, California, Mississippi, North Carolina, South Carolina, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8141. Authority sought for merger into HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa., of the operating rights and property of ZENO FREIGHTWAYS, INC., P.O. Box 268, Pittsburgh 30, Pa., and for acquisition by HARRY M. WERKSMAN, also of Pittsburgh of control of such rights and property through the transaction. Applicants' attorney: Henry M. Wick, Jr., Delisi and Wick, 1515 Park Building, Pittsburgh 22, Pa. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Cleveland, Ohio, and Philadelphia, Pa., serving all intermediate points and certain off-route points, between Harrisburg, Pa., and Lancaster, Pa., between Harrisburg, Pa., and Philadelphia, Pa., and between Bethlehem, Pa., and Philadelphia, Pa., serving all intermediate points, between Akron, Ohio and Pittsburgh, Pa., serving all intermediate points and certain off-route points, between Canfield, Ohio, and Rochester, Pa., between Norwalk, Ohio, and Youngstown, Ohio, between West Alexander, Pa., and Uniontown, Pa., between Greensburg, Pa., and Point Marion, Pa., between Pittsburgh, Pa., and Steubenville, Ohio, between Norwalk, Ohio, and Willoughby, Ohio, between Wadsworth, Ohio, and Canton, Ohio, and between Lorain, Ohio and Mallett Creek, Ohio, serving all intermediate points, between Pittsburgh, Pa., and Jennerstown, Pa., between Sandusky, Ohio and New Philadelphia, Ohio, and between Strasburg, Ohio, and Willoughby, Ohio, serving all intermediate and certain off-route points, and over an alternate route for operating convenience only; *general commodities*, with the usual exceptions, over irregular routes from Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland, to certain points in Pennsylvania, and from Blairsville, Pa., and points in Pennsylvania within 60 miles of Blairsville, to points in Ohio. HELM'S EXPRESS, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, West Virginia, Ohio, Connecticut, Massachusetts, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8142. Authority sought for purchase by NORWALK TRUCK LINES, INC., 180 Milan Road, Norwalk, Ohio, of the operating rights of COLUMBIA CARTAGE CO., INC., 2205 West Harrison Street, Chicago 12, Ill., and for acquisition by CHARLES W. HOKE, and FRANCIS T. SROKA, 180 Milan Avenue, Norwalk, Ohio, EWING T. BOLES, 51 North High Street, Columbus, Ohio, JOHN W. CHRISTENSEN, 8 East Long Street, Columbus, Ohio, and EDGAR S. NOLAND, 51 North High Street, Columbus, Ohio, of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the Chicago, Ill., Commercial Zone, as defined by the Commisison in 1 M.C.C. 673, on the one hand, and, on the other, points in Illinois within 100 miles of Chicago. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Michigan, Pennsylvania, New York, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8143. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y., of CHAMPS EXPRESS, INCORPORATED, 386 State Street Extension, Fairfield, Conn., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of CHAMPS EXPRESS, INCORPORATED, through the acquisition of RED STAR EXPRESS LINES OF AUBURN, INCORPORATED. Applicants' attorney: Leonard A. Jaskiewicz, Dow, Lohnes & Albertson, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Connecticut, covering the transportation of *General commodities*, other than household goods and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment, as a *common carrier* from carrier's headquarters in Bridgeport, Conn., and, upon call received at its headquarters, between any point within the State of Connecticut and any point within or outside of the State of Connecticut as may be necessary in the performance of its common carrier service. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: An application will be filed at a later date as a matter directly related.

No. MC–F–8144. Authority sought for purchase by MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Bismarck, N. Dak., of ROBERT JOHN DANIEL, doing business as DANIEL AUTO EXPRESS, 1323 East Front Avenue, Bismarck, N. Dak. Applicants' attorney: F. J. Smith, Jansonius, Fleck, Smith, Mather & Strutz, Suite 200, Professional Building, Bismarck, N. Dak. MIDWEST MOTOR EXPRESS, INC., is seeking approval for purchase of the interstate operations and intrastate operating rights described in North Dakota Certificate No. 318, which was previously filed with this Commission under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, and assigned Docket No. MC–96909, covering the transportation of: *General commodities*, excepting, among others, household goods and commodities in bulk, from Mandan and Bismarck, N. Dak., over U.S. Highway 10 to junction of U.S. Highway 83, thence over U.S. Highway 83 to Hazelton, N. Dak., thence over State Highway 34 to junction of State Highway 3, thence over State Highway 3 to Ashley, N. Dak., covering certain intermediate and off-route points, and between Bismarck, Mandan and Zeeland, N. Dak., via U.S. Highway 10 and 83 and State Highway 11, and various county roads covering certain intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Montana, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–2153 Sub-31 is a matter directly related.

No. MC–F–8145. Authority sought for purchase by AERO TRUCKING, INC., P.O. Box 278, R.D. 1, Oakdale, Pa., of a portion of the operating rights of WARREN C. KREITZ and ROBERT E. KREITZ, a partnership, doing business as MORRIS KREITZ AND SONS, P.O. Box 698, Reading, Pa., and for acquisition by EDWARD J. CONTO, Oakdale, Pa., of control of such rights through the purchase. Applicants' attorneys: Paul Edelman, Edelman & Edelman, 614 Washington Street, Reading, Pa., and Paul F. Beery, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, as a *common carrier* over irregular routes between points in Berks County, Pa., on the one hand, and, on the other, points in the states of Massachusetts, Connecticut, Rhode Island, Ohio, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, Illinois, Michigan, New York, Indiana, Wisconsin, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4719; Filed, May 15, 1962; 8:46 a.m.]

[Notice 445]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 11, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 55236 (Sub-No. 56), filed December 18, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's representative: G. R. Bailey (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium hydroxide (aqua ammonia), and fertilizers*, liquid, in tank truck vehicles, from the plant site of Monsanto Chemical Co., at or near Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 64932 (Sub-No. 306), filed January 15, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia*, and *liquid fertilizer*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Nebraska, Missouri, Illinois, Indiana, Wisconsin, Minnesota, South Dakota, Kansas, and North Dakota.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 103880 (Sub-No. 246), filed January 26, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia*, and *liquid fertilizer*, in bulk, in tank vehicles; from Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 105375 (Sub-No. 12), filed January 18, 1962. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, from Muscatine, Iowa, and points within five (5) miles thereof, to points in Illinois and Wisconsin.

NOTE: Applicant states that joint control of applicant and Dahlen Transport, Inc., by John W. Dahlen and Edna A. Dahlen has been approved in Docket No. MC–F 6554.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111, or if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 105375 (Sub-No. 13), filed January 23, 1962. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and liquid fertilizer*, from Muscatine, Iowa, to points in Nebraska, Missouri, Illinois, Indiana, Wisconsin, South Dakota, North Dakota, and Kansas.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 107496 (Sub-No. 219), filed December 7, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Muscatine, Iowa and points within five (5) miles thereof, to points in Illinois and Wisconsin.

NOTE: Applicant has contract authority under MC–119136 and subs thereunder, therefor, dual operations may be involved. Applicant states it "is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicles in interstate commerce for the transportation of petroleum and other products, in bulk."

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111, or if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 107496 (Sub-No. 221), filed January 2, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and liquid fertilizer*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Nebraska, Missouri, Illinois, Indiana, Wisconsin, Minnesota, South Dakota, Kansas, and North Dakota.

NOTE: Applicant states it is "wholly owned by John Ruan. Applicant controls and owns all of the out-standing capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation." It is further noted that applicant has contract authority under MC 119136 and Subs thereunder, therefore dual operations may be involved.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 108449 (Sub-No. 138), filed December 26, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium hydroxide* (aqua ammonia), *fertilizers and nitrogen fertilizer solutions, liquid*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Illinois, Kansas, Indiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and *rejected and returned shipments* on return.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 115331 (Sub-No. 23), filed December 13, 1961. Applicant: TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, liquid, in bulk, in tank vehicles, from Muscatine, Iowa, and points within five (5) miles thereof, to points in Illinois and Wisconsin.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111, or if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 115331 (Sub-No. 27), filed January 22, 1962. Applicant: TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and liquid fertilizers*, in bulk, from Muscatine, Iowa, and points within five miles thereof, to points in Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 117119 (Sub-No. 50), filed April 30, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined in subdivisions A, B, and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, and New Mexico, and *exempt commodities*, on return.

HEARING: May 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 123475 (Sub-No. 3), filed April 27, 1962. Applicant: LIGHTNING TRANSPORTATION CO., INC., P.O. Box 333 (U.S. Highway 50, West), Salem, Ill. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Monsanto Chemical Co., plant located at Muscatine, Iowa, to points in Missouri, Illinois, Indiana, Wisconsin, and Kentucky.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

No. MC 123476 (Sub-No. 1), filed April 27, 1962. Applicant: CURTIS TRANSPORT, INC., P.O. Box 215, Valley Park, Mo. Applicant's attorney: Walter F. Jones, Jr., Chamber of Commerce Building, Suite 1017–19, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of the Monsanto Chemical Co., Muscatine, Iowa, to points in Missouri, Illinois, Indiana, Minnesota, Wisconsin, and Kentucky.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4720; Filed, May 15, 1962; 8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 143]

MONON RAILROAD

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Monon Railroad is unable to transport traffic routed over its lines, because of work stoppage.

It is ordered, That:

(a) Rerouting traffic: The Monon Railroad being unable to transport traffic in accordance with shippers' routing because of work stoppage at South Hammond, Indiana, is hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new rerouting provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 p.m., May 8, 1962.

(g) Expiration date: This order shall expire at 8:00 p.m., May 20, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 8, 1962.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62–4721; Filed, May 15, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37725: *T.O.F.C. service—from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent, (No. B–8205), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars, between Dunkirk, N.Y., and Erie, Pa., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 30 to Southwestern Freight Bureau tariff I.C.C. 4409.

FSA No. 37726: *T.O.F.C. service—from and to Sand Springs, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–8208), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars, between Sand Springs, Okla., on the one hand, and points in southern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37727: *Grain and grain products to points in Minnesota and Superior, Wis.* Filed by Great Northern Railway Company (No. 1078), for itself and interested rail carriers. Rates on flaxseed, oats, rye, wheat, also direct products of oats, rye or wheat, as described in the application, in carloads, from Hamar, Pekin, Tolna and Warwick, N. Dak., to Duluth, Minneapolis, Minnesota Transfer, St. Paul, Minn., and Superior, Wis., also points taking same rates.

Grounds for relief: Unregulated motor-truck competition.

Tariff: Supplement 9 to Great Northern Railway Company Tariff I.C.C. A–9048.

FSA No. 37728: *Phosphatic fertilizer solution from points in Florida.* Filed by O. W. South, Jr., Agent (No. A4187), for interested rail carriers. Rates on phosphatic fertilizer solution, as described in the application, in tank-car loads, from producing points in Florida, to Belmond, Dakota City, Humboldt, Sanborn, Vinton, and West Union, Iowa, also Blue Earth and Willmar, Minn., and Vertagreen, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southern Freight Association tariff I.C.C. S–184.

FSA No. 37729: *Phosphatic fertilizer solution to points in WTL territory.* Filed by O. W. South, Jr., Agent (No. A4188), for interested rail carriers. Rates on phosphatic fertilizer solution, as described in the application, in tank-car loads, from Pascagoula, Miss., and Sheffield, Ala., to Belmond, Dakota City, Humboldt, Sanborn, Vinton, and West Union, Iowa, also Blue Earth and Willmar, Minn., and Vertagreen, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southern Freight Association tariff I.C.C. S–184.

FSA No. 37730: *Substituted Service—CRI&P, MP and T&P for Ashworth Transfer, Inc., et al.* Filed by William M. Larimore, Agent (No. 3), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between rail interchange points named in the application in southwestern and western trunk-line territory, on the one hand, and rail interchange points named in the application in southwestern and western trunk-line territory, on the other, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief: Motor-carrier competition.

FSA No. 37731: *Petroleum residual fuel oil from Waco, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8206), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from Waco, Tex., to points in Wisconsin.

Grounds for relief: Carrier competition.

Tariff: Supplement 266 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4717; Filed, May 15, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Orders No. 524 and No. 561 (24 F.R. 9274 and 27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Big Yank Corp., Magnolia Factory, Laurel, Miss.; effective 5–1–62 to 4–30–63 (men's and boys' sport shirts).

Blue Bell, Inc., Seminole, Okla.; effective 4–30–62 to 4–29–63 (men's and boys' dungarees).

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky.; effective 5–1–62 to 4–30–63 (men's and boys' work pants).

Creedmoor Manufacturing Co., Inc., Creedmoor, N.C.; effective 4–30–62 to 4–29–63 (men's and boys' sport shirts).

Glen Lyon Brassiere & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5–6–62 to 5–5–63 (corsets and allied garments).

Hawkinsville Manufacturing Co., Inc., Hawkinsville, Ga.; effective 4–26–62 to 4–25–63 (ladies' car coats and zipper jackets; children's car coats and zipper jackets).

Husin Shirt Co., Inc., 14–16 Rose Street, Ephrata, Pa.; effective 4–26–62 to 4–25–63 (ladies' blouses).

Mar-Bax Shirt Co., Gassville, Ark.; effective 4–30–62 to 4–29–63 (men's dress and sport shirts).

Monticello Manufacturing Co., Inc., Monticello, Miss.; effective 4–24–62 to 4–23–63 (men's work trousers).

Oxford Dress Manufacturing Co., Inc., Shamokin, Pa.; effective 4–23–62 to 4–22–63 (cotton wash dresses and housecoats).

Phillips-Van Heusen Corp., Des Arc, Ark.; effective 4–29–62 to 4–28–63 (men's dress shirts).

Piedmont Shirt Co., Poinsett Highway, Greenville, S.C.; effective 4–30–62 to 4–29–63 (men's and boys' dress and sport shirts).

Putnam Manufacturing Co., South Jefferson Avenue, Cookeville, Tenn.; effective 5–1–62 to 4–30–63 (men's work pants).

Spartans Industries, Inc., Smithville, Tenn.; effective 4–26–62 to 4–25–63 (men's, boys' and ladies' cut and sewn and knit shirts).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 4–23–62 to 4–22–63. Ten percent of the total number of factory production workers engaged in the production of robes (robes).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Belmill Manufacturing Co., Commercial Street, Marseilles, Ill.; effective 4–26–62 to 4–25–63; 10 learners (outerwear jackets).

Emporia Garment Co., Inc., Emporia, Va.; effective 4–30–62 to 4–29–63; 10 learners (children's dresses).

J. Freezer & Son, Inc., Christiansburg, Va.; effective 4–26–62 to 4–25–63; 10 learners (men's shirts).

L. Lawson & Sons, Inc., 145 East Center Street, Nesquehoning, Pa.; effective 4–25–62 to 4–24–63; 10 learners (children's dresses).

Marvel Garment Co., 10 Ridge Road, Bangor, Pa.; effective 4–30–62 to 4–29–63; 10 learners (blouses).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 4–25–62 to 4–24–63; 10 learners (ladies' and infants' dresses).

Styl-Mac Corp., Southerland Avenue, Monroe, N.C.; effective 5–12–62 to 5–11–63; 10 learners (boys' slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bay Slacks, Inc., Hoyle Avenue, Bay Minette, Ala.; effective 4–23–62 to 10–22–62; 30 learners (men's dress slacks).

Flushing Shirt Manufacturing Co., Grantsville, Md.; effective 4–26–62 to 10–27–62; 10 learners (men's uniform shirts).

Hawkinsville Manufacturing Co., Inc., Hawkinsville, Ga.; effective 4–26–62 to 10–25–62; 25 learners (ladies' car coats and zipper jackets and children's car coats and zipper jackets).

S. A. Kott Co., Belton, S.C.; effective 4–25–62 to 10–24–62; 20 learners (men's sport shirts).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 4–30–62 to 10–29–62; 100 learners (men's dress and sport shirts).

Morristown Manufacturing Co., Inc., 1730 West First North Street, Morristown, Tenn.; effective 5–1–62 to 10–31–62; 15 learners (ladies' dresses).

Selmer Manufacturing Co., Inc., Selmer, Tenn.; effective 4–30–62 to 10–29–62; 50 learners (men's sport shirts).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 4–23–62 to 10–22–62; 20 learners in the production of robes (robes).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Gloves, Inc., Gaffney, S.C.; effective 4–27–62 to 4–26–63; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Betterwear Hosiery Mills, Inc., Central Avenue and East Third Street, Catawba, N.C.; effective 4–27–62 to 10–26–62; 15 learners for plant expansion purposes (seamless).

Glen Raven Knitting Mills, Inc., Altamahaw, N.C.; effective 4–25–62 to 4–24–63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Whitmire Hosiery Mills, Inc., Chester Highway, Whitmire, S.C.; effective 4–26–62 to 4–25–63; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Cheri-nit, Inc., Cherryville, N.C.; effective 4–26–62 to 4–25–63; 5 percent of the total number of factory production workers for normal labor turnover purposes. Learners may not be employed in the production of separate skirts at special minimum wage rates (sweaters).

Kayser-Roth Hosiery Co., Inc., Dayton Division, Dayton, Tenn.; effective 5–2–62 to 5–1–63; 5 percent of the total number of factory workers for normal labor turnover purposes (ladies' and children's tights).

Selinsgrove Manufacturing Co., Inc., East Sherman Street, Selinsgrove, Pa.; effective 4–28–62 to 4–27–63; five learners for normal labor turnover purposes (ladies' sleepwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 4–23–62 to 4–22–63; 5 percent of the total number of factory production workers engaged in the production of underwear and sleeping wear for normal labor turnover purposes (women's and children's underwear and sleeping wear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 7th day of May 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-4709; Filed, May 15, 1962; 8:45 a.m.]

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Washington, Thursday, May 17, 1962

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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

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Title 3—THE PRESIDENT

Proclamation 3475

NATIONAL TRANSPORTATION WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS transportation has been of enormous significance in the settlement and growth of large areas of the United States; and

WHEREAS an efficient and dynamic transportation system is vital to the continued economic growth, productivity, and progress of our Nation; and

WHEREAS the promotion and development of an efficient transportation system are responsibilities of the Government, users of transportation, and labor and management; and

WHEREAS the Congress, by House Joint Resolution 628, approved May 14, 1962, has requested the President to proclaim annually the week in May of each year in which falls the third Friday of that month as National Transportation Week, as a tribute to the men and women who, night and day, move goods and people throughout our land:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning May 13, 1962, as National Transportation Week; and I urge all our people to join in appropriate activities and ceremonies with the various branches of the transportation industry and representatives of governmental agencies in such manner as will afford an opportunity for the people of each community to recognize the vital role which the transportation industry plays in our economy and in our daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of May in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-4837; Filed, May 15, 1962; 4:39 p.m.]

Executive Order 11022

ESTABLISHING THE PRESIDENT'S COUNCIL ON AGING

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the President's Council on Aging (hereinafter referred to as the "Council").

(b) The Council shall be composed of the Secretary of Health, Education, and Welfare, who shall be Chairman, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of the Treasury, the Chairman of the Civil Service Commission, the Administrator of the Housing and Home Finance Agency, and the Administrator of Veterans' Affairs.

(c) The Chairman of the Council shall invite the head of any other Federal department or agency to attend any meeting of the Council at which any matter within or affecting the area of responsibility of such department or agency is considered and to be a temporary member with respect to such matter.

SEC. 2. The Council shall:

(a) Maintain a continuing study of the overall responsibilities of the Federal Government with respect to the problems of the aging and make recommendations to the President concerning policies and programs required to meet Federal responsibilities, particularly on matters which do not fall within the jurisdiction of a single agency.

(b) Identify matters which require coordinated action by two or more Federal agencies and make appropriate arrangements for joint or coordinated action, including, as appropriate, conferences, joint studies, and the development of recommendations to the President.

(c) Promote the sharing and dissemination of information on the needs of the aging and policies and programs relating to the aging, among Federal departments and agencies and between them and State, local, or private agencies and organizations having functions or interests in fields relating to the problems of the aging.

(d) Prepare an annual consolidated report to the President concerning the activities of the Council and the several Federal departments and agencies having programs relating to the aging.

SEC. 3. (a) Consonant with law, each department or agency represented on the Council shall, as may be necessary for the effectuation of the purpose of this order, furnish assistance to the Council in accordance with Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(b) Other Federal departments and agencies are also authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it such information and assistance as it may find necessary in the performance of its functions.

SEC. 4. The Federal Council on Aging, established by a letter from the President to the Secretary of Health, Education, and Welfare, dated March 7, 1959, is hereby abolished and that letter is hereby superseded.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 14, 1962.

[F.R. Doc. 62-4831; Filed, May 15, 1962; 3:58 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli

CORRECTIONS

In F.R. Doc. 62-3663, appearing at page 3585 of the issue for Saturday, April 14, 1962, the following changes are made in Table I:

1. The words "by weight" in the sixth line of the fifth column captioned "Reasonably well and poorly trimmed" should read "by count)".

2. The words "by weight" in the fourth line of the sixth column captioned "Poorly trimmed[1]" should read "by count)".

3. The words "by weight" in the seventh line of the seventh column captioned "Broken, damaged, and seriously damaged[1]" should read "by count)".

4. The words "by weight" in the fourth line of the eighth column captioned "Seriously damaged[1]" should read "by count)".

Dated: May 11, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-4771; Filed, May 16, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Madison, Marshall, Morgan, Randolph, Russell, Talladega, and Tallapoosa Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Macoupin, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Barber, Barton, Cheyenne, Clark, Clay, Comanche, Decatur, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Linn, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Phillips, Rawlins, Reno, Rice, Riley, Rooks, Russell, Scott, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckenridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harlan, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Letcher, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. John the Baptist, and Webster Parishes;

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Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Bollinger, Buchanan, Butler, Callaway, Camden, Cape Girardeau, Carter, Cedar, Christian, Clark, Crawford, Dade, Dallas, Daviess, Dent, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Howard, Iron, Jackson, Jasper, Jefferson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Monroe, Montgomery, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francis, Ste. Genevieve, Saline, Scotland, Scott, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, and Worth Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Pauling, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, Mayes, and Nawata Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Hamlin, Hand, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Cameron, Childress, Coke, Coleman, Comal, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Baldwin and Tallapoosa Counties in Alabama; Arkansas, Chicot, Desha, Little River, and Phillips Counties in Arkansas; Los Angeles County in California; Kit Carson and Morgan Counties in Colorado; Platt and White Counties in Illinois; Harvey, Linn, Riley, Russell, Scott, and Stanton Counties in Kansas; Harlan County in Kentucky; Simpson County in Mississippi; Jackson, Pettis, Phelps, Saline, and Worth Counties in Missouri; Kidder County in North Dakota; Hand County in South Dakota; Cameron, Comal, Hays, and Hidalgo Counties in Texas; and Fauquier and Patrick Counties in Virginia.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Caldwell, Charlton, Clinton, Douglas, Newton, St. Louis, and Wright Counties in Missouri; and Madison County in Nebraska.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1962.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-4801; Filed, May 16, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,351]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Premiums and Premium Prepayments

MAY 11, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563) as hereinafter set forth, so as to provide implementation of amendments made to title IV of the National Housing Act by Public Law 87-210, which was approved September 8, 1961, and became effective January 1, 1962, and for the purpose of effecting such amendment and such implementation, hereby amends said Parts 561 and 563 as follows, effective May 17, 1962:

1. Part 561 aforesaid is hereby amended by adding thereto, immediately after § 561.8, the following new sections:

§ 561.9 Premium prepayment; premium.

The term "premium prepayment" means and refers to the payments provided for by subsection (d) of section 404 of the National Housing Act, as amended. The term "premium" does not include or refer to additional premiums provided for by subsection (c) of section 404 of said act and, except where used in the term "premium prepayment", does not include or refer to payments provided for by said subsection (d).

§ 561.10 Primary Reserve; Secondary Reserve.

The term "Primary Reserve" means the Primary Reserve referred to in subsection (a) of section 404 of the National Housing Act, as amended, and the term "Secondary Reserve" means the Secondary Reserve referred to in said subsection (a).

2. Section 563.15 of said Part 563 (12 CFR 563.15) is hereby amended to read as follows:

§ 563.15 Premiums and their uses; amount; payment.

(a) *General provisions.* Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation a premium charge for such insurance at the rate fixed by statute, determined from the latest report of the insured institution filed with the Corporation. One-half of the first annual premium shall be paid at the time the certificate of insurance is issued by the Corporation. The balance of the first annual premium shall be paid six months later. Thereafter, each annual premium charge shall be paid in two equal installments, the first at the beginning of each insurance year and the second six months later. Such annual premiums shall be determined from the latest report of the insured institution filed with the Corporation or, if the institution has failed to file such report within 60 days prior to any date upon which its annual premium becomes due, from the latest report of the institution made or published pursuant to the requirements of law or regulations. Any amount contained in any such report covering interest accrued, but not due and payable, or dividends declared, but not due and distributable, upon an account of an insured member will not be included in the computation of premiums.

(b) *Suspension of requirement.* If, at the close of any December 31, the Primary Reserve equals or exceeds the percentage set forth in paragraph (2) of subsection (b) of section 404 of the National Housing Act, as amended, no premium under paragraph (1) of said subsection (b) shall be payable by any insured institution with respect to its premium year beginning during the year commencing on May 1 next succeeding such December 31, except that the foregoing provisions of this sentence shall not be applicable to any insured institution with respect to any of the twenty premium years beginning with the premium year commencing with the date on which such certificate is issued.

3. Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.16, the following new sections:

§ 563.16–1 Premium prepayments.

Except as otherwise provided in section 404 of the National Housing Act, as amended, each insured institution shall annually pay to the Corporation a premium prepayment in an amount determined by the Corporation in accordance with subsection (d) of said section 404. The premium prepayment payable by any insured institution in any calendar year shall become due on such date, which shall be the same for all insured institutions and shall not be earlier than April 1 of such year, as shall be specified in a notice of such premium prepayment which shall be given by the Corporation to such insured institution. Each premium prepayment shall be payable in cash, but at the option of the Corporation the whole or any part of any premium prepayment may be collected by the Corporation by application thereto of the whole or any part of any sum or sums due by the Corporation to the insured institution. For the purposes of the third sentence of § 563.16–2, any payment received by the Corporation not later than the expiration of a period of five days next following the date specified in the premium prepayment notice relating thereto shall be considered as having been paid on said date and any payment received by the Corporation after such expiration shall be considered as having been paid on the first day of the first calendar month which begins after the date on which such payment is received by the Corporation, and for the purposes of this sentence the date of any application under the sentence next preceding shall be considered as the date on which the amount applied is received by the Corporation.

§ 563.16–2 Secondary Reserve.

The amounts of the premium prepayments made by insured institutions shall be credited to the Secondary Reserve. The Corporation shall maintain records showing each insured institution's pro rata share of the Secondary Reserve. The Corporation shall credit to the Secondary Reserve, as of the close of each calendar year, a return on the outstanding balances of the Secondary Reserve during such calendar year, as determined by the Corporation in accordance with subsection (e) of section 404 of the National Housing Act, as amended. Except as provided in the next following sentence or by action of the Corporation pursuant to the last sentence of said subsection (e), no right, title, or interest of any institution in or with respect to its pro rata share of the Secondary Reserve shall be assignable or transferable, whether by operation of law or otherwise. In the event that an insured institution (hereinafter in this sentence called the merging institution) is merged into another insured institution (hereinafter in this sentence called the surviving institution), the merging institution's pro rata share of the Secondary Reserve shall automatically be transferred to the surviving institution, and in such event the amount of the increase in all accounts of the surviving institution's insured members as of the December 31 next following such merger shall, for premium prepayment purposes, be adjusted by the Corporation so that such increase shall not include the accounts of insured members of the merging institution as of the close of the immediately preceding December 31.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp. Interprets or applies sec. 404, 48 Stat. 1258, as amended; 12 U.S.C. 1727)

Resolved further that, as the time involved in the affording of notice and public procedure on the above amendments would in the opinion of the Board involve danger of delay in the obtaining by the Federal Savings and Loan Insurance Corporation of premium prepayments during the present calendar year, the Board hereby finds that for that reason notice and public procedure on said amendments are impracticable and contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or section 4(a) of the Administrative Procedure Act, and, as the time involved in the publication of said amendments for the period specified in section 4(c) of said act prior to the effective date of said amendments would in the opinion of the Board likewise involve such danger and the Board hereby so finds, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-4735; Filed, May 16, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1201; Amdt. 22-13; Supp. 3]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

Miscellaneous Amendments

The manual material related to Part 22 of the Civil Air Regulations requires that a valid student lighter-than-air pilot certificate be held by an applicant as a prerequisite for taking a private pilot lighter-than-air written examination. It also provides that an applicant for a commercial pilot lighter-than-air written examination hold as a prerequisite either a private lighter-than-air pilot certificate or a valid student lighter-than-air pilot certificate which has been endorsed for solo and cross-country flight. Part 20 contains no similar requirements and it has been determined that there is no need for these requirements in Part 22 since they do not contribute significantly to the applicant's ability to meet the specified aeronautical knowledge requirements.

Further, Part 22 contains no provisions for: (1) Exchange of certificate for one of a lower grade; (2) change of name on a lighter-than-air pilot certificate; (3) replacement of a lost or destroyed pilot or medical certificate; or (4) issuance of a special purpose pilot certificate to foreign citizens. Part 20 does contain such provisions and since both parts concern pilot certificates, it has been determined that they should be uniform in regard to such privileges.

Therefore, Part 22 is amended to provide for uniformity with Part 20 in the foregoing respects.

Since this amendment relieves restrictions and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

This amendment will be included in the recodification of the provisions of Part 22 under the Agency's Recodification Program announced in Civil Air Regulations Draft Release No. 61-25 (26 F.R. 10698).

In consideration of the foregoing, Part 22 of the Civil Air Regulations (14 CFR Part 22) is hereby amended as follows:

§ 22.11–4 [Deletion]

1. By deleting § 22.11–4.

§ 22.12–5 [Deletion]

2. By deleting § 22.12–5.

3. By adding a new § 22.27 to read as follows:

§ 22.27 Exchange of certificate.

The holder of a lighter-than-air pilot certificate may apply for a pilot certificate of a lower grade. If he so applies, he must include the following statement or its equivalent: "This request is made for my own reasons, with full knowledge that my [insert name of certificate] may not be reissued to me unless I again pass the tests prescribed for its issue."

4. By adding a new § 22.28 to read as follows:

§ 22.28 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed pilot certificate is made by letter to the Chief, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Oklahoma. The letter must:

(1) Contain a brief statement of the circumstances of the loss or destruction;

(2) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued and the ratings on it; and

(3) Be accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., accompanied by a check or money order for $2.00, payable to the Federal Aviation Agency.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a pilot certificate or medical certificate, or both, pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic pilot or medical certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

5. By adding a new § 22.29 to read as follows:

§ 22.29 Special purpose pilot certificates; foreign citizens.

(a) An applicant for a lighter-than-air pilot certificate who is a citizen of a foreign country, who holds a current lighter-than-air pilot certificate issued by that country and who meets the requirements of this section, may have a lighter-than-air pilot certificate issued to him stating the operations it authorizes and containing ratings based on the ratings on his foreign pilot certificate. If he has no ratings on that certificate, the certificate issued under this part is limited to operating lighter-than-air aircraft that he has flown at least 10 hours, as pilot in command during the preceding 12 months. However, no instrument ratings may be placed on a certificate issued under this section.

(b) An applicant for a certificate under this section must submit satisfactory evidence of his aeronautical experience and must pass a test on Part 60 of this chapter. In addition, he must either submit satisfactory evidence that he currently meets the physical requirements for the foreign certificate that he holds or present an appropriate current medical certificate issued under Part 29 of this chapter.

(c) Each certificate issued under this section shows the basis upon which it was issued and may be used only for the specific purpose for which issued. If the applicant cannot read, speak, and understand the English language, the certificate may contain additional limitations that the Administrator considers necessary for air safety. A certificate issued under this section is effective only during the period it is used for the specific purpose for which it was issued, but not longer than 12 months.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 11, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–4772; Filed, May 16, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1200; Amdt. 439]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Series Aircraft

There have been several cases of cracking and one failure of the wing flap actuating cylinder rod-end bearings on Douglas DC–8 Series aircraft. As this condition is likely to occur in other such aircraft, an airworthiness directive is being issued to require inspection of the bearings and replacement of any which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–8 Series aircraft.

Compliance required as indicated.

A number of wing flap actuating cylinder rod-end bearings have cracked and in one case there was complete failure. To preclude failure of the rod-end bearings in cylinders located at wing Stations 98 and 219, accomplish the following:

(a) Assemblies having 4,650 hours' or more time in service as of the effective date of this AD shall be inspected in accordance with (b) within the next 350 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 350 hours' time in service. Assemblies having less than 4,650 hours' time in service as of the effective date of this AD shall be inspected in accordance with (b) prior to the accumulation of 5,000 hours' time in service and thereafter at intervals not exceeding 350 hours' time in service.

(b) Visually inspect rod-end bearings P/N 4648686 in the area of the bearing case adjacent to the bearing dust shield using at least a 10-power glass, for evidence of cracks. Caution: Do not remove rod-end bearing dust shield or magnetically inspect the rod-ends.

(c) If cracks are found, replace the defective part. If no cracks are found, the 350 hour periodic inspection, specified in (b), shall be continued.

(d) When replacement assemblies P/N 4648686 are used, the inspection prescribed in (b) shall be accomplished prior to the accumulation of 5,000 hours' time in service and thereafter at intervals not exceeding 350 hours' time in service.

(e) When assembly P/N 4648686 is replaced by Douglas P/N 4648686–501 (Shafer P/N YD–200A) or –503 (Shafer P/N YD–200B), or FAA approved equivalent, the inspections called for in this AD may be discontinued.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering & Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Bulletin No. 27–127 reissue No. 1 dated April 2, 1962, covers this same subject.)

This amendment shall become effective May 17, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4748; Filed, May 16, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1153; Amdt. 268]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo VOR	AV–LFR	Direct	4800	T–dn	300–1	300–1	200–½
AM LOM	AV–LFR	Direct	5000	C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn E side of North crs, 359° Outbnd, 179° Inbnd, 4900′ within 10 mi.
Minimum altitude over facility on final approach crs, 4400′.
Crs and distance, facility to airport, 124°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 mi. turn left, climb to 4700′ on the East crs of AV-LFR within 20 mi.
CAUTION: 3764′ msl grain elevator located adjacent to SW boundary of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB-Municipal; Elev., 3604′; Fac. Class., SABRAZ; Ident., AV; Procedure No. 1, Amdt. 12; Eff. Date, 19 May 62; Sup. Amdt. No. 11; Dated, 30 Sept. 61

PROCEDURE CANCELLED, EFFECTIVE MAY 19, 1962.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., BMRLZ; Ident., MSN; Procedure No. 1, Amdt. 8; Eff. Date, 26 Oct. 57; Sup. Amdt. No. 7; Dated, 4 May 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	AM LOM	Direct	5000	T–dn	300–1	300–1	200–½
AV LFR	AM LOM	Direct	5000	C–dn	600–1	600–1	600–1½
Soncy Int	AM LOM	Direct	5000	S–dn–3	600–1	600–1	600–1
Claude Int	AM LOM	Direct	5000	A–dn	800–2	800–2	800–2
Palo Duro Int	AM LOM	Direct	4900				
Tower Int	AM LOM	Direct	5300				
Sam Int	AM LOM	Direct	5300				
West Side Int	AM LOM	Direct	5000				

Procedure turn S side of crs 215° Outbnd, 035° Inbnd, 5000′ within 10 mi.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 035°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing LOM, climb to 4900′ on crs 035° within 20 miles.
CAUTION: Towers 3994′ msl 3.4 mi SW; 3886′ msl 2.1 mi SW; 3855′ msl 2.7 mi SSW of airport.

City, Amarillo; State, Tex.; Airport Name, AFB-Municipal; Elev., 3604′; Fac. Class., LOM; Ident., AM; Procedure No. 1, Amdt. 4; Eff. Date, 19 May 62; Sup. Amdt. No. 3; Dated, 23 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BHM-VOR	ROE RBn	Direct	2500	T-dn	300-1	300-1	*200-½
BHM-LFR	ROE RBn	Direct	2500	C-dn	800-1	900-1	900-1½
Leeds Int	ROE RBn	Direct	2500	S-dn-23	800-1	800-1	800-1
Chelsea Int	ROE RBn	Direct	2500	A-dn	1000-2	1000-2	1000-2
Helena Int	ROE RBn	Direct	2800	If aircraft is equipped with dual ADF and course guidance is provided by receiving ROE RBn and LMM or LOM simultaneously, following minimums apply:			
Bessemer Int	ROE RBn	Direct	2500				
Trussville Int	ROE RBn (Final)	Direct	1900	S-dn-23	600-1	600-1	600-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 232°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ROE RBn, climb to 2800′ on crs 232° within 15 miles.
AIR CARRIER NOTE: No reduction in minima authorized.
CAUTION: Rotating beacon 1375′ msl 1.6 miles South of final approach course.
*Runways 5 and 23 only. Other runways, 300-1.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., MHW; Ident., ROE; Procedure No. 2, Amdt. Orig.; Eff. Date, 19 May 62

Bismarck LFR	LOM	Direct	3800	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3800	C-d	400-1	500-1	500-1½
Int W crs BK-LFR and 126° brng to LOM	LOM	Direct	3800	C-n	400-1½	500-1½	500-1½
Int R-117 BIS-VOR and 252° brng to LOM	LOM	Direct	3800	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3800′ within 10 mi.
Minimum altitude over LOM inbnd final, 2500′.
Crs and distance, facility to airport, 306°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 3800′ on W crs BK-LFR or to 4000′ on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 4000′ on R-336 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 mi S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*300-1 required on Runways 2, 20, 35, and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 11; Eff. Date, 19 May 62; Sup. Amdt. No. 10; Dated, 24 Feb. 62

SDF RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
LOU VOR	LOM	Direct	2200	C-dn	600-1	600-1	600-1½
Jeffersonville Int	LOM	Direct	2200	S-dn-29	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 290°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2600′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold West 1-minute left turns.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., LOM; Ident., LK; Procedure No. 2, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 28 Apr. 62

MIA-VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY-VOR	LOM	Direct	1400	C-dn	500-1	500-1	500-1½
MIA RBn	LOM	Direct	1300	S-dn-9L and R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 9L, 086°—4.5 mi; Runway 9R, 097°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 1400′ on crs of 086° within 20 miles or, when directed by ATC, turn right to 195°, climb to 1400′ and proceed to Perrine RBn via a course of 250°.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., I-MI; Procedure No. 3, Amdt. Orig.; Eff. Date, 19 May 62

ORL-VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-7	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 066°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, turn right, climb to 1300′ on R-098 ORL-VOR within 20 mi.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev. 113′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 May 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PLN-VOR	Int*	Via PLN-VOR R-212.	2300	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				Following minimums apply for aircraft capable of receiving VOR and ADF simultaneously and Int* identified:			
				C-dn	500-1	500-1	500-1½

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′; over Int*, 1400′.
Facility on airport. Crs and distance, Int* to airport, 315°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PLN RBn, climb to 2300′ on 315° crs within 20 miles, then reverse course and proceed direct to PLN RBn.
CAUTION: 1326′ msl tower 2.8 mi SW of airport.
*Int: Int 135° brng from PLN RBn and PLM-VOR R-212.

City, Pellston; State, Mich.; Airport Name, Emmet County; Elev., 720′; Fac. Class., BHH; Ident., PLN; Procedure No. 1, Amdt. 5; Eff. Date, 19 May 62; Sup. Amdt. No. 4; Dated, 26 Nov. 55

PROCEDURE CANCELLED, EFFECTIVE MAY 19, 1962.

City, Pellston; State, Mich.; Airport Name, Emmet County; Elev., 720′; Fac. Class., BHH; Ident, PLN; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Apr. 61

PBI-VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
PBI-LFR	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
Monet Int	LOM	Direct	1500	S-dn-9	500-1	500-1	500-1
Andrews Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 093°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing LOM, climb to 1500′ on crs of 093° within 20 miles of LOM.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., LOM; Ident, PB; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 May 62, or on com. of facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Amarillo LFR	AMA-VOR	Direct	4800	T-dn	300-1	300-1	200-½
AM LOM	AMA-VOR	Direct	5000	C-dn	500-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 029° Outbnd, 209° Inbnd, 4900′ within 10 mi.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 209°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 5000′ on R-209 within 20 miles or, when directed by ATC, turn left, climb to 4700′ on R-075 within 20 mi.
CAUTION: 3764′ MSL grain elevator located adjacent to SW boundary of airport.

City, Amarillo; State, Tex.; Airport Name, AFB-Municipal; Elev., 3604′; Fac. Class., BVORTAC; Ident., AMA; Procedure No. 1, Amdt. 9; Eff. Date, 19 May 62; Sup. Amdt. No. 8; Dated 30 Sept. 61

AV LFR	AMA-VOR	Direct	5000	T-dn	300-1	300-1	200-½
AM LOM	AMA-VOR	Direct	5000	C-dn	500-1	500-1	500-1½
AM LOM	Potter Int* (Final)	037°—4.4	4500	S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 5000′ within 10 mi of Potter Int.*
Minimum altitude over Potter Int* on final approach crs, 4500′.
Crs and distance, Potter Int* to airport, 030°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int, climb straight ahead to 4900′ on R-210 to the VOR, thence R-030 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700′ on AMA VOR R-075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994′ MSL 5 mi. SW; 3886′ MSL 4 mi. SW; 3855′ MSL 5 mi. SSW. 3764′ MSL grain elevator located adjacent to SW boundary of airport.
*Potter Int: Int AMA VOR R-211 and brng 356° to AV-LFR.

City, Amarillo; State, Tex.; Airport Name, AFB-Municipal; Elev., 3604′; Fac. Class., BVORTAC; Ident., AMA; Procedure No. 2, Amdt. 7; Eff. Date, 19 May 62; Sup. Amdt. No. 6; Dated, 27 Jan. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AMA VOR	ARO VOR	Direct	5000	T-dn	300–1	300–1	NA
AM LOM	ARO VOR	Direct	5000	C-dn	500–1	500–1	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 183° Outbnd, 003° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 003°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing ARO VOR, turn left, climb to 6000′ on R-241 AMA VOR within 20 miles.
CAUTION: Towers 3929′ and 3994′ MSL 2.1 mi NE of airport. Silver painted water tower approximately 3800′ MSL 2 mi NW.
NOTES: Radar vectoring authorized. No weather service at airport. Air carrier use NA.

City, Amarillo; State, Tex.; Airport Name, Tradewind; Elev., 3642′; Fac. Class., VOR; Ident., ARO; Procedure No. 1, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 23 Dec. 61

				T-d	300–1	300–1	NA
				C-d	700–1	700–1	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 060°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make a climbing left turn to 1900′, proceed direct to SBJ-VOR. Hold SW 1-minute right turns, inbound crs 060°.
NOTE: No tower Unicom available.
CAUTION: 700′ terrain 2.5 miles past airport on 060°.

City, Bedminster; State, N.J.; Airport Name, Somerset; Elev., 105′; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 7 Oct. 61

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 180°—6.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi after passing Colt's Neck VOR, climb to 1500′ on crs of 180 within 10 mi and return to Colt's Neck VOR. Hold South 1-minute right turns, 010° Inbnd.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., BVOR; Ident., COL; Procedure No. 2, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 24 Dec. 60

Acorn Int	OBK-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Beacon Int	OBK-VOR	Direct	2500	C-dn	500–1	500–1	500–1½
Deerfield Int	OBK-VOR	Direct	2000	A-dn	NA	NA	NA
Lakewood Int	OBK-VOR	Direct	2000				

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on final approach inbound 3 miles from OBK-VOR.
Procedure turn N side of crs, 337° Outbnd, 157° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 157°—5.0 mi. Within 5.0 miles after passing OBK-VOR, make immediate left turn climb to 2500′ and proceed to OBK-VOR via OBK VOR R-140.
NOTES: Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Chicago; State, Ill.; Airport Name, Pal-Waukee; Elev., 642′; Fac. Class., BVORTAC; Ident., OBK; Procedure No. 1, Amdt. 3; Eff. Date, 19 May 62; Sup. Amdt. No. 2; Dated, 29 Oct. 60

Harrisburg LFR	HAR-VOR	Direct	2800	T-d	500–1	500–1	500–1
Harrisburg LOM	HAR-VOR	Direct	2800	T-n	500–2	500–2	500–2
				C-dn	1200–2	1200–2	1200–2
				A-dn	1200–2	1200–2	1200–2

Takeoff minimums of 300–1 authorized for Runways 8–26 only.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 108°—7.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR-VOR R-115 to Middletown Int.* Hold East 1-minute left turns, inbound crs 295°.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500′ or better.
NOTE: Take-off on Runway 20 not authorized.
*Middletown Int: Int R-115 HAR-VOR and R-203 TWC-VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 5; Eff. Date, 19 May 62; Sup. Amdt. No. 4; Dated, 6 Aug. 60

Beacon Int	OBK-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Acorn Int	OBK-VOR	Direct	2500	C-dn	500–1	500–1	500–1½
White Fish Int	OBK-VOR	Direct	2200	A-dn	NA	NA	NA
Lakewood Int	OBK-VOR	Direct	2200				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on final approach course 3 miles from OBK-VOR.
Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 2200′ within 10 miles. Nonstandard due to O'Hare approach area.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 126°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing OBK-VOR, make left turn climb to 2500′ and proceed direct to OBK-VOR. Hold East OBK-VOR on R-091, inbnd crs 271°, 1-minute right turns.
CAUTION: Gas tank 905′ MSL located ¾ mile NE of airport.
NOTES: Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes transition from Morton Int and Spring Lake Int.

City, Northbrook; State, Ill.; Airport Name, Sky Harbor; Elev., 680′; Fac. Class., BVORTAC; Ident., OBK; Procedure No. 1, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 30 Nov. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Barclay Int	TPL-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Gerell Int*	TPL-VOR (Final)	Direct	1600	C-dn	500–1	500–1	500–1½
				S-dn-16	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2

Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA. Nonstandard to avoid restricted area R-6302. All turns to be made on E side of course.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 159°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing TPL-VOR, turn left, climb to 2000′ and return to TPL-VOR via R-159.
#Alternate use authorized for air carriers only. No public weather service available.
*Gerell Int: Int R-202 ACT-VOR and R-339 TPL-VOR.

City, Temple; State, Tex.; Airport Name, Draughon-Miller Municipal; Elev., 608′; Fac. Class. BVOR; Ident., TPL; Procedure No. 1, Amdt. 3; Eff. Date, 19 May 62; Sup. Amdt. No. 2; Dated, 17 June 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	200–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-32R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach inbound to Fairview Int* on final approach course to cross Fairview Int* at 2500′.
Procedure turn not authorized.
Minimum altitude over Fairview Int* on final approach crs, 2500′.
Crs and distance, Fairview Int* to Runway 32R, 311°—6.0 mi.
Crs and distance, breakoff point to Runway 32R, 318°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Fairview Int,* make right turn climb to 2500′, proceed to OBK-VOR via OBK R-170.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000–3 will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound.
NOTE: Aircraft must be equipped to receive VOR/ILS simultaneously unless Fairview Int* is identified by O'Hare Radar.
*Fairview Int: Int ORD-VOR R-131 and API-VOR R-057.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., VORTAC; Ident., ORD; Procedure No. Ter VOR-32R, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 29 Aug. 59

				T-d	200–1	300–1	
				T-n*	600–2	600–2	
				C-d	700–1½	700–1½	
				C-n*	1000–2	1000–2	
				S-d-5	700–1	700–1	
				S-n-5*	700–2	700–2	
				A-dn	2000–2	2000–2	

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2400′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make an immediate right turn, climb to 2500′ on HOT-VOR R-240 within 20 miles.
CAUTION: Hills 1470′ MSL 1.3 mi N of airport. Maneuvering not authorized in N quadrant designated by extension of runway centerlines.
NOTE: No reduction in takeoff or landing minimums authorized.
*Night operations require rotating beacon, and all runway and obstruction lights to be operating.

City, Hot Springs; State, Ark.; Airport Name, Memorial Field; Elev., 535′; Fac. Class., VOR; Ident., HOT; Procedure No. TerVOR-5, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 2 Dec. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Orangeville Int	Plainwell Int*	Via PMM R-076 and AZO R-002.	2600	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-17	700-1	700-1	700-1
Plainwell Int*	Tower Int** (Final)	Direct	2000	A-dn##	NA	NA	NA
BTL-VOR	AZO-VOR	Direct	2400	The following minimums apply for aircraft equipped with dual VORs and Tower Int identified:			
ORR LOM	AZO-VOR	Direct	2900				
PMM-VOR	AZO-VOR	Direct	2400	C-dn	400-1	500-1	500-1½
ELX-VOR	AZO-VOR	Direct	2400	S-dn-17	400-1	400-1	400-1
Cooper Int	AZO-VOR	Direct	2400				
LeRoy Int	AZO-VOR	Direct	2400				
Lawton Int	AZO-VOR	Direct	2400				
Centerville Int	AZO-VOR	Direct	2400				
Marcellus Int#	AZO-VOR	Direct	2400				

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over Tower Int, 1900′.
Facility on airport.
Crs and distance, Tower Int** to airport, 182°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing right turn to 2700′ and proceed to Cooper Int via AZO R-321 or, when directed by ATC, climb to 2700′ on AZO R-182, then reverse course and return to AZO-VOR.
NOTE: All approaches controlled by Battle Creek Approach Control.
*Plainwell Int: Int AZO R-002 and BTL R-305.
**Tower Int: Int AZO R-002 and BTL R-270.
#Marcellus Int: Int AZO-VOR R-230 and PMM-VOR R-148.
##800-2 minimums authorized when AZO tower operational or for Air Carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-17, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

Cooper Int	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2400	C-dn	1000-1	1000-1	1000-1½
ORR LOM	AZO-VOR	Direct	2900	S-dn-23	1000-1	1000-1	1000-1
PMM-VOR	AZO-VOR	Direct	2400	A-dn##	NA	NA	NA
ELX-VOR	AZO-VOR	Direct	2400	The following minimums apply to dual VOR equipped aircraft and Comstock Int** identified:			
Leroy Int	AZO-VOR	Direct	2400				
BTL VOR	Gull Int*	Direct	2400	C-dn	400-1	500-1	500-1½
Gull Int*	Comstock Int** (Final)	Direct	1900	S-dn-23	400-1	400-1	400-1
Lawton Int	AZO-VOR	Direct	2400				
Marcellus Int%	AZO-VOR	Direct	2400				
Centerville Int	AZO-VOR	Direct	2400				

Procedure turn W side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over Comstock Int**, 1900′.
Facility on airport. Crs and distance, Comstock Int** to airport, 220°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO-VOR, make climbing right turn to 2700′ and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2700′ on R-220, reverse course and proceed direct to AZO-VOR.
NOTE: All approaches controlled by Battle Creek Aproach Control.
%Marcellus Int: Int AZO-VOR R-230 and PMM-VOR R-148.
*Gull Int: Int AZO-VOR R-040 and BTL-VOR R-285.
**Comstock Int: Int AZO-VOR R-040 and BTR-VOR R-265.
#800-2 minimums authorized when AZO tower operational or for Air Carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-23, Amdt. 3; Eff. Date, 19 May 62; Sup. Amdt. No. 2; Dated, 2 Dec. 61

Centerville Int	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2400	C-dn	1000-1	1000-1	1000-1½
Lawton Int	AZO-VOR	Direct	2400	S-dn-27	1000-1	1000-1	1000-1
ORR LOM	AZO-VOR	Direct	2900	A-dn##	NA	NA	NA
PMM-VOR	AZO-VOR	Direct	2400	The following minimums apply to dual VOR equipped aircraft and Scotts Int** identified:			
ELX-VOR	AZO-VOR	Direct	2400				
Cooper Int	AZO-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
Leroy Int	AZO-VOR	Direct	2400	S-dn-27	400-1	400-1	400-1
Marcellus Int#	AZO-VOR	Direct	2400				
BTL-VOR	Climax Int*	Direct	2100				
Climax Int*	Scotts Int** (Final)	Direct	1900				

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′; over Scott Int**, 1900′.
VOR on airport. Crs and distance, Scott Int** to airport, 281°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing right turn to 2700′ and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2700′ on AZO-VOR R-281, then reverse course and return to AZO-VOR.
NOTE: All approaches controlled by Battle Creek Approach Control.
#Marcellus Int: Int AZO-VOR R-230 and PMM-VOR R-148.
*Climax Int: Int BTL-VOR R-210 and AZO-VOR R-101.
**Scotts Int: Int BTL-VOR R-238 and AZO-VOR R-101.
##800-2 minimums authorized when AZO Tower operational or for Air Carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-27, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 8 Nov. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cooper Int	AZO-VOR	Direct	2400	T-dn	300-1	300-1	200-½
Lawton Int	AZO-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
GRR LOM	AZO-VOR	Direct	2900	S-dn-35	500-1	500-1	500-1
PMM-VOR	AZO-VOR	Direct	2400	A-dn##	NA	NA	NA
ELX-VOR	AZO-VOR	Direct	2400	The following minimums apply for dual VOR equipped aircraft and Austin Int indentified:			
Marcellus Int#	AZO-VOR	Direct	2400				
BTL-VOR	Kimble Int*	Direct	2100	C-dn	400-1	500-1	500-1½
Centerville Int	Austin Int** (Final)	Direct	2000	S-dn-35	400-1	400-1	400-1
Kimble Int*	AZO-VOR	Direct	2400				
Leroy Int							

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′; over Austin Int**, 2000′.
VOR on airport. Crs and distance, Austin Int** to airport, 348°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing left turn to 2700′ and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2700′ on AZO-VOR R-348, then reverse course and return to AZO-VOR.
NOTE: All approaches controlled by Battle Creek Approach Control.
#Marcellus Int: Int AZO-VOR R-230 and PMM-VOR R-148.
*Kimble Int: Int AZO-VOR R-348 and BTL-VOR R-218.
**Austin Int: Int AZO-VOR R-348 and BTL-VOR R-233.
##800-2 minimums authorized when AZO Tower operational or for Air Carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Prodecure No. TerVOR-35, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

				T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				S-dn-25*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 063° Outbnd, 243° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA. Noustandard due Navy traffic north.
Minimum altitude over facility on final approach crs, *500′.
Crs and distance, breakoff point to approach end of Runway 25, 250°—0.3 mi.
If visual contact not estabilished upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 1700′ on R-308 within 20 miles of airport.
CAUTION: Radio tower 687′ MSL 3.7 mi west of airport.
*If Barton Int** not identified on final, descent below 700′ msl NA.
**Barton Int: Int ORL R-063 and 195° brng to McCoy RBn, or 5.0 mi DME Fix on ORL R-063.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon), Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. TerVOR-25, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 20 May 61

				T-dn	300-1	300-1	200-½
				C-dn *	400-1	500-1	500-1½
				S-dn-31 *	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure, turn N side of crs, 125° Outbnd, 305° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, *500.
Crs and distance, breakoff point to app end runway 31, 310°—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1700′ on R-308 within 20 miles of airport.
CAUTION: Radio tower 687′ MSL 3.7 miles west of airport.
*If Wilcox Int** not identified on final, descent below 700′ msl NA.
**Wilcox Int: Int ORL-VOR R-125 and 195° brng to McCoy RBn, or 4.0 mi DME Fix on ORL R-125.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. TerVOR-31, Amdt. 4; Eff. Date, 19 May 62; Sup. Amdt. No. 3; Dated, 20 May 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AMA-VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-½
AV-LFR	LOM	Direct	5000	C-dn	500-1	500-1	500-1½
Borger Int	LOM	Direct	5000	S-dn-03	200-½	200-½	200-½
Canyon Int	LOM	Direct	5000	A-dn	600-2	600-2	600-2
Claude Int	LOM	Direct	5000				
Finley	LOM	Direct	5000				
Palo Duro Int	LOM	Direct	5300				
Plant Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5000				
West Side Int	LOM						

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000′ within 10 mi.
Altitude of glide slope and distance to approach end of runway at OM, 5000′—5.0 mi; at MM, 3815′—0.5 mi.
Minimum altitude at glide slope intercept inbnd on final, 5000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4900′ on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 4700′ and intercept R-076 AMA-VOR within 20 miles or (2) turn left, climb to 5300′ on R-307 AMA-VOR within 20 miles.
CAUTION: Towers 3994′ msl 3.4 mi SW; 3886′ msl 2.1 mi SW; 3885′ msl 2.7 mi SW of airport. 3764′ msl grain elevator located adjacent to SW boundary of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB-Municipal; Elev., 3604′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-3, Amdt. 4; Eff. Date, 19 May 62; Sup. Amdt. No. 3; Dated, 15 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AV-LFR	AMA-VOR	Direct	5000	T-dn	300–1	300–1	200–½
AM LOM	AMA-VOR	Direct	5000	C-dn	500–1	500–1	500–1½
Borger Int	AMA-VOR	Direct	5000	S-dn-21	300–1	300–1	300–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 035° Outbnd, 215° Inbnd, 5000′ within 10 mi. (Nonstandard due ATC requirements.)
No glide slope.
Minimum altitude over AMA-VOR* R-125 on final approach crs, 4600′.
Crs and distance, AMA-VOR* R-125 to airport, 215°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 5500′ on SW crs of ILS within 10 miles or, when directed by ATC, turn left and intercept R-076 AMA-VOR, climbing to 4700′ within 10 miles.
CAUTION: 3764′ msl grain elevator located adjacent to SW boundary of airport.
*AMA-VOR lies 1000′ NW of localizer course. Positive station passage required for descent below 4600′.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB-Municipal; Elev., 3604′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-21, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 22 Apr. 61

Bismarck LFR	LOM	Direct	3800	T-dn	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3800	C-d	400–1	500–1	500–1½
Int W crs BK-LFR and SE crs ILS	LOM	Direct	3800	C-n	400–1½	500–1½	500–1½
Int R-117 BIS-VOR and 252° brng to LOM	LOM	Direct	3800	S-dn-30	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3800′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at OM 2770—3.7, at MM 1868—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3800′ on W crs BK-LFR or to 4000′ on R-292 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 4000′ on R-336 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 mile S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW and 2413′ 9.2 mi NE.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*300-1 required on Runways 2, 20, 35, and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-30, Amdt. 11; Eff. Date, 19 May 62; Sup. Amdt. No. 10; Dated, 24 Feb. 62

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-32R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach inbound to Indian Int* on final approach course to cross Indian Int at 2500′.
Procedure turn NA.
Minimum altitude over Indian Int* on final approach crs, 2500′.
Crs and distance, Indian Int* to airport, 318°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Indian Int,* make right turn climb to 2500′ and proceed to OBK-VOR via OBK R-170.
NOTE: Functioning ILS and VOR receivers required unless Indian Int* is identified by O'Hare Radar. No glide slope, markers, compass locators or approach lights. 4° localizer course.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound.
*Indian Int: Int SW crs OIIA ILS and API-VOR R-058.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-OIIA; Procedure No. ILS-32R, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 10 July 60

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-32L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach inbnd to River Grove Int* on final approach course to cross River Grove Int* at 2500′.
Procedure turn NA.
Minimum altitude over River Grove Int* on final approach crs, 2500′.
Crs and distance, River Grove Int* to airport, 318°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 6.2 miles after passing River Grove Int*, make right turn climb to 2500′ and proceed to OBK-VOR via OBK R-170.
NOTES: Functioning ILS and VOR receiver required unless River Grove Int* is identified by O'Hare Radar. No glide slope, markers, compass locators or approach lights. 4° localizer course, VGSI installed.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound.
*River Grove Int: Int SW crs ORD ILS and API-VOR R-060.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD.; Procedure No. ILS-32L, Amdt. 2; Eff. Date, 19 May 62; Sup. Amdt. No. 1; Dated, 19 Nov. 60

CLE LFR	Stadium RBn	Direct	3000	T-dn	300–1	300–1	200–½
Vermilion Int	Stadium RBn	(@)	3000	C-dn#	400–1	500–1	500–1½
Sharon Int	Stadium RBn	(##)	3000	S-dn-23R#	400–1	400–1	400–1
Mentor Int	Stadium RBn	Direct	3000	A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side NE crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn inbnd final, 3000′. Minimum altitude 1500′ after RBn inbnd final until 4-mile radar fix received.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing radar fix or 6.9 mi after RBn, make right climbing turn to 3000′ direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.
NOTE: Four-mile radar fix not normally provided by ATC unless weather is 700–1½ or below.
#When radar fix not available, 700–1½ minimums will apply.
*Descend to landing minimum after passing 4-mile radar fix.
@This transition is via CLE LFR.
##This transition is via STG VOR R-183 and the STG VOR R-036.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23R, Amdt. 11; Eff. Date, 19 May 62; Sup. Amdt. No. 10; Dated, 14 Dec. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cincinnati VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
New Baltimore Int	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
LUK LFR	LOM	Direct	2400	S-dn-36#*	200–½	200–½	200–½
Dry Ridge Int	Union Int	Direct	2200	A-dn	600–2	600–2	600–2
Grants Lick Int	Union Int	Direct	2000				
Union Int	LOM	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1831′—3.4 mi; at MM, 1069′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300′ on crs 360° to the New Baltimore Int. Hold North 1-minute right turns, 186° Inbnd, 006° Outbnd.
CAUTION: Glide slope@ point of touchdown approximately 1750′ in from approach end of runway.
*400–¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 14; Eff. Date, 19 May 62; Sup. Amdt. No. 13; Dated, 28 Apr. 62

Harrisburg LFR	LOM	Direct	2700	T-d	500–1	500–1	500–1
Harrisburg VOR	LOM	Direct	2700	T-n	500–2	500–2	500–2
				S-d-8	600–1½	600–1½	600–1½
				S-n-8	600–2	600–2	600–2
				C-dn	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn N side of W crs, 259° Outbnd, 079° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′. No glide slope. Distance to appr end of runway at OM 7.1, at MM 1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000′ on Harrisburg VOR R-115 to Middletown Int*. Hold East 1-minute left turns, inbnd crs 295°.
AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hrs with ceiling 1500′ or better.
NOTES: 1. Takeoff minimums of 300–1 authorized for Runways 8-26 only. 2. Takeoff on Runway 20 NA. 3. ADF approach NA.
CAUTION: Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi S of airport. Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative. Course vagaries and/or flag indications may be encountered below 6000′ beyond 10 miles of localizer antenna when more than 15 degrees south of the localizer course.
*Int R-115 HAR-VOR and R-203 TWC-VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., ILS; Ident., I-HA ; Procedure No. ILS-8, Amdt. 7; Eff. Date, 19 May 62; Sup. Amdt. No. 6; Dated, 15 July 61

SDF RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
LOU VOR	LOM	Direct	2200	C-dn	600–1	600–1	600–1½
Jeffersonville Int	LOM	Direct	2200	S-dn-29*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude at glide slope intercept inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2141′—5.0 mi; at MM, 714′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2600′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int. Hold West 1-minute, left turns.
NOTE: Approach light system nonstandard—not a component of ILS. Approach lights operated by the city of Louisville, Ky. The Federal Government disclaims responsibility for non-Federal navigation facilities.
*400–¾ with glide slope inoperative.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-LKS; Procedure No. ILS-29, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 28 Apr. 62

MIA-VOR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
BSY-VOR	LOM	Direct	1400	C-dn	500–1	500–1	500–1¼
MIA RBn	LOM	Direct	1300	S-dn-9L*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope intercept inbnd, 1300′.
Altitude of glide slope and distance to approach end of Runway at OM, 1228′—4.4 mi; at MM, 192′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1400′ on E crs ILS within 20 miles or climb to 1400′ on crs of 086° from LOM within 20 mi.
*400–¾ required when glide slope inoperative.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-9L, Amdt. Orig.; Eff. Date, 19 May 62

Salinas VOR	LMM	Direct	4000	T-dn	300–1	300–1	300–¾
Shark Int	Int BSR R-308 and W crs ILS	Direct	3700	C-d	700–2	700–2	700–2
Int BSR R-308 and W crs ILS	LOM (Final)	Direct	1700	C-n	700–3	700–3	700–3
Carmel Int	LOM	Direct	4000	S-dn-10#	300–¾	300–¾	300–¾
				A-d	700–2	700–2	700–2
				A-n	700–3	700–3	700–3

Procedure turn S side of W crs, 276° Outbnd, 096° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at LOM, 1630′—4.1 mi; at MM, 370′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM make immediate left climbing turn and climb to 1800′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Runway 28.
#400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., I-MRY; Procedure No. ILS-10, Amdt. 8; Eff. Date, 19 May 62; Sup. Amdt. No. 7; Dated, 7 Jan 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
ORL-VOR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn	#400–1	500–1	500–1½
				S-dn-7°	200–½	200–½	200–¼
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 1700′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1700′—5.4 mi; at MM, 317′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1300′ on R-098 ORL-VOR within 20 miles.
*500–¾ required with glide slope inoperative.
#500–1 required with glide slope inoperative.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS-7, Amdt. Orig.; Eff. Date, 19 May 62

Flat Rock VOR via R-120	Bellwood Int	Direct	#1700	T-dn	300–1	300–1	200–½
Flat Rock VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Richmond LFR	LOM	Direct	1500	S-dn-6	*200–½	*200–½	*200–½
Int N crs Richmond LFR and SW crs ILS	LOM	Direct	1500	A-dn	600–2	600–2	600–2
Manakin Rbn	LOM	Direct	2000				
Petersburg Int	LOM	Direct	1500				

Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope Int inbnd, 1500′.
Altitude of glide slope and distance to appr end of runway at OM 1370—3.8; at MM 370—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500′ on course 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500′ on N crs Richmond LFR within 10 miles.
#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1370′ is authorized.
*400–¾ required with glide slope inoperative.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., ILS; Ident., I-RIC; Procedure No. ILS-6, Amdt. 12; Eff. Date, 19 May 62; Sup. Amdt. No. 11; Dated, 14 Apr. 62

Long Lake Int	Elkhart Int	Via OSH R-018 and E crs ILS.	2200	T-dn	300–1	300–1	200–½
				C-dn	*400–1	500–1	500–1½
North Liberty Int	LOM	Direct	3000	S-dn-27°	200–½	200–½	200–½
South Bend LFR	LOM	Direct	2200	A-dn	600–2	600–2	600–2
South Bend VOR	LOM	Direct	2200				
Bristol Int	Elkhart Int#	Via E crs ILS	2200				
Goshen LFR	Elkhart Int#	Via 144° brng to GH-LFR.	2200				
Elkhart Int#	LOM (Final)	Direct	2000				
Goshen VOR	E crs loc	Via R-345 OSH-VOR.	2400				
Int OSH R-345 and E crs loc	LOM (Final)	Direct	2000				

Procedure turn N side of final approach crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—3.8; at MM, 975—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing right turn to 2300′ and proceed direct to the SBN-VOR or, when directed by ATC, climb to 2200′ and proceed direct to the SN LFR.
CAUTION: 2019′ msl tower 5.6 mi S of LOM.
*500–1 required when glide slope inoperative.
#Elkhart Int: Int E crs SBN ILS & R-36 OSH-VOR or 144° brng to GH-LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class, ILS; Ident., I-SBN; Procedure No. ILS-27, Amdt. 16; Eff. Date, 19 May 62; Sup. Amdt. No. 15; Dated, 5 May 62

TPA-LFR	Dawson Int#	Direct	1500	T-dn	300–1	300–1	*200–½
PIE-VOR	Dawson Int#	Direct	1500	C-dn	500–1	500–1	500–1½
Int S crs ILS and SW crs LFR or PIE-VOR R-121.	Dawson Int# (Final)	Direct	1500	S-dn-36	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Int N crs ILS and PIE-VOR R-038	Dawson Int#	Direct	1500				
All directions	Radar Site	Within 25 mi	1500				

Radar control must provide 1000′ clearance when within 3 mi or 500′ clearance when between 3–5 mi of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 16 mi SE of airport.
Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 1500′ within 10 mi.
No glide slope. No markers. Altitude over Dawson Int# on final, 1500′.
Crs and distance, Dawson Int# to Runway 36, 001°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 1200′ on N crs of ILS within 20 miles.
CAUTION: 210′ radio tower 1 mile WSW of airport.
AIR CARRIER NOTES: 200—½ absolute minimum for takeoff Runway 27. Runway 14–32 closed to all air carrier operations.
*1 mile visibility required all operations on Runway 14–32.
#Int S crs TPA ILS and PIE-VOR R-097 or 271° brng from TPA-LFR.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-36, Amdt. 6; Eff. Date, 19 May 62; Sup. Amdt. No. 5; Dated, 3 June 61

PBI-VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
PBI-LFR	LOM	Direct	1500	C-dn	*400–1	500–1	500–1½
Monet Int	LOM	Direct	1500	S-dn-9°	300–¾	300–¾	300–¾
Andrews Int	LOM	Direct	1500	A-dn	600–2	600–2	600–2

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1600′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1560′—5.6 mi; at MM, 217′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on E crs of ILS within 20 miles.
*No approach lights. 500–¾ required when glide slope inoperative.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., ILS; Ident., I-PBI; Procedure No. ILS-9, Amdt. Orig.; Eff. Date, 19 May 62, or on com. of facility

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimun altitude (feet)	Condition	65 knots or less	More than 65 knots	
				Surveillance approach			
All directions		10–20 mi	2500				
145°	322°	0–10 mi	2500				
322°	145°	0–10 mi	2000	T-dn	300–1	300–1	200–½
				C-dn*	500–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left or right turn, climb to 2500′; proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135 or, when directed by ATC, make immediate left or right turn climb to 2500′ and proceed to IA LOM, then direct to OBK-VOR.
NOTE: Right or left turn as appropriate for the direction of the approach.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound.
*Runways 14L and R, 32L and R, 27, 22#.
#Do not descend below 1200′ until radar advises passing 926′ tower 4.2 miles from end of runway 22.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., O'Hare; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 19 May 62; Sup. Amdt. No. 2; Dated, 21 Feb. 59

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
															2-engine or less		More than 2-engine, more than 65 knots
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	65 knots or less	More than 65 knots	
														Surveillance approach			
110	195	20 mi	5600	15 mi	4000									T-d-All*@	500–1	500–1	500–1
195	035	20 mi	3000	15 mi	2700									T-n-All*@	500–2	500–2	500–2
060	110	20 mi	3000	15 mi	2400									C-dn-8/30%	1100–2	1100–2	1100–2
														C-dn-26%	1000–2	1000–2	1000–2
														S-dn-8/30	1100–2	1100–2	1100–2
														S-dn-26	600–1½	600–1½	600–1½
														A-dn-8/30	1100–2	1100–2	1100–2
														A-dn-26	1000–2	1000–2	1000–2

All sectors within 10 miles 2400.#
All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 30: Make climbing left turn to 3000′, proceed direct to HAR-VOR. Hold west HAR-VOR 1-minute right turns inbound course 101°.
Runway 26: Make climbing right turn to 3000′, proceed direct to HAR-VOR. Hold west HAR-VOR 1-minute right turns inbound course 101°.
Runway 8: Climb to 3000′ on HAR-VOR R-115 to Middletown Int#. Hold east 1-minute left turns inbound crs 295°.
NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1500′ or better.
*Takeoff minimums of 300–1 authorized for Runways 8–26 only.
@Takeoff on Runway 20 NA.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3–5 mile (inclusive) radius of TV towers 1589′ msl 7.5 mi NW and 1517′ msl 7.8 mi N of airport.
%Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi south of airport.
#Middletown Int: Int R-115 HAR-VOR and R-203 TWC-VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., Harrisburg; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 14 Apr. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on April 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–3728; Filed, May 16, 1962; 8:45 a.m.]

[Reg. Docket No. 1172; Amdt. 269]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.
As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.
Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Huron VOR	HK-LFR	Direct	2500	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 041°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 3000′ on NE crs of LFR within 20 miles.
CAUTION: Radio tower 1484′ MSL 1¼ mi S of airport.
City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., BMRLZ; Ident., HK; Procedure No. 1, Amdt. 11; Eff. Date, 26 May 62; Sup. Amdt. No. 10; Dated, 12 Mar. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1		
				C-dn	700-1		
				S-dn-16	700-1		
				A-dn	1000-2		

Procedure turn W side of crs, 341° Outbnd, 161° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 161°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make a left climbing turn to 1800′, returning to the LOM. Hold West 1-minute right turns, inbound crs, 085°.
City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 2; Eff. Date, 26 May 62; Sup. Amdt. No. 1; Dated, 5 Aug. 61

CRP VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
CP RBn	LOM	Direct	1400	C-dn*	400-1	500-1	500-1½
Robstown Int	LOM	Direct	1800	S-dn-13*	400-1	400-1	400-1
Sinton Int	San Pat Int%	Via R-040 ALI-VOR.	1400	A-dn	800-2	800-2	800-2
San Pat Int%	LOM (Final)	Direct	1400				

Radar coverage extends from the radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 mi; Tank Fix# to airport, 127°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 mi.
*Aircraft must be equipped with operating ADF and VOR receivers and Tank Fix received; if Tank Fix not received, ceiling minimum is 600′.
#Tank Fix: Brng 127° from LOM and CRP-VOR R-210.
%San Pat Int: Int ALI-VOR R-040 and 127° brng to the LOM, or CRP ILS NW crs.
City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 7; Eff. Date, 26 May 62; Sup. Amdt. No. 6; Dated, 18 Nov. 61

				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				S-dn-15	500-1	500-1	NA
				A-dn	1000-2	1000-2	NA

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 141°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing POE RBn, turn right, climb to 2000′ returning to POE RBn.
CAUTION: Pilots using this approach must acquaint themselves with any activity in R-3803 and R-3804.
NOTES: 1. Authorized for military use only except by prior arrangement. 2. Procedure not entirely within controlled airspace.
City, Fort Polk; State, La.; Airport Name, Polk AAF; Elev., 330′; Fac. Class., MHW; Ident., POE; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 May 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FAT-VOR	FN RBn	Direct	2000	T-dn	300-1	300-1	NA
Bowles Int	FN RBn (Final)	Direct	1000	C-dn	800-2	800-2	NA
				A-dn	800-2	800-2	NA

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 035°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile, climb to 2000′ on 315° brng within 10 miles.
City, Fresno; State, Calif.; Airport Name, Fresno-Chandler; Elev., 277′; Fac. Class., H; Ident., FN; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 May 62

Alaska FM	LOM	Direct	2900	T-dn	300-1	300-1	*300-1
GRR-LFR	LOM	Direct	2900	C-d	500-1	500-1	500-1½
Lowell Int	LOM	Direct	2900	C-n	500-1½	500-1½	500-1½
Orangeville Int	LOM	Direct	2900	S-dn-36R	500-1	500-1	500-1
PMM-VOR	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Lee Int**	LOM (Final)	Via AZO R-355	2900				
AZO-VOR	Lee Int**		2900				

Procedure turn W side of crs, 176° Outbnd, 356° Inbnd, 2900′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 356°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing LOM, climb to 2200′ on crs of 356° from LOM to Comstock Int or, when directed by ATC, (1) make right climbing turn to 2200′ on SE crs GRR-LFR to Caledonia Int; (2) make left climbing turn to 2900′ and proceed direct to GRR LOM.
CAUTION: 1180′ tower 5.0 miles S, 900′ stack 0.5 mi W, and 913′ tower 1.7 mi S of airport.
*200-½ authorized on 18L and 36R only.
**Lee Int: Int 176° brng from GRR LOM and PMM-VOR R-055.
City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 6; Eff. Date, 26 May 62; Sup. Amdt. No. 5; Dated, 18 Feb. 61

Huron LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Huron VOR	LOM	Direct	2500	C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 298° Outbnd, 118° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 118°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi of LOM, climb to 2800′ on 118° brng from LOM within 15 miles or, when directed by ATC, climb to 3000′ on NE crs HK-LFR within 15 miles.
CAUTION: Radio tower 1484′ 1¼ miles S of airport.
NOTE: No approach lights.
City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4; Dated, 8 Apr. 61

Buffalo VOR	IA LOM	Direct	2000	T-dn	300-1	300-1	*200-½
Buffalo RBn	IA LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Int SE crs Toronto LFR and brng 097° to LOM	IA LOM	Direct	1800	S-dn-28R	400-1	400-1	400-1
Wolcottsville Int	IA LOM (Final)	Direct	1800	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 277°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb straight ahead on course 277° to 2000′ within 10 miles, then make right turn and return to the LOM. Hold East 1-minute right turns, inbnd crs 277°.
*300-1 required on Runways 10R, 28L, 18, and 36.
City, Niagara Falls; State, N.Y.; Airport Name, Niagara Falls Municipal; Elev., 590′; Fac. Class., LOM; Ident., IA; Procedure No. 1, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4 (ADF portion Comb ILS-ADF); Dated, 18 Aug. 56

ADF APPROACH TO RUNWAY 31 CANCELLED, EFFECTIVE MAY 26, 1962, OR UPON DECOM. OF FACILITY.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 10; Eff. Date, 20 May 61; Sup. Amdt. No. 9; Dated, 17 Dec. 60

Mechanicsburg Int	SGH MHW	Direct	2800	T-dn	300-1	300-1	200-½
South Solon Int	SGH MHW	Direct	2800	C-dn	400-1	500-1	500-1½
Gladstone Int	SGH MHW	Direct	2800	S-dn-23	400-1	400-1	400-1
DAY VOR	SGH MHW	Via R-106 DAY VOR.	2800	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 235°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, make climbing left turn to 3000′, return to SGH MHW.
City, Springfield; State, Ohio; Airport Name, Springfield Municipal; Elev., 1049′; Fac. Class., MHW; Ident., SGH; Procedure No. 1, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4; Dated, 17 Mar. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Waco VOR	Waco LOM	Direct	1600	T-dn	300–1	300–1	200–½
Brandon Int	Int 185° brng to LOM and ACT-VOR R-028.	Direct	1800	C-dn	400–1	500–1	500–1½
				S-dn-18	400–1	400–1	400–1
Int 185° brng to LOM and ACT-VOR R-028.	Waco LOM (Final)	Direct	1600	A-dn	800–2	800–2	800–2
Bostic Int*	Int 005° brng to LOM and ACT-VOR R-164.	Direct	2000				
Int 005° brng to LOM and ACT-VOR R-164.	Waco LOM	Direct	2000				

Radar terminal maneuvering area 2000′ within 20 miles of radar site (James Connally AFB).
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ msl TV tower 12 mi S of airport.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 185°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landin not accomplished within 4.6 miles, climb to 2700′ on 185° crs from LOM within 20 miles or, when directed by ATC, (1) turn right, climb to 2000′ proceeding to Waco LOM or (2) turn left, climb to 2000′ and intercept R-136 Waco VOR within 20 mi.
CAUTION: 1749′ msl tower located 12 mi S of airport.
*Bostic Int: Int TPL-VOR R-029 and ACT-VOR R-164.

City, Waco; State, Tex.; Airport Name, Waco Municipal; Elev., 515′; Fac. Class., LOM; Ident., AC; Procedure No. 1, Amdt. 2; Eff. Date, 26 May 62; Sup. Amdt. No. 1; Dated, 8 July 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Amarillo VOR	Buffalo VOR	Direct	5000	T-dn	300–1	300–1	200–½
Amarillo LFR	Buffalo VOR	Direct	5000	C-dn	500–1	500–1	500–1½
ILS LOM	Buffalo VOR	Direct	5000	S-dn-3	500–1	500–1	500–1
Canyon Int	Buffalo VOR	Direct	5000	A-dn	800–2	800–2	800–2
Claude Int	Buffalo VOR	Direct	5000				
Finley Int	Buffalo VOR	Direct	5000				
Palo Duro Int	Buffalo VOR	Direct	5000				
Plant Int	Buffalo VOR	Direct	5300				
Sam Int	Buffalo VOR	Direct	5000				
Tower Int	Buffalo VOR	Direct	5000				
West Side Int	Buffalo VOR	Direct	5000				

Teardrop procedure turn—procedure turn E side of crs 196° Outbnd, 034° Inbnd, 5100′ within 10 mi.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 034°—7.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing ARO-VOR, climb to 5000′ on R-034 ARO-VOR within 20 miles.
CAUTION: Towers 3994′ msl 3.4 mi SW; 3886′ msl 2.1 mi SW; 3885′ msl 2.7 SW of airport. 3764′ msl grain elevator located adjacent to SW boundary of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3607′; Fac. Class., VORW; Ident., ARO; Procedure No. 3, Amdt. Orig.; Eff. Date, 26 May 62

BX-LFR	BOI-VOR	Direct	4200	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1½	700–1½
				S-dn-10R#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4200′ within 10 mi.
Minimum altitude over Meridian Int* or 3.5-mi DME fix on final approach, 3600′.
Crs and distance, Meridian Int* or 3.5-mi DME fix to airport, 106°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BOI-VOR, climb to 5000′ on R-112 within 10 miles.
*Meridian Int: Int BOI-VOR R-286 and 196° brng to BOI LOM.
#Circling minimums apply if Meridian Int* not received.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. 1, Amdt. 3; Eff. Date, 26 May 62; Sup. Amdt. No. 2; Dated, 12 Feb. 56

OOD-VOR	Swedesboro Int# (Final)	Direct	1000	T-dn	300–1		
				C-dn*	600–1		
				S-dn-34*	600–1		
				A-dn	1000–2		

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 001°—9.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 mi after passing OOD-VOR, make a right climbing turn to 1900′, returning to the OOD-VOR. Hold South, 1 minute, right pattern, 001° Inbnd.
#Swedesboro Int: Int OOD-VOR R-001 and EWT-VOR R-083.
*Maintain 1000′ until passing Swedesboro Intersection. If Swedesboro Int not received, ceiling minimum of 1000′ is applicable for landing.

City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., BVOR; Ident., OOD; Procedure No. 1, Amdt. 2; Eff. Date, 26 May 62; Sup. Amdt. No. 1; Dated, 5 Aug. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MYR-VOR	Skipper Int* (Final)	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-5	700–1	700–1	700–1
				A-dn#	800–2	800–2	800–2
				If aircraft equipped with VOR and ADF receivers operating normally and Skipper Int* received, the following minimums are authorized:			
				C-dn	400–1	500–1	500–1½
				S-dn-5	400–1	400–1	400–1

Procedure turn W side of crs, 241° Outbnd, 061° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′; over Skipper Int, 700′.
Crs and distance, facility to airport, 061°—9.2 mi; Skipper Int* to airport, 061°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Skipper Int* or 9.5 miles after passing MYR-VOR, climb to 1500′ on R-056 of MYR-VOR or, when directed by ATC, turn left, climb to 1500′ and proceed to MYR-VOR via MYR R-061.
NOTE: Procedure may be authorized for air carriers having approval of their arrangement for communications and weather service at this airport.
*Skipper Int: Int MYR-VOR R-061 and 123° crs from MTL "H".
#Alternate usage authorized for air carrier only.

City, Crescent Beach; State, S.C.; Airport Name, Crescent Beach/Myrtle Beach Elev., 32′; Fac. Class., BVOR; Ident., MYR; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 May 62

Huron LFR	HON-VOR	Direct	2400	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–1½	500–1½	500–1½
				S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 304° Outbnd, 124° Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 124°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 4.5 mi climb to 2800′ on R-124 within 15 mi HON-VOR.
CAUTION: Radio tower 1484′ MSL 1¼ mi S of airport.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., BVOR; Ident., HON; Procedure No. 1, Amdt. 6; Eff. Date, 26 May 62; Sup. Amdt. No. 5; Dated, 8 Apr. 61

				T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-d-17	600–1	600–1	600–1
				S-n-17	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 015° Outbnd, 195° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 195°—6.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles, climb to 2300′ on R-195 within 15 miles.
CAUTION: Tower 1338′ 3 miles NW of airport, tower 1070′ 3 miles NE of airport.
Other change: Deletes transition from Spartanburg LFR.

City, Spartanburg; State, S.C.; Airport Name, Spartanburg Municipal; Elev., 816′; Fac. Class., BVORTAC; Ident., SPA; Procedure No. 1, Amdt. 1; Eff. Date, 26 May 62; Sup. Amdt. No. Orig.; Dated, 1 Jan. 55

Brazos Int	ACT-VOR (Final)	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal maneuvering altitude all directions within 20 miles of radar site—2000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ tower 12 mi S of airport.
Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 141°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles, climb to 2000′ on R-136 within 20 miles or, when directed by ATC, turn right, climb to 2000′ on R-187 within 20 miles, or turn right, climb to 2000′ and return to ACT-VOR, or turn right, climb to 2000′ on R-321 and proceed to Brazos Int.
CAUTION: 1749′ msl tower 12 mi S of airport.

City, Waco; State, Tex.; Airport Name, Municipal; Elev., 515′; Fac. Class., BVORTAC; Ident., ACT; Procedure No. 1, Amdt. 6; Eff. Date, 26 May 62; Sup. Amdt. No. 5; Dated, 25 Jan. 58

PROCEDURE CANCELLED, EFFECTIVE MAY 26, 1962.

City, Waco; State, Tex.; Airport Name, Municipal; Elev., 515′; Fac. Class., BVOR-DME; Ident., ACT; Procedure No. 2, Amdt. 3; Eff. Date, 25 Jan. 58; Sup. Amdt. No. 2; Dated, 5 Oct. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 177° Outbnd, 357° Inbnd, 2000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 1, 007°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R-357 within 10 miles or, when directed by ATC, make a left climbing turn, return to Rush Int at 2000′.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 N A.
Other changes: Deletes transition from Rush Int. Deletes straight-in minima.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident, ROC; Procedure No. TerVOR-1, Amdt. 4; Eff. Date, 26 May 62; Sup. Amdt. No. 3; Dated, 11 Nov. 61

Murdock Int	SRQ-VOR	Direct	1200	T-dn	300–1	300–1	200–½
Hansen Int	SRQ-VOR	Direct	1300	C-dn	500–1	500–1	500–1½
Egmont RBn	SRQ-VOR	Direct	1300	S-dn-13	500–1	500–1	500–1
				A-dn#	800–2	800–2	800–2

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to appr end of Runway 13, 133°—0.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1200′ on R-117 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for weather service at this airport.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Sarasota; State, Fla.; Airport Name, Sarasota-Bradenton; Elev., 24′; Fac. Class., BVOR; Ident., SRQ; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 26 May 62; Sup. Amdt. No. 1; Dated 29 July 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CRP-VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–½
CP RBn	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Robstown Int	LOM	Direct	1800	S-dn-13	200–½	200–½	200–½
Sinton Int	LOM	Direct	1400	A-dn	600–2	600–2	600–2
Sinton Int	San Pat Int*	Via R-040 ALI-VOR	1400				
*San Pat Int	LOM (Final)	Direct	1400				

Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792′ msl 6 miles W of airport.
Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope Int inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at LOM, 1400′—4.8 mi; at LMM, 244′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 1500′ direct to CRP-VOR and proceed outbound on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800′ on CRP-VOR R-227 within 20 mi.
*San Pat Int: Int ALI-VOR R-040 and CRP ILS NW crs.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4; Dated, 18 Nov. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Alaska FM	LOM	Direct	2900	T-dn	300–1	300–1	#300–1
Short Int*	LOM	Direct	2900	C-d	@500–1	500–1	500–1½
GRR-LFR	LOM	Direct	2900	C-n	@500–1½	500–1½	500–1½
City Int**	LOM	Direct	2900	S-dn-36R$	300–¾	300–¾	300–¾
Lowell Int	LOM	Direct	2900	A-dn	600–2	600–2	600–2
Orangeville Int	LOM	Direct	2900				
PMM-VOR	Lee Int%	Direct	2900				
Lee Int%	LOM (Final)	Direct	2300				
AZO-VOR	Lee Int%	Via AZO R-355	2900				

Procedure turn W side of crs, 176° Outbnd, 356° Inbnd, 2900′ within 10 mi. (Nonstandard due to ATC separation requirement.)
Minimum Altitude at glide slope Int Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at LOM, 2309°—5.0 mi; at LMM, 933′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200′ on North crs GRR ILS to Comstock Int or, when directed by ATC, (1) make right climbing turn to 2200′ on SE crs GRR LFR to Caledonia Int; (2) make left climbing turn to 2900′ and proceed direct to GRRLOM.
AIR CARRIER NOTE: No approach lights.
CAUTION: 1180′ tower 5.0 mi South; 905′ stack 0.5 mi West; 913′ tower 1.7 mi South.
*Int SW crs GRR-LFR and S crs ILS.
**Int NW crs GRR-LFR and N crs ILS.
#200–½ authorized on 18L and 36R only.
@400′ ceiling is authorized for circling if all turns prior to landing are made E and N of airport.
$300–1 required when glide slope not used.
%Lee Int: Int S crs GRR ILS and PMM-VOR R-055.

City, Grand Rapids; State, Mich; Airport Name, Kent County; Elev., 692′; Fac. Class., ILS; Ident., I-GRR; Procedure No. ILS-36R, Amdt. 7; Eff. Date, 26 May 62; Sup. Amdt. No. 6; Dated, 18 Feb. 61

Huron LFR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Huron VOR	LOM	Direct	2500	C-d	500–1	500–1	500–1½
				C-n	500–1½	500–1½	500–1½
				S-dn-12°	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 298° Outbnd, 118° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM 2433—3.8 mi, at MM 1488–0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800′ on SE crs ILS within 15 miles or, when directed by ATC, climb to 3000′ on NE crs HK-LFR within 20 miles.
CAUTION: Radio tower 1484′ msl 1¼ mi S of airport.
*No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., ILS; Ident., I-HON; Procedure No. ILS-12, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4; Dated, 8 Apr. 61

Buffalo VOR	LOM	Direct	2000	T-dn	300–1	300–1	*200–½
Wolcottsville Int	LOM (Final)	Direct	**1800	C-dn	500–1	500–1	500–1½
Buffalo RBn	LOM	Direct	2000	S-dn-28R#	300–¾	300–¾	300–¾
Int SE crs Toronto LFR and E crs ILS (or brng 097° to LOM)	LOM	Direct	1800	A-dn##	600–2	600–2	600–2
Buffalo RBn via VOR R-346	E crs ILS	Direct	**2000				
Buffalo RBn via crs 008°	E crs ILS	Direct	**2000				

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 1800′ within 10 mi of LOM.
Minimum altitude at glide slope Int Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1755′—4.5 mi, at MM 805°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead on crs 277° to 2000′ within 10 miles, then make right turn and return to LOM. Hold East 1-minute right turns inbnd crs 277°.
*300–1 required on runways 10R, 28L, 18, and 36.
**After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1755 is authorized.
#400–¾ required with glide slope inoperative.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 apply.

City, Niagara Falls; State, N.Y.; Airport Name, Municipal; Elev., 590′; Fac. Class., ILS; Ident., I-IAG; Procedure No. ILS-28R, Amdt. 5; Eff. Date, 26 May 62; Sup. Amdt. No. 4 (ILS portion Comb. ILS-ADF); Dated, 18 Aug. 56

OMA-VOR	LOM	Direct	2700	T-dn#	*300–1	*300–1	##200–½
OA-LFR	LOM	Direct	2600	C-d	600–1	700–1	700–1½
California FM	LOM	Direct	2600	C-n	600–1½	700–1½	700–1½
Neola VOR	LOM	Direct	2600	S-dn-14L%	300–¾	300–¾	300–¾
				A-dn	700–1½	700–1½	700–1½

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 miles W and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 mi of OM.
Minimum altitude at glide slope Int Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2085′—4.0 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500′ on SE crs ILS, turn left and proceed direct to Neola VOR. Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: Bluff 1339′ msl 1.3 mi E; TV towers 1739′ msl 4 mi WNW and 1746′ msl 3 mi SW of airport. Stack 1192′ msl 0.8 mi SSE of LOM.
#After takeoff climb to 2000′ msl prior to proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Runways 14L, 32R, 17L, and 35R. ##300–1 takeoff minimums required for more than 2-engr. aircraft except Runways 14L, 32R, 17L, and 35R. %500–¾ straight-in required when glide slope inoperative.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-14L, Amdt. 11; Eff. Date, 26 May 62; Sup. Amdt. No. 10; Dated, 26 Aug. 61

PROCEDURE CANCELLED, EFFECTIVE MAY 26, 1962, OR UPON DECOM. OF FACILITY.

City, Orlando; State, Fla.; Airport Name, Orlando Municipal (Herndon); Elev., 113′; Fac. Class., ILS; Ident., I-ORL; Procedure No. ILS-31, Amdt. 11; Eff. Date, 20 May 61; Sup. Amdt. No. 10; Dated, 18 Mar. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PIE-VOR	Sawgrass Int*	Direct	1300	T-dn	300-1	300-1	200-½
Egmont Key RBn	Sawgrass Int*	Direct	1300	C-dn	400-1	500-1	500-1½
All directions	Radar Site	Within 25 mi	#1300	S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 1300′ within 10 mi of Sawgrass Int.*
Minimum altitude over Sawgrass Int* on final approach crs, 1300′.
Crs and distance, Sawgrass Int* to Runway 35, 350°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, left turn, climb to 1300′ on the PIE-VOR R-334 within 20 miles.
*Sawgrass Int: Int PIE ILS South crs and 070° brng to TPA-LFR.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 861′ msl 19.5 miles ESE and 1135′ msl 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clear-International; Elev., 10′; Fac. Class., ILS; Ident., I-PIE; Procedure No. ILS-35, Amdt. Orig.; Eff. Date, 26 May 62

Waco VOR	Waco LOM	Direct	1600	T-dn	300-1	300-1	200-½
Brandon Int	N crs ILS	Via R-028 ACT-VOR	1800	C-dn	400-1	500-1	500-1½
				S-dn-18	200-½	200-½	200-½
N crs ILS and R-028 ACT-VOR	Waco LOM (Final)	Direct	1800	A-dn	600-2	600-2	600-2
Bostic Int*	S crs ILS	Via R-164 ACT-VOR	2000				
S crs ILS and R-164 ACT-VOR	Waco LOM	Direct	2000				

Radar terminal maneuvering area 2000′ within 20 miles of radar site (James Connally AFB).
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ msl tower located 12 miles South of airport.
Procedure turn W side of N crs, 005° Outbnd, 185° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope Int Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1766′—4.6 mi; at MM, 700′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on S crs of ILS (185°) within 20 miles or, when directed by ATC, (1) turn right and climb to 2000′ proceeding to Waco VOR or (2) turn left, climb to 2000′ and intercept R-136 of Waco VOR within 20 miles.
CAUTION: 1749′ msl tower 12 mi S of airport.
*Bostic Int: Int TPL-VOR R-029 and ACT-VOR R-164.

City, Waco; State, Tex.; Airport Name, Waco Municipal; Elev., 515′; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-18, Amdt. 2; Eff Date, 26 May 62; Sup. Amdt. No. 1; Dated, 8 July 61

ACT-VOR	Turner Int*	Direct	2000	T-dn	300-1	300-1	200-½
Bostic Int**	Turner Int* (Final)	Direct	1500	C-dn	400-1	500-1	500-1½
TPL-VOR	Lambert Int#	Via TPL-VOR R-020	2700	S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Lambert Int#	Turner Int* (Final)	Direct	1500				

Radar terminal maneuvering area 2000′ within 20 mi of radar site (James Connally AFB).
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ msl tower located 12 mi S of airport.
Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 2700′ within 10 mi of Turner Int. Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, Turner Int* to airport, 005°—4.0 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Turner Int,* climb to 2000′ on N crs ILS to LOM or, when directed by ATC, turn left, climb to 2000′ and proceed to Brazos Int via ACT-VOR R-321.
CAUTION: 710′ stacks 7.5 mi SSE and 1040′ tower 4.6 mi SE. TV tower 1749′ msl 12 mi S of airport.
#Lambert Int: Int S crs ACT ILS and 240° brng from Connally RBn.
*Turner Int: Int S crs ACT ILS and 274° brng from Connally RBn.
**Bostic Int: Int TPL-VOR R-029 and ACT-VOR R-164.

City, Waco; State, Tex.; Airport Name, Municipal; Elev., 515′; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-36, Amdt. 1; Eff. Date, 26 May 62; Sup. Amdt. No. Orig.; Dated, 12 Aug. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and Distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
0°	360°	Within 30 mi	3000	**Precision approach**			
				S-dn-5L*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn@	300-1	300-1	200-½
				C/S-dn-all	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, R/W 9 make left climbing turn to 3000′ on STG R-360 to CXR R-284 and proceed to Crib Int. All other runways, make climbing turn to 3000′, direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.
*Runway Visual Range 2600′ also authorized for landing on Runway 5L; providing all components of the PAR, high intensity runway lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 989′ msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
@Runway Visual Range 2600′ also authorized for takeoff on Runway 5L when 200-½ is authorized, providing high intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 780′; Fac. Class. and Ident., Cleveland Radar; Procedure No. 1, Amdt. 8; Eff. Date, 26 May 62; Sup Amdt. No. 7; Dated, 14 Dec. 61

All Sectors	Radar Site*	Within 20 mi	2500	**Precision approach**			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29L*%	300-¾	300-¾	300-¾
				A-dn-29L*%	700-2	700-2	700-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				C-dn-22	600-1	600-1	600-1½
				S-dn#	400-1	400-1	400-1
				S-dn-22	600-1	600-1	600-1
				C-dn-4	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs ILS to Int. R-221 MSP-VOR and ILS crs or, as directed by ATC: 1. Make left climbing turn, climb to 2500′ on crs of 241° within 22 miles. 2. Make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: On approach to Runway 11R do not descend below 1400′ msl until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.
#Runways 11R, 29L.
*No approach lights.
%Touchdown point, 4200′ from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class. and Ident., Minneapolis Radar; Procedure No. 1, Amdt. 12; Eff. Date, 26 May 62; Sup. Amdt. No. 11; Dated, 21 Apr. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on April 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4057; Filed, May 16, 1962; 8:45 a.m.]

[Reg. Docket No. 1185; Amdt. 270]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.
As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.
Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lakewood Int	OR LOM (Final)	Via OBK R-271 and brng 138° to OR LOM.	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14R	400–1	400–1	400–1
OBK-VOR	OR LOM	Direct	2200	A-dn	800–2	800–2	800–2
Acorn Int	OR LOM	Direct	2500				
Beacon Int	OR LOM	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing OR LOM, make left turn climb to 2500′, proceed direct to IA LOM, then direct to OBK–VOR or, when directed by ATC, (1) make right turn after passing LMM, climb to 2000′ on ORD–VOR R–250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD–VOR R–271.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD–VOR R–250 and climb to 2000′ be ore proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R–306 and climb to 2000′ before proceeding westbound.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 4; Eff. Date, 2 June 62; Sup. Amdt. No. 3; Dated, 10 July 61

Lakewood Int	OH LOM (Final)	Via OBK R-271 and 318° brng from LOM.	2200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14L	400–1	400–1	400–1
Acorn Int	OH LOM	Direct	2500	A-dn	800–2	800–2	800–2
Beacon Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, facility to airport, 138°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM, make left turn climb to 2500′ and proceed to IA LOM, then direct to OBK–VOR or, when directed by ATC, make left turn climb to 2500′, proceed to OBK–VOR via ORD–VOR R–030 and OBK–VOR R–135.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD–VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R–306 and climb to 2000′ before proceeding westbound.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., LOM; Ident., OH; Procedure No. 2, Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt. No. 1; Dated, 10 June 61

SVM–VOR	DW LOM	Direct	2700	T-dn	300–1	300–1	200–½
YIP–VOR	DW LOM	Direct	2700	C-dn	500–1	500–1	500–1½
CRL–VOR	DW LOM	Direct	2700	S-dn-21R and L.	500–1	500–1	500–1
QG–VOR	DW LOM	Direct	2700				
Royal Int	Lucy Int*	Via brng 212° to LOM.	2700	A-dn	800–2	800–2	800–2
Lucy Int*	DW LOM (Final)	Direct	2300				

Radar transition authorized in accordance with approved patterns.
Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to Runway 21R, 212°—5.2 mi; to Runway 21L, 205°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of DW LOM, climb to 2000′, proceed direct to DT LOM or, when directed by ATC, (1) make right turn climb to 2300′, proceed to Ford RBn, (2) climb to 2300′, make left turn, proceed to Rockwood Int via SVM R–143.
*Lucy Int: Int 212° brng to LOM and QG R–302 or SVM R–097.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. Orig.; Eff. Date, 2 June 62

Fort Myers VOR	FMY RBn	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 040°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 1500′ on crs of 057° from FMY RBn within 20 miles.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BH; Ident., FMY; Procedure No. 1, Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt No. 1; Dated, 5 Aug. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OF LFR	LOM	Direct	6200	T-dn**	300–1	300–1	200–½
GTF VOR	LOM	Direct	6200	C-dn	500–1	500–1	500–1½
Belt FM	LOM	Direct	6200	S-dn-34	500–1	500–1	500–1
Millegan Int	LOM	Direct	6200	A-dn	800–2	800–2	800–2
Cascade FM	LOM	Direct	6200				

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200′ within 10 miles. Beyond 10 miles NA. All turns W side of crs. High terrain E.
Minimum altitude over facility on final approach crs, 5500′.
Crs and distance, facility to airport, 341°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles, climb to 6000′ on crs of 341° within 20 mi or, when directed by ATC, climb to 5000′ on NW crs GTF–LFR within 15 mi.
CAUTION: 3840′ msl towers 1.1 mi SW of airport.
**300–1 required on Runways 11–29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., LOM; Ident., GT; Procedure No. 1, Amdt. 4; Eff. Date, 2 June 62; Sup. Amdt. No. 3; Dated, 16 July 60

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	1000–3	1000–3	1000–3
				S-dn-27	1000–3	1000–3	1000–3
				A-dn#	NA	NA	NA
				The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int* identified:			
				C-dn	500–1	500–1	500–1½
				S-dn-27	500–1	500–1	500–1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over Zang Int,* 1600′.
Crs and distance, facility to airport, 266°—13.3 mi; facility to Zang Int,* 266°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX–VOR or 3.0 miles after passing Zang Int,* climb to 2000′ on ELX–VOR R–266 within 20 miles, then proceed direct to ELX–VOR and contact SBN approach control for further instructions.
*Zang Int: Int ELX–VOR R–266 and SBN–VOR R–356.
#Use as alternate authorized for air carriers with approved weather reporting service.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 1; Eff. Date, 2 June 62; Sup. Amdt. No. Orig.; Dated, 28 Sept. 57

Acorn Int	OBK–VOR	Direct	2500	T-dn	300–1	300–1	200–½
Beacon Int	OBK–VOR	Direct	2500	C-dn	500–1	500–1	500–1½
Deerfield Int	OBK–VOR	Direct	2000	A-dn	NA	NA	NA
Lakewood Int	OBK–VOR	Direct	2000				

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on final approach inbound 3 miles from OBK–VOR.
Procedure turn North side of crs, 337° Outbnd, 157° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 157°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing OBK–VOR, make immediate left turn climb to 2500′ and proceed to OBK–VOR via OBK VOR R–140.
NOTES: Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Chicago; State, Ill.; Airport Name, Pal-Waukee; Elev., 642′; Fac. Class., BVORTAC; Ident., OBK; Procedure No. 1, Amdt. 4; Eff. Date, 2 June 62; Sup. Amdt. No. 3; Dated, 19 May 62

				T-dn	1000–1	1000–1	NA
				C-dn	1200–2	1200–2	NA

Procedure turn W side of crs, 150° Outbnd, 330° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 343°—7.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing ILA–VOR, make left turn, climb to 2000′ on R–150 within 10 miles.
NOTE: Pilots will contact Marysville or Sacramento FSS for current altimeter setting prior to commencing IFR approach to Colusa County Airport.

City, Colusa; State, Calif.; Airport Name, Colusa County; Elev., 25′; Fac. Class., VORTAC; Ident., ILA; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GF-LFR	GTF-VOR	Direct	5500	T-dn	300–1	300–1	*200–½
Belt FM	GTF-VOR	Direct	5500	C-dn	500–1	500–1	500–1½
GTF LOM	GTF-VOR	Direct	5500	A-dn	800–2	800–2	800–2
Cascade FM	GTF-VOR	Direct	5500				

Procedure turn S side of crs, 203° Outbnd, 023° Inbnd, 5400′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 026°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 5500′ on R–018 within 20 miles or, when directed by ATC, execute climbing left turn, climb to 5500′ on R–312 within 20 miles.
CAUTION: 3940′ msl LFR towers located 1.5 mi, SW of airport.
Other change: Deletes straight-in minimums to Runway 3.
*300–1 required on Runways 11–29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., BVOR; Ident., GTF; Procedure No. 1, Amdt. 4; Eff. Date, 2 June 62; Sup. Amdt. No. 3; Dated, 17 Oct. 59

Lexington HW	LEX–VOR	Direct	2300	T-dn	300–1	300–1	200–½
Richmond Int	LEX–VOR	Direct	2500	C–d	600–1	600–1	600–1½
Union Hall Int	LEX–VOR	Direct	2500	C–n	600–1½	600–1½	600–2
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 304°—7.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles, climb to 2200′ on R–304 LEX–VOR within 10 miles or, when requested by ATC, make climbing left turn and return to Lexington VOR at 2300′.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978′; Fac. Class., BVORTAC; Ident., LEX; Procedure No. 1, Amdt. 5; Eff. Date, 2 June 62; Sup. Amdt. No. 4; Dated, 17 Dec. 60

Seaweed Int	High Tide Int (R–119 LIH–VOR and R–085 SOK–VOR).	Direct	2000	T–dn*	500–1	500–1	500–1
				C–d#	600–1½	600–1½	600–1½
High Tide Int**	Lihue VOR (Final)	Direct	700	C–n#	700–2	700–2	700–2
				A–dn	1000–2	1000–2	1000–2

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 2600′ within 10 miles. Procedure turn not authorized when inbound from Seaweed Int via High Tide Int.
Minimum altitude over High Tide Int on final approach crs, 2000′; over LIH–VOR, 700′.
Crs and distance, facility to airport, 328°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn climb to 3000′ on R–030 within 20 miles, reverse course, climbing to 4000′ over LIH–VOR.
CAUTION: Terrain 725′ high, 1.3 miles NW and 786′, 1.8 miles south of airport.
NOTES: 1. Strict adherence to final approach course and missed approach procedure is required. 2. Dual omni receivers or single omni and DME required for approach with ceiling below 1000′.
AIR CARRIER NOTE: Sliding scale not authorized.
*Takeoff on Runway 21 restricted to 600–2 day, 700–2 night.
**DME 9-mile fix may be substituted in lieu of South Kauai R–085 to determine High Tide Int.
#Circling to west not authorized.

City, Lihue; State, Hawaii; Airport Name, Lihue; Elev., 145′; Fac. Class., VOR; Ident., LIH; Procedure No. 2, Amdt. Orig.; Eff. Date, 2 June 62

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Austin Int	AUM VOR	Direct	3200	T–dn	300–1	300–1	200– ½
RST VOR	AUM VOR	Direct	3200	C–dn	600–1	600–1	600–1½
				S–dn–17	600–1	600–1	600–1
				A–dn**	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the Sargeant Int.* received:			
				C–dn	400–1	500–1	500–1½
				S–dn–17	400–1	400–1	400–1

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance breakoff point to Runway 17, 168°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AUM–VOR, climb to 2700′ on R–165 within 20 miles.
CAUTION: 1670′ msl tower 3.5 mi SW, 1477′ msl tower 2.3 mi north, 1330′ msl tank 1 mi west.
*Sargeant Int: Int R–345 AUM–VOR and R–245 RST–VOR.
**Authorized for air carriers with weather reporting service at the airport.

City, Austin; State, Minn.; Airport Name, Austin; Elev., 1237′; Fac. Class., BVOR; Ident., AUM (State-owned); Procedure No. TerVOR–17, Amdt. 1; Eff. Date, 2 June 62; Sup. Amdt. No. Orig.; Dated, 21 Apr. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Austin Int	AUM VOR	Direct	3200	T–dn	300–1	300–1	200–½
RST VOR	AUM VOR	Direct	3200	C–dn	500–1	500–1	500–1½
				S–dn–35	500–1	500–1	500–1
				A–dn**	800–2	800–2	800–2
				Following minimums apply for aircraft equipped with operating dual omni receivers and the London Int.* received:			
				C–dn	400–1	500–1	500–1½
				S–dn–35	400–1	400–1	400–1

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach 1700′.
Crs and dist breakoff point to Runway 35, 348°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the AUM VOR, climb to 2500′ on R–350 within 20 mi.
CAUTION: 1670′ msl tower 3.5 mi. SW 1477′ msl tower 2.3 miles north. 1330′ msl tank 1 mi. west.
*London Int: Int R–170 AUM–VOR and R–233 RST–VOR.
**Authorized for air carriers with weather reporting service at the airport.

City, Austin; State, Minn.; Airport Name, Austin; Elev., 1237′; Fac. Class., BVOR; Ident., AUM (State-owned); Procedure No. TerVOR–35, Amdt. 1; Eff. Date, 2 June 62; Sup. Amdt. No. Orig.; Dated, 21 Apr. 62

OBK–VOR	Arlington Int*	Via R–235 OBK and R–329 ORD.	2200	T–dn	300–1	300–1	300–1½
				C–dn	700–1	700–1	700–1½
Palatine Int#	Arlington Int* (Final)	Via R–329 ORD–VOR.	2200	S–dn–14L	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2
Lakewood Int	Palatine Int	Via R–271 OBK and R–329 ORD.	2200	#Following minimums apply for dual VOR equipped aircraft and Arlington Int received or radar fix in lieu of Arlington Int:			
				C–dn	400–1	500–1	500–1½
Acorn Int	ORD–VOR	Direct	2500	S–dn–14L	400–1	400–1	400–1
Deerfield Int	ORD–VOR	Direct	2500				
Beacon Int	ORD–VOR	Direct	2500				
OBK–VOR	ORD–VOR	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 2500′ within 15 mi. of VOR.
Minimum altitude over facility on final approach crs, 1400′; over## Arlington Int* or 6 mi radar fix, 2200′.
Crs and distance, Arlington Int* to Runway 14L, 149°—6.0 mi.
Crs and distance, breakoff point to approach end of Runway 14L, 138°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn, climb to 2500′ and proceed to OBK–VOR via ORD–VOR R–030 and OBK–VOR R–135 or, when directed by ATC, make left turn climb to 2500′ and proceed to IA LOM, then direct to OBK–VOR.
NOTE: Aircraft executing missed approach may be radar vectored after being reidentified.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD–VOR R–250 and climb to 2500′ before proceeding westbound. Takeoffs on Runway 22L, when weather is below 2000–3, will intercept ORD–VOR R–306 and climb to 2500′ before proceeding westbound.
*Arlington Int: Int ORD–VOR R–329 and OBK–VOR R–193.
#Palatine Int: Int ORD–VOR R–329 and OBK–VOR R–235.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR–14L, Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt. No. 1; Dated, 24 June 61

OBK R–076	Glencoe Int#	Via R–033 ORD–VOR.	2300	T–dn	300–1	300–1	200–½
Glencoe Int#	Grove Int* (Final)	Via R–033 ORD–VOR.	1800	C–dn	400–1	500–1	500–1½
				S–dn–22	400–1	400–1	400–1
OBK–VOR	Glencoe Int#	Via R–118 OBK–VOR.	2000	A–dn	800–2	800–2	800–2
Beacon Int	ORD–VOR	Direct	2500				
Lakewood Int	ORD–VOR	Direct	2500				
Acorn Int	ORD–VOR	Direct	2500				
OBK–VOR	ORD–VOR	Direct	2500				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 3 mi from Grove Int.*
Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 2500′ within 10 miles.
Minimum altitude over Grove Int* on final approach crs, 1800′.
Crs and distance, Grove Int* to Runway 22, 213°—3.8 mi.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn climb to 2500′, proceed to OBK–VOR via ORD R–075 and OBK R–135 or, when directed by ATC, (1) make left turn climb to 2500′, proceed to OBK–VOR via ORD R–030 and OBK R–135, (2) make left turn climb to 2500′ and proceed to IA LOM, then direct to OBK–VOR.
NOTES: Dual VOR receivers required or radar fix in lieu of Grove Int.*
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD–VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000–3 will intercept ORD–VOR R–306 and climb to 2000′ before proceeding westbound.
#Glencoe Int: Int OBK–VOR R–118 and ORD–VOR R–033.
*Grove Int: Int ORD–VOR R–033 and OBK–VOR R–153.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR–22, Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt. No. 1; Dated, 12 Sept. 59

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Deer Park VHF Int	23-mi DME fix R-141	Via 23-mi orbit (clockwise).	3000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
Sandy Hook VHF Int	19-mi DME fix R-141	Via 19-mi orbit (counterclockwise).	2000	A-dn	800–2	800–2	800–2

Terminal area radar transitions authorized from R-090 through R-210 IDL-VOR, 1500′ within 20 miles; 2500′ within 25 miles.
Procedure turn NA. Radar vectors to final approach required.
Minimum altitude on approach radial 19-mile DME fix to 4-mile DME fix R-141, 1500′; 4-mile DME fix to 3-mile DME fix R-141, 1200′; 3-mile DME fix to 2-mile DME fix R-141, 900′; 2-mile DME fix to 1-mile DME fix R-141, 600′.
Crs and distance, breakoff point to approach end of Runway 31L, 312°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of IDL-VOR, make left climbing turn to 2000′ on R-190 IDL-VOR and proceed to Sandy Hook VHF Int, hold at Sandy Hook Int right turns, 1-minute, 010° Inbnd.
NOTE: DME fixes are line of sight.
AIR CARRIER NOTE: Sliding scale not authorized.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., BVORTAC; Ident., IDL; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 2 June 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lakewood Int	OR LOM (Final)	Via OBK R-271 NW crs ORD ILS.	2200	T-dn#	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14R*%	200–½	200–½	200–½
Acorn Int	OR LOM	Direct	2500	A-dn	600–2	600–2	600–2
Elgin Int	OR LOM	Direct	2500				
Beacon Int	OR LOM	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
OBK-VOR	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2206′.
Altitude of glide slope and distance to approach end of runway at LOM, 2132′—5.3; at LMM, 8:1′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished n ake right turn after passing the LMM, climb to 2000′ on ORD–VOR R-250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD–VOR R-271 or, when directed by ATC, (1) make immediate left turn, climb to 2500′ and proceed to OBK–VOR via ORD R-030 and OBK R-135, (2) make left turn, climb to 2500′ and proceed to IA LOM, then direct to OBK VOR.
NOTES: Aircraft executing missed approach may, after being reidentified, be radar controlled. 4° localizer course.
%400–¾ required when glide slope inoperative.
NOTE: Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD–VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R-306 and climb to 2000′ before proceeding westbound.
*Runway Visual Range of 2600′ also authorized for landing on Runway 14R: *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 867′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway Visual Range 2600′ authorized for takeoff in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are in satisfactory operating condition.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-14R, Amdt. 6; Eff. Date, 2 June 62; Sup. Amdt. No. 5; Dated, 10 June 61

Lakewood Int	OH LOM (Final)	Via OBK R-271 and NW crs OHA ILS.	2500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14L#	300–¾	300–¾	300–¾
Acorn Int	OH LOM	Direct	2500	A-dn	800–2	800–2	800–2
Deerfield Int	OH LOM	Direct	2500				
Beacon Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at LOM, 2481′—5.7 mi; at LMM, 900′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn, climb to 2500′ and proceed to IA LOM, then direct to OBK–VOR or, when directed by ATC, make left turn, climb to 2500′ and proceed to OBK–VOR via ORD R-030 and OBK R-135.
NOTES: Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA. No approach lights, 4° localizer course.
CAUTION: Takeoffs Runway 27 when weather is below 2000–3 will intercept ORD–VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs Runway 32L when weather is below 2000–3 will intercept ORD R-306 and climb to 2000′ before proceeding westbound.
#400–1 required when glide slope not utilized.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-14L, Amdt. 3; Eff. Date, 2 June 62; Sup. Amdt. No. 2; Dated, 26 Dec. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE JUNE 2, 1962.							
City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-21R, Amdt. 3; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 2, Dated, 31 May 56							
SVM-VOR	DW LOM	Direct	2700	T-dn	300–1	300–1	200–½
YIP-VOR	DW LOM	Direct	2700	C-dn	400–1	500–1	500–1½
CRL-VOR	DW LOM	Direct	2700	S-dn-21R#	300–¾	300–¾	300–¾
GG-VOR	DW LOM	Direct	2700	A-dn	700–2	700–2	700–2
Royal Int	Lucy Int*	Via NE crs DWC ILS.	2700				
Lucy Int*	DW LOM (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2289′—5.2 mi; at MM, 869′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′, proceed direct to DT LOM or, when directed by ATC, (1) make right turn climb to 2300′, proceed to FRD Rbn, (2) climb to 2300′, make left turn, proceed to Rockwood Int via SVM R-143.
NOTES: No approach lights. 4° localizer course.
*Lucy Int: Int NE crs ILS and QG R-302 or SVM R-097.
#400–1 required with glide slope inoperative.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I-DWC; Procedure No. ILS-21R, Amdt. Orig.; Eff. Date, 2 June 62

GF-LFR	LOM	Direct	6200	T-dn**	300–1	300–1	200–½
GTF-VOR	LOM	Direct	6200	C-dn	400–1	500–1	500–1½
Belt FM	LOM	Direct	6200	S-dn-34*	200–½	200–½	200–½
Cascade FM	LOM	Direct	6200	A-dn	600–2	600–2	600–2
Millegan Int	LOM	Direct	6200				

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200′ within 10 miles. NA beyond 10 mi. All turns W side of crs—high terrain east.
Minimum altitude at glide slope int inbnd, 6200′.
Altitude of glide slope and distance to approach end of runway at OM, 5835′—6.6 mi; at MM, 3915′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6000′ on N crs ILS within 20 miles or, when directed by ATC, climb to 5000′ on NW crs GF–LFR or R-312 GTF–VOR within 15 miles.
CAUTION: 3840′ msl LFR towers 1.1 miles SW of airport.)
*400–¾ required with glide slope inoperative.
**300–1 required for Runways 11–29.

City, Great Falls; State, Mont; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS-34, Amdt. 5; Eff. Date, 2 June 62; Sup. Amdt. No. 4; Dated, 25 Mar. 61

Fremont FM-HW	Hayward HW (Final)	Direct	2600	T-dn* ##	300–1	300–1	200–½
OK-LFI/"H"	Hayward HW	Direct	4000	C-dn	500–1	600–1	600–1½
OAK VOR	Hayward HW	Direct	4000	S-dn-27R%	200–½	200–½	200–½
Bay Point Int	Hayward HW	Direct	6000	S-dn-27L#	400–1	400–1	400–1
Altamont Int	Hayward HW	Direct	5000	A-dn	600–2	600–2	600–2
Sunol Int	Hayward HW (Final)**	Direct	4000				
Decota Int	Hayward HW (Final)	Direct	2600				

Radar transitions and vectoring authorized using Oakland Radar in accordance with approved radar patterns.
Procedure turn S side of crs, 065° Outbnd, 275° Inbnd, 4000′ within 10 miles of HWD HW. Beyond 10 mi NA. (Nonstandard due to high terrain North.)
Minimum altitude at glide slope int, inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at HWD HW, 2590′—8.2 mi at OM, 1320′—4.1; at MM, 230′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ in a 1-minute right turn holding pattern on R-300 OAK–VOR (120° Inbnd, 300° Outbnd, all turns W side of crs). An aircraft executing a missed approach may, after being reidentified, be radar controlled. Missed approaches must cross OAK–VOR not above 1500′.
*300–1 required for takeoff on Runway 33.
**Descend on glide slope to cross Hayward HW at 2590′.
#Crs and distance, OM to Runway 27L, 274°—4.1 mi.
%Runway Visual Range 2600′ also authorized for landing on Runway 27R: *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flasher, middle compass locator, outer compass locator, outer marker, Hayward HW and all related airborne equipment are operating satisfactorily. Descent below 205′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway Visual Range 2600′ also authorized for takeoff on Runway 27R in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., ILS; Ident., I-OAK; Procedure No. ILS-27/L, Amdt. 17; Eff. Date, 2 June 62; Sup. Amdt. No. 16; Dated, 10 Mar. 62

Pendleton VOR	LOM	Direct	4600	T-dn	300–1	300–1	200–½
Pendleton LFR	LOM	Direct	4600	C-dn	500–1	500–1	500–1½
Athena Int	LOM	Direct	4600	S-dn-25R	200–½	200–½	200–½
Cabbage Hill FM	LOM	Direct	4800	A-dn	600–2	600–2	600–2
Athena Int	Int ALW–VOR R-180 and E crs PDT ILS.	Direct	4600				
Int ALW–VOR R-180 and E crs PDT ILS.	LOM (Final)	Direct	*4500				
Pilot Rock Int*	LOM	Direct	4800				

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 4600′ within 10 miles.
Minimum altitude at glide slope int inbnd, 3200′.
Altitude of glide slope and distance to approach end of runway at OM 2750′—4.1; at MM 1725′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000′ direct to PDT–VOR, continue climb on R-250 within 15 miles or, when directed by ATC, climb to 4000′ on crs 250° Outbnd, 070° Inbnd within 15 mi of DT LMM.
*Descent on glide slope to cross LOM at 2750′ is authorized.

City, Pendleton; State, Oreg.; Airport Name, Pendleton; Elev., 1493′; Fac. Class, ILS; Ident., I-PDT; Procedure No. ILS-25R, Amdt. 5; Eff. Date, 2 June 62; Sup. Amdt. No. 4; Dated, 17 June 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PIE-VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
TPA-LFR	LOM	Direct	1500	C-dn	400-1	500-1	500-1¼
Radar terminal area transition altitudes	Radar site	Within 25 miles	#1500	S-dn-17	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1166′—4.2 mi; at MM, 189′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1500′ on PIE-VOR R-270 within 20 miles or, when directed by ATC, turn right and climb to 1500′ on crs of 270°, intercept and proceed out 220° brng from PI LOM within 20 miles.
NOTE: 500-¾ required when glide slope not utilized.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 861′ msl 19.5 miles ESE and 1135′ msl 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., ILS; Ident., I-PIE; Procedure No. ILS-17, Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt. No. 1; Dated, 27 Jan. 62

Thornhurst VOR	CYE RBn*	Direct	3500	T-dn#	600-1	600-1	600-1
Effort Int	CYE RBn*	Direct	3500	C-d	900-1½	1000-1½	1000-2
Pocono Int	CYE RBn*	Direct	3500	C-n	1300-2	1300-2	1300-2
Avoca Int	CYE RBn*	Direct	3500	S-dn-4**	600-1	600-1	600-1
Lopez Int	CYE RBn*	Direct	3500	A-d	1200-2	1200-2	1200-2
Hazleton RBn	CYE RBn*	Direct	3500	A-n	1600-3	1600-3	1600-3
Scranton Int##	CYE RBn*	Direct	4000				

Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 mi of Crystal Lake RBn.
Minimum altitude at glide slope int inbnd final, 3500′ over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE* RBn, 3500′—8.5 mi; at OM, 2230′—3.9 mi; at MM, 1180′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.5 miles after passing Crystal Lake RBn, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold E; 1-minute right turns, inbnd crs 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3500′, hold SW 1-minute left turns inbnd crs 043°, (2) hold W of Crystal Lake RBn, 3500′ 1-minute right turns, inbnd crs 100°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mile for 65 knots or less aircraft and 1¼ miles for more than 65 knots aircraft.
#Takeoff minimums for Runways 10 and 16: Day, 600–2; night, 800–2.
*Crystal Lake RBn—this approach is authorized only when Crystal Lake radio beacon is operating.
%Procedure turn nonstandard to provide separation from approaches to Hazleton, Pa.
**If glide slope not utilized, straight-in minimums to Runway 4 will be 800–1—65 knots or less, 800–1¼—more than 65 knots. After passing CYE RBn, if OM not received do not descend below 2600′.
##Scranton Int: Int R-349 Thornhurst VOR and R-289 Wilkes-Barre VOR.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS-4, Amdt. 13; Eff. Date, 2 June 62; Sup. Amdt. No. 12; Dated, 21 Apr. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All directions		Within 5- to 20-mile radius#.	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1¼
				A-dn	800-2	800-2	800-2

Aircraft on any direct course to Addison TVOR may descend to 1100′ msl from 5-mile radar fix.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing Addison VOR, proceed direct to DAL-VOR, climbing to 2000′.
NOTE: Air carrier use NA. No weather service available.
Other change: Remove notes regarding non-Federal facility and no weather service available.
#Radar control must provide 1000′ clearance within 3 mi or 500′ clearance when within 2–5 mi of radio towers 2349′ msl 23 mi SSW, 1221′ msl 10 mi WSW, and 1108′ msl 14 mi north of airport.

City, Dallas; State, Tex.; Airport Name, Addison; Elevation, 644′; Fac. Class., Dallas Radar; Ident., Addison VOR; Procedure No. 1; Amdt. 2; Eff. Date, 2 June 62; Sup. Amdt. No. 1; Dated, 13 Dec. 58

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4329; Filed, May 16, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (b) of § 6.104 as set out below.

§ 6.104 Department of Defense.

• • • • • •

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* • • •

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4799; Filed, May 16, 1962; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST; MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from May 1, 1962.

In § 230.11 *Descriptive list:*

1. Paragraph (i) *Chemicals* is amended to add sample number 949 (Plutonium Metal Chemical Standard) to read as follows:

Sample No.	Purity	Weight of sample	Price per sample
949 [1]	99.97±0.03%	0.5g	$34.00

[1] This standard is available to SS stations, AEC licensees, and foreign governments which have entered with an Agreement for Cooperation with the United States Government concerning the Civil Uses of Atomic Energy. Requests for the standard must be made on special order forms (Form NBS-285) obtainable free of charge from the Department of Commerce, National Bureau of Standards, Division of Analytical and Inorganic Chemistry, Washington 25, D.C.
Domestic orders should be addressed directly to the National Bureau of Standards. Foreign orders must be sent in triplicate to the Division of International Affairs, U.S. Atomic Energy Commission, Washington 25, D.C. Standards will be shipped Express Collect.
Domestic purchasers will be billed by the National Bureau of Standards. Remittances in payment of foreign orders must be made payable to the National Bureau of Standards and are requested in advance. These remittances must be drawn on a bank in the United States and payable at the standard rate of United States currency.

2. Paragraph (m) *Spectrographic standards* is amended by the addition of ten new samples to the (Copper-base alloys series) to read as follows:

Sample No.[1]	Name	Price per sample
C1100	Cartridge Brass A, Chill Cast	$25.00
1101	Cartridge Brass B, Wrought	25.00
C1101	Cartridge Brass B, Chill Cast	25.00
1102	Cartridge Brass C, Wrought	25.00
C1102	Cartridge Brass C, Chill Cast	25.00
C1109	Red Brass A, Chill Cast	25.00
1110	Red Brass B, Wrought	25.00
C1110	Red Brass B, Chill Cast	25.00
1111	Red Brass C, Wrought	25.00
C1111	Red Brass C, Chill Cast	25.00

[1] Sizes: The sample numbers not preceded by a letter "C" are wrought and are disks 1¾ in. in diameter, ¾ in. thick; the sample numbers preceded by the letter "C" generally have the same composition but are in the form of chill-cast sections 1¼ in. square, ¾ in. thick.

3. Paragraph (r) *Radioactivity standards* is amended to add sample numbers 4942 (Calcium-45) and 4943 (Chlorine-36) to read as follows:

Sample No.	Radiation	Nuclide	Nominal activity	Price per sample
4942	β	Calcium 45	10^4dps/g	$38.00
4943	β	Chlorine-36	10^4/s/g	26.00

4. Paragraph (gg) Portland cement samples (Nos. 1011, 1013, 1014, 1015, and 1016) published in the FEDERAL REGISTER dated April 13, 1962 (27 F.R. 3551) is amended by renumbering the samples to read as follows:

Sample No.	Name	Price per sample
1311	Portland cement	$6.00
1313	do	6.00
1314	do	6.00
1315	do	6.00
1316	do	6.00

5. A new series (Set of five filters for checking spectrophotometers equipped with tristimulus integrators) is added and designated paragraph (ii) to read as follows:

(ii) *Set of five filters for checking spectrophotometers equipped with tristimulus integrators.*

Sample No.	Description	Price per set
2101	Set of five filters for checking spectrophotometers equipped with tristimulus integrators (to be sold in sets of five only).	$250.00
2102		
2103		
2104		
2105		

6. A new series (Soda-lime-silica glass viscosity standards) is added and designated paragraph (jj) to read as follows:

(jj) *Soda-lime-silica glass viscosity standards.*

Sample No.	Description	Weight	Price per sample
710	Soda-Lime-Silica glass viscosity standards—Temperature Range 560° C–1450° C.	Approximately 2 pounds.	$40.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 62-4791; Filed, May 16, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

NONFAT DRY MILK (SPRAY PROCESS)

Proposed Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of an amendment to the United States Standards for Grades of Nonfat Dry Milk (Spray Process) (7 CFR Part 58, Subpart L) currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The proposed amendment provides, under § 58.2528 *Requirements for U.S. grades of nonfat dry milk*, and § 58.2538 *Basis for obtaining heat treatment classification*, for a higher maximum solubility index for nonfat dry milk that qualifies for the U.S. High Heat classification. The purpose of the increase is to allow for possible rise in the solubility index of product subjected to high heat treatment. Such heat treatment is considered essential for the type of nonfat dry milk used for certain baking purposes.

All persons who desire to submit written data, views or arguments for consideration in connection with this proposed amendment should file the same in triplicate with the Chief of the Standardization Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2742 South Building, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

§ 58.2528 [Amendment]

1. In § 58.2528, change paragraph (a) (3) (v) to read as follows:

(v) Solubility index: Not more than 1.2 ml., except that product designated as U.S. High Heat may not have more than 2.0 ml.

2. In § 58.2528, change paragraph (b) (3) (v) to read as follows:

(v) Solubility index: Not more than 2.0 ml., except that product designated as U.S. High Heat may have not more than 2.5 ml.

3. In Table III—Classification According to Laboratory Analyses for Nonfat Dry Milk Spray Process, of § 58.2528, change item (5) to read as follows:

	Extra	Standard
(5) Solubility index, ml	1.2	2.0
U.S. High Heat	2.0	2.5

4. Change § 58.2538 to read:

§ 58.2538 Basis for obtaining heat treatment classification.

Heat treatment classification is not a U.S. Grade requirement except in cases when the higher solubility index specified for U.S. High Heat product is permitted. In all other instances, product submitted for USDA grading may be analyzed for heat treatment classification upon request of the applicant and the results shown on the grading certificate. Heat treatment classification will be made available only upon a U.S. graded product.

(60 Stat. 1090; 7 U.S.C. 1624)

Done at Washington, D.C., this 11th day of May 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-4770; Filed, May 16, 1962; 8:47 a.m.]

Agricultural Research Service

[7 CFR Part 301]

JAPANESE BEETLE

Notice of Proposed Amendment of Quarantine and Regulated Areas

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), is considering the amendment of notice of quarantine No. 48 (Japanese Beetle Quarantine No. 48, 7 CFR 301.48) and §§ 301.48–1 and 301.48–2a of the regulations supplemental thereto (7 CFR 301.48–1, 301.48–2a), in the following respects:

§ 301.48 [Amendment]

1. Amend the first paragraph of § 301.48 by inserting, among the quarantined States named therein, in the proper alphabetical order, the States of Georgia, Indiana, Kentucky, and South Carolina; and by transposing, wherever they occur together in said first paragraph, the words "products, articles" to read "articles, products".

2. Amend § 301.48(c) by deleting therefrom the words "Alaska" and "Hawaii."

3. In § 301.48–1, amend paragraph (a) by deleting therefrom the word "living"; and amend paragraph (c) and (f) to read as follows:

§ 301.48–1 Definitions.

* * * * *

(c) *Regulated area.* Any State or District, or any county or other minor civil division, or part thereof, designated in administrative instructions under § 301.48–2 as a regulated area.

* * * * *

(f) *Regulated articles.* Soil, and other articles and products, and means of conveyance, the movement of which is regulated by the Japanese beetle quarantine and the regulations in this subpart.

4. Amend § 301.48–2a to read as follows:

§ 301.48–2a Administrative instructions designating regulated areas under the Japanese beetle quarantine.

Infestations of the Japanese beetle have been determined to exist, in the quarantined States and District and in the counties, and other minor civil divisions, and parts thereof in such States, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such States and District, and such counties, and other minor civil divisions, and parts thereof, are hereby designated, as follows, as Japanese beetle regulated areas, which are further divided into generally infested areas and suppressive areas, within the meaning of the provisions in this subpart:

(a) *Connecticut*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(b) *Delaware*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(c) *District of Columbia*—(1) *Generally infested area.* The entire District.
(2) *Suppressive area.* None.
(d) *Georgia*—(1) *Generally infested area.*
Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, and 1644.
Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.
Dawson County. The entire county.
DeKalb County. That portion of the county lying south, west, and north of Interstate Highway 285, including all of the area within the corporate limits of Doraville.
Fannin County. Georgia Militia Districts 1027, 1242, and 1488.
Forsyth County. That portion of the county lying north of State Highway 20, including all the area within the corporate limits of the city of Cumming.
Fulton County. That area bounded by a line beginning at the intersection of Interstate Highway 285 and the Fulton-DeKalb County line, and extending south along the Fulton-DeKalb County line to the Fulton-Clayton County line, thence west and south along the Fulton-Clayton County line to the Fulton-Fayette County line, thence southwestward along the Fulton-Fayette County line to its intersection with State Highway 92, thence northwestward along said highway to its intersection with the Chattahoochee River, thence northeastward along said river to its intersection with Interstate Highway 285, thence eastward along Interstate Highway 285 to the Fulton-DeKalb County line, the point of beginning, excluding the city of Fairburn.
Hall County. The entire county.
Lumpkin County. The entire county.
Stephens County. That portion of the county lying within the corporate limits of the city of Toccoa.
Union County. Georgia Militia Districts 994, 995, and 1241.
White County. The entire county.
(2) *Suppressive area.*
Bibb County. The entire county.
Macon County. The entire county.
Muscogee County. The entire county.
Richmond County. That portion of the county lying north of Butler Creek.
Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.
(e) *Indiana*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(f) *Kentucky*—(1) *Generally infested area.*
Boone County. The entire county.
Boyd County. The entire county.
Campbell County. The entire county.
Greenup County. The entire county.
Kenton County. The entire county.
Lawrence County. The entire county.
Letcher County. The entire county.
Martin County. The entire county.
Pike County. The entire county.
(2) *Suppresive area.* None.
(g) *Maine*—(1) *Generally infested area.*
Androscoggin County. The entire county.
Cumberland County. The entire county.
Kennebec County. The entire county.
Lincoln County. The entire county.
Oxford County. The entire county.
Sagadahoc County. The entire county.
York County. The entire county.
(2) *Suppressive area.* None.
(h) *Maryland*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(i) *Massachusetts*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(j) *New Hampshire*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(k) *New Jersey*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(l) *New York*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(m) *North Carolina*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(n) *Ohio*—(1) *Generally infested area.*
Ashland County. The townships of Green, Hanover, Lake, Mifflin, Mohican, and Vermilion.
Ashtabula County. The entire county.
Athens County. The entire county.
Belmont County. The entire county.
Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union; and cities of Fairfield and Hamilton.
Carroll County. The entire county.
Columbiana County. The entire county.
Coshocton County. The entire county.
Cuyahoga County. The entire county.
Franklin County. The cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Upper Arlington, and Whitehall.
Gallia County. The entire county.
Geauga County. The entire county.
Guernsey County. The entire county.
Hamilton County. The entire county.
Harrison County. The entire county.
Holmes County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lake County. The entire county.
Lawrence County. The entire county.
Licking County. The townships of Bowling Green, Eden, Fallsburg, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, Perry, and Washington; and the city of Newark.
Lorain County. The townships of Amherst, Avon, Avon Lake, Black River, Columbia, Elyria, Ridgeville, and Sheffield; and the cities of Amherst, Elyria, Lorain, and Sheffield.
Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, and Washington; and the cities of Maumee, Oregon, Sylvania, and Toledo.
Mahoning County. The entire county.
Medina County. The entire county.
Meigs County. The entire county.
Monroe County. The entire county.
Morgan County. The entire county.
Muskingum County. The entire county.
Noble County. The entire county.
Perry County. The entire county.
Portage County. The entire county.
Richland County. The townships of Madison, Mifflin, and Monroe; and the city of Mansfield.
Ross County. The townships of Harrison, Jefferson, Liberty, Scioto, and Springfield, and the city of Chillicothe.
Stark County. The entire county.
Summit County. The entire county.
Trumbull County. The entire county.
Tuscarawas County. The entire county.
Vinton County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.
(2) *Suppressive area.* None.
(o) *Pennsylvania*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(p) *Rhode Island*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(q) *South Carolina*—(1) *Generally infested area.*
Cherokee County. The entire county.
Dillon County. The entire county.
Greenville County. The entire county.
Marlboro County. The entire county.
Oconee County. The entire county.
Pickens County. The entire county.
Spartanburg County. The entire county.
(2) *Suppressive area.* None.
Aiken County. The entire county.
Florence County. The entire county.
Lexington County. The entire county.
Richland County. The entire county.
(r) *Vermont*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(s) *Virginia*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(t) *West Virginia*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These proposals are based in part on testimony offered at a public hearing held at Memphis, Tenn., on December 5, 1961, to consider the advisability of quarantining the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee; notice of such public hearing having been published in the FEDERAL REGISTER on October 18, 1961 (26 F.R. 9780).

It is now proposed to quarantine the four States of Georgia, Indiana, Kentucky, and South Carolina, and to place under regulation the entire State of Indiana (where Japanese beetle infestation is widespread), together with 5 entire counties and parts of 12 others in Georgia, 9 counties in Kentucky and 11 counties in South Carolina. Three counties and parts of two others in Georgia as well as four counties in South Carolina would be designated as suppressive areas, in which cooperative State-Federal measures aimed at eradicating the infestations would be carried out.

All remaining nonregulated areas in the States of New Hampshire, New York, and Vermont are proposed for inclusion in the regulated areas.

In Maine, the counties of Androscoggin, Cumberland, and Kennebec, now partially regulated, would be included in their entirety, and the entire counties of Lincoln, Oxford, and Sagadahoc would be regulated for the first time. The city of Brewer, in Penobscot County, Maine, is proposed for removal from regulation, since it is more practicable from an administrative standpoint to regulate this area under the State of Maine Japanese beetle quarantine.

Quite a few additions to the Ohio regulated areas are proposed. In previously regulated counties it is proposed to add three cities in Lorain County, seven townships and two cities in Lucas County, and two townships in Richland County. Additions proposed in counties not previously regulated are: Ashland County, six townships; Bulter County, seven townships and two cities; Hamilton, Jackson, Perry, and Vinton Counties in their entirety; Ross County, five townships and one city; and Wood County, four townships and one city. The designation of the township of Marion in Franklin County as regulated area is deleted because this township is now included in the city limits of Columbus, Ohio, which is a regulated area.

All areas listed in these administrative instructions, except for the small suppressive areas in Georgia and South Carolina, are for proposed designation as generally infested areas.

After a study of testimony presented at the public hearing, it has been decided not to quarantine the States of California, Illinois, Iowa, Michigan, Missouri, or Tennessee. Suppressive measures applied by the State of Iowa to the limited infestations discovered in that State have apparently been successful, since no Japanese bettles were found there in 1961. The other States omitted from the quarantine are committed to an aggressive program of Japanese bettle control, eradication, and prevention of spread.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-4800; Filed, May 16, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1049]

[Docket No. AO-319-A1]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on January 30–February 1, 1962, pursuant to notice thereof issued on December 29, 1961 (27 F.R. 122).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture on April 13, 1962 (27 F.R. 3685; F.R. Doc. 62–3776) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (27 F.R. 3685; F.R. Doc. 62–3776) are hereby approved and adopted and set forth in full herein.

1. The fifth paragraph of issue numbered 7 and 8 is revised.

2. Three new paragraphs are added immediately following the revised fifth paragraph of issue numbered 7 and 8.

3. The new paragraphs are added immediately following the sixth paragraph of issue numbered 7 and 8.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Revision of pool plant qualifications;
3. Modification of provisions with respect to plants also meeting the pooling requirements of another Federal order;
4. Revision of the transfer provisions;
5. Extension of the months when unlimited diversion is permitted;
6. Classification and pricing of nonfat dry milk solids used to fortify fluid milk products;
7. The level of the Class I and Class II prices;
8. Separate classification and pricing of specified manufactured products;
9. Revision of shrinkage provisions;
10. Revision of location differentials to both handlers and producers;
11. Changing the date for filing reports and making payments;
12. Changing the rate of the administrative assessment; and
13. Administrative and conforming changes.

The record evidence demonstrates the need for amendatory action with respect to Issues 2, 3, 5, 7 and 8 as soon as possible. Since making effective an amendment dealing with all the above mentioned issues, many of which require exhaustive analysis, will require considerable time, this decision is confined to Issues 2, 3, 5, 7, and 8 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issues 2, 3, 5, 7, and 8 are based on evidence presented at the hearing and the record thereof:

2. The requirements that a distributing plant must meet to maintain pool status should be revised to provide that a distributing plant which is a pool plant for each of the months of September through May, may continue to be a pool plant in the succeeding months of June, July, and August if it continues to distribute fluid milk products on routes in the marketing area in each of these months.

This amendment was submitted on behalf of the Purdue University Creamery. This plant operated by the University, a state supported institution, produces only a small portion of the milk which it processes. The remainder is purchased from dairy farmers. Since the primary outlet for the fluid milk products processed and packaged in the University creamery are on campus, during the months of summer vacation its fluid distribution falls far below the 50 percent of its receipts of Grade A milk which is required for pool plant status.

During the remainder of the year the plant has a fairly high utilization. It would be inequitable to the dairy farmers who regularly supply the plant with milk to drop them from the pool during the months of June, July and August because the student population at the University is on summer vacation. It would also be impractical, if not impossible, for these producers to be transferred to other plants during these months, since at that time milk is in ample supply and other handlers are finding it a burden to dispose of the seasonal surplus in their own plants.

To preserve orderly marketing, therefore, it is necessary that a plant such as the Purdue Creamery, which, for the year as a whole, disposes of as high a percentage of its milk in Class I as does the rest of the market, be permitted to maintain pool status during the months of summer vacation.

It was proposed also that, in order to share in the pool, dairy farmers whose milk is delivered to such a plant during the months of June, July and August would have to have been on the market as producers for at least the three months preceding. Such a restriction might interfere with the orderly marketing of milk in the area as a whole, since it might afford an incentive for plants to take on an oversupply of milk during the winter months.

To prevent sharing in the marketwide pool by dairy farmers who are not a part of the regular supply for the fluid market it should also be provided that if milk is moved from a supply plant to such a plant during June, July or August such shipments would be excluded in determining the pool status of the supply plant.

A further proposal considered at the hearing would grant automatic pool status during the months of April through July to a plant which was a pool distributing plant during a portion of the August through January qualifying period and a supply plant during the remainder of such period.

The handler who made this proposal, last fall acquired a pool distributing plant at Muncie, Indiana. In December this handler ceased bottling at Muncie and consolidated the bottling operations at the Greenville, Ohio, plant, also a pool distributing plant under the order. The Muncie plant is now operated as a supply plant for the Greenville operation. It also serves as a manufacturing plant to handle the reserve supplies not needed for bottling.

Under the present provisions, in order to maintain pool status, it would be necessary that 50 percent of the receipts at Muncie be moved to the distributing plant every month, even though it were not needed for fluid distribution. In some months it might be necessary to move the milk back to Muncie to have it manufactured into dairy products. Such movements would be uneconomic and not in the interest of orderly marketing.

While it has been customary that a plant must qualify, either as a distributing plant or as a supply plant, and not by a combination of these functions, in the present instance an exception should be made to accommodate the unusual circumstances here involved. During the months of August through January this plant qualified as a pool plant by meeting the performance standards each month as either a supply plant or a distributing plant. The order should be amended to permit a supply plant which was a pool distributing plant during a portion of the qualifying months to retain pool status during the months of April through July as though it had been a supply plant during the entire qualifying period if it qualified as a pool supply plant for the months of December through March.

3. The pooling provisions of the order should be modified to permit a distributing plant meeting the requirements for full regulation under this order and another Federal order and which the Secretary determines has a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I milk is disposed of on routes in such other marketing area. It must be recognized, however, that the provisions of such other order may require the plant to be pooled under such other order. In these circumstances, the plant would be exempt from regulation under this order, except that it would be required to file reports and permit verification. The order should also exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which is nevertheless subject to regulation for the month under another order. Federal orders usually provide that a distributing plant meeting the pooling requirements of more than one order will be regulated under that order covering the area in which a greater volume of its Class I sales is made. Nevertheless, it should be recognized that other orders may contain provisions similar to that proposed herein to deter plants from shifting back and forth between orders on a month-to-month basis.

Under the provisions of the present order a handler operating a distributing plant which meets the pooling requirements of this order is exempt from the provisions of this order (except reporting) if a greater proportion of his milk is disposed of as Class I milk in another Federal order marketing area and his milk is classified and priced under such other order.

The shifting of plants back and forth between Federal orders can create instability in the market, particularly during the months of the "Louisville" plan operation. There are regulated handlers under this order whose distribution on routes in this marketing area is only a little greater than their distribution in the Fort Wayne, Indiana, market. There are, likewise, handlers regulated under the Fort Wayne order whose sales are almost equal to their sales in the Indianapolis marketing area. Very minor changes in the proportion of distribution between the two markets could result in shifting the regulation of such a handler from one order to the other and back again every month or two.

Such shifts in regulation would tend to create disorder between the two markets because of the effect on the respective market blend prices and because of the variations in the "Louisville" plan of fall incentive payments in the two orders.

A distributing plant which meets the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its fluid distribution. It is necessary to recognize, however, the adverse effects of the shifting back and forth from month to month by a plant which is usually associated with the Indianapolis market. This situation can be substantially improved by adoption of the changes recommended herein. A handler operating a distributing plant which has been subject to regulation under this order and which continues to meet the pool plant standards provided herein generally should not become subject to another order unless he has disposed of more milk on routes in such other marketing area than in the Indianapolis marketing area for three consecutive months. This will afford the handler reasonable notice that the plant is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

Provision should also be made to exempt from regulation under this order a plant which may for one or two months dispose of a greater portion of milk in this marketing area than in the area of the order to which it has been subject if such other order contains a provision similar to that recommended herein.

5. The months within which unlimited diversion is permitted should be extended to include the months of July and August.

The present order provides that milk may be diverted to a nonpool plant on any number of days during the months of April through June. Experience during the operation of the order has demonstrated that, during the months of July and August, milk is in substantially greater supply than is needed for the fluid requirements of the market. Consequently, it is necessary to move a large volume of milk to manufacturing plants to process into butter, nonfat dry milk solids, cheese and other products. It is uneconomical to require pool plants to receive this milk physically before moving it to manufacturing plants which, in many instances, are located closer to the farms where the milk is produced than is the pool plant. In the interest of orderly marketing and efficiency in the handling of milk, handlers should be permitted to move milk directly from the farm to manufacturing plants as often as needed during the months of July and August, which have been found to be months of relatively flush production.

7 and 8. The price for Class II milk under the order should be changed to the average price per hundredweight paid for manufacturing grade milk in the States of Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat content. This price series was incorporated in the order as the basic formula for pricing Class I milk, effective March 1, 1962.

At the present time the Class II price is based on the higher of two alternative formulae, one based on the market prices of butter and nonfat dry milk, and the other based on the reported paying price of a group of midwestern condenseries located in Michigan and Wisconsin. Originally there were 18 plants in the group but recently the number has dwindled until now there are only eight plants reporting.

So that the Class II price may accurately reflect the nationwide market for most manufactured dairy products, the Class II price should be based on the average price paid dairy farmers as determined by the Minnesota-Wisconsin price series. This price for manufacturing grade milk in Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the pounds of manufacturing grade milk received from farmers, the butterfat content and the total money paid to farmers for milk delivered at their plants. This two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for the supply. In Minnesota about 80 percent, and in Wisconsin about 65 percent, of the milk sold off farms is of manufacturing grade. About half of all the manufacturing grade milk sold off farms in the United States is produced in these two states.

Since the Minnesota-Wisconsin price as announced is that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. As in the case of the basic formula now used for pricing Class I milk, this would be done by using a differential equal to 0.12 times the average quotation for the month for Grade A (92-score) butter at Chicago.

Based on exceptions received from producers and handlers, the limitation on the Class II price stated in the recommended decision should be revised so that the Class II price (Minnesota-Wisconsin price) should not exceed the price resulting from a revised butter-powder formula, plus ten cents. The revised butter-powder formula would be identical to the butter-powder formulas under the Fort Wayne, Toledo, North Central Ohio, and Northeastern Ohio Federal orders.

The present butter-powder formula of the order provides no make allowance on butter, whereas the formulas in the above mentioned orders provide for a deduction of three cents from the price of 92-score Chicago butter in computing the formula price. Thus the revised butter-powder formula price to be used as a limit on Class II price will be approximately 13 cents lower than the present butter-powder formula price.

While it is expected that the Class II price based on the Minnesota-Wisconsin price series will provide an excellent measure of the value of milk used for manufacturing purposes in the Indianapolis market, it is desirable to set a limit on such price to insure that the Class II price will continue to reflect the value of milk used in the manufacture of butter and powder in the unlikely event that the Minnesota-Wisconsin price should be unduly influenced by supply-demand conditions in a particular segment of the manufactured milk industry.

A limit of ten cents on the revised butter-powder formula will provide an appropriate ceiling. This is approximately three cents less than the ceiling provided in the recommended decision.

Both producers and handlers proposed that a special classification be provided for milk utilized in butter, nonfat dry milk solids, cheeses (other than cottage cheese), evaporated milk and whole milk powder during the months of April through August. The producers proposed that such special classification be priced at the price paid for manufacturing grade milk in Minnesota and Wisconsin, less ten cents. Handlers proposed that the Minnesota-Wisconsin price be used but that 20 cents be deducted in pricing the above mentioned products.

In their exceptions, producers and handlers objected to the recommended Class II price level which would result from use of the Minnesota-Wisconsin price and as limited by the present butter-powder formula of the order. For the most part, exceptions were a reiteration of proposals presented at the hearing for special classification and pricing during months of flush production as heretofore discussed. One producers' association, however, fully endorsed the recommended decision, including the proposed Class II price. Another association in its exceptions urged that the butter-powder formula used in the Fort Wayne order plus five cents be substituted for the present butter-powder formula in establishing the upper limit on

the Class II price. Alignment of reserve prices between orders can best be achieved by providing that ten cents be added to the revised butter-powder formula in establishing a Class II price limit.

Exceptions received also referred to the level of reserve milk prices under certain other Federal orders. Specifically, the Cincinnati, Dayton-Springfield and the newly designated Louisville-Lexington-Evansville orders were mentioned as having lower reserve price levels than that recommended for the Indianapolis Class II price. While prices for reserve milk in the above mentioned orders are currently at lower levels than the proposed Indianapolis Class II price, such prices were established on the basis of record evidence of specific conditions in each respective market. Such price levels in no way detract from the appropriateness of the Minnesota-Wisconsin price as a basis for pricing reserve milk in the Indianapolis market, particularly when consideration is given to alignment of the Indianapolis Class II price with markets such as Chicago and Northeastern Ohio which presently employ the series for pricing reserve milk.

During the period from March 1961, the effective date of the order, through February 1962, the Class II price under the order averaged $3.31. For the April through August period the price averaged $3.30. For the twelve months the average of the Minnesota-Wisconsin prices would have been $3.27, and for the months of April through August would have been $3.24.

In this market the producers' associations have for a number of years assumed the responsibility for the orderly disposition of milk in excess of the market's fluid needs. In the past, the major association has been able to dispose of all of the reserve milk on the market. During the period April through August 1961 it was able to dispose of this milk at the Class II price provided in the order. It reports, however, that such disposition was difficult and that, at the present time, it has been unable to secure commitments from manufacturers that they would accept the seasonal surpluses at the existing Class II price during the coming flush months.

Handlers indicated their willingness to pay the Minnesota-Wisconsin price for all products presently classified as Class II during the months of September through March. They also indicated their willingness to pay such a price for milk utilized in cottage cheese, ice cream and related items during the months of April through August. It was their contention, however, that they could not handle milk in excess of their requirements for these items and which must be manufactured into storable products, unless there was a reduction in the Class II price during the flush months.

Based on a comparison of previous years' experiences the Class II price recommended herein represents a lowering of the Class II price by approximately four cents on an annual average and by an average of six cents during the months of flush production. It is expected that such reduction will afford a price which will accommodate the needs of the market and promote the orderly disposal of milk surplus to the fluid requirements of the market. It will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets. While it is high enough that it will not furnish plant operators an incentive to add unneeded supplies on the market for the purpose of using them in the manufacture of dairy products, it is at a level low enough that it should not interfere with the orderly disposal of surplus supplies.

A comparison of the proposed price with those in nearby markets indicates that it will return prices comparable to those in other Federal order markets. Both the Northeastern Ohio order and the Chicago, Illinois, order use the Minnesota-Wisconsin series for pricing milk utilized in butter, cheese, nonfat solids and similar products.

Official notice is taken of a proposal made at a recent hearing on amendments to the Fort Wayne, Indiana, milk order to use the Minnesota-Wisconsin price series as the basis for pricing Class II milk under that order. Such a proposal, if adopted, would fix the price of Class II milk in the Fort Wayne market at the same level as that provided herein.

Official notice is also taken of the fact that the order for the merged Ohio Valley and Louisville-Lexington market, which became effective on March 1, provides that the Minnesota-Wisconsin formula be used in pricing Class II milk. Although that order provides that ten cents be deducted from such price during the months of April through August, it must be noted that during the months of April through August 1961 the Class II price in the Ohio Valley market averaged 25 cents under the price in the Indianapolis market. There will, therefore, exist a much better alignment of the Class II prices between Indianapolis and the erstwhile Ohio Valley market than existed heretofore.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby other economic conditions which affect proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Indianapolis, Indiana, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 11, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary of Agriculture on April 13, 1962 (27 F.R. 3685; F.R. Doc. 62–3776) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in § 1049.51(b).

1. Section 1049.12 is revised by adding a new paragraph (c) as follows:

§ 1049.12 Pool plant.

* * * * * *

(c) A plant which was a pool plant in each of the preceding months of August through March and which was a supply plant in each of such months of December through March shall be a pool plant for the months of April through July, unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would not otherwise qualify as a pool plant.

2. Section 1049.12(a) is revised by adding thereto the following: *"Provided,* That a distributing plant which was a pool plant in each of the months of September through May inclusive, shall continue to be a pool plant in the months of June, July and August immediately following, if such plant disposes of fluid milk products on routes in the marketing area during such month."

3. The second proviso of § 1049.12(b) is revised to read as follows: *"And provided further,* That shipments to a plant described in the proviso in paragraph (a) of this section during the months of June, July and August shall be excluded in determining a plant's qualification pursuant to this paragraph; and"

4. Section 1049.16 is revised as follows:

§ 1049.16 Approved milk.

* * * *And provided further,* That in any of the months of September through March milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act for more days of production than such milk was delivered to an approved plant shall not be approved milk for such days.

5. Section 1049.51(b) is revised to read as follows:

§ 1049.51 Class prices.

* * * * * *

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price computed pursuant to § 1049.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the butter price, subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

6. Section 1049.63 is revised to read as follows:

§ 1049.63 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a) or (b) of this section the provisions of this part shall not apply, except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

[F.R. Doc. 62–4802; Filed, May 16, 1962; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1094]

[Docket No. AO 103–A19]

MILK IN NEW ORLEANS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New Orleans, Louisiana, on November 2, 1961, pursuant to notice thereof issued on October 18, 1961 (26 F.R. 9947).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on April 13, 1962 (27 F.R. 3689; F.R. Doc. 62–3778) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 3689; F.R. Doc. 62-3778) are hereby approved and adopted and are set forth in full herein.

The material issues of the hearing relate to modification of:

1. The diversion provisions.
2. The pooling standards for distributing plants.
3. The procedure for computing obligations of handlers operating nonpool distributing plants.
4. The Class II price and Class II location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Modification of the diversion provisions.* The order should be revised to permit diversion to nonpool plants of not more than 15 days' production of any producer during any of the months of September through November and January and unlimited diversion in other months. In addition, an alternative procedure should be provided whereby, in lieu of the 15-day limitation a cooperative association may divert to nonpool plants up to 20 percent of the milk of its producer-members during any such month and a proprietary handler may divert up to 20 percent of the total nonmember producer receipts at his pool plant during any such month without affecting the status of the milk as producer milk.

Under the existing order provisions, diversion of a producer's milk to a nonpool plant in any of the months of September through December is limited to not more than 10 days' production and in other months of the year is unlimited. Diversions between pool plants may be made without limit in all months of the year and no change was proposed in this regard.

The Gulf Milk Association, a cooperative association representing the majority of producers on the New Orleans market, proposed modification of the diversion provisions to permit greater flexibility and more economic handling of the market's reserve milk supply during the months of shortest production in relation to Class I requirements, i.e., September through November. They further proposed that December be made a month of unlimited diversion and that January be included as a month of limited diversion.

Presently over one-half of the producers, producing over two-thirds of the regular milk supply of the market, deliver their milk from farm bulk tanks, and the shift to this method of delivery is continuing. Meanwhile, a substantial quantity of milk is still delivered in cans to three receiving stations still associated with the market. Milk received at can receiving stations is generally transferred to city bottling plants for fluid uses. The cooperative association, which operates two of these stations, uses its can milk to supply the smaller handlers who cannot use full tank loads of milk. The milk received from farm tanks is moved to the city plants of the larger handlers to the extent of their needs, and milk in excess of their requirements is diverted within the limits provided under the order to nonpool manufacturing plants for manufacturing uses.

Virtually all of the farm tank milk is associated with city bottling plants. Under the existing order the cooperative association as well as some proprietary handlers have found it necessary during the months of September through December to move milk to city plants for receipt and transfer for manufacturing uses solely for the purpose of maintaining producer milk status for such milk.

In the New Orleans market there is little or no overlapping of the production area with the marketing area. Milk not needed in the market for Class I use most economically may be handled by direct movement from the farm to nearby manufacturing plants. The order should not require the uneconomic movement of milk to city plants and backhaul to manufacturing plants in the production area solely for the purpose of maintaining the status of producer milk. It is concluded, therefore, that proponent's request for diversion to nonpool plants of not more than 15 days' production in any month of September through November and January should be adopted. This requirement will preserve reasonable performance standards and hence will deter any handler from associating milk with the pool solely for the purpose of maintaining a supply of Grade A milk for manufacturing uses. At the same time orderly disposition of the market's reserve supply will be implemented.

The present order provides that where the milk of any producer is diverted in excess of the limits prescribed only that milk physically received at pool plants shall be producer milk. No change is recommended in this procedure.

Because of the holidays during the latter part of December, the market's fluid requirements are normally significantly less in that month than in the month of January. Although production in January generally exceeds production in December, a significantly greater volume of producer milk is normally moved into Class II uses in December than in January. Handlers have been hampered in their efforts to economically handle the December milk supplies in excess of fluid requirements under the limited diversion privileges. The substitution of January for December as a month of limited diversion was generally supported at the hearing. This change will not significantly alter the present pooling standards and will implement handling of the market's reserve milk supply.

Additional flexibility and more economical handling of the market's reserve supply may be provided through an alternative diversion procedure during the months when diversions are limited. It is provided therefore, that 20 percent of a cooperative's member-producer milk may be diverted by the cooperative to nonpool plants during such months. Other handlers may similarly divert 20 percent of their nonmember producer receipts. While the percentage provisions would allow less diversions than the 15-day limitation, it will in some situations implement more efficient movement of milk since it will permit regular diversion of certain routes.

Under the percentage diversion limitation member milk may be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of the pool plant. Thus, there is a clear responsibility for both the cooperative association and proprietary handlers with respect to meeting the percentage limitation. It is incumbent on a handler receiving cooperative member milk to ascertain, prior to diverting any such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative is diverting on a percentage basis, no other handler may account for milk of any of the cooperative's members under any diversion provision. If the cooperative is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the cooperative.

In the event that the percentage limitation is exceeded by any handler diverting under that provision in any month, all diversion by such handler during the month automatically would be under the 15-day provision. Milk diverted in conformity with the diversion privileges prescribed is treated as a receipt by the diverting handler at a pool plant at the location of the plant from which diverted.

2. *Modification of the pooling standards for distributing plants.* The pooling standards for distributing plants should be modified to provide full regulation for a plant which distributes on routes in the marketing area at least the lesser of 20 percent of its receipts of Grade A milk or 1500 pounds on a daily average during the month and which meets all of the other requirements for pooling.

Under the present order provisions a distributing plant is pooled in any month in which 50 percent or more of its receipts of Grade A milk from dairy farmers and supply plants are disposed of on routes, provided that such disposition in the marketing area represents 20 percent or more of such receipts. Where such a plant meets the requirements of both this order and another Federal order and has a greater proportion of its route sales in the other Federal order marketing area, it is exempted from regulation except for filing reports and permitting verification. Distributing plants located outside the marketing area and with less than 200 pounds of route distribution in the marketing area are similarly exempted.

Gulf Milk Association proposed revision of the pooling standards to provide full regulation of any plant meeting the other pooling requirements and which has route disposition in the marketing area equal to the lesser of 15 percent of its total Class I sales or 4300 pounds on a daily average. At the hearing proponents modified the proposed daily average figure to 1500 pounds.

The spokesman for the proponent cooperative pointed out that there are no nonpool distributing plants with route sales in the marketing area. Hence, neither the present order provisions nor the revisions proposed would have application to any handler presently operating in the market. It was proponent's position, however, that under the existing provisions a new handler could enter the market and maintain unregulated status even though his route sales in the market were of a very substantial nature. This, he pointed out, could be accomplished by tailoring Grade A receipts to a fixed relationship with total Class I sales and maintaining in-area sales at a level less than 20 percent of the plant's Grade A receipts.

In support of his position proponent pointed to a similar provision in the adjacent Mississippi Gulf Coast order under which a partially regulated handler (a handler with route sales in that market of less than 20 percent of his Grade A receipts) had bought out a fully regulated handler, closed the plant and was serving its former customers from his nonpool plant. These sales along with his previous sales in the marketing area accounted for nearly 10 percent of the total Class I sales in the market. Nevertheless, the handler continued to maintain unregulated status by virtue of the fact that his receipts increased in substantially the same proportion as his Class I sales. By returning to his dairy farmers at least the amount of his obligation, computed as though he were a pool handler, he was avoiding any payment to the producer-settlement fund, notwithstanding the fact that the purchase and closing of the plant represented a substantial loss of Class I sales for regular producers on the Gulf Coast market. Proponent suggested that the existing pooling provisions were an open invitation for outside handlers to invade the New Orleans market with unpriced milk at the expense of regular producers.

Since there are no partially regulated handlers on the New Orleans market and any change in the pooling provisions along the lines requested by the cooperative association would not change this situation, the question to be resolved is whether the existing pooling provisions would tend to effectuate the purpose of the Act in the event an outside handler should enter the market with sales approaching the limits at which full regulation is now required and, if not, what provision would be appropriate.

It is apparent that under the present provisions an outside handler could, by judicious handling of in-area sales on a predetermined relationship to his out-of-area sales and total Grade A receipts, escape full regulation while, at the same time, being a substantial factor in the regulated market. This has been amply demonstrated in the example cited by proponent. It is desirable, therefore, that the pooling provisions be modified to deter an outside handler from accumulating sizable Class I sales in the market without pooling.

The requirement that a distributing plant have a 50 percent Class I utilization to qualify for pooling provides a reasonable safeguard against any handler pooling his plant for the specific purpose of using the blend price to maintain a supply of milk for manufacturing uses. Under the 20 percent provision a sizable handler could enter the market with substantial sales and not be required to pool. While this situation exists there is a continuing threat to the maintenance of an orderly market under the order. Fifteen hundred pound daily route distribution in this market is the equivalent of the large retail route or a large wholesale account. The addition of a 1500-pound limitation in conjunction with the present 20 percent provision will provide assurance that any plant substantially associated with the market will be subjected to full regulation. A plant with route distribution in the marketing area not in excess of the lesser of 20 percent of its Grade A receipts or 1500 pounds on a daily average does not have a substantial association with the New Orleans fluid market.

While proponents proposed that the 20 percent requirement be reduced to 15 percent it is not apparent that such a change is necessary in conjunction with the 1500-pound requirement, since the percentage requirement under the amendment herein recommended will have application only with respect to smaller plants having daily market area sales of less than 1500 pounds. There has been no problem under the existing provisions and there is no reason to believe that any small plant with less than 1500 pounds of Class I sales, constituting less than 20 percent of its total Grade A receipts, could be a disruptive factor in the market.

In conjunction with the inclusion of the 1500-pound limitation in the pooling standards, the existing provision exempting any plant located outside the marketing area and with less than 200 pounds of average daily Class I sales in the market should be deleted. There is no evidence that any plant has ever been exempted under the provision. It is obvious since the provision would apply only in the case of a plant located outside the marketing area, that the order would provide different treatment to two plants identical in all respects except location. Hence, the deletion of the provision will tend to assure equity among handlers in the application of the order.

3. *Modification of the procedure for computing pool obligations of handlers operating nonpool distributing plants.* No change should be made in the procedure for computing the pool obligations of the operators of nonpool distributing plants.

Under the existing order, the operator of a nonpool distributing plant may elect to pay to the producer-settlement fund the difference between the Class I price and the Class II price on each hundredweight of route distribution in the marketing area. Otherwise his payment is the lesser of that amount or any amount by which the use value of his milk, computed as though his plant were a pool plant, exceeds his payments to his regular dairy farmers. If the option is elected he pays administrative assessment only on his marketing area route sales. If the election is not made the administrative assessment is computed in the same manner as though his plant were a pool plant.

The Gulf Milk Association proposed that the order be modified to require that the operator of a nonpool distributing plant pay to the producer-settlement fund, on each hundredweight of route sales in the marketing area, any amount by which the use value of all his milk, computed as though his plant were a pool plant and divided by the total hundredweight of such milk, exceeds the uniform price announced by the market administrator.

In support of the proposal, proponent contended that under the present provision, the operator of a nonpool distributing plant could imply through his records, that he was paying the full use value of all of his milk to his producers and avoid any obligation to the producer-settlement fund, and at the same time have a cost of product advantage gained by charging exorbitant hauling rates and/or by under-testing or underweighing the milk of his dairy farmers.

The purpose of the present provision is to assure that any unregulated handler with route sales in the marketing area shall have no procurement cost advantage under the order over fully regulated handlers. If such a handler does not elect the straight compensatory payment on his marketing area route sales, his over-all obligation is computed by the market administrator in the identical manner as though he were a pool handler. The market administrator has the same responsibility in seeing that such obligation is paid to such handler's dairy farmers or to the pool, as the case may be, as he has in the case of a pool handler. This includes determining whether or not hauling rates charged are reasonable and appropriate, as well as whether or not the handler reports accurate weights and tests. Hence, there is no basis for proponent's contention.

A handler proposed that the order be amended to provide partial regulation for a regulated handler under another Federal order with route sales in the New Orleans market if such handler had not made full payment to producers under the other Federal order. The proposal was prompted by a situation in the adjacent Gulf Coast market in which a handler had purchased milk from a cooperative association in its capacity as a handler and was delinquent in his payments for such milk. The handler involved has sales in the New Orleans market and proponent contended that to assure equity as between handlers, such handler should be required to make prompt and full payment for his supply of milk.

It would be inappropriate and unnecessary to require regulation of a handler under two orders on the same milk. The matter raised by proponent is related to the operation of the Mississippi Gulf Coast order and official notice is taken of the fact that the amendment to that order issued on March 30, 1962, corrects a possible order deficiency of which proponent complains. Accordingly, there is no need for amending the New Orleans order to accomplish proponent's objective.

4. *Modification of the Class II price and Class II location differentials.* No changes should be made in either the level of the Class II price or in the Class II location differential presently pre-

scribed by the order. However, the plants named in the price computation provisions of the order should be corrected to reflect current ownership.

Two changes in Class II pricing were proposed by handlers. One proposal would lower the price by 13.5 cents and eliminate the location differential on Class II milk. The effect of this change would be to lower the Class II price only at plants located within 50 miles of New Orleans, leaving the price unaffected elsewhere in the milkshed. The second proposal would lower the Class II price by 20 cents at all locations.

As has been previously indicated, a characteristic of the New Orleans market is the lack of geographical overlap of the marketing area and the supply area. A second characteristic is the location in and near the production area of adequate manufacturing facilities to handle the reserve milk supply of the market. Hence, it is not necessary that producers deliver their milk to the marketing area when such milk is not needed for Class I uses. The Class II price applicable at plants located in excess of 50 miles from New Orleans reflects the value of milk for manufacturing uses in the production area. If handlers require milk for other than Class I use at their city plants it is not appropriate to assess on producers the cost of moving such milk to the city. For this reason the Class II price at city plants is established under the order at a level 13.5 cents higher than the price at country plants.

One proponent handler contended that he was unable to realize the Class II price plus hauling to the manufacturing outlet through which he disposes of his reserve supply. However, the Gulf Milk Association, which handles the bulk of the market's reserve milk, substantiated through invoices covering the period August 1960 through September 1961, that they were able to move large quantities of milk to manufacturing outlets in northern Mississippi located from 225 to 305 miles from their nonpool manufacturing plant at Franklinton, Louisiana, at prices generally ranging from $3.60 to $3.75. These prices, they contended, exceeded the order prices by amounts sufficient to at least cover transportation and handling.

Proponents also contended that the New Orleans Class II price was not in alignment with the adjacent Mississippi Federal order Class II prices. Official notice is taken of the monthly price announcements of the market administrator of the Mississippi Gulf Coast and Central Mississippi orders for the period October 1960, through September 1961. During this period the country plant Class II price under the New Orleans order averaged only 3.3 and 2.5 cents, respectively, over the Class II prices in these markets. These minor differences are the result of differences in seasonality of pricing as between the orders and different local manufacturing plants whose pay prices are the basis of computing the Class II prices. Under the circumstances it would be almost impossible to maintain closer alignment.

Lastly, proponents suggested that a lower Class II price would be effective in deterring production and hence, in promoting better supply-demand balance in the market.

The Class II price under the order is established at that level which at once accommodates the orderly disposition of the reserve supply of the market and returns to producers a fair value for milk disposed of for manufacturing uses. If, as proponents suggest, producer returns under the order are presently attracting a greater than necessary market supply, desirable supply adjustment should be directed through appropriate adjustments in the Class I price. The level of Class I price was not an issue at the hearing and no action may be taken in this regard on the basis of the record of the hearing.

Under the existing order the average pay price of four local manufacturing plants is one of the three alternative components used in computing the basic formula price to which specified differentials are added in the computation of the Class I price. The average of these local plant pay prices is also the basis for computing the Class II price. At the hearing it was pointed out that the plant at Macon, Mississippi, listed in the name of Wilson and Company is now owned and operated by the Borden Company. In recognition of this change in ownership the reference to the Wilson and Company plant should be changed to the Borden Company. This change will have no substantive effect on the prices established under the order since the market administrator has continued to use the pay price of this plant in the price computations since the change in ownership.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exception. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New Orleans Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New Orleans Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order: determination of representative period: and designation of Referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of March 1962, is determined to be the representative period for the conduct of such referendum.

William J. Larzelere is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on May 11, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New Orleans Marketing Area

§ 1094.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, April 13, 1962, and published in the FEDERAL REGISTER on April 18, 1962 (27 F.R. 3689; F.R. Doc. 62-3778), shall be and are the terms and provisions of this order, and are set forth in full herein.

1a. In § 1094.10(a), the phrase reading "§ 1094.61 or" is deleted.

1b. Change § 1094.10(a)(1) to read as follows:

(1) Disposition in the marketing area of fluid milk products on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

2. Change § 1094.14 to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted:

(a) To the pool plant of another handler;

(b) To a nonpool plant during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member producer milk received by all pool handlers during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

3. In the preamble of § 1094.30, the phrase reading "§ 1094.61 or" is deleted.

4. Delete § 1094.33 in its entirety.

5. In paragraph (c) of § 1094.50 change the present operator and plant location listed as "Wilson and Company, Macon, Mississippi" to "The Borden Company, Macon, Mississippi".

6. Delete § 1094.61 in its entirety.

7. In the preamble of § 1094.62, the phrase reading "§ 1094.61 or" is deleted.

[F.R. Doc. 62-4803; Filed, May 16, 1962; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SO-5]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6016, 600.6115, 600.6875, 600.1538 and 600.1548 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 16 is designated in part from the Crossville, Tenn., VORTAC via the intersection of the Crossville VOR 107° and the Knoxville, Tenn., VORTAC 248° True radials (Sweetwater intersection); to the Knoxville VORTAC. Intermediate altitude VOR Federal airway No. 1538 is designated between Crossville and Knoxville via the alignment of Victor 16. Low altitude VOR Federal airway No. 115 is designated in part from the Chattanooga VORTAC via the intersection of the Chattanooga VORTAC 032° and the Knoxville VORTAC 248° True radials; to the Knoxville VORTAC. Low altitude VOR Federal airway No. 875 and Intermediate altitude VOR Federal airway No. 1548 are designated in part from Chattanooga to Knoxville via the alignment of Victor 115.

The Federal Aviation Agency has under consideration the following actions.

1. Redesignate Victor 16 in part from the Crossville VORTAC direct to the Knoxville VORTAC including a south alternate via the intersection of the Crossville VORTAC 100° and the Knoxville VORTAC 247° True radials.

2. Redesignate Victor 1538 in part from the Crossville VOR direct to the Knoxville VOR as a 10-mile wide airway.

3. Redesignate Victor 115 and Victor 875 in part from the Chattanooga VORTAC via the intersection of the Chattanooga VORTAC 037° and the Knoxville VORTAC 247° True radials; to the Knoxville VORTAC.

4. Redesignate Victor 1548 in part from the Chattanooga VOR as a 16-mile wide airway to the intersection of the Chattanooga VOR 037° and the Knoxville VOR 247° True radials, thence as a 10-mile wide airway to the Knoxville VOR.

The proposed realignment of Victor 16 and 1538 would improve air navigation by providing a more direct route between Nashville and Knoxville. The south alternate would provide for transition between the low altitude and intermediate altitude airway structures. The proposed realignment of Victor 115, Victor 875 and Victor 1548 is necessary to provide a common intersection of these airways and Victor 16 south alternate in the vicinity of Sweetwater, thence to conform to the alignment of

Victor 16 south alternate to the Knoxville VORTAC. This would also reduce the airway mileage between Chattanooga and Knoxville.

The control areas associated with the low altitude airways would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4750; Filed, May 16, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62–EA–12]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6266 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 266 extends, in part, from the Franklin, Va., VOR to Norfolk, Va., VOR, via the intersection of the Franklin VOR 087° True radial and the Norfolk VOR direct True radial to the Cofield, N.C., VOR.

The Federal Aviation Agency has under consideration alteration of this airway segment by redesignating it from the Franklin, Va., VOR via the direct True radial to the Norfolk, Va., VORTAC. This proposed action would provide an airway structure compatible with revised air traffic control procedures in the Norfolk terminal area. The realigned airway would overlie the Windsor, Va., holding pattern, an arrival fix serving Norfolk Municipal Airport, Norfolk Naval Air Station and Oceana Naval Air Station.

The control areas associated with this airway are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4751; Filed, May 16, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–EA–14]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.225, 601.225 and 601.4225 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 25 extends in part from the intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range station (Baker Intersection) to the intersection of the northwest course of the Bangor, radio range and the southwest course of the Millinocket radio range. The FAA's latest IFR peak-day airway traffic survey shows a maximum of two aircraft movements on this segment of Red 25. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes to revoke this segment of Red 25 and its associated control areas. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with this segment of Red 25. Any proposals to discontinue one or more of these aids would be circularized separately and persons would be afforded an opportunity to comment. Concurrently with this action, the caption of § 601.4225 would be altered by substituting Baker Mountain, Maine, for Bangor, Maine.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4753; Filed, May 16, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–CE–28]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6010, 600.6131 and 601.6131 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 10 is designated in part from the Emporia, Kans., VORTAC direct to the Kansas City, Mo., VORTAC. Low altitude VOR Federal airway No. 131 is designated from the McAlester, Okla., VORTAC to the Chanute, Kans., VOR and from the Emporia VORTAC to the Topeka, Kans., VORTAC.

The Federal Aviation Agency has under consideration the following actions.

1. Revoke Victor 131 and its associated control areas between the Emporia VORTAC and the Topeka VORTAC.

2. Designate a north alternate to Victor 10 from the Emporia VORTAC to the Kansas City VORTAC via the Topeka VORTAC.

3. Extend Victor 131 and its associated control areas from the Chanute VOR to the Topeka VORTAC.

The revocation of Victor 131 between Emporia and Topeka would permit use of this number for the extension of Victor 131 between Chanute and Topeka. This new airway segment would provide a route between Chanute and Topeka for VOR equipped aircraft, provide an alternate routing out of Kansas City and together with Low altitude VOR Federal airway No. 77 would provide a by-pass airway around the Kansas City terminal area. The designation of Victor 10 north alternate is proposed merely to provide a suitable airway number for the existing airway segment between Emporia and Topeka and is extended to Kansas City to provide continuity in the alternate airway.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4752; Filed, May 16, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–KC–6]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a transition area at Escanaba, Mich. The proposed transition area would be designated to extend upward from 700 feet above the surface within a 5-mile radius of the Escanaba Municipal Airport, Mich. (latitude 45°43'25'' N., longitude 87°05'40'' W.), within 2 miles either side of the 265° True bearing from the Escanaba Airport extending from the 5-mile radius area to 8 miles west of the airport; including the airspace extending upward from 1200 feet above the surface within 5 miles north and 8 miles south of the 085° and 265° True bearings from the Escanaba Airport extending from 7 miles east to 14 miles west of the airport. This transition area would provide protection for aircraft executing prescribed instrument approach, departure and holding procedures at the Escanaba Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4754; Filed, May 16, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–WE–31]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Tobe, Colo. The proposed transition area would be designated as that airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 10 miles southwest of the Tobe, Colo., VORTAC 327° and 147° True radials extending from 9 miles southeast to 20 miles northwest of the VORTAC. This transition area would provide protection for aircraft en route between the Denver/Colorado Springs/Pueblo, Colo., area and various Texas locations when required to exercise holding pattern procedures at the Tobe VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4754; Filed, May 16, 1962; 8:46 a.m.]

posal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-4755; Filed, May 16, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-15]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from March 5, 1962 to April 10, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/15/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, effective April 10, 1962. (It is an extension of Approval No. 160.004/15/0 dated April 10, 1957.)

Approval No. 160.004/16/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, effective April 10, 1962. (It is an extension of Approval No. 160.004/16/0 dated April 10, 1957.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/38/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Elvin Salow Co., 273-285 Congress Street, Boston 10, Massachusetts, effective March 13, 1962. (It is an extension of Approval No. 160.009/38/0 dated March 5, 1957 and published in the FEDERAL REGISTER April 10, 1957.)

WINCHES, LIFEBOAT

Approval No. 160.015/45/2, Type CL-17.5-55 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 17,500 pounds pull at the drums (8,750 pounds per fall) identified by general assembly dwg. No. CL-17.5-55 dated January, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.015/45/2 dated April 10, 1957.)

Approval No. 160.015/60/0, Type MP-31 lifeboat winch for use with mechanical davits, fitted with wire rope not more than 7/16 inch in diameter and with not more than 2 wraps of the falls on the drums (approval is limited to mechanical components and for a maximum working load of 4,000 pounds pull at the drums (2,000 pounds per fall)), identified by arrangement dwg. No. 1495-1 dated Jan. 8, 1951, and revised Sept. 19, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, New York, effective March 13, 1962. (It is an extension of Approval No. 160.015/60/0 dated February 6, 1957 and approved in the FEDERAL REGISTER April 10, 1957.)

LIFE RAFTS

Approval No. 160.018/5/1, Type B life raft, for other than ocean and coastwise service, 10.5' x 7.83' x 3.0', 15-person capacity, identified by general arrangement dwg. No. B-10-6-15-1, Rev. B dated September 5, 1959, effective March 13, 1962. (It is an extension of Approval No. 160.018/5/1 dated March 5, 1957 and published in the FEDERAL REGISTER April 10, 1957.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/34/0, container for emergency drinking water, dwg. No. R-0115-E-1, dated February 8, 1962 and Specification No. SR-0119-E, dated January 22, 1962, manufactured by Associated Processors, Inc., Williamsport, Pennsylvania, effective April 6, 1962.

DAVITS

Approval No. 160.032/47/4, gravity davit, Type G-105S (formerly Type 60-75), approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm), using 2-part fall, identified by arrangement dwg. No. 3368-2, Rev. A, dated September 11, 1953; manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 30, 1962. (It supersedes Approval No. 160.032/47/3 dated June 20, 1959.)

Approval No. 160.032/117/0, mechanical davit, crescent sheath screw, Type C-60, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm) using two-part to five-part falls, identified by general arrangement dwg. No. 3310 dated November 23, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.032/117/0 dated April 10, 1957.)

Approval No. 160.032/123/0, mechanical davit, straight boom sheath screw, Type 22–25, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm), using 2-part falls, identified by arrangement dwg. No. DB–101–2 dated March 24, 1950 and revised October 25, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective March 5, 1962. (It is an extension of Approval No. 160.032/123/0, dated March 5, 1957, and published in the FEDERAL REGISTER April 10, 1957.)

LIFEBOATS

Approval No. 160.035/16/2, 22.0′ x 6.8′ x 2.8′ steel, oar propelled lifeboat, 25-person capacity, identified by general arrangement dwg. No. G–2225 dated June 27, 1951, and revised December 17, 1956, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective April 10, 1962. (It is an extension of Approval No. 160.035/16/2 dated April 10, 1957.)

Approval No. 160.035/85/1, 12.0′ x 4.4 x 1.9′ steel, oar-propelled lifeboat, 6-person capacity, identified by general arrangement and construction dwg. No. 49R–1213 dated August 16, 1951, approved for use on vessels in Bays, Sounds, and Lakes; and River Service (if mechanical disengaging apparatus is fitted it shall be of an approved type and installed in accordance with drawings approved by the Commandant), manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective March 13, 1962. (It is an extension of Approval No. 160.035/85/1 dated February 6, 1957, and published in the FEDERAL REGISTER April 10, 1957.)

Approval No. 160.035/98/2, 22.0′ x 7.50′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by general arrangement and construction dwg. No. 49R–2217C dated August 8, 1950, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective April 10, 1962. (It is an extension of Approval No. 160.035/98/2 dated April 10, 1957.)

Approval No. 160.035/280/2, 26.0′ x 9.0′ x 3.83′ aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 26–8, Alt. B dated February 23, 1962, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective March 27, 1962. (It supersedes Approval No. 160.035/280/1 dated November, 1, 1957.)

Approval No. 160.035/348/0, 12.0′ x 4.4′ x 1.9′ aluminum, oar-propelled lifeboat 6-person capacity, identified by general arrangement and construction dwg. No. 52–1217, dated December 17, 1952, and revised October 26, 1956 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant), manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective April 10, 1962. (It is an extension of Approval No. 160.035/348/0 dated April 10, 1957.)

Approval No. 160.035/246/2, 22.0′ x 6.5′ x 2.67′ steel, oar-propelled lifeboat, 23-person capacity, identified by construction and arrangement dwg. No. 22–3, dated April 12, 1949, Rev. C, dated October 1, 1959, to be fitted with a Rottmer Type S–1 Release Gear 160.033/39/2 or Rottmer Type B–1 Release Gear 160.033/52/0, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.035/246/2 dated April 10, 1957.)

Approval No. 160.035/121/2, 22.0′ x 6.67′ x 3.0′ steel, oar-propelled lifeboat, 25-person capacity, identified by general arrangement dwg. No. 22–6/3–25–2A dated August 16, 1950, revised January 13, 1957 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant), manufactured by Frank Morrison and Son Co., 1330 West 11th Street, Cleveland, Ohio, effective April 10, 1962. (It is an extension of Approval No. 160.035/121/2 dated April 10, 1957.)

Approval No. 160.035/126/2, 16.0′ x 6.0′ x 2.67′ steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. 16–6–15–2, Rev. B, dated September 24, 1955, and revised May 18, 1956, approved for service on vessels other than Ocean and Coastwise (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant), manufactured by Frank Morrison and Son Co., 1330 West 11th Street, Cleveland, Ohio, effective April 10, 1962. (It is an extension of Approval No. 160.035/126/2 dated April 10, 1957.)

Approval No. 160.035/33/1, 18.0′ x 6.5′ x 2.6′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 3121 dated November 14, 1956, and revised December 12, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.035/33/1 dated April 10, 1957.)

Approval No. 160.035/340/0, 30.67′ x 10.17′ x 4.25′ steel, hand-propelled lifeboat with metallic thwarts, 78-person capacity, identified by construction and arrangement dwg. No. 80052 dated June 30, 1955, and revised November 9, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.035/340/0 dated April 10, 1957.)

Approval No. 160.035/417/0, 30.0′ x 10.0′ x 4.33′ fibrous glass reinforced plastic, motor-propelled (diesel) Class "B" lifeboat, 74-person capacity, identified by construction and arrangement dwg. No. 80305, Rev. C dated March 1, 1962, manufactured by Welin Davit and Boat Div. of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective April 3, 1962.

KITS, FIRST-AID

Approval No. 160.041/1/0, first-aid kit, Model M 2, dwg. No. 99, dated July 1, 1951, manufactured by E. D. Bullard, 2680 Bridgeway, Sausalito, California, effective March 5, 1962. (It is an extension of Approval No. 160.041/1/0 dated March 5, 1957, and change of address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/88/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, manufactured by Liberty Cork Co., 123 Whitehead Avenue, South River, New Jersey, effective April 10, 1962. (It is an extension of Approval No. 160.048/88/0 dated April 10, 1957.)

Approval No. 160.048/89/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Billy Boy Products, Inc., Quincy, Michigan, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective April 10, 1962. (It is an extension of Approval No. 160.048/89/0 dated April 10, 1957.)

Approval No. 160.048/90/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Trimco, Holiday Harbor, Celeron, New York, effective April 10, 1962. (It is an extension of Approval No. 160.048/90/0 dated April 10, 1957.)

Approval No. 160.048/91/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c) (1) (ii), manufactured by Trimco, Holiday Harbor, Celoron, New York, effective April 10, 1962. (It is an extension of Approval No. 160.048/91/0 dated April 10, 1957.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/11/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c) (1), manufactured by Mercury Boat Co., Highway 126, Piru, California, effective April 10, 1962. (It is an extension of Approval No. 160.049/11/0 dated April 10, 1957, and change of address of manufacturer.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/13/0, Model 641, unicellular plastic foam work vest, dwgs. P–1, dated January 23, 1962, and P–2, dated January 17, 1962, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Safety First Supply Company, 425 Magee Street, Pittsburgh 19, Pennsylvania, effective March 16, 1962.

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/6/0, audible and visual, supervised, type RB Smoke detector systems, eight (8) through forty-eight (48) lines (Drawing #SK–122753 Wiring Diagram Marine Smoke Detector, and Drawing #SK–134335 Schematic Marine Smoke Detector), manufactured by Walter Kidde & Company, Inc., Belleville 9, New Jersey, effective March 27, 1962.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/43/1, sound powered telephone station, selective ringing, common talking, bulkhead mounting, splashproof, with attached 3′′, 6′′, or 8′′ hand generator bell, dwg. No. B–170, Alt. 1, Type 8S, 8 stations maximum and Type 17S, 17 stations maximum, for use in locations not exposed to the weather, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Massachusetts, effective April 10, 1962. (It is an extension of Approval No. 161.005/43/1 dated April 10, 1957.)

Approval No. 161.005/46/1, sound powered signal relay telephone, self-locking, manual release, with indicator light, for operation with hand generator, dwg. B–177, Alt. 1, for connecting in parallel with hand generator bell on sound powered telephone stations to operate separately powered 115 volts A.C. audible signal, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Massachusetts, effective April 10, 1962. (It is an extension of Approval No. 161.005/46/1 dated April 10, 1957.)

Approval No. 161.005/48/0, sound powered telephone station, selective ringing, common talking, nonwaterproof, with internal hand generator bell, Type 8DDS and Type 17DDS, dwg. B–174, Alt. 2, for use in officers' quarters and radio room, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Massachusetts, effective April 10, 1962. (It is an extension of Approval No. 161.005/48/0 dated April 10, 1957.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/63/0, Model 102A–3 backfire flame arrester for carburetors, flame arrester assembly, marine carburetor air intake, 100A Series, dated 25 January 1962, Change B dated 8 February 1962, manufactured by Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan, effective April 5, 1962.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/81/0, Figure No. 160, pressure vacuum relief valve, atmospheric pattern, weight-loaded poppets, bronze, nickel cast iron or stainless steel body, dwg. No. 160–A, Alt. 1, dated November 12, 1956, approved for 4′′ size, manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, New York, effective April 10, 1962. (It is an extension of Approval No. 162.017/81/0 dated April 10, 1957.)

Approval No. 162.017/83/0, Figure No. CG–240–AL, pressure vacuum relief valve, enclosed pattern, weight-loaded poppets, aluminum body, dwg. No. CG–240–AL, dated January 15, 1957, approved for 4-inch size, manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, New York, effective April 10, 1962. (It is an extension of Approval No. 162.-017/83/0 dated April 10, 1957.)

Approval No. 162.017/92/0, 4′′ Vacuum Breather Valve, Fig. 4103–05 for propane, butane, and ammonia at a minimum temperature of −50° F and maximum pressure of 4 p.s.i.g., manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective March 16, 1962.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED

Approval No. 162.026/1/0, Clayton Steam Generator, Model RO–110, 150 p.s.i. maximum, 110 boiler horsepower, automatically controlled packaged auxiliary boiler, oil fired, heavy oil heater optional, Specification Subpart 162.026, manufactured by Clayton Manufacturing Co., P.O. Box 550, El Monte, California, effective March 16, 1962. (It supersedes Approval No. 162.026/1/0 dated February 26, 1962.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Termination of Approval No. 161.001/6/0, automatic floating electric water light (with bracket for mounting), identified by dwg. No. 607, Alt. 1, manufactured by Pomill Manufacturing Corp., 17 Battery Place, New York 4, New York, effective February 23, 1961. (Manufacturer no longer in business.)

Dated: May 10, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62–4773; Filed, May 16, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[09390]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Arizona 09390, for the withdrawal of the lands described below, from location and entry under the General Mining Laws subject to existing valid claims. The applicant desires the lands for the purpose of the preservation of public highway roadside zones and scenic strips.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

A strip of land 300 feet on each side of the center line as the following roads pass through the listed subdivisions:

Forest Highway No. 3

T. 21 N., R. 7 E.,
Sec. 33: E½SW¼, N½SW¼SE¼.
T. 20 N., R. 7 E.,
Sec. 3: SW¼NW¼, SW¼, less patented HES 619, Tracts A & B;
Sec. 4: Lot 1 and SE¼NE¼;
Sec. 10: NE¼NW¼, N½NE¼;
Sec. 11: N½;
Sec. 12: NE¼SW¼, SE¼, SW¼NE¼, SE¼NE¼SW¼NW¼, W½NE¼SW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼SE¼NW¼, S½NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 13: E½NE¼.
T. 20 N., R. 8 E.,
Sec. 17: S½SW¼;
Sec. 18: Lots 1, 2, SE¼NW¼, SE¼;
Sec. 20: N½NW¼, NE¼;
Sec. 21: SW¼NW¼, N½SW¼, SE¼;
Sec. 22: SW¼SW¼;
Sec. 27: SW¼NE¼, SE¼, NW¼NW¼, E½NW¼;
Sec. 34: NE¼NE¼;
Sec. 35: N½SW¼, SE¼, S½NW¼;
Sec. 36: S½S½S½S½.
T. 19 N., R. 8 E.,
Sec. 1: N½ lots 2 and 3.
T. 19 N., R. 9 E.,
Sec. 5: S½NW¼, N½SW¼, SE¼, SW¼NE¼;
Sec. 6: Lots 2, 3, except N½NW¼NE¼NW¼, 4 except NE¼NE¼NW¼NW¼, SE¼NW¼;
Sec. 8: SE¼SE¼SE¼;
Sec. 9: W½W½NW¼, W½SW¼;
Sec. 16: W½NW¼, SW¼;
Sec. 21: NW¼, W½SW¼;
Sec. 28: W½W½;
Sec. 33: NW¼, E½SW¼.
T. 18 N., R. 9 E.,
Sec. 4: Lot 2, E½SE¼;
Sec. 9: E½NE¼;
Sec. 10: W½W½;
Sec. 15: W½NW¼, SW¼;
Sec. 22: W½;
Sec. 27: W½;
Sec. 34: NW¼NW¼.

Forest Highway No. 10, Roadside Zone

T. 12 N., R. 8 E. (Unsurveyed),
Sec. 1: SE¼SE¼;
Sec. 9: SE¼SE¼;
Sec. 10: S½NE¼, N½SE¼, SW¼;
Sec. 11: N½SW¼, N½SE¼, S½NE¼, S½NW¼;
Sec. 12: NE¼NE¼, S½NE¼, N½SE¼, S½NW¼, N½SW¼;
Sec. 16: N½NE¼, SW¼NE¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 12 N., R. 9 E. (Unsurveyed),
Sec. 3: N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 4: NE¼NE¼, S½NE¼, SW¼NW¼, NW¼SW¼;
Sec. 5: SW¼, NE¼SE¼, S½SE¼;
Sec. 6: N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 7: NW¼NW¼.
T. 13 N., R. 9 E.,
Sec. 12: Lots 1, 2, 3, 4, 5, 6 and 7;
Sec. 13: NE¼NE¼, S½NE¼, SE¼, S½SW¼;

Sec. 23: NE¼, SW¼SW¼, E½SW¼, NW¼SE¼;
Sec. 24: NW¼NW¼;
Sec. 26: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 27: SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 34: NW¼NE¼, E½NW¼, SW¼.
T. 13 N., R. 10 E.,
Sec. 5: Lots 3, 4, and 5;
Sec. 6: Lots 1, 6, 9, 11, 12, 13, SW¼NE¼;
Sec. 7: Lot 2.
T. 14 N., R. 10 E.,
Sec. 13: S½NE¼, E½SW¼, SW¼SW¼, W½SE¼, NE¼NE¼;
Sec. 23: E½NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 24: W½NW¼;
Sec. 26: N½NW¼, SW¼NW¼;
Sec. 27: SE¼NE¼, SE¼;
Sec. 32: N½SE¼, SW¼SE¼, SE¼SW¼ (all less patented HES 97 and HES 178);
Sec. 33: SW¼, N½SE¼, SW¼SE¼;
Sec. 34: NW¼SW¼, S½NW¼, NE¼NW¼, NW¼NE¼.
T. 14 N., R. 11 E.,
Sec. 1: N½S½, SW¼SW¼;
Sec. 2: S½S½;
Sec. 3: SE¼SE¼;
Sec. 8: S½S½;
Sec. 9: S½SW¼, N½N½SE¼, SE¼NE¼;
Sec. 10: NW¼SW¼, S½NW¼, NE¼NW¼, N½NE¼;
Sec. 17: N½N½;
Sec. 18: Lots 1, 2, E½NW¼, W½NE¼, NE¼NE¼.
T. 14 N., R. 12 E.,
Sec. 6: Lots 1, 9, 10, 11, 12, 13, S½NE¼, NW¼SE¼.
T. 15 N., R. 12 E.,
Sec. 4: Lots 3, 4, SW¼NW¼, NW¼SW¼;
Sec. 8: E½NW¼, W½SW¼, NE¼SW¼, W½NE¼;
Sec. 18: E½NE¼, SW¼NE¼, N½SE¼, SW¼SE¼;
Sec. 19: W½NE¼, SE¼NE¼, E½SE¼;
Sec. 30: E½, E½.
T. 16 N., R. 12 E.,
Sec. 24: SE¼NE¼, N½SE¼, SW¼SE¼, S½SW¼;
Sec. 25: N½NW¼;
Sec. 26: E½NE¼, SW¼NE¼, NW¼SE¼, SW¼;
Sec. 27: SE¼SE¼;
Sec. 33: NE¼SE¼, Lots 1, 2, and 3;
Sec. 34: NW¼SW¼, S½NW¼, NE¼NW¼, W½NE¼, NE¼NE¼.

U.S. Highway 66, Roadside Zone

T. 22 N., R. 5 E.,
Sec. 34: S½NW¼, W½W½SW¼NE¼.
T. 21 N., R. 6 E.,
Sec. 6: SW¼SE¼, E½E½SE¼SW¼;
Sec. 7: E½NE¼, SE¼NW¼NE¼, N½NW¼NE¼ (except those parts in RR R/W);
Sec. 8: N½SE¼NE¼SW¼, SW¼SE¼NE¼SW¼, SW¼NE¼SW¼, N½NE¼SW¼, NW¼SW¼, S½NW¼, S½SE¼SE¼, E½NE¼SE¼SE¼ (except those parts south of RR R/W);
Sec. 9: SW¼SW¼;
Sec. 15: SW¼, S½SE¼ (except those parts in RR main line R/W);
Sec. 16: W½NW¼, SE¼NW¼, SW¼NE¼, N½SE¼;
Sec. 17: NE¼NE¼ (except that part in RR R/W);
Sec. 23: N½N½ (except that part of NW¼NW¼ in RR R/W);
Sec. 24: NW¼NW¼, NW¼NE¼.
T. 21 N., R. 7 E.,
Sec. 13: SW¼NW¼ less patented HES 85;
Sec. 20: Lot 1.
T. 21 N., R. 8 E.,
Sec. 9: S½NE¼ and E½SE¼NW¼ (except those parts in RR R/W) N½NE¼SE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼;
Sec. 11: SW¼SW¼ (except that part in RR R/W);
Sec. 13: Lots 3, 4, S½NW¼, NW¼NW¼ (except those parts in RR R/W);
Sec. 14: NE¼, N½NW¼—except a strip of land 500 ft. on either side of the center line of W.C.N.M. road thru W½NE¼, NE¼NW¼ (PLO 1269);
Sec. 15: NE¼NE¼.
T. 21 N., R. 9 E.,
Sec. 13: S½SW¼, NW¼SW¼, SW¼SE¼ (except those parts in RR R/W);
Sec. 14: S½SW¼NW¼, SW¼SE¼NW¼, W½NW¼NE¼SW¼, S½NE¼NE¼SW¼, S½NW¼SE¼, S½NW¼NW¼SE¼, E½SE¼, NE¼NW¼SE¼, NW¼SW¼;
Sec. 15: NW¼NW¼SE¼, W½NE¼NW¼SE¼, N½SW¼NW¼SE¼, NW¼SE¼NW¼SE¼, N½SW¼, S½NW¼;
Sec. 16: N½S½, S½N½;
Sec. 17: S½N½, NE¼NW¼SW¼, NE¼SW¼, N½SE¼ (except that part of SW¼NW¼ in RR R/W);
Sec. 18: Lots 2, 6, SE¼NW¼, SW¼NE¼, NW¼SE¼, NE¼NE¼SW¼;
Sec. 24: N½NE¼.
T. 21 N., R. 10 E.,
Sec. 19: Lots 7, 8, 9, SE¼ and those parts of X Sur. 670 and X Sur. 663 embraced in former Lots 4, 5 and 6, less area in Patent 833436;
Sec. 20: S½SW¼;
Sec. 27: S½SW¼;
Sec. 28: S½SE¼, N½SW¼, SE¼SW¼, SW¼NW¼;
Sec. 29: NE¼NW¼, NE¼, NE¼SE¼;
Sec. 34: NE¼NW¼, NE¼, NE¼SE¼;
Sec. 35: SW¼NW¼, N½SW¼, Lots 1, 2, 3, NW¼SE¼.

U.S. Highways 89 and 89A, Roadside Zone

T. 15 N., R. 3 E.,
Sec. 1: Lots 1, 2, SE¼NW¼, NW¼SE¼, NE¼SW¼, S½NE¼.
T. 16 N., R. 4 E.,
Sec. 10: Lots 3, 5, 6, 9, 10, 11 and 12;
Sec. 15: Lot 4;
Sec. 31: E½NW¼, Lots 1, 2, and 3.
T. 17 N., R. 4 E.,
Sec. 24: N½SE¼, SW¼SE¼;
Sec. 25: NW¼NE¼, W½SW¼;
Sec. 26: SE¼SE¼;
Sec. 35: NE¼, W½SE¼, E½SW¼.
T. 17 N., R. 5 E.,
Sec. 12: N½SW¼SE¼SE¼, NW¼SE¼SE¼, E½SE¼SE¼, SW¼SE¼ except patented land, SE¼SW¼ except patented land;
Sec. 15: SE¼NW¼, SW¼, W½W½NE¼;
Sec. 16: S½SE¼;
Sec. 19: Lots 8, 9, 10, 11, 12, 13, 14 and 15;
Sec. 20: N½NW¼, SW¼NW¼, N½NE¼;
Sec. 21: N½NW¼, NW¼NE¼.
T. 17 N., R. 6 E.,
Sec. 4: Lots 2, 3, S½NW¼;
Sec. 5: SE¼NE¼, N½SE¼, N½N½ lot 5, SW¼NW¼ lot 5, N½SW¼NE¼ lot 5, SE¼NE¼ lot 5, NW¼SE¼SE¼, N½SE¼NW¼ lot 5;
Sec. 7: Lots 3, 4, NW¼SE¼, E½SW¼, N½NE¼SE¼, N½S½NE¼SE¼.
T. 18 N., R. 6 E.,
Sec. 4: NW¼SW¼;
Sec. 5: N½NE¼SE¼, S½SE¼SE¼ less patented HES 579;
Sec. 8: Unsurveyed N½N½NE¼ and N½S½N½NE¼, both less patented HES 579; W½SE¼ less patented HES 369;
Sec. 16: SW¼SW¼;
Sec. 17: Unsurveyed W½NE¼, SE¼NE¼ (both less patented HES 368);
Sec. 21: Unsurveyed SE¼NW¼, SW¼NE¼, NW¼SE¼ (all less patented HES 367); E½SE¼, NE¼SW¼, SW¼SE¼;
Sec. 27: Lot 2;
Sec. 28: Unsurveyed E½NE¼ less patented HES 94, NW¼NE¼;
Sec. 33: Lots 2, 7, 8, 9, 10, and the W½ of lot 1, and S½SE¼ of lot 1.
T. 19 N., R. 6 E.,
Sec. 2: Lot 3, E½SW¼;
Sec. 11: E½NW¼, SW¼;
Sec. 14: Lots 5, 6, 7, 8, 16, 17, 18 and 19;
Sec. 15: E½SE¼, NW¼SE¼;
Sec. 22: Lots 3 and 12;
Sec. 27: Lots 2, 11, 14 (all less patented HES 95), and Lots 1, 12, 23;
Sec. 34: Lots 3, 17 and 18.
T. 20 N., R. 6 E.,
Sec. 13: N½NE¼, SW¼NE¼, SE¼NW¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 23: N½NE¼, SW¼NE¼, SE¼NW¼, NW¼SE¼, E½SW¼;
Sec. 35: Lots 1, 4, 5, 8, NW¼NE¼.
T. 20 N., R. 7 E.,
Sec. 5: Lots 3, 4, S½NW¼;
Sec. 7: Lot 4, NE¼NE¼, S½SE¼SE¼NE¼, SW¼SE¼, SE¼SW¼, W½NW¼SE¼, S½SE¼NW¼SE¼, SW¼SW¼NE¼SE¼ (except those parts of NE¼NE¼, S½SE¼SE¼NE¼, and the SW¼SW¼NE¼SE¼ in RR pipeline R/W);
Sec. 8: N½SW¼NW¼, SW¼SW¼NW¼.
T. 21 N., R. 7 E.,
Sec. 32: N½NE¼, SW¼NE¼, SE¼NW¼, SW¼.
T. 21 N., R. 8 E.,
Sec. 7: NE¼NE¼.
T. 22 N., R. 8 E.,
Sec. 16: SE¼SE¼, S½S½NE¼SE¼;
Sec. 21: E½NE¼, NE¼SE¼, NE¼NW¼SE¼SE¼, N½NE¼SE¼SE¼, SE¼NE¼SE¼SE¼, NE¼SE¼SE¼SE¼;
Sec. 28: S½SE¼NE¼NE¼, S½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, S½NW¼NE¼, SW¼NE¼, W½SE¼SE¼NE¼, SW¼SE¼NE¼, N½SE¼NE¼;
Sec. 32: SE¼NE¼, NE¼SE¼, NW¼SE¼, E½SW¼SE¼, W½SE¼SW¼, N½N½NW¼SW¼SE¼, N½N½NE¼SE¼SW¼;
Sec. 33: NW¼SW¼NW¼, S½SW¼NW¼.
T. 23 N., R. 8 E.,
Sec. 5: Lots 3, 4, S½NW¼, W½SW¼;
Sec. 7: E½SE¼, SE¼NE¼;
Sec. 8: W½NW¼, NW¼SW¼;
Sec. 17: W½SW¼;
Sec. 18: E½NE¼, E½SE¼;
Sec. 20: NW¼, E½SW¼, SW¼SE¼;
Sec. 28: SW¼SW¼;
Sec. 29: E½NW¼, W½NE¼, SE¼NE¼, E½NW¼NE¼SE¼, NE¼NE¼SE¼, SE¼NE¼SE¼, N½NE¼SE¼SE¼;
Sec. 33: E½W½NW¼NW¼, E½NW¼NW¼, N½SE¼NW¼, NE¼NW¼.
T. 24 N., R. 8 E.,
Sec. 4: Lot 3, SW¼;
Sec. 9: W½W½, NE¼NW¼;
Sec. 16: W½NW¼, NW¼SW¼;
Sec. 17: E½E½SE¼, E½E½SE¼NE¼;
Sec. 20: NE¼NE¼NE¼, S½NE¼NE¼, E½SE¼NE¼;
Sec. 29: NW¼SE¼SW¼, S½SE¼SW¼;
Sec. 32: E½NW¼, NW¼NE¼, E½SW¼, SW¼SW¼.
T. 25 N., R. 8 E.,
Sec. 21: E½NE¼, SE¼;
Sec. 28: W½E½, SE¼SW¼;
Sec. 33: E½NW¼, N½SW¼, SW¼SW¼, SW¼NW¼.
Total—7,239 acres, more or less.

Dated: May 10, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62–4757; Filed, May 16, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MAY 10, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on pages 3936 and 3937 of the FEDERAL REGISTER, issued for Wednesday, April 25, 1962 (F.R. Doc. 62–3997; Filed, April 24, 1962; 8:45 a.m.) is hereby corrected (in first paragraph) to read "• • • from all forms of appropriation under the public land laws except the mining laws • • •," replacing "• • • from all forms of appropriation under the public land laws except the mineral laws • • •."

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–4758; Filed, May 16, 1962; 8:46 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1962.

The U.S. Army Engineer District, Seattle, has filed an application, Serial No. Idaho 013260 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, mineral leasing laws, and the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended. The applicant desires the land for the construction, operation and maintenance of a small arms firing range to be used by the Department of the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 5 E.,
Sec. 3: Lot 4, SW¼NW¼, SW¼;
Sec. 4: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5: Lots 1, 2, 3, S½NE¼, E½SE¼;
Sec. 9: N½;
Sec. 10: NW¼.

The areas described aggregate 1622.43 acres of public land in Elmore County, Idaho.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 62–4759; Filed, May 16, 1962; 8:46 a.m.]

[Classification No. 109]

NEVADA

Small Tract Classification; Amendment

1. Effective May 11, 1962 Federal Register Document 56–1699 appearing on pages 1453–55 of the issue of March 6, 1956, is amended to provide for disposal by direct sale of the following described tracts embracing approximately 358.77 acres.

Tract No.	Township and Range	Meridian	Section	Subdivision	Acres	Value
1	17 N., 64 E.	MDM	18	N½SW¼NE¼SE¼	5.00	$225
2				N½SE¼NE¼SE¼	5.00	225
3			19	S½NW¼SW¼NE¼	5.00	225
4				N½NW¼NE¼SW¼	5.00	225
5				N½NE¼NE¼SW¼	5.00	225
6				N½NW¼NW¼SE¼	5.00	175
7				S½NW¼NE¼SW¼	5.00	225
8				S½NE¼NE¼SW¼	5.00	225
9				S½NW¼NW¼SE¼	5.00	175
10				W½SW¼NE¼SW¼	5.00	225
11				NE¼SW¼NE¼SW¼, NW¼SE¼NE¼SW¼	5.00	225
12				SE¼SW¼NE¼SW¼, SW¼SE¼NE¼SW¼	5.00	225
13	17 N., 64 E.	MDM	19	E½SE¼NE¼SW¼	5.00	175
14				N½NE¼SW¼SW¼	5.00	225
15				N½NW¼SE¼SW¼	5.00	225
16				N½NE¼SE¼SW¼	5.00	175
17				S½NW¼SE¼SW¼	5.00	225
18				S½NE¼SE¼SW¼	5.00	175
19				NW¼SW¼SE¼SW¼, NE¼SE¼SW¼SW¼	5.00	225
20				E½SW¼SE¼SW¼	5.00	175
21				N½SE¼SE¼SW¼	5.00	175
22				S½SE¼SE¼SW¼	5.00	175
23	17 N., 63 E.	MDM	25	N½NW¼NE¼NE¼	5.00	175
24				N½NE¼NE¼NE¼	5.00	175
25	17 N., 64 E.	MDM	30	N½NE¼NE¼NW¼	5.00	175
26	17 N., 63 E.	MDM	25	S½NW¼NE¼NE¼	5.00	175
27				S½NE¼NE¼NE¼	5.00	175
28	17 N., 64 E.	MDM	30	S½NE¼NE¼NW¼	5.00	175
29	17 N., 63 E.	MDM	25	N½SW¼NE¼NE¼	5.00	175
30	17 N., 64 E.	MDM	30	NE¼SE¼NE¼NE¼, Lot 10	4.78	225
31				NW¼SE¼NW¼NW¼, Lot 9	5.00	225
32				E½SE¼NW¼NW¼	5.00	175
33				N½SW¼NE¼NW¼	5.00	175
34				N½SE¼NE¼NW¼	5.00	175
35	17 N., 63 E.	MDM	25	S½SW¼NE¼NE¼	5.00	175
36				W½SE¼NE¼NE¼	5.00	175
37	17 N., 64 E.	MDM	30	SE¼SE¼NE¼NE¼, Lot 11	3.48	225
38				S½SW¼NE¼NW¼	5.00	175
39				S½SE¼NE¼NW¼	5.00	175
40	17 N., 63 E.	MDM	25	N½NW¼SE¼NE¼	5.00	175
41				N½NE¼SE¼NE¼	5.00	225
42	17 N., 64 E.	MDM	30	Lot 14	4.74	225
43				N½NE¼SW¼NW¼	5.00	175
44				N½NW¼SE¼NW¼	5.00	175
45				N½NE¼SE¼NW¼	5.00	175
46	17 N., 63 E.	MDM	25	SW¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼	5.00	175
47				SE¼NW¼SE¼NE¼, SW¼NE¼SE¼NE¼	5.00	225
48	17 N., 64 E.	MDM	30	S½NE¼SW¼NW¼	5.00	175
49				S½NW¼SE¼NW¼	5.00	175
50				S½NE¼SE¼NW¼	5.00	175
51	17 N., 63 E.	MDM	25	NE¼SW¼SE¼NE¼, NW¼SE¼SE¼NE¼	5.00	225
52	17 N., 64 E.	MDM	30	NE¼SE¼SE¼NE¼, Lot 17	4.76	225
53				Lot 16	5.00	175
54				N½SE¼SW¼NW¼	5.00	175
55				N½SW¼SE¼NW¼	5.00	175
56	17 N., 64 E.	MDM	30	N½SE¼SE¼NW¼	5.00	175
57	17 N., 63 E.	MDM	25	S½SW¼SE¼NW¼	5.00	225
58				S½SE¼SE¼NW¼	5.00	225
59	17 N., 64 E.	MDM	30	Lot 18	2.26	125
60				S½SE¼SW¼NW¼	5.00	175
61				S½SW¼SE¼NW¼	5.00	175
62				S½SE¼SE¼NW¼	5.00	175
63	17 N., 63 E.	MDM	25	N½NE¼NW¼SE¼	5.00	175
64				N½NW¼NE¼SE¼	5.00	225
65				N½NE¼NE¼SE¼	5.00	225
66				SW¼NE¼NW¼SE¼, NW¼SE¼NW¼SE¼	5.00	175
67				SE¼NE¼NW¼SE¼, SW¼NW¼NE¼SE¼	5.00	225
68				SE¼NW¼NE¼SE¼, SW¼NE¼NE¼SE¼	5.00	225
69				NE½SE½NW½SE¼, NW¼SW¼NE¼SE¼	5.00	225
70				NE¼SW¼NE¼SE¼, NW¼SE¼NE¼SE¼	5.00	225
71				SE¼NE¼NE¼SE¼, NE¼SE¼NE¼SE¼	5.00	175
72				E½SW¼SW¼NE¼SE¼, SE¼SW¼NE¼SE¼	3.75	225
73				S½SE¼NE¼SE¼	5.00	175

2. The above tracts shall not be subject to disposal until it is so provided by an order to be issued by an authorized officer, opening the lands to direct sale.

3. All valid applications filed prior to February 18, 1961, will be granted the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

MAY 11, 1962.

[F.R. Doc. 62–4789; Filed, May 16, 1962; 8:49 a.m.]

[Classification No. 141]

NEVADA

Small Tract Classification; Amendment

Effective May 10, 1962, Federal Register Document 58–1035 filed February 11, 1958 is amended to permit disposal by direct sale of the following lands:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 24 E.,
Sec. 28, Lot 17; Lot 44.

The area described aggregates 5 acres.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

MAY 10, 1962.

[F.R. Doc. 62–4790; Filed, May 16, 1962; 8:49 a.m.]

[I–43]

UTAH

Notice of Proposed Withdrawal of Lands for Reclamation Purposes

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial No. Utah

087869, for a First Form Withdrawal of the lands described below, in Emery County, Utah, from public entry, subject to valid existing claims, for reclamation purposes.

The applicant desires the land to meet the requirements for the construction, operation and maintenance of the Joes Valley Dam and Reservoir, Emery County Project feature. The areas involved are confined to those considered to fulfill only the absolute needs of project construction, operation and maintenance. There will be no contamination of the area; the withdrawal of the lands for reclamation purposes will permit the use of the lands for recreation and wildlife purposes, in accordance with laws pertaining to multiple use projects; and the storage, use or control of water on any of the proposed withdrawn land will be in accordance with existing valid water rights and State laws pertaining to the appropriation, control and distribution of water.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments or suggestions in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 6 E.,
Sec. 30: S½N½NE¼.
T. 18 S., R. 6 E.,
Sec. 4: S½ Lot 5, S½ Lot 6, S½ Lot 7, N½S½NW¼, N½SW¼NE¼;
Sec. 8: N½SW¼SW¼.

The above area aggregates 180 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-4760; Filed, May 16, 1962; 8:46 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service has filed an application, Serial No. W-04282, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for public recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ROCK ISLAND RECREATION AREA

T. 24 N., R. 15 E., W.M., Washington,
Sec. 1: Lots 3, 4, 5, 6.
153.70 acres.

SODA SPRINGS RECREATION AREA

T. 27 N., R. 15 E., W.M., Washington.
Unsurveyed, but when surveyed will probably be:
Sec. 3.: S½SW¼SW¼, SW¼SE¼SW¼, except patented MS-1298;
Sec. 4: S½SE¼SE¼;
Sec. 9: E½NE¼;
Sec. 10: W½NW¼, W½E½NW¼, except patented MS-1297 and MS-1298.
250 acres, more or less.

The aggregate area of these lands is 403.70 acres, more or less.

J. E. BURT, Jr.,
Officer-in-Charge.

[F.R. Doc. 62-4761; Filed, May 16, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13203 etc.]

FLYING TIGER LINE, INC., ET AL.; RATE CASES

Notice of Hearing

In the matter of the investigation of certain rate filings of The Flying Tiger Line, Inc., American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 4, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the report of prehearing conference served February 19, 1962, the report of further prehearing conference served May 2, 1962, and the orders of the Board bearing the following numbers:

E-17752, dated November 22, 1961, Docket 13205 et al.
E-17806, dated December 5, 1961, Docket 13203.
E-17826, dated December 13, 1961, Docket 13272.
E-17860, dated December 21, 1961, Docket 13269.
E-17993, dated February 8, 1962, Docket 13203.
E-18032, dated February 16, 1962, Docket 13205 et al.
E-18044, dated February 23, 1962, Docket 13203.
E-18056, dated February 28, 1962, Docket 13419.
E-18059, dated March 1, 1962, Docket 13272.
E-18091, dated March 9, 1962, Docket 13269.
E-18187, dated April 5, 1962, Docket 13203 et al.

And other documents which are in the various dockets referred to in the above-stated orders, which dockets are available in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 11, 1962.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 62-4797; Filed, May 16, 1962; 8:50 a.m.]

[Docket No. 13394 etc.]

FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 29 is postponed to June 12, 1962, 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., May 14, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4798; Filed, May 16, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14336-14340; FCC 62M-678]

ANTENNAVISION SERVICE CO., INC.

Order Continuing Hearing

In re applications of Antennavision Service Company, Inc., for renewal of the licenses for station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona, Docket No. 14336, File No. 657-C1-R-61; for renewal of the license for station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona, Docket No. 14337, File No. 658-C1-R-61; for renewal of the license for station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14338, File No. 2326-C1-R-61; for a modification of license to cover a construction permit for additional facilities for station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona, Docket No. 14339, File No. 2525-C1-ML-61; for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Station at Hutch Mountain, Arizona, Docket No. 14340, File No. 3699-C1-P-61.

The Hearing Examiner having under consideration a Petition for Continuance filed by Antennavision Service Company, Inc. (Antennavision), wherein it is requested that the hearing herein, now scheduled to commence on May 14, 1962, be postponed to June 13, 1962, or another date within the period of June 12 through 22, 1962, at the convenience of the Examiner and the parties to the proceeding;

It appearing, that it is alleged in the petition that Mr. Bruce Merrill, President of Antennavision has been requested to appear as the sole witness in the proceedings herein;

It further appearing, that it is alleged in the Petition that Mr. Merrill has recently returned to his office in Arizona after spending considerable time on business in New York, and is involved in various business matters there, as well as in California; that, if required to return to Washington, D.C., he will be available but would suffer great personal and business inconvenience;

It further appearing, that it is alleged that Mr. Merrill is now scheduled to be in Washington, D.C., at a business convention during the week of June 17, 1962, so that if the present hearing date is continued to the time hereinabove specified, he would also be able to avoid the great financial expense and loss of time which would otherwise be involved in making the transcontinental trip twice within a 30-day period;

It further appearing, that it is alleged that the Commission's Common Carrier Bureau, the only other party to the proceeding, has no objection to a grant of the continuance nor to a waiver of the provisions of 47 CFR 1.43 relating to the deferral of action on motions for a four-day period;

It further appearing, that the matters specified on behalf of Antennavision set forth conditions which had not been foreseen at the time the previous postponement was granted and, therefore, come within the exceptions to the Examiner's ruling that he would not entertain further petitions or motions for postponement (See Order herein released April 11, 1962, FCC 62M-535); and

It further appearing, that good cause has been shown for a prompt grant of the petition:

It is ordered, This 11th day of May 1962, that the Petition for Continuance is granted and the hearing heretofore scheduled to commence on May 14, 1962, is hereby rescheduled to commence on June 13, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4775; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14644, 14645; FCC 62-509]

BAY SHORE BROADCASTING CO. AND FAIRFIELD PUBLISHING CO.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Co., Hayward, California, Docket No. 14644, File No. BP-14113, requests: 1340 kc, 100 w, U, Class IV; Fairfield Publishing Co., Fairfield, California, Docket No. 14645, File No. BP-15082, requests: 1340 kc, 250 w, U, Class IV; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; and (b) the "Joint Request for Approval of Agreement, Pursuant to § 1.316", filed on March 23, 1962, by the applicants.

2. The agreement, in substance, provides for the dismissal of the Fairfield proposal, in exchange for $6,514.00, which is alleged to be the amount of the expenses incurred in the prosecution of the Fairfield application. The prayers of the joint request include, inter alia, the request that the approval be "without any condition which would impede consideration of the Bay Shore application without a hearing". We construe this prayer to mean that if the surviving Bay Shore application is designated for hearing, the agreement is void, leaving nothing for the Commission to approve.

3. The Bay Shore proposal causes interference to station KOMY, Watsonville, California; station KSRO, Santa Rosa, California; and to the proposed operation of James E. Walley, permittee of a standard broadcast station at Oroville, California, in addition to involving mutually destructive interference with the Fairfield proposal. Also, the Bay Shore proposal receives interference from stations KOMY and KSRO; from station KMAK, Fresno, California and the Walley proposal at Oroville, to such an extent that it cannot be determined that the Bay Shore proposal meets the requirements of § 3.28(d)(3) of the Commission's rules. From a study of applicant's engineering data, it is impossible to define the city limits and the principal business areas of Hayward, California, so it is necessary to determine whether the appropriate coverage of the areas meet the requirements of § 3.188 of the Commission's rules. The antenna system proposed by Bay Shore has not been approved by the Federal Aviation Agency, but the proposal has been examined by the Commission in the light of the criteria contained in FAA Regulations, section 626.12, and apparently meets such criteria; however, any grant of the Bay Shore application will be made subject to applicable procedures of the Federal Aviation Agency.

4. The Fairfield proposal causes interference to station KOMY, Watsonville, California, station KSRO, Santa Rosa, California, station KCRA, Sacramento, California and to the proposed operation of James E. Walley, permittee of a standard broadcast station at Oroville, California, in addition to involving mutually destructive interference with the Bay Shore proposal. Applicant concedes that its proposal does not meet the requirements of § 3.28(d)(3) of the Commission's rules.

5. Under the doctrine of the National Broadcasting Co., Inc. (KOA) case, 319 U.S. 239, the Bay Shore application will be designated for hearing on the grounds that its proposed operation may violate protected contours of existing stations. Therefore, the referenced agreement, by its own terms, is null and void. Since the Commission has no agreement before it for consideration, the substantive provisions of the agreement need not be discussed with respect to its compliance with section 311(c) of the Communications Act of 1934, as amended and § 1.316 of the Commission's rules.

6. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, This 9th day of May 1962, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company and from the proposal of Fairfield Publishing Company and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company would cause objectionable interference to station KOMY, station KSRO, and to the proposed operation of James E. Walley, permittee of a standard broadcast station at Oroville, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Fairfield Publishing Company would cause objectionable interference to station KSRO, station KOMY, station KCRA, and to the proposed operation of James E. Walley, permittee of a standard broadcast station at Oroville, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received by each proposal from the other proposal herein and any existing stations would affect more than ten

percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company would provide coverage of the city of Hayward, California, as required by § 3.188 of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That KCRA, Inc., Finley Broadcasting Company, and KOMY, Inc., licensees of stations KCRA, KSRO, and KOMY, respectively, and James E. Walley, permittee of a standard broadcast station at Oroville, California, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, the construction permit shall be conditioned as follows:

Before program tests are authorized, permittee shall submit a complete nondirectional proof of performance to establish that minimum antenna efficiency of 150 mv/m/kw is achieved.

This authorization is subject to compliance by permitee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, in the event of a grant of the application of Fairfield Publishing Company, the construction permit shall be conditioned as follows:

Before program tests are authorized, permittee shall establish by measurement that antenna efficiency does not exceed essentially 154 mv/m/kw, as proposed.

It is further ordered, That the Joint Request for Approval of Agreement, filed by the above-captioned applicants is dismissed as moot.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4776; Filed, May 16, 1962; 8:48 a.m.]

[Docket No. 13062; FCC 62-507]

CHE BROADCASTING CO. (NSL)

Order Designating Application for Hearing on Stated Issues

In re application of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842, requests: 1240 kc, 250 w. U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of May 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and it further appearing, that the following matters are to be considered in connection with the issues specified below:

1. It appears that the instant proposal will not cover the city in accordance with § 3.188(b)(1) of the Commission rules regarding 25 mv/m coverage of the business areas.

2. It appears that the instant proposal will not adequately cover the city with the nighttime RSS limitation contour.

3. Section V-A of the application form as filed by the applicant is incomplete in that:

i. There is no computation of the nighttime, R.S.S. contour

ii. There is no indication of the population within the nighttime R.S.S. limitation contour.

4. It has not been determined that the instant proposal would render satisfactory service to the city and suburban and rural areas contiguous thereto in accordance with the objectives of § 3.21 of the Commission's rules.

5. By letter dated August 2, 1960, the Commission questioned certain aspects of the applicant's proposed programming. No reply has been received, and an appropriate issue is included herein.

It further appearing, that the instant application proposes to utilize the existing antenna system of station KARA for simultaneous transmission therewith and that an appropriate condition is attached hereto in the event of a grant of the instant proposal to prevent interaction between the two operations and interference to other radio services.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and population which would receive primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine the efforts made by CHE Broadcasting Company to ascertain the programming needs and interests of the area to be served and the manner in which CHE Broadcasting Company proposes to meet such needs and interests.

3. To determine the location and extent of the entire main business area and whether the instant proposal would provide day and night coverage of the city sought to be served, as required by § 3.188 of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposed operation is consistent with the objectives of § 3.21 of the Commission rules regarding the allocation of standard broadcast facilities.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the instant application of CHE Broadcasting Company, the construction permit shall contain a condition that measurement data, made on both stations at the point at which the antenna resistance is measured, shall be submitted with the application for license to prove that the installation of filter circuits or other equipment does not prevent satisfactory performance pursuant to § 3.47 of the Commission rules, and field observations or measurements shall be made to clearly show that operation of the two stations with the same antenna does not result in spurious radiations to the extent that interference would result to other radio services.

It is further ordered, That, to avail itself of the opportunity to be heard the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4777; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14341-14344; FCC 62M-672]

COLLIER ELECTRIC CO. ET AL.

Order Following Further Prehearing Conference

In re applications of Collier Electric Company, Docket No. 14341, File No. 848-C1-R-61; Docket No. 14342, File No. 849-C1-R-61; Docket No. 14343, File No. 2670-C1-R-61; Docket No. 14344, File No. 2710-C1-R-61; for renewal of the license for station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, et al.

The Hearing Examiner having under consideration the proceedings in the further prehearing conference held in the above-entitled matters on May 9, 1962, and the agreements of the parties as approved therein by the Examiner;

It appearing, that, at the aforementioned conference it became clear that in order to accommodate the schedule of the Examiner as well as that of certain of the parties herein, who are involved in the proceeding In re Applications of Laramie Community TV Company, et al, Docket Nos. 14552-6 (see separate order approved this date), it would be necessary to adjust the date heretofore specified for the start of the hearings herein:

It is ordered, This 9th day of May 1962, that the hearing heretofore scheduled to commence on July 9, 1962, is rescheduled to commence on July 5, 1962, at the Offices of the Commission in Washington, D.C., at 10:00 a.m.:

It is further ordered, That the other procedural dates specified in the Order of the Examiner released March 26, 1962 (FCC 62M-434) shall remain unchanged:

And it is further ordered, That the agreements and understandings entered into by the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which to this extent are incorporated hereby by reference.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4778; Filed, May 16, 1962; 8:48 a.m.]

[Docket No. 14642]

ROBERT EARL COX

Order To Show Cause

In the matter of Robert Earl Cox, 943 West 127th Street, Compton, California, Docket No. 14642; order to show cause why there should not be revoked the license for radio station 11Q0183 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on January 22, 1962, alleging that on January 7, 1962, Citizens radio station 11Q0183 was observed in violation of §§ 19.33 and 19.61 of the Commission's rules, in that the station was operated with excessive frequency deviation, and the communications transmitted were not substantive or related to the licensee's business or personal affairs.

It further appearing, that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 1, 1962, and sent by Certified Mail, Return Receipt Requested (Cert. No. 125247), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee on March 2, 1962 to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elasped since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 11th day of May 1962, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and Section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4779; Filed, May 16, 1962; 8:48 a.m.]

[Docket No. 14641; FCC 62-513]

GOODLAND CHAMBER OF COMMERCE

Order Designating Application for Hearing on Stated Issues

In re application of: Goodland Chamber of Commerce, Goodland, Kansas, Docket No. 14641, File No. BPTTV-1221; for construction permit for a new VHF television broadcast translator station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of May 1962;

The Commission having under consideration the above-captioned application requesting a construction permit for a new VHF television broadcast translator station to operate on channel 13, serving Goodland, Kansas; and

It appearing, that channels 10 and 31 are assigned to Goodland, Kansas and that television station KWHT-TV, a Columbia Broadcasting System television affiliate, is now operating on channel 10; and

It further appearing, that, by letter dated January 22, 1962, television station KWHT-TV objected informally to a grant of the above-captioned application alleging, in substance, that Goodland, Kansas is already being served by it and by television station KOMC-TV, channel 8, McCook, Nebraska; that the Goodland, Kansas television market is one of the smallest in the United States, comprising approximately 10,800 television homes; and that the authorization of a television translator to the Goodland area would result in economic hardship to KWHT-TV; and

It further appearing, that the above-captioned application proposes to rebroadcast the programs of television station KHPL-TV, channel 6, Hayes Center, Nebraska, a satellite of television station KHOL-TV, Kearney-Holdrege, Nebraska, an ABC-CBS affiliate; and

It further appearing, that operation of the VHF television translator as proposed would result in partial duplication of CBS television network programs to Goodland, Kansas; and

It further appearing, that Goodland Chamber of Commerce has failed to show in its application that it has available funds for the construction and maintenance of the proposed translator station; and

It further appearing, that upon consideration of the above-captioned application and the informal objection to grant of said application filed by KWHT-TV, the Commission is unable to determine, without hearing, that a grant of said application would be in the public interest:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Goodland Chamber of Commerce is designated for evidentiary hearing on the following issues:

1. To determine the nature and extent of television service currently being received in Goodland, Kansas, and the nature and extent of service provided by KWHT–TV, channel 10, Goodland.

2. To determine what impact, if any, a grant of the above-captioned application would have on the quantity and quality of service presently being rendered by television station KWHT–TV, and whether the impact would be such as to jeopardize KWHT–TV's continued existence or result in a curtailment in the quantity and quality of service currently rendered by that station.

3. To determine whether there is a need for VHF television translator service to Goodland, Kansas, and, if so, whether such service should be authorized subject to the condition that it not duplicate the programming of television station KWHT–TV.

4. To determine whether Goodland Chamber of Commerce is financially qualified to construct and operate the proposed translator station.

5. To determine in the light of the evidence adduced under the foregoing issues whether the public interest would be served by a grant of the above-captioned application.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the applicant, Goodland Chamber of Commerce.

It is further ordered, That Standard Electronics Corporation, licensee of television station KWHT–TV, is hereby made a party to the above-captioned proceedings.

It is further ordered, That the hearing on the above issues shall be held in Goodland, Kansas, at a time to be specified in a subsequent Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4780; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14455, 14456; FCC 62M-676]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Continuing Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL-8187; for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110; for construction permit to build a new standard broadcast station at Centreville, Alabama.

The Hearing Examiner having under consideration a petition of the Broadcast Bureau filed this date, May 10, requesting a change in the date for commencement of hearing from May 14 to June 18, 1962;

It appearing that both the applicants and the Broadcast Bureau propose to introduce testimony from a number of witnesses residing in the vicinity of Birmingham, Alabama, and that the Bureau is simultaneously with this petition requesting a change in place of hearing from Washington to Birmingham; and

It further appearing that because of this development it would be in the interest of all parties to delay the commencement of hearing from the presently scheduled date; and

It further appearing that W. D. Frink, on behalf of the applicants, has informally advised the Bureau that the applicants have no objection to the requested continuance and that under the circumstances immediate action upon the request is imperative:

It is ordered, This 10th day of May 1962, that the Broadcast Bureau's petition for change of hearing date is granted and the date for commencement of hearing is changed from May 14 to June 18, 1962.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4781; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14552-14556; FCC 62M-673]

LARAMIE COMMUNITY TV CO. ET AL.

Order Following Prehearing Conference

In re applications of Laramie Community TV Company, division of Collier Community TV Company, Inc., Laramie, Wyoming; Albany Electronics, Inc., Laramie, Wyoming, et al., Docket No. 14552, File No. BPTTV-78; Docket No. 14553, File No. BPTTV-79; Docket No. 14554, File No. BPTTV-80; Docket No. 14555, File No. BPTTV-539; Docket No. 14556, File No. BPTTV-540.

The Hearing Examiner having under consideration the proceedings at the prehearing conference held in the above-entitled matters on May 9, 1962, and the agreements of the parties as approved therein by the Examiner;

It appearing, that counsel for Albany Electronics, Inc., gave notice to all parties that applicant would not be represented by counsel at the conference because of the distance and travel expenses involved, and because such counsel would otherwise be occupied as a Judge of the Justice of the Peace Court in Laramie;

It further appearing, that in the aforementioned notice counsel for Albany Electronics, Inc. (Albany), agreed to be bound by any and all agreements arrived at during the prehearing conference of May 9, 1962;

It further appearing, that Laramie Community TV Company (Laramie), the party upon which the Commission placed the burden of proceeding with the introduction of evidence as well as the burden of proof on the first seven issues specified in its Memorandum Opinion and Order of designation released March 5, 1962 (FCC 62-250), proposes to present its direct case primarily through written sworn exhibits, reserving the right to supplement its presentation through the testimony of witnesses;

It further appearing, that the other parties represented at the conference may desire to present direct cases through written sworn exhibits and to supplement such cases through the oral testimony of witnesses;

It further appearing, that counsel for the Broadcast Bureau may desire to present testimony through public witnesses who volunteer to testify with respect to the various issues;

It further appearing, that, because of the complexity of the issues and because counsel for one of the applicants and for the intervenor herein also represent such parties in another proceeding before the Examiner now scheduled to commence on July 5, 1962, a reasonably extended period should be allowed for the preparation of the direct cases;

It further appearing, that the parties should be afforded an opportunity to meet and discuss among and between themselves the nature and extent of the evidence to be supplied in response to Issues 5 and 6 in an attempt to arrive at a stipulation with respect thereto;

It further appearing, that in the preparation of their cases certain of the parties may desire to request data and information with respect to the issues which is in the possession of other parties and should be afforded a reasonable opportunity to arrive at stipulations with respect thereto;

It further appearing, that the various applicants may be called upon to produce certain records regarding operations heretofore conducted which are pertinent to the issues:

It is ordered, This 9th day of May 1962, that:

(1) Albany is excused from participation in this prehearing conference but, except as otherwise specified in the transcript of the prehearing conference or in this Order, is fully bound by all agreements or stipulations of the parties and orders of the Examiner insofar as they may be applicable to Albany.

(2) Insofar as Laramie's direct case in response to the issues upon which it has the burden of proof and of proceeding with the introduction of evidence is to be presented in writing, it shall be in the form of sworn exhibits and copies thereof shall be furnished to the other parties and to the Examiner no later than June 21, 1962;

(3) Insofar as Albany has the burden of proof with respect to the issues herein and its direct case with respect thereto is to be presented in writing or through exhibits, sworn copies thereof shall be furnished to the other parties and the Examiner no later than June 21, 1962;

(4) Insofar as any of the parties desires to present a written direct case or offer exhibits as part of their direct case other than as specified in subparagraphs (2) and (3) hereinabove, such party shall do so in the form of sworn exhibits and copies thereof shall be exchanged between and among the parties and supplied to the Examiner no later than July 5, 1962;

(5) Insofar as the direct cases of the parties are to be presented orally through witnesses each of the parties desiring to do so shall on the dates hereinabove set forth with respect to their written direct cases submit a list to every other party and the Examiner setting forth the name of the witnesses (other than public witnesses who volunteer to give testimony with respect to the issues), and the title of his position in the respective corporate entity or, if he is to be presented as an outside expert, a brief description of his qualifications; in each instance there shall also be an indication of the subject with respect to which the witness is to testify and an indication of the issue toward which such testimony is to be directed;

(6) Insofar as the written cases of the parties which are to be submitted respectively on June 21 and July 5 are concerned, each of the parties shall by July 5 with respect to the June 21 written cases, and by July 13 with respect to the July 5 written cases, notify the other parties in writing with a copy to the Examiner of the names of the witnesses whom such party desires to cross-examine and the parties so notified shall make such witnesses available for cross-examination at the hearing. In this connection the parties should, by informal stipulation, arrange appropriate schedules between and among themselves for the orderly appearance of witnesses, so that it may not be necessary for witnesses, who are to be called at a later stage of the proceedings, to be present for any extensive period before they may reasonably be expected to testify;

(7) The parties shall confer among and between themselves regarding the nature of the evidence to be presented in response to Issues 5 and 6 in the aforementioned order of designation in an attempt to arrive at appropriate stipulations with respect thereto and shall, no later than May 28, 1962, advise the Examiner whether they have reached such stipulations or, if they have failed to do so, the nature and extent of the disagreement between and among themselves;

(8) The parties shall also consult between and among themselves regarding their respective desires that other parties produce data or material from their files in an attempt to arrive at agreement with respect to this matter and shall, no later than May 28, advise the Examiner whether they have reached agreement and, if not, the nature and extent of the disagreement which exists;

(9) Should the parties be unable to agree or arrive at stipulations regarding the matters set forth in subparagraphs (7) and (8) hereinabove, and advise the Examiner to that effect, the parties should be prepared to attend a further prehearing conference at 9:00 a.m., on June 7, 1962, at the offices of the Commission to make such formal requests of the Examiner as they may desire regarding these matters;

(10) Since counsel for Albany is local counsel in Laramie and, since the distance, time and expense involved would appear to make it impracticable for such counsel to appear and participate in the informal discussions heretofore provided for, such counsel will be afforded an opportunity before the start of the hearings at Laramie to make such requests on behalf of and to state such positions with respect to Albany as he deems appropriate; and the Examiner will undertake to make appropriate rulings with respect thereto prior to the taking of evidence in this proceeding; and

(11) All of the foregoing requirements shall not apply with respect to public witnesses who may be sponsored by counsel for the Broadcast Bureau, it being understood that to the extent practicable counsel sponsoring such witnesses shall in advance of their appearance advise the other parties and the Examiner of the identity of such witnesses and generally give indication of the subjects with respect to which they are to testify and the issues toward which such testimony is to be directed:

It is further ordered, That the hearing heretofore scheduled to commence on June 20, 1962, is rescheduled to commence on July 19, 1962, at 9:00 a.m., in Laramie, Wyoming:

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearings are approved as set forth in the transcript of the prehearing conference which to this extent are incorporated herein by reference.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4782; Filed, May 16, 1962; 8:48 a.m.]

[Docket No. 14043; FCC 62M-680]

MELODY MUSIC, INC. (WGMA)

Order Continuing Hearing

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of station WGMA, Hollywood, Florida.

The Hearing Examiner having under consideration a petition filed on May 10, 1962, by Melody Music, Inc., requesting (1) that the further hearing in the above-entitled proceeding presently scheduled for May 28, 1962, be continued to June 11, 1962, and (2) that the date for exchange of hearing exhibits be extended from May 21, 1962 to May 28, 1962;

It appearing, that counsel for the Broadcast Bureau, the only other party to the proceeding, has agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition; and good cause has been shown for the grant thereof:

It is ordered, This 11th day of May 1962, that the hearing in the above-entitled proceeding be and it is hereby continued from May 28 to June 11, 1962, at 10 a.m., in Washington, D.C.; and that the date for exchange of exhibits is extended from May 21 to May 28, 1962.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4783; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14639, 14640; FCC 62-506]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; requests: 540 kc, 250 w, DA-D, Class II, James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; requests: 540 kc, 250 w, D, Class II, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of May 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposals appear to involve mutually destructive interference.

2. The proposal of James R. Williams appears to cause objectionable interference to the existing operations of stations KWMT, Ft. Dodge, Iowa and KNOE, Monroe, Louisiana.

3. The proposal of James R. Williams may receive interference from existing stations which would affect more than ten percent of the population within the proposed primary service area in contravention of § 3.28(d)(3) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of James R. Williams would cause objectionable interference to stations KWMT, Ft. Dodge, Iowa and KNOE, Monroe, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of James R. Williams, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, American Broadcasting Stations, Inc., and KNOE, Inc., licensees of stations KWMT and KNOE, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of James R. Williams, the construction permit shall contain the following conditions:

Before program tests are authorized, the permittee shall establish by a non-directional proof-of-performance that the proposed antenna system will provide a minimum efficiency of 175 mv/m/kw.

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4784; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14637, 14638; FCC 62-505]

WILLIAM L. ROSS AND HUGH JORDAN STOCK

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William L. Ross, Riverton, Wyoming, Docket No. 14637, File No. BP-14086; requests 1370 kc, 1 kw, D. Class III; Hugh Jordan Stock, Riverton, Wyoming, Docket No. 14638, File No. BP-14184; requests: 740 kc, 1 kw, Day; for construction permits.

1. The Commission has before it (a) the above-captioned applications; (b) a petition to deny the application of William L. Ross, filed August 10, 1961 by Riverton Broadcasting Company, Inc., licensee of station KVOW, Riverton's only existing standard broadcast station; (c) responsive and subsequent pleadings to the latter petition; and (d) a petition to deny the application of Hugh Jordan Stock, also filed by the licensee of station KVOW. Apart from the matters involved in the hearing issues set forth in the latter portion of this order, no questions appear to exist regarding the qualifications of the applicants.

2. In each case, petitioner predicates its standing to object upon the potential economic injury to the existing operation of station KVOW which would occur if a new standard broadcast station were licensed in Riverton.[1] In substance, KVOW contends that the estimates submitted by the applicant, Ross, regarding the proposed costs of building a new Riverton station are unreasonably low and, even if the estimates were found to be reasonable, Ross would not have sufficient cash and liquid assets to cover costs of construction and initial operation of the proposed facility. KVOW's contentions with respect to the Stock proposal are essentially similar.

3. On August 23, 1961, Ross filed his opposition to the KVOW petition, stating that his estimates as to construction costs were fully supported by builder's and manufacturer's quotations and by the applicant's own personal experience. On August 25, 1961, Ross amended his application to indicate the availability of additional liquid assets. On August 31, 1961, KVOW filed its reply to the opposition and amendment—again disputing the applicant's cost estimates and declaring that Ross was still approximately $1,000 short of the necessary cash and liquid assets. On September 18, 1961, Ross again amended the instant application, submitting a new $5,000 loan commitment from a Riverton bank.

4. On January 9, 1962, Stock amended his application to indicate the availability of additional liquid assets and to support the estimates submitted regarding costs of construction.

5. It is our belief that Ross' pleadings of August 23, 1961, his amendments of August 25, and September 18, 1961, and Stock's amendment of January 9, 1962 have eliminated any substantial question regarding the sufficiency or the availability of funds necessary to construct the proposed stations and commence operation. However, as set forth below, we have found it necessary to direct further inquiry toward possible long term financial problems which may arise upon licensing of a second, or a third, standard broadcast station in Riverton, Wyoming.

6. On December 26, 1961, the Commission directed a letter to Mr. Ross, noting that the population of Riverton is small (6,845, 1960 Census), and requesting that additional information be submitted, justifying the applicant's estimate that $40,000 in gross revenues would be realized during the first year's operation.[2] The applicant responded, on January 17, 1962, with an amendment to the application. In substance, the amendment contained a complete description of the Riverton area and of Fremont County, within which Riverton is located; a chart depicting the growth trend and absolute amount of gross retail sales in Fremont County from 1950 to 1961; a projection of the continued growth trend of retail sales through 1963; and a prediction, (said to be conservatively based upon the "Paul H. Chapman Company Formula" for determining business potential of new or existing radio stations), that at least $40,000 worth of gross revenue would be available to the new station during its first year of operation. (Operating expenses for the period were estimated at $35,000.) Mr. Ross also submitted letters from Riverton business leaders supporting a second station for their city and a chart, listing forty cities with two standard broadcast stations in which combined retail and selected services sales amounted to less than $20,000,000 per year.

7. On February 21, 1962, the licensee of station KVOW submitted a "Supplement" to its petition to deny the Ross application,[3] containing statistical data which conflicts with that submitted by the applicant, and an appended affidavit of Richard M. Allerton, a consultant in management, marketing, sales, and research, and former director of research for the National Association of Broadcasters. The burden of KVOW's contentions, supported by the Allerton affidavit, is as follows:

(a) The applicant's figures overestimate current retail sales in Fremont County, Wyoming, and, similarly, the applicant's projection of future sales is overoptimistic.

(b) Use of the "Paul H. Chapman Formula" results in a figure for expected gross revenues for the proposed station that is at least 100 percent too high. In fact, approximately $64,000 is potentially available in gross revenues for both Riverton stations and this figure is substantially less than the predicted combined costs of operating the stations. Therefore, the licensing of a second station in Riverton would not be in the public interest and would result in a net degradation of radio service available in that area.

(c) Given these economic facts, the Commission should disgard its usual informal standard in judging an applicant's financial qualifications—i.e., that the applicant show sufficient cash and liquid assets to cover costs of constructing its proposed station and to operate the station for a period of at least three months without revenue. Instead, when the economic base of support for a new station is questionable, the applicant should be required to show sufficient cash and liquid assets to construct the station and operate for a period of one year without revenue.

8. The Commission has fully considered the contentions of KVOW and of the instant applicants and is of the opinion that a substantial question of fact exists as to whether Riverton, Wyoming and surrounding area can support two or more standard broadcast stations. Accordingly, the instant applications will be designated for hearing to determine whether the licensing of a second, or a third, Riverton station would serve the public interest. Carroll Broadcasting Co. v. F.C.C., 258 F. 2d 440, 17 R.R. 2066 (1958). In determining whether the licensing of one, or two, additional stations in Riverton would result in a net degradation of service to the public, it will be necessary to examine both quantitative and qualitative aspects of the question—i.e., to determine not only whether one or more stations would actually be forced to close down owing to lack of revenue, but whether, short of that end point, competitive practices would necessarily be engendered which would degrade the sum total of programming available to the listening public. Should it be determined, pursuant to the economic issue included herein, that Riverton and surrounding area can support two stations but not three, it will be necessary to subject the two new Riverton proposals to comparative consideration.[4]

9. We see no reason, however, to change our present standard regarding the necessary availability of cash and liquid assets to permit operation of a new station for a period of three months without revenue. This informal, but not inflexible, standard has proved to be a workable tool in establishing financial qualifications and we are not persuaded that requiring an applicant to demonstrate ability to operate for a full year without revenue would have any meaningful relation to the public interest. If Riverton can, in fact, support two or more standard broadcast stations, it is difficult to find any logical or practical distinction between this case and the typical case in which sufficient cash for three months operation without revenue is required. Conversely, if a station cannot gain a sufficient foothold to survive after exhaustion of sufficient funds to operate for three months with a total lack of revenue, we do not believe that the chances for survival will be greatly increased after exhaustion of one year's predicted operating funds. We do believe, however, that the imposition of so stringent a requirement would act as an unnecessary deterrent to potential applicants for areas which might well benefit from the addition of a new standard broadcast service.

10. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine whether there are adequate revenues available to support two or more standard broadcast stations in Riverton, Wyoming, without loss or degradation of standard broadcast service to Riverton and surrounding areas.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Hugh Jordan Stock would constitute a menace to air navigation.

4. To determine, in the event Riverton, Wyoming and surrounding area can support two standard broadcast stations, but not three, which of the subject applications for new stations would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency and Riverton Broadcasting Company, Inc., licensee of station KVOW, Riverton, Wyoming, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That the aforementioned petitions of Riverton Broadcasting Company, Inc., are granted to the extent indicated and are denied in all other respects.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the

[1] See Sanders Brothers v. F.C.C. 309 U.S. 470 (1940).

[2] By Commission letter of December 21, 1961, a similar request was made of Mr. Stock, with regard to his estimate of $60,000 in gross revenues to be realized during the first year's operation. The applicant's response included only a cursory statement in justification of his estimate. No further pleadings were filed with respect to this application but it is our view that the discussion herein with respect to the Ross application is equally applicable to the Stock proposal.

[3] Ross has moved to strike the KVOW "Supplement" and KVOW has opposed the motion to strike with a petition for acceptance. The Commission's rules do not provide for the filing of petitions to deny or supplements thereto following the "cut-off date" of an application listed in a public notice, pursuant to § 1.354(c) of the rules. However, since the KVOW "Supplement" deals solely with an amendment to the instant application which was itself filed after the "cut-off date", we have considered KVOW's most recent contentions upon our own motion.

[4] Either of the two applicants for new stations, if denied for reasons unrelated to basic qualifications, could, of course, contest the renewal application of station KVOW when it is filed at the usual time. We do not, however, intend to consider the KVOW license in this proceeding.

mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: May 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4785; Filed, May 16, 1962; 8:48 a.m.]

[Docket Nos. 14635, 14636; FCC 62-504]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073; has: 1350 kc, 500 w, Day, requests: 1350 kc, 1 kw, Day; Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; requests: 1350 kc, 500 w, Day; for construction permits.

1. The Commission has before it for consideration the above-captioned applications; and (a) "Petition for Assignment of New File Number" filed by Salem Broadcasting Company (Salem) on February 12, 1962; (b) Opposition by Leader Broadcasting Co. (Leader), filed on February 19, 1962; and (c) Reply to the Opposition, filed on March 2, 1962. Petitioner contends that the application of Leader, as amended to reflect a change in transmitter site, should be assigned a new file number pursuant to § 1.354(j)(1) of the Commission's rules on the grounds that the amended proposal would cause "new or increased interference" to petitioner's proposed operation. In its opposition, Leader asserts that the proposed WJBD operation would receive interference, within its 0.5 mv/m contour, from existing stations KCHR, WAAB, and WLOU, affecting approximately 11,200 persons as well as interference from its original proposal, affecting approximately 5,100 persons, resulting in a failure to serve approximately 13.2 percent of the population of the primary service area. Accordingly, a grant to Salem would be in contravention of the ten percent limitation prescribed by § 3.28(d)(3) of the Commission's rules. A grant of the Leader proposal, as amended, would result in an additional population loss of about 500 persons and increase the loss from all sources from 13.2 percent to 13.6 percent of the population. It is asserted by Leader that the change in site was for the purpose of avoiding any possible interference to the 25 mv/m contour of station KWK, St. Louis, Missouri and to provide a stronger signal over the business area of Edwardsville. It is further contended that this additional loss of population, being merely cumulative, in no way changes or alters the status of the Salem application vis a vis § 3.28(d)(3) of the Commission's rules and thus does not require the assignment of a new file number.

2. After due consideration of the pleadings and data on file, it is the opinion of the Commission that the aforementioned petition by Salem should be denied. Prior to its "Report and Order" released on March 28, 1960 (19 RR 1600), the Commission was faced with the fact that many applicants were withholding engineering amendments until after designation for hearing in order to avoid the risk of being assigned a new file number. In amending § 1.354(h)(1), (now § 1.354(j)(1)), it was the intent of the Commission to restrict the filing of amendments which would result in essentially new applications requiring repetitive processing, but to permit amendments prior to hearing which would eliminate hearing issues but not create new ones. Study of data on file indicates that the loss of population by Salem from all sources prior to the Leader amendment of December 13, 1961 amounted to 13.2 percent of the population within the proposed normally protected daytime service area; that subsequent to the Leader amendment, the loss of population by Salem represents 13.6 percent of the normally protected daytime service area population. Accordingly, we are of the opinion that the Leader amendment will cause interference which raises no new issues so as to constitute problems of "new or increased interference" within the meaning and intent of § 1.354(j)(1) of the rules.

3. Data on file indicates that the instant proposals involve mutual interference and this interference in conjunction with interference from existing operations appears to place each proposal in violation of § 3.28 of the Commission's rules.

4. The proposal of Salem appears to cause co-channel interference to stations WAAP, Peoria, Illinois; and KCHR, Charleston, Missouri.

5. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the Leader Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation to station WJBD and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Salem Broadcasting Company would cause objectionable interference to stations WAAP, Peoria, Illinois, and KCHR, Charleston, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by each proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the aforementioned petition, filed February 12, 1962 by Salem Broadcasting Company is denied.

It is further ordered, That Peoria Broadcasting Company and South Missouri Broadcasting Co., Inc., licensees of stations WAAP and KCHR, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, the construction permit shall include the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is prohibited.

It is further ordered, That, in the event the Leader Broadcasting Co. proposal is favorably considered, the construction permit issued shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: May 9, 1962.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4786; Filed, May 16, 1962; 8:49 a.m.]

[Docket Nos. 14632-14634; FCC 62-503]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP-13896; requests: 1540 kc, 250 w, Day; The Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP-13993; requests: 1540 kc, 500 w, DA, Day; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634, File No. BP-14022; has: 1540 kc, 1 kw, Day, Class II-D, requests: 1540 kc, 5 kw, 1 kw (CH), Day, Class II-D; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of May 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals of The Tuscarawas Broadcasting Company and The Niles Broadcasting Company involve mutual co-channel interference with the existing operation of Station WABQ, Cleveland, Ohio.

2. The proposal of the Tuscarawas Broadcasting Company will cause interference to the proposal of The Niles Broadcasting Company.

3. The proposal of The Niles Broadcasting Company involves mutual interference with the proposed operation of WPME and will receive interference from the existing operation of Station WPME, Punxsutawney, Pennsylvania.

4. Each of the proposals herein may receive interference in excess of 10 percent from all sources.

5. The application of The Tuscarawas Broadcasting Company does not disclose that a 25 mv/m signal will be provided over the business and factory areas of the city sought to be served, in accordance with § 3.188(b)(1) of the rules.

6. By petition filed June 9, 1961, accompanied by an engineering affidavit, Tuschman Broadcasting Corporation (hereinafter Tuschman), licensee of Station WABQ, requests that the proposal (BP-13896) of the Tuscarawas Broadcasting Company (hereinafter Tuscarawas) be denied. Tuschman alleges that the Tuscarawas proposal would cause objectionable interference to Station WABQ and asserts that the aforementioned proposal fails to comply with § 3.28(c) (now § 3.28(d)(3)) of the Commission's rules.

7. In its reply, accompanied by an engineering statement, Tuscarawas asserts that, based upon field measurements, its proposal will not violate § 3.28(d)(3) of the rules, and that such engineering statement refutes all the alleged engineering deficiencies mentioned in the petition to deny.

8. Concerning the question as to § 3.28(d)(3) of the rules, we find that the measurements available are insufficient upon which to base a conclusion, and thus an issue must be included concerning this matter.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, the petition to deny filed by Tuschman Broadcasting Corporation is granted insofar as is provided below and is denied in all other respects and that pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of The Tuscarawas Broadcasting Company and The Niles Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPME and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposals of The Tuscarawas Broadcasting Company and The Niles Broadcasting Company would cause objectionable interference to Station WABQ, Cleveland, Ohio, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the instant proposal of The Tuscarawas Broadcasting Company would provide coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Tuschman Broadcasting Corporation, licensee of Station WABQ, Cleveland, Ohio, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

[5] Dissenting statement of Commissioner Cross filed as part of the original document.

It is further ordered, That, in the event of a grant of the proposals of The Tuscarawas Broadcasting Company or The Niles Broadcasting Company, the construction permits shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4787; Filed, May 16, 1962; 8:49 a.m.]

[Docket No. 14631; FCC 62-502]

WEZY, INC. (WEZY)

Order Designating Application for Hearing on Stated Issues

In re application of WEZY, Inc. (WEZY), Cocoa, Florida, Docket No. 14631, File No. BP-14409; has: 1350 kc, 1 kw, 500 w-LS, DA-N, U, req: 1350 kc, 1 kw, DA-N, U, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of May 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that, according to data submitted with the subject application, the proposed operation of WEZY would cause co-channel interference to the existing operation of Station WDCF, Dade City, Florida; and

It further appearing, that, in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity and is of the opinion that the application must be designated for hearing the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WEZY and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WEZY would cause objectionable interference to Station WDCF, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Pasco Broadcasting Corporation, licensee of Station WDCF, Dade City, Florida, is made a party to the proceeding.

It is further ordered, That any grant of the instant proposal prior to a final decision in Docket No. 14419, will be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4788; Filed, May 16, 1962; 8:49 a.m.]

[Docket No. 14407 etc.; FCC 62M-675]

GRAND BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950; West Michigan Telecasters, Inc., Grand Rapids, Michigan, Docket No. 14469, File No. BPCT-2956; MKO Broadcasting Corporation, Grand Rapids, Michigan, Docket No. 14470, File No. BPCT-2959; Major Television Company, Grand Rapids, Michigan, Docket No. 14471, File No. BPCT-2960; Peninsular Broadcasting Company, Grand Rapids, Michigan, Docket No. 14472, File No. BPCT-2962; for construction permits for new television broadcast stations.

It is ordered, This 10th day of May 1962, pursuant to the oral request of all applicants, that a further prehearing conference shall be held on May 17, 1962, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4792; Filed, May 16, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-139]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

MAY 10, 1962.

Take notice that on December 4, 1961, as supplemented on December 27, 1961, and March 8, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-139 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities on its natural gas transmission system in Kansas and Missouri and for permission and approval to abandon certain transmission facilities to be replaced by a portion of the facilities proposed herein to be constructed, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The facilities proposed to be constructed and operated and the facilities proposed to be abandoned are:

Ottawa-Sedalia-Carrollton System

Loop approximately 16 miles of Applicant's Ottawa-Sedalia 12" gas pipeline with 20" pipeline beginning at the east end of Applicant's present 20" pipeline loop in the NE¼, Section 25, T. 16 S., R. 22 E.; thence easterly paralleling Applicant's 12" pipeline a distance of 5 miles to the SE¼, Section 23, T. 16 S., R. 23 E., all located in Miami County, Kansas, and beginning at the east end of Applicant's 20" pipeline loop in the SE¼, Section 27, T. 45 N., R. 32 W.; thence easterly paralleling Applicant's 12" pipeline a distance of 11 miles to the SE¼, Section 16, T. 45 N., R. 30 W., all located in Cass County, Missouri.

Ottawa-Topeka-Falls City-St. Joseph System

Replace approximately 20.5 miles of 16" pipeline with 26" pipeline beginning at Applicant's Ottawa Compressor Station in the NW¼, Section 32, T. 16 S., R. 20 E., Franklin County, Kansas; thence north to Lawrence Junction in the SW¼, Section 18, T. 13 S., R. 20 E., Douglas County, Kansas.

Construct 7.5 miles of 16" pipeline beginning at a point on the present North Topeka 16" pipeline in the NW¼, Section 31, T. 11 S., R. 18 E., Douglas County, Kansas; thence in a southwesterly direction 6.4 miles to an interconnection with the Tecumseh 16" pipeline in NE NW¼, Section 6, T. 12 S., R. 17 E.; thence west 1.4 miles to the Topeka Town Border station in the NW¼, Section 1, T. 12 S., R. 16 E., Shawnee County, Kansas.

Reclaim 1.3 miles of 12" pipeline beginning at the Tecumseh 16" junction in the northwest corner, Section 7, T. 12 S., R. 17 E., thence in a northwesterly direction to the Topeka Town Border station in the NW¼, Section 1, T. 12 S., R. 16 E., all located in Shawnee County, Kansas.

Applicant states that the proposed additions and replacements are for the purpose of meeting the estimated peak-day demands of Applicant's existing customers for the heating seasons of 1962-63, and for the purpose of meeting other increasing demands of existing customers of Applicant.

Applicant estimates the total capital cost of the facilities proposed in this docket at $2,891,000. The cost of reclaiming the facilities to be replaced and abandoned is estimated at $84,000, with $173,500, estimated as the salvage value of these facilities. Applicant proposes to finance the construction out of treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 4, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4756; Filed, May 16, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII; PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 17th day of May 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62-4793; Filed, May 16, 1962; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII; PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 17th day of May 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62-4794; Filed, May 16, 1962; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII; PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954, as amended (68 Stat. 641, as amended, 40 U.S.C. 462), is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 17th day of May 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62-4795; Filed, May 16, 1962; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII; PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements, and regulatory agreements;

2. To amend or modify any such loan agreements or regulatory agreements.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective February 27, 1962 (27 F.R. 1850, February 27, 1962))

Effective as of the 17th day of May 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62-4796; Filed, May 16, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 94D–18]

BONNEVILLE RESOURCES, INC.

Order Canceling Hearing and Making Suspension Permanent

MAY 11, 1962.

In the matter of Bonneville Resources, Inc., 17 East Oakland Avenue, Salt Lake City, Utah, File No. 94D–18.

The Commission by order dated March 9, 1962, having temporarily suspended the Regulation F exemption of Bonneville Resources, Inc., pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, and Bonneville Resources, Inc. having requested a hearing upon the allegations set forth in the aforementioned order, and

The company having withdrawn its request for a hearing and counsel for the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for May 17, 1962, be and it hereby is canceled.

Pursuant to the provisions of Rule 656 of Regulation F, the suspension of the Regulation F exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of the securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4762; Filed, May 16, 1962; 8:47 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

MAY 11, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 14, 1962, to May 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–4763; Filed, May 16, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 379]

ARKANSAS

Declaration of Disaster Area

Whereas it has been reported that during the month of April, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Columbia County in the State of Arkansas;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 30, 1962.

Offices

Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street,
Dallas 2, Tex.
Small Business Administration Branch Office,
3209 Federal Office Building,
700 West Capitol Avenue,
Little Rock, Ark.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 30, 1962.

Dated: May 3, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–4769; Filed, May 16, 1962; 8:47 a.m.]

[Declaration of Disaster Area 378]

WEST VIRGINIA

Declaration of Disaster Area

Whereas it has been reported that during the month of April, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Lincoln County in the State of West Virginia;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about April 30, 1962.

Offices

Small Business Administration Regional Office,
Executive Office Building,
1904 Byrd Avenue,
Richmond 26, Va.
Small Business Administration Field Office,
United States Courthouse and Federal Building,
500 Quarrier Street—Room 3000,
Charleston, W. Va.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 30, 1962.

Dated: May 2, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–4764; Filed, May 16, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33750]

FOURTH-CLASS MAIL

Reformation of Rates and Other Conditions of Mailability

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of May A.D. 1962.

Upon consideration of the various pleadings now currently pending in this matter before the Commission and in recognition of the fact that a civil action has been commenced by the Railway Express Agency in the United States District Court for the District of Columbia for the purpose of testing the authority of the Postmaster General to increase the maximum limits of weight and size of parcel post:

It is ordered, That further proceedings in this matter be stayed pending decision of the United States District Court on the issue of the authority of the Postmaster General, or pending further order or orders of the Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4768; Filed, May 16, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 14, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37732: *Fertilizer and fertilizer materials from IFA territory to the south.* Filed by Illinois Freight Association, Agent (No. 173), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, from points in Illinois Freight Association Territory, to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 26 to Illinois Freight Association tariff I.C.C. 928.

FSA No. 37733: *Feldspar from Bedford, Va.* Filed by Norfolk and Western Railway Company (No. 1), for itself and interested rail carriers. Rates on feldspar, in carloads, from Bedford, Va., to Jersey City and Trenton, N.J., also Philadelphia, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Norfolk and Western Railway Company's tariff I.C.C. 9841.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4765; Filed, May 16, 1962; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 143–A]

MONON RAILROAD

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 143 (The Monon Railroad) and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I.C.C. Order No. 143 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 4:30 p.m., May 10, 1962.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 10, 1962.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62–4767; Filed, May 16, 1962; 8:47 a.m.]

[Notice 638]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64305. By order of May 10, 1962, Division 3, acting as an Appellate Division, approved the transfer to W. C. Willingham Transport, Inc., Dallas, Tex., of a portion of the operating rights in Certificate No. MC 106379 Sub 20, issued June 29, 1956, to Gulf Southeastern Transportation Company, a corporation, Dallas, Tex.; as modified by the order of March 30, 1962, in No. MC–F 7812, authorizing the transportation of: Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking-up thereof, and such other commodities as require specialized handling or rigging because of size or weight, between points in Texas. Joe G. Fender, 314 Melrose Building, Houston 2, Tex., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–4766; Filed, May 16, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE W. FLANAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 4, 1962.

GEORGE W. FLANAGAN.

MAY 4, 1962.

[F.R. Doc. 62–4774; Filed, May 16, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades

§ 917.301 Plum Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 19, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of any variety of plums unless such plums grade at least U.S. No. 1.

(2) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) When used in this section, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Plums and Prunes (§§ 51.1520 to 51.1537 of this title), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4862; Filed, May 17, 1962; 8:50 a.m.]

[Plum Order 2]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.302 Plum Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 19, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That the individual packages or containers of such smaller plums in each lot of such plums handled shall not exceed two-thirds (⅔) of the total packages or containers of plums in such lot, and: *Provided further*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4863; Filed, May 17, 1962; 8:50 a.m.]

[Plum Order 3]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.303 Plum Order 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 19, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Burmosa plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 16, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4864; Filed, May 17, 1962; 8:50 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 49]

PART 1049—MILK IN INDIANAPOLIS, INDIANA, MARKETING AREA

Order Amending Order

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Producers and handlers unanimously urged that the Class II price changes be made effective as soon as possible to facilitate the orderly movement of reserve milk to manufacturing outlets. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued April 13, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, as follows:

1. Section 1049.12 is revised by adding a new paragraph (c) as follows:

§ 1049.12 Pool plant.

* * * * *

(c) A plant which was a pool plant in each of the preceding months of August through March and which was a supply plant in each of such months of December through March shall be a pool plant for the months of April through July, unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would not otherwise qualify as a pool plant.

2. Section 1049.12(a) is revised by adding thereto the following: "*Provided*, That a distributing plant which was a pool plant in each of the months of September through May inclusive, shall continue to be a pool plant in the months of June, July and August immediately following, if such plant disposes of fluid milk products on routes in the marketing area during such month."

3. The second proviso of § 1049.12(b) is revised to read as follows: "*And provided further*, That shipments to a plant described in the proviso in paragraph (a) of this section during the months of June, July and August shall be excluded in determining a plant's qualification pursuant to this paragraph; and"

4. Section 1049.16 is revised as follows:

§ 1049.16 Approved milk.

* * * *And provided further*, That in any of the months of September through March milk diverted from an approved plant to a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act for more days of production than such milk was delivered to an approved plant shall not be approved milk for such days.

5. Section 1049.51(b) is revised to read as follows:

§ 1049.51 Class prices.

* * * * *

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price computed pursuant to § 1049.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the butter price, subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

6. Section 1049.63 is revised to read as follows:

§ 1049.63 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a) or (b) of this section the provisions of this part shall not apply, except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1049.12

(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 14, 1962.

CHARLES S. MURPHY,
Under Secrtary.

[F.R. Doc 62-4839; Filed, May 17, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Regulation Policy Statement No. 13]

PART 399—STATEMENTS OF GENERAL POLICY

Public Interest Factors in Granting Seasonal Exemptions for Transatlantic Passenger Charter Service

MAY 14, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1962.

Part 295 of the Economic Regulations provides for the granting of seasonal exemptions to perform transatlantic charter flights. The adoption of this revised part on April 20, 1961 represented a departure from the Board's previously established policy of approving each individual charter flight. Experience gained in the administration of revised Part 295 has indicated that there are various areas where the services rendered to passengers, by carriers operating under the authority of such exemptions, are deficient so that regulatory action is required in order to improve the quality of such service and to strengthen the protection presently afforded persons who suffer damage by virtue of accidents occurring on such flights.

Thus, in some instances, the chartered air carrier did not have adequate insurance coverage or sufficiently sizeable financial resources to enable its passengers and their estates to recover compensatory damages. Some carriers have maintained insurance policies containing unreasonable exclusions of liability. In a few instances, groups of transatlantic charter passengers have been stranded abroad for some time because of the temporary inability of the air carrier to provide return transportation. Finally, there have been extended delays in the scheduled departure of transatlantic charter flights and the air carriers involved have neither provided prompt substitute transportation nor compensated their passengers for meals and lodging occasioned by such flight delays.

Therefore, the Board has decided that it is in the public interest to impose certain conditions and limitations upon the granting of such seasonal exemptions, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations, which are designed to remedy these experienced deficiencies.

The attached policy statement manifests the Board's intention to carefully screen and evaluate the passenger service history of applicants for such exemptions in order to provide reasonable assurance of reliable service to passengers. Thus, the Board will deny such exemptions to any applicant who has failed to complete several charter flights or has subjected its passengers to a significant number of unreasonably prolonged flight delays, unless (a) such cancellations or delays were attributable to circumstances beyond its control or (b) its ability to provide reliable service has materially improved.

The Board has further decided to condition the grant of an application for a seasonal exemption upon procurement by the applicant of commercial insurance policies which will adequately and unequivocally provide for indemnification of its passengers and members of the general public against loss of life, bodily injury or property damage caused by its negligence or that of its authorized agent, in the operation, maintenance or use of the chartered aircraft.[1] In reaching this conclusion the Board has been influenced by the fact that the majority of the air carriers engaged in transatlantic charter operations already carry similar insurance with respect to the international charter flights they operate for the armed forces of the United States.

The Board has also decided to condition the grant of a seasonal exemption upon the express assumption by the applicant of a firm and legally binding obligation to either perform the return portion of a charter flight within 48 hours of its scheduled departure time or arrange for substitute transportation to be performed within that time limit and also to provide free meals and lodging, or pay incidental expenses at the rate of $16.00 per day to the passengers on any such flight which is delayed more than six hours.

The Board has also decided to condition the grant of a seasonal exemption upon a showing by the applicant that it can and will effectively and adequately discharge its obligations concerning substitute air transportation and incidental expenses or, alternatively, that it has procured a surety bond or made other arrangements guaranteeing the performance of these obligations in the event that it defaults therein. Such other arrangements may encompass, for example, the posting of cash or government bonds with the Treasury Department to meet any such obligation, or placing the proceeds received from the charterer in an escrow account. Each such proposal will be individually evaluated with a view to determining whether it provides reasonably secure and adequate protection to the charter passengers and the general public.

An applicant who convinces the Board that he can and will provide reliable service, carry the specified insurance coverage and defray the cost of furnishing substitute transportation and paying incidental expenses, will be deemed to have satisfied the public interest factors specified by this policy statement for the seasonal transatlantic exemptions. However, his application would still have to be processed in accordance with the procedures and standards established by Part 295 of the Economic Regulations and, therefore, may be denied if it is deficient with respect to any other pertinent public interest factor.

Finally, the Board has decided to limit all seasonal charter exemptions so that they shall be effective only with respect to those transatlantic charter flights which are covered by the insurance, surety bond or other indemnity and performance obligations specified in this policy statement or in a Board order granting such exemption, and which are operated at a time when the air carrier has fully complied with all pertinent conditions imposed upon such exemption, by the Board. Thus, any flight not operated in compliance with the foregoing conditions would not be authorized by the exemption, and therefore, would constitute a violation of sections 401(a) and 902(a) of the Federal Aviation Act of 1958, as amended.

Since this regulation constitutes a statement of policy, notice and public procedure hereon are unnecessary and the policy statements may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Board hereby promulgates new § 399.37, effective May 18, 1962, to read as follows:

§ 399.37 Public interest factors in granting seasonal exemptions for transatlantic passenger charter service.

(a) *Ability to provide reliable service.* It is the policy of the Board to carefully screen and evaluate the passenger service history of applicants for seasonal charter authority, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations, in order to provide reasonable assurance of reliable service to passengers. When an applicant has failed in the past to complete several such flights or has subjected its passengers to a significant number of unreasonably prolonged flight delays, and such cancellations or delays are not attributable to circumstances beyond the control of the air carrier, the Board will deny the application unless the applicant establishes that its ability to provide reliable service has, since that time, materially improved. Moreover, the Board will not grant applications for individual flight exemptions to any air carrier which either has not applied, or has applied and been found unqualified, for a seasonal exemption unless there are unusual and compelling circumstances which might justify such authorizations.

(b) *Insurance coverage.* It is the policy of the Board to condition the grant of a seasonal charter exemption, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations, upon the procurement by the air carrier of effective insurance coverage which, in the judgment of the Board, meets the following standards:

(1) *Minimum limits of liability*—(i) *Aircraft passenger bodily injury liability.* A minimum limit for any one passenger of $50,000, and a minimum limit for each accident in any one aircraft of an amount equal to the total produced by multiplying $50,000 by 75 percent of the total number of seats or by 75 percent of the total number of passengers carried in the aircraft, whichever is greater.

(ii) *Aircraft bodily injury liability (excluding passengers).* A minimum of $50,000 for one person in any one accident, and a minimum limit of $500,000 for each accident.

(iii) *Aircraft property damage liability.* A minimum of $500,000 for each accident.

(2) *Terms and conditions coverage.* (i) Such insurance contracts shall provide for payment, within the specified minimum limits of liability, by the insurer of any final judgments recovered against the insured for bodily injury to or death of any person, or loss of or damage to property of others, resulting from negligence by the insured, or his duly authorized agent, in the operation, maintenance or use of any aircraft on a flight conducted pursuant to authority granted by the Civil Aeronautics Board to conduct transatlantic passenger charter flights or under an invalid claim of such authority or on the return portion of a charter flight which was originally conducted under either such authority or such claim.

(ii) The liability of the insurer shall apply to any and all such flights conducted by the insured air carrier, irrespective of whether the aircraft involved in such liability are specifically described in the policy and shall not be subject to any exclusion by virtue of violations, by said carrier, of any applicable safety provisions of the Federal Aviation Act of 1958, as amended, or of any rule, regulation, order or other legally imposed safety requirement prescribed by the Federal Aviation Agency.

(iii) Such liability shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of the insured. The limits of the insurance company's liability for the amounts provided herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurance company for payment of final judgments resulting from any other accident.

(iv) Within the limits of liability herein provided, the insurance company shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in paragraph (b)(3) of this section, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation, change or suspension, by either party, on less than 30 days' notice, by registered mail, to both the other party to the insurance contract and the Board.

(3) *Authorized exclusions of liability.* Unless other exclusions are individually approved by the Board, such policy or policies may contain only one or more of the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(i) Any loss against which the named insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance but in no event exceeding the limits of liability expressed elsewhere in this policy;

(ii) Any loss arising from the ownership, maintenance or use of any type of aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(iii) Liability assumed by the Insured under any contract or agreement;

(iv) Bodily injury, sickness, disease, mental anguish or death of any employee of the Insured while engaged in the duties of his employment, or any obligation for which the Insured or any Company as his Insurer may be held liable under any Workmen's Compensation or occupational disease law;

(v) Damage to or destruction of property owned, rented, occupied or used by, or in the care, custody or control of the Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(vi) Personal injuries or death or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air force, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials, insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(4) *Source of coverage.* Such insurance policy shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue policies of that type in any state, territory or possession of the United States.

(5) *Submission of policy and certificate of insurance.* (i) Each application for a seasonal charter exemption shall be accompanied by a copy of the policy or policies of insurance and all endorsements thereof and by a duly executed certificate of insurance, signed by an authorized representative of the insurer. Whenever any change is made in a previously issued policy, a new certificate of insurance shall be filed with the Board and such certificate shall be accompanied by a copy of any endorsement or endorsements made to such policy.

(ii) Each such certificate shall expressly certify that the insurance company has issued to the insured air carrier a policy or policies which:

(a) Incorporates the minimum limits of liability set forth in subparagraph (1) of this paragraph,

(b) Contains the specific terms and conditions of coverage set forth in subparagraph (2) of this paragraph, and

(c) Incorporates only exclusions which have been specifically authorized in subparagraph (3) of this paragraph or individually approved by the Board.

(c) *Substitute air transportation and incidental expenses on return portion of charter flight.* It is the policy of the Board to condition the grant of a seasonal charter exemption, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations, upon the express agreement of the applicant air carrier to assume a firm and legally binding obligation which, in the judgment of the Board, meets the following standards:

(1) *Substitute air transportation.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(2) *Incidental expenses.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an

[1] The Military Air Transport Service has prescribed minimum limits of liability and the terms and conditions for insurance coverage of charter flights in foreign air transportation. It appears that these standards have proven administratively feasible and afforded adequate minimum insurance coverage. The Board has decided to make these same standards applicable to transatlantic charter service.

aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of $16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of $8.00 shall be paid for each passenger delayed during all, or any portion, of the initial period of six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8.00 shall be paid for each passenger delayed in installments of $4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4.00 for each further six hour period of delay, or any fractional part thereof. *Provided, however,* That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) *Ability to discharge obligations concerning substitute air transportation and incidental expenses.* It is the policy of the Board to condition the grant of a seasonal charter exemption, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations, upon a showing satisfactory to the Board that the applicant air carrier can, and will, effectively and adequately discharge its obligations to provide substitute air transportation and pay incidental expenses in accordance with the provisions of paragraph (c) of this section. It is the further policy of the Board, when the applicant does not make such a satisfactory showing, to condition the grant of such exemption upon the applicant having entered into definite arrangements which the Board believes will effectively guarantee the performance of those obligations or having procured a surety bond which, in the judgment of the Board, meets the following standards:

(1) *Scope of obligation incurred by surety.* Such surety bond shall impose upon the surety company a firm and legally binding obligation to promptly pay to the charterer, or his duly authorized agent, in the United States, any and all sums of money which may be due and owing to the charterer by the chartered air carrier under the terms and conditions of the charter contract if, and when, the latter shall default thereon by refusing to promptly honor a request for such payments.

(2) *Terms and conditions of coverage.* The obligations of the surety company pursuant to such a surety bond shall not be subject to cancellation or suspension, by either party, on less than 30 days' notice by registered mail to both the other party to the surety contract and the Board.

(3) *Source of coverage.* Such surety bond shall be issued by a reputable and financially responsible surety company which is legally authorized to issue bonds of that type in any state, territory or possession of the United States.

(e) *Conditions on seasonal charter exemptions.* It is the policy of the Board to incorporate the following express conditions on each seasonal charter exemption issued, under section 416(b)(1) of the Act and Part 295 of the Economic Regulations.

(1) The air carrier agrees to provide substitute transportation and pay incidental expenses, and

(2) Each and every transatlantic charter contract operated thereunder shall incorporate the provisions of this policy statement defining the scope of the air carrier's obligation to provide substitute transportation and pay incidental expenses, and

(3) The tariffs of the air carrier on file with the Board shall not, insofar as they pertain to transatlantic charter trips operated thereunder, contain any provision which is inconsistent with the standard of insurance coverage specified in paragraph (b) of this section; or with the obligations assumed in accordance with paragraph (c) of this section; or with the obligation, surety bond or other arrangement assumed, procured or entered into in accordance with paragraph (d) of this section.

(f) *Limitation on seasonal charter exemption.* It is the policy of the Board to limit the effectiveness of seasonal charter exemptions, under section 416(b) of the Act and Part 295 of the Economic Regulations, so that each such exemption shall be effective only with respect to transatlantic charter flights as to which:

(1) There is in full force and effect, to the extent specified in paragraphs (b), (c) and (d) of this section and in any Board order granting a seasonal exemption, insurance coverage, a surety bond or equivalent arrangement and an obligation to provide substitute air transportation and cover the costs of incidental expenses, and

(2) The air carrier has fully complied with each and every condition specified in paragraph (e) of this section and any pertinent provisions of a Board order granting such an exemption.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771; 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-4843; Filed, May 17, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-31]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On June 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5325) stating that the Federal Aviation Agency proposed to redesignate the segments of low altitude VOR Federal airway Nos. 140, 830 and 887 from the Bluefield, W. Va., VOR via a VOR to be installed approximately March 15, 1962, in the vicinity of Clifdale, Va., at latitude 37°34'45" N., longitude 80°11'13" W., thence to the Montebello, Va., VOR; and to make minor alternations to the alignment of Victor 258 from the Beckley, W. Va., VOR to the Hollins, Va., VOR, and to Victor 16 north alternate and Victor 875 from the Hollins VOR to the Montebello VOR. The installation date of the Clifdale VOR was later postponed until June 30, 1962. Subsequent to publication of the notice the name of the Hollins, Va., VOR was changed to Roanoke, Va.; this change is reflected in the appropriate amendment listed herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.6016 [Amendment]

1. In the text of § 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852, 27 F.R. 467) "Bluefield, W. Va., VOR" is deleted and "Clifdale, Va., VOR" is substituted therefor.

§ 600.6875 [Amendment]

2. In the text of § 600.6875 (26 F.R. 21, 8246, 27 F.R. 467) "Montebello VOR 251° True" is deleted and "Montebello VOR 250°" is substituted therefor.

§ 600.6140 [Amendment]

3. In the text of § 600.6140 (14 CFR 600.6140, 26 F.R. 1754, 2344, 2640, 10588, 11894) "Bluefield, W. Va., VOR; Montebello, Va., VOR;" is deleted and "Bluefield, W. Va., VOR; Clifdale, Va., VOR; Montebello, Va., VOR;" is substituted therefor.

§ 600.6830 [Amendment]

4. In the text of § 600.6830 (26 F.R. 21) "Bluefield, W. Va., VOR; Montebello, Va., VOR;" is deleted and "Bluefield, W. Va., VOR; Clifdale, Va., VOR; Montebello, Va., VOR;" is substituted therefor.

§ 600.6887 [Amendment]

5. In the text of § 600.6887 (26 F.R. 21) "Montebello, Va., VOR; Bluefield, W. Va., VOR;" is deleted and "Montebello, Va., VOR; Clifdale, Va., VOR; Bluefield, W. Va., VOR;" is substituted therefor.

6. The text of § 600.6258 (14 CFR 600.6258, 27 F.R. 467) is amended to read:

§ 600.6258 VOR Federal airway No. 258 (Charleston, W. Va., to Penhook, Va.).

From the Charleston, W. Va., VORTAC via the Beckley, W. Va., VOR; INT of the Pulaski, Va., VOR 009° and the Bluefield, W. Va., VOR 071° radials; Roanoke, Va., VORTAC; to the INT of the Roanoke VORTAC 137° and the South Boston, Va., VOR 298° radials.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-4806; Filed, May 17, 1962; 8:45 a.m.]

[Airspace Docket 62-EA-21]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2019 of the regulations of the Administrator is to alter the Providence, R.I., control zone.

The Providence control zone southwest extension is presently based on the southwest course of the Providence radio range. The prescribed instrument approach procedure based on this facility is being cancelled. However, this extension also serves the prescribed ADF, ILS, and VOR instrument approaches, but is not required with the alignment and to the extent presently designated. Accordingly, action is taken herein to realign the Providence control zone extension on the ILS localizer southwest course and terminate it at the outer marker.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2019 (14 CFR 601.2019) is amended to read:

§ 601.2019 Providence, R.I., control zone.

Within a 5-mile radius of the Theodore Francis Green Airport (latitude 41°43'-30" N., longitude 71°25'48" W.); and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-4805; Filed, May 17, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-57]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Chicago, Ill., Control Zone; Correction

On April 20, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3800) an amendment to § 601.2418 of the regulations of the Administrator, altering the time of designation of the Chicago, Ill. (Meigs Airport), control zone. During publication, the coordinates for Meigs Airport listed in the text of the amendment, were transposed. Accordingly, action is taken herein to correctly reflect the coordinates of Meigs Airport.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2418 (14 CFR 601.2418, 27 F.R. 3800) is amended to read:

§ 601.2418 Chicago, Ill. (Meigs Airport) control zone.

Within a 3-mile radius of Meigs Airport, Chicago, Ill. (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2200 hours, local time, daily, excluding the portion W of longitude 87°38'00" W.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-4806; Filed, May 17, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone and Transition Area; and Alteration of Control Area Extension

On February 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1324) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Jackson, Tenn., and alter the Memphis control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.2508 Jackson, Tenn., control zone.

Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.), Jackson, Tenn., and within 2 miles either side of the 022° bearing from the Martin, Tenn., RBN extending from the 5-mile radius zone to the RBN.

§ 601.10052 Jackson, Tenn., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the N by VOR Federal airway No. 140 S alternate, on the E by VOR Federal airway No. 16 N alternate, on the S by VOR Federal airway No. 16, and on the W by VOR Federal airway No. 11 E alternate.

§ 601.1086 [Amendment]

2. In the text of § 601.1086 (26 F.R. 12285) "the airspace NE of Memphis bounded on the NW by VOR Federal airway No. 11 E alternate, on the E by longitude 88°45'00" W., and on the S by VOR Federal airway No. 16;" is deleted.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-4807; Filed, May 17, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 2,3-p-Dioxanedithiol-S,S-Bis(O,O-Diethylphosphorodithioate)

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington, Delaware, requesting the establishment of tolerances for residues of the insecticide 2,3-*p*-dioxanedithiol-*S,S*-bis (*O,O*-diethylphosphorodithioate) in or on apples, crabapples, pears, and quinces at 4.9 parts per million. Later, the request for a tolerance on crabapples was withdrawn.

The data before the Commissioner do not show that this pesticide chemical in apple pomace made from treated apples at the 4.9 parts per million level, when included in the feed of animals, would not result in residues in meat and milk. Such residues in pomace from treated apples would make the pomace unsuitable for livestock feed, and the proposed usage does not contemplate that it will be used for that purpose. There is no basis for fixing a tolerance for the pesticide chemical in milk at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.171 (21 CFR 120.171) tolerances for the subject pesticide chemical in or on apples, pears, and quinces and in milk. Paragraph designations are deleted to facilitate the insertion of new tolerances. As amended, § 120.171 reads as follows:

§ 120.171 Tolerances for residues of 2,3-*p*-dioxanedithiol-*S,S*-bis(*O,O*-diethylphosphorodithioate).

Tolerances for residues of 2,3-*p*-dioxanedithiol-*S,S*-bis(*O,O*-diethylphosphorodithioate) in or on raw agricultural commodities incurred from the use of the insecticide composed of a mixture of approximately 70 percent of the *cis* and *trans* isomers of 2,3-*p*-dioxanedithiol-*S,S*-bis(*O,O*-diethylphosphorodithioate) and approximately 30 percent of related compounds are established as follows:

4.9 parts per million in or on apples, pears, quinces.

2.8 parts per million in or on grapefruit, lemons, limes, oranges, tangelos, tangerines.

2.1 parts per million in or on grapes.

1 part per million in or on fat of meat from cattle, goats, hogs, and sheep.

Zero in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 14, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4834; Filed, May 17, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Hudson River, N.Y., and Sacramento Deep Water Channel, Calif.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.185 is hereby amended revising paragraph (a) in its entirety and adding paragraph (h) prescribing special regulations to govern the operation of certain bridges across the Hudson River at Albany and Troy, New York, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.185 Hudson River, N.Y.; bridges at Albany and Troy.

(a) Except as provided in paragraph (h) of this section, the draws of each of the bridges shall be opened promptly when the prescribed signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

* * * * *

(h) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by special regulations contained in this paragraph.

(1) *Dunn Memorial Bridge.* The draw will be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened during the period from December 16 to March 31, between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(2) *New York Central Passenger Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31, unless notice has been given 24 hours in advance of the time a vessel may be expected to pass through.

(3) *New York Central Freight Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31, unless notice has been given 24 hours in advance of the time a vessel may be expected to pass through.

(4) *Troy-Menands Bridge.* The draw will be opened for the passage of vessels except during hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(5) *Congress Street Bridge.* The draw will be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened during the period from December 16 to March 31, between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(6) *Troy-Green Island Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31 of each year. From April 1 to December 15, inclusive, of each year, openings will be made for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(7) *112th Street Bridge.* The draw need not be opened for the passage of vessels during the period that the Federal Lock at Troy is inoperative: *Provided,* That provision is made for emergency operation of the bridge with the least possible delay upon receipt of oral or written notice. During the balance of the year, the bridge shall be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

NOTE: The time specified in all cases is eastern daylight saving or eastern standard time, whichever is in force.

[Regs., April 27, 1962, 285/112-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.640 is hereby amended adding paragraphs (p) and (q) to govern the use, administration and navigation of the Sacramento Deep Water Ship Channel and the Sacramento Ship Channel Lock and Approach Canals, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.640 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

* * * * *

(p) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation*—(1) *Maximum speed for all ocean going craft*—(i) *Between Tolands Landing (Mile 6.2) and Rio Vista Bridge.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(ii) *Between Rio Vista Bridge and Port of Sacramento.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(iii) *Speed past docks or moored craft.* Within 550 feet of the centerline of the channel the speed shall be the minimum required to maintain steerageway; wind, tide, current, etc., being taken into consideration.

(iv) *Passing.* All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(v) *Speed, high-water precautions.* When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings partially or wholly submerged by high water; or any other structure liable to damage by collision, suction or wave action; vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Engineer may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance herewith.

(2) *Right of way.* (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80, Title 33, CFR, shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in subdivision (ii) of this subparagraph. The approaching vessel shall answer with a corresponding signal and pass promptly.

(iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, wherever possible.

(vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(3) *Obstruction of traffic.* (i) Except as provided in subparagraph (2) of this paragraph no person shall wilfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Engineer, Corps of Engineers, or his authorized representative.

(5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the Commander, 12th U.S. Coast Guard District and District Engineer and in the case of undocumented vessels, the State Division of Small Craft Harbors also, by the most expeditious means available of all marine accidents, such as fire, collision, sinking or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps to mark the wreck properly.

(6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(q) *Sacramento Deep Water Ship Channel Barge Lock and Approach Canals; use, administration and navigation*—(1) *General.* The lock, its approach channels and all its appurtenances, including the highway and railroad bridge, shall be under the jurisdiction of the District Engineer, U.S. Army Engineer District, Sacramento, Federal and Courts Building, 650 Capitol Avenue, Sacramento, California. His designated representative at the locality shall be the lockmaster, who will be in immediate charge of movement and position of all water traffic while at or near the locks and in the barge canals.

(2) *Immediate control.* The lockmaster shall be charged with the immediate control and management of the lock, bridge, and of the area set aside as the lock area, including the entrance channels. He shall see that all laws, rules and regulations for the use of the lock, bridge and the lock area are duly complied with, to which end he is authorized

to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the Government lock area. Crews shall render such assistance in the lockage of their craft as may be required by the lockmaster.

(3) *Signals*—(i) *Sound.* All craft desiring lockage shall signal by two long blasts followed by two short blasts of the whistle, delivered at a distance of one-half mile from the lock. When the lock is ready for entrance, notice will be given by one long blast from the control house. Permission to leave the lock will be one short blast given by the lockmaster.

(ii) *Visual lock traffic signals.* Visual signals are located outside of each lock gate on the north guide wall, and will be used in conjunction with sound signals. When the red light is flashing, lock cannot be made ready for entrance immediately, vessel must stand clear. When the amber light is flashing, lock is being made ready, prepare for lockage. When the green light is flashing, lock is ready for entrance, the vessel may proceed with caution into the lock.

(iii) *Visual river traffic signals.* Visual signals are located on the south bank of the barge canal at the confluence with the Sacramento River and also 1,950 feet upstream on the west bank of the Sacramento River. When the red light is on, a river-bound vessel of a size making passing in the canal hazardous is in the lock or canal. Approaching vessel shall stand clear of canal to permit out-going vessel to pass. When the amber light is on, a river-bound vessel of a size to permit passing is in the lock or canal. Vessel may enter canal with caution. When the green light is on, vessel may enter canal and proceed under full control.

(iv) *Radio.* The lock is equipped with two-way radio operating on a frequency of 156.60 mc. The frequency is monitored by the lock personnel. Vessels equipped with two-way radio may communicate with the crew operating the lock but communications or signals so received will only augment and not replace the sound and visual signals.

(4) *Permissible dimensions of vessels and tows.* The lock chamber has a maximum usable width of 86 feet and length of 600 feet. The sill at the harbor end and the bottom of the lock chamber are —13.0 feet elevation, CofE datum, and usually provides a depth of water ranging from 14.0 feet at LLW to 19.4 feet at HHW, with greater depths during large floods in the delta. The sill at the river end is at —10.0 feet elevation, CofE datum, and usually provides a depth of water ranging from 14.6 feet at LLW to 16.8 feet at HHW, with greater depths when the river is high. The depth of water at any time is indicated by staff gages located on the south wall of the lock, riverward and harborward of each lock gate and at the center of the lock. A vessel must not attempt to enter the lock if its beam or length is greater than indicated above, or if its draft exceeds the depth of water indicated by the gages, with due allowance for clearance.

(5) *Precedence at lock.* Ordinarily, craft will be locked through in order of arrival; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lockmaster if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several craft are to pass, precedence shall be given as follows:

First: Government owned or controlled craft.
Second: Commercial craft.
Third: Passenger boats.
Fourth: Small vessels and pleasure boats.

(6) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(7) *Multiple lockage.* The lockmaster shall decide whether one or more vessels may be locked through at the same time.

(8) *Speed.* Vessels shall not be raced or crowded alongside another in the barge canals. When entering the barge canals and lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead. No overtaking, except when directed by lockmaster, will be permitted.

(9) *Lockage of small boats*—(i) *General.* The lockage of pleasure boats, skiffs, fishing boats and other small craft will be coordinated with the lockage of commercial craft. If no commercial craft are scheduled to be locked through within a reasonable time, not to exceed one hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(ii) *Signals.* Small boats desiring to use the lock will sound two long blasts followed by two short blasts of the horn. When the lock is ready for entrance, the lockmaster will notify the small boat by one long blast of the horn; or through the public address system. Permission to leave the lock will be given by the lockmaster by one short blast of the horn.

(10) *Mooring in lock.* All boats, when in the lock, shall be moored to the fastenings provided for that purpose, by bow and stern lines and other spring lines as may be necessary, and the lines shall not be let go until the signal is given by the lockmaster for the craft to leave the lock.

(11) *Waiting for lockage.* The mooring or anchoring of boats or other craft in the approaches to the lock, where such mooring will interfere with navigation of the lock is prohibited. All boats, barge tows and other craft to be passed through the lock shall lie in designated waiting areas in such manner as not to interfere with the navigation of the lock or its approaches, and, if a barge tow is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lockmaster. After passing through the lock, the sections shall be reassembled at such a distance from the entrance as not to obstruct or interfere with navigation of the lock or its approaches.

(12) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delays in entering or leaving the lock.

(13) *Damage to lock or other structures.* The regulations contained in this paragraph shall not relieve the owners and operators of vessels from liability for any damage by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach canals. All boats with metal nosings or projecting irons, or rough surfaces that would be liable to damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(14) *Tows.* Tows shall be made up outside the canal entrance. All vessels engaged in towing other vessels not equipped with a rudder shall use two tow lines or a bridge and one tow line. If the vessel in tow is equipped with a rudder, one tow line may be used. All tow lines or hawsers must be hauled as short as practicable for safe handling of tows.

(15) *Crew to move craft.* The pilots in charge of tows and persons in charge of other craft must provide a sufficient number of men to handle lines in mooring craft and to move barges and other craft into and out of the lock easily and promptly.

(16) *Handling valves, gates, bridges and machinery.* No person, unless authorized by the lockmaster shall open or close any bridge, gate, valve or operate any machinery in connection with the lock; but the lockmaster may, under emergency conditions, call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the man so employed shall be strictly under the orders of the lockmaster.

(17) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operation of the lock.

(18) *Refuse in lock.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited into the lock area.

(19) *Statistics.* On each passage through the locks, as required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C.A. 555) the master or clerk of any vessel or other craft shall furnish; upon prescribed forms provided for the purpose and obtainable at the locks, a statement of the passengers, freight and tonnage and such other statistical information as may be required by the forms.

(20) *Persistent violation of regulations.* If the owner or pilot of any boat persistently violates the regulations of this paragraph after due notice of the same, lockage may be refused by the lockmaster at the time of the violation or subsequent thereto, as required in the interest of public safety or protection of Government property.

(21) *Other laws and regulations.* In all other respects, the existing Federal laws, rules and regulations affecting navigable waters of the United States will govern in the use, administration and navigation of the ship channel, lock and its approaches.

[Regs., April 27, 1962, 285/112–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-4804; Filed, May 17, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

SPECIAL MONTHLY COMPENSATION RATINGS

1. In § 3.350, paragraph (i) is added to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * * * *

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* Effective September 1, 1960, the special monthly compensation at the rate of $265 (or $212) provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent under regular schedular evaluation and,

(1) Has additional service-connected disability or disabilities independently ratable at 60 percent, or

(2) Is permanently housebound by reason of service-connected disability or disabilities. This requirement is met when the veteran is substantially confined as a direct result of his service-connected disabilities to his dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that the disability or disabilities and resultant confinement will continue throughout his lifetime.

§ 3.351 [Amendment]

2. Immediately following § 3.351 the cross reference "Determination of need for regular aid and attendance and 'permanently bedridden'. See § 3.352" is changed to read as follows: "Determination of permanent need for regular aid and atttendance and 'permanently bedridden'. See § 3.352".

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective May 18, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-4858; Filed, May 17, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2677]
[Sacramento 048777, 052882]

CALIFORNIA

Establishing Yolla Bolly and Biscar Reservoir National Cooperative Land and Wildlife Management Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in California are hereby withdrawn from application under the nonmineral public land laws, and from disposition under the homestead, desert land, and scrip selection laws, and designated as National Cooperative Land and Wildlife Management Areas, as indicated, to be managed by the Bureau of Land Management for the development, conservation, utilization, and maintenance of their natural resources, including their recreational and wildlife resources:

1. Yolla Bolly National Cooperative Land and Wildlife Management Area:

[Sacramento 048777]

MOUNT DIABLO MERIDIAN

T. 23 N., R. 7 W.,
Sec. 2, W½ and SE¼.
T. 24 N., R. 7 W.,
Secs. 4, 10, and 22;
Sec. 26, W½NW¼, SW¼, and W½SE¼;
Sec. 34.
T. 25 N., R. 7 W.,
Sec. 22, W½;
Sec. 28, except 18.21 acres patented Mineral Survey 4686;
Sec. 34, W½W½ and W½E½.

The areas described aggregate approximately 4,620 acres.

2. Biscar Reservoir National Cooperative Land and Wildlife Management Area:

[Sacramento 052882]

MOUNT DIABLO MERIDIAN

T. 31 N., R. 14 E.,
Secs. 4, 9, 10, 11, 13, and 24.
T. 31 N., R. 15 E.,
Sec. 17, SE¼SW¼;
Sec. 18, lots 1 to 4, incl., W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 19, lots 1 to 4, incl., SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, W½NE¼, E½NW¼, NE¼SW¼, and S½SE¼.

The areas described aggregate 4,965.19 acres.

For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands in cooperation with the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies or instrumentalities); and with such other interested parties as the Bureau of Land Management, the State of California, and the Bureau of Sport Fisheries and Wildlife may agree should participate in the appropriate development, conservation, utilization and maintenance of the lands and the resources thereon.

JAMES K. CARR,
Under Secretary of the Interior.

MAY 12, 1962.

[F.R. Doc. 62-4819; Filed, May 17, 1962; 8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 151—PRESERVATION OF RECORDS BY WAR CONTRACTORS

Records Not To Be Destroyed for Stated Period

MAY 11, 1962.

Section 151.3(a) is amended by deleting the word "or" at the end of subparagraph (2) and by deleting subparagraph (3) in its entirety.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-4824; Filed, May 17, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hercules Powder Company, Wilmington 99, Delaware, has withdrawn its petition (FAP 661), notice of which was published in the FEDERAL REGISTER of January 27, 1962 (27 F.R. 834), requesting a tolerance of 21 parts per million for 2,3-*p*-dioxanedithiol *S,S*-bis(*O,O*-diethyl-phosphorodithioate) in dried apple pomace.

Dated: May 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4826; Filed, May 17, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 752) has been filed by Hercules Powder Company, 910 Market Street, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of calcium lignosulfonate as a dispersant in wax emulsions used in the manufacture of food-packaging paper and paperboard.

Dated: May 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4827; Filed, May 17, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 761) has been filed by Archer-Daniels-Midland Company, Industrial Chemical Department, 733 Marquette Avenue, Minneapolis 40, Minnesota, proposing the issuance of a regulation to provide for the safe use of hydrogenated sperm oil as a bakery pan release agent or lubricant.

Dated: May 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4832; Filed, May 17, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 776) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee 1, Wisconsin, proposing the issuance of a regulation to amend § 121.205 to provide for the safe use of bacitracin in reserpine medicated feeds in an amount not less than 4 grams nor more than 50 grams per ton of finished feed for growth promotion.

Dated: May 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4833; Filed, May 17, 1962; 8:48 a.m.]

Public Health Service

[42 CFR Part 55]

GRANTS FOR WATER POLLUTION CONTROL

Federal Impact Grants; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Department of Health, Education, and Welfare by section 10 of the Federal Water Pollution Control Act, as amended by Public Law 87-88 (33 U.S.C. 466i, as amended) it is proposed to revise § 55.25(a)(8) of Subpart B of this part, which relates to grants for projects for treatment works the need for which is due in part to Federal institutions or Federal construction activity.

Interested persons may submit written data, views, and arguments (in duplicate) in regard to the proposed amendment to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered. It is proposed to make any final amendment effective immediately upon adoption.

Section 55.25(a)(8) would be amended to read as follows:

(8) Whenever a State has funds subject to reallotment under § 55.22(b), prior to such reallotment additional grants may be made for any projects in that State where the Surgeon General finds that the need for the projects is due in part to any Federal institution or Federal construction activity which have added to the Applicants' requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institution or Federal construction activity. Applicants for additional grants must support their claims that the need for their projects is due in part to any Federal institution or Federal construction activity by showing that at least five percent of the population contributing wastes to the project are, as of the date of filing the application for the additional grant, in one or more of the following categories: (i) Federal personnel and their families residing on or at a Federal institution as hereinafter defined, as well as occupants, patients, and inmates of such institutions; (ii) Federal personnel and their families working on or at but residing at other than a Federal institution as hereinafter defined; (iii) non-Federal personnel and their families working on Federal construction projects involving a Federal institution as hereinafter defined. Necessary supporting information submitted by Applicants shall be used as the basis for computing a project's additional grant entitlement as follows: For category (i), 100 percent of the product of the per capita cost of the project and the number represented in this category; for either category (ii) or (iii), 50 percent of the product of the per capita cost of the project and the number represented by such category: *Provided*, That in any case the additional grant entitlement with respect to any category shall be reduced by the amount of any Federal contribution by any other Federal agency toward the capital cost of the approved project made on behalf of such category. The total of the sums of the above calculations shall be the maximum entitlement of an individual project for an additional grant. If the total of all entitlements for additional grants exceed the funds available to a State for such grants, the available funds will be pro-rated over all eligible applicants for such grants in the State. In any instance where a grantee community claims its need for a project is due in part to any Federal institution or Federal construction activity but because of exceptional circumstances is not measureable by the criteria set out above, a request for special consideration may be made to the Surgeon General. Notwithstanding the provisions of this section, the Surgeon General may waive the percentage requirements set out above in the case of an application for an additional grant whenever, in his judgment, exceptional circumstances exist or existed which make such action necessary to avoid inequity and avoid defeating the purposes of this section. In any event, no additional grant may be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost. As used in this section, the term "Federal institution" shall mean any Federal institution, reservation, installation, base, project, or other similar Federal establishment used by the Federal Government primarily for the performance of functions other than the provision of services to the area in which such establishment is situated; and the term "Federal construction activity" shall mean the construction of any "Federal institution" as herein defined.

Dated: May 11, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-4825; Filed, May 17, 1962; 8:47 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 13215 etc.; Order No. E-18334]

AMERICAN AIRLINES, INC., ET AL.

Order Denying Temporary Suspension and Consolidating Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1962.

In the matter of the application of American Airlines, Inc., Dockets 13215, 13216; for termination or temporary suspension of its authority to serve Scranton/Wilkes-Barre, Pennsylvania. In the matter of the application of Allegheny Airlines, Inc., Docket 13246; for amendment of its certificate to include Scranton/Wilkes-Barre, Pennsylvania and Buffalo, New York, on the same segment. In the matter of the joint application of Trans World Airlines, Inc., Allegheny Airlines, Inc., and Mohawk Airlines, Inc., Docket 13527; under section 401 of the Federal Aviation Act of 1958, as amended. In the matter of service of Trans World Airlines, Inc., Docket 13100; at Williamsport.

On November 24, 1961, American Airlines, Inc. (American) filed an application (Docket 13215) pursuant to Part 205 of the Board's Economic Regulations requesting authority to suspend service temporarily at Scranton/Wilkes-Barre, Pennsylvania, effective immediately.[1] American concurrently filed a petition, Docket 13216, to terminate its authority to serve Scranton/Wilkes-Barre.

In support of its application, American states, inter alia, that its continued operations at Scranton/Wilkes-Barre serve no useful purpose for either the public or the carrier; that its Scranton/Wilkes-Barre traffic has declined from an average of 49.5 daily passengers in 1956 to 25 in 1960; that in 1960 it carried 9,130 passengers to or from Scranton/Wilkes-Barre, or 6.7 percent of the total traffic of 136,820; that its operations at Scranton/Wilkes-Barre resulted in a $124,445 loss during the fiscal year ended June 30, 1961, and future operations threaten to become even more uneconomic because of equipment modernization problems and declining traffic; that suspension of American will not significantly inconvenience Scranton/Wilkes-Barre traffic, since the three other carriers serving Scranton/Wilkes-Barre (Allegheny, Eastern and TWA) can offer one-carrier service to over 99 percent of the passengers American now carries; that suspension of American would cause a loss of single-plane service in only the Scranton/Wilkes-Barre-Buffalo market, in which American carries 3.5 passengers a day each way; that such a traffic level cannot justify single-plane trunkline service in the market, particularly in view of the alternative service available; that there is connecting service available via Syracuse, which is presently used by one out of six Buffalo-Scranton/Wilkes-Barre passengers, notwithstanding the availability of American's nonstop service; and that Allegheny has Buffalo-Scranton/Wilkes-Barre authority that could be utilized on a non-stop or connecting basis, or improved to nonstop authority with American suspended, if this is thought warranted in view of the limited traffic volume over the segment.

Allegheny filed an answer stating, inter alia, that it presently serves Scranton/Wilkes-Barre and Buffalo on different segments; and that if the Board finds that continuation of single-plane service in this market is required by the public convenience and necessity, it is willing to provide such service.[2]

On December 20, 1961, the Counties of Lackawanna and Luzerne (the Counties) filed an answer requesting that American's temporary suspension application be denied and that its permanent suspension application be relegated to its normal place on the Board's docket. The Counties state, inter alia, that they are the joint owners and operators of the Scranton/Wilkes-Barre Airport at Avoca; that continued service by American at Scranton/Wilkes-Barre is of major economic importance to the area; that the continued success of the area in attracting new business is dependent in large part on the air transportation service available, including continued service by American with its vast network of service connections; that American provides the only nonstop service to and from Buffalo and the available substitute services are circuitous and multistop; and that suspension of American would result in substantial losses in airport revenues. In addition, the Counties assert that American's application is nothing more than a third petition for reconsideration of the same issue and contains identical arguments which have been recently presented to the Board on three separate occasions and similarly rejected by the Board in three separate orders in the Northeastern States Area Investigation;[3] that the deteriorating traffic position of American at Scranton/Wilkes-Barre is due to its poor service and its minimum effort to obtain traffic; that American has reduced its schedules, employs no local personnel and has had a void in local advertising and publicity for over six years; that after the extensive litigation in the Northeastern States Area Investigation, American's suspension cannot now be granted without hearing; and that no sound reasons exist to afford American's certificate amendment application any preference in hearing on the Board's calendar.

Letters opposing American's suspension were received from the City of Wilkes-Barre, the City of Scranton, the Scranton Chamber of Commerce, and the Chambers of Commerce of Northeastern Pennsylvania, representing Nanticoke, Greater Wilkes-Barre, Greater Pittston, Moosic, Scranton, Archbald, Carbondale, and Simpson.

The City of Wilkes-Barre also filed a petition for leave to intervene in Docket 13216, American's application for termination of its authority at Scranton/Wilkes-Barre. We find that since the City of Wilkes-Barre is made a party to the proceeding hereinafter ordered its petition to intervene will be dismissed.

On April 6, 1962, Trans World Airlines, Inc. (TWA), Allegheny Airlines, Inc. (Allegheny), and Mohawk Airlines, Inc. (Mohawk) filed a joint application, pursuant to section 401(h) of the Federal Aviation Act of 1958, as amended (the Act) and to the extent necessary to effect approval of the agreement, section 401(g) of the Act, and such other sections thereof as may be applicable, for Board approval of the transfer of certain route authority of TWA to Allegheny and Mohawk, and, upon the completion of such transfer, for the termination of certain other route authority of TWA, in accordance with the provisions of an agreement dated April 4, 1962, attached to and made part of the application.

The agreement contemplates: (1) The transfer to Allegheny of TWA's authority to serve between Williamsport and Scranton/Wilkes-Barre, and between these two cities, on the one hand, and Pittsburgh and Boston, on the other; (2) the transfer to Mohawk of TWA's authority to serve between Albany and Binghamton, and between these two cities, on the one hand, and Pittsburgh and Boston, on the other hand; and (3) that TWA shall retain its existing nonstop rights between Boston and Pittsburgh and that the authority of Allegheny and Mohawk between these points shall be restricted. The agreement provides that if the proposed transfer of route authority contemplated by the parties fails to receive, in any part, necessary regulatory or other approvals prior to December 1, 1962, this agreement shall be void and of no effect.

The applicants allege that the transfer is in the public interest since the cities involved may be served more effectively, efficiently, and conveniently by Allegheny and Mohawk with benefit to the cities, and with economic advantages to Allegheny and Mohawk which may be expected to result in a reduction of subsidy requirements.

On April 19, 1962, the City of Williamsport, Pennsylvania (Williamsport) filed a telegram requesting that the hearing scheduled to be held in Williamsport, beginning April 24, 1962, with respect to possible suspension of TWA's service at Williamsport, Docket 13100, be deferred for contemporaneous consideration with Docket 13527, the TWA/Allegheny/Mohawk Agreement Case. Williamsport states inter alia, that both dockets involve the same issues; that the public interest will be best served by contemporaneous consideration; and that Allegheny joins in this request.

Telegrams supporting Williamsport's request were filed by the City of Reading, Pennsylvania on April 19, 1962 and by TWA on April 20, 1962. TWA further requests expeditious treatment in Docket 13527.

By telegram dated April 20, 1962, the Hearing Examiner in the proceeding, Service of TWA at Reading and Williamsport, Docket 13100, granted Williamsport's request.

Upon consideration of the foregoing and all relevant data available to the Board, we find that (1) it is in the public interest to proceed promptly with hearing on the proposed route transfer in Docket 13527; and (2) the issues with respect to TWA's service at Williamsport in Docket 13100 are closely connected with the question of the proposed transfer in Docket 13527 and should be consolidated for hearing and decision in Docket 13527. Accordingly, we will direct that this proceeding be given expedited treatment.

Turning to the applications of American and Allegheny with regard to service to Scranton/Wilkes-Barre, it is true that in the Northeastern States Area Investigation, we considered the suspension of American at this point. However, our decision was based upon the facts and circumstances prevailing during 1956, and the developments which have occurred since then warrant our action here. In addition to the technological developments which have taken place, Allegheny's authority at Scranton/Wilkes-Barre has been substantially expanded and improved. Appendix A[4] shows the resulting significant changes in the movement of Scranton/Wilkes-Barre traffic during the second quarter of 1961, the latest available survey data, as compared to the September 1956 survey data, which formed the basis for decision in the Northeastern States Case. It will be noted that Allegheny's participation in Scranton/Wilkes-Barre's top fifteen markets increased from 43.2 percent to 55.7 percent, and that during the latter period it was the predominant carrier in seven of these markets, including the top three markets, and competed effectively in the fifth-ranked market, Boston.[5] However, American's participation declined from 12.9 percent to 5.4 percent and during the latter period it was the predominant carrier in only the Buffalo market, where it alone provided single-carrier service. In view of these circumstances, and the fact that the question of the air service needs of Scranton/Wilkes-Barre are at issue in Docket 13527, a consolidation of the certificate amendment applications of American and Allegheny into the latter docket is appropriate.

On the other hand, we find that the requested temporary suspension of American at Scranton/Wilkes-Barre would not be in the public interest. There are involved here, as evidenced by the pleadings, issues with respect to the precise needs of Scranton/Wilkes-Barre for air service raising controversial questions which should be resolved in a proceeding under 401(g) of the Act rather than on an informal basis. Accordingly, we will deny American's application in Docket 13215 for temporary suspension.

Accordingly, it is ordered:

1. That the application in Docket 13527 be set down for hearing on an expedited basis;

2. That Dockets 13216, 13246 and that portion of Docket 13100 with respect to TWA's service at Williamsport, Pennsylvania, be and they hereby are consolidated for hearing and decision in Docket 13527;

3. That copies of this order shall be served upon Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., the Cities and Chambers of Commerce of Albany and Binghamton, New York, the Cities and Chambers of Commerce of Pittsburgh, Scranton, Wilkes-Barre, and Williamsport, Pennsylvania, and the City and Chamber of Commerce of Boston, Massachusetts, which are hereby made parties to the consolidated proceeding in Docket 13527;

4. That the application of American in Docket 13215 be and it hereby is denied;

5. That the petition to intervene in Docket 13216 filed by the City of Wilkes-Barre be and it hereby is dismissed; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-4840; Filed, May 17, 1962; 8:49 a.m.]

[Docket 12446]

CITY MESSENGER SERVICE OF HOLLYWOOD, INC., D/B/A CITY MESSENGER AIR EXPRESS AND/OR C.M.A.X.; ENFORCEMENT PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on July 16, 1962, at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., May 15, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-4841; Filed, May 17, 1962; 8:49 a.m.]

[Docket 11620 etc.]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on May 31, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 15, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-4842; Filed, May 17, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 993]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Increased Rate on Sugar, Refined or Turbinated in Bags

On the 27th day of April 1962, the Federal Maritime Commission entered the following order:

It appearing that there has been filed with the Federal Maritime Commission a tariff schedule naming an increased "any quantity" rate on sugar, refined or turbinated, in bags, from ports in the Commonwealth of Puerto Rico to Atlantic and Gulf ports of the United States, to become effective April 29, 1962, designated as follows:

Sea-Land Service, Inc., Puerto Rican Division

Homeward Freight Tariff No. 4, FMC-F No. 2 (Pan Atlantic Steamship Corporation FMC-F Series).
3d Revised Page 34A.

and

It further appearing that upon consideration of the said schedule there is reason to believe that the said increased rate, if permitted to become effective, would result in rates, charges, or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rate should be made the subject of a public investigation and hearing to determine whether it is just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Inter-

[1] Scranton and Wilkes-Barre are intermediate points on the Syracuse-New York segments of American's domestic route 7 and its U.S.-Canada route 56. Pursuant to an Airport Notice approved on March 18, 1947, American has been serving these cities through the Scranton/Wilkes-Barre Airport located at Avoca, Pennsylvania, which is midway between the cities of Scranton and Wilkes-Barre.

[2] On December 5, 1961, Allegheny filed an application, Docket 13246, to amend its certificate to include Scranton/Wilkes-Barre and Buffalo on the same segment.

[3] Order E-14740, December 15, 1959; Order E-14940, February 19, 1960; Order E-15172, April 29, 1960.

[4] Filed as part of the original document.

[5] In the Northeastern States Case, Allegheny's route was extended from New York to Boston, and the carrier inaugurated service over this new segment on April 12, 1960.

coastal Shipping Act, 1933, as amended, and

It further appearing that the effective date of the said rate should be suspended, pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the increased rate on "Sugar, refined or turbinated, in bags", contained in the said tariff schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rate be, and it is hereby, suspended and that the use thereof be, and it is hereby, deferred to and including July 27, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations, and/or practices heretofore in effect, and which were to be changed by the suspended rate, shall remain in effect, during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., Puerto Rican Division, a consecutively numbered supplement to the aforesaid tariff schedule, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rate is suspended and may not be used until the 28th day of July 1962, unless otherwise authorized by the Commission; and that the rate heretofore in effect, and which was to be changed by the suspended rate shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated, but shall include all matters and issues with respect to the lawfulness of all port to port sugar rates named in said schedule; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (1) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Sea-Land Service, Inc., Puerto Rican Division, be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated May 14, 1962.

By order of the Federal Martime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4844; Filed, May 17, 1962; 8:49 a.m.]

FARRELL LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8891, between Farrell Lines Incorporated and Compagnie Des Messageries Maritimes, covers a through billing arrangement in the trade from U.S. Atlantic ports to ports in the Somali Republic, with transhipment at South and/or East African ports.

Agreement 8892, between Farrell Lines Incorporated and Clan Line Steamers Ltd., covers a through billing arrangement in the trade between U.S. Atlantic ports and ports of Mauritius, Reunion, Malagasy Republic, East Africa, Mocambique, with transhipment at South or East African ports. Agreement 8892 has been filed to supersede and cancel approved Agreement 8655 between the same parties in the trade between U.S. Atlantic ports and Madagascan ports.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 14, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4845; Filed, May 17, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-64]

EL PASO NATURAL GAS CO.

Notice of Petition to Amend

MAY 11, 1962.

Take notice that on April 23, 1962, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-64 a petition to amend the order in said docket issued December 12, 1961, by authorizing the construction and operation of three additional lateral pipelines to sell and deliver natural gas to The Washington Water Power Company for resale and distribution in Rosalia, St. John and LaCrosse, Washington, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that Petitioner has already installed one lateral line pursuant to the authorization granted in the instant docket and presently has pending requests for four more lines including those which are the subject of the present petition. The facilities required to serve the three communities are 2.0 miles of 2⅜" O.D. pipeline for Rosalia at an estimated cost of $23,054, 1.3 miles of 2⅜" line for St. John at an estimated cost of $15,179, and 0.9 mile of 2⅜" O.D. pipeline for LaCrosse at an estimated cost of $10,679. The facilities would be constructed along the transmission system of Pacific Gas Transmission Company.

The petition states that Petitioner does not seek authorization to construct and operate facilities in excess of the cost and volumetric limitations set forth in the December 12, 1961, order in this docket.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., on or before June 6, 1962, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4809; Filed, May 17, 1962; 8:46 a.m.]

[Docket No. RI62-421 etc.]

J. RAY McDERMOTT & CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 11, 1962.

In the matter of J. Ray McDermott & Company, Inc., Docket No. RI62-421; Continental Oil Company (Operator), Docket No. RI62-422; Graham-Michaelis Drilling Company (Operator), et al., Docket No. RI62-423; Monsanto Chemical Company, Docket No. RI62-424; United Producing Company, Inc., Docket No. RI62-425; United Producing Company, Inc. (Operator), et al., Docket No. RI62-426; J. M. Huber Corporation, Docket No. RI62-427; Sohio Petroleum Company, Docket No. RI62-428; Columbian Fuel Corporation, Docket No. RI62-429; Texaco Inc., Docket No. RI62-430.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia, with the exception of J. Ray McDermott & Company, Inc., which is made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-421...	J. Ray McDermott & Co., Inc., 14th Floor Houston Club Bldg., Houston 2, Tex.	3	6	Texas Gas Transmission Corp. (Maxie Field, Acadia Parish, La.).	$2,938	4-16-62	[1] 5-17-62	10-17-62	18.75	[2] 19.75	G-12158
RI62-422...	Continental Oil Co. (Operator), P.O. Box 2197, Houston 1, Tex.	168	2	El Paso Natural Gas Co. (Geraldine Ford Field, Reeves and Culberson Counties, Texas), (R.R. District No. 8).	36,991	4-18-62	[1] 5-19-62	10-19-62	11.1485	[3] 17.2295	----------
RI62-423...	Graham-Michaelis Drilling Company (Operator) et al., c/o Collins, Hughes, Martin, Pringle & Schell, 506 Petroleum Tower, Wichita 2, Kans.	26A & B	3	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.).	1,932	4-12-62	[1] 5-13-62	10-13-62	16.4	[4] 17.0	G-18571
RI62-424...	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	49	1	Northern Natural Gas Co. (Fincham Field, Beaver County, Okla.).	110	4-13-62	[5] 7-1-62	12-1-62	16.30	[6] [7] 17.30	----------
RI62-424...	Monsanto Chemical Co.	29	1	Northern Natural Gas Co. (Glenwood Field, Beaver County, Okla.).	297	4-16-62	[4] 7-1-62	12-1-62	16.97	[4] [7] 18.10	----------
RI62-425...	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	25	5	Colorado Interstate Gas Co. (Adams Ranch Field, Seward and Meade Counties, Kans., and Beaver County, Okla.).	1,450	[4] 4-16-62	[5] 6-1-62	11-1-62	16.775	[5] [8] 19.006	----------
RI62-426...	United Producing Co., Inc. (Operator), et al.	23	6	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	37,426	[4] 4-16-62	[5] 6-1-62	11-1-62	16.0875	[5] [8] 18.904	----------
RI62-427...	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	37	4	....do....	9,700	4-16-62	[5] 6-1-62	11-1-62	16.881	[5] [9] 19.04	----------
RI62-427...	J. M. Huber Corp.	29	1	Northern Natural Gas Co. (Gate Field, Harper County, Okla.).	680	4-20-62	[4] 7-1-62	12-1-62	16.590	[4] [7] 17.696	----------
RI62-428...	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City 2, Okla.	36	3	Colorado Interstate Gas Co. (Mocane-Laverne Field, Beaver County, Okla.).	2,792	4-20-62	[1] 6-1-62	11-1-62	16.755	[4] [7] 17.872	----------
RI62-428...	Sohio Petroleum Co.	37	8	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.).	77	4-23-62	[1] 5-24-62	10-24-62	17.0	[7] 17.2	RI61-455
RI62-428...	....do....	38	1	Panhandle Eastern Pipe Line Co. (Light Field, Beaver County, Okla.).	145	4-23-62	[1] 5-24-62	10-24-62	15.0	[7] 16.0	----------
RI62-429...	Columbian Fuel Corp., 380 Madison Ave., New York 17, N.Y.	27	4	Colorado Interstate Gas Co. (Adams Ranch Field, Meade and Seward Counties, Kans., and Beaver County, Okla.).	1,425	4-20-62	[10] 6-1-62	11-1-62	17.25	[4] [8] 19.55	----------
RI62-430...	Texaco Inc., P.O. Box 2332, Houston, Tex.	148	7	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	33,537	4-20-62	[4] 6-1-62	11-1-62	16.78	[4] [8] 19.02	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Favored nation type rate increase based upon a periodic escalation in an area producer's contract. (Gulf Oil Corporation (Operator), et al., FPC Gas Rate Schedule No 93.)
[3] Renegotiated rate increase.
[4] Three-step periodic rate increase.
[5] The stated effective date is the effective date proposed by respondent.
[6] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[7] Periodic rate increase.
[8] Filing completed Apr. 24, 1962.
[9] Includes base rate of 17.0 cents per Mcf plus Btu adjustment.
[10] The stated effective date is the date on which the proposed rate increase becomes contractually due.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 25, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4811; Filed, May 17, 1962; 8:46 a.m.]

[Docket No. CP62-186]

EQUITABLE GAS COMPANY

Notice of Application and Date of Hearing

MAY 11, 1962.

Take notice that on February 12, 1962, as supplemented on March 12, 1962, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh 19, Pennsylvania, filed in Docket No. CP62-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain underground gas storage facilities for the operation of Applicant's proposed Mobley Storage Field, located in Wetzel County, West Virginia, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the operation of the proposed Mobley Field will provide additional storage capacity for Applicant of approximately 2,500,000 Mcf, and when in full operation the field is expected to permit the withdrawal of approximately 1,500,000 Mcf per heating season. The application further states that the activation of the Mobley Field and the deliverability available from it will assist Applicant in meeting its increasing requirements, especially the customers' space heating demands during peak periods.

In addition to reconditioning a total of 20 wells for storage, Applicant proposes to construct approximately 9 miles of 12-inch pipeline extending from a point of connection located at its Logansport Storage Pool to a point of connection with its present transmission system, and approximately 3.2 miles of 12-inch pipeline extending from its Logansport Compressor Station to the Mobley Storage Field, together with approximately 5.8 miles of 6-inch and 8-inch well-connecting lines, metering equipment, and yard piping at the Logansport Station.

The application states that Applicant plans to develop the Mobley Field as soon as possible so that a portion of the facilities will be in operation during the 1962 injection cycle and to complete the entire project commencing with the 1964 injection season.

The estimated total cost of the proposed facilities is $1,929,240, which will be financed from general funds available to Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1962 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4810; Filed, May 17, 1962; 8:46 a.m.]

[Docket No. CP62-162]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Date of Hearing

MAY 11, 1962.

Take notice that the hearing in the above-docketed proceeding which was scheduled to commence on April 10, 1962, and subsequently postponed, will be held on May 29, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Notice of the application herein was published in the FEDERAL REGISTER on March 13, 1962 (27 F.R. 2388).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4812; Filed, May 17, 1962; 8:46 a.m.]

[Project No. 2199]

PUBLIC UTILITY DISTRICT NO. 1 OF SKAMANIA COUNTY, WASHINGTON

Order Fixing Hearing and Prescribing Procedure

MAY 11, 1962.

Public Utility District No. 1 of Skamania County, Washington, (Applicant) on September 14, 1959, filed an application for a license for Project No. 2199, proposed to be located on the Little White Salmon River and Rock Creek in Skamania County, Washington, near Willard and White Salmon, and affecting lands of the United States occupied by the Little White Salmon and Willard Hatcheries of the U.S. Fish and Wildlife Service of the Department of the Interior.

The State of Washington, through its Departments of Fisheries and Game (Intervener), filed a petition on November 24, 1959, requesting a hearing at which it may present evidence in opposition to the application for license. By letter dated April 17, 1962, Applicant has also requested that the matter be set for hearing.

The United States Department of the Interior, in reporting on the application, recommended that a license not be issued for the project, alleging that construction and operation of the project would be damaging to fish and wildlife resources and incompatible with operation of the Willard National Fish Hatchery, Little White Salmon National Fish Hatchery, and Willard Salmon Nutrition Laboratory.

Several conferences have been held between representatives of the U.S. Fish and Wildlife Service and of the Applicant, but they have been unable to resolve their differences.

The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing: by requiring that the respective parties submit in advance of the hearing relevant facts in support of their respective positions; and by providing for motions to strike improperly prepared testimony, including conclusions and opinions presented without having set forth a proper foundation therefor.

The Commission finds: It is appropriate and in the public interest to hold a public hearing affording the Applicant, the Washington Departments of Fisheries and Game, the U.S. Fish and Wildlife Service, and Commission staff, opportunity to present evidence as hereinafter provided on the issues involved.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on October 30, 1962, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved and issues presented.

(B) The following procedure is prescribed for the public hearing ordered:

(1) The Applicant shall by July 30, 1962, file with the Commission's Secretary an original and ten copies of all of its direct testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Departments of Fisheries and Game of the State of Washington and the U.S. Fish and Wildlife Service.

(2) The Departments of Fisheries and Game of the State of Washington, the U.S. Fish and Wildlife Service, and Commission staff, if any of them so desire, shall by October 1, 1962, file with the Commission's Secretary an original and ten copies of all of their testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Applicant.

(3) All of the testimony except exhibits, shall be in question and answer form.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(5) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(6) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(8) Any motions to strike any part of the prepared testimony and exhibits (prior to cross-examination), shall be filed with the Presiding Examiner or Chief Examiner by October 15, 1962; answers thereto shall be filed by October 22, 1962; and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (9).

(9) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner; and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, excepting any part or parts of the prepared testimony with respect to which he may have granted motion to strike.

(10) The presiding Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extension of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4813; Filed, May 17, 1962; 8:46 a.m.]

[Docket No. G-6650 etc.]

SUN OIL CO. ET AL.

Order Granting Rehearing

MAY 11, 1962.

In the matter of Sun Oil Company, Docket Nos. G-6650 and RI62-418; South-Tex Corporation, Docket No. RI62-419; Associated Oil & Gas Company, Docket No. RI62-420.

Order granting rehearing, reinstating certificate of public convenience and necessity, temporarily reaccepting rate schedule, providing for hearing on and suspension of proposed change in rate, allowing rate change to become effective subject to refund, and to show cause.

On April 12, 1962, Sun Oil Company (Sun) filed in Docket No. G-6650, an application for rehearing of the action of the Secretary of the Commission[1] whereby he rescinded the prior acceptance of Sun's FPC Gas Rate Schedule No. 31, and vacated the certificate of public convenience and necessity which authorized the sale of natural gas under said rate schedule. The sales of natural gas involved herein are made pursuant to an agreement, dated November 1, 1953, between Sun and South-Tex Corporation (South-Tex) whereby the parties agreed that South-Tex would process all of the gas produced from Sun's E. M. Brownlee Lease, Nueces County, Texas, and would deliver the quantity of residue gas equal to 95 percent of the daily quantity of gas delivered by Sun to South-Tex to Tennessee Gas Transmission Company under South-Tex's sales contract with Tennessee.

On November 30, 1954, Sun filed with the Commission its November 1, 1953 contract with South-Tex, and related documents, which were accepted for filing and designated as said Rate Schedule No. 31. Concurrently, Sun filed its application for a certificate of public convenience and necessity authorizing it to continue the afore-mentioned sales of natural gas to Tennessee. On May 28, 1956, the Commission issued an order in Docket No. G-6650, granting such certificate authority.[2]

On October 24, 1960, South-Tex filed a proposed increased rate for the gas delivered by it to Tennessee, except for that portion of the gas it was delivering on behalf of Sun. South-Tex did not file on behalf of Sun because Sun's portion of the gas was delivered under Sun's own Rate Schedule No. 31. South-Tex's proposed increased rate was suspended by order of the Commission in Docket No. RI61-243 until May 1, 1961.[3]

On December 22, 1960, Sun filed a proposed increased rate for its portion of the gas delivered by South-Tex to Tennessee. Sun designated such filing as Supplement No. 10 to its Rate Schedule No. 31. Pursuant to § 154.91 (d) of the Commission's Regulations Under the Natural Gas Act, the Secretary by letter of January 18, 1961, rejected Sun's proposed rate increase without prejudice to its resubmittal if and when Sun establishes signatory status to the contract between South-Tex and Tennessee. Additionally, the Secretary advised Sun that its Rate Schedule No. 31 was subject to rejection, and the certificate covering said sale subject to being vacated, pursuant to the aforesaid § 154.91(d). However, the Secretary took no action at that time, affording Sun thirty days in which to comment. On February 14, 1961, Sun advised the Commission by letter that it was taking action on the matter and would make supplemental filings.

On February 6, 1961, Sun by letter requested Tennessee to enter into a ratification agreement with it covering Sun's portion of the gas delivered by South-Tex to Tennessee. In response, Tennessee advised Sun by letter, dated February 27, 1961, that it did not wish to enter into such a ratification agreement with Sun.

On July 14, 1961, the Secretary of the Commission wrote to Sun making inquiry about the supplemental filing Sun had stated, on February 6, 1961, that it would make. Sun did not respond until September 28, 1961, and then it filed an instrument which is no more than an affirmation of Sun's averment that South-Tex is its agent for the purpose of processing and delivering natural gas to Tennessee under South-Tex's sales contract. Consequently, the Secretary of the Commission, on March 13, 1962, rejected Sun's Rate Schedule No. 31, and vacated the certificate issued it in Docket No. G-6650.

In its afore-mentioned application for rehearing, Sun now advises the Commission that Sun believes Associated Oil and Gas Company (Associated) has succeeded to all the rights and duties of South-Tex, and that it, Sun, wrote Associated on March 23, 1962, to request Associated to file Sun's proposed rate increase on Sun's behalf.[4] Sun avers that Associated refused so to do. Concurrently, Sun requested South-Tex to file Sun's proposed rate increase. On April 9, 1962, South-Tex declined to file for Sun. Sun's application for rehear-

[1] See § 3.5(a)(23), Subchapter A—General rules.

[2] Howard W. Fleet, et al., Docket Nos. G-3275, et al.

[3] On March 6, 1961, South-Tex submitted an offer of settlement in Docket No. RI61-243. The offer of settlement did not cover that portion of the gas delivered by South-Tex to Tennessee on behalf of Sun. By order issued April 6, 1961, the Commission accepted and approved the offer of settlement made by South-Tex. The Commission's order recognized that Sun's gas was excluded from the settlement.

[4] By letter dated April 18, 1962, Associated advised the Commission that it is not the successor to South-Tex as Sun avers.

ing merely avers that Sun believes Associated succeeded to the processing plant of South-Tex. No filings have been made with the Commission by South-Tex or Associated to indicate such a transfer or acquisition.

Upon review of all of the above circumstances, and due consideration of the same, we find that it is proper to grant Sun a rehearing of this matter. Therefore, we shall accept Sun's FPC Gas Rate Schedule No. 31, at least until the date of the final order in this matter, we shall reinstate Sun's certificate of public convenience and necessity previously granted Sun in Docket No. G–6650, until the date of final order in this matter, we shall permit Sun to file its proposed change in rate (Supplement No. 10 to its Rate Schedule No. 31) suspend the same, and order a hearing thereon. The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Additionally, because Sun evidently does not now know whether South-Tex or Associated is now receiving, processing and delivering its gas to Tennessee, but avers it believes it is now Associated, and because the files of the Commission show that it is South-Tex, we shall institute show cause proceedings against South-Tex and Associated to determine (1) if there has been any transfer of jurisdictional facilities without Commission authorization, and (2) why the operator of the processing plant, whether it be South-Tex or Associated, refuses to comply with § 154.91 (b) of this Commission's regulations which requires an operator who is a signatory party to a gas sales contract to make rate filings for non-signatory co-owners.

The Commission orders:

(A) The application for rehearing filed by Sun on April 12, 1962, in Docket No. G–6650, is hereby granted, and the proceedings are hereby reopened for further proceeding.

(B) The certificate of public convenience and necessity granted Sun in Docket No. G–6650 on May 28, 1956, which was vacated by action of the Secretary of the Commission on March 13, 1962, is hereby reinstated until final order of the Commission in this matter.

(C) Sun's FPC Gas Rate Schedule No. 31, as supplemented, is hereby reaccepted for filing, and will remain in force and effect until final order of the Commission in this matter.

(D) The proposed increased rate filed by Sun on December 22, 1960, as Supplement No. 10 to its FPC Gas Rate Schedule No. 31, and re-tendered by it on April 12, 1962, is hereby accepted for filing, provided, however, pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rate and charges contained in Sun's Supplement No. 10.

(E) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended in Docket No. RI62–418 and the use thereof deferred until May 14, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(F) Upon making the proposed increased rate effective, in accordance with the provisions of the Natural Gas Act, concurrently therewith Sun shall file, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, together with a certificate showing service of a copy of the same upon Tennessee.

(G) South-Tex in Docket No. RI62–419 and Associated in Docket No. RI62–420 shall show cause, if any there be, under oath and in writing, within thirty days from the issuance of this order why the Commission should not find and determine upon the allegations and averments made by Sun.

(1) That South-Tex has transferred or conveyed facilities used for the sale of natural gas within the jurisdiction of this Commission to Associated, and that Associated has acquired the same, all without having received the authority of this Commission so to do in compliance with the provisions of the Natural Gas Act.

(2) That South-Tex and Associated, or either of them, have refused and declined to comply with § 154.91(b) of the Commission's regulations under the Natural Gas Act, in that they have refused or declined to make or tender to this Commission a proposed rate change on behalf of a non-signatory co-owner when requested by such so to do, and that this action by them, or either of them, constitutes a willful and knowing violation of the Natural Gas Act.

(H) That public hearings regarding the matters for which South-Tex and Associated are hereby ordered to show cause, and the proceedings thereon, shall be consolidated with Docket No. G–6650, and shall convene at the time and place fixed by the notice of the Secretary provided for in Paragraph (D) above.

(I) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before June 27, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4814; Filed, May 17, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

TRANS-NEBRASKA CO.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Trans-Nebraska Co., Lincoln, Nebraska, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of more than 50 percent of the voting shares of The Martell State Bank, Martell, Nebraska; The Sioux National Bank of Harrison, Harrison, Nebraska; and Crawford State Bank, Crawford, Nebraska.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 11th day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–4815; Filed, May 17, 1962; 8:46 a.m.]

VIRGINIA COMMONWEALTH CORP.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Virginia Commonwealth Corporation, Richmond, Virginia, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of more than 50 percent of the voting shares of The Bank of Virginia, Richmond, Virginia; The Bank of Henrico, Sandston, Virginia; The Bank of Salem, Salem, Virginia; The Bank of Occoquan, Occoquan, Virginia; and Bank of Warwick, Warwick, Virginia.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 11th day of May 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–4816; Filed, May 17, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION III, ATLANTA

Designation

McClellan Ratchford, Regional Director of Community Facilities, Region III (Atlanta), is hereby designated to serve as Acting Regional Administrator, Region III, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, during the current absence of the Regional Administrator.

This designation supersedes the designation effective June 7, 1960 (25 F.R. 6548, 7/12/60), which is hereby revoked.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 18th day of May 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62–4835; Filed, May 17, 1962; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII, PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopement Act (Public Law 87–27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the Act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the Act are in compliance with sections 8(a)(2) and 8(c) of the Act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the Act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans or grants proposed to be made under section 7 or 8 of the Act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, August 25, 1961))

Effective as of the 18th day of May 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62–4836; Filed, May 17, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

MAY 14, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 15, 1962, to May 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–4821; Filed, May 17, 1962; 8:47 a.m.]

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MAY 14, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 15, 1962, to May 24, 1962, both dates inclusive.

By the Commision.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–4822; Filed, May 17, 1962; 8:47 a.m.]

[File No. 31–663]

SUBURBAN GAS

Notice of Filing of Application for Exemption

MAY 11, 1962.

Notice is hereby given that Suburban Gas, 2021 North Towne Avenue, Pomona, California, a California corporation, has filed an application pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"), requesting an order of the Commission exempting it, and its subsidiaries as such, from the provisions of the Act on the grounds that Suburban Gas is only incidentally

a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies the principal business of which is that of a public-utility company.

All interested persons are referred to the application, which is on file in the offices of the Commission, for a statement of the facts in support thereof, which are summarized as follows:

Suburban Gas, through 150 subsidiaries, is engaged in selling and distributing propane, and in some instances butane, at retail and wholesale. The subsidiaries are organized in 13 different States, each conducting its operations in the State of its incorporation. More than half of the subsidiaries carry on their operations in the western States of Arizona, California, Oregon, and Washington, the remaining companies having their operations in nine other States. All but two of the subsidiaries distribute propane (or butane) in tanks and other portable containers. Two subsidiaries, Suburban Gas Utility Company ("Suburban Gas-New Mexico"), a New Mexico corporation, and Cottage Grove Gas Co. ("Cottage Grove Gas"), an Oregon corporation, distribute propane gas through underground mains; the former at Las Vegas, New Mexico, and the latter in four communities in Oregon. Each of these subsidiaries receives its supply of propane from another subsidiary of Suburban Gas.

As at December 31, 1961, the consolidated assets of Suburban Gas and subsidiaries, per books, were $22,209,313. For the year 1961, the consolidated revenues were $20,222,489 and the consolidated net income was $2,180,659. The total assets of Suburban Gas-New Mexico and of Cottage Grove Gas were $212,314 and $86,360, respectively, and for the year 1961 their revenues were $207,496 and $78,075, respectively. The former reported for the year 1961 a net loss of $3,005 and the latter reported a net income of $2,535. As at December 31, 1961, the consolidated capitalization of Suburban Gas and subsidiaries consisted of $6,373,500 of long-term debt and $11,933,915 of common stock and surplus. The securities of all the subsidiary companies are wholly-owned by Suburban Gas.

Notice is further given that any interested person may, not later than May 29, 1962, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted; or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4823; Filed, May 17, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

HELIUM ACTIVITY

Redelegations of Contracting Authority

Pursuant to the authority delegated in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, the following redelegations are hereby made:

(1) The following officials of the Helium Activity Research Center are authorized to execute and approve contracts and purchase orders up to the amounts listed, subject to the special provisions and limitations in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, Release No. 7, dated April 21, 1961 (26 F.R. 3759):

Administrative and Management Assistant	$500
Project Coordinators	500
Project Leaders	500

(2) The authority contained in paragraph (1) above may not be redelegated without the approval of the Assistant Director—Helium.

Dated: April 24, 1962.

L. W. BRANDT, *Research Director, Helium Research Center.*

Approved:

HENRY P. WHEELER, Jr., *Assistant Director—Helium.*

[F.R. Doc. 62-4820; Filed, May 17, 1962; 8:47 a.m.]

Office of the Secretary

RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Pennsylvania Electric Company, Vice President; Saxton Nuclear Experimental Corporation, Vice President (both previously listed).
(2) None.
(3) None.
(4) None.

This statement is made as of April 26, 1962.

Dated: April 26, 1962.

RALPH F. BOVIER.

[F.R. Doc. 62-4817; Filed, May 17, 1962; 8:46 a.m.]

LEMORE W. CLARK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) A. No deletions. B. Additions: Westinghouse Electric Corp., and Harnischfeger Corp.
(3) No changes.
(4) No changes.

This statement is made as of April 27, 1962.

Dated: April 27, 1962.

LEMORE W. CLARK.

[F.R. Doc. 62-4818; Filed, May 17, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 30, 1962.

GEORGE E. LAWRENCE.

MAY 11, 1962.

[F.R. Doc. 62-4830; Filed, May 17, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 639]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64737. By order of May 9, 1962, the Transfer Board approved the transfer to Hilda Leff, doing business as Belmar Moving Company, Pittsburgh, Pa., of Certificate No. MC 61344, issued June 25, 1952, to Hymen Leff, Pittsburgh, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio and West Virginia, traversing Maryland for operating convenience only. Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-4828; Filed, May 17, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37734: *Paper winding cores, from and to official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2619), for interested rail carriers. Rates on newsprint paper winding cores, old or reused, as described in the application, in carloads (returned to points of origin), from and to points in official territory, also from points in official territory to points in Eastern Canada.

Grounds for relief: Carrier competition.

Tariffs: Supplement 25 to New England Territory Railroads tariff I.C.C. N-11 and other schedules named in the application.

FSA No. 37735: *Liquefied petroleum gas from Bledsoe, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8204), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Bledsoe, Tex., to points in southwestern, western trunk line, official (including Illinois) and southern territories.

Grounds for relief: Market competition.

Tariffs: Supplements 54, 152, 266, 309, 34 and 177 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4334, 4279, 4150, 4395 and 4066, respectively.

FSA No. 37736: *Asphalt from Chicago, Ill., group points to the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-8207), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), petroleum road oil, and petroleum wax tailings, in tank-car loads, from Chicago Heights and Joliet, Ill., East Chicago, Gary and Whiting, Ind., to points in southwestern territory.

Grounds for relief: Market competition.

Tariffs: Supplements 54, 208 and 6 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4102 and 4463, respectively.

FSA No. 37737: *Substituted service—Erie-Lackawanna, B&M and D&H for Kroblin Refrigerated Xpress, Inc.* Filed by William A. Landau, Agent (No. 2), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Jersey City, N.J., East Cambridge, Holyoke and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Motor-Ways Tariff Bureau Substituted Freight Service Directory No. 1-A, Agent William A. Landau's MF-I.C.C. 41.

FSA No. 37738: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 38), for itself and interested carriers. Rates on various commodities moving on less-than-truckload or any quantity class rates, loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in trunk-line and New England territories, on the one hand, and points in Florida, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Sea-Land Service, Inc., tariff I.C.C. 6.

FSA No. 37739: *Plaster and related articles to points in Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-8209), for interested rail carriers. Rates on plaster and related articles, also gypsum wallboard and related articles, in carloads, from points in New Mexico, Oklahoma and Texas, to points in Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4017.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-4829; Filed, May 17, 1962; 8:48 a.m.]

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CFR SUPPLEMENTS

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

VOLUME 27 NUMBER 98

Washington, Saturday, May 19, 1962

THE UNIVERSITY OF MICHIGAN
MAY 25 1962
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3476

MOTHER'S DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS the American home constitutes the very foundation of our Nation; and

WHEREAS the mothers of our country embody and foster the virtures of love, devotion, and fortitude upon which our homes are founded; and

WHEREAS it is appropriate that we devote one day each year to expressing publicly the boundless affection, respect, and gratitude we feel for our mothers; and

WHEREAS, in official recognition of these feelings, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), designated the second Sunday in May of each year as Mother's Day and authorized and requested the President to issue a proclamation calling for the public observance of that day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby request that Sunday, May 13, 1962, be observed as Mother's Day, and I direct that the flag of the United States be displayed on all public buildings on that day.

I also call upon the people of the United States to display the flag at their homes or other suitable places as an expression of the reverent esteem in which they hold the mothers of our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of May in the year of our Lord nineteen hundred and sixty-two, and of
[SEAL] the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62–4912; Filed, May 17, 1962; 2:25 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

PART 22—ADVERSE ACTIONS AND APPEALS TO THE COMMISSION

Effective July 1, 1962 the present Parts 9 and 22 are revoked and a new Part 22 is added as set out below.

Subpart A—General Provisions

Sec.
22.101 Applicability.
22.102 Definitions.
22.103 General exclusions.
22.104 General standards.
22.105 Agency records.

Subpart B—Discharge, Suspension for More Than Thirty (30) Days, Furlough Without Pay, and Reduction in Rank or Compensation

22.201 Coverage.
22.202 Procedures.
22.203 Agency reversal of certain adverse decisions.
22.204 Appeal rights to the Commission.

Subpart C—Suspensions of Thirty (30) Days or Less

22.301 Coverage.
22.302 Procedures.
22.303 Emergency procedures.
22.304 Appeal rights to the Commission.

Subpart D—Commission Action on Appeal

22.401 Initial appeal.
22.402 Appeals to the Board of Appeals and Review.
22.403 The Commissioners.
22.404 Failure to prosecute.
22.405 Death of appellant.

AUTHORITY: §§ 22.101 to 22.405 issued under R.S. 1753, 5 U.S.C. 631; sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 633; secs. 11, 19, 58 Stat. 390, 391, as amended, 5 U.S.C. 860, 868; sec. 14, E.O. 10988, Jan. 17, 1962. Interpret or apply sec. 14, 58 Stat. 390, as amended, 5 U.S.C. 863.

Subpart A—General Provisions

§ 22.101 Applicability.

The regulations in this part apply to (a) discharges, suspensions, furloughs without pay, and reductions in rank or compensation of employees of the United States Government and the government of the District of Columbia, and (b) employees' appeals to the Commission from such actions.

§ 22.102 Definitions.

As used in this part:

(a) "Commission" means the United States Civil Service Commission.

(b) "Days" means calendar days and not work days.

(c) "Preference eligible employee" means a person entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

(d) "Reemployed annuitant" means an employee whose annuity under the Civil Service Retirement Act, as amended, was continued upon reemployment in an appointive position on or after October 1, 1956.

§ 22.103 General exclusions.

(a) *Employees.* The employees covered are shown in Subparts B and C of this part. In no case, however, does any of this part apply to (1) a reemployed annuitant, (2) an employee under the legislative or judicial branch of the Government unless he is occupying a position in the competitive service, (3) an employee occupying a position in the competitive service under a temporary appointment, (4) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the United States Senate, (5) an employee currently serving a probationary or trial period, except as provided in § 2.301(c) of this chapter, or (6) an employee in the excepted service who is not a preference eligible employee (except an employee with competitive status occupying a position in Schedule B).

(b) *Adverse actions.* The adverse actions covered are shown in Subparts B and C of this part. In no case, however, does any of this part apply to (1) decisions of the Commission, (2) actions taken by an agency pursuant to instructions from the Commission, (3) reduction-in-force actions subject to Part 20 of this chapter, (4) appeals from decisions in political activity cases, or (5) actions taken under Public Law 733, 81st Congress, and any other similar statute which authorizes an agency to take suspension or separation action without regard to section 6 of the Act of August 24, 1912, as amended, or the provisions of any other law.

§ 22.104 General standards.

(a) Adverse action may not be taken against an employee covered by this part except for such cause as will promote the efficiency of the service.

(b) Adverse action may not be taken against an employee covered by this part for political reasons, except as required by law.

(c) Adverse action against an employee covered by this part may not be based on discrimination because of marital status, physical handicap, race, creed, color, or national origin.

§ 22.105 Agency records.

Copies of the notice of proposed adverse action, of any answer made by the employee, of the notice of any agency hearing on the proposed adverse action and the report thereof, and of the notice of decision shall be made a part of the agency's records.

Subpart B—Discharge, Suspension for More Than Thirty (30) Days, Furlough Without Pay, and Reduction in Rank or Compensation

§ 22.201 Coverage.

(a) *Employees covered.* The regulations in this subpart apply to (1) any career, career-conditional, overseas limited, or indefinite employee who is not serving a probationary or trial period in a position in the competitive service, (2) any employee having a competitive status who occupies a position in Schedule B under a non-temporary appointment, and (3) any preference eligible employee who has completed one year of current continuous employment in a position outside the competitive service. The regulations in this subpart do not apply to the employees excluded by § 22.103.

(b) *Adverse actions covered.* The regulations in this subpart apply to (1) discharge, (2) suspension for more than thirty (30) days, (3) furlough without pay, and (4) reduction in rank or compensation. This includes reductions in rank or compensation which are taken, at the election of the agency, after a position classification decision by the Commission. The regulations in this subpart do not apply to the actions excluded by § 22.103.

§ 22.202 Procedures.

(a) *Notice of proposed adverse action.* Except as provided in paragraph (c) of this section, an employee against whom adverse action is sought shall be given at least thirty (30) full days' advance written notice stating any and all reasons, specifically and in detail, for any such proposed action.

(b) *Employee's answer.* Except as provided in paragraph (c) of this section, a reasonable time shall be allowed an employee for answering charges and notices of proposed adverse actions and for furnishing affidavits in support of such answers. The reasonable time required shall depend on the facts and circumstances of each case, and shall be sufficient to afford the employee ample opportunity to prepare answers and secure affidavits. If the employee answers, his answer shall be considered by the agency in reaching its decision. The employee may answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which he believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the agency shall make a representative or represent-

atives available to receive his answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed adverse action or to recommend what final decision should be made.

(c) *Exceptions to notice period and opportunity to prepare answer.* (1) Advance written notice and opportunity to answer shall not be necessary in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities.

(2) In cases where reasonable cause exists to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed, the employee need not be given the full thirty (30) days' advance written notice, but must be given such lesser number of days' advance notice and opportunity to answer as under the circumstances is reasonable and can be justified.

(d) *Duty status during notice period.* Except as provided in paragraph (e) of this section, an employee against whom adverse action is proposed shall be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the employee may be temporarily assigned to duties in which these conditions will not exist or placed on leave with his consent.

(e) *Suspensions during notice period.* In an emergency case when, because of the circumstances described in paragraph (d) of this section, the employee cannot be kept in an active duty status during the notice period, he may be suspended. This suspension is a separate adverse action. An employee whose suspension under this paragraph is proposed is entitled, in connection with the suspension:

(1) If the suspension is for more than thirty (30) days, to the procedures required by this subpart;

(2) If the suspension is for thirty (30) days or less and the employee is covered under § 22.301, to the procedures required by Subpart C of this part; or

(3) If the suspension is for thirty (30) days or less and the employee is in the excepted service and not covered by § 22.301, to a written notice at least twenty-four (24) hours in advance of the effective date of the suspension.

The reasons for not retaining the employee in an active duty status during the notice period shall be included in the notice of suspension and, if the employee subsequently appeals from the final adverse decision, shall be reviewed by the Commission to determine their accordance with the circumstances described in paragraph (d) of this section. The agency may place the employee in a nonduty status with pay for such time, not to exceed five (5) days, as is necessary to effect the suspension.

(f) *Notice of adverse decision.* The employee shall be notified of the agency's decision at the earliest practicable date. The notice of decision shall be in writing, dated, and shall be delivered to the employee at or before the time the action will be made effective. It shall inform the employee of the reasons for the action taken, his right of appeal to the appropriate office of the Commission, and the time limit within which such appeal must be submitted, as provided in § 22.204(b).

§ 22.203 Agency reversal of certain adverse decisions.

If an employee who has been reduced in grade or compensation is restored to his former grade or rate of pay or to an intermediate grade or rate of pay as the result of an agency decision that its action under this subpart was unjustified or unwarranted, the restoration shall be made effective retroactively to the date of the improper action.

§ 22.204 Appeal rights to the Commission.

(a) *Right of appeal.* An employee may appeal to the Commission from an adverse action covered by this subpart. The appeal shall be in writing and shall set forth the employee's reasons for contesting the adverse action, with such offer of proof and pertinent documents as he is able to submit.

(b) *Time limit.* (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph, an appeal may be submitted at any time after receipt of the notice of adverse decision but not later than ten (10) days after the adverse action has been effected.

(2) In the case of a postmaster appointed by the President and confirmed by the United States Senate, who is notified of an adverse decision to discharge him and continues in office until a successor is installed, the time limit on an appeal shall be ten (10) days after receipt of the notice of adverse decision unless the provisions of subparagraph (3) of this paragraph apply.

(3) (i) An appeal may not be processed concurrently by the Commission under the Commission's regulations and by the agency under the agency appeals system established under Part 77 of this chapter.

(ii) If an employee elects to appeal to the agency within the time limit prescribed by § 77.113 of this chapter, he will be entitled to appeal to the Commission under the Commission's regulations only after the notice of the final agency appeal decision when the agency has only one level of appeal, or after the notice of the first-level agency appeal decision when the agency appeals system has more than one level of appeal. The time limit on an appeal to the Commission in such case shall be not earlier than receipt of the first-level agency appeal decision and not later than ten (10) days after receipt of such decision.

(iii) If an employee elects to appeal first to the Commission within the time limits specified in subparagraph (1) or (2) of this paragraph, he forfeits his right of appeal under the agency appeals system.

(iv) An employee who has appealed to his agency under Part 77 of the regulations may elect to terminate that appeal by appealing to the Commission if the first-level decision on his appeal, or the final decision when the agency has only one level of appeal, has not been made within sixty (60) days after the employee filed it.

(4) The time limits prescribed by this paragraph may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of it, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

Subpart C—Suspensions of Thirty (30) Days or Less

§ 22.301 Coverage.

(a) *Employees covered.* The regulations in this subpart apply to (1) any career, career-conditional, overseas limited, or indefinite employee who is not serving a probationary or trial period in a position in the competitive service, and (2) any employee having a competitive status who occupies a position in Schedule B under a non-temporary appointment. The regulations in this subpart do not apply to the employees excluded by § 22.103.

(b) *Adverse action covered.* The regulations in this subpart apply to suspensions of thirty (30) days or less. They do not apply to the actions excluded by § 22.103.

§ 22.302 Procedures.

(a) *Notice of proposed adverse action.* An employee against whom adverse action is sought shall be given advance written notice stating the reasons, specifically and in detail, for the proposed action.

(b) *Employee's answer.* The employee shall be allowed a reasonable time for filing a written answer to the notice of proposed adverse action and for furnishing affidavits in support of his answer. If the employee answers the notice, his answer shall be considered by the agency in reaching its decision on the proposed adverse action.

(c) *Notice of adverse decision.* The employee shall be notified of the agency's decision at the earliest practicable date. The notice of decision shall be in writing and shall be delivered to the employee at or before the time the action will be made effective. It shall inform the employee of the reasons for the action taken, his right of appeal to the appropriate office of the Commission, and the time limit within which such appeal must be submitted, as provided in § 22.304(c).

§ 22.303 Emergency procedures.

In an emergency case, when circumstances are such that the retention of an employee in an active duty status may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the agency may require the employee to answer the charges and submit affidavits within such time as under the circumstances would be reasonable, but not less than twenty-four (24) hours. Where these circumstances require immediate action, the agency may place the employee in a nonduty status with pay for such time, not to exceed five (5) days, as is necessary to effect the suspension.

§ 22.304 Appeal rights to the Commission.

(a) *Right of appeal.* An employee may appeal to the Commission from the agency's decision to suspend him. The appeal shall be in writing.

(b) *Scope of review.* (1) The Commission will review, upon appeal, the procedures used in suspensions under this subpart. Its review will not include other matters except as provided for in subparagraphs (2) and (3) of this paragraph.

(2) When an employee submits an affidavit to the Commission alleging that adverse action was taken against him for political reasons not required by law, or resulted from discrimination because of marital status or physical handicap, the Commission will determine the validity of the contention and take appropriate action where indicated.

(3) When the suspension was imposed during the advance notice period of some other adverse action, the Commission will review the reasons for not retaining the employee in an active duty status if the employee appeals from the final adverse action.

(c) *Time limit.* An appeal may be submitted at any time after receipt of the notice of adverse decision but not later than ten (10) days after the effective date of the adverse action. This time limit may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the time limit and was not otherwise aware of it, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

Subpart D—Commission Action on Appeal

§ 22.401 Initial appeal.

(a) *Investigation.* Investigation will be made by the Commission to develop the facts and circumstances relative to the adverse decision.

(b) *Evidence.* Statements of witnesses shall be by affidavit, when practicable, and relative to the adverse decision. It shall be the responsibility of both parties to the appeal to submit all evidence to the Chief, Appeals Examining Office, or to the regional director, as appropriate.

(c) *Availability of evidence.* All relevant representations shall be discussed with both parties to the appeal and shall be made available to them for review, with the following exception: When adverse action has been taken on the basis of the reported mental condition of the individual concerned or other conditions of such a nature that a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the medical evidence of record will be made available only to a duly licensed physician designated in writing by the appellant or by the appellant's representative.

(d) *Right to a hearing.* (1) Except as provided in subparagraph (2) of this paragraph, the employee shall have a right to a hearing before the office of the Commission undertaking initial adjudication of his case. This shall be the only opportunity for a hearing as a matter of right. The employee shall be informed of his right to a hearing and shall express his desire in writing.

(2) In the case of an appeal submitted under the provisions of § 22.304, there is no right to a hearing.

(e) *Hearing procedures.* (1) An employee has a right to appear at the hearing on his appeal, personally or through or accompanied by his representative, before the office of the Commission handling the appeal. The agency also has a right to participate in the hearing. Both parties shall have the right to produce witnesses. The Commission is not authorized to subpoena witnesses. The employee and his designated representative, and the agency, must make their own arrangements for the appearance of witnesses.

(2) Hearings shall not be open to the general public or the press. Attendance shall be limited to persons determined by the Commission to have a direct connection with the appeal.

(3) Hearings will be conducted by a representative of the Commission. Opportunity will be afforded for the introduction of evidence (including testimony and statements by the employee, his designated representative, representatives of the agency, and witnesses) and for the cross-examination of witnesses. The testimony shall be under oath or by affirmation. Rules of evidence will not be strictly applied, but the Commission representative shall use reasonable discretion to exclude irrelevant or unduly repetitious testimony.

(4) The office of the Commission handling the appeal shall determine how the hearing will be recorded. If the hearing is recorded verbatim, the reporter's transcript shall be made a part of the record of the proceedings and a copy shall be furnished to each party. When the hearing is not recorded verbatim, the Commission representative shall make a suitable summary of pertinent portions of the testimony. When agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing and shall be made a part of the record. A copy shall be furnished to each party. Should the Commission representative and the parties fail to agree on the summary, the parties shall be permitted to submit in writing their exceptions to any part of the summary. Such exceptions shall be considered in connection with the making of the findings and the recommendation.

(f) *Decision.* The decision on the appeal shall be made by the Chief, Appeals Examining Office, or by the regional director, as appropriate. The decision shall consist of the findings and recommendations, including an analysis of the evidence, the reasons for the conclusions reached, and the action to be taken by the agency. A copy of the decision shall be furnished to the appellant or his designated representative and to the agency, with notification of the right of either party to appeal within seven (7) days after the date of receipt to the Board of Appeals and Review, U.S. Civil Service Commission, Washington 25, D.C. (hereinafter referred to as the "Board"). It is mandatory for the agency to take any corrective action specified in this decision unless further appeal is made to the Board. The agency shall report, within seven (7) days after receipt of the decision, that it has carried such decision into effect or that it is appealing the decision to the Board.

§ 22.402 Appeals to the Board of Appeals and Review.

(a) *General.* Appeals to the Board shall be in writing, shall set forth the basis for the appeal, and shall be filed within seven (7) days after the date of receipt of the decision of the Chief, Appeals Examining Office, or the regional director. This time limit may be extended, in the discretion of the Board, only upon a showing that circumstances beyond the control of the employee or the agency prevented the filing of a further appeal within the prescribed seven (7) days.

(b) *Board procedures.* The Board will review the entire record of the case and all relevant written representations. At this appellate level, there is no right to a hearing.

(c) *Decision of the Board.* The decision on an appeal to the Board shall be transmitted to the employee or his designated representative and to the agency. The Board's decision is final, and compliance with its recommendation for corrective action is mandatory. There is no further right of appeal. When corrective action is required, the agency shall comply with the Board's recommendation and shall report promptly to the Board that such action has been taken.

§ 22.403 The Commissioners.

The commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

§ 22.404 Failure to prosecute.

An appeal will be closed for failure to prosecute when the appellant does not furnish required information and duly proceed with the advancement of his appeal. Instead of closing for failure to prosecute, the Commission may adjudicate an appeal if the information is sufficient for that purpose. A closed appeal will not be reopened except in the discretion of the Commission upon a showing that circumstances beyond the control of the appellant prevented him from prosecuting the appeal.

§ 22.405 Death of appellant.

A proper appeal filed prior to the death of an appellant shall be processed to completion and adjudicated. As necessary, a recommendation for corrective action in such an appeal may provide for cancellation of the adverse action and for amendment of the agency's records to show retroactive restoration and continuance on the rolls to the date of death.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4859; Filed, May 18, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTY DESIGNATED FOR CORN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published February 16, 1961 and April 4, 1962, which were designated for corn crop insurance for the 1962 crop year.

MINNESOTA

Waseca.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-4860; Filed, May 18, 1962; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTY DESIGNATED FOR SOYBEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published February 16, 1961 and April 4, 1962, which were designated for soybean crop insurance for the 1962 crop year.

MINNESOTA

Waseca.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-4861; Filed, May 18, 1962; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 13]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.313 Valencia Orange Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 20, 1962, and ending at 12:01 a.m., P.s.t., May 27, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4954; Filed, May 18, 1962; 11:09 a.m.]

[Lemon Reg. 21]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.321 Lemon Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 15, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 20, 1962, and ending at 12:01 a.m., P.s.t., May 27, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 418,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4910; Filed, May 18, 1962; 8:48 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1195—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA [1]

Order Regulating Handling

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AUTHORITY: §§ 1195.0 to 1195.72 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1195.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on January 22, 1962, upon a proposed amendment of the marketing agreement and order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby proposed to be amended regulates the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order as hereby proposed to be amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) All handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the time hereinafter specified rather than postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011). As soon as practicable after such effective time, it will be necessary for the new membership of the Control Committee to be selected, and for that committee and the Secretary to initiate and complete various actions of both organizational and regulatory natures; and considerable time will be required in this regard. Further, the supervision of regulation pursuant to the provisions of this order will require early preparatory actions by the Control Committee and by the Secretary, and time during which such actions will be concluded should be such that handlers will be able reasonably and adequately to prepare for such regulation. It is necessary that such regulation be in effect not later than the beginning of the tobacco harvest, which is imminent, so as to facilitate, promote, and maintain orderly marketing conditions with respect to the handling of Type 62 tobacco covered hereunder, and thereby permit the benefits of this amended regulatory program to be available to producers and handlers as soon as practicable. It is also desirable that such amended regulatory program be in effect at the time herein indicated so as to provide the maximum period of time during which growers and handlers may prepare for the handling of tobacco leaves in accordance with this order, including the handling certificate requirements thereof. Moreover, the provisions of the amended order are well known to the handlers of Type 62 tobacco since the public hearing in connection with the proposed amendment of the original order was concluded January 23, 1962, and the recommended decision and final decision were published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2695), and April 11, 1962

(27 F.R. 3459, 3561), respectively. All known interested parties have received copies of the regulatory provisions, as amended, and compliance with such provisions will not require advance preparation on the part of handlers which cannot be completed prior to the effective time of regulation pursuant thereto; and no useful purpose would be served by postponing the effective time of the provisions of this order beyond the date of publication in the FEDERAL REGISTER.

(d) *Determinations.* It is hereby determined that:

(1) The "Amended Marketing Agreement Regulating the Handling of Type 62 Shade-grown Cigar-leaf Tobacco Grown in Designated Production Area of Florida and Georgia," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Type 62 shade-grown cigar-leaf tobacco covered by this order) who during the period February 1, 1961, through January 1962, handled not less than 50 percent of the volume of said Type 62 tobacco covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (February 1, 1961, through January 1962), have been engaged, within the designated production area of Florida and Georgia, in the production for market of Type 62 shade-grown cigar-leaf tobacco, such producers having also produced for market at least two-thirds of the volume of such Type 62 tobacco represented in such referendum.

Termination of suspension order. The hearing record on the proposed amendment of the marketing agreement and order demonstrated that in the event of the issuance of an amended marketing order program, approved by the requisite number of producers, the order (20 F.R. 585, 21 F.R. 648) suspending the marketing agreement and order should simultaneously be terminated so as to reactivate the program in its amended form. The amended marketing agreement and order is adapted to, and recognizes, current production and marketing conditions and will tend to effectuate the declared policy of the act. Accordingly, such suspension order is hereby terminated effective upon publication hereof in the FEDERAL REGISTER so that the marketing agreement and order as amended can be made fully effective immediately upon the effective time of such amendment. It is further found, for the same reasons, that good cause exists for not postponing the termination of said suspension order for 30 days after publication in the FEDERAL REGISTER and for making such action effective as herein specified.

Order relative to handling. It is, therefore, ordered that, on and after the effective time hereof, all handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia shall be in conformity to, and in compliance with, the terms and conditions of said order as hereby amended; and the terms and conditions of said amended order are as follows:

DEFINITIONS

§ 1195.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 1195.2 Act.

"Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1195.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1195.4 Tobacco.

"Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title), that is grown in the production area and harvested after the effective date of this part.

§ 1195.5 Production area.

"Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 1195.6 Grower; producer.

"Grower" or "producer" means any person who is engaged in a proprietary capacity, in the commercial production of tobacco.

§ 1195.7 Handler; packer.

"Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 1195.8 Handle; pack.

"Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 1195.9 Prime.

"Prime" means to pick tobacco leaves from tobacco stalks.

§ 1195.10 Field.

"Field" means a field of tobacco within the confines of a single shade covering.

§ 1195.11 Fiscal period.

"Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided*, That the first fiscal period shall begin on the effective date of this part.

§ 1195.12 Control Committee; Committee.

"Control Committee" or "Committee" means the Control Committee established pursuant to § 1195.20.

CONTROL COMMITTEE

§ 1195.20 Establishment and membership.

(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member, and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Three members shall be growers who are not handlers. Any such member may be an officer, employee or agent of a grower.

(2) *Growers who are also handlers.* Seven members shall be growers who are also handlers. Any such member may be an officer, employee or agent of a grower.

(3) *Handlers who are not growers.* One member shall be a handler who is not a grower. Such member may be an officer, employee or agent of the handler.

§ 1195.21 Term of office.

(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 1195.22 Selection of members.

The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 1195.20 and 1195.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 1195.23 Nominations.

(a) *Certain members.* For the consideration of the Secretary in making the selection of the members of the Committee who are to serve during the fiscal period ending on January 31, 1963, nominations for eligible members may be submitted by growers and handlers. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler member who is not a grower may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers. Such nominations shall be submitted to the Secretary as soon as practical after the beginning of such fiscal period.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select the handler member who is not a grower.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 1195.24 Failure to nominate.

If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 1195.23(b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 1195.20.

§ 1195.25 Qualification.

Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such section.

§ 1195.26 Alternate members.

An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 1195.27 Substitutes for members.

In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 1195.28 Vacancies.

To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 1195.29 Compensation.

Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 1195.30 Powers.

The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1195.31 Duties.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 1195.32 Procedure.

(a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further*, That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 1195.40 Use of funds collected.

All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 1195.41 Budget and expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 1195.42 Assessments.

(a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 1195.43 Rate of assessment.

(a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 1195.44 Refunds.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 1195.45 Accountability of Committee members for funds and property.

The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 1195.46 Legal action for collection of assessments.

The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 1195.50 Marketing policy and report.

(a) At or as soon as practical after the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed marketing policy, including a report thereon and proposed regulation, if any, with respect thereto, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall give reasonable notice thereof to growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 1195.51 Recommendation for regulation.

(a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity in terms of the number of leaves per tobacco plant, and the grade or quality of tobacco leaves, or either thereof deemed by it advisable to be handled. In making such recommendation, the Committee shall give consideration to the factors referred to in § 1195.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation. With respect to any such recommendation which relates to the maximum number of leaves that may be handled, the committee shall specify the number of leaves per plant which should be fixed by the Secretary.

§ 1195.52 Issuance of regulation.

(a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the maximum number (in terms of the number of leaves per tobacco plant) of tobacco leaves, and the grade or quality of tobacco leaves, or either thereof, that may be handled.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act. Any such modification with respect to the maximum number of tobacco leaves that may be handled may be accomplished by the issuance of a separate regulation increasing or decreasing, as the circumstances may warrant, the number "18" appearing in § 1195.53.

(c) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 1195.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1195.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

§ 1195.54 Limitations on handling.

No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 1195.55 Issuance of handling certificates.

(a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Upon application by a grower to the Control Committee for the issuance of a handling certificate for tobacco grown in a particular field, the committee shall issue such a certificate if it determines that the tobacco leaves involved are eligible for handling. Before issuing any such handling certificate, the committee shall have the tobacco inspected as well as the field in which grown and shall have on record a report of that inspection. In determining the number of tobacco leaves of a particular field eligible for handling and to be covered by a handling certificate, the committee shall issue the handling certificate for the tobacco leaves in accordance with the following:

(1) To the extent that not more than the applicable maximum number of leaves per tobacco plant specified for the then current fiscal period were primed from each tobacco plant in such field and constitute the leaves to be certified; or

(2) To the extent that not more than such applicable maximum number of leaves per tobacco plant plus two additional leaves were primed from any tobacco plant in such field and of the tobacco leaves constituting the leaves to be certified the average number of leaves primed per tobacco plant does not exceed the applicable maximum number of leaves.

(c) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 1195.56 Identification of tobacco handled.

The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 1195.57 Exemption certificates.

(a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 1195.60 Books and records.

(a) Each handler and each subsidiary and affiliate thereof shall keep, and retain for five years, such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 1195.61 Compliance.

Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 1195.62 Right of the Secretary.

The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1195.63 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 1195.64 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 1195.65 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1195.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1195.67 Personal liability.

No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 1195.68 Separability.

If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 1195.69 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 1195.70 Termination.

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1195.71 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 1195.72 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

Issued at Washington, D.C., this 16th day of May 1962, to become effective upon publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-4877; Filed, May 18, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792 as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Jackson County in the State of Michigan to the areas designated as modified accredited areas because such County now meets the qualifications of such an area as set out in § 77.3.

The amendment relieves certain restrictions presently imposed and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of May 1962.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-4875; Filed, May 18, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-12]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On March 7, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2185) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 78 from Amarillo, Tex., to Tulsa, Okla.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opprotunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.100 *Jet routes* (14 CFR 602.100) is amended as follows:

In the text of Jet Route No. 78 "Amarillo, Tex., INT of the Amarillo 082° and the Tulsa, Okla., 257° radials; Tulsa;" is deleted and "Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 14, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-4850; Filed, May 18, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55620]

PART 16—LIQUIDATION OF DUTIES

Conversion of Currency; Removal of Argentina From List of Quarterly Rate Countries

Argentina, designated in T.D. 55477, effective commencing October 1, 1961, as a country whose currency shall be subject to conversion for customs purposes at the rate of exchange first certified by the Federal Reserve Bank of New York for a day within each calendar quarter, hereby is removed from the list of such countries, pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)(1)(B)).

The list of quarterly-rate countries set forth at the end of paragraph (d) of § 16.4, Customs Regulations (19 CFR 16.4(d)) therefore is amended by deleting Argentina, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Publication of notice and public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is dispensed with because it is imperative in the proper administration of the law and regulations that this Treasury decision be put into effect without delay. This urgency also constitutes good cause for not deferring the effective date pursuant to section 4(c) of such Act.

(R. S. 251, secs. 522, 624, 46 Stat. 739, as amended, 759; 19 U.S.C. 66, 1624, 31 U.S.C. 372)

For the dates listed below, the Federal Reserve Bank of New York certified rates for the Argentine peso which vary by 5 percentum or more from the rate, $0.0120519, the Bank first certified under section 522(c) for a day in the calendar quarter beginning April 1, 1962 (T.D. 55594). Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for customs purposes to convert Argentine currency into currency of the United States such conversion shall be at the daily rate certified by the Bank, as herewith published:

Argentine peso	
April 10, 1962	$0.00989827
April 11, 1962	.0100440
April 12, 1962	.0102258
April 13, 1962	.0101605
April 16, 1962	.0100318
April 17, 1962	.0100417
April 18, 1962	.0100875
April 19, 1962	.00995075

Rates of exchange certified for the Argentine peso such as vary by 5 percentum or more from the rate of $0.0120519 hereafter will be published in a Treasury decision for dates subsequent to April 19, 1962, and before the effective date of this Treasury decision.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 11, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-4870; Filed, May 18, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Colistin

Correction

In F.R. Doc. 62-4725, appearing at page 4624 of the issue for Wednesday, May 16, 1962, the word "mystatin" in the quoted matter in item 3 should read "nystatin".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments and revisions are issued to Part 1054:

1. Revise paragraph (b) of § 1054.103 to read as follows:

§ 1054.103 Definitions.

* * * * *

(b) "Contract:" See definition in § 1.201-4 of this title.

2. Revise § 1054.104 to read as follows:

§ 1054.104 Matters of contract administration to be handled by Administrative Contracting Officers.

As a representative of the Government the ACO administers any AF contract as written (including all amendments). Some of the more important duties of contract administration are to:

(a) Review and approve wage and salary schedules within limitations established by any Federal wage or salary stabilization board in connection with cost-reimbursement type contracts.

(b) Determine allowability of costs under Part 15 of this title.

(c) Approve contractor's invoices where administrative approval by a contracting officer is required by the terms of the contract and authority therefor is vested in the ACO. Approve invoices for progress payments.

(d) Administer advance payment bank accounts when so authorized by Financial Branch (MCPMF), Directorate of Procurement and Production, Hq. AMC.

(e) In connection with provisioning of spare parts:

(1) Review and approve pricing of spare parts.

(2) Negotiate, prepare, execute, and issue supplemental agreements.

(3) Issue DD Form 1155, "Order for Supplies or Services," to obligate committed funds.

(f) Approve insurance plans and costs connected therewith.

(g) Approve subcontracts and purchase orders to vendors according to the provisions of the contract being administered. See § 3.903 of this title.

(h) Take administrative action relating to variation in quantities as set forth in § 1053.406 of this chapter.

(i) Analyze and make recommendations on contractor's quotations upon request of procuring contracting officers.

(j) When requested, participate in price redeterminations at Hq AMC or AMC field procurement activities.

(l) When price redetermination is to be accomplished by AMAs, review contractor's quotations and, to the extent authorized negotiate the revision in price and accomplish necessary contractual changes according to the agreements reached.

(2) Approve contractor's accounting system for cost-reimbursement contracts and fixed-price contracts having redetermination clauses according to existing directives.

(k) Issue and approve issuance of tax-exemption certificates when permissible under the contract and where authorized by commanders according to § 1011.-205(b) of this chapter.

(l) Take action to approve sale or disposition of Government property according to existing directives. (See Subpart E, Part 8 of this title and Subpart E, Part 1008 of this chapter.)

(m) Relative to Government property:

(1) In cases of loss, destruction, or damage thereto, determine liability of the contractor, if any.

(2) In cases involving discrepancies incident to shipment to or from the contractor's facility, determine the adjusting action required (see Subpart U, Part 1013 of this chapter).

(n) Report all litigation involving a CPFF contractor to the Office of the Judge Advocate General, Hq USAF, as required by AFR 110–3 (Taxation, Legal and Administrative Actions, and Legal Process). Confer with his staff judge advocate as required.

(o) Determine that bailed property is used for the purposes intended.

(p) Be responsible for obtaining approval of all bailee's crews designated to crew and maintain aircraft.

(q) Prepare findings of fact and issue decisions on nonallowable items of cost under the disputes clause. See § 1.314 of this title and § 1001.314 of this chapter.

(r) Be responsible for determining whether the contractor has complied with applicable labor clauses, such as Davis-Bacon Act, Walsh-Healey Public Contracts Act, Convict Labor, etc., insofar as the Air Force is charged with such responsibility.

(s) With respect to facilities contracts, approve items for acquisition or performance.

(t) With respect to facilities contracts, authorize the use of the facilities according to the terms of the contract and collect rent, including the negotiation of amounts, as necessary.

(u) Establish and/or recommend negotiated overhead rates for use in facilities contracts.

(v) Negotiate overhead rates for cost-reimbursement type supply contracts. (See Subpart G, Part 3 of this title and Subpart G, Part 1003 of this chapter.)

(w) Enforce the proper maintenance and protection of Government-owned facilities covered by facilities contracts and leases.

(x) In connection with open and call contracts, subject to their terms, perform the following:

(1) Issue call orders authorized by Hq AFLC or the procuring office.

(2) Negotiate and approve priced exhibits covering calls against open contracts; however, any priced exhibit exceeding $100,000 will be subject to the review and administrative approval in Subpart F, Part 1055 of this chapter prior to distribution.

(3) Send copies of approved exhibits to the buying activity.

(4) Obtain printing and distribution of approved exhibits as required.

(5) Negotiate and approve delivery schedules.

(y) Generally, make determinations and give approvals which are required by the provisions of the contract or subcontract and perform such other duties required by the contract or by applicable directives.

(z) Notify the contractor and other interested parties of the acceptance or rejection of first articles where the contract contains a provision for first article approval. When the first article approval clause in § 1007.4020 of this chapter is incorporated in the contract, any notification to the contractor required therein, other than that of termination, will be accomplished by the ACO. The Government laboratory or commercial testing firm responsible for conducting the required tests will notify the ACO of the acceptance or rejection of the first article. Upon receiving such information, the ACO will immediately notify the contractor, production specialist, procuring contracting officer, the appropriate AMA, or other interested persons.

(aa) When closing out cost-reimbursement contracts, obtain release from contractors according to appropriate contract clause. See § 16.1812 of this title for release form. (Also see § 1016.812 of this chapter.)

(bb) When decision to terminate or reduce is pending on aircraft or missile propulsion system production contracts, obtain cost data and complete engine and spare data for the procuring contracting officer. (See AFLCR 57–2.)

(cc) When extenuating circumstances arise on contracts exempted from production surveillance, the ACO may request production surveillance as prescribed in AFLCM 84–2.

(dd) When advised by the contractor according to § 1007.4053 of this chapter that an item being procured under any contract he is administering will contain radioactive materials, he will forward this information to AFLC (MCDPE), SAAMA (SANATF), and the inventory manager of the commodity.

(ee) Correct administrative, arithmetic errors in computation of unit price extensions, arithmetic totals, arithmetic subtractions, and other computational errors expressed in monetary units; provided that units, unit prices, and other computational bases are correct; and, provided that no error may be corrected by this method which involves an amount of over $5.00. Corrections will be made by the ACO by Administrative Notice. Administrative Notice will be given the same distribution as the original contract.

3. Amend the heading of § 1054.105 only, to read as follows:

§ 1054.105 Administrative duties reserved for procuring contracting officers of AFLC and AFSC central procurement activities.

4. Add § 1054.114 as follows:

§ 1054.114 Assignment of administrative contracting officer at principal office of multi-divisional contractors.

(a) Whenever it becomes necessary to coordinate the management policies and practices of a multi-divisional (plant) contractor with other contract administration activities, or whenever a cognizant Audit agency assigns a contract audit coordinator according to the Audit Agencies, Joint Letter No. 43 (revised), March 3, 1961, the APD/AFPRO will assign an administrative contracting officer at the principal office of the contractor to:

(1) Coordinate with AF contract administration activities at other divisions of the contractor on matters relating to negotiated and actual costs, overhead rates and allocations, estimating, pricing, purchasing, and subcontracting policies and practices.

(2) Coordinate with contract audit coordinator on management accounting policies and practices.

(3) Disseminate all appropriate information to AF contract administration activities at other divisions or plants of the contractor.

(b) Upon notification that a contract audit coordinator has been assigned, AFSC, Deputy Director of Procurement (ASXKK), Wright-Patterson AFB, through channels, will notify the appropriate APD/AFPR. The APD/AFPR will advise ASXKK name and address of the principal ACO assignment, when such assignment is appropriate.

(c) Information list:

(1) The following list contains names and addresses of: (i) Multi-divisional contractor, (ii) cognizant audit agency assigning contract audit coordinator, and (iii) APD/AFPR assigning principal contracting officer:

Contractor	Contract Audit Coordinator	APD/AFPR
Aerojet General Corp.	Chief Auditor, Navy Audit Office, Aero-Jet General Corp., P.O. Box 18, Azusa, Calif. Tel: Cumberland 3-6111.	Los Angles APD.
AVCO Corp.	Branch Chief, USAF Auditor General Branch Office, Lycoming Division, AVCO Corp., Stratford, Conn. Tel: DR 8-8211, Ext. 572.	New York APD.
American Machine & Foundry Co.	Auditor-in-Charge (A.M.F.), New York District Office, U.S. Army Audit Agency, 200 Broadway, New York 7, N.Y. Tel: BA 7-0800.	Do.
American Telephone & Telegraph Co.	Managing Auditor, Western Electric Residency, U.S. Army Audit Agency, 120 Broadway, New York 5, N.Y. Tel: Dial Code 571-3452.	Do.
Bendix Corp.	Chief Auditor, Navy Audit Office, 130 West Larned St., Detroit 26, Mich. Tel: Woodward 1-7425.	Detroit APD.
Boeing Co.	USAF Resident Auditor, Aerospace & Industrial Products Division, Boeing Airplane Co., 7755 East Marginal Way, Seattle 8, Wash. Tel: Juniper 6-8278.	AFPR Boeing Co., Seattle, Wash.
Chrysler Corp.	Supervisory Auditor-in-Charge, Chrysler Corp., Detroit District Office, U.S. Army Audit Agency, 5815 Concord Ave., Detroit 11, Mich. Tel: Walnut 3-0100.	Detroit APD.
Collins Radio Co.	Chief Auditor, Navy Audit Office, Collins Radio Co., 321 Third St. SE., Cedar Rapids, Iowa. Tel: Empire 5-8451.	Chicago APD.
Continental Aviation & Engineering Corp., Continental Motors Corp.	Supervisory Auditor-in-Charge, Continental Aviation & Engineering, and Continental Motors, Detroit District Office, U.S. Army Audit Agency, 5815 Concord Ave., Detroit 11, Mich. Tel: Walnut 3-0100.	Cleveland APD.
General Dynamics Convair.	USAF Resident Auditor, Convair-San Diego Division, General Dynamics Corp., San Diego 12, Calif. Tel: Cypress 6-6611, Ext. 553.	AFPR, General Dynamics/Convair, San Diego, Calif.
Curtiss-Wright Corp.	USAF Resident Auditor, Wright Aeronautical Division, Curtiss-Wright Corp., Woodridge, N.J. Tel: Prescott 7-2000, Ext. 2846.	Newark APD.
Douglas Aircraft Co., Inc.	USAF Resident Auditor, Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd., Santa Monica, Calif. Tel: Upton 0-1211, Ext. 3510.	AFPR, Douglas Aeft Co., Santa Monica, Calif.
Food Machinery & Chemical Corp.	Resident Auditor, U.S. Army Audit Agency, San Jose Residency, P.O. 367, San Jose, Calif. Tel: CY 4-8124, Ext. 391.	San Francisco APD.
Ford Motor Co.	Supervisory Auditor-in-charge, Ford Motor Co., Detroit District Office, U.S. Army Audit Agency, 5815 Concord Ave., Detroit 11, Mich. Tel: Walnut 3-0100.	Detroit APD.
General Electric Co.	USAF Resident Auditor, General Electric Co., Bldg. 23, Room 236, 1 River Rd., Schenectady, N.Y. Tel: Franklin 4-2211, Ext. 52698.	Rochester APD.
General Motors Corp.	Branch Chief, USAF Auditor, General Branch Office, 6253 Concord St., Detroit 11, Mich. Tel: WA 1-4721, Ext. 158.	Detroit APD.
General Precision, Inc.	USAF Resident Auditor, American Machine & Foundry Co., Greenwich, Conn.	New York APD.
Hercules Powder Co.	Auditor-in-Charge, Hercules Powder Co., Navy Area Audit Office, Philadelphia, 1409 North Broad St., Philadelphia 22, Pa. Tel: Locust 8-0400.	Philadelphia APD.
Hughes Aircraft Co.	USAF Resident Auditor, Hughes Aircraft Co., Florence Ave. and Teal St., Culver City, Calif. Tel: Upton 0-7111, Ext. 6211.	AFPR, Hughes, Culver City, Calif.
International Business Machines Corp.	USAF Resident Auditor, Federal Systems Division, IBM Corp., Neighborhood Rd., Kingston, N.Y. Tel: Federal 8-5000, Ext. 6737.	New York APD.
International Telephone & Telegraph Corp.	USAF Resident Auditor, ITT Labs., Division of International Telephone & Telegraph Corp., 500 Washington Ave., Nutley, N.J. Tel: North 1-1100, Ext. 498.	Newark APD.
Lear, Inc.	USAF Resident Auditor, Lear, Inc., 110 Ionia Ave. NW., Grand Rapids, Mich. Tel: GL 1-1566, Ext. 667.	Los Angeles APD.
Litton Industries, Inc.	Chief Auditor, Navy Audit Office, Litton Industries, Inc., 21321 Gault Street, Canoga Park, Calif. Tel: Diamond 6-4040, Ext. 2929.	Los Angeles APD.
Lockheed Aircraft Corp.	USAF Resident Auditor, Lockheed Aircraft Corp., P.O. Box 551, Burbank, Calif. Tel: Triangle 7-2711, Ext. 1106.	AFPR, Lockheed, Burbank, Calif.
The Martin Co.	Chief Auditor, Navy Audit Office, The Martin Co., Mail #M336, Baltimore 3, Md. Tel: Eastern 7-4550.	AFPRO, The Martin Co., Baltimore, Md.
Minneapolis-Honeywell Regulator Co.	USAF Resident Auditor, Minneapolis-Honeywell Regulator Co., 2753 Fourth Ave., South, Minneapolis 8, Minn. Tel: FE 2-5225, Ext. 2697.	Milwaukee APD.
Motorola, Inc.	Resident Auditor, U.S. Army Audit Agency, Engineering Bldg., 4545 West Augusta Blvd., Chicago 51, Ill. Tel: Spalding 2-6500, Ext. 756.	Chicago APD.
North American Aviation, Inc.	USAF Resident Auditor, North American Aviation, Inc., International Airport, Los Angeles 45, Calif. Tel: Oregon 8-3011, Ext. 1793.	AFPR, N. American, Los Angeles, Calif.
Northrop Corp.	USAF Resident Auditor, Northrop Corp., 1001 East Broadway, Hawthorne, Calif. Tel: Oregon 8-9111, Ext. 1915.	AFPR, Northrop, Hawthorne, Calif.
Olin Mathieson Chemical Corp.	Assistant District Manager, U.S. Army Audit Agency, Boston District Office, Boston Army Base, Boston 10, Mass. Tel: LI 2-6000, Ext. 730.	Rochester APD.
Philco Corp.	Chief Auditor, Navy Audit Office, Philco Corp., 4700 Wissahickon Ave., Philadelphia 44, Pa. Tel: Victor 3-4000.	Philadelphia APD.
Radio Corp. of America.	Auditor-in-Charge, Radio Corp. of America, Navy Area Audit Office, New York, 346 Broadway, New York 13, N.Y. Tel: Rector 2-6000.	Do.
Sperry Rand Corp.	USAF Resident Auditor, Sperry Gyroscope Co., Mail Station 1-H-28, Great Neck, L.I., N.Y. Tel: LR 4-2327.	AFPR, Sperry Gyroscope Co., Great Neck, N.Y.
Sylvania Electric Products, Inc.	Branch Chief, USAF Auditor General Branch Office, Boston Army Base, Boston 10, Mass. Tel: Liberty 2-6000, Ext. 879.	Boston APD.
Thiokol Chemical Corp.	Auditor-in-Charge, Thiokol Chemical Corp., Navy Area Audit Office, Philadelphia, 1409 North Broad St., Philadelphia 22, Pa. Tel: Locust 8-0400.	Philadelphia APD.
Thompson Ramo - Wooldridge Inc.	USAF Resident Auditor, Thompson Ramo-Wooldridge, Inc., 23555 Euclid Ave., Cleveland 17, Ohio. Tel: 1V 1-7500, Ext. 8767.	Cleveland APD.
United Aircraft Corp.	Chief Auditor, Navy Audit Office, United Aircraft Corp., Pratt & Whitney Aircraft Division, East Hartford, Conn. Tel: Jackson 8-4811.	Boston APD.
Westinghouse Electric Corp.	Chief Auditor, Navy Audit Office, 301 Old Post Office Bldg., Pittsburgh 19, Pa. Tel: Express 1-2560.	Philadelphia APD.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart B—Secondary Administration

A new Subpart B is added as follows:

Sec.
1054.200 Scope of subpart.
1054.201 Applicability of subpart.
1054.202 Definitions.
1054.203 Assigning secondary administration
1054.204 General procedures for office of administration.
1054.205 General procedures for secondary offices of administration.
1054.206 Functions which can be delegated.
1054.207 Intra-company transactions.

AUTHORITY: §§ 1054.200 to 1054.207 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.200 Scope of subpart.

This subpart sets forth procedures to be followed in the delegation and performance of secondary administration on both primes and subcontracts.

§ 1054.201 Applicability of subpart.

This subpart applies to all personnel of AF commands concerned with the administration and management of AF central procurement type contracts. (See § 1001.201–55 of this chapter.)

§ 1054.202 Definitions.

(a) *Secondary administration.* (See § 1053.404–2(g) of this chapter.)

(b) *Secondary administration of a prime contract.* The administration of a portion of a prime contract being performed at a location in a geographical area or plant not under jurisdiction of the office of administration (APD/AFPRO).

(c) *Secondary administration of a subcontract.* The utilization of the AF system of contract management (APD/AFPRO) in surveillance of the performance of certain subcontracts.

(d) *Subcontract.* The term subcontract includes purchase order and/or work order.

§ 1054.203 Assigning secondary administration.

(a) In the administration of an AF prime contract, it may become necessary for the office having primary administration to delegate various responsibilities to an office other than that assigned as the office of administration. This may be occasioned by either the diversity of work locations utilized by the prime contractor including intra-company transactions (work) orders etc., or because the size and type of subcontracts placed require a greater degree of surveillance over work being performed at subcontractor's plants.

(b) Delegations are normally made in connection with cost reimbursement, price redeterminable, and incentive type prime contracts and subcontracts and may include: (1) All or part of an administrative contracting officer's responsibilities, (2) production surveillance, (3) quality control supervision and surveillance, (4) industrial property control, (5) price analysis, (6) security and other functions. Although secondary delegations of ACO functions should not be made relative to straight fixed price prime contracts and subcontracts except under extenuating circumstances, from a production, property administration, and quality control viewpoint, secondary administration may be just as desirable and necessary on fixed price contracts and subcontracts as on cost type. (Also, appropriate secondary administration on fixed price contracts contemplating construction work subject to the Davis-Bacon Act where work is to be performed outside the geographical area covered by the office of primary administration, should be delegated.)

§ 1054.204 General procedures for office of administration.

(a) When making secondary delegations, the office of administration should stress the following actions in order to enable offices of secondary administration to properly carry out their delegated functions. Before forwarding a request for secondary administration the initiator will:

(1) Consult all components of his activity and incorporate all desired actions of contract administration, production, industrial property and quality control into one request.

(2) Complete all administrative approvals or duties which are necessary prior to assigning secondary administration. These duties should include, but are not limited to (i) Review of contractual provisions, (ii) determination of contractor's plan as to extent of support functions such as purchasing, etc., that will be performed at the secondary activity.

(3) Make sure that no authority or responsibility is delegated unless authority to perform the same is contained either in the terms of the contract or applicable Public Laws, Executive Orders, instructions, or regulations.

(4) Be specific in the delegation as to the actions desired of secondary activity. The delegation letter should state the exact type and extent of assistance needed in each area of responsibility.

(5) Process request for secondary administration in an expeditious manner so that delegated functions may be performed on a timely basis without delay of contract performance and incurrence of unnecessary costs.

(6) Forward with the request, adequate documentation to accomplish the functions delegated or redelegated. This will include sufficient copies of the contractual documents and subsequent changes thereto, together with approved contractor policies and procedures, pertaining to the prime contract and other data that would be applicable to actions required of the office of secondary administration. Where appropriate primary ACOs may request the office of distribution for the prime contract to make direct distribution to the assigned office of secondary administration. Where applicable, documentation should include copy of inter-company transactions or work order in order that the work to be performed can be identified. Delegations to affected activities will not be delayed due to absence of documents when urgency and/or other extenuating circumstances indicate that work may commence prior to their receipt. Delegations will be issued as early as possible in order to give the secondary activity the necessary lead time for planning purposes.

(7) Assure that offices assigned secondary administration are not requested to accomplish functions that duplicate and/or are properly the responsibility of the prime contractor.

(8) Notify the prime contractor or higher tier subcontractor immediately, of duties which have been delegated to a secondary office of administration, and request prime or higher tier subcontractor to notify the subcontractor that secondary administration of its subcontract has been assigned to APD or AFPRO.

(9) Take action to establish communication with the secondary activity and maintain the necessary contacts to insure proper coordination. The office of administration should keep secondary offices currently informed on major actions through periodic correspondence and personal visits so that secondary personnel can understand how they fit into the program.

(b) The letter of delegation consolidating the responsibilities to be performed will be prepared for signature of the chief, APD/AFPR or his deputy. Each division will submit its delegation by an attached exhibit.

(c) Under the Weapon Support System Management Plan the ACO located at prime contractors' plants will delegate appropriate secondary administration of cost reimbursement, redeterminable, and incentive type subcontracts to the APD/AFPRO assigned administration of AF contracts at the subcontractors' facilities.

§ 1054.205 General procedures for secondary offices of administration.

(a) The office of secondary administration will upon receipt of a delegation:

(1) Promptly assign an ACO and other specialists to perform the functions delegated.

(2) Notify the prime administrative contracting officer of the name, address, and telephone number of the ACO assigned secondary administration and of individuals assigned responsibilities other than contract administration. If the delegation is for secondary administration of a subcontract, a copy of the notification forwarded to the prime ACO will also be forwarded to the subcontractor concerned. The primary ACO will promptly notify other divisions who have delegated cognizant responsibilities in regard to same contract.

(3) Administer secondary assignments with the same degree of care and attention that would be given to prime assignments.

(4) Take aggressive action to correct any delegation which is not complete or requires clarification. If the secondary activity cannot satisfactorily resolve the matter, then it should be referred through channels to AFSC (ASXKK), Wright-Patterson AFB, Ohio.

§ 1054.206 Functions which can be delegated.

(a) *Prime contracts*—(1) *Contract administration functions.* The prime ACO may delegate any of the functions listed in § 1054.104 which are applicable to the work being performed at the secondary location. In the performance of delegated functions the assigned secondary ACO will govern his actions by: (i) The provisions of the delegation letter, (ii) the terms of the contract, (iii) the provisions of Subchapter A, Chapter I of this title, this chapter, and other directives pertaining to prime contract administration. The secondary ACO will keep the prime ACO advised of major actions by furnishing him copies of correspondence, memoranda, etc. In the event disputes are contemplated, the advice of the prime ACO will be obtained. Unless the letter of secondary delegation specifically provides otherwise, all matters in dispute will be referred to the primary ACO with all facts and recommendations for final decision.

(2) *Property administration functions.* Property administration of prime contracts at secondary locations by separate property administrators is no different than property administration of prime contracts at prime plants. However, in the case of interdivisional work orders it will be necessary to follow contractor's organizational structure and to assure proper coordination with the ACO and property administrator at prime location on broad company policies and procedures. The secondary property administrator has the same total responsibility and authority, relative to Government property on that portion of the contract being performed at the secondary location, which is afforded the property administrator at the prime facility and is subject to official audit inspection, etc. (See § 30.2, paragraph 304 of this title and § 1030.2, paragraph B–304 of this chapter.)

(3) *Production functions.* In order to maintain current production progress on AF contracts, production surveillance should be delegated over that portion of the contract being performed at the secondary location to assure proper adherence to contract schedules. The assignment will request that production surveillance be performed according to AFLCM 84–2 and include such reports and other actions that may be required by the contract, Subchapter A, Chapter 1 of this title, this chapter, and other directives.

(4) *Quality control functions.* Performance of operational quality control functions should be delegated to a secondary office of administration wherever applicable, to assure that contractor is maintaining a system and procedures for control of quality at secondary locations in conformance with Military Specification MIL–Q–9858 or requirements. (Reference Part 14 of this title, and Part 1014 of this chapter.)

(5) *Plant clearance functions.* Continuing plant clearance authority should be included at the time any secondary contract administration is delegated to enable the secondary office of administration to take and approve all necessary and appropriate actions to effect disposition of all surplus property. This should be done by authorizing the secondary ACO to delegate required plant clearance actions to an appropriate plant clearance officer and to take such other actions as are required in plant clearance matters, except those which arise out of terminations.

(6) *Termination functions.* Where a previous delegation of secondary administrative responsibilities has been accomplished, the primary ACO will immediately notify the secondary ACO and such other activities to whom responsibilities have been delegated of the termination. This notice in and of itself will not constitute an assignment of such responsibilities.

(b) *Subcontracts.* With respect to subcontracts, secondary functions should be primarily in the area of surveillance and will include such approval functions as may have been delegated or authorized by contractual provisions. The prime contractor should be required to manage his subcontract program. However, administration of a surveillance and advisory nature should be conducted as far down the subcontract chain as considered necessary to adequately protect the interests of the Government.

(1) *Pricing functions.* The basic responsibility for subcontract pricing rests with the prime contractor. The prime ACO must insure that the prime is performing this management obligation effectively. He should instruct the contractor that complete justification of subcontract awards is required with particular attention given, where appropriate, to cost and price analysis, and the currency, completeness, and correctness of cost and pricing data obtained from subcontractors (see § 3.903–4 of this title and § 1003.903–4 of this chapter for discussion of ACO reviews of individual subcontracts).

(i) In instances where a prime contractor demonstrates, based on the submission of a completely documented subcontract file, that it has effected a sound procurement and complied with all applicable requirements of Subpart I, Part 9 of this title and Subpart I, Part 1009 of this chapter, the prime ACO should consent to the subcontract without requesting duplicate analyses from a secondary ACO. This approach also should be followed by secondary ACOs when they have been delegated the responsibility for approving the award of lower-tier subcontracts falling into certain categories.

(ii) Where a contractor advises its cognizant ACO that a subcontractor has refused, for competitive reasons, to provide or give access to cost data essential for negotiation purposes, and that all possible steps, including top management participation, have been taken to secure such information from the subcontractor, the ACO will request an assist analysis from the appropriate secondary ACO. If the subcontractor's proposal exceeds $350,000, inclusion of a request for audit assistance is mandatory; however, requests for audit assistance also may be included where the subcontract proposal is less than $350,000 if such assistance is considered desirable. The request will be coordinated with, and an information copy furnished to, the audit activity located at or responsible for audit of the contractor's facility. Other instances where it is normally advantageous to request AF personnel to perform necessary subcontract evaluations and audits are set forth in § 1003.903–55 of this chapter.

(iii) If a request for assist analysis prepared according to subdivision (ii) of this subparagraph includes a request for audit review, the APD/AFPRO having secondary administration responsibilities will, upon receipt, hold a preanalysis review with the cognizant military auditor. This meeting may be as formal or informal as desired. The procurement situation and the request for assistance will be discussed and a mutually agreeable approach to analysis determined. If, during preanalysis review, it is agreed that pertinent information requested has been furnished in prior unclassified analysis and audit reports, that this information is still valid, and that neither the APD/AFPRO nor the auditor can contribute any other significant information, the APD/AFPRO representative will advise the requesting ACO accordingly. In such cases, he will advise that a preanalysis review was held with the auditor, will reference the earlier reports and, where the earlier reports were prepared for activities other than the requesting APD/AFPRO, will attach information copies.

(2) *Contract administration functions.* Because there is no contractual agreement in existence between the Air Force and the subcontractor, actions that can be delegated to a secondary ACO are limited. No authority exists by which the secondary ACO can direct the subcontractor to take any action or by which he can make any unilateral determination concerning subcontract operations. Both primary and secondary ACOs must recognize these limitations and regulate their actions accordingly.

(i) Many ACOs assigned secondary administration of cost type subcontracts also have AF cost type prime contracts placed with the same contractor. The ACO, in his surveillance of the cost type subcontract, should assure that principles, systems, and procedures approved for the cost type prime contracts are being followed on the subcontract as well. In the case of contractors having no cost type prime contracts, surveillance of cost type subcontracts should be accomplished through frequent contacts by the secondary ACO and his supporting staff and, where appropriate, through utilization of the cognizant military auditor.

(ii) In any instance where the secondary ACO in his surveillance of a subcontractor's operations finds systems and procedures, etc., generating excess costs, an effort will be made to obtain corrective action by the subcontractor. If the subcontractor does not voluntarily take corrective action, the secondary ACO will promptly notify the prime ACO of all the facts together with his recommendations toward resolving the matter. The prime ACO would then require the prime contractor to take corrective action.

(iii) In the case of classified contracts, secondary ACOs delegated security matters will insure compliance by lower tier subcontractors with security directives pertaining to the contract and its performance.

(3) *Property administration functions.* The separate property administrator assigned a subcontract has the same authority and responsibility with respect to the subcontract as a property administrator assigned a prime contract. Normally, major subcontractors have adequate Government approved property control systems that govern other contracts already assigned property administrators. These control systems will be accepted as adequate to protect the Government's interest if they meet minimum requirements of §§ 30.2 or 30.3 of this title, as applicable. Coordination with prime contractor in this area is necessary. Since there is no contract in existence between the Air Force and the subcontractor, the separate property administrator must be cautious and assure that at no time is action taken which would in any way make the Air Force a party to the subcontract or usurp the responsibilities of the prime contractor. See paragraphs B–304, § 1030.2 or paragraph C–301(a), § 1030.3 of this chapter.

(4) *Production functions.* A secondary delegation for production surveillance on subcontracts should only be made if the nature of the product and urgency is such that Air Force attention is needed. The secondary production assignment should be precise and set forth exactly what is desired in order to be effective and avoid duplication of effort. The prime contractor is basically responsible for production surveillance and usually is furnished ample reports by the subcontractor in order to be able to anticipate difficulties and take corrective action. In delegating production surveillance on a subcontract, the secondary delegation will require the assigned production specialist to perform only such surveillance that will supplement the prime contractor's production surveillance program. Separate reporting requirements will not be imposed upon the secondary production specialist though he can be requested to verify such reports as are rendered to the prime contractor by the subcontractor.

NOTE: If no production reporting is required of the subcontractor by the prime contractor, the AFPRO at the prime contractor's plant will be so notified by the secondary production specialist.

(5) *Quality control functions.* Procedures for delegation and performance of quality control functions on subcontracts are set forth in Part 14 of this title and Part 1014 of this chapter, AFLCM 74–1, and AFLC regulations in the 74 series.

(6) *Termination functions.* The initial assignment of secondary responsibility under a subcontract will not contain a delegation of termination responsibilities; if deemed appropriate, at time of termination, the primary ACO (TCO) may assign such responsibilities under § 1008.208–4(f) of this chapter.

§ 1054.207 Intra-company transactions.

Company inter-plant relationships vary within a contractor's organization complex and from contractor to contractor. In some contractor organizations there may be found a strict uniformity throughout all of their plants and divisions, in others there are varying degrees of uniformity. Where the procedures are the same, ACO approvals made at the prime plant level can be used for all divisions. In the plants where there is a dissimilarity in operations it is difficult to arrive at firm, precise procedures that can be applied to

inter-divisional work. Consequently, the ACO at the prime contractor's plant must assure that procedures are established within the contractor's purchasing policies and procedures wherein he will be notified promptly of inter-divisional work orders that will transfer a substantial portion of the work to be performed to another location. The notification will be accompanied by copies of the work order or other document which assigns the work to another plant or division. These documents should contain a clear and definite statement of work assigned, including specifications where applicable, estimated or actual costs, delivery dates and any other pertinent information necessary to enable primary ACO to determine whether or not secondary administration is required and to what extent.

Subpart G—Contract Change Releases

Revise § 1054.703 to read as follows:

§ 1054.703 Use of Contract Change Releases.

(a) Types of inaccuracies that may be corrected by CCRs are:

(1) Incorrect or missing part or stock number on a complete article or spare part item.

(2) Error in transcribing a stock or part number on an item; that is, transposition of digits, omission of digits, improper decimals or prefixes.

(3) Improper nomenclature of an item.

(4) Subdivision of an existing item number. If subdivision of an existing item number necessitates subdivision of a delivery schedule and the ACO is unable to adjust the delivery schedule accordingly, the inaccuracy will be referred back to the buying and requirements activities for correction.

(b) CCRs will not be issued to authorize:

(1) Changes in design or fabrication methods.

(2) Contract corrections, the execution of which would result in price changes or changes in delivery schedules or time of performance of the contract involved (except as set forth in paragraph (a)(4) of this section).

(3) Shifting of articles from one contract item number to another.

(4) Assignment of a new contract item number.

(5) Increases or decreases in quantities.

(6) Correction of inaccuracies in quantities.

(7) Changes to approved spare parts exhibits which have not been formally executed by supplemental agreements.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart I—Wage and Salary Acceptance

§ 1054.911 [Deletion]

Delete § 1054.911.

Subpart J—Notice of Transfer of Procurement Responsibility for an Existing Contract

Subpart J is revised to read as follows:

Sec.
1054.1000 Scope of subpart.
1054.1001 Applicability of subpart.
1054.1002 General.
1054.1003 Correction of records.

AUTHORITY: §§ 1054.1000 to 1054.1003 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.1000 Scope of subpart.

This subpart prescribes procedures to be followed when the procurement responsibility on an existing contract transfers between: (a) AFLC AMAs/depots, (b) AFSC and AFLC activities, (c) AFSC activities, (d) AFSC/AFLC and other AF major commands, or (e) buying offices or individual buyers within the same buying activity.

§ 1054.1001 Applicability of subpart.

This subpart applies to central procurement activities within AFLC and AFSC.

§ 1054.1002 General.

When circumstances necessitate a transferral of the procurement responsibility for a contract, the activity from which the contract is being transferred will:

(a) Applicable to § 1054.1000 (a) through (d):

(1) Issue and distribute an administrative notice, designating the activity and its address to which the procurement responsibility is being transferred.

(2) Include in the notice, when appropriate:

(i) Change in transportation officer.

(ii) Change in allotment serial number and funding station number.

(3) Make distribution to all distributees of the contract.

(4) Assure that a copy of the notice is incorporated in the master contract file record and in the individual buyer file before they are transferred to the new procurement activity.

(b) Applicable to § 1054.1000(e);

(1) Send a letter of notification in triplicate to the AFCMD or AFPRO administering the contract, citing the applicable contract number and contractor's name, and state the buyer's name and organizational symbol assuming the procurement responsibility for the contract.

(2) Furnish a copy of the letter to the master contract record file and to the contract distribution activity.

(3) The ACO will forward a copy of the letter to the contractor and to the disbursing officer.

§ 1054.1003 Correction of records.

Recipients of the administrative notice set forth in § 1054.1002(a) and of the letter set forth in § 1054.1002(b) will correct their records accordingly.

Subpart O—Preparation and Issuance of Shipping Instructions

Subpart O is revised to read as follows:

Sec.
1054.1500 Scope of subpart.
1054.1501 Applicability of subpart.
1054.1502 Application.
1054.1503 Responsibilities.
1054.1504 Shipping instruction activities.
1054.1505 Contract administrative activities.
1054.1506 Initiators of AFPI Form 44.

AUTHORITY: §§ 1054.1500 to 1054.1506 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.1500 Scope of subpart.

This subpart sets forth procedures for preparing and issuing shipping instructions and amended shipping instructions.

§ 1054.1501 Applicability of subpart.

This subpart sets forth procedures for preparing and issuing shipping instructions and amended shipping instructions.

§ 1054.1502 Application.

(a) This subpart applies to movements of material and equipment, on contracts, from contractors' facilities to specified destinations, and pertains to:

(1) Contracts or purchase orders specifying shipping instructions to be issued later.

(2) Contracts or purchase orders containing no reference to shipping instructions and their issuance.

(3) Change of existing shipping instructions.

(4) Call or open contracts.

(5) Original and amended shipping instructions on AF procurement for the Navy, moving on AF bills of lading and not falling within the provisions of paragraph (b)(1) of this section.

(6) In cases of emergency only, items on letter contracts and notices of award and the methods of packaging thereof.

(7) Procedures relative to change of packaging occasioned by shipping instructions, and to release of Government routings or amended routings when supplies are procured f.o.b. carrier's equipment.

(b) The following are exceptions to the provisions of this subpart:

(1) AF contracts that include the following provisions and are written solely to procure material for the Navy.

(i) Original shipping instructions, if not contained in this contract, and amendments to existing shipping instructions for material on this contract may be issued direct to contractor by (unit symbol) of applicable Navy bureau and/or Navy office).

(ii) The contractor will request Government Bills of Lading and Routings (where contract provides for shipment f.o.b. carrier's equipment) from the transportation activity shown in contract schedule. Contractor will attach a copy of communications from (applicable Navy bureau or office) to AFLC Form 316, "Application for Government Bill of Lading."

(2) Shipping instructions for base procurement, as defined in § 1001.201–54 of this chapter.

(3) Shipping instructions for complete aircraft, missiles and target drones (excluding guided aircraft rockets) in Federal Supply Class 1410, 1510, 1520, and 1550, as listed in Appendix 9, AFLCR 23–1, will be issued by the Aircraft and Missiles Branch (MCSDD), Directorate of Supply, Hq AFLC, direct to AF plant representative office.

(4) Movement of all Government property (USAF) other than that material or equipment which is provided first movement transportation or the movement of material and equipment from plants of overhaul contractors to various destinations under the provisions of paragraph (a) of this section.

§ 1054.1503 Responsibilities.

(a) *Contracts executed at AFSC Aeronautical Systems Division.* (1) Contracting officers of Shipping Instructions Section (ASWGDE), will issue original and amended shipping instructions for GFAE end items and all other shipping instructions with the exception of those referred to in subparagraph (2) of this paragraph and paragraph (d) of this section.

(2) Designated contracting officers of the Inventory Manager (end article) will accomplish the following for property for which Directorate of Materiel Management has distribution and storage responsibilities:

(i) Issue original consolidated shipping instructions for items provisioned on exhibits and amendments under airframe and missile contracts.

(ii) Issue original and amended shipping instructions for all items provisioned under contracts for GFAE, except amended shipping instructions on contracts with aeronautical equipment manufacturers listed under paragraph (d) of this section.

(iii) When specifically directed by ASWGDE, issue original and amended shipping instructions on other AFSCASD executed contracts.

(3) Designated contracting officers of inventory management will issue amended shipping instructions for their respective supply classes, provisioned under airframe and missile contracts with the exception of those referred to in paragraph (d) of this section.

(b) *Contracts executed at AMAs or depots.* Designated contracting officers will issue original and amended shipping instructions (except amended shipping instructions referred to in paragraph (d) of this section) on: (1) Contracts executed at prime AMAs and depots, (2) contracts assigned for complete buying responsibility, and (3) other AFSCASD executed contracts as specifically directed by ASWGDE.

(c) *Contracts executed by AFSCBSD and AFSCESD.* (1) For property for which the Directorate of Material Management, AFLC AMA/Depot and 2709th AFVCG has distribution and storage responsibility:

(i) Designated contracting officers of the Inventory Manager (end article) will issue original consolidated shipping instructions.

(ii) Designated contracting officers of the Inventory Manager will issue amended shipping instructions, except those referred to under paragraph (d) of this section.

(iii) Contracting officers designated by BSD–ESD will issue original and/or amended shipping instructions for all other property procured on these contracts.

(d) *Administrative contracting officers of certain AFPROs.* Administrative contracting officers of the following listed AFPROs are authorized to: (1) Issue amended shipping instructions upon receipt of AFPI Form 44, "Request for Issuance of Shipping Instructions," from inventory manager on other aircraft-missile contracts, depot executed contracts, and/or contracts assigned for complete buying and/or shipping instructions responsibility, (2) make whatever changes are deemed necessary in the AFPI Form 44 before issuing the shipping instructions, and (3) notify requester of changes made.

Lockheed Aircraft Corp., Burbank, Calif.
North American Aviation, Inc., Los Angeles, Calif.
Douglas Aircraft Co., Inc., Santa Monica, Calif.
NORAIR Division, Northrop Corp., Hawthorne, Calif.
Convair Division, General Dynamics Corp., San Diego, Calif.
Convair Division, General Dynamics Corp., Fort Worth, Tex.
Republic Aviation Corp., Farmingdale, L.I., N.Y.
Boeing Company, Wichita, Kans.
Boeing Company, Seattle, Wash.
Allison Division, General Motors Corp., Indianapolis, Ind.
General Electric Co., Lockland Branch, Cincinnati, Ohio.
Hughes Aircraft Co., Culver City, Calif.

§ 1054.1504 Shipping instruction activities.

(a) Shipping instructions may be issued by teletypes, telegrams, letters, and telephone calls by authorized personnel according to § 1054.1503. Shipping instructions furnished by means of telephone calls will be treated as formal instructions prior to receipt of written information. Contracting officers who are responsible for issuing shipping instructions will expedite written confirmation.

(b) Contracting officers responsible for issuing shipping instructions will issue Government routings or amended routings to contractors for supplies procured f.o.b. carrier's equipment at the request of cognizant transportation officer.

(c) Amended shipping instructions against open or call contracts will quote applicable production list or call number.

(d) Cancellation of items, reduction of quantities, or a substitution of items listed on calls may not be made pursuant to this subpart.

(e) Minimum information to be included in shipping instructions:

(1) Date and serial number.

(2) Prime contractor's name and address.

(3) Complete contract number including purchasing activity code, and (if applicable), number of supplemental agreement, change order, contract change notification, amendment, exhibit, call, or production list.

(4) Federal Supply Class and identity of affected items.

(5) Complete destination, including accountability.

(6) Deduction point (if applicable).

(7) Markings for packages.

(8) Type of packing and packaging.

(9) Distribution of shipping instructions.

(10) Signature of contracting officer.

(11) Distribution of DD Form 250 to monitoring activities (if applicable).

(f) Requirement schedules for material at destination, or order of shipment desired may be incorporated in the shipping instructions, or may be forwarded by wire or letter, without clearing through the contracting officer issuing shipping instructions. If incorporated in the shipping instruction, they may be changed by the component responsible for property distribution without issuance of amended shipping instructions when the total quantity for shipment to specific destinations remains as specified in the shipping instructions. Nothing contained herein authorizes the modification of contract delivery schedules through administrative action.

(g)(1) Changes in packaging will be incorporated into shipping instructions by: (i) Transferring the pertinent packaging data to an MCP 71–163 (reproducible master) and indicating in the shipping instructions that packing and packaging will be according to attached MCP 71–163 or (ii) including the pertinent detail onto the shipping instructions master, appropriately identified as "Packing" and "Packaging." When MCP 71–163 (reproducible master) is used, all copies of shipping instructions distributed will have attached the appropriate packing and packaging instructions.

(2) The opinion stated by the packaging control officer as to increase and/or decrease in packaging costs of the contract will be suitably annotated on copies of the shipping instructions which are routed to the administrative contracting officer and on the record copy.

(h) Copies of shipping instructions will be distributed according to requirements of activities and will include copies for office of contract administration; three copies for initiator; one copy for the monitoring activity; one copy for consignee of the shipment, unless consignee is an MAP recipient country. When amended shipping instructions are issued on a contract which provides for acceptance at destination, internal procedures will be established between the issuing office and the applicable contract distribution office to insure that the consignee specified in the shipping instructions (except when consignee is another contractor) is furnished a copy of the applicable contract and appropriate changes. A copy of shipping instructions making packaging changes, and of all amended shipping instructions

on f.o.b. destinations deliveries will be routed to the cognizant administrative contracting officer by separate distribution from that of other copies forwarded to administrative activities.

§ 1054.1505 Contract administrative activities.

Contract administrative activities will:

(a) Cause release of shipments from contractors' plants according to existing shipping instructions, including shipping instructions furnished by telephone. When applicable, the order of assigned priority will be followed and shipments within the same triangle priority will be determined by date of the instruction.

(b) If not otherwise specified, disposition of odd quantities of items, resulting from percentage shipping instructions, including those in contracts will be to the inventory manager.

(c) Obtain from the contractor a proposal for contract price adjustment for changed packaging requirements, or, in the case of f.o.b. destination procurements, for changed destinations resulting from amended shipping instructions, ACOs will review all amended shipping instructions on a periodic, consolidated basis (at least once a year or whenever the net adjustment resulting from packaging or destination charges exceeds $5,000) and at the completion of contract. Except where the ACO has pricing responsibility according to § 1001.457(a)(12) and Subpart D, Part 1055 of this chapter, the ACO will forward the proposal for price change with his recommendation to the procuring contracting officer for contract amendment. The ACO will not delay shipment according to the revised shipping instructions pending completion and formalization of negotiations.

§ 1054.1506 Initiators of AFPI Form 44.

(a) When original or amended shipping instructions are required to be issued, initiators of procurement or activities responsible for property distribution will carefully prepare AFPI Form 44, "Request for Issuance of Shipping Instructions," in duplicate and direct it as necessary to comply with § 1054.1503. Where urgency requires, shipping instructions may be requested by telephone or electrically transmitted messages. If requested by telephone, a confirming AFPI Form 44 will be forwarded to the shipping instruction activity within 24 hours. Electrically transmitted requests will state "Request Shipping Instructions" or "Amended Shipping Instructions" and be arranged in paragraph form, each paragraph prefixed by the same number as the equivalent block on AFPI Form 44.

(b) Transportation officers will accomplish AFLC Form 354A, "Transportation Instructions," as an attachment to AFPI Form 44, specifying the number of items, or the extent to which the routings apply, when requesting issuance of Government Routing Instructions.

(c) All AFPI Forms 44 initiated for providing destination or change of destination for supplies procured f.o.b. carrier's equipment will be routed through the cognizant transportation officer for attachment of AFLC Form 354A covering the items for which shipping instructions are being requested.

(d) If packaging required by the contract must be revised when requesting shipping instructions, the AFPI Form 44 must be routed to the cognizant packaging control officer for inclusion of revised packaging instructions. AFLC Form 163, "Preservation, Packaging, and Packing Requirements," may be used for this purpose, or the packaging control officer may indicate on AFPI Form 44 the pertinent packaging data by rubber stamp with appropriate information checked as described in AFLCM–71–1. The packaging control officer will state on AFPI Form 44, by stamp or otherwise, whether packaging costs included in the contract price will be changed by the revised packaging instructions.

(e) When distribution is controlled by Directorate of Materiel Management, AMA/Depot, each AFPI Form 44, initiated to request amended shipping instructions, will:

(1) Include applicable supply priority except AFPI Forms 44 covering instructions for:

(i) Direct shipments to storage sites.

(ii) Shipments to be made in order of priority listed.

(iii) Shipments to be made following the completion of shipping instructions on hand which carry a priority rating, 1 through ------ priority.

(2) Be limited to: (i) Requirements bearing triangle priorities 1, 2, 3, 6, 7, 8, and on which the contract authorizes or requires delivery within 45 days after release of shipping instructions, (ii) items which because of bulk or weight can be more economically shipped to final destination, or (iii) changes in destination brought about through transfer of storage and distribution responsibility.

(f) When copies of DD Form 250 are required by monitoring activities assigned to special projects (other than prime inventory management), the activity will be identified as a monitoring activity (insert complete address) and a requirement stated on AFPI Form 44 for mailing of desired number of copies of DD Form 250.

(g) AFPI Forms 44 which refer to a previous request for shipping instructions will state the shipping instruction number (where known), the reference number of the previous request.

Subpart R—Renegotiation Board Inquiries

1. Revise § 1054.1802 to read as follows:

§ 1054.1802 Responsibility and procedures.

(a) The Renegotiation Board will secure procurement and contract information directly from the source of information, i.e., AFSC and AFLC field procurement activities, AFCMDs, AFPROs, and from the headquarters of other major commands. The Board may, if it deems necessary, contact the appropriate contract management region having surveillance of the AFCMDs, AFPROs, TSOs, or Hq AFSC (ASXKKC), Wright-Patterson AFB, Ohio, for information.

(b) The Commanders of AFSC and AFLC field procurement activities, chiefs of AFCMDs and AFPROs, commanders of contract management regions and major commands will designate an individual to monitor requests from the Renegotiation Board. The individual's name and office identification will be furnished to Hq AFSC (ASXKKC). The monitor will insure receipt of adequate information by the Renegotiation Board. The checklists of questions set forth in § 1054.1804 will be used as guides in furnishing information to the Board.

§ 1054.1804 [Amendment]

2. In § 1054.1804(a), Section IA, change the word "precisions" to "precision", and in Section IIIB, change the word "as" to "at."

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart U—Work Request Procedures for Over and Above Work on Maintenance, Overhaul and Modification Contracts

Subpart U is revised to read as follows:

Sec.
1054.2100 Scope of subpart.
1054.2101 Applicability of subpart.
1054.2102 Definition.
1054.2103 Use of work requests.
1054.2104 Processing of work requests.

AUTHORITY: §§ 1054.2100 to 1054.2104 issued under sec. 8012, 70A Stat. 488: 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.2100 Scope of subpart.

This subpart concerns responsibilities and procedures for processing and approval of: (a) Work requests; inseverable and (b) work requests; severable, issued pursuant to the Work Request clause (see § 1007.4065 of this chapter).

§ 1054.2101 Applicability of subpart.

This subpart applies to contract management regions, AMC field procurement activities, and air materiel forces.

§ 1054.2102 Definition.

(a) *Work request; inseverable.* An order for supplies or services so inseverable from the basic end item of work that failure to perform by the contractor would preclude performance of the basic work contemplated by the contract. For procedural reasons, the inseverable items of work require the issuance of work requests by the administrative contracting officer prior to performance by the contractor, even though the contract provides that the contractor is obligated to furnish the items and the Government obligated to order such item, if the requirement arises. Obligations for these items are recorded at the time the basic contract is definitized. The work request—inseverable is merely an administrative action by the contracting officer identifying and pricing the work to be performed. Example: Authorization to provide parts required to overhaul the basic end item when the Government is unable to furnish same as GFP.

(b) *Work request—severable.* An order for supplies or services, the nature of which could not be determined at the inception of the contract, and wherein failure to furnish the supplies or perform these services would not preclude the contractor from performing the basic contract task. Obligations will be recorded at the time of issuing work requests—severable.

§ 1054.2103 Use of work requests.

(a) *Work request; inseverable.* This type of work request will be used to cover only indefinite quantity items which meet all of the following conditions: (1) Are so inseverable from the basic end item that failure to perform the indefinite quantity item would preclude performance of the basic work contemplated by the contract, (2) the contract provides that the contractor is obligated to furnish the indefinite quantity item and the Government obligated to order such item, if the requirement arises, (3) the estimated cost of the indefinite quantity item is a bona fide estimate with factual support based on experience, and (4) the indefinite quantity item relates to an end item that is definite in quantity.

(b) *Work request; severable.* This work request procedure is properly applicable only to items of work, over and above that work which is required to fulfill the basic purpose of the contract, and for which the Government has no obligation to place an order. This procedure will not be used to effect new procurement that should be the subject of a separate contract. Work requests—severable will not be used as a substitute for or in lieu of issuing supplemental agreements, CCNs, calls, or other contractual documents.

(c) Unless otherwise provided in the contracts, the administrative contracting officer (ACO) is the only individual authorized to issue a work request, however, the ACO is not authorized to issue a work request unless:

(1) The contract contains work request clause which permits issuance of work requests.

(2) There has been a complete review of the necessity for the work request and it has been determined that such work is necessary and was contemplated by the contract.

(3) A final price has been negotiated between the contractor and ACO, except where the contract authorizes commencement of the work prior to arrival at firm prices.

(4) Sufficient and proper funds are determined to be available.

§ 1054.2104 Processing of work requests.

(a) Work requests will be in writing, serially numbered, dated, and bear the number and description of aircraft, engines, components, etc., affected. Work requests will also indicate unit and total prices to be paid (except when issued according to § 1054.2103(c)(3)) and period of performance. Separate work requests will be issued for severable and inseverable items of work. In addition, work requests; severable will contain correct citation of funds from which payment will be made. The ACO will maintain files containing all work requests issued, as well as supporting data showing coordination of interested offices and contractor's acceptance.

(b) The work request—severable will be used as an obligating document.

(c) The ACO should develop internal procedures that will indicate that the factors listed below and other appropriate factors have been considered at the time of issuance of the work request:

(1) The quantity to be reworked is required.

(2) The delivery schedule is realistic and the effective point has been ascertained.

(3) Man-hours and material required are fair and reasonable.

(4) Necessary specifications or technical directives are available.

(5) Whether all GFP received for repair has been listed on the work request.

(6) Whether reparables received are being placed on work requests.

(7) Whether all GFP listed on the work request is physically on hand and input from an appropriate source.

(8) Fairness and reasonableness of the unit and total price. The above items, to be considered when reviewing work requests, are a guide only, and the ACO will conduct his review to the extent and in such a manner as to assure that the work request to be issued, is in the best interests of the Government and contractually covered.

(d) Work requests will be distributed according to § 1053.606 of this chapter.

Subpart CC—Processing of Claims Under Cost-Reimbursement Type Contracts

§ 1054.2911 [Amendment]

In § 1054.2911, the heading is amended to read "Completion voucher or completion invoice," and in line 7 the word "shall" is changed to "will."

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart DD—Administration of Base Procurement Contracts

1. In § 1054.3004(a), revise subparagraph (1)(iii) as follows; and in subparagraph (2)(ii)(b) change the reference to read: "§ 1016.303–51."

§ 1054.3004 Contract administration procedures.

(a) * * *

(1) * * *

(iii) When a review of a contract file fails to indicate evidence of shipment (f.o.b. origin) or delivery (f.o.b. destination) by the suspense date, the receiving component will be contacted by telephone and if they verify nonreceipt of the material: (*a*) File will be identified as a delinquent file; and (*b*) the contractor will be promptly notified of delinquent delivery. An f.o.b. origin file containing a notice, indicating shipment will be made after the scheduled delivery date, will also be identified as a delinquent file. This notification may be accomplished by AFPI Form 92, "Notice of Contract Delinquency," individually typed letter, or orally. Reproduced form letters will not be used for this notification. A copy of the written notification or, in cases of oral notification, a written memorandum of the conversation will be placed in the contract file. Whether notification is written or oral, care must be exercised to clearly indicate to the contractor that this notification is merely for the purpose of ascertaining the reason for the delinquency so that the Government can determine the appropriate action to be taken and in no way is intended to waive any of the rights or remedies which the Government may have by law or under the contract; and, (c) file will be resuspended for further action not more than 10 days when initial inquiry is made by telephone and not more than 10 days plus estimated transmittal time if written inquiry has been made.

2. Revise § 1054.3005 to read as follows:

§ 1054.3005 Contract modifications.

(a) *Supplemental agreements.* See § 1.201–19 of this title.

(b) *Change orders.* See § 1.201–1 of this title.

(c) *Modification to contracts.* (1) Any change required which is outside the scope of the provisions of the contract and may affect the price, terms, quantity, or other conditions of the contract will be effected with the use of DD Form 1320, "Supplemental Agreement." The contractor has no authority to proceed with performance of work contemplated by the change nor does the Government have authority to direct the contractor to proceed with performance of work contemplated by the change until the Supplemental Agreement is fully executed and all necessary approvals obtained.

(2) Any change required which is within the scope of the provisions of the contract but time is of the essence not permitting negotiations of an adjustment in price or delivery will be directed by the use of DD Form 1319, "Change Order." At the earliest possible time after issuing the DD Form 1319, negotiations will be conducted to establish an adjustment in price or delivery schedule for the directed change. Such mutual agreement will be reflected on DD Form 1320. Where mutual agreement proves impossible, the contracting officer will prepare and process a findings and decision under the disputes clause according to § 1.314 of this title and § 1001.314 of this chapter.

(4) The contracting officer is responsible for negotiating a fair and reasonable price adjustment for any change made to a contract whether the change is authorized by the provision of the contract or represents a new procurement outside of the scope of the provision of the contract. Records of each

negotiated change will be maintained in the contract file according to § 1003.103 (b) of this chapter. Minimum records to be maintained for each modification to a construction contract will be:

(i) A price breakdown of the estimated cost (increase or decrease) of the contemplated change, prepared by the civil engineer, and submitted with the AF Form 9, "Purchase Request," for the change required. The estimated cost (actual costs will be shown to the extent available) will be broken down to reflect material costs, labor costs, other costs, and profit.

(ii) Contractors proposal with supporting price breakdown showing materials cost, labor costs, other costs, and profit.

(iii) Memorandum of price negotiation as required by § 1003.811 of this chapter.

(d) *Modification of Purchase Orders, DD Form 1155.* A purchase order issued on DD Form 1155 is an offer (unilateral action) only and therefore is not a binding contract between the parties until it is accepted by the vendor either in the form of a signed acceptance (DD Form 1155s) or by the commencement of performance under the order.

(1) When order has been accepted, changes when required will be issued pursuant to instructions in paragraph (c) of this section.

(2) When acceptance has not been received, one of the following courses of action will be taken:

(i) If vendor refuses to accept order and the reasons for nonacceptance cannot be determined or established, the order will be canceled by letter to the vendor outlining this failure to furnish written acceptance (perform under the order). This letter will be distributed to all recipients of the order.

(ii) If vendor refuses to accept the order and submits a counter-offer to the Government which affects the price, terms, quantity, or quality established on the initial order, automatic modification of the order to reflect the counter-offer is not authorized. The counter-offer must be evaluated on the same basis as an additional quotation received for the requirement before award.

(a) If the counter-offer is no longer the most advantageous to the Government, the order will be canceled by letter as indicated in subparagraph (2) (i) of this paragraph and a new order will be issued to the vendor whose quotation is most advantageous to the Government.

(b) If the counter-offer is still the most advantageous received for the requirement, the purchase order will be modified by DD Form 1319 to reflect the new price, terms, quantity, or quality in the counter-offer. The recital on the form which reads: "Pursuant to the 'Changes' clause --------" will be changed to read: "Pursuant to vendor's letter dated --------"

(e) *Modification of Delivery Orders, DD Form 1155.* When changes are required to delivery orders, such changes will be accomplished according to the terms of the basic contract and paragraph (c) of this section.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

For the Secretary of the Air Force.

M. R. TIDWELL, Jr.,
Major General, U.S. Air Force, The Assistant Judge Advocate General, United States Air Force.

[F.R. Doc. 62-4846; Filed, May 18, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Yellow Mill Channel, Conn., and Atlantic Ocean Off Cape Canaveral, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.130 governing the operation of certain bridges over Poquonock River, Yellow Mill Channel and Johnsons River, Connecticut is hereby amended to omit the Yellow Mill Highway Bridge and § 203.131 is hereby amended to include the Yellow Mill Highway Bridge across Yellow Mill Channel at Stratford Avenue, Bridgeport, Connecticut, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.130 Poquonock and Johnsons Rivers, Conn.; bridges (highway and railroad) at Bridgeport.

(a) The regulations in this section are prescribed to govern the opening of certain drawbridges in the city of Bridgeport, Connecticut:

Poquonock River:
Stratford Avenue Highway Bridge.
New York, New Haven and Hartford Railroad Bridge.
Congress Street Highway Bridge.
East Washington Avenue Highway Bridge.
Johnsons River:
Pleasure Beach Highway Bridge at end of Seaview Avenue.

(b) *The signals.* (1) The signals for opening the draws of the bridges shall be given by blast of a horn or steam whistle as follows:

For Stratford Avenue Highway Bridge, one long and one short blast.
For New York, New Haven and Hartford Railroad Bridge, three short blasts.
For Congress Street Highway Bridge, four short blasts.
For East Washington Avenue Highway Bridge, one long and two short blasts.
For Pleasure Beach Highway Bridge, one long and one short blast.

* * * * *

(c) *The regulations.* * * *

(2) Exceptions: Closed periods when the draws of the above highway bridges over the Poquonock River need not be opened:

* * * * *

(4) There shall be conspicuously posted on both the upstream and downstream sides of the bridges in a manner that it can readily be read at any time a copy of the regulations of this section; a notice shall also be posted at the Stratford Avenue Bridge over the Poquonock River stating exactly how the Superintendent of Bridges, or his authorized representative, specified in subparagraph (2) (iii) of this paragraph may be reached.

§ 203.131 Poquonock River, Grand Street Highway Bridge and Yellow Mill Channel, Yellow Mill Highway Bridge at Stratford Avenue, Bridgeport, Conn.

* * * * *

[Regs., May 7, 1962, 285/111-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.85 (formerly § 204.82a) governing the use and navigation of a danger zone in the Atlantic Ocean off Cape Canaveral, Florida, is hereby amended with respect to paragraph (b) to change the warning signals, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.85 Atlantic Ocean off Cape Canaveral, Fla.; Air Force Missile Testing Area, Patrick Air Force Base, Fla.

* * * * *

(b) *The regulations.* (1) All unauthorized vessels are prohibited from operating within the danger zone during firing periods to be specified by the Commander, Air Force Missile Test Center, Patrick Air Force Base.

(2) Warning signals will be used to warn vessels that the danger zone is active. These signals will be in the form of a large red ball and a red flashing high intensity beacon. One signal will be located on a 90-foot pole near the shoreline at the north end of the danger zone, and one signal will be located on a 90-foot pole near the shoreline about one-half mile north of the south limit of the danger zone. An amber rotating beacon and warning sign will be erected on the north side of the Port Canaveral ship channel to indicate to vessels about to leave the harbor that the danger zone is in use.

(3) When the signals in subparagraph (2) of this paragraph are displayed, all vessels, except authorized patrol vessels, will immediately leave the danger zone by the most direct route and stay out until the signals are discontinued.

* * * * *

[Regs., May 8, 1962, 285/111-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

JULIAN A. WILSON,
Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 62-4847; Filed, May 18, 1962; 8:45 a.m.]

PART 207—NAVIGATION REGULATIONS

Ice Harbor Dam Navigation Lock and Approach Channels, Snake River, Wash.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.716 is hereby prescribed governing the use, administration, and navigation of the Ice Harbor Dam Navigation Lock and Approach Channels, Snake River, Washington, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.716 Ice Harbor Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation.

(a) *General.* The lock and its approach channels, and all its appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, United States Army, in charge of the locality. His representative at Ice Harbor Dam shall be the Project Engineer, who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the lock official in immediate charge of the lock at any given time. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. It shall be the duty of the Project Engineer to establish lines of succession for the men operating the lock on all shifts in order that in case of absence or accident to the designated lock master, one of his assistants will immediately assume the position of lock master.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Sound.* All craft desiring lockage shall signal by two long and two short blasts of their whistle, delivered at a distance of one-half mile from the lock. When the lock is ready for entrance, notice will be given by one long blast. Permission to leave the lock will be given by one short blast.

NOTE: Signal stations are provided at the upstream and downstream guide walls for use of small craft not equipped with signal equipment.

(2) *Visual.* Visual signals are located outside each lock gate and will be used in conjunction with the sound signals. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock cannot be made ready immediately and the vessel shall stand clear.

(3) *Radio.* The lock is equipped with two-way radio operating on frequencies of 2784 and 2182 kc. These frequencies are monitored by the lock master. Vessels equipped with two-way radio may communicate with the crew operating the lock but communications or signals so received will only augment and not replace the sound and visual signals.

(e) *Permissible dimensions of boats.* The lock chamber is 86 feet wide by 664.5 feet long in the clear. Single tows aggregating 650 feet or less in length will be permitted to lock through without disassembly. At normal pool elevation of 440 feet above m.s.l., the depth of water over the upstream gate sill will be 18 feet. The upstream sill elevation is 422 feet m.s.l. The depth of water over the downstream gate sill will depend upon the flow in the river but will usually exceed 19 feet when McNary Pool is at 340 feet m.s.l. The downstream gate sill elevation is 321 feet m.s.l. Gauges are located on the guide walls at each end of the lock and on the lock walls at each end. These gauges indicate water surface elevations in feet above m.s.l. Depth of water over the sills should be calculated before entrance into the lock. A craft must not attempt to enter the lock if its beam and length are greater than the above-indicated dimensions or if its draft exceeds the calculated depth over the sills with adequate allowances for safe clearances.

(f) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock master if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several boats are to pass, precedence shall be given as follows:

First. Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second. Freight and tow boats.
Third. Rafts.
Fourth. Passenger boats.
Fifth. Small vessels and pleasure craft.

(g) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(i) *Speed.* Vessels shall not be raced or crowded alongside another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(j) *Lockage of small boats*—(1) *General.* The lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft, other than barges handling petroleum products or highly hazardous materials. If no commercial craft are scheduled to be locked through within a reasonable time not to exceed one hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(2) *Signals.* Signal stations which are connected to a bell located at the lock are located on the upstream and downstream guidewalls to provide facilities for small boats to notify the lock master they desire lockage. The upstream station is located near the upstream end of the north guidewall. The downstream station is located on the north guidewall about 400 feet below the gate. Small boats desiring to use the lock will sound two long and two short rings of the bell for upstream lockage and two long and three short rings for downstream lockage. When the lock is ready for entrance, the lock master will notify the small boat by one long blast of the horn. Permission to leave the lock will be given by one short blast of the horn. The boat will wait at the signal station until the lock master signals to enter.

(k) *Mooring in lock.* All boats, rafts, and other craft when in the locks shall be moored by head and spring lines and such other lines as may be necessary to the fastenings provided for that purpose, and the lines shall not be released until the signal is given for the vessel to leave the lock. (Do not moor to stationary bits or ladders.)

(l) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation through the lock is prohibited. Rafts to be passed through the lock shall be moored so as not to interfere with the navigation through lock or its approaches, and, if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance so as not to obstruct or interfere with navigation through the lock and approaches.

(m) *Waiting for lockage.* Boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or, contingent upon prior radio clearance of the lock master, may at their own risk lie inside the 250-foot approach channel alongside the north shore, provided that a 150-foot-wide open channel is maintained between the boat or tow and the offshore guidewall. Vessels waiting upstream of the dam for lockage may lay to against the offshore floating guidewall provided they remain not less than 400 feet upstream of the upstream lock gate. In either event, a clear channel not less than 150 feet wide shall be kept open to accommodate passing traffic.

(n) *Delay in lock.* Boats or barges must not obstruct navigation by un-

necessary delay in entering or leaving the lock.

(o) *Damage to lock or other structures.* The regulations contained in this section shall not affect the liability of the owners and operators of vessels for any damage by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces which may damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(p) *Tows.* Persons in charge of vessel towing a second vessel or barge by lines, shall take the second vessel or barge alongside at a distance of at least 300 feet from the lock gate toward which the vessel is approaching and keep it alongside until at least 300 feet clear of the gate at the end from which it is departing.

(q) *Crew to move craft.* The masters in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock easily and promptly.

(r) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock, but the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the men so employed shall be strictly under the orders of the lock master. Masters of boats refusing to give such assistance when it is requested of them may be denied the use of the lock by the lock master.

(s) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock. Freight and baggage consigned to Ice Harbor Project shall be landed only at such places as are designated by the lock master or his assistants.

(t) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall make to the lock master such written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock master.

(v) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations of this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect Government property and works in the vicinity of the lock.

(w) *Restricted areas.* (1) All the waters described in subparagraphs (2) and (3) of this paragraph are restricted to all boats except those of the United States Coast Guard and Corps of Engineers.

(2) All of the waters downstream of the dam which are bounded on the east by the dam, on the north by the guidewall, on the south by the shore of the river, and on the west by a line approximately one-fourth mile downstream of the dam, the north end of which is indicated by the downstream end of the guidewall and on the south by the downstream transmission line tower.

(3) All waters within a distance of about 2,400 feet above the dam lying south of the navigation channel leading to the lock. This restricted area is marked by a line of buoys extending 1,800 feet upstream from the end of the floating guidewall, and thence, across the river to the south shore.

[Regs., May 2, 1962, 285/112 (Snake River, Wash.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-4848; Filed, May 18, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 260—INSPECTION AND CERTIFICATION

Fees and Charges

On page 2156 of the FEDERAL REGISTER of March 6, 1962, there was published a notice and text of proposed amendments to part 260 of Title 50, Code of Federal Regulations. The purpose of these changes is to achieve a higher degree of uniformity in the assessment of fees and the method of charging for inspection services rendered under the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)). The amounts are deemed to be necessary to offset the normal costs to the Bureau of Commercial Fisheries for rendering such inspection service.

Interested persons were given until April 6, 1962, to submit written comments, suggestions, or objections with respect to the proposed changes. Two comments were received and considered and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective June 1, 1962.

Dated: May 14, 1962.

STEWART L. UDALL,
Secretary of the Interior.

1. Section 260.69 is amended to read as follows:

§ 260.69 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service, performed pursuant to the regulations in this part, shall be paid by check, draft, or money order made payable to the Bureau of Commercial Fisheries. Such check, draft, or money order shall be remitted to the appropriate Regional or Area office serving the geographical area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

2. Section 260.70 is amended to read as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be in accordance with the applicable provisions of §§ 260.70 to 260.79.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Continuous inspection.*

	Per hour
Regular time	$4.20
Overtime	5.00

Applicants shall be charged at an hourly rate of $4.20 per hour for regular time and $5 per hour for overtime in excess of 40 hours per week for services performed by inspectors assigned to plants operating under continuous inspection. Applicants shall be billed monthly at a minimum charge of 8 hours per working day plus overtime, when appropriate, for each inspector. A minimum yearly charge of 260 days will be made for each inspector permanently assigned to each plant.

(2) *Lot inspection—officially and unofficially drawn samples.*

For lot inspection services performed between the hours of 7:00 a.m. and 5 p.m. of any regular workday—$6 per hour.

For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$9 per hour.

For lot inspection services performed on Saturday, Sunday, and National legal holidays—$9 per hour.

The minimum fee to be charged and collected for inspection of any lot of product shall be $3.

(c) Fees to be charged and collected for lot inspection services furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector, or inspectors, in connection therewith, at the rate of $6 per hour for each inspector, except as provided in paragraph (b)(2) of this section.

3. Section 260.71 is amended to read as follows:

§ 260.71 Inspection services performed on a resident basis.

Fees to be charged and collected for any inspection service, other than appeal inspection, on a resident basis shall be those provided in § 260.70 and shall include such items as listed in this section as are applicable. The fees to be charged for appeal inspections shall be as provided in § 260.74.

(a) A charge for per diem and travel costs incurred by any inspector whose services are required for relief purposes when the regular inspector is on annual, sick, or military leave: *Provided*, That, with regard to military leave, charges for per diem and travel costs incurred by a relief inspector shall not exceed 15 days per calendar year.

(b) A charge to cover the actual cost to the Bureau of Commercial Fisheries of the travel (including the cost of movement of household goods and dependents), and per diem with respect to each inspector who is transferred (other than for the convenience of the Bureau of Commercial Fisheries), from an official station to the designated plant.

(c) A charge of $6 per hour plus actual costs to the Bureau of Commercial Fisheries for per diem and travel costs incurred in rendering services not specifically covered in this section; such as, but not limited to, initial plant surveys.

4. Section 260.72 is amended to read as follows:

§ 260.72 Fees for inspection service performed under cooperative agreement.

The fees to be charged and collected for any inspection or similar service performed under cooperative agreement shall be those provided for by such agreement.

5. Section 260.73 is amended to read as follows:

§ 260.73 Disposition of fees for inspections made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted in accordance with § 260.69.

§ 260.75 [Deletion]

6. Section 260.75 is deleted.

7. Section 260.76 is amended to read as follows:

§ 260.76 Charges based on hourly rate not otherwise provided for in this part.

When the appropriate Regional or Area Director determines that any inspection or related service rendered is such that charges based upon the foregoing sections are clearly inapplicable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $6 per hour.

8. Section 260.81 is added:

§ 260.81 Readjustment and increase in hourly rates of fees.

The hourly rates of fees to be charged for inspection services will be subject to review and reevaluation for possible readjustment not less than every 3 years: *Provided*, That, the hourly rates of fees to be charged for inspection services will be immediately reevaluated as to need for readjustment with each Federal pay act increase.

[F.R. Doc. 62-4854; Filed, May 18, 1962; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of May 16, 1962]

M-11A—COPPER AND COPPER-BASE ALLOYS

Revision of Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment makes changes in Revised Schedule A of February 1, 1962, to BDSA Order M-11A, as amended December 18, 1956. It applies to authorized controlled material orders calling for delivery after June 30, 1962, and provides revised set-aside percentages for copper controlled material products.

Schedule A to BDSA Order M-11A is hereby further amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-Aside Percentages

(See sec. 6(f) of BDSA Order M-11A)

Base Period—Calendar Year 1960

(See sec. 2(o) of BDSA Order M-11A)

Product	Percentage for orders calling for delivery after June 30, 1962[1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	8
Rod, bar, shapes, and wire	7
Seamless tube and pipe	(2)
Alloyed:	
Plate, sheet, strip, and rolls	3
Rod, bar, shapes, and wire	5
Seamless tube and pipe	20
Military ammunition cups and discs	(2)
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	5
Weatherproof	5
Magnet wire	5
Insulated building wire	5
Paper and lead power cable	5
Paper and lead telephone cable	5
Asbestos cable	5
Portable and flexible cord and cable	5
Communications wire and cable	5
Shipboard cable	5
Automotive and aircraft wire and cable	5
Insulated power cable	5
Signal and control cable	5
Coaxial cable	5
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	3
Copper foundry products	(2)
Unalloyed copper powder mill products	(2)
Copper-base alloy powder mill products	(2)

[1] Schedule A revised as of February 1, 1962, to BDSA Order M-11A, as amended December 18, 1956, applies to orders calling for delivery prior to July 1, 1962.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, 74 Stat. 282; 50 U.S.C. App. 2154, 2166)

This revised schedule shall take effect May 16, 1962.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 62-4857; Filed, May 18, 1962; 8:46 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 45]

CITY DELIVERY

Apartment House Mail Receptacles; Proposed Specifications for Construction

In Federal Register Document 62-4678, appearing at page 4596 of the issue for Tuesday, May 15, 1962, the effective date of the "Note" following the first sentence of subdivision (i) of subparagraph (3) under proposed amendment "2" to § 45.6(b) is corrected to read: "January 1, 1963".

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-4871; Filed, May 18, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 1]

PUBLIC ROADS IN AREAS OF THE NATIONAL PARK SYSTEM

Proposed Limitations on Speed

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.42 as set forth below. The purpose of the amendment is to provide the superintendents of all areas of the National Park System, except national cemeteries, national capital parks, and national recreation areas with authority to post speed limits on all public roads up to and including a maximum of 45 miles per hour.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Subparagraph (3) of paragraph (a) of § 1.42 is amended to read as follows:

§ 1.42 Limitations on speed.

(a) Limitations on speed of vehicles except in emergencies as provided in paragraph (b) of this section are as follows:

* * * * *

(3) 45 miles per hour upon all public roads except when official signs are posted indicating a lesser speed limit.

STEWART L. UDALL,
Secretary of the Interior.

MAY 14, 1962.

[F.R. Doc. 62-4855; Filed, May 18, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1131]

[Docket No. AO-271-A5]

MILK IN CENTRAL ARIZONA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Arizona, on February 14-15, 1962, pursuant to notice thereof issued on January 24, 1962 (27 F.R. 832).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, on April 20, 1962 (27 F.R. 3923; F.R. Doc. 62-4050) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 3923; F.R. Doc. 62-4050) are hereby approved and adopted and are set forth in full herein subject to the following modifications: Under issue 3 the first word of the first sentence is changed and two paragraphs are added at the end of the findings on this issue.

The material issues on the record of the hearing relate to:

1. Marketing area;
2. Definition of producer-handler;
3. Pricing of milk used in cottage cheese;
4. Classification of milk disposed of to commercial food establishments;
5. Classification of milk solids used to fortify fluid milk products;
6. Basic butterfat content;
7. Basic formula price;
8. Class I milk price;
9. Butterfat differentials;
10. Location differentials;
11. Price announcement; and
12. Miscellaneous.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The proposals to include the counties of Apache, Coconino, Gila, Navajo, Mohave, Yavapai, and Santa Cruz in the marketing area of the Central Arizona milk order are denied.

The proponent of expanding the marketing area to include Apache, Navajo, Coconino, Yavapai, and Gila Counties modified his proposal to change the northern boundaries of the proposed area from the county lines in Coconino, Navajo, and Apache Counties to the Colorado, Little Colorado Rivers in Coconino County and the south boundary of the Navajo Indian Reservation in Navajo and Apache Counties. A proponent to include Yavapai, Mohave, Coconino, Gila, Navajo, and Santa Cruz Counties modified his proposal to include only Mohave County. There was no testimony supporting the inclusion of Santa Cruz County in the marketing area.

The competitive pattern of milk sales in the area proposed to be added was not clearly indicated. The inclusion of this area would bring five dairy plants and two producer-distributors under regulation. The five plants are small and together represent the production of about 12 dairy farmers. These plants are primarily fluid operations and handle little or no surplus. One handler who sells in the proposed area stated he was paying his producer $1.75 a pound butterfat or $6.65 per hundredweight for Class I milk testing 3.8 percent fat. This handler had about a 10 percent surplus so was paying his producer more than the Phoenix Class I price, even if the surplus milk had no value.

A proponent of adding Mohave County to the marketing area was concerned about competition from a nonregulated handler in Las Vegas, Nevada, who might sell milk in the area. The Las Vegas handler was reported to be paying a flat price of $1.65 a pound butterfat or $6.27 for milk of 3.8 percent butterfat content. The average Class I price at Phoenix in 1961 for milk of 3.8 percent butterfat was $5.72. No sales were being made in Mohave County by the Las Vegas handler.

The extension of the marketing area would increase fringe problems. The inclusion of this area would also increase administrative costs. Regulated handlers have experienced no loss of sales in the area proposed. The blend prices paid dairy farmers at the plants which would become regulated by the extension of the area were reported to be higher than the Phoenix Class I price. Hence, regulated handlers are at no disadvantage in paying minimum order prices on milk sold in competition with the handlers in this proposed area extension.

There was no evidence that the addition of any part of the seven counties would contribute to orderly marketing. Therefore, no change should be made in the marketing area definition.

2. *Definition of producer-handler.* The "producer-handler" definition should be revised to include a provision whereby such a handler would lose his exempt status if he received from other pool handlers in any month a quantity of milk in excess of five percent of his total Class I utilization for the month.

There are three producer-handlers selling milk in the Central Arizona marketing area. These handlers have received supplemental milk from other handlers but have seldom exceeded the five percent tolerance limitation herein proposed.

A producer-handler should be required to maintain his own reserve supply since he is exempted from pooling his Class I sales with other producers. The limitation on the amount of milk which an exempt producer-handler may purchase from pool plants will make it necessary for him to maintain herd production equal to his Class I sales plus a reserve to cover variations in production and sales.

Although producer-handlers' milk sales are currently a small percentage of the total Central Arizona milk market sales, they represent a potential threat to orderly marketing if producer-handlers are permitted to shift their excess burden to other producers. The Central Arizona market is composed of large producers with some producers delivering nearly one million pounds a month. If such large volume producers could market their own production entirely as Class I and buy their reserve milk to balance daily fluctuations in their production and sales, they would be a disturbing element in the market. Such producer-handlers presumably can deliver milk to their own plant at a cost no higher than the blend price which other producers on the market receive. In their handling operations this blend priced milk provides a strong incentive to cut selling prices and expand operations.

Although producer-handlers who do not pool their Class I sales with other producers supplying the market should carry their entire reserve supply of milk in their own herd production, they should be permitted to purchase a limited amount of milk from regulated pool plants to cover emergencies. The proposed five percent tolerance will permit a producer-handler to supplement his own production during temporary periods or in relatively insignificant quantities. This privilege will not adversely affect regular producers and handlers if the supplemental receipts are obtained from a pool plant at which such milk is classified as Class I.

A proposal was made at the hearing that producer-handler exempt status be retained if the producer-handler purchased milk in an amount up to 50 percent of his total Class I utilization. A producer-handler permitted to obtain up to 50 percent of his Class I utilization from pool plants would be placed in a position whereby the market would carry all the reserve for his Class I sales. This proposal would circumvent the intended purpose of this provision and is therefore denied.

It was proposed that producer-handler status be limited to a person whose principal source of income is from the production and sale of milk. This provision would be difficult to administer, would serve no useful purpose and is denied.

A proposal was made that a governmental institution which maintains a dairy herd and operates a milk plant automatically be exempt from regulation. The University of Arizona maintains such an operation and sells the milk in excess of its own needs to a pool plant.

A governmental institution that maintains a dairy herd and operates a milk plant should ordinarily be exempted from regulation but the institution should be given the option of electing to be considered as a pool plant. This would permit a State institution which produced milk beyond its own needs to have pool handler status and thus have its milk production pooled and priced uniformly with other producers. If the governmental institution elects to share its excess milk production, it should also be required to report and pool as a handler the Class I milk used by the institution.

In order to prevent frequent changes from nonpool to pool status the option to elect pool status should be permitted only on a year-round basis.

The privilege of pooling should be at the request of the institution and unless a request for pool handler status is made the institution should be considered a producer-handler. In such case, the Class I use by the institution is not pooled with the sales of other producer milk and milk which is received at other pool plants from the institution is considered a receipt of other source milk and allocated to the lowest class use.

3. *Pricing of milk used in cottage cheese.* Fluid milk products used to produce cottage cheese should be classified as Class II and priced 15 cents higher than Class III which would include other manufactured dairy products.

Cottage cheese is the principal manufactured dairy product made by handlers in the Central Arizona marketing area. More than 3 million pounds of milk per month was used to produce cottage cheese in 1961. The quantities used each month varied from a high of 3.9 million pounds in March to a low of 2.9 million pounds in December. The volume of milk used in cottage cheese has been increasing in recent years. This use in 1961 accounted for 19 percent more milk than it did in 1960.

The order price for skim milk used in cottage cheese has encouraged the use of milk in excess of fluid needs in this product. To the extent that supplies of skim milk are available, use in cottage cheese should be encouraged. However, the Central Arizona market does not always have a sufficient supply of milk to fill requirements for cottage cheese as well as fluid products sales. At such times, handlers must import cottage cheese or use nonfat dry milk to manufacture cheese.

If local skim milk is priced at less than the cost of alternative supplies of cheese or dairy products for making cheese, producers would not receive the full market value for their milk. On the other hand, if milk used in cottage cheese is priced higher than the alternative product cost, use of local skim milk in cottage cheese would be discouraged.

Cottage cheese can be made from manufacturing grade milk. However, there is practically no manufacturing grade milk in Arizona. In fact, a very large proportion of all the milk sold to plants in the state is sold to handlers regulated by the Central Arizona order. In 1960 the total quantity of milk delivered to plants in Arizona was 432 million pounds and the receipts at plants regulated by the Central Arizona order were 429 million pounds.

During a recent shortage the cooperative association supplied handlers with nonfat dry milk at 15.5 cents per pound which, at the rate of 8.5 pounds of nonfat solids per hundredweight of skim milk, was $1.32 per hundredweight of skim milk equivalent. The order price for skim milk in January 1962 was 79 cents per hundredweight. Although handlers used nonfat dry milk to make cottage cheese at a relatively high product cost on a temporary basis, it is reasonable to assume they would seek lower cost sources for their regular supply.

Large quantities of cottage cheese and cottage cheese curd have been received in the Central Arizona market from California. Some cottage cheese was being received in the area from California at the time of the hearing.

One handler testified that he manufactures cottage cheese in a California plant and ships it to Arizona. Skim milk used in this cottage cheese is mostly Grade A skim milk and costs 94 cents per hundredweight. Some ungraded skim milk at about 74 cents per hundredweight is also used in cheese making. The cost of shipping the cheese from California to Arizona is about one and a half cents per pound. This handler stated that the large volume cheese making operation in his California plant made manufacture in that area economical even though the cost of skim milk was higher than in Arizona.

Producers proposed that the cottage cheese price be set at 20 cents over the price for milk used in other manufactured dairy products. Several handlers claimed that the 20-cents higher price would discourage cottage cheese manufacturing in the area in favor of imports from California.

It is apparent that presently existing relative price levels in Arizona and California have encouraged handlers to increase the use of Arizona milk in cottage cheese. However, cheese made from ungraded milk in California with somewhat lower unit processing costs, even with the transportation cost added, might be less costly than cottage cheese made from Arizona milk if the price were increased as much as 20 cents. A lesser price increase will promote the continued use of available local skim milk in the

manufacture of cottage cheese. Therefore, Class II price for milk used in making cottage cheese should be increased gradually, at this time only 15 cents over the Class III price (the present Class II price).

A new Class III should be defined to include manufactured products other than cottage cheese. Such Class III would be priced according to the formula now used for Class II.

Cottage cheese disposed of for livestock feed should be assigned to Class III. As with fluid milk products, cottage cheese which may become unsalable for human consumption is often disposed of as animal feed. Such disposition should be classified and priced in the lowest use class.

The nonfluid milk products used in making cottage cheese should be classified as Class III. Although nonfat dry milk is more expensive than Class II producer skim milk per pound of nonfat milk solids, some handlers use nonfat dry milk in the production of cottage cheese even when producer milk is available. Also, an adequate supply of producer milk is not always available during the trough of the production period for use in cottage cheese. Since there is no cost advantage in using nonfat dry milk rather than producer milk in cottage cheese, the fluid equivalent of such solids should be classified as Class III. This method of classification will preserve the present method of accounting for nonfluid products as other source milk at the full skim equivalent of the solids content while relieving handlers of the possibility of being charged the higher Class II price for producer milk which was not used in cottage cheese.

4. *Classification of milk disposed of to commercial food establishments.* Skim milk and butterfat disposed of in bulk to commercial food establishments which process food for consumption off the premises should be classified as Class II. Such classification should apply only to bulk deliveries of 5 gallons or more per delivery.

Handlers stated they cannot sell milk to commercial food processing plants at the Class I price because such establishments can substitute manufactured dairy products in their food processing. Producers asked that milk disposed of to commercial food processing plants be priced no lower than Class II. Figures on the amount of bulk milk disposed of to commerical food processing plants were not available.

Since food manufacturing companies may serve, at times, as an outlet for the reserve milk carried for the market, milk disposed of to such establishments should be priced at a level approximating the cost of alternative substitutes. The Class II price proposed in this decision is calculated to reflect such alternative cost. Accordingly, milk disposed of for commercial food manufacturing should be classified and priced as Class II.

Only bulk sales to commercial food establishments of fluid milk products in lots of 5 gallons or more should be permitted the Class II classification. This will assure that small lots of packaged milk continue to bring the Class I price. Such sales cannot be considered an outlet for reserve milk.

5. *Classification of milk solids used to fortify fluid milk products.* "Dietary drinks" and other fluid milk products fortified with additional milk solids should be considered a Class I product up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be considered a Class III product.

Fortified milk products result from the addition of nonfat solids to a fluid products to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. The demand for fortified skim products has steadily increased in the past few years. This is due in part to the emphasis on low-fat diets and the high nutritional value of nonfat milk solids.

The Central Arizona order provides that the skim milk equivalent of fortified products be classified as Class I. Handlers proposed that the skim milk equivalent of nonfat solids used to fortify fluid milk products be assigned the lowest price class.

Nonfat milk solids and condensed milk are normally produced from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily made from producer milk and may be made from ungraded milk. The added milk solids do not replace producer milk and often will increase the palatability and sales of Class I products. Hence, the fluid equivalent of added nonfat solids should be classified in Class III rather than Class I.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Accordingly, fortified milk products should be classified as Class I only to the extent of the weight of an unmodified product of the same nature and butterfat content. The difference between the volume assigned to Class I and the total skim milk equivalent of the added milk solids in the product should be assigned to Class III. Flavoring materials, not including their water content, should be excluded from the total skim milk and butterfat to be accounted for in the fluid milk product.

This method of accounting for fluid milk products to which nonfat solids have been added will assure that reconstituted milk and skim milk are classified in Class I including all of the water associated with the milk solids used. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, could displace producer milk in Class I sales to the extent of the full volume of liquid associated with such solids. Therefore, accounting for these products on the basis of the original volume plus any water associated with such solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

6. *Basic butterfat content.* The basic butterfat content at which prices are computed and announced should be changed from 3.8 to 3.5 percent. Most Federal milk orders provide for the announcement of prices for milk of 3.5 percent butterfat. Hence, the computation and announcement of prices in the Central Arizona market at the same basic fat test will facilitate price comparisons.

The average butterfat content of milk received in the Central Arizona market from producers in 1961 was 3.58 percent. The average butterfat content of Class I milk disposed of by handlers in the market was 3.48 percent in 1961.

There was no opposition to the proposal to change the basic butterfat content at which prices are announced from 3.8 to 3.5 percent but producers asked that the change be made without affecting price levels.

The effect of changing the basic butterfat content for price computations has been considered in determining the Class I price differential to be added to the basic formula price.

The change in basic butterfat content also affects the Class II and Class III pricing formulas. Since butterfat in milk of basic test is priced at the rate of 1.2 times the wholesale price of butter and butterfat in excess of the basic content is priced at 1.15 times the same factor, the change in the basic butterfat content reduces slightly the price for Class II milk at the average test of such milk. The reduction, however, is less than one cent per hundredweight and producers' total returns for reserve milk will be increased slightly as the result of proposed changes in the pricing of milk used in cottage cheese. Therefore, no compensating change should be made in the Class II and Class III pricing formulas along with the change in basic butterfat content.

The computation of uniform prices to producers for milk of 3.5 percent butterfat with differentials for milk of other butterfat tests will make no change in individual producer's prices as compared to a basic computation at 3.8 percent.

7. *Basic formula price.* The basic formula price from which the Class I milk price is computed should be the monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on or about the 5th day following the month (adjusted to a 3.5 percent butterfat content).

The Central Arizona Class I price is now based on a basic formula price representing a manufacturing value of milk plus a price differential which is adjusted by supply-demand conditions in the market. The basic formula price is currently the higher of the average Midwest condensery price or the price obtained from a butter-powder formula computation.

The effective formula in most months has been the Midwest condensery price. The Midwest condensery series was originally based on reports of 18 plants. From time to time individual plants have ceased operations. Recently only 7 plants (5 in Wisconsin, 2 in Michigan) are reporting prices. In addition to the deficiency of basing the Class I price on such a small number of plants, the number of business concerns operating these plants is even fewer. Consequently, the Midwest condensery price is less representative of manufacturing milk values than previously.

The formula based on prices of butter and powder contains a rigid cost factor which does not respond to changes in efficiency. Also, this formula represents milk values for these particular uses rather than the general value in all major uses represented by Minnesota-Wisconsin manufacturing milk prices. In 1961 the butter-powder formula averaged 13 cents below the condensery pay price and was the lower of the two formulas in all 12 months.

In view of the disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, it is imperative that a sounder basis for determining basic formulas be provided. Furthermore, uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. It is, therefore, important that the basic formula to be used in the Central Arizona market be a formula which is acceptable and used in a large number of markets.

The average price of manufacturing grade milk in Minnesota and Wisconsin is now used in 36 Federal order markets in the determination of Class I prices. This series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the basic butterfat test (3.5 percent) must be adopted. For this purpose a generally recognized value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. Such a method of adjustment is used in adjusting the price series to a 3.5 percent basis in Federal order markets where this basic formula has been adopted.

In 1961 the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat) exceeded by 3 cents the basic formula effective in establishing Class I prices in the Central Arizona area adjusted to 3.5 percent butterfat content by the Class I butterfat differential. The lower basic formula price in the Central Arizona market reflected the weaknesses in the Midwest condensery price during recent months. Accordingly, the Class I price differetial should not be reduced in adopting the Minnesota-Wisconsin series as the basic formula.

Since the Minnesota-Wisconsin manufacturing milk price adjusted to 3.5 percent butterfat content as proposed herein has reflected an almost identical price level on the average during the past three years as the average Midwest condensery price for 3.5 percent milk, it should be substituted directly with no adjustment.

8. *Class I milk price.* The mechanics of the Class I pricing formula in the Central Arizona order should be revised but the combined effect of these changes and other proposed changes which affect returns for Class I milk should not result in any increase or decrease in the price level.

The Class I price level which has prevailed in the Central Arizona market has been effective in providing an adequate supply of pure and wholesome milk. Producers delivered enough milk in 1961 to cover all Class I sales plus a 30 percent reserve. In 1960 producers' deliveries exceeded Class I sales by 25 percent and in 1959 the excess of deliveries over sales was 30 percent. This margin of reserve supply is somewhat greater than would ordinarily be needed to assure an adequate supply at all times for Class I sales. Producers proposed a standard maximum reserve of 122.5 percent. Some reduction in the milk supply may be expected as the result of a lower basic formula price. The price for manufacturing grade milk (basic formula price) will reflect the reduction in Government supported prices for dairy products which was announced March 31, 1962. Official notice is taken of the announcement of prices at which the Commodity Credit Corporation will purchase butter, nonfat dry milk and cheddar cheese during the year April 1, 1962, through March 31, 1963.

While the price level has been adequate on an annual average basis, large variations in monthly prices have occurred. These variations were caused by the supply-demand adjustor factor of the pricing formula which automatically adjusts prices to reflect changes in receipts of milk relative to Class I sales in the market.

The supply-demand adjustor factor in the Class I pricing formula should be amended to reduce the amount of price change resulting from that factor. This should be done by substituting a new table of standard utilization percentages and reducing the rate of adjustment for each percentage above or below the applicable standard utilization from one cent to one-half cent.

These changes in the supply-demand adjustor should be accompanied by other changes so that the price level is neither increased or decreased by the combined changes. The increase which would result from the proposed supply-demand adjustor is offset primarily by a reduc- of 15 cents in the differential added to the basic formula price. The proposed classification of the skim milk equivalent of nonfat milk solids used to fortify fluid milk products in Class III rather than Class I also reduces the returns from Class I milk. The proposed change in the basic formula would increase returns for Class I milk slightly. All of these proposed changes affect the producers' returns for Class I milk and taken as a whole if they had been in effect in 1961 would have maintained the same level of return for Class I milk as prevailed in that year.

There has been a negative supply-demand adjustment applicable to the Central Arizona Class I price each month since May 1959. The amount of adjustment ranged from 3 cents to the maximum of 50 cents. These adjustments reflect the increasing supply of producer receipts in relation to Class I sales.

Producers recognized that Class I price reductions were necessary to reflect the increasing supply relative to Class I sales. However, witnesses claimed the present type of adjustment caused contraseasonal, erratic, and relatively large month-to-month adjustments.

The present supply-demand provisions have, in fact, produced some erratic contraseasonal pricing. In 1961, during the months when the percentage of producer milk used in Class I was lowest, April, May, and June, the supply-demand adjustor reduced the Class I price 13, 20 and 30 cents. During the months of September, October and November, the period of highest Class I utilization, the supply-demand adjustor reduced the Class I price 42, 42 and 39 cents, respectively, or about twice the reduction effective earlier in the year.

The supply-demand provisions have also tended to cause relatively large month-to-month changes in the Class I price. During the three-month period of April–June 1961, the supply-demand adjustment went from —13 to —30 cents; and during the three-month period of October–December 1961, it went from —39 to —12 cents.

A new supply-demand adjustor which incorporates the half-cent rate of adjustment and a new table of standard utilization percentages would tend to eliminate the contraseasonal pricing and relatively large month-to-month adjustments. The supply-demand adjustor as proposed herein was recommended by the cooperative association representing the majority of the producers supplying the market. A 15-cent reduction in the Class I differential along with other changes affecting the Class I price should result in a level of returns to producers for milk used in Class I essentially identical to that which results from present provisions of the order. The cooperative association proposed a 10-cent reduction in the Class I differential to offset the supply-demand changes. The cooperative witness testified, however, that if a figure other than 10 cents was needed to retain the present Class I price level such other figure should be adopted.

A different adjustor was proposed by another representative of producers. That proposed adjustor would have raised the Class I price by about 23 cents and no plan was offered for making offsetting reductions in other pricing factors. Since the present Class I price level is obtaining an adequate supply of milk for the market the proposed adjustor which would effect an increase in the Class I price is denied.

9. *Butterfat differentials.* The butterfat differential formulas should not be changed and the present Class II butterfat differential formula should be used to compute both the Class II and Class III butterfat differentials.

Producers asked that the Class I butterfat differential rate be reduced from 0.135 times the wholesale butter price to 0.13 times such price. They proposed also

that the differential applicable to the uniform price be changed from a weighted average of the Class I and Class II butterfat differentials to a rate 0.13 times the butter price. The change in the method of computing the producer butterfat differential would result in a rate about the same as the weighted average when the Class I differential is computed at 0.135 times the butter price.

The average butterfat content of milk delivered by producers is about equal to the average butterfat content of whole milk sold. This balance has been achieved under the present butterfat pricing system. Changing the Class I differential rate without an accompanying change in the producer butterfat differential would tend to disrupt this balance.

The present Class II butterfat differential formula should be used to compute both the Class II and Class III butterfat differentials. The new Class II price is intended to reflect the higher value of skim milk used in that class. Hence, the butterfat differentials for both classes should be the same.

10. *Location differentials.* The proposal to change the location differentials applicable to Class I and uniform prices for milk received at plants located over 260 miles from Tucson, Arizona is denied. It was proposed that the rate be reduced from one cent to one-half cent for each additional 10 miles or fraction thereof.

Handlers and a producers' cooperative witness opposed the proposal, stating that the one-half cent rate does not properly reflect the cost of transporting milk. No evidence was entered showing that the one-half cent rate is indicative of current milk hauling costs. Since location differentials should approximate the actual costs of moving milk, this proposal is denied.

The schedule of location differentials should be revised to measure distances from the Maricopa and Graham County courthouses rather than from the City of Tucson in line with the proposal to announce basic prices at Phoenix. This revision should result in no changes in the applicable prices for plants now supplying the market.

11. *Price announcements.* The order prices are currently announced f.o.b. Tucson. The City of Phoenix and the adjacent cities of Mesa, Scottsdale, and Tempe have an aggregate population, according to the 1960 census, of 507,865. The City of Tucson has a population of 212,892. Phoenix is the population center of Arizona and accordingly is where the majority of the market milk sales are made. There are only two milk plants in Tucson whereas there are six pool plants located in Phoenix.

Announcing the price f.o.b. Phoenix, in lieu of Tucson, will not affect the level of price at either location. There is a 30-cent location differential between these two cities which results in a 30-cent lower price at Phoenix than at Tucson. This differential should be retained. This can be accomplished by establishing a basic zone price at Phoenix and a price 30 cents higher for plants located in Pima County (Tucson).

Location differentials for plans located other than in Phoenix, Safford, or Tucson, Arizona, should be determined according to the distance of the plant from Phoenix or Safford rather than from Tucson. Since Phoenix and Safford are about 125 miles from Tucson and are nearer potential milk supplies for the area, the schedule of location differentials should be adjusted to maintain about the same prices at distances measured from Phoenix and Safford as are presently established by the system of differentials measured from Tucson.

Handlers located in Phoenix and Safford presently have the same class prices. By determining location differentials from both of these locations this pricing relationship will continue. Tucson handlers have been required to pay their producers 30 cents more than Phoenix or Safford handlers. Accordingly, a separate pricing zone, 30 cents above the announced Phoenix price should be established for handlers in the Tucson area. This will preserve the pattern of location pricing which is effective under present provisions of the order.

12. *Miscellaneous.* The provisions which describe the obligations under the Central Arizona order of a plant which is also subject to regulation under another order issued pursuant to the Act should be clarified. This clarification should preserve the present application of such provisions.

A proposal to change the classification of shrinkage by changing the words in § 1131.41(b)(4)(v) from "other milk plants" to "other pool plants" was not supported. The proposal, therefore, is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central Arizona marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 16, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area

§ 1131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, on April 20, 1962, and published in the FEDERAL REGISTER on April 25, 1962 (27 F.R. 3923; F.R. Doc. 62-4050) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes made in § 1131.41 (b) and (c).

1. Change that part of § 1131.8 which precedes paragraph (a) to read as follows:

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

2. Change § 1131.11 to read as follows:

§ 1131.11 Producer-handler.

(a) "Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of on routes in the marketing area, but who receives no milk from other dairy farmers or from any source other than a pool plant and who does not receive from pool plants an amount representing more than 5 percent of his total Class I utilization for the month: *Provided,* That such person provides proof satisfactory to the market administrator that (1) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided,* That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be elegible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1131.22 [Amendment]

3. Change § 1131.22(k) (1) and (2) and add (3) to read as follows:

(1) The 6th day of each month, the Class I price and butterfat differential for the current month;

(2) The 6th day of each month, the Class II and Class III prices and the butterfat differentials for the preceding month; and

(3) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

4. Change § 1131.41 as follows:

§ 1131.41 Classes of utilization.

Subject to the conditions set forth in § 1131.42 through § 1131.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) Any product classified pursuant to paragraphs (b)(2) and (c)(3) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Contained in fluid milk products used to produce cottage cheese except as classified pursuant to paragraph (c)(3) of this section; and

(2) Disposed of in fluid milk products in bulk form (minimum 5 gallons) to any commercial food processing establishment for use in food products prepared for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of in the form of fluid milk products or cottage cheese for livestock feed;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to subdivision (a)(1)(i) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1131.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1131.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1131.10(c), unless the exception provided in subdivision (ii) of this subparagraph applies: *Provided,* That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to subdivision (iv) of this subparagraph bears to the total computed pursuant to subdivisions (i) through (vi) of this subparagraph and the remainder shall be assigned to producer milk; and

(6) In nonfluid milk products used to produce cottage cheese.

§ 1131.42 [Amendment]

5. Delete the period at the end of § 1131.42 and add the following: "or as Class III milk."

6. Change § 1131.43 to read as follows:

§ 1131.43 Transfers.

(a) Skim milk and butterfat transferred to a pool plant of another handler in the form of fluid milk products shall be classified so as to result in the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

maximum assignment of producer milk of both handlers to the highest value use classification of the producer milk of both handlers. Except as provided in paragraph (f) of this section skim milk and butterfat shall be classified to the highest value use classification unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1131.30: *Provided*, That the skim milk or butterfat so assigned to Class II or Class III shall be limited to the respective amounts thereof remaining at the pool plant(s) of the receiving handler after the computation pursuant to § 1131.45(a)(5) and the corresponding step of (b);

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless:

(1) The handler claims classification in another class in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer occurred;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class III utilization any cream moved under the conditions specified in paragraph (e)(2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class III if (1) the handler claims classification as Class III milk in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment; and

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1131.10(c) or which operates a pool plant described in § 1131.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1131.45(a)(6) and the corresponding step of (b).

§ 1131.44 [Amendment]

7. In § 1131.44 change the words "Class I milk and Class II milk" to "Class I milk, Class II milk and Class III milk".

§ 1131.45 [Amendment]

8. In § 1131.45(a) (1), (2), (3), (5), and (8) change "Class II" wherever it appears to "Class III".

9. In § 1131.45(a)(1) change "§ 1131.41(b)" to "§ 1131.41(c)(5)".

10. Change § 1131.45(a)(4) to read as follows:

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

11. Change § 1131.50 to read as follows:

§ 1131.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1131.51 [Amendment]

12. Change that part of § 1131.51(a) which precedes subparagraph (1) to read as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

13. Change the table of standard utilization percentages in § 1131.51(a)(2)(iii) as follows:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	113	120
February	November–December	115	122
March	December–January	116	123
April	January–February	116	123
May	February–March	117	124
June	March–April	117	124
July	April–May	118	125
August	May–June	118	125
September	June–July	116	123
October	July–August	114	121
November	August–September	113	120
December	September–October	113	120

14. In § 1131.51(a)(3) change the words "one cent" wherever they appear to "one-half cent".

15. In § 1131.51(a)(3) add subdivision (iv) as follows:

(iv) Less one-half cent, if necessary, to round down to a whole cent.

16. Change § 1131.51(b) and add (c) to read as follows:

(b) *Class II milk price.* The price for Class II milk shall be the Class III price for the month, plus 15 cents.

(c) *Class III milk price.* The price for Class III milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

17. Change § 1131.52 to read as follows:

§ 1131.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1131.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.135;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115; and

(c) *Class III price.* Multiply the Chicago butter price for the current month by 0.115.

18. Change § 1131.53 to read as follows:

§ 1131.53 Location differentials to handlers.

(a) For milk received from producers at a pool plant located outside Pima County and more than 30 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Maricopa and Graham Counties, Arizona, whichever is nearer and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be reduced by 10 cents if such plant is located not more than 130 miles from the Maricopa or Graham County courthouses, whichever is nearer, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Maricopa or Graham County courthouses, whichever is nearer, exceeds 130 miles;

(b) For milk received from producers at a plant located in Pima County and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be increased 30 cents.

19. Change § 1131.61 to read as follows:

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted; and

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

20. Change that part of § 1131.62 which precedes paragraph (a) to read as follows:

§ 1131.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 1131.80 through § 1131.86, each handler, except a producer-handler or a handler exempt pursuant to § 1131.61, who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1131.30 to have his obligations computed pursuant to paragraph (b) of this section;

21. In § 1131.62(b)(1) change the words "Class II" to "Class III".

22. Change § 1131.70 as follows:

§ 1131.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1131.45 by the applicable class price, and total the resulting amounts;

(b) Add the amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1131.45(a)(8) and (b) by the applicable class price;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class III price for the preceding month and the applicable Class I price for the current month by the pounds of skim milk and butterfat remaining in Class III after the calculations pursuant to § 1131.45(a)(4) and (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1131.45(a)(4) and (b) for the current month whichever is less; and

(2) Multiply the difference between the applicable Class III price for the preceding month and the Class II price for the current month by the pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1131.45(a)(4) and (b) for the preceding month, less that subtracted from Class I pursuant to § 1131.45(a)(4) and (b), or the pounds of skim milk and butterfat, subtracted from Class II milk pursuant to § 1131.45(a)(4) and (b) for the current month, whichever is less; and

(d) Add the amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to § 1131.45(a)(2) and (b) by the difference between the Class III price and the Class I price each adjusted by the respective butterfat differential.

§ 1131.71 [Amendment]

23. In § 1131.71 change "3.8 percent" wherever it appears to "3.5 percent".

24. Change § 1131.71(c) and add (d) to read as follows:

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1131.73(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1131.73(b);

25. Renumber §§ 1131.71(d), 1131.71(e), and 1131.71(f) as §§ 1131.71(e), 1131.71(f), and 1131.71(g).

§ 1131.72 [Amendment]

26. In § 1131.72 change "3.8 percent" to "3.5 percent".

27. Change § 1131.73 to read as follows:

§ 1131.73 Location differential to producers.

The applicable uniform prices computed pursuant to § 1131.71 to be paid for producer milk received at a plant located 30 miles or more from the Maricopa or Graham County courthouse, whichever is nearer, as determined by the market administrator, shall be:

(a) Decreased according to the location of the plant where such milk was received at the applicable rates set forth in § 1131.53(a); and

(b) Increased in the case of milk received at plants located in Pima County at the rate set forth in § 1131.53(b).

§ 1131.80 [Amendment]

28. In §§ 1131.80(a)(1) and 1131.80(d)(1) change "Class II price" where it appears to "Class III price".

[F.R. Doc. 62-4576; Filed, May 18, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b]

[Reg. Docket No. 1206; Draft Release No. 62-23]

AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND TRANSPORT CATEGORIES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 3 and 4b of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 19, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Part 3 of the Civil Air Regulations was promulgated, effective November 13, 1945, and was applicable to all normal, utility, and acrobatic category airplanes, irrespective of their weight or performance. Part 4b was made effective on November 9, 1945, and was applicable to all transport category airplanes, irrespective of their weight or performance. A demarcation was thus drawn between airplanes intended to be used as transport category airplanes by air carriers or commercial operators, and other airplanes intended for general aviation use.

In 1953, the Civil Aeronautics Board, then having rule making jurisdiction in this instance, found it necessary to narrow the distinction made between the transport category, and normal, utility, and acrobatic categories. By Amendment 3-10, effective May 16, 1953, the Board restricted applicability of Part 3 to airplanes having a maximum weight of 12,500 pounds or less. In the preamble of that amendment the Board stated in part: "In recent years considerable study has been devoted to Part 3 with respect to its applicability to large airplanes. These studies, in the light of past experience, indicate that Part 3 with the various changes made to it during recent years would not result in an acceptable level of safety for future designs of relatively large airplanes irrespective of their use. Therefore, section

3.0 is amended to limit the future applicability of Part 3 to airplanes having a maximum weight of 12,500 pounds or less." The Board thus held that the inherent characteristics of large airplanes carried them outside the standard set in Part 3 as the minimum required in the interest of safety.

The Flight Standards Service has found that, apart from characteristics associated with weight, Part 3 airplanes, since 1953, have reflected substantial technological development in the direction of increased performance, utility, and general sophistication. The increasing use of turbine engines to propel these airplanes has definitely accelerated this development and has resulted in airplanes capable of operating at very high speeds and altitudes. The Flight Standards Service believes that modern high performance airplanes have characteristics going beyond those envisaged originally in the application of Part 3 and for this reason Part 3 does not establish for such airplanes the minimum airworthiness standards required in the interest of safety.

Standards for cabin pressurization, fatigue strength determinations, control surface loads, temperature and altitude accountability in performance determinations, takeoff and balked landing performance capability, gust criteria, compressibility effects, are all examples of areas where presently effective Part 3 does not provide adequate or definitive standards with respect to the capabilities of modern high performance airplanes. An attempt was made to bring Part 3 up to date with respect to strength requirements by proposing several amendments of the structure provisions, as published in Draft Release No. 61-12. Comments made on that draft release indicated, however, that the proposed amendments might be, in certain respects, premature and they were deferred for further study. Irresolution of the issues involved makes even more pressing an expression of standards appropriate to the speed, altitude, and maneuverability characteristics of small airplanes, particularly those incorporating turbine engines.

It is proposed, therefore, to amend Part 3 by further restricting its applicability to exclude not only those airplanes which have a maximum weight exceeding 12,500 pounds, but also those airplanes weighing more than 6,000 pounds which have a design diving speed corresponding with a Mach number exceeding 0.65 or which have a maximum operating altitude exceeding 25,000 feet. In connection with the proposed altitude restriction, it is also proposed to require the establishment of a maximum operating altitude as an operating limitation.

The proposal to limit the applicability of Part 3 may result in high performance airplanes in the 6,000 to 12,500-pound weight range being certificated under Part 4b requirements. In recognition of the fact that airplanes in the lower weight range can generally be maneuvered more abruptly than large airplanes, the strength requirements for the normal category specify the maneuver lead factor as an inverse function of the maximum weight of the airplane. Part 4b, on the other hand, specifies a minimum maneuver load factor of 2.5 regardless of the airplane weight. In the past only one airplane type of less than 12,500 pounds maximum weight has been certificated under Part 4b.

In order to provide appropriate maneuvering strength requirements for smaller airplanes which might nevertheless be certificated in accordance with Part 4b, it is proposed to amend § 4b.211 to incorporate the same maneuver load factor formula as now prescribed in Part 3 for the normal category. This would result in a slight increase in load factor for airplanes in the 30,000-pound weight range, and no increase for airplanes weighing more than 50,000 pounds. It is also proposed to amend § 4b.210(c)(1) to make it consistent with the proposal for § 4b.211.

While certain airplanes previously covered by Part 3 might be certificated in accordance with the transport category requirements of Part 4b under this proposal, it should be noted that this does not mean that they would be required to comply with requirements which are applicable to transport category airplanes used in air carrier operation. Certain airworthiness rules have been adopted, which are specifically applicable in air transportation, by amending the air carrier operation parts to include specific provisions relating, for example, to performance operating limitations, airframe surface ice protection, oxygen requirements, ditching and flight and navigational equipment. Corresponding and implementing provisions in Part 4b are mandatory for airplanes operated in accordance with air carrier operation rules but are otherwise optional for basic type certification. A distinction has been made, therefore, between the use of transport category airplanes by air carriers or other operators subject to the air carrier operating rules and by other persons who are not subject to those rules.

The effect of this proposal is to make Part 4b applicable to airplanes operating at relatively high speeds and altitudes. In this connection, such airplanes would also have to comply with the applicable SR-422 series regulations if they were equipped with turbine engines.

Under this proposal the amendments of Parts 3 and 4b would apply to all airplanes certificated under those parts after the effective date of these amendments, regardless of the date of application for type certificate, by appropriate amendments of §§ 3.11 and 4b.210.

In consideration of the foregoing, it is proposed to amend Parts 3 and 4b of the Civil Air Regulations (14 CFR Parts 3 and 4b, as amended) as follows:

1. By amending § 3.0 to read as follows:

§ 3.0 Applicability of this part.

This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for normal, utility, and acrobatic category airplanes. Type certification in accordance with this part shall be limited to:

(a) Airplanes of 12,500 pounds maximum weight or less, which do not have a design dive speed exceeding a value corresponding with a Mach number of 0.65;

(b) Airplanes of 12,500 pounds maximum weight or less, which do not have a maximum operating altitude exceeding 25,000 feet; and

(c) Airplanes of 6,000 pounds maximum weight or less, regardless of their design dive speed and maximum operating altitude.

2. By amending § 3.11 by adding a new paragraph (f) to read as follows:

§ 3.11 Designation of applicable regulations.

* * * * *

(f) The provisions of §§ 3.0, 3.737, 3.751, and 3.778, as amended effective ----------, shall be applicable to all airplanes certificated after that date regardless of the date of application for type certificate.

§ 3.737 [Amendment]

3. By Amending § 3.737 by deleting the number "3.750" and inserting in lieu thereof the number "3.751."

4. By adding a new § 3.751 to read as follows:

§ 3.751 Maximum operating altitude.

A maximum operating altitude shall be established up to which operation is permitted, as limited by flight, structural, powerplant, functional, or equipment characteristics.

5. By Amending § 3.778 by adding a new paragraph (h) to read as follows:

§ 3.778 Operating limitations.

* * * * *

(h) *Maximum operating altitude.* The altitude established in accordance with § 3.751 shall be included, together with an explanation of the limiting factors.

6. By amending § 4b.210(c)(1)(i) to read as follows:

§ 4b.210 General.

* * * * *

(c) *Design fuel and oil loads.* * * *

(1) * * *

(i) For airplanes certificated after ----------, a positive maneuver load factor of not less than 90 percent of the value prescribed in § 4b.211(a)(1).

7. By amending § 4b.211 by deleting paragraph (a) (1) and (2) and inserting in lieu thereof:

§ 4b.211 Flight envelopes.

* * * * *

(a) *Maneuvering load factors.* * * *

(1) The positive maneuvering load factor, n, for any flight speed up to V_D shall not be less than the value determined by the following equation, except that n need not be greater than 3.8 and shall not be less than 2.5:

$$n = 2.1 + \frac{24{,}000}{W + 10{,}000};$$

where W is the design takeoff weight,

(2) The negative maneuvering load factor shall have a magnitude of not less than $-0.4n$ at all speeds up to V_C, varying linearly with speed from the value at V_C to zero at V_D.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423).

Issued in Washington, D.C., on May 14, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4849; Filed, May 18, 1962; 8:45 a.m.]

Notices

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CERTAIN OFFICIALS

Designation of Acting Community Facilities Commissioner

The officers appointed to the following listed positions in the Community Facilities Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Community Facilities Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no officer is authorized to serve as Acting Community Facilities Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Community Facilities Commissioner.

2. Assistant Commissioner (Operations and Standards).

3. Assistant Commissioner (Program Planning).

4. Chief Counsel, CFA.

5. Director, Administrative Management Division.

This designation supersedes the designation of Acting Community Facilities Commissioner effective October 27, 1961 (26 F.R. 10115, 10/27/61).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 19th day of May 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-4867; Filed, May 18, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 4212 and 4598) for April and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	21B	(*)	(*)			(*)	
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3UU	(*)				(*)	
John Morrell and Co.	17	(*)				(*)	
Wilson and Co., Inc.	20A	(*)					
Kenton Packing Co.	36	(*)	(*)	(*)		(*)	(*)
Minchs Wholesale Meats, Inc.	72	(*)					
Hill Packing Co.	83E						
Armour and Co.	100	(*)	(*)	(*)		(*)	
West Coast Meat Co., Inc.	117	(*)				(*)	
R. B. Rice Sausage Co., Inc.	144						
Kansas City Dressed Beef Co.	156	(*)				(*)	
Missouri Farmers Assn., Packing Division.	159	(*)					
Do.	159A	(*)					
George A. Hormel & Co.	199A	(*)		(*)			
Walti Schilling and Co., Inc.	235	(*)		(*)			
Solano Meat Co.	285	(*)	(*)	(*)			
San Jose Meat Co.	291	(*)					
Turlock Meat Co.	325	(*)					
Midland Empire Packing Co., Inc.	339	(*)					
Marks Meat Co.	362	(*)		(*)	(*)	(*)	
James Allan and Sons.	365	(*)					
Westport Packing Corp.	369					(*)	
Oldhams Farm Sausage Co., Inc.	392						
Watsonville Dressed Beef, Inc.	398	(*)	(*)				
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)	(*)			(*)	
Alpine Packing Co.	412	(*)		(*)		(*)	
Del Curto Meat Co.	445	(*)					
Pioneer Boneless Beef, Inc.	461	(*)					
Eldridge Packing Co.	478	(*)					
Swift and Co.	505	(*)				(*)	
Mid South Packers, Inc.	557	(*)					
Stahl Meyer, Inc.	583	(*)				(*)	
Pierce Packing Co., Inc.	601	(*)					
Mid State Meat Co.	741	(*)	(*)			(*)	
Sheridan Meat Co., Inc.	768	(*)				(*)	
J. H. Ruth Packing Co.	818						
Berchems Meat Co.	830	(*)					
John Morrell and Co.	836	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Sambol Packing Co.	892	(*)	(*)	(*)	(*)	(*)	
Peoples Packing Co.	925	(*)				(*)	
Reitz Meat Products Co.	983	(*)					
Valley Meat Co.	1,009	(*)	(*)	(*)			

45 establishments reported.

Done at Washington, D.C., this 11th day of May 1962.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-4838; Filed, May 18, 1962; 8:45 a.m.]

Agricultural Marketing Service

ALICEVILLE SALE BARN ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Aliceville Sale Barn, Aliceville, Ala.
Chatham Livestock Co., Savannah, Ga.
Pratt Livestock Commission Co., Pratt, Kans.
Savannah Sale Co., Savannah, Mo.
Niagara Frontier Stock Yards, Inc., Buffalo, N.Y.
Wickhams Commission Auction, Ovid, N.Y.
Avery County Livestock Co., Spruce Pine, N.C.
North Texas Livestock Commission Co., Whitesboro, Tex.
Davenport Livestock Auction, Inc., Davenport, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of May 1962.

JOHN R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-4873; Filed, May 18, 1962; 8:47 a.m.]

CYPRESS AUCTION YARD ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the Act.

Name, Location of Stockyard, and Date of Posting

Cypress Auction Yard, Cypress, Calif., September 4, 1958.
Tallula Cattle Co., Tallula, Ill., November 18, 1959.
Glen Miller Community Sale, Richmond, Ind., April 22, 1959.
Danner's Sales Pavilion, Burlington, Kans., May 12, 1961.
Kings Dairy Replacement Auction, Kingston, Mich., June 20, 1960.
Empire Livestock Marketing Cooperative, Inc., West Winfield, N.Y., August 8, 1960.
Davenport Livestock Auction Co., Davenport, Wash., October 13, 1959.

The owners of the Davenport Livestock Auction Co., Davenport, Wash., have constructed a new stockyard in another location and notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 9th day of May 1962.

JOHN R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-4874; Filed, May 18, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-191]

BABCOCK AND WILCOX CO.

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 2, 1961, 26 F.R. 11462, the Atomic Energy Commission has issued Utilization Facility License No. CX-19 which authorizes The Babcock and Wilcox Company to operate the critical experiment facility which it has designated as the "Advanced Test Reactor Critical Experiment" and which is situated in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia. The license is substantially as published except that the description of the reactor has been changed to authorize (1) a slight increase in the amount of uranium-235 in each fuel element, (2) the use of hafnium rather than boron as the draw rod material, (3) the use of fuel rods $\frac{3}{16}$ inches rather than $\frac{1}{8}$ inches in diameter to mock-up the fuel in the experimental loops and (4) the use of boron-loaded plastic tape with a minimum thickness of 0.001 inches rather than 0.005 inches.

The Commission has reviewed these matters and has concluded that operation of the reactor, changed as proposed, in accordance with the terms and conditions of License No. CX-19 will not present an undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

In view of the changes in the license from that which was published on December 2, 1961 the Commission will, in accordance with its rules of practice (10 CFR Part 2), direct the holding of a formal hearing on the matter of the issuance of License No. CX-19 upon receipt of a request therefor from the licensee or a petition to intervene within 15 days after the publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the letter dated February 14, 1962, submitted by the licensee describing the changes, which is available for public inspection at the Commission's Public Document Room.

Dated at Germantown, Md., this 14th day of May 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-4866; Filed, May 18, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALTER REINHARDT

Amended Notice of Intention to Return Vested Property

The Notice of Intention to Return Vested Property to Adele Reinhardt, Vienna, Austria, which was published in the FEDERAL REGISTER on June 26, 1954 (19 F.R. 3921), is hereby amended in its entirety to read as follows:

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Walter Reinhardt, Eckpergasse 28, Vienna 18, Austria; $52.18 in the Treasury of the United States. An undivided 25% interest in all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright and right to copyright, license, agreement, privilege, power, and right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalty, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works described below, as listed in Exhibit A to Vesting Order No. 1758 (9 F.R. 13773, November 17, 1944) to the extent owned by Adele Reinhardt immediately prior to the vesting thereof by Vesting Order No. 1758: "Two Little Love Bees" (Bienchen-Duett), "Day Dreams" (Du Hast Mich Braubert), "Spring Maid Waltz" (Sprudelfee Walzer), "Spring Maid Selection" (Sprudelfee Potpourri), "Spring Maid Vocal Score" (Sprudelfee-Klavier-Auszug mit Text), "Loving Cup" "On the Track", "Next May be the Right" (Nepomuk, du Heissgeliebter), "Fountain Fay Protective Institution" (Sprudelmadel Lied), "Spring Maid March" (Sprudelmarsch), "Fountain Fay" (So Ein Blick aus Schonen Aug). Claim No. 44961.

Executed at Washington, D.C., on May 10, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-4869; Filed, May 18, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13588]

ONTARIO CENTRAL AIRLINES LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled matter is assigned to be held on May 24, 1962 at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 16, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4872; Filed, May 18, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14643]

BAUGH ELECTRONICS

Order To Show Cause

In the matter of R. W. Baugh, d.b.a. Baugh Electronics, 969 Laurel Street, San Carlos, California, Docket No. 14643; order to show cause why there should not be revoked the license for Radio Station 12Q1009 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on January 23, 1962, alleging that on December 9, 1961, Citizens radio station 12Q1009 was operated in violation of § 19.61 (a), (f) and (g), and § 19.62 of the Commission's rules, in that transmissions were not directed to a specific station or person; station was not identified at the conclusion of a series of communications; call sign was not transmitted at ten-minute intervals during a series of communications; and transmissions exceeded five-minutes in duration; and

It further appearing, that the above-named licensee did not reply to the Official Notice of Violation, whereupon the Commission by letter dated March 5, 1962, and sent by Certified Mail (Cert. No. 97266), return receipt requested, again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within ten days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that although more than ten days have elapsed since the above-described letter was sent to the licensee, no response has been made thereto; and

It further appearing, that in view of the foregoing the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 11th day of May 1962, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail, return receipt requested, to the said licensee at his last address of record, 969 Laurel Street, San Carlos, California.

Released: May 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4878; Filed, May 18, 1962; 8:48 a.m.]

[Docket Nos. 14644, 14645; FCC 62M-698]

BAY SHORE BROADCASTING CO. AND FAIRFIELD PUBLISHING CO.

Order Scheduling Hearing

In re applications of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; Fairfield Publishing Company, Fairfield, California, Docket No. 14645, File No. BP-15082; for construction permits.

It is ordered, This 14th day of May 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 25, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, June 21, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4879; Filed, May 18, 1962; 8:48 a.m.]

[Docket No. 13062; FCC 62M-690]

CHE BROADCASTING CO. (NSL)

Order Scheduling Hearing

In re application of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; for construction permit.

It is ordered, This 14th day of May 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 13, 1962, in Washington, D.C.: *And It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, June 13, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4880; Filed, May 18, 1962; 8:48 a.m.]

[Docket No. 14641; FCC 62M-697]

GOODLAND CHAMBER OF COMMERCE

Order Scheduling Hearing

In re application of Goodland Chamber of Commerce, Goodland, Kansas, Docket No. 14641, File No. BPTTV-1221; for construction permit for a new VHF television broadcast translator station.

It is ordered, This 14th day of May 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1962, in Goodland, Kansas: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Wednesday, June 13, 1962, in the Offices of the Commission, Washington, D.C.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4881; Filed, May 18, 1962; 8:48 a.m.]

[Docket Nos. 14639, 14640; FCC 62M-696]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Scheduling Hearing

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

It is ordered, This 14th day of May 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 25, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 22, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4882; Filed, May 18, 1962; 8:48 a.m.]

[Docket Nos. 14629, 14630]

RHODE ISLAND-CONNECTICUT RADIO CORP. (WERI-FM) AND THE WILLIE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Rhode Island-Connecticut Radio Corporation (WERI-FM) Westerly, Rhode Island, has: 103.7 Mc. #279; 17.5 kw; 24 ft., req.: 94.9 Mc, #235; 17.4 kw; 24 ft., Docket No. 14629, File No. BPH-3669; The Willie Broadcasting Company, Willimantic, Connecticut, req.: 94.9 Mc, #235; 3.36 kw; 350 ft., Docket No. 14630, File No. BPH-3693; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on May 15, 1962;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 1 mv/m contours, the areas and populations therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio facilities.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4883; Filed, May 18, 1962; 8:48 a.m.]

[Docket Nos. 14635, 14636; FCC 62M-695]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073; Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; for construction permits.

It is ordered, This 14th day of May 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 19, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 15, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4884; Filed, May 18, 1962; 8:48 a.m.]

[Docket Nos. 14632-14634; FCC 62M-694]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of The Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP-13896; The Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP-13993; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634; File No. BP-14022; for construction permits.

It is ordered, This 14th day of May 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Friday, June 15, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4885; Filed, May 18, 1962; 8:48 a.m.]

[Docket No. 14631; FCC 62M-693]

WEZY, INC. (WEZY)

Order Scheduling Hearing

In re application of WEZY, Inc. (WEZY), Cocoa, Florida, Docket No. 14631, File No. BP-14409; for construction permit.

It is ordered, This 14th day of May 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 11, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, June 19, 1962.

Released: May 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4886; Filed, May 18, 1962; 8:48 a.m.]

[Canadian List 170]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

APRIL 24, 1962.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix

containing assignments of Canadian Broadcast Stations (Mimeograph #47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CKCN	Seven Islands, Province of Quebec.	500 kilocycles 5	DA-1	U	III	Assignment of call letters.
CJEM (PO: 570 kc 1 kw DA-N).	Edmundston, New Brunswick.	570 kilocycles 5 D/1 N	DA-N	U	III	EIO 4-15-63.
CKML	Mont Laurier, Province of Quebec.	610 kilocycles 1	DA-N	U	III	Assignment of call letters.
CFWH / (PO: 1240 kc 0.25 kw ND).	Whitehorse, Yukon	610 kilocycles 1	ND	U	III	EIO 4-15-63.
New	Dartmouth, Nova Scotia.	790 kilocycles 5	DA-1	U	III	Do.
New	Levis, Province of Quebec.	920 kilocycles 5	DA-N	U	III	Do.
CBY (PO: 990 kc 1 kw ND).	Corner. Brook, Newfoundland.	990 kilocycles 10	ND	U	II	Do.
CHED (PO: 1060 kc 10 kw D/1 kw N DA-N II).	Edmonton, Alberta	630 kilocycles 10	DA-2	U	III	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4887; Filed, May 18, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3038]

J. M. HUBER CORP.

Notice of Application for Amendment of Certificate Authorization

MAY 14, 1962.

Take notice that on September 5, 1961, J. M. Huber Corporation (Huber), 2401 East Second Avenue, Denver, Colorado, filed an application to amend the Commission's order issued October 6, 1955, in Docket No. G-3038 (Docket Nos. G-3038, et al.) granting a certificate of public convenience and necessity to Huber, by adding thereto authorization to render service from certain additional acreage under an amendatory agreement dated August 23, 1961, to Huber's basic contract with Northern Natural Gas Company.

The proposed amendment covers sales from an additional 3,080 acres in the West Panhandle Field, Hutchinson and Carson Counties, Texas, at a price of 11.0 cents per Mcf at 14.65 psia. The aforesaid amendatory agreement has been accepted for filing and designated as Supplement No. 6 to J. M. Huber Corporation FPC Gas Rate Schedule No. 2.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4851; Filed, May 18, 1962; 8:45 a.m.]

[Docket No. G-2869 etc.]

GREATER GAS CO. ET AL.

Notice of Severance

MAY 14, 1962.

James S. Ray, et al. d/b/a Greater Gas Company, et al., Docket Nos. G-2869, et al.; Exeter Drilling Company, Agent (Operator), et al., (Successor to Glen Perkins Oil, Inc.), Docket Nos. G-18018 and CI62-171.

Notice is hereby given that the matter of Exeter Drilling Company, Agent (Operator), et al. (Successor to Glen Perkins Oil, Inc.), Docket Nos. G-18018 and CI62-171, heretofore scheduled for a hearing to be held in Washington, D.C., on May 15, 1962, at 9:30 a.m. e.d.s.t., in the consolidated proceeding entitled James S. Ray, et al. d/b/a Greater Gas Company, et al., Docket Nos. G-2869, et al., is severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4852; Filed, May 18, 1962; 8:45 a.m.]

[Docket No. G-16842 etc.]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

MAY 14, 1962.

Take notice that on April 9, 1962, Tennessee Gas Transmission Company (Applicant) filed in Docket No. G-16842, et al., an application pursuant to section 7(c) of the Natural Gas Act for a temporary certificate of public convenience and necessity authorizing the construction and operation of certain of the facilities for which an application for a permanent certificate has been filed in said dockets, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject application indicates that because of the severity of the 1961–1962 winter season and emergencies which occurred during that season, Applicant had to make excessive withdrawals of gas from storage. In order to meet the demands of customers for the 1962–1963 winter season, it will be necessary to replace these excessive withdrawals. To accomplish this, the application states, it will be necessary for Applicant to begin construction immediately of facilities southwest of Station 87.

Specifically, Applicant seeks temporary authorization to construct and operate the following compression facilities:

Station No. and location	Proposed horsepower
526A–102, Scofield Bay (Offshore La.)	5,000
527, near Port Sulphur, La	4,000
530, near Bay St. Louis, Miss	6,000
534, near Purvis, Miss	9,000
538, near Heidelburg, Miss	8,000
542, near DeKalb, Miss	11,000
546 near Columbus, Miss	5,000
550, near Hamilton, Ala	11,000
555, near Collinwood, Tenn	7,500
860, near Centerville, Tenn	5,400
321, near West Clifford, Penn	5,000
Total	76,000

In addition to the foregoing compression facilities, Applicant requests temporary authorization to construct and operate 2.37 miles of 6⅝" O.D. line to replace the 3½" O.D. Northampton-Greenfield, Massachusetts, delivery line.

Applicant estimates the cost of the subject facilities to be $17,328,108.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the subject application for a temporary certificate of public convenience and necessity.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4853; Filed, May 18, 1962; 8:45 a.m.]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Revision

Correction

In F.R. Doc. 62-4733, appearing at page 4636 of the issue for Wednesday, May 16, 1962, the material appearing under sections 4–7 was published out of order. Therefore, sections 4–7 are rearranged to read as set forth below:

SEC. 4. *Executive Director.* The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the bureaus and the staff of the Commission. Immediately under his direction are the following staff units:

(a) *Program Review Officer.* It is the responsibility of the Program Review Officer to make reports and recommendations directly to the Commission with respect to how and where its functions should be exercised in order to best serve the public interest.

(b) *Office of Administration.* This office supervises management, organization, administrative services, and personnel programs. It has the following units:

(1) Management Staff.
(2) Division of Personnel.
(3) Division of Administrative Services.

(c) *Office of Comptroller.* This office supervises budgetary and fiscal matters within the Commission and participates in the collection of data for the preparation of quarterly reports showing the financial characteristics of manufacturing corporations, and performs machine tabulations. The Divisions in the office are:

(1) Division of Budget and Finance.
(2) Division of Machine Tabulation.

(d) *Office of Information.* This office furnishes information concerning Commission activities to news media and the public.

SEC. 5. *Office of the Secretary.* The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. He signs Commission orders and coordinates all liaison activities with the Congress and Government departments and agencies.

SEC. 6. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. This office includes the following organizational units:

(a) *Division of Appeals.* Representing the Commission in the Federal courts, this division also aids in preparing memoranda, opinions and reports on questions of law and policy referred to the General Counsel.

(b) *Division of Consent Orders.* This office supervises the preparation and execution of agreements submitted to the Commission for the settlement of cases by the entry of consent orders.

(c) *Division of Legislation.* This division advises the Commission on legislative matters, and prepares for its consideration drafts of and reports on proposed legislation.

SEC. 7. *Bureau of Industry Guidance.* With the assistance of this bureau, the Commission endeavors to secure voluntary compliance with the statutes it administers by informing and guiding businessmen as to the requirements of such statutes. The Bureau is comprised of three divisions:

(a) *Division of Trade Practice Conferences.* This division administers the trade practice conference program under which trade practice interpretative rules are promulgated for particular industries.

(b) *Division of General Rules and Regulations Applicable to Unlawful Trade Practices.* The duty of this division is to assist the Commission in promulgating rules and regulations applicable to unlawful trade practices which, where relevant to issues involved in subsequent adjudicative proceedings, may be relied upon by the Commission as provided in § 1.63 (Title 16, Chapter I, CFR).

(c) *Advisory and Guides Division.* This division assists businessmen in obtaining advice from the Commission as to the legal requirements of the statutes it administers. Also, it is the duty of this division to prepare and recommend to the Commission appropriate guides dealing with the legality of widely used trade practices.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MAY 15, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 16, 1962, to May 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4856; Filed, May 18, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37740: *T.O.F.C.—Class and commodity rates from and to Sand Springs, Okla., and Lewisville, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8213), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers or demountable trailer bodies and transported on railroad flat or open-top cars, between Sand Springs, Okla., and Lewisville, Tex., on the one hand, and points in Missouri, Illinois, and Kansas, on the other; also rates on shrimp from specified points in Texas and Louisiana, on the one hand, to points in Illinois, Kansas and Missouri, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplements 77 and 85 to Southwestern Freight Bureau tariff I.C.C. 4345.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4865; Filed, May 18, 1962; 8:46 a.m.]

[Notice 640]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 16, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64438. By order of May 14, 1962, Division 3, acting as an Appellate Division, approved the transfer to Thomas J. Sullivan, doing business as Sullivan's Motor Express, 75 Wealth Avenue, Providence, R.I., of certificate No. MC 33029, issued May 27, 1949, to Frances R. Sullivan, doing business as Sullivan's Motor Express, 75 Wealth Avenue, Providence, R.I., authorizing the

transportation of: general commodities with the usual exceptions, wool, wool tops, wool yarn, wool waste, mohair, textiles, textile products, and materials, supplies and equipment used or useful in the operation and maintenance of textile mills and in the manufacture and distribution of textile products, from, to, or between specified points in Rhode Island, Massachusetts and New York.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-4866; Filed, May 18, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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VOLUME 27 NUMBER 99

Washington, Tuesday, May 22, 1962

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Title 3—THE PRESIDENT

Proclamation 3477

PRAYER FOR PEACE, MEMORIAL DAY, 1962

By the President of the United States of America
A Proclamation

WHEREAS the supreme and selfless sacrifice of those who gave their lives on the field of honor have made it possible for succeeding American generations to remain free and enjoy the spiritual and material blessings of our free society; and

WHEREAS the courage and ideals of our noble dead have contributed to the advancement of the cause of world freedom and stand as an inspiration to us all; and

WHEREAS in our time we face a challenge which demands of us the same virtues of loyalty, courage, and devotion to country that characterized our fallen heroes; and

WHEREAS Memorial Day each year provides a fitting occasion upon which Americans may not only pay tribute to our honored dead but also unite in prayer for success in our search for a just and lasting peace; and

WHEREAS to this end the Congress, in a joint resolution approved May 11, 1950 (64 Stat. 158), requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, do hereby urge the people of the United States to observe Memorial Day, Wednesday, May 30, 1962, by invoking the blessing of God on those who have died in defense of our country, and by praying for a new world of law where peace and justice shall be assured for all; and I designate the hour beginning in each locality at eleven o'clock in the morning of that day as the time to unite in such prayer.

I also urge the press, radio, television, and all other media of information to cooperate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Eighteenth day of May in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-5010; Filed, May 21, 1962; 10:36 a.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1710—FEDERAL DISASTER ASSISTANCE

Agreements

1. Section 1710.8 is amended by adding the following paragraphs:

(e) The following provisions shall be included in every Federal-State Disaster Assistance Agreement entered into:

In connection with the performance of work under this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(f) The following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

No member of or Delegate to Congress shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon; Provided, however, this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

2. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated May 15, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-4890; Filed, May 21, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 318—TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS APPROVING METHYL BROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF AVOCADOS FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred by § 318.13-4(b) of the regulations (7 CFR 318.13-4(b)) supplemental to the Hawaiian Fruits and Vegetables Quarantine (Notice of Quarantine No. 13, 7 CFR 318.13), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions to be designated as 7 CFR 318.13-4e are hereby issued to read as follows:

§ 318.13-4e Administrative instructions approving methyl bromide fumigation as a condition for certification of avocados for movement from Hawaii.

The Director of the Plant Quarantine Division hereby approves methyl bromide fumigation, applied in accordance with the provisions of this section, as a treatment for avocados from Hawaii. Avocados treated and handled as provided in this section may be certified for movement from Hawaii to other parts of the United States.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the rate of 2 pounds per 1,000 cubic feet for 4 hours at 70° F. or above.

(2) Avocados to be fumigated must be arranged, in ventilated wooden boxes, not more than one layer deep and without packing material or wrappings. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The 4-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Good circulation above and below the load, and between individual containers, shall be provided as soon as the avocados are loaded in the chamber and shall continue during the full period of fumigation and until the avocados have been removed to a well-ventilated location.

(b) *Supervision of treatments and subsequent handling.* The treatment approved in this section and the subsequent handling of the avocados so treated must be under the supervision of a plant quarantine inspector of the Plant Quarantine Division. Such treated avocados must be safeguarded against reinfestation during the period prior to movement from Hawaii in a manner satisfactory to the inspector. Certification of avocados for such movement will be made only upon compliance with the prescribed treatment and posttreatment safeguards.

(c) *Costs.* All costs of the treatments and prescribed posttreatment safeguards provided for in this section, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall, as required by § 318.13-4(b), be borne by the owner of the avocados, or his representative.

(d) *Department not responsible for damage.* (1) This treatment is recognized as one which may be marginal as to varietal tolerance of avocados and the owner or shipper is warned of possible injury. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

(2) In test fumigations no injuries were observed in the varieties of Kashlan, Kahuluu, and Lehua; some superficial discoloration, masked by ripening, in Haas, Ilialu, Kanola, Linda, Nutmeg, Sato, Tumin, and Yamagata; pitting and skin scald in Beardslee, Booth, Frowe, Nabal, Waldin, and Zutano; and internal

discoloration and decay lesions in Bacon, Fuerte, and Rincon varieties.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 19 F.R. 74, as amended, and 7 CFR 318.13-4(b); interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These administrative instructions shall become effective May 22, 1962.

Heretofore a quick-freezing treatment has been the only method available for treating avocados as a means of making them eligible for certification for interstate movement from Hawaii. Therefore, the provision in these instructions for a methyl bromide fumigation treatment as an alternate condition for certification is a lessening of restrictions. In order to be of maximum benefit to affected persons these instructions should be made effective as soon as possible.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of May 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-4917; Filed, May 21, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 20, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.320 (Lemon Regulation 20, 27 F.R. 4551) are hereby amended to read as follows:

(ii) District 2: 520,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-4916; Filed, May 21, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-356]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Standard Mileage Rule

MAY 17, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of May 1962.

Part 288 of the Board's Economic Regulations, 14 CFR Part 288, exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act of 1958, to enable such carriers to perform charter services for the Military Air Transport Service (MATS) on short notice. Section 288.7 conditions the exemptions on a minimum reasonable level of compensation for such services and prescribes minimum charges per passenger-mile and per cargo ton-mile, the minimum amount of traffic on which these charges must be based, and the computation of mileages to which such charges apply. This section was amended, first to establish a new standard mileage rule, including a minimum mileage standard for transpacific service with no required intermediate stops (Amendment 1, § 288.7(d)); and second, to provide for reduced minimum charges, a new definition of "round-trip services," and to specify the minimum passenger and cargo loads for additional aircraft types (Amendment 2, § 288.7 (a), (b) and (c)).

Prior to the effective date of Amendment 2, the Board received from Slick Airways, Inc. (Slick) and The Flying Tiger Line Inc. (Tiger) petitions for reconsideration and motions for stay of the Amendment insofar as it established a reduced minimum charge of 21.5 cents per ton-mile for one-way cargo charters in § 288.7(a)(4). The Board, in Amendment 3 to Part 288, effective February 1, 1962, postponed the effective date of this provision insofar as it related to transpacific operations. On February 2, 1962, subsequent to the effective date of Amendment 2, United States Overseas Airlines, Inc. (USOA) filed a petition for reconsideration of Amendment 2, and a motion for stay.[1] In Order E-18113, dated March 16, 1962, the Board denied USOA's motion for stay but stated that USOA's petition for reconsideration would be considered in conjunction with Slick's and Tiger's petitions.

Slick's petition, dated January 26, 1962, states that the 21.5-cent standard was established by the Board on the assumption that the carrier will get this amount for each mile actually flown; that actually under the mileage standard of Amendment 1 to Part 288 the carrier receives less (20.1 cents and 19.9 cents per ton-mile on certain illustrative routes); and that this constitutes an unreasonably low level of compensation. Slick seeks restoration of the former minimum charge of 22.5 cents.

Tiger's petition, dated January 29, 1962, also states that because of the standard mileage rule of Amendment 1 to Part 288, the actual revenue per aircraft-mile is less than the minimum fixed by the Board; that on trips to the Orient via Honolulu there is a differential between standard mileages and actual miles flown of 5 to 8 percent; that the Board's assumption of availability of backhaul charters, which underlies its 21.5-cent one-way rate, is erroneous; and that there is a differential in yield between the passenger minimum charges and the cargo minimum charges which is unreasonably unfavorable to cargo carriers. Tiger requests reconsideration of the 21.5-cent minimum one-way cargo rate.

USOA states in its petition, dated February 2, 1962, that under the standard mileage rule of Amendment 1 to Part 288 there are great differentials in transpacific service between mileage chargeable and mileage actually flown by carriers which do not have jet aircraft or the DC-7CF; that the reduced minimum charge of 2.75 cents per round-trip passenger revenue mile, introduced by Amendment 2, is marginal even if applied to the mileage actually flown, and results in serious losses under the standard mileage rule; that an identical situation exists in respect of cargo and convertible charters; and urges that the previous rate level should be reinstated.

The Board has also received, and considered in this context, a petition of World Airways, Inc., filed February 8, 1962, for clarification of the standard mileage rule, § 288.7(d), with respect to MATS loading and/or off-loading traffic at operational stops in the mid-Pacific where no intermediate stop is required by the contract; and a letter from MATS, dated March 5, 1962, requesting the Board to amend the standard mileage rule to authorize MATS to off-load and/or on-load traffic at enroute stops made by the carrier though not required under the contract, to the extent that it does not interfere with the carrier's scheduled ground operations.

[1] All these petitions were filed in Docket 13039.

The presently effective standard mileage rule provides that passenger-miles and cargo ton-miles shall be computed on the basis of the nonstop airport-to-airport distance in terms of statute miles from the point of origin to destination via such intermediate points as are required to be served by the terms of the MATS contract; provided that in transpacific service, if no intermediate points are specified in the MATS contract, the miles shall be no less than as computed via Anchorage, Alaska or Honolulu, Hawaii, whichever provides the shorter distance. Thus a MATS "request for proposal" (RFP) setting forth a traffic requirement from Travis Air Force Base, California, to Bangkok, Thailand, via Clark Air Force Base (Manila, Philippines) as an intermediate point, would be subject to a rate-making distance of the Travis-Clark non-stop mileage (6,979) plus the Clark-Bangkok nonstop mileage (1,336) for a total distance of 8,315 miles. However, a traffic requirement from Travis to Bangkok not specifying intermediate points would have a rate base distance, constructed via Anchorage, of the following mileages: Travis-Anchorage 1,990 miles plus Anchorage-Bangkok—6,013 miles, a total of 8,003 miles. In neither case does the rule-make provision for the actual miles that must be flown in order for any aircraft to operate over this route. In both instances rate-making miles are substantially less than actual flight miles. A Travis-Bangkok flight operated via the north-Pacific would require flying at least 8,643 miles (via Anchorage-Tachikawa, Japan, and Clark) which is 328 or 640 miles farther than the above rate-making mileage, depending on whether a stop at Clark is specified in the award. These disparities between the rate-making and actual mileage would be increased by 480 miles if the flight were performed via the mid-Pacific route (Honolulu-Wake, and Clark). Flights operating to Japan may have as much as 23.4 percent difference between the rate-making mileage and the actual flight distance.[2]

Some of the transpacific nonstop distances being used regularly for computing minimum compensation in MATS transportation are beyond the effective range of even the most modern jet transports of today. At the present time only three aircraft types (CL-44, DC-7CF, B-707) have the operational capability of carrying passengers over the basic north-Pacific route (Travis-Anchorage-Tachikawa) without making operational stops.[3] At this time it is the practice of MATS to schedule all passenger flights through the mid-Pacific via Honolulu. As late as January 1962, at least one carrier was carrying passengers over the northern route but this carrier since has abandoned this route for the more desirable mid-Pacific route because of schedule reliability and other operational factors.

[2] Travis - Anchorage - Tachikawa — 5,469 miles. Travis-Honolulu-Wake-Tachikawa—6,747 miles.

[3] The L-1049H aircraft, which carries important volumes of passengers across the Pacific, the DC-7 and the DC-6A aircraft do not have such capability.

With respect to cargo operations, two of the three cargo-carrying aircraft types (DC-7CF, L-1049H) are unable, except under very favorable conditions, to carry Board specified minimum loads or more of cargo nonstop from Anchorage to Japan.[4] As a result, some carriers are forced to operate via a five-stop[5] operation which is slightly longer than the Travis-Anchorage-Tachikawa route (the basic north-Pacific route), and other carriers operate the much longer mid-Pacific route.

In addition to the limitations on the operational capability of some of the aircraft used in MATS charter services which effectively preclude the operation of such aircraft via the basic north-Pacific route, that route itself presents operational difficulties which have discouraged some of the carriers from utilizing it even though the mid-Pacific route involves a substantially greater distance. Only two operators (Flying Tiger and Trans-International) are continuing to operate some of their cargo flights via the basic north-Pacific route.

On all flights via the northern route to points beyond Japan, a stop is necessary in Japan. Flights operating through the mid-Pacific are required to stop at Honolulu and Wake. Thus, trips to Japan via the mid-Pacific require one stop more than trips via the basic northern route. To points beyond Japan, a minimum of two stops (Anchorage and Tachikawa or Honolulu and Wake) is required regardless of the route flown, and irrespective of the load (passenger or cargo) carried. On flights scheduled to the southeast Asian points of Bangkok and Saigon (South Viet Nam), a stop at Clark is almost always included. Because of the geographical location of these two terminals with respect to Japan, it is evident that a nonstop route is very impractical and the routing via Clark is most desirable from an operational as well as a traffic point of view.

It is clear, therefore, that under the standard mileage rule of present § 288.7 (d) there are significant differences between miles actually flown and miles paid for on all transpacific trips where necessary operational stops are not also prescribed in the contract as traffic stops, except trips to Tachikawa in those instances where the basic northern route is actually flown. The absorption of these significant amounts of mileage circuity results in many instances in an uneconomically low level of revenues.

While the petitioning carriers ask for relief by restoration of the one-way minimum charge per ton-mile as it existed before the promulgation of Amendment 2, they do not attempt to show that the charge is not reasonable on a worldwide basis but their factual allegations only relate to their transpacific operations and the absorption of circuity permitted under the standard mileage rule prescribed for transpacific operations. It appears to the Board that the appropriate remedy is not to retain a minimum charge which in some instances makes it easier for carriers to absorb mileage, since in instances where no such absorption is involved such charge would be unjustifiably high. Furthermore, the difference between 22.5 cents and 21.5 cents amounts to less than 5 percent and therefore is not commensurate with some of the instances of mileage absorption. It therefore appears to the Board that a revision of the standard mileage rule for Pacific operations rather than restoration of the 22.5-cent minimum charge is the most appropriate remedy. Similar considerations apply to the passenger round-trip charge.

[4] The CL-44 does have the capability.

[5] Typical route pattern: Travis-Seattle-Cold Bay-Adak-Misawa-Tachikawa.

The Board has therefore decided to modify the present standard mileage rule and in effect to establish dual standard mileages which will relate respectively to the north-Pacific and mid-Pacific routings. The north-Pacific standard mileages will apply in the case of services performed via a north-Pacific routing but will not apply to services performed via the mid-Pacific routing. The mid-Pacific standard mileage will apply to services performed via the basic mid-Pacific routing. Thus, a carrier may bid the basic north-Pacific route of Travis-Anchorage and Tachikawa and, under the rule adopted herein, such a carrier would be permitted to operate, for example, via Travis-Seattle-Cold Bay-Adak-Misawa and Tachikawa, but it may not operate via the mid-Pacific routing, except under the following circumstances:

The Board is aware that from time to time safety factors which were not foreseen at the time the carrier's proposal was made and at the time MATS awarded the contract (such as adverse weather conditions) may require that a flight scheduled to be operated via the north-Pacific be diverted to a mid-Pacific routing. In such cases, the rule will allow such deviation provided that the carrier files with the Board a report explaining the deviation. Absence of capability of the carrier's aircraft to fly the nonstop distances involved in operating along the northern route is not a factor which justifies deviation even though it may be due to weather conditions unless the aircraft is capable of operating such route under the weather conditions normally prevalent. Flights involving deviation from the northern to mid-Pacific route in circumstances other than those specified in the new rule are not covered by the exemptions granted in this Part.

The Board is also of the view that MATS should be permitted to on-load and/or off-load traffic (passenger or cargo) at any stop made by the carrier for its own convenience, without paying for any extra mileage. Reliance is placed on the representation by MATS that it "does not desire this authority in order to develop schedules for known requirements but * * * merely to provide the opportunity to take advantage of this additional flexibility which is available." A new paragraph (e) to § 288.7 will be added which specifically authorizes air carriers to provide such service at the request of MATS. Of course, in any case where on-loading traffic under this provision results in a load on board over any flight stage in excess of the load paid for pursuant to the underlying con-

tract, the carrier must receive payment for carrying such excess over the mileage actually flown. Where cabin-load remains at or below the minimum specified in § 288.7(b) after such on-loading, no additional compensation would be due.

The amendment to the standard mileage rule coupled with the amendment permitting MATS to on-load and/or off-load traffic at intermediate points is, in the Board's opinion, a fair and equitable solution to the unique problems presented by transpacific MATS contract operations. As a result of the amendments adopted herein, MATS will have flexibility to set up charter flights to be performed by the civil carriers to meet its needs. At the same time air carriers will not absorb undue mileage circuity. The Board is aware that carriers without aircraft having certain capability may be eliminated from effectively bidding for traffic via certain routes. However, the Board is of the opinion that the present situation which entails substantial mileage absorption by most of the carriers performing transpacific MATS charters is so undesirable from the standpoint of the industry as a whole as to override such considerations.

The Board recognizes that in the transpacific operations carriers may not be able to operate back-haul charters in the same amount as such charters may be generated in transatlantic operations. On the other hand, this factor is offset by somewhat lower overall operating costs in Pacific operations. A carrier which performs a one-way cargo charter for MATS does not always have to fly an identical number of ferry miles when back-haul revenues cannot be generated, although under the minimum charges the "ferry factor" in the one-way charge applies to each live mile. For example, a combination of one-way operations may minimize the ferry flights required, or ferry flights may sometimes be performed via shorter routings than the outbound revenue flight. The minimum charges for MATS charters are the same under this Part as they are for flights which do not require exemption authority by certificated carriers having greater opportunity for generating revenues for backhaul, a factor which therefore is pertinent to the determination of the minimum charge which is fair to MATS.

Arrangements are underway with respect to the procurement of civil airlift for fiscal year 1963 and the early resolution of these matters is desirable in order that the firm prices will be known. Hence, the public interest requires that these amendments be made effective at the earliest possible time. The Board therefore finds that good cause exists for making these amendments effective without further notice and public procedure thereon. On the other hand, both MATS and the carriers should be given time to adapt their procedures to the changes which this amendment makes in the standard mileage rule applicable to the Pacific theatre. The Board therefore has decided to make this amendment effective as of July 1, 1962.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective July 1, 1962, by:

1. Amending paragraph (d) of § 288.7 to read:

(d) *Computation of passenger-miles and cargo ton-miles*—(1) *General rule.* For the purpose of this section, the computation of passenger-miles and cargo ton-miles shall be based on no lesser mileage than the nonstop airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the MATS contract.

(2) *Transpacific services.* In the case of transpacific services between the 48 contiguous states and points beyond Alaska or Hawaii, the general rule shall not apply but the mileage shall be computed as prescribed in Schedule A incorporated in this paragraph and attached hereto: *Provided,* That where the computation of the mileage is based on routings (2), (4) or (5), respectively, of the Schedule, the carrier may actually fly via Honolulu and/or Wake and/or Guam only if:

(i) Such actual flight routing is due solely to safety considerations other than aircraft capability, unforeseen at the time of submission of the bid, and

(ii) Military requirements prevent delay of such flight, and

(iii) A report of such flight is filed pursuant to § 288.8(c).

(3) *Transatlantic services.* In the case of transatlantic services, when the nonstop airport-to-airport distance between origin and destination of the flight is 4,000 miles or more and no intermediate points are specified by the terms of the MATS contract, the mileage shall be no less than as computed via Shannon, Ireland, or via Lajes/Santa Maria, Azores, whichever routing yields a lower mileage.

2. Adding a new paragraph (e) to § 288.7 to read:

(e) *On-loading and off-loading of traffic.* It shall not be deemed a violation of the provisions of this section for an air carrier operating a charter flight to permit MATS to on-load and/or off-load traffic (passenger or cargo) at any operational stops enroute made for the carrier's convenience, to the extent that it does not interfere with the carrier's scheduled ground operation: *Provided,* That the carrier receives minimum compensation consistent with the provisions of this section for resulting load carried on any flight stage which is in excess of the load paid for under the contract.

3. Adding a new paragraph (c) to § 288.8 to read:

(c) *Deviation report.* When an air carrier has made a bid for a transpacific flight in which the mileage factor was determined on the basis of a north-Pacific routing, and such carrier operates such flight via a mid-Pacific routing, it shall, within ten (10) days from the date of such flight, submit a report on such flight in duplicate to the Board, addressed to the attention of the Chief, Rates Division, Bureau of Economic Regulation, stating the reason for such deviation, the routing and mileage underlying the bid, the aircraft used, the routing and mileage actually flown, the traffic carried, and the compensation actually received.

4. Simultaneously making effective § 288.7(a)(4) as amended by ER-347, Amendment 2 of Part 288, 27 F.R. 689, insofar as its effective date had been postponed by ER-349, Amendment 3 of Part 288, 27 F.R. 972.

(Secs. 204(a), and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

TRANSPACIFIC ROUTINGS

Between—	And—									
	Thailand	South Viet Nam	Philippine Islands	Guam	Wake	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. West Coast [1]	8 or 5	8 or 5	7 or 4	7	6	1	14 or 4	7 or 4	7 or 2	1
Alaska	15	15	3				3	3	1	
Japan	12	12	1	1	1	9	1	1		
Okinawa	12	12	1	1	1	9	1			
Formosa	12	12	1	1	11	10				
Hawaii	13	13	9	9	1					
Wake	12	12	1	1						
Guam	12	12	1							
Philippine Islands	1	1								
South Viet Nam	1									

Routings

1. Direct.
2. Via Anchorage.
3. Via Tachikawa.
4. Via Anchorage—Tachikawa.
5. Via Anchorage—Tachikawa—Clark.
6. Via Honolulu.
7. Via Honolulu—Wake.
8. Via Honolulu—Wake—Clark.
9. Via Wake.
10. Via Wake—Guam.
11. Via Guam.
12. Via Clark.
13. Via Wake—Clark.
14. Via Honolulu—Wake—Guam.
15. Via Tachikawa—Clark.

[1] Any place in the States of California, Oregon, or Washington.

[F.R. Doc. 62-4921; Filed, May 21, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-68]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1220) stating that the Federal Aviation Agency proposed the designation of a south alternate to low altitude VOR Federal airway No. 4 from Malad City, Idaho, to Rock Springs, Wyo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.6004 is amended as follows:

In the text "Rock Springs, Wyo., omnirange station;" is deleted and "Rock Springs, Wyo., VORTAC, including a south alternate via the Fort Bridger, Wyo., VOR," is substituted therefor.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1962.

LEE E. WARREN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 62-4896; Filed, May 21, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-44]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2028 of the regulations of the Administrator is to alter the El Paso, Tex., control zone.

The El Paso control zone is designated, in part, on the El Paso radio range. The Federal Aviation Agency is converting this facility to a radio beacon on or about May 7, 1962. Therefore, action is taken herein to substitute the El Paso radio beacon for the radio range in the description of the El Paso control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2028 is amended to read:

§ 601.2028 El Paso, Tex., control zone.

Within a 5-mile radius of the El Paso International Airport (latitude 31°48'40" N., longitude 106°23'10" W.), El Paso, Tex.; within 2 miles either side of the 090° bearing from the El Paso RBN extending from the 5-mile radius zone to the Rio, Tex., RBN; within 2 miles either side of the 010° bearing from the El Paso RBN extending from the 5-mile radius zone to the Newman, Tex., VOR, and within 2 miles either side of a direct line from Biggs AFB (latitude 31°51'00" N., longitude 106°22'45" W.) extending from the 5-mile radius zone to the Newman VOR, excluding the portion outside the United States.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1962.

LEE E. WARREN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 62-4893; Filed, May 21, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-56]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2043 of the regulations of the Administrator is to alter the Casper, Wyo., control zone.

The Casper control zone is presently designated, in part, with reference to the Casper radio range. This facility is being converted to a radio beacon with transcribed weather broadcast facilities, and the prescribed instrument approach procedure based on the radio range is being converted to an ADF approach procedure concurrently with the facility conversion. Accordingly, the control zone extension based on the west course and the portion of the east extension which extends beyond the radio beacon are no longer required for air traffic control purposes and will be revoked. Therefore, action is taken herein to reflect these changes in the description of the Casper control zone.

Since the size of the present control zone is being reduced and the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2043 (14 CFR 601.2043) is amended to read:

§ 601.2043 Casper, Wyo., control zone.

Within a 5-mile radius of the Casper Air Terminal (latitude 42°54'30" N., longitude 106°27'25" W.); and within 2 miles either side of the Casper ILS localizer E course extending from the 5-mile radius zone to the RBN.

This amendment shall become effective 0001, e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1962.

LEE E. WARREN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 62-4894; Filed, May 21, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-45]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2039 and 601.1241 of the regulations of the Administrator is to alter the descriptions of the Tulsa, Okla., control zone and the Tulsa control area extension.

The Tulsa control zone is designated, in part, on the Tulsa radio range. The Federal Aviation Agency is converting this facility to a radio beacon on or about May 14, 1962. Therefore, action is taken herein to substitute the Tulsa radio beacon for the Tulsa radio range in the description of the Tulsa control zone.

The Tulsa control area extension is designated, in part, on the Tulsa radio range. Since low frequency navigational aids are undergoing a period of change, involving decommissioning or alteration, it is preferable that the Tulsa control area extension be designated on a location other than a low frequency aid. Therefore, action is taken herein to designate this control area extension, in part, on latitude 36°12'55" N., longitude 95°51'31" W.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 601.2039 [Amendment]

1. In the text of § 601.2039 (14 CFR 601.2039) "within 2 miles either side of the NE course of the Tulsa RR, extending from the 5-mile radius zone to 12 miles NE of the RR," is deleted and "within 2 miles either side of the 061° bearing from the Tulsa, Okla., RBN extending from the 5-mile radius zone to 12 miles NE of the RBN;" is substituted therefor.

2. Section 601.1241 (14 CFR 601.1241) is amended to read:

§ 601.1241 Control area extension (Tulsa, Okla.).

Within a 25-mile radius at latitude 36°12'55" N., longitude 95°51'31" W.; that airspace SW of Tulsa, Okla., bounded on the NW by VOR Federal airway No. 14, on the SE by VOR Federal airway No. 15 and on the SW by VOR Federal airway No. 163; that airspace S of Tulsa bounded on the W and NW by VOR Federal airway No. 15, on the E and SE by lines 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of VOR Federal airway No. 74 to the McAlester VORTAC, on the E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4895; Filed, May 21, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Copies of Geodetic Control Data

Insofar as the Administrative Procedures Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rulemaking procedure, or postpone the effective date thereof.

Section 303.6, Part 303 of Chapter III, Title 33, is revised as follows:

§ 303.6 Copies of geodetic control data.

Charges for copies of geodetic control data:

	Each
Diagrams (regardless of size or area covered)	$0.50
Data sheets, 4 types as follows:	.06
Geographic position sheets.	
Plane coordinate sheets.	
Quadrangle format by sheets (furnished only in unassembled sheets when request is for a few stations by name or station number or when sent, as supplements, to subscribers to automatic mailing service).	
Unadjusted data sheets.	
Booklets (assembled data)—5 types as follows:	
Vertical control (State numbered lines).	
Horizontal control description booklets.	
Quadrangles (horizontal control).	
Quadrangles (vertical control).	
CWA (C&GS and State Survey data available for limited areas on specific request).	

	Per booklet
3 sheets or less	$0.06
4 to 15 sheets	.25
16 to 32 sheets	1.00
33 to 50 sheets	2.00
51 or more sheets	3.00

Complete data coverage by States (prices do not include diagrams or new unpublished data):

State	Horizontal Control	Vertical Control
Alabama	$25.00	$30.00
Alaska	(3)	5.00
Arizona	50.00	18.00
Arkansas	(1)	16.00
California	196.00	[2] 118.00
Colorado	(1)	21.00
Connecticut	27.00	2.00
Delaware	10.00	2.00
District of Columbia	9.00	1.00
Florida	93.00	24.00
Georgia	39.00	30.00
Hawaii	12.00	.50
Idaho	40.00	28.00
Illinois	[2] 63.00	[2] 28.00
Indiana	[2] 77.00	[2] 39.00
Iowa	(1)	(1)
Kansas	(1)	13.00
Kentucky	[2] 58.00	[2] 37.00
Louisiana	46.00	16.00
Maine	48.00	8.00
Maryland	70.00	13.00
Massachusetts	73.00	3.00
Michigan	[2] 42.00	(1)
Minnesota	(1)	(1)
Mississippi	41.00	16.00
Missouri	(1)	(1)
Montana	[2] 222.00	(1)
Nebraska	(1)	22.00
Nevada	50.00	20.00
New Hampshire	13.00	3.00
New Jersey	53.00	6.00
New Mexico	(1)	15.00
New York	99.00	21.00
North Carolina	64.00	6.00
North Dakota	[2] 32.00	(1)
Ohio	[2] 39.00	[2] 42.00
Oklahoma	(1)	9.00
Oregon	100.00	21.00
Pennsylvania	49.00	22.00
Puerto Rico	16.00	(4)
Rhode Island	14.00	1.00
South Carolina	31.00	12.00
South Dakota	(1)	(1)
Tennessee	[2] 50.00	(1)
Texas	136.00	82.00
Utah	(1)	9.00
Vermont	9.00	2.00
Virginia	88.00	32.00
Washington	150.00	24.00
West Virginia	12.00	(1)
Wisconsin	(1)	(1)
Wyoming	(1)	13.00

[1] Current price will be furnished upon request. Data are being converted to quadrangle units which are sold at the booklet rates listed above. Limiting purchases of data in the old format to immediate requirements is suggested, to minimize duplication when purchasing data in the new quadrangle format.

[2] Conversion of data to quadrangle units is complete.

[3] Unclassified horizontal control data for Alaska are available as follows:

1° x 1° quadrangles, sold at the booklet rates listed above. These supply all data, except descriptions and azimuths and distances, for which volume and page references are included.

Description booklets, sold at the booklet rates listed above.

Old format Geographic Position sheets (including azimuths and distances), ea. $0.06.

Unadjusted data sheets, ea. $0.06.

[4] No control.

Minimum charges:

Minimum charge per order, except automatic mailing list shipments	$1.00
Automatic Mailing List—special service charge per shipment (additional to the subscription price)	.25

Special subscription service:

Special subscriptions to an automatic mailing service for new and revised data are available. Details concerning this service are available on request.

The above prices are effective May 7, 1962.

[SEAL] H. ARNOLD KARO,
Rear Admiral, United States Coast and Geodetic Survey, Director.

[F.R. Doc. 62-4888; Filed, May 21, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2; Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zone

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of May A.D. 1962.

The Commission on its own motion having further considered the record in the above-entitled proceedings, and it appearing that the second ordering paragraph of the order of the Commission, entered November 17, 1961, redescribing the limits of the New York, N.Y., Commercial Zone, does not take account of an earlier redescription of such limits by the order of Division 1, entered in these proceedings April 28, 1961, and which became effective February 19, 1962, and good cause appearing therefor:

It is ordered, That § 170.1 as prescribed in the orders entered in these proceedings on April 28, 1961, and November 17, 1961 (49 CFR 170.1) be, and they are hereby, vacated and set aside, and the following hereby substituted in lieu thereof:

§ 170.1 New York, N.Y.

(a) The application of § 170.16 *Commercial zones determined generally,* with exceptions, is hereby extended to New York, N.Y.

(b) The exemption provided by section 203(b)(8) the Interstate Commerce Act, of transportation by motor vehicle in interstate or foreign commerce, performed wholly within the zone the limits of which are defined in paragraph (a) of this section, is hereby removed as to all such transportation except (1) transportation which is performed wholly within the following territory: The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N.Y., and Englewood, N.J.; the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield Boroughs, Bergen County, N.J.; and that part of Hudson County, N.J., east of Newark Bay and the Hackensack River; (2) transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent, movement by water carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph on the one hand, and, on the other, those points in Newark and Elizabeth, N.J., identified as follows: All points in that area within the corporate limits of the cities of Newark and Elizabeth, N.J., west of Newark Bay and bounded on the south by the Main Line of The Central Railroad Company of New Jersey, on the west by the Newark & Elizabeth Branch of The Central Railroad Company of New Jersey, and on the north by the property of The Pennsylvania Railroad Company; and (3) transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent, movement by rail carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph on the one hand, and, on the other, points in Kearny, N.J., within an area bounded on the north by the main line of the Jersey City Branch of The Pennsylvania Railroad Company, on the south and east by Fish House Road and Pennsylvania Avenue, and on the west by the property line of The Pennsylvania Railroad TrucTrain Terminal.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543; as amended, 544, as amended; 49 U.S.C. 302, 303)

Upon further consideration of the record in the above-entitled proceedings, and of:

1. Joint petition of Middle Atlantic Conference and American Trucking Associations, Inc., filed January 3, 1962, for reconsideration or further hearing;

2. Reply by The Pennsylvania Railroad Company, filed January 23, 1962;

and good cause appearing therefor:

It is ordered, That the said petition be, and it is hereby, denied, for the reason that the findings of the Commission, as modified herein, are in accordance with the evidence and the applicable law, and no sufficient cause appears for reopening the proceedings for reconsideration or further hearing;

It is further ordered, That the effective date of order entered in this proceeding on November 17, 1961, which order is modified by the first ordering paragraph hereof be, and it is hereby, fixed as June 22, 1962, and the said order of November 17, 1961, as modified, shall continue in effect until the further order of the Commission;

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-4909; Filed, May 21, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1065]

[Docket No. AO–86–A13]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Town House, 7000 Dodge Street, Omaha, Nebraska, beginning at 9:30 a.m., on June 6, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nebraska-Western Iowa marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Beatrice Foods Company and Fairmont Foods Company:

Proposal No. 1. Amend § 1065.16 to read as follows:

§ 1065.16 Fluid milk product.

Fluid milk product means milk, skim milk, buttermilk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured sour cream or any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, egg nog, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3801 Harney Street, Omaha 31, Nebraska, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on May 16, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–4911; Filed, May 21, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62–SW–12]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Borger, Tex. The proposed Borger transition area would be designated to extend upward from 7,000 feet MSL within 12 miles northwest and 8 miles southeast of the Amarillo VORTAC 038° True radial extending from 24 miles northeast to 56 miles northeast of the VORTAC. This would provide protection for aircraft in holding patterns at the Borger Intersection (intersection of the Amarillo VORTAC 038° and the Dalhart VORTAC 112° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 15, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–4892; Filed, May 21, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 798) has been filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, proposing to amend § 121.228 *Malathion* to establish a tolerance of 10 parts per million (0.001 percent) for residues of malathion in or on animal feed concentrate blocks, when present as a result of contact with malathion-treated paper.

Dated: May 15, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–4903; Filed, May 21, 1962; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 733) has been filed by Neville Chemical Company, Neville Island, Pittsburgh 25, Pennsylvania, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* by changing the item "Petroleum aliphatic hydrocarbon resin (produced by * * *" to read "Petroleum hydrocarbon resin (produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and mono-benzenoid arylalkene types from distillates of cracked petroleum stocks)."

Dated: May 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–4913; Filed, May 21, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

REGIONAL OIL AND GAS SUPERVISOR, SOUTHWESTERN REGION

Delegation of Authority With Respect to Drilling of Wells

MAY 4, 1962.

Delegation of authority with respect to drilling of wells in the Potash Area, Lea and Eddy Counties, New Mexico.

The Regional Oil and Gas Supervisor, Southwestern Region, is hereby authorized to act on applications to drill oil or gas wells, submitted pursuant to paragraph 1(e)(i) of Secretary's Order of October 16, 1951, published in the FEDERAL REGISTER of October 18, 1951 (16 F.R. 10669).

Approved: May 10, 1962.

ARTHUR A. BAKER,
Acting Director,
Geological Survey.

[F.R. Doc. 62-4904; Filed, May 21, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dep. Order No. 128 (Revised); Amendment No. 2]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Office of Emergency Transportation

The following amendment to the order was issued by the Secretary of Commerce on May 8, 1962. The material appearing at 27 F.R. 987 of February 2, 1962 and 27 F.R. 3411-3412 of April 10, 1962, is further amended as follows:

Department Order No. 128 (Revised) of January 19, 1962, is amended by adding a new section 6 to read as follows:

SEC. 6. *Office of Emergency Transportation.*

.01 The Office of Emergency Transportation is hereby established as a constitutent unit in the Office of the Under Secretary of Commerce for Transportation.

.02 The Office shall be headed by a Director who shall report and be responsible to the Under Secretary of Commerce for Transportation and shall be assisted by such staff as may be required to perform the functions set forth herein.

.03 The Office of Emergency Transportation shall consist of the following organization units:

1 Office of the Director,
Director,
Deputy Director.

2 Assistant Director for Operating Resources.

3 Assistant Director for Capabilities and Damage Assessment.

4 Assistant Director for Requirements and Allocations.

5 Assistant Director for Priorities and Control Procedures.

.04 The Director, Office of Emergency Transportation shall assist the Under Secretary of Commerce for Transportation in carrying out his assigned responsibilities under the provisions of Executive Order 10999 of February 16, 1962, relating to the emergency transportation planning and coordination functions, more specifically set forth in Section 3.02 of this order.

Change current section 6 of the order to read section 7.

Effective date: May 8, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-4889; Filed, May 21, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

BRAZIL

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Brazil, from which evidence it appears that Brazil has a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Brazil, who leave Brazil, are permitted to receive benefits or their equivalent while outside that country.

Accordingly, it is hereby determined and found that Brazil has in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 16, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-4915; Filed, May 21, 1962; 8:48 a.m.]

IVORY COAST

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Ivory Coast, from which evidence it appears that the Ivory Coast has a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of the Ivory Coast, who leave the Ivory Coast, are permitted to receive benefits or their equivalent while outside that country.

Accordingly, it is hereby determined and found that the Ivory Coast has in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 16, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-4915; Filed, May 21, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132 etc.; Order No. E-18342]

UNITED STATES OVERSEAS AIRLINES, INC., AND LARGE IRREGULAR AIR CARRIER INVESTIGATION

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of May 1962.

In the matter of the Large Irregular Air Carrier Investigation, Docket No. 5132 etc., and in the matter of the application of United States Overseas Airlines, Inc., Docket No. 12079, for renewal of its temporary certificate of public convenience and necessity authorizing supplemental air services.

Pursuant to Order E-13436, adopted January 28, 1959, the Board awarded United States Overseas Airlines, Inc. (USOA) a temporary certificate of public convenience and necessity for supplemental air service between any point in any State of the United States, or in the District of Columbia, and any other point in any State of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms was to expire on March 30, 1961.[1]

On January 26, 1961, USOA filed the subject application for renewal of its temporary certificate.[2]

Upon the basis of the carrier's records filed with the Board and upon information now available to the Board, we tentatively conclude that USOA is not fit, willing or able to perform properly the services authorized by its temporary certificate, and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder, and that its application for renewal should accordingly be denied.

The Board, by Order E-13436, supra, found that certain applicants were qualified to receive certificates of five years' duration, and that certain others, of which USOA was one, whose qualifications were found to be less acceptable than those of the first group, should receive certificates of a lesser duration (viz., two years).[3] The Board declined to certificate USOA for a five-year term because "of its overall compliance record."[4]

Over three years have elapsed since USOA received its certificate, and it appears that during this period, the carrier's fitness, as shown by its willingness and/or ability to comply with the Act, has not improved. To the contrary, the data presently available to the Board strongly suggest that the carrier's willingness and ability to comply with the Act and the Board's rules and regulations promulgated pursuant thereto has deteriorated to a marked extent.

By Order E-9643,[5] the Board directed USOA "to cease and desist from charging, demanding, collecting or receiving a greater or lesser or different compensation for air transportation, or for any service in connection therewith, than the rates, fares and charges specified in its currently effective tariffs for the air transportation of persons or property." Notwithstanding such order, the carrier appears to have on numerous occasions deviated from its effective tariffs, a violation of section 403(b) of the Act, Part 221 of the Board's Economic Regulations,[6] as well as the outstanding cease and desist order. By Order E-15999,[7] the Board directed USOA "to cease and desist from charging a different compensation for air transportation than the rates, fares and charges specified in its currently effective tariffs by exchanging air transportation for advertising publicity and/or promotional goods and services, or by any other means or device whatsoever." Again in the face of an outstanding Board order, USOA appears to have deviated from its effective tariff on numerous occasions by exchanging air transportation for, inter alia, services consisting of towing an aerial banner;[8] radio publicity;[9] photographic services;[10] and in one instance, for release of a claim for a lost surf board.[11] In addition to the above, it appears that the carrier had other tariff violations, including the granting of free or reduced rate transportation to persons ineligible to receive it, and by the operation of at least one flight to a point not included in its tariff."[12]

The carrier's Schedule F reports for the years 1960 and 1961, which are required by Part 242 of the Board's Economic Regulations, indicate that USOA has exceeded the flight frequency limitations imposed by the Board on supplemental carriers.[13] Further, the carrier has participated in cooperative working arrangements with numerous carriers and/or agents of air carriers[14] in apparent violation of the express terms of its certificate and a cease and desist order as well.[15] In addition, no copies of the contracts or agreements relating to the above working agreements have been filed with the Board as required by section 412 of the Act.

It also appears that USOA owns and/or controls one or more travel agencies operating under the trade name of "Sky Jet" and, similarly, that the carrier owns and/or controls Trans-Global Airline Agency of Honolulu and Aircoach Reservations, Inc. The ownership and/or control of the aforesaid ticket agencies constitute violations of sections 408 and/or 409 of the Act, inasmuch as no application has been filed by the carrier for approval of such control or interlocking relationships between an air carrier and a phase of aeronautics.

The carrier's pattern of continuing and habitual disregard for the Act, the terms of its certificate, and the Board's rules and regulations leads the Board to tentatively conclude that it does not possess the requisite disposition to comply with the law.

Aside from the foregoing, there are other factors which the Board tentatively concludes militates against the renewal of the carrier's certificate.

A carrier's financial condition is certainly an important element to be considered in assessing its fitness and ability to properly provide supplemental air services. It appears, on the basis of the information available to the Board, that USOA is in a somewhat precarious financial situation. As at December 31, 1961, its current liabilities greatly exceeded its current assets, and for the year ended December 31, 1961, the carrier apparently operated at a loss. It should be noted that the carrier's statistical and financial reports filed with the Board appear to be unreliable in this respect. Thus, for example, the carrier reported an operating profit in excess of $210,000 for the year ended December 31, 1961, and current assets of over $2,350,000.[16] However, a recent investigation of the carrier's financial records conducted by the Board's auditors tends to indicate that the carrier actually operated at a loss during the calendar year 1961, and that its current assets as reported to the Board for the period ended December 31, 1961,

[1] By Order E-14509, adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

[2] USOA's certificate has remained in effect by virtue of section 9(b) of the Administrative Procedure Act. 5 U.S.C. 1008 (1946).

[3] See Order E-13436, at pp. 55-58.

[4] Id., at p. 56.

[5] Adopted October 11, 1955 (Docket 7006).

[6] Seaboard World Airlines, Inc. agreement, dated October 2, 1961. USOA charged $1.70 per mile at a time when its effective tariff was $1.50 per mile; on December 12, 1961, USOA transported 8,499 pounds of cargo between Newark, N.J., and Burbank, Calif., for Flying Tiger Line at a charge of $22.20 per hundred pounds at a time when its effective tariff between these points was $22.75 per hundred pounds; on December 12, 1961, USOA transported 14,337 pounds of cargo for Flying Tiger between Detroit, Mich., and Burbank, Calif., at a charge of $1,647.98 which was purportedly based on a rate of $16.05 per hundred pounds which was the carrier's effective tariff rate. At this tariff rate, the proper charge for that amount of cargo amounts to $2,586; on or about December 20, 1961, USOA transported 13,116 pounds of cargo for Flying Tiger at a charge of $1,495.22 which was purportedly based upon a rate of $22.20 per hundred pounds. At this indicated rate, which was the carrier's effective tariff rate, the charge should have been $2,911.75.

[7] Adopted November 7, 1960 (Docket 10979).

[8] Andre M. Tomalino.

[9] Radio Station KIKI, Radio Station KPOI, Paul Gill Advertising Agency and the Pacific Far East Advertising Company.

[10] Claude Jendrusch.

[11] Harmond P. Hart.

[12] See complete listing of apparent tariff violations in Appendix A.

[13] This is an apparent violation of cease and desist Order E-9643, adopted October 11, 1955; see also Orders E-17822, dated December 12, 1961; E-17867, dated December 22, 1961; E-18012, dated February 12, 1962.

[14] Blatz Airlines, Inc.; Pacific Southwest Airlines; Paramount Airlines, Inc.; Quaker City Airways, d/b/a Admiral Airways, Inc. (the latter two being represented by Transcontinental Airlines Agency, Inc., as agent); Saturn Airways, Inc.; Standard Airways, Inc.; and American Flyers Airline Corporation.

[15] *Id.*, at footnote 5.

[16] Financial and Statistical Reports for the year ended December 31, 1961.

were substantially overstated.[17] It also appears that the carrier's current liabilities exceeded its current assets by more than $600,000 as of December 31, 1961, instead of by merely a little over $210,000, as reported to the Board.[18] The carrier's relatively unstable financial condition is aggravated by the fact that USOA, which has relied heavily on its operations for the military as a source of income,[19] has recently had this source of income denied to it. In March of 1962, the Military Air Transport Service, after an investigation, found that the carrier was not qualified to participate in operations for the military establishment, and, accordingly, temporarily suspended the carrier from doing business with DTMS and MATS for a period of 90 days.[20] On May 8, 1962, the Board was advised by MATS that on resurvey, it had again found that USOA did not meet MATS' minimum acceptable standards and that, accordingly, USOA would not be considered eligible for MATS bidding for at least an additional 90 days, after which time, the carrier could request resurvey.[21]

Another important factor to be considered in determining a carrier's fitness for renewal is whether the carrier has adequately performed the services authorized by its certificate with due regard to the convenience and needs of the traveling public. The information at hand indicates that USOA may have failed to meet this important requirement. An analysis of the complaints from members of the traveling public on file with the Board's Bureau of Enforcement tends to support this view. Thus, during the period January 1, 1960, through January 9, 1962, 91 informal complaints were lodged against USOA. These ranged from complaints concerning delays on making refunds to those involving outright rudeness on the part of USOA officials.[22]

While the Board recognizes that unsubstantiated complaints do not definitely establish a pattern of mistreatment of the traveling public, the fact that such a substantial number of complaints have, in fact, been lodged against the carrier certainly raises a serious question as to the carrier's fitness in this regard. Moreover, the fact that the carrier appears to have encountered substantial difficulties in meeting its operating expenses lends support to the credibility of many of these complaints, including those dealing with the failure to make timely refunds, its substitution of inferior and less costly equipment for preferred equipment, and the cancellation of flights with little or short notice to passengers, apparently for economic reasons.[23]

Upon careful consideration of the foregoing, and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that USOA should be directed to show cause within 20 days from the date of this order why the Board should not deny its application for renewal of its certificate of public convenience and necessity.

The proposed action raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E–9744, adopted November 15, 1955, as amended by Order E–9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration, No. 292, issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

These rights conferred by Order E–9744 and the carrier's individual letter of registration expire, by their terms, 60 days after the Board finally disposes, in Docket 5132, et al., of the carrier's applications for certificate and exemption authority to conduct supplemental services in overseas and foreign air transportation.[24]

The Board concludes that the same considerations outlined above, which led us to the tentative conclusion that USOA's application for renewal of its certificate authorizing interstate supplemental air services should be denied, apply with equal force to USOA's applications for overseas and foreign authorization. Accordingly, the Board will also direct USOA, within 20 days from the publication of this order, to show cause why its applications for foreign and overseas authorization, which have been consolidated into Docket 5132, et al.,[25] should not be denied.

Now, therefore, it is ordered,

1. That USOA and all other persons having an interest herein show cause why the carrier's application for renewal of its certificate of public convenience and necessity and its pending applications in Docket 5132, et al., for overseas and foreign authorizations should not be denied;

2. That any interested persons desiring to file a memorandum in opposition or exceptions to the proposed findings and conclusions of this tentative decision shall file such objections within 20 days from the date hereof; and that such objections shall specify, by separately numbered paragraphs, the part of the tentative decision excepted to and state the grounds thereof; and such objections filed by persons other than USOA shall be accompanied by a petition to intervene in the form prescribed by Rule 15 of the Board's rules of practice;

3. That any objection to the tentative decision not filed within the 20-day period or in the form specified herein shall be deemed waived;

4. That if proper objections are filed within the 20-day period specified above, this proceeding shall be set for hearing, and the hearing shall be limited, to the extent practicable and consistent with the public interest, to consideration of issues raised by the objections filed; and

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–4918; Filed, May 21, 1962; 8:48 a.m.]

[Docket No. 12876]

TULSA-DENVER RESTRICTION CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for June 5 is postponed to June 6, 1962, 10 a.m., e.d.s.t., Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., May 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–4919; Filed, May 21, 1962; 8:48 a.m.]

[17] The Board's audit revealed that the carrier showed an operating loss in excess of $50,000 during 1961, and that its current assets merely totaled approximately $1,615,000 as at December 31, 1961.

[18] Significantly, the recent examination of USOA's books showed that as of December 31, 1961, there were a relatively large number of unpaid, past due trade accounts, totaling approximately $400,000. All of these trade accounts were over 30 days past due, and a substantial number of them were over 60 days in arrears. Manifestly, a carrier's ability to meet its current obligations as they fall due is one of the indicators of a carrier's fitness and ability to sustain and provide proper service.

[19] During the nine months ended September 30, 1961, approximately two-thirds of its revenues were derived from MATS, CAM and Quicktrans operations. Quarterly Reports, 1961. The Quicktrans contract expired by its terms in the summer of 1961, and we are advised that it has not been renewed.

[20] On March 16, 1962, the Board was telegraphically advised by MATS that it suspended the carrier because of its (1) past history of aircraft accidents; (2) history of FAA violations; (3) unbalanced financial condition; (4) poor maintenance record; and (5) unsatisfactory performance and/or schedule reliability.

[21] While we do not believe that the fact that MATS has found USOA unqualified to participate in operations for the military would, in and of itself, dictate a finding that the carrier is unfit to have its supplemental certificate renewed, this fact obviously raises serious questions as to the carrier's overall fitness to provide supplemental air service.

[22] Thirty-four concerned delays in making refunds to passengers, and the remaining fifty-seven related to misrepresentation of service, flight delays, flight cancellations, substitution of inferior equipment for superior advertised equipment, unscheduled stops, transferring passengers to other carriers without advance reservations, etc.

[23] In addition, USOA's relatively poor performance rating with respect to its MATS and CAM operations, which, among other things, formed the basis for the recent MATS suspension, must be considered in assessing its overall ability to meet its service obligations to the public at large.

[24] See footnote 1, page 2, of Order E–16277, adopted January 17, 1961. Large Irregular Air Carrier Investigation, Docket 5132, et al. By this order, the Board, among other things, deferred action on USOA's applications for overseas and foreign authority.

[25] Dockets 3947 (exemption application), 5425 and 5427 (certificate applications) were consolidated into Docket 5132 by Orders E–5722 and E–6336, dated September 21, 1951 and April 17, 1952, respectively.

[Docket No. 13527 etc.]

TWA, ALLEGHENY, MOHAWK TRANSFER CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 31, 1962 at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., May 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–4920; Filed, May 21, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICES AT MEDFORD, OREG., AND PALTO ALTO, CALIF.

Notice of Closing

Notice is hereby given that on July 1, 1962, the Aviation District Office at Medford, Oregon, will be closed. Services provided Del Norte and Humboldt Counties, California, will be provided by the General Aviation District Office at Oakland, California. Services provided Siskiyou and Modoc Counties, California, will be provided by the General Aviation District Office at Sacramento, Calif. All other services formerly provided by the Medford Aviation District Office will be provided by the Aviation District Office at Portland, Oregon.

Notice is hereby given that on July 1, 1962, the Aviation District Office at Palo Alto, California, will be closed. Services provided by the Palo Alto Aviation District Office will be provided by the Aviation District Office at Oakland, California.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on May 11, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–4891; Filed, May 21, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14315; FCC 62M–707]

DAKOTA MICROWAVE CO.

Memorandum Opinion and Order Continuing Hearing

In re application of Dakota Microwave Company, Turkey Ridge, South Dakota, Docket No. 14315, File No. 1046–C1–R–61; for renewal of the license for Station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

PRELIMINARY STATEMENT

1. The Examiner is in receipt of a letter, dated May 14, 1962, from Allen C. Harmes, d/b as Dakota Microwave Company, wherein a request is made that the hearing, presently scheduled to commence on May 21, 1962, be postponed to either June 25 or June 26, 1962, since Mr. Harmes expects to be in Washington on business matters during the week of June 17 to June 22, 1962. The Examiner is further in receipt of a reply to this letter from the Common Carrier Bureau, filed on May 16, 1962.

BACKGROUND

2. As is set forth more fully in a Memorandum Opinion and Order of the Examiner, released December 6, 1961 (FCC 61M–1906) and his Order released February 23, 1962 (FCC 62M–269), Mr. Harmes who intends to represent himself in the proceedings herein had a serious heart attack just prior to Thanksgiving and has been under doctor's orders to refrain from business activities for a period of at least six months from that date, and has, therefore, been unable to gather the data and material which he would need for presentation at the hearing which has heretofore been scheduled to commence on February 26, 1962. Upon learning of these matters, the Bureau filed a pleading on behalf of Mr. Harmes to permit him, because of his physical condition, to avoid a default and the Examiner in the aforementioned Order of February 23 granted an extension to May 21, 1962.

PRESENT REQUEST

3. It is to be noted first that, in the instant request, Mr. Harmes has not complied with the Commission's rules (47 CFR 1.50 to 1.56), regarding specification and service of pleadings and other papers. In its reply to Mr. Harmes' letter, which the Bureau treats as an informal motion, the Bureau has stated that, in order to facilitate prompt consideration, it waives the procedural deficiencies, relative to the manner in which the informal motion was filed. The Examiner notes that Mr. Harmes is apparently an individual who is engaged in providing the service at issue in a remote section of the country and has not thus far engaged counsel. In view of Mr. Harmes' situation and his recent serious illness, the Examiner believes that good cause has been shown for the waiver of the rules relating to specification and service of pleadings and commends the Bureau for the position it has taken thus far in affording Mr. Harmes every reasonable opportunity to secure a decision on the substantive merits of his application rather than to hold him strictly accountable to the following of the required procedural standards.

4. It is also noted that in its reply the Bureau, although interposing no objection to a continuance to afford Mr. Harmes an opportunity for a hearing at a later date when he plans to be in Washington on business, points out that its counsel is occupied on the dates requested by Mr. Harmes and therefore suggests that the hearing be scheduled for a day during the week of June 18, 1962, convenient to the Examiner. The Examiner recently granted a postponement to Antennavision Service Company, Inc., Docket Nos. 14336–14340 (Order released May 11, 1962, FCC 62M–678), to the same period because its president and principal witness, who had business commitments in the western part of the United States, was planning to be in Washington, D.C., at the same event during the week of June 17, 1962.

5. Although Mr. Harmes did not specifically request it, the Bureau has expressly waived the provisions of the four-day rule (47 CFR 1.43) in order to permit prompt consideration of this matter.

6. In view of the foregoing, the Examiner is of the opinion that good cause has been shown for a further postponement of the hearing herein to a date during the week of June 18. The Examiner believes, however, that Mr. Harmes should be put on notice that, when the hearing is held, he will be required to present such evidence as he deems appropriate in support of his application at the formal hearing and that the grant of successive postponements on the basis of telephone calls initiated by the Bureau, or informal letters addressed to the Examiner, should not lead Mr. Harmes to believe that he may, as stated in his letter, meet informally with the Examiner to submit future plans for the use of his microwave facilities and renewal of his license. Mr. Harmes should also be put on notice that if he should desire to seek further continuances or relief he should be the one to initiate proper pleadings and not rely upon the Bureau to remind him of pending hearing dates. Failure to appear or to seek postponements in accordance with applicable rules could result in default.

It is ordered, This 16th day of May 1962, that the hearing heretofore scheduled to commence on May 21, 1962, is rescheduled to commence on June 20, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: May 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–4922; Filed, May 21, 1962; 8:49 a.m.]

[Docket Nos. 14455, 14456; FCC 62M–704]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Changing Place of Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL–8187; for license to cover construction permit BP–10672 authorizing a new standard broadcast station at Irondale, Alabama, and Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP–14110; for construction permit to build a new standard broadcast station at Centreville, Alabama.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed May 10, 1962, for a change in the place of hearing in the above-entitled

proceeding from Washington, D.C., to Birmingham, Alabama;

It appearing, that, as indicated by petitioner, a field hearing in this proceeding is essential from the standpoint of the interests of the Government as well as the applicants and may be authorized under Commission policy;

It is ordered, This 16th day of May 1962, that the petition is granted and that sessions of the hearing in the above-entitled proceeding will be held in Birmingham, Alabama.

Released: May 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4923; Filed, May 21, 1962; 8:49 a.m.]

[Docket Nos. 14629, 14630; FCC 62M-709]

RHODE ISLAND-CONNECTICUT RADIO CORP. (WERI-FM) AND WILLIE BROADCASTING CO.

Order Scheduling Hearing

In re applications of Rhode Island-Connecticut Radio Corporation (WERI-FM), Westerly, Rhode Island, Docket No. 14629, File No. BPH-3669; The Willie Broadcasting Company, Willimantic, Connecticut, Docket No. 14630, File No. BPH-3693; for construction permits (FM).

It is ordered, This 16th day of May 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 24, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 22, 1962.

Released: May 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4924; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 14577; FCC 62M-708]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Re Procedural Dates

In re application of Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

Pursuant to agreement of counsel for all parties on the record at the further prehearing conference held on May 15, 1962, *It is ordered*, this 16th day of May 1962, that the following procedure is established:

(1) The informal conference for the purpose of entertaining objections to applicant's engineering exhibit and requests for additional information is continued from May 18 to June 8, 1962;

(2) Counsel for respondents is required to file his motion to quash Subpoenas Duces Tecum issued May 7, 1962, to William L. Putnam and Herbert Scheftel not later than May 21, 1962, with such filing to be had by personal service;

(3) Oppositions to the motion to quash may be filed by all parties not later than May 25, 1962; and

(4) Hearing on applicant's engineering case is continued from May 23 to 10:00 a.m., June 20, 1962.

Released: May 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-4925; Filed, May 21, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

T. J. HANSON ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8856 between T. J. Hanson (Beaumont, Texas) and W. R. Zanes & Company (Houston, Texas).

No. 8858 between T. J. Hanson (Beaumont, Texas) and Caldwell & Company, Inc. (New York, N.Y.).

These agreements, whose terms are identical, are cooperative working arrangements between the parties under which they will perform forwarding services for each other, dividing service fees and ocean freight brokerage as agreed. All three parties have been assigned application numbers as independent ocean freight forwarders under Public Law 87-254.

No. 8869 between International Expediters, Inc. (New York, N.Y.) and H. L. Ziegler, Inc. (Galveston, Texas).

No. 8871 between International Expediters, Inc. and Godwin Shipping Company, Inc. (Mobile, Ala.).

No. 8872 between International Expediters, Inc. and Alfred H. Marzolf, Inc. (Seattle, Washington).

These agreements are cooperative working arrangements with identical terms, under which the parties will perform forwarding services for each other. Forwarding, brokerage and service fees are to be divided as agreed upon. All the parties have been assigned application numbers under Public Law 87-254 as independent ocean freight forwarders.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: May 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4927; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1001]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf/Mediterranean Ports Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4926; Filed, May 21, 1962; 8:49 a.m.]

NORDSTROM FREIGHTING CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8772 between Nordstrom Freighting Corp. (New York, N.Y.) and W. L. Richeson & Sons, Inc. (New Orleans).

Under this agreement the New Orleans forwarder will perform forwarding services for the New York forwarder at a specified fee per shipment, plus 25 percent of the ocean freight brokerage. Both parties have been assigned application numbers as independent ocean freight forwarders under Public Law 87-254.

No. 8889 between T. J. Hanson (Beaumont, Texas) and E. A. Gonzalez Co., Inc. (New York, N.Y.).

Under this cooperative working arrangement the parties will perform freight forwarding services for each other, dividing forwarding fees and ocean freight brokerage as agreed. Both parties have been assigned application numbers as independent ocean freight forwarders under Public Law 87-254.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: May 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4926; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1002]

PACIFIC WESTBOUND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Westbound Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4946; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1003]

CAPCA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Capca Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4947; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1004]

BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Brazil/United States-Canada Frieght Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4948; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1005]

ASSOCIATED STEAMSHIP LINES (MANILA)

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Associated Steamship Lines (Manila) has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4949; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1006]

GULF/FRENCH ATLANTIC HAMBURG RANGE CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf/French Atlantic Hamburg Range Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, can-

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4950; Filed, May 21, 1962; 8:49 a.m.]

celed or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4951; Filed, May 21, 1962; 8:49 a.m.]

[Docket No. 1007]

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast European Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 18, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-4952; Filed, May 21, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR61-2 etc.]

AREA RATE PROCEEDING ET AL.

Order Adding Respondents and Consolidating Proceedings

MAY 15, 1962.

Area Rate Proceeding, Docket No. AR61-2; Aladdin Exploration Company, Inc., et al., Docket No. CI61-1564, etc.; Amerada Petroleum Corporation, et al., Docket No. RI60-18, etc.

On May 10, 1961, the Commission issued an order "Instituting Rate Proceeding for the Southern Louisiana Area, Consolidating Proceeding and Prescribing Preliminary Procedure" which, among other things, instituted a proceeding to establish just and reasonable rate or rates for the sales of natural gas produced in the Southern Louisiana area as defined in the order and making respondents in the proceeding all persons named in Appendix "A" thereto and all parties on whose behalf such persons had filed FPC Gas Rate Schedules for sales in such area, and consolidating therein a number of certificate proceedings listed in Appendix "B" thereto, as well as a number of rate suspension proceedings listed in Appendix "C" thereto. The said order was published in the FEDERAL REGISTER on May 17, 1961 (26 F.R. 4296). By subsequent orders certain dockets were severed from and others were consolidated with the Docket No. AR61-2 proceedings.

Attached hereto as appendices are: (1) Appendix "A" (Supplement), a listing of additional persons having rate schedules on file for sales in the area who were not heretofore made respondents in the proceedings; (2) Appendix "B" (Supplement), a listing of additional proceedings on applications for certificates of public convenience and necessity which have not heretofore been consolidated with the said proceedings; and (3) Appendix "C" (Supplement), a listing of additional rate suspension proceedings listed in said appendices are heretofore been consolidated with the said proceedings. Since the persons and proceedings listed in said appendices are concerned with the sale of gas produced in the Southern Louisiana area, we have decided that these persons should be added as respondents and the listed proceedings should be consolidated for hearing with the Docket No. AR61-2 proceedings.

The Commission finds: Good cause exists to join as respondents the persons listed in Appendix "A" (Supplement) hereto and all parties on whose behalf such persons have filed FPC gas rate schedules for sales in the Southern Louisiana area and to consolidate for the purpose of hearing all of the proceedings designated in Appendices "B" (Supplement) and "C" (Supplement) hereto with the Docket No. AR61-2 proceedings, pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7, 10, 14, 15 and 16 thereof.

The Commission orders:

(A) The persons listed in Appendix "A" (Supplement) and all parties on whose behalf such persons have filed FPC Gas rate schedules for sales in the Southern Louisiana area be and they are hereby made respondents in the proceedings in Docket Nos. AR61-2, et al.

(B) The pending proceedings designated in Appendices "B" (Supplement) and "C" (Supplement) be and they are hereby consolidated for the purposes of hearing with the proceedings in Docket Nos. AR61-2, et al.

(C) A copy of this order will be served upon each of the Respondents set out in Appendix "A" (Supplement).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX "A" (SUPPLEMENT)

RESPONDENTS [1]

Benin Oil Company,
Brunner, Arnold H. & Company,
Cockrell, E., Jr.,
Dorn & Miller Company,
Freedom Minerals, Inc.,
Grigsby, Jack W.,
Hibbert, R. E.,
Hunt, Hassie Trust,
Hunt, Lamar,
Lamson & Bennett, Inc.,
Lyons, C. H., Sr.,
McCain, M. F.,
Midhurst Oil Corporation,
Peltier, Harvey,
The Preston Oil Company,
Richardson & Bass, Louisiana Account,
Riverside Oil Company,
Skelly Oil Company,
Southwest Gas Producing Company, Inc.,
State Exploration Company,
Texas Liberty Gas Corporation,
Tex-Star Oil and Gas Corporation,
The Texstar Corporation,[2]
The TXL Oil Corporation,
Union Texas Petroleum, a Division of Allied Chemical Corporation,[3]
W. E. Walker, and
Cordell, J. H.

[1] All persons named herein and all parties on whose behalf such persons have filed FPC Gas Rate Schedules for sales in Southern Louisiana are joined as respondents in these proceedings.

[2] Successor to Petroleum Leaseholds Inc.

[3] Successor to Union Texas Natural Gas Corporation.

APPENDIX "B" (SUPPLEMENT)

Producer and Docket No.*

Amerada Petroleum Corporation, CI62-216, CI62-525, CI62-805.
Atlantic Refining Company, CI62-8, CI62-146, CI62-416, CI62-435.
Austral Oil Company, Inc. (Operator), et al., CI62-395.
Bel Oil Corporation, CI61-1799.
Bruner, Arnold H. & Company,[1] CI62-305.
The California Co., a Division of California Oil Company, CI62-145, CI62-231.
Cities Service Production Company, CI62-135.
E. Cockrell, Jr., CI62-400.
Continental Oil Company, CI62-147.
Dorn & Miller Company, CI62-897.
Cordell, J. H., CI62-614.
Falcon Seaboard Drilling Company, CI62-1225.
Forest Oil Corporation, CI62-283.
Freeport Oil Company, CI62-720.
Gulf Oil Corporation, CI61-1630, CI62-411, CI62-412, CI62-859, CI62-62.
R. E. Hibbert, CI62-702.

Hudson Gas & Oil Corporation, CI62-841.
Humble Oil and Refining Company, CI62-69.
Jameson, F. E., et al., CI62-546.
Kerr-McGee Oil Industries, Inc., CI62-398.
Lamson & Bennett, Inc., et al., CI62-606.
M. F. McCain, et al., CI62-582.
George C. McGhee, (Operator) et al., CI61-1737.
Mosbacher, Robert, CI62-693.
Newmont Oil Company, G-17765.
North Central Oil Corporation, CI62-313.
Ocean Drilling and Exploration Company, CI61-1708.
Owen, J. P., CI62-538.
Pan American Petroleum Corporation, CI 62-724, CI62-782.
O'Meara, Robert W., CI62-479.
The Preston Oil Company, CI62-1209.
The Pure Oil Company, CI62-1224.
Samadam Oil Corporation, CI62-378, CI62-561.
Shell Oil Company, CI62-623, CI62-625.
Shoreline Exploration, Inc., CI62-102.
Socony Mobil Oil Company, Inc., CI61-659,[2] CI61-1640.
Sohio Petroleum Company, CI62-337.
Southdown Inc., CI62-550, CI62-551.
State Exploration Company, CI62-326.
Tennessee Louisiana Oil Company, CI62-682.[3]
Texaco Inc., CI61-1713, CI62-16, CI62-407, CI62-544.
Texas Gas Exploration Corporation, CI62-930.
Tidewater Oil Company, CI62-137, CI62-638.
J. C. Trahan Drilling Contractors, Incorporated, CI62-771.
Union Oil Company of California, CI62-806, CI62-822.
Union Oil and Gas Corporation of Louisiana, G-13221.[4]
Whitehall Oil Company, Inc., et al., CI61-1809.
Texstar Corporation,[5] CI62-951.

*Producers listed herein are the party applicants and such listing does not necessarily include all parties covered by the certificate application involved.

[1] Texas Liberty Gas Corporation has filed in Docket No. CI62-683 to be substituted as Applicant in Docket No. CI62-305.

[2] Socony Mobil Oil Company, Inc. has been substituted for Republic Natural Gas Company in CI61-659.

[3] Tenneco Oil Company has filed a motion to be substituted for Tennessee Louisiana Oil Company in this proceeding.

[4] Union Texas Petroleum, a Division of Allied Chemical Corporation, has filed in Docket No. CI62-1010 as successor to Union Oil and Gas Corporation of Louisiana in this proceeding.

[5] Successor to Petroleum Leaseholds, Inc.

APPENDIX "C" (SUPPLEMENT)

Producer[1] and Docket No.

Amerada Petroleum Corporation, G-17536, G-17539, RI62-222, RI62-282, RI62-288, RI62-289.
Atlantic Refining Company, RI62-77,* RI62-78,* RI62-276.
Austral Oil Company, Inc. (Operator), et al., RI62-93.
Austral Oil Co., Inc. (Operator), Agent for Oil Participations Inc., RI62-94, RI62-360.
Bel Oil Corporation, RI62-177, RI62-182.
The British-American Oil Producing Company, G-17665, RI61-540, RI62-184,* RI62-274.
Benedum Trees Oil Company, RI62-191.
Berkshire Oil Company, RI62-266.
Brown, George R., RI62-145.
Cabot Corporation, RI62-208,* RI62-133.
The California Co., a Division of California Oil Company, RI62-232, RI62-146, RI62-248.
Cities Service Production Company, RI62-58.
Cities Service Petroleum Company, RI62-245.
Columbian Carbon Company, RI62-79.
Dixon Management Corporation, RI61-552.
Falcon Seaboard Drilling Company, RI61-509.
Forest Oil Corporation, RI62-68, RI62-69.*
The F. O. Corp., RI62-214.
General Crude Oil Company, RI61-546, RI62-359.
Graridge Corporation, RI62-169.
Gulf Oil Corporation, RI62-203, RI62-202, RI62-85, RI62-120.
Mrs. Louise H. Herrington, RI62-270.
Humble Oil and Refining Company, RI62-82,* RI62-321, RI62-83, RI61-133, RI62-287.
Hunt, H. L., RI62-228.
Hassie Hunt Trust, RI62-227.
Kerr-McGee Oil Industries, Inc., RI61-514, RI62-62, RI62-237, RI62-378.
Mecom, John W., RI62-311.
Midwest Oil Corporation, RI62-119.
Midhurst Oil Corp., RI62-348.
Owen, J. P., RI62-234.
Pan American Petroleum Corporation, RI62-220, RI62-98,* RI62-99, RI62-356.
Placid Oil Company, RI62-211, RI62-257.
Secure Trusts, RI62-226.
Shoreline Exploration, Incorporated, RI62-103, RI61-557.
Sinclair Oil and Gas Company, RI62-190.
Socony Mobil Oil Co., Incorporated, RI62-153, RI62-112.*
Sohio Petroleum Company, RI62-89, RI62-269, RI62-320.
Southwest Gas Producing Company, Inc., RI62-230, RI62-241.
Sun Oil Cbmpany, RI62-101.*
Sunray Mid-Continent Oil Company,[2] RI62-32,* RI61-463.
The Superior Oil Company, G-17707, RI62-278.
Texaco Inc., RI62-155, RI62-156, RI62-157.
Texas Gulf Producing Company, RI62-75, RI62-90.
Tex-Star Oil and Gas Corporation, RI62-358.
Tidewater Oil Company, RI62-109,* RI62-149.
Union Oil Company of California, RI62-43, G-17705, RI62-295.
Union Texas Natural Gas Corporation,[3] RI62-91.

*This proceeding is consolidated only insofar as it pertains to sales in South Louisiana.

[1] This producer designation is for general identification and may not include all of the respondents designated in the respective orders initiating rate suspension proceedings.

[2] Now Sunray DX Oil Company.

[3] Now Union Texas Petroleum, a Division of Allied Chemical Corporation.

[F.R. Doc. 62-4897; Filed, May 21, 1962; 8:46 a.m.]

[Docket No. G-11742 etc.]

SOCONY MOBIL OIL CO., INC.

Order Amending Outstanding Certificates of Public Convenience and Necessity To Reflect Change in Holder, and Cancelling Docket Number

MAY 15, 1962.

Socony Mobile Oil Company, Inc. (successor to Magnolia Petroleum Company), Docket Nos. G-11742, et al., and G-19516.

On September 21, 1959, Socony Mobil Oil Company, Inc. (Socony), joined by Magnolia Petroleum Company (Magnolia), filed in Docket No. G-19516 an application for authorization to continue certain services previously authorized to Magnolia in the docket numbers listed, with their related certificate order designations, in Appendix I which appears below and made a part hereof.

Such action was prompted by merger, effective September 30, 1959, between Socony and Magnolia (Socony's wholly-owned subsidiary) whereby Socony acquired all rights, privileges, obligations, etc., previously held by Magnolia.

Subsequent to the filing of the aforesaid application, Socony filed twenty-eight motions to amend, revising certain services originally authorized to Magnolia and now to be continued by Socony, all as reflected in Appendix II which also appears below and made a part hereof. These amendments require considerations not encompassed in this order.

The Commission finds:

(1) It is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act to amend the respective orders issuing certificates of public convenience and necessity to Magnolia in the docket numbers listed in Appendix I attached hereto to reflect Socony as the certificate holder in each case.

(2) The twenty-eight motions to amend Socony's application in Docket No. G-19516, reflected in Appendix II attached hereto, should be construed as petitions to amend the authorizations in the related original dockets and no action on the disposition of these petitions to amend should be taken in this order.

(3) The docket designation of Docket No. G-19516, previously assigned to Socony's application to continue the services heretofore authorized to Magnolia, should be cancelled.

The Commission orders:

(A) The outstanding certificates of public convenience and necessity heretofore granted to Magnolia by orders of the Commission listed in Appendix I attached hereto and made a part of this order, be and the same are hereby amended by substituting Socony Mobil Oil Company, Inc., for Magnolia Petroleum Company as holder thereof.

(B) In all other respects, said certificate authorizations shall remain in full force and effect as issued.

(C) The twenty-eight motions to amend Socony's application in Docket No. G-19516 are hereby construed as petitions to amend the related original docket authorizations as reflected in Appendix II attached hereto and made a part hereof, and no action on said petitions is taken herein.

(D) The docket designation of Docket No. G-19516 assigned to Socony's subject application is hereby cancelled.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX I

Certificates of public convenience and necessity have been issued to Magnolia Petroleum Company, Magnolia Petroleum Company, Operator, or Magnolia Petroleum Company (Operator) et al., in the following dockets by the below-identified orders:

Docket Nos. G-11742, G-11863, G-11864, G-11866 through G-11869, G-11893, G-11894, G-11918, G-11931 through G-11933, G-11935 through G-11952, G-11954, G-11957 through G-11961, G-11989, G-11995 through G-11997, G-12000 through G-12006, G-12070 through G-12074, G-12079, G-12080, G-12082 through G-12084, G-12086, G-12087, G-12089, G-12090, G-12092, G-12098, G-12103 and

G–12431. (In the Matters of Magnolia Petroleum Company, Docket Nos. G–11742, et al., issued September 9, 1958.)

Docket Nos. G–11860 through G–11862, G–11870, G–11912, G–11913, G–11915, G–11934, G–11953, G–11955, G–11956, G–11985 through G–11987, G–11998, G–11999, G–12081, G–12085, G–12088, G–12091, G–12093, G–12096, G–12097, G–12100 through G–12102, G–12584 through G–12594, and G–12654 through G–12656. (In the Matters of Magnolia Petroleum Company, et al., Docket Nos. G–11860, et al., issued June 19, 1958.)

Docket Nos. G–11911 and G–12078. (In the Matters of Lone Star Producing Company, et al., Docket Nos. G–10420, et al., issued April 25, 1957.)

Docket Nos. G–11917, G–11984, G–12323, G–12686 and G–12718. (In the Matters of Toklan Oil Corporation, et al., Docket Nos. G–10533, et al., issued November 4, 1957.)

Docket No. G–12728. (In the Matters of Arkansas Fuel Oil Corporation, et al., Docket Nos. G–9692, et al., issued November 26, 1957.)

Docket Nos. G–12095, G–12364 and G–12904. (In the Matters of Magnolia Petroleum, et al., Docket Nos. G–12095, et al., issued April 25, 1958.)

Docket No. G–13324. (In the Matters of Ashland Oil & Refining Co., et al., Docket Nos. G–12796, et al., issued April 24, 1958.)

Docket No. G–13943. (In the Matters of Cyprus Oil Company, Operator, et al., Docket Nos. G–13870, et al., issued April 17, 1958.)

Docket No. G–12099. (In the Matters of Sabianna Oil Company, Inc., et al., Docket Nos. G–12057, et al., issued October 8, 1957.)

Docket No. G–12362. (In the Matters of Southern Natural Gas Company, et al., Docket Nos. G–11234, et al., issued July 12, 1957.)

Docket Nos. G–12614, G–12820, and G–12840. (In the Matters of The Ohio Oil Company, et al., Docket Nos. G–12578, et al., issued June 2, 1958.)

Docket No. G–12657. (In the Matters of Texas Eastern Transmission Corporation, et al., Docket Nos. G–11784, et al., issued April 24, 1958.)

Docket No. G–12770. (In the Matters of Oklahoma Natural Gas Company, et al., Docket Nos. G–12759, et al., issued September 3, 1958.)

Docket No. G–12821. (In the Matters of Northern Natural Gas Company, et al., Docket Nos. G–13041, et al., issued December 13, 1957.)

Docket No. G–12861. (In the Matters of Arkansas Fuel Oil Corporation, et al., Docket Nos. G–3031, et al., issued February 10, 1958.)

Docket No. G–12903. (In the Matters of Magnolia Petroleum Company, et al., Docket Nos. G–12903, et al., issued December 4, 1958.)

Docket Nos. G–14908, G–14913 and G–14914. (In the Matters of L. B. Porter, et al., Docket Nos. G–14893, et al., issued December 18, 1958.)

Docket No. G–13275. (In the Matters of The Atlantic Refining Company, et al., Docket Nos. G–13257, et al., issued October 27, 1958.)

Docket No. G–13826. (In the Matters of Petroleum, Inc., et al., Docket Nos. G–12824, et al., issued October 27, 1958.)

Docket No. G–13543. (In the Matters of Magnolia Petroleum Company, et al., Docket Nos. G–13543, et al., issued March 25, 1958.)

Docket No. G–14246. (In the Matters of Tensas Gas Gathering Corporation, et al., Docket Nos. G–13588, et al., issued March 31, 1958.)

Docket Nos. G–13746 and G–13780. (In the Matters of Transcontinental Gas Pipe Line Corporation, et al., Docket Nos. G–13169, et al., issued September 4, 1958.)

Docket Nos. G–14223 and G–14225. (In the Matters of Cities Service Oil Company, et al., Docket Nos. G–14175, et al., issued August 12, 1959.)

Docket No. G–14959. (In the Matters of Magnolia Petroleum Company, et al., Docket Nos. G–14959, et al., issued July 27, 1959.)

Docket No. G–15017. (In the Matters of La Gloria Oil and Gas Company, et al., Docket Nos. G–14996, et al., issued April 8, 1959.)

Docket Nos. G–15182 and G–15183. (In the Matters of A. J. Hodges Industries, Inc., et al., Docket Nos. G–15151, et al., issued March 6, 1959.)

Docket No. G–15241. (In the Matters of United States Smelting Refining and Mining Company, et al., Docket Nos. G–14891, et al., issued January 2, 1959.)

Docket No. G–15270. (In the Matters of Mound Company, et al., Docket Nos. G–15114, et al., issued May 1, 1959.)

Docket No. G–16379. (In the Matters of Skelly Oil Company, et al., Docket Nos. G–15463, et al., issued June 19, 1959.)

Docket No. G–17401. (In the Matters of Texas Gas Transmission Corporation, et al., Docket Nos. G–17335, et al., issued August 10, 1959.) (Opinion No. 327.)

Docket No. G–13216. (In the Matters of Keener Oil Company, et al., Docket Nos. G–12575, et al., issued June 26, 1959.)

APPENDIX II

Amendment No.	Date filed	Effect of revision instrument	Date of instrument	Original authorization
1	11-16-59	Adds acreage	4- 8-59	G-14223
2	11-20-59	Deletes acreage	8-26-59	G-13826
3	2-26-60	do	11-27-59	G-13826
4	2-26-60	do	11-20-59	G-12718
5	5- 9-60	do	3-21-60	G-11957
6	7-18-60	Adds acreage	6-14-60	G-11950
7	7-22-60	do	7- 8-60	G-11947
8	7-22-60	do	5-26-60	G-13324
9	7-22-60	do	5-26-60	G-12840
10	8- 5-60	do	7- 1-60	G-16379
11	8-19-60	do	5-26-60	G-11893
12	9-21-60	do	8-15-60	G-12728
13	11- 7-60	Deletes acreage	10- 4-60	G-13826
14	12- 9-60	do	10-12-60	G-13826
15	12- 9-60	do	1-26-54	G-12003
16	1-24-61	Adds acreage	12-14-60	G-11931
17	2- 3-61	do	1- 5-60	G-11862
18	2-14-61	do	12- 9-60	G-13324
19	2-20-61	Designates applicant as Unit Operator		G-12004
20	3-21-61	Deletes acreage	10-13-60	G-13746
21	3-21-61	do	10-13-60	G-13746
22	3-21-61	do	12- 8-60	G-13826
23	3-29-61	Adds acreage	2- 1-61	G-16379
24	4- 6-61	do	2-24-61	G-13324
25	6-30-61	do	5- 1-61	G-11957
26	11- 3-61	do	8-28-61	G-13826
27	2-12-62	Deletes acreage	11- 6-61	G-11957
28	2-12-62	do	12-21-55 1-30-56 1- 7-58	G-11957

[F.R. Doc. 62–4899; Filed, May 21, 1962; 8:46 a.m.]

[Docket No. CP62–257]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

MAY 15, 1962.

Take notice that on May 7, 1962, Florida Gas Transmission Company (Applicant), P.O. Box 10400, St. Petersburg, Florida, filed in Docket No. CP62–257 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity, seeking authorization to construct and operate approximately 0.2 mile of 2⅜-inch O.D. lateral pipeline extending from a point on its 20-inch mainline at a point near Holapaw, Osceola County, Florida, in a general southwesterly direction to a point adjacent to the hay drying plant of Cattle Marketers, Inc. (Marketers), together with a meter and regulator station, and to sell and deliver natural gas to Marketers on a direct sale preferred interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the natural gas will be used by Marketers in its process of drying hay by means of a gas-fired continuous belt-type drier.

Applicant states that it has sufficient capacity to sell and deliver the natural gas requirements of Marketers without affecting its ability to continue present service to any existing customers on its interstate natural gas transmission system.

Applicant estimates that the average annual deliveries to Marketers will be approximately 275,000 Mcf btu. The cost of constructing the proposed facilities is $11,600 which cost will be paid by Marketers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 19, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commision's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4898; Filed, May 21, 1962; 8:46 a.m.]

[Docket No. E–7038]

SOUTHWESTERN PUBLIC SERVICE CO.

Order Instituting Investigation, Providing for Hearing and Suspending Proposed Rate Schedule Changes

MAY 15, 1962.

Data currently available to this Commission indicate the need for a formal investigation concerning the lawfulness of all rate schedules filed pursuant to section 205 of the Federal Power Act by Southwestern Public Service Company (Southwestern), Amarillo, Texas. At present 22 rate schedules of that Company are on file with this Commission for wholesale electric service which the Company renders to three investor-owned utility resale customers and 17 rural electric cooperative resale customers. Twelve rate schedules were proffered for filing by Southwestern on March 28, 1962 to supersede existing rate schedules for service to twelve of its rural electric cooperative customers. Unless suspended by order of the Commission, as hereinafter provided, the latter rate schedules would become effective May 19, 1962.

The foregoing schedules including the proposed rate schedule changes are designated in the files of the Commission as follows:

Customer; Designation of Currently Effective Rate Schedules; Designation of Proposed Changed Rate Schedules

New Mexico Electric Service Co., Hobbs, N. Mex.; FPC No. 14, Supplement No. 1.
Cochran Power & Light Co., Morton, Tex.; FPC No. 15, Supplement Nos. 1 and 2, FPC No. 34.
Lea County Electric Cooperative, Inc., Lovington, N. Mex.; FPC No. 16, FPC No. 35, Supplement No. 1.
Community Public Service Co., Fort Worth, Tex.; FPC No. 17, Supplement No. 1.
Bailey County Electric Cooperative, Inc., Muleshoe, Tex.; FPC No. 18; FPC No. 36.
Swisher County Electric Cooperative, Inc., Tulia, Tex.; FPC No. 19, Supplement No. 1; FPC No. 47,[1] Supplement No. 1.
Central Valley Electric Cooperative, Inc., Artesia, N. Mex.; FPC No. 20; FPC No. 37.
Tri-County Electric Cooperative, Inc., Hooker, Okla.; FPC No. 21.
South Plains Electric Cooperative, Inc., Lubbock, Tex.; FPC No. 22, Supplement No. 1; FPC No. 46.
Roosevelt County Electric Cooperative, Inc., Portales, N. Mex.; FPC No. 23; FPC No. 45.
Rita Blanca Electric Cooperative, Inc., Dalhart, Tex.; FPC No. 24.
North Plains Electric Cooperative, Inc., Perryton, Tex.; FPC No. 25.
North Fork Electric Cooperative, Inc., Sayre, Okla.; FPC No. 26; FPC No. 44.
Lyntegar Electric Cooperative, Inc., Tahoka, Tex.; FPC No. 27; FPC No. 43.
Lighthouse Electric Cooperative, Inc., Floydada, Tex.; FPC No. 28, Supplement No. 1; FPC No. 40,[2] Supplement No. 1.
Lamb County Electric Cooperative, Inc., Littlefield, Tex.; FPC No. 29, Supplement No. 1; FPC No. 42.
Greenbelt Electric Cooperative, Inc., Wellington, Tex.; FPC No. 30; FPC No. 41.
Farmers Electric Cooperative, Inc., of New Mexico, Clovis, N. Mex.; FPC No. 31; FPC No 39.
Deaf Smith County Electric Cooperative, Inc., Hereford, Tex.; FPC No. 32; FPC No. 38.
Pioneer Cooperative Association, Inc., Ulysses, Kans.; [3] FPC No. 33.

Southwestern's Rate Schedule FPC No. 14 and Supplement No. 1 (New Mexico Electric) Nos. 15 and Supplements 1 and 2, 34 (Cochran Power) and No. 17 and Supplement No. 1 (Community Public Service) provide for the following rates and charges:

FPC No. 14, Supplement No. 1—demand charge $1.50/kw demand/mo. (first 12,000 kw) and $1.15/kw demand/mo. (above 12,000 kw); energy charge 0.55 cent/kwh for first 360 kwh/kw demand/mo. and 0.425 cent/kwh for all additional kwh/mo.; fuel adjustment clause based upon approximately 20,000 BTU/kwh.

FPC No. 15, Supplement Nos. 1 and 2—demand charge $2.20/mo./kw of computed demand; energy charge 0.5 cent/kwh; minimum charge clause; and power factor clause.

FPC No. 34—demand charge $370 for first 200 kw, or less demand/mo. and $1.25/kw demand/mo. above 200 kw; energy charge 0.75 cent/kwh for first 300 kwh used/mo./kw demand or first 120,000 kwh used/mo. whichever is greater, and 0.50 cent/kwh for all additional kwh/mo.; ratchet and minimum charge clauses; power factor clause; primary service discount; and fuel adjustment clause based upon approximately 20,000 BTU/kwh.

FPC No. 17, Supplement No. 1—demand charge $370 for first 200 kw, or less, demand/mo., $1.25/kw demand/mo. for next 1800 kw, and $1.15/kw demand/mo. thereafter; energy charge 0.75 cent/kwh for first 200 kwh used/mo./kw demand or first 80,000 kwh used/mo. whichever is greater, and 0.50 cent/kwh for all additional kwh/mo.; ratchet and minimum charge clauses; power factor clause; primary service discount; facility payment; and fuel adjustment clause based upon approximately 20,000 BTU/kwh.

Southwestern's Rate Schedule FPC Nos. 16, 35 and Supplement No. 1 (Lea County Electric Cooperative) and No. 33 (Pioneer Cooperative) provide for the following rates and charges:

FPC No. 16—demand charge $2.00/mo./kw demand; energy charge none first 125 kwh/kw of demand, 1.25 cents/kwh next 125 kwh/kw of demand, and 0.8 cent/kwh for excess over 250 kwh/kw of demand; ratchet and minimum charge clauses; power factor clause; prompt payment discount; and fuel adjustment clause based upon 25,000 BTU/kwh, based on generation at a single plant.

FPC No. 35, Supplement No. 1—demand charge $1.725/kw demand/mo. including 100 kwh/kw demand; energy charge 0.46 cent/kwh for all kwh/mo. in excess of 100 kwh/kw demand; ratchet and minimum demand clauses; and fuel adjustment clause based upon approximately 15,000 BTU/kwh. The demand charge is not applicable during months of January, February, March, October, November and December.

FPC No. 33—energy charge 1 cent/kwh for all kwh used/mo.; fuel adjustment clause based upon approximately 20,000 BTU/kwh.

Southwestern's Rate Schedule FPC Nos. 18, 19 and Supplement No. 1, 20, 21, 22 and Supplement No. 1, 23, 24, 25, 26, 27, 28, and Supplement No. 1, 29 and Supplement No. 1, 30, 31, and 32, for service to the other rural electric cooperatives, as above-named, provide for the following rates and charges: demand charge $1.725/kw demand/mo. including 100 kwh/kw demand; energy charge 0.46 cent/kwh for all kwh/mo. in excess of 100 kwh/kw demand; and fuel adjustment clause based upon approximately 15,000 BTU/kwh. The demand charge is not applicable during the months of January, February, March, October, November, and December.

Southwestern's proffered rate schedule changes, as designated above, would decrease Company's present rates to the twelve Cooperatives concerned by approximately $79,639 (2.08 percent) per annum for the twelve customers based upon estimated 1962 deliveries of power and energy. For the twelve-month period ending December 31, 1962, Southwestern's revenues from those customers under present rate schedules are estimated to total $3,820,507. Based upon the same estimated deliveries, Southwestern's operating revenues under the proposed rates would be $3,740,868. The reduction would be accomplished through elimination of fuel adjustment clauses, establishment of a maximum annual average bill of 7.5 mills per kwh; and an increase of .4 mill per kwh in Company's present energy charge.

[1] Supplement No. 1 to FPC No. 47 is a redesignation of an existing rate schedule providing for facility construction and wheeling arrangements. (Supplement No. 1 to FPC No. 19.)

[2] Supplement No. 1 to FPC No. 40 embodies an agreement dated December 12, 1961, covering operational practices and facility payments by Southwestern to Lighthouse which Southwestern appears to regard as related to its power supply agreement with Lighthouse dated November 27, 1961, designated as Rate Schedule FPC No. 40. The two agreements were submitted for filing concurrently.

[3] With the exception of Rate Schedule FPC No. 33, all of Southwestern's effective and proposed rate schedules embody written contractual agreements betwen Company and the respective customers and provide for all requirements electric service or supplemental electric service. Rate Schedule FPC No. 33 provides for the rendition of emergency service only.

Review and analysis of available office data indicate that certain of Southwestern's Rate Schedule FPC Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47, as supplemented and more fully described above, may result in excessive rates or charges; certain of them may place an undue burden upon other of Southwestern's electric utility customers; and some or all of those schedules may be unduly discriminatory, unduly preferential, or otherwise unjust, unreasonable and unlawful within the meaning of the Federal Power Act. Additional factual data necessary for a resolution of those questions must be obtained. Accordingly, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 304, 307, 308, and 309 thereof, that the Commission enter upon a hearing and investigation concerning the lawfulness of all of Southwestern's rate schedules as supplemented and proposed to be changed as described above; that the operation or effectiveness of Southwestern's Rate Schedule FPC Nos. 36, 37, 38, 39, 40 and Supplement No. 1 thereto, 41, 42, 43, 44, 45, 46, and 47 be suspended and the use thereof deferred; and that Southwestern be directed to submit cost and revenue data all in the manner as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Southwestern's Rate Schedule FPC Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and Supplements thereto, all as described above, at a time and place to be specified by notice of the Secretary.

(B) Pending that hearing and decision of the Commission the operation under the Federal Power Act of Southwestern's Rate Schedule FPC Nos. 36, 37, 38, 39, 40, and Supplement No. 1 thereto, 41, 42, 43, 44, 45, 46, and 47 is hereby suspended and the use of those schedules deferred until October 19, 1962. On that date those rate schedules shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission, unless this proceeding has been disposed of at a date previous thereto. During the period of suspension Southwestern's Rate Schedule FPC Nos. 18, 19, 20, 22 and Supplement No. 1 thereto, 23, 26, 27, 28, and Supplement No. 1 thereto, 29 and Supplement No. 1 thereto, 30, 31, 32, and Supplement No. 1 to 47, all as now on file with this Commission, shall remain and continue in effect. Unless otherwise ordered by the Commission, Southwestern shall not change the terms or provisions of any rate schedules specified in this paragraph until this proceeding has been disposed of or until the period of suspension has expired.

(C) Southwestern shall file, on or before July 16, 1962, cost and revenue data showing Company's costs of rendering service to each wholesale for resale customer served under the Rate Schedules referred to in paragraph (A) above, calculated in accordance with applicable Commission rulings and utilizing among other things, as the test period the calendar year 1961 showing both historical revenues and pro forma adjustments thereto due to the proposed reductions and due to prospective changes in Southwestern's boiler fuel costs under all new gas supply contracts which the company may have entered into during the past thirty-six month period, a prudent net investment rate base, and a fair rate of return thereon.

(D) The foregoing showing shall not preclude or limit any additional showing by Southwestern or others and shall be without prejudice to any future action taken by the Commission or its staff, or to any future position Southwestern or others may wish to take as to the significance of, or conclusions to be drawn from, the above factual showing.

(E) The foregoing showing shall be submitted in writing with sufficient copies to provide this Commission with six copies, to provide each State Commission affected with a like number of copies and to provide one copy each to all other parties as may be granted intervention in this proceeding.

(F) Notices of intervention or petitions to intervene in this proceeding may be filed with the Commission on or before June 15, 1962 and in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4900; Filed, May 21, 1962; 8:46 a.m.]

[Docket No. G-14288 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Notice of Severance

MAY 15, 1962.

Sunray Mid-Continent Oil Company, et al., Docket No. G-14288 etc.; Sunray Mid-Continent Oil Company, Docket No. CI60-85, Sunray Mid-Continent Oil Company, Docket No. CI60-377, Sunray Mid-Continent Oil Company, Docket No. CI60-800, and Sunray Mid-Continent Oil Company, Docket No. CI61-1103; Shell Oil Company, Docket No. CI62-653; Humble Oil & Refining Company, Docket No. CI62-704.

Notice is hereby given that the six above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on May 17, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Sunray Mid-Continent Oil Company, et al., Docket Nos. G-14288, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4901; Filed, May 21, 1962; 8:46 a.m.]

[Docket No. CP62-221]

TRUNKLINE GAS CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

MAY 15, 1962.

Take notice that on March 22, 1962, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston 1, Texas, and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky (sometimes hereinafter referred to jointly as Applicants), filed in Docket No. CP62-221 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for a new interconnection between their respective systems at a point near an interconnection in Dyer County, Tennessee, and the exchange and delivery of natural gas, on an interruptible basis, through said proposed facilities, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

The joint application shows that to effect the interconnection Trunkline will install a meter and connecting piping, and that Texas Gas will install approximately 1,100 feet of 12-inch pipeline. The cost of Texas Gas' facilities and the cost of Trunkline's facilities are estimated to be $21,890 and $18,000, respectively. Both Applicants will finance their respective costs from cash on hand.

The proposed exchange of gas will be made pursuant to an agreement between Applicants, dated March 14, 1962.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 18, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4902; Filed, May 21, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-14072]

MOTORS BUILDING REALTY COMPANY

Notice of Application for Exemption

MAY 16, 1962.

Notice is hereby given that Motors Building Realty Company, a limited partnership organized under the laws of New York ("issuer"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The undersigned has filed the reports required by the aforesaid section 15(d) pursuant to an undertaking contained in Registration Statement No. 2-14072 with respect to the public offering of 1,156 of its limited partnership units, which Registration Statement became effective on June 3, 1958;

2. The undersigned has no securities outstanding other than the limited partnership units sold pursuant to the aforesaid Registration Statement;

3. All of the outstanding limited partnership units of the undersigned are held of record and the total number of such record holders as of the date hereof is twenty-five;

4. As of the date hereof, 97.7 percent of such limited partnership units were owned by Glickman Corporation, a Delaware corporation;

5. All of the general partnership interests in the undersigned are owned by Glickman Corporation;

6. The total dollar value of the 27½ limited partnership units not owned by Glickman Corporation on the date hereof, based on the original offering price, is $137,500; and

7. Glickman Corporation is a publicly owned corporation which renders the reports required by section 15(d) pursuant to undertakings contained in Registration Statements numbered 2-16936 and 2-18633 filed on its behalf with the Securities and Exchange Commission which became effective on October 12, 1960 and October 2, 1961, respectively. Glickman Corporation includes the operations of the undersigned in the consolidated financial statements rendered in such reports.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after June 4, 1962, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than May 29, 1962, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4905; Filed, May 21, 1962; 8:47 a.m.]

TARIFF COMMISSION

[7-113]

HOUSEHOLD CHINA TABLEWARE AND KITCHENWARE

Notice of Investigation and Hearing

Investigation instituted. Upon application of the American Fine China Guild, Inc., received May 4, 1962, the United States Tariff Commission, on the 15th day of May 1962, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether china, porcelain and other vitrified wares, all the foregoing which are tableware, kitchenware, and table and kitchen utensils (except hotel or restaurant ware or utensils), provided for in paragraph 212 of the Tariff Act of 1930, are, as a result in whole or in part of the duties or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on August 7, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: May 16, 1962.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-4906; Filed, May 21, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37741: *Joint rail-motor rates from and to southwestern territory.* Filed by Middlewest Motor Freight Bureau, Agent (No. 330), for interested carriers. Rates on various commodities, moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flatcars of rail carriers, between points in southwestern territory, also Natchez and Vicksburg, Miss., on the one hand, and points in official and western trunkline territories, also Alaska and points in Canada, on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-4907; Filed, May 21, 1962; 8:47 a.m.]

[Notice 641]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date

of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64826. By order of May 14, 1962, the Transfer Board approved the transfer to Frank D. Serio, doing business as Vernon Movers, 123 West Sanford Boulevard, Mount Vernon, N.Y., of Certificate No. MC 56442, issued May 7, 1957, to Frank D. Serio and Dominick Serio, a partnership, doing business as Vernon Movers, 45 North Bleeker Street, Mount Vernon, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between points in the New York, N.Y., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Connecticut.

No. MC–FC 64836. By order of May 14, 1962, the Transfer Board approved the transfer to Chretien Storage Warehouse, Inc., Buffalo, N.Y., of Certificate Nos. MC 33793 and MC 33793 Sub-1 issued August 27, 1943, and March 3, 1949, respectively, to William J. Wruck, doing business as All American Transport, Buffalo, N.Y., authorizing the transportation of: Household goods as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, West Virginia, and Ohio, and New Furniture, uncrated, from North Tonawanda, Buffalo, and Medina, N.Y., to points in all, or certain of the following states; including in each instance New York, N.Y., and points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Floyd Piper, Crosby Building, Buffalo 2, N.Y., representative for applicants.

No. MC–FC 64840. By order of May 14, 1962, the Transfer Board approved the transfer to Jay Rhoads, Douglassville, Pa., of Certificate No. MC 118125, issued September 8, 1960, to Max H. Knepp, doing business as Knepp's Transportation, Reading, Pa., authorizing the transportation of: Bananas, from Baltimore, Md., and Weehawken, N.J., to Reading, Pa. John C. Bradley, 519 Walnut Street, Reading, Pa., attorney for applicants.

No. MC–FC 64874. By order of May 14, 1962, the Transfer Board approved the transfer to Donald W. Cherry, Tipton, Pa., of a portion of the operating rights in Certificate No. MC 52994 issued October 18, 1949, to Joseph Stravino, Port Allegany, Pa., authorizing the transportation of: Such bulk commodities as are transported in dump trucks, over irregular routes, between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in McKean and Potter Counties, Pa. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC–FC 64900. By order of May 15, 1962, the Transfer Board approved the transfer to Timothy J. Shanahan, III, doing business as Shanahan Transportation Co., Philadelphia, Pa., of a portion of Certificate No. MC 45764 Sub 1, issued August 28, 1958, to Maurice Robbins, doing business as Robbins Motor Transportation, Philadelphia, Pa., authorizing the transportation of: Floor coverings and materials, supplies and equipment used or useful in the installation, manufacture and shipping of floor coverings, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., Washington, D.C., and points in the New York, N.Y., Commercial Zone as defined by the Commission; and paper between Philadelphia, Pa., Camden, N.J., and New York, N.Y. A. W. Schiffrin, 1529 Walnut Street, Philadelphia, Pa., attorney for transferee.

No. MC–FC 64901. By order of May 14, 1962, the Transfer Board approved the transfer to Timothy J. Shanahan, III, doing business as Shanahan Transportation Co., Philadelphia, Pa., of Certificate No. MC 77649, issued June 2, 1941, to Robert P. Quigley, Philadelphia, Pa., authorizing the transportation of: Paper boxes, from Philadelphia, Pa., to New York and New Rochelle, N.Y., and points in New Jersey; materials, supplies, and equipment used in, or incidental to, the installation of heating and sprinkling systems, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., and points in New Jersey; paper, paper stock, and waste paper, between Philadelphia, Pa., on the one hand, and, on the other, Camden and Gloucester, N.J. Albert W. Schiffrin, 1529 Walnut Street, Philadelphia, Pa., attorney for applicants.

No. MC–FC 64947. By order of May 15, 1962, the Transfer Board approved the transfer to John G. Schuster, Jr., doing business as Schuster's Bus Lines, Pottsville, Pa., of Certificate No. MC 106, issued March 31, 1949, to John G. Schuster, doing business as Schuster's Bus Lines, Pottsville, Pa., authorizing the transportation of: Passengers and their baggage, in special operations, over irregular routes, from Shenandoah, East Mines, Orwigsburg, Mahanoy City, Frackville, St. Clair, Schuylkill Haven, Minersville, and Pottsville, Pa., to New York, N.Y., Atlantic City, N.J., and Washington, D.C., and return; passengers and their baggage, in round-trip charter operations, over irregular routes, from points in Schuylkill County, Pa., other than Ashland and Girardsville, Pa., to Washington, D.C., Wilmington, Del., and points in New York and New Jersey, and return. Arthur E. Ricchiuti, 9 South Center Street., Pottsville, Pa., attorney for applicants.

No. MC–FC 64963. By order of May 14, 1962, the Transfer Board approved the transfer to Jos. A. Locker, Inc., Canton, Ohio, of Certificate No. MC 106963, issued November 1, 1957, to Donald R. Sibila, doing business as Peoples Moving Co., Massilon, Ohio, authorizing the transportation of: Household goods, between points in Stark County, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, and the District of Columbia. James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC–FC 64982. By order of May 14, 1962, the Transfer Board approved the transfer to Jackie G. Elrod, Sparks, Kansas, of Certificate No. MC 33538, issued to Amos Elrod, Sparks, Kansas, September 7, 1949, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities from St. Joseph, Mo., to Sparks, Kans., over Kansas Highway 7 to White Cloud, Kans.; empty containers, agricultural commodities, and scrap iron from White Cloud to St. Joseph; from Rulo, Nebr., to White Cloud, Kans., building material, from Rulo to White Cloud; and livestock, between St. Joseph, Mo., on the one hand, and, on the other, White Cloud, Kans., and points within 20 miles of White Cloud.

No. MC–FC 64995. By order of May 14, 1962, the Transfer Board approved the transfer to Connecticut and New York Express Corporation, Brooklyn, N.Y., of Permit No. MC 107589 Sub 1, issued January 19, 1961, to Bernard Heyer, New York, N.Y., authorizing the transportation of: Bakery products, and materials used in the manufacture of bakery products, from New York, N.Y., to points in Connecticut, and empty containers used in transporting bakery products, and rejected shipments of such products, from points in Connecticut, to New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC–FC 65006. By order of May 14, 1962, the Transfer Board approved the transfer to Pat Hennessey and George Slaney, a partnership, doing business as H&S Transfer, Dodgeville, Wis., of Certificate No. MC 117166, issued September 28, 1960, to Dalen Rickard, Linden, Wis., authorizing the transportation of: Fertilizer, from Fulton, Ill., to points in Grant, Lafayette, Iowa, and Crawford Counties, Wis. Edward Solie, 1 South Pinckney Street, Madison 3, Wis., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–4908; Filed, May 21, 1962; 8:47 a.m.]

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Washington, Wednesday, May 23, 1962

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (e) of § 6.309 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4969; Filed, May 22, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendments

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to provide for the handling of any application for review of a notice of farm marketing quota issued by the State executive director, Administrator of Agricultural Stabilization and Conservation Service, Assistant Secretary of Agriculture or the Secretary.

Since there are a number of cases in several States which may require such handling, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The Marketing Quota Review Regulations (26 F.R. 10204) are hereby amended as follows:

1. The second sentence of § 711.13 is amended to read as follows: "Such review may include any of the factors applicable to the quota as defined in § 711.2(d): *Provided, however,* That any determination such as the farm acreage allotment, which has previously been reviewed by a review committee and has become final, shall not be reconsidered in a subsequent review proceeding."

2. Section 711.14 is amended by addition of a new paragraph (e) which reads as follows:

(e) In case of any application for review of a notice of farm marketing quota issued by the State executive director, Administrator of Agricultural Stabilization and Conservation Service, Assistant Secretary of Agriculture or the Secretary, the functions of the county committee and county office manager under paragraphs (a) to (d) of this section shall be performed by the State executive director.

3. Section 711.21(d) is amended by addition of two sentences at the end thereof which read as follows: "In any case where the State executive director has prepared a written answer under § 711.14 (e), such answer shall be submitted and shall be made a part of the record of the hearing in lieu of the answer of the county committee. The case may be continued and evidence received in the same manner as if the county committee answer were submitted."

4. Section 711.26(c) is amended to read as follows:

(c) The answer of the county committee or the State executive director to the allegations contained in the application.

(Secs. 363-368, 52 Stat. 63, 64, as amended, 375, 52 Stat. 66, as amended; 7 U.S.C. 1363-1368, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 17, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4974; Filed, May 22, 1962; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 19]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows: Section 750.520 (e)(3)(iii) is amended by adding at the end of the phrase "that no part of the crop can be harvested" the following: "except that small grain which is used as a nurse crop with grass or legumes shall not be considered as acreage devoted to a soil bank base crop for the purpose of determining compliance with the farm permitted acres, if the crop is cut green for hay or silage prior to the time disposition would otherwise be required under subdivision (i)(a) or (b) of this subparagraph."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on May 17, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4977; Filed, May 22, 1962; 8:49 a.m.]

[Amdt. 54]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

Section 750.163(d)(3)(iii)(c) is amended by adding at the end of the phrase "that no part of the crop can be harvested" the following: "except that small grain which is used as a nurse crop with grass or legumes shall not be considered as acreage devoted to a soil bank base crop for the purpose of determining compliance with the farm permitted acres, if the crop is cut green for hay or silage prior to the time disposition would otherwise be required under subdivision (i)(a) or (b) of this subparagraph."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on May 17, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-4976; Filed, May 22, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 981—ALMONDS GROWN IN CALIFORNIA

Revision of Salable and Surplus Percentages for the 1961-62 Crop Year

Pursuant to the provisions of the amended marketing agreement and order (7 CFR Part 981) regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), the allocation percentages applicable to the crop year which began July 1, 1961, are revised as hereinafter set forth. The re-

vised percentages are based on the recommendation of the Almond Control Board and other available information, and are effective for the entire 1961–62 crop year.

The revision of the allocation percentages is based upon revision of the following estimates:

(1) Production increased from 70.0 million pounds to 71.2 million pounds.

(2) A desirable handler carryover increased from 15.2 million pounds to 20.4 million pounds.

(3) Total trade demand and carryover for 1961 crop almonds increased from 56 million pounds to 61.2 million pounds.

(4) Surplus almonds decreased from 14 million to 10 million pounds.

Other estimates remain unchanged.

After consideration of all available information, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the 1961–62 crop year and that to establish the salable and surplus percentages hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages as established in § 981.211 (26 F.R. 8151) are hereby revised by changing the salable percentage from 80 percent to 86 percent and the surplus percentage from 20 percent to 14 percent.

It is hereby further found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or defer the effective date of this action later than the date of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The Board representing the industry has unanimously recommended this revision, (2) it requires no special preparation on the part of handlers and (3) it relieves restrictions upon the handling of almonds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 17, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–4972; Filed, May 22, 1962; 8:49 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Container Regulation

Notice was published in the April 12, 1962, issue of the FEDERAL REGISTER (27 F.R. 3519) that the Department was considering a proposal to establish container regulation for whole or pitted Deglet Noor, Zahidi, and Khadrawy varieties of dates. The regulation is based on the unanimous recommendation of the Date Administrative Committee and other available information, in accordance with the provisions of Marketing Agreement No. 127, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. Comments were received within the prescribed time from the California Date Growers Association expressing approval of the regulation but requesting that handlers be allowed until November 1, 1962, to use any restricted containers held by them.

After consideration of all relevant matters presented, including the data, views or arguments submitted pursuant to the notice, it is hereby found that to establish a container regulation as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, container regulation is hereby established as follows:

§ 987.501 **Container regulation.**

No handler shall package or handle any whole or pitted Deglet Noor, Zahidi, or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight capacity for dates in the container is: (a) For whole dates, either 12 ounces, one pound eight ounces, or more than two pounds; and (b) for pitted dates, either 10 ounces, one pound eight ounces, or more than two pounds. Any handler may, however, package whole or pitted dates until November 1, 1962, in any other plastic containers if they were held by him on the effective date of this regulation, and may handle the dates so packaged. Whole or pitted dates packed in other than plastic containers may be handled without regard to the net weight capacity. For the purposes of this regulation, plastic container means any container of any shape made from a plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 17, 1962, to become effective 30 days after the date of publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–4955; Filed, May 22, 1962; 8:46 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANSAS, MARKETING AREA

Order Amending Order

§ 1073.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kans., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued April 13, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued May 3, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Change § 1073.41(a) to read as follows:

(a) Class I milk should be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3) and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) Not specifically accounted for as Class II or Class III utilization.

2. Change § 1073.41(c)(5) to read as follows:

(5) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

3. Revoke the following words in the first sentence of § 1073.51(a) "for each of the 12 months immediately following the effective date of this amendment".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1962.

Signed at Washington, D.C., on May 18, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–4975; Filed, May 22, 1962; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3]

PART 105—STANDARDS OF CONDUCT

Former Employees

In Part 105, § 105.3–1 (26 F.R. 8447) is hereby amended by revising paragraph (b)(2) thereof. As revised, § 105.3–1 (b)(2) reads as follows:

§ 105.3–1 **Former employees.**

* * * * * * *

(b) * * *

(2) All non-clerical employees of the Office of Information Services, Office of Organization and Management, Office of Personnel, and Office of Budget, do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended;

Effective date: May 14, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–4945; Filed, May 22, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1209; Amdt. 441]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

There have been several cases of fires originating in the electrical system of the DC type toilet flushing motor on Boeing 707 and 720 Series aircraft. As this condition is likely to occur in other such aircraft, an airworthiness directive is being issued to require rework of the motor electrical circuit and to provide added protection against moisture entering the wiring and the motor.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft with DC type toilet flushing motors installed.

Compliance required as indicated.

There have been several cases of fires originating in the electrical system of the DC type toilet flushing motor. To eliminate this unsafe condition, rework of the toilet motor electrical circuit and added protection against moisture entering the circuit components in the toilet area are required. Within the next 360 hours' time in service for paragraph (a) and 1,000 hours' time in service for paragraphs (b), (c), and (d) after the effective date of this AD, unless already accomplished, the following shall be accomplished in accordance with Modification Instructions of Monogram Precision Industries' Service Bulletin No. 35 BAC, dated February 22, 1962, or an FAA approved equivalent.

(a) Reduce the exposure of the system to DC voltage by changing the wiring inside the timer so that voltage is applied to the flushing motor during the flushing operation only.

(b) Increase the protection from moisture of the connector attached to the pigtail of the flushing motor by moving the connector from the bracket on the flushing motor to a bracket mounted behind the vertical shroud support.

(c) Provide an improved moisture seal where the wires enter the flushing motor by trimming back the shielding and installing thermo fit sleeving over the wires, and repotting.

(d) Reduce the susceptability of moisture entering connectors by replacing the potting compound of the connectors attached to the harness and to the motor pigtail with resilient inserts and grommets and supporting the wires with cable clamps attached to the connectors.

(Monogram Precision Industries' Service Bulletin No. 35 BAC, covers this same subject.)

This amendment shall become effective May 23, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4928; Filed, May 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1208; Amdt. 440]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

Amendment 426, 27 F.R. 3735 (AD 62–9–1), requires inspection of all Boeing 707 and 720 Series aircraft control cable pressure seals. Subsequent investigation shows that certain landing gear seals, because of location and direction of cable movement, cannot possibly cause jamming or dislodging of the cable. Therefore, the AD is being amended to require inspection of only the nose wheel steering cable pressure seals instead of all landing gear and landing gear door cable pressure seals.

Since this amendment relaxes a requirement and imposes no additional

burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 426, 27 F.R. 3735, Boeing 707 and 720 Series aircraft, is amended by:

1. Changing paragraph (b) to read as follows:

(b) Unless already accomplished within the last 360 hours' time in service, within the next 360 hours' time in service and at periods thereafter not to exceed 720 hours' time in service from the last inspection, conduct a close visual inspection of the nose wheel steering cable pressure seals.

2. Changing paragraph (d) to read as follows:

(d) Replacement seals of the same part number shall be inspected in accordance with (a) or (b) prior to the accumulation of 1,500 hours' time in service and at intervals not to exceed 360 hours' time in service thereafter for flight control cable pressure seals and 720 hours' time in service thereafter for the nose wheel steering cable pressure seals.

This amendment shall become effective May 23, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4929; Filed, May 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1134; Amdt. 442]

PART 507—AIRWORTHINESS DIRECTIVES

Helio Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the engine breather tube on Helio Models H-391B, H-395, and H-395A aircraft was published in 27 F.R. 3355.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HELIO. Applies to all Models H-391B, H-395 Serial Numbers 1 to 549 inclusive and H-395A Serial Numbers 1 to 1007 inclusive.

Compliance required prior to September 1, 1962.

To preclude possible loss of engine oil through the vacuum oil separator due to blockage of the engine breather tube with ice or snow, accomplish the following:

Modify the oil breather tube P/N 391-060-317 in accordance with Helio Service Bulletin No. 30, by slicing a flute cut 2.25±0.250 inch from contour of lower cowl, 0.28 to 0.31 inch depth and 0.75±0.13 inch in height on aft side of tube.

(Helio Service Bulletin No. 30 dated February 6, 1962, covers this same subject.)

This amendment shall become effective June 25, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4930; Filed, May 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1210; Amdt. 444]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

There have been several cases of failures within the cabin cove light combined filter-ballast units on Boeing 707 and 720 Series aircraft. These failures can be of sufficient intensity to burn through the case and ignite the melted potting compound. Since these lights are located in a combustible area, a fire hazard is created. As this condition is likely to occur in other such aircraft, an airworthiness directive is being issued to require deactivation of the cove light circuit until the filter-ballast unit is modified.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft incorporating Boeing production revision 14324 which installs Sprague JN 10-220 and/or Genistron GF-1997-1 or -2 combined filter ballast units on the outboard side of the cove light raceway panel at each cabin cove light assembly.

Compliance required as indicated.

To prevent a fire hazard due to failure of a filter-ballast in the cabin cove light circuit unit, accomplish the following:

(a) Unless already accomplished, within the next 10 hours' time in service after the effective date of this AD, deactivate the cove light circuit and do not reactivate until the filter-ballast unit is relocated in accordance with (b).

(b) Relocate the filter-ballast unit (Sprague JN 10-220 and/or Genistron GF-1997-1 or -2) from the outboard side of the cove light raceway panel, Boeing P/N 65-18270, to the inboard side of the panel in accordance with the instructions in the modification data portion of Boeing Alert Service Bulletin No. 1601, dated February 14, 1962, or an FAA approved equivalent.

(Boeing Alert Service Bulletin No. 1601 dated February 14, 1962, covers this same subject.)

This amendment shall become effective June 2, 1962.

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4967; Filed, May 22, 1962; 8:50 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-2]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On March 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2373) stating that the Federal Aviation Agency proposed to designate terminal radar jet advisory areas at Houston, Tex., New Orleans, La., and San Antonio, Tex.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed rules having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.300 *Terminal jet advisory areas* (14 CFR 602.300) is amended as follows:

1. Under Houston, Tex., jet advisory area—Radar the following is added:

g. Houston, Tex., via INT of Houston 290° and Eagle Lake, Tex., 056° radials to Eagle Lake.

2. Under New Orleans, La., jet advisory area—Radar the following is added:

m. Picayune, Miss., to Evergreen, Ala.

3. Under San Antonio, Texas, jet advisory area—Radar the following is added:

d. Ft. Stockton, Tex., via Rocksprings, Tex.; INT of Rocksprings 090° and San Antonio, Tex., 309° radials; to San Antonio.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-4931; Filed, May 22, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLAMIDE-ACRYLIC ACID RESIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, N.Y., and other relevant material, has concluded that § 121.2512 of the food additive regulations should be amended as hereinafter provided. The amended regulation relaxes the requirement in regard to acrylamide monomer content and permits additional uses for acrylamide-acrylic acid resin in the manufacture of paper and paperboard intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2512 (21 CFR 121.2512; 26 F.R. 6197) is changed to read as follows:

§ 121.2512 Acrylamide-acrylic acid resins.

Acrylamide-acrylic acid resins may be safely used as components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Acrylamide-acrylic acid resins are produced by the polymerization of acrylamide with partial hydrolysis or by the copolymerization of acrylamide and acrylic acid.

(b) The acrylamide-acrylic acid resins contain less than 0.2 percent residual monomer.

(c) The resins are used as adjuvants in the manufacture of paper and paperboard in amounts not to exceed that necessary to accomplish the technical effect and not to exceed 2.0 percent by weight of the paper or paperboard.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 17, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4958; Filed, May 22, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin With Vasoconstrictor; Extension of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.405) are amended as follows:

Section 146e.405(c)(1)(iii) is amended by extending the expiration date to 48 months under the conditions stated. As amended, paragraph (c)(1)(iii) reads as follows:

§ 146e.405 Bacitracin with vasoconstrictor; bacitracin with _____ (the blank being filled in with the common or usual name of the vasoconstrictor).

• • • • •

(c) • • •

(1) • • •

(iii) If it is a packaged combination of one immediate container of bacitracin and one immediate container of a vasoconstrictor, the statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified. If it is the dry mixture of bacitracin with vasoconstrictor, the statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 17, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4959; Filed, May 22, 1962; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter II—Subversive Activities Control Board

PART 201—RULES OF PROCEDURE

Answers; Admissions of Fact and Genuineness of Documents

By virtue of the authority vested in it by the Subversive Activities Control Act of 1950, 64 Stat. 987, the Subversive Activities Control Board hereby issues the following revisions of § 201.7(a) and § 201.20(a) of Statement of Organization and Rules of Procedure (28 CFR Part 201), which the Board finds necessary for the performance of its duties. The revised sections are in complete substitution for the original sections, and shall be effective May 24, 1962.

1. Section 201.7(a) is revised to read as follows:

§ 201.7 Answers.

(a) The organization or individual served with a petition or a process requiring an answer shall, within twenty days after the service, file an answer thereto under oath. The answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The answer shall specifically admit, deny or explain each of the facts alleged in the petition or process requiring an answer, unless the organization or individual is without knowledge of particular facts alleged or the person signing the answer relies upon the constitutional privilege against self-incrimination as to particular facts alleged, in which case this shall be stated, and such statement shall operate as a denial. All allegations in the petition or process requiring an answer, if no answer is filed or any allegation thereof is not specifically denied or explained by the answer, shall be deemed admitted to be true and may be so found by the Board, except that where the person signing the answer relies upon the privilege against self-incrimination, such allegation or allegations shall be deemed denied.

2. Section 201.20(a) is revised to read as follows:

§ 201.20 Admissions of fact and genuineness of documents.

(a) At any time after answer has been filed, either party may serve upon the other a written request for admission of the genuineness of any relevant

documents described in, and exhibited with, the request, or of the truth of any relevant matters of fact set forth in such documents. Copies of documents shall be delivered with the request unless copies have already been furnished or are in the possession or control of the party. Each of the matters on which an admission is so requested shall be deemed admitted unless within a period designated within the request, not less than ten (10) days after service thereof, or within such further time as the Board or the hearing examiner may allow on motion and notice, the party so served shall serve upon the party making the request a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters, or stating that reliance is made on the constitutional privilege against self-incrimination.

By the Board.

DOROTHY MCCULLOUGH LEE,
Chairman.

[F.R. Doc. 62-4970; Filed, May 22, 1962; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Lassen Volcanic National Park, California; Boating

On Page 2770 of the FEDERAL REGISTER of March 24, 1962, there was published a notice and text of a proposed amendment of § 7.11 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish a suitable management program for the waters of the Park in the interest of public safety and preservation of natural values.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and it is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

FRANK E. SYLVESTER,
Superintendent.

A new paragraph (g) divided into subparagraphs, is added to § 7.11 to read as follows:

§ 7.11 Lassen Volcanic National Park.

* * * * * *

(g) *Boats*—(1) *Permit.* A permit, issued by the Superintendent is required for any boat, canoe, raft or other waterborne or floating craft, placed or operated, upon the waters of Lassen Volcanic National Park. This permit must be carried within the boat at all times when any person is aboard and shall be exhibited upon request to any authorized person. The Superintendent shall have the authority to revoke the permit and require the immediate removal of such craft upon failure of the permittee or other persons using the boat to comply with terms and conditions of the permit.

(2) *Use of motors.* The use of boats, canoes, rafts or other waterborne or floating craft propelled by any type of motor is prohibited on all waters within the boundaries of Lassen Volcanic National Park except for official management purposes.

(3) *Restricted waters.* Waterborne craft of every type or description are prohibited on the following waters:

Boiling Springs Lake.
Emerald Lake.
Helen Lake.
Reflection Lake.

[F.R. Doc. 62-4983; Filed, May 22, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 55—CERTIFICATES OF MAILINGS

PART 61—MONEY ORDERS

PART 94—HIGHWAY TRANSPORTATION

PART 96—AIR TRANSPORTATION

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 55—Certificates of Mailing, make the following changes to show that certificates of mailing for bulk mailings of identical pieces of first and third class matters are limited to those paid with ordinary stamps, precanceled stamps and meter stamps:

A. In § 55.2 amend paragraph (b) to read as follows:

§ 55.2 Fees.

* * * * * *

(b) *Bulk pieces.* Identical pieces of first and third class mail paid with ordinary stamps, precanceled stamps, or with meter stamps are subject to the following fees:

	Cents
Up to 1,000 pieces (1 certificate for total number)	25
For each additional 1,000 pieces, or fraction	5
Duplicate copy	5

NOTE: The corresponding Postal Manual section is 165.22.

B. In § 55.3 amend paragraph (d) to read as follows:

§ 55.3 Forms.

* * * * * *

(d) *Bulk mailings.* Form 3606, Sender's Statement and Certificates of Bulk Mailing, is used to issue certificates that a specified number of pieces have been mailed. These certificates are furnished only for mailings of identical pieces of first and third class matter paid with ordinary stamps, precanceled stamps, or meter stamps. A certificate will not be issued for bulk mailings paid with permit imprints. See § 34.5(e) of this chapter.

NOTE: The corresponding Postal Manual section is 165.34.

(R.S. 161 as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5012)

II. In Part 61—Money Orders, make the following changes:

§ 61.1 [Amendment]

A. In § 61.1 *Issuance of domestic money orders*, as amended by 27 F.R. 224, and 27 F.R. 2102, paragraph (f)(1) is amended by revising subdivision (i) to provide that the purchaser's receipt for all spoiled money orders must be received when issuing replacement orders. As so amended, subdivision (i) reads as follows:

(f) *Spoiled or lost money orders*—(1) *Spoiled when being issued.* (i) The purchaser must make sure that the money order received agrees with the amount requested. When a money order is returned after it has been issued and made a matter of record, a new one will be issued. If the post office was at fault, no fee will be charged for the new one. Should the purchaser spoil an order in completing it, no charge will be made for a new one if the purchaser returns it to the post office on the same day it was issued. The purchaser's receipt for all spoiled orders must be recovered.

NOTE: The corresponding Postal Manual section is 171.161a.

§ 61.2 [Amendment]

B. In § 61.2 *Issuance of international money orders*, as amended by 27 F.R. 224, and 27 F.R. 2605, make the following changes:

1. In paragraph (h) opposite the "U.S. Exchange Office" in "New York 1, N.Y.", insert "Morocco, Kingdom of" in the alphabetical listing of countries where international money order service is available on direct exchange basis.

2. In paragraph (i) delete "Morocco" and the accompanying data from the alphabetical listing of countries where international money order service is available on an indirect exchange basis.

NOTE: The corresponding Postal Manual sections are 171.28 and 171.29.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5104)

III. In Subpart B—Mail Messenger Service, of Part 94, make the following changes to show the revised procedure for notification, receipt of notification, and payment when flights are canceled making service to the airport or heliport unnecessary:

A. In § 94.14, amend paragraph (b) by adding a new subparagraph (3) to read as follows:

§ 94.14 Operation.

* * * * * *

(b) *Instructions to messengers.* * * *

(3) Where payment for service is on a trip basis, the postmaster should notify the mail messenger in advance when flights are canceled making service to the airport or heliport unnecessary. The mail messenger must make provision for receipt of notifications by telephone or other direct means of communication. When so notified payment for the trip will not be made.

NOTE: The corresponding Postal Manual section is 522.323.

B. In § 94.17, amend paragraph (a) by adding a new subparagraph (3) to read as follows:

§ 94.17 Payments.

* * * * * *

(a) *Certification.* * * *

(3) Where payment for mail messenger service is made on a trip basis to airports and heliports, and the messenger is not officially notified in advance of cancellation of a flight, and he reports at the post office to perform the trip, the postmaster or installation head shall include the scheduled trip in his certification on Form 2640. The postmaster, or installation head shall report by memorandum to the chief, regional highway transportation branch, each trip certified for payment under this section. (See § 94.14(b)(3).)

NOTE: The corresponding Postal Manual section is 522.613.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6101, 6301, 6403)

IV. In Subpart D—International Air Transportation, of Part 96, make the following changes:

A. In § 96.31 paragraph (h) is amended to show that carriers should inform dispatching postal units when international mail departures are delayed over one hour. As so amended, paragraph (h) reads as follows:

§ 96.31 Carrier operations.

* * * * * *

(h) *Delayed departures.* If a flight is delayed after accepting mail and the delay is estimated to be one hour or less beyond the scheduled departure, the mail will be retained aboard the flight. If the flight is delayed over one hour the dispatching postal unit should be informed of the delay and the probable time of departure. In such cases, the postal representative will determine whether the mail should be returned to the postal unit.

NOTE: The corresponding Postal Manual section is 542.28.

B. In § 96.32 paragraph (f) is amended to permit a carrier to contact the nearest U.S. military postal unit for disposition of military mail delayed in a foreign country. As so amended, paragraph (f) reads as follows:

§ 96.32 Transportation of mail.

* * * * * *

(f) *Retaining mail in foreign countries.* In a foreign country, carriers may retain custody of United States civilian mail aboard a flight when the departure is delayed up to 12 hours. On delays over 12 hours, or on cancellation, civilian mail must be delivered to the local post office for disposition. The original documents, properly endorsed, must accompany the mail. Military airmail must be held in the custody of the air carrier while the air carrier contacts the nearest United States military postal unit for disposition. Under no circumstances should military airmail be turned over to a foreign post office or to a foreign air carrier without written permission.

NOTE: The corresponding Postal Manual section is 542.342.

(R.S. 161, as amended, sec. 405, 72 Stat. 760, 5 U.S.C. 22, 39 U.S.C. 501, 4302, 6301, 49 U.S.C. 1375)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-4963; Filed, May 22, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2678]

[Sacramento 070386]

CALIFORNIA

Partly Revoking Forest Service Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of November 1, 1907, withdrawing lands in the Sierra (now Sequoia) National Forest for use as administrative sites, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 30 E.,
Sec. 7, SW¼NE¼NE¼ and W½SE¼NE¼.

Containing 30 acres.

2. The lands are hereby opened to such forms of disposition as may by law be made of national forest lands, provided, that they shall be open to location under the United States mining laws beginning at 10:00 a.m. on August 16, 1962.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 17, 1962.

[F.R. Doc. 62-4932; Filed, May 22, 1962; 8:45 a.m.]

[Public Land Order 2679]

[Utah 065014]

UTAH

Partly Revoking Reservoir Site Reserve No. 12 (Dixie National Forest)

By virtue of the authority contained in section 1 of the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), as amended, it is ordered as follows:

1. The departmental orders of October 1, 1889, and August 8, 1894, and any other order or orders reserving lands for reservoir purposes under authority of the act of October 2, 1888, supra, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

T. 35 S., R. 7 W.,
Sec. 32, N½S½;
Sec. 33, lots 1, 4, SE¼NW¼, and NW¼SE¼;
Sec. 34, lots 1, 2, 3, 4, and SE¼NW¼.
T. 36 S., R. 7 W.,
Sec. 3, lots 3, 4, and 5;
Sec. 4, lots 1, 2, 3, 4, 5, and NW¼SW¼;
Sec. 5, lot 1, SW¼NW¼, SE¼SW¼, NE¼SE¼, and SW¼SE¼.

The areas described aggregate 810.60 acres.

2. The lands are a part of the Dixie National Forest. At 10:00 a.m. on August 16, 1962, they shall be open to such forms of disposal as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 17, 1962.

[F.R. Doc. 62-4933; Filed, May 22, 1962; 8:45 a.m.]

[Public Land Order 2680]

[New Mexico 011650, 016634]

NEW MEXICO

Revoking Public Land Order No. 908 of July 31, 1953, and Partly Revoking Public Land Order No. 1074 of February 18, 1955, Which Withdrew National Forest Lands for Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 908 of July 31, 1953, and No. 1074 of February 18, 1955, so far as they withdrew the following-described lands for use of the Forest Service, Department of Agriculture, for administrative sites and recreation areas, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 13 E.,
Sec. 25, SE¼SE¼;
Sec. 26, S½SE¼;
Sec. 27, W½NW¼NE¼, N½NE¼NW¼NE¼, and S½SE¼NW¼NE¼;
Sec. 36, N½NE¼ and NE¼NW¼.
T. 11 S., R. 14 E.,
Sec. 30, S½SW¼.

The areas described aggregate approximately 350 acres of national forest lands in the Lincoln National Forest.

2. Beginning at 10:00 a.m. on June 22, 1962, the lands shall be open to such forms of disposition as may by law be made of national forest lands, provided, that the minerals in the lands shall not be open to prospecting, location, entry and purchase under the mining laws of

the United States until 10:00 a.m. on May 17, 1963.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 17, 1962.

[F.R. Doc. 62-4934; Filed, May 22, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

Fifth Supplemental Order

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of April A.D. 1962.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of Wilson Freight Forwarding Company and Interstate Dispatch, Inc., filed September 25, 1961, for reconsideration;

(2) Petition of Heavy-Specialized Carriers Conference, filed November 15, 1961, for reconsideration;

(3) Petition (letter) of Pacific Intermountain Express Co., filed January 2, 1962, for reconsideration;

and good cause appearing therefor:

It is ordered, That the above-entitled proceeding insofar as it relates to the matters covered by the Fifth Supplemental Report of the Commission be, and it is hereby, reopened for reconsideration on the present record.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-4962; Filed, May 22, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED LEMON JUICE [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Lemon Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

Statement of consideration leading to the proposed revision. The existing United States Standards for Canned Lemon Juice, issued July 1, 1941, have not been codified under the provisions of the Administrative Procedures Act. Other administrative considerations, such as realignment of the scoring system together with bringing the standards in line with current commercial practices are considered sufficiently important to justify revision of the standards at this time.

Upon consideration of industry requests the proposed revision: Stipulates the product be manufactured from one or more of the high acid varieties of lemons; provides limits for recoverable oil; slightly increases the limits for free and suspended pulp; eliminates the present minimum Brix requirements, which do not affect or enhance the other quality criteria.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, GRADES, FILL OF CONTAINER

Sec.
52.5481 Product description.
52.5482 Grades of canned lemon juice.
52.5483 Recommended fill of container.

FACTORS OF QUALITY

52.5484 Ascertaining the grade.
52.5485 Ascertaining the rating for the factors which are scored.
52.5486 Color.
52.5487 Defects.
52.5488 Flavor.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

EXPLANATIONS AND METHODS OF ANALYSIS

Sec.
52.5489 Definition of terms.

LOT INSPECTION AND CERTIFICATION

52.5490 Ascertaining the grade of a lot.

SCORE SHEET

52.5491 Score sheet for canned lemon juice.

PRODUCT DESCRIPTION, GRADES, FILL OF CONTAINER

§ 52.5481 Product description.

Canned lemon juice is the undiluted, unconcentrated, unfermented juice obtained from sound, mature lemons of one or more of the high acid varieties, which fruit is prepared by sorting; and by washing prior to extraction of the juice to assure a clean and sanitary product. The product is sufficiently processed with heat to assure preservation in hermetically sealed containers.

§ 52.5482 Grades of canned lemon juice.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned lemon juice that: (1) Has good color; (2) is practically free of defects; (3) has good flavor; and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned lemon juice that: (1) Has fairly good color; (2) is fairly free of defects; (3) has fairly good flavor; and, (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned lemon juice that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.5483 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill container, as such, is not a factor of quality. It is recommended that the container be as full of lemon juice as practicable and that the product occupy not less than 90 percent of the water capacity of the container.

FACTORS OF QUALITY

§ 52.5484 Ascertaining the grade of a sample unit.

The grade of canned lemon juice is ascertained by considering the respective ratings for the factors of color, defects, and flavor (and aroma). The relative importance of each factor is expressed, numerically, on the scale of 100. The maximum number of points that may be given each factor are:

	Points
(1) Color	30
(2) Defects	40
(3) Flavor	30
Total score	100

§ 52.5485 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.5486 Color.

(a) (*A*) *Classification.* Canned lemon juice that has good color may be given a score of 27 to 30 points. "Good color" means that the color is bright and typical of fresh, properly processed lemon juice that is practically free of browning caused by scorching, oxidation, storage conditions, or any other causes.

(b) (*C*) *Classification.* Canned lemon juice that has fairly good color may be given a score of 24 to 26 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be only fairly bright, but is not off-color, and is typical of properly processed lemon juice that is reasonably free of browning due to scorching, oxidation, improper storage, or any other causes.

(c) (*SStd*) *Classification.* Canned lemon juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.5487 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from recoverable oil; from particles of membrane, core or skin; from seeds or seed particles; and any other defects that affect the wholesomeness or detract from the appearance or utility of the product.

(b) (*A*) *Classification.* Canned lemon juice that is practically free of defects may be given a score of 36 to 40 points. "Practically free of defects" means that there may be present: (1) Not more than 0.015 percent percent, by volume, of recoverable oil; (2) not more than 13 percent, by volume, of free and suspended pulp calculated as outlined in § 52.5489; (3) no coagulated pulp; (4) and that the juice does not contain peel, core, seeds, seed particles or other defects that detract from the appearance or utility of the product.

(c) (*C*) *Classification.* Canned lemon juice that is fairly free of defects may be given a score of 32-35 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly free of defects" means that there may be present: (1) Not more than 0.025 percent, by volume, of recoverable oil; (2) not more than 16 percent, by volume, of free and suspended pulp calculated as outlined in § 52.5489; (3) and that the

juice does not contain coagulated pulp peel, core, seeds, seed particles, or other defects that more than slightly detract from the appearance or utility of the product.

(d) *(SStd) Classification.* Canned lemon juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.5488 Flavor.

(a) The flavor of the product is evaluated after preparing as follows:

Lemon juice	30 ml.
Sugar	26 gm.
Water	160 ml.

(b) *(A) Classification.* Canned lemon juice that has good flavor may be given a score of 27 to 30 points. "Good flavor" means that the product has the distinct flavor of properly prepared, freshly extracted canned lemon juice that is free of any trace of terpenic, oxidized, scorched, or caramelized flavors and is free of any other abnormal flavors. In addition, there is not less than 5.0 grams nor more than 7.0 grams of acid per 100 ml of juice.

(c) *(C) Classification.* Canned lemon juice that has fairly good flavor may be given a score of 24 to 26 points. Canned lemon juice that is scored into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product has a normal flavor which may have a slightly caramelized or slightly oxidized flavor, but is free of off-flavors of any kind. In addition, there is not less than 4.5 grams nor more than 7.5 grams of acid per 100 ml of juice.

(d) *(SStd) Classification.* Canned lemon juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.5489 Definition of terms.

(a) *Acid.* "Acid" means the number of grams of total acidity, calculated as anhydrous citric acid, per 100 ml of canned lemon juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein indicator.

(b) *Pulp.* "Pulp" means light membranous materials and fine centrifuged pulp and other similar lemon fruit material, defined and ascertained as follows:

(1) *Light membranous materials.* "Light membranous materials" means pulp including juice sacs but exclusive of peel particles, that is recoverable by the following method:

(i) *Equipment.* United States Standard No. 20 Circular Sieve 8-inches in diameter containing 20 meshes to the inch (0.0331 inch ± 5 percent) square openings; graduated cylinder or centrifuge tube; spatula.

(ii) *Procedure.* (a) Pour one liter of the product through the sieve with the aid of gentle stream of tap water;

(b) Rinse the retained pulp with a gentle stream of tap water only until all of the product is removed from the pulp;

(c) Dry and gather the pulp into a ball by shaking the sieve back and forth;

(d) As soon as the pulp has been gathered into a ball, place it into a suitable dry graduated cylinder or centrifuge tube and settle by tapping lightly in the palm of one's hand. If air pockets remain a thin spatula may be used to effect their removal;

(e) The number of milliliters of pulp divided by ten is the percent by volume of "light membranous material;"

(f) If the light membranous material so recovered exceeds 100 milliliters or will not dry and gather into a small ball, discard results and repeat the test using a sample so reduced in size as to yield less than 100 milliliters of such material which will so dry and gather. Calculate the percent of light membranous materials as follows:

$$\text{Percent of light membranous materials by volume} = \frac{\text{Ml. recovered material} \times 100}{\text{Ml. of sample}}$$

(2) *Fine centrifuged pulp.* "Fine centrifuged pulp" means pulp that settles out on centrifuging by the following method:

(i) Remove the light membranous material from the sample of juice by pouring it through a No. 20 sieve, and

(ii) Fill graduated centrifuge tubes, of a capacity of 50 ml., with the sieved lemon juice and place in a suitable centrifuge. Adjust the speed as nearly as possible, according to diameter, as indicated in Table I and centrifuge as indicated in Table I for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by two to give the percentage of pulp.

TABLE I [1]

Diameter (inches):	*Revolutions per minute*
10	1,609
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

[1] This table, calculated from the formula R.C.F.=0.00001118 N^2r, provides a Relative Centrifugal Force of 364.6 times gravity.

(c) *Recoverable Oil.* "Recoverable oil" in canned lemon juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in the 3-liter flask and insert the separatory trap. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT INSPECTION AND CERTIFICATION

§ 52.5490 Ascertaining the grade of a lot.

The grade of a lot of canned lemon juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5491 Score sheet for canned lemon juice.

Size and kind of container			
Container mark or identification:			
Cans			
Cases			
Label			
Liquid measure (fluid ounces)			
Vacuum (inches)			
Acid (grams/100 ml.: Calculated as anhydrous citric acid)			
Recoverable oil (percent by volume)			
Factors	**Score points**		
Color	30	(A)	27–30
		(C)	[1] 24–26
		(SStd)	[1] 0–23
Defects	40	(A)	36–40
		(C)	[1] 32–35
		(SStd)	[1] 0–31
Flavor	30	(A)	27–30
		(C)	[1] 24–26
		(SStd)	[1] 0–23
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: May 18, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-4971; Filed, May 22, 1962; 8:49 a.m.]

[2] Figures filed as part of original document.

Agricultural Stabilization and Conservation Service

[7 CFR Part 1047]

[Docket No. AO-33-A25]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Wayne, Indiana, on February 5, 1962, pursuant to notice thereof which was issued December 29, 1961 (27 F.R. 121).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Class II milk price;
3. Revision of obligations of a handler operating a nonpool distributing plant;
4. Modification of provisions regarding pool plants which also meet the pooling requirements of another Federal order; and
5. Administrative and conforming changes.

Issues 3 and 4 were considered separately in a decision issued by the Assistant Secretary on April 30, 1962 (27 F.R. 4282) and amendments related thereto were made effective as of May 16, 1962. The remaining issues 1, 2, and 5 are considered herein.

Findings and conclusions. The following findings and conclusions on material issues 1, 2, and 5 are based on evidence presented at the hearing and of the record thereof.

1. The Fort Wayne marketing area should be expanded to include the Indiana counties of Blackford, Jay and Wabash. Addition to these three counties will result in a marketing area more closely conforming with the sales territory of presently regulated handlers and will fully regulate two milk distributors in Wabash County and partially regulate an additional distributor because of sales in Jay County.

Three presently regulated Fort Wayne handlers account for approximately 49 percent of the fluid milk distribution in Jay County. Twenty-six percent of the sales in this county is made by Indianapolis regulated handlers and approximately 5 percent is made by a regulated handler under the North Central Ohio order from a plant at Lima, Ohio. The remaining 20 percent of the fluid sales in this county emanate from a nonpool plant at New Bremen, Ohio, and represents about 4 percent of the total fluid milk distribution from this plant.

Approximately 30 percent of the fluid milk distribution in Wabash County is made by Fort Wayne regulated handlers. Indianapolis regulated handlers likewise account for about 30 percent and a South Bend handler has approximately 10 percent of the total fluid sales in this county. Two presently unregulated handlers with plants located in Wabash County, account for the remaining 30 percent.

Wabash County was also proposed to be added to the Indianapolis, Indiana, marketing area at a recent hearing held in Indianapolis. Although distribution in Wabash County from regulated sources is about equally divided between Fort Wayne and Indianapolis handlers, this county is more closely associated with the Fort Wayne market. The two unregulated milk distributors with plants located in Wabash County also distribute fluid milk products in Huntington County, which is presently part of the Fort Wayne marketing area.

Inclusion of Wabash County in the Fort Wayne marketing area will fully regulate the two presently unregulated milk distributors selling in this county. Regulated handlers will, therefore, be assured that no procurement or sales advantage can accrue to handlers with whom they compete for sales in this county. Presently, these two handlers are unregulated. They have a competitive advantage over Fort Wayne handlers on distribtuion in Wabash County, since although they have a high utilization the prices paid dairy farmers by these handlers are based on the Fort Wayne blend price.

Addition of Wabash County to the Indianapolis marketing area would tend to compound the problem of shifts in regulation of Fort Wayne handlers between orders whereas inclusion of this county in the Fort Wayne area will not so affect Indianapolis handlers having approximately the same proportion of sales in both markets. Official notice is taken of the amendment to the Fort Wayne order effective May 16, 1962, designed to mitigate such shifts in regulation.

Blackford County, Indiana, should also be added to the Fort Wayne marketing area, since it constitutes an important segment of the distribution area of Fort Wayne handlers. Approximately 72 percent of the fluid distribution in the County is made by three fully regulated Fort Wayne handlers and the remaining 28 percent is distributed by five Indianapolis regulated handlers. Since all of the milk presently sold in this county is from regulated sources, the addition of this county to the Fort Wayne marketing area will bring no additional handlers under regulation.

2. The Class II price under the order should be established at the level of the basic formula price but not to exceed the price resulting from the present Class II butter-powder formula plus ten cents. The basic formula price incorporated in the order, effective March 1, 1962, is established as the average price per hundredweight paid for manufacturing grade milk in the States of Minnesota and Wisconsin as reported by the Department of Agriculture, adjusted to a 3.5 percent butterfat test.

At the present time the Class II price is based on the higher of two alternative formulae, one based on the market prices of butter and nonfat dry milk and the other based on the reported paying prices of a group of Midwestern condenseries located in Michigan and Wisconsin. Originally there were 18 plants in the group but recently the number had dwindled until now there are only 7 plants reporting.

So that the Class II price may accurately reflect the nationwide market for most manufactured dairy products, the Class II price should be based on the average price paid dairy farmers as determined by the Minnesota-Wisconsin price series. This price for manufacturing grade milk in Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the pounds of manufacturing grade milk received from farmers, the butterfat content and the total money paid to farmers for milk delivered at their plants. This two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for the supply. In Minnesota about 80 percent, and in Wisconsin about 65 percent, of the milk sold off farms is of manufacturing grade. About half of all the manufacturing grade milk sold off farms in the United States is produced in these two states.

Since the Minnesota-Wisconsin price as announced is that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. As in the case of the basic formula now used for pricing Class I milk, this would be done by using a differential equal to 0.12 times the average quotation for the month for Grade A (92-score) butter at Chicago.

Until more experience has been gained with this new price series, it should also be provided that in no event should the Class II price exceed the present butter-powder formula plus ten cents. Such a limitation would prevent the Class II price from being overly affected in the unlikely event that supply-demand conditions peculiar to a particular segment of the manufactured milk industry were to exert an undue influence on the Min-

nesota-Wisconsin price. Under the provisions as recommended herein, the price for milk in excess of the market's needs for fluid use will be maintained at the maximum level consistent with facilitating the movement of such milk to manufacturing outlets.

The bulk of the market's milk in excess of fluid requirements, cottage cheese and ice cream, is handled by the cooperative associations and manufactured into butter, nonfat dry milk solids and hard cheese. It is expected that the Class II price herein recommended will accommodate the needs of the market and promote the orderly disposal of milk surplus to the market's fluid requirements.

Producers proposed that the Class II price be based on the Minnesota-Wisconsin price but that such Class II price be limited to the price resulting from the present butter-powder formula plus five cents. The ten-cent limitation is more appropriate and will return producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets, the milksheds of which overlap that of the Fort Wayne market. Several Northeastern Ohio pool plants handling reserve milk are located in the Fort Wayne milkshed and one such plant is located in the Fort Wayne marketing area proper. Manufacturing outlets for the Indianapolis market are also located in the Fort Wayne milkshed. In these circumstances, prices for reserve milk should be closely aligned among these orders. The recommended Class II price will be identical to the price established for milk utilized in the manufacture of butter, hard cheese, nonfat dry milk solids and similar products under the nearby Northeastern Ohio and Indianapolis Federal orders. Official notice is hereby taken of the decision issued by the Assistant Secretary of Agriculture on May 11, 1962, which established the Indianapolis Class II price identical to that herein recommended for the Fort Wayne market.

5. Recommended changes in the order language, other than provisions heretofore specifically discussed, are clarifying and conforming changes necessary to implement substantive amendments. These include revision of the order language regarding inventories of fluid milk products. The changes herein recommended express more clearly and precisely than does the language of the present order that the reclassification charge on fluid milk inventories disposed of the following month should apply to the quantities of such inventories derived from milk of producers which was classified and priced as Class II the previous month and other source milk which was not classified and priced under another Federal order. Such revision will in no way change the application of this or any other provisions of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1047.6 is revised to read as follows:

§ 1047.6 Marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area", means all the territory within the counties of Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

2. Section 1047.51(b) is revised to read as follows:

§ 1047.51 Class prices.

* * * * *

(b) *Class II milk price.* The price per hundredweight for Class II milk of 3.5 percent butterfat content shall be the basic formula price: *Provided*, That such Class II price shall not exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the Chicago butter price subtract three cents and multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

3. Part 1047 is amended by adding a new § 1047.49 to read as follows:

§ 1047.49 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1047.46(f) and the corresponding step of § 1047.47 subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to §§ 1047.46 and 1047.47 in:

(a) Producer milk and receipts of fluid milk products from other pool plants; and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

4. Section 1047.70 (d) and (f) are revised to read as follows:

§ 1047.70 Computation of value of producer milk.

* * * * *

(d) Multiply the hundredweight of skim milk and butterfat subtracted pursuant to § 1047.49(a) by the difference between the Class II price for the preceding month and the Class I price for the current month;

* * * * *

(f) Multiply the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1047.49(b) by the rate pursuant to § 1047.63(b).

Signed at Washington, D.C., on May 18, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4973; Filed, May 22, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on alfalfa hay at 12 parts per million, fresh alfalfa and wheat foliage at 5 parts per million, broccoli at 0.75 part per million, and wheat grain at 0.3 part per million.

The analytical method proposed in the petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate is a phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pesticide chemical is proposed.

Dated: May 16, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-4956; Filed, May 22, 1962; 8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the establishment of a tolerance for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on bananas at 7 parts per million of which residue not more than 1 part per million shall be in the pulp after peel is removed and discarded.

The analytical method proposed in the petition for determining residues of thiram is that of H. L. Pease, described in "Determination of Dithiocarbamate Fungicide Residues" published in the Journal of the Association of Official Agricultural Chemists, Volume 40, page 1113 (1957).

Dated: May 16, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-4957; Filed, May 22, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 654) has been filed by Milk Specialties, Inc., 260 South Washington, Dundee, Illinois, proposing the issuance of a regulation to provide for the safe use of polyoxyethylene glycol (400) mono- and dioleate as an emulsifier and defoaming agent of fats in milk-replacer diets of calves.

Dated: May 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4967; Filed, May 22, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 792) has been filed by Vitagen Corporation, 1263 Westwood Boulevard, Los Angeles 24, California, proposing the amendment of § 121.1060 *Combustion product gas* to provide for the safe use of this additive for the displacement or removal of oxygen in the processing, storage, or packaging of whole or semi-processed vegetables.

Dated: May 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-4968; Filed, May 22, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[023270]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 15, 1962.

Notice of an application Serial No. Montana 023270, for withdrawal and reservation of lands was published as Federal Register Document No. 59-3647 on page 3386 of the issue for April 30, 1959. The Bureau of Reclamation has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on May 31, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

MONTANA PRINCIPAL MERIDIAN

T. 4 S., R. 6 W.,
Sec. 34, NE¼NE¼.
T. 5 S., R. 6 W.,
Sec. 2, Lot 1.

DALE M. JOHNSON,
Manager, Land Office.

[F.R. Doc. 62-4935; Filed, May 22, 1962; 8:45 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation has filed an application, Serial Number W-04293, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for the operation, maintenance, and protection of the Roza Diversion Dam and its backwater pool.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 19 E.,
Sec. 28: E½NE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 32: E½E½NE¼NE¼.

The area described contains 150 acres.

The Bureau of Land Management will continue to manage the mineral leasing, grazing, and recreational resources of this land.

J. E. BURT, Jr.,
Officer-in-Charge.

[F.R. Doc. 62-4966; Filed, May 22, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

May 1962 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for May 1962 is amended as set forth below:

Notwithstanding any provisions to the contrary in the Commodity Credit Corporation's May 1962 Monthly Sales List (27 F.R. 4565), the interest rates per annum for credit approved in May on or after May 4, 1962, under the CCC Export Credit Sales Program are revised as follows: 3½ percent for periods up to 12 months and 4 percent for periods of 13 to 36 months. Under this revision, which was announced by the U.S. Department of Agriculture in a press release of May 4, 1962, each credit approval will state the applicable interest rate to be effective for purchases during a period not to exceed 90 days from the date thereof and may be amended to specify the applicable interest rate to be effective for purchases during subsequent periods of not to exceed 90 days each.

The following is added to the section for Dry Edible Beans.

Class	Price per hundredweight	Area of production
Domestic:		
Red Kidney	$9.19	Michigan. New York.
Export:		
Red Kidney	$8.52	Michigan. New York.

Available at Evanston ASCS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on May 18, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-4961; Filed, May 22, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Completion of Facility

Please take notice that pursuant to the provisions of paragraph 4.a. of Provisional Operating License No. DPR-5, Consolidated Edison Company of New York, Inc., has been authorized to load the first core of its nuclear reactor located at its Indian Point Station in Westchester County, New York, and to proceed to a steady-state power level of 585 thermal megawatts in the manner described and subject to the provisions set forth in Provisional License No. DPR-5.

Based upon reports of inspections by representatives of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that construction of the facility has been completed in conformity with Construction Permit CPPR-1 as amended and the Application.

Notice of Issuance of Provisional Operating License No. DPR-5 was issued on March 26, 1962.

Dated at Germantown, Md., this 16th day of May, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-4978; Filed, May 22, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF KALAMA, WASH. AND NORTH PACIFIC GRAIN GROWERS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8835, between the Port of Kalama, Washington, and North Pacific Grain Growers, Inc., provides for the construction and lease by the Port of certain facilities to be operated by North Pacific Coast Grain Growers, Inc., as a public grain elevator for the handling and storage of grain for a period of thirty (30) years at terms and conditions contained therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4953; Filed, May 22, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12438 etc.]

AMERICAN AIRLINES SERVICE TO AKRON CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on June 6, 1962 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4979; Filed, May 22, 1962; 8:50 a.m.]

[Docket 13296 etc.]

COMPETITIVE TRUNKLINE SERVICE INVESTIGATION

Notice of Prehearing Conference

In the matter of competitive trunkline service investigation on segments 1, 2, and 3 of United's Route 51 (Order E-17851).

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on June 14, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner Merritt Ruhlen.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before June 4, 1962, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., May 18, 1962.

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-4980; Filed, May 22, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13993 [1]]

F. A. CALLERY, INC.

Order Severing and Terminating Proceeding

MAY 16, 1962.

On November 27, 1957, F. A. Callery, Inc. (Callery), tendered for filing a proposed change in rate for the jurisdictional sale of natural gas to El Paso Natural Gas Company (El Paso) in Texas Railroad Commission District No. 8. The proposed increased rate, designated as Supplement No. 1 to Callery's FPC Gas Rate Schedule No. 8, was suspended and subsequently made effective subject to refund under a bond.

Callery filed a motion to terminate this proceeding, on November 18, 1960. In support of its motion, Callery stated that the increased rate of 10.5 cents per Mcf is below the applicable 11.0 cents ceiling, established by the Commission's statement of general policy No. 61-1, issued September 28, 1960, 24 FPC 818. No protest to Callery's motion has been received from El Paso, the only intervener in this proceeding.

The Commission finds:

(1) The proceeding in Docket No. G-13993 should be severed from the proceedings in Docket No. AR61-1, et al.

(2) Good cause exists for allowing Callery's surety bond to be discharged and for terminating the proceeding in Docket No. G-13993.

The Commission orders:

(A) The proceeding in Docket No. G-13993 is hereby severed from the proceeding in Docket No. AR61-1.

(B) Callery's surety bond filed August 21, 1958, in Docket No. G-13993 is hereby permitted to be discharged and Callery's obligation to refund excess charges is hereby discharged.

(C) The proceeding in Docket No. G-13993 is hereby terminated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4937; Filed, May 22, 1962; 8:46 a.m.]

[1] The proceeding in Docket No. G-13993 was consolidated with the proceedings in Docket No. AR61-1, et al., by order issued December 23, 1960.

[Project No. 2079]

PLACER COUNTY WATER AGENCY

Notice of Application for License

MAY 16, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Placer County Water Agency (correspondence to Frank J. Paoli, Chairman, Board of Directors, Placer County Water Agency, Court House, Auburn, California) for license for proposed water-power Project No. 2079, designated by applicant as "Middle Fork American River Project", to be located on the Middle Fork of the American River and their tributaries in Placer and El Dorado Counties, California, in the vicinity of Foresthill, affecting lands of the United States within the Tahoe and Eldorado National Forests and to consist of a system of gravity diversions, reservoirs, tunnels, penstocks and power plants as follows: (1) Duncan Creek Diversion, a concrete gravity dam 32 feet high with crest length of 188 feet; an 11-foot horseshoe tunnel 7,879 feet long having a capacity of 400 cfs to the French Meadows Reservoir; (2) French Meadows Reservoir on the Middle Fork of the American River, created by construction of a gravel and earthfill dam 235 feet high with crest length of 2,700 feet and having 125,000 acre-feet of usable power storage; the French Meadows-Hell Hole 12-foot horseshoe tunnel 14,683 feet long with 400 cfs capacity to a penstock 845 feet long to the French Meadows Power Plant having an installed capacity of 12,900 kilowatts, the tailrace discharging into the Hell Hole Reservoir; (3) Hell Hole Reservoir with 202,600 acre-feet of usable power storage created by a rockfill dam 410 feet high with crest length of 1,570 feet on the Rubicon River; the Hell Hole—Middle Fork 13-foot 3-inch horseshoe tunnel 55,007 feet long with capacity of 836 cfs to the 3,470-foot penstock leading to the Middle Fork Power Plant with an installed capacity of 105,100 kilowatts, the tailrace discharging into the Ralston Interbay on the Middle Fork of the American River (the North Fork Long Canyon Diversion, a 13-foot high 160-foot long concrete gravity diversion dam and the South Fork Long Canyon Diversion, a 37-foot high and 228-foot long dam will divert the waters to the Hell Hole-Middle Fork tunnel by a shaft located about midway of its length); (4) Ralston Interbay on the Middle Fork of the American River created by construction of a concrete gravity dam 75 feet high with a 212-foot crest length; the 33,116-foot Middle Fork-Ralston 13-foot 3-inch horseshoe tunnel with capacity of 836 cfs to the 1,480-foot Ralston penstock; Ralston Power Plant with 70,200 kilowatts installed capacity with tailrace into the Rubicon River; and (5) American Bar Dam and Reservoir on the Middle Fork of the American River, the dam being a composite rock-shell and gravel with earth core, 362 feet high with crest length of 1,000 feet; gated spillway; 94,000 acre-feet of usable power storage and powerhouse with installed capacity of 30,200 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 25, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4938; Filed, May 22, 1962; 8:46 a.m.]

[Docket No. G-13169 etc.]

TEXACO-SEABOARD INC., ET AL.

Notice of Severance, Extension of Time and Postponement of Hearing

MAY 16, 1962.

In the matter of Texaco-Seaboard, Inc., et al., Docket Nos. G-13169, et al.; Union Oil Company of California, Docket Nos. G-14203, G-14362, G-17457; The California Company, Docket Nos. G-16108, G-13293, G-17339; Continental Oil Company, Docket Nos. G-13758, G-17554, G-17566; Humble Oil & Refining Company, Docket Nos. G-14256, G-14604, G-14605, G-14606, G-14607, G-17391; Cities Service Production Company, Docket Nos. G-14355, G-14356; The Ohio Oil Company, Docket No. G-14346; Union Texas Petroleum, a division of Allied Chemical Corporation, Docket No. G-14227.

Upon consideration of the requests filed by Applicants in the above-designated matters, notice is hereby given that the proceedings in Docket Nos. G-14203, G-14362, G-17457, G-16108, G-13293, G-17339, G-13758, G-17554, G-17566, G-14256, G-14604, G-14605, G-14606, G-14607, G-17391, G-14355, G-14356, G-14346, and G-14227 are hereby severed from the consolidated proceedings in Texaco-Seaboard, Inc., et al., Docket Nos. G-13169, et al., heretofore scheduled for hearing on May 29, 1962 by order issued March 7, 1962, as modified by notice issued March 27, 1962.

An extension is hereby granted to the parties in the proceedings severed hereby to and including June 18, 1962 within which to serve and file the data specified by Paragraph (C) of the Commission's order issued March 7, 1962; and that hearings in the severed proceedings are scheduled to commence at 10:00 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4939; Filed, May 22, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 211]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 18, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 39), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Covington and Dry Ridge, Ky. over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Covington over U.S. Highway 25 to Dry Ridge, and return over the same route.

No. MC 2202 (Deviation No. 40), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of South Carolina Highway 14 (formerly U.S. Highway 276), and Interstate Highway 26, near Mauldin, S.C., over Interstate Highway 26 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 176, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of South Carolina Highway 14 and Interstate Highway 26, near Mauldin, over South Carolina Highway 14 to junction U.S. Highway 76, thence over U.S. Highway 76 to junction U.S. Highway 21, thence over U.S. Highway 21 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction U.S. Highway 15, and return over the same route.

No. MC 2229 (Deviation No. 5), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas, Tex., filed May 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Dallas and Houston, Tex. over Interstate Highway 45, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas over U.S. Highway 75 to Houston, and return over the same route.

No. MC 27970 (Deviation No. 4), CHICAGO EXPRESS, INC., Third and Adams Streets, Kearny, N.J., filed May 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From the junction of U.S. Highway 20 and Interstate Highway 280, over Interstate Highway 280 to Toledo, Ohio, (B) from the Pennsylvania-New York State line over Interstate Highway 90 to Cleveland, Ohio, (C) from New York, N.Y., over Interstate Highway 95 (Connecticut Turnpike) to the Connecticut-Rhode Island State line, and (D) from Exit 3 of the New Jersey Turnpike, near Philadelphia, Pa., over the New Jersey Turnpike to Exit 18 of the said turnpike at New York, N.Y., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the junction of U.S. Highway 20 and Ohio Highway 2, over U.S. Highway 20 to Cleveland; from Joliet, Ill., over U.S. Highway 6 to Cleveland, thence over U.S. Highway 20 to Irving, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20; also from Irving over U.S. Highway 20 to junction New York Highway 130, thence over U.S. Highway 20 to Boston, Mass.; and from Cleveland over Ohio Highway 14 to Deerfield, Ohio, thence over Ohio Highway 14A, via Salem, Ohio, to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65, (formerly Pennsylvania Highway 88) to Pittsburgh, Pa., thence over U.S. Highway 30 to Philadelphia, thence over U.S. Highway 1 to Boston, Mass., and return over the same routes.

No. MC 27970 (Deviation No. 5), CHICAGO EXPRESS, INC., Third and Adams Streets, Kearny, N.J., filed May 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From the junction of U.S. Highway 20 and Massachusetts, Highway 9, over Massachusetts Highway 9 to Boston, Mass., (B) From the junction of U.S. Highway 20 and Pennsylvania Highway 89, at North East, Pa., over Pennsylvania Highways 89 and 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to junction U.S. Highway 20, at Silver Creek, N.Y., (C) From the junction of Ohio Highway 10 and U.S. Highway 20, over Ohio Highway 10 to Cleveland, Ohio, and (D) From the junction of U.S. Highway 20 and New York Highway 96, over New York Highway 96 to junction New York Highway 252, thence over New York Highway 252 to junction New York Highway 33A, thence over New York Highway 33A to junction New York Highway 33 to junction unnumbered highway, via Depew, N.Y., to junction U.S. Highway 20, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Joliet, Ill., over U.S. Highway 6 to Cleveland, thence over U.S. Highway 20 to Irving, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20; also from Irving over U.S. Highway 20 to junction New York Highway 130, thence over U.S. Highway 20 to Boston, Mass.; from the junction of U.S. Highway 20 and Ohio Highway 2, near Toledo, Ohio, over U.S. Highway 20 to Cleveland, and return over the same routes.

No. MC 30311 (Deviation No. 1), A.C.E.-FREIGHT, INC., 395 Baird Street, Akron, Ohio, filed May 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Findlay, Ohio, U.S. Highway 224 to Huntington, Ind., thence over Indiana Highway 37 to Indianapolis, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Findlay over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, and return over the same route.

No. MC 30311 (Deviation No. 2), A.C.E.-FREIGHT, INC., 395 Baird Street, Akron, Ohio, filed May 9, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 224 and Ohio Highway 7, over Ohio Highway 7 to the Ohio Turnpike, thence over the Ohio and Pennsylvania Turnpikes to junction U.S. Highway 22, thence over U.S. Highway 22 to Ebensberg, Pa., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 224 and Ohio Highway 7, over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Ebensberg, and return over the same route.

No. MC 70451 (Deviation No. 10), WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed May 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Council Bluffs, Iowa, over Iowa Highway 92, via Treynor, Carson, and Griswold, Iowa, to junction Iowa Highway 48, thence over Iowa Highway 48 to junction U.S. Highway 6, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Council Bluffs over U.S. Highway 6, via Oakland, Iowa, to junction Iowa Highway 48, and return over the same route.

No. MC 107500 (Deviation No. 9), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed May 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Illinois Highway 55 to junction East-West Tollway, at Oakbrook, Ill., thence over East-West Tollway to Sugar Grove, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Aurora, Ill., over U.S. Highway 30 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 64, thence over Illinois Highway 64 to junction unnumbered county highway, at Oregon, Ill., thence over unnumbered county highway to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U.S. Highway 52, thence over U.S. Highway 52 to Savanna, Ill.; from Aurora, Ill., over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago; and from Aurora, Ill., over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction Illinois Highway 55, thence over Illinois Highway 55 to Chicago, and return over the same routes.

No. MC 1501 (Deviation No. 78), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed May 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Macon, Ga., and Lake City, Fla., over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41, via Macon, to Lake City, thence over U.S. Highway 90 to Jacksonville, Fla., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 18), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed May 10, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between San Bernardino and Riverside, Calif., over New U.S. Highway 395, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Bernardino over unnumbered highway (Old U.S. Highway 395), via Colton, Calif., to Riverside, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4960; Filed, May 22, 1962; 8:47 a.m.]

[Notice 446]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 18, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC-730 (Sub-No. 207), filed May 14, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, rocket propellant fuels*, and *helium*, in bulk, in carrier or shipper-owned tank vehicles, and the *empty vehicles*, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Washington, and Wyoming.

HEARING: June 26, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 1124 (Sub-No. 182), filed May 14, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk), between Houston, Tex., and Freeport, Tex.; (a) from Houston over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points, and (b) from Houston over Texas Highway 35 to junction of Texas Highway 35 and Texas Highway 288, thence over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points.

HEARING: June 14, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board

waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2934 (Sub-No. 7), filed April 16, 1962. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1019–29, 130 East Washington Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances, and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes (slide type), flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork (ornamental & decorative), millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, trellages, turnstiles, urns, and weathervans, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes; articles, including objects of art, displays and exhibits, not of an unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation including but not limited to photographic machinery and equipment used in micro-filming and reproducing photographic records, white line, black line, and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines*, all uncrated (except that small parts and pieces accompanying shipments may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in a bag, package or box), between points in the United States, including Alaska and Hawaii.

NOTE: Applicant states that nothing described in proposed service is intended to duplicate any authority presently held as a Household Goods Carrier, but only includes those articles which do not properly come within the commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

PREHEARING CONFERENCE: July 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

At the prehearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) the time and place or places of such hearing or hearings as may be agreed upon; (4) the number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) the practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority; (b) their corporated organizations if any, ownership and control; (c) their fiscal data; (d) their equipment, terminals, and other facilities; (6) the practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 3582 (Sub-No. 3), filed April 17, 1962. Applicant: CARDINALE TRUCKING CORPORATION, Mount Pleasant Avenue, Whippany, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Centreville, Holmdel Township, Monmouth County, N.J., to Washington, D.C., Baltimore, Md., and points in Massachusetts, Rhode Island, Connecticut, those in that part of New York, south and east of a line beginning at Granville, N.Y., and extending along New York Highway 149 to Hartford, N.Y., thence along New York Highway 196 through South Hartford to Hudson Falls, N.Y., thence along New York Highway 32B to Glens Falls, N.Y., thence along U.S. Highway 9 to Saratoga Springs, N.Y., thence along New York Highway 50 to Ballston Spa, N.Y., thence along New York Highway 67 to Amsterdam, N.Y., thence along New York Highway 5 to Chittenango, N.Y., thence along New York Highway 13 to Horseheads, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, and points in that part of Pennsylvania on, south and east of a line beginning at the Delaware River opposite Hancock, N.Y., and extending along Pennsylvania Highway 570 to Thompson, Pa., thence along Pennsylvania Highway 70 to Carbondale, Pa., thence along U.S. Highway 6 to Scranton, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and those in that part of Delaware on and north of U.S. Highway 40.

NOTE: Common control may be involved.

HEARING: June 25, 1962, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 13235 (Sub-No. 8) (CORRECTION), filed April 2, 1962, published FEDERAL REGISTER issue April 25, 1962, and republished as corrected this issue. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, Ill. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. The purpose of this republication is to correct Part B of the Notice previously published which reads "serving *on* intermediate points." This should correctly read "serving no intermediate points," also, in connection with route (4) in Part B, the connecting route is incorrectly described. This route should read as follows: (4) Between Olney, Ill., and Albion, Ill.; from Olney over Illinois Highway *130* to Albion, and return over the same route.

HEARING: Remains as assigned June 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 160.

No. MC 29566 (Sub-No. 70) (AMENDMENT), filed March 12, 1962, published in FEDERAL REGISTER, issue of April 11, 1962, republished this issue as amended May 11, 1962. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: D. S. Hults, P.O. Box 225, Lawrence, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in mixed shipments with salt and pepper and related articles, from Hutchinson, Kans., to points in Missouri except Kansas City, St. Joseph, and St. Louis.

NOTE: Applicant states that it is under common control with Bulk Motor Transport (MC–F–7189). The purpose of this republication is to remove "(animal or poultry feeding)" from the commodity description.

HEARING: Remains as assigned June 5, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 42261 (Sub-No. 67), filed May 1, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude sulphate of soda*, dry, in bulk, in tank or hopper type vehicles, from Utica, N.Y., to points in Massachusetts, Pennsylvania, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), and New York, N.Y. (except points in Kings and Queens Counties, N.Y.).

HEARING: June 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 42329 (Sub-No. 154), filed May 2, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Olin-Mathieson Chemical Co., at or near Mount Braddock, Pa., as an off-route point, in connection with applicant's regular route operations between Winchester, Va., and Pittsburgh, Pa.

NOTE: Common control may be involved.

HEARING: June 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 49504 (Sub-No. 13) (AMENDMENT), filed January 22, 1962, published FEDERAL REGISTER issue April 18, 1962 as amended this issue amended May 10, 1962, and republished as amended this issue. Applicant: McCUE TRANSPORT, INC., 3524 East Fourth, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients and mineral mixtures* and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Hutchinson, Kans., on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Nebraska, Arkansas, New Mexico, Wyoming, and Missouri (except points in the St. Joseph, St. Louis, and Kansas City, Mo., Commercial Zones, as defined by the Commission), and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, Tex.

NOTE: The purpose of this amendment is to add "and mineral mixtures" to the commodity description in (1) above.

HEARING: Remains as assigned, June 20, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 50069 (Sub-No. 256), filed May 11, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hammond, Ind., to the site of the Des Plaines Chemical Co. plant located at or near Morris, Ill., and (2) *chemicals*, in bulk, *including phosphatic fertilizer solutions*, from the site of the Des Plaines Chemical Co. plant located at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 61505 (Sub-No. 24), filed May 8, 1962. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 500 Beech Row, Barberton, Ohio. Applicant's attorney: Edwin C. Reminger, 950 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boiler parts, pipes and tubes, boiler fuel pulverizing machinery, and machinery, materials, and supplies, used in the manufacture and installation of steel boilers which do not require the use of special equipment*, between Mount Vernon, Ind., on the one hand, and, on the other, Alliance, Ohio, Brunswick, Ga., Lynchburg, Va., Paris, Tex., West Point, Miss., and Wilmington, N.C.

HEARING: July 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 63417 (Sub-No. 20), filed May 2, 1962. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, Railroad Avenue, Galax, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies, used in the manufacture of New Furniture*, from Indianapolis, Ind., Toledo, Ohio, Clarksburg, W. Va., and Williamsport, Pa., to Roanoke, Va., (2) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, to Roanoke, Va.

NOTE: Applicant states the proposed service will be restricted to traffic moving by interchange of trailers at Roanoke, Va.

HEARING: July 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 64932 (Sub-No. 313), filed May 14, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, including *phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 99922 (Sub-No. 1), filed May 16, 1962. Applicant: REFRIGERATED DELIVERY SERVICE, INC., 2121 Congress Avenue, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *dairy products*, as described in secs. A and B of App. I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, limited to vehicles equipped with mechanical refrigeration, (1) between Houston and Galveston, Tex., and points within twenty (20) miles thereof, on the one hand, and, on the other, points in Louisiana, and (2) between Houston, Tex., and points in Texas within an area bounded as follows: Beginning at a point where the Texas-Louisiana State line intersects the Gulf of Mexico, thence southwest along the Texas Coastal Boundary of the Gulf of Mexico to Corpus Christi, thence north along U.S. Highway 81 to its intersection with Texas Highway 123, thence north along Texas Highway 123 to its intersection with U.S. Highway 81, thence north along U.S. Highway 81 to its intersection with U.S. Highway 84, thence east along U.S. Highway 84 to the Texas-Louisiana State line, serving all points on said boundary line so defined, except that no service shall be rendered to or from Corpus Christi, Austin, or Waco, Tex.

HEARING: June 11, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103051 (Sub.-No. 131) (AMENDMENT), filed May 2, 1962, published in FEDERAL REGISTER issue of May 16, 1962, republished as amended May 16, this issue. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank or hopper-type vehicles, from Augusta, Ga., and points within 15 miles thereof, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this republication is to add *Georgia* as a destination State.

HEARING: Remains as assigned June 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 103880 (Sub-No. 259), filed May 7, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, *including Phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 105813 (Sub-No. 66), filed May 9, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from Dodge City, Kans., to points in Tennessee (except Memphis), points in Alabama, South Carolina, North Carolina, Florida, and Georgia.

HEARING: May 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 106943 (Sub-No. 76) (AMENDMENT), filed March 19, 1962, published FEDERAL REGISTER, issue of April 4, 1962, and republished as amended this issue. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving Mentor, Ohio, and points in Mentor Township, Lake County, Ohio, as offroute points in connection with carrier's regular route operations to and from Cleveland, Ohio.

CONTINUED HEARING: June 19, 1962, in Parlor "A", W.M.C.A., East 22d and Prospect Avenue, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 107496 (Sub-No. 244), filed May 9, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hammond, Ind., to the site of the Des Plaines Chemical Company plant located at or near Morris, Ill., and (2) *chemicals*, in bulk, *including phosphatic fertilizer solutions*, from the site of the Des Plaines Chemical Company plant located at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: Applicant states it is wholly owned by John Ruan. It controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 107515 (Sub-No. 395), filed May 2, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products*, not frozen and not canned, in vehicles equipped with mechanical refrigeration, from Waycross, Ga., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Wisconsin, and Virginia.

NOTE: Common control may be involved.

HEARING: June 15, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner David Waters.

No. MC 107475 (Sub-No. 50) (REPUBLICATION), filed November 6, 1961, published FEDERAL REGISTER, issue of January 24, 1962, and republished this issue. Applicant: DANCE FREIGHT LINES, INC., Lexington, Ky. Applicant's attorney: Clyde W. Carver, 214 Grant Building, Atlanta 3, Ga. The application as originally filed and published sought authority to transport general commodities, with the usual exceptions, between Clinton, Tenn., and Harriman, Tenn., over Tennessee Highway 61, as an alternate route for operating convenience only. An amendment was tendered at the hearing to extend the proposed alternate-route operations over said highway between Clinton and Rockwood, Tenn. The amendment was not allowed at the hearing. However, in a Report and Order served March 28, 1962, recommended by Joint Board No. 107, composed of Gene Oldham of Tennessee, the Joint Board finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over a regular route, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clinton, Tenn., and Rockwood, Tenn., from Clinton over Tennessee Highway 61 to Rockwood, and return over the same route, serving no intermediate points and serving Rockwood, Tenn., solely for the purpose of joinder at that point with its presently-authorized alternate route between Lexington, Ky., and Chattanooga, Tenn., as an alternate route for operating convenience only. Any person or persons who might have been prejudiced by the broadening of the application to extend the alternate route to Rockwood, Tenn., in lieu of Harriman, may, within 30 days from the date of this publication, file an appropriate pleading.

No. MC 107871 (Sub-No. 14) (AMENDMENT), filed April 16, 1962, published FEDERAL REGISTER issue May 9, 1962, amended May 15, 1962, and republished as amended this issue. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in dump, hopper type and tank vehicles, from Solvay, N.Y., to points in Massachusetts, and Vermont, and *contaminated, refused and rejected shipments* of the above-specified commodities, on return.

NOTE: The purpose of this republication is to enlarge the destination territory by adding the State of Vermont.

HEARING: Remains as assigned, June 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Isadore Freidson.

No. MC 108169 (Sub-No. 18), filed May 2, 1962. Applicant: K & W BOAT TRANSPORT, INC., 550 East 10th Street, North York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, and marine motors, parts, supplies and accessories therefor, when attached to, or moving with, such boats*, (1) from points in Anne Arundel County and Calvert County, Md., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, California, Oregon, Washington, West Virginia, and Nevada, and (2) from Dundalk, Md., to points in California, Oregon, Washington, and Nevada.

HEARING: June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 108453 (Sub-No. 23), filed February 23, 1962. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Goshen, Ind., on the one hand, and, on the other, Rochester, N.Y., Chicago, Ill., and St. Louis, Mo.

NOTE: Applicant states the proposed operation will be under a continuing contract with the Weyerhaeuser Company and its subsidiary or affiliated companies.

HEARING: July 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 109095 (Sub-No. 12) (AMENDMENT), filed November 29, 1961, published FEDERAL REGISTER issue of March 7, 1962, and republished as amended this issue. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Mentor, Ohio, and points in Mentor, Township (Lake County, Ohio), as offroute points in connection with applicant's presently authorized regular route operations to and from Cleveland, Ohio.

CONTINUED HEARING: June 19, 1962, in Parlor "A", W.M.C.A., East 22d and Prospect Avenue, Cleveland, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner Henry C. Darmstadter.

No. MC 109397 (Sub-No. 56) (AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue of May 2, 1962, amended April 30, 1962, and republished as amended this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation which due to their size and weight require the use of special equipment or special handling*, and *explosives and radioactive materials*, between the site of A.E.C. Test site located near Mercury, Nev., on the one hand, and, on the other, Los Alamos and Albuquerque, N. Mex.

NOTE: The purpose of this republication is to show that applicant will traverse the state of California.

HEARING: June 21, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James A. McKiel.

No. MC 109689 (Sub-No. 130), filed May 11, 1962. Applicant: W. S. HATCH CO., a corporation, 643 West South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, rocket propellant fuels, and helium*, in bulk, in specially designed government or shipper owned tank vehicles, loaded or empty, *empty vehicles*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Washington, and Wyoming.

NOTE: Duplicating authority to be eliminated.

HEARING: June 26, 1962, at the Albany Hotel, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 110698 (Sub-No. 200), (REPUBLICATION), filed February 12, 1962, published FEDERAL REGISTER, issue of February 21, 1962, and republished this issue. (See MC 112020 (Sub-No. 150) published this issue.) Applicant: RYDER TANK LINES, INC., Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 248, Jacksonville, Fla. A report and Order by Isadore Freidson, Hearing Examiner, served April 19, 1962, in the subject proceeding, which also embraced MC 112020 (Sub-No. 150), Commercial Oil Transport, Inc., authorized the transportation of the commodities sought in the application as originally filed and published in the FEDERAL REGISTER, and in addition thereto, authorized the transportation of paint oils. The Report and Order finds that the present and future public convenience and necessity require operations by applicant as a *common carrier* by motor vehicle in interstate or foreign commerce of *liquid varnishes, liquid resins*, and *paint oils*, in bulk, in tank vehicles, from the plant site of Archer-Daniels Midland Co., in Valley Park, Mo., to points in Texas, over irregular routes. Any person or persons who may have been prejudiced by the enlargement of the scope of the operations to include the commodities paint oils, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 110698 (Sub-No. 212), filed May 8, 1962. Applicant: RYDER TANK LINES, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, from Copperhille, Tenn., to points in Arkansas, Illinois, Indiana, Mississippi, Iowa, Kansas, Louisiana, Michigan, and Missouri.

NOTE: Applicant states that its capital stock is owned by the Ryder System, Inc., which also controls Ryder Truck Line and other motor carriers.

HEARING: July 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111138 (Sub-No. 21), filed June 29, 1960. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead West, P.O. Box 2169, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Animal fats, animal oils*, and *vegetable oils*, and *blends and products thereof*, in bulk, in tank vehicles, from Kansas City, St. Louis and St. Joseph, Mo., Kansas City, Kans., Huron, Sioux Falls and Watertown, S. Dak., and points in Iowa, Minnesota, and Nebraska, to points in Connecticut, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Viriginia. (b) *Animal fats, animal oils*, and *vegetable oils*, and *blends and products thereof, fruit syrups, flavoring syrups, syrup extracts, molasses*, and *blends and products thereof, fruit juices and blends and products thereof, wine*, in bulk, in tank vehicles, from points in Connecticut, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania to points in Kansas, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. (c) *Fruit juice, fruit concentrate* and *fruit juice concentrate*, in bulk, in tank vehicles, from Westfield, and Brockton, N.Y., and North East Township, Pa., to Springdale, Ark., Lawton and Mattewan, Mich. (D) *Liquid chocolate* and *chocolate blends, chocolate coating, cocoa, cocoa butter*, and *blends and products thereof*, in bulk, in tank vehicles, from points in Maryland, Massachusetts, New Jersey, New York, and Pennsylvania to points in Kansas, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. (E) *Animal fats, animal oils* and *vegetable oils*, and *blends and products thereof*, in bulk, in tank vehicles, from points in Ohio to points in California, Arizona, Washington, Oregon, Idaho, and Utah, and *rejected or contaminated shipments* of all the above commodities, on return.

HEARING: July 9, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 112020 (Sub-No. 150), (REPUBLICATION), filed February 7, 1962, published FEDERAL REGISTER, issue of February 21, 1962, and republished this issue. (See No. MC 110698 (Sub-No. 200), published this issue.) Applicant: COMMERCIAL OIL TRANSPORT INC., Fort Worth, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. A Report and Order by Isadore Freidson, Hearing Examiner, served April 19, 1962, in the subject proceeding, which also embraced MC 110698 (Sub-No. 200), Ryder Tank Lines, Inc., authorized the transportation of the commodities sought in the application as originally filed and published in the FEDERAL REGISTER, and in addition thereto, authorized the transportation of paint oils. The Report and Order finds that the present and future public convenience and necessity require operations by applicant as a *common carrier* by motor vehicle in interstate or foreign commerce of *liquid varnishes, liquid resins*, and *paint oils*, in bulk, in tank vehicles, from the plant site of Archer-Daniels Midland Co., in Valley Park, Mo., to points in Texas, over irregular routes. Any person or persons who may have been prejudiced by the enlargement of the scope of the operations to include the commodities paint oils, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 115841 (Sub-No. 110), filed May 4, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Frozen foods*, from Chambersburg, Pa., to Nashville, Tenn.

HEARING: June 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 116440 (Sub-No. 1), filed April 30, 1962. Applicant: VAN-PAK, INC., 1104 Bankers Trust Building, Des Moines, Iowa. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, in containers, transported on specially designed flatbed trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in the United States, including Hawaii and Alaska.

NOTE: Applicant states it is engaged as a freight forwarder of "used household goods" under the exemption found in section 402 (b) (2).

PRE-HEARING CONFERENCE: July 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) the time and place or places of such hearing or hearings as may be agreed upon; (4) the number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) the practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority; (b) their corporate organizations if any, ownership and control; (c) their fiscal data; (d) their equipment, terminals, and other facilities; (6) the practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 117119 (Sub-No. 54), filed May 10, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Texas and New Mexico to Carthage, Mo.

HEARING: June 8, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Dallas B. Russell.

No. MC 117119 (Sub-No. 55), filed May 14, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvin Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Louisiana, Mississippi and Mobile, Ala., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: June 4, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner C. Evans Brooks.

No. MC 118561 (Sub-No. 3) (REPUBLICATION), filed June 22, 1961, published FEDERAL REGISTER issue of September 29, 1961, and republished this issue. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, P.O. Box 422, Maryville, Tenn. Applicant's attorney: F. G. Asquith, Bank of Knoxville Building, Knoxville, Tenn. As originally filed and published applicant sought authority as a common carrier, by motor vehicle, over irregular routes, transporting meats, meat products, and meat byproducts as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in pool car and pool truck distribution service, from Knoxville, Tenn., to points in Roane County, Tenn., and Washington County, Va., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified on return. A Report and Order served December 19, 1961, by Joint Board No. 279, composed of Eugene W. Ward, of Tennessee, and J. C. Masten, of Virginia, authorized, subject to certain conditions, transportation as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of meats, meat products, and meat byproducts as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in pool car or pool truck distribution service (except commodities in bulk and except those in tank vehicles), from Knoxville, Tenn., to points in Roane County, Tenn., and to Bristol, Va. A Decision and Order of the Commission, division 1, dated April 30, 1962, and served May 7, 1962, finds that the restriction against the transportation of commodities in bulk, in tank vehicles, should be deleted. Since that portion of the Report and Order recommended by the Joint Board authorizing the operations subject to a restriction against the transportation of commodities in bulk, in tank vehicles, when imposed with the distribution service limitation also imposed, appears unnecessary and administratively undesirable. The Decision and Order authorizes service as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *meats, meat products* and *meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in pool car or pool truck distribution service, from Knoxville, Tenn., to points in Roane County, Tenn., and to Bristol, Va. The Report and Order of the Joint Board served December 19, 1961, further made reference to the fact that the application as filed sought authority to serve points in Washington County, Va., however, the authority recommended in that report found service required to Bristol, Va., in lieu of points in Washington County, and provided that any person or persons who might have been prejudiced by failure of the first published notice to indicate service to Bristol, Va., might file objections thereto, since service to Bristol, Va., by reason of the Commercial Zone thereof includes service to points in that Commercial Zone extending into Tennessee. Any person or persons who might have been prejudiced with respect to the service to Bristol, Va., may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 118912 (Sub-No. 7), filed May 4, 1962. Applicant: BURNHAM TRUCKING CO., INC., 52 Fletcher Street, Ayer, Mass. Applicant's attorney: Raymond E. Bernard, 15 Dearborn Street, Salem, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automatic bowling alley pinsetter machines*, from Littleton, Maynard, Clinton, Ayer, Westford, Hudson, Acton, Harvard, Shirley, and Everett, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Pennsylvania, Maryland, Virginia, District of Columbia, North Carolina, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Montana, Wyoming, Idaho, Utah, Colorado, Nevada, California, Oregon, and Washington; and (2) *empty containers* and *returned shipments of above specified commodities* from points of destination in (1) above back to origin points.

NOTE: Applicant states that the operations will be for the account of Bowl-Mor Company, Inc., and its division and subsidiaries.

HEARING: June 18, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo A. Riegel.

No. MC 119934 (Sub-No. 46), filed May 11, 1962, Applicant: ECOFF TRUCKING INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, including *phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company, at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *damaged and rejected* shipments, on return.

HEARING: June 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 119974 (Sub-No. 3), filed October 20, 1961, published FEDERAL REGISTER issue of May 9, 1962, amended May 14, 1962, and republished, as amended, this issue. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, and *packinghouse supplies;* (1) between South St. Paul and Albert Lea, Minn., and Cedar Rapids, Iowa, on the one hand, and, on the other, points in that part of Wisconsin north of a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to Merrill, Wis., thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to junction U.S. Highway 12, near Elk Mound, Wis., and thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, and (2) between Rochelle, Ill., on the one hand, and, on the other, points in that part of Wisconsin in the Wisconsin territory described immediately above, and those in St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Buffalo, Trempealeau, Jackson, La Crosse, and Monroe Counties, Wis.

NOTE: Applicant states it does not seek duplicating operating rights. The purpose of this amendment is to add *South St. Paul, Minn.* as an additional service point in paragraph 1, above.

HEARING: Remains as assigned June 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 123864 (Sub-No. 1) (REPUBLICATION), filed August 30, 1961, published FEDERAL REGISTER, issue of November 29, 1961 and republished, this issue. Applicant: DONALD MAHLENDORF AND PHILLIP SHUNK, a partnership, doing business as S.M.S. TRUCKING CO., Valley, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. By application filed August 30, 1961, authority is sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Soy bean meal, in bulk, and in sacks, from Des Moines, Sioux City, Redfield, and Belmond, Iowa, to Denver, Logmont, Fort Collins, Greeley, Kersey, Loveland, Platteville, and Lucerne, Colo., and rejected shipments, on return. Hearing was held on January 24, 1962, Hearing Examiner W. Elliott Neffen presiding. At the hearing the application was amended to add the origin point of Fort Dodge, Iowa, and the destination point of Boulder, Colo. The examiner finds that a permit should be granted authorizing operation, in interstate or foreign commerce, over irregular routes, by applicants as a *contract carrier* by motor vehicle, under a continuing contract with Bailey Brokerage Co., a corporation, of Denver, Colo., of *soy bean meal*, in bulk, and in sacks, from Fort Dodge, Des Moines, Sioux City, Redfield and Belmond, Iowa, to Boulder, Denver, Longmont, Fort Collins, Greeley, Kersey, Loveland, Platteville, and Lucerne, Colo., after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of the authority recommended, during which time any interested parties who may have been prejudiced by the allowance of the amendment, may file an appropriate pleading.

No. MC 124175 (Sub-No. 1), filed May 4, 1962. Applicant: JOHN PETERSON AND ALBERT DE LOTTO, doing business as PLAZA TRUCKING CO., 97 Charles Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishing tackle, reels, lines, lures, spools, rods, hooks, leaders, sinkers, tackle boxes, floats, oils, greases, advertising materials, parts* and *blanks, used in connection with the business and sale of fishing tackle and supplies*, (1) from New York, N.Y. to the plant site of The Garcia Corp., Teaneck, N.J.; and (2) from the plant site of The Garcia Corp. in Teaneck, N.J., to New York, N.Y.

HEARING: June 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 124332 (Sub-No. 2), filed May 2, 1962. Applicant: S & K TRUCKING, INC., 466 Tenth Avenue, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in, and incidental to, the manufacture and shipping of wearing apparel, on hangers*, between Martinsburg, W. Va., on the one hand, and on the other, Washington, N.C., and Orangeburg, S.C.

HEARING: June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 124373, filed May 4, 1962. Applicant: NELTON J. ZUPPA, doing business as NELMAR TRUCKING CO., 82 Smith Street, Keasbey, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages and syrups*, other than in bulk, in tank vehicles, and *advertising materials*, from Carlstadt and Garfield, N.J., to Baltimore, Md., Bethlehem, Philadelphia, and Wilkes Barre, Pa., New York and points in Nassau, Orange, Rockland, Suffolk, Sullivan, Westchester, and Ulster Counties, N.Y., and points in Fairfield and New London Counties, Conn.; and (2) *empty bottles, cases* and *pallets* from Baltimore, Md., Bethlehem, Philadelphia and Wilkes Barre, Pa., New York and points in Nassau, Orange, Rockland, Suffolk, Sullivan, Westchester, and Ulster Counties, N.Y., and points in Fairfield and New London Counties, Conn., to Carlstadt and Garfield, N.J.

NOTE: Applicant states that the operations will be under a continuing contract with Yoo Hoo Beverage Co.

HEARING: June 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 966 (Sub-No. 14), filed May 11, 1962. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the sites of the Independence Army Air Field, and Cities Service Gas Co., both located at or near Independence, Kans., as off route points in connection with applicant's regular route authority between Kansas City, Mo., and Coffeyville, Kans.

No. MC 3151 (Sub-No. 14), filed May 9, 1962. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland-Massillon Road, West Richfield, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between West Richfield, Ohio, and the truck terminal site of A.C.E. Freight, Inc., to be located in Summit County, Ohio, at Ohio Highway 8 and Twinsburg Road, approximately eleven (11) miles north of the city limits of Akron, Ohio, serving that location as an off-route point in connection with applicant's authorized regular route service for account of A.C.E. Freight, Inc., at Cleveland and Akron, Ohio.

NOTE: Applicant states that the operations will be restricted to the interchange of interstate traffic only.

No. MC 116886 (Sub-No. 15), filed May 15, 1962. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and dairy products*, as defined in Parts A, B and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, in pool-car and pool-truck distribution service, from Charlotte and Fayetteville, N.C., to points in South Carolina and points in Burke, Columbia, Jefferson, Lincoln, McDuffie, and Richmond Counties, Ga.

No. MC 123454 (Sub-No. 1), filed May 11, 1962. Applicant: LLOYD LEMMENES, doing business as LLOYD LEMMENES TRUCKING COMPANY, R.F.D. No. 1, Burnett, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison 1, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubrication equipment, compression guages, roof and paint brushes, miscellaneous tools and hardware, sprayers, cables, measuring tape and spark-plugs*, between Walcott, Iowa, and points in Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 124047 (Sub-No. 4), filed May 10, 1962. Applicant: SCHWERMAN TRUCKING CO. of OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from Cleveland, Ohio, to points in Pennsylvania.

NOTE: Applicant states that it holds contract carrier authority under MC 111623 and subs; therefore, dual operations may be involved. Applicant also states that it, Schwerman Trucking Co. of Pa., Inc., Schwerman Trucking Co., of Indiana, Inc., Schwerman Trucking Co. of Ill., Inc., Schwerman Trucking Co. of Texas, and Schwerman Trucking Co. of N.Y., Inc., are all controlled by Schwerman Trucking Co. of Wisconsin.

No. MC 124328 (Sub-No. 2), filed May 14, 1962. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partian (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, bonds, securities, negotiable and nonnegotiable instruments*, between Kansas City, Mo., on the one hand, and on the other, points in Smith, Osborn, Russell, Barton, Stafford, Pratt, Barber, Jewell, Lincoln, Mitchell, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Clay, Dickenson, Marion, Butler, Cowley, Marshall, Riley, Pottawatomie, Geary, Webaunsee, Lyon, Morris, Chase, Greenwood, Elk, Chautauqua, Nemaha, Jackson, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Brown, Doniphan, Atchison, Leavenworth, Jefferson, Johnson, Wyandotte, Douglas, Franklin, Miami, Anderson, Linn, Allen, Bourbon, Neosho, Crawford, Labette, and Cherokee Counties, Kans.

No. MC 124434, filed May 8, 1962. Applicant: FRED KESSLER & SON TRUCKING, INC., 6412 Walworth Street, Cleveland, Ohio. Applicant's representative: J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to Cleveland, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 120106 (Sub-No. 1), filed May 10, 1962. Applicant: CHAMPS EXPRESS INCORPORATED, 386 State Street Extension, Fairview, Conn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (other than household goods and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment), (1) between Bridgeport, Conn., on the one hand, and, on the other, points in Connecticut, (2) upon call to Bridgeport, Conn., between any point in the State of Connecticut.

NOTE: Applicant states this application is filed concurrently with a section 5 application whereby Red Star Express Lines seeks authority to control the registered operating rights of Champs Express, Inc. This application is directly related to MC-F 8143 published FEDERAL REGISTER issue May 16, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8146. Authority sought for purchase by KING VAN LINES, INC., 6800 East Kellogg, P.O. Box 1025, Wichita, Kans., of a portion of the operating rights of MAXWELL L. HOLZBEIERLEIN (CLORENE HOLZBEIERLEIN, EXECUTRIX), doing business as O. K. TRANSFER & STORAGE, Duncan, Okla., and for acquisition by W. C. KING, also of Wichita of control of such rights through the purchase. Applicants' attorneys: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 2, Okla., and Paul Sullivan, Duncan, Okla. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Stephens County, Okla., on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, between points in Grady County, Okla., and those within 25 miles thereof, on the one hand, and, on the other, points in Kansas and Texas, and between points within 50 miles of Kiowa County, Okla., which are on and east of U.S. Highway 281, on the one hand, and, on the other, points in Kansas and Texas, and *emigrant movables*, and *household goods*, between certain points in Oklahoma on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Texas. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, Florida, Georgia, South Carolina, Michigan, Kentucky, Connecticut, Rhode Island, Ohio, Alabama, Tennessee, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, North Carolina, Mississippi, Illinois, Indiana, Nebraska, North Dakota, Missouri, Wyoming, Oklahoma, Minnesota, Wisconsin, Kansas, Louisiana, Utah, Iowa, Colorado, Arizona, New Mexico, Texas, Montana, Arkansas, Washington, Oregon, Idaho, California, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8147, Authority sought for lease by THE INTER MONT EXPRESS, INC., 518 Bluefield Avenue, Bluefield, W. Va., of a portion of the operating rights of PIEDMONT MOUNTAIN FREIGHT LINES, INC., P.O. Box 911, North Wilkesboro, N.C., and for acquisition by J. E. WAGNER, JR., also of Bluefield of control of such rights through the lease. Applicants' attorney: Homer Hanna, Jr., Wood & Hanna, Kanawha Valley Bldg., Charleston, W. Va. Operating rights sought to be leased: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Mount Airy, N.C., and Galax, Va., serving all intermediate points, between North Carolina-Virginia State Line and Galax, Va., serving all intermediate points and off-route point of Fries, Va., between North Carolina-Virginia State Line and Galax, Va., and between Independence, Va., and Wytheville, Va., serving no intermediate points but serving the off-route point of Rural Retreat, Va. Lessee is authorized to operate as a *common carrier* in West Virginia and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8148. Authority sought for purchase by PAUL E. MERRILL, an individual, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine, of the operating rights of CHASE TRANSFER CORPORATION, 25 Commercial Street, Portland, Maine. Applicants' attorney: Francis E. Barrett, Barrett, Barrett, and Barrett, 25 Bryant Avenue, East Milton, Mass. Operating rights sought to be transferred: *General commodities*, except commodities of unusual value, Classes A and B explosives, and commodities injurious or contaminating to other lading, as a *common carrier* over irregular routes between certain points in Maine, *contractors' equipment, building and construction equipment and materials, steel, tanks, factory equipment, machinery and machine parts*, and *related articles*, and *commodities* requiring specialized handling or rigging because of size and weight, between points in Maine, and *contractors' equipment, building and construction equipment and materials, steel, tanks, factory equipment, machinery and machine parts*, and *boats* which because of size or weight require special equipment or specialized handling, and *supplies and materials* as are necessary to the installation of the described commodities, between points in Maine and New Hampshire on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and Vermont restricted against the transportation of cement originating at Thomaston, Maine. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8149. Authority sought for purchase by WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., of a portion of the operating rights and certain property of MONTEZUMA TRUCK LINES, INC., P.O. Box 637, Durango, Colo., and for acquisition by EARL BRAY, INC., and in turn by FRANK E. COCHRAN (Executor of CLARA E. BRAY, Estate), SAM E. CARPENTER, MARY E. COCHRAN and FRANK E. COCHRAN, all of Box 910, Cushing, Okla., of control of such rights and property through the purchase. Applicants' attorney: Marion F. Jones, Jones, Meiklejohn, Kilroy & Kehl, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *Lumber*, as a *common carrier* over irregular routes between points in New Mexico, Colorado, and Arizona and between points in New Mexico, Colorado, and Arizona, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in Kansas, Colorado, Oklahoma, South Dakota, Nebraska, Wyoming, Utah, Idaho, Texas, Arkansas, Missouri, New Mexico, Nevada, Montana, Washington, Louisiana, and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-4961; Filed, May 22, 1962; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296, by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated May 10, 1962, reading in part as follows:

I hereby determine the damage in the various areas of the State of Nebraska, adversely affected by floods beginning on or about March 12, 1962, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1962:

The counties of:

Boyd.	Madison.
Burt.	Merrick.
Cass.	Nance.
Colfax.	Pierce.
Cuming.	Rock.
Dakota.	Sarpy.
Dixon.	Saunders.
Dodge.	Stanton.
Douglas.	Thurston.
Garfield.	Valley.
Hayes.	Washington.
Knox.	Wheeler.
Lancaster.	

Dated: May 17, 1962.

EDWARD A. MCDERMOTT, *Director.*

[F.R. Doc. 62-4982; Filed, May 22, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2232]

BELL AND HOWELL CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 17, 1962.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Bell and Howell Company, File 7-2232.

Upon receipt of a request, on or before June 1, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4940; Filed, May 22, 1962; 8:46 a.m.]

[File No. 24A-1616]

GENERAL DESIGN CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MAY 17, 1962.

I. General Design Corporation (issuer), 1252 West Peachtree Street NW., Atlanta, Georgia, a Georgia corporation, filed with the Commission on April 25, 1962, a notification on Form 1-A and an offering circular relating to a proposed public offering of 65,000 shares of $1.00 par value common stock at $3.00 a share for an aggregate amount of $195,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Robert M. Harris & Co., Inc., 6 Penn Center, Philadelphia, Pennsylvania, was named as underwriter on a firm commitment basis.

II. The Commission has reasonable cause to believe that:

A. An exemption under Regulation A is unavailable in that the aggregate offering price of the securities of the issuer and an affiliated issuer which are to be offered exceed the $300,000 ceiling limitation imposed by Rule 254(a).

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to set forth the names and addresses of corporations and individuals as affiliates of the issuer as required by Item 2 thereunder;

2. The notification on Form 1-A fails to set forth the names and addresses of all directors, officers and promoters of the issuer as required by Item 3 thereof;

3. The notification on Form 1-A fails to set forth the basis for computing the aggregate offering price or other consideration for which unregistered securities of the issuer and of affiliated issuers were sold and issued within one year prior to the filing of this notification as required by Item 9 thereof;

4. The offering circular fails to disclose in a reasonably itemized statement the amount of proceeds from the sale of this issue to be paid to officers and promoters of the issuer as required by paragraph 6(a) of Schedule I;

5. The offering circular fails to describe adequately the products and services from which the issuer expects to derive an income, or to indicate the principal markets therefor as required by paragraph 8(C) of Schedule I;

6. The offering circular fails to disclose the aggregate annual remuneration

of all directors and officers as a group and the annual remuneration of each of the three highest-paid officers, as required by paragraph 9(b) of Schedule I;

7. The offering circular fails to disclose all direct and indirect interests of each director, officer and promoter of the issuer in the issuer and its affiliates, or to state the cost to them of assets transferred to the issuer in exchange for its securities, as required by paragraph 9(c) of Schedule I.

C. The offering circular contains untrue statements of material facts, and omits to state material facts necessary, in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The markup of the value of assets acquired by the issuer from insiders in nonarm's length transactions over the cash cost of the assets to the transferors, without which markup the issuer is insolvent;

2. The manner and extent to which the securities being offered will be diluted due to the issuer's insolvency and the issuance of its shares to promoters and affiliates;

3. The interlocking interests of directors, officers and promoters of the issuer in the issuer and affiliated companies;

4. The extent to which insiders will profit at the expense of public investors from the sale of the securities to be offered through the payment to them of gratuities, salaries, fees and bonuses.

D. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4941; Filed, May 22, 1962; 8:46 a.m.]

[File No. 24W-2553]

NATIONAL CAPITAL ACCEPTANCE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 17, 1962.

I. National Capital Acceptance Corporation, 303 Mercury Building, 1925 K Street NW., Washington 6, D.C., a District of Columbia Corporation, having filed with the Commission on October 20, 1961 a notification on Form 1-A and an offering circular, and subsequently having filed amendments thereto, relating to a proposed offering of 150,000 shares of 10 cents par Class A Common Stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder, and

II. The Commission having reasonable cause to believe that:

A. The exemption under Regulation A is unavailable in that Guardian Investment Corporation, an undisclosed affiliate of the Issuer, and Earl J. Lombard, a promoter of the Issuer, are subject to an injunction issued on January 29, 1962, by the United States District Court for the District of Columbia enjoining them from certain conduct and practices in connection with the purchase and sale of securities.

B. The terms and conditions of Regulation A have not been complied with in that the Issuer has not filed the required consent and certification of individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

C. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the affiliation of Issuer and Guardian Investment Corporation.

2. The failure to disclose the injunctive action against Guardian Investment Corporation and Earl J. Lombard.

3. The failure to identify individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

4. The failure to disclose the ownership interests of Issuer's officers and directors in Guardian Investment Corporation.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations of the Securities Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in this matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4942; Filed, May 22, 1962; 8:46 a.m.]

[File No. 24D-2567]

TRANSMOUNT MINING VENTURE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 17, 1962.

I. Transmount Mining Venture, Inc., (issuer), 219 Independence Building, Colorado Springs, Colo., October 25, 1960, filed with the Commission on February 19, 1962, a Notification on Form 1-A and an offering circular relating to a public offering of 68,187 shares of its 10 cents par value common stock at an offering price of $1 per share for an aggregate of $68,187 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose the names and addresses of predecessors of the issuer.

2. The issuer has directed written communications to shareholders of Trans-Mountain Uranium Company, Inc., in connection with the offering of securities under Regulation A without first filing such matter pursuant to Rule 258.

3. Issuer failed to disclose affiliates of the issuer.

4. Issuer failed to disclose the states, provinces and other jurisdictions in which it proposes to offer its securities.

5. Issuer failed to disclose in its response to Item 10 of the Notification that the issuer intends to offer its securities in a subsequent offering to the general public.

6. Issuer failed to disclose in its response to Item 9 of the Notification the offer and sales of unregistered securities of its predecessor and affiliate, Trans-Mountain Uranium Company, Inc., by the officers, directors and principal security holders of the issuer.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to file certain financial statements required and the use of misleading financial statements.

2. The failure to disclose accurately and adequately the relationship of Trans-Mountain Uranium Company, Inc., with the issuer.

3. The failure to disclose accurately and adequately the remuneration of the three highest paid officers of the issuer and the aggregate annual remuneration of all directors and officers as a group.

4. The failure to disclose accurately and adequately the dilution of an investment in the issuer and factors affecting dilution.

5. The failure to disclose accurately and adequately the proposed uses to be made of proceeds of the offering and the order of priority.

6. The failure to disclose accurately and adequately the number of shares of the issuer's common stock distributed to the original investors.

7. The failure to disclose accurately and adequately the relative security holdings as between officers, directors and promoters as a group and the public with the respective amounts of cash paid therefor.

8. The failure to disclose accurately and adequately in the offering circular the speculative aspects of the offering and the risks attendant to an investment in the issuer's enterprise.

9. The failure to disclose accurately and adequately the necessity for special milling treatment in order to obtain a marketable tungsten concentrate.

10. The failure to disclose accurately and adequately insufficiency of the company's milling equipment.

11. The failure to disclose accurately and adequately the terms of a mining lease under which the issuer claims the right to conduct its mining operations.

C. The offering, if made, would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-4943; Filed, May 22, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

M. ROBERT LAGAS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 15, 1962.

M. ROBERT LAGAS.

MAY 15, 1962.

[F.R. Doc. 62-4964; Filed, May 22, 1962; 8:48 a.m.]

NORVAL W. POSTWEILER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of April 20, 1962.

NORVAL W. POSTWEILER.

MAY 17, 1962.

[F.R. Doc. 62-4965; Filed, May 22, 1962; 8:48 a.m.]

GEORGE A. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: El Paso Natural Gas Corp., Pittsburgh Plate Glass Co.

This statement is made as of May 8, 1962.

GEORGE A. SANDS.

MAY 8, 1962.

[F.R. Doc. 62-4966; Filed, May 22, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 371, Amdt. 1]

NEW YORK ET AL.

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 371, dated March 8, 1962, for the States of New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, is hereby amended as follows:

To include the County of Essex in the State of Massachusetts.

(Wind, rain, flood, and tide and accompanying conditions occurring on or about March 5, 6, and 7, 1962.)

Dated: May 9, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-4944; Filed, May 22, 1962; 8:46 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

PART 350—DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES PAYABLE IN NON-FOREIGN AREAS

Hawaii and Virgin Islands

Effective at the beginning of the first pay period commencing after August 1, 1962, the present items for Hawaii and the Virgin Islands in § 350.11 are amended as set out below.

§ 350.11 Places and rates at which allowances shall be paid.

* * * * *

Hawaii (excluding Ocean or Kure Island): 15 percent of rate of basic compensation.

* * * * *

Virgin Islands of the United States: 15 percent of rate of basic compensation.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp.; E.O. 10636, 20 F.R. 7025, 3 CFR, 1955 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5030; Filed, May 23, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. No. 4]

PART 483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR-346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Flour Export Program—Cash Payment (GR-346) (25 F.R. 5816) as amended (25 F.R. 9939), (25 F.R. 10758) and (27 F.R. 1753) are further amended in order to make sales of flour by exporters to Navy Exchanges eligible for export payment.

§ 483.205 [Amendment]

Section 483.205 *General conditions of eligibility*, paragraphs (a) and (h) are amended to read as follows:

(a) Payment under this program will be made to an exporter, subject to the terms and conditions set forth in this subpart, in connection with the net quantity of flour exported from the United States or Puerto Rico to a designated country as defined in § 483.287 and the net quantity of flour shipped to Canada and exported to a designated country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a Contracting Officer, CCC, in accordance with § 483.226. The term "foreign buyer" or "foreign buyer in the country of destination" as referred to in this subpart, shall include the Panama Canal Company, Army and Air Force Exchange Service and Navy Exchanges purchasing flour for shipment to installations abroad. Payment also will be made to an exporter on flour exported prior to sale for which the exporter has received a Notice of Registration from a Contracting Officer, CCC, subject to the terms and conditions of this subpart, particularly § 483.209.

* * * * *

(h) Exportation of flour by or to a United States Government agency (as defined in § 483.295), excluding the Army and Air Force Exchange Service, Navy Exchanges and the Panama Canal Company, to or in a designated country shall not qualify as an exportation for the purposes of this program.

Section 483.207 *Date of exportation*, is amended to read as follows:

§ 483.207 Date of exportation.

Where the flour is sold for export in a specified rate period announced by CCC, the exportation must be completed before the end of that period in order for the exporter to obtain the export payment rate applicable to that period. Exportation in a different period will be acceptable only if approved in writing by the Director, and such approval may be given subject to such reduction in the export payment (expressed in a rate per hundredweight) as may be specified by the Director. In the case of flour sold to the Army and Air Force Exchange Service or Navy Exchanges, where exportation is to be made by the Service or Exchange and not by the seller, the term "export", for the purpose of determining the applicable rate pursuant to this section, means delivery of the flour to the Service or Exchange.

§ 483.221 [Amendment]

Section 483.221 *Determination of rates*, paragraph (h) is amended to read as follows:

(h) In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges the time of sale shall be the time of receipt of the purchase order by the exporter which appears on the purchase order.

§ 483.225 [Amendment]

Section 483.225 *Notice of Sale*, paragraph (b), subparagraph (5) is amended to read as follows:

(5) *Country of destination.* In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges, the exporter shall give the complete markings specified on the purchase order.

§ 483.227 [Amendment]

Section 483.227 *Declaration of Sale and evidence of sale*, paragraph (b)(6) and paragraph (d) are amended to read as follows:

(6) *Country of destination.* In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges, the exporter shall give the complete markings specified on the purchase order.

* * * * *

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 483.221(d)), the evidence required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate third party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and shall also include such additional documentation as requested by the Director. In the case of sales to designated IWA countries and territories other than sales under Public Law 480 (83d Congress) and section 402 of the Mutual Security Act of 1954 (sales involving AID funds), the evidence should include acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement. In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges, a certified copy of the Service purchase order shall be submitted as evidence of sale.

§ 483.246 [Amendment]

Section 483.246 *Documents required as evidence of export*, paragraph (a), subparagraphs (7) (i) and (ii), (8) and (9) are amended to read as follows:

(7) In the case of sales to the Army and Air Force Exchange and Navy Exchanges each Form CCC-413 must be supported by:

(i) A certified copy of the inland bill of lading showing delivery to the Service or Exchange,

(ii) A certificate of exportation. With respect to sales to the Army and Air Force Exchange Service, the certificate shall be signed by the Chief or Assistant Chief, Transportation Division, AAFES. The certificate with respect to sales to Navy Exchanges is obtainable from the

U.S. Navy Ship's Store Office, Third Avenue and 29th Street, Brooklyn 32, New York. It must be signed, as appropriate, by one of the following authorized officials:

(a) Director, Water Freight Division, U.S. Naval Supply Center, Oakland, Calif.
(b) Traffic Branch Division Director, U.S. Naval Supply Center, Bayonne, N.J.
(c) Land-Air Freight Division Officer, U.S. Naval Supply Center, Norfolk, Va.

(8) In the case of sales to the Army and Air Force Exchange Service, Navy Exchanges or the Panama Canal Company, each Form CCC–413 must be supported by a certified statement, made by an authorized official or employee of such Service, Exchange or Company, that such Service, Exchange or Company has received in its purchase price paid or to be paid for the flour exported, the benefit of the export allowances under this program.

(9) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph (a), the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the weight of the flour, the weight of the containers and the number of containers, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency (unless it is the A&AF Exchange Service, Navy Exchange or the Panama Canal Company), and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

Section 483.289 *Export and exportation*, is amended to read as follows:

§ 483.289 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of flour from the United States or from Puerto Rico, destined to a designated country, or a shipment from Canada destined to a designated country of flour which has been moved from the United States into Canada, provided the identity of the flour is preserved until shipped from Canada. The flour so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, on the date the shipment clears the United States Customs. If the flour is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: Provided, That if the "lost" or "damaged" flour remains in the United States or Puerto Rico, as applicable, it shall be considered as reentered flour and shall be subject to the provisions of § 483.241(c). Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement unless exportation is by or to the Army and Air Force Exchange Service, a Navy Exchange or the Panama Canal Company.

NOTE TO EXPORTER: Since the export payment on any given quantity of flour is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of flour against any loss which may occur prior to the flour leaving this country by rail or truck or prior to loading on the export vessel.

Section 483.290 *Exporter*, is amended to read as follows:

§ 483.290 Exporter.

"Exporter means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling flour for export and for this purpose maintains a bona fide business office in the United States or Puerto Rico and therein has a person, principal, or resident agent upon whom service of process may be had. The term "exporter" shall be deemed to include a commercial firm selling flour to the Army and Air Force Exchange Service, Navy Exchanges and the Panama Canal Company for export regardless of whether exportation is actually made by the commercial firm or by the A&AFES, Navy Exchange or the Panama Canal Company.

The effective date is the date on which this amendment is filed for public inspection by the Office of the Federal Register.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 4 and 5, 62 Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, and 7 U.S.C. 1641)

Signed at Washington, D.C., on May 17, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62–5032; Filed, May 23, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55625]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Equipment and Repairs to American Vessels

In order to facilitate conversion into United States currency of amounts invoiced in foreign currencies, § 4.14(b) of the Customs Regulations is amended to state that the last sailing date shall be shown on vessel repair entries for each country in which repairs were made. Section 4.14(b) as amended, reads as follows:

(b) Entry on customs Form 7535 shall be made for such equipment or repairs. Such entry shall show the last sailing date from each country at which repairs were made on the particular voyage. Estimated duties shall be deposited or a bond on customs Form 7567 or 7569 given therefor before the vessel shall be allowed clearance, except that—

(1) No entry or bond shall be required with respect to items which the collector is satisfied are clearly within the purview of R.S. 3115(3), as amended, and

(2) Vessels owned by the United States, although subject to the provisions of section 466, Tariff Act of 1930, as amended, shall be allowed to proceed without such deposit of duties or filing of a bond, if operated by the Maritime Administration or other agency of the United States or if operated under an agreement providing that such an agency shall pay duties accruing under section 466. Vessels owned by the United States and operated by private parties who are liable by agreement for duties accruing under section 466 shall be treated in all respects the same as privately-owned vessels.

(R.S. 3114, as amended, 3115, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 257, 258, 1498)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: April 30, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–5024; Filed, May 23, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Doc. No. 1212; Amdt. 20–17; Supp. 13]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Elimination of Limited Flight Instructor Certificate

The airman certification requirements of Part 20 of the Civil Air Regulations (14 CFR Part 20) provide for two classifications of flight instructors—limited flight instructors and flight instructors.

The limited flight instructor classification was introduced in the revision of Part 20, effective August 23, 1956. As stated in the preamble to that revision, this classification was adopted to enable the Agency to evaluate the competence of an applicant for a permanent flight instructor certificate by checking the proficiency of the students he has instructed as a limited flight instructor. For this reason, students trained by a limited flight instructor are required to obtain their flight tests for a pilot certificate or instrument rating from an FAA inspector. They do not have the privilege of taking these flight tests from a designated pilot examiner which is extended to students trained by the holder of a flight instructor certificate. In other respects, the rules governing the operations of limited flight instructors and flight instructors are similar.

After several years of operating experience with the dual classification of flight instructors and the different privileges afforded them and their students, the Agency finds that there is no need for such dual classification. The examinations and tests given an applicant for a limited flight instructor certificate are based on techniques and procedures developed through years of experience in this field and in the training of pilots. It has been found that they provide adequate standards by which the Agency can determine an applicant's ability to give proper flight instruction, without an evaluation of his students as a requisite for an "unlimited" flight instructor certificate. Moreover, this finding has been confirmed by our past evaluation of the students trained by the limited flight instructors. Accordingly, this amendment is adopted to provide for the following changes in Part 20 and the related manual material:

(1) Elimination of the requirement of successfully training 5 applicants for a pilot certificate or instrument rating before an applicant is eligible for a flight instructor certificate;

(2) Elimination of the classification of a limited flight instructor certificate; and

(3) Elimination of the requirement that students who have received their flight training from a limited flight instructor can obtain a flight test for a pilot certificate or instrument rating only from an FAA inspector.

This amendment also permits the holder of a limited flight instructor certificate to exchange such certificate for a flight instructor certificate with appropriate ratings without a further showing of his competence by the checking of students he has trained. Pending such exchange, and until the expiration of his limited flight instructor certificate, he may exercise the privileges of a flight instructor.

Since this regulatory action relieves a present restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective on less than 30 days' notice.

This amendment will be included in the recodification of the provisions of Part 20 under the Agency's Recodification Program announced in Civil Air Regulations Draft Release No. 61–25 (26 F.R. 10698).

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows, effective May 24, 1962:

1. By amending §§ 20.13–1(a)(1), 20.13–1(b), 20.64–1, 20.74–1, 20.94–1, 20.127–1, and 20.127–2 by deleting the words "Limited Flight Instructor or" and "a Limited Flight Instructor or" as they appear in those sections.

2. By amending §§ 20.13–1(a)(2) and 20.13–1(a)(4) by deleting the parenthetical expression "(unlimited)".

3. By amending §§ 20.34–1 and 20.44–1 by deleting the words "Limited Flight Instructor or a".

4. By amending § 20.130 by deleting the word "Limited" in the title and in the first sentence.

5. By amending § 20.130–1 by deleting the word "Limited" in the title.

6. By amending §§ 20.130–1(a) and 20.130–1(b) (1) and (2) by deleting the word "Limited".

7. By amending § 20.130–1(c) by changing the words "Limited Pilot" in the first sentence to "Flight Instructor".

8. By amending § 20.130–2 by deleting the parenthetical expression "(not Limited Flight Instructor)" and the word "Limited".

9. By amending § 20.131 to read as follows:

§ 20.131 Expiration and exchange of limited flight instructor certificates.

(a) A limited flight instructor certificate expires 24 calendar months after date of issuance but, prior to its expiration, may be exchanged for a flight instructor certificate with appropriate ratings without further showing of competence by the holder.

(b) An expired limited flight instructor certificate may be exchanged for a flight instructor certificate with appropriate ratings upon a demonstration of the holder's continued competence to give flight instruction.

10. By deleting §§ 20.131–1, 20.135, 20.135–1, 20.135–2, 20.137, and 20.137–1.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D. C., on April 23, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–4985; Filed, May 23, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1196; Amdt. 443]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Model 22 and 22M Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on May 9, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Convair Models 22 and 22M aircraft. The directive requires an inspection of the inboard and outboard wing flap carriage support fittings.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Convair Models 22 and 22M aircraft by individual telegrams dated May 9, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

CONVAIR. Applies to all Models 22 and 22M aircraft with 3,000 hours or more time in service.

Compliance required within the next 25 hours' time in service unless already accomplished within the last 125 hours' time in service and thereafter within each 150 hours' time in service from the last inspection.

Two recent cases of cracked inboard wing flap carriage support fittings P/N's 22–18703–11 and –12 attributed to fatigue have been reported. To preclude operation with a cracked fitting, conduct close visual inspection of fittings P/N's 22–18703–11 and –12, and 22–18702–11 and –12 on the inboard flaps and fittings P/N's 22–18705–9 and –10, and 22–18706–9 and –10, and 22–18707–9 and –10 on the outboard flaps. Replace any cracked fitting prior to further flight.

Upon request of the operator an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this airworthiness directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(General Dynamics/Convair Telegraphic Alert Service Bulletin No. 27–58 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated May 9, 1962.

(Secs. 313(a), 601, 603; Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4986; Filed, May 23, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1192; Amdt. 271]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE JUNE 9, 1962, OR UPON DECOM. OF FACILITY.							
City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461'; Fac. Class., SBMRAZ; Ident., BN; Procedure No. 1, Amdt. 6; Eff. Date, 11 Feb. 61; Sup. Amdt. No. 5; Dated, 3 Sept. 55							
PROCEDURE CANCELLED, EFFECTIVE JUNE 9, 1962, OR UPON DECOM. OF FACILITY.							
City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628'; Fac. Class., SABMRAZ; Ident., MC; Procedure No. 1, Amdt. 8; Eff. Date, 6 July 57; Sup. Amdt. No. 7; Dated, 26 Nov. 54							
PROCEDURE CANCELLED, EFFECTIVE JUNE 9, 1962, OR ON DECOM. OF FACILITY.							
City, Providence; State, R.I.; Airport Name, Green Airport; Elev., 56'; Fac. Class., SBMRLZ; Ident., PVD; Procedure No. 1, Amdt. 4; Eff. Date, 6 Aug. 55; Sup. Amdt. No. 3; Dated, 8 Nov. 53							
PROCEDURE CANCELLED, EFFECTIVE JUNE 9, 1962.							
City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg Clearwater International; Elev., 10'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 2; Eff. Date 16 May 59; Sup. Amdt. No. 1; Dated, 23 Apr. 55							
				T-d	300-1	300-1	
				C-d	500-1	500-1½	
				S-d-32	500-1	500-1	
				A-d	800-2	800-2	

Procedure turn E side SE crs, 117° Outbnd, 297° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 315°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles, climb to 2500' on W crs within 20 miles and contact Kincheloe Approach Control.
AIR CARRIER NOTE: Night operation not authorized.
CAUTION: 920' msl microwave tower 0.3 mile NE of airport. 936' and 950' msl radio towers 2.0 miles SW of airport.

City, Sault Ste. Marie; State, Michigan; Airport Name, Sault Ste. Marie; Elev., 722'; Fac. Class., SABRAZ; Ident., SM; Procedure No. 1, Amdt. 3; Eff. Date, 9 June 62; Sup. Amdt. No. 2; Dated, 3 Dec. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Akron VOR	AKR RBN (Final)	Via R-259 ACO-VOR	2100	T-dn	400-1	400-1	400-1
				C-dn	700-1	700-1	700-1½
Navarre VOR	AKR RBn	Direct	2500	S-dn-25	500-1	500-1	500-1
Sharon Int	AKR RBn	Direct	2500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 246°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing AKR RBn, make a left climbing turn and return to AKR RBn at 2500'.

City, Akron; State, Ohio; Airport Name, Akron Municipal; Elev., 1059'; Fac. Class., MHW; Ident., AKR; Procedure No. 1, Amdt. 1; Eff. Date, 9 June 62; Sup. Amdt. No. Orig.; Dated, 9 July 60

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1½	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of final approach crs, 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 180°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make a climbing left turn, proceed direct to APN "H" at 2000'.
CAUTION: Report position altitude ETA and intentions as soon as practicable to Tower when operating or to Unicom when Tower not operating. Thereafter determine that adequate separation exists from other reported users and report changes in altitude and position. Maintain 1000' above previously reported traffic until advised that aircraft making approach has landed. Consult NOTAMS for hours of operation of Tower and dates and time control zone/area are in effect.
NOTES: (1) This procedure is effective from 1300Z–2300Z only. (2) Runway lights on N–S runway only. Prior coordination necessary for runway lights. (3) Not authorized for air carrier use. (4) APN RBn operated by Alpena County.

City, Alpena; State, Mich; Airport Name, Phelps-Collins; Elev., 689'; Fac. Class., MH; Ident., APN; Procedure No. 1, Amdt. 2; Eff. Date, 9 June 62; Sup. Amdt. No. 1; Dated, 7 Oct. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
GTF RBn	LOM	Direct	6200	T-dn**	300-1	300-1	200-½
GTF VOR	LOM	Direct	6200	C-dn	500-1	500-1	500-1½
Belt FM	LOM	Direct	6200	S-dn-34	500-1	500-1	500-1
Millegan Int	LOM	Direct	6200	A-dn	800-2	800-2	800-2
Cascade FM	LOM	Direct	6200				

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200' within 10 miles. Beyond 10 miles NA. All turns W side of crs. High terrain E.
Minimum altitude over facility on final approach crs, 5500'.
Crs and distance, facility to airport, 341°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing GT LOM, climb to 6000' on crs of 341° within 20 mi or, when directed by ATC, climb to 5000' on 311° brng from GTF RBn within 15 mi.
CAUTION: 3840' MSL towers 1.1 mi SW of airport.
**300–1 required on runways 11/29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671'; Fac. Class., LOM; Ident., GT; Procedure No. 1, Amdt. 5; Eff. Date, 9 June 62; Sup. Amdt. No. 4; Dated, 2 June 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-d	600-1	600-1	NA
				C-n	600-2	600-2	NA
				S-d-10	600-1	600-1	NA
				S-n-10	600-1½	600-1½	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 092°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing HZL-VOR, climb to 3000' on crs 092° from HZL-VOR within 10 miles, make left turn, proceed direct to HZL-VOR. Hold West 1-minute right turn, 092° Inbnd.
AIR CARRIER NOTE: NE–SW runway not authorized.
NOTE: Local weather and voice communications on 122.8 available sunrise to 2030 local time. ATC communication with Wilkes-Barre approach control.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.

City, Hazelton; State, Pa.; Airport Name, Hazelton Municipal; Elev., 1604'; Fac. Class., VOR; Ident., HZL; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 June 62

Miles City RBn	MLS-VOR	Direct	4500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-Rny 4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 211° Outbnd, 031° Inbnd, 4500' within 10 mi.
Minimum altitude over VOR on final approach crs, 3500'; over Fort Int*, 3100'.
Crs and distance, Fort Int to airport, 031°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MLS-VOR, climb to 4500' on R-062 within 20 miles.
CAUTION: LFR tower 2800' msl.
*Fort Int: Int MLS-VOR R-211 and 300° brng to MLS RBn or 1.5-mile DME fix.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2626'; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 3; Eff. Date, 9 June 62; Sup Amdt. No. 2; Dated, 1 July 58

SM-LFR	SSM-VOR	Direct	1800	T-d	300-1	300-1	NA
				C-d	500-1	500-1½	NA
				S-d-32	500-1	500-1	NA
				A-d	800-2	800-2	NA

Procedure turn E side SE crs, 157° Outbnd, 337° Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 337°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SSM-VOR, climb to 2500' on R-120 FSP-VOR and contact Kincheloe Approach Control.
CAUTION: 920' tower 0.3 mile NE of airport, 936' and 950' towers 2 miles SW of airport.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722'; Fac. Class., BVOR; Ident., SSM; Procedure No. 1, Amdt. 2; Eff. Date, 9 June 62; Sup. Amdt. No. 1; Dated, 20 Dec. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BZN RBn	BZN-VOR	Direct	7000	T-dn	1000-1	1000-1	1000-1
				C-dn	1000-1	1000-1	1000-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 7000′ within 10 miles. Nonstandard due to high terrain S.
Facility on airport.
Minimum altitude over facility on final approach crs, 5500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 9000′ on R-259 within 20 miles of BZN-VOR.
City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461′; Fac. Class., BVOR; Ident., BZN; Procedure No. TerVOR(R-259), Amdt. 1; Eff. Date, 9 June 62; Sup. Amdt. No. Orig.; Dated, 18 Feb. 61

				T-dn	300-1	300-1	
				C-d	400-1	500-1	
				C-n	400-2	500-2	
				S-dn-31	400-1	400-1	
				A-dn*	NA	NA	

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 31, 310°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing INL-VOR, make left climbing turn to 2700′ on R-128 within 10 mi.
*A-dn 800-2 authorized for those air carriers having approved weather reporting service at the airport.
City, International Falls; State, Minn.; Airport Name, International Falls Municipal; Elev., 1180′; Fac. Class., VOR; Ident., INL; Procedure No. TerVOR-31, Amdt. 1; Eff. Date, 9 June 62; Sup. Amdt. No. Orig.; Dated, 1 May 62

Oakwood Int	MWC VOR	Direct	2700	T-dn	300-1	300-1	200-1
Cardinal Int	MWC VOR	Direct	2700	C-d	800-1	800-1	800-1½
MKE VOR	MWC VOR	Direct	2600	C-n	800-2	800-2	800-2
MK LOM	MWC VOR	Direct	2700	S-dn-15	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
				Following# minimums apply after passing Germantown Int*.			
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-15	500-1	500-1	500-1

Radar transitions to MWC VOR authorized according to approved patterns.
Radar vectoring to final approach course inbound approved according to approved patterns.
Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 2800′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make right climbing turn to 2600′ and proceed direct to MKE VOR or, when directed by ATC, (1) make right climbing turn to 2900′, hold NW on the MWC VOR R-336. Aircraft on missed approach may be radar controlled after radar identification.
*Germantown Int: Int MCW-VOR R-336 and MKE-VOR R-062.
#Authorized only for aircraft dual omni-equipped or intersection identified by MKE Radar.
City, Milwaukee; State, Wis.; Airport Name, Timmerman; Elev., 745′; Fac Class., BVOR; Ident., MWC; Procedure No. TVOR-15, Amdt. 2; Eff. Date, 9 June 62; Sup. Amdt. No. 1; Dated, 18 Nov. 61

PROCEDURE CANCELLED, EFFECTIVE JUNE 9, 1962.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., H-BVORTAC; Ident., OAK; Procedure No. TerVOR (R-120), Amdt. 4; Eff. Date, 10 Mar. 62; Sup. Amdt. No. 3; Dated, 8 Oct. 60

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Berenda Int*	FAT-VOR (Final)	Direct	1200	T-dn	300-1	300-1	200-1
				C-dn	500-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 1700′ within 10 miles. NA beyond 10 mi.
Minimum altitude over FAT-VOR on final approach crs, 1200′.
Crs and distance, facility to approach end of runway, 132°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of FAT-VOR, climb to 2000′ on R-126 FAT-VOR within 20 miles.
NOTE: Procedure NA if DME inoperative.
*Berenda Int: 14-mile DME Fix R-305.
City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date 9 June 62

Selma Int*	Sanger Fix**	Direct	1200	T-dn	300-1	300-1	200-1
				C-dn	500-1	500-1	500-1½
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn NA. Transitions authorized are for straight-in approaches from the SE only.
Minimum altitude over Sanger Fix** inbound on final approach course, 1200′.
Crs and distance, Sanger Fix** to approach end of runway, 307°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.5-mile DME Fix R-126, climb to 2000′ on R-305 FAT-VOR within 10 miles.
NOTE: Procedure NA if DME inoperative.
*Selma Int: 17-mile DME Fix R-126.
**Sanger Fix: 10-mile DME Fix R-126.
City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 9 June 62

Del Rey Int*	Gonzales Fix**	Direct	4500	T-dn	300-1	300-1	300-1
Gonzales Fix**	Spreckels Fix# (Final)	Direct	3000	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn NA. Transitions authorized are for straight-in approaches from the SE only. Final approach course inbound from Gonzales Fix, 294°.
Facility on airport.
Minimum altitude over Spreckels Fix# inbound on final approach course, 3000′.
Crs and distance, Spreckels Fix# to airport, 294°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS-VOR, climb to 2000′ on R-293 within 10 miles.
NOTE: This procedure NA if DME inoperative.
*Del Rey Int: 38-mile DME Fix R-114.
**Gonzales Fix: 15-mile DME Fix R-114.
#Spreckels Fix: 6-mile DME Fix R-114.
City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 84′; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 9 June 62

Santa Cruz Fix*	Moss Landing Int**	Direct	4000	T-dn	300-1	300-1	300-1
Moss Landing Int**	Castro Fix# (Final)	Direct	2000	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn NA. Transitions authorized are for straight-in approaches from the NW only. Final approach course inbound from Moss Landing Int**, 113°.
Minimum altitude over Castro Fix# inbound on final approach course, 2000′.
Crs and distance, Castro Fix# to Salinas VOR (Airport), 113°—6.0 mi.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make an immediate left turn, climbing to 2000′ on R-293 of SNS-VOR within 10 miles of facility.
NOTE: This procedure NA if DME inoperative.
*Santa Cruz Fix: 29-mile DME Fix R-293.
**Moss Landing Int: 18-mile DME Fix R-293.
#Castro Fix: 6-mile DME Fix R-293.
City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 84′; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 9 June 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Akron VOR	LOM (Final)	Via R-261 ACO-VOR.	2100	T-dn	400-1	400-1	400-1
				C-dn	700-1	700-1	700-1½
Navarre VOR	LOM	Direct	2500	S-dn-25	500-1	500-1	500-1
Sharon Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn South side of crs, 066° Outbnd, 246° Inbnd, 2500′ within 10 mi.
No glide slope. Minimum altitude over LOM on final approach crs, 2100′.
Crs and distance, LOM to airport, 246°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, make a left climbing turn and return to LOM at 2500′.

City, Akron; State, Ohio; Airport Name, Municipal; Elev., 1059′; Fac. Class., ILS; Ident., I-AKR; Procedure No. ILS-25, Amdt. 1; Eff. Date, 9 June 62; Sup. Amdt. No. Orig.; Dated, 31 Dec. 60

GTF RBn	LOM	Direct	6200	T-dn**	300-1	300-1	200-½
GTF-VOR	LOM	Direct	6200	C-dn	400-1	500-1	500-1½
Belt FM	LOM	Direct	6200	S-dn-34*	200-½	200-½	200-½
Cascade FM	LOM	Direct	6200	A-dn	600-2	600-2	600-2
Milligan Int	LOM	Direct	6200				

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200′ within 10 miles. NA beyond 10 mi. All turns West side of course—high terrain East.
Minimum altitude at glide slope interception Inbnd, 6200′.
Altitude of glide slope and distance to approach end of runway at OM, 5835′—6.6 mi; at MM, 3915′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6000′ on N crs ILS within 20 miles or, when directed by ATC, climb to 5000′ on 311° brng from GTF RBn or R-311 GTF-VOR within 15 miles.
CAUTION: 3840′ MSL LFR towers 1.1 miles SW of airport.
*400-¾ required with glide slope inoperative.
**300-1 required for Runways 11-29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., ILS; Ident, I-GTF; Procedure No. ILS-34, Amdt. 6; Eff. Date, 9 June 62; Sup. Amdt. No. 5; Dated, 2 June 62

Pineburst Int	LFA RBn	Direct	8000	T-dn	500-1	500-1	500-1
LMT VOR	LFA RBn	Direct	7500	C-dn%	800-1	800-1	800-1½
LM LFR	LFA RBn	Direct	7600	S-dn-32*	800-2	800-2	800-2
LMT VOR R-161 20-mi DME Fix	LFA RBn	Direct	7500	A-dn	500-1	500-1	500-1
					1000-2	1000-2	1000-2

Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 7500′ within 10 mi of LFA RBn; NA beyond 10 mi.
Minimum altitude at glide slope intercept ion 7500′.
Altitude of glide slope and distance to approach end of runway at LFA RBn, 7500′—10.5 mi; at OM 5070′—6.8 mi; at MM, 4350′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM, climb direct to LMT-VOR, thence turn left, continue climb to 8000′ on R-255 in a standard 1-minute holding pattern, all turns S side of crs.
NOTE: Narrow localizer course —4°.
*All components of the ILS and all related airborne equipment must be in satisfactory operating condition when executing this approach and must be used.
%CAUTION: 4600′ MSL terrain 1.8 mi SE of airport.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., ILS; Ident., I-LMT; Procedure No. ILS-32, Amdt. 2; Eff. Date, 9 June 62; Sup. Amdt. No. 1; Dated, 17 Feb. 62

SBA VOR	LMM	Direct	5000	T-dn	300-1	300-1	#300-¾
GVO-VOR	ILS W crs	R-163	3500	C-dn	700-2	700-2	700-2
Channel Int	LMM	Direct	4500	S-dn-7##	300-¾	300-¾	300-¾
Int W crs ILS and GVO-VOR R-163	Naples Int/OM* (Final)	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 3000′ within 10 mi of Naples Int/OM*.
Minimum altitude at glide slope int Inbnd 2000′.
Altitude of glide slope at Naples Int/OM*, 1500′; at MM, 195′.
Distance to approach end of runway from Naples Int/OM*, 5.5 mi; from MM, 0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 800′, make climbing right turn and climb via the VTU-VOR R-279 or the 099° crs from SBA LMM to Channel Int at 2000′.
CAUTION: All maneuvering must be accomplished South of localizer course. High terrain to the North.
*Naples Int: Int W crs ILS and GVO-VOR R-118 or SBA-VOR R-226.
#300-1 required on Runways 3 L-R, 7 and 33 L-R.
##500-1 required with glide slope inoperative.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., I-SBA; Procedure No. ILS-7, Amdt. 10; Eff. Date, 9 June 62; Sup. Amdt. No. 9; Dated, 20 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
EVE-LFR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
SJ-LFR	LOM	Direct	2100	C-dn	800-2	800-2	800-2
Hobart FM	LOM	Direct	4000	S-dn-13*	500-1	500-1	500-1
SEA-VOR	LOM	Direct	2100	A-dn	800-2	800-2	800-2
Black Diamond Int	LOM	Direct	3000				
Burton Int	LOM	Direct	2100				
Vashon Int	LOM	Direct	2100				
Lofall Int	LOM	Direct	2100				
Port Gamble Int	LOM	Direct	2100				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn, radar alignment on final approach heading within 10 mi of LOM is required.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2100′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2080′—6.4 mi; at MM, 500′—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 mi after passing MM or 6.4 mi after passing LOM, climb to 2100′ direct to SJ-LFR, thence turn left, continue climb direct to BF LOM or, when directed by ATC, climb to 2000′ direct to SJ-LFR, thence turn right, continue climb direct to SE LOM.
NOTE: Narrow localizer course —4°.
CAUTION: 578′ MSL tower 0.7 mi. S of final approach crs. Terrain, trees, and water tanks to 501′ MSL 1.8 mi. SW through W of airport, and E through SE of airport within 2.3 mi. to 556′ MSL. Localizer useable only 45° on either side of front course. False course indications possible in other areas.
*700′ required when glide slope not used.
*Air carrier: Sliding scale not authorized below ¾ mi.

City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17′; Fac. Class., ILS; Ident., I-BFI; Procedure No. ILS-13, Amdt. 3; Eff. Date., 9 June 62; Sup. Amdt. No. 2; Dated, 24 Feb. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
0°	360°	10 mi	2500	T-dn	300-1	300-1	200-½
0°	360°	30 mi	3000	C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ within 10 miles, proceed to LOM, hold South 006° inbnd, right turns, 1-minute pattern.
CAUTION: Smoke stack 1335′ 2.5 mi SE Runway 32. Antenna 1410′ 4.5 mi S Runway 1.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class and Ident., Akron Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 June 62; Dated, ...

000°	360°	Within 30 mi	6000	Precision approach			
				T-dn*#	300-1	300-1	200-½
				C-dn%	700-1	700-1	700-1½
				S-dn-10R##	200-½	200-½	200-½
				A-dn-A11	700-2	700-2	700-2
				Surveillance approach			
				T-dn*	300-1	300-1	200-½
				C-dn-28R/10R%	700-1	700-1	700-1½
				S-dn-28R/10R$	700-1	700-1	700-1
				A-dn-28R/10R	800-2	800-2	800-2

Radar transitions and vectoring utilizing Portland Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—All runways: Climb to 3000′ direct to PO-LFR or PDX-VOR or, when directed by ATC, Runways 10R/10L: Climb to 2100′ on crs 098° from DX LMM within 10 miles; Runways 28R/28L: Climb to 3200′ on NW crs PDX ILS localizer 278° to Sauvies Island RBn.
*200-½ authorized on Runways 10R-L, 28R-L only. 700-2 required on Runway 20.
##Runway visual range 2600′ also authorized for landing on Runway 10R; provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 223′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600′ also authorized for takeoff on Runway 10R in lieu of 200-½ when 200-½ is authorized providing high intensity runway lights are operational.
%Approaches to the following runways authorized as follows—Runway 10L: Ceiling minimum 800′; Runway 20: Ceiling minimum 900′; Runway 28L: Ceiling minimum 1000′.
$Minimum altitude over 3-mile radar fix Inbnd on final, 900′.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23′; Fac. Class. and Ident., Portland Radar; Procedure No. 1, Amdt. 6; Eff. Date, 9 June 62; Sup. Amdt. No. 5; Dated, 27 Jan. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 7, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-4560; Filed, May 23, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Melon Balls [1]

On June 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5267) regarding a proposed issuance of the United States Standards for Grades of Frozen Melon Balls.

Statement of consideration leading to the new grade standards. Issuance of United States Standards for Grades of Frozen Melon Balls has been under consideration for the past three years. During this period, the Department was requested from time to time to inspect and certify this product as to grade. Since there were no official grade standards in effect, it was necessary to issue a descriptive type of certificate which merely described the product with respect to such quality factors as color, defects, and character, with no reference to a particular grade classification. The new grade standards provide an instrument by which the product may be officially inspected and certified as to a specific grade, thereby providing a basis on which the product may be marketed. This is particularly advantageous to Federal, State, and institutional buyers who frequently purchase large quantities of subsistence on the basis of U.S. Standards. In addition, the new grade standards may be used as a basis for quality control by packers of frozen melon balls.

The following changes from the proposal are included in the final issuance: (1) Provision for optional inclusion of a suitable garnish to allow for this packing practice; (2) Percentages for determining "Mixed Styles" were changed from a count basis to a weight basis, to allow for the practice of varying the ball sizes of certain types of melons; (3) The degree of thawing of sample units, before rating quality factors, is increased to facilitate more accurate ratings; (4) Flavor and odor requirements for "U.S. Grade A" and "U.S. Grade B" are changed from "normal," for both grades, to "good" and "reasonably good," respectively, to more adequately reflect the appropriate grade classifications; and (5) The factor of "Color," under the (B) classification, is established as a limiting rule to correlate with consumer acceptance.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Melon Balls are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.5361 Product description.
52.5362 Types of frozen melon balls.
52.5363 Grades for frozen melon balls.

FACTORS OF QUALITY

52.5364 Ascertaining the grade of a sample unit.
52.5365 Ascertaining the rating for the factors which are scored.
52.5366 Color.
52.5367 Uniformity of size and shape.
52.5368 Absence of defects.
52.5369 Character.

LOT INSPECTION AND CERTIFICATION

52.5370 Ascertaining the grade of a lot.

SCORE SHEET

52.5371 Score sheet for frozen melon balls.

AUTHORITY: §§ 52.5361 to 52.5371 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.5361 Product description.

Melon balls are spheres of melon flesh prepared from suitable varieties of sound, fresh Cantaloupe (Cucumis melo) melons and/or sound, fresh Honey Dew (inodorus) melons to which melon balls prepared from sound, fresh melons of a definitely different but suitable variety may be added. The balls are prepared and washed in a manner to assure a clean and wholesome product. They are properly drained before filling into containers; may include a suitable fruit and/or vegetable garnish; may be packed with the addition of nutritive or non-nutritive sweetening ingredient(s) including sirup and any other ingredient permissible under the provisions of the Federal Food, Drug, and Cosmetic Act; and are prepared and frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.5362 Types of Frozen Melon Balls.

(a) *Cantaloupe.* Cantaloupe type consists entirely of frozen melon balls derived from Cantaloupe melons.

(b) *Honey Dew.* Honey Dew type consists entirely of frozen melon balls derived from Honey Dew melons.

(c) *Mixed—Cantaloupe and Honey Dew.* This type consists of not less than 50 percent, by weight, of units derived from Cantaloupe melons and not less than 33⅓ percent, by weight, of units derived from Honey Dew melons.

(d) *Mixed—Honey Dew and Cantaloupe.* This type consists of not less than 50 percent, by weight, of units derived from Honey Dew melons and not than 33⅓ percent, by weight, of units derived from Cantaloupe melons.

(e) *Other types.* Other types refer to:

(1) Melon balls derived from a single variety of melon or mixture of melon types other than Cantaloupe or Honey Dew; or

(2) Melon balls of any single type, or any mixture, of Cantaloupe or Honey Dew to which has been added melon balls of a different suitable variety of melon; or

(3) Any mixture of Cantaloupe or Honey Dew melon balls that do not meet the respective requirements of paragraph (c) or (d) of this section.

§ 52.5363 Grades for frozen melon balls.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen melon balls that:

(1) Possess a good flavor and odor;

(2) Have good color;

(3) Are practically uniform in size and shape;

(4) Are practically free from defects;

(5) Have good character; and

(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of frozen melon balls that:

(1) Possess a reasonably good flavor and odor;

(2) Have reasonably good color;

(3) Are reasonably uniform in size and shape;

(4) Are reasonably free from defects;

(5) Have reasonably good character; and

(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen melon balls that fails the requirements of "U.S. Grade B."

FACTORS OF QUALITY

§ 52.5364 Ascertaining the grade of a sample unit.

(a) *General.* In addition to other requirements outlined in this standard, the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Uniformity of size and shape	30
Absence of defects	30
Character	20
Total score	100

(b) *When ascertained.* The grade of frozen melon balls is determined immediately after thawing to the extent that the units are substantially free of ice crystals.

(c) *Categories of Flavor and Odor.* (1) "Good flavor and odor" is the pleasant flavor and odor normally expected of well-ripened melon units of the variety or varieties used. Flavor and odor of any garnish used shall be normal.

(2) "Reasonably good flavor and odor" is the flavor and odor normally expected of reasonably well-ripened units of the variety or varieties used. This flavor and odor may be slightly "flat," but is free from objectionable flavors or objectionable odors of any kind. Flavor and odor of any garnish used shall be normal.

§ 52.5365 Ascertaining the rating for the factors which are scored.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical ranges within each factor are inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

§ 52.5366 Color.

(a) (*A*) *classification.* Frozen melon balls of any type that possess good color may be given a score of 18 to 20 points. "Good color" means that any included garnish shall have a uniform and bright color that is typical for the garnish and that does not detract from the overall appearance of the melon units; and that the melon balls:

(1) Have a bright over-all appearance;

(2) Possess a reasonably uniform color which is typical for well-ripened melons of the variety or varieties used;

(3) May have present not more than 10 percent, by count, of units which may have a reasonably bright appearance or may possess color which is typical for reasonably well-ripened melon flesh;

(4) Are free from exceptionally pale Cantaloupe units, dark green Honey Dew units, and units that otherwise fail "reasonably good color."

(b) (*B*) *classification.* Frozen melon balls of any type that possess reasonably good color may be given a score of 16 or 17 points. Frozen melon balls that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that any included garnish has a reasonably uniform and reasonably bright color that is typical for the garnish and that does not materially detract from the over-all appearance of the melon units; and that the melon balls:

(1) Have a reasonable bright over-all appearance;

(2) Possess color which is typical for reasonably well-ripened melon flesh;

(3) May have present not more than 10 percent, by count, of units which may lack a reasonably bright appearance or may possess color which is not typical of well-ripened or reasonably well-ripened melon flesh;

(4) In the case of "Cantaloupe type," not more than 10 percent, by count, of units may be exceptionally pale;

(5) In the case of "Honey Dew type," not more than 10 percent, by count, of units may be dark green; and

(6) In the case of either "Mixed-Cantaloupe and Honey Dew" or "Mixed-Honey Dew and Cantaloupe" types, not more than a total of 10 percent, by count, of all units may be exceptionally pale Cantaloupe units and/or dark green Honey Dew units.

(c) (*SStd.*) *classification.* Frozen melon balls that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5367 Uniformity of size and shape.

(a) *Definitions of terms.* (1) A "spherical unit" in frozen melon balls means a unit which has the appearance of three-fourths or more of a sphere.

(2) An "almost spherical unit" in frozen melon balls means a unit which has the appearance of more than one-half of a sphere but less than three-fourths of a sphere.

(3) A "misshapen unit" in frozen melon balls means a unit which appears to be one-half of a sphere or less or is otherwise materially misshapen.

(b) (*A*) *classification.* Frozen melon balls that are practically uniform in size and shape may be given a score of 27 to 30 points. "Practically uniform in size and shape" means that:

(1) The percentages, by count, of "almost spherical units" and "misshapen units" do not exceed the allowances for (A) classification in Table I of this subpart; and

(2) Notwithstanding the applicable allowances in Table I, the "almost spherical units" or "misshapen units," either individually or collectively, do not materially affect the appearance of the product.

(c) (*B*) *classification.* Frozen melon balls that are reasonably uniform in size and shape may be given a score of 24 to 26 points. Frozen melon balls that fall into this classification shall not be graded above U.S. Grade B (this is a limiting rule). "Reasonably uniform in size and shape" means that:

(1) The percentages, by count, of "almost spherical units" and "misshapen units" do not exceed the allowances for (B) classification in Table I of this subpart; and

(2) Notwithstanding the applicable allowances in Table I the "almost spherical units" or "misshapen units," either individually or collectively, do not seriously affect the appearance of the product.

(d) (*SStd.*) *classification.* Frozen melon balls that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I

(Allowances for uniformity of size and shape in frozen melon balls)

	(A) Classification	(B) Classification
Spherical units	80% or more (by count).	60% or more (by count).
Almost spherical units and misshapen units.	Total—20% or less (by count) but no more than—	Total—40% or less (by count) but no more than—
Misshapen units	3% (by count)	20% (by count).

§ 52.5368 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from exterior rind, interior rind, melon seeds, membrane material, and from any other defects which detract from the appearance or edibility of the product.

(b) *Definitions of terms and defects.* (1) The "area" of a rind spot is that which is equivalent to the area of a circle of the diameter stated or defined in this section.

(2) A "minor rind spot" on a Cantaloupe unit is an area of light green interior melon rind which measures 5/16 inch or less in diameter or is an area of dark green interior melon rind which measures ⅛ inch or less in diameter.

(3) A "minor rind spot" on a Honey Dew unit or on a unit of other melon types is an area of interior melon rind which measures 5/16 inch or less in diameter.

(4) A "major rind spot" on a Cantaloupe unit is an area of light green interior melon rind exceeding 5/16 inch in diameter or is an area of dark green interior melon rind exceeding ⅛ inch in diameter.

(5) A "major rind spot" on a Honey Dew unit or on a unit of other melon types is an area of interior melon rind exceeding 5/16 inch in diameter.

(6) A "serious rind spot" is a spot of rind on a melon ball unit, part or all of which is exterior rind.

(7) "Seeds" are melon seeds which may be attached to a melon ball unit or may be loose.

(8) "Membrane material" is material other than seeds which makes up the placenta of a melon.

(c) (*A*) *classification.* Frozen melon balls that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means there may be present:

(1) Not more than 20 percent, by count, of units with rind spots; *Provided,* That not more than 5 percent, by count, may be major rind spots and that not more than 2½ percent, by count, may be serious rind spots. (One unit in a container is permitted to possess a minor rind spot, major rind spot, or serious rind spot if such unit exceeds the allowable percentage: *Provided,* That in all sample units comprising the sample such units do not, on the average, exceed the allowable percentage);

(2) Not more than an average of one seed per 16 ounces net weight: *Provided,* That no individual container may contain more than one seed per 4 ounces net weight or fraction thereof; and

(3) No membrane material or other defects which detract more than slightly from the appearance of the product.

(d) (*B*) *classification.* Frozen melon balls that are reasonably free from defects may be given a score of 24 to 26 points. Frozen melon balls that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(1) Not more than 40 percent, by count, of units with rind spots: *Provided,* That not more than 10 percent,

by count, may be major rind spots and that not more than 5 percent, by count, may be serious rind spots (One unit in a container is permitted to possess a minor rind spot, major rind spot, or serious rind spot if such unit exceeds the allowable percentage: *Provided*, That in all sample units comprising the sample such units do not, on the average, exceed the allowable percentage).

(2) Not more than an average of two seeds per 16 ounces net weight: *Provided*, That no individual container may contain more than one seed per two ounces net weight or fraction thereof; and

(3) No membrane material or other defects which materially detract from the appearance of the product.

(e) (*SStd.*) *classification.* Frozen melon balls that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above "Substandard," regardless of the total score of the product (this is a limiting rule).

§ 52.5369 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the melon ball units.

(b) (*A*) *classification.* Frozen melon balls that have good character may be given a score of 18 to 20 points. "Good character" means that the melon ball units:

(1) Possess a tender texture typical of mature, well-ripened, properly prepared, and properly processed melon units; and

(2) Consist of not more than 10 percent, by count, of units which are excessively soft, mushy, excessively frayed, fibrous, tough, or rubbery: *Provided*, That not more than 5 percent, by count, are tough or rubbery (One unit in a container is permitted to be excessively soft, mushy, excessively frayed, fibrous, tough, or rubbery if such unit exceeds the allowable percentage; *Provided*, That in all sample units comprising the sample such units of fruit do not, on the average, exceed the allowable percentages).

(c) (*B*) *classification.* Frozen melon balls that have reasonably good character may be given a score of 16 or 17 points. Frozen melon balls that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the melon ball units:

(1) Possess a reasonably tender texture typical of reasonably mature, reasonably well-ripened, properly prepared, and properly processed melon units; and

(2) Consist of not more than 20 percent, by count, of units which are excessivley soft, mushy, excessively frayed, fibrous, tough, or rubbery: *Provided*, That not more than 10 percent, by count, are tough or rubbery (One unit in a container is permitted to be excessively soft, mushy, excessively frayed, fibrous, tough, or rubbery if such unit exceeds the allowable percentage: *Provided*, That in all sample units comprising the sample such units of fruit do not, on the average, exceed the allowable percentages).

(d) (*SStd.*) *classification.* Frozen melon balls that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.5370 Ascertaining the grade of a lot.

The grade of a lot of frozen melon balls covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5371 Score sheet for frozen melon balls.

Number, size, and kind of container ----
Container mark or identification ----
Label ----
Net weight (ounces) ----
Type ----
Diameter of units— inch; count— (per). ----

Factors		Score points	
Color	20	(A)	18-20
		(B)	[1] 16-17
		(SStd.)	[1] 0-15
Uniformity of size and shape	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Absence of defects	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Character	20	(A)	18-20
		(B)	[1] 16-17
		(SStd.)	[1] 0-15
Total score	100		

Flavor and odor ----
Grade ----

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Melon Balls (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: May 18, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-5014; Filed, May 23, 1962; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.3, Amdt. 2]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Six-Month Period Ending June 30, 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 815.3 (27 F.R. 3275, 4148), which allots the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Amendment 2 of Sugar Regulation 811 (27 F.R. 4585) established the mainland quota for Puerto Rico of 638,755 short tons, raw value, a quantity 18,334 tons greater than the 620,421 short tons, raw value, previously allotted. This amendment is necessary to allot the larger quantity.

Findings heretofore made by the Secretary in the course of this proceeding (27 F.R. 3275) provide for the revision of this order without further notice or hearing for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from the proration of any deficit in the quota for another supply area. Allotments set forth herein have been established in accordance with such findings.

Effective date. Allotments established in this order are larger than the allotments established in S.R. 815.3, Amendment 1 (27 F.R. 4148). To afford adequate opportunities to plan and to accomplish marketings of the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That paragraph (a) of § 815.3 be further amended to read as follows:

§ 815.3 Allotment of Sugar quotas for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

Processor	Allotments	
	Mainland	Local
	(Short tons, raw value)	
	(1)	(2)
Antonio Roig Sucesores, S. en C.	14,262	13,212
Asociacion Azucarera Cooperativa	19,332	0
Central Aguirre Sugar Co., a Trust	80,525	193
Central Coloso, Inc.	46,700	91
Central Eureka, Inc.	24,964	350
Central Guamani, Inc.	8,805	0
Central Igualdad, Inc.	19,255	11,386
Central Juanita, Inc.	19,836	109
Central Mercedita, Inc.	34,632	19,802
Central Monserrate, Inc.	17,256	0
Central San Francisco	7,811	1,077
Central San Vicente, Inc.	27,503	0
Compania Azucarera del Camuy, Inc.	10,805	0
Compania Azucarera del Toa	15,806	0
Cooperativa Azucarera Los Canos	21,774	7
C. Brewer Puerto Rico, Inc.	103,542	9,239
Land Authority of Puerto Rico	42,632	0
Mario Mercado e Hijos	20,077	268
Plata Sugar Company	34,666	0
Soller Sugar Company	8,973	0
So. Puerto Rico Sugar Corp.	59,579	9,267
All other persons, liquid sugar only	20	0
Total	638,755	65,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87-15)

Done at Washington, D.C., this 21st day of May 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5069; Filed, May 23, 1962; 8:50 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.14]

PART 876—SUGARCANE; HAWAII

1962 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on January 8, 1962, the following determination is hereby issued:

§ 876.14 Fair and reasonable prices for the 1962 crop of Hawaiian sugarcane.

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1962 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percent)	Delivery point
Puna Sugar Co., Ltd.	36	Mill.
Kohala Sugar Co.	33	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Hilo Sugar Co., Ltd.	45	Do.[1]
Onomea Sugar Co.	45	Do.[1]
Pepeekeo Sugar Co.	45	Do.[1]
Hakalau Sugar Co., Ltd.	45	Do.[1]
Pauuhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing assoication herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., if sugarcane of the producer is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such Supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1962 crop shall be limited to the same items as for the 1961 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e. the person employed to be responsible for the day-to-day operations of the Hawaii Agricultural Stabilization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities

of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. Charges for such overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles as approved by the "State Executive Director".

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director", a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1962 crop grown by other producers.

b. *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

c. *Public hearing—Puna Sugar Company, Limited.* The representative of this company recommended a processing rate of 38 percent; a profit margin of 10 percent on services furnished producers by the company and approval of the "core sampling system" as the basis for the allocation of sugar and molasses to independent growers. The witness stated that the core sampling method will eliminate the necessity for tare and net sugarcane determinations; that in view of favorable weather during 1961 charges to growers for the services of harvesting, hauling, and road maintenance would be $3.68 less per ton of sugar than originally estimated by the company; that as a result of increased mill efficiency primarily attributable to expenditures by the company for new equipment, the cost of processing grower sugarcane would be $3.24 less per ton of sugar than originally estimated for 1961; and that based on cost estimates for 1962 a processing rate of 38 percent would result in a profit to the grower of $11.18 per ton of sugar and a profit to the company of $7.15 per ton of sugar.

The representative of producers at Puna recommended that the 1962 determination establish a processing rate of not more than 30 percent based on a mill delivery point and that no profit margin be allowed on services furnished to growers by the company. He also recommended that the mill delivery point for grower sugarcane be changed to delivery "in trucks". The witness stated that a profit on services furnished to growers by the company should not be allowed because costs of harvesting have not stabilized; that the grower is a "captive" customer since it is impractical for him to obtain these services elsewhere; that the services purchased by the growers from the company enabled the company to spread overhead on the equipment used in providing such services over a larger number of units and reduced the cost per unit for work performed in the company areas; and that the delivery point for grower cane should be "in trucks" because hauling and road maintenance are services the grower must purchase from the company.

Laupahoehoe Sugar Company. The representative of this company recommended that the provisions of the 1961 determination be continued for 1962, except that a processing rate of 49 percent be determined fair and reasonable. In support of his recommendations, the witness presented production and processing cost data based on financial estimates for the last quarter of 1961 which he contended would support a processing rate of 49.88 percent. He stated that the actual production of sugar for 1961, including that of independent growers, was considerably higher than originally estimated which resulted in more favorable returns for growers and the processor. The company later submitted actual data for processing the 1961 crop and estimated production data which showed processing costs to be a larger percentage of total (production and processing) costs than did the data submitted at the hearing. Growers did not offer testimony.

C. Brewer and Company. (Representing Hilo, Onomea, Pepeekeo, Hakalau, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Companies): The representative of these companies recommended that the price factor provided in Independent Grower Cane Purchase Agreements at Hawaiian Agricultural Company be determined fair and reasonable for 1962; that a processing rate of 47 percent be determined fair and reasonable for all cane harvested under tolling agreements in 1962; and that the provision for a profit charge on services furnished to growers by the companies be continued. The witness stated that cost estimates of the companies, based on 1961 processing and producing costs and related to estimated sugar and molasses income for 1962, indicated a processing rate of 46.85 percent, and based upon the historical trend of these relative costs a processing rate of 47 percent was justified.

A representative of growers at the Hawaiian Agricultural Company concurred in the recommendation that the 1962 determination approved the provisions of the Independent Grower Purchase Agreement between growers and Hawaiian Agricultural Company.

A representative of producers at Hilo, Onomea, Pepeekeo, and Hakalau Sugar Companies recommended that the delivery point for independent growers' cane be "at slings and at windrows", instead of "in trucks"; that the profit charge on services furnished to growers by processors be eliminated; that Pepeekeo and Onomea Sugar Companies discontinue the method of processing independent producers sugarcane separately as a group from company cane and that the old method of processing all cane together be used; and if it would be impractical to return to the old method of grinding producer and processor sugarcane together, that each grower's cane be ground separately. He stated that under the present system grower sugarcane is left in the field too long after being harvested, and also it appears that the grower's cane, more often than company cane, is left a longer time in the mill yard. In a supplemental brief it was stated that based on estimates of producers' costs of $91.40 per ton of sugar and processors estimated costs of $56.62 per ton, the processing rate should be not more than 39 percent.

Kohala Sugar Company. The representative of this company recommended that the 1962 determination continue the 33 percent processing rate for Kohala. The witness stated that for the third consecutive year rainfall during the critical growing period of May through October had been deficient resulting in lower yields of cane and sugar; that during the past year, production of cane had been discontinued on about 30 percent of the acreage cultivated by independent growers because of adverse weather, low returns for sugar and other factors; and that use of the sugar storage and shipping terminal at Kawaihae instead of Hilo would result in savings of approximately $2 per ton of sugar in transportation costs.

A representative of growers at Kohala recommended that the processing rate applicable to grower sugarcane be reduced. In support of his recommendation the witness stated that the processing rate of 33 percent is equivalent to about 38 or 39 percent when compared with the contract in use prior to the tolling agreement; and that under the tolling agreement the grower must pay the marketing expenses on all of his sugar whereas under the prior agreement the grower did not pay marketing expenses on the share of sugar retained by the processor for milling the growers cane.

d. *1962 price determination.* This determination continues the provisions of the 1961 determination.

Consideration has been given to the recommendations and information submitted in connection with the hearing, to information obtained as a result of investigations, and to the returns, costs, and profits of producing and processing sugarcane obtained by field study and recast in terms of prospective price and production conditions for the 1962 crop.

The recommendations by producers and processors that the processing rates applicable to several of the companies be changed have not been adopted. Analysis of the estimated returns, costs, and profits of producing and processing 1962 crop sugarcane indicates that the cost sharing relationship has not changed sufficiently to warrant an adjustment in processing rates.

The recommendations for changes in the rate of profit charge on services furnished to producers and for changes in the delivery point for sugarcane have again been considered and it is believed that the applicable provisions of the prior determination continue to be equitable under the circumstances.

The prior determination provided that the core sampling method could be used for determining, by direct analysis, the pol percent cane and juice purity in sugarcane, provided that such method was formally approved by the Experiment Station, HSPA. It is understood that the new method was used in 1961 only for the improvement of operating procedures and the training of personnel, and was not used in the sampling or analysis of company or producer's sugarcane. However, according to testimony at the hearing such method will be used by Puna Sugar Company to determine 1962 crop sugar and molasses allocations. During the 1961 harvesting season a Department technologist observed and studied the operation of this system. It is believed that this method of sampling sugarcane and of determining the pol percent cane and juice purity represents a forward step in seeking a more accurate method for determining the sugar and molasses to be attributed to a given quantity of sugarcane.

In recent years several processors have developed the practice of grinding the cane of independent growers separately from company cane and determining separately the sugar and molasses recoveries. In some instances each grower's cane is ground separately, while in other instances all grower's cane is ground separately as a group and total sugar and molasses recoveries are allocated to such growers on the basis of the quantity of cane delivered by each. The practice of grinding each grower's cane separately is considered a more equitable and accurate method of determining the quantity of sugar and molasses attributable to grower and company cane than conventional methods heretofore followed. Where the cane delivered by a number of growers is ground together, adequate facilities should be available to insure that such cane is transported to the mill and processed in a manner no less favorable than the sugarcane of the processor.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1131)

Signed at Washington, D.C., on May 21, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5031; Filed, May 23, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.325 Grapefruit Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 22, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) Grapefruit Regulation 9 (§ 905.324; 27 F.R. 4550) is hereby terminated at 12:01 a.m., e.s.t., May 25, 1962.

(3) During the period beginning at 12:01 a.m., e.s.t., May 25, 1962, and ending at 12:01 a.m., e.s.t., June 11, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any white seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of white seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iv) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(v) Any pink seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit

smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 23, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5110; Filed, May 23, 1962; 11:32 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

PART 238—RESIDUAL LUMP-SUM PAYMENTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 237.202(b) (1)–(4), 237.203(a)(1), 237.203(c), 237.204 (introductory sentence) and 237.205 of Part 237 (20 CFR 237.202(b) (1)–(4), 237.203(a)(1), 237.203(c), 237.204 (introductory sentence), 237.205) of the Regulations under such act are amended by Board Order 62–46, dated April 25, 1962, and §§ 238.1 (introductory sentence), 238.1 (vi), 238.2(a)(2), 238.4(a), (c), (d), (e) and 238.6 of Part 238 (20 CFR 238.1 (introductory sentence), 238.1(vi), 238.2(a)(2), 238.4(a), (c), (d), (e) and 238.6) of the regulations under such act are amended by Board Order 62–47, dated April 25, 1962, to read as follows:

§ 237.202 Basic amount.

(b) *Computation of basic amount.* • • •

(1) *Employee partially insured or completely insured solely because of current connection and quarters of coverage.* In these cases:

(i) If the employee's average monthly remuneration does not exceed $75, take 49 percent of such average monthly remuneration. If the average monthly remuneration exceeds $75, take 49 percent of $75 and add thereto 12 percent of the amount by which the average monthly remuneration exceeds $75 and does not exceed $400.

(ii) Determine the number of calendar years after 1936 in which $200 or more of compensation, wages, or both, were paid to the employee. Multiply the number of such years by 1 percent of the amount computed under subdivision (i) of this subparagraph.

(iii) Add the figure computed under subdivision (i) of this subparagraph and the figure computed under subdivision (ii) of this subparagraph. The sum so obtained is the basic amount. If such sum is less than $16.95, it is increased to $16.95.

(2) *Employee completely insured solely because of being a pensioner.* (i) If the average monthly earnings on which the pension was computed are ascertainable from the records in the possession of the Board, and if such average monthly earnings do not exceed $75, take 49 percent of such average monthly earnings. If such average monthly earnings exceed $75, take 49 percent of $75 and add thereto 12 percent of the amount by which the average monthly earnings exceed $75 and do not exceed $300. This sum is the basic amount.

(ii) If the average monthly earnings on which the pension was computed are not ascertainable from the records in the possession of the Board, and if the pension was $30.25 or more, the basic amount is $40.33; but if the pension was less than $30.25, the basic amount is four-thirds of the amount of the pension which was payable at death, or $16.13, whichever is greater.

(3) *Employee completely insured solely because of being an annuitant.* If the employee's monthly compensation does not exceed $75, take 49 percent of such monthly compensation. If the monthly compensation exceeds $75, take 49 percent of $75 and add thereto 12 percent of the amount by which the monthly compensation exceeds $75 and does not exceed $300. This sum is the basic amount. For the purposes of this subparagraph, "monthly compensation" means the monthly compensation which was used in computing the employee's annuity.

(4) *Employees completely insured both because of being pensioners or annuitants and also because of current connection and quarters of coverage.* If the employee was a pensioner, compare the amount computed under subparagraph (1) of this paragraph with the amount computed under subparagraph (2) of this paragraph; whichever is greater is the basic amount. If the employee was an annuitant, compare the amount computed under subparagraph (1) of this paragraph with the amount computed under subparagraph (3) of this paragraph; whichever is greater is the basic amount.

§ 237.203 Average monthly remuneration.

• • • • •

(a) *Compensation and wages.* (1) Take all compensation paid to the employee, including compensation attributable to military service, after 1936 and before the employee's closing date, excluding any amount in excess of that creditable for a month (see § 222.3 of this chapter).

• • • • •

(c) *Rounding.* An average monthly remuneration that is computed under this section and that is not a multiple of $1, shall be rounded to the next lower multiple of $1.

§ 237.204 Closing date.

An employee's closing date shall be whichever of the following produces the highest average monthly remuneration as defined in § 237.203:

§ 237.205 Reduction because of military service used for other benefits.

When any other gratuitous benefit is payable on a periodic basis under another act of Congress on the basis of military service which has been used in establishing an insured status or in calculating the basic amount of a deceased employee, a survivor insurance annuity, based on the employee's insured status, which is payable for all or part of a month for which such other benefit is payable, shall be reduced by

(a) The proportion that the number of years of service by which such military service increases the total years of service bears to the total years of service (including service before 1937), or

(b) The aggregate amount of such other benefit for that month,

whichever results in the smaller reduction; however, where eligibility for the insurance annuity exists without the crediting of the military service on the basis of which such other benefit is payable, the insurance annuity shall not be reduced below the amount which would be payable without the crediting of the military service.

§ 238.1 Statutory provisions.

Whenever it shall appear, with respect to the death of an employee on or after January 1, 1947, that no benefits, or no further benefits, other than benefits payable to a widow, widower, or parent upon attaining age sixty at a future date, will be payable under this section or, pursuant to subsection (k) of this section, upon attaining • • • [the] age • • • [of eligibility] at a future date, will be payable under title II of the Social Security Act, as amended, there shall be paid to such person or persons as the deceased employee may have designated by a writing filed with the Board prior to his or her death, or if there be no designation, to the following person (or, if more than one, in equal shares to the persons) whose relationship to the deceased employee will have been determined by the Board and who will not have died before receiving payment of the lump sum provided for in this paragraph:

• • • • •

(vi) If there be no such widow, widower, child, grandchild, parent, brother, or sister, to the estate of such employee, a lump sum in an amount equal to the sum of 4 per centum of his or her compensation paid after December 31, 1936, and prior to January 1, 1947, plus 7 per centum of his or her compensation paid after December 31, 1946, and before January 1, 1959, plus 7½ per centum of his or her compensation paid after December 31, 1958, and before January 1, 1962, plus 8 per centum of his or her compensation paid after December 31, 1961 (exclusive of compensation in excess of $300 for any month before July 1, 1954, and in excess of $350 for any month after June 30, 1954, and before the calendar month [June 1959] next following the month in which this Act was amended in 1959 [May 1959], and in excess of $400 for any month after the month in which this Act was so amended), minus the sum of all benefits paid to him or her, and to others deriving from him or her, during his or her life, or to others by reason of his or her death, under this Act, and pursuant to subsection (k) of this section, under title II of the Social Security Act, as amended: *Provided, however,* That if the employee is survived by a widow, widower, or parent who may upon attaining age sixty be entitled to further benefits under this section, or pursuant to subsection (k) of this section, upon attaining • • • [the] age • • • [of eligibility] be entitled to further benefits under title II of the Social Security Act, as amended, such lump sum shall not be paid unless such widow, widower, or parent makes and files with the Board an irrevocable election, in such form as the Board may prescribe, to have such lump sum paid in lieu of all benefits to which such widow, widower, or parent might otherwise become entitled under this section or, pursuant to subsection (k) of this section, under title II of the Social Security Act, as amended. Such election shall be legally effective according to its terms. Nothing in this section shall operate to deprive a widow, widower, or parent making such election of any insurance benefits under title II of the Social Security Act, as amended, to which such widow, widower, or parent would have been entitled had this section not been enacted. The term "benefits" as used in this paragraph includes all annuities payable under this Act, lump sums payable under paragraph (1) of this subsection, and insurance benefits and lump-sum payments under title II of the Social Security Act, as amended, pursuant to subsection (k) of this section, except that the deductions of the benefits which, pursuant to subsection (k)(1) of this section, are paid under title II of the Social Security Act, during the life of the employee to him or to her and to others deriving from him or her, shall be limited to such portions of such benefits as are payable solely by reason of the inclusion of service as an employee in "employment" pursuant to said subsection (k)(1). (Section 5(f)(2) of the act).

§ 238.2 Residual lump-sum payments.

(a) *Conditions of payment.* • • •

(2) No benefits, or no further benefits, will by reason of the employee's death be payable under Part 237 of this chapter, or under title II of the Social Security Act on the basis of combined credits: *Provided, however,* That if the employee is survived by a widow, widower, or parent who may be entitled to such benefits under the Railroad Retirement Act upon attaining age 60, or under the Social Security Act upon attaining the age of eligibility, the residual lump sum may nevertheless be paid if such widow, widower, or parent files an election in accordance with the provisions of § 238.4; and

§ 238.4 Election to have residual lump-sum payment awarded.

(a) *Conditions of filing.* If an employee is survived by a widow, widower, or parent who may upon attaining age 60 be entitled by reason of the employee's death to benefits or further benefits under Part 237 of this chapter, or upon attaining the age of eligibility under title II of the Social Security Act on the basis of combined credits, such widow, widower, or parent may file with the Board an election to have the residual lump-sum payment awarded.

• • • • •

(c) *Time of filing.* An election to have the residual lump-sum payment awarded must be filed before the widow, widower, or parent attains age 60 if entitled to future benefits under the Railroad Retirement Act, or before the age of eligibility if entitled to future benefits under title II of the Social Security Act instead of under the Railroad Retirement Act.

(d) *Deterred from filing election.* Where an individual has notified the Board in writing prior to his attaining age 60 or the age of eligibility, whichever is applicable, of his intention or desire to file an election to have the residual lump sum awarded, but has been deterred to his detriment by action of the Board or of its employees from filing an election upon the form prescribed by the Board, such writing of the individual shall be considered by the Board as a proper and sufficient election: *Provided, however,* That the action of the Board or of its employees in deterring the individual shall have consisted of failure to advise him or her properly as to the necessity for filing an election on such prescribed form, or failure to furnish such prescribed form: *Provided further,* That the individual, upon being correctly advised by the Board as to the necessity for filing an election on the prescribed form and/or upon being furnished with such prescribed form, shall file said form with the Board during his lifetime and within three months after the date on which such correct advice was given him and/or such form was mailed to him (whichever is the later), or within such additional time as the Board may deem reasonable.

(e) *Effect.* An election to have the residual lump sum awarded, filed in accordance with the provisions of this section, is legally effective according to its terms and is irrevocable after payment to the entitled person. It does not affect any right which the widow, widower, or parent may otherwise, on the basis of the employee's employment, have to benefits under title II of the Social Security Act not based on combined credits.

§ 238.6 Meaning of "combined credits."

The term "combined credits" is used in this part to describe the basis for determining benefits under title II of the Social Security Act in those cases in which, by virtue of the provisions of section 5(k) of the Railroad Retirement Act, service creditable under the Railroad Retirement Act is not excluded from "employment" under the Social Security Act.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: May 18, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62–5007; Filed, May 23, 1962; 8:47 a.m.]

PART 327—AVAILABLE FOR WORK

Training Pursuant to Public Law 87–415

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 327.20 of Part 327 of the regulations under such act is added by Board Order 62–55, dated May 11, 1962, to read as follows:

§ 327.20 Training pursuant to Public Law 87–415.

A claimant shall not be deemed to be not available for work by reason of his taking training pursuant to the provisions of the Manpower Development and Training Act of 1962 (Public Law 87–415).

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: May 18, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62–5008; Filed, May 23, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC–71]

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Fish Flour, Identity; Order Designating Hearing Examiner

In the matter of fixing and establishing a definition and standard of identity for fish flour:

Mr. Horace H. Robbins, a qualified hearing examiner, employed in the Social Security Administration under the supervision of the Director and Chairman of the Appeals Council, is hereby designated to conduct the hearing in the above-entitled matter, with full authority to administer oaths, to take affirmations, and to do all other things appropriate to the conduct of the hearing. The Hearing Examiner is directed to certify the record of the hearing, together with a report including suggested findings of fact, suggested conclusions, and a suggested order, to the Commissioner of Food and Drugs.

(Sec. 701(e)(2), 70 Stat. 919; 21 U.S.C. 371(e)(2))

Dated: May 17, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62–5027; Filed, May 23, 1962; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Meals To Be Furnished by Vessel in Certain Cases

Effective upon publication in the FEDERAL REGISTER, § 4.43b of Title 35 of the Code of Federal Regulations is amended to read as follows:

§ 4.43b Meals to be furnished by vessel in certain cases.

Vessels shall furnish meals to Panama Canal pilots without charge during the ship's regular meal hours and shall furnish a meal to the pilot between 2200 hours and 0400 hours if the vessel is transiting the Canal during such hours. In addition, vessels shall provide meals without charge during the ship's regular meal hours to any other Panama Canal personnel whose assignment will require them to be aboard the vessel for four or more hours. If a vessel is unable to furnish such meals they may be furnished by the Panama Canal Company at the expense of the vessel.

(35 CFR 4.11)

Issued at Balboa Heights, Canal Zone, May 11, 1962.

[SEAL] ROBERT J. FLEMING, JR.,
Governor.

[F.R. Doc. 62-5020; Filed, May 23, 1962; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter II—Children's Bureau, Social Security Administration, Department of Health, Education, and Welfare

PART 201—CHILD WELFARE SERVICES

Revision

Part 201 of Chapter II of Title 42 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Definitions

Sec.
201.1 Meaning of terms.

Subpart B—State Plan Content

201.2 The State Plan; submission, approval, duration, purpose, revision.
201.3 Single State agency.
201.4 Organization for administration.
201.5 Voluntary agencies.
201.6 Personnel standards.
201.7 Reports.

Subpart C—Allotment, Payment, and Financing

201.8 State and local funds.
201.9 Allotment of Federal funds.
201.10 Payments from allotments.
201.11 Records and audit.
201.12 Custody and methods of disbursement.
201.13 Fiscal year to which expenditures chargeable.
201.14 Liquidation of obligations.
201.15 Interest and refunds.
201.16 Apportionment of costs.
201.17 Equipment and supplies.
201.18 Effect of payments.

Subpart D—Promulgation

201.19 Promulgation.

Subpart E—Reallotment

201.20 Reallotment of funds.

AUTHORITY: §§ 201.1 to 201.20 issued under sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302. Interpret or apply sec. 601; 72 Stat. 1052, as amended, 42 U.S.C. 721–725.

Subpart A—Definitions

§ 201.1 Meaning of terms.

Unless the context otherwise requires, the following terms, as used in this part have the following meanings:

(a) "Act" means Title V, Part 3 of the Social Security Act, as amended (72 Stat. 1052, as amended), 42 U.S.C. 721–725.

(b) "Bureau" means the Children's Bureau in the Department of Health, Education, and Welfare.

(c) "State" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(d) "State agency" means the public welfare agency of a State which has been designated as the single agency for the purpose of administering and supervising the administration of a State plan for child welfare services.

(e) "Local agency" means the public welfare agency of a political subdivision of a State which is engaged in the administration of that part of the State plan that pertains to the locality and which, in such administration, is under the supervision of the State agency.

(f) "Official forms" means forms supplied by the Bureau to State agencies for submitting required information and requests.

(g) "Children" means those individuals under the age of 21 years who are homeless, dependent, neglected or in danger of becoming delinquent regardless of the fact that they also may fall into other categories, and for whom services under the State program of child welfare services are authorized by State law.

(h) "Child welfare services" means public social services which are supplemental to or in substitution of parental care and supervision, which are designed for the protection and care of children, including preventive services and services for the encouragement and assistance of community organization and planning for the welfare of children, and which are furnished under the authority of State law.

(i) "Establishing, extending, and strengthening" means stabilizing, increasing where necessary and desirable the applicability of, and making stronger the State program of child welfare services and undertaking new child welfare services where necessary and desirable for meeting the unmet needs of children.

(j) "State plan" means the plan developed jointly by the State agency and the Bureau for establishing, extending and strengthening the State program of child welfare services, taking into account the condition of such program, the needs of children and the potential for meeting the unmet needs of children through Federal financial participation. It includes the basic plan and the annual budget, pursuant to § 201.2.

Subpart B—State Plan Content

§ 201.2 The State plan, submission, approval, duration, purpose, revision.

(a) *Submission, approval, duration.* Upon adoption by the State of a State plan (including a basic plan and an annual budget and jointly developed by the State agency and the Bureau) it shall be certified by a duly authorized officer of the State agency and submitted to the Bureau for approval. Upon approval the State plan shall be in effect for the purposes of the Act. The basic plan, as approved and as it may be revised in accordance with paragraph (d) of this section from time to time, shall remain in continuous effect without periodic renewal. The annual budget, as it may be revised in accordance with paragraph (d) of this section during the fiscal year, shall be in effect only for the fiscal year for which it is approved.

(b) *Basic plan, content, purpose.* The basic plan, as a part of the State plan, shall be a narrative description, together with appropriate illustrations, of the total State program of child welfare services. It shall be developed in accordance with the Regulations in this Part and instructions as to form and subject matter issued by the Bureau. A basic plan which is in effect in accordance with paragraph (a) of this section shall be the State plan for the purpose of allotment to the State of sums appropriated under the Act. From time to time, as determined by the Bureau, a new basic plan may be required of all States.

(c) *Annual budget, content, purpose.* The annual budget, as a part of the State plan, shall be jointly developed annually for the fiscal year and submitted by the State agency on official forms to the Bureau for approval. It shall be a statement, certified by a duly authorized officer of the State agency, which includes proposed and estimated expenditures for carrying out those items described in the basic plan which the State agency and the Bureau have agreed upon as establishing, extending, and strengthening the State program of child welfare services for the fiscal year. The annual budget, upon approval, and subject to applicable provisions of the Act, the regulations in this part and the basic plan, shall be the State plan for the fiscal year for purposes of determining the amount of the Federal share of the total sum expended thereunder, and making payments to the State out of the sums allotted to it for the fiscal year.

(d) *Revision.* The State plan shall be revised whenever necessary because of any material change in the program provided by the plan, in the organization, policies or operations relating to the program, or any changes in pertinent law, and as may otherwise be deemed necessary by the Bureau. Revisions, whether to the basic plan or the annual budget, are subject to joint development by the State agency and the Bureau, and shall be submitted to the Bureau, certified by a duly authorized officer of the State agency, for approval. Revisions shall be incorporated into the State plan and shall be in effect for the purposes of the Act upon, and in accordance with, the approval. Except when it is not feasible for a revision to the annual budget to be submitted to the Bureau a reasonable time in advance of being carried out by the State agency, approval of revisions shall be prospective.

§ 201.3 Single State agency.

(a) *Designation of State agency.* The State plan shall designate a State agency as the single agency for the administration of the plan and for supervision of the administration of part of the plan by local agencies.

(b) *Authority.* The State plan shall set forth the authority of the State agency under State law for the administration of the program. Where there is administration by local agencies, the plan shall set forth the legal basis for such administration and for the supervision of such administration by the State agency. Citations to all directly pertinent laws and copies of all interpretations of such laws by appropriate State officials, and citations to all directly pertinent interpretations of laws by courts, shall be furnished as part of the plan.

§ 201.4 Organization for administration.

The State plan shall describe the organization of the State agency for the administration of the plan, and of any local agencies engaged in such administration. It shall also describe the methods of administration utilized by the State agency in the administration of the plan, and by any local agencies engaged in such administration. Where there is administration by local agencies, the State plan shall describe the nature and extent of the supervision exercised by the State agency.

§ 201.5 Voluntary agencies.

The State plan shall contain information with respect to any current or proposed utilization of the facilities and experience of voluntary agencies in accordance with child-care programs and arrangements in the State and local communities as may be authorized by the State.

§ 201.6 Personnel standards.

There shall be, with respect to the employees of the State agency and those of local agencies, personnel administration on a merit basis which shall be in accordance with Standards for a Merit System of Personnel Administration issued by the Commissioner of Social Security in the Department of Health, Education, and Welfare. The State plan shall contain necessary materials relating to personnel administration to permit evaluation for compliance with the said Standards for a Merit System of Personnel Administration.

§ 201.7 Reports.

The State plan shall provide that the State agency will make such reports with respect to any and all phases of the State program of child welfare services in such form and containing such information as the Bureau may reasonably require, and will comply with such provisions as the Bureau may find necessary to assure the correctness and verification of such reports.

Subpart C—Allotment, Payment and Financing

§ 201.8 State and local funds.

In order to be entitled to payments from the sums available from the State's allotment under section 522 (a) or (b) of the Act in the amount of the Federal share, up to the amount of such sums, the State must make expenditures under the Annual budget equal to the State's share from State or local funds.

§ 201.9 Allotment of Federal funds.

Section 522(a) of the Act prescribes the following method for determining a State's allotment for State child welfare services for each fiscal year beginning with the fiscal year ending June 30, 1960:

(a) (1) From the sums appropriated for each fiscal year for grants to States for State child welfare services, each State shall be entitled to an allotment of $50,000, or, if greater, such portion of $70,000 as the amount appropriated bears to the amount authorized to be appropriated under section 521 of the Act; and

(2) each State shall be entitled to an allotment from the remainder of the sums appropriated of an amount which bears the same ratio to such remainder as the product of the population of such State under the age of 21 and its allotment percentage bears to the sum of the corresponding products of all the States, subject to the adjustment provided in paragraph (c) of this section.

(b) The "allotment percentage" for any State shall be 100 per centum less the State percentage, which is that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and the allotment percentage for Puerto Rico, the Virgin Islands, and Guam shall be 70 per centum.

(c) (1) Pursuant to section 522(b) of the Act, if the allotment to any State for any fiscal year is less than such State's base allotment, it shall be increased, to the amount of such base allotment.

(2) A State's base allotment for any fiscal year is the amount which would be allotted to such State under a current application of the provisions of section 521 of the Act, as in effect prior to the enactment of the Social Security Amendments of 1958, and as if the current appropriation for grants to the States for State child welfare services were $12 million.

(3) Under the provisions of section 521 of the Act, as in effect prior to the Social Security Amendments of 1958, each State is entitled to an allotment of $40,000 and an allotment from the remainder of an amount not greater than such part of the remainder as the rural population of such State under the age of eighteen bears to the total rural population of the United States under such age.

(4) When it is necessary to increase a State's allotment under paragraph (a) of this section to an amount equal to its base allotment, the total of the increases thus required shall be derived by proportionately reducing the amount allotted under paragraph (a) of this section to each of the remaining States, but with such adjustments as may be necessary to prevent the allotment of any such remaining State under paragraph (a) of this section from being reduced to less than its base allotment.

§ 201.10 Payments from allotments.

Payments to a State from the sums available from its allotments under section 522 (a) or (b) of the Act shall be computed and made pursuant to section 523 of the Act, as follows:

(a) Beginning with the fiscal year ending June 30, 1960, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States except that the Federal share shall in no case be less than 33⅓ per centum or more than 66⅔ per centum, and the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 66⅔ per centum.

(b) Estimates: Prior to the beginning of each fiscal quarter an authorized official of the State agency should submit to the Bureau on official forms an estimate of the amount of the Federal share which it will require from the sums available from its allotments under section 522 (a) or (b) of the Act in carrying out the annual budget during such quarter.

(c) Payments: On the basis of the annual budget and the quarterly estimates submitted by the State agency, each State shall be paid from the sums available from its allotments, the estimated Federal share of the cost of carrying out the annual budget for such fiscal quarter. The amount so to be paid to the State shall be reduced or increased, as the case may be by any overpayment or underpayment to the State for any prior quarter not previously adjusted under this paragraph.

§ 201.11 Records and audit.

The State agency shall establish and maintain such accounts, records and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time. Such accounts, records and supporting documents shall be maintained until the completion of such audits (including the final resolution of any questions raised thereby) or for three years, whichever is later, unless the State agency is requested to retain particular accounts, records or supporting documents for a longer period.

§ 201.12 Custody and methods of disbursement.

Except as otherwise provided in the Act and the regulations in this part, State laws, rules, regulations and standards governing the custody and methods of disbursement of State funds shall govern the custody and methods of disbursement of Federal funds paid to the State.

§ 201.13 Fiscal year to which expenditures chargeable.

An expenditure under an annual budget will be charged to that Federal fiscal year in which the obligation was incurred: *Provided*, That obligation in-

curred in one fiscal year for services and expenses continuing into the next fiscal year may be charged to the allotment for either year when consistent with the plan and with State laws, rules and regulations governing the expenditure of State appropriated funds. Such budgets and expenditure reports as are required by the Bureau will be prepared on this basis. For the purposes of this section and § 201.14, "obligation" shall mean only bona fide encumbrances or commitments which are supported by contracts or other evidence of liability consistent with State purchasing procedure.

§ 201.14 Liquidation of obligations.

All obligations of the State agency incurred in carrying out the annual budget shall be liquidated within two years after the close of the fiscal year in which the obligation was incurred unless otherwise authorized by the Bureau.

§ 201.15 Interest and refunds.

Interest earned on payments made under the Act and the regulations in this part and any amount refunded or repaid to the State shall be duly reported for any necessary adjustment in accordance with § 201.10(c).

§ 201.16 Apportionment of costs.

Where an expenditure is made for the benefit of this program and any other programs the amount to be charged as a cost of carrying out the State plan shall not exceed the amount arrived at by a reasonable apportionment except that, as may be authorized by applicable law and policy, the expenditure may be chargeable in whole either to this program or another program.

§ 201.17 Equipment and supplies.

All items of equipment or supply purchased in carrying out the annual budget shall be used only for purposes for which expenditures may be included in the annual budget, and the State agency shall maintain a complete equipment inventory and adequate property controls covering such items.

§ 201.18 Effect of payments.

Neither approval of the State plan nor any payments to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirements or the right or duty of the Federal government to withhold funds by reason thereof.

Subpart D—Promulgation

§ 201.19 Promulgation.

The Federal shares and the allotment percentages shall be promulgated between July 1 and August 31 of each even-numbered year, as required by and with the effect given by section 524 (c) of the Act. The first promulgation was published in the FEDERAL REGISTER, dated September 10, 1958, approved September 13, 1958, and filed September 18, 1958.

Subpart E—Reallotment

§ 201.20 Reallotment of funds.

Under section 525 of the Act the amount of any allotment to a State under section 522 of the Act for any fiscal year which the State certifies will not be required for carrying out the State plan shall be available for reallotment to other States in accordance with the following:

(a) On or before dates fixed by the Bureau each State shall certify on an official form whether or not it will require the full amount of its allotment for carrying out the State plan for the fiscal year. If it is certified that the full amount will not be required, the certification shall contain the amount of the allotment not so required. If it is certified that the full amount will be required, and if the State has need for and will be able to use sums in excess of its allotment in carrying out the State plan, the State agency may so state in a letter to the Bureau together with an estimate of the amount of such sums.

(b) The total amount certified by States as not being required for carrying out their State plan for the fiscal year shall be tentatively apportioned among those States which have stated need for and capacity to use sums in excess of their allotments in carrying out their plans; Provided, that in no event shall the amount of such apportionment to a State exceed the estimated amount of its request under paragraph (a) of this section, and any excess shall be tentatively apportioned among the remaining States. The Bureau promptly shall notify such States of such tentative apportionment. Each such State, after taking into consideration the amount of the tentative apportionment to it, shall notify the Bureau on or before a date fixed by the Bureau whether or not it desires to continue to be considered for purposes of the reallotment.

(c) In the event that all such States notify the Bureau that they desire to continue to be considered for purposes of the reallotment, each State shall develop jointly with the Bureau a revision to the State plan covering the amount tentatively apportioned to it.

(d) In the event that a State notifies the Bureau that it does not desire to continue to be considered for purposes of the reallotment the tentative apportionment shall be recomputed without the withdrawing State. Each of the remaining States shall be notified of the recomputation and shall develop jointly with the Bureau a revision to the State plan covering the amount tentatively apportioned to it under the recomputation.

(e) Reallotment shall be made among those States which have plan revisions pursuant to paragraph (c) or (d) of this section and which the Bureau determines (1) have need in carrying out their State plan for the additional funds and (2) will be able to use such additional funds during the fiscal year.

(f) In computing the amount of the reallotted funds to each State consideration shall be given to the population under the age of twenty-one and the per capita income of each such State as compared with the population under the age of twenty-one and the per capita income of all such States participating in the reallotment.

(g) Any amount reallotted to a State shall be deemed part of its allotment under section 522 (a) or (b) of the Act.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 7, 1962.

[SEAL] ROBERT M. BALL,
Commisioner of Social Security.

Approved: May 18, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-5025; Filed, May 23, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev.]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Sections 222.2 through 222.5 of this part are hereby republished as set forth following the preface thereto, the only changes from prior publication being (1) the deletion in the last line of § 222.5(a) of the words "by filing in triplicate and shall" and (2) revision of footnote 1:

The Maritime Administration, being charged with the duty of promoting and developing the United States merchant marine, has been authorized in Title II of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.) to collect certain information relating to the maritime industry.

Through the Vessel Utilization and Performance Reports (Forms MA 7801–04) the Maritime Administration is able to develop statistical information for the formulation of plans through the establishment of policies, regulations and proposed legislative programs, and other matters with which the Maritime Administration is concerned. To the degree that such reports are either not filed or are inaccurate, there is a hindrance to effective execution of the functions and responsibilities of the Maritime Administration.

It has been necessary to invoke the penalty provisions of section 212A of the Act in those cases where no Report has been filed. It has, however, developed that certain Reports, while filed, are not accurate. It is, therefore, necessary to apply the statutory directive, as set forth in section 212A and General Order No. 39, as revised, to assure that Reports filed are in all material respects accurate..

In the event inaccuracies are found in Reports, the individual filing such Reports will be afforded an opportunity to correct the Report without the imposition of any penalty. Should such corrections not be filed pursuant to the advice sent to the interested person, it will be necessary to initiate a penalty proceeding of the type heretofore employed in connection with cases of non-filing. There will be imposed a penalty of $50 per day, as set forth in section 212A and General Order 39, commencing from the date such inaccuracy was detected, with the right of such person to petition for remission or mitigation of the penalty imposed. The procedures heretofore employed, through the cooperation of the Bureau of Customs, will be used in the event that it should be necessary to initiate a penalty proceeding.

CARGO AND PASSENGER REPORTS

§ 222.2 Forms of vessel utilization and performance reports prescribed.

Pursuant to the authority of section 212(A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a), the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101 et seq.), to require persons operating vessels in the waterborne foreign commerce of the United States to file reports of the utilization and performance of such vessels in the form of the attached Maritime Administration Forms MA–7801, 7802, 7803, and 7804, and hereby prescribes and approves such Forms and Instructions[1] for the preparation thereof. An accurate Vessel Utilization and Performance Report must be filed, in duplicate, with the appropriate collector of customs, for transmittal to the Maritime Administration, by the operator of every self-propelled vessel of 500 or more net registered tons before midnight of the tenth day after customs entry at the first port in the United States and before midnight of the tenth day after customs clearance from the last port in the United States. In calculating the due date, Saturdays, Sundays, and holidays are excluded. Forms MA–7801 through 7804 are required to be filed in triplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

§ 222.3 Penalty.

Section 212(A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a), provides:

SEC. 212(A). The operator of a vessel in waterborne foreign commerce of the United States shall file at such time and in such manner as the Secretary of Commerce may prescribe by regulations, such report, account, record, or memorandum relating to the utilization and performance of such vessel in commerce of the United States, as the Secretary may determine to be necessary or desirable in order to carry out the purposes and provisions of this Act, as amended. Such report, account, record or memorandum shall be signed and verified in accordance with regulations prescribed by the Secretary. An operator who does not file the report, account, record, or memorandum as required by this section and the regulations issued hereunder, shall be liable to the United States in a penalty of $50 for each day of such violation. The amount of any penalty imposed for any violation of this section upon the operator of any vessel shall constitute a lien upon the vessel involved in the violation, and such vessel may be libeled therefor in the district court of the United States for the district in which it may be found. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this section on such terms as he may deem proper.

§ 222.4 Notice of failure to comply herewith and that petition for relief may be filed.

(a) Every offender under the regulations in this part shall be advised by the collector of customs of any penalty incurred by him and of his right to apply for relief under § 222.5. If the offender fails to petition for relief or pay the penalty within 60 days from the date of mailing of the notice of violation as provided for herein, the case shall be referred immediately to the United States attorney for appropriate action, unless it appears that the person liable for the penalty is absent from the United States or during the said period was absent for more than 30 days, in which event the collector may withhold such action for a further reasonable time, or unless other action is expressly authorized by the Maritime Administrator. When a penalty is mitigated, and the mitigated penalty is not paid nor a supplemental petition filed within 60 days from the date a notice of the settlement is mailed to the petitioner, the matter shall be referred immediately to the United States attorney for appropriate attention, unless other action has been directed by the Maritime Administrator.

(b) No action looking to the remission or mitigation of a penalty shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings.

§ 222.5 Petition for relief.

(a) Any petition for relief from a penalty incurred under these regulations shall be addressed to the Maritime Administrator, signed by the petitioner, and filed with the collector of customs of the district in which the penalty was imposed. It shall set forth the facts relied upon the petitioner to justify his request for relief.

(b) Upon receipt of a petition, the collector shall cause such investigation to be made as the facts in the case may warrant. In forwarding the petition to the Maritime Administrator, he shall forward with it a copy of the report of the investigation, if any, a statement of all other facts which may have come to his knowledge, and his recommendation as to the final action to be taken. If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector shall transmit the petition immediately upon receipt to the appropriate United States attorney and notify the petitioner of such action.

(c) The decision of the Maritime Administrator will be forwarded to the collector for delivery to the petitioner.

The above-cited changes being minor in nature, in accordance with the provisions of sec. 4, Administrative Procedure Act (5 U.S.C. 1003), it is found, for good cause shown to be impracticable and unnecessary to give preliminary notice thereof and engage in public rulemaking procedure thereon or to delay the effective date; therefore, the foregoing revision shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114, and sec. 212A, 70 Stat. 332)

NOTE: The reporting requirements under this General Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: May 14, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-5084; Filed, May 23, 1962; 8:50 a.m.]

[1] Copies of the Forms and Instructions currently in use have previously been filed with the Federal Register Division and may be obtained from the Office of Statistics, Maritime Administration, Washington 25, D.C.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14525; FCC 62-521]

PART 11—INDUSTRIAL RADIO SERVICES

Manufacturers Radio Service; Eligibility for Certain Specialized Subsidiary Corporations

1. A subsidiary corporation which is devoted exclusively to providing services or materials for the exclusive use of its parent or another subsidiary corporation in connection with certain manufacturing activities, may now, by reason of a rule amendment ordered herein, obtain a radio authorization in the Manufacturers Radio Service.

2. Our order amends § 11.727 of the Manufacturers Radio Service rules; and concludes a rule making proceeding which was instituted on February 21st, 1962, when our notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1659).

3. March 26th, and April 5th, 1962 were the final filing dates for comments and reply comments, respectively. In a joint comment, the National Association of Manufacturers Committee on Manufacturers Radio Use, the Union Carbide Corporation, and the Carbide Power Company voiced approval of the proposed amendment. No reply comments were received.

4. The Commission finds that adoption of the rule amendment, as proposed, would contribute to a wider and more flexible use of radio in the Manufacturers Radio Service and thereby effect a more efficient use of radio for the purposes for which that Service was established. The Commission does not find however, that sufficient justifica-

tion has been shown for an acceleration of the effective date of the amendment, as requested by the parties who commented in this proceeding. Accordingly, this request is denied.

5. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendment ordered herein. Therefore, pursuant to authority contained in sections 4(i), 303 (f) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective June 25, 1962, § 11.727, of Part 11, of the Commission's rules governing the Manufacturers Radio Service, is amended in the manner set forth below; and the proceedings in this Docket No. 14525 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 16, 1961.

Released: May 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In Part 11, Industrial Radio Services, § 11.727 of the Manufacturers Radio Service Rules is amended by adding a new paragraph (c) as follows:

§ 11.727 Eligibility.

* * * * *

(c) A subsidiary corporation, devoted exclusively to providing services or materials for the exclusive use of its parent or another subsidiary corporation, in connection with any manufacturing activity defined in § 11.726, is eligible in the Manufacturers Radio Service: *Provided, however,* That such subsidiary's use of radio shall be confined solely to the transmission of communications essential to the provision of services or materials required by the parent or another subsidiary.

[F.R. Doc. 62-5039; Filed, May 23, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 197]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of March 1, 1907, 34 Stat. 1024; August 1, 1914, 38 Stat. 583; and August 31, 1954, 68 Stat. 1026, it is proposed to revise Part 197 of the Code of Federal Regulations, Title 25, Indians, dealing with the rules and regulations governing the management of the Fort Hall Indian Irrigation Project, Idaho, as set forth below. The purpose of the revision is to make applicable the provisions of Part 197 to the Michaud Division, eliminate provisions no longer applicable, improve editorial construction and adjust the organizational arrangement of the sections.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revisions to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Part 197 is revised to read as follows:

Sec.

197.1 Organization.
197.2 Irrigation season.
197.3 Farm units defined.
197.4 Delivery points and maintenance.
197.5 Methods of irrigation.
197.6 Delivery.
197.7 Division of water.
197.8 Preparation and submission of water schedule.
197.9 Record of deliveries.
197.10 Duty of water.
197.11 Waste water.
197.12 Structures.
197.13 Head or service ditches.
197.14 Right-of-way.
197.15 Obstructions; their removal.
197.16 Fencing.
197.17 Charges.
197.18 Charges for small acreage.
197.19 Crop and statistical report.
197.20 Complaints.
197.21 Disputes.

§ 197.1 Organization.

The Fort Hall Indian Irrigation Project which consists of the Fort Hall Project proper, Michaud Division and Minor Units on the Fort Hall Indian Reservation is under the charge of an engineer of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him such as watermasters, ditchriders, foremen, and other assistants. The project engineer, or his representative, is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 197.2 Irrigation season.

Water will be available for irrigation purposes from April 1 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

§ 197.3 Farm units defined.

For the purpose of the rules and regulations in this part and the delivery of water, a farm unit on the Fort Hall Indian Irrigation Project shall consist of:

(a) Twenty or more contiguous acres of land in single ownership covered by one or more water right contracts.

(b) Twenty or more contiguous acres of Indian-owned land under lease to the same party or being farmed by the same Indian.

(c) A minimum of 20 contiguous acres of land in multiple ownership.

§ 197.4 Delivery points and maintenance.

(a) Except as provided hereafter, the project will deliver water to one point on the boundary of each farm unit on the project, except that where the cost or topography makes it impractical for the landowner to irrigate the entire irrigable area of his unit from one delivery point, the Project Engineer may establish additional delivery points if the landowner cannot, at a reasonable expense, provide for the delivery by construction of suitable head ditches.

(b) The project will maintain canals, laterals and necessary appurtenances in proper condition to make deliveries of water at such elevation as is necessary to serve each farm unit by gravity flow. Where portions of a farm unit lie at an elevation too high to be watered by gravity flow from the present normal elevation of water level in the canal system, no change will be made in the water level elevation of the canal system so as to place water on such land. Where such land has been included in the project the landowner may install and operate pumping equipment at his own expense to raise water to such included land at a point on the canal system designated by the Project Engineer and in accordance with his specifications. If the landowner so installs pumping equipment and pays the established project charges, the project will deliver in its canal at such point of installation the same amount of water per acre for his land as the project delivers at the delivery point for other lands on the project.

(c) In those areas of the project in which irrigation water is supplied from wells, the delivery point may, at the discretion of the Project Engineer, be made either at the wellhead or at the boundary of the farm unit.

(d) Where under the system as presently constructed there has been established a point of delivery for a farm unit and this unit is subsequently subdivided into smaller units by ownership, no further extensions will be made to the project canal system to deliver to the subdivided units. Any additional canals necessary to deliver water to such subdivided units shall be constructed by the landowner, at his expense, so as to receive the water from the delivery point established for the original farm unit and such canals shall at all times be maintained and operated by the owner or owners benefited.

§ 197.5 Methods of irrigation.

Where soil, topography, and other physical conditions are unfavorable for surface irrigation and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Project Engineer may limit deliveries to this type of irrigation.

§ 197.6 Delivery.

Water for irrigation purposes will be delivered throughout the irrigation season, at the discretion of the Project Engineer, by either the continuous flow or rotation method. If during a time when delivery is by the rotation method, a wateruser desires to loan his turn to another eligible wateruser he shall notify either the Watermaster or the Ditchrider who will permit such loan, if possible.

§ 197.7 Division of water.

The division of water in all cases will be made or authorized by a Watermaster or Ditchrider and any person, who in any manner interferes with the flow of water in or from a project canal or who opens, closes or in any manner changes the position of a control structure in a project canal without specific authority to do so will be liable to prosecution. The cutting of a canal bank for the purpose of diverting water from the canal or the placing of an obstruction in a canal for the purpose of increasing or decreasing the flow through a project control structure will be considered a violation of this section.

§ 197.8 Preparation and submission of a water schedule.

If the decision of the Project Engineer is to deliver water by the rotation method, the Watermaster will assist the waterusers on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the waterusers fail to exercise this right before March 1, a schedule will be prepared by the Watermaster which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere

with delivery to other lands served by the canal.

§ 197.9 Record of deliveries.

A careful record of water deliveries will be kept by the ditchrider, on forms furnished for that purpose, such records to state the time of beginning and ending and the amount of each delivery.

§ 197.10 Duty of water.

Dependent upon available supplies of water for the various units of the project the duty of water is based on the delivery of 3.5 acre feet of water per acre per irrigation season to the farm unit. This duty of water may be varied at the discretion of the Project Engineer dependent on water supplies available to the particular unit of the project but in all cases each irrigable acre shall be entitled to its pro-rata share of the total water supply available to the particular unit.

§ 197.11 Waste water.

In all cases waste water must be kept to a minimum consistent with good irrigation practice and the wateruser will be held responsible for the disposal of all waste water coming from his fields, in such a manner that no injury is done to his or other land by flooding or "subbing". Waste water may be emptied into project canals or drain ditches only at points designated by the Project Engineer. The project management shall have the right to cease delivery to any lands where water is being unnecessarily wasted or where the provisions of this section are being violated by the landowner or other person who may be in charge of such land under authority of the landowner.

§ 197.12 Structures.

(a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the Project Engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structure shall be the duty of the permittee or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the Project Engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Project Engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure. All persons or corporations are warned against the violation of this section.

(b) When a new irrigation division or minor unit is developed, or the existing project is extended to an area without roads, and the construction of roads, bridges or culverts are necessary, the Project Engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

§ 197.13 Head or service ditches.

The farm unit or service ditch into which water is delivered from the project canals must have ample capacity and be maintained by the wateruser in proper condition to receive water and convey it to its place of use with a minimum of loss.

§ 197.14 Right-of-way.

For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment making repairs and improvements, and travel by the project ditchriders.

§ 197.15 Obstructions; their removal.

No trees, buildings, fences, head or service ditches, hay or straw stacks or other obstructions are to be placed upon reserved right-of-way by any adjacent landowners or others. Any obstructions of any kind located upon said right-of-way may be ordered removed by the Project Engineer, and if not removed by the person or persons placing them thereon, they shall be removed under the supervision of the Project Engineer at his discretion and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstruction to be placed thereon.

§ 197.16 Fencing.

No fences shall be placed within the right-of-way excepting those crossing a canal or lateral, and in such cases a gate of approved type shall be installed and maintained by the property owner, on each side of the canal or lateral, of sufficient width to permit the operation of maintenance equipment and travel on the banks of the canal or lateral by the ditchriders. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 197.17 Charges.

Bills covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of January 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian where an approved lease contract is on file with the Superintendent of the Fort Hall Indian Agency bills for operation and maintenance charges will be issued to the lessee of record.

§ 197.18 Charges for small acreages.

Any owner of a small tract of irrigable land may take advantage of the same per acre rate charged owners of farm units by joining in a written contract with other owners of small tracts under which an agent is appointed in whom shall be vested full power and authority to enter into a contract on their behalf with the Superintendent of the Fort Hall Indian Agency covering the water rights for the entire involved area of their several small acreages which total area, however, shall be not less than 10 contiguous acres. Such contract between the agent of the owners of the small tracts and the Superintendent shall be be executed on or before February 1 of the year preceding the next irrigation season. The agent shall, at the time of executing the contract with the Superintendent on the form approved by the Secretary of the Interior, furnish a certified copy of the contract executed by the several landowners appointing the agent to act in their stead.

§ 197.19 Crop and statistical report.

A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchriders, or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 197.20 Complaints.

All complaints must be made in writing to the Project Engineer.

§ 197.21 Disputes.

In case of any dispute between a wateruser and the Project Engineer concerning the application of the regulations of this part, an appeal may be taken through the Superintendent of the Reservation to the Area Director. If the Area Director cannot satisfactorily adjust the dispute, he shall refer the same to the Commissioner of Indian Affairs.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 17, 1962.

[F.R. Doc. 62-5006; Filed, May 23, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year

Consideration is being given to the following proposals by the Lime Administrative Committee established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that reasonable expenses not to exceed $7,545 will be necessarily incurred by said committee during the fiscal year April 1, 1962, through March 31, 1963, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles limes shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of three cents ($0.03) per bushel, or equivalent quantity of limes so handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: May 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5013; Filed, May 23, 1962; 8:47 a.m.]

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year

Consideration is being given to the following proposals submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 915 (7 CFR Part 915) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $7,545 will be necessarily incurred by said committee during the fiscal year April 1, 1962, through March 31, 1963, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles avocados shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of four and one-half cents ($0.0450) per bushel, or equivalent quantity of avocados handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: May 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5012; Filed, May 23, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 751) has been filed by Whirlpool Corporation, Administrative Center, Benton Harbor, Michigan, proposing the amendment of § 121.1060 *Combustion product gas* to provide for the safe use of this additive for the displacement or removal of oxygen in the processing, storage, or packaging of fruit and fruit products, vegetables and vegetable products, and animal products.

Dated: May 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5015; Filed, May 23, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B00) has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing the issuance of a regulation to provide for the safe use of non-crystalline polypropylene as a plasticizer in polyethylene used in contact with food. The non-crystalline polypropylene has a Brookfield viscosity of not less than 10,000 centipoises nor more than 200,000 centipoises at 150° C.; inherent viscosity of not less than 0.2 nor more than 0.8; density of not less than 0.80 nor more than 0.88.

Dated: May 18, 1962.

J. K. KIRK,
Assistant Commisioner of Food and Drugs.

[F.R. Doc. 62-5026; Filed, May 23, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1211]

LOCKHEED AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and rework of the main landing gear pistons of Lockheed 49, 149, 649, 749, and 749A Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 25, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

LOCKHEED: Applies to all Models 49, 149, 649, 749, and 749A Series aircraft incorporating Cleveland Pneumatic Tool Company main landing gear pistons, P/N's 8298-4, 8298B-4, 8298C-4, 8298C-4A, 8298D-4 or 8298F-4.

Compliance required as indicated.

As a result of one complete fatigue failure and subsequent cases of cracks in numerous

pistons in the area immediately above the weld that retains the metering pin bulkhead, accomplish the following:

(a) Within the next 800 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 2,000 hours' time in service, inspect the main landing gear pistons, Cleveland Pneumatic Tool Company, P/N's 8298–4, 8298B–4, 8298C–4, 8298C–4A, 8298D–4, and 8298F–4, for cracks in the area immediately above the weld that retains the metering pin bulkhead. In those cases where an inspection in accordance with the procedures described in this AD has been accomplished within the last 1,200 hours' time in service as of the effective date of this AD, that inspection may be considered as the initial inspection, and the repetitive reinspection intervals shall then start no later than 2,000 hours' time in service from that date. The inspection may be made by dye penetrant, magnetic particle or ultrasonic methods.

(1) Pistons with cracks which exceed a depth of 0.050 inch as measured from the piston inner wall surface shall be modified in accordance with paragraph 4(b) of Lockheed Field Service Letter No. FS/256603L, dated January 24, 1962, or an FAA approved equivalent in order to be eligible for further use. Pistons with this modification are redesignated Cleveland Pneumatic Tool Company P/N's 8298C–4B, 8298C–4C, 8298D–4A or 8298F–4A.

(2) Pistons with cracks which do not exceed a depth of 0.050 inch as measured from the piston inner wall surface shall be repaired in accordance with paragraph 4(a) of Lockheed Field Service Letter No. FS/256603L, dated January 24, 1962, or an FAA approved equivalent in order to be eligible for further use. Repaired pistons shall be identified by stamping a letter "R" in front of the part number.

(3) Pistons showing no evidence of cracks and pistons repaired in accordance with (a)(2) may be returned to service subject to the 2,000 hours repetitive reinspection intervals.

(b) When modified pistons, P/N's 8298C–4B, 8298C–4C, 8298D–4A or 8298F–4A, or FAA approved equivalent are installed, the periodic reinspections of (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letter No. FS/256603L dated January 24, 1962, covers this same subject.)

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–4988; Filed, May 23, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. The list of Class B ports of entry in District No. 22—Portland, Maine, of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting "Hodgdon, Maine," and "Littleton, Maine."

2. The list of airports, District 10—St. Paul, Minn., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by adding in alphabetical sequence the following airport: "Rainier, Minn., International Seaplane Base".

Dated: May 18, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–4994; Filed, May 23, 1962; 8:45 a.m.]

Office of Alien Property

COESTER DEUSTER FOUNDATION

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Coester Deuster Foundation, c/o Dr. L. F. Meyer, Zinggeneck, Lucerne, Switzerland, Claim No. 64054, Vesting Order No. 17625; $10,731.16 in the Treasury of the United States.

Executed at Washington, D.C., on May 17, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–5011; Filed, May 23, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 88]

ALASKA

Small Tract Classification Opening Order and Public Sale Number 14—ALD

MAY 15, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 634, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby open the lands listed below which were previously classified by Small Tract Classification Order 88 (F.R. Doc. 54–7580 appearing in the issue for September 28, 1954, as amended) and, together with other parcels of land previously classified and opened as noted below, offer them for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682c) as amended.

2. All of the tracts involved are located in the Big Lake-Mud Lake-Flat Lake vicinity, which are a chain of connected lakes located in the Matanuska Valley. The east end of Big Lake is accessible by paved highway and is about 15 miles west of Wasilla, 25 miles west of Palmer, and 75 miles northeast of Anchorage. Only two of the tracts involved are accessible by road, the others are accessible only by boat or float plane. This chain of lakes is a popular recreation area with approximately 500 cottages located along the lake shores. The cottages are heavily used during summer weekends and the lakes, which are interconnected, are favorites for boating, water skiing, swimming, and fishing.

Electricity and telephone facilities are available on the east end of Big Lake. No public utilities are available elsewhere on the lakes.

3. The tracts listed below will be offered for sale at a public auction to be held in the Central School Gymnasium at Palmer, Alaska, beginning at 1:00 p.m. on Saturday, June 2, 1962. If all of the tracts are not sold on that day, the sale will be adjourned until 11:00 a.m. on Friday, June 8, 1962, when and thereafter it will be resumed in the Anchorage Land Office on the third floor of the Cordova Building for another one-hour period or until adjourned for resumption at 11:00 a.m. on succeeding Fridays for additional one-hour periods until all tracts are sold or until the sale is otherwise terminated.

Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Anchorage Land Office prior to 3:00 p.m. of the day preceding the particular sale session. At each sale session, those tracts will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale. Late filed sealed bids will be held for consideration at succeeding scheduled sessions if the lands for which the bid was submitted remain unsold. Sealed bids will be opened in the presence of the public during the progress of the sale. No sealed bid will be accepted if it is less than the appraised price listed for the tract. No oral bid will be accepted unless it is at least $10.00 greater than the highest sealed bid, or if there be none, if it is less than the appraised value listed for the tract. Sealed bids must be in units of $10.00, and oral bidding will be in increments of $10.00 unless otherwise specified at the sale.

Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the initial sale or any continuances thereof.

4. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Small Tract Public Sale No. 14—ALD, and (c) the legal description of the land for which the bid is made, described in accordance with the descriptions listed below. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order(s), or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse side the following information and nothing else: (a) Small Tract Public Sale No. 14—ALD, (b) the legal description of the tract for which the bid is made, in accordance with the list below.

Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

5. The individual tracts vary in size as shown in the listing below. Right-of-way easements for roads and public utilities will be reserved if so shown in the original classification order and all minerals in the lands will be reserved to the United States. Desirability of these tracts varies greatly with some being excellent throughout, while others contain wet, steep, inaccessible, or other undesirable characteristics. Prospective bidders are cautioned to carefully inspect the tract before offering to buy, as all sales are final.

6. Notice is hereby given to the right of the undersigned or his delegate to reappraise the tracts or to adjourn, postpone or vacate this sale or continuances thereof in whole or in part at any time prior to, during, or after completion of any sale session where such action appears to be necessary to protect the government's interest in the land.

A qualified purchaser of each tract in this sale will, upon tendering full payment thereof, receive a receipt as evidence of the sale. Patent will be issued to the purchaser at a later date without any further compliance or action upon the purchasers part. There are no building requirements upon these tracts.

7. Inquiries concerning these lands should be addressed to the Manager, Anchorage Land Office, Cordova Building, Anchorage, Alaska.

8. The following tracts of land are offered for sale at public auction as noted above:

T. 17 N., R. 4 W., S.M.—(STC No. 62)

	Acres	Appraised price
Section 27:		
N½SW¼NW¼SE¼	5.00	$600
S½SW¼NW¼SE¼	5.00	600
N½NW¼SW¼SE¼	5.00	600
S½NW¼SW¼SE¼	5.00	600
N½SW¼SW¼SE¼	5.00	600
S½SW¼SW¼SE¼	5.00	600
N½NE¼SW¼SE¼	5.00	400
S½SW¼NW¼SE¼	5.00	400
N½SE¼NW¼SE¼	5.00	400
S½NE¼NW¼SE¼	5.00	500

T. 17 N., R. 3 W., S.M.—(STC No. 24)

	Acres	Appraised price
Section 19:		
Lot 19	5.01	$100
Lot 20	4.73	750
Lot 29	4.73	750
Lot 30	4.74	750
Lot 31	5.02	750
Lot 39	4.75	750
Lot 40	4.75	750
Lot 49	4.76	750
Lot 50	4.78	750

T. 17 N., R. 4 W., S.M.—(STC No. 88)

	Acres	Appraised price
Section 28:		
Lot 1	4.02	$1,150
Lot 2	3.54	1,150
Lot 3	3.06	1,150
Lot 4 and SW¼NW¼SE¼NE¼	4.95	1,230
Lot 5 and SE¼NE¼SW¼NE¼	4.70	1,230
Lot 6 and SW¼NE¼SW¼NE¼	4.78	1,280
Lot 7 and SE¼NW¼SW¼NE¼	5.00	1,600
Lot 8 and SW¼NW¼SW¼NE¼	4.69	1,600
Lot 9 and SE¼NE¼SE¼NW¼	4.39	1,600
Lot 10 and SW¼NE¼SE¼NW¼	5.40	1,600
Lot 11	3.70	1,360
Lot 12	5.34	2,000
Lot 14	5.72	2,000
Lot 15	6.58	2,000
Lot 17	3.01	1,360
Lot 24	1.00	960
Lot 25	0.86	960
Lot 26	2.50	480
Lot 27	3.65	1,600
Lot 28	4.23	2,400
Lot 29	3.09	1,375
Lot 30	4.97	1,100
Lot 31	4.63	1,375
Lot 32	3.18	1,600
Lot 33	3.60	1,600

T. 17 N., R. 4 W., S.M.—(STC No. 88)—Con.

	Acres	Appraised price
Section 28—Continued		
Lot 34	2.74	$1,600
Lot 36	4.74	1,200
Lot 37	4.19	1,025
Section 29:		
Lot 2	4.60	1,280
Lot 3	4.24	1,280
Lot 5	2.86	1,295
Lot 6	4.65	1,295
Lot 7	2.04	1,135
Lot 8	4.14	1,295
Section 32:		
Lot 1	4.83	1,200
Section 33:		
Lot 1	2.92	720
Lot 6	4.86	1,440
Lot 7	5.79	1,760
Lot 8	3.84	1,600
Lot 19	4.11	1,600
Lot 20	4.05	1,600

T. 17 N., R. 4 W., S.M.—(STC No. 98)

	Acres	Appraised price
Section 20:		
E½NE¼SW¼NE¼	5.00	$1,000
W½NW¼SE¼NW¼	5.00	1,000
E½SW¼SW¼NW¼	5.00	700
Lot 36	4.74	800

T. 17 N., R. 3 W., S.M.—(STC No. 29)

	Acres	Appraised price
Section 27:		
Lot 20	5.19	$750
Lot 34	4.08	900

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-4995; Filed, May 23, 1962; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 11, 1962.

The Federal Aviation Agency has filed an application, Serial Number F-028299 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not including the disposal of materials under the Materials Act. The applicant desires the land for a VORTAC facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, Sixth and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

UNALAKLEET, ALASKA

Beginning at the northeast corner of the enlargement, dated October 1, 1951, to Air Navigation Site Withdrawal No. 185, dated August 14, 1942; thence W. 800 feet; thence N. 3,500 feet; thence E. 4,000 feet; thence S. 4,000 feet; thence W. 3,200 feet; thence N. 500 feet; to the point of beginning. Containing 358 acres, more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-4996; Filed, May 23, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 16, 1962.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Sacramento 071209 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, and from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

NEAR THE EL DORADO NATIONAL FOREST

Placerville Administrative Site (Proposed)

T. 10 N., R. 10 E.,
Sec. 22: SW¼SW¼.

The area described above aggregates 40.00 acres of Federal land.

[SEAL] JOHN E. CLUTE,
Acting Manager, Land Office Sacramento.

[F.R. Doc. 62-4997; Filed, May 23, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 16, 1962.

The Department of Defense has filed an application, Serial No. Los Angeles 0164624, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the Taylor Grazing Act, the mining and mineral leasing laws, and any rights vested in the State of California to authorize the appropriation of water in and on such lands.

The applicant desires the lands for use by the United States Department of the Army to obtain water from deep drilled wells for the future use and development of Fort Irwin, a military installation for the training of armor and artillery units. The full 1,248.38 acres is required to produce the necessary water and to protect the right of the government to the production of the required water.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 12 N., R. 2 E.,
Sec. 30, all;
Sec. 31, all.

The above described area contains approximately 1,248.38 acres of Federal land. The lands are located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-4998; Filed, May 23, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 15, 1962.

The Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service has filed an application, Serial No. Los Angeles 0162121, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining laws, the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C., 601-604), as amended, subject to existing withdrawals and valid existing rights. The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The areas is known as the Rattlesnake Canyon Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 2 E.,
Secs. 22, 23, 24 and 25.
T. 2 N., R. 3 E.,
Secs 2, 4, and 10;
Sec. 15, W½;
Sec. 22, W½.
T. 3 N., R. 3 E.,
Secs. 19, 20, 21 and 22;
Secs. 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

The above described area contains approximately 14,709.20 acres of Federal land. The lands are located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-4999; Filed, May 23, 1962; 8:46 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 17, 1962.

The Department of Agriculture has filed an application, Serial Number Montana 051604 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except mineral leasing and mining laws. The applicant desires the land for extension of the boundaries of the Helena National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Mont.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 12 N., R. 8 W W., P.M., Montana,
Sec. 33: Lot 4.

DALE M. JOHNSON,
Acting Manager, Land Office.

[F.R. Doc. 62-5000; Filed, May 23, 1962; 8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 18, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number NM 0263503, for the withdrawal of the lands described below, from all forms of appropriation under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388). The applicant desires the land for reclamation purposes, and as a site for the Malaga Bend Unit, McMillan Delta Project, Pecos River Basin.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, N. Mex.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 29 E.,
Sec. 20, SW¼, W½W½SE¼, SE¼SW¼SE¼;
Sec. 29, N½N½NW¼, N½NW¼NE¼.

The lands described above aggregate 270.00 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-5001; Filed, May 23, 1962; 8:46 a.m.]

[Misc. NM No. 10]

NEW MEXICO

Order Providing for Opening of Public Lands

MAY 17, 1962.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following-described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 27 E.,
Sec. 8, SW¼.
T. 23 S., R. 36 E.,
Sec. 8, SW¼;
Sec. 17, NW¼.

The area described contains, in the aggregate, 480.00 acres.

2. The land in T. 20 S., R. 27 E., is located in Eddy County, approximately seven miles southeast of Lakewood, New Mexico, and is accessible only by range trail from a county road one-half mile distant. The topography is undulating

to rolling. Elevation varies from 3300 to 3400 feet above sea level. Soils vary from moderately deep clay loam to shallow caliche-type, gravelly and rocky. Vegetation consists of creosote-bush, mesquite, snakeweed and tobasco, with scattered black grama and burrograss interspersed with desert shrubs. Developed water is lacking, and the land has a potential for limited grazing only.

The lands in T. 23 S., R. 36 E., are located in Lea County, approximately eighteen miles northwest of Jal, New Mexico, of desert type, with no developed water, and suitable only for grazing.

3. Pursuant to authority delegated to me by Order No. 684, section 1.5, of the Director, Bureau of Land Management, approved August 28, 1961 (26 F.R. 8216–21), the land affected by this order is hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, as of 10 a.m., on June 22, 1962.

4. Inquiries and applications concerning the lands above described shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1251, Santa Fe, N. Mex.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62–5002; Filed, May 23, 1962; 8:46 a.m.]

NORTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 17, 1962.

Corps of Engineers, Department of the Army, has filed an application, Serial Number Montana 050235(ND) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except for oil and gas. Issuance of leases under mineral leasing laws, will be subject to approval of the Corps of Engineers and such stipulations as it may require. The applicant desires the land for use in connection with the Oahe Dam and Reservoir Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

5TH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 137 N., R. 79 W.,
Sec. 22: SE¼SE¼;
Tract 38.
T. 137 N., R. 80 W.,
Tract 37.

The areas described aggregate 436.66 acres.

DALE M. JOHNSON,
Acting Manager, Land Office.

[F.R. Doc. 62–5003; Filed, May 23, 1962; 8:46 a.m.]

NORTH DAKOTA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 16, 1962.

Notice of an application Serial No. Montana 013948(ND), for withdrawal and reservation of lands was published as Federal Register Document No. 54–9302 on page 7623 of the issue for November 25, 1954. The Fish and Wildlife Service has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on May 31, 1962 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

FIFTH PRINCIPAL MERIDIAN

T. 160 N., R. 50 W.,
Sec. 28: Lot 1.
T. 161 N., R. 56 W.,
Sec. 3: SE¼NE¼.
T. 163 N., R. 57 W.,
Sec. 7: Lots 3, 4.
T. 163 N., R. 58 W.,
Sec. 4: Lot 3;
Sec. 6: SW¼NE¼;
Sec. 12: E½SE¼, NW¼SE¼;
Sec. 13: S½SE¼;
Sec. 14: SW¼ SE¼;
Sec. 15: NE¼SE¼.
T. 164 N., R. 58 W.,
Sec. 31: SE¼NE¼, NE¼SE¼;
Sec. 32: W½SE¼, E½NW¼, SW¼NW¼, N½SW¼.
T. 143 N., R. 60 W.,
Sec. 12: Lots 1, 2.
T. 155 N., R. 62 W.,
Sec. 22: Lot 1.
T. 149 N., R. 63 W.,
Sec. 22: Lot 2.
T. 153 N., R. 63 W.,
Sec. 8: SE¼SE¼.
T. 129 N., R. 66 W.,
Sec. 6: N½SE¼, SW¼SE¼;
Sec. 7: NW¼NE¼.
T. 130 N., R. 66 W.,
Sec. 7: Lot 2, SE¼NW¼, SE¼SE¼;
Sec. 8: SW¼SW¼.
T. 154 N., R. 66 W.,
Sec. 21: Lot 4.
T. 130 N., R. 67 W.,
Sec. 12: N½SE¼.
T. 138 N., R. 67 W.,
Sec. 8: NE¼NW¼.
T. 139 N., R. 67 W.,
Sec. 30: SE¼NW¼.
T. 129 N., R. 68 W.,
Sec. 12: NW¼NE¼.
T. 130 N., R. 68 W.,
Sec. 24: Lot 6, NW¼SE¼, SW¼NE¼.
T. 131 N., R. 68 W.,
Sec. 14: SE¼NE¼, NE¼SE¼.
T. 132 N., R. 68 W.,
Sec. 20: NE¼NE¼.
T. 135 N., R. 68 W.,
Sec. 28: NE¼NW¼, S½NW¼.
T. 136 N., R. 68 W.,
Sec. 30: NW¼NE¼.
T. 138 N., R. 68 W.,
Sec. 10: SW¼SE¼.
T. 141 N., R. 68 W.,
Sec. 6: Lot 11.
T. 130 N., R. 69 W.,
Sec. 27: NW¼SW¼;
Sec. 28: NW¼SW¼;
Sec. 29: NE¼SE¼.
T. 131 N., R. 69 W.,
Sec. 34: Lots 5, 6.
T. 134 N., R. 69 W.,
Sec. 14: NW¼NW¼, W½SW¼;
Sec. 34: NW¼NE¼, NE¼NW¼.
T. 135 N., R. 69 W.,
Sec. 28: N½NE¼;
Sec. 32: NE¼.
T. 136 N., R. 69 W.,
Sec. 8: SW¼NE¼.
T. 139 N., R. 69 W.,
Sec. 6: Lot 12;
Sec. 24: NE¼SW¼, NW¼SE¼.
T. 153 N., R. 69 W.,
Sec. 23: SE¼SE¼.
T. 155 N., R. 69 W.,
Sec. 18: SE¼SW¼;
Sec. 19: E½NE¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 29: NW¼, SW¼NE¼;
Sec. 30: E½NE¼.
T. 135 N., R. 70 W.,
Sec. 8: SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼.
T. 139 N., R. 70 W.,
Sec. 10: Lot 4;
Sec. 12: NE¼NE¼.
T. 155 N., R. 70 W.,
Sec. 18: E½NE¼;
Sec. 19: Lot 4.
T. 137 N., R. 71 W.,
Sec. 24: Lot 5.
T. 140 N., R. 71 W.,
Sec. 6: SE¼NE¼, SE¼;
Sec. 18: Lots 1, 2, 3, 4, SE¼NW¼, E½SW¼.
T. 143 N., R. 71 W.,
Sec. 12: N½NE¼.
T. 154 N., R. 71 W.,
Sec. 8: NW¼NW¼;
Sec. 10: W½SW¼, SW¼NW¼;
Sec. 27: Lot 1.
T. 155 N., R. 71 W.,
Sec. 4: Lot 8;
Sec. 6: Lot 7;
Sec. 9: Lots 4, 5, 6;
Sec. 28: Lot 7;
Sec. 35: SW¼SE¼.
T. 156 N., R. 71 W.,
Sec. 13: S½NE¼, N½SE¼;
Sec. 29: NW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 32: Lot 5.
T. 158 N., R. 71 W.,
Sec. 34: Lot 3;
Sec. 35: SE¼SE¼.
T. 159 N., R. 71 W.,
Sec. 21: NE¼NW¼.
T. 138 N., R. 72 W.,
Sec. 4: Lots 1, 2, S½NE¼, S½NW¼, SW¼;
Sec. 6: NE¼NE¼;
Sec. 18: Lots 1, 2, E½NW¼.
T. 140 N., R. 72 W.,
Sec. 12: W½SE¼;
Sec. 14: Lots 1, 2;
Sec. 22: SE¼NE¼, SE¼.
T. 141 N., R. 72 W.,
Sec. 4: Lot 1;
Sec. 22: Lot 1;
Sec. 26: SE¼SW¼.
T. 142 N., R. 72 W.,
Sec. 34: NE¼SE¼.
T. 143 N., R. 72 W.,
Sec. 6: Lot 3.
T. 153 N., R. 72 W.,
Sec. 3: Lot 4.
T. 154 N., R. 72 W.,
Sec. 1: SE¼SE¼;
Sec. 2: Lot 4;
Sec. 4: Lot 4;
Sec. 33: SE¼;
Sec. 34: W½SW¼;
Sec. 3: Lot 1.
T. 155 N., R. 72 W.,
Sec. 14: SW¼NE¼, SE¼NW¼, NE¼SE¼;
Sec. 17: S½NE¼.
T. 156 N., R. 72 W.,
Sec. 25: SW¼NE¼, NW¼, W½SW¼;
Sec. 26: SE¼NE¼, NE¼SE¼.

T. 161 N., R. 72 W.,
Sec. 34: SE¼SE¼.
T. 162 N., R. 72 W.,
Sec. 11: Lot 4.
T. 163 N., R. 72 W.,
Sec. 7: Lot 7;
Sec. 28: Lot 11;
Sec. 33: Lots 1, 9.
T. 136 N., R. 73 W.,
Sec. 12: NW¼NE¼, SW¼SE¼;
Sec. 14: S½N½.
T. 143 N., R. 73 W.,
Sec. 10: SW¼SW¼.
T. 152 N., R. 73 W.,
Sec. 5: Lot 7;
Sec. 6: Lot 2;
Sec. 19: Lots 1, 2, E½NW¼, Lot 4;
Sec. 21: NW¼NW¼;
Sec. 31: Lots 5, 6, SE¼SW¼;
Sec. 32: Lot 5;
Sec. 33: Lot 2.
T. 153 N., R. 73 W.,
Sec. 33: E½NW¼.
T. 154 N., R. 73 W.,
Sec. 18: Lot 4, SE¼SW¼;
Sec. 19: Lot 1, NE¼NW¼;
Sec. 24: S½NW¼, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 31: Lot 4.
T. 155 N., R. 73 W.,
Sec. 33: NW¼SW¼.
T. 163 N., R. 73 W.,
Sec. 21: Lot 1;
Sec. 22: Lot 2.
T. 135 N., R. 74 W.,
Sec. 6: Lot 1.
T. 136 N., R. 74 W.,
Sec. 32: S½N½, S½.
T. 143 N., R. 74 W.,
Sec. 4: Lots 1, 2.
T. 144 N., R. 74 W.,
Sec. 12: Lot 4.
T. 145 N., R. 74 W.,
Sec. 26: SE¼NE¼, NE¼SE¼.
T. 150 N., R. 74 W.,
Sec. 8: SE¼NW¼.
T. 152 N., R. 74 W.,
Sec. 8: Lots 1, 5, 6;
Sec. 27: NW¼SE¼.
T. 154 N., R. 74 W.,
Sec. 7: Lot 6;
Sec. 11: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 13; NW¼NW¼, SW¼SW¼;
Sec. 14: Lots 1, 2;
Sec. 18: Lot 1;
Sec. 30: NE¼SW¼
T. 155 N., R. 74 W.,
Sec. 23: NW¼NE¼;
Sec. 24: NW¼SE¼, NW¼NE¼, SW¼NE¼.
T. 157 N., R. 74 W.,
Sec. 7: E½SW¼, NE¼SE¼, S½SE¼;
Sec. 8: W½SW¼, SE¼SW¼;
Sec. 18: N½NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼, Lots 1, 2, 3;
Sec. 29: SE¼SE¼;
Sec. 31: SW¼SE¼.
T. 163 N., R. 74 W.,
Sec. 21: Lot 5.
T. 164 N., R. 74 W.,
Sec. 25: Lot 6;
Sec. 33: Lot 4;
Sec. 34: Lot 1.
T. 142 N., R. 75 W.,
Sec. 12: S½SW¼;
Sec. 14: E½SE¼, S½SW¼;
Sec. 22: N½NE¼;
Sec. 26: NE¼NW¼, NW¼NE¼.
T. 150 N., R. 75 W.,
Sec. 14: S½NW¼.
T. 153 N., R. 75 W.,
Sec. 3: Lot 6;
Sec. 18: Lot 8;
Sec. 31: Lots 2, 4.
T. 154 N., R. 75 W.,
Sec. 18: S½SW¼;
Sec. 19: Lots 1, 2, 3, 4, E½W½, NW¼NE¼;
Sec. 30: Lot 3.
T. 155 N., R. 75 W.,
Sec. 23: S½NW¼, NE¼SW¼, NW¼SE¼.
T. 149 N., R. 76 W.,
Sec. 7: Lot 7.

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T. 154 N., R. 76 W.,
Sec. 24: NE¼NE¼;
Sec. 25: S½NE¼, N½SE¼.
T. 163 N., R. 76 W.,
Sec. 5: NE¼SW¼.
T. 138 N., R. 77 W.,
Sec. 4: Lot 3.
T. 144 N., R. 77 W.,
Sec. 22: NE¼.
T. 148 N., R. 77 W.,
Sec. 34: NE¼SE¼.
T. 149 N., R. 77 W.,
Sec. 2: Lot 7.
T. 150 N., R. 77 W.,
Sec. 13: Lot 1;
Sec. 17: SW¼SW¼;
Sec. 20: Lots 1, 2;
Sec. 28: Lot 2;
Sec. 35: Lot 2.
T. 153 N., R. 77 W.,
Sec. 23: SW¼SE¼;
Sec. 25: E½SW¼.
T. 154 N., R. 77 W.,
Sec. 1: NW¼SW¼, SE¼SW¼, SE¼.
T. 155 N., R. 77 W.,
Sec. 5: Lot 2, SW¼NE¼;
Sec. 7: SW¼SE¼.
T. 156 N., R. 77 W.,
Sec. 10: NW¼SW¼;
Sec. 15: NW¼NE¼;
Sec. 21: SW¼NE¼, NW¼SE¼;
Sec. 28: N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 31: Lots 1, 2;
Sec. 33: SW¼NE¼.
T. 151 N., R. 78 W.,
Sec. 23: NE¼SE¼;
Sec. 24: NW¼NW¼;
Sec. 35: Lot 1.
T. 152 N., R. 78 W.,
Sec. 15: SE¼SW¼, SW¼SE¼;
Sec. 22: N½, N½SE¼.
T. 153 N., R. 78 W.,
Sec. 2: SE¼SE¼.
T. 155 N., R. 78 W.,
Sec. 28: SW¼NW¼.
T. 139 N., R. 81 W.,
Sec. 4: Lot 1, part east of river;
Sec. 14: Lots 1, 2, parts east of river.
T. 141 N., R. 81 W.,
Sec. 24: Lot 4;
Sec. 26: Lots 1, 2, NE¼SE¼, SW¼SE¼.
T. 142 N., R. 81 W.,
Sec. 4: Lot 4.
T. 143 N., R. 81 W.,
Sec. 18: Lot 3.
T. 144 N., R. 83 W.,
Sec. 32: Lots 5, 6, 7, 8.
T. 144 N., R. 84 W.,
Sec. 8: Lots 1, 2, 3.
T. 149 N., R. 84 W.,
Sec. 11: E½SW¼.
T. 150 N., R. 84 W.,
Sec. 27: NW¼SE¼.
T. 151 N., R. 84 W.,
Sec. 29: NE¼SW¼.
T. 150 N., R. 85 W.,
Sec. 1: Lot 1.
T. 150 N., R. 86 W.,
Sec. 22: S½NW¼, NW¼SW¼.
T. 153 N., R. 86 W.,
Sec. 4: Lot 4;
Sec. 5: Lots 1, 5.
T. 152 N., R. 87 W.,
Sec. 1: Lot 6;
Sec. 4: SE¼SW¼;
Sec. 9: NE¼NW¼.
T. 155 N., R. 88 W.,
Sec. 20: Lot 4;
Sec. 24: Lot 4;
Sec. 25: Lots 1, 2, 4.
T. 157 N., R. 89 W.,
Sec. 32: Lot 1.
T. 156 N., R. 90 W.,
Sec. 20: SW¼SE¼, SE¼SW¼;
Sec. 21: NW¼NE¼.
T. 157 N., R. 90 W.,
Sec. 22: Lots 5, 6.
T. 156 N., R. 91 W.,
Sec. 5: Lot 4;
Sec. 13: W½NE¼.
T. 157 N., R. 91 W.,
Sec. 13: SE¼NW¼;
Sec. 34: Lot 2.
T. 163 N., R. 95 W.,
Sec. 25: SW¼SW¼;
Sec. 26: SE¼SE¼.
T. 151 N., R. 99W.,
Sec. 6: Lot 5.
T. 159 N., R. 100 W.,
Sec. 1: Lots 3, 4;
Sec. 22: SE¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼.
T. 160 N., R. 100 W.,
Sec. 22: SW¼NE¼, NW¼SE¼.
T. 153 N., R. 102 W.,
Sec. 22: Lot 3.
T. 162 N., R. 102 W.,
Sec. 20: SW¼NE¼, S½NW¼, SW¼;
Sec. 29: NW¼;
Sec. 30: SE¼NE¼, NE¼SE¼.
T. 163 N., R. 102 W.,
Sec. 13: SE¼SW¼;
Sec. 24: N½NE¼, NE¼NW¼, SE¼NE¼;
Sec. 26: SE¼NE¼, SW¼NW¼.
T. 152 N., R. 103 W.,
Sec. 9: Lot 5.
T. 163 N., R. 103 W.,
Sec. 2: SE¼NW¼, NW¼SW¼;
Sec. 11: SE¼SE¼;
Sec. 14: S½SE¼.

The areas described aggregate approximately 17,327 acres.

DALE M. JOHNSON,
Acting Manager.

[F.R. Doc. 62–5004; Filed, May 23, 1962; 8:46 a.m.]

UTAH CHIEF DIVISION OF ENGINEERING

Redelegation of Authority With Respect to Cadastral Engineering Matters; Amendment

MAY 18, 1962.

FEDERAL REGISTER dated May 10, 1962, Page 4491, is amended as follows:

The heading is revised to read, "Utah Chief Division of Engineering", and the first paragraph is amended to read:

Pursuant to the authority contained in Order No. 684 of August 28, 1961, of the Director, Bureau of Land Management, and subject to the limitation contained therein the Utah Chief, Division of Engineering, is hereby authorized to perform in accordance with the existing policies, regulations, and procedures of the Department of the Interior, and the functions of the State director as provided herein.

R. D. NIELSON,
State Director.

[F.R. Doc. 62–5005; Filed, May 23, 1962; 8:46 a.m.]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Arizona 011812, amended for the withdrawal of the lands described below, from location and entry, under the General Mining Laws, subject to existing valid claims. All of the lands are located within the Tonto National Forest, Arizona. The applicant desires the lands for the purpose of preserva-

tion of public highway roadside zones and scenic strips.

For a period of 30 days from the date of publication of this notice, persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, U.S. Department of the Interior, Room 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

U.S. Highway 70

A strip of land 100 feet on north side and 200 feet on the south side of the center line of Highway 70 through the following legal subdivisions:

T. 1 S., R. 16 E. (Unsurveyed),
Sec. 4: SW¼SW¼ exclusive of patented Exchange Survey 653;
Sec. 5: S½ exclusive of patented Exchange Survey 653 and patented M.S. 4487;
Sec. 6: S½N½ exclusive of patented Exchange Survey 653, N½S½;
Sec. 9: That part of NW¼ outside White Mountain Indian Reservation.

U.S. Highway 60–70

A strip of land 200 feet on each side of the center line of Highway 60–70 through the following legal subdivisions:

T. 1 S., R. 14 E.,
Sec. 2: Lots 3, 4, N½SW¼NW¼, N½SW¼SW¼NW¼;
Sec. 3: N½SE¼NE¼, N½S½SE¼NE¼, SW¼SW¼SE¼NE¼, W½NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼, S½N½SW¼ exclusive of patented M.S. 4279, N½S½SW¼, exclusive of patented M.S. 4279;
Sec. 4: S½SE¼;
Sec. 5: S½SW¼;
Sec. 6: S½SE¼;
Sec. 7: Lot 5, E½SW¼SW¼, and E½W½SW¼SW¼—all exclusive of patented M.S. 4036B, N½NE¼, SW¼NE¼, SE¼NE¼, NE¼SW¼;
Sec. 8: N½NE¼, NE¼NW¼;
Sec. 9: N½NW¼, SE¼NW¼, NW¼NE¼.
T. 1 S., R. 13 E.,
Sec. 14: N½SW¼, SW¼SW¼;
Sec. 15: SE¼SE¼;
Sec. 22: N½NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 27: W½NW¼;
Sec. 28: S½NE¼, NE¼SW¼, NW¼SE¼.
T. 2 S., R. 12 E.,
Sec. 5: N½N½SE¼, NE¼SW¼, N½NW¼SW¼.
T. 2 S., R. 11 E.,
Sec. 1: N½SW¼SE¼, N½ of Lot 7;
Sec. 8: W½SW¼, NE¼SW¼, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 9: N½NW¼, SE¼NW¼, S½NE¼;
Sec. 10: S½NW¼, S½NE¼;
Sec. 11: S½NW¼, S½NE¼, NE¼NE¼;
Sec. 12: S½N½NW¼.

U.S. Highway 60

A strip of land 200 feet on each side of the center line of Highway 60 through the following legal subdivisions:

T. 1 N., R. 16 E.,
Sec. 6: W½W½.
T. 2 N., R. 16 E. (Unsurveyed),
Sec. 4: N½NW¼;
Sec. 5: N½N½;
Sec. 6: N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 7: W½NE¼, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 17: W½NW¼;
Sec. 18: E½NE¼, NE¼SE¼, S½SE¼;
Sec. 19: E½E½ exclusive of patented Lot 37 (MS), SW¼SE¼;
Sec. 30: E½NW¼, SW¼NW¼, W½SW¼;
Sec. 31: NW¼NW¼, SW¼SW¼.
T. 3 N., R. 16 E. (Unsurveyed),
Sec. 12: S½SE¼;
Sec. 13: NW¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 14: E½SE¼, SW¼SE¼;
Sec. 23: N½NW¼NE¼, N½SE¼NW¼, W½SW¼;
Sec. 26: NW¼NW¼;
Sec. 27: S½NE¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 32: S½SW¼;
Sec. 33: SE¼SW¼ exclusive of Patented Mineral Entries, N½NE¼, SW¼NE¼, W½SE¼;
Sec. 34: NW¼NW¼.
T. 2 N., R. 15½ E. (Unsurveyed),
Sec. 36: E½E½ except 12 acres in approximate Sec. 36 in Withdrawal Recreational Purposes, Order 6/20/31.
T. 3 N., R. 17 E. (Unsurveyed),
Sec. 4: W½W½, NE¼NW¼;
Sec. 5: E½NE¼, NE¼SE¼, S½SE¼;
Sec. 7: SE¼NE¼, N½SE¼, SW¼SE¼, S½SW¼;
Sec. 8: NW¼NW¼.
T. 4 N., R. 17 E. (Unsurveyed),
Sec. 1: NW¼NW¼;
Sec. 2: E½E½, SW¼SE¼;
Sec. 10: S½SE¼;
Sec. 11: W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 15: N½NW¼, exclusive of part in patented HES 169, NW¼NE¼;
Sec. 16: E½NE¼, W½SE¼, NE¼SE¼;
Sec. 21: W½E½;
Sec. 28: W½E½, SE¼SE¼;
Sec. 33: N½NE¼, E½E½, SW¼NW¼.
T. 4½ N., R. 17 E. (Unsurveyed),
Sec. 25: SW¼ (Less area in San Carlos Indian Reservation);
Sec. 36: W½ (Less area in San Carlos Indian Reservation).

Withdrawn area totals approximately 1,281 acres.

Dated: May 18, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-5028; Filed, May 23, 1962; 8:49 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 17, 1962.

Notice of an application, filed by Department of Defense, Serial No. Los Angeles 0164245, for withdrawal and reservation of lands was published as F.R. Document No. 61-4236, on page 4003 of the issue of May 9, 1961, and corrected notice of termination of such proposed withdrawal and reservation of lands was published as F.R. Document 61-7870, on page 7710 of the issue of August 17, 1961. The applicant agency has cancelled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on Monday, May 28, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 S., R. 11 E.,
Sec. 4, N½SW¼, SW¼SW¼.

Containing 120 acres, more or less.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-5029; Filed, May 23, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEDORA, NORTH DAKOTA

Transferring Lands and Improvements to the Department of the Interior

Pursuant to the provisions of section 1 of the act of March 24, 1956 (70 Stat. 56), all lands and improvements thereon in block 6 in the Village of Medora, North Dakota, now administered and used by the United States Forest Service, Department of Agriculture, are hereby transferred to the Department of the Interior, effective upon publication of this order in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of May 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-5033; Filed, May 23, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order No. 17]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10999, and Department of Commerce Orders 128 (Revised), dated January 19, 1962, and 137 (Amended), dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal years 1962–63.

DC–4

45346	88907	90407	90436
79999	88908	90423	90440
88893	88909	90427	90444
88897	88912	90428	90448
88898	88938	90434	

DC–6A

401US	6575C	37591	45507
402US	6576C	37592	90776
571	6579C	37593	90777
630NA	7822C	37594	90780
640NA	11565	37595	90781
650NA	34955	37596	90782
6119C	34956	45500	90783
6260C	34957	45501	90784
6541C	37590	45502	90785
6574C			

L–1049–H

101R	5402V	6916C	6933C
468C	5403V	6917C	6935C
469C	5404V	6918C	6936C
1006C	6501C	6919C	6937C
1007C	6502C	6922C	7121C
1008C	6504C	6923C	7131C
1009C	6912C	6924C	7132C
1010C	6913C	6925C	7133C
1927H	6914C	6931C	7134C
1880	6915C	6932C	9752C
5401V			

L–1649–A(F)

7311C	7317C	7323C	8082H
7315C	7319C	7324C	8083H
7316C	7322C	8081H	8084H

6 DC–7–B(F)

6336C	6342C	6346C	6348C
6341C	6344C		

DC–7C(F)

284	296	737PA	755PA
285	301G	739PA	4059K
288	731PA	741PA	8215H
289	733PA	742PA	8216H
290	734PA	746PA	8217H
294	735PA	752PA	8218H
295	736PA	754PA	8219H

CL–44

123SW	446T	450T	454T
124SW	447T	451T	455T
125SW	448T	452T	602SA
126SW	449T	453T	603SA
127SW			

B–707 (100 series)

707PA	737TW	7505	7519
708PA	738TW	7507	7520
709PA	739TW	7508	7521
710PA	740TW	7509	7522
711PA	741TW	7510	7523
712PA	742TW	7511	7524
731TW	743TW	7512	7525
732TW	744TW	7513	70773
733TW	745TW	7515	70774
734TW	7501	7516	70775
735TW	7503	7517	74612
736TW	7504	7518	

B–707 (200 series)

7072	7073	7074	7075

B–707 (300 series)

701PA	718PA	728PA	764TW
702PA	719PA	729PA	765TW
703PA	720PA	730PA	766TW
704PA	721PA	757PA	767TW
705PA	722PA	758PA	768TW
706PA	724PA	759PA	769TW
714PA	725PA	761TW	770TW
715PA	726PA	762TW	771TW
716PA	727PA	763TW	772TW
717PA			

DC–8

800PA	815PA	8006U	8034U
801US	816PA	8009U	8035U
801PA	817PA	8010U	8036U
802US	818PA	8011U	8780R
802PA	0801E	8012U	08601
803US	0802E	8018U	08602
803PA	0803E	8021U	08603
804US	0804E	8022U	08604
804PA	0805E	8023U	08605
805US	0806E	8024U	08606
805PA	6571C	8025U	08607
806PA	6572C	8026U	08608
807PA	6573C	8027U	08609
808PA	8001U	8028U	08610
809PA	8002U	8029U	08612
810PA	8003U	8030U	08613
811PA	8004U	8031U	08614
812PA	8005U	8032U	08615
813PA	8006U	8033U	08616
814PA	8007U		

C880 (22 M)

84778

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and the place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 15, dated August 15, 1961, 26 F.R. 8119 of August 30, 1961.

Dated: May 4, 1962.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 62-5022; Filed, May 23, 1962; 8:48 a.m.]

[Order No. 18]

AIRCRAFT ALLOCATION

Aircraft Allocation Order No. 16, dated August 15, 1961, 26 F.R. 8119–8120 of August 30, 1961, is hereby rescinded.

Dated: May 4, 1962.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 62-5023; Filed, May 23, 1962; 8:48 a.m.]

Office of the Secretary

[Dept. Order No. 83 (Revised)]

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following order was issued by the Secretary of Commerce on May 8, 1962.

The material appearing at 23 F.R. 8939–8940 of November 15, 1958 is superseded as follows:

SECTION 1. *Purpose.* The purpose of this order is to define the broad authority and functions of the Secretary of Commerce and to prescribe the method and channels through which these functions are performed.

SEC. 2. *Secretary of Commerce.* .01 The Secretary of Commerce is responsible for the administration of the functions and authorities assigned to the Department of Commerce broadly described in the Act of February 14, 1903 (32 Stat. 826), which reads in part as follows:

> It shall be the province and duty of the said Department (Department of Commerce) to foster, promote, and develop the foreign and domestic commerce, * * * manufacturing, shipping * * * industries, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

.02 In addition to the generic authority provided in the Act of February 14, 1903, supra, Reorganization Plan No. 5 of 1950 and Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, transferred to the Secretary of Commerce the related functions and authorities vested in all other officers and organization units of the Department of Commerce.

.03 The Secretary is also responsible for advising the President on Federal policy and programs affecting the industrial and commercial segments of the national economy within the scope of the Department of Commerce.

.04 The order of precedence to act as Secretary of Commerce is established by law and Executive Order which provide that the following officers, in the order designated, shall perform the duties of the Secretary of Commerce in the event of the absence or sickness of the Secretary, or until a successor is appointed in the event of the vacancy of that position.

1 The Under Secretary
2 The Under Secretary for Transportation
3 The Assistant Secretaries of Commerce in the order of precedence as determined by the dates of their commissions
4 The General Counsel.

SEC. 3. *Office of the Secretary of Commerce.* .01 The Office of the Secretary of Commerce is composed of the following officers and organization units:

1 The Secretary of Commerce
  Deputy to the Secretary
  Executive Secretariat
  Export Expansion Coordinator
  Office of Public Affairs
  Saint Lawrence Seaway Development Corporation
2 The Under Secretary
  Deputy to the Under Secretary
  Office of Field Services
3 The Under Secretary for Transportation
  Great Lakes Pilotage Administration
  Defense Air Transportation Administration
4 The Assistant Secretary for International Affairs
5 The Assistant Secretary for Domestic Affairs
6 The Assistant Secretary for Science and Technology
7 The Assistant Secretary for Administration and Public Affairs
  Office of Administrative Operations
  Office of Budget and Management
  Office of Personnel Management
  Office of Investigations and Security
  Office of Emergency Readiness Planning
  Office of Publications Management
  Office of Internal Audit
  Appeals Board
8 The General Counsel

.02 In the execution of his responsibilities for the administration of the functions and authorities assigned to the Department of Commerce, the Secretary has delegated, by separate orders, the performance of certain specified functions, together with the related operating authority, to the heads of the constituent units of the Office of the Secretary and to the heads of the primary organization units of the Department.

.03 Exhibit 1 to this order indicates the respective areas of functional supervision and authority exercised by the heads of the constituent units of the Office of the Secretary of Commerce and identifies the applicable enabling Department Order.

Effective date: May 8, 1962.

[SEAL] JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-5021; Filed, May 23, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10582]

DELTA AIR LINES, INC.

Notice of Hearing

In the matter of the application of Delta Air Lines, Inc., requesting an amendment of its certificate of public convenience and necessity for route 24 with respect to restriction No. (5) by adding New Orleans, Louisiana, as an alternate mandatory stop on all flights serving Dallas or Fort Worth, Texas, on the one hand, and Washington, D.C., Baltimore, Md., Philadelphia, Pa., New York, N.Y., and Newark, N.J., on the other.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 19, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 21, 1962.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-5034; Filed, May 23, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14547; FCC 62M-712]

BILL S. LAHM

Order Scheduling Hearing

In re application of Bill S. Lahm, Wisconsin Rapids, Wisconsin, Docket No. 14547, File No. BMP-9407; for additional time to construct radio station WRNE.

A prehearing conference in the above-entitled matter having been held on May 17, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order;

It is ordered, This 17th day of May, 1962, that:

(1) In the event any portion of the applicant's direct case is to consist of written exhibits, copies of such exhibits shall be furnished the other parties hereto on or before June 15, 1962;

(2) In the event any party wishes official notice to be taken of any document in the Commission's files or elsewhere, he shall at the time of requesting that such notice be taken, offer into evidence photostatic or similar copies of the document; and

It is further ordered, That the hearing herein shall commence on June 29, 1962, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5035; Filed, May 23, 1962; 8:50 a.m.]

[Docket Nos. 14646, 14647; FCC 62-529]

MINEOLA BROADCASTING CO. AND CENTER BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of J. A. Windham and Lee Robinson d/b as Mineola Broadcasting Co., Mineola, Texas, Docket No. 14646, File No. BP-14244; requests: 1510 kc, 250 w, Day, Class II, and Center Broadcasting Company, Inc., Pittsburg, Texas, Docket No. 14647, File No. BP-14418; requests: 1510 kc, 1 kw, 500 w (CH), Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of May 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. The applications are for new standard broadcast stations in Mineola, Texas and Pittsburg, Texas, and involve mutually destructive interference to such an extent that only one proposal can be granted.

2. Neither of the antenna systems in the instant proposals have been approved by the Federal Aviation Agency, but have been examined by the Commission in the light of the criteria contained in the FAA Regulations, § 626.12. It appears that the antenna system proposed by Mineola Broadcasting Co. will comply with the FAA criteria and no FAA Form 117 will be required. However, with respect to the proposal of Center Broadcasting Company, Inc., although the proposed antenna system appears to meet the FAA criteria, a grant of that application will be conditioned upon compliance with applicable procedures of the FAA.

It further appearing, that, in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of Center Broadcasting Company, Inc., the construction permit shall contain the following condition:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is prohibited.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advice the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5036; Filed, May 23, 1962; 8:50 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-719]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Re Procedural Dates

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 3604/2605-C1-P-60, and Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

The Hearing Examiner having under consideration a joint motion filed May 16, 1962, on behalf of the applicants herein, requesting continuance of all procedural dates presently in effect as follows: exchange of applicants' written direct cases, identification of witnesses from May 23 to September 17, 1962; notification of witnesses and exchange of any motions resulting from exchange of direct cases from June 6 to October 1, 1962; and commencement of hearing from June 25 to October 15, 1962;

It appearing, that Peninsula Community Television Corporation and Delmarva Community Television Corporation, proposed customers of each of the applicants herein at Salisbury, Maryland, are presently negotiating with a view toward resolving their competitive situation by the execution of a contract, expected within the next 90 days, contemplating the sale of Peninsula's community antenna system to Delmarva, and that upon the execution of this contract and consummation of this transaction Peninsula Television Relay Corporation intends to dismiss its application, thus obviating the necessity for a comparative hearing; and

It further appearing, that, in view of the above, the requested continuances in the manner indicated would serve no useful purpose in the event of the dismissal of Peninsula's application, but that it will be necessary to convene a further prehearing conference in order to determine the further conduct of the hearing herein; and

It further appearing, that counsel for the Common Carrier Bureau, the only remaining party to the proceeding, has consented to a grant of the joint motion and to a waiver of 47 CFR 1.43 in order to permit immediate consideration thereof, that, in view of the above, good cause exists for a grant as indicated below, and that a grant, to the extent indicated, will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 17th day of May 1962, that the subject joint motion is granted to the extent that all heretofore scheduled procedural dates are cancelled, and is denied in all other respects; and

It is further ordered, That a further prehearing conference will be held at 10:00 a.m., September 17, 1962, at which time further procedural dates will be established, including the date for commencement of hearing.

Released: May 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5037; Filed, May 23, 1962; 8:50 a.m.]

[Docket Nos. 14635, 14636; FCC 62M-713]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Order Advancing Conference Date

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073, and Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; for construction permits.

It is ordered, This 17th day of May 1962, on the Hearing Examiner's own motion, that the prehearing conference presently scheduled to be convened at 9:00 a.m., Friday, June 15, 1962, at the Commission's offices, Washington, D.C., is hereby advanced and rescheduled for Thursday, June 7, 1962, at the same time and place.

Released: May 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5038; Filed, May 23, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10914 etc.]

ALBERT GACKLE ET AL.

Notice of Severance

MAY 17, 1962.

Albert Gackle (Operator), et al., Docket No. G-10914, et al.; E. M. J. Oil Company (Operator), et al., Docket No. CI61-1202; Texas Gas Exploration Corporation, Docket No. CI62-204; Katz Oil Company (Operator), et al, Docket No. CI62-826.

Notice is hereby given that the three above-entitled matters, heretofore scheduled for a hearing to be held in Washington, D.C., on May 22, 1962, at 9:30 a.m., e.d.s.t., in the consolidated proceeding entitled Albert Gackle (Operator), et al., Docket No. G-10914, et al., are severed therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4989; Filed, May 23, 1962; 8:45 a.m.]

[Docket No. CP62-224]

SUBURBAN FUEL GAS, INC.

Notice of Application

MAY 17, 1962.

Take notice that on March 28, 1962, as supplemented on April 30, 1962, The Suburban Fuel Gas, Inc. (Applicant), Cygnet, Ohio, filed in Docket No. CP62-224 an application for an order pursuant to section 7(a) of the National Gas Act directing The Ohio Fuel Gas Company (Ohio Fuel) to establish physical connection with the proposed facilities of and to sell natural gas to Applicant for resale in the villages of Tontogany and Grand Rapids, Wood County, Ohio, and McClure, Henry County, Ohio, and in the vicinity of said villages, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The villages will construct and own their distribution systems as well as 13.7 miles of 6-inch and 6 miles of 4-inch transmission pipeline and related facilities. Applicant, under lease agreements with the villages, will operate all the proposed facilities.

The application shows that the physical connection of Ohio Fuel's transmission facilities with the facilities of Applicant will be made in Center Township, Wood County, Ohio.

The application indicates that the estimated peak day requirements for the villages total 912 Mcf of natural gas in the third year of service. Total annual requirements are estimated to be 188,000 Mcf in the third year of service.

The total estimated cost of transmission and distribution facilities for the projects aggregate $627,000, which cost will be financed by the villages through local revenue bond issues.

On April 26, 1962, Ohio Fuel filed an answer to the subject application stating that it had no objection to a Commission order directing the sale.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-4990; Filed, May 23, 1962; 8:45 a.m.]

[Docket No. RI62–125]

TENNECO OIL CO. ET AL.

Order Substituting Respondent, Redesignating Proceeding, Accepting Successor's Undertaking, and Making Rate Effective Under Undertaking

MAY 17, 1962.

Tenneco Oil Company (Operator), et al. (Successor to Tennessee-Texan Oil Company (Operator), et al.), Docket No. RI62–125.

On March 5, 1962, Tenneco Oil Company (Operator), et al., (Tenneco) filed a motion to be substituted for Tennessee-Texan Oil Company (Operator), et al., (Tennessee-Texan) in the rate proceeding in Docket No. RI62–125. Tenneco, in support of its motion to substitute, states that effective January 1, 1962, it acquired all of Tennessee-Texan's interest in the assets, properties and rights covered by Tennessee-Texan's FPC Gas Rate Schedule No. 6, to which Docket No. RI62–125 relates.

Concurrently with the filing of its motion to substitute, Tenneco filed its Certificate of Adoption of Rate Schedule (notice of succession) covering Tennessee-Texan's Rate Schedule No. 6 and Supplements Nos. 1 thru 8 thereto. By letter dated April 26, 1962, the adoption was accepted for filing, and Tennessee-Texan's FPC Gas Rate Schedule No. 6, as supplemented, was redesignated as Tenneco's FPC Gas Rate Schedule No. 5, as supplemented.

By order issued October 25, 1961, in Docket No. RI62–125, the proposed rate increase contained in Supplement No. 8 to Tennessee-Texan's FPC Gas Rate Schedule No. 6 was suspended until April 1, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. On March 30, 1962, Tenneco, pursuant to § 154.102 of the Commission's regulations, filed a motion to place the proposed rate increase into effect, and an agreement and undertaking to assure refund of excess charges in Docket No. RI62–125.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Tenneco be substituted for Tennessee-Texan in Docket No. RI62–125, that Docket No. RI62–125 be redesignated in the name of Tenneco Oil Company (Operator), et al., that Tenneco's agreement and undertaking to assure refund of any excess charges in Docket No. RI62–125 be accepted for filing, and that the rate suspended in Docket No. RI62–125 be made effective, subject to refund, as of April 1, 1962.

The Commission orders:

(A) Tenneco Oil Company (Operator), et al., is substituted for Tennessee-Texan Oil Company (Operator), et al., in Docket No. RI62–125, and Docket No. RI62–125 is redesignated in the name of Tenneco Oil Company (Operator), et al.

(B) The agreement and undertaking submitted by Tenneco Oil Company (Operator), et al., on March 30, 1962, to assure refund of any excess charges in RI62–125, is accepted for filing.

(C) The rate, charge and classifications set forth in Supplement No. 8 to Tenneco Oil Company (Operator), et al., FPC Gas Rate Schedule No. 5 is effective, subject to refund, as of April 1, 1962.

(D) The effective rate set forth in Supplement No. 8 to Tenneco Oil Company (Operator), et al., FPC Gas Rate Schedule No. 5 shall be charged and collected as of April 1, 1962, subject to any future orders of the Commission in Docket No. RI62–125.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4991; Filed, May 23, 1962; 8:45 a.m.]

[Docket No. G–16842 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Notice of Cancellation of Hearing

MAY 17, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on May 21, 1962, by notice issued May 14, 1962, is hereby cancelled.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4992; Filed, May 23, 1962; 8:45 a.m.]

[Docket Nos. G–13169 etc.]

TEXACO-SEABOARD, INC., ET AL.

Notice of Severance, Extension of Time and Postponement of Hearing

MAY 17, 1962.

Texaco Inc. (formerly Texaco-Seaboard Inc.), Docket No. G–13169; Sohio Petroleum Company, Docket No. G–13973; Austral Oil Company, Docket Nos. G–14164, G–14242, G–14343; Bel Oil Corporation; Docket No. G–17397; The Atlantic Refining Company, Docket No. G–13219; Newmont Oil Company, Docket No. G–13757; Tidewater Oil Company, Docket Nos. G–14385, G–17463, G–17474, G–17475, G–17483.

Upon consideration of the requests filed by Applicants in the above-designated matters, notice is hereby given that the proceedings listed above are hereby severed from the proceedings consolidated by order issued March 7, 1962, under the lead docket, Texaco-Seaboard Inc., et al., Docket Nos. G–13169 et al., heretofore scheduled for hearing on May 29, 1962, by order issued March 7, 1962, as modified by notice issued March 27, 1962.

An extension is hereby granted to the parties in the proceedings severed hereby to and including June 18, 1962 within which to serve and file the data specified by Paragraph (C) of the Commission's order issued March 7, 1962; and that hearings in the severed proceedings are scheduled to commence at 10 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–4993; Filed, May 23, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37742: *Joint rail-motor rates from and to southwestern territory.* Filed by Middlewest Motor Freight Bureau, Agent (No. 329), for interested carriers. Rates on various commodities, moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of rail carriers, between points in southwestern territory, on the one hand, and points in official and western trunk-line territories, on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5016; Filed, May 23, 1962; 8:47 a.m.]

[Notice 642]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64848. By order of May 15, 1962, the Transfer Board approved the transfer to Ward King, doing business as King Truck Line, RFD No. 1, Powhattan, Kans., of certificates Nos. MC 10495 and MC 10495 Sub 1, issued May 20, 1959, and December 11, 1959, respectively, to Ward King and Frank King, Jr., a partnership, doing business as King Truck Line, RFD No. 3, Hiawatha, Kans., authorizing the transportation of: livestock, farm products, farm machinery and parts, binder twine, feed, tankage, agricultural commodities and implements and parts, agricultural machinery and parts, tires, automobile accessories, household goods, petroleum products in containers, containers for petroleum products and building and fencing materials, from, to, or between specified points in Kansas and Missouri.

No. MC–FC 64855. By order of May 15, 1962, the Transfer Board approved the transfer to Ross Nunnallee, Nowata, Okla., of certificate No. MC 112811, issued July 2, 1951, to Lee Milligan and Ross Nunnallee, a partnership, doing business as M & N Trucking Company, Nowata, Okla., authorizing the transportation of: Machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points in Missouri and that portion of Kansas on and south of U.S. Highway 54, on the one hand, and, on the other, points in Oklahoma. Leland M. Spurgeon, 1319 Huntoon, Topeka, Kans., attorney for applicants.

No. MC–FC 64859. By order of May 15, 1962, the Transfer Board approved the transfer to Gerald Bye, doing business as Gerald C. Bye, Gayville, S. Dak., of certificate No. MC 88880, issued December 29, 1959, to James Ronald Orton, doing business as James R. Orton, Gayville, S. Dak., authorizing the transportation of: grain, feed, seeds, livestock feeds, farm machinery, hay, wire, fencing, fence posts wood and steel, lumber, and livestock, from, to or between specified points in Iowa and South Dakota. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney for applicants.

No. MC–FC 64951. By order of May 15, 1962, the Transfer Board approved the transfer to Arne R. Hansen, doing business as Arne R. Hansen Van & Storage, Omaha, Nebr., of Certificate No. MC 115346, issued December 29, 1955, to Gail J. Meisinger, doing business as Louisville Transfer, Louisville, Nebr., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Louisville, Nebr., and Omaha, Nebr., serving the intermediate and off-route points of Meadow, Cedar Creek, and South Bend, Nebr., and household goods, as defined by the Commission, between Louisville, Nebr., and points within 15 miles thereof, on the one hand, and, on the other, points in Iowa and Kansas. Donald E. Leonard, Nelson, Harding & Ackle, 605 South 12th Street, Lincoln, Nebr., attorneys for applicants.

No. MC–FC 64994. By order of May 17, 1962, the Transfer Board approved the transfer to Fiorot Trucking, Inc., Pen Argyl, Pa., of Certificates Nos. MC 52729, MC 52729 Sub 14, MC 52729 Sub 15, MC 52729 Sub 17, and MC 52729 Sub 18, issued April 26, 1955, October 22, 1957, November 6, 1957, March 30, 1961, and December 16, 1960, respectively, to Frank Fiorot, Thomas J. Waters, and Merlin G. Tucker, a partnership, doing business as Fiorot Trucking, Pen Argyl, Pa., authorizing the transportation, over regular routes, of pasteurized milk and pasteurized cream, from Pen Argyl, Pa., to Trenton and Somerville, N.J., and over irregular routes, slate and slate products, fertilizer and oyster shells, asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, and asbestos cement pressure pipes, shipping pallets, and materials, and supplies used in the installation of asbestos products when moving in connection therewith, animal feed and ingredients thereof, materials and supplies used in the installation of slate and slate products when moving in connection with shipments of slate or slate products, materials, and supplies used in the installation of asbestos products when moving in connection with shipments of asbestos products, materials and supplies used in the installation of slate and slate products, and asbestos products, brick, lumber, stone, sand, wood shingles, wallboard, plywood, and millwork, cast iron pipe and pipe fillings, machinery and excavating materials, pallets, racks tarpaulins, and similar facilities used in transporting slate and slate products, asphalt shingles and supplies used in the installation of asphalt shingles, when moving in mixed shipments with asbestos cement materials, precast concrete beams, planks, slabs, lintels, and cribbings, pallets, blocking and other materials used in transporting the above-described commodities, and damaged shipments of said commodities, precast concrete beams, planks, slabs, lintels, and cribbings, not exceeding 40 feet in length or 5,000 pounds in weight, wood shingles, cedar shakes and cedar shake panels, and nails, paint and other materials and supplies used in the installation of such commodities when moving therewith, asbestos and asphalt shingles, and supplies used in the installation of such commodities when moving therewith, from, to, and between specified points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, varying with the commodities transported. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., applicants' attorney.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5017; Filed, May 23, 1962; 8:48 a.m.]

[No. 33440]

PREVENTION OF RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS INVOLVING RAILWAY TRAINS AND MOTOR VEHICLES

It appearing, that at the oral hearing in the above-entitled proceeding held at San Francisco, California, on March 30, 1962, it was agreed among the parties present that the hearing in this proceeding would be continued to a tentative date of June 12, 1962, and that an order to that effect would be entered, and good cause therefor appearing;

It is ordered, That hearing in the above-entitled proceeding be, and it is hereby, continued for hearing on June 12, 1962, at the office of the Interstate Commerce Commission, Washington, D.C., at 9:00 o'clock a.m., United States Standard Time (10:00 o'clock a.m., District of Columbia Daylight Saving Time), before Examiner Henry J. Vinskey, and before such representatives of the State Commissions as shall be designated under the Cooperative Agreement between the Interstate Commerce Commission and State Commissioners of May 3, 1922, as revised October 14, 1925, and as further supplemented and adopted as of August 31, 1937;

And it is further ordered, That notice of this order shall be given to respondents and to the general public by posting a copy thereof in the Office of the Secretary of the Commission in Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of May A.D. 1962.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5018; Filed, May 23, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MAY 18, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such

security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 19, 1962, to May 28, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5009; Filed, May 23, 1962; 8:47 a.m.]

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Latest Revision

GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

Price: 15 cents

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MAY 23 1962
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Washington, Friday, May 25, 1962

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 959—ONIONS GROWN IN SOUTH TEXAS

Determination Relative to Limitation of Shipments

Pursuant to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, grade, size, quality, pack, and container regulations were made effective for the period February 19, 1962, through June 30, 1962, upon recommendation of the South Texas Onion Committee (27 F.R. 1451, 2594, 2762). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the regulations were issued to effectuate the declared policy of this act.

Prices received by producers of onions grown in the production area averaged $5.49 per hundredweight for the season through April 30, 1962. This is 111 percent of the Texas parity equivalent price of $4.93 per hundredweight. It is now believed that the season average price will exceed the Texas parity equivalent price since the major portion of the onion crop in this production area has already been marketed.

It is hereby found and determined, in accordance with paragraph (5) of section 602 of the Agricultural Marketing Agreement Act, as amended, that it is necessary to continue the aforesaid regulations in effect in order to avoid a disruption of the orderly marketing of the remainder of the current South Texas onion crop, and the continuation of such regulations will be in the public interest.

Dated: May 21, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5067; Filed, May 24, 1962; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Formal Applications and Petitions

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 103.2 *Formal applications and petitions* is amended by deleting the last sentence thereof.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: May 22, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–5086; Filed, May 24, 1962; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Farmers Home Administration Insured Notes as Collateral for Advances

§ 201.103 Farmers Home Administration insured notes as collateral for advances.

(a) The Board's views have been requested as to whether promissory notes evidencing loans by member banks to farmers which are insured by the Farmers Home Administration are eligible as collateral security for 90-day advances within the meaning of paragraph 8 of section 13 of the Federal Reserve Act.

(b) It is understood that the loans in question are insured pursuant to the Consolidated Farmers Home Administration Act of 1961, which comprises Title III of Public Law 87–128 approved August 8, 1961, and pursuant to section 514 of the Housing Act of 1949, as added by Title VIII of Public Law 87–70 approved June 30, 1961. Loans insured under Public Law 87–128 are made for farm operating purposes and to permit farmers or ranchers to buy, enlarge, develop, or improve a farm or to refinance debts; to develop water supply systems for irrigation, household use, and livestock; to drain farmland; and to carry out soil conservation measures. Loans insured under Public Law 87–70 are made to individual farmers and groups of farmers, political subdivisions, and public or private nonprofit associations to construct or repair housing and related facilities for domestic farm labor.

(c) Paragraph 8 of section 13 of the Federal Reserve Act provides that any Federal Reserve Bank "may make advances for periods not exceeding ninety days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible * * * for purchase by Federal reserve banks under the provisions of this Act." The insured notes here involved are supported by the full faith and credit of the United States and, although the insurance endorsement of the Farmers Home Administration uses the term "insurance" rather than the term "guarantee", they are to be considered as "fully guaranteed" by the United States as to principal and interest within the meaning of section 14(b) of the Federal Reserve Act, as amended, and are therefore eligible for purchase by the Federal Reserve Banks.

(d) The insured notes here involved are to be distinguished from the Government-insured marine bonds considered by the Board in a 1960 published interpretation (§ 201.102; 25 F.R. 7044). The obligations there involved, although technically "notes", were clearly what are generally regarded as securities, and the Board felt that they did not constitute the kind of notes contemplated by the provision authorizing advances to member banks secured by "notes, drafts, bills of exchange, or bankers' acceptances" eligible for discount or purchase by the Federal Reserve Banks. In contrast, the insured notes involved in the present case are not securities as that term is ordinarily used.

(e) Accordingly, the Board has concluded that insured notes of the kind here involved are eligible as security for advances to member banks by Federal Reserve Banks.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies sec. 13, 38 Stat. 263 as amended; 12 U.S.C. 347, 347c)

Dated at Washington, D.C., this 14th day of May 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–5054; Filed, May 24, 1962; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Insurance

Pursuant to authority contained in section 308 of the Small Business In-

vestment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, paragraph (b) § 107.711 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851, 1720, and 3844).

Information and effective date. There was published in the FEDERAL REGISTER on April 3, 1962 (27 F.R. 3168), a notice of intention to amend paragraph (b) § 107.711 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. After consideration of all such relevant matter as was presented by interested persons paragraph (b) § 107.711, with changes resulting from such consideration, is hereby adopted as set forth below. Because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232–8242), as amended, is hereby further amended by:

1. Deleting paragraph (b) of § 107.711 and substituting in lieu thereof a new paragraph (b). As amended, paragraph (b) of § 107.711 reads as follows:

§ 107.711 Insurance.

* * * * *

(b) (1) Each Licensee shall obtain and maintain a Brokers Blanket Bond, Standard Form No. 14, in form and substance acceptable to SBA: *Provided, however,* That a Licensee which is wholly owned by a commercial bank may be included only with the parent commercial bank as a joint insured under Bankers Blanket Bond, Standard Form No. 24, in form and substance acceptable to SBA. Such Bond shall be approved by the board of directors of the Licensee for the protection of the Licensee, covering officers or employees who have control over or access to cash, securities, or other property of the Licensee. Each such fidelity bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. A duplicate copy of such bond, as executed and delivered by the surety company together with a verification certificate, executed by the surety company that such bond is in full force and effect, shall be submitted to SBA by all Proposed Operators at the time of submission of the License Application and within sixty days following the effective date hereof by all Licensees existing as of such effective date. Licensees which have already obtained Brokers Blanket Bond, Standard Form No. 14, or are covered under Bankers Blanket Bond, Standard Form No. 24, as provided for herein and have filed a verified duplicate copy thereof with SBA are required only to provide SBA with a verified copy of the riders or endorsements required under subdivisions (i) and (ii) of this subparagraph and a rider or endorsement to such bond increasing the dollar amount of coverage to the amount required by this section of the regulations. Each Licensee, at least thirty days prior to making any request to the surety company to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond: (i) A rider or endorsement providing that the surety company will submit to SBA an executed copy of any rider or endorsement to be included as a part of the bond concerning any change in the terms, conditions, or coverage of the same; and (ii) a rider or endorsement providing that the surety company will notify SBA of its intent to cancel the fidelity bond at least thirty days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety company. Such notifications to SBA shall be by certified mail addressed to the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(2) The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee (including any undisbursed commitment, § 107.301 (c) and (i) of the regulations, by SBA to provide minimum capital and surplus through purchase of subordinated debentures) plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others	*Minimum coverage*
Up to $400,000	$25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

[1] $200,000 plus $10,000 for each $1,000,000 or fraction thereof over $10,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

Dated: May 21, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–5061; Filed, May 24, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 737; Reg. SR–446A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

In 1961, during tests conducted by the Federal Aviation Agency's Aviation Research and Development Service, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108 to 118 Mcs.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e., radio receivers capable of being carried aboard an aircraft by a passenger) were used in these tests to determine which would produce interference to the VOR equipment. It was determined that the portable frequency modulation (FM) radio receiver is the only type radio receiver, which is commonly used by the general public, that would create this unwanted interference. Therefore, it was found that immediate regulatory action was necessary in order to provide adequately for safety in air commerce.

Accordingly, on May 4, 1961, the Federal Aviation Agency issued Special Civil Air Regulation No. SR–446 (26 F.R. 4011) to become effective May 25, 1961. This regulation, which will expire May 24, 1962, prohibits the operation of portable FM radio receivers during flight on all civil aircraft of the United States operated by an air carrier or a commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the United States while such VOR equipment is being used for navigational purposes. The added restriction in the case of aircraft operated by an air carrier or a commercial operator was necessary since most of these aircraft are equipped with VOR navigational equipment and it would be difficult, if not impossible, for a passenger to know when the pilot in command was depending upon this equipment for navigational purposes. In addition, although not all portable FM radio receivers utilize local oscillators which will create interference, it was necessary to make the rule applicable to all portable FM radio receivers since it would not be feasible to expect the general public, airline personnel, or air crewmembers to distinguish which will cause this interference.

The tests which disclosed the interference problems caused by FM radio receivers were not completed at the time SR–446 was issued in 1961. Therefore, to simplify revision of the rule if additional interference problems were found by the tests, SR–446 was issued as a temporary rule, effective for a one-year period. When SR–446 was issued, the Agency had intended, prior to its expiration, to incorporate the provisions of the rule into the applicable operating parts, i.e., Parts 40, 41, 42, 43, 45, and 46. However, since the final evaluation of these tests by all interested industry parties has not been completed, this action has not been taken. Accordingly, since the conditions under which SR–446 was issued still exist, it is necessary, in order to provide adequately for safety in air commerce, to extend the provisions of that rule for a period of one year.

Since this regulation extends the provisions of a currently effective regulation which expires on May 24, 1962, and a lapse in the effectiveness of the regulation would endanger safety in air commerce, I find that notice and public procedure hereon would be contrary to the public interest, and that good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Special Civil Air Regulation No. SR–446 is superseded by the following Special Civil Air Regulation which is hereby adopted to become effective on May 25, 1962:

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce: (a) Aircraft operated by an air carrier or commercial operator; and (b) any other aircraft equipped with VHF omnirange (VOR) navigational equipment while such VOR equipment is being used for navigational purposes.

This special regulation supersedes Special Civil Air Regulation No. SR–446 and shall remain in effect for one year unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 313(a) and 601; 72 Stat. 752, 775; 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on May 22, 1962.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 62–5085; Filed, May 24, 1962; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 24, 1962, F.R. Doc. 62–3933 was published in the FEDERAL REGISTER (27 F.R. 3880) and amended Part 600 of the regulations of the Administrator by designating VOR Federal airways Nos. 802 from Kansas City, Mo., to New York, N.Y., and 804 from New York to Kansas City. These actions are to become effective June 28, 1962. Victor 804 was designated in part from the Clarion, Pa., VOR direct to the Imperial, Pa., VOR. This alignment coincides with the alignment of VOR Federal airway No. 119.

In Airspace Docket No. 61–NY–121, the Federal Aviation Agency is initiating action to alter the alignment of Victor 119 in part from the Imperial VORTAC via the intersection of the Imperial VORTAC 045° and the Clarion VOR 214° radials; to the Clarion VOR. This action is also to be effective June 28, 1962. Accordingly, action is taken herein to alter Victor 804 to conform to the new alignment of Victor 119 between Clarion and Imperial.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date as originally published may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately F.R. Doc. 62–3933 (27 F.R. 3880) is amended by altering the text of § 600.6804 as follows: "Clarion, Pa., VOR; Imperial, Pa., VORTAC;" is deleted and "Clarion, Pa., VOR; INT of the Clarion VOR 214° and the Imperial, Pa., VORTAC 045° radials; Imperial VORTAC;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–5041; Filed, May 24, 1962; 8:45 a.m.]

[Airspace Docket No. 61–HO–4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Point

On February 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1918) stating that the Federal Aviation Agency (FAA) proposed that the segment of Red Federal airway No. 87 (Hawaiian Islands) from the Intersection of the 288° bearing from Port Allen, Hawaii, radio beacon and Long. 161°15'00" W.; to the Port Allen radio beacon be revoked.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.287 (26 F.R. 6326), "From the INT of the 288° bearing from the Port Allen, Hawaii, RBN and longitude 161°15'00" W., via the Port Allen RBN;" is deleted and "From the Port Allen, Hawaii, RBN via the" is substituted therefor.

2. In the text of § 601.4287 (26 F.R. 6326) "INT of the 288° bearing from the Port Allen, Hawaii, RBN and longitude 161°15'00" W.;" is deleted.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–5042; Filed, May 24, 1962; 8:45 a.m.]

[Airspace Docket No. 61–WA–180]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions

On January 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 476) stating that the Federal Aviation Agency proposed to alter the Orlando, Fla., and the Fort Myers, Fla., control area extensions.

The notice stated that the Fort Myers control area extension would exclude the portion below 2,000 feet MSL. The intent was for this exclusion to apply to that portion of the control area extension which lies outside of the United States. Accordingly, action is taken herein to establish a 2,000 foot MSL floor on only that portion of the Fort Myers control area extension outside of the United States. This provision will allow the retention of a 700-foot floor for that controlled airspace over United States territory heretofore designated as part of the Fort Myers control area extension, and provide for uniformity in the manner of designating controlled airspace floors west and northwest of the Fort Myers VOR. In addition, on March 8, 1962, the Fort Myers VOR was relocated approximately four and one half miles to the northeast, thereby slightly realign-

ing the two airways used in the notice to describe the eastern boundary of the altered Fort Myers control area extension. In order to provide continuity of controlled airspace, these airways are retained in the control area extension description adopted herein.

This action involves the designation of navigable airspace outside the United States. The Administrator has consulted with the Secretary of State and the Secretary of Defense.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1013 (26 F.R. 714, 27 F.R. 562) is amended to read:

§ 601.1013 Control area extension (Fort Myers, Fla.).

The area bounded on the NE by VOR Federal airway No. 35, on the E by VOR Federal airway No. 225 and on the W by the Tampa, Fla., control area extension (§ 601.1228), excluding the portion below 2,000 feet MSL outside the United States and excluding the portion above 20,000 feet MSL S of the Miami, Fla., control area extension (§ 601.1230).

2. Section 601.1138 (26 F.R. 11048, 12073) is amended to read:

§ 601.1138 Control area extension (Orlando, Fla.).

The area NW of Orlando, bounded on the NW by VOR Federal airway No. 97 E alternate, on the E by VOR Federal airway No. 35 W alternate and on the SW by VOR Federal airway No. 97, excluding the portion below, 2,000 feet MSL outside the United States; the area bounded on the N by latitude 29°00'00'' N., on the E by VOR Federal airway No. 267 N of the Orlando, Fla., VOR and VOR Federal airway No. 159 E alternate S of the Orlando VOR, on the S by latitude 27°45'00'' N., and on the W by the arc of a circle with a 50-mile radius centered at latitude 27°53'18'' N., longitude 82°29'29'' W., and VOR Federal airway No. 97; and the area W of Vero Beach, Fla., bounded on the N by latitude 27°-45'00'' N., on the NE by VOR Federal airway No. 295, on the SE by VOR Federal airway No. 225, and on the W by VOR Federal airway No. 267. The portion within R-2910 shall be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5043; Filed, May 24, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-105]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On March 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2157) stating that the Federal Aviation Agency proposed to alter the Chincoteague, Va., control zone.

No adverse comments were received regarding the proposed amendment.

In the notice, the effective hours of the Chincoteague control zone were proposed in terms of local standard time. However, to preclude repeated rule-making action to accommodate seasonal changes associated with daylight time in this area, action is taken herein to designate the effective hours of the control zone in terms of local time without reference to the term "standard."

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2205 (14 CFR 601.2205) is amended to read:

§ 601.2205 Chincoteague, Va., control zone.

Within a 5-mile radius of NASA Wallops Station Airport, Va. (latitude 37°-56'15'' N., longitude 75°28'15'' W.), and within 2 miles either side of the Snow Hill, Md., VOR 181° radial extending from the 5-mile radius zone to the VOR, excluding the portion which coincides with R-6604. This control zone shall be effective from 0800 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5044; Filed, May 24, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-123]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Areas

On March 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2293) stating that the Federal Aviation Agency proposed to designate the Watkins Glen, N.Y., transition area and the Elkland, Pa., transition area.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10956 Watkins Glen, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Watkins Glen, N.Y., VOR 120° and 300° radials extending from 9 miles SE to 20 miles NW of the VOR.

§ 601.10957 Elkland, Pa., transition area.

That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 11 miles SE of the Elmira, N.Y., VOR 252° radial extending from 9 miles SW to 40 miles SW of the VOR excluding the portion which coincides with the Slate Run, Pa., transition area (§ 601.10836), and the Stonyfork, Pa., transition area (§ 601.10914).

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5045; Filed, May 24, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7769]

PART 13—PROHIBITED TRADE PRACTICES

Damar Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-74 *Reducing, non-fattening, low-calorie, etc.;* § 13.170-78 *Renewing, restoring.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Damar Products, Inc., et al., Elizabeth, N.J., Docket 7769, Dec. 6, 1961]

In the Matter of Damar Products, Inc., a Corporation, Also Doing Business as Mrs. Dorothy Damar, and David W. Margulies, Francis D. Margulies, and Isaac G. Margulies, Individually and as Officers of Said Corporation

Order requiring Elizabeth, N.J., sellers of a device designated as a "Cushion Vibrator", and as a "Salon Vibrator" when sold in connection with their "Salon Vibrator Plan" which provided for a low-calorie diet, to cease representing falsely in advertising that the device and "Plan" would cause a reduction in body weight and would tone and firm sagging muscles.

The order to cease and desist is as follows:

Upon the foregoing findings of fact and conclusions of law, *It is ordered,* That respondents Damar Products, Inc., a corporation, and its officers, and David W. Margulies, individually and as an officer, and Francis D. Margulies and Isaac G. Margulies, as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the device designated "Cushion Vibrator" and "Salon Vibrator," or any other device of substantially the same construction, design or operation, whether sold under the same or any other name or names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said device is of value in causing a reduction in weight in any area of the body or in the overall body weight; or that the use of said device in conjunction with a plan which provides for a low-calory diet will cause any reduction in weight in any area of the body or in the overall body weight, unless it is clearly stated that any reduction in weight will be solely by reason of the diet; (b) That said device, used separately or as part of a plan requiring a restricted diet or as part of any other plan, will tone or firm muscles;

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in Paragraphs 1 (a) or 1(b) hereof.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Francis D. Margulies and Isaac G. Margulies, in their respective individual, but not in their official, capacities.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 6, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5055; Filed, May 24, 1962; 8:46 a.m.]

[Docket 8066 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Vincent W. Degaro et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Vincent W. Degaro et al. doing business as M. Degaro Company, Cincinnati, Ohio, Docket 8066, Dec. 9, 1961]

In the Matter of Vincent W. Degaro, Mike Degaro, Joe Degaro, Vincent J. Degaro, Charles R. Degaro, Michael V. Degaro, and Joseph W. Degaro, Jr., Individually and as Copartners Doing Business as M. Degaro Company

Consent order requiring Cincinnati distributors of citrus fruit and other food products to cease violating section 2(c) of the Clayton Act by receiving and accepting allowances from suppliers on purchases for their own accounts for resale, such as a discount, usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit, from Florida packers, or a lower price reflecting such allowance or brokerage.

The order to cease and desist is as follows:

It is ordered, That respondents Vincent W. Degaro, Mike Degaro, Vincent J. Degaro, Charles R. Degaro, Michael V. Degaro, and Joseph W. Degaro, Jr., individually and as copartners doing business as M. Degaro Company, and respondents' agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Joe Degaro.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents Vincent W. Degaro, Mike Degaro, Vincent J. Degaro, Charles R. Degaro, Michael V. Degaro, and Joseph W. Degaro, Jr., individually and as copartners doing business as M. Degaro Company, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, or related complied with the order to cease and desist.

Issued: December 8, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5056; Filed, May 24, 1962; 8:47 a.m.]

[Docket 8152]

PART 13—PROHIBITED TRADE PRACTICES

Master Merchandise Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-45 *Fictitious marking.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.10-55-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-70 *Place:* § 13.1325-70(a) *Domestic product as imported.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Ceast and desist order, Master Merchandise Corporation et al., New York, N.Y., Docket 8152, Dec. 1, 1961]

In the Matter of Master Merchandise Corporation and Codell, Inc., Corporations, and Morris Pearlman, Individually and as an Officer of Said Corporations

Order, issued in default, requiring New York City distributors of perfume to jobbers and retailers to cease using fictitious prices and misrepresenting the place of origin by such practices as printing on stickers attached to the packaging cartons of perfumes, $18.50, and on circulars "Retail Price 1 FL. OZ. $18.50"; and printing on stickers on cartons "Concentre fabrique avec essences de France" in connection with the tricolor of France, and the brand names "Rue De L'Amour" and "Cafe Rouge".

The order to cease and desist is as follows:

It is ordered, That respondents Master Merchandising Corporation, a corporation, and Codell, Inc., a corporation, and their officers, and Morris Pearlman, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, or related

products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, on tags attached to the cartons in which their products are packaged, in advertising of their said products, or by any other manner or means, that any amount is the retail price of their products when such amounts are in excess of the prices at which said products are usually and customarily sold at retail.

2. Using the words or terms "Concentre fabrique avec essences de France," "Paris," "Rue De L'Amour," "Cafe Rouge" or the tricolor of France or any other French word, term or depiction in connection with products not compounded in France or representing in any other manner, directly or indirectly, that any product compounded in the United States is compounded in France.

3. Placing in the hands of others any means or instrumentality by and through which they may mislead the public as to any of the matters and things set out in Paragraphs 1 and 2 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5057; Filed, May 24, 1962; 8:47 a.m.]

[Docket 8220 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Leslie Salt Co.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Order to divest and cease and desist, Leslie Salt Co., San Francisco, Calif., Docket 8220, Dec. 9, 1961]

Consent order requiring the largest producer of salt on the Pacific coast, with evaporated salt capacity in excess of 1,000,000 tons annually before the acquisition concerned, to sell a former competitor it acquired on December 1, 1958, and forbidding it to acquire any interest in any domestic salt producer or distributor for the next ten years; and dismissing a charge of illegality in its acquisition in April 1959 of the final one-third stock interest in the second largest producer of salt and the largest producer of rock salt in California, two-thirds of the stock of which it owned previously.

The order to divest and to cease and desist is as follows:

It is ordered, That respondent, Leslie Salt Co., shall divest itself absolutely in good faith, as a unit and to the same purchaser, of all of its right, title, and interest in all assets, properties, rights, leases, and privileges acquired by it from Deseret Salt Company under that certain "Agreement For The Sale of the Business and Operating Assets of Deseret Salt Company," dated October 24, 1958, together with all capital improvements made by respondent to said properties, which assets, properties, rights, leases, privileges and improvements are more particularly described and set forth in Schedules A and B attached hereto and made a part hereof upon the terms and conditions hereinafter set forth:

A. The divestiture of the subject properties shall be by sale to be made by respondent, without expense to the Commission, through a qualified sales agent to be appointed by respondent.

1. Respondent shall publicize the availability for sale and promote the expeditious sale of the subject properties.

2. Respondent shall appoint the First Security Bank of Utah, Salt Lake City, Utah, as sales agent for the purpose of effecting the sale of the assets, properties, rights, leases and privileges listed in Schedules A and B. The compensation to be paid such sales agent (including reimbursement for expenses incurred) shall all be paid by respondent, except for any brokerage, commission or fees that will be charged by said agent at the time of eventual sale, which commission shall be paid out of the selling price and shall not exceed five percent (5%) of the selling price of said assets, properties, rights, leases and privileges.

3. In the event that the Commission declines to approve respondent's said nominee, then within thirty (30) days after receipt of notice of such disapproval respondent shall submit to the Commission in writing the names of three additional qualified persons or institutions, together with a statement of the compensation to be paid to each for acting as sales agent and from which panel the Commission shall select the sales agent hereunder. In the event the sales agent is not selected from the first panel submitted, additional panels of qualified persons or institutions will be submitted from which the Commission may select the sales agent hereunder.

4. Upon receipt of notice of the Commission's approval of its nominee or notice of the selection of the sales agent from the names submitted by respondent, respondent shall constitute such person or institution so designated as its irrevocable sales agent for a period of five (5) years from the date of this Order to forthwith undertake its best efforts to sell the assets, properties, rights, leases and privileges designated in Schedules A and B upon the terms and conditions hereinafter specified.

5. If after the appointment of the sales agent, said agent should become incapacitated, unable or unwilling to discharge the foregoing obligations as sales agent hereunder, or if the sales efforts of respondent or said sales agent shall not be satisfactory to the Commisison, respondent shall secure the appointment of a successor agent in the manner provided above for the appointment of such agent in the first instance.

B. The assets, properties, rights, leases and privileges designated in Schedules A and B shall be sold to a buyer to be approved by the Commission upon the terms and conditions hereinafter set forth.

1. For a period of six (6) months from the date of appointment, respondent or said sales agent shall offer the said assets, properties, rights, leases, and privileges for sale, for cash, at the highest available price which shall in no event, after deduction of agent's commission, brokerage or other sales compensation together with closing expenses, produce a net return to respondent of less than Six Hundred Thousand Dollars ($600,000).

2. If at the expiration of six (6) months from the date of appointment of said sales agent the assets, properties, rights, leases, and privileges hereinabove referred to and more particularly described in Schedules A and B have not been sold at the price provided for in Paragraph B1, above, then and in such event the respondent or its sales agent shall offer said assets and properties for sale, for cash, at the highest available price which shall in no event, after deduction of the agent's commission, brokerage or other sales compensation together with closing expenses, produce a net return to respondent of less than Four Hundred Fifty Thousand Dollars ($450,000).

3. Respondent shall accept any offer received by it or its sales agent which conforms to the minimum terms of sale specified by this order, provided said offer is first approved by the Commission.

4. Any sale made by respondent or said sales agent under the provisions of either Paragraph B1 or B2 herein shall be upon the condition that the buyer purchases at the same time from respondent, for cash in an amount equal to respondent's costs of production thereof as certified by Messrs. Haskins & Sells (respondent's independent public accountants), all inventories of unpackaged and unprocessed crude salt then located at respondent's Lakepoint, Utah, plant, it being understood that respondent shall have the right to remove from the premises all inventories of packaged and processed salt (including blocks) located at the said plant.

5. Respondent, at buyer's option to be exercised by written notice to respondent at the time of purchase, will purchase for a period of two (2) years subsequent to the closing date of the purchase, an amount designated by buyer not to exceed 25,000 tons of salt per year, which shall be delivered, processed and packaged pursuant to respondent's instructions and which shall be of a merchantable quality equivalent to that previously produced by respondent at its Lakepoint, Utah, plant. The purchase price to be paid by respondent for such salt delivered over a reasonable time at said plant shall be as follows:

(a) For crude unprocessed salt respondent shall pay buyer a price per ton equal to that certified by Haskins & Sells pursuant to the provisions of Paragraph B4 hereof, plus 30 percent.

(b) For processed and packaged salt (including blocks) respondent shall pay to buyer the list f.o.b. plant price then prevailing in the Utah area, less 30 percent.

In the event that buyer does not exercise said option that respondent purchase said salt from buyer, then and in such event, the sale pursuant to provisions of Paragraphs B1 or B2 shall be conditioned upon buyer's agreement to sell to respondent at the price hereinbefore designated in this paragraph not to exceed 12,500 tons of such salt during the six (6) months period following the closing date of purchase.

6. For a period of one (1) year following the date of this order respondent shall not make any improvements or additions to the properties hereinabove referred to, other than those necessary for maintenance of the plant for normal and ordinary operations. During the next four (4) years respondent shall make no capital improvements or additions to the said properties except for capital replacements necessary for the operation of said facilities in an aggregate amount not exceeding in any year Twenty Thousand Dollars ($20,000) and such capital improvements or additions as the sales agent and the Commission shall approve. The value of any such capital improvements or additions placed upon said properties and facilities are to be added to the selling price hereinabove set forth in Paragraphs B1 or B2 at the depreciated book value thereof on the date of closing or at an amount equal to five-sevenths (5/7) of the cost thereof, whichever is less.

7. The respondent or sales agent shall make no sale of the properties and facilities herein referred to without first receiving written approval of the purchaser from the Commission.

8. Pending the sale of said properties pursuant to the provisions of paragraph B1 or B2 hereof, respondent may continue its operations on said property in the normal course of business.

9. None of said assets, properties, rights, leases and privileges, tangible or intangible, shall be sold or transferred to anyone who, at the time of the divestiture is a stockholder, officer, director, employee or agent of, or otherwise directly or indirectly connected with, or under the control of respondent or any of respondent's subsidiaries or affiliated companies.

10. Pending the sale of said properties pursuant to the provisions of Paragraph B1 or B2 hereof, respondent shall submit to the Commission quarterly reports describing the action that has been taken and the efforts that have been made to sell the subject properties. Such reports shall indicate the methods and means employed to effectuate a sale, the results of such actions and efforts and shall set forth the name and address of each person or company contacted, or who has indicated any interest in acquiring said properties, together with copies of all correspondence and summaries of all oral communications with such persons or companies.

Provided, however, and notwithstanding anything hereinbefore set forth in this order, in the event that the respondent's bona fide efforts to sell the properties hereinabove referred to have been unsuccessful and have not resulted in any such sale within a period of five (5) years following the effective date of the appointment of a sales agent as herein provided for, then in such event respondent shall be relieved of any obligation under this order requiring respondent to sell, dispose of, or divest itself of any of the properties herein described in Schedules A and B.

It is further ordered, That for a period of ten (10) years from the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the assets, stock, share capital, or any other interest of any person, partnership, firm or corporation in the United States engaged in the business of producing and/or distributing salt in any form.

It is further ordered, That the charges set forth in the allegations of the Complaint that respondent's acquisition of stock, assets and business of California Salt Company violated section 7 of the Clayton Act and any amendments thereto, be and the same are hereby dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent shall file with the Commission such reports in writing, setting forth in detail the manner and form in which it has complied with said order, as are required by the initial decision.

Issued: December 8, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5058; Filed, May 24, 1962; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-208; Order No. 246]

PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

Interlocking Directorate Applications; Order Prescribing Revised Form

MAY 21, 1962.

The Commission has under consideration in this proceeding the amendment of Part 45 of its regulations under the Federal Power Act by revising § 45.8 thereof entitled "Contents of Application" to read as set forth below. The section prescribes the basic information which is to be submitted in support of applications for authorization, pursuant to section 305(b) of the Federal Power Act, to hold the positions of officer or director of more than one public utility, or of a public utility and a firm authorized to underwrite or participate in the marketing of public utility securities, or of a public utility and a firm engaged in supplying electrical equipment to such public utility.

The amendments herein adopted are designed to delete subsections requiring the submission of information already on file with or readily available to the Commission and to simplify the format in which the required information must be submitted, encouraging the use of tables and eliminating the necessity for repetition of information applicable to more than one corporation or firm. The adoption of the amendments will result in a substantial reduction in the time and effort required to prepare applications filed in the future and in a reduction in size of most applications by approximately 50 percent, particularly when a holding company system is involved.

General public notice of the proposed rulemaking was given by publication of notice in the FEDERAL REGISTER, on March 10, 1962 (27 F.R. 2325), and by mailing copies thereof to interested persons, including public utilities, and to State and Federal agencies. Several comments were received—all of them favoring the proposed revision. Pennsylvania Power & Light Company further suggested the adoption of a procedure which would provide for automatic approval by the Commission of interlocking directorates which fall within certain prescribed categories. We are of the opinion that a procedure for automatic approval of positions in interlocking directorates is not contemplated by section 305(b) of the Act, since it requires that the granting of such authorization shall be by order of the Commission only upon due showing that neither public nor private interests will be adversely affected. New England Power Service Company suggested that paragraph (a) (3) require the applicant to make reference only to the last application filed, rather than to all previous applications. We are changing paragraph (a)(3) accordingly, and, with that exception, adopting the revision as originally proposed in the notice.

The Commission finds: Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, and particularly sections 305(b) and 309 thereof (16 U.S.C. 825d, 825h), orders:

(A) Section 45.8 entitled "Contents of application", of the Commission's Regulations under the Federal Power Act (18 CFR 45.8) is hereby amended to read as set forth below.

(B) These amendments to the Commission's Regulations under the Federal Power Act, shall become effective June 20, 1962.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

§ 45.8 **Contents of application.**

Each application shall state the following:

(a) *Identification of applicant.* (1) Full name, business address, and place of residence.

(2) Major business or professional activity.

(3) If former application or applications under section 305(b) of the Act have been made by the applicant, give date and docket number of the last application filed.

(4) If application is not filed with the Commission within 30 days after election or appointment, state reasons in full for the delay.

(b) *List of positions within the purview of section 305(b) of the act for which authorization is sought.* (Indicate by asterisk positions which were the subjects of previous authorizations.)

Position	Name of corporation	Classification: (1) Public utility, (2) authorized by law to underwrite, (3) supplying electrical equipment

(c) *Data as to positions with each public utility mentioned in paragraph (b) of this section.* (The format should be adapted to the information submitted, in keeping with completeness and conciseness. In the case of public utilities of the same holding company system, brevity will generally be promoted by submitting the information for all of the utilities involved under each subsection progressively in the order of the subsections, utilizing tables when feasible.)

(1) Name, principal place of business, and a brief description of operations.

(2) Date elected or appointed, or anticipated date of election or appointment, to each position not previously authorized.

(3) Names of officers and directors; number of vacancies, if any, on Board of Directors.

(4) Description of applicant's duties: Approximate amount of time devoted thereto; and, if applicant seeks authorization as a director, when and where directors meetings have been held during the past 12 months and number of such meetings attended by applicant.

(5) All other professional, contractual, or business relationships of applicant with the public utility, either directly or through other corporations or firms.

(6) Extent of applicant's direct or indirect ownership, control of, or beneficial interest in the public utility or the securities thereof. If ownership or interest is held in a name other than that of applicant, state name and address of the holder.

(7) Extent of applicant's indebtedness to the public utility, how and when incurred, and consideration therefor.

(8) All money or property received by applicant from the public utility or any affiliate during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and the basis therefor. If applicant's compensation for services to the public utility is not paid directly by the public utility, give name of the corporation which does pay same, the amount allocated or allocable to the public utility or any affiliate, and the basis or reason for such allocation.

(9) Name and address of principal place of business of any corporation which renders management, construction or other service to the public utility pursuant to contract or other continuing arrangement.

(10) Whether during the past 5 years the public utility or any affiliate thereof or any security holders of either have commenced any suit against the officers or directors thereof for alleged waste, mismanagement or violation of duty, to which suit applicant was a party defendant. If so, give date of commencement of suit, court in which commenced, and present status.

(11) Whether the public utility or any affiliate thereof, during the past 5 years and while applicant held a position therein, has either voluntarily or involuntarily been the subject of any proceeding in bankruptcy (including 77(b), 48 Stat. 912; 11 U.S.C. 207), insolvency or equity receivership, either Federal or State. If so, give date of commencement of proceeding, court in which commenced, and present status.

(d) *Data as to positions with each bank, trust company, banking association or firm, mentioned in paragraph (b) of this section, that is authorized by law to underwrite or participate in the marketing of securities of a public utility.* (The applicant shall use a separate sheet for each corporation.)

(1) Name of corporation, State, and date of incorporation (if any) and address of principal place of business.

(2) States in which corporation is doing business or has qualified to do business.

(3) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(4) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, where directors meetings are held.

(5) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(6) All money or property received by applicant from the company during the past 12 months, and expected during the ensuing 12 months whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(7) Names, titles, and residence addresses of directors, officers, or partners.

(8) Whether the corporation is now engaged in underwriting or participating in the marketing of the securities of a public utility; if so, to what extent.

(9) Whether the corporation, during applicant's connection therewith, has underwritten or participated in the marketing of the security issue of any public utility with which applicant was also connected; if so, the details with respect to every such transaction.

(10) (If the answer to subparagraph (8) of this paragraph is in the negative.) Give excerpts from the charter, declaration of trust, or articles of partnership which authorize the underwriting or participating in the marketing of securities of a public utility.

(11) (If the answer to subparagraph (8) of this paragraph is in the negative.) Give general requirements of and appropriate reference to, the laws of the State of organization and of States in which corporation is doing business or has qualified to do business, with which it must comply in order to engage in the business of underwriting or participating in the marketing of the securities of a public utility.

(12) What steps, if any, have been taken to comply with laws mentioned in subparagraph (11) of this paragraph.

(13) In lieu of subparagraphs (10), (11), and (12) of this paragraph, an opinion by counsel to the same effect and including the information in respect thereto may be filed with the application.

(14) Whether the corporation has registered with the Securities and Exchange Commission; if so, when and under what section of what act.

(e) *Data as to positions with each company, mentioned in paragraph (b) of this section, supplying electrical equipment to a public utility in which applicant holds a position.* (Applicant shall use a separate sheet for each company.)

(1) Name of company, State, and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds or seeks authorization to hold therein and when and by whom elected or appointed to each position.

(3) Description of applicant's duties in each position and approximate amount of time devoted thereto, and, if applicant seeks authorization as director, when and where directors meeting have been held during the past 12 months and number of said meetings attended by applicant.

(4) Names, titles, and residence addresses of directors or partners.

(5) Name of each public utility, with which applicant holds or seeks authorization to hold a position, to which the company supplies electrical equipment; the frequency of such transactions; the approximate annual dollar volume of such business; and the type of equipment supplied.

(6) Nature of relationship between the company supplying electrical equipment and the public utility:

(i) Whether compony manufactures such electrical equipment or is a dealer therein.

(ii) Whether company supplies electrical equipment to the public utility pursuant to construction, service, agency, or other contract with the public utility or an affiliate thereof, and, if so, furnish brief summary of the terms of such contract.

(7) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(8) All money or property received by applicant from the company during the past 12 months, and expected during the ensuing 12 months whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(f) *Data as to positions with public utility holding companies.* (Do not include here data as to corporations listed in paragraph (b) of this section which are also holding companies. A "holding company" as herein used means any corporation which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more, of the outstanding voting securities of a public utility.)

(1) Name of holding company, State, and date of incorporation (if any), and address of principal place of business.

(2) Positions which applicant holds therein, when and by whom elected or appointed to each position.

(3) Extent of applicant's direct or indirect ownership, or control of, or beneficial interest in, the holding company or in the securities thereof, including common stock, preferred stock, bonds, or other securities. If such ownership or interest is held in a name other than that of applicant, state name and address of such holder.

(4) All money or property received by applicant from the holding company during the past 12 months, and expected during the ensuing 12 months, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(g) *Positions with all other corporations.* (Do not include here data as to any corporations listed in paragraphs (b) or (f) of this section.)

(1) All other corporations and positions therein, including briefly the information required in parallel columns as below:

Name of corporation	Address: Kind of business	Position held therein

(2) Any corporate, contractual, financial, or business relationships between any of the corporations listed in subparagraph (1) of this paragraph and any of the public utilities listed in paragraph (b) of this section.

(h) *Data as to the public utility holding company system.* The names of the public utility holding company systems of which each public utility listed in paragraph (b) of this section is a part, with a chart showing the corporate relationships existing between and among the corporations within the holding company systems.

(Secs. 305(b), 309, 49 Stat. 856, 858; 16 U.S.C. 825d(b), 825h)

[F.R. Doc. 62-5053; Filed, May 24, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington, Delaware, requesting the establishment of a tolerance for residues of the insecticide toxaphene in or on pineapples at 3 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing the introduction to § 120.138 (21 CFR 120.138) and by adding thereto a tolerance for the insecticide in or on pineapples. As amended, the introduction to the section and the item "3 parts per million * * *" are changed to read as follows:

§ 120.138 Tolerances for residues of toxaphene.

Tolerances are established for residues of the insecticide toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) in or on raw agricultural commodities from preharvest or preslaughter application, as follows:

* * * * *

3 parts per million in or on bananas (of which residue not more than 0.3 part per million shall be in the pulp after the peel is removed and discarded), pineapples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5063; Filed, May 24, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York, N.Y., requesting the establishment of a tolerance for residues of the insecticide 1-naphthyl *N*-methylcarbamate in or on olives at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing the introduction to § 120.169 (21 CFR 120.169; 27 F.R. 823) and by adding thereto a tolerance for the insecticide in or on olives. As amended, the introduction to the section and the item "10 parts per million * * *" are changed to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

Tolerances are established for residues of the insecticide 1-naphthyl *N*-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl *N*-methylcarbamate, in or on raw agricultural commodities as follows:

* * * * *

10 parts per million in or on apples, apricots, asparagus, bananas, beans, blueberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries,

citrus fruits, cranberries, cucumbers, eggplants, grapes, kohlrabi, lettuce, melons, nectarines, okra, olives, peaches, pears, peppers, plums (fresh prunes), pumpkins, sorghum grain, strawberries, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5079; Filed, May 24, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

MALATHION

The Commissioner of Food and Drugs, having evaluated comments submitted by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, has concluded that the following amendment to § 121.228 of the food additive regulations should issue to clarify the existing regulation. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.228 (21 CFR 121.228; 27 F.R. 3441) is amended to read as follows:

§ 121.228 Malathion.

A tolerance of 50 parts per million (0.005 percent) is established for residues of malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of the pesticide to bagged citrus pulp during storage. Whether or not tolerances for residues of malathion on the fresh fruit have been established under section 408 of the act, the total residue of malathion in the dried citrus pulp shall not exceed 50 parts per million.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the purpose of this amendment is to clarify an existing regulation.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5076; Filed, May 24, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by the Catalin Corporation of America, Fords, New Jersey, Davison Chemical Company, Division of W. R. Grace and Co., Baltimore 3, Maryland, E. I. du Pont de Nemours and Sons, Inc., Wilmington 99, Delaware, and Pennsylvania Glass Sand Corporation, Hancock, West Virginia, and other relevant material, has concluded that the following food additive regulation should issue with respect to the use of silicon dioxide in feed and feed components. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.229 Silicon dioxide.

The food additive silicon dioxide may be safely used in specified feed and feed components in accordance with the following conditions:

(a) The food additive is manufactured by vapor phase hydrolysis or by other means whereby the particle size is such as to accomplish the intended effect.

(b) It is used or intended for use in feed and feed components as an anticaking agent, and/or grinding aid, as follows:

Feed component:	*Limitations (percent)*
BHT (butylated hydroxytoluene)	2
Methionine hydroxy analog and its calcium salts	1
Sodium propionate	1
Urea	1
Vitamins	3

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5077; Filed, May 24, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHYL CELLULOSE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, and other relevant material, has concluded that the following regulations should issue to provide for the safe use of ethyl cellulose as a component of protective coatings and as a binder and filler for vitamin and mineral preparations for human and animal use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended as set forth below:

1. Subpart C is amended by adding thereto the following new section:

§ 121.230 Ethyl cellulose.

The food additive ethyl cellulose may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is a cellulose ether containing ethoxy (OC_2H_5) groups attached by an ether linkage and containing on an anhydrous basis not more than 2.60 ethoxy groups per anhydroglucose unit.

(b) It is used or intended for use as a binder or filler in dry vitamin preparations to be incorporated into animal feed.

2. Subpart D is amended by adding thereto the following new section:

§ 121.1087 Ethyl cellulose.

The food additive ethyl cellulose may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is a cellulose ether containing ethoxy (OC_2H_5) groups attached by an ether linkage and containing on an anhydrous basis not more than 2.60 ethoxy groups per anhydroglucose unit.

(b) It is used or intended for use as follows:

(1) As a binder and filler in dry vitamin preparations.

(2) As a component of protective coatings for vitamin and mineral tablets.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5075; Filed, May 24, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Davison Chemical Co., Division of W. R. Grace and Co., Baltimore 3, Maryland, Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, and Pennsylvania Glass Sand Corporation, Hancock, West Virginia, and other relevant material, has concluded that the following amendment should issue to § 121.1058 of the food additive regulations for silicon dioxide in specified foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1058 (21 CFR 121.1058) is amended by changing the section heading, by providing for other methods of manufacturing silicon dioxide, and by providing for its use in other specified foods. As amended, § 121.1058 reads as follows:

§ 121.1058 Silicon dioxide.

The food additive silicon dioxide may be safely used in specified foods in accordance with the following conditions:

(a) The food additive is manufactured by vapor phase hydrolysis or by other means whereby the particle size is such as to accomplish the intended effect.

(b) It is used or intended for use in food as an anticaking agent as follows:

Food:	*Limitations (percent)*
Salt and seasoned salt	1
Sodium bicarbonate	1
Vitamin products	0.5
Special dietary products	0.75
Spices	2
Meat curing compounds	2
Flavoring powders	2

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5078; Filed, May 24, 1962; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Chloramphenicol-Paromomycin Ointment; Correction

Effective as of the date of signature of this order, paragraph (a)(1)(ii)(c) of § 141d.316 *Chloramphenicol-paromomycin ointment* is corrected by changing the beginning of the first formula and the second formula, respectively, to read as follows:

Hydrocortisone content (% weight/weight) =
Chloramphenicol content (% weight/weight) =

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5074; Filed, May 24, 1962; 8:49 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements; Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of March 30, 1962 (27 F.R. 3006), with regard to sampling requirements of penicillin dental cones, suppositories, bougies, and implantation pellets. Accordingly, the amendments promulgated by that order became effective April 29, 1962.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5080; Filed, May 24, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Investigating and Processing of Claims

1. Subparagraph (2) of § 536.1(b) is revised to read as follows:

§ 536.1 Purpose and scope.

* * * * * * *

(b) *Scope.* * * *

(2) *Disaster claims.* Disaster claims and claims arising out of an incident involving an aircraft or missile under the control of the Army or the Army National Guard which are properly for settlement under either §§ 536.12–536.23, 536.29, 536.140–536.152, or § 536.26 will be investigated in accordance with standing operating procedures promulgated for that purpose by the commanding general of an Army or comparable command responsible for the area in which the disaster or aircraft or missile incident occurred. Such claims will be

settled in accordance with applicable regulations and the procedures set forth in this section and §§ 536.2–536.11c.

2. In § 536.3, new paragraph (a–2) is added and paragraph (b)(1) is revised, as follows:

§ 536.3 Definitions and explanations.

* * * * *

(a–2) *Advance payment.* A payment not exceeding $1,000 made prior to settlement of a meritorious claim resulting from an incident involving an aircraft or missile where there exists an immediate need of the person who suffered the injury, damage, or loss, or of his family, or of the family of a person who was killed, for food, clothing, shelter, medical or burial expenses or other necessities, and other resources for such expenses are not reasonably available.

(b) *Civilian employees.* Includes:

(1) Civilian employees of the Army, prisoners of war and interned enemy aliens engaged in labor for pay, volunteer workers, others serving as employees of the Army without compensation, and as to §§ 536.26 and 536.29, civilian employees of the Department of Defense who are not employees of the Department of the Army, the Navy, or the Air Force; and

3. New subparagraph (5) is added to § 536.9(b), as follows:

§ 536.9 Effect on award of other payments to claimant.

(b) * * *

* * * * *

(5) Any advance payment made pursuant to § 536.11c.

4. Section 536.11a is revised and new § 536.11c is added, as follows:

§ 536.11a Effect of payment.

Acceptance of an award by the claimant, except for the acceptance of an advance payment, constitutes for the United States as well as the military personnel or civilian employee whose act or omission gave rise to the claim, a release from all liability to the claimant based on the act or omission.

§ 536.11c Advance payments.

(a) *Purpose.* This paragraph implements title 10, United States Code, section 2736, and authorizes an advance payment not in excess of $1,000 in the limited category of claims resulting in immediate hardship arising from incidents involving aircraft or missiles which are payable under title 10, United States Code, sections 2733 or 2734, or title 32, United States Code, section 715. No new liability is created by title 10, United States Code, section 2736, which permits partial advance payments on meritorious claims as specified above which are otherwise within the purview of §§ 536.12–536.23, 536.140–536.152, or § 536.26.

(b) *Conditions for advance payment.* An advance payment is authorized only under the following circumstances:

(1) The claim for death, personal injury, damage to or loss of property arises from an incident involving an aircraft or missile.

(2) The claim must be determined to be cognizable and meritorious under the provisions of either §§ 536.12–536.23, 536.140–536.152, or § 536.26.

(3) There exists an immediate need of the person who suffered the injury, damage or loss, or of his family, or of the family of a person who was killed, for food, clothing, shelter, medical or burial expenses or other necessities, and other resources for such expenses are not reasonably available.

(4) The payee, so far as can be determined, would be a proper claimant, or is the spouse or next of kin of a claimant who is incapacitated.

(5) The total damage sustained must exceed the amount of the advance payment.

(6) A properly executed advance payment acceptance agreement has been obtained.

(c) *Authorization.* Approving authorities designated in §§ 536.12–536.23, 536.26, and 536.140–536.152 are authorized to make advance payments within their monetary jurisdiction in connection with claims cognizable under those sections.

[C 2, AR 25–20, May 4, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–5040; Filed, May 24, 1962; 8:45 a.m.]

PART 536—CLAIMS AGAINST THE UNITED STATES

Miscellaneous Amendments

1. Section 536.12 is revised and new paragraph (f) is added to § 536.14, as follows:

§ 536.12 Statutory authority.

The authority for §§ 536.12–536.23 is contained in title 10, United States Code, section 2733, as amended, and section 2736.

§ 536.14 Claims payable.

* * * * *

(f) *Advance payments in aircraft and missile incidents.* Advance payments pursuant to title 10, United States Code, section 2736, on meritorious claims in connection with immediate hardship arising from incidents involving an aircraft or missile are authorized as provided in § 536.11c.

2. In § 536.26(n), revise subparagraph (9) and add new subparagraph (10), as follows:

§ 536.26 Claims arising in foreign countries.

* * * * *

(n) *Foreign claims commissions.* * * *

(9) *Cross servicing of claims.* Claims arising in foreign countries under the Foreign Claims Act of January 2, 1942 (55 Stat. 880), as amended (31 U.S.C. 224d), and the Act of July 3, 1943, chapter 189 (57 Stat. 372), as amended (31 U.S.C. 223b), and sections 2733 and 2734 of Title 10, United States Code, as amended, will be settled without regard to the service of the tortfeasor. Any claim, whether arising from activities of the Army, Navy, Air Force, Marine Corps, or the Coast Guard, when operating as a service in the Navy, may, upon request by the service concerned, and shall, when the Army has been assigned responsibility for claims in a particular country, be settled under §§ 536.12–536.23 or this section by a foreign claims commission appointed by the Secretary of the Army or his designee. A claim arising from Army activities in an area where another service has been assigned responsibility for claims will be sent to that service for settlement under its regulations.

(10) *Advance payments.* Advance payments pursuant to title 10, United States Code, section 2736, on meritorious claims for compensation for personal injury or death, or property damage, resulting from incidents involving aircraft or missiles, which are otherwise payable under this section, are authorized as provided in § 536.11c. However, no advance payment is authorized if the incident occurred in a foreign country in which the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty or other similar treaty or agreement is in effect, and the injury, death, damage, or loss was caused by a member or employee of the Department of the Army acting within the scope of employment, or occurred incident to noncombat activities of the Department of the Army, for which the foreign country concerned has responsibility under the treaty or agreement for the settlement of such scope claims.

3. New paragraph (c) is added to § 536.152, as follows:

§ 536.152 Settlement authority.

* * * * *

(c) *Advance payments in aircraft and missile incidents.* Advance payments pursuant to title 10, United States Code, section 2736, on meritorious claims in connection with immediate hardship arising from incidents involving in aircraft or missile, are authorized as provided in § 536.11c.

[C 1, AR 25–25, C 1, AR 25–40, and C 4, AR 25–90, May 4, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–5081; Filed, May 24, 1962; 8:50 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments and revisions are issued to this subchapter:

PART 1056—CONTRACTS ENTERED INTO UNDER AUTHORITY OF TITLE II, FIRST WAR POWERS ACT, 1941 AS AMENDED

Part 1056 is deleted and reserved.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1057—REPORTS

Subpart A—Procurement Action Reports

Subpart A is deleted and reserved.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart W—Report of Effectiveness of Labor Law Enforcement on Air Force Contracts

Subpart W is revised to read as follows:

Sec.
1057.2300 Scope of subpart.
1057.2301 Applicability of subpart.
1057.2302 Responsibilities.
1057.2303 Procedure.
1057.2304 Report to AMC.
1057.2305 Reports control symbol.

AUTHORITY: §§ 1057.2300 to 1057.2305 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 2301–2314.

§ 1057.2300 Scope of subpart.

This subpart prescribes the use of AFPI Form 30, "Labor Law Investigation Control," for the recording of data pertaining to a Labor Law Violation Investigation and the submission of a monthly report of effectiveness of labor law enforcement on AF contracts as prescribed in § 1012.404 of this chapter.

§ 1057.2301 Applicability of subpart.

This subpart applies to all AF liaison offices designated in § 1012.404–51 of this chapter.

§ 1057.2302 Responsibilities.

(a) A monthly report as prescribed in paragraph (b) of this section will be prepared and submitted by each AF liaison office to AMC (MCPP) within 2 working days after the last day of the month being reported. Negative reports are required.

(b) MCPP will prepare and submit a consolidated report as of the end of each quarter to reach Hq USAF (AFMPP–PD–2) not later than the 12th calendar day of the month following each quarterly period.

§ 1057.2303 Procedure.

(a) Upon receipt of a complaint of an alleged labor law violation, the front side of AFPI Form 30 will be accomplished as completely as possible in triplicate by the AF liaison officer. Additional information and record of actions will be added as received or as they occur. (The form is self-explanatory.) Record of actions will be posted in very abbreviated form.

(b) The reverse side of AFPI Form 30 will be completed when cases are either closed by AFLO or forwarded to Hq USAF for decision and disposition.

(c) At the end of the reporting period all duplicates of the form will be removed and forwarded to Hq AMC. Triplicates will be forwarded to the appropriate CMR. At this time two AFPI Forms 30, completed only as to contractor's name and AFLO Investigation No., will be attached with interleaved carbon to the original (settled cases or cases forwarded to Hq USAF excepted) and filed for further posting.

§ 1057.2304 Report to AMC.

This report consists of the duplicate AFPI Forms 30 for all cases completed during the reporting month and for all other unsettled cases.

§ 1057.2305 Reports control symbol.

RCS: AF–XDL–Y2 has been assigned to this report.

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart F—Special Procurements

§ 1059.606 [Deletion]

Delete § 1059.606.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1060—BALLISTIC MISSILE AND SPACE SYSTEMS PROGRAMS

Part 1060 is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

For the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–5019; Filed, May 24, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.656, paragraphs (a) and (b) are amended as follows:

§ 3.656 Disappearance of veteran.

(a) When an incompetent veteran has disappeared for 90 days or more and his whereabouts remain unknown to the members of his family and the Veterans Administration, disability compensation which he was receiving or entitled to receive may be paid to or for his wife, children and parents, effective the day following the date of last payment to the veteran. Effective September 1, 1959, the provisions of this section are also applicable to the disappearance of a competent veteran. The total amount payable will be the lesser of these amounts:

* * * * *

(b) Where a veteran's whereabouts become known to the Veterans Administration after an award to dependents has been made as provided in this section, the award to the dependents will be discontinued, effective the last day of the month in which the discontinuance action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found. (38 U.S.C. 358)

2. Section 3.659 is revised to read as follows:

§ 3.659 Two parents in same parental line.

(a) If death pension, compensation or dependency and indemnity compensation is payable based on the service of one parent, an award of such benefits to or on account of a child will be made subject to any payments of these benefits made to or on account of that child over the same period of time based on the service of another parent in the same parental line.

(b) Any reduction or discontinuance will be effective the day preceding the commencing date of death pension, compensation or dependency and indemnity compensation or, under the circumstances described in § 3.707(a)(2), the commencing date of war orphans' educational assistance, to or on account of the child based on the service of another parent in the same parental line.

3. Section 3.1557 is revoked.

§ 3.1557 Payments to wife, child or parent of a competent veteran receiving compensation who disappears, 38 U.S.C. 358, as amended by Public Law 86–212. [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective May 25, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–5071; Filed, May 24, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONTANA

Boats

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Two Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend 36 CFR 7.3 as set forth below. The purpose of this amendment is to establish reasonable regulations which will provide adequate control over boats and insure a maximum of safety in their use.

The notice published in 26 F.R. 5267 is hereby terminated.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Montana, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

EDWARD A. HUMMEL,
Superintendent,
Glacier National Park.

Paragraph (g) of § 7.3 is amended and revised in its entirety to read as follows:

§ 7.3 Glacier National Park.

* * * * *

(g) *Boats.* (1) No privately owned waterborne craft, including but not limited to boats, canoes, rafts or other floating objects, shall be placed or operated upon the waters of Glacier National Park without a permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such waterborne craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the craft at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) Numbering of boats: No waterborne craft propelled by machinery of more than ten (10) horsepower shall be operated upon the waters of the park, unless such craft has been documented by the Bureau of Customs or, if undocumented, has been numbered by the United States Coast Guard or by a state having a numbering system approved by the United States Coast Guard.

(3) Rules of the road: The following rules of the road shall apply:

(i) No person shall operate a waterborne craft of any type or description upon any body of water in the park in a reckless or negligent manner, so as to endanger or be likely to endanger the life, limb or property of any person.

(ii) In narrow channels, boats or other craft shall be operated to the right of the middle of the channel.

(iii) When boats or craft are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and at a speed so that the wake of each will not endanger the other.

(iv) When a boat or craft desires to pass another traveling in the same direction, the overtaking boat or craft shall keep clear of the overtaken boat or craft and shall pass at a speed and at a distance so as not to endanger the overtaken boat or craft. The overtaken boat or craft shall maintain its course and speed until the overtaking boat or craft has safely passed.

(v) When two boats are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another, the boat which has the other on her own port (left) shall hold her course and speed; and the boat which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other boat, or stop and reverse, if necessary.

(vi) A crossing situation shall exist when two boats or craft are approaching so that each has the other forward of its beam.

(vii) An overtaking situation shall exist whenever a boat or craft approaches another from abaft the beam of the other boat or craft.

(viii) Any boat or craft propelled by machinery shall keep clear of any boat or craft under sail or being propelled by oars or paddles.

(ix) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(4) Safety requirements and equipment: (i) All boats or craft shall carry a life preserver, buoyant cushion, or ring buoy approved by the United States Coast Guard and in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in an emergency, except that, any person, twelve (12) years or younger and any nonswimmer, aboard a boat or craft while such boat or craft is in motion, shall have an approved buoyant device securely fastened to his or her person.

(ii) Every motorboat or other motor-propelled craft, operated between sunset and sunrise shall carry and exhibit the following lights, and during such time, no other lights which may be mistaken for those prescribed, shall be exhibited:

(a) *Class A (less than 16 feet in length).* A bright white light aft to show all around the horizon and visible for two (2) miles and a combined lantern in the fore part of the boat and lower than the white light, showing green to starboard (right) and red to port (left), so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(b) *Class 1 (16 feet to less than 26 feet in length).* Same as required for Class A boats.

(c) *Class 2 (26 feet to less than 40 feet in length).* A bright white light aft showing all around the horizon and visible two (2) miles. A bright white light in the fore part of the boat as near the stem as possible and lower than the white light aft and so fixed as to throw the light ten (10) points on each side of the boat, from right ahead to two (2) points abaft the beam on either side, and visible two (2) miles. On the starboard (right) side, a green light and on the port (left) side a red light each visible one (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(iii) Every motorboat of Class 1 or 2 shall be equipped with an efficient whistle or other sound producing mechanical device.

(iv) Every motorboat of Class 2 shall be provided with an efficient bell.

(v) Every motorboat shall have the carburetor or carburetors of every engine, except outboard motors, using gasoline as fuel, equipped with an efficient flame arrestor of a type approved by the United States Coast Guard.

(vi) Every motorboat, except open boats, using as fuel a liquid of a volatile nature, shall be provided with a natural or a mechanical ventilating system capable of effectively ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or inflammable gasses.

(vii) Every motorboat shall be provided with at least the minimum number of hand portable fire extinguishers of the size and type approved by the United States Coast Guard, and which shall be at all times, kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Inboard motorboats and those outboard motorboats having fuel containers in compartments wherein vapors could be pocketed shall carry the following fire extinguishers:

(a) *Class A.* At least one (1) approved B–1 type extinguisher.

(b) *Class 1.* Same as Class A.

(c) *Class 2.* At least two (2) approved B–1 type extinguishers, or a fixed fire extinguishing system in machinery spaces.

(5) Accidents: (i) In case of collision, accident, or other casualty involving a motorboat or other craft, the operator shall, if, and so far as he can without serious danger to his own boat or craft, or persons aboard, render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty, in order to save them from danger caused by the collision, accident or casualty. He shall also give his name, address, and identification of his boat or craft to any person injured and to the owner of any property damaged.

(ii) A report of any collision, accident, fire or other casualty that results in property damage in excess of $50 or any personal injury or death to any person or persons must be made at the nearest Ranger Station within 24 hours.

(6) Prohibited operation: (i) No person shall operate, or knowingly permit any person to operate, any motorboat or craft in a reckless or negligent manner so as to endanger or be likely to endanger, the life, limb or property of any person.

(ii) No person shall operate or knowingly permit any person to operate, any motorboat or craft while under the influence of intoxicants, narcotic drugs, barbituates or marijuana.

(iii) Boats propelled by a propeller (airboats) above the water line of the boat or craft are prohibited on all waters within the park.

(iv) Machinery propelled waterborne craft of every description are prohibited on all waters of the park except lakes which may be reached by roads administratively approved as public roads.

(v) The towing of water skis, surfboards, and similar devices by motorboats or other craft is prohibited on all park waters unless specifically authorized by the superintendent by the posting of signs setting forth the body of water and delineated portion thereof where such activity is permitted.

(vi) No boat more than 32 feet in length shall be placed or operated on park waters, except that this prohibition shall not extend to concessioner-operated sightseeing launches.

(vii) No waterborne craft shall be operated within any area delineated by a line of red buoys.

(viii) No waterborne craft shall be operated in excess of five miles per hour within any area delineated by a line of yellow buoys.

(ix) No motor-propelled craft shall be operated within 500 feet of any designated bathing area. Bathing areas are designated by white buoys and white float lines.

(x) The foregoing restrictions shall not apply to craft engaged in the official business of the Federal Government.

(xi) Swimming from unanchored boats is prohibited.

(xii) No person, other than the authorized concessioner or his representatives, shall moor or beach a waterborne vessel on the shore of a designated harbor area except in an emergency.

[F.R. Doc. 62–5060; Filed, May 24, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1005, 1011, 1065, 1066, 1071–1076, 1090, 1094, 1096, 1098, 1101–1107, 1134, 1135, 1137]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

In the matter of:

7 CFR Part; Docket No.; and Marketing Area		
1005	AO–177–A20	Tri-State.
1011	AO–251–A4	Appalachian.
1065	AO–86 –A14	Nebraska-Western Iowa.
1066	AO–122–A9	Sioux City, Iowa.
1071	AO–227–A13	Neosho Valley.
1072	AO–235–A4	Sioux Falls-Mitchell, S. Dak.
1073	AO–173–A14	Wichita, Kans.
1074	AO–249–A4	Southwest Kansas.
1075	AO–248–A3	Black Hills, S. Dak.
1076	AO–260–A4	Eastern South Dakota.
1090	AO–266–A3	Chattanooga, Tenn.
1094	AO–103–A20	New Orleans, La.
1096	AO–257–A8	Northern Louisiana.
1098	AO–184–A18	Nashville, Tenn.
1101	AO–195–A10	Knoxville, Tenn.
1102	AO–237–A6	Fort Smith, Ark.
1103	AO–252–A7	Central Mississippi.
1104	AO–298–A2	Red River Valley.
1105	AO–297–A2	Mississippi Delta.
1106	AO–210–A14	Oklahoma Metropolitan.
1107	AO–304–A3	Mississippi Gulf Coast.
1134	AO–301–A2	Western Colorado.
1135	AO–300–A4	Colorado Springs-Pueblo.
1137	AO–326–A1	Eastern Colorado.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the joint public hearing to be held in the Lassen Hotel, 155 North Market Street, Wichita, Kansas, beginning at 10:00 a.m., c.s.t., on June 7, 1962; in the Alamo Plaza Courts, 450 Murfreesboro Road, Nashville, Tennessee, beginning at 10:00 a.m., c.s.t., on June 12, 1962; and in the Monte Leone Hotel, 214 Royal Street, New Orleans, Louisiana, beginning at 10:00 a.m., c.s.t., on June 14, 1962. This hearing is with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas hereinafter specified.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals with respect to the matters set forth below have been made by the following:

Athens Milk Sales, Inc.
Dairymen's Co-operative Sales Association.
Hooking Valley Dairymens Association.
Huntington Interstate Milk Producers' Association.
Marietta Cooperative Milk Producers Association.
Pickaway Dairy Cooperative Association, Inc.
Scioto County Milk Producers Association.
Tri-State Milk Producers Association, Inc.
Nebraska-Western Iowa Non-Stock Cooperative Milk Association.
Sioux City Milk Producers Cooperative Association, Inc.
K.M.O. Milk Producers Association, Inc.
Neosho Valley Cooperative Creamery.
Sioux Valley Cooperative Milk Producers Association, Inc.
Southwest Milk Producers Association.
Black Hills Milk Producers Association.
Eastern South Dakota Federation.
Chattanooga Area Milk Producers Association.
Gulf Milk Association, Inc.
North Louisiana Pure Milk Producers Association, Inc.
Nashville Milk Producers, Inc.
Knoxville Milk Producers Association, Inc.
Central Arkansas Milk Producers Association.
Mississippi Milk Producers Association.
Central Oklahoma Milk Producers Association.
Gold Spot Dairy Association.
Pure Milk Producers Association of Eastern Oklahoma.
Western Colorado Milk Producers Association.
Eastern Colorado Dairymen Association.
Denver Milk Producers, Inc.

Proposal No. 1. That the basic formula price to be used in computing the price for Class I milk under each of the following orders shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. Adjustments of the several Class I price differentials appropriate in relation to the proposed change in the basic formula price will also be considered.

This proposal affects the following marketing areas and order provisions:

Marketing area:	*Provisions affected (section)*
Tri-State	1005.50
Appalachian	1011.50
Nebraska-Western Iowa	1065.50
Sioux City, Iowa	1066.50
Neosho Valley	1071.50
Sioux Falls-Mitchell, S. Dak	1072.50
Wichita, Kans	1073.50
Southwest Kansas	1074.50
Black Hills, S. Dak	1075.50
Eastern South Dakota	1076.50
Chattanooga, Tenn	1090.50
New Orleans, La	1094.50
Northern Louisiana	1096.50
Nashville, Tenn	1098.50
Knoxville, Tenn	1101.50
Fort Smith, Ark	1102.50
Central Mississippi	1103.50
Red River Valley	(1)

[1] Class I price based on that of Order No. 106 for Oklahoma Metropolitan marketing area.

Marketing area—Continued	Provisions affected (section)
Mississippi Delta	(1)
Oklahoma Metropolitan	1106.50
Mississippi Gulf Coast	(1)
Western Colorado	1134.50
Colorado Springs-Pueblo	1135.50
Eastern Colorado	1137.50

[1] Class I price based on that of Order No. 103 for Central Mississippi marketing area.

Under this proposal evidence will be received only with respect to change in the basic formula prices used to compute Class I prices. To the extent that prices now stated as basic formula prices or alternative basic formula prices in any of the orders are used to compute prices for other classes of milk, it is anticipated that amendment of such orders on the basis of this proposal will require conforming changes to preserve present pricing provisions for such classes.

Proposal No. 2. That all class and producer prices under the orders for the following marketing areas be stated on a 3.5 percent butterfat basis:

Appalachian.	Nashville, Tenn.
Neosho Valley.	Knoxville, Tenn.
Wichita, Kans.	Fort Smith, Ark.
Southwest Kansas.	Central Mississippi.
Chattanooga, Tenn.	Mississippi Delta.
New Orleans, La.	Mississippi Gulf Coast.
Northern Louisiana.	

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of the notice of hearing and the orders may be inspected at the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be procured from the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., or from the offices of the market administrators listed below or may be there inspected:

64 State Street, Gallipolis, Ohio.
617½ Shelby Street, Bristol, Tenn.
3801 Harney Street, Omaha 31, Nebr.
1137 Badgerow Building, Sioux City 1, Iowa.
423½ South Phillips Avenue, Sioux Falls, S. Dak.
2700 East Central, Wichita 14, Kans.
616–18 North Second Avenue, Room 228, Dodge City, Kans.
216 Securities Acceptance Building, 628½ Sixth Street, Rapids City, S. Dak.
308 North Walnut Street, Pittsburg, Kans.
5916 Brainerd Road, Chattanooga 11, Tenn.
3709 South Carrollton Avenue, New Orleans 18, La.
106 East Kingshighway, Shreveport, La.
Suite 1313, 1808 West End Building, Nashville 3, Tenn.
205 Flatiron Building, 705 Broadway, NE., Knoxville 17, Tenn.
3518 West Roosevelt Road, Little Rock, Ark.
480 East Woodrow Wilson Drive, 202 University Building, Jackson 6, Miss.
701 West 17th Street, Lawton, Okla.
205 Walthall Street, Greenwood, Miss.
2570 South Harvard Street, Tulsa 14, Okla.
2126 22d Avenue, Gulfport, Miss.
121 East Boulder Street, Colorado Springs, Colo.
2765 South Colorado Boulevard, Denver 22, Colo.

Signed at Washington, D.C., on May 22, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5088; Filed, May 24, 1962; 8:51 a.m.]

[7 CFR Part 1096]

[Docket No. AO 257-A7]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shreveport, Louisiana, on October 30–31, November 1, 1961, pursuant to notice thereof issued on October 16, 1961 (26 F.R. 9865).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on April 16, 1962 (27 F.R. 3741; F.R. Doc. 62–3832) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 3741; F.R. Doc. 62–3832) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Add a new paragraph after the tenth paragraph under issue No. 2(a), *Milk to be priced.*

2. Add a new sentence at the end of the twelfth paragraph under issue No. 2(a).

3. Add a new paragraph after the fourth paragraph, under the subtitle *Producer-handler* in issue No. 2(a).

4. The eighth paragraph under the subtitle *Producer* in issue No. 2(a) is revised.

5. Add a new paragraph after the second paragraph under issue No. 2(b), *Classification and allocation of milk.*

6. Add a new paragraph after the seventh paragraph under the subtitle *Transfers* in issue No. 2(b).

7. Add a new paragraph after the sixth paragraph under issue No. 2(e) *Administrative provisions.*

The material issues on the record of the hearing relate to:

1. Marketwide pooling for distribution of proceeds among producers;

2. Necessary order revisions with respect to:

(a) Milk to be priced and pooled;

(b) Classification and allocation of milk;

(c) Payments on unpriced milk;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. *Basis of pooling.* Provisions should be made for a marketwide pooling arrangement in lieu of the existing individual-handler pooling. Under the marketwide pool each producer supplying the market will receive a return based on his pro rata share of the Class I sales of the entire market.

The existing individual-handler pooling arrangement has existed since the inception of the order. The Class I sales of each handler have been shared only among producers delivering milk to that handler. Hence, each handler's minimum blend price to his producers has depended on the proportion of his milk sold in each class.

The major cooperative association, representing more than two-thirds of the producers supplying the Northern Louisiana market proposed the change to marketwide pooling. Over an extended period of time this cooperative has assumed the responsibility of supplying handlers their full requirements for fluid milk uses and of handling the market's reserve supply. Under conditions of short supply, the cooperative directed the movement of milk among handlers either by transfer or diversion to the end that all producers received essentially a Class I price. When additional milk was required it was procured by the cooperative association from outside sources and supplied to handlers at the order Class I price.

During the past several years the local milk supply has tended to exceed handlers' requirements in most months. To accommodate the changing market situation the association acquired a plant early in 1960 to provide storage and cooling facilities for the market's balancing supplies. This has substantially enhanced the cooperative's ability to distribute efficiently the market's milk supply among handlers in accordance with their day-to-day requirements. It has also facilitated the assembly of surplus milk for movement to outside outlets, primarily for manufacturing uses. Nevertheless, because of the cooperative's role in the market, the lower returns from the marketing of the reserve or excess supply have been reflected only in the returns to its members, and nonmember producers have received significantly higher returns than member producers.

Because of the variation in returns as between member and nonmember producers there has been considerable dissatisfaction on the part of some cooperative members and a number have withdrawn from the association to secure

the higher returns that nonmembers are receiving. This has tended to enhance the disparity between member and nonmember returns since it has reduced the association's opportunity for Class I outlets.

It is concluded that the individual-handler pooling arrangement no longer serves the basic interest of the market. It is apparent that under the existing market situation there is an unequal sharing of the market among producers. A change to marketwide pooling is necessary to assure an equitable distribution of the returns from the sale of milk equally among producers and to maintain orderly marketing of producer milk.

The prices established by the order are those prices which are deemed necessary to maintain an adequate but not excessive supply of milk for the market. If the market is to be adequately supplied throughout the year it is necessary, because of the day-to-day variations in receipts and fluid milk needs and because of the seasonal variation in production, that some milk be disposed of for other than Class I use. The cooperative association is performing an essential marketing service in assuring handlers a full supply of milk to meet their fluid needs and in providing for the orderly disposition of the market's excess or reserve supply. This has tended to maintain an orderly and stable market for all producers. As long as this service could be performed by the cooperative at no basic disadvantage to its producer members, the individual-handler pooling arrangement accommodated the market. However, if orderly marketing is to be maintained, nonmember producers must bear an equitable share of the cost of maintaining the market's reserve supply. This can only be accomplished through marketwide pooling.

Certain handlers as well as a number of producers voiced their opposition to marketwide pooling. It was their position that individual-handler pooling implements the enforcement of higher quality standards on the part of handlers and encourages the tailoring of supply in accordance with the market's fluid milk needs.

It is intended that needed supply adjustments shall be directed through the pricing mechanism. It is not intended that the market supply will be adjusted by means of the type of pooling procedure.

The milk priced under the Federal order is that milk which is acceptable for disposition as Grade A milk in the marketing area and which is marketed in a way that meets prescribed performance requirements. While handlers may demand higher quality standards than those generally applicable in the market, it is not an appropriate function of the Federal order to re-enforce handlers' efforts in this respect.

The change from individual-handler pooling to marketwide pooling requires extensive changes in the order provisions particularly with respect to distinguishing those operations which are to be subject to full regulation, and what milk supplies and hence which dairy farmers, constitute the regular supply for the market to whom the minimum prices specified under the order must be paid. A procedure must be provided for the computation of uniform prices and equitable distribution of monies among all producers. Provision also must be made to assure that unpriced milk will not displace the regular milk supply by virtue of any price advantage. Proponents proposed a complete redrafting of the order to accommodate the change to marketwide pooling.

2. (a) *Milk to be priced.* The minimum class prices under the order are intended to apply only to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants primarily engaged in the fluid milk business that process milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by appropriate definition of the terms "plant", "distributing plant", "supply plant", "pool plant", "handler", "producer", "producer-handler", "producer milk", "other source milk", and "route".

Under the terms of the order milk may be disposed of for fluid consumption in the market under a wide variety of circumstances. Since the marketwide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. It is possible that some handlers with operations primarily used for manufacturing might attempt to subject themselves to full regulation for the purposes of maintaining a supply of milk for manufacturing uses through monies drawn from the pool. In order for marketwide pooling to achieve its stabilizing influence to the greatest extent, the returns from the sale of milk should be shared by producers who constitute the regular supply of milk for the market. It is necessary, therefore, to establish definite standards of performance which may be used to determine which plants and what milk constitute the regular sources of supply and, therefore, become fully subject to regulation. Milk delivered by dairy farmers to such plants constitute the regular supply for the market. Such plant standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus, whether a plant will be fully or partially regulated, or unregulated, is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purposes of receiving milk for assembly and transfer, or for processing or packaging milk and milk products are operations of the plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another, or as a distribution depot for storage of packaged fluid milk products in transit on routes would not constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a route definition is provided. A route is defined as any delivery of a fluid milk product from a plant to wholesale and retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine is treated as a route disposition of the bottling plant supplying the milk for such disposition.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually or incidentally associated with the market should not be subjected to full regulation. If a plant were permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differential established over manufacturing milk values which is paid for milk utilized in Class I would be subject to dissipation without accomplishing its intended purpose. In addition, full regulation of a plant with only a casual association with the market might place such a plant at a competitive disadvantage in its unregulated but primary market with which it is normally associated.

A distributing plant, other than that of a producer-handler, should be qualified as a pool plant in any month in which Class I milk equal to 50 percent of Grade A milk received directly from dairy farmers (including receipts from a cooperative association acting as the handler on farm bulk tank milk which it causes to be picked up at the farm and delivered to a plant) is disposed of in the form of Class I milk on routes, if the lesser of 10 percent of such receipts from dairy farmers or a daily average of 1,500 pounds is disposed of on routes in the marketing area. A plant which distributes less than 50 percent of its receipts as Class I milk cannot be considered to be primarily in the fluid milk business. Any plant which distributed the lesser of 10 percent of its Grade A receipts from dairy farmers or 1500 pounds on a daily average on routes in the marketing area should not be considered as substantially associated with the market.

Proponent's initial proposal would have precluded the pooling of any plant from which the volume of Class I disposition in the marketing area did not exceed the lesser of 10 percent of its total Grade A receipts or 3,000 pounds on a daily average. At the hearing they revised their proposal to provide that a plant have at least 50 percent Class I utilization and to include the existing conditions for regulation, i.e., the lesser of 4 percent of its Grade A receipts or 1,500 pounds on a daily average disposed of on routes in the marketing area as Class I milk.

There are presently two unregulated plants distributing milk in the marketing area. Neither of these plants has distribution in excess of the existing 1,500 pounds limitation. The operator of one of these plants supported proponent's initial proposal of 10 percent of Grade A receipts or 3,000 pounds on a daily average, suggesting that such standards would permit expansion of his route sales and thus reduce his distribution cost.

It would not be in the interest of regulation to permit unregulated handlers to expand their sales in the marketing area to the detriment of local producers. It is, therefore, desirable that the 1,500-pound limitation be retained. If the handler chooses to expand his marketing area sales beyond the 1,500-pound or 10 percent limitation, whichever is applicable, he should be required to pool his sales along with other regulated handlers.

Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made and this is concluded to be an appropriate standard under this order. While it is unlikely that any problem will arise as the result of a plant doing essentially the same volume of business in both this and any other marketing area covered by a Federal order, nevertheless, official notice is taken of the recent amendments to the Texas Federal orders whereby a distributing plant, which would otherwise change regulation from one order to another by virtue of changing distribution, would retain pooling status in its previous normal market until the third consecutive month in which a greater volume of business was done under another order. To eliminate any question as to where a plant would be regulated which might be doing the greater proportion of its business in this market, but which, nevertheless, is fully regulated under another order under such a provision, it is provided that a distributing plant which meets the pooling requirements of both this order and another Federal order and which does a greater proportion of its business in this marketing area, but which nevertheless, is fully regulated under such other order, shall be exempted from regulation under this order, except for filing reports and primarily verification.

Exception was taken to the failure to provide that a distributing plant meeting the pooling requirements of both this order and another Federal order and regulated under this order in the most recent month would retain pooling status under this order until the third consecutive month in which a greater volume of its route business was done in the other market. There was no indication on the record that Northern Louisiana handlers distribute fluid milk products on routes in another Federal order market. The recommended order generally recognizes the principle that a distributing plant should be regulated in that Federal order market of greatest route distribution. To eliminate any possible conflict as to where a plant doing business under two Federal orders should be regulated, this order exempts any plant doing a greater proportion of its business in this marketing area but which, nevertheless, is fully regulated under another order under a provision similar to that recommended by exceptor. This will accommodate the existing market situation and there is no necessity for the provision requested by exceptor at this time.

A supply plant should be pooled under the order in any month in which 50 percent of its Grade A receipts from dairy farmers (including receipts from a cooperative association in its capacity as a handler on bulk farm tank milk) is moved to a distributing plant which utilizes at least 50 percent of its total Grade A receipts as Class I milk on routes and which distributes 10 percent of such receipts or 1,500 pounds on a daily average, whichever is less, on routes in the marketing area. A plant shipping 50 percent or more of its Grade A receipts from dairy farmers to distributing plants substantially associated with the local market has demonstrated its primary association with the market for such month. Any plant meeting this shipping requirement in each of the months of September through January, unless it elects nonpool status, should be permitted to retain pooling status during the following months of February through August, regardless of shipments.

The months of February through August are the months of highest production when it would be expected that the regular direct receipts would most likely exceed fluid milk requirements. In such event, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants solely for the purpose of maintaining pooling eligibility. Accordingly, supply plants which have demonstrated their association with the market during the months of shortest production should be permitted to retain pooling status during the flush production months. However, there is no reason why such a plant should be required to pool in any month when it does not meet the shipping requirements. To avoid any misunderstanding between the plant operator and market administrator as to the plant's status during the flush production months, it is provided that the operator must notify the administrator in writing prior to the first day of any month of February through August if he does not wish to exercise the option for automatic pooling of his plant for the remainder of the period through August. Once a plant operator has elected nonpool plant status, however, such a plant must ship 50 percent or more of its Grade A receipts from dairy farmers to a distributing plant during the month to again qualify as a pool plant.

As has been previously indicated, the cooperative association representing the majority of the producers on the market operates a balancing plant for distributing milk to handlers in accordance with their day-to-day requirements and for the assembly of the market's reserve supply for movement to manufacturing outlets. Since virtually the entire market has converted to farm bulk tank it is generally unnecessary that milk regularly needed by distributing plants move through the association's plant. Accordingly, it is unlikely that the plant could normally meet the prescribed shipping requirements for supply plants except through uneconomic movement of milk through its plant for the purpose of maintaining pool plant status. While the association has disposed of the market's reserve supply in outside Class I outlets to the extent that such outlets were available, the milk so disposed of, as well as the milk for which no Class I outlet is available and which is moved to manufacturing outlets is supplied by dairy farmers who are regular producers for the local market. Accordingly, it should be accounted for in the same manner as all other producer milk received by pool plants under the order. This may be accomplished by providing specific pooling standards for a nondistributing plant operated by a cooperative association. However, the performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would be allowed to share in the marketwide pool. This can best be accomplished by designating as a pool plant any nondistributing plant operated by a cooperative association, 60 percent of whose member producer milk is received during the month at pool distributing plants.

Under usual circumstances the association would desire to pool its balancing plant; nevertheless, provision should be made whereby the plant could acquire nonpool status if the association should so elect. It is apparent that such a decision would be made only under circumstances where the plant had substantial outside market Class I sales. The order should not permit the association to pool its reserve supply unless all of the Class I sales associated with such reserve are also pooled. Accordingly, it is provided that should the association elect nonpool status for its plant in any month, such plant would be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify for pooling under the regular supply plant shipping requirements.

Producer-handler. The definition of a producer-handler should be revised to mean any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants.

Under the present definition a producer-handler may receive milk from any source except direct from other dairy farmers.

A producer-handler conducts an integrated operation in processing, packaging and distributing milk of his own farm production. Full regulation of such an individual would provide considerable administrative difficulty and is not necessary under the existing market situation. However, without the modification herein recommended any handler with own farm production would be able to avoid regulation by giving up his regular producers and securing his supply, other than his own production, as unpriced milk from unregulated plants.

The exemption from pricing and pooling of handlers with own farm production is intended to be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that producer-handler status shall be conditioned on satisfactory proof that the maintenance, care, and management of the dairy herd and other resources necessary to produce milk, and the processing, packaging and distributing operations are the personal enterprises of and are conducted at the risk of the person involved.

Producers, in their exceptions, requested that provision be made to permit a cooperative association in its capacity as a handler on bulk tank milk to move milk directly from the farm to a producer-handler. This they suggested would accommodate the serving of their producer-handler accounts. Under the recommended order, the cooperative association would be required to receive the milk at its pool plant and then transfer such milk (as Class I) to a producer-handler's plant, if such producer-handler were to retain his status. Exceptor's request, if adopted, could relieve any handler with own farm production of the necessity of pooling such production regardless of his dependence on other producers as a regular supply as long as the cooperative elected to be the handler on the milk moved directly from the farm to such handler's plant. In view of this consideration, the request is denied.

Handler. The "handler" definition should be revised in conformity with the new plant definitions and extended to provide handler status for a cooperative association in its capacity as the operator of its pool balancing plant, with respect to milk diverted to a nonpool plant for its account, and, at its election, with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such association.

The individual who receives milk from producers is held responsible under the terms of the order for reporting receipts and utilization of such milk, and for proper payments to producers and to the pool. It is essential, therefore, that the cooperative be a handler with respect to the operation of its balancing plant.

Making the cooperative the handler on milk of producers associated with other pool plants in the market and which is diverted to nonpool plants for the account of the association will facilitate the orderly disposal of the market's reserve supply.

Under the current arrangements for marketing the milk of producers using farm bulk tanks, the amount of milk received and the butterfat tests thereof are determined by measurement at the farm and from butterfat samples drawn at the farm. After the milk has been pumped into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of an individual producer except as the operator of the pool plant measures, samples or rejects the entire lot of milk. When such operations are conducted at the direction of, and under the supervision of, a cooperative association it is the association who has control over the deliveries of individual producers. Accordingly, the association should be permitted to elect to be the responsible handler for reporting, accounting and paying for the milk. The milk delivered to a pool plant in this manner should be treated as a receipt of producer milk by the cooperative at a pool plant in the same location as the pool plant at which the milk is physically received. Under the terms of the order, as herein recommended, the transaction is treated as an interhandler transfer.

Except for extension of the handler definition to include a cooperative association as indicated above, the definition would have application to the identical persons provided by the present order.

Producer. The producer definition should be revised in conformity with the new plant and handler definitions and to provide more restrictive diversion privileges during the short production months. The term is intended to distinguish those dairy farmers who constitute the regular source of Grade A milk supply for the market to whom the minimum prices specified under the order must be paid.

As has been previously indicated, under individual-handler pooling each handler is governed in the amount of milk which he receives by his needs for Class I milk and the relationship of his blend price to that of other handlers. Under marketwide pooling all producers are returned the same blend price with the result that a handler may add additional milk supplies without affecting his producer pay prices in relation to the prices paid by other handlers. For this reason, it is necessary to provide performance standards to distinguish that milk which has a bona fide association with the fluid market. It is therefore not appropriate to continue the present unlimited diversion provisions in all months of the year.

When producer milk is not needed in the market for Class I use the economic movement of such milk to nonpool plants for manufacturing uses should be facilitated. Allowing unlimited diversion during the months of February through August when supplies are normally greatest will contribute to this end.

Unlimited diversions are neither necessary nor appropriate during other months of the year when milk of producers is most needed to supply the Class I needs of the market. It must be recognized, however, that there are day-to-day variations in both production and sales, particularly since bottling operations are not carried on seven days a week. To accommodate the efficient handling of the regular milk supply, therefore, it is provided that during any month of September through January not more than ten days' production of any producer may be diverted to nonpool plants.

Additional flexibility and more economic handling of the market's reserve supply may be provided through an alternative diversion procedure during the months of limited diversions. It is provided therefore, that 15 percent of a cooperative's member producers' milk may be diverted by the cooperative to nonpool plants during such months. Other handlers may similarly divert 15 percent of their nonmember producer receipts. While the percentage provisions would allow less diversions than the 10-day limitation, it will in some situations, implement more efficient movement of milk, since it will permit regular diversion of certain routes.

Under the percentage diversion limitations member milk may be diverted only for the account of the association. Diversion of nonmember milk would be at the direction of the operator of a pool plant. Thus, there is a clear responsibility for both the cooperative association and proprietary handlers with respect to meeting the applicable percentage limitations. It is incumbent upon a handler receiving cooperative member milk to ascertain, prior to diverting any such milk, the basis on which the cooperative is accounting for milk which it is diverting to nonpool plants during the month. If the cooperative is diverting on a percentage basis, no other handler may account for milk of any of the cooperative's members under any diversion provision. It is conceivable, however, that arrangements for diversion of member milk might be made by a proprietary handler under agreement with the association whereby such diversion would be made for the account of the association.

If the cooperative association is not using the percentage diversion provision, member milk may be diverted by either the proprietary handler or the association. When the percentage limitation is exceeded, however, diversions would automatically be under the 10-day provision.

In the event any dairy farmer's milk is diverted in excess of the limits prescribed, such dairy farmer would qualify as a producer under this definition only with respect to that portion of his milk which is physically received (including milk for which the cooperative association is the handler) at pool plants during the month. Milk diverted in conformity with the diversion privileges is treated under the order as a receipt by the diverting handler at a pool plant at the location of the plant from which diverted.

Other source milk. In conformity with the revisions in the handler definition, it is necessary to revise the other source milk definition to make clear that receipts from a cooperative association in its capacity as a handler on bulk tank milk are not receipts of other source milk. In addition, to implement the treatment of inventories hereinafter prescribed, inventories on hand at the beginning of the month must be excluded from this definition. Under the amended order, other source milk would include all skim milk and butterfat utilized by a handler in his operations except fluid

milk products received from pool plants and from a cooperative association as the handler on bulk tank milk, inventories of fluid milk products, and current receipts of producer milk. When other source milk is disposed of in Class I products, partial pricing and regulation is provided under the compensatory payment provisions. Defining other source milk in the manner proposed will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

(b) *Classification and allocation of milk.* To facilitate the drafting of the revised order proponents proposed that a fluid milk product definition be provided. The term is intended to include those products which are generally required to be derived from milk and milk products from approved sources of supply. The products included in the definition are those products which are classified as Class I milk under the existing order.

Proponents proposed no basic change in the classification except with regard to the shrinkage provisions and the classification of inventories. They pointed out that if the cooperative was made the responsible handler for milk which it directs to be moved from the farm to the pool plants of other handlers, provision should be made for a division of shrinkage to assure that the cooperative association is not required to account for its normal shrinkage as Class I. In the matter of classification of inventories, it was their position that a Class I classification would simplify the accounting procedures and assure producers prompt payment for their milk in accordance with its actual ultimate use.

Although no specific exceptions were filed to the present requirements under which skim milk may be dumped under a Class II classification, the notice requirements have been modified to provide greater flexibility and to better accommodate handlers. In lieu of the present required 24 hour notice of dumping, only such notice as the market administrator shall require is provided.

The order presently provides a Class II classification and pricing for actual plant shrinkage not in excess of 2 percent of receipts and no change was proposed in this regard. The problem is an appropriate division of the maximum shrinkage allowance between handlers when interhandler transfers are involved.

There is no question but that under normal circumstances losses connected with processing and packaging exceed those of the receiving operation. Proponents proposed that one-half of one percent shrinkage allowance be provided for a receiving operation. This is generally compatible with experience in other Federal order markets and it is therefore concluded to be a reasonable allowance. The division of shrinkage on the basis of one-half of one percent to the receiving handler and 1.5 percent to the transferee handler assures each handler a reasonable share of the total allowable shrinkage. Where the transferor handler is a cooperative association delivering bulk tank milk and the transferee handler is purchasing such milk on the basis of farm weights and the tests of farm drawn samples, the cooperative experiences no shrinkage. Under such circumstances, the order provides that the entire 2 percent shrinkage allowance goes to the transferee handler.

Where a handler uses both pool milk and other source milk in his plant, provision must be made for a division of plant shrinkage among the various sources of receipts. The existing order provides that other source milk shall be assigned a pro rata share of the total plant shrinkage and no change is proposed in this regard. Contrary to the existing order, however, all shrinkage assigned to other source milk should be classified as Class II. The classification procedure set forth in the order gives adequate protection in the classification of producer milk and it is unnecessary to limit the classification of shrinkage on other source milk as Class II.

No change should be made in the present Class II classification of inventories of fluid milk products on hand at the end of the month. However, provision should be made in the allocation procedure to permit the clearance of inventories each month and to provide assurance that no reclassification charge is made on other Federal order receipts classified and priced as Class I in the originating market but which might be allocated as inventory to Class II under this order and later reclassified.

Under the procedure prescribed ending inventories will continue to be Class II. Opening inventories would be allocated to the lowest available utilization in excess of closing inventory following the allocation of other source milk receipts. A reclassification charge would be levied on any inventory reclassification except other Federal order milk previously classified and priced as Class I milk. This procedure is necessary to deter any handler from obtaining a pricing advantage by manipulation of inventories on a month-to-month basis. At the same time, this procedure generally preserves the principle that producer milk shall have prior claim on Class I utilization. Inventories of fluid milk products on hand at a pool plant at the beginning of the month in which a plant is first regulated should be treated as a receipt of other source milk at such plant during the month.

Handlers proposed in conjunction with the proposed change in pooling procedure that the skim milk equivalent of nonfat dry milk used in fortification of fluid milk products be classified as Class II in lieu of the existing Class I classification. It was their position that accounting for the full skim milk equivalent of fortification in Class I unduly and inappropriately increases handlers' product costs.

Under the existing order, a handler may protect himself in considerable measure from a Class I pricing on fortification by tailoring his producer receipts to his actual fluid milk requirements. Since under individual handler pooling no compensatory charge is levied on other source milk utilized in Class I, handlers pay a Class I price on the skim milk equivalent of fortification only to the extent that producer receipts are available for assignment to such use. Under marketwide pooling a compensatory payment is levied on any unpriced other source milk assigned to Class I. Hence, unless some change is made in the classification of fortified fluid milk products handlers will necessarily pay a Class I price on the full skim milk equivalent of all nonfat milk solids used in fortification.

It is concluded that where fortification of fluid milk products is involved, the extent of classification as Class I should be only the weight of an unfortified product of the same nature and butterfat content. The skim milk equivalent of the added nonfat milk solids in excess of such weight should be classified as Class II.

When nonfat milk solids are added to a fluid milk product for the purposes of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form: i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence, the salability of the finished products. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the solids displace producer milk beyond the minor increases in volume which result.

When flavoring and other nonmilk additives are used in processing any milk product, it is intended that the dry weight of such additives shall be deducted in determining the amount of skim milk and butterfat to be accounted for. This is consistent with the procedure employed in the nearby Texas Federal order markets and will implement the accounting for all skim milk and butterfat utilized.

When reconstitution rather than fortification is involved, it is essential that the full skim milk equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use, a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute whenever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses whenever it was advantageous to do so, while producer milk was utilized in Class II, it would not be effective in carrying out the purposes of the Act and the market would be deprived of a dependable milk supply.

Transfers. In conjunction with the change in pooling procedure and to implement the orderly disposition of the market's reserve supply, the transfer provisions relating to transfers to nonpool plants (other than to producer-handlers) should be revised.

Under the present order, transfers of milk, skim milk or cream in bulk to a plant not subject to full regulation under the order are classified as Class I unless Class II is claimed, the transferee handler maintains books and records and allows verification, and the Class I milk in such plant does not exceed receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such plant.

It is possible that nonpool plants which might be available as outlets for this market's reserve milk supply may either be fully regulated under another order or may be totally unregulated. In either situation such plants may be receiving milk from other Federal order plants at which it is classified and priced. Unless this situation is recognized such nonpool plants may not be available to this market because of the possible costs under a mandatory Class I classification, notwithstanding the fact that the milk was utilized in processing Class II products.

Fluid milk products transferred in bulk to any nonpool plant which is a fully regulated plant under another Federal order should be classified in the class in which assigned under such other order. This procedure will insure compatibility of classification as between orders and at the same time provides assurance to producers that their milk is being priced in accordance with its actual use value. It should be recognized, however, that the transferee plant may also be receiving milk from plants regulated under other orders. To assure equity for local producers, when milk from more than one order is involved, it is provided that the classification of the transfers shall be a pro rata share of other Federal order milk classified in each class at the transferee plant under the provisions of the order regulating such plant.

Fluid milk products transferred in bulk to a nonpool distributing plant, not regulated under any Federal order, should be classified as Class I to the extent of such plant's Class I route sales in the marketing area when such nonpool plant has elected to make the regular compensatory payment rather than payment of any amount by which his payments to his regular dairy farmers are less than the classification value of his milk. This procedure protects the integrity of regulation and at the same time minimizes the application of compensatory payment on the milk at such a plant.

Except as previously discussed, skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant, either by transfer or diversion, should be Class I unless specified conditions are met.

Where diversions are involved a mileage limitation, beyond which a mandatory Class I classification would apply, is essential to protect the integrity of regulation. Unless this is done, milk produced for other markets might be associated with the market on the basis of even a single day's delivery for the purpose of establishing status as producer milk and thereafter be reported as a diversion to its normal plant of receipt throughout the months of unlimited diversion. In consideration of the location of available manufacturing facilities there should be no need to divert milk for manufacturing uses in excess of 300 miles. Accordingly, it is provided that milk diverted to a nonpool plant located in excess of 300 miles from the nearer of Minden or Monroe, Louisiana, shall be classified as Class I.

Producers excepted to a 300-mile limitation on transfers of milk as Class II to nonpool plants and would extend such limitation to 350 miles. In fact, there is no mileage limitation on transfers of milk to nonpool plants under a Class II classification. The 300-mile limitation recommended applies only to diverted milk and the two nonpool plants referred to by exceptor as outlets for their reserve supplies are well within the limitation. For these reasons, exceptor's request to extend the mileage limitation is denied.

The transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, to permit verification of the appropriate classification of any transfer or diversion. In addition, at least an equivalent Class II utilization of all skim milk and butterfat, respectively, must have been available in such plant and the classification of skim milk and butterfat in Class I milk claimed by all handlers transferring or delivering milk to such nonpool plant may not be less than a pro rata share of the available Class I utilization assignable to Federal order receipts at such plant, after the prior assignment to Class I of receipts from Grade A dairy farmers who the market administrator determines constitute the regular source of supply for Grade A milk for such plant.

Allocation. The order class prices apply only to producer milk. Accordingly, since a plant may receive skim milk and butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant shall be assigned to producer milk. The milk from producers who constitute the regular source of supplies for the market should be given priority in the assignment of Class I utilization at pool plants. This is the principle followed in the allocation provisions of the existing order and no basic change is proposed. Since the order, as proposed to be amended, provides for a compensatory payment charge on any unpriced other source milk utilized in Class I, it is necessary that the allocation of other source milk be accomplished in three steps; i.e., other source nonfluid milk, unpriced other source fluid milk and other source fluid milk from Federal order plants.

Much of the supplemental milk for the market has in the past been brought in from other Federal order markets. When such supplemental milk is actually needed and is obtained under conditions which assure that it is paid for at Class I prices under another order, it is appropriate that the need be recognized in the allocation of such milk. Provision is made, therefore, following the assignment of unpriced other source milk to the lowest available use class and prior to the assignment of bulk receipts from other Federal order plants, for the assignment of 5 percent of producer receipts (including receipts from a cooperative association as the handler on bulk tank milk) to any remaining Class II use. This procedure will permit a handler whose regular milk supplies run short to bring in milk from other Federal order markets and have it assigned to Class I. Other changes in the allocation provisions are related to the clearance of inventories each month as has been previously discussed.

(c) *Payments on other source milk.* Milk may be disposed of for Class I disposition in the marketing area by and from plants not subject to full regulation under the order. Such unregulated plants may sell milk in bulk to pool plants that in turn use it in supplying their Class I outlets, or they may have direct Class I route sales in the marketing area, including sales to Government installations.

The role of the classification system and the minimum prices as set forth in the order is to insure that price competition from reserve or excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the minimum pricing and pooling provisions of the order are applicable only to fully regulated plants it is necessary, in order to assure continuing market stability, to remove any advantage unregulated plants may attain with respect to sales in the regulated market. Such plants have an incentive to sell their excess milk at any price which exceeds the value of the milk for manufacturing uses. If unregulated plants were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated market would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. The classified pricing program under the order could not be successful in the long run in insuring returns to producers at rates contemplated by the Act if it is possible for some handlers to purchase other source milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same method, if possible. A price advantage in using unregulated milk is

a compelling force in promoting its greater use and as a result it is possible that regular sources of priced milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded that provision must be made to insure against the displacement of producer milk for the purpose of cost advantage. In the case of fully regulated handlers a compensatory payment should be required on any unpriced other source fluid milk allocated to Class I. Such payment should be at the difference between the order Class II and Class I prices applicable at the location of the plant from which such other source milk was initially received from dairy farmers. This procedure will assure equitable treatment among handlers since it recognizes transportation costs, as reflected in the location differential, from the originating plant to the local market. Any other source milk disposed of in this market would be surplus to the needs of its normal market and hence, its alternative use (and value) in its normal market would be for manufacturing purposes. The Class II price established under the order is a fair and economic measure of the value of milk for manufacturing uses in this area and, hence, appropriately represents the actual value of the other source milk in its normal market.

Nonfluid milk products compete on a national market and may be received at the local market from a number of sources and under varied circumstances. It is not administratively feasible to trace such products to their plant of origin. Accordingly, when other source milk on which compensatory payment is required is received in a form other than as fluid milk products, the payment should be on the basis of the difference between the Class II price and the Class I price effective at the location of the pool plant where used.

Provision should be made for those cases in which the supply of producer milk is not adequate to fill Class I milk requirements. In such an event, necessary purchases from outside sources of unpriced milk would not displace producer milk. When the total market receipts of producer milk are less than 110 percent of the total Class I sales during the month, it is possible that some handlers may have to purchase milk from outside nonregulated sources to meet their full Class I requirements. It is likely that when this market is in short supply, other nearby Federal order markets also would be experiencing shortages. Under these circumstances, there would be little opportunity for a handler to procure other source milk at prices below the order Class I price and hence no advantage could be gained by the use of other source milk. Under such circumstances, there is no need for compensatory payments. This procedure was proposed and supported by the proponent cooperative.

Milk is distributed in the marketing area from plants which have insufficient sales in the marketing area to qualify for pooling. To preserve the integrity of regulation, it is necessary to assure that the operators of such plants have no product cost advantage over regulated handlers because of their ability to use unpriced milk. This may be accomplished by permitting any such individual to pay into the pool any amount by which the use value of his milk, computed as though he were a pool handler, exceeds his payments to dairy farmers, or, in the alternative to make a compensatory payment to the pool of the difference between the Class I price and the Class II price on the hundredweight of his market area Class I sales which are in excess of his purchases of Federal order milk classified and priced as Class I. In addition, such operator should be required to pay his fair share of the cost of administering the order. Should he elect to pay his dairy farmers, rather than make a compensatory payment, the market administrator must perform essentially the identical audit that he would perform if the plant were a pool plant. In such case, the handler's obligation to the administrative fund should be computed on the same basis as though he were a pool handler. Should he elect to make a compensatory payment on his market area sales the audit procedure is likely to be less extensive and hence less costly. Under such circumstances a payment of the rate of assessment on only the amount of his marketing area Class I sales will more appropriately reflect such handler's fair share of the cost of administering the order.

There are presently only two handlers distributing milk in the marketing area who would not be fully regulated under this order or who are not presently fully regulated under another Federal order. The larger of these handlers does not procure milk in competition with regulated handlers. The operations of the other handler are such that the advantages that he would enjoy over fully regulated handlers in the procurement of milk supplies are not of sufficient magnitude to defeat the purpose of the marketwide equalization or otherwise preclude maintenance of orderly marketing conditions in this market. Permitting the nonpool handler to choose which payment procedure he wishes to use will permit him flexibility in meeting the competitive situation in his local market without infringing on the integrity of regulation.

(d) *Distribution of returns to producers.* Payments to producers under the marketwide pool will require a producer-settlement fund for making adjustment in payments, as among handlers, to the end that the total sums paid by each handler will equal the value of milk received by him at the prices specified by the order. Handlers whose obligations, computed on the basis of the class prices, exceed the uniform prices will pay the difference to the producer-settlement fund. Handlers whose obligations to producers at the uniform prices exceed the classification value of their milk will receive the difference from the producer-settlement fund.

Provision is made whereby the market administrator, in making payments to any handler from the producer-settlement fund, shall offset such payments by any amounts due such fund from such handler. This is a sound business practice and without the provision, the market administrator might be required to make payments to a handler who owes money to the fund but who is not financially able to make full payment of all of his obligations to the fund.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers, provision is made whereby payments to handlers shall be reduced uniformly. The handler in turn may then reduce his payments to producers by an equivalent amount. Under the procedure prescribed, the market administrator would complete payments as soon as the necessary funds became available and handlers in turn would complete payments to producers not later than the next following regular date for payment of producers.

The order presently provides for payment of producers on a semimonthly basis and for payment to a cooperative association in lieu of payment to its individual producer members, when the cooperative is authorized by such producers to collect payment. No change was proposed in this regard.

Provision should be made to require that a handler pay a cooperative association, for all milk purchases from such association in its capacity as a handler at not less than the use value of such milk computed at the specified order prices. A cooperative association may not sell milk to any handler at less than the specified order prices and this provision will implement the enforcement of this requirement. In addition, in order that the cooperative association may pay all of its producer members on the same date, on which nonmember producers are paid, it is necessary that prompt payment be received from handlers for milk which it supplies to such handlers. It is provided therefore, that payment to the cooperative in its capacity as a handler be made on the same dates and on the same basis that payments presently are required to be made to a cooperative association as the authorized collecting agent for milk of its member producers.

(e) *Administrative provisions.* In conformity with the change in pooling, the order should be revised to provide for the computation of a single uniform price applicable to all handlers during the months of August through January and one uniform price for base milk and another uniform price for excess milk during other months.

The present order provides that the regular monthly reports of receipts and utilization be mailed on or before the fifth day after the end of the month or, in the alternative, be delivered in person by the seventh day after the end of the month. It is the intent of this provision that all reports shall be in the hands of the market administrator before the close of business on the seventh. It is provided therefore, that reports shall be delivered to the market administrator on or before the seventh day after the end of the month.

Provision is made for payment of administrative assessment by a cooperative association on that milk for which it is the handler.

While pricing was not an issue at the hearing, there has been a tendency toward increased supplies in relation to Class I needs during the past year and the change in pooling procedure represents a very substantive change in the application of the order. Accordingly, it is essential that opportunity be afforded whereby the price level may be reviewed after a reasonable period of operation under the amended order. It is provided therefore, that the present Class I pricing provisions shall expire 15 months after the amended order becomes effective.

One of the components of the basic formula price on which the Class I price is determined each month is the average Midwest condensery pay price. This price was originally based on reports by 18 plants. However, from time-to-time individual plants have ceased operation. Effective April 1, 1961, the order was amended and the list of plants included in the computation of the condensery pay price was revised to include only the eleven plants then operating. Subsequently, only seven plants (5 in Wisconsin and 2 in Michigan) have been reporting prices. Accordingly, the four plants no longer reporting have been deleted in the redrafting of the order.

The entire order has been redrafted to conform with the changes hereinbefore recommended. This includes elimination of any reference to associated producers, changes of section references and redrafting of certain provisions for clarity and specificity.

In addition to the previously listed changes in order language, certain other nonsubstantive changes in order language have been made for greater clarity.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. Certain hypothetical arguments were made by an exceptor relative to the relationship of the Federal milk order program with the Louisiana State order. The situations presented do not exist in fact. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northern Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1962, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Northern Louisiana marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 21, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

No. 102——4

Order[1] *Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area*

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1096.0 to 1096.95 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, as follows: (i) Each pool handler with respect to (*a*) all receipts of producer milk including such handler's own production, and (*b*) receipts of other source milk which are allocated to Class I milk pursuant to § 1096.46(a)(2) and (c), and the corresponding steps of § 1096.46(b); (ii) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8 (d); and (iii) Each handler operating a nonpool distributing plant to the extent provided in § 1096.62.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, April 16, 1962, and published in the FEDERAL REGISTER on April 19, 1962 (27 F.R. 3741; F.R. Doc. 62-3832) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions: Changes are made in §§ 1096.7 introductory text, 1096.7(b), 1096.8(d), 1096.9, 1096.13 (a) and (b), 1096.15, 1096.18, 1096.27(1)(2), 1096.30(a)(2), 1096.31 introductory text, 1096.31 (a) and (c), 1096.41(b)(2), 1096.44 (a) and (f)(3), 1096.46(a)(7), 1096.53, 1096.65, 1096.70 (d), (e), and (f) by redesignating as (e), (f), and (g), and adding new (d), 1096.73(b)(2), 1096.80 (b) and (f), 1096.82, and 1096.83.

DEFINITIONS

§ 1096.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1096.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1096.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1096.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1096.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1096.6 Northern Louisiana marketing area.

"Northern Louisiana marketing area" hereinafter called the "marketing area", means all territory within the boundaries of the Parishes of Boissier, Caddo, Claiborne, De Soto, Lincoln, Morehouse, Ouachita, Red River, Union and Webster, all in the State of Louisiana.

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant other than the plant of a producer-handler during any month(s) of February through August or in accordance with the provisions of paragraphs (a), (b), or (c) of this section during any month of September through January:

(a) Not more than 10 days' production during the month unless, (1) In the case of a cooperative association, all of the diversions of milk of member producers by the cooperative association during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk from all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer not a member of a cooperative association, diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

§ 1096.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant;

(c) A cooperative association with respect to the milk of any member producer which it causes to be diverted to a nonpool plant for the account of such cooperative association; and

(d) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant in a tank truck owned and operated by or under contract to such cooperative association for the account of such cooperative association, if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 1096.9 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of Class I milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risk of such person.

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1096.11 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1096.12 Supply plant.

"Supply plant" means a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a distributing plant during the month.

§ 1096.13 Pool plant.

"Pool plant" means:

(a) A distributing plant other than the plant of a producer-handler from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1,500 pounds whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which did not meet the shipping requirements of paragraph (b) of this section, shall be a pool plant in any month in which the volume of milk received at pool distributing plants directly from member producers or the cooperative association in its capacity as a handler pursuant to § 1096.8(d) is not less than 60 percent of the total pounds of member producer milk pooled during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1096.14 Route.

"Route" means any delivery of a fluid milk product(s) from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to another plant.

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk and sterilized milk products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1096.16 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1096.7, or (c) milk received by a cooperative association pursuant to § 1096.8(d).

§ 1096.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except: (1) Such products which are received from other pool plants, (2) producer milk, (3) milk received from a cooperative association for which it is the handler pursuant to § 1096.8(d), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1096.18 Base milk.

"Base milk" means milk received from a producer at a pool plant(s) (or diverted pursuant to § 1096.7) during any of the months of February through July which is not in excess of such producer's daily base computed pursuant to § 1096.65, multiplied by the number of days' production delivered by such producer during the month.

§ 1096.19 Excess milk.

"Excess milk" means milk received at a pool plant(s) (or diverted pursuant to § 1096.7) from a producer during any of the months of February through July, which is in excess of base milk received from such producer during such month, including milk received (or diverted pursuant to § 1096.7) from any producer for whom no base can be computed pursuant to § 1096.65.

§ 1096.20 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1096.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who

shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1096.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1096.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon duty and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1096.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1096.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following;

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The 10th day of each month, the uniform price(s) computed pursuant to § 1096.72 or § 1096.73 and the producer butterfat differential, all for the preceding month;

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class; and

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1096.30, at his last known address, a statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) For the months of February through July the amounts of his base and excess milk, respectively; and

(3) The amounts to be paid by such handler pursuant to §§ 1096.62, 1096.82, 1096.84, 1096.85 and 1096.86; and the amount due such handler pursuant to §§ 1096.83 and 1096.84.

REPORTS, RECORDS AND FACILITIES

§ 1096.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month each handler, except a producer-handler, for each of his pool plants and each cooperative association which is a handler pursuant to § 1096.8 (c) or (d) shall deliver to the market administrator a report in the detail and on forms prescribed by the market administrator showing the following:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of milk from producers, including such handler's own production and the aggregate quantities of base and excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations which are handlers pursuant to § 1096.8(d);

(iii) Receipts of other source milk;

(iv) Inventories of fluid milk products on hand at the beginning and end of the month;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of fluid milk products on routes outside the marketing area;

(3) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section; and

(c) Except as provided in paragraph (b) of this section each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1096.31 Payroll reports.

On or before the 20th day of each month each handler (other than a producer-handler) who is the operator of a pool plant or a nonpool distributing plant electing payment pursuant to § 1096.62(b), for each of his plants, and each cooperative association, with respect to milk for which it is the handler pursuant to § 1096.8 (c) or (d), shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month which shall show:

(a) The name and, if not previously reported, address of each producer (dairy farmers in the case of a nonpool distributing plant pursuant to § 1096.62(b));

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, for which milk was received from such producer; and, for the months of February through July such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 1096.32 Other reports.

Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonpool plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the name of the plant to which such milk is to be diverted.

§ 1096.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 1096.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1096.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported for the month pursuant to § 1096.30 shall be classified by the market administrator pursuant to the provisions of §§ 1096.41 to 1096.46.

§ 1096.41 Classes of utilization.

Subject to the conditions set forth in §§ 1096.42 and 1096.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section; and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided,* That in the case of skim milk dumped, the handler shall give the market administrator such advance notice of intent to dump as the market administrator may require;

(3) Contained in inventory of fluid milk products on hand at the end of the month;

(4) Disposed of in the form of fluid milk products to commercial bakeries or food product manufacturing plants (other than nonpool plants) which do not dispose of milk for fluid consumption;

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1096.8(d) as follows:

(i) Two percent of receipts directly from producers, excluding milk diverted pursuant to § 1096.7; plus

(ii) 1.5 percent of bulk receipts of milk from other plants and cooperative associations in their capacity as handlers pursuant to § 1096.8(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less

(iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph, the applicable percentage shall be 2.0); plus

(iv) Shrinkage on other source milk determined pursuant to § 1096.42;

(6) In frozen cream; and

(7) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) of this section by virtue of the proviso of § 1096.15.

§ 1096.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage on other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents of total receipts of skim milk and butterfat, respectively, to which shrinkage may be assigned to Class II pursuant to § 1096.41 (b)(5).

§ 1096.43 Responsibility of handlers and reclassification of milk.

(a) In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1096.44 Transfers.

Skim milk or butterfat disposed of during the month either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted for the month pursuant to § 1096.30(a) and an equivalent amount of Class II utilization is available in the transferee plant following step (8) in the allocation procedure prescribed in § 1096.46: *Provided,* That if either or both handlers have receipts of other source milk during the month the skim milk or butterfat so transferred shall be classified so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of a fluid milk product;

(c) Except as provided in paragraph (e) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided,* That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), and (e) of this section, as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1096.62;

(e) As Class I milk if diverted to a nonpool plant located more than 300 miles from either the City Hall in Minden or Monroe, Louisiana, such mileage to be the shortest hard surfaced highway distance as determined by the market administrator; and

(f) Except as provided in paragraphs (b) through (e) of this section, as Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, unless the following conditions are met:

(1) The transferring or diverting handler claims classification in Class II in his report submitted for the month pursuant to § 1096.30(a);

(2) The operator of such nonpool plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all pool handlers transferring or diverting milk to such non-pool plant of not less than the amount of assignable Class I milk remaining after the following computations:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plants and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority

to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant, and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such plants' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1096.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids content of such product together with all of the water originally associated with such solids.

§ 1096.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1096.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned pursuant to § 1096.41(b)(5) (i) through (iii):

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk in Class II milk the lesser of such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk and receipts from a cooperative association pursuant to § 1096.8(d) by 0.05;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in Class II milk in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided*, That if the pounds of skim milk in such beginning inventory are greater than the pounds of skim milk remaining in Class II in excess of closing inventory, the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(8) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers and from cooperative associations which are handlers pursuant to § 1096.8(d) in the form of any fluid milk product according to the classification as determined pursuant to § 1096.44(a); and

(10) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and butterfat in producer milk and determine the weighted average butterfat content of Class I and Class II milk allocated to such milk.

Minimum Prices

§ 1096.50 Basic formula price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, New London, Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Pet Milk Company, Coopersville, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Belleville, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the first 15 months in which the amended order is effective, the minimum Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II price.* The minimum Class II milk price shall be the price computed pursuant to § 1096.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 1096.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

§ 1096.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1096.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1096.53 Location adjustments to handlers.

For milk received from producers at a pool plant located more than 50 but not more than 60 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 1096.51(a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles: *Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1096.46(a)(8) and the corresponding step in § 1096.46(b) for such plant, such assignment to the transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1096.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

Application of Provisions

§ 1096.60 Producer-handler.

Sections 1096.40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, and 1096.80 to 1096.86 inclusive, shall not apply to a producer-handler.

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator thereof, with respect to the total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order.

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

§ 1096.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operation of a plant exempt pursuant to § 1096.61, who during the month operates a nonpool distributing plant shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1096.30, to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 12th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1096.63(a) for the location of such plant: *Provided*, That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1096.86 with respect to Class I milk disposed of on routes in the marketing area; and

(b) On or before the 25th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1096.70 for such nonpool plant and any supply plant(s) (meeting the requirement equivalent to § 1096.13(b)) which serves as a source of milk for such nonpool plant if such plants were pool plant(s):

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) On or before the 25th day after the end of the month as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1096.86 had such plant(s) been a pool plant(s): *Provided*, That such amount shall be reduced by any amounts paid as an administrative assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the provisions of another order issued pursuant to the Act.

§ 1096.63 Rate of payment on unpriced milk.

The following rates of payment shall be applicable on unpriced other source milk received at a pool plant or at a nonpool distributing plant subject to the provisions of § 1096.62 and allocated to Class I:

(a) On other source milk received in a form other than a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of such plant.

(b) On other source milk received in the form of a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of the nearest plant(s) supplying an equivalent volume of such other source milk.

Determination of Base

§ 1096.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1096.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer by all pool handlers during the preceding months of September through December by the number of days' production of such producer delivered during such period, but by not less than 90:

§ 1096.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to each producer for whose account milk was received by a handler during the September–December period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form approved by the market administrator and signed by the base holder(s), or his heirs, and by the person to whom such base is transferred subject to the conditions of paragraph (c) of this section.

(c) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the September–December period by the total number of days' production delivered by both producers during such period, but not less than 90: *Provided*, That for the purpose of this paragraph the same days' production of both the transferor and transferee delivered to handlers shall be considered as the delivery of one day of production.

§ 1096.67 Announcement of established bases.

On or before January 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer pursuant to § 1096.65.

Determination of Prices to Producers

§ 1096.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (g) of this section for each of his pool plants, and adding together the resulting totals: *Provided*, That in any month in which the total receipts of producer milk are less than 110 percent of the total Class I utilization at all pool plants, the computation pursuant to paragraphs (b) and (c) of this section shall not be applicable:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(2) and the corresponding step of § 1096.46(b) by the rate of payment pursuant to § 1096.63(a);

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46(b) by the

rate of payment pursuant to § 1096.63 (b);

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(5) and the corresponding step of § 1096.46(b), and not priced as Class I under another order, by the rate of payment pursuant to § 1096.63(b);

(e) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1096.46 (a)(7) and the corresponding step of (b); or

(2) The skim milk and butterfat remaining in Class II after the computation pursuant to § 1096.46(a)(7) for the preceding month;

(f) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(7) and the corresponding step in (b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1096.46(a)(5) and the corresponding step in (b) for the previous month and which was classified and priced as Class I under another Federal order;

(g) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1096.46 (a)(10) and the corresponding step of (b) by the applicable class price.

§ 1096.71 Computation of aggregate value used to determine uniform prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1096.70 for all pool handlers who made reports prescribed in § 1096.30 for such month and who have made payments for the previous month pursuant to § 1096.80 and § 1096.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk included in paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 1096.74 and multiplying the result by the total hundredweight of such producer milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1096.75; and

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1096.72 Computation of uniform price.

For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1096.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1096.73 Computation of uniform prices for base milk and for excess milk.

For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of subparagraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk".

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1096.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (3) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

§ 1096.74 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1096.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1096.46(b) for all pool handlers by the respective butterfat differential for such class computed pursuant to § 1096.52, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1096.75 Location differential to producers.

In making payment to producers and cooperative associations pursuant to § 1096.80 a handler may deduct, with respect to producer milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 1096.53.

PAYMENTS

§ 1096.80 Time and method of payment for producer milk.

Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month of August through January for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.72 subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively, and (1) less payment made pursuant to paragraph (a) of this section; (2) less marketing service deductions pursuant to § 1096.85; (3) plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such producers; and (4) less proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of February through July for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, marketing service deductions pursuant to § 1096.85 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 1096.73(b) for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 1096.73(a) for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively;

(d) On or before the 25th and 13th days of each month, in lieu of the payment pursuant to paragraphs (a), (b), and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b), (c), or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer; and

(f) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices, (i) less the amounts paid pursuant to subparagraph (1) of this paragraph, and (ii) plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such cooperative association.

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payment made by handlers pursuant to §§ 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1096.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation computed pursuant to § 1096.70 for such month is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1096.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1096.70 for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1096.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or corporative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1096.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1096.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1096.31.

§ 1096.86 Expense of administration.

As his pro rata share of the expense of administration of this part each handler, except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe as follows:

(a) Each pool handler with respect to (1) all receipts of producer milk including such handler's own production, and (2) receipts of other source milk which are allocated to Class I milk pursuant to § 1096.46(a) (2) and (3), and the corresponding steps of § 1096.46(b);

(b) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8(d); and

(c) Each handler operating a nonpool distributing plant to the extent provided in § 1096.62.

§ 1096.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books

and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1096.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1096.91.

§ 1096.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1096.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1096.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination.

(b) Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1096.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1096.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-5068; Filed, May 24, 1962; 8:49 a.m.]

[7 CFR Part 1133]

[Docket No. AO-275-A8]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Washington, on April 24, 1962, pursuant to notice thereof issued on April 16, 1962 (27 F.R. 3755).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on May 9, 1962 (27 F.R. 4557; F.R. Doc. 62-4655) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

(1) The classification and pricing of nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses;

(2) The formula used to price milk used in Classes II and III; and

(3) Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence received at the hearing and the record thereof:

1. *Nonfluid products used in Class II.* Skim milk and butterfat in nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses should be classified and priced as Class III milk rather than as Class II milk. Skim milk and butterfat in fluid milk products used to produce these items should continue to be classified and priced as Class II milk.

Under the present provisions of the order, all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (designated Class II products) are classified as Class II milk. Class II milk is priced at 25 cents per hundredweight more than Class III milk. Since Class II and Class III butterfat differentials are identical, the entire additional value is attributed to skim milk.

Any nonfluid products, including those processed at the plant, reprocessed or converted to another product in a handler's plant during the month are treated as a receipt of other source milk. The skim milk in such products is considered to be an amount equivalent to the nonfat milk solids content, plus all the water originally associated with such solids, and any products made therefrom are considered to contain an equal volume of skim milk. Under the allocation provisions of the order, current receipts of producer milk are assigned to the higher priced Class II uses in preference to other source milk.

Inland Empire handlers produce from pool milk substantial quantities of condensed skim milk used in the manufacture of ice cream and ice cream mix. There is no local source of uninspected milk that would provide a dependable alternative source of supply. There is, however, opportunity for regulated handlers to purchase condensed skim milk and nonfat dry milk solids produced in Washington and Oregon plants not subject to price regulation, or produced in plants subject to the order for the Puget Sound marketing area and priced at the level of the Inland Empire Class III price. Use of such sources of supply would result in diversion of substantial volumes of producer milk to nonpool plants for Class III uses. This would not be in the interest of orderly marketing.

The incentive for use of alternative supplies is not present with respect to the fluid milk products used to produce designated Class II products. To the extent that fluid skim milk may be used for such purposes, the milk solids it provides are competitive at the Class II price with those from alternative sources.

It is concluded that the skim milk and butterfat in Class II milk should be limited to that in fluid milk products used to produce designated Class II products and that the skim milk and butterfat in nonfluid products used to produce designated Class II products should be classified as Class III milk.

This method of classification will preserve the present method of accounting for nonfluid products as other source milk at the full skim milk equivalent of the solids content while relieving handlers of the possibility of being charged the higher Class II price with respect to use of nonfluid products in designated Class II products. All testimony at the hearing agreed that a change to that end should be made in the order. The proposal contained in the hearing notice provided for use of only two classes of milk with an additional charge of 25 cents per hundredweight for fluid milk products used in what are now designated Class II products. The same result can be achieved most directly by the classification change provided herein.

2. *Class II and III pricing formula.* No change should be made at this time in the formula used to determine the price for Class II milk and Class III milk.

The price for Class III milk under the order is presently determined by a formula using Chicago butter prices and prices of nonfat dry milk (spray and roller process) at manufacturing plants in the Chicago area. The Class II price is the Class III price plus 25 cents. As an incident to the proposal for only two classes of utilization, it was proposed that a similar formula that is used as an alternative basic formula price be used to price the milk now in Classes II and III. No substantive testimony was offered in support of this proposed change in formula prices.

Testimony was offered in support of using only the price of spray process nonfat dry milk, rather than the average of that produced by the spray and roller processes. Roller process nonfat dry milk is no longer purchased for price support purposes due to its limited production volume. There is some possibility that the price of this limited volume may become erratic without the offer of support purchases.

Opposition to deletion of the roller process price was expressed by a cooperative association which moves milk for manufacturing use to a plant regulated under the Puget Sound order. The Puget Sound Class II price is the same as the present Inland Empire Class III price, and represents the amount that can be realized on milk moved to the Puget Sound plant.

There has so far been no experience upon which to estimate the probable effect of the change in the support price program on the price of roller process nonfat dry milk. Many orders use this price quotation in price formulas. In view of these circumstances and the relationship to the Puget Sound area, it is concluded that no change should be made in the Class III price formula at this time.

3. *Clarifying and conforming changes.* Two clarifying changes should be made in order language.

It should be made clear that handlers operating pool plants, as well as cooperative associations, may have shrinkage computed on milk diverted to nonpool plants. Practically all milk in this market is moved from farms in bulk tanks. Handlers' shrinkage allowances are reduced by 1.5 percent of all milk (including that diverted) disposed of in bulk tanks to other milk plants, therefore, an allowance should be computed on the volume to which such reduction will apply. Proprietary handlers should be treated on the same basis as cooperative associations with respect to computation of the shrinkage allowance on diverted milk.

In the decision of the Assistant Secretary issued February 2, 1962, it was concluded that proration of shrinkage should be between a designated volume of pool milk and other source fluid milk products. The order language should be more specific in limiting the volume of other source milk to be included in this proration to that received in the form of fluid milk products.

These changes represent merely clarification of language with no substantive effect in the way in which the order is now interpreted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were received.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exception. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of this exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 23, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1133.41, paragraphs (b) and (c)(5)(i) are revised, and a new paragraph (c)(7) is added, as follows:

§ 1133.41 Classes of utilization.

* * * * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat contained in fluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* * * *

(5) * * *

(i) Two percent of receipts at a pool plant of producer milk pursuant to § 1133.12(a) (1) and (2) and, with respect to a cooperative association, producer milk for which it is the handler pursuant to § 1133.15 (c) or (d); plus

* * * * * * *

(7) In nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheese.

2. Section 1133.42(b)(2) is revised to read as follows:

§ 1133.42 Shrinkage.

* * * * * * *

(b) * * *

(2) Skim milk and butterfat in other source milk received in the form of fluid milk products.

[F.R. Doc. 62-5125; Filed, May 24, 1962; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTION FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 403(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by California Chemical Company, Ortho Division, Lucas Street and Ortho Way, Richmond, California, proposing the establishment of a tolerance of 1 part per million for residues of phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) in or on each of the raw agricultural commodities alfalfa, apples, beans, broccoli, cabbage, cantaloups (including muskmelons), casabas, collards, cranberries, cucumbers, eggplants, grapefruit, grapes, honeydew melons, lemons, oranges, pears, peas (and vines), peppers, potatoes, rice, spinach, strawberries, tomatoes, and wheat.

The analytical methods proposed in the petition for determining residues of phosphamidon are:

1. The cholinesterase-inhibition technique, which is a modification of that developed by Giang and Hall, Analytical Chemistry, Volume 23, page 1830 (1951).

2. A paper chromatographic technique described by I. E. Bush, Journal of Biological Chemistry, Volume 50, page 370 (1952).

In the latter technique, phosphamidon and its principal metabolites form blue spots when developed with an alkaline solution of blue tetrazolium chloride.

Dated: May 21, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-5073; Filed, May 24, 1962; 8:49 a.m.]

[21 CFR Part 130]

NEW DRUGS

Dextromethorphan Hydrobromide Preparations; Proposed Change in Dosage Limitations

Notice is give that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the new-drug regulations to relax the dosage unit requirements of certain dextromethorphan hydrobromide preparations exempted from the prescription-dispensing requirements of section 503(b)(1)(C) of the act. The proposed amendment provides for an increase in the maximum content of dextromethorphan hydrobromide per dosage unit.

The maximum allowable recommended dose in the regulations is 30 milligrams, or two 15-milligram tablets (the preparation is limited to not more than 15 milligrams of dextromethorphan hydrobromide per dosage unit). The proposed amendment provides for 30 milligrams of dextromethorphan hydrobromide per dosage unit, or 6 milligrams per milliliter in liquid form. Since dextromethorphan hydrobromide is an antitussive established as safe for use in coughs due to colds or other minor conditions, it is not considered a new drug at this dosage.

It is proposed to amend § 130.102(a)(14)(iv) (21 CFR 130.102) to read as set forth below:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(14) * * *

(iv) The preparation contains not more than 30 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 6 milligrams of dextromethorphan hydrobromide per milliliter.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit written views and comments on the proposed amendment. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: May 21, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5072; Filed, May 24, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42]

[SR-422B]

[Reg. Docket No. 1220; Draft Release No. 62-24]

PERFORMANCE REQUIREMENTS FOR THREE-ENGINE TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration amendments to Special Civil Air Regulation No. SR-422B establishing specific performance requirements for three-engine turbine-powered airplanes.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 23, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

There has been considerable interest shown by airframe manufacturers in three-engine turbine-powered airplanes. As of this date, the Flight Standards Service has received two applications for type certification of such airplanes. Special Civil Air Regulation No. SR-422B, Turbine-Powered Transport Category Airplanes of Current Design, is not specifically applicable to three-engine airplanes. Therefore, in order to insure an adequate level of safety for three-engine airplanes, it is necessary to establish complete performance requirements for such airplanes prior to their type certification. Accordingly, it is proposed to amend SR-422B to make it fully applicable to three-engine turbine-powered airplanes.

There are eight provisions in SR-422B which contain specific climb gradients for only two-engine and four-engine airplanes. These are contained in §§ 4T.-116g, 4T.117a(b), 4T.120 (a) through (d), and 4T.121 (a) and (b). Amendments to these provisions are proposed herein to set forth appropriate climb gradient values for three-engine airplanes.

In § 4T.114(b) there is a differentiation in the specified minimum takeoff safety speeds applicable to two-engine and four-engine propeller-driven airplanes. The only question involved in this provision is whether the minimum takeoff safety speed for three-engine airplanes with propellers should be 1.2 V_s or 1.15 V_s. Considering the likely configurations of three-engine propeller-equipped airplanes and the effects of engine failure, it appears that these airplanes would fit into the category of the two-engine propeller-driven airplane. Therefore, it is proposed that the prescription of the takeoff safety speeds for three-engine propeller-driven airplanes, in terms of the stall speed, be the same as is currently prescribed for two-engine propeller-driven airplanes.

In § 4T.121(b), the margin of climb gradient for four-engine airplanes with two-engines inoperative is prescribed to be 0.5 percent. Pursuant to the en route limitations of § 40T.83 airplanes are precluded from flying along an intended route if any place along the route is more than 90 minutes from a suitable airport unless compliance is shown with the two-engine-inoperative en route limitations of § 40T.83(b). These requirements automatically prohibit two-engine airplanes from flying such routes. To formulate appropriate standards for three-engine airplanes, it is necessary to consider the applicable engine power condition and performance level. Some manufacturers have indicated that the power condition for three-engine airplanes should be based on loss of 50 percent of engine power rather than on complete loss of power of two engines. The Flight Standards Service believes that the failure of two engines is more probable than loss of 50 percent of power and is sufficiently probable to require consideration of two engines becoming inoperative along routes where the airplane would be more than 90 minutes from an airport. In view of this and the probable variation of other operational factors along the critical portion of such routes, it is proposed that the minimum margin of climb gradient for three-engine airplanes be equal to 0.3 percent with two engines inoperative.

These proposals were discussed at the conference held in September 1961, on proposed changes to Special Civil Air Regulation No. SR-422B. In general, there appeared to be no major issues involved in these proposals.

Systemworthiness of three-engine turbine-powered airplanes requires evaluation of other requirements of the Civil Air Regulations dealing with airman certification and with the operating rules not contained in SR-422B. The Agency intends to take the necessary regulatory action with respect to these matters prior to the introduction of three-engine turbine-powered airplanes into air carrier service.

In consideration of the foregoing, it is proposed to amend Special Civil Air Regulation No. SR-422B as follows:

1. By amending § 4T.114(b)(1) by inserting between the words "two-engine" and "propeller-driven" the words "and three-engine".

2. By amending § 4T.114(b)(2) by deleting the words "two engines" and inserting in lieu thereof the words "three engines".

3. By amending § 4T.116(g) by inserting after the words "two-engine airplanes" the following phrase "1.5 percent for three-engine airplanes".

4. By amending § 4T.117a(b) by inserting between the words "two-engine airplanes" and the word "and" the following phrase "equal to 0.9 percent for three-engine airplanes".

5. By amending § 4T.120(a) by inserting between the words "shall not be less than" and the numerals "0.5" the following phrase "0.3 percent for three-engine airplanes, and not less than".

6. By amending § 4T.120(b) by inserting between the words "two-engine airplanes" and the word "and" the following phrase "not less than 2.7 percent for three-engine airplanes".

7. By amending § 4T.120(c) by inserting between the words "two-engine airplanes" and the word "and" the following phrase "not less than 1.5 percent for three-engine airplanes".

8. By amending § 4T.120(d) by inserting between the words "two-engine airplanes" and the word "and" the following phrase "not less than 2.4 percent for three-engine airplanes".

9. By amending § 4T.121(a) by inserting between the words "two-engine airplanes" and the word "and" the following phrase "1.4 percent for three-engine airplanes".

10. By amending § 4T.121(b) by deleting the first sentence and by inserting in lieu thereof the following new sentence "For airplanes with three or four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.3 percent for three-engine airplanes and equal to 0.5 percent for four-engine airplanes."

These amendments are proposed under the authority of sections 313(a), 601, 603, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

Issued in Washington, D.C., on May 18, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-5046; Filed, May 24, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-49]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Withdrawal of Proposal for Designation of Transition Areas, Revocation of Control Area Extensions; Alteration of Control Zones, Federal Airways and Associated Control Areas

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-KC-49 on February 9, 1962 (27 F.R. 1221), it was stated that the Federal Aviation Agency (FAA), proposed the alteration of the controlled airspace in the St. Louis, Mo., terminal area attendant to the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules.

Subsequent to publication of the notice, the FAA has adopted Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules (27 F.R. 4012) which redefines the term "transition area." Accordingly, a further review of this area is required and the notice is being withdrawn. Upon completion of this review, a new proposal will be issued.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61-KC-49 is withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on May 21, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5047; Filed, May 24, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Idle Operating Funds

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.710 of Part 107 of

Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851, 1720, and 3844). Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment under consideration changes the provisions of § 107.710(b) to provide that a Licensee may establish a petty cash fund and for the purpose of such fund may retain in cash a sum not to exceed $500 at any one time.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting paragraph (b) of § 107.710 and substituting in lieu thereof the following new paragraph (b):

§ 107.710 Idle operating funds.

* * * * *

(b) All funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with paragraph (a) of this section, as soon as practicable after receipt thereof, shall be placed and maintained on demand deposit with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500.00 at any one time.

Dated: May 21, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–5062; Filed, May 24, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62–16]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document on April 12, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Ch. I or 33 CFR Ch. I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/343/1, 26.0' x 7.88' x 3.54' aluminum, oar-propelled lifeboat, 42-person capacity, identified by construction and arrangement dwg. No. 26–11 dated September 26, 1955, and revised March 1, 1962, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective April 12, 1962. (It reinstates and supersedes Approval No. 160.035/343/0 terminated July 17, 1961.).

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/4/1, audible and visual, supervised smoke detecting system, Model ESDS–1 (General Schematic Wiring Diagram Dwg. No. 94386), up to forty-four (44) lines, consisting of five major components, viz:

1. Control Unit — Smoke Detector Cabinet, Dwg. No. 93325 and 94320,
2. Engineroom Alarm, Dwg. No. 93865,
3. Wheelhouse Annunciator Panel, Dwg. No. 94280,
4. Twin Suction Blower, Dwg. No. 94180,
5. 3'' Air Direction Valve, Dwg. No. 93825,

manufactured by Fyr-Fyter Company, Newark Branch Office, P.O. Box 750, Newark 1, N.J., effective April 12, 1962. (It supersedes Approval No. 161.002/4/0 dated December 5, 1961.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Termination of Approval No. 160.003/17/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.003/18/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.003/21/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.003/22/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Termination of Approval No. 160.004/11/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.004/12/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/438/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sieg-

mund Werner Co., 3951 South Canal Street, Chicago, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.047/439/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.047/440/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Ill., effective April 12, 1962. (Item no longer manufactured.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/80/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.048/83/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 S. Homan Avenue, Chicago 7, Ill., effective April 12, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.048/162/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Ill., effective April 12, 1962. (Item no longer manufactured.)

Dated: May 18, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–5082; Filed, May 24, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 17, 1962.

The U.S. Department of Agriculture, Forest Service, has filed an application, Serial Number J. 012147 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for research studies on the effect of logging and sediment yield of two streams, its effect on salmon migration and reproduction, and upon stream regimen.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, Sixth and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Admiralty Island

Beginning at a point S. 86°30' W., a distance of 1,294 feet from Young Bay East Base, a triangulation station, thence: S. 82°39' W. 1,954 feet; S. 09°37' E. 20,434 feet; N. 85°07' E. 12,830 feet; N. 00°48' W. 6,283 feet; N. 41°00' W. 11,405 feet; S. 83°32' W. 2,412 feet; N. 63°55' W. 4,277 feet; N. 17°10' W. 2,798 feet to the point of beginning.

The tract as described contains approximately 4,558 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–5059; Filed, May 24, 1962; 8:47 a.m.]

Geological Survey

REGIONAL OIL AND GAS SUPERVISOR, SOUTHWESTERN REGION

Delegation of Authority With Respect to Drilling of Wells

Correction

In F.R. Doc. 62–4904, appearing at page 4814 of the issue for Tuesday, May 22, 1962, the following corrections are made:

1. The line reading "Approved: May 10, 1962." should be deleted.

2. The following words should appear after the signature and title of Arthur A. Baker:

Approved: May 10, 1962.

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Changes in Itineraries of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., has requested changes in the itineraries of certain cruises which were approved by the Maritime Subsidy Board on March 30, 1962, for the passenger ships SS Argentina and SS Brasil.

The proposed amended itineraries follow:

Sailing Date and Amended Itinerary

Brazil, September 17, 1962 (previously September 19, 1962)—New York, Norfolk, Nassau, Norfolk, New York.

Argentina, October 24, 1962—New York, Baltimore, San Juan, Trinidad, Barbados, Martinique, St. Thomas, Nassau, Baltimore.

Argentina, November 9, 1962—Baltimore, Port Everglades, San Juan, St. Thomas, Martinique, Barbados, Cartagena, Cristobal, Nassau, Port Everglades.

Any person, firm or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on June 8, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

JAMES S. DAWSON, Jr.
Secretary.

MAY 22, 1962.

[F.R. Doc. 62–5083; Filed, May 24, 1962; 8:51 a.m.]

National Bureau of Standards

WWVH, MAUI, HAWAII

Notice of Changes in Schedule for NBS Radio Station

The National Bureau of Standards proposes to make minor changes in the broadcast schedule for radio station WWHV in Maui, Hawaii. The changes are to become effective July 1, 1962. They were requested by the National Aeronautics and Space Administration and are not expected to interfere with other users of the transmissions from WWVH.

Present Schedule

Continuous except for four 3-minute silent periods each hour, the first commencing on the hour and the other 3 on each quarter hour thereafter, and a 34-minute silent period each day at 1900 UT.

Proposed Schedule

Continuous except for one silent period each hour from 15 minutes to 19 minutes past each hour and a 34-minute silent period from 1900 UT to 1934 UT.

The present transmission schedule of WWV, Beltsville, Maryland, will be retained, including a silent period each hour from 45 minutes to 49 minutes past each hour. Thus the time signals of either station may be received four minutes out of each hour without interference from the other. A change in the transmission of the binary time code from station WWV will be made so that the amplitude between pulses on the 1 kc subcarrier will be about one-third of full amplitude instead of going to zero.

Communications regarding these changes should be addressed to the Director, National Bureau of Standards, Washington 25, D.C., to be received before June 15.

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62–5070; Filed, May 24, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13415]

WEST COAST AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION AND ROUTE REALIGNMENT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 11, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., May 22, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–5087; Filed, May 24, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62–CE–3]

PROPOSED ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: MIA Enterprises, Inc., Radio Station KWBE, Beatrice, Nebr., proposes to construct a guyed radio tower at Sherman and Mary Streets in Beatrice, Nebraska, at latitude 40°15'48" north, longitude 96°46'27" west. The overall height of the structure would be 1,709 feet above mean sea level (396 feet above ground).

The original circularization of this proposal specified a five tower array consisting of the proposed tower and four additional towers with an overall height of 1,508 feet mean sea level (196 feet above ground). A revised proposal dated January 20, 1962, specifies a single antenna structure as described above.

The proposed structure would be located 2.93 miles south of the Beatrice Municipal Airport and within the final approach area of Runway 35. However, it would not penetrate any airport imaginary surface as defined in § 626.13 of the regulations of the Administrator.

Objections were made in response to the circularization by the Air Transport Association of America on the basis that the proposed structure would raise the instrument approach landing minimums for Runways 31 and 35 at the Beatrice Municipal Airport. The Department of Aeronautics, State of Nebraska, and the Airport Manager of the Beatrice Municipal Airport objected to the proposal on the basis that it would violate airport zoning and would raise the landing minimums for the Beatrice Municipal Airport. The Air Line Pilots Association objected to the proposal because the structure would exceed hazards to air navigation criteria as defined in § 626.12.

No other objections were presented at the Regional Informal Airspace Meeting. Following the meeting, however, ATA withdrew its objection subject to a provision that the proposed structure would have no adverse effect upon the landing minimums for Runway 31 at the Beatrice Municipal Airport.

The proposed structure would have the following effects upon aeronautical operations at the Beatrice Municipal Airport and in the Beatrice Terminal area:

1. Instrument approach procedure missed approach altitudes and holding altitudes: An increase from 2,600 feet to 2,700 feet for all prescribed approaches. This would have no substantial adverse effect as the resulting climb and descent rates which would be required are well within prescribed standards.

2. Instrument approach procedure landing minimums: An increase in ceiling minimum for Special Procedure Ter VOR–35 from 700 feet to 800 feet. This would have no substantial adverse effect because Standard Instrument Approach Procedure AL–936–VOR–RWY 13 provides a ceiling minimum of 500 feet to all runways at the Beatrice Municipal Airport, including a circling approach to Runway 35.

No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on May 11, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62–5048; Filed, May 24, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–18338 etc.]

COASTAL TRANSMISSION CORP. ET AL.

Notice of Application and Date of Hearing

MAY 18, 1962.

Take notice that on February 19, 1962, as supplemented on March 30, 1962, Coastal Transmission Corporation (Coastal) and Florida Gas Transmission Company (Florida Gas) (formerly Houston Texas Gas and Oil Corporation) filed a joint motion to amend certain certificate authorizations heretofore granted in Docket Nos. G–18338, et al. Notice of the content of said motion to amend is being issued concurrently herewith.

The aforesaid motion to amend also included a request pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove from service certain natural gas facilities heretofore authorized to Coastal in Docket No. G–9960 (Docket Nos. G–9262, et al.) as follows: A portion of the existing Palacios Lateral in Matagorda County, Texas, consisting of 1.1 miles of 6-inch pipeline extending from the Christie, Mitchell and Mitchell property to the proposed point of connection of the lateral to the Tenneco processing plant (this lateral is requested in the pending amendment in Docket No. G–18338) with the Palacios Lateral.

Also, Coastal seeks permission and approval to abandon and remove from service certain natural gas facilities which were constructed and operated pursuant to temporary authorization granted in Docket No. G–18338, namely, that section of the Palacios Lateral system consisting of 1.3 miles of 4½-inch pipeline extending from the Tidewater Oil Company property to the property of Kilroy Structural Steel, et al., and 2.7 miles of 6-inch pipeline extending from the latter point to the property of Christie, Mitchell and Mitchell referred to in the preceding paragraph.

The foregoing abandonments are stated to be necessary because of the cancellation of certain gas purchase contracts and the changes in delivery points of others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1962 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and pro-

cedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5049; Filed, May 24, 1962; 8:46 a.m.]

[Docket No. G-18338 etc.]

COASTAL TRANSMISSION CORP. ET AL.

Notice of Motion for Amendment of Certificate Authorizations

MAY 18, 1962.

Take notice that on February 19, 1962, as supplemented on March 30, 1962, Coastal Transmission Corporation (Coastal) and Florida Gas Transmission Company (Florida Gas) (formerly Houston Texas Gas and Oil Corporation) filed a joint motion to amend the Commission's order issued August 9, 1961, in Docket Nos. G-18338, et al., as further modified by order issued November 2, 1961, in respect to the certificates of public convenience and necessity granted to Coastal and Florida Gas in Docket Nos. G-18338 and G-18615, respectively, all as more fully set forth in the aforesaid motion and supplement which are on file with the Commission and open to public inspection.

The requested amendments to the subject certificate authorizations are as follows:

(1) Florida Gas, in Docket No. G-18615, to construct and operate approximately 9.3 miles of 4½-inch lateral pipeline from a point on its 20-inch main transmission line in Indian River County, Florida, to the site of a new electric generating plant in the City of Vero Beach, Florida, in lieu of the presently authorized approximately 6 miles of 2⅞-inch lateral pipeline to the site of the old City of Vero Beach electric generating plant. This proposed change is estimated to increase the cost of the Vero Beach lateral from $115,700 to $196,300, or an additional $80,600.

(2) To delete from authorization in Docket No. G-18338 the following facilities which Coastal does not propose to construct and operate: (a) Fulton Beach Tap, (b) Potrero Lopena 14.2-mile lateral pipeline, and (c) Palacios Lateral 1.2-mile extension lateral to facilities of Socony, Mobil Oil Company. The estimated total cost of these facilities was $458,695.

(3) Coastal, in Docket No. G-18338, to construct and operate a 1.3-mile addition to the Palacios Lateral system extending from the new terminus of the Palacios Lateral to the Tenneco (Tennessee Gas Transmission Company) processing plant in Matagorda County, Texas, at an estimated cost of $39,000.

(4) Coastal, in Docket No. G-18338, to construct and operate approximately 6.1 miles of 8-inch loop pipeline from the end of the presently authorized 6.0 miles of 8-inch loop on the Palacios Lateral to the aforesaid new terminus thereof, at an estimated total cost of $171,845.

(5) Coastal, in Docket No. G-18338, to increase the size of the presently authorized approximately 16 miles of 8-inch pipeline comprising the so-called Lake Chicot Lateral to approximately 11.1 miles of 10-inch pipeline and 4.9 miles of 12-inch pipeline. This proposed change is requested to provide sufficient capacity in the subject lateral to permit further development of the field which it serves. Said change is estimated to increase the cost of the Lake Chicot Lateral from $836,489 to $960,000, or an additional $123,511.

(6) (By the Supplement filed on March 30, 1962, to the February 19, 1962, motion to amend) Florida Gas, in Docket No. G-18615, to increase the size of the presently authorized approximately 32 miles of 6⅝-inch pipeline comprising the so-called Indian River Lateral extending from Florida Gas' 20-inch main transmission line to the Indian River electric generating plant of the Orlando Utilities Commission near Delespine, Brevard County, Florida, to a diameter of 8⅝ inches. This proposed change is requested to provide sufficient capacity in the subject lateral to take care of indicated future requirements which exceed those expected at the time of the original application. Said change is estimated to increase the cost of the Indian River Lateral from the original figure of $744,016 to $856,000, or an additional $111,984.

Protests, petitions to intervene or requests for hearing in this matter may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5050; Filed, May 24, 1962; 8:46 a.m.]

[Docket No. CP62-194]

MEDINA GATHERING CORP.

Notice of Application and Date of Hearing

MAY 18, 1962.

Take notice that on February 15, 1962, as supplemented on March 28, 1962, April 27, 1962, and May 10, 1962, Medina Gathering Corporation[1] (Applicant), D205 Petroleum Center, San Antonio 9, Texas, filed in Docket No. CP62-194 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the gathering, sale, and delivery of natural gas to Tennessee Gas Transmission Company (Tennessee) and the construction and operation of the facilities necessary therefor, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a gathering system which will be used in the gathering, sale and delivery to Tennessee of natural gas which will be purchased by Applicant from producers in northeastern Ohio and northwestern Pennsylvania. Applicant and Tennessee have entered into an agreement dated February 1, 1962, which provides that Applicant will supply Tennessee with peaking service between November 1 and April 30 for a 20-year term. Tennessee will use Applicant's reserves as storage during the summer months and to meet the heavier requirements of its customers during the winter months. Under its contracts with the producers and with Tennessee, Applicant will acquire storage rights beneath a substantial portion of the dedicated acreage and has agreed eventually to assign such storage rights to Tennessee so that Tennessee may ultimately utilize the reservoirs for the injection of gas for storage.

Applicant proposes to sell to Tennessee up to 60,000 Mcf of gas per day. The proposed main gathering lines will consist of approximately 28 miles of 10-inch and 12-inch lines with well gathering facilities from 2 to 8 inches in diameter. The points of delivery to Tennessee will be in Crawford County, Pennsylvania. Applicant states that field compression will be necessary to meet the contract obligation to deliver the gas to Tennessee. Applicant proposes only to sell gas to Tennessee and states that the volumes to be made available to Tennessee are intended to augment Tennessee's supply for its present customers and that Tennessee does not propose to supply new markets in connection with this application. The initial price to be paid to Applicant by Tennessee is 37 cents per Mcf, for which Applicant will file a tariff not less than 30 days prior to the commencement of deliveries.

The cost of the proposed facilities is estimated to be approximately $3,469,300. Applicant has agreed to file a plan of financing as a condition to the certificate which would provide that its long-term debt ratio will not exceed 75 percent of the total capitalization at the end of the second year of operation. Applicant has also agreed to file within 90 days after the first two years of operation cost-supporting data on the basis of actual experience, and lower rates, if necessary, reflecting the cost of service data.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5051; Filed, May 24, 1962; 8:46 a.m.]

[1] The February 15, 1962, filing was made under the name of Consolidated Gas Gathering Corporation.

[Docket No. G-17336]

TEXAS GAS EXPLORATION CORP.

Notice of Severance, Extension of Time and Postponement of Hearing

MAY 18, 1962.

Upon consideration of the request filed by Applicant in the above-designated matter, notice is hereby given that the proceeding listed above is hereby severed from the proceedings consolidated by order issued March 7, 1962, under the lead docket, Texaco-Seaboard, Inc., et al., Docket Nos. G-13169 et al., heretofore scheduled for hearing on May 29, 1962, by order issued March 7, 1962, as modified by notice issued March 27, 1962.

An extension is hereby granted to the participants in the proceeding severed hereby to and including June 18, 1962 within which to serve and file the data specified by paragraph (C) of the Commission's order issued March 7, 1962; and that a hearing in the severed proceeding is scheduled to commence at 10 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5052; Filed, May 24, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 22, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37743: *Asphalt from Billings, East Billings, and Laurel, Mont.* Filed by Great Northern Railway Company (No. 1079), jointly with the Northern Pacific Railway Company (No. 123), for themselves and interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct, or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Billings, East Billings and Laurel, Mont., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Market competition.

Tariffs: Supplement 40 to Great Northern Railway Company tariff I.C.C. A-8854 and Supplement 14 to Northern Pacific Railway Company tariff I.C.C. 9977.

FSA No. 37744: *Screened gravel from Riverton, Ind., to Centralia, Ill.* Filed by Illinois Freight Association, Agent (No. 174), for interested rail carriers. Rates on screened gravel, in carloads, from Riverton, Ind., to Centralia, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 95 to Illinois Central Railroad Company tariff I.C.C. A-11687.

FSA No. 37745: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8211), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads, as described in the application, from Armant, La., to points in southwestern territory, also Kansas and Illinois and Mississippi River crossings.

Grounds for relief: Carrier competition.

Tariffs: Supplement 138 to Southwestern Freight Bureau tariff I.C.C. 3850, and other schedules named in the application.

FSA No. 37746: *Barytes from Caddo Gap, Ark., to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-8216), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from Caddo Gap, Ark., to specified points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 16 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37747: *Calcined plaster and plasterboard joint system from Dallas, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8217), for interested rail carriers. Rates on calcined plaster and/or plasterboard joint system, in carloads, from Dallas, Tex., to points in southern territory, also Virginia Cities gateway points.

Grounds for relief: Market competition.

Tariff: Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4426.

FSA No. 37748: *Iron and steel articles to points in Louisiana.* Filed by Western Trunk Line Committee, Agent, (No. A-2247), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Kansas City, Mo., and Minnequa, Colo., to specified points in Louisiana.

Grounds for relief: Market competition.

Tariffs: Supplements 33 and 11 to Western Trunk Line Committee tariffs I.C.C. A-4396 and A-4393, respectively.

FSA No. 37749: *Joint motor-rail rates from and to points in Southwest.* Filed by Middlewest Motor Freight Bureau, Agent (No. 326), for interested carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in southwestern territory, on the one hand, and points in Illinois, Indiana, Wisconsin, and Minnesota, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37750: *Joint motor-rail rates from and to points in Texas.* Filed by Middlewest Motor Freight Bureau, Agent (No. 328), for interested carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in Texas, on the one hand, and points in Illinois, Iowa, Kansas, Minnesota, Missouri, and South Dakota, on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-5064; Filed, May 24, 1962; 8:48 a.m.]

[Notice 643]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64869. By order of May 18, 1962, the Transfer Board approved the transfer to William Fowlston, doing business as Fowlston Trucking, Oxford, N.Y., of Permit No. MC 116148, issued July 29, 1957, to Harry D. Wolf, New Bloomfield, Pa., authorizing the transportation, over irregular routes, of prefabricated houses, complete, knocked

down, or in sections, including component parts and equipment and materials incidental to the erection and completion of such houses, when shipped therewith, except commodities the transportation of which because of size or weight require the use of special equipment, from McDonough, N.Y., to points in Florida, Georgia, North Carolina and South Carolina. Charles Trayford, 220 East 42d Street, New York 17, N.Y., applicant's representative.

No. MC–FC 64921. By order of May 18, 1962, the Transfer Board approved the transfer to Display Movers & Storage, Inc., North Brunswick, N.J., of Certificate No. MC 48809, issued October 13, 1958, to Suburban Storage Co., Inc., New Rochelle, N.Y., authorizing the transportation of household goods over irregular routes, from New York, N.Y., and points in Connecticut, New Jersey, New York, and Pennsylvania within 50 miles of New York, N.Y., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and District of Columbia; and from points in the above-specified destination territory to Philadelphia, Pa., points in Connecticut, New Jersey, and New York and those in that part of Delaware on and north of a line beginning at the Maryland-Delaware State line and extending eastward along U.S. Highway 40 to junction Delaware Highway 273 (formerly U.S. Highway 40) and thence along Delaware Highway 273 to New Castle, Del. LeRoy Danziger, 334 King Road, North Brunswick, N.J., attorney for applicants.

No. MC–FC 64933. By order of May 18, 1962, the Transfer Board approved the transfer to Arrow Transfer, Inc., Cincinnati, Ohio, of Permit in No. MC 11620 issued December 27, 1961, to Arrow Transfer Company, a corporation, Danville, Ky., authorizing the transportation of: Cheese and condensed whey, from Stanford, Ky., to Cincinnati, Ohio, empty containers for the above specified commodities, from Cincinnati, Ohio, to Stanford, Ky., cheese, oleomargarine, butter, and powdered milk, from Cincinnati, Ohio, and Stanford, Ky., to points in Alabama and Virginia; oleomargarine, from Stanford, Ky., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, damaged, defective, and returned shipments of all the above-specified commodities from destination points to origin points; oleomargarine, in vehicles equipped with mechanical refrigeration, from Cincinnati, Ohio, to points in Kentucky, with restriction; oleomargarine, from Cincinnati, Ohio, to points in Alabama and Virginia, with restriction; powdered milk, from Stanford, Ky., to Cincinnati, Ohio, and points in Tennessee, North Carolina, South Carolina, Georgia, and Florida; damaged or defective shipments of powdered milk from destination points to Stanford, Ky., with restriction; acid, cleansing compounds or solutions, cleansing apparatus, cream or milk testing and weighing apparatus, and stationery supplies, between Cincinnati, Ohio, on the one hand, and, on the other, points in various counties in Kentucky; cheese and butter, from Cincinnati, Ohio, and Covington and Stanford, Ky., to Middlesboro, Ky., points in North Carolina, except Asheville, N.C., South Carolina, except Spartanburg, Greenville, Columbia, Charleston, and Orangeburg, S.C., and points in Georgia and Tennessee; empty containers for cheese and butter, from above destination points to origin points, with restriction, cream, butter, and empty milk cans between Cincinnati, Ohio, on the one hand, and, on the other, points in Fayette, Madison, Marion, Washington, Mercer, Jessamine, Garrard, Lincoln, Boyle, Taylor, and Pulaski Counties, Ky., cream and butter, from points in Kentucky to Cincinnati, Ohio, empty cream containers from Cincinnati, Ohio, to origin points next above; cheese and butter, from Cincinnati, Ohio, and Covington and Stanford, Ky., to Asheville, N.C., and Spartanburg, Greenville, Columbia, Charleston, and Orangeburg, S.C., and points in Florida; buttermilk in bulk, from Harrodsburg and Lexington, Ky., to Cincinnati, Ohio, butter, from Cincinnati, Ohio to points in Laurel, Whitley, Harlan, and Bell Counties, Ky. (except Middlesboro, Ky.) cheese, from Cincinnati, Ohio, to points in Kentucky (except Middlesboro, Ky.), from Stanford, Ky., to New York, N.Y., Newark, N.J., and Philadelphia and Manatawny, Pa. condensed whey, in containers, from Stanford, Ky., to points in Tennessee, Georgia, North Carolina, South Carolina, and Florida; oleomargarine, from Cincinnati, Ohio, to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida and whey in bulk, in tank vehicles, from Stanford, Ky., to points in Alabama, Delaware, Florida, Georgia, Indiana, Maryland, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. Jack B. Josselson, 700 Atlas Bank Building, Cincinnati 2, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–5065; Filed, May 24, 1962; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 413]

SECRETARY OF COMMERCE

Authority To Appoint Special Policemen

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Commerce to appoint uniformed guards as special policemen with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York over which the United States Government has acquired exclusive criminal jurisdiction.

2. This authority shall be exercised strictly in accordance with the attachment entitled "Authority of Special Police" and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to the General Services Administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. This authority may be redelegated to such officials of the Maritime Administration as the Secretary of Commerce may deem necessary.

5. This delegation shall be effective as of the date hereof.

BERNARD L. BOUTIN, *Administrator.*

MAY 18, 1962.

[F.R. Doc. 62–5066; Filed, May 24, 1962; 8:48 a.m.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1151]

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS [New]

ADDITION OF SUBCHAPTER

This amendment adds Subchapter K—Administrative Regulations [New] to Chapter I of Title 14 of the Code of Federal Regulations and deletes current Parts 401, 414, 415, 418, and 612 from Chapter III of Title 14. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this new subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter K [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on March 27, 1962 (27 F.R. 2803), and circulated as Draft Release 62-12. All comments received concurred with the substance of the proposal as published. Two comments received suggested changes in style or format or in the technical wording of certain sections in Parts 183, 185, and 189 [New]. These comments were carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

As proposed, this subchapter was labeled "J". It has since been determined that there is a need for an additional subchapter to contain rules governing air navigation facilities. To make room for the added subchapter, the administrative regulations have been redesignated as Subchapter K [New] and the parts renumbered.

No substantive change has been made in the subchapter, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. The definitions, abbreviations and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) apply to the new Subchapter K.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective June 30, 1962, Chapter I of Title 14 is amended by adding a Subchapter K [New] as set forth below, and Chapter III of Title 14 is amended by revoking Parts 401, 414, 415, 418, and 612.

(Sec. 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140))

Issued in Washington, D.C., on May 22, 1962.

HAROLD W. GRANT,
Acting Administrator.

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS [New]

Part
181 Seal [New].
183 Representatives of the Administrator [New].
185 Testimony by Employees and Production of Records in Legal Proceedings [New].
187 Fees for Copying and Certifying Federal Aviation Agency Records [New].
189 Use of Federal Aviation Agency Communications System [New].

PART 181—SEAL [New]

§ 181.1 Seal.

The seal of the Federal Aviation Agency has, within a gold border, a blue background bearing in gold letters near its outer rim the words "Federal Aviation Agency" and "United States of America", with the two phrases separated by two stars. It has in the center, on a white disk, a light green globe charged with a gold four-pointed compass rose that has a stylized gold wing on its horizontal axis.



(Sec. 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140))

[Revision note: Based on § 401.1]

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR [New]

Subpart A—General
Sec.
183.1 Scope.

Subpart B—Certification of Representatives
183.11 Selection.
183.13 Certification.
183.15 Duration of certificates.
183.17 Reports.

Subpart C—Kinds of Designations: Privileges
183.21 Aviation Medical Examiners.
183.23 Pilot examiners.
183.25 Technical personnel examiners.
183.27 Designated aircraft maintenance inspectors.
183.29 Designated engineering representatives.
183.31 Designated manufacturing representatives.

AUTHORITY: §§ 183.1 to 183.31 issued under sec. 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140).

Subpart A—General

§ 183.1 Scope.

This part describes the requirements for designating private persons to act as representatives of the Administrator in examining, inspecting, and testing persons and aircraft for the purpose of issuing airman and aircraft certificates. In addition, it states the privileges of those representatives and prescribes rules for their exercising of those privileges.

[Revision note: Based on § 418.1]

Subpart B—Certification of Representatives

§ 183.11 Selection.

(a) The Civil Air Surgeon, or his authorized representative within the FAA, may select Aviation Medical Examiners from qualified physicians who apply. In addition, the Civil Air Surgeon may designate qualified forensic pathologists to assist in the medical investigation of aircraft accidents.

(b) Any local Flight Standards Inspector may select a pilot examiner, technical personnel examiner, or a designated aircraft maintenance inspector whenever he determines there is a need for one.

(c) The Chief of the Engineering and Manufacturing Division, or his designee, may select Designated Engineering Representatives and Designated Manufacturing Inspection Representatives from qualified persons who apply by a letter accompanied by a "Statement of Qualifications of Designated Engineering Representative" or a "Statement of Qualifications for Designated Manufacturing Inspection Representative", as the case may be.

(d) The Director, Air Traffic Service, may select Air Traffic Control Tower Operator Examiners.

[Revision note: Combines §§ 418.10 and 418.20(b)]

§ 183.13 Certification.

(a) A "Certificate of Designation" and an appropriate Identification Card is issued to each Aviation Medical Examiner and to each forensic pathologist designated under § 183.11(a).

(b) A "Certificate of Authority" specifying the kinds of designation for which the person concerned is qualified and stating an expiration date is issued to each Flight Standards Designated Representative, along with a "Certificate of Designation" for display purposes, designating the holder as a Flight Standards Representative and specifying the kind of designation for which he is qualified.

[Revision note; Combines §§ 418.11 and 418.12(a) (last sentence)]

§ 183.15 Duration of certificates.

(a) A designation as an Aviation Medical Examiner is valid until terminated under paragraph (c) of this section, but must be revalidated on or before January 1 of each year by a letter of designation and a new identification card issued by the Civil Air Surgeon that specifies the year during which the designation is valid.

(b) Unless sooner terminated under paragraph (c) of this section, a designation as a Flight Standards Designated Representative is effective for one year after the date it is issued and may be renewed for additional periods of one year in the Administrator's discretion.

(c) A designation made under this subpart terminates—

(1) Upon the written request of the representative;

(2) Upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;

(3) Upon the representative being separated from the employment of the employer who recommended him for certification;

(4) Upon a finding by the Administrator that the representative has not properly performed his duties under the designation;

(5) Upon the assistance of the representative being no longer needed by the Administrator; or

(6) For any reason the Administrator considers appropriate.

[Revision note: Based on § 418.12 (less last sentence of (a))]

§ 183.17 Reports.

Each representative designated under this part shall make such reports as are prescribed by the Administrator.

[Revision note: Based on § 418.13]

Subpart C—Kinds of Designation: Privileges

§ 183.21 Aviation Medical Examiners.

An Aviation Medical Examiner may—

(a) Accept applications for physical examinations necessary for issuing medical certificates under Part ____ (Present Part 29) of this chapter;

(b) Under the general supervision of the Civil Air Surgeon or the appropriate senior regional flight surgeon, conduct those physical examinations;

(c) Issue or deny medical certificates in accordance with Part ____ (Present Part 29) of this chapter, subject to reconsideration by the Civil Air Surgeon or his authorized representatives within the FAA; and

(d) As requested, participate in investigating aircraft accidents.

[Revision note: Based on § 418.20 (less (b))]

§ 183.23 Pilot examiners.

Any pilot examiner, instrument rating examiner, or airline transport pilot examiner may—

(a) As authorized in his designation, accept applications for flight tests necessary for issuing pilot certificates and ratings under this chapter;

(b) Under the general supervision of the appropriate local Flight Standards Inspector, conduct those tests; and

(c) In the discretion of the appropriate local Flight Standards Inspector, issue temporary pilot certificates and ratings to qualified applicants.

[Revision note: Based on § 418.21]

§ 183.25 Technical personnel examiners.

(a) A designated mechanic examiner (DME) (airframe and powerplant) may—

(1) Accept applications for, and conduct, mechanic, oral and practical tests necessary for issuing mechanic certificates under Part ____ (Present Part 24) of this chapter; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary mechanic certificates to qualified applicants.

(b) A designated parachute rigger examiner (DPRE) may—

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing parachute rigger certificates under Part ____ (Present Part 25) of this chapter; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary parachute rigger certificates to qualified applicants.

(c) An air traffic control tower operator examiner may—

(1) Accept applications for, and conduct, written and practical tests necessary for issuing control tower operator certificates under Part ____ (Present Part 26) of this chapter; and

(2) In the discretion of the Director, Air Traffic Service, issue temporary control tower operator certificates to qualified applicants.

(d) A designated flight engineer examiner (DFEE) may—

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight engineer certificates under Part ____ (Present Part 35) of this chapter; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight engineer certificates to qualified applicants.

(e) A designated flight navigator examiner (DFNE) may—

(1) Accept applications for, and conduct, oral and practical tests necessary for issuing flight navigator certificates under Part ____ (Present Part 34) of this chapter; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary flight navigator certificates to qualified applicants.

(f) A designated aircraft dispatcher examiner (DADE) may—

(1) Accept applications for, and conduct, written and practical tests necessary for issuing aircraft dispatcher certificates under Part ____ (Present Part 27) of this chapter; and

(2) In the discretion of the appropriate local Flight Standards Inspector, issue temporary aircraft dispatcher certificates to qualified applicants.

[Revision note: Based on § 418.22]

§ 183.27 Designated aircraft maintenance inspectors.

A designated aircraft maintenance inspector (DAMI) may approve maintenance on civil aircraft used by United States military flying clubs in foreign countries.

[Revision note: Based on § 418.23]

§ 183.29 Designated engineering representatives.

(a) A structural engineering representative may approve structural engineering information and other structural considerations within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information and other structural considerations comply with the applicable regulations of this chapter.

(b) A powerplant engineering representative may approve information relating to powerplant installations within limitations prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(c) A systems and equipment engineering representative may approve engineering information relating to equipment and systems, other than those of a structural, powerplant, or radio nature, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(d) A radio engineering representative may approve engineering information relating to the design and operating characteristics of radio equipment, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(e) A engine engineering representative may approve engineering information relating to engine design, operation, and service, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(f) A propeller engineering representavtive may approve engineering information relating to propeller design, operation, and maintenance, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(g) A flight analyst representative may approve flight test information, within limits prescribed by and under the general supervision of the Administrator, whenever he determines that information complies with the applicable regulations of this chapter.

(h) A flight test pilot representative may make flight tests, and prepare and approve flight test information relating to compliance with the regulations of this chapter, within limits prescribed by and under the general supervision of the Administrator.

[Revision note: Based on § 418.24]

§ 183.31 Designated manufacturing inspection representative.

A designated manufacturing inspection representative (DMIR) may—

(a) Issue original airworthiness and export certificates for aircraft, engines, propellers, and other type certificated products that conform to approved type design requirements;

(b) Issue export ferry permits;

(c) Make station and conformity inspections; and

(d) Make any other inspections that may be necessary to determine whether prototype and production articles are airworthy and safe for operation.

An authorization under this section is valid only for the manufacturing plant at which the representative is employed.

[Revision note: Based on § 418.25]

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185.17 Acceptance of service on behalf of Administrator.

AUTHORITY: §§ 185.1 to 185.17 issued under sec. 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140).

§ 185.1 Purpose.

This part prescribes the policies and procedures of the Federal Aviation Agency with respect to testimony of its employees as witnesses in legal proceedings, the release or disclosure of FAA files and documents, and the serving of legal process and pleadings.

[Revision note: Based on § 415.1]

§ 185.3 Deviation from policy.

Only the General Counsel or the appropriate Regional Counsel may grant permission to deviate from a policy prescribed in this part. He may grant that permission only when—

(a) It is necessary to prevent a miscarriage of justice;

(b) The FAA has an interest in the decision that may be rendered in the legal proceeding; or

(c) The deviation is in the best interests of civil aviation or the United States.

[Revision note: Based on § 415.4]

§ 185.5 Testimony by FAA employees in proceedings involving the United States.

(a) An FAA employee shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An FAA employee may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

[Revision note: Based on § 415.2]

§ 185.7 Legal proceedings between private litigants: general rule.

An FAA employee may not testify as an expert or opinion witness in any legal proceeding between private litigants, for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of criticism against the FAA in cases where its employees participate in controversial issues.

(c) To avoid spending the time and money of the United States for private purposes.

Private litigants are expected to obtain their expert witnesses from private sources.

[Revision note: Based on § 415.3 (less (a)–(d))]

§ 185.9 Legal proceedings between private litigants: subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an FAA employee has been properly served with a subpoena, he shall appear at the time and place specified in it. He shall immediately report the service to the General Counsel or appropriate Regional Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would seriously affect the performance of official duties, or require producing FAA documents or files the release of which is prohibited by standard Agency practices, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or modified.

[Revision note: Based on § 415.3(a)]

§ 185.11 Legal proceedings between private litigants: factual testimony.

(a) An FAA employee who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are embodied in a report that he is not permitted to produce. However, he must obtain the permission of the General Counsel or Regional Counsel, as appropriate, before disclosing any information that is restricted by statute or that would violate an FAA regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

[Revision note: Based on § 415.3(b)]

§ 185.13 Legal proceedings between private litigants: expert or opinion testimony.

If, in testifying in a legal proceeding between private litigants, an FAA employee is asked a question calling for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If the court then orders him to testify, the employee shall do so.

[Revision note: Based on § 415.3(c)]

§ 185.15 Legal proceedings between private litigants: disclosure of FAA documents and files.

(a) It is the policy of the Administrator to make factual information in the possession of the FAA available to persons who are properly and directly concerned, based on the principle that the FAA exists to serve the public and that a free sharing of information within the government of the United States and with the public is usually in the public interest. For these reasons, an FAA employee may release information, documents, and records, as authorized by standard Agency practices, to other agencies of the United States and to the general public.

(b) Information, documents, and records are in the custody of FAA employees only for purposes relating to the performance of their official duties. Such an employee has no authority or discre-

tion to permit their use for any other purpose. Except for documents or files, the release of which is authorized by standard Agency practices, no FAA employee may release FAA information, documents, or records or produce them in a court, whether in answer to a subpoena ordering that they be produced, or otherwise.

(c) An FAA employee may not produce an FAA document or record in court except upon a clearance from the General Counsel or Regional Counsel, as appropriate. If an employee receives a subpoena or request to produce such a document or record, he shall refer it to the General Counsel or Regional Counsel, as appropriate. If the request or subpoena calls for producing documents the release of which is authorized by standard Agency practices, the General Counsel or Regional Counsel, as appropriate, shall honor it.

(d) If an FAA employee is served with a subpoena calling for producing FAA documents or records the release of which is restricted by statute or FAA regulation, the General Counsel or Regional Counsel, as appropriate, shall attempt to have the subpoena withdrawn or vacated. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by a representative of the Office of the General Counsel or Regional Counsel, or a Department of Justice attorney, as appropriate, and explain to the court that FAA regulations prohibit him from producing the documents or records, whether in answer to a subpoena or otherwise.

(e) If an FAA employee who follows the procedure set forth in paragraph (d) of this section is ordered to show cause why he should not be cited for contempt of court, the General Counsel or Regional Counsel, as appropriate, shall request the local United States Attorney to represent the employee. The Regional Counsel concerned shall report immediately to the General Counsel whenever he learns of such a case. The General Counsel shall then request the necessary cooperation of the Department of Justice in Washington, D.C.

[Revision note: Based on § 415.3(d)]

§ 185.17 Acceptance of service on behalf of Administrator.

Legal process or pleadings in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Federal Aviation Agency proceedings, may be served, at the option of the server, on the General Counsel, Deputy General Counsel, or Associate General Counsel for Enforcement, Litigation, and Claims, of the FAA, with the same effect as if served upon the Administrator. Such an official accepts and acknowledges service and takes further action thereon as appropriate.

[Revision note: Based on § 415.5]

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187.5 Affixing of seal.
187.7 Payment of fees.

AUTHORITY: §§ 187.1 to 187.7 issued under sec. 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140).

§ 187.1 Scope.

This part prescribes fees for services performed by the Federal Aviation Agency.

[Revision note: Based on § 414.1]

§ 187.3 Copying and search of records.

(a) The fees for searching records and furnishing photostatic or similar copies of documents that are not more than 12 inches by 18 inches are as follows:

	Each page
Aircraft and airmen records	$0.50
Other documents	1.00

(b) The fees for searching records and furnishing duplicate original documents are as follows:

	Each page
Airman certificate	$2.00
Medical certificate	1.00

[Revision note: Based on § 414.2]

§ 187.5 Affixing of seal.

The fee for a certification or validation with the FAA seal is $1.00.

[Revision note: Based on § 414.3]

§ 187.7 Payment of fees.

The fees prescribed in this Part may be paid by check, draft, or postal money order payable to the Federal Aviation Agency.

[Revision note: Based on § 414.4]

PART 187—DISTRIBUTION TABLE

Present section	*Revised section*
414.1	187.1
414.2	187.3
414.3	187.5
414.4	187.7

PART 189—USE OF FEDERAL AVIATION AGENCY COMMUNICATIONS SYSTEM [New]

Sec.
189.1 Scope.
189.3 Kinds of messages accepted.
189.5 Charges for messages.
189.7 Limitation of liability.

AUTHORITY: §§ 189.1 to 189.7 issued under 301(c), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), and 1355) and sec. 501 of the Act of August 31, 1951 (5 U.S.C. 140).

§ 189.1 Scope.

This part describes the kinds of messages that may be transmitted by FAA communications stations and prescribes the charges therefor.

[Revision note: Based on § 612.1]

§ 189.3 Kinds of messages accepted.

(a) FAA International Flight Service Stations or FAA Flight Service Stations located outside of the 48 contiguous States and the District of Columbia accept for transmission any messages, concerning international or overseas aircraft operations, described in subparagraph (1) through (8) of this paragraph. Other FAA Flight Service Stations accept for transmission only messages described in subparagraph (1) through (6) of this paragraph, but relay any message described in this section that was originally accepted for transmission at an FAA Flight Service Station outside of the 48 contiguous States and the District of Columbia, or was received from a foreign station of the integrated international aeronautical network, and that in normal routing would require transit of the 48 contiguous States and the District of Columbia to reach an overseas address:

(1) Distress messages and distress traffic.

(2) Messages concerning the safety of human life.

(3) Flight safety messages concerning—

(i) Air traffic control, including—

(*a*) Messages concerning aircraft in flight or about to depart;

(*b*) Departure messages;

(*c*) Flight plan departure messages;

(*d*) Arrival messages;

(*e*) Flight plan messages;

(*f*) Flight notification messages;

(*g*) Messages concerning flight cancellation; and

(*h*) Messages concerning delayed departure;

(ii) Position reports from aircraft;

(iii) Messages originated by an aircraft operating agency of immediate concern to an aircraft in flight or about to depart; and

(iv) Meteorological advice of immediate concern to an aircraft in flight or about to depart.

(4) Meteorological messages concerning—

(i) Meteorological forecasts;

(ii) Meteorological observations exclusively; or

(iii) Other meteorological information exchanged between meteorological offices.

(5) Aeronautical administrative messages—

(i) Concerning the operation or maintenance of facilities essential to the safety or regularity of aircraft operation;

(ii) Essential to efficient functioning of aeronautical telecommunications; or

(iii) Between civil aviation authorities concerning aircraft operation.

(6) Notices to airmen.

(7) Flight regularity messages—

(i) Addressed to the point of intended landing and to not more than two other addressees in the general area of the route segment of the flight to which the message refers, containing information required for weight and balance computation and remarks essential to the rapid unloading of the aircraft;

(ii) Concerning changes, taking effect within 72 hours, in aircraft operating schedules;

(iii) Concerning the servicing of aircraft en route or scheduled to depart within 48 hours;

(iv) Concerning changes in the collective requirements for passengers, crew, or cargo of aircraft en route or about to depart, if the changes are caused by unavoidable deviations from normal operating schedules and are necessary for flight regularity;

(v) Concerning non-routine landings to be made by aircraft en route or about to depart;

(vi) Concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; or

(vii) Concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(8) Messages originated by and addressed to aircraft operating agencies or their representatives that directly bear on the efficient and economic conduct or day to day operations, if adequate non-United States communication facilities are not available and the messages concern—

(i) Matter described in subparagraph (7) of this paragraph, but not meeting the time limitations described therein;

(ii) Aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(iii) Train or hotel reservations for passengers or employees;

(iv) Lost baggage or personal effects;

(v) Tickets or cargo shipments and payment therefor;

(vi) Location of passengers and cargo;

(vii) New or revised passenger or cargo rates;

(viii) Crew assignments and similar operations personnel matters taking effect within 7 days;

(ix) Post flight reports for record purposes;

(x) Publicity and special handling regarding dignitaries; or

(xi) Reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

(b) The messages described in subparagraphs (1) through (7) of paragraph (a) of this section are given priority over the messages described in subparagraph (8) of paragraph (a) of this section.

[Revision note: Combines §§ 612.2 and 612.5]

§ 189.5 Charges for messages.

(a) The messages described in § 189.3 (a) (1) through (7) are transmitted without charge.

(b) The charge for a message that, in whole or in part, contains matters described in § 189.3(a)(8), is 25 cents for each ten words, or part thereof, of text and signature, plus applicable taxes, for each addressee.

(c) Whenever the refiling of a message with a non-FAA communications facility is necessary, the refiling is made on a "collect" basis at no cost to, or assumption of liability by, the FAA. The cost of local telecommunications facilities used for the acceptance or delivery of a message must be paid by the user.

(d) Charges must be paid in United States currency to the FAA official in charge of the communications station first receiving the message, or to any other designated FAA official. However, the Assistant Administrator of the area in which the FAA communications station first transmitting or receiving the message is located may make advance arrangements for deferred payment of charges on a periodic basis or in any specific case where advance payment is not practicable.

[Revision note: Combines §§ 612.3 and 612.4]

§ 189.7 Limitation of liability.

The United States is not liable, beyond the amount of the charge made, for any error or delay, in transmission or delivery, or for non-delivery, of any message accepted for transmission under this part, even if the error, delay, or non-delivery is caused by the negligence of an employee of the United States.

[Revision note: Based on § 612.6]

PART 189—DISTRIBUTION TABLE

Present section	*Revised section*
612.1	189.1
612.2	189.3
612.3	189.5
612.4	189.5
612.5	189.3
612.6	189.7

[F.R. Doc. 62-5109; Filed, May 25, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

PART 401—SEAL

PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

PART 415—TESTIMONY BY EMPLOYEES, PRODUCTION OF RECORDS, AND SERVICE OF PROCESS AND PLEADINGS IN LEGAL PROCEEDINGS

PART 418—REPRESENTATIVES OF THE ADMINISTRATOR

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

CROSS REFERENCE: For revocation of these parts, see F.R. Doc. 62-5109, under Chapter I of this title, supra.

[Airspace Docket No. 62-WA-54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 13, 1962, an amendment to the regulations of the Administrator was published in the FEDERAL REGISTER (27 F.R. 3538) which in part, designated VOR Federal airway No. 536 from the Walla Walla, Wash., VOR direct to the Mullan Pass, Idaho, VOR. It was intended that a segment of VOR Federal airway No. 444 between Spokane, Wash., and Mullan Pass coincide with a segment of Victor 536 in the vicinity of Mullan Pass. Subsequent to publication of the amendment a computation of the Mullan Pass VOR radials upon which Victor 536 and Victor 444 are aligned has determined that Victor 444 should be realigned via the Mullan Pass VOR 234° True radial to coincide with the alignment of Victor 536. Therefore, action is taken herein to alter Victor 444 accordingly.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

The text of § 600.6444 (14 CFR 600.6444) is amended to read:

§ 600.6444 VOR Federal airway No. 444 (Spokane, Wash., to Mullan Pass, Mont.).

From the Spokane, Wash., VORTAC via the INT of the Spokane VORTAC 125° and the Mullan Pass, Idaho, VOR 234° radials; to the Mullan Pass VOR.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5096; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-55]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On March 9, 1962, Airspace Docket No. 62-WA-3 was published in the FEDERAL REGISTER (27 F.R. 2279) amending Part 600 of the regulations of the Administrator by designating VOR Federal airway No. 819 between Miami, Fla., and Chicago, Ill., as a northbound preferred route effective May 3, 1962.

Victor 819 was designated in part from McDonough, Ga., via Chattanooga, Tenn., to Crossville, Tenn., to conform to the preferred northbound departure route from Atlanta to Chicago. Subsequent to publication of the amendment, it has been determined that air traffic service would be improved if the northbound Miami-Chicago traffic overflying Atlanta could be routed to the east of the Atlanta terminal area. Accordingly, action is taken herein to alter Victor 819 by designating it from the McDonough

VORTAC direct to the Crossville VORTAC. Victor 819 will overlie Victor 51 between these VORTACs.

This amendment does not involve the designation of additional airspace and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment wil become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 600.6819 (27 F.R. 2279) is amended as follows: In the text, "Chattanooga, Tenn., VORTAC;" is deleted.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5097; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-20]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone and Transition Area

On April 17, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3633) stating that the Federal Aviation Agency proposed to designate a control zone and a transition area at International Falls, Minn.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.2510 International Falls, Minn., control zone.

Within a 5-mile radius of the Falls International Airport, International Falls, Minn. (latitude 48°33'58" N., longitude 93°24'07" W.), and within 2 miles either side of the International Falls VOR 133° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion outside of the United States.

§ 601.10054 International Falls, Minn., transition area.

That airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of the Falls International Airport, International Falls, Minn., within 8 miles NE and 5 miles SW of the International Falls VOR 133° radial extending from the 8-mile radius area to 14 miles SE of the VOR, and within 8 miles SW of the International Falls VOR 317° radial extending from the 8-mile radius area to the United States/Canadian border.

These amendments shall become effective 0001 e.s.t. June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 22, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5107; Filed, May 25, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-56]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Transition Areas

The purpose of this action is to revise Part 601 of the regulations of the Administrator to conform to the intent of Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, effective May 1, 1962, (27 F.R. 4012) which redefines the term "transition area."

The changes incorporated herein involve an appropriate amendment to § 601.2, in which the term "transition area" is defined, together with certain editorial changes to Subpart K.

Civil Air Regulations Amendment 60-29 has been processed in compliance with section 4 of the Administrative Procedure Act. The action taken herein serves to incorporate the definition of the term adopted in Amendment 60-29 into Part 601 of the regulations of the Administrator. No assignment or reassignment of airspace is involved. For these reasons, notice and public procedure with respect to this docket is unnecessary and it may be made effective on date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended as follows:

§ 601.2 [Amendment]

1. In § 601.2 *Explanation of terms*, paragraph (jj) is amended to read:

(jj) "Transition area" shall mean the controlled airspace designated in Subpart K of this part extending upward from 700 feet or higher above the surface when designated in conjunction with an airport for which an instrument approach procedure has been prescribed, or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

2. Section 601.10000 is amended to read:

§ 601.10000 Transition areas.

The portions of airspace described in the following sections are designated as transition areas.

§ 601.10001 [Deletion]

3. Section 601.10001 is deleted.

§ 601.10401 [Deletion]

4. Section 601.10401 is deleted.

§ 601.10801 [Deletion]

5. Section 601.10801 is deleted.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 22, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5108; Filed, May 25, 1962; 8:46 a.m.]

[Airspace Docket No. 62-CE-31]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the St. Cloud, Minn., control area extension.

The St. Cloud control area extension is designated within 5 miles either side of a line bearing 057° True from the St. Cloud Airport extending from the airport to 20 miles northeast. There is no longer an instrument approach procedure prescribed for this airport and, as a result, the control area extension is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the St. Cloud control area extension.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows: Section 601.1199 control area extension (St. Cloud, Minn.) is revoked.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5092; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-KC-2]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On March 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2250) stating that the Federal Aviation Agency proposed to alter the Kalamazoo, Mich., control zone.

No adverse comments were received regarding the proposed amendment.

Although not stated in the notice, a minor editorial change is being made in the terms of reference used in the designation of the effective hours of the Kalamazoo control zone. This control zone is presently designated in terms of local standard time. To preclude repeated rule making action to accommodate possible seasonal changes associated with daylight time, action is taken herein to designate the effective hours of the control zone in terms of local time without reference to the term "standard".

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2319 (26 F.R. 717, 4194) is amended to read as follows:

§ 601.2319 Kalamazoo, Mich., control zone.

Within a 5-mile radius of the Kalamazoo, Mich., Airport (latitude 42°-14'07" N., longitude 85°33'10" W.), within 2 miles either side of the Kalamazoo VOR 001° radial extending from the 5-mile radius to 8 miles N of the VOR, and within 2 miles either side of the Kalamazoo VOR 167° radial extending from the 5-mile radius to 8 miles S of the VOR, during the period from 0700 to 2300 hours, local time, daily.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5093; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-26]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2381 of the regulations of the Administrator is to alter the description of the Homestead, Fla., control zone.

The Homestead control zone is designated, in part, on the Homestead radio beacon. The Department of the Air Force has indicated that this facility will be relocated. Therefore, action is taken herein to substitute the Homestead VOR for the Homestead radio beacon in the description of the Homestead control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2381 (14 CFR 601.2381) is amended to read:

§ 601.2381 Homestead, Fla., control zone.

Within a 5-mile radius of the Homestead, Fla., AFB (latitude 25°29'15" N., longitude 80°23'10" W.) and within 2 miles either side of the centerline of the NE/SW runway extending from the 5-mile radius zone to 10 miles SW of the Homestead VOR.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C.A. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5094; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-46]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2035 of the regulations of the Administrator is to alter the description of the New Orleans, La., control zone.

The New Orleans control zone is designated, in part, on the New Orleans radio range. The Federal Aviation Agency has scheduled the conversion of this facility to a radio beacon. Therefore, action is taken herein to substitute the New Orleans radio beacon for the New Orleans radio range in the description of the New Orleans control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective June 11, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2035 (14 CFR 601.2035) is amended to read:

§ 601.2035 New Orleans, La., control zone.

Within a 5-mile radius of the New Orleans Lakefront Airport (latitude 30°02'-20" N., longitude 90°01'25" W.), New Orleans, La.; within 2 miles either side of the 079° bearing from the New Orleans RBN extending from the 5-mile radius zone to the RBN; within a 5-mile radius of the New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'45" W.); within 2 miles either side of the 278° bearing from the New Orleans RBN extending from the 5-mile radius zone to 17¼ miles W of the RBN; within 2 miles either side of the New Orleans VORTAC 242° and 062° radials extending from the 5-mile radius zone to 10 miles NE of the VORTAC; and within 2 miles either side of the ILS localizer W course extending from the 5-mile radius zone to 14½ miles W of the localizer.

This amendment shall become effective 0001 e.s.t. June 11, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5095; Filed, May 25, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-29]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

The purpose of this amendment to § 601.10402 of the regulations of the Administrator is to alter the Clarksburg, W. Va. (Benedum Airport), transition area.

The Clarksburg transition area is presently designated with reference to the Clarksburg radio beacon. The Federal Aviation Agency has programmed the decommissioning of this facility. Accordingly, action is taken herein to substitute the Clarksburg VOR for the Clarksburg radio beacon in the description of the transition area with appropriate adjustment of the longitudinal measurement references to accommodate the difference in location of the basis for the designation. This action will encompass substantially the same airspace as previously designated.

Since the change effected by this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.10402 (26 F.R. 3300, 11856), is amended to read as follows:

§ 601.10402 Clarksburg, W. Va., transition area.

That airspace extending upward from 700 feet above the surface within 10 miles NW and 7 miles SE of the Clarksburg, W. Va., VOR 036° and 216° radials extending from 12.7 miles NE to 16.3 miles SW of the VOR.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5098; Filed, May 25, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Snohomish River, Wash.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) § 203.805 is hereby amended with respect to the third undesignated paragraph of paragraph (e)(5) to delete the State of Washington Department of Highways' bridge across Snohomish River at Snohomish, Washington, effective on publication in the FEDERAL REGISTER since the Secretary of the Army has granted the owner permission to maintain the bridge in a fixed position, as follows:

§ 203.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.

* * * * *

(e) *Bridges where constant attendance of draw tenders is not required.* * * *

(5) The bridges to which this paragraph applies, and the special regulations applicable in each case, are as follows:

* * * * *

Snohomish River; bridges of the Northern Pacific Railway Company and the Great Northern Railway Company at Snohomish. At least 24 hours' advance notice required.

[Regs., May 15, 1962, 285/111 (Snohomish River, Wash.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-5090; Filed, May 25, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.2, Amdt. 3]

PART 813—ALLOTMENT OF SUGAR QUOTAS

Domestic Beet Sugar Area; Six-Month Period Ending June 30, 1962

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 813.2 (26 F.R. 12678; 27 F.R. 2448, 4147) which established allotments of the sugar quota for the six-month period ending June 30, 1962, for the Domestic Beet Sugar Area totaling 1,063,162 short tons, raw value.

This amendment is necessary to: (1) substitute revised estimated data for estimated data on the processings of sugar from 1961-crop beets, marketings of sugar in 1961, and January 1, 1962, inventories of sugar used in the determination of allotments, (2) allot the larger quota for the area established by Sugar Regulation 811, Amendment 2 (27 F.R. 4585) which prorated a deficit in the quota for Hawaii and established a quota for the Domestic Beet Sugar Area of 1,094,579 short tons, raw value, a quantity 31,417 tons greater than the quantity previously allotted, and (3) determine deficits in allotments and prorate such deficits to other processors to the extent they are able to utilize additional allotments.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of (1) substituting revised estimates or final data for estimated data used in the determination of allotments, (2) revising allotments to give effect to any increase or decrease in the quota for the area made pursuant to sections 201, 202, 204 or 408 of the Act, and (3) allotting any quantity of an allotment which may be released by an allottee.

In the following table, as provided for in the hearing record, revised estimated or final data are used in the method of allotment applied to the Domestic Beet Sugar Area quota of 1,094,579 short tons, raw value, for the six-month period ending June 30, 1962:

Processors	Processings from 1961-crop to which proportionate shares pertained		Average marketings within the quota 1957-61		Base allotments		January 1 effective inventories, hundredweight refined			Adjustments to base allotments [1]	
										Annual	6-month
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2 × 0.75 + col. 4 × 0.25	Short tons, raw value (col. 5 × quota)	1962	1957-61 average adjusted to col. 7 total	1962 inventory imbalances	Hundredweight refined	Col. 10 × 0.0535 × ¼, (short tons raw value)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Amalgamated Sugar Co., The	6,395,302	14.0677	5,781,241	13.6632	13.9816	153,040	5,090,222	4,754,280	+335,942	0	0
American Crystal Sugar Co	5,799,893	12.7762	5,477,149	12.9446	12.8183	140,306	4,292,929	4,555,418	−262,489	−36,399	−974
Buckeye Sugars, Inc	231,138	.5092	215,792	.5100	.5094	5,576	138,149	184,048	−15,899	−2,205	−59
Great Western Sugar Co., The	10,912,723	24.0388	10,496,066	24.8061	24.2306	265,223	8,822,238	9,022,750	−200,512	−27,805	−744
Holly Sugar Corp	6,649,963	14.6487	6,605,129	15.6104	14.8891	162,973	4,886,722	5,359,133	−472,410	−65,596	−1,752
Layton Sugar Co	215,578	.4749	228,094	.5391	.4910	5,374	188,402	210,146	−21,744	−3,015	−81
Menominee Sugar Co	199,484	.4174	232,151	.5487	.4502	4,928	107,813	122,401	−25,588	−3,548	−95
Michigan Sugar Co	1,483,386	3.2676	496,108	3.5359	3.3347	36,501	1,072,979	1,155,631	−82,652	−11,461	−306
Monitor Sugar Division, Robert Gage Coal Co	807,692	1.7792	675,143	1.5956	1.7333	18,972	627,969	507,155	+120,814	+17,524	+469
National Sugar Manufacturing Co	[2] 204,089	.4496	182,324	.4309	.4449	4,870	[2] 116,838	130,050	−13,212	−1,832	−49
Northern Ohio Sugar Co	603,223	1.3288	602,035	1.4228	1.3523	14,802	341,372	358,289	−16,917	−2,346	−63
Spreckels Sugar Co	4,900,000	10.7939	4,859,537	11.4849	10.9666	120,038	2,422,237	3,212,508	−790,271	−109,585	−2,931
Union Sugar Division of Consolidated Foods Corp	2,159,987	4.7581	1,561,140	3.6896	4.4910	49,158	1,785,816	1,290,241	+495,575	+91,638	+2,451
Utah-Idaho Sugar Co	4,843,724	10.6699	3,900,467	9.2182	10.3070	112,818	4,261,321	3,311,958	+949,363	+154,542	+4,134
Total	45,396,182	100.0000	42,312,376	100.0000	100.0000	[3] 1,094,579	34,155,007	34,155,007	+1,901,094	+263,704	+7,054

[1] Plus (+) adjustments in Col. 10 = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8)×(25 percent); minus (−) adjustments in Col. 10 = the total of (+) adjustments in Col. 10, amounting to 263,704 hundredweight, prorated to processors on the basis of minus (−) quantities in Col. 9.

[2] Prior to the application of the "hardship" provision, 1961-crop processings were 172,989 hundredweight and Jan. 1, 1962, effective inventories were 85,738 hundredweight for The National Sugar Manufacturing Co.

[3] The quota for the Domestic Beet Sugar Area for the 6-month period ending June 30, 1962.

Pursuant to Finding (5) of Sugar Regulation 813.2, Amendment 1, (27 F.R. 2448) each processor-allottee was requested by the Department to furnish written notification as to the maximum quantity of sugar each could market within his allotment and the quantity of allotment released for reallocation to other allottees. In accordance with such written notice given by allottees, the quantities of allotment released as shown below, have been prorated to other allottees able to utilize additional allotment in proportion to the established allotments of such other allottees:

[Short tons, raw value]

Processor	Allotments established prior to proration of deficits	Allotment deficits and prorations thereof
Amalgamated Sugar Co., The	153,040	+1,670
American Crystal Sugar Co	139,332	+1,521
Buckeye Sugars, Inc	5,517	+60
Great Western Sugar Co., The	264,479	+2,887
Holly Sugar Corp	161,221	−5,624
Layton Sugar Co	5,293	+58
Menominee Sugar Co	4,833	+53
Michigan Sugar Co	36,195	+395
Monitor Sugar Division, Robt. Gage Coal Co	19,441	+212
National Sugar Manufacturing Co., The	4,821	−609
Northern Ohio Sugar Co	14,739	−2,262
Spreckels Sugar Co	117,107	0
Union Sugar Division, Consolidated Foods Corp	116,952	+1,276
Total	1,094,579	±8,695

Allotments set forth herein and established for the purposes previously stated have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (26 F.R. 12678). Such allotments afford a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the Act.

Effective date. Many of the allotments established by this order are larger than those established in S.R. 813.2, Amendment 2. To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby ordered, That paragraph (a) of § 813.2, as amended, be further amended to read as follows:

§ 813.2 Allotment of the Domestic Beet Sugar Area Quota for the Six-Month Period Ending June 30, 1962.

(a) *Allotments.* The Domestic Beet Sugar Area quota of 1,094,579 short tons, raw value, for the six-month period ending June 30, 1962, for consumption within the continental United States is hereby allotted to the following processors in the quantities which appear opposite their respective names.

Processors	Allotments: Short tons, raw value	Allotments: Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	154,710	2,891,776
American Crystal Sugar Co	140,853	2,632,766
Buckeye Sugars, Inc	5,577	104,243
Great Western Sugar Co., The	267,366	4,997,495
Holly Sugar Corp	155,597	2,908,355
Layton Sugar Co	5,351	100,019
Menominee Sugar Co	4,886	91,327
Michigan Sugar Co	36,890	683,925
Monitor Sugar Division, Robert Gage Coal Co	19,663	367,346
National Sugar Manufacturing Co	4,012	74,991
Northern Ohio Sugar Co	12,477	233,215
Spreckels Sugar Co	117,107	2,188,916
Union Sugar Division, Consolidated Foods Corp	52,172	975,177
Utah-Idaho Sugar Co	118,228	2,209,869
Total	1,094,579	20,459,420

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 23d day of May 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5119; Filed, May 25, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.326 Orange Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 22, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., May 28, 1962, and ending at 12:01 a.m., e.s.t., June 11, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅝ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¼⅝ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 23, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5127; Filed, May 25, 1962; 8:48 a.m.]

[Valencia Orange Reg. 14]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.314 Valencia Orange Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 24, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 27, 1962, and ending at 12:01 a.m., P.s.t., June 3, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 425,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5232; Filed, May 25, 1962; 11:29 a.m.]

[Lemon Reg. 22]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.322 Lemon Regulation 22.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 24, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 27, 1962, and ending at 12:01 a.m., P.s.t., June 3, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 425,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5111; Filed, May 25, 1962; 8:47 a.m.]

[Lemon Reg. 23]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.323 Lemon Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 15, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 3, 1962, and ending at 12:01 a.m., P.s.t., October 28, 1962, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 22, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5126; Filed, May 25, 1962; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Miscellaneous Amendments

Correction

In F.R. Doc. 62–2411, appearing at page 2363 of the issue for March 13, 1962, the paragraph designated as "(d)" in § 201.1 should be designated as "(e)".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.95 paragraph (w) is amended to read as follows:

§ 200.95 Field Office Chiefs of Operations.

* * * * * *

(w) In connection with the sale of Commissioner-owned properties or projects, to convey and to execute in the name of the Commissioner, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Commissioner pursuant to the provisions of the National Housing Act, and to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagor under a mortgage held by the Commissioner.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

In § 201.4 paragraph (d) is amended to read as follows:

§ 201.4 Financing charges.

* * * * * *

(d) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall make a rebate at a rate not less than 6 percent per annum of the amounts so paid in advance of their due dates, if the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate. An insured is not required to make rebates of less than $1.00 except upon application of the borrower.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENTS LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.4 paragraph (b) is amended to read as follows:

§ 203.4 Approval of other institutions.

* * * * * *

(b) *Special requirements applicable to supervised institutions.* A mortgagee approved as a supervised institution shall meet these requirements:

(1) The mortgagee shall be subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of the mortgagee's books and accounts.

(2) The mortgagee shall submit satisfactory evidence of certain sound capital funds or, if it is a mutual company or association without capital funds, it shall show that it has a specified net worth. The required amount of capital funds or net worth shall be determined in the following manner:

(i) With respect to a mortgagee whose application was filed and approved on or before March 1, 1962, capital funds or net worth of a value of not less than $25,000.

(ii) With respect to a mortgagee whose application for approval was filed on or before March 1, 1962, but not approved until subsequent to such date, capital funds or net worth of a value of not less than $25,000, provided that such amount shall be increased to a value of not less than $100,000 on or before December 31, 1962.

(iii) With respect to a mortgagee filing an application for approval subsequent to March 1, 1962, capital funds or net worth of a value of not less than $100,000.

Subpart B—Contract Rights and Obligations

In § 203.365 paragraph (a) is amended to read as follows:

§ 203.365 Documents and information to be furnished Commissioner.

• • • • •

(a) A copy of the deed to the Commissioner which has been filed for record and the title evidence continued so as to include recordation of the deed. The original deed shall be forwarded as soon as received from the recording authority.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

Section 207.253 is amended by adding at the end of paragraph (c) a new subparagraph (6), and at the end of paragraph (d), a new subparagraph (3) as follows:

§ 207.253 Adjusted premium and termination charges.

• • • • •

(c) • • •

(6) Where payment is made in full for the purpose of meeting the requirements of mortgage insurance under section 234 of the Act.

(d) • • •

(3) For the purpose of meeting the requirements of mortgage insurance under section 234 of the Act.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Projects

In Part 213 the pertinent section headings in the Table of Contents are amended to read as follows:

Sec.

213.261 Termination of mortgage insurance—prepayment in full and voluntary termination—investor project.

213.262 Termination of mortgage insurance—prepayment in full—management, purchasing cooperative, sales and existing construction project mortgages.

213.263 Termination of mortgage insurance—voluntary termination—management, purchasing cooperative, sales and existing construction project mortgages.

213.264 Termination of insurance—prepayment in full and voluntary termination—supplementary loans.

Section 213.261 is amended to read as follows:

§ 213.261 Termination of mortgage insurance—prepayment in full and voluntary termination—investor project.

All of the provisions of § 207.253 of this chapter shall apply to investor project mortgages, except that no adjusted premium charge shall be due the Commissioner where the investor project mortgage is paid in full prior to maturity as a result of a sale of the investor project to a purchasing cooperative.

Section 213.262 is amended to read as follows:

§ 213.262 Termination of mortgage insurance—prepayment in full—management, purchasing cooperative, sales and existing construction project mortgages.

The contract of mortgage insurance shall be terminated if the principal of a management, purchasing cooperative, sales or existing construction project mortgage is paid in full prior to maturity. The termination shall become effective as of the date of such prepayment upon compliance with the following requirement:

(a) *Adjusted premium charge.* (1) Where the prepayment in full occurs before the tenth anniversary of the date the mortgage was first endorsed for insurance, the mortgagee shall pay the Commissioner an adjusted premium charge computed as follows:

(i) Two percent of the original face amount of the mortgage where the mortgage is prepaid in full prior to maturity and within five years from the date of the initial endorsement for insurance.

(ii) One percent of the original face amount of the mortgage where the mortgage is prepaid in full prior to maturity and after five years from the date of the initial endorsement for insurance.

(iii) The relevant percentage as set forth in subdivision (i) or (ii) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(*a*) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property; or

(*b*) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) The adjusted premium charge shall not exceed the aggregate amount of mortgage insurance premium which would have been payable if the mortgage had continued to be insured until the tenth anniversary of the date the mortgage was first endorsed for insurance.

(b) *Exceptions to adjusted premium charge.* No adjusted premium charge shall be due the Commissioner in any of the following cases:

(1) Where the mortgage is paid in full with or from the proceeds of a new insured mortgage or mortgages having an aggregate amount equal to or greater than the original principal amount of the prepaid mortgage.

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen percent of the original face amount of the mortgage.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property.

(4) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for the release of a part of the insured property, if the transaction is approved by the Commissioner.

(5) Where payment in full is made on a delinquent mortgage on which foreclosure proceedings have been commenced, if the transaction is approved by the Commissioner.

(6) Where payment in full is made on a delinquent mortgage for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner.

(7) Where at the time of prepayment in full there is placed on the property a new insured mortgage or mortgages in an amount or amounts less than the original principal amount of the mortgage, if the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

(8) Where prepayment in full is made on or after April 20, 1962 and following the tenth anniversary of the date the mortgage was first endorsed for insurance.

(9) Where a sales project mortgage is paid in full prior to maturity as a result of the release of the individual properties from the mortgage.

(c) *Notice of prepayment.* Written notice shall be given by the mortgagee to the Commissioner, on a form prescribed by the Commissioner, within 30 days after prepayment in full of the mortgage.

Section 213.263 is amended to read as follows:

§ 213.263 Termination of mortgage insurance—voluntary termination—management, purchasing cooperative, sales and existing construction project mortgages.

Upon request by the mortgagor and mortgagee, on a form prescribed by the Commissioner, and submission of the original mortgage note for cancellation of the insurance endorsement, the Commissioner may terminate the mortgage insurance on any management, purchasing cooperative, sales or existing construction project mortgage. The termination request will be approved upon compliance with the following requirements:

(a) *Termination charge.* (1) Where the Commissioner receives a request for voluntary termination of the mortgage insurance before the tenth anniversary of the date the mortgage was first endorsed for insurance, the mortgagee shall pay the Commissioner a termination charge computed as follows:

(i) Two percent of the original face amount of the mortgage where the mortgage insurance is terminated prior to the maturity of the mortgage and within five years from the date of the initial endorsement for insurance.

(ii) One percent of the original face amount of the mortgage where the mortgage insurance is terminated prior to the maturity of the mortgage and after five years from the date of the initial endorsement for insurance.

(2) The termination charge shall not exceed the aggregate amount of mortgage insurance premium which would have been payable if the mortgage had continued to be insured until the tenth anniversary of the date the mortgage was first endorsed for insurance.

(b) *Exceptions to termination charge.* The mortgage insurance contract may be voluntarily terminated without payment of a termination charge if:

(1) The mortgage is delinquent and termination of insurance is for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner.

(2) Foreclosure proceedings have been instituted.

(3) The request for voluntary termination of the mortgage insurance is received by the Commissioner on or after the tenth anniversary of the date the mortgage was first endorsed for insurance.

(c) *Request for termination.* A written request, on a form prescribed by the Commissioner, for termination shall be submitted to the Commissioner by the mortgagor and mortgagee. The termination shall become effective on the date the Commissioner receives the request for termination unless a subsequent termination date is requested by the mortgagee.

Section 213.264 is amended to read as follows:

§ 213.264 Termination of insurance—prepayment in full and voluntary termination—supplementary loans.

(a) *Prepayment in full.* The contract of insurance shall terminate if a supplementary loan is paid in full prior to maturity. No adjusted premium charge shall be due the Commissioner on such prepayment. The contract of insurance shall not be terminated unless the lender gives a written notice of the prepayment to the Commissioner on a form prescribed by the Commissioner. This notice shall be given to the Commissioner within 30 days from the date of the prepayment.

(b) *Voluntary termination.* The contract of insurance may be terminated upon written request by the lender and the borrower, on a form prescribed by the Commissioner, and submission of the insured note for cancellation of the insurance. No termination charge shall be due the Commissioner in connection with such termination. The lender and borrower shall submit a written request to the Commissioner, on a form prescribed by the Commissioner, for termination. The termination shall become effective on the date the Commissioner receives the request for termination unless a subsequent termination date is requested by the lender.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.508 the heading of paragraph (c) is amended to read as follows:

§ 220.508 Maximum mortgage amount—loan-to-value limitation.

• • • • •

(c) *Repair and rehabilitation.*

Subpart D—Contract Rights and Obligations—Projects

Section 220.802 is amended to read as follows:

§ 220.802 Final endorsement of loan.

After all advances under the loan have been made, the Commissioner shall, upon presentation of the original note, make a final endorsement of the original note which shall state the total of all advances approved for insurance by the Commissioner and show the date of such endorsement.

Section 220.803 is amended to read as follows:

§ 220.803 Effect of loan endorsement.

The loan shall be insured from the date of initial endorsement. From the date of initial endorsement, the Commissioner and lender shall be bound by the Act and the provisions of the regulations in §§ 220.800 et seq. with the same force and effect as if a separate contract had been executed relating to the insured loan.

In § 220.810 paragraph (c) is amended to read as follows:

§ 220.810 Definition of default.

• • • • •

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of insurance hereinafter provided.

(Sec. 211, 52 Stat. 28; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.547 the last sentence is amended to read as follows:

§ 221.547 Certification of cost requirements.

• • • The agreement shall further require that any excess of mortgage proceeds over actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage as follows:

(1) 90 percent of such excess in the case of a general or limited dividend corporation mortgagor; or

(2) 100 percent of such excess in the case of all other mortgagors.

Subpart D—Contract Rights and Obligations—Moderate Income Projects

Section 221.765 is amended to read as follows:

§ 221.765 Payment of insurance—special interest rate.

In the case of a mortgage bearing interest at the rate provided in § 221.518 (b), all of the provisions of § 207.259 of this chapter shall govern the payment of insurance, except that when the mortgagee elects to proceed in accordance with § 207.258(a)(1) of this chapter, the computation of the total face value of the debentures to be issued shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default; any amount the mortgagee may have paid for taxes, special assessments and water rates which are liens prior to the mortgage; any amount for hazard insurance on the property; and reasonable expenses for the completion and preservation of the property; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

Section 234.26 is amended by adding a new paragraph (g) as follows:

§ 234.26 Eligibility—family unit, multifamily structure, and plan of apartment-ownership.

• • • • •

(g) *Project mortgagee certification.* The project mortgagee shall certify, not-

withstanding any provision of the mortgage covering prepayment, that no charge is contemplated or has been collected for prepayment in full of the project mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C 1715y)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

Section 810.15 is amended to read as follows:

§ 810.15 Insurance risk and economic soundness.

Any mortgage may be accepted for insurance by the Commissioner without regard to any requirement that the property or project be economically sound.

Subpart B—Contract Rights and Obligations—Individual Mortgagee

In § 810.751 paragraph (a) is amended by adding to the listed provisions the following:

§ 810.751 Incorporation by reference.

(a) • • •

Sec.
203.423 Distribution of distributive shares.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

Issued at Washington, D.C., May 22, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62–5121; Filed, May 25, 1962; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Filing of Copies of Description of Employee Welfare or Pension Plans and Copies of Each Annual Report Thereon

The Welfare and Pension Plans Disclosure Act (72 Stat. 997, 29 U.S.C. 301 et seq.) has recently been amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 35 et seq.). Among the changes effected by the amendments are changes in the information concerning welfare and pension benefit plans which must be published and filed pursuant to the Act. As a result, appropriate revision is required in the existing Form D–2, for the publishing and filing of an annual financial report, and revisions may be made in Form D–1, for the filing of a plan description, on the basis of experience and the new responsibility under section 5(a) of the Act to prescribe the form and detail of plan descriptions and annual financial reports. For the interim period between the effective date of the Welfare and Pension Plans Disclosure Act Amendments of 1962 and until such time as the Secretary shall prescribe and promulgate revised forms, this amendment to Part 2 directs that plan administrators shall utilize the Forms D–1 and D–2 prepared under the original Act, but with such additional information and in the categories as prescribed herein. Use of the forms is also made mandatory whereas heretofore it was optional. In addition, the revised regulation directs filing of reports to the recently established "Office of Welfare and Pension Plans."

Persons affected by this regulation are cautioned that, while the existing Form D–1 and existing Form D–2, as supplemented herein, are temporarily prescribed for use, all amendments to the Act except for the bonding provisions (e.g., provisions concerning investigation, enforcement, and record-keeping) become affective on June 18, 1962. The bonding provisions of the Act become effective September 16, 1962.

Because the regulations herein are interim measures pending development of new forms and because they mainly prescribe continued use of forms already in use, public participation in the formulation of these regulations is found for good cause to be impracticable and unnecessary. For the same reasons good cause is found to waive a delayed effective date, and the amendments herein shall be effective on June 18, 1962.

Accordingly, pursuant to Section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), and under the authority of sections 5 and 8 of the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 999, 1002, 29 U.S.C. 304, 307, as amended by 76 Stat. 36, 37), § 2.11 of 29 CFR Part 2 is hereby amended to read as follows:

§2.11 Filing of copies of the description of employee welfare or pension benefit plans and copies of each annual report thereon under section 8 of the Welfare and Pension Plans Disclosure Act.

(a) The administrator of any employee welfare benefit plan, or of any employee pension benefit plan, or of any plan combining benefits of both types, which plan is subject to the provisions of the Welfare and Pension Plans Disclosure Act, as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962 (hereinafter referred to as the Act), shall file with the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C., two copies of the description of each such plan, and two copies of each annual report thereon. Plans otherwise covered under section 4 of the Act having not more than 25 participants are not required to file a plan description, and such plans having fewer than 100 participants are not required to file an annual financial report, provided however, that with respect to the exemption set out herein for filing annual financial reports, the Secretary of Labor, after investigation, may require the administrator of any plan otherwise covered and not exempt under the Act to publish such annual report when necessary and appropriate to carry out the purposes of the Act.

(b) The description of each plan shall contain the information and documents required by section 6 of the Act, and each annual report thereon shall contain the information required by section 7 of the Act. Each of the copies of the description of each such plan submitted to the Office of Welfare and Pension Plans for filing shall be signed and sworn to by the administrator of the plan. Each copy of each annual report with respect to each such plan shall be signed by the administrator thereof. In addition, each copy of the annual report shall be sworn to by the administrator, or certified to by an independent certified or licensed public accountant based upon a comprehensive audit conducted in accordance with accepted standards of auditing. No audit is required of the books or records of any bank, insurance company, or other institution providing an insurance, investment or related function for the plan, if such books or records are subject to examination by an agency of the Federal Government, or the government of any State.

(c) The required publication and filing of the description of each such plan shall be made on United States Department of Labor Form D–1, entitled "Employee Welfare or Pension Benefit Plan Description Form". However, the Guide accompanying Form D–1 is hereby revoked, and the instructions appearing on and accompanying such Form are hereby revoked insofar as they are inconsistent with the Act (as amended) and this Part 2.11.

(d) Copies of the United States Department of Labor Form D–1 are available to administrators of plans and will be furnished upon request directed to the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C.

(e) The required publication and filing of each annual report shall be made on United States Department of Labor Form D–2, entitled "Employee Welfare or Pension Benefit Plan Annual Report Form" in such detail as is required therein, except that: (1) Where more than one employer contributes to the plan, an attachment identifying each contributing employer and showing the amount contributed by each such employer shall be submitted with the report; (2) on Exhibit B–1 (where required) assets in real estate other than real estate loans and mortgages or operated real estate shall be set out and identified as such in item 10 "other assets" (the value of such assets should not be included in item 7 "other investment assets"); (3) it is no longer necessary to use column 3 of Exhibit B–1 and Table A of Exhibit C of Form D–2 (the reason for this is that under the 1962 amendments the assets invested in securities or properties of the employer or employee organization, or any other party in interest should be valued on the basis regularly used in valuing investments held in the fund and reported to the United States Treasury Department, or if such a statement is not required to be filed with the United States Treasury Department, such assets should be valued at their aggregate cost or present value, whichever is lower); and (4) the Guide accompanying Form D–2 is hereby revoked, and the instructions appearing on and accompanying such Form are hereby revoked insofar as they are inconsistent with the Act (as amended) and this Part 2.11. Attention is called to the fact that the term "party in interest" is now specifically defined by the Act to mean "any administrator, officer, trustee, custodian, counsel, or employee of the employee welfare benefit plan or pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan."[1]

(f) Copies of United States Department of Labor Form D–2 will be furnished to administrators of plans upon receipt by the Office of Welfare and Pension Plans of information which is submitted for initial filing as a description of the plan. After the initial annual report for each plan has been submitted for filing, and within a sufficient period of time prior to the date each succeeding annual report is required to be filed, administrators of plans will receive from the Office of Welfare and Pension Plans, copies of United States Department of Labor Form D–2. Additional copies of United States Department of Labor Form D–2 will be furnished to administrators of plans upon request directed to the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C.

(g) Copies of the descriptions of such plans shall be filed with and received by the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C., within 90 days after the establishment of such plan, or within 90 days after the time the plan becomes subject to the requirements of the Act. Whenever any amendment or modification of any such plan, reflecting changes in the data and information included in the original plan, other than data and information also requirel to be included in annual reports under section 7 of the Act, is made, two copies shall be filed with the Office of Welfare and Pension Plans within 60 days after the change has been effectuated. Such amendments shall be filed with the Office of Welfare and Pension Plans either by submitting the additional information properly executed and labelled "to be incorporated into original submission which has been marked with file number (insert file number)" or, by submitting a completely new and corrected plan description on a properly executed Form D–1. If the latter method is adopted, the administrator shall check the box indicating "amended filing" on Form D–1, or otherwise identify the submission as a revised filing.

[1] The Bureau of the Budget has no objection to the revisions of the reporting requirements contained in this regulation.

(h) Copies of each annual report with respect to each such plan, shall be filed with and received by the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C., within 150 days after the end of the calendar year, or if the records of the plan are kept on a policy or other fiscal year basis, within 150 days after the end of such policy or fiscal year.

(i) The Office of Welfare and Pension Plans will acknowledge in writing the receipt of documents submitted for filing as copies of the description of a welfare or pension benefit plan, and will give such submission an identifying number which will be endorsed on the acknowledgment. This number shall be entered on any document subsequently submitted for filing relating to such plan and on each annual report thereon, and on any communications directed to the Office of Welfare and Pension Plans concerning such plan descriptions or annual reports.

(j) The acknowledgment by the Office of Welfare and Pension Plans of the receipt of documents submitted as copies of a description of a plan or of any amendment or modification thereto, or of an annual report, does not constitute approval thereof, or indicate that the content of such documents fulfills the requirements of the Welfare and Pension Plans Disclosure Act.

Signed at Washington, D.C., this 23d day of May 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 62–5118; Filed, May 25, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 939]

PART 95—CAR SERVICE

Utilization of Fifty-Foot Long or Longer Plain Box Cars and Plain Box Cars Forty-Foot Long or Longer With Side Door Openings Eight-Foot Wide or Wider

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of May A.D. 1962.

It appearing, that an acute shortage of box cars fifty-foot long or longer and box cars forty-foot long or longer with side door openings eight-foot wide or more; and it appearing that the present carrier rules, regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of box cars of these dimensions to the railroads owning such cars are ineffective; the Commission is of the opinion that an emergency exists requiring immediate action in all parts of the country, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.939 Utilization of fifty-foot long or longer plain box cars and plain box cars forty-foot long or longer with side door openings eight-foot wide or wider.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) The provisions of this order apply to plain (XM, XME, XI) forty-foot or longer box cars with side door openings of eight-foot or wider and plain (XM, XME and XI) fifty-foot or longer box cars with any size side door opening of all ownerships, including all box cars with plug doors.

(2) For purposes of this order, districts as shown in the Official Railway Equipment Register, ICC R.E.R.–No. 343, supplements thereto or subsequent reissues thereof govern. These districts are identified as Association of American Railroads car selection chart showing home districts for all principal freight car ownership.

(3) Cars locating in a home district may be used only for loading to a destination on or via owner's rails or to a junction with the owner.

(4) Cars locating in a district adjacent to a home district may be used only for loading to a home district or beyond, if routed via the owner.

(5) Cars locating in other districts (not home districts adjacent thereto) may be used for loading to or via owner, or to any destination within a home district or within a district adjacent to a home district.

(6) Cars locating empty at a junction with the owner may be loaded to or via the owning road or delivered owner empty at the junction.

(7) In the absence of proper loading, cars must be moved, to the owner empty under Association of American Railroads Car Service Rules or Special Car Order 90.

(b) *Application.* The provisions of this order shall apply to intrastate and interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., May 27, 1962.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Wash-

ington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5115; Filed, May 25, 1962; 8:47 a.m.]

[Rev. S.O. 562; Amdt. 14]

PART 97—ROUTING OF TRAFFIC

Appointment of Agent

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of May A.D. 1962.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F.R. 2697), as amended (15 F.R. 3105; 8651; 16 F.R. 4551; 17 F.R. 4675; 18 F.R. 3048; 19 F.R. 2966; 20 F.R. 3685; 21 F.R. 3650; 22 F.R. 3653; 23 F.R. 3641; 24 F.R. 4215; 25 F.R. 4647; 26 F.R. 4693), and good cause appearing therefor:

It is ordered, That:

In § 97.562 *Rerouting of traffic—appointment of agent*, of Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D.C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(d) Expiration date: This order shall expire at 11:59 p.m., May 31, 1963, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 25, 1962; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5114; Filed, May 25, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1065]

[Docket No. AO-86-A13]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Amendment to Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the notice of hearing on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area which was issued May 16, 1962, and published in the FEDERAL REGISTER on May 22, 1962, is hereby amended by changing the time at which such hearing is to be held from 9:30 a.m., c.s.t., June 6, 1962, to 10 a.m., c.s.t., June 5, 1962. The hearing will be held at the Town House, 7000 Dodge Street, Omaha, Nebr.

Signed at Washington, D.C., on May 23, 1962.

ROBERT G. LEWIS, *Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-5120; Filed, May 25, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 18, 24]

[Reg. Docket No. 1221; Draft Release No. 62-25]

PRIVILEGES OF THE MANUFACTURER TO PERFORM MAINTENANCE

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.-27), notice is hereby given that there is under consideration a proposal to amend Parts 18 and 24 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 26, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Section 610(a) of the Federal Aviation Act of 1958 provides that it shall be unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller, or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity. In addition, the Act further provides that it shall be unlawful for any person to employ for service in connection with any civil aircraft used in air commerce an airman who does not have a certificate authorizing him to serve in the capacity for which he is employed. In this respect, section 101(7) of the Federal Aviation Act of 1958 defines an "airman" as any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances.

In accordance with the foregoing provisions of the Act, currently effective Part 18 of the Civil Air Regulations defines maintenance as a function which includes preventive maintenance, and is the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts. The current provisions of the Civil Air Regulations authorize certain persons to perform maintenance on aircraft and aircraft components. These persons are: (a) a certificated mechanic or a person who works under his direct supervision; (b) an appropriately certificated repair station which employs appropriately certificated repairmen or mechanics; (c) a certificated pilot who is limited to such preventive maintenance as may be authorized by the Administrator; (d) a manufacturer subject to the requirement that he employs certificated mechanics in direct charge of maintenance and repairs, or that he performs such work under the terms of a repair station certificate with appropriate ratings, except that a manufacturer is not subject to the airman or repair station requirements when he rebuilds or alters any product manufactured by him; and (e) an appropriately certificated air carrier or commercial operator as prescribed by its continuous maintenance and inspection program and maintenance manual when appropriately certificated repairmen or mechanics are employed.

Historically, the Civil Aeronautics Act of 1938 contained airman requirements for the accomplishment of maintenance that were identical to those now in the Federal Aviation Act of 1958. Part 18 of the Civil Air Regulations, effective May 31, 1938, and as amended to November 15, 1940, authorized manufacturers to alter, repair, or overhaul aircraft manufactured by them. These old regulations promulgated under the provisions of the Act of 1938 did not require a manufacturer to employ certificated airmen. This oversight was corrected during 1941 by amending Part 24 to establish a factory mechanic rating, and also by the issuance of an amended Part 18, whereunder a manufacturer was required to employ certificated airmen in order to perform maintenance.

On December 9, 1949, Civil Air Regulations Draft Release No. 49-7 proposed a number of concurrent changes to Parts 18, 24, and 52 to restate and clarify the standards for the performance of maintenance, repairs, and alterations. The proposal also set forth the classification of persons authorized to perform maintenance functions. One of the proposed changes included the requirement that a manufacturer must secure a repair station certificate with appropriate ratings and employ certificated airmen in order to perform maintenance. The proposal indicated the belief that such a requirement would not place any undue burden upon manufacturers because, in most instances, such persons already would meet the standards proposed in the revision to Part 52. Another of the concurrent changes proposed at this time, which later was adopted into the regulations, deleted the factory mechanic rating and other specialized mechanic certificates from the provisions of Part 24, and instituted a new certificate for repairmen.

After consideration of the comments received in response to Draft Release 49-7, major changes in the regulatory plan were made, and Draft Release 51-4 was issued on April 27, 1951. This draft release contained a proposal to authorize manufacturers to rebuild and alter their own product without the need to obtain repair station certificates, or to employ certificated airmen. Part 18, as revised effective June 15, 1952, contained most of the proposed changes. However, the privileges of rebuilding were accorded only to those manufacturers of products manufactured by them under a type or production certificate, Technical Standard Order, or Product and Process Specification. Additional regulations adopted under Part 18 prescribed that a manufacturer must hold an approved repair station rating, or employ properly certificated mechanics in order to perform maintenance work. In this respect, a person holding a repair station certificate with appropriate rating is authorized to perform and approve for return to service major and minor repairs. A certificated mechanic is authorized to perform major and minor repairs to aircraft, aircraft components, and related appliances, but is not authorized to perform major repairs to propellers or any repairs to instruments. However, only a

certificated mechanic with an inspection authorization is authorized to approve for return to service any major repair or major alteration.

Manufacturers and other persons have expressed the opinion that a manufacturer should be permitted to perform maintenance and repairs on aircraft, aircraft engines, propellers, appliances, and parts thereof, manufactured by him, using qualified persons employed by such manufacturer without the necessity of obtaining mechanic certificates for such persons or of obtaining a repair station certificate as required under the current provisions of Part 18. These manufacturers have repeatedly asked the Agency for appropriate relief from the present requirements.

We believe that the opinion expressed by the manufacturers has merit. Therefore, it is proposed to amend the current requirements of Part 24 to provide for the issuance of repairman certificates to qualified individuals employed by manufacturers. Furthermore, the proposal would amend Part 18 to authorize a manufacturer, employing certificated repairmen, to perform maintenance, which includes preventive maintenance, inspection, overhaul, repair, upkeep, replacement of parts on aircraft, aircraft engines, propellers, appliances, or spare parts thereof, manufactured by him, and to approve such aircraft or components thereof for return to service. In addition, the proposal redefines the term "manufacturer" to include a person who manufactures appliances, or parts which are approved for use on certificated aircraft, but for which there is issued no specific type or production certificate, Technical Standard Order, or Product and Process Specification.

In consideration of the foregoing, it is proposed to amend Parts 18 and 24 of the Civil Air Regulations as follows:

1. By amending § 18.1 of Part 18 by revising the definition of "manufacturer" to read as follows:

§ 18.1 Definitions.

* * * * *

Manufacturer. A manufacturer is any person who:

(a) Holds a type or production certificate for and is the producer of an aircraft, aircraft engine, propeller, or appliance; or

(b) Produces appliances or parts of aircraft, aircraft engines, propellers or appliances which are approved under the terms of a Technical Standard Order, FAA-Parts Manufacturer Approval, Product and Process Specification, or in conjunction with the type certification of aircraft, aircraft engines, propellers, or appliances.

2. By amending § 18.10(d) to read as follows:

§ 18.10 Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.

* * * * *

(d) A manufacturer may:

(1) Rebuild or alter any aircraft, aircraft engine, propeller or appliance produced by him under a type or production certificate;

(2) Rebuild or alter any appliance or part of aircraft, aircraft engines, propellers, or appliances produced by him and approved under the terms of a Technical Standard Order, a FAA-Parts Manufacturer Approval, a Product and Process Specification, or in conjunction with the type certification of aircraft, aircraft engines, propellers, and appliances; and

(3) Perform maintenance and repairs on aircraft, aircraft engines, propellers, appliances, and parts thereof, produced by him as provided in subparagraphs (1) and (2) of this paragraph, when he employs a certificated repairman directly in charge of such maintenance and repairs.

3. By amending § 18.11(a)(4) to read as follows:

§ 18.11 Persons authorized to approve maintenance, repairs, and alterations.

* * * * *

(a) *Maintenance, minor repairs, and minor alterations.* * * *

(4) A manufacturer, if the aircraft, aircraft engine, propeller, appliance, or parts thereof have been rebuilt, altered, or maintained under the provisions of § 18.10(d); or

4. By amending § 18.11(b)(3) to read as follows:

§ 18.11 Persons authorized to approve maintenance, repairs, and alterations.

* * * * *

(b) *Major repairs and major alterations.* * * *

(3) A manufacturer, if the aircraft, aircraft engine, propeller, appliance, or parts thereof have been rebuilt, altered, or maintained under the provisions of § 18.10(d) and in accordance with a manual, specification, or other technical data approved by the Administrator; or

§ 24.100, 24.101, 24.102, 24.112, 24.120, 24.130 [Amendments]

5. By amending §§ 24.100(b), 24.101, 24.102, 24.112, 24.120, and 24.130 of Part 24 by deleting the terms "certificated repair station or an appropriately certificated air carrier", "repair station or air carrier", and "appropriately certificated United States air carrier or a certificated repair station", and inserting in lieu thereof the terms "certificated repair station, a manufacturer, or an appropriately certificated air carrier", "repair station, manufacturer, or air carrier", or "appropriately certificated United States air carrier, manufacturer or certificated repair station", as appropriate.

These amendments are proposed under the authority of sections 313(a), 601, 602, and 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, and 1425).

Issued in Washington, D.C., on May 14, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-5091; Filed, May 25, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COLONIAL-AMERICAN NATIONAL BANK OF ROANOKE AND FIRST NATIONAL EXCHANGE BANK OF ROANOKE

Application To Merge; Notice of Hearing

A public hearing will be held on June 21, 1962, at 9:30 a.m., in the auditorium of the Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia, on the application to merge The Colonial-American National Bank of Roanoke, Roanoke, Virginia, and The First National Exchange Bank of Roanoke, Roanoke, Virginia.

All persons desiring to testify should notify the Comptroller of the Currency by June 15, 1962.

Dated: May 23, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-5123; Filed, May 25, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MAY 21, 1962.

The National Parks Service, Department of the Interior, has filed an application, Serial No. Utah 087819, for the withdrawal of the lands described below from all forms of appropriation except leasing under the mineral leasing laws, location and entry of metalliferious minerals under the mining laws, and grazing.

The withdrawal is requested under authority of the Act of June 25, 1910 (36 Stat. 847) and Executive Order 10355 of May 26, 1952 (17 F.R. 4831), and is in aid of the pending legislation to establish a Canyonlands National Park.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, Darling Building P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application for withdrawal will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application include all the public lands within the boundary particularly described below, with the exception of the E½ sec. 22, E½ sec. 27 and E½ sec. 34, T. 31 S., R. 17 E., and the E½ of that portion of sec. 36, T. 26 S., R. 19 E. lying below latitude 38°30', all of sec. 6 and the N½ sec. 7, T. 27 S., R. 20 E.:

SALT LAKE BASE AND MERIDIAN, UTAH

Beginning at the point on latitude 38°30' common to Emery, Wayne, Grand, and San Juan Counties; thence east along said parallel (the boundary between said Grand and San Juan Counties) to the west line of Township 26 South, Range 20 East, Salt Lake Base and Meridian; thence south along said west line of said Township 26 South, Range 20 East to the south line of said Township 26 South, Range 20 East; thence east along said south line of said Township 26 South, Range 20 East to the west line of section 5, Township 27 South, Range 20 East; thence south along said west line of said section 5, and the west line of section 8 of said Township 27 South, Range 20 East, to the south line of the north half of said section 8; thence east along said south line of the north half of said section 8 and along the south line of the north half of section 9, said Township 27 South, Range 20 East, to the west line of the east half of said section 9; thence south along said west line of the east half of said section 9 and the west line of the east halves of sections 16, 21, 28, and 33 of said Township 27 South, Range 20 East, and the west line of the east halves of sections 4, 9, 16, and 21 of Township 28 South, Range 20 East, to the north line of section 28, said Township 28 South, Range 20 East; thence west along the north line of said section 28 and of section 29 of said Township 28 South, Range 20 East, to the west line of said section 29; thence south along said west line of said section 29 and the west line of section 32 of said Township 28 South, Range 20 East, and the west line of sections 5 and 8 of Township 29 South, Range 20 East, to the north line of the south half of section 7, said Township 29 South, Range 20 East; thence west along said north line of the south half of said section 7, said Township 29 South, Range 20 East, and along the north line of the south half of unsurveyed section 12, unsurveyed Township 29 South, Range 19 East, to the west line of the east half of said section 12; thence south along said west line of the east half of said section 12 and the west line of the east half of unsurveyed sections 13 and 24 of said Township 29 South, Range 19 East, to the north line of unsurveyed section 25, said Township 29 South, Range 19 East; thence west along said north line of said section 25 to the west line of said section 25; thence south along said west line of said section 25 and the west line of unsurveyed section 36, said Township 29 South, Range 19 East, to the north line of unsurveyed Township 29½ South, Range 19 East; thence east along the said north line of said Township 29½ South, Range 19 East to the west line of the east half of unsurveyed section 36 of said Township 29½ South, Range 19 East; thence south along said west line of the east half of said section 36, and the west line of the east half of unsurveyed section 1, partially surveyed Township 30 South, Range 19 East, to the south line of the north half of said section 1; thence east along said south line of the north half of said section 1 to the east line of Township 30 South, Range 20 East; thence south along the west line of section 6 of said Township 30 South, Range 20 East, to the south line of said section 6; thence east along said south line of said section 6 to the west line of section 8, said Township 30 South, Range 20 East; thence south along said west line of said section 8 to the south line of said section 8; thence east along said south line of said section 8 to the west line of section 16, said Township 30 South, Range 20 East; thence south along said west line of said section 16 to the south line of said section 16; thence east along said south line of said section 16 and the south line of section 15, said Township 30 South, Range 20 East, to the west line of section 23, said Township 30 South, Range 20 East; thence south along said west line of said section 23 and the west line of sections 26 and 35 to the south line of said Township 30 South, Range 20 East; thence east along said south line of said Township 30 South, Range 20 East, to the west line of unsurveyed section 35, partially surveyed Township 30½ South, Range 20 East; thence south along the west line of said section 35, said Township 30½ South, Range 20 East, and the west line of section 2 and of unsurveyed sections 11, 14, 23, and 26 of partially surveyed Township 31 South, Range 20 East, to the north line of unsurveyed section 34, said Township 31 South, Range 20 East; thence west along said north line of said section 34 to the west line of said section 34; thence south along said west line of said section 34 and the west line of unsurveyed sections 3, 10, and 15, partially surveyed Township 32 South, Range 20 East, to the north line of unsurveyed section 21, said Township 32 South, Range 20 East; thence west along said north line of said section 21, section 20, and unsurveyed section 19, said Township 32 South, Range 20 East, to the east line of partially surveyed Township 32 South, Range 19 East; thence north along said east line of said Township 32 South, Range 19 East, to the north line of unsurveyed section 13, said Township 32 South, Range 19 East; thence west along said north line of said section 13 to the east line of unsurveyed section 11, said Township 32 South, Range 19 East; thence north along said east line of said section 11 and the east line of section 2, said Township 32 South, Range 19 East, to the north line of said Township 32 South, Range 19 East; thence west along the north line of said Township 32 South, Range 19 East, the north line of partially surveyed Township 32 South, Range 18 East, and the north line of partially surveyed Township 32 South, Range 17 East, to the east line of unsurveyed section 33, partially surveyed Township 31 South, Range 17 East; thence north along said east line of said section 33 and of unsurveyed sections 28 and 21, section 16, and unsurveyed sections 9 and 4 of said Township 31 South, Range 17 East, and the east line of unsurveyed sections 33 and 28, partially surveyed Township 30½ South, Range 17 East, to the north line of said Township 30½ South, Range 17 East; thence west along said north line of said Township 30½ South, Range 17 East, to the east line of unsurveyed section 33, partially surveyed Township 30 South, Range 17 East; thence north along said east line of said section 33 and of unsurveyed sections 28 and 21 of said Township 30 South, Range 17 East, to the south line of unsurveyed section 15, said Township 30 South, Range 17 East; thence east along said south line of said section 15 to the east line of said section

15; thence north along said east line of said section 15 and of unsurveyed section 10, said Township 30 South, Range 17 East, to the south line of section 2, said Township 30 South, Range 17 East; thence east along said south line of said section 2 to the east line of said section 2; thence north along said east line of said section 2 to the south line of partially surveyed Township 29 South, Range 17 East; thence east along said south line of said Township 29 South, Range 17 East, to the east line of said Township 29 South, Range 17 East; thence north along said east line of said Township 29 South, Range 17 East, to the south line of unsurveyed section 18, partially surveyed Township 29 South, Range 18 East; thence east along said south line of said section 18 to the east line of said section 18; thence north along said east line of said section 18 and the east line of unsurveyed sections 7 and 6, said Township 29 South, Range 18 East, and the east line of unsurveyed section 31, Township 28½ South, Range 18 East, to the north line of said section 31; thence west along said north line of said section 31 to the east line of partially surveyed Township 28 South, Range 17 East; thence north along said east line of said Township 28 South, Range 17 East, to the north line of unsurveyed section 25, said Township 28 South, Range 17 East; thence west along said north line of said section 25 and of unsurveyed section 26, said Township 28 South, Range 17 East, to the east line of unsurveyed section 22, said Township 28 South, Range 17 East; thence north along said east line of said section 22 to the north line of said section 22; thence west along said north line of said section 22 to the east line of section 16, said Township 28 South, Range 17 East; thence north along said east line of said section 16 and the east line of unsurveyed sections 9 and 4, said Township 28 South, Range 17 East, the east line of unsurveyed sections 33, 28, and 21, and of section 16, partially surveyed Township 27 South, Range 17 East, to the south line of the north half of unsurveyed section 15, said Township 27 South, Range 17 East; thence east along said south line of the north half of said section 15 and the south line of the north half of unsurveyed section 14, said Township 27 South, Range 17 East, to the east line of said section 14; thence north along said east line of said section 14, the east line of unsurveyed section 11 and of section 2, said Township 27 South, Range 17 East, to the true right bank of the Green River; thence continuing due north to the boundary line common to said Wayne and San Juan Counties; thence following said boundary line common to said Wayne and San Juan Counties generally northwesterly to the point of beginning.

Such tract containing a gross area of approximately 332,292 acres which are predominantly public lands.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-5103; Filed, May 25, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-106]

OREGON STATE UNIVERSITY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-51. The license authorizes Oregon State University to operate its nuclear reactor Model AGN-201, Serial No. 114, located on its campus in Corvallis, Oregon. The amendment authorizes the licensee to operate the reactor with the rod drive mechanisms modified as described in the licensee's application for license amendment dated January 29, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within not less than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated January 29, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 15th day of May 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

OREGON STATE UNIVERSITY

[Docket No. 50-106]

AMENDMENT TO UTILIZATION FACILITY LICENSE

[License No. R-51; Amdt. No. 5]

Facility License No. R-51, as amended, which authorizes Oregon State University ("the licensee") to operate its nuclear reactor Model AGN-201, Serial No. 114, located on its campus in Corvallis, Oregon, is hereby further amended to authorize modification of the rod drive mechanisms as described in the licensee's application for license amendment dated January 29, 1962 and operation of the reactor with the rod drive mechanisms so modified.

The reactor shall be operated in accordance with the terms and conditions contained in License No. R-51, as amended, and the licensee's application for license amendment dated January 29, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: May 15, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5089; Filed, May 25, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-235]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

MAY 21, 1962.

Take notice that on April 4, 1962, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP62-235 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.43 miles of 12-inch gas transmission pipeline from Yellow Creek to the City of Wellsville, Columbiana County, Ohio, and for permission and approval to abandon its Conkey Compressor Station, Gray Township, Greene County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the proposed pipeline will replace a portion of Applicant's Line 5 from Wellsville south to Port Homer, Ohio, which was abandoned in 1959 due to the flooding of the right-of-way by the construction of the New Cumberland Dam on the Ohio River. Applicant states that the proposed line is necessary to assure maintenance of adequate service in existing market areas in the northern West Virginia panhandle and adjacent portion of Ohio.

Applicant states further that the Conkey Station is no longer required to compress local production, and that, having been constructed in 1917, the subject station is obsolete.

The estimated total cost of construction of the proposed facilities is $195,000. The cost of retiring the facilities to be abandoned is estimated to be $3,000 with a salvage value estimated to be $1,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5099; Filed, May 25, 1962; 8:46 a.m.]

[Project No. 2082]

PACIFIC POWER AND LIGHT CO.

Notice of Change of Location of Scheduled Hearings

MAY 21, 1962.

Notice is hereby given that the hearing scheduled to be held on June 4, 1962, in the above-designated matter will convene at 10:00 a.m., San Francisco time, on said date, in Room 59, Federal Office Building, 50 Fulton Street, San Francisco, Calif., in lieu of the Federal Power Commission's San Francisco Regional Office, as originally ordered.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5100; Filed, May 25, 1962; 8:46 a.m.]

[Docket No. CP62-202]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

MAY 21, 1962.

Take notice that on February 27, 1962, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Texas, filed in Docket No. CP62-202 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue to construct and to operate additional pipeline crossings on the Brazos and Ohio Rivers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that construction of the new crossings was initiated in January, 1962, pursuant to § 157.22(a) of the regulations under the Natural Gas Act. Applicant's existing under water crossing of the Ohio River consists of two 30-inch pipelines located near Portsmouth, Ohio. Applicant's pipeline crossing the Brazos River in Brazoria County, Texas, consists of a single submerged 30-inch pipeline. Applicant states that the poor condition of both of the existing crossings has necessitated the construction of the additional facilities.

The total estimated cost of both crossings is $2,852,000, which cost will be financed from general funds or from revolving credit.

Applicant states further that no increase in its over-all transmission capacity is proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 25, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5101; Filed, May 25, 1962; 8:46 a.m.]

[Project No. 2276 etc.]

ROBERT P. WILSON AND NATIONAL YOUTH FOUNDATION

Notice of Change of Location of Scheduled Hearings

MAY 21, 1962.

Robert P. Wilson, Project Nos. 2276 and 2279; and National Youth Foundation, Project Nos. 2125 and 2126.

Notice is hereby given that the hearing scheduled to be held on May 31, 1962, in the above-designated matters will convene at 10 a.m., San Francisco time, on said date, in Room 59, Federal Office Building, 50 Fulton Street, San Francisco, Calif., in lieu of the Federal Power Commission's San Francisco Regional Office, as originally ordered.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5102; Filed, May 25, 1962; 8:46 a.m.]

TARIFF COMMISSION

[E.O. 10401—3]

CLINICAL THERMOMETERS

Notice of Investigation and Hearing

Investigation instituted. Notice is hereby given that on May 18, 1962, the United States Tariff Commission, on its own motion, instituted an investigation for the purposes of paragraph 2 of Executive Order 10401 (3 CFR, 1949-1953 Comp., p. 901) to determine whether, and if so to what extent, the withdrawal by Presidential Proclamation No. 3235, dated April 21, 1958 (3 CFR, 1954-1958 Comp., p. 151), of the concession on clinical thermometers, finished or unfinished, wholly or in chief value of glass, granted in the General Agreement on Tariffs and Trade, remains necessary in order to prevent or remedy serious injury or the threat thereof to the domestic industry producing like or directly competitive products.

Clinical thermometers, finished or unfinished, wholly or in chief value of glass, are provided for in paragraph 218(a) of the Tariff Act of 1930, under which they were originally dutiable at 85 percent ad valorem. Pursuant to a concession granted in the General Agreement on Tariffs and Trade, a reduced rate of 42½ percent ad valorem was made effective October 1, 1951. As a result of an "escape clause" investigation by the Tariff Commission pursuant to section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamation above mentioned, withdrew the concession, with the result that the rate of duty on clinical thermometers became 85 percent ad valorem, effective after the close of business on May 21, 1958.

Under section 7 of the Trade Agreements Extension Act of 1951 and the

"escape clause" of the General Agreement on Tariffs and Trade, the withdrawal of a trade agreement concession under the escape-clause procedure is required to be only "to the extent and for the time necessary to prevent or remedy" the serious injury. Executive Order 10401 prescribes procedures for implementing this requirement by periodic review of "escape clause" withdrawals of trade-agreement concessions. Paragraph 1 of the order provides that the Tariff Commission shall report to the President annually on developments with regard to the product on which an "escape" action has been taken. Two such reports to the President with regard to clinical thermometers have been made, and a third report was scheduled for May 22, 1962. However, after review of the developments since the last report (May 22, 1961), the Commission concluded that a formal investigation under paragraph 2 of the order is warranted. Paragraph 2 requires a formal investigation whenever, in the judgment of the Commission, conditions of competition with respect to the trade in a product on which "escape" action has been taken have so changed as to warrant a formal investigation.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m. e.d.s.t. on August 28, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

By order of the Commission.

Issued: May 22, 1962.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-5106; Filed, May 25, 1962; 8:46 a.m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Veterans Administration statement of organization (25 F.R. 5205 and 26 F.R. 5540) is amended to read as follows:

Section 4 is revised to read as follows:

SEC. 4. *Addresses of Veterans Administration installations and jurisdictional areas of insurance centers—(a) Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Canal Zone, Philippines, and Commonwealth of Puerto Rico) where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices, and centers having regional office activities, are listed with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

Type of activity and location	*Address*
ALABAMA	
Regional Office, Montgomery 4	400 Lee St.
VA Office, Birmingham 3	1710 First Ave. North.
Hospital, Birmingham 3	Veterans Administration Hospital.
Hospital, Montgomery 10	Perry Hill Rd.
Hospital, Tuscaloosa	Veterans Administration Hospital.
Hospital, Tuskegee	Do.
ALASKA	
Regional Office, Juneau	Goldstein Bldg.
VA Office, Anchorage	P.O. Box 1399, Federal Bldg.
ARIZONA	
Regional Office, Phoenix 25	230 North First Ave., Federal Bldg.
Hospital, Phoenix 12	Seventh St. and Indian School Rd.
Hospital, Tucson	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple.	Do.
ARKANSAS	
Regional Office, Little Rock	700 West Capitol Ave., Federal Office Bldg.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Little Rock	300 East Roosevelt Rd.
Little Rock Hospital Division	Mail: Little Rock.
North Little Rock Hospital Division	Do.
CALIFORNIA	
Regional Office, Los Angeles 25	1380 South Sepulveda Blvd.
VA Office, Long Beach	Post Office Bldg., Third and Long Beach Blvd.
VA Office, San Bernardino	1120 North "E" St.
*VA Office, San Diego 1	2131 Third Ave.
Regional Office, San Francisco 3	49 Fourth St.
*VA Office, Oakland 12	1305 Franklin St.
VA Office, Sacramento 14	921 Tenth St.
Outpatient Clinic, Los Angeles	1031 South Broadway.
Hospital, Fresno	2615 Clinton Ave.
Hospital, Livermore	Veterans Administration Hospital.
Hospital, Long Beach	5901 Seventh St.
Center (Hospital and Domiciliary), Los Angeles 25.	Sawtelle and Wilshire Blvds.
Hospital, Oakland 12	13th and Harrison Sts.
Hospital, Palo Alto	Veterans Administration Hospital.
Hospital, San Fernando	13000 Sayre St.
Hospital, San Francisco 21	42d Ave. and Clement St.
Hospital, Sepulveda	Veterans Administration Hospital.
CANAL ZONE	
Veterans Administration Office, Balboa	Balboa Clubhouse. Mail: P.O. Box 3672.
COLORADO	
Center (Regional Office and Insurance), Denver 25.	Denver Federal Center.
VA Office, Colorado Springs	121 East Pikes Peak Ave.
Hospital, Denver 20	1055 Clermont St.
Hospital, Fort Lyon	Veterans Administration Hospital.
Hospital, Grand Junction	Do.
CONNECTICUT	
Regional Office, Hartford 3	95 Pearl St.
Hospital, Newington 11	Veterans Administration Hospital.
Hospital, West Haven 16	West Spring St.
DELAWARE	
Regional Office, Wilmington	P.O. Box 1266, 1601 Kirkwood Highway.
VA Hospital, Wilmington	Veterans Administration Hospital.
DISTRICT OF COLUMBIA	
Hospital, Washington 7	2650 Wisconsin Ave. NW.
Veterans Benefits Office, Washington 25	Munitions Bldg.
FLORIDA	
Regional Office, St. Petersburg	P.O. Box 1437.
*VA Office Jacksonville	Jacksonville Post Office and Courthouse Bldg., 311 West Monroe St. Mail: P.O. Box 505.
VA Office, Miami	984 West Flagler St.
VA Office, Orlando	2520 North Orange St.
VA Office, Tampa	304 Tampa St.
VA Office, West Palm Beach	Brown Bldg.; 212-216 Datura St.
Center (Hospital and Domiciliary), Bay Pines.	Veterans Administration Center.
Hospital, Coral Gables	Veterans Administration Hospital.
Hospital, Lake City	Do.
GEORGIA	
Regional Office, Atlanta 8	441-449 West Peachtree St. NE.
Hospital, Atlanta 19	4158 Peachtree Road NE.
Hospital, Augusta	Veterans Administration Hospital.

Type of activity and location	*Address*
GEORGIA—Continued	
Center (Regional Office and Hospital), Dublin.	Veterans Administration Center.
Domiciliary, Thomasville	Veterans Administration Domiciliary.
HAWAII	
Regional Office, Honolulu 1	P.O. Box 3198.
IDAHO	
Center (Regional Office and Hospital), Boise.	Fifth and Fort Sts.
ILLINOIS	
Regional Office, Chicago 12	2030 West Taylor St.
Hospital, Chicago 11	333 East Huron St. (Research).
Hospital, Chicago 12	820 South Damen Ave. (West Side).
Hospital, Danville	Veterans Administration Hospital.
Hospital, Downey	Do.
Hospital, Dwight	Do.
Hospital, Hines	Veterans Administration Hospital (Edward Hines, Jr., Hospital).
Hospital, Marion	Veterans Administration Hospital.
INDIANA	
Regional Office, Indianapolis 9	36 South Pennsylvania St.
Hospital, Fort Wayne 3	1600 Randalia Dr.
Hospital, Indianapolis 7	Veterans Administration Hospital.
Tenth Street Hospital Division	Mail: 1481 West Tenth St.
Cold Spring Road Hospital Division	Do.
Hospital, Marion	Veterans Administration Hospital.
IOWA	
Center (Regional Office and Hospital), Des Moines 8.	Veterans Administration Center.
Domiciliary, Clinton	Veterans Administration Domiciliary.
Hospital, Iowa City	Veterans Administration Hospital.
Hospital, Knoxville	Do.
KANSAS	
Center (Regional Office and Hospital), Wichita 18.	5500 East Kellogg.
Hospital, Topeka	2200 Gage Blvd.
Center, (Hospital and Domiciliary), Wadsworth.	Veterans Administration Center.
Wadsworth Hospital and Domiciliary Division, Excelsior Springs, Mo.	Mail: Wadsworth.
Hospital Division	Do.
KENTUCKY	
Regional Office, Louisville 3	1406 West Broadway.
Hospital, Fort Thomas	(See Veterans Administration Hospital, Cincinnati, Ohio).
Hospital, Lexington	Veterans Administration Hospital.
Hospital, Louisville 2	Mellwood and Zorn Ave.
Hospital, Outwood	Mail: Veterans Administration, Outwood Hospital, Dawson Springs, Ky.
LOUISIANA	
Regional Office, New Orleans 12	701 Loyola Ave.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Ave.
Hospital, Alexandria	Veterans Administration Hospital.
Hospital, New Orleans 12	1601 Perdido St.
MAINE	
Center (Regional Office and Hospital), Togus.	Veterans Administration Center.
*VA Office, Portland	171 Middle St.
MARYLAND	
Regional Office, Baltimore 2	St. Paul and Fayette Sts.
Hospital, Baltimore 18	3900 Loch Raven Blvd.
Hospital, Fort Howard	Veterans Administration Hospital.
Hospital, Perry Point	Do.
MASSACHUSETTS	
Regional Office, Boston 8	1 Beacon St.
*VA Office, Springfield	1200 Main St.
Outpatient Clinic, Boston 8	17 Court St.
Hospital, Bedford	200 Springs Rd.
Hospital, Boston 30	150 South Huntington Ave.
Hospital, Brockton	Veterans Administration Hospital.
Hospital, Northampton	Do.
Hospital, Rutland Heights	Do.
Hospital, West Roxbury 32	Veterans of Foreign Wars Parkway.
MICHIGAN	
Regional Office, Detroit 31	210 Gratiot Ave. at Library.
Hospital, Ann Arbor	2215 Fuller Rd.
Hospital, Battle Creek	Veterans Administration Hospital.
Hospital, Dearborn	Do.
Hospital, Iron Mountain	Do.
Hospital, Saginaw	1500 Weiss St.
MINNESOTA	
Center (Regional Office and Insurance), St. Paul 11.	Fort Snelling.
Hospital, Minneapolis 17	54th St. and 48th Ave. South.
Hospital, St. Cloud	Veterans Administration Hospital.
MISSISSIPPI	
Center (Regional Office and Hospital), Jackson.	1500 East Woodrow Wilson Dr.
Center (Hospital and Domiciliary), Biloxi.	Veterans Administration Center.
Biloxi Hospital and Domiciliary Div.	Mail: Biloxi.
Gulfport Hospital Division	Do.
MISSOURI	
Regional Office, Kansas City 9	911 East Linwood Blvd.
Regional Office, St. Louis 3	Room 4705, Federal Bldg., 1520 Market St.
Hospital, Excelsior Springs	(See Veterans Administration Center, Wadsworth, Kansas).
Hospital, Jefferson Barracks, St. Louis 25.	Veterans Administration Hospital.
Hospital, Kansas City 26	4801 Linwood Blvd.
Hospital, Poplar Bluff	Veterans Administration Hospital.
Hospital, St. Louis 6	915 North Grand Blvd. (John J. Cochran Veterans Hospital).
MONTANA	
Center (Regional Office and Hospital), Fort Harrison.	Veterans Administration Center.
Hospital, Miles City	Veterans Administration Hospital.
NEBRASKA	
Regional Office, Lincoln 8	220 South 17th St.
Hospital, Grand Island	Veterans Administration Hospital.

NEBRASKA—Continued

Type of activity and location	Address
Hospital, Lincoln 1	600 70th St.
Hospital, Omaha 5	4101 Woolworth Ave.

NEVADA

Center (Regional Office and Hospital), Reno.	Veterans Administration Center.

NEW HAMPSHIRE

Regional Office, Manchester	497 Silver St.
Hospital, Manchester	718 Smyth Rd.

NEW JERSEY

Regional Office, Newark 2	20 Washington Pl.
Hospital, East Orange	Veterans Administration Hospital.
Hospital, Lyons	Do.

NEW MEXICO

Regional Office, Albuquerque	517 Gold Ave., SW.
Hospital, Albuquerque	Veterans Administration Hospital.
Hospital, Fort Bayard	Do.

NEW YORK

Regional Office, Albany 1	12–16 Russell Rd.
Regional Office, Brooklyn 1	250 Livingston St.
Regional Office, Buffalo 3	1021 Main St.
*VA Office, Rochester	39 State St.
Regional Office, New York 1	252 Seventh Ave.
VA Office, Jamaica, Long Island	165–10 Jamaica Ave.
VA Office, Mineola, Long Island	320 Old County Rd.
Regional Office, Syracuse 2	Chimes Bldg., 500 South Salina St.
Outpatient Clinic, Brooklyn 1	35 Ryerson St. Mail: 250 Livingston St.
Hospital, Albany	Veterans Administration Hospital.
Hospital, Batavia	Do.
Center (Hospital and Domiciliary), Bath	Veterans Administration Center.
Hospital, Bronx 68	130 West Kingsbridge Rd.
Hospital, Brooklyn 28	800 Poly Pl.
Hospital, Buffalo 15	3495 Bailey Ave.
Hospital, Canandaigua	Veterans Administration Hospital.
Hospital, Castle Point	Do.
Hospital, Montrose	Veterans Administration Hospital (Franklin Delano Roosevelt Hospital).
Hospital, New York 10	First Ave. at East 24th St.
Hospital, Northport, Long Island	Veterans Administration Hospital.
Hospital, Sunmount	Do. Mail: Veterans Administration Sunmount Hospital, Tupper Lake, N.Y.
Hospital, Syracuse 10	Irving Ave. and University Pl.

NORTH CAROLINA

Regional Office, Winston-Salem	310 West Fourth St.
Hospital, Durham	Fulton St. and Erwin Rd.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Oteen	Do.
Hospital, Salisbury	Do.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo.	Veterans Administration Center.

OHIO

Regional Office, Cincinnati 2	222 East Central Pkwy.
*VA Office, Columbus 22	48 Starling St.
VA Office, Dayton 2	15 East Fourth St.

OHIO—Continued

Type of activity and location	Address
Regional Office, Cleveland 14	Cuyahoga Bldg.
VA Office, Akron	72–76 South High St.
*VA Office, Toledo 4	604 Jackson St.
Hospital, Brecksville 41	Veterans Administration Hospital.
Broadview Heights Hospital Division.	Mail: 10000 Brecksville Rd., Brecksville 41, Ohio.
Brecksville Hospital Division	Do.
Hospital, Chillicothe	Veterans Administration Hospital.
Hospital, Cincinnati 20	Do.
Cincinnati Hospital Division	Mail: 3200 Vine St., Cincinnati 20, Ohio.
Fort Thomas (Ky.) Hospital Division.	Do.
Hospital, Cleveland 30	7300 York Rd.
Center (Hospital and Domiciliary), Dayton.	Veterans Administration Center.

OKLAHOMA

Regional Office, Muskogee	Second and Court Sts.
VA Office, Oklahoma City 2	Federal Bldg., 200 NW. Fourth St.
VA Office, Tulsa	Petroleum Bldg., Room 602, 420 South Boulder St.
Hospital, Muskogee	Memorial Station, Honor Heights Dr.
Hospital, Oklahoma City 4	921 NE. 13th St.

OREGON

Regional Office, Portland 4	208 SW. Fifth St.
Domiciliary, White City	Veterans Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans Administration Hospital.

PENNSYLVANIA

Insurance Center, Philadelphia 1	5000 Wissahickon Ave. Mail: P.O. Box 8079. Remittances: P.O. 7787.
Regional Office, Philadelphia 2	128 North Broad St.
Regional Office, Pittsburgh 22	107 Sixth St.
*VA Office, Wheeling, W. Va	11th and Chapline Sts.
Regional Office, Wilkes-Barre	19–27 North Main St.
Hospital, Altoona	Veterans Administration Hospital.
Hospital, Butler	Do.
Hospital, Coatesville	Do.
Hospital, Erie 5	135 East 38th St. Blvd.
Hospital, Lebanon	Veterans Administration Hospital.
Hospital, Philadelphia 4	University and Woodland Aves.
Hospital, Pittsburgh 6	Leech Farm Rd.
Hospital, Pittsburgh 40	Veterans Administration Hospital.
Aspinwall Hospital Division	Mail: University Dr., Pittsburgh 40.
Pittsburgh Hospital Division	Do.
Hospital, Wilkes-Barre	East End Blvd.

PHILIPPINES

Regional Office, Manila	APO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines	White Gold Bldg., Juan Luna St.

PUERTO RICO

(Including the Virgin Islands)

Center (Regional Office and Hospital), San Juan.	520 Ponce de Leon Ave.

RHODE ISLAND

Regional Office, Providence 3	Federal Bldg., Exchange Pl.
Hospital, Providence 8	Davis Park.

SOUTH CAROLINA

Type of activity and location	Address
Regional Office, Columbia	1801 Assembly St.
Hospital, Columbia	Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls.	Veterans Administration Center (Royal C. Johnson Veterans Memorial Hospital).
Hospital, Fort Meade	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs.	Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 3	U.S. Courthouse, 801 Broadway.
*VA Office, Knoxville 2	301 Cumberland Ave. SW.
Hospital, Memphis 15	Park Ave. and Getwell St.
Hospital, Murfreesboro	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Mountain Home.	Veterans Administration Center.
Hospital, Nashville 5	90 White Bridge Rd.

TEXAS

Regional Office, Dallas 1	511 North Akard St.
VA Office, Fort Worth	Room 404, U.S. Courthouse, 10th and Lamar Sts.
Regional Office, Houston 4	2320 La Branch St.
Regional Office, Lubbock	1612–20 Nineteenth St.
VA Office, El Paso	102 South El Paso St.
Regional Office, San Antonio 5	307 Dwyer Ave.
Regional Office, Waco	121 South Sixth St.
VA Office, Austin	314 West 11th St. Mail: P.O. Box 42
Hospital, Amarillo	Veterans Administration Hospital.
Hospital, Big Spring	Do.
Center (Hospital and Domiciliary), Bonham.	Veterans Administration Center.
Hospital, Dallas 2	Veterans Administration Hospital.
Hospital, Houston 31	2002 Holcombe Blvd.
Hospital, Kerrville	Veterans Administration Hospital.
Hospital, Marlin	Do.
Hospital, McKinney	Do.
Center (Hospital and Domiciliary), Temple.	Veterans Administration Center.
Hospital, Waco	Memorial Drive.

UTAH

Regional Office, Salt Lake City 4	1750 South Redwood Rd.
Hospital, Salt Lake City 1	Veterans Administration Hospital.

VERMONT

Center (Regional Office and Hospital), White River Junction.	Veterans Administration Center.

VIRGINIA

Regional Office, Roanoke 11	211 West Campbell Ave.
VA Office, Norfolk	Room 215, Post Office Bldg.
VA Office, Richmond 19	Room 1003, 400 North Eight St.
Center (Hospital and Domiciliary), Kecoughtan.	Veterans Administration Center.
Hospital, Richmond 19	1201 Broad Rock Rd.
Hospital, Salem	Veterans Administration Hospital.

WASHINGTON

Regional Office, Seattle 1	Tower Bldg., Seventh Ave. and Olive Way.
VA Office, Tacoma	Room 232, Security Bldg., 915½ Pacific Ave.
Hospital, American Lake	Veterans Administration Hospital.
Hospital, Seattle 8	4435 Beacon Ave. South.
Hospital, Spokane 15	North 4815 Assembly St.

WASHINGTON—Continued

Type of activity and location	Address
Hospital, Vancouver	Veterans Administration Hospital.
Hospital, Walla Walla	Do.

WEST VIRGINIA

Regional Office, Huntington 1	502 Eighth St.
VA Office, Charleston 1	U.S. Courthouse.
VA Office, Morgantown	223 Fayette St.
*VA Office, Wheeling	(Under Pittsburgh, Pa., Regional Office.)
Hospital, Beckley	Veterans Administration Hospital.
Hospital, Clarksburg	Do.
Hospital, Huntington 1	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg.	Veterans Administration Center.

WISCONSIN

Regional Office, Milwaukee 2	342 North Water St.
Hospital, Madison	Veterans Administration Hospital.
Hospital, Tomah	Do.
Center (Hospital and Domiciliary), Wood.	Veterans Administration Center.

WYOMING

Center (Regional Office and Hospital), Cheyenne.	2360 East Pershing Blvd.
Hospital, Sheridan	Veterans Administration Hospital.

(b) Jurisdictional areas of insurance centers—see sec. 3(a) for functions:

LOCATION AND AREA

Denver, Colo. (center)

Arizona.
Arkansas.
California.
Colorado.
Kansas.
Louisiana.
Mississippi.
Missouri.
Nevada.
New Mexico.
Oklahoma.
Hawaii.
Texas.
Utah.
Wyoming.

Philadelphia, Pa. (insurance center)

Alabama.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Kentucky.
Maine.
Maryland.
Massachusetts.
Michigan.
New Hampshire.
New Jersey.
New York.
North Carolina.
Ohio.
Pennsylvania.
Puerto Rico (including Virgin Islands).
Rhode Island.
South Carolina.
Tennessee.
Vermont.
Virginia.
West Virginia.

St. Paul, Minn. (center)

Alaska.
Idaho.
Illinois.
Indiana.
Iowa.
Minnesota.
Montana.
Nebraska.
North Dakota.
Oregon.
South Dakota.
Washington.
Wisconsin.

NOTE: Records of National Service Life Insurance paid by allotment, and records of persons residing in foreign countries, including the Republic of the Philippines, and all records of United States Government Life Insurance are located in the Philadelphia Insurance Center.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-5112; Filed, May 25, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION I; NEW YORK

Designation

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of May 4, 1962 (27 F.R. 4319, May 4, 1962), the following officers of Region I are hereby designated to act in the place and stead of the Regional Administrator for Region I, with the title of "Acting Regional Administrator," and with all the powers, functions, duties,

and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness or other cause:

1. Assistant to the Regional Administrator.
2. Regional Director of Urban Renewal.
3. Regional Director of Community Facilities.
4. Regional Counsel.
5. Deputy Regional Director of Urban Renewal.

The designations made herein supercede those made in designation document effective August 12, 1960 (25 F.R. 8202, 8/26/60), which is hereby revoked.

Effective as of the 26th day of May 1962.

[SEAL] LESTER EISNER, JR.,
Regional Administrator,
Region I.

[F.R. Doc. 62-5122; Filed, May 25, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Ridge Manufacturers, Inc., Petersburg, Va.; effective 5-4-62 to 5-3-63 (men's twill pants and women's twill and denim jeans).

Brunswick Manufacturing Co., 1601 Second Street, Brunswick, Ga.; effective 5-6-62 to 5-5-63 (children's and ladies' jackets).

Covington Industries, Inc., Opp, Ala.; effective 5-2-62 to 5-1-63 (utility trousers).

Honea Path Shirt Co., Simpsonville, S.C.; effective 4-27-62 to 4-26-63 (men's sport shirts).

La Follette Division, Imperial Shirt Corp., La Follette, Tenn.; effective 5-7-62 to 5-6-63 (dress shirts).

Lee-Mar Shirt Co., Inc., Pulaski, Tenn.; effective 5-13-62 to 5-12-63 (boys' sport shirts).

Nelly Don, Inc., Nevada, Mo.; effective 5-8-62 to 5-7-63 (women's dresses).

Salley Manufacturing Co., Salley, S.C.; effective 5-1-62 to 4-30-63 (ladies' slacks, shorts and pedal pushers).

Thomson Co., Millen, Ga.; effective 5-3-62 to 5-2-63 (men's and boys' slacks).

Valley View Manufacturing Co., Valley View, Pa.; effective 5-3-62 to 5-2-63 (women's housecoats).

Wildman Manufacturing Co., 920 Washington Avenue, St. Louis, Mo.; effective 5-10-62 to 5-9-63 (cotton dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Jomax Garment Co., Inc., 252 West College Avenue, York, Pa.; effective 5-5-62 to 5-4-63; 10 learners (ladies' and sub-teen's blouses).

Monroe Garment Co., Southerland Avenue, Monroe, N.C.; effective 5-14-62 to 5-13-63; five learners (men's work shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 5-2-62 to 11-1-62; 20 learners (brassieres).

Dillon Manufacturing Co., Inc., Wayne Rd., Savannah, Tenn.; effective 5-3-62 to 11-2-62; 25 learners (shirts, hospital garments, pinafores, dresses, and men's smocks).

Ely & Walker, a division of Burlington Industries, Inc., Heber Springs, Ark.; effective 5-2-62 to 11-1-62; 100 learners (boys' sport shirts).

Grifton Clothing Co., Highway 118 East, Grifton, N.C.; effective 5-3-62 to 9-11-62; 30 additional learners (men's, boys', and girls' parkas) (supplemental certificate).

Edward Hyman Co., Prentiss, Miss.; effective 5-1-62 to 10-31-62; 20 learners (uniform coats; smocks, and pants).

Kent Uniforms, Inc., Burkesville, Ky.; effective 5-7-62 to 11-6-62; 25 learners (nurses' and waitresses' uniforms).

Prescott Manufacturing Corp., Prescott, Ar.; effective 5-1-62 to 10-31-62; 20 learners (men's and boys' pajamas).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

N. Churchill Manufacturing Co., Inc., 544 North Pearl Street, Centralia, Wash.; effective 5-25-62 to 5-24-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves, cotton, leather palm, and all leather).

Indianapolis Glove Co., Inc., Greenwood, Ark.; effective 5-11-62 to 5-10-63; 10 learners for normal labor turnover purposes (combination canton flannel and leather palm work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9 as amended, and 29 CFR 522.30 to 522.35, as amended).

J. E. Morgan Knitting Mills, Inc., 205 Center Street, Tamaqua, Pa.; effective 5-1-62 to 4-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 5-9-62 to 5-8-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Standard Pennant Co., Main Street, Big Run, Pa.; effective 5-7-62 to 11-6-62; 8 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.00 an hour (chenille and felt awards).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 18th day of May, 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-5104; Filed, May 25, 1962; 8:46 a.m.]

Office of the Secretary

[Order 6-62]

TOP STAFF IN DEPARTMENT OF LABOR

Delegation of Authority and Assignment of Responsibilities

MARCH 9, 1962.

1. *Purpose.* This order redefines, clarifies, and reallocates the responsibilities of the top staff of the Department. It is issued pursuant to the Act of March 4, 1913 (5 U.S.C. 611), R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 6 of 1950.

2. *Directives affected.* General Orders No. 78 and 80 are hereby cancelled. All other orders, instructions, and memoranda of the Secretary of Labor or other officials of the Department of Labor are superseded to the extent that they are inconsistent herewith.

3. *Basic authority.* a. The Secretary of Labor is vested by the President and Acts of Congress with certain responsibilities. All functions of the Department of Labor are vested in the Secretary of Labor. Insofar as these have not been delegated or assigned to any other official of the Department by the Secretary, they are reserved to the Secretary.

b. The Under Secretary of Labor is the alternate of the Secretary of Labor in the discharge of all the Secretary's responsibilities. He serves as Acting Secretary of Labor in the Secretary's absence.

4. *Delegation of authority and assignment of responsibilities.* a. The Assistant Secretary for Employment and Manpower shall have responsibility for the Department's manpower activities, including migratory labor activities. He shall supervise the Office of Automation and Manpower, the Bureau of Employment Security and the Bureau of Apprenticeship and Training. He serves as Executive Vice Chairman of the President's Committee on Equal Employment Opportunity and supervises the staff services to the Committee.

b. The Assistant Secretary for Labor-Management Relations shall have responsibility for the Department's labor-management relations activities, including those assigned to the Secretary by Executive Order 10988. He shall supervise the Bureau of Labor-Management Reports, the Wage and Hour and Public Contracts Divisions, the Bureau of Veterans' Reemployment Rights, and the Executive Secretary of the Missile Sites Labor Commission. He shall also have responsibility for the Department's youth activities.

c. The Assistant Secretary for International Affairs shall have responsibility for the Department's International activities. He shall supervise the Bureau of International Labor Affairs. He serves as the United States Government Member of the Governing Body of the ILO, as head of the U.S. Delegation to the Annual Conference of the ILO, and as a member of the Board of the Foreign Service.

d. The Assistant Secretary for Labor Standards (and will act as Director, Women's Bureau) shall have responsibility for the Department's women and labor standards activities. The Assistant Secretary shall supervise the Women's Bureau, the Bureau of Labor Standards, the Bureau of Employees' Compensation, the Employees' Compensation Appeals Board (except in the exercise of its quasi-judicial functions), and the Executive Secretary of the President's Commission on the Status of Women.

e. The Solicitor shall have the responsibility for all the legal activities of the Department, for the coordination and preparation of the Department's legislative proposals, reports and testimony on proposed legislation, including Executive Branch clearances, and for the administration of the Davis-Bacon and related acts except as specifically reserved to the Secretary. He shall serve as legal adviser to the Secretary of Labor and other officials of the Department.

f. The Administrative Assistant Secretary shall have responsibility for the Department's budgetary and fiscal management, personnel management, administrative management, organization, the Library, and administrative services activities. He shall be assisted by the Deputy Administrative Assistant Secretary, who will serve as the Department's Budget Officer and Comptroller, and the Special Assistant to the Secretary—Director of Personnel, who will perform functions assigned to him by Orders and instructions of the Secretary and will also serve as principal adviser to the Secretary on personnel matters.

g. The Deputy Under Secretary shall assist the Secretary and Under Secretary by reviewing and appraising program operations of the Department; seeing that policies are properly reflected in programs; and that policy objectives are achieved by program operations. He shall supervise coordination of the mobilization activities of the Department and shall coordinate all interdepartmental and intradepartmental committee activities of the Department. He shall also supervise the Assistant to the Under Secretary (Field Operations) and chair a Program Operations and Review Committee composed of the Deputy Assistant Secretaries and the Deputy Solicitor.

h. Deputy Assistant Secretaries shall assist the Assistant Secretaries to whom they report in the discharge of responsibilities assigned to each respective Assistant Secretary and shall act for them in their absence.

i. The Commissioner of Labor Statistics shall report to the Under Secretary.

j. The Executive Assistant and Special Assistants to the Secretary shall, as assigned, assist the Secretary in the discharge of his responsibilities.

k. The Director of the Office of Legislative Liaison shall assist the Secretary in the discharge of his legislative liaison responsibilities.

l. The Director of Information, as a Deputy Assistant Secretary, shall report to and assist the Secretary in developing and implementing the public information policies of the Department and shall be responsible for directing and supervising all information programs and activities of the Department, including liaison on information matters with other agencies of government, outside groups, and representatives of the press, radio, and television.

5. *Effective date.* This order is effective March 12, 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-5116; Filed, May 25, 1962; 8:47 a.m.]

[Order 15-62]

WELFARE AND PENSION PLANS

Delegation of Authority

1. *Purpose.* The purpose of this order is to assign responsibility for functions which have been assigned to the Secretary of Labor pursuant to the Welfare and Pension Plans Disclosure Act, as amended 1962.

2. *Directives affected.* General Order No. 97 (24 F.R. 222) is cancelled. Secretary's Order 6-62, "Delegation of Authority and Assignment of Responsibilities to Top Staff in the Department of Labor," is modified; Secretary's Order No. 13-62, "Delegation of Authority for Implementation of Welfare and Pension Plans Disclosure Act, as Amended 1962" is revoked; and all other directives and memoranda of the Secretary of Labor or other officials of the Department of Labor are superseded to the extent that they are inconsistent herewith.

3. *Background.* The Welfare and Pension Plans Disclosure Act, as amended 1962, grants to the Secretary of Labor increased authority to require disclosure of information concerning the operation of Welfare and Pension Plans, specific power to investigate complaints and to secure compliance and restrain violations of the law through civil judicial proceedings, power to issue binding and authoritative opinions and interpretations relating to the law, and authority to establish criteria for the bonding of plan administrators.

4. *Delegation of authority*—a. *Assistant Secretary for Labor-Management Relations.* The Assistant Secretary for Labor-Management Relations shall have authority and responsibility for the performance of all functions assigned to the Secretary of Labor pursuant to the Welfare and Pension Plans Disclosure Act, as amended 1962.

b. *Office of Welfare and Pension Plans.* There is established an Office of Welfare and Pension Plans under the direction of the Assistant Secretary for Labor-Management Relations. This Office shall be headed by a Director who shall supervise and direct the administration of the Welfare and Pension Plans Disclosure Act, as amended. The Division of Welfare and Pension Reports in the Bureau of Labor Standards is transferred to the Office of Welfare and Pension Plans.

5. *The Solicitor.* The Solicitor shall have the same functions and responsibilities under this order as he has with respect to the Fair Labor Standards Act of 1938, as amended, under General Order No. 45A, dated May 24, 1950.

6. *Assistance of other Offices and Bureaus.* All Offices and Bureaus of the Department are directed to assist the Office of Welfare and Pension Plans, as requested by the Assistant Secretary for Labor-Management Relations. Existing Departmental resources, on a reimbursable basis, will be utilized wherever practicable.

7. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 23d day of May, 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-5117; Filed, May 25, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37751: *Dressed lumber from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8210), for interested rail carriers. Rates on dressed lumber, walnut stumps, and articles made of foreign woods, all as described in the application, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in Kansas and Missouri, on the other, also from points in southwestern territory to points in Illinois.

Grounds for relief: Carrier competition.

Tariffs: Supplement 138 to Southwestern Freight Bureau tariff I.C.C. 3850, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5113; Filed, May 25, 1962; 8:47 a.m.]

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[T.D. 6600]

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Miscellaneous Amendments

On January 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 232), with respect to conforming the Estate Tax Regulations (26 CFR Part 20) to Act of August 7, 1959 (Public Law 86–141, 73 Stat. 288) and Act of August 21, 1959 (Public Law 86–175, 73 Stat. 396); to prescribe Estate Tax Regulations and Gift Tax Regulations under section 6165 of the Internal Revenue Code relating to bonds, and under sections 6061, 6065, and 6091 relating to signing, verification, and place for filing of returns and other documents; and to change cross references. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Section 20.2053–10 is revised by changing paragraph (b) (2).

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: May 23, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Estate Tax Regulations (26 CFR Part 20) to Act of August 7, 1959 (Public Law 86–141, 73 Stat. 288); Act of August 21, 1959 (Public Law 86–175, 73 Stat. 396); to prescribe Estate Tax Regulations and Gift Tax Regulations under section 6165 of the Internal Revenue Code relating to bonds, and under sections 6061, 6065, and 6091 relating to signing, verification, and place for filing of returns and other documents; and to change cross-references such regulations are amended as follows:

ESTATE TAX REGULATIONS

PARAGRAPH 1. Section 20.2011 is amended by revising section 2011(e) and the historical note to read as follows:

§ 20.2011 Statutory provisions; credit for State death taxes.

SEC. 2011. *Credit for State death taxes* • • •

(e) *Limitation in cases involving deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer for public, charitable, or religious uses described in section 2055 or 2106(a)(2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which such deduction is allowed under section 2053(d).

(2) The credit shall not exceed the lesser of—

(A) The amount stated in subsection (b) on a taxable estate determined by allowing such deduction authorized by section 2053(d), or

(B) That proportion of the amount stated in subsection (b) on a taxable estate determined without regard to such deduction authorized by section 2053(d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b).

[Sec. 2011 as amended by sec. 3, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 24); secs. 65(a) and 102(c)(1), Technical Amendments Act 1958 (72 Stat. 1657, 1674); sec. 3, Act of Aug. 21, 1959 (Public Law 86–175, 73 Stat. 397)]

PAR. 2. Section 20.2011–2 is revised to read as follows:

§ 20.2011–2 Limitation on credit if a deduction for State death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for State death taxes paid with respect to a charitable gift, the credit for State death taxes is subject to special limitations. Under these limitations, the credit cannot exceed the least of the following:

(a) The amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d);

(b) The amount indicated in section 2011(b) to be the maximum credit allowable with respect to the decedent's taxable estate; or

(c) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 2011(b) if the deduction under section 2053(d) for State death taxes were not allowed in computing the decedent's taxable estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d)) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's taxable estate would be if the deduction for State death taxes under section 2053(d) were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 2055 or 2106(a)(2) (for estates of nonresidents not citizens) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

EXAMPLE. The decedent died January 1, 1955, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. No death taxes were imposed by a foreign country with respect to any property in the gross estate. The decedent's taxable estate (determined without regard to the limitation imposed by section 2011(e)(2)(B)) is computed as follows:

PAR. 3. In § 20.2014 section 2014 is revised by deleting subsection (f) and the historical note and by substituting the following:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes* • • •

(f) *Additional limitation in cases involving a deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country upon a transfer by the decedent for public, charitable, or religious uses described in section 2055, the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of subsection (b) of this section shall not include any property in respect of which such deduction is allowed under section 2053(d).

(g) *Possession of United States deemed a foreign country.* For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be a foreign country.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674); sec. 2, Act of Aug. 21, 1959 (Public Law 86–175, 73 Stat. 397)]

PAR. 4. Paragraph (a) of § 20.2014–1 is amended by inserting new subparagraph (4) to read as follows:

§ 20.2014–1 Credit for foreign death taxes.

(a) *In general.* • • •

(4) Where a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to further limitations as explained in § 20.2014–7.

PAR. 5. Paragraph (a) of § 20.2014–2 is amended to read as follows:

PAR. 7. Immediately after § 20.2014-6 insert the following new section:

§ 20.2014-7 Limitation on credit if a deduction for foreign death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to special limitations. In such a case the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of section 2014(b) shall not include any property with respect to which a deduction is allowed under section 2053(d). The application of this section may be illustrated by the following example:

EXAMPLE. The decedent, a citizen of the United States, died July 1, 1955, leaving a gross estate of $1,200,000 consisting of: Shares of stock issued by United States corporations, valued at $600,000; bonds issued by the United States Government physically located in the United States, valued at $300,000; and shares of stock issued by a Country X corporation, valued at $300,000. Expenses, indebtedness, etc., amounted to $40,000. The decedent made specific bequests of $400,000 of the United States corporation stock to a niece and $100,000 of the Country X corporation stock to a nephew. The residue of his estate was left to charity. There is no death tax convention in existence between the United States and Country X. The Country X tax imposed was at a 50-percent rate on all beneficiaries. A State inheritance tax of $20,000 was imposed on the niece and nephew. The decedent did not provide in his will for the payment of the death taxes, and under local law the Federal estate tax is payable from the general estate, the same as administration expenses.

DISTRIBUTION OF THE ESTATE	
Gross estate	$1,200,000.00
Debts and charges	$40,000.00
Bequest of U.S. corporation stock to niece	400,000.00
Bequest of country X corporation stock to nephew	100,000.00
Net Federal estate tax	136,917.88
	676,917.88
Residue before country X tax	523,082.12
Country X succession tax on charity	100,000.00
	423,082.12
Charitable deduction	
TAXABLE ESTATE AND FEDERAL ESTATE TAX	
Gross estate	$1,200,000.00
Debts and charges	$40,000.00
Deduction of foreign death tax under section 2053(d)	100,000.00
Charitable deduction	423,082.12
Exemption	60,000.00
	623,082.12
Taxable estate	576,917.88
Gross estate tax	172,621.26
Credit for State death taxes	15,476.72
	157,144.54
Gross estate tax less credit for State death taxes	20,226.66
Credit for foreign death taxes	
	136,917.88
Net Federal estate tax	
CREDIT FOR FOREIGN DEATH TAXES	
COUNTRY X TAX	
Succession tax on nephew:	
Value of stock of country X corporation	$100,000
Tax (50% rate)	50,000
Succession tax on charity:	
Value of stock of country X corporation	200,000
Tax (50% rate)	100,000

The values used in this proportion are the values determined for the purpose of the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money. The application of this paragraph may be illustrated by the following example:

PAR. 6. Paragraph (b) of § 20.2014-3 is amended to read as follows:

§ 20.2014-3 "Second limitation".

* * * * *

(b) Adjustment is required to factor "G" of the ratio stated in paragraph (a) of this section if a deduction for foreign death taxes under section 2053(d), a charitable deduction under section 2055, or a marital deduction under section 2056 is allowed with respect to the foreign property. If a deduction for foreign death taxes is allowed, the value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate does not include the value of any property in respect of which the deduction for foreign death taxes is allowed. See § 20.2014-7. If a charitable deduction or a marital deduction is allowed, the value of such foreign property (after exclusion of the value of any property in respect of which the deduction for foreign death taxes is allowed) is reduced as follows:

(1) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to any part of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, specifically bequeathed, devised, or otherwise specifically passing to a charitable organization or to the decedent's spouse, the value of the foreign property is reduced by the amount of the charitable deduction or marital deduction allowed with respect to such specific transfer. See example (1) of paragraph (c) of this section.

(2) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to a bequest, devise or other transfer of an interest in a group of assets including both the foreign property and other property, the value of the foreign property is reduced by an amount, I, which bears the same ratio to J (the amount of the charitable deduction or marital deduction allowed with respect to such transfer of an interest in a group of assets) as K (the value of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, included in the group of assets) bears to L (the value of the entire group of assets). As used in this subparagraph, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the charitable or marital transfer. See example (2) of paragraph (c) of this section.

Any reduction described in subparagraph (1) or (2) of this paragraph on account of the marital deduction must proportionately take into account the 50-percent limitation on the aggregate amount of the marital deduction contained in section 2056(c), if applicable. See example (3) of paragraph (c) of this section.

tax without allowance of credit, if any, for Federal estate tax) as C (the value of the property situated in the country imposing the foreign death tax, subjected to the foreign death tax, included in the gross estate and for which a deduction is not allowed under section 2053(d)) bears to D (the value of all property subjected to the foreign death tax). Stated algebraically, the "first limitation" (A) equals—

Value of property in foreign country subjected to foreign death tax, included in gross estate and for which a deduction is not allowed under section 2053(d)(C) / Value of all property subjected to foreign death tax (D) × Amount of foreign death tax (B)

CREDIT FOR FOREIGN DEATH TAXES—Continued

COMPUTATION OF EXCLUSION UNDER SECTION 2014(b)

Value of property situated in country X	$300,000
Value of property in respect of which a deduction is allowed under section 2053(d)	200,000
Value of property situated within country X, subjected to tax, and included in gross estate as limited by section 2014(f)	100,000

FIRST LIMITATION, § 20.2014-2(a)

$100,000 (factor C of the ratio stated at § 20.2014-2(a)) / $100,000+$200,000 (factor D of the ratio stated at § 20.2014-2(a)) × ($50,000+$100,000) (factor B of the ratio stated at § 20.2014-2(a))

= $50,000.00

SECOND LIMITATION, § 20.2014-3(a)

$100,000 (factor G of the ratio stated at § 20.2014-3(a)) (as limited by section 2014(f)) / $1,200,000−$423,082.12 (factor H of the ratio stated at § 20.2014-3(a)) × ($172,621.26−$15,476.72) (factor F of the ratio stated at § 20.2014-3(a))

= $20,226.66

PAR. 8. Section 20.2038 is amended by adding at the end of section 2038 new subsection (c) and a historical note to read as follows:

§ 20.2038 Statutory provisions; revocable transfers.

SEC. 2038. *Revocable transfers* * * *

(c) *Effect of disability in certain cases.* For purposes of this section, in the case of a decedent who was (for a continuous period beginning not less than 3 months before December 31, 1947, and ending with his death) under a mental disability to relinquish a power, the term "power" shall not include a power the relinquishment of which on or after January 1, 1940, and on or before December 31, 1947, would, by reason of section 1000(e) of the Internal Revenue Code of 1939, be deemed not to be a transfer of property for purposes of chapter 4 of the Internal Revenue Code of 1939.

[Sec. 2038 as amended by Act of Aug. 7, 1959 (Public Law 86-141, 73 Stat. 288)]

PAR. 9. Section 20.2038-1 is amended by adding at the end thereof new paragraph (f) as follows:

§ 20.2038-1 Revocable transfers.

* * * * *

(f) *Effect of disability to relinquish power in certain cases.* Notwithstanding anything to the contrary in paragraphs (a) through (e) of this section the provisions of this section do not apply to a transfer if—

(1) The relinquishment on or after January 1, 1940, and on or before December 31, 1947, of the power would, by reason of section 1000(e), of the Internal Revenue Code of 1939, be deemed not a transfer of property for the purpose of the gift tax under chapter 4 of the Internal Revenue Code of 1939, and

(2) The decedent was, for a continuous period beginning on or before September 30, 1947, and ending with his death, after August 16, 1954, under a mental disability to relinquish a power.

For the purpose of the foregoing provision, the term "mental disability" means mental incompetence, in fact, to release the power whether or not there was an adjudication of incompetence. Such provision shall apply even though a guardian could have released the power for the decedent. No interest shall be allowed or paid on any overpayment allowable under section 2038(c) with respect to amounts paid before August 7, 1959.

PAR. 10. Section 20.2053 is amended by revising section 2053(d) and the historical note to read as follows:

§ 20.2053 Statutory provisions; expenses, indebtedness, and taxes.

SEC. 2053. *Expenses, indebtedness, and taxes* * * * (d) *Certain State and foreign death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of—

(A) Any estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106(a)(2), and

(B) Any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055.

The determination under subparagraph (B) of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax or a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

(3) *Effect on credits for State and foreign death taxes of deduction under this subsection*—(A) *Election.* An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

(B) *Cross references.* See section 2011(e) for the effect of a deduction taken under this subsection on the credit for state death taxes, and see section 2014(f) for the effect of a deduction taken under this subsection on the credit for foreign death taxes.

[Sec. 2053 as amended by sec. 2, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 23); sec. 102(c)(3), Technical Amendments Act 1958 (72 Stat. 1674); sec. 1, Act of Aug. 21, 1959, Public Law 86-175 (73 Stat. 396)]

PAR. 11. Immediately after § 20.2053-9 the following new section is added:

§ 20.2053-10 Deduction for certain foreign death taxes.

(a) *General rule.* A deduction is allowed the estate of a decedent dying on or after July 1, 1955, under section 2053(d) for the amount of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for charitable, etc., uses described in section 2055, but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. The determination of the country within which property is situated is made in accordance with the rules contained in §§ 20.2104 and 20.2105 in determining whether property is situated within or without the United States. See section 2014(f) and § 20.2014-7 for the effect which the allowance of this deduction has upon the credit for foreign death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either—

(i) The entire decrease in the Federal estate tax resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 2055, or

(ii) The Federal estate tax is equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

For allowance of the deduction, it is sufficient if either of these conditions is satisfied. Thus, in a case where the entire decrease in Federal estate tax inures to the benefit of a charitable transferee, the deduction is allowable even though the Federal estate tax is not equitably apportioned among all the transferees of property included in the decedent's gross estate. Similarly, if the Federal estate tax is equitably apportioned among all the transferees of property included in the decedent's gross estate, the deduction is allowable even though a noncharitable transferee receives some benefit from the allowance of the deduction.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate only if each transferee's share of the tax is based upon the net amount of his transfer subjected to the tax (taking into account any exemptions, credits, or deductions allowed by chapter 11). See examples (2) through (5) of paragraph (e) of § 20.2053–9.

(c) *Exercise of election.* The election to take a deduction for a foreign death tax imposed upon a transfer for charitable, etc. uses shall be exercised by the executor by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. An election to take the deduction for foreign death taxes is deemed to be a waiver of the right to claim a credit under a treaty with any foreign country for any tax or portion thereof claimed as a deduction under this section. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 6501 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of foreign death tax imposed upon a transfer.* If a foreign death tax is imposed upon the transfer of the entire part of the decedent's estate subject to such tax and not upon the transfer of a particular share thereof, the foreign death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, J, which bears the same ratio to K (the amount of the foreign death tax imposed with respect to the transfer of the entire part of the decedent's estate subject to such tax) as M (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to N (the total value of the properties, interests, and benefits subjected to the foreign death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph). In arriving at amount M of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the foreign death tax. In arriving at amount N of the ratio, the total value of the properties, interests, and benefits subjected to foreign death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the foreign death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

PAR. 12. Immediately after § 20.6036–1 insert the following new sections:

§ 20.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* • • • any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 20.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code shall be signed by the executor, administrator or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. See § 20.2203 for definition of executor, administrator, etc. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 20.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. • • •

§ 20.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 11 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 11 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement or other document. In addition, any other statement or document submitted under any provision of chapter 11 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 11 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code may be required to be verified by an oath.

PAR. 13. Section 20.6091 is amended to read as follows:

§ 20.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

• • • • •

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Exceptional cases.* Notwithstanding paragraph • • • (3) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 14. Section 20.6091–1 is revised to read as follows:

§ 20.6091–1 Place for filing returns or other documents.

If the decedent was a resident of the United States, the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 shall be filed with the district director in whose district the decedent had his domicile at the time of death. If the decedent was a nonresident (whether a citizen or not a citizen), the notice and the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.

PAR. 15. Immediately after § 20.6091–1 the following new section is added:

§ 20.6091–2 Exceptional cases.

Notwithstanding the provisions of § 20.6091–1 the Commissioner may permit the filing of the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 in any internal revenue district.

PAR. 16. Paragraph (b) of § 20.6165–1 is amended to read as follows:

§ 20.6165–1 Bonds where time to pay tax or deficiency has been extended.

• • • • •

(b) *Extensions under section 6163 of time to pay estate tax attributable to reversionary or remainder interests.* As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest as provided in § 20.6163–1, a bond equal to double the amount of the tax and interest for the estimated duration of the precedent interest must be furnished conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or the tax, to the extent of the understatement, may be collected. The bond must be conditioned upon the principal or surety promptly notifying the district director when the precedent interest terminates and upon the principal or surety notifying the district director during the month of September of each year as to the continuance of the precedent interest, if the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite. For other provisions relating to bonds where an extension of time has been granted for paying the tax, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 17. Section 20.7101–1 is amended to read as follows:

§ 20.7101–1 Form of bonds.

See paragraph (b) of § 20.6165–1 for provisions relating to the bond required in any case in which the payment of the tax attributable to a reversionary or remainder interest has been postponed under the provisions of § 20.6163–1. For further provisions relating to bonds, see § 20.6165–1 of these regulations and the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

GIFT TAX REGULATIONS

PAR. 18. Immediately after § 25.6019–4 insert the following new sections:

§ 25.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* • • • any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 25.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code shall be signed by the donor or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 25.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. • • •

§ 25.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 12 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 12 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement, or other document. In addition, any other statement or document submitted under any provision of chapter 12 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 12 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code may be required to be verified by an oath.

PAR. 19. Section 25.6091 is amended to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary of his delegate may by regulations prescribe.

• • • • •

(4) *Exceptional cases.* Notwithstanding paragraph (1) • • • of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 20. Immediately after § 25.6091–1 the following new section is added:

§ 25.6091–2 Exceptional cases.

Notwithstanding the provisions of § 25.6091–1 the Commissioner may permit the filing of the gift tax return required by section 6019 in any internal revenue district.

PAR. 21. Section 25.6165–1 is amended to read as follows:

§ 25.6165–1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment of tax or deficiency is granted under section 6161, the district director may, if he deems it necessary, require a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 22. Section 25.7101–1 is amended to read as follows:

§ 25.7101–1 Form of bonds.

For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

[F.R. Doc. 62–5194; Filed, May 28, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 21, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this

amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.321 (Lemon Regulation 21, 27 F.R. 4762) are hereby amended to read as follows:

(ii) District 2: 558,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 24, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5182; Filed, May 28, 1962; 8:50 a.m.]

[Nectarine Order 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.301 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That the percentages of defective or off-color nectarines in any package or container shall not be in excess of the applicable tolerances specified in § 51.-3150 of the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title), except that any such package or container may contain one defective or off-color nectarine.

(2) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title), and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5233; Filed, May 28, 1962; 8:52 a.m.]

[Nectarine Order 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.302 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Grand River nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5234; Filed, May 28, 1962; 8:52 a.m.]

[Nectarine Order 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.303 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m. P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Sunrise, John River, Early River, Grand Haven, or Panamint nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisons (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5235; Filed, May 28, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 130]

PART 1130—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Amending Order

§ 1130.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary,

United States Department of Agriculture, was issued November 24, 1962, and the decision containing all amendment provisions of this order, was issued April 30, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketing within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1130.41 [Amendment]

1. Delete paragraph (a) of § 1130.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk, and milk products contained in hermetically sealed containers): *Provided,* That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk or Class II–A milk.

2. Renumber subparagraphs (4) and (5) of § 1130.41(b) as subparagraphs (5) and (6), respectively, and add a new subparagraph (4) as follows:

(4) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph;

3. Delete § 1130.61 and substitute therefor the following:

§ 1130.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a), (b) or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A fluid milk plant pursuant to § 1130.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area.

(b) A fluid milk plant pursuant to § 1130.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A fluid milk plant pursuant to § 1130.7(b) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order, or (2) retains automatic pooling status under another Federal order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1962.

Signed at Washington, D.C., on May 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–5195; Filed, May 28, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–37]

PART 13—PROHIBITED TRADE PRACTICES

Harwald Co. and Robert F. Grunwald

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits:* § 13.20–20 *Competitors' products;* § 13.265 *Tests and investigations;* § 13.280 *Unique nature or advantages.* Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Harwald Company et al., Docket C–37, Dec. 11, 1961]

In the Matter of The Harwald Company, a Corporation, and Robert F. Grunwald, Individually and as an Officer of Said Corporation

Consent order requiring an Evanston, Ill., manufacturer of automatic film inspection machines and other audio visual equipment, to cease representing falsely in catalogs, circulars, form letters, etc.—some furnished to authorized dealers—that their said machines had exclusive features not found in competing products, and that certain purchasers bought their products as a result of comparative tests with competitors' machines.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Harwald Company, a corporation, and its officers, and Robert F. Grunwald, individually and as an officer of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of film inspection machines, audio-visual equipment or any other product, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents' products are equipped with or contain features that like or similar products of others are not equipped with or do not contain, when such is not a fact.

(b) Any of respondents' prospective customers or any purchaser of respondents' products has made a comparative or competitive test with respondents' and their competitors' products, and has purchased respondents' products as a result thereof, when such is not a fact.

2. Using any false, misleading or deceptive statements or representations which disparage respondents' competitors or the products of such competitors.

3. Placing in the hands of dealers or others any means or instrumentality by and through which they may deceive and mislead the purchasing public with respect to the things or practices hereinabove set forth in Paragraphs 1 and 2.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5133; Filed, May 28, 1962; 8:45 a.m.]

[Docket C–39]

PART 13—PROHIBITED TRADE PRACTICES

Kisilevsky, Zuckerman & Schwartzman, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kisilevsky, Zuckerman & Schwartzman, Inc., et al., New York, N.Y., Docket C–39, Dec. 12, 1961]

In the Matter of Kisilevsky, Zuckerman & Schwartzman, Inc., a Corporation, and Harry Kisilevsky, Nathan Zuckerman, and Julius Schwartzman, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturing furriers to cease violating the Fur Products Labeling Act by labeling and invoicing fur products falsely to show that artificially colored fur was natural; failing to disclose on labels and invoices when fur products contained artificially colored fur; and furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Kisilevsky, Zuckerman & Schwartzman, Inc., a corporation, and its officers, and Harry Kisilevsky, Nathan Zuckerman and Julius Schwatzerman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication on labels, that the fur in such products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing on invoices, that the fur in such products is natural, when such is not the fact.

B. Failing to furnish invoices showing in words and figures plainly legible to purchasers of fur products all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5134; Filed, May 28, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Front Panel Placement and Increase in Conspicuousness and Contrast for Warning Information; Suspension of Certain Provisions

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), on January 10, 1962 (27 F.R. 253) published an order suspending until August 1, 1962, paragraphs (a), (c), and (d) of § 191.101 (21 CFR 191.101; 26 F.R. 7333, 11214), which require main-panel placement and proper conspicuousness of label information. This order was promulgated on the basis of information obtained from industry associations and by independent investigations, from which it was concluded that more time was necessary for full compliance with these requirements. Section 191.215 provided that temporary sticker labels could be used to furnish the mandatory information.

The Commissioner finds upon the basis of evidence submitted to him and by independent investigation that many hazardous substances in containers intended or suitable for household use now in the channels of commerce, either through label revision or sticker labels, approach full compliance with § 191.101 of the regulations. There are, however, a substantial number of products that, although bearing the warnings required by the regulations, do not have the information with the placement required not with the conspicuousness specified. The Commissioner finds that more time is necessary to meet these requirements, and therefore paragraphs (a), (c), and (d), of § 191.101 are further suspended until February 1, 1963. Articles subject to the act shall bear all mandatory labeling required by the statute and the regulations thereunder, but the placement, conspicuousness, and contrast requirements of the implementing regulations will not be enforced before the new effective date of February 1, 1963.

Effective date. This order will become effective on the date of signature.

(Sec. 10, 74 Stat. 378; 15 U.S.C. 1269)

Dated: May 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5148; Filed, May 28, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Burial

Section 564.41 is revised to read as follows:

§ 564.41 Burial.

(a) *Purpose.* The purpose of this section is to provide the authority and procedure for the care and disposition of remains of members of the Army National Guard entitled to burial from Federal funds.

(b) *Authority.* Chapter 75 of title 10, United States Code (Death Benefits, Care of the Dead); Act of May 14, 1948 as amended (73 Stat. 547, 24 U.S.C. 281) (Burial in National Cemeteries).

(c) *Policy.* The provisions of §§ 536.50 through 536.54 of this chapter are applicable to the Army National Guard, except as modified in this section.

(d) *Eligibility for death benefits.* A member of the Army National Guard who dies while:

(1) Performing training or duty under sections 316 or 503–505 of title 32, United States Code, i.e., instructing at

rifle ranges, attending annual field training, National Guard schools, or service schools, or performing authorized travel to or from that duty.

(2) On inactive duty training authorized by section 502 of title 32, United States Code or other provision of Federal law, or

(3) While hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while on that duty or training or while performing that travel.

(e) *Limitation on burial expenses.* (1) Payment of burial expenses is limited to an amount not exceeding that allowed by the Government for such services. The amount allowed when relatives incur the expenses will be in accordance with the following limitations:

(i) If death occurred where a properly approved Contract for Care of Remains is in force the amount to be allowed for each item will not exceed the amount allowable under such contract.

(ii) If death occurred where no contract is in force, reimbursement for removal, preservation, casket and outside box (or cremation and an urn), clothing and hearse service will be limited to a maximum of $400.

(iii) Reimbursement for transportation will be limited to the amount for which the Government could have obtained required common carrier transportation plus the charge made for hearse service from the common carrier terminal to the first place of delivery.

(iv) Reimbursement for interment expenses will be limited as follows:

(*a*) Not to exceed $200 if interment is in a civilian cemetery.

(*b*) Not to exceed $125 when remains are shipped from, or delivered by, the preparing funeral director to a receiving funeral home designated by the next of kin and subsequently interred in a national or post cemetery.

(*c*) Not to exceed $75 when remains are shipped from, or delivered by, the preparing funeral home direct to the superintendent of a national cemetery or the commanding officer of a post cemetery.

(2) The Secretary of the Army has designated the Chief, National Guard Bureau, as the authority to determine the amount of burial expenses payable from Federal funds in cases involving Army National Guard personnel eligible under paragraph (d) of this section, except where the death occurs while:

(i) Performing training duty at an active Army installation,

(ii) Traveling to or from such duty,

(iii) Hospitalized or undergoing treatment, at Federal expense for injury incurred or disease contracted while performing that duty or performing that travel to an active Army installation.

(3) The active Army will be responsible for care of remains of Army National Guard personnel who die while on active duty or on full time training duty at an active Army installation, en route to or from such active duty or full time training duty, or while hospitalized or undergoing treatment at Government expense as authorized by law, for injuries, illness or disease contracted or incurred while on such duty.

(f) *Authorized expenses*—(1) *Recovery of remains.* Recovery and identification of remains.

(2) *Items of care and preparation.* (i) Notification to the next of kin or other appropriate person.

(ii) Embalming and other preservative measures.

(iii) Hearse for removing remains from the place of death to a funeral director's establishment and for delivery of remains to a local cemetery or a common carrier terminal.

(iv) Funeral director's services.

(v) Casket (or suitable receptable for cremation purposes), and/or urn, with outside box when required.

(vi) Burial and shipping permits.

(3) *Cremation.* Cremation only upon written request of the person recognized as the one to direct disposition of remains.

(4) *Clothing.* (i) The clothing of the deceased will be used to clothe the remains, if available and in a clean and serviceable condition.

(ii) When decedent's own clothing is not available, or is not suitable for burial, necessary clothing will be provided.

(*a*) Suitable underclothing and hose; complete appropriate uniform (except shoes, cap, and gloves) commensurate with the grade of the deceased at the time of death; and complete insignia of grade, organization and service, campaign ribbons, and ribbons indicating decorations and awards.

(*b*) The uniform clothing will be satisfactory and complete in every detail as to size and fit, and will be clean and pressed. The utmost care will be taken to assure that proper insignia and ribbons are furnished and affixed.

(*c*) No clothing will be provided when remains are mutilated to such an extent that it is impossible to dress them in the normal manner. Such remains will be wrapped in suitable cloth material.

(iii) Clothing issues as indicated above will not be made a charge against the accounts of the deceased. Accountability and responsibility for such items of issued clothing will be terminated upon execution by the responsible officer of DA Form 1546 (Request for issue or Turn-in) or a statement on DD Form 1150–1 (Request for issue or Turn-in) substantially as follows:

> The items of clothing enumerated above were issued to clothe the remains of ---------- for funeral purposes. At the time of his death, the deceased was a member in good standing in this organization.

(iv) In the case of an officer or warrant officer who is not entitled to issue clothing or in the case of any enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for disposition of the remains.

(5) *Flag.* An interment flag to drape the casket and to be presented to the legal next of kin after the funeral. The interment flag will be issued by the United States Property and Fiscal Officer to the organization commander of the deceased. The signature of the organization commander on the document of issue will constitute a valid credit document for accountability purposes.

(6) *Transportation.* (i) Necessary transportation is authorized to ship the remains (accompanied by an escort of one person who is authorized round trip transportation and other prescribed expenses from Federal funds) to any town or city, in either the United States or its possessions or in a foreign country, designated by the person directing disposition of remains, or to a national or post cemetery.

(ii) If the destination designated is a common carrier terminal, common carrier transportation will be used for the entire distance. If the destination designated is not a common carrier terminal, common carrier transportation will be used from the place of death to the common carrier terminal nearest the destination and hearse transportation may be used from the common carrier terminal nearest the destination to the destination.

(iii) Hearse transportation will also be used for movement of remains from the common carrier terminal at destination to the first place of delivery.

(7) *Services included in interment allowances.* The allowance may include the usual and customary services of interment, such as hearse for the remains to the cemetery and/or intermediate points; church services or clergyman's fees; obituary notices; vault; limousine for the immediate family to and from the cemetery; the services of a funeral director; including the use of his facilities and equipment; grave site or crypt; opening and closing of the grave; and use of the cemetery equipment.

(g) *Procurement of initial services incident to preparation of remains*—(1) *How obtained.* Services and merchandise incident to preparation of remains for shipment or burial will be obtained in one of the following ways.

(i) Under contract.

(ii) By negotiation.

(iii) By next of kin.

(2) *Under contract.* When, in the absence of the person having the right to direct disposition, or at the specific request of such person, Army National Guard commanders are responsible for arranging for preparation of remains, active Army contracts will be utilized in every instance if possible.

(3) *By negotiation.* In the absence of the person having the right to direct disposition, or at the specific request of such person, commanders are responsible for arranging for preparation of remains for burial or shipment. If no Contract for Care of Remains is in effect, the required services in each individual case will be obtained by negotiation. Authorities obtaining services by negotiation will, if feasible, secure two or more informal bids and will accept the bid which is most advantageous to the Government.

(4) *By next of kin.* In instances where relatives making arrangements with a funeral director for preparation of remains, or in which relatives wish to select the merchandise to be used, commanders should make no attempt to participate in or interfere with the arrangements. Participation by commanders under such circumstances should be confined to advising relatives of the limitation on burial expenses as set forth in paragraph (e)(1) of this section, and that no expenditures in excess of those amounts are reimbursable.

(h) *Reimbursement for expenses borne by individuals.* When expenses for a deceased person are borne by an individual or individuals, reimbursement may be made to such individual or individuals in an amount not in excess of limitations of paragraph (e) of this section.

(i) *Burial in national cemeteries.* The remains of a member of the Army National Guard whose death occurred under honorable conditions while he was:

(1) Performing training or duty under sections 316, 503–505 of title 32, United States Code, or performing authorized travel to or from that duty or service.

(2) On inactive duty training authorized by section 502, of title 32, United States Code or other provision of Federal law, or

(3) Hospitalized or undergoing treatment, at the expense of the United States for injury or disease contracted or incurred under honorable conditions under subparagraph (1) or (2) of this paragraph, may be buried in a national cemetery as provided by the Act of May 14, 1948, as amended (Public Law 86–260, 73 Stat. 547, 24 U.S.C. 281), and §§ 553.1 through 553.7 of this chapter.

([NGR 63, 30 April 1962] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110))

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–5128; Filed, May 28, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.702, paragraph (e) is amended and paragraph (f) is added to read as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * * * *

(e) *Widow becomes entitled.* A widow who becomes eligible to receive death compensation by reason of liberalizing provisions of any law may receive death compensation or elect dependency and indemnity compensation even though dependency and indemnity compensation has been paid to a child or children of the veteran.

(f) *Death pension rate.* (1) Effective October 1, 1961, where the monthly rate of dependency and indemnity compensation is less than the monthly rate of death pension which would be payable if the veteran's death had not been service connected, dependency and indemnity compensation shall be paid in an amount equal to the pension rate for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b))

(2) As to persons receiving dependency and indemnity compensation on October 1, 1961, the higher rate shall not be paid for any period prior to the date of receipt of a claim therefor. A claim pending on or filed subsequent to October 1, 1961, is considered as including a claim for the greater benefit.

2. Section 3.703 is revised to read as follows:

§ 3.703 Two parents in same parental line.

(a) *General.* For periods on and after January 1, 1959, death compensation is not payable for a child if dependency and indemnity compensation is paid to or for a child or to the widow on account of the child by reason of the death of another parent in the same parental line. Effective June 9, 1960, where the death of one such parent occurred on or after that date, gratuitous benefits may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line.

(b) *Election.* The child or his fiduciary may elect to receive benefits based on the service of either veteran. An election of pension, compensation or dependency and indemnity compensation based on the death of one parent places the right to such benefits based on the death of another parent in suspension. The suspension may be lifted at any time by making another election.

(c) *Widow payee.* Pension, compensation or dependency and indemnity compensation may not be paid to a widow because of a child who is receiving pension, compensation or dependency and indemnity compensation or, under the circumstances described in § 3.707(a)(2), war orphans' educational assistance, based on the death of another parent in the same parental line. A child who is not in the widow's custody may not receive an apportioned share of the widow's benefit concurrently with benefits based on the death of another parent in the same parental line.

(d) *Rate for other dependents.* Where a child receives benefits based on the death of one parent, the rate payable to the widow or other children based on the death of another parent in the same parental line will not exceed the amounts which would be payable if the child were receiving or an additional allowance were being paid for such child in the second case. (38 U.S.C. 3104(b)(2))

3. In § 3.704, paragraph (a) is amended to read as follows:

§ 3.704 Elections within class of dependents.

(a) *Children.* Where children are eligible to receive monthly benefits under more than one law, the election of benefits by or on behalf of one child will not serve to increase the rate allowable for any other child. The rate payable for each child will not exceed the amount which would be paid if all children were receiving benefits under the same law.

4. In § 3.707, paragraph (a) is amended to read as follows:

§ 3.707 War orphans' educational assistance.

(a)(1) Election of war orphans' educational assistance is a bar in the same or any other case to further payments of death pension, compensation, or dependency and indemnity compensation after age 18 because of approved school attendance. Such benefits may be paid concurrently, however, except as provided in subparagraph (2) of this paragraph, for a child under the age of 18 years or for a helpless child.

(2) Effective June 9, 1960, an election of either war orphans' educational assistance allowance or restorative training allowance by or for a child, regardless of age, is a bar to payment of death pension, compensation or dependency and indemnity compensation based on the service of another parent in the same parental line where the death of one such parent occurred on or after June 9, 1960.

(3) Election is final after one payment has been made to or for a child or as an administrative allowance to the school. Payment will be considered to have been made when the school has submitted a certification of the child's enrollment and a certification of training, thereby establishing entitlement to payment of an administrative (the reporting) allowance for the certification. (38 U.S.C. 1701; 1762; 3104(b)(2))

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective May 29, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–5153; Filed, May 28, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

[Docket No. AO–144–A10]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on February 9, 1962, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (27 F.R. 475) on January 17, 1962.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Redefine the production area covered by the order and the boundaries of the districts within such area;

(3) Increase to 20 percent the permitted tolerance for overshipment of the weekly allotment;

(4) Provide for the issuance of special allotments to handlers in District 3 who have lemons ready for shipment at an earlier date than other handlers in such district;

(5) Clarify the language in § 910.52 of the order with respect to committee recommendation for increasing the quantity of lemons to be handled;

(6) Provide that District 3 shall have additional grower representation on the committee; and

(7) Increase to $15 the compensation paid to committee members.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing lemons which would be of value to the industry in establishing more orderly marketing and expanding market outlets. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of lemons in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for lemons.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The production area covered by the order should include all of the State of California that is south of a line drawn due east and west through the town of Turlock, California. The northern boundary of the California portion of the production area is currently placed at the 37th Parallel. Recently there have been plantings of lemon and other citrus fruit trees north of the 37th Parallel and seed beds have been started in the area which are capable of producing a quarter of a million citrus fruit trees for future plantings. There currently are no plantings of lemons in the immediate vicinity of Turlock nor near a line drawn due east and west through this town. However, so that such line can be located with some precision, it should be drawn through the post office in Turlock. The lemons that will be produced from the new plantings, north of the 37th Parallel, will have characteristics similar to those produced in District 1, will have the same marketing season, and will probably be prepared for market in the packinghouses presently located in District 1. It is concluded, therefore, that the production area, as hereinafter set forth, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

The production area covered by the order is divided into prorate districts for the purpose of regulation as the lemons grown in such districts have different marketing seasons. As indicated, the lemons grown in California north of the 37th Parallel have similar characteristics and marketing season to those grown in District 1 so the additional area to be incorporated into the production area covered by the order should be placed in District 1. In addition to the plantings of lemon trees north of the 37th Parallel, recent small plantings also have been made in District 1 in the counties of Santa Barbara and San Luis Obispo. Lemon trees in these counties bloom and set fruit during all months of the year, similar to the trees in District 2, while the lemon trees in other portions of District 1 produce one crop annually which is marketed, generally, during a 5-month period in the winter and spring. As the lemons produced in Santa Barbara and San Luis Obispo have characteristics and a marketing season similar to those grown in District 2, such counties should be placed in such district rather than in District 1. The districts should, therefore, be defined as hereinafter set forth.

(3) Under the current provisions of the order, handlers are authorized to overship their respective allotments in an amount not to exceed 10 percent of such allotment or one carload, whichever is the greater. Any such overshipment by a handler is offset by deduction of an equal amount of allotment from that which such handler otherwise would receive the following week. The overshipment privilege was made a part of the order as a handler experiences difficulty in handling during a week the exact number of boxes of lemons authorized by the allotment issued to him for such week and some flexibility of operation is necessary.

The evidence of record shows that additional flexibility could be provided without adversely affecting the purposes of the program regulations. The demand for lemons often increases sharply due to changes in the weather or other conditions. Thus, the demand during a particular week may be underestimated when the level of regulation for that week is being considered. If the increased demand develops at the end of the week, some sales of lemons may be lost as it may then be too late to increase the weekly volume of shipments. It was testified that increasing the permitted percentage of overshipments would tend to correct this situation. On the other hand, should all handlers ship lemons in an amount equal to their respective allotments plus the proposed 20 percent overshipment tolerance and the demand did not justify shipments in such quantity, shipments could be "cutback" under the following week's allotment to the extent required to offset the unjustified overshipments.

The order should be amended, therefore, to increase the permitted overshipment of allotment to 20 percent or one carload, whichever quantity is the greater.

(4) The order should provide for the issuance of "early availability allotments" to handlers in District 3. These special provisions are needed to adapt the procedure for allocating the quantity of lemons permitted to be handled to the unique situation which exists in such district. Lemons produced in District 3 in the area near Yuma, Arizona, attain marketable size approximately one month earlier than the lemons produced in other portions of that district. Also lemons produced in the Yuma area attain peak market quality during September and October while the lemons in other portions of District 3 are at their best from mid-October to January. When production of lemons in the Yuma area was small, regulation at the beginning of the marketing season could be deferred until all handlers in the district had marketable lemons available. This is no longer the case, however, as lemon production in the Yuma area is expanding and has already increased to about 2,500 carloads per year.

In order to provide allotment to handlers in District 3 at the time when their lemons are most suitable for marketing, allotment should be issued at the beginning of the season only to those handlers who have marketable lemons available. Handlers having such lemons at this time should apply to the committee for "early availability allotments" stating the quantity of such allotment desired for the particular week; and, to the extent that market opportunity and conditions of supply throughout the production area will permit, such requests should be granted. It is conceivable, of course, that requests for early availability allotments may exceed the total quantity of lemons which, based upon consideration of all supply and demand factors, should be handled in the District. Thus, the total quantity of early availability allotment issued to applying handlers may be less than the total quantity applied for, if the committee so decides. In such instances, the total early availability allotments issued by the committee should be distributed among the applying handlers in the ratio that each handler's request for such allotment is to the total requests of all handlers. Such distribution of the early availability allotments should be utilized as there is no practical means available for determining, on a weekly basis, the quantity of marketable lemons which individual handlers have available. The order should provide, however, that the early availability allotments issued to a handler should not permit such handler to handle more than his proportionate share of the total quantity of lemons estimated by the committee to be handled by all handlers in the district during the entire marketing season. Such a provision is necessary to assure that in the distribution of early availability allotments, no handler will be permitted to handle more than his equitable share of the total quantity of lemons to be handled. A procedure should also be provided in the order to adjust the prorate base of handlers receiving early availability allotments when marketable lemons generally are available in all areas of District 3, so as to offset the advantage which would otherwise accrue to such handlers. This can be accomplished by providing that, upon reaching the period when marketable lemons are available generally, the lemons available for current shipment of each handler receiving early availability allotment shall be reduced by the quantity of early availability allotments issued to such handler. This will have the effect of reducing the weekly allotments of such handlers, when marketable lemons generally are available, below that which they otherwise would receive each week. It would, also, correspondingly increase the weekly allotments of the handlers who had not received early availability allotments. Such procedure will be equitable to all handlers since it will tend to provide each with a greater share of the total allotment, and thus accelerated movement of lemons during the period when such handler's lemons are most suitable for marketing.

The committee should formulate procedures, subject to aproval by the Secretary, to govern the application for, and the issuance of, early availability allotments, as a regular and orderly procedure should be adopted to carry out these provisions of the order.

The provisions of the order relating to overshipments, undershipments and loan privileges should apply to early availability allotments the same as to the regular allotments issued under the order as this flexibility of operations is needed whenever regulations are in effect. There was considerable discussion at the hearing concerning the application of the allotment loan provisions to early availability allotment. It was contended that the loaning of such allotment should be prohibited as handlers might inflate their requests for early availability allotment if it were possible to loan to others any portion of such allotment granted which was in excess of actual shipments. The evidence of record shows that such a restriction is not warranted, however, inasmuch as (1) loans could be made only to other handlers to whom early availability allotment had been issued because the order requires all allotment loans to be between handlers to whom allotments are issued, (2) handlers desiring early availability allotment may reasonably be expected to request as much allotment as they will be able to use, and therefore, only limited loaning of early availability allotment will be possible, and (3) any handler obtaining an excess of early availability allotment over that which he is able to use or loan would lose allotment and, further, woud have his prorate base reduced more than if he had applied for early availability allotment in an amount equal to his actual shipments.

(5) Provision is currently made in the order for increasing the quantity of lemons that may be handled during any week whenever such an increase is deemed advisable "because of unusual or unforeseen changes in the demand for lemons." Actually, such an increase may be desirable for other reasons. For example, conditions in one district or portion of a district may be such that handlers cannot use the allotment that has been issued to them. Under these circumstances, even though there is no unusual or unforeseen change in the demand for lemons, it is necessary to increase the quantity of lemons to be handled, either for another district or for the particular district, over that originally fixed in order that total shipments of lemons during the particular week will actually equal the amount that it was believed should be shipped when the regulation for that week was issued. The order should be amended, therefore, to provide that an increase in the permitted weekly shipments of lemons may be initiated whenever such action is believed desirable. Of course, any such increase should be made only if there are good and sufficient reasons for such action.

(6) The administrative committee established under the order currently is composed of eight grower members, four handler members, and one nonindustry member who is neither a grower nor a handler nor in any other way directly connected with the lemon industry. The current administrative committee is established, and its members nominated, and selected, in a manner to give recognition to the organizational structure of the industry. Geographical grower representation on the committee is provided by requiring that, of the grower members or alternate members nominated and selected to represent the cooperative marketing organization handling more than 60 percent of the total volume of lemons handled, at least one nominee for member or alternate member shall be from and represent District 1 and at least one

nominee for member or alternate member shall be from and represent District 3.

Production of lemons in District 3 is increasing, particularly in the Yuma area, and the grower representation on the committee from that district should be increased. It was testified at the hearing that nearly half of the lemons produced in the Yuma area is marketed through so called independent (nonco-operatives) marketing organizations. Therefore, since the large cooperative marketing organization already must nominate at least one grower member or alternate member from District 3, the additional grower representation for this district should be nominated by the growers who market their lemons through the independent handler organizations. The order should provide, therefore, that one of the nominees for grower member or alternate member, made under § 910.22(d) of the order, shall be from and represent District 3, and that, in making selections for memberships on the committee, the Secretary should select at least one qualified grower member or alternate member to represent such District.

One witness at the hearing testified that at least one of the eight grower members should represent the major lemon producing area (Yuma) of District 3 and that it would not be satisfactory for such representation to be provided by means of an alternate grower member. It was contended that an alternate member's service on the committee is restricted and an alternate member would not provide the continuing flow of information needed by the Arizona lemon growers. Section 910.28 of the order provides that, insofar as practicable, the growers of lemons in Districts 1 and 3 who are selected to membership on the committee shall attend, and serve as member at, each meeting of the committee to consider regulations applicable to lemons shipped from the respective district. Therefore, whether any such grower is appointed as member or alternate member, he is authorized to act as member at all committee meetings held for the purpose of formulating regulations during the period the district he represents is shipping lemons. The record does not contain any cogent evidence as to the reasons why a grower representative on the committee should continue to serve as member at committee meetings held for the primary purpose of recommending regulation of lemon shipments during the period when the district such grower represents does not have any lemons available for shipment. It is concluded, therefore, that the order should be amended as hereinafter set forth.

(7) The marketing order should provide that members of the administrative committee be compensated at a rate not to exceed $15 for each day, or portion thereof, spent in attending meetings of the committee. The current provisions of the order fixes such compensation at not to exceed $10 per day or portion thereof. All of the evidence in this regard, adduced at the hearing, supported an increase in the rate of compensation. It was evident, however, that those testifying were in agreement that none of the suggested rates of compensation would be adequate payment for services to the industry provided by the committee members. Therefore, there is little basis for fixing such compensation at any particular amount. It is obvious, however, that costs have increased since the time the current rate of compensation was fixed, and an increase in such compensation to $15, as set forth in the notice of hearing, would tend to offset such increased costs.

(8) It was proposed in the notice of hearing that the order be amended so as to provide that, with respect to District 2, the term "lemons available for current shipment" would include only those lemons which potentially are marketable as fresh fruit under applicable laws. The evidence of record does not support the adoption of this proposal.

Rulings on proposed findings and conclusions. At the close of the hearing, the Presiding Officer announced that interested persons would be allowed until, and including, March 1, 1962, to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such a brief was filed, within the prescribed time, by Col. Norman J. Riebe, a grower of lemons, P.O. Box 1811, Yuma, Arizona. The brief contains proposed findings and conclusions, and arguments, with respect to the proposals contained in the notice of hearing. It also contains arguments and proposals which, if adopted, would incorporate provisions into the order that either are outside the scope of the notice of hearing or are not adequately supported by the evidence in the record. For example, it is argued that certain provisions of the order relating to District 2 are discriminatory and designed to create a marketing advantage for such district, and, to offset such provisions, the amended order should contain provisions for grade regulations. Also, it is contended that the amended order should provide that all eight grower members of the administrative committee should be "uncommitted" and nominated by all lemon growers rather than, for certain positions, by the lemon marketing organizations. Such provisions are not recommended for adoption. This does not, however, preclude consideration of these matters at a future hearing upon appropriate notice to all persons likely to be affected. Each point covered in the brief has been considered carefully, consistent with the scope of the notice and the evidence in the record, in making the findings and reaching the conclusion hereinbefore set forth. All proposals in the brief which are inconsistent with the findings and conclusions contained herein are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of lemons grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recomended as the detailed means by which the aforesaid conclusions may be carried out:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "$10" is deleted from § 910.29 and the amount "$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however,* That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but shall exclude San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

Dated: May 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5185; Filed, May 28, 1962; 8:50 a.m.]

[7 CFR Part 987]

[Docket No. AO 269-A2]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendment of the order is formulated was held in Indio, California, on April 2, 1962, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2477). The notice of the hearing included proposals submitted by the Date Administrative Committee (hereinafter referred to as the "Committee")—the agency established pursuant to the order to administer the terms and provisions thereof—and four proposals by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Updating the legal citation of the act;

(2) Broadening the definition of dates to include the Halawy variety within the scope of the order;

(3) Selecting a successor when a selectee fails to qualify;

(4) Revision of "inspection agency" references to read "inspection service";

(5) Deletion of forfeiture provision from § 987.44(b);

(6) Deletion of the specified factor for converting pitted dates to a whole date equivalent and authorization for the Committee to prescribe an appropriate factor;

(7) Revision of "withholding percentage" references to read "withholding factor";

(8) Crediting a handler's restricted obligation with excess restricted disposition of the preceding crop year;

(9) Authorization for the Committee to control and dispose of dates surplus to normal outlets and make conforming changes in the definitions of "handle" and "cull dates";

(10) Clarifying application of grade, container and identification requirements for restricted dates for export;

(11) Authorization for the Committee to establish the type of records which handlers shall maintain;

(12) Authorizing the Committee to establish and maintain an operating reserve fund; and

(13) Inclusion of a provision defining the rights of the Secretary.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) Section 987.2, the definition of the term "act", meaning Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, should be revised by deleting the limited citation currently contained therein and substituting therefor the citation "secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.", thereby covering the statutory authority pursuant to which the order is operative. Thus, the proposed citation would not only include the authority for the original marketing agreement and order and the authority for the subsequent amendment thereof, but also the authority for the further amendment thereof as herein proposed if it should become effective.

(2) The definition of "dates" (§ 987.5) should be broadened by adding the variety "Halawy" immediately after "Zahidi," so that the Halawy variety of dates would be included within the scope of the order as herein proposed to be amended. The term "dates" is now defined in the order to mean the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the

area of production. Testimony presented at the promulgation hearing in 1955 indicated that regulation of varieties in addition to the three of largest production (i.e., Deglet Noor, Zahidi and Khadrawy) would not be necessary for three to five years. The present methods whereby Halawy dates are handled indicate they should now be added to the order to promote the objectives of the act.

As shown by the evidence adduced at the amendment hearing, Halawy dates now constitute the fourth largest bearing acreage in the area of production, and a major portion of such production is packaged and handled in competition with the three varieties now regulated. Since the processing, packaging and handling of Halawy dates by commercial handlers is identical to and part of the operations of these handlers on those varieties now regulated, that variety should also be subject to the provisions of the order, including grade, container and volume regulations. Each of the four varieties is often sold as "California Dates", in identical containers and without reference to variety, and most consumers would not be able to distinguish between them. Recent research activity under the order is applicable to the preparation for market and marketing of Halawy dates.

According to the evidence presented at the hearing, the commercial production of Halawy dates is limited to the vicinity of Indio (Riverside County), California, such dates are generally handled by all handlers regulated by the order, and, as hereinbefore discussed, are packaged and handled in the same manner as the three date varieties covered by the order. On the basis of the limited area in which Halawy dates are produced and their being packaged and handled generally in the same counties as the date varieties currently subject to regulation, it is concluded that the area of production for purposes of including Halawy dates within the coverage of the order as proposed to be amended should continue to be the same as the "area of production" as defined in § 987.4, which is also the smallest regional production area practicable for the order as proposed to be amended. Moreover, all of the provisions of the order which are not proposed for change as a result of this amendment promulgation proceeding and the new or modified provisions recommended herein are appropriate and necessary for operations under the order as proposed to be amended and would constitute a suitable and workable program for the four varieties of dates as would tend to effectuate the declared policy of the act. All things considered, therefore, Halawy dates should be included in the order in the same manner and be subject to the same provisions as the varieties now regulated.

(3) Section 987.26 (Vacancies) should be revised to recognize that although a vacancy on the Committee does not occur when a nominee selected by the Secretary fails to qualify by filing a written acceptance of such selection with the Secretary, there exists a need to nominate a successor. Section 987.23 provides that the term of office shall be one year but that an incumbent member or alternate shall continue to serve until his successor has been selected and has qualified. Consequently, there is no vacancy when a person selected by the Secretary fails to qualify but adherence to the concept of one year terms of office requires selection of a successor. Therefore, the provisions of § 987.26 should be amended to read as hereinafter set forth.

(4) The term "agency" appearing in § 987.41(c) should be changed to "service". The organizations employed under marketing orders to perform commodity inspections are not agents, in the legal sense, of the Committee or of the Secretary. Such organizations are available for hire and are named in marketing orders for the purpose of establishing the party whose function is to determine whether the commodity meets or fails to meet the grade or other requirements established under the order. So that persons may be more accurately advised of this relationship, "service" should be used in lieu of "agency" in both the heading and body of the paragraph.

(5) Section 987.44(b) should be amended by deleting the last sentence in that paragraph. This sentence sets forth the forfeiture prescribed by section 8a(5) of the act prior to its amendment by the "Agricultural Act of 1961" and is inconsistent with the forfeiture now prescribed by the act, as amended. As so amended, § 987.44(b) would continue to provide that the dates handled by any handler in accordance with the provisions of the order shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act. Reference to that section of the act permits ready ascertainment of the extent of the forfeiture, and the proposed deletion from the order would obviate the need for amendment of the order in the event that the statutory forfeiture is further amended.

(6) Section 987.45(a) should be amended by deleting the pitting factor "0.90" contained in the last sentence of that paragraph and substituting therefor the phrase "a divisor established by the Committee with the approval of the Secretary". The factor is for use in determining the whole date equivalent (i.e., weight) of a given quantity of pitted dates. The record shows the factor "0.90" to be too high and that a factor of about "0.875" would be more accurate. However, it is likely that the latter factor will change as a result of technological advances. Therefore, to avoid the need for future amendment proceedings, the order should not continue to specify a particular factor, but should authorize the Committee, with the approval of the Secretary, to establish such factor. There would thus be available a simpler technique to assure that withholding obligations under the order will be in line with current pitting-loss ratios.

The factor of 0.90 also appears in § 987.72 *Assessments*. The changes proposed to be made in that section (discussed in material issue numbered (12)) include the deletion of that factor and substitution therefor of the recommended phrase as a conforming change and for the reasons contained herein.

(7) The term "withholding percentage", appearing in § 987.45, should be changed to "withholding factor" in order to avoid confusion with the term "restricted percentage". It is believed by some in the industry that the "withholding percentage" determines the proportion of the dates currently available for handling which must be set aside by handlers. Under the order, however, the "withholding percentage" is the factor that is determined by dividing the restricted percentage by the free percentage, and, when applied to handler shipments of dates, serves as a ready means of determining the extent of a handler's restricted obligation, while the "restricted percentage" governs the quantity of dates to be withheld.

(8) Section 987.45(d) should be amended by adding a sentence, reading as hereinafter set forth, at the end of that paragraph. This change would permit any handler during a crop year to divert a quantity of marketable dates to product outlets in excess of his restricted obligation and receive credit, within limits, to be applied against his restricted obligation of the subsequent crop year. Under the order, a handler diverting any such excess quantities into outlets for restricted dates during a crop year rather than carrying such excess into the succeeding crop year, either (i) receives no credit for such diversion not only in the crop year of diversion to restricted outlets but in any subsequent crop year as well, or (ii) in the current crop year had a quantity of dates certified for further processing which were not handled during such crop year but were carried forward exempt from certain handling obligations of the subsequent crop year, and thereby causing his free dates to be proportional, to the extent practical, to his disposition of restricted dates (including the excess marketable dates). In most instances, where any substantial quantity of excess marketable dates is diverted, handlers follow the course indicated in (ii). By so doing, however, two inspections and two inspection charges—the original and a recertification—are necessary on the free dates, once when the dates are certified for further processing and again after having been processed for shipment but before handling. Moreover, some handlers complete their operations in the first six months of the crop year and do not certify dates for further processing due to the long storage period involved in early certification. Thus, these handlers have been unable to take advantage of a practice used by other handlers but could participate in the credit available under the proposed change.

The setaside and disposal of restricted dates, by each handler, tends to exceed his restricted obligation because of difficulties in anticipating his obligation to the end of the crop year, based on free tonnage handled, and because of opportunities to dispose of dates in product outlets. These give rise to excess withholding and disposal within a crop year, and the order should contain a means whereby all handlers may benefit from such disposals, in terms of credit, against future restricted obligations and thereby reduce annual carryovers.

However, some limit on the quantity of restricted credit to be granted for disposition in a prior crop year is necessary for sound administration of the program and to prevent any handler from entering a year with his entire obligation satisfied in advance. This limit should be established by the Committee, with the approval of the Secretary, so that changes may be made as experience is acquired, and should be such as to preserve the limitations on release of free dates presently affected by the establishment of free and restricted percentages.

(9) Present § 987.47 *Assistance to handlers* should be deleted and a new § 987.47 substituted to read as hereinafter set forth. Present § 987.47 pertains to the assistance which the Committee may give to handlers in locating storage for restricted dates, accounting for handlers' control obligations, and in acquiring dates to meet any deficiency in their handler obligations. Since these are services which the Committee would normally perform for handlers in the absence of any provisions specifically authorizing such assistance, present § 987.47 is superfluous and should be deleted.

New § 987.47 should provide that all cull dates and all substandard dates, including dates blended with varieties within the generic meaning of "dates" not regulated by the order, except any substandard dates released to human consumption outlets in accordance with present provisions of the order, are surplus dates of any crop year. Handlers should be prohibited from shipping or delivering such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets. However, producers and handlers should be permitted to dispose of cull dates of their own production, including their own packinghouse culls, within their own livestock feeding operations. The Committee should be authorized to dispose of surplus dates delivered to it at the best prices attainable. It is to be understood that in disposing of surplus, the Committee may utilize any normal selling methods used by handlers, including the use of agents or brokers. The Committee should be authorized to assist handlers with the cleaning, storage or delivery of surplus dates as many handlers do not have adequate equipment to perform these operations consistent with the needs of disposition outlets. Administration of this provision should be consistent with the provisions of the act, including those expressly relating to the control and disposition of surplus. The expenses incurred in receiving, handling, holding, or disposing of surplus dates by the Committee should be for the account of the persons with equities in such dates and the proceeds should be distributed pro rata by the Committee, after deduction of its costs, to equity holders. Rules and regulations necessary and incidental to the administration of the regulation on surplus dates should be established by the Committe with the approval of the Secretary.

The purpose of this provision is to promote the producer return objectives of the act and to establish orderly marketing conditions on approximately seven million to 10 million pounds of cull and substandard dates annually, or as much as 20 percent of the total annual date production. The failure to regulate the marketing of such dates has reduced total returns to producers, and hence this provision would better tend to effectuate the declared policy of the act. Under the proposal, clean, sound, surplus dates could be offered to buyers in quantities suitable for livestock feeding, distillation or other outlets and, as a result, more buyers would be willing to purchase such dates. The increase in the number of buyers and the opening of new outlets can be expected to stimulate the demand and improve the prices paid. A few producers have used such material in their own livestock feeding operations and this should be permitted to continue as such use does not affect the market for cull or substandard dates. For the same reason, any handler should be permitted to use such dates, produced in the course of his operations, in his own livestock feeding. However, if any person, including a producer, ships or delivers such dates to eligible disposition outlets of another person, he should be regarded as a handler the same as a person selling or shipping free dates into their outlets.

Whenever cull dates of unregulated varieties are blended with regulated varieties, it is necessary that the regulated dates in such blends be included in the surplus pool. It is virtually impossible to segregate commingled cull dates, whether in the field or in the packing house. In the packing house, for example, different varieties of regulated and unregulated dates are being graded and packed at the same time although on separate grading lines. Culls picked out during this process are transported to a central location where they are dumped into a single bin, box or pile. In field operations, culls of regulated varieties often become commingled with unregulated varieties due to the operating practices of field crews. Any attempt to separate culls would be costly in relation to the low value of the product and hence all such commingled dates would need to be regarded in the disposition thereof as regulated dates.

Industry bargaining power with buyers would be increased by one agency selling the surplus dates and will be able to negotiate for a price which reflects the true value of the culls. Potential users will be more interested in the use of culls when they are able to negotiate with one seller having adequate supplies, rather than negotiating with several sellers each with insufficient supplies and erratic deliveries. Centralized control of surplus dates would also make it possible to develop new outlets faster because small experimental lots can be made available to users without the financial sacrifices which would be true if individuals made such donations. In addition, it is easier for a small industry such as the date industry to obtain product development work by university or other researchers when it is apparent that the result of such work will benefit the entire industry and not merely a segment. Finally, dependency on one outlet, which presently means payment is deferred for several months, can be minimized.

It is necessary, in connection with this proposed amendatory action to clearly establish that certain dispositions of surplus dates are acts of "handling" and hence the definition of "handle" (§ 987.9) should be modified by inserting after "commerce" the phrase "including the shipment or delivery of substandard dates or cull dates into non-human consumption outlets,". Also, after "deliveries by producers", insert the words "of other than cull dates". The definition of "cull dates" (§ 987.16) should be modified to make certain that dates commonly regarded as field or packinghouse culls but which may meet the requirements of the Agricultural Code of California, would not escape regulation by adding thereto the words "and any dates residual from field or packinghouse grading operations." These modifications are necessary conforming changes to assure sound operation of the proposal. In order to avoid any possible inconsistencies between the provisions of § 987.47, as proposed herein, and § 987.56 *Outlets for substandard and cull dates*, and to specify those outlets within the meaning of "eligible outlets", as that term is contained in the proposed provisions of § 987.47, the words "Subject to the provisions of § 987.47, * * *" should be added at the beginning of the sole sentence now contained in § 987.56.

(10) Section 987.55 *Outlets for restricted and other marketable dates* should be amended by inserting a new sentence after the first sentence to clarify application of grade, container, and identification requirements for restricted dates for export.

The grade and container provisions of the order are not now limited to free dates for domestic shipment. However, in applying them to restricted dates which are exported, it is necessary that the different quality and different container requirements essential to promoting sales in various countries be separately established in lieu of a single requirement for all exports and domestic shipments. Moreover, this would require identification at time of packing so that compliance may be ascertained. Maintenance and expansion of the export outlet in some countries is dependent upon receipt of dates of high quality in a restricted number of containers which clearly permit the trade and consumers to understand prices per weight of dates. Other countries have lower quality requirements and provide outlets for dates in bulk or other inexpensive containers. Both of these conditions need to be recognized in the regulations applicable to exports of restricted dates and the supplying, and maintaining of, export outlets, thereby tending to assure orderly marketing conditions for exports of restricted dates and augment overall returns to date producers for the quantity of dates disposed of in the various outlets.

(11) Section 987.68 *Verification of reports* should be amended by adding a new sentence after the next to the last sentence authorizing the Committee, with

the approval of the Secretary, to establish the type of records which handlers shall maintain. Records must be adequate to permit verification of the reports which handlers are required to submit to the Committee and to verify compliance with the provisions of the order. There is a wide variance in the recordkeeping currently employed by the industry, ranging from a haphazard, unsystematic basis to thorough records kept by qualified bookkeepers. Reporting errors, which seriously affect compliance with the withholding obligations and payment of assessments, are occasionally difficult to detect in the absence of handlers maintaining a minimum of records. The proposed amendment would authorize the Committee to prescribe such records and thereby improve reporting, compliance and the efficiency of program administration.

(12) Provisions on the establishment and maintenance of an operating reserve should be added to the expense and assessment provisions of the order (§§ 987.71 through 987.74) and these provisions should be reworded, as hereinafter set forth, to adopt the more concise language of recent marketing orders promulgated under the act. The order authorizes certain activities which constitute recurring items of expense to the Committee, such as the administration of grade, size, and container regulations and marketing research and development projects. Administration of such activities creates a need for funds regardless of the size of the assessable poundage. In the past, the Committee has been able to collect assessment funds adequate to its financial requirements when there has been an average or above-average production of assessable dates. However, a material reduction, in any year, in the assessable poundage on the basis of which the assessment rate had been computed would interfere with the ability of the Committee to finance its annual obligations unless additional funds are obtained on the basis of an increased rate of assessment. A reserve fund is therefore desirable so that the Committee may have sufficient funds available in a crop year when production is below-average without necessitating an increase in the assessment burden on handlers.

The maximum reserve necessary under foreseeable crop fluctuations need not exceed 50 percent of the average expenses incurred during the most recent five crop years. Such a fund should be established in a manner to minimize the burden by collecting a portion of the 50 percent each year until the maximum is reached. The amount collected each year should constitute an item of expense of the Committee for that year. For purposes of good administration and to avoid unnecessary adjustments, the Committee should be authorized to accumulate the maximum as proposed, and thereafter should not be required to reduce the reserve to conform to any recomputed five-year average. Once the maximum reserve has been achieved, it is not contemplated that the Committee would collect additional funds except to maintain such reserve at the authorized level or unless there is a significant increase in such five-year average. The Committee should be authorized to use such funds for the purposes for which collected and hence for any expenses authorized by § 987.71. If it is necessary for the Committee to use reserve funds during a crop year because of inadequate assessment income, the reserve funds should be replaced as the assessment income of that year subsequently permits the replacement. To the extent that assessments from a crop year exceed then current expenses, including additions to reserve, the provision for the refunding or crediting of excess funds to those handlers who contributed to such excess should be continued. In view of the well established principle that obligations to a government agency may be offset with funds owed by such agency, the order should be further amended to provide that the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler.

Establishment of the operating reserve fund may result in an accumulation of funds which are not expended and which are held by the Committee should this regulatory program be terminated. Such funds are equities of individual handlers and the order should be amended to provide that such funds be distributed in such manner as the Secretary may direct and, to the extent practicable, to the persons from whom such funds were collected.

It should be recognized that funds covered by the expenses and assessment provisions of the order do not include funds or expenses arising from Committee operations on the receiving, handling, holding, or disposition of surplus dates. All such funds and expenses should be handled apart from administrative funds. However, when it is practicable to do so the Committee should be authorized to employ administrative funds temporarily in operation of the surplus provision. This would be in the interest of the industry by avoiding the need to obtain funds from commercial sources at commercial rates of interest.

In order to set forth these, to eliminate outdated wording, and to provide for the deletion of the pitting factor discussed in material issue numbered (6), present §§ 987.71 through 987.74 should be deleted and new §§ 987.71 and 987.72 substituted therefor to read as hereinafter set forth.

(13) It was proposed that present § 987.76 be renumbered as § 987.75 and a new § 987.76 be added defining the rights of the Secretary. It is evident from the hearing record that members of the industry fully understand the proposal and do not question but that the proposal is consistent with the legal authority of the Secretary. However, the weight of the evidence is to the effect that the provision is not essential to the administration of this part and hence it is not recommended for adoption at this time.

General. During the course of the hearing, two matters were proposed which were not contained in the notice of hearing; namely, (1) that dates of fancy quality be exempted from volume regulations, and (2) that the inspection service withhold the marking of containers of dates for handling for any handler delinquent on his assessments. It was understood at the hearing that the first proposal was not an appropriate issue for consideration at the hearing since it was neither submitted for inclusion in the notice of hearing nor included therein. The second proposal was similar to a proposal submitted by the Committee for inclusion in the notice of hearing but omitted therefrom by the Department because such proposal was in conflict with long standing practices under marketing order programs segregating compliance functions from inspection service functions. In view of the foregoing, neither proposal is an appropriate subject for consideration in this proceeding.

Rulings on proposed findings and conclusions. The period during which interested parties might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusion to be drawn therefrom expired on April 16, 1962. No briefs were filed.

General findings. (1) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of domestic dates produced or packed in a designated area of California, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the production area covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of dates produced or packed in the designated area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following amendment of the amended marketing agreement and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Amend § 987.2 to read as follows:

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 987.5 [Amendment]

2. Insert "Halawy," in § 987.5 immediately after "Zahidi,".

§ 987.9 [Amendment]

3. Insert in § 987.9 after "commerce" the words "including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets," and insert after "deliveries by producers" the words "of other than cull dates".

§ 987.16 [Amendment]

4. Add to the end of § 987.16 the words "and any dates residual from field or packinghouse grading operations."

5. Amend § 987.26 to read as follows:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, a successor shall be nominated within 30 calendar days and selected in the manner, and subject to the conditions, provided in this subpart.

§ 987.41 [Amendment]

6. Delete the word "agency" wherever it appears in § 987.41(c) and substitute therefor the word "service".

§ 987.44 [Amendment]

7. Delete the last sentence of § 987.44 (b).

§ 987.45 [Amendment]

8. Delete "0.90" from the last sentence of § 987.45(a) and substitute therefor the phrase "a divisor established by the Committee with the approval of the Secretary".

9. Delete the phrase "withholding percentage" wherever it appears in § 987.45 and substitute therefor the phrase "withholding factor".

10. Add the following sentence at the end of § 987.45(d): "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

§ 987.47 [Deletion]

11. Delete § 987.47 *Assistance to handlers* and add a new § 987.47 *Surplus* to read as follows:

§ 987.47 Surplus.

All cull dates and all substandard dates, including such dates blended with varieties within the generic term "dates" not regulated by this part, except any substandard dates released to human consumption outlets pursuant to § 987.56, are surplus dates of any crop year. No handler shall ship or deliver such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets for such dates, except that any producer or handler may dispose of any such surplus dates of his own production within his own livestock feeding operations. Surplus dates delivered to the Committee shall be disposed of by it, in those outlets specified in § 987.56, at the best prices attainable and the proceeds returned pro rata, after deduction of Committee costs, to equity holders. The Committee may assist handlers with the cleaning, storage, or delivery of surplus dates and may, with the approval of the Secretary, establish rules and regulations necessary and incidental to administration of this regulation.

§ 987.55 [Amendment]

12. Insert the following sentence after the first sentence of § 987.55: "The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing."

§ 987.56 [Amendment]

13. Change the initial word "Substandard" appearing in § 987.56 to "substandard" and insert before that word the words "Subject to the provisions of § 987.47,".

§ 987.68 [Amendment]

14. Insert the following sentence after the next to last sentence of § 987.68: "The Committee, with the approval of the Secretary, may establish the type of records to be maintained."

§§ 987.71, 987.72, 987.73, 987.74 [Deletions]

15. Delete §§ 987.71 through 987.74, inclusive, and add new §§ 987.71 and 987.72 to read as follows:

§ 987.71 Expenses.

The Committee is authorized to incur such expenses, including maintenance of an operating reserve fund, as the Secretary may find are reasonable and are likely to be incurred by it during each crop year for the maintenance and functioning of the Committee and for such other purposes as he determines to be appropriate. The recommendation of the Committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended.

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, with respect to free dates he handles or has certified for handling or for further processing his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary. At any time during or after a crop year the Secretary may increase such assessment rate to secure sufficient funds to cover unanticipated expenses or a deficit in assessable poundage. Any such increase shall apply to all assessable poundage of the crop year. The Committee may accept payments of assessments in advance and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by a divisor established by the Committee with the approval of the Secretary.

(b) *Surplus expenses.* The Committee is authorized to use temporarily funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus dates. All such expenses shall be deducted from the proceeds obtained by the Committee from such disposal.

(c) *Operating reserve.* The Committee, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds in reserve shall be available for use by the Committee for expenses authorized pursuant to § 987.71.

(d) *Refunds.* Funds held by the Committee at the conclusion of the crop year in excess of the crop year's expenses, including reserve requirements, may be used to defray expenses for no more than the ensuing four months, and thereafter within a reasonable time the Committee shall credit, or upon demand, refund the aforesaid excess to handlers who contributed to such excess: *Provided*, That the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses, including reserve requirements, of the Committee for the preceding crop year. Upon termination of this subpart any money in possession of the Committee shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

Dated: May 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5183; Filed, May 28, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Proposed Termination of Certain Provisions

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the terminaiton of certain provisions of the order regulating the handling of milk in the New York-New Jersey marketing area is being considered.

The provisions proposed to be terminated are § 1002.15(b) (2), (3), (4), (5), and (c) (1), (2), (3), (4), and in (c) proper the words "under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph."

The termination of the provisions specified is intended to simplify the application of the order with respect to producer-handlers and to make its administration more practicable. The contemplated action is particularly designed to reduce the period during which a producer-handler becomes fully regulated as the result of cancellation of his designation, to make it possible for a producer-handler to regularly receive incidental supplies from fully regulated handlers, to relieve the conditions affecting the sale and purchase of cattle and facilities for milk production on the part of producer-handlers, and in general to remove provisions affecting producer-handlers which may obstruct the policy of the Act. Opportunity is hereby afforded all interested parties to submit written data, views and argument with respect to the proposed termination.

All persons who desire to submit written data, views or argument in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on May 24, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5186; Filed, May 28, 1962; 8:51 a.m.]

[7 CFR Part 1096]

[Docket No. AO 257-A7]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Correction

In F.R. Doc. 62-5068, appearing at page 4920, of the issue for Friday, May 25, 1962, the introductory text of §§ 1096.7 and 1096.65 is incomplete. As changed, the introductory text of these sections reads as follows:

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant other than the plant of a producer-handler during any month(s) of February through August or in accordance with the provisions of paragraphs (a), (b), or (c) of this section during any month of September through January: *Provided*, That the milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted: *Provided further*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section: *And provided also*, That if a handler diverting milk pursuant to paragraph (a) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

* * * * *

§ 1096.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1096.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer by all pool handlers during the preceding months of September through December by the number of days' production of such producer delivered during such period, but by not less than 90: *Provided*, That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purpose of computing the daily base of such producer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Bioferm Corporation, Wasco, California, proposing the establishment of an exemption from the requirement of a tolerance for residues of the insecticide containing viable spores of the microorganism Bacillus thuringiensis Berliner, in or on bananas and corn.

The analytical method proposed in the petition for determining residues of viable spores of Bacillus thuringiensis Berliner is a spore-count assay consisting of a standard plate count procedure using a heat-treated suspension (65° C. for 30 minutes) of the material to be tested.

Dated: May 21, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-5149; Filed, May 28, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 653) has been filed by Nursery Specialty Products, Inc., 67 West 44th Street, New York 36, N.Y., proposing the issuance of a regulation to establish a tolerance of 375 parts per million (0.0375 percent) for residues of polyvinylidene chloride and/or the copolymer of polyvinylidene chloride in or on fodder from pea vines treated with the polymer as an antidesiccant.

Dated: May 22, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5150; Filed, May 28, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 618) has been filed by Humble Oil & Refining Company, Houston, Texas, proposing the issuance of a regulation to provide for the safe use of light isoparaffinic petroleum hydrocarbons in the production of articles that contact food.

Dated: May 22, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5151; Filed, May 28, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 174, 405]

SURETY BONDS AND POLICIES OF INSURANCE

Notice of Proposed Rule-Making

MAY 18, 1962.

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act, Ex Parte No. MC-5; in the matter of security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act, Ex Parte No. 159.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), of the proposed revision of § 174.8(a) of Part 174 (49 CFR 174.8(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed revision of § 405.6(a) of Part 405 (49 CFR 405.6(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403 (c) and (d) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003).

The purpose of such revisions is to require insurance or surety companies to file an agreement that they will designate process agents, if requested, in each State in which they are not licensed to conduct insurance business.

It is proposed that § 174.8(a) be revised to read as follows:

§ 174.8 Insurance and surety companies; authorized.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these sections unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate or surety bond, as the case may be, in each State in which the motor carrier is authorized to operate under Part II of the Interstate Commerce Act and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any State except that in which the motor carrier has its principal place of business or domicile, the company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is proposed that § 405.6(a) be revised to read as follows:

§ 405.6 Insurance and surety companies.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these rules and regulations unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate, or surety bonds, as the case may be, in each state in which the freight forwarder is authorized to perform service under Part IV of the Interstate Commerce Act, and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any state except that in which the freight forwarder has its principal place of business or domicile, the insurance or surety company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 403 (c), (d), 56 Stat. 285; 49 U.S.C. 1003)

No oral hearing on the proposed revision is contemplated; however, interested parties may file with this Commission, within thirty days from the publication hereof, written statements of facts, opinions or arguments concerning the herein proposed revision. Any written statement so filed shall conform with the specifications provided in § 1.15 of the Commission's rules of practice (49 CFR 1.15). An original signed copy and six additional copies shall be furnished for use of the Commission.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5141; Filed, May 28, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-RC-15]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a transition area at Winner, S. Dak. The proposed transition area would be designated to extend upward from 700 feet above the surface within a 5-mile radius of the Winner Airport (latitude 43°23'30" N., longitude 99°50'45" W.) and within 2 miles either side of the Winner VORTAC 212° True radial extending from the 5-mile radius area to the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the Winner VORTAC 032° and 212° True radials extending from 5 miles southwest to 13 miles northeast of the VORTAC. This transition area would provide protection for aircraft executing prescribed instrument approach, departure and holding procedures at the Winner Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An

informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 22, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-5181; Filed, May 28, 1962; 8:50 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WE-50]

JET ADVISORY AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Secondary radar from the air route surveillance radar at a site near Wheatland, Wyo., is expected to be commissioned in July 1962 which will make additional radar jet advisory service possible from the Denver, Colo., Air Route Traffic Control Center. The Federal Aviation Agency has under consideration the alteration of jet advisory areas in the vicinity of Wheatland as follows:

1. Extend the radar jet advisory area associated with Jet Route No. 107 to include flight levels 240 to 390 inclusive from 105 nautical miles southwest of Crazy Woman, Wyo., to the end of the present radar advisory area northeast of Crazy Woman.

2. Extend the radar jet advisory area associated with Jet Route No. 32 to include flight levels 240 to 390 inclusive from 72 nautical miles southwest of Crazy Woman to the end of the present radar advisory area northeast of Crazy Woman.

3. Extend the radar jet advisory areas associated with Jet Routes Nos. 84 and 94 to include flight levels 240 to 390 inclusive from 85 nautical miles east of Rock Springs, Wyo., to 15 nautical miles west of Scottsbluff, Nebr. In separate action (Airspace Docket No. 62-WE-29), it has been proposed that the radar jet advisory areas associated with J-84 and J-94 be extended westward to 15 nautical miles west of Scottsbluff to include flight levels 240 through 390.

The extension of these radar advisory areas would provide additional areas wherein radar jet advisory service would be provided to civil turbojet aircraft.

Non-radar jet advisory areas are presently designated between flight levels 270 and 310 and between 370 and 390 along the above-mentioned segments of Jet Routes Nos. 107 and 32, and along a portion of common segments of Jet Routes Nos. 84 and 94 west of Scottsbluff. Substitution of radar advisory areas at those altitudes along these segments would impose no additional burden on any person.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 24, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-5138; Filed, May 28, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN WAREHOUSES

Announcement of Unit Prices for Grain for Net Assets and Bond Purposes

In accordance with the provisions of §§ 102.6 and 102.14 of the Regulations for Warehousemen Storing Grain (7 CFR 102.6, 102.14) under section 28 of the United States Warehouse Act (7 U.S.C. 268), and pursuant to a delegation of authority appearing at 25 F.R. 439, notice is hereby given that the unit prices for various grains have been established as follows, for purposes of fixing the amount of net assets required under said § 102.6 and the amount of bond required under said § 102.14, applicable to warehouse licenses issued, or amendments or renewals of warehouse licenses granted, under the United States Warehouse Act during the calendar year beginning June 1, 1962:

	Per bushel
Wheat	$2.00
Flaxseed	3.00
Soybeans	2.30
Rice (Rough)	2.20
Rice (Milled)	5.10

The amounts of net assets and bond to be required of warehousemen licensed under the United States Warehouse Act are determined by responsible officials of the Agricultural Marketing Service in accordance with §§ 102.6 and 102.14 of the Regulations for Warehousemen Storing Grain. The regulations base such amounts on the unit prices for certain grain as announced annually by the Administrator of the Agricultural Marketing Service or his delegate. The last prior announcement covers the year ending May 31, 1962. It is the policy of this Department to announce the same unit prices for purposes of this act as are established in connection with price support programs of this Department. The unit prices for price support programs have been established for the calendar year beginning June 1, 1962. Therefore no purpose would be served by publishing a notice of rulemaking or other public procedure on the foregoing announcement of the unit prices for grain under said act and said announcement must be made effective by June 1. Accordingly under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that public procedure on the foregoing announcement is impracticable and unnecessary and good cause is found for making the announcement effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of May 1962.

GEORGE A. DICE,
Director, Special Services Division.

[F.R. Doc. 62-5184; Filed, May 28, 1962; 8:50 a.m.]

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 12, 1961 (20 A.D. 584), continuing in effect to and including July 31, 1962, an order issued on July 17, 1959 (18 A.D. 799), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), Omaha, Nebraska, to assess the current temporary schedule of rates and charges.

By a petition filed on May 14, 1962, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect for a period of one year.

	Rate per head—	
	Present	Proposed
SECTION NO. 1. YARDAGE CHARGES		
(a) All livestock received, and (b) All livestock reweighed or resold:		
Cattle (except bulls 700 lbs, or over)	$1.05	$1.12
Bulls (minimum 700 lbs.)	1.55	1.65
Calves (maximum 400 lbs.)	.61	.65
Hogs	.38	.40
Sheep or goats	.22	.23
Horses or mules	1.05	1.12
EXCEPTIONS		
(a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.		
(b) Yardage will not be assessed against livestock forwarded to other markets or to the country, or returned to point of origin, provided the livestock has not changed ownership, and is forwarded in the same name as originally consigned.		
(c) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:		
Cattle (except bulls 700 lbs. or over)	.53	.56
Bulls (minimum 700 lbs.)	.78	.83
Calves (maximum 400 lbs.)	.31	.33
Hogs	.20	.21
Sheep or goats	.11	.12
(d) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:		
Cattle (except bulls 700 lbs. or over)	.35	.37
Bulls (minimum 700 lbs.)	.50	.53
Calves (maximum 400 lbs.)	.21	.22
Hogs	.13	.14
Sheep or goats	.07	.07
(e) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:		
Cattle (except bulls 700 lbs. or over)	.16	.17
Bulls (minimum 700 lbs.)	.24	.26
Calves (maximum 400 lbs.)	.10	.11
Hogs	.07	.08
Sheep or goats	.03	.03

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 23d day of May 1962.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-5146; Filed, May 28, 1962; 8:46 a.m.]

Office of the Secretary

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 (5 U.S.C. 133z-15), sections 1400 and 1401 of the Secretary's Order dated October 10, 1957 (22 F.R. 8188, as amended, 23 F.R. 1836, 24 F.R. 5165, 25 F.R. 1643, 26 F.R. 7888), are amended to delete authorities no longer applicable, to restate applicable authorities, and to cover additional functions, and to read as follows:

SEC. 1400. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration:

a. Agricultural credit programs under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921).

b. Rural Housing programs, except research authorities, in Title V of the Housing Act of 1949 (42 U.S.C. 1471).

c. Loan program under section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a).

d. Loan programs and other authorities, functions, powers, and duties vested in the Secretary of Agriculture under the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation, and use agreements entered into pursuant thereto.

e. Powers, duties, and assets pertaining to the existing programs of the Farmers Home Administration and to the prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricul-

tural Credit Corporation of Washington, D.C.

f. Servicing, collection, settlement, and liquidation authorities and functions pertaining to the foregoing programs and to:

(1) Collection of deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Collection of Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(3) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture may be authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

g. Making and issuing notes to the Secretary of the Treasury as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929, 1988) and Title V of the Housing Act of 1949, as amended (42 U.S.C. 1481, 1484) and in accordance with applicable appropriation acts, and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including, but not limited to, 7 U.S.C. 1005b(j), 1005e(b), 1006e(a), 16 U.S.C. 590x-3(d)); but for the purposes of the Agricultural Credit Insurance Fund no such notes shall be made or issued or requests for advances made which would cause the aggregate unpaid principal balances on such notes issued and outstanding to exceed $75,000,000, of which not more than $25,000,000 shall be for domestic farm labor housing.

SEC. 1401. *Reservations.* The following functions are reserved to the Secretary:

a. Making and issuing notes to the Secretary of the Treasury as authorized by law and requesting advances of funds evidenced by such notes, except as otherwise provided in section 1400g.

b. Designation of natural disaster areas in which emergency loans may be made (7 U.S.C. 1961).

Done at Washington, D.C., this 24th day of May 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5147; Filed, May 28, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

ENRICHED AND DEPLETED URANIUM
Base Charges, Special Charges, Specifications and Packaging

The U.S. Atomic Energy Commission hereby announces a revision in the schedule of base charges for enriched and depleted uranium effective July 1, 1962.

This notice amends a notice published in the FEDERAL REGISTER on May 30, 1961 (26 F.R. 4765), entitled "Special Nuclear Materials: Base Charges, Special Charges, Specifications and Packaging" as follows:

1. Paragraph 1 entitled "General" (26 F.R. 4765) is revised by adding the following sentence after the third sentence in the paragraph: "The Atomic Energy Commission, however, has under consideration adding to the schedule of base charges for enriched UF_6 distributed abroad under contracts for sale or lease entered into after July 1, 1962, a moderate surcharge in those cases where the United States will thereby incur costs for safeguarding the material against diversion from peaceful uses."

2. Tables 1, 2, and 3 (26 F.R. 4766) are deleted and the following Tables 1, 2, and 3 are substituted in lieu thereof:

TABLE 1—*Base charges for enriched uranium, as UF_6*

Assay (weight fraction U-235)	Base charge (per Kg U)	Assay (weight fraction U-235)	Base charge (per Kg U)
0.0075	$26.50	0.045	$422.40
0.0080	30.50	0.050	479.40
0.0085	34.70	0.055	536.80
0.0090	38.90	0.060	594.50
0.0095	43.30	0.07	710.50
0.0100	47.70	0.08	827.00
0.011	56.80	0.09	944.00
0.012	66.10	0.10	1,062.00
0.013	75.70	0.12	1,298.00
0.014	85.40	0.14	1,535.50
0.015	95.30	0.16	1,774.00
0.016	105.30	0.18	2,013.00
0.017	115.50	0.20	2,252.00
0.018	125.70	0.25	2,853.00
0.019	136.10	0.30	3,456.00
0.020	146.50	0.35	4,060.00
0.022	167.60	0.40	4,666.00
0.024	189.00	0.50	5,882.00
0.026	210.60	0.60	7,103.00
0.028	232.40	0.70	8,329.00
0.030	254.30	0.80	9,562.00
0.032	276.40	0.85	10,183.00
0.034	298.60	0.90	10,808.00
0.036	320.90	0.92	11,061.00
0.038	343.30	0.93	11,188.00
0.040	365.80	0.94	11,315.00

Base charges for enriched uranium of assays not specifically listed will be determined by linear interpolation between the nearest listed assays. When the assay of enriched uranium is less than 0.0075, the base charge will be determined by linear interpolation between the base charge for 0.0075 material and a value of $23.50 per Kg U for normal uranium (0.007115 weight fraction U-235) in the form of UF_6.

The inclusion above of an assay of 0.94 weight fraction U-235 is for interpolation purposes only. Inquiries concerning the availability of material of specific assays above 0.93 and the charges for material of assays above 0.94 should be addressed to the AEC Materials Leasing Officer at Oak Ridge, Tenn.

TABLE 2—*Base charges for depleted uranium, as UF_6*

A. For depleted uranium requested without a specification as to assay, $2.50 per Kg U.

B. For depleted uranium of specifically requested assays:

Assay (weight fraction U-235):	Base charge (per Kg U)
0.0022	$3.00
0.0038	3.00
0.0040	3.70
0.0042	4.60
0.0044	5.60
0.0046	6.65
0.0048	7.75
0.0050	8.90
0.0052	10.10
0.0054	11.35
0.0056	12.65
0.0058	13.95
0.0060	15.35
0.0065	18.90
0.0070	22.60

Base charges for depleted uranium of assays not specifically listed will be determined by linear interpolation between the nearest listed assays. When the assay of depleted material is greater than 0.0070, the base charge will be determined by linear interpolation between the base charge for 0.0070 material and a value of $23.50 per Kg U for normal uranium (0.007115 weight fraction U-235) in the form of UF_6.

TABLE 3—*Specifications for UF_6 furnished by AEC*

The following specifications are established for enriched uranium in the form of UF_6 and depleted uranium in the form of UF_6 to be furnished by AEC:

A. Enriched uranium furnished as UF_6 shall consist of at least 99.0 percent by weight UF_6, and depleted uranium furnished as UF_6 shall consist of at least 99.5 percent by weight UF_6. The impurities making up the remainder may consist of fluorocarbons, hydrogen fluoride, and certain cations. The material shall be free from contamination by hydrocarbons, partially substituted halohydrocarbons or chlorocarbons.

B. Materials within the assay ranges specified in Column I, when analysed on the basis of individual cylinders, are subject to the assay variations in Column II. The assay of the material is subject to the routine precision percentage specified in Column IV.

C. Materials within the assay ranges specified in Column I, when analysed on the basis of composite lots, are subject to the assay variations in Column III. The assay of the material is subject to the routine precision percentage specified in Column IV. AEC will composite samples whenever possible, unless otherwise requested.

Column I, assay range (weight % U-235)	Column II, variation from requested assay for B above (weight % U-235)	Column III, variation from requested assay for C above (weight % U-235)	Column IV, routine precision [2] (% reported value)
0.22 to normal U [1]	±0.010	±0.010	±0.25
Above normal U to 1.0	±0.010	±0.015	±0.25
Above 1.0 to 2.0	±0.015	±0.020	±0.25
Above 2.0 to 5.0	±0.045	±0.050	±0.15
Above 5.0 to 15.0	±0.150	±0.180	±0.15
Above 15.0 to 20.0	±0.150	±0.200	±0.10
Above 20.0 to 30.0	±0.150	±0.300	±0.10
Above 30.0 to 93.0	±0.150	±0.400	±0.05
Above 93.0	±0.100	±0.150	±0.05

[1] Depleted uranium requested without a specification as to assay is furnished at an assay determined by the AEC in the range below 0.38 weight percent U-235. The assay furnished would be subject to the routine precision percentage specified for 0.22 to normal uranium.
[2] 95 percent confidence limit.

This notice is effective July 1, 1962.

Dated at Germantown, Md., this 23d day of May 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-5124; Filed, May 28, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JULIEN R. STEELMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of May 14, 1962.

JULIEN R. STEELMAN.

MAY 14, 1962.

[F.R. Doc. 62-5156; Filed, May 28, 1962; 8:48 a.m.]

WILLIAM E. VAUGHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 18, 1962.

WILLIAM E. VAUGHN.

MAY 18, 1962.

[F.R. Doc. 62-5157; Filed, May 28, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-18357; Docket No. 13630]

IMPERIAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1962.

In the matter of Imperial Airlines, Inc., Docket 13630, temporary certificate of public convenience and necessity.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Imperial Airlines, Inc. (Imperial), a temporary certificate of public convenience and necessity for supplemental air service between any point in any state of the United States or in the District of Columbia and any other point in any state of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms was to expire on March 30, 1961.[1]

From records on file with the Board and other available information, it appears that Imperial has conducted no operations since November 12, 1961.[2] Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing, and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Imperial should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E-9744, adopted November 15, 1955, as amended by Order E-9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Imperial has conducted no overseas operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E-9744, this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[3] Imperial will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E-9744 which render it contrary to the public interest for nonoperators to continue to hold economic authority granted under Order E-9744, are equally applicable to their rights under letters of registration. It appears that Imperial has conducted no foreign operations for at least two consecutive calendar quarters. Accordingly, if a non-operator is revoked under the provisions of Order E-9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Imperial be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its temporary certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 35 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E-9744, why its Letter of Registration No. 1655 should not be revoked and why its application for individual exemption authority in Docket 5132 should not be denied; and,

2. That a copy of this order be served upon the carrier by certified mail at its last known address and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5154; Filed, May 28, 1962; 8:47 a.m.]

[1] Imperial filed an application for renewal of its certificate on February 7, 1961, and its authority is continued under section 9(b) of the Administrative Procedure Act.

[2] The certificate was originally issued to Regina Cargo Airlines, Inc. By Order E-15450, June 27, 1960, the Certificate was reissued to Imperial. By Order E-14509, adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

Imperial's Air Carrier Operating Certificate expired on February 4, 1962, and has not been renewed.

[3] 15. An interim operating authorization shall be subject to revocation, after notice and opportunity for hearing, for:

• • • • •

(ii) Failure to file the monthly and quarterly reports required by Part 242 of the Economic Regulations of the Board in two consecutive reporting periods or for failure to operate any revenue flights in two consecutive calendar quarters.

[Order E-18358; Docket No. 13631]

STEWART AIR SERVICE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1962.

In the matter of Stewart Air Service, Docket 13631; temporary certificate of public convenience and necessity.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Stewart Air Service (Stewart), a temporary certificate of public convenience and necessity for supplemental air service between any point in any state of the United States or in the District of Columbia and any other point in any state of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms is to expire on March 30, 1964.[1]

From records on file with the Board and other available information, it appears that Stewart has conducted no operations since January 5, 1962.[2] Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore

[1] By Order E-14509 adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

[2] On January 5, 1962, the Administrator of Federal Aviation Agency issued an Emergency Order of Revocation effective January 5, 1962, revoking Stewart's Air Carrier Operating Certificate No. 6-155. Stewart appealed the Revocation to the Board under section 609 of the Act, and on February 3, 1962, a Board Examiner affirmed the Administrator's Order. Since Stewart did not appeal from the Examiner's Decision, the Decision has become final.

found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing, and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Stewart should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E–9744, adopted November 15, 1955, as amended by Order E–9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Stewart has conducted no overseas operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E–9744 this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[3] Stewart will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E–9744 which render it contrary to the public interest for non-operators to continue to hold economic authority granted under Order E–9744, are equally applicable to their rights under letters of registration. It appears that Stewart has conducted no foreign operations for at least two consecutive calendar quarters. Accordingly, if a non-operator is revoked under the provisions of Order E–9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Stewart be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its temporary certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 41 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E–9744, why its Letter of Registration No. 1576 should not be revoked and why its application for individual exemption authority in Docket 5132 should not be denied; and,

2. That a copy of this order be served upon the carrier by certified mail at its last known address and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–5155; Filed, May 28, 1962; 8:48 a.m.]

[3] 15. An interim operating authorization shall be subject to revocation, after notice and opportunity for hearing, for:

* * * * *

(ii) Failure to file the monthly and quarterly reports required by Part 242 of the Economic Regulations of the Board in two consecutive reporting periods or for failure to operate any revenue flights in two consecutive calendar quarters.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M–743]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

The Hearing Examiner having under consideration Motion for Continuance filed May 22, 1962, on behalf of Chief, Common Carrier Bureau, requesting that the evidentiary hearing herein scheduled to commence June 5, 1962, be continued to June 13, 1962;

It appearing, that a consultant for the Air Force and counsel for the Common Carrier Bureau are engaged in an evidentiary hearing in Docket No. 14215 (TELPAK), which is scheduled to reconvene June 4, 1962, and remain in session throughout the ensuing week;

It further appearing, that American Telephone and Telegraph Company is currently preparing certain material in answer to requests from the parties;

It further appearing, that good cause exists why said motion should be allowed and the other parties interpose no objection thereto;

Accordingly, it is ordered, This 23d day of May 1962, that the Motion for Continuance filed on behalf of the Chief, Common Carrier Bureau, is granted and the evidentiary hearing now scheduled for June 5, 1962, be and the same is hereby rescheduled for June 13, 1962, at 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: May 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5187; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14601, 14602; FCC 62M–741]

CHRISTIAN BROADCASTING ASSOCIATION OF NEW ENGLAND, INC., AND NORTH ATTLEBORO BROADCASTING CO.

Order Re Procedural Dates

In re applications of Christian Broadcasting Association of New England, Inc., Providence, Rhode Island, Docket No. 14601, File No. BPH–3462, and Joseph A. Morin and Rose L. Morin, d/b as North Attleboro Broadcasting Company, North Attleboro, Massachusetts, Docket No. 14602, File No. BPH–3514; for construction permits.

Pursuant to agreement of counsel for all parties on the record at the prehearing conference held on May 22, 1962: *It is ordered,* This 22d day of May 1962, that the following procedural dates are established:

Exchange of applicants' written direct affirmative cases with copies to be mailed to all parties and the Hearing Examiner: June 19, 1962.
Exchange of applicants' written rebuttal evidence with copies to be mailed to all parties and the Hearing Examiner: July 3, 1962.
Notification of witnesses, if any, desired for cross-examination and those, if any, to be produced in connection with rebuttal evidence: July 10, 1962.
Commencement of hearing: July 17, 1962.

It is further ordered, That the hearing, presently scheduled to commence on June 12, 1962, is continued to 10:00 a.m., July 17, 1962.

Released: May 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5188; Filed, May 28, 1962; 8:51 a.m.]

[Docket No. 14597 etc.; FCC 62M–744]

KWEN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP–13627; Petty Durwood Johnson tr/as Radio Orange, Orange, Texas, Docket No. 14598, File No. BP–13739; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP–14619; for construction permits.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that there is a conflict of dates in the Hearing Examiner's schedule which requires a change from June 18, as currently scheduled;

It is ordered, This 23d day of May 1962, that the date for commencement of hearing is changed from June 18 to July 5, 1962.

Released: May 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5189; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 13067, 13068; FCC 62M–736]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Continuing Hearing Conference

In re applications of Charles A. Bell, George J. Helmer III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton Massachusetts, Docket No. 13067, File No. BP–12884, and Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP–12901; for construction permits.

The Hearing Examiner having under consideration prehearing conference presently scheduled for June 1, 1962;

It is ordered, on the Hearing Examiner's own motion, that the prehearing conference is continued to June 5, 1962, at 9:00 a.m., due to an emergency situation.

Dated: May 22, 1962.

Released: May 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5190; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14557, 14558; FCC 62M–735]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Order Following Prehearing Conference

In re applications of Page Boy Radio Corporation, Detroit, Michigan, Docket No. 14557, File No. 2133–C2–P–61; for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan, and New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File Nos. 138–C2–ML–62 and 1149–C2–ML–62; for modification of license of station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

At a prehearing conference held on May 8, 1962, it was agreed by all parties to the proceeding that all exhibits to be introduced at hearing by the parties, in connection with their direct presentations, would be exchanged on or before June 11, 1962. It was further agreed that hearing in the above-entitled matter should be continued from May 15, 1962, to June 25, 1962.

So ordered, This 21st day of May 1962.

Released: May 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5191; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14193, 14194; FCC 62M–738]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Scheduling Prehearing Conference

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP–14663, and Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP–14717; for construction permits.

To discuss further proceedings in the light of the Commission's Memorandum Opinion and Order released May 18, 1962 (FCC 62–522): *It is ordered,* This 22d day of May 1962, that a further prehearing conference is scheduled for Wednesday, June 6, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5192; Filed, May 28, 1962; 8:51 a.m.]

[Docket No. 14649]

WAYNE F. WALLACE

Order To Show Cause

In the matter of Wayne F. Wallace, 1765 Temple Hills Drive, Laguna Beach, California, Docket No. 14649; order to show cause why there should not be revoked the license for ship radio station WG–3079 aboard the vessel "Raven".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed August 18, 1961, alleging that on August 16, 1961, Ship radiotelephone station WG–3079 was operated in violation of §§ 8.109 (e), 8.368(a), and 8.367(a)(2) of the Commission's rules in that there was no record of frequency measurements made at the time of the installation of a replacement transmitter (on or about July 22, 1961), an accurate radiotelephone station log was not being maintained, and a copy of Part 8 of the Commission's rules was not on board the vessel;

It further appearing, that by letters dated September 18, October 4, and October 31, 1961, and February 9, 1962, the above-named licensee was requested to advise the Commission concerning this matter and as to the corrective action taken; and

It further appearing, that a partial response was made to the Commission's letter of September 18, 1961, but that no response has been made to the Commission's letters of October 4, and October 31, 1961, and February 9, 1962; and

It further appearing, that in view of the foregoing the respondent has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 21st day of May 1962, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by certified mail, return receipt requested, to the said licensee.

Released: May 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–5193; Filed, May 28, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1008]

MID BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Mid Brazil/United States-Canada Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5158; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1009]

COLPAC FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Colpac Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5159; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1010]

CANAL, CENTRAL AMERICA NORTHBOUND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Canal, Central America Northbound Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5160; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1011]

CAMEXCO FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Camexco Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5161; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1012]

CALCUTTA/U.S.A. CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Calcutta/U.S.A. Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5162; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1013]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/West Coast of South America Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5163; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1014]

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/West Coast of Central America and Mexico Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5164; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1015]

ATLANTIC AND GULF-SINGAPORE, MALAYA AND THAILAND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf-Singapore, Malaya and Thailand Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5165; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1016]

ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON AND PANAMA CITY CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5166; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1017]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf-Indonesia Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5167; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1018]

ASSOCIATION OF WEST COAST STEAMSHIP COMPANIES

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Association of West Coast Steamship Companies has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to Shipping Act, 1916. As required by section the provisions of section 14b of the tion 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5168; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1019]

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Leeward & Windward Islands & Guianas Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5169; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1020]

INDIA, PAKISTAN, CEYLON & BURMA OUTWARD FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that The India, Pakistan, Ceylon & Burma Outward Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5170; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1021]

HAVANA STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Havana Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5171; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1022]

GULF AND SOUTH ATLANTIC HAVANA STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf and South Atlantic Havana Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the Offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5172; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1023]

FAR EAST CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Far East Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5173; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1024]

EAST COAST SOUTH AMERICA REEFER CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the East Coast South America Reefer Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5174; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1025]

EAST COAST COLOMBIA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the East Coast Colombia Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5175; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1026]

JAVA-NEW YORK RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Java-New York Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5176; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1027]

JAVA-PACIFIC RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Java-Pacific Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5177; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1028]

DELI-PACIFIC RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Deli-Pacific Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5178; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1029]

DELI/NEW YORK RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Deli/New York Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5179; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1030]

HAVANA NORTHBOUND RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Havana Northbound Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5180; Filed, May 28, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–94 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

MAY 22, 1962.

American Louisiana Pipe Line Company, Docket No. CP62–94; Tensas Gas Gathering Corporation, Docket No. CP62–127; Texas San Juan Oil Corporation, Docket No. CI62–382.

Take notice that on October 12, 1961, as supplemented on March 7, 1962, American Louisiana Pipe Line Company (American Louisiana) 645 Griswold Street, Detroit 26, Michigan, filed in Docket No. CP62–94 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 27.1 miles of gathering lines of various diameters, a purchase meter station, and 660 horsepower of field compression facilities to receive natural gas from the Holly Ridge Area of Louisiana and Mississippi, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

American Louisiana estimates the total cost of the proposed facilities to be $1,125,000, which will be financed from funds on hand.

American Louisiana states that the proposed facilities will enable it to purchase gas from reserves in Tensas, Franklin, Catahoula, and Concordia Parishes, Louisiana, and in Jefferson, Claiborne, and Adams Counties, Mississippi, committed to it under the provisions of a gas purchase contract with Phillips Petroleum Company and G. H. Jett, subsequently assigned to Texas San Juan Oil Corporation (Texas San Juan). The initial rate to be paid under the contract is 17.0 cents per Mcf plus applicable tax reimbursement.

The gas to be purchased will be gathered through the proposed gathering facilities by Texas San Juan and delivered to American Louisiana at a point in Tensas Parish, Louisiana, after processing in Texas San Juan's Locust Ridge Plant. The gas will be transported from the Locust Ridge Plant to American Louisiana's 8⅝-inch supply lateral previously authorized in Docket No. CP61–24 by Tensas Gas Gathering Corporation (Tensas).

American Louisiana states that the purchase of gas from the Holly Ridge Area will augment its gas supply and will not require any increase in the delivery capacity of its certificated pipeline system. No new sales are proposed under the subject application.

Take further notice that on October 13, 1961, as supplemented on March 7, 1962, Texas San Juan Oil Corporation, 1126 Mercantile Securities Building, Dallas 1, Texas, filed in Docket No. CI62–382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to American Louisiana after processing in the Locust Ridge Plant, as hereinbefore described, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on November 21, 1961, as supplemented on March 7, 1962, Tensas Gas Gathering Corporation, 924 National Bank of Tulsa Building, Tulsa, Oklahoma, filed in Docket No. CP62–127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from the outlet of the Texas San Juan's Locust Ridge Plant to a connection with American Louisiana's 8⅝-inch lateral line in Tensas Parish, Louisiana, through Tensas' existing 8-mile, 8-inch pipeline in Tensas Parish, as hereinbefore described, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 21, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5129; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. G–104]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 23, 1962.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with principal place of business in El Paso, Texas, filed an application in Docket No. G–104 on May 7, 1962, as hereinafter described, for authorization to continue the exportation of natural gas from the United States to Mexico, pursuant to section 3 of the Natural Gas Act and subject to the jurisdiction of the Commission, all as more fully represented in said filing which is on file with the Commission and open for public inspection.

El Paso's present contract for the exportation of natural gas expires by its own terms on June 8, 1962. El Paso has entered into a new contract, dated June 9, 1962, covering the sale of gas for exportation through existing facilities. This contract, unless sooner terminated in accordance with the provisions thereof, is to continue in full force and effect through June 1, 1972, and contemplates a continuation of the present export operations without interruption.

This matter should be disposed of as promptly as possible under the applicable rules and regulations. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5130; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. G–14753]

SUNRAY DX OIL CO.

Notice of Severance, Extension of Time and Postponement of Hearing

MAY 22, 1962.

Sunray DX Oil Company (formerly Sunray Mid-Continent Oil Company), Docket No. G–14753.

Upon consideration of the request filed by Applicant in the above-designated matter, notice is hereby given that the proceeding listed above is hereby severed from the proceedings consolidated by order issued March 7, 1962, under the lead docket, Texaco-Seaboard Inc., et al., Docket Nos. G–13169 et al., heretofore scheduled for hearing on May 29, 1962, by order issued March 7, 1962, as modified by notice issued March 27, 1962.

An extension is hereby granted to the participants in the proceeding severed hereby to and including June 18, 1962, within which to serve and file the data specified by paragraph (C) of the Commission's order issued March 7, 1962; and that a hearing in the severed proceeding is scheduled to commence at 10 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5131; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. CP62–228]

VILLAGE OF FINDLAY, ILLINOIS

Notice of Application

MAY 22, 1962.

Take notice that on March 29, 1962, the Village of Findlay, Illinois (Applicant), filed in Docket No. CP62–228 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver natural gas to Applicant for resale and distribution in the Village of Findlay, Shelby County, Illinois, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4 miles of 4-inch lateral pipeline extending from Natural's 30-inch looped line approximately 4 miles east of the Village of Findlay to a regulator station in the village, and the necessary distribution facilities in the area to be served.

Applicant estimates its natural gas requirements for the first and third years of service to be as follows:

	First year	*Third year*
Peak day	589	691
Annual	52,522	61,172

Applicant states that its proposed facilities would cost approximately $230,000, which would be financed from the sale of public utility certificates which would be exchanged for revenue bonds. The application further states that arrangements for financing have been completed.

On April 9, 1962, Natural filed an answer to the application and stated that it has the available pipeline capacity and gas supply to render the proposed service. Natural estimates the total cost of its tap connection, metering, and regulating facilities to be $15,680.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5132; Filed, May 28, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1169]

CARINTHIA SKI AREA, INC.

Order Permanently Suspending Exemption

MAY 23, 1962.

Carinthia Ski Area, Inc., West Dover, Vermont, filed with the Commission on July 25, 1960, a notification and offering circular, and subsequently filed amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to Section 3(b) thereof and Regulation A thereunder, with respect to a public offering of 113 shares of its no par value common stock at $1,000 per share.

The Commission, by order dated February 6, 1962, temporarily suspended the aforesaid exemption, pursuant to Rule 261(a) of Regulation A. At the issuer's request the Commission ordered that a hearing be held to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption. Thereafter the issuer entered a stipulation of facts, waived a hearing and posthearing procedures, and consented to the entry of an order permanently suspending the exemption.

On the basis of the stipulation of facts the Commission finds:

1. The terms and conditions of Regulation A were not complied with in that the issuer failed to furnish to certain purchasers of its stock an offering circular as required by Rule 256.

2. The offering was made in violation of section 17(a) of the Act in that the issuer did not disclose to certain purchasers the true capitalization of the corporation and number of shares outstanding.

3. The offering circular was materially misleading in that it failed to disclose that the real estate owned by the corporation was encumbered by a first mortgage, or the amount thereof.

In view of the foregoing findings: *It is ordered,* pursuant to Rule 261(b) of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering by Carinthia Ski Area, Inc. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–5135; Filed, May 28, 1962; 8:45 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

MAY 23, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being

listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 24, 1962 to June 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5136; Filed, May 28, 1962; 8:45 a.m.]

[File No. 24D-2538]

SELF-SERVICE SHOES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 23, 1962.

I. Self-Service Shoes, Inc., 504 North Grand, Pueblo, Colo., (issuer), a Colorado corporation, filed on September 19, 1961, a notification and offering circular relating to an offering of 100,000 shares of its 10 cents par value common stock at an offering price of $3. per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Self-Service Shoes, Inc., has failed to cooperate with the staff in furnishing pertinent information in connection with the offering.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the failing financial condition of the company.

2. The failure to disclose adequately and accurately the necessity for closing its retail units.

3. The failure to disclose adequately and accurately the use intended to be made of the proceeds from the offering.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5137; Filed, May 28, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DORA KAMKE ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dora Kamke, Frischlinstrasse 27, Tubingen, Germany; $1,043.20 in the Treasury of the United States and a five-eighths interest in the property described below.

Adelheid Kickler nee Kamke, Uhlandstrasse 23, Sackingen, Germany; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below.

Detlef Kamke, Biegenstrasse 8, Marburg/Lahn, Germany; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below.

Olga Bradshaw nee Kamke, Lound Hall, Bothamsall near Retford, Notts., England; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below. Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States from the republication of the following books:

(a) "Differentialgleichungen, Losungsmethoden und Losungen" by Erich Kamke vested by the Alien Property Custodian under Vesting Order No. 500A-56 (9 F.R. 8208, July 20, 1944).

(b) "Einfuhrung in die Wahrscheinlichkeitstheorie." 1932, by Erich Kamke vested by the Alien Property Custodian under Vesting Order No. 500A-76 (9 F.R. 7788, July 12, 1944).

(c) "Differentialgleichungen Reeller Funktionen," 1930, by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-153 (10 F.R. 6682, June 9, 1945).

(d) "Differentialgleichungen Losungsmethoden und Losungen," 1943-44, V. 1, 2 Aufl. by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-177 (10 F.R. 14972, December 12, 1945).

(e) "Differentialgleichungen, Loesungsmethoden und Loesungen," 3rd Edition, 1944, by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-223 (13 F.R. 3564, June 26, 1948). Claim No. 41925.

Executed at Washington, D.C., on May 21, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-5142; Filed, May 28, 1962; 8:46 a.m.]

ROLF MARBOT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rolf Marbot (pseud. Albrecht Marcuse), 5, Rue Lincoln, Paris 8, France; the right to receive one third of forty percent of the royalties paid or to become payable to the Attorney General of the United States from the publication of the musical composition entitled "Sag Mir Darling, Sag Mir Liebling, Sag Mir Du" (English title: "Call Me Darling") by Rolf Marbot et al., in accordance with the terms of a contract concluded between Rolf Marbot et al. and Musikverlag "City" on April 14, 1931, as vested by the Alien Property Custodian under Vesting Order 500A-273 (15 F.R. 5825, August 29, 1950). Claim No. 61255.

Executed at Washington, D.C., on May 22, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-5143; Filed, May 28, 1962; 8:46 a.m.]

KATIE MUELLER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katie Mueller, Wolfegger Str. 9, Weingarten/Wurtt, Germany; $477.33 in the Treasury of the United States. Claim No. 66587, Vesting Order No. 14622.

Executed at Washington, D.C., on May 21, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-4144; Filed, May 28, 1962; 8:46 a.m.]

RUTH MARIA OSTEN AND LYDIA SARAH BIEBER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ruth Maria Osten nee Bieber, 25 Broadway, Manchester 20, England; $50.34 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of the musical play entitled "Ein Walzertraum" in the United States, to the extent owned by Ruth Maria Osten nee Bieber immediately prior to the vesting thereof by Vesting Order No. 3504 (9 F.R. 6271, June 9, 1944) (9 F.R. 13772, November 17, 1944). Claim No. 59222.

Lydia Sarah Bieber, 9 Belgrave Mansions, Belgrave Gardens, London NW 8, England; $50.34 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of the musical play entitled "Ein Walzertraum" in the United States, to the extent owned by Fritz Felix Bieber known as Francis Bieber, predecessor in interest of Lydia Sarah Bieber, immediately prior to the vesting thereof by Vesting Order No. 3504 (9 F.R. 6271, June 9, 1944) (9 F.R. 13772, November 17, 1944). Claim No. 59223.

Executed at Washington, D.C., on May 22, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-5145; Filed, May 28, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 5-9-62 to 5-8-63 (men's, boys', girls', and ladies' dungarees).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 5-26-62 to 5-25-63 (men's trousers).

Cluett, Peabody & Co., Inc., 433 River Street, Troy, N.Y.; effective 5-21-62 to 5-20-63 (men's dress shirts).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 5-12-62 to 5-11-63 (ladies' capris, surfers, and pedal pushers).

Freedland Sportswear Co., Inc., 246-250 Centre Street, Freeland, Pa.; effective 5-18-62 to 5-17-63 (men's outerwear jackets).

Honey Togs, Inc., 605 West Upshur, Gladewater, Tex.; effective 5-14-62 to 5-13-63; learners may not be employed at special minimum wage rates in the production of separate skirts (children's garments—slimjims, pedal pushers, surfers, etc.).

The H. D. Lee Co., Inc., 405 East Madison Street, South Bend, Ind.; effective 5-15-62 to 5-14-63 (men's work clothing).

Mode O'Day Corp., Plant No. 9, 419 East S Street, Hastings, Nebr.; effective 5-9-62 to 5-8-63. Learners may not be employed at special minimum wages in the production of separate skirts (ladies' blouses).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5-27-62 to 5-26-63 (men's and boys' dungarees).

Opp Textiles, Inc., Opp, Ala.; effective 5-12-62 to 5-11-63 (hunting and camping clothes).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5-7-62 to 5-6-63 (ladies' brassieres and girdles).

Rappahannock Manufacturing Co., Inc., 2301 Airport Avenue, Fredericksburg, Va.; effective 5-15-62 to 5-14-63 (men's dress trousers).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-18-62 to 5-17-63 (misses' and junior's dresses).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton 3, Pa.; effective 5-23-62 to 5-22-63 (men's single pants).

Spartans Industries, Inc., Spencer, Tenn.; effective 5-8-62 to 5-7-63 (ladies' capri pants and jamaica pants).

Stately Lady Nitewear, Inc., Mount Holly Road, Charlotte, N.C.; effective 5-9-62 to 5-8-63 (ladies' woven pajamas and nightgowns).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5-19-62 to 5-18-63 (women's dresses and sportswear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aletta Manufacturing Co., Inc., White Mills River Street, Springvale, Maine; effective 5-10-62 to 5-9-63; 10 learners (women's dresses).

Barad Lingerie Co. of Salem, Salem, Mo., effective 5-14-62 to 5-13-63; 10 learners (ladies' cotton sleepwear).

Eudora Manufacturing Corp., U.S. Route 65, Eudoda, Ark.; effective 5-7-62 to 5-6-63; 10 learners (men's uniforms and work clothing and women's uniforms).

Globe Manufacturing Co., Inc., Lyons, Ga.; effective 5-11-62 to 5-10-63; 10 learners (men's and boys' storm type coats and jackets).

Holiday Garment Co., Building No. 323, Port Industrial Center, Tacoma 2, Wash.; effective 5-14-62 to 5-13-63; 10 learners (men's, boys', women's, and girls' washable coats and jackets).

Irene Sportswear Co., Inc., Walnut Street, Nicholson, Pa.; effective 5-18-62 to 5-17-63; 10 learners (ladies' dresses and blouses).

Johnson Garment Corp., 307 West Second Street, Marshfield, Wis.; effective 5-9-62 to 5-8-63; eight learners (men's heavy outerwear parkas).

Maine Dress Co., Main Street, Cornish, Maine; effective 5-14-62 to 5-13-63; 10 learners (women's dresses).

Modelrite Dress Co., 201 Chestnut Street, Dunmore, Pa.; effective 5-22-62 to 5-21-63; five learners (women's dresses).

Peerless Uniform Manufacturing Co., 1810 South Main Street, Los Angeles 15, Calif.; effective 5-8-62 to 5-7-63; eight learners (washable service apparel, men's and women's uniforms and doctors' and nurses' uniforms).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 5-15-62 to 11-14-62; 20 learners (men's work clothing).

Emporia Garment Co., Inc., Emporia, Va.; effective 5-7-62 to 11-6-62; 30 learners (children's dresses).

Frisco Sportswear Co., Inc., 301 West Live Oak Street, Frisco City, Ala.; effective 5–13–62 to 11–12–62; 120 learners (ladies' slacks).

Sy Hart Sportswear, Salisbury, N.C.; effective 5–14–62 to 11–13–62; 20 learners (men's and boys' rainwear; men's boys', and girls' outerwear).

Parochial Uniform Co., Inc., 1 Liberty Street, Farmington, Mo.; effective 5–15–62 to 11–14–62; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (girls' and children's jackets and blouses).

Spring City Manufacturing Co., Spring City, Tenn.; effective 5–16–62 to 11–15–62; 150 learners (men's and boys' pajamas).

Tom & Huck Togs, Inc., Amory, Miss.; effective 5–14–62 to 11–13–62; 85 learners (men's dress and play pants and shorts).

W. F. Apparel Co., Inc., 902 Main Street, West Frankfort, Ill.; effective 5–14–62 to 11–13–62; 40 learners (women's and misses' dresses).

Whiteville Garment Manufacturing Co., Whiteville, N.C.; effective 5–11–62 to 11–10–62; 50 learners (men's and boys' dungarees and single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 5–14–62 to 5–13–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 5–9–62 to 5–8–63; 10 learners for normal labor turnover purposes (leather and cotton combination work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Hosiery Mills, Inc., No. 2, Adairville, Ky.; effective 5–9–62 to 10–3–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless) (replacement certificate).

May Hosiery Finishing Co., 616 South Main Street, Burlington, N.C.; effective 5–10–62 to 11–9–62; 35 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kayser-Roth Hosiery Co., Dayton Division, Dayton, Tenn.; effective 5–23–62 to 11–22–62; 20 learners for plant expansion purposes (ladies' and children's tights).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 5–14–62 to 11–13–62; five learners for normal labor turnover purposes (cotton polo shirts and ladies' cotton underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Riviera Sportswear Co., 1207 South Seventh Street, LaCrosse, Wis.; effective 5–7–62 to 11–6–62; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.00 an hour (ammunition pouches, barracks bags and gas mask head harness).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 25th day of May 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–5105; Filed, May 25, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37752: *Fresh vegetables from Cullman, Ala.* Filed by O. W. South, Jr., Agent (No. A4190), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, as described in the application, from Cullman, Ala., and points grouped therewith, to Evansville, Ind., and Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Southern Freight Association tariff I.C.C. S–178.

FSA No. 37753: *Asphalt from Montana points to Mankato, Minn.* Filed by Trans-Continental Freight Bureau, Agent (No. 388), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to aggregate shipment in one day of twenty tank-car loads, from Billings, East Billings, Great Falls and Laurel, Mont., to Mankato, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 64 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37754: *Asphalt from Montana points to Fond du Lac, Wis.* Filed by Trans-Continental Freight Bureau, Agent (No. 387), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), in tank-car loads, subject to aggregate shipment in one day of twenty tank-car loads, from Billings, East Billings, Great Falls and Laurel, Mont., to Fond du Lac, Wis.

Grounds for relief: Carrier competition.

Tariff: Supplement 64 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5139; Filed, May 28, 1962; 8:46 a.m.]

[Notice 644]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64304. By order of May 21, 1962, the Transfer Board approved the transfer to Ray Krog, doing business as Ray Krog Trucking, Fergus Falls, Minn., of Certificate No. MC 21580, issued April 8, 1957, to Norris Arnold Krog and Raymond Gordon Krog, doing business as Krog Bros., Fergus Falls, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within 20 miles of Fergus Falls, Minn., except points on U.S. Highways 52 and 59 and Minnesota Highway 210, on the one hand, and, on the other, Fargo, N. Dak., emigrant movables and livestock, between points in Minnesota, on the one hand, and, on the other, points in North Dakota and South Dakota; agricultural commodities between Fergus Falls, Minn., and points within 20 miles thereof, on the one hand, and, on the other, points in North Dakota and South Dakota; and farm machinery and building materials, between Fergus Falls, Minn., and Fargo, N. Dak. Richard L. Pemberton, First National Bank Building, Fergus Falls, Minn., attorney for applicants.

No. MC–FC 64815. By order of May 22, 1962, the Transfer Board approved the transfer to Clarence Morrison, Parker, Kans., of Certificate No. MC 3422, issued May 5, 1958, to Uriel W. Brown, doing business as Brown Truck Line, Parker, Kans., authorizing the transportation of: Agricultural commodities, and empty steel drums, from Parker, Kans, to Kansas City, Mo., over specified routes, serving the intermediate point of Cadmus, Kans., and the off-route point of North Kansas City, Mo., general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., to Parker, Kans., over specified routes, serving the intermediate point of Cadmus, Kans., and the off-route point of North Kansas City, Mo., unrestricted, and the intermediate point of Kansas City, Kans., restricted to pick-up of livestock; livestock, from Centerville, Kans., to Kansas City, Mo., over specified routes, serving the intermediate point of Kansas City, Kans., intermediate and off-route points within 12 miles of Centerville, and the off-route point of North Kansas City, Mo., feed, livestock, farm machinery, and building materials, from Kansas City, Mo., to Centerville, Kans., over specified routes, serving the intermediate point of Kansas City, Kans., intermediate and off-route points within 12 miles of Centerville, and the off-route point of North Kansas City, Mo., livestock, between Parker, Kans., and points within 25 miles thereof, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC–FC 64968. By order of May 21, 1962, the Transfer Board approved the transfer to Lloyd C. Albro, 456 Main Street, Washington (Town of Coventry), R.I., of the operating rights in Certificate No. MC 35896, issued June 19, 1942, to David W. Knight, Pippin Orchard Road, Cranston, R.I., authorizing the transportation, over irregular routes, of livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment used in the care or exhibition of such animals, and ordinary livestock, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Virginia.

No. MC–FC 65008. By order of May 22, 1962, the Transfer Board aproved the transfer to W. H. Luddy & Son, Inc., East Bridgewater, Mass., of the operating rights in Certificates Nos. MC 42578 and MC 68647, both issued April 3, 1950, to William A. Luddy, doing business as W. H. Luddy & Son, East Bridgewater, Mass., authorizing respectively, the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between East Bridgewater, Mass., on the one hand, and, on the other, points within 10 miles of East Bridgewater, milk and cream, between East Bridgewater, Mass., and points within 5 miles thereof, on the one hand, and, on the other, Providence and East Providence, R.I., and Somerville, Mass., household goods, between East Bridgewater, Mass., and points in Massachusetts within 25 miles of East Bridgewater, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, New York, and Rhode Island, and, over irregular routes, passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in a described portion of Massachusetts, to a described portion of Maine, a described portion of Vermont, a described portion of Connecticut, and a described portion of New York and to points in New Hampshire and Rhode Island, and return. Edward Gilmore, 62 Wellesley Avenue, Wellesley, Mass., applicants' attorney.

No. MC–FC 65026. By order of May 21, 1962, the Transfer Board approved the transfer to Roger Glasnapp, doing business as Glasnapp Transfer, Lytton, Iowa, of the operating rights in Certificate No. MC 110295 Sub-1, issued December 6, 1951, to La Vern Segebarth, doing business as Segebarth Transfer, Lytton, Iowa, authorizing the transportation, over irregular routes, of livestock, feed and seed, between Lytton, Iowa, and points within 15 miles of Lytton, on the one hand, and, on the other, Omaha, Nebr.

No. MC–FC 65039. By order of May 22, 1962, The Transfer Board approved the transfer to Victory Van Lines, Inc., Staten Island, N.Y., of the operating rights in Certificate No. MC 93023, issued May 14, 1959, to Piazza Bros. Greenwood Vans, Inc., Brooklyn, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, on the one hand, and, on the other, points in Connecticut, and New Jersey, and in a described portion of New York, and in a described portion of Pennsylvania. David Brodsky, 1776 Broadway, New York 19, N.Y., Applicants' attorney.

No. MC–FC 65042. By order of May 22, 1962, the Transfer Board approved the transfer to Lawrence Zvacek, doing business as Wall Truck Line, Holden, Mo., of Certificate No. MC 547, issued January 24, 1956, to Leta Wall and Lawrence Zvacek, a partnership, doing business as Wall Truck Line, Holden, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Holden Mo., and Kansas City, Kans., serving all intermediate points without restriction; and off-route points within ten miles of Holden, restricted to the pickup and delivery of livestock; between Kansas City, Mo., and Pittsville, Mo., serving the intermediate points of Lone Jack, Cockrell, and Elm, Mo., sand, lumber, feed, meats, and oil and grease in containers, between Kansas City, Kans., and Pittsville, Mo., serving the intermediate points of Lone Jack, Cockrell, and Elm, Mo., livestock, over irregular routes, between Pittsville, Mo., and points within 10 miles of Pittsville, on the one hand, and, on the other, Kansas City, Kans., and from Lees Summit, Mo., and points within 3 miles of Lees Summit, to Kansas City, Kans., and iron and steel articles and prefabricated parts, used in the manufacture of agricultural implements, between Holden, Mo., and Ottawa, Kans. Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5140; Filed, May 28, 1962; 8:46 a.m.]

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VOLUME 27 NUMBER 105

Washington, Wednesday, May 30, 1962

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Pine Blister Rust

AMENDMENTS OF NOTICE OF QUARANTINE AND REGULATIONS

On April 6, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3294) a notice of proposed rule making concerning amendments of 7 CFR 301.63(a), 301.63–1(g), 301.63–2, 301.63–3a(a)(1), 301.63–3a(a)(2), 301.63–3a(b), 301.63–5(a)(1), 301.63–5(a)(2), and 301.63–5(b) (White-Pine Blister Rust Quarantine No. 63, and certain supplemental regulations). After due consideration of all matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), the Administrator of the Agricultural Research Service hereby amends the aforesaid sections and paragraphs to read as follows:

§ 301.63 Notice of quarantine.

(a) The Secretary of Agriculture having given the public hearing required by law quarantines each State of the conterminous United States and the District of Columbia, in order to prevent the further spread of the white-pine blister rust, a destructive disease of five-leaved pines caused by Cronartium ribicola Fischer, and for this purpose regulates the interstate movement of host plants of this disease, namely, five-leaved pines, gooseberries, and currants. Hereafter no five-leaved pines (Pinus) or currants or gooseberries (Ribes or Grossularia), either wild or cultivated, shall be moved or allowed to be moved, within the conterminous United States, from any State or from the District of Columbia into any other State, or from any State into the District of Columbia, except under conditions prescribed in regulations supplemental hereto, in amendments thereof, or in administrative instructions of the Director of the Plant Pest Control Division as hereinafter provided: *Provided*, That as a condition to the regulation, under this quarantine, of the interstate movement into the noninfected portion of a partially infected State of five-leaved pines which are not visibly infected with white-pine blister rust, or of the interstate movement of gooseberries or currants (other than European black currants), into any State, or portion thereof, which may be designated as a control-area, such State shall be required to provide for the control of the intrastate movement of the regulated articles under conditions comparable to those which apply to their interstate movement under provisions of the Federal quarantine regulations currently existing and to enforce such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate for local control of the disease: *Provided further*, That whenever the Director of the Plant Pest Control Division shall find that existing conditions as to the pest risk involved in the movement of the regulated articles to which the regulations supplemental hereto apply, make it safe to modify by making less stringent the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulations shall be made less stringent, whereupon such modifications shall become effective for such period and for such quarantined or control areas, or portions thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.63–1 Definitions.

* * * * *

(g) *Conterminous United States.* The 48 conterminous States of the United States and the District of Columbia.

§ 301.63–2 Quarantined area.

The quarantined area comprises the entire conterminous United States.

§ 301.63–3a Administrative instructions designating control areas.

* * * * *

(a) *Movement of five-leaved pines.* (1) As provided in § 301.63–5(a), five-leaved pines may be moved interstate without restriction between the noninfected States of Arizona, Colorado, Nevada, New Mexico, and Utah, and the non-infected part of California comprised of the counties of Contra Costa, Mariposa, Mono, San Francisco, San Joaquin, Stanislaus, and all those south thereof. Five-leafed pines may not be moved interstate into these areas from any other part of the conterminous United States except when intended for reforestation purposes, when they have been grown in a nursery protected from blister rust infection, and when accompanied by a white-pine certificate issued for such movement by the Director of the Plant Pest Control Division.

(2) There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the conterminous United States outside of the areas described in subparagraph (1) of this paragraph, except that five-leaved pines and parts thereof when visibly infected with blister rust may not be moved interstate anywhere within the conterminous United States except in accordance with § 301.63–9.

(b) *Movement of European black currants.* As provided in § 301.63–5(b), European black currant plants may be moved interstate without restriction into or between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Interstate movement of such plants into or between any other State of the conterminous United States or the District of Columbia is prohibited except in accordance with § 301.63–9.

§ 301.63–5 Conditions governing interstate movement of regulated articles.

(a) *Five-leaved pines.* (1) Five-leaved pines may be moved interstate without restriction between the following noninfected States or parts thereof when they have originated therein, namely: Arizona, Colorado, Nevada, New Mexico, Utah, and the noninfected part of California comprising the counties of Contra Costa, Mariposa, Mono, San Francisco, San Joaquin, Stanislaus, and all of those south thereof. Five-leaved pines may not be moved interstate into the above-described areas from any other part of the conterminous United States, except when intended for reforestation purposes, when they have been grown in a nursery protected from blister rust infection, and when accompanied by a white-pine certificate issued for such movement by the Plant Pest Control Division.

(2) There are no restrictions on the interstate movement of five-leaved pines and parts thereof into or within that part of the conterminous United States outside of the areas described in subparagraph (1) of this paragraph: *Provided*, That the interstate movement anywhere within the conterminous United States of five-leaved pines and parts thereof when visibly infected with blister rust is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9.

(b) *European black currants.* European black currant plants (Ribes nigrum L.) may be moved interstate without restriction into and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. The interstate movement of such plants into any other State of the conterminous United States or the District of Columbia is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended)

These amendments shall become effective July 5, 1962.

These amendments make no substantive change in the notice of quarantine or regulations as now enforced. Under the Plant Quarantine Act a hearing is required before a State is quarantined. At the time of the latest public hearing held on March 26, 1932, to consider

amendment of the white-pine blister rust quarantine, Alaska had not been admitted as a State. The need for quarantining Alaska was not considered at the hearing and the quarantine and regulations by their terms were intentionally limited to the then existing States of the United States and the District of Columbia. The amendments and the new definition specifically limit application of the quarantine and regulations to the 48 conterminous States and the District of Columbia, as originally intended under the terms of the public hearing. The amendments eliminate any uncertainty as to the status of Alaska under the quarantine and regulations.

Done at Washington, D.C., this 25th day of May 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–5310; Filed, May 29, 1962; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments]

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to supplement the successor-in-interest provision with a provision for handling cases where deceased producers are involved and to make other minor changes.

Since these changes are minor and there is a need to furnish amended copies of regulations to cotton ginners, buyers and others before 1962 crop cotton harvest begins, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to marketing quotas for upland cotton of the 1961 and succeeding crops (26 F.R. 3672, 5489, 7755, 8069, 9899, 27 F.R. 4418) are hereby amended as follows:

1. Section 722.15 is amended to read as follows:

§ 722.15 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which cotton was planted in a crop year but for which a farm cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the cotton. If a successor-in-interest should acquire from a deceased producer cotton subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor-in-interest to market the cotton penalty free until the penalty has been satisfied.

2. Paragraphs (a) and (c) of § 722.17 are amended to read as follows:

§ 722.17 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in previous crop years on which the penalty was incurred and has not been paid. An eligible producer interested in the cotton production on a farm for any year shall be eligible to receive a marketing card, identified as Form MQ–76 Upland Cotton, for such farm: *Provided, however*, That an eligible producer interested in the cotton production on a farm who is not eligible for price support or who is eligible for price support only when loan documents are prepared in the county office shall be eligible to receive only a marketing card identified as Form MQ–76–R Upland Cotton.

* * * * *

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year or in the event one or more producers on the farm are indebted to the Commodity Credit Corporation or another agency of the United States, the county committee shall deny all producers on such farm a marketing card for a crop year to enforce the provisions of the act and the Agricultural Act of 1949, as amended, in such crop year: *Provided, however*, That in case of such indebtedness the county committee may issue such producers a marketing card identified as Form MQ–76–R Upland Cotton with an "X" entered in the box "Not eligible unless loan documents prepared in county office": *Provided further*, That the county committee shall not deny any producer a marketing card for a crop year solely because the farm operator or his representative has failed to sign the report of acreage for such crop year.

3. Section 722.24 is amended to read as follows:

§ 722.24 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note (Form CCC Cotton A); Producer's Loan Statement B; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

(Secs. 301, 362, 363, 365–368, 372–374, 375, 388, 52 Stat. 38, 62, 63–65, 66, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1375, 1388, 1344–1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 24, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–5238; Filed, May 29, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 21; Amdt. 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend

to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.321 (Lemon Regulation 21, 27 F.R. 4762) are hereby further amended to read as follows:

(ii) District 2: 604,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5309; Filed, May 29, 1962; 8:51 a.m.]

[Nectarine Order 5]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.304 Nectarine Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 6, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Princess, Quetta, Rose, Early Sun Grand, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grandandy nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5236; Filed, May 29, 1962; 8:47 a.m.]

[Nectarine Order 6]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.305 Nectarine Order 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 24, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Early Le Grand or Grand Prize nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5237; Filed, May 29, 1962; 8:47 a.m.]

[Plum Order 4]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.304 Plum Order 4 (Santa Rosa, Formosa, El Dorado).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 3, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Santa Rosa, Formosa, or El Dorado plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5304; Filed, May 29, 1962; 8:51 a.m.]

[Plum Order 5]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.305 Plum Order 5 (Tragedy).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is

permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1962, and necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until May 24, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 16, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shippers shall ship any package or container of Tragedy plums, unless:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 917.301 (Plum Order 1; 27 F.R. 4729), except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5305; Filed, May 29, 1962; 8:51 a.m.]

[Plum Order 6]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.306 Plum Order 6 (Wickson).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1962, and necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until May 24, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 16, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Wickson plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5306; Filed, May 29, 1962; 8:51 a.m.]

[Avocado Reg. 10]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.2 Avocado Regulation 10.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., June 8, 1962, and ending at 12:01 a.m., e.s.t., April 30, 1963, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 16, 1962; and (ii) during the period beginning at 12:01 a.m., e.s.t., July 16, 1962, and ending at 12:01 a.m., e.s.t., August 13, 1962, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter;

(3) Avocados of the Catalina variety shall not be imported (i) prior to August 20, 1962; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 20, 1962, and ending at 12:01 a.m., e.s.t., October 1, 1962, unless the individual fruit in each lot of such avocados weighs at least 18 ounces;

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 13, 1962; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 13, 1962, and ending at 12:01 a.m., e.s.t., September 10, 1962, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter;

(5) Avocados of any variety other than Pollock, Catalina, and Trapp shall not be imported (i) prior to June 25, 1962; (ii) during the period beginning at 12:01 a.m., e.s.t., June 25, 1962, and ending at 12:01 a.m., e.s.t., July 9, 1962, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) during the period beginning at 12:01 a.m., e.s.t., July 9, 1962, and ending at 12:01 a.m., e.s.t., July 30, 1962, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) during the period beginning at 12:01 a.m., e.s.t., July 30, 1962, and ending at 12:01 a.m., e.s.t., September 24, 1962, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this subparagraph (5) if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety specified in subparagraphs (2) through (5) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
	1	
All Texas points.	W.T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644).	1 day.
	or	
	Norman E. Taylor, Room 204 U.S. Court House, El Paso, Tex. (Phone: Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone: Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bartelson, Room 202, Trust Bldg., Nogales, Ariz. (Phone: Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 N.W. 21 Terrace, Room 5, Miami, Fla. (Phone: Newton 5-7967).	Do.
	or	
	Hubert S. Flynt, 775 Warner St., Orlando, Fla. (Phone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 S. Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Phone: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section comply with the maturity regulations applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, if used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069). Importation means release from custody of the United States Bureau of Customs.

It is hereby found that good cause exists for not giving preliminary notice, and engaging in rule-making procedure, or postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (a) the same maturity requirements as are provided herein are being made applicable to shipments of Florida avocados and the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), makes such

import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: May 25, 1962, to become effective June 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5306; Filed, May 29, 1962; 8:51 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 1]

PART 1001—MILK IN GREATER BOSTON, MASS., MARKETING AREA

Order Amending Order

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Mass., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1001.41 and substitute therefor the following:

§ 1001.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1001.63.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
Jan	+08	July	+08
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

2. Delete § 1001.44 and renumber §§ 1001.45 and 1001.46 as §§ 1001.44 and 1001.45.

3. Delete present § 1001.46(b) and substitute therefor the following as new § 1001.45(b):

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

4. Replace the semicolon in § 1001.50 (c) with a period, delete from such paragraph the word "and", and delete § 1001.50(d).

5. Delete § 1001.63 and substitute therefor the following:

§ 1001.63 Butterfat differential.

Each handler, in making payments to each producer for milk received from him, shall add for each one-tenth of one percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of one percent of average butterfat below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 1.20 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5282; Filed, May 29, 1962; 8:49 a.m.]

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handler (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend the opening paragraph of § 1002.40 by deleting the cross-reference "1002.44" wherever it appears and substitute therefor "1002.43."

2. Amend § 1002.40(b) by deleting "1002.46" wherever it appears and substitute therefor "1002.45". Also, in § 1002.40(b)(3) change the section reference "1002.46(b)(9)" to "1002.45(b)(6)".

3. Delete § 1002.40(e) and substitute therefor the following:

(e) For Class III milk, the price shall be the net amount determined pursuant to this paragraph:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A

(92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
Jan	+06	July	+08
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

4. Amend § 1002.41 by deleting the words "and Class III" immediately following the words "Class II", and adding a new sentence at the end of the section to read as follows: "The minimum price for Class III milk shall be plus or minus, for each one-tenth of one percent of butterfat therein above or below 3.5 percent, an amount computed as follows: Multiply by 0.120 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market."

5. Amend § 1002.42 by deleting "1002.44" in the first sentence and substitute therefor "1002.43".

6. Delete § 1002.43 in its entirety and renumber §§ 1002.44, 1002.45 and 1002.46 as §§ 1002.43, 1002.44 and 1002.45, respectively.

7. Amend present § 1002.45 by deleting "1002.46" immediately following the words "§§ 1002.40 through" and substituting therefor "1002.45".

8. Amend present § 1002.46(b) by deleting subparagraphs (3), (7), and (8); by renumbering subparagraphs (4), (5), (6), (9), and (10) as (3), (4), (5), (6), and (7); and in present subparagraph (4) by deleting "1002.44" and substituting therefor "1002.43".

9. Amend the opening paragraph of § 1002.65 by deleting "1002.43" immediately preceding "1002.66"; by deleting paragraph (e); and by renumbering paragraphs (f), (g) and (h) as (e), (f), and (g).

10. Amend § 1002.82 by deleting paragraph (b) and renumbering paragraph (c) as (b).

11. Amend § 1002.83(b) by deleting "1002.44" wherever it appears and substituting therefor "1002.43"; and in subparagraph (3) by deleting the reference to "§ 1002.46(b)(9)" and substituting therefor "§ 1002.45(b)(6)".

12. Amend § 1002.84(b)(3) by deleting "1002.44" and substituting therefor "1002.43".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5283; Filed, May 29, 1962; 8:49 a.m.]

[Milk Order 3]

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

Order Amending Order

§ 1003.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marekting agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1003.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount*	Month:	*Amount*
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sept	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1003.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter at wholesale in the New York City market.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5284; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 4]

PART 1004—MILK IN PHILADELPHIA, PA., MARKETING AREA

Order Amending Order

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pa., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1004.50(b) and substitute therefor the following:

(b) The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1004.51(b).

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
Jan	+16	July	+16
Feb	+15	Aug	+23
Mar	+08	Sept	+19
Apr	+04	Oct	+19
May	+01	Nov	+19
June	+02	Dec	+19

2. Delete § 1004.51 and substitute therefor the following:

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.7 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 37 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 9.19: *Provided,* That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18 cents.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

3. Amend § 1004.81 by deleting all the words following the word "respectively" and substituting therefor the following "by the butterfat value computed pursuant to § 1004.51(a) and rounded to the nearest full cent."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5285; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 10]

PART 1010—MILK IN WILMINGTON, DEL., MARKETING AREA

Order Amending Order

§ 1010.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wilmington, Del., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1010.50(b) in its entirety and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight shall be the Class II price determined each month pursuant to § 1004.50(b) of the Federal order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

2. Delete § 1010.51 in its entirety and substitute therefor the following:

§ 1010.51 Butterfat differential to handlers.

The amount per hundredweight determined for each month pursuant to § 1004.51 of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

3. Delete § 1010.81 and substitute therefor the following:

§ 1010.81 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1010.80 shall be increased or decreased, for each one-tenth of 1.0 percent which the average butterfat content of his milk is above or below 3.7 percent, respectively, by the butterfat value computed pursuant to § 1004.51(a) of the order regulating the handling of milk in the Philadelphia, Pa., marketing area and rounded to the nearest full cent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5286; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 14]

PART 1014—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1014.40(b) by deleting subparagraphs (1), (2), (3) and that part of (4) immediately preceding subdivision (i); and renumbering subdivisions (i) and (ii) as subparagraphs (1) and (2). In such renumbered subparagraph (1) change the figure "3.7" wherever it appears therein to "3.5". Replace the period at the end of such subparagraph (1) with a semicolon and add the following: "and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1014.61."

2. Amend subdivision (ii) of § 1014.40 (b) (4) (renumbered to be subparagraph (2)) by deleting the words "subdivision (i) of this subparagraph" and substitute therefor "subparagraph (1) of this paragraph", and by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	*Amount*	Month:	*Amount*
Jan	+$0.138	July	+$0.138
Feb	+.128	Aug	+.208
Mar	+.058	Sept	+.168
Apr	+.018	Oct	+.168
May	−.012	Nov	+.168
June	−.002	Dec	+.168

3. Amend § 1014.61 by deleting the language which begins "as follows: Subtract 52.5 cents" ---- through and including the words "the butterfat differential shall be determined". In the same section delete the figure "1.25" and substitute therefor "1.20".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–5287; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1015.40 by deleting paragraph (b) and renumbering paragraph (c) as (b).

Change in subparagraph (1) of the same paragraph as relettered the figure "3.7" wherever it appears therein to "3.5". Change the period at the end of such subparagraph (1) to a semicolon and add the following: "and add an amount calculated by multiplying by two the butterfat differential computed pursuant to § 1015.61."

2. Amend present § 1015.40(c) preceding subparagraph (1) to read as follows:

The Class II price per hundredweight shall be computed for each month as follows:

3. Amend present § 1015.40(c)(2) by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	*Amount*	Month:	*Amount*
Jan ----	+$0.138	July ----	+$0.138
Feb ----	+.128	Aug ----	+.208
Mar ----	+.058	Sept ----	+.168
Apr ----	+.018	Oct ----	+.168
May ----	—.012	Nov ----	+.168
June ---	—.002	Dec ----	+.168

4. Amend § 1015.61 by deleting the language which begins as follows: "Subtract 52.5 cents"----through and including the words "the butterfat differential shall be determined" and by deleting the last two words in the section, "nearest cent" and substituting therefor the following "nearest one-tenth cent". In the same section delete the figure ".125" and substitute therefor ".120".

No. 105—3

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–5288; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 16]

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Order Amending Order

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1016.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount	Month:	Amount
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sep	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1016.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5289; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order 96]

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

Order Amending Order

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§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, as follows: (i) Each pool handler with respect to (a) all receipts of producer milk including such handler's own production, and (b) receipts of other source milk which are allocated to Class I milk pursuant to § 1096.46(a)(2) and (c), and the corresponding steps of § 1096.46(b); (ii) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8 (d); and (iii) Each handler operating a nonpool distributing plant to the extent provided in § 1096.62.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued April 16, 1962, and the decision containing all amendment provisions of this order, was issued May 21, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1096.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1096.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1096.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1096.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1096.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1096.6 Northern Louisiana marketing area.

"Northern Louisiana marketing area" hereinafter called the "marketing area", means all territory within the boundaries of the Parishes of Boissier, Caddo, Claiborne, De Soto, Lincoln, Morehouse, Ouachita, Red River, Union and Webster, all in the State of Louisiana.

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant other than the plant of a producer-handler during any month(s) of February through August or in accordance with the provisions of paragraphs (a), (b), or (c) of this section during any month of September through January: *Provided*, That the milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted: *Provided further*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section: *And provided also*, That if a handler diverting milk pursuant to paragraph (a) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Not more than 10 days' production during the month unless, (1) In the case of a cooperative association, all of the diversions of milk of member producers by the cooperative association during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk from all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer not a member of a cooperative association, diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

§ 1096.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant;

(c) A cooperative association with respect to the milk of any member producer which it causes to be diverted to a nonpool plant for the account of such cooperative association; and

(d) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant in a tank truck owned and operated by or under contract to such cooperative association for the account of such cooperative association, if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 1096.9 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of Class I milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risk of such person.

§ 1096.10 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1096.11 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1096.12 Supply plant.

"Supply plant" means a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a distributing plant during the month.

§ 1096.13 Pool plant.

"Pool plant" means:

(a) A distributing plant other than the plant of a producer-handler from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 10 percent of such receipts or less than 1500 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of its Grade A receipts from dairy farmers and from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 10 percent of such receipts or a daily average of 1,500 pounds whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which did not meet the shipping requirements of paragraph (b) of this section, shall be a pool plant in any month in which the volume of milk received at pool distributing plants directly from member producers or the cooperative association in its capacity as a handler pursuant to § 1096.8(d) is not less than 60 percent of the total pounds of member producer milk pooled during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1096.14 Route.

"Route" means any delivery of a fluid milk product(s) from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to another plant.

§ 1096.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk and milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, frozen cream, evaporated milk, condensed milk and sterilized milk products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1096.16 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1096.7, or (c) milk received by a cooperative association pursuant to § 1096.8(d).

§ 1096.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except: (1) Such products which are received from other pool plants, (2) producer milk, (3) milk received from a cooperative association for which it is the handler pursuant to § 1096.8(d), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1096.18 Base milk.

"Base milk" means milk received from a producer at a pool plant(s) (or diverted pursuant to § 1096.7) during any of the months of February through July which is not in excess of such producer's daily base computed pursuant to § 1096.65, multiplied by the number of days' production delivered by such producer during the month.

§ 1096.19 Excess milk.

"Excess milk" means milk received at a pool plant(s) (or diverted pursuant to § 1096.7) from a producer during any of the months of February through July, which is in excess of base milk received from such producer during such month, including milk received (or diverted pursuant to § 1096.7) from any producer for whom no base can be computed pursuant to § 1096.65.

§ 1096.20 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1096.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1096.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1096.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon duty and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1096.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1096.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following;

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The 10th day of each month, the uniform price(s) computed pursuant to § 1096.72 or § 1096.73 and the producer butterfat differential, all for the preceding month;

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class; and

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1096.30, at his last known address, a statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) For the months of February through July the amounts of his base and excess milk, respectively; and

(3) The amounts to be paid by such handler pursuant to §§ 1096.62, 1096.82, 1096.84, 1096.85 and 1096.86; and the amount due such handler pursuant to §§ 1096.83 and 1096.84.

REPORTS, RECORDS AND FACILITIES

§ 1096.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month each handler, except a producer-handler, for each of his pool plants and each cooperative association which is a handler pursuant to § 1096.8 (c) or (d) shall deliver to the market administrator a report in the detail and on forms prescribed by the market administrator showing the following:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of milk from producers, including such handler's own production and the aggregate quantities of base and excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations which are handlers pursuant to § 1096.8(d);

(iii) Receipts of other source milk;

(iv) Inventories of fluid milk products on hand at the beginning and end of the month;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of fluid milk products on routes outside the marketing area;

(3) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section; and

(c) Except as provided in paragraph (b) of this section each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1096.31 Payroll reports.

On or before the 20th day of each month each handler (other than a producer-handler) who is the operator of a pool plant or a nonpool distributing plant electing payment pursuant to § 1096.62(b), for each of his plants, and each cooperative association, with respect to milk for which it is the handler pursuant to § 1096.8 (c) or (d), shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month which shall show:

(a) The name and, if not previously reported, address of each producer (dairy farmers in the case of a nonpool distributing plant pursuant to § 1096.62(b));

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, for which milk was received from such producer; and, for the months of February through July such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 1096.32 Other reports.

Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonpool plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the name of the plant to which such milk is to be diverted.

§ 1096.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are

necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 1096.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1096.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported for the month pursuant to § 1096.30 shall be classified by the market administrator pursuant to the provisions of §§ 1096.41 to 1096.46.

§ 1096.41 Classes of utilization.

Subject to the conditions set forth in §§ 1096.42 and 1096.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section; and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided*, That in the case of skim milk dumped, the handler shall give the market administrator such advance notice of intent to dump as the market administrator may require;

(3) Contained in inventory of fluid milk products on hand at the end of the month;

(4) Disposed of in the form of fluid milk products to commercial bakeries or food product manufacturing plants (other than nonpool plants) which do not dispose of milk for fluid consumption;

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1096.8(d) as follows:

(i) Two percent of receipts directly from producers, excluding milk diverted pursuant to § 1096.7; plus

(ii) 1.5 percent of bulk receipts of milk from other plants and cooperative associations in their capacity as handlers pursuant to § 1096.8(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1096.8(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less

(iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph, the applicable percentage shall be 2.0); plus

(iv) Shrinkage on other source milk determined pursuant to § 1096.42;

(6) In frozen cream; and

(7) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) of this section by virtue of the proviso of § 1096.15.

§ 1096.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage on other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents of total receipts of skim milk and butterfat, respectively, to which shrinkage may be assigned to Class II pursuant to § 1096.41 (b)(5).

§ 1096.43 Responsibility of handlers and reclassification of milk.

(a) In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1096.44 Transfers.

Skim milk or butterfat disposed of during the month either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted for the month pursuant to § 1096.30(a) and an equivalent amount of Class II utilization is available in the transferee plant following step (8) in the allocation procedure prescribed in § 1096.46: *Provided*, That if either or both handlers have receipts of other source milk during the month the skim milk or butterfat so transferred shall be classified so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of a fluid milk product;

(c) Except as provided in paragraph (e) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided*, That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), and (e) of this section, as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1096.62;

(e) As Class I milk if diverted to a nonpool plant located more than 300 miles from either the City Hall in Minden or Monroe, Louisiana, such mileage to be the shortest hard surfaced highway distance as determined by the market administrator; and

(f) Except as provided in paragraphs (b) through (e) of this section, as Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, unless the following conditions are met:

(1) The transferring or diverting handler claims classification in Class II in his report submitted for the month pursuant to § 1096.30(a);

(2) The operator of such nonpool plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all pool handlers transferring or diverting milk to such non-pool plant of not less than the amount of assign-

able Class I milk remaining after the following computations:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plants and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant, and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such plants' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1096.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids content of such product together with all of the water originally associated with such solids.

§ 1096.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1096.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned pursuant to § 1096.41(b)(5) (i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk in Class II milk the lesser of such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk and receipts from a cooperative association pursuant to § 1096.8(d) by 0.05;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in Class II milk in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided*, That if the pounds of skim milk in such beginning inventory are greater than the pounds of skim milk remaining in Class II in excess of closing inventory, the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(8) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers and from cooperative associations which are handlers pursuant to § 1096.8(d) in the form of any fluid milk product according to the classification as determined pursuant to § 1096.44(a); and

(10) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and butterfat in producer milk and determine the weighted average butterfat content of Class I and Class II milk allocated to such milk.

MINIMUM PRICES

§ 1096.50 Basic formula price.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, New London, Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Pet Milk Company, Coopersville, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Belleville, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the first 15 months in which the amended order is effective, the minimum Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II price.* The minimum Class II milk price shall be the price computed pursuant to § 1096.50(b), minus 5 cents per hundredweight for the months of March, April, May and June, and the price computed pursuant to § 1096.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

§ 1096.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1096.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1096.53 Location adjustments to handlers.

For milk received from producers at a pool plant located more than 50 but not more than 60 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 1096.51(a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles: *Provided*, That for the purpose

of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1096.46(a)(8) and the corresponding step in § 1096.46(b) for such plant, such assignment to the transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1096.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 1096.60 Producer-handler.

Sections 1096.40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, and 1096.80 to 1096.86 inclusive, shall not apply to a producer-handler.

§ 1096.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator thereof, with respect to the total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, and which was fully subject to the classification and pooling provisions of such other order.

(b) A distributing plant meeting the requirements of § 1096.13(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

§ 1096.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operation of a plant exempt pursuant to § 1096.61, who during the month operates a nonpool distributing plant shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1096.30, to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 12th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1096.63(a) for the location of such plant: *Provided*, That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1096.86 with respect to Class I milk disposed of on routes in the marketing area; and

(b) On or before the 25th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1096.70 for such nonpool plant and any supply plant(s) (meeting the requirement equivalent to § 1096.13(b)) which serves as a source of milk for such nonpool plant if such plants were pool plant(s):

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) On or before the 25th day after the end of the month as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1096.86 had such plant(s) been a pool plant(s): *Provided*, That such amount shall be reduced by any amounts paid as an administrative assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the provisions of another order issued pursuant to the Act.

§ 1096.63 Rate of payment on unpriced milk.

The following rates of payment shall be applicable on unpriced other source milk received at a pool plant or at a nonpool distributing plant subject to the provisions of § 1096.62 and allocated to Class I:

(a) On other source milk received in a form other than a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of such plant.

(b) On other source milk received in the form of a fluid milk product(s), the difference between the applicable Class II price and the applicable Class I price at the location of the nearest plant(s) supplying an equivalent volume of such other source milk.

DETERMINATION OF BASE

§ 1096.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1096.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer by all pool handlers during the preceding months of September through December by the number of days' production of such producer delivered during such period, but by not less than 90: *Provided*, That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purpose of computing the daily base of such producer.

§ 1096.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to each producer for whose account milk was received by a handler during the September–December period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form approved by the market administrator and signed by the base holder(s), or his heirs, and by the person to whom such base is transferred subject to the conditions of paragraph (c) of this section.

(c) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the September–December period by the total number of days' production delivered by both producers during such period, but not less than 90: *Provided*, That for the purpose of this paragraph the same days' production of both the transferor and transferee delivered to handlers shall be considered as the delivery of one day of production.

§ 1096.67 Announcement of established bases.

On or before January 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer pursuant to § 1096.65.

DETERMINATION OF PRICES TO PRODUCERS

§ 1096.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (g) of this section for each of his pool plants, and adding together the resulting totals: *Provided*, That in any month in which the total receipts of producer milk are less than 110 percent of the total Class I utilization at all pool

plants, the computation pursuant to paragraphs (b) and (c) of this section shall not be applicable:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(2) and the corresponding step of § 1096.46(b) by the rate of payment pursuant to § 1096.63(a);

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46(b) by the rate of payment pursuant to § 1096.63(b);

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(5) and the corresponding step of § 1096.46(b), and not priced as Class I under another order, by the rate of payment pursuant to § 1096.63(b);

(e) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(7) and the corresponding step of (b); or

(2) The skim milk and butterfat remaining in Class II after the computation pursuant to § 1096.46(a)(7) for the preceding month;

(f) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(7) and the corresponding step in (b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1096.46(a)(5) and the corresponding step in (b) for the previous month and which was classified and priced as Class I under another Federal order;

(g) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1096.46(a)(10) and the corresponding step of (b) by the applicable class price.

§ 1096.71 Computation of aggregate value used to determine uniform prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1096.70 for all pool handlers who made reports prescribed in § 1096.30 for such month and who have made payments for the previous month pursuant to § 1096.80 and § 1096.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk included in paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 1096.74 and multiplying the result by the total hundredweight of such producer milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1096.75; and

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1096.72 Computation of uniform price.

For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1096.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1096.73 Computation of uniform prices for base milk and for excess milk.

For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of subparagraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk".

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1096.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1096.71: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (3) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

§ 1096.74 Butterfat differential to producers.

The applicable uniform prices to be paid each producer pursuant to § 1096.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1096.46(b) for all pool handlers by the respective butterfat differential for such class computed pursuant to § 1096.52, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1096.75 Location differential to producers.

In making payment to producers and cooperative associations pursuant to § 1096.80 a handler may deduct, with respect to producer milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 1096.53.

PAYMENTS

§ 1096.80 Time and method of payment for producer milk.

Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month of August through January for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.72 subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively, and (1) less payment made pursuant to paragraph (a) of this section; (2) less marketing service deductions pursuant to § 1096.85; (3)

plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such producers; and (4) less proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of February through July for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, marketing service deductions pursuant to § 1096.85 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 1096.73(b) for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 1096.73(a) for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively;

(d) On or before the 25th and 13th days of each month, in lieu of the payment pursuant to paragraphs (a), (b), and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b), (c), or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer; and

(f) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices, (i) less the amounts paid pursuant to subparagraph (1) of this paragraph, and (ii) plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such cooperative association.

§ 1096.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payment made by handlers pursuant to §§ 1096.62, 1096.82, and 1096.84 and out of which he shall make payments to handlers pursuant to §§ 1096.83 and 1096.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1096.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation computed pursuant to § 1096.70 for such month is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1096.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1096.70 for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1096.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1096.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1096.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1096.31.

§ 1096.86 Expense of administration.

As his pro rata share of the expense of administration of this part each handler, except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe as follows:

(a) Each pool handler with respect to (1) all receipts of producer milk including such handler's own production, and (2) receipts of other source milk which are allocated to Class I milk pursuant to § 1096.46(a) (2) and (3), and the corresponding steps of § 1096.46(b);

(b) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8(d); and

(c) Each handler operating a nonpool distributing plant to the extent provided in § 1096.62.

§ 1096.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Miscellaneous Provisions

§ 1096.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1096.91.

§ 1096.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1096.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1096.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination.

(b) Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1096.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1096.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: June 1, 1962.

Signed at Washington, D.C., on: May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5290; Filed, May 29, 1962; 8:50 a.m.]

[Milk Order No. 120]

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEXAS, MARKETING AREA

Order Regulating Handling of Milk

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AUTHORITY: §§ 1120.0 to 1120.95 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1120.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, as follows: (i) Each pool handler for skim milk and butterfat contained in producer milk, milk received from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and in other source milk allocated to Class I pursuant to § 1120.46(a)(2) and (3) and the corresponding steps in § 1120.46(b): *Provided*, That if such handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine as demonstrated as appropriate in terms of the particular cost of administering the additional accounting period; and (ii) each handler operating a nonpool distributing plant pursuant to § 1120.62 to the extent provided in such § 1120.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than June 1, 1962, and fully effective not later than July 1, 1962. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Secretary, United States Department of Agriculture was issued March 13, 1962, and the decision of the Assistant Secretary containing all the provisions of this order was issued May 3, 1962. The fact that this order will constitute the original imposition of a regulatory program in this market makes it necessary that provisions other than those relating to prices and payments to producers should become effective prior to the effective date of such pricing and payment provisions so that handlers may have the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective June 1, 1962, and fully effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 4(c) Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lubbock-Plainview, Texas, marketing area shall be in conformity to, and in compliance with the following terms and conditions:

DEFINITIONS

§ 1120.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1120.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1120.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1120.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1120.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1120.6 Lubbock-Plainview, Texas, marketing area.

"Lubbock-Plainview, Texas, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of:

Bailey.	Lubbock.
Castro.	Lynn.
Cochran.	Motley.
Cottle.	Terry.
Crosby.	Yoakum.
Dickens.	
Floyd.	
Gaines.	
Garza.	
Hale.	
Hockley.	
Lamb.	

all within the State of Texas, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1120.7 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk, fortified milk or skim milk, flavored milk drinks, cream except aerated cream products, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk in fluid form except ice cream and other frozen dessert mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers.

§ 1120.8 Route.

"Route" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to a plant.

§ 1120.9 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit on routes shall not be a plant under this definition.

§ 1120.10 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product is disposed of during the month on a route(s) in the marketing area.

§ 1120.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream acceptable for distribution under a Grade A label is moved during the month to a distributing plant.

§ 1120.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is disposed of during the month on routes unless the volume so disposed of in the marketing area is less than 15 percent of such receipts or less than 1500 pounds on a daily average: *Provided*, That if a portion of such plant, physically apart from the Grade A portion of such a plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be a part of such pool plant pursuant to this paragraph;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) is transferred during the month to a distributing plant from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers, cooperative associations, and from other plants is disposed of on routes during the month and the volume so disposed of in the marketing area is at least 15 percent of such receipts or a daily average of 1500 pounds, whichever is less: *Provided*, That if a portion of such supply plant, physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, transferring, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered to be part of such pool plant pursuant to this paragraph: *And provided further*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through November shall be a pool plant for the following months of March through June, unless written application is filed with the market administrator on or before the first day of any such months for designation as a nonpool plant for the remaining months through June.

§ 1120.13 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1120.14 Producer.

"Producer" means any person except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant either directly or by a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), or (b) diverted from a pool plant to a nonpool plant (other than the plant of a producer-handler) for the account of either the operator of the pool plant or a cooperative association: (1) Any day during the months of March through June, and (2) not more than 15 days' production during any month of July through February: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

§ 1120.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in: (a) Milk received at a pool plant directly from producers; (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1120.14(b); or (c) milk received by a cooperative association pursuant to § 1120.17(c)(2): *Provided*, That such milk shall be deemed to have been received by such cooperative association at a pool plant at the location of the pool plant to which it was delivered.

§ 1120.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) Fluid milk products received from a pool plant, (2) producer milk, (3) receipts from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and (4) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or for which other utilization is not established pursuant to § 1120.32.

§ 1120.17 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool distributing or supply plant(s); and

(c) A cooperative association with respect to the milk of any producer which it causes: (1) To be diverted for its account to a nonpool plant; or (2) to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association notifies the market administrator and the operator of the pool plant in writing prior to the time of delivery that the transferee handler is to be the responsible handler on such milk.

§ 1120.18 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprises of and at the personal risks of such person.

§ 1120.19 Base milk.

"Base milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1120.65 multiplied by the number of days in such month.

§ 1120.20 Excess milk.

"Excess milk" means milk received at a pool plant (or diverted pursuant to § 1120.14(b)) from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received (or diverted pursuant to § 1120.14(b)) during such month from a producer for whom no base can be computed pursuant to § 1120.65.

§ 1120.21 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1120.25 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1120.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1120.27 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as the Secretary may prescribe, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1120.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1120.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon the Secretary's request, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler, by audit or such other investigation as may be necessary of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means, as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public such statistics and information as do not reveal confidential information and which he deems necessary to the proper functioning of this part;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The sixth day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) The tenth day of each month, the uniform price(s) and the producer butterfat differential, both (all) for the preceding month;

(k) On or before the tenth day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(l) On or before the 11th day after the end of each month, mail to each handler at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class and the total thereof; and

(2) The amount to be paid by such handler pursuant to §§ 1120.82, 1120.85, and 1120.86 and the amount due such handler pursuant to § 1120.83.

REPORTS, RECORDS AND FACILITIES

§ 1120.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2) and each handler with respect to each of his pool plants shall report to the market administrator for such month and for each accounting period in such month elected pursuant to § 1120.34, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own farm production), and after March 1, 1963, for the months of March through June, the aggregate quantities of base and of excess milk;

(ii) Receipts of fluid milk products from other pool plants and from cooperative associations;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) The utilization of all skim milk and butterfat required to be reported by this part;

(b) Each handler operating a nonpool distributing plant unless otherwise directed by the market administrator, shall report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section, each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1120.31 Other reports.

(a) Each cooperative association in its capacity as a handler pursuant to § 1120.17(c) (1) and (2), and each handler with respect to each of his pool plants shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month, which shall show for each producer:

(i) His name and address, if not previously reported;

(ii) The total pounds of milk received from such producer, including for the months of March through June his total pounds of base and excess milk;

(iii) The average butterfat content of such milk;

(iv) The number of days of production received from such producer if less than the entire month; and

(v) The net amount of the handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at any of his pool plants his intention to receive such product, and on or before the last day such product is received his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his sources and utilization of skim and butterfat as the market administrator may prescribe.

§ 1120.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all skim milk and butterfat handled;

(c) The pounds of skim milk and butterfat contained in or represented by fluid milk products and other milk products on hand at the beginning and at the end of each month; and

(d) Payments to producers and cooperative associations.

§ 1120.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1120.34 Accounting periods.

A handler may account for receipts, utilization and classification of milk at any of his pool plants for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1120.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1120.30(a) shall be classified by the market administrator pursuant to the provisions of §§ 1120.41 through 1120.46.

§ 1120.41 Classes of utilization.

Subject to the conditions set forth in §§ 1120.42 through 1120.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in the form of fluid milk products, except as provided in paragraph (b) (2), (3), and (4) of this section: *Provided*, That when any fluid milk product is fortified by the addition of nonfat milk solids, the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content; and (2) not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) disposed of for animal feed; (3) contained in fluid milk products dumped: *Provided*, That the handler shall give the market administrator such advance notice of intent to dump as the market administrator may require; (4) contained in fluid milk products disposed of to commercial bakeries, soup factories and similar establishments other than a plant pursuant to § 1120.9; (5) contained in inventory of fluid milk products on hand at the end of the month, and (6) contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows: (i) 2 percent of receipts directly from producers (excluding milk diverted pursuant to § 1120.14(b)); plus (ii) 1.5 percent of bulk receipts of milk from other plants except that if the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less (iii) 1.5 percent of bulk transfers of milk to other plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph the applicable percentage shall be 2.0); plus (iv) shrinkage in other source milk determined pursuant to § 1120.42; and (7) skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I pursuant to the proviso of paragraph (a)(1) of this section.

§ 1120.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage in other source milk for each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Assign a pro rata share of such shrinkage to skim milk and butterfat, respectively, in other source milk on the basis of the percentage that such skim milk and butterfat represents of the total receipts of skim milk and butterfat, respectively, at such plant.

§ 1120.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that classification should be as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1120.44 Transfers.

Skim milk and butterfat disposed of during the month by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of any fluid milk product to a pool plant unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports submitted pursuant to § 1120.30(a) for the month and an equivalent Class II utilization is available in the transferee plant following step (9) in the allocation procedure provided in § 1120.46: *Provided*, that if either or both plants have receipts of other source milk, the skim milk and butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk at both plants except Class I utilization assigned to other source milk pursuant to § 1120.46 (a)(4) and the corresponding step of (b);

(b) As Class I milk if transferred from a pool plant to the plant of a producer-handler in the form of any fluid milk product;

(c) Except as provided in paragraph (f) of this section in the class in which assigned under the other order if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act: *Provided*, That if such nonpool plant received bulk fluid milk products from two or more nonpool plants regulated by an order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) Except as provided in paragraphs (b), (c), (e), and (f) of this section as Class I milk if transferred or diverted in bulk to a nonpool distributing plant in the form of any fluid milk product, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area, if the operator of such nonpool plant elects option (a) in accounting for his obligation to the pool pursuant to § 1120.62;

(e) As Class II milk if transferred to a nonpool plant in the form of cream if the handler establishes that such cream was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were ungraded products suitable for manufacturing use only, and that the shipment was so invoiced;

(f) As Class I milk if diverted to a nonpool plant located in excess of 300 miles from the City Hall at Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator;

(g) Except as provided in paragraphs (b) through (f) of this section as Class I milk if transferred or diverted to a nonpool plant in bulk in the form of any fluid milk product; unless

(1) The transferring or diverting handler claims classification in Class II in his report submitted for the month pursuant to § 1120.30(a);

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was utilized in Class II and the classification claimed by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk (pursuant to the classification provisions of this order applied to such nonpool plant) subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, received from plants at which such milk was classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such plant's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plants which are fully subject to the pricing provisions of an order issued pursuant to the Act.

§ 1120.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler and for a cooperative association in its capacity as a handler pursuant to § 1120.12(c): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1120.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1120.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1120.41 (b)(6) (i) through (iii);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk in a form other than as a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants which are not fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and classified and priced as Class I under such other order;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to either 5 percent of producer receipts and receipts from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2), or the amount of skim milk remaining in Class II, whichever is less;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products from plants fully subject to the classification and pricing provisions of another order issued pursuant to the Act and not assigned pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in Class II milk in excess of the pounds of skim milk contained in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, the difference shall be subtracted from the remaining pounds of skim milk in Class I milk;

(9) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) in the form of any fluid milk product according to the classification thereof as determined pursuant to § 1120.44(a);

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in receipts of producer milk, subtract the excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

Minimum Prices

§ 1120.50 Class prices.

Subject to the provisions of §§ 1120.51 and 1120.52, class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price for Class I milk shall be the price for Class I milk established under part 1126 of this chapter regulating the handling of milk in the North Texas marketing area, plus 10 cents.

(b) *Class II price.* The price for Class II milk for the months of July through February shall be the sum of the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such sum minus 13 cents, rounded in each case to the nearest full cent:

(1) Subtract 3 cents from the Chicago butter price and multiply by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pounds of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§ 1120.51 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat the class prices for the month calculated pursuant to § 1120.50 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1120.52 Location differentials to handlers.

For producer milk which is received at a pool plant located either outside of the State of Texas, or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall, and Childress and 100 miles or more from the City Hall, Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator, and which is assigned to Class I pursuant to the proviso of this section or otherwise classified as Class I milk, the price specified in § 1120.50(a) shall be reduced at the rate set forth in the following table according to the location of the pool plant where such milk is received from producers.

Miles from Lubbock City Hall	*Rate per hundredweight (cents)*
100 miles but less than 110 miles	10
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1120.46(a)(9) and the corresponding step in § 1120.46(b) for such plant, such assignment to the transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1120.53 Rate of payment on unpriced milk.

The rate of compensatory payment per hundredweight during any month shall be the difference between the Class I price adjusted by the Class I butterfat differential and the Class I location differential applicable at the location of the plant at which the milk was received from farmers, and the Class II price adjusted by the Class II butterfat differential.

§ 1120.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1120.60 Producer-handlers.

Sections 1120.40 through 1120.46, 1120.50 through 1120.53, 1120.65 through 1120.67, 1120.70 through 1120.75, and 1120.80 through 1120.88 shall not apply to a producer-handler.

§ 1120.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof, with respect to total receipts of skim milk and butterfat and the utilization thereof, shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless notwithstanding the provisions of this paragraph it is regulated under such other order;

(b) A plant meeting the requirements of § 1120.12(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

§ 1120.62 Handlers operating nonpool distributing plants.

Each handler, other than a producer-handler or a handler with respect to the operations of a plant exempted pursuant to § 1120.61 (a) or (b), who during the month operates a nonpool distributing plant, in lieu of payments required pursuant to § 1120.80 through § 1120.85 shall pay to the market administrator the amounts computed pursuant to paragraph (b) of this section unless the handler elects at the time reports are due pursuant to § 1120.30 to pay the amounts computed pursuant to paragraph (a) of this section.

(a) On or before the 13th day after the end of the month:

(1) For the producer-settlement fund, an amount determined by multiplying the total hundredweight of skim milk and butterfat disposed of as Class I milk on routes in the marketing area from such plant during the month, less the hundredweight of skim milk and butterfat, respectively, transferred or diverted to such plant which is classified and priced as Class I pursuant to an order issued pursuant to the Act, by the rate determined pursuant to § 1120.53: *Provided*, That the same priced milk shall not be used to offset Class I sales in both this marketing area and in the marketing area of any other order(s) issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, the rate specified in § 1120.86, multiplied by the total hundredweight of Class I milk disposed of on routes in the marketing area; or

(b) On or before the 20th day after the end of the month:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1120.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1120.12(b)) which serves as a source of milk for such nonpool plant, if such plants were pool plants;

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such plant(s) during the month from Grade A dairy farmers; and

(ii) Any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a)(1) of this section applicable to such plant(s) as a partially regulated plant(s) under another order issued pursuant to the Act; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1120.86 had such plant(s) been a pool plant(s): *Provided*, That such amount shall be reduced by any amounts paid as an administrative expense assessment determined on the basis of the Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act.

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at a pool plant shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

Determination of Base

§ 1120.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1120.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the preceding months of September through December by the number of days from the first day of delivery of such producer through the last day of December, inclusive, but by not less than 112; *Provided*, That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purposes of computing the base of such producer.

§ 1120.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to receipts of milk from a producer for whose account such milk was received during the base forming period;

(b) A base which is assigned pursuant to the proviso of § 1120.65 shall be nontransferable; and

(c) Except as provided in paragraph (b) of this section an entire base shall be transferred from a person holding such base to any other person, effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder or his heirs and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon receipt of such application signed by all joint holders or their heirs: *And provided further*, That if one or more bases is transferred to a producer already holding a base which was either earned by such producer, or transferred to him, a new base shall be computed by adding together the total producer milk received during the base-forming period from all persons in whose name such bases were earned and dividing the total by the number of days in the base-forming period from the earliest day producer milk was received from any such persons through the last day of such period, inclusive, but by not less than 112.

§ 1120.67 Announcement of established bases.

(a) On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base computed for such producer pursuant to § 1120.65.

Determination of Prices to Producers

§ 1120.70 Computation of the obligations of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants, and adding together the resulting totals: *Provided*, That in any month in which the total receipts of producer milk are less than 110 percent of the total Class I utilization at all pool plants, the computation pursuant to paragraph (c) of this section shall not be applicable:

(a) Multiply the pounds of producer milk in each class computed pursuant to §§ 1120.40 through 1120.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(2) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the location of the pool plant;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(3) and the corresponding step of § 1120.46(b) by the rate determined pursuant to § 1120.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products; and

(d) Add an amount obtained by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step of § 1120.46(b); or

(2) The skim milk and butterfat in producer milk classified as Class II milk (except shrinkage) in the preceding month;

(e) Add an amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent amount of skim milk and butterfat, respectively, in the form of fluid milk products was received in the preceding month and classified as Class II by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8) and the corresponding step in § 1120.46(b) which is in excess of the sum of:

(1) The skim milk and butterfat for which adjustment was made pursuant to paragraph (d) of this section; and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 1120.46(a)(6) and the corresponding step in § 1120.46(b) for the previous month and which was classified and priced as Class I under another Federal order;

(f) Add the amount computed by multiplying the skim milk and butterfat subtracted pursuant to § 1120.46(a)(11) and the corresponding step of § 1120.46(b) by the applicable class prices.

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight of producer milk of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for such month, except those in default of payments required pursuant to §§ 1120.80 and 1120.82 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the producer butterfat differential computed pursuant to § 1120.74 and multiplying the resulting figures by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deduction to be made from producer payments for location differentials pursuant to § 1120.75; and

(d) Add an amount equal to not less than one-half the unobligated balance on hand in the producer-settlement fund.

§ 1120.72 Computation of uniform price.

For each of the months of July through February, and the months from the effective date of this part through June 1962, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat, as follows:

(a) Divide the aggregate value computed pursuant to § 1120.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for producer milk.

§ 1120.73 Computation of uniform prices for base and excess milk.

For each of the months of March through June, beginning with March 1963, the market administrator shall compute the uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71 to producer milk in each class in series beginning with Class II;

(2) Multiply by the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. The result shall be the "uniform price for excess milk."

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1120.71 subtract an amount determined by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all handlers whose receipts are included in the computation pursuant to § 1120.71: *Provided*, That if the resulting price is greater than the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base and excess milk on the basis of the respective volumes of base and excess milk used in the computation of the base and excess prices; and

(3) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (2) of this paragraph. The result shall be the "uniform price for base milk."

§ 1120.74 Butterfat differential to producers.

The applicable uniform price or prices to be paid each producer pursuant to § 1120.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in producer milk allocated to Class I milk and to Class II milk pursuant to § 1120.46 by the Class I and Class II butterfat differentials, respectively, computed pursuant to § 1120.51, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1120.75 Location differentials to producers.

The uniform price determined pursuant to § 1120.72 and the uniform price for base milk determined pursuant to § 1120.73 to be paid for milk which is received from producers at pool plants located either outside the State of Texas or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall and Childress and 100 miles or more from the City Hall of Lubbock, Texas, by the shortest hard surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the table contained in § 1120.52 according to the location of the pool plant at which such milk was received from producers.

Payments

§ 1120.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the last day of each month, to each producer from whom milk is currently being received, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(2) On or before the 15th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price(s) per hundredweight pursuant to §§ 1120.72 and 1120.73 subject to the butterfat differential pursuant to § 1120.74; and less

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Location differential deductions pursuant to § 1120.75;

(iii) Marketing service deductions pursuant to § 1120.85; and

(iv) Proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment for such month pursuant to § 1120.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator, and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Each handler shall pay to a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk on or before the 26th day of the month and the 13th day of the month following, respectively, the amounts otherwise payable pursuant to paragraph (a) of this section, for milk received from producers whom such association certifies are its members: *Provided*, That such cooperative association submits to the handler and to the market administrator before the first day of the month for which it is to receive such payment, a written request for such payment for milk received from such certified members who are producers together with a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of such association. Such request shall be honored with respect to milk received until the first day of the month in which it receives from such association, in writing, notice either of termination of membership, or of withdrawal of the original request. Exceptions, if any, to the accuracy of certification of membership by the cooperative association, by a producer who is claimed to be a member or by a handler shall be made in writing to the market administrator and shall be subject to his determination;

(c) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler pursuant to § 1120.17(c)(2) as follows:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices less the amounts paid pursuant to subparagraph (1) of this paragraph; and

(d) In making payments to producers pursuant to paragraph (a)(2) of this section and to a cooperative association pursuant to paragraph (b) of this section each handler shall furnish each producer from whom he has received milk, or each such cooperative association with respect to each producer member, whichever is applicable, with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The applicable month;

(2) The identity of the handler, the Federal milk order under which the producer's milk was priced, and the producer;

(3) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base and excess milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to this part;

(5) The rate which is used in making the payment;

(6) The amount or the rate per hundredweight, and the nature of each deduction made by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1120.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" in which he shall deposit all payments made by handlers pursuant to §§ 1120.62, 1120.82 and 1120.84, subject to the provisions of § 1120.87, and out of which he shall make all payments pursuant to §§ 1120.83 and 1120.84: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1120.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk as computed pursuant to § 1120.70 for such month, is greater than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform

price or prices adjusted by the producer butterfat and location differentials.

§ 1120.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his milk computed pursuant to § 1120.70 for such month is less than the amount owed by him pursuant to § 1120.80 for such milk at the appropriate uniform price or prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments due pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1120.84 Adjustment of errors in payment.

Whenever audit by the market administrator of any handler's reports, books, records, or account discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1120.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1120.80(a)(2) shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator no later than the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received by handlers from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by or responsible to him.

(b) In the case of a producer for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in said paragraph (a), such deductions from payments to be made directly to such producers pursuant to § 1120.80(a)(2) as are authorized by such producers and on or before the 15th day after the end of each month pay such deductions to the cooperative association rendering such services.

§ 1120.86 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, as follows:

(a) Each pool handler for skim milk and butterfat contained in producer milk, milk received from a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), and in other source milk allocated to Class I pursuant § 1120.46(a)(2) and (3) and the corresponding steps in § 1120.46(b): *Provided*, That if such handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period; and

(b) Each handler operating a nonpool distributing plant pursuant to § 1120.62 to the extent provided in such § 1120.62.

§ 1120.87 Adjustment of overdue accounts.

There shall be added to any balance due to the market administrator pursuant to §§ 1120.62, 1120.82, 1120.84, 1120.85, and 1120.86 an amount equal to one-half of one percent of such balance for each month or portion thereof that payment of such balance is overdue.

§ 1120.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the last day of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the last day of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1120.90 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1120.91.

§ 1120.91 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1120.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1120.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers, respectively, in an equitable manner.

§ 1120.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1120.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Effective date: Sections 1120.0 through 1120.46, §§ 1120.90 through 1120.95 shall be effective on and after June 1, 1962, and all of the remaining provisions shall be effective on and after July 1, 1962.

Signed at Washington, D.C., on May 24, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5197; Filed, May 29, 1962; 8:45 a.m.]

[Milk Order No. 131]

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1131.1 to 1131.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk, and (ii) other source milk allocated to Class I pursuant to § 1131.45(a) (2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1131.62 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued April 20, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 16, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 1131.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1131.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1131.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1131.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1131.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk for its members.

§ 1131.6 Central Arizona marketing area.

"Central Arizona marketing area", hereinafter called the "marketing area", means all territory within the counties of Cochise, Graham, Greenlee, Maricopa, Pima, and Pinal, and that part of Yuma County south of 33 degrees latitude (North from the Equator), all in the State of Arizona.

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler, who produces milk pursuant to the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 1131.13:

(a) Produces milk, on a dairy farm subject to the regular inspection by a duly constituted state or municipal health authority, under a dairy farm permit or rating issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal government for fluid consumption in its institution or bases. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1131.61.

§ 1131.8 Pool plant.

"Pool plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1131.61:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1131.10(c) in the form of fluid milk products qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1131.5 of this part which has 75 percent or more of its member producers' milk received at the pool plants of other handlers.

§ 1131.9 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 1131.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such association; or

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

§ 1131.11 Producer-handler.

(a) "Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of on routes in the marketing area, but who receives no milk from other dairy farmers or from any source other than a pool plant and who does not receive from pool plants an amount representing more than 5 percent of his total Class I utilization for the month: *Provided*, That such person provides proof satisfactory to the market administrator that (1) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(b) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be elegible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1131.12 Market administrator.

"Market administrator" means the person designated pursuant to § 1131.20 as the agency for the administration of this part.

§ 1131.13 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1131.10(b), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1131.10 (c); and

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through April, but shall not be for more than eight days' production of any producer during any other month, otherwise only milk of such producer received at a pool plant shall be producer milk;

(2) For purpose of location adjustments pursuant to §§ 1131.53 and 1131.73, milk so diverted shall be priced at the location of the plant to which diverted.

§ 1131.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants and from a cooperative association in the capacity of a handler pursuant to § 1131.10(c), or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1131.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk), skim milk, buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, or skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

§ 1131.16 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1131.41(a) other than a delivery to a plant described in § 1131.8(a).

§ 1131.17 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1131.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1131.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1131.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditions upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1131.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1131.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1131.30 through 1131.32 or payments pursuant to §§ 1131.80 through 1131.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so re-

quests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the current month;

(2) The 6th day of each month, the Class II and Class III prices and the butterfat differentials for the preceding month; and

(3) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1131.30 Reports of source and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants, and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1131.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from (i) other pool plants, and (ii) cooperative associations acting in the capacity of a handler pursuant to § 1131.10(c);

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1131.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions;

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1131.80(d);

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product,

(4) On or before the day prior to diverting producer milk pursuant to § 1131.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1131.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorzied by producers, and disbursement of money so deducted.

§ 1131.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1131.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 1131.30(a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 1131.41 through 1131.45.

§ 1131.41 Classes of utilization.

Subject to the conditions set forth in § 1131.42 through § 1131.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) Any product classified pursuant to paragraphs (b)(2) and (c)(3) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Contained in fluid milk products used to produce cottage cheese except as classified pursuant to paragraph (c)(3) of this section; and

(2) Disposed of in fluid milk products in bulk form (minimum 5 gallons) to any commercial food processing establishment for use in food products prepared for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of in the form of fluid milk products or cottage cheese for livestock feed;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to subdivision (a)(1)(i) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1131.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1131.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such

milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1131.10(c), unless the exception provided in subdivision (ii) of this subparagraph applies: *Provided*, That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to subdivision (iv) of this subparagraph bears to the total computed pursuant to subdivisions (i) through (vi) of this subparagraph and the remainder shall be assigned to producer milk; and

(6) In nonfluid milk products used to produce cottage cheese.

§ 1131.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk or as Class III milk.

§ 1131.43 Transfers.

(a) Skim milk and butterfat transferred to a pool plant of another handler in the form of fluid milk products shall be classified so as to result in the maximum assignment of producer milk of both handlers to the highest value use classification of the producer milk of both handlers. Except as provided in paragraph (f) of this section skim milk and butterfat shall be classified to the highest value use classification unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1131.30: *Provided*, That the skim milk or butterfat so assigned to Class II or Class III shall be limited to the respective amounts thereof remaining at the pool plant(s) of the receiving handler after the computation pursuant to § 1131.45(a)(5) and the corresponding step of (b);

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless:

(1) The handler claims classification in another class in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer occurred;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class III utilization any cream moved under the conditions specified in paragraph (e)(2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class III if (1) the handler claims classification as Class III milk in his report filed with the market administrator pursuant to § 1131.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment; and

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1131.10(c) or which operates a pool plant described in § 1131.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1131.45(a)(6) and the corresponding step of (b).

§ 1131.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1131.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk, Class II milk and Class III milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1131.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk in producer milk classified as Class III milk pursuant to § 1131.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk received during the month in the form of fluid milk products;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1131.43(a);

(7) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1131.43(f); and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class III milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1131.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1131.51 Class prices.

Subject to the provisions of §§ 1131.52 and 1131.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	113	120
February	November–December	115	122
March	December–January	116	123
April	January–February	116	123
May	February–March	117	124
June	March–April	117	124
July	April–May	118	125
August	May–June	118	125
September	June–July	116	123
October	July–August	114	121
November	August–September	113	120
December	September–October	113	120

(3) For a "minus net deviation" the Class I price shall be increased and for a "plus net deviation" the Class I price shall be decreased as follows:

(i) One-half cent for each such percentage point of net deviation, plus

(ii) One-half cent for the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computation of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent for the least of:

(iv) Less one-half cent, if necessary, to round down to a whole cent.

(a) Each such percentage point of net deviation,

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The price for Class II milk shall be the Class III price for the month, plus 15 cents.

(c) *Class III milk price.* The price for Class III milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 1131.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1131.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.135;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115; and

(c) *Class III price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1131.53 Location differentials to handlers.

(a) For milk received from producers at a pool plant located outside Pima County and more than 30 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Maricopa and Graham Counties, Arizona, whichever is nearer and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be reduced by 10 cents if such plant is located not more than 130 miles from the Maricopa or Graham County courthouses, whichever is nearer, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Maricopa or Graham County courthouses, whichever is nearer, exceeds 130 miles;

(b) For milk received from producers at a plant located in Pima County and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be increased 30 cents.

§ 1131.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1131.60 Producer-handler.

Sections 1131.40 through 1131.45, 1131.50 through 1131.53, 1131.70 through 1131.74, and 1131.80 through 1131.87 shall not apply to a producer-handler.

§ 1131.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1131.8(a) which disposes of a lesser volume of Class I milk in the Central Arizona marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted; and

(b) Any plant qualified pursuant to § 1131.8(b) for any portion of the period November through June, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1131.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 1131.80 through § 1131.86, each handler, except a producer-handler or a handler exempt pursuant to § 1131.61, who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1131.30 to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1131.70, if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1131.86 had such plant been a pool plant.

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class III price; and

(2) As his share of the expense of administration, the rates provided in § 1131.86 with respect to Class I milk so disposed of in the marketing area.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1131.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1131.45 by the applicable class price, and total the resulting amounts;

(b) Add the amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1131.45 (a)(8) and (b) by the applicable class price;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class III price for the preceding month and the applicable Class I price for the current month by the pounds of skim milk and butterfat remaining in Class III after the calculations pursuant to § 1131.45 (a)(4) and (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1131.45 (a)(4) and (b) for the current month whichever is less; and

(2) Multiply the difference between the applicable Class III price for the preceding month and the Class II price for the current month by the pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1131.45 (a)(4) and (b) for the preceding month, less that subtracted from Class I pursuant to § 1131.45 (a)(4) and (b), or the pounds of skim milk and butterfat, subtracted from Class II milk pursuant to § 1131.45 (a)(4) and (b) for the current month, whichever is less; and

(d) Add the amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to § 1131.45 (a)(2) and (b) by the difference between the Class III price and the Class I price each adjusted by the respective butterfat differential.

§ 1131.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1131.70 for the producer milk of all handlers who submit reports prescribed in § 1131.30 and who are not in default of payments pursuant to § 1131.80 or § 1131.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1131.72, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1131.73(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1131.73(b);

(e) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1131.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1131.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1131.73 Location differential to producers.

The applicable uniform prices computed pursuant to § 1131.71 to be paid for producer milk received at a plant located 30 miles or more from the Maricopa or Graham County courthouse, whichever is nearer, as determined by the market administrator, shall be:

(a) Decreased according to the location of the plant where such milk was received at the applicable rates set forth in § 1131.53(a); and

(b) Increased in the case of milk received at plants located in Pima County at the rate set forth in § 1131.53(b).

§ 1131.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price(s) computed pursuant to § 1131.71 and the butterfat differential computed pursuant to § 1131.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1131.82, 1131.85, and 1131.86 and the amount due such handler pursuant to § 1131.83.

PAYMENTS

§ 1131.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount not less than 1.3 times the Class III price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1131.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1131.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received

during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount or rate and nature of any authorized deductions to be made from payments, and (iii) the amount and nature of payments due pursuant to § 1131.84; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1131.10(c) or as the operator of a pool plant shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received from such cooperative association during the first 15 days of the month at not less than 1.3 times the Class III price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1131.43 at the applicable class prices, less payment made pursuant to subparagraph (d)(1) of this section.

§ 1131.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1131.82 and § 1131.62 and out of which he shall make all payments pursuant to § 1131.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1131.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1131.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1131.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1131.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1131.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1131.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1131.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1131.86 Expense of administration.

On or before the 15th day after the end of each month each handler who operates a pool plant shall pay to the market administrator as his pro rata share of the expense of the administration hereof, 4 cents or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1131.45 (a)(2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1131.62 (a)(2) or (b)(2).

§ 1131.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1131.100 Effective time.

The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1131.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1131.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1131.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1131.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1131.111 Separability of provisions.

If any provisions of this part, or its application to any person, or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: June 1, 1962.

Signed at Washington, D.C., on May 24, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5198; Filed, May 29, 1962; 8:45 a.m.]

[Milk Order No. 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Regulating Handling of Milk

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AUTHORITY: §§ 1138.0 to 1138.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1138.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the quantities of milk specified in § 1138.88.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than June 1, 1962, and fully effective not later than July 1, 1962. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Under Secretary was issued March 23, 1962, and the decision of the Assistant Secretary containing all the provisions of this order was issued April 30, 1962. This order will initiate a new regulatory program in the market. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective June 1, 1962, and fully effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1138.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1138.6 Rio Grande Valley marketing area.

"Rio Grande Valley marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, Montezuma, and La Plata, in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant except a plant at which such milk is classified and priced under the provisions of another order issued pursuant to the Act, for the account of the handler operating a pool plant or of a cooperative association, subject to the following conditions:

(1) The days of production of such person for which milk is diverted during the month shall not exceed 9 days' production. If milk is diverted in excess of 9 days' production, all milk of such person diverted during the month shall not be considered a receipt from a producer.

(2) For the purposes of the requirements of § 1138.10, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

§ 1138.8 Producer-handler.

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and receipts from pool plants shall not be in excess of 11,000 pounds per month or, any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except his certified herd: *Provided,* That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

(b) In the case of a producer-handler of certified milk, the certified dairy herd and the milk plant in which the certified milk is handled shall be considered one business unit and shall not include milk which is delivered to other handlers' plants from a non-certified herd maintained on the same farm.

(c) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided,* That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or from which Grade A milk is shipped to a pool plant pursuant to § 1138.10(a).

(b) A cooperative association with respect to the milk of any member producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided,* That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less: *Provided,* That any supply plant which has qualified (or would have qualified had the order been in effect) as a pool plant for each of the months of August through February shall be a pool plant for each of the months of March through July following such August–February period unless written request for nonpool status is furnished in advance to the market administrator. Such nonpool status will be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant, or a plant operated by a producer-handler.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plant, (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.33, or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1138.71, and the butterfat differential computed pursuant to § 1138.82, for the preceding month;

(j) On or before the 13th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and

handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1138.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month each cooperative association which is a handler pursuant to § 1138.9(b), each handler who operates pool plant(s) and each handler who operates nonpool plant(s) and has elected to make payments pursuant to § 1138.62 (b), shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products in the marketing area on routes;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(h) Each handler making payments pursuant to § 1138.62(b) shall report to the market administrator the information required pursuant to this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.31 Payroll reports.

(a) On or before the 20th day of each month, each handler who operates pool plant(s) and each handler who operates nonpool plants and has elected to make payments pursuant to § 1138.62(b) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(1) The name and the days of delivery of each producer with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(3) The amount of payment to each producer and cooperative association;

(4) The nature and amount of any deduction or charges involved in such payments; and

(5) Each handler making payments pursuant to § 1138.62(b) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 1138.32 Other reports.

Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1138.62(b), and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1138.80(c) shall report on or before the 8th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 1138.86.

§ 1138.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1138.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1138.35 Accounting periods.

A handler may account for receipts, utilization and classification of milk at his pool plant(s) for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not less than twenty-four hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 through 1138.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 through 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to subparagraphs (2), (3), (5), and (6) of paragraph (b) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is exempted from Class I pursuant to paragraph (a)(1)(ii) of this section;

(6) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of: (i) 2 percent of receipts of milk received directly from producers; plus (ii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; less (iii) 1.5 percent of milk disposed of in bulk tank lots to other pool plants; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1138.41 (b)(7) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk.

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1138.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk subject to § 1138.52 (c) if transferred in the form of a fluid milk product to another pool plant unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred and the skim milk or butterfat so assigned to any class is not in excess of the amount thereof remaining in such class in the plant of the transferee-handler after the computation made pursuant to § 1138.46(a)(5) and the corresponding computation in § 1138.46(b): *Provided*, That if either or both plants have received other source milk (except other source milk assigned to Class I pursuant to § 1138.46(a)(2)) the skim milk or butterfat so transferred shall be classified at both plants as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages; and

(d)(1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant unless the following conditions are met:

(i) The transferring handler claims Class II utilization in his report submitted pursuant to § 1138.30;

(ii) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(iii) The skim milk and butterfat so transferred or diverted is not in excess of the Class I classification remaining after subtracting in series beginning with the Class I classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk;

(iv) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

(2) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45 the market administrator shall determine the classification of producer milk received at each pool plant of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1138.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk:

(i) That are subject to the Class I pricing provisions of another order issued pursuant to the Act and were received as packaged fluid milk products and disposed of in the same form as received; and

(ii) That were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(3) Subtract from the pounds of skim milk the remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph:

(i) First subtract other source milk received in a form other than as a fluid milk product; and

(ii) Next subtract other source milk received in the form of a fluid milk product;

(4) Subtract from the remaining pounds of skim milk in Class II an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk in fluid milk products received from other pool plants according to its classification as determined pursuant to § 1138.44(a); and

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 1138.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 1138.46(a)(8) and the corresponding step in § 1138.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 1138.46 (a)(8) and the corresponding step of § 1138.46(b); and

(b) That subtracted from Class II pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b).

MINIMUM PRICES

§ 1138.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52 and 1138.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month plus $2.35 during each of the months July through February and plus $2.05 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); and North Texas (Part 1126 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

(b) *Class II milk.* For the months of July through February, the price per hundredweight for Class II milk shall be obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such total less 13 cents:

(1) Subtract 3 cents from the average butter price specified in § 1138.50 and multiply the remainder by 4.2; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department, deduct 5.5 cents, and mutiltiply the remainder by 8.16.

§ 1138.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the county courthouses in Bernalillo and Santa Fe Counties, New Mexico, and which is classified as Class I milk, the price computed pursuant to § 1138.51(a), subject to the limitations in paragraph (c) of this section, shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from the courthouse in El Paso, Texas, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Bernalillo or Santa Fe County Courthouse, whichever is nearer, exceeds 110 miles: *Provided*, That if a rate similarly calculated from the El Paso County Courthouse minus 10 cents is a lower rate, such lower rate shall apply;

(b) For milk received from producers at a plant located within 100 miles by the shortest highway distance as determined by the market administrator from the El Paso County Courthouse and which is classified as Class I milk, the price computed pursuant to § 1138.51(a) shall be increased 10 cents;

(c) For purposes of calculating this differential, bulk transfers of fluid milk products between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1138.46(a)(5) and the corresponding step in § 1138.46(b) for such plant, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential credit is applicable.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1138.50 for the preceding month by 1.25 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price specified in § 1138.50 by 1.15 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1138.60 Producer-handlers.

Sections 1138.40 through 1138.47, 1138.50 through 1138.54, 1138.70 through 1138.72, and 1138.80 through 1138.88 shall not apply to a producer-handler.

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order; and

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1138.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1138.80 to 1138.88, each handler, other than a producer-handler or one exempt pursuant to § 1138.61, who operates during the month a nonpool plant from which Class I milk is disposed of in the marketing area on routes shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1138.30 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1138.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1138.70 if such handler had operated a pool plant the sum of (i) the gross payments for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant, (ii) any payment with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other orders; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1138.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 1138.70 Computation of the obligation of each pool handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler by making the computations provided in paragraphs (a) through (e) of this section for each of his pool plants, and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1138.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 1138.46(a)(10) and, the corresponding step of § 1138.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 1138.47(a); and

(2) Any plus amount remaining after the calculation pursuant to § 1138.47(b);

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1138.46(a)(3)(i) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount computed by multiplying such quantity by the rate determined by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(e) In any month in which the total receipts of producer milk at all pool plants are more than 110 percent of Class I sales at such plants, for any skim milk and butterfat subtracted from Class I milk pursuant to § 1138.46(a)(3)(ii) and the corresponding step of § 1138.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount computed by multiplying such quantity by the rate determined by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and by the location differential applicable at the nearest plant or plants from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 1138.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for the producer milk of all handlers who submitted reports prescribed in § 1138.30 and who are not in default of payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 1138.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials computed pursuant to § 1138.81(a);

(d) Subtract an amount equal to the sum of the amounts to be added to producer payments for location differentials computed pursuant to § 1138.81(b);

(e) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section;

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants located within 100 miles of the county courthouses in Bernalillo and Santa Fe Counties, New Mexico.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84, 1138.86, 1138.87, and 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts and less authorized deductions;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1138.81 Location differential to producers.

(a) For producer milk received at pool plants located more than 100 miles, as determined by the market administrator, from the county courthouses in El Paso County, Texas, and Bernalillo and Santa Fe Counties, New Mexico, there shall be deducted an adjustment for each plant for all milk at rates comparable to those established pursuant to § 1138.52(a); and

(b) For producer milk received at pool plants located within 100 miles, as determined by the market administrator, of the El Paso County Courthouse there shall be added 10 cents per hundredweight.

§ 1138.82 Butterfat differential to producers.

In making payments pursuant to § 1138.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1138.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1138.70 is greater than the amount owed by him for such milk at the appropriate uniform prices specified in § 1138.80.

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1138.70 is less than the amount owed by him for such milk at the appropriate uniform price specified in § 1138.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expenses of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe as follows: (a) Each handler operating a pool plant(s) on receipts of producer milk during the month, including such handler's own farm production, and other source milk allocated to Class I milk pursuant to § 1138.46(a) (2)(ii) and (3) and the corresponding step of § 1138.46(b): *Provided*, That if such handler elects pursuant to § 1138.35 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administrating the additional accounting period; and (b) Each handler operating a nonpool distributing plant(s) on the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1138.62(a)(2) or (b)(2).

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secertary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Effective date. Sections 1138.0 through 1138.47, §§ 1138.90 through 1138.101 shall be effective on and after June 1, 1962, and all of the remaining provisions shall be effective on and after July 1, 1962.

Signed at Washington, D.C., on May 24, 1952.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5196; Filed, May 29, 1962; 8:45 a.m.]

PART 1195—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Control Committee Rules and Regulations

RECODIFICATION

For convenient reference, and to conform with the provisions of the amended marketing agreement and order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, as recodified (Amended Marketing Agreement No. 112 and Amended Order No. 195, 7 CFR Part 1195, 27 F.R. 4763), effective May 19, 1962, the codified text of Subpart—Control Committee Rules and Regulations appearing at 7 CFR, 1952 ed., 983.100 to 983.140 and heretofore made effective (17 F.R. 5454, 5540) are hereby recodified as hereinafter set forth to reflect such amendatory action. No substantive changes have been made.

DEFINITIONS

Sec.
1195.100 Definitions.

GENERAL

1195.110 Communications.

ISSUANCE OF HANDLING CERTIFICATES

1195.115 Handling certificates.

ISSUANCE OF EXEMPTION CERTIFICATES

1195.120 Exemption certificates.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

1195.130 Books, records, and reports.
1195.140 Identification of tobacco handled.

AUTHORITY: §§ 1195.100 through 1195.140, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1195.100 Definitions.

(a) "Amended order" means Amended Order No. 195 (27 F.R. 4763) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(b) "Amended marketing agreement" means Amended Marketing Agreement No. 112 regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(c) All other terms used in this subpart shall have the same meaning as when used in the amended marketing agreement and amended order.

GENERAL

§ 1195.110 Communications.

Unless otherwise prescribed in this subpart, or in the amended marketing agreement and amended order, or required by the Control Committee, all reports, applications, submittals, requests, and communications in connection with the amended marketing agreement and amended order shall be addressed as follows:

Control Committee,
Florida Crops and Livestock Pavilion,
Quincy, Florida.

ISSUANCE OF HANDLING CERTIFICATES

§ 1195.115 Handling Certificates.

(a) Upon written application by a grower to the Control Committee for a Handling Certificate, the Committee shall issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler.

(b) Before issuing any Handling Certificate, the Control Committee shall have its representative inspect the tobacco and the field in which grown and shall have on record a report of that inspection.

(c) Each Handling Certificate issued by the Control Committee shall be made on T-62, Form 1, Handling Certificate.

ISSUANCE OF EXEMPTION CERTIFICATES

§ 1195.120 Exemption Certificates.

(a) Upon written application by a grower to the Control Committee for an Exemption Certificate, the Committee may issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler. The application shall also set forth the reasons for the request for the exemption.

(b) As early as practicable, the Committee shall estimate the average proportion of the total production of tobacco permitted to be handled by all handlers. Before issuing any Exemption Certificate, the Control Committee shall cause an inspection to be made of the applicable tobacco and the fields in which grown and shall have on record a report of that inspection. The Control Committee shall promptly verify all statements contained in the application and determine whether it shall be approved or disapproved. Such decision shall, in the case of approval, be evidenced by the issuance of an Exemption Certificate, and, in the case of disapproval, by a written notice to the applicant of such disapproval.

(c) Each Exemption Certificate issued by the Control Committee shall be on Form T-62, Form 2, Exemption Certificate.

(d) Each such Exemption Certificate shall permit the grower to handle, or have handled, a proportion of his production of tobacco during the then current fiscal period equal to, but not to exceed, the estimated average proportion of tobacco permitted to be handled during such fiscal period.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

§ 1195.130 Books, records and reports.

(a) *Books and records.* Each handler, and each subsidiary and affiliate thereof, shall, with respect to each quantity of tobacco handled by the respective person, keep such books and records as will clearly show the details of such person's handling of the tobacco, including:

(1) Name and address of grower;
(2) Handling Certificate;
(3) Exemption Certificate, if any;
(4) Priming number;
(5) Field identification;
(6) Receiving weight; and
(7) Date of receipt.

(b) *Reports.* Each handler, and each subsidiary and affiliate thereof, shall furnish the Committee upon request, in such manner and at such time as may be prescribed, such of the information required pursuant to this section as will enable the Committee to exercise its powers and perform its duties.

§ 1195.140 Identification of tobacco handled.

Except as otherwise provided in this subpart, each handler, and each subsidiary and affiliate thereof, shall maintain the identity of each quantity of tobacco handled by the respective person throughout the entire time such person handles the tobacco. However, after the tobacco is sorted, the continued identification of those leaves or portion of leaves—commonly known as "pullouts"—that are removed from the main part of the tobacco is not required. Such identification shall include, but not be limited to, the information listed in § 1195.130(a).

Done at Washington, D.C., this 25th day of May 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary of Agriculture.

[F.R. Doc. 62-5311; Filed, May 29, 1962; 8:51 a.m.]

PART 1195—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

In accordance with Amended Marketing Agreement 112 and Amended Order No. 195 (27 F.R. 4763; 7 CFR Part 1195), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of a proposed budget of expenses and rate of assessment for the current fiscal period, together with a report thereon, submitted by the Control Committee, established pursuant to said amended marketing agreement and amended order, it is hereby found and determined that:

§ 1195.300 Expenses and rate of assessment for the fiscal period ending January 31, 1963.

(a) *Expenses.* Expenses in the amount of $7,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1963.

(b) *Rate of assessment.* The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as the respective handler's pro rata share of the aforesaid expenses: $1.00 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1963.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (a) the Control Committee will soon be giving consideration, as required by the amended marketing agreement and amended order to applications for the issuance of handling certificates and exemption certificates, and expenses already have been incurred in that regard and in preparation therefor; (b) the handling of tobacco in the production area is imminent; (c) the provisions hereof do not impose any obligation on a handler until such person handles tobacco; (d) according to the amended marketing agreement and amended order, the rate of assessment is applicable to all tobacco handled during a fiscal period; and (e) the current fiscal period has already begun and the rate of assessment herein fixed will automatically apply to all such assessable tobacco.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary of Agriculture.

[F.R. Doc. 62-5312; Filed, May 29, 1962; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (q) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

* * * * *

(q) The Chief, Division of Private Organizations.

(R.S. § 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5293; Filed, May 29, 1962; 8:50 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Public Health Educator

The headnote and paragraph (a) of § 24.105 are amended as set out below.

§ 24.105 Public Health Educator, GS-1725 (all grades).

(a) *Educational requirement.* Applicants must have completed successfully 1 year of graduate study in public health education in a school of public health accredited by the American Public Health Association.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5243; Filed, May 29, 1962; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Reseal Loan Bulletin]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Reseal Loan Programs For Barley, Corn, Grain Sorghums, Oats, Soybeans, and Wheat

Reseal loan programs have been announced for the 1961 crops of barley, grain sorghums, oats, and soybeans for the 1962-63 storage period and for the 1961 crops of corn and wheat for the 1962-64 storage period. The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1961, supplemented for barley, corn, grain sorghums, oats, soybeans, and wheat, containing the specific requirements for the 1961-crop price support programs for these commodities are hereby further supplemented as follows:

Sec.
421.1726 Applicable sections of 1961 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.
421.1727 Availability.
421.1728 Eligible producer.
421.1729 Eligible commodity.
421.1730 Approved storage.
421.1731 Approved forms.
421.1732 Quantity eligible for resealing.
421.1733 Additional service charges.
421.1734 Transfer of producer's equity.
421.1735 Storage payments.
421.1736 Maturity and satisfaction.
421.1737 Support rates, premiums, and discounts.
421.1738 Death, incompetency or disappearance.
421.1739 Delegation of authority.

AUTHORITY: §§ 421.1726 to 421.1739 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1447.

§ 421.1726 Applicable sections of 1961 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1961 C.C.C. Grain Price Support Bulletin 1, as amended, published in 26 F.R. 2106 shall be applicable to the reseal loan programs for the 1961 crops of barley, corn, grain sorghums, oats, soybeans and wheat: §§ 421.101, 421.109, 421.111, 421.112, 421.114, 421.115, 421.116, 421.117, 421.118, 421.120 and 421.121. In addition, the provisions of 27 F.R. 609 shall apply. Applicable sections of the individual commodity supplements are as follows: For barley, §§ 421.180 and 421.181 (26 F.R. 5195); for corn, §§ 421.240 and 421.241 (26 F.R. 7248); for grain sorghums, §§ 421.330 and 421.331 (26 F.R. 5107); for oats, §§ 421.380 and 421.381 (26 F.R. 4591); for soybeans, §§ 421.530 and 421.531 (26 F.R. 5743); and for wheat, §§ 421.140 and 421.141 (26 F.R. 3873). Other sections of the 1961 C.C.C. Grain Price Support Bulletin 1 and supplements thereto for barley, corn, grain sorghums, oats, soybeans, and wheat shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

§ 421.1727 Availability.

(a) *Area and scope.* The reseal loan program will be available in the following areas where ASC State committees determine that the commodity can be safely stored on the farm for the period of the reseal loan and that it will be advantageous to producers and CCC to permit producers to reseal:

Area of Availability by Commodity

Barley, Grain Sorghums, Oats, and Wheat: All States except Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

Corn: All States, except that in angoumois moth areas designated by the ASC State committee, reseal loans may be made only when approved by the ASC State committee on an individual basis and provided (1) the corn is shelled, and (2) the producer has adequate storage facilities and equipment to properly care for the corn during the reseal period.

Soybeans: All States where soybeans are grown.

These programs provide under certain conditions for the extension of 1961-crop farm-storage loans and the making of farm-storage loans on 1961-crop commodities covered by purchase agreements. Warehouse-storage loans and purchase agreements will not be available to producers under these reseal loan programs.

(b) *Time and source.* (1) The producer who desires to participate in the reseal loan program must apply for a farm-storage reseal loan with the office of the county committee which approved his loan or purchase agreement.

(2) The producer who signed a purchase agreement on a farm-stored commodity is required under the 1961 price support program to notify the office of the county committee within the 30-day period prior to the applicable loan maturity date if he intends to sell the commodity to CCC. If the producer has notified the county office as indicated in this subparagraph of his intention to sell the commodity to CCC or to participate in this program, he may obtain a reseal farm-storage loan on the commodity.

(3) Where delivery instructions have been issued, the producer will be required to apply for a reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(4) Where delivery instructions have not been requested or issued, the applicable documents must be executed on or before June 30, 1962, for grain sorghums and wheat; on or before July 31, 1962, for barley and oats, on or before August 31, 1962, for soybeans, and on or before November 30, 1962, for corn.

(c) *Disbursement of loans.* Disbursement of loans on commodities covered by purchase agreements shall be made to producers by county offices by means of sight drafts drawn on CCC within 15 days after the final date for execution of the loan documents. The drawing of a draft shall constitute disbursement. Disbursement shall not be made unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.1728 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof who produced barley, corn, grain sorghums, oats, soybeans and wheat in 1961 as landowner, landlord, tenant, or sharecropper, who either has in effect a farm-storage loan or a purchase agreement covering the applicable 1961 crop commodity. In the case of corn, grain sorghums, barley, and oats the producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1961 C.C.C. Feed Grain Bulletin A (26 F.R. 6263 July 13, 1961) and amendments thereto. In the case of wheat, a producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1961 C.C.C. Wheat Bulletin A (26 F.R. 5732) and amendments thereto. In the case of soybeans, the producer shall not qualify as an eligible producer unless he was in compliance with the conserving and idle land requirements as prescribed in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Soybeans (26 F.R. 5743) and amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify to participate in this program provided the loan or reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for a reseal loan under this program, and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives a loan or extension under this program.

§ 421.1729 Eligible commodity.

(a) *Requirements of eligibility.* The eligibility requirements for the commodity shall be as follows:

Eligibility Requirements by Commodity

General: The commodity must be under a farm-stored price support loan or purchase agreement.

Barley: The barley (1) must meet the requirements set forth in § 421:178(a) and (b); (2) must be of any class grading No. 4 or better (or No. 4 Garlicky or better) except that Western Barley shall have a test weight of not less than 40 pounds per bushel; (3) must not grade Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty, or Smutty; (4) must not contain mercurial compounds or other substances poisonous to man or animals.

Corn: The corn (1) must meet the requirements set forth in § 421.238 (a), (b), (c), and (d); (2) must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) must contain not in excess of 16.0 percent moisture in the case of ear corn nor in excess of 14.0 percent moisture in the case of shelled corn; and (4) must not grade Weevily.

Grain Sorghums: The grain sorghums (1) must meet the requirements set forth in § 421.328 (a) and (b); (2) must be of any class grading No. 4 or better, No. 4 Smutty or better, or No. 4 discolored or better; (3) must not grade Weevily or contain mercurial compounds or other substances poisonous to man or animals; and (4) must not be in excess of 13 percent moisture.

Oats: The oats (1) must meet the requirements set forth in § 421.378 (a) and (b); (2) must grade No. 3 or better or No. 3 Garlicky or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) must not be Feed oats or Mixed Feed oats; (4) must not grade Tough, Weevily, Smutty, Ergoty, Bleached, or Thin; and (5) must not contain mercurial compounds or other substances poisonous to man or animals.

Soybeans: The soybeans (1) must meet the requirements set forth in § 421.528 (a) and (b); (2) must be soybeans of any class grading No. 4 or better and containing not in excess of 14 percent moisture; (3) must not grade Garlicky or Weevily; (4) must not contain mercurial compounds or other substances poisonous to man or animals.

Wheat: The wheat (1) must meet the eligibility requirements set forth in § 421.138 (a), (b) and (d); (2) must be of any class grading No. 3 or better or any class grading No. 4 or 5 on the factor of test weight and/or because of containing Durum and/or Red Durum, but otherwise grading No. 3 or better; (3) may be wheat of the class Mixed Wheat consisting of mixtures of grades of eligible wheat as stated above provided such mixtures are the natural products of the field; and (4) must not grade Tough, Weevily, Ergoty, or Treated.

(b) *Inspection*—(1) *Farm-storage loans extended.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall reinspect the commodity and the storage structure in which the commodity is stored. If recommended by either the commodity loan inspector or the producer, a sample of the commodity shall be taken and submitted for grade analysis.

(2) *Commodity covered by purchase agreement.* If a producer makes application for a farm-storage loan on a commodity covered by a purchase agreement, the commodity loan inspector shall inspect the commodity and storage structure in which the commodity is stored, obtain a sample if the commodity and structure appear eligible, and proceed in the regular manner for the inspection of the commodity to be placed under loan.

§ 421.1730 Approved storage.

For any loans extended and any new loans completed, the commodity must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.107(a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for a period of 60 days following the applicable maturity date of the reseal loan for the commodity if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the reseal loan. Notwithstanding the foregoing, where the consent for storage can be obtained only for the period ending 60 days subsequent to March 31, 1963, for wheat and for the period ending 60 days subsequent to July 31, 1963, for corn, the loans may be approved: *Provided, however,* That if by March 31, 1963, for wheat and July 31, 1963, for corn, the consent for storage is not obtained for the additional period ending 60 days subsequent to March 31, 1964, for wheat and 60 days subsequent to July 31, 1964, for corn, the note shall mature on March 31, 1963, in the case of wheat and on July 31, 1963, for corn, and storage payments shall be made only for the period ending on such accelerated maturity date.

§ 421.1731 Approved forms.

(a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement secured by a Commodity Chattel Mortgage, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new Producer's Note and Chattel Mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed, extension of the farm-storage loan shall not affect the rights of CCC, including its right to accelerate the maturity date of the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original approved forms completed by the producer.

§ 421.1732 Quantity eligible for reseal-ing.

(a) The quantity of the commodity eligible for reseal shall be the quantity shown on the original note and chattel mortgage less (1) any quantity delivered not including the quantity represented by overdelivery for which overrun payment is made and (2) the quantity redeemed.

(b) A producer may obtain a loan on the quantity in store not in excess of the quantity of the commodity specified in the purchase agreement, minus any quantity of the commodity under such purchase agreement (1) which has been previously placed under loan and (2) on which he exercises his option to sell to CCC.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in the case of corn and grain sorghums the total quantity on which price support shall be made available shall not exceed the maximum quantity as specified in § 421.905(a) of 1961 C.C.C. Feed Grain Bulletin A.

§ 421.1733 Additional service charges.

(a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on a commodity covered by a purchase agreement, the producer shall pay an additional service charge of one-half cent per bushel on the number of bushels placed under loan (except grain sorghums, which shall be 1 cent per 100 pounds) or $1.50 whichever is greater. No refund of service charges will be made except if the amount collected is in excess of the correct amount.

§ 421.1734 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem the commodity mortgaged as security for a loan under this program nor shall anyone acquire such interest or right. Subject to the provisions of § 421.118 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1735 Storage payments.

(a) *Storage payments on barley, grain sorghums, oats, and soybeans*—(1) *Storage payments for full 1962–63 reseal period.* A storage payment of 14 cents per bushel for barley and soybeans, 10 cents per bushel for oats, and 24 cents per hundredweight for grain sorghums will be made to the producer on the quantity involved if he (i) redeems the commodity from loan on or after the maturity date of the reseal loan, (ii) delivers the commodity to CCC on or after the maturity date of the reseal loan, (iii) delivers the commodity to CCC prior to the maturity date of the reseal loan pursuant to CCC's demand and for the sole convenience of CCC.

(2) *Prorated storage payment.* A storage payment determined by prorating the applicable yearly rate according to the length of time the commodity was in store beginning 60 days subsequent to the maturity date applicable to the regular loan will be made to the producer in the case of: (i) losses assumed by CCC, (ii) redemptions prior to the maturity date of the reseal loan, (iii) deliveries to CCC prior to the maturity date of the reseal loan pursuant to CCC's demand but not for the sole convenience of CCC or upon request of the producer and with the approval of CCC. The prorated payment will be computed at the daily rate of $0.00046 per bushel for barley and soybeans, $0.00033 per bushel for oats, and $0.00079 per hundredweight for grain sorghums, but shall not exceed the applicable amount specified in subparagraph (1) of this paragraph. In case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss and in the case of redemptions on the date of repayment.

(b) *Corn and wheat*—(1) *Shortage payment for full 1962–63 reseal period.* A storage payment of 14 cents per bushel will be made to the producer on the quantity involved if he (i) redeems the commodity from loans on March 31, 1963, or within the 60-day period following for wheat; or on July 31, 1963 or within the 60-day period following for corn, (ii) delivers the commodity to CCC within the 60-day period following July 31, 1963 for wheat; or within the 60-day period following July 31, 1963 for corn; (iii) delivers the commodity prior to March 31, 1963 for wheat or July 31, 1963 for corn pursuant to CCC's demand and for the sole convenience of CCC.

(2) *Prorated storage payment for 1962–63 reseal period.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store beginning 60 days subsequent to the maturity date applicable to the regular loan will be made to the producer in the case of: (i) losses assumed by CCC, (ii) redemptions prior to March 31, 1963 for wheat and July 31, 1963 for corn, (iii) deliveries to CCC prior to March 31, 1963 for wheat and July 31, 1963 for corn pursuant to CCC's demand but not for the sole convenience of CCC or upon request of the producer and with approval of CCC. The prorated storage payment will be completed at the daily rate of $0.00046 per bushel but shall not exceed 14 cents per bushel. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss and in the case of redemptions, on the date of repayment.

(3) A storage payment of 14 cents per bushel on corn and wheat under reseal as of the last day of the 1962–63 reseal period shall be paid to the producer at the beginning of the 1963–64 reseal period. Any adjustments for storage paid or earned in the 1962–63 reseal period shall be handled at settlement.

(4) The storage payment for the 1963–64 reseal period will be set forth in a later amendment to this bulletin.

(c) *No storage payments.* Notwithstanding the provisions of this paragraph in no case will any storage payment be made where the producer has made any false representation in the loan documents, in obtaining the loan, or in settlement of the loan; where the commodity has been abandoned, where there has been conversion on the part of the producer, or where the commodity was damaged or otherwise impaired due to negligence on the part of the producer. If a producer receives payment of any amount to which he is not entitled, he shall refund such amount plus interest thereon promptly upon demand.

§ 421.1736 Maturity and satisfaction.

(a) Loans will mature on demand but not later than April 30, 1963, for barley and oats, (March 10, 1963 for barley in Arizona and California); March 31, 1963 for grain sorghums; May 31, 1963 for soybeans; March 31, 1964 for wheat; and July 31, 1964 for corn. The producer must pay off his loan, plus interest on or before maturity or deliver the mortgaged commodity in accordance with the instructions of the county office. Producers may elect to make delivery of corn, and wheat within the 60-day period following March 31, 1963 for wheat and July 31, 1963 for corn, provided the producer has notified the county office in writing prior to the applicable date for the commodity of his intentions to make delivery. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of the commodity will be accepted only from the structure(s) in which the commodity under reseal is stored, and the producer shall not include in the quantity of the commodity delivered in settlement of a loan any commodity which has been added to or substituted for the commodity described in the note and chattel mortgage covering the loan. The provisions of § 421.119 (a) and (d) shall be applicable to all commodities. The provisions applicable to the settlement of farm-storage loans for barley in § 421.186 except paragraph (c); for corn in § 421.246 except paragraph (b); for grain sorghums in § 421.336 except paragraph (c); for oats in § 421.386 except paragraph (b); for soybeans in § 421.536 except paragraph (b); and for wheat in § 421.146 except paragraph (c) shall apply.

§ 421.1737 Support rates, premiums, and discounts.

(a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. For a purchase agreement transferred to a reseal loan, the support rate shall be the support rate contained in the following sections, as amended: For barley in § 421.187(b); for corn in § 421.247(a) (1) and (2); for grain sorghums in § 421.337(b); for oats in § 421.387(a) (1) and (2); for wheat in § 421.147(b); and for soybeans in § 421.537(a).

(b) The applicable discounts or premiums established for variation in quality as shown for barley in § 421.183(c) (2) and § 421.187(c); for corn in § 421.243(b) and § 421.247(b) (1) and (3); for grain sorghums in § 421.333(c) (2) and § 421.337(c); for oats in § 421.383(b) and § 421.387(b) (1) and (3); for soybeans in § 421.537 (b) (1), (c) and (d); and for wheat in § 421.143(c) and § 421.147(c) shall apply to (1) computation of the amount of a loan on a commodity transferred to a reseal loan from a purchase agreement and (2) the determination of the settlement value of loans on such commodities.

§ 421.1738 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum under the loan, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1151 to 472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) 27 F.R. 933 February 1, 1962, as amended, upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

§ 421.1739 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-5239; Filed, May 29, 1962; 8:47 a.m.]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Reseal Loan Programs for Barley and Oats, Extension 1

Extended reseal loan programs have been announced for the 1960 crops of barley and oats for the 1962–63 storage period. The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1960, supplemented for barley and oats, containing the specific requirements for the 1960-crop price support programs for these commodities are hereby further supplemented as follows:

Sec.

421.1740 Applicable sections of 1960 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.
421.1741 Availability.
421.1742 Eligible producer.
421.1743 Eligible commodity.
421.1744 Approved storage.
421.1745 Quantity eligible for extended reseal loan.
421.1746 Additional service charges.
421.1747 Transfer of producer's equity.
421.1748 Storage and track-loading payments.
421.1749 Maturity and satisfaction.
421.1750 Support rates, premiums and discounts.
421.1751 Death, incompetency, or disappearance.
421.1752 Delegation of authority.

AUTHORITY: §§ 421.1740 to 421.1752 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1054, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 421.1740 Applicable sections of 1960 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1960 C.C.C. Grain Price Support Bulletin 1, published in FEDERAL REGISTER (25 F.R. 2380) shall be applicable to the extended reseal loan programs for the 1960 crops of barley and oats: §§ 421.5001, 421.5009, 421.5011, 421.5012, 421.5014, 421.5015, 421.5016, 421.5017, 421.5018, 421.5020, and 421.5021. In addition, the provisions of 27 F.R. 609 shall apply. Applicable section of the individual commodity supplements are as follows: For barley, §§ 421.5080 and 421.5081 (25 F.R. 3570); for oats, §§ 421.5280 and 421.5281 (25 F.R. 3615). Other sections of the 1960 C.C.C. Grain Price Support Bulletin 1 and supplements thereto for barley and oats shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

§ 421.1741 Availability.

(a) *Area and scope.* The extended reseal loan programs will be available in the following areas where ASC State committees determine that the commodity can be safely stored on the farm for the period of the extended reseal loan and that it will be advantageous to producers and CCC to permit producers to extend reseal loans: In all States in the continental United States where the applicable 1960 crop commodity is under reseal.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law a new producer's note and chattel mortgage shall be completed when a loan is extended. Where new forms are not completed, extension of the reseal loan for the 1962–63 reseal period shall not affect the rights of CCC including its right to accelerate the maturity date of the note and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1742 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable a state, political subdivision of a State, or any agency thereof who produced barley or oats in 1960 as landowner, landlord, tenant, or sharecropper, who has in effect a reseal loan on such crop. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify to participate in this program provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseal loan under this program and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives an extension of his loan.

§ 421.1743 Eligible commodity.

(a) *Requirements of eligibility.* The commodity (1) must be in farm storage presently under reseal loan and (2) must meet the following eligibility requirements.

Eligibility Requirements by Commodity

Barley: The barley (1) must meet the requirements set forth in § 421.5078 (a) and (b); (2) must be of any class grading No. 4 or better (or No. 4 Garlicky or better) except that Western Barley shall have a test weight of not less than 40 pounds per bushel; (3) must not grade Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty or Smutty; (4) must not contain mercurial compounds or other substances poisonous to man or animals.

Oats: The oats (1) must meet the requirements set forth in § 421.5278 (a) and (b); (2) must grade No. 3 or better or No. 3 Garlicky or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) must not be Feed oats or Mixed Feed oats; (4) must not grade Tough, Weevily, Smutty, Ergoty, Bleached or Thin; and (5) must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Inspection.* If a producer makes application to extend his reseal loan for the 1962–63 reseal period, the commodity loan inspector shall reinspect the commodity and the storage structure in which the commodity is stored. If recommended by either the commodity loan inspector or the producer, a sample of the commodity shall be taken and submitted for grade analysis.

§ 421.1744 Approved storage.

The commodity must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.5007(a). Consent for storage for any reseal loans extended must be obtained by the producer for a period of 60 days following the applicable maturity date of the extended reseal loan for the commodity, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the extended reseal loan.

§ 421.1745 Quantity eligible for extended reseal loan.

The quantity of the commodity eligible for extended reseal shall be the quantity shown on the original note and chattel mortgage less (a) any quantity delivered not including the quantity represented by overdelivery for which overrun payment is made and (b) the quantity redeemed.

§ 421.1746 Additional service charges.

(a) When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.1747 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem the commodity mortgaged as security for an extended reseal loan under this program nor shall anyone acquire such interest or right. Subject to the provisions of § 421.5018 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1748 Storage and track-loading payments.

(a) *Storage payment for 1961–62 reseal period.* (1) A producer who extends his reseal loan for the 1962–63 reseal period will at the time of such extension receive a payment for storage earned during the 1961–62 reseal period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel for barley and 10 cents per bushel for oats.

(2) Upon delivery of 1960-crop barley and oats to CCC, the actual quantity of such commodity held in farm storage under the extended reseal loan will be determined by weighing. The storage payment earned by the producer covering the 1961–62 reseal period will then be recomputed on the basis of actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(3) No storage payment will be made for the 1961–62 reseal period (i) where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement under the loan, (ii) where during or prior to the 1961–62 reseal period, the commodity has been abandoned or the commodity was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1961–62 reseal period the commodity was converted by the producer or at any time subsequent thereto there was conversion of the commodity by the producer with intent to defraud CCC.

(b) *Storage payment for 1962–63 reseal period—(1) Storage payment for full reseal period.* A storage payment in the amount of 14 cents per bushel for barley and 10 cents per bushel for oats will be made to the producer on the quantity involved if he (i) redeems the commodity from the loan on or after the maturity date of the extended reseal loan, (ii) delivers the commodity to CCC on or after the maturity date of the extended reseal loan, or (iii) delivers the commodity to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand and for the sole convenience of CCC.

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store for the period beginning 60 days subsequent to April 30, 1962 (March 10, 1962 for barley in Arizona and California), will be made to the producer in the case of (i) losses assumed by CCC, (ii) redemptions prior to the maturity date of the extended reseal loan, and (iii) deliveries to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand but not for the sole convenience of CCC or upon the request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of $0.00046 per bushel for barley, and $0.00033 per bushel for oats but shall not exceed the amount specified in subparagraph (1) of this paragraph. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss, and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing provisions of this paragraph, in no case will any storage payment be made for the 1962–63 extended reseal period where the producer has made any false representation in the loan documents or in obtaining the loan or in deliveries or settlement under the loan, or where during or prior to such period, (i) the commodity has been abandoned, (ii) there has been conversion on the part of the producer, or (iii) the commodity was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Track-loading payments.* A track-loading payment of 3 cents per bushel will be made to the producer on barley and oats delivered to CCC on track at a country point in accordance with instructions of the county committee.

§ 421.1749 Maturity and satisfaction.

(a) Loans will mature on demand but not later than April 30, 1963 (March 10, 1963 for barley in Arizona and California). The producer must pay off his loan, plus interest on or before maturity or deliver the mortgaged commodity in accordance with the instructions of the county committee. If the producer desires to deliver the commodity he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of the commodity will be accepted only from the structure(s) in which the commodity was stored under the extended reseal loan, and the producer shall not include in the quantity of the commodity delivered in settlement of a loan any commodity which has been added to or substituted for the commodity described in the note and chattel mortgage covering the loan. The provisions of § 421.5019 (a), (b), and (f) shall be applicable to both commodities. The provisions for barley in § 421.5086 (a)(1), (b) (2), (3), and (4) and (e) and (g); and for oats in § 421.5286 (a) (1), (d), and (f) shall also apply.

(b) The making of any fraudulent representation by the producer, in connection with settlement or deliveries under the loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which Commodity Credit Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity delivered to Commodity Credit Corporation under the loan or removed by Commodity Credit Corporation shall be the market value, as determined by Commodity Credit Corporation, on the date of delivery or removal, or the sales price if the commodity is sold by CCC in order to determine its market value.

§ 421.1750 Support rates, premiums and discounts.

(a) The support rate for an extended farm-storage reseal loan shall remain the same as for the original loan.

(b) The applicable discounts or premiums established for variation in quality as shown for barley in § 421.5083(c) (2) and § 421.5087(c), and for oats in § 421.5283 and § 421.5287(b) (1) and (3) shall apply in settlement of loans on such commodities.

§ 421.1751 Death, incompetency, or disappearance.

In case of the death, incompetency or disappearance of any producer who is entitled to the payment of any sum under the loan, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1151 to 472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, February 1, 1962, as amended), upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

§ 421.1752 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-5240; Filed, May 29, 1962; 8:47 a.m.]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Reseal Loan Programs for Barley, Corn, and Wheat, Extension 2

Extended reseal loan programs have been announced for the 1959 crops of barley, corn, and wheat for the 1962–63 storage period. The 1959 C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1959, supplemented for barley, corn, and wheat containing the specific requirements for the 1959-crop price support programs for these commodities are hereby further supplemented as follows:

Sec.
421.1760 Applicable sections of 1959 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.
421.1761 Availability.
421.1762 Eligible producer.
421.1763 Eligible commodity.
421.1764 Approved storage.
421.1765 Quantity eligible for extended reseal loan.
421.1766 Additional service charges.
421.1767 Transfer of producer's equity.
421.1768 Storage and track-loading payments.
421.1769 Maturity and satisfaction.
421.1770 Support rates, premiums and discounts.
421.1771 Death, incompetency or disappearance.
421.1772 Delegation of authority.

AUTHORITY: §§ 421.1760 to 421.1772 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1054 as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 421.1760 Applicable sections of 1959 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1959 C.C.C. Grain Price Support Bulletin 1, published in (23 F.R. 9651) shall be applicable to the extended reseal loan programs for the 1959 crops of barley, corn, and wheat: §§ 421.4001, 421.4008, 421.4010, 421.4011, 421.4013, 421.4014, 421.4015, 421.4016, 421.4017, 421.4019, and 421.4020. In addition, the provisions of 27 F.R. 609 shall apply. Applicable sections of the individual commodity supplements are as follows: For barley, §§ 421.4080 and 421.4081 (24 F.R. 3027); for corn, §§ 421.4140 and 421.4141 (24 F.R. 4199 and 10249); and for wheat, §§ 421.4040 and 421.4041 (24 F.R. 1633). Other sections of the 1959 C.C.C. Grain Price Support Bulletin 1 and supple-

ments thereto for barley, corn, and wheat shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

§ 421.1761 Availability.

(a) *Area and scope.* The extended reseal loan program will be available in the following areas where ASC State committees determine that the commodity can be safely stored on the farm for the period of the extended reseal loan and that it will be advantageous to producers and CCC to permit producers to extend reseal loans:

Area of Availability by Commodity

Barley: In all States in continental United States where 1959-crop barley is under reseal loan upon recommendation of the ASC State committee and with approval of the Executive Vice President, CCC. Wheat: In all States in the continental United States where 1959-crop wheat is under reseal loan. Corn: In all counties in the continental United States where 1959-crop corn is under reseal loan.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law a new producer's note and chattel mortgage shall be completed when a reseal loan is extended. Where new forms are not completed, extension of the reseal loan for the 1962–63 reseal period shall not affect the rights of CCC including its right to accelerate the maturity date of the note and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1762 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable a State, political subdivision of a State, or any agency thereof who produced barley, corn or wheat in 1959 as landowner, landlord, tenant, or sharecropper, who has in effect a reseal loan on such crop. In the case of wheat, a producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1959 C.C.C. Wheat Bulletin A (24 F.R. 3813) and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify to participate in this program provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseal loan under this program and such determinations shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives an extension of his loan.

§ 421.1763 Eligible commodity.

(a) *Requirements of eligibility.* The commodity (1) must be in farm storage presently under reseal loan and (2) must meet the following eligibility requirements:

Eligibility Requirements by Commodity

Barley: The barley (1) must meet the requirements set forth in § 421.4078 (a) and (b); (2) must be of any class grading No. 4 or better (or No. 4 Garlicky or better) except that Western Barley shall have a test weight of not less than 40 pounds per bushel; (3) must not grade Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty or Smutty; and (4) must not contain mercurical compounds or other substances poisonous to man or animals.

Corn: The corn (1) must meet the requirements set forth in § 421.4138 (a), (b), (c), and (d); (2) must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better; (3) must contain not in excess of 16.0 percent moisture in the case of ear corn nor in excess of 14.0 percent moisture in the case of shelled corn; and (4) must not grade Weevily.

Wheat: The wheat (1) must meet the eligibility requirements set forth in § 421.4038 (a), (b), and (d); (2) must be of a class grading No. 3 or better or any class grading No. 4 or 5 on the factor of test weight and/or because of containing Durum and/or Red Durum, but otherwise grading No. 3 or better; (3) may be wheat of the class Mixed Wheat consisting of mixtures of grades of eligible wheat as stated above provided such mixtures are the natural products of the field; and (4) must not grade Tough, Weevily, Ergoty, or Treated.

(b) *Inspection.* If a producer makes application to extend his reseal loan for the 1962–63 reseal period, the commodity loan inspector shall reinspect the commodity and the farm storage structures in which the commodity is stored. If recommended by either the commodity loan inspector or the producer, a sample of the commodity shall be taken and submitted for grade analysis.

§ 421.1764 Approved storage.

The commodity must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.4006(a). Consent for storage for any reseal loans extended must be obtained by the producer for a period of 60 days following the maturity date of the extended reseal loan, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the extended reseal loan.

§ 421.1765 Quantity eligible for extended reseal loan.

The quantity of the commodity eligible for an extended reseal loan shall be the quantity shown on the original note and chattel mortgage less (a) any quantity delivered not including the quantity represented by over-delivery for which overrun payment is made and (b) the quantity redeemed.

§ 421.1766 Additional service charges.

When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.1767 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem the commodity mortgaged as security for an extended reseal loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.4017 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers on prospective purchasers at the office of the county committee.

§ 421.1768 Storage and track-loading payments.

(a) *Storage payment for 1961–62 reseal period.* (1) A producer who extends his reseal loan for the 1962–63 reseal period will at the time of such extension receive a payment for storage earned during the 1961–62 reseal loan period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel.

(2) Upon delivery of 1959-crop barley, corn, or wheat to CCC, the actual quantity of such commodity held in farm storage under the extended reseal loan will be determined by weighing. The storage payment earned by the producer covering the 1960–61 and 1961–62 reseal periods will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in settlement with the producer. The amount of any over-payment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(3) No storage payment will be made for the 1961–62 reseal period (i) where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement of the loan, (ii) where during or prior to the 1961–62 reseal period, the commodity has been abandoned or the commodity was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1961–62 reseal period the commodity was converted by the producer or at any time subsequent thereto there was conversion of the commodity by the producer with intent to defraud CCC.

(b) *Storage payment for 1962–63 reseal period—(1) Storage payment for full reseal period.* A storage payment in the amount of 14 cents per bushel will be made to the producer on the quantity involved if he (i) redeems the commodity on or after the maturity date of the extended reseal loan, (ii) delivers the commodity to CCC on or after the maturity date of the extended reseal loan, or (iii) delivers the commodity to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand and for the sole convenience of CCC.

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store for the period beginning 60 days subsequent to March 31, 1962 for wheat, April 30, 1962 for barley, (March 10, 1962 for barley in Arizona and California) and July 31, 1962 for corn will be made to the producer in the case of, (i) losses assumed by CCC, (ii) redemptions prior to the maturity date of the extended reseal loan, and (iii) deliveries to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand but not for the sole convenience of CCC or upon the request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of $0.00046 per bushel but shall not exceed 14 cents per bushel. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss, and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing provisions of this paragraph, in no case will any storage payment be made for the 1962–63 reseal period where the producer has made any false representation in the loan documents or in obtaining the loan or in deliveries or settlement under the loan, or where during or prior to such period, (i) the commodity has been abandoned, (ii) there has been conversion on the part of the producer, or (iii) the commodity was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on barley, corn or wheat delivered to CCC on track at a country point in accordance with instructions of the county committee.

§ 421.1769 Maturity and satisfaction.

(a) Extended reseal loans will mature on demand but not later than March 31, 1963, for wheat, April 30, 1963 for barley (March 10, 1963 for barley in Arizona and California); and July 31, 1963 for corn. The producer must pay off his loan, plus interest, on or before maturity or deliver the commodity in accordance with the instructions of the county committee. If the producer desires to deliver the commodity he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. Credit will be given at the applicable settlement value according to the grade and quality for the total quantity eligible for delivery. Delivery of the commodity will be accepted only from the structure(s) in which the commodity was stored under the extended reseal loan, and the producer shall not include in the quantity of the commodity delivered in settlement of a loan any commodity which has been added to or substituted for the commodity covered by the loan documents. The provisions of § 421.4018 (a) and (b) shall be applicable to all commodities. The provisions for barley in § 421.4086 (a)(1), (b) (2), (3), and (4) and (e) and (g); for corn in § 421.4146 (a)(1), (d), and (f); for wheat in § 421.4046 (a)(1), (b) (2), (3), (4), and (5), (e) and (g) shall apply.

(b) The making of any fraudulent representation by the producer, in connection with settlement or deliveries under the loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes; for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the CCC would not have incurred had it not been for the producer's fraudulent representation; together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity delivered to the CCC under the loan or removed by the CCC, shall be the market value, as determined by the CCC, on the date of delivery or removal, or the sales price if the commodity is sold by CCC in order to determine its market value.

§ 421.1770 Support rates, premiums and discounts.

(a) The support rate for the extended reseal loan shall remain the same as for the original loan.

(b) The applicable discounts or premiums established for variation in quality as shown for barley in § 421.4083(c) (2); and for corn in § 421.4143 and § 421.4147(b) (1), and (3); and for wheat in § 421.4043(c) and § 421.4047(c) shall apply in settlement.

§ 421.1771 Death, incompetency or disappearance.

In case of the death, incompetency or disappearance of any producer who is entitled to a payment of any sum under these regulations, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1151 to 472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) 27 F.R. 933, February 1, 1962, as amended) upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

§ 421.1772 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-5241; Filed, May 29, 1962; 8:47 a.m.]

[1958 C.C.C. Grain Price Support Reseal Loan Bulletin, Extension 3]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1958-Crop Reseal Loan Program for Corn

An extended reseal loan program has been announced for the 1958 crop of corn for the 1962–63 storage period. The 1958 C.C.C. Grain Price Support Bulletin 1 and amendments thereto (23 F.R. 2663, 5257 and 8043) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1958, supplemented for corn, containing the specific requirements for the 1958-crop corn price support program is hereby further supplemented as follows:

Sec.
421.1780 Applicable sections of 1958 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.
421.1781 Availability.
421.1782 Eligible producer.
421.1783 Eligible commodity.
421.1784 Approved storage.
421.1785 Quantity eligible for extended reseal loan.
421.1786 Additional service charges.
421.1787 Transfer of producer's equity.
421.1788 Storage and track-loading payments.
421.1789 Maturity and satisfaction.
421.1790 Support rates, premiums and discounts.
421.1791 Death, incompetency or disappearance.
421.1792 Delegation of authority.

AUTHORITY: §§ 421.1780 to 421.1792 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 421.1780 Applicable sections of 1958 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1958 C.C.C. Grain Price Support Bulletin 1, published in (23 F.R. 2663, 5257 and 8043) shall be applicable to the extended reseal loan program for the 1958 crop of corn. §§ 421.3001, 421.3008, 421.3010, 421.3011, 421.3013, 421.3014, 421.3015, 421.3016, 421.3017, 421.3019. In addition, the provisions of 27 F.R. 609 shall apply. Applicable sections of the corn supplement are as follows: §§ 421.3140 and 421.3141 (23 F.R. 5141). Other sections of the 1958 C.C.C. Grain Price Support Bulletin 1 and supplements thereto for corn shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

§ 421.1781 Availability.

(a) *Area and scope.* This extended reseal loan program will be available in

all counties in the continental United States where 1958-crop corn is under reseal and the ASC State committees determine that 1958-crop corn can be safely stored on the farm for the period of the extended reseal loan and that it will be advantageous to producers and CCC to permit producers to extend reseal loans.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed, extension of reseal loan for the 1962–63 reseal period shall not affect the rights of CCC including its right to accelerate the maturity date of the note and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1782 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing corn in 1958 as landowner, landlord, tenant, or sharecropper, who has in effect a farm-storage reseal loan on such crop. A producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1958 Corn Bulletin A (23 F.R. 4719), and any amendments thereto. Executors, administrators, trustees or receivers who represent an eligible producer or his estate may qualify to participate in this program provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseal loan under this program, and such determination shall remain in effect unless the State committee after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives an extension of his corn.

§ 421.1783 Eligible corn.

(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under reseal loan and (2) must meet the requirements set forth in § 421.3138 (a), (b), (c), and (d); (3) must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better; (4) must contain not in excess of 16.0 percent moisture in the case of ear corn nor in excess of 14.0 percent moisture in the case of shelled corn; and (5) must not grade Weevily.

(b) *Inspection.* If a producer makes application to extend his reseal loan, for the 1962–63 reseal period, the loan inspector shall reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

§ 421.1784 Approved storage.

The corn must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.3006 (a). Consent for storage for any loans extended must be obtained by the producer for a period of 60 days following the applicable maturity date of the extended reseal loan for corn, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the extended reseal loan.

§ 421.1785 Quantity eligible for extended reseal loan.

The quantity of corn eligible for an extended reseal farm-storage loan shall be the quantity shown on the original note and chattel mortgage less (a) any quantity delivered not including the quantity represented by overdelivery for which overrun payment is made and (b) the quantity redeemed.

§ 421.1786 Additional service charges.

When a reseal loan is extended the producer will not be required to pay an additional service charge.

§ 421.1787 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem the commodity mortgaged as security for an extended reseal loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.3017 regarding partial redemption of loan, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written or prior approval of the county commitee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1788 Storage and track-loading payments.

(a) *Storage payment for 1961–62 reseal period.* (1) A producer who extends his reseal loan for the 1962–63 reseal period will at the time of such extension receive a payment for storage earned during the 1961–62 reseal period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel.

(2) Upon delivery of 1958-crop corn, to CCC, the actual quantity of corn held in farm storage under the extended reseal loan program will be determined by weighing. The storage payments earned by the producer covering the previous storage periods will be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the documents for the reseal loans or any extension thereof will be regarded as an additional credit in settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time of any extension of the reseal loan shall be collected from the producer.

(3) No storage payment will be made for the 1961–62 reseal loan period (i) where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement under the loan, (ii) where during or prior to the 1961–62 reseal loan period, the corn has been abandoned or corn was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1961–62 reseal loan period the corn was converted by the producer or any time subsequent thereto there was conversion of the corn by the producer with intent to defraud CCC.

(b) *Storage payment for 1962–63 reseal period—*(1) *Storage payment for full reseal period.* A storage payment in the amount of 14 cents per bushel will be made to the producer on the quantity involved if he (i) redeems the corn from the loan on or after the maturity date of the extended reseal loan, (ii) delivers the corn to CCC on or after the maturity date of the extended reseal loan, or (iii) delivers the corn to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand and for the sole convenience of CCC.

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the corn was in store beginning 60 days after July 31, 1962, will be made to the producer in the case of (i) losses assumed by CCC, (ii) redemptions prior to the maturity date of the extended reseal loan and (iii) deliveries to CCC prior to the maturity date of the extended reseal loan pursuant to CCC's demand but not for sole convenience of CCC or upon the request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of $0.00046 per bushel but shall not exceed 14 cents per bushel. In the case of losses assumed by CCC the period for computing the storage payment will end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing provisions of this paragraph, in no case will any storage payment be made for the 1962–63 reseal period where the producer has made any false representation in the loan documents or in obtaining the loan or in deliveries or settlement under the loan, or where during or prior to such period, (i) the corn has been abandoned, (ii) the corn was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) there has been conversion on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC on track at a county point in accordance with instructions of the county committee.

§ 421.1789 Maturity and satisfaction.

(a) Loans will mature on demand but not later than July 31, 1963. The producer must pay off his loan, plus interest, on or before the maturity of the loan or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to the delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to the grade and quality for the total quantity eligible for delivery. Delivery of the corn will be accepted only from the structure(s) in which the corn was stored under extended reseal loan, and the producer shall not include in the quantity of the corn delivered in settlement of a loan any corn which has been added to or substituted for the corn covered by the loan documents. The provisions of § 421.3018 (a) and (d) and of § 421.3146 (a)(1), (d), and (f) shall apply.

(b) The making of any fraudulent representation by the producer, in connection with settlement or deliveries under the loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the corn, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the corn delivered to the Corporation under the loan or removed by the Corporation, shall be the market value, as determined by the Corporation, on the date of delivery or removal, or the sale price if the corn is sold by CCC in order to determine its market value.

§ 421.1790 Support rates, premiums and discounts.

(a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) The applicable discounts or premiums established for variation in quality as shown in § 421.3143(b) and § 421.3147 (b) (1) and (3) shall be applicable in determining the settlement value.

§ 421.1791 Death, incompetency or disappearance.

In case of the death, incompetency or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or purchase agreement, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 421.1151 to 421.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (pulled wool)), 27 F.R. 933, February 1, 1962, as amended), upon proper application to the office of the county committee which made the loan or purchase agreement. Application forms may be obtained from the office of the county committee.

§ 421.1792 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-5242; Filed, May 29, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1136; Amdt. 445]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the main landing gear uplock mechanism on Vickers Viscount Models 745D and 810 Series aircraft was published in 27 F.R. 3406.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received relative to the type of metal used for the replacement plate. This comment was based on the fact that the referenced manufacturer's service document specifies a "light alloy" plate. The AD was not intended to be so restrictive and therefore is reworded to require that the manufacturer's instructions be followed only for the installation of the plate.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.
Compliance required as indicated.
Failure of a main landing gear uplock mechanism resulted in inability to extend the gear. Inspection revealed that a cotter pin, which secures the connecting links to the center spindle, was missing. This permitted the clevis pin to drop into an inspection hole, and prevented the mechanism from moving to the unlock position. To prevent further cases of this malfunction, the following are required:

(a) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the past 100 hours' time in service and at periods thereafter not exceeding 250 hours' time in service from the last inspection, visually inspect the main landing gear uplock mechanisms to ensure that the clevis pin is in the correct position and secured with a cotter pin that is not worn or damaged. Prior to further flight, properly reinstall clevis pins that have worked loose or shifted and replace worn or damaged cotter pins.

(b) The inspections required by this airworthiness directive may be discontinued after replacement of the perspex covers with metal plates installed in accordance with Vickers Preliminary Technical Leaflet No. 236 Issue 3, Modification D.3049 (for 700 Series aircraft), or PTL No. 102 Issue 3, Mod. FG. 1873 (for the 800 Series aircraft), or an FAA approved equivalent modification.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective June 29, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 22, 1962.

S. W. HENCEROTH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5200; Filed, May 29, 1962; 8:45 a.m.]

[Reg. Docket No. 1230; Amdt. 446]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

There have been several cases of damaged wiring in the autopilot trim servo wire bundle in Boeing 707 and 720 Series aircraft. To correct this unsafe condition an airworthiness directive is being issued to require inspection of the wire bundle and repair or replacement of any damaged wires.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to 707 and 720 Series aircraft listed in Boeing Service Bulletin No. 1698 dated May 16, 1962.
Compliance required as indicated.
As a result of several cases of damaged wiring in the automatic pilot trim servo wire

bundle, accomplish the following one-time inspection.

Within the next 150 hours' time in service after the effective date of this AD unless already accomplished, inspect the wire bundle connected to the autopilot trim servo, stabilizer limit switches, and stabilizer position transmitter in accordance with Boeing Service Bulletin No. 1698 dated May 16, 1962. If damage is found, repair or replace the wire bundle prior to further flight.

This amendment shall become effective May 30, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 24, 1962.

S. W. HENCEROTH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5280; Filed, May 29, 1962; 8:49 a.m.]

[Airspace Docket No. 61-NY-103]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On March 23, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2736) stating that the Federal Aviation Agency was considering an alteration to the segment of Intermediate altitude VOR Federal airway No. 1691 between Coyle, N.J., and Albany, N.Y.

The Air Transport Association of America submitted a comment which concurred with the proposed alteration. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.1691 (26 F.R. 1091, 7575) is amended to read:

§ 600.1691 VOR Federal airway No. 1691 (Coyle, N.J., to Idlewild, N.Y., and Deer Park, N.Y., to the United States/Canadian border).

From the Coyle, N.J., VOR; 10-mile wide airway to the Idlewild, N.Y., VOR. From the INT of the Idlewild VOR 065° and the Clermont, N.Y., VOR 157° radials; 12-mile wide airway via the Clermont VOR; Albany, N.Y., VOR to the Plattsburgh, N.Y., VOR; thence 10-mile wide airway via the Plattsburgh VOR 334° radial to the U.S./Canadian border.

This amendement shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5203; Filed, May 29, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-84]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On February 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1033) stating that the Federal Aviation Agency proposed to designate a control zone at Stallings Field, Kinston, North Carolina.

The Department of the Air Force expressed concern about possible traffic confliction due to the close proximity of the proposed control zone to the Seymour Johnson AFB control zone.

The problem referred to by the Air Force is of a procedural nature which will be resolved by the utilization of appropriate air traffic control procedures.

The Air Transport Association of America (ATA) endorsed the designation of the control zone but recommended that the extension to the northeast would not be required if adjacent controlled airspace extends upward from 700 feet above the surface.

Subsequent to the publication of the notice, Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules (27 F.R. 4012) has been adopted. This amendment provides for the designation of transition areas with floors of 700 feet above the surface to complement control zones. The proposed control zone is presently afforded protection, at 700 feet above the surface, by the Kinston control area extension. In the future, the FAA will propose, under separate airspace action, the redevelopment of this control area extension as the Kinston transition area with appropriate controlled airspace floor assignments. Therefore, action is taken herein to delete the proposed northeast control zone extension.

In the notice, the effective hours of the Kinston control zone were proposed in terms of Eastern Standard Time. However, to preclude repeated rulemaking action to accommodate seasonal changes associated with daylight time in this area, action is taken herein to designate the effective hours of the control zone in terms of local time.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 601.1984 (14 CFR 601.1984) the following is added:

Kinston, North Carolina: Stallings Field (latitude 35°19'40" N., longitude 77°37'05" W.), from 0700 to 2330 local time, daily.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5201; Filed, May 29, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-49]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2023 of the regulations of the Administrator is to alter the description of the Albuquerque, N. Mex., control zone.

The Albuquerque control zone is designated, in part, on the Albuquerque radio range. The Federal Aviation Agency will convert this facility to a radio beacon on or about May 21, 1962. Therefore, action is taken herein to substitute the Albuquerque radio beacon for the Albuquerque radio range in the description of the Albuquerque control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.2023 (26 F.R. 5502), "within 2 miles either side of the S course of the Albuquerque RR extending from the 5-mile radius on to a point 11 miles S;" is deleted and "within 2 miles either side of the 188° bearing from the Albuquerque, N. Mex., RBN extending from the 5-mile radius zone to 11 miles S of the RBN;" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5202; Filed, May 29, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-118]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Modification of Control Area Extension

The purpose of these amendments to §§ 601.1186 and 608.23 of the regulations of the Administrator is to revoke the Sahuarita, Arizona, Restricted Area R-2306 and modify the description of the Tucson, Arizona, control area extension.

The Department of the Air Force has advised that R-2306 is no longer required and has recommended that it be revoked. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

Further, action is being taken herein to delete the reference to R-2306 contained in the description of the Tucson control area extension.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.23 *Arizona* (14 CFR 608.23), R-2306 Sahuarita, Ariz. is revoked.

2. In the text of § 601.1186 (14 CFR 601.1186) "The portion of this control area extension which coincides with R-2306 shall be used only after obtaining prior approval from appropriate authority." is deleted.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5205; Filed, May 29, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-200]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes and Jet Advisory Areas

On March 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2704) stating that the Federal Aviation Agency proposed to alter Jet Routes Nos. 21, 25 and 29, and their associated jet advisory areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (14 CFR 602.100) the following changes are made:

(a) Jet Route No. 21 is amended to read:

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.). From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

(b) Jet Route No. 25 is amended to read:

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.). From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 337° and the San Antonio, Tex., 172° radials; San Antonio; Austin, Tex.; Dallas, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

(c) Jet Route No. 29 is amended to read:

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine). From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 337° and the Palacios, Tex., 234° radials; Palacios; Houston, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ill.; INT of the Evansville, 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N.Y.; Plattsburgh, N.Y.; Bangor, Maine; to Presque Isle, Maine.

2. In § 602.200 *En route jet advisory areas* (14 CFR 602.200) the following changes are made:

(a) Jet Route No. 21 jet advisory area is amended to read:

Jet Route No. 21 jet advisory area. Radar—United States/Mexican Border to Duluth, Minn.

(b) Jet Route No. 25 jet advisory area is amended to read:

Jet Route No. 25 jet advisory area. Radar—United States/Mexican Border to Minneapolis, Minn.

(c) Jet Route No. 29 jet advisory area is amended to read:

Jet Route No. 29 jet advisory area. Radar—United States/Mexican Border to Plattsburgh, N.Y.

These amendments shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5204; Filed, May 29, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1226; Amdt. 89]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.111 *Amber Federal airway 11* is amended to read in part:

From *Maui, Hawaii, LFR; to 38 miles north of Maui, LFR; MEA 8,000. *8,000—MCA Maui LFR, north bound.

Section 610.208 *Red Federal airway 8* is deleted.

Section 610.223 *Red Federal airway 23* is deleted.

Section 610.279 *Red Federal airway 79* is deleted.

Section 610.287 *Red Federal airway 87* is amended to read in part:

From *Maui, Hawaii, LFR; to **Breadfruit, INT, Hawaii; MEA 10,000. *10,000—MCA Maui LFR, southeast bound. **8,000—MCA Breadfruit INT, northwest bound.

Section 610.303 *Red Federal airway 103* is amended to read in part:

From Kenai, Alaska, LFR; to *Skilak INT, Alaska; MEA 1,900. *4,700—MCA Skilak INT, southeast bound.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Ennis INT, Tenn.; to Leona, Tex., VOR; MEA 5,000.
From Midland, Tex., VOR; to Tarzan INT, Tex.; MEA 4,000.
From Richmond, Calif., LF/RBN; to Farallon Island, Calif., LF/RBN; MEA 4,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Kelley AFB, Tex., TVOR; to Guadalupe INT, Tex.; MEA *3,000. *2,500—MOCA.
From Elmendorf INT, Tex.; to LaVernia, Tex., VOR; MEA 3,000.
From Lick INT, Calif.; to Los Banos, Calif., VOR; MEA 6,000.
From Somerton INT, Va.; to Windsor INT, Va.; MEA 2,100.
From Cape Charles, Va., VOR; to Waverly INT, Va.; MEA *3,000. *1,800—MOCA.
From San Diego, Calif., VOR; to Border INT, Calif.; southeastbound, MEA 6,000; northwestbound, MEA 3,600.
From South Bend, Ind., VOR; to Lawton INT, Mich.; MEA 2,100.
From Britton, Tex., VOR; to Fort Worth, Tex., LFR; MEA 2,700.
From Britton, Tex., VOR; to Roanoke INT, Tex.; MEA 2,700.
From Britton, Tex., VOR; to Lucus INT, Tex.; MEA 3,300.
From Britton, Tex., VOR; to Stadium INT, Tex.; MEA 2,700.
From Temple, Tex., VOR; to Waco, Tex., VOR; MEA 2,100.
From *Fillmore, Calif., VOR; to Henderson INT, Calif.; MEA 7,000. *6,000—MCA Fillmore VOR, westbound.
From Waxie INT, Tex.; to Red Bird INT, Tex.; MEA 2,700.
From Carter, Tex., VOR; to Dallas, Tex., VOR; MEA 2,200.
From Johnson INT, Tex.; to Big Spring, Tex., VOR; MEA *4,400. *3,800—MOCA.
From Monroe, La. VOR; to Pine Bluff, Ark., VOR; MEA *2,500. *2,000—MOCA.
From LaBelle, Fla., VOR; to Sarasota, Fla., VOR; MEA 1,300.

From Sarasota, Fla., VOR; to Egmont Key, Fla., LF/RBN; MEA 1,300.

Bahama Routes

52V:
From Biscayne Bay, Fla., VOR via BSY–112T and ZQA–276T; to Nassau, Bahamas, VOR; MEA *4,700. *1,200—MOCA.

53V
From Biscayne Bay, Fla.; to Int. BSY–094T and ZBV–111T; MEA *4,000. *1,200—MOCA.
From Int. BSY–094T and ZBV–111T; to Nassau, Bahamas, VOR; MEA *2,000. *1,200—MOCA.
From West Palm Beach, Fla., VOR; to Isaac INT, Bahamas; MEA *6,400. *1,400—MOCA.
From Isaac INT, Bahamas; to Carey INT, Bahamas; MEA *6,400. *1,000—MOCA.
From Carey INT, Bahamas; to Nassau, Bahamas, VOR; MEA *2,000. *1,400—MOCA.

55V:
From West Palm Beach, Fla., VOR; to Bimini, Bahamas, VOR; MEA *2,000. *1,400—MOCA.
From Bimini, Bahamas, VOR; to Nassau, Bahamas, VOR; MEA *2,000. *1,200—MOCA.

56V:
From Nassau, Bahamas, VOR; to *Thompson INT, Bahamas; MEA **2,000. *5,800—MRA. **1,200—MOCA.
From Thompson, INT, Bahamas; to High Rock INT, Bahamas; MEA *8,000. *1,000—MOCA.
From High Rock INT, Bahamas; to *Abaco INT, Bahamas; MEA **8,500. *10,500—MRA. **1,200—MOCA.

57V:
From West Palm Beach, Fla., VOR; to Bimini, Bahamas, VOR; MEA *2,000. *1,400—MOCA.
From Bimini, Bahamas, VOR; to Carey INT, Bahamas; MEA *5,800. *1,200—MOCA.
From Carey INT, Bahamas; to Nassau, Bahamas, VOR; MEA *2,000. *1,400—MOCA.
From Nassau, Bahamas, VOR; to *Morley INT, Bahamas; MEA **2,000. *8,800—MRA. **1,200—MOCA.
From Morley INT, Bahamas; to *Gorda INT, Bahamas; MEA **2,000. *8,300—MRA. **1,000—MOCA.
From Gorda INT, Bahamas; to *Abaco INT, Bahamas; MEA **10,500. *10,500—MRA. **1,000—MOCA.
From Bimini, Bahamas, Rbn; to Nassau, Bahamas, Rbn; MEA 1,200.

2 Lima:
From Perrine, Fla., Rbn via 089T PRR and 111T ZBB; to Nassau, Bahamas, Rbn; MEA 1,200.

3 Lima:
From Bimini, Bahamas, Rbn via 066T ZBB and 055T ZQA; to India Route; MEA 1,200.

4 Lima:
From West Palm Beach, Fla., LFR; to Bimini, Bahamas, Rbn; MEA 1,400.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Beaumont, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,700.
From Austin, Tex., VOR; to College Station, Tex., VOR; MEA 2,100.
From Sarasota, Fla., VOR; to Arcadia INT, Fla.; MEA 1,500.
From San Jose, Calif., VOR; to Lick INT, Calif.; MEA 4,000.

Section 610.6002 *VOR Federal airway 2* is amended by adding:

From Rochester, N.Y., VOR via N alter.; to Syracuse, N.Y., VOR via N alter.; MEA 2,000.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From *Taylor INT, Wash., via N alter.; to Cashmere INT, Wash., via N alter.; MEA 12,000. *9,000—MCA Taylor INT, eastbound.
From Cashmere INT, Wash., via N alter.; to *Wenatchee, Wash., VOR via N alter.; eastbound, MEA 7,500; westbound, MEA 12,000. *9,200—MCA Wenatchee VOR, westbound.
From Wenatchee, Wash., VOR via N alter.; to Ephrata, Wash., VOR via N alter.; MEA 5,500.
From Lakeport INT, N.Y.; to *Clinton INT, N.Y.; MEA 3,000. *4,000—MRA.
From Clinton INT, N.Y.; to Utica, N.Y., VOR; MEA 3,000.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Brunswick, Ga., VOR; to *Darien INT, Ga.; MEA 1,500. *4,000—MRA.
From Darien INT, Ga.; to *Fairhope INT, Ga.; MEA 1,500. *3,000—MRA.
From Pinehurst, N.C., VOR; to *Merry Oaks INT, N.C.; MEA 2,000. *2,800—MRA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Neah Bay, Wash., LF/RBN; to Port Angeles, Wash., VOR; MEA *7,000. *4,000—MOCA.
From Tieton INT, Wash.; to *Gleed INT, Wash.; southeastbound, MEA 5,500; northwestbound, MEA 7,000: *7,000—MCA Gleed INT, northwestbound.
From Gleed INT, Wash.; to Yakima, Wash., VOR; MEA 5,500.
From Tieton INT, Wash., via S alter.; to *Gleed INT, Wash., via S alter.; southeastbound, MEA 5,500; northwestbound, MEA 7,000. *7,000—MCA Gleed INT, northwestbound.
From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.
From Topeka, Kans., VOR via S alter.; to Bonner Springs INT, Kans., via S alter.; MEA 2,400.
From Boise, Idaho, VOR; to Jerome INT, Idaho; MEA 8,500.
From Mountain Home, Idaho, FM; to Boise, Idaho, VOR northwestbound only; MEA 7,600.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Gladstone INT, Ohio; to London INT, Ohio; MEA *3,000. *2,500—MOCA.
From London INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.
From Hilliard INT, Ga., via W alter.; to *Cabins INT, Ga., via W alter.; MEA 1,600. *2,000—MRA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Harvard INT, Calif., via N alter.; to Las Vegas, Nev., VOR, via N alter.; MEA 9,500.
From Akron, Colo., VOR via N alter.; to Holyoke INT, Colo., via N alter.; MEA 6,000.
From Holyoke INT, Colo., via N alter.; to Hayes Center, Nebr., VOR via N alter.; MEA *6,000. *4,600—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From New Haven INT, Mo., via S alter.; to Maryland Heights, Mo., VOR via S alter.; MEA 2,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Lubbock, Tex., VOR via S alter.; to *Ralls INT, Tex., via S alter.; MEA 4,500. *7,500—MRA.
From Ralls INT, Tex., via S alter.; to Childress, Tex., VOR via S alter.; MEA 4,500.

Section 610.6014 *VOR Federal airway 14* is amended by adding:

From St. Louis, Mo., VOR via N alter.; to Vandalia, Ill.; VOR via N alter.; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Telford INT, Tenn.; to Holston Mountain, Tenn., VOR; MEA 6,000.
From Holston Mountain, Tenn., VOR; to *Konnarock INT, Va.; MEA 6,000.
From Afton INT, Tenn., via S alter.; to Holston Mountain, Tenn., VOR via S alter.; MEA 6,000.
From Abilene, Tex., VOR via N alter.; to *Breckenridge INT, Tex., via N alter.; MEA **3,500. *5,000—MRA. **3,100—MOCA.
From Abilene, Tex., VOR via S alter.; to Clyde INT, Tex., via S alter.; MEA 3,200.
From Clyde INT, Tex., via S alter.; to Cisco INT, Tex., via S alter.; MEA *4,000. *3,200—MOCA.
From Cisco INT, Tex., via S alter.; to Mineral Wells, Tex., VOR via S alter.; MEA *4,000. *3,100—MOCA.
From Dewitt INT, Ark., via S alter.; to Norfolk INT, Miss., via S alter.; MEA *3,000. *1,600—MOCA.
From Norwich, Conn., VOR; to Sterling INT, Conn.; MEA 1,800.
From Sterling INT, Conn.; to Foster INT, R.I.; MEA 1,900.
From Foster INT, R.I.; to Boston, Mass., VOR; MEA 1,800.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From San Antonio, Tex., VOR; to *Buda INT, Tex.; MEA 3,000. *3,200—MRA.
From Buda INT, Tex.; to Austin, Tex., VOR; MEA 3,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From *Branch INT, Miss.; to **Decatur INT, Miss.; MEA ***2,000. *4,500—MRA. **3,000—MRA. ***1,700—MOCA.
From Meridian, Miss., VOR; to Boyd INT, Ala.; MEA *2,000. *1,700—MOCA.
From Boyd INT, Ala.; to Moundville INT, Ala.; MEA *3,500. *1,200—MOCA.
From McDonough, Ga., VOR; to Int. 087 M rad McDonough VOR and 191 M rad Athens VOR; MEA 2,000.
From Int. 087 M rad McDonough VOR and 191 M rad Athens VOR; to Sharon INT, Ga.; MEA *2,800. *1,900—MOCA.
From Monroe, La., VOR; to *Redwood INT, Miss.; MEA **2,000. *3,000—MRA. **1,700—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Albuquerque, N. Mex., VOR via W alter.; to Aden INT, N. Mex., via W alter.; MEA 8,000.
From Aden INT, N. Mex., via W alter.; to Santa Fe, N. Mex., VOR via W alter.; MEA 9,000.
From Cheyenne, Wyo., VOR; to Douglas, Wyo., VOR; MEA 9,000.
From Bear Creek INT, Wyo.; to Cheyenne, Wyo., VOR; southbound only; MEA 8,000.
From Cimarron, N. Mex., VOR; to Ludlow INT, Colo.; MEA 11,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA *1,500. *1,400—MOCA.
From Corpus Christi, Tex., VOR via N alter.; to Palacios, Tex., VOR via N alter.; MEA *1,500. *1,400—MOCA.
From *Miller INT, Ala., via N alter.; to Newnan INT, Ga., via N alter.; MEA **5,300. *5,300—MRA. **2,100—MOCA.
From Newnan INT, Ga., via N alter.; to Atlanta, Ga., VOR via N alter.; MEA 2,100.
From Hathaway INT, La., via N alter.; to *Rayne INT, La., via N alter.; MEA 1,800. *2,500—MRA.
From Rayne INT, La., via N alter.; to Lafayette, La., VOR via N alter.; MEA 1,800.

From Orange INT, La., via N alter.; to Lake Charles, La., VOR via N alter.; MEA 1,400.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Whitman INT, Calif.; to *Lamont INT, Calif.; northbound, MEA 6,000; southbound, MEA 9,000. *6,100—MCA Lamont INT, southbound.
From Lamont INT, Calif.; to Bakersfield, Calif., VOR northbound, MEA 3,000; southbound, MEA 4,000.

Section 610.6025 *VOR Federal airway 25* is amended by adding:

From *Ellensburg, Wash., VOR; to **Wenatchee, Wash., VOR; MEA 8,000. *6,300—MCA Ellensburg VOR, northbound. **6,700—MCA Wenatchee VOR, southbound.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From *Pentwater INT, Mich.; to White Cloud, Mich., VOR; MEA **3,800. *4,000—MRA. **2,200—MOCA.
From White Cloud, Mich., VOR; to *Trufant INT, Mich.; MEA 2,200. *3,000—MRA.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Pt. Ano INT, Calif.; to *Half Moon Bay INT, Calif.; MEA 6,000. *6,000—MCA Half Moon Bay INT, northwest-southeastbound.
From Half Moon Bay INT, Calif.; to Shrimp INT, Calif.; MEA 6,000.
From Shrimp INT, Calif.; to Crab INT, Calif.; MEA 5,000.
From Crab INT, Calif.; to Stinson Beach INT, Calif.; MEA 4,000.

Section 610.6031 *VOR Federal airway 31* is amended to read in part:

From McAlester, Okla., VOR; to *Hoffman INT, Okla.; MEA 2,000. *4,700—MRA.
From Hoffman INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Roan Mountain INT, N.C.; to Holston Mountain, Tenn., VOR; MEA 6,000. *7,000—MCA Roan Mountain INT, southbound.
From Holston Mountain, Tenn., VOR; to Blackford, Va., VOR; MEA 6,000.
From Linville INT, N.C., via E alter; to Holston Mountain, Tenn., VOR via E alter.; MEA 7,000.
From Weaverville INT, N.C., via W alter.; to *Erwin INT, Tenn., via W alter.; MEA **8,000. *6,500—MCA Erwin INT, southbound. **7,500—MOCA.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Imperial, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Imperial, Pa., VOR; to Paulton INT, Pa.; MEA 3,000.
From Paulton INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.

Section 610.6051 *VOR Federal airway 51* is amended by adding:

From *Bakerton INT, Ky., via E alter.; to Liberty INT, Ky., via E alter.; MEA **5,000. *4,500—MRA. *5,000—MCA Bakerton INT, northeastbound. **3,000—MOCA.
From Liberty INT, Ky., via E alter.; to Louisville, Ky., VOR via E alter.; MEA 2,500.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Hilliard INT, Ga., via W alter.; to *Cabins INT, Ga., via W alter.; MEA 1,600. *2,000—MRA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Troy, Ill., VOR; to Carter INT, Ill.; MEA 2,000.
From Carter INT, Ill.; to Phillipstown INT, Ill.; MEA *4,500. *1,800—MOCA.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From *Roan Mountain INT, N.C.; to Holston Mountain, Tenn., VOR; MEA 6,000. *7,000—MCA Roan Mountain INT, southbound.
From Holston Mountain, Tenn., VOR; to Hilton INT, Va.; MEA 6,000.

Section 610.6058 *VOR Federal airway 58* is amended to read in part:

From Imperial, Pa., VOR; to Paulton INT, Pa.; MEA 3,000.
From Paulton INT, Pa.; to Carrolltown, Pa., VOR; MEA 4,000.

Section 610.6062 *VOR Federal airway 62* is amended to delete:

From *Prescott, Ariz., VORTAC; to Cornville INT, Ariz.; MEA 10,000. *8,500—MCA Prescott VORTAC, eastbound.
From Cornville INT, Ariz.; to Clints Well INT, Ariz.; MEA *12,000. *10,000—MOCA.
From Clints Well INT, Ariz.; to Milky INT, Ariz.; MEA 12,000.
From Milky INT, Ariz.; to Zuni, N. Mex., VOR; MEA, 9,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From San Diego, Calif., VOR; to *Bostonia INT, Calif.; MEA 4,000. *5,000—MCA Bostonia INT, eastbound.
From Bostonia INT, Calif.; to Barrett Lake INT, Calif.; westbound, MEA 6,000; eastbound, MEA 8,000.
From Abilene, Tex., VOR; to *Breckenridge INT, Tex.; MEA **3,500. *5,000—MRA. **3,100—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Corona, N. Mex., VOR; to Hondo INT, N. Mex.; southeastbound, MEA 9,000; northwestbound, MEA *12,000. *9,000—MOCA.
From Corona, N. Mex., VOR via N alter.; to Dunlap INT, N. Mex., via N alter.; southeastbound, MEA 9,000; northwestbound; MEA *12,000. *9,000—MOCA.
From Doss INT, Tex.; to *Comfort INT, Tex.; MEA **4,000. *4,000—MRA. **3,400—MOCA.
From San Antonio, Tex., VOR; to McCoy INT, Tex.; MEA *3,000. *2,200—MOCA.
From McCoy INT, Tex.; to Three Rivers INT, Tex.; MEA *2,500. *2,000—MOCA.
From Three Rivers INT, Tex.; to Skidmore INT, Tex.; MEA *2,500. *1,500—MOCA.
From Skidmore INT, Tex.; to Corpus Christi, Tex., VOR; MEA 1,700.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA *1,500. *1,400—MOCA.

Section 610.6071 *VOR Federal airway 71* is amended to read in part:

From Flippin, Ark., VOR; to Chadwick INT, Mo.; MEA 2,600.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Rockdale, N.Y., VOR; to *Milford INT, N.Y.; MEA 4,000. *5,000—MRA.
From Milford INT, N.Y.; to Albany, N.Y., VOR; MEA 4,000.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Austin, Tex., VOR; to *Butler INT, Tex.; MEA 2,000. *2,500—MRA.
From Butler INT, Tex.; to *Paige INT, Tex.; MEA 2,000. *2,500—MRA.
From Kingsland INT, Tex.; to *Lake Travis INT, Tex.; MEA **3,000. *3,800—MRA. **2,500—MOCA.
From Lometa, Tex., VOR, via N alter.; to *Liberty Hill INT, Tex., via N alter.; MEA **4,000. *4,000—MRA. **2,700—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Sabinal INT, Tex.; to **Haby INT, Tex.; MEA ***4,700. *5,500—MRA. **4,700—MRA. ***4,000—MOCA.

Section 610.6080 *VOR Federal airway 80* is amended to read:

From Akron, Colo., VOR; to Holyoke INT, Colo.; MEA 6,000.
From Holyoke INT, Colo.; to North Platte, Nebr., VOR; MEA *6,000. *4,600—MOCA.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Hondo INT, N. Mex.; to Corona, N. Mex., VOR; southeastbound, MEA 9,000; northwestbound, MEA *12,000. *9,000—MOCA.
From Dunlap INT, N. Mex., via E alter.; to Corona, N. Mex., VOR via E alter.; southeastbound, MEA 9,000; northwestbound, MEA *12,000. *9,000—MOCA.

Section 610.6084 *VOR Federal airway 84* is amended to read in part:

From Northbrook, Ill., VOR; to *Papi INT, Ill.; MEA 2,000. *2,500—MRA.

Section 610.6091 *VOR Federal airway 91* is amended to read in part:

From Idlewild, N.Y., VOR; to Jericho INT, N.Y.; MEA *2,000. *1,500—MOCA.
From Jericho INT, N.Y.; to Wilton, Conn., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Abilene, Tex., VOR; to Clyde INT, Tex.; MEA 3,200.
From Clyde INT, Tex.; to Cisco INT, Tex.; MEA *4,000. *3,200—MOCA.
From Cisco INT, Tex.; to *Mill INT, Tex.; MEA **5,500. *3,500—MRA. **3,100—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Crossroads INT, Tenn.; to London, Ky., VOR; MEA 5,000. *3,500—MRA.
From *Clinton INT, Tenn., via W alter.; to London, Ky., VOR via W alter.; MEA 5,500. *4,500—MCA Clinton INT, northwestbound.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Lubbock, Tex., VOR; to *Ralls INT, Tex.; MEA 4,500. *7,500—MRA.
From Ralls INT, Tex.; to Guthrie, Tex., VOR; MEA 4,500.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Casa Grande, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 4,000.

Section 610.6106 *VOR Federal airway 106* is amended to read in part:

From Gardner, Mass., VOR; to Int. 065 M rad Gardner VOR and 173 M rad Concord VOR; MEA 3,000.
From Int. 065 M rad Gardner VOR and 173 M rad Concord VOR; to Kennebunk, Maine, VOR; MEA 2,000.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Amarillo, Tex., VOR via S alter.; to Finley INT, Tex., via S alter.; MEA 4,700.
From Finley INT, Tex., via S alter.; to Childress, Tex., VOR via S alter.; MEA *4,700. *4,500—MOCA.

Section 610.6116 *VOR Federal airway 116* is amended to read in part:

From Excelsior INT, Mo., to Tina INT, Mo.; MEA *3,000. *2,400—MOCA.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Imperial, Pa., VOR; to Clarion, Pa., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6130 *VOR Federal airway 130* is amended to read in part:

From Norwich, Conn., VOR; to Lafayette INT, R.I.; MEA 1,700.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From *Gorman, Calif., VOR; to **Fellows, Calif., VOR; MEA 11,000. *10,500—MCA Gorman VOR, westbound. **8,500—MCA Fellows VOR, eastbound.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Bluefish INT, N.J.; to Pinta INT, N.Y.; MEA 6,000.
From Pinta INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.
From *Watch Hill INT, R.I.; to Richmond INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Richmond INT, R.I.; to Providence, R.I., VOR; MEA 1,700.

Section 610.6149 *VOR Federal airway 149* is amended to read in part:

From Sherrill, INT, N.Y.; to *Clinton INT, N.Y.; MEA 3,000. *4,000—MRA.
From Clinton INT, N.Y.; to Utica, N.Y., VOR; MEA 3,000.

Section 610.6155 *VOR Federal airway 155* is amended to read in part:

From Pinehurst, N.C., VOR; to *Merry Oaks INT, N.C.; MEA 2,000. *2,800—MRA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Guadalupe INT, Tex., via W alter.; to Fredericksburg INT, Tex., via W alter.; MEA *4,000. *3,000—MOCA.
From Fredericksburg INT, Tex., via W alter.; to Llano, Tex., VOR via W alter.; MEA *4,000. *3,200—MOCA.
From Alice, Tex., VOR; to Cartwright INT, Tex.; MEA *2,000. *1,700—MOCA.
From Cartwright INT, Tex.; to Three Rivers INT, Tex.; MEA *2,500. *1,300—MOCA.
From Three Rivers INT, Tex.; to McCoy INT, Tex.; MEA *2,500. *2,000—MOCA.
From McCoy INT, Tex.; to San Antonio, Tex. VOR; MEA *3,000. *2,200—MOCA.

Section 610.6167 *VOR Federal airway 167* is amended to read in part:

From Idlewild, N.Y., VOR; to Jericho INT, N.Y.; MEA *2,000. *1,500—MOCA.
From Jericho INT, N.Y.; to Northport INT, N.Y.; MEA *2,500. *1,500—MOCA.
From Northport INT, N.Y.; to Bridgeport INT, Conn.; MEA *2,000. *1,500—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From *Sterling INT, Colo.; to Holyoke INT, Colo.; MEA **13,000. *13,000—MRA. **7,000—MOCA.
From Holyoke INT, Colo.; to North Platte, Nebr., VOR; MEA *6,000. *4,600—MOCA.
From Wolbach, Nebr., VOR via N alter.; to Blair INT, Nebr., via N alter.; MEA *4,500. *3,100—MOCA.
From Elkhart INT, Iowa; to Newton, Iowa, VOR; MEA 2,100.

Section 610.6179 *VOR Federal airway 179* is amended to read in part:

From Centralia, Ill., VOR; to Bible Grove, Ill., VOR; MEA *2,000. *1,600—MOCA.

Section 610.6181 *VOR Federal airway 181* is amended to read in part:

From Watertown, S. Dak., VOR; to *Barney INT, N. Dak.; MEA **3,900. *6,000—MRA. **3,100—MOCA.
From Barney INT, N. Dak.; to Fargo, N. Dak., VOR; MEA *3,900. *3,100—MOCA.

Section 610.6183 *VOR Federal airway 183* is amended to read in part:

From *Maricopa INT, Calif.; to Bakersfield, Calif., VOR; MEA 3,000. *5,000—MCA Maricopa INT, southwestbound.

Section 610.6186 *VOR Federal airway 186* is deleted.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From *Billings, Mont., VOR; to **Judith Gap INT, Mont.; southeastbound, MEA 7,000; northwestbound, MEA 8,000. *8,000—MCA Billings VOR, southbound. **11,000—MCA Judith Gap INT, northwestbound.
From Judith Gap INT, Mont.; to Great Falls, Mont., VOR; MEA 11,000.

Section 610.6192 *VOR Federal airway 192* is amended to read in part:

From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; northeastbound, MEA *11,000; southwestbound, MEA *12,000. *9,000—MOCA.

Section 610.6194 *VOR Federal airway 194* is amended to delete:

From Homer INT, Ga.; to Royston, Ga., VOR; MEA 2,200.
From Royston, Ga., VOR; to Honea INT, S.C.; MEA 2,200.
From Honea INT, S.C.; to *Laurens INT, S.C.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Laurens INT, S.C.; to Union INT, S.C.; MEA *4,000. *1,900—MOCA.
From Union INT, S.C.; to Fort Mill, S.C., VOR; MEA 2,000.

Section 610.6194 *VOR Federal airway 194* is amended by adding:

From Homer INT, Ga.; to Royston, Ga., VOR; MEA 2,000.
From Royston, Ga., VOR; to Greenwood, S.C., VOR; MEA 2,000.
From Greenwood, S.C., VOR; to Fort Mill, S.C., VOR; MEA 2,000.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Rocksprings, Tex., VOR; to *Haby INT, Tex.; MEA **4,000. *4,700—MRA. **3,800—MOCA.
From Haby INT, Tex.; to Hunt INT, Tex.; MEA *5,000. *3,400—MOCA.
From Hunt INT, Tex.; to *Comfort INT, Tex.; MEA **7,500. *4,000—MRA. **3,300—MOCA.

Section 610.6208 *VOR Federal airway 208* is amended to read in part:

From Vista INT, Calif.; to *Julian, Calif., VOR; MEA 8,000. *8,500—MCA Julian VOR, northeastbound.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Farmington, N. Mex., VOR; to Horse Lake INT, N. Mex.; westbound, MEA 11,000; eastbound, MEA *13,000. *11,000—MOCA.
From Horse Lake INT, N. Mex.; to *Alamosa, Colo., VOR; MEA 13,000. *14,000—MCA Alamosa VOR, northeastbound.
From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.
From Imperial, Pa., VOR; to Paulton INT, Pa.; MEA 3,000.
From Paulton INT, Pa.; to Carrolltown, Pa., VOR; MEA 4,000.

Section 610.6212 *VOR Federal airway 212* is deleted.

Section 610.6219 *VOR Federal airway 219* is amended to read in part:

From Eddyville INT, Nebr.; to Wolbach, Nebr., VOR; MEA *5,400. *3,700—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Orange INT, Tex., via N alter.; to Lake Charles, La., VOR via N alter.; MEA 1,400.

Section 610.6232 *VOR Federal airway 232* is amended to read in part:

From Tannersville, Pa., VOR; to Int. 061 M rad Solberg VOR and 124 M rad Tannersville VOR; MEA 2,500.

Section 610.6246 *VOR Federal airway 246* is amended by adding:

From Mansfield, Ohio, VOR; to Sharon INT, Ohio; MEA 2,500.

Section 610.6248 *VOR Federal airway 248* is amended to read in part:

From Avenal, Calif., VOR; to *Shafter INT, Calif.; MEA 4,000. *4,000—MRA.
From Shafter INT, Calif.; to Bakersfield, Calif., VOR; eastbound, MEA 2,000; westbound, MEA 4,000.

Section 610.6249 *VOR Federal airway 249* is amended to delete:

From DeLancey, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 5,000.
From Rockdale, N.Y., VOR; to Utica, N.Y., VOR; MEA 4,000.

Section 610.6249 *VOR Federal airway 249* is amended by adding:

From DeLancey, N.Y., VOR; to *Milford INT, N.Y.; MEA **5,000. *5,000—MRA. **4,800—MOCA.
From Milford INT, N.Y.; to Utica, N.Y., VOR; MEA 4,000.

Section 610.6250 *VOR Federal airway 250* is amended by adding:

From Finley INT, Pa.; to Wolfdale INT, Pa.; MEA 3,000.
From Wolfdale INT, Pa.; to Imperial, Pa., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6252 *VOR Federal airway 252* is amended to read in part:

From Huguenot, N.Y., VOR; to Paterson INT, N.J.; MEA 2,800.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From Buhl INT, Idaho; to Boise, Idaho, VOR; MEA 8,500.

From Mountain Home, Idaho, FM; to Boise, Idaho, VOR; northwestbound only, MEA 7,600.

Section 610.6259 *VOR Federal airway 259* is amended to read in part:

From Linville INT, N.C.; to Holston Mountain, Tenn., VOR; MEA 7,000.
From *State Line INT, Tenn., via E alter.; to Holston Mountain, Tenn., VOR, via E alter.; MEA 6,000. *7,000—MCA State Line INT, eastbound.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Dallas, Tex., VOR; to Int. 052 M rad Dallas VOR and 267 M rad Sulphur Springs VOR; MEA *2,100. *1,800—MOCA.
From Int. 052 M rad Dallas VOR and 267 M rad Sulphur Springs VOR; to Avery INT, Tex., MEA *5,500. *1,700—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Texico, N. Mex. VOR; to Tower INT, Tex.; MEA *6,000. *5,400—MOCA.
From Tower INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000.

Section 610.6281 *VOR Federal airway 281* is amended to read in part:

From Walla Walla, Wash., VOR; to Spokane, Wash., VOR; MEA *8,000. *5,000—MOCA.

Section 610.6284 *VOR Federal airway 284* is amended to read in part:

From Ozona INT, Tex.; to San Angelo, Tex., VOR; MEA *6,000. *3,900—MOCA.

Section 610.6291 *VOR Federal airway 291* is deleted.

Section 610.6297 *VOR Federal airway 297* is amended by adding:

From Johnstown, Pa., VOR; to Paulton INT, Pa.; MEA 4,500.
From Paulton INT, Pa.; to Ellwood City, Pa., VOR; MEA 3,000.
From Ellwood City, Pa., VOR; to Akron, Ohio, VOR; MEA 3,000.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From Grapevine INT, Calif.; to *River INT, Calif.; northbound, MEA 5,000; southbound, MEA 10,000. *5,400—MCA River INT, southbound.
From River INT, Calif.; to Bakersfield, Calif., VOR; northbound, MEA 3,000; southbound, MEA 4,000.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From *South Kauai, Hawaii, VOR; to Lihue, Hawaii, VOR; MEA 5,500. *5,000—MCA South Kauai VOR, eastbound.

Section 610.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

From *Hilo, Hawaii, VOR; to **Shoals INT, Hawaii; MEA 2,000. *3,000—MCA Hilo VOR, southbound. **12,000—MRA.
From Shoals INT, Hawaii; to *Grass Shack INT, Hawaii; MEA 2,000. *3,000—MRA.

Section 610.6405 *Hawaii VOR Federal airway 5* is amended to read in part:

From Mango INT, Hawaii; to *Maui, Hawaii, VOR; MEA 6,000. *6,000—MCA Maui VOR, southbound.

Section 610.6406 *Hawaii VOR Federal airway 6* is amended to read in part:

From Bluefin INT, Hawaii; to Maui, Hawaii, VOR; MEA 5,000.
From Maui, Hawaii, VOR; to Sweet Pea INT, Hawaii; MEA 5,000.

Section 610.6411 *Hawaii VOR Federal airway 11* is amended to read in part:

From Int. 138 M rad Lanai VOR and 200 M rad Upolu Point, VOR; to Upolu Point, Hawaii, VOR; MEA 5,000.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *South Kauai, Hawaii, VOR; to Int. 097 M rad South Kauai VOR and 134 M rad Lihue VOR; MEA, 4,000. *5,000—MCA South Kauai VOR, westbound.
From Int. 097 M rad South Kauai VOR and 134 M rad Lihue VOR; to Int. 097 M rad South, Kauai VOR and 119 M rad Lihue VOR; eastbound, MEA 4,000; westbound, MEA 5,000.
From *Molokai, Hawaii, VOR; to **Maui, Hawaii, VOR; MEA, 7,000. *4,500—MCA Molokai VOR, eastbound. **8,000—MCA Maui VOR, eastbound.
From Maui, Hawaii, VOR; to Rainbow INT, Hawaii; MEA 9,000.

Section 610.6428 *VOR Federal airway 428* is amended to read in part:

From Georgetown, N.Y., VOR; to *Waterville INT, N.Y.; MEA 3,500. *4,000—MRA.
From Waterville INT, N.Y.; to Utica, N.Y., VOR; MEA 3,500.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From *Marion INT, Fla.; to St. Johns INT, Fla.; MEA **4,500. *3,500—MRA. **1,000—MOCA.
From St. Johns INT, Fla.; to Sea Island INT, Ga.; MEA *6,000. *1,000—MOCA.

Section 610.6438 *VOR Federal airway 438* is amended by adding:

From Fairbanks, Alaska, ILS loc; to Fairbanks, Alaska, ILS MM; [1]MEA 3,000.
From Ferry INT, Alaska, via W alter.; to Nenana, Alaska, VOR via W alter.; MEA 6,500.
From Nenana, Alaska, VOR via W alter.; to Fairbanks, Alaska, ILS MM, via W alter.; MEA 4,000.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Troy, Ill., VOR; to Cartter INT, Ill.; MEA 2,000.
From Cartter INT, Ill., to Samsville, Ill., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6449 *VOR Federal airway 449* is added to read:

From DeLancey, N.Y., VOR; to Rockdale, N.Y., VOR; MEA 5,000.
From Bockdale, N.Y., VOR; to Brookfield INT, N.Y.; MEA 4,000.
From Brookfield INT, N.Y.; to *Waterville INT, N.Y.; MEA **4,000. *4,000—MRA. **3,900—MOCA.
From Waterville INT, N.Y.; to *Clinton INT, N.Y.; MEA **4,000. *4,000—MRA. **3,600—MOCA.

Section 610.6468 *VOR Federal airway 468* is added to read:

From Newcomerstown, Ohio, VOR; to Kilgore INT, Ohio; MEA *3,000. *2,800—MOCA.
From Kilgore INT, Ohio, to Ellwood City, Pa., VOR; MEA *3,000. *2,700—MOCA.

Section 610.6472 *VOR Federal airway 472* is amended to read:

From Franklin, Va., VOR; to Elizabeth City, N.C., VOR; MEA *2,500. *1,300—MOCA.

Section 610.6802 *VOR Federal airway 802* is added to read:

From Blue Springs, Mo., VOR; to Blackwater, Mo.; VOR; MEA 2,400.
From Blackwater, Mo., VOR; to Millersburg INT, Mo.; MEA 2,600.
From Millersburg INT, Mo.; to Readsville, Mo., VOR; MEA 2,200.
From Readsville, Mo., VOR; to Howell INT, Mo.; MEA 2,100.
From Howell INT, Mo., to Maryland Heights, Mo., VOR; MEA 2,000.
From Maryland Heights, Mo., VOR; to Granite City INT, Ill.; MEA 2,100.
From Granite City INT, Ill.; to Troy, Ill., VOR; MEA 2,200.
From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA *2,300. *1,900—MOCA.
From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA *2,300. *1,900—MOCA.
From Lewis, Ind., VOR; to Spencer INT, Ind.; MEA 2,000.
From Spencer INT, Ind.; to Wilbur INT, Ind.; MEA 2,200.
From Wilbur INT, Ind.; to Banta INT, Ind.; MEA 2,000.
From Banta INT., Ind.; to Whiteland INT, Ind.; MEA 2,300.
From Whiteland INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,000.
From Shelbyville, Ind., VOR; to Richmond, Ind., VOR; MEA 2,300.
From Richmond, Ind., VOR; to Dayton, Ohio, VOR; MEA 2,500.
From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *4,000—MRA.
From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.
From Appleton, Ohio, VOR; to Newcomerstown, Ohio, VOR; MEA 2,500.
From Newcomerstown, Ohio, VOR; to Adena INT, Ohio; MEA 2,500.
From Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,600.
From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 2,500.
From Pittsburgh, Pa., VOR; to *Latrobe INT, Pa.; MEA 3,000. *4,000—MCA Latrobe INT, eastbound.
From Latrobe INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.
From Johnstown, Pa., VOR; to Huntingdon INT, Pa.; MEA 4,500.
From Huntingdon INT, Pa.; to Reedsville INT Pa.; MEA *5,000. *4,500—MOCA.
From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,500—MOCA.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 4,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 2,500.

Section 610.6804 *VOR Federal airway 804* is added to read:

From Stillwater, N.J., VOR; to Thornhurst, Pa., VOR; MEA 3,500.
From Thornhurst, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,500.
From Williamsport, Pa., VOR; to Keating, Pa., VOR; MEA 4,000.
From Keating, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 4,000.
From Fitzgerald, Pa., VOR; to Clarion, Pa., VOR; MEA 3,500.
From Clarion, Pa., VOR; to Imperial, Pa., VOR; MEA 3,000.
From Imperial, Pa., VOR; to Tiverton, Ohio, VOR; MEA 2,500.
From Tiverton, Ohio, VOR; to Grindell INT, Ohio; MEA 2,400.
From Grindell INT, Ohio; to Rosewood, Ohio, VOR; MEA 2,800.
From Rosewood, Ohio, VOR; to Dawn INT, Ohio; MEA 2,300.
From Dawn INT, Ohio; to *Cowan INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Cowan INT, Ohio; to Indianapolis, Ind., VOR; MEA 2,800.
From Indianapolis, Ind., VOR; to Manhattan INT, Ind.; MEA 2,200.
From Manhattan INT, Ind.; to Terre Haute, Ind., VOR; MEA 2,000.

Section 610.6861 *VOR Federal airway 861* is amended to read in part:

From Sterling INT, Conn.; to Foster INT, R.I.; MEA 1,900.
From Foster INT, R.I.; to Boston, Mass., VOR; MEA 1,800.

Section 610.6863 *VOR Federal airway 863* is amended to read in part:

From Norwich, Conn., VOR; to Sterling INT, Conn.; MEA 1,800.
From Sterling INT, Conn.; to Foster INT, R.I.; MEA 1,900.
From Foster INT R.I.; to Boston, Mass., VOR; MEA 1,800.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From *Konnarock INT, Va.; to Holston Mountain INT, Tenn.; MEA 6,000. **7,000—MCA Konnarock INT, northeastbound.
From Holston Mountain INT, Tenn.; to Telford INT, Tenn.; MEA 6,000.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Alma, Ga., VOR; to Taylor, Fla., VOR; MEA 2,200.
From Blackford, Va., VOR; to Holston Mountain INT, Tenn.; MEA 6,000.
From Holston Mountain INT, Tenn.; to *Roan Mountain INT, N.C.; MEA 6,000. **7,000—MCA Roan Mountain INT, southbound.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From *Watch Hill INT, R.I.; to Richmond INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Richmond INT, R.I.; to Providence, R.I., VOR; MEA 1,700.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From *Walls INT, Tenn.; to Pine Bluff, Ark., VOR; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Terre Haute, Ind., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill, VOR; to St. Louis, Mo., VOR; MEA 2,000.
From St. Louis, Mo., VOR; to Monroe INT, Mo.; MEA 2,000.
From Monroe INT, Mo.; to Hallsville, Mo., VOR; MEA 2,100.
From Hallsville, Mo., VOR; to Marshall, Mo., VOR; MEA 2,400.
From Marshall, Mo., VOR; to Kansas City, Mo., VOR; MEA 2,400.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Northbrook, Ill., VOR; to *Papi INT, Ill.; MEA 2,000. *2,500—MRA.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Watch Hill INT, R.I.; to Richmond INT, R.I.; MEA **2,500. *2,500—MRA. **1,500—MOCA.
From Richmond INT, R.I.; to Providence, R.I., VOR; 1,700.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA 2,200.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Newton, Iowa, VOR; to Elkhart INT, Iowa; MEA 2,100.
From Wolbach, Nebr., VOR; to Eddyville INT, Nebr.; MEA *5,400. *3,700—MOCA.

Section 610.6856 *VOR Federal airway 856* is amended to read in part:

From Northbrook, Ill., VOR; to *Papi INT, Ill.; MEA 2,000. *2,500—MRA.

Section 610.1506 *VOR Federal airway 1506* is amended by adding:

From Neah Bay, Wash., LF/RBN; to Port Angeles, Wash., VOR; MEA 14,500; MAA 24,000.
From Port Angeles, Wash., VOR; to Seattle, Wash., VOR; MEA 14,500; MAA 24,000.

Section 610.1511 *VOR Federal airway 1511* is amended to read in part:

From Spartanburg, S.C., VOR; to Holston Mountain, Tenn., VOR; MEA 14,500; MAA 24,000.
From Holston Mountain, Tenn., VOR; to Charleston, W. Va., VOR; MEA 14,500; MAA 24,000.

Section 610.1532 *VOR Federal airway 1532* is amended by adding:

From Albuquerque, N. Mex., VOR; to Anton Chico, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Anton Chico, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1532 *VOR Federal airway 1532* is amended to delete:

From Albuquerque, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to read in part:

From Hector, Calif., VOR; to *Yucca INT, Calif.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Yucca INT, Calif.; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1548 *VOR Federal airway 1548* is amended to read in part:

From Knoxville, Tenn., VOR; to Holston Mountain, Tenn., VOR; MEA 14,500; MAA 24,000.
From Holston Mountain, Tenn., VOR; to Pulaski, Va., VOR; MEA 14,500; MAA 24,000.

Section 610.1667 *VOR Federal airway 1667* is amended to read:

From Fort Mill, S.C., VOR; to Holston Mountain, Tenn., VOR; MEA 14,500; MAA 24,000.
From Holston Mountain, Tenn., VOR; to Lexington, Ky., VOR; MEA 14,500; MAA 24,000.

Section 610.1674 *VOR Federal airway 1674* is amended to delete:

From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 14,500; MAA 24,000.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 14,500; MAA 24,000.
From Erie, Pa., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1674 *VOR Federal airway 1674* is amended by adding:

From Int. 091 M rad Tiverton VOR and 228 M rad Clarion VOR; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.
From Clarion, Pa., VOR; to Bradford, Pa., VOR; MEA 14,500; MAA 24,000.
From Bradford, Pa., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1725 *VOR Federal airway 1725* is amended to read:

From Tiverton, Ohio, VOR; to Int. 091 M rad Tiverton VOR and 228 M rad Clarion VOR; MEA 14,500; MAA 24,000.

Section 610.1746 *VOR Federal airway 1746* is amended by adding:

From Anton Chico, N. Mex., VOR; to Texico, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1748 *VOR Federal airway 1748* is amended by adding:

From Int. 126 M rad Beatty VOR and 250 M rad Las Vegas, Nev., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1778 *VOR Federal airway 1778* is added to read:

From Erie, Pa., VOR; to Wellsville, N.Y., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective June 28, 1962.

Issued in Washington, D.C., on May 23, 1962.

S. W. HENCEROTH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5152; Filed, May 29, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-38]

PART 13—PROHIBITED TRADE PRACTICES

Casual Corner of Memphis, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Casual Corner of Memphis, Inc., et al., Memphis, Tenn., Docket C-38, Dec. 12, 1961]

In the Matter of Casual Corner of Memphis, Inc., a Corporation, and Milton Brenner and M. A. Lightman, Individually and as Officers of Said Corporation

Consent order requiring Memphis, Tenn., sellers to cease violating the Textile Fiber Products Identification Act by such practices as failing to label or identify women's wearing apparel with the information required to be disclosed.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That respondent Casual Corner of Memphis, Inc., a corporation, and its officers, and Milton Brenner and M. A. Lightman, individually and as officers of the said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported, in commerce, or the importation into the United States, of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5214; Filed, May 29, 1962; 8:45 a.m.]

[Docket C-36]

PART 13—PROHIBITED TRADE PRACTICES

Florence Richards and Magic Eye

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–15 *Comparative.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Florence Richards trading as Magic Eye, Las Vegas, Nev., Docket C-36, Dec. 11, 1961]

In the Matter of Florence Richards an Individual Trading as Magic Eye

Consent order requiring a Las Vegas, Nev., furrier to cease violating the Fur Products Labeling Act by failing to show on invoices and labels the country of origin of imported furs, failing to show on invoices the true animal name of fur used in fur products, to disclose when fur was artificially colored or composed of flanks, and to observe other invoicing requirements; representing, in newspaper advertising, prices as reduced without giving the time of compared higher prices; and failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Florence Richards, an individual trading as Magic Eye or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to disclose that fur products are composed in whole or in substantial part of flanks when such is the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Uses previous higher prices as comparatives without giving the time of such higher compared prices.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detailed manner and form in which she has complied with this order.

Issued: December 11, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5215; Filed, May 29, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55628]

PART 2—MEASUREMENT OF VESSELS

Exemption of Spaces From Inclusion in Gross Tonnages; Special Exempted Water Ballast Spaces

Section 2.43 of the Customs regulations, among other things, specifies the conditions under which any space adapted only for the carriage of water ballast and certified not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel shall be deducted from the gross tonnage as measured to get gross registered tonnage. In order further to insure that any such space will be allowed for exemption only when it is adapted and available for the declared purpose and to provide for review and approval by the Commissioner of Customs in any case in which the space claimed for exemption exceeds 30 percent of the gross tonnage, § 2.43(g) of the Customs regulations is amended by adding the following new subparagraph at the end thereof:

(3) No space will be deemed to be adapted only for water ballast unless the Bureau is satisfied that the primary purpose of the space is to afford a means of maintaining stability, trim, immersion, seakeeping[1] capabilities, or strength conditions under varying conditions and requirements of the vessel's operation and that the space claimed for exemption is necessary to and available at all times for any one of these purposes. An application for exemption of water-ballast spaces in excess of 30 percent of the vessel's gross tonnage, calculated without any allowance for water ballast, shall be submitted for approval to the Commissioner of Customs, accompanied by a statement in writing from the vessel owner or his representative as to the circumstances of use or construction of the vessel which make such an allowance necessary and proper and verifying that the conditions specified in this paragraph have been and are met. Any change in the facts on the basis of which a water-ballast exemption is granted under this section shall be promptly reported to the collector of customs for his

determination as to whether there has been a change in the use of spaces requiring an adjustment of tonnage under § 2.64.

A new footnote is appended to § 2.43(g) to read as follows:

[1] The term "seakeeping" as used in this paragraph is defined as the ability of a vessel to maintain good behavior at its designed speed or at a speed as close as possible to its designed speed under all conditions of sea and weather which the vessel may encounter in its designated service.

(R.S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4153, as amended, sec. 4, 28 Stat. 743, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 77, 79)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on February 2, 1962 (27 F.R. 984). Careful consideration was accorded to all data, views, and arguments received pertaining to the proposed amendment. As a result thereof certain changes have been incorporated in this final draft. This amendment shall be effective 30 days after the date of its publication in the FEDERAL REGISTER. It shall not be retroactive in effect.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: May 23, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-5281; Filed, May 29, 1962; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Idaho

There was published in the FEDERAL REGISTER on January 9, 1962 (27 F.R. 237) a notice to amend §§ 221.32 through 221.36 of the Code of Federal Regulations, Title 25—Indians, dealing with the operation and maintenance of the Fort Hall Indian Irrigation Project, Idaho, as set forth below. The purpose of the amendment is to (1) establish an operation and maintenance assessment rate for the irrigation system of the Michaud Division, Fort Hall Indian Reservation; (2) promulgate regulations requiring that the annual assessment for all lands shall be due and payable on April 1 of each year rather than the payment of 50 percent on the due date and the balance on or before July 1 of each year; and (3) clarify provisions of the regulations relating to the delivery of water to non-Indian owned lands and Indian-owned lands which have been under lease for a total period of three years to non-Indians or Indians who are not members of the Fort Hall Tribe of Indians.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. One communication was received within the specified period. It was not given consideration because it did not apply to the proposed amendment set forth in the notice of intention. Accordingly the proposed amendment is hereby adopted without change, except for the change in the effective date from the calendar year 1962 to the calendar year 1963.

1. Section 221.32 is amended to read as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions for the acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian owned lands leased to a non-Indian or non-member of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1962 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Project: Basic rate	$3.75
(2) Michaud Division, Fort Hall Reservation: Basic rate	6.00
Additional rate for sprinkler irrigation when pressure is supplied by the project	3.00
(3) Minor Units, Fort Hall Reservation: Basic rate	1.25

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issue on any area will, therefore, be the basic rate per acre plus $5.00.

2. Section 221.33 is amended to read as follows:

§ 221.33 Payment.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in Indian ownership which do not qualify for free water under § 221.34, there shall be added a penalty of one-half of one per cent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34 an approved lease must be on file at the Fort Hall Agency.

3. The headnote and present text of § 221.34 are amended to read as follows:

§ 221.34 Lands owned by Indians that are not subject to assessments.

When lands owned by members of the Shoshone-Bannock Tribe of Indians of the Fort Hall Indian Reservation are leased to non-Indians or non-members of the tribe such leased lands are not subject to operation and maintenance assessments for three years. The three years that the land is not subject to assessment need not run consecutively. When the land has been leased for a total of three years, whether consecutively or at intervals, the lands thereafter, when under lease to non-Indians or non-members of the tribe, are subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938.)

4. The headnote and present text of § 221.35 are amended to read as follows:

§ 221.35 Lands owned by Indians that are subject to assessment.

Lands owned by members of the Shoshone-Bannock Tribe of Indians of the Fort Hall Indian Reservation which are under lease to non-Indians or non-members of the tribe shall not be entitled to water without the payment of operation and maintenance assessments as prescribed in § 221.33, except where water is to be furnished as authorized by § 221.34.

§ 221.36 Delivery to lessees with contracts [Revoked]

STEWART L. UDALL,
Secretary of the Interior.

MAY 23, 1962.

[F.R. Doc. 62-5216; Filed, May 29, 1962; 8:45 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart H—Advisory Opinions and Declaratory Orders Regarding Board Jurisdiction

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following further amendments to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective June 1, 1962.

National Labor Relations Board Rules and Regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

(49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151-167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat 519; 29 U.S.C. 141-168))

Dated: Washington, D.C., May 23, 1962.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

At the end of § 102.99 add the following paragraph (c):

§ 102.99 Contents of petition for an advisory opinion.

* * * * * *

(c) Seven copies of such petition shall be filed with the Board in Washington, D.C. Such petition shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

Section 102.101 is amended to read as follows:

§ 102.101 Response to petition; service of response.

Any party served with such petition may, within 5 days after service thereof, respond to the petition, admitting or denying its allegations. Seven copies of such response shall be filed with the Board in Washington, D.C. Such response shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Such response shall immediately be served upon all other parties to the proceeding, and a statement of service shall be filed in accordance with the provisions of § 102.113(b).

Section 102.102 is amended to read as follows:

§ 102.102 Intervention.

Any person desiring to intervene shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. Seven copies of such motion shall be filed with the Board in Washington, D.C. Such motion shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

At the end of § 102.106 add the following paragraph (f):

§ 102.106 Contents of petition for declaratory order.

* * * * * *

(f) Seven copies of the petition shall be filed with the Board in Washington, D.C. Such petition shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

Section 102.108 is amended to read as follows:

§ 102.108 Response to petition; service of response.

Any party to the representation or unfair labor practice case may, within 5 days after service thereof, respond to the petition, admitting or denying its allegations. Seven copies of such response shall be filed with the Board in Washington, D.C. Such response shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Such response shall be served upon the general counsel and all other parties, and a statement of service shall be filed as provided by § 102.113(b).

Section 102.109 is amended to read as follows:

§ 102.109 Intervention.

Any person desiring to intervene shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. Seven copies of such motion shall be filed with the Board in Washington, D.C. Such motion shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

[F.R. Doc. 62-5224; Filed, May 29, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2681]

[1575293]

ALASKA

Revoking Executive Order No. 6901 of November 13, 1934

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6901 of November 13, 1934, as amended by Executive Order No. 8174 of June 15, 1939, which withdrew the following described public lands for the joint use and occupancy of the Department of Agriculture and the Alaska Game Commission as a headquarters site in connection with administration of the Alaska game laws is hereby revoked:

MARSHALL AREA

U.S. Survey 2264.

Containing 0.65 acre.

All right, title, and interest of the United States in and to the lands has been conveyed to the State of Alaska, under the provisions of section 45(a) of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 152).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 23, 1962.

[F.R. Doc. 62-5219; Filed, May 29, 1962; 8:46 a.m.]

[Public Land Order 2682]

WYOMING AND ARIZONA

Withdrawal for Forest Service Recreation Areas; Correcting Public Land Order No. 1909 of July 17, 1959

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Shoshone National Forest, Wyoming, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas:

WYOMING

[Wyoming 0111851]

SIXTH PRINCIPAL MERIDIAN

SHOSHONE NATIONAL FOREST

Worthen Picnic Area

T. 32 N., R. 101 W.,
sec. 32, E½NE¼SE¼.

Wood River Campground

T. 46 N., R. 102 W.,
Sec. 29, W½NW¼NW¼.

Sunlight Campground

T. 55 N., R. 104 W.,
Sec. 7, lot 4.

Dead Indian Campground

T. 55 N., R. 104 W.,
Sec. 8, SW¼SW¼ and W½SE¼SW¼;
Sec. 17, N½NW¼NW¼.

Reef Creek Campground

T. 56 N., R. 105 W. (unsurveyed),
Sec. 7, S½NW¼SW¼.

Island Lake Campground

T. 57 N., R. 105 W. (unsurveyed),
Sec. 3, W½SW¼SE¼ and S½SE¼SW¼;
Sec. 10, NE¼NE¼NW¼ and NW¼NW¼NE¼.

Lake Creek Campground

T. 57 N., R. 106 W. (unsurveyed),
Sec. 17, W½SW¼NW¼;
Sec. 18, E½SE¼NE¼.

Hunter Peak Campground

T. 57 N., R. 106 W. (unsurveyed),
Sec. 27, W½SW¼SE¼;
Sec. 34, NW¼NW¼NE¼.

Crazy Creek Campground

T. 57 N., R. 107 W. (unsurveyed),
Sec. 3, SE¼SW½SE¼ and SW¼SE¼SE¼;
Sec. 10, NE¼NW¼NE¼ and NW¼NE¼NE¼.

Fox Creek Campground and Trailer Park

T. 58 N., R. 107 W. (unsurveyed),
Sec. 7, S½S½NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, and N½NE¼SE¼.

Falls Campground

T. 43 N., R. 109 W. (unsurveyed),
Sec. 8, N½NW¼SW¼.

Wind River Lake Campground

T. 44 N., R. 110 W. (unsurveyed),
Sec. 35, W½SE¼NW¼ and E½SW¼NW¼.

The areas described aggregate 485.41 acres.

ARIZONA

[Arizona 017177]

In Federal Register Doc. 59-6054, appearing as Public Land Order No. 1909, at page 5904 of the issue of July 23, 1959, the land description "S½SW¼" in Sec. 15, T. 36 N., R. 5 E., is hereby corrected to read "E½SW¼".

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 23, 1962.

[F.R. Doc. 62-5220; Filed, May 29, 1962; 8:46 a.m.]

[Public Land Order 2683]

[Arizona 024576]

ARIZONA

Order Opening Public Lands Subject to Section 24, Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determination of the Federal Power Commission of January 26, 1960, docketed DA-135-Arizona, it is ordered as follows:

1. The public lands in the following-described areas are hereby restored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, the provisions of any existing withdrawals, and the provisions of section 24 of the Federal Power Act of June 10, 1920, supra:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 16 E.,
Sec. 13, W½W½;
Sec. 14.

Containing 800 acres, of which 520 acres are public land.

2. Until 10:00 a.m. on November 21, 1962, the State of Arizona shall have a preferred right to apply to select the lands in accordance with provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and to apply for the reservation to it or to any of its political subdivisions, of any of the lands required for rights-of-way or materials sites in accordance with provisions of section 24 of the Federal Power Act of June 10, 1920, supra.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 23, 1962.

[F.R. Doc. 62-5221; Filed, May 29, 1962; 8:46 a.m.]

[Public Land Order 2684]

WYOMING

Revoking Certain Reclamation Withdrawals; Withdrawals of Roadside Zones in Bridger National Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in sec. 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service for use of the surface as scenic and recreation areas, as indicated:

[Wyoming 0105361]

SIXTH PRINCIPAL MERIDIAN

BRIDGER NATIONAL FOREST

Salt Creek Summit Roadside Zone

A strip of land 200 feet wide on each side of the center line of U.S. Highway No. 89 through the following legal subdivisions:

T. 29 N., R. 118 W. (unsurveyed),
Sec. 5, E½E½;
Sec. 8, N½NE¼, SW¼NE¼, SE¼NW¼, and SW¼;
Sec. 17, NW¼NW¼, W½NE¼NW¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼ and S½NW¼.
T. 29 N., R. 119 W.,
Sec. 23, E½NE¼, SW¼NE¼, NW¼SE¼, and E½SW¼;
Sec. 24, NE¼ and N½NW¼;
Sec. 26, NW¼ and NW¼SW¼;
Sec. 27, E½SE¼ and SW¼SE¼;
Sec. 34, W½E½ and SE¼SE¼.

Dutch Joe Roadside Zone

A strip of land 200 feet on each side of the center line of Dutch Joe Road No. 129 through the following legal subdivisions:

T. 31 N., R. 104 W.,
Sec. 5, SE¼SW¼;
Sec. 8, NE¼, E½SE¼, and NE¼NW¼;
Sec. 16, S½SW¼ and NW¼SW¼;
Sec. 17, E½NE¼ and NE¼SE¼;
Sec. 21, E½SW¼, W½SE¼, N½NW¼, and SE¼NW¼;
Sec. 28, E½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 33, E½NE¼, SE¼, and SE¼SW¼.

Fremont Lake Roadside Zone

A strip of land 200 feet on each side of the center line of Fremont Lake Road No. 124.2 through the following legal subdivisions:

T. 34 N., R. 108 W.,
Sec. 5, lots 1, 2, 5, SW¼NE¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 7, lot 2 and E½SW¼.
T. 35 N., R. 108 W.,
Sec. 16, unsurveyed S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, unsurveyed SE¼ and SE¼SW¼;
Sec. 20, partially unsurveyed NW¼NE¼ and E½W½;
Sec. 29, partially unsurveyed SW¼NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 32, E½E½ and W½SE¼.
T. 34 N., R. 109 W.,
Sec. 13, lots 3, 4, SE¼NE¼, and E½SE¼;
Sec. 24, E½SW¼.

Green River Roadside Zone

A strip of land 200 feet on each side of the center line of Green River Road No. 117.2 through the following legal subdivisions:

T. 39 N., R. 108 W.,
Sec. 30, lots 3, 4, 6, 7, 8, and 9;
Sec. 31, lot 1.
T. 39 N., R. 109 W.,
Sec. 4, SW¼SE¼ and S½SW¼;
Sec. 5, SE¼, E½SW¼, and SW¼SW¼;
Sec. 6, lot 7, SE¼SW¼, and S½SE¼;
Sec. 7, lot 1;
Sec. 9, N½N½ and SE¼NE¼;
Sec. 10, S½NW¼, N½SW¼; W½SE¼, and SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼, and NW¼SE¼;
Sec. 14, NE¼ and N½NW¼;
Sec. 15, NE¼NE¼;
Sec. 24, N½NE¼ and SE¼NE¼.
T. 38 N., R. 110 W.,
Sec. 2, lots 1, 2, SW¼NE¼, SE¼NW¼, and SW¼;
Sec. 11, NW¼, E½SW¼, and W½SE¼;
Sec. 14, E½SW¼ and W½E½;
Sec. 23, E½NW¼ and W½E½;
Sec. 25, W½SW¼;
Sec. 26, NE¼, E½SE¼, and NW¼SE¼.
T. 39 N., R. 110 W.,
Sec. 12, NE¼, SW¼, and NW¼SE¼;
Sec. 13, NW¼, N½SW¼, and SW¼SW¼;
Sec. 24, W½W½;
Sec. 25, W½W½;
Sec. 35, E½SE¼;
Sec. 36, W½W½.

Middle Fork South Piney Roadside Zone

A strip of land 200 feet on each side of the center line of Middle Fork South Piney Road No. 137-A-2 through the following legal subdivisions:

T. 29 N., R. 115 W. (unsurveyed except parts of sections 18, 19, 31, 32),
Sec. 10, SE¼SE¼;
Sec. 11, S½;
Sec. 12, S½;
Sec. 15, NE¼, NW¼SE¼, and N½SW¼;
Sec. 19, SE¼ and S½NE¼;
Sec. 20, S½N½ and NW¼SW¼;
Sec. 21, NW¼ and NW¼NE¼;
Sec. 30, NE¼, NE¼SE¼, W½SE¼, and E½SW¼;
Sec. 31, lots 5, 6, W½NE¼, E½NW¼, NE¼SW¼ and NW¼SE¼.

The areas described aggregate approximately 2,156 acres.

2. The orders of January 24, 1952; June 2, 1952; August 19, 1954, and any other order or orders reserving lands for reclamation purposes under authority of section 3 of the act of June 17, 1902, are hereby revoked so far as they affect the following described lands:

[Wyoming 0183956]

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 105 W.,
Sec. 31, lots 2, 3, 4, SE¼NW¼, and NE¼SW¼.
T. 24 N., R. 106 W.,
Sec. 3, lots 5, 6, and SW¼;
Sec. 4, SE¼SE¼;
Sec. 6, lots 5, 6, 7, 8, 9, and E½SW¼;
Sec. 29, S½SE¼;
Sec. 30, lot 3 and NE¼SW¼;
Sec. 32, N½NE¼.
T. 25 N., R. 106 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, SW¼, and W½SE¼;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼NW¼, and S½;
Sec. 8, E½NE¼, E½SW¼, and SE¼;
Sec. 9;
Sec. 10, W½;
Sec. 15, NW¼, N½SW¼, and SW¼SW¼;
Sec. 16, NE¼, E½NW¼, E½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 20, SE¼NE¼, E½SW¼, and SE¼;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼, the 30.5 acres of the SE¼SE¼ in Farm Unit W-12;
Sec. 22, W½NW¼ and NW¼SW¼;
Sec. 28, the 618.2 acres in Farm Units W-12, W-13, W-15, and W-16;
Sec. 29, the 278.0 acres in Farm Units W-13 and W-16;
Sec. 32, E½ and E½NW¼;
Sec. 33, N½ and SW¼.

T. 26 N., R. 106 W.,
Sec. 23, SE¼NE¼, E½SW¼, SW¼SW¼, and N½SE¼;
Sec. 26, W½NW¼ and W½SW¼;
Sec. 27, SE¼NE¼, E½SW¼, and SE¼;
Sec. 33, SE¼SW¼ and SE¼;
Sec. 34, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 35, W½NW¼ and NW¼SW¼;
Sec. 36, the 4.03 acres of the NW¼NE¼ in Farm Unit F-3, the 0.10 acres of the SE¼NE¼ in Farm Unit F-5, the 111.52 acres of the NW¼ in Farm Unit F-3, the 75.36 acres of the SW¼ in Farm Unit F-4, and the 37.43 acres of the E½SE¼ in Farm Unit F-5.
T. 24 N., R. 107 W.,
Sec. 1, lots 1, 5, and 6, the 1.40 acres of lot 2 in Farm Unit W-17, and the 5.15 acres of W½SE¼ in Farm Unit W-17;
Sec. 24, E½NW¼;
Sec. 25, N½S½, and the 47.40 acres of the W½NW¼ in Farm Units E-21 and E-22;
Sec. 26, E½SW¼, N½SE¼, and the 35.2 acres of the NE¼ in Farm Unit E-21.

The areas described aggregate 9,220.92 acres of patented lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 23, 1962.

[F.R. Doc. 62-5222; Filed, May 29, 1962; 8:46 a.m.]

[Public Land Order 2685]

WYOMING AND OREGON

Withdrawing Lands for Reclamation Purposes; Revoking Executive Order No. 1232 of July 28, 1910

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Shoshone Project:

[Wyoming 077497]

SIXTH PRINCIPAL MERIDIAN

T. 57 N., R. 98 W.,
Sec. 4, lots 1, 2, S½NE¼, and SE¼.
T. 58 N., R. 98 W.,
Sec. 34, S½.

Containing 641.24 acres.

The lands shall be administered by the Bureau of Land Management under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

[Oregon 012371]

2. Executive Order No. 1232 of July 28, 1910, which withdrew lot 4, section 25, T. 1 S., R. 10 W., W.M., Oregon, containing 1.98 acres, in aid of legislation, is hereby revoked. The lands have been conveyed to the City of Tillamook, Oregon, as directed by the act of April 22, 1960 (74 Stat. 80; Public Law 86-439).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 24, 1962.

[F.R. Doc. 62-5223; Filed, May 29, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14501; FCC 62-547]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Automobile Emergency Radio Service; Redefining of Eligibility

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 23d day of May 1962;

The Commission having under consideration the above-captioned matter; and

It appearing that on February 6, 1962, the Commission issued a notice of proposed rule making, FCC 62-126, published in the FEDERAL REGISTER on February 14, 1962 (27 F.R. 1367), looking toward the amendment of Part 16 of the Commission's rules, so as to broaden the eligibility in the Automobile Emergency Radio Service to provide that any person who is engaged in providing to the general public any form of emergency road service to disabled vehicles will be eligible in that service without regard to whether or not that person operates a public garage; and

It further appearing that interested parties were invited to file comments on or before March 30, 1962, and reply comments on or before April 16, 1962, and that no comments have been filed; and

It further appearing that no reason appears why the amendments should not be adopted as proposed, with minor editorial changes, and that the public interest would be served by broadening the eligibility to include any person providing to the general public an emergency road service for disabled vehicles; and

It further appearing that authority for the amendments herein ordered is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended:

It is ordered, That effective June 29, 1962, Part 16 of the Commission's rules is amended as set forth below and the proceedings in Docket No. 14501 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. The definition "Automobile Emergency Radio Service" in § 16.6(a) is amended to read as follows:

§ 16.6 Definition of terms.

* * * * *

(a) Definition of services:

Automobile Emergency Radio Service. The term "Automobile Emergency Radio Service" as used in this part means a radiocommunication service for use in connection with the dispatching of emergency road service vehicles for the purpose of providing assistance to disabled automotive vehicles used on streets or highways.

2. Section 16.501(a) is amended to read as follows:

§ 16.501 Eligibility.

(a) The following persons are eligible to hold authorizations to operate radio stations in the Automobile Emergency Radio Service:

(1) Associations of owners of private automobiles which provide a private emergency road service for disabled vehicles.

(2) Persons regularly engaged in the business of providing to the general public an emergency road service for disabled vehicles.

(3) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activities set forth in either subparagraph (1) or (2) of this paragraph.

3. Section 16.502(b) is amended to read as follows:

§ 16.502 Permissible communications.

* * * * *

(b) Communications required for dispatching repair trucks, tow trucks, or other road service vehicles to disabled vehicles.

4. In § 16.503, the texts of paragraphs (a) and (d) preceding the tables are amended to read as follows:

§ 16.503 Frequencies available for base and mobile stations.

(a) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: *Provided*, That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area:

* * * * *

(d) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: *Provided*, That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area: *And provided further*, That the equipment to be used shall immediately meet the technical standards which become generally effective November 1, 1963:

[F.R. Doc. 62-5303; Filed, May 29, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 681]

HOMEWORKERS IN PUERTO RICO ENGAGED IN HAND-LACING OF LEATHER WALLETS, LEATHER WALLET COVERS, AND PLASTIC WALLETS

Proposed Minimum Piece Rates

A minimum wage order has been recently published in the FEDERAL REGISTER pursuant to the recommendations of Review Committee 3–B increasing the minimum hourly wage rates payable in the leather, leather goods and related products industry in Puerto Rico (27 F.R. 4279). Section 6(a)(2) of the Fair Labor Standards Act of 1938 as amended (29 U.S.C. 206(a)(2)), provides that homeworkers in Puerto Rico be paid at not less than the minimum piece rates prescribed by regulation or order, and that such piece rates are required to be commensurate with, and to be paid in lieu of, the minimum hourly wage rates applicable under section 6 to employees in Puerto Rico.

Now, therefore, pursuant to section 6(a)(2) of the Fair Labor Standards Act of 1938 as amended (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), notice is hereby given that I propose to amend paragraph (c) of 29 CFR 681.9 by increasing the minimum piece rates for homeworkers engaged in the hand-lacing of leather wallets, leather wallet covers, and plastic wallets in Puerto Rico commensurate with the increases in the minimum hourly wage rates applicable to such work as hereinafter set forth.

Any interested person may file a written statement of data, views or arguments in regard to this proposal with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * * *

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 0.84 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.07 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2.58 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing double stitch, with plastic lacing material, of plastic wallets.

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 23d day of May 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62–5229; Filed, May 29, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 561) has been filed by Elanco Products Company, a Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the issuance of a regulation to amend § 121.217 *Tylosin* to provide for the safe use of 2 grams of tylosin tartrate per gallon in drinking water for turkeys to be administered up to 5 days for the treatment of infectious sinusitis.

Dated: May 23, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–5244; Filed, May 29, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 797) has been filed by Lorenz and Lihn G.m.b.H., Bad Godesberg-Mehlem, Federal Republic of Germany, proposing the issuance of a regulation to provide for the safe use of xylitol as a nutritive sweetner in nonstandardized jams and marmalade.

Dated: May 24, 1962.

J. K. KIRK,
Assistant Commissioner, of Food and Drugs.

[F.R. Doc. 62–5245; Filed, May 29, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61–LA–130]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6004, 600.6006, and 600.1547 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1547 extends in part from the Myton, Utah, VOR via the Cherokee, Wyo., VOR to the Casper, Wyo., VOR. Low altitude VOR Federal airway Nos. 4 and 6 north alternates extend in part as a common airway segment from the Rock Springs, Wyo., VORTAC via the intersection of the Rock Springs VORTAC 065° and Cherokee VOR 276° True radials to the Cherokee VOR.

The Federal Aviation Agency has under consideration the following airspace actions:

1. Alter the segment of Victor 1547 from the Myton VOR via the Rock Springs VOR to the Casper VOR.

2. Alter the segment of Victor 4 north and 6 north from the Rock Springs VORTAC via the intersection of the Rock Springs VORTAC 053° and the Cherokee VOR 286° True radials to the Cherokee VOR.

The realignment of Victor 1547 from Myton via Rock Springs to Casper would provide a direct route for military and scheduled air carrier intermediate altitude air traffic between Rock Springs and Casper which presently conduct their operation off airways. The route mileage for air traffic operating between Myton and Casper would remain the same. The alteration of Victor 4 north and 6 north to underlie a portion of Victor 1547 would provide a transition route between the low altitude airway system and Victor 1547 northeast of Rock Springs.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 24, 1962.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 62–5199; Filed, May 29, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14229 etc.; FCC 62–569]

RADIO BROADCAST SERVICES

UHF Television Channels, Florida, Kentucky, and Georgia; Memorandum Opinion

In the matter of fostering expanded use of UHF Television Channels, Docket No. 14229; in the matter of amendment of § 3.606 *Table of Assignments* for television broadcast stations in Florida, Kentucky, Georgia, Docket Nos. 14421 (RM–235), 14396 (RM–274), 14409 (RM–290).

The Commission is reappraising its television allocations program announced last July 28. By separate order, the date for filing reply comments in the deintermixture proceedings in Dockets 14239 through 14246 and in the short-spaced assignment proceedings in Dockets 14231 through 14238 is being extended from June 22, 1962, to July 23, 1962. In view, however, of the recent enactment of legislation designed to extend financial aid for the construction of educational television stations, the Commission is hopeful that the statewide proposals for educational television already noticed for rule making in Dockets 14421, 14396, and 14409 and the allocations proposals in the over-all UHF proceeding in Docket 14229 may be concluded as presently scheduled. Accordingly, notice is hereby given that reply comments in Dockets 14229, 14421, 14396, and 14409 must be filed by the June 22, 1962 date which now governs.

Adopted: May 23, 1962.

Released: May 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5300; Filed, May 29, 1962; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 14239 etc.; FCC 62–570]

RADIO BROADCAST SERVICES

Madison, Wis., et al.; Order Extending Time for Filing Reply Comments

In the matter of deintermixture of Madison, Wisc.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Dockets Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246; In the matter of assignment of an additional VHF Channel to Oklahoma City, Okla.; Johnstown, Pa.; Baton Rouge, La.; Dayton, Ohio; Jacksonville, Fla.; Birmingham, Ala.; Knoxville, Tenn.; Charlotte, N.C., Dockets Nos. 14231, 14232, 14233, 14234, 14235, 14236, 14237, 14238.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of May 1962;

The Commission having under consideration the imminence of the June 22 date which now governs the filing of reply comments in the above-captioned proceedings;

It appearing, that on March 16, 1962 the Commission addressed a letter to Congressman Oren Harris, Chairman of the House Committee on Interstate and Foreign Commerce, in which the Commission stated in connection with all-channel receiver legislation that:

* * * the Commission makes the representation to your committee that if the all-channel TV receiver legislation is enacted by this Congress, it is the judgment of the Commission (with the qualification noted in 4, infra) that it would be inappropriate, in light of this important new development, to proceed with the eight deintermixture proceedings initiated on July 27, 1961, and that, on the contrary, a sufficient period of time should be allowed to indicate whether the all-channel receiver authority would in fact achieve the Commission's overall allocations goals.[1]

It further appearing, that on May 2, 1962, the House of Representatives passed an all-channel receiver bill, that a companion measure is now under consideration in the Senate and that in view of the pendency of the legislation and the Commission's above-quoted commitment to the House committee it is appropriate to put off for a reasonable time the filing of reply comments in these proceedings.

It is ordered, That, pursuant to sections 4(i) and 303(n) of the Communications Act of 1934, as amended, the time for filing reply comments in the above-captioned proceedings is extended from June 22, 1962 to July 23, 1962.

Released: May 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5301; Filed, May 29, 1962; 8:50 a.m.]

[1] House of Representatives, 87th Congress, 2d Session, Report No. 1559 on All-Channel Television Receivers, p. 19.

[47 CFR Part 3]

[Docket No. 14653 (RM–314); FCC 62–571]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN VERMONT

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has before it for consideration the petition for rule making filed on March 5, 1962 by the University of Vermont requesting an amendment of the Table of Assignments (§ 3.306(b) of the Commission's rules and regulations) so as to assign and reserve for non-commercial educational use in Vermont three additional UHF television channels and to make a change in one such assignment. The plan looks toward (a) reserving for non-commercial educational use UHF channels already assigned to Rutland and St. Johnsbury, (b) shifting the educational reservation at Burlington from Channel 16+ to Channel 22+, and (c) assigning Channel 26 to Windsor and reserving it for non-commercial educational use (this requires deletion of the same channel from Hanover, New Hampshire, and New London, Connecticut). The proposed changes are as follows:

City	Channel No.	
	Present	Proposed
Rutland, Vt.	49+	*49+
St. Johnsbury, Vt.	30	*30
Burlington, Vt.	3, *16+, 22+	3, 16+, *22+
Windsor, Vt.		*26
Hanover, N.H.	*20+, 26	*20+
New London, Conn.	26+, 81	81

3. In support of its Petition, the University of Vermont refers to the following: (a) Engineering planning under a Ford Foundation grant to date has disclosed a need for at least four educational reservations for a Statewide system in Vermont; (b) the requested rule making would make possible implementation of existing plans; (c) interest in and support for educational television has been evidenced by various responsible bodies.[1] Additionally, the Petition details the conclusions of the Ford Foundation grant study that Vermont's basic educational needs could be met by properly locating four UHF channels, respectively at Mt. Mansfield (Burlington), Mt. Ascutney (Windsor), Burke Mountain (Saint Johnsbury), and Grandpa Knob (Rutland), since locations could provide about 97 percent of Vermont's population with Grade B coverage.

4. The Thames Broadcasting Corporation, licensee of standard broadcast Station WNLC and former permittee of television Station WNLC–TV, New Lon-

[1] Vermont State Department of Education; Middlebury College; St. Michael's College; Norwich University; Castleton Teachers College; Johnson Teachers College; Bennington College; Goddard College; Vermont College; the State University of Education at Plattsburgh, New York; and the Commission on Educational Television established by the Vermont legislature to study, make recommendations, and assist in planning for educational television in Vermont.

don, Connecticut, requests that if Channel 26 is deleted from New London it be replaced with a substitute low band assignment. In view of the fact that Thames does not intend to make immediate use of a channel in New London, we find it desirable in the public interest to defer action on making available a substitute channel until decisions are reached in Docket 14229 concerning the future methods of assigning stations on UHF channels.

5. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before July 2, 1962, and reply comments on or before July 12, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

6. Authority for adoption of the proposed amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: May 23, 1962.

Released: May 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5302; Filed, May 29, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

GRACE LINE INC.

Notice of Application

Notice is hereby given that Grace Line Inc., has filed an Application for the continuation of a waiver, previously granted under the provision of section 804 of the Merchant Marine Act, 1936, as amended.

To permit Grace Line Inc., its holding company, W. R. Grace & Co., or its affiliates, to continue to serve as agents for the Johnson Line—North Pacific service, and Johnson Line—South Pacific service, including the solicitation and transaction of passenger and cargo business for said Line at United States, Panama Canal Zone, Central American, and North Colombian ports; and ports in Chile, Bolivia via Chile and Peruvian ports, Peru, Ecuador, Colombia, and the Panama Canal Zone.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on June 8, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: May 24, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-5230; Filed, May 29, 1962; 8:47 a.m.]

GRACE LINE INC.

Notice of Application

Notice is hereby given that Grace Line Inc., has filed an Application for continuation of a waiver, previously granted under the provisions of section 804 of the Merchant Marine Act, 1936, as amended.

To permit Grace Line Inc., or its affiliate, Panama Agencies, Inc., to continue to serve as husbanding agent for foreign flag vessels transiting the Panama Canal without soliciting or transacting any passenger or cargo business for any foreign flag vessel at Cristobal/Balboa, Canal Zone, or Panama City, Panama.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on June 8, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: May 24, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-5231; Filed, May 29, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m. e.d.t. on July 2, 1962 in the auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the issuance of a provisional facility operating license for a period not to exceed 18 months to the above-named applicant under Section 104b of the Atomic Energy Act of 1954, as amended. The facility is a high power density, boiling water nuclear reactor located at Big Rock Point, Charlevoix County, Michigan. The application and the record of prior proceedings in this matter are available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant with respect to operation of the reactor not in excess of 157 megawatts (thermal) and the performance of Phase I of a research and development program as described in Section 10 of the Final Hazards Summary Report has been submitted;

2. Whether the construction of the facility has proceeded and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission for operation of the reactor not in excess of 157 megawatts (thermal) and the performance of Phase I of a research and development program as described in section 10 of the Final Hazards Summary Report;

3. Whether there is reasonable assurance that operation of the reactor not in excess of 157 megawatts (thermal) and the performance of phase I of a research and development program as described in section 10 of the Final Hazards Summary Report can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the rules and regulations of the Commission;

4. Whether the applicant is technically and financially qualified to operate the reactor not in excess of 157 megawatts (thermal) and to perform phase I of a research and development program as described in section 10 of the Final Hazards Summary Report in accordance with the rules and regulations of the Commission;

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety days from the date of issuance of a provisional license; and

7. Whether the operation of the reactor not in excess of 157 megawatts (thermal) and the performance of phase I of a research and development program as described in section 10 of the Final Hazards Summary Report will be inimical to the common defense and security or to the health and safety of the Public.

Notice is hereby given that the report of the Commission's Advisory Committee on Reactor Safeguards, dated May 12, 1962, in this matter is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to section 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than June 26, 1962 or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before June 18 by the licensee.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street N.W., Wash-

ington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to Section 2.708 of the Commission's Rules of Practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Washington, D.C., this 25th day of May 1962.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 62-5313; Filed, May 29, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13394 etc.]

FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on June 12, 1962, is postponed to a date to be later assigned.

Dated at Washington, D.C., May 25, 1962.

[SEAL] Francis W. Brown,
Chief Examiner.

[F.R. Doc. 62-5291; Filed, May 29, 1962; 8:50 a.m.]

[Docket No. 12538]

TRANS-TEXAS AIRWAYS, INC., "USE IT OR LOSE IT" INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be heard on June 13, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 25, 1962.

[SEAL] Francis W. Brown,
Chief Examiner.

[F.R. Doc. 62-5292; Filed, May 29, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14600; FCC 62M-752]

BIRCH BAY BROADCASTING CO., INC. (KARI)

Order Continuing Hearing

In re application of Birch Bay Broadcasting Company, Inc., (KARI), Blaine, Washington, Docket No. 14600, File No. BP-14075; for construction permit.

A prehearing conference in the above-entitled matter having been held on May 24, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order:

It is ordered, This 24th day of May 1962, that:

(1) The direct affirmative case of the applicant shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all of the applicant's exhibits shall be supplied to counsel for the Broadcast Bureau on or before July 2, 1962;

(3) In the event counsel for the Broadcast Bureau wishes to call for cross-examination any witness responsible for the preparation of any of applicant's exhibits, notification thereof shall be given on or before July 10, 1962;

It is further ordered, That the hearing herein heretofore scheduled to commence on June 13, 1962, is continued to July 19, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 25, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5294; Filed, May 29, 1962; 8:50 a.m.]

[Docket No. 14595; FCC 62M-750]

BOOTHEEL BROADCASTING CO.

Order Continuing Hearing

In re application of William L. Miller, tr/as Bootheel Broadcasting Company, Kennett, Missouri, Docket No. 14595, File No. BP-14158; for construction permit.

Pursuant to the agreements reached at the prehearing conference held on May 22, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled for June 12, 1962 is continued to July 10, 1962.

It is so ordered, This the 23d day of May 1962.

Released: May 25, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5295; Filed, May 29, 1962; 8:50 a.m.]

[Docket Nos. 14567, 14568; FCC 62M-751]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Texas, Docket No. 14567, File No. BP-14442, and Great State Broadcasters, Inc., San Antonio, Texas, Docket No. 14568, File No. BP-15032; for construction permits.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that a prehearing conference was held on the date of this order at which time matters were discussed which make it desirable to change the currently established date for commencement of hearing, which is June 13;

It is therefore ordered, This 24th day of May 1962, that the date for commencement of hearing is changed from June 13 to July 24, 1962.

Released: May 25, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5296; Filed, May 29, 1962; 8:50 a.m.]

[Docket No. 14596; FCC 62M-747]

KDOK BROADCASTING CO.

Order Continuing Hearing

In re application of KDOK Broadcasting Company (KDOK), Tyler, Texas, Docket No. 14596, File No. BP-13815; for construction permit.

In accordance with the ruling at the prehearing conference today: *It is ordered,* This 23d day of May 1962, that the hearing now scheduled for June 18, 1962, is rescheduled to Monday, July 9, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 24, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5297; Filed, May 29, 1962; 8:50 a.m.]

[Docket Nos. 14646, 14647; FCC 62M-748]

MINEOLA BROADCASTING CO. AND CENTER BROADCASTING CO., INC.

Order Continuing Hearing Conference

In re applications of: J. A. Windham and Lee Robinson d/b as Mineola Broadcasting Co., Mineola, Texas, Docket No. 14646, File No. BP-14244, and Center Broadcasting Company, Inc., Pittsburg, Texas, Docket No. 14647, File No. BP-14418; for construction permits.

It is ordered, This 23d day of May 1962, on the Hearing Examiner's own motion, that the prehearing conference presently scheduled to be convened at 9:00 a.m., Thursday, June 21, 1962, at the Commission's offices, Washington, D.C. is hereby rescheduled for Wednesday, June 27, 1962, at the same time and place.

Released: May 24, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5298; Filed, May 29, 1962; 8:50 a.m.]

[Docket No. 14288 etc.; FCC 62-552]

RADIO ONE FIVE HUNDRED, INC., ET AL.

Memorandum Opinion and Order Clarifying Issue

In re applications of Radio One Five Hundred, Inc., Indianapolis, Indiana, et al., Docket No. 14288, File No. BP-13922 et al.; for construction permits.

1. The Commission has before it for consideration a petition for reconsideration, filed March 28, 1962, by Storer Broadcasting Company (WJBK), and pleadings properly filed in response thereto.

2. By Memorandum Opinion and Order, 27 F.R. 2019, 22 RR 1088, March 1, 1962, the Commission on its own motion enlarged the issues in this proceeding. Although specifically denying the requests for such action, the enlargement resulted from the matters raised in the pleadings before the Commission at that time; accordingly, our Order was an interlocutory ruling and thus the instant petition is properly titled and before the Commission for consideration. As an appeal from an interlocutory action, however, the petition violates our policy against entertaining such pleadings, except in circumstances that do not here prevail, KWK Radio, Inc., 21 RR 304 (1961). Although grant of the relief requested might eliminate questions raised as to WJBK's nighttime proposal, it would not have the effect of disposing of the entire application which is one of the fundamental exceptions to our policy of non-review; obviously no new or newly discovered and meritorious matters are presented for WJBK is relying on the conditions added in the interlocutory Order and originally required by the designation Order; and inasmuch as WJBK's original pleadings were specifically addressed to its opposition to the action we took in the interlocutory Order it cannot be found that new relief is being sought. Contrary to the assertion that application of this policy would be "doctrinaire", it is based on the practical consideration of eliminating repetitious, unnecessary, and time-consuming pleadings which can serve no useful purpose.

3. It is clear from a reading of the enlargement Order herein, supra, that WTOP's contentions with regard to its entitled protection have been rejected and Issue 20 encompasses only "objectionable" interference within the meaning and intent of that term as used by the Commission's rules.

Accordingly, it is ordered, This 23d day of May 1962, that the petition for reconsideration, filed March 28, 1962, by Storer Broadcasting Company (WJBK), is denied; and

It is further ordered, That Issue 20 is clarified by adding the word "objectionable" before the word "interference".

Released: May 25, 1962.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Acting Secretary.

[F.R. Doc. 62-5299; Filed, May 29, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

U.S. ATLANTIC AND GULF AMERICAN FLAG BERTH OPERATORS AND WEST COAST AMERICAN FLAG BERTH OPERATORS

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8750, between the member lines of the U.S. Atlantic and Gulf American Flag Berth Operators (AGAFBO) and the West Coast American Flag Berth Operators (WCAFBO), operating pursuant to approved Agreements 8086 and 8186, respectively, provides for discussion and agreement, between the two entities, as to rates, terms and conditions of cargo to be negotiated with, and carried on behalf of, the Military Sea Transportation Service and "related shipper services" (identified as the Army, Navy, Air Force, and other U.S. military services) between United States mainland and territorial possessions, and foreign destinations, also between foreign ports, provided that each group of American flag carriers shall take such action as it may decide independently of the other group.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

Thomas Lisi,
Secretary.

[F.R. Doc. 62-5250; Filed, May 29, 1962; 8:49 a.m.]

AMERICAN UNION TRANSPORT, INC. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following corporations have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Protests to the granting of any application should be filed in writing with the Acting Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 30 days from the date of publication of this notice in the Federal Register.

No.	Name and address	Officers
560	American Union Transport, Inc., 17 Battery Pl., New York 4, N.Y.	Marcell M. Holzer, chair. and director; Eric Holzer, pres. and director; Georg Hirschfeld, exec. vice pres. and director; Ernest W. Otto, vice pres., treas., sec., and director. Heinz H. Herrmann, vice pres. and director; George Gonze, vice pres.; Gertrud Holzer, director; Elizabeth A. Pschoor, director; Edward Kozink, controller. Harry Fischer, asst. treas.; Sidney L. Astrove, asst. vice pres.; Edward C. Beaudet, asst. vice pres.; Peter P. Goetz, asst. vice pres.; Tadeusz Przedpelski, asst. vice pres.
560	American Union Transport (Illinois) Inc., same address as N.Y.	Marcell M. Holzer, chair. and director; Eric Holzer, pres. and director; Ernest W. Otto, vice pres., treas., sec., and director. George Hirschfeld, vice pres. and director; Heinz H. Herrmann, vice pres.
560	Adolf Blum & Popper, Inc., same address as American Union Transport.	Marcell M. Holzer, pres. and director; Eric Holzer, vice pres. and director; Ernest W. Otto, sec. and treas.; Otto G. Winternitz, vice pres.; Gertrud Holzer, director.
560	Merchants' Forwarders, Inc., same address as American Union Transport.	Marcell M. Holzer, pres., chair., and director; Eric Holzer, vice pres., treas., and director; George Hirschfeld director.
560	Roepke & Otto, Inc., same address as American Union Transport.	Marcell M. Holzer, pres. and director; Eric Holzer, vice pres., sec., and director; Ernest W. Otto, vice pres., treas., and director.
560	A. S. Wilson Corp., same address as American Union Transport.	Marcell M. Holzer, chairman and director; Eric Holzer, pres. and director; Heinz H. Herrmann, vice pres. and director; Georg Hirschfeld, sec.; Clarence Horton, asst. vice pres.
922	D. C. Andrews & Co., Inc., 27 Water St., New York 4, N.Y.	Charles C. Hartzell, pres. and director; Frank R. Harlocker, exec. vice pres. and director; Eugene R. Birchler, vice pres.; William D. Davies, vice pres.; Myron L. Shapiro, sec. and director; Erna Barrett Hartzell, director; Hakon Olsson, treas.; Lloyd Banks, asst. sec.; Louis F. Brickmeier, asst. sec.
922	D. C. Andrews & Co. of Maryland, Inc., Gay and Lombard Sts., Baltimore, Md.	Officers same as New York corporation with the addition of: Walter Jahrling, vice pres.
922	D. C. Andrews & Co. of Mass., 131 State St., Boston, Mass.	Officers same as New York corporation.
922	D. C. Andrews & Co. of Illinois Inc., 327 South LaSalle St., Chicago, Ill.	Officers same as New York corporation with the addition of: James A. Lansing, vice pres.
922	D. C. Andrews & Co. of Louisiana, Inc.	Officers same as New York corporation, with the addition of: Eldon J. Gilly, vice pres.
412	Castleazo & Associates, 408 South Spring St., Los Angeles 13, Calif.	Leonard Q. Webster, pres. and director; Francisco Castelazo, vice pres. and director; Helen B. Sanders, sec.-treas., director.
170	Cavalier Shipping Co., Inc., 147 Granby St., Norfolk, Va.	Virginia B. Goffigon, pres.-director; Edward F. Lawler, exec. vice pres., treas., and director; Edward Breeden, Jr., director; Louis C. Cornick, sec.; Luther E. Chitty, asst. sec.; William G. Monell, asst. sec.; C. E. Smith, asst. treas.; W. B. Farant, asst. sec.; P. N. Goffigon, Jr., asst. sec.
760	Champion Forwarding Corp., 90 West Broadway, New York 7, N.Y.	Louis C. Thielen, vice pres.; Jean Laverman, pres.; Rose Goldberg, treas.; Augustina Colon, sec.

No.	Name and address	Officers
751	Charleston Overseas Forwarders, Inc., 18 Broad St., Charleston, S.C.	A. N. Manucy, pres.; A. N. Manucy, Jr., vice pres.; E. R. McIntosh, Jr., sec.-treas.
768	Chary Company, Inc., 82 Wall St., New York 5, N.Y.	Albert J. Chary, pres.; Ida A. Chary, vice pres. and treas.; Geraldine T. Clark, sec.
65	Chase, Leavitt & Co., 179 Commercial St., Portland, Maine.	Ralph A. Leavitt, pres.; William Leavitt, treas.; Ruth B. Leavitt, vice pres.; Benjamin Thompson, clerk.
322	City Transfer Co., Ltd., 610 Fort St., P.O. Box 460, Honolulu 13, Hawaii.	Harold J. Ancill, pres.; Dean E. Witt, vice pres.; Darrell H. Puckett, sec.-treas.; Robert A. Cushnie, auditor; Hathale A. Cushnie, director.
678	Clark Shipping Co., Inc., 1137 Ellamae St., P.O. Box 2532, Tampa, Fla.	R. B. Clark, pres.-director; Florinda Clark, sec.-treas. and director; Florinda Hernandez, director.
132	Cohen-Plaat Co., Inc., 8-10 Bridge St., New York 4, N.Y.	Isidore Cohen, pres.; Otto Plaat, vice pres.
489	T. A. Coleman & Co., Inc., 23 East 22d St., New York 10, N.Y.	Thomas A. Coleman, pres.; Rose Coleman, sec.-treas.
298	Colony Shipping Co., Inc., 75 West St., New York 6, N.Y.	Howard J. Morey, pres.; Harry C. Byrne, vice pres.; Arnold C. Birkbeck, asst. sec.; H. George Kleiner, asst. treas.
453	Competent Shipping Corp., 26 Broadway, New York 4, N.Y.	William E. Michener, pres.; William O. Sikora, vice pres.; June A. Sikora, treas.; Marion A. Michener, sec.
467	Continental Forwarding, Inc., 82 Beaver St., New York, N.Y.	Franz Zinsmeister, pres.; Howard Dale, sec.; Bernard Brady, vice pres.
496	John S. Connor, Inc., 33 South Gay St., Baltimore 2, Md.	Charles M. Connor, pres. and director; Paul F. Connor, vice pres., sec., and director; W. Webster Whittington, treas.; John F. Burr, asst. vice pres.; A. Loretto Connor, asst. sec.-director; Nicholas G. Penniman III, director. Estate of Walter V. Connor, deceased; Nicholas G. Penniman and Maryland Nat'l. Bank, co-executors.
134	W. M. Cook & Company, Inc., 42 Broadway, New York 4, N.Y.	William M. Cook, pres.; Isobel Cook, treas.; Michael A. Rolon, vice pres.; Marie Rolon, sec.
284	L. E. Coppersmith, Inc., 428 South Spring St., Los Angeles 13, Calif.	L. E. Coppersmith, pres.; Arthur J. Soderland, vice pres.; Toshio Nakamura, vice pres.; JoAnne A. Coppersmith, sec.-treas.; Robert N. Hoss, director; Nathan J. Nellson, director.
567	Congo American Shipping & Forwarding Co., Inc., 1441 Broadway, New York 18, N.Y.	Victor Alhadeff, pres.-treas.; Lionel Weinstein, vice pres.; Antoinette Genovese, sec.
499	The Copeland Co., Inc., Port Everglades Station, Box 13064 Fort Lauderdale, Fla.	Philip L. Copeland, pres.; Carl Matusek, vice pres.; Kenneth A. Bryant, sec.
278	Corpus Christi Terminal Co., Inc., 2001 Aransas St., P.O. Box 1236, Corpus Christi, Tex.	Lee M. Fox, pres.; Lois W. Fox, vice pres.; Alice J. Wilkinson, sec.-treas.
565	Cory Mann George Corp., 80 Broad St., New York 4, N.Y.	C. W. Oxley, pres. and director; C. L. Peters, director, asst. sec.; J. F. Lilly, director and sec.; M. M. Vassily, treas.
722	Cosmos Shipping Co., Inc., 8-10 Bridge St., New York 4, N.Y.	Morton Bycoffe, pres.; Jacob Fink, sec.-treas.; Nathan Wein, vice pres.
406	The Cottman Co., 300 Water St., Baltimore 2, Md.	John Delcios, director and pres.; Edward H. Mester vice pres. and sec.; James V. Guthrie, vice pres.; Henry H. Miller, treas.; Sanford H. Disney, Jr., asst. sec.-asst. treas.
680	The Cromar Line of Florida, Inc., 1035 South Miami Ave., Miami, Fla.	Joseph B. Gabal, pres.; Manuel Sedano, vice pres.; Nestor Morales, sec.
625	Cuban American Forwarders Co., Inc., 95 Broad St., New York 4, N.Y.	Hortensia M. Ramos, pres. and sec.; Joseph M. Schiffino, treas.
177	Cueva Company, Inc., 535 Gravier St., New Orleans 12, La.	Angel Cueva, pres.; George P. Barnes, Jr., vice pres.; Nestor Marques-Dias, sec.-treas.; Louis A. Pille, director; John P. Nelson, Jr., director.
142	N. D. Cunningham & Co., Inc., P.O. Box 15, Mobile, Ala.	Geo. D. Cunningham, pres.; Sara Sanford Dodd, vice pres.; Lucille K. Cunningham, sec.-treas.

Dated: May 24, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5251; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 997]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Filing of Petition to Increase Spread

Notice is hereby given that, pursuant to section 14b, Shipping Act, 1916, the North Atlantic Continental Freight Conference has filed with the Commission a petition for an increase in the spread between contract and noncontract rates from the present 10 percent to 15 percent.

Interested parties may inspect a copy of the petition at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of statements with reference to such petition and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: May 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5252; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1031]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the New York Freight Bureau (Hong Kong) has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5253; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1032]

NORTH BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Brazil/United States-Canada Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5254; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1033]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic French Atlantic Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5255; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1034]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic Mediterranean Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5256; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1035]

PACIFIC COAST/CARIBBEAN SEA PORTS CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast/Caribbean Sea Ports Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5257; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1036]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast Australasian Tariff Bureau has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5258; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1037]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic Baltic Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5259; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1038]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic Continental Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the Offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5260; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1039]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic United Kingdom Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5261; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1040]

PACIFIC COAST/MEXICO FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast/Mexico Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5262; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1041]

PACIFIC COAST/PANAMA CANAL FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast/Panama Canal Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5263; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1042]

RIVER PLATE/UNITED STATES-CANADA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the River Plate/United States-Canada Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5264; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1043]

RIVER PLATE AND BRAZIL CONFERENCES

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the River Plate and Brazil Conferences has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5265; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1044]

PACIFIC/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific/West Coast of South America Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5266; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1045]

U.S. ATLANTIC & GULF/HAITI CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S. Atlantic & Gulf/Haiti Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5267; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1046]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5268; Filed, May 29, 1962; 8:49 a.m.]

[Docket No.·1047]

U.S. ATLANTIC & GULF/VENEZUELA & NETHERLANDS ANTILLES CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S. Atlantic & Gulf/Venezuela & Netherlands Antilles Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5269; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1048]

U.S. ATLANTIC & GULF PORTS-JAMAICA (B.W.I.) STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S. Atlantic & Gulf Ports-Jamaica (B.W.I.) Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5270; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1049]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the U.S. Atlantic & Gulf/Australia-New Zealand Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5271; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1050]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Trans-Pacific Freight Conference (Hong Kong) has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5272; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1051]

STRAITS/PACIFIC CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Straits/Pacific Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5273; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1052]

STRAITS/NEW YORK CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Straits/New York Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5274; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1053]

SOUTH ATLANTIC STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the South Atlantic Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5275; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1054]

SANTIAGO DE CUBA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Santiago de Cuba Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5276; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1055]

PACIFIC/STRAITS CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific/Straits Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5277; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1056]

PACIFIC INDONESIAN CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Indonesian Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5278; Filed, May 29, 1962; 8:49 a.m.]

[Docket No. 1057]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Pacific Coast River Plate Brazil Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5279; Filed, May 29, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2165]

ALABAMA POWER COMPANY, WARRIOR RIVER DEVELOPMENT; LEWIS SMITH RESERVOIR AND POWER SITE AND JOHN HOLLIS BANKHEAD DAM SITE

Notice of Land Withdrawal

MAY 24, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in power project No. 2165 for which completed application for license was filed September 16, 1959. Under said section 24 all lands of the United States, both public and acquired, lying within the boundaries of the project as delimited upon the maps filed in support of the application for license, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Congress or by the Commission.

HUNTSVILLE MERIDIAN, ALABAMA

THE LEWIS SMITH RESERVOIR AND POWER SITE

Public Domain Lands outside of National Forest

T. 11 S., R. 5 W.,
Sec. 17: SE¼NE¼.
T. 12 S., R. 5 W.,
Sec. 17: SE¼SW¼.

Public Domain Lands in William B. Bankhead National Forest

T. 10 S., R. 6 W.,
Sec 19: NE¼SW¼;
Sec. 30: N½SE¼;
Sec. 31: N½SW¼.
T. 11 S., R. 6 W.,
Sec. 5: SW¼SE¼;
Sec. 7: NW¼NW¼;
Sec. 11: NW¼NE¼;
Sec. 21: SE¼NE¼;
Sec. 22: NE¼NW¼, E½SW¼;
Sec. 23: SE¼SE¼;
Sec. 25: N½NW¼;
Sec. 27: SW¼NE¼, NE¼NW¼;
Sec. 32: SW¼NW¼.
T. 12 S., R. 6 W.,
Sec. 2: NE¼SE¼;
Sec. 10: SE¼SW¼;
Sec. 13: SE¼NE¼.
T. 10 S., R. 7 W.,
Sec. 23: SW¼NW¼;
Sec. 24: W½NE¼, NE¼SW¼;
Sec. 25: SE¼SE¼.
T. 11 S., R. 7 W.,
Sec. 12: W½SW¼;
Sec. 14: SE¼SE¼;
Sec. 22: NE¼SW¼;
Sec. 23: NW¼SE¼.
T. 12 S., R. 7 W.,
Sec. 18: NE¼SE¼.
T. 9 S., R. 8 W.,
Sec. 33: NE¼NE¼;
Sec. 35: S½SW¼.
T. 12 S., R. 8 W.,
Sec. 13: SE¼NE¼, SE¼NW¼;
Sec. 14: SW¼NW¼.

Acquired land in William B. Bankhead National Forest

T. 10 S., R. 6 W.,
Sec. 19: NW¼SW¼, S½S½;
Sec. 30: S½NE¼, E½NW¼, SW¼, SW¼SE¼;
Sec. 31: N½N½NW¼NW¼, SW¼NE¼, S½NW¼.
T. 11 S., R. 6 W.,
Sec. 24: N½SE¼.
T. 12 S., R. 6 W.,
Sec. 7: SW¼NE¼;
Sec. 8: SW¼.
T. 9 S., R. 7 W.,
Sec. 34: SE¼SE¼.
T. 10 S., R. 7 W.,
Sec. 3: NE¼NE¼ West of Clifty Fork, SE¼SW¼; NE¼SE¼, S½SE¼;
Sec. 10: NW¼NE¼, NE¼NW¼;
Sec. 11: SE¼SE¼;
Sec. 14: SW¼SW¼ South and West of Clifty Fork, NE¼NE¼;
Sec. 19: N½NW¼, NW¼SE¼;
Sec. 23: SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 24: NE¼NW¼, S½NW¼, NW¼SW¼, SE¼SW¼;
Sec. 25: NE¼SE¼;
Sec. 30: S½SW¼SW¼;
Sec. 31: S½NE¼, NW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 32: SE¼NW¼ and NW¼SW¼ East of Sipsey River, SW¼NE¼, SW¼SW¼, E½SW¼, N½SE¼;
Sec. 36: N½N½NE¼NE¼, S½NE¼, NE¼SE¼, S½SE¼.
T. 11 S., R. 7 W.,
Sec. 1: SW¼NE¼, S½SW¼;
Sec. 4: SW¼NW¼;
Sec. 5: NE¼NE¼, W½NE¼, S½SE¼NE¼, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 6: SE¼NE¼;
Sec. 7: NW¼NE¼, NE¼SW¼, SW¼SW¼, N½SE¼;
Sec. 9: W½SW¼, S½SE¼;
Sec. 10: SW¼SW¼;
Sec. 14: NW¼NE¼;
Sec. 15: SW¼SW¼;
Sec. 16: NW¼, N½SW¼, SE¼SW¼;
Sec. 17: S½NW¼;
Sec. 18: W½NW¼, NW¼SW¼, W½NE¼SW¼;
Sec. 21: NW¼NE¼, SW¼SE¼;
Sec. 22: NW¼SE¼;
Sec. 27: SW¼NW¼;
Sec. 28: E½NE¼, NE¼NW¼;
Sec. 32: SW¼SE¼, West of Creek, SE¼SW¼.
T. 12 S., R. 7 W.,
Sec. 1: NW¼NW¼;
Sec. 2: NE¼NE¼, S½NW¼NW¼;
Sec. 4: SE¼SE¼;
Sec. 5: NW¼NE¼, W½SE¼NE¼;
Sec. 7: SE¼SW¼;
Sec. 9: E½NE¼, SW¼SW¼;
Sec. 10: SW¼NE¼, NW¼;
Sec. 13: NW¼NW¼, SE¼NW¼, NE¼SW¼;
Sec. 17: NE¼NE¼, W½SE¼NW¼.
T. 9 S., R. 8 W.,
Sec. 28: E½SW¼, NW¼SE¼;
Sec. 33: W½NE¼;
Sec. 34: S½SW¼, NW¼SE¼, SW¼NW¼.
T. 10 S., R. 8 W.,
Sec. 2: NE¼NW¼, S½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 3: SE¼NE¼;
Sec. 11: W½NE¼, N½SE¼;
Sec. 12: SW¼NW¼;
Sec. 13: SE¼NE¼, E½SW¼;
Sec. 24: SW¼SE¼ West of Buck Branch, SE¼NW¼;
Sec. 25: N½NE¼ and SE¼NE¼ West of Buck Branch, SW¼NE¼.
T. 11 S., R. 8 W.,
Sec. 2: S½SW¼, SE¼;
Sec. 11: N¼N¼, SW¼NW¼;
Sec. 12: SE¼ Those parts in U.S. ownership, E½NE¼;
Sec. 13: N½NE¼ and NE¼NW¼ those parts in U.S. ownership; SE¼SW¼, SW¼SE¼;
Sec. 23: SE¼NE¼;
Sec. 24: N½NE¼, S½NW¼, NW¼SW¼.
T. 12 S., R. 8 W.,
Sec. 3: SW¼SE¼;
Sec. 13: N½SW¼, SW¼SW¼;
Sec. 14: NW¼NW¼.

Land acquired by Corps of Engineers at John Hollis Bankhead Dam Site

T. 18 S., R. 8 W.,
Sec. 22: SE¼ that part in U.S. ownership.

The area of United States land reserved pursuant to the filing of this application for license is approximately 2,708.30 acres, both public domain and acquired, of which approximately 2,649.50 acres are within the William B. Bankhead National Forest. Approximately 40.10 acres are United States public domain of which one Tract, the SE¼ SW¼ Sec. 17 T. 12 S., R. 5 W., has now been patented, subject to Section 24 of the Federal Power Act. Also, included is an area of approximately 18.70 acres, within the John Hollis Bankhead Development, which was acquired by the Corps of Engineers, Department of Defense, for the United States Lock and Dam No. 17, now identified as the John Hollis Bankhead Dam Site.

Copies of maps, Exhibit "J" (FPC No. 2165–3) filed August 3, 1956 of the entire project area; Exhibit "K" Sheet 1 (FPC No. 2165–71) filed April 9, 1962 of the John Hollis Bankhead Development and Exhibits "K" Sheets 1A, 2, 4 to 6 inclusive, 8 to 20, inclusive, 22, 23 and 24 (FPC Nos. 2165–72 to 92, inclusive) filed April 9, 1962 of the Lewis Smith Development are being transmitted to the Bureau of Land Management, Forest Service, Office of the Chief of Engineers, Department of Defense and the Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5206; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62–220]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on March 20, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–220 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain tap, measuring, and regulating facilities utilized in providing natural gas service to Arizona Public Service Company (Public Service) in the community of Yuma, Arizona, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in August, 1957, it established a supplemental delivery point for Public Service in the Yuma area and there installed tap, measuring, and regulating facilities on its existing 5-inch O.D. Yuma pipeline. Installation and operation of the subject facilities were accomplished under § 2.55(c) of the Commission's general policy and interpretations. The subject facilities, known as the Tanner Tap facilities, provided delivery of gas to Public Service for resale to certain customers of Public Service served by a small distribution system separate from its main distribution system in the community of Yuma. Applicant further states that development and growth in the Yuma area have resulted in changes in the distribution facilities of Public Service which have eliminated the need for deliveries by Applicant at the Tanner Tap location.

The application states that the gas service provided by Applicant at the Tanner Tap location was discontinued on December 11, 1961, and has been continued by delivering gas into the main distribution system of Public Service at Applicant's existing Yuma City Gate No. 1 measuring and regulating station.

Applicant states that the net salvage value of the facilities proposed to be abandoned is $3,100.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 27, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5027; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62–236]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on April 6, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas to Southern Union Gas Company (Southern) for resale and distribution in the communities of Snowflake, Taylor, Shumway and Show Low, and their respective environs, and the areas adjacent to Southern's transmission facilities serving said communities, all in Navajo County, Arizona, as more fully set forth in the application on file with the Commission and open to public inspection.

No additional facilities will be required by Applicant in order to make the proposed sale. The application shows that Applicant is presently authorized to deliver gas to Southern for resale to Southwest Forest Industries, Inc. (Southwest), near Snowflake, Arizona. Applicant will make delivery of the subject gas at this existing delivery point.

Southern will construct and operate transmission and distribution facilities in order to serve the four communities.

The proposed sale will be made pursuant to a service agreement between Applicant and Southern and in accordance with Applicant's FPC Gas Rate Schedules A–1, B–1, and D–1 of its FPC Gas Tariff, Original Volume No. 1.

The application shows the estimated peak day requirements for the four communities to aggregate 1,638 Mcf of natural gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1962, at 9:30 a. m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 18, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5028; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62–212]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on March 13, 1962, as supplemented on April 19, 1962, Michigan Wisconsin Pipe Line Company (Applicant), 500 Griswold Street, Detroit, Michigan, filed in Docket No. CP62–212 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the operation, under lease from Michigan Consolidated Gas Company (Michigan Consolidated), of two storage fields, the Norwich Field in Newaygo County, Michigan, and the Orient Field in Osceola and Clare Counties, Michigan, with appurtenant facilities, to provide daily increased sales capacity of 85,000 Mcf of natural gas, of which Applicant proposes the allocation of 77,397 Mcf to existing customers in conformity with their respective nominations for the contract year commencing September 1, 1962, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant states that the foregoing project involves no new gas supply since, through utilization of these storage fields, Applicant will be able to convert to firm service gas which is presently available for sale only on an overrun basis.

Further, Applicant requests authorization herein to partially loop its Racine and Beloit pipelines in Wisconsin and to supercharge the compressor engines at its Wisconsin "A" Station to provide an increase of 2,210 horsepower. Also, Applicant requests authorization to extend its 6⅝-inch pipeline 20 miles north from Merrill, Wisconsin, to Tomahawk, Wisconsin, and to sell and deliver gas at that point to Wisconsin Public Service Corporation (Public Service) for distribution and resale by Public Service in the communities of Tomahawk and Rhinelander, Wisconsin, previously without natural gas service, in which communities Public Service holds franchises to render such service. Third year peak day requirements for the two communities are estimated at 6,687 Mcf, which volume is included in the allocation proposed under this application.

Applicant states that the estimated total cost of facilities which it proposes to construct under this application is $1,783,000, which will be financed with treasury funds. Additional investment required by Michigan Consolidated to provide required deliverability from the Norwich and Orient Fields is estimated at $4,442,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Com-

mission may, after a non-contested hearing, dispose of the procedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5209; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62-192]

TRANSWESTERN PIPELINE CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on February 15, 1962, as supplemented on April 2, 1962, Transwestern Pipeline Company (Applicant), First National City Bank Building, Houston, Texas, filed in Docket No. CP62-192 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the use of its existing certificated pipeline facilities to enable Applicant to make a direct industrial sale of natural gas to Atlantic Refining Company (Atlantic) pursuant to an agreement between the parties dated July 5, 1961, as amended, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant's contract with Atlantic provides for a short-term (two years) direct industrial sale of not more than 3,500 Mcf of gas per day, and not more than 6,000 Mcf of gas per day if the contract is extended beyond the primary term of two years. The sale is interruptible and is dependent upon Applicant's having excess capacity available in its existing certificated facilities. The gas will be delivered to Atlantic at a point on Applicant's existing lateral line in Ward County, Texas, and will be used by Atlantic in its repressuring operations in the Block 9 Field in Ward County. The initial price is 19 cents per Mcf.

The application states that a tap and metering facilities, estimated to cost approximately $4,200, will be necessary to effectuate the proposed sale.

Applicant has commenced the subject sale under the mistaken belief that a certificate was not required and has filed the subject application to continue the sale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1962, at 9:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5211; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62-45]

TRUNKLINE GAS CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on August 18, 1961, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas, filed in Docket No. CP62-45 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a side tap and metering facilities for the transportation of natural gas for resale and the sale of natural gas to Illinois Power Company for resale in Ogden, Illinois, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates the gas requirements for Ogden as follows:

Year	Volumes in Mcf at 14.73 psia	
	Peak day	Annual
1	211	20,900
2	271	26,900
3	289	31,600

The sale would be made under Applicant's Rate Schedule SG-2. Applicant states that Illinois Power Company has obtained a franchise for its proposed natural gas service in Ogden, Illinois, and the required certificate of public convenience and necessity from the Illinois Commerce Commission.

The cost of the proposed facilities is estimated at $12,000 and will be financed from funds on hand.

Applicant states that it has sufficient unallocated main line capacity available to make the proposed sale, and that the proposed service will have a minimal effect on the life index of Trunkline's gas supply.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1962, at 9:30 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5212; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. RI62-431 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 23, 1962.

Shell Oil Company (Operator), Docket No. RI62-431; Shell Oil Company, Docket No. RI62-432; Charles B. Wrightsman, Docket No. RI62-433; Texaco Inc., Docket No. RI62-434; LeCuno Oil Corporation, Docket No. RI62-435; Gulf Oil Corporation, Docket No. RI62-436; Union Texas Petroleum, a Division of Allied Chemical Corporation, Docket No. RI62-437; Kerr-McGee Oil Industries, Inc., Docket No. RI62-438; Cabot Corporation (SW) (Operator), et al., Docket No. RI62-439; Monsanto Chemical Company, Docket No. RI62-440; United Producing Company, Inc., Docket No. RI62-441; Van-Grisso Oil Company, Docket No.RI62-442; Sinclair Oil & Gas Company, Docket No. RI62-443; Frederick C. and Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., Docket No. RI62-444; The Superior Oil Company, Docket No. RI62-445; The Atlantic Refining Company, Docket No. RI62-446.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia, with the exception of the sales made by Charles B. Wrightsman under Supplement No. 5 to his FPC Gas Rate Schedule No. 3; Shell Oil Company (Operator) under Supplement No. 2 to its FPC Gas Rate Schedule No. 203, and Shell Oil Company under Supplement No. 2 to its FPC Gas Rate Schedule No. 211, which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-431	Shell Oil Co. (Operator), 50 West 50th St., New York 20, N.Y.	203	2	United Gas Pipe Line Co. (Iowa Field, Calcasieu and Jefferson Davis Parishes, La.) (Southern Louisiana).	$185,566	4-27-62	[1] 6-1-62	11-1-62	20.55	[2] 22.55	G-18698
RI62-432	Shell Oil Co.	211	2	United Gas Pipe Line Co. (St. Gabriel Field, Iberville Parish, La.) (Southern Louisiana).	4,181	4-27-62	[1] 6-1-62	11-1-62	20.55	[2] 22.55	G-19155
RI62-432	do	127	12	United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex.) (R.R. District No. 2).	1,242	5-4-62	[1] 6-7-62	11-7-62	14.7125	[3] 15.7825	G-14970
RI62-432	do	157	2	Colorado Interstate Gas Co. (SW. Camp Creek Field, Beaver County, Okla.).	1,381	4-27-62	[1] 6-1-62	11-1-62	16.80	[4] 17.92	
RI62-433	Charles B. Wrightsman, 1805 First City National Bank Bldg., Houston 2, Tex.	3	5	United Gas Pipe Line Co. (Maurice Field, Vermilion, and Lafayette Parishes, La.) (Southern Louisiana).	20,640	4-27-62	[5] 5-28-62	10-28-62	[2] 20.25	[2] 22.25	
RI62-434	Texaco Inc., P.O. Box 2332, Houston 1, Tex.	124	7	United Gas Pipe Line Co. (McFaddin Field, Victoria County, Tex.) (R.R. District No. 2).	1,579	5-3-62	[1] 6-7-62	11-7-62	14.7125	[3] 15.7825	G-15007
RI62-434	Texaco Inc.	133	33	Natural Gas Pipeline Co. of America (Carmick SE. Field, Texas and Beaver Counties, Okla.).	209	4-25-62	[1] 6-5-62	11-5-62	17.0	[3] 17.2	RI61-507
RI62-435	Lecuno Oil Corp., c/o Cornelius & Cornelius, attorneys, 123 North Polk, Jefferson, Tex.	1	12	Texas Eastern Transmission Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	1,398	4-26-62	[5] 5-27-62	10-27-62	15.0	[3] 15.2	RI61-377
RI62-436	Gulf Oil Corp., P. O. Drawer 2100, Houston 1, Tex.	160	2	United Gas Pipe Line Co. (Keerman and E. Placedo Fields, Victoria County, Tex.) (R.R. Dist. No. 2).	30,192	5-4-62	[1] 6-7-62	11-7-62	14.7125	[3] 15.7825	
RI62-436	Gulf Oil Corp.	162	2	United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex.) (R.R. Dist. No. 2).	6,182	5-4-62	[1] 6-7-62	11-7-62	14.7125	[3] 15.7825	
RI62-436	do	68	2	Panhandle Eastern Pipe Line Co. (NW. Eva Pool, Texas County, Okla.).	3,049	4-30-62	[1] 6-1-62	11-1-62	15.0	[3] 16.0	
RI62-437	Union Texas Petroleum, a division of Allied Chemical Corp., 811 Rusk Ave., Houston 2, Tex.	55	1	Colorado Interstate Gas Co. (SW. Camp Creek Field, Beaver County, Okla.).	416	4-27-62	[1] 6-1-62	11-1-62	16.8645	[4] 17.8648	
RI62-438	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City 2, Okla.	49	1	Colordo Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	9,045	5-1-62	[1] 6-1-62	11-1-62	16.770	[6] 19.006	
RI62-439	Cabot Corp. (SW) (Operator), et al., P. O. Box 1011, Pampa, Tex.	32	9	do	37,934	4-30-62	[1] 6-1-62	11-1-62	16.755	[6] 18.989	
RI62-440	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	23	4	Northern Natural Gas Co. (Fincham Field, Meade County, Kans.).	2,314	[7] 4-23-62	[1] 7-1-62	12-1-62	16.49	[3] 17.88	
RI62-441	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	20	7	Natural Gas Pipeline Co. of America (Carmick SE. Gas Pool, Texas and Beaver Counties, Okla.).	1,340	4-30-62	[1] 6-5-62	11-5-62	17.0	[3] 17.2	RI61-494
RI62-442	Van-Grisso Oil Co., c/o Robinson, Robertson, & Barnes, Hightower Bldg., Oklahoma City 2, Okla.	1	2	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	840	4-30-62	[1] 6-1-62	11-1-62	15.0	[6] 17.0	
RI 62-443	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	152	1	do	3,007	5-1-62	[1] 6-1-62	11-1-62	17.040	[4] 18.128	
RI 62-444	Frederick C. and Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., c/o Tippit & Haskell, 1110 Denver Club Bldg., Denver 2, Colo.	4	6	do	4,708	4-30-62	[1] 6-1-62	11-1-62	16.648	[3] [8] 17.760	
RI 62-445	The Superior Oil Co., P.O. Box 1521, Houston 1, Tex.	9	10	El Paso Natural Gas Co. (Fullerton Plant, Andrew County, Tex.)(R.R. District No. 8).	6,745	4-26-62	[5] 5-27-62	10-27-62	[9] 16.0905	[9] 17.2295	G-20075
RI 62-445	The Superior Oil Co.	30	11	El Paso Natural Gas Co. (Spraberry Trend, Glasscock, Midland, Upton, Reagan Counties, Tex.) (R.R. Districts Nos. 8 and 7-c).	1,230	4-26-62	[5] 5-27-62	10-27-62	[9] 16.154	[9] 17.2295	G-20075
RI 62-445	do	44	4	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (New Mexico Permian Basin Area).	379	4-26-62	[5] 5-27-62	10-27-62	[9] 15.2	[9] 15.70825	G-18771
RI 62-446	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	245	2	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (New Mexico Permian Basin Area).	3,831	5-4-62	[1] 6-4-62	11-4-62	10.5	[11] [12] 15.5590	

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] Base rate of 16.0 cents per Mcf plus upward Btu adjustment.
[5] Base rate of 17.0 cents per Mcf plus Btu adjustment.
[6] Redetermined rate increase.
[7] Filing completed May 2, 1962.
[8] Incindes Btu adjustment.
[9] Favored nation rate increase.
[10] Consolidated with Show Cause proceeding in Docket No. RI61-515.
[11] Renegotiated rate increase.
[12] Subject to reduction of 0.4467 cent per Mcf for gas below 600 psig pressure.
[13] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above Date Suspended Until column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 6, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5210; Filed, May 29, 1962; 8:45 a.m.]

[Docket No. CP62–166]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

MAY 23, 1962.

Take notice that on January 15, 1962, as supplemented on March 5, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62–166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, relocation and operation of certain facilities in Angelina County, Texas, in order to continue the sale and delivery of natural gas to the City of Huntington, Texas, for resale and distribution, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

Approximately 7.25 miles of 4-inch pipeline with a positive sales meter and regulator station and appurtenant facilities, from a point near Milepost 87.5 on Applicant's Latex Compressor Station-to-Goodrich Compressor Station main line, and extending in a generally southeasterly direction to end at a point near Huntington, and to remove and relocate a sales meter and regulator station from a point near said Milepost 87.5.

During the first year of operation, following the construction of the proposed facilities, Applicant estimates that the deliveries to Huntington, through the proposed facilities, will amount to approximately 35,500 Mcf.

The cost of the proposed facilities is estimated to be $96,759, which cost will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 18, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5213; Filed, May 29, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

VARIOUS DESIGNATED OFFICIALS

Delegations of Authority

Section II, Delegations of Final Authority, is amended as follows:

1. Effective April 25, 1961, paragraph C6 is amended by changing the list of officials designated to read as follows:

In the Central Office:

Supervisory General Supply Officer,
General Supply Officer.

In the Atlanta Regional Office:

Assistant Director for Management,
Chief of the Property and Services Section.

In all other Regional Offices:

Assistant Directors for Management,
Chiefs of the Project Fiscal Management Sections,
General Supply Officers.

2. Effective April 25, 1961, paragraph D4 is amended by changing the list of officials designated to read as follows:

In the Central Office:

Supervisory General Supply Officer,
General Supply Officer.

In the Atlanta Regional Office:

Assistant Director for Management;
Chief of the Property and Services Section.

In all other Regional Offices:

Assistant Directors for Management,
Chiefs of the Project Fiscal Management Sections,
General Supply Officers,
General Housing Managers,
Housing Managers,
Assistant Housing Managers,
Management Aides.

Approved: May 24, 1962.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 62–5225; Filed, May 29, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

MAY 24, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 25, 1962, to June 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–5226; Filed, May 29, 1962; 8:47 a.m.]

[File No. 1–4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

MAY 24, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 25, 1962, to June 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–5227; Filed, May 29, 1962; 8:47 a.m.]

[File No. 70–4043]

UTAH POWER & LIGHT CO. AND TELLURIDE POWER CO.

Notice of Proposed Intrasystem Issuance, Sale and Acquisition of Unsecured Promissory Notes

MAY 23, 1962.

Notice is hereby given that Utah Power & Light Company ("Utah Power"), a registered holding company and an electric utility subsidiary company, Telluride Power Company ("Telluride"), 1407 West North Temple Street, Salt Lake City 10, Utah, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 7 and 10 of the Act and Rule 43, 44 and 45 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Telluride proposes to issue and sell, and Utah Power proposes to acquire, during the period June 1, 1962 to March 1, 1963, up to but not in excess of $1,000,000 face amount of unsecured promissory notes of Telluride. The notes are to bear interest at the rate of 4% percent per annum (which is the same as the interest rate of Utah Power's last permanent debt financing), are to be dated as of the date of issue and may be paid at any time on or before December 10, 1975. According to the filing the proposed notes of Telluride will be forgiven in connection with the consolidation of the assets of Telluride and Utah Power which proposal is the subject of a pending filing with the Commission (see Holding Company Act Release No. 14625).

The proceeds from the sale of the proposed notes together with cash on hand and generated internally by Telluride will be used to prepay $200,000 face amount of noninterest bearing notes of Telluride held by Utah Power and to carry forward the construction program of Telluride during 1962, or until the proposed consolidation of Telluride and Utah Power is completed.

The expense to be incurred in connection with the proposed transactions is estimated not to exceed $1,000.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after such date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–5228; Filed, May 29, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 212]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 25, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1550 (Deviation No. 1), ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis 13, Minn., filed May 14, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Neillsville, Wis., over Wisconsin Highway 73 to junction Wisconsin Highway 13, thence over Wisconsin Highways 13 and 73 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 13 to junction Wisconsin Highway 54, thence over Wisconsin Highway 54 to junction Wisconsin Highways 22 and 10, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Neillsville, over U.S. Highway 10 to Stevens Point, Wis., thence over U.S. Highway 10 to junction Wisconsin Highways 54 and 22, anl return over the same route.

No. MC 2202 (Deviation No. 41), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 14, 1962. Carrier proposes to operate as a *common carrier,* by motor

vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Monroe, La., over Interstate Highway 20 to junction U.S. Highway 80, west of Minden, La., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over U.S. Highway 80.

No. MC 2202 (Deviation No. 42), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Marietta, Ohio, and Charleston, W. Va., over Interstate Highway 77, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Marietta over Ohio Highway 7 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 21, thence over U.S. Highway 21 to Charleston, and return over the same route.

No. MC 40858 (Deviation No. 10), THE SILVER FLEET MOTOR EXPRESS, INC., P.O. Box 969, Kingsport, Tenn., filed May 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lafayette, Ind., over Indiana Highway 43 to junction U.S. Highway 421, at or near Reynolds, Ind., thence over U.S. Highway 421 to junction U.S. Highway 30, at or near Wanatah, Ind., thence over U.S. Highway 30 to Schererville, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chattanooga, Tenn., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W, via Goodlettsville, Tenn., to Sellersburg, Ind., thence over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31, via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 431, south of Greenwood, Ind., thence over Indiana Highway 431 to Indianapolis, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, Ill.; and from Chattanooga over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31E, via Edenwold, Tenn., to Sellersburg, Ind., thence over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Franklin, Ind., thence over Indiana Highway 144 to Bargersville, Ind., thence over Indiana Highway 135 to Indianapolis, Ind., thence over U.S. Highway 52 to Lebanon, Ind., thence over Indiana Highway 39 to junction Indiana Highway 38, thence over Indiana Highway 38 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, and thence to Chicago, Ill., as specified above, and return over the same routes.

No MC 59135 (Deviation No. 2), RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24–50 Wright Avenue, Auburn, N.Y., filed May 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Auburn, N.Y., over New York Highway 34 to junction New York Highway 229, thence over New York Highway 229 to junction New York Highway 38, thence over New York Highway 38 to junction New York Highway 79, thence over New York Highway 79 to Lisle, N.Y., thence over U.S. Highway 11 to Binghamton, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Auburn over New York Highway 38 to Groton, N.Y., thence over New York Highway 222 to Cortland, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence returning over U.S. Highway 11 to Cortland, N.Y., thence over U.S. Highway 11 to Binghamton, and return over the same route.

No MC 64650 (Deviation No. 1), W. T. COWAN, INCORPORATED, 820 South Oldham Street, Baltimore 24, Md., filed May 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Baltimore over U.S. Highway 1 to Alexandria, Va.; also from Baltimore over U.S. Highway 40 to Ellicott City, Md., thence over U.S. Highway 29 to Washington, thence over U.S. Highway 1 to Alexandria, Va., and return over the same routes.

No MC 107500 (Deviation No. 11), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed May 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Omaha, Nebr., and Chicago, Ill., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34; also from the junction of U.S. Highway 34 and Illinois Highway 65, over U.S. Highway 34 to junction Illinois Highway 31, thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 107500 (Deviation No. 10), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed May 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Lincoln Air Force Base, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 6 to McCook, Nebr.; from Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to McCook, Nebr.; from Omaha, Nebr., over U.S. Highway 6 to junction unnumbered highway, about 4 miles southwest of Atlanta, Nebr.; thence over unnumbered highway, via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 3, via Edison, Nebr., to junction U.S. Highway 6 thence over U.S. Highway 6 to McCook, Nebr.; from the junction of U.S. Highway 6 and Nebraska Highway 46, over U.S. Highway 6 to junction Nebraska Highway 3; and from the junction of U.S. Highway 6 and Nebraska Highway 46, over U.S. Highway 6 to junction unnumbered highway, and return over the same routes.

No. MC 108586 (Deviation No. 3), STEFFKE FREIGHT CO., 3100 South Wolcott Avenue, Chicago, Ill., filed May 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Milwaukee and Madison, Wis., over Interstate Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Milwaukee over U.S. Highway 16 (formerly Wisconsin Highway 19) to Watertown, Wis., thence over Wisconsin Highway 19 to Sun Prairie, Wis., thence over U.S. Highway 151 to Madison; and from Milwaukee over Wisconsin Highway 30 to Madison, and return over the same routes.

No. MC 110388 (Sub-No. 2) (Deviation No. 1), UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha 2, Nebr., filed May 14, 1962. Attorney John J. Burchell, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Lincoln and Omaha, Nebr., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Council Bluffs, Iowa, over U.S. Highway 275 to Fremont, Nebr.; and from Lincoln over U.S. Highway 6 to junction U.S. Highway 275, west of Omaha, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-5247; Filed, May 29, 1962; 8:48 a.m.]

[Notice 447]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 25, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 49), filed April 19, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Valdosta, Ga., and Clyattville, Ga.; over Georgia Highway 31; over Interstate Highway 75 and Georgia Highway 31, and over Interstate Highway 75 and Federal-Aid Secondary route 951, and return over the same routes, serving all intermediate points.

HEARING: July 16, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 1124 (Sub-No. 181), filed April 25, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Carl L. Phinney, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Port Arthur, Tex., and Orange, Tex.; from Port Arthur to Orange over Texas Highway 87, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

HEARING: July 17, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 2202 (Sub-No. 228), filed April 9, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, Tex., and Tyler, Tex.; from Dallas over U.S. Highway 175 to junction with Texas Highway 243, thence over Texas Highway 243 to junction with Texas Highway 64 and thence over Texas Highway 64 to Tyler, and return over the same route, serving no intermediate points, with service at the junctions for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

NOTE: Applicant states common control may be involved.

HEARING: July 13, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 2229 (Sub-No. 111), filed April 4, 1962. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard (P.O. Box 10837), Dallas, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 10837, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Winnsboro, Tex., and Quitman, Tex.; from Winnsboro over Texas Highway 37 to Quitman, and return over the same route, serving all intermediate points.

HEARING: July 11, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 2229 (Sub-No. 114), filed May 24, 1962. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 10837, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Texas and Freeport, Texas (including points within 5 miles thereof), as follows: From Houston over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points, but serving points within 5 miles of Freeport, as off-route points.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2900 (Sub-No. 108), filed February 19, 1962. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. Applicant's attorney: Reagan Sayers, Century Life Building, Forth Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Marianna, Fla., and Baton Rouge, La.; from Marianna over U.S. Highway 90 to junction of U.S. Highway 90 and U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: July 9, 1962, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Charles B. Heinemann.

No. MC 19227 (Sub-No. 74), filed May 16, 1962. Applicant: LEONARD BROS. TRANSFER, INC., 2595 NW. 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft, aircraft parts* and *related equipment, materials, fixtures and supplies*, between Van Nuys (part of Los Angeles) and Rancho Conejo (Newbury Park), Calif., and El Paso, Tex.

HEARING: June 21, 1962, at the Los Angeles Statler Hilton, Los Angeles, Calif., before Examiner Gerald F. Colfer.

No. MC 20783 (Sub-No. 60), filed April 11, 1962. Applicant: TOMPKINS MOTOR LINES, INC., 730 Old Flat Shoals Road SE., Atlanta, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products* and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in Section A and C of Appendix I, to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and restricted to transportation in vehicles equipped with mechanical refrigeration, from Evansville, Ind., to New Orleans, La., and points in the Commercial Zone thereof and points in Mississippi, and (2) *returned and rejected shipments* of the above-specified commodities, from New Orleans, La., and points in Mississippi to Evansville, Ind.

HEARING: July 23, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 25798 (Sub-No. 71), filed April 26, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912

Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruit and citrus salads, frozen fruit and vegetable juice concentrates, chilled fruit juice*, and *citrus products* not canned and not frozen, from points in Florida to points in North Carolina east of U.S. Highway 52, with service at North Carolina points limited to the delivery of part of a shipment, the ultimate destination of which is a point in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, or the District of Columbia. (2) *Chilled fruit juice* and *citrus products*, not canned and not frozen, from points in Florida (except Orlando) to points in South Carolina. (3) *Frozen fruit* and *citrus salads*, and *frozen fruit* and *vegetable juice concentrates*, from points in Florida to points in South Carolina. (4) *Chilled fruit juices* and *fruit juice concentrates*, in bulk, in tank vehicles, from points in Florida to points in Alabama, Arkansas, Georgia, Louisiana, and Mississippi.

NOTE: Applicant states the proposed operation will transport exempt commodities on return.

HEARING: July 17, 1962, at the U.S. Court Rooms, Tampa, Fla., before Commissioner Laurence K. Walrath.

No. MC 25798 (Sub-No. 72), filed April 26, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 921, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., and Philadelphia, Pa., to points in Massachusetts, Connecticut, Pennsylvania, New York, Rhode Island, Maine, Vermont, and New Hampshire, and Ohio.

HEARING: July 9, 1962, at the New Post Office and Court House Building, Boston, Mass., before Commissioner William H. Tucker.

No. MC 29910 (Sub-No. 56), filed May 17, 1962. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelly Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtu, commodities which exceed ordinary equipment and loading facilities), between Houston, Tex., and Freeport, Tex.; (a) from Houston over Texas Highway 288, and (b) from Houston over Texas Highway 35 to junction of Texas Highway 35 and Texas Highway 288, thence over Texas Highway 288 to Freeport, and return over the same routes, serving no intermediate or off-route points.

NOTE: Applicant states it owns and operates as a wholly owned subsidiary Healzer Cartage Co., Kansas City, Mo.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77 or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 41116 (Sub-No. 10), filed May 7, 1962. Applicant: MRS. LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, packaged, preserved, and prepared foodstuffs* (not frozen) from Cade, La., to points in Texas, New Mexico, Arizona, California, Utah, Colorado, Oklahoma, Kansas, Nebraska, South Dakota, Minnesota, Missouri, Iowa, Illinois, Wisconsin, Arkansas, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Indiana, Ohio, and Michigan, and (2) from points in California, Arizona, Colorado, Texas, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Missouri, Arkansas, Georgia, Alabama, Florida, North Carolina, South Carolina, Michigan, Ohio, New York, Pennsylvania, Delaware, Maryland, New Jersey, and Nebraska to points in Louisiana.

NOTE: The transportation proposed hereunder will be under a continuing contract with Bruce's Food Company of Cade, La., applicant has common carrier authority under MC 123993, therefore dual operations may be involved.

HEARING: July 26, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 41116 (Sub-No. 11), filed May 7, 1962. Applicant: MRS. LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, packaged, preserved, and prepared foodstuffs* (not frozen) between points in Louisiana, on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Oklahoma, Mississippi, and Texas.

NOTE: The transportation to be performed will be under a continuing contract with Fraering Brokerage Company of New Orleans, La. Applicant has common carrier authority under MC 123993, therefore dual operations may be involved.

HEARING: July 26, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 41116 (Sub-No. 12), filed May 7, 1962. Applicant: MRS. LOIS FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by wholesale grocery houses* (not frozen or in bulk); (1) from points in Louisiana to points in Arkansas, Alabama, Florida, Georgia, Oklahoma, Mississippi, Texas, Indiana, Illinois, Minnesota, Wisconsin, and Iowa, and (2) from points in Arkansas, Alabama, Florida, Georgia, Oklahoma, Mississippi, Texas, Indiana, Illinois, Minnesota, Wisconsin, and Iowa, to points in Louisiana, Orange, Tex., and Pascagoula, Gulfport, and Gloster, Miss.

NOTE: The transportation proposed hereunder will be under a continuing contract with Consolidated Companies, Inc., of New Orleans, La., applicant has common carrier authority under MC 123993, therefore dual operations may be involved.

HEARING: July 26, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 52460 (Sub-No. 64), filed April 30, 1962. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape and Louis I. Dailey, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers (minimum 10,000 pounds), between points in Texas, east of U.S. Highway 81 (except those within the city limit of Fort Worth, and those on U.S. Highway 75), on the one hand, and, on the other, points in New Mexico, Missouri, those in Kansas and Oklahoma lying more than 100 air-miles from Tulsa, Okla., and points in Arkansas (except points on U.S. Highway 64 between Fort Smith and Conway, Ark., U.S. Highway 65 between Conway and Little Rock, Ark., and those on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State Line).

NOTE: Applicant states it proposes to render the proposed service in both directions with return of *empty containers and rejected and refused shipments* when required.

HEARING: July 10, 1962, at the Mayo Hotel, Tulsa, Okla., before Examiner Frank J. Mahoney.

No. MC 52709 (Sub-No. 168), filed April 27, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics* and *chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Arizona, California, Oregon, and Washington.

NOTE: Applicant states that under docket No. MC 52709 Sub-84, it presently holds authority as follows: "Resins, in bulk, in tank vehicles, from Meredosia, Ill., to San Francisco and Los Angeles, Calif., and points within 50 miles of Los Angeles." Since "resins" are properly classified as "synthetic plastics," if the present application is granted it will be applicant's purpose to request the concurrent cancellation of the referred-to authority on resins.

HEARING: July 23, 1962, at the Federal Building, Los Angeles, Calif., before Examiner David Waters.

No. MC 52709 (Sub-No. 161), filed February 15, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits, and alcoholic liquor*, in bulk, in tank vehicles, from points in Maryland, Pennsylvania, Ohio, Indiana, and Kentucky to points in Arizona.

NOTE: Applicant states it controls United Freight, Inc., and Inter State Express, Inc.

HEARING: July 17, 1962, at the Arizona Corp. Commission, Phoenix, Ariz., before Examiner David Waters.

No. MC 52921 (Sub-No. 4), filed March 1, 1962. Applicant: RED BALL, INC., Sapulpa, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Saint Francisville, La., to points in Oklahoma.

HEARING: July 13, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Frank J. Mahoney.

No. MC 59680 (Sub-No. 134), filed May 14, 1962. Applicant: STRICKLAND TRANSPORTATION CO., INC., 2917 Gulden Lane, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and Freeport, Tex.; (a) from Houston over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points, and (b) from Houston over Texas Highway 35 to junction of Texas Highways 35 and 288, thence over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points.

NOTE: Applicant states it controls Strickland Motor Freight Lines, Inc., MC 74120.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 60875 (Sub-No. 16), filed May 21, 1962. Applicant: RUTHERFORD FREIGHT LINES, INC., Pierce Street, Bristol, Va.-Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kingsport and New Canton, Tenn.; from Kingsport over U.S. Highway 11–W to New Canton, and return over the same route, serving no intermediate points.

HEARING: June 14, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 297.

No. MC 61440 (Sub-No. 78), filed May 18, 1962. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except light and bulky articles, gold bullion, paper money, silver, articles of virtu and commodities injurious or contaminating to other lading), between Houston, and Freeport, Tex., from Houston over Texas Highway 288, and Texas Highway 35 to junction of Texas Highway 35 and Texas Highway 288, thence over Texas Highway 288, to Freeport, and return over the same routes, serving no intermediate or off-route points.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 61506 (Sub-No. 14), filed February 21, 1962. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from Charleston, S.C., to points in Georgia, and (2) from Savannah, Ga., to points in South Carolina, and *rejected products* of the above-specified commodities, in connection with routes (1) and (2) above, on return.

HEARING: July 13, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 61628 (Sub-No. 26), filed February 2, 1962. Applicant: BENTON RAPID EXPRESS, P.O. Box 587, Louisville Road, Savannah, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plant site of A. M. Karagheusian, Inc., as an off-route point in connection with applicant's presently authorized regular-route operations between Atlanta and Savannah, Ga.

NOTE: Applicant states said plant site is located near U.S. Highway 301 at a point between Statesboro and Dover, Ga. and approximately eight (8) miles from Statesboro.

HEARING: July 13, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 66562 (Sub-No. 1878), filed March 27, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Bessemer, Ala., and the junction of U.S. Highways 11 and 80 (approximately four miles southwest of York, Ala.) as follows: From Bessemer over U.S. Highway 11 to the junction of U.S. Highways 11 and 80 (approximately 4 miles southwest of York, Ala.), and return over the same route, serving the intermediate and off-route points of Tuscaloosa, Eutaw, Livingston, and York, Ala.

NOTE: Applicant states that the above is to be operated in conjunction with portions of its existing authority over U.S. Highway 11 between Birmingham and Selma, Ala., and over U.S. Highway 80 between Meridian and Montgomery, Ala.

RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or rail express service. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air, and (3) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, railway express service.

HEARING: July 24, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 94201 (Sub-No. 49), filed April 20, 1962. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: Donald L. Morris, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper, pulp and fibre board, printing paper and paper bags*, from the plant site of International Paper Company, located at Moss Point, Miss., to Mobile, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states it presently operates A. W. Hawkins, Inc. under Docket MC–F–7365.

HEARING: July 18, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14.

No. MC 95540 (Sub-No. 417), filed April 13, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byprod-*

ucts, dairy products and *articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sterling, Colo., to points in California, Illinois, Kansas, Kentucky, Nebraska, New York, Oklahoma, Oregon, Pennsylvania, and Texas.

NOTE: Applicant states that it is under common control with Arctic Express, Inc., through stock ownership.

HEARING: July 11, 1962, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 95540 (Sub-No. 419), filed April 16, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, Sections A, B and C, 61 M.C.C. 209, from Denver, Colo., to points in Virginia.

NOTE: Applicant states that it is under common control with Arctic Express, Inc., through stock ownership.

HEARING: July 11, 1962, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 103378 (Sub-No. 227), filed February 8, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Sumter and Macon Counties, Ga., to points in Russell County, Ala.

HEARING: July 10, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103993 (Sub-No. 154) (AMENDMENT), filed September 21, 1961, published FEDERAL REGISTER issue May 9, 1962, amended May 18, 1962, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Wisconsin (except from Ashland, Marshfield, Spencer, Chilton, Madison, Stratford, Hurley, and Newton, Wis.), to points in the United States, including Alaska, but excluding Hawaii; and (2) *Campers* and *camper coaches*, from points in Wisconsin to points in the United States, including Alaska, but excluding Hawaii.

NOTE: The purpose of this amendment is to add (2) above.

HEARING: Remains as assigned, June 25, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 105813 (Sub-No. 67), filed May 10, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elk City and Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: July 18, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 106497 (Sub-No. 27), filed May 14, 1962. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4209 South Memorial Drive, Tulsa, Okla. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment, and (2) *related machinery and related contractors' equipment, materials and supplies* when their transportation is incidental to the transportation of the commodities sought in (1) above, (a) between points in New Jersey and New York, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming, and (b) between points in Arkansas, Colorado, Idaho, Kansas, Louisiana, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania.

HEARING: June 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 106679 (Sub-No. 6), filed April 2, 1962. Applicant: LAS VEGAS SERVICE FREIGHTWAYS, INC., P.O. Box 269, Las Vegas, Nev. Applicant's attorney: James W. Wade, 453 South Spring Street, Los Angeles 12, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment or special handling, *mining equipment, and supplies, and building and construction materials, equipment and supplies*, between points in Lincoln, Clark, and Nye Counties, Nev., Washington County, Utah, Mojave County, Ariz., Inyo and San Bernardino Counties, Calif.

HEARING: July 25, 1962, at the Federal Building, Los Angeles, Calif., before Examiner David Waters.

No. MC 107107 (Sub-No. 209), filed April 4, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 NW. 46th Street, P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery; advertising, promotional, and display materials and racks, and premiums*, from Fort Worth and Dallas, Tex., to points in Florida.

HEARING: July 12, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Lacy W. Hinely.

No. MC 107515 (Sub-No. 391), filed April 9, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's representative: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tyler, Tex., and points within ten (10) miles thereof, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: July 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 107515 (Sub-No. 392), filed April 17, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Otis E. Stovall, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Elk City and Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee (except Memphis), traversing Arkansas, Louisiana, and Mississippi for operating convenience only.

NOTE: Applicant states that its president and owner of one half of its stock, holds permits as a contract carrier (MC–104589).

HEARING: July 18, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 107515 (Sub-No. 393), filed April 19, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, as defined by the Commission*, from Shafter, Tex., and points in Caldwell, Gonzales, and DeWitt Counties, Tex., to points in Florida, Georgia, Alabama, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: Common control may be involved.

HEARING: July 20, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 108207 (Sub-No. 93), filed May 3, 1962. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packing houses*, as defined by the Commission, and *prepared foods*, canned and packaged, in vehicles equipped with mechanical refrigeration, from Davenport, Iowa, to points in Texas, Arkansas, Oklahoma, Louisiana, and Memphis, Tenn.

HEARING: July 19, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 109584 (Sub-No. 106), filed March 14, 1962. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fats*, in bulk, in tank vehicles, from Albuquerque, N. Mex., to Phoenix, Ariz.

NOTE: Applicant states that Ringsby Truck Lines, Inc., controls it, and United Freight, Inc., Inter State Express, Inc., Fortier Transportation Company, Colonial & Pacific Frigidways, Inc. and Converse Trucking Service.

HEARING: July 18, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 109689 (Sub-No. 131), filed May 18, 1962. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chandler, Ariz., and points within ten (10) miles thereof, to points in Colorado, Idaho, Illinois, Montana, Nevada, Oregon, New Mexico, Utah, Washington, and Texas on and west of U.S. Highway 81.

HEARING: June 18, 1962, at the Arizona Corporation Commission, Phoenix, Arizona, before Examiner James A. McKiel.

No. MC 110878 (Sub-No. 14), filed February 19, 1962. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble, other than crushed*, from Tate, Ga., and points within twenty (20) miles thereof, to points in Tennessee.

HEARING: July 10, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 239.

No. MC 112020 (Sub-No. 159), filed April 18, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines, brandy*, and *wine products*, in bulk, in tank vehicles, from points in California to Little Rock, Ark., Denver, Colo., Wichita, Kans., Albuquerque, N. Mex., Memphis, and Nashville, Tenn., and Houston and San Antonio, Texas.

NOTE: Applicant states that it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: July 9, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Lacy W. Hinely.

No. MC 112497 (Sub-No. 184), filed March 30, 1962. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Calcasieu Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: July 19, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 113267 (Sub-No. 64), filed April 2, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses, frozen and prepared foods*, when transported in vehicles equipped with mechanical temperature controlled units, between points in Alabama.

NOTE: Common control may be involved.

HEARING: July 20, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 113267 (Sub-No. 65), filed April 2, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, articles distributed by meat packing houses, frozen and prepared foods*, when transported in vehicles equipped with mechanical temperature controlled units, between points in Georgia.

NOTE: Common control may be involved.

HEARING: July 9, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 113267 (Sub-No. 73), filed May 17, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods*, (1) from Austin, Ind., to points in Arkansas, Florida, Louisiana and West Virginia, and (2) from Converse and Red Key, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states that its officers are stockholders and officers in the following motor carriers of passengers, their baggage, newspapers and express: Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto, Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845, therefore common control may be involved.

HEARING: June 29, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 114019 (Sub-No. 89), filed April 11, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *commodities distributed by meat packinghouses*, as defined in sections (a), (b), and (c) of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in Arizona and New Mexico.

HEARING: July 12, 1962, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 114019 (Sub-No. 92), filed May 15, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, *including phosphatic fertilizer solutions*, from the plant site of the Des Plaines Chemical Company, located at or near Morris, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 114364 (Sub-No. 65), filed April 26, 1962. Applicant: WRIGHT MOTOR LINES, INC., Box 672, 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and unfrozen*, from Springdale, Ark., to points in Oklahoma and that portion of Texas on and west of U.S. Highway 281 beginning at the Oklahoma-Texas state line, continuing to its junction with U.S. Highway 180, and on and north of U.S. Highway 180 to the Mexico-Texas state line.

NOTE: Applicant states it is controlled by Earl Bray, Inc.

HEARING: July 16, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Frank J. Mahoney.

No. MC 116077 (Sub-No. 125), filed March 16, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston

2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Calcasieu Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: July 19, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 116077 (Sub-No. 127), filed May 7, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Mellie Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, rendering a call and demand service in the transportation of: *Isopropyl Percarbonate*, unstabilized, in special equipment, from points in Calcasieu Parish, La., to points in Texas.

HEARING: July 17, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 116077 (Sub-No. 128), filed May 11, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, from the plant site of East Texas Pulp & Paper Company, Evadale, Tex., to the plant site of Heyden-Newport Chemical Corporation, Oakdale, La.

HEARING: July 16, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 116314 (Sub-No. 8), filed March 13, 1962. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Colton, Creal, and Victorville, Calif., to points in Mojave County, Ariz., north of the Colorado River.

HEARING: July 19, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 116544 (Sub-No. 18), filed January 26, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit juices, and frozen fruit concentrates, in mixed truck loads, with canned and processed citrus fruits and juices*, from points in Florida to points in Missouri, Kansas, Iowa, Nebraska, and Oklahoma.

HEARING: July 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before Commissioner Laurence K. Walrath.

No. MC 116763 (Sub-No. 22), filed May 11, 1962. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's attorney: Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Owensboro, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan (Upper Peninsula), Nebraska, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, and the District of Columbia.

HEARING: June 29, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner William E. Messer.

No. MC 117574 (Sub-No. 64), filed April 18, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles, which because of size or weight require the use of special equipment* and (2) *related tools and parts* used in the installation of items in (1) above, between points in Pennsylvania on and east of U.S. 202, on the one hand, and on the other, points in the United States except Hawaii and Alaska.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 117836 (Sub-No. 2), filed May 1, 1962. Applicant: H. J. NOLL, 6706 Avenue E, Houston 11, Tex. Applicant's attorney: Joe G. Fender, P.O. Box 66787, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Galveston, Tex., to points in Texas, New Mexico, and Colorado.

HEARING: July 18, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Lacy W. Hinely.

No. MC 118407 (Sub-No. 7), filed March 28, 1962. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATES'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat and packinghouse products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, and *frozen foods*, from Denver, Greeley, and Colorado Springs, Colo., to points in Utah, Washington, Oregon, and Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 9, 1962, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 119778 (Sub-No. 6), filed April 20, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and syrup*, in bulk, in tank vehicles, from Reserve, La., to points in Alabama; and only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return trips.

HEARING: July 19, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 165.

No. MC 119789 (Sub-No. 10), filed April 11, 1962. Applicant: ALTO DISTRIBUTORS, INCORPORATED, P.O. Box 155, Malden, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts when moving in the same vehicle with bananas*, from Houston and Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: July 24, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 123285 (Sub-No. 3), filed May 9, 1962. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Limedale (near Batesville), Ark., to points in Oklahoma, Missouri, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Texas, and Alabama, and *damaged, rejected, and refused shipments*, of the commodity specified above, on return.

HEARING: July 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 123486 (Sub-No. 4), (AMENDMENT), filed February 23, 1962, published FEDERAL REGISTER issue of May 9, 1962, amended May 16, 1962, and republished, as amended, this issue. Applicant: CAROLINA-VIRGINIA COURIERS INC., 519 East Trade Street, Charlotte, N.C. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents* and *written instruments* (except coin, currency, and negotiable securities) *ordinarily used in the business of banks, banking institutions, and customers of banks and banking institutions*, (a) between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina, restricted to shipments originating at or destined to the Federal Reserve Bank of Richmond, Charlotte Branch, Charlotte, N.C., (b) between Roanoke, Va., on the one hand, and, on the other, Winston-Salem, N.C., and (2) *exposed and processed film, complimentary replacement film, incidental dealer handling supplies* and *advertising literature* (except motion picture film ordinarily used in the business of motion picture houses), (a) between points in South Carolina, and (b) between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina.

NOTE: Applicant states it proposes to traverse Rabun County, Ga., for operating convenience only in (2)(a) above. Applicant also states it is controlled by Arthur DeBevoise who also controls Armored Carrier Corporation, a contract carrier operating under MC 112750. The purpose of this republication is to add (2)(b) above.

HEARING: Remains as assigned June 28, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner Hugh M. Nicholson.

No. MC 124105 (Sub-No. 1), filed January 8, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of alumina*, in bulk, from North Chattanooga, Tenn., to Coosa Pines, Ala.

NOTE: Applicant states it is a wholly owned subsidiary of Baggett Transportation Company.

HEARING: July 23, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 239.

No. MC 124110 (Sub-No. 1), filed March 6, 1962. Applicant: VERNON CONEAR PRUETT, 74 Forest Avenue, Franklin, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Rabun County, Ga., to points in Greenville, Oconee, Pickens, and Spartanburg Counties, S.C., and to points in North Carolina on and west of U.S. Highway 521 from the South Carolina-North Carolina State line to Charlotte, N.C., thence on and west of U.S. Highway 29 from Charlotte, N.C., through Kannapolis, Salisbury, and Greensboro, N.C., to the North Carolina-Virginia State line.

HEARING: July 17, 1962, at the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga., before Joint Board No. 130.

No. MC 124176 (Sub-No. 2), filed March 19, 1962. Applicant: RONALD J. MacLEOD, doing business as MacLEOD'S, 2571 Holly Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in temperature controlled vehicles, from the plant site of Adolph Coors Company, Golden, Colo., to points in California, and *empty used containers*, on return.

HEARING: July 26, 1962, at the Federal Building, Los Angeles, Calif., before Examiner David Waters.

No. MC 124327, filed April 5, 1962. Applicant: STANDARD MAGNESIUM CONTRACT CARRIER, INC., 7500 East 41st Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth St., Oklahoma City 3, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Magnesium products, magnesium anodes*, and *materials, supplies* and *equipment* used in connection with the installation and use of such magnesium products and anodes, from plant sites of Standard Magnesium Corporation near Tulsa, Okla., to points in the United States (except Hawaii and Oklahoma), and (B) *materials* and *equipment* used in the manufacture, installation and fabrication of magnesium products and anodes and *rejected and refused shipments* of the commodities in paragraph (A) above, from points in the United States (except Hawaii and Oklahoma), to plant sites of Standard Magnesium Corporation near Tulsa, Okla.

HEARING: July 9, 1962, at the Mayo Hotel, Tulsa, Okla., before Examiner Frank H. Mahoney.

No. MC 124360, filed April 12, 1962. Applicant: ANDY VOLOSHIN AND JAMES D. CLAY, doing business as RIVERVIEW SALE & SERVICE, a partnership, Craig, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Colorado, Wyoming, and Utah.

HEARING: July 13, 1962, at the New Customs House, Denver, Colo., before Joint Board No. 280, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 124362, filed April 12, 1962. Applicant: DAIRY FRESH PROCUREMENT CORPORATION, 4770 East 50th Street, Los Angeles, Calif. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dairy products, smoked, cured, and cooked meat products*, and *foodstuffs*, from points in Illinois, Iowa, Wisconsin, Minnesota, and Michigan to Los Angeles, Calif., and *exempt commodities* on return trips.

HEARING: July 24, 1962, at the Federal Building, Los Angeles, Calif., before Examiner David Waters.

No. MC 124424, filed May 2, 1962. Applicant: A & M TRANSFER CO., a corporation, P.O. Box 603, Pahokee, Fla. Applicant's attorney: W. B. Dickenson, Jr., First National Bank Building, Tampa 2, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground clays*, in bags in truck-load lots—minimum 15,000 pounds for truck and 30,000 pounds for tractor-trailer, from points in Decatur and Bibb Counties, Ga., and points in Aiken County, S.C., to Tampa, Fla., and *exempt commodities*, on return.

HEARING: July 12, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 354.

MOTOR CARRIERS OF PASSENGERS

No. MC 2908 (Sub-No. 16), filed February 1, 1962. Applicant: CAPITAL MOTOR LINES, 520 North Court Street, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers*, and *baggage* of passengers, in the same vehicle with passengers, between Clio, Ala., and Fort Rucker, Ala.; from Clio over Alabama Highway 51 a distance of approximately one (1) mile to junction of County Road 15, thence over County Road 15 a distance of approximately 13 miles to junction of County Road 32, thence over County Road 32 a distance of approximately 5 miles to Ozark, Ala., thence over unnumbered County Road a distance of approximately 7 miles to Fort Rucker, and return over the same route, serving the intermediate point of Ozark, Ala.

HEARING: July 23, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board 100.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12795, filed February 23, 1962. Applicant: WALLACE W. HYDE, doing business as THE HYDE MINNESOTA-CANADIAN CAMPING TRIPS, 2338½ East Polk, Phoenix, Ariz. Applicant's attorney: Philip J. Shea, First National Bank Building, Phoenix 4, Ariz. For a license (BMC 5) to engage in operations as a *broker* at Phoenix, Ariz., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle, both as individuals and in groups, between points in Arizona and points in Minnesota including Ports of Entry on the International Boundary line between the United States and Canada located in Minnesota.

HEARING: July 16, 1962, at the Arizona Corporation, Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate before Examiner David Waters.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 61403 (Sub-No. 78), filed May 17, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper type vehicles, from Fernald, Ohio, to points in Florida, Georgia, Mississippi, North Carolina, and South Carolina. Common control may be involved.

No. MC 112846 (Sub-No. 31), filed May 16, 1962. Applicant: CLARE M. MARSHALL, INC., Post Office Box 611, Oil City, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW.,

Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in insulated tank vehicles, from Emlenton, Pa., to Dayton, Ohio.

No. MC 119934 (Sub-No. 47), filed May 21, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sodium silicate solution*, in bulk, in tank vehicles, from Anderson, Ind., to Birmingham, Ala., and *damaged and rejected* shipments, on return.

No. MC 123894 (Sub-No. 2), filed May 18, 1962. Applicant: CARL TAYLOR, TAYLOR TRUCKING, 3960 North Barton Avenue, Fresno, Calif. Applicant's representative: M. A. Smith, Jr., 4576 North Fresno Avenue, Fresno 26, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite* from Knowles, Calif., to Salt Lake City, Utah, and only *exempt commodities* on return trips.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 276), filed May 21, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage*, and *express* and *newspapers* in the same vehicles with passengers, over relocated highways, serving all intermediate points. The proposals herein relate to routes and points entirely within the State of Oregon. The route numbers cited or otherwise used are those assigned, or proposed to be assigned, in applicant's Twenty-Third Revised Certificate No. MC–1501 (Sub-No. 138) to routes of applicant within the State of Oregon. *Proposals.* REVISION OF OREGON ROUTE NO. 8, CERTIFICATE SHEET No. 60. *Requested Authorizations:* (1) Authorize a new regular route between North Hunters Creek Junction and South Hunters Creek Junction over U.S. Highway 101 (as relocated). (2) Abandon a segment of present regular Route 8 between North Hunters Creek Junction and South Hunters Creek Junction over former U.S. Highway 101. (3) Authorize a new regular route between Burnt Hill Junction and Harris Creek Junction over U.S. Highway 101 (as relocated). (4) Abandon a segment of present regular-route No. 8 between Burnt Hill Junction and Harris Creek Junction over former U.S. Highway 101. (2) REVISION OF OREGON ROUTE NO. 14, CERTIFICATE SHEET NO. 60. *Requested Authorization.* Authorize a new regular route between Portland and North Tigard, as follows: "14. Between Portland and the Oregon-California State Line. From Portland over Interstate Highway 5 to junction with U.S. Highway 99 (North Tigard), thence over U.S. Highway 99 to Albany, thence over U.S. Highway 99E to Junction City, thence over U.S. Highway 99W to Eugene, thence over U.S. Highway 99 to the Oregon-California State Line."

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8135 (CORRECTION) (TIGER EXPRESS, INC.—PURCHASE (PORTION)—GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC.), published in the May 9, 1962, issue of the FEDERAL REGISTER on page 4460. The address of applicants' attorneys Norman M. Pinsky and Herbert M. Canter should have read: "407 South Warren Street, Syracuse 2, New York."

No. MC–F–8137 (CORRECTION) (C. H. MILLER—PURCHASE — G. W. THOMAS DRAYAGE & RIGGING CO., INC.), published in the May 9, 1962, issue of the FEDERAL REGISTER on page 4460. The operating rights being transferred should read, in part as follows: *Commodities*, requiring special handling by reason of their unusual size or weight, and in connection therewith, *parts*, when included in the same shipment, • • • between railroad and inland water terminals within 100 miles of San Francisco, "including those in San Francisco" • • •

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–5246; Filed, May 29, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37755: *Bituminous fine coal to Traer, Iowa.* Filed by Illinois Freight Association, Agent (No. 167), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from mine origins in Illinois, Indiana and western Kentucky, to Traer, Iowa.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 45 to Illinois Freight Association tariff I.C.C. 966, and 8 other schedules named in the application.

FSA No. 37756: *Hay from Michigan points to points in Virginia.* Filed by Western Trunk Line Committee, Agent (No. A–2246), for interested rail carriers. Rates on hay, in carloads, from specified points in Michigan, to points in North Carolina, South Carolina and Virginia.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 1 to Western Trunk Line Committee tariff I.C.C. A–4434.

FSA No. 37757: *Vinyl acetate from Geismar, La., to Demopolis, Ala.* Filed by O. W. South, Jr., Agent (No. A4191), for interested rail carriers. Rates on vinyl acetate, in tank-car loads, from Geismar, La., to Demopolis, Ala.

Grounds for relief: Barge competition.

Tariff: Supplement 71 to Southern Freight Association tariff I.C.C. S–89.

FSA No. 37758: *Class and commodity rates from and to Howell, N.C.* Filed by O. W. South, Jr., Agent (No. A4192), for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads, between Howell, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–5246; Filed, May 29, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Order Providing for Opening of Lands

MAY 22, 1962.

The State of Idaho has certified that the hereinafter described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of this tract. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 14 E.
Sec. 33: SE¼SW¼.

The area described totals 40 acres of public land.

The land is located in Gooding County about 3½ miles east of the Owsley Bridge and 6 miles west of Wendell, Idaho. The soils are shallow sandy loam with some float rock mainly unsuitable for crop production. The surface relief is quite undulating.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on June 11, 1962, will be considered as simultaneously filed as of that date and hour. The lands will also be open to mining locations at that date and hour.

Inquiries and applications concerning the above land shall be addressed to the Land Office Manager, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN, *Manager.*

[F.R. Doc. 62–5217; Filed, May 29, 1962; 8:45 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 22, 1962.

Notice of an application Serial No. Idaho 012556, for withdrawal and reservation of lands was published as Federal Register Document No. 61–4847 on page 4521 of the issue for May 25, 1961. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on June 6, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 19 E.,
Sec. 11: Lot 2;
Sec. 12: Lots 6, 7, 8, 9, SE¼SW¼.

The areas described aggregate 223.85 acres of public land.

MICHAEL T. SOLAN, *Manager.*

[F.R. Doc. 62–5218; Filed, May 29, 1962; 8:46 a.m.]

Office of the Secretary

SETH N. WITTS

Notice of Appointment and Statement of Financial Interests

MAY 1, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Seth N. Witts.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water & Power Development.
The title of the appointee's position: Area Director, Defense Electric Power Area 11.
The name of the appointee's private employer or employers: Northern States Power Company, Minneapolis, Minnesota.

The statement of financial interests for the above appointee is set forth below.

STEWART L. UDALL, *Secretary of the Interior.*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 1, 1962, as Director, DEPA Area 11, Office of Assistant Secretary for Water and Power, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Alleghany Corporation
American Business Shares
American Cyanamid Company
City of Bloomington, Minnesota
Carrier Corporation
Corn Products Company
General Electric Company
General Motors Corporation
Glenwood, Minnesota, State Bank
Haveg Industries
Investors Diversified Services
Lionel Corporation
P. Lorillard Company
Minneapolis Honeywell Regulator Co.
Radio Corporation of America
City of Rugby, North Dakota
Scott Paper Company
Sperry Rand Corporation
Square D Company
City of Virginia, Minnesota

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

SETH N. WITTS.

MAY 10, 1962.

[F.R. Doc. 62–5249; Filed May 29, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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